



**City of Fort Lupton
City Council
REGULAR MEETING AGENDA
Tuesday, September 1, 2020
7:00 PM
130 South McKinley Avenue**

Zo Stieber, Mayor
Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Mike Sanchez, Ward 3
David Crespín, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

Remote Meeting Instructions

- a. To join the meeting from your computer, tablet or smartphone click the link: <https://global.gotomeeting.com/join/623516477>
To join the meeting by phone: United States (Toll Free): 1 866 899 4679 OR United States: +1 (312) 757 3117
Access Code: 623516477

Pledge of Allegiance

Call to Order - Roll Call

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

Approval of Agenda

Review of Accounts Payables

- a. 09012020 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. 08182020 City Council Meeting Minutes
b. 08252020 City Council Special Meeting Minutes
c. AM 2020-156 Authorize Payment to the Northern Colorado Water Conservancy District for Southern Supply Water Project Operations and Maintenance for an Amount not to Exceed \$37,475.95

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 Stieber

- a. AM 2020-153 Adopt an Ordinance Annexing to Annex Land Legally Described in Exhibit "A" to the Proposed Ordinance, Known as the Smith Annexation and Approving the Annexation Agreement
- b. AM 2020-154 Adopt an Ordinance Initially Zoning Land Legally Described in Exhibit A of the Proposed Ordinance and Known as the Smith Initial Zoning to the 'A' Agricultural Zone District
- c. AM 2020-155 Approve a Resolution for an Application for a Special Use Permit for the Storage of Vehicles and Equipment Known as the Smith Special Use Permit

Action Memorandum

- a. AM 2020-157 Approve Updated Employee Handbook, Employee Drug Policies and Remote Working Agreement for a Total Estimated Costs of \$10,031.94 Per Year

Information Memorandum

- a. IM 2020-003 A "Yes" Vote to the U.S. 85 Access Control Plan Amendment Request for Closure of Roadway Access Point WCR 78 and Modification of Hwy 85/O Street

Staff Reports

- a. Police Department Monthly Report of Statistics and Events July 2020

Mayor/Council Reports

Future City Events

- a. 09012020 Upcoming Events

Adjourn

Remote Meeting Instructions

- a. Instructions



City of Fort Lupton

Check Report

By Check Number

Date Range: 08/18/2020 - 08/31/2020

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: Golf Course-Golf Course						
000024	ACE HARDWARE OF FORT LUPTON	08/24/2020	Regular	0.00	48.14	83904
84593	Invoice	08/20/2020	GOLF-GARDEN SPRAYERS, BUCKET-PRO SHOP	0.00	35.15	
84607	Invoice	08/20/2020	GOLF-36' THRESHOLD, SCISSORS-PRO SHOP	0.00	12.99	
000028	ACUSHNET COMPANY	08/24/2020	Regular	0.00	119.66	83905
909386816	Invoice	08/20/2020	GOLF-TILT PROV1-PRO SHOP	0.00	119.66	
002254	ADIDAS AMERICA INC	08/24/2020	Regular	0.00	1,021.86	83906
6151154844	Invoice	08/20/2020	GOLF-SHORTS, PANTS-PRO SHOP	0.00	264.65	
6151182965	Invoice	08/20/2020	GOLF-SHORTS-PRO SHOP	0.00	107.14	
615121898	Invoice	08/20/2020	GOLF-MERCHANDISE-PRO SHOP	0.00	341.23	
6151273151	Invoice	08/20/2020	GOLF-MERCHANDISE-PRO SHOP	0.00	264.44	
6151273153	Invoice	08/20/2020	GOLF-MERCHANDISE-PRO SHOP	0.00	44.40	
000073	AMERICAN EAGLE DISTRIBUTING CO	08/24/2020	Regular	0.00	592.05	83907
100110	Invoice	08/20/2020	GOLF-BEVERAGES-PRO SHOP	0.00	592.05	
000160	BREAKTHRU BEVERAGE GROUP	08/24/2020	Regular	0.00	341.33	83908
336562375	Invoice	08/20/2020	GOLF-BEVERAGES-PRO SHOP	0.00	337.83	
336562376	Invoice	08/20/2020	GOLF-ODELL-PRO SHOP	0.00	3.50	
000290	COLORADO GOLF & TURF INC	08/24/2020	Regular	0.00	55.15	83909
1-45757	Invoice	08/20/2020	GOLF-IDLER PULLEY-MAINT	0.00	55.15	
000307	COMCAST CABLE COMM, LLC	08/24/2020	Regular	0.00	244.19	83910
606460120790 A...	Invoice	08/20/2020	GOLF-INTERNET/TELEPHONE SERVICES 8/6-9...	0.00	244.19	
002592	DORIAN CIOLEK	08/24/2020	Regular	0.00	41.50	83911
08082050103263...	Invoice	08/18/2020	GOLF-PARTY ICE-PRO SHOP	0.00	41.50	
000567	HIGH COUNTRY BEVERAGE CORP	08/24/2020	Regular	0.00	1,089.70	83912
W-3210345	Invoice	08/20/2020	GOLF-BEVERAGES-PRO SHOP	0.00	889.20	
W-3210347	Invoice	08/20/2020	GOLF-BEVERAGES-PRO SHOP	0.00	200.50	
000735	LL JOHNSON DISTRIBUTING	08/24/2020	Regular	0.00	1,323.46	83913
1836271-00	Invoice	08/20/2020	GOLF-FUEL PUMP-MAINT	0.00	47.47	
1836319-00	Invoice	08/20/2020	GOLF-CONVEYOR BED-MAINT	0.00	545.82	
1837557-00	Invoice	08/20/2020	GOLF-SLIDER BELTS,PLATE SCRAPER,SCREWS...	0.00	730.17	
000944	REPUBLIC NATIONAL DISTRIBUTING CO LLC	08/24/2020	Regular	0.00	287.48	83914
5790224	Invoice	08/20/2020	GOLF-BEVERAGES-PRO SHOP	0.00	212.58	
5790225	Invoice	08/20/2020	GOLF-BEVERAGES-PRO SHOP	0.00	74.90	
000999	SHAMROCK FOODS COMPANY	08/24/2020	Regular	0.00	1,746.69	83915
20949876	Invoice	08/20/2020	GOLF-FOOD/SNACKS/BEVERAGES-PRO SHOP	0.00	677.99	
20957076	Invoice	08/20/2020	GOLF-FOOD/SNACKS/BEVERAGES-PRO SHOP	0.00	999.13	
20957077	Invoice	08/20/2020	GOLF-SNACKS-PRO SHOP	0.00	69.57	
001022	SOUTHERN GLAZER'S OF CO	08/24/2020	Regular	0.00	266.12	83916
2324967	Invoice	08/20/2020	GOLF-BEVERAGES-PRO SHOP	0.00	266.12	
001052	SWIRE COCA-COLA, USA	08/24/2020	Regular	0.00	267.43	83917
13923208699	Invoice	08/20/2020	GOLF-BEVERAGES-PRO SHOP	0.00	267.43	
001963	WASTE CONNECTIONS OF COLO, INC	08/24/2020	Regular	0.00	158.60	83918
31174344 AUG20	Invoice	08/20/2020	GOLF-TRASH SERVICES 9/1-9/30-MAINT	0.00	158.60	
001183	WAXIE SANITARY SUPPLY	08/24/2020	Regular	0.00	48.43	83919

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Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
79392755	Invoice	08/20/2020	GOLF-ECOSOFT GREEN SEAL-PRO SHOP	0.00	48.43	
001207	WESTERN DISTRIBUTING INC	08/24/2020	Regular	0.00	325.00	83920
371-03141	Invoice	08/20/2020	GOLF-BEVERAGES-PRO SHOP	0.00	325.00	
000024	ACE HARDWARE OF FORT LUPTON	08/31/2020	Regular	0.00	207.10	83921
84431	Invoice	08/26/2020	GOLF-DRILL BIT, FASTENERS-MAINT	0.00	18.71	
84464	Invoice	08/26/2020	GOLF-CONST ADHESIVE, FASTENERS-MAINT	0.00	19.29	
84485	Invoice	08/26/2020	GOLF-CHARMIN-MAINT	0.00	9.99	
84504	Invoice	08/26/2020	GOLF-FASTENERS-MAINT	0.00	2.46	
84563	Invoice	08/26/2020	GOLF-FASTENERS-MAINT	0.00	1.48	
84586	Invoice	08/26/2020	GOLF-SPRINKLER REPAIR PARTS-MAINT	0.00	88.36	
84635	Invoice	08/26/2020	GOLF-FASTENERS-MAINT	0.00	6.40	
84656	Invoice	08/26/2020	GOLF-LP TANK REFILL-MAINT	0.00	19.99	
84676	Invoice	08/25/2020	GOLF-LG METAL NOZZLE GUN, KWIKSET W/...	0.00	17.06	
84714	Invoice	08/26/2020	GOLF-SOCKET ADAPTER, MAGNETIC DRIVE ...	0.00	23.36	
000073	AMERICAN EAGLE DISTRIBUTING CO	08/31/2020	Regular	0.00	408.45	83922
105020	Invoice	08/25/2020	GOLF-BEVERAGES-PRO SHOP	0.00	408.45	
000183	CALLAWAY GOLF SALES COMPANY	08/31/2020	Regular	0.00	820.35	83923
931864121	Invoice	08/25/2020	GOLF-GOLF BALLS-PRO SHOP	0.00	445.92	
931889527	Invoice	08/26/2020	GOLF-MERCHANDISE-PRO SHOP	0.00	374.43	
000239	CITY OF FORT LUPTON	08/31/2020	Regular	0.00	651.27	83924
INV00791	Invoice	08/24/2020	Golf ComData Purchases	0.00	651.27	
000290	COLORADO GOLF & TURF INC	08/31/2020	Regular	0.00	12.64	83925
1-45888	Invoice	08/25/2020	GOLF-PLUGS-MAINT	0.00	12.64	
000307	COMCAST CABLE COMM, LLC	08/31/2020	Regular	0.00	22.20	83926
606460025494 A...	Invoice	08/25/2020	GOLF-CABLE TV SERVICES 9/1-9/30-PRO SH...	0.00	22.20	
000567	HIGH COUNTRY BEVERAGE CORP	08/31/2020	Regular	0.00	1,208.10	83927
W-3213179	Invoice	08/25/2020	GOLF-BEVERAGES-PRO SHOP	0.00	1,208.10	
000795	MILE HIGH TURFGRASS, LLC	08/31/2020	Regular	0.00	3,233.50	83928
7650	Invoice	08/26/2020	GOLF-CHEMICALS/FERTILIZERS-MAINT	0.00	2,436.50	
7651	Invoice	08/26/2020	GOLF-ASTRON & ARMOR TECH-MAINT	0.00	797.00	
000913	POTESTIO BROTHERS EQUIPMENT	08/31/2020	Regular	0.00	259.63	83929
7071P	Invoice	08/25/2020	GOLF-SHAFT & BOLT-MAINT	0.00	259.63	
000991	SCNS SPORTS FOODS INC	08/31/2020	Regular	0.00	324.00	83930
138949	Invoice	08/26/2020	GOLF-SNACKS-PRO SHOP	0.00	65.00	
140254	Invoice	08/26/2020	GOLF-SNACKS-PRO SHOP	0.00	88.00	
141996	Invoice	08/26/2020	GOLF-SNACKS-PRO SHOP	0.00	171.00	
000999	SHAMROCK FOODS COMPANY	08/31/2020	Regular	0.00	1,921.91	83931
20620430	Invoice	08/25/2020	GOLF-FOOD ITEMS-PRO SHOP	0.00	36.39	
20972349	Invoice	08/25/2020	GOLF-FOOD/SNACKS/BEVERAGES-PRO SHOP	0.00	883.83	
20972350	Invoice	08/25/2020	GOLF-FOOD/SNACKS/BEVERAGES-PRO SHOP	0.00	218.03	
20979740	Invoice	08/25/2020	GOLF-FOOD/SNACKS/BEVERAGES-PRO SHOP	0.00	783.66	
001026	SPECIALTY CIGARS INTERNATIONAL INC	08/31/2020	Regular	0.00	335.65	83932
2063829(1)	Invoice	08/25/2020	GOLF-CIGARS-PRO SHOP	0.00	335.65	
001052	SWIRE COCA-COLA, USA	08/31/2020	Regular	0.00	719.11	83933
13923208785	Invoice	08/25/2020	GOLF-BEVERAGES-PRO SHOP	0.00	89.95	
13923208786	Invoice	08/25/2020	GOLF-BEVERAGES-PRO SHOP	0.00	89.95	
13923208787	Invoice	08/25/2020	GOLF-BEVERAGES-PRO SHOP	0.00	539.21	
002445	TCF NATIONAL BANK	08/31/2020	Regular	0.00	10,678.08	83934
6648562	Invoice	08/26/2020	GOLF-TORO EQUIPMENT LEASE-MAINT	0.00	10,678.08	

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001105	TOSHIBA FINANCIAL SERVICES	08/31/2020	Regular	0.00	226.50	83935
421726241	Invoice	08/14/2020	Golf Copier Lease	0.00	226.50	
001963	WASTE CONNECTIONS OF COLO, INC	08/31/2020	Regular	0.00	180.25	83936
31174343-001 AU...	Invoice	08/26/2020	GOLF-AUG20 TRASH SERVICES 9/1-9/30-PRO...	0.00	180.25	
001183	WAXIE SANITARY SUPPLY	08/31/2020	Regular	0.00	238.35	83937
79410316	Invoice	08/25/2020	GOLF-JANITORIAL SUPPLIES-PRO SHOP	0.00	143.29	
79417311	Invoice	08/26/2020	GOLF-JANITORIAL SUPPLIES-PRO SHOP	0.00	95.06	
001224	XCEL ENERGY-GAS	08/31/2020	Regular	0.00	100.15	83938
5322229501 AUG...	Invoice	08/25/2020	GOLF-AUG20 GAS BILL 7/17-8/17-PRO SHOP	0.00	100.15	
000285	COLORADO DEPARTMENT OF REVENUE	08/21/2020	Bank Draft	0.00	3,410.47	DFT0001367
73120G SALES TAX	Invoice	08/21/2020	GOLF-JUL20 SALES TAX	0.00	3,410.47	

Bank Code Golf Course Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	66	35	0.00	29,524.03
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	1	1	0.00	3,410.47
EFT's	0	0	0.00	0.00
	67	36	0.00	32,934.50

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Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
Bank Code: Pooled Cash-Pooled Cash						
002473	AMBER MEANEY	08/18/2020	Regular	0.00	-96.00	67624
000026	ACTIVE CABLING & COMMUNICATIONS LLC	08/24/2020	Regular	0.00	484.30	68104
202608	Invoice	08/20/2020	Active Cabling - Ruby Ford Move to PD	0.00	484.30	
000030	ADAMS COUNTY SHERIFF	08/24/2020	Regular	0.00	3,400.00	68105
358591	Invoice	08/19/2020	Academy-J VASQUEZ	0.00	3,400.00	
000031	ADAMSON POLICE PRODUCTS	08/24/2020	Regular	0.00	48.00	68106
INV331052	Invoice	08/19/2020	GF-UNIFORM SHIRT HEMPEL-PD	0.00	48.00	
000037	ADVANCED URGENT CARE AND OCC MED	08/24/2020	Regular	0.00	105.00	68107
58493	Invoice	08/17/2020	GF-HEP B VACCINE BOTTELLO-STREETS	0.00	105.00	
000040	AFLAC	08/24/2020	Regular	0.00	2,456.82	68108
32472	Invoice	08/17/2020	GF-SUPPL INS FOR AUG20	0.00	2,456.82	
001947	AMERICAN UNITED LIFE INSURANCE COMPANY	08/24/2020	Regular	0.00	5,270.81	68109
G 00617833 SEP20	Invoice	09/01/2020	LI, AD&D, LTD, STD Ins Prem	0.00	5,270.81	
002591	ANTOUN FIEDOROWICZ LLC	08/24/2020	Regular	0.00	300.50	68110
1	Invoice	08/18/2020	GF-JUL20 PUBLIC DEFENDER SERVICES-COU...	0.00	300.50	
000091	AQUA BACKFLOW, INC	08/24/2020	Regular	0.00	360.00	68111
2020-1371	Invoice	08/17/2020	UF-WEB BASED BACKFLOW PROGRAM ANN...	0.00	360.00	
000108	AUSMUS LAW FIRM PC	08/24/2020	Regular	0.00	18,007.50	68112
6759	Invoice	08/20/2020	GF-MAY-JUL 10 LEGAL FEES-LEGAL	0.00	16,807.50	
6799	Invoice	08/17/2020	GF-JULY2020 PROSECUTION SERV-COURT	0.00	1,200.00	
001820	BADGER METER	08/24/2020	Regular	0.00	4,058.02	68113
1381379	Invoice	08/17/2020	UF-PIT SETTER -W LINES	0.00	1,379.73	
1383425	Invoice	08/17/2020	UF-PIT SETTER-W LINES	0.00	2,678.29	
000232	CIRSA	08/24/2020	Regular	0.00	1,134.80	68114
201382	Invoice	08/17/2020	GF-DEDUCTIBLE CLAIMS PC6011811,PC6011...	0.00	1,134.80	
000239	CITY OF FORT LUPTON	08/24/2020	Regular	0.00	1,341.63	68115
INV0000857	Invoice	08/14/2020	Reimburse City for training	0.00	1,341.63	
000242	CIVICPLUS	08/24/2020	Regular	0.00	4,032.00	68116
202135	Invoice	08/19/2020	CivicClerk Maintenance Renewal - 12/31/20...	0.00	4,032.00	
000253	CO DEPT OF PUBLIC HEALTH AND ENVIRONMENT	08/24/2020	Regular	0.00	298.00	68117
WI211111591	Invoice	08/17/2020	UF-COR901363 PERMIT-WTP	0.00	298.00	
002266	COLORADO PAVING INC	08/24/2020	Regular	0.00	39,297.00	68118
20-112	Invoice	08/17/2020	SST-Asphalt Repairs-Streets	0.00	39,297.00	
000326	COYOTE CREEK GOLF COURSE	08/24/2020	Regular	0.00	46,000.00	68119
2019ENHANCEM...	Invoice	08/18/2020	CPR-2019 GOLF COURSE ENHANCEMENTS-C...	0.00	46,000.00	
000410	E-470 PUBLIC HIGHWAY AUTHORITY	08/24/2020	Regular	0.00	4.10	68120
2057559117	Invoice	08/17/2020	GF-EXPRESS TOLLS-PD	0.00	4.10	
000429	EMPIRE PORTABLE RESTROOMS	08/24/2020	Regular	0.00	600.00	68121
51536	Invoice	08/17/2020	REC-PORTABLE RESTROOMS PEARSON PARK...	0.00	600.00	
000455	FASTENAL COMPANY 01COFTL	08/24/2020	Regular	0.00	38.88	68122
COFTL168716	Invoice	08/17/2020	GF-CUT TIP-PW SHOP	0.00	38.88	
002568	FORT LUPTON CAR WASH	08/24/2020	Regular	0.00	236.70	68123
121	Invoice	08/19/2020	GF-VEHICLE MAINTENANCE-PD	0.00	236.70	
001930	HUMANA HEALTH PLAN INC	08/24/2020	Regular	0.00	78,673.73	68124
379450785	Invoice	09/01/2020	GF-HEALTH, DENTAL,VISION SEP20	0.00	78,673.73	

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002180	JAMES ARTHUR MOORHEAD	08/24/2020	Regular	0.00	60.00	68125
E0021517-1 0819...	Invoice	08/19/2020	GF-CASE REFUND 39164	0.00	60.00	
000655	JOHN DEERE FINANCIAL	08/24/2020	Regular	0.00	212.64	68126
931694	Invoice	08/17/2020	GF-IDLER, VBELT-PARKS	0.00	134.36	
932097	Invoice	08/17/2020	GF-IDLER-PARKS	0.00	78.28	
000698	L.G. EVERIST, INC	08/24/2020	Regular	0.00	269.40	68127
509281	Invoice	08/20/2020	UF-SQUEEGEE	0.00	128.90	
509282	Invoice	08/20/2020	UF-SQUEEGEE	0.00	140.50	
000735	LL JOHNSON DISTRIBUTING	08/24/2020	Regular	0.00	719.58	68128
1129226-00	Invoice	08/17/2020	GF-IRRIGATION PARTS-PARKS	0.00	719.58	
002027	MURRAYSMITH INC	08/24/2020	Regular	0.00	27,700.23	68129
20-2476.00-5	Invoice	08/20/2020	WST- Non-Pot Pumphouse Engineering- WTP	0.00	11,046.50	
20-2746.00-4	Invoice	08/20/2020	WST- Non-Pot Pumphouse Engineering- WTP	0.00	11,950.23	
20-2746.00-7	Invoice	08/20/2020	WST- Non-Pot Pumphouse Engineering- WTP	0.00	4,703.50	
000847	NORMAN'S MEMORIALS INC.	08/24/2020	Regular	0.00	255.00	68130
81720	Invoice	08/17/2020	CEM-INSCRIPTION ORDER PATTON	0.00	85.00	
81720 OGILVIE	Invoice	08/17/2020	CEM-INSCRIPTION SERVICES	0.00	170.00	
001943	PINNACOL ASSURANCE	08/24/2020	Regular	0.00	11,172.66	68131
20137758	Invoice	08/19/2020	GF- 2020 Workman's Comp Coverage	0.00	10,041.00	
20137758DED	Invoice	08/20/2020	GF-WC DEDCUTIBLES	0.00	1,131.66	
002493	QUADIENT LEASING USA INC	08/24/2020	Regular	0.00	454.80	68132
H8427992	Invoice	08/17/2020	GF-POSTAGE MACHINE LEASE-ADMIN	0.00	454.80	
002598	ROCKY MOUNTAIN WATER ENVIRONMENT ASSOC	08/24/2020	Regular	0.00	310.00	68133
E6251	Invoice	08/20/2020	UF-CO DISTRIBUTION/COLLECTION SYSTEMS...	0.00	310.00	
001635	THE TALLENT COMPANY	08/24/2020	Regular	0.00	2,750.00	68134
1099	Invoice	08/17/2020	GF-COMplete COMMUNICATION COFTL-CIT...	0.00	2,750.00	
001101	TODD HODGES DESIGN LLC	08/24/2020	Regular	0.00	6,740.00	68135
3249	Invoice	08/19/2020	GF-PLANNING SERVICES 08/03 - 08/16	0.00	6,740.00	
001105	TOSHIBA FINANCIAL SERVICES	08/24/2020	Regular	0.00	1,630.49	68136
421132754	Invoice	08/07/2020	Copier Lease	0.00	1,630.49	
001120	TRUDILIGENCE LLC	08/24/2020	Regular	0.00	2,135.59	68137
35533	Invoice	08/18/2020	TruDiligence	0.00	683.08	
36227	Invoice	08/18/2020	TruDiligence	0.00	468.67	
36521	Invoice	08/18/2020	TruDiligence	0.00	301.19	
36791	Invoice	08/18/2020	TruDiligence	0.00	346.49	
37435	Invoice	08/18/2020	TruDiligence	0.00	336.16	
001153	VALLEY FIRE EXTINGUISHER	08/24/2020	Regular	0.00	154.00	68138
142390	Invoice	08/17/2020	CPR-FIRE SAFETY ANNUAL-MUSEUM	0.00	154.00	
002132	VECTOR DISEASE CONTROL	08/24/2020	Regular	0.00	2,916.66	68139
PI-A00008086	Invoice	08/19/2020	GF- Mosquito Spraying- Shop	0.00	2,916.66	
001215	WAC-BEARCOM	08/24/2020	Regular	0.00	18,040.01	68140
5044960	Invoice	08/19/2020	Patrol Car Upfitting	0.00	18,040.01	
001201	WELD COUNTY SCH DIST RE8	08/24/2020	Regular	0.00	100.00	68141
E0015292-1 0819...	Invoice	08/19/2020	GF-CASE REFUND 39165	0.00	100.00	
001203	WELD COUNTY SHERIFF'S OFFICE	08/24/2020	Regular	0.00	28.98	68142
1830 072020	Invoice	08/20/2020	GF-PRISONER FEES 28502-COURT	0.00	28.98	
002495	WILLIAM D PENFOLD	08/24/2020	Regular	0.00	50.00	68143

Check Report

Date Range: 08/18/2020 - 08/31/2020

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
81320	Invoice	08/17/2020	GF-CASE REFUND E0014997-1 PENFOLD-CO...	0.00	50.00	
002596	CANDICE GUILLEN	08/24/2020	Regular	0.00	59.00	68144
2006577.001	Invoice	08/18/2020	REC CENTER REFUNDS	0.00	59.00	
002594	CAROLYN ANTOINE	08/24/2020	Regular	0.00	59.00	68145
2006576.001	Invoice	08/18/2020	REC CENTER REFUNDS	0.00	59.00	
002426	JESSICA THOMPSON	08/24/2020	Regular	0.00	1,267.20	68146
2006574.001	Invoice	08/20/2020	REC-PRESCHOOL PROGRAM REFUND	0.00	1,267.20	
002597	LINDA SNYDER	08/24/2020	Regular	0.00	16.80	68147
2006587.001	Invoice	08/18/2020	REC CENTER REFUNDS	0.00	16.80	
002590	LUCY MILLER	08/24/2020	Regular	0.00	16.80	68148
2006591.001	Invoice	08/18/2020	REC CENTER REFUNDS	0.00	16.80	
002595	MARY AND BOB MARTIN	08/24/2020	Regular	0.00	33.60	68149
2006584.001	Invoice	08/18/2020	REC CENTER REFUNDS	0.00	16.80	
2006585.001	Invoice	08/18/2020	REC CENTER REFUNDS	0.00	16.80	
002593	RAMONA PALKA	08/24/2020	Regular	0.00	15.00	68150
2006586.001	Invoice	08/18/2020	REC CENTER REFUNDS	0.00	15.00	
002473	AMBER MEANEY	08/31/2020	Regular	0.00	96.00	68153
2006446.001	Invoice	05/21/2020	REC CENTER REFUNDS	0.00	96.00	
002600	BEARCOM	08/31/2020	Regular	0.00	785.00	68154
5044961	Invoice	08/25/2020	GF-CARGO BOX-PD	0.00	785.00	
002122	BURNS & MCDONNELL ENGINEERING CO INC	08/31/2020	Regular	0.00	213,574.87	68155
122081-5	Invoice	08/26/2020	UF- WWTP Improvement Design- WWTP	0.00	213,574.87	
000306	COMCAST BUSINESS	08/31/2020	Regular	0.00	3,016.90	68156
106368791	Invoice	08/25/2020	Comcast Phones	0.00	3,016.90	
000307	COMCAST CABLE COMM, LLC	08/31/2020	Regular	0.00	498.68	68157
606460117309 A...	Invoice	08/25/2020	REC-MUSIC SERVICES	0.00	268.05	
606460164533 A...	Invoice	08/25/2020	GF-CABLE/INTERNET SERVICES-PW SHOP	0.00	230.63	
000326	COYOTE CREEK GOLF COURSE	08/31/2020	Regular	0.00	1,440.00	68158
82520	Invoice	08/25/2020	GF-TRAPPER GOLF TOURNAMENT TEAMS-L...	0.00	1,440.00	
000429	EMPIRE PORTABLE RESTROOMS	08/31/2020	Regular	0.00	109.95	68159
51835	Invoice	08/25/2020	CEM-PORTABLE RTESTROOM 8/18-9/14	0.00	109.95	
002601	FRIENDLY FORK SENIOR NUTRITION PROGRAM	08/31/2020	Regular	0.00	33.60	68160
2006593.001	Invoice	08/25/2020	REC-LINE DANCING CLASS REFUND	0.00	33.60	
002222	GREELEY LOCK & KEY	08/31/2020	Regular	0.00	108.00	68161
4674	Invoice	08/25/2020	Support on slow response with new card rea...	0.00	108.00	
000745	LOUIS A GRESH	08/31/2020	Regular	0.00	1,500.00	68162
83120	Invoice	08/25/2020	GF-AUG20 TRIAL SERVICES-COURT	0.00	1,500.00	
002194	METROWEST NEWSPAPERS	08/31/2020	Regular	0.00	1,352.08	68163
202007	Invoice	08/25/2020	GF-LEGAL PUBLICATIONS	0.00	982.08	
202007 YARD	Invoice	08/25/2020	GF-YARD SALE CITY WIDE-CITY CLK	0.00	370.00	
002170	ORANGE ELEPHANT ROOFING	08/31/2020	Regular	0.00	250.29	68164
4614C	Invoice	08/26/2020	GF-REFUND 630 PARK BLDG PERMIT	0.00	250.29	
000897	PETTY CASH-REC CTR	08/31/2020	Regular	0.00	131.31	68165
82520	Invoice	08/25/2020	REC-PETTY CASH 08/25/20	0.00	131.31	
002005	PLM ASPHALT & CONCRETE LLC	08/31/2020	Regular	0.00	12,656.83	68166

Check Report

Date Range: 08/18/2020 - 08/31/2020

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payable #	Payable Type	Post Date	Payable Description	Discount Amount	Payable Amount	
190746-RR	Invoice	08/26/2020	GF- REPAVE MUSTANG AVE- STREETS	0.00	12,656.83	
001008	SHRED-IT USA LLC	08/31/2020	Regular	0.00	30.00	68167
8180265149	Invoice	08/25/2020	GF-MONTHLY SHREDDING-ADMIN	0.00	30.00	
001040	STERICYCLE	08/31/2020	Regular	0.00	58.25	68168
3005218254	Invoice	08/25/2020	REC-BIOHAZARD WASTE PICKUP	0.00	58.25	
002602	TAYLOR LAWRENCE	08/31/2020	Regular	0.00	90.00	68169
2006573.001	Invoice	08/25/2020	REC-SWIMMING LESSONS REFUND	0.00	90.00	
001343	TIME CLOCK PLUS	08/31/2020	Regular	0.00	76.00	68170
549674	Invoice	08/25/2020	GF-LICENSE OVERAGE 7/24-8/23-HR	0.00	76.00	
001105	TOSHIBA FINANCIAL SERVICES	08/31/2020	Regular	0.00	260.45	68171
421724006	Invoice	08/14/2020	Copier Lease	0.00	260.45	
001153	VALLEY FIRE EXTINGUISHER	08/31/2020	Regular	0.00	249.00	68172
142505	Invoice	08/25/2020	GF-ANNUAL FIRE EXTINGUISHER SERVICE-PD	0.00	249.00	
001174	WAGNER EQUIPMENT CO.	08/31/2020	Regular	0.00	737.20	68173
P00C2287038	Invoice	08/25/2020	GF-CUTTING EDGE-STREETS	0.00	552.90	
P00C2287358	Invoice	08/26/2020	GF-CUTTING EDGE-PW SHOP	0.00	184.30	
001963	WASTE CONNECTIONS OF COLO, INC	08/31/2020	Regular	0.00	193.34	68174
31175457 AUG20	Invoice	08/25/2020	GF-AUG20 TRASH SERVICES-PARKS	0.00	102.55	
31177334 AUG20	Invoice	08/25/2020	CEM-SEP20 TRASH SERVICES	0.00	90.79	
000465	FIRE & POLICE PENSION ASC	08/18/2020	Bank Draft	0.00	1,657.52	DFT0001359
81420	Invoice	08/17/2020	GF-FPPA FOR 8/14/20 PAYROLL-PD	0.00	1,657.52	
000119	BANK OF COLORADO	08/28/2020	Bank Draft	0.00	5,201.73	DFT0001361
INV0000860	Invoice	08/28/2020	HSA DISTRIBUTION	0.00	5,201.73	
000119	BANK OF COLORADO	08/28/2020	Bank Draft	0.00	700.54	DFT0001362
INV0000861	Invoice	08/28/2020	HSA DISTRIBUTION	0.00	700.54	
001416	VALIC_1	08/28/2020	Bank Draft	0.00	27,802.96	DFT0001363
INV0000862	Invoice	08/28/2020	VALIC - 457(b) \$ Contributions	0.00	27,802.96	
001265	IRS	08/28/2020	Bank Draft	0.00	46,989.90	DFT0001364
INV0000863	Invoice	08/28/2020	Federal Withholding	0.00	46,989.90	
001418	CO DEPARTMENT OF REVENUE	08/28/2020	Bank Draft	0.00	7,593.09	DFT0001365
INV0000864	Invoice	08/28/2020	CO Withholding	0.00	7,593.09	
000285	COLORADO DEPARTMENT OF REVENUE	08/21/2020	Bank Draft	0.00	2.93	DFT0001366
73120 SALES TAX	Invoice	08/21/2020	REC-JUL20 SALES TAX	0.00	2.93	

Bank Code Pooled Cash Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	86	69	0.00	520,562.98
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	-96.00
Bank Drafts	7	7	0.00	89,948.67
EFT's	0	0	0.00	0.00
	93	77	0.00	610,415.65

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	152	104	0.00	550,087.01
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	-96.00
Bank Drafts	8	8	0.00	93,359.14
EFT's	0	0	0.00	0.00
	160	113	0.00	643,350.15

Fund Summary

Fund	Name	Period	Amount
600	GOLF ENTERPRISE FUND	8/2020	32,934.50
999	POOLED CASH/CONSOLIDATED CASH	8/2020	610,415.65
			643,350.15

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

The City Council of the City of Fort Lupton met in a regular session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the City Council, on Tuesday, August 18, 2020. Due to the COVID-19 virus, the meeting was held with remote access provided through GoToMeetings. Mayor Zo Stieber called the meeting to order at 7:00 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

Mari Peña, City Clerk, called the roll. Those present were Mayor Zo Stieber, Councilmembers Shannon Rhoda, Michael Sanchez, Tommy Holton and Bruce Fitzgerald. Councilmember David Crespin participated electronically through GoToMeeting.

Also present was City Administrator, Chris Cross, Assistant City Administrator, Glenda Arextuloeta, City Clerk, Mari Pena, City Attorney, Andy Ausmus and Chief John Fryar.

The following staff participated by electronic communication (GoToMeeting): Finance Director, Leann Perino and Public Works Director, Roy Vestal.

PERSONS TO ADDRESS COUNCIL

There was no one present to address the Council.

APPROVAL OF AGENDA

It was moved by Bruce Fitzgerald and seconded Tommy Holton by to approve the Agenda as presented. Motion passed unanimously on roll call vote.

REVIEW OF ACCOUNTS PAYABLES

Council reviewed the August 18, 2020 payables; there were no questions or comments from the Mayor or Council.

CONSENT AGENDA

It was moved by Bruce Fitzgerald and seconded by Tommy Holton to approve the Consent Agenda with the following items: 08042020 City Council Meeting Minutes, Second Reading 2020-1096 AN ORDINANCE ACCEPTING THE CESAR RODRIGUEZ GALLARDO PUBLIC RIGHT OF WAY DEDICATION FOR COUNTY ROAD 25 ½, Approving Resolution 2020R063 DESIGNATING THE CITY CLERK AS THE ELECTION OFFICIAL AND THE HEARING OFFICER FOR THE CITY OF FORT LUPTON AND AUTHORIZING THE ELECTION OFFICIAL TO APPOINT AN ALTERNATE HEARING OFFICE FOR A PROTEST IF REQUIRED (AM 2020-146). Motion passed unanimously on roll call vote.

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

ACTION AGENDA

AM 2020-147 Approving a Resolution Submitting a Ballot Issue to the Registered Electors at the November 3, 2020 Election to Extend the One Half of One Percent (0.5%) 1991 Sales and Use Tax for Future Street Improvements

In 1991 the citizens of Fort Lupton approved a ½ cent sales tax for the Street Sales Tax fund to generate funding for street improvement and repairs that were badly needed. Subsequently in 2000 the voters approved a renewal of the ½ cent for projects through 2011, then again through December 31, 2021. A list of street repairs for the last ten years and the next ten years is listed on the proposed Resolution.

It was moved by Tommy Holton and seconded by Shannon Rhoda to approve Resolution 2020R064 A RESOLUTION OF THE CITY COUNCIL APPROVING THE SUBMISSION OF A BALLOT ISSUE FOR THE STATE GENERAL ELECTION ON NOVEMBER 3, 2020 TO PROVIDE FOR THE CONTINUANCE OF THE ONE-HALF OF ONE PERCENT (0.5%), 1991 SALES AND USE TAX IN THE CITY OF FORT LUPTON OF THE GROSS RECEIPT OF THE SALE OF TANGIBLE PROPERTY AT RETAIL OR THE FURNISHING OF SERVICES, AND ON ANY CONSTRUCTION AND BUILDING MATERIALS PURCHASED AT RETAIL AND ANY MOTOR AND OTHER VEHICLES PURCHASED AT RETAIL ON WHICH REGISTRATION IS REQUIRED, TO PROVIDE SPECIAL CAPITAL IMPROVEMENT FUNDS TO BE USED ONLY FOR THE CONSTRUCTION AND REPAIRS OF STREETS AND ALLEYS, INCLUDING CURBS, GUTTERS AND SIDEWALKS, AND PROVIDING FOR THE ENGINEERING, TESTING AND INSPECTION OF THE SAME IN THE CITY OF FORT LUPTON AND TO PROVIDE FOR THE SUBMISSION OF THIS RESOLUTION FOR THE APPROVAL OR REJECTION AT A REGULAR ELECTION OF REGISTERED ELECTORS ON NOVEMBER 3, 2020 IN THE CITY OF FORT LUPTON, COLORADO. Motion passed unanimously on roll call vote.

AM 2020-148 Award Contract to JBS Pipeline Contractors for an Amount not to Exceed \$826,327.70 for Kahil Storm Drainage Project Allocated from the Storm Water Drainage Facility Fund

Bid documents were advertised from July 13, 2020 with bid opening on August 7, 2020. Eleven bids were received with JBS Pipeline Contractors providing the lowest responsible bid as shown in the attached Bid Tabulation.

JBS Pipeline is a highly respected contractor in Front Range communities with several local municipalities and development projects in the area. The City contracted with them this past winter for the 2019 Pipes projects that included Broadway sewer replacement, WTP reservoir connection and relocation of the Valle Ally water main. City staff has a very high opinion of this contractor, and they did an excellent job with the construction work.

\$310,000 was budgeted for the project in 2020. \$190,000 was budgeted for a 9th Street project which is being delayed to next year.

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

Sched 1 \$392,395.20
Sched 2 \$246,897.50
Contingency \$120,000.00
TOTAL CONTRACT \$826,327.70

It was moved by Bruce Fitzgerald and seconded by David Crespino to award the contract to JBS Pipeline Contractors for an amount not to exceed \$826,327.70 for Kahil Storm Drainage Project allocated from the Storm Water Drainage Facility Fund. Motion passed unanimously on roll call vote.

AM 2020-149 Approving the Allocation of the Cares Act Funding

The City has received \$385,135.00 of Coronavirus (Covid-19) Aid, Relief and Economic Security (CARES) Act funds through a Weld County collaboration agreement between Weld County and several municipalities in Weld County.

The City has developed a grant program to assist City residents. The grant will allow for residents to receive \$250/per household should they wish to apply.

It was moved by Michael Sanchez and Tommy Holton to approve the allocation of the Cares Act Funding. Motion passed unanimously on roll call vote.

STAFF

There were no reports from staff.

MAYOR/COUNCIL REPORTS

There were no reports from the Mayor or Council.

FUTURE CITY EVENTS

August 20 th	Street Market, 131 S. McKinley Ave.
August 25 th	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
September 11-12 th	Trapper Days – No Parade
November 7 th	Field of Honor, Pearson Park, State Hwy 52 and US Hwy 85
September 1 st	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
September 8 th	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.

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

ADJOURNMENT

Mayor Stieber adjourned the meeting at 7:15 p.m.

Respectfully Submitted,

Maricela Peña, City Clerk

Approved by City Council

Zo Stieber, Mayor

DRAFT

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
August 25, 2020**

The City Council of the City of Fort Lupton met in a special session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the City Council, on Tuesday, August 25, 2020. Due to the COVID-19 virus, the meeting was held with remote access provided through GoToMeetings. Mayor Zo Stieber called the meeting to order at 6:30 p.m. and invited everyone to join her in the Pledge of Allegiance.

ROLL CALL

Mari Peña, City Clerk, called the roll. Those present were Mayor Zo Stieber, Councilmembers Michael Sanchez, Chris Ceretto, Bruce Fitzgerald. Councilmember David Crespin joined the meeting at 6:34 p.m. and Councilmember Tommy Holton joined the meeting at 6:38 p.m.

Also present was City Administrator, Chris Cross, City Clerk, Mari Pena, City Attorney, Andy Ausmus and Chief John Fryar.

PERSONS TO ADDRESS COUNCIL

There was no one present to address the Council.

ACTION AGENDA

AM 2020-150 Approving an Ordinance for the Submission of Ballot Question to the Registered Electors Regarding Medical and Retail Marijuana for the November 3, 2020 Coordinated Election

The Council has determined to submit the question of whether to allow medical marijuana center and retail marijuana stores within the City at the November 3, 2020 election and to set the title and content of the ballot for the ballot issues to be submitted at the election called by the Ordinance. The questions shall read as follows:

Shall the establishment and operation of medical marijuana centers and retail marijuana stores be permitted in the City of Fort Lupton, Colorado, subject to the requirements of the State of Colorado medical and retail marijuana codes and regulations and the ordinances and codes to be adopted by the City of Fort Lupton?

It was moved by Bruce Fitzgerald and seconded by Michael Sanchez to approve Ordinance 2020-1097 AN ORDINANCE APPROVING THE SUBMISSION OF A BALLOT QUESTION ON THE NOVEMBER 3, 2020, COORDINATED ELECTION, PERTAINING TO MEDICAL AND RETAIL MARIJUANA; SETTING THE TITLES AND CONTENT OF THE BALLOT FOR THE ELECTION; PROVIDING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY. Motion passed unanimously on roll call vote.

Council member David Crespin joined the meeting at 6:34 p.m.

RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
August 25, 2020

AM 2020-151 Approving an Ordinance for the Submission of a Ballot Question to the Registered Electors pertaining to Retail Marijuana Sales Tax for the November 3, 2020 Coordinated Election

The Council has determined to submit the ballot question regarding a retail marijuana sales tax at the November 3, 2020, general election and set the title and content of the ballot for the ballot issues to be submitted at the election called by the attached Ordinance. Discussion occurred over the sales tax amount to be imposed at a rate of 3.1%.

It was moved by Michael Sanchez and seconded by Bruce Fitzgerald to amend Ordinance 2020-1098 by placing a 3.1% Retail Marijuana Sales Tax on the ballot question, the ORDINANCE APPROVING THE SUBMISSION OF A BALLOT QUESTION ON THE NOVEMBER 3, 2020, COORDINATED ELECTION, PERTAINING TO RETAIL MARIJUANA SALES TAX; SETTING THE TITLES AND CONTENT OF THE BALLOT FOR THE ELECTION; PROVIDING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY. Motion passed unanimously on roll call vote.

Councilmember Tommy Holton joined the meeting at 6:38 p.m.

AM 2020-152 Approving an Intergovernmental Agreement to Participate in Weld County's Designation of an Urban County Municipality that may be Able to Seek Funds Through the Allocation of Community Development Block Grants (CDBG) From the U.S. Department of Housing and Urban Development

Weld County is seeking the designation of an Urban County through the U.S. Department of Housing and Urban Development (HUD). If the County qualifies, the County will be eligible to receive an allocation of Community Development Block Grant (CDBG) funds. The goal of the CDBG program at the Weld County level is to provide funds for decent housing and suitable living environments, along with economic opportunities, principally for low and moderate income persons.

It was moved by Michael Sanchez and seconded by Bruce Fitzgerald to approve the Intergovernmental Agreement to participate in Weld County's designation of an Urban County Municipality that may be Able to seek funds through the allocation of Community Development Block Grants (CDBG) From the U.S. Department of Housing and Urban Development. Motion passed unanimously on roll call vote.

**RECORD OF PROCEEDINGS
FORT LUPTON CITY COUNCIL/ENTERPRISE BOARDS
August 25, 2020**

ADJOURNMENT

Mayor Stieber adjourned the meeting at 6:40 p.m.

Respectfully Submitted,

Maricela Peña, City Clerk

Approved by City Council

Zo Stieber, Mayor

DRAFT

CITY OF FORT LUPTON CITY COUNCIL



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

Zo Stieber, Mayor

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

AM 2020-156

AUTHORIZE PAYMENT TO THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT FOR SOUTHERN SUPPLY WATER PROJECT OPERATIONS & MAINTENANCE FOR AN AMOUNT NOT TO EXCEED \$37,475.95

I. **Agenda Date:** Council Meeting – September 1, 2020

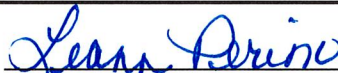
II. **Attachments:**

- a. NCWCD Annual Assessment
- b. SWSP Annual Expenditure Report Fiscal Year 2020

III. **Summary Statement:**

Annually, the City is required to remit to Northern Colorado Water Conservation District (NCWCD) funds to cover our share of the operation and maintenance for the Southern Water Supply Project (SWSP). The City's estimated share of the costs is \$37,475.95.

IV. **Submitted by:**


Leann Perino

V. **Finance Reviewed**


Finance Director

VI. **Approved for Presentation:**


City Administrator

VII. **Attorney Reviewed**

Approved

Pending Approval

VIII. **Certification of Council Approval:**

City Clerk

Date

IX. Detail of Issue/Request:

The NCWCD is requiring a payment of \$37,475.95 be remitted by September 14, 2020. The 2020 Assessment has increased \$5,180. The 2020 assessment charges are shown below with the 2019 assessment for comparison:

	2020 Estimated Cost	2020 Actual Cost Estimate Adjustment	Reserve Adjustment	2020 Total Due	2019 Assessment
Carter Lake Outlet	\$ 4,781.00	\$ 58.11	\$ 119.00	\$ 4,958.11	\$ 3,245.00
Broomfield Line	11,647.00	-2,062.44	260.00	9,844.56	7,596.66
Fort Lupton Line	20,660.00	1,290.28	723.00	22,673.28	21,453.88
Net Assessment Amount Due	\$37,088.00	(\$ 714.05)	\$ 1,102.00	\$ 37,475.95	\$32,295.54

X. Legal/Political Considerations:

None.

XI. Alternatives/Options:

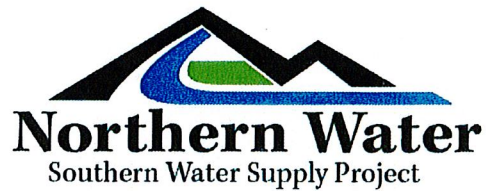
None

XII. Financial Considerations:

The City's 2020 Financial Plan includes \$100,000 in the Utility Fund for the assessment expenditure.

XIII. Staff Recommendation:

Approve the NCWCD 2020 SWSP Operation and Maintenance Assessment of \$37,475.95



**Southern Water Supply Project Water Activity Enterprise
2020 Annual Operation Assessment**

Participant: City of Fort Lupton

Statement Date: August 14, 2020

Payment Due Date: September 14, 2020

Payment Due: \$37,475.95

Three Assessment billing components are detailed below:

Pipeline and Pump Station	2020 Estimated Cost	2019 (1) Actual Cost to Estimate (Credit) Debit Adjustment	(2) Reserve Adjustment	Total Due
Carter Lake Outlet	4,781.00	58.11	119.00	4,958.11
Broomfield Line	11,647.00	(2,062.44)	260.00	9,844.56
Ft. Lupton Line	20,660.00	1,290.28	723.00	22,673.28
Total	37,088.00	(714.05)	1,102.00	37,475.95

AMOUNT DUE

\$37,475.95

Billing Comments:

- (1) (Credit) or Charge adjustment for 2019 estimated cost to 2019 actual cost.
- (2) Adjustment for operating and maintenance reserve (18 months of estimated costs).

Please make your check payable to:

Northern Colorado Water Conservancy District
PO Box 913208, Denver CO 80291-3208

Please contact Ms. Bernice Rupp at (970) 622-2313 for wire and ACH payment options.

SOUTHERN WATER SUPPLY PROJECT



FINANCIAL STATEMENT

FISCAL YEAR 2019

October 1, 2018 - September 30, 2019



SOUTHERN WATER SUPPLY PROJECT

Financial Summary Report

Fiscal Year 2019

TABLE OF CONTENTS

Overview.....	4
Expenditures by Pipeline Segments.....	5
Broomfield Pipeline	
Louisville/Superior Pipeline	
Fort Morgan Pipeline	
Fort Lupton/Hudson Pipeline	
Expenditures by Pump Stations.....	7
Broomfield Pump Station	
Louisville/Superior Pump Station	
West Longmont Pump Station	
Annual Expenditure Summary with Cash Balances.....	9
Map of Southern Water Supply Project	11

Overview

The Southern Water Supply Project (Project) includes four pipelines spanning 108 miles and three related pump stations that convey Colorado-Big Thompson and Windy Gap project water to various Front Range cities and water districts within Northern Water and Municipal Subdistrict boundaries. Construction of the Project was completed from 1993 to 1999 at a cost of \$74.7 million. Participants in the Project include the City and County of Broomfield; Cities of Fort Lupton, Fort Morgan, Longmont and Louisville; Towns of Berthoud, Erie, Hudson and Superior; and the Central Weld County, Little Thompson and Morgan County Quality Water Districts, the Platte River Power Authority and the Tri-State Generation and Transmission Association, Inc. (Tri-State).

Participants own contractual rights to specified capacity in the pipelines and pump stations and pay their proportionate shares of operations, maintenance and replacement costs of the Project. The Project is owned, operated and maintained on behalf of the participants by the Southern Water Supply Project Water Activity Enterprise (Enterprise), Northern Colorado Water Conservancy District.

In 2018, on behalf of Southern Water Supply Project II (SWSP II) participants, the Enterprise began construction of the SWSP II pipeline. SWSP II participants, which include the City of Boulder, Town of Berthoud and the Longs Peak and Left Hand Water Districts, have agreed to share costs with SWSP participants for Carter Lake Outlet operations and maintenance expenses. This change was prompted by the shared use of the Carter Lake Outlet structure for the SWSP II pipeline construction and operation. This report provides a review of historical and significant future costs primarily for the SWSP I pipeline. The SWSP II pipeline is expected to be fully operational in fiscal year 2020 and thus operational cost reviews will be included in future reports for both the SWSP and SWSP II operations.

Operations and maintenance costs for the Project, including Carter Lake Outlet, for fiscal year 2019 amounted to \$1,051,942 with 77 percent of costs attributed to energy and Northern Water labor. Energy costs for the year were \$196,133 which were incurred primarily at the pump stations. Labor costs of \$609,457 were primarily for water operations, SCADA services, utility locates, and annual and periodic maintenance of the Project.

Annual maintenance included checkouts on air-vac valves, pipeline inspections, regular annual shut-down for maintenance, cathodic protection, and SCADA system monitoring and maintenance. Electrical maintenance servicing was performed at the pump stations and throughout the pipeline. Service expense not related to energy amounted to \$70,874 or 56 percent less than last year as last year included \$50,699 for cathodic protection services including an assessment study by QualCorr Engineering Corporation. Other service expense was attributed to SCADA software maintenance, insurance and locates services. Additional cost analyses and commentary for each operating area is provided in this annual financial report.

Expenditures by Pipeline

Pipelines

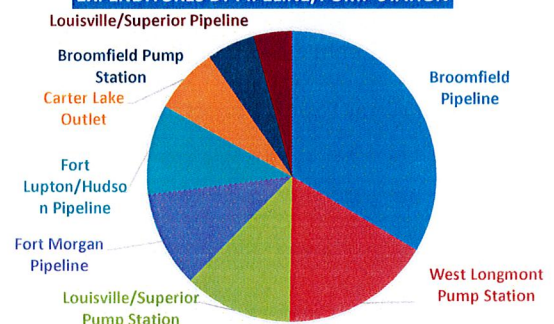
Carter Lake Outlet	\$ 77,375
Broomfield Pipeline	351,972
Louisville/Superior Pipeline	44,665
Fort Morgan Pipeline	113,126
Fort Lupton/Hudson Pipeline	105,178
Total Pipeline Expenditures	<u>\$ 692,316</u>

Expenditures by Pump Station

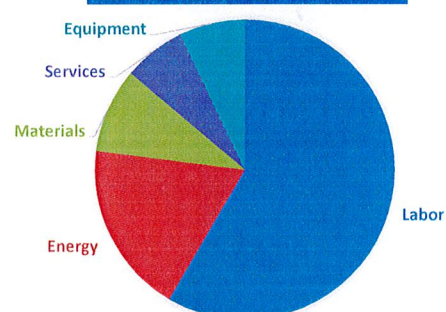
Pump Stations

Broomfield Pump Station	\$ 56,486
Louisville/Superior Pump Station	126,864
West Longmont Pump Station	176,276
Total Pump Station Expenditures	<u>\$ 359,626</u>
Total Project Expenditures	<u>\$ 1,051,942</u>

EXPENDITURES BY PIPELINE/PUMP STATION



EXPENDITURES BY COST CATEGORY



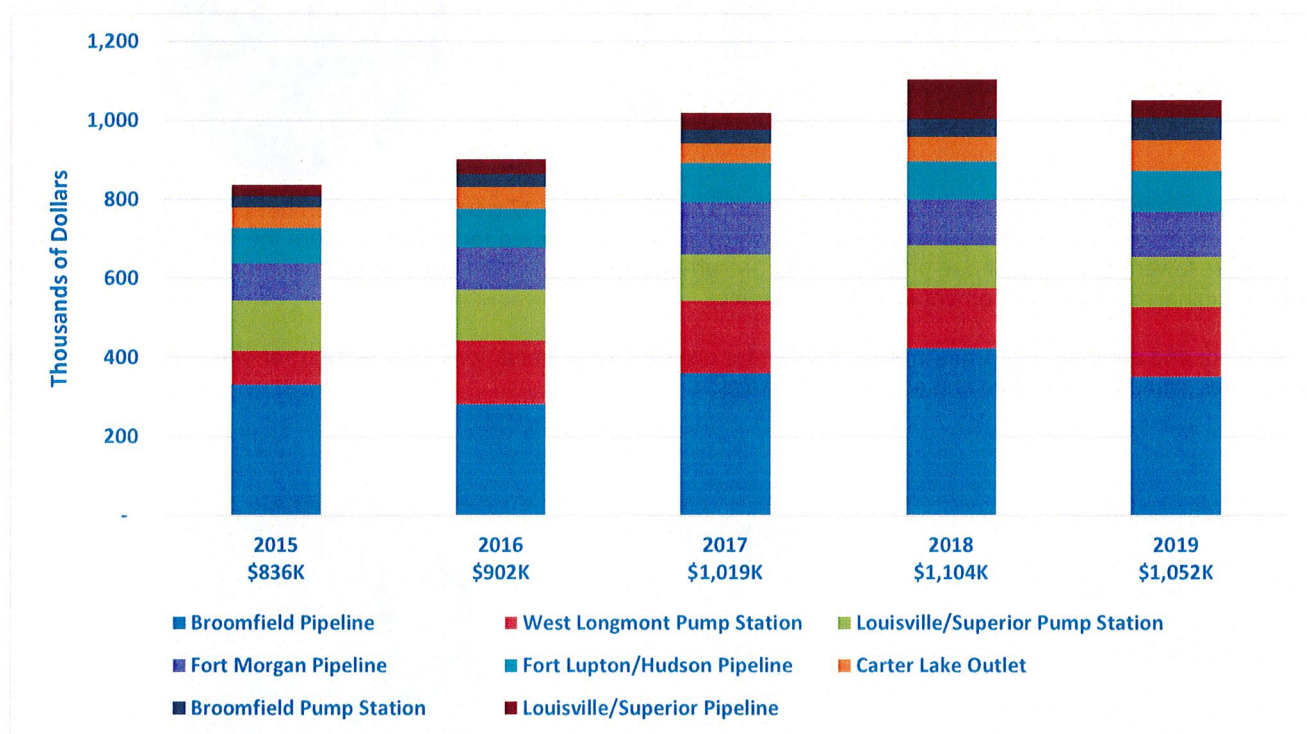
Preview of Future Projects

In fiscal year 2020, planned capital and major repair projects include roof work at the Broomfield and West Longmont Pump stations estimated at \$20,000 and \$30,000 respectively, and refinishing pump station floors with high-grade, non-slip epoxy at the West Longmont and Louisville/Superior pump stations at an estimated cost of \$18,000 each. A back-up generator purchase and installation at the Carter Lake Outlet, with costs and use shared by Trout Hydro facility and SWSP II. The estimated cost for SWSP is \$50,000. Replacement of the deep well rectifier on the Morgan Pipeline is planned at an estimated cost of \$60,000. In addition, three valve vault blowoff locations will be installed on the Broomfield Pipeline, Segments B-1, B-2 and B-5 at a cost of \$28,000 each.

The Eastern Pump Station project has completed final design, and construction is planned to begin in early fiscal year 2020. Construction is expected to be substantially complete in February 2021. Final completion is scheduled for April 2021. Funding for the estimated \$10 million project will be paid by the impacted participants. Funds for construction will be invoiced to the impacted participants after a contractor has been selected. To ensure continued operation of the pipeline during construction, a bypass pipe will first be installed around the pump station site. Connection into the bypass will require two 72-hour shutdowns with the first occurring at the end of March 2020 and the second occurring after November 2020.

Long-term plans include a project to install concrete man access vaults at eleven locations along the SWSP Broomfield pipeline over the three-year period spanning 2021 through 2023 at an estimated total cost of \$275,000. Another significant project being evaluated is to replace 100 feet of the Superior line under the Coal Creek Ditch that was damaged by corrosion. The preliminary cost estimate is \$250,000 with work tentatively scheduled for fiscal year 2023.

Five-Year Comparative Expenses by Pipeline and Pump Station

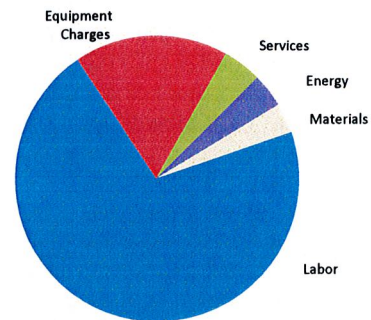


The above chart provides a comparison of total expenses incurred to maintain and operate the Project over the previous five fiscal year periods ending on September 30. Broomfield Pipeline expenses represent the largest expense area with average annual expenses of \$350,000. Peak expense occurred in fiscal year 2018 and included costs related to the blow off project on the B5 segment. Average annual expenses for the West Longmont Pump Station are \$152,000 with expenses impacted by motor rehab and building repairs after fiscal year 2015. Detail comments on expenses for current operations follow.

CARTER LAKE OUTLET AND PIPELINES

Carter Lake Outlet

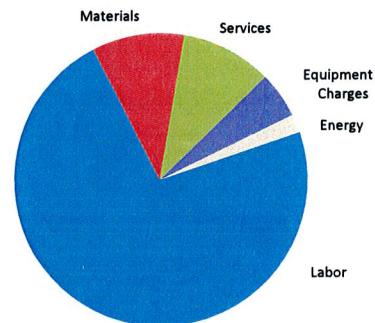
	Fiscal Year 2019	
Northern Water labor charges	\$ 54,862	71%
Northern Water equipment charges	13,491	17%
Services other than energy	3,392	4%
Energy	2,997	4%
Materials expenditures	2,633	3%
Total Broomfield Pipeline	\$ 77,375	100%



Beginning in fiscal year 2019, expenses for the Carter Lake Outlet are segregated from the Broomfield Pipeline and shared among SWSP participants, as well as with SWSP II participants. Costs for fiscal year 2019 were \$77,375 with 88 percent of costs attributed to labor and equipment charges. Costs for fiscal year 2018 were \$62,351 and were included with the Broomfield Pipeline for reporting and cost allocation purposes last year.

Broomfield Pipeline

	Fiscal Year 2019	
Northern Water labor charges	\$ 255,910	73%
Materials expenditures	35,937	10%
Services other than energy	35,124	10%
Northern Water equipment charges	17,894	5%
Energy	7,107	2%
Total Broomfield Pipeline	\$ 351,972	100%

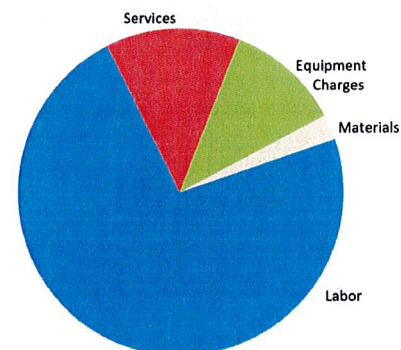


Total expense for the 30-mile Broomfield Pipeline of \$351,972 is \$72,209 or 17 percent lower than last year. This comparison excludes costs associated with the Carter Lake Outlet which are now accounted for separately from the Broomfield Pipeline. The costs are lower than last year due primarily to non-recurring expense incurred last year for the cathodic protection study by QualCorr Engineering and the segment five blowoff project.

General labor and equipment charges include the cost for ongoing water operations, SCADA, right-of-way, vault maintenance, utility locates, cathodic protection and accounting services.

Louisville/Superior Pipeline

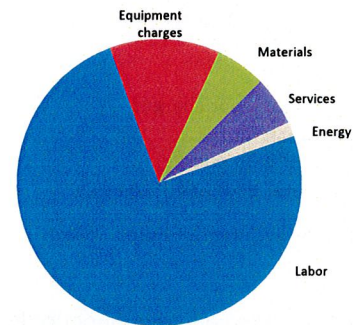
	Fiscal Year 2019	
Northern Water labor charges	\$ 32,552	73%
Services other than energy	5,947	13%
Northern Water equipment charges	5,052	11%
Materials expenditures	1,114	2%
Total Louisville/Superior Pipeline	\$ 44,665	100%



Total expense for the Louisville/Superior Pipeline of \$44,645 is \$55,028 lower than last year as extraordinary expense related to pipeline repairs to the S2, Superior line were incurred primarily in fiscal year 2018. The cost of the repair included \$50,561 in fiscal year 2018 and \$4,614 in fiscal year 2019. Also, cathodic protection expenses are lower than last year as last year included increased services expense for the systemwide survey by QualCorr Engineering.

Fort Morgan Pipeline

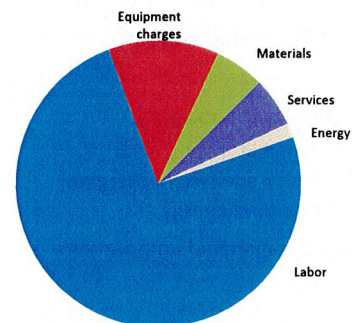
	Fiscal Year 2019	
Northern Water labor charges	\$ 84,443	75%
Northern Water equipment charges	14,109	12%
Materials expenditures	6,413	6%
Services other than energy	6,319	6%
Energy	1,842	2%
Total Fort Morgan Pipeline	\$ 113,126	100%



Total expense for the Fort Morgan Pipeline of \$113,126 is slightly lower (-1.4 percent) than costs in fiscal year 2018. While increased expenses related to cathodic protection and locates continue to exceed the five-year average, locates expense of \$57,612 decreased \$4,931 from last year. Recent increases in locates expense is driven by operational improvements by bringing locates work in-house. In addition, with the Morgan Pipeline being the longest pipeline in the project, locates activity is impacted by continued oil and gas development activity in the region.

Fort Lupton/Hudson Pipeline

	Fiscal Year 2019	
Northern Water labor charges	\$ 78,522	75%
Northern Water equipment charges	11,410	11%
Materials expenditures	7,410	7%
Services other than energy	4,472	4%
Energy	3,364	3%
Total Fort Lupton/Hudson Pipeline	\$ 105,178	100%

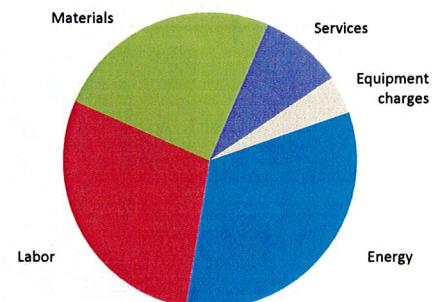


Total expense for the Fort Lupton/Hudson Pipeline of \$105,178 is \$8,824 or 9.2 percent higher than last year with higher utility locates expenses partially offset by lower cathodic protection costs. Locates expense of \$65,000 is \$10,000 higher than in fiscal year 2018 due to continued increased development in the region. Cathodic protection expense \$11,044 is less than in fiscal year 2018 though higher than average in line with the system review by outside consultant, QualCorr Engineering.

PUMP STATIONS

Broomfield Pump Station

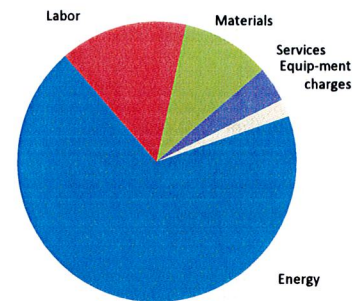
	Fiscal Year 2019	
Energy	\$ 18,530	33%
Northern Water labor charges	16,411	29%
Materials expenditures	14,045	25%
Services other than energy	5,160	9%
Northern Water equipment charges	2,340	4%
Total Broomfield Pump Station	\$ 56,486	100%



Total expense for the Broomfield Pump Station is \$56,486 or \$10,368 higher than expenses for fiscal year 2018. The increase is primarily due to increased materials and labor expense, partially offset by lower energy costs. Materials expense of \$14,045 is \$8,433 higher than in fiscal year 2018 due to the purchase of a security card system and a SCADA PLC system. The security system improvement affected all pump stations, with respective charges being made to each pump station.

Louisville/Superior Pump Station

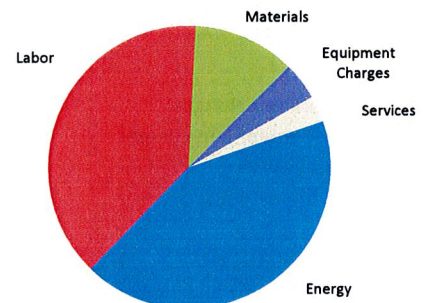
	Fiscal Year 2019	
Energy	\$ 87,403	69%
Northern Water labor charges	18,796	15%
Materials expenditures	12,924	10%
Services other than energy	5,127	4%
Northern Water equipment charges	2,614	2%
Total Louisville/Superior Pump Station	\$ 126,864	100%



Total expense for the Louisville/Superior Pump Station of \$126,864 is \$18,260 or 16.8 percent higher than last year primarily due to higher materials expense, partially offset by lower energy costs. In fiscal year 2018, materials expense was lower than normal as it included an offset to expense of \$8,246 for the sale of motors which were rebuilt in prior years. Also contributing to the year over year increase is the \$4,833 cost of the new security card system in fiscal year 2019. Labor expense of \$18,796 is \$5,854 or 45.2 percent higher than in fiscal year 2018 primarily due to repairs to Superior pump unit 1. Energy expense of \$87,403 represents 69 percent of costs and is \$5,970 or 6.4 percent less than last year.

West Longmont Pump Station

	Fiscal Year 2019	
Energy	\$ 74,890	42%
Northern Water labor charges	67,961	39%
Materials expenditures	20,504	12%
Northern Water equipment charges	7,588	4%
Services other than energy	5,333	3%
Total West Longmont Pump Station	\$ 176,276	100%



Total expense for the West Longmont Pump Station of \$176,276 is \$24,347 or 16 percent higher than last year primarily due to higher than average labor and materials expenses, partially offset by lower energy costs. Labor and materials expenses in fiscal year 2019 included increased costs associated with replacing the concrete driveway and upgrading the PLC for the SCADA system. Energy expense of \$74,890 represents 42 percent of total costs and is \$23,652 or 24 percent lower than last year.

Differential settlement at the West Longmont pump station has been observed and monitoring is underway to determine the amount and severity of the settlement relative to the integrity of the structure. Baseline monuments have been installed to enable monitoring of the relative movement of the foundation.

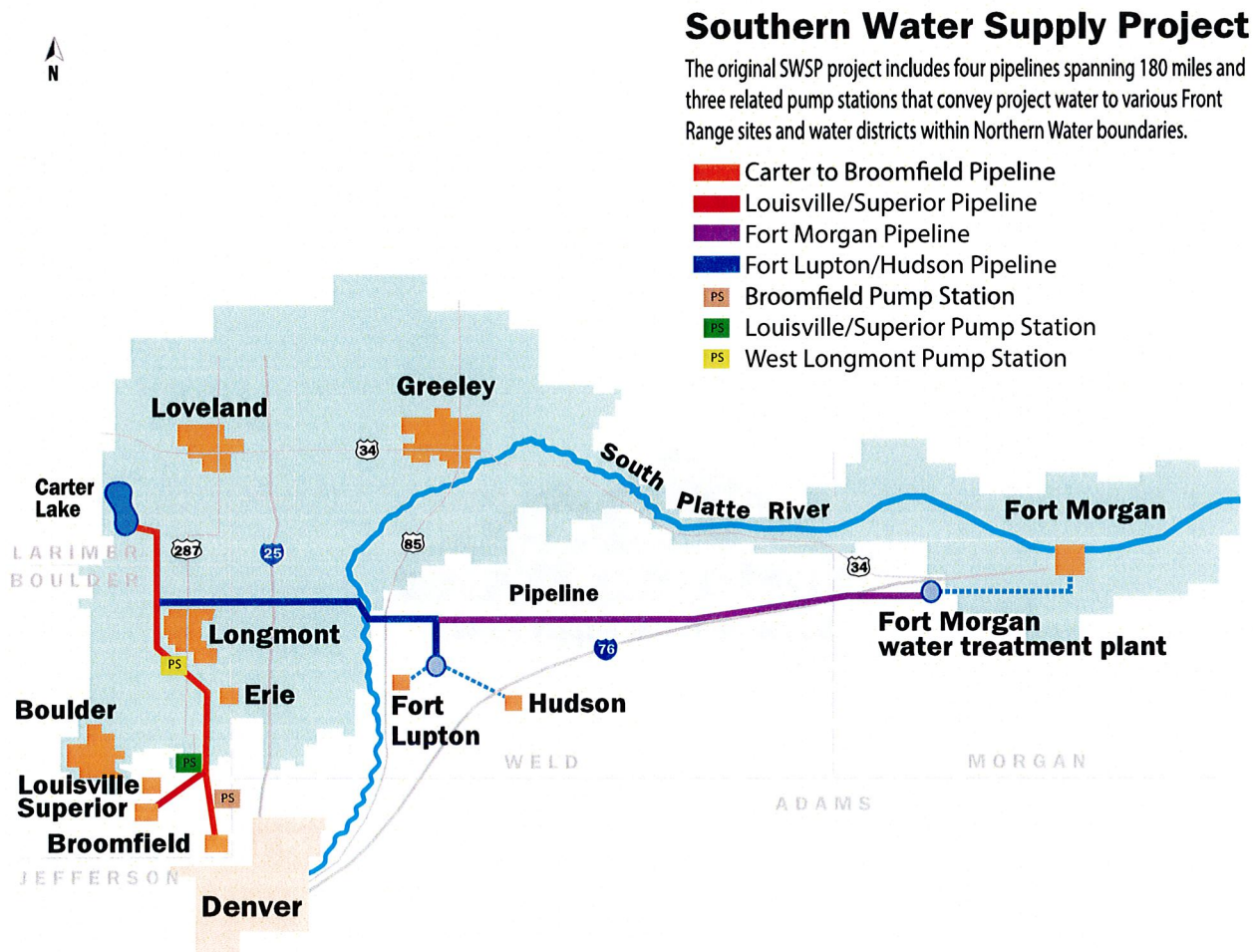


West Longmont Pump Station

Annual Expenditure Summary with Cash Balances

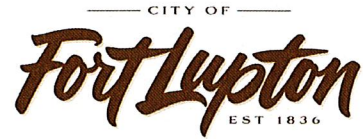
	Fiscal Year 2019	
	(October 1, 2018 - September 30, 2019)	(September 30, 2019)
PIPELINES		
Carter Lake Outlet		
Northern Water labor charges	\$ 54,862	
Materials expenditures	2,633	
Services other than energy	3,392	
Energy	2,997	
Northern Water equipment charges	13,491	
Total Expense Broomfield Pipeline	77,375	
	Cash balance	Included with Broomfield
Broomfield Pipeline		
Northern Water labor charges	\$ 255,910	
Materials expenditures	35,937	
Services other than energy	35,124	
Energy	7,107	
Northern Water equipment charges	17,894	
Total Expense Broomfield Pipeline	351,972	
	Cash balance	\$ 599,101
Louisville/Superior Pipeline		
Northern Water labor charges	32,552	
Materials expenditures	1,114	
Services other than energy	5,947	
Northern Water equipment charges	5,052	
Total Expense Louisville/Superior Pipeline	44,665	
	Cash balance	Included with Pump Station
Fort Morgan Pipeline		
Northern Water labor charges	84,443	
Materials expenditures	6,413	
Services other than energy	6,319	
Energy	1,842	
Northern Water equipment charges	14,109	
Total Expense Fort Morgan Pipeline	113,126	
	Cash balance	\$ 175,949
Fort Lupton/Hudson Pipeline		
Northern Water labor charges	78,522	
Materials expenditures	7,410	
Services other than energy	4,472	
Energy	3,364	
Northern Water equipment charges	11,410	
Total Expense Fort Lupton/Hudson Pipeline	105,178	
	Cash balance	\$ 136,161
Total Pipeline Expenditures - Fiscal Year 2019	692,316	Total Cash 911,211

	Fiscal Year 2019	
	<u>(October 1, 2018 - September 30, 2019)</u>	<u>(September 30, 2019)</u>
<u>PUMP STATIONS</u>		
Broomfield Pump Station		
Northern Water labor charges	16,411	
Materials expenditures	14,045	
Services other than energy	5,160	
Energy	18,530	
Northern Water equipment charges	2,340	
Total Expense Broomfield Pump Station	<u>56,486</u>	Cash balance <u>\$ 38,000</u>
Louisville/Superior Pump Station		
Northern Water labor charges	18,796	
Materials expenditures	12,924	
Services other than energy	5,127	
Energy	87,403	
Northern Water equipment charges	2,614	
Total Expense Louisville/Superior Pump Station	<u>126,864</u>	Cash balance <u>\$ 259,980</u>
West Longmont Pump Station		
Northern Water labor charges	67,961	
Materials expenditures	20,504	
Services other than energy	5,333	
Energy	74,890	
Northern Water equipment charges	7,588	
Total Expense West Longmont Pump Station	<u>176,276</u>	Cash balance <u>\$ 217,659</u>
Total Pump Station Expenditures - Fiscal Year 2019	<u>359,626</u>	Total Cash <u>515,639</u>
Total Project Expenditures - Fiscal Year 2019	<u>\$ 1,051,942</u>	Total Cash <u>\$ 1,426,850</u>





CITY OF FORT LUPTON CITY COUNCIL



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

Zo Stieber, Mayor

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

AM 2020-153

ADOPT AN ANNEXATION, KNOWN AS THE SMITH ANNEXATION, TO ANNEX LAND LEGALLY DESCRIBED IN EXHIBIT "A" TO THE PROPOSED ORDINANCE, AND APPROVING THE ANNEXATION AGREEMENT

I. Agenda Date: Council Meeting – September 1, 2020

II. Attachments:

- a. Proposed Ordinance
- b. Planning Commission Resolution, Minutes & Staff Report
- c. Land Use Application & Project Description
- d. Annexation Agreement & Petition
- e. City Council Resolution 2020R129
- f. Annexation Maps
- g. Public Comments
- h. Referral Responses
- i. Legal Notifications

III. Summary Statement:

Richard Allen Smith and Deborah L. Smith (the "Applicants") have submitted a request for annexation of land totaling 1.21 acres, more or less, known as the Smith Annexation. The Property is located north and adjacent to County Road 24 an approximately 0.71 miles east of County Road 19. The property is adjacent to City Limits along its southern boundary. The proposed initial zoning is to the 'A' Agricultural Zone District, which is being presented to City Council for approval under a separate Action Memorandum and Ordinance following the hearing on this Annexation.

IV. Submitted by:

Planner

V. Finance Reviewed

Finance Director

VI. Approved for Presentation:

City Administrator

VII. Attorney Reviewed

Approved

Pending Approval

VIII. Certification of Council Approval:

City Clerk

Date

IX. Detail of Issue/Request:

Richard Allen Smith and Deborah L. Smith (the "Applicants") have submitted a request for annexation of land totaling 1.21 acres, more or less, known as the Smith Annexation. The Property is located north and adjacent to County Road 24 an approximately 0.71 miles east of County Road 19. The property is adjacent to City Limits along its southern boundary. The proposed initial zoning is to the 'A' Agricultural 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 the storage of commercial vehicles and equipment associated with St Vrain Companies, Inc. (St Vrain Paving). This use is being reviewed under a special use permit concurrently with this annexation, and will be considered by City Council at a separate hearing. Additionally, the property currently contains an existing residence, utility building, storage container, boxcar, shed and silo on site. These items are expected to remain.

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

XI. Alternatives/Options:

The City Council has the following options for this request:

- a) Adopt The Ordinance.*
- b) Do not adopt The Ordinance.*

XII. Financial Considerations:

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

XIII. Staff Recommendation:

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

ORDINANCE NO. 2020-xxxx

INTRODUCED BY: x

ADOPT ORDINANCE 2020-xxxx ANNEXING LAND LEGALLY DESCRIBED IN EXHIBIT “A” KNOWN AS THE SMITH 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 was filed with the City on July 7, 2020. The owners of 100% of the territory, with the exception of any road rights-of-ways, hereinafter described as the Smith Annexation, are Richard Allen Smith and Deborah L. Smith, 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 August 13, 2020, has recommended approval of the annexation. After a public hearing on September 1, 2020, 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:

- I. Prior to recording the annexation map:
 - A. The title of the annexation and initial zoning map shall include the Project No. LUP2020-0021, and Plan Nos. ANX2020-0003 and COZ2020-0004.
 - B. Any redline comments provided by City Staff shall be made to the annexation map.
 - C. Written acknowledgement shall be provided that the comments from ProCode Inc. have been adequately addressed.
 - D. Written acknowledgement shall be provided that the comments from the Central Weld County Water District have been adequately addressed.

- E. Written evidence shall be provided that the comments from the Fort Lupton Fire Protection District have been adequately addressed.
 - F. Written evidence shall be provided that the comments from the Public Works Director have been adequately addressed.
 - G. Written acknowledgement of the comments from United Power shall be provided.
 - H. An additional 25' right-of-way reservation along County Road 24 shall be shown on the map.
- II. The mylar map and additional requirements shall be submitted within 120 days from the date of City Council approval.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 1st day of September 2020.

PUBLISHED in the Fort Lupton Press the 9th day of September 2020.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this xth day of x 2020.

PUBLISHED BY TITLE ONLY the xth day of x 2020.

EFFECTIVE (after publication) the xth day of x 2020.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

EXHIBIT A
PROPERTY DESCRIPTION

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTHEAST ¼ OF SECTION 3, T2 NORTH, R67 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST AS BEARING SOUTH 89°57'09" WEST BETWEEN THE FOUND MONUMENTS AS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTH 1/16 CORNER OF THE SOUTHEAST 1/4 SAID SECTION 3, SOUTH 89°57'09" WEST FOR A DISTANCE OF 38.94 FEET, THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 30.17 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 123.30 FEET,

THENCE NORTH 02°59'51" EAST FOR A DISTANCE OF 43.47 FEET,

THENCE NORTH 05°53'12" WEST FOR A DISTANCE OF 55.80 FEET,

THENCE NORTH 17°55'11" WEST FOR A DISTANCE OF 50.95 FEET,

THENCE SOUTH 89°57'09" WEST FOR A DISTANCE OF 181.51 FEET

THENCE SOUTH 00°01'21" EAST FOR A DISTANCE OF 270.00 FEET TO A POINT ALONG THE NORTH LINE OF THE COUNTY ROAD ROW,

THENCE ALONG THE COUNTY ROAD ROW NORTH 89°57'09" EAST FOR A DISTANCE OF 187.39 TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1.21 ACRES

RESOLUTION NO. P2020-020

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

WHEREAS, the Planning Commission held a public hearing on August 13, 2020, for the purpose of reviewing an application submitted by Richard Allen Smith & Deborah L. Smith for an annexation, known as the Smith Annexation and Initial Zoning to the 'A' Agricultural 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

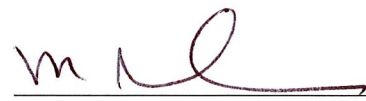
WHEREAS, all legal requirements for the public hearing have been met including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within 500 feet, and posting of the hearing on the site.

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 Smith Annexation and Initial Zoning to the 'A' Agricultural Zone District, conditional upon the following:

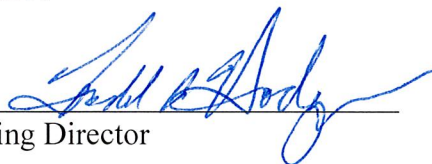
- I. Prior to recording the annexation map:
 - A. The title of the annexation and initial zoning map shall include the Project No. LUP2020-0021, and Plan Nos. ANX2020-0003 and COZ2020-0004.
 - B. Any redline comments provided by City Staff shall be made to the annexation map.
 - C. Written acknowledgement shall be provided that the comments from ProCode Inc. have been adequately addressed.
 - D. Written acknowledgement shall be provided that the comments from the Central Weld County Water District have been adequately addressed.
 - E. Written evidence shall be provided that the comments from the Fort Lupton Fire Protection District have been adequately addressed.

- F. Written evidence shall be provided that the comments from the Public Works Director have been adequately addressed.
 - G. Written acknowledgement of the comments from United Power shall be provided.
 - H. An additional 25' right-of-way reservation along County Road 24 shall be shown on the map.
- II. The mylar map and additional requirements shall be submitted within 120 days from the date of City Council approval.

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


Chairman

ATTEST:


Planning Director

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

The Planning Commission of the City of Fort Lupton met in session at City Hall, 130 South McKinley Ave., the regular meeting place of the Planning Commission, and virtually via GoToMeeting, on Thursday, August 13, 2020. Chair Mike Simone called the meeting to order at 6:00 p.m.

ROLL CALL

Roll was taken and those present were Chair Mike Simone and Commission Members David Hushbeck, Kathy Kvasnicka, Thomas Meyers, and Paul Weber. Vice-Chair Bushrod White arrived at 6:08 pm. Also in attendance was City Planner II Alyssa Knutson and Planner I Maria Lancto.

APPROVAL OF AGENDA

Chair Simone called for a motion to approve the agenda. It was moved by Member David Hushbeck and seconded by Member Kathy Kvasnicka.

CONSENT AGENDA

City Planner II Alyssa Knutson informed the group that the minutes in the packet had been updated in order to address minor grammatical errors.

Chair Simone called for a motion to approve the consent agenda. It was moved by Member Kathy Kvasnicka and seconded by Member Paul Weber.

PUBLIC COMMENT

Chair Simone gave the following statement:

Tonight's meeting shall be held both in-person and virtually so as to ensure the health and safety of the general public, and the City of Fort Lupton City Council, Planning Commission, and staff. The intent and purpose of the in-person and virtual appearance options is to allow the City to be innovative in providing the general public the most meaningful access possible in light of the current challenges present as a result of the COVID-19 pandemic. Therefore, subject to social distancing and public health orders, members of the general public will be offered both the opportunity to be physically and or electronically present for meetings at the City, subject to existing health conditions. An electronic link has been made available for tonight's meeting on the City's website, and social media platforms, and as posted here at City Hall so that the general public, and City Council, Planning Commission, and staff may participate electronically via the internet, on the phone, or in limited circumstances in-person.

The Chair asked if there was anyone attending online. Ms. Knutson stated that Tim Naylor was online, however he is with the representative for tonight's applications. The Chair asked

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

if there was anyone who wished to make comments not otherwise related to the agenda. Seeing none, the public comment portion was closed at 6:02 p.m.

ACTION ITEMS

Smith Annexation and Initial Zoning

Chair Simone addressed the representative for the applicant, Kelsey Bruxvoort. He asked if she, on behalf of the applicant, understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Ms. Bruxvoort stated they do.

Chair Simone asked if they consented to the applicable member voting on their submittal, even though said member is not present in person.

Ms. Bruxvoort stated they do.

Chair Simone asked if they understood that they have the right to continue this public hearing to such a date to allow a full in-person public hearing.

Ms. Bruxvoort stated yes.

Chair Simone asked if they have agreed to voluntarily waive that right on behalf of the applicant or themselves by proceeding tonight electronically.

Ms. Bruxvoort stated yes.

Chair Simone asked if they voluntarily signed and submitted the written waiver and consent to proceed electronically tonight.

Ms. Bruxvoort stated that the owner did.

Chair Simone asked if they waived their right to proceed in an in-person public hearing and have consented to proceed forward voluntarily tonight in this virtual and in-person council meeting, is that correct.

Ms. Bruxvoort stated yes.

Planner I Maria Lancto introduced the project. She stated that the application before Planning Commission is for the Smith Annexation and Initial Zoning to the 'A' Agricultural Zone District. She stated that the site is located north and adjacent to County Road 24 and approximately 0.71 miles east of County Road 19. She stated that the area to be annexed is approximately 1.21 acres and is adjacent to City Limits along its southern boundary, as this

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

portion of County Road 24 was previously annexed. She stated that zoning to the 'A' Agricultural zone district is appropriate for this site in order to comply with the Comprehensive Plan as well as surrounding land uses. She stated that the applicant will be applying for a special use permit, which will be presented to Planning Commission tonight following this public hearing for annexation, and more details regarding land use will be provided at that time. She stated that all notification requirements have been met. She stated that the applicant's representative is here tonight and has a presentation.

Chair Simone asked Ms. Bruxvoort if she had anything to add. Ms. Bruxvoort stated that she did have a presentation, and that the presentation covers the annexation, change of zone, and special use permit.

Kelsey Bruxvoort, with AGPROfessionals, LLC, 3050 67th Ave, Greeley, CO 80634, stated that she is representing Richard and Deborah Smith who are requesting annexation with initial zoning to 'A' Agriculture and a special use permit for storage of vehicles and equipment associated with St. Vrain Paving. She stated that the site is located north of County Road 24 and about three quarters of a mile east of County Road 19. She indicated to a map, and stated that the lots shown in yellow were recently annexed and zoned, and as with the other lots this request meets the annexation and zoning requirements. She stated that the districts and services are adequate and unchanged with the exception of police protection which will be provided by Fort Lupton instead of Weld County. She stated that the site is in the joint planning area of Fort Lupton and Platteville and subject to an intergovernmental agreement. She stated that County Road 24 is the dividing line of the growth areas of the towns, and as the site is located north of County Road 24, Platteville's consent was required to annex into Fort Lupton. She stated that they did obtain consent from Platteville. Ms. Bruxvoort indicated to an aerial image of the site. She stated that there is an existing residence and utility building, both of which are expected to remain. She stated that there are two existing access points and a variety of historical outbuildings which are also expected to remain. She stated that the proposed SUP is for the storage of vehicles and equipment associated with St. Vrain Paving. She stated that St. Vrain Paving is owned by Richard Smith and is an asphalt paving company operating out of Berthoud. She stated that the site will not be used as an office or retail space. She stated that no onsite employees are proposed and no on-site maintenance is proposed. She stated that the vehicles to be stored include tandem trucks, dump trucks, skid steer loaders, sealcoat machines, water trucks, tow trailers, pick-up trucks. She stated that up to 5 employees may access the site on a busy day to pick up or drop off equipment. Ms. Bruxvoort indicated to an image of the site. She stated that the parking and storage will primarily be behind the residence, and the gravel stock pile area behind the utility building with two storage containers. She stated that there are existing trees and five additional trees proposed for screening from the roadway. She stated that the site is compatible with the surrounding area, and there are several recently approved SUPs nearby includes Terra Constructors, Wade PFI, and Ten Eyck-Campbell. She stated that they have met the obligations for annexation and zoning. She stated that the application also meets the special use permit approval criteria. She stated that they respectfully ask for recommendation for approval, and would be happy to take any questions.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
August 13, 2020

Chair Simone asked Vice Chair Bushrod White if he had a chance to review the applications. He stated yes. Chair Simone verified with staff and Ms. Bruxvoort that no new information was added.

Chair Simone asked Ms. Bruxvoort if she had a full and fair opportunity to present all facts, submittal documents, testimony, and presentations in support of the application before the Planning Commission tonight.

She stated that was correct.

Chair Simone asked Ms. Bruxvoort if there has been anything that she would have liked to of presented in support of the application that she feels she is prevented from doing so.

Ms. Bruxvoort stated that she was not prevented.

Chair Simone asked if anyone in the general public would like to speak for or against this matter. He stated that no one is in the room, and asked City Planner II Alyssa Knutson if anyone online would like to speak.

Ms. Knutson stated that there were no members of the public online, other than the other applicant representative.

Chair Simone stated that if someone from the public joined the meeting they would have to go through the presentation again, but if not, they could vote on both resolutions.

Chair Simon stated that for the record the public comment portion was closed at 6:12 p.m.

Chair Simone asked if members of the Planning Commission had any questions.

David Hushbeck asked for clarity regarding Ms. Bruxvoort's statement that there were three applications. Chair Simone stated that she was probably separating annexation and initial zoning. Ms. Bruxvoort confirmed this.

David Hushbeck asked if we had any sort of expectations for fire and police response time, and if they could meet that time. Chair Simone stated that that would be City Council's concern but that it is a good question. Ms. Knutson that the property is currently under the jurisdiction of Platteville-Gilcrest, but that Fort Lupton Fire Protection will be taking over jurisdiction of it. She also stated that they have been annexing out there, and presumably they could. Chair Simone asked if referrals were sent to fire and police. Ms. Knutson stated that both agencies receive referral response requests and have the opportunity to respond.

David Hushbeck asked what happens if traffic increases. Planner I Maria Lancto stated that there is a condition of approval to put a note on the plat that if traffic increases, then they

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

would have to come back to the City. Chair Simone verified that that was standard. Member Hushbeck asked if that was okay with the applicant. Ms. Bruxvoort stated yes.

Chair Simone asked the Commissioners if they had any more questions; seeing none, he requested a motion to approve Resolution P2020-020. It was moved by Vice-Chair Bushrod White and Member Paul Weber seconded.

Motion carried by unanimous voice vote.

Smith Special Use Permit

As there were no members of the public present in-person or online, Chair Simone asked if there were any questions from Planning Commission.

Member Thomas Meyers asked if there would be any contamination from the vehicles or what the surface would be like. Ms. Bruxvoort verified that it would be road base typical for what you would see in the area. Mr. Meyers asked if these were older vehicles. Ms. Bruxvoort stated that no, the vehicles were still in use, and the site is just overflow parking and storage which is why employees may need to access the site.

Chair Simone asked to verify that no maintenance would occur on site. Ms. Bruxvoort stated that no maintenance would occur.

Chair Simone opened it up to the public at 6:16. He stated that there was no one in the room, and asked if there was anyone online. Ms. Knutson stated that only the other applicant representative was online. Chair Simone verified with Tim Naylor that he had nothing to add. Public comment closed at 6:16

Chair Simone asked the Commissioners if they had any more questions; seeing none, he requested a motion to approve Resolution P2020-021. It was moved by Vice-Chair Bushrod White and Member Paul Weber seconded.

Motion carried by unanimous voice vote

Chair Simone asked Ms. Bruxvoort if she felt she had a full and fair opportunity to participate in this discussion on behalf of the applicant. She stated yes.

DISCUSSION ITEMS

Review of Meeting Discussion

A review of meeting discussions took place.

Vice Chair Bushrod White asked if the construction company, town, or somebody could wet the gravel roads near the Fulton Village subdivision. Ms. Knutson stated that she would follow up with Public Works.

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

Development Code Update

Development code update was not discussed.

FUTURE BUSINESS

Next Meeting of the Planning Commission

The next meeting has not yet been scheduled, although staff is looking at one in September.

ADJOURNMENT

It was moved by Vice-Chair Bushrod White and seconded by Member Kathy Kvasnicka to adjourn the August 13, 2020 Planning Commission meeting at 6:23 p.m.

Motion carried unanimously by voice vote.

Maria Lancto, Planner I

Approved by Planning Commission

Mike Simone, Chair

SMITH ANNEXATION STAFF REPORT
PROJECT NO. LUP2020-0021 / PLAN NOS. ANX2020-0003 & COZ2020-0004

PROJECT DESCRIPTION

Project No.: LUP2020-0021 / Plan Nos. ANX2020-0003 & COZ2020-0004

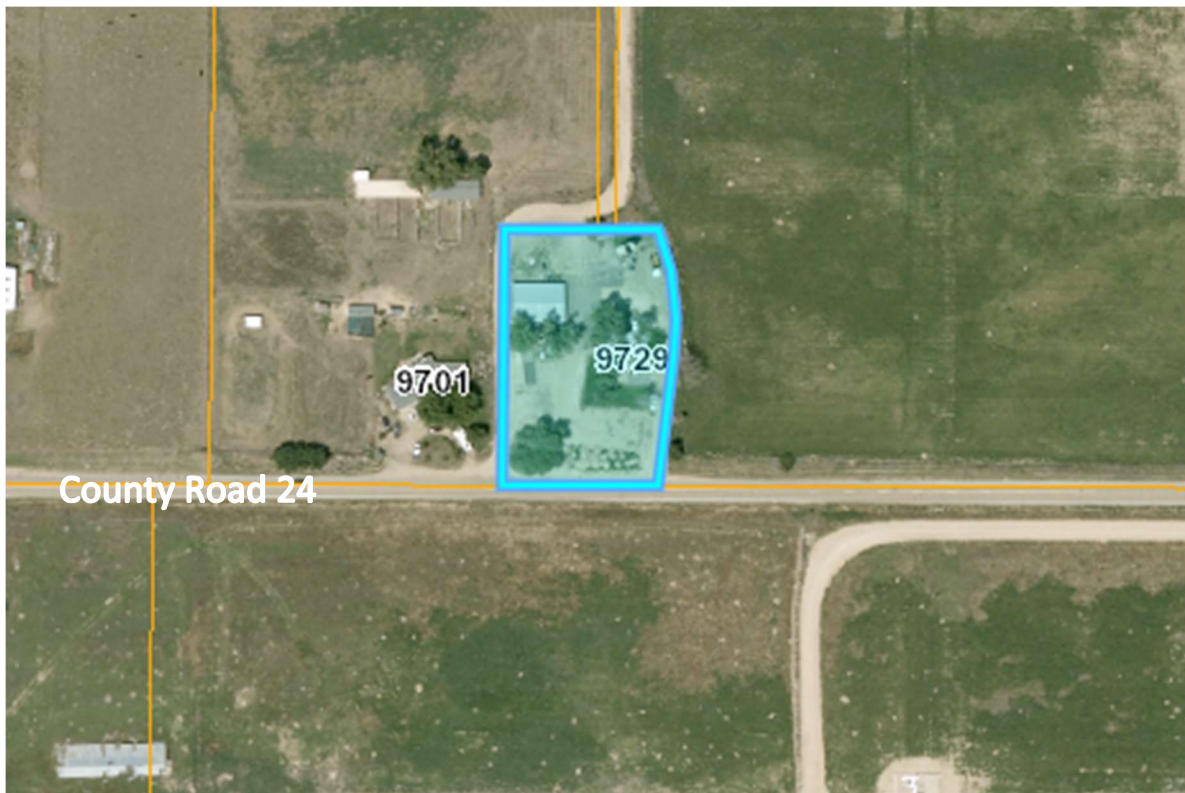
Project name: Smith Annexation and Initial Zoning

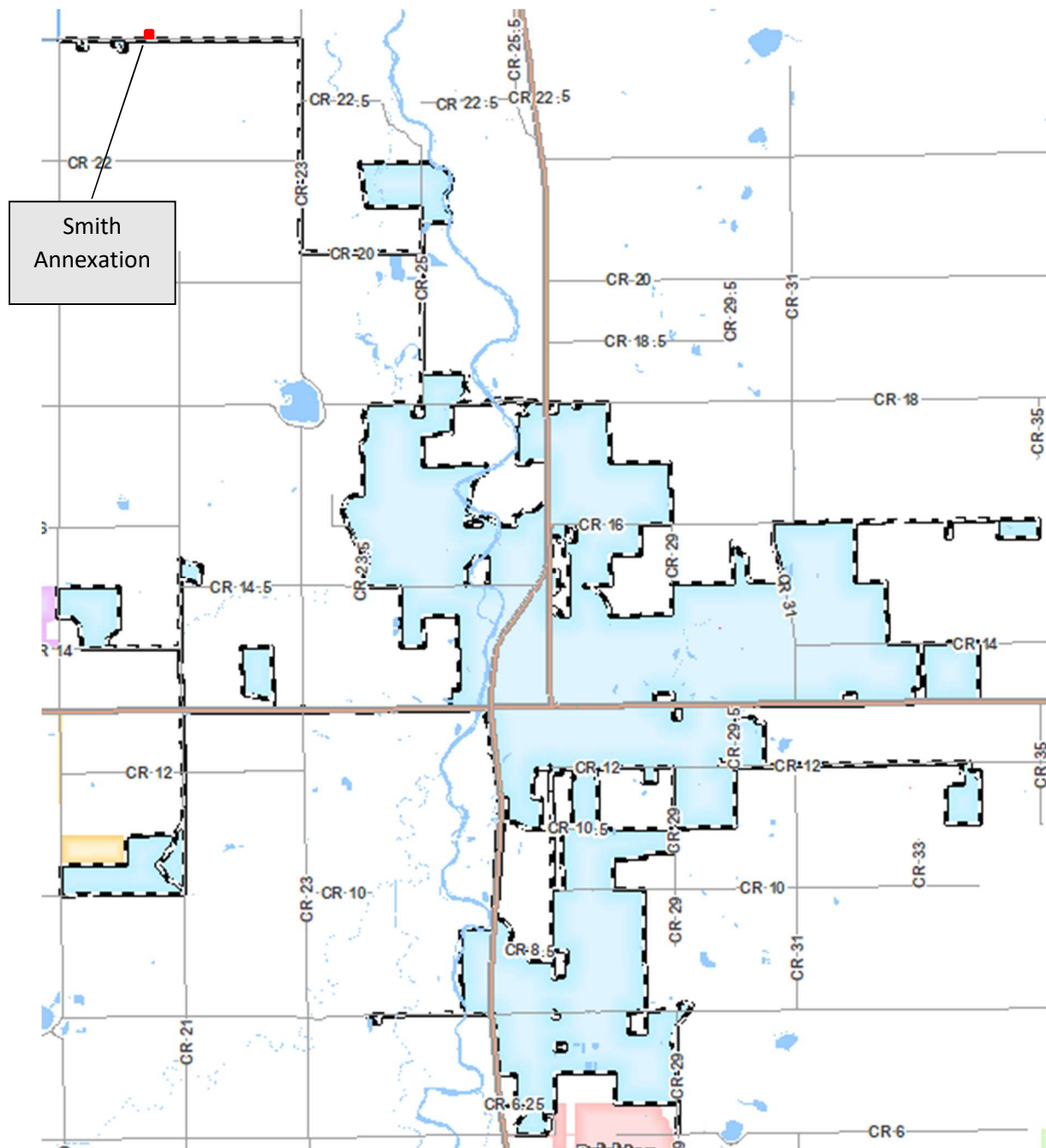
Owner's Name: Richard Allen Smith & Deborah L. Smith ("Applicants")

Representative: Kelsey Bruxvoort with AGPROfessionals

Location of Request:

The site consists of a parcel of land located north and adjacent to County Road 24 and approximately 0.71 miles east of County Road 19 in Weld County, Colorado (Parcel No. 131103000077) (the "Property"). The annexation is located in a Part of the Southeast Quarter of Section 3, Township 2 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado. The Property is directly adjacent to City Limits on the south.





The Property is primarily surrounded by agricultural and rural residential land uses. Additionally, nearby there are several Weld County Use by Special Review permits including oil and gas service lines, mineral resource development facilities, an agricultural irrigation business, and equine facilities. There are also several properties near the site with Fort Lupton Special Use Permits for various uses including storage of construction equipment, vehicle repair shops and recreational vehicle storage. Unincorporated Weld County surrounds the property on the east, south, and west sides. County Road 24 is maintained by the City of Fort Lupton.

Nature of Request:

The Applicant has submitted a request for annexation of the parcel of land with initial designation to the 'A' Agricultural Zone District. There is an existing residence, utility building, storage container, boxcar, shed and silo on-site. A Special Use Permit application has been submitted concurrently with this annexation request. The proposed Special Use Permit would allow for the storage of commercial vehicles and equipment associated with St. Vrain Companies, Inc. (St. Vrain Paving).

Site Size: Subject Property: 1.341 acres, more or less; Property to be annexed: 1.21 acres, more or less (This excludes County Road 24 right-of-way that was previously annexed.)

Proposed Zone District: 'A' Agricultural

Concept Land Use Plan: The Applicant will be requesting a special use permit for the storage of commercial vehicles and equipment associated with St Vrain Companies, Inc. (St Vrain Paving). This request has been submitted concurrently with this annexation and initial zoning review, and will be reviewed at a separate public hearing before Planning Commission and City Council.

Existing Use: The property currently contains an existing residence, utility building, storage container, boxcar, shed and silo on the site. These items are expected to remain.

Hearing Dates: Planning Commission – August 13, 2020 at 6:00 PM; and
City Council – September 1, 2020 at 7:00 PM.

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

Staff Recommendation: Approval with conditions, as 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 Applicants are requesting approval of an annexation and initial zoning to the 'A' Agricultural 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 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 the Weld County Commissioners and Weld County Attorney, the school district and all special districts on July 27, 2020 by certified mail, return-receipt requested. The annexation impact report was sent on July 27, 2020 to the Weld County Commissioners 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 July 7, 2020, the City Council accepted the annexation petition and set the public hearing date for this matter on September 1, 2020.

- 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 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’ Agricultural Zone District.

- 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 along its southern boundary.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Fort Lupton Comprehensive Plan designates this area as the Agricultural & Rural Residential land use type. This designation allows for agricultural and related uses as well as low density residential on the periphery of the planning area, intended to preserve a generally rural character. This also includes a variety of miscellaneous uses, such as isolated industrial businesses and semi-rural properties located under Estate Zoning. Given the availability of viable land for development in more appropriate districts, commercial or residential investment within agricultural areas should be discouraged. This will help limit unnecessary loss of agricultural lands and reduce the potential of suburban sprawl. The proposed zoning to the ‘A’ Agricultural Zone District conforms to this land use designation.

REFERRALS

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

Building Inspector	Central Weld Water District	CenturyLink
City Attorney	Colorado DRMS	Colorado Parks and Wildlife
Comcast	Fort Lupton Fire Protection District	GIS Specialist
NCWCD	OMI	Police chief
Postmaster	Public Works Director	Town of Firestone
Town of Platteville	United power	Weld County Department of Planning
Weld County Public Works	Weld County School District RE-8	Xcel Energy

RECOMMENDATION

Staff recommends conditional approval of the Smith Annexation and Initial Zoning to ‘A’ Agricultural. Conditions are listed on the proposed Resolution provided to Planning Commission.

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



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortlupton.org

Project No. _____

Land Use Application Form

A. CONTACT INFORMATION

- 1) Property Owner Name: Smith, Richard Allen & Deborah L
 Company: St. Vrain Companies Inc. (St. Vrain Paving)
 Phone: (303) 775-0799 Email: rickstvpaving@hotmail.com
 Address: 22864 CR 5, Berthoud, CO 80613
 Preferred method of contact? Email: ☐ Phone: ☐ Mail: ☐
- 2) Representative Name: Kelsey Bruxvoort
 Company: AGPROfessionals
 Phone: (970) 535-9318 Email: kbruxvoort@agpros.com
 Address: 3050 67th Avenue, Greeley, CO 80634
 Preferred method of contact? Email: ☒ Phone: ☒ Mail: ☐
- 3) Billing Contact (where invoices should be directed to): Rick Smith
 Billing Company: St. Vrain Companies Inc. (St. Vrain Paving)
 Phone: (303) 775-0799 Email: rickstvpaving@hotmail.com
 Address: 22864 CR 5, Berthoud, CO 80613

B. SITE DESCRIPTION

Site Address: 9729 County Road 24, Fort Lupton, CO 80621
 Parcel Number: 131103000077
 Existing Zone Classification: Agriculture Proposed Zone Classification: Agriculture
 Water Type: District Name: Central Weld County Water District
 Sewage Type: Septic Tank District Name or Location Hauled to: N/A

C. APPLICATION TYPE (CHECK ALL THAT APPLY)

- | | | |
|--|---|---|
| ☐ Sketch Plat | ☐ Administrative Site Plan | ☐ PUD Plan (Preliminary & Final) |
| ☐ Preliminary Plat | ☒ Special Use Permit | ☐ Variance |
| ☐ Final Plat | ☐ Oil & Gas Permit | ☐ Administrative Variance |
| ☐ Minor Subdivision | ☒ Annexation & Initial Zone | ☐ Appeal |
| ☐ Amended Plat | ☐ Change of Zone | ☐ Other: _____ |
| ☐ Site Plan | ☐ Comp Plan Amendment | |

Project No. _____

D. PROJECT DESCRIPTION

Project Name: Smith Annexation

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

Annexation with Agricultural Zoning and a Special Use Permit for 1.34-acre parcel located on CR 24 approx. 3/4-mile east of CR 19. Proposed SUP will allow storage of commercial vehicles and equipment associated with St. Vrain Paving whose primary location is in Berthoud, CO.

E. REQUIRED DOCUMENTS

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

F. CERTIFICATIONS

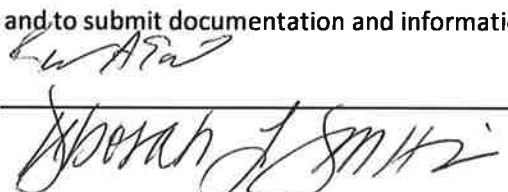
Representative Certification

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

Representative: Kelsey Buxworth - AG Professionals Date: 6/12/20


Owner Certification

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

Owner:  Date: 6-12-20

For Office Use Only

Received Date: _____

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

Deemed Complete Date: _____

Fees Submitted: _____ Escrow Submitted: _____

Smith Annexation and Zoning Project Narrative

Prepared for Richard and Deborah Smith

Introduction

Richard and Deborah Smith are requesting the annexation and zoning of their property located in part of the South Half of the Southeast Quarter of Section 3, Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado. The subject property is located on County Road (CR) 24 approximately $\frac{3}{4}$ mile east of CR 19. The portion of CR 24 adjacent to the site is within Fort Lupton city limits, refer to the County Road 24 Annexation, project no. LUP2019-0016 and case no. ANX2019-0004. The Smith Annexation requests the annexation of only the Smith parcel located at 9729 CR 24. The subject property is 1.341 acres, more or less, and the total annexation area is 1.21 acres, more or less, with the portion of the property within the right-of-way of CR 24 excluded.

The subject property is eligible for annexation and capable of integration into the City of Fort Lupton. The annexation area is less than three miles from the City of Fort Lupton's municipal boundaries. Annexation proceedings have not been commenced by another municipality. Additionally, a community of interest exists between the area proposed to be annexed and the City of Fort Lupton.

The Smith zoning request is the (A) Agricultural Zone District. The (A) Agricultural District is intended to apply in areas which economically have value for agricultural uses and are not yet ready for development into urban usage. This also includes a variety of miscellaneous uses such as isolated industrial businesses and semi-rural properties.

Description of Site

There is an existing residence, utility building, storage container, boxcar, shed and silo on-site, all of which are expected to remain. Lot surfaces consist of concrete, asphalt, road base, native grass and irrigated turf. There are two access points on CR 24.

A separate Special Use Permit (SUP) request for the storage of commercial vehicles and equipment associated with St. Vrain Companies, Inc. (St. Vrain Paving) whose primary location is in Berthoud, CO has been submitted for the subject property and is expected to be reviewed concurrently with the Annexation and Zoning request.

The existing land uses in the area surrounding the subject property are primarily agricultural and rural residential with a number of Weld County Use By Special Review permits including oil and gas service lines, mineral resource development facilities, an agricultural irrigation business, and equine facilities. Several properties along CR 24 southwest of the site within city limits have

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approved Fort Lupton Special Use Permits for various uses including storage of construction equipment, vehicle repair shops and recreational vehicle storage.

Uses surrounding the site are listed below:

- West of the site: Terra Constructors, Inc. site, a portion of the CR 24 Annexation and Zoning, project no. LUP2019-0016 and SUP plan no. SUP2019-0003 for storage of construction equipment.
- Ten Eyck – Campbell site, a portion of the CR 24 Annexation and Zoning, project no. LUP2019-0016, SUP plan no. SUP2019-0004 for a vehicle repair shop and a SUP plan no. SUP2019-0005 for storage of boats, RVs and other vehicles.
- Wade, Jacqueline site, Fort Lupton Annexation and Zoning, project no. LUP2019-0038 and SUP plan no. SUP2019-0007 for an automotive dyno tuning, performance mechanical, and custom fabrication business.
- Weld County USR-1310 for an equine facility.
- Agricultural and rural residential.
- County Road 19 business, commercial & industrial corridor.
- South of the site: Historic Butterball Turkey (Longmont Foods) site, currently containing calf-ranch operations.
- Oil and gas operations.
- County Road 24.
- East of the site: Agricultural and rural residential.
- Oil and gas operations.
- Gravel mining operations.
- North of the site: Agriculture and rural residential.
- Oil and gas operations.

A title search of the property was conducted which located a 1950 deed at reception no. 1244212 for a 1-acre parcel. In 1999, Weld County Subdivision Exemption No. SE-774 was completed which added 0.341-acres to the parcel, reception no. 27141121. This deed and SE-774 plat are included with the application materials for reference. Also included with the application packet is a Property Information Binder prepared by Land Title Guarantee Property including easements and encumbrances affecting the subject property.

Central Weld County Water District provides water service to the residence through an existing tap. The subject property is included in the Northern Colorado Water Conservancy District and associated Municipal Sub-District. The existing irrigation well, permit no. 212084, is expected to remain.

There is no sanitary sewer service to or within four hundred feet of the subject property. There is an existing septic system which was installed in 1963, permitted in 1999, permit no. SE-9900087, and repaired in 2012. The septic system will continue to serve the residence until a wastewater main is extended adjacent to the site, the septic system requires replacement, a sanitary tap is purchased and appropriate infrastructure is installed. It is unknown if the City of Fort Lupton has plans for extending or providing municipal services to the area to be annexed.

Potential Impacts on Surrounding Properties and Districts

The proposed zoning is compatible with the existing and expected future development of the area. As the subject property and surrounding properties are currently in the Weld County (A) Agricultural Zone District, this zoning request is not expected to change the character of the area.

The proposed zoning is consistent with the Comprehensive Plan and Three Mile Area Plan. Agricultural and rural residential uses are identified for the site and surrounding area on the Future Land Use Map included in the Fort Lupton Comprehensive Plan. The subject property is located in Quadrant II of the Three Mile Area Plan. Future land uses identified for this area include agricultural, rural residential, commercial transition, light industrial and office, mineral zone, parks and open space and public / semi-public.

Districts within the area to be annexed include:

- Central Weld County Water District
- Northern Colorado Water Conservancy District and Municipal Subdistrict
- Valley RE-1 School District
- Platteville-Gilcrest Fire Protection District
- Platte Valley Conservation District
- High Plains Library District
- AIMS

Police protection will be provided by the City of Fort Lupton. Following annexation, the property is expected to be removed from the Platteville-Gilcrest Fire Protection District and included in the Fort Lupton Fire Protection District. The annexation and zoning are not expected to impact the school district governing the area to be annexed.

The subject property is located within the Platteville-Fort Lupton Intergovernmental Agreement Area (IGA). Pursuant to the terms of the IGA, consent from the Town of Platteville is required prior to annexing any areas within this IGA into the City of Fort Lupton a minimum of thirty days prior to any formal action on the Annexation Petition. The Town of Platteville Board of Trustees consented to the proposed annexation of the subject property on May 19, 2020. A copy of the Board of Trustees Resolution is included with the application materials.

Conclusion

The subject property is eligible for annexation and capable of integration into the City of Fort Lupton.

The proposed annexation and zoning align with the intent of the City of Fort Lupton's Comprehensive Plan, specifically the following section of the Growth and Development Chapter:

- ***Agricultural and Rural Residential*** – *This designation allows for agricultural and related uses as well as low density residential on the periphery of the planning area, intended to preserve a generally rural character. This also includes a variety of miscellaneous uses, such as isolated industrial businesses and semi-rural properties.*

The proposed uses will complement the surrounding land uses currently adjacent to the property. The proposed uses are not expected to be detrimental to the public health, safety, or general welfare as similar uses exist throughout other entities in the surrounding area. The proposed annexation and zoning will conform to applicable City of Fort Lupton zoning regulations and standards.



Planning & Building

130 S. McKinley Avenue Phone: 303.857.6694
Fort Lupton, CO 80621 Fax: 303.857.0351
www.fortlupton.org

SMITH ANNEXATION

Project No. LUP2020-0021 & Plan Nos. ANX2020-0003 & COZ2020-0004
ANNEXATION AGREEMENT

THIS AGREEMENT is made and entered into this 21st day of August, 2020, by and between **Richard and Deborah Smith** ("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 **\$763.39**.
4. **Resolution of Substantial Compliance.** Fort Lupton shall act upon the annexation petition on **July 7, 2020** and shall set a public hearing for **September 1, 2020**, unless Owner consents to later action.
5. **Zoning.** 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 agricultural purposes. Owner has submitted a request to zone the Property A (Agriculture) and the City will act upon this request following a public hearing on September 1, 2020. 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. The existing propane tank shall be allowed with the existing and proposed land uses. Should the tank be replaced the property owner shall submit documentation to the City for review and approval prior to any replacement. 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 new residential, commercial, and industrial 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. 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. Owner agrees to enter into an agreement pertaining to such improvements and other matters prior to any development and/or subdivision of 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, water, sewer, fire protection or emergency medical services. Water to the site is currently served through Central Weld County Water District.

15. **Existing Water Rights.**

Fort Lupton acknowledges that Owner's underground water rights are limited to a certain well 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 well 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. **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, 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.

17. **Parks and Public Lands.** Owner agrees to dedicate to the City, or pay cash in lieu of land, areas to be used for public purposes if required by City at the time of platting.

Lands dedicated shall be acceptable to City and shall comprise six (6) percent of gross residential and two (2) percent of gross non-residential land. All dedicated lands shall be platted by the Owner in accordance 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.

18. **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.
19. **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.
20. **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.
21. **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.
22. **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.
23. **"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.

24. **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.
25. **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.
26. **Recording.** This Agreement shall be recorded with the County Clerk of Weld County, Colorado, at Owner's expense.
27. **Enforcement.** Subject to the conditions precedent herein, this Agreement may be enforced in any court of competent jurisdiction.
28. **Termination.** This Agreement shall be null and void if the City fails to approve the annexation of the Property.
29. **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.
30. **Inclusion in NCWCD.** The property is included in the Northern Colorado Water Conservancy District (NCWCD) and the NCWCD Municipal Subdistrict.

OWNER

By: [Signature]
Richard Smith

By: [Signature]
Deborah Smith

CITY OF FORT LUPTON

By: _____
Zo Stieber, Mayor

ATTEST:

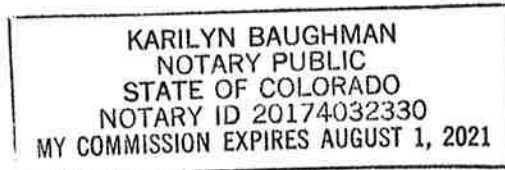
By: _____
Mari Peña, City Clerk

State of Colorado)
) ss
County of Weld)

The foregoing instrument was acknowledged before me this 21st day of August, 2020 by
Richard & Deborah Smith as owners.

[Signature]
Notary Signature

Seal



State of Colorado)
) ss
County of Weld)

The foregoing instrument was acknowledged before me this ____ day of ____, 2020 by
Zo Stieber as Mayor for the City of Fort Lupton, Colorado.

Notary Signature

Seal

EXHIBIT A
(Legal Description)

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, T2 NORTH, R67 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE SOUTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST AS BEARING SOUTH 89°57'09" WEST BETWEEN THE FOUND MONUMENTS AS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTH $\frac{1}{16}$ CORNER OF THE SOUTHEAST $\frac{1}{4}$ SAID SECTION 3, SOUTH 89°57'09" WEST FOR A DISTANCE OF 38.94 FEET, THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 30.17 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 123.30 FEET,

THENCE NORTH 02°59'51" EAST FOR A DISTANCE OF 43.47 FEET,

THENCE NORTH 05°53'12" WEST FOR A DISTANCE OF 55.80 FEET,

THENCE NORTH 17°55'11" WEST FOR A DISTANCE OF 50.95 FEET,

THENCE SOUTH 89°57'09" WEST FOR A DISTANCE OF 181.51 FEET

THENCE SOUTH 00°01'21" EAST FOR A DISTANCE OF 270.00 FEET TO A POINT ALONG THE NORTH LINE OF THE COUNTY ROAD ROW,

THENCE ALONG THE COUNTY ROAD ROW NORTH 89°57'09" EAST FOR A DISTANCE OF 187.39 TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1.21 ACRES

EXHIBIT B

- **Signed Petition for Annexation (Attached)**

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 Smith Annexation to the City of Fort Lupton.

As part of this petition, your petitioners further state to the City Council that:

1. It is desirable and necessary that the territory described in Exhibit A be annexed to the City of Fort Lupton.
2. The requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Fort Lupton or will be contiguous with the City of Fort Lupton within such time as required by Section 31-12-104.
 - b. A community of interest exists between the area proposed to be annexed and the City of Fort Lupton.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Fort Lupton.
 - e. No land within the boundary of the area proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road, or other public way.
 - f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprises twenty acres or more, and, together with the buildings and improvements situated thereon, has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
 - g. No annexation proceedings have been commenced for any portion of the area proposed to be annexed for the annexation of such area to another municipality. The area proposed to be annexed is not part of any incorporated city, city and county, or town.

- h. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Fort Lupton was held within the twelve months preceding the filing of this petition.
 - i. The annexation of the area proposed to be annexed will not result in the detachment of said area from any school district.
 - j. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the City of Fort Lupton more than three miles in any direction from any point of the boundary of the City of Fort Lupton in any one year.
 - k. The territory to be annexed is 1.21 acres in total area.
 - l. Prior to completion of the annexation of the area proposed to be annexed, a plan will be in place, pursuant to Section 31-12-105 (1) (e), C.R. S., which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the City of Fort Lupton, and the proposed land uses for the area.
 - m. In establishing the boundary of the area proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the area annexed, and reasonable access will not be denied to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed but is not bounded on both sides by the City of Fort Lupton.
 - n. If required, an impact report will be prepared and filed pursuant to Section 31-12-108.5, C.R.S..
3. The signer(s) of this petition comprise(s) more than fifty percent (50%) of the landowners and own more than fifty percent (50%) of the property, excluding public streets and alleys and any land owned by the annexing municipality, and are, in fact, owners of one hundred percent (100%) of the property set forth in Exhibit A attached hereto and incorporated herein by reference.
4. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of fifteen (15) copies of an annexation map shall be submitted to the City, produced with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches, containing the following information:
- a. The date of preparation, the scale and a symbol designating true north.
 - b. The name of the annexation.
 - c. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation map.
 - d. The legal description.
 - e. Distinction of the boundary that is contiguous to the City and the length of same.
 - f. Lot and block numbers if the area is already platted.
 - g. Existing and proposed easements and rights-of-way.

- h. Existing and requested zoning and acreage of each requested zone.
 - i. Ownership of all parcels within and adjacent to the annexation.
 - j. Appropriate certification blocks as directed by the Planning Department.
- 5. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of fifteen (15) copies of a master plan shall be submitted to the City of Fort Lupton, produced with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches, containing the following information.
 - a. The date of preparation, the scale and a symbol designating true north.
 - b. The name of the annexation.
 - c. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the master plan.
 - d. Existing and proposed easements and rights-of-way.
 - e. Block numbers and lot numbers with approximate dimensions.
 - f. Proposed gross and net residential density.
 - g. Existing watercourses with adequate easements for flood control.
 - h. Designation of all public sites to be reserved and dedicated.
 - i. Existing two-foot contours.
 - j. Appropriate certification blocks as directed by the Planning Department.
- 6. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of five (5) copies of all required supportive information shall be submitted to the City of Fort Lupton which shall include the following:
 - a. Soils description and limitation.
 - b. Preliminary utility plan.
 - c. Mailing addresses of all property owners within five hundred (500) feet of the annexation.
 - d. Affidavit concerning the amount and historical use of all water rights owned.
 - e. Vicinity map with one and one-half (1 ½) mile radius, at a minimum scale of one (1) inch represents two thousand (2,000) feet.
 - f. Statement on community need for proposed annexation and zoning.
 - g. For all annexations in excess of ten (10) acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students.
- 7. Upon the annexation ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, resolutions, rules, and regulations of the City of Fort Lupton, except for general property taxes of the City of Fort Lupton, which shall become effective as of the January 1 next ensuing.

8. The zoning classification requested for the area proposed to be annexed is agriculture, as shown on the annexation map attached hereto and incorporated herein.
9. As required by the City of Fort Lupton, an annexation agreement has been or will be executed by the petitioners herein and the City relating to this annexation and the petitioners hereby expressly consent to the terms and conditions set forth in the annexation agreement.
10. The property is included in the Northern Colorado Water Conservancy District (NCWCD) and the NCWCD Municipal Subdistrict.
11. The non-refundable annexation application fee of \$0.00 is tendered herewith.

THEREFORE, the undersigned respectfully petition(s) the City Council of the City of Fort Lupton, to annex the territory described and referred to in Exhibit A to the City of Fort Lupton in accordance with and pursuant to the statutes of the State of Colorado.

<u>Land Owner(s) Name(s) and Signature(s)</u>	<u>Mailing Address</u>	<u>Date of Signing</u>
<u>R.A. [Signature]</u>	<u>22864 C.R. 5</u>	<u>6-12-20</u>
<u>[Signature]</u>	<u>Berthoud, CO 80513</u>	<u>6-12-20</u>
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The foregoing signature(s) was/were subscribed and sworn to before me this 12th day of June, 2020, by

Witness my hand and official seal.

My commission expires on 8.1.2021.

[Signature]
Notary Public

Land Owned

Land owned is described in Exhibit A.

If necessary, attach separate sheet.

KARILYN BAUGHMAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174032330
MY COMMISSION EXPIRES AUGUST 1, 2021

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)
)ss.
COUNTY OF WELD)

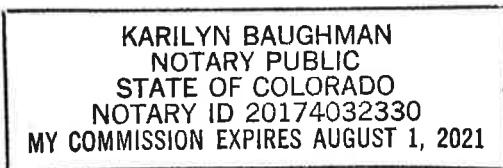
ACIP Professionals
Kelsey Bruxvoort, being first duly sworn, states upon oath that he/she is the circulator of the petition to which this Affidavit is attached and knows of his/her own knowledge that the signature of each land owner appearing on said petition is the signature of the person whose name it purports it to be.


(Signature of Circulator)

The foregoing Affidavit was subscribed and sworn to before me this 12th day of June, 20 20, by Kelsey Bruxvoort.

Witness my hand and official seal.

My commission expires on 8-1-2021.




Notary Public

EXHIBIT A
(Legal Description)

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, T2 NORTH, R67 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE SOUTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST AS BEARING SOUTH 89°57'09" WEST BETWEEN THE FOUND MONUMENTS AS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTH $\frac{1}{16}$ CORNER OF THE SOUTHEAST $\frac{1}{4}$ SAID SECTION 3, SOUTH 89°57'09" WEST FOR A DISTANCE OF 38.94 FEET, THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 30.17 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 123.30 FEET,

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THENCE SOUTH 89°57'09" WEST FOR A DISTANCE OF 181.51 FEET

THENCE SOUTH 00°01'21" EAST FOR A DISTANCE OF 270.00 FEET TO A POINT ALONG THE NORTH LINE OF THE COUNTY ROAD ROW,

THENCE ALONG THE COUNTY ROAD ROW NORTH 89°57'09" EAST FOR A DISTANCE OF 187.39 TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1.21 ACRES

RESOLUTION NO. 2020R058

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE SMITH ANNEXATION AND SETTING THE PUBLIC HEARING FOR SEPTEMBER 1, 2020

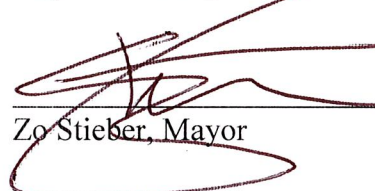
WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Richard Allen Smith and Deborah L Smith for 1.21 acres, more or less, and known as the Smith Annexation; and

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 Smith Annexation and sets the hearing date for September 1, 2020, to determine if the proposed annexation complies with C.R.S. 31-12-104 and 31-12-105, or such parts thereof as may be required to establish eligibility for annexation under the terms of Part 1, Article 12, Title 31, C.R.S.

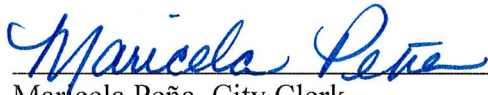
APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 7th DAY OF JULY, 2020.

City of Fort Lupton, Colorado


Zo Stieber, Mayor

Attest:



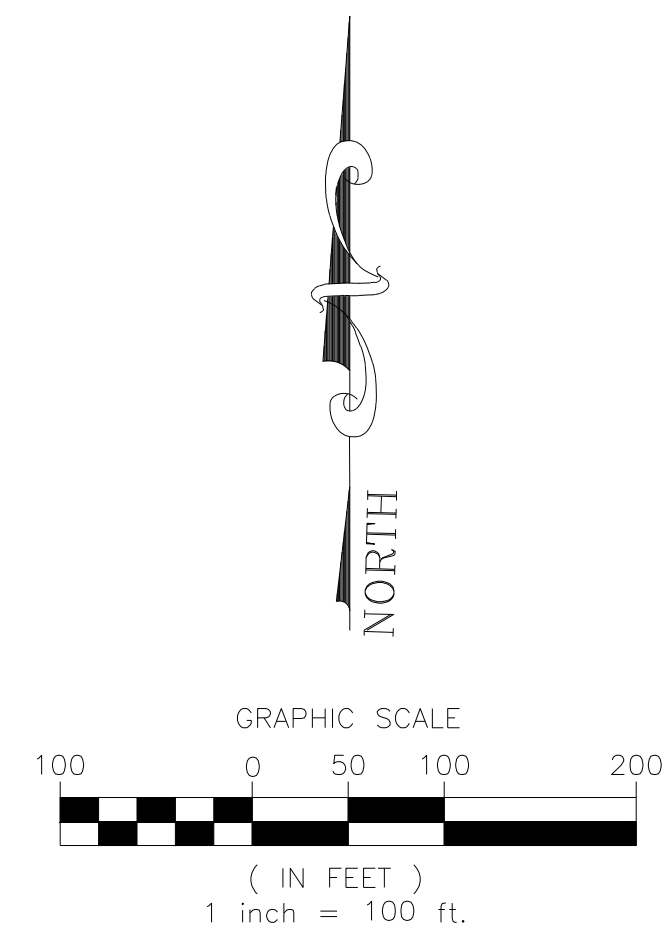
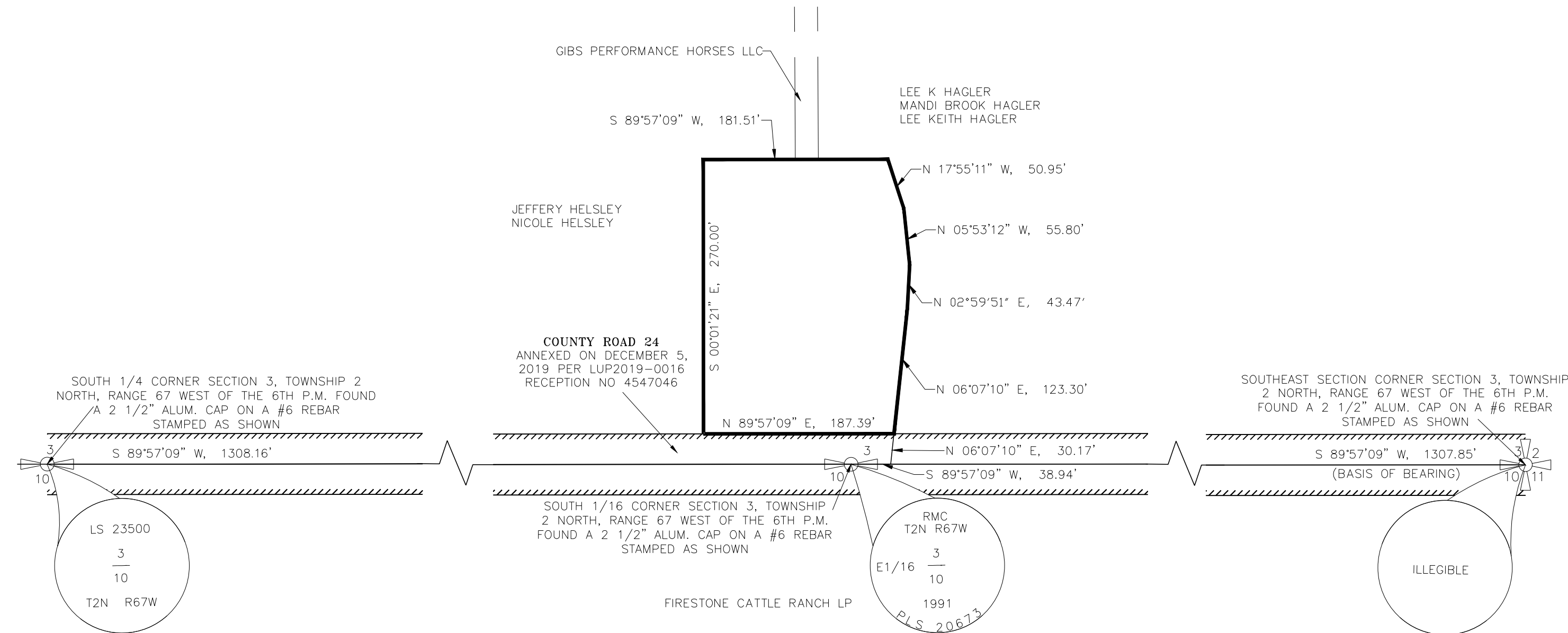

Marcela Peña, City Clerk

Approved as to form:


Andy Ausmus, City Attorney

BEING A PART OF THE SE 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST, OF THE 6TH P.M., WELD COUNTY, COLORADO

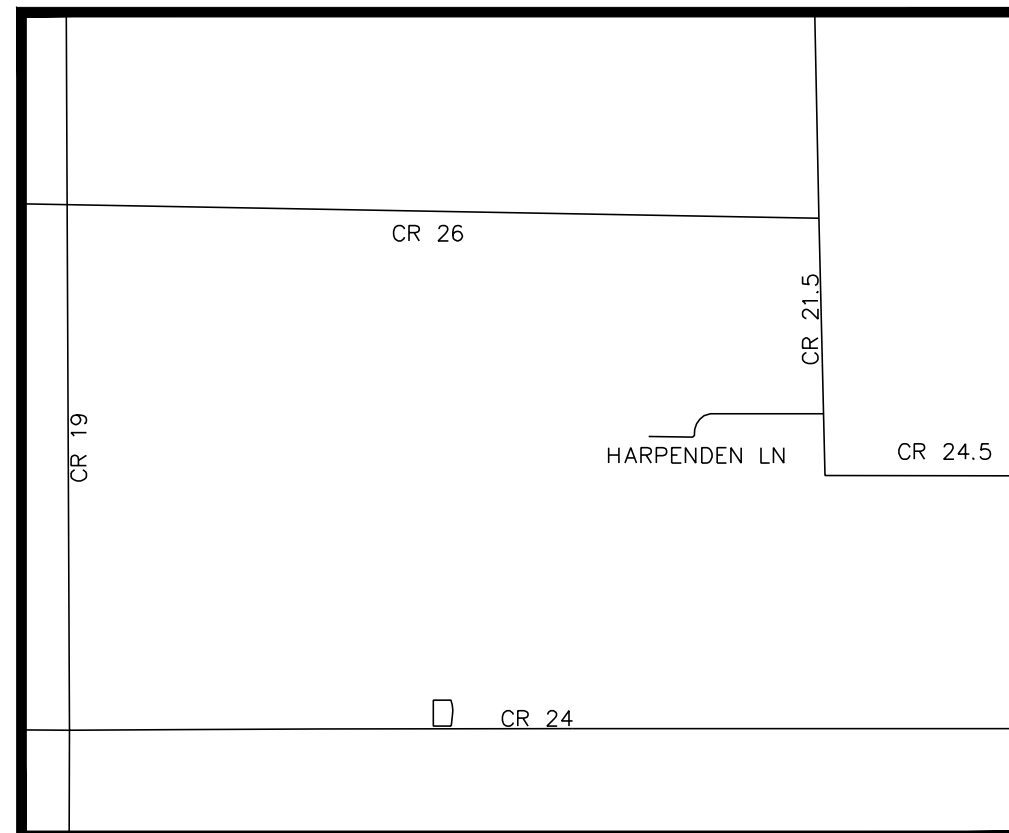
 = FOUND OR SET SECTION CORNER AS NOTED.
 = FOUND OR SET ONE-QUARTER OR ONE-SIXTEENTH CORNER AS NOTED.
 = ROW LINE
 = CITY OF FORT LUPTON
 = BOUNDARY LINE
 = NEIGHBOR BOUNDARY



BY: _____ 24307 _____
GARY K. HAMMER DATE COLORADO REGISTRATION #

<u>ANNEXATION NO. 1 CONTIGUITY TABLE:</u>	
TOTAL PERIMETER:	912.40 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER	152.06 FEET
CONTIGUOUS BOUNDARY	187.37 FEET

ZONING CHART:		
EXISTING ZONING:	PROPOSED ZONING:	ZONING ACREAGE:
AGRICULTURAL (WELD COUNTY)	AGRICULTURAL (CITY OF FORT LUPTON)	1.21 ACRES



VICINITY MAP 1" = 2000'

SEAL

NO.	DATE	DESCRIPTION	BY

CLIENT: AGPROFESSIONALS
3050 67TH AVE. SUITE 200
GREELEY, CO 80634

HAMMER LAND SURVEYING, INC.
3050 67TH AVENUE, SUITE 200
GREELEY, CO 80634
PH: 970-535-9318

SMITH ANNEXATION
SECTION 3, TOWNSHIP 2 NORTH,
RANGE 67 WEST, 6TH P.M.

SECTION 3, TOWNSHIP 2 NORTH
RANGE 67 WEST, 6TH P.M.

DATE: 7/1/2020 JOB#2778-01

Traffic Narrative

Special Use Permit (SUP)
Prepared for Richard and Deborah Smith

Introduction

Richard and Deborah Smith are requesting a Special Use Permit (SUP) for their property located in part of the South Half of the Southeast Quarter of Section 3, Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado, containing 1.34-acres more or less. The proposed SUP will allow the storage of commercial vehicles and equipment associated with St. Vrain Companies, Inc. (St. Vrain Paving) whose primary location is 22864 CR 5, Berthoud, CO 80613. Proposed vehicle and equipment storage includes tandem trucks, dump trucks, skid steer loaders, crack-fill machines, sealcoat machines, flatbed trucks, tow trailers, water trucks, pick-up trucks, etc.

St. Vrain Paving is an asphalt paving contractor company that performs paving, patching, demo, line-cutting, seal coating, striping, hauling and sub-grade preparation. Their service area is from Loveland to Englewood and Estes Park to Keenesburg. The site will not be used as an office or retail site for public access. As the site is for storage of vehicles and equipment only, no on-site employees are proposed. The site may be accessed by up to five (5) employees to pick-up/drop-off vehicles or equipment on a busy day.

There is an existing residence on-site which is expected to remain. No new residential development is proposed with the SUP. The site may be accessed by the property owners at any time of the day, primarily for residential uses.

The purpose of this narrative is to document projected traffic generation characteristics and trip distribution relative to the existing street system. Off-site roadway improvement warrants are not provided with this memorandum, nor are existing traffic counts documented. Background traffic and improvement warrants are outside of the scope of this exercise, per City of Fort Lupton staff.

Existing Conditions and Roadway Network

The subject property is located on the north side of County Road (CR) 24 approximately ¾ mile east of CR 19. There are two existing site access points located on CR 24 which are expected to remain. There is an access road along the western property line which serves the property to the north. No new access points are proposed.

There are a variety of agricultural, rural residential, commercial and industrial uses in the vicinity of the site. Uses surrounding the site are listed below:

Uses surrounding the site are listed below:

- West of the site: Terra Constructors, Inc. site, a portion of the CR 24 Annexation and Zoning, project no. LUP2019-0016 and SUP plan no. SUP2019-0003 for storage of construction equipment.
- Ten Eyck – Campbell site, a portion of the CR 24 Annexation and Zoning, project no. LUP2019-0016, SUP plan no. SUP2019-0004 for a vehicle repair shop and a SUP plan no. SUP2019-0005 for storage of boats, RVs and other vehicles.
- Wade, Jacqueline site, Fort Lupton Annexation and Zoning, project no. LUP2019-0038 and SUP plan no. SUP2019-0007 for an automotive dyno tuning, performance mechanical, and custom fabrication business.
- Weld County USR-1310 for an equine facility.
- Agricultural and rural residential.
- County Road 19 business, commercial & industrial corridor.
- South of the site: Historic Butterball Turkey (Longmont Foods) site, currently containing calf-ranch operations.
- Oil and gas operations.
- County Road 24.
- East of the site: Agricultural and rural residential.
- Oil and gas operations.
- Gravel mining operations.
- North of the site: Agriculture and rural residential.
- Oil and gas operations.

CR 24 is an east-west paved street with a posted speed limit of 30 mph, and an existing two-lane cross section. CR 19 is a paved north-south street with a posted speed limit of 55 mph, and an existing two-lane cross section. CR 23 is a paved north-south street with a posted speed limit of 55 mph, and existing two-lane cross section. CRs 24 and 23 are classified as 2-lane collectors and CR 19 is classified as a 2-lane arterial according to the Weld County Functional Classification Map. The portion of CR 24 adjacent to the subject property has been annexed into the City of Fort Lupton, case no. LUP2019-0016.

Proposed Development

In addition to the residence, there is an existing utility building, storage container, boxcar, shed and silo on-site all of which are expected to remain. Existing structures will continue to be used for personal/residential uses and are not associated with St. Vrain Paving operations.

Parking is internal to the site. Parking and driving surfaces consist of road base, concrete and asphalt. There are existing asphalt aprons at the entrance points for tracking control. Full turning movements at both access points are anticipated.

Trip Generation

Typical vehicles accessing the site include owner/resident and employee vehicles. The following numbers are anticipated for this SUP:

<i>Owner/resident passenger cars/pickups:</i>	<i>2-5 trips per day</i>
<i>St. Vrain Paving employee passenger cars/pickups:</i>	<i>0-5 trips per day</i>
<i>St. Vrain Paving vehicles/equipment:</i>	<i>0-2 trips per day</i>

Highest traffic volumes are expected in the morning between 8:00 a.m. and 9:00 a.m. and in the evening between 5:00 p.m. and 6:00 p.m.

Trip Distribution

Distribution of site traffic on the street system was based on the area street system characteristics. Existing traffic patterns and volumes and anticipated surrounding development areas were not considered and are assumed to be outside of the scope of this report. The directional distribution of traffic is a means to quantify the percentage of site generated traffic that approaches the site from a given direction and departs the site back to the original source.

Travel Routes

The two most direct travel routes to/from the subject property are via CR 24 west to Interstate Highway I-25 and CR 24 west to CR 19 then north to Highway 66 or south to Highway 52. There is potential for traffic to access the site from CR 23 to the east. For traffic entering the site it is assumed that less than 10% will use CR 23, 40% will use CR 24 from Interstate Highway I-25 and 50% or more will use CR19 as travel routes. It is assumed that 45% of traffic exiting the site will use County Road 24 to travel west and 55% will use County Road 19 for north-south travel. Figure 1 shows expected travel routes.

Figure 1





United States
Department of
Agriculture

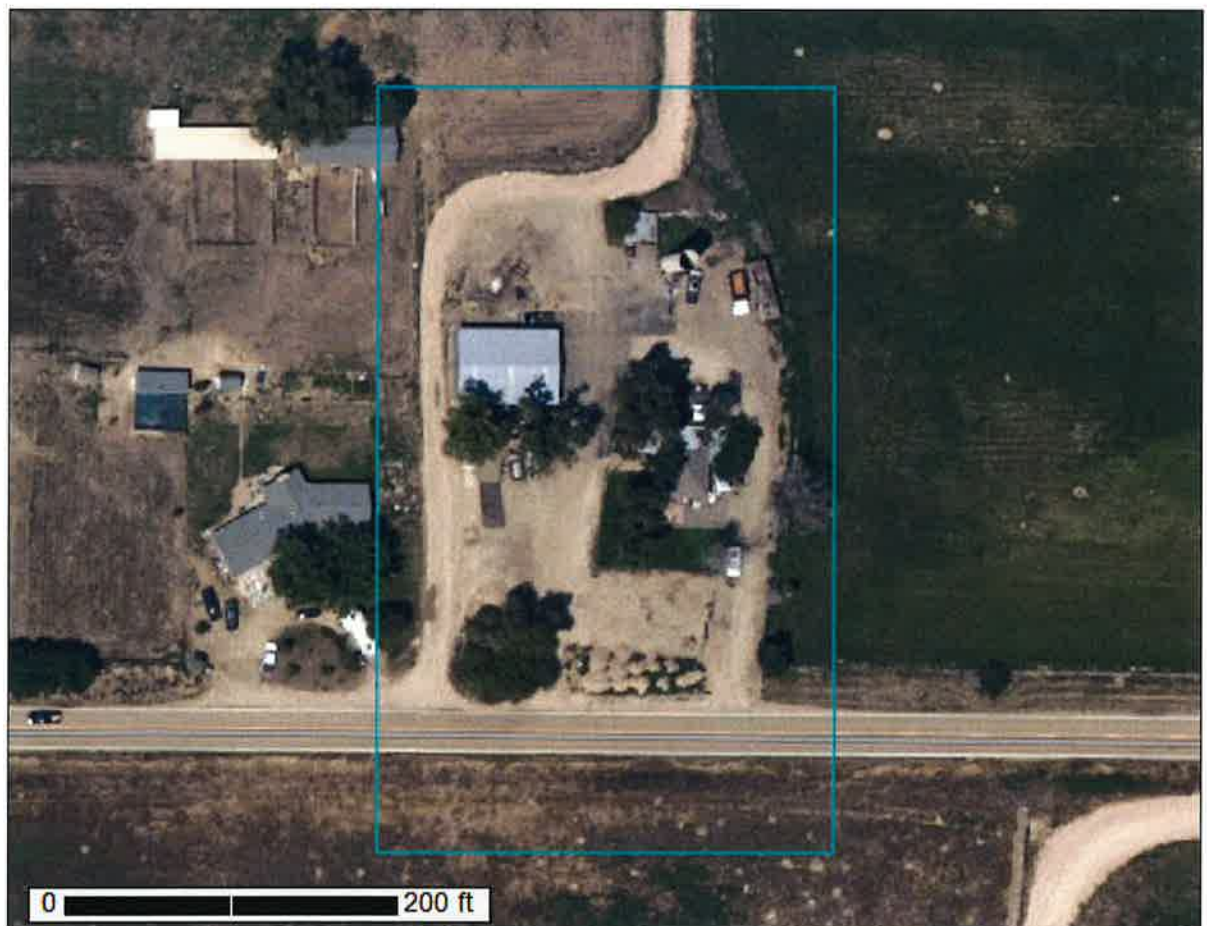
NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Weld County, Colorado, Southern Part

St. Vrain Companies, Inc.



May 20, 2020

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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Contents

Preface.....	2
How Soil Surveys Are Made.....	5
Soil Map.....	8
Soil Map.....	9
Legend.....	10
Map Unit Legend.....	11
Map Unit Descriptions.....	11
Weld County, Colorado, Southern Part.....	13
72—Vona loamy sand, 0 to 3 percent slopes.....	13
References.....	15

How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units).

Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

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identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



MAP LEGEND

- Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Unit Polygons

Soil Map Unit Lines

Soil Map Unit Points

Special Point Features

Blowout

Borrow Pit

Clay Spot

Closed Depression

Gravel Pit

Gravelly Spot

Landfill

Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water

Perennial Water

Rock Outcrop

Saline Spot

Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

Sodic Spot

Water Features

Streams and Canals

Transportation

Rails

Interstate Highways

US Routes

Major Roads

Local Roads

Background

Aerial Photography

MAP INFORMATION

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

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

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

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

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

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

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

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

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

Date(s) aerial images were photographed: Jul 19, 2018—Aug 10, 2018

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

10

Page 87 of 495

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
72	Vona loamy sand, 0 to 3 percent slopes	2.9	100.0%
Totals for Area of Interest		2.9	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Custom Soil Resource Report

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Weld County, Colorado, Southern Part

72—Vona loamy sand, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 363r
Elevation: 4,600 to 5,200 feet
Mean annual precipitation: 13 to 15 inches
Mean annual air temperature: 48 to 55 degrees F
Frost-free period: 130 to 160 days
Farmland classification: Farmland of local importance

Map Unit Composition

Vona and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Vona

Setting

Landform: Terraces, plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium and/or eolian deposits

Typical profile

H1 - 0 to 6 inches: loamy sand
H2 - 6 to 28 inches: fine sandy loam
H3 - 28 to 60 inches: sandy loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Salinity, maximum in profile: Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Available water storage in profile: Moderate (about 6.5 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: A
Ecological site: Sandy Plains (R067BY024CO)
Hydric soil rating: No

Minor Components

Remmit

Percent of map unit: 10 percent
Hydric soil rating: No

Custom Soil Resource Report

Valent

Percent of map unit: 5 percent

Hydric soil rating: No

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Custom Soil Resource Report

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United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624

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June 22, 2020

Mr. Roy L. Vestal, P.E.
City Engineer
City of Fort Lupton
130 S. McKinley Avenue
Fort Lupton, Colorado 80621

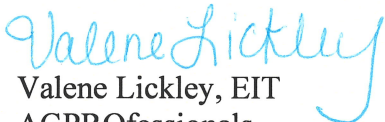
RE: Richard and Deborah Smith Phase I Drainage Report
AGPRO Project # 2778-01

Dear Mr. Vestal,

Please accept the submittal of the Phase I Drainage Report for Richard and Deboarah Smith for the Annexation and Special Use Permit (SUP). Three bound copies of the Phase I Drainage Report are attached. The Drainage Report includes 24" x 36" copies of the drawings.

If you have any questions, please contact me at (970) 535-9318 or e-mail at vllickley@agpros.com.

Sincerely,


Valene Lickley, EIT
AGPROfessionals

Enclosure:

1. Phase I Drainage Report (3 copies)

ENGINEERING, PLANNING, CONSULTING & REAL ESTATE

3050 67th Avenue, Suite 200 □ Greeley, CO 80634
970.535.9318 / office □ 970.535.9854 / fax □ www.agpros.com

Preliminary Drainage Report (Phase I)

For

Richard and Deborah Smith
Annexation and Special Use Permit
South ½ of Southeast ¼ of Section 3, Township 2N, Range 67W of
the 6th P.M.



HQ: AGPROfessionals, 3050 67th Avenue, Greeley, CO 80634
Idaho: 195 River Vista Place, #306, Twin Falls, ID 83301
(970) 535-9318

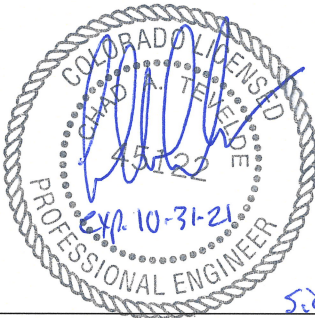
6/22/2020

Table of Contents

Certifications	3
General Location and Description	4
1. Location	4
2. Description of Property	4
Drainage Basins	5
1. Major Basin Description	5
2. Sub-Basin Description	5
Drainage Design Criteria	6
1. Development Criteria	6
2. Hydrological Criteria	6
3. Hydraulic Criteria	6
Drainage Facility Design	7
1. General Concept	7
2. Specific Details	7
Conclusions	7
1. Compliance with City of Fort Lupton Code	7
2. Drainage Concept	7
List of References	8
Appendices	

Certifications

I hereby affirm that this report and plan for the Phase 1 drainage design for Richard and Deborah Smith for the Annexation and Special Use Permit (SUP) was prepared by me (or under my direct supervision) in accordance with the provisions of the City of Fort Lupton Storm Drainage Design and Technical Criteria for the owners thereof. I understand that the City of Fort Lupton does not and will not assume liability for drainage facilities designed by others. I am also aware of the provisions of the City Code as it pertains to the City's review.



Chad TeVelde, PE
Registered Professional Engineer
State of Colorado No. 45122

sig. 6-22-20

Valene Lickley

Valene Lickley, EIT

General Location and Description

1. Location

The proposed site is located in part of the South $\frac{1}{2}$ of Southeast $\frac{1}{4}$ of Section 3, Township 2N, Range 67W of the 6th P.M. The property is bordered on the south side by Weld County Road (WCR) 24. The nearest county road to the west is WCR 19, to the north is WCR 26 and to the east is WCR 23. No other major roadways are located within or adjacent to the property. Highway 85 is approximately 3.5 miles east of the proposed site. WCR 24 adjacent to the site has been annexed into the City of Fort Lupton. The site is currently undergoing annexation into the City of Fort Lupton (see vicinity map in **Appendix A**).

2. Description of Property

The total project site is approximately 1.34 acres. The parcel currently is residential property located in Weld County in the agricultural zone. There is currently a single-family residence, utility building, storage container, silo, shed, and boxcar.

There is one type of soil: Vona loamy sand (0 to 3% slopes). Most of the soil is well drained, hydrologic soil group A (see USDA-NRCS soil report in **Appendix A**).

Firestone Cattle Ranch, LP owns the property to the south, Lee and Mandi Halger owns the property to the east, Jeffery and Nicole Helsley owns the property to the west, and Gibbs Performance Horses, LLC owns the property to the north. WCR 24 is directly south of the property.

There are no major open channels within or adjacent to the proposed property.

In addition to the annexation, a special use permit for the storage of commercial vehicles and equipment associated with St. Vrain Companies, Inc. (St. Vrain Paving) is proposed. St. Vrain Paving's primary location is in Berthoud, Colorado. The site will not be used as an office or retail site for public access.

Drainage Basins

1. Major Basin Description

The proposed site is located in rural Weld County and is surrounded by undeveloped, agricultural land. A Master Plan for the site area is not currently available. The proposed site was only considered as one major basin for this drainage report. Historically, the basin drainage appears to flow predominantly towards the southeast. Flows appear to flow approximately 0.75 miles to Lupton Bottom Ditch and ultimately flows towards the South Platte River. Contours of the project location and the surrounding properties are shown on the United States Geological Survey (USGS) topographic map in **Appendix A**.

A Federal Emergency Management Administration (FEMA) map of the project is included in **Appendix A**. The proposed site is located within FEMA panel 08123C1915E and is not currently located within a 100-year floodplain.

Potential off-site flows from the south flow northeast and are intercepted by WCR 24. Flows from the north flow east paralleling the site. Flows from the west flow east away from the site. Flows from the west have historically flowed east, a gravel road on the west of property directs flows toward the south and away from the structures on the property. Therefore, an increase in runoff is not expected.

2. Sub-Basin Description

The site was considered as one drainage basin with one sub-basin.

Drainage Design Criteria

1. Development Criteria

This proposed drainage design was developed using the criteria set forth in the Urban Storm Drainage Criteria Manual (USDCM) Volumes 1, 2 and 3 and the City of Fort Lupton's Storm Drainage Design and Technical Criteria (SDDTC) manual.

2. Hydrological Criteria

From Section 5.3 in the SDDTC, the estimated rainfall from the 5-year, 1-hour precipitation is 1.42 inches and the 100-year, 1-hour precipitation is 2.71 inches (see SDDTC One-Hour Point Rainfall in **Appendix A**). These values were used for runoff calculations and to estimate the required detention volume.

Percentage of imperviousness was determined using the recommended values from UDFCD Table 6-3. The overall percentage of imperviousness is 46 percent. The existing percentage of imperviousness is not increasing with the annexation or special use permit (see percentage of imperviousness calculation **Appendix A**).

Using these design storms and the UDFCD Detention Basin Volume Estimating spreadsheet, the existing peak runoff flowrates were estimated for the basin (see Table 1). Peak runoff flowrates for the existing site were calculated with the Modified FAA method using the time of concentration, runoff coefficients, and the precipitation depths from the UDFCD spreadsheet (see UDFCD Runoff Calculations in **Appendix A**).

Table 1: Peak Runoff Flowrates

Peak Runoff	5 Year Flowrate (cfs)	100 Year Flowrate (cfs)
Existing	1.32	3.85

3. Hydraulic Criteria

Since no new development is being proposed, hydraulic structures or drainage features are not being proposed. Hydraulic computations are not needed.

Drainage Facility Design

1. General Concept

No new development is being proposed and historical flow patterns will be maintained. A site map is shown in **Appendix C**.

2. Specific Details

If the percentage of impervious increases or drainage patterns change, a new drainage plan and/or study will need to be completed.

Conclusions

1. Compliance with City of Fort Lupton Code

The drainage design for the Smith annexation and special use permit is consistent with the City of Fort Lupton Storm Drainage Design and Technical Criteria manual.

2. Drainage Concept

Historical flow patterns and run-off amounts should be maintained in such a manner that should reasonably preserve the natural character of the area and prevent property damage. No irrigation companies or property owners should be affected by the proposed development.

Master Drainage recommendations are not available in the area of this project.

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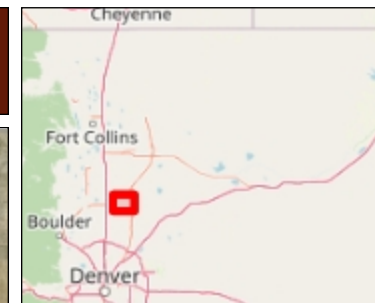
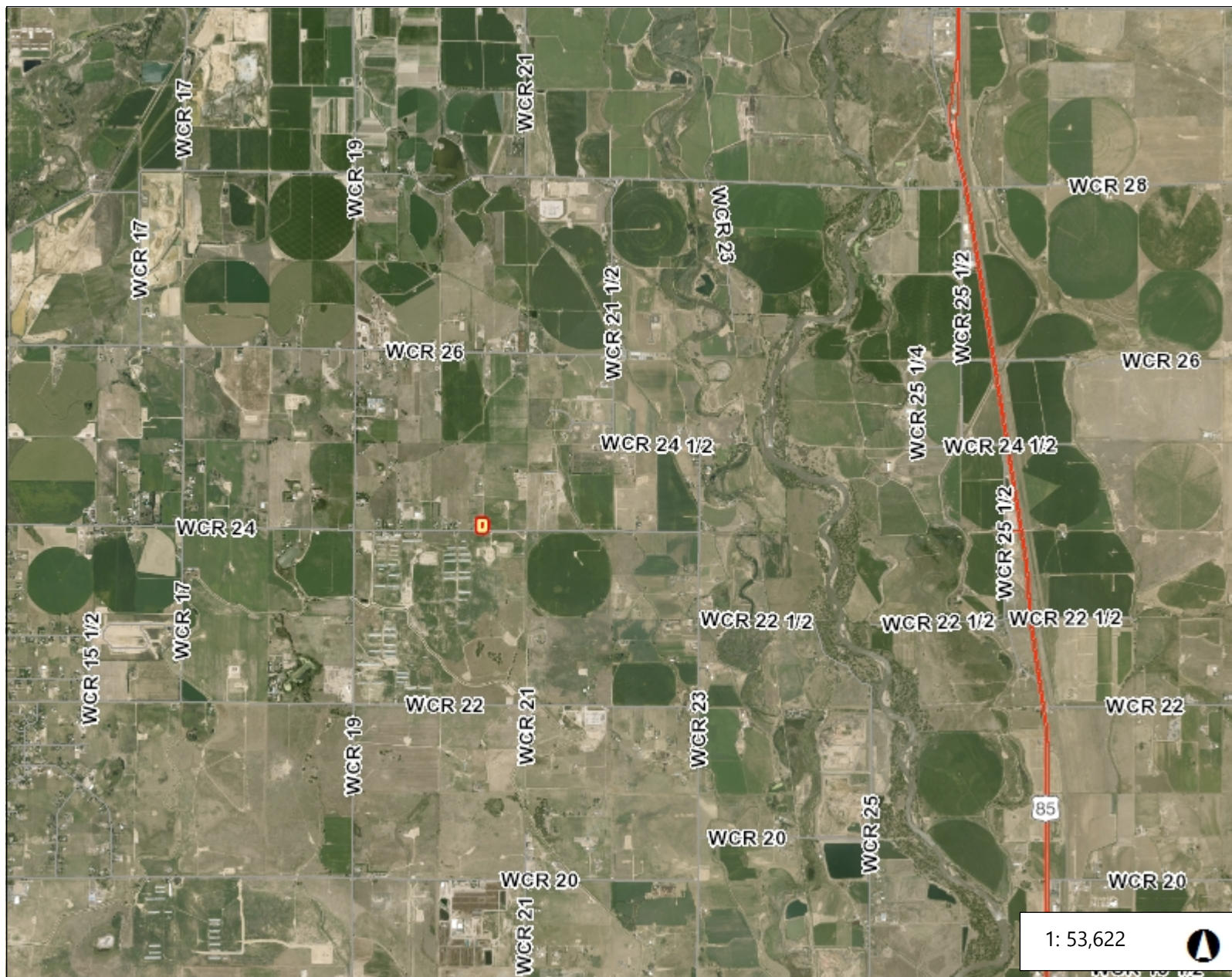
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Appendices

- A. Hydrologic Computations
 - A.1. Vicinity Map
 - A.2. USDA-NRCS Soil Report
 - A.3. USGS Topographic Map
 - A.4. FEMA FIRMette Map
 - A.5. SDDTC One-Hour Point Rainfall
 - A.6. Percentage of Imperviousness
 - A.7. UDFCD Runoff Calculations
- B. Hydraulic Computations
 - B.1. None
- C. 24 x 36 Maps
 - C.1. Site Map

APPENDIX A

Hydrologic Computations



Legend

- Parcels
- Highway
- Road
- Road
- Highway
- County Boundary

1: 53,622



8,936.9 0 4,468.46 8,936.9 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Weld County Colorado

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



United States
Department of
Agriculture

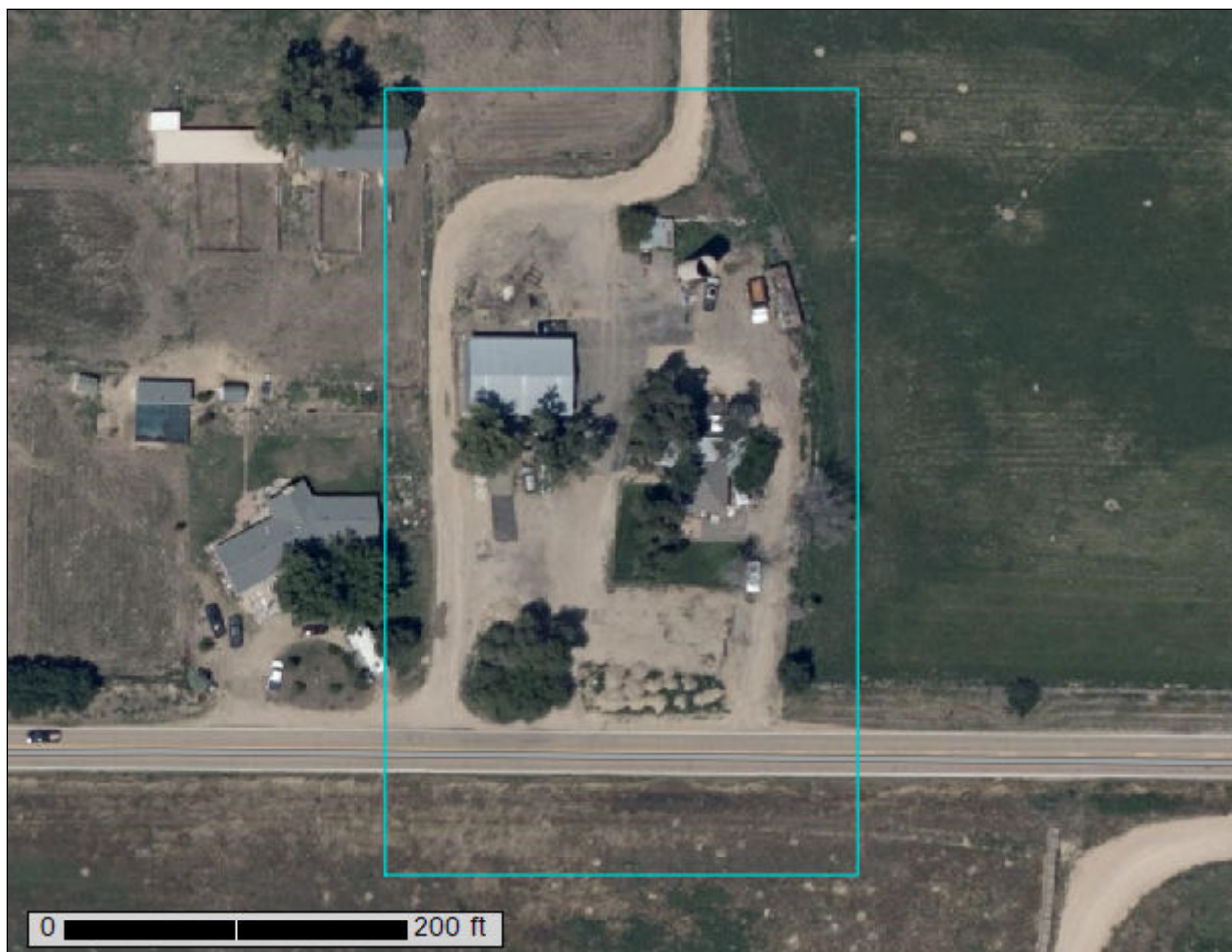
NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Weld County, Colorado, Southern Part**

St. Vrain Companies, Inc.



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

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Contents

Preface	2
How Soil Surveys Are Made	5
Soil Map	8
Soil Map.....	9
Legend.....	10
Map Unit Legend.....	11
Map Unit Descriptions.....	11
Weld County, Colorado, Southern Part.....	13
72—Vona loamy sand, 0 to 3 percent slopes.....	13
References	15

How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot

 Sinkhole

 Slide or Slip

 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

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

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

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

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

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

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

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

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

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

Date(s) aerial images were photographed: Jul 19, 2018—Aug 10, 2018

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

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
72	Vona loamy sand, 0 to 3 percent slopes	2.9	100.0%
Totals for Area of Interest		2.9	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Weld County, Colorado, Southern Part

72—Vona loamy sand, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 363r
Elevation: 4,600 to 5,200 feet
Mean annual precipitation: 13 to 15 inches
Mean annual air temperature: 48 to 55 degrees F
Frost-free period: 130 to 160 days
Farmland classification: Farmland of local importance

Map Unit Composition

Vona and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Vona

Setting

Landform: Terraces, plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium and/or eolian deposits

Typical profile

H1 - 0 to 6 inches: loamy sand
H2 - 6 to 28 inches: fine sandy loam
H3 - 28 to 60 inches: sandy loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Salinity, maximum in profile: Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Available water storage in profile: Moderate (about 6.5 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: A
Ecological site: Sandy Plains (R067BY024CO)
Hydric soil rating: No

Minor Components

Remmit

Percent of map unit: 10 percent
Hydric soil rating: No

Valent

Percent of map unit: 5 percent

Hydric soil rating: No

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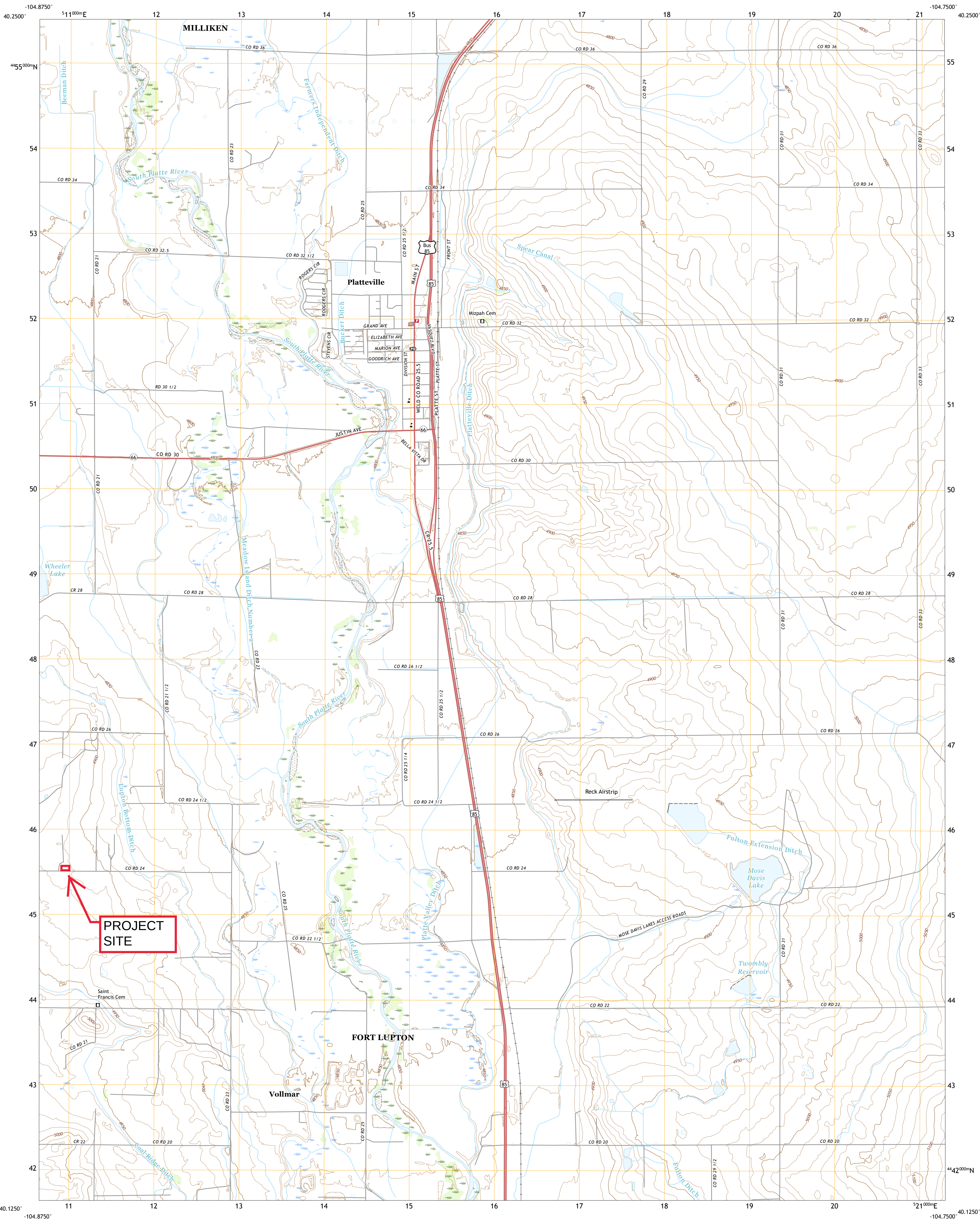
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Custom Soil Resource Report

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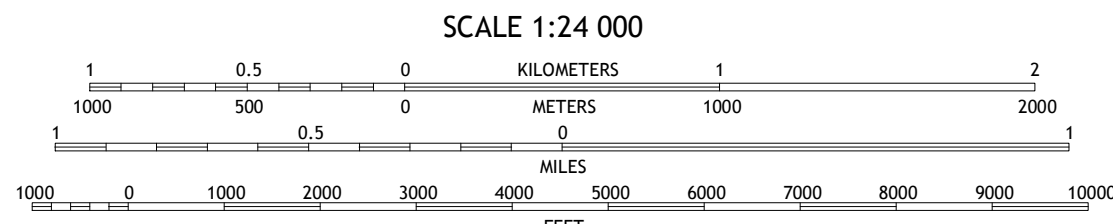
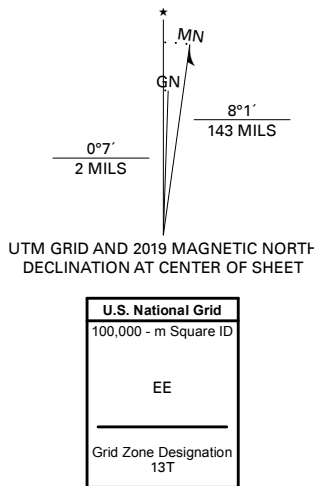
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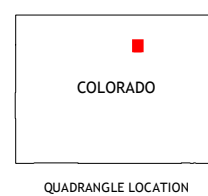
Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) - Projection and
1 000-meter grid/Universal Transverse Mercator, Zone 13T
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery.....NAIP, August 2017 - November 2017
Roads.....U.S. Census Bureau, 2016
Names.....GNIS, 1978 - 2016
Hydrography.....National Hydrography Dataset, 2004 - 2019
Contours.....National Elevation Dataset, 2015
Boundaries.....Multiple sources: see metadata file 2017
Public Land Survey System.....BLM, 2018
Wetlands.....FWS National Wetlands Inventory, 2009



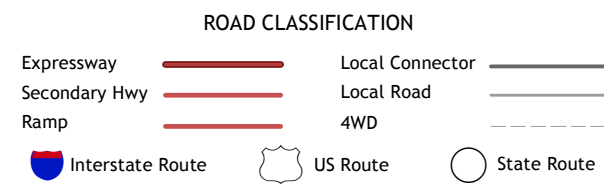
CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988
This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 0.6.18



1	2	3
4	5	6
7	8	9

ADJOINING QUADRANGLES

- 1 Johnston
- 2 Milliken
- 3 La Salle
- 4 Gowanda
- 5 Milton Reservoir
- 6 Frederick
- 7 Fort Lupton
- 8 Hudson



National Flood Hazard Layer FIRMette



Legend

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

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



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

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **5/21/2020 at 11:02:02 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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

40°9'49.36"N



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

0 250 500 1,000 1,500 2,000 Feet 1:6,000

40°9'21.86"N

104°51'59.81"W

CITY OF FORT LUPTON
STORM DRAINAGE DESIGN AND TECHNICAL CRITERIA

SECTION 5 RAINFALL

5.1 INTRODUCTION

Presented in this section is the design rainfall data to be used with the Rational Method and the Colorado Urban Hydrograph Procedure (CUHP). All hydrological analysis within the jurisdiction of these CRITERIA shall utilize the rainfall data presented herein for calculating storm runoff.

The design storms and Time-Intensity-Frequency curves for the CITY were developed using the rainfall data and procedures presented in the MANUAL and are presented herein for convenience.

5.2 COLORADO URBAN HYDROGRAPH PROCEDURE DESIGN STORMS

For drainage basins less than five square miles, a two-hour storm distribution without area adjustment of the point rainfall values shall be used for the Colorado Urban Hydrograph Procedure (CUHP). For drainage basins between five and ten square miles, a two-hour storm distribution shall be used with the incremental rainfall values adjusted for the large basin area in accordance with suggested procedures in the NOAA Atlas for Colorado. The adjustment is an attempt to relate the average of all point values for a given duration and frequency within a basin to the average depth over the basin for the same duration and frequency. For drainage basins between ten and twenty square miles, a three-hour storm duration with adjustment for area shall be used. The distribution for the last hour was obtained by uniformly distributing the difference between the two-hour and three-hour point rainfall values. The adjustment for the basin area was obtained from the NOAA Atlas for Colorado. The incremental rainfall distributions for all basin areas up to 20 square miles are presented in Table 501.

5.3 TIME-INTENSITY-FREQUENCY CURVES FOR THE RATIONAL METHOD

The one-hour design point rainfall values obtained from the NOAA Atlas for Colorado area are as follows:

ONE-HOUR POINT RAINFALL (IN.)

2-YEAR	5-YEAR	10-YEAR	50-YEAR	100-YEAR
1.00	1.42	1.68	2.35	2.71

The Time-Intensity-Frequency curves were developed by distributing the one-hour point rainfall values using the factors obtained from the NOAA Atlas presented below:



3050 67th Avenue, Suite 200

Greeley, CO 80634

Telephone (970) 535-9318

www.agpros.com

Project Number: 2778-01

Date: 6/22/20 2:40 PM

Designed By: AGPROfessionals

Sheet: of

Checked By: CTV

Subject: St. Vrain Paving Overall Existing

 = User Entry

Solving for the Percent Impervious (I):

Description per UDFCD Table 6-3	% Impervious	Total SqFt	Acres Impervious
Roofs	90%	5,663	0.12
Drive and Walks	96%	13,068	0.29
Greenbelts, Agriculture, Landscape	2%	16,988	0.01
Gravel Road	40%	22,216	0.20
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
		57,935	0.62

Square Feet

Acres

Total Impervious Acres	26,868	0.62
Total Development Acres	57,935	1.33

Development %	Actual Design	46%
---------------	---------------	-----

DETENTION VOLUME BY THE MODIFIED FAA METHOD

Project: St. Vrain Paving

Basin ID: Existing Runoff

(For catchments less than 160 acres only. For larger catchments, use hydrograph routing method)
 (NOTE: for catchments larger than 90 acres, CUHP hydrograph and routing are recommended)

Determination of MINOR Detention Volume Using Modified FAA Method

Design Information (Input):

Catchment Drainage Imperviousness $I_a = 46.00$ percent
 Catchment Drainage Area $A = 1.33$ acres
 Predevelopment NRCS Soil Group Type = A A, B, C, or D
 Return Period for Detention Control $T = 5$ years (2, 5, 10, 25, 50, or 100)
 Time of Concentration of Watershed $T_c = 12.0$ minutes
 Allowable Unit Release Rate $q = 0.00$ cfs/acre
 One-hour Precipitation $P_1 = 1.42$ inches

Design Rainfall IDF Formula $i = C_1 * P_1 / (C_2 + T_c) * C_3$

Coefficient One $C_1 = 28.50$
 Coefficient Two $C_2 = 10$
 Coefficient Three $C_3 = 0.789$

Determination of Average Outflow from the Basin (Calculated):

Runoff Coefficient $C = 0.28$
 Inflow Peak Runoff $Q_{p-in} = 1.32$ cfs
 Allowable Peak Outflow Rate $Q_{p-out} = 0.00$ cfs

Determination of MAJOR Detention Volume Using Modified FAA Method

Design Information (Input):

Catchment Drainage Imperviousness $I_a = 46.00$ percent
 Catchment Drainage Area $A = 1.330$ acres
 Predevelopment NRCS Soil Group Type = A A, B, C, or D
 Return Period for Detention Control $T = 100$ years (2, 5, 10, 25, 50, or 100)
 Time of Concentration of Watershed $T_c = 12$ minutes
 Allowable Unit Release Rate $q = 0.00$ cfs/acre
 One-hour Precipitation $P_1 = 2.71$ inches

Design Rainfall IDF Formula $i = C_1 * P_1 / (C_2 + T_c) * C_3$

Coefficient One $C_1 = 28.50$
 Coefficient Two $C_2 = 10$
 Coefficient Three $C_3 = 0.789$

Determination of Average Outflow from the Basin (Calculated):

Runoff Coefficient $C = 0.43$
 Inflow Peak Runoff $Q_{p-in} = 3.85$ cfs
 Allowable Peak Outflow Rate $Q_{p-out} = 0.00$ cfs

APPENDIX B

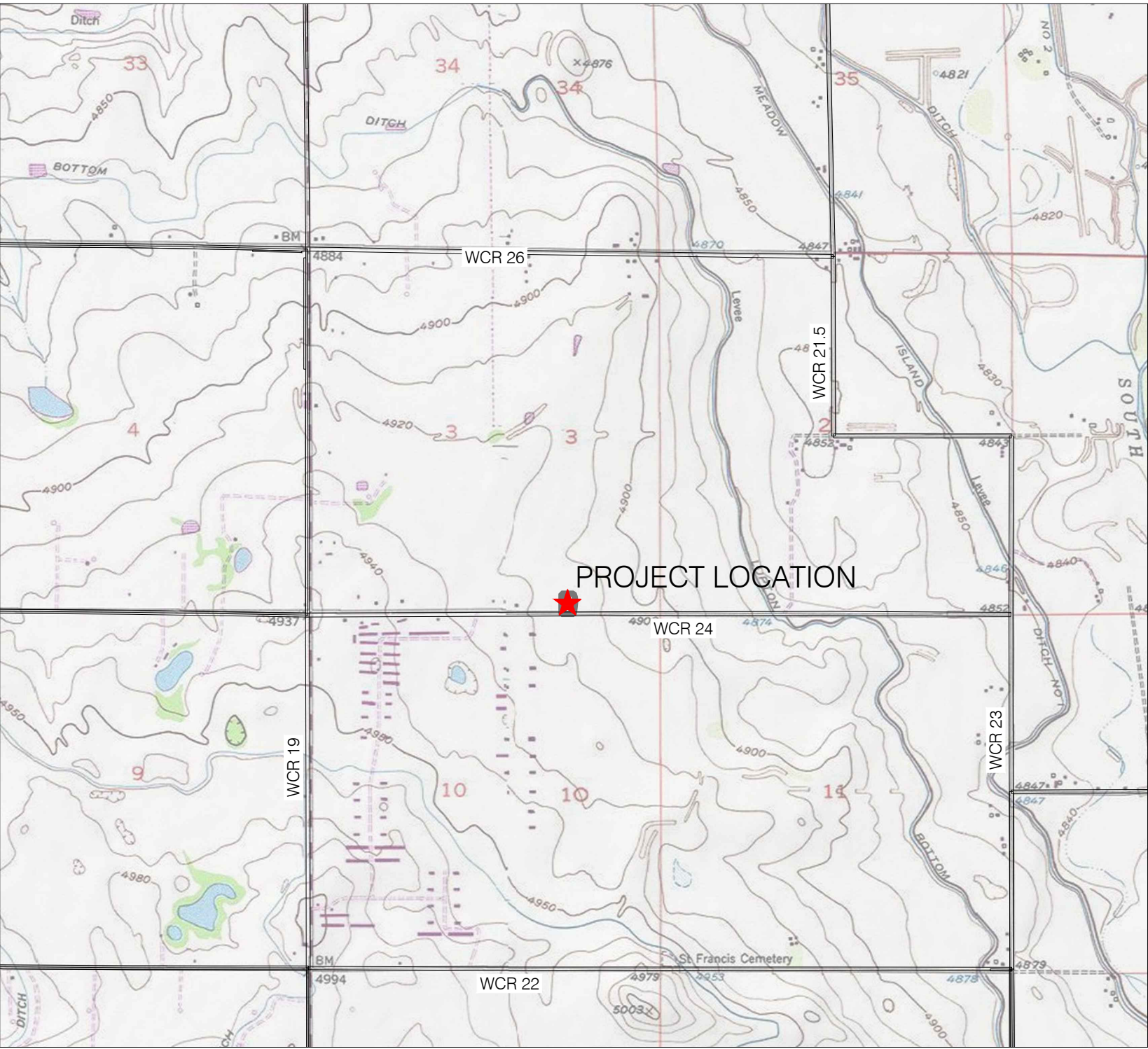
Hydraulic Computations

APPENDIX C

24 x 36 Maps

SMITH - SPECIAL USE PERMIT

IN THE S 1/2 OF THE SE 1/4 OF SECTION 3, T2N, R67W 6TH P.M.,
CITY OF FORT LUPTON, WELD COUNTY, COLORADO



VICINITY MAP

SCALE: 1" = 2000'

LEGEND

→

FLOW DIRECTION

GENERAL DRAINAGE PLAN

DATE: June 18, 2020
DRAWN BY: AGPRO

REVISIONS:

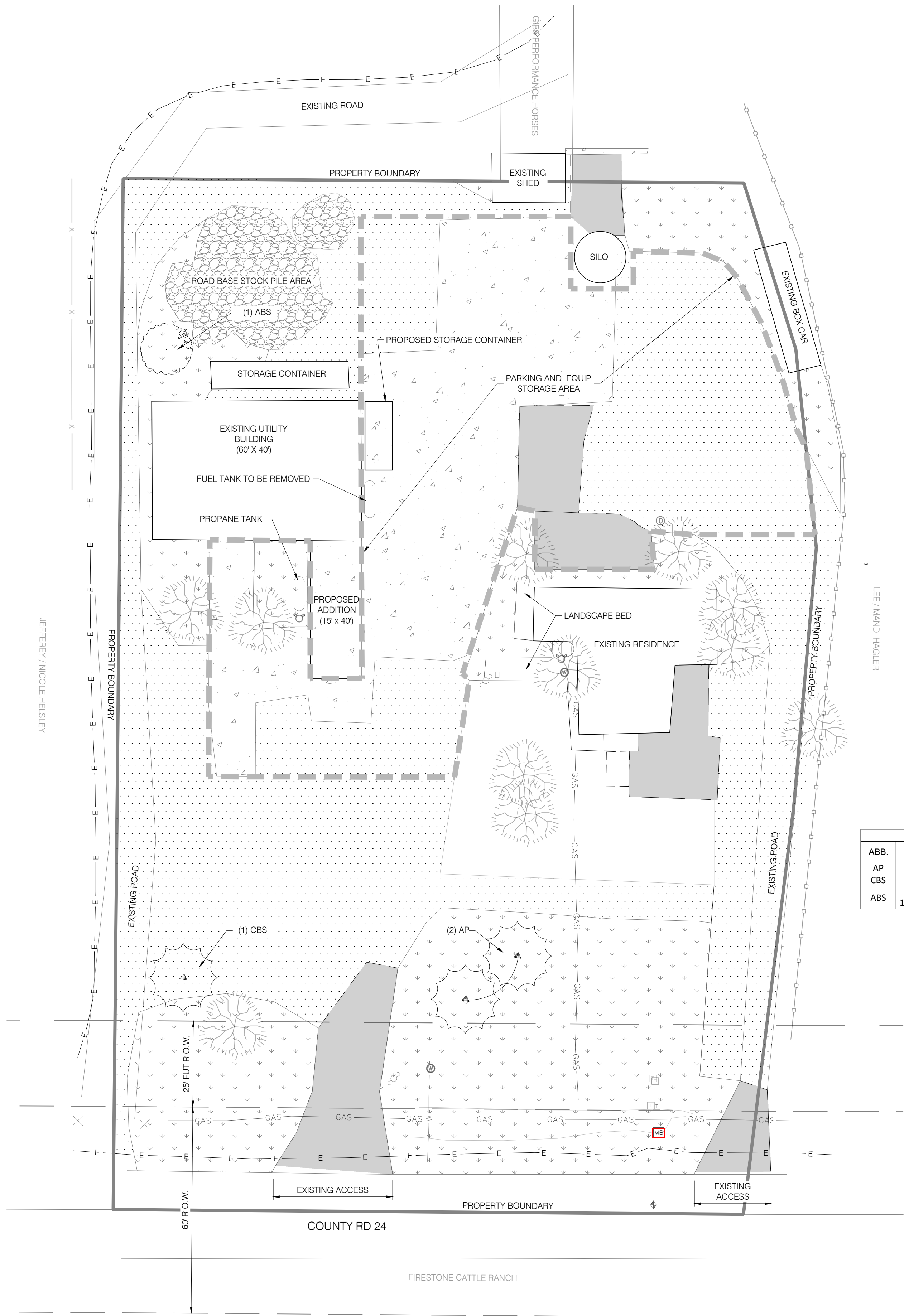
R1	DSC	~ / ~ / ~
R2	DSC	~ / ~ / ~
R3	DSC	~ / ~ / ~
R4	DSC	~ / ~ / ~
R5	DSC	~ / ~ / ~

AGPROprofessionals
DEVELOPERS OF AGRICULTURE
3050 67th Avenue, Suite 200, Greeley, CO 80634
(970) 535-9318 • Fax: (970) 535-9854

SMITH - SPECIAL USE PERMIT
GENERAL DRAINAGE PLAN
FORT LUPTON, CO

SHEET:
DR-1

SMITH - SPECIAL USE PERMIT
IN THE S 1/2 OF THE SE 1/4 OF SECTION 3, T2N, R67W 6TH P.M., CITY OF
FORT LUPTON, WELD COUNTY, COLORADO

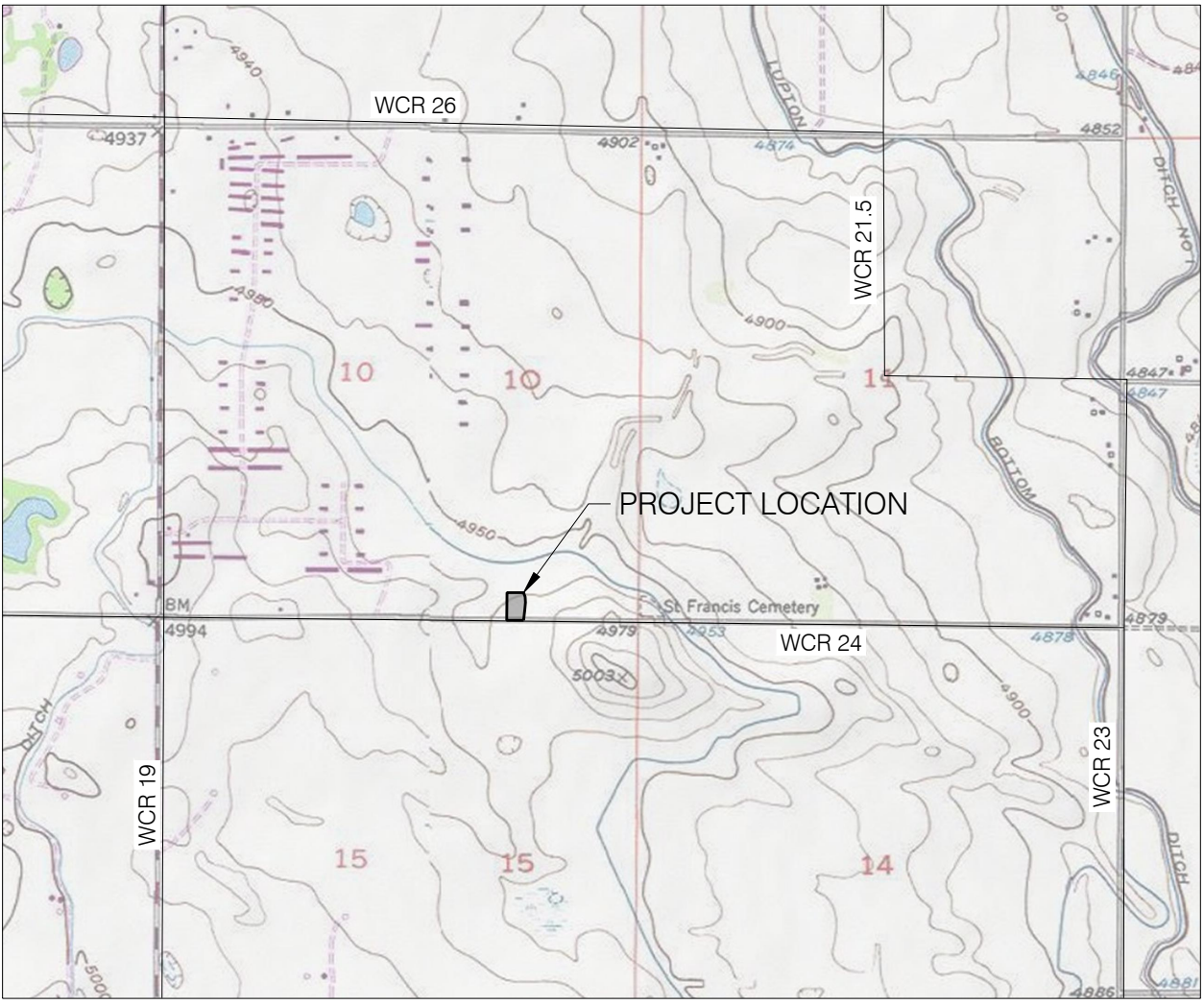


LEGEND

---	EXISTING PROPERTY LINE
---	EXISTING R.O.W.
---	EXISTING GAS LINE
---	EXISTING WATER
---	EXISTING ELECTRIC
---	EXISTING BARBWIRE FENCE
---	EXISTING WOOD FENCE
---	EXISTING EDGE OF ASPHALT
---	EXISTING WATER STRUCTURES
---	EXISTING UTILITY POLE
---	EXISTING TELEPHONE BOX
---	EXISTING STORM MANHOLE
---	EXISTING CONCRETE
---	EXISTING ASPHALT
---	EXISTING ROAD BASE
---	NATIVE GRASS
---	IRRIGATED TURF
---	EXISTING TREE
---	ORNAMENTAL TREE
---	CONIFER TREE

PLANT LIST							
ABB.	SIZE	COMMON NAME	BOTANICAL NAME	HEIGHT	SPREAD	WATER USAGE	QTY.
AP	6'8"	Austrian Pine	Pinus nigra	40-50'	25-30'	Low	2
CBS	6'8"	Colorado Blue Spruce	Picea pungens	15-80'	8-35'	Medium	1
ABS	1-1/2" cal.	Autumn Brilliance Serviceberry	Amlanchier grandiflora 'Autumn Brilliance'	15'	15'	Medium	2

Total Evergreen Trees 3
Total Ornamental Trees 2
Total 5



- NOTES**
- THE PROPERTY SHALL BE MAINTAINED TO THE CURB, OR ROADWAY IF NO CURB EXISTS.
 - DEAD AND DYING LANDSCAPE MATERIAL SHALL BE REPLACED AT THE EARLIEST RE-EVALUATION DATE.
 - LIGHTING ON THE SITE SHALL BE MAINTAINED SO THAT LIGHT IS DIRECTED TO THE PROPERTY AND SHALL NOT SPILL ONTO ADJACENT PROPERTIES.
 - ANY CHANGE OF USE, OR CONTINUED USE IF THERE IS A CHANGE OF USE, SHALL BE SUBMITTED TO THE CITY FOR REVIEW PRIOR TO THE START OF OPERATIONS.
 - THE CITY RESERVES THE RIGHT TO REEVALUATE TRAFFIC IN THE FUTURE IF THERE IS AN INCREASE FROM WHAT WAS REPRESENTED TO THE CITY IN EVALUATING THIS SPECIAL USE PERMIT.
 - PROPOSED FENCING ENCLOSES INTO THE PROPERTY. THE CITY RETAINS THE RIGHT AND AUTHORITY TO REQUIRE REMOVAL OF ANY FENCING IN THE FUTURE, AT THE PROPERTY OWNER'S EXPENSE, IN THE FUTURE IF NEEDED FOR STREET EXPANSION, IMPROVEMENTS, OR UTILITY CONSTRUCTION.
 - ANY FUTURE STRUCTURES OR SIGNAGE MUST BE SUBMITTED TO THE CITY FOR A SEPARATE REVIEW AND ANY REQUIRED PERMITS.

- GENERAL LANDSCAPE NOTES**
- UTILITIES:
- LOCATION OF LANDSCAPE MATERIAL MAY BE ALTERED TO PROVIDE ADEQUATE CLEARANCE FROM THE FINAL LOCATION OF UNDERGROUND UTILITIES.
 - UNDERGROUND UTILITIES SHALL BE LOCATED PRIOR TO INSTALLATION OF LANDSCAPE MATERIALS.
- GENERAL LANDSCAPE NOTES:
- LANDSCAPE TREATMENTS SHALL BE INSTALLED BY THE DEVELOPER AND MAINTAINED BY THE OWNER.
 - THIS LANDSCAPE PLAN IS DIAGRAMMATIC. TREE AND SHRUB LOCATIONS MAY BE ADJUSTED AS NEEDED AT THE TIME OF PLANTING TO MAINTAIN A MINIMUM SEPARATION FROM UNDERGROUND UTILITIES. MINIMUM SEPARATION SHOULD BE 10' FOR TREES AND 4' FOR SHRUBS.
 - SCHEDULED SIZES STATED REPRESENT MINIMUM CALIPER AND HEIGHT. SIZES PROVIDED MAY EXCEED MINIMUM REQUIRED, BUT IN NO EVENT SHALL SMALLER PLANT MATERIALS SIZES BE PROVIDED.
 - PLANTING MATERIALS SHALL HAVE BEEN GROWN IN A RECOGNIZED NURSERY IN ACCORDANCE WITH PROPER HORTICULTURAL PRACTICE. SHALL BE HEALTHY, WELL-BRANCHED, VIGOROUS STOCK WITH A GROWTH HABIT NORMAL TO THE SPECIES AND VARIETY. SHALL BE FREE OF DISEASES, PEST INFESTATION, OR DAMAGE AND SHALL CONFORM TO THE STANDARDS SET BY THE AMERICAN ASSOCIATION OF NURSERYMEN, AS AMENDED FROM TIME TO TIME.
 - SOIL IN AREAS INTENDED FOR PLANTINGS SHALL FIRST BE AMENDED ACCORDING TO CITY STANDARDS IN ORDER TO LOOSEN COMPACTED SOIL, IMPROVE VIABILITY OF PLANTINGS AND REDUCE THE AMOUNT OF WATERING REQUIRED.
 - ANY PLANT SUBSTITUTIONS ARE TO BE APPROVED BY LANDSCAPE DESIGNER PRIOR TO INSTALLATION.

PROPERTY DESCRIPTION
A parcel of land in the City of Fort Lupton, Colorado, located in PT S2SE4 Section 3, T 2N, R 67W of the 6th P.M. and more particularly described as follows:
"LEGAL DESCRIPTION"
OWNER'S APPROVAL
Know All Men By These Presents, that Richard Allen and Deborah L Smith, being the sole owners 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 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 ____ day of _____, 2020.

Notary Public
CITY ENGINEER'S APPROVAL
Approved this ____ day of _____, 202__.

City Engineer
CITY WATER AND SEWER DEPARTMENT APPROVAL
Approved this ____ day of _____, 202__.

City Clerk
Approved this ____ day of _____, 202__.

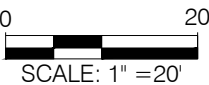
Director of Public Works
CITY ADMINISTRATOR'S APPROVAL
Approved this ____ day of _____, 202__.

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 plat of the above-described property was approved by Resolution No. 2020R015 of the City of Fort Lupton passed and adopted on the ____ day of _____, A.D., 20__ and that the Mayor of the City of Fort Lupton, hereby acknowledges and adopts the said plat upon which this certificate is endorsed for all purposes indicated thereon.

Mayor
Attest: _____
City Clerk

SITE PLAN



AGPROfessionals
DEVELOPERS OF AGRICULTURE
3050 67th Avenue, Suite 200, Greeley, CO 80634
(970) 535-9318 • Fax: (970) 535-9854



SMITH - SPECIAL USE PERMIT
SITE PLAN
FORT LUPTON, CO

SHEET:
SUP-1

Statement of Water Rights

Prepared for Richard and Deborah Smith
Annexation and Zoning

There are no known water rights attached to the property proposed to be annexed into the City of Fort Lupton.

Account Number	Description	Meter Readings		Usage	Read Code	Read Dates	
		Previous	Present			Previous	Present
003136-01	1000 Gallons	442	449	7	Actual	04/21/2020	05/19/2020

Previous Balance
 Water Minimum Charge
 Water Usage Charge
 CBT Surcharge

-\$ [REDACTED]
 \$ [REDACTED]
 \$ [REDACTED]
 \$ [REDACTED]

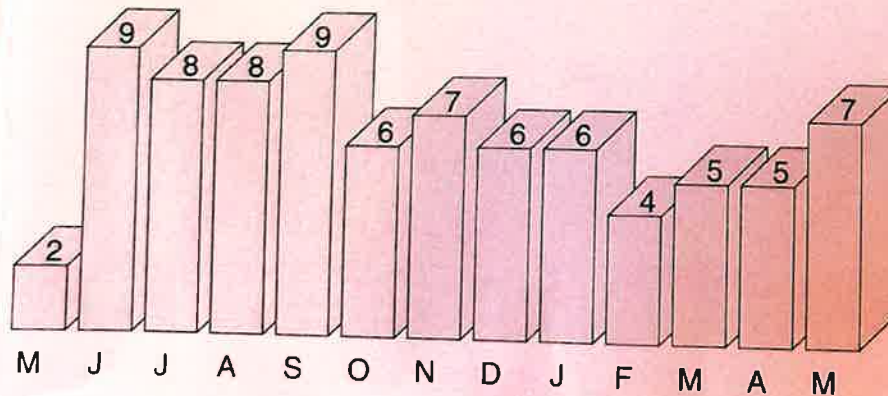
Total Current Charges \$ [REDACTED]

Total Amount Due -\$ [REDACTED]

Credit Balance - Do Not Pay

Please write account number on all payments and correspondence.
 You may pay your bill at www.cwcwd.com

Water



Customer	
Richard & Deborah Smith	
Service Address	
9729 County Rd 24	
Billing Date	Account Number
05/26/2020	003136-01
Due Date	Amount Due
06/15/2020	-\$ [REDACTED]
Annual Allocation	YTD Usage
300	40

Central Weld County Water District
 2235 2nd Avenue
 Greeley, CO 80631
 970-352-1284

Statement of Community Need

Prepared for Richard and Deborah Smith
Annexation and Zoning

A community of interest exists between the area proposed to be annexed and the City of Fort Lupton. The proposed zoning for the subject property is the A (Agricultural) Zone District. A Special Use Permit application to allow the storage of commercial vehicles and equipment associated with St. Vrain Companies, Inc. (St. Vrain Paving) has been submitted and is expected to be reviewed in conjunction with the Annexation and Zoning requests on the 1.341-acre site. The proposed zoning and development are compatible with the City of Fort Lupton's Comprehensive Plan.

ENGINEERING, PLANNING, CONSULTING & REAL ESTATE

3050 67th Avenue, Suite 200 □ Greeley, CO 80634

970.535.9318 / office □ 970.535.9854 / fax □ www.agpros.com

**TOWN OF PLATTEVILLE
BOARD OF TRUSTEES
RESOLUTION NO. 2020-12**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
PLATTEVILLE, COLORADO CONSENTING TO THE ANNEXATION OF
CERTAIN LAND WITHIN THE PLATTEVILLE GROWTH AREA**

WHEREAS, On July 7, 2014, the Town entered into the Intergovernmental Agreement Between the City of Fort Lupton and the Town of Platteville Regarding Growth and Planning Areas (the "IGA");

WHEREAS, pursuant to Paragraphs 3 and 4 of the IGA, prior to annexing any land within the Platteville Growth Area, the City of Fort Lupton is required to obtain consent from the Town and provide a copy of the annexation petition for review and comment by the Town at least 30 days prior to any formal action;

WHEREAS, pursuant to Paragraph 11 of the IGA, any required consent or approval by either party is required to be in the form of a resolution;

WHEREAS, the City of Fort Lupton has provided a copy of an annexation petition for a property located north and adjacent to County Road 24 within the Platteville Growth Area (the "Petition") to the Town and wishes to obtain consent from the Town for the annexation; and

WHEREAS, the Board of Trustees has reviewed the proposed annexation.

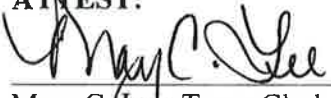
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF PLATTEVILLE, COLORADO AS FOLLOWS:**

Section 1. Pursuant to Paragraphs 3 and 4 of the IGA, the Board of Trustees hereby consents to the annexation contained in the Petition.

Section 2. The Board of Trustees hereby finds that the Petition is consistent with the character and land uses currently existing in the Joint Planning Area pursuant to the IGA.

ADOPTED this 19th day of May, 2020.

ATTEST:


Mary C. Lee, Town Clerk




Adrienne Sandoval, Mayor

INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF FORT LUPTON AND THE TOWN OF PLATTEVILLE
REGARDING GROWTH AND PLANNING AREAS

This INTERGOVERNMENTAL AGREEMENT (the "Agreement") is made this 7th day of July, 2014 (the "Effective Date"), by and between THE CITY OF FORT LUPTON, a Colorado municipality with an address of 130 South McKinley Avenue, Fort Lupton, Colorado 80621 ("Fort Lupton"), and THE TOWN OF PLATTEVILLE, a Colorado municipality with an address of 400 Grand Avenue, Platteville, Colorado 80651 ("Platteville") (each a "Party" and collectively the "Parties").

WHEREAS, Fort Lupton and Platteville entered into an intergovernmental agreement on April 12, 2000 for the joint planning of land use and development of future growth areas (the "2000 IGA");

WHEREAS, the Parties now desire to amend and restate the terms of the 2000 IGA and intend for the provisions of this Agreement to wholly replace and supersede the provisions of the 2000 IGA;

WHEREAS, growth and development and demands for municipal services exist, and will continue to exist within the geographic vicinity of Fort Lupton and Platteville;

WHEREAS, the Parties have both committed to: orderly growth and quality development; promoting economic viability and environmental integrity of their respective communities; planning the location and timing of activities and development which may result in increased demands for municipal services; providing for the efficient development and extension of municipal services, facilities, and regulations; and avoiding unnecessary duplication of governmental services;

WHEREAS, the Parties desire to maintain the rural nature of certain geographical areas which now are characterized by the agricultural, non-industrial, residential estate, and open space environmental integrity of those areas;

WHEREAS, the Parties desire to establish growth areas for their respective jurisdictions as described herein, as well as a joint planning area as described herein, for the purpose of planning for future annexation and regulating the use of land within these described areas;

WHEREAS, cooperation and increased coordination between the Parties, as represented in this Agreement, in planning for the affected geographic area, will enhance the ability of the Parties to achieve their respective and common goals;

WHEREAS, the State of Colorado has authorized and encouraged local governments to cooperate or contract with each other for the purposes of planning or regulating the development of land pursuant to the Local Government Land Use Control Act, C.R.S. § 29-20-101, *et seq.*, C.R.S. § 29-1-203, and § 18(2)(a) and 2(b) of Article XIV of the Colorado Constitution;

WHEREAS, pursuant to the Municipal Annexation Act, C.R.S. § 31-12-101, *et seq.*, the Parties each have the authority to annex property; and

WHEREAS, the Parties, after notice and public hearing, have adopted resolutions approving this Agreement, which resolutions are attached hereto and incorporated by this reference.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Joint Planning Area.** The Joint Planning Area is shown on **Exhibit A**, attached hereto and incorporated by this reference. Neither Fort Lupton nor Platteville shall annex any land, or cause or permit any development activity to occur, within the Joint Planning Area without notifying the other and complying with the requirements as described in this Agreement. In the event of an authorized annexation or authorized development activity, any and all land located within the Joint Planning Area shall be developed in accordance with this Agreement.
2. **Fort Lupton Growth Area.** The Fort Lupton Growth Area is shown on **Exhibit B**. To achieve the purposes of the Agreement as described herein, prior to annexing any land within the Fort Lupton Growth Area, Platteville shall obtain the consent of Fort Lupton.
3. **Platteville Growth Area.** The Platteville Growth Area is shown on **Exhibit C**. To achieve the purposes of the Agreement as described herein, prior to annexing any land within the Platteville Growth Area, Fort Lupton shall obtain the consent of Platteville.
4. **Annexation and Development Proposals.** Each Party shall provide the other with a copy of any annexation petition or application for initial zoning, rezoning, planned unit development, variance, conditional use or special use, subdivision or injection well affecting any property within the Joint Planning Area for review and comment at least thirty (30) days prior to any formal action thereon by any official, commission, agency, council or governing body of the authorizing or permitting Party. Upon review of any such application for initial zoning, rezoning, planned unit development, variance, conditional use or special use, or subdivision application proposal, each Party shall consider the effects of the proposal on the character and land uses currently existing in the Joint Planning Area.
5. **Land Use.** Fort Lupton and Platteville agree to use their best efforts to maintain the character of the Joint Planning Area and its adjoining property, which areas are now characterized by agricultural, non-industrial, residential estate, and open space land uses.
6. **Revenue Sharing.**
 - a. Upon annexation by Fort Lupton of property within the Joint Planning Area, Fort Lupton shall share with Platteville fifty percent (50%) of the amount of revenues received by Fort Lupton from application of Fort Lupton's sales tax on retail sales made by businesses located within the annexed area and fifty percent (50%) of the amount of revenues received by Fort Lupton from application of Fort Lupton's property tax on property located within the annexed area. Such amounts shall be paid to Platteville pursuant to a process to be mutually agreed upon by the Parties.
 - b. Upon annexation by Platteville of property within the Joint Planning Area, Platteville shall share with Fort Lupton fifty percent (50%) of the amount of revenues

received by Platteville from application of Platteville's sales tax on retail sales made by businesses located within the annexed area and fifty percent (50%) of the amount of revenues received by Platteville from application of Platteville's property tax on property located within the annexed area. Such amounts shall be paid to Fort Lupton pursuant to a process to be mutually agreed upon by the Parties.

7. **Transportation Planning.** To facilitate the coordination of transportation planning efforts, the Parties agree to evaluate and amend their respective comprehensive plans to include any jointly designated transportation plans and standards for roadways within the Joint Planning Area that the Parties may develop.

8. **Recreation and Environmental Planning.** The Parties agree to cooperate with each other and other affected agencies and individuals in the planning of recreational opportunities within the Joint Planning Area and in planning to maintain and enhance the environmental integrity of the Joint Planning Area. This planning shall focus on preserving the aesthetic values and environmental integrity of the Joint Planning Area and restricting land uses that are incompatible with these values and would have a detrimental effect on the recreational and environmental potential of the Joint Planning Area.

9. **Term and Termination.** The term of this Agreement shall be three (3) years from the Effective Date. Thereafter, it shall be automatically renewed for successive one (1) year terms, unless written notice of nonrenewal is served on the other Party at least thirty (30) days prior to the end of a term. This Agreement may be terminated before the end of the term only with the written consent of the Parties, as expressed in a joint resolution passed by a majority vote of the Fort Lupton City Council and the Platteville Board of Trustees.

10. **Remedies.** Should either Party fail to comply with the provisions of this Agreement, the other Party, after providing written notification to the non-complying Party and upon the failure of said Party to achieve compliance within ninety (90) days after said notice, may at its option either terminate this Agreement in its entirety or seek appropriate relief, including those remedies described in C.R.S. § 29-20-105(2)(g), but excluding damages. In the event of litigation, each Party shall be responsible for its own costs, including attorney fees.

11. **Consents/Approvals.** When this Agreement calls for the consent or approval of a Party, to be effective, such consent or approval shall be in the form of a resolution duly enacted by the Fort Lupton City Council or the Platteville Board of Trustees, as appropriate.

12. **Subject to Annual Appropriation.** Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of either Party not performed during the current fiscal year is subject to annual appropriation, shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt or liability beyond the current fiscal year. To the extent that any obligation under this Agreement is deemed to constitute a multiple fiscal year financial obligation pursuant to Article X, § 20 of the Colorado Constitution, the performance of such obligation is conditioned upon annual appropriation by the Fort Lupton City Council or the Platteville Board of Trustees, as appropriate, and in the sole discretion of that governing body.

13. **Amendment.** This Agreement may be amended in writing only by the mutual agreement of the governing bodies of the Parties.

14. **No Third Party Rights.** This Agreement is made solely for the benefit of the Parties, and is not intended to nor shall it be deemed to confer rights to any persons or entities not named as Parties.

15. **Severability.** If any provision of this Agreement is deemed invalid, the validity and effect of any other provision shall not be affected; and such invalid provision shall be deemed deleted from this Agreement in a manner to give effect to the remaining provisions, except that if a requirement or limitation in such provision is declared invalid as to one Party, it shall likewise be deemed invalid as to the other Party.

16. **Notice.** Any notice under this Agreement shall be in writing, and shall be deemed sufficient when directly presented or sent pre-paid, first class United States Mail to the Party at the address set forth on the first page of this Agreement.

17. **Governing Law and Venue.** This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in Weld County, Colorado.

18. **Entire Agreement.** This Agreement constitutes the entire understanding, contract, and agreement between the Parties as to the subject matters herein set forth, and this Agreement only supersedes prior written or oral understandings, agreements, and commitments, formal or informal, relative thereto between the Parties.

19. **Governmental Immunity.** The Parties and their officers, attorneys and employees are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations and any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to the Parties and their officers, attorneys or employees.

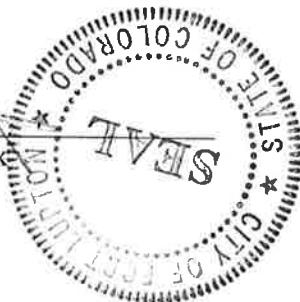
IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the Effective Date.

CITY OF FORT LUPTON, COLORADO

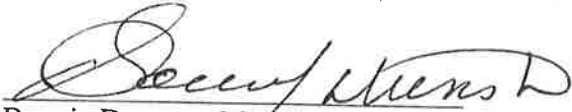

Tom Holton, Mayor

ATTEST:

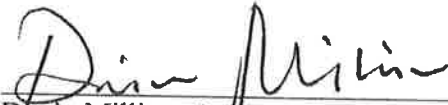

Nanette Fornof, City Clerk



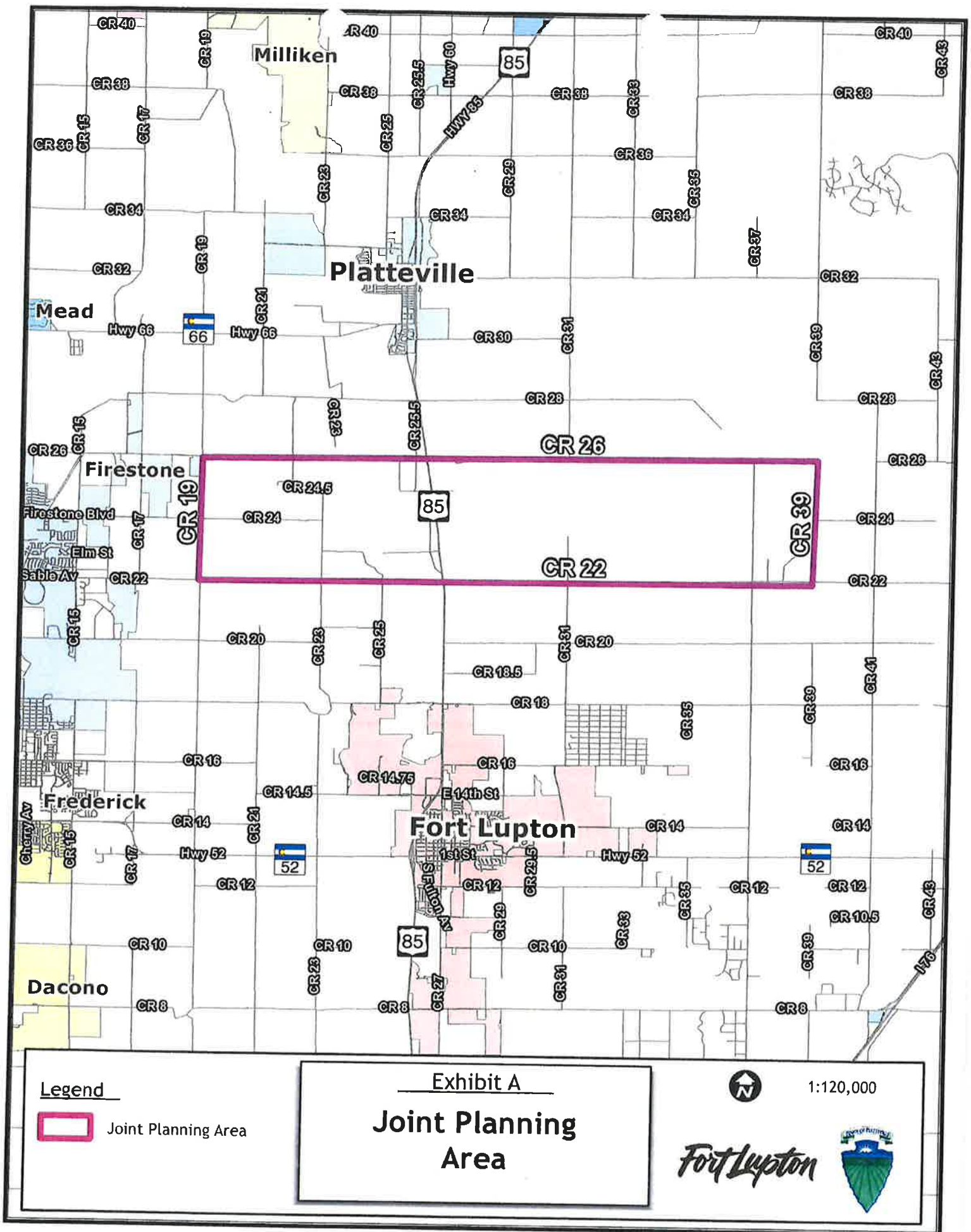
TOWN OF PLATTEVILLE, COLORADO

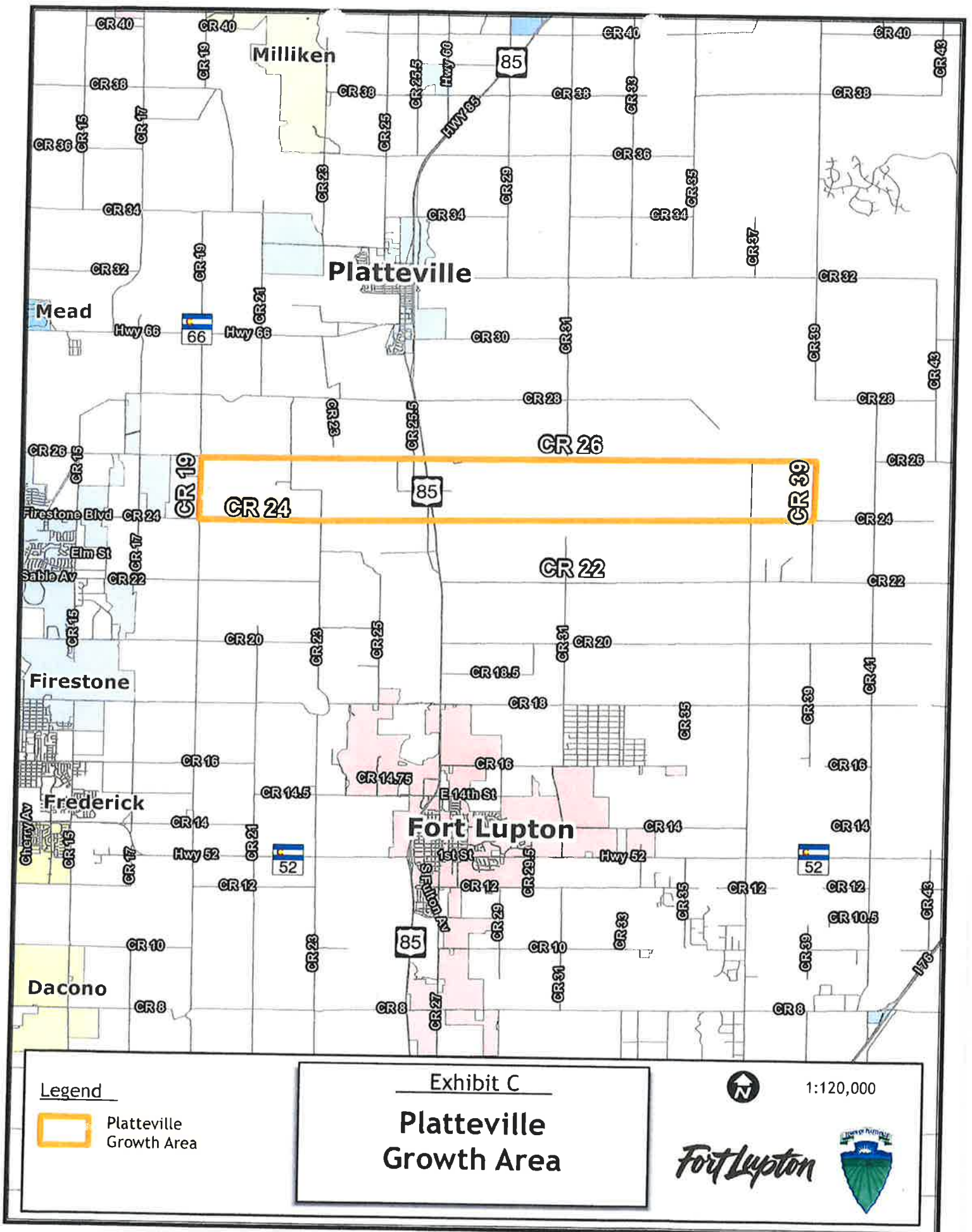

Bonnie Dunston, Mayor

ATTEST:


Devin Million, Deputy Town Clerk







Maria Lancto

From: Kelly Dykstra <kdykstra@procodeinc.net> **Pro Code Inc.**
Sent: Thursday, July 16, 2020 3:47 PM
To: PlanningDept
Subject: Smith Annexation, Initial Zoning, and Special Use Permit.

Sent from [Mail](#) for Windows 10

Hello Planning Dept,

Please note that although this is all existing, if or when there are any occupancy changes, additions, or increase in occupant loads, all projects will require a licensed designer and designs could be subject to building code requirements. For example, if the existing commercial building does not have the required plumbing facilities, accessible features/paths/routes and they move forward with the proposed addition, they could be subject to these types of improvements. (again, I am not sure what is in the building)

As far as the residential building, I will assume it is a single family dwelling. Any other use of an R occupancy, or office for the company, or both, would be subject to fire suppression.

Thanks all

Maria Lancto

From: Kathy Naibauer <kathy@cwcbd.com>
Sent: Thursday, July 16, 2020 3:00 PM
To: PlanningDept
Subject: Smith Annexation, Initial Zoning, SUP Tap 3136

Follow Up Flag: Follow up
Flag Status: Flagged

Maria,

Thank you for the opportunity to review and comment on the Smith Annexation, Initial Zoning and SUP projects. Applications of this type typically prompt the District to conduct a backflow survey at the subject property. During the survey a CWCWD field tech will determine whether existing or planned water usage will cause any hazards that would require additional backflow protection on the customer's side of the meter. The landowner can anticipate being contacted by a CWCWD field tech regarding the survey, however, approval of the applications do not appear to cause any conflicts for Central Weld at this time.

Thanks again,

Kathy Naibauer

Central Weld County Water District
2235 2nd Ave
Greeley, CO 80631

Phone 970 352 1284



Fort Lupton Fire Protection District

1121 Denver Avenue • Fort Lupton, Colorado 80621

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

Date: 7/16/2020

Project name: Smith Annexation

Project address: 9729 Cr 24, Fort Lupton, Co 80621

FLFPD Project # R2020-034

Plan reviewer: Taw Tamlin, Fire Marshal

The Fire District has reviewed the referral for **Smith Annexation** located at **9729 Cr 24**, Fort Lupton, CO 80621. The submittal was reviewed for compliance with 2012 International Fire Code (IFC) and National Fire Protection Association (NFPA) standards as adopted by the Fort Lupton Fire Protection District, City Council of Fort Lupton, and Weld County Commissioners. The following specific and general requirements and conditions shall be met

Specific Requirements:

1. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. *2012 IFC, 505.1*
2. Fire apparatus access road (driveway) shall be designed and maintained to support the imposed loads of fire apparatus (56,000 pounds) and shall be surfaced so as to provide all-weather driving capabilities (e.g. gravel, road base or recycled asphalt). *2012 IFC Section 503.2.3*
3. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. *2012 IFC, 506.1*
4. A fire code inspection shall be required for a Certificate of Occupancy.

5. Above ground and/or below ground fuel tanks shall be approved by the Fire District prior to use. Click on <https://fortluptonfire.org/contractors/> for directions on submitting plans.
6. Plans for Construction and or additions to existing structures shall be approved by the Fire District prior to construction. Click on <https://fortluptonfire.org/contractors/> for directions on submitting plans.

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



Public Works

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

www.fortluptonco.gov

MEMO

To: Todd Hodges
Alyssa Knutson
CC: Kelsey Bruxvoort (AGPRO)
From: Roy Vestal
Date: July 16, 2020
Subject: Smith Annexation, Initial Zoning, and Special Use Permit; LUP2020-0021;
ANX2020-0003; COZ2020-0004 & SUP2020-0005
Public Works Review

Public Works has reviewed the submitted documents for the above referenced development project with the following comments for inclusion with the Final Plat submittal. Be advised, review of construction drawings is for general compliance with city standards. There may be additional concerns as this design develops.

1. Annexation

- a. Include 25' ROW Reservation along CR 24 frontage.

2. Utilities

a. Water - Chapter 3

- i. City water not available at this location.
- ii. Central Weld water main runs along CR 24.

b. Sanitary Sewer - Chapter 4

- i. No existing sanitary sewer service available in this area.

3. Site Plan

- a. Property currently goes to section line. ROW dedication of 55' required along CR 24 frontage. Separate dedication document to be filed and recorded to annotate on Site Plan prior to recording Site Plan.
- b. Encroaching access along the western property edge is interesting. City is unaware of access easement here and is not evaluating existing legality.
- c. Building encroachments on the north and east property lines and the eastern access drive at the southeast corner may be future issues with adjacent land owners. City is not issuing approvals for validity of these encroachments off the property.

4. Drainage

- a. The Preliminary Drainage Report submitted is acceptable.
- b. A Drainage Study will be required if additional pavement is proposed.

5. Transportation

- a. Traffic Narrative as submitted is acceptable.
- b. CR 24 will be designated an arterial with future ROW requirements of 110' in total width. 60' of ROW exists, but property line goes to section line (center of ROW. Dedication of 55' total ROW north of the section line is required.

c. Roadway - Chapter 6

- i. Access points on an arterial street will be limited as this area grow. Future projects may require restricting this site to one access point.
- ii. Current spacing of access to CR 24 if problematic. The access to the west of the property is too close to the western access of this site.
- iii. Site triangle and visual access at the drives should be maintained open.
- iv. Future participation in roadway improvements will be required.

July 23, 2020

City of Fort Lupton Planning Department
130 S. McKinley Ave.
Fort Lupton, CO 80621

Re: LUP2020-0021; ANX2020-0003; COZ2020-0004 & SUP2020-0005 – Smith Annexation,
Zoning, and Special Use Permit.

Dear Maria Lancot:

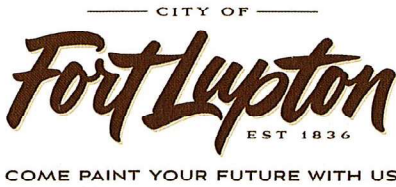
On behalf of United Power, Inc., thank you for inviting us to review and comment on the LUP2020-0021; ANX2020-0003; COZ2020-0004 & SUP2020-0005 – Smith Annexation, Zoning, and Special Use Permit. After review of the information, there is existing overhead and underground electrical distribution at the site in and the area. United Power has no concerns or objection to the proposed annexation from Weld County into Fort Lupton, the zoning of Agriculture, and the special use permit to allow storage of commercial vehicles, contingent upon United Power's ability to maintain all existing rights, facilities/equipment, and existing easements. This request should not hinder our ability for future expansion, including all present and any future accommodations for electrical distribution.

Service will be provided according to the rules, regulations, and policies in effect by United Power at the time service is requested. We look forward to safely and efficiently providing reliable electric power and outstanding service.

Thank you,



Samantha Riblett
United Power, Inc.
Right of Way Administrative Assistant
O: 303-637-1324 | Email: platreferral@unitedpower.com



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 27th day of July, 2020, I sent the following documents related to the Smith Annexation: Impact Report via certified mail with return-receipt requested to the following:

Weld County Commissioners
1150 O Street
PO Box 758
Greeley, CO 80631

Maria Lanco
City Official

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>3.55</u>	Postmark Here JUL 27 2020 80631
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy) \$ <u>2.85</u>	
☐ Return Receipt (electronic) \$ _____	
☐ Certified Mail Restricted Delivery \$ _____	
☐ Adult Signature Required \$ _____	
☐ Adult Signature Restricted Delivery \$ _____	
Postage \$ <u>0.65</u>	
Total Postage and Fees \$ <u>7.05</u>	
Sent To <u>Weld County Commissioners</u>	
Street and Apt. No., or PO Box No. <u>1150 O Street PO Box 758</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 1640 0000 5246 3088



Planning & Building

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

July 27, 2020

SMITH ANNEXATION 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 Smith Annexation submitted by the Applicants, Richard Allen Smith and Deborah L. Smith. 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 August 13, 2020 at 6:00 PM and City Council on September 1, 2020 at 7:00 PM. Please contact the Planning Department at the address on the cover of this report, or at telephone number 303-857-6694, with any comments and/or questions.

Project Description

The property proposed for annexation is located in a Part of the Southeast Quarter of Section 3, Township 2 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado. The property is situated north and adjacent to County Road 24 and approximately 0.71 miles east of County Road 19. The total acreage of the Smith Annexation is 1.21 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' Agricultural 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.
 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:** Water and sewer service can be extended to serve this site and will be addressed in the annexation agreement.
 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:** Storm drainage should not be negatively impacted.
 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 2019 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.

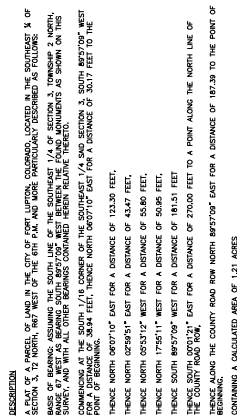
****Please contact Maria Lancto at mlancto@fortluptonco.gov or 303-857-6694 to request any of the provided maps in a larger format or in electronic format.***

Attachments:

1. Annexation map and vicinity map with Fort Lupton boundary
2. Comprehensive Plan Land Use Map 2018
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. 2019 Tax Levies Weld County, Colorado

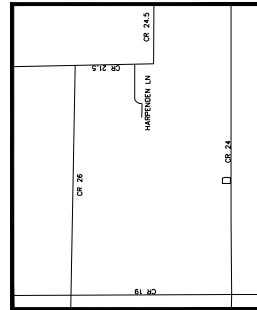
BEING A PART OF THE SE 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST, OF THE 6TH P.M., WELD COUNTY, COLORADO

BEING A PART OF THE SE 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST, OF THE 6TH P.M., WELD COUNTY, COLORADO



ANNEXATION NO. 1 CONTIGUITY TABLE:	
TOTAL PERIMETER:	912.40 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER	152.06 FEET
CONTIGUOUS BOUNDARY	187.37 FEET

ZONING CHART:		
EXISTING ZONING:	PROPOSED ZONING:	ZONING ACREAGE:
AGRICULTURAL AND COUNTRY	AGRICULTURAL (most of east portion)	1.21 ACRES



VICINITY MAP 1" = 2000'

OWNER'S APPROVAL
KNOW ALL MEN BY THESE PRESENTS, THAT RICHARD ALLEN SMITH AND DEBORAH L. SMITH, BEING THE SOLE OWNERS
OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SMO LAND TO BE ANNEXED UNDER THE NAME OF THE SMITH
ANNEXATION.
WITNESS MYSTROFE WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS DAY OF 2020.

OWNER: RICHARD ALLEN SMITH
STATE OF COLORADO, } SS
COUNTY OF _____ }

NOTARY PUBLIC

OWNER: DEBORAH L. SMITH)
STATE OF COLORADO,) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____ ON THIS _____ DAY OF _____ 2020, WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____

OF THE

PLANNING COMMISSION RECOMMENDATION

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS RECOMMENDED TO THE FORT LUDWIG CITY COUNCIL VIA RESOLUTION NO. _____

RECOMMENDED THIS _____ DAY OF _____ 2020.

MODEL NO. 1003

MAYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS APPROVED BY ORDINANCE NO. _____ OF THE CITY OF FORT LUPTON PASSED AND ADOPTED ON THE _____ DAY OF _____ A.D., 20____, AND THAT THE MAYOR AND THE CITY OF FORT LUPTON, AS AUTHORIZED BY ORDINANCE NO. _____ ON BEHALF OF THE CITY OF FORT LUPTON, HEREBY VOLUNTARILY CONVEY AND ACCEPT THE SAID ANNEXATION MAP, UPON WHICH THE SAID PROPERTY IS SHOWN, TO THE CITY OF FORT LUPTON, AND ALL OF THE PROPERTY SHOWN ON SAID MAP IS HEREBY ANNEXED TO THE CITY OF FORT LUPTON.

INDICATED THEREON.

ADDRESS TO WHICH	NAME OF	DATE

ATTORNEY. CORY A. COLEMAN

22

CLIENT: AGPROFESSIONALS
3050 67TH AVE. SUITE 200
GREELEY, CO 80634

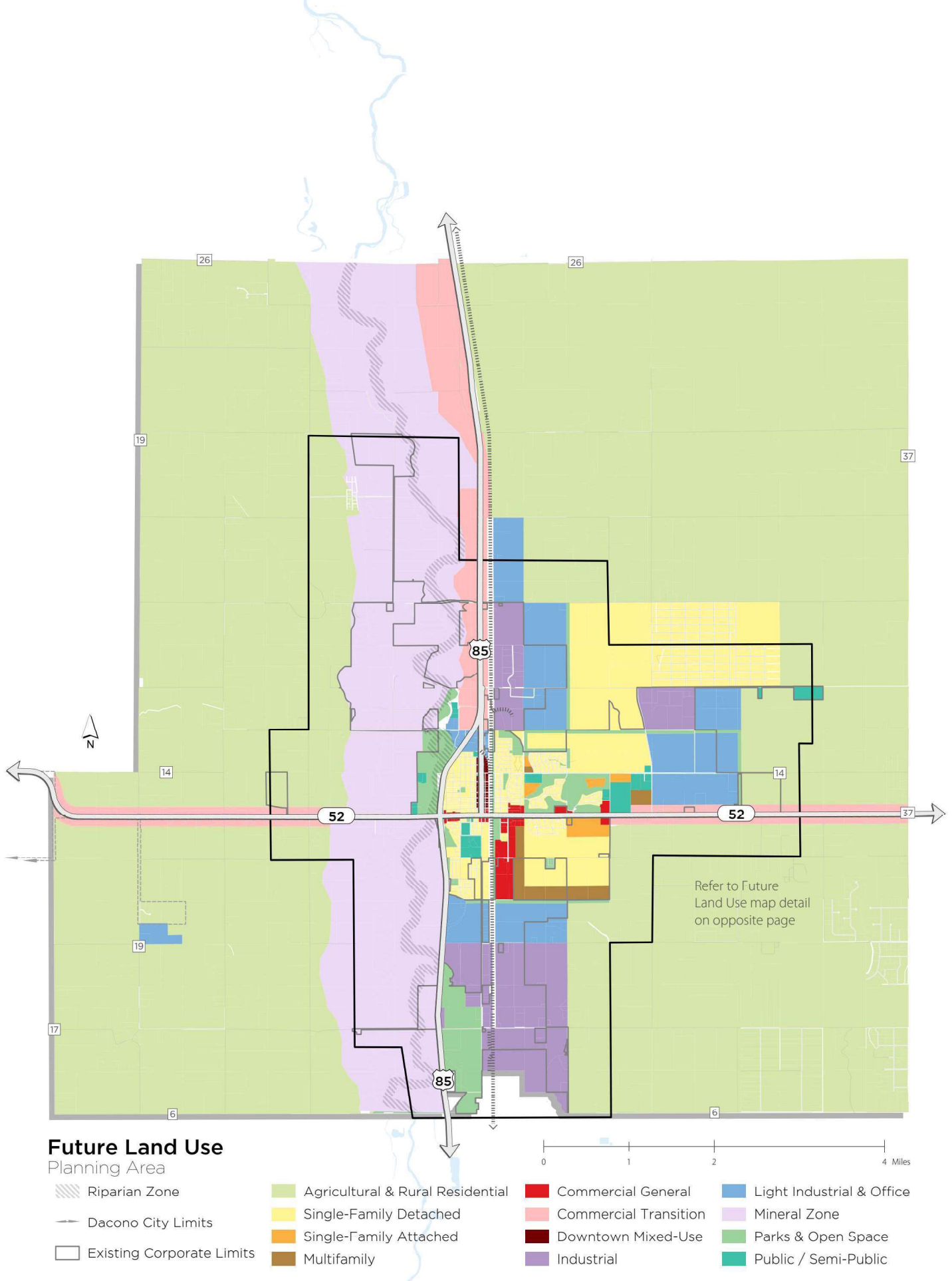
HAMMER LAND SURVEYING, INC.
3050 67TH AVENUE, SUITE 200
GREELEY, CO 80634
PH: 970-535-9318

SMITH ANNEXATION
SECTION 3, TOWNSHIP 2 NORTH,
RANGE 67 WEST, 6TH P.M.

DATE: 7/1/2020 JOB#2778-01

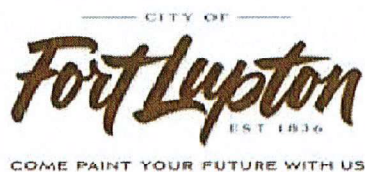
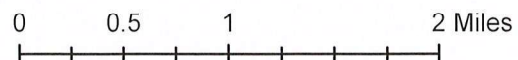
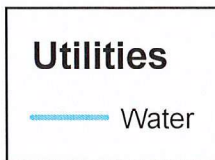
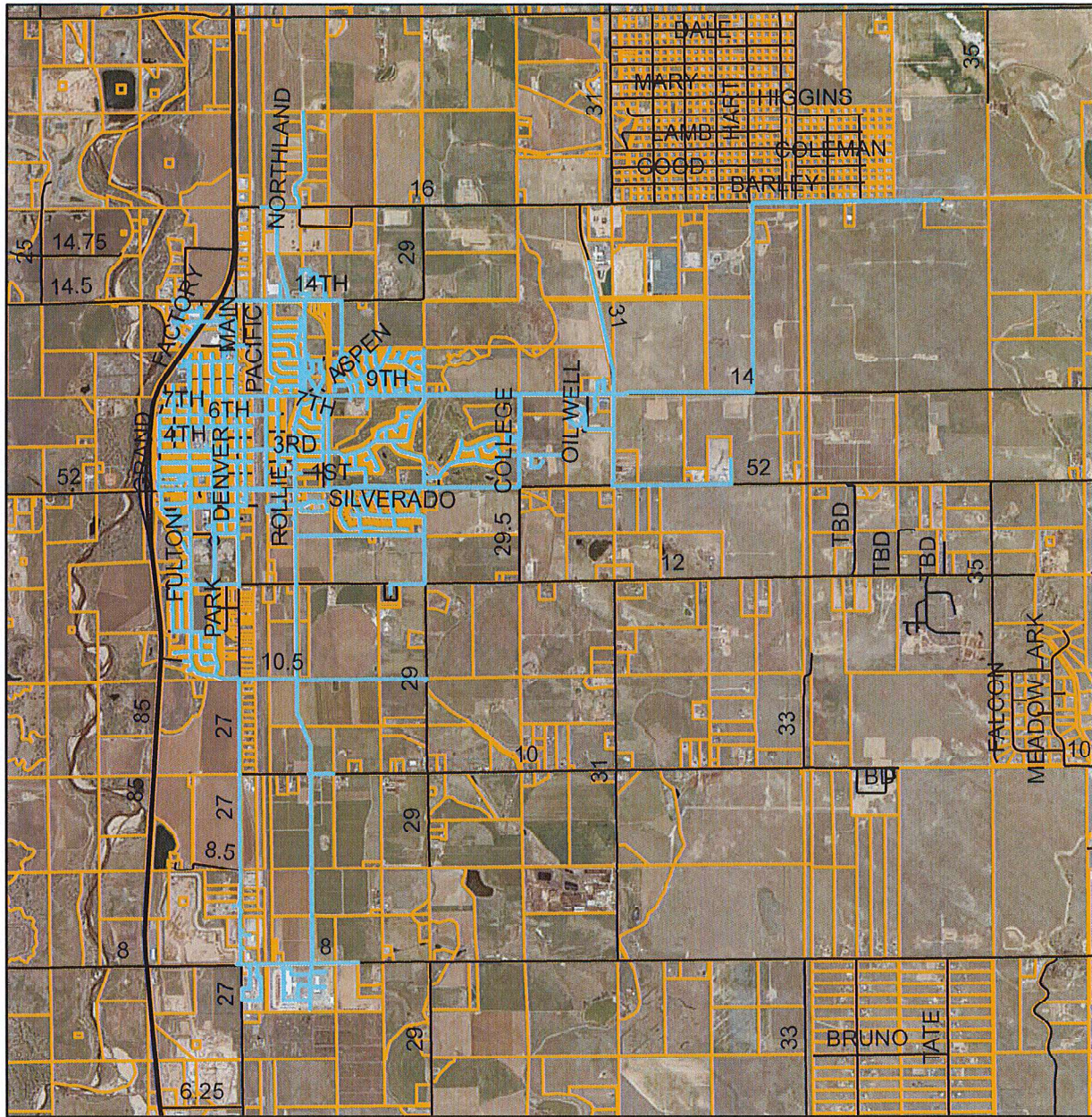
DATE: 7/1/2020 JOB#2778-01





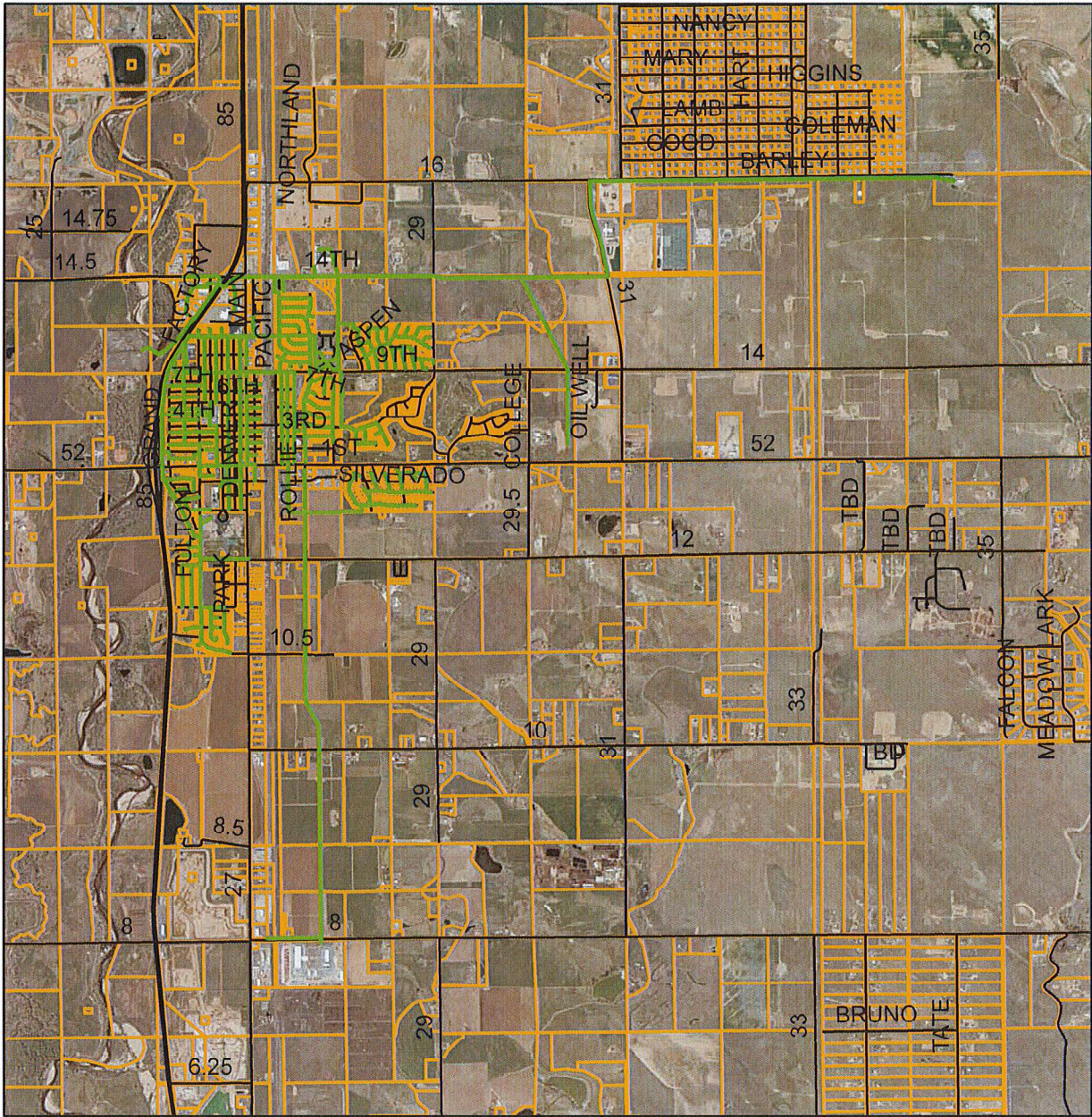


Fort Lupton Utility Map



Utilities/Proposed Subdivision are in their best approximated locations as of 9/25/18 and are subject to change.
Map is not for distribution among any other entity or persons other than intended recipient(s).

Fort Lupton Utility Map



Utilities

Sanitary Sewer

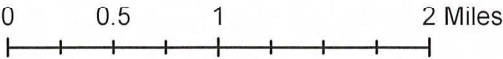
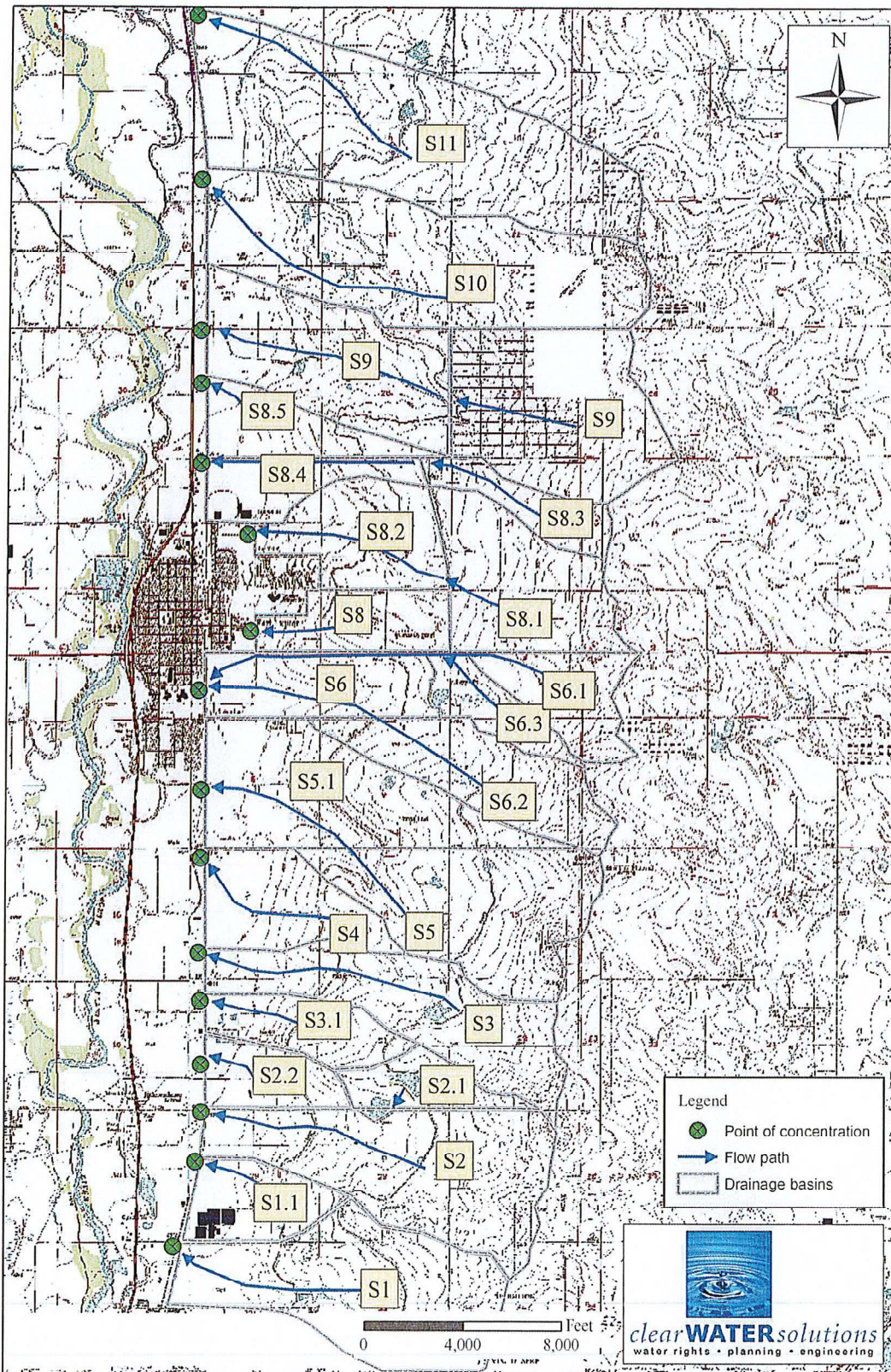
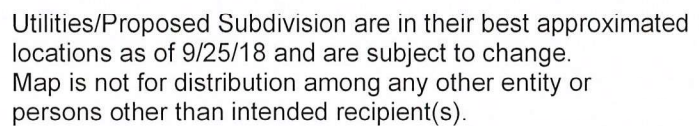


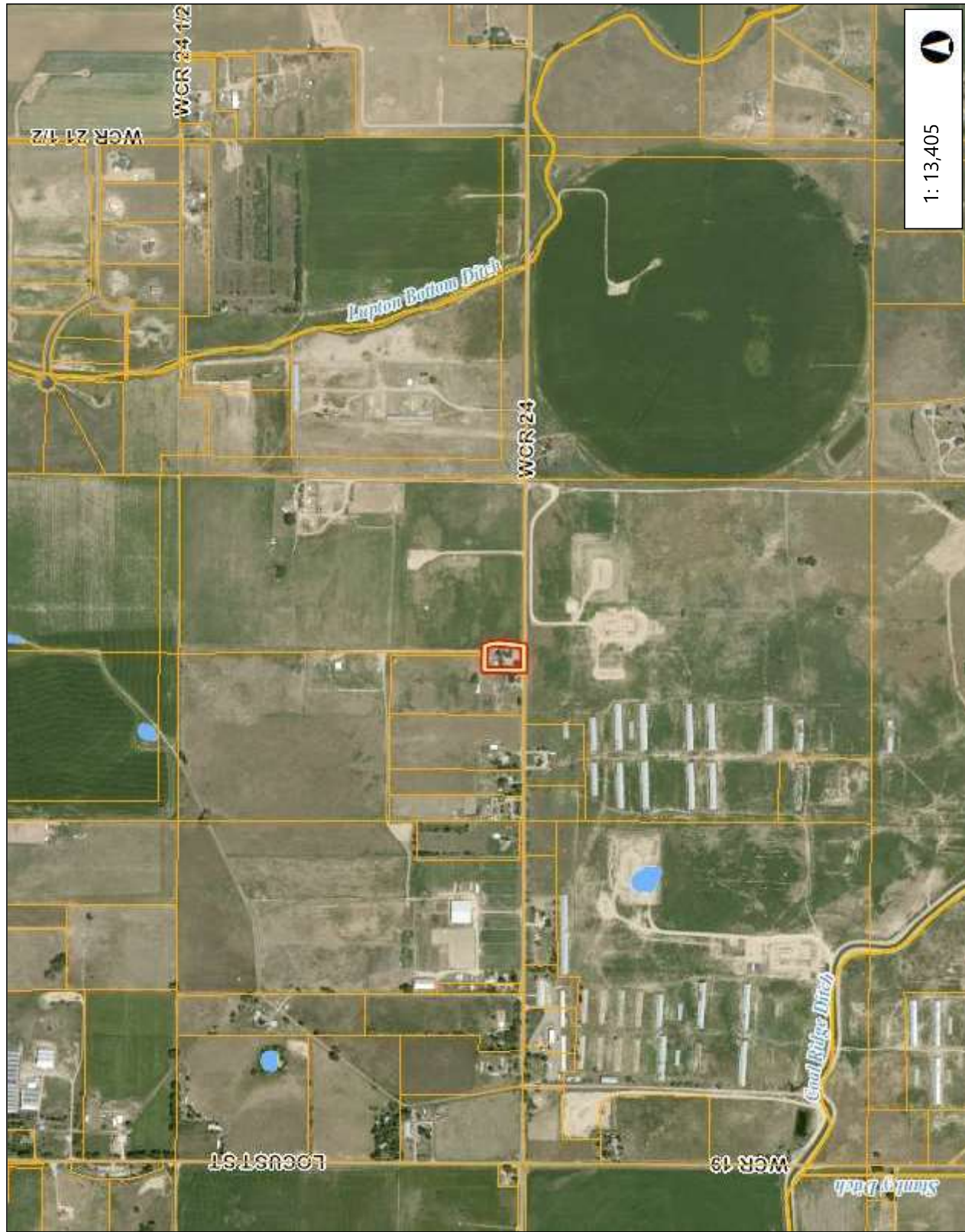
Figure 8-1
City of Fort Lupton
Storm Drainage Study Area



This aerial map illustrates the proposed rail alignment, highlighted in pink, traversing the Denver metropolitan area. The alignment begins in the southwest near the airport, passes through the city center, and extends towards the northeast. Key landmarks and neighborhoods labeled include Northland, Arden, Silverado, Crown Prince, and Matthews. Major roads such as I-70, I-25, and I-76 are also visible. The map includes a grid of section numbers and various labels for streets and areas.

A horizontal number line representing distance in miles. It starts at 0 on the left and ends at 2 Miles on the right. Major tick marks are labeled at 0, 0.5, 1, and 2 Miles. There are 10 equal intervals between 0 and 1, and another 10 equal intervals between 1 and 2. Each interval represents 0.1 miles. There are 19 small tick marks in total, one at each interval boundary.





1: 13,405

Legend

- Parcels
- Address Label
- Highway
- County Boundary
- Creek / Canal - Large Scale
- Perennial
- Intermittent
- Ephemeral
- Artificial Path
- Canal Ditch
- Coastline
- Connector
- Pipeline
- Underground Conduit
- River - Large Scale
- Area of Complex Channels
- Area to be Submerged
- Bay/Inlet
- Bridge
- Canal/Ditch
- Dam/Weir
- Flume
- Foreshore
- Hazard Zone
- Inundation Area
- Lock Chamber

Notes

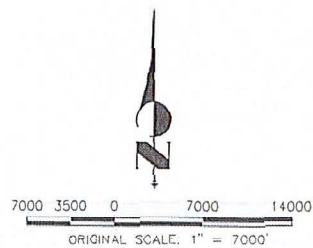
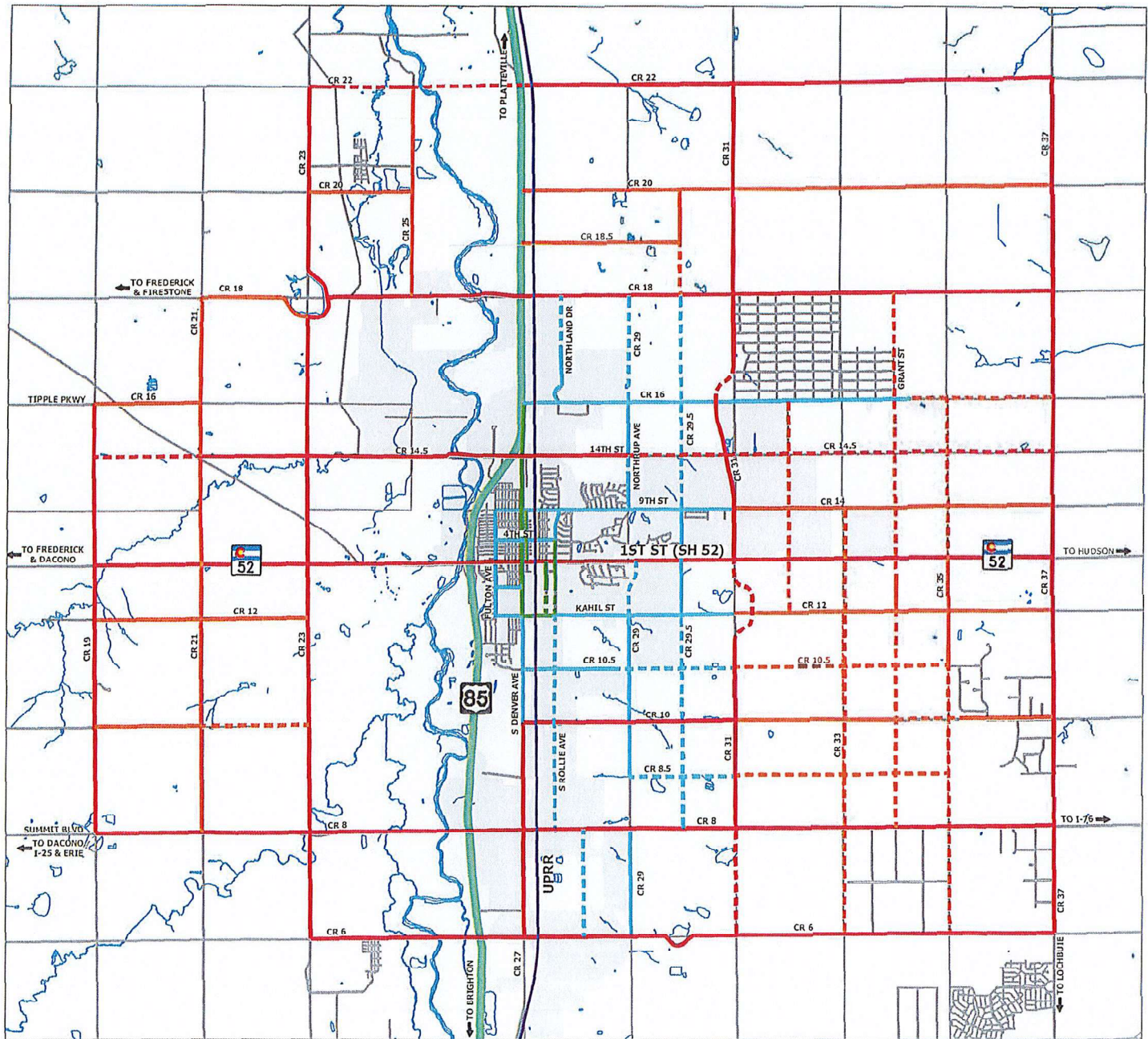
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

2,234.2 0 1,117.12 2,234.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Weld County Colorado

Figure 9: Ultimate Roadway Network



**EXISTING NETWORK
LEGEND - ROAD IMPROVEMENTS**

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

FORT LUPTON CITY LIMITS

**FUTURE NETWORK
LEGEND - ROAD IMPROVEMENTS**

- 4-LANE ARTERIAL
- RURAL COLLECTOR
- URBAN COLLECTOR
- RETAIL STREET

NOTE: FUTURE ROADWAYS ARE SHOWN ON A CONCEPTUAL BASIS.

WELD COUNTY TAX DISTRICT AND AUTHORITY REPORT

FOR TAX YEAR 2019

Tax District - 2178

<u>Authority Code</u>	<u>Authority Name</u>	<u>Mill Levy</u>
0100	WELD COUNTY	15.038000
0213	SCHOOL DIST RE1J-LONGMONT	57.559000
0301	NORTHERN COLORADO WATER (NCW)	1.000000
0303	ST VRAIN LEFT HAND WATER (SVW)	0.156000
0306	LITTLE THOMPSON WATER (LTW)	0.000000
0510	FRONT RANGE FIRE RESCUE FIRE PROTECTION DISTRICT	11.491000
0901	THOMPSON RIVER REC	3.594000
1050	HIGH PLAINS LIBRARY	3.217000
Total Levy		92.055000

Tax District - 2179

<u>Authority Code</u>	<u>Authority Name</u>	<u>Mill Levy</u>
0100	WELD COUNTY	15.038000
0201	SCHOOL DIST RE1-GILCREST	17.073000
0301	NORTHERN COLORADO WATER (NCW)	1.000000
0305	CENTRAL WELD COUNTY WATER (CWC)	0.000000
0516	PLATTEVILLE-GILCREST FIRE	7.234000
0700	AIMS JUNIOR COLLEGE	6.354000
1050	HIGH PLAINS LIBRARY	3.217000
1201	PLATTE VALLEY CONSERVATION	0.000000
Total Levy		49.916000

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

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Richard Allen Smith & Deborah L Smith for an annexation and initial zoning to the 'A' Agricultural Zone District for a property located north and adjacent to County Road 24 and approximately 0.71 miles east of County Road 19 in Weld County, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements. A special use permit for the property are being considered at a separate public hearing before the Planning Commission and City Council.

The public hearings are to be held before the Planning Commission on Thursday, August 13, 2020, at 6:00 P.M., and before the City Council on Tuesday, September 1, 2020, at 7:00 P.M. or as soon as possible thereafter.

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

LEGAL DESCRIPTION

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTHEAST ¼ OF SECTION 3, T2 NORTH, R67 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST AS BEARING SOUTH 89°57'09" WEST BETWEEN THE FOUND MONUMENTS AS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTH 1/16 CORNER OF THE SOUTHEAST 1/4 SAID SECTION 3, SOUTH 89°57'09" WEST FOR A DISTANCE OF 38.94 FEET, THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 30.17 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 123.30 FEET,

THENCE NORTH 02°59'51" EAST FOR A DISTANCE OF 43.47 FEET,

THENCE NORTH 05°53'12" WEST FOR A DISTANCE OF 55.80 FEET,

THENCE NORTH 17°55'11" WEST FOR A DISTANCE OF 50.95 FEET,

THENCE SOUTH 89°57'09" WEST FOR A DISTANCE OF 181.51 FEET

THENCE SOUTH 00°01'21" EAST FOR A DISTANCE OF 270.00 FEET TO A POINT ALONG THE NORTH LINE OF THE COUNTY ROAD ROW,

THENCE ALONG THE COUNTY ROAD ROW NORTH 89°57'09" EAST FOR A DISTANCE OF 187.39 TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1.21 ACRES

RESOLUTION NO. 2020R058

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE SMITH ANNEXATION AND SETTING THE PUBLIC HEARING FOR SEPTEMBER 1, 2020

WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Richard Allen Smith and Deborah L Smith for 1.21 acres, more or less, and known as the Smith 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 Smith Annexation and sets the hearing date for September 1, 2020, to determine if the proposed annexation complies with C.R.S. 31-12-104 and 31-12-105, or such parts thereof as may be required to establish eligibility for annexation under the terms of Part 1, Article 12, Title 31, C.R.S.

APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 7th DAY OF JULY, 2020.

s/Zo Stieber
Zo Stieber, Mayor

Attest:
s/Maricela Peña
Maricela Peña, City Clerk

Approved as to form:
s/Andy Ausmus
Andy Ausmus, City Attorney

Published Ft. Lupton Press
July 29, 2020 and August 5, 12, and 19, 2020



COME PAINT YOUR FUTURE WITH US

Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortlupton.org

Sign Posting Affidavit

Smith Annexation, Zoning, & Special Use Permit

Project No. LUP2020-0021 - ANX2020-0003, COZ2020-0004, SPR2020-0005



9729 CR 24

9729 CR 24, Fort Lupton, CO 80621
lying in PT S2SE4 Section 3, Township 2N, Range 67W

I, Kelsey Bruxvoort hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 24th day of July, 2020.

Kelsey Bruxvoort

Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Kelsey Bruxvoort, this 29th day of July, 2020. Witness my hand and seal.

My commission expires 8-1-2021.

Karlyn Baughman
Notary Public

(SEAL)

KARILYN BAUGHMAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174032330
MY COMMISSION EXPIRES AUGUST 1, 2021



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 27th day of July, 2020, a true and correct copy of the foregoing Notice of Public Hearings and annexation map for the Smith Annexation was sent via U.S. Mail, postage pre-paid, to the following addresses:

GIBS PERFORMANCE HORSES LLC
6045 E 76TH AVE STE 12
COMMERCE CITY, CO 80022

BOOK LOIS
BOOK DUANE H
9575 COUNTY ROAD 24
FORT LUPTON, CO 80621

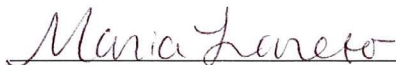
IELSLEY NICOLE
HELSLEY JEFFERY
9701 COUNTY ROAD 24
FORT LUPTON, CO 80621

SMITH DEBORAH L
SMITH RICHARD ALLEN
22864 COUNTY ROAD 5
BERTHOUD, CO 80513

HAGLER MANI BROOK
HAGLER LEE KEITH
9875 COUNTY ROAD 24
FORT LUPTON, CO 80621

FERNANDEZ ISIDRO
9576 COUNTY ROAD 24
FORT LUPTON, CO 80621

FIRESTONE CATTLE RANCH LP
PO BOX 517
EATON, CO 80615



City Official



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

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Richard Allen Smith & Deborah L Smith for an annexation and initial zoning to the 'A' Agricultural Zone District for a property located north and adjacent to County Road 24 and approximately 0.71 miles east of County Road 19 in Weld County, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements. A special use permit for the property is being considered at a separate public hearing before the Planning Commission and City Council.

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LEGAL DESCRIPTION

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BASIS OF BEARING: ASSUMING THE SOUTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST AS BEARING SOUTH $89^{\circ}57'09''$ WEST BETWEEN THE FOUND MONUMENTS AS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTH $\frac{1}{16}$ CORNER OF THE SOUTHEAST $\frac{1}{4}$ SAID SECTION 3, SOUTH $89^{\circ}57'09''$ WEST FOR A DISTANCE OF 38.94 FEET, THENCE NORTH $06^{\circ}07'10''$ EAST FOR A DISTANCE OF 30.17 FEET TO THE POINT OF BEGINNING.

THENCE NORTH $06^{\circ}07'10''$ EAST FOR A DISTANCE OF 123.30 FEET,

THENCE NORTH $02^{\circ}59'51''$ EAST FOR A DISTANCE OF 43.47 FEET,

THENCE NORTH $05^{\circ}53'12''$ WEST FOR A DISTANCE OF 55.80 FEET,

THENCE NORTH $17^{\circ}55'11''$ WEST FOR A DISTANCE OF 50.95 FEET,

THENCE SOUTH $89^{\circ}57'09''$ WEST FOR A DISTANCE OF 181.51 FEET

THENCE SOUTH 00°01'21" EAST FOR A DISTANCE OF 270.00 FEET TO A POINT ALONG THE NORTH LINE OF THE COUNTY ROAD ROW,

THENCE ALONG THE COUNTY ROAD ROW NORTH 89°57'09" EAST FOR A DISTANCE OF 187.39 TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1.21 ACRES

RESOLUTION NO. 2020R058

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE SMITH ANNEXATION AND SETTING THE PUBLIC HEARING FOR SEPTEMBER 1, 2020

WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Richard Allen Smith and Deborah L Smith for 1.21 acres, more or less, and known as the Smith 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 Smith Annexation and sets the hearing date for September 1, 2020, to determine if the proposed annexation complies with C.R.S. 31-12-104 and 31-12-105, or such parts thereof as may be required to establish eligibility for annexation under the terms of Part 1, Article 12, Title 31, C.R.S.

APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 7th DAY OF JULY, 2020.

s/Zo Stieber
Zo Stieber, Mayor

Attest:

s/Maricela Peña
Maricela Peña, City Clerk

Approved as to form:

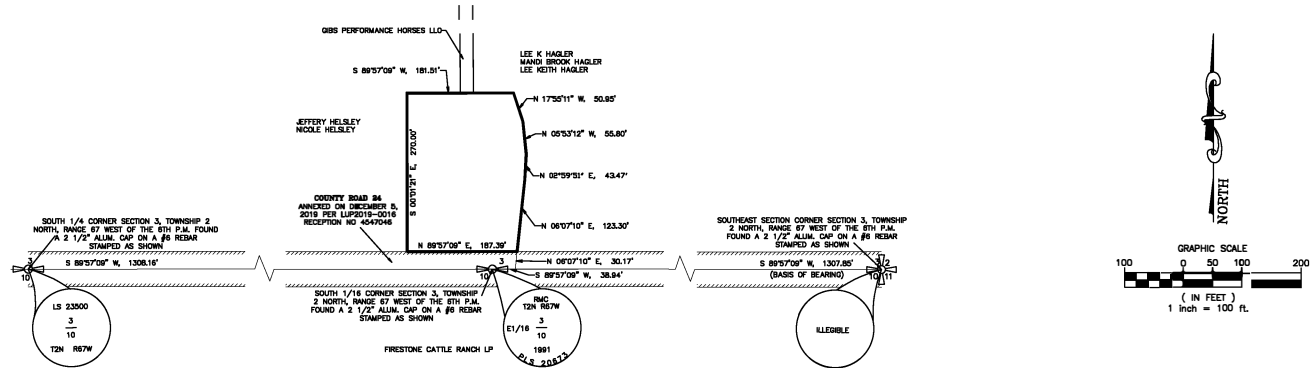
s/Andy Ausmus
Andy Ausmus, City Attorney

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT [BIT.LY/FLDEVELOPMENT](https://bit.ly/FLDEVELOPMENT) AND SCROLLING DOWN TO THE ROWS TITLED: SMITH ANNEXATION, INITIAL ZONING, AND SPECIAL USE PERMIT.

SMITH ANNEXATION PLAT

BEING A PART OF THE SE 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST, OF THE 6TH P.M., WELD COUNTY, COLORADO

- LEGEND**
- ✕ = FOUND OR SET SECTION CORNER AS NOTED.
 - ⊠ = FOUND OR SET ONE-QUARTER OR ONE-SIXTEENTH CORNER AS NOTED.
 - = ROW LINE
 - ||||| = CITY OF FORT LIPTON
 - = BOUNDARY LINE
 - = NEIGHBOR BOUNDARY



DESCRIPTION

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LIPTON, COLORADO, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 3, T2 NORTH, R67 WEST, OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASED ON BEARING, ASSUMING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST AS BEARING SOUTH 89°57'09" WEST BETWEEN THE FOUND MONUMENTS AS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTH 1/16 CORNER OF THE SOUTHEAST 1/4 SAID SECTION 3, SOUTH 89°57'09" WEST FOR A DISTANCE OF 38.84 FEET, THENCE NORTH 09°07'10" EAST FOR A DISTANCE OF 30.17 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 09°07'10" EAST FOR A DISTANCE OF 123.30 FEET,

THENCE NORTH 02°36'51" EAST FOR A DISTANCE OF 43.47 FEET,

THENCE NORTH 02°53'12" WEST FOR A DISTANCE OF 55.80 FEET,

THENCE NORTH 17°35'11" WEST FOR A DISTANCE OF 50.95 FEET,

THENCE SOUTH 89°57'09" WEST FOR A DISTANCE OF 181.51 FEET

THENCE SOUTH 02°01'21" EAST FOR A DISTANCE OF 270.00 FEET TO A POINT ALONG THE NORTH LINE OF THE COUNTY ROAD ROW,

THENCE ALONG THE COUNTY ROAD ROW NORTH 89°57'09" EAST FOR A DISTANCE OF 187.35 TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1.21 ACRES

SURVEYOR'S NOTES

1. BASIS OF BEARING, ASSUMING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST AS BEARING SOUTH 89°57'09" WEST BETWEEN THE FOUND MONUMENTS AS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

2. ALL DISTANCE MEASUREMENTS SHOWN ARE IN 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 DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

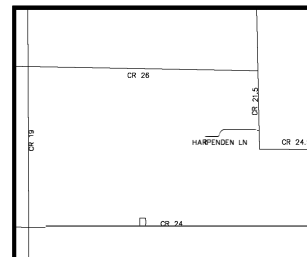
SURVEYOR'S CERTIFICATE

I, GARY K. HAMMER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY PERSONAL SUPERVISION, AND THAT THIS PLAT IS AN ACCURATE REPRESENTATION THEREOF. I FURTHER CERTIFY THAT THE SURVEY AND THIS PLAT COMPLY WITH ALL APPLICABLE RULES, REGULATIONS, AND LAWS OF THE STATE OF COLORADO, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, AND WELD COUNTY.

BY: GARY K. HAMMER DATE: 2/23/27 COLORADO REGISTRATION #

ANNEXATION NO. 1 CONTIGUITY TABLE	
TOTAL PERIMETER:	912.40 FEET
REQUIRED 1/8 CONTIGUOUS PERIMETER	152.08 FEET
CONTIGUOUS BOUNDARY	187.37 FEET

ZONING CHART		
EXISTING ZONING:	PROPOSED ZONING:	ZONING ACREAGE:
AGRICULTURAL (WELD COUNTY)	AGRICULTURAL (CITY OF FORT LIPTON)	1.21 ACRES



OWNER'S AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS, THAT RICHARD ALLEN SMITH AND DEBORAH L. SMITH, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE ANNEXED UNDER THE NAME OF THE SMITH ANNEXATION.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS ____ DAY OF _____, 2020.

OWNER: RICHARD ALLEN SMITH

STATE OF COLORADO, } SS

COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____ ON THIS ____ DAY OF _____, 2020. WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

OWNER: DEBORAH L. SMITH

STATE OF COLORADO, } SS

COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____ ON THIS ____ DAY OF _____, 2020. WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

PLANNING COMMISSION RECOMMENDATION

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS RECOMMENDED TO THE FORT LIPTON CITY COUNCIL, VIA RESOLUTION NO. _____, ON _____, 2020.

RECOMMENDED THIS ____ DAY OF _____, 2020.

CHAIRPERSON, FORT LIPTON 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 OF FORT LIPTON PASSED AND ADOPTED ON THE ____ DAY OF _____, A.D. 20____, AND THAT THE MAYOR AND THE CITY OF FORT LIPTON, AS AUTHORIZED BY ORDINANCE NO. _____, ON BEHALF OF THE CITY OF FORT LIPTON, HEREBY ACKNOWLEDGES AND ACCEPTS THE SAID ANNEXATION MAP UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

APPROVED THIS ____ DAY OF _____, 2020.

ATTEN: CITY CLERK

SEAL

MAYOR

NO.	DATE	DESCRIPTION	BY

CLIENT: AGPROFESSIONALS
3050 67TH AVE. SUITE 200
GREELEY, CO 80634

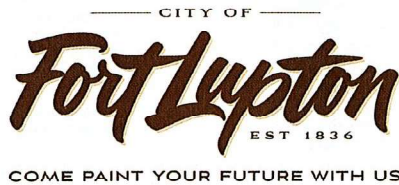
HAMMER LAND SURVEYING, INC.
3050 67TH AVENUE, SUITE 200
GREELEY, CO 80634
PH: 970-535-9318

SMITH ANNEXATION
SECTION 3, TOWNSHIP 2 NORTH,
RANGE 67 WEST, 6TH P.M.

SECTION 3, TOWNSHIP 2 NORTH
RANGE 67 WEST, 6TH P.M.

DATE: 7/1/2020 JOB#2778-01

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT [BIT.LY/FLDEVELOPMENT](https://bit.ly/fldevelopment) AND SCROLLING DOWN TO THE ROWS TITLED: SMITH ANNEXATION, INITIAL ZONING, AND SPECIAL USE PERMIT.



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 27th day of July, 2020, a true and correct copy of the foregoing Notice of Public Hearings and Annexation Petition for the Smith Annexation was sent via Certified Mail, Return-Receipt Requested, to the following addresses:

Aims Junior College
P.O. Box 69
Greeley, CO 80632

Central Weld County Water
2235 2nd Avenue
Greeley, CO 80631

High Plains Library
2650 W. 29th Street
Greeley, CO 80631

Northern Colorado Water Conservancy
220 Water Ave
Berthoud, CO 80513

Platte Valley Conservation
57 West Bromley Lane
Brighton, CO 80601

Platteville-Gilcrest Fire
303 Main St
Platteville, CO 80651

School District RE1 – Gilcrest
14827 WCR 42
Gilcrest, CO 80623

Weld County Commissioners
1150 O Street
PO Box 758
Greeley, CO 80631

Marla Lane

City Official

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	\$ 3.55
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy)	\$ 2.85
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$ 0.65
Total Postage and Fees	\$ 7.05

Sent To
School District RE-1 - Gilcrest
Street and Apt. No., or PO Box No.
14827 WCR 42
City, State, ZIP+4®
Gilcrest, CO 80623

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

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	\$ 3.55
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$ 2.85
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$ 0.65
Total Postage and Fees	\$ 7.05

Sent To
Platteville-Gilcrest Fire
Street and Apt. No., or PO Box No.
303 Main Street
City, State, ZIP+4®
Platteville, CO 80651

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

7019 1640 0000 5246 3019

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

\$ 3.55

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

☒ Return Receipt (hardcopy) \$ 2.85☐ Return Receipt (electronic) \$☐ Certified Mail Restricted Delivery \$☐ Adult Signature Required \$☐ Adult Signature Restricted Delivery \$

Postage

\$ D. 1.05

Total Postage and Fees

\$ 7.05

Sent To

High Plains Library

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

2650 W. 2nd Street

City, State, ZIP+4®

Greeley, CO 80631

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

See Reverse for Instructions



7019 1640 0000 5246 2999

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

\$ 3.55

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

☒ Return Receipt (hardcopy) \$ 2.85☐ Return Receipt (electronic) \$☐ Certified Mail Restricted Delivery \$☐ Adult Signature Required \$☐ Adult Signature Restricted Delivery \$

Postage

\$ 0.65

Total Postage and Fees

\$ 7.05

Sent To

Northern Colorado Water Conservancy

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

220 Water Ave

City, State, ZIP+4®

Berthoud, CO 80513

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

See Reverse for Instructions



7019 1640 0000 5246 2975

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Central Weld County Water

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

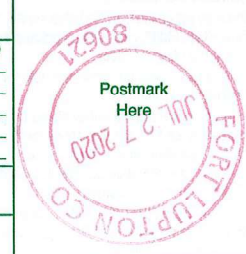
2235 2nd Avenue

City, State, ZIP+4®

Greeley, CO 80631

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

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Postage

\$ 0.65

Total Postage and Fees

\$ 7.05

Sent To

Weld County Commissioners

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

1150 O Street PO Box 758

City, State, ZIP+4®

Greeley, CO 80631

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

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☒ Return Receipt (hardcopy) \$ 2.85☐ Return Receipt (electronic) \$☐ Certified Mail Restricted Delivery \$☐ Adult Signature Required \$☐ Adult Signature Restricted Delivery \$

Postage

\$ 0.65

Total Postage and Fees

\$ 7.05

Sent To

Platte Valley Conservation

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

57 West Bromley Lane

City, State, ZIP+4®

Brighton, CO 80601

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

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Certified Mail Fee

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

☒ Return Receipt (hardcopy) \$ 2.85☐ Return Receipt (electronic) \$☐ Certified Mail Restricted Delivery \$☐ Adult Signature Required \$☐ Adult Signature Restricted Delivery \$

Postage

\$ 0.65

Total Postage and Fees

\$ 7.05

Sent To

Hims Junior College

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

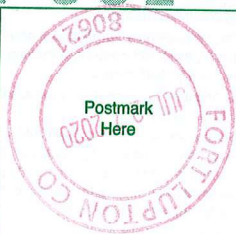
P.O. Box 69

City, State, ZIP+4®

Greeley, CO 80632

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

See Reverse for Instructions





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

A public hearing has been scheduled for Thursday, August 13, 2020 at 6:00 PM with the Fort Lupton Planning Commission and Tuesday, September 1, 2020 at 7:00 PM with the Fort Lupton City Council. The purpose of the public hearings is to consider an application submitted by Richard Allen Smith and Deborah L Smith for an annexation known as the Smith Annexation and initial zoning to the 'A' Agricultural Zone District. The property (Parcel 131103000077) is located north and adjacent to County Road 24 and approximately 0.71 miles east of County Road 19. The Property is more particularly described below.

The public hearings will be held at the Fort Lupton City Hall, 130 S. McKinley Ave. in Fort Lupton, Colorado. For additional information on this application, please contact the Fort Lupton Planning Department at 303- 867-6694.

ALL INTERESTED PERSONS MAY ATTEND.

LEGAL DESCRIPTION

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, T2 NORTH, R67 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE SOUTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST AS BEARING SOUTH 89°57'09" WEST BETWEEN THE FOUND MONUMENTS AS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTH $\frac{1}{16}$ CORNER OF THE SOUTHEAST $\frac{1}{4}$ SAID SECTION 3, SOUTH 89°57'09" WEST FOR A DISTANCE OF 38.94 FEET, THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 30.17 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 123.30 FEET,

THENCE NORTH 02°59'51" EAST FOR A DISTANCE OF 43.47 FEET,

THENCE NORTH 05°53'12" WEST FOR A DISTANCE OF 55.80 FEET,

THENCE NORTH 17°55'11" WEST FOR A DISTANCE OF 50.95 FEET,

THENCE SOUTH 89°57'09" WEST FOR A DISTANCE OF 181.51 FEET



THENCE SOUTH 00°01'21" EAST FOR A DISTANCE OF 270.00 FEET TO A POINT ALONG
THE NORTH LINE OF THE COUNTY ROAD ROW,

THENCE ALONG THE COUNTY ROAD ROW NORTH 89°57'09" EAST FOR A DISTANCE OF
187.39 TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1.21 ACRES



RESOLUTION NO. 2020R058

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE SMITH ANNEXATION AND SETTING THE PUBLIC HEARING FOR SEPTEMBER 1, 2020

WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Richard Allen Smith and Deborah L Smith for 1.21 acres, more or less, and known as the Smith 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 Smith Annexation and sets the hearing date for September 1, 2020, to determine if the proposed annexation complies with C.R.S. 31-12-104 and 31-12-105, or such parts thereof as may be required to establish eligibility for annexation under the terms of Part 1, Article 12, Title 31, C.R.S.

APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 7th DAY OF JULY, 2020.

s/Zo Stieber

Zo Stieber, Mayor

Attest:

s/Maricela Peña

Maricela Peña, City Clerk

Approved as to form:

s/Andy Ausmus

Andy Ausmus, City Attorney

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 Smith Annexation to the City of Fort Lupton.

As part of this petition, your petitioners further state to the City Council that:

1. It is desirable and necessary that the territory described in Exhibit A be annexed to the City of Fort Lupton.
2. The requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Fort Lupton or will be contiguous with the City of Fort Lupton within such time as required by Section 31-12-104.
 - b. A community of interest exists between the area proposed to be annexed and the City of Fort Lupton.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Fort Lupton.
 - e. No land within the boundary of the area proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road, or other public way.
 - f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprises twenty acres or more, and, together with the buildings and improvements situated thereon, has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
 - g. No annexation proceedings have been commenced for any portion of the area proposed to be annexed for the annexation of such area to another municipality. The area proposed to be annexed is not part of any incorporated city, city and county, or town.

- h. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Fort Lupton was held within the twelve months preceding the filing of this petition.
 - i. The annexation of the area proposed to be annexed will not result in the detachment of said area from any school district.
 - j. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the City of Fort Lupton more than three miles in any direction from any point of the boundary of the City of Fort Lupton in any one year.
 - k. The territory to be annexed is 1.21 acres in total area.
 - l. Prior to completion of the annexation of the area proposed to be annexed, a plan will be in place, pursuant to Section 31-12-105 (1) (e), C.R. S., which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the City of Fort Lupton, and the proposed land uses for the area.
 - m. In establishing the boundary of the area proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the area annexed, and reasonable access will not be denied to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed but is not bounded on both sides by the City of Fort Lupton.
 - n. If required, an impact report will be prepared and filed pursuant to Section 31-12-108.5, C.R.S..
3. The signer(s) of this petition comprise(s) more than fifty percent (50%) of the landowners and own more than fifty percent (50%) of the property, excluding public streets and alleys and any land owned by the annexing municipality, and are, in fact, owners of one hundred percent (100%) of the property set forth in Exhibit A attached hereto and incorporated herein by reference.
4. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of fifteen (15) copies of an annexation map shall be submitted to the City, produced with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches, containing the following information:
- a. The date of preparation, the scale and a symbol designating true north.
 - b. The name of the annexation.
 - c. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation map.
 - d. The legal description.
 - e. Distinction of the boundary that is contiguous to the City and the length of same.
 - f. Lot and block numbers if the area is already platted.
 - g. Existing and proposed easements and rights-of-way.

- h. Existing and requested zoning and acreage of each requested zone.
 - i. Ownership of all parcels within and adjacent to the annexation.
 - j. Appropriate certification blocks as directed by the Planning Department.
- 5. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of fifteen (15) copies of a master plan shall be submitted to the City of Fort Lupton, produced with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches, containing the following information.
 - a. The date of preparation, the scale and a symbol designating true north.
 - b. The name of the annexation.
 - c. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the master plan.
 - d. Existing and proposed easements and rights-of-way.
 - e. Block numbers and lot numbers with approximate dimensions.
 - f. Proposed gross and net residential density.
 - g. Existing watercourses with adequate easements for flood control.
 - h. Designation of all public sites to be reserved and dedicated.
 - i. Existing two-foot contours.
 - j. Appropriate certification blocks as directed by the Planning Department.
- 6. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of five (5) copies of all required supportive information shall be submitted to the City of Fort Lupton which shall include the following:
 - a. Soils description and limitation.
 - b. Preliminary utility plan.
 - c. Mailing addresses of all property owners within five hundred (500) feet of the annexation.
 - d. Affidavit concerning the amount and historical use of all water rights owned.
 - e. Vicinity map with one and one-half (1 ½) mile radius, at a minimum scale of one (1) inch represents two thousand (2,000) feet.
 - f. Statement on community need for proposed annexation and zoning.
 - g. For all annexations in excess of ten (10) acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students.
- 7. Upon the annexation ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, resolutions, rules, and regulations of the City of Fort Lupton, except for general property taxes of the City of Fort Lupton, which shall become effective as of the January 1 next ensuing.

8. The zoning classification requested for the area proposed to be annexed is agriculture, as shown on the annexation map attached hereto and incorporated herein.
9. As required by the City of Fort Lupton, an annexation agreement has been or will be executed by the petitioners herein and the City relating to this annexation and the petitioners hereby expressly consent to the terms and conditions set forth in the annexation agreement.
10. The property is included in the Northern Colorado Water Conservancy District (NCWCD) and the NCWCD Municipal Subdistrict.
11. The non-refundable annexation application fee of \$0.00 is tendered herewith.

THEREFORE, the undersigned respectfully petition(s) the City Council of the City of Fort Lupton, to annex the territory described and referred to in Exhibit A to the City of Fort Lupton in accordance with and pursuant to the statutes of the State of Colorado.

<u>Land Owner(s) Name(s) and Signature(s)</u>	<u>Mailing Address</u>	<u>Date of Signing</u>
<u>R. A. J. [Signature]</u>	<u>22864 C.R. 5</u>	<u>6-12-20</u>
<u>[Signature]</u>	<u>Berthoud, CO 80513</u>	<u>6-12-20</u>
<u>" "</u>	<u>" "</u>	<u>" "</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

The foregoing signature(s) was/were subscribed and sworn to before me this 12th day of June, 2020, by

Witness my hand and official seal.

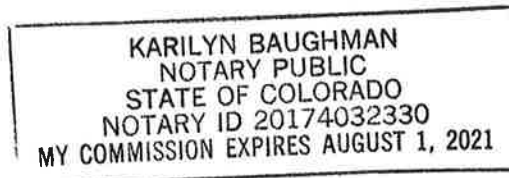
My commission expires on 8.1.2021.

[Signature]
Notary Public

Land Owned

Land owned is described in Exhibit A.

If necessary, attach separate sheet.



AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)
)ss.
COUNTY OF WELD)

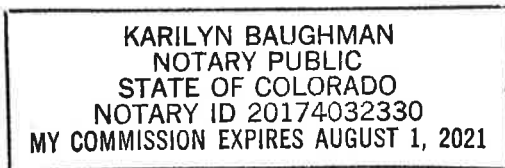
ALP Professionals
Kelsey Bruxvoort, being first duly sworn, states upon oath that he/she is the circulator of the petition to which this Affidavit is attached and knows of his/her own knowledge that the signature of each land owner appearing on said petition is the signature of the person whose name it purports it to be.


(Signature of Circulator)

The foregoing Affidavit was subscribed and sworn to before me this 12th day of June, 20 20, by Kelsey Bruxvoort.

Witness my hand and official seal.

My commission expires on 8-1-2021.




Notary Public

EXHIBIT A
(Legal Description)

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, T2 NORTH, R67 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE SOUTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST AS BEARING SOUTH 89°57'09" WEST BETWEEN THE FOUND MONUMENTS AS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTH $\frac{1}{16}$ CORNER OF THE SOUTHEAST $\frac{1}{4}$ SAID SECTION 3, SOUTH 89°57'09" WEST FOR A DISTANCE OF 38.94 FEET, THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 30.17 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 123.30 FEET,

THENCE NORTH 02°59'51" EAST FOR A DISTANCE OF 43.47 FEET,

THENCE NORTH 05°53'12" WEST FOR A DISTANCE OF 55.80 FEET,

THENCE NORTH 17°55'11" WEST FOR A DISTANCE OF 50.95 FEET,

THENCE SOUTH 89°57'09" WEST FOR A DISTANCE OF 181.51 FEET

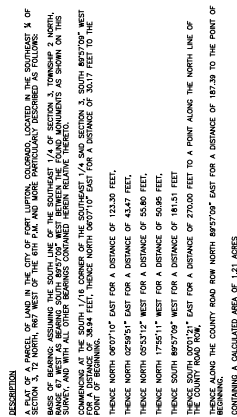
THENCE SOUTH 00°01'21" EAST FOR A DISTANCE OF 270.00 FEET TO A POINT ALONG THE NORTH LINE OF THE COUNTY ROAD ROW,

THENCE ALONG THE COUNTY ROAD ROW NORTH 89°57'09" EAST FOR A DISTANCE OF 187.39 TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1.21 ACRES

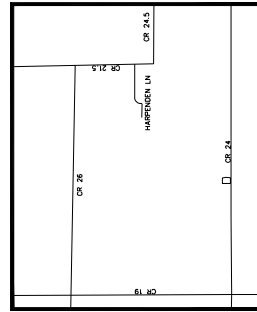
BEING A PART OF THE SE 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST, OF THE 6TH P.M., WELD COUNTY, COLORADO

BEING A PART OF THE SE 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST, OF THE 6TH P.M., WELD COUNTY, COLORADO



ANNEXATION NO. 1 CONTIGUITY TABLE:	
TOTAL PERIMETER:	912.40 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER	152.06 FEET
CONTIGUOUS BOUNDARY	187.37 FEET

ZONING CHART:		
EXISTING ZONING:	PROPOSED ZONING:	ZONING ACREAGE:
AGRICULTURAL AND COUNTRY	AGRICULTURAL (most of east portion)	1.21 ACRES



VICINITY MAP 1" = 2000'

OWNER'S APPROVAL
KNOW ALL MEN BY THESE PRESENTS, THAT RICHARD ALLEN SMITH AND DEBORAH L. SMITH, BEING THE SOLE OWNERS
OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE ANNEXED UNDER THE NAME OF THE SMITH
ANNEXATION.
WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 2020.

OWNER: RICHARD ALLEN SMITH
STATE OF COLORADO, } SS
COUNTY OF _____ }

NOTARY PUBLIC

OWNER: DEBORAH L. SMITH)
STATE OF COLORADO,) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____ ON THIS _____ DAY OF _____, 2020. WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____

ORANGE COUNTY

PLANNING COMMISSION RECOMMENDATION

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS RECOMMENDED TO THE FORT LIPSON CITY COUNCIL VIA RESOLUTION NO. _____

RECOMMENDED THIS _____ DAY OF _____ 2020.

CHRISTOPHER EAST || 11010101

MAYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS APPROVED BY ORDINANCE NO. _____ OF THE CITY OF FORT LUITPION PASSED AND ADOPTED ON THE _____ DAY OF _____ A.D., 20____, AND THAT THE MAYOR AND THE CITY OF FORT LUITPION, AS AUTHORIZED BY ORDINANCE NO. _____ ON BEHALF OF THE CITY OF FORT LUITPION, HEREBY ACKNOWLEDGE AND ACCEPT THE SAID ANNEXATION MAP, UPON WHICH THE SAID PROPERTY, FOR ALL OR PART THEREOF, IS TO BE INCORPORATED IN THE CITY OF FORT LUITPION, MISSOURI.

INDICATED THEREON.

APPROVED THIS _____ DAY OF _____

SSSS

2

CLIENT: AGPROFESSIONALS
3050 67TH AVE. SUITE 200
GREELEY, CO 80634

HAMMER LAND SURVEYING, INC.
3050 67TH AVENUE, SUITE 200
GREELEY, CO 80634
PH: 970-535-9318

SMITH ANNEXATION
SECTION 3, TOWNSHIP 2 NORTH,
RANGE 67 WEST, 6TH P.M.

DATE: 7/1/2020
JOB#2778-01DATE: 7/1/2020
JOB#2778-01

CERTIFICATION
RE: NOTIFICATION OF MINERAL INTEREST OWNERS AND LESSEES

The undersigned Applicant certifies compliance with the provisions of C.R.S. § 24-65.5-103(1), and in support thereof, states and certifies as follows:

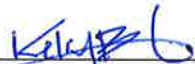
1. That Applicant has provided notice, (a copy of which is attached hereto as Exhibit "A"), containing the time and place of the initial public hearing on its application for Case Numbers **LUP2020-0021 - ANX2020-0003, COZ2020-0004, and SUP2020-0005**, the nature of the initial public hearing, the legal description by section, township and range of the property which is the subject of the initial public hearing, and the name of the applicant;

2. That said notice was provided thirty (30) days prior to the scheduled public hearing, that it was provided by certified mail, return receipt requested, or by a nationally recognized overnight courier;

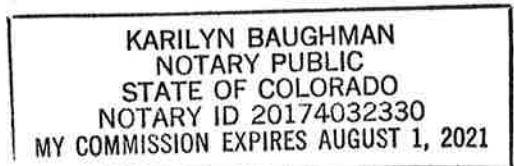
3. That said Exhibit A includes the list of the names and addresses of the surface owners, mineral estate owners and lessees of mineral interests to whom the notice was sent, including those persons who have requested receipt of such notices, pursuant to C.R.S. § 24-65.5-103(3).

APPLICANT:

Richard and Deborah Smith
c/o Kelsey Bruxvoort - AGPROfessionals


Kelsey Bruxvoort

STATE OF Colorado
COUNTY OF Weld



Subscribed and sworn to before me this 13th day of July, 2020, by
Kelsey Bruxvoort.


Notary Public

Note: This Certification must be received by the Fort Lupton Planning and Building Department prior to or at the initial public hearing. If the Certification is not received by that time, the hearing will be rescheduled to a later date, and Applicant must re-notify all owners of mineral interests.



LAND SERVICES
OIL AND GAS TITLE

P.O. Box 336337
Greeley, CO 80633

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

LIST OF MINERAL OWNERS AND MINERAL LESSEES for NOTIFICATION

(Richard Allen Smith and Deborah L. Smith Property)

Subject Property:

Township 2 North, Range 67 West, 6th P.M., Weld County, CO

Section 3: A tract of land being more particularly described on Exhibit A and being
situate in the SE¼

Zeren Land Services, an oil and gas title research company, states that to the best of its knowledge the following is a true and accurate list of the names and addresses of the mineral owners and mineral leasehold owners entitled to notice under the Surface Development Notification Act, Colorado Revised Statutes §24-65.5-101, et seq. in the Subject Property based upon the records of the Weld County Assessor and Clerk Recorder as of July 2, 2020 at 7:45 a.m.:

Mineral Owners:

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

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

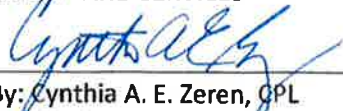
Mineral Leasehold Owners:

Noble Energy, Inc.
Attn: Wattenberg Land Department
1625 Broadway, Suite 2000
Denver, CO 80202

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

Dated this 8th day of July, 2020.

ZEREN LAND SERVICES


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

July 13, 2020

CERTIFIED MAIL/RETURN RECEIPT REQUESTED # 9414 8118 9956 3759 6484 23

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

Re: AGPRO Project #2778-01

To Whom It May Concern:

This letter is to inform you that Richard and Deborah Smith (Applicant) are filing for an Annexation, Change of Zone, and Special Use Permit through the City of Fort Lupton. Please refer to case numbers LUP2020-0021 - ANX2020-0003, COZ2020-0004, and SUP2020-0005. You may have an interest in the mineral rights on the Applicant's property more particularly described below.

Located in Part of the South Half of the Southeast Quarter of Section 3, Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado, more particularly described in Exhibit A.

Parcel No. 131103000077

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If you have any questions, please feel free to contact us at (970) 535-9318. AGPROfessionals will be representing the Applicant throughout the application process. Alternatively, additional information can be obtained by writing or calling Maria Lancto, Fort Lupton Planner, at (303) 857-6694.

Sincerely,



Kelsey Bruxvoort
Land Planner

CC: Fort Lupton Planning & Building Department

EXHIBIT A
(Legal Description)

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CONTAINING A CALCULATED AREA OF 1.21 ACRES

 **AGPRO**professionals
DEVELOPERS OF AGRICULTURE
3050 67TH AVENUE
GREELEY, CO 80634

CERTIFIED MAIL[®]



9414 8118 9956 3759 6484 23

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

\$5.750
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July 13, 2020

CERTIFIED MAIL/RETURN RECEIPT REQUESTED # 9414 8118 9956 3759 6602 89

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

Re: AGPRO Project #2778-01

To Whom It May Concern:

This letter is to inform you that Richard and Deborah Smith (Applicant) are filing for an Annexation, Change of Zone, and Special Use Permit through the City of Fort Lupton. Please refer to case numbers LUP2020-0021 - ANX2020-0003, COZ2020-0004, and SUP2020-0005. You may have an interest in the mineral rights on the Applicant's property more particularly described below.

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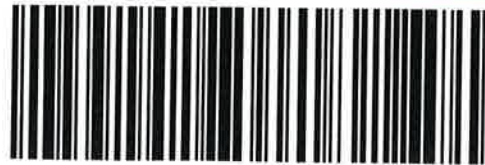
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CERTIFIED MAIL/RETURN RECEIPT REQUESTED # 9414 8118 9956 3759 9121 80

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

Re: AGPRO Project #2778-01

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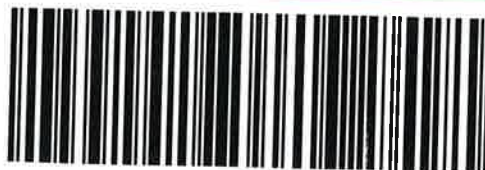
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1099 18th Street, Suite 1500
Denver CO 80202-1908

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July 13, 2020

CERTIFIED MAIL/RETURN RECEIPT REQUESTED # 9414 8118 9956 3759 9227 07

Noble Energy, Inc.
Attn: Wattenberg Land Department
1625 Broadway, Suite 2000
Denver, CO 80202

Re: AGPRO Project #2778-01

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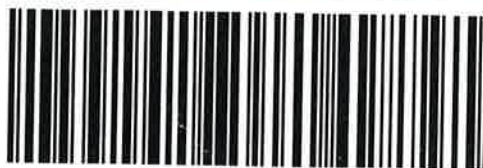
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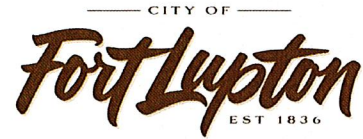
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CITY OF FORT LUPTON CITY COUNCIL



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

Zo Stieber, Mayor

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

AM 2020-154

ADOPT AN ORDINANCE TO INITIALLY ZONE LAND LEGALLY DESCRIBED IN EXHIBIT A OF THE PROPOSED ORDINANCE, AND KNOWN AS THE SMITH INITIAL ZONING, TO THE 'A' AGRICULTURAL ZONE DISTRICT

I. **Agenda Date:** Council Meeting – September 1, 2020

II. **Attachments:**

- a. Proposed Ordinance
- b. Planning Commission Resolution, Minutes & Staff Report
- c. Land Use Application & Project Description
- d. Annexation Maps (Showing Proposed Zoning)
- e. Public Comments
- f. Referral Responses
- g. Legal Notifications

III. **Summary Statement:**

Richard Allen Smith and Deborah L. Smith (the "Applicants"), have submitted a request for initial zoning of certain land identified in Exhibit A of the Ordinance to the 'A' Agricultural Zone District. The initial zoning is situated north and adjacent to County Road 24 an approximately 0.71 miles east of County Road 29. City Council has previously reviewed and considered an Ordinance to approve the annexation known as the Smith Annexation at a hearing on September 1, 2020. This request is to initially zone the property included within that Annexation.

IV. **Submitted by:**

Planner

V. **Finance Reviewed**

Finance Director

VI. **Approved for Presentation:**

City Administrator

VII. **Attorney Reviewed**

Approved

Pending Approval

VIII. **Certification of Council Approval:**

City Clerk

Date

IX. Detail of Issue/Request:

Richard Allen Smith and Deborah L. Smith (the "Applicants"), have submitted a request for initial zoning of certain land identified in Exhibit A of the Ordinance to the 'A' Agricultural Zone District. The initial zoning is situated north and adjacent to County Road 24 an approximately 0.71 miles east of County Road 29. City Council has previously reviewed and considered an Ordinance to approve the annexation known as the Smith Annexation at a hearing on September 1, 2020. This request is to initially zone the property included within that Annexation.

This proposed initial zoning to the 'A' Agricultural Zone District conforms with the Agricultural and Rural Residential land use designation on the Future Land Use Map. Furthermore, similar land uses can be found nearby. The proposed use of the property is for storage of vehicles and equipment associated with St Vrain Paving. This use is being reviewed for a special use permit concurrently with this annexation, and will be considered by City Council at a separate hearing. Additionally, the property currently contains an existing residence, utility building, storage container, boxcar, shed and silo on site. These items are expected to remain.

X. Legal/Political Considerations:

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 (only 100 feet required by the Code, but notice was sent with the notice of annexation, which requires a 500-foot notice), and publishing notice of the hearing at least fifteen days prior to the hearing.

XI. Alternatives/Options:

The City Council has the following options for this request:

- a) Adopt The Ordinance.*
- b) Do not adopt The Ordinance.*

XII. Financial Considerations:

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

XIII. Staff Recommendation:

Staff recommends conditional approval of the proposed Ordinance initially zoning the land described in Exhibit A of the proposed Ordinance to the 'A' Agricultural Zone District.

ORDINANCE NO. 2020-xxxx

INTRODUCED BY: x

ADOPT ORDINANCE 2020-xxxx INITIALLY ZONING LAND KNOWN AS THE SMITH INITIAL ZONING, LEGALLY DESCRIBED IN EXHIBIT A, TO THE ‘A’ AGRICULTURAL 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 Applicants, Richard Allen Smith and Deborah L. Smith, have submitted a request to initially zone 1.21± acres of land more particularly described in Exhibit A.

WHEREAS, the Planning Commission held a public hearing on the zone request on August 13, 2020, and recommended approval to City Council of the initial zoning of land described in Exhibit A to the ‘A’ Agricultural Zone District, with all the uses-by-right allowed in said district.

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’ Agricultural Zone District, and that The Ordinance is hereby approved.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 1st day of September 2020.

PUBLISHED in the Fort Lupton Press the 9th day of September 2020.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED PUBLISHED BY TITLE ONLY this xth day of x 2020.

PUBLISHED BY TITLE ONLY the xth day of x 2020.

EFFECTIVE (after publication) the xth day of x 2020.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

EXHIBIT A

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RESOLUTION NO. P2020-020

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

WHEREAS, the Planning Commission held a public hearing on August 13, 2020, for the purpose of reviewing an application submitted by Richard Allen Smith & Deborah L. Smith for an annexation, known as the Smith Annexation and Initial Zoning to the 'A' Agricultural 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

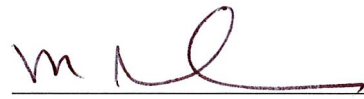
WHEREAS, all legal requirements for the public hearing have been met including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within 500 feet, and posting of the hearing on the site.

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 Smith Annexation and Initial Zoning to the 'A' Agricultural Zone District, conditional upon the following:

- I. Prior to recording the annexation map:
 - A. The title of the annexation and initial zoning map shall include the Project No. LUP2020-0021, and Plan Nos. ANX2020-0003 and COZ2020-0004.
 - B. Any redline comments provided by City Staff shall be made to the annexation map.
 - C. Written acknowledgement shall be provided that the comments from ProCode Inc. have been adequately addressed.
 - D. Written acknowledgement shall be provided that the comments from the Central Weld County Water District have been adequately addressed.
 - E. Written evidence shall be provided that the comments from the Fort Lupton Fire Protection District have been adequately addressed.

- F. Written evidence shall be provided that the comments from the Public Works Director have been adequately addressed.
 - G. Written acknowledgement of the comments from United Power shall be provided.
 - H. An additional 25' right-of-way reservation along County Road 24 shall be shown on the map.
- II. The mylar map and additional requirements shall be submitted within 120 days from the date of City Council approval.

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


Chairman

ATTEST:


Planning Director

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

The Planning Commission of the City of Fort Lupton met in session at City Hall, 130 South McKinley Ave., the regular meeting place of the Planning Commission, and virtually via GoToMeeting, on Thursday, August 13, 2020. Chair Mike Simone called the meeting to order at 6:00 p.m.

ROLL CALL

Roll was taken and those present were Chair Mike Simone and Commission Members David Hushbeck, Kathy Kvasnicka, Thomas Meyers, and Paul Weber. Vice-Chair Bushrod White arrived at 6:08 pm. Also in attendance was City Planner II Alyssa Knutson and Planner I Maria Lancto.

APPROVAL OF AGENDA

Chair Simone called for a motion to approve the agenda. It was moved by Member David Hushbeck and seconded by Member Kathy Kvasnicka.

CONSENT AGENDA

City Planner II Alyssa Knutson informed the group that the minutes in the packet had been updated in order to address minor grammatical errors.

Chair Simone called for a motion to approve the consent agenda. It was moved by Member Kathy Kvasnicka and seconded by Member Paul Weber.

PUBLIC COMMENT

Chair Simone gave the following statement:

Tonight's meeting shall be held both in-person and virtually so as to ensure the health and safety of the general public, and the City of Fort Lupton City Council, Planning Commission, and staff. The intent and purpose of the in-person and virtual appearance options is to allow the City to be innovative in providing the general public the most meaningful access possible in light of the current challenges present as a result of the COVID-19 pandemic. Therefore, subject to social distancing and public health orders, members of the general public will be offered both the opportunity to be physically and or electronically present for meetings at the City, subject to existing health conditions. An electronic link has been made available for tonight's meeting on the City's website, and social media platforms, and as posted here at City Hall so that the general public, and City Council, Planning Commission, and staff may participate electronically via the internet, on the phone, or in limited circumstances in-person.

The Chair asked if there was anyone attending online. Ms. Knutson stated that Tim Naylor was online, however he is with the representative for tonight's applications. The Chair asked

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

if there was anyone who wished to make comments not otherwise related to the agenda. Seeing none, the public comment portion was closed at 6:02 p.m.

ACTION ITEMS

Smith Annexation and Initial Zoning

Chair Simone addressed the representative for the applicant, Kelsey Bruxvoort. He asked if she, on behalf of the applicant, understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Ms. Bruxvoort stated they do.

Chair Simone asked if they consented to the applicable member voting on their submittal, even though said member is not present in person.

Ms. Bruxvoort stated they do.

Chair Simone asked if they understood that they have the right to continue this public hearing to such a date to allow a full in-person public hearing.

Ms. Bruxvoort stated yes.

Chair Simone asked if they have agreed to voluntarily waive that right on behalf of the applicant or themselves by proceeding tonight electronically.

Ms. Bruxvoort stated yes.

Chair Simone asked if they voluntarily signed and submitted the written waiver and consent to proceed electronically tonight.

Ms. Bruxvoort stated that the owner did.

Chair Simone asked if they waived their right to proceed in an in-person public hearing and have consented to proceed forward voluntarily tonight in this virtual and in-person council meeting, is that correct.

Ms. Bruxvoort stated yes.

Planner I Maria Lancto introduced the project. She stated that the application before Planning Commission is for the Smith Annexation and Initial Zoning to the 'A' Agricultural Zone District. She stated that the site is located north and adjacent to County Road 24 and approximately 0.71 miles east of County Road 19. She stated that the area to be annexed is approximately 1.21 acres and is adjacent to City Limits along its southern boundary, as this

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

portion of County Road 24 was previously annexed. She stated that zoning to the 'A' Agricultural zone district is appropriate for this site in order to comply with the Comprehensive Plan as well as surrounding land uses. She stated that the applicant will be applying for a special use permit, which will be presented to Planning Commission tonight following this public hearing for annexation, and more details regarding land use will be provided at that time. She stated that all notification requirements have been met. She stated that the applicant's representative is here tonight and has a presentation.

Chair Simone asked Ms. Bruxvoort if she had anything to add. Ms. Bruxvoort stated that she did have a presentation, and that the presentation covers the annexation, change of zone, and special use permit.

Kelsey Bruxvoort, with AGPROfessionals, LLC, 3050 67th Ave, Greeley, CO 80634, stated that she is representing Richard and Deborah Smith who are requesting annexation with initial zoning to 'A' Agriculture and a special use permit for storage of vehicles and equipment associated with St. Vrain Paving. She stated that the site is located north of County Road 24 and about three quarters of a mile east of County Road 19. She indicated to a map, and stated that the lots shown in yellow were recently annexed and zoned, and as with the other lots this request meets the annexation and zoning requirements. She stated that the districts and services are adequate and unchanged with the exception of police protection which will be provided by Fort Lupton instead of Weld County. She stated that the site is in the joint planning area of Fort Lupton and Platteville and subject to an intergovernmental agreement. She stated that County Road 24 is the dividing line of the growth areas of the towns, and as the site is located north of County Road 24, Platteville's consent was required to annex into Fort Lupton. She stated that they did obtain consent from Platteville. Ms. Bruxvoort indicated to an aerial image of the site. She stated that there is an existing residence and utility building, both of which are expected to remain. She stated that there are two existing access points and a variety of historical outbuildings which are also expected to remain. She stated that the proposed SUP is for the storage of vehicles and equipment associated with St. Vrain Paving. She stated that St. Vrain Paving is owned by Richard Smith and is an asphalt paving company operating out of Berthoud. She stated that the site will not be used as an office or retail space. She stated that no onsite employees are proposed and no on-site maintenance is proposed. She stated that the vehicles to be stored include tandem trucks, dump trucks, skid steer loaders, sealcoat machines, water trucks, tow trailers, pick-up trucks. She stated that up to 5 employees may access the site on a busy day to pick up or drop off equipment. Ms. Bruxvoort indicated to an image of the site. She stated that the parking and storage will primarily be behind the residence, and the gravel stock pile area behind the utility building with two storage containers. She stated that there are existing trees and five additional trees proposed for screening from the roadway. She stated that the site is compatible with the surrounding area, and there are several recently approved SUPs nearby includes Terra Constructors, Wade PFI, and Ten Eyck-Campbell. She stated that they have met the obligations for annexation and zoning. She stated that the application also meets the special use permit approval criteria. She stated that they respectfully ask for recommendation for approval, and would be happy to take any questions.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
August 13, 2020

Chair Simone asked Vice Chair Bushrod White if he had a chance to review the applications. He stated yes. Chair Simone verified with staff and Ms. Bruxvoort that no new information was added.

Chair Simone asked Ms. Bruxvoort if she had a full and fair opportunity to present all facts, submittal documents, testimony, and presentations in support of the application before the Planning Commission tonight.

She stated that was correct.

Chair Simone asked Ms. Bruxvoort if there has been anything that she would have liked to of presented in support of the application that she feels she is prevented from doing so.

Ms. Bruxvoort stated that she was not prevented.

Chair Simone asked if anyone in the general public would like to speak for or against this matter. He stated that no one is in the room, and asked City Planner II Alyssa Knutson if anyone online would like to speak.

Ms. Knutson stated that there were no members of the public online, other than the other applicant representative.

Chair Simone stated that if someone from the public joined the meeting they would have to go through the presentation again, but if not, they could vote on both resolutions.

Chair Simon stated that for the record the public comment portion was closed at 6:12 p.m.

Chair Simone asked if members of the Planning Commission had any questions.

David Hushbeck asked for clarity regarding Ms. Bruxvoort's statement that there were three applications. Chair Simone stated that she was probably separating annexation and initial zoning. Ms. Bruxvoort confirmed this.

David Hushbeck asked if we had any sort of expectations for fire and police response time, and if they could meet that time. Chair Simone stated that that would be City Council's concern but that it is a good question. Ms. Knutson that the property is currently under the jurisdiction of Platteville-Gilcrest, but that Fort Lupton Fire Protection will be taking over jurisdiction of it. She also stated that they have been annexing out there, and presumably they could. Chair Simone asked if referrals were sent to fire and police. Ms. Knutson stated that both agencies receive referral response requests and have the opportunity to respond.

David Hushbeck asked what happens if traffic increases. Planner I Maria Lancto stated that there is a condition of approval to put a note on the plat that if traffic increases, then they

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

would have to come back to the City. Chair Simone verified that that was standard. Member Hushbeck asked if that was okay with the applicant. Ms. Bruxvoort stated yes.

Chair Simone asked the Commissioners if they had any more questions; seeing none, he requested a motion to approve Resolution P2020-020. It was moved by Vice-Chair Bushrod White and Member Paul Weber seconded.

Motion carried by unanimous voice vote.

Smith Special Use Permit

As there were no members of the public present in-person or online, Chair Simone asked if there were any questions from Planning Commission.

Member Thomas Meyers asked if there would be any contamination from the vehicles or what the surface would be like. Ms. Bruxvoort verified that it would be road base typical for what you would see in the area. Mr. Meyers asked if these were older vehicles. Ms. Bruxvoort stated that no, the vehicles were still in use, and the site is just overflow parking and storage which is why employees may need to access the site.

Chair Simone asked to verify that no maintenance would occur on site. Ms. Bruxvoort stated that no maintenance would occur.

Chair Simone opened it up to the public at 6:16. He stated that there was no one in the room, and asked if there was anyone online. Ms. Knutson stated that only the other applicant representative was online. Chair Simone verified with Tim Naylor that he had nothing to add. Public comment closed at 6:16

Chair Simone asked the Commissioners if they had any more questions; seeing none, he requested a motion to approve Resolution P2020-021. It was moved by Vice-Chair Bushrod White and Member Paul Weber seconded.

Motion carried by unanimous voice vote

Chair Simone asked Ms. Bruxvoort if she felt she had a full and fair opportunity to participate in this discussion on behalf of the applicant. She stated yes.

DISCUSSION ITEMS

Review of Meeting Discussion

A review of meeting discussions took place.

Vice Chair Bushrod White asked if the construction company, town, or somebody could wet the gravel roads near the Fulton Village subdivision. Ms. Knutson stated that she would follow up with Public Works.

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

Development Code Update

Development code update was not discussed.

FUTURE BUSINESS

Next Meeting of the Planning Commission

The next meeting has not yet been scheduled, although staff is looking at one in September.

ADJOURNMENT

It was moved by Vice-Chair Bushrod White and seconded by Member Kathy Kvasnicka to adjourn the August 13, 2020 Planning Commission meeting at 6:23 p.m.

Motion carried unanimously by voice vote.

Maria Lancto, Planner I

Approved by Planning Commission

Mike Simone, Chair

SMITH ANNEXATION STAFF REPORT
PROJECT NO. LUP2020-0021 / PLAN NOS. ANX2020-0003 & COZ2020-0004

PROJECT DESCRIPTION

Project No.: LUP2020-0021 / Plan Nos. ANX2020-0003 & COZ2020-0004

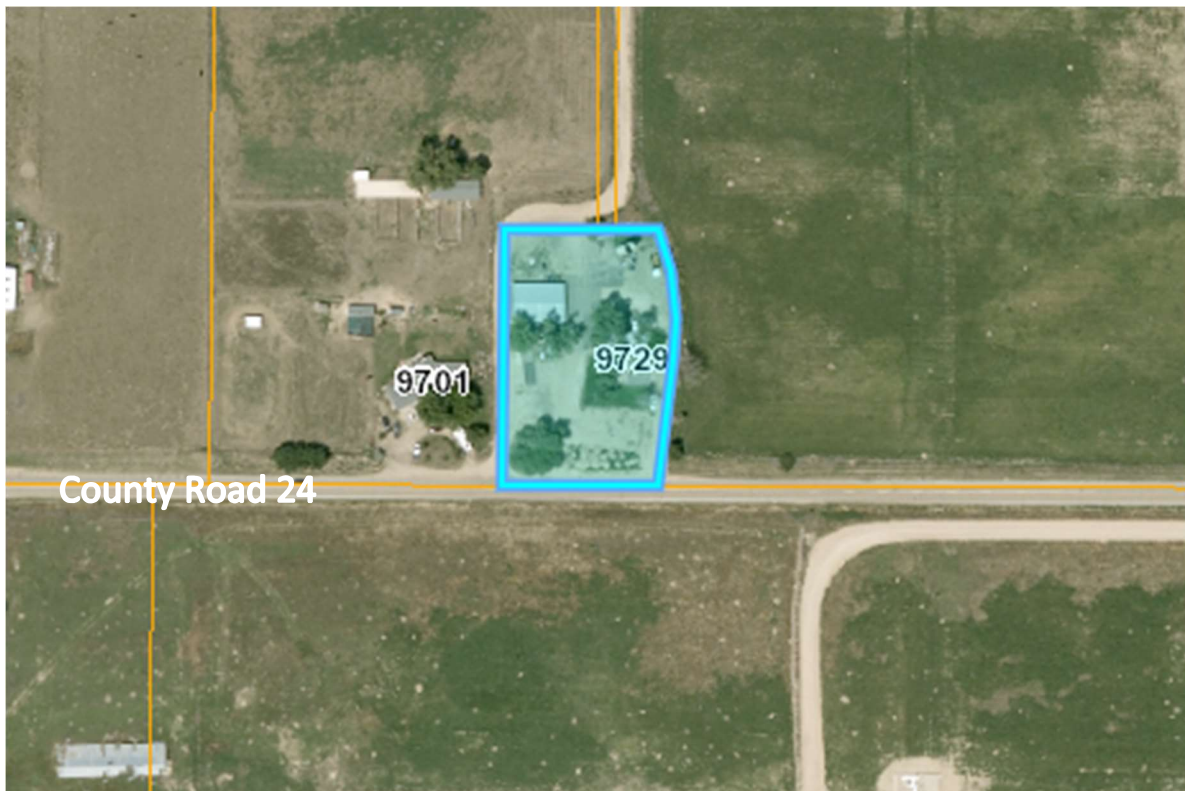
Project name: Smith Annexation and Initial Zoning

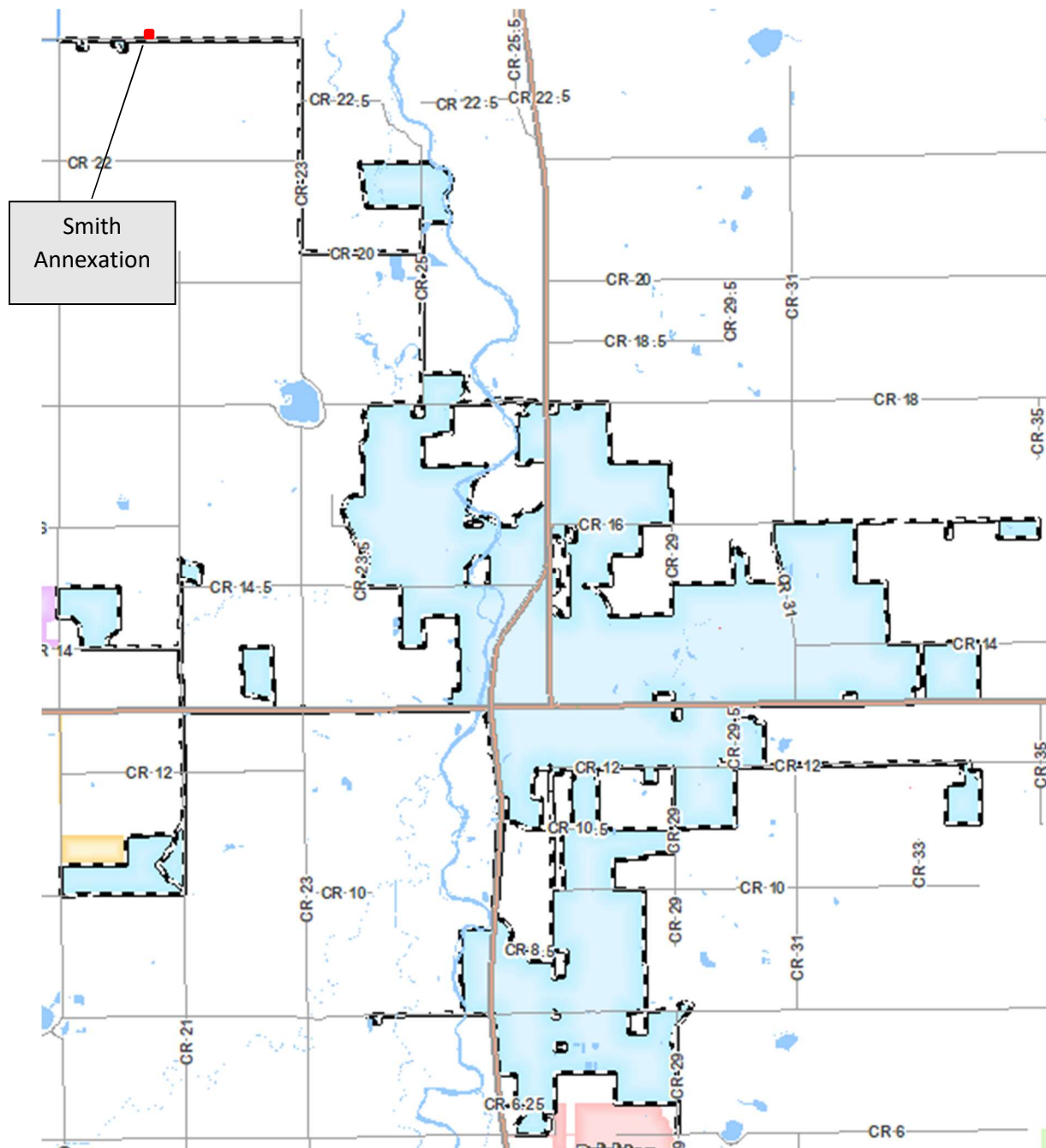
Owner's Name: Richard Allen Smith & Deborah L. Smith ("Applicants")

Representative: Kelsey Bruxvoort with AGPROfessionals

Location of Request:

The site consists of a parcel of land located north and adjacent to County Road 24 and approximately 0.71 miles east of County Road 19 in Weld County, Colorado (Parcel No. 131103000077) (the "Property"). The annexation is located in a Part of the Southeast Quarter of Section 3, Township 2 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado. The Property is directly adjacent to City Limits on the south.





The Property is primarily surrounded by agricultural and rural residential land uses. Additionally, nearby there are several Weld County Use by Special Review permits including oil and gas service lines, mineral resource development facilities, an agricultural irrigation business, and equine facilities. There are also several properties near the site with Fort Lupton Special Use Permits for various uses including storage of construction equipment, vehicle repair shops and recreational vehicle storage. Unincorporated Weld County surrounds the property on the east, south, and west sides. County Road 24 is maintained by the City of Fort Lupton.

Nature of Request:

The Applicant has submitted a request for annexation of the parcel of land with initial designation to the 'A' Agricultural Zone District. There is an existing residence, utility building, storage container, boxcar, shed and silo on-site. A Special Use Permit application has been submitted concurrently with this annexation request. The proposed Special Use Permit would allow for the storage of commercial vehicles and equipment associated with St. Vrain Companies, Inc. (St. Vrain Paving).

Site Size: Subject Property: 1.341 acres, more or less; Property to be annexed: 1.21 acres, more or less (This excludes County Road 24 right-of-way that was previously annexed.)

Proposed Zone District: 'A' Agricultural

Concept Land Use Plan: The Applicant will be requesting a special use permit for the storage of commercial vehicles and equipment associated with St Vrain Companies, Inc. (St Vrain Paving). This request has been submitted concurrently with this annexation and initial zoning review, and will be reviewed at a separate public hearing before Planning Commission and City Council.

Existing Use: The property currently contains an existing residence, utility building, storage container, boxcar, shed and silo on the site. These items are expected to remain.

Hearing Dates: Planning Commission – August 13, 2020 at 6:00 PM; and
City Council – September 1, 2020 at 7:00 PM.

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

Staff Recommendation: Approval with conditions, as 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 Applicants are requesting approval of an annexation and initial zoning to the 'A' Agricultural 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 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 the Weld County Commissioners and Weld County Attorney, the school district and all special districts on July 27, 2020 by certified mail, return-receipt requested. The annexation impact report was sent on July 27, 2020 to the Weld County Commissioners 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 July 7, 2020, the City Council accepted the annexation petition and set the public hearing date for this matter on September 1, 2020.

- 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 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’ Agricultural Zone District.

- 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 along its southern boundary.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Fort Lupton Comprehensive Plan designates this area as the Agricultural & Rural Residential land use type. This designation allows for agricultural and related uses as well as low density residential on the periphery of the planning area, intended to preserve a generally rural character. This also includes a variety of miscellaneous uses, such as isolated industrial businesses and semi-rural properties located under Estate Zoning. Given the availability of viable land for development in more appropriate districts, commercial or residential investment within agricultural areas should be discouraged. This will help limit unnecessary loss of agricultural lands and reduce the potential of suburban sprawl. The proposed zoning to the ‘A’ Agricultural Zone District conforms to this land use designation.

REFERRALS

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

Building Inspector	Central Weld Water District	CenturyLink
City Attorney	Colorado DRMS	Colorado Parks and Wildlife
Comcast	Fort Lupton Fire Protection District	GIS Specialist
NCWCD	OMI	Police chief
Postmaster	Public Works Director	Town of Firestone
Town of Platteville	United power	Weld County Department of Planning
Weld County Public Works	Weld County School District RE-8	Xcel Energy

RECOMMENDATION

Staff recommends conditional approval of the Smith Annexation and Initial Zoning to ‘A’ Agricultural. Conditions are listed on the proposed Resolution provided to Planning Commission.

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



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortlupton.org

Project No. _____

Land Use Application Form

A. CONTACT INFORMATION

- 1) Property Owner Name: Smith, Richard Allen & Deborah L
 Company: St. Vrain Companies Inc. (St. Vrain Paving)
 Phone: (303) 775-0799 Email: rickstvpaving@hotmail.com
 Address: 22864 CR 5, Berthoud, CO 80613
 Preferred method of contact? Email: ☐ Phone: ☐ Mail: ☐
- 2) Representative Name: Kelsey Bruxvoort
 Company: AGPROfessionals
 Phone: (970) 535-9318 Email: kbruxvoort@agpros.com
 Address: 3050 67th Avenue, Greeley, CO 80634
 Preferred method of contact? Email: ☒ Phone: ☒ Mail: ☐
- 3) Billing Contact (where invoices should be directed to): Rick Smith
 Billing Company: St. Vrain Companies Inc. (St. Vrain Paving)
 Phone: (303) 775-0799 Email: rickstvpaving@hotmail.com
 Address: 22864 CR 5, Berthoud, CO 80613

B. SITE DESCRIPTION

Site Address: 9729 County Road 24, Fort Lupton, CO 80621
 Parcel Number: 131103000077
 Existing Zone Classification: Agriculture Proposed Zone Classification: Agriculture
 Water Type: District Name: Central Weld County Water District
 Sewage Type: Septic Tank District Name or Location Hauled to: N/A

C. APPLICATION TYPE (CHECK ALL THAT APPLY)

- | | | |
|--|---|---|
| ☐ Sketch Plat | ☐ Administrative Site Plan | ☐ PUD Plan (Preliminary & Final) |
| ☐ Preliminary Plat | ☒ Special Use Permit | ☐ Variance |
| ☐ Final Plat | ☐ Oil & Gas Permit | ☐ Administrative Variance |
| ☐ Minor Subdivision | ☒ Annexation & Initial Zone | ☐ Appeal |
| ☐ Amended Plat | ☐ Change of Zone | ☐ Other: _____ |
| ☐ Site Plan | ☐ Comp Plan Amendment | |

Project No. _____

D. PROJECT DESCRIPTION

Project Name: Smith Annexation

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

Annexation with Agricultural Zoning and a Special Use Permit for 1.34-acre parcel located on CR 24 approx. 3/4-mile east of CR 19. Proposed SUP will allow storage of commercial vehicles and equipment associated with St. Vrain Paving whose primary location is in Berthoud, CO.

E. REQUIRED DOCUMENTS

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

F. CERTIFICATIONS

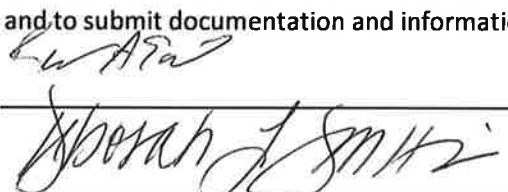
Representative Certification

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

Representative: Kelsey Buxworth - AG Professionals Date: 6/12/20


Owner Certification

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

Owner:  Date: 6-12-20

For Office Use Only

Received Date: _____

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

Deemed Complete Date: _____

Fees Submitted: _____ Escrow Submitted: _____



Smith Annexation and Zoning Project Narrative

Prepared for Richard and Deborah Smith

Introduction

Richard and Deborah Smith are requesting the annexation and zoning of their property located in part of the South Half of the Southeast Quarter of Section 3, Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado. The subject property is located on County Road (CR) 24 approximately $\frac{3}{4}$ mile east of CR 19. The portion of CR 24 adjacent to the site is within Fort Lupton city limits, refer to the County Road 24 Annexation, project no. LUP2019-0016 and case no. ANX2019-0004. The Smith Annexation requests the annexation of only the Smith parcel located at 9729 CR 24. The subject property is 1.341 acres, more or less, and the total annexation area is 1.21 acres, more or less, with the portion of the property within the right-of-way of CR 24 excluded.

The subject property is eligible for annexation and capable of integration into the City of Fort Lupton. The annexation area is less than three miles from the City of Fort Lupton's municipal boundaries. Annexation proceedings have not been commenced by another municipality. Additionally, a community of interest exists between the area proposed to be annexed and the City of Fort Lupton.

The Smith zoning request is the (A) Agricultural Zone District. The (A) Agricultural District is intended to apply in areas which economically have value for agricultural uses and are not yet ready for development into urban usage. This also includes a variety of miscellaneous uses such as isolated industrial businesses and semi-rural properties.

Description of Site

There is an existing residence, utility building, storage container, boxcar, shed and silo on-site, all of which are expected to remain. Lot surfaces consist of concrete, asphalt, road base, native grass and irrigated turf. There are two access points on CR 24.

A separate Special Use Permit (SUP) request for the storage of commercial vehicles and equipment associated with St. Vrain Companies, Inc. (St. Vrain Paving) whose primary location is in Berthoud, CO has been submitted for the subject property and is expected to be reviewed concurrently with the Annexation and Zoning request.

The existing land uses in the area surrounding the subject property are primarily agricultural and rural residential with a number of Weld County Use By Special Review permits including oil and gas service lines, mineral resource development facilities, an agricultural irrigation business, and equine facilities. Several properties along CR 24 southwest of the site within city limits have

ENGINEERING, PLANNING, CONSULTING & REAL ESTATE

3050 67th Avenue, Suite 200 □ Greeley, CO 80634

970.535.9318 / office □ 970.535.9854 / fax □ www.agpros.com

approved Fort Lupton Special Use Permits for various uses including storage of construction equipment, vehicle repair shops and recreational vehicle storage.

Uses surrounding the site are listed below:

- West of the site: Terra Constructors, Inc. site, a portion of the CR 24 Annexation and Zoning, project no. LUP2019-0016 and SUP plan no. SUP2019-0003 for storage of construction equipment.
- Ten Eyck – Campbell site, a portion of the CR 24 Annexation and Zoning, project no. LUP2019-0016, SUP plan no. SUP2019-0004 for a vehicle repair shop and a SUP plan no. SUP2019-0005 for storage of boats, RVs and other vehicles.
- Wade, Jacqueline site, Fort Lupton Annexation and Zoning, project no. LUP2019-0038 and SUP plan no. SUP2019-0007 for an automotive dyno tuning, performance mechanical, and custom fabrication business.
- Weld County USR-1310 for an equine facility.
- Agricultural and rural residential.
- County Road 19 business, commercial & industrial corridor.
- South of the site: Historic Butterball Turkey (Longmont Foods) site, currently containing calf-ranch operations.
- Oil and gas operations.
- County Road 24.
- East of the site: Agricultural and rural residential.
- Oil and gas operations.
- Gravel mining operations.
- North of the site: Agriculture and rural residential.
- Oil and gas operations.

A title search of the property was conducted which located a 1950 deed at reception no. 1244212 for a 1-acre parcel. In 1999, Weld County Subdivision Exemption No. SE-774 was completed which added 0.341-acres to the parcel, reception no. 27141121. This deed and SE-774 plat are included with the application materials for reference. Also included with the application packet is a Property Information Binder prepared by Land Title Guarantee Property including easements and encumbrances affecting the subject property.

Central Weld County Water District provides water service to the residence through an existing tap. The subject property is included in the Northern Colorado Water Conservancy District and associated Municipal Sub-District. The existing irrigation well, permit no. 212084, is expected to remain.

There is no sanitary sewer service to or within four hundred feet of the subject property. There is an existing septic system which was installed in 1963, permitted in 1999, permit no. SE-9900087, and repaired in 2012. The septic system will continue to serve the residence until a wastewater main is extended adjacent to the site, the septic system requires replacement, a sanitary tap is purchased and appropriate infrastructure is installed. It is unknown if the City of Fort Lupton has plans for extending or providing municipal services to the area to be annexed.

Potential Impacts on Surrounding Properties and Districts

The proposed zoning is compatible with the existing and expected future development of the area. As the subject property and surrounding properties are currently in the Weld County (A) Agricultural Zone District, this zoning request is not expected to change the character of the area.

The proposed zoning is consistent with the Comprehensive Plan and Three Mile Area Plan. Agricultural and rural residential uses are identified for the site and surrounding area on the Future Land Use Map included in the Fort Lupton Comprehensive Plan. The subject property is located in Quadrant II of the Three Mile Area Plan. Future land uses identified for this area include agricultural, rural residential, commercial transition, light industrial and office, mineral zone, parks and open space and public / semi-public.

Districts within the area to be annexed include:

- Central Weld County Water District
- Northern Colorado Water Conservancy District and Municipal Subdistrict
- Valley RE-1 School District
- Platteville-Gilcrest Fire Protection District
- Platte Valley Conservation District
- High Plains Library District
- AIMS

Police protection will be provided by the City of Fort Lupton. Following annexation, the property is expected to be removed from the Platteville-Gilcrest Fire Protection District and included in the Fort Lupton Fire Protection District. The annexation and zoning are not expected to impact the school district governing the area to be annexed.

The subject property is located within the Platteville-Fort Lupton Intergovernmental Agreement Area (IGA). Pursuant to the terms of the IGA, consent from the Town of Platteville is required prior to annexing any areas within this IGA into the City of Fort Lupton a minimum of thirty days prior to any formal action on the Annexation Petition. The Town of Platteville Board of Trustees consented to the proposed annexation of the subject property on May 19, 2020. A copy of the Board of Trustees Resolution is included with the application materials.

Conclusion

The subject property is eligible for annexation and capable of integration into the City of Fort Lupton.

The proposed annexation and zoning align with the intent of the City of Fort Lupton's Comprehensive Plan, specifically the following section of the Growth and Development Chapter:

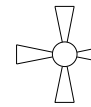
- ***Agricultural and Rural Residential*** – *This designation allows for agricultural and related uses as well as low density residential on the periphery of the planning area, intended to preserve a generally rural character. This also includes a variety of miscellaneous uses, such as isolated industrial businesses and semi-rural properties.*

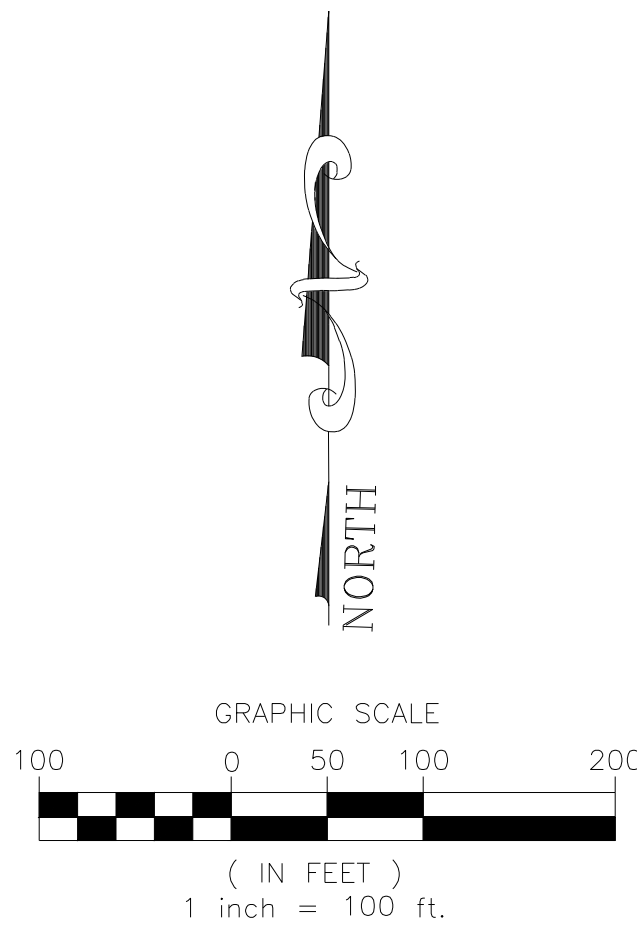
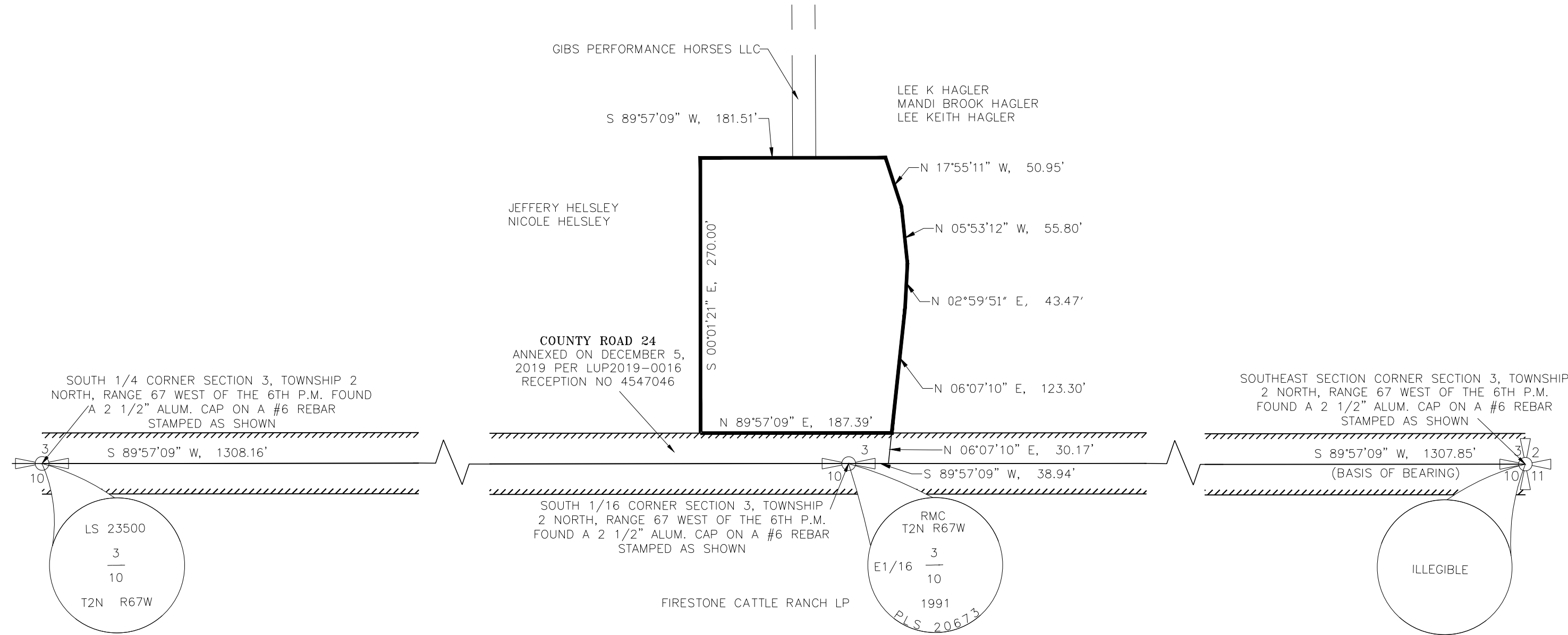
The proposed uses will complement the surrounding land uses currently adjacent to the property. The proposed uses are not expected to be detrimental to the public health, safety, or general welfare as similar uses exist throughout other entities in the surrounding area. The proposed annexation and zoning will conform to applicable City of Fort Lupton zoning regulations and standards.

SMITH ANNEXATION PLAT

BEING A PART OF THE SE 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST, OF THE 6TH P.M., WELD COUNTY, COLORADO

LEGEND

-  = FOUND OR SET SECTION CORNER AS NOTED.
-  = FOUND OR SET ONE-QUARTER OR ONE-SIXTEENTH CORNER AS NOTED.
-  = ROW LINE
-  = CITY OF FORT LUPTON
-  = BOUNDARY LINE
-  = NEIGHBOR BOUNDARY



DESCRIPTION

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 3, T2 NORTH, R67 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST AS BEARING SOUTH 89°57'09" WEST BETWEEN THE FOUND MONUMENTS AS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTH 1/16 CORNER OF THE SOUTHEAST 1/4 SAID SECTION 3, SOUTH 89°57'09" WEST FOR A DISTANCE OF 38.94 FEET, THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 30.17 FEET TO THE POINT OF BEGINNING.

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THENCE NORTH 17°55'11" WEST FOR A DISTANCE OF 50.95 FEET,

THENCE SOUTH 89°57'09" WEST FOR A DISTANCE OF 181.51 FEET

THENCE SOUTH 00°01'21" EAST FOR A DISTANCE OF 270.00 FEET TO A POINT ALONG THE NORTH LINE OF THE COUNTY ROAD ROW,

THENCE ALONG THE COUNTY ROAD ROW NORTH 89°57'09" EAST FOR A DISTANCE OF 187.39 TO THE POINT OF BEGINNING,

CONTAINING A CALCULATED AREA OF 1.21 ACRES

SURVEYOR'S NOTES:

1. BASIS OF BEARING: ASSUMING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST AS BEARING SOUTH 89°57'09" WEST BETWEEN THE FOUND MONUMENTS AS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

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NOTICE:

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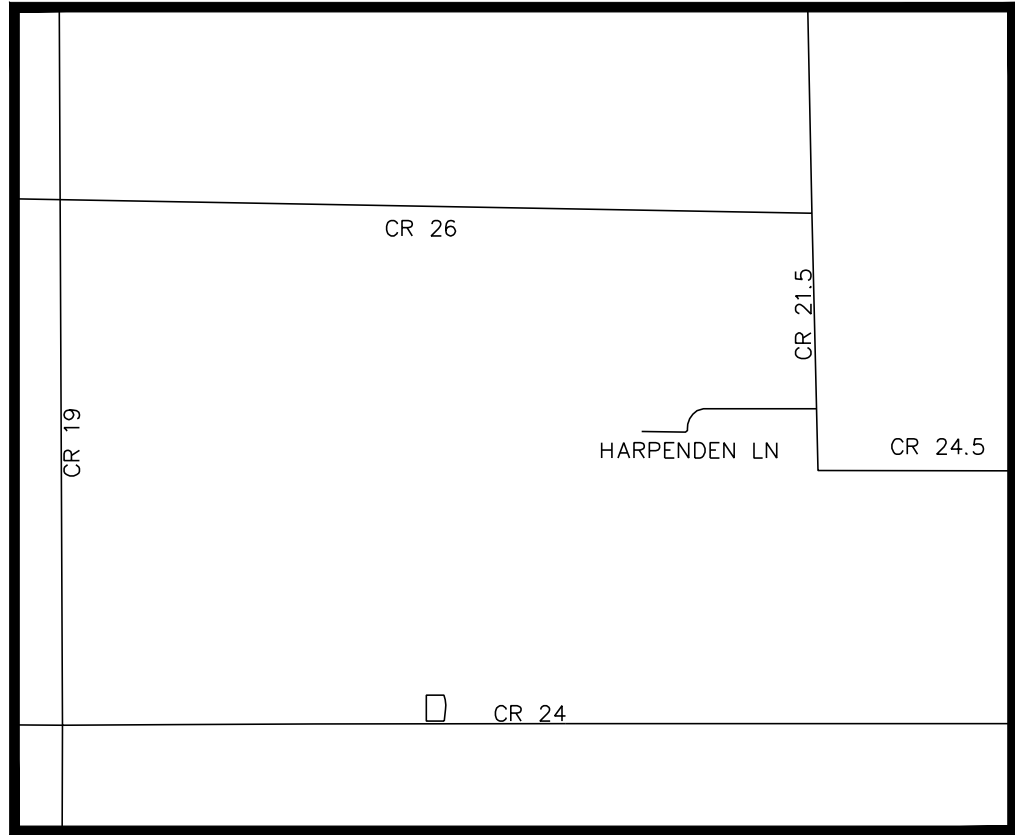
SURVEYOR'S CERTIFICATE

I, GARY K. HAMMER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY PERSONAL SUPERVISION, AND THAT THIS PLAT IS AN ACCURATE REPRESENTATION THEREOF. I FURTHER CERTIFY THAT THE SURVEY AND THIS PLAT COMPLIES WITH ALL APPLICABLE RULES, REGULATIONS, AND LAWS OF THE STATE OF COLORADO, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, AND WELD COUNTY.

BY: GARY K. HAMMER DATE 7/1/2020 COLORADO REGISTRATION # 24307

ANNEXATION NO. 1 CONTIGUITY TABLE:	
TOTAL PERIMETER:	912.40 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER	152.06 FEET
CONTIGUOUS BOUNDARY	187.37 FEET

ZONING CHART:		
EXISTING ZONING:	PROPOSED ZONING:	ZONING ACREAGE:
AGRICULTURAL (WELD COUNTY)	AGRICULTURAL (CITY OF FORT LUPTON)	1.21 ACRES



VICINITY MAP 1" = 2000'

OWNER'S APPROVAL

KNOW ALL MEN BY THESE PRESENTS, THAT RICHARD ALLEN SMITH AND DEBORAH L. SMITH, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE ANNEXED UNDER THE NAME OF THE SMITH ANNEXATION.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS 7th DAY OF JULY, 2020.

OWNER: RICHARD ALLEN SMITH

STATE OF COLORADO,)

COUNTY OF) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY RICHARD ALLEN SMITH AND DEBORAH L. SMITH, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE ANNEXED UNDER THE NAME OF THE SMITH ANNEXATION. IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS 7th DAY OF JULY, 2020. WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES 7/1/2021

NOTARY PUBLIC

OWNER: DEBORAH L. SMITH

STATE OF COLORADO,)

COUNTY OF) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY RICHARD ALLEN SMITH AND DEBORAH L. SMITH, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE ANNEXED UNDER THE NAME OF THE SMITH ANNEXATION. IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS 7th DAY OF JULY, 2020. WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES 7/1/2021

NOTARY PUBLIC

PLANNING COMMISSION RECOMMENDATION

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS RECOMMENDED TO THE FORT LUPTON CITY COUNCIL VIA RESOLUTION NO. 2020-07

RECOMMENDED THIS 7th DAY OF JULY, 2020.

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. 2020-07 OF THE CITY OF FORT LUPTON PASSED AND ADOPTED ON THE 7th DAY OF JULY, 2020. AND THAT THE MAYOR AND THE CITY OF FORT LUPTON, AS AUTHORIZED BY ORDINANCE NO. 2020-07 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.

APPROVED THIS 7th DAY OF JULY, 2020.

ATTEST: CITY CLERK

SEAL

MAYOR

NO.	DATE	DESCRIPTION	BY

CLIENT: AGPROFESSIONALS
3050 67TH AVE. SUITE 200
GREELEY, CO 80634

HAMMER LAND SURVEYING, INC.
3050 67TH AVENUE, SUITE 200
GREELEY, CO 80634
PH: 970-535-9318

SMITH ANNEXATION
SECTION 3, TOWNSHIP 2 NORTH,
RANGE 67 WEST, 6TH P.M.

SECTION 3, TOWNSHIP 2 NORTH
RANGE 67 WEST, 6TH P.M.

DATE: 7/1/2020

JOB#2778-01

Maria Lancto

From: Kelly Dykstra <kdykstra@procodeinc.net> **Pro Code Inc.**
Sent: Thursday, July 16, 2020 3:47 PM
To: PlanningDept
Subject: Smith Annexation, Initial Zoning, and Special Use Permit.

Sent from [Mail](#) for Windows 10

Hello Planning Dept,

Please note that although this is all existing, if or when there are any occupancy changes, additions, or increase in occupant loads, all projects will require a licensed designer and designs could be subject to building code requirements. For example, if the existing commercial building does not have the required plumbing facilities, accessible features/paths/routes and they move forward with the proposed addition, they could be subject to these types of improvements. (again, I am not sure what is in the building)

As far as the residential building, I will assume it is a single family dwelling. Any other use of an R occupancy, or office for the company, or both, would be subject to fire suppression.

Thanks all

Maria Lancto

From: Kathy Naibauer <kathy@cwcbd.com>
Sent: Thursday, July 16, 2020 3:00 PM
To: PlanningDept
Subject: Smith Annexation, Initial Zoning, SUP Tap 3136

Follow Up Flag: Follow up
Flag Status: Flagged

Maria,

Thank you for the opportunity to review and comment on the Smith Annexation, Initial Zoning and SUP projects. Applications of this type typically prompt the District to conduct a backflow survey at the subject property. During the survey a CWCWD field tech will determine whether existing or planned water usage will cause any hazards that would require additional backflow protection on the customer's side of the meter. The landowner can anticipate being contacted by a CWCWD field tech regarding the survey, however, approval of the applications do not appear to cause any conflicts for Central Weld at this time.

Thanks again,

Kathy Naibauer

Central Weld County Water District
2235 2nd Ave
Greeley, CO 80631

Phone 970 352 1284



Fort Lupton Fire Protection District

1121 Denver Avenue • Fort Lupton, Colorado 80621

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

Date: 7/16/2020

Project name: Smith Annexation

Project address: 9729 Cr 24, Fort Lupton, Co 80621

FLFPD Project # R2020-034

Plan reviewer: Taw Tamlin, Fire Marshal

The Fire District has reviewed the referral for **Smith Annexation** located at **9729 Cr 24**, Fort Lupton, CO 80621. The submittal was reviewed for compliance with 2012 International Fire Code (IFC) and National Fire Protection Association (NFPA) standards as adopted by the Fort Lupton Fire Protection District, City Council of Fort Lupton, and Weld County Commissioners. The following specific and general requirements and conditions shall be met

Specific Requirements:

1. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. *2012 IFC, 505.1*
2. Fire apparatus access road (driveway) shall be designed and maintained to support the imposed loads of fire apparatus (56,000 pounds) and shall be surfaced so as to provide all-weather driving capabilities (e.g. gravel, road base or recycled asphalt). *2012 IFC Section 503.2.3*
3. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. *2012 IFC, 506.1*
4. A fire code inspection shall be required for a Certificate of Occupancy.

5. Above ground and/or below ground fuel tanks shall be approved by the Fire District prior to use. Click on <https://fortluptonfire.org/contractors/> for directions on submitting plans.
6. Plans for Construction and or additions to existing structures shall be approved by the Fire District prior to construction. Click on <https://fortluptonfire.org/contractors/> for directions on submitting plans.

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



Public Works

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

www.fortluptonco.gov

MEMO

To: Todd Hodges
Alyssa Knutson
CC: Kelsey Bruxvoort (AGPRO)
From: Roy Vestal
Date: July 16, 2020
Subject: Smith Annexation, Initial Zoning, and Special Use Permit; LUP2020-0021;
ANX2020-0003; COZ2020-0004 & SUP2020-0005
Public Works Review

Public Works has reviewed the submitted documents for the above referenced development project with the following comments for inclusion with the Final Plat submittal. Be advised, review of construction drawings is for general compliance with city standards. There may be additional concerns as this design develops.

1. Annexation

- a. Include 25' ROW Reservation along CR 24 frontage.

2. Utilities

a. Water - Chapter 3

- i. City water not available at this location.
- ii. Central Weld water main runs along CR 24.

b. Sanitary Sewer - Chapter 4

- i. No existing sanitary sewer service available in this area.

3. Site Plan

- a. Property currently goes to section line. ROW dedication of 55' required along CR 24 frontage. Separate dedication document to be filed and recorded to annotate on Site Plan prior to recording Site Plan.
- b. Encroaching access along the western property edge is interesting. City is unaware of access easement here and is not evaluating existing legality.
- c. Building encroachments on the north and east property lines and the eastern access drive at the southeast corner may be future issues with adjacent land owners. City is not issuing approvals for validity of these encroachments off the property.

4. Drainage

- a. The Preliminary Drainage Report submitted is acceptable.
- b. A Drainage Study will be required if additional pavement is proposed.

5. Transportation

- a. Traffic Narrative as submitted is acceptable.
- b. CR 24 will be designated an arterial with future ROW requirements of 110' in total width. 60' of ROW exists, but property line goes to section line (center of ROW. Dedication of 55' total ROW north of the section line is required.

c. Roadway - Chapter 6

- i. Access points on an arterial street will be limited as this area grow. Future projects may require restricting this site to one access point.
- ii. Current spacing of access to CR 24 if problematic. The access to the west of the property is too close to the western access of this site.
- iii. Site triangle and visual access at the drives should be maintained open.
- iv. Future participation in roadway improvements will be required.



July 23, 2020

City of Fort Lupton Planning Department
130 S. McKinley Ave.
Fort Lupton, CO 80621

Re: LUP2020-0021; ANX2020-0003; COZ2020-0004 & SUP2020-0005 – Smith Annexation, Zoning, and Special Use Permit.

Dear Maria Lancot:

On behalf of United Power, Inc., thank you for inviting us to review and comment on the LUP2020-0021; ANX2020-0003; COZ2020-0004 & SUP2020-0005 – Smith Annexation, Zoning, and Special Use Permit. After review of the information, there is existing overhead and underground electrical distribution at the site in and the area. United Power has no concerns or objection to the proposed annexation from Weld County into Fort Lupton, the zoning of Agriculture, and the special use permit to allow storage of commercial vehicles, contingent upon United Power's ability to maintain all existing rights, facilities/equipment, and existing easements. This request should not hinder our ability for future expansion, including all present and any future accommodations for electrical distribution.

Service will be provided according to the rules, regulations, and policies in effect by United Power at the time service is requested. We look forward to safely and efficiently providing reliable electric power and outstanding service.

Thank you,

Samantha Riblett
United Power, Inc.
Right of Way Administrative Assistant
O: 303-637-1324 | Email: platreferral@unitedpower.com

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

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Richard Allen Smith & Deborah L. Smith for an annexation and initial zoning to the 'A' Agricultural Zone District for a property located north and adjacent to County Road 24 and approximately 0.71 miles east of County Road 19 in Weld County, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements. A special use permit for the property are being considered at a separate public hearing before the Planning Commission and City Council.

The public hearings are to be held before the Planning Commission on Thursday, August 13, 2020, at 6:00 P.M., and before the City Council on Tuesday, September 1, 2020, at 7:00 P.M. or as soon as possible thereafter.

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

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CONTAINING A CALCULATED AREA OF 1.21 ACRES

RESOLUTION NO. 2020R058

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE SMITH ANNEXATION AND SETTING THE PUBLIC HEARING FOR SEPTEMBER 1, 2020

WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Richard Allen Smith and Deborah L. Smith for 1.21 acres, more or less, and known as the Smith 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 Smith Annexation and sets the hearing date for September 1, 2020, to determine if the proposed annexation complies with C.R.S. 31-12-104 and 31-12-105, or such parts thereof as may be required to establish eligibility for annexation under the terms of Part 1, Article 12, Title 31, C.R.S.

APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 7th DAY OF JULY, 2020.

s/Zo Stieber
Zo Stieber, Mayor

Attest:
s/Maricela Peña
Maricela Peña, City Clerk

Approved as to form:
s/Andy Ausmus
Andy Ausmus, City Attorney

Published Ft. Lupton Press
July 29, 2020 and August 5, 12, and 19, 2020



COME PAINT YOUR FUTURE WITH US

Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

www.fortlupton.org

Sign Posting Affidavit

Smith Annexation, Zoning, & Special Use Permit

Project No. LUP2020-0021 - ANX2020-0003, COZ2020-0004, SPR2020-0005



9729 CR 24

9729 CR 24, Fort Lupton, CO 80621

lying in PT S2SE4 Section 3, Township 2N, Range 67W

I, Kelsey Bruxvoort hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 24th day of July, 2020.

Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by Kelsey Bruxvoort, this 29th day of July, 2020. Witness my hand and seal.

My commission expires 8-1-2021.

Notary Public

KARILYN BAUGHMAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174032330
MY COMMISSION EXPIRES AUGUST 1, 2021

(SEAL)



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 27th day of July, 2020, a true and correct copy of the foregoing Notice of Public Hearings and annexation map for the Smith Annexation was sent via U.S. Mail, postage pre-paid, to the following addresses:

GIBS PERFORMANCE HORSES LLC
6045 E 76TH AVE STE 12
COMMERCE CITY, CO 80022

BOOK LOIS
BOOK DUANE H
9575 COUNTY ROAD 24
FORT LUPTON, CO 80621

IELSLEY NICOLE
HELSLEY JEFFERY
9701 COUNTY ROAD 24
FORT LUPTON, CO 80621

SMITH DEBORAH L
SMITH RICHARD ALLEN
22864 COUNTY ROAD 5
BERTHOUD, CO 80513

HAGLER MANI BROOK
HAGLER LEE KEITH
9875 COUNTY ROAD 24
FORT LUPTON, CO 80621

FERNANDEZ ISIDRO
9576 COUNTY ROAD 24
FORT LUPTON, CO 80621

FIRESTONE CATTLE RANCH LP
PO BOX 517
EATON, CO 80615

City Official



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APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 7th DAY OF JULY, 2020.

s/Zo Stieber
Zo Stieber, Mayor

Attest:

s/Maricela Peña
Maricela Peña, City Clerk

Approved as to form:

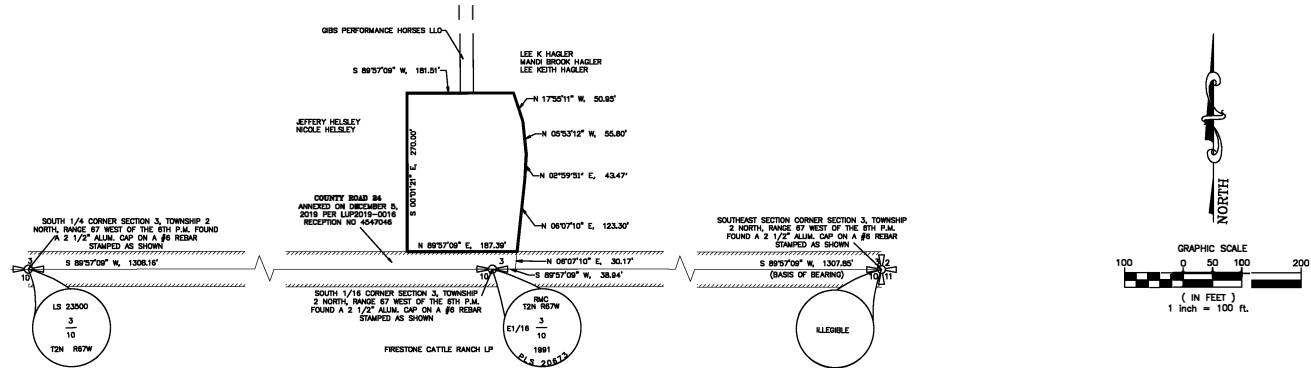
s/Andy Ausmus
Andy Ausmus, City Attorney

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT [BIT.LY/FLDEVELOPMENT](https://bit.ly/FLDEVELOPMENT) AND SCROLLING DOWN TO THE ROWS TITLED: SMITH ANNEXATION, INITIAL ZONING, AND SPECIAL USE PERMIT.

SMITH ANNEXATION PLAT

BEING A PART OF THE SE 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST, OF THE 6TH P.M., WELD COUNTY, COLORADO

- LEGEND**
- ✕ = FOUND OR SET SECTION CORNER AS NOTED.
 - ⊠ = FOUND OR SET ONE-QUARTER OR ONE-SIXTEENTH CORNER AS NOTED.
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NOTICE

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

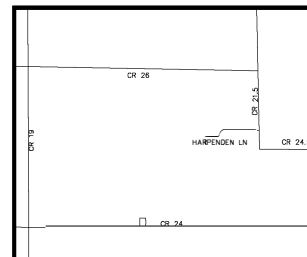
SURVEYOR'S CERTIFICATE

I, GARY K. HAMMER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE UNDER MY PERSONAL SUPERVISION, AND THAT THIS PLAT IS AN ACCURATE REPRESENTATION THEREOF. I FURTHER CERTIFY THAT THE SURVEY AND THIS PLAT COMPLY WITH ALL APPLICABLE RULES, REGULATIONS, AND LAWS OF THE STATE OF COLORADO, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, AND WELD COUNTY.

BY: GARY K. HAMMER DATE: 2/23/27 COLORADO REGISTRATION #

ANNEXATION NO. 1 CONTIGUITY TABLE	
TOTAL PERIMETER:	912.40 FEET
REQUIRED 1/8 CONTIGUOUS PERIMETER	152.08 FEET
CONTIGUOUS BOUNDARY	187.37 FEET

ZONING CHART		
EXISTING ZONING:	PROPOSED ZONING:	ZONING ACREAGE:
AGRICULTURAL (WELD COUNTY)	AGRICULTURAL (CITY OF FORT LIPTON)	1.21 ACRES



OWNER'S AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS, THAT RICHARD ALLEN SMITH AND DEBORAH L. SMITH, BEING THE SOLE OWNERS OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE ANNEXED UNDER THE NAME OF THE SMITH ANNEXATION.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS ____ DAY OF _____, 2020.

OWNER: RICHARD ALLEN SMITH

STATE OF COLORADO, } SS

COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____ ON THIS ____ DAY OF _____, 2020. WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

OWNER: DEBORAH L. SMITH

STATE OF COLORADO, } SS

COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____ ON THIS ____ DAY OF _____, 2020. WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

PLANNING COMMISSION RECOMMENDATION

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS RECOMMENDED TO THE FORT LIPTON CITY COUNCIL, VIA RESOLUTION NO. _____

RECOMMENDED THIS ____ DAY OF _____, 2020.

CHAIRPERSON, FORT LIPTON 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 OF FORT LIPTON PASSED AND ADOPTED ON THE ____ DAY OF _____, A.D. 20____, AND THAT THE MAYOR AND THE CITY OF FORT LIPTON, AS AUTHORIZED BY ORDINANCE NO. _____ ON BEHALF OF THE CITY OF FORT LIPTON, HEREBY ACKNOWLEDGES AND ACCEPTS THE SAID ANNEXATION MAP UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREIN.

APPROVED THIS ____ DAY OF _____, 2020.

ATTEN: CITY CLERK

SEAL

MAYOR

NO.	DATE	DESCRIPTION	BY

CLIENT: AGPROFESSIONALS
3050 67TH AVE. SUITE 200
GREELEY, CO 80634

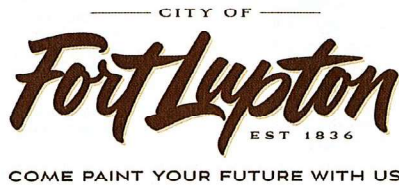
HAMMER LAND SURVEYING, INC.
3050 67TH AVENUE, SUITE 200
GREELEY, CO 80634
PH: 970-535-9318

SMITH ANNEXATION
SECTION 3, TOWNSHIP 2 NORTH,
RANGE 67 WEST, 6TH P.M.

SECTION 3, TOWNSHIP 2 NORTH
RANGE 67 WEST, 6TH P.M.

DATE: 7/1/2020 JOB#2778-01

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT [BIT.LY/FLDEVELOPMENT](https://bit.ly/fldevelopment) AND SCROLLING DOWN TO THE ROWS TITLED: SMITH ANNEXATION, INITIAL ZONING, AND SPECIAL USE PERMIT.



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 27th day of July, 2020, a true and correct copy of the foregoing Notice of Public Hearings and Annexation Petition for the Smith Annexation was sent via Certified Mail, Return-Receipt Requested, to the following addresses:

Aims Junior College
P.O. Box 69
Greeley, CO 80632

Central Weld County Water
2235 2nd Avenue
Greeley, CO 80631

High Plains Library
2650 W. 29th Street
Greeley, CO 80631

Northern Colorado Water Conservancy
220 Water Ave
Berthoud, CO 80513

Platte Valley Conservation
57 West Bromley Lane
Brighton, CO 80601

Platteville-Gilcrest Fire
303 Main St
Platteville, CO 80651

School District RE1 – Gilcrest
14827 WCR 42
Gilcrest, CO 80623

Weld County Commissioners
1150 O Street
PO Box 758
Greeley, CO 80631

Marla Lane

City Official

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	\$ 3.55
Extra Services & Fees (check box, add fee as appropriate)	
☒ Return Receipt (hardcopy)	\$ 2.85
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$ 0.65
Total Postage and Fees	\$ 7.05

Sent To
School District RE-1 - Gilcrest
Street and Apt. No., or PO Box No.
14827 WCR 42
City, State, ZIP+4®
Gilcrest, CO 80623

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

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	\$ 3.55
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$ 2.85
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☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$ 0.65
Total Postage and Fees	\$ 7.05

Sent To
Platteville-Gilcrest Fire
Street and Apt. No., or PO Box No.
303 Main Street
City, State, ZIP+4®
Platteville, CO 80651

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

7019 1640 0000 5246 3019

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 \$ 3.55	
Extra Services & Fees (check box, add fee as appropriate) ☒ Return Receipt (hardcopy) \$ 2.85 ☐ Return Receipt (electronic) \$ ☐ Certified Mail Restricted Delivery \$ ☐ Adult Signature Required \$ ☐ Adult Signature Restricted Delivery \$	
Postage \$ D. 1.05	
Total Postage and Fees \$ 7.05	
Sent To High Plains Library Street and Apt. No., or PO Box No. 2650 W. 29th Street City, State, ZIP+4® Greeley, CO 80631	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 1640 0000 5246 3040

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 \$ 3.55	
Extra Services & Fees (check box, add fee as appropriate) ☒ Return Receipt (hardcopy) \$ 2.85 ☐ Return Receipt (electronic) \$ ☐ Certified Mail Restricted Delivery \$ ☐ Adult Signature Required \$ ☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.65	
Total Postage and Fees \$ 7.05	
Sent To Weld County Commissioners Street and Apt. No., or PO Box No. 1150 O Street PO Box 758 City, State, ZIP+4® Greeley, CO 80631	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 1640 0000 5246 2999

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 \$ 3.55	
Extra Services & Fees (check box, add fee as appropriate) ☒ Return Receipt (hardcopy) \$ 2.85 ☐ Return Receipt (electronic) \$ ☐ Certified Mail Restricted Delivery \$ ☐ Adult Signature Required \$ ☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.65	
Total Postage and Fees \$ 7.05	
Sent To Northern Colorado Water Conservancy Street and Apt. No., or PO Box No. 220 Water Ave City, State, ZIP+4® Berthoud, CO 80513	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 1640 0000 5246 3029

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 \$ 3.55	
Extra Services & Fees (check box, add fee as appropriate) ☒ Return Receipt (hardcopy) \$ 2.85 ☐ Return Receipt (electronic) \$ ☐ Certified Mail Restricted Delivery \$ ☐ Adult Signature Required \$ ☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.65	
Total Postage and Fees \$ 7.05	
Sent To Platte Valley Conservation Street and Apt. No., or PO Box No. 57 West Bromley Lane City, State, ZIP+4® Brighton, CO 80601	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 1640 0000 5246 2975

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 \$ 3.55	
Extra Services & Fees (check box, add fee as appropriate) ☒ Return Receipt (hardcopy) \$ 2.85 ☐ Return Receipt (electronic) \$ ☐ Certified Mail Restricted Delivery \$ ☐ Adult Signature Required \$ ☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.65	
Total Postage and Fees \$ 7.05	
Sent To Central Weld County Water Street and Apt. No., or PO Box No. 2235 2nd Avenue City, State, ZIP+4® Greeley, CO 80631	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7019 1640 0000 5246 3003

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 \$ 3.55	
Extra Services & Fees (check box, add fee as appropriate) ☒ Return Receipt (hardcopy) \$ 2.85 ☐ Return Receipt (electronic) \$ ☐ Certified Mail Restricted Delivery \$ ☐ Adult Signature Required \$ ☐ Adult Signature Restricted Delivery \$	
Postage \$ 0.65	
Total Postage and Fees \$ 7.05	
Sent To Adams Junior College Street and Apt. No., or PO Box No. P.O. Box 69 City, State, ZIP+4® Greeley, CO 80632	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



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

A public hearing has been scheduled for Thursday, August 13, 2020 at 6:00 PM with the Fort Lupton Planning Commission and Tuesday, September 1, 2020 at 7:00 PM with the Fort Lupton City Council. The purpose of the public hearings is to consider an application submitted by Richard Allen Smith and Deborah L Smith for an annexation known as the Smith Annexation and initial zoning to the 'A' Agricultural Zone District. The property (Parcel 131103000077) is located north and adjacent to County Road 24 and approximately 0.71 miles east of County Road 19. The Property is more particularly described below.

The public hearings will be held at the Fort Lupton City Hall, 130 S. McKinley Ave. in Fort Lupton, Colorado. For additional information on this application, please contact the Fort Lupton Planning Department at 303- 867-6694.

ALL INTERESTED PERSONS MAY ATTEND.

LEGAL DESCRIPTION

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, T2 NORTH, R67 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE SOUTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST AS BEARING SOUTH 89°57'09" WEST BETWEEN THE FOUND MONUMENTS AS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTH $\frac{1}{16}$ CORNER OF THE SOUTHEAST $\frac{1}{4}$ SAID SECTION 3, SOUTH 89°57'09" WEST FOR A DISTANCE OF 38.94 FEET, THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 30.17 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 123.30 FEET,

THENCE NORTH 02°59'51" EAST FOR A DISTANCE OF 43.47 FEET,

THENCE NORTH 05°53'12" WEST FOR A DISTANCE OF 55.80 FEET,

THENCE NORTH 17°55'11" WEST FOR A DISTANCE OF 50.95 FEET,

THENCE SOUTH 89°57'09" WEST FOR A DISTANCE OF 181.51 FEET



THENCE SOUTH 00°01'21" EAST FOR A DISTANCE OF 270.00 FEET TO A POINT ALONG
THE NORTH LINE OF THE COUNTY ROAD ROW,

THENCE ALONG THE COUNTY ROAD ROW NORTH 89°57'09" EAST FOR A DISTANCE OF
187.39 TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1.21 ACRES



RESOLUTION NO. 2020R058

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON INITIATING ANNEXATION PROCEEDINGS FOR THE ANNEXATION KNOWN AS THE SMITH ANNEXATION AND SETTING THE PUBLIC HEARING FOR SEPTEMBER 1, 2020

WHEREAS, the Fort Lupton City Council has reviewed the annexation petition submitted by Richard Allen Smith and Deborah L Smith for 1.21 acres, more or less, and known as the Smith 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 Smith Annexation and sets the hearing date for September 1, 2020, to determine if the proposed annexation complies with C.R.S. 31-12-104 and 31-12-105, or such parts thereof as may be required to establish eligibility for annexation under the terms of Part 1, Article 12, Title 31, C.R.S.

APPROVED AND ADOPTED BY THE FORT LUPTON CITY COUNCIL THIS 7th DAY OF JULY, 2020.

s/Zo Stieber
Zo Stieber, Mayor

Attest:

s/Maricela Peña
Maricela Peña, City Clerk

Approved as to form:

s/Andy Ausmus
Andy Ausmus, City Attorney

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 Smith Annexation to the City of Fort Lupton.

As part of this petition, your petitioners further state to the City Council that:

1. It is desirable and necessary that the territory described in Exhibit A be annexed to the City of Fort Lupton.
2. The requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Fort Lupton or will be contiguous with the City of Fort Lupton within such time as required by Section 31-12-104.
 - b. A community of interest exists between the area proposed to be annexed and the City of Fort Lupton.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Fort Lupton.
 - e. No land within the boundary of the area proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a dedicated street, road, or other public way.
 - f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprises twenty acres or more, and, together with the buildings and improvements situated thereon, has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
 - g. No annexation proceedings have been commenced for any portion of the area proposed to be annexed for the annexation of such area to another municipality. The area proposed to be annexed is not part of any incorporated city, city and county, or town.

- h. The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the City of Fort Lupton was held within the twelve months preceding the filing of this petition.
 - i. The annexation of the area proposed to be annexed will not result in the detachment of said area from any school district.
 - j. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the City of Fort Lupton more than three miles in any direction from any point of the boundary of the City of Fort Lupton in any one year.
 - k. The territory to be annexed is 1.21 acres in total area.
 - l. Prior to completion of the annexation of the area proposed to be annexed, a plan will be in place, pursuant to Section 31-12-105 (1) (e), C.R. S., which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the City of Fort Lupton, and the proposed land uses for the area.
 - m. In establishing the boundary of the area proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the area annexed, and reasonable access will not be denied to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed but is not bounded on both sides by the City of Fort Lupton.
 - n. If required, an impact report will be prepared and filed pursuant to Section 31-12-108.5, C.R.S..
3. The signer(s) of this petition comprise(s) more than fifty percent (50%) of the landowners and own more than fifty percent (50%) of the property, excluding public streets and alleys and any land owned by the annexing municipality, and are, in fact, owners of one hundred percent (100%) of the property set forth in Exhibit A attached hereto and incorporated herein by reference.
4. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of fifteen (15) copies of an annexation map shall be submitted to the City, produced with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches, containing the following information:
- a. The date of preparation, the scale and a symbol designating true north.
 - b. The name of the annexation.
 - c. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the annexation map.
 - d. The legal description.
 - e. Distinction of the boundary that is contiguous to the City and the length of same.
 - f. Lot and block numbers if the area is already platted.
 - g. Existing and proposed easements and rights-of-way.

- h. Existing and requested zoning and acreage of each requested zone.
 - i. Ownership of all parcels within and adjacent to the annexation.
 - j. Appropriate certification blocks as directed by the Planning Department.
- 5. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of fifteen (15) copies of a master plan shall be submitted to the City of Fort Lupton, produced with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, on a reproducible medium with outer dimensions of twenty-four (24) by thirty-six (36) inches, containing the following information.
 - a. The date of preparation, the scale and a symbol designating true north.
 - b. The name of the annexation.
 - c. The names, addresses and phone numbers of the applicant and the firm or person responsible for preparing the master plan.
 - d. Existing and proposed easements and rights-of-way.
 - e. Block numbers and lot numbers with approximate dimensions.
 - f. Proposed gross and net residential density.
 - g. Existing watercourses with adequate easements for flood control.
 - h. Designation of all public sites to be reserved and dedicated.
 - i. Existing two-foot contours.
 - j. Appropriate certification blocks as directed by the Planning Department.
- 6. At least fifteen (15) days prior to the presentation of this petition to the Fort Lupton City Council, a minimum of five (5) copies of all required supportive information shall be submitted to the City of Fort Lupton which shall include the following:
 - a. Soils description and limitation.
 - b. Preliminary utility plan.
 - c. Mailing addresses of all property owners within five hundred (500) feet of the annexation.
 - d. Affidavit concerning the amount and historical use of all water rights owned.
 - e. Vicinity map with one and one-half (1 ½) mile radius, at a minimum scale of one (1) inch represents two thousand (2,000) feet.
 - f. Statement on community need for proposed annexation and zoning.
 - g. For all annexations in excess of ten (10) acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students.
- 7. Upon the annexation ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, resolutions, rules, and regulations of the City of Fort Lupton, except for general property taxes of the City of Fort Lupton, which shall become effective as of the January 1 next ensuing.

8. The zoning classification requested for the area proposed to be annexed is agriculture, as shown on the annexation map attached hereto and incorporated herein.
9. As required by the City of Fort Lupton, an annexation agreement has been or will be executed by the petitioners herein and the City relating to this annexation and the petitioners hereby expressly consent to the terms and conditions set forth in the annexation agreement.
10. The property is included in the Northern Colorado Water Conservancy District (NCWCD) and the NCWCD Municipal Subdistrict.
11. The non-refundable annexation application fee of \$0.00 is tendered herewith.

THEREFORE, the undersigned respectfully petition(s) the City Council of the City of Fort Lupton, to annex the territory described and referred to in Exhibit A to the City of Fort Lupton in accordance with and pursuant to the statutes of the State of Colorado.

<u>Land Owner(s) Name(s) and Signature(s)</u>	<u>Mailing Address</u>	<u>Date of Signing</u>
<u>R. A. J. [Signature]</u>	<u>22864 C.R. 5</u>	<u>6-12-20</u>
<u>[Signature]</u>	<u>Berthoud, CO 80513</u>	<u>6-12-20</u>
<u>" "</u>	<u>" "</u>	<u>" "</u>
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The foregoing signature(s) was/were subscribed and sworn to before me this 12th day of June, 2020, by

Witness my hand and official seal.

My commission expires on 8.1.2021.

[Signature]
Notary Public

Land Owned

Land owned is described in Exhibit A.

If necessary, attach separate sheet.

KARILYN BAUGHMAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174032330
MY COMMISSION EXPIRES AUGUST 1, 2021

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)
)ss.
COUNTY OF WELD)

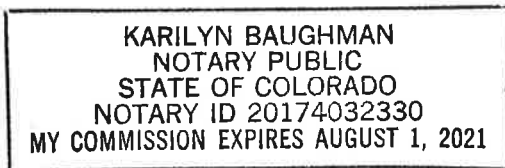
ALIP Professionals
Kelsey Bruxvoort, being first duly sworn, states upon oath that he/she is the circulator of the petition to which this Affidavit is attached and knows of his/her own knowledge that the signature of each land owner appearing on said petition is the signature of the person whose name it purports it to be.


(Signature of Circulator)

The foregoing Affidavit was subscribed and sworn to before me this 12th day of June, 20 20, by Kelsey Bruxvoort.

Witness my hand and official seal.

My commission expires on 8-1-2021.




Notary Public

EXHIBIT A
(Legal Description)

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, T2 NORTH, R67 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE SOUTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST AS BEARING SOUTH 89°57'09" WEST BETWEEN THE FOUND MONUMENTS AS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTH $\frac{1}{16}$ CORNER OF THE SOUTHEAST $\frac{1}{4}$ SAID SECTION 3, SOUTH 89°57'09" WEST FOR A DISTANCE OF 38.94 FEET, THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 30.17 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 123.30 FEET,

THENCE NORTH 02°59'51" EAST FOR A DISTANCE OF 43.47 FEET,

THENCE NORTH 05°53'12" WEST FOR A DISTANCE OF 55.80 FEET,

THENCE NORTH 17°55'11" WEST FOR A DISTANCE OF 50.95 FEET,

THENCE SOUTH 89°57'09" WEST FOR A DISTANCE OF 181.51 FEET

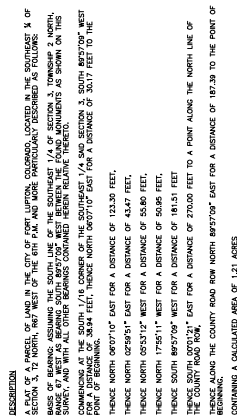
THENCE SOUTH 00°01'21" EAST FOR A DISTANCE OF 270.00 FEET TO A POINT ALONG THE NORTH LINE OF THE COUNTY ROAD ROW,

THENCE ALONG THE COUNTY ROAD ROW NORTH 89°57'09" EAST FOR A DISTANCE OF 187.39 TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1.21 ACRES

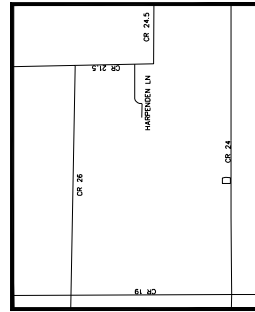
BEING A PART OF THE SE 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST, OF THE 6TH P.M., WELD COUNTY, COLORADO

BEING A PART OF THE SE 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST, OF THE 6TH P.M., WELD COUNTY, COLORADO



ANNEXATION NO. 1 CONTIGUITY TABLE:	
TOTAL PERIMETER:	912.40 FEET
REQUIRED 1/6 CONTIGUOUS PERIMETER	152.06 FEET
CONTIGUOUS BOUNDARY	187.37 FEET

ZONING CHART:		
EXISTING ZONING:	PROPOSED ZONING:	ZONING ACREAGE:
AGRICULTURAL AND COUNTRY	AGRICULTURAL (most of east portion)	1.21 ACRES



VICINITY MAP 1" = 2000'

OWNER'S APPROVAL
KNOW ALL MEN BY THESE PRESENTS, THAT RICHARD ALLEN SMITH AND DEBORAH L. SMITH, BEING THE SOLE OWNERS
OF THE LAND DESCRIBED HEREIN, HAVE CAUSED SAID LAND TO BE ANNEXED UNDER THE NAME OF THE SMITH
ANNEXATION.
IN WITNESS WHEREOF, WE HAVE HERETO SET OUR HANDS AND SEALS THIS ____ DAY OF _____, 2020.

OWNER: RICHARD ALLEN SMITH
STATE OF COLORADO, } SS
COUNTY OF _____ }

NOTARY PUBLIC

OWNER: DEBORAH L. SMITH)
STATE OF COLORADO,) SS
COUNTY OF)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____ ON THIS _____ DAY OF _____ 2020, WITNESS MY HAND AND SEAL.

MY COMMISSION EXPIRES _____

NOTES ON CONTRIBUTORS

PLANNING COMMISSION RECOMMENDATION

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS RECOMMENDED TO THE FORT LUDLOW CITY COUNCIL VIA RESOLUTION NO. _____

RECOMMENDED THIS _____ DAY OF _____, 2020.

CHAIRPERSON, FORT LUPTON

MAYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THE ANNEXATION MAP OF THE ABOVE-DESCRIBED PROPERTY WAS APPROVED BY ORDINANCE NO. _____ OF THE CITY OF FORT LUPTON PASSED AND ADOPTED ON THE ____ DAY OF _____ A.D., 20____ AND THAT THE MAYOR AND THE CITY OF FORT LUPTON, AS AUTHORIZED BY 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

APPROVED THIS _____ DAY OF _____, 2020.

SECRET. COPY TO FILE

22

CLIENT: AGPROFESSIONALS
3050 67TH AVE. SUITE 200
GREELEY, CO 80634

HAMMER LAND SURVEYING, INC.
3050 67TH AVENUE, SUITE 200
GREELEY, CO 80634
PH: 970-535-9318

SMITH ANNEXATION
SECTION 3, TOWNSHIP 2 NORTH,
RANGE 67 WEST, 6TH P.M.

DATE: 7/1/2020 JOB#2778-01

DATE: 7/1/2020 JOB#2778-01

CERTIFICATION
RE: NOTIFICATION OF MINERAL INTEREST OWNERS AND LESSEES

The undersigned Applicant certifies compliance with the provisions of C.R.S. § 24-65.5-103(1), and in support thereof, states and certifies as follows:

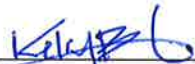
1. That Applicant has provided notice, (a copy of which is attached hereto as Exhibit "A"), containing the time and place of the initial public hearing on its application for Case Numbers **LUP2020-0021 - ANX2020-0003, COZ2020-0004, and SUP2020-0005**, the nature of the initial public hearing, the legal description by section, township and range of the property which is the subject of the initial public hearing, and the name of the applicant;

2. That said notice was provided thirty (30) days prior to the scheduled public hearing, that it was provided by certified mail, return receipt requested, or by a nationally recognized overnight courier;

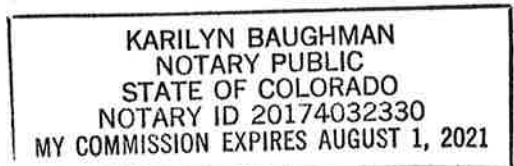
3. That said Exhibit A includes the list of the names and addresses of the surface owners, mineral estate owners and lessees of mineral interests to whom the notice was sent, including those persons who have requested receipt of such notices, pursuant to C.R.S. § 24-65.5-103(3).

APPLICANT:

Richard and Deborah Smith
c/o Kelsey Bruxvoort - AGPROfessionals


Kelsey Bruxvoort

STATE OF Colorado
COUNTY OF Weld



Subscribed and sworn to before me this 13th day of July, 2020, by
Kelsey Bruxvoort.


Notary Public

Note: This Certification must be received by the Fort Lupton Planning and Building Department prior to or at the initial public hearing. If the Certification is not received by that time, the hearing will be rescheduled to a later date, and Applicant must re-notify all owners of mineral interests.



LAND SERVICES
OIL AND GAS TITLE

P.O. Box 336337
Greeley, CO 80633

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

LIST OF MINERAL OWNERS AND MINERAL LESSEES for NOTIFICATION

(Richard Allen Smith and Deborah L. Smith Property)

Subject Property:

Township 2 North, Range 67 West, 6th P.M., Weld County, CO

Section 3: A tract of land being more particularly described on Exhibit A and being
situate in the SE $\frac{1}{4}$

Zeren Land Services, an oil and gas title research company, states that to the best of its knowledge the following is a true and accurate list of the names and addresses of the mineral owners and mineral leasehold owners entitled to notice under the Surface Development Notification Act, Colorado Revised Statutes §24-65.5-101, et seq. in the Subject Property based upon the records of the Weld County Assessor and Clerk Recorder as of July 2, 2020 at 7:45 a.m.:

Mineral Owners:

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

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

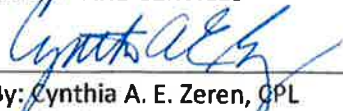
Mineral Leasehold Owners:

Noble Energy, Inc.
Attn: Wattenberg Land Department
1625 Broadway, Suite 2000
Denver, CO 80202

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

Dated this 8th day of July, 2020.

ZEREN LAND SERVICES


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

July 13, 2020

CERTIFIED MAIL/RETURN RECEIPT REQUESTED # 9414 8118 9956 3759 6484 23

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

Re: AGPRO Project #2778-01

To Whom It May Concern:

This letter is to inform you that Richard and Deborah Smith (Applicant) are filing for an Annexation, Change of Zone, and Special Use Permit through the City of Fort Lupton. Please refer to case numbers LUP2020-0021 - ANX2020-0003, COZ2020-0004, and SUP2020-0005. You may have an interest in the mineral rights on the Applicant's property more particularly described below.

Located in Part of the South Half of the Southeast Quarter of Section 3, Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado, more particularly described in Exhibit A.

Parcel No. 131103000077

The City of Fort Lupton Planning Commission hearing is scheduled for August 13, 2020 at 6:00 p.m., and the City Council hearing is scheduled for September 1, 2020 at 7:00 p.m. The hearings will be held at the Fort Lupton City Hall, 130 S. McKinley Avenue, Fort Lupton, CO 80621. Comments can be submitted in writing to the Fort Lupton Planning & Building Department on or before the date of the public hearing.

If you have any questions, please feel free to contact us at (970) 535-9318. AGPROfessionals will be representing the Applicant throughout the application process. Alternatively, additional information can be obtained by writing or calling Maria Lancto, Fort Lupton Planner, at (303) 857-6694.

Sincerely,



Kelsey Bruxvoort
Land Planner

CC: Fort Lupton Planning & Building Department

EXHIBIT A
(Legal Description)

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, T2 NORTH, R67 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE SOUTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST AS BEARING SOUTH 89°57'09" WEST BETWEEN THE FOUND MONUMENTS AS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTH $\frac{1}{16}$ CORNER OF THE SOUTHEAST $\frac{1}{4}$ SAID SECTION 3, SOUTH 89°57'09" WEST FOR A DISTANCE OF 38.94 FEET, THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 30.17 FEET TO THE POINT OF BEGINNING.

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THENCE SOUTH 00°01'21" EAST FOR A DISTANCE OF 270.00 FEET TO A POINT ALONG THE NORTH LINE OF THE COUNTY ROAD ROW,

THENCE ALONG THE COUNTY ROAD ROW NORTH 89°57'09" EAST FOR A DISTANCE OF 187.39 TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1.21 ACRES

 **AGPRO**professionals
DEVELOPERS OF AGRICULTURE
3050 67TH AVENUE
GREELEY, CO 80634

CERTIFIED MAIL[®]



9414 8118 9956 3759 6484 23

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

\$5.750
US POSTAGE
FIRST-CLASS
FROM 80634
JUL 10 2020
stamps
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062S0007163262

July 13, 2020

CERTIFIED MAIL/RETURN RECEIPT REQUESTED # 9414 8118 9956 3759 6602 89

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

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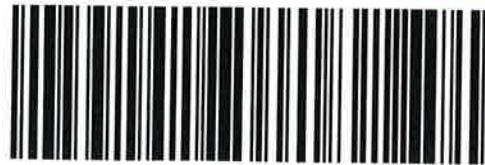
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CONTAINING A CALCULATED AREA OF 1.21 ACRES



3050 67TH AVENUE
GREELEY, CO 80634

CERTIFIED MAIL®



9414 8118 9956 3759 6602 89

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

\$5.750
US POSTAGE
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FROM 80634
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July 13, 2020

CERTIFIED MAIL/RETURN RECEIPT REQUESTED # 9414 8118 9956 3759 9121 80

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

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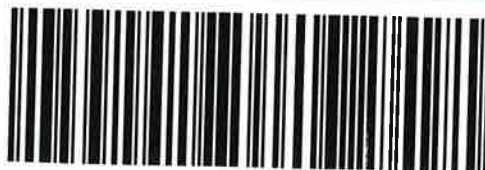
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3050 67TH AVENUE
GREELEY, CO 80634

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9414 8118 9956 3759 9121 80

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

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July 13, 2020

CERTIFIED MAIL/RETURN RECEIPT REQUESTED # 9414 8118 9956 3759 9227 07

Noble Energy, Inc.
Attn: Wattenberg Land Department
1625 Broadway, Suite 2000
Denver, CO 80202

Re: AGPRO Project #2778-01

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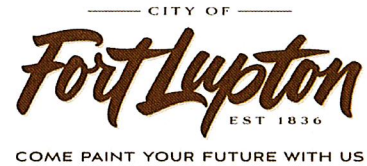
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1625 Broadway, Suite 2000
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CITY OF FORT LUPTON CITY COUNCIL



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

Zo Stieber, Mayor

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

AM 2020-155

APPROVE A RESOLUTION FOR AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE STORAGE OF VEHICLES AND EQUIPEMENT, KNOWN AS THE SMITH SPECIAL USE PERMIT.

I. **Agenda Date:** Council Meeting – September 1, 2020

II. **Attachments:**

- a. Proposed Resolution
- b. Planning Commission Resolution, Minutes & Staff Report
- c. Land Use Application
- d. Special Use Permit Application & Project Description
- e. Special Use Permit Maps
- f. Reports
- g. Public Comments
- h. Referral Responses
- i. Legal Notifications

III. **Summary Statement:**

Richard Allen Smith and Deborah L. Smith (the "Applicants") have submitted a request for a special use permit for the storage of vehicles and equipment for a property located north and adjacent to County Road 24 and approximately 0.71 miles east of County Road 29.

IV. **Submitted by:**

Planner

V. **Finance Reviewed**



Finance Director

VI. **Approved for Presentation:**



City Administrator

VII. **Attorney Reviewed**

Approved

Pending Approval

VIII. **Certification of Council Approval:**

City Clerk

Date

IX. Detail of Issue/Request:

Richard Allen Smith and Deborah L. Smith (the "Applicants") have submitted a request for a special use permit for the storage of vehicles and equipment for a property located north and adjacent to County Road 24 and approximately 0.71 miles east of County Road 29. The vehicles and equipment are associated with St Vrain Companies, Inc. (St Vrain Paving). The business operates out of Berthoud. An existing residence, utility building, storage container, boxcar, shed and silo are currently on site. These items are expected to remain.

The Property is located within the 'A' Agricultural Zone District (after approval of an initial zoning by City Council at a concurrent hearing), which does not list outdoor storage as a use by right and therefore requires a special use permit. The area is designated as Agricultural and Rural Residential on the Future Land Use Map; the request is appropriate for this area. Additional information on this application is included in the materials attached to this Action Memorandum.

Section 16-7(d) states that the City shall use the following criteria to evaluate the Applicant's request:

1. The special use shall satisfy all applicable provisions of the Code and shall be consistent with the intent of the Comprehensive Plan.

Staff Comment: The Applicant has been working with City staff to comply with applicable provisions of the Code, and has submitted all required special use permit application materials as required.

2. The special use shall not substantially alter the character of the district or the neighborhood.

Staff Comment: The Property is surrounded by agricultural and rural residential, as well as several Weld County Use by Special Review permits including oil and gas service lines, mineral resource development facilities, an agricultural irrigation business, and equine facilities. There are also several properties near the site with Fort Lupton Special Use Permits for various uses including storage of construction equipment, vehicle repair shops and recreational vehicle storage. The proposed use is consistent with these surrounding uses. In addition, the site is screened with landscaping elements.

3. The special use will result in efficient on- and off-site traffic circulation, and will not have an adverse impact on adjacent uses or present hazardous conditions for pedestrians or vehicles.

Staff Comment: The Applicant anticipates the following trips per day:

<i>Owner/resident passenger cars/pickups:</i>	<i>2-5 trips per day</i>
<i>St. Vrain Paving employee passenger cars/pickups:</i>	<i>0-5 trips per day</i>
<i>St. Vrain Paving vehicles/equipment:</i>	<i>0-2 trips per day</i>

Traffic will continue to utilize the two existing accesses on County Road 24, however the Public Works Director has indicated that only one access may be appropriate in the future.

4. Adequate conditions of approval shall address: traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; erosion and other performance issues identified through the public hearing process.

Staff Comment: These items are addressed in the code, as well as addressed as conditions of approval on the proposed resolution.

5. The term of the special use permit and any reporting and inspection requirements as might be reasonably necessary to ensure compliance with conditions of approval may also be specified by the City Council.

Staff Comment: A special use permit is non-transferable, and therefore if a new owner were to occupy the Property, the outside storage of vehicles and equipment will no longer be permitted unless a new application was submitted and approved. The Planning Department staff will ensure compliance with other conditions of approval, either as listed on the proposed Resolution or as added by City Council.

X. Legal/Political Considerations:

The proposed use is not a specific listed use by right in the 'A' Agricultural Zone District. 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. A special use review 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 100 feet of the site, and publishing notice of the hearing at least 15 days prior to the hearing.

XI. Alternatives/Options:

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

- a) *Approve the request;*
- b) *Deny the request; or*
- c) *Refer the request back to Planning Commission for further study.*

XII. Financial Considerations:

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

XIII. Staff Recommendation:

Staff recommends conditional approval of the Smith Special Use Permit for storage of vehicles and equipment. The conditions are listed in the proposed Resolution provided to Council.

RESOLUTION NO. 2020Rxxx

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING A SPECIAL USE PERMIT FOR STORAGE OF VEHICLES AND EQUIPMENT, KNOWN AS THE SMITH SPECIAL USE PERMIT, ON A PROPERTY LOCATED IN A PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO.

WHEREAS, the Planning Commission held a public hearing on August 13, 2020, for the purpose of reviewing the application from Richard Allen Smith and Deborah L. Smith for a special use permit for the storage of vehicles and equipment; 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 September 1, 2020; 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 100 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 Smith Special Use Permit for the storage of vehicles and equipment, with the following conditions:

I. Prior to recording the special use permit map:

A. The title of the special use permit map shall include the Project No.: LUP2020-0021 & Plan No. SUP2020-0005.

B. Any redline comments provided by City staff shall be made to the special use permit map.

- C. Written evidence shall be provided that the comments from the Public Works Director have been adequately addressed.
- D. An additional 25 feet of County Road 24 right-of-way shall be dedicated by separate document and delineated on the Special Use Permit map.
- E. Written acknowledgement shall be provided that the comments from ProCode Inc. have been adequately addressed.
- F. Written acknowledgement shall be provided that the comments from the Central Weld County Water District have been adequately addressed.
- G. Written acknowledgement of the comments from United Power shall be provided.
- I. The Applicant shall provide a list of items to be stored in the utility building.
- J. Employee parking and equipment storage spots should be clearly distinguished on the special use permit map. Bumper stops shall be used to indicate parking spot location, per the approved Special Use Permit map.
- K. Applicant shall submit additional proposed screening for review and approval, specifically surrounding the road base stock pile area.
- L. The following notes shall be added to the special use permit map:
 - 1. The residential building shall only be used as a single family dwelling. Any changes, additions, or increases in occupant loads will be submitted to the Planning and Building Department for review.
 - 2. The Site shall maintain compliance with State residential noise standards.
 - 3. The City is not issuing approvals for validity of structures shown to encroach off the property.
 - 4. Any additional aboveground fuel tanks shall be submitted to the City and the Fire District for review, prior to placement on site.
 - 5. Any proposed addition of new pavement will be submitted with a Drainage Study to the City for review.

II. Prior to certificate of occupancy:

- A. Written evidence shall be provided to show that the comments from the Fort Lupton Fire Protection District have been adequately addressed.

B. One set of Mylars of the special use permit map shall be submitted for recording with the Weld County Clerk & Recorder.

III. The mylar map and additional requirements shall be submitted within 120 days from the date of City Council approval.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 1st DAY OF SEPTEMBER 2020.

City of Fort Lupton, Colorado

Zo Stieber, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

RESOLUTION NO. P2020-021

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF A SPECIAL USE PERMIT FOR OUTSIDE STORAGE OF VEHICLES AND EQUIPMENT, KNOWN AS THE SMITH SPECIAL USE PERMIT, ON A PROPERTY LOCATED IN A PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO.

WHEREAS, the Planning Commission held a public hearing on August 13, 2020, for the purpose of reviewing the application from Richard Allen Smith & Deborah L. Smith for a special use permit for outside storage of vehicles and equipment; 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 100 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 Smith Special Use Permit for outside storage of vehicles and equipment, conditional upon the following:

I. Prior to recording the special use permit map:

- A. The title of the special use permit map shall include the Project No.: LUP2020-0021 & Plan No. SUP2020-0005.
- B. Any redline comments provided by City staff shall be made to the special use permit map.
- C. Written evidence shall be provided that the comments from the Public Works Director have been adequately addressed.
- D. An additional 25 feet of County Road 24 right-of-way shall be dedicated by separate document and delineated on the Special Use Permit map.
- E. Written acknowledgement shall be provided that the comments from ProCode Inc. have been adequately addressed.

F. Written acknowledgement shall be provided that the comments from the Central Weld County Water District have been adequately addressed.

G. Written acknowledgement of the comments from United Power shall be provided.

I. The Applicant shall provide a list of items to be stored in the utility building.

J. Employee parking and equipment storage spots should be clearly distinguished on the special use permit map. Bumper stops shall be used to indicate parking spot location, per the approved Special Use Permit map.

K. Applicant shall submit additional proposed screening for review and approval, specifically surrounding the road base stock pile area.

L. The following notes shall be added to the special use permit map:

1. The residential building shall only be used as a single family dwelling. Any changes, additions, or increases in occupant loads will be submitted to the Planning and Building Department for review.
2. The Site shall maintain compliance with State residential noise standards.
3. The City is not issuing approvals for validity of structures shown to encroach off the property.
4. Any additional aboveground fuel tanks shall be submitted to the City and the Fire District for review, prior to placement on site.
5. Any proposed addition of new pavement will be submitted with a Drainage Study to the City for review.

II. Prior to certificate of occupancy:

A. Written evidence shall be provided to show that the comments from the Fort Lupton Fire Protection District have been adequately addressed.

B. One set of Mylars of the special use permit map shall be submitted for recording with the Weld County Clerk & Recorder.

III. The mylar map and additional requirements shall be submitted within 120 days from the date of City Council approval.

**DONE THIS 13th DAY OF AUGUST, 2020, BY THE PLANNING COMMISSION FOR
THE CITY OF FORT LUPTON, COLORADO.**


Chairman

ATTEST:


Planning Director

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

The Planning Commission of the City of Fort Lupton met in session at City Hall, 130 South McKinley Ave., the regular meeting place of the Planning Commission, and virtually via GoToMeeting, on Thursday, August 13, 2020. Chair Mike Simone called the meeting to order at 6:00 p.m.

ROLL CALL

Roll was taken and those present were Chair Mike Simone and Commission Members David Hushbeck, Kathy Kvasnicka, Thomas Meyers, and Paul Weber. Vice-Chair Bushrod White arrived at 6:08 pm. Also in attendance was City Planner II Alyssa Knutson and Planner I Maria Lancto.

APPROVAL OF AGENDA

Chair Simone called for a motion to approve the agenda. It was moved by Member David Hushbeck and seconded by Member Kathy Kvasnicka.

CONSENT AGENDA

City Planner II Alyssa Knutson informed the group that the minutes in the packet had been updated in order to address minor grammatical errors.

Chair Simone called for a motion to approve the consent agenda. It was moved by Member Kathy Kvasnicka and seconded by Member Paul Weber.

PUBLIC COMMENT

Chair Simone gave the following statement:

Tonight's meeting shall be held both in-person and virtually so as to ensure the health and safety of the general public, and the City of Fort Lupton City Council, Planning Commission, and staff. The intent and purpose of the in-person and virtual appearance options is to allow the City to be innovative in providing the general public the most meaningful access possible in light of the current challenges present as a result of the COVID-19 pandemic. Therefore, subject to social distancing and public health orders, members of the general public will be offered both the opportunity to be physically and or electronically present for meetings at the City, subject to existing health conditions. An electronic link has been made available for tonight's meeting on the City's website, and social media platforms, and as posted here at City Hall so that the general public, and City Council, Planning Commission, and staff may participate electronically via the internet, on the phone, or in limited circumstances in-person.

The Chair asked if there was anyone attending online. Ms. Knutson stated that Tim Naylor was online, however he is with the representative for tonight's applications. The Chair asked

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

if there was anyone who wished to make comments not otherwise related to the agenda. Seeing none, the public comment portion was closed at 6:02 p.m.

ACTION ITEMS

Smith Annexation and Initial Zoning

Chair Simone addressed the representative for the applicant, Kelsey Bruxvoort. He asked if she, on behalf of the applicant, understood that Members of the Planning Commission may be appearing tonight via virtual connection and may not be appearing in-person.

Ms. Bruxvoort stated they do.

Chair Simone asked if they consented to the applicable member voting on their submittal, even though said member is not present in person.

Ms. Bruxvoort stated they do.

Chair Simone asked if they understood that they have the right to continue this public hearing to such a date to allow a full in-person public hearing.

Ms. Bruxvoort stated yes.

Chair Simone asked if they have agreed to voluntarily waive that right on behalf of the applicant or themselves by proceeding tonight electronically.

Ms. Bruxvoort stated yes.

Chair Simone asked if they voluntarily signed and submitted the written waiver and consent to proceed electronically tonight.

Ms. Bruxvoort stated that the owner did.

Chair Simone asked if they waived their right to proceed in an in-person public hearing and have consented to proceed forward voluntarily tonight in this virtual and in-person council meeting, is that correct.

Ms. Bruxvoort stated yes.

Planner I Maria Lancto introduced the project. She stated that the application before Planning Commission is for the Smith Annexation and Initial Zoning to the 'A' Agricultural Zone District. She stated that the site is located north and adjacent to County Road 24 and approximately 0.71 miles east of County Road 19. She stated that the area to be annexed is approximately 1.21 acres and is adjacent to City Limits along its southern boundary, as this

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

portion of County Road 24 was previously annexed. She stated that zoning to the 'A' Agricultural zone district is appropriate for this site in order to comply with the Comprehensive Plan as well as surrounding land uses. She stated that the applicant will be applying for a special use permit, which will be presented to Planning Commission tonight following this public hearing for annexation, and more details regarding land use will be provided at that time. She stated that all notification requirements have been met. She stated that the applicant's representative is here tonight and has a presentation.

Chair Simone asked Ms. Bruxvoort if she had anything to add. Ms. Bruxvoort stated that she did have a presentation, and that the presentation covers the annexation, change of zone, and special use permit.

Kelsey Bruxvoort, with AGPROfessionals, LLC, 3050 67th Ave, Greeley, CO 80634, stated that she is representing Richard and Deborah Smith who are requesting annexation with initial zoning to 'A' Agriculture and a special use permit for storage of vehicles and equipment associated with St. Vrain Paving. She stated that the site is located north of County Road 24 and about three quarters of a mile east of County Road 19. She indicated to a map, and stated that the lots shown in yellow were recently annexed and zoned, and as with the other lots this request meets the annexation and zoning requirements. She stated that the districts and services are adequate and unchanged with the exception of police protection which will be provided by Fort Lupton instead of Weld County. She stated that the site is in the joint planning area of Fort Lupton and Platteville and subject to an intergovernmental agreement. She stated that County Road 24 is the dividing line of the growth areas of the towns, and as the site is located north of County Road 24, Platteville's consent was required to annex into Fort Lupton. She stated that they did obtain consent from Platteville. Ms. Bruxvoort indicated to an aerial image of the site. She stated that there is an existing residence and utility building, both of which are expected to remain. She stated that there are two existing access points and a variety of historical outbuildings which are also expected to remain. She stated that the proposed SUP is for the storage of vehicles and equipment associated with St. Vrain Paving. She stated that St. Vrain Paving is owned by Richard Smith and is an asphalt paving company operating out of Berthoud. She stated that the site will not be used as an office or retail space. She stated that no onsite employees are proposed and no on-site maintenance is proposed. She stated that the vehicles to be stored include tandem trucks, dump trucks, skid steer loaders, sealcoat machines, water trucks, tow trailers, pick-up trucks. She stated that up to 5 employees may access the site on a busy day to pick up or drop off equipment. Ms. Bruxvoort indicated to an image of the site. She stated that the parking and storage will primarily be behind the residence, and the gravel stock pile area behind the utility building with two storage containers. She stated that there are existing trees and five additional trees proposed for screening from the roadway. She stated that the site is compatible with the surrounding area, and there are several recently approved SUPs nearby includes Terra Constructors, Wade PFI, and Ten Eyck-Campbell. She stated that they have met the obligations for annexation and zoning. She stated that the application also meets the special use permit approval criteria. She stated that they respectfully ask for recommendation for approval, and would be happy to take any questions.

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
August 13, 2020

Chair Simone asked Vice Chair Bushrod White if he had a chance to review the applications. He stated yes. Chair Simone verified with staff and Ms. Bruxvoort that no new information was added.

Chair Simone asked Ms. Bruxvoort if she had a full and fair opportunity to present all facts, submittal documents, testimony, and presentations in support of the application before the Planning Commission tonight.

She stated that was correct.

Chair Simone asked Ms. Bruxvoort if there has been anything that she would have liked to of presented in support of the application that she feels she is prevented from doing so.

Ms. Bruxvoort stated that she was not prevented.

Chair Simone asked if anyone in the general public would like to speak for or against this matter. He stated that no one is in the room, and asked City Planner II Alyssa Knutson if anyone online would like to speak.

Ms. Knutson stated that there were no members of the public online, other than the other applicant representative.

Chair Simone stated that if someone from the public joined the meeting they would have to go through the presentation again, but if not, they could vote on both resolutions.

Chair Simon stated that for the record the public comment portion was closed at 6:12 p.m.

Chair Simone asked if members of the Planning Commission had any questions.

David Hushbeck asked for clarity regarding Ms. Bruxvoort's statement that there were three applications. Chair Simone stated that she was probably separating annexation and initial zoning. Ms. Bruxvoort confirmed this.

David Hushbeck asked if we had any sort of expectations for fire and police response time, and if they could meet that time. Chair Simone stated that that would be City Council's concern but that it is a good question. Ms. Knutson that the property is currently under the jurisdiction of Platteville-Gilcrest, but that Fort Lupton Fire Protection will be taking over jurisdiction of it. She also stated that they have been annexing out there, and presumably they could. Chair Simone asked if referrals were sent to fire and police. Ms. Knutson stated that both agencies receive referral response requests and have the opportunity to respond.

David Hushbeck asked what happens if traffic increases. Planner I Maria Lancto stated that there is a condition of approval to put a note on the plat that if traffic increases, then they

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

would have to come back to the City. Chair Simone verified that that was standard. Member Hushbeck asked if that was okay with the applicant. Ms. Bruxvoort stated yes.

Chair Simone asked the Commissioners if they had any more questions; seeing none, he requested a motion to approve Resolution P2020-020. It was moved by Vice-Chair Bushrod White and Member Paul Weber seconded.

Motion carried by unanimous voice vote.

Smith Special Use Permit

As there were no members of the public present in-person or online, Chair Simone asked if there were any questions from Planning Commission.

Member Thomas Meyers asked if there would be any contamination from the vehicles or what the surface would be like. Ms. Bruxvoort verified that it would be road base typical for what you would see in the area. Mr. Meyers asked if these were older vehicles. Ms. Bruxvoort stated that no, the vehicles were still in use, and the site is just overflow parking and storage which is why employees may need to access the site.

Chair Simone asked to verify that no maintenance would occur on site. Ms. Bruxvoort stated that no maintenance would occur.

Chair Simone opened it up to the public at 6:16. He stated that there was no one in the room, and asked if there was anyone online. Ms. Knutson stated that only the other applicant representative was online. Chair Simone verified with Tim Naylor that he had nothing to add. Public comment closed at 6:16

Chair Simone asked the Commissioners if they had any more questions; seeing none, he requested a motion to approve Resolution P2020-021. It was moved by Vice-Chair Bushrod White and Member Paul Weber seconded.

Motion carried by unanimous voice vote

Chair Simone asked Ms. Bruxvoort if she felt she had a full and fair opportunity to participate in this discussion on behalf of the applicant. She stated yes.

DISCUSSION ITEMS

Review of Meeting Discussion

A review of meeting discussions took place.

Vice Chair Bushrod White asked if the construction company, town, or somebody could wet the gravel roads near the Fulton Village subdivision. Ms. Knutson stated that she would follow up with Public Works.

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

Development Code Update

Development code update was not discussed.

FUTURE BUSINESS

Next Meeting of the Planning Commission

The next meeting has not yet been scheduled, although staff is looking at one in September.

ADJOURNMENT

It was moved by Vice-Chair Bushrod White and seconded by Member Kathy Kvasnicka to adjourn the August 13, 2020 Planning Commission meeting at 6:23 p.m.

Motion carried unanimously by voice vote.

Maria Lancto, Planner I

Approved by Planning Commission

Mike Simone, Chair

**SMITH SPECIAL USE PERMIT STAFF REPORT
PROJECT NO. LUP2020-0021 & PLAN NO. SUP2020-0005**

PROJECT DESCRIPTION

Project No.: LUP2020-0021 / Plan No.: SUP2020-0005

Project Name: Smith Special Use Permit

Owner's Name: Richard Allen Smith & Deborah L. Smith ("Applicants")

Representative: Kelsey Bruxvoort with AGPROfessionals

Location of Request:

The site consists of a parcel of land located north and adjacent to County Road 24 and approximately 0.71 miles east of County Road 19 in Weld County, Colorado (Parcel No. 131103000077) (the "Property"). The Special Use Permit is located in a Part of the Southeast Quarter of Section 3, Township 2 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado. The Property is directly adjacent to City Limits on the south.



The Property is primarily surrounded by agricultural and rural residential land uses. Additionally, nearby there are several Weld County Use by Special Review permits including oil and gas service lines, mineral

resource development facilities, an agricultural irrigation business, and equine facilities. There are also several properties near the site with Fort Lupton Special Use Permits for various uses including storage of construction equipment, vehicle repair shops and recreational vehicle storage. Unincorporated Weld County surrounds the property on the east, south, and west sides. County Road 24 is maintained by the City of Fort Lupton.

Nature of Request:

The Applicant has submitted a request for a Special Use Permit that would allow for storage of commercial vehicles and equipment associated with St. Vrain Companies, Inc. (St. Vrain Paving). The business operates out of Berthoud. An existing residence on site would remain.

Site Size: 1.21 acres, more or less.

Zone District: Proposed 'A' Agricultural Zone District, with concurrent initial zoning review.

Proposed Use: The Applicants are requesting a Special Use Permit that would allow for the storage of commercial vehicles and equipment associated with their paving business. The business primarily operates out of Berthoud, CO.

Existing Use: The Property currently contains an existing residence, utility building, storage container, boxcar, shed and silo. These items are expected to remain.

Hearing Dates: Planning Commission – August 13, 2020 at 6:00 PM; and
City Council – September 1, 2020 at 7:00 PM.

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

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

SUMMARY OF PREVIOUS APPLICATIONS

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

APPLICATION PROCESS

The Applicant is requesting approval of a special use permit. A special use permit application is processed under [Section 16-7](#) of the 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 Zoning Regulations require published notice of the hearings at least fifteen (15) days prior to the hearings. The Planning Commission and City Council hearings was published in the Fort Lupton Press on July 29, 2020.

Notice of the public hearings were posted at least fifteen (15) days prior to the hearings, as required by the Zoning Regulations.

Notice was mailed to neighbors within one-hundred (100) feet of the Property on July 27, 2020.

CONFORMANCE WITH CITY STANDARDS, REGULATIONS AND POLICIES

The Applicant submitted an application for annexation and initial zoning to the 'A' Agricultural Zone District, which was reviewed at a separate public hearing before the Planning Commission. Outside storage of vehicles and equipment is not a listed use by right in the 'A' Agricultural Zone District. Section 16-7 of the Fort Lupton Municipal Code (the "Code") states that similar or compatible uses may be permitted as special uses, subject to such conditions and limitations as the City may prescribe to ensure that the location and operation of the special uses will comply with special use criteria. Pursuant to Section 16-7(a), special uses are granted to individuals or entities, and not to the property itself. Therefore, this proposed use requires a special use permit review prior to beginning business operations. A special use review requires a public hearing before 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.

Section 16-7(d) states that the City shall use the following criteria to evaluate the Applicant's request:

1. The special use shall satisfy all applicable provisions of the Code and shall be consistent with the intent of the Comprehensive Plan.

Staff Comment: The Applicant has been working with City staff to comply with applicable provisions of the Code, and has submitted all required special use permit application materials as required.

2. The special use shall not substantially alter the character of the district or the neighborhood.

Staff Comment: The Property is surrounded by agricultural and rural residential, as well as several Weld County Use by Special Review permits including oil and gas service lines, mineral resource development facilities, an agricultural irrigation business, and equine facilities. There are also several properties near the site with Fort Lupton Special Use Permits for various uses including storage of construction equipment, vehicle repair shops and recreational vehicle storage. The proposed use is consistent with these surrounding uses. In addition, the site is screened with landscaping elements.

3. The special use will result in efficient on- and off-site traffic circulation, and will not have an adverse impact on adjacent uses or present hazardous conditions for pedestrians or vehicles.

Staff Comment: The Applicant anticipates the following trips per day:

Owner/resident passenger cars/pickups:	2-5 trips per day
St. Vrain Paving employee passenger cars/pickups:	0-5 trips per day
St. Vrain Paving vehicles/equipment:	0-2 trips per day

Traffic will continue to utilize the two existing accesses on County Road 24, however the Public Works Director has indicated that only one access may be appropriate in the future.

4. Adequate conditions of approval shall address: traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; erosion and other performance issues identified through the public hearing process.

Staff Comment: These items are addressed in the code, as well as addressed as conditions of approval on the proposed resolution.

5. The term of the special use permit and any reporting and inspection requirements as might be reasonably necessary to ensure compliance with conditions of approval may also be specified by the City Council.

Staff Comment: A special use permit is non-transferable, and therefore if a new owner were to occupy the Property, the outside storage of vehicles and equipment will no longer be permitted unless a new application was submitted and approved. The Planning Department staff will ensure compliance with other conditions of approval, either as listed on the proposed Resolution or as added by City Council.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Fort Lupton Comprehensive Plan designates this area as the Agriculture & Rural Residential land use type. This designation allows for agricultural and related uses as well as low density residential on the periphery of the planning area, intended to preserve a generally rural character. This also includes a variety of miscellaneous uses, such as isolated industrial businesses and semi-rural properties located under Estate Zoning. Given the availability of viable land for development in more appropriate districts, commercial or residential investment within agricultural areas should be discouraged. This will help limit unnecessary loss of agricultural lands and reduce the potential of suburban sprawl.

The property is surrounded by agricultural and rural residential land uses, as well as several special use permits for uses similar to the proposed use. The proposed use substantively conforms to the designated land use type and zoning.

REFERRALS

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

Building Inspector	Central Weld Water District	CenturyLink
City Attorney	Colorado DRMS	Colorado Parks and Wildlife
Comcast	Fort Lupton Fire Protection District	GIS Specialist
NCWCD	OMI	Police chief

Postmaster	Public Works Director	Town of Firestone
Town of Platteville	United power	Weld County Department of Planning
Weld County Public Works	Weld County School District RE-8	Xcel Energy

RECOMMENDATION

Staff recommends conditional approval of the Smith Special Use Permit. Conditions are listed on the proposed Resolution provided to Planning Commission.

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



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694
Fax: 303.857.0351

www.fortlupton.org

Project No. _____

Land Use Application Form

A. CONTACT INFORMATION

- 1) Property Owner Name: Smith, Richard Allen & Deborah L
 Company: St. Vrain Companies Inc. (St. Vrain Paving)
 Phone: (303) 775-0799 Email: rickstvpaving@hotmail.com
 Address: 22864 CR 5, Berthoud, CO 80613
 Preferred method of contact? Email: ☐ Phone: ☐ Mail: ☐
- 2) Representative Name: Kelsey Bruxvoort
 Company: AGPROfessionals
 Phone: (970) 535-9318 Email: kbruxvoort@agpros.com
 Address: 3050 67th Avenue, Greeley, CO 80634
 Preferred method of contact? Email: ☒ Phone: ☒ Mail: ☐
- 3) Billing Contact (where invoices should be directed to): Rick Smith
 Billing Company: St. Vrain Companies Inc. (St. Vrain Paving)
 Phone: (303) 775-0799 Email: rickstvpaving@hotmail.com
 Address: 22864 CR 5, Berthoud, CO 80613

B. SITE DESCRIPTION

Site Address: 9729 County Road 24, Fort Lupton, CO 80621
 Parcel Number: 131103000077
 Existing Zone Classification: Agriculture Proposed Zone Classification: Agriculture
 Water Type: District Name: Central Weld County Water District
 Sewage Type: Septic Tank District Name or Location Hauled to: N/A

C. APPLICATION TYPE (CHECK ALL THAT APPLY)

- | | | |
|--|---|---|
| ☐ Sketch Plat | ☐ Administrative Site Plan | ☐ PUD Plan (Preliminary & Final) |
| ☐ Preliminary Plat | ☒ Special Use Permit | ☐ Variance |
| ☐ Final Plat | ☐ Oil & Gas Permit | ☐ Administrative Variance |
| ☐ Minor Subdivision | ☒ Annexation & Initial Zone | ☐ Appeal |
| ☐ Amended Plat | ☐ Change of Zone | ☐ Other: _____ |
| ☐ Site Plan | ☐ Comp Plan Amendment | |

Project No. _____

D. PROJECT DESCRIPTION

Project Name: Smith Annexation

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

Annexation with Agricultural Zoning and a Special Use Permit for 1.34-acre parcel located on CR 24 approx. 3/4-mile east of CR 19. Proposed SUP will allow storage of commercial vehicles and equipment associated with St. Vrain Paving whose primary location is in Berthoud, CO.

E. REQUIRED DOCUMENTS

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

F. CERTIFICATIONS

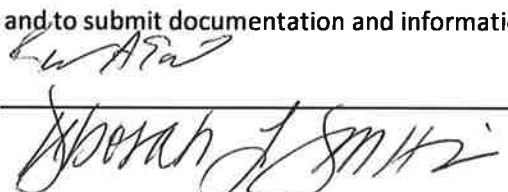
Representative Certification

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

Representative: Kelsey Buxworth - AG Professionals Date: 6/12/20


Owner Certification

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

Owner:  Date: 6-12-20

For Office Use Only

Received Date: _____

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

Deemed Complete Date: _____

Fees Submitted: _____ Escrow Submitted: _____



Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303-857-6694
Fax: 303.857.0351

www.fortlupton.org

APPLICATION FOR SPECIAL USE PERMIT

A preapplication conference and site visit may be required prior to submitting the Special Use Permit Application. The applicant may meet with representatives from the Planning Department to discuss the applicant's intended submittal, the City's application requirements and processes and other information relevant to the proposed application. Please contact the Planning Department at 720-466-6128.

Applicant should provide the following:

1. Plat of area with proposed zoning with vicinity map identifying site and surrounding area. If you are constructing a new building or adding to an existing building as part of this application, you must also submit a plot plan, construction plans, and a drainage plan. Approval of the special use permit will be based upon the drawings submitted unless changes are recommended by the engineer, planning commission, or city council.
2. Information as requested.

The applicant is responsible for the following:

1. Posting a hearing notice on the property 15 days prior to the hearing.

Name of Property Owner: Smith, Richard Allen & Deborah L Phone: (303) 775-0799

Address: 22864 CR 5, Berthoud, CO 80613

Applicant (if different from owner): Kelsey Bruxvoort, AGPROfessionals

Address: 3050 67th Avenue, Greeley, CO 80634

Home Phone: (970) 535-9318 Cell Phone: (970) 744-0068

Address or location of Property for which Special Use Permit is being requested:

9729 CR 24, Fort Lupton, CO 80621

Legal Description PT S2SE4 Section 3, T 2N, R 67W

Current Zoning: Agriculture

Reason for Request:

Proposed SUP for storage of commercial vehicles and equipment associated with St. Vrain Companies, Inc. (St. Vrain Paving) whose primary location is in Berthoud, CO.
Proposed vehicle and equipment storage includes tandem trucks, skid steer loaders, flat bed trucks, tow trailers, water trucks, pick-up trucks, etc..

Please answer the following questions in detail.

1. What is the proposed use?

Please refer to SUP Narrative included with SUP application.

2. How will the proposed use impact the surrounding properties as it relates to the following areas:

Noise

Dust

Odor

Safety

Traffic

Light

Please refer to SUP Narrative, Nuisance & Waste Management Plan, Drainage Narrative and Traffic Narrative included with the SUP application.

3. What are the proposed hours of operation?

Please refer to SUP Narrative included with SUP application.

4. Are you required to obtain any special licenses or permits through any other government agency? If yes, what types of licenses and permits are required?

Please refer to SUP Narrative included with SUP application.

5. If this application is for a daycare, how many children will you be caring for?

N/A

6. If this application is for an assisted living facility, how many units will you have in the facility?

N/A

7. How many employees will work at the proposed facility?

Please refer to SUP Narrative included with SUP application.

The applicant hereby certifies that the above information, along with the attached plans and project descriptions, is correct. The applicant agrees to comply with the provisions of the zoning ordinances, building code and all other applicable sections of the City Code, Land Use Code, City Plan and all other laws and ordinances affecting the construction and occupancy of the proposed building.

Signatures: K. Gupta

Date: 10/12/20

Smith Special Use Permit Narrative

Prepared for Richard and Deborah Smith

Introduction

Richard and Deborah Smith are requesting a Special Use Permit (SUP) for their property located in part of the South Half of the Southeast Quarter of Section 3, Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado, containing 1.34-acres more or less. The subject property is located on the north side of County Road (CR) 24 approximately ¾ mile east of CR 19.

The SUP is expected to be processed in conjunction with an Annexation and Zoning Request. The portion of CR 24 adjacent to the site is within Fort Lupton city limits, refer to the County Road 24 Annexation, project no. LUP2019-0016 and case no. ANX2019-0004. The Smith Annexation requests the annexation of only the Smith parcel located at 9729 CR 24. The subject property is 1.341 acres, more or less, and the total annexation area is 1.21 acres, more or less, with the portion of the property within the right-of-way of CR 24 excluded. Agricultural zoning is proposed for this site.

The proposed SUP will allow the storage of commercial vehicles and equipment associated with St. Vrain Companies, Inc. (St. Vrain Paving) whose primary location is 22864 CR 5, Berthoud, CO 80613. Proposed vehicle and equipment storage includes tandem trucks, dump trucks, skid steer loaders, crack-fill machines, sealcoat machines, flatbed trucks, tow trailers, water trucks, pick-up trucks, etc. A new 400-800 square-foot addition to the existing utility building is also proposed for personal use.

St. Vrain Paving is an asphalt paving contractor company that performs paving, patching, demo, line-cutting, seal coating, striping, hauling and sub-grade preparation. Their service area is from Loveland to Englewood and Estes Park to Keenesburg. The site will not be used as an office or retail site for public access. As the site is for storage of vehicles and equipment only, no on-site employees are proposed. The site may be accessed by up to five employees to pick-up/drop-off vehicles or equipment on a busy day.

There is an existing residence on-site which is expected to remain. No new residential development is proposed with this SUP. The site may be accessed by the property owners at any time of the day, primarily for residential uses.

Existing Conditions and Surrounding Land Uses

In addition to the residence, there is an existing utility building, storage container, boxcar, shed and silo on-site all of which are expected to remain. Existing structures will continue to be used for personal/residential uses and are not associated with St. Vrain Paving operations. The

existing shed and boxcar extend beyond the property line. These structures have historically been located as shown on the site plan. If there are neighbor concerns or a change in use of the structures, they will be relocated to meet Fort Lupton setback requirements. The site also contains a propane tank, which provides fuel for the existing utility building. There is also an existing fuel tank located on site that will be removed within 30 days of approval after the tank has been emptied.

Lot surfaces consist of concrete, asphalt, road base, native grass, and irrigated turf. There are two access points on CR 24.

The existing land uses in the area surrounding the subject property are primarily agricultural and rural residential with a number of Weld County Use By Special Review permits including oil and gas service lines, mineral resource development facilities, an agricultural irrigation business, and equine facilities. Several properties along CR 24 southwest of the site within city limits have approved Fort Lupton Special Use Permits for various uses including storage of construction equipment, vehicle repair shops and recreational vehicle storage.

Uses surrounding the site are listed below:

<u>West of the site:</u>	Terra Constructors, Inc. site, a portion of the CR 24 Annexation and Zoning, project no. LUP2019-0016 and SUP plan no. SUP2019-0003 for storage of construction equipment. Ten Eyck – Campbell site, a portion of the CR 24 Annexation and Zoning, project no. LUP2019-0016, SUP plan no. SUP2019-0004 for a vehicle repair shop and a SUP plan no. SUP2019-0005 for storage of boats, RVs and other vehicles. Wade, Jacqueline site, Fort Lupton Annexation and Zoning, project no. LUP2019-0038 and SUP plan no. SUP2019-0007 for an automotive dyno tuning, performance mechanical, and custom fabrication business. Weld County USR-1310 for an equine facility. Agricultural and rural residential. County Road 19 business, commercial & industrial corridor.
<u>South of the site:</u>	Historic Butterball Turkey (Longmont Foods) site, currently containing calf-ranch operations. Oil and gas operations. County Road 24.
<u>East of the site:</u>	Agricultural and rural residential. Oil and gas operations. Gravel mining operations.

North of the site: Agriculture and rural residential.
Oil and gas operations.

A title search of the property was conducted which located a 1950 deed at reception no. 1244212 for a 1-acre parcel. In 1999, Weld County Subdivision Exemption No. SE-774 was completed which added 0.341-acres to the parcel, reception no. 2714112. This deed and SE-774 plat are included with the application materials for reference. Also included with the application packet is a Property Information Binder prepared by Land Title Guarantee Property including easements and encumbrances affecting the subject property.

Project Impact and Benefits

The site is within Quadrant II of Fort Lupton's Three Mile Plan, an area designated for a variety of future land uses including agriculture, rural residential, commercial transition, light industrial and office, oil and gas facilities, gravel mining, parks and open space and public / semi-public. The proposed storage uses complement the existing and future surrounding land uses.

As designated in the Comprehensive Plan, the site is in a portion of the Fort Lupton Planning Area designated for agricultural and related uses as well as low density residential and isolated industrial businesses.

The methods described below will be used to minimize potential nuisances associated with the proposed uses:

Light

Outdoor lighting is wall mounted. Light poles are not proposed. Sources of light will be shielded so that light rays will not shine directly onto adjacent properties where such would cause a nuisance or interfere with the use on adjacent properties. The property owner or operator will be responsible for ensuring that neither the direct, nor reflected light from any source will create a traffic hazard to operators of motor vehicles on public or private streets. No colored light will be used which may be confused with, or construed as, traffic control devices.

Waste Management

The property owner or operator will be responsible for controlling noxious weeds on-site. Trash will be collected in a covered, confined trash dumpster and removed as needed by a trash removal company.

Dust Abatement

The operation is not expected to generate disproportionate amounts of fugitive dust. Parking is internal to the site. Parking and driving surfaces consist of road base, concrete and asphalt. There are existing asphalt aprons at the entrance points for tracking control. Watering of surfaces will occur as necessary to suppress dust.

Access & Traffic Impacts

CRs 23 and 24 are both classified as paved collectors. CR 19 is classified as a paved arterial. The two accesses on CR 24 are expected to remain. There is an access road along the western property line which serves the property to the north.

Twenty-five foot additional right-of-way for CR 24 is expected to be dedicated by separate document and the reception number shown on the final SUP Site Plan.

Typical vehicles accessing the site include owner/resident and employee vehicles. The following numbers are anticipated for this SUP:

<i>Owner/resident passenger cars/pickups:</i>	<i>2-5 trips per day</i>
<i>St. Vrain Paving employee passenger cars/pickups:</i>	<i>0-5 trips per day</i>
<i>St. Vrain Paving vehicles/equipment:</i>	<i>0-2 trips per day</i>

Highest traffic volumes are expected in the morning between 8:00 a.m. and 9:00 a.m. and in the evening between 5:00 p.m. and 6:00 p.m.

Districts and Services: Water Supply and Sanitary Service

Central Weld County Water District provides water service to the residence through an existing tap. The subject property is included in the Northern Colorado Water Conservancy District and associated Municipal Sub-District. The existing irrigation well, permit no. 212084, is expected to remain.

There is no sanitary sewer service to or within four hundred feet of the subject property. There is an existing septic system which was installed in 1963, permitted in 1999, permit no. SE-9900087, and repaired in 2012. The septic system will continue to serve the residence until a wastewater main is extended adjacent to the site, the septic system requires replacement, a sanitary tap is purchased and appropriate infrastructure is installed.

Fire Protection

Fire protection will be provided by the Fort Lupton Fire Protection District. Exclusion from the Platteville-Gilcrest Fire Protection District and inclusion in the Fort Lupton Fire Protection District

is expected to follow Annexation by separate agreement. Where needed, a turnaround will be provided for the service of the proposed lots.

Architectural Guidelines

The existing structures are expected to remain. A new 400-800 square-foot shed is proposed for personal use. The new structure will adhere to Fort Lupton's Commercial and Industrial Design Standards.

The surrounding properties contain a variety of commercial, industrial, oil and gas, residential and agricultural uses. Properties along CR 24 near the site contain historic turkey barns and shops associated with historic turkey operations, rural single-family residences, utility buildings/detached garages and agricultural outbuildings such as pole-barns, silos, and livestock sheds/lean-tos. The proposed structure will be similar in construction and character to the industrial/commercial buildings and the agricultural/residential outbuildings found in the area. Buildings will be coordinated through color, materials, architectural forms, and detailing to achieve a unified building design.

The following guidelines are provided to create a unified design theme for proposed structure. To maintain overall compatibility between the buildings, and with the surrounding area, the following techniques should be employed:

- Buildings should have similar materials, textures and colors.
- Primary building colors should be muted natural colors or otherwise cohesive with the surrounding area.
- Accent and trim colors should complement and enhance the effect of the primary color.
- Roof colors should be compatible with the dominant building color.
- Architectural style should relate to local architectural character.
- Unifying elements in the buildings such as recessed or projecting bays should be employed where practical.
- Incorporate architectural features/treatments to diminish apparent building mass such as:
 - Variations in façade color and/or texture
 - Variations in roof forms and heights of roof elements
 - Use of materials relatable to human proportions
- Building heights should be of compatible scale with each-other and surrounding development.
- Employ the use of heavier, larger or darker building materials at the base of each building to visually anchor the buildings.
- Building mounted lighting:
 - Lighting should be shielded and down directional.

- Primary building entrances should be externally lit to promote a more secure environment at the door and to emphasize the primary point of entry into the building.
- Entry lighting should complement the building's architecture.

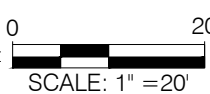
Landscaping & Screening

Screening will be provided by additional landscaping, as shown on the SUP Site Plan. Additional landscaping may be planted by owner as desired. No invasive species should be planted. Below is an estimate of costs for the landscaping shown on the SUP Site Plan.

SUP Landscaping Estimate				
Item	Units	U/M	Unit Price (Typ.)	Total
1-1/2" cal. Ornamental Tree	2	EA	\$ 450.00	\$ 900.00
6'-8' Evergreen Tree	3	EA	\$ 500.00	\$ 1,500.00
Total Est.:				\$ 2,400.00

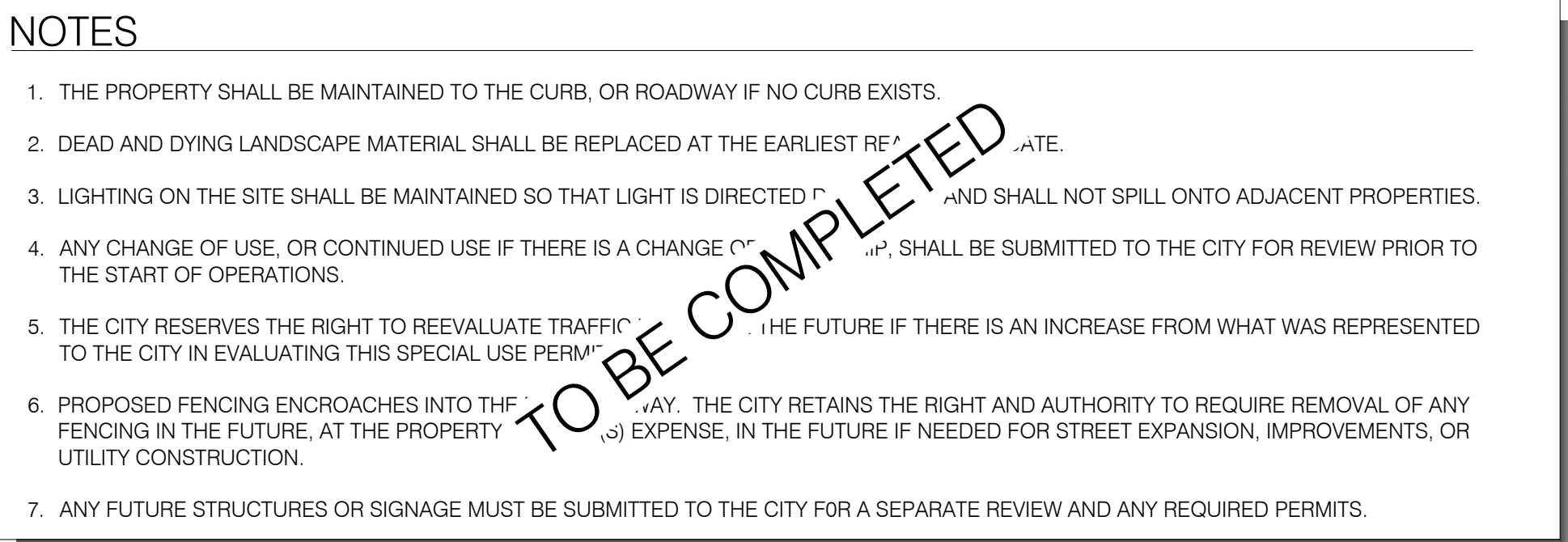
Due to the property's layout relative to the neighboring properties, additional screening is not proposed at the north end of the property. The storage area for road base material in the northwest corner of the property is screened from the residence to the southwest with the addition of an ornamental tree, as shown on the site plan. The existing access road running along the west property line is used by the neighbor to the north. Fencing in the northwest corner of the property would limit the neighbor's ability to access the property with longer vehicles, such as flatbed trailers, which are frequently used by the neighbor. The proposed parking and equipment storage area is screened from CR 24 by the existing structures, the proposed addition to the utility building, and existing and proposed landscaping.

SITE PLAN



PLANT LIST							
ABB.	SIZE	COMMON NAME	BOTANICAL NAME	HEIGHT	SPREAD	WATER USAGE	QTY.
AP	6'8"	Austrian Pine	Pinus nigra	40-50'	25-30'	Low	2
CBS	6'8"	Colorado Blue Spruce	Picea pungens	15-80'	8-35'	Medium	1
ABS	1-1/2" cal.	Autumn Brilliance Serviceberry	Amelanchier grandiflora 'Autumn Brilliance'	15'	15'	Medium	2

Total Evergreen Trees	3
Total Ornamental Trees	2
Total	5



CUTLINES:

1. LOCATION OF LANDSCAPE MATERIAL MAY BE ALTERED TO PROVIDE ADEQUATE CLEARANCE FROM THE FINAL LOCATION OF UNDERGROUND UTILITIES.
2. UNDERGROUND UTILITIES SHALL BE LOCATED PRIOR TO INSTALLATION OF LANDSCAPE MATERIALS.

GENERAL LANDSCAPE NOTES:

1. LANDSCAPE TREATMENTS SHALL BE INSTALLED BY THE DEVELOPER AND MAINTAINED BY THE OWNER.
2. THIS LANDSCAPE PLAN IS DIAGRAMMATIC. TREE AND SHRUB LOCATIONS MAY BE ADJUSTED AS NEEDED AT THE TIME OF PLANTING TO MAINTAIN A MINIMUM SEPARATION FROM UNDERGROUND UTILITIES. MINIMUM SEPARATION SHOULD BE 10' FOR TREES AND 4' FOR SHRUBS.
3. SCHEDULED SIZES STATED REPRESENT MINIMUM CALIPER AND HEIGHT. SIZES PROVIDED MAY EXCEED MINIMUM REQUIRED, BUT IN NO EVENT SHALL SMALLER PLANT MATERIALS SIZES BE PROVIDED.
4. PLANTING MATERIALS SHALL HAVE BEEN GROWN IN A RECOGNIZED NURSERY IN ACCORDANCE WITH PROPER HORTICULTURAL PRACTICE, SHALL BE HEALTHY, WELL-BRANCHED, VIGOROUS STOCK WITH A GROWTH HABIT NORMAL TO THE SPECIES AND VARIETY; SHALL BE FREE OF DISEASES, PEST INFESTATION, OR DAMAGE AND SHALL CONFORM TO THE STANDARDS SET BY THE AMERICAN ASSOCIATION OF NURSERYMEN, AS AMENDED FROM TIME TO TIME.
5. SOIL IN AREAS INTENDED FOR PLANTINGS SHALL FIRST BE AMENDED ACCORDING TO CITY STANDARDS IN ORDER TO LOOSEN COMPACTED SOIL, IMPROVE VIABILITY OF PLANTINGS AND REDUCE THE AMOUNT OF WATERING REQUIRED.
6. ANY PLANT SUBSTITUTIONS ARE TO BE APPROVED BY LANDSCAPE DESIGNER PRIOR TO INSTALLATION.

City Clerk

Traffic Narrative

Special Use Permit (SUP)
Prepared for Richard and Deborah Smith

Introduction

Richard and Deborah Smith are requesting a Special Use Permit (SUP) for their property located in part of the South Half of the Southeast Quarter of Section 3, Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado, containing 1.34-acres more or less. The proposed SUP will allow the storage of commercial vehicles and equipment associated with St. Vrain Companies, Inc. (St. Vrain Paving) whose primary location is 22864 CR 5, Berthoud, CO 80613. Proposed vehicle and equipment storage includes tandem trucks, dump trucks, skid steer loaders, crack-fill machines, sealcoat machines, flatbed trucks, tow trailers, water trucks, pick-up trucks, etc.

St. Vrain Paving is an asphalt paving contractor company that performs paving, patching, demo, line-cutting, seal coating, striping, hauling and sub-grade preparation. Their service area is from Loveland to Englewood and Estes Park to Keenesburg. The site will not be used as an office or retail site for public access. As the site is for storage of vehicles and equipment only, no on-site employees are proposed. The site may be accessed by up to five (5) employees to pick-up/drop-off vehicles or equipment on a busy day.

There is an existing residence on-site which is expected to remain. No new residential development is proposed with the SUP. The site may be accessed by the property owners at any time of the day, primarily for residential uses.

The purpose of this narrative is to document projected traffic generation characteristics and trip distribution relative to the existing street system. Off-site roadway improvement warrants are not provided with this memorandum, nor are existing traffic counts documented. Background traffic and improvement warrants are outside of the scope of this exercise, per City of Fort Lupton staff.

Existing Conditions and Roadway Network

The subject property is located on the north side of County Road (CR) 24 approximately ¾ mile east of CR 19. There are two existing site access points located on CR 24 which are expected to remain. There is an access road along the western property line which serves the property to the north. No new access points are proposed.

There are a variety of agricultural, rural residential, commercial and industrial uses in the vicinity of the site. Uses surrounding the site are listed below:

Uses surrounding the site are listed below:

- West of the site: Terra Constructors, Inc. site, a portion of the CR 24 Annexation and Zoning, project no. LUP2019-0016 and SUP plan no. SUP2019-0003 for storage of construction equipment.
- Ten Eyck – Campbell site, a portion of the CR 24 Annexation and Zoning, project no. LUP2019-0016, SUP plan no. SUP2019-0004 for a vehicle repair shop and a SUP plan no. SUP2019-0005 for storage of boats, RVs and other vehicles.
- Wade, Jacqueline site, Fort Lupton Annexation and Zoning, project no. LUP2019-0038 and SUP plan no. SUP2019-0007 for an automotive dyno tuning, performance mechanical, and custom fabrication business.
- Weld County USR-1310 for an equine facility.
- Agricultural and rural residential.
- County Road 19 business, commercial & industrial corridor.
- South of the site: Historic Butterball Turkey (Longmont Foods) site, currently containing calf-ranch operations.
- Oil and gas operations.
- County Road 24.
- East of the site: Agricultural and rural residential.
- Oil and gas operations.
- Gravel mining operations.
- North of the site: Agriculture and rural residential.
- Oil and gas operations.

CR 24 is an east-west paved street with a posted speed limit of 30 mph, and an existing two-lane cross section. CR 19 is a paved north-south street with a posted speed limit of 55 mph, and an existing two-lane cross section. CR 23 is a paved north-south street with a posted speed limit of 55 mph, and existing two-lane cross section. CRs 24 and 23 are classified as 2-lane collectors and CR 19 is classified as a 2-lane arterial according to the Weld County Functional Classification Map. The portion of CR 24 adjacent to the subject property has been annexed into the City of Fort Lupton, case no. LUP2019-0016.

Proposed Development

In addition to the residence, there is an existing utility building, storage container, boxcar, shed and silo on-site all of which are expected to remain. Existing structures will continue to be used for personal/residential uses and are not associated with St. Vrain Paving operations.

Parking is internal to the site. Parking and driving surfaces consist of road base, concrete and asphalt. There are existing asphalt aprons at the entrance points for tracking control. Full turning movements at both access points are anticipated.

Trip Generation

Typical vehicles accessing the site include owner/resident and employee vehicles. The following numbers are anticipated for this SUP:

<i>Owner/resident passenger cars/pickups:</i>	<i>2-5 trips per day</i>
<i>St. Vrain Paving employee passenger cars/pickups:</i>	<i>0-5 trips per day</i>
<i>St. Vrain Paving vehicles/equipment:</i>	<i>0-2 trips per day</i>

Highest traffic volumes are expected in the morning between 8:00 a.m. and 9:00 a.m. and in the evening between 5:00 p.m. and 6:00 p.m.

Trip Distribution

Distribution of site traffic on the street system was based on the area street system characteristics. Existing traffic patterns and volumes and anticipated surrounding development areas were not considered and are assumed to be outside of the scope of this report. The directional distribution of traffic is a means to quantify the percentage of site generated traffic that approaches the site from a given direction and departs the site back to the original source.

Travel Routes

The two most direct travel routes to/from the subject property are via CR 24 west to Interstate Highway I-25 and CR 24 west to CR 19 then north to Highway 66 or south to Highway 52. There is potential for traffic to access the site from CR 23 to the east. For traffic entering the site it is assumed that less than 10% will use CR 23, 40% will use CR 24 from Interstate Highway I-25 and 50% or more will use CR19 as travel routes. It is assumed that 45% of traffic exiting the site will use County Road 24 to travel west and 55% will use County Road 19 for north-south travel. Figure 1 shows expected travel routes.

Figure 1





United States
Department of
Agriculture

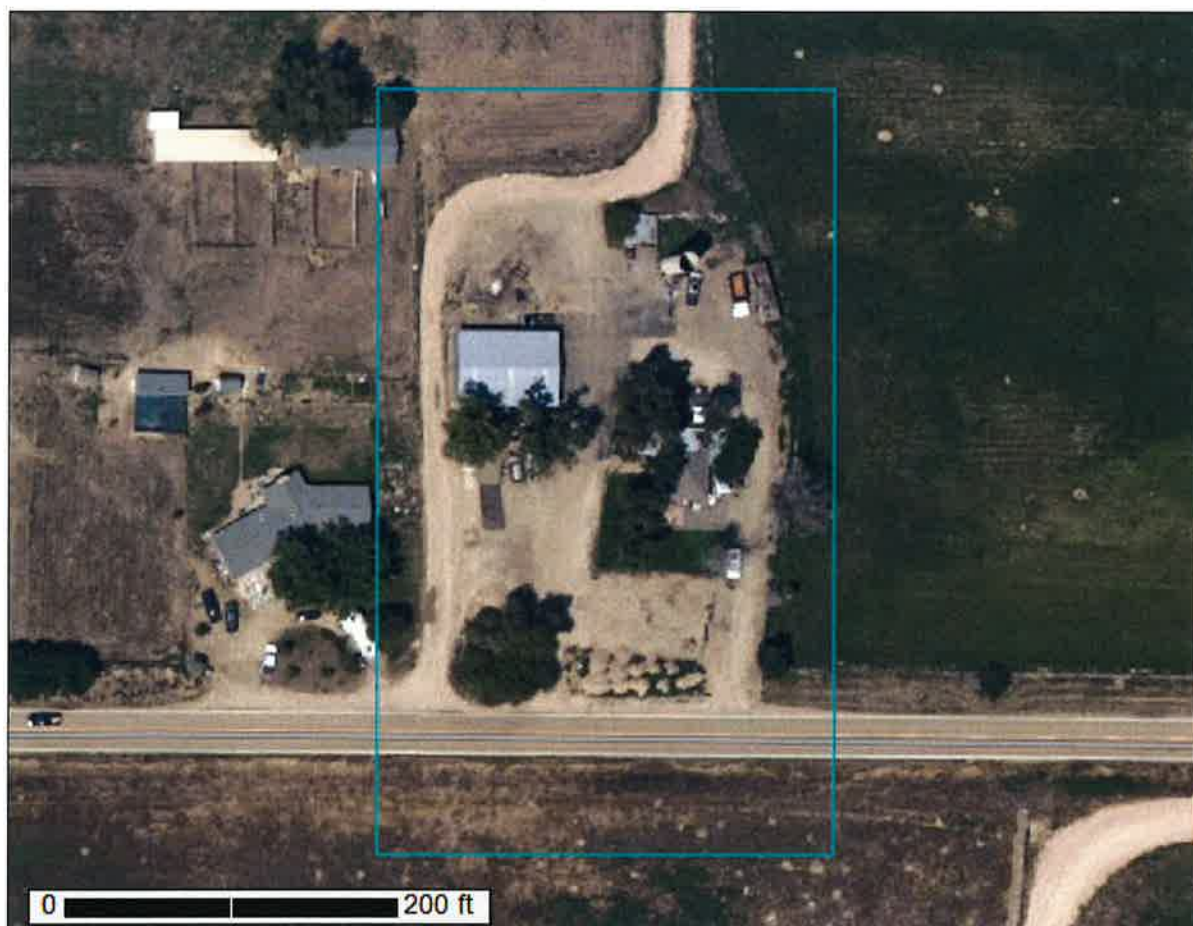
NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Weld County, Colorado, Southern Part

St. Vrain Companies, Inc.



May 20, 2020

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Contents

Preface.....	2
How Soil Surveys Are Made.....	5
Soil Map.....	8
Soil Map.....	9
Legend.....	10
Map Unit Legend.....	11
Map Unit Descriptions.....	11
Weld County, Colorado, Southern Part.....	13
72—Vona loamy sand, 0 to 3 percent slopes.....	13
References.....	15

How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units).

Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

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scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

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identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Unit Polygons

Soil Map Unit Lines

Soil Map Unit Points

Special Point Features

Blowout

Borrow Pit

Clay Spot

Closed Depression

Gravel Pit

Gravelly Spot

Landfill

Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water

Perennial Water

Rock Outcrop

Saline Spot

Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

Sodic Spot

Water Features

Streams and Canals

Transportation

Rails

Interstate Highways

US Routes

Major Roads

Local Roads

Background

Aerial Photography

MAP INFORMATION

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

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

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

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

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

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

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

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

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

Date(s) aerial images were photographed: Jul 19, 2018—Aug 10, 2018

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

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
72	Vona loamy sand, 0 to 3 percent slopes	2.9	100.0%
Totals for Area of Interest		2.9	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Custom Soil Resource Report

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Weld County, Colorado, Southern Part

72—Vona loamy sand, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 363r
Elevation: 4,600 to 5,200 feet
Mean annual precipitation: 13 to 15 inches
Mean annual air temperature: 48 to 55 degrees F
Frost-free period: 130 to 160 days
Farmland classification: Farmland of local importance

Map Unit Composition

Vona and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Vona

Setting

Landform: Terraces, plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium and/or eolian deposits

Typical profile

H1 - 0 to 6 inches: loamy sand
H2 - 6 to 28 inches: fine sandy loam
H3 - 28 to 60 inches: sandy loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Salinity, maximum in profile: Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Available water storage in profile: Moderate (about 6.5 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: A
Ecological site: Sandy Plains (R067BY024CO)
Hydric soil rating: No

Minor Components

Remmit

Percent of map unit: 10 percent
Hydric soil rating: No

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Valent

Percent of map unit: 5 percent

Hydric soil rating: No

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June 22, 2020

Mr. Roy L. Vestal, P.E.
City Engineer
City of Fort Lupton
130 S. McKinley Avenue
Fort Lupton, Colorado 80621

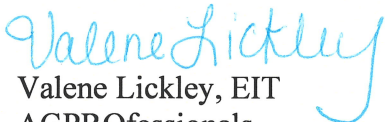
RE: Richard and Deborah Smith Phase I Drainage Report
AGPRO Project # 2778-01

Dear Mr. Vestal,

Please accept the submittal of the Phase I Drainage Report for Richard and Deboarah Smith for the Annexation and Special Use Permit (SUP). Three bound copies of the Phase I Drainage Report are attached. The Drainage Report includes 24" x 36" copies of the drawings.

If you have any questions, please contact me at (970) 535-9318 or e-mail at vllickley@agpros.com.

Sincerely,


Valene Lickley, EIT
AGPROfessionals

Enclosure:

1. Phase I Drainage Report (3 copies)

ENGINEERING, PLANNING, CONSULTING & REAL ESTATE

3050 67th Avenue, Suite 200 □ Greeley, CO 80634
970.535.9318 / office □ 970.535.9854 / fax □ www.agpros.com

Preliminary Drainage Report (Phase I)

For

Richard and Deborah Smith
Annexation and Special Use Permit
South ½ of Southeast ¼ of Section 3, Township 2N, Range 67W of
the 6th P.M.



HQ: AGPROfessionals, 3050 67th Avenue, Greeley, CO 80634
Idaho: 195 River Vista Place, #306, Twin Falls, ID 83301
(970) 535-9318

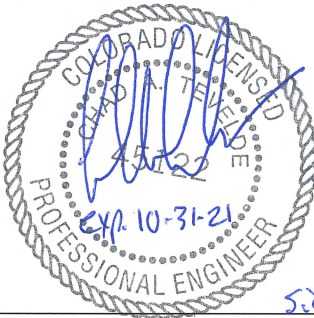
6/22/2020

Table of Contents

Certifications	3
General Location and Description	4
1. Location	4
2. Description of Property	4
Drainage Basins	5
1. Major Basin Description	5
2. Sub-Basin Description	5
Drainage Design Criteria	6
1. Development Criteria	6
2. Hydrological Criteria	6
3. Hydraulic Criteria	6
Drainage Facility Design	7
1. General Concept	7
2. Specific Details	7
Conclusions	7
1. Compliance with City of Fort Lupton Code	7
2. Drainage Concept	7
List of References	8
Appendices	

Certifications

I hereby affirm that this report and plan for the Phase 1 drainage design for Richard and Deborah Smith for the Annexation and Special Use Permit (SUP) was prepared by me (or under my direct supervision) in accordance with the provisions of the City of Fort Lupton Storm Drainage Design and Technical Criteria for the owners thereof. I understand that the City of Fort Lupton does not and will not assume liability for drainage facilities designed by others. I am also aware of the provisions of the City Code as it pertains to the City's review.



Chad TeVelde, PE
Registered Professional Engineer
State of Colorado No. 45122

sig. 6-22-20

Valene Lickley

Valene Lickley, EIT

General Location and Description

1. Location

The proposed site is located in part of the South $\frac{1}{2}$ of Southeast $\frac{1}{4}$ of Section 3, Township 2N, Range 67W of the 6th P.M. The property is bordered on the south side by Weld County Road (WCR) 24. The nearest county road to the west is WCR 19, to the north is WCR 26 and to the east is WCR 23. No other major roadways are located within or adjacent to the property. Highway 85 is approximately 3.5 miles east of the proposed site. WCR 24 adjacent to the site has been annexed into the City of Fort Lupton. The site is currently undergoing annexation into the City of Fort Lupton (see vicinity map in **Appendix A**).

2. Description of Property

The total project site is approximately 1.34 acres. The parcel currently is residential property located in Weld County in the agricultural zone. There is currently a single-family residence, utility building, storage container, silo, shed, and boxcar.

There is one type of soil: Vona loamy sand (0 to 3% slopes). Most of the soil is well drained, hydrologic soil group A (see USDA-NRCS soil report in **Appendix A**).

Firestone Cattle Ranch, LP owns the property to the south, Lee and Mandi Halger owns the property to the east, Jeffery and Nicole Helsley owns the property to the west, and Gibbs Performance Horses, LLC owns the property to the north. WCR 24 is directly south of the property.

There are no major open channels within or adjacent to the proposed property.

In addition to the annexation, a special use permit for the storage of commercial vehicles and equipment associated with St. Vrain Companies, Inc. (St. Vrain Paving) is proposed. St. Vrain Paving's primary location is in Berthoud, Colorado. The site will not be used as an office or retail site for public access.

Drainage Basins

1. Major Basin Description

The proposed site is located in rural Weld County and is surrounded by undeveloped, agricultural land. A Master Plan for the site area is not currently available. The proposed site was only considered as one major basin for this drainage report. Historically, the basin drainage appears to flow predominantly towards the southeast. Flows appear to flow approximately 0.75 miles to Lupton Bottom Ditch and ultimately flows towards the South Platte River. Contours of the project location and the surrounding properties are shown on the United States Geological Survey (USGS) topographic map in **Appendix A**.

A Federal Emergency Management Administration (FEMA) map of the project is included in **Appendix A**. The proposed site is located within FEMA panel 08123C1915E and is not currently located within a 100-year floodplain.

Potential off-site flows from the south flow northeast and are intercepted by WCR 24. Flows from the north flow east paralleling the site. Flows from the west flow east away from the site. Flows from the west have historically flowed east, a gravel road on the west of property directs flows toward the south and away from the structures on the property. Therefore, an increase in runoff is not expected.

2. Sub-Basin Description

The site was considered as one drainage basin with one sub-basin.

Drainage Design Criteria

1. Development Criteria

This proposed drainage design was developed using the criteria set forth in the Urban Storm Drainage Criteria Manual (USDCM) Volumes 1, 2 and 3 and the City of Fort Lupton's Storm Drainage Design and Technical Criteria (SDDTC) manual.

2. Hydrological Criteria

From Section 5.3 in the SDDTC, the estimated rainfall from the 5-year, 1-hour precipitation is 1.42 inches and the 100-year, 1-hour precipitation is 2.71 inches (see SDDTC One-Hour Point Rainfall in **Appendix A**). These values were used for runoff calculations and to estimate the required detention volume.

Percentage of imperviousness was determined using the recommended values from UDFCD Table 6-3. The overall percentage of imperviousness is 46 percent. The existing percentage of imperviousness is not increasing with the annexation or special use permit (see percentage of imperviousness calculation **Appendix A**).

Using these design storms and the UDFCD Detention Basin Volume Estimating spreadsheet, the existing peak runoff flowrates were estimated for the basin (see Table 1). Peak runoff flowrates for the existing site were calculated with the Modified FAA method using the time of concentration, runoff coefficients, and the precipitation depths from the UDFCD spreadsheet (see UDFCD Runoff Calculations in **Appendix A**).

Table 1: Peak Runoff Flowrates

Peak Runoff	5 Year Flowrate (cfs)	100 Year Flowrate (cfs)
Existing	1.32	3.85

3. Hydraulic Criteria

Since no new development is being proposed, hydraulic structures or drainage features are not being proposed. Hydraulic computations are not needed.

Drainage Facility Design

1. General Concept

No new development is being proposed and historical flow patterns will be maintained. A site map is shown in **Appendix C**.

2. Specific Details

If the percentage of impervious increases or drainage patterns change, a new drainage plan and/or study will need to be completed.

Conclusions

1. Compliance with City of Fort Lupton Code

The drainage design for the Smith annexation and special use permit is consistent with the City of Fort Lupton Storm Drainage Design and Technical Criteria manual.

2. Drainage Concept

Historical flow patterns and run-off amounts should be maintained in such a manner that should reasonably preserve the natural character of the area and prevent property damage. No irrigation companies or property owners should be affected by the proposed development.

Master Drainage recommendations are not available in the area of this project.

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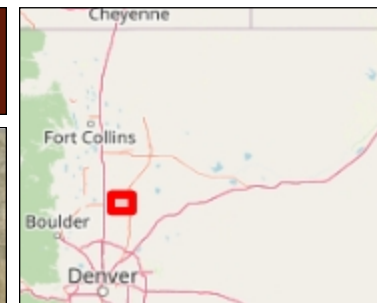
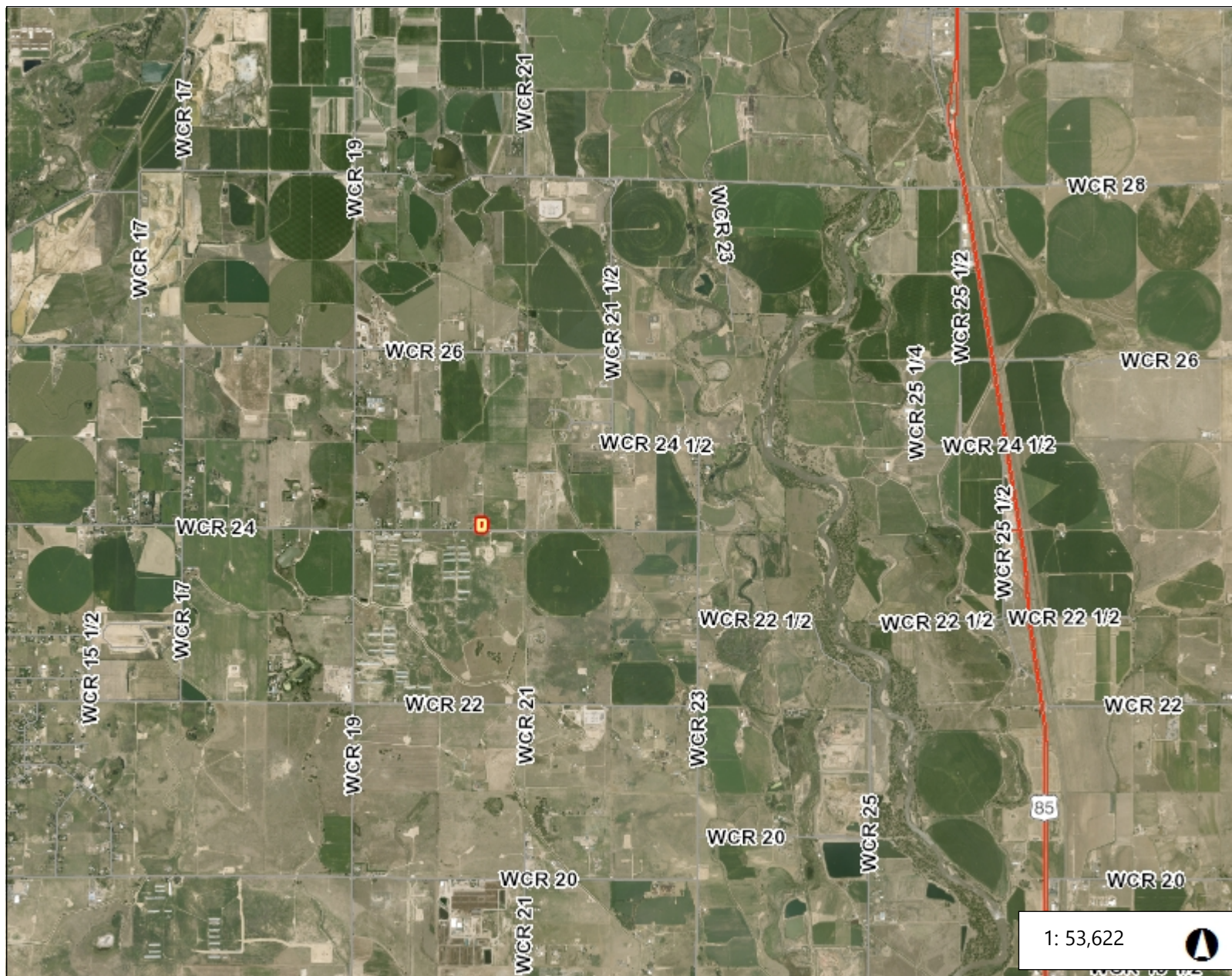
<<https://www.co.weld.co.us/maps1/propertyportal/?acct=P1779500>>.

Appendices

- A. Hydrologic Computations
 - A.1. Vicinity Map
 - A.2. USDA-NRCS Soil Report
 - A.3. USGS Topographic Map
 - A.4. FEMA FIRMette Map
 - A.5. SDDTC One-Hour Point Rainfall
 - A.6. Percentage of Imperviousness
 - A.7. UDFCD Runoff Calculations
- B. Hydraulic Computations
 - B.1. None
- C. 24 x 36 Maps
 - C.1. Site Map

APPENDIX A

Hydrologic Computations



Legend

- Parcels
- Highway
- Road
- Road
- Highway
- County Boundary

1: 53,622



8,936.9 0 4,468.46 8,936.9 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Weld County Colorado

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



United States
Department of
Agriculture

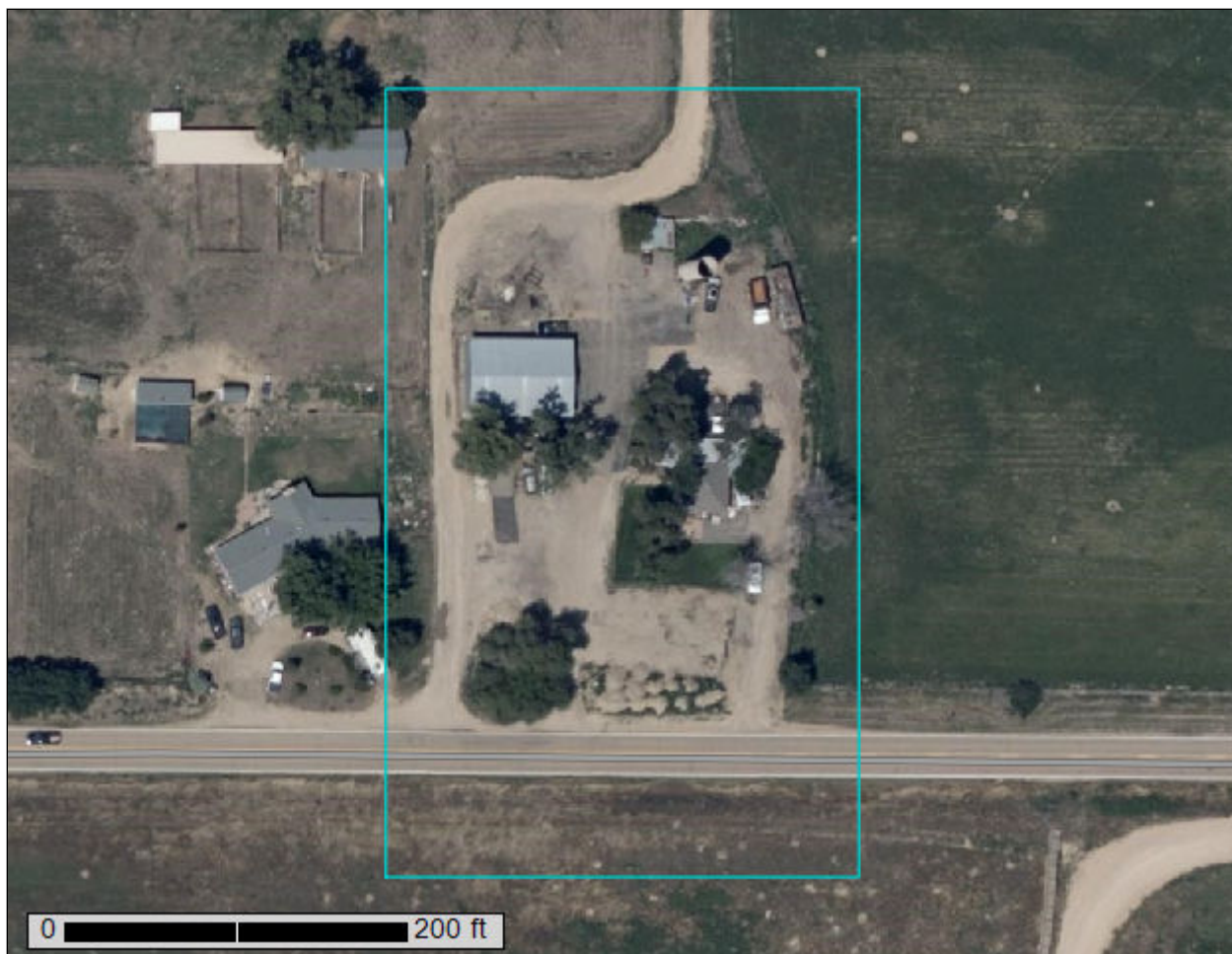
NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Weld County, Colorado, Southern Part**

St. Vrain Companies, Inc.



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

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Contents

Preface	2
How Soil Surveys Are Made	5
Soil Map	8
Soil Map.....	9
Legend.....	10
Map Unit Legend.....	11
Map Unit Descriptions.....	11
Weld County, Colorado, Southern Part.....	13
72—Vona loamy sand, 0 to 3 percent slopes.....	13
References	15

How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot

 Sinkhole

 Slide or Slip

 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

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

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

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

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

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

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

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

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

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

Date(s) aerial images were photographed: Jul 19, 2018—Aug 10, 2018

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

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
72	Vona loamy sand, 0 to 3 percent slopes	2.9	100.0%
Totals for Area of Interest		2.9	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Weld County, Colorado, Southern Part

72—Vona loamy sand, 0 to 3 percent slopes

Map Unit Setting

National map unit symbol: 363r
Elevation: 4,600 to 5,200 feet
Mean annual precipitation: 13 to 15 inches
Mean annual air temperature: 48 to 55 degrees F
Frost-free period: 130 to 160 days
Farmland classification: Farmland of local importance

Map Unit Composition

Vona and similar soils: 85 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Vona

Setting

Landform: Terraces, plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium and/or eolian deposits

Typical profile

H1 - 0 to 6 inches: loamy sand
H2 - 6 to 28 inches: fine sandy loam
H3 - 28 to 60 inches: sandy loam

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 15 percent
Salinity, maximum in profile: Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
Available water storage in profile: Moderate (about 6.5 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: A
Ecological site: Sandy Plains (R067BY024CO)
Hydric soil rating: No

Minor Components

Remmit

Percent of map unit: 10 percent
Hydric soil rating: No

Valent

Percent of map unit: 5 percent

Hydric soil rating: No

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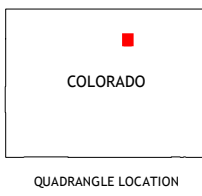
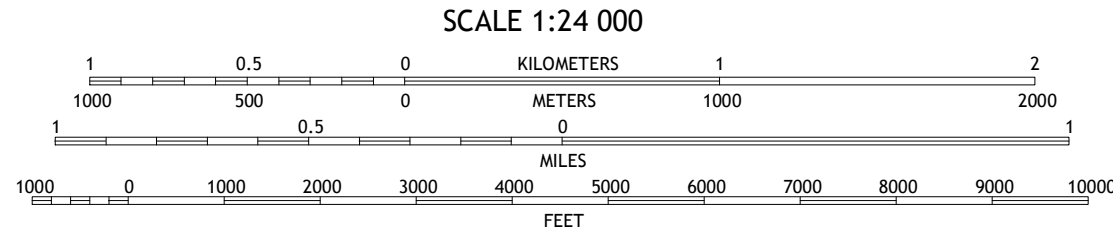
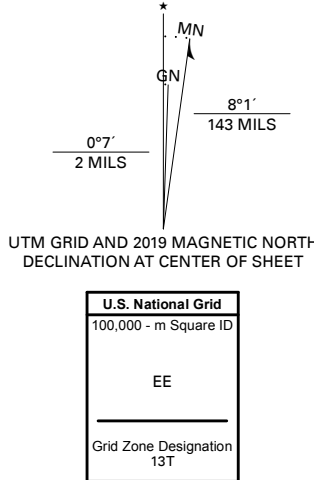
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Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1 000 meter grid/Universal Transverse Mercator, Zone 13T
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery.....NAIP, August 2017 - November 2017
Roads.....U.S. Census Bureau, 2016
Names.....GNIS, 1978 - 2016
Hydrography.....National Hydrography Dataset, 2004 -
2019
Contours.....National Elevation Dataset, 2015
Boundaries.....Multiple sources: see metadata file 2017
Public Land Survey System.....BLM, 2018
Wetlands.....FWS National Wetlands Inventory, 2009



1	2	3
4	5	6
7	8	9

ADJOINING QUADRANGLES

PLATTEVILLE, CO
2019

National Flood Hazard Layer FIRMette



Legend

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

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



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

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **5/21/2020 at 11:02:02 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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

40°9'49.36"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

40°9'21.86"N

104°51'59.81"W

CITY OF FORT LUPTON
STORM DRAINAGE DESIGN AND TECHNICAL CRITERIA

SECTION 5 RAINFALL

5.1 INTRODUCTION

Presented in this section is the design rainfall data to be used with the Rational Method and the Colorado Urban Hydrograph Procedure (CUHP). All hydrological analysis within the jurisdiction of these CRITERIA shall utilize the rainfall data presented herein for calculating storm runoff.

The design storms and Time-Intensity-Frequency curves for the CITY were developed using the rainfall data and procedures presented in the MANUAL and are presented herein for convenience.

5.2 COLORADO URBAN HYDROGRAPH PROCEDURE DESIGN STORMS

For drainage basins less than five square miles, a two-hour storm distribution without area adjustment of the point rainfall values shall be used for the Colorado Urban Hydrograph Procedure (CUHP). For drainage basins between five and ten square miles, a two-hour storm distribution shall be used with the incremental rainfall values adjusted for the large basin area in accordance with suggested procedures in the NOAA Atlas for Colorado. The adjustment is an attempt to relate the average of all point values for a given duration and frequency within a basin to the average depth over the basin for the same duration and frequency. For drainage basins between ten and twenty square miles, a three-hour storm duration with adjustment for area shall be used. The distribution for the last hour was obtained by uniformly distributing the difference between the two-hour and three-hour point rainfall values. The adjustment for the basin area was obtained from the NOAA Atlas for Colorado. The incremental rainfall distributions for all basin areas up to 20 square miles are presented in Table 501.

5.3 TIME-INTENSITY-FREQUENCY CURVES FOR THE RATIONAL METHOD

The one-hour design point rainfall values obtained from the NOAA Atlas for Colorado area are as follows:

ONE-HOUR POINT RAINFALL (IN.)

2-YEAR	5-YEAR	10-YEAR	50-YEAR	100-YEAR
1.00	1.42	1.68	2.35	2.71

The Time-Intensity-Frequency curves were developed by distributing the one-hour point rainfall values using the factors obtained from the NOAA Atlas presented below:



3050 67th Avenue, Suite 200

Greeley, CO 80634

Telephone (970) 535-9318

www.agpros.com

Project Number: 2778-01

Date: 6/22/20 2:40 PM

Designed By: AGPROfessionals

Sheet: of

Checked By: CTV

Subject: St. Vrain Paving Overall Existing

 = User Entry

Solving for the Percent Impervious (I):

Description per UDFCD Table 6-3	% Impervious	Total SqFt	Acres Impervious
Roofs	90%	5,663	0.12
Drive and Walks	96%	13,068	0.29
Greenbelts, Agriculture, Landscape	2%	16,988	0.01
Gravel Road	40%	22,216	0.20
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
None	0%		0.00
		57,935	0.62

Square Feet Acres

Total Impervious Acres	26,868	0.62
Total Development Acres	57,935	1.33

Development %	Actual Design	46%
---------------	---------------	-----

DETENTION VOLUME BY THE MODIFIED FAA METHOD

Project: St. Vrain Paving

Basin ID: Existing Runoff

(For catchments less than 160 acres only. For larger catchments, use hydrograph routing method)
 (NOTE: for catchments larger than 90 acres, CUHP hydrograph and routing are recommended)

Determination of MINOR Detention Volume Using Modified FAA Method

Design Information (Input):

Catchment Drainage Imperviousness $I_a = 46.00$ percent
 Catchment Drainage Area $A = 1.33$ acres
 Predevelopment NRCS Soil Group Type = A A, B, C, or D
 Return Period for Detention Control $T = 5$ years (2, 5, 10, 25, 50, or 100)
 Time of Concentration of Watershed $T_c = 12.0$ minutes
 Allowable Unit Release Rate $q = 0.00$ cfs/acre
 One-hour Precipitation $P_1 = 1.42$ inches

Design Rainfall IDF Formula $i = C_1 * P_1 / (C_2 + T_c) * C_3$

Coefficient One $C_1 = 28.50$
 Coefficient Two $C_2 = 10$
 Coefficient Three $C_3 = 0.789$

Determination of Average Outflow from the Basin (Calculated):

Runoff Coefficient $C = 0.28$
 Inflow Peak Runoff $Q_{p-in} = 1.32$ cfs
 Allowable Peak Outflow Rate $Q_{p-out} = 0.00$ cfs

Determination of MAJOR Detention Volume Using Modified FAA Method

Design Information (Input):

Catchment Drainage Imperviousness $I_a = 46.00$ percent
 Catchment Drainage Area $A = 1.330$ acres
 Predevelopment NRCS Soil Group Type = A A, B, C, or D
 Return Period for Detention Control $T = 100$ years (2, 5, 10, 25, 50, or 100)
 Time of Concentration of Watershed $T_c = 12$ minutes
 Allowable Unit Release Rate $q = 0.00$ cfs/acre
 One-hour Precipitation $P_1 = 2.71$ inches

Design Rainfall IDF Formula $i = C_1 * P_1 / (C_2 + T_c) * C_3$

Coefficient One $C_1 = 28.50$
 Coefficient Two $C_2 = 10$
 Coefficient Three $C_3 = 0.789$

Determination of Average Outflow from the Basin (Calculated):

Runoff Coefficient $C = 0.43$
 Inflow Peak Runoff $Q_{p-in} = 3.85$ cfs
 Allowable Peak Outflow Rate $Q_{p-out} = 0.00$ cfs

APPENDIX B

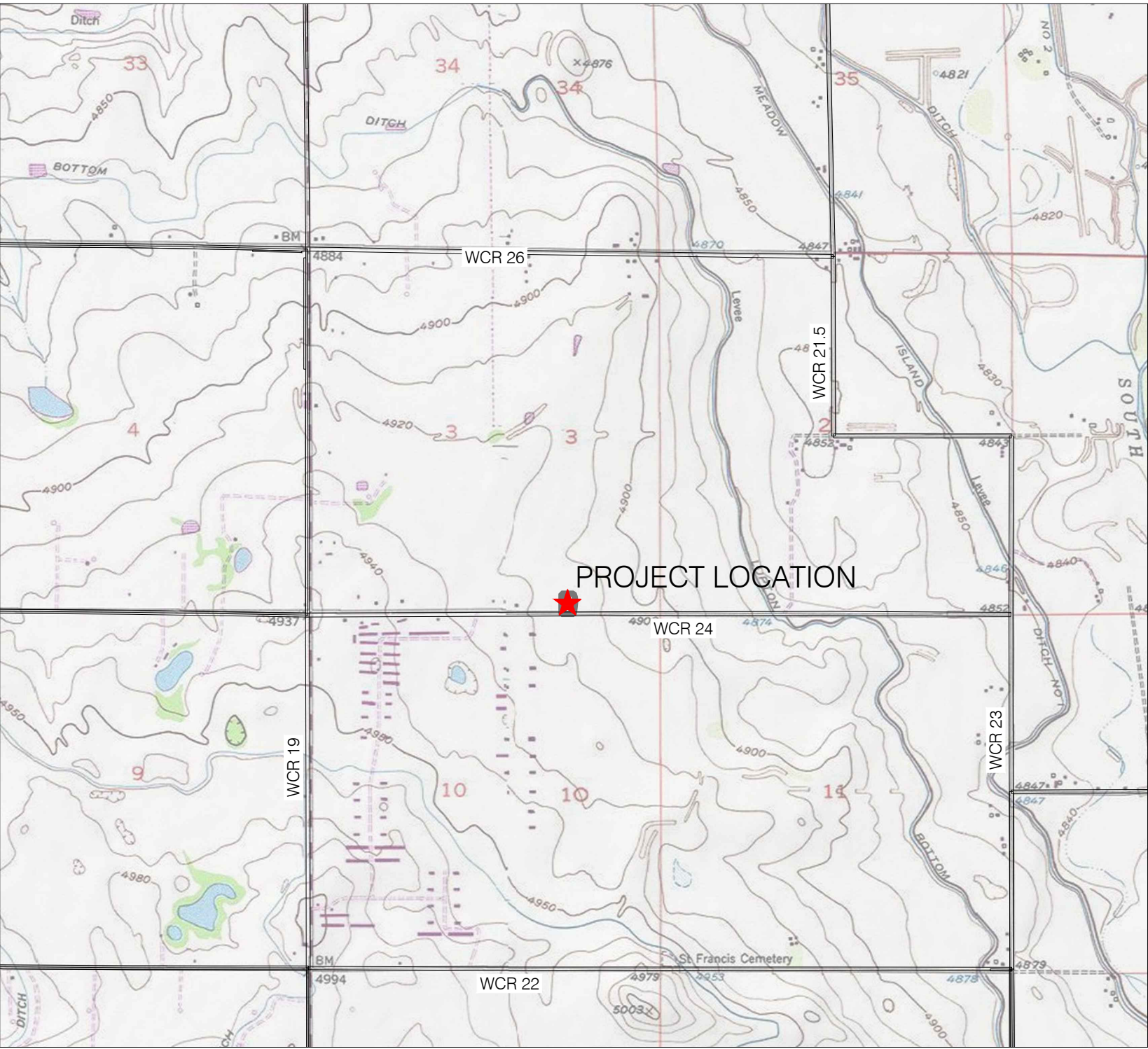
Hydraulic Computations

APPENDIX C

24 x 36 Maps

SMITH - SPECIAL USE PERMIT

IN THE S 1/2 OF THE SE 1/4 OF SECTION 3, T2N, R67W 6TH P.M.,
CITY OF FORT LUPTON, WELD COUNTY, COLORADO



VICINITY MAP

SCALE: 1" = 2000'

LEGEND

→ FLOW DIRECTION

GENERAL DRAINAGE PLAN

SMITH - SPECIAL USE PERMIT
GENERAL DRAINAGE PLAN

FORT LUPTON, CO

SHEET:

DR-1

AGPROprofessionals
DEVELOPERS OF AGRICULTURE



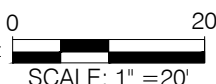
3050 67th Avenue, Suite 200, Greeley, CO 80634
(970) 535-9318 • Fax: (970) 535-9854



DATE:	June 18, 2020	DRAWN BY:	AGPRO
REVISIONS:			
R1	DSC		~ / ~ / ~
R2	DSC		~ / ~ / ~
R3	DSC		~ / ~ / ~
R4	DSC		~ / ~ / ~
R5	DSC		~ / ~ / ~

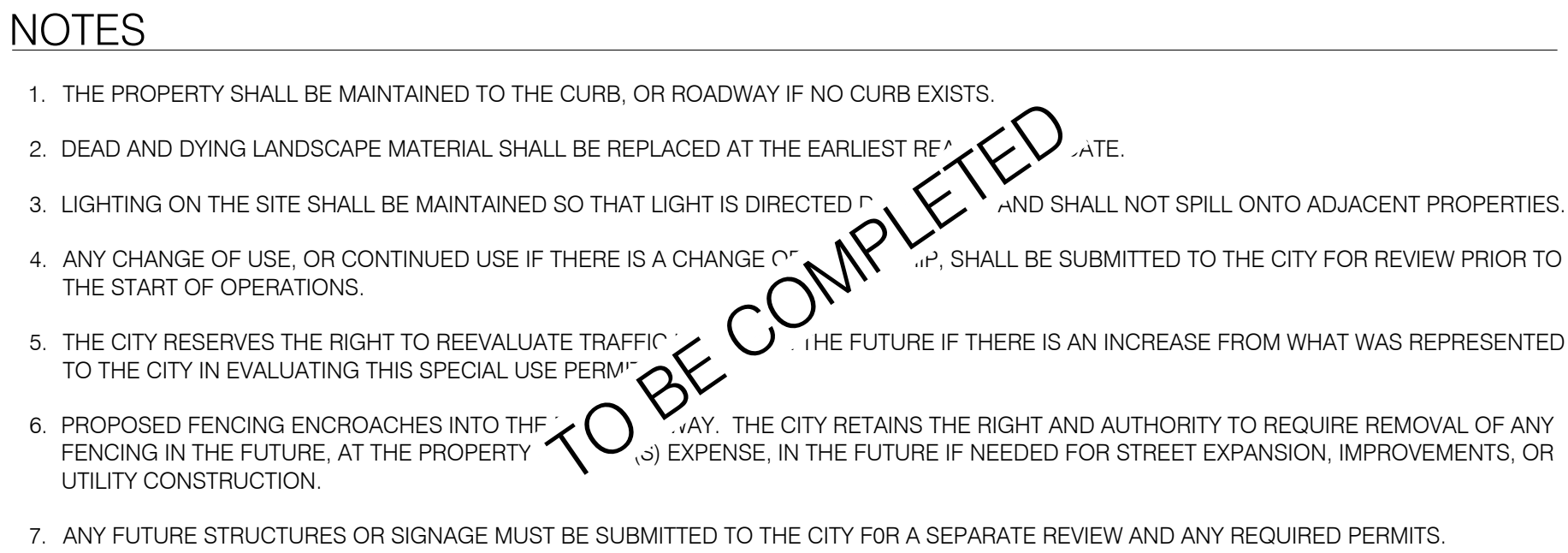
WELD COUNTY, COLORADO
SECTION 3, T2N, R67W 6TH P.M.
SMITH - SPECIAL USE PERMIT
GENERAL DRAINAGE PLAN
DR-1
AGPRO

SITE PLAN



PLANT LIST							
ABB.	SIZE	COMMON NAME	BOTANICAL NAME	HEIGHT	SPREAD	WATER USAGE	QTY.
AP	6'8"	Austrian Pine	Pinus nigra	40-50'	25-30'	Low	2
CBS	6'8"	Colorado Blue Spruce	Picea pungens	15-80'	8-35'	Medium	1
ABS	1-1/2" cal.	Autumn Brilliance Serviceberry	Amilanchier grandiflora 'Autumn Brilliance'	15'	15'	Medium	2

Total Evergreen Trees	3
Total Ornamental Trees	2
Total	5



UTILITIES:

1. LOCATION OF LANDSCAPE MATERIAL MAY BE ALTERED TO PROVIDE ADEQUATE CLEARANCE FROM THE FINAL LOCATION OF UNDERGROUND UTILITIES.
2. UNDERGROUND UTILITIES SHALL BE LOCATED PRIOR TO INSTALLATION OF LANDSCAPE MATERIALS.

GENERAL LANDSCAPE NOTES:

1. LANDSCAPE TREATMENTS SHALL BE INSTALLED BY THE DEVELOPER AND MAINTAINED BY THE OWNER.
2. THIS LANDSCAPE PLAN IS DIAGRAMMATIC. TREE AND SHRUB LOCATIONS MAY BE ADJUSTED AS NEEDED AT THE TIME OF PLANTING TO MAINTAIN A MINIMUM SEPARATION FROM UNDERGROUND UTILITIES. MINIMUM SEPARATION SHOULD BE 10' FOR TREES AND 4' FOR SHRUBS.
3. SCHEDULED SIZES STATED REPRESENT MINIMUM CALIPER AND HEIGHT. SIZES PROVIDED MAY EXCEED MINIMUM REQUIRED, BUT IN NO EVENT SHALL SMALLER PLANT MATERIALS SIZES BE PROVIDED.
4. PLANTING MATERIALS SHALL HAVE BEEN GROWN IN A RECOGNIZED NURSERY IN ACCORDANCE WITH PROPER HORTICULTURAL PRACTICE, SHALL BE HEALTHY, WELL-BRANCHED, VIGOROUS STOCK WITH A GROWTH HABIT NORMAL TO THE SPECIES AND VARIETY, SHALL BE FREE OF DISEASES, PEST INFESTATION, OR DAMAGE AND SHALL CONFORM TO THE STANDARDS SET BY THE AMERICAN ASSOCIATION OF NURSEYMEN, AS AMENDED FROM TIME TO TIME.
5. SOIL IN AREAS INTENDED FOR PLANTINGS SHALL FIRST BE AMENDED ACCORDING TO CITY STANDARDS IN ORDER TO LOOSEN COMPACTED SOIL, IMPROVE VIABILITY OF PLANTINGS AND REDUCE THE AMOUNT OF WATERING REQUIRED.
6. ANY PLANT SUBSTITUTIONS ARE TO BE APPROVED BY LANDSCAPE DESIGNER PRIOR TO INSTALLATION.

City Clerk

Statement of Water Rights

Prepared for Richard and Deborah Smith
Annexation and Zoning

There are no known water rights attached to the property proposed to be annexed into the City of Fort Lupton.

Account Number	Description	Meter Readings		Usage	Read Code	Read Dates	
		Previous	Present			Previous	Present
003136-01	1000 Gallons	442	449	7	Actual	04/21/2020	05/19/2020

Previous Balance
 Water Minimum Charge
 Water Usage Charge
 CBT Surcharge

-\$ [REDACTED]
 \$ [REDACTED]
 \$ [REDACTED]
 \$ [REDACTED]

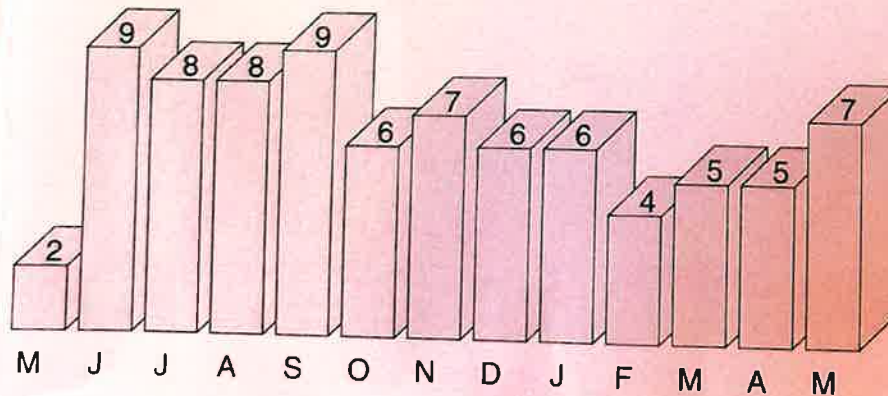
Total Current Charges \$ [REDACTED]

Total Amount Due - \$ [REDACTED]

Credit Balance - Do Not Pay

Please write account number on all payments and correspondence.
 You may pay your bill at www.cwcwd.com

Water



Customer	
Richard & Deborah Smith	
Service Address	
9729 County Rd 24	
Billing Date	Account Number
05/26/2020	003136-01
Due Date	Amount Due
06/15/2020	-\$ [REDACTED]
Annual Allocation	YTD Usage
300	40

Central Weld County Water District
 2235 2nd Avenue
 Greeley, CO 80631
 970-352-1284

Maria Lancto

From: Kelly Dykstra <kdykstra@procodeinc.net> **Pro Code Inc.**
Sent: Thursday, July 16, 2020 3:47 PM
To: PlanningDept
Subject: Smith Annexation, Initial Zoning, and Special Use Permit.

Sent from [Mail](#) for Windows 10

Hello Planning Dept,

Please note that although this is all existing, if or when there are any occupancy changes, additions, or increase in occupant loads, all projects will require a licensed designer and designs could be subject to building code requirements. For example, if the existing commercial building does not have the required plumbing facilities, accessible features/paths/routes and they move forward with the proposed addition, they could be subject to these types of improvements. (again, I am not sure what is in the building)

As far as the residential building, I will assume it is a single family dwelling. Any other use of an R occupancy, or office for the company, or both, would be subject to fire suppression.

Thanks all

Maria Lancto

From: Kathy Naibauer <kathy@cwccd.com>
Sent: Thursday, July 16, 2020 3:00 PM
To: PlanningDept
Subject: Smith Annexation, Initial Zoning, SUP Tap 3136

Follow Up Flag: Follow up
Flag Status: Flagged

Maria,

Thank you for the opportunity to review and comment on the Smith Annexation, Initial Zoning and SUP projects. Applications of this type typically prompt the District to conduct a backflow survey at the subject property. During the survey a CWCWD field tech will determine whether existing or planned water usage will cause any hazards that would require additional backflow protection on the customer's side of the meter. The landowner can anticipate being contacted by a CWCWD field tech regarding the survey, however, approval of the applications do not appear to cause any conflicts for Central Weld at this time.

Thanks again,

Kathy Naibauer

Central Weld County Water District
2235 2nd Ave
Greeley, CO 80631

Phone 970 352 1284



Fort Lupton Fire Protection District

1121 Denver Avenue • Fort Lupton, Colorado 80621

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

Date: 7/16/2020

Project name: Smith Annexation

Project address: 9729 Cr 24, Fort Lupton, Co 80621

FLFPD Project # R2020-034

Plan reviewer: Taw Tamlin, Fire Marshal

The Fire District has reviewed the referral for **Smith Annexation** located at **9729 Cr 24**, Fort Lupton, CO 80621. The submittal was reviewed for compliance with 2012 International Fire Code (IFC) and National Fire Protection Association (NFPA) standards as adopted by the Fort Lupton Fire Protection District, City Council of Fort Lupton, and Weld County Commissioners. The following specific and general requirements and conditions shall be met

Specific Requirements:

1. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. *2012 IFC, 505.1*
2. Fire apparatus access road (driveway) shall be designed and maintained to support the imposed loads of fire apparatus (56,000 pounds) and shall be surfaced so as to provide all-weather driving capabilities (e.g. gravel, road base or recycled asphalt). *2012 IFC Section 503.2.3*
3. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. *2012 IFC, 506.1*
4. A fire code inspection shall be required for a Certificate of Occupancy.

5. Above ground and/or below ground fuel tanks shall be approved by the Fire District prior to use. Click on <https://fortluptonfire.org/contractors/> for directions on submitting plans.
6. Plans for Construction and or additions to existing structures shall be approved by the Fire District prior to construction. Click on <https://fortluptonfire.org/contractors/> for directions on submitting plans.

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



Public Works

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

www.fortluptonco.gov

MEMO

To: Todd Hodges
Alyssa Knutson
CC: Kelsey Bruxvoort (AGPRO)
From: Roy Vestal
Date: July 16, 2020
Subject: Smith Annexation, Initial Zoning, and Special Use Permit; LUP2020-0021;
ANX2020-0003; COZ2020-0004 & SUP2020-0005
Public Works Review

Public Works has reviewed the submitted documents for the above referenced development project with the following comments for inclusion with the Final Plat submittal. Be advised, review of construction drawings is for general compliance with city standards. There may be additional concerns as this design develops.

1. Annexation

- a. Include 25' ROW Reservation along CR 24 frontage.

2. Utilities

a. Water - Chapter 3

- i. City water not available at this location.
- ii. Central Weld water main runs along CR 24.

b. Sanitary Sewer - Chapter 4

- i. No existing sanitary sewer service available in this area.

3. Site Plan

- a. Property currently goes to section line. ROW dedication of 55' required along CR 24 frontage. Separate dedication document to be filed and recorded to annotate on Site Plan prior to recording Site Plan.
- b. Encroaching access along the western property edge is interesting. City is unaware of access easement here and is not evaluating existing legality.
- c. Building encroachments on the north and east property lines and the eastern access drive at the southeast corner may be future issues with adjacent land owners. City is not issuing approvals for validity of these encroachments off the property.

4. Drainage

- a. The Preliminary Drainage Report submitted is acceptable.
- b. A Drainage Study will be required if additional pavement is proposed.

5. Transportation

- a. Traffic Narrative as submitted is acceptable.
- b. CR 24 will be designated an arterial with future ROW requirements of 110' in total width. 60' of ROW exists, but property line goes to section line (center of ROW. Dedication of 55' total ROW north of the section line is required.

c. Roadway - Chapter 6

- i. Access points on an arterial street will be limited as this area grow. Future projects may require restricting this site to one access point.
- ii. Current spacing of access to CR 24 if problematic. The access to the west of the property is too close to the western access of this site.
- iii. Site triangle and visual access at the drives should be maintained open.
- iv. Future participation in roadway improvements will be required.

July 23, 2020

City of Fort Lupton Planning Department
130 S. McKinley Ave.
Fort Lupton, CO 80621

Re: LUP2020-0021; ANX2020-0003; COZ2020-0004 & SUP2020-0005 – Smith Annexation,
Zoning, and Special Use Permit.

Dear Maria Lancot:

On behalf of United Power, Inc., thank you for inviting us to review and comment on the LUP2020-0021; ANX2020-0003; COZ2020-0004 & SUP2020-0005 – Smith Annexation, Zoning, and Special Use Permit. After review of the information, there is existing overhead and underground electrical distribution at the site in and the area. United Power has no concerns or objection to the proposed annexation from Weld County into Fort Lupton, the zoning of Agriculture, and the special use permit to allow storage of commercial vehicles, contingent upon United Power's ability to maintain all existing rights, facilities/equipment, and existing easements. This request should not hinder our ability for future expansion, including all present and any future accommodations for electrical distribution.

Service will be provided according to the rules, regulations, and policies in effect by United Power at the time service is requested. We look forward to safely and efficiently providing reliable electric power and outstanding service.

Thank you,



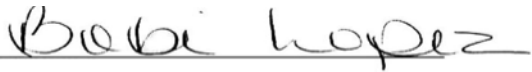
Samantha Riblett
United Power, Inc.
Right of Way Administrative Assistant
O: 303-637-1324 | Email: platreferral@unitedpower.com

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

I, Steve Smith do solemnly swear that I am the Publisher of the **Fort Lupton Press** the same is a weekly newspaper printed and published in the County of Weld, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said county of Weld for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado. That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the period of **ONE consecutive insertion(s)** and that the first publication of said notice was in the issue of newspaper, dated **29th day of July, 2020** the last on the **29th day of July, 2020**.



Publisher, Subscribed and sworn before me,
this **29th day of July, 2020**



Notary Public.

**Bobi Lopez
Notary Public
State of Colorado
Notary ID 20024002511
My Commission Expires
March 26, 2023**

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

Notice is hereby given that the City of Fort Lupton is in receipt of an application submitted by Richard Allen Smith & Deborah L. Smith for a special use permit for a property located north and adjacent to County Road 24 and approximately 0.71 miles east of County Road 19 in Weld County, Colorado, pursuant to the City of Fort Lupton Municipal Code Notice Requirements. The annexation and initial to the 'A' Agricultural Zone District for the property are being considered at separate public hearings before the Planning Commission and City Council.

The public hearings are to be held before the Planning Commission on Thursday, August 13, 2020, at 6:00 P.M., and before the City Council on Tuesday, September 1, 2020, at 7:00 P.M. or as soon as possible thereafter.

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

LEGAL DESCRIPTION

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 3, T2 NORTH, R67 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST AS BEARING SOUTH 89°57'09" WEST BETWEEN THE FOUND MONUMENTS AS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTH 1/16 CORNER OF THE SOUTHEAST 1/4 SAID SECTION 3, SOUTH 89°57'09" WEST FOR A DISTANCE OF 38.94 FEET, THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 30.17 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 123.30 FEET,

THENCE NORTH 02°59'51" EAST FOR A DISTANCE OF 43.47 FEET,

THENCE NORTH 05°53'12" WEST FOR A DISTANCE OF 55.80 FEET,

THENCE NORTH 17°55'11" WEST FOR A DISTANCE OF 50.95 FEET,

THENCE SOUTH 89°57'09" WEST FOR A DISTANCE OF 181.51 FEET

THENCE SOUTH 00°01'21" EAST FOR A DISTANCE OF 270.00 FEET

TO A POINT ALONG THE NORTH LINE OF THE COUNTY ROAD ROW,

THENCE ALONG THE COUNTY ROAD ROW NORTH 89°57'09" EAST FOR A DISTANCE OF 187.39 TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1.21 ACRES



COME PAINT YOUR FUTURE WITH US

Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621

Phone: 303.857.6694

Fax: 303.857.0351

www.fortlupton.org

Sign Posting Affidavit

Smith Annexation, Zoning, & Special Use Permit

Project No. LUP2020-0021 - ANX2020-0003, COZ2020-0004, SPR2020-0005



9729 CR 24

9729 CR 24, Fort Lupton, CO 80621

lying in PT S2SE4 Section 3, Township 2N, Range 67W

I, Kelsey Bruxvoort hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 24th day of July, 2020.

Signature of Owner or Owner's Representative

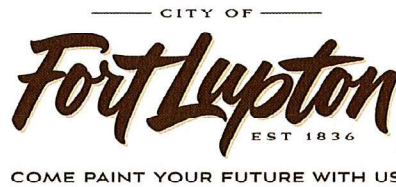
The foregoing instrument was acknowledged before me by Kelsey Bruxvoort, this 29th day of July, 2020. Witness my hand and seal.

My commission expires 8-1-2021.

Notary Public

KARILYN BAUGHMAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174032330
MY COMMISSION EXPIRES AUGUST 1, 2021

(SEAL)



CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 27th day of July, 2020, a true and correct copy of the foregoing Notice of Public Hearings and Special Use Permit map for the Smith Special Use Permit was sent via U.S. Mail, postage pre-paid, to the following addresses:

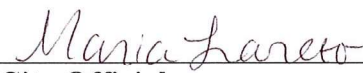
GIBS PERFORMANCE HORSES LLC
6045 E 76TH AVE STE 12
COMMERCE CITY, CO 80022

HELSLEY NICOLE
HELSEY JEFFERY
9701 COUNTY ROAD 24
FORT LUPTON, CO 80621

SMITH DEBORAH L
SMITH RICHARD ALLEN
22864 COUNTY ROAD 5
BERTHOUD, CO 80513

HAGLER MANDI BROOK
HAGLER LEE KEITH
9875 COUNTY ROAD 24
FORT LUPTON, CO 80621

FIRESTONE CATTLE RANCH LP
PO BOX 517
EATON, CO 80615



City Official



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THENCE ALONG THE COUNTY ROAD ROW NORTH 89°57'09" EAST FOR A DISTANCE OF 187.39 TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1.21 ACRES

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT [BIT.LY/FLDEVELOPMENT](https://bit.ly/FLDEVELOPMENT) AND SCROLLING DOWN TO THE ROWS TITLED: SMITH ANNEXATION, INITIAL ZONING, AND SPECIAL USE PERMIT.

SMITH - SPECIAL USE PERMIT

IN THE S 1/2 OF THE SE 1/4 OF SECTION 3, T2N, R67W 6TH P.M., CITY OF
FORT LUPTON, WELD COUNTY, COLORADO

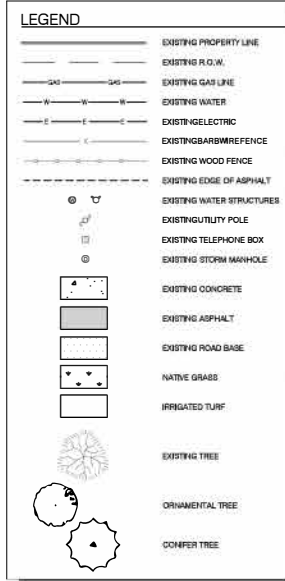
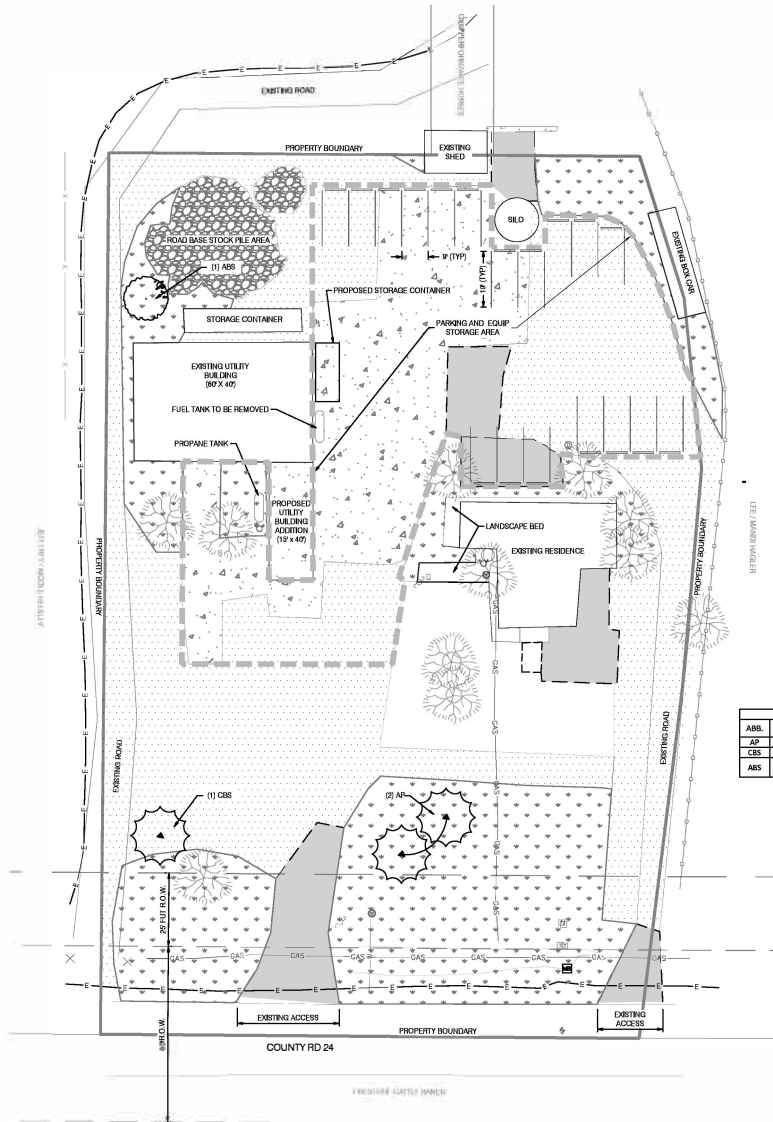
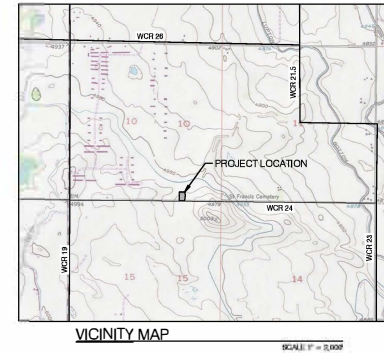


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Total Evergreen Trees							3
Total Ornamental Trees							2
Total							5



- ### NOTES
1. THE PROPERTY SHALL BE MAINTAINED TO THE CURB, OR ROADWAY IF NO CURB EXISTS.
 2. DEAD AND DYING LANDSCAPE MATERIAL SHALL BE REPLACED AT THE EARLIEST REASONABLE DATE.
 3. LIGHTING ON THE SITE SHALL BE MAINTAINED SO THAT LIGHTS DIRECTED TO THE CURB, OR ROADWAY IF NO CURB EXISTS, AND SHALL NOT SPILL ONTO ADJACENT PROPERTIES.
 4. ANY CHANGE OF USE, OR CONTINUED USE IF THERE IS A CHANGE IN THE FUTURE, SHALL BE SUBMITTED TO THE CITY FOR REVIEW PRIOR TO THE START OF OPERATIONS.
 5. THE CITY RESERVES THE RIGHT TO REEVALUATE TRAFFIC VOLUMES. IF THE FUTURE THERE IS AN INCREASE FROM WHAT WAS REPRESENTED TO THE CITY IN EVALUATING THIS SPECIAL USE PERMIT.
 6. THE CITY RESERVES THE RIGHT AND AUTHORITY TO REQUIRE REMOVAL OF ANY FENCING IN THE FUTURE, AT THE PROPERTY OWNER'S EXPENSE, IN THE FUTURE IF NEEDED FOR STREET EXPANSION, IMPROVEMENTS, OR UTILITY CONSTRUCTION.
 7. ANY FUTURE STRUCTURES OR SIGNAGE MUST BE SUBMITTED TO THE CITY FOR A SEPARATE REVIEW AND ANY REQUIRED PERMITS.

- ### GENERAL LANDSCAPE NOTES
1. LOCATION OF LANDSCAPE MATERIAL MAY BE ALTERED TO PROVIDE ADEQUATE CLEARANCE FROM THE FINAL LOCATION OF UNDERGROUND UTILITIES.
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 4. PLANTING MATERIALS SHALL HAVE BEEN GROWN IN A RECOGNIZED NURSERY IN ACCORDANCE WITH PROPER HORTICULTURAL PRACTICE. SHALL BE HEALTHY, WELL-BRANCHED, WOODRUSK STOCK WITH A GROWTH HABIT NORMAL TO THE SPECIES AND VARIETY. SHALL BE FREE OF DISEASES, PEST INFESTATION, OR DAMAGE AND SHALL CONFORM TO THE STANDARDS SET BY THE AMERICAN ASSOCIATION OF NURSERMEN, AS AMENDED FROM TIME TO TIME.
 5. SOIL IN AREAS INTENDED FOR PLANTINGS SHALL FIRST BE AMENDED ACCORDING TO CITY STANDARDS IN ORDER TO LOOSEN COMPACTED SOIL, IMPROVE FERTILITY OF PLANTINGS AND REDUCE THE AMOUNT OF WATER REQUIRED.
 6. ANY PLANT SUBSTITUTIONS ARE TO BE APPROVED BY LANDSCAPE DESIGNER PRIOR TO INSTALLATION.

PROPERTY DESCRIPTION
A parcel of land in the City of Fort Lupton, Colorado, located in PT S2E4 Section 3, T 2N, R67W of the 6th P.M. and more particularly described as follows:

"LEGAL DESCRIPTION"

OWNER'S APPROVAL
Know All Men By These Presents, that Richard Allen and Deborah L. Smith, being the sole owners of the land of described herein, and all of the mortgages and holders of liens upon the property, and each and all hereby consent to this plat and joint conveyance and dedication of all streets, roads, alleys, easements, public way and plans shown herein.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this ____ day of _____, 2020.

STATE OF COLORADO,)
COUNTY OF _____)
I, _____, Notary Public.

The foregoing instrument was acknowledged before me by _____, 2020.
Witness my hand and seal.

My commission expires _____.

CITY ENGINEER'S APPROVAL
Approved this ____ day of _____, 2020.
City Engineer

CITY WATER AND SEWER DEPARTMENT APPROVAL

Approved this ____ day of _____, 2020.
Director of Public Works

CITY ADMINISTRATOR'S APPROVAL
Approved this ____ day of _____, 2020.
City Administrator

PLANNING COMMISSION RECOMMENDATION
Recommended this ____ day of _____, 2020, by Resolution No. _____.

Chairperson, Fort Lupton Planning Commission

MAYOR'S CERTIFICATE
This is to certify that a plat of the above-described property was approved by Resolution No. 2020-0023 of the City of Fort Lupton and adopted on the ____ day of _____, A.D. 20____, and that the Mayor of the City of Fort Lupton, as a board by said resolution on behalf of the City of Fort Lupton, hereby acknowledges and adopts the said plat upon which this certificate is endorsed for all purposes indicated thereon.

Attest: _____ Mayor

City Clerk

SITE PLAN

ADDITIONAL INFORMATION AND DOCUMENTS ON THIS APPLICATION CAN BE FOUND AT [BIT.LY/FLDEVELOPMENT](https://bit.ly/fldevelopment) AND SCROLLING DOWN TO THE ROWS TITLED: SMITH ANNEXATION, INITIAL ZONING, AND SPECIAL USE PERMIT.

CERTIFICATION
RE: NOTIFICATION OF MINERAL INTEREST OWNERS AND LESSEES

The undersigned Applicant certifies compliance with the provisions of C.R.S. § 24-65.5-103(1), and in support thereof, states and certifies as follows:

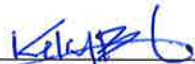
1. That Applicant has provided notice, (a copy of which is attached hereto as Exhibit "A"), containing the time and place of the initial public hearing on its application for Case Numbers **LUP2020-0021 - ANX2020-0003, COZ2020-0004, and SUP2020-0005**, the nature of the initial public hearing, the legal description by section, township and range of the property which is the subject of the initial public hearing, and the name of the applicant;

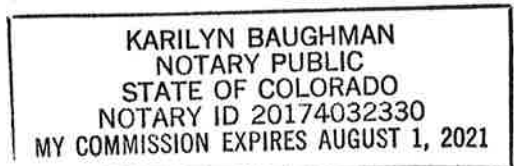
2. That said notice was provided thirty (30) days prior to the scheduled public hearing, that it was provided by certified mail, return receipt requested, or by a nationally recognized overnight courier;

3. That said Exhibit A includes the list of the names and addresses of the surface owners, mineral estate owners and lessees of mineral interests to whom the notice was sent, including those persons who have requested receipt of such notices, pursuant to C.R.S. § 24-65.5-103(3).

APPLICANT:

Richard and Deborah Smith
c/o Kelsey Bruxvoort - AGPROfessionals


Kelsey Bruxvoort



STATE OF Colorado
COUNTY OF Weld

Subscribed and sworn to before me this 13th day of July, 2020, by
Kelsey Bruxvoort.


Notary Public

Note: This Certification must be received by the Fort Lupton Planning and Building Department prior to or at the initial public hearing. If the Certification is not received by that time, the hearing will be rescheduled to a later date, and Applicant must re-notify all owners of mineral interests.



LAND SERVICES
OIL AND GAS TITLE

P.O. Box 336337
Greeley, CO 80633

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

LIST OF MINERAL OWNERS AND MINERAL LESSEES for NOTIFICATION

(Richard Allen Smith and Deborah L. Smith Property)

Subject Property:

Township 2 North, Range 67 West, 6th P.M., Weld County, CO

Section 3: A tract of land being more particularly described on Exhibit A and being
situate in the SE¼

Zeren Land Services, an oil and gas title research company, states that to the best of its knowledge the following is a true and accurate list of the names and addresses of the mineral owners and mineral leasehold owners entitled to notice under the Surface Development Notification Act, Colorado Revised Statutes §24-65.5-101, et seq. in the Subject Property based upon the records of the Weld County Assessor and Clerk Recorder as of July 2, 2020 at 7:45 a.m.:

Mineral Owners:

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

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

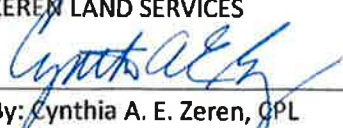
Mineral Leasehold Owners:

Noble Energy, Inc.
Attn: Wattenberg Land Department
1625 Broadway, Suite 2000
Denver, CO 80202

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

Dated this 8th day of July, 2020.

ZEREN LAND SERVICES


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

July 13, 2020

CERTIFIED MAIL/RETURN RECEIPT REQUESTED # 9414 8118 9956 3759 6484 23

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

Re: AGPRO Project #2778-01

To Whom It May Concern:

This letter is to inform you that Richard and Deborah Smith (Applicant) are filing for an Annexation, Change of Zone, and Special Use Permit through the City of Fort Lupton. Please refer to case numbers LUP2020-0021 - ANX2020-0003, COZ2020-0004, and SUP2020-0005. You may have an interest in the mineral rights on the Applicant's property more particularly described below.

Located in Part of the South Half of the Southeast Quarter of Section 3, Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado, more particularly described in Exhibit A.

Parcel No. 131103000077

The City of Fort Lupton Planning Commission hearing is scheduled for August 13, 2020 at 6:00 p.m., and the City Council hearing is scheduled for September 1, 2020 at 7:00 p.m. The hearings will be held at the Fort Lupton City Hall, 130 S. McKinley Avenue, Fort Lupton, CO 80621. Comments can be submitted in writing to the Fort Lupton Planning & Building Department on or before the date of the public hearing.

If you have any questions, please feel free to contact us at (970) 535-9318. AGPROfessionals will be representing the Applicant throughout the application process. Alternatively, additional information can be obtained by writing or calling Maria Lancto, Fort Lupton Planner, at (303) 857-6694.

Sincerely,



Kelsey Bruxvoort
Land Planner

CC: Fort Lupton Planning & Building Department

EXHIBIT A
(Legal Description)

A PLAT OF A PARCEL OF LAND IN THE CITY OF FORT LUPTON, COLORADO, LOCATED IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, T2 NORTH, R67 WEST OF THE 6TH P.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE SOUTH LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 67 WEST AS BEARING SOUTH 89°57'09" WEST BETWEEN THE FOUND MONUMENTS AS SHOWN ON THIS SURVEY, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTH $\frac{1}{16}$ CORNER OF THE SOUTHEAST $\frac{1}{4}$ SAID SECTION 3, SOUTH 89°57'09" WEST FOR A DISTANCE OF 38.94 FEET, THENCE NORTH 06°07'10" EAST FOR A DISTANCE OF 30.17 FEET TO THE POINT OF BEGINNING.

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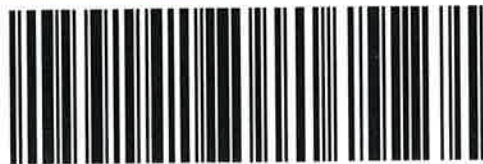
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THENCE ALONG THE COUNTY ROAD ROW NORTH 89°57'09" EAST FOR A DISTANCE OF 187.39 TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1.21 ACRES

 **AGPRO**professionals
DEVELOPERS OF AGRICULTURE
3050 67TH AVENUE
GREELEY, CO 80634

CERTIFIED MAIL[®]



9414 8118 9956 3759 6484 23

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

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July 13, 2020

CERTIFIED MAIL/RETURN RECEIPT REQUESTED # 9414 8118 9956 3759 6602 89

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

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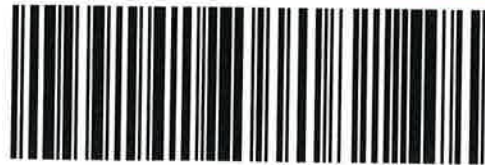
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The Woodlands TX 77387-9149

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July 13, 2020

CERTIFIED MAIL/RETURN RECEIPT REQUESTED # 9414 8118 9956 3759 9121 80

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

Re: AGPRO Project #2778-01

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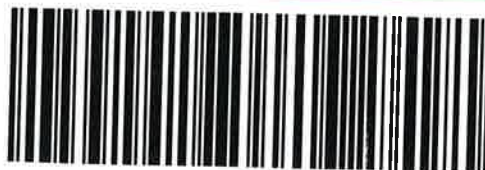
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Kerr-McGee Oil & Gas Onshore LP
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Denver CO 80202-1908

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July 13, 2020

CERTIFIED MAIL/RETURN RECEIPT REQUESTED # 9414 8118 9956 3759 9227 07

Noble Energy, Inc.
Attn: Wattenberg Land Department
1625 Broadway, Suite 2000
Denver, CO 80202

Re: AGPRO Project #2778-01

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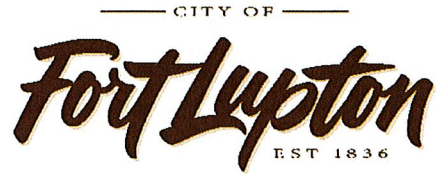
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**CITY OF FORT LUPTON
CITY COUNCIL**



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

Zo Stieber, Mayor

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

AM 2020-157

APPROVE UPDATED EMPLOYEE HANDBOOK, EMPLOYEE DRUG POLICIES AND REMOTE WORKING AGREEMENT FOR A TOTAL ESTIMATED COST OF \$10,031.94 PER YEAR

I. **Agenda Date:** Council Meeting – Tuesday, September 1, 2020

II. **Attachments:**

- a. Resolution
- b. Employee Handbook
- b. Drug and Alcohol Policy (for non-CDL holders)
- c. Drug and Alcohol Policy for CDL Holders
- d. Remote Working Guidelines

III. **Summary Statement:**

The City's Employee Handbook has been amended to be legally compliant, reflect current practices, remove policies and implement new policies. The detailed policies concerning drugs and alcohol have been separated from the Employee Handbook and are now standalone policies. The City has added Remote Working Guidelines for employees that are permitted to work outside of the office.

IV. **Submitted by:** Laura Howe
Laura Howe

V. **Finance Reviewed** Lean Perino
Finance Director

VI. **Approved for Presentation:** [Signature]
City Administrator

VII. **Attorney Reviewed** Approved Pending Approval

VIII. **Certification of Council Approval:**

City Clerk

Date

IX. Detail of Issue/Request:

The City's Employee Handbook was issued on September 15, 2005. It has not been amended in a complete fashion since it was implemented. Many laws and employment practices have changed and an update has been warranted for some time.

Among the changes in the Employee Handbook, the City is changing leave accrual practices for Vacation and Sick Leave. These changes have cost associated with them, detailed in the Financial Considerations section.

A best employment practice is to have standalone policies and acknowledgements for drug and alcohol policies. There are separate policies for CDL and non-CDL holders. The City has also implemented Remote Working Guidelines in association with the policy in the Employee Handbook.

X. Legal/Political Considerations:

There are multiple policies that must be amended to comply with current employment law. The City strives to implement the current and best employment practices, as well as offer competitive benefits and flexible policies to attract and retain the best workforce.

XI. Alternatives/Options:

The City could not amend the Employee Handbook and not implement separate Drug and Alcohol policies and Remote Working Guidelines.

XII. Financial Considerations:

The estimated cost associated with the Employee Handbook changes are as follows:

	<i>Estimated Cost</i>
<i>Adding 2 days of vacation for employees 0-5 years</i>	<i>\$ 25,300.51</i>
<i>Allowing employees to convert up to 3 days of sick leave to additional floating holidays per year as long as this does not take their sick leave balance below 160 hours</i>	<i>\$ 24,703.68</i>
<i>Eliminating 2 days of sick leave for all employees (go from 12 to 10)</i>	<i>\$ (39,972.25)</i>
<i>Total</i>	<i>\$ 10,031.94</i>
<i>Per month</i>	<i>\$ 836.00</i>

Please note that these are numbers are estimates. The total cost associated with these policy changes may be higher. The total cost is affected by employee leave usage.

XIII. Staff Recommendation:

Approve this AM and the associated resolution updating the Employee Handbook and implementing the drug and alcohol policies and the Remote Working Guidelines.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING THE AMENDMENT OF THE EMPLOYEE HANDBOOK PERSONNEL POLICIES CONTAINED IN THE EMPLOYEE HANDBOOK, THE DRUG AND ALCOHOL POLICY, THE DRUG AND ALCOHOL POLICY FOR CDL HOLDERS AND IMPLEMENTING THE REMOTE WORKING GUIDELINES EFFECTIVE SEPTEMBER 19, 2020

WHEREAS, the City of Fort Lupton Employee Handbook requires updating; and

WHEREAS, the City of Fort Lupton requires separate Drug and Alcohol policies for CDL and non-CDL holders; and

WHEREAS, the City of Fort Lupton wishes to implement Remote Working Guidelines.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Fort Lupton hereby approves the repeal of the above-referenced Resolution and adopts the new Employee Handbook, the Drug and Alcohol Policy, the Drug and Alcohol Policy for CDL Holders and the Remote Working Guidelines effective September 19, 2020.

APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 1st DAY OF SEPTEMBER 2020.

City of Fort Lupton, Colorado

Zo Stieber, Mayor

Attest:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney

— CITY OF —

Fort Lupton

EST 1836

EMPLOYEE HANDBOOK



Revised: September 19, 2020

FOREWORD

IMPORTANT

THIS HANDBOOK IS DESIGNED TO ACQUAINT YOU WITH THE CITY OF FORT LUPTON AND PROVIDE YOU WITH INFORMATION ABOUT WORKING HERE. THIS HANDBOOK IS NOT ALL INCLUSIVE, BUT IS INTENDED TO PROVIDE YOU WITH A SUMMARY OF SOME OF THE CITY'S GUIDELINES. THIS EDITION REPLACES ALL PREVIOUSLY ISSUED EDITIONS.

EXCEPT AS PROVIDED HEREIN, EMPLOYMENT WITH THE CITY OF FORT LUPTON IS AT-WILL. EMPLOYEES HAVE THE RIGHT TO END THEIR WORK RELATIONSHIP WITH THE CITY, WITH OR WITHOUT ADVANCE NOTICE FOR ANY REASON AND WITH OR WITHOUT CAUSE AT ANY TIME. THE CITY HAS THE SAME RIGHT. THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS MADE BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESSED OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION. NO REPRESENTATIVE OF THE CITY OF FORT LUPTON, OTHER THAN THE CITY COUNCIL AND CITY ADMINISTRATOR, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE CITY ADMINISTRATOR AND THE EMPLOYEE.

NO EMPLOYEE HANDBOOK CAN ANTICIPATE EVERY CIRCUMSTANCE OR QUESTION. AFTER READING THIS HANDBOOK, IF YOU HAVE QUESTIONS PLEASE TALK WITH YOUR SUPERVISOR, DEPARTMENT HEAD OR THE HUMAN RESOURCES DEPARTMENT. ALSO, THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THIS HANDBOOK, EXCEPT FOR THE AT-WILL NATURE OF THE EMPLOYMENT, SO THE CITY RESERVES THE RIGHT TO CHANGE, ADD TO, SUSPEND, INTERPRET OR CANCEL ANY OF THE PROVISIONS OF THIS EMPLOYEE HANDBOOK, AS WELL AS THE CITY'S POLICIES AND PROCEDURES.

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TABLE OF CONTENTS

Section 1	INTRODUCTION	
	Scope of Handbook -----	101
	Personnel Principles -----	102
	Equal Employment Opportunity -----	103
	EEO Harassment and Related Conduct -----	104
	Open Door Policy -----	105
Section 2	YOUR CONDUCT	
	General Policy -----	201
	Attendance and Punctuality -----	202
	Appearance -----	203
	Personal Business -----	204
	Visitors in the Workplace -----	205
	Code of Ethics -----	206
	Conflict of Interest -----	207
	Safety -----	208
	Anti-Violence in the Workplace -----	209
	Alcohol and Drug Free Workplace -----	210
	Communication Systems Use -----	211
	Tobacco Use -----	212
	Outside Employment -----	213
	Outside Activities that Conflict with Your Work Schedule -----	214
	Political Activities -----	215
	Fundraising Activities and Solicitations -----	216
	Use of City Property -----	217
	City Vehicles -----	218
Section 3	GENERAL POLICIES	
	General Policy -----	301
	Personnel Files -----	302
	Job References -----	303
	Keeping Employee Records Current -----	304
	Promotions and Transfers -----	305
	Recruitment and Open Position Postings -----	306
	Selection and Hiring -----	307
	Rehiring -----	308
	Certification -----	309
	Employment of Relatives -----	310
	Residency Requirement -----	311
	Searches and Inspections -----	312
Section 4	YOUR WORK	
	General Policy -----	401
	Job Descriptions -----	402
	Initial Performance Review Period -----	403
	Date of Hire/Anniversary Date -----	404

Section 4	YOUR WORK cont'd	
	Employment Status -----	405
	Work Assignments and Work Schedules -----	406
	Meal Periods and Work Breaks -----	407
	Nursing Mothers -----	408
	Emergency Closures -----	409
	Uniforms and Equipment -----	410
	Remote Working -----	411
Section 5	YOUR PAY	
	General Policy -----	501
	Pay: How it is Determined -----	502
	Overtime -----	503
	Compensatory Time -----	504
	Stand-by Pay -----	505
	Time Sheets/Time Cards -----	506
	Payday -----	507
	Pay Advances -----	508
	Direct Deposit -----	509
	Salary Increases -----	510
	Salary Ranges -----	511
	Paycheck Deductions -----	512
Section 6	YOUR BENEFITS	
	General Policy -----	601
	Holidays -----	602
	Vacation -----	603
	Personal Time Off -----	604
	Sick Leave -----	605
	Sick Leave Sharing -----	606
	Family Bereavement -----	607
	Jury Duty -----	608
	Court Appearance -----	609
	Time Off to Vote -----	610
	Family Medical Leave Act (FMLA) -----	611
	Military Leave -----	612
	Personal Leave-of-Absence -----	613
	Benefits -----	614
	Workers' Compensation -----	615
	Transitional Duty Assignment -----	616
	Retirement/Pension Fund -----	617
	Wellness Program -----	618
Section 7	YOUR DEVELOPMENT	
	General Policy -----	701
	Performance Evaluation -----	702
	Training Opportunities -----	703
	Educational Assistance -----	704
	Conference and Travel Expense -----	705

Section 8	CORRECTIVE ACTION	
	General Policy -----	801
	Disciplinary Actions -----	802
	Dispute Resolution -----	803
	Pre-disciplinary Hearing -----	804
	Post-disciplinary Hearing -----	805
	Administrative Leave -----	806
	Suspension -----	807
Section 9	SEPARATION FROM WORK	
	Resignations -----	901
	Terminations -----	902
	Lay-Offs/Reduction-in-Force -----	903
	Exit Process -----	904
Appendix A	ACKNOWLEDGEMENT FORM	

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INTRODUCTION

Welcome to the City of Fort Lupton. The City believes that each employee who is hired has the potential to make a unique contribution to our community.

The City also believes that its employees are capable of playing a decisive role in the shaping of the City if you, as the employee, strive to display the qualities of superior customer service, dedication, honesty and expertise in your job. Everyone is expected to interact effectively with the City's residents, have pride in their work, be supportive of their co-workers and be accountable for their own performance. The opportunities to learn and grow in our job roles are limitless and we hope the job will provide you with important and worthwhile challenges.

The City's mission statement is: "To provide municipal services that build an exceptional community." Our vision is "To be economically strong and provide state-of-the-art services for all citizens, employees, and visitors." We do this with these values in mind. Integrity – Provide First-Class City Services – Open and Accessible Government – Fiscal Responsibility – Employee Well-Being – Inclusive and Friendly Environment.

We hope you will find your employment here with the City of Fort Lupton to be rewarding.

Sincerely,
City Administrator

101 SCOPE OF HANDBOOK

This Employee Handbook is provided to explain practices and policies in effect at the time of publication and supersedes previously published handbooks. Elected Officials, the City Attorney, the Municipal Court Judge, members of appointed boards and commissions and persons serving as independent contractors shall not be considered City employees for the purpose of this Employee Handbook unless superseded by the state and federal constitutions, state and federal legislation, and/or the City of Fort Lupton's Municipal Code.

This handbook contains information about your job responsibilities as an employee of the City of Fort Lupton and is designed to answer questions that may arise concerning your job. Efforts were made to address issues that are relevant to all employees, although some sections are specific only to certain groups, such as full-time employees.

It is the responsibility of each employee to read this Employee Handbook and be familiar with its provisions. Failure to do so does not excuse non-compliance with its contents.

Sometimes a department policy may be more detailed than the general City policy presented in this handbook. However, if conflicts exist between the Employee Handbook and departmental rules and regulations, the Employee Handbook shall govern, except as otherwise determined by the City Administrator.

Department Heads, Managers and Supervisors are responsible for the day-to-day administration of the provisions in this Employee Handbook. No Employee Handbook can anticipate every circumstance or question. After reading this handbook, if you have questions or suggestions, talk with your immediate Supervisor or your Department Head or the Human Resources Department. Human Resources or the City Administrator may clarify sections that seem unclear or open to interpretation.

102 PERSONNEL PRINCIPLES

The City's expectation is that employees will conduct themselves in accordance with the values of integrity, personal responsibility, cooperation and professionalism in order to ensure that the needs of the Fort Lupton community are met. The City is committed to diversity in its work force and practices equal employment opportunity and non-discrimination in the work place. The City complies with all applicable state and federal employment laws.

103 EQUAL EMPLOYMENT OPPORTUNITY

Equal employment opportunity has been, and will continue to be, a fundamental principle at the City of Fort Lupton. This means employment is based upon personal capabilities and qualifications without discrimination due to race, color, religion, sex, creed, gender, marital status, status of being partner in a civil union, persons age 40 or older, national origin or ancestry, citizenship, disability (except where physical or mental abilities are a bona fide occupational requirement and the individual is not able to perform the essential functions of the position even with reasonable accommodations), sexual orientation, genetic information, pregnancy, status as a veteran (collectively referred to as "Protected Status") or any other status protected by law.

This policy of equal employment opportunity applies to all policies and procedures relating to recruitment and hiring, promotion, compensation, benefits, and termination as well as all other terms and conditions of employment. This policy applies to all employees including managers and supervisors.

ADA AND RELIGIOUS ACCOMMODATION

The City will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the City or cause a direct threat to health or safety. The City will make reasonable accommodation for employees whose work requirements interfere with a religious belief, unless doing so poses undue hardship on the City. The Human Resources Department has overall responsibility for this policy, although each Department Head is responsible for ensuring the application of this policy in the Department.

PREGNANCY ACCOMMODATION

Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.

Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy or the physical recovery from childbirth. If an employee requests an accommodation, the City will engage in a timely, good-faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of the position. A reasonable accommodation will be provided unless it imposes an undue hardship on the City's business operations.

The City may require that an employee provide a note from her health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact Human Resources.

The City will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.

104 EEO HARASSMENT and RELATED CONDUCT

The City strives to maintain a work environment free of unlawful harassment. In doing so, the City prohibits unlawful harassment on the basis of any Protected Class, as described above. Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Prohibited behavior may include but is not limited to the following:

- Written form such as cartoons, e-mails, posters, drawings, or photographs.
- Verbal conduct such as epithets, derogatory comments, slurs, or jokes.
- Physical conduct such as assault, or blocking an individual's movements.

This policy applies to all employees including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

Sexual Harassment

Sexual harassment is strictly prohibited. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.
2. Submission to or rejection of such sexual conduct is used as the basis for employment decisions affecting an individual.
3. Such sexual conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

All employees are expected to conduct themselves in a professional and businesslike manner at all times. Conduct that may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, e-mails.
- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping, or questions about another's sex life, or repeated unwanted requests for dates.
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

Complaint Process

If you believe there has been a violation of the EEO policy or harassment based on a protected class, including sexual harassment, please use the following complaint procedure. The City expects employees to make a timely complaint to enable the City to investigate and correct any behavior that may be in violation of this policy.

Report the incident to a one or more of the following: Supervisor, Department Head, Human Resources Department, and/or City Administrator who will investigate the matter and take corrective action. Your complaint will be kept as confidential as practicable. If you prefer not to go to either of these individuals with your complaint, you should report the incident to the City Clerk, who will refer it to the City Attorney.

The City prohibits retaliation against an employee for filing a complaint under this policy or for assisting in a complaint investigation. If you perceive retaliation for making a complaint or your participation in the investigation, please report your concern. The situation will be investigated.

If the City determines that an employee's behavior is in violation of this policy, disciplinary action will be taken, up to and including termination of employment.

Provisions

Not every incident of inappropriate conduct constitutes harassment in violation of this policy or federal or state law. In addition, conduct that may violate this policy may not violate federal or state law. However, the City of Fort Lupton is committed to correcting inappropriate workplace conduct regardless of whether or not such conduct rises to harassment in violation of federal or state law.

Isolated incidents of offensive conduct are not necessarily harassment. For example, isolated words that offend a particular employee may not be sufficient to constitute harassment. Nonetheless, if an employee is offended by such behavior, it is important that the employee follow the procedures in this policy so the offensive behavior can be identified, evaluated and, if appropriate, corrected.

105 OPEN DOOR POLICY

City leaders strive to communicate the City's philosophy and goals that affect you. At the same time, we want you to tell us how you feel about these philosophies and goals. It is important that we receive feedback from employees to formulate workable plans, policies and events for our staff members.

We value your input and efforts in solving problems and making improvements. To encourage this open exchange, we communicate through meetings and casual discussions, City policy and procedure manuals, City publications, information posted on bulletin boards and individual meetings between you and your supervisor. The City's website also helps to keep you informed about organizational operations and changes, policies, people and events.

Our Open Door policy encourages you to see and talk to management about your ideas, concerns and issues. We strongly urge you to speak to your immediate Supervisor and Department Head first before approaching Human Resources or the City Administrator.

YOUR CONDUCT

201 GENERAL POLICY

The policies in this section outline the City's expectations regarding employee's behavior towards each other, our partners, customers and our community. Employees should refer to this section for guidance on expectations on how to conduct themselves on a day-to-day basis.

202 ATTENDANCE AND PUNCTUALITY

All employees depend upon on each other, so it is important that we all arrive to work as scheduled and be prepared to perform our duties. Employees are expected to report to work on time and to work every day they are scheduled.

Employees must notify their supervisor if they expect to be absent or late according to the department's notification procedures. Absenteeism and lateness impact an employee's performance and the service level that we provide. Patterns of absence, tardiness and/or no call no shows are unacceptable and may result in disciplinary action.

The City will consider it a voluntary resignation if an employee does not call in or report to work for two (2) consecutive work days.

203 APPEARANCE

The way you look, dress, and act is part of your job requirements. Due to our frequent interaction with the public, a clean, neat and professional appearance is expected of you.

Employees' attire while on our premises is to be appropriate to the extent that no distracting or disruptive attention or reaction on the part of others is anticipated or caused. Employees should choose clothing and hair styles suitable for their position, location and work activities. Attire or appearance that in any way diminish the effectiveness of the employee's role are not permitted.

Employees must be well groomed at all times. Body odor, bad breath and extreme scents including but not limited to cigarette smoke and excessive perfume or cologne are offensive to co-workers and to the public. Please take the necessary precautions with appropriate personal hygiene.

Check with your supervisor as to what is acceptable in your department and for your position.

204 PERSONAL BUSINESS

The workplace is for conducting business. Handling personal business matters while at work, including personal phone calls, personal conversations, personal Internet usage, resolving personal matters and similar work distractions should only be completed while on break. Handling personal matters during the workday should always be kept to a minimum.

205 VISITORS IN THE WORKPLACE

Only authorized visitors are allowed in the workplace. Visitors are defined as anyone who is not an employee or an elected official of the City. Authorized visitors may include citizens, business owners and contractors for business purposes, and family members or friends of employees who arrive to meet an employee for a meal break or at the end of work. In most cases, visitors should be escorted by authorized personnel at all times. Please do not allow visitors to roam the premises unattended.

Except for public entrances, most entry doors to facilities are to remain locked at all times. Employees will receive access to the facilities appropriate for their position. Employees should use discretion when working during non-work hours.

The City occasionally allows children (less than 18 years old) into the workplace. If it is an employee's child, the employee should obtain prior approval from their Department Head. Parents or guardians are responsible for the safety and behavior of their children while they are visiting.

Family and friends are not allowed in the workplace to assist with work or work-related projects or to help as a volunteer without the approval of the Department Head or Human Resources Department.

206 CODE OF ETHICS

This Code of Ethics details moral principles, which we believe are especially important in our role as public servants. Working for the City requires the adherence to high moral and ethical standards in order for us to gain and maintain the confidence and trust of the community.

The ethical City employee:

1. Properly administers the affairs of the City.
2. Promotes decisions that benefit only the public interest.
3. Works to proactively build public trust in the City government.
4. Keeps safe all funds and other City property entrusted to their care.
5. Conducts and performs the duties of the position diligently and carries out the business of the City promptly.
6. Maintains a positive image able to pass public scrutiny.
7. Evaluates all decisions so that the best service or product is obtained for the best value.
8. Effectively and efficiently works with fellow employees, other government agencies, special districts and other organizations to further the interests of the City of Fort Lupton and its citizens.
9. Faithfully complies with all laws, ordinances and policies applicable to the City and impartially applies them to everyone.
10. Always remembers that the taxpayer is our customer, the one who pays our salaries, therefore, they always deserve our swift, courteous attention.
11. Accepts the responsibility that the mission of a City employee is that of servant and steward for the public interest.

The ethical City employee does not:

1. Engage in outside interests or behaviors that are not compatible with the impartial and objective performance of duties.
2. Improperly influence or attempt to influence other officials to act for personal benefit and to the possible detriment of the City.

3. Accept anything of value over the limit established by state law in relation to your employment with the City.
4. Engage in any behavior that would reflect negatively on the City, department or coworkers.
5. Grant any special consideration, treatment or advantage to any citizen or business beyond that which is available to every other citizen or business.

207 CONFLICT OF INTEREST

Employees have an obligation to conduct business without a conflict of interest or even the appearance of a conflict of interest. A conflict of interest occurs when an employee uses employment with the City to gain an advantage or a favor for self, family or friends. A conflict of interest also occurs when an employee's private interests interfere with the employee's responsibilities to the City. Examples of conflicts of interest include:

1. The employee influences the selection of a business for a City contract or influences the way a company conducts business with the City if the employee or the employee's family or friends has a financial interest with the company.
2. The employee accepts or seeks for family or friends any service, information or objects of value, or if the employee seeks more favorable terms than the general public would get.
3. The employee has a financial interest in a company that does business with the City or seeks to do business with the City.
4. The employee works for a company that does business with the City or seeks to do business with the City.

The employee is obligated to make known to their Department Head, Human Resources Department or City Administrator any financial interest if the employee is in a position to influence a decision on any matter under consideration before the City. If the employee is unsure if a conflict of interest exists or if there is the possibility of a conflict of interest, the employee must seek the advice of the Human Resources Department or the City Administrator.

208 SAFETY

The City of Fort Lupton seeks to provide a safe working environment for its employees. To accomplish this, the City provides a workplace safety program.

Employee Responsibilities

All employees are required to maintain safe working practices. Please direct all questions concerning safety problems or violations immediately to your supervisor. The City may discipline an employee for any conduct that may adversely affect anyone's safety. Such conduct may be a component of the employee's performance evaluation. Additionally, if you are injured as a result of certain safety violations, your workers' compensation benefits may be reduced. It is your responsibility to:

1. Learn and follow established safety policies and procedures.
2. Use all safety equipment as required by law and as directed by policies.
3. Immediately report on-the-job accidents and injuries to your supervisor.
4. Report all unsafe practices and procedures to your supervisor.
5. Cooperate and assist in the investigation of work accidents.
6. Actively support and participate in safety education programs conducted by the City.
7. Obtain, wear and use any and all personal protective equipment required by federal and state regulations and City or department policies.

Employees will be free from any form of retaliation, harassment and/or intimidation in the reporting of unsafe acts or conditions.

Incident Report

All incidents of injury or illness must be immediately reported to your supervisor and no later than four calendar days of the incident.

209 ANTI-VIOLENCE IN THE WORKPLACE

The City is committed to providing a violence-free and safe workplace for its employees. In keeping with this commitment, we have established an anti-violence policy that prohibits actual or threatened violence by employees against co-workers, other persons or property.

All credible reports of such incidents will be examined and investigated. The key to prevention is reporting any and all threats. Employees shall immediately report to a supervisor all incidents of violence, threats (whether direct or indirect), intimidation, and any other disruptive or inappropriate behaviors, whether directed against them or others. The only exception to this is a City of Fort Lupton Police Officer who receives threats from citizens in the normal course of duty, which will be handled in accordance with Police Department policies.

Warning Signs of Potential Workplace Violence

Employees should understand that certain risk factors and behavior patterns might offer early warning signs of potential violent conduct. The City does not expect employees to become experts in psychology or for any employee to physically confront or subdue a threatening or potentially dangerous individual. The City also discourages employees from engaging in a confrontation with a potentially violent or dangerous individual. However, the City does expect employees to exercise reasonable judgment in identifying and reporting potentially dangerous situations in a timely and proper manner as outlined in this policy.

Prohibited Workplace Behaviors

Every threat of violence at work or involving a work situation is serious and must be treated as such. Threatening behavior can include, but is not limited to, such actions as:

1. Causing physical injury to another person
2. Aggressive or hostile behavior that creates a reasonable fear of injury in another person or subjects another individual to emotional distress.
3. Throwing objects with the intent to damage property or harm or intimidate others.
4. Intentionally damaging employer property, property of another employee or property of a citizen
5. Making menacing gestures or non-verbal communications intending to intimidate, harass or create fear.
6. Displaying an intense or obsessive romantic interest in someone that exceeds the normal bounds of interpersonal interest and affection.
7. Committing acts motivated by, or related to, sexual harassment or domestic violence.
8. Attempting to intimidate, harass or frighten others through any indirect or veiled means, inside or outside the workplace.
9. Engaging in any behavior while on or off City time and/or property that is intended to intimidate, harass, create fear or harm another person or undermine public trust in the integrity of the City.
10. Possession of a weapon (other than legally concealed) while on City property or while on City business unless required in the performance of job duties.

Employees who engage in such behavior may be removed from City-controlled property and/or may be subject to disciplinary action, up to and including termination. Furthermore, employees who become aware of any of the above behaviors, irrespective of whom they may be directed at or where they occurred, must report them immediately.

While we do not expect all employees to be skilled at identifying potentially dangerous people, employees are expected to exercise good judgment and inform their Supervisor or Department Head if any person displays behavior that could be a sign of a dangerous situation. These types of behavior include, but are not limited to:

1. Bringing unauthorized weapons to the workplace (certain weapons may be authorized by the City Administrator or Chief of Police) or discussing illegal use of weapons in the workplace.
2. Displaying outward signs of extreme resentment, bitterness, hostility or anger.
3. Making threatening remarks or gestures.
4. Sudden or significant deterioration of performance.
5. Displaying irrational or inappropriate behavior.

Protective Orders

In the event an employee obtains a lawfully granted restraining order or any other protective order against any person, that employee shall report the protective order and provide a copy of it to the supervisor and the Human Resources Department upon issuance. The City reserves the right to monitor such orders and take whatever action it sees fit to enforce this policy and protect its employees relative to such orders. Failure to report attainment of an order in a timely manner or cooperate with this policy may result in disciplinary action, up to and including termination.

Anti-Retaliation

City management will support reasonable efforts made by supervisors and other staff dealing with violent, threatening, intimidating or other inappropriate behavior in our workplace. No employee shall subject another to retaliation for notifying the City about a real or potential threat whether it involves another employee, a citizen or any other person with whom they come into contact during the course of their duties.

PROCEDURE

Reporting

Employees are to immediately report incidents of violence, threats, intimidation and any other disruptive or inappropriate behaviors, whether directed against them or others. Reports should be made in the following manner:

- Prohibited behaviors demonstrated by the public are to be reported to the employee's supervisor.
- Prohibited behaviors demonstrated by a co-worker are to be reported to the employee's supervisor.
- Prohibited behaviors demonstrated by the employee's supervisor are to be reported to the employee's Department Head.
- Prohibited behaviors demonstrated by the employee's Department Head are to be reported to Human Resources or City Administrator.
- Prohibited behaviors demonstrated by Human Resources are to be reported to the City Administrator.
- Prohibited behaviors demonstrated by the City Administrator are to be reported to Human Resources, who will report the information to the Mayor.
- Prohibited behaviors demonstrated by an Appointed Official, City Attorney, City Clerk or Municipal Judge, are to be reported to Human Resources or the City Administrator.
- Prohibited behaviors demonstrated by the Mayor or a member of the City Council are to be reported to Human Resources or the City Administrator.

**Threats or assaults or any incident that requires immediate attention
must be reported first to the Police Department**

If a supervisor is unavailable, the employee must report the incident to the next level of management, Human Resources or City Administrator. All reports must exercise reasonable judgment and decide whether to call for Police assistance or not. If the matter does not constitute an immediate threat and the Supervisor, Department Head, Human Resources or City Administrator are unavailable, the employee must report the incident the next regular business day as specified above.

Investigation

The City may investigate any complaint, allegation or actual violation of this policy. The City will exercise care in the conduct of its investigation and strives to protect the privacy of the individuals involved to the extent reasonably possible and practicable. However, the City reserves the right to take whatever action it sees fit to protect its interests, the safety of its employees, and the citizens of the City of Fort Lupton. Such actions may include, but are not limited to, placing suspected violators or alleged victims on administrative leave with pay during the investigation and assisting or cooperating with a Police investigation.

210 ALCOHOL and DRUG FREE WORKPLACE

To promote a safe and healthy workplace for all employees, provide a safer environment for our citizens, and comply with federal and state regulations, the City has established an alcohol and drug free environment. The City has the right to test employees to ensure this safe environment is maintained. Employees who engage in any of the following will be subject to disciplinary action:

- the sale, use, possession or transfer of illegal drugs or other controlled substances, including marijuana, regardless of its legal status,
- buying or selling such substances,
- using alcohol or controlled substances while performing their job duties, whether it be in the immediate workplace or away,
- reporting to work after using alcohol or drugs.

The consumption of alcohol on City premises, whether or not it takes place during regular business hours is prohibited. This policy does not apply to moderate and appropriate use during City-sponsored or catered functions, events, or meals.

All employees in "safety-sensitive" positions must submit to pre-employment drug testing. Employees in safety sensitive positions may be subject to random alcohol and drug testing during their employment. Also, current employees who wish to transfer into a full-time or "safety-sensitive" position will be required to take a drug test.

"Safety-sensitive" positions may include:

1. Employees whose job responsibilities involve carrying a firearm during their employment with the City.
2. Designated positions in the Police Department who may deal directly with emergencies and who have the authority to issue citations to the public. This includes Code Enforcement Officers and Community Service Officers.
3. All employees holding a commercial driver's license as a requirement of their employment with the City.
4. All employees having the right to operate City vehicles, heavy equipment and/or power machinery.

All City employees are subject to reasonable suspicion and post-accident testing. If an employee is suspected of being physically and/or mentally affected by drugs or alcohol, the employee may be subject to take a test to determine whether the employee is or is not affected.

Refer to the standalone Alcohol and Drug Free Workplace Policy for more details.

211 COMMUNICATION SYSTEMS USE

The purpose of this policy is to ensure the appropriate use of the City of Fort Lupton's electronic systems including, but not limited to, computers, electronic message (e-mail), Internet, voice mail, facsimile (fax), bulletin boards or any electronic communication forums and City-issued devices including but not limited to mobile devices such as company issued cell phones and/or tablets or radios. Employees should have no expectation of privacy in either sending or receiving electronic messages and other information on the Internet or other electronic media.

All business equipment, electronic communication systems, and all communications and stored information transmitted, received or contained in the City's information systems are property of the City and are to be used for job-related purposes. To ensure proper use of communication systems and business equipment, an individual designated by the City Administrator, and only at the explicit direction of the City Administrator, may monitor the use of these systems and equipment.

Proper Use

All employees shall utilize the City's communication systems for approved purposes only.

1. The City maintains communication systems and such systems are City property. All messages composed, sent or received through the systems are and remain the property of the City. These messages and data are not the private property of any employee.
2. The use of the City's communication systems and devices are reserved for conducting City business. However, the employee's supervisor may permit incidental and occasional personal use of the systems during break time. The use of broadcast messages to all employees for personal use is prohibited. In addition, these systems may not be used to solicit for commercial ventures, religious or political causes, outside organizations or other non-job-related solicitations.
3. Any conduct prohibited by City policies is also prohibited when the City's communication systems are used as a medium for such conduct. Prohibited conduct includes, but is not limited to, the creation of any offensive, untrue or disruptive messages. Among those considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, disability or any other status protected by applicable state or local law.
4. The City's communication systems shall not be used to send or receive copyrighted materials, trade secrets, proprietary financial information or similar materials without prior authorization. Employees may not engage in copyright or trademark infringement, downloading of anything (without permission from the City), and downloading or transmission of any legally protected materials from the internet or any other source.
5. Communications created, sent or retrieved using the City's communication systems may be read or heard by individuals other than the intended recipient. The confidentiality of any message should not be assumed. The City has the capability and the right to retrieve computer information, including messages employees send or receive and Internet sites accessed through the City's electronic media systems. Even

when an electronic mail message is erased or deleted, it may still be possible to retrieve and read the message. Further, the use of passwords for security does not guarantee confidentiality.

6. An employee's correspondence in the form of electronic mail may be a public record and may be subject to inspection under section 24-72-203 of the Colorado Open Records Act.
7. City-issued devices are the property of the City. Employees who have been issued devices by the City should not use them for personal purposes because they do not have a right nor should they expect privacy. Any device is at all times subject to the City's right to access it, with or without notice, for any reason. Devices must be surrendered/returned upon change of status including but not limited to employment termination or job change.
8. Non-exempt employees are not permitted to use City issued devices or their own personal devices or other resources to work from home or outside of normal work hours (where they are clocked in) unless they have been specifically authorized to do so by their Supervisor or a Department Head.
9. Employees who have been issued devices are responsible for maintaining the data stored on their device including but not limited to photos, movies and applications. Maintenance includes backing up all applications and complying with data storage policies and limits. Specific information can be found on the device or from the Information Technology Department.
10. Personal devices, such as mobile phones, computers or tablets, not issued by the City are not permitted to access City servers for email, calendars or any other purposes, nor are they eligible for any reimbursement cost or subsidization. Personal devices not issued by the City may not be used to conduct any City business.
11. City-issued devices are intended for business use. The City reserves and intends to exercise the right to review and audit usage logs to determine the device usage. Personal use may result in employee reimbursing the City for personal use charges. Lost or damaged phone or radio may result in the employee replacing the City's property at their expense.
12. The City reserves and intends to exercise the right to review, audit, intercept, access and disclose any messages created, received or sent over the City's electronic systems for any legitimate business purpose. If a certain employee's electronic systems are to be monitored, it will only occur at the explicit knowledge and direction of the City Administrator. The contents of such messages properly obtained for legitimate business purposes may be disclosed by the City without the permission of the employee. Such disclosure will be limited to those who have a legitimate need to know the information. Legitimate business purposes for monitoring include, but are not limited to, a need to determine whether City policy has been violated, to prevent or investigate unlawful actions, to respond to discovery requests during litigation, or to perform network/software maintenance. Disciplinary action, up to and including termination, may result from information obtained by monitoring or inspection of electronic files.
13. Notwithstanding the City's right to retrieve any electronic message for legitimate business purposes, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve any electronic messages that are not sent to them. Additionally, employees shall not use an access code in an attempt to make confidential, login to a computer or files of co-workers without the supervisor or co-workers' approval or retrieve any stored information not pertaining to the employee's job duties, unless authorized to do so by the City Administrator or Human Resources. Department Heads can access files from their department staff's computers if it is necessary to retrieve them immediately for business purposes. Employees may be notified when their systems have been accessed without their permission.

PROCEDURE

Any employee who discovers a violation of this policy shall notify Human Resources or the City Administrator. Any employee who violates this policy or uses the City's communication systems for improper purposes shall be subject to discipline, up to and including termination.

*Use of the City's business equipment, communication systems
by employees constitutes acknowledgement of this policy.*

212 TOBACCO AND SMOKE-FREE WORKPLACE

In keeping with our City's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace. Smoking is prohibited within City facilities and vehicles. This prohibition includes all forms of tobacco and e-cigarettes. This restriction applies to all employees and visitors.

Employees may use tobacco outdoors in designated areas only during regularly scheduled breaks and lunch periods. The duration or number of breaks from work cannot be extended in order to use tobacco.

213 OUTSIDE EMPLOYMENT

The City recognizes and respects your right to privacy and to engage in personal activities outside the scope of your employment. You have an obligation, however, to refrain from activities that conflict or interfere with your employment with the City and the City's operations, such as outside employment. You are required to notify your Supervisor or Department Head of other commitments. For some employees, paid outside employment may be acceptable if that employment in no way interferes with your performance here.

For all civilian and sworn members of the Police Department, outside employment must be pre-approved by the Chief of Police to ensure the additional job does not compromise the employee's ability to respond to City emergencies and to necessary shift changes.

214 OUTSIDE ACTIVITIES THAT CONFLICT WITH YOUR WORK SCHEDULE

The City of Fort Lupton again respects your rights to participate in personal activities outside of work as long as it does not affect your job performance. If a scheduling conflict arises, discuss scheduling options with your supervisor; however, if your work schedule cannot be modified to accommodate your request, you are required to work as scheduled. If you want to change shifts with another employee, a supervisor is not responsible to find coverage for your shift so you can attend an event or activity; only you are responsible for finding coverage for your shift. Schedule changes are to be submitted in accordance with your departmental policies.

215 POLITICAL ACTIVITIES

You are encouraged to participate in the electoral process and support the political candidates or ballot measures of your choice. You are free to engage in political activity associated with City, county, state and federal campaigns, but are permitted to do so *only* on your own time, with your own resources, off City premises and without giving the impression that the City is endorsing your activity. It is important that our City's operations and deliberations are impartial and that we make efforts to eliminate improper influence.

While on work time, an employee may not publicly support any candidate for office, circulate any petitions, distribute campaign or ballot literature, display campaign or ballot buttons, political badges, placards and such. In addition, employees are expected to refrain from efforts to convert others to a political cause during working hours.

Employees who choose to run for political office must do so on their own time. The City's premises cannot be used for political campaigning. If you are elected to serve on the City Council, you will be deemed to have resigned from your position with the City the day preceding your appointment. If the election is contested and it is later determined you won, you must resign the day it is decided you won the election.

City employees may respond to unsolicited general questions or requests for information about a ballot. The response must be factual, limited to the specific question or request and in no way attempt to influence the passage or defeat of the issue.

If there are any requests for information that the employee cannot answer without rendering an opinion in favor or against a proposed ballot measure, the employee will refer these requests to the City Clerk or the City Administrator.

216 FUNDRAISING ACTIVITIES and SOLICITATIONS

Solicitations of employees by employees is allowed in non-work areas and on non-work time, meaning before or after work and during meal and work breaks. If visitors attempt to solicit City employees, they should be advised this is not allowed, unless authorized by the City Administrator. Also, an employee soliciting a City patron is not permitted.

217 USE OF CITY PROPERTY

The use of City property shall be for work purposes only. Any exceptions to this policy must have proper authorization from the Supervisor, Department Head, Human Resources or City Administrator. Use of computer equipment and other communications media are addressed in Section 211.

218 CITY VEHICLES

City-owned vehicles are to be used only for City business in the performance of the employee's job, with the authorization of the employee's Supervisor or Department Head. Personal use of City vehicles is not permitted without authorization. Only authorized personnel are permitted to drive City vehicles.

All City employees who are assigned to drive City vehicles must possess a valid driver's license for that type of vehicle. Employees for whom driving is routinely part of their duties must authorize the City to acquire a copy of the employee's driving record annually. Driving records will be submitted to the Human Resources Department and placed in the employee's file. City employees who routinely use City vehicles in the course of their work must immediately report to the Department Head or Human Resources Department all moving violations, citations and license suspensions they receive, whether it is on or off duty.

The safety of our employees is our operating concern. At no time shall a vehicle be operated in a manner that jeopardizes the safety of the employee, other employees or the public. Seat belt use is mandatory for the driver and all passengers in all City owned vehicles in accordance with applicable law. All mechanical issues should be reported immediately so that vehicles can be kept in safe, working condition.

If the driver is summoned to respond to an emergency, any passenger not designated as an “emergency response person” must immediately leave the vehicle at the first safe opportunity. An exception is if the passenger has received prior approval to be on a police “ride-along”.

In the event of an accident involving a City-owned vehicle, the employee will immediately contact the local Police Department and their Department Head. Any employee involved in an accident while driving on the job will be subject to a post-accident test to determine whether the employee was under the influence of alcohol and/or a controlled substance. Passengers will not be subject to testing unless it is determined that their behavior may have contributed to the accident and was reasonably suspected to be a result of drug and/or alcohol use AND they are employees of the City. Further information on testing is in the standalone Alcohol and Drug Free Workplace Policy.

If driving is part of your job responsibilities, failure to maintain a valid driver's license may be grounds for termination.

Refer to the standalone Alcohol and Drug Free Workplace Policy for more details.

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GENERAL POLICIES

301 GENERAL POLICY

The City has established several policies to explain various processes with respect to hiring and personnel record-keeping. These policies are intended to ensure compliance with applicable federal, state and local laws, as well as set up efficient guidelines in the administering of City personnel issues.

302 PERSONNEL FILES

An employment history for each employee is on file with the Human Resources Department. Employees may review their file with a Human Resources Department representative at any time. Personnel files are subject to the Colorado Open Records Act (CORA). Unless otherwise required by law, the information in personnel files is confidential and may not be used or divulged for purposes unconnected with personnel management unless we have the employee's written permission and the requisite CORA processes are followed.

Occasionally, outside agencies call to verify employment or ask for information they need to conduct their business. Only an employee's position title, length of employment and current status (active or former employee) are available to these agencies. Additional information requires a release signed by the employee, unless CORA, a subpoena or another legal obligation mandates the release.

303 JOB REFERENCES

Department Heads, Supervisors and co-workers who are approached either formally or informally and asked to provide information about a current or former employee of the City of Fort Lupton should refer all such inquiries to the Human Resources Department, unless otherwise authorized by Human Resources or the City Administrator.

1. Written or verbal job performance references to a prospective employer are to be reviewed by Human Resources and/or the City Administrator prior to release.
2. Typically, the only information provided is position title, length of employment and current status (either active or former employee). However, according to Colorado law, employers are granted immunity when providing references about an employee to a prospective employer, as long as the information is accurate, fair and unbiased. Once the City undertakes to provide the reference, the City has a legal duty to provide a truthful and complete reference. The City cannot give false or misleading information or omit negative information.
3. If reference information is provided in written form, a copy of the submitted written reference is kept as part of the employee's personnel file and available to the employee for review or copying.
4. Department Heads and supervisors must not give a "personal reference" or an "off the record" reference.

304 KEEPING EMPLOYEE RECORDS CURRENT

Employees are responsible for keeping the Human Resources Department informed of any change of name, address and phone number. This is important in case the City finds it necessary to contact you or your emergency contact in an emergency or for administrative purposes, and to ensure that your payroll and tax records are correct.

305 PROMOTIONS AND TRANSFERS

The City strives to fill vacancies by promoting employees from within our organization whenever qualified employees are available and in accordance with our continuing responsibility as an equal opportunity employer. Employees can obtain promotion and career guidance from their Supervisor, Department Head, and/or the Human Resources Department.

Promotions involve selection for a position in a higher pay range. Transfers occur when an employee goes from one position to another in a similar pay range. Both promotions and transfers can be in the same or different departments.

At all times, employees must possess the minimum qualifications for the new job. An employee's basic eligibility for a promotion is also determined by the requirements of the new job and the employee's additional qualifications and skills. In addition, an employee generally must have held their current position for at least six months. They must have both a satisfactory performance record and no adverse disciplinary actions in the last six months. When considering employees for promotions and transfers, we take into account, among many things, job performance, past work history, attendance record and required job-related skills, preferred job-related skills, abilities and qualifications needed to perform the desired job. The City may offer employees promotions to higher level positions when deemed appropriate.

An Initial Performance Review Period will apply when an employee is promoted or transferred.

306 OPEN POSITION POSTINGS AND RECRUITMENT

To fill vacancies, employees are encouraged to seek additional opportunities within the City. Positions may be posted internally so that employees are aware of opportunities.

When job opportunities are posted:

- Interested employees must submit an application by the close date of the posting.
- Supervisors and Department Heads may propose employees for the position within the same time period.
- The Human Resources Department may, at its discretion, solicit outside candidates during or after the posting period.

Job opportunities are also posted externally through a variety of resources, depending on the City's ability to recruit and attract qualified applicants. There may be times, however, when a job opening occurs and the City has on file a list of qualified applicants for a similar position that was filled within the past six months; in this case the City may decide to select from this group of applicants and not advertise or post the position.

Employees are encouraged to recommend for employment friends or acquaintances who are qualified and would be interested in a position with the City.

Employment offers are based on the needs of the City and the qualifications of the applicant.

307 SELECTION AND HIRING

All selection and hiring decisions will be made based on individual qualifications and without regard any status protected by law, as described in 103 Equal Employment Opportunity.

Positions may be posted for internal applicants only if a qualified pool of current employees have been identified by the Department Head or Human Resources as potential applicants. Positions not filled by a promotion will be posted externally.

To be considered for a position, all applicants are required to fill out an employment application. Qualified applicants are those who meet or exceed the necessary education, skills and experience criteria identified in the job posting. While the City will select the most qualified candidate for positions advertised both externally and internally, City employees will be given significant consideration when qualifications are equal.

As part of the selection process, a criminal background investigation may be conducted for all City positions. A motor vehicle record will be obtained for positions requiring a valid driver's license. A credit check may be performed for positions with financial authority. Upon a conditional offer of employment, the City may require a pre-employment drug test, other types of background checks or investigations and testing. Whenever written or other kinds of tests are used in the selection process, Human Resources will determine if the tests are job-related, reliable and valid.

The completed application form, required test results, reference documentation and any other relevant material on all applicants will be managed by the Human Resources Department.

The City of Fort Lupton may screen submitted applications and resumes to create eligibility lists for certain positions. Only those applicants who meet the job requirements will be placed on eligibility lists.

PROCEDURE

The Department Head will complete a requisition for open positions which will go through an approval process. Once notified of a job opening, the Human Resources Department will create a job announcement which will include starting salary range and closing date for acceptance of applications.

In collaboration with the Department Head or Supervisor, the Human Resources Department will assist with the screening of applications for qualifications, develop job-related criteria and interview questions, scheduling interviews, participate in the interviewing, provide tests if required and make reference checks on prospective new hires.

The hiring decision, start date and beginning salary will be determined between the Department Head and Human Resources. Only Human Resources is permitted to make an official job offer.

If an employee is hired internally for a position in a different department, the hiring Department Head, the employee's current Department Head and Human Resources will coordinate transfer dates.

The Human Resources Department will coordinate all external advertising, if appropriate. Letters of application received and letters of rejection to those interviewed, but not hired will be the responsibility of the Human Resources Department.

308 REHIRING

A former employee may be rehired if the person is eligible for rehire AND is qualified for the open position. Employees deemed not eligible for rehire are excluded from rehire consideration.

Service Restoration Rules for Eligible Employees

1. If a former employee with less than one year's prior service is rehired, the employee will be considered a new employee and will not be eligible for prior service.
2. If a former employee with more than one year's prior service is rehired, the employee's seniority will be bridged upon successful completion of the Initial Performance Review Period.

Rehire Service Date Adjustment

When recognition of prior service is granted, a rehired employee's service date will be adjusted to credit the employee's prior service. For example, if an employee worked for two years and 20 days, the rehire date will have two years and 20 days subtracted and that date will become the new date of hire. This affects vacation, floating holiday and personal time off. Sick leave balances will not be restored.

Regardless of the amount of service, if an employee is rehired for the same position within 180 calendar days from the date of the separation, the employee will not re-incur an Initial Performance Review Period. If the employee is rehired into a different position within 180 calendar days of separation or rehired for the same position after 180 calendar days from the date of the separation, an Initial Performance Review Period for the new position will be applicable.

309 CERTIFICATION

Some positions require certification. If required, a copy of the certification is to be provided to the Human Resources Department for placement in the employee's personnel file, with the exception of the Police Department which maintains its own files. The employee is responsible for maintaining the necessary certification while employed and ensuring that the supervisor has the required information to assist with obtaining the certification.

Copies of any new or renewed certifications must be provided to the Human Resources Department for the employee's personnel file. Failure to provide certification or failure to maintain certification may jeopardize the employee's position with the City.

310 EMPLOYMENT OF RELATIVES

The City of Fort Lupton's policy is to avoid any employment situation in which the reality or appearance of favoritism, interpersonal conflicts, money matters and/or lack of confidentiality could interfere with service, morale or decision-making.

A relative in this context is defined as a spouse (or party to a civil union or domestic partnership), child, parent, sibling, grandparent, grandchild or an individual who has acquired similar relationships through marriage. The City Administrator may characterize a relative as any other person whose association with the employee is similar to any of these relationships.

1. A relative is prohibited from directly or indirectly supervising another relative.
2. A relative may not be in a position that audits, verifies, receives or is entrusted with money received or handled by another relative.
3. No employee may work in a department that handles confidential matters involving a relative of that employee, including personnel records and payroll.
4. It may create a conflict of interest if an employee and appointed or elected official are related. Preference will not be given to any employee or applicant if they are related to an appointed or elected official. The

City requires that employees or applicants disclose when they are related to an appointed or elected official.

Equally important, individuals who reside with another employee, must always avoid circumstances addressed in policy numbers 1, 2 and 3.

If a relationship happens after two individuals are employed by the City and find themselves in a position prohibited in policy numbers 1, 2 and 3, one must either transfer to another department, or resign within 30 days. The City of Fort Lupton is committed to doing its best to find the displaced employee a suitable position with the City. If the two employees cannot decide which one must leave their position, the City reserves the right to make the employment decision.

311 RESIDENCY REQUIREMENTS

Appointed officials are defined by the City's Municipal code as the City Administrator, City Clerk, City Attorney and Municipal Judge. The City prefers, but does not require, that appointed City officials reside within the City. This policy does not apply to persons, firms or corporations performing the duties of these positions as independent contractors.

Some departments may require employees to live within a short commuting distance in order to quickly respond to emergency situations. This decision will be at the discretion of the Department Head.

312 SEARCHES AND INSPECTIONS

The City reserves the right to conduct reasonable searches and inspections of employees, their personal effects and any City-controlled office, desk, tools, vehicle, equipment, papers, documents or work space without notice at any time. Please refer to section 211 regarding inspection of computer, electronic document or file, electronic storage device and network. This inspection does not imply an intrusion into the privacy of an employee or individual; employees or individuals should have no expectation of privacy in the workplace or on City-controlled property.

Employee searches or inspections can only be conducted by order of the City Administrator, Human Resources, Chief of Police or Municipal Judge. Lack of full cooperation or interference by any employee during an inspection or search may lead to disciplinary action. Only the City Administrator, Human Resources or Department Head can perform the inspection or search. The reason for the search or inspection, the person authorizing it, who conducted it, and the results need to be documented and forwarded to the City Administrator.

YOUR WORK

401 GENERAL POLICY

We want you to have a clear understanding of how your job duties and job status are defined. This section addresses these aspects of your employment as well as establishes work schedule guidelines.

402 JOB DESCRIPTIONS

Each Department Head is responsible for establishing written job descriptions for those positions in their Department. The purpose of a job description is to make the duties and responsibilities of the position clear to the employee and the supervisor, and in some cases, to detail the level of authority the position commands, to draw attention to the reason the job exists, the impact it has on the operation and to assign weight to the different duties. These job descriptions will be reviewed and approved by Human Resources before they are implemented. If significant changes in job duties and/or job responsibilities have occurred, this needs to be documented in a revised job description. Any modifications to existing job descriptions will be reviewed and approved by Human Resources.

403 INITIAL PERFORMANCE REVIEW PERIOD

For full-time and part-time employees, the first six months of your employment with the City of Fort Lupton or in a new position within the City is called the "Initial Performance Review Period." For all new hire sworn Police Officers the Initial Performance Review Period will be up to the first twelve months. During this time, the Supervisor or Department Head will provide a department-specific orientation that familiarizes the employee with the department, co-workers and job duties.

Also, during this introductory period, your supervisor will monitor your job performance, capabilities and work habits, assess your progress, provide you feedback and determine whether your employment will continue. The Initial Performance Review Period is just that, a period when the supervisor measures the employee's performance to determine if the employee is capable of meeting the job standards on a consistent basis and if the employee demonstrates the motivation to exceed the standards.

After six months (up to twelve months for sworn Police Officers), your supervisor will complete a formal evaluation on your job performance. If the employee is meeting or exceeding all job standards and expectations, employment may continue, unless the Initial Performance Review Period is extended. Your supervisor may extend your Initial Performance Review Period for up to three months upon approval by Human Resources. If you fail to meet the job expectations at any time in the Initial Performance Review Period, your employment may be terminated.

New employees who are terminated within the Initial Performance Review Period are not entitled to the Pre-Disciplinary Action or Post-Disciplinary Action procedures. However, in cases involving a regular employee who has transferred or been promoted, the employee may be entitled upon request.

For benefits that accrue during the Initial Performance Review Period, please refer to Section 6 of the Employee Handbook. If the employee has been transferred or promoted, the employee is eligible for all benefits included with the new position during this Initial Performance Review Period.

If a condition arises during an employee's Initial Performance Review Period that requires a leave-of-absence and it is granted, then the time off will not be considered time worked for the purposes of fulfilling the six-month time requirement.

Short-term temporary and seasonal workers will not have an Initial Performance Review Period, although they should receive feedback from their supervisor letting them know if they are meeting the standard of work expected.

404 DATE OF HIRE/ANNIVERSARY DATE

An employee's date of hire is the effective date the individual began employment with the City. The anniversary date is the date the employee began working in the current position. For example, if an employee was promoted to a different capacity or department, the anniversary date changes and is now the date when the employee started the new position, but the date of hire will remain the same.

An employee returning from a leave-of-absence may have the anniversary date extended by the same length of time the employee was on leave.

There will be no change in an employee's anniversary date when an employee's position is reclassified or re-titled provided there is no significant change in the assigned tasks and responsibilities.

405 EMPLOYMENT STATUS

Each employee is in one of the following employment categories: full-time, part-time, temporary or seasonal.

Full-Time Employees: Regularly scheduled to work 30 or more hours per week.

Part-Time Employees: Regularly scheduled to work less than 30 hours per week.

Temporary Employees: hired for a limited duration, generally six months or less, as a temporary replacement, or to assist in the completion of a special project or to temporarily supplement the workforce. Schedule may be set or flexible as to full-time or part-time.

Seasonal Employees: hired to supplement the workforce for a specific season, most often summer. Schedule may be set or flexible as to full-time or part-time.

Exempt Employees

Exempt employees are employees whose job assignments meet specific tests established by the federal Fair Labor Standards Act (FLSA) and state law and who are exempt from minimum wage and/or overtime pay requirements.

Nonexempt Employees

Nonexempt employees are employees whose job positions do not meet FLSA or applicable state exemption tests, and who are not exempt from minimum wage and overtime pay requirements. Nonexempt employees are eligible to receive overtime pay or compensatory time for hours worked in excess of 40 hours in a given workweek, or as otherwise required by applicable state law. The overtime basis for nonexempt police officers is 80 hours.

406 WORK ASSIGNMENTS AND WORK SCHEDULES

Supervisors are responsible for scheduling work assignments and schedules. Supervisors may change work assignments or schedules based on the needs of the City. Questions concerning specific changes, the need for changes and the frequency of changes should be discussed with your supervisor.

407 MEAL PERIODS AND WORK BREAKS

The City recognizes the importance of taking breaks during the workday. It provides a chance to enjoy a short rest period. Breaks should be taken away from your work area so you do not disturb those working and to give yourself relief from the workstation.

For most Departments, the City does not observe formally scheduled rest periods unless the nature of your job requires that your position be covered at all times. Some departments *do* observe formal break times. Your supervisor will notify you of your break schedule.

If the volume of work allows, employees are normally granted two paid breaks no longer than 15 minutes long; one in the first half of the work day and one in the second half of the work day. When breaks must be skipped because of workload, it does not mean you can leave early or extend the lunch period.

Employees should take a 30 to 60-minute unpaid lunch each day, unless there are special circumstances with the work schedule or the employee's personal schedule.

408 NURSING MOTHERS

To ease the transition of mothers returning to work following the birth of a child, lactation accommodation will be provided for nursing mothers.

A private space will be provided, and reasonable time will be permitted, for nursing mothers to express milk during the workday for up to two years following the birth of a child. The time permitted typically will run concurrently with the time already provided for meal and rest breaks. If the breaks cannot run concurrently and/or additional time is needed, Human Resources and the employee will agree upon a schedule which might include the employee using unpaid leave (if nonexempt), vacation time, arriving at work earlier, or leaving later. In the event unpaid leave is used, the employee will be relieved of all work-related duties during any unpaid break.

Employees will be provided with the use of a room, office, or other private area, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from co-workers and the public. The City will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk

Employees may store expressed breast milk in designated City refrigerators. The employee must clearly label each container with her name and the date the milk was collected. Unlabeled containers, and containers left for more than three days, may be disposed of without warning. Alternatively, mothers may bring in their own small refrigerator or cooler for the temporary storage of breast milk.

Nursing mothers are responsible for using anti-microbial wipes to clean milk expression areas, and for keeping the general lactation space clean for the next user. This responsibility extends to other areas where expressing milk is permitted, equipment is cleaned, and milk storage areas.

The City reserves the right to not provide additional break time or a private location for expressing breast milk if doing so would substantially disrupt the City's operations. The City will not demote, terminate or otherwise take adverse action against an employee who requests or makes use of the accommodations and break time described in this policy.

409 EMERGENCY CLOSURES

When the City Administrator chooses to close the City offices, due to severe weather or any other unplanned emergency, the time off from scheduled work will be paid for full-time employees. The amount of time paid is dependent upon the employee's scheduled hours and hours worked in the shift up to the closure time. The intention is to keep the employee whole for the work day.

Examples:

- If the facility is closed for the entire day and an employee normally works a 10-hour shift, they will receive 10 hours of emergency pay.
- If the employee works 8:00 to 5:00 (with an hour long break for lunch) at City Hall and it closed at 3:00 pm on a Friday, the employee would be paid two hours of emergency pay.
- If the employee is scheduled from 8:00 to 5:00, the facility announced a 3:00 pm closure and the employee arrived at work at 7:30, took an hour long lunch and left at 3:15, they would be eligible for one hour and 15 minutes of emergency pay.

Employees who previously requested time off, were scheduled to work remotely, were not scheduled to work or were not available to work will not receive emergency closure pay. Emergency Closure pay may not be available if the employee is able to work remotely or may only be available on a partial basis. Employees who are requested by their supervisor to come in to work or requested to stay beyond their shift when the City is closed will be paid straight wages for hours worked, unless they are eligible for overtime pay or compensatory time.

Emergency Closure pay does not typically apply to Public Works Maintenance Workers, Sworn Police officers or any employee that is required to respond to emergencies. Emergency Closure pay may or may not apply in situations where the City office is required to close due to federal, state or local order. Those instances will be determined on a case-by-case basis.

The requirements of the Recreation Center and Community Center and the Library may be different than other City offices. The Department Head of the Recreation Center and Community Center and the Library Director may determine if these facility needs to close early or will be closed for an entire day due to severe weather or other emergency. In this case, the same pay guidelines will be followed for all employees who work at the Recreation Center and Community Center and the Library.

The Golf Course closes more routinely because of unfavorable, but not severe, weather conditions. When the General Manager of the Golf Course closes the facility for the entire day, full-time employees are eligible to use their floating holiday, compensatory time or vacation time to cover their absence. When the Golf Course opens late or closes early, full-time employees who were scheduled to work are eligible for emergency closure leave. In situations where an emergency closing is not authorized, employees who are unable to report for work may request paid leave, if eligible and available.

410 UNIFORMS AND EQUIPMENT

Employees of some departments and certain other designated personnel may be furnished with uniforms, clothing and/or equipment or an allowance in accordance with the City's policies. All uniforms, clothing and/or equipment purchased by the City for employees are the property of the City and shall be returned to the City upon an employee's separation from employment. Failure to return City property upon an employee's separation from the City will result in a cash deduction from the final paycheck in an amount determined by the City to be equivalent to the replacement cost of such clothing and/or equipment. Uniform allowances may also be required to be repaid.

411 REMOTE WORKING

Remote working is a work arrangement by which an employee performs job duties from an alternative location other than at the office on an ad hoc or regularly scheduled basis. The City recognizes the benefits gained through remote working and may grant this privilege to employees who have demonstrated commitment, length of service and trust.

Employees who have successfully completed the Initial Performance Review Period are eligible for consideration for remote working. Eligibility to work remotely is also affected by the employee's job title or job duties. For example, maintenance, front desk and police department employees would have very limited duties available to them on a remote basis. These requirements may be waived or altered during extraordinary circumstances.

Requests to work remotely will be considered on a case-by-case basis. The City will consider factors such as:

- the nature of the job or project requirements;
- whether the nature of the work lends itself to telecommuting;
- the amount of time to be spent working remotely;
- employee work performance;
- the ability of the employee to work independently; and
- the impact the arrangement may have on collaboration and co-workers.

This work arrangement requires the employee to be conscientious, committed and communicative. Unless a flexible work schedule is permitted, employees are expected to work, and be generally available during, the City's core business hours. Non-exempt telecommuting employees must accurately record all hours worked and comply with all recordkeeping requirements, including documenting meal and break periods.

Each employee requesting a work from home arrangement must:

- receive a written approval from their immediate manager or Human Resources.
- maintain high-speed connectivity to the Internet to complete their normal workflows.
- follow all security measures to protect any Company records or files, including electronic information.
- complete and follow the requirements of the Remote Working Guidelines

The City holds the right to withdraw the approval to work remotely at any time.

This policy is subject to review and changes as necessary. This policy does not form a contract of employment. Failure to comply with any aspect of this policy or related policies such as Safety and IT policies may result in the loss of privileges to work from home and may subject the employee to disciplinary action.

YOUR PAY

501 GENERAL POLICY

The City of Fort Lupton appreciates the efforts of its employees and understands the value of paying reasonable and competitive wages. The City strives to ensure that payroll timekeeping and paychecks are accurate.

502 PAY: HOW IT IS DETERMINED

It is important to receive equitable wages for your work. For this reason, the City has established a system of wage goals that periodically assesses your pay according to:

1. The City's ability to pay
2. Relevant wages in the surrounding areas
3. Your work performance
4. Your specific job standards
5. Internal equity

Each position at the City is evaluated based on skill, effort and responsibility to determine a pay range with minimum and maximum salary amounts.

503 OVERTIME

For the purposes of calculating overtime, the workweek begins Saturday at 12:00 a.m. and ends the following Friday at 11:59 p.m. Beginning and ending times for a workweek may vary within departments based on business reasons. A shift that starts in one work week and ends in another work week counts as hours worked in the first work week.

Hours worked above 40 in a workweek by a nonexempt employee require overtime payments or compensatory time off accruals. The City's regular practice for nonexempt employees is to accrue compensatory time rather than pay overtime wages (see policy on Compensatory Time below).

Public Works Maintenance employees receive overtime wages at one and a half time their regular rate of pay for all time worked over 40 hours in a week. Sworn Police Officers receive overtime wages at one and a half time their regular rate of pay for all time worked over 80 hours in the biweekly pay period.

Employees may be required to work more than their scheduled hours by their supervisor when City operations require it. All time worked above an employee's normal schedule must be approved prior to working the overtime. Only actual hours worked will determine if overtime pay or comp time is required. Any other type of leave hours will not be considered as hours worked in regards to determining overtime pay.

504 COMPENSATORY TIME

Compensatory time (comp time) will be accrued at a rate of one and a half times the hours worked in excess of 40 hours in a workweek. For example, if you work 44 hours during a workweek, you would accrue six hours of comp time.

Employees are responsible for managing their comp time balances. Employees should not accrue large amounts of comp time, with the exception of those employees whose work is more seasonal in nature. Comp time generally should be used before accrued vacation time and scheduled in the same way. Employees may use comp time in lieu of vacation time or sick leave.

Comp time will be paid out on an annual basis on or around the completion of the first quarter of the calendar year, though exceptions may be necessary for administrative purposes. Comp time is paid at the rate of pay the employee is earning at the time of the payout.

Comp time balances will be paid out when an employee is transferred to an exempt position or a position that is not eligible to earn comp time or at the time of an employee's termination of employment. Comp time will also be paid out when a nonexempt employee transfers to a different position in a different department.

505 ON-CALL PAY

Since many City operations must be responsive 24 hours a day, some employees must be on-call. Your Supervisor or Department Head will be able to tell you if you are expected to be on-call and will establish reasonable response times in the departmental policies. All employees on-call are expected to refrain from consuming alcohol and must comply with the City's Drug and Alcohol policy during any period specified as on-call.

Nonexempt employees will receive an additional five hours of straight wages for seven consecutive days of on-call duty. If the employee is on-call for less than five days, the employee will receive one hour of straight wages for each day, not to exceed five hours.

Should the employee be called back to work while on call, the employee will be paid a minimum of two hours at their straight wages, unless overtime applies. If the call lasts in excess of two hours, the employee will be paid on an hour per hour basis at straight wages, unless overtime applies.

506 TIME SHEETS/TIME CARDS

Nonexempt employees are required to record all hours worked as well as all paid leave time for the week. Nonexempt employees are required to approve time records verifying that time worked and paid time off charged to them is accurate before submitting it for supervisor's approval. Exempt employees are required to record and approve paid time off, which is subject to supervisory approval. After the supervisor has reviewed and approved all employee time worked and paid time off, the time is then forwarded to Finance for processing.

Falsifying or altering your time worked or paid time off or recording time on another employee's time record will result in disciplinary action up to and including termination.

507 PAYDAY

Employees are paid on a biweekly basis every other Friday. A single workweek begins Saturday at 12:00 a.m. and ends the following Friday at 11:59 p.m., unless otherwise determined in department policies. If that Friday is a City designated holiday, the payday is the preceding business workday.

An employee's paycheck may be released to the employee's spouse, designated family member or to another person only if authorized in writing by the employee.

508 PAY ADVANCES

Pay advances cannot be provided to employees. Payouts for accrued vacation time, sick leave, comp time or PTO will only be made upon termination of employment or transfer of position, if applicable.

509 DIRECT DEPOSIT

The City strongly encourages our employees to take advantage of having their paychecks automatically deposited to the financial institution of their choice. Please see the Human Resources or Finance Department for details.

510 SALARY INCREASES

Your base pay may be increased in several ways:

1. Upon the successful completion of your Initial Performance Review Period, if increases have been budgeted
2. If your annual job performance evaluation shows you have met or exceeded your job expectations and if pay increases have been budgeted
3. If the City has the budget and approved an across-the-board, cost-of-living or longevity increases
4. If the City has the budget and approved an equity adjustment
5. You have been promoted to a position with a higher salary range
6. For other reasons as determined and approved by your supervisor, Department Head, Human Resources and City Administrator

All pay increases will be effective the first day of a pay period nearest the eligibility date for the raise. For example,

1. An employee is eligible for a performance evaluation pay increase. The anniversary date is on the first Friday in the bi-weekly pay period. The employee's pay increase would be effective the preceding Saturday, first date of the pay period that the anniversary date is in.
2. Another employee is promoted on the second Wednesday during a bi-weekly pay period. The employee's pay increase would be effective the following Saturday, the first date of the following pay period.

511 SALARY RANGES

All positions have an established salary range that defines and rewards the development of job skills, knowledge and abilities. Once an employee has reached the top of pay range, there will be no additional salary increases for that position, however, employees may be eligible for lump sum payments instead of an increase to base pay. You may wish to stay in your current position or you may pursue, if available, a promotion to a different position.

512 PAYCHECK DEDUCTIONS

The City of Fort Lupton makes certain deductions from every employee's paycheck as required by law: federal and state income taxes, Medicare and Social Security, unless other regulations apply. The amount of income taxes

withheld is based on your earnings and the number of dependents you claim on your W-4 form. The number of deductions can be changed at any time as necessary. Please see the Human Resources or Finance Department.

The City matches the employee's payroll contributions to Social Security and Medicare. If you are a sworn Police Officer and hired prior to April 1, 1986, you are not required to contribute to Social Security or Medicare. Sworn Officers hired after April 1, 1986, pay only the Medicare portion of Social Security taxes.

All full-time employees are required to participate in a retirement plan. For further information, refer to Section 617.

In addition, there may be paycheck deductions authorized by you. This may include voluntary contributions to a retirement account (457 Plan), a Flex Spending Account (FSA), medical, dental and vision insurance costs, supplemental insurance and authorized charities.

There may be times when the court system or the government can require the City to withhold a specified amount from your paycheck for a specified length of time. You will be notified if this happens.

Any employee who believes that there has been an improper deduction taken from a paycheck must notify their supervisor immediately. This will be investigated and, if determined a deduction has been taken improperly, reimbursement will be made.

Pay for Exempt Employees

Exempt employees must be paid on a salary basis. This means exempt employees will regularly receive a predetermined amount of compensation each pay period on a weekly basis. The City is committed to complying with salary basis requirements which allows properly authorized deductions.

YOUR BENEFITS

601 GENERAL POLICY

The City of Fort Lupton is committed to providing competitive and comprehensive benefit programs for our employees. These benefits are designed to address individual as well as dependent needs.

The details regarding the benefits are contained in this section, however we have not attempted to outline the specific terms of insured benefits in this handbook. Details of your coverage will be set forth in booklets provided by the insurance carrier. In any instance of a conflict between this handbook and the applicable benefit policies and/or plan, the benefit policies and plan documents will govern.

The City reserves the right to modify the benefits offered at any time.

602 HOLIDAYS

Eligibility:

- *Employees are eligible based upon their employment status (as defined below). Employees who work less than 40 hours will receive Holiday Pay on a pro-rated basis.*

The City of Fort Lupton recognizes the following days as official holidays for its staff:

New Year's Day	January 1
Dr. Martin Luther King, Jr. Day	third Monday in January
Presidents' Day	third Monday in February
Memorial Day	last Monday in May
Independence Day	July 4
Labor Day	first Monday in September
Veterans' Day	November 11
Thanksgiving	fourth Thursday in November
Thanksgiving Friday	Friday after Thanksgiving
Christmas	December 25

The Library is open to the school and closed to the public on Veterans' Day. Some of its staff receives that day off. The staff that work on Veterans' Day is eligible to take the holiday on a different day of the same work week.

The Recreation Department and the Golf Course may be open on scheduled holidays when City Hall and other City facilities are not. Staff will be informed and scheduled according to the operational needs and pay will be handled as described in the Exceptions to Holiday Pay by Employment Status section of this policy.

Departments that only schedule staff Monday-Friday:

- If the recognized holiday falls on a Saturday, it will be observed on the preceding Friday.
- If the recognized holiday falls on a Sunday, it will be observed on the following Monday.

Departments that schedule staff every day of the week:

- If the recognized holiday is the actual holiday.

For example, a full-time nonexempt Recreation Department employee works on Sunday, July 4th. The City designated holiday is Monday. The employee will be paid for hours worked for that day and receive holiday pay on the observed holiday of Monday, July 5.

The City may also grant additional holidays each year, to be determined by Council. For example, Council may decide to schedule Christmas Eve, December 24th, as an additional holiday.

Employees who are classified as full-time but do not work 40 hours per week will receive pro-rated holiday pay. For example, an employee that is scheduled for 30 hours per week will receive 75% of the normal holiday hours, which is equivalent to 6 hours.

Exceptions to Holiday Pay by Employment Status

Exempt Employees who do not work on a designated holiday will receive holiday pay times the number of hours the employee would normally have worked, not to exceed eight hours. Exempt employees who work on a holiday are permitted to observe the holiday on a different day, as long as it falls within 30 days of the holiday, otherwise the holiday is forfeited.

Full-Time Nonexempt Employees who are not scheduled to work on a designated holiday will receive holiday pay at their straight wages for the number of hours the employee was scheduled, not to exceed eight hours. Employees who work on a holiday or get called in to work will receive holiday pay at their straight wages, not to exceed eight hours, plus straight pay for the hours worked, unless overtime rules apply. For example, a Public Works employee is called-in to plow snow from the streets on New Year's Day for four hours. The employee will receive straight pay for four hours, unless overtime applies, plus eight hours of straight pay for the holiday.

Sworn Police Officers who work on a holiday will be paid their regular pay for hours worked plus up to eight hours of straight pay for the holiday. Police Officers who are scheduled off on a holiday will be paid up to eight hours of straight pay for the holiday. Holiday pay will not count towards hours worked.

Part-Time Nonexempt Employees who work on a holiday will be paid at one and a half times their straight pay rate for the hours worked. If the employee does not work on the holiday, the employee will not receive pay.

Seasonal Employees who have worked for the City zero through three consecutive years and work on a holiday will receive pay at one and a half times their straight hourly rate. If the employee does not work on the holiday, the employee will not receive pay.

Beginning with the fourth consecutive year of working for the City, seasonal employees who are not scheduled to work on a designated holiday will receive holiday pay at straight wages, not to exceed eight hours. Employees who work on a holiday or get called in to work will receive holiday pay at their straight wages, not to exceed eight hours, plus straight pay for the hours worked, unless overtime rules apply.

Floating Holiday:

Eligible employment status:

- *Full-time Employees*

Upon completion of the first six months of employment and each calendar year thereafter, employees accrue eight hours of floating holiday per calendar year. A floating holiday can be used according to the following guidelines:

1. The floating holiday must be taken during the calendar year (no later than December 31st).
2. Employee requests to use the floating holiday must be submitted in advance and are always subject to approval by the supervisor.
3. Employees are responsible for remembering to use their holiday before it is forfeited.
4. Unused holiday hours will not be paid out upon separation.

603 VACATION

Eligible employment status:

- *Full-time Employees*

The City provides a Vacation benefit to its employees so that employees may enjoy time away from work for rest and rejuvenation. Employees are encouraged to schedule and use the vacation they earn.

Vacation leave is paid at the employee's straight rate of pay at the time that the vacation is used. It does not include overtime or any special forms of compensation. Vacation is pro-rated based on the employee's work schedule. For example, an employee who works 30 hours per week would earn 75% of the normal accrual.

Employee vacation accrual is as follows for employees who work a 40-hour work week:

Vacation Hours Accrued

<u>Years of Service</u>	<u>Accrual Rate per Pay Check</u>	<u>Vacation Hours Earned</u>
Hire date through end of 5 th year	3.69 hours	96 hours (2 weeks plus 16 hours)
Start of 6 th year through end of 10 th year	4.62 hours	120 hours (3 weeks)
Start of 11 th year and beyond	6.15 hours	160 hours (4 weeks)

1. Vacation hours are accrued on a bi-weekly basis during the year.
2. Employees in their first six months do not earn vacation. After 6 months of completed employment, employees who work 40 hours per week are granted 48 hours of vacation. This amount is pro-rated for employees who work less than 40 hours per week, based on the employee's normally scheduled hours.
3. Earned vacation may be used after six months of employment, with supervisory approval.
4. An employee may accumulate a maximum of 240 hours of paid vacation time. When the vacation balance reaches the maximum amount allowed (also referred to as the vacation cap), the employee will stop accruing vacation until the balance goes below the vacation cap. This vacation cap is pro-rated for employees who are scheduled for less than 40 hours per week.
5. Nonexempt employees who do not work more than their normally scheduled amount, typically 40 hours, and use Vacation during that week will not be paid for more than their normally scheduled amount. For example, if an employee who normally works 40 hours per week requests 8 hours of vacation for Friday and had 8 hours of Jury Duty on Monday, worked 26 hours between Monday and Thursday, only 6 hours of Vacation will be charged.
6. Vacation requests must be approved through the City's leave approval process. Employees should consult with their supervisor regarding their expectations regarding leave requests. Requests should be presented to your supervisor with as much notice as possible. The further the request is made in advance, the more likely the request will be granted. Requests will be based on several factors, including the needs of the organization, staffing requirements and how many requests have already been granted for the same date(s).
7. Employees are encouraged to take at least five consecutive working days off each year (four consecutive days for Police Officers scheduled for 10-hour shifts).
8. Vacation leave will not accrue while an employee is on leave-of-absence or on Family or Medical Leave.
9. Accrued vacation leave, floating holiday or comp time may be used in lieu of sick leave if the employee has exhausted sick leave accruals.
10. Paid holidays occurring during vacation will not be charged to vacation leave.
11. If vacation is scheduled and a situation arises where the employee would typically take sick leave, the employee can substitute sick leave for the planned vacation leave. The same is true if the employee is

called to jury duty during the planned vacation leave. However, if an employee becomes ill or injured during a planned vacation leave, the employee may not substitute sick leave for vacation leave.

12. Employees may not request payment in lieu of vacation.
13. Separating employees will be paid for any unused vacation at their rate of base pay as of their final day of employment.

604 PERSONAL TIME OFF

Eligible employment status:

- *Part-time Employees*

Part-time Employees receive personal time off (PTO) hours to use for planned and unplanned absences. Pre-planned absences require your supervisor's prior approval and do not count against your attendance record. Unexpected absences are those absences that do not have prior approval by your supervisor and will count against your attendance record. For unexpected absences, you must notify your supervisor prior to the beginning of your shift.

After completing one-year of continuous service with the City or one year in a part-time position, employees will earn PTO in full hour increments if they have worked hours according to the schedule below. PTO hours are earned from hire date or date you became a part-time employee and according to the total number of hours you worked during the previous twelve-month period as follows:

1,500-1,559 hours worked	= 35 hours PTO	(minimum average of 28.8 hours per week)
1,400-1,499 hours worked	= 30 hours PTO	(minimum average of 26.9 hours per week)
1,300-1,399 hours worked	= 25 hours PTO	(minimum average of 25.0 hours per week)
1,200-1,299 hours worked	= 20 hours PTO	(minimum average of 23.1 hours per week)
1,100-1,199 hours worked	= 15 hours PTO	(minimum average of 21.2 hours per week)
1,000-1,099 hours worked	= 10 hours PTO	(minimum average of 19.2 hours per week)

Part-time employees earn a maximum of 80 hours of PTO. When the PTO balance reaches 80 hours, the employee will not earn PTO until the balance goes below 80 hours. Any unused PTO will be paid out at your current rate of pay upon separation of employment with the City. If the employee has multiple job titles, any unused PTO will be paid out at the employee's highest hourly rate.

1. Hours are granted on a yearly basis based on the hours worked in the previous twelve months.
2. Supervisory approval is required for the usage of PTO.
3. An employee may accumulate a maximum of 80 hours of paid PTO.
4. PTO requests must be completed through the City's leave approval process.
5. PTO requests should be presented to your supervisor with as much notice as possible. The further the request is made in advance, the more likely the request will be granted. Requests will be based on several factors, including the needs of the organization, staffing requirements and how many requests have already been granted for the same date(s).
6. Employees may not request payment in lieu of PTO.

For use in lieu of sick leave:

1. Employees who are unable to report to work due to illness or injury should notify their immediate supervisor before the scheduled start of their workday if possible. Also, employees must keep their supervisor informed about an extended absence and likely return-to-work date so the department can adjust their work schedules and assignments during the employee's absence.

2. Before returning to work from an illness or injury leave of three workdays or more, you may be required to provide a health care provider's verification that you are able to return to work.
3. Your supervisor may require documentation from a health care provider for a leave of only one or two days if your absences are an area of concern.
4. If PTO is to be used for scheduled surgery or other similar purposes, you are expected to give as much advance notice to your supervisor as possible. You should also let your supervisor know when you expect to return to work. A health care provider's verification stating you are allowed to return to work and any work restrictions you may have will be required.
5. Departments may establish a more restrictive leave policy as long as it is necessary for the effective operation of the department and is approved by the City Administrator.
6. For pre-planned absences (i.e. surgery), requests must be completed through the City's leave approval process.

605 SICK LEAVE

Eligible employment status:

- *Full-time Employees*

Another important benefit the City gives its employees is paid sick leave. These hours may be taken for your own illness or injury, for the illness/injury of your spouse, child or parent, and for doctor, dentist, psychiatric appointments and eye exams/treatments. Sick leave is paid at the employee's straight rate of pay at the time of the Sick leave. It does not include overtime or any special forms of compensation. Full-time employees who work less than 40 hours per week will earn Sick leave on a pro-rated basis.

1. Sick leave hours are accrued on a bi-weekly basis during the year.
2. Employees who work 40 hours per week accrue sick leave at the rate of 3.08 hours per pay period. This amount is pro-rated for employees who work less than 40 hours per week, based on the employee's normally scheduled hours.
3. Employees may utilize sick leave after the completion of 30 days of continuous service.
4. The maximum accrued sick leave is 720 hours. When the sick leave balance reaches 720 hours, the employee will stop accruing sick leave until the balance goes below 720 hours. This sick leave cap is pro-rated for employees who are scheduled for less than 40 hours per week. For example, an employee who works 30 hours per week may not accumulate more than 540 hours of paid sick leave.
5. Nonexempt employees who do not work more than their normally scheduled hours and use sick leave during that week will not be paid for more than their normally scheduled hours. For example, if an employee who is scheduled for 40 hours per week requests 8 hours of sick leave for Friday and had 8 hours of Jury Duty on Monday, worked 26 hours between Monday and Thursday, only 6 hours of sick leave will be charged.
6. Sick leave requests must be approved through the City's leave approval process as soon as is practical.
7. Sick leave will not accrue while an employee is on a leave-of-absence or on Family and Medical Leave.
8. Employees may utilize vacation time and/or accrued compensatory time when sick leave has been exhausted. All accrued sick leave must be exhausted before employees are allowed to take an unpaid medical leave-of-absence.
9. Once per year, employees will be permitted to convert up to sixteen (16) hours, or two (2) days of sick leave into floating holidays. Eight (8) hours of sick leave may be converted to one floating holiday. Sixteen (16) hours of sick leave may be converted to two eight (8) hour floating holidays. The sick leave balance may not go below 160 hours after the conversion of hours. For rules associated with floating holidays, please refer to policy 602 Holidays.
10. Excessive use of sick leave around Holidays may be subject to disciplinary action.

11. If an employee becomes ill or injured during a planned vacation leave, sick leave may not be substituted for vacation leave.
12. Employees may not request lump sum payments for accrued sick leave.
13. Employees hired prior to PUBLISH DATE OF EMPLOYEE HANDBOOK, will receive a partial payout for accrued sick leave upon separation. Employees hired after February 14, 2001, will receive 25% of their accrued and unused sick leave. Employees hired prior to February 14, 2001, will receive 50% of their accrued and unused sick leave. Employees hired after PUBLISH DATE OF EMPLOYEE HANDBOOK will not receive any payout for sick leave upon separation.

Processes regarding the utilization of sick leave:

1. Employees who are unable to report to work due to illness or injury must notify their immediate supervisor before the scheduled start of their workday. Also, employees must notify their supervisor each work day they are using sick leave, unless advance arrangements have been made.
2. Before returning to work from a sick leave of three workdays or more, the employee may be required to provide a health care provider's verification that you are able to return to work and possible restrictions.
3. Your supervisor may require documentation from a health care provider as necessary.
4. If sick leave is to be used for a scheduled procedure, you are expected to give as much advance notice to your supervisor as possible. Leave requests must be completed through the City's leave approval process.

A health care provider's verification stating you are allowed to return to work and any work restrictions you may have may be required. Departments may establish more restrictive sick leave policies and procedures as long as they are necessary for the effective operation of the department and are approved by the City Administrator.

606 SICK LEAVE SHARING

Eligible employment status:

- *Full-time Employees*

The City of Fort Lupton has established a program that allows employees to voluntarily transfer and donate their accrued sick leave to a qualifying employee experiencing a significant, medical hardship. This program is intended for employees experiencing more than two weeks' absence; this program is not intended to cover employees who have fallen a bit short on sick leave.

The City may permit a regular full-time employee to receive sick leave donations from other qualified employees under these circumstances:

1. The employee suffers from an illness, injury, impairment or physical or mental condition which is of an extraordinary or severe nature, or the employee must be absent to care for a family member suffering from an illness, injury, impairment or physical or mental condition which is of an extraordinary or severe nature, and
2. The employee has worked for the City for at least six months.
3. The employee has depleted or will soon deplete all vacation leave, sick leave and accrued compensatory time which has caused or is likely to cause, the employee to go on a leave without pay or terminate employment with the City, and
4. The employee's absence and the use of shared sick leave are justified, and
5. The employee is not covered by voluntary short-term disability insurance and
6. The receiving employee has abided by all personnel rules regarding sick leave.

Employees who wish to be considered for sick leave sharing must make a request in writing to Human Resources. Human Resources will verify eligibility for the program. If the employee is eligible, Human Resources will let employees with a balance of more than 160 hours or more know that another employee has a serious medical condition and notify how many hours of sick leave the employee has. The employee may make a statement on their behalf, but is not required to do so.

The Human Resources Department will coordinate the amount of sick leave sharing, if any, which an employee may receive under this policy, and not to exceed a total of 480 hours of donated sick leave. Hours may not be donated for a medical leave that extends beyond 12 weeks of Family and Medical Leave or a 12-week Personal Leave of Absence.

For the donating of sick leave:

1. Donating employees must retain at least 160 hours of sick leave for themselves.
2. Employees can donate 8 hours minimum up to a maximum of 120 hours of sick leave in one-hour increments.
3. Donating employees will be arranged by leave balance; the employee with the most leave will donate leave first and have it deducted from their balance.
4. Donating employees can withdraw permission to donate leave at any time.
5. Employees who have given their termination notice or are about to give their notice cannot donate unused sick leave time.

For the usage of donating leave:

1. The employee receiving the shared sick leave must be either ready to go on leave without pay due to all accrued leave benefits having been exhausted.
2. Donations may not be used for time off that extends beyond short-term disability period or 12 weeks of FMLA (LTD is available at that point), whichever is less.

A form must be completed by the donor and submitted to the Human Resource Department for approval and processing. Donating employees can withdraw permission to donate leave at any time.

Donated sick leave will be ordered by leave balance of donating employees; the employee with the most sick leave will donate leave first and have it deducted from their balance. Donating employees will only have the sick leave deducted from their leave balance when it is paid to the receiving employee.

607 FAMILY BEREAVEMENT

Eligible employment status:

- *Full-time Employees*
- *Part-time Employees*

Responding to a death of a relative is a significant personal obligation. A relative in this context is defined as a spouse (or party to a civil union or domestic partnership), child, parent, sibling, grandparent, grandchild or an individual who has acquired similar relationships through marriage. Employees may also take leave for someone with whom they share a residence. Also, the City Administrator may give special consideration to any other person whose association with the employee is similar to any of these relationships. If one of your family members passes away and you are requesting bereavement leave, documentation to prove the relationship may be required.

Employees may take up to five scheduled days of bereavement for spouse, parent and child and three scheduled days for all other recognized members. Paid leave is at the employee's straight pay rate, without differential pay, for hours normally worked.

Approval of bereavement leave will normally be granted unless there are unusual City operating needs or staffing requirements, or the employee is on a disciplinary action for poor attendance. You may, with your supervisor's approval, use any vacation leave, compensatory hours or PTO for additional time off as necessary.

608 JURY DUTY

Eligible employment status:

- *All Employees*

If you are called for jury duty, show your supervisor your summons to serve on a jury prior to the time that you are scheduled to serve and notify your supervisor the day before or the day of if you are called in to appear. If you are required to appear for or serve jury duty, furnish your supervisor with evidence that you appeared as required or that you served on a jury for the time claimed.

Employees will be paid for the hours they would otherwise have worked at their base pay rate, excluding any special types of compensation such as shift differential. Most jury duty is not paid by the courts. If it is, employees can choose to be unpaid or to surrender their jury duty check to the City and stay at full pay.

Employees, in general, will be expected to return to work when their jury duties are over if they can return to work and complete more than half of their normal shift. Otherwise, employees are expected to return for their next scheduled shift.

All employee benefits will continue as normal during jury duty leave.

609 COURT APPEARANCE

Eligible employment status:

- *Full-time Employees*
- *Part-time Employees*

If you receive a subpoena to testify as a witness for non-work purposes, you need to inform your supervisor as soon as possible so that job coverage can be arranged. A copy of the subpoena should be submitted prior to your planned absence.

Employees will be granted a maximum of two scheduled days paid time to appear in court as a witness if subpoenaed by a party other than the City of Fort Lupton per appearance. Compensation will be at the employee's straight pay rate, without differential pay, for the hours the employee would normally have worked. Employees are permitted to use remaining paid leave benefits of vacation, compensatory time or PTO to receive compensation for any period of witness duty extending past the two scheduled days.

610 TIME OFF TO VOTE

Eligible employment status:

- *Full-time Employees*
- *Part-time Employees*

The City of Fort Lupton encourages its employees to participate in elections. Generally, employees are able to find time to vote before or after their regular work schedule. If employees are unable to vote in an election during their non-working hours, the City of Fort Lupton will grant up to two hours of paid time off to vote. The paid time will be at the employee's straight pay rate, without differential pay. Employees should request time off from their supervisor at least two days prior so the necessary time off can be scheduled at the beginning or end of the work shift to provide the least disruption to the operation as possible.

611 FAMILY AND MEDICAL LEAVE

The City provides up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- Incapacity due to pregnancy, prenatal medical care, or childbirth.
- To care for the employee's child after birth, or placement for adoption or foster care.
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition.
- Serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the Armed Forces, National Guard, or Reserves may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition."

Benefits and Protections

During FMLA leave, the City maintains the employee's health coverage under any group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on leave. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of insurance premiums during leave.

Upon return from FMLA leave, most employees are restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Certain highly compensated employees (key employees) may have limited reinstatement rights.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. As with other types of unpaid leaves, paid leave will not accrue during the unpaid leave.

Holidays, funeral leave, or employer's jury duty pay are not granted on unpaid leave. Paid leave does not continue to accrue when an employee is on full-time FMLA.

Eligibility Requirements

Employees are eligible if they have worked for this City for at least 12 months, for 1,250 hours over the previous 12 months, and if they work at a work site with at least 50 employees within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents a qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive full calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

The maximum time allowed for FMLA leave is either 12 weeks in the 12-month period as defined by the City, or 26 weeks as explained above. The City uses a rolling 12-month period measured backward from the date of any FMLA leave usage.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employees taking intermittent or reduced schedule leave based on planned medical treatment and those taking intermittent or reduced schedule family leave with the City's agreement may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

Substitution of Paid Leave for Unpaid Leave

The City requires employees to use accrued paid leave while taking FMLA leave. Paid leave used at the same time as FMLA leave must be taken in compliance with the City's normal paid leave policies. If an employee's leave of absence does not constitute paid leave as defined in the City's paid leave policies, the employee cannot use accrued paid leave, but can take unpaid leave. FMLA leave is without pay when paid leave benefits are exhausted.

Employee Responsibilities

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the City's normal call-in procedures.

Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Employees also will be required to provide a certification and periodic recertification supporting the need for leave. The City may require second and third medical opinions at the City's expense. Documentation confirming family relationship, adoption, or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action in accordance with the City's attendance guideline. Employees on leave must contact the Human Resources Manager at least two days before their first day of return.

The City's Responsibilities

The City will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the City will provide a reason for the ineligibility.

The City will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the City determines that the leave is not FMLA-protected, the City will notify the employee.

Unlawful Acts

FMLA makes it unlawful for the City to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA.
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the City.

FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights. Domestic Abuse Leave Employees subjected to domestic abuse may be eligible for a leave of absence. Please see the Human Resources Department for more information.

612 MILITARY LEAVE

Eligible employment status:

- *Full-time Employees*
- *Part-time Employees*

Employees serving in the uniformed services, including active, inactive, reserve and National Guard duty and service in the commissioned corps of the Public Health Service will be eligible for a military leave-of-absence in order to fulfill their obligations, if called upon, in annual field training obligations, to attend special training sessions, or other responsibilities as required under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). An employee is protected under USERRA if the employee:

- Holds a civilian job.
- Gives advance notice, if possible, to the employer that a departure for service in the uniformed services is required.
- Does not exceed a five-year cumulative limit on service (with certain exceptions).
- Is released from service under "honorable conditions".
- Reports back to the job or applies for reemployment in a timely manner.

According to USERRA there are four categories of uniformed persons who would not be protected under this law. They are:

- A person separated from the uniformed services with a dishonorable discharge.
- A person separated with other than an honorable discharge.
- Officers dismissed from the armed forces by general court-martial.
- Officers dropped from the rolls of the armed forces by Presidential order.

An employee who is on military leave-of-absence under this regulation will be regarded as continuously employed for up to five years* with the City while in voluntary or involuntary duty with any branch of the United States Armed Forces or National Guard. The employee must return to work within the limits outlined under USERRA.

In addition, the City of Fort Lupton prohibits discrimination against any employee who is a member of uniformed service or against applicants who are a member of a "uniformed service". Any persons who have exercised their rights to join a uniformed service, or testified in any proceeding under USERRA, or participated in an investigation under USERRA is protected against employer retaliation.

*The five-year limitation may be greater or less, depending on exceptions under USERRA.

To be protected under this leave policy, an employee must have served in the military "honorably". The employee must also return to work within the limits outlined under USERRA. Please see the Human Resources Department for additional information.

PROCEDURE

The City of Fort Lupton requires that an employee provide written or verbal advance notice of military leave to the employee's Supervisor or the Human Resources Department within two weeks prior to the expected leave, if possible. No notice is necessary where circumstances make giving notice impossible or notice is precluded by military necessity. Employees are also required to provide a copy of military orders to show start and anticipated end of duty dates.

Up to 15 days (or 120 hours) per calendar year will be paid by the City at the employee's normal rate of pay. Any pay differentials, overtime or other additional forms of compensation will not be paid.

Employees need to specify if they are planning to take leave that extends beyond the initial 15 days as paid or unpaid. A paid leave is defined as when an employee chooses to utilize accrued vacation, compensatory time, floating holiday or PTO when the leave is longer than the 15 days. An employee may not use accrued sick leave or a personal leave-of-absence for a military leave-of-absence. A leave without pay is when vacation accruals, compensatory time, floating holiday or PTO are exhausted or not utilized for leaves in excess of the 15 days.

Returning from a Military Leave-of-Absence

The City of Fort Lupton requires, and under the employee's protection of USERRA, that an employee return to work in a timely manner. The length of absence determines the return time period. A copy of the military orders may be requested to show end of duty date. For leaves in excess of 31 days, an employee must provide documentation: Form DD-214, an endorsed copy of military orders, or a letter from the employee's Commanding Officer. Failure to return to work or make other arrangements with the Human Resources Manager may result in termination. A timely return to work period is defined under USERRA as:

<u>Military Service Time</u>	<u>Time Return to Work</u>
1-30 days	Not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for safe transportation.
31-180 days	An employee must submit an 'application for reemployment' with the employer not later than 14 days after the completion of the period of service.
181 days or more	The employee must submit an application for reemployment not later than 90 days after completion of the period of service.

Compensation and Benefits:

Employees are entitled to the following upon return:

- If service period was for 90 days or less, reinstatement to the same job the employee would have had if continuously employed, provided the employee is qualified for the job.
- If service period was for 91 days or more, the employee may be reemployed in another position of like seniority, status and pay.
- “Accrued seniority”, meaning the employee is entitled to rights and benefits determined by seniority status that such person would have attained if the person had remained continuously employed.
- A reasonable effort by the City to train or retrain to re-qualify an employee for the former position.
- Accommodations for disability incurred during military service will be in accordance with the City’s Equal Employment Opportunity policy.
- Pay increases that were provided to other employees on an “across-the-board” method.

Vacation, sick leave, floating holiday and PTO allowances will not accrue while on unpaid leave. Designated City holidays will not be paid while on an unpaid leave.

For the first 30 days of military leave, the City will continue to pay its portion of insurance coverages. If a portion of that leave is unpaid, arrangements to pay the employee portion of the premium(s) will be made. For leave longer than 30 days, the employee is eligible to elect any health benefits (medical, dental, vision and health FSA, if applicable) that they had in effect prior to losing coverage under Consolidated Omnibus Budget Reconciliation Act (COBRA). For all other insurance coverages, the benefits will be handled the same as an employee separating employment with the City.

An employee covered under this military leave policy will continue to accrue seniority while actively serving in the military. Employees can make up missed contributions, without interest, to the 414(h) Money Purchase Plan or the 457 Deferred Compensation Plan as outlined under USERRA regulations. Typically employees may make contributions for a period of three times the length of service or five years, whichever is less. The City of Fort Lupton will match such employee’s contributions.

613 PERSONAL LEAVE OF ABSENCE

Eligible employment status:

- *Full-time Employees*
- *Part-time Employees*

The City of Fort Lupton will consider requests for a personal leave of absence on an individual basis. Granting of a personal leave is at the discretion of the employee’s Supervisor or Department Head with Human Resources’ approval and will depend primarily on two things:

1. Business reasons including, but not limited to, the department's ability to handle the workload during the employee's absence.
2. A satisfactory employee performance record.

A personal leave may be granted for a period greater than 14 days, but not to exceed 12 weeks in one year. A vacation for longer than 14 days for which the employee has the leave and is approved by the supervisor will not be considered a personal leave of absence.

Benefits accrual will be suspended during a leave-of-absence without pay. Employees who receive approval for personal leave will retain their date of hire, accrued benefits and employment protection only if the employee returns at the end of an approved leave.

Personal leave will not be granted to allow an employee to work elsewhere or to seek other employment. No employee is guaranteed the same position upon return to work from an unpaid personal leave of absence.

Compensation and Benefits:

For a personal leave, an employee is required to use all accrued vacation, floating holiday, compensatory time or PTO at the beginning of any leave. An employee may not use accrued sick leave for a personal leave-of-absence, unless the leave is for a medical reason and the employee does not qualify for a FMLA leave.

A leave is without pay when all accrued vacation, floating holiday, compensatory time or PTO benefits are exhausted (and sick leave for medical reasons). Vacation, holiday and sick leave will not accrue during unpaid leave. Designated City holidays will not be paid to eligible employees while on a personal leave of absence.

The City continues its portion of medical, dental and vision insurance coverage for eligible employees on paid leave. Once the employee is on unpaid leave, the employee will be treated as a terminated employee regarding employment benefits and may be eligible to continue certain benefits via COBRA.

Returning from a Personal Leave-of-Absence

Employees are expected to return to work on the return date. If an employee wishes to return early from a leave, the employee must notify the supervisor and Human Resources Department at least two business days (Monday-Friday) prior to returning to work. When returning from a leave for a health condition, the employee must bring a physician's release for duty in all cases.

If the employee does not return to work on the expected return date or make other arrangements with Human Resources and the Supervisor, the employment may be terminated.

614 GROUP BENEFITS

Eligible employment status:

- *Full-time Employees*

The City is committed to providing competitive and comprehensive group benefit programs for our employees. These benefits are designed to address individual as well as dependent needs.

Employees who work 30 or more hours per week may participate in the City's group benefits. Coverage will be effective the 1st of the month after the employee's start date. For example, if an employee's start date is May 6th,

then his/her insurance would be effective June 1st. Part-time, Temporary and Seasonal employees are not eligible for group insurance through the City.

The City has not attempted to outline the specific terms of each benefit in this handbook. Details of your coverage will be set forth in booklets provided by the insurance carrier. In any instance of a conflict between this handbook and the applicable benefit policies and/or plan, the benefit policies and/or plan documents will govern.

The City reserves the right to modify the type of benefits offered at any time.

All such coverages shall terminate effective in accordance with the provisions of the benefit plan(s) upon separation of employment with City. Certain insurance coverage is portable and available under COBRA in accordance to appropriate regulations and guidelines. Upon termination, the appropriate documentation will be provided to you.

615 WORKERS' COMPENSATION

Eligible employment status:

- All Employees

Employees of the City of Fort Lupton are covered by Workers' Compensation for work-related injuries or illnesses as required by the State of Colorado. A work-related injury is defined as any injury or illness that arises out of the course and scope of employment regardless of fault. Workers' Compensation covers a portion of wages, as determined by the state legislature. This amount is not subject to tax or FICA withholding.

Employee Actions Affecting Benefits

The Workers' Compensation Act states that an indemnity claim (loss wage reimbursement) shall be reduced by 50% when an injury:

1. Is caused by the willful failure of the employee to use safety devices provided by the employer, including use of vehicle seat belts.
2. Results from the willful failure to obey any reasonable rule adopted by the City for safety, such as the requirement to use safety equipment.
3. Results from employee testing positive for illegal drugs or alcohol.

An employee may also be penalized for late reporting.

All work-related injuries or illnesses must be reported immediately to your supervisor during your working shift. An injury or accident report must be completed and submitted within 48 hours. Colorado law requires that written notice of injury be provided to an employer within four working days of the incident. Workers' compensation benefits are put at risk if the employee fails to meet the state law of four-day reporting requirement.

PROCEDURES

The City reserves the right to have employees participate in a post-accident drug and/or alcohol test.

Designated Medical Providers

Employees seeking medical treatment beyond first aid must do so at the City's designated medical facilities. Employees will be notified separately of the designated facilities.

Employees and supervisors are encouraged to use discretion in determining if the injury is an emergency and requires a visit to a hospital Emergency Room or if the injury can be treated the next business day.

Failure to go to these designated providers/facilities may result in medical and/or pharmacy claims not being paid by the City or its Workers' Compensation insurance carrier.

Treatment

The health care provider at the employee's chosen designated medical facility performs the initial exam, suggests a course of treatment or releases the employee to return to work. Employees are to attend all medical/treatment appointments as directed.

If the employee misses an appointment and no prior arrangements have been made, the employee may be held accountable for any charges. If an appointment is missed and the employee has not returned to work due to the injury and/or illness, continuing wage replacement benefits may be lost. Furthermore, the employee may be considered absent without permission from work.

If the employee is referred to a specialist, physical therapist, etc., the Workers' Compensation insurance carrier must first authorize the referral. When authorized treatments end, employees may be directed to return to the health care provider at the employee's chosen designated medical facility to determine whether additional treatment or a different type of treatment is necessary, re-evaluate the employee's work restrictions, or may release the employee from further medical treatment and provide an impairment rating as required by the State. The Workers' Compensation insurance carrier must authorize all referrals or extension of treatment in order for the treatment to be paid.

An employee may consult a doctor not affiliated with or referred to by the health care provider at the employee's chosen designated medical facility. However, neither the City nor the Workers' Compensation insurance carrier will pay for any consultation unless the visit has prior approval from the City's Workers' Compensation insurance carrier. A complete medical report must be submitted from the provider to the City's Workers' Compensation insurance carrier.

For the purpose of claims management, the City's Workers' Compensation insurance carrier may require a signed release for medical information.

Chiropractic Care

Injured employees may be referred for chiropractic treatment. The referral must receive prior authorization from the City's Workers' Compensation insurance carrier or treatment may not be paid.

Lost Time

The appropriate certification that the employee is not able to work must be submitted in order for employees to be eligible for Workers' Compensation wage replacement benefits. If the time off is approved, the City will pay the employee for the first 3 scheduled shifts at straight pay, unless the employee qualifies for reimbursement back to the first day of injury. The Worker's Compensation insurance carrier will provide reimbursement to the employee beginning on the fourth day and in accordance with state regulations. If an employee takes time off that has not been certified by the PCP, the employee must utilize their paid leave or take the time off without pay.

Doctor's appointments are permitted to be scheduled during the work day, up to 2 hours per week. Appointments should be scheduled outside of work hours as is practical. If it is not possible to schedule follow up appointments outside of work time or the appointments exceed 2 hours per week, the employee may use sick leave, floating holiday or vacation to cover these absences for take the time off without pay. The employee may also submit a reimbursement request to the workers' compensation insurer for unpaid lost time.

616 TRANSITIONAL DUTY ASSIGNMENT

Eligible employment status:

- *All Employees*

The purpose of this policy is to allow employees who are recuperating from an injury or illness and temporarily unable to return to their regular position, to return to work as quickly as possible

A transitional duty assignment, also referred to as modified duty, is temporary work for which the City has a need and which can be performed by an employee who is unable to return to normal duties due to medical restrictions. A designated Workers' Compensation provider for work-related injuries or a healthcare provider considered eligible under the Family and Medical Leave Act (FMLA) for non-work-related injuries must provide the care and restrictions. The City will determine if transitional duty work is available.

Transitional duty assignments are temporary as they are dependent on the need of the City and are designed to assist the employee's return to work and until able to return to normal job duties.

- Non-Work-Related: At no time shall non-work-related transitional duty assignment(s) exceed a total of twelve consecutive months or eighteen months of intermittent duty for any single injury or illness. Human Resources will evaluate the employee's transition duties for length and availability.
- Work-Related: Human Resources will evaluate the length and availability of transitional work for an employee on restrictions due to a Workers' Compensation claim.

The employee must return to normal job duties and normal schedule upon the determination by the healthcare provider that the employee is medically able.

PROCEDURE

Non-Work Related Injuries or Illnesses

The employee will forward information from the healthcare provider to Human Resources regarding the restrictions for the injury or illness. This information will be placed in the employee's personnel file.

Human Resources and the Supervisor or Department Head will evaluate the possibility of placing the employee in a transitional duty assignment. Subject to availability, transitional duty will be assigned fitting the restrictions as set by the healthcare provider. Transitional duty assignments may be in other City departments, if available.

In the event that no transitional duty assignments are available within the City, employees whose injury or illness is not work-related may be covered under the City's leave benefits. All City policies continue to apply.

An employee's restrictions will be re-evaluated by Human Resources after each visit to the healthcare provider. Transitional duty positions are subject to change as physical and mental limitations change. The employee will provide a copy of relevant paperwork to Human Resources. Transitional duty assignments that exceed 90 days will be reviewed on a monthly basis to ensure the assignment is beneficial to the City and the employee.

Work-Related Injuries or Illnesses

Information received from the designated healthcare provider will be forwarded to Human Resources regarding the restrictions for the injury or illness.

Human Resources and the Supervisor or Department Head will evaluate the possibility of placing the employee in a transitional duty assignment. Human Resources and the Supervisor or Department Head will assign transitional duty fitting the restrictions the designated healthcare provider has set, subject to availability. Transitional duty assignments may be in the employee's department, if available, or in other City departments.

In the event that no transitional duty assignments are available within the City, employees may be covered under wage reimbursement benefits as outlined in state regulations. Employees will not lose these benefits due to the unavailability of a transitional duty assignment. All City policies continue to apply.

An employee's restrictions may be re-evaluated by Human Resources after each visit to the designated healthcare provider and transitional duty positions are subject to change as physical and mental limitations change. Human Resources will review transitional duty assignments exceeding 90 days on a monthly basis.

Hours of Assignment

Transitional duty assignments may be made for any schedule, for any hour of the day or night based on the needs of the department and the City. Assignments will be made consistent with the utilized healthcare provider's restrictions or limitations. It is possible that the transitional duty assignment schedule may not coincide with the employee's schedule before the injury or illness.

617 RETIREMENT/PENSION FUND

Eligible employment status:

- *All Employees*

All employees have the opportunity to be covered by social security and/or a pension fund.

Social Security

All employees, other than sworn Police Officers, are required to contribute a percentage of their salary for Social Security tax as set by federal regulations. The City matches this amount. An additional federally regulated percentage of the employee's salary is withheld for Medicare and the City also matches this contribution.

Police Retirement Plan

Sworn Police Officers participate in a private retirement program. Information regarding this program is provided separately from this handbook.

Civilian Full-Time Retirement Plan

Employees are required to contribute 4% of their salary to a 414(h) account, the civilian retirement fund. The City matches this contribution. Your contributions are immediately invested in the plan. The City's matching funds are on a vesting schedule. Information regarding this program is provided separately from this handbook.

Deferred Compensation

Employees who wish to contribute more for retirement savings may contribute to the 457 Deferred Compensation Plan. The City does not match the employee contribution. Please see the plan representative for more specific information.

618 WELLNESS PROGRAM

Eligible employment status:

- *All Employees*

To promote the health and sense of well-being for its staff, the City offers use of the City of Fort Lupton Recreation Center to all employees. Employees are entitled to:

1. Adult membership at no cost to the employee and to be used only by the employee.
2. Employees may purchase punch, quarterly or annual passes for additional family* members at a discounted rate of 20% off the residential fee.

* Family is defined as up to four members living in the same house (two adults and two children 18 years of age or younger). Instead of the family pass, the employee has the option to purchase for family members, at a discounted rate, an adult pass or a pass for children.

If you have questions, please see the Human Resources Department.

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YOUR DEVELOPMENT

701 GENERAL POLICY

The City realizes and appreciates the importance of helping employees develop their abilities and expand their skills to better face the changes and challenges in the coming years. Both the employee and the City benefit from a well-qualified workforce. To accomplish this goal, the City strives to provide an ongoing performance evaluation system and strives to offer training and development opportunities as deemed appropriate and beneficial.

702 PERFORMANCE EVALUATION

We want employees to know how they are doing throughout their employment with the City. Knowing the supervisor's expectations, feedback and communication are important.

Employee performance will be formally reviewed as described in the Initial Performance Review Period policy 403 . Thereafter, formal performance evaluations may be completed and administered annually.

Employees are encouraged to ask their supervisor about the performance standards so what is expected is clear. Performance evaluations can increase confidence, identify strengths and expand growth opportunities. The primary goal of an evaluation is strong communication between the employee and supervisor so that the employee can be successful. Performance evaluations are intended to encourage communication.

703 TRAINING OPPORTUNITIES

The City of Fort Lupton provides various training and development opportunities for employees. The Supervisor, Department Head or Human Resources may identify areas on communication, safety, leadership, personal development, job skills and other topics that are job-related and beneficial to employees and the City. In some cases, attendance at training may be required.

Training opportunities may be paid for by the City and are dependent upon the City's ability to fund. If there is an area of training or development that would assist in the completion of job responsibilities, employees are encouraged to notify and request the opportunities available from their supervisor.

Training Time Pay

Exempt employees will be paid their regular salary for weeks in which they attend training. Nonexempt employees attending City-paid training are paid for the hours associated with this training at their straight rate of pay. The compensable hours include travel time that falls within the employee's normally scheduled hours, training time and working meal time. The hours that are not compensable include travel time that falls outside of the employee's normally scheduled work hours and meal time that includes entertainment, socializing and does not include education or is considered free time.

For example, a nonexempt employee who normally works from 8:00 to 5:00 Monday through Friday leaves for training at 6:30 a.m. and arrives at 7:45. Training begins at 8:00. There is a free lunch break from 12:00 to 1:30 pm and training concludes at 3:30. The employee arrives home at 5:00 pm. The employee would be paid for 7 hours and 30 minutes. The employee would also be eligible for a mileage reimbursement for the miles from the City or their home to the training location, whichever is shorter.

Employees who are scheduled for evening or overnight shifts and attend training will be paid for the actual training time and travel time up to their normal total shift hours. For example, an employee who works 10 hour shifts leaves at 7:00 am for 8:00 to 5:00 training with a 1.5-hour lunch and returns home by 6:00 pm is eligible for 9 hours and 30 minutes of pay.

Training time is not compensable for a more comprehensive program, like the earning of a degree, though schedule flexibility may be provided.

704 EDUCATIONAL ASSISTANCE

The City of Fort Lupton recognizes that the skills and knowledge of its employees are critical to the success of the City. The Educational Assistance program encourages personal development through formal education so that employees can improve work-related skills. It also gives employees the opportunity to enhance their abilities so they can compete for promotions when the opportunities arise. While educational assistance may enhance the employee's performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to a promotion, a different job assignment or pay increases.

Eligible employees for this program are regular full-time employees who have successfully completed their Initial Performance Review Period. To maintain eligibility, employees must continue to work full-time hours and continue to meet all their job expectations while taking classes. This employee benefit is available on an equal opportunity basis and is contingent upon availability of funds.

Individual courses or courses leading to certain degree, license or certification program must be related to the employee's current job duties or a foreseeable future position in the City in order to be eligible for educational reimbursement. The City Administrator, upon recommendation by the Department Head and Human Resources, has the final decision as to whether a course expense should be reimbursable. Tuition and books are reimbursable. Student fees, lab fees, travel expenses and other material costs are not reimbursable. In certain cases, the City will pay for the educational expenses directly instead of requiring the employee to request reimbursement.

Upon the recommendation of the Department Head and Human Resources and with the approval of the City Administrator, the City may reimburse an employee for up to 100% of the tuition cost as well as up to 100% for course-required books, provided the employee completes the course work with a grade of "C" or better. If the class has a pass/fail grading system, the employee must receive a pass. If the program or class does not assign a grade or has a pass/fail grading system, a certification of completion will be required.

Expenses up to \$5,250 in a calendar year will be non-taxable to the employee. Expenses above \$5,250 in a calendar year may be taxable and must specifically be approved by the City Administrator. If the employee receives educational aid from other sources, such as Veteran's Administration Assistance, the City pays only the difference between the amount of such aid and the cost of the tuition.

If an employee separates employment from the City for any reason, educational assistance is forfeited and must be repaid to the City under the following schedule:

- 100% is due back if departure within 0-12 months of receipt of reimbursement.
- 50% is due back if departure of greater than 12 months up to 24 months of receipt of reimbursement.
- No money is due back if employee departs greater than 24 months after receipt of reimbursement.

All employees must submit the following documentation to be eligible to receive reimbursement:

1. Classes are taken at an accredited academic institution, accredited trade school or accredited training academy.
2. Classes are job-related, pertain to City government or possible future City jobs.
3. The employee must have met or exceeded job expectations on the most recent performance evaluations.
4. The employee has submitted the application to the Department Head a minimum of three weeks before the class begins.
5. Request for reimbursement must be made within thirty (30) days following the completion of the course.

In addition, Full Degree Program (FDP) applicants must submit at the initial time of application into the FDP the following documentation to be eligible to receive reimbursement:

1. A letter of acceptance from their academic institution where they are pursuing a degree.
2. An official listing of the program requirements.

Program Information

Incompletes are not reimbursable unless made up within a one-year time frame that commences at the scheduled end of the uncompleted course. The employee will not be reimbursed until the course is completed and graded.

A job-related course is defined as a course that would contribute to the specific knowledge, skills and abilities necessary to satisfactorily perform the employee's present job or possible future City jobs. The final decision as to whether a course is job-related is at the discretion of the City Administrator. Reimbursement for other kinds of education (seminars, workshops, competency-based programs, etc.) is not available; however, they may be covered by the City as a training opportunity. Speak with your Supervisor or Department Head for specific questions.

Employees must take courses on their own time. Employees enrolled in a specially designated program that requires attendance during regularly scheduled working hours, may be granted time off or provided with a temporary flexible schedule with the approval of the Department Head. The employee may elect to use vacation leave or accrued compensatory time off during these approved work hours. An employee on an authorized leave-of-absence will receive reimbursement only upon return to active work.

The City of Fort Lupton does not reimburse expenses in advance.

Should the total amount budget for this program be exhausted during the calendar year, future requests will be denied until the next funding period.

PROCEDURE

1. The employee must check with the Department Head to inquire if tuition reimbursement funds exist.
2. The employee must complete the Educational Assistance Agreement, which must be approved by the Department Head, Human Resources and City Administrator.
3. The employee must fill out an Educational Assistance Application before enrollment each quarter or semester, attach all required information and submit the application to the Department Head.
4. The Department Head will determine if the proposed course work is applicable to the job. If the Department Head approves it, the application and required information will be submitted to Human Resources a minimum of three weeks prior to the beginning of the course.
5. Human Resources will inform the employee as to whether or not the application fits the criteria for reimbursement and if the City Administrator approved the request.

6. Upon completion of the course, the employee will submit all receipts for tuition and books required and an official grade transcript to Human Resources within 30 days of class completion in order to qualify for reimbursement.
7. The reimbursement will be forwarded to the Finance Department for processing.

705 CONFERENCE AND TRAVEL EXPENSE

It is important to recognize that not all training programs are of equal value. For this reason, Department Heads will make every effort to select training opportunities that appear to have a good chance of being highly informative and worthwhile.

Employees attending a training or conference should act responsibly with all funds spent on travel, registration, meals, accommodations and other incidentals. Department Heads will ensure that the most economical means available are chosen and in addition, will find ways for the employee to share the knowledge they have gained with appropriate co-workers so that the value of the program can benefit as many people as possible. This may involve a written report, a department training session or other appropriate methods.

Employees will be chosen to attend training or conferences based on department needs and their individual training needs. Department Heads must make every effort to fairly allocate opportunities within the work group, although business reasons will dictate that some individuals attend more trainings and conferences than others.

Department Heads must stay within budget while meeting training needs. To maximize the value received from the City's training dollars, local training opportunities should be given first consideration followed by regional and then out-of-state programs or conferences. Travel expenses within the metro area may include parking, mileage, food, and authorized miscellaneous charges. Travel beyond the Front Range may include transportation, food, lodging and miscellaneous expenses. The daily meal allowance, which includes tax and tip is equivalent to the standard meal allowance as defined by the IRS (unless exempted by the City Administrator). Employees requiring less than three meals should practice discretion and not use the entire daily meal allowance if possible. Alcoholic beverages are not included in the meal allowance and are at the employee's own expense. Mileage for personal vehicle use will be reimbursed at the current IRS rate. Use of City cars is encouraged if one is available. Receipts need to be provided for all expenses the employee is seeking reimbursement for.

With prior written approval by the City Administrator, a family member or friend may accompany employees on business travel when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work has written approval by the City Administrator. Additional expenses arising from such non-business travel are the responsibility of the employee.

Business Travel Pay

Exempt employees will be paid their regular salary for weeks in which they travel. Nonexempt employees who are required to travel for training or other business purposes are paid at their straight rate of pay. The compensable hours include travel time that falls within the employee's normally scheduled hours on any day of the week, hours worked and working meal time. The hours that are not compensable include travel time that falls outside of the employee's normally scheduled work hours and meal time that includes entertainment, socializing and does not include education or is considered free time.

For example, a nonexempt employee who normally works from 8:00 to 5:00 Monday through Friday leaves for the airport at 6:30 a.m. and arrives at the work location at 1:00 p.m. and works until 7:00 p.m. The employee would be

paid for the hours normally worked between 8:00 and 5:00 and then 2 additional hours for time worked from 5:00 to 7:00.

Travel associated with business that extends a trip (leaving two days early for vacation purposes, for example) is not compensable.

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CORRECTIVE ACTION

801 GENERAL POLICY

The provisions of this section are intended to provide a means for improving employee performance and resolving problems arising from misconduct by an employee or from disagreements between an employee and the employer. Disciplinary Action is a means of correcting employee behavior that is inconsistent with the expectations and standards established by the City. An informal way of presenting your dissatisfaction with an issue is to follow the procedure outlined in the Dispute Resolution section. There are two formal ways to proceed with issues when the employee is dissatisfied and they are a Pre-Disciplinary Action or Post-Disciplinary Action.

802 DISCIPLINARY ACTIONS

The City of Fort Lupton is committed to a preventive approach to employee performance problems by trying carefully to match people and jobs from the start. We try to provide supervision and feedback that helps make people successful. If, however, you are not performing your work satisfactorily, exhibiting inappropriate behavior or violating City rules, policies or procedures, disciplinary action may occur.

Depending on the nature of the behavior, Department Heads or Supervisors may provide performance coaching to and to offer options for improvement. Sometimes the employee is encouraged to design individual steps toward improved performance. If this approach is not used or used without success, other corrective discipline will be applied.

Disciplinary action will vary depending on many factors, most important of which is the seriousness of the offense, as determined by the City. Disciplinary action will be administered confidentially and release of information will only be on a need-to-know basis as determined by Human Resources and/or City Administrator.

Under no circumstances should this policy be construed to contradict the City's "At-will" status of employment. The standards of conduct outlined in this policy and elsewhere apply to all City employees.

There are several forms of disciplinary actions that may be issued to employees including: coaching sessions, warnings, suspension, demotions and/or termination. The severity of a disciplinary action may vary and depends on factors such as, but not limited to, the nature of the inappropriate behavior, the time period between incidents and the overall employment record. In some circumstances the employee may be terminated without any prior action being taken, depending on the severity of the problem.

A reduction in pay resulting from an involuntary demotion may be given in conjunction with a warning. For an involuntary demotion there must be an appropriate position available; a position will not be created.

All disciplinary actions are to be documented in writing and the original placed in the employee's personnel file. Following disciplinary action, if an employee's performance or behavior significantly improves, the supervisor is encouraged to acknowledge the improvement in a memo and it will be added to the employee's personnel file.

Disciplinary actions not involving suspension, demotion or termination will be administered by a Supervisor or Department Head and will be made known to others only on a need-to-know basis. Human Resources provides consultation regarding disciplinary action. To ensure consistency among the departments, Human Resources is responsible for investigating and determining discipline for employees when the issues are related to harassment.

Only Department Heads (not Supervisors), with the approval of Human Resources, may administer suspension without pay or an involuntary demotion. The Department Head and Human Resources will administer termination procedures.

PROCEDURE

In some situations where improvement is needed, coaching an employee may result in improvement sufficient to avoid further disciplinary action. Managers are required to document these coaching sessions and may maintain a copy of these documents within their own files and forward the original copy to the Human Resources Department for placement in the employee's personnel file. If the employee's subsequent job performance still does not meet expectations or if the employee's behavior is detrimental to the department, the Supervisor and/or Department Head may decide additional disciplinary action should be taken. If the issue is especially serious, the Department Head, in consultation with Human Resources, may determine that immediate termination is warranted.

Types of Disciplinary Action:

- **Coaching Session** – This is a discussion between the Supervisor or Department Head and the employee. The concern and the discussion are documented in written form. The behavior or work issue is written in detail, the date of the discussion is noted, as well as the expected behavior or job performance standard. The documentation may include action steps to improve the job performance and a timeline to measure the required progress. During this discussion, the employee is not entitled to outside representation. The employee is expected to initial or sign the coaching notice. In the event the employee refuses to initial or sign, a third party witness will be called into the session to verify that the employee would not initial or sign the coaching notice. This should be noted on the form and a copy given to the employee.
- **Warning** – This is a written notice of a performance or conduct problem. The goal is to see an immediate and sustained improvement. The manager completes the appropriate documentation and discusses the problem and corrective action with the employee. If applicable, the City and/or the department policy or procedure is quoted. During this discussion, the employee is not entitled to outside representation. Following this discussion, the form is placed in the employee's personnel file. All employees who receive a warning will be asked to sign the prepared documentation. If an employee refuses to sign, the supervisor will invite a third party into the session to verify that the employee would not sign. A copy of this report should be given to the employee.
- **Involuntary Demotion** – In conjunction with a warning, the employee may be demoted involuntarily. For an involuntary demotion, there must be an appropriate position available; a position will not be created.
- **Suspension without Pay** – In conjunction with or following a warning, the Department Head and Human Resources may choose to give a suspension without pay to reinforce the severity of the issue. A suspension without pay can vary from one day to thirty days.
- **Termination** – Termination of employment results when performance or a conduct problem continues following a warning; however, termination may result without any prior disciplinary action if there is a problem of sufficient magnitude. The employee's Department Head will complete the appropriate documentation and discuss the recommended termination with Human Resources for approval.

803 DISPUTE RESOLUTION

The City has created different conflict management systems to handle disputes. We really hope most problems that arise can be solved informally through discussions.

The City has maintained an open-door policy for many years and this program emphasizes that employees can take any problems to management at any level in the City. Employees are strongly encouraged to start addressing

concerns directly with their supervisor. Employees may take disputes up the chain-of-command, including their Department Head, Human Resources and the City Administrator. Employees will be assured freedom from reprisal for good faith utilization of the procedure. Any employee who is threatened, harassed or otherwise intimidated should immediately contact Human Resources or the City Administrator.

804 PRE-DISCIPLINARY HEARING

Prior to the imposition of a suspension without pay, demotion, or termination, a regular employee shall be given notice and opportunity to be heard in accordance with the following procedures:

- A. Written notice. The employee shall be presented with a memorandum generally containing the following types of information:
 - Description of the performance problem, misconduct, or reason for recommended action;
 - Type of discipline or action being considered;
 - Date, time and location of a hearing with their Department Head for the employee's response to the memorandum;
 - Notice that the employee may waive the hearing;
 - Signature line for the employee to acknowledge receipt of the memorandum.
- B. Hearing: A hearing before the employee's Department Head will be held to provide the employee with the opportunity to be heard and present information concerning the proposed discipline or action. The employee may waive this hearing. Failure of the employee to appear at the Pre-Disciplinary hearing following receipt of notice, shall be deemed a waiver.
- C. Decision following hearing. A decision whether or not to impose the discipline or action shall be made within three (3) working days after the hearing. Depending on the decision, the employee may thereafter proceed in accordance to Section 805, Post-Disciplinary Action.

The procedures set forth herein shall not apply to employees in their Initial Performance Review Period or seasonal or temporary employees. With regard to such employees, the City may terminate the employment relationship at-will, with or without cause, and without following any disciplinary policies or procedures.

805 POST-DISCIPLINARY HEARING

The procedure set forth in this policy shall apply only to suspension of a regular employee without pay for more than three (3) days, demotion, or termination. This policy shall not apply to the City Administrator, employees in their "Initial Performance Review Period", seasonal or temporary employees or to any reductions in force actions.

PROCEDURE

1. The employee may within five (5) working days of the receipt of the decision or five (5) working days after the waiver of a Pre-Disciplinary hearing, request in writing that a meeting be held between the employee, the Department Head and the City Administrator. Such request shall specify the nature of the requested meeting and the policy or policies at issue. Such meeting shall be held as soon as practical after the request is received. The employee shall be permitted to present relevant information to the City.
2. The City Administrator shall issue a written response within ten (10) working days of such meeting, unless the City Administrator is in need of more time for investigation and the employee is provided in writing when a response will be issued.
3. The City Administrator's response may be appealed to an independent hearing officer appointed by the City Council. Such appeal shall be initiated by the filing of a notice of appeal with Human Resources within five (5)

working days of the City Administrator's response. Human Resources shall forward a copy of the notice of appeal to the City Council and the City Attorney. The City Council shall appoint an independent hearing officer within fifteen (15) working days of its receipt of the notice of appeal, and the hearing officer shall set a date and time for the appeal hearing no later than forty-five (45) working days from the date of the notice of appeal was filed with Human Resources.

The employee may be represented by an attorney at the appeal hearing conducted by an independent hearing officer, and the hearing shall be recorded by electronic means or by the employment of a certified shorthand reporter. The hearing shall be conducted pursuant to a hearing procedures established by the independent hearing officer.

Following the hearing, the independent hearing officer shall issue a written decision that determines, based upon the evidence presented, whether or not the action that gave rise to the appeal was for cause. The hearing officer shall not have any power to modify the action. The hearing officer's decision shall be rendered within fifteen (15) working days of the date of hearing.

Any appeal of the independent hearing officer's decision shall be subject to the provisions of Colorado Rules of Civil Procedures 106(a)(4).

Extensions of Time

The time limits for taking any action under this policy may be extended by written agreement between the City Administrator and the employee.

806 ADMINISTRATIVE LEAVE

There may be times when an incident involving an employee is under investigation. The Department Head and Human Resources may deem it appropriate during this investigation period that an employee be removed from the work environment and placed on paid administrative leave. This is not a punitive measure; it is taken in the employee's and/or the City's best interest. The employee will receive a letter regarding the administrative leave and the duration or anticipated duration.

An employee may be placed on an unpaid administrative leave if the employee has been charged with a crime in connection with their duties. The processes associated with 804 Pre-Disciplinary Hearing and 805 Post-Disciplinary Hearing will not apply. If the City proceeds with any employment action, normal processes will apply.

807 SUSPENSION

The Department Head, with the approval of Human Resources, may impose a suspension without pay. This punitive measure may be for a time period not to exceed 30 days in cases involving a severe infraction.

SEPARATION FROM WORK

901 RESIGNATIONS

If you choose to terminate your employment relationship with the City, we request that you provide a minimum of two weeks' notice, although this is not required. This notice should be in writing and turned in to your supervisor. When you resign, your last paycheck will be available on the next scheduled payday for pick-up or mailed to your last known address.

On or before your last day of work, all City property such as your identification card, uniforms, equipment, keys, cellular phones/radios and possibly insurance cards must be returned to your supervisor. Failure to return City property upon an employee's separation from the City will result in a cash deduction from the final paycheck in an amount determined by the City to be equivalent to the replacement cost of such City property.

Any paid leave time, such as vacation time, sick leave, floating holidays, compensatory time, personal time off (PTO) or other pay categories the City may adopt, may not be used to extend the last date of employment. Employee must work the last day of employment. Vacation, sick leave, floating holiday, compensatory time or PTO may not be requested after voluntary termination notice has been given. Full-time employees who are ending their employment with the City will be paid their accrued vacation balance, sick leave (if eligible, refer to policy 605 Sick Leave) and all remaining accrued compensatory time. Part-time employees will be paid any remaining PTO hours. After an employee has given notice, the employee will be paid for an upcoming holiday provided a full-time employee works at least three days after that designated holiday or a part-time employee works the designated holiday.

If an employee submits a letter of resignation and it is accepted by the City and subsequently the employee requests to rescind the letter of resignation before the last day of employment, it is up to the Department Head whether the employee will be allowed to withdraw the resignation letter and return to the position.

PROCEDURE

An employee's resignation letter should be addressed to the Supervisor or Department Head stating the last day of work and preferably the reason for leaving. The original letter will be placed in the employee's personnel file.

The last paycheck and any accrued leave payouts are issued on the next scheduled payday after the termination date. City property not returned, such as uniforms and/or equipment, are subject to deduction from the employee's final paycheck for replacement costs as determined by the City.

An employee's last day of work is considered to be the termination date and all benefits stop on that date, except medical, dental and vision coverage, which continue to the end of that month. Medical and/or dental and/or vision coverage and/or health FSA benefits (if applicable) may be extended at the employee's expense as explained in the COBRA instructions.

902 TERMINATIONS

Employees may be discharged from employment for various reasons. Terminated employees will be paid for all time worked, accrued vacation, compensatory leave or PTO.

903 LAYOFFS / REDUCTION-IN-FORCE

The City, in its discretion, will determine whether non-disciplinary, involuntary termination through a layoff or reduction-in-force is necessary as a result of lack of work, shortage of funds, curtailment of operations or programs, elimination of position or other circumstances in the City's best interests. In such cases, affected employees are given as much notice as practical. The City Administrator and Human Resources will determine the size and scope of the layoffs and reduction-in-force.

Several factors determine which employees will be affected, including but not limited to, the individual department's staffing needs, job performance of potentially affected employees, attendance record and length of employment with the City.

904 EXIT PROCESS

Upon the notification of their departure, all employees leaving the employment of the City will be provided with critical information regarding their benefits and other housekeeping requirements. Employees are typically requested to complete an exit interview with the Human Resources Department.

Most benefits will end on the last day of work or on the last day of the month. If your last workday is also the last day of the month, then your coverage will end that day.

ACKNOWLEDGEMENT OF RECEIPT

I HAVE RECEIVED A COPY OF OUR EMPLOYEE HANDBOOK DATED SEPTEMBER 19, 2020. I UNDERSTAND THAT THE HANDBOOK PROVIDES A SUMMARY OF THE CITY'S GUIDELINES AND ITS EXPECTATIONS REGARDING MY CONDUCT. I UNDERSTAND I AM TO BECOME FAMILIAR WITH ITS CONTENTS.

I UNDERSTAND THAT, EXCEPT AS MAY BE REQUIRED BY STATE LAW, MY EMPLOYMENT WITH THE CITY IS AT-WILL. THIS MEANS THAT NEITHER I NOR THE CITY IS COMMITTED TO AN EMPLOYMENT RELATIONSHIP FOR A SPECIFIC PERIOD OF TIME AND THE EMPLOYMENT RELATIONSHIP MAY BE TERMINATED BY ME OR THE CITY AT ANY TIME, FOR ANY REASON. THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS OF MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR ANY SPECIFIC DURATION.

I UNDERSTAND THAT NO REPRESENTATIVE THE CITY, OTHER THAN THE CITY ADMINISTRATOR, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND ANY SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE PRESIDENT/OWNER/EXECUTIVE DIRECTOR AND ME. WE HAVE NOT ENTERED INTO SUCH AN AGREEMENT.

FURTHER, I UNDERSTAND THAT THE CONTENTS OF THIS HANDBOOK ARE SUMMARY GUIDELINES FOR EMPLOYEES AND THEREFORE NOT ALL INCLUSIVE. THIS HANDBOOK SUPERSEDES ALL PREVIOUSLY ISSUED EDITIONS. No oral statements or representations can change the provisions of the handbook or ANY supplement. EXCEPT FOR THE AT-WILL NATURE OF EMPLOYMENT, THE CITY RESERVES THE RIGHT TO REVISE, DELETE, OR ADD TO ANY OR ALL OF THE GUIDELINES MENTIONED, ALONG WITH ANY OTHER PROCEDURES, PRACTICES, BENEFITS, OR OTHER PROGRAMS OF THE CITY OF FORT LUPTON. THESE CHANGES MAY OCCUR AT ANY TIME, WITH OR WITHOUT NOTICE.

I have read and understand the above statements.

Employee Signature

Date

Print name:



Thank You!

DRUG AND ALCOHOL POLICY

I. Purpose

The City of Fort Lupton (hereafter referred to as the City) is committed to a safe, healthy, and productive work environment for all employees free from the effects of substance abuse. Abuse of alcohol, drugs, and controlled substances impairs employee judgment, resulting in increased safety risks, injuries, and faulty decision-making.

II. Scope

This policy applies to all employees who are not subject to the City's DOT Drug Testing Policy. The type of testing is contingent upon whether the employee is considered safety sensitive. Safety sensitive employee is defined as any employee whose duties involve risk of injury or harm to the general public. All safety sensitive employees have been issued upon initiation of this policy or upon hire (whichever is later) a copy of the City policy, describing in detail what substances will be tested for and under what conditions employees will be tested.

III. Statement of Policy

To ensure a safe and productive work environment the City prohibits the use, sale, dispensation, manufacture, distribution or possession of alcohol, drugs or controlled substances on any company premises or worksites. This prohibition includes company owned vehicles, or personal vehicles being used for company business or parked on company property.

No employee shall report to work or be at work with alcohol or with any detectable amount of prohibited drugs in the employee's system. (A detectable amount refers to the standards generally used in workplace drug & alcohol testing).

Employee shall, when drugs are prescribed by a medical professional, inquire of the prescribing professional whether the drug prescribed has any side effects which may impair the employee's ability to safely perform the employee's job duties. If the answer from the medical professional is yes, the employee shall obtain a statement from the medical professional indicating any work restrictions and their duration. The employee shall present that statement to his or her supervisor prior to going on duty.

Illegal use of drugs off duty and off City premises or work sites is not acceptable. It can affect on-the-job performance and the confidence of the public in the City's ability to meet its responsibilities.

Any violation of this policy will result in disciplinary action up to and including termination.

IV. Categories of Employee Substance Testing

All employees will be subjected to the following Reasonable Suspicion Testing.

A. Reasonable Suspicion Testing:

Any employee may be asked to submit to tests for alcohol and/or illegal drugs when the employee is reasonably suspected of being impaired in the performance of his or her job.

1. Reasonable suspicion testing may result from one of the following examples, but is not limited to the following:
 - a. Specific, personal and articulable observations concerning the appearance, behavior, speech or performance of the employee; or
 - b. Violation of a safety rule, or other unsafe work incident which, after further investigation of the employee's behavior, leads the supervisor(s) /manager(s) to believe that the employee's functioning is impaired; or
 - c. Other physical, circumstantial, or contemporaneous indicators of impairment.
2. When a supervisor/manager has reasonable suspicion to request testing, the supervisor/manager will arrange to transport the employee to the collection site, and will arrange for the employee's transport home.
3. The employee will continue in a paid status pending the receipt of drug testing results by the City.

The following testing provisions apply only to employees and applicants for safety sensitive employment.

A. Pre-employment Testing:

1. All persons seeking safety sensitive employment with the City, (shall undergo post-offer, pre-employment drug testing. Applicants will be informed that, as a condition of employment, they must pass a drug-screening test.
2. Applicants who test positive will be notified that they have not met the standards for employment and of their right to request a re-test of the urine sample that can be reviewed by a medical review officer.

B. Random Testing:

Except on those work sites prohibited by state or local statute or ordinances, all safety sensitive employees will be subject to controlled substance and alcohol testing at any time

on a random basis, as a term and condition of continuing employment. The number of controlled substances tests conducted annually shall equal or exceed 50 percent of the number of driver positions subject to testing.

Random testing will be spread reasonably throughout the year and will be unannounced to ensure that no employee receives advanced knowledge of the time of testing. Employees will have an equal chance of being selected each time a random selection is made.

C. Post-Accident Testing:

All safety sensitive employees must submit to a drug and alcohol test after an on the job accident.

1. An accident for purposes of this policy is defined as an incident or occurrence in which:
 - (a) a person dies or requires medical treatment or
 - (b) property damage is estimated at greater than \$1500 or
 - (c) it involves use of a City vehicle or
 - (d) it involves an employee in a personal vehicle accident who as a regular condition of his/her employment is required to drive a non-City vehicle.
2. An employee who is involved in an accident must immediately report the accident to his or her supervisor or manager.
3. Whenever a supervisor/manager observes or is notified of an accident as defined in #1 above, the supervisor/manager will initiate drug and alcohol testing. The supervisor/manager will order the employee to submit to a urine and/or breath test. The supervisor/manager will arrange to transport the employee to the collection site and will arrange for the employee's transport home.
4. The employee will continue in a paid status pending the receipt of drug testing results by the City.

D. Return to Duty/Follow-up Testing

If the City elects to allow an employee to return to work following a positive test result, it is mandatory that the employee must first pass a drug test and subsequently submit to a program of unannounced testing for a period of not more than twelve (12) months from the date of return to duty.

VI. The kinds of substances tested for will include the following substances or their metabolites:

- A. Marijuana
- B. Cocaine
- C. Opioids
- D. Phencyclidine (PCP)
- E. Amphetamines
- F. Ecstasy
- G. Alcohol

VII. Inspection and Searches

The City may conduct unannounced inspection for violations of this policy in the workplace, worksites, or City premises. Employees are expected to cooperate in any inspection.

VIII. Voluntary Treatment

The City supports sound treatment efforts. Whenever practical, the City will assist employees in overcoming drug, alcohol, and other problems which may affect employee job performance, as long as this policy has not already been violated.

If an employee seeks treatment for drug or alcohol use, the employee may be eligible to go into a drug and/or alcohol treatment program either through City medical insurance program or the employee's own expense.

If the employee elects to enter an appropriate treatment program, the employee may be placed on unpaid status, but will be required to use any accrued vacation time and sick leave while participating in the evaluation and treatment program, so long as the employee is complying with the conditions of treatment. The employee may be eligible for short-term disability and can apply for that benefit if they wish to do so. The City will have the right to require verification from the health care provider for a release to work and/or verification of treatment as covered in the City's medical leave policies. More information regarding availability of treatment resources and possible insurance coverage for treatment services is available from the Human Resources Department.

IX. Safeguards/Confidentiality

The drug screen analysis is accomplished through split sample urinalysis testing. Alcohol testing may be through breath testing. Samples will be collected in a sanitary environment designed to maximize employee's privacy while minimizing the possibility of sample tampering. If there is a positive drug and/or alcohol result on the initial screening test, the laboratory or blood alcohol technician will automatically do a second test to confirm the results. The second drug test will be performed using gas chromatography/mass spectrometry or other scientifically accepted method. A positive breath alcohol test will be confirmed by a second breath test.

All drug tests are performed by a government-certified outside laboratory. All government-certified outside laboratories strictly follow chain of custody guidelines to ensure the integrity of the testing process. The City shall use a Medical Review Officer (MRO) who will receive the laboratory results of the testing procedure. The MRO shall be a licensed physician and have knowledge of substance abuse disorders and the appropriate medical training to evaluate positive results, medical histories, and any other relevant biomedical information. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.

If the results of the initial test are negative, the testing laboratory will report the results to the MRO retained by the City. The MRO or the testing laboratory reports the negative results to the City. In this instance, no additional tests on the specimen will be done.

If the results of the initial test are positive, that is, if the results exceed the permitted levels for any of the six drugs tested or if the blood alcohol test comes back positive, a second confirmatory test shall be performed. The employee is prohibited from performing any duties if the initial test is positive, and while the confirmatory testing is being performed. Only specimens that are confirmed positive on the second (confirmatory) test are reported positive to the MRO for review and analysis. The MRO will contact the employee personally, in the case of a positive test result. The MRO has the responsibility of reporting to the City whether the test results are positive or negative.

An applicant or employee who does not pass a drug test may request that the original sample be analyzed again at the individual's expense by a government certified laboratory. All requests for an independent analysis must be made in writing within 72 hours of notification of a confirmed positive test result. In the event the drug and/or alcohol test results are not achieved due to a diluted sample, the applicant will be required to re-test.

Each applicant or employee will have an opportunity to discuss the drug and/or alcohol test with a Medical Review Officer in a confidential setting. Each applicant or employee upon his or her request may be provided with a written copy of the positive test result, upon written request. Upon written request within seven days of taking the test, an employee may access records relating to his drug and/or alcohol test.

X. Disciplinary Action

A. Testing Positive

Employees who test positive for drugs or alcohol are in violation of this policy. An employee who tests positive for marijuana is in violation of the City's drug policy, even if the employee is exempt from criminal prosecution under Colorado's medical marijuana laws or is using marijuana recreationally in conformity with Colorado's Amendment 64.

Be advised that a positive drug test for marijuana constitutes a violation of the City's drug and alcohol policy and may lead to your termination. For more information, please speak

with Human Resources.

B. Refusal to comply

Employees who refuse required testing are in violation of this policy.

C. Interference with testing

Employees who adulterate, tamper with or otherwise interfere with accurate testing are in violation of this policy.

D. Any employee, who has been observed using or possessing illegal drugs or alcohol during work time, including lunch breaks, or on City premises is in violation of this policy.

XI. At Will Employment

Nothing in this policy is to be construed to prohibit the City from maintaining a safe and secure work environment or to limit its right to impose disciplinary actions as it may deem appropriate for reasons of misconduct or poor performance, regardless of whether the misconduct or poor performance arises out of the use of alcohol or drugs. Such disciplinary actions may include termination of employment. Employment is at-will and subject to termination by the City or the employee at any time, with or without notice and with or without cause.

ACKNOWLEDGMENT

I have received a copy of the City of Fort Lupton's Drug and Alcohol Policy and understand that in order to continue my employment with this employer I must abide by the terms of the policy. I agree to notify the employer of any drug violation occurring in the workplace.

I UNDERSTAND THAT THIS POLICY IN NO WAY MODIFIES MY STATUS AS AN AT-WILL-EMPLOYEE AND IN NO WAY IMPLIES, INFERS, OR GUARANTEES MY CONTINUED EMPLOYMENT FOR ANY DEFINITE TERM AND THAT I MAY BE DISMISSED AT THE DISCRETION OF THE CITY FOR OTHER REASONS THAN FAILING TO FOLLOW THE TERMS OF THIS POLICY.

Employee

Date

DRUG AND ALCOHOL POLICY FOR CDL HOLDERS

I. Purpose

The City of Fort Lupton (hereafter referred to as the City) is committed to a safe, healthy and productive work environment for all employees free from the effects of substance abuse. The use of controlled substances (as herein defined) or alcohol may pose a serious threat to health and safety by impairing employee judgment, resulting in increased safety risks, injuries, and faulty decision-making.

The use of controlled substances or the misuse of alcohol increases the risk of accidents, jeopardizes the safe work environment, and causes harm to an individual's health and personal life. The purpose of this policy is to establish procedures to support a safety and health program and to comply with minimum federal safety standards for safety-sensitive functions regulated by the Department of Transportation (DOT). These standards were designed to reduce accidents that result from Employee use of controlled substances and alcohol.

II. Scope

This policy applies to all drivers who are required to hold a commercial driver's license (CDL) in order to perform their job for the City. For purposes of this policy, a driver is covered by DOT regulations as those regulations relate to the driver's fitness-for-duty and use of alcohol prior to going on duty, while on duty, or while operating or having physical control of a commercial motor vehicle. DOT testing for controlled substances under this policy requires that drivers abstain from the use of controlled substances at any time or risk violating DOT regulations prohibiting the presence of controlled substances in their body. For purposes of this policy, the term "controlled substances" means marijuana, cocaine, amphetamines (including 3,4-Methylenedioxyamphetamine (MDA)), opioids, and phencyclidine (PCP).

Under this policy performing a safety-sensitive function means all of the time after a driver begins to work or is required to be ready to work until the time the driver is relieved from work and all responsibility for performing work. Safety-sensitive functions include: (1) All time at the City, City facilities, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City; (2) All time inspecting equipment as required by the law or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; (3) All time spent at the driving controls of a commercial motor vehicle in operation; (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth; (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

When a driver must take prescription or over-the counter drugs, the driver must ask the medical professional or pharmacist if the drug has any side effects which may impair the driver's ability to safely or productively perform the driver's job duties. If there is the potential impairment of the driver's ability to work safely or productively, the driver must report this information to the supervisor. With input from the driver, the City will determine if the driver should work in his regular job, be temporarily assigned to another job or placed off-work.

III. Statement of Policy

1. No driver shall unlawfully manufacture, use, possess, or distribute controlled substances.
2. No driver shall report for work, perform any safety-sensitive functions or, while in the employ of the City, have at any time, any controlled substance present in their body. Presence of controlled substances will be determined by testing performed as described in this policy.
3. No driver shall perform safety-sensitive functions within 4 hours after consuming alcohol.
4. No driver shall consume alcohol while performing safety-sensitive functions.
5. No driver shall possess alcohol while on duty.
6. No driver shall report to work or perform safety-sensitive functions while having an alcohol concentration of 0.02 or greater. Drivers' alcohol concentration will be determined by testing performed as described in this policy.
7. No driver shall leave the scene of an accident, without a valid reason, before arranging to have both a controlled substance and alcohol test performed.
8. No driver shall consume alcohol after an accident unless eight hours have elapsed, the Driver has been tested or the City has determined that the driver's performance could not have contributed to the accident, whichever occurs first.
9. No driver shall refuse to take a required test.

IV. Consequences of Violation under City Policy

Any violation of this policy will result in discipline up to and including termination under the City's independent authority, as provided for by the DOT.

A driver who tests positive for marijuana is in violation of the City's drug policy, even if the driver is exempt from criminal prosecution under a state medical marijuana law or is using marijuana recreationally in conformity with a state law. Be advised that a positive drug test for marijuana constitutes a violation of the City's drug and alcohol policy and may lead to your termination. For more information, please speak with Human Resources.

Drivers who adulterate or otherwise interfere with accurate testing required pursuant to this policy are in violation of this policy.

Any driver who has been observed using or possessing controlled substances or alcohol during work time, including lunch breaks, or on City premises is in violation of this policy.

The City will not hire applicants who test positive for controlled substances.

The City will provide to any driver who violates a DOT drug and alcohol regulation a listing of Substance Abuse Professionals readily available to the Driver.

V. Minimum Consequences of Violation as Mandated by D.O.T.

If a driver tests positive for a controlled substance or has an alcohol concentration of 0.02 or greater, the driver will be removed from safety-sensitive functions.

To be eligible to return to work after testing at an alcohol concentration of 0.02 to 0.039, the driver must be off-duty for at least 24 hours. Pursuant to the City's independent authority, Drivers testing between 0.02 and 0.039 may be subjected to disciplinary action up to and including termination.

To be eligible to return to work after a positive controlled substance test or test indicating an alcohol concentration of 0.04 or greater, the driver must be evaluated by a Substance Abuse Professional (SAP). If the SAP determines that additional treatment is necessary, the driver must complete such treatment. In addition, the driver will be subject to follow-up testing.

The above consequences are minimum requirements as set out by the D.O.T. Compliance with the above does not guarantee a driver will be returned to work following a violation of this policy. Drivers will be subject to disciplinary action up to and including termination for violation of this policy, regardless of eligibility to return to work under the DOT regulations.

Before a driver returns to duty requiring the performance of a safety-sensitive function after violating the alcohol or controlled substance provisions outlined by DOT, the driver shall undergo a return-to-duty test with a result indicating a verified negative result.

VI. Substance Screening

For the purpose of assuring compliance with the Federal Department of Transportation regulations and this policy, applicants for safety-sensitive positions and drivers who perform safety-sensitive functions will be subject to controlled substance and alcohol screening under the circumstances described below. Applicants and drivers are required to submit to testing in the following circumstances as a condition of their employment.

VII. Types of Testing

Pre-employment Testing

Applicants for driving-related positions shall undergo a test for the presence of controlled substances prior to being hired or used by the City. Under no circumstances may a driver perform a safety-sensitive function until a confirmed negative result is received.

Applicants who refuse to submit to testing will not be hired.

Testing for Current Drivers

1. Post-Accident Testing

Any driver involved in an accident in which a fatality occurs must immediately submit to a controlled substance test and an alcohol test. Any driver who receives a citation for a moving traffic violation must immediately submit to a controlled substance test and an alcohol test if, (a) the accident results in a fatality, or bodily injury to a person who must immediately receive medical treatment away from the scene, or (b) one or more of the vehicles involved is towed from the scene. Testing will also be required if a citation is not issued and above conditions apply.

A driver will not be allowed to return to work until a confirmed negative test result is received. The City will place the driver on administrative leave pending receipt of the of drug testing results.

2. Reasonable Suspicion Testing

A driver will be required to submit to controlled substance or alcohol test upon reasonable suspicion. Reasonable suspicion means that the actions, appearance or conduct of the driver on duty are indicative of the use and/or presence in the driver's body of a controlled substance or alcohol. Reasonable suspicion is based on specific, contemporaneous, articulable observations concerning the appearance behavior, speech or body odors of the driver.

A driver will not be allowed to return to work until a confirmed negative test result is received. The City will place the driver on administrative leave pending the receipt of drug testing results.

3. Random Testing

Drivers will be subject to controlled substance testing and alcohol testing at any time on a random basis as a term and condition of holding a driver position. Upon being notified of selection, the driver must immediately proceed to the testing site.

Random testing will be spread reasonably throughout the year and will be unannounced to

ensure that no driver receives advanced knowledge of the time of testing. All drivers will have an equal chance of being selected each time a random selection is made.

The number of controlled substances tests conducted annually shall equal or exceed 25 percent of the number of driver positions subject to testing.

The number of alcohol tests conducted annually shall equal or exceed 10 percent of the number of driver positions subject to testing.

A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

4. Follow-Up and Return to Duty

Any driver who has been required to or voluntarily undergoes rehabilitation for substance abuse must submit to a drug test and receive a confirmed negative test result and an alcohol test (with a result of less than 0.02) before returning to work. In addition, the driver will be subject to follow-up testing in accordance with the recommendations of the Substance Abuse Professional.

VIII. Testing Procedures

1. Controlled Substances

Controlled substance screening shall be conducted in a laboratory certified by the Department of Health and Human Services (DHHS) and in accordance with the Procedures for Transportation Workplace Drug Testing Programs. All controlled substance screening includes split sampling which provides that a urine sample be split into two separate containers.

Precautions shall be taken to ensure that the specimen is not adulterated or diluted during the collection procedure and that the information on the sample matches the information on the custody and control form.

Dilute test results will be treated as follows:

- Dilute positives are treated as a verified positive test;
- Dilute negatives with the creatinine concentration equal to or greater than 2 mg/dL but less than or equal to 5 mg/dL will be retested under direct observation. A second dilute negative result will be treated as a negative test result;
- Dilute negatives with the creatinine concentration greater than 5 mg/dL will be retested. A second dilute negative result will be treated as a negative test result unless the MRO directs the City to retest under direct observation.

The substance screen will test for the following drugs: marijuana, cocaine, opioids,

amphetamines, phencyclidine (PCP) and ecstasy.

Any positive initial test will be confirmed by a gas chromatography/mass spectrometry (GC/MS) test.

The City shall employ a Medical Review Officer (MRO) who will receive the laboratory results of the testing procedure. The MRO shall be a licensed physician and have knowledge of substance abuse disorders and appropriate medical training to evaluate positive test results, medical history, and any other relevant biomedical information. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.

The MRO shall also review all specimens which are found to be adulterated or substituted specimens. In the instances of an adulterated or substituted specimen, the MRO will provide the driver an opportunity to present a legitimate medical explanation. If no legitimate medical explanation is provided, the MRO will report the verified adulterated or substituted specimen to the City. The City will consider the verified adulterated or substituted specimen as a refusal to test and immediately remove the driver from performing safety-sensitive functions. The driver may then be subjected to the disciplinary action under the City's independent authority.

The MRO will be the sole custodian of the individual test results. The Medical Review Officer will advise the City only of whether the test results were negative or positive.

After receiving notification of a verified positive test, an adulterated or substituted specimen, a driver may request that the split sample be analyzed. Such a request must be made within 72 hours of notification of the verified positive test. If such a request is made, the sample will be tested at another DHHS certified laboratory, at the driver's expense. Upon written request within 7 days of a verified positive test, the driver may obtain copies of any records pertaining to his or her controlled substance tests.

2. Alcohol Testing

Alcohol testing shall be conducted by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT). The driver will provide a breath sample. If a driver's alcohol concentration is greater than 0.02, a second, confirmation test will be performed.

IX. Refusal to Submit to Testing

This provision regarding the refusal to submit to testing excludes applicants for employment. Refusal to submit to testing is a violation of this policy. Any Driver refusing to submit to testing will be referred to a Substance Abuse Professional and will face appropriate disciplinary action. The following behaviors constitute a refusal:

Refusal to submit is defined as:

- a. refusal to appear for testing,
- b. failure to remain at the testing site until the testing process is complete,
- c. failure to provide a urine specimen,
- d. in instances of observed or monitored collection, failure to allow observation or monitoring,
- e. refusal to sign the testing form,
- f. failure to provide adequate breath,
- g. failure to take a second test as directed,
- h. otherwise fail to cooperate in the testing process,
- i. perform any actions which prevent the completion of the test,
- j. a test result reported by the MRO as a verified adulterated or substituted test,
- k. inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation,
- l. failure to undergo a medical examination or evaluation when directed,
- m. tampering with, attempting to adulterate, adulteration or substitution of the specimen, or interference with the collection procedure,
- n. not reporting to the collection site in the time allotted,
- o. leaving the scene of an accident without a valid reason before the tests have been conducted.

X. Voluntary Driver Self-Identification Program

The City supports sound treatment efforts. Whenever practical, the City will assist drivers in overcoming drug and alcohol problems as long as this policy has not already been violated. A driver may not self-identify in order to avoid required testing. The following is required to participate in this voluntary program: the driver makes the admission of alcohol misuse or controlled substances use **prior** to reporting to duty to perform a safety-sensitive function and the driver does not perform a safety-sensitive function until the City is satisfied that the driver has been evaluated and has successfully completed education or treatment requirements.

Drivers who seek voluntary treatment prior to a violation of this policy will not be disciplined for making a voluntary admission of alcohol misuse or controlled substances use within the parameters of the program. The driver will be allowed a sufficient opportunity to seek evaluation, education or treatment to establish control over the driver's drug or alcohol problem. Drivers who seek voluntary assistance will be returned to safety-sensitive duties only upon successful completion of an educational or treatment program as determined by a drug and alcohol abuse evaluation expert. Prior to the driver participating in a safety-sensitive function, the driver shall undergo a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or controlled substance test with a verified negative test. In addition, the City may monitor any driver who voluntarily reports under this provision by conducting unannounced follow-up testing not to exceed 60 months following the driver's return to work.

If the Driver elects to enter an appropriate treatment program, the Driver may be placed on unpaid status but will be required to use any accrued vacation time and sick leave while participating in the evaluation and treatment program so long as the Driver is complying with the

conditions of treatment. The driver may be eligible for short-term disability and can apply for that benefit if they wish to do so. The City will have the right to require verification from the health care provider for a release to work and/or verification of treatment as covered in the City's medical leave policies. More information regarding availability of treatment resources and possible insurance coverage for treatment services is available from the Human Resources Department.

XI. City Representative

Please contact the Human Resources Department if you have any questions about this policy or wish to discuss issues related to the use of controlled substances or the misuse of alcohol.

XII. Inspection and Searches

The City may conduct unannounced inspection for violations of this policy in the workplace, worksites, or City premises. Drivers are expected to cooperate in any inspection.

XIII. At Will Employment

Nothing in this policy is to be construed to prohibit the City from maintaining a safe and secure work environment or to limit its right to impose disciplinary action as it may deem appropriate for reasons of misconduct or poor performance, regardless of whether the misconduct or poor performance arises from the use of alcohol or drugs. Such disciplinary actions may include termination of employment. Employment is at-will and subject to termination by the City or the employee at any time, with or without notice and with or without cause.

ACKNOWLEDGMENT

I have received a copy of the City of Fort Lupton's D.O.T. Drug Testing Policy and understand that in order to continue my employment with the City of Fort Lupton, I must abide by the terms of this policy.

I also verify that I have received information on the effects of alcohol and controlled substances on my health, work and personal life, signs and symptoms of a problem and available methods of intervening when a problem is suspected.

I UNDERSTAND THAT THIS POLICY IN NO WAY MODIFIES MY STATUS AS AN AT-WILL-EMPLOYEE AND IN NO WAY IMPLIES, INFERS, OR GUARANTEES MY CONTINUED EMPLOYMENT FOR ANY DEFINITE TERM AND THAT I MAY BE DISMISSED AT THE DISCRETION OF THE CITY FOR OTHER REASONS THAN FAILING TO FOLLOW THE TERMS OF THIS POLICY.

Employee

Date

Remote Working Guidelines

Employee Information

Name: _____ Hire date: _____

Job title: _____

Department: _____

FLSA status: ☐ Exempt ☐ Nonexempt

Working remotely is a privilege and not a right. No employee is entitled to, or guaranteed the opportunity to work remotely. The remote working privilege may be terminated at any time with or without cause.

Remote working is subject to the following conditions:

Work rules

- The daily work schedule for remote working is determined by the employee's manager. The manager may require that employee work certain "core hours" and be accessible by telephone during those hours. Core hours are generally 8:00 am to 5:00 pm.
- Nonexempt employees will
 - Record all hours worked and meal periods in accordance with regular timekeeping practices and
 - Obtain supervisor approval prior to working unscheduled overtime hours.
- The employee will report to the employer's work location as necessary upon directive from his or her supervisor.
- The employee will communicate regularly with his or her supervisor and co-workers. Reporting on work activities will be required.
- The employee will maintain satisfactory performance standards.

Working Arrangements and Expectations

- The employee will maintain a safe and secure work environment at all times.
- The employee will report work-related injuries to his or her manager as soon as practicable.
- The remote workstation should be set up in an area free of distractions and interrupting noise.
- The employee will make arrangements for regular dependent care and understands that telecommuting is not a substitute for dependent care. In extraordinary circumstances, exceptions may be made for employees with caregiving responsibilities.
- The employee will allow the City to have access to the remote work location for purposes of assessing safety and security, upon reasonable notice by the City.
- Equipment and files should only be accessible to the employee and safeguarded from access by other members of the household and visitors. The employee agrees that management will have access at a reasonable time frame, to equipment and any paper records kept at an employee's home.
- The employee understands that the employee remains liable for injuries to third persons and/or members of employee's family on employee's premises.

- Employees are advised not to release their home address and telephone number to clients or third parties. Employees are strongly advised to never meet volunteers, clients, or customers at home.
- On days designated as working remotely days, the home address becomes the working location. If ancillary appointments require the employee to travel to a client, the travel would be reimbursable under City expense guidelines.
- On days when the employee works in the office, travel time/distance is not considered a business expense. The office is the working location and commuter mileage is not eligible for expense reimbursement.

Equipment and technology

- The employee is expected to provide their own furniture, heating, lighting, etc., The City will cover the costs of consumables – paper, stationery, office supplies, etc. The City is not responsible for providing ancillary equipment.
- Unless stated otherwise in these guidelines, the employee must provide connectivity to the Internet.
- Any equipment provided by the City for the purposes of working remotely, for example, a laptop computer, will be inspected and maintained by the City. The employee is required to take reasonable care of all equipment, to keep it secure and to use it in accordance with operating instructions, and IT policies. Laptops are insured while in suitable secured premises or on the person. They may not be insured when left unattended in vehicles.
- The employee agrees to comply with the City's policies and expectations regarding information security. The employee agrees to protect City tools and resources from theft or damage and to report theft or damage to his or her manager immediately.
- Employees are advised that working from home may affect the provisions of any home contents insurance and are advised to inform their insurers prior to commencing working from home.
- No one other than the employee is permitted to access City information or use City equipment.
- The employee will not make any changes to security or administrative settings on City equipment.
- The employee agrees to follow IT direction on any required maintenance or repair, which may require the employee to turn in the equipment temporarily.
- The employee understands that all tools and resources provided by the City shall remain the property of the City at all times.

Miscellaneous

- The employee shall fully cooperate with any investigation required by a state or federal agency or the City's insurance carrier even if cooperation requires home inspection by the agency or insurance carrier.
- It is the employee's responsibility to determine any income tax implications of maintaining a home office area. The City will not provide tax guidance nor will the City assume any additional tax liabilities. Employees are encouraged to consult with a qualified tax professional to discuss income tax implications.

The employee shall defend, indemnify and hold harmless the City, its affiliates, employees, contractors and agents, from and against any and all claims, demands or liability (including any related losses, costs, expenses, and attorney fees) resulting from, or arising in connection with, any injury to persons (including death) or damage to property caused, directly or indirectly, by the services provided herein by Employee or by Employee's willful misconduct, negligent acts or omissions in the performance of the Employee's duties

and obligations under these guidelines, except where such claims, demands, or liability arise solely from the gross negligence or willful misconduct of the City.

The employee understands that all terms and conditions of employment with the City remain unchanged, except those specifically addressed in these guidelines. The employee understands that management retains the right to modify these guidelines on a temporary or permanent basis for any reason at any time. The employee shall return City equipment and documents prior to or immediately upon separation employment.

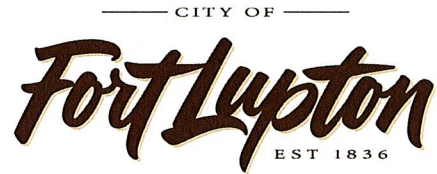
Employment with the City of Fort Lupton is at-will. Either the employee or the City has the right to terminate the employment relationship at any time, for any reason. The language used in these guidelines are not intended to constitute a contract of employment, either express or implied, nor is there a guarantee of employment for any specific duration.

Employee signature: _____ Date: _____

Manager signature: _____ Date: _____

Human Resources signature: _____ Date: _____

CITY OF FORT LUPTON CITY COUNCIL



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

Zo Stieber, Mayor

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

IM 2020-003

A “YES” VOTE TO THE U.S. 85 ACCESS CONTROL PLAN AMENDMENT REQUEST FOR CLOSURE OF ROADWAY ACCESS POINT WCR 78 AND MODIFICATION OF HWY85/O STREET.

I. **Agenda Date:** Council Meeting – Sept 1, 2020

II. **Attachments:**

- a. 2 Letters from CDOT regarding the amendment request.
- b. 3 Maps and images showing the proposed amendments.

III. **Issue/Request:**

The Colorado Department of Transportation (CDOT) has asked for a municipality vote on two separate amendments to the U.S. 85 Access Control Plan adopted in February 2000. The proposed amendments are for intersection improvements or closure of the following County or City roadway access points onto Highway 85: US85/O Street improvements and WCR 78 closure. There are maps and images attached to this Information Memorandum for your reference. The proposed amendment will align the U.S. 85 Access Control Plan with the visioning of the 85 PEL document (accepted by City Council on June 21, 2017), and ongoing Union Pacific corridor agreement.

A “no response” vote to these amendments is considered a “no” vote, and a 2/3rds majority is required for the amendment to pass. Fort Lupton’s decision on the amendment must be submitted to CDOT by email within thirty days of the August 14, 2020.

IV. **Legal/Political Considerations:**

The Mayor’s vote in favor of the proposed amendments to the U.S. 85 Access Control Plan reflects the City’s support of the changes.

V. **Financial Considerations:**

None at this time.

VI. **Staff Recommendation:**

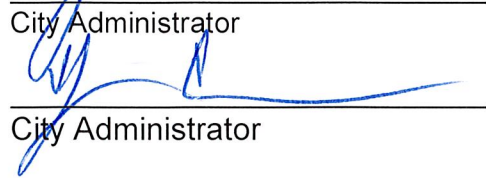
Staff has no recommendation.

VIII. **Submitted by:**



City Administrator

IX. **Approved for Presentation:**



City Administrator



COLORADO

Department of Transportation

Region 4

Regional Director's Office
10601 10th Street
Greeley, CO 80634

August 10, 2020

Dear US 85 ACP Committee Members,

Re: US 85 Access Control Plan Amendment Request

The Colorado Department of Transportation (CDOT) is requesting an amendment to the US 85 Access Control Plan (ACP) adopted in February 2000, to shift the current intersection of US 85 and O Street (Weld County Road 64) southeast of the existing intersection approximately 3,000 feet. The ACP recommends grade separation at the existing alignment. After investigating this alternative, CDOT concludes that grade separation at the existing location causes substantial right-of-way impacts to local business owners and limits access to US 85 for the surrounding street system. To mitigate these impacts, CDOT is recommending relocation of the existing access and maintenance of the current level of access (three-quarters, excluding a left turn on to southbound US 85).

Per the US 85 Access Control Plan amendment process, CDOT believes this request meets the established criteria for approval.

Description of the access modification plan, including justifications:

The requested amendment is to alter the US 85 ACP at the O Street intersection to maintain access on to US 85 from the development on the east side of the highway. CDOT will physically change this access by building a new intersection approximately 3,000 feet southeast of the current intersection and constructing a connecting spur to existing O Street.

Closure of the existing intersection of O Street and US 85 was included in the right-of-way (ROW) Purchase and Sale Agreement between CDOT and Union Pacific Railroad (UPRR). The goal of the Purchase and Sale Agreement is to maintain access to and mobility along US 85 by obtaining ownership of the portions of US 85 currently within UPRR ROW. Absent this agreement, CDOT would be forced to relocate large sections of US 85 off of UPRR ROW, and would not be able to guarantee reconnection of intersecting local roads.

The preliminary schedule includes construction of the new intersection and access in 2021 and closure of the existing access when construction is complete.



Justification for the Amendment:

Amending the US 85 Access Control Plan is justified for the following reasons:

- The proposed location results in fewer impacts to the adjacent landowners.
- The proposed location increases safety at the intersection.
- The proposed location maintains the current level of access.
- The proposed closure of the existing intersection fulfills a portion of CDOT's obligations under the Purchase and Sale Agreement with UPRR.

Supporting traffic analysis and list of design waivers

CDOT prepared a traffic study to assess the safety and impact of the proposed intersection. This study suggested that the current traffic volume would be accommodated at the proposed intersection location while maintaining an acceptable level of service. Furthermore, the proposed site provides improved sight distance and will, therefore, increase the safety of the intersection. Of note, the traffic analysis mentions a potential "Phase 2" improvement to avoid signalization should the proposed intersection not meet level of service requirements. Based on the analysis, this Phase 2 will likely not occur in the foreseeable future.

We look forward to working with our local municipality partners to approve this request consistent with the amendment criteria. Please reach out to Tim Bilobran at (970) 350-2163 for any questions or additional information requests.

Sincerely,

Heather Paddock, P.E.
Region 4 Transportation Director

CH:mbc

cc: R. Christy
L. Keen
C. Hall
T. Bilobran
File





COLORADO

Department of Transportation

Region 4

Regional Director's Office
10601 10th Street
Greeley, CO 80634

August 10, 2020

Dear US 85 ACP TAC Committee Members,

Re: US 85 Access Control Plan Amendment Request

The Colorado Department of Transportation (CDOT) is requesting an amendment to the US 85 Access Control Plan adopted in February 2000, to allow for the closure of Weld County Road (WCR) 78 east of US 85. Per the US 85 Access Control Plan amendment process, CDOT believes this request meets the established criteria for approval.

Description of the access modification plan, including justifications:

The requested amendment is to close WCR 78 east of US 85. Presently, the Access Control Plan calls for “improvements to the auxiliary lanes, as appropriate” and does not recommend closure.

Closure of the existing intersection of WCR 78 and US 85 was included in the right-of-way (ROW) Purchase and Sale Agreement between CDOT and Union Pacific Railroad (UPRR). The goal of the Purchase and Sale Agreement is to maintain access to and mobility along US 85 by obtaining ownership of the portions of US 85 currently within UPRR ROW. Absent this agreement, CDOT would be forced to relocate large sections of US 85 off of UPRR ROW, and would not be able to guarantee reconnection of intersecting local roads.

Justification for the Amendment:

Amending the US 85 Access Control Plan is justified for the following reasons:

- The proposed closure of the existing intersection fulfills a portion of CDOT's obligations under the Purchase and Sale Agreement with UPRR.
- The Purchase and Sale Agreement is necessary to ensure corridor mobility and accessibility into the future.

Supporting traffic analysis and list of design waivers

No design waivers are required for this proposal.



We look forward to working with our local municipality partners to approve this request consistent with the amendment criteria. Please reach out to Tim Bilobran at (970) 350-2163 for any questions or additional information requests.

Sincerely,

Heather Paddock, P.E.
Region 4 Transportation Director

CH:mbc

cc: R. Christy
L. Keen
C. Hall
T. Bilobran
File





COLORADO
Department of Transportation
Region 4

10601 10th Street
Greeley, CO 80634-9000

October 30, 2019

TO: Louis Keen, Chad Hall, Katrina Klobberdanz

FROM: Mark Connelly

RE: US 85 at O Street Improvements Proposal – Preliminary Investigation

It was requested that Region 4 Traffic investigate, at a high level, the traffic operations and life-cycle of a relocated intersection from US85/O Street to US85 at approximately MP 269.68.



Figure 1 - Project Location

It was desired to see if the new intersection could be in place for at least 10 years before requiring grade separation (a proposed phase 2 of construction) of the northbound US85 roadway. The proposed configuration of the new intersection would be almost exactly the same

as the one at O Street currently: a $\frac{3}{4}$ movement intersection with a SB left-in and right-in-right-out access only for the northbound traffic.

SAFETY

The US85 PEL was completed in 2017. Crash analysis was completed for this intersection in the PEL based on data for the five-year period, January 1, 2008 through December 31, 2012. During the five-year study period, there were seven crashes, five were property damage only and two resulted in injuries. The PEL evaluation concluded that there were no significant crash types at the intersection and no suggestions for improvements.

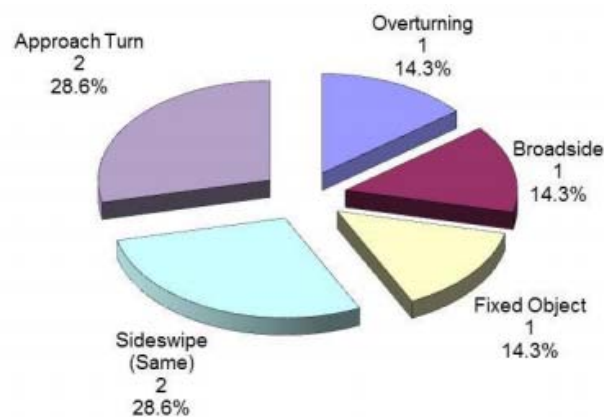


Figure 2 - Figure 180 From US85 PEL

Subsequently, crash data has been updated through 2018. Intersection and intersection related crashes were pulled from the database for this location based on data for the most recent five-year period from January 1, 2014 through December 31, 2018. During this five-year study period, there were eleven crashes, eight were property damage only and three resulted in injuries. There were no fatalities.

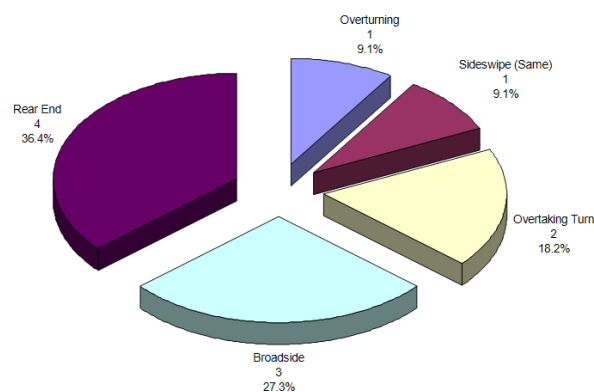


Figure 3 - Current 5-year Crash History at O Street

While the number of more severe broadside crashes (3) has increased to approximately a quarter of total crashes at this location, no definite patterns can be established as the numbers of individual crash types is still relatively small. Safety Performance Function (SPF) values are LOSS IV for total crashes, and LOSS III for fatal and injury type crashes, indicating high and moderate to high potential for crash reduction.

Some typical mitigating measures for broadside type crashes are to increase sight distances and reduce approach speeds. The three broadside crashes at O Street are all WB vehicles pulling out in front of NB US85 vehicles. These movements are prohibited at the $\frac{3}{4}$ movement intersection, but there is incentive to do this to be able to shortcut to 8th Ave.

Assuming similar configuration and volumes, an intersection at MP 269.68 would presumably have a similar crash experience. Relocation of the O Street intersection to MP 269.68 would however, improve sight distances for SB turning traffic against NB vehicles and place the intersection in a 55 MPH zone instead of 65 MPH; though, currently there is disagreement between records and field conditions as to the exact location of this speed zone. Due to the improved sight distance and reduced speeds, it is expected that crash types influenced by these factors could be improved at the new location. Incentive for illegal left-out maneuvers would be reduced as there is no access to 8th Ave., and the US85 SB on-ramp would still be accessible.

Operations

For this analysis, it was assumed that with the closure of US85\O St., SB left turns and NB and WB right turns would move to the new intersection location. Actual NB volumes at MP 269.68 would likely be less than what was counted for the PEL due to the addition of 8th Ave. traffic, which would not be at the new location. Southbound volumes not accounted for at O St. would be inconsequential to the analysis of the new $\frac{3}{4}$ movement intersection due to the lack of NB or WB left turns. A minimum 10-year design horizon was assumed (2030), so turning movement counts from the PEL obtained in May 2014 were projected to 2030 by 2% over 16 years (1.372 factor).

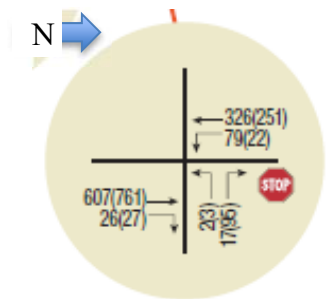


Figure 4- PEL 2014 Counts

Synchro was used to calculate delay and LOS for this scenario using the HCS 2010 methodology. Assuming unsignalized operation of the intersection, 10% trucks, and a 0.92 PHF, the 2030 LOS and queue estimates for the new road intersection are as shown:

Table 1- 2030 LOS

2030 Est. Vols.	HCS 2010 TWSC LOS					
	SB			WB		
	LT	TH	RT	LT	TH	RT
AM LOS	B	-	-	-	-	B
AM Queue	0.6	-	-	-	-	0.2
PM LOS	B	-	-	-	-	C
PM Queue	0.2	-	-	-	-	1.3

Queue is 95th percentile in number of vehicles at 25'/veh

If we want to consider a twenty year design life for the intersection, again assuming a 2% growth rate to 2040, the growth factor would be approximately 1.673. Testing this in Synchro using the HCS 2010 methodology and assuming the same parameters as previously, queuing and LOS are:

Table 2- 2040 LOS

2040 Est. Vols.	HCS 2010 TWSC LOS					
	SB			WB		
	LT	TH	RT	LT	TH	RT
AM LOS	B	-	-	-	-	B
AM Queue	1.0	-	-	-	-	0.3
PM LOS	B	-	-	-	-	C
PM Queue	0.4	-	-	-	-	2.4

Queue is 95th percentile in number of vehicles at 25'/veh

Another operational consideration is the weaving area between the new WB to NB right turn and the existing N. 6th Avenue (NB) off-ramp. The distance between the new road and the off-ramp is estimated to be approximately 1300 feet. Assuming 300' long entrance and exit gore channelizing markings, the short distance (HCM-LS) is estimated conservatively to be 700'.

The Highway Capacity Manual Software (HCS 7) was used to evaluate the operational LOS of the weaving area between these two points. Volumes developed for the previous Synchro-HCS analysis were used in the the weave area analysis. As no volume data was available for the off ramp to N. 6th Ave, an assumed ramp volume of 100 vph was used.

Table 3 – HCS 7 Weaving Area Measures

HCS 7 Weaving Area LOS/Speed/Queue	Units	NB Weave Area MOEs	
		2030	2040
AM LOS	-	A	A
Weaving Speed	MPH	49.0	48.2
AM Density	pc\mi\ln	8.7	10.8
PM LOS	-	A	B
Weaving Speed	MPH	47.5	46.6
PM Density	pc\mi\ln	11.8	14.7

Summary

Safety operation of a $\frac{3}{4}$ movement at the new road, while not explicitly evaluated, should be slightly improved over current conditions based on presumed geometric and sight distance improvements. Prohibiting the left out movement, and constructing auxiliary lanes to maximum reasonable standards is recommended.

The operation at an intersection is usually considered acceptable if a LOS of D or better is achieved. Evaluation of the operations of the new road intersection were based on

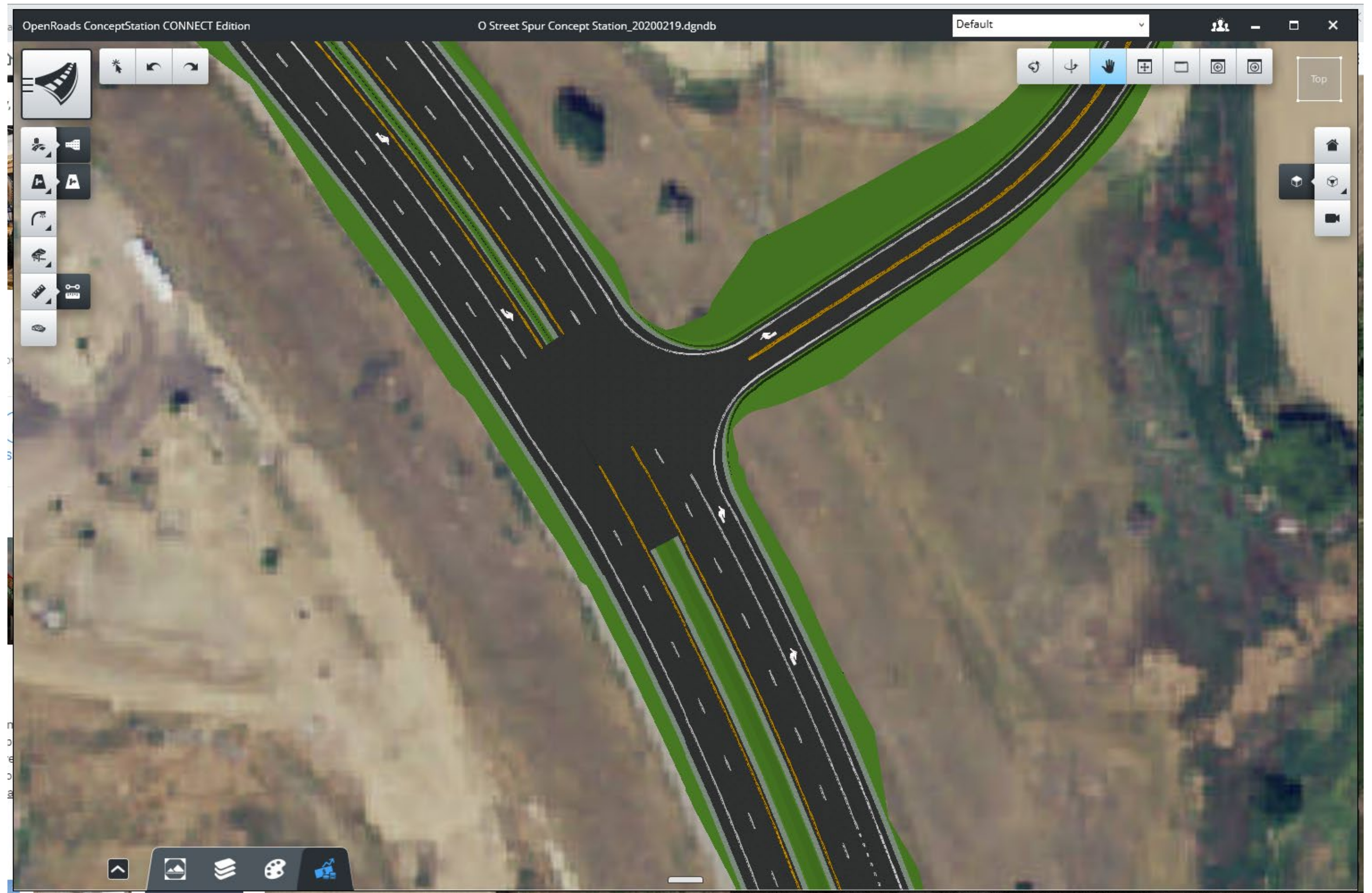
2014 traffic counts factored up to 2030 and 2040 conditions. Levels of Service calculated at the new road location should be well within those desired for acceptable operations.

Weaving distances between the new road and the N. 6th Avenue (NB) off-ramp should be adequate for traffic demand anticipated for this area. Leaving the off-ramp in place will also help reduce demand at the new road, and visa versa. Operations of this area should be acceptable through 2040. The on-ramp at N. 6th Avenue SB, should be modified to discourage access to the SB left at the new location.

US-85/O Street Existing Intersection









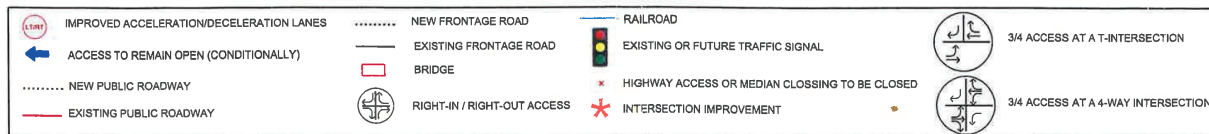
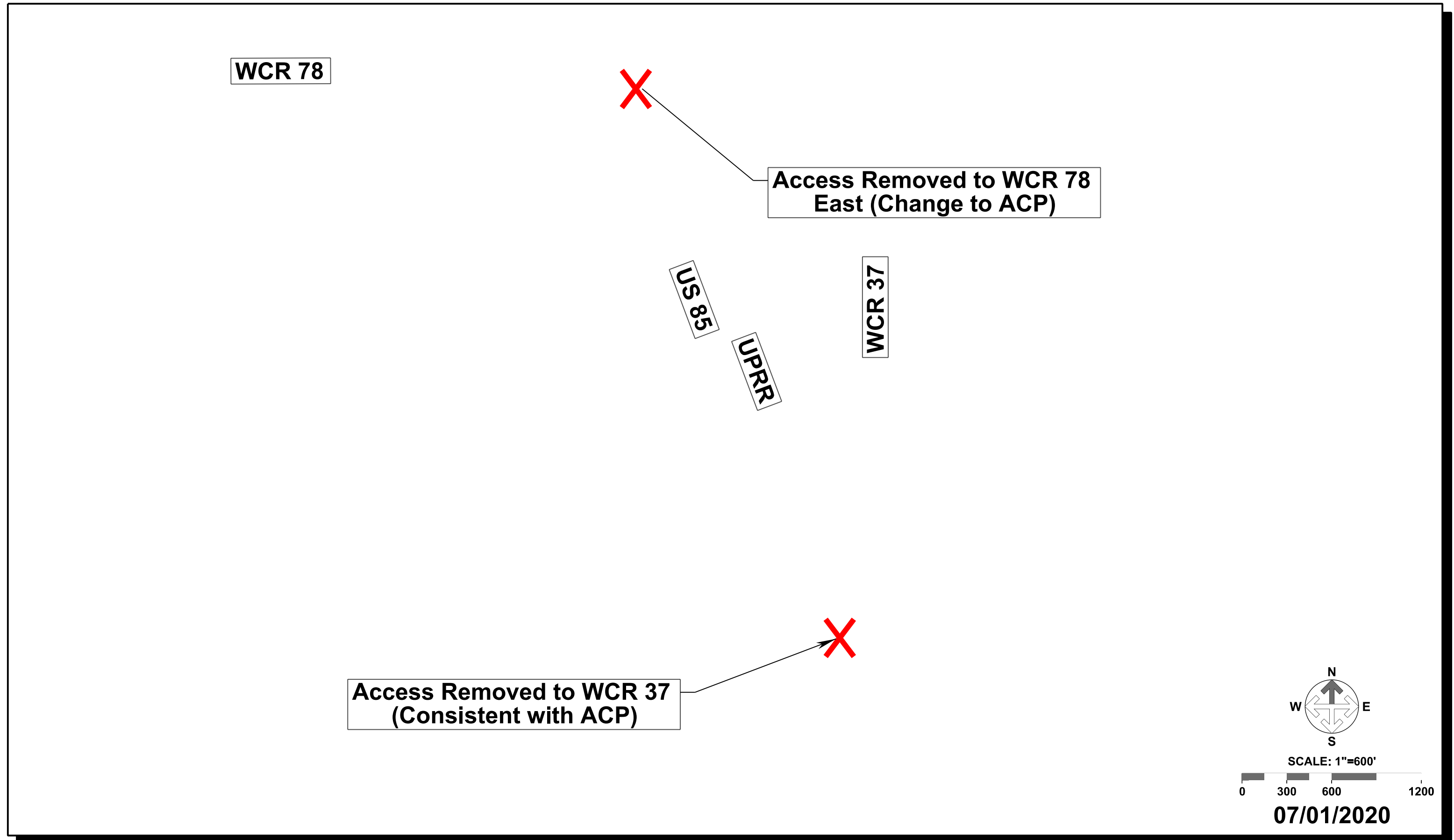


Figure A19
GREELEY
O ST.

US 85/Weld County Road Closures

US 85 (At WCR 78) Access Control Plan Amendment Exhibit





FORT LUPTON POLICE DEPARTMENT

MONTHLY REPORT OF STATISTICS AND EVENTS

July 2020

YEAR TO DATE STATISTICS

Category	2020	2019	2018	2017	2016
Calls For Service	5984	6458	7499	6817	6734
Cases	737	776	844	820	835
E-Ticket	743	1108	842	753	745
Arrests	209	237	367	270	275
Summons (Report cases closed by)	158	230	173	186	209
Total Enforcement Actions	1110	1575	1382	1209	1229
DUI	47	40	129	90	76

MONTHLY STATISTICS

Calls Resulting in Reports

Abandoned vehicle	2	Motor Vehicle Theft	6
Arson	2	Ordinance Violation	1
Assault	2	Possession of Controlled Substance	3
Assist Other Agencies	1	Protection/Restraining Order Violations	2
Attempt to Influence Public Official	1	Runaway	2
Auto Prowl	3	Sex Offender Registrations	6
Burglary	3	Theft	10
Criminal Mischief	4	Traffic Accidents	9
Domestic Violence	2	Trespass	1
DUI & DUI/Drug Cases	7	Unattended Death	1
Found/Lost Property	4	Warrant Arrest	15
Harassment	1		
Information	7		
Identity Theft	1		
Menacing	1		
Total Reports	98	Total Calls for Service	949
Cases Closed By Arrest	34	Cases Closed by Summons	11
Calls by Sector			
Northeast – 31	Southeast – 5	OOT - 0	
Northwest – 23	Southwest – 21	Hwy 85/52 – 18	



MONTHLY SNAPSHOT

June_Events and Training

1. According to the Department of Justice (State and Local Government Expenditures on Police Protection in the US, 2000-2017), local spending for law enforcement averages \$304.18 per person of the community. Depending on where you think Fort Lupton's population is and the 2020 budget, at 8500 for a population the cost would be \$278.31 per person and at 10000, it would be \$236.56 per person. Either way, our spending is less than the average for local police protection.
2. Lt. Hempel and Sgt Toves attended Force Encounter training, Officer Miraglia attended School Resource Officer basic training, and Officer Gallegos went to report writing for police professionals training.
3. We would like to introduce new staff:

Cadet Jalen Vasquez,
currently in the academy at
Flat Rocks.



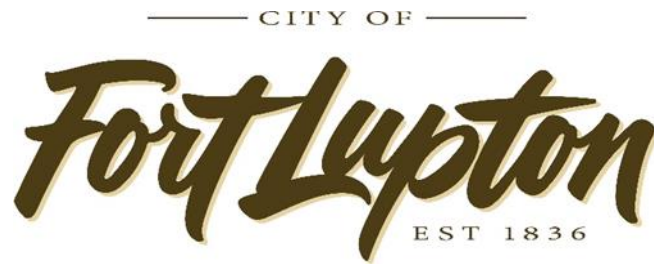
Officer Dietrick Turney



Officer Abbey Geerdes



Monthly Training Statistics		
In-Service Hours	Continuing Ed Hours	Total Hours
64 (remoted learning)	104	168



Upcoming Events

September 8 th	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.
September 11-12 th	Trapper Days – No Parade
September 15 th	City Council Meeting, 130 S. McKinley Ave. 7:00 p.m.
September 21 st	Shred Day at City Hall, 130 S. McKinley Ave. 8:00 a.m. – 10 a.m.
September 29 th	Town Hall Meeting, 130 S. McKinley Ave. 6:30 p.m.

NOTE: The meeting will be held at City Hall in the Council Chambers. You are welcome to attend either in person or remotely through GoToMeetings. For your safety and ours we will be enforcing social distancing protocols, including but not limited to, limiting the number of people allowed into Council Chambers at a time, encouraging the use of face masks, and requiring a six-foot separation. Additional instructions on meeting conduct will be provided prior to the start of the meeting.

When calling in, please be sure to mute your microphone on your computer, phone or tablet. City Staff and/or the Mayor will provide instructions on when and how comments can be made by the public. Other instructions on meeting conduct will be provided at the start of the meeting.

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

Call: United States (Toll Free): 1 866 899 4679

- One-touch: tel:+18668994679,,623516477#

United States: +1 (312) 757-3117

- One-touch: [Tel:+13127573117,,623516477#](tel:+13127573117,,623516477#)

Access Code: 623-516-477

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://Global.Gotomeeting.Com/Install/623516477>

If you have already installed the app, click on the following link:

<https://Global.Gotomeeting.Com/Join/623516477>

Please read the entirety of the procedures listed below for your use.

Remote Participation: Options for Remote Participation

1. By Telephone: Members of the public who wish to provide public comment on any item must call:

1 866-899-4679 or 1 (312) 757-3117, then there will be a prompt to enter the Access Code 623-516-477.

2. By Electronic Mail: Members of the public may also provide public comment or comment on a specific item by sending an email to cityclerk@fortluptonco.gov. The email must be received by 6:00 p.m. the day of the meeting. Your email will be read to the City Council.

3. In Person: To promote social distancing, the lobby at City Hall will have a tablet available to participate electronically if you would like to provide public comment. There will be seating spread six feet apart throughout the lobby while waiting for the opportunity to speak