



City of Loveland

**LOVELAND PLANNING COMMISSION MEETING
AGENDA**

**Monday, February 12, 2018
500 E. 3rd Street – Council Chambers
Loveland, CO 80537
6:30 PM**

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PLANNING COMMISSIONERS: Carol Dowding (Acting Chair), Pat McFall, Rob Molloy, Jamie Baker Roskie, Jeff Fleischer, Tim Hitchcock, Michael Bears and David Hammond.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. REPORTS:

a. Citizen Reports

This is time for citizens to address the Commission on matters not on the published agenda.

b. Current Planning Updates

1. Monday, February 26, 2018 Agenda Preview

- i. Amendments to Create Loveland (the Comprehensive Plan) - Public Hearing**
- ii. Foundry Theatre – Site Development Plan – Public Hearing**

2. Hot Topics:

c. City Attorney's Office Updates

d. Commission Business

1. Election of Officers for 2018

- i. Chair**

- ii. Vice Chair
- iii. Zoning Board of Adjustment Hearing Officer
- iv. ZBA Alternate Hearing Officer

2. Committee Reports

3. Commission Comments

4. Boards & Commissions Appreciation: March 9th, 5:30 - 7:30

IV. APPROVAL OF MINUTES

Review and approval of the December 11, 2017 Meeting minutes

V. CONSENT AGENDA

The consent agenda includes items for which no discussion is anticipated. However, any Commissioner, staff member or citizen may request removal of an item from the consent agenda for discussion. Items requested to be removed from the consent agenda will be heard at the beginning of the regular agenda.

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption by the Planning Commission and acceptance by the Applicant of the staff recommendation for those items.

- Does anyone in the audience wish to remove an item from the Consent Agenda?
- Does any staff member wish to remove an item from the Consent Agenda?
- Does any Commissioner wish to add any item from the Regular Agenda to the Consent Agenda or remove an item from the Consent Agenda?

There are no items scheduled for the Consent Agenda

VI. REGULAR AGENDA:

1. West Creek Addition - Public Hearing

The West Creek Addition is a proposal to annex 9.7 acres of land and rezone from its current Larimer County designation of FA – Farming to the I – Developing Industrial District under the jurisdiction of the City of Loveland. The property is located at the southeast corner of State Highway 402 and County Road 9. The primary purpose in pursuing annexation/zoning is to allow future development in a manner consistent with the City's Comprehensive Plan. Upon annexation, initial development is anticipated for a small indoor manufacturing facility that produces module cleanrooms for pharmacies, hospitals, and medical offices. City staff is recommending approval of both the annexation and zoning applications. The role of the Planning Commission is to conduct a public hearing and make a recommendation to the City Council for final action.

VII. ADJOURNMENT



Current Planning Division
410 E. 5th Street • Loveland, CO 80537
(970) 962-2523 • eplan-planning@cityofloveland.org
www.cityofloveland.org/DC

Planning Commission Staff Report

February 12, 2018

Agenda #: Regular Agenda - 1
Title: West Creek Addition (PZ 17-217)
Applicant: Pat Travis, Travis Cleanair, Inc. represented by Deanne Frederickson, AGPROfessionals
Request: **Annexation and Zoning**
Location: Southeast corner of State Highway 402 and County Road 9

Create Loveland Comprehensive Plan Land Use

Designation: E - Employment

Existing Zoning: FA – Farming (Larimer County)

Proposed Zoning: I – Developing Industrial

Staff Planner: Troy Bliss

Staff Recommendation

CONDITIONAL APPROVAL of the Annexation and Zoning as requested.

Recommended Motions:

1. *Move to make the findings listed in Section VII of the Planning Commission staff report dated February 12, 2018, and, based on those findings, recommend that City Council approve the West Creek Addition – Serial 1, 2 and 3 in this sequence, subject to the conditions listed in Section VIII, as amended on the record, and zone the addition to I – Developing Industrial.*

Summary of Analysis

The public hearing is to consider the following items:

- Annexation of 9.7 acres of property owned by Pat Travis, Travis Cleanair, Inc.; and,
- Zone the property I – Developing Industrial to allow future development.

The proposal is to annex and incorporate the 9.7 acre property into the City for future development that is intended to comprise employment/industry uses. Upon annexation/zoning, the property is planned to be subdivided into three (3) separate lots. The southern most lot is intended to develop first – a small indoor manufacturing facility that produces module cleanrooms for pharmacies, hospitals, and medical offices across the country (*Travis Cleanair, Inc. Custom Cleanroom Suites*) would relocate to this location.

Concerns regarding the annexation and future development of the property have been expressed by surrounding neighbors. These concerns generally include increased traffic volumes, change in the rural character of the area, lack of infrastructure, and the City master plan recommending that employment land uses are appropriate adjacent to existing rural residential/farming properties.

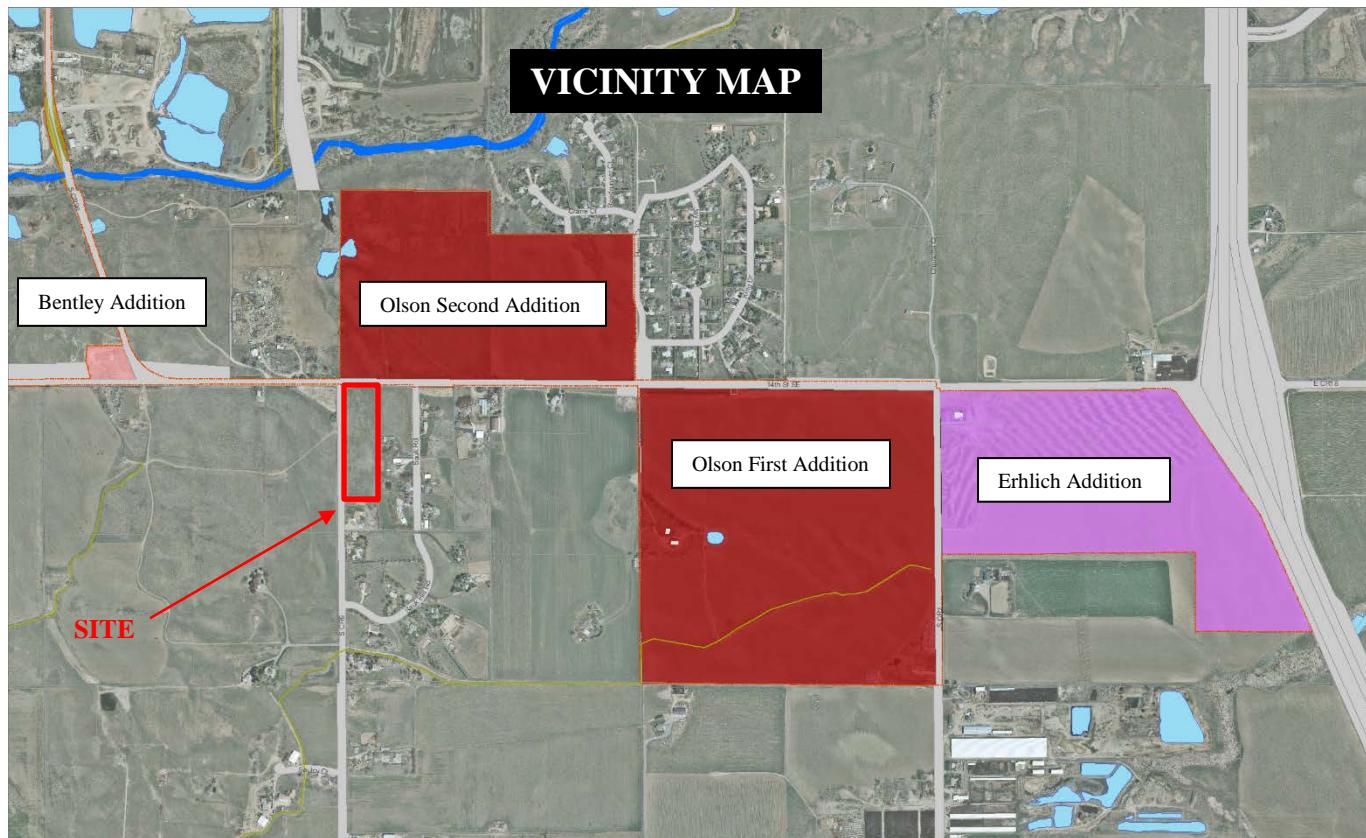
I. SUMMARY

This proposal is to annex 9.7 acres of land owned by Pat Travis and rezone from its current Larimer County designation of FA – Farming to I – Developing Industrial under jurisdiction of the City of Loveland. The primary purpose in pursuing annexation/zoning is to allow future development in a manner consistent with the City's Comprehensive Plan, relative to the employment land use designation. The property is planned to be subdivided into three (3) lots of approximately 2 acres each with initial development of a light indoor manufacturing facility. Development would result in County Road 9 being constructed in its ultimate configuration (widened to a minor arterial with appropriate lane configurations/turn lanes) along the frontage. Curb/gutter/sidewalk would be deferred for future construction. From a utility perspective, the City does not have infrastructure (i.e. water, sanitary sewer, and electric) extended to this portion of Loveland. Consequently, until City infrastructure is in place, the following outside services would have to be provided to support development:

- Little Thompson Water District (water);
- Septic systems for each lot (based on Larimer County standards); and,
- Poudre Valley REA (power).

Location/Serial Annexation/Land Use

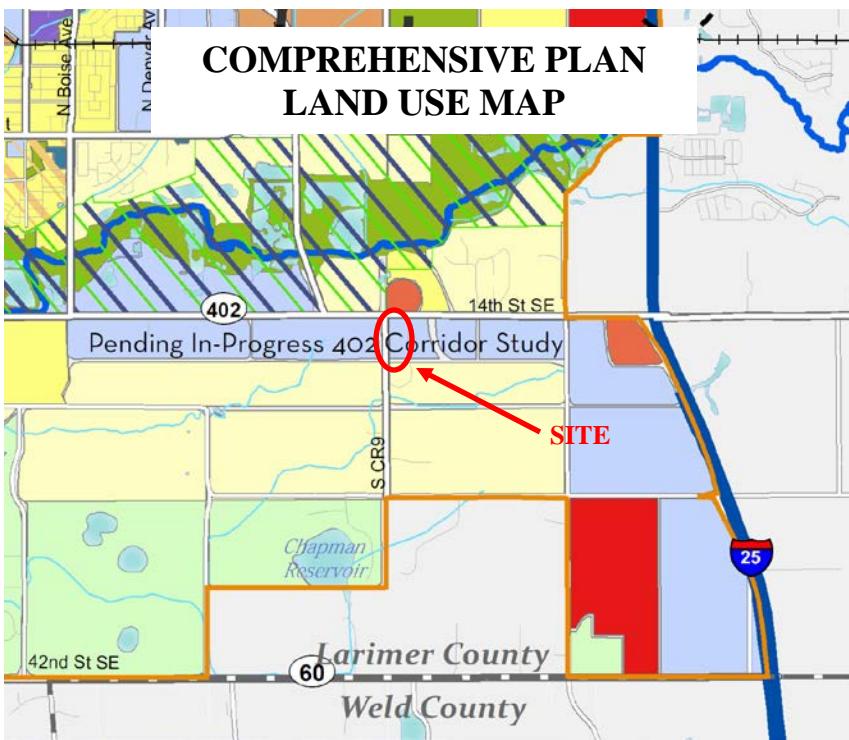
The property is located at the southeast corner of State Highway 402 and County Road 9. The entire 300+ linear feet of property along State Highway 402 is contiguous to the City's municipal boundary. However, this boundary with City jurisdiction alone did not satisfy the statutory requirement for



contiguity (1/6) given the total parcel boundary of approximately 3,900+ linear feet. Consequently, in order to comply with state statutes, a serial annexation has been created that achieves contiguity through three (3) sequenced annexations (**Attachment E**). County Road 9 is being used to establish the additional contiguity by annexing it in two pieces, followed by the subject property as the last piece. This serial

annexation achieves 1199 linear feet of property contiguous to City limits – well over the minimum needed to reach 1/6 contiguity. In addition to having a land use designation of E - Employment, the

Create Loveland Comprehensive Plan identifies the location of this property within the City's Growth Management Area (GMA). The GMA is an area where urban-level services are planned to be provided and that the City intends to annex such properties (if not already incorporated). State Highway 402 will also be undergoing a corridor study by the City, designed to establish a management plan that identifies the preferred location and design of street networks and access points and develops appropriate design standards for future development.



Site Characteristics

The subject property slopes from south to north. No existing structures or mature vegetation exists on this site. It is understood that the property was once flood irrigated cropland and pasture but has not been used for such purposes for quite some time. A Phase I Environmental Site Assessment was conducted for the property in November 2017 (see **Attachment D**). No recognized environmental conditions or contamination factors were identified.

Development Process

Annexation and zoning is the first of three steps in developing the subject property in the city. Annexation requires findings of compliance with State Statutes regarding contiguity with municipal boundaries, an intent to develop at an urban level and an indication that the property can be served with infrastructure. Additionally, annexations are subject to compliance with the Intergovernmental Agreement between the City and Larimer County. This agreement requires the annexation of properties seeking development when the properties are located within the city's growth management area and are eligible for annexation. In determining appropriate zoning, the City's comprehensive master plan and associated philosophies describe the city's vision for development.

The second step for developing the subject property is subdividing to create buildable/legal lots of record (currently this property is undergoing review by the City's Development Review Team (DRT)). This subdivision process is referred to as a Minor Subdivision that will create three (3) separate lots out of the property being annexed. No neighborhood meeting or public hearings will be held in consideration of approving the subdivision. However, the subdivision cannot be approved unless the annexation/zoning is approved first.

The last step in preparing for development is for site development plans to be approved prior to construction. It is anticipated that these will be done separately and over time. The first development plan for the small indoor manufacturing facility associated with cleanrooms would be allowed by-right in the industrial zone which is administratively reviewed and approved, and includes the final detailed site designs. Uses allowed by right do not require public notice; rather, development plans are reviewed and approved by City staff.

II. ATTACHMENTS

- A. Project Description (provided by Applicant)
- B. January 4, 2018 Neighborhood Meeting Minutes (provided by Applicant)
- C. Neighborhood Correspondence
- D. Phase I Environmental Site Assessment (excluding appendix)
- E. Annexation Maps (Serial 1, 2, and 3)
- F. Zoning Map

III. SITE DATA

ACREAGE OF SITE GROSS	9.7 AC
MASTER PLAN DESIGNATION	E - EMPLOYMENT
EXISTING ZONING	LARIMER COUNTY FA FARMING
PROPOSED ZONING	I – DEVELOPING INDUSTRIAL
EXISTING USE	VACANT/UNDEVELOPED
PROPOSED USE.....	EMPLOYMENT/INDUSTRY USES
EXIST ADJ ZONING & USE - NORTH	MAC – MIXED-USE ACTIVITY CENTER (OLSON ADDITION) -
EXIST ADJ ZONING & USE - SOUTH.....	COUNTY FA FARMING – RURAL RESIDENTIAL/FARMING
EXIST ADJ ZONING & USE - WEST.....	COUNTY FA FARMING – RURAL RESIDENTIAL/FARMING
EXIST ADJ ZONING & USE - EAST.....	COUNTY FA FARMING – RURAL RESIDENTIAL/FARMING
UTILITY SERVICE – WATER, SEWER	LITTLE THOMPSON WATER DISTRICT (WATER) AND LARIMER COUNTY (SEPTIC SYSTEMS)
UTILITY SERVICE – ELECTRIC	POUDRE VALLEY REA

IV. KEY ISSUES

From a City staff perspective, there are no key issues concerning annexation and zoning. State Highway 402 is an important corridor in terms of the City's growth. Properties seeking annexation for development consistent with the City's Comprehensive Plan are important in carrying out the vision for growth and land use. However, this area does come with challenges. Little development has occurred within the City along this corridor. Large properties such as Olson Additions and Ehrlich Addition have been incorporated into the City for almost 10 years but they remain undeveloped in part to the lack of infrastructure needed to support development of this magnitude. Consequently, in consideration of the subject property, as well as any other smaller properties seeking annexation, the City will need to continue working with outside

agencies like Little Thompson Water District and Poudre Valley REA in coordinating development until City infrastructure is in place.

Neighbors surrounding the property have expressed a number of concerns. These concerns are outlined below in Section VI of this staff report as well as by the applicant through meeting minutes taken during the January 4, 2018 neighborhood meeting (see **Attachment B**).

V. 402 CORRIDOR BACKGROUND

From State Highway 287 (S. Lincoln Avenue) to Interstate 25, Loveland has grown in terms of land area along the 402 corridor, dating back to 1996 when Waterford Place was annexed (property at the northeast corner of State Highway 287 and State Highway 402). Waterford Place is the only property with a considerable amount of development, including both commercial and multi-family uses. Since 1996, the following properties have annexed with no development:

- 2003 - South Village (property at the southeast corner of State Highway 287 and State Highway 402);
- 2008 – Bentley (property at the northwest corner of S. County Road 9E and State Highway 402);
- 2008 – Olson (properties at the northwest corner of Heron Drive and State Highway 402 AND southwest corner of County Road 7 and State Highway 402);
- 2008 – Ehrlich (property at the southeast corner of County Road 7 and State Highway 402), and;
- 2011 – Timka (property at the southeast corner of Backhoe Road and State Highway 402).

The proposed West Creek Addition is the first annexation and zoning request the City has seen in approximately 7 years. The 402 corridor remains rural and largely undeveloped. With only a little over a half-dozen properties annexed, much of the corridor is a combination of industrial, farming, grazing, and rural residential uses within Larimer County jurisdiction. Through efforts including the City's Comprehensive Plan, Colorado Department of Transportation (CDOT) Highway 402 Master Plan, and the City's future 402 Corridor Study, this area will change and undoubtedly become more urbanized in the future.

VI. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- Notification:** An affidavit was received from Deanne Frederickson, AGPROfessionals certifying that written notice was mailed to all property owners within 1,200 feet of the property on January 24, 2018, and notices were posted in prominent locations on the perimeter of the site at least 15 days prior to the date of the Planning Commission hearing. There were no mineral owners associated with the property. In addition, a notice was published in the Reporter Herald on January 27, 2018. All notices indicated that the Planning Commission would hold a public hearing concerning the West Creek Addition on February 12, 2018.
- Neighborhood Response:** A neighborhood meeting was held at 6:00 p.m. on January 4, 2018, at the City of Loveland Development Center. The meeting was attended by 30-40 neighbors and interested parties along with City staff, the applicant and their consultant. The following is an outline provided by City staff, generally identifying the concerns raised:

- City's Comprehensive Plan – A number of individuals were unaware that the City had included this area in its growth boundaries and identified future employment land uses as appropriate in areas that are currently residential or adjacent to rural residential uses. This was of concern from a compatibility perspective – not knowing what could be built next to existing residences.
- State Highway 402 – The amount of traffic on 402 is more than what this two-lane highway can handle. According to area residents, at times, it is very dangerous for people who reside in the area that need to access 402. Annexing property for future development will add to the traffic problem. Why does the City not wait until 402 is widen/constructed to its ultimate configuration before annexing more land?
- City Infrastructure – The City has not extended services (i.e. water, sewer, and electric) out to this area in which to support development. Annexation does not seem “ripe”. The City should wait to annex properties until such time that they can provide adequate services.
- Proposed Site Development (small indoor manufacturing facility for cleanrooms) – A majority of the concerns raised were focused on the development proposal. From the Applicant's perspective, it was important to be transparent in terms of why they are seeking annexation. In order to provide a general understanding for future development, a concept plan was prepared and shared at the meeting. As a result, concerns relating to building design/height, outdoor lighting, hours of operation, noise, landscape improvements, site access, parking, and drainage were raised. While the developer is only at a preliminary stage, residents were frustrated with the lack of opportunity to fully comment on the proposed plans..

In addition to this general outline, the Applicant also prepared an overview of the neighborhood meeting. This is included as **Attachment B**. Following the neighborhood meeting and up until this staff report was prepared, additional correspondence from individuals has been received and is included as part of the record (see **Attachment C**).

VII. FINDINGS AND ANALYSIS

The chapters and sections cited below are from the Loveland Municipal Code.

Annexation and Zoning

A. Annexation Policies and Eligibility

1. **Create Loveland: Development Review and Consistency, Annexation:** *The annexation complies with the laws of the State of Colorado regarding annexation.*
2. **Loveland Municipal Code, Section 17.04.020:** *The annexation complies with the laws of the State of Colorado regarding annexation and the property proposed for annexation is otherwise eligible to be annexed because there is at least one-sixth contiguity between the City and the area seeking annexation and there is no evidence that two or more of the following conditions have been met:*
 - a. *Less than 50% of the adult residents of the area proposed to be annexed use some of the recreation, civic, social, religious, industrial or commercial facilities of the municipality and less than 25% of its adult residents are employed in the annexing municipality.*
 - b. *One-half or more of the land proposed to be annexed is agricultural, and the landowners of such agricultural land have expressed an intention under oath to devote the land to agricultural use for at least five years.*

- c. *It is not physically practical to extend urban service which the municipality provides normally.*

Planning: Staff believes that this finding can be met, based on the following facts:

- 1.
- The annexation complies with the Colorado State Statutes regarding annexation of lands and is within the City's Growth Management Area (GMA). Through a serial annexation (three series annexed in sequence) the annexation would comply with the statutory provision of being 1/6 contiguous to City limits.
- No enclaves will be created by this annexation and there is no evidence that two or more of the conditions listed in Section 17.04.020 of the Municipal Code, cited above, have been met.
- The development of the property will encourage a compact pattern of urban development as more and more properties continue to develop along this corridor. The land is immediately contiguous to the Olson Second Addition to the north.
- The annexation complies with the Intergovernmental Agreement with Larimer County to annex property within the City's GMA that are eligible for annexation.

- 2.
- One of the three items above (i.e. item c) apply (not two). At this time, it is not physically practical to extend urban services that the City provides. When City services are extended, the City will take over water and power being provided by Little Thompson Water District and Poudre Valley REA. The developer will also be subject to connecting to City sewer and removing any septic systems that were installed.

B. City Utilities/Services and Transportation

1. Loveland Municipal Code

a. Section 17.04.040:

(i) *Whether certain public facilities and/or community services are necessary and may be required as a part of the development of any territory annexed to the City in order that the public needs may be served by such facilities and services. Such facilities include, but are not limited to, parks and recreation areas, schools, police and fire station sites, and electric, water, wastewater and storm drainage facilities. Such services include, but are not limited to, fire and police protection, provision of water, and wastewater services.*

(ii) *Whether the annexation and development pursuant to the uses permitted in the zone district will create any additional cost or burden on the existing residents of the City to provide such facilities and services in the area proposed for annexation.*

(iii) *The annexation complies with the water rights requirements set forth in Title 19 of the Loveland Municipal Code.*

b. **Section 17.04.040:** *Whether all existing and proposed streets in the newly annexed property are, or will be, constructed in compliance with City street standards, unless the City determines that the existing streets will provide proper access during all seasons of the year to all lots and that curbs, gutters, sidewalks, bike lanes, and other structures in compliance with City standards are not necessary to protect public health, safety, and welfare.*

c. **Section 18.04.010:** *The zoning, as proposed, would: lessen congestion in the streets; secure safety from fire, panic, and other dangers; and promote health and general welfare.*

Transportation: Staff believes that this finding can be met, based on the following facts:

- Annexing and zoning property does not warrant compliance with the City's Adequate Community Facilities (ACF) ordinance. A condition is recommended to clearly ensure that all future development or land application within this proposed property shall be in compliance with the City of Loveland Street Plan, the Larimer County Urban Area Street Standards and any updates to either in effect at the time of development application.
- As identified in the City Municipal Code Title 16, a Traffic Impact Study will be required with all future development or other land use applications. The annexation will also be required to dedicate, free and clear, all applicable right-of-way to the City, at no cost to the City, at the time of development.
- Pending future proposed development within this property, of which review and approval by the City is required, the Transportation Engineering staff does not object to the proposed annexation and zoning.

Fire: Staff believes that this finding can be met, based on the following facts:

- The site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- The proposed annexation/zoning will not negatively impact fire protection for the subject development or surrounding properties.
- Pending future proposed development within this property, of which review and approval by the Fire Authority is required, staff does not object to the proposed annexation and zoning.

Water/Wastewater: Staff believes that this finding can be met, based on the following facts:

- The subject annexation is situated within the City's current service area for both water and wastewater. The nearest City of Loveland water main is located at the NW corner of S St Louis and Hwy 402; however there are Little Thompson Water District water mains adjacent to the property that may be approved to serve the property in the interim. The nearest City of Loveland wastewater main is located at the NW corner of S Boise Ave and Hwy 402. The City would like any development on the subject annexation to be a City of Loveland water customer and City of Loveland wastewater customer. The conditions provided outline development requirements.
- The annexation and zoning is consistent with the Department's Water and Wastewater master plan by being consistent with the 2015 Comprehensive Master Plan.
- Public facilities are not currently available to serve the development and the conditions herein noted requires special conditions of the Developer of the subject annexation to extend water and wastewater mains or use other temporary means to serve any future development within the annexation.

Power: Staff believes that this finding can be met, based on the following facts:

- The Department finds that the annexation and zoning is consistent with the Department's Power master plan.
- Public facilities are not currently available to serve the development, but the City plans to extend power to this location at an undetermined date and once it is available the City will take over power from Poudre Valley REA.
- The proposed development currently lies in the certified service territory of Poudre Valley REA. When the property being annexed into the City of Loveland is currently located within the REA certified territory, this property is subject to a five percent (5%) surcharge on new

electrical services as defined in 40-915-204, CRS, and the City of Loveland Municipal Code 13.12.180. This surcharge will expire ten years after effective date of the takeover.

Stormwater: Staff believes that this finding can be met, based on the following facts:

- With the annexation and future development, the Developer will engineer certain Stormwater facilities that will adequately collect, detain, and release Stormwater runoff in a manner that will eliminate off-site impacts.
- Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in impacts on City infrastructure and services that are consistent with current infrastructure and service master plans.

C. Land Use

1. Create Loveland Comprehensive Master Plan: Development Review and Consistency

a. *The proposal is consistent with the Policies and Supporting Strategies in Chapter 2: Our Future*

Planning: Staff believes that this finding can be met, based on the following facts:

- Create Loveland identifies the area proposed for annexation as being designated for complete neighborhoods and revitalization of corridors.

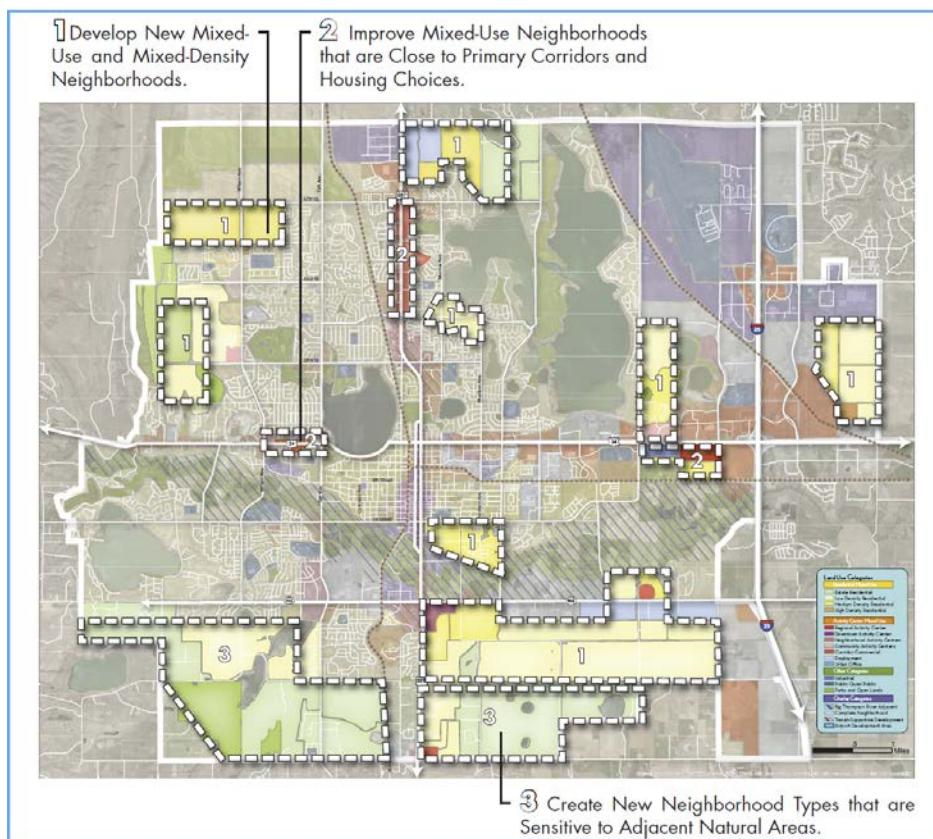


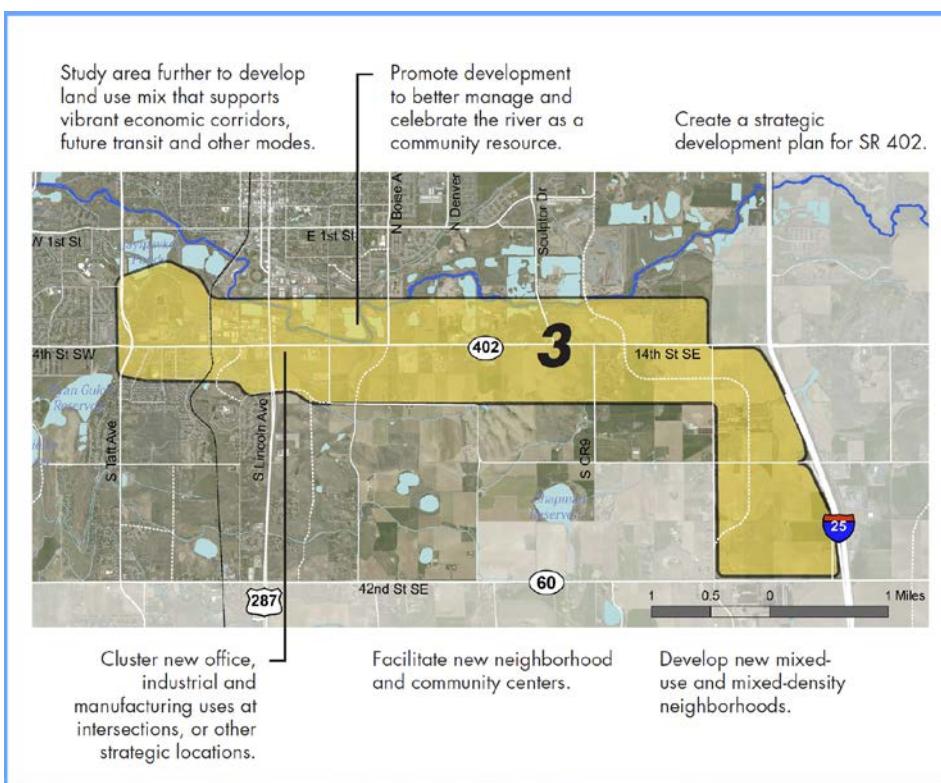
Figure 2-7: Land Use Plan opportunities to encourage complete neighborhoods and revitalize corridors with mixed use residential developments. The policies below support these opportunities.

- The future development of the property would support policies contained in Create Loveland including:
 - Development of mixed-use neighborhoods through focusing employment land uses along major intersections with residential surrounding;
 - Coordinate with CDOT and neighboring jurisdictions to implement regional transportation projects – particularly regarding State Highway 402. This is currently in process. Conditions are being recommended that will contribute to improving State Highway 402 as well as design consistency that have been incorporated into other annexed properties (i.e. Olson and Erhlich).

b. *The proposal is consistent with the Land Use Plan and Land Use Designations contained in Chapter 3: Our Places*

Planning: Staff believes that this finding can be met, based on the following facts:

- The land use plan designates the site as employment within the Highway 402 Corridor Area. Specifically, the plan calls for new office, industrial and manufacturing uses located at intersections. The pending 402 corridor study area is intended to support development that helps create a vibrant economic corridor. The proposed annexation and zoning is in alignment with this vision. Future development of the property would contribute to the land uses envisioned along the corridor.



2. Loveland Municipal Code

a. Section 18.04.010:

- (i) *Whether the zoning will provide adequate light and air; prevent overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.*
- (ii) *The character of the district and the particular uses permitted by right in the district will preserve the value of buildings and encourage the most appropriate use of land.*

Planning: Staff believes that this finding can be met, based on the following facts:

- Development of the property will provide adequate light and air and prevent overcrowding of the land. The density of the development aligns with the city's vision established in the land use plan based upon an employment land use for regional employment opportunities.
- The zoning for the property proposed for annexation will match the character of anticipated developed captured in Master Concept Plans prepared in conjunction with the Olson and Ehrlich Additions.

D. Miscellaneous

1. Loveland Municipal Code, Section 17.04.040.F: Whether the annexation is in the best interest of the citizens of the City of Loveland.

Planning: Staff believes that this finding can be met, based on the following facts:

- The development supports policies in the comprehensive plan.
- The proposal aligns with the city's vision for future growth and development.
- The property is within the city's growth management area and complies with the city's Intergovernmental Agreement with Larimer County.

2. Loveland Municipal Code, Section 18.04.060, Section 18.45.010, and City of Loveland Natural Areas (2008):

(i) Whether the zoning district boundary lines are lot lines; the centerlines of streets, alleys, railroad rights-of-way or such lines extended; section lines; city limit lines; centerlines of streambeds; or other lines drawn to scale on the zoning district map.

(ii) Whether the zoning promotes the health, safety and general welfare and provides adequate regulations to minimize the public and private losses due to flooding.

(iii) Whether the zoning incorporates environmentally sensitive areas into the project design. Environmentally sensitive areas include, but are not limited to, wetlands, wildlife habitat and corridors, slopes in excess of 20%, flood plain, soils classified as having high water table, stream corridors, and mature stands of vegetation.

Planning: Staff believes that this finding can be met, based on the following fact:

- The proposed zoning district boundary is in alignment with the property lines, including the entire width of County Road 9 along the property frontage.
- The site is not located within any designated floodplains as is relatively flat – sloping from south to north.
- An environmentally sensitive areas report was not submitted with the annexation given the existing conditions outlined in the Phase I Environmental Site Assessment (see **Attachment D**). Additionally, no area located on the subject property is included in the City's natural area inventory nor has been identified as containing important wildlife or habitats. Directly north and across State Highway 402, Site 13 of the City's Natural Areas is located. This area is a cattail-dominated drainage and open water area surrounded by active agricultural lands, principally pastures. This area has a low rating for wildlife the lack of shrubs and trees.

E. Mineral Extraction Colorado Revised Statute: The proposed location and the use of the land, and the conditions under which it will be developed, will not interfere with the present or future extraction of a commercial mineral deposit underlying the surface of the land, as defined by CRS 34-1-3021 (1) as amended.

Planning: Staff believes that this finding can be met, due to the following facts:

- There are no severed mineral leasehold owners on the property.
- A geologic hazards and mineral extraction evaluation report was submitted with the annexation and was prepared by Soilogic. The report indicated that no apparent significant geologic hazards exist on the property. Additionally the report indicates that due to the existing surrounding developments, small parcel size, depth of overburden clay and relatively thin sand and gravel lens, the deposit would not classify as "a

commercial resource" under Colorado House Bill –HB 1529.

- Additionally, the subject property falls within the outer edge of a field identified as having the potential for economically recoverable oil and gas resources. Active wells are within ¼ mile of the property. These wells could be utilized to extract oil and gas resources that may exist beneath the subject property through directional drilling procedures. However, development of the property would not impede recovery.

VIII. RECOMMENDED CONDITIONS

The following annexation conditions are recommended by City Staff.

Planning - Review:

Conditions

1. An 80-foot building setback/landscaped buffer (from property line inclusive of right-of-way dedication) shall be established along the Highway 402 frontage. Future development of the subject property or lot created abutting Highway 402 shall be required to install all frontage improvements as approved through a corresponding Site Development Plan.
2. Future development of the subject property shall comply with any corridor plan in place at the time of such development.
3. All future buildings constructed on the subject property shall be designed in accordance with the City's current architectural standards for commercial buildings.
4. Billboards, electronic signs (whether freestanding or attached to a structure) and/or freestanding pole signs shall be prohibited with future development on the subject property. Any freestanding signs shall be limited to a "monument" style that conforms to the City's current sign regulations.

PW-Transportation:

1. All future development within this addition shall comply with the Larimer County Urban Area Street Standards adopted October 2002 and the 2035 Transportation Plan and any updates to either in effect at the time of site specific development application. Any and all variances from these standards and plans require specific written approval by the City Engineer.
2. The owner shall dedicate to the City, at no cost to the City, right-of-way for all street facilities adjacent to, or within, this addition that are shown on the adopted Transportation Plan and CDOT SH 402 Plan. Unless otherwise approved by the City Engineer, right-of-way for the following facilities shall be dedicated prior to recording of the annexation map:
 - a. E CR 9 to LCUASS Major Collector standards
 - b. No additional ROW dedication required on SH 402 based on the latest CDOT ROW plan.
3. The developer agrees to acquire, at no cost to the City, any off-site right-of-way necessary for mitigation improvements. Prior to the approval of any site specific development applications within this addition, the developer shall submit documentation satisfactory to the City Attorney and the City Engineer, establishing the developer's unrestricted ability to acquire sufficient public right-of-way for the construction and maintenance of any required street improvements to both adjacent and off-site streets.

Water/Wastewater:

1. Future Development on the property shall be a City of Loveland water customer. This would require for any development that would require water service to either
 - a. design and construct a water main extension per the water master plan from the existing terminus to the development, or
 - b. if, based on evidence submitted by the developer, the City finds that the developer's satisfaction of this condition will be a substantial hardship, then the City will attempt to work with the Little Thompson Water District (LTWD) to obtain an interim water service (still remaining a City customer) off of LTWD's adjacent water mains. If this option is selected, the developer shall be responsible for standard tap fees and water rights for obtaining water service as a City customer, and the City would be responsible for transferring the water tap off of the LTWD water main at such time as the City's water main is adjacent to the development.
2. Future Development on the property shall be a City of Loveland wastewater customer. This would require for any development that would require wastewater service to either
 - a. design and construct a wastewater main extension and lift stations as required per the wastewater master plan from the existing terminus to the development, or
 - b. if, based on evidence submitted by the developer, the City finds that the developer's satisfaction of this condition will be a substantial hardship, then the City will allow the development to construct an approved private septic system as an interim solution. If this option is selected, the Developer shall be responsible to abandon the private septic system and connect to the City's wastewater main at such time as the City's wastewater main is adjacent to the development.

Power:

1. The City will require the power to be placed underground for this development. Since Poudre Valley REA will provide service for this property until such time the City has the ability to take over service, the developer is responsible for coordinating the underground power.

October 19, 2017

West Creek Addition and Change of Zone Land Use Map Consistency Report



Figure 1: 2005 Loveland Comprehensive Plan

West Creek Addition is situated along the State Highway 402 Corridor east of Boise Ave. The 2005 Land Use Map shows the property as Employment uses. The zoning districts assigned to Employment land uses include, B-Developing Business, I-Industrial, PUD-Planned Unite Development, and E-Employment. The requested zoning for this parcel is I-Industrial, which is consistent with the Land Use Map.

The “Create Loveland” Plan, provides for specific indicators to determine if a particular land use proposal is achieving the Plan’s vision. The indicators that apply to the subject property annexation and zoning proposals are as follows:

- **Jobs/Housing Balance:** The proposed annexation and associated Industrial zoning district will add to the overall jobs available to Loveland residents, thus improving the Jobs/Housing balance.
- **Property Investment Activity:** The proposed annexation and associated Industrial zoning is situated in an area that would not be considered an infill or downtown development proposal. However, the proposal is within an urban corridor that seeks to develop in the near future, and as such will become a part of a shared infrastructure system.
- **Neighborhood Walkability:** The subject property is not situated with an area that would provide walkable routes to retail or services, or to housing. However, The orientation on the corner of a Major Arterial and Collector roadway, would provide for easy access to future rapid transit opportunities.
- **Mode Split:** Transportation modes are limited at this time for the subject property.
- **Sidewalks and Bicycle Infrastructure:** As noted previously, development standards require roadway bicycle lanes and a detached sidewalk that will someday become a part of a network of walkable routes.
- **Connectivity:** Connectivity is limited at the time of this annexation request. However the subject property is oriented directly adjacent to planned roadways that will provide for a logical connection in the future.

West Creek Addition and Change of Zone
Rezoning Assessment Report



Figure 1: Aerial Photograph of subject property and adjacent land uses.

Westcreek Addition is the first industrial development proposal within a recent addition to the Loveland Growth Management area. Though the proposal is very much in keeping with the desired development pattern along the 402 corridor, it isn't necessarily compatible with the adjacent properties. However, compatibility can be improved with landscape buffers and strict

adherence to environmental codes and requirements. Existing zoning and land use on the east and south sides of the proposal is single family homes on small acreage lots associated with the Sauk MRD 5-82-91. The property is bordered on the west side by a 76-acre parcel used for non-irrigated grazing. Neighbors will likely object to the industrial proposal touting decrease in property values, increased traffic, and a general desire to keep their rural character

The uses by right in the I-Industrial zoning district includes a wide range of commercial and light industrial uses – with or without outdoor storage. Outdoor storage is subject to buffering standards to minimize impacts to neighboring properties. Any Industrial uses that may have a higher impacts to neighboring properties would be subject to a Special Review process in which potential impacts to neighboring properties are evaluated on a case by case basis, extra mitigation measures are incorporated, and in some cases denied.

Findings: A change of zone request for this property from FA-Farming to I-Industrial for this property responds to the following findings:

- a) *The purpose set forth in Section 18.04.010 of the Loveland Municipal Code would be met if any use permitted by right in the zone district being requested was developed on the subject property.*

The purpose of the Loveland zoning regulations are designed to take reasonable consideration as to the suitability for certain uses within the context of the adopted master plan. The proposed zoning district is in strict compliance with the “Create Loveland” plan, though being the first to develop within a relatively new growth management area, may be uncomfortable to neighboring property owners, who may not be versed in Loveland’s long range plans.

- b). *Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in development that is compatible with existing land uses adjacent to and in close enough proximity to the subject property to be effected by development of it.*

Development of the subject property within the I-Industrial zoning district will be subject to strict development standards, including extensive roadway design and construction, landscape buffers and architectural compliance. Once developed, it will most certainly be compatible with future land uses. This development project will serve to promote future development proposals as intended in Loveland’s long range planning for the area.

- c). *Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in impacts on city infrastructure and services that are consistent with current infrastructure and services master plans.*

Development of the subject property will utilize City water services through a coordinated effort with the Little Thompson Water District. Sewer service is not yet available at this location. The development will utilize a septic system until municipal sewer system is available. Approximately 1000’ of a commercial roadway section will be constructed including turn lanes on the respective

roadway sections as needed to serve proposed development proposals. These are all consistent with future infrastructure measures that will be in place once the entire corridor is developed.

d). *Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in development that is consistent with the policies contained in Section 4 of the Loveland Comprehensive Master Plan.*

The “Create Loveland” Plan, provides for specific indicators to determine if a particular land use proposal is achieving the Plan’s vision. The indicators that apply to the subject property annexation and zoning proposals are as follows:

- **Jobs/Housing Balance:** The proposed annexation and associated Industrial zoning district will add to the overall jobs available to Loveland residents, thus improving the Jobs/Housing balance.
- **Property Investment Activity:** The proposed annexation and associated Industrial zoning is situated in an area that would not be considered an infill or downtown development proposal. However, the proposal is within an urban corridor that seeks to develop in the near future, and as such will become a part of a shared infrastructure system.
- **Neighborhood Walkability:** The subject property is not situated with an area that would provide walkable routes to retail or services, or to housing. However, The orientation on the corner of a Major Arterial and Collector roadway, would provide for easy access to future rapid transit opportunities.
- **Mode Split:** Transportation modes are limited at this time for the subject property.
- **Sidewalks and Bicycle Infrastructure:** As noted previously, development standards require roadway bicycle lanes and a detached sidewalk that will someday become a part of a network of walkable routes.
- **Connectivity:** Connectivity is limited at the time of this annexation request. However the subject property is oriented directly adjacent to planned roadways that will provide for a logical connection in the future.

e). *Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in development that is not detrimental to the health, safety, or welfare of the neighborhood or general public.*

Development of the subject property with a requested I-Industrial zoning is subject to very strict regulations intended to protect the health, safety or welfare of the neighborhood or general public. Full compliance with codes and regulations adopted by the City of Loveland, the State of Colorado and the Federal Government is anticipated.

WEST CREEK ADDITION NEIGHBORHOOD MEETING

MEETING MINUTES

*January 4, 2018 6:00 PM to 7:30 PM
City of Loveland Development Center
410 East 5th Street, Loveland, Colorado 80537*

AGPROfessionals and TCA held a Neighborhood Meeting at the City of Loveland Development Center on January 4, 2017 from 6-7:30 p.m. This meeting was held to discuss the Annexation to the City of Loveland with a Zoning request for I-Industrial on the property located on the southeast corner of Larimer County Road 9 and State Highway 402.

ATTENDEES

Nick Anton
Alan Copeland
Wayne and Lyle Ellis
Don Haggerty
Tiffany Hall
John Hanson
John Heise
Mark and Alana Koentopp
Rick Lamp
Mark and Marci McDonald
Marvin McKay
Lucas Newman
Trevor and Ajean Ryan
Jake Stone
Jim Trzcinski
Sonja Warberg Mast
Troy Bliss (Troy), Senior Planner for the City of Loveland
Pat Travis (Pat), CEO for TCA
Deanne Frederickson (Deanne), Land Planner for AGPROfessionals
Kelsey Bruxvoort, Land Planning Technician for AGPROfessionals

INTRODUCTION

Troy Bliss, Senior Planner for the City of Loveland gave a brief introduction summarizing the purpose and focus of the meeting.

- The purpose of this Neighborhood Meeting is to discuss the annexation and zoning of property located on the south-east corner of County Road 9 and State Highway 402.

ENGINEERING, PLANNING, CONSULTING & REAL ESTATE

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

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

PC ATTACHMENT B

- The site is located within Loveland's Growth Management Area with an 'Employment' designation.
- The City's review of this proposal will include a Planning Commission Hearing, for which signs will be posted on the subject property and notifications mailed to surrounding property owners. The Planning Commission Hearing is open to the public. The public will be allowed to attend and comment on the proposal. The Planning Commission will provide a recommendation to City Council. City Council will ultimately make the final decision at a public City Council Hearing.
- Troy recommended sending letters to the elected officials to him for distribution.
- This Neighborhood Meeting is the first step in the process of Annexation and Zoning. Questions and feedback are welcome.

PRESNTATION

Deanne Frederickson, Land Planner for AGPROfessionals gave a brief presentation of the property and the proposed Annexation and Zoning request.

1. AGPROfessionals is representing Pat Travis and TCA.
2. Pat Travis purchased the subject property and plans to develop lots for business. A 3-Lot subdivision is expected with the TCA development proposed on Lot 3.
3. Contact information:
 - a. A sign-in sheet was routed. Notifications were mailed to those within 1,200 ft. Email notifications to those who provide email addresses.
4. The purpose of this meeting is to discuss the West Creek Annexation and Zoning request. While not required, a conceptual site plan was presented as well as a courtesy.
5. West Creek Addition:
 - a. Proposal to annex the approximately 8-acre site located on the south-east corner of County Road 9 and State Highway 14.
 - b. The subject property is located within the City of Loveland's Growth Management Area. The City has expressed interest in Annexation.
 - i. The site could also be developed in Larimer County without Annexation into the City of Loveland. Loveland codes are more restrictive.
 - c. The site will be zoned Industrial as part of the Annexation process.
6. Vicinity Map:
 - a. The site is near several properties which have been annexed into the City already. These properties are undeveloped at this time.
7. Loveland Comprehensive Plan:
 - a. The Loveland Comprehensive Plan, Growth Management Area and Highway 402 Corridor plans were discussed. The proposal meets the Loveland expectations for the area.
 - b. The subject property has an 'Employment' designation in the City's Comprehensive Plan.
8. Loveland Growth Management Area:
 - a. The subject property is located within the City's Growth Management Area as adopted in 2000.

9. Highway 402 Corridor Plan:

- a. The City's plan for the Highway 402 corridor is to:
 - i. Cluster new office, industrial and manufacturing uses at intersections, or other strategic locations.
 - ii. Develop new mixed-use and mixed density neighborhoods.
 - iii. Facilitate land use mix that supports vibrant economic corridors, future transit and other modes.

10. Site Plan:

- a. Lots 1 and 2 will be no smaller than 2-acres as required to be on septic.
- b. The approximately 2.6-acre Lot 3 will be developed by Pat Travis and TCA.
- c. County Road 9 will be widened and an additional 10' ROW will be granted to the City. The road will be developed with curb, gutter and sidewalk on the east side and curb on the west side.
- d. There will be improvements along Highway 402 as well.
- e. The first phase of the development will include an office building and warehouse. Proposed buildings will be single-story and on septic.
- f. Parking, greenbelt area, dense landscape buffer, and drainage design has been included in the site plan.

11. Building Elevation:

- a. A building elevation was presented which will be agrarian in character.

12. Traffic:

- a. County Road 9 is designated as a Major Collector. State Highway 402 is designated as a Major Arterial.
- b. A traffic engineer was hired to evaluate the proposed traffic including the potential traffic generation of Lots 1 and 2. Turn lanes are required.
 - i. A west-bound left turn lane is proposed on Highway 402.
 - ii. A north-bound left turn lane is proposed on County Road 9. County Road 9 will be built out curb to curb on both sides with a sidewalk and tree lawn on the east side.

Pat Travis, CEO of TCA gave an introduction of himself and his business.

1. Pat is a Pharmacist by profession. TCA, Custom Cleanroom Suites develops clean rooms for the medical profession.
2. It is a small business and a quiet industry.
3. The proposed shop will include the manufacturing of windows. It will include various standard shop tools not unlike shop tools found in ordinary households. Manufacturing will take place indoors.
4. TCA's Main office located in south-west Iowa. This site will be primarily used for office space. There are currently 12 employees, soon to be 14. Site traffic will mainly be generated by the employees. The proposed warehouse will be used for storage and to make small repairs. Metal delivery is expected 1-2 times per month.
5. The clean rooms manufactured are relatively small, and typically around 250 SF.
6. While space for 2 other buildings is shown on the site plan, there are no plans for additional buildings at this time.
7. TCA has been in business for 22 years. They consult, design, build and install cleanrooms. They have a good reputation across the country.

PUBLIC INPUT

The floor was opened up for public comment.

1. Will we get emails from City of Loveland?
 - Troy - The City of Loveland will not issue emails regarding this proposal.
2. I didn't get notified of this meeting.
 - Deanne – It is possible you are outside our 1,200' notification range. If you add your contact information to our sign-in sheet we'll make sure to include you in future notifications.
3. Are the buildings climate controlled?
 - Pat – Yes, the buildings are climate controlled.
4. How do you know a more intense industrial use won't go in on Lots 1 or 2?
 - Pat – The proposed use of Lots 1 and 2 is unknown at this time.
5. Wouldn't the lots shown on the Site Plan be smaller than 2-acres?
 - Deanne – The lot size shown is in net acreage. No additional ROW will be required. Easements, ROW, etc. have been subtracted from the gross acreage to reach the 2-acre net total.
6. How will the turn lane be installed in County Road 9?
 - Deanne – The road will be widened to accommodate the turn lane.
7. Concern was expressed that west-bound traffic on Highway 402 is bad currently, with bad sight-lines due to the hills along the road. Flat bed trucks travel too fast along it. Making a left turn off of Highway 402 is hard as it is. Can a light be required on Highway 402?
 - Deanne discussed how traffic is analyzed and noted the traffic meets the City of Loveland standard.
 - Traffic Study did not warrant a traffic light.
8. What about the site entrances and exits?
 - Deanne – there are two entrances on County Road 9, both for two-way traffic.
9. Can Lot 3 be designed to access Highway 402 directly? Our concern is over the traffic on County Road 9.
 - Deanne – We are not allowed to access from Highway 402.
10. Will the proposed buildings be multi-story and how will the exterior lighting be designed?
 - Deanne – Two single-story buildings are proposed. Lighting will be down-directional. Light pollution and headlight glare will be mitigated.
11. The number of parking spaces shown on the site plan is concerning. 40 are shown, are 40 spaces expected to be used daily?
 - Deanne – No. Code dictates the required number of spaces based upon building square footage. The facility is expected to be used by 12-14 employees.
12. What are the hours of operation?
 - Pat – 8 a.m. to 5 p.m., Monday-Friday. The facility won't be open during weekends.
13. Concerns over noise were expressed. Table-saws operated constantly every day would produce a considerable amount of noise. Can we guarantee residential level restrictions?
 - Troy – The City will enforce noise per City Code. If noise level requirements were to be more restrictive than the current code, City Council would make that decision.
14. Concern was expressed that property values in the area would decline.

15. How can you ensure no larger businesses go in?

- Deanne – Any other business looking to develop one of the lots would be required to go through a review process with the City. There are standards regulating intensity, use and potential nuisances.

16. The rural vibe in the area is important. Our neighborhood is currently quiet and peaceful.

- Troy – It is important to note that the site plan has not been reviewed by the City. Components involved in Site Plan Review ensure compliance with codes and mitigation of nuisances (e.g. lighting, noise, traffic, etc.) New owners would be subject to the same process. Higher-level impact development would require a higher-level Site Plan Review. A neighborhood meeting and public hearings would be a part of that review as well.

17. Dust collection and air compressors are a potential nuisance.

- Pat – Dust collection and air compressors will be interior.

18. Industrial zoning is incongruent with existing residential development. It makes more sense to have commercial zoning be a buffer between residential and industrial zoning.

19. As far as traffic is concerned, traffic studies are based upon number crunching and not the reality on the ground. The traffic study would not take into effect the steep incline on Highway 402 which is already too dangerous as it is. The City should evaluate and address this issue.

- Troy – Traffic analysis does involve more than number crunching, it takes into account geometry, sightlines, stormwater, etc. Traffic is always analyzed during Site Plan Review.

20. I attended all the City of Loveland's Growth Management Plan meetings. I was expecting this type of development to occur in this area but not until Highway 402 was widened. Will Highway 402 be widened as a result of this development, and if not, when?

- Troy – Highway 402 is expected to be widened in future, especially prior to larger scale developments in the area such as the Erlich Annexation. This site does not necessarily trigger those improvements. The site does not need city water and sewer service for example.
- Troy – I would encourage you to check out the City's website. There are links to current development activities and it contains projects that don't require public notification.

21. The three lots can be on septic?

- Troy- yes, the 3 lots can be supported on septic.
- Deanne – a Little Thompson Letter of Intent was obtained for this proposal. A geotechnical study was also done which confirmed that the site's soils can support septic systems.

22. As citizens of the City, don't we deserve some input? How do we fight this? What is the process

- Troy – Yes, this meeting is the first step for public input. You can also send me an email or letter and it will be included in the documentation reviewed by the Planning Commission and the City Council. The Planning Commission and City Council Hearings are public hearings so you may attend and comment during those as well.

23. Concern was expressed over the high water-table on the site, specifically near Highway 402. Future buyers should be aware of potential problems with groundwater.

24. Concerns were expressed over lot size. It was suggested that the planned development encompass the entire site rather creating three separate lots.

25. Why was this site chosen over others in the area? Do you own this site?

- Pat – Yes, I am the owner of this property. It is a good location in terms of proximity to highway infrastructure. Other sites were considered over the last two years but the either the sites were not on the market long enough or they were prohibitive in terms of cost, poor soils or other factors.

26. Why don't you rent instead?

- Pat – Market feasibility. This facility will be designed to ensure it is aesthetically compatible with the area. We don't believe our operations are noisy and I have every intention of being a good neighbor. Our facility will be better neighbors than any number of other developments that have the potential of going in.

27. Why can't you develop on the other side of Highway 402?

- Pat – Sites have not been available for development across Highway 402.

28. Will the other two lots implement architectural restrictions to ensure compatibility with your site? Can an HOA unify architectural standards and strict development standards?

- Troy – Architectural standards are regulated through code requirements. This site would be subject to meet the requirements of the Industrial Zone District.

29. Please tell me more about the Employment land use designation.

- Troy – The Employment designation encompasses large campus style office development, light industrial, etc. The City has planned the Highway 402 corridor for employment and industrial uses. Growing employment opportunities is important to the City.

30. Does the City force annexation?

- Troy – The City does not have the authority to force annexation unless a property becomes an enclave. It is unlikely that an enclave would develop here. That being said, the City does have an interest in annexation given the contiguity of the site, Growth Management Area, Comprehensive Plan and existing Intergovernmental Agreements.

31. Our neighborhood is covenant protected. What will the City do to ensure our neighborhood covenants are protected?

- Troy – the City does not control or influence private covenants.

32. What is the screening requirement?

- Deanne – A type E, 20' buffer yard is likely to be required. Type E has the most stringent landscape requirements. There will be three layers of dense, irrigated landscaping. The landscaping will help screen the buildings.

33. Who will own and maintain the stretch of County Road 9 in front of this development?

- Troy – If annexed, the City will maintain ownership of County Road 9 that is front of this development curb to curb. Annexation of ROW is required as part of the annexation process.

34. Deanne – If there are any further questions, free to contact Troy Bliss or me. We will include the names written on our sign-in sheet in our mailing list. Business cards and printed handouts were available.

This meeting was adjourned at 7:30 p.m.

CC: Pat Travis
Troy Bliss

Development of Hwy 402 and LCR 9

Scott

Tue 1/2/2018 4:20 PM

To:guinnteam@msn.com <guinnteam@msn.com>;

Regarding meeting to be held on January 4, 2018, West Creek Addition.

We are the property owners of 1709 Sauk Rd. and unfortunately will not be able to attend. Here is a list of our concerns.

- * Industrial zoning does not conform to the surrounding area. Area currently is both large and small residential acreages and farms.
- * Increased truck traffic is only going to increase the exiting danger that we see on a daily basis in the area. Traffic entering and exiting said location will create extreme danger.
- * Elevated noise due to traffic, operations, are of great concern. Our location and the surrounding area is very peaceful and we don't want that interrupted.
- * Our personal home and surrounding neighbors will be greatly affected by any addition lighting requirements. It's in our back yard.
- * We are greatly concerned with the architectural design of what is purposed for construction.
- * The annexation into the City of Loveland bothers us tremendously as well. Again, it doesn't fit. We moved into the county for a reason.

Our back yard has been the venue for weddings, anniversaries, and retirement parties.

All of our free time is spent enjoying it. We honestly feel there are other prime locations available that are currently zoned for industrial use. Our back yard isn't one of them.

If you have any questions of us, call 970-566-4626. Thank you.

Sincerely, Scott and Debbie Guinn

Sent from my iPad

Scott D Guinn 1-2-2018
Debbie Guinn 1-2-2018

January 3, 2018

RE: Development of Highway 402 and County Road 9- West Creek Addition and Annexation

From: Ajean and Trevor Ryan, property owners of 1609 Sauk Road, Loveland, CO

Dear Mr. Troy Bliss and Loveland City Planning Division:

As property owners in very close proximity to this addition and possible annexation, we are writing with great concern as both neighbors and as tax-paying citizens of the county.

In June of 2017, we purchased our property on 1609 Sauk Road. With some due diligence and research we discovered that the aforementioned lot directly beyond our property was zoned agricultural and/or residential. We were never aware that this property could be zoned or annexed into something industrial. If we had known of this lot's purchase and possibility of commercial development, we would never have purchased our current residence. This industrial construction would be incredibly harmful to our property value.

As I am sure you are all aware, real estate prices in Northern Colorado are at an all-time high and with the purchase price of our home (\$650,000) and all the remodeling (\$50,000) that we have put into the home, we would never be able to re-sell our home right now at the price to even break-even. This would be near impossible with industrial buildings and parking lot being placed in our backyard and being an eyesore on what used to be an unhindered view of the mountains.

Another concern is the truck traffic and the noise level that would increase to what is a somewhat peaceful and very residential part of Hwy 402. Our neighbors to the north of us, closer to the highway, already have a lot of noise from the traffic. With this zoning, it would only increase the noise pollution level and greatly decrease their ability to have the serene and agricultural setting I am sure they hoped to maintain with the purchase of their properties. There is already a lot of traffic on the corridor and without proper turning lanes or stop lights there is great concern for safety and hazardous driving routes that would be added with this annexation. Having lived in my residence for the past six months, I have already seen at least three automobile accidents on the corridor related to turning vehicles and coinciding collisions.

Another concern would be the light pollution. The neighborhood is agricultural and residential. A commercial building and a parking lot with a light on 24/7 would create a visual blight in an otherwise quiet and dark neighborhood. Also, we have concerns regarding the existing infrastructure and how a commercial enterprise would be able to properly function on a septic system and cooperative water. Using these same services but in a commercial setting would be challenging and perhaps would be overloaded causing damage to surrounding properties. The infrastructure in this residential area is not designed to support a commercial or industrial enterprise.

The architectural design of the proposed construction is another concern. Surrounding homes and agricultural spaces are farm and/or tastefully residential. The possibility of a commercial/ industrial building that is built strictly for manufacturing purposes will not be aesthetically pleasing or considerate of the surrounding neighborhood. This lack of aesthetics will be very detrimental to property and resale values of all surrounding properties.

In closing, I would like to state how important it is in city planning to maintain a cohesion when planning within residential areas. There are plenty of areas for commercial development within the county and city and there are many areas that can support this type of endeavor. Commercial zoning should be gathered together in a mindful and sound manner and not inserted into what is a tranquil residential area of the county. This is not what city planning should be about- damaging property values and creating industrial portions of what is a very agrarian and peaceful landscape.

Thank you for your consideration and for your time. Should you have any questions, please feel free to contact us at 970-672-6599. We will both be attending the Neighborhood Meeting tomorrow at the City of Loveland Development Center.

Sincerely,

Ajean and Trevor Ryan

To Whome it may concern
Development of Hwy 402 and LCR 9

We are property owners of 1702 S. Co Rd 9. We have major concerns. The said property adjoins our property to the North.

The traffic is a disaster from Co. Rd. 9 onto 402. It is just unthinkableas to the traffic jams that already exist, with the added truck, employees etc. traffic to the intersection and to the proposed industrial site.

As for the annexation to the City of Loveland, we don't want ant annexation , needless to say industrial . We have a quiet neighborhood , great neighbors and we do a lot of family gatherings and entertains. We DON'T want this in our back yard and side yard. This will impact the beautiful views of our neighbors too.

The noise from the traffic will surely elevate .

The construction of the building is a concern too. What is the architectural design?

We purchased our home in this area for the purpose of enjoying the quiet surroundings and great neighbors. We DON'T want or need this.

Sincerely, Joe and Jean McKay
1702 South County Road 9
Loveland, Co. 80537.

P.S. If any questions, feel free to call (970) 744- 0271

Joe and Jean McKay 1-4-18

City of Loveland Planning Division
410 East 5th Street
Loveland, CO 80537

January 12, 2018

Attn: Troy Bliss
Senior Planner

Subject: Re-Zoning Request
SE Corner of Larimer County Road 9 and State Highway 402

Troy,

I am the homeowner at 1804 Sauk Hill Road located within 2000 feet of the subject property under zoning change request.

I want to express my concern that the subject lot needs to remain Zoned as FA-1.

My objection to the re-zoning to "Industrial" is twofold.

- 1) Quality of life impact for a well-established residential area.
- 2) Historically Intended rural farm / agricultural environment of all adjacent Home properties zoned "FA-1 Residential."

I will be requesting a specific meeting with the Loveland planning and development department without the owner of the property in question present.

Please record this response and share with any City of Loveland planning/development personnel having decision-making positions on this issue.

I appreciate the opportunity that the Re-Zoning and Developmental Process provides.

Sincerely,

Jim Trzcinski

1804 Sauk Hill Road
Loveland, CO 80537
Phone: 303-888-7943
E-Mail: jetandsst@msn.com

PHASE 1 ENVIRONMENTAL SITE ASSESSMENT

PARCEL No. 85282-00-015
CR 18 and CR 9
LARIMER COUNTY, COLORADO

for

WEST CREEK, LLC
1609 COVERED WAGON COURT
LOVELAND, CO
80537

Prepared by



AGPROfessionals
3050 67th Avenue
Greeley, CO 80634
(970) 535-9318

PC ATTACHMENT D

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EXECUTIVE SUMMARY

A Phase I Environmental Site Assessment (ESA) was conducted on the vacant site south of Highway 402 and CR 9 in Loveland, during November 2017. The site is comprised of the approximately 8-acre parcel (85282-00-015).

The site is owned by West Creek, LLC. The site is a vacant field. Based on review of aerial photographs, the site was farmed from as early as 1936 until mid-1969. Since the mid-1970's the neighbors report no activity at the site owned by absentee landowners. No other uses were discovered.

The property is fenced on the eastern border and southern borders. It is not clear whether the fencing is on site or belongs to adjacent land owners. No transformers were observed on the property. However, there is one transformer along the eastern property line.

No listings were on file for the site. A single historic dump is referenced approximately one-half mile to the east on Highway 402, cross gradient to the site. It is an archived Superfund site that does not require any clean up action or further investigation at this time. A single sensitive human receptor was listed on Sauk Road east of the site. It is a small day care facility.

Conclusions – Based on the findings of the ESA, AGPROfessionals has not identified any recognized environmental conditions associated with the property.

1.0 INTRODUCTION

A Phase I Environmental Site Assessment (ESA) was conducted during November 2017 by Ms. Patricia Spaine, P.E. of AGPROfessionals (AGPRO) at the request of West Creek, LLC on Larimer County Parcel #85282-00-015. The parcel is located east of CR 9 and south of CR 18 (Highway 402). The property is in the process of being annexed by the City of Loveland, which requires a Phase 1 assessment as part of that process. Appendix A, Figure 1 shows the location of the site. Figure 2 is a site vicinity map utilizing a recent aerial photograph as a base map. Figure 3 is a Topographic Map showing access roads, borrow ponds and neighboring community. The site is a vacant agricultural parcel. The site is owned by West Creek, LLC. Based on a series of aerial photographs, prior to the 1950's, the property was used as cropped agricultural land. Since then, no cropping or grazing has taken place, based on aerial photos. No other uses of the site were identified.

The site is bound to the north by Highway 402, to the south and east a small residential community of 2 acre or larger lots, and to the west by CR 9 and cropped agricultural lands. The site is accessed from CR 9.

The assessment was conducted, and this report prepared, in general accordance with ASTM Practice E 1527-13 entitled "Standard Practice for Environmental Site Assessment; Phase I Environmental Site Assessment Process", which is compliant with the statutory requirements for conducting all appropriate inquiries (AAI-EPA 40 CFR Part 312). The purpose of this standard is to refine the practice for conducting a Phase I Environmental Site Assessment of a parcel of commercial real estate in accordance with the innocent landowner defense as specified in the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) regarding "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice". It is recognized under ASTM Standard E-1527 that the level of environmental inquiry appropriate under Superfund cannot be the same for every property or every party to a real estate transaction. The level of inquiry, in fact, will change depending on the particular property or party involved in a transaction.

1.1 Purpose of this ESA

This Phase I ESA was conducted in order to identify, to the extent feasible pursuant to standard practice, recognized environmental conditions (REC) in connection with the property referenced herein. As defined in the ASTM Standard 1527-13, a REC is:

The presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions.

1.2 Special Terms and Conditions

West Creek, LLC (herein referred to as the "Client" or "User") requested that an industry standard Phase I ESA be conducted on the site using ASTM Practice E 1527-13 as accepted by the Client. The Phase I ESA did not include an Environmental Lien and activity use limitations search. The report and supporting data is considered confidential and will not be released without prior written consent from the Client. AGPRO will not materially benefit from the conduct of this assessment in any way other than receiving a fee for performing the Environmental Site Assessment, and the fee is in no way contingent upon the outcome of the assessment.

1.3 Limitations and Exceptions of Assessment

Although no environmental site assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connection with the property, activities conducted within the scope of this assessment are intended to reduce, but not totally eliminate, uncertainty regarding the potential for such environmental conditions in connection with the site recognizing reasonable limits of time and cost. ASTM Practice E 1527-13 is site-specific in that it relates to the assessment of environmental conditions on a specific property at the time and date of the assessment. Consequently, the practice does not address many additional issues often raised in commercial real estate transactions such as the purchase of business entities, or interest therein, or of their assets, that may involve environmental liabilities pertaining to properties previously owned or operated, or other off-site environmental liabilities. A detailed statement of conditions and limitations is presented in Section 7.0 of this report.

1.4 Limiting Conditions and Methodology Used

The major activities conducted during the ESA included a review of readily ascertainable records from standard sources; site reconnaissance including a visit to the site on November 17, 2017; interviewing of persons with knowledge of past or present site conditions; and data evaluation and report preparation. All visual and physical observations made of the site to the extent not obstructed by bodies of water, snow cover, locked or otherwise inaccessible areas or direct safety hazards, adjacent buildings, or other obstacles, as well as evaluations made as a result of such observations, are discussed under the appropriate headings composing this report. The Client has not provided a standard title report, environmental liens report, or activity use limitations report for review as part of this Phase I ESA. No testing or sampling of materials (e.g., building, soil, water, and air) was conducted as part of this Phase I ESA.

2.0 SITE DESCRIPTION

2.1 Location and Legal Description

The property addressed in this assessment (referred to as the “site”) is composed of 8-acre Larimer County Parcel: 85282-00-015. The site is situated on the south side of Highway 402 and 1.5 miles west of Interstate 25. Appendix A contains Figures. Figure 1 is the Site Location Map. The property is accessible from CR 9. To the north and west are agricultural properties that include cropland and animal production. Immediately to the south and east is a small acreage residential development. Figure 2 presents an aerial photograph which delineates the approximate site boundary in red and other relevant natural and man-made features.

2.2 Site and Vicinity Characteristics

The site slopes from the south at a maximum elevation of 4970 to the north at minimum of 4930 feet above mean sea level (amsl) (Figure 3, topographic map). There are no natural surface water bodies on the site. A historic channel appears to have run south to north along the east side of the property, based on topographic maps. The Big Thompson River is located less than one-half mile north of the site. Open water sand and gravel pits lie immediately north of the Big Thompson River. The Big Thompson River is part of the Alluvium South Platte River Basin which is the dominant surface water feature of Northeastern Colorado. Appendix B contains site photographs.

A review of Flood Insurance Rate Maps (FIRM), available through the FEMA Flood Map system, revealed that the area encompassing the property is not within a flood zone. The EDR report overview map (Figure 4) indicates the property is outside the 100 year and 500 year delineated flood zones.

According to the U.S. Department of Agriculture (USDA) Natural Resource Soil Conservation Service (NRCS), there are two main soil types found on the property: Ascalon sandy loam in the western and northern areas and Stoneham loam on the south and eastern areas. The Ascalom sandy loam is found on upland hillslopes and table plains. It is a fine-loamy calcareous material that is a very deep and well-drained soil. It is found at 3 to 5% slopes on site. The Stoneham is found on hills and plains and alluvial fans. It is a mixed eolian and alluvial material that is very deep and well-drained soil. It is found on 5 to 9% slopes on site. The site lies within surficial alluvium aquifer of the South Platte River.

Alluvium in the valley of the South Platte River consists of poorly sorted mixtures of unconsolidated gravel, sand, silt and clay or interlayered beds of relatively well-sorted sand, gravel or silty clay. The thickness of the alluvium increases down the stream valley. The water table in the alluvium forms the top of the surficial aquifer. The saturated thickness of the aquifer is the distance from the water table to the base of the alluvium. Almost the entire thickness of the alluvium is saturated near the South Platte River where the water table is near land surface.

The site lies within a semiarid climate in which potential annual evaporation is about five times larger than annual precipitation. Most precipitation runs off in streams, is evaporated from

the soil surface, or consumed by vegetation. However, a small part of the precipitation usually percolates downward and recharges the alluvial groundwater system. Recharge and discharge also can result from water moving upward or downward through confining units between the lower aquifers.

2.3 Descriptions of Structures, Roads, Other Improvements on the Site

There are no improvements on the site. There is fencing along the eastern and southern boundaries, but it is unclear whether those are part of the site or belong to adjacent landowners. Highway 402 is a two-lane paved State highway which is one of two primary Loveland named exits from I-25 to the city. County Road 9 is a paved county maintained road.

2.4 Environmental Liens and Specialized Knowledge About or Experience with the Property

No environmental liens or activity use limitations were provided by the Client for review. A User Questionnaire was provided to the Client to document if the “User” has any specialized knowledge or experience with the property. Based on the User Questionnaire, the User has no previous or special knowledge of the environmental history/condition of the site. The User Questionnaire is included in Appendix C.

2.5 Current and Past Uses of Adjoining Properties

Based on available historical accounts, records and databases, the site and vicinity has historically been in agricultural land use. Historic Aerial photographs (1937 through 1950) indicate the land was flood irrigated crop land. From 1969 to the present aerial photos indicate that the land was not cropped in that timeframe.

Don Haggerty, local resident and longtime farmer, substantiates that the site has not been actively cultivated or grazed since 1973.

Aerial photos from 1937, 1941 and 1948 indicate there were some structures in the northwest corner of the site. Perhaps these were irrigation tanks and appurtenances associated with the flood irrigation system. There was no evidence of these remaining on site during the site visit.

3.0 RECORDS REVIEW

3.1 Standard Environmental Record Sources: Federal, State and Local

A search of available environmental records was conducted by Environmental Data Resources, Inc. (EDR). The records search was designed to meet the search requirements of EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312), the ASTM Standard Practice for Environmental Site Assessments (1527-13) or custom requirements developed for the evaluation of environmental risk associated with a parcel of real estate. Excerpts of the report are found in Appendix D and the complete report is found on CD that is Appendix E. A complete listing of the government records searched as part of this assessment is presented in Appendix E. Also included in Appendix E is a listing and mapping of significant regulated environmental sites and mapping of Oil and Gas and Water Wells.

Mapped Sites

The site was not listed in any of the databases searched by EDR. There was a single mapped site identified in the databases within the required search distances, the Anderson Dump.

Anderson Dump
4500 E. Highway 402, Loveland, CO 80537
National Priorities List: No
Status: Archived
EPA Site Number: COD983791492

Anderson Dump is a superfund site located at 4500 E. Highway 402, Loveland, CO 80537. The Environmental Protection Agency (EPA) identifies sites such as Anderson Dump because they pose or had once posed a potential risk to human health and/or the environment due to contamination by one or more hazardous wastes. Anderson Dump is currently registered as an Archived superfund site by the EPA and does not require any clean up action or further investigation at this time.

The Anderson Dump lies cross gradient to the site and groundwater should trend due north or east northeast to the Big Thompson River. The dump should pose no threat to the site.

Environmentally Sensitive Areas

Nature Areas– The site is not on the National Wetland Inventory. The historic drainage channel north of Highway 402 and isolated pockets adjacent to the Big Thompson River are listed on the National Wetland Inventory as shown in Figure 4, EDR Overview Map. Figure 4 also indicates the 100 year flood plain along the Big Thompson River approximately one-half mile north of the site. The property is not near or part of any designated wildlife management areas. There are no designated historical sites or state or federal parks in close proximity to the site. There are no identifiable environmentally sensitive areas in the vicinity of the site.

Human Sensitive Areas – The EDR report listed a human sensitive receptor, the Deborah Jump Day Care facility which is less than $\frac{1}{4}$ mile east of the site at 1606 Sauk Road. The facility has a capacity of 12 children of pre-kindergarten age.

Wells

The EDR records search revealed no Public Water Supplies in the vicinity. No water supply wells were listed in the EDR records search for the site. Maps of the wells in the vicinity can be found in Appendix A, Figure 5, Well Map (EDR Water and Oil & Gas Wells).

Water Wells - Water wells, if not appropriately designed, installed, maintained and closed, can provide a direct conduit for contaminants to migrate from the surface or near surface to groundwater. The EDR report does not describe water supply wells at the site or in close proximity of the site.

There are numerous private water wells listed and mapped (Figure 5) downgradient of the site which may include domestic use wells at residences and agricultural wells used for animal watering, spray irrigation or to supplement flood irrigation ditch water. Maps of the wells in the vicinity can be found in Figure 5.

Oil and Gas (O&G) - The Colorado Oil and Gas Commission database (COGIS) was reviewed and included in the EDR report since Larimer County has significant oil and gas production. Figure 5 includes a map of the O&G wells within the vicinity of the site. There are no oil and gas wells located on the site. The EDR report identified eight (8) oil and gas wells within one-half mile of the site to the north and west, all downgradient of the site.

3.2 Physical Setting Source(s)

Site and vicinity characteristic information was obtained from the following physical setting sources.

1. U.S.G.S. 7.5 Minute Topographic Map
2. National Wetlands Inventory – U.S. Fish and Wildlife Service
3. State Wetlands Data – Division of Wildlife
4. U.S.D.A. Natural Resources Conservation Service – Larimer County Soil Survey

Information obtained from these sources was reviewed and is addressed in Section 2.2. "Site and Vicinity Characteristics" of this report.

3.3 Historical Use Information

The following historical use sources were available to develop a history of the previous uses or occupancies of the property and surrounding area in order to identify those uses or occupancies that may likely have led to recognized environmental conditions in connection with the site.

1. Aerial Photographs – 1937, 1941, 1948, 1950, 1969, 1978, 1983, 1988, 1993, 1999, 2005, 2006, 2009, 2011, and 2013

2. Historical Topo Maps – 1906, 1908, 1960, 1962, 1969, 1984 and 2013
3. Sanborn Fire Insurance Maps – None available for the area

Information obtained from these sources is discussed in Section 2.5: “Current and Past Uses of Adjoining Properties” of this report.

3.4 Additional Record Sources

No additional reasonably ascertainable applicable record sources were identified with respect to standard practice and within the constraints of this ESA.

4.0 INFORMATION FROM SITE RECONNAISSANCE AND INTERVIEWS

Site reconnaissance was conducted on November 17, 2017 by Ms. Patricia Spaine, P.E. of AGPROfessionals. The site reconnaissance included a physical walkover and visual inspection of the land and existing features comprising the site. Ms. Spaine was unescorted during the reconnaissance.

Oral interviews were conducted with neighbors encountered during the site visit: Scott and Debra Guinn, Don Haggerty and Jake Stone. Mr Stone and Mr. Guinn have owned residences to the east of the site for 2 and 5 years respectively. They know of no activity on the site; improvements, disposal, farming, or other activities during their presence. Mr. Haggerty and his daughter, Ms. Guinn, have lived in the area since the mid-1970's. In their time, the property was always owned by the Pattersons, absentee landlords. No activities have taken place to their knowledge other than infrequent weed mowing. The Pattersons have owned the property since the 1970s. Mr. Patterson is deceased and Mrs. Patterson is in her 90s. Mrs. Patterson was not contacted due to her remote locale (Pennsylvania), her age, and inactive role in the management of the site. The information provided by the neighbors, is corroborated by the aerial photographs.

Photographic documentation of the site, as well as a visual inspection of adjacent and/or surrounding properties was also conducted. Selected photographs taken during the site inspection document the physical features and site conditions in Appendix B.

4.1 Hazardous Substances/Containers in Connection with Identified Uses

No hazardous containers were observed in connection with the site at the time of the site visit.

4.2 Unidentified Substance Containers

No unidentified substance containers were observed in connection with the site at the time of the site visit.

4.3 Storage Tanks and Drums

There were no storage tanks or drums observed on the site.

4.4 Solid/Liquid Waste Disposal

There was no appearance of solid or liquid waste disposal onsite; no staining, depressions, disturbed soils, or signs of dumping or burial of debris.

4.5 Permits and Registrations

No permits for the site were discovered.

4.6 Polychlorinated Biphenyls (PCBs)

Transformers. There were transformers on poles on the eastern boundary and southern boundary. Per EPA regulations, any mineral oil filled equipment with no label or unknown concentration is assumed to be "PCB Containing" and is managed accordingly. If dielectric fluid is released from a company transformer and the PCB status is unknown, it is the power company's responsibility to

test the transformer for PCB content, perform spill cleanup, and repair or replace the equipment in accordance with federal and/or state requirements. There was no visual evidence of spotting or staining indicating leakage of transformer oils. There appears to be no direct environmental threat to the property of interest with respect to PCBs.

4.7 Additional Site Conditions and Considerations

4.7.1 Asbestos Containing Material

Environmental concerns associated with asbestos-containing materials (ACM) are generally related to materials used in the construction of structures occupying a property.

There were no buildings or building debris observed on site so asbestos should not be of concern.

4.7.2 Lead Based Paint/Lead in Drinking Water

No buildings or building material was observed on site so that lead paint and pipe should be of no concern.

4.7.3 Radon

No radon testing was performed as a part of this Phase I ESA. Larimer County is known to have concentrations of Radon in exceedance of EPA safe levels.

5.0 FINDINGS AND CONCLUSIONS

A Phase I Environmental Site Assessment (ESA) was conducted on the vacant site south of Highway 402 and CR 9 in Loveland, during November 2017. The site is comprised of the approximately 8-acre parcel (85282-00-015).

The site is owned by West Creek, LLC. The site is a vacant field. Based on review of aerial photographs, the site was farmed from as early as 1936 until mid-1969. Since the mid 1970's the neighbors report no activity at the site, owned by absentee landowners. No other uses were discovered.

The property is fenced on the eastern border and southern borders. It is not clear whether the fencing is on site or belongs to adjacent land owners. No transformers were observed on the property. However, there is one transformer along the eastern property line which is the responsibility of the power company.

No listings were on file for the site. A single historic dump is referenced approximately one-half mile to the east on Highway 402, cross gradient to the site. It is an archived Superfund site that does not require any clean up action or further investigation at this time. A single sensitive human receptor was listed on Sauk Road east of the site. It is a small day care facility.

Conclusions – Based on the findings of the ESA, AGPROfessionals has not identified any recognized environmental conditions associated with the property.

AGPROfessionals have performed a Phase I Environmental Site Assessment in substantial conformance with the scope and limitations of the ASTM Practice E1527 of the Parcel No. 85282-00-015. This assessment has revealed no evidence of recognized environmental conditions in connection to the site.

6.0 QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONALS PARTICIPATING IN THE PHASE 1 ENVIRONMENTAL SITE ASSESSMENT

Ms. Spaine conducted the site inspection and interviews, and authored the report. Ms. Spaine is a Professional Engineer in the State of Colorado and has over 20-years of experience conducting environmental investigations, performing compliance inspections, and negotiating with environmental regulatory officials.

I, Patricia Spaine, declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of this part.

I have the specific qualification based on education, training and experience to assess a property of the nature, history and setting of the site. I have developed and performed all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.



Patricia Spaine P. E.

7.0 STATEMENT OF CONDITIONS AND LIMITATIONS

The assessor(s) conducted this Phase 1 ESA in conformance with the scope and limitations of ASTM Practice E 1527-13. The assessor(s) assume no responsibility for legal actions affecting the property or title to the property. The assessor(s) are not required, and have no obligation to appear in court as a result of their assessment of the site. The assessor(s) accept no responsibility to any party for harm or damage incurred as a result of the finding stated herein. The assessor(s) assume no apparent or latent conditions or hidden defects on or in the site's subsoil, groundwater, structure(s) or surrounding properties other than those noted in the report. The assessor(s) assume no responsibility for the cost or performance of maintenance, repair, revisions, additional assessments or other professional services related to the site as a result of the Client's decision to correct factors discussed in this report as current or potential environmental liabilities.

The conclusions presented in this Phase I ESA report are based only on observations made during the assessment and on historical and analytical data provided by others. Thus, the accuracy of the conclusions drawn is inherently based on the accuracy of the information provided, although it is believed by the assessor(s) to be reliable, true and correct to the best of their knowledge. This report implies no opinions, guarantees or warranties regarding the commercial or other value of the site or its suitability or use for any purpose.

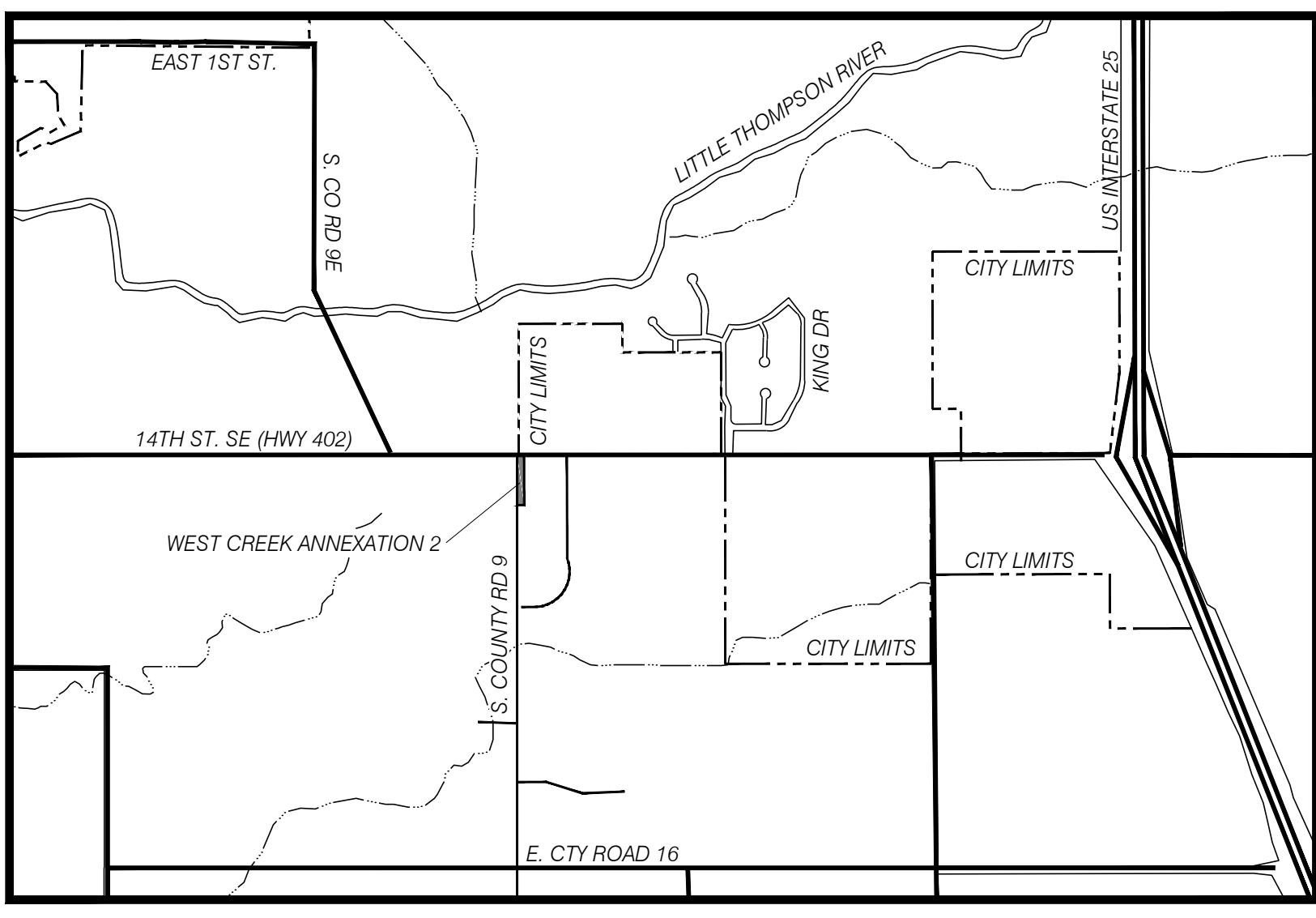
The assessor(s) who conducted this Phase 1 ESA have inspected the parcel(s) and the structure(s) comprising the site by reasonably available means of access. No effort was made to remove the soil, water, structures, walls, furniture or fixtures to facilitate the assessment. Adjoining and neighboring properties were inspected as permitted by visual access.

The assessor(s) who conducted this Phase 1 ESA and prepared this report have made a diligent effort to describe any limiting or contingent factors imposed by the property or the Client as they might affect conclusions found herein. Further, the assessor(s) agree that the conclusions expressed are pertinent and appropriate to the property.

This Phase 1 ESA report may not be used wholly or in part as an enhancement for sales, advertising, public relations or in any media form without prior written consent of the assessor(s).

The assessor(s) take no responsibility for changes made to this Phase 1 Environmental Site Assessment (ESA) report after its delivery to the Client or the Client's designated representative(s) unless authorized and conducted by assessor(s). Any such changes will render the report invalid.

WEST CREEK ANNEXATION NO. 2
A PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 28,
TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH P.M.,
COUNTY OF LARIMER, STATE OF COLORADO



VICINITY MAP 1" = 2000'

LEGAL DESCRIPTION ANNEXATION 2:

A PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE WEST LINE OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 68 WEST AS BEARING SOUTH 00°25'23" EAST BETWEEN A FOUND 2.5" ALUM CAP STAMPED LS 34174 ON THE NORTH END AND A FOUND 2" ALUM CAP STAMPED LS 18982 ON THE SOUTH END, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE NORTHWEST SECTION CORNER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH P.M., THENCE ALONG THE WEST LINE OF SAID SECTION 28, S 00°25'23" E FOR A DISTANCE OF 30.08 FEET TO A POINT ON THE SOUTH ROW LINE OF HIGHWAY 402;

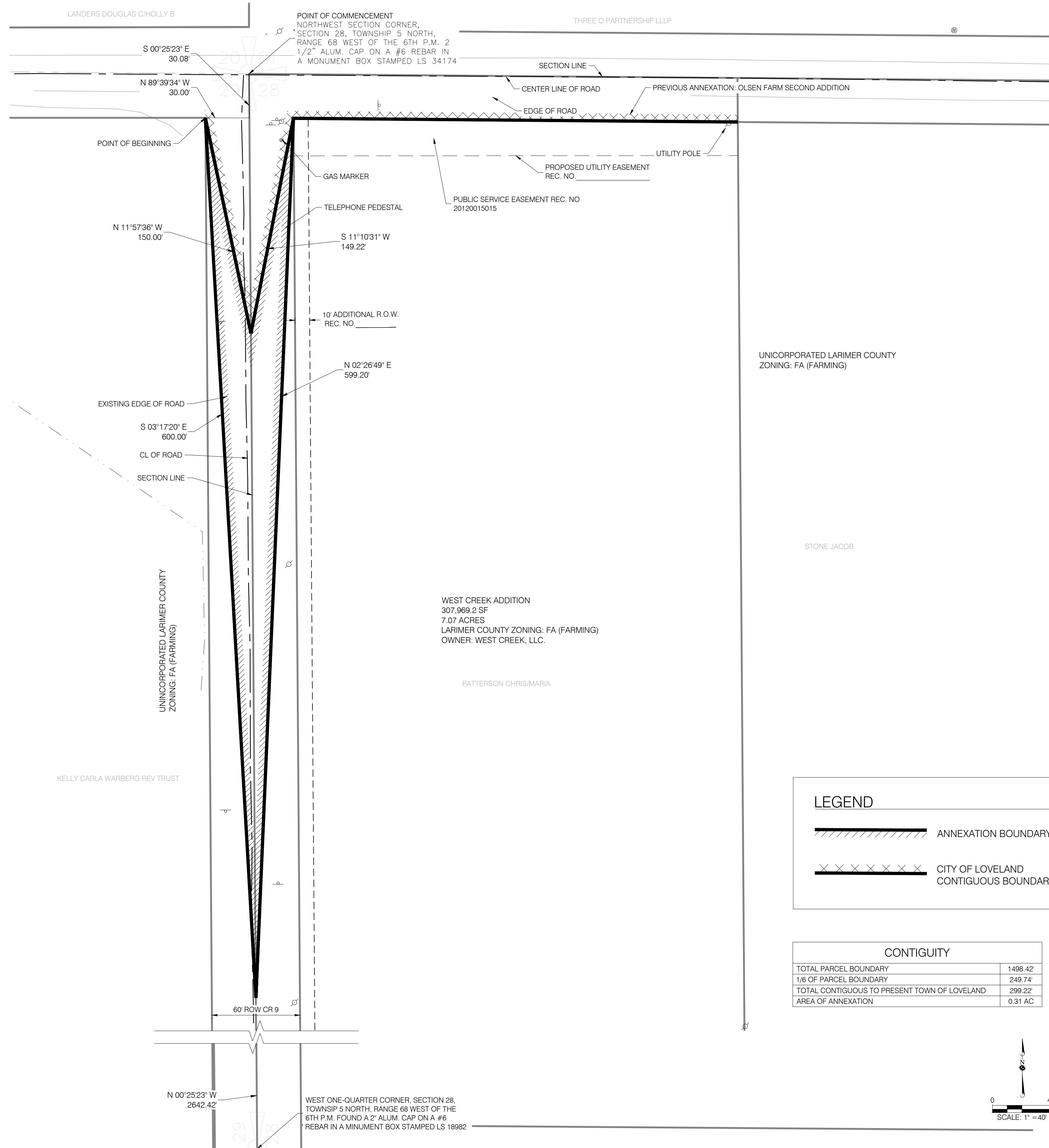
THENCE N 89°3'34" W ALONG SAID ROW LINE FOR A DISTANCE OF 30 FEET TO THE POINT OF BEGINNING;

THENCE S 03°17'20" E FOR A DISTANCE OF 600 FEET;

THENCE N 02°26'49" E FOR A DISTANCE OF 599.20 FEET TO A POINT ON THE SOUTH ROW LINE OF HIGHWAY 402;

THENCE S 11°10'31" W FOR A DISTANCE OF 149.22 FEET;

THENCE N 11°57'36" W FOR A DISTANCE OF 150 FEET TO THE POINT OF BEGINNING.



MAYOR'S CERTIFICATE

THIS MAP IS APPROVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, LARIMER COUNTY, COLORADO BY ORDINANCE NO. _____, PASSED ON SECOND READING ON THIS _____ DAY OF _____, 20____, FOR FILING WITH THE CLERK AND RECORDER OF LARIMER COUNTY.

BY: _____
MAYOR

ATTEST: _____
CITY CLERK

KELLY CARLA WARBERG REV TRUST

SURVEYOR'S CERTIFICATE

I, GARY K. HAMMER A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ANNEXATION MAP SHOWN HEREON IS A REASONABLY ACCURATE DEPICTION OF THE PARCEL OF LAND LEGALLY DESCRIBED HEREON AND, TO THE EXTENT DESCRIBED HEREIN, THAT AT LEAST ONE SIXTH (1/6) OF THE PERIPHERAL BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE BOUNDARY OF THE CITY OF LOVELAND, COLORADO. THE MAP COMPILED USING EXISTING PLATS, DEEDS, LEGAL DESCRIPTIONS, AND OTHER DOCUMENTS AND IS NOT BASED ON THE FIELD SURVEY NOR SHOULD IT BE CONSTRUED AS A BOUNDARY SURVEY.

SURVEYOR'S SIGNATURE: _____

PRINTED NAME OF SURVEYOR AND PLS # _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____, BY _____

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: _____

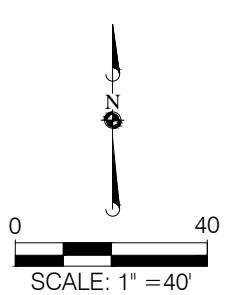
NOTARY PUBLIC

LEGEND

- ANNEXATION BOUNDARY: Hatched line
- CITY OF LOVELAND CONTIGUOUS BOUNDARY: Solid line

CONTIGUITY

TOTAL PARCEL BOUNDARY	1498.42
1/6 OF PARCEL BOUNDARY	249.74
TOTAL CONTIGUOUS TO PRESENT TOWN OF LOVELAND	299.22
AREA OF ANNEXATION	0.31 AC



NO.	DATE	DESCRIPTION	BY

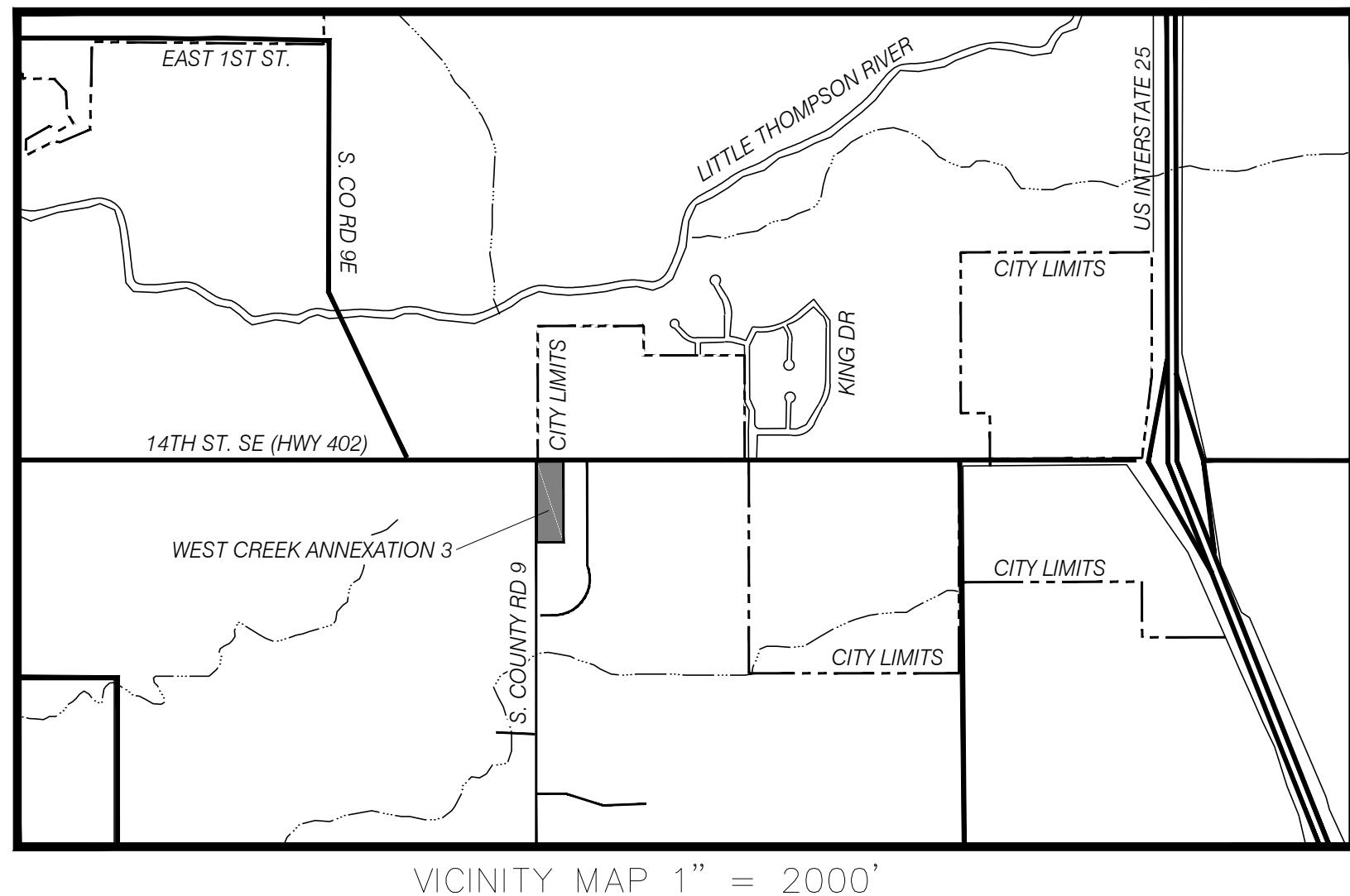
CLIENT: AGPROFESSIONALS
3050 67TH AVE. SUITE 200
GREELEY, CO 80634

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

WEST CREEK ANNEXATION NO. 2
SECTION 28, TOWNSHIP 5 NORTH,
RANGE 68 WEST, 6TH P.M.

SECTION 28, TOWNSHIP 5 NORTH
RANGE 68 WEST, 6TH P.M.
DATE: 10/30/17
JOB#XXXXXX
SHEET 1 OF 1

WEST CREEK ANNEXATION NO. 3
A PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 28,
TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH P.M.,
COUNTY OF LARIMER, STATE OF COLORADO



LEGAL DESCRIPTION ANNEXATION 3:

A PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE WEST LINE OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 68 WEST AS BEARING SOUTH 00°25'23" EAST BETWEEN A FOUND 2.5" ALUM CAP STAMPED LS 34174 ON THE NORTH END AND A FOUND 2" ALUM CAP STAMPED LS 18982 ON THE SOUTH END, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE NORTHWEST SECTION CORNER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH P.M., THENCE ALONG THE WEST LINE OF SAID SECTION 28, S 00°25'23" E FOR A DISTANCE OF 30.08 FEET TO A POINT ON THE SOUTH ROW LINE OF HIGHWAY 402;

THENCE N 89°39'34" W ALONG SAID ROW LINE FOR A DISTANCE OF 30 FEET TO THE POINT OF BEGINNING;

THENCE S 00°25'23" E FOR A DISTANCE OF 1018.79 FEET;

THENCE S 89°40'59" E FOR A DISTANCE OF 362.41 FEET;

THENCE N 00°25'07" W FOR A DISTANCE OF 1017.89 FEET TO A POINT ON THE SOUTH ROW LINE OF HIGHWAY;

THENCE ALONG SAID ROW LINE N 89°31'06" W FOR A DISTANCE OF 302.49 FEET;

THENCE S 02°26'49" W FOR A DISTANCE OF 599.20 FEET;

THENCE N 03°17'20" W FOR A DISTANCE OF 600 FEET TO THE POINT OF BEGINNING.

MAYOR'S CERTIFICATE

THIS MAP IS APPROVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, LARIMER COUNTY, COLORADO BY ORDINANCE NO. _____, PASSED ON SECOND READING ON THIS _____ DAY OF _____, 20 _____. FOR FILING WITH THE CLERK AND RECORDER OF LARIMER COUNTY.

BY: _____
MAYOR

ATTEST: _____
CITY CLERK

SURVEYOR'S CERTIFICATE

I, GARY K. HAMMER A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ANNEXATION MAP SHOWN HEREON IS A REASONABLY ACCURATE DEPICTION OF THE PARCEL OF LAND LEGALLY DESCRIBED HEREIN AND, TO THE EXTENT DESCRIBED HEREIN, THAT AT LEAST ONE SIXTH (1/6) OF THE PERIPHERAL BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE BOUNDARY OF THE CITY OF LOVELAND, COLORADO. THE MAP COMPILED USING EXISTING PLATS, DEEDS, LEGAL DESCRIPTIONS, AND OTHER DOCUMENTS AND IS NOT BASED ON THE FIELD SURVEY NOR SHOULD IT BE CONSTRUED AS A BOUNDARY SURVEY.

SURVEYOR SIGNATURE _____

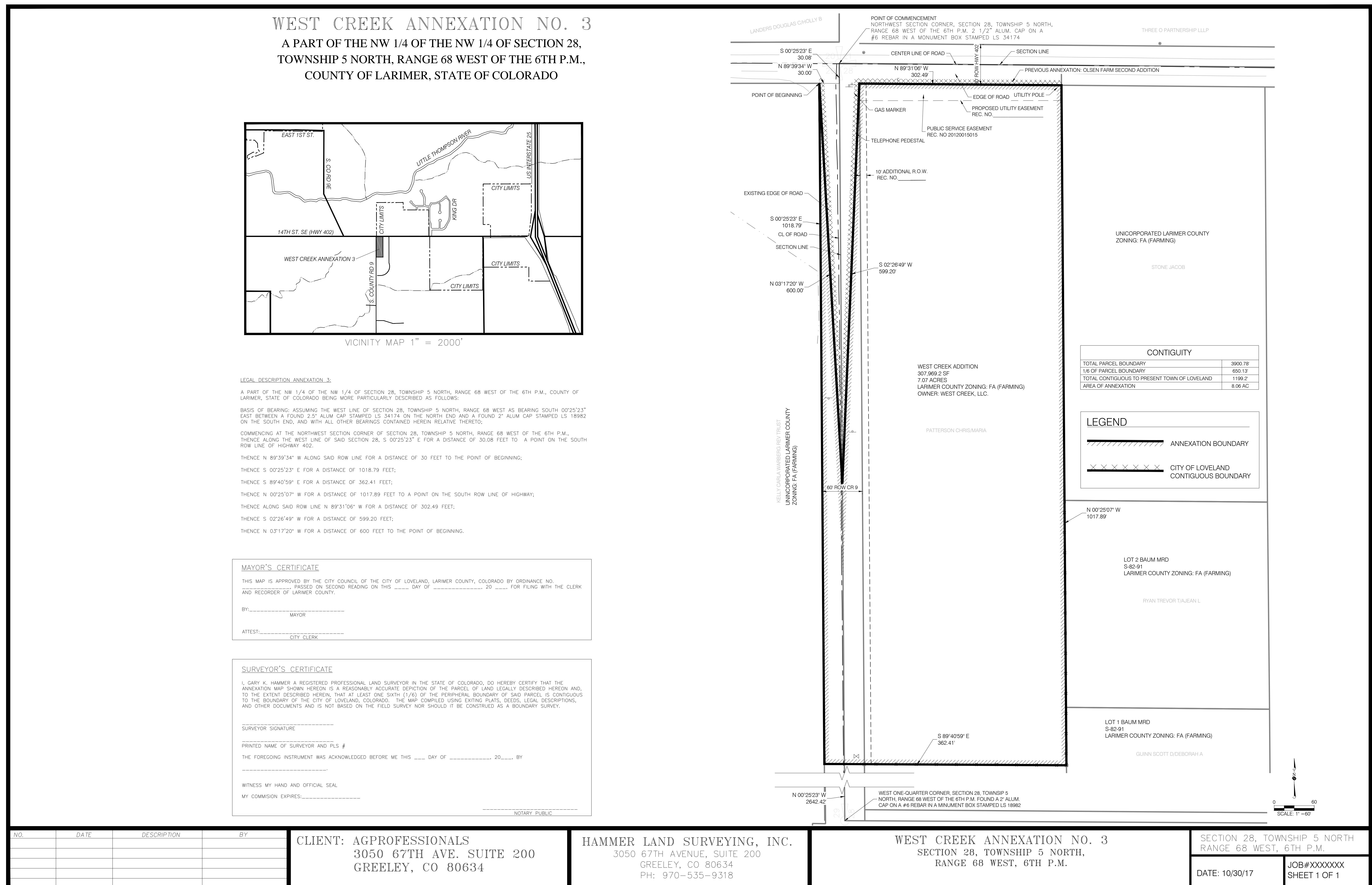
PRINTED NAME OF SURVEYOR AND PLS # _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20_____, BY _____

WITNESS MY HAND AND OFFICIAL SEAL

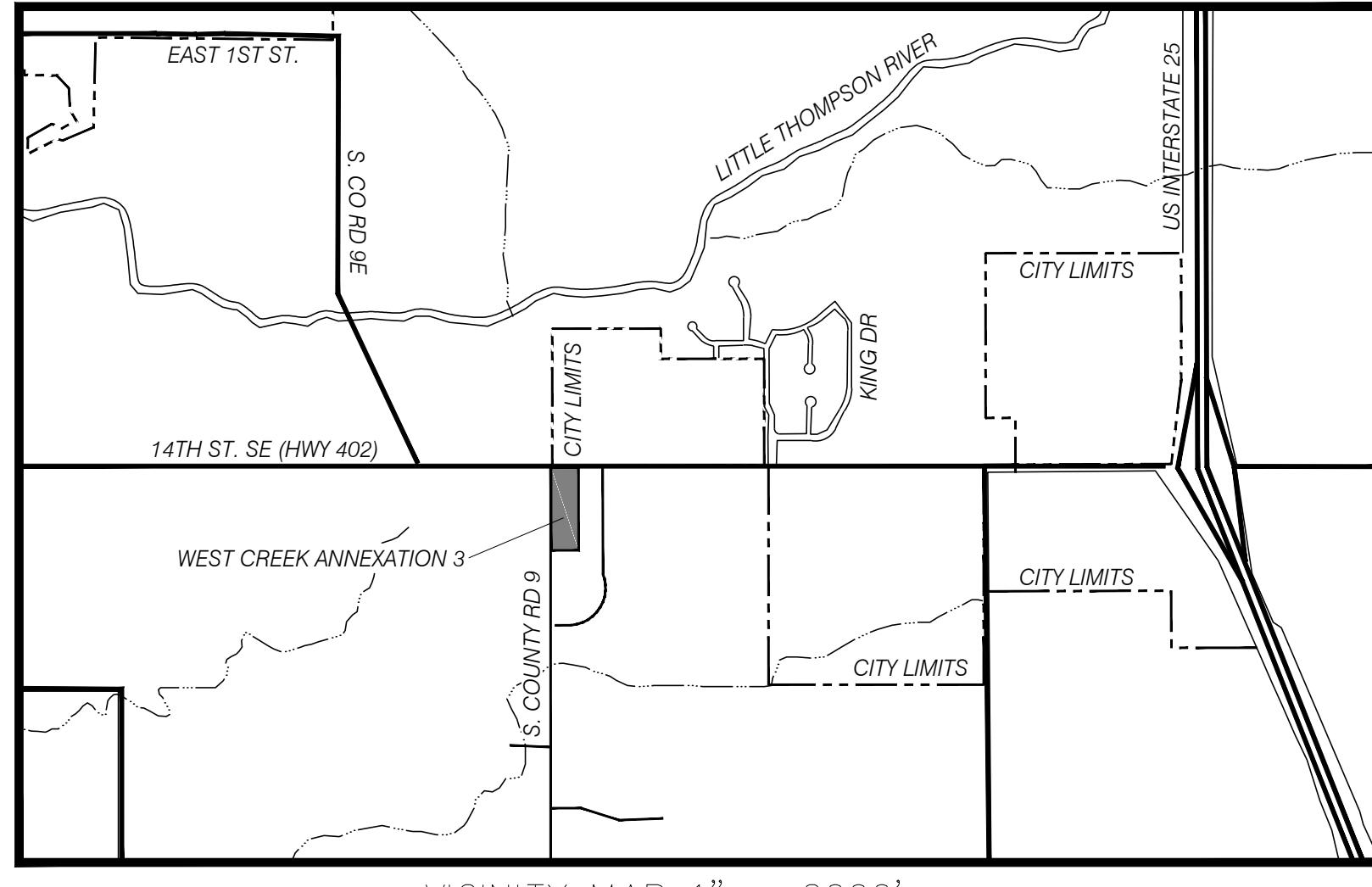
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC



WEST CREEK REZONE MAP

A PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 28,
TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH P.M.,
COUNTY OF LARIMER, STATE OF COLORADO



VICINITY MAP 1" = 2000'

LEGAL DESCRIPTION OF RE-ZONED PARCEL:

A PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING: ASSUMING THE WEST LINE OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 68 WEST AS BEARING SOUTH 00°25'23" EAST BETWEEN A FOUND 2.5" ALUM CAP STAMPED LS 34174 ON THE NORTH END AND A FOUND 2" ALUM CAP STAMPED LS 18982 ON THE SOUTH END, AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING AT THE NORTHWEST SECTION CORNER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH P.M., THENCE ALONG THE WEST LINE OF SAID SECTION 28, S 00°25'23" E FOR A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH ROW LINE OF HIGHWAY 402;

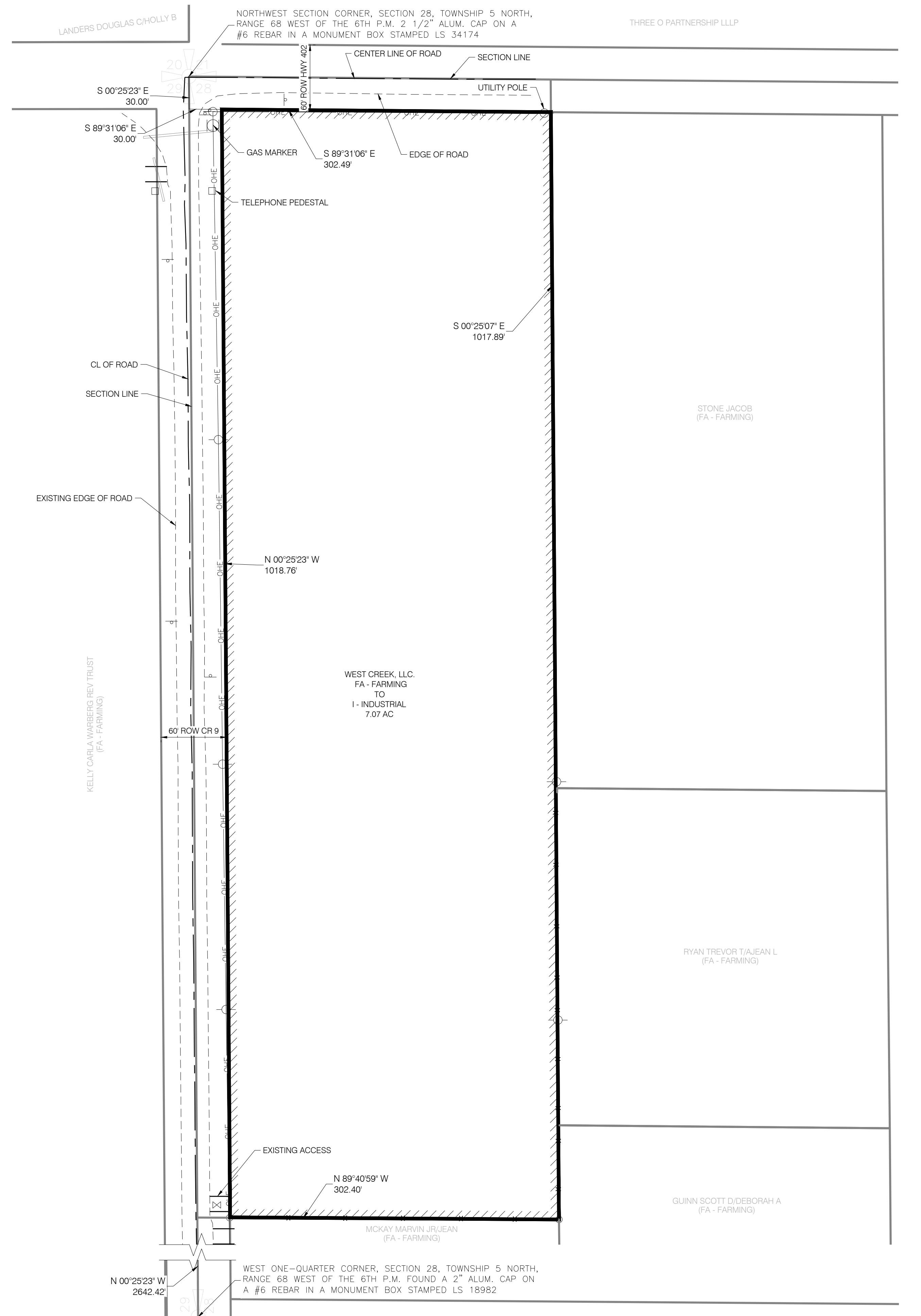
THENCE S 89°31'06" E ALONG SAID ROW LINE FOR A DISTANCE OF 30.0 FEET TO THE POINT OF BEGINNING;

THENCE S 89°31'06" E ALONG SAID ROW LINE FOR A DISTANCE OF 302.49 FEET;

THENCE S 00°25'07" E FOR A DISTANCE OF 1017.89 FEET;

THENCE N 89°40'59" W FOR A DISTANCE OF 302.40 FEET TO A POINT ON THE EAST ROW LINE OF CR 9;

THENCE N 00°25'23" W ALONG SAID ROW LINE FOR A DISTANCE OF 1018.76 FEET THE POINT OF BEGINNING.



0
60
SCALE: 1" = 60'

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

WEST CREEK REZONE MAP
SECTION 28, TOWNSHIP 5 NORTH,
RANGE 68 WEST, 6TH P.M.

SECTION 28, TOWNSHIP 5 NORTH RANGE 68 WEST, 6TH P.M.	JOB#XXXXXX SHEET 1 OF 1
DATE: 10/30/17	