City of Loveland

DEVELOPMENT SERVICES
Current Planning
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AGENDA ITEM NO: **2**

PLANNING COMMISSION MEETING: November 28, 2011

APPLICATION SUMMARY: This is an appeal of an Administrative Determination made by Greg George, Director of the Development Services Department. The determination concerns the maintenance of certain open space areas within the Garden Gate neighborhood located in Southeast Loveland. This neighborhood is zoned PUD and is subject to the provisions of a Final Development Plan which specifies development requirements for this residential neighborhood, including the design and maintenance of open space areas that are now owned and maintained by the Garden Gate Home Owners Association (HOA). The appellant is a resident of the neighborhood and a member of the HOA.

APPELLANT: Bruce W. Cromwell, 267 Wrybill Avenue, Loveland CO.

STAFF PRESENTER: Bob Paulsen, Current Planning Manager

APPLICATION TYPE: APPEAL of an Administrative Determination

RECOMMENDATION: City staff recommends, subject to additional evidence presented at the hearing, that the Planning Commission make the following motion:

> *Move to deny the appeal and uphold the determination of the Development Services Director concerning maintenance provisions in specified open space areas of the Garden Gate First Subdivision, concluding that the Director properly interpreted and applied applicable provisions of the Municipal Code.*

I. HEARING PROCEDURE

Appeal procedures pertaining to final decisions made under Title 18 of the Municipal Code are specified in Chapter 18.80—Appeals. Final decisions that are subject to Chapter 18.80 include administrative determinations. A copy of Chapter 18.80 is provided as **Attachment 6** to this staff report. The following represents the sequence for the appeal hearing once the hearing is called to order by the Planning Commission Chair:

1. City Staff provides a brief presentation on the nature of the appeal
2. Appellant's presentation of evidence, testimony and argument
3. Presentation of evidence, testimony and argument by City Staff or other party in interest in opposition to the appeal.
4. Public comment
5. Rebuttal presentation by the appellant
6. Motion, discussion and vote by the Planning Commission

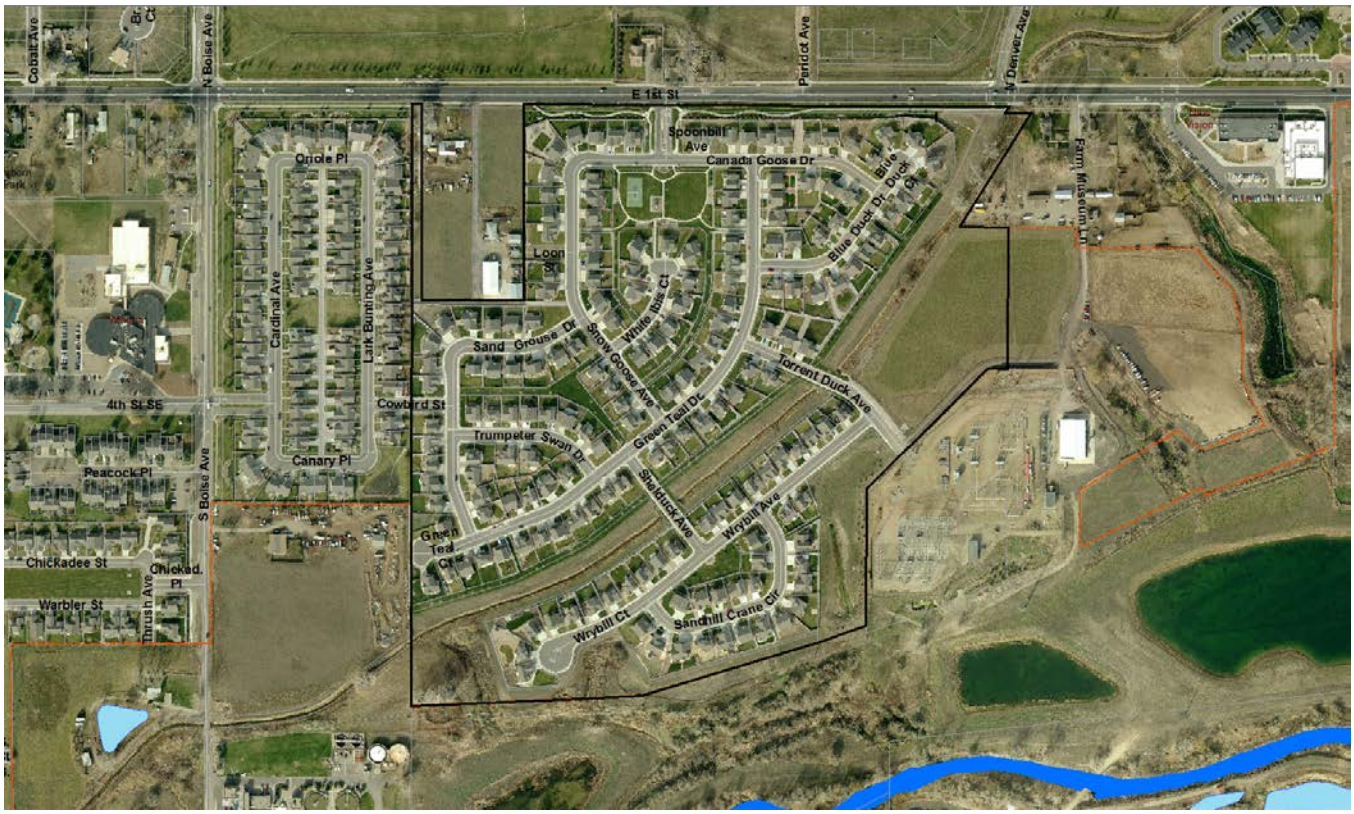
II. ATTACHMENTS

1. Appellant's Revised Notice of Appeal, dated September 14, 2011 (submitted on September 21st)
2. Notice of Appeal dated September 8, 2011 (submitted on September 12th)
3. Letter dated September 14, 2011 to Bruce W. Cromwell (appellant) from Judy Schmidt, Deputy City Attorney, pertaining to defects in the Notice of Appeal dated September 8, 2011 submitted by Bruce W. Cromwell.
4. Letter of Determination from Greg George, dated September 2, 2011, to the Garden Gate HOA.
5. Color Map: Highlighted aerial photograph of the Garden Gate neighborhood open space areas prepared by the Current Planning Division dated September 2, 2011. This map accompanies the September 2nd Letter of Determination.
6. Chapter 18.80 of the Municipal Code: Appeals
7. Chapter 7.18 of the Municipal Code: Weed Control provisions (with highlighting)
8. Garden Gate Final Development Plan as approved by the City of Loveland in September, 2004 (with highlighting and supplementary passages from sheet L2)
9. Garden Gate First Subdivision as approved in September, 2004.

III. BACKGROUND INFORMATION

Plans for the Garden Gate neighborhood were finalized and approved in 2004. The neighborhood is located in Southeast Loveland, immediately south of 1st Street, just to the west of North Denver Avenue. The neighborhood encompasses approximately 69 acres and includes 181 single family homes. The neighborhood is built on former agricultural land and is bisected by the Farmer's Ditch which runs diagonally from the SW to the NE portion of the neighborhood. The neighborhood is zoned Planned Unit Development (PUD); a Final Development Plan (FDP) was approved in 2004 **(see Attachment 8).**

As the controlling zoning document for the neighborhood, the FDP specifies development parameters which address the variety of elements that constitute the built and natural environment of this neighborhood. Among the components addressed by the FDP is the design and maintenance of the



GARDEN GATE NEIGHBORHOOD VICINITY MAP
(boundaries are identified by black lines)

various open space tracts that are now owned by the Garden Gate Homeowners Association (HOA). The HOA is responsible for the care of these commonly-owned properties.

Among other components of the FDP, this document specifies the landscape, planting and irrigation treatments for the open space areas. These areas are treated somewhat differently than the neighborhood park and the buffer landscaping along 1st Street. Specifically, these areas are specified to be planted with various seed mixes along with shrub and tree plantings. The shrubs and trees are irrigated with drip systems; but generally the native seed planted areas are not irrigated. While the FDP indicates location and type of plantings with the neighborhood, and assigns the maintenance of these areas to the HOA, the precise maintenance of the open space tracts are not clearly specified in the FDP. For example, the FDP does not indicate how high the native grass should be allowed to grow or even whether the seeded areas should be mowed or not. Nor does the FDP specify mulching, weeding or irrigation treatments for these areas.

The subject of this appeal concerns the maintenance of specified open space tracts predominantly located in the Southeastern portion of the neighborhood. More specifically, these tracts are located along either side of the Farmer's Ditch, and include the detention facility located at the extreme southeastern portion of the neighborhood next to the PRPA electrical station. The open space tracts located along the south perimeter of the neighborhood are also associated with the Director's determination and the subject appeal.

On September 2, 2011, Greg George, the Director of the Development Services Department issued a determination of maintenance practices for the designated open space areas described above. This determination was in the form of a letter sent to the Garden Gate HOA board and other interested parties (see **Attachments 4 & 5**). The letter was prompted by citizen complaints that the Weed Ordinance (see **Attachment 7**) was not being enforced and that HOA maintenance practices were substandard. The determination was provided to give the HOA board and other residents clear guidance as to the appropriate maintenance for these open space areas. The determination was developed in consultation with Current Planning staff following a review of the FDP, a review of pertinent ordinances and City policies, and in consideration of staff experience with several other neighborhoods that have designated open space areas that include a variety of landscape treatments, including the planting and maintenance of native seed mixes.

It is important to note that in the summer of 2011, prior to the issuance of the determination, staff from the Current Planning Division met with HOA representatives on-site, and conducted a walking tour of the various open space areas with the Garden Gate neighborhood. The site visit provided staff with the opportunity to view these open space areas directly and discuss maintenance treatment with the HOA board along with representatives of the landscape maintenance company hired by the HOA. In addition to the site visit, Current Planning staff reviewed the history of complaints and concerns regarding the Garden Gate open space areas with the City's Code Enforcement staff. Current Planning staff also had several phone conversations with Garden Gate's property management company, HOA board members and other neighborhood residents, including Mr. Cromwell who ultimately appealed the Director's Determination.

IV. SUMMARY OF THE APPEAL

Mr. Bruce Cromwell initially submitted a Notice of Appeal that was received by the Current Planning office on September 9, 2011. This document is provided as **Attachment 2.** Upon receipt of the Notice of Appeal, this document was reviewed by the City Attorney's office for compliance with the appeal requirements of Chapter 18.80. Subsequently, a letter from Deputy City Attorney Judy Schmidt, dated September 14, 2011, (see **Attachment 3**) was sent to Mr. Cromwell indicating the Notice of Appeal failed to conform to Code Section 18.80.060 in that it did not provide a satisfactory description of the grounds for the appeal. Mr. Cromwell was given the opportunity to submit a revised Notice of Appeal by September 21, 2011.

On September 21, 2011, the Current Planning office received a revised Notice of Appeal from Mr. Cromwell (see **Attachment 1**). This document was submitted by the required deadline and was reviewed by the City Attorney's office and was determined to have met the requirements of Code Section 18.80 concerning appeals.

In the September 21, 2011 Notice of Appeal letter (which is actually dated September 14, 2011), Mr. Cromwell elaborates on the grounds for appeal. The following is a summary of his primary points of concern and objection:

General Concerns

- The appellant indicates that when he purchased his house he was informed that the neighborhood common areas would be maintained with lawns in a green and vibrant condition, providing visual unity throughout the neighborhood.
- The appellant cites the Garden Gate Community's Declarations of Covenants, Conditions and Restrictions, indicating that common areas are to be maintained in an aesthetically attractive manner.
- The appellant indicates that the HOA board has not been responsive to his concerns about the level of maintenance
- The appellant indicates that a Confidential Complaint was filed on March 17, 2010 with the City addressing code violations that never was responded to by the City.

TITLE 1—Response to Mr. George's letter--Relevant Facts and Provisions

In this section of the Notice of Appeal, Mr. Cromwell lists in numbered items (1)-(6) that the Letter of Determination is not sufficiently detailed to provide satisfactory guidance in clarifying maintenance treatment for the specified open space areas, including areas adjacent to the Farmer's Ditch, the Detention Pond and Native Seed areas. Mr. Cromwell contends that a more precise determination is needed to clarify these matters, including the application of measurements, mulching standards and other more prescribed maintenance guidelines. Mr. Cromwell contends that the absence of such clarification the Determination fails to provide an adequate interpretation of the Garden Gate FDP.

TITLE II—GGFDP Relevant Sections/Provisions that apply—Please Consider the Following:

In this section of the Notice of Appeal, Number points (1)-(8) are presented. Overall, the implication is that the FDP calls for a "sense of unity" to be created and the distinct treatment of more natural areas and the groomed landscaped areas within the neighborhood are inconsistent with this concept. Therefore the Determination fails to interpret the FDP properly. Moreover, the lack of adequate maintenance by the HOA fails to achieve this unity and fails to comply with the Municipal Code, in particular, the Weed ordinance.

TITLE III—Relevant Facts to be taken into consideration:

In this section of the Notice of Appeal, items (A) – (D) are listed. The appellant indicates that the Determination establishes new rules for landscape maintenance that are sub-standard and will result in a negative impact on the neighborhood, including diminished home values. The appellant contends that when the developer was maintaining the common properties, a more appropriate level of care was established. The appellant also indicates that the Determination does not address the maintenance of all portions of the HOA's common areas and therefore these standards are not being uniformly applied.

VI. STAFF ANALYSIS

The Determination of the Director of Development Services (**Attachments 4 & 5**) includes a complete discussion of the issues prompting the need for the determination and the factors that were considered in making the determination. Therefore, the September 2, 2011 Determination letter should be considered as a component of the staff analysis provided in this report. The accompanying colored map (**Attachment 5**) is integral to the determination and provides graphic illustration of the open space areas of the Garden Gate neighborhood that are subject to the determination.

As addressed previously in this report, the Director's Determination became necessary in order to clarify maintenance issues regarding certain open space tracts within the Garden Gate plan boundaries. The Garden Gate HOA board specifically requested a determination following an on-site visit with Current Planning staff and HOA representatives in the summer of 2011. The site visit had been preceded by citizen code complaints as well as confusion expressed by the HOA board as to the correct parameters for maintaining the open space areas. The purpose of the determination was to clarify how the various open space and wetland areas are to be maintained by the HOA. The Director's determination was designed to provide sufficient detail to guide the HOA in this effort without prescribing rigid provisions that would be burdensome for the HOA to implement or for the City to enforce. Intentionally, the determination gives the HOA some latitude in their maintenance while ensuring consistency with the approved FDP and consistency with guiding City policies including the Open Lands Plan. Experience with similar open space areas in other neighborhoods was also taken into consideration in developing the determination. The open space areas in question do not include the neighborhood park, the landscape buffer along 1st Street, nor the individual residential lots. The areas in question are common areas designated as open space that are landscaped with a combination of seed mixes, trees and shrubs.

A significant factor in making the determination related to maintenance for the various open space areas under consideration relates to the planting and irrigation plans as specified in the Garden Gate FDP. The level and type of maintenance should be consistent with these factors. For example, areas planted with native seed cannot be groomed like blue grass or fesque turf, even if irrigated. In fact, when such grasses are cut, the native grass environment is compromised and becomes more susceptible to erosion and weed infestation. Native and wetland seed environments depend on the shading provided by long grass blades that help to protect the soil from excessive sun and heat, and help to retain soil moisture. This self-shading effect also tends to help the grasses flourish and prevent encroachment by weeds and noxious plant species. Longer grasses also provide some cover for smaller animal species which may frequent such areas. Some spraying for noxious weeds is still appropriate for such areas. A groomed treatment cannot be readily achieved for such areas without a replanting of turf grasses in combination with regular irrigation. A breakdown of how the individual open space areas within the neighborhood are to be treated is provided on pages 2 and 3 of the Director's Determination letter.

Therefore, as planted, the open space areas in question are designed to be native or natural areas. Importantly, these are not turf areas. These areas are designed to serve as transitional areas adjacent to designated environmentally sensitive areas. Such areas serve provide a more natural environment that is integrated in to the neighborhood as designed and specified by the FDP. Such areas support wildlife and offer a lower-maintenance area that can reduce costs to the HOA. As the FDP indicates, this open space provides a naturalistic design that takes inspiration from the natural plant communities and wetlands found on and adjacent to the Garden Gate neighborhood.

Based on the discussion above, it became logical and necessary for the Director to exempt certain open space Tracts within Garden Gate from the City's Weed ordinance (see **Attachment 7**). This ordinance specifies that grass, weeds and many other types of vegetation in excess of 8 inches in height constitute weeds and must be trimmed. Such trimming or mowing of native seed mix areas would be contrary to the sustainable health of these areas. In Section 7.18.030, authority is given to the manager of the City's Long Range Planning and Natural Resource Division to grant exemptions to the Weed ordinance to dedicated public or private open lands. As the Director of Development Services currently oversees the staff of the City's former Long Range Planning and Natural Resource Division, it is within the Director's authority to authorize this exemption or allowance.

In summary, the Director has acted within his authority specify maintenance requirements for identified open space tracts within the Garden Gate First Subdivision. These maintenance requirements are derived directly through a careful reading of the Final Development Plan, the study of on-site conditions, a review of practices administered on similar lands within the City, and a review of applicable City policies and regulations. The Director has properly interpreted the Garden Gate Final Development Plan and applied appropriate maintenance provisions to ensure that the design for the intended design for the neighborhood is sustained.

September 14, 2011

"Revised Notice of Appeal"
Original Appeal dated September 8, 2011

RECEIVED SEP 21 2011

To: City of Loveland Current Planning Division

From: Appellant--Bruce W. Cromwell
267 Wrybill Avenue, Loveland, Colorado, 80537
970-663-6615

This correspondence--Revised Notice of Appeal-- is a reply to the letter I received from the City of Loveland's, City Attorney's Office, dated September 14, 2011. The letter referenced the "Notice of Appeal" I served on the City dated September 8, 2011. (Refer to Attached)

The Appeal I filed dated, September 8, 2011, apparently failed to conform to the requirements of Code Section 18.80.060 per the City of Loveland's, City Attorney's Office.

Therefore, with this letter, I will submit a revised/amended Appeal, with provisions of the Loveland Municipal Code and relevant facts supporting the filing, to satisfy the requirements, as stated in the letter sent to me, by the City of Loveland, City Attorney's Office. Please consider the following:

To be accurate and in an attempt, to present the issues with clarity, I believe that it is in the best interest of this process to look back at the time line regarding the issues at hand. Please take into consideration the following information--

Before I moved into the Garden Gate Community, in Loveland, Colorado, I was assured by the representative of the developer, that all common areas were to be maintained--watered, mowed and otherwise maintained, at all times, and in the future and as in their current condition (lawns green vibrant, visual unity throughout the community and well maintenanced ect.). It was in the developments and city code the person told me. It was stated in the Garden Gate Community's Declarations of Covenants, Conditions and Restrictions I found out later. Sections that apply under this heading are 1)-Article VI--(Common Elements)--Section 6.4--Maintanance and Regulation of Common Elements.--Stated in part--Landscaping shall be maintained and replaced by association as necessary so that common elements presenting aesthetically attractive appearance for which they were installed. --Included under Article VII--Section--(Maintenance By Association)--7.1-Maintenance of Common Elements--Describes the information in 6.4--and includes in part--The association shall make repairs and replacements thereto as needed. (both Articles are attached).

Consequently, on February 15, 2010, I submitted a letter to the Garden Gate Homeowners Association pertaining to Dead Trees not being replaced in the Garden Gate Community. In my letter, I also expressed concern about the maintenance in the of Detention Pond Area. My concerns also included the Tracts of Land, East and West of the Farmers ditch not being maintained/incomplete maintenance in the Community. I also referenced the Garden Gate Final Development Plan (GGFDP in future narrative). Needless to say, all of these issues were covered in the GGFDP. I did not receive a reply from the G.G. HOA board. I subsequently contacted, an HOA management company representative, by sending her an e-mail. The person returned my e-mail. In my e-mail I inquired if the board was going to replace the trees in the community or wait for a complaint to be filed (paraphrasing). This person's response was it was her understanding that a formal complaint had to be filed. In essence the board was not going to do anything unless a formal complaint was filed with the City of Loveland. (Letter to board and e-mail available if required)

Subsequently, a Confidential Formal Complaint was filed with the City of Loveland. The complaint was

ATTACHMENT 1

dated March 17, 2010. The complaint dealt with violations of the GGFDP. As far as I am aware the Confidential Formal Complaint and its contents have never been responded to by the City. Mr. George's letter does not reference the Confidential Formal Complaint. It has been approximately 18 months since the complaint was filed and to my knowledge the issues were never formally addressed, completely in writing, until Mr. George's letter. The letter originated by Mr. George is dated September 2, 2011. It is addressed to the Board of Directors. (The City of Loveland is in the possession of the Confidential Formal Complaint Filed, dated March 17, 2010.)

Title 1--Response to Mr. George's letter--Relevant Facts and Provisions

(1)--In paragraph one Mr. George's letter states that the letter is a clarification regarding maintenance and responsibilities ect. My understanding of Mr. George's intent with his letter was to correct any future misunderstanding regarding the maintenance of all of the areas in question. And by doing so to stop the Code violations and poor/non existent maintenance on said properties. But my response, to Mr. George's letter, is that its contents are not specific and detailed enough to provide the precise maintenance treatment of the areas in question. In my view, the problems will persist and continue, if the letter is not amended and corrected. The areas in question have been viewed by the City of Loveland's Code Enforcement personal. The Code Enforcement Officers have determined that the Garden Gate HOA has been in violation, (and currently is in violation) on four separate occasions and time periods, (or more) of violation of Chapter 7.18 of the City of Loveland, Municipal Code. And therefore, in law and fact, the violations pertain to the contents of the Garden Gate Final Development Plan. (In addition, the violations are wasting City time and resources, in continually, responding to complaints by homeowners ect.) Failure to interpret Code properly.

Because of these habitual violations committed by the G.G. HOA there needs to be a standard established, of specific and detailed measurements and descriptions, of responsibility for maintaining/maintenance--(watering, mowing mulching ect) of the properties in question. (From the distances from the back fence of the homes that back to the Farmers Ditch East and West of the this area. (Please note that in the, GGFDP, the requirements/definition for a Wetlands area near and around the Farmers Ditch, as stated under Number 5--Subject Wetlands states "Wetlands" along the Farmers Irrigation Canal (Ditch) consist of narrow bands of wetland vegetation confined withith the ditch embankments ") One then should conclude that the property areas East and West of the ditch, notwithstanding the embankments, shall be maintained (mowed, watered ect.) by the HOA. This practice is not being done, currently. Failure to Interpret GGFDP, properly.

(2)--Also to be considered, is the Detention Pond area located Northwest and Southwest of the Electric Sub Station. The exact measurement of the property that is required to be maintained, mowed and watered should be detailed. Also, mulching and other care should entail specific time frames and detailed description in maintenance. By omitting this specific information from, Mr. George's letter, I would contend is a failure to clarify the issues, as well as, to interpret the GGFDP properly.

(3)--Non-Irrigated, Native Seed Areas--With clarification in mind when are these areas to be reseeded and mulching occur (desirable term used). Also some of these areas are irrigated. Not clarified.

(4)--Irrigated Native Seed Area--For clarification purposes what are the exact distances in feet East and West of the Farmers Ditch that are to be maintained? Why are these areas not being maintained currently.(watered, mowed, mulched ect.) These areas are irrigated but not being maintained with proper maintenance as described above. To my knowledge none of the areas have been mulched. Also, for purposes of clarification the word "may" should be changed to "shall" due to the circumstances and past history of non compliance by the HOA. Failure to interpret the GGFDP properly.

(5)--Wetland Seed Area--(Detention Pond Area)--Bottom of Pond referred to as "wet". This was stated in the 4th sentence under this heading. I was informed that the area is to drain and remain dry at all times. Interpretation inaccurate. Failure to interpret properly.

(6)--HOA Discretion--The statement "the level of the maintenance is at the discretion of the HOA" as stated

in "Wetland Seed Area" in Mr. George's letter. This statement I contend brought the interested parties to this point. The HOA is using its discretion and by doing so is not complying with the GGFDP and/or Municipal Code as evidenced by violations ect. These practices, currently carried out by the HOA, need to be changed. The maintenance practices need to be explained in direct language and in precise terms. And, in writing, to prevent any further confusion. Failure to interpret GGFDP and Municipal Code properly.

Title II--GGFDP Relevant Sections/Provisions that apply--Please Consider the Following--

Point Number--(1)--Section A-Titled Purpose of Project--Sub Section (a)--Following Garden Gate PUD Characteristics--"Uniquely attractive-the beautiful mountain views and open space throughout the development creates a sense of unity for residents". I would submit that the non maintaining/non maintenance of the properties, in question, does not give the community a "sense of unity" for the residents. The areas East and West of the Farmers ditch are not being maintained (watered, mowed, mulched) and realistically appear to be abandoned fields with weeds. The Detention Pond area is also not being mowed properly. This Section of the GGFDP is not being properly interpreted by the City's response.

Point Number--(2)--Section C-Site Design Concepts--Sub Section--(1)--Overall design concept--(d)--Landscaping will enhance the project by creating visual buffers and overall sense of place. (in part) I submit that the only vision you see, when you are in these areas, is that you are in a field that is not being maintained/ with no maintenance. (Areas East and West of the Farmers Ditch and the area around the Detention Pond). This Sub Section is not being interpreted properly by Mr. George's letter.

Point Number--(3)--Section E--Public and Private Utilies--Sub Section (10)--Maintenance of all open space, wetland areas and all other common play and landscaped areas buffers shall be maintained by the Association established for the Garden Gate PUD. This section is not being complied with. A violation of the GGFDP. Not included in Mr. George's letter. Failure to interpret Provisions properly.

Point Number --(4)--Section F--Landscaping and Fencing--Sub Section (1)--Overall Concept--The Landscape Plan is based around lending a sense of connection and visual unity throughout the project while providing buffers between the proposed uses (in part) This section is not being complied with per the GGFDP. Proper maintenance not being performed by HOA. Failure to properly interpret Provisions.

Point Number--(5)--Section F--Landscaping and Fencing--Sub Section (3)--The association shall have the maintenance and long term responsibility for the landscaping and existing tree and shrub communities within the Garden Gate development (paraphrasing). The GGHOA is not complying with this sub section. Not considering or interpreting GGFPD properly through letter.

Point Number--(6)--Section G--Architecture and Site Design--Sub Section (2--(b)--Developers, property owners and residents shall comply, at all times, with the requirements, restrictions and prohibitions, set forth in this FDP (paraphrasing). This Sub Section is not being complied with, by the HOA, not adhering to the GGFDP in aforementioned statements. (Violations of the GGFDP and Weed Control--Section 17.18 of the City of Loveland Municipal Code) What are the sanctions for these habitual violations. This Section is not included/considered in Mr. George's letter. Failure to properly interpret Provisions.

Point Number--(7)--Section L--Regulatory Procedures--Paragraph Two--The FDP is in accordance with Chapter 18.41 of the Loveland Municipal Code. In no event shall a property owner take or commit any act or action that is not in full conformance with the law, regulation and/or condition of the City of Loveland, Municipal Code. This Section does not preclude or exclude nor waive the Garden Gate HOA from performing their duties as required by law. What are the sanctions for these violations as described? Not considered by letter from Mr. George. Failure to properly interpret Provisions.

Point Number--(8)--The GGFDP is not taken in its "whole" form/meaning. Sections are taken out to apply to Mr. Georg's letter and other Sections are not applied. This is a failure to properly interpret and apply relevant provisions as stated above.

Title III--Relevant Facts to be taken into consideration--

(A)--Home Values--In this case, I believe it is in the City's best interest to help the homeowners in the Garden Gate Community protect our home values. The letter, Mr. George wrote, does not reflect the negative impact that the non maintenance (and or new rules) would have on the Communities existing home values. I believe the interpretation of the new maintance rules would have a negative impact on the Garden Gate Community regarding this issue. I must state that I would not have purchased my home, if the property, in question, was in the condition, that it is in today. Failure to interpret relevant fact.

(B)--Areas in question are the only areas not being Maintenance/Maintained in the Community--(Pertaining to total in community--Approximately 68 acres--188 homes)---It is my understanding that the areas, as described, in this Revised Appeal, are the only areas in the Community that are not being maintained--maintenance--mulched, watered or mowed ect. As a result, the GGFDP and the Loveland Municipal Code, are not being uniformly applied. This action (or non action) is a violation of the GGFDP and the Loveland Municipal Code. These Provisions, and explanation of same, was never properly considered or interpreted in Mr. George's letter.

(C)--Past Practices--When the Developer was maintaining/maintenance of the property there were issues. But the areas in question were being maintained properly. Relevant fact not properly interpreted.

(D)--Mr. George's Visit--September 8, 2011--Finally and most importantly, when I received a cc of Mr. George's letter I noticed before his Signature he wrote, "Please contact me if you have any questions or concerns regarding this determination". Due to that statement I contacted Mr. George and invited him out to the properties for a visit. Mr. George accepted my invitation.

During, Mr. George's visit, in which he was able to view the property in person, he had expressed to me, some concerns about the condition and maintenance of the properties in question (East and West of the Farmers Ditch area, Detention Pond area ect.). The letter needed to be changed to reflect the condition and maintenance of the property, he told me. We discussed some changes and I am in agreement with some of his suggestions. I recontacted Mr. George by telephone when I received the City Attorney's response to my original Appeal. The date was September 14, 2011. Mr. George again, agreed with my recollection of said events. Please take this significant development into consideration.

Thank you for the opportunity to present my Revised Appeal.

If you have any questions please feel free to contact me.
Thank you for your consideration,

Bruce.

Bruce W. Cromwell
Appellant
267 Wrybill Avenue,
Loveland, Colorado
80537
970-663-6615

Note--Letter by Mr. George, GGFDP document, not attached, as previously submitted for review, at first filing of Appeal, on September 12, 2011.

September 8, 2011

--Notice of Appeal--
Filed by Party-in-Interest/Appellant--Bruce W. Cromwell

This Notice of Appeal is directed, to the City of Loveland Planning Commission, as stated in Section 18.80.040-A, of the City of Loveland, Colorado, Municipal Code.

The Appeal Requirements (As stated in Section 18.80.060 of City of Loveland, Municipal Code) are as follows:

A--Description of the final decision being appealed--Administrate Decision written by, Gregory C. George, Director of Development Services, City of Loveland, Colorado. (Refer to Attached)

B--Date of the final decision being appealed--September 2, 2011.

C--Name address, telephone number of Appellant--Appellant/Party-in-Interest,--Bruce W. Cromwell, 267 Wrybill Avenue, Loveland, Colorado, 80537, 970-663-6615.

Statement of Appellant/Party-in-Interest--Bruce W. Cromwell--I reside in the Garden Gate Community, of which the Administrative Decision, is based upon. The Administrate decision, written by Mr. George, has a direct relationship to the property I own. The decision also references, the Final Development Plan, a legal document, which pertains specifically to the Garden Gate Community. (FDP Attached)

D--Grounds for the Appeal of the final decision--Per Section 18.80.030-B (1)-1-of the City of Loveland, Municipal Code.--Failure to properly interpret and apply relevant provisions of the Municipal Code and other law--

E--Not applicable--

Cost of Appeal--Per Section 18.80.070 of the Municipal Code--I have contacted staff, at the City of Loveland's, City Attorney's Office. I inquired about any charged costs/fees incurred by the Appellant throughout this process. I was informed that the Appellant would not be charged a fee throughout this process.

City of Loveland Planning Commission--Please take into consideration--The Appellant-Bruce W. Cromwell-is planning to be out of the State of Colorado from October 21 through November 14, 2011. Needless to say, this event was prearranged before the Notice of Appeal was filed with the City. With this Notice of Appeal, as it pertains to the Appellant, the Appellant agrees and stipulates to a time wavier, regarding the 30 to 60 rule, for purposes of scheduling a public hearing as stated in Section 18.89.040-C of the City of Loveland, Co. Municipal Code. If it is possible please schedule the public hearing after November 14, 2011.

Please contact me if there are any questions,
Thank you for your consideration,
Bruce W. Cromwell
Appellant

SCOTT DOYLE, CLERK
LARIMER COUNTY CO
RCPTN# 2005-0012136 02/14/2005
11:54:00
PAGES - 41 FEE $206.00 DOC $0.00 #435217

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

for

GARDEN GATE SUBDIVISION

(A Common Interest Community)

THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GARDEN GATE SUBDIVISION is made and entered into this day 1st of January, 2005, by GARDEN GATE DEVELOPMENT, LLC a Colorado limited liability company hereinafter referred to as the "Declarant."

A. The Declarant is the owner of certain real estate located in the County of Larimer, State of Colorado, commonly known as Garden Gate Subdivision, Loveland, Colorado ("Property") and legally described on Exhibit "A" attached hereto and incorporated herein by reference.

B. The Declarant desires to create a Common Interest Community on the Property, pursuant to the Colorado Common Interest Ownership act, C.R.S. §38-33.3-101, et seq., as it may be amended from time to time ("Act").

C. The name of the Common Interest Community to be created upon the Property shall be GARDEN GATE SUBDIVISION.

D. The Common Interest Community shall be a Planned Community.

E. Portions of the Common Interest Community shall be designated for separate

allocated to each Unit are set forth as follows:

5.3.1 The percentage of liability for Common Expenses shall be allocated on the basis of equal liability for each Unit; and

5.3.2 The number of votes in the Association shall be allocated on the basis of one (1) vote for each Unit.

ARTICLE VI

COMMON ELEMENTS

6.1 Dedication of Common Elements. The Declarant hereby dedicates the Common Elements to the common use and enjoyment of the Members, as hereinafter provided.

6.2 Description of Common Elements. The Common Elements within the Common Interest Community shall consist of the following real property:

TRACTS A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q
GARDEN GATE SUBDIVISION

6.3 Installation of Common Elements. The Declarant shall install, construct or cause to be to be installed or constructed the following Common Elements:

6.3.1 Landscaping and irrigation systems on the Common Elements, where required.

6.3.2 Community mailboxes and enclosures and related facilities.

6.3.3 Perimeter fencing where necessary.

18

6.3.4 The Common Elements described in Section 6.2 above, except Tract C, shall be transferred to the Association free and clear of all liens and encumbrances prior to the conveyance of the first Unit within the Common Interest Community.

6.4 Maintenance and Regulation of Common Elements. After the installation of all improvements, facilities and landscaping required of Declarant by the City of Loveland, Colorado, within the Common Elements, such improvements, facilities and landscaping (including irrigation systems) shall be maintained, repaired and replaced by the Association as necessary so that such Common Elements present an aesthetically attractive appearance to serve the purposes for which such improvements, facilities and landscaping were installed. The Association shall be responsible for the maintenance, repair, renovation, management and control of the Common Elements subject to any rights previously granted to the public.

The Association may adopt such Rules and Regulations as shall be necessary for the proper maintenance, repair, renovation, management and control of the Common Elements.

6.5 Owners' Easements of Enjoyment. Each Unit Owner shall have a right and easement of enjoyment in and to the Common Elements and such easement shall be appurtenant to and shall pass with title to every Unit, subject to the following provisions:

6.5.1 The right of the Association to promulgate and publish reasonable Rules and Regulations as provided in this Declaration.

6.5.2 The right of the Association to suspend voting rights and the right to use the Common Elements by an Owner for any period during which any Assessment against his or her Unit remains unpaid; and for a period not to exceed sixty (60) days for any infraction of its published Rules and Regulations.

6.5.3 The right of the Association to dedicate or transfer any part of the Common Elements to any public agency, authority, utility or other entity for such purposes and subject to such conditions as may be agreed to by the Members, provided that with the exception of public

Common Elements.

ARTICLE VII

MAINTENANCE BY ASSOCIATION

7.1 Maintenance of Common Elements. The Association shall maintain all of the Common Elements within the Common Interest Community. The Association shall maintain all other landscaping and other facilities installed in, on or under the Common Elements and shall make repairs and replacements thereto as needed to permit the Common Elements to serve the purpose for which they are created and installed in the Common Interest Community. Any common driveways and alleys, parking areas, sidewalks, landscaping islands, entry feature monument and signage, and irrigation sprinkler system located in on or under the Common Elements, shall be maintained by the Association. All such facilities and any and all additional facilities and improvements which may be installed within Common Elements shall be maintained, repaired and replaced by the Association as necessary so that the Common Elements present an aesthetically attractive appearance and serve the purpose for which such facilities were installed. In addition, to the fullest extent allowed or required by the provisions of §307(1.5) of the Act, the Association shall maintain, repair and replace any and all drainage structures or facilities or other public improvements required by the City of Loveland as a condition to the development of the Common Interest Community or any part thereof (unless and except to the extent that same are maintained by the City of Loveland).

7.2 Damage by Owner. Notwithstanding anything to the contrary contained herein, in the event the need for the Association to maintain, repair or replace a Common Element is caused by the willful act or gross negligence or misconduct of a Unit Owner or a member of such Unit Owner's family, or a guest, invitee or tenant of a Unit Owner or a member of such tenants family, the costs of such repair, replacement or maintenance, to the extent not covered by the Association insurance, shall be a personal obligation of such Unit Owner, and any costs, expenses and fees incurred by the Association for the same shall be assessed to such Unit Owner and added to such Owner's Common Expense Assessment, the Association shall have a lien for the payment of such Assessment as provided in the Act and in this Declaration.

September 8, 2011

RECEIVED
BP 1:25 PM

--Notice of Appeal--
Filed by Party-in-Interest/Appellant--Bruce W. Cromwell

This Notice of Appeal is directed, to the City of Loveland Planning Commission, as stated in Section 18.80.040-A, of the City of Loveland, Colorado, Municipal Code.

The Appeal Requirements (As stated in Section 18.80.060 of City of Loveland, Municipal Code) are as follows:

A--Description of the final decision being appealed--Administrate Decision written by, Gregory C. George, Director of Development Services, City of Loveland, Colorado. (Refer to Attached)

B--Date of the final decision being appealed--September 2, 2011.

C--Name address, telephone number of Appellant--Appellant/Party-in-Interest,--Bruce W. Cromwell, 267 Wrybill Avenue, Loveland, Colorado, 80537, 970-663-6615.

Statement of Appellant/Party-in-Interest--Bruce W. Cromwell--I reside in the Garden Gate Community, of which the Administrative Decision, is based upon. The Administrate decision, written by Mr. George, has a direct relationship to the property I own. The decision also references, the Final Development Plan, a legal document, which pertains specifically to the Garden Gate Community. (FDP Attached)

D--Grounds for the Appeal of the final decision--Per Section 18.80.030-B (1)-1-of the City of Loveland, Municipal Code.--Failure to properly interpret and apply relevant provisions of the Municipal Code and other law--

E--Not applicable--

Cost of Appeal--Per Section 18.80.070 of the Municipal Code--I have contacted staff, at the City of Loveland's, City Attorney's Office. I inquired about any charged costs/fees incurred by the Appellant throughout this process. I was informed that the Appellant would not be charged a fee throughout this process.

City of Loveland Planning Commission--Please take into consideration--The Appellant-Bruce W. Cromwell- is planning to be out of the State of Colorado from October 21 through November 14, 2011. Needless to say, this event was prearranged before the Notice of Appeal was filed with the City. With this Notice of Appeal, as it pertains to the Appellant, the Appellant agrees and stipulates to a time wavier, regarding the 30 to 60 rule, for purposes of scheduling a public hearing as stated in Section 18.89.040-C of the City of Loveland, Co. Municipal Code. If it is possible please schedule the public hearing after November 14, 2011.

Please contact me if there are any questions,
Thank you for your consideration,
Bruce W. Cromwell BWC
Appellant

ATTACHMENT 2

City of Loveland

DEVELOPMENT SERVICES
ADMINISTRATION
500 East Third Street, Suite 210 • Loveland, CO 80537
(970) 962-2346 • Fax (970) 962-2903 • TDD (970) 962-2620
www.cityofloveland.org

September 2, 2011

Garden Gate Home Owner's Association
Attn: Board of Directors
4631 West 20th Street, Suite 100
Greeley, CO 80634

Subject: Determination of maintenance practices for designated open space lands within the Garden Gate First Subdivision.

Dear Board of Directors:

This letter is being provided in response to a request from the Garden Gate Homeowners Association board for clarification regarding maintenance responsibilities for specified open space areas located within the Garden Gate First Subdivision. This letter has also been prompted by citizen complaints that the City's weed control ordinance is not being adhered to by the HOA in the maintenance of its properties. This letter provides my interpretation (as the Director of the Development Services Department for the City of Loveland) of the Garden Gate Final Development Plan as it relates to the maintenance of the specified areas. The letter also includes my official determinations with regard to those open space areas that are exempt from the City's weed ordinance, in accordance with Chapter 7.18 of the Loveland Municipal Code. As such, this is a formal determination by the City of Loveland and it is expected that HOA maintenance practices will comply with the specifications provided herein.

The reason this determination is necessary is that the Final Development Plan (FDP) for the Garden Gate First Subdivision does not set forth specific maintenance treatment of many of the designated open space areas. While the FDP clearly assigns maintenance responsibility for these properties to the HOA, the precise treatment is unspecified. Consequently, for a determination to be made, it has been necessary for staff to conduct a detailed review of the FDP and related documents, along with a review of the City's Open Lands Plan and weed control ordinance. In addition, a site inspection was conducted this summer by Current Planning staff in the company of HOA board representatives in order to observe these open space areas directly and to gain insight from board members and other residents.

It is important to note that the narrative of the Garden Gate FDP (see sheet L2) emphasizes that a "naturalistic design approach" was taken in the design open space areas, "with inspiration taken from the natural plant communities and wetlands currently found on and adjacent to the site." The plan states that natural areas were to be re-established and to be allowed to naturalize again, including areas that receive seed mixes. These clear statements of intent assist in determining the appropriate level of and type of maintenance. Other important factors in determining the appropriate type of maintenance for the specified open space areas includes a recognition of the type of planting treatment, the use or absence of irrigation for the specific areas, and the function of these areas.

Printed on
Recycled Paper

Below is a breakdown of the various open space areas that are addressed by my determination. Each area is described, and the appropriate landscape maintenance treatment is specified. In each case, the specific maintenance treatment is underlined for emphasis and clarity. Note that these areas are correlated with the accompanying map.

The Irrigation Ditch:
The Farmers Ditch and associated ditch banks are identified as "Environmentally-Sensitive Areas." This area is highlighted in green on the accompanying map. This property shall not be disturbed other than by the ditch company and is exempt from the weed ordinance.

Environmentally-Sensitive Areas:
The original Environmentally-Sensitive Areas report for the Garden Gate Subdivision (submitted as part of the original planning and review process) identified specified areas as being environmentally-sensitive. These areas, like the ditch area addressed above, are designated in green on the accompanying map. Per City Code, these areas are to be protected and left undisturbed. The area at the southern portion of the detention pond is designated as such; also, there are portions of Tract H at the southern and southwestern portion of the neighborhood that are also given this designation. While some level of disturbance has occurred to portions of this area, the remainder should be left undisturbed. All these areas are exempt from the weed ordinance.

Non-Irrigated, Native Seed Areas:
These areas consist of the Tracts alongside the ditch and others located at the SE portion of the neighborhood (Tracts G, H & L). These areas are highlighted in blue on the accompanying map.

These areas are designed to be reserved in a natural state, with uncut native grasses that provide wildlife habitat. The City's ***Open Lands Plan*** (refer to Section 6.2, Lake Edges and Ditches) specifies that areas along the irrigation ditches serve as wildlife habitat and movement corridors. For such corridors to function effectively, the native grasses should remain uncut (un-mowed) in order to provide a healthy and optimal cover for wildlife. It is important to note that uncut native grasses provide a self-sustaining environment, shading the soil and retaining soil moisture, allowing for self-germination, and minimizing weed encroachment. Spraying minimally for noxious weeds may be needed; some reseeding and mulching of these areas may be desirable. Cutting these grasses, however, prevents germination and compromises their ability to sustain a healthy environment. These areas should not be mowed or should only be mowed once in the Fall as the grasses go dormant as winter approaches. These areas are exempt from the weed ordinance.

Irrigated Native Seed Areas:
These areas consist of narrow Tracts along the rear of the residential lots. Tracts include B, I, K, M, N & O, which are identified in pink on the accompanying map. These Tracts vary in width (generally between 10 and 15 feet wide) and separate the developed residential lots from the non-irrigated natural areas. These Tracts include tree and shrub plantings with drip irrigation and provide a transition from developed lots to the natural areas. These areas may be mowed. Spraying for noxious weeds may be desirable; some reseeding and mulching of these areas may also be desirable. These areas may be mowed by the HOA and are subject to the weed ordinance.

Wetland Seed Area:
The Detention Pond is located on Tract P which is highlighted in yellow on the accompanying map. This area was planted with a wetland seed mix. It is a natural area. The bottom of the pond area has been

wet and requires no maintenance. Trees and bushes have been planted closer to the upper slope of the pond, requiring irrigation and occasional mowing and related maintenance. Occasional mowing is anticipated in the upper area similar to what is described with the Irrigated Native Seed Areas; the level of maintenance is at the discretion of the HOA. This upper area is subject to the weed ordinance. The lower areas located down the slope from the trees/shrubs is clearly a natural area that should be left undisturbed with the exception of spraying for noxious weeds and occasional mulching and reseeding. These lower areas are exempt from the weed ordinance.

Appeal Process:
This administrative decision can be appealed to the Planning Commission as specified in Chapter 18.80 of the Municipal Code. To be valid, the appeal must be filed with the City's Current Planning Division by 5:00 PM on Monday, September 12, 2011.

In closing, I would like to thank the HOA board, neighborhood residents and the management company for your interest, cooperation and patience in this matter. I hope the letter provides an adequate explanation for my decisions. Should anyone have further questions regarding my determination or any related issues, please feel free to contact me as provided for at the end of the letter.

Please contact me if you have any questions or concerns regarding this determination. Thank you.

Sincerely,

Gregory C. George
Director of Development Services
City of Loveland
970-962-2521 / georgg@ci.loveland.co.us

Enclosure: Map

Xc: Jaimie Pribble, Vintage Corporation, 4631 W 20th Street, Suite 100, Greeley, CO 80634
Bruce Cromwell, 267 Wrybill Avenue, Loveland, CO 80537
Tom Hawkinson, Loveland Chief Building Official
Bob Paulsen, Loveland Current Planning Manager

City of Loveland

Office of the City Attorney

Civic Center • 500 East Third Street, Suite 330 • Loveland, CO 80537
(970) 962-2540 • Fax (970) 962-2900 • TDD (970) 962-2620
www.cityofloveland.org

September 14, 2011

Via email to: bwc2424@yahoo.com

Via US Mail to:

Mr. Bruce W. Cromwell
267 Wrybill Avenue
Loveland, Colorado 80537

RE: Notice of Appeal dated September 8, 2001 (Notice of Appeal) pertaining to Letter of Determination of Maintenance Practices for Designated Open Space within the Garden Gate First Subdivision dated September 2, 2011 (the "Director's Determination")

Dear Mr. Cromwell,

The City Current Planning Division received your Notice of Appeal with respect to the Director's Determination on Monday, September 12, 2011. I have reviewed the Notice of Appeal as required under Section 18.80.034 of the Loveland Municipal Code (the "Code") for defects in form or substance.

The purpose of this letter is to notify you that the Notice of Appeal fails to conform to the requirements of Code Section 18.80.060. Although the Notice includes a specific allegation of error under Code Section 18.80.030.B (failure to properly interpret and apply relevant provisions of the Code and other laws), it does not provide a "description of the grounds for the appeal" by indicating how or why the Director failed to properly interpret and apply such provisions. Such information is required under Code Section 18.80.060 and is necessary for a meaningful review of the Director's Determination by the Planning Commission.

Please provide a revised Notice of Appeal that includes a specific description of the manner in which the Director failed to properly interpret and apply relevant provisions of the Code and other law, including the specific provisions of the Code and other law that are at issue, the manner in which or reasons why they were not properly interpreted or applied, and any relevant facts supporting the allegation that they were not properly interpreted or applied.

ATTACHMENT 3

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Pursuant to Code Section 18.80.035, the City's Current Planning Division must receive your revised Notice of Appeal correcting these deficiencies by 5:00 p.m. on Wednesday, September 21, 2011. If a revised Notice of Appeal is not received by this time, the appeal shall be deemed to be dismissed.

Please let me know if you have questions or need further information with respect to this determination.

Regards,

J. Yost Schmidt

Judy Schmidt
Deputy City Attorney

cc: Bob Paulsen, Loveland Current Planning Manager

City of Loveland

DEVELOPMENT SERVICES
ADMINISTRATION
500 East Third Street, Suite 210 • Loveland, CO 80537
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September 2, 2011

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Attn: Board of Directors
4631 West 20th Street, Suite 100
Greeley, CO 80634

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Appeal Process:
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Please contact me if you have any questions or concerns regarding this determination. Thank you.

Sincerely,

Gregory C. George
Director of Development Services
City of Loveland
970-962-2521 / georgg@ci.loveland.co.us

Enclosure: Map

Xc: Jaimie Pribble, Vintage Corporation, 4631 W 20th Street, Suite 100, Greeley, CO 80634
Bruce Cromwell, 267 Wrybill Avenue, Loveland, CO 80537
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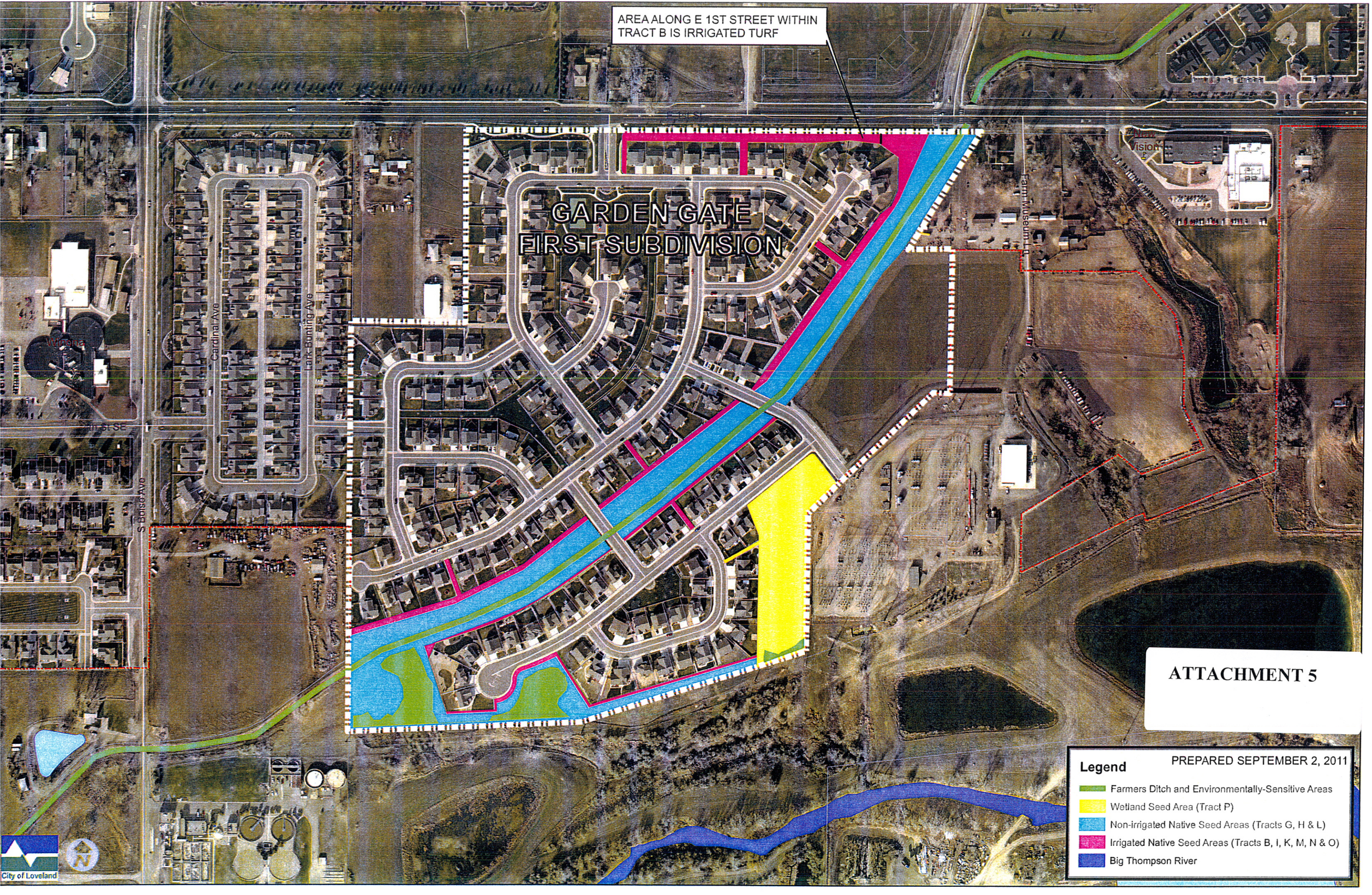
AREA ALONG E 1ST STREET WITHIN TRACT B IS IRRIGATED TURF
GARDEN GATE FIRST SUBDIVISION
Cardinal Ave
Lark Bunting Ave
Farm Museum Ln
Winona
First St SE
S Cleveland Ave
ATTACHMENT 5
Legend
PREPARED SEPTEMBER 2, 2011
Farmers Ditch and Environmentally-Sensitive Areas
Wetland Seed Area (Tract P)
Non-irrigated Native Seed Areas (Tracts G, H & L)
Irrigated Native Seed Areas (Tracts B, I, K, M, N & O)
Big Thompson River
City of Loveland

Chapter 18.80

APPEALS

Sections:

18.80.010	**Purpose.**
18.80.020	**Definitions.**
18.80.030	**Appeal of Final Decision Permitted; Effect of Appeal; Grounds for Appeal.**
18.80.040	**Appeal of City Staff Decision Maker or Director's Final Decision.**
18.80.050	**Appeal of Zoning Board of Adjustment or Planning Commission's Final Decision.**
18.80.060	**Notice of Appeal Requirements.**
18.80.070	**Cost of Appeal.**
18.80.080	**Record on Appeal.**
18.80.090	**Procedure at Hearing.**

18.80.010 Purpose.

This Chapter shall govern the procedures for appeals from any final decision made under Title 16 or Title 18 of this Code.

18.80.020 Definitions.

The following words, terms and phrases, when used in this Title 18, shall have the meanings hereafter ascribed to them in this Chapter unless the context requires otherwise:

A. "Appellant" shall mean a party-in-interest who has filed a notice of appeal under the provisions of this Chapter.

B. "Applicant" shall mean a person that has submitted to the City an application related to the development, zoning or subdivision of real property in the city as authorized or required under the provisions of Title 16 or Title 18 and which application is the subject of appeal under this Chapter.

C. "City staff decision maker" shall mean any City staff member granted authority to make decisions under titles 16 and 18 of this Code.

D. "City council" shall mean the city council of the City of Loveland.

E. "Current planning division" shall mean the current planning division for the City of Loveland development services department.

F. "Days" shall mean all calendar days including Saturday and Sunday. Any computation of days under this Chapter shall not include the date a final decision is made. If a filing deadline falls upon a Saturday, Sunday or other legal holiday when City offices are closed, the filing deadline shall continue to the following day when City offices are open.

G. "De novo hearing" shall mean a new public hearing at which new and additional evidence may be presented.

H. "Director" shall mean the City's director of development services or his or her designee.

I. "Evidence" shall mean documentary, electronic or testimonial evidence relevant to any application that was the subject of a final decision under the provisions of Title 16 or Title 18, presented at a hearing to support or refute a particular proposition or conclusion. Evidence shall not include argument as to how information offered as evidence should be viewed or interpreted.

J. "Effective date of the final decision", as it pertains to a city staff decision maker's or director's final decision, shall mean the date the city staff decision maker or director mails his or her written decision to the affected applicant and to any other party-in-interest to whom the written decision is required by this title to be mailed. As this phrase pertains to the zoning board of adjustment or the

planning commission, it shall mean the date on which the board or commission adopts its written findings and conclusions.

K. "Final decision", as it pertains to a city staff decision maker or the director, shall mean a decision or action by the city staff decision maker or director under Title 16 or Title 18 that the city staff decision maker or director has reduced to writing and has promptly mailed to the affected applicant and to any other party-in-interest to whom the written decision is required by this Code to be mailed. As this term pertains to the zoning board of adjustment or the planning commission, it shall mean a decision or action by the board or commission under this Code for which the board or commission has adopted written findings and conclusions. A Final decision shall not include any decision made by a city staff decision maker or the director that is a recommendation to the planning commission or to the city council, or a decision by the planning commission under this Code that constitutes a recommendation to city council.

L. "Notice of appeal" shall mean an appellant's written request for an appeal of a final decision submitted in the form required by Section 18.80.060.

M. "Party-in-interest", as it pertains to an appeal under this Chapter of a final decision by a city staff decision maker or the director, shall mean: the applicant; any person required in Title 16 or this Title 18 to be mailed the city staff decision maker's or director's written final decision; two or more planning commission members; or two or more city council members. As this term pertains to an appeal under this Chapter of a final decision by the zoning board of adjustment or the planning commission, it shall mean: the applicant, the director, any person required in Title 16 or this Title 18 to be mailed notice of the zoning board of adjustment or planning commission's public hearing; any person who provided written or verbal testimony at the zoning board of adjustment or planning commission's public hearing (other than a city employee who was providing written or verbal testimony in his or her capacity as a city employee); or two or more city council members. For an appeal of a Final Plat for a major subdivision or a Final Development Plan, only the applicant shall be considered a party-in-interest with standing to appeal.

N. "Person" shall mean an individual, corporation, partnership, limited liability company or other legal entity.

O. "Planning commission" shall mean the City of Loveland planning commission established pursuant to Section 2.60.080 of this Code.

P. "Record" shall mean all relevant documents reviewed by a previous board, commission or city staff decision maker, and any transcript or written record of any such previous hearing.

Q. "Zoning board of adjustment" shall mean the City of Loveland zoning board of adjustment established pursuant to Section 18.60.010 of this code.

18.80.030 Appeal of Final Decision Permitted; Effect of Appeal; Grounds for Appeal.

A. An appeal of a final decision may be filed pursuant to sections 18.80.040 and 18.80.050 of this Chapter. Upon the filing of an appeal, any application process with the City pertaining to the subject matter being appealed shall be suspended while the appeal is pending. Any action taken in reliance upon any decision of a board, commission or other city staff decision maker that is subject to appeal under the provisions of this Chapter shall be totally at the risk of the person(s) taking such action until all appeal rights related to such decision have been exhausted, and the City shall not be liable for any damages arising from any such action taken during said period of time.

B. Except for appeals by members of the city council, the permissible grounds for appeal shall be limited to allegations that the board, commission or other city staff decision maker committed one (1) or more of the following errors:

1. Failure to properly interpret and apply relevant provisions of the Municipal Code or other law; or

2. Failure to conduct a fair hearing in that:
   a. The board, commission or other city staff decision maker exceeded its authority or jurisdiction as contained in the Municipal Code or Charter;
   b. The board, commission or other city staff decision maker considered evidence relevant to its findings which was substantially false or grossly misleading; or
   c. The board, commission or other city staff decision maker improperly failed to receive all relevant evidence offered by the appellant.

C. Appeals filed by members of the city council need not include specific grounds for appeal, but shall include a general description of the issues to be considered on appeal. Council members who file an appeal shall not participate in deciding the appeal.

18.80.035 Review of Notice of Appeal by City Attorney.

Within seven (7) days of the date of the filing of the notice of appeal, the notice shall be reviewed by the City Attorney for any obvious defects in form or substance. A notice of appeal which fails to conform to the requirements of Section 18.80.030 shall be deemed deficient. The City Attorney shall notify the appellant in writing of any such deficiency, which notice shall be mailed no more than seven (7) days from the date of the filing of the notice of appeal. The appellant shall have seven (7) days from the date of mailing of the notice of deficiency to cure such deficiency. If the deficiency is cured, the date the revised notice of appeal is received shall be considered the date of the filing of the notice of appeal. If the appellant does not file a revised notice of appeal within said time period, the appeal shall be deemed to be dismissed.

18.80.040 Appeal of City Staff Decision Maker or Director's Final Decision.

A. A party-in-interest may appeal any final decision by the director or other city staff decision maker to the planning commission.

B. To appeal a city staff decision maker or director's final decision to the planning commission, a party-in-interest must file a notice of appeal with the current planning division within ten (10) days of the effective date of the final decision. Failure of a party-in-interest to timely file a notice of appeal under this section shall result in the dismissal of that appeal.

C. When a party-in-interest timely files a notice of appeal under this section, the current planning division shall schedule a public hearing for the appeal to be heard by the planning commission not less than thirty (30) nor more than sixty (60) days of the filing of the notice of appeal unless a longer period of time is agreed to by the appellant. Public notice of the hearing shall be given as required in Section 16.16.070, except the notice requirements imposed on the applicant in Section 16.16.070 shall be the responsibility of the current planning division unless the applicant is an appellant. The owner of the property associated with the appeal shall allow posting of one or more signs as needed on the subject property.

D. The planning commission shall conduct the appeal hearing as a de novo hearing and shall apply the standards set forth in the Loveland Municipal Code applicable to the matter being appealed. After conducting the hearing, the planning commission may uphold, reverse or modify the final decision being appealed. The planning commission shall adopt at the public hearing or within thirty (30) days of the public hearing its written findings and conclusions concerning the appeal.

18.80.050 Appeal of Zoning Board of Adjustment or Planning Commission's Final Decision.

A. A party-in-Interest may appeal any final decision by the zoning board of adjustment or the planning commission to the city council. An appeal of a decision made by the zoning board of adjustment hearing officer, shall follow the procedures set forth in Section 18.60.060.

B. To appeal a final decision by the zoning board of adjustment or planning commission to the city council, a party-in-interest must file a notice of appeal with the current planning division within

ten (10) days of the effective date of the final decision. Failure of a party-in-interest to timely file a notice of appeal under this section shall result in dismissal of that appeal.

C. When a party-in-interest timely files a notice of appeal under this section, the current planning division shall schedule a public hearing for the appeal to be heard by the city council not less than thirty (30) nor more than sixty (60) days of the filing of the notice of appeal unless a longer period of time is agreed to by the appellant. Public notice of the hearing shall be given as required in Section 16.16.070, except the notice requirements imposed on the applicant in Section 16.16.070 shall be the responsibility of the current planning division unless the applicant is an appellant. The property owner of the property associated with the appeal shall allow posting of one or more signs as needed on the subject property.

D. The city council shall conduct the appeal hearing as a de novo hearing, and shall apply the standards set forth in the Loveland Municipal Code applicable to the matter being appealed. After conducting the hearing, the city council may uphold, reverse or modify the final decision being appealed. The city council may also remand the appeal to the zoning board of adjustment or the planning commission with directions for the zoning board of adjustment or planning commission's further consideration of the matter. If the city council upholds, reverses or modifies a final decision made by the zoning board of adjustment or the planning commission, the city council shall adopt at the public hearing or within thirty (30) days of the public hearing its written findings and conclusions. The city council's written findings and conclusions shall be considered the city council's final decision for purposes of any appeal of the city council's decision to the Larimer County District Court under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

18.80.060 Notice of Appeal Requirements.

The notice of appeal required to be filed under this Chapter shall include all of the following information:

A. A description of the final decision being appealed.

B. The date of the final decision being appealed.

C. The name, address, telephone number and relationship of each appellant to the subject of the final decision being appealed including a statement for each appellant as to the appellant's qualification for being considered a party-in-Interest under this Chapter.

D. For all appeals, except those filed by members of city council, a description the grounds for the appeal of the final decision, including specific allegations of error as required in Section 18.80.030.B. For notices of appeal filed by members of city council, the notice must contain the general description of issues to be considered on appeal as required by Section 18.80.030.C.

E. In the case of an appeal by more than one (1) appellant, the name, address and telephone number of one (1) such appellant who shall be authorized to receive, on behalf of all appellants, any notice required to be mailed by the City to the appellants under the provisions of section 18.80.040 or section 18.80.050.

18.80.070 Cost of Appeal

In all appeals under this Chapter except those filed by two or more members of the planning commission or those filed by two or more members of the city council, the appellant shall be charged a fee for the cost of the appeal as such fee is established by city council pursuant to Code section 3.04.025. The city council may establish a fee for each level of appeal.

18.80.080 Record on Appeal

The record provided to the planning commission or city council for appeals filed under this chapter shall include a record of any previous proceedings before a board, commission or other city staff

decision maker, including without limitation, all exhibits, writings, drawings, maps, charts, graphs, photographs and other tangible items received or viewed by the board, commission or other city staff decision maker at any previous proceedings. A video recording of the zoning board of adjustment hearing or planning commission hearing is not required as part of the record on appeal provided summary minutes of such hearings are included as part of the record.

18.80.090 Procedure at Hearing

A. At the appeal hearing, the presentation of argument regarding the appeal shall be made in the following order, subject to the discretion of the Chairperson or Mayor relating to limitations in time and scope, or allowances accommodating adequate presentation of evidence or opportunity for rebuttal:
   1. Explanation of the nature of the appeal by City staff;
   2. Appellant's presentation of evidence, testimony and argument in support of the appeal;
   3. Presentation of evidence, testimony and argument of the applicant if the applicant is not the appellant; or, if the applicant is the appellant, presentation of evidence, testimony and argument by any city staff member or other party-in-interest in opposition to the appeal.
   4. Public comment;
   5. Rebuttal presentation by the appellant; and
   6. Motion, discussion and vote by the board, commission or city council.

B. No person making a presentation or providing testimony at an appeal hearing shall be subject to cross-examination except that members of the planning commission or city council and the City Attorney may at any time make inquiries for the purpose of eliciting information and for the purpose of clarifying information presented.

C. In the event of multiple appeals involving the same subject matter considered by the planning commission or city council, the Chairperson or Mayor, in his or her discretion, may modify the procedure contained in Subsection (A) above so as to expedite the hearing of such appeals.

D. The city council shall consider an appeal based upon evidence submitted at the public hearing, the record on appeal, the relevant provisions of the Municipal Code and Charter, and the grounds for appeal cited in the notice of appeal. Grounds for appeal raised for the first time at the public hearing, and therefore not raised in the notice of appeal, shall not be considered by the city council in deciding the appeal. (Ord. 5581 § 37, 2011)

Chapter 7.18

WEED CONTROL

Sections:

7.18.010 Intent.
7.18.020 Definitions.
7.18.030 Weeds, cutting and removal.
7.18.040 City removal and assessment.
7.18.050 Administrative review of assessment.
7.18.060 Owners have ultimate responsibility for violations.

7.18.010 Intent.

It is the intent of this Chapter to protect the health, safety and welfare of the public by reducing the occurrence of weeds, grass, brush, or other rank or noxious vegetation which is regarded as a common nuisance.

7.18.020 Definitions.

A. The following words, terms and phrases, when used in this Chapter 7.18, shall have the following meanings:
   1. "Owner" shall mean the owner as shown upon the tax rolls, whether person, firm or corporation; any agent or representative of the owner; and any occupant of the premises.
   2. Property" shall mean and includes, in addition to the owner's lot or tract of land, whether improved or vacant, the area to the center of an alley abutting the lot or tract of land, if any, all easements of record, and the sidewalk, curb, gutter and parking areas of any street abutting such lot or tract of land.
   3. "Weed" shall mean Bindweed (convulvus), Dandelion (Leontodore tavaxacum) and all weeds, grass, brush, or other rank or noxious vegetation which is in excess of eight (8) inches in height, and shall specifically include: Leafy Spurge (Euphorbia esula), Canada Thistle (Cirsium Arvense), Russian Knapweed (Centaurea pieris), Perennial Sowthistle (Sonchus Arvense), Puncture Vine (Tribulus terrestris), Silverleaf povertyweed (Franseria descolor), Mouse-ear poverty weed (Iva Axillaris), Fanweed (Thlaspi Arvense), Mustards (Brassiea), Purpos-flowered groundcherry (Quincula lobata), Russian Thistle (Salsola pestifer), Fireweed (Kochia Scoparia), Redroot Pigweed (Amaranthus retroflexus), Sandbur (Cenchrus tribuloides), Hairy Stickweed (Lappula Occidentalis), Buffaloburs (Solanum rostvatum), Common Ragweed (Ambrosia elatiov), Cockleburs (Xanthium Commurie), Common Sunflower (Helianthus Centicularis), Marihuana (Cannabis Sativa), or other plants or offending vegetation which is regarded as a common nuisance. This list is not exclusive, but rather is intended to be indicative of those types of plants which are considered noxious and a detriment to the public health and safety, but shall not include flower gardens, plots of shrubbery, vegetable gardens, hay crops and small grain plots (wheat, barley, oats, and rye).

7.18.030 Weeds, cutting and removal.

It is unlawful for the owner of any property, lot, block or parcel of land within the City to allow or permit weeds to grow uncontrolled or to remain when grown upon the property or on or along any alleys or sidewalk areas abutting the same. Any waste from all destroyed or cut weeds shall be disposed of so that the premises are clean and orderly, and the spread of such weeds is prevented. It shall be an affirmative defense to a violation of this section that the land upon which the vegetation is growing is

ATTACHMENT 7

City owned property and has been designated by the Director of the Parks and Recreation Department of the City as a natural area, wildlife corridor, or wetlands, or that the land upon which the vegetation is growing is dedicated public or private open lands as determined by the manager of the City's Long Range Planning and Natural Resources Division.

7.18.040 Notice and Order of Abatement.

If any person fails to comply with Section 7.18.030, a written notice and order of abatement may be served upon the owner or agent in charge of such property. Such notice and order shall be served by personal service, by regular mail, or by posting on the property, requiring the weeds to be cut within seven days after mailing or delivery of such notice.

7.18.042 City removal and assessment.

A. If a notice and order to abate is served pursuant to Section 7.18.040, and if the weeds are not cut within the stated time and maintained in compliance for the remainder of the calendar year, the City may cause a notice of abatement to be served upon the owner or agent in charge of such property, either by personal service or by posting and certified mail, which notice shall allow the City to cut the weeds and assess the whole cost thereof, including ten percent for inspection and other incidental costs in connection therewith, upon the land. The costs and any charges assessed by the City pursuant to this Chapter associated with cutting of weeds shall be paid by the owner of the property or agent for such owner within thirty (30) days after mailing of the bill or assessment of such cost by the City to said owner or agent. The City shall have the right to proceed for the collection of any unpaid charges for weed abatement in the manner provided by law for collection of debts and claims on behalf of the City, including without limitation collection and lien procedures provided in this section.

B. In addition to any other means provided by law for collection, if any such assessment is not paid within thirty days after it is made and notice thereof is mailed, the same may be certified by the City Clerk to the county treasurer and placed by the treasurer upon the tax list for the current year, and thereby collected in the same manner as other taxes are collected, with ten percent penalty there to defray the cost of collection, as provided by the laws of the state.

C. If the customer fails to pay the charges associated with weed abatement within the described 30-day period, a notice of the assessment shall be mailed via certified mail by the City to the owner of the property, notifying the owner that failure to pay the assessed amount within ten (10) days of the date of the letter shall cause the assessment to become a lien against the property.

D. Failure to pay the amount assessed for weed abatement services as described in this section shall cause such assessment to become a lien against such lot, block or parcel of land associated with and benefiting from said services, and shall have priority over all liens, except general taxes and prior special assessments, and the same may be effected at any time after such failure to so pay by recordation with County land records of a certification by the City Director of Finance setting forth the costs to be charged against the property, the date(s) of service and description(s) of services giving rise to such charge(s). This lien and collection procedure is supplementary and additional to any collection procedures describe elsewhere within this section or this Code.

7.18.050 Administrative review of assessment.

Any owner who disputes the amount of assessment made against such owner's property under Section 7.18.042, may, within twenty (20) days of receipt of notice of such assessment, petition the City Manager for a revision or modification of such assessment in accordance with Chapter 7.70 of this code.

7.18.060 Owners have ultimate responsibility for violations.

Every owner remains liable for violations of responsibilities imposed upon an owner by this chapter even though an obligation is also imposed on the occupant of the premises and even though the owner

has by agreement imposed on the occupant the duty of maintaining the premises. (Ord. 5305 § 1, 2008; Ord. 4649 § 9, 2001; Ord. 4274 § 1 (part), 1997)

LAND USE INFORMATION TABLE

GROSS SITE AREA	3,032,916 SF	69.62 AC	
R.O.W. (FIRST STREET)	70,844 SF	1.62 AC	
NET SITE AREA	2,962,072 SF	68.00 AC	100%
SITE AREA PER PHASE			
PHASE 1	435,186 SF	9.99 AC	
PHASE 2	452,308 SF	10.38 AC	
PHASE 3	117,208 SF	2.69 AC	
PHASE 4	267,261 SF	6.14 AC	
PHASE 5	224,434 SF	5.15 AC	
PHASE 6	710,412 SF	16.31 AC	
PHASE 7	527,421 SF	12.11 AC	
LOT COVERAGE	615,938 SF	14.14 AC	17.44%
INTERNAL ROADS/R.O.W.	1,465,358 SF	33.64 AC	49.47%
OPEN SPACE TRACTS	980,367 SF	22.50 AC	33.09%
TOTAL	2,962,072 SF	68.00 AC	100%

DWELLING UNITS/LOTS PER PHASE	
PHASE 1	33 LOTS
PHASE 2	36 LOTS
PHASE 3	8 LOTS
PHASE 4	28 LOTS
PHASE 5	12 LOTS
PHASE 6	32 LOTS
PHASE 7	32 LOTS
TOTAL NO. OF SINGLE FAMILY DWELLING UNITS	181 LOTS

DENSITY

GROSS	2.60 D.U./AC
NET	2.66 D.U./AC

TYPICAL MINIMUM SETBACKS

FRONT YARD	ROW LINE TO GARAGE DOOR	SIDE YARD	CORNER SIDE YARD	REAR YARD
15'	20'	5'	15'	15'

LOT SIZES

MINIMUM LOT SIZE: 6,000 SF
MAXIMUM LOT SIZE: 15,629 SF
AVERAGE LOT SIZE: 8,000 SF

OWNER'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS THAT:

McWhinney Property Group, LLC

being all the lawful record owners of the property shown on this FINAL Development Plan, except any existing public streets, roads, or highways, do hereby certify that I/we accept the conditions and restrictions set forth on said plan and in the conditions of approval by the City of Loveland, dated Sept. 30, 2004, and that I/we consent to the redecoration of any information pertaining thereto.

T. McWh Manager
(owner)

(owner)

State of Colorado } S.S.
County of Larimer }

The foregoing instrumentwas acknowledged before me this 30th day of September, 2004 by Troy McWhinney

Witness my hand and official seal.

My commission expires: My Commission Expires 7/26/2005

Cosmey J. Lutzmann
NOTARY PUBLIC

APPROVALS:

APPROVED THIS 30th DAY OF September 2004 BY THE CURRENT PLANNING MANAGER OF THE CITY OF LOVELAND.

CURRENT PLANNING MANAGER

APPROVED THIS 1st DAY OF October 2004 BY THE CITY ENGINEER OF THE CITY OF LOVELAND.

CITY ENGINEER

APPROVED THIS 12th DAY OF October 2004 BY THE CITY ATTORNEY OF THE CITY OF LOVELAND.

CITY ATTORNEY

LEGEND

PROPOSED STREET LIGHT

EXISTING TREES

0 50 100 200
SCALE: 1" = 100'

NORTH

NOTES

1. Lots 4 through 26, Block 10 and lots 1 through 10, Block 7 shall not be issued a Building Permit or a City of Loveland Address until the oil well, tank battery facility and associated lines have been capped and abandoned per all applicable State of Colorado Oil and Gas Commission Guidelines.
2. If at the time of the issuance of the first building permit the oil well and tank battery is not capped and abandoned, a temporary 6 foot high chain link security fence shall be installed around the well head and battery facility.

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FINAL DEVELOPMENT PLAN OF
GARDEN GATE
A PUD OF
GARDEN GATE FIRST SUBDIVISION
LOVELAND COLORADO

SITE PLAN

DATE	06/15/04
JOB NO.	R03-016
DRAWN	CM
CHECKED	LR
REVISED	08/03/04
MYLARS - 09/27/04	

L1

G:\2003\03-016 Garden Gate\Drawings\FDP\03-016site.dwg, 9/29/2004 2:58:23 PM, 1:1, amy

ATTACHMENT 8

GARDEN GATE - FINAL DEVELOPMENT PLAN - NARRATIVE

A. PURPOSE OF THE PROJECT

The Purpose of this project is to provide Loveland with an appropriate mix of housing types and uses in a well-planned residential development. With this development, key roadways, bikeways and infrastructure systems are improved and completed. Interconnectivity of key streets and bike and walkways between the existing, surrounding communities and Garden Gate will be established according to the City of Loveland Master Land Use Plan.

GARDEN GATE PUD will create a great addition to the City of Loveland through the following characteristics:

a. Uniquely attractive - the beautiful mountain views and open space throughout the development, creates a sense of community for residents.
b. Provides a variety of lifestyle and housing options through the implementation of varying lot sizes.

B. Site Introduction

GARDEN GATE PUD is a property primarily situated in South East portion of the City of Loveland, Colorado. Songbird Meadows is directly West, East First Street borders the development to the North, non irrigated farmland lies to the east, and steep slopes of the Little Thompson River border the development to the South. The general geographic location of the site is in the north half of Section 19, T5N, R68W of the 6th PM, County of Larimer, Colorado. The area of this project included in this Final Development Plan is located on +/- 68 acres.

The property has been farmed since approximately the turn-of-the-century. Over the past 50 years, crops have consisted of alfalfa, wheat, barley, beans and corn. The land is no longer being farmed by the owner. The project's proposed plan includes the creation of 188 single family residences, a 2 plus acre park, open space and greenbelts and adequate buffering of East First Street and the electric substation. Landscaping and buffer areas along East First Street and the electric substation will follow the City of Loveland's buffer standards. In open space areas and buffer yards a naturalistic design approach will be incorporated into the design. This area will incorporate formal and informal plantings of trees and shrub beds. Entry project monumentation will be located at the entrance of the project on East First Street. The Garden Gate Community Association ("The Association") shall maintain the open space area and buffer plantings. In addition, play and recreation areas will be constructed and maintained by the Association in conformance with the City of Loveland's requirements.

C. Site Design Concepts

1. Overall Design Concept

The overall site design concepts for this development are as follows:

a. To create a residential development which conveniently conforms to the needs of the existing community and future adjacent developments.
b. To provide for a roadway system which efficiently and safely connects the site to existing roadways and provides residents access to internal open space and play areas. This will encourage walking and biking for close-in residents, thereby helping to reduce street traffic and pollution.
c. To provide a development which will enhance the existing adjacent residential development by locating like uses and connection between the two.
d. Carefully planned landscaping will enhance the project by creating visual buffers, accenting amenities and overall sense of place.
e. To meet the stated goals of the City of Loveland Master Land use Plan.

2. Parcel Concepts

The total development area of the project submitted as a Final Development Plan is 68 gross acres and 34.36 net acres. The total developed land, including ROW areas is 68 acres. There are 20.22 acres (30%) of open space and play areas, 33.64 acres (49%) of ROW and 14.14 acres (20%) of net residential acres. The overall proposed gross density of the site is 2.76 dwelling units per acre and the net density is 5.47 dwelling units per acre.
The site is currently zoned Larimer County FA-1. Plans to annex the property as Garden Gate First Addition Zoned PUD are being processed simultaneously with this FDP Submittal.

The Final Development Plan for Garden Gate PUD will develop single family home sites only. It is anticipated that this project will be constructed in at least four or more phases. Each phase will encompass one or more of the residential housing areas and related lot sizes as shown in the phasing plan. Phase 8 currently contains an oil well and tank storage. No residential building permit shall be issued without the proper removal and capping of the oil facilities in that area by following all State and Federal standards and guidelines.

The largest lot size within Garden Gate is 15,629 square feet in size, the smallest lot size is 6,000 square feet and the average lot size is 8,000 square feet.

3. Land Use Categories and Definitions.

The land use categories provided for in this **Final Development Plan (FDP)** are single family residential.
Single family dwelling: A one family dwelling not attached to any other dwelling, located on individual fee-simple lots or in clusters. These homes may be of conventional construction.
The reference to "Developer" as used in this document shall include the project developer or its successors or assigns.

4. Neighborhood Structure

As shown on the FDP site plans, all proposed land uses within the FDP are for single family residential. Residential streets and open space will generally bind the residential neighborhoods. Landscaped setbacks and buffer zones will be established along all arterial roadways and areas of negative influence. The number of dwelling units in a residential area will be allowed and will be designed in accordance with the development standards outlined in this plan.

5. Wetlands

The project area consists of a nearly level to gently southern sloping topography overlain by fertile soils that supported the farm operation. The project is currently bisected by the Farmers Irrigation ditch. This ditch is currently being used and will be used in the future. Ditch crossing agreements and construction drawings for these crossings have been prepared as not to negatively impact the operation of the Ditch.

Cedar Creek Associates prepared an Environmentally Sensitive Areas Report (ESAR) for the subject property. The initial ESAR for the project area was completed in February of 2003 and updated for this submittal.
Wetlands on the property are associated with (1) the Farmers Irrigation Canal, and (2) seepages along the face of the topographic break west of the PRPA Boyd Substation (see Figure 2 in the ESAR). All of the wetlands on the property meet City of Loveland criteria for classification of environmentally sensitive areas. Wetlands along the Farmers Irrigation Canal consist of narrow bands of wetland vegetation confined within the ditch embankments. These wetlands are characterized primarily by dense stands of reed canarygrass (*Phalaroides arundinacea*) with occasional clumps of hemp dogbane (*Apocynum cannibinum*). Woody species along the canal are limited to three large cottonwood and other residential trees near the northern property boundary. The Farmers Irrigation Ditch empties into Koenig Reservoir approximately 1.5 miles southeast of the Town of Kelim. It does not drain into Waters of the United States, and wetlands in the ditch are not likely to be classified as jurisdictional by the U.S. Army Corps of Engineers. Photo 5, of the ESAR, provides a view of the Farmers Irrigation Canal and associated wetlands. Because of the narrow configuration of the wetlands and the lack of woody cover along the ditch as well as the close proximity of agricultural habitats, the ditch wetlands were assigned an overall habitat rating of only "2."

Wetlands southwest of the PRPA Boyd Substation have been created by seeps emanating from the side slope of the topographic break that separates the upper two-thirds of the property from the lower third. Surface water from these seeps is collected by a ditch constructed along the base of the side slope. This ditch turns south at the western property boundary and eventually empties into the Big Thompson River south of the Gardels property. The U.S. Army Corps of Engineers would classify wetlands connected to this ditch as jurisdictional. Wetland vegetation associated with these seeps are dominated by common cattail and reed canarygrass in the wetter and more central portions, while the wetland periphery supports a mixture of wetland weedy species including teasel, curly dock, and giant ragweed (*Ambrosia trifida*). Young cottonwood and Russian olive trees also grow at scattered locations within or around the periphery of these wetlands. The primary habitat value of these wetlands is for foraging and nesting by songbirds and possible breeding habitat for amphibians. Areas with flowing surface water may also be used by upland wildlife species for obtaining drinking water. Because of the narrow configuration of these wetlands and dominance by weedy herbaceous and non-native woody (Russian olive) species around their periphery, these wetland have rather limited wildlife habitat value and were assigned an overall habitat ranking of "3."

There will be no jurisdictional wetland disturbance within this development. The only wetland disturbance will be for non-jurisdictional wetlands where for road and utility crossings over the Farmers and Chubic Ditches and associated laterals occur.

6. Wildlife

The Garden Gate PUD will develop the alfalfa hayfield habitat areas to the west and north of the PRPA Boyd Substation. Wetlands, riparian wetlands, aquatic habitat, and the Big Thompson River corridor would not be impacted by the proposed development. Development plans call for subdivision and the construction of single family units. Because the proposed development would occur on existing alfalfa hayfield areas, project development would not result in any impacts to important wildlife corridors, natural areas, or potential habitat for federally listed threatened species. Residential development may displace some wildlife species use of the alfalfa hayfield from the nearby Big Thompson River corridor; however, current wildlife use of alfalfa hayfield is by urban and agricultural adapted species that often acclimate to residential development. The only identified environmentally sensitive wildlife habitat area that could be directly affected by the proposed development would be the red fox den located in the northwest property corner. Construction during the breeding season could result in the loss of fox pups, although foxes will often move their young to an alternate den site if disturbed. Even if this area could be preserved within the proposed development, its suitability for denning by red fox would be lost once surrounding areas are developed. One other wildlife concern is the possibility for disturbance of the raptor nest site identified in a large cottonwood tree at the north end of the Farmer Irrigation Canal. Construction during the active nesting period could result in nest abandonment and loss of young if the nest is occupied.

7. Environmental Mitigation

Mitigation measures recommended for this project are primarily those that would protect raptor nesting and fox denning activity as well as the Big Thompson River corridor. Mitigation recommendations are provided below.

1. Prior to the initiation of development activities the cottonwood tree raptor nest should be surveyed to determine its activity status. If the nest is occupied, construction within 300 meters of the active raptor nest should be avoided during the nesting period (March through July) to minimize potential disturbance to an active nest and possible nest abandonment. Future use of the raptor nest site is unlikely to continue once development occurs since much of the adjacent areas of available hunting habitat would be lost.
2. Prior to the initiation of development activities the red fox den site should be surveyed to determine its activity status. If the den site is occupied, construction within 50 feet of the den sites should be avoided during the pup parturition and rearing season (March through August). Future use of the fox den site is unlikely to continue once development occurs since adjacent areas of open alfalfa hayfield would be lost.
3. The mature cottonwood trees at the north end of the Farmers Irrigation Ditch and in the southwest property corner should be preserved unless there is a potential human safety risk from falling decadent trees or limbs. A 30-foot construction buffer (surface disturbance and underground utilities) should be maintained around the tree's drip lines to preclude any possible disturbance to the tree's root systems. It should be noted that these trees currently lie within the Farmers Irrigation Ditch Easement and the Developer has no control over the Ditch Company's decision to remove the trees in question.
4. A minimum development setback of 50 feet should be maintained from riparian wetland habitat to protect this habitat area and maintain the integrity of the Big Thompson River corridor. A greater buffer setback is not recommended for this area because the existing topographic break at the south edge of alfalfa hayfield will provide significant visual shielding between the river corridor and proposed development. A 50-foot development setback from the edge of the riparian corridor would also ensure that a minimum setback of 300 feet would be maintained between development and the Big Thompson River. No minimum setback is proposed for the side-slope seep wetlands present along the topographic break because these wetlands have a relatively low habitat value. Development should be set back a sufficient distance, however, to maintain slope integrity and stability and to avoid any direct construction impacts to these wetlands.

D. Circulation

1. Overall Concept.

a) Vehicular

The street layout is designed to link the areas together to form a whole neighborhood with convenient and safe vehicular circulation. Each improvement is designed to facilitate vehicular, pedestrian and bicycle movements through the development as follows.
The site is well accessed via East First Street, an existing 2 lane arterial road, and by the extension Cowbird Street that comes from Songbird Meadows. Deceleration lanes will be added to East First Street for the main access to the development. The area shall be accessed via a full movement intersection at East First Street and Spoonbill Avenue. Per this proposal the existing road system shall be improved per the City of Loveland Development Standards as follows:

STREET	Width ROW	Width FL-FL	Classification	Curb	Sidewalk
EAST FIRST STREET	100'	56'	2-Lane Arterial	Vertical 2'-6"	6' Detached
INTERIOR STREETS	50'	34'	Local	Rollover	5' Attached

b) Pedestrian and Bicycle Paths

An overall pedestrian/bicycle trail system will be provided along roadways. There will be detached walkway and an on street bike lane along East First Street. Attached sidewalks will be the main facility for pedestrian movement within the development. Bicycle movement within the development will be on street and shared with vehicles. All streets within the development are classified as local streets. These facilities will assure full compliance with the Adequate Community Facilities ordinance.

c) Public Transportation

There will be no changes to the existing public transportation system as a result of this development.

E. Public and Private Utilities

All public utilities and services are readily available to the site and will be provided for as described below.

1. Water and Sewer

The City of Loveland will provide water and sanitary sewer service to the property. Fees and detailed design for private services will be determined at the time of the final development plan approval.

2. Storm Drainage and Site Grading

The basis for analysis of the storm drainage system is the City of Loveland Storm Drainage Criteria Manual.
The Garden Gate Subdivision is located within the DFA 84-2002 Basin as defined by the City of Loveland Master Drainage Plan. The development will construct inlets, storm sewers, swales, and detention ponds that will adequately detain and release storm water runoff in a manner that will eliminate off-site impacts. The development will not negatively impact City storm drainage utilities. When constructed, the proposed development will comply with the Adequate Community Services ordinance outlined in the Loveland Municipal Code, Section 16.41.140.

The entire development drains southward towards the Big Thompson River and River Basin. Water is collected via storm sewer, trickle pans and sheet flow into 2 detention facilities. One of the facilities detain the water and release into the Big Thompson River Basin and the other facility detains and releases into the Farmers Irrigation Ditch. All storm water drainage systems will conform to the requirements of the City of Loveland.

Each owner of a lot shall maintain the elevation, grading, and drainage plan approved by the City of Loveland, the utility providers and by the Association's Architectural Control Committee (the "ACC"). The owner of a lot shall not impede or hinder in any way the water falling on the lot from reaching the drainage courses established for the lot and the common areas. The lot elevation cannot be lower than shown on this plan without approval of the City of Loveland and the ACC. Prior to the issuance of a Certificate of Occupancy, the owner shall deliver to the City of Loveland and to the ACC a certificate from the owner's professional engineer certifying that the top of the foundation elevation and the grading for the residence, as constructed and in place, complies in all material respects with all drainage plans approved by the City of Loveland.

The storm drainage water quality ponds depicted on the drainage plans for this development shall be governed, monitored and maintained by the Association in conjunction with the cooperative monitoring by the City of Loveland.

3. Electric

The City of Loveland shall provide electrical service to the property. Utility easements for electrical distribution will be provided on both sides of all street right of ways within the FDP. The Developer shall be responsible for all costs associated with the design, materials and installation of single-phase and three-phase electric distribution interior to the development. These costs shall also include street lighting along public local streets. The Developer and City of Loveland shall coordinate all electric service that shall be located underground. The City will be responsible for the costs and installation of the electric system extensions and street lighting along East First Street. Street trees shall not be planted closer than 4-5 feet of existing or proposed underground electric lines or directly under existing overhead lines.

4. Gas

Service will be provided by the Xcel Energy Company.

5. Telephone

Service will be provided by Qwest Communications.

6. Cable

Service will be provided by Comcast or other provider.

7. Irrigation Ditches

Raw water has historically been provided to the site for past agricultural irrigation use via two existing irrigation ditches to and through the development. These ditches do serve downstream users and have been protected to ensure the continual flow of irrigation water. The private chubic ditch lateral that exists and parallel to the entire length of East First Street shall remain as indicated on the FDP construction drawings.

8. Fire and Police

The development will be serviced by the Loveland Fire and Police Departments with service areas as determined to be appropriate. Street widths are designed to accommodate emergency vehicles. The Garden Gate street system is designed to provide interconnectivity to the adjacent streets in the existing subdivisions. This interconnectivity of streets is important to the Loveland Fire and Police Departments ability to provide quick response times within the area.

9. Schools

The development will be serviced by the Thompson R2-J School District, specifically the following schools:
Mountain View High School
Conrad Ball Middle School
Winona Elementary School
Thompson School District recommends that the size and location of Garden Gate indicate that the school district land dedication requirements be made in the form of cash in-lieu payments instead of a land dedication. As required by the City of Loveland, the residential development impact on the school district will be mitigated with the appropriate fees per unit to be paid to the district prior to receipt of Certificate of Occupancy for each unit.

10. Parks and Open Space

Maintenance of all open space, wetland areas and all other common play and landscaped areas and buffers shall be maintained by the Association established for the Garden Gate PUD. Water for all irrigated areas will be provided by the City of Loveland.

F. Landscaping and Fencing

1. Overall Concept

The landscape plan is based around lending a sense of connection and visual unity throughout the project while providing buffers between the proposed uses where logically desired. Fencing should not detract from the overall design, but rather be used as a design element where desired, and as a screen for any element which would detract from the overall image of the project. The landscape design intent for Garden Gate takes inspiration from natural plant communities and wetlands areas currently found on and adjacent to the site. The various building types proposed should not compete for attention, but rather blend to create a sense of community. Consistency in design should support a smooth transition between the proposed uses on the subject property and between those uses and adjacent properties and uses. All areas of negative influence shall be carefully screened from view. Special consideration shall be given to the siting of a residence with emphasis on the relationship to existing grading, preservation of natural site features and the relationship of neighboring sites. Landscaping adjacent to roadways will be naturalistic, with curvilinear beds of shrub groupings and clusters of ornamental trees. The main entry into Garden Gate will include two stone or brick veneer columns, accompanied with ornamental and evergreen trees, and plantings of annuals, perennials and ornamental grasses. Natural areas that are to be reestablished, will receive seed mixes, and be allowed to naturalize again. Areas designated for recreation and adjacent to roadways will be a maintained landscape, using trees, shrubs, perennials, mulches, sodded turf and in-ground automated irrigation system.

The curbside bufferyards adjacent to the rear of homes on double road frontage lots along East First Street shall be designed and installed in conformance with the requirements of a Type "A" bufferyard and the bufferyard associated with the PRPA Boyd Electric Substation shall be designed and installed conformance with the requirements of a Type "E/5" bufferyard as outlined in the City of Loveland Site Development Standards. The Developer shall install all bufferyard landscaping as set forth in this FDP. All other requirements shall comply with Table II of Section 4.04 of the City of Loveland Site Development Performance Standards and Guidelines. Permanent irrigation shall be included to insure the health and vitality of the sod, trees, and plant material. This landscape shall be planted before issuance of the first building permit in any given construction phase, unless adequate financial security has been filed by the Developer with the City.

For all lots located on interior local streets, a minimum of one street tree shall be planted in the front yard and a minimum of 75% of the front yard area shall be landscaped with living plant material, the predominant element of which shall be sod. For corner lots a minimum of three street trees shall be planted in the front and sideyards abutting the intersecting streets. This landscape shall be planted by the homebuilder before the issuance of a Certificate of Occupancy for the home, unless adequate financial security is filed by the homebuilder with the City. The Developer will install all common area landscaping and perimeter and/or common area fencing as shown on the Landscape Plan for the Garden Gate project, approved by The City of Loveland.

2. Installation Schedule

The landscaping and perimeter and/or common area fencing will be installed by the Developer per the approved Landscape Plan in coordination with the development phasing plan for the Garden Gate PUD and will be completed as per appropriate planting season guidelines. The sale of any lot within the Garden Gate PUD shall not be conditioned upon the completion of the landscaping or perimeter and/or common area fencing for the phase in which that particular lot is located. The landscaping and perimeter and/or common area fencing of a phase shall be completed, weather permitting, prior to the issuance by the City of Loveland of the Certificate of Occupancy for the last home to be constructed within that phase.
The front yard landscaping for all single-family lots shall be installed by the homebuilder and maintenance shall be done by the individual homeowners. The landscaping for the single family lots shall have a minimum of one (1) tree spaced no more than 40 feet apart for interior lots located in the front yard and three (3) street trees for corner lots located in the front and street side yards. Use of native plant material is encouraged. The landscaping requirement on each lot shall include the right-of-ways and easements located on or adjacent to the lot which shall be maintained by the homeowner, subject to the right of the Association to enter and perform any maintenance deemed necessary or desirable to maintain the standards established for the Garden Gate PUD.

3. Maintenance

The Association shall have the maintenance and long-term responsibility for the landscaping, and perimeter and/or common area fencing installed by the Developer and any existing tree and shrub communities within the Garden Gate development. Individual lot landscaping and fencing shall be maintained by the lot owner. All landscaping in right-of-ways are included as responsibility of the HOA. All tracts as shown on the approved Final Plat shall be owned and maintained by the Home Owners Association.

G. Architecture and Site Design

1. Overall Concept

The architecture of the project shall be designed as a cohesive neighborhood using a range of materials which will be chosen and implemented in such a will be given to massing, proportion, and overall scale of the building in relation to the site. No building or other structure shall be erected, altered, placed, or permitted to remain on any lot other than one (1) single-family residence per lot, with an attached garage. Exterior design for houses shall place equal importance on architectural features, exterior adornments and special visual treatments on both the front and any other side or rear of house that is facing an abutting public street.

2. General Notes

a. All property depicted on this plan shall be governed by the requirements, restrictions and standards of the City of Loveland Municipal Code, unless otherwise set forth on this plan.
b. Developers, contractors, property owners and residents shall comply at all times with the requirements, restrictions and prohibitions set forth in this FDP.
c. All property owners shall be aware that the property in the Garden Gate PUD is within the Garden Gate Community Association (the "Association"). In no event shall a property owner in Garden Gate take or commit any act or action that is not in full conformance with the laws, regulations and conditions of the City of Loveland.
d. Minimum Floor Areas.

RESIDENTIAL AREA	Minimum size of finished area - RANCH	Minimum size of finished area - Multi-Floor
Single Family	1,000 sq. ft.	1,200 s.f., min. 900 s.f. on main level

e. Residences shall have exterior elevations, roofs, and details that are coordinated and consistent in their architectural treatment.
f. Multiple axis rooflines to reduce building scale and increase individuality and diversity shall be required.
g. Eave lines that vary vertically to improve visual quality and break up building mass shall be required.

3. Typical Residential Neighborhood Architectural Styles

See Sheet L-10 for illustrations on Proposed Single-Family Architectural Styles.

4. Setbacks:

Typical minimum setbacks;

LAND USE	Front yard	ROW to Garage Door	Side Yard	Street-Side Side Yard from ROW	Rear Yard
Single Family	15'	20'	5'	15	15'

NOTES: Side-load garage setbacks may be 15' from front yard right of way to garage.

5. Height Limits

Height limits shall be as set forth in the City of Loveland Zoning Code. Per Section 18.54, the height limit for the Single Family Attached units shall be 35-feet.

"Building height" means the vertical distance from grade to the highest point of the coping of a flat roof, or to the average height of the highest gable of a hipped roof. This measurement shall be exclusive of chimneys, ventilators, pipes and similar apparatus. The average height of a gable or hip roof shall be halfway from the lowest eave line to the highest peak. Each side yard setback shall be determined by the building height as measured adjacent to that side yard.

6. Parking

The number, size and design of parking spaces and lots shall correspond to the requirements of the City of Loveland Municipal Code and the Site Development Performance Standards and Guidelines. No on-street parking will be permitted on arterial streets. Parking may be permitted on minor collector and residential local streets.

7. Garages & Front Elevations

The visual impact of a front access garage upon neighborhood streetscapes can be offset by the use of several key architectural features such as: a second story element above the garage, covered front porches, garage recesses and the appropriate use of color. Porches referred to in this section shall measure at least 8', measured across the front of the building, by 6'. All of these architecnural techniques will help to reduce dominance of garage doors.

All homes shall include a standard, 2 car garage with front or side access. A third garage door is allowed if (1) it is setback a minimum of 2' from the main garage door, (2) the lot for the home is no less than 65' in width, as measured at the setback line, and (3) a porch extending past the garage.

Homes with garages that are visible as part of the front building facade shall have garages that meet one of the following three conditions:

a. A garage door shall be recessed from the front facade of the living portion of the dwelling unit a minimum of 4', OR
b. A garage door shall be flush with the front living portion of the home and a covered porch shall extend forward a minimum of 6', OR
c. A garage door is extended forward a maximum of 4' of the living portion of the home provided that a second story living area is constructed above the entire garage. If on the same vertical plane as the garage, an architectural roof element shall separate the garage from the second floor. If not on the same vertical plane as the garage, the second story element shall be setback no more than 4'. Although encouraged, no front porch is required.
d. All those garage doors on lots less than 65' in width shall not comprise more than 40% of the ground floor, street-facing linear building frontage. Alleys and corner lots are exempt from this condition.

Where second story elements above the garage are a component of the house plan, the relationship of the linear dimension of the principal structure relative to the linear dimension of the garage doors as measured at the ground shall be no less than 40%.

8. Colors

Home colors shall be administered and controlled by the ARC rather than the City of Loveland. The color of exterior materials shall generally be subdued to blend and compliment with the colors of the natural landscape. Generally muted colors tones are recommended, although accent colors of muted shades may be used and with restraint. Use of highly chromatic or bright colors is to be avoided. The chosen colors should be used to emphasize accent features and de-emphasize elements such as garage doors, vents and other utility projections.

9. Windows

Wood or vinyl windows shall be required. No metal windows shall be permitted.

10. Roof

The roof shall be constructed of asphalt, composition, clay or concrete tile, slate, or other roofing materials permitted by the City of Loveland.

11. Miscellaneous

Eaves and overhangs. Eaves and overhangs shall be a minimum of 1' and a maximum of 2', to create noticeable shadows and reduce summer sunlight on windows while permitting winter sunlight to pass under.

Porches. A covered porch element shall be included on homes where a flush garage or a garage forward condition exists. The front porch will help minimize the impact of front access garages. Required porches shall have minimum usable dimensions of 6' deep and 8' wide.

Vents. All building projections including, but not limited to, chimney flues, vents, gutters, down spouts, porches, railings and exterior stairways shall match the color of the surface from which they project or shall be of an approved complementary color. All roof-mounted and wall-mounted building vents and flues shall be located, to the maximum extent possible on the non street side of the residences. Vents are to be painted to blend with the wall color roofing from which they extend.

Antennas/Satellite Dishes/Solar Panels. One satellite dish per home is allowed and as approved by the ARC. Large satellite dishes are prohibited in favor of the smaller 18" mini-dish varieties. Solar panels shall be ground mounted or laid flat on the same plane as the roof. Solar panels shall not project above the pitch of the roof. Exterior mounted antennas are prohibited.

12. Siding Other than Masonry

When wood or masonite or other types of approved lap siding is used on that part of the single-family residence not required to be sided with masonry, then siding which shall be in a horizontal pattern with a maximum width of eight (8) inches with no more than a seven (7) inch exposure shall be approved.

H. Implementation

1. Overall Concept

The development of the residential areas are scheduled to commence in 2004 and be completed by the end of 2008. Construction of the project will be done in phases as stated above.

I. Regulatory Procedures

The Garden Gate FDP is a single-family development to provide a mix of lot sizes within the same neighborhood, to provide contiguity to the surrounding neighborhoods to allow variations in building types and styles, and to provide consistency in design throughout the development. A reference shall be included in the covenants of all parcels within the FDP stating that said parcel is subject to the zoning regulations established in the Garden Gate PUD.

This FDP is in accordance with Chapter 18.41 of the Loveland Municipal Code. All Garden Gate property owners shall be aware that the property within Garden Gate is within and subject to the Garden Gate Community Association. In no event shall a property owner take or commit any act or action that is not in full conformance with the law, regulation and/or condition of the City of Loveland Municipal Code. All public improvements shall conform with all design standards adopted by the City of Loveland, unless stated in this FDP or a variance is specifically listed and approved.

J. Farmers Ditch

The following items pertain to the Farmers Ditch that has an easement through the Garden Gate PUD.

1. The Ditch Company has the authority to cut and remove trees within its right of way and it is acknowledged by the owners of the property in the Subdivision that the Ditch Company will, at an appropriate time, remove any and all such trees on the property. The owners of the property in the Subdivision acknowledge that the property owners and successor owners may not plant or otherwise landscape the ditch right of way. The Ditch Company also has the authority to install and maintain a road along each ditch bank for its purposes.
2. The property owners may not place any fence within the ditch right of way, and particularly across the right of way; and the property owners shall not to install any gates or fences on the ditch company right of way without the prior written approval of the Ditch Company. Any fences approved by the Ditch Company along the ditch easement must be fire proof and stock-proof to prevent damage by ditch cleaning by burning, humans and livestock and other sources to the ditch. There will not be permitted any livestock watering in the ditch. There will not be permitted any pumps in the ditch. Cattle guards instead of gates should be utilized instead of gates.
3. The property owners acknowledge and understand that there may be subsurface waters that arise in the area of this development and that there are periods of time when, due to water flowing within the ditch system and otherwise, that portions of the property receive significant amounts of subsurface water that is very near to the surface, or resides on the surface. Due to this problem, the utility of certain portions of the property for construction of structures could potentially be unavailable. The Ditch Company has no plans to alter its operations, as it would cure this surface and subsurface water issue. Ditches may overflow and flood adjoining property and improvements. Property owners shall be solely responsible for all water that overflows the ditch and the Ditch Company shall not be liable for damage caused to any property or improvements due to water overflowing the ditch.
4. The property owners shall preserve the irrigation and drainage patterns existing [or as changed under the Final Drainage Plan] on the date of recording of the plat so that the quality of water entering the ditch from irrigation and from precipitation and other sources be maintained, and so that there is no change in rate, amount, point or type of drainage into the ditches that will occur. The property owners shall monitor and identify any pollutants or other hazardous materials that enter the ditch and should agree to stop any such deposit in the ditch system.
5. The property owners acknowledge that: 1) No livestock watering, swimming, tubing, canoeing or other use of the ditch or water in the ditch is allowed; 2) No dumping of refuse, including but not limited to household garbage, waste materials, grass clippings, tree and shrub prunings, motor oil, chemicals, pesticides or herbicides is allowed; 3) No pumps for lawn or other irrigation are allowed in the ditch; 4) No use of the ditch easement for hiking, biking, horseback, motorcycle, off road vehicles or other motorized or non-motorized vehicle shall be allowed.
6. No crossings of the ditch are permitted without the prior written consent of the Ditch Company and compliance with the rules, regulations and requirements of the Ditch Company.

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FINAL DEVELOPMENT PLAN OF
GARDEN GATE
A PUD OF
GARDEN GATE FIRST SUBDIVISION
LOVELAND COLORADO

FINAL DEVELOPMENT PLAN NARRATIVE

DATE	05/15/04
JOB NO.	R03-016
DRAWN	CM
CHECKED	LR
REVISED	08/03/04
MYLARS - 09/27/04	

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B. Site Introduction

GARDEN GATE PUD is a property primarily situated in South East portion of the City of Loveland, Colorado. Songbird Meadows is directly West, East First Street borders the development to the North, non irrigated farmland lies to the east, and steep slopes of the Little Thompson River border the development to the South. The general geographic location of the site is in the north half of Section 19, T5N, R68W of the 6th PM, County of Larimer, Colorado. The area of this project included in this Final Development Plan is located on +/- 68 acres.

The property has been farmed since approximately the turn-of-the-century. Over the past 50 years, crops have consisted of alfalfa, wheat, barley, beans and corn. The land is no longer being farmed by the owner. The project's proposed plan includes the creation of 188 single family residences, a 2 plus acre park, open space and greenbelts and adequate buffering of East First Street and the electric substation. Landscaping and buffer areas along East First Street and the electric substation will follow the City of Loveland's buffer standards. In open space areas and buffer yards a naturalistic design approach will be incorporated into the design. This area will incorporate formal and informal plantings of trees and shrub beds. Entry project monumentation will be located at the entrance of the project on East First Street. The Garden Gate Community Association ("The Association") shall maintain the open space area and buffer plantings. In addition, play and recreation areas will be constructed and maintained by the Association in conformance with the City of Loveland's requirements.

Garden Gate Final Development Plan Narrative Sheet L2 highlighted section (Site Introduction).

F. Landscaping and Fencing

1. Overall Concept

The landscape plan is based around lending a sense of connection and visual unity throughout the project while providing buffers between the proposed uses where logically desired. Fencing should not detract from the overall design, but rather be used as a design element where desired, and as a screen for any element which would detract from the overall image of the project. The landscape design intent for Garden Gate takes inspiration from natural plant communities and wetlands areas currently found on and adjacent to the site. The various building types proposed should not compete for attention, but rather blend to create a sense of community. Consistency in design should support a smooth transition between the proposed uses on the subject property and between those uses and adjacent properties and uses. All areas of negative influence shall be carefully screened from view. Special consideration shall be given to the siting of a residence with emphasis on the relationship to existing grading, preservation of natural site features and the relationship of neighboring sites. Landscaping adjacent to roadways will be naturalistic, with curvilinear beds of shrub groupings and clusters of ornamental trees. The main entry into Garden Gate will include two stone or brick veneer columns, accompanied with ornamental and evergreen trees, and plantings of annuals, perennials and ornamental grasses. Natural areas that are to be reestablished, will receive seed mixes, and be allowed to naturalize again. Areas designated for recreation and adjacent to roadways will be a maintained landscape, using trees, shrubs, perennials, mulches, sodded turf and in-ground automated irrigation system.

Garden Gate Final Development Plan Narrative Sheet L2 highlighted sections (Landscaping and Fencing).

NOTES

1. Lots 4 through 26, Block 10 and lots 1 through 10, Block 7 shall not be issued a Building Permit or a City of Loveland Address until the oil well, tank battery facility and associated lines have been capped and abandoned per all applicable State of Colorado Oil and Gas Commission Guidelines.
2. If at the time of the issuance of the first building permit the oil well and tank battery is not capped and abandoned, a temporary 6 foot high chain link security fence shall be installed around the well head and battery facility.

BOTANICAL NAME	COMMON NAME
WETLAND SEED MIXTURE	
Calamagrostis canadensis	Bluejoint Reedgrass
Carex nebrascensis	Nebraska Sedge
Juncus balticus	Baltic Rush
Panicum virgatum	Switchgrass
Sporobolus airoides	Alkali Sacaton

0 50 100 200

SCALE: 1" = 100'

NORTH

This is a Land Use Planning Document, not a Construction Document. Refer to Civil Engineering Plans.

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FINAL DEVELOPMENT PLAN OF
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A PUD OF
GARDEN GATE FIRST SUBDIVISION
LOVELAND COLORADO

LANDSCAPE PLAN

DATE	06/15/04
JOB NO.	R03-016
DRAWN	CM
CHECKED	LR
REVISED	08/03/04
	MYLARS - 09/27/04

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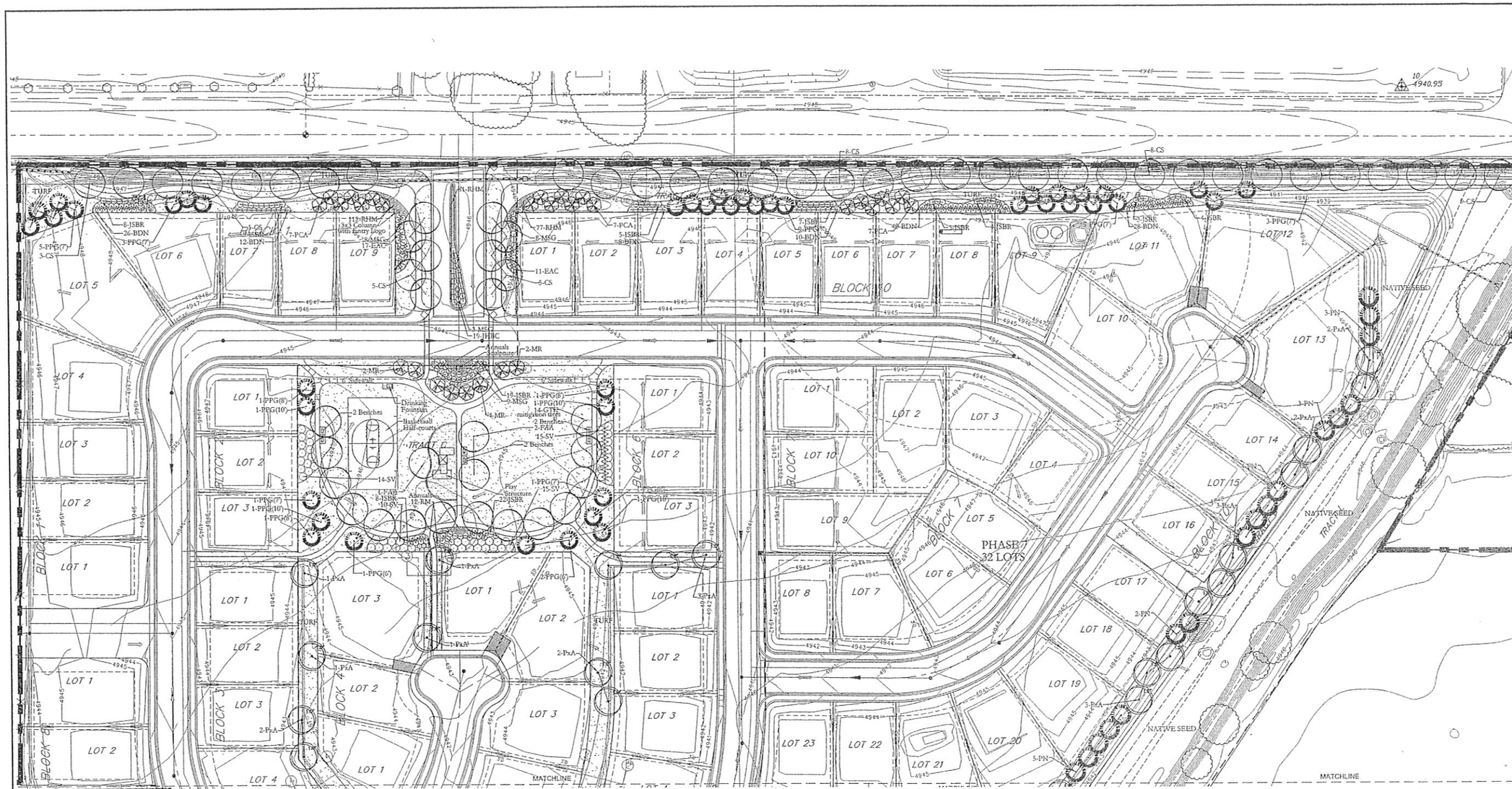

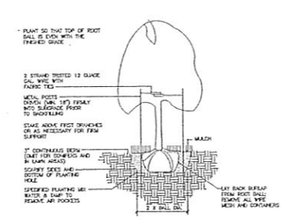

A TREE PLANTING – VERTICAL STAKES
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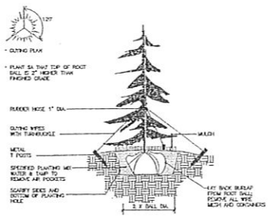
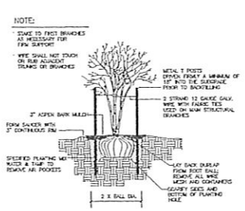
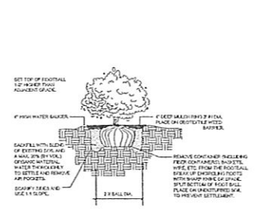


B CONIFER TREE PLANTING – GUY WIRES
NOT TO SCALE



C MULTI-TRUNK TREE STAKING
NOT TO SCALE



D SHRUB PLANTING
NOT TO SCALE

0 25 50 100
SCALE: 1" = 50'

NORTH

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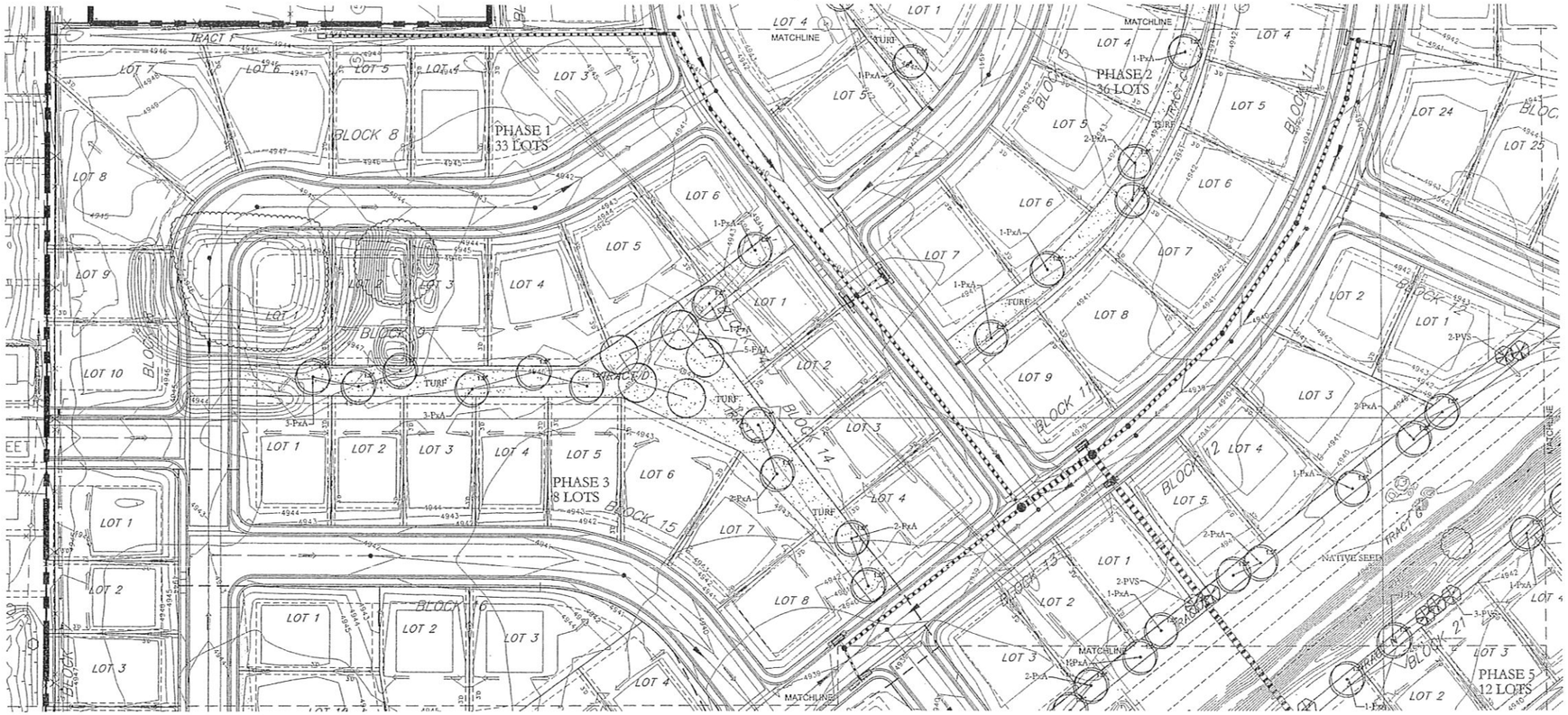

PLANT LIST

KEY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES	QTY
	DECIDUOUS TREES				
CS	Catalpa speciosa	Western Catalpa	2" cal	B+B	43
FAA	Fraxinus pennsylvanica 'Marshall'	Marshall's Ash	2" cal	B+B	13
GTK	Gleditsia triacanthos inn. 'Shademaster' mitigation trees	Shademaster Honeylocust	2" cal	B+B	14
PA	Populus x acuminata mitigation trees	Lanceleaf Cottonwood	2" cal	B+B	20
PA	Populus x acuminata	Lanceleaf Cottonwood	1.5" cal	B+B	119
TAR	Quercus macrocarpa	Bur Oak	2" cal	B+B	3
	ORNAMENTAL TREES				
AGA	Amelanchier grandiflora 'Autumn Brilliant'	Autumn Brilliant Serviceberry	1.5" cal	B+B	7
MR	Malus 'Radiant'	Radiant Crabapple	1.5" cal	B+B	13
PCA	Pyrus calleryana 'Autumn Blaze'	Autumn Blaze Pear	1.5" cal	B+B	21
PVS	Prunus virginiana 'Shubert'	Canada Red Chokecherry	1.5" cal	B+B	31
	EVERGREEN TREES				
PP	Picea pungens	Colorado Spruce	7' ht.	B+B	14
PP	Picea pungens	Colorado Spruce	8' ht.	B+B	7
PPF	Picea pungens 'Fat Albert'	Fat Albert Spruce	7' ht.	B+B	6

KEY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES	QTY
	EVERGREEN SHRUBS				
PPG	Picea pungens glauca	Colorado Blue Spruce	6' ht.	B+B	23
PPG	Picea pungens glauca	Colorado Blue Spruce	7' ht.	B+B	34
PPG	Picea pungens glauca	Colorado Blue Spruce	8' ht.	B+B	4
PPG	Picea pungens glauca	Colorado Blue Spruce	10' ht.	B+B	4
PN	Pinus nigra	Austrian Pine	6' ht.	B+B	21
	EVERGREEN SHRUBS				
JHBC	Juniperus horizontalis 'Blue Chip'	Blue Chip Juniper	5 gal.	5' o.c.	19
JSBR	Juniperus sabina 'Broadmoor'	Broadmoor Juniper	5 gal.	6' o.c.	101
	DECIDUOUS SHRUBS				
BDN	Buddleia davidii nanhoensis 'Petite Plum'	Compact Purple Butterfly Bush	5 gal.	6' o.c.	123
EAC	Euonymous alatus 'Compactus'	Dwarf Burning Bush	5 gal.	6' o.c.	28
MSG	Miscanthus sinensis 'Gracillimus'	Maiden Grass	5 gal.	3' o.c.	28
RG	Rhus glabra	Smooth Sumac	5 gal.	7' o.c.	90
RM	Rosa x 'Meidland Red'	Single Red Shrub Rose	5 gal.	4' o.c.	17
SVL	Syringa vulgaris 'Ludwig Spaeth'	Dark Purple Common Lilac	5 gal.	6' o.c.	60
SV	Syringa vulgaris	Common Purple Lilac	5 gal.	6' o.c.	54
	PERENNIALS				
RHM	Rudbeckia hirta 'Marmelade'	Black-eyed Susans	1 gal.	18" o.c.	270

PLANT LEGEND

- DECIDUOUS CANOPY TREES
- ORNAMENTAL TREES
- EVERGREEN TREES
- EXISTING TREES
- SHRUBS
- ANNUALS
- PERENNIALS
- IRRIGATED TURF
- WETLAND SEED MIX
- SHRUB MASSES
- STEEL EDGER

PLANTING NOTES

1. All plant material shall meet specifications of the American Association of Nurserymen (AAN) for number one grade. All trees shall be balled and burlapped or equivalent.
2. Trees shall not be planted closer than 4 feet to any gas or electric line and no closer than 10 feet to any water, storm sewer or sanitary sewer line. Shrubs shall not be planted closer than four feet to any water, storm sewer or sanitary sewer line. Tree planting shall be coordinated with Public Service Company. Locations of all utilities shall be verified in the field prior to planting.
3. Developer shall ensure that the landscape plan is coordinated with the plans done by other consultants so that the proposed grading, storm drainage, or other construction does not conflict nor preclude installation and maintenance of landscape elements on this plan.
4. All landscape beds shall be irrigated with an automatic underground irrigation system, unless noted otherwise.
5. All turf except native seed areas to be irrigated with an automatic pop-up irrigation system. All shrub beds and trees are to be irrigated with an automatic drip irrigation system, or acceptable alternative. The irrigation system is to be adjusted to meet the water requirements of the individual plant material.
6. All trees to be balled and burlapped or containerized.
7. All shrub beds to be mulched with a layer of four inch (4") to six inch (6") shredded bark or rock mulch over weedbarrier. Bark mulch type to comply with the Centerra Design Guidelines. Perennial beds to be mulched with shredded wood mulch.
8. Edging between grass and shrub beds shall be steel, minimum four inch (4") depth with a non-sharp edge (rolled or protected with plastic strip). Edging to be set level with top of sod.
9. Irrigated turf to be sodded or seeded with BLUEGRASS or FESCUE.
10. As a requirement for building occupancy, owners must install and maintain one tree per lot to occur along streets.
11. Irrigated Tracts. Tracts A, B, C, D, I, K, M, N, O, P and Q shall be irrigated. Non-Irrigated Tracts. Tracts E, F, G, H, J and L shall not be irrigated.

0 25 50 100
SCALE: 1" = 50'

NORTH

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FINAL DEVELOPMENT PLAN OF
GARDEN GATE
A PUD OF
GARDEN GATE FIRST SUBDIVISION
LOVELAND COLORADO

LANDSCAPE PLAN

DATE 06/15/04
JOB NO. R03-016
DRAWN CM
CHECKED LR
REVISED 09/03/04
MYLARS - 09/27/04

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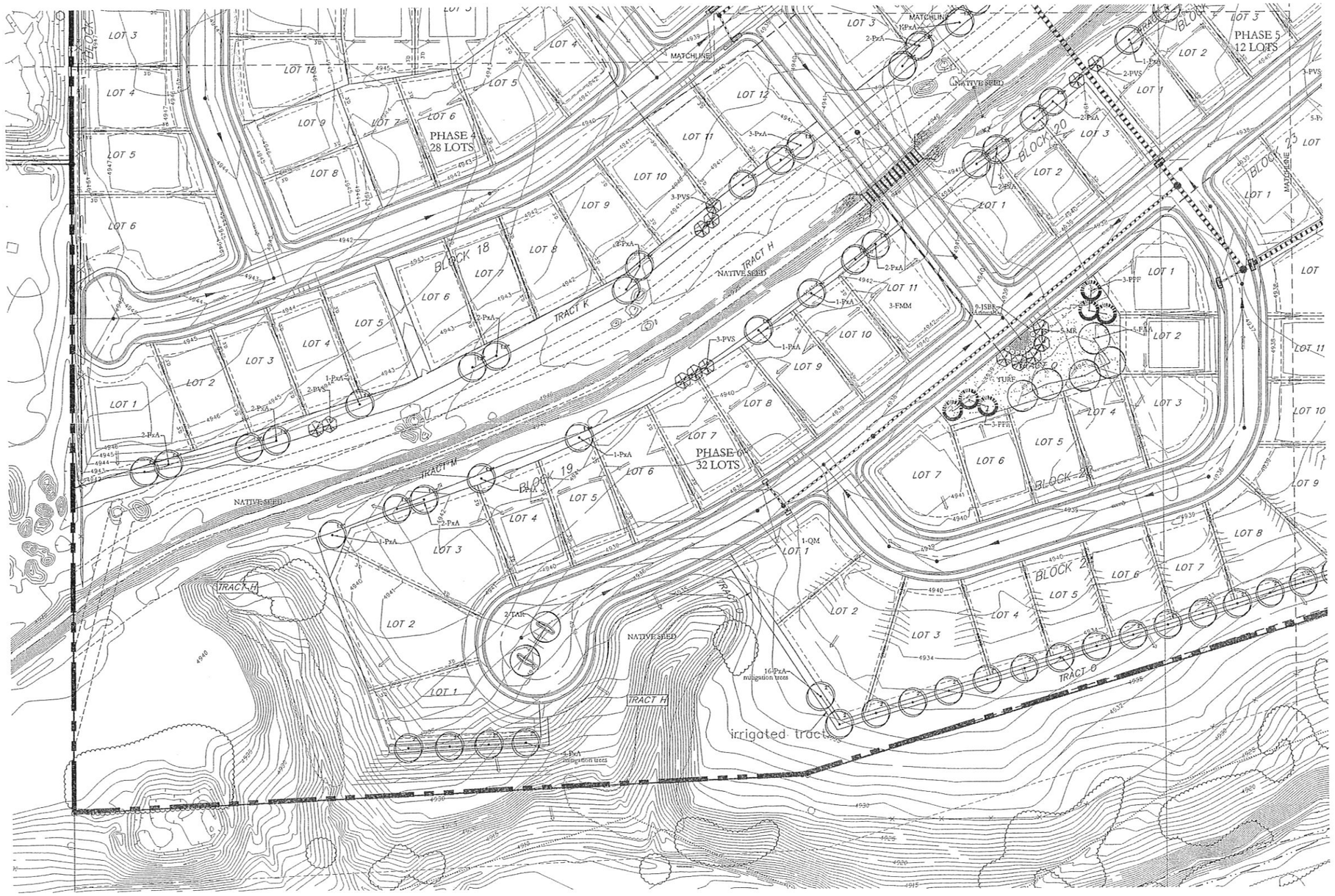

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REVISED	08/03/04
MYLARS -	09/27/04

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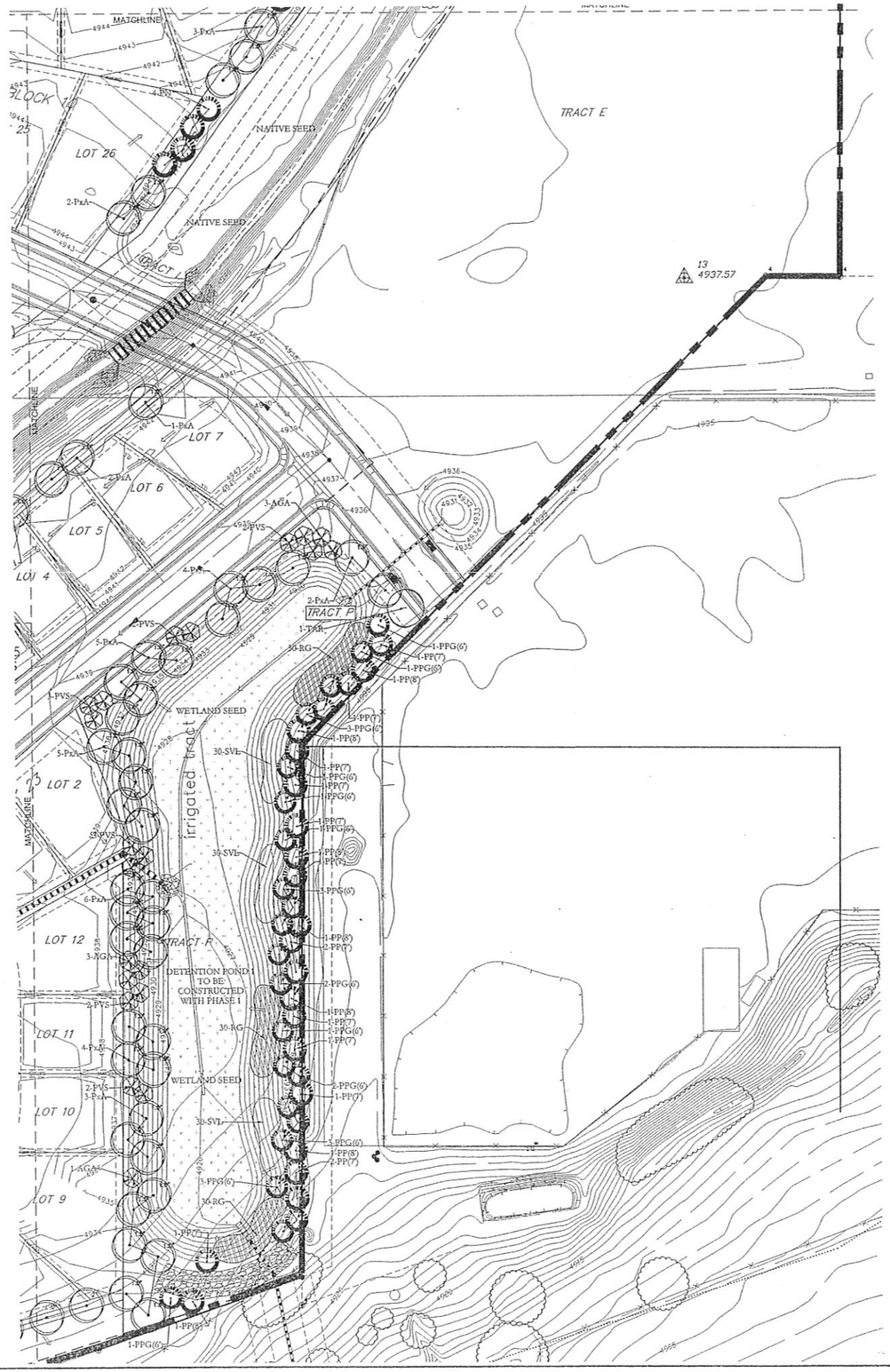

PLANT LEGEND

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- ORNAMENTAL TREES
- EVERGREEN TREES
- EXISTING TREES
- SHRUBS
- ANNUALS
- PERENNIALS
- IRRIGATED TURF
- WETLAND SEED MIX
- SHRUB MASSES
- STEEL EDGER

BOTANICAL NAME	COMMON NAME
WETLAND SEED MIXTURE	
Calamagrostis canadensis	Bluejoint Reedgrass
Carex nebrascensis	Nebraska Sedge
Juncus balticus	Baltic Rush
Panicum virgatum	Switchgrass
Sporobolus airoides	Alkali Sacaton

0 25 50 100
SCALE: 1" = 50'

NORTH

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LOVELAND COLORADO

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REVISED	04/22/04
	05/20/04
	08/03/04
MYLARS -	09/27/04

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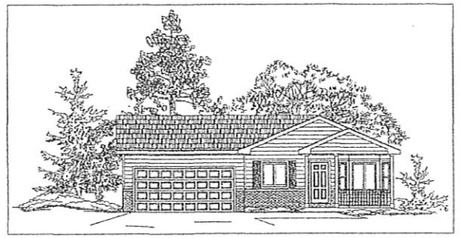
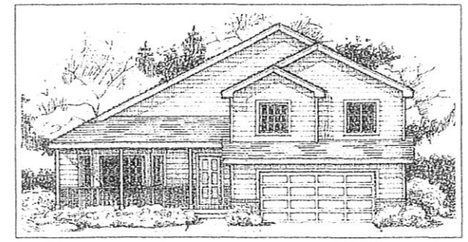
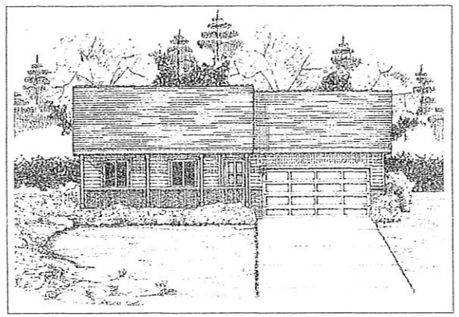
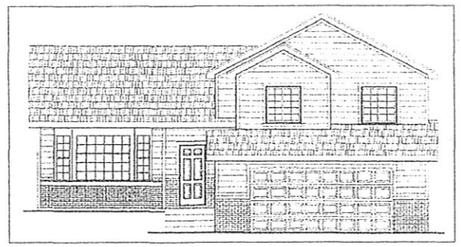
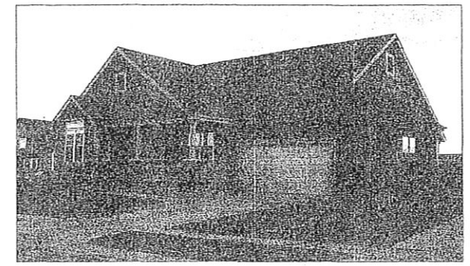
ARCHITECTURAL DESIGN STANDARDS

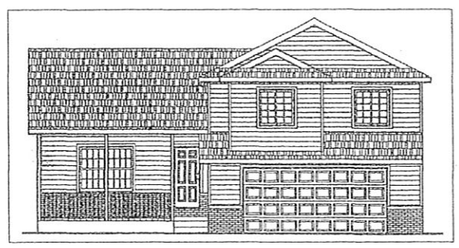


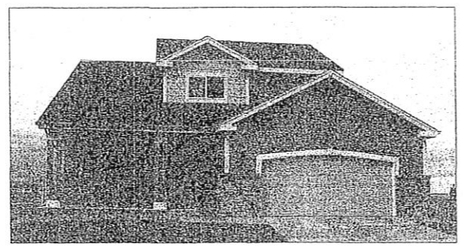


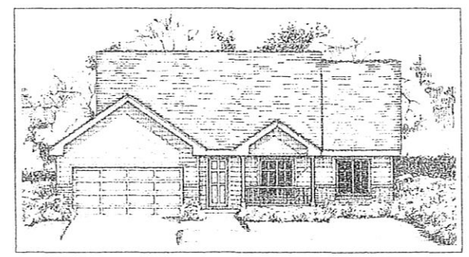


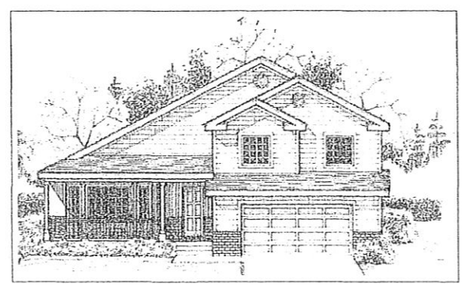


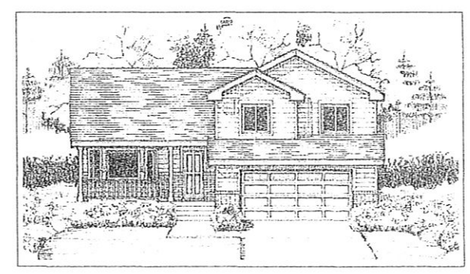












NOTES:

ALL HOMES SHALL SUBSTANTIALLY COMPLY WITH THE ARCHITECTURAL ILLUSTRATIONS SHOWN AND SHALL ALSO COMPLY WITH THE MINIMUM ARCHITECTURAL DEVELOPMENT STANDARDS SECTION OF THIS SUBMITTAL. A LETTER OF APPROVAL AND INDICATION OF SUBSTANTIAL COMPLIANCE FROM THE ARC SHALL ACCOMPANY THE SUBMITTED APPLICATION FOR BUILDING PERMITS. IF THE ARC INDICATES THE SUBMITTED ARCHITECTURE DOES NOT SUBSTANTIALLY COMPLY, ADDITIONAL PLANNING DEPARTMENT APPROVAL SHALL BE REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT.

(ARCHITECTURAL ELEVATIONS SHOWN HEREON ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE NOT MEANT TO REPRESENT EVERY AVAILABLE OPTION.)

ARCHITECTURE

1. Overall Concept

The architecture of the project shall be designed as a cohesive neighborhood using a range of materials which will be chosen and implemented in such a will be given to massing, proportion, and overall scale of the building in relation to the site. No building or other structure shall be erected, altered, placed, or permitted to remain on any lot other than one (1) single-family residence per lot, with an attached garage. Exterior design for houses shall place equal importance on architectural features, exterior adornments and special visual treatments on both the front and any other side or rear of house that is facing an abutting public street.

2. General Notes

a. All property depicted on this plan shall be governed by the requirements, restrictions and standards of the City of Loveland Municipal Code, unless otherwise set forth on this plan.
b. Developers, contractors, property owners and residents shall comply at all times with the requirements, restrictions and prohibitions set forth in this PDP.
c. All property owners shall be aware that the property in the Garden Gate PUD is within the Garden Gate Community Association (the "Association"). In no event shall a property owner in Garden Gate take or commit any act or action that is not in full conformance with the laws, regulations and conditions of the City of Loveland.
d. Minimum Floor Areas

RESIDENTIAL AREA	Minimum size of finished area - RANCH	Minimum size of finished area - Multi-Floor
Single Family	1,000 sq. ft.	1,200 s.f., min. 900 s.f. on main level

e. Residences shall have exterior elevations, roofs, and details that are coordinated and consistent in their architectural treatment.
f. Multiple axis rooflines to reduce building scale and increase individuality and diversity shall be required.
g. Eave lines that vary vertically to improve visual quality and break up building mass shall be required.

3. Setbacks:

Typical minimum setbacks:

LAND USE	Front yard	ROW to Garage floor	Side Yard	Street-Side Side Yard from ROW	Rear Yard
Single Family	15'	20'	5'	15	15'

NOTES: Side-load garage setbacks may be 15' from front yard right of way to garage.

4. Height Limits

Height limits shall be as set forth in the City of Loveland Zoning Code. Per Section 18.54, the height limit for the Single Family Attached units shall be 35-feet.

"Building height" means the vertical distance from grade to the highest point of the coping of a flat roof, or to the average height of the highest gable of a hipped roof. This measurement shall be exclusive of chimneys, ventilators, pipes and similar apparatus. The average height of a gable or hip roof shall be halfway from the lowest eave line to the highest peak. Each side yard setback shall be determined by the building height as measured adjacent to that side yard.

5. Parking

The number, size and design of parking spaces and lots shall correspond to the requirements of the City of Loveland Municipal Code and the Site Development Performance Standards and Guidelines. No on-street parking will be permitted on arterial streets. Parking may be permitted on minor collector and residential local streets.

6. Garages & Front Elevations

The visual impact of a front access garage upon neighborhood streetscapes can be offset by the use of several key architectural features such as: a second story element above the garage, covered front porches, garage recesses and the appropriate use of color. Porches referred to in this section shall measure at least 8', measured across the front of the building, by 6'. All of these architectural techniques will help to reduce dominance of garage doors.

All homes shall include a standard 2 car garage with front or side access. A third garage door is allowed if (1) it is setback a minimum of 2' from the main garage door, (2) the lot for the home is no less than 65' in width, as measured at the setback line, and (3) a porch extending past the garage.

Homes with garages that are visible as part of the front building facade shall have garages that meet one of the following three conditions:

a. A garage door shall be recessed from the front facade of the living portion of the dwelling unit a minimum of 4', OR
b. A garage door shall be flush with the front living portion of the home and a covered porch shall extend forward a minimum of 6', OR
c. A garage door is extended forward a maximum of 4' of the living portion of the home provided that a second story living area is constructed above the entire garage. If on the same vertical plane as the garage, an architectural roof element shall separate the garage from the second floor. If not on the same vertical plane as the garage, the second story element shall be setback no more than 4'. Although encouraged, no front porch is required.
d. All three garage doors on lots less than 65' in width shall not comprise more than 40 % of the ground floor, street-facing linear building frontage. Alleys and corner lots are exempt from this condition.

Where second story elements above the garage are a component of the house plan, the relationship of the linear dimension of the principal structure relative to the linear dimension of the garage doors as measured at the ground shall be no less than 40 %.

7. Colors

Home colors shall be administered and controlled by the ARC rather than the City of Loveland. The color of exterior materials shall generally be subdued to blend and complement with the colors of the natural landscape. Generally muted colors tones are recommended, although accent colors of muted shades may be used and with restraint. Use of highly chromatic or bright colors is to be avoided. The chosen colors should be used to emphasize accent features and de-emphasize elements such as garage doors, vents and other utility projections.

9. Windows

Wood or vinyl windows shall be required. No metal windows shall be permitted .

10. Roof

The roof shall be constructed of asphalt, composition, clay or concrete tile, slate, or other roofing materials permitted by the City of Loveland.

11. Miscellaneous

Eaves and overhangs. Eaves and overhangs shall be a minimum of 1' and a maximum of 2', to create noticeable shadows and reduce summer sunlight on windows while permitting winter sunlight to pass under.

Porches. A covered porch element shall be included on homes where a flush garage or a garage forward condition exists. The front porch will help minimize the impact of front access garages. Required porches shall have minimum usable dimensions of 6' deep and 8' wide.

Vents. All building projections including, but not limited to, chimney flues, vents, gutters, down spouts, porches, railings and exterior stairways shall match the color of the surface from which they project or shall be of an approved complementary color. All roof-mounted and wall-mounted building vents and flues shall be located, to the maximum extent possible on the non street side of the residences. Vents are to be painted to blend with the wall color roofing from which they extend.

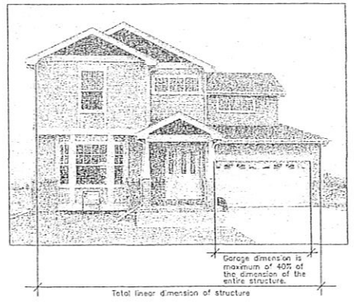
Antennas/Satellite Dishes/Solar Panels. One satellite dish per home is allowed and as approved by the ARC. Large satellite dishes are prohibited in favor of the smaller 18" mini-dish varieties. Solar panels shall be ground mounted or laid flat on the same plane as the roof. Solar panels shall not project above the pitch of the roof. Exterior mounted antennas are prohibited.

12. Siding Other than Masonry

When wood or masonite or other types of approved lap siding is used on that part of the single-family residence not required to be sided with masonry, then siding which shall be in a horizontal pattern with a maximum width of eight (8) inches with no more than a seven (7) inch exposure shall be approved.

IMPLEMENTAION

The development of the residential areas are scheduled to commence in 2004 and be completed by the end of 2008. Construction of the project will be done in phases as stated above



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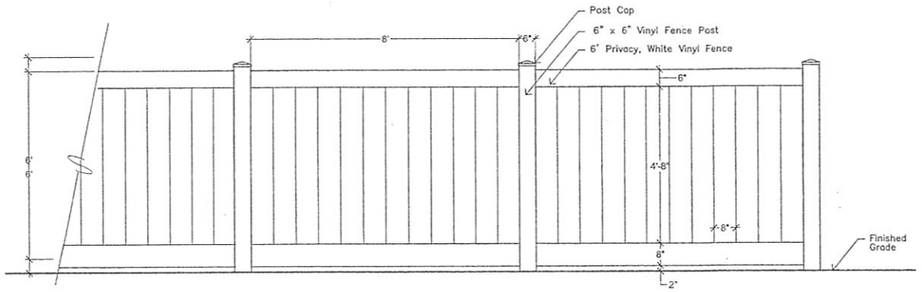
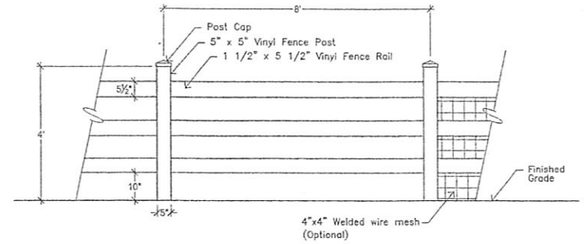
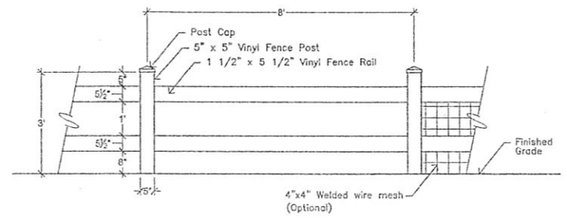


4 6' VINYL PRIVACY FENCE
ELEVATION
SCALE: 1/2"=1'-0"



3 3 RAIL WHITE VINYL FENCE
ELEVATION
SCALE: 1/2"=1'-0"



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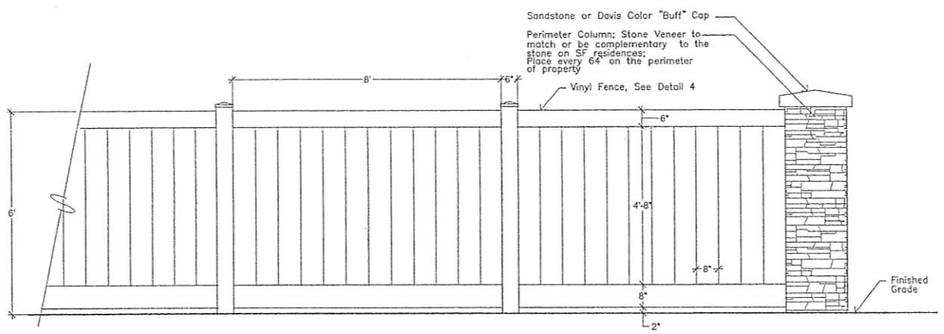
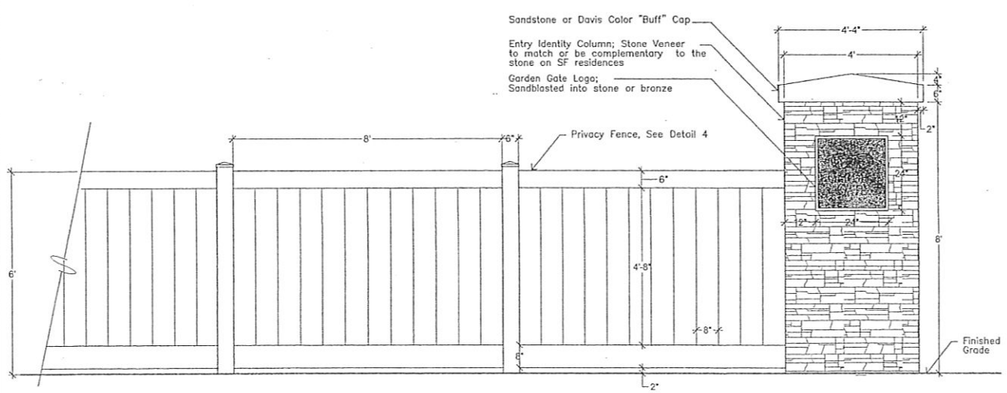
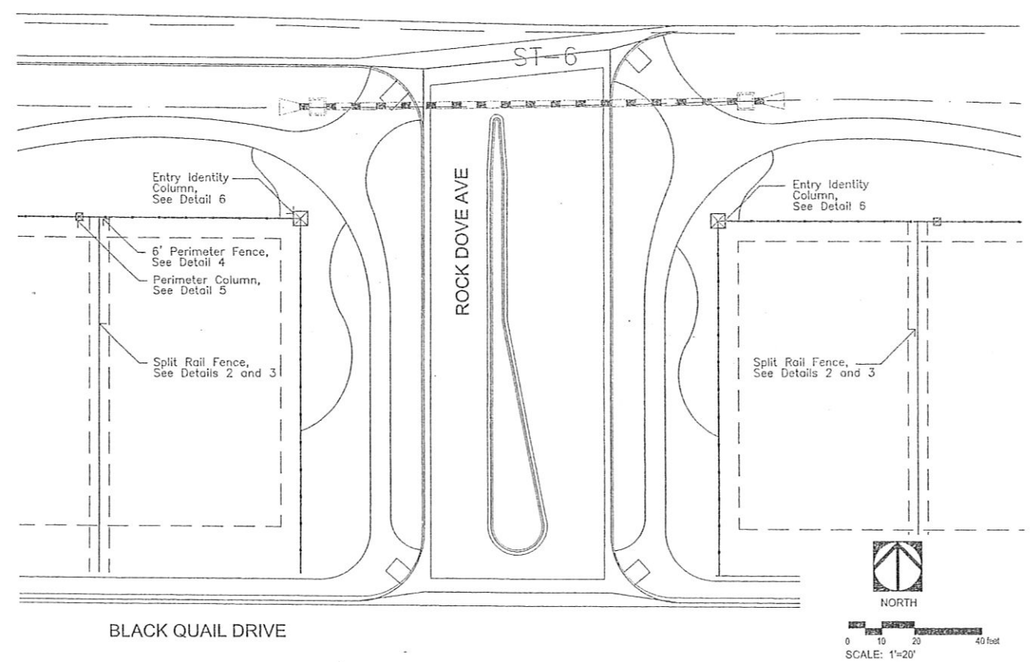
ELEVATION
SCALE: 1/2"=1'-0"



5 PERIMETER COLUMN AND FENCE
ELEVATION
SCALE: 1/2"=1'-0"



6 ENTRY IDENTITY COLUMN AND PERIMETER FENCE
ELEVATION
SCALE: 1/2"=1'-0"



1 ENTRY COLUMNS AND FENCE
PLAN VIEW
SCALE: 1"=20'

This is a Land Use Planning Document, not a Construction Document. Refer to Civil Engineering Plans.

VFRipley ASSOCIATES, INC.
Landscape Architecture Urban Design Planning
401 West Mountain Avenue
Suite 201
Fort Collins, CO 80521
(970) 224-5828
(970) 224-1662 (fax)

APPLICANT
MCWHINNEY PROPERTY GROUP
2725 Rocky Mountain Avenue
Suite 200
Loveland, CO 80538
(970) 962-9990
(970) 635-3603 fax

OWNER
LOUISE GARDELS
11323 Ironwood Court
Cincinnati, OH 45249

ENGINEER
TST, INC.
748 Whalers Way
Building D
Ft. Collins, CO 80525
(970) 226-0557
(970) 226-0204 fax

SURVEYOR
TST, INC.
748 Whalers Way
Building D
Ft. Collins, CO 80525
(970) 226-0557
(970) 226-0204 fax

FINAL DEVELOPMENT PLAN OF
GARDEN GATE
A PUD OF
GARDEN GATE FIRST SUBDIVISION
LOVELAND COLORADO

SITE DETAILS

DATE	06/15/04
JOB NO.	R03-016
DRAWN	CM
CHECKED	LR
REVISED	08/03/04
MYLARS - 09/27/04	

L9

G:\2003\03-016 Garden Gate\Drawings\FDP\03-016 fence and entry.dwg, 9/27/2004 9:16:13 AM, hbuller

A. **Final Plat and CD's**

Current Planning

1. A minimum of one deciduous street tree shall be planted in the front yard of each residential lot. For corner lots, a minimum of one deciduous street shall also be planted in the side yard abutting the intersecting street. The minimum size of all trees shall be 2 inches caliper at time of planting. All such trees shall be plated by the homebuilder before issuance by the City of Certificate of Occupancy, unless adequate financial security is filled with the City.

2. All required landscaping shall be installed prior to Certificate of Occupancy, unless adequate financial security is filled with the City.

3. The Developer shall install all curbside bufferyards, common open space landscape, private walks and/or paths, all fences located in, or along the edge of, bufferyards and open spaces, and all other common open space amenities. These improvements shall be installed prior to issuance of the first building permit, unless adequate financial security has been filled by the Developer with the City. All areas shown as irrigated turf in the approved landscape plan shall be landscaped using drought tolerant species. All landscaped areas shall be irrigated by permanent, automatic irrigation system.

4. Street trees shall be planted in all tree lawns at a rate of one tree for every 30 to 40 linear feet.

5. Single-family dwellings on lots less than 65 feet wide, measured at the front building setback, shall not be permitted a garage where garage doors for more than two (2) cars are visible as part of the building elevation facing any adjacent street.

6. On lots with less than 65 foot lot width, garage doors that are visible, as part of the front building elevations, shall be recessed behind either the front facade or the living portion of the dwelling, or a covered porch by at least 4 feet. Covered porches referred to in this condition shall measure at a minimum of eight (8) feet, measured across the front of the building, by six (6) feet in width.

7. To the maximum extent possible, all existing mature trees greater than 4 inches in diameter shall be preserved in the design, development and use of the development. Removal of such trees shall be allowed at the sole discretion of the Current Planning Manager, upon submittal of clear basis demonstrating that such removal is necessary and appropriate. In addition all trees greater than 4 inches in diameter shall be replaced on an inch basis and shown where tree will be replaced on a landscape plan.

8. Notwithstanding Section 1.02.A. of the City of Loveland Site Development Standards and Guidelines, all development within the property shall be governed by the provisions of the Site Development Standards and Guidelines. In application of this condition, the front yard street tree in each residential front yard shall completely satisfy any bufferyard requirements for the private residential yards.

9. The Homeowner's Association shall be required to maintain all landscaping within right-of-ways which are not adjacent to individual lots, including median islands and cul-de-sac entries.

10. Additional conditions may be required after review of resubmittal.

B. **Final Development Plan**

Current Planning

1. The Developer shall ensure that on all lots developed as single family detached dwelling units, the following minimum landscaping shall be planted before issuance of a Certificate of Occupancy, unless acceptable financial security is filed with the City to insure installation at a latter time agreeable to the City:
   a. A minimum of one street tree in the front yard;
   b. For corner lots, a minimum of one street tree in the front yard and a minimum of one street tree in the side abutting the adjacent street;
   c. The minimum caliper of said front yard trees and sideyard trees shall be 2 inches at the time of planting;
   d. A minimum of 75% of the front yard, except those portions constructed as walkways and driveways, shall be landscaped with living ground cover, the predominant element of which shall be sod.

2. The following Blocks and Lots as identified on the Preliminary Plat shall not be issued a Building Permit or a City of Loveland Address until the oil well, tank battery facility and associated lines have been capped and abandoned per all applicable State of Colorado Oil and Gas Commission Guidelines.
   a. Block 7, Lots 1-10
   b. Block 10, Lots 4-26

3. All bufferyards installed as part of single family residential development shall be on a separate tract of land owned and maintained by the applicable HOA or developer.

4. All landscape and utility installations shall be designed so as to avoid conflict, based on City standards for separation of landscape from utilities.

5. If at the time of the issuance of first building permit for any lot within the Garden Gate development, the oil well and tank battery is not capped and abandoned, a temporary 6 foot high chain link security fence shall be installed around the well head and battery facility.

6. Approval of the Final Development plan is contingent on the Garden Gate Subdivision Annexation and Rezoning application approval by City Council.

7. Lot 21, Block 10 shall be converted to open space, or incorporated into adjacent lots, in the event that the existing oil well cannot be capped and abandoned in a manner approved by the State of Colorado Oil and Gas Conservation Commission which will allow construction of a single family residence.

VFRipley
ASSOCIATES, INC.
Landscape Architecture Urban Design Planning
401 West Mountain Avenue
Suite 201
Fort Collins, CO 80521
(970) 224-5828
(970) 224-1662 (fax)

APPLICANT

MCWHINNEY PROPERTY GROUP
2725 Rocky Mountain Avenue
Suite 200
Loveland, CO 80538
(970) 962-5990
(970) 635-3003 fax

OWNER

LOUISE GARDELS
11323 Ironwood Court
Cincinnati, OH 45249

ENGINEER

TST, INC.
748 Whalers Way
Building D
Ft. Collins, CO 80525
(970) 226-0557
(970) 226-0204 fax

SURVEYOR

TST, INC.
748 Whalers Way
Building D
Ft. Collins, CO 80525
(970) 226-0557
(970) 226-0204 fax

FINAL DEVELOPMENT PLAN OF
GARDEN GATE
A PUD OF:
GARDEN GATE
FIRST SUBDIVISION
LOVELAND COLORADO

CONDITIONS FOR APPROVAL

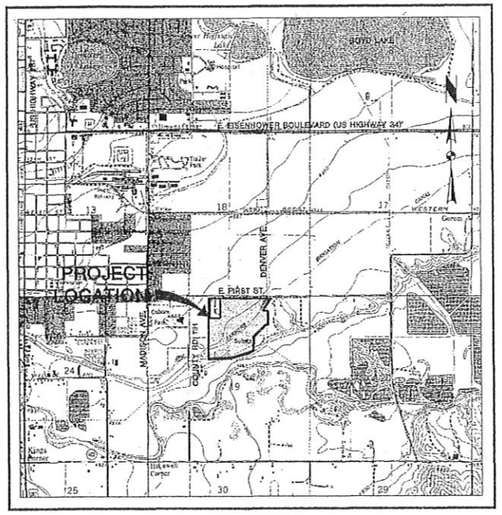
DATE	03/05/04
JOB NO.	R03-016
DRAWN	CM
CHECKED	LR
REVISED	04/23/04
	05/03/04
MYLARS - 09/27/04	

L10

G:\2003\03-016 Garden Gate\Drawings\FDP\Narrative and Arch.dwg, 9/29/2004 9:59:54 AM, 1:1, amy

GARDEN GATE FIRST SUBDIVISION

BEING A SUBDIVISION OF PARCEL 4, GARDEN GATE FIRST ADDITION, LOCATED IN THE NORTH HALF OF SECTION 19, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN; CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



VICINITY MAP
N.T.S.

OWNER: MCWHINNEY PROPERTY GROUP, LLC
2725 ROCKY MOUNTAIN AVE., SUITE 200
LOVELAND, COLORADO 80538

DEVELOPER: MCWHINNEY PROPERTY GROUP, LLC
2725 ROCKY MOUNTAIN AVE., SUITE 200
LOVELAND, COLORADO 80538

PLANNER: V.F. RIPLEY
401 WEST MOUNTAIN AVE., SUITE 200
FORT COLLINS, COLORADO 80521

ENGINEER/SURVEYOR: TST INC., CONSULTING ENGINEERS
748 WHALERS WAY, BUILDING D
FORT COLLINS, COLORADO 80525

TOTAL LOTS	ZONING
181	PUD

Description of Land Use	Size (Ac.)	Percentage
Tract A: Private Open Space, Drainage, Public Utility, Public Postal, Public Pedestrian, & Landscape Easement	0.40	0.59 %
Tract B: Private Open Space, Drainage, Public Utility, Public Postal, Public Pedestrian, Irrigation, & Landscape Easement	1.37	2.01 %
Tract C: Private Open Space, Drainage, Public Utility, Public Postal, Public Pedestrian, & Landscape Easement	2.02	2.97 %
Tract D: Private Open Space, Drainage, Public Utility, Public Postal, Public Pedestrian, & Landscape Easement	0.54	0.79 %
Tract E: Private Open Space, Drainage, Public Utility, Public Postal, Public Pedestrian, & Landscape Easement	4.70	6.91 %
Tract F: Private Open Space, Drainage, Public Utility, Public Pedestrian, & Landscape Easement	0.20	0.29 %
Tract G: Private Open Space, Drainage, Public Utility, Public Postal, Public Pedestrian, & Landscape Easement	1.53	2.25 %
Tract H: Private Open Space, Drainage, Public Utility, Public Postal, Public Pedestrian, & Landscape Easement	5.30	7.79 %
Tract I: Private Open Space, Drainage, Public Utility, Public Postal, Public Pedestrian, Irrigation, & Landscape Easement	0.23	0.34 %
Tract J: Private Open Space, Drainage, Public Utility, Public Postal, Public Pedestrian, & Landscape Easement	0.50	0.74 %
Tract K: Private Open Space, Drainage, Public Utility, Public Postal, Public Pedestrian, Irrigation, & Landscape Easement	0.40	0.59 %
Tract L: Private Open Space, Drainage, Public Utility, Public Postal, Public Pedestrian, Irrigation, & Landscape Easement	2.43	3.57 %
Tract M: Private Open Space, Drainage, Public Utility, Public Postal, & Irrigation Easement	0.11	0.16 %
Tract N: Private Open Space, Drainage, Public Utility, Public Postal, & Irrigation Easement	0.17	0.25 %
Tract O: Private Open Space, Drainage, Public Utility, Public Postal, & Irrigation Easement	0.26	0.38 %
Tract P: Private Open Space, Drainage, Public Utility, Public Postal, Public Pedestrian, & Landscape Easement	2.37	3.49 %
Tract Q: Private Open Space, Drainage, Public Utility, Public Postal, Public Pedestrian, & Landscape Easement	0.30	0.44 %
Roads/Right-of-Way	12.24	18.00 %
Lots	32.93	48.43 %
Total	68.00	100.00 %

DEDICATION AND ACKNOWLEDGMENT

Know all men by these presents that the undersigned, being all the owners and lien holders of the following described property, except any existing public streets, roads or highways; being a subdivision of Parcel 4, Garden Gate First Addition, located in the North Half of Section 19, Township 5 North, Range 68 West of the Sixth Principal Meridian; and considering the North Line of the Northwest Quarter of the Northeast Quarter of said Section 19 to have an assumed bearing of S89°40'35"E, with all other bearings relative thereto; being more particularly described as follows:

Commencing at the North Quarter Corner of said Section 19;
Thence S00°19'43"W, 30.00 feet to the Point of Beginning;
Thence S89°40'35"E, 1,263.66 feet;
Thence S32°12'04"W, 23.55 feet;
Thence S89°40'35"E, 82.43 feet;
Thence S32°12'04"W, 437.17 feet;
Thence S89°40'35"E, 155.40 feet;
Thence S00°26'29"W, 455.97 feet;
Thence N89°40'38"W, 61.04 feet;
Thence S45°25'16"W, 549.58 feet;
Thence S00°30'01"W, 440.20 feet;
Thence S70°37'23"W, 181.50 feet;
Thence S73°20'01"W, 573.25 feet;
Thence S87°21'31"W, 748.02 feet;
Thence N00°21'13"E, 1,942.78 feet;
Thence S89°40'17"E, 35.49 feet;
Thence S00°20'59"W, 630.00 feet;
Thence S89°40'17"E, 330.00 feet;
Thence N00°20'59"E, 630.00 feet;
Thence S89°40'17"E, 294.04 feet to the Point of Beginning.

Said described tract contains 68.00 acres (2,962,072 square feet), more or less and is subject to all easements and rights-of-way now on record or existing.

Do subdivide the same into lots, blocks, tracts, outlots, rights-of-way, and easements, as shown on this plat; and do hereby designate and dedicate: (i) all such rights-of-way and easements, other than utility easements and private easements, to and for public use, except where indicated otherwise on this plat; and (ii) all such utility easements to and for public use for the installation and maintenance of utility, irrigation and drainage facilities; and do hereby designate the same as GARDEN GATE FIRST SUBDIVISION to the City of Loveland, Colorado. All expenses involving necessary improvements for water system, sanitary sewer system, storm sewer system, curbs and gutters, sidewalks, street improvements, street signs, traffic control signs, alley grading and surfacing, gas service, electric system, grading and landscaping shall be paid by McWhinney Holding Company LLC a Colorado Limited Liability Company, or their successors and assigns.

OWNER: McWhinney Property Group, LLC

In witness thereof, we have hereunto set our hands and seals this 28 day of September, 2004.

BY: Troy McWhinney
Troy McWhinney, Manager of McWhinney Property Group, LLC

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this 28 day of September, 2004, by Troy McWhinney, as Manager of McWhinney Property Group, LLC.

Witness my hand and official seal.

My Commission expires My Commission Expires 7/20/2005

Notary Public Connie J. Reitmeier

CONNIE J. REITMEIER NOTARY PUBLIC STATE OF COLORADO

LIEN HOLDER: Advantage Bank

In witness thereof, we have hereunto set our hands and seals this 28TH day of SEPTEMBER, 2004.

BY: Bryan Guest
Bryan Guest, Vice President

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this 28th day of September, 2004, by Bryan Guest, as Vice President of Advantage Bank.

Witness my hand and official seal.

My Commission expires 10-8-2006

Notary Public Marissa Richardson

MARISSA RICHARDSON NOTARY PUBLIC STATE OF COLORADO

BASIS OF BEARING STATEMENT

CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19 TO HAVE AN ASSUMED BEARING OF S89°40'35"E AS DETERMINED BY MONUMENTS FOUND AT THE NORTH QUARTER CORNER OF SECTION 19, AND AT THE EAST SIXTEENTH CORNER OF SECTIONS 18 AND 19 WITH ALL OTHER BEARINGS RELATIVE THERETO.

SURVEYOR CERTIFICATE:

I, Robert L. Hahn, being a registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey of GARDEN GATE FIRST SUBDIVISION was made by me or under my supervision and that the survey is accurately represented on this plat and that the statements contained hereon were read by me and the same are true to the best of my knowledge.

Dated this 27 day of September, 2004.

Robert L. Hahn
Robert L. Hahn
Colorado Professional Land Surveyor PLS#33636

COLORADO REGISTERED ROBERT L. HAHN No. 33636 9/27/04 PROFESSIONAL LAND SURVEYOR

DIRECTOR OF COMMUNITY SERVICES CERTIFICATION

This plat is approved by the Director of Community Services of the City of Loveland, Larimer County, Colorado, this 29th day of Sept., 2004, for filing with the Clerk and Recorder of Larimer County and for conveyance to the City of the public dedications shown hereon, which are accepted; subject to the provision that approval in no way obligates the City of Loveland, for the financing or constructing of improvements on land, streets or easements dedicated to the public except as specifically agreed to by the Director of Community Services.

Director of Community Services

Witness my hand and seal of the City of Loveland.

ATTEST:

City Clerk Donna Vicenti

CITY OF LOVELAND SEAL COLORADO

ATTORNEY'S CERTIFICATE

Liley, Rogers & Martell, LLC, by Lucio A. Liley, an attorney licensed to practice law in the State of Colorado, certifies upon examination of title to the above described land dedicated to the City of Loveland, Colorado, that, as of September 21, 2004, the party executing the dedication is the owner thereof in fee simple, and the dedicated land is free and clear of all liens and encumbrances, except (1) those held by parties signing this dedication; (2) those recorded in the office of the Clerk and Recorder of Larimer County, Colorado at: Book 1159, Page 323; Book 1212, Page 230; Book 1936, Page 468; Book 2112, Page 1290; Book 2233, Page 447; Reception No. 90039832; Reception No. 92010170; Reception No. 98017667; Reception No. 98017668; Reception No. 2003001860; Reception No. 20030110117; Reception No. 20030110118; Reception No. 20030110121; and (3) other ownership interests, liens and encumbrances not of record.

So sworn this 28th day of September, 2004.

LILEY, ROGERS & MARTELL, LLC

By: Lucio A. Liley
Lucio A. Liley
300 South Howes Street
Fort Collins, CO 80521
Registration No.: 6402

NOTES:

1. For all information regarding Title, Easements, Rights-of-way of Record, and terms or conditions affecting this property, TST Inc., Consulting Engineers relied upon Title Policy FCC1257104 prepared by Security Title Guaranty Company effective SEPT 22, 2004 at 7:30 A.M. This does not constitute a title search by TST Inc.
2. The private drain line described in Book 1212, Page 230 does not run here according to land owner and existing field evidence.
3. All residential lot side and rear yard drainage easements are to be privately maintained by the individual lot owners. All swales and detention pond drainage easements are to be privately maintained by the Homeowners Association.
4. Tracts A-J, P, and Q are approved for use as private open space, public utility, public postal, public pedestrian, drainage and landscape easements. These tracts will be owned and maintained by the Homeowner's Association.
5. Tracts K and L are approved for use as private open space, public utility, public postal, public pedestrian, drainage, irrigation, and landscape easements. These tracts will be owned and maintained by the Homeowner's Association.
6. Tracts M, N, and O are approved for use as private open space, public utility, public postal, drainage, and irrigation easements. These tracts will be owned and maintained by the Homeowner's Association.
7. The Homeowner's Association shall also maintain all landscaping within portions of right-of-ways which are not adjacent to individual lots, including median islands and cul-de-sac entries.
8. Street centerline monuments to be set at all intersections, points of curvature, and points of tangency upon completion of street construction.
9. Lots 1-3 of Block 6, Lots 1-10 of Block 7, Lots 4-26 of Block 10, and Lots 1-5 of Block 11 shall not be issued a Building Permit or a City of Loveland Address until the oil well, tank battery facility and associated lines have been capped and abandoned per all applicable State of Colorado Oil and Gas Commission Guidelines. These lots are indicated with cross hatching on sheets 3 and 5. If at the time of the issuance of the first building permit the oil well and tank battery is not capped and abandoned, a temporary 6 foot high chain link security fence shall be installed around the well head and battery facility.
10. The Ditch Company has an easement for its ditch and has authority to cut and remove trees within its right-of-way one it is acknowledged by the owners of the property in the Subdivision that the Ditch Company will, at an appropriate time, remove any and all such trees on the property. The owners of the property in the Subdivision acknowledge that the property owners and successor owners may not plant or otherwise landscape the ditch right-of-way. The Ditch Company also has the authority to install and maintain a road along each ditch bank for its purposes.
11. The property owners may not place any fence within the ditch right-of-way, and particularly across the right-of-way, and the property owners shall not to install any gates or fences on the ditch company right of way without the prior written approval of the Ditch Company. Any fences approved by the Ditch Company along the ditch easement must be fire proof and stock-proof to prevent damage by ditch cleaning by burning, humans and livestock and other sources to the ditch. There will not be permitted any livestock watering in the ditch. There will not be permitted any pumps in the ditch. Cattle guards instead of gates should be utilized instead of gates.
12. The property owners acknowledge and understand that there may be subsurface waters that arise in the area of this development and that there are periods of time when, due to water flowing within the ditch system and otherwise, that portions of the property receive significant amounts of subsurface water that is very near to the surface, or resides on the surface. Due to this problem, the utility of certain portions of the property for construction of structures could potentially be unavailable. The Ditch Company has no plans to alter its operations as it would cure this surface and subsurface water issue. Ditches may overflow and flood adjoining property and improvements. Property owners shall be solely responsible for all water that overflows the ditch and the Ditch Company shall no be liable for damage caused to any property or improvements due to water overflowing the ditch.
13. The property owners shall preserve the irrigation and drainage patterns existing [or as changed under the Final Drainage Plan] on the date of recording of the plat so that the quality of water entering the ditch from irrigation and from precipitation and other sources be maintained, and so that there is no change in rate, amount, point or type of drainage into the ditches that will occur. The property owners shal monitor and identify any pollutants or other hazardous materials that enter the ditch and should agree to stop any such deposit in the ditch system.
14. The property owners acknowledge that: 1) No livestock watering, swimming, tubing, canoeing or other use of the ditch or water in the ditch is allowed. 2) No dumping of refuse, including but not limited to household garbage, waste materials, grass clippings, tree and shrub prunings, motor oil, chemicals, pesticides or herbicides is allowed. 3) No pumps for lawn or other irrigation are allowed in the ditch; 4) No use of the ditch easement for hiking, biking, horseback, motorcycle, off road vehicles or other motorized or non-motorized vehicle shall be allowed.
15. No crossings of the ditch are permitted without the prior written consent of the Ditch Company and compliance with the rules, regulations and requirements of the Ditch Company.
16. Notice is hereby given that all portions of land depicted on this final plat lie adjacent to or are in proximity of the City of Loveland Wastewater Treatment Plant. Waste water treatment plants may from time to time produce odors resulting from the treatment process.
17. The following storm drainage components will be owned and maintained by the Homeowner's Association: Detention Ponds 1 and 2; Storm sewer lines ST-1, ST-5, ST-6, ST-7, ST-8, ST-9.
18. This project is subject to a development agreement which has been recorded in the real property records of Larimer County.
19. The word "Certify" or "Certification" as shown and used hereon is an expression of professional opinion regarding the facts of the survey, and does not constitute a warranty or guaranty, express or implied.
20. Irrigated Tracts. Tracts A, B, C, D, I, K, M, N, O, P, and Q shall be irrigated.
21. Non-irrigated Tracts. Tracts E, F, G, H, J, and L shall not be irrigated.
22. The Chubbuck ditch runs from West to East across Tracts A and B. The historical rights to convey water across the property have not been affected by, and shall not be affected by the subdivision of this property, or any subsequent activities on this property.

NOTI
disc
certi

sy within three years after you first
ore than ten years from the date of

ATTACHMENT 9

REVISIONS			
By	Date	Description	
RLH	8/3/04	COMMENTS TO PLAT REVIEW	

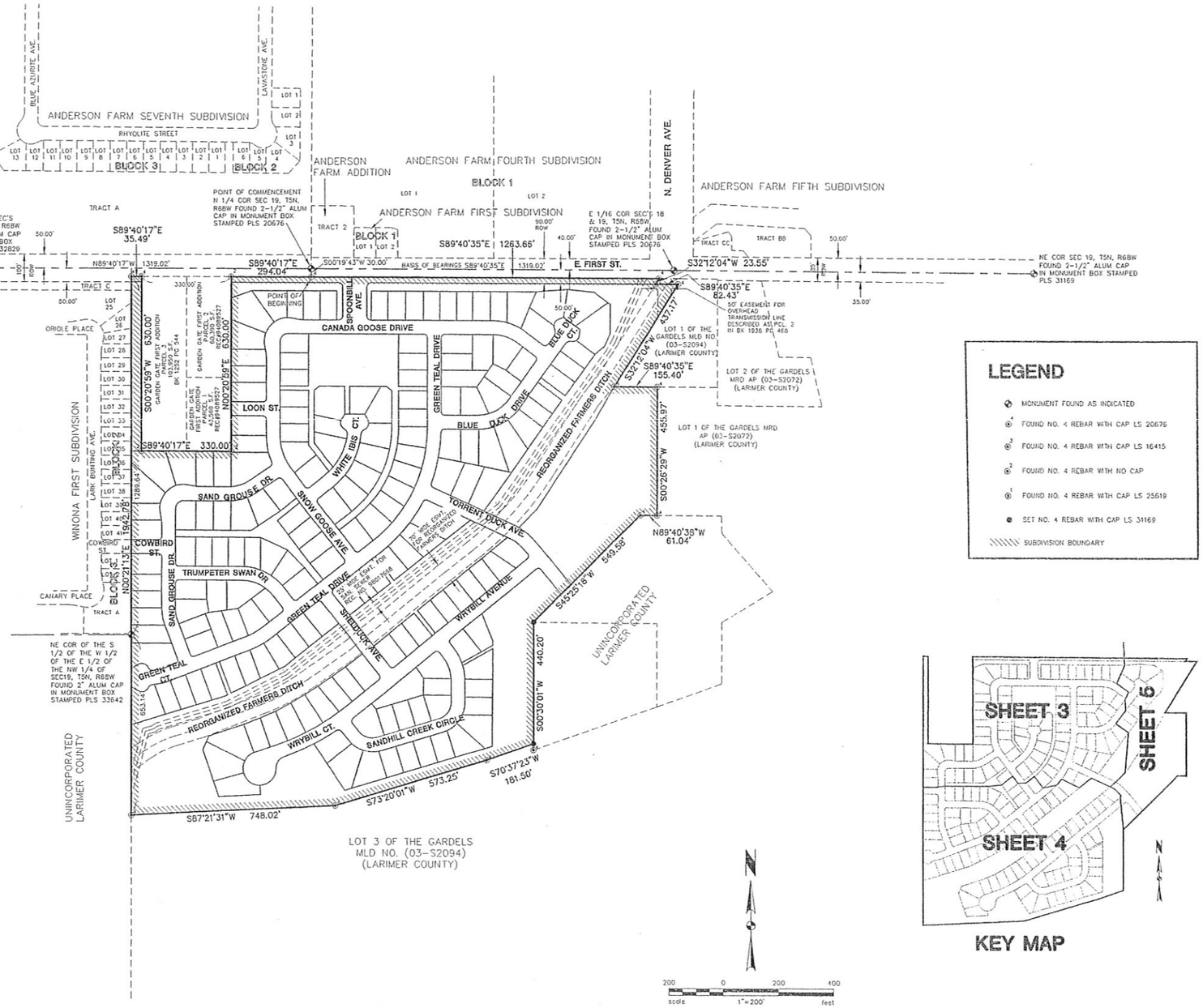
DRAWN RLH
CHECKED JSV
DESIGNED RLH
FILENAME 004_FPLATCOVER

GARDEN GATE FIRST SUBDIVISION

FINAL PLAT

TST
TST, INC.
Consulting Engineers
748 Whalers Way, Bldg. D
Fort Collins, Colorado
970-226-0557

JOB NO 0972.0004.00
SCALE N/A
DATE 9/27/2004
SHEET NUMBER 1 OF 5



REVISIONS		
By	Date	Description
RLH	8-23-04	CHANGES TO PLAT NOTES

DRAWN RLH
CHECKED JSV
DESIGNED RLH
FILENAME 004_FPLAT SHT2

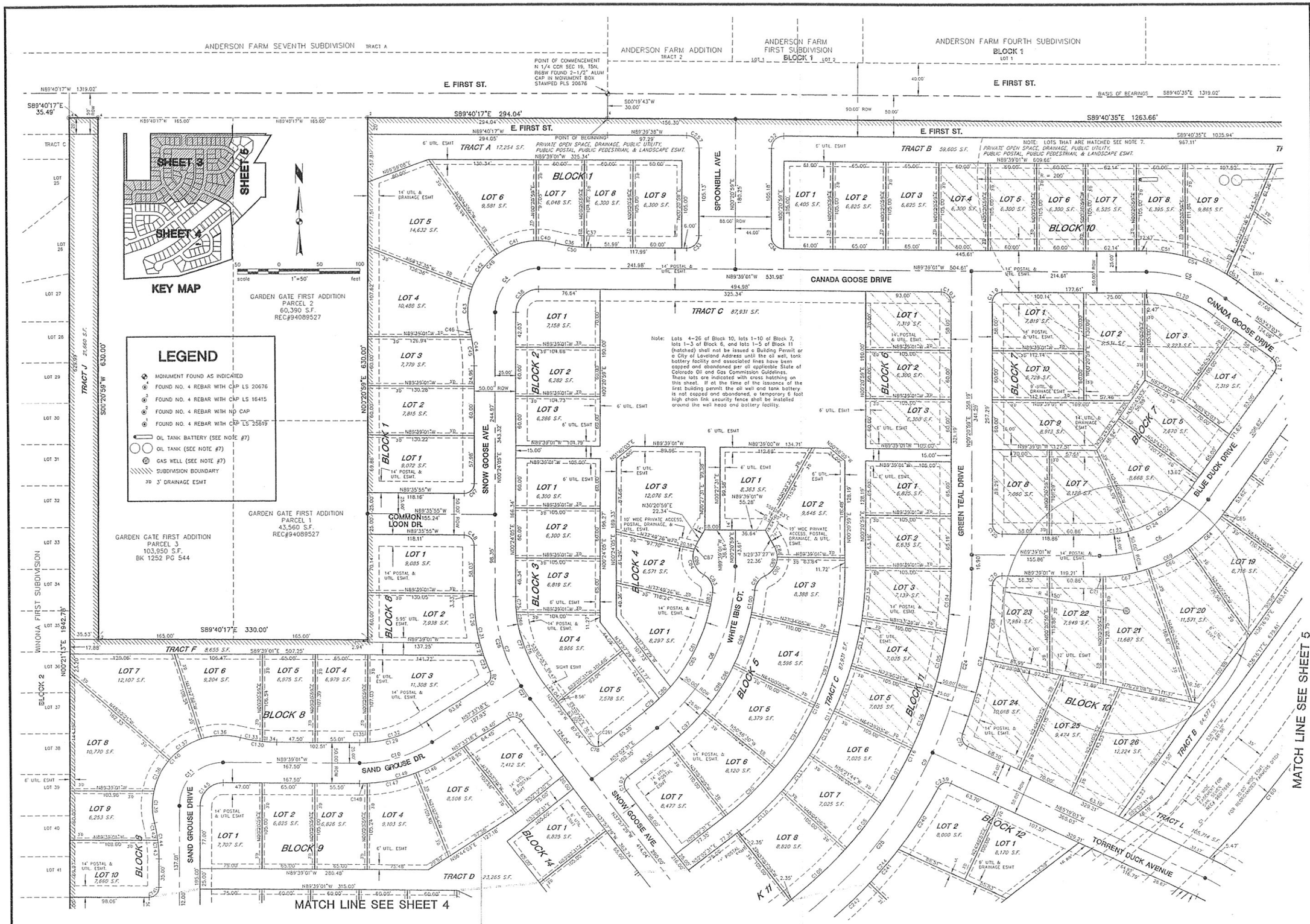
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR ROBERT L. HEBLER 33636 9/27/04

GARDEN GATE FIRST SUBDIVISION

FINAL PLAT OUTER BOUNDARY

TST, INC.
Consulting Engineers
748 Whalers Way, Bldg. D
Fort Collins, Colorado
970-226-0557
fax 970-226-0204

JOB NO. 0972.0004.00
SCALE 1" = 200'
DATE 9/27/2004
SHEET 2 OF 5



REVISIONS	Description	Date	By

DRAWN RLH
CHECKED JSV
DESIGNED RLH
FILENAME 004_FPLAT

COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR
Robert L. Hyde
No. 33636
9/27/04

GARDEN GATE FIRST SUBDIVISION

FINAL PLAT

TST
TST, INC.
Consulting Engineers
748 Whalers Way, Bldg. D
Fort Collins, Colorado
970-226-0557
fax 970-226-0204

JOB NO. 0972.0004.00
SCALE 1" = 50'
DATE 9/27/2004
SHEET 3 OF 5

DRAWN	RLH
CHECKED	JSV
DESIGNED	RLH
FILENAME	004_FPLAT

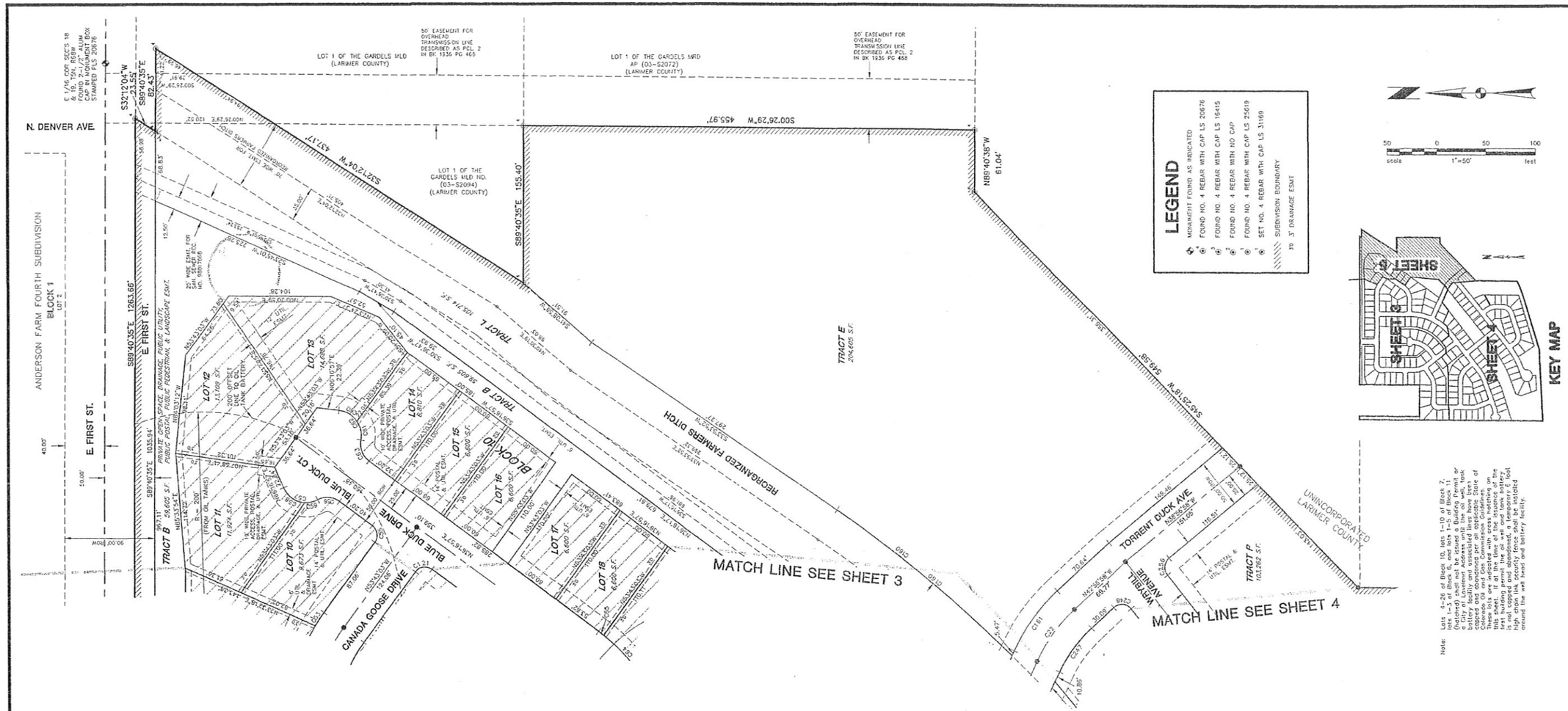
REGISTERED PROFESSIONAL LAND SURVEYOR ROBERT L. HEDLUND 33636 4/24/04

GARDEN GATE FIRST SUBDIVISION

FINAL PLAT

TST
TST, INC.
Consulting Engineers
748 Whalers Way, Bldg. D
Fort Collins, Colorado
970-226-0557
fax 970-226-0204

JOB NO.	0972.0004.00
SCALE	1" = 50'
DATE	9/27/2004
SHEET	4 OF 5



Note: Lots 4-26 of Block 10, lots 1-10 of Block 7, lots 1-3 of Block 6, and lots 1-5 of Block 11 (factored) shall not be developed and shall be used as a battery facility and associated uses. The oil well, tank battery facility and associated lines have been sited in accordance with the Setback Exception of Colorado Oil and Gas Commission Guidelines. These lots are indicated with cross hatching on the plat. Prior to the issuance of the first building permit the oil well and tank battery, which is not capped and abandoned, a temporary 6' tall fence shall be installed around the well head and around the well head and battery facility.

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C1	391.20'	1250.08'	17°55'49"	N42°51'46"E	389.61'
C2	200.60'	810.94'	14°10'22"	N61°52'35"E	200.09'
C3	122.89'	375.34'	18°45'31"	N63°44'13"E	122.34'
C4	83.25'	53.00'	90°00'00"	N45°20'59"E	74.95'
C5	103.48'	165.00'	35°55'58"	N71°41'02"W	101.79'
C6	155.70'	165.00'	54°04'02"	N63°18'58"E	149.99'
C7	133.90'	200.00'	38°21'34"	N18°46'42"W	131.41'
C8	225.55'	250.00'	51°41'32"	N26°11'45"E	217.98'
C9	487.19'	540.00'	51°41'32"	N26°11'45"E	470.83'
C10	94.44'	165.00'	32°47'41"	N73°57'09"E	93.16'
C11	83.25'	53.00'	90°00'00"	N45°20'59"E	74.95'
C12	148.86'	165.00'	51°41'32"	N63°48'15"W	143.87'
C13	60.04'	165.00'	20°50'58"	N10°04'30"W	59.71'
C14	91.41'	300.00'	17°27'30"	N63°46'16"E	91.06'
C15	66.05'	165.00'	20°51'12"	N79°55'37"E	65.72'
C16	158.67'	36.00'	252°31'38"	N54°54'30"W	58.05'
C17	83.95'	67.00'	71°47'23"	N34°43'23"E	78.56'
C18	106.37'	90.00'	67°43'01"	N72°48'28"W	100.29'
C19	114.41'	90.00'	72°50'00"	N36°55'01"E	106.86'
C20	110.75'	165.00'	38°27'30"	N18°43'44"W	108.68'
C21	281.75'	825.00'	19°34'02"	N60°50'03"E	280.38'
C22	64.42'	165.00'	22°22'05"	N54°08'00"W	64.01'
C23	132.83'	400.00'	19°01'36"	N41°37'14"E	132.22'
C24	229.33'	540.00'	24°19'58"	N12°30'58"E	227.61'
C25	257.85'	540.00'	27°21'34"	N38°21'44"E	255.41'
C26	114.65'	200.00'	32°50'46"	N16°01'18"W	113.09'
C27	19.24'	200.00'	5°30'47"	N35°12'05"W	19.24'
C28	243.57'	825.00'	16°54'44"	N62°09'42"E	242.64'
C29	10.62'	825.00'	0°44'16"	N70°59'12"E	10.62'
C30	38.23'	825.00'	2°39'18"	N52°22'41"E	38.22'
C32	23.56'	15.00'	89°58'26"	N45°20'12"E	21.21'
C33	23.56'	15.00'	90°00'00"	N45°20'59"E	21.21'
C34	23.56'	15.00'	90°00'00"	N44°39'01"W	21.21'
C36	36.59'	195.37'	10°43'45"	N81°05'52"W	36.53'
C37	8.01'	182.00'	2°31'22"	N88°23'20"W	8.01'
C38	43.96'	28.00'	89°56'54"	N45°22'32"E	39.58'
C40	24.02'	86.00'	16°00'46"	N83°38'39"W	24.01'
C41	51.14'	86.00'	34°04'13"	N71°18'11"E	50.39'
C42	50.25'	86.00'	33°28'39"	N37°31'45"E	49.54'
C43	51.67'	86.00'	34°25'25"	N03°34'45"E	50.90'
C44	44.58'	182.00'	14°02'05"	N09°35'58"W	44.47'
C45	35.25'	182.00'	11°05'51"	N05°07'21"W	35.20'
C46	9.41'	182.00'	2°57'44"	N12°09'08"W	9.41'
C47	18.85'	12.00'	90°00'00"	N45°24'05"E	16.97'
C48	18.84'	12.00'	89°57'15"	N44°37'18"W	16.96'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C49	177.14'	86.00'	118°01'04"	N45°22'32"E	147.45'
C50	44.58'	182.00'	14°02'05"	N83°37'59"W	44.47'
C51	48.04'	190.00'	14°29'09"	N82°24'27"W	47.91'
C52	55.31'	190.00'	16°40'42"	N66°49'31"W	55.11'
C53	15.81'	190.00'	4°46'08"	N56°06'07"W	15.81'
C54	119.16'	190.00'	35°55'58"	N71°41'02"W	117.21'
C55	18.85'	12.00'	90°00'00"	N81°16'57"E	16.97'
C56	23.65'	21.00'	64°30'46"	N04°01'34"E	22.42'
C57	41.13'	24.92'	94°34'10"	N19°03'16"E	36.62'
C58	27.52'	24.92'	63°16'00"	N34°42'21"E	26.14'
C59	13.61'	24.92'	31°18'09"	N12°34'44"W	13.45'
C60	21.86'	24.92'	50°15'08"	N31°27'54"E	21.16'
C61	19.23'	24.92'	44°12'16"	N76°41'35"E	18.75'
C62	41.08'	24.92'	94°27'22"	N53°34'02"E	36.59'
C63	23.65'	21.00'	64°30'46"	N88°32'20"E	22.42'
C64	56.10'	190.00'	16°55'02"	N46°39'53"E	55.90'
C65	6.38'	190.00'	1°55'25"	N37°14'40"E	6.38'
C66	55.69'	190.00'	16°47'41"	N63°31'15"E	55.49'
C67	56.58'	190.00'	17°1'01"	N80°30'16"E	56.37'
C68	89.08'	565.00'	9°02'02"	N06°51'47"E	88.99'
C69	178.29'	190.00'	54°01'02"	N63°18'58"E	172.71'
C70	18.43'	12.00'	88°00'13"	N46°20'53"E	16.67'
C71	4.14'	190.00'	1°14'53"	N89°43'32"E	4.14'
C72	94.92'	565.00'	9°37'13"	N16°11'35"E	94.81'
C73	18.08'	12.00'	86°19'24"	N22°09'21"W	16.42'
C74	184.00'	565.00'	18°39'35"	N11°40'34"E	183.19'
C75	18.69'	175.00'	6°07'12"	N02°39'31"W	18.68'
C76	98.47'	175.00'	32°14'23"	N21°50'18"W	97.18'
C77	117.16'	175.00'	38°21'34"	N18°46'42"W	114.99'
C78	18.85'	12.00'	90°00'00"	N82°57'29"W	16.97'
C79	24.30'	225.00'	6°11'13"	N48°56'55"E	24.28'
C80	20.24'	225.00'	5°09'18"	N43°16'39"E	20.24'
C81	113.14'	225.00'	28°48'39"	N26°17'41"E	111.95'
C82	13.62'	225.00'	3°28'03"	N10°02'20"E	13.62'
C83	25.57'	21.00'	69°45'24"	N26°27'24"W	24.02'
C84	35.72'	24.92'	82°08'07"	N20°16'02"W	32.74'
C85	171.30'	225.00'	43°37'13"	N30°13'56"E	167.19'
C86	39.50'	24.92'	91°44'28"	N15°27'50"W	35.77'
C87	4.18'	24.92'	9°36'21"	N25°36'12"E	4.17'
C88	13.11'	24.92'	30°09'08"	N14°34'43"W	12.96'
C89	42.04'	24.92'	96°39'34"	N18°40'29"E	37.23'
C90	28.93'	24.92'	66°30'25"	N33°45'04"E	27.33'
C91	22.27'	21.00'	60°45'50"	N38°37'22"E	21.24'
C92	81.19'	385.00'	12°04'56"	N06°23'27"E	81.04'
C93	91.17'	385.00'	13°34'03"	N19°12'56"E	90.95'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C94	88.87'	385.00'	13°13'32"	N32°36'44"E	88.67'
C95	86.12'	385.00'	12°49'01"	N45°38'01"E	85.94'
C96	219.83'	275.00'	45°48'05"	N29°08'29"E	214.02'
C97	61.52'	275.00'	12°49'01"	N45°38'01"E	61.39'
C98	63.48'	275.00'	13°13'32"	N32°36'44"E	63.34'
C99	65.12'	275.00'	13°34'03"	N19°12'56"E	64.97'
C100	29.22'	275.00'	6°11'28"	N09°20'11"E	29.20'
C101	347.35'	385.00'	51°41'32"	N26°11'45"E	335.69'
C102	18.85'	12.00'	90°00'00"	N07°02'31"E	16.97'
C103	18.85'	12.00'	90°00'00"	N14°39'01"W	16.97'
C104	75.71'	515.00'	8°25'22"	N04°33'40"E	75.64'
C105	74.50'	515.00'	8°17'18"	N12°55'00"E	74.44'
C106	74.50'	515.00'	8°17'18"	N21°12'18"E	74.44'
C107	74.50'	515.00'	8°17'18"	N29°29'37"E	74.44'
C108	74.50'	515.00'	8°17'18"	N37°46'55"E	74.44'
C109	90.93'	515.00'	10°06'57"	N46°39'53"E	90.81'
C110	72.39'	410.00'	10°06'57"	N46°39'03"E	72.29'
C111	59.31'	410.00'	8°17'18"	N37°46'55"E	59.26'
C112	59.31'	410.00'	8°17'18"	N29°29'37"E	59.26'
C113	59.31'	410.00'	8°17'18"	N21°12'18"E	59.26'
C114	59.31'	410.00'	8°17'18"	N12°55'00"E	59.26'
C115	69.27'	410.00'	8°25'22"	N04°33'40"E	69.22'
C116	464.63'	515.00'	51°41'32"	N26°11'45"E	449.03'
C117	369.50'	410.00'	51°41'32"	N26°11'45"E	357.46'
C118	18.85'	12.00'	90°00'00"	N82°57'29"W	16.97'
C119	18.85'	12.00'	90°00'00"	N45°20'59"E	16.97'
C120	87.60'	140.00'	35°55'58"	N71°41'02"W	86.37'
C121	18.85'	12.00'	90°00'00"	N08°43'03"W	16.97'
C122	90.44'	140.00'	37°00'47"	N54°47'20"E	88.88'
C123	41.67'	140.00'	17°03'15"	N81°49'21"E	41.52'
C124	132.11'	140.00'	54°04'02"	N63°18'58"E	127.26'
C125	18.85'	12.00'	90°00'00"	N44°39'01"W	16.97'
C126	57.28'	225.00'	14°35'09"	S06°53'30"E	57.13'
C127	35.44'	225.00'	9°16'43"	N18°49'26"W	35.40'
C128	16.97'	12.00'	81°01'06"	N17°02'45"E	15.59'
C129	80.13'	140.00'	32°47'41"	N73°57'09"E	79.04'
C130	44.68'	53.00'	19°14'51"	N82°37'59"W	44.47'
C131	93.72'	225.00'	23°51'52"	S11°31'51"E	93.04'
C132	70.14'	140.00'	28°42'14"	N71°54'25"E	69.41'
C133	27.05'	152.00'	8°30'56"	N79°52'24"W	27.02'
C134	17.53'	152.00'	5°31'09"	N86°32'27"W	17.52'
C135	10.00'	140.00'	4°05'27"	N88°18'16"E	9.99'
C136	47.56'	86.00'	31°41'00"	N88°32'34"E	46.95'
C137	47.39'	86.00'	31°34'25"	N56°54'51"E	46.79'
C138	43.07'	86.00'	28°41'47"	N26°46'46"E	42.62'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C139	39.20'	86.00'	26°06'56"	N00°37'37"W	38.86'
C140	172.22'	86.00'	116°04'09"	N45°20'59"E	147.49'
C141	18.85'	12.00'	90°01'02"	N45°21'30"E	16.97'
C142	21.53'	182.00'	6°46'37"	N10°17'47"W	21.51'
C143	23.05'	182.00'	7°15'28"	N03°16'45"W	23.04'
C144	44.58'	182.00'	14°02'05"	N06°10'03"W	44.47'
C145	43.98'	28.00'	90°00'00"	N45°20'59"E	39.60'
C146	37.52'	190.00'	11°18'48"	N63°12'42"E	37.46'
C147	61.73'	190.00'	18°36'56"	N78°10'34"E	61.46'
C148	9.50'	190.00'	2°51'57"	N88°55'01"E	9.50'
C149	108.75'	190.00'	32°47'41"	N73°57'09"E	107.27'
C150	17.69'	12.00'	84°29'13"	N80°12'05"W	16.13'
C151	18.85'	12.00'	90°00'00"	N07°02'31"E	16.97'
C152	18.85'	12.00'	90°00'00"	N82°57'29"W	16.97'
C153	56.11'	190.00'	16°37'08"	N48°01'23"W	54.92'
C154	42.83'	190.00'	12°54'54"	N82°47'23"W	42.74'
C155	61.47'	190.00'	18°31'16"	N78°10'29"W	61.15'
C156	5.82'	190.00'	1°45'20"	N38°50'06"W	5.82'
C157	6.24'	190.00'	1°52'53"	N56°42'34"W	6.24'
C158	171.42'	190.00'	51°41'32"	N63°48'15"W	165.66'
C159	18.85'	12.00'	90°00'00"	N44°39'01"W	16.97'
C160	18.01'	12.00'	86°00'00"	N85°56'58"W	16.37'
C161	74.18'	190.00'	22°22'06"	N54°08'00"W	73.71'
C162	60.42'	190.00'	18°13'11"	N52°03'33"W	60.16'
C163	13.76'	190.00'	4°08'55"	N63°14'36"W	13.75'
C164	44.14'	375.00'	6°44'38"	N47°40'43"E	44.11'
C165	65.34'	375.00'	9°58'59"	N39°18'55"E	65.26'
C166	15.05'	375.00'	2°17'56"	N33°10'26"E	15.05'
C167	25.59'	42.00'	34°54'15"	N00°33'15"E	25.19'
C168	10.64'	42.00'	14°31'04"	N24°45'54"E	10.61'
C169	36.23'	42.00'	49°26'18"	N07°18'47"E	35.12'
C170	296.87'	61.00'	278°50'33"	N57°58'34"W	79.36'
C171	51.35'	61.00'	48°11'23"	N06°41'45"E	49.81'
C172	63.51'	61.00'	59°38'58"	N60°33'00"E	60.68'
C173	70.06'	61.00'	65°46'20"	N56°36'21"W	66.27'
C174	51.52'	61.00'	48°23'21"	N00°26'28"E	50.00'
C175	60.48'	61.00'	56°48'35"	N53°02'27"E	58.04'
C176	35.23'	42.00'	48°35'18"	N58°44'06"E	35.12'
C177	141.13'	425.00'	19°01'36"	N41°32'14"E	140.49'
C178	18.85'	12.00'	90°00'00"	N06°03'02"E	16.97'
C179	18.85'	12.00'	89°56'58"	N44°35'30"W	16.97'
C180	18.85'	12.00'	90°00'00"	N24°00'01"E	16.97'
C181	38.03'	140.00'	15°33'53"	N77°16'57"E	37.91'
C182	25.33'	21.00'	69°05'57"	N60°23'08"W	23.82'
C183	40.83'	24.92'	93°52'01"	N72°46'10"W	36.41'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C184	64.68'	190.00'	19°30'15"	N09°24'08"W	64.37'
C185	4.46'	190.00'	1°20'43"	N19°45'37"W	4.46'
C186	69.14'	190.00'	20°52'58"	N10°04'30"W	68.76'
C187	18.85'	12.00'	90°00'00"	N45°20'59"E	16.97'
C188	90.08'	140.00'	36°52'03"	N71°12'59"W	88.54'
C189	18.85'	12.00'	90°00'00"	N07°02'31"E	16.97'
C190	70.68'	275.00'	14°36'02"	N59°20'12"E	69.89'
C191	18.85'	12.00'	90°00'00"	N65°29'59"W	16.97'
C192	50.94'	140.00'	20°50'58"	N10°04'30"W	50.66'
C193	13.72'	275.00'	2°51'28"	N68°04'17"E	13.72'
C194	83.29'	275.00'	17°27'30"	N60°46'16"E	83.47'
C195	36.22'	140.00'	14°48'29"	N45°21'13"W	36.12'
C196	126.31'	140.00'	51°41'32"	N63°48'15"W	122.07'
C197	18.85'	12.00'	90°00'00"	N82°57'29"W	16.97'
C198	99.03'	325.00'	17°27'30"	N60°46'16"E	98.65'
C199	41.16'	325.00'	7°15'20"	N55°40'11"E	41.13'
C200	57.87'	325.00'	10°12'10"	N64°23'56"E	57.80'
C201	41.32'	24.92'	94°58'29"	N72°54'52"E	36.74'
C202	22.67'	21.00'	61°50'57"	S55°20'36"W	21.58'
C203	58.92'	190.00'	17°46'03"	N78°23'03"E	58.68'
C204	55.30'	190.00'	16°40'32"	N71°50'17"E	55.10'
C205	3.62'	190.00'	1°05'31"	N86°43'19"E	3.62'
C206	18.64'	12.00'	89°00'31"	N06°32'47"E	16.82'
C207	23.74'	800.00'	1°42'00"	N51°54'02"E	23.73'
C208	70.70'	800.00'	5°03'49"	N55°16'56"E	70.68'
C209	70.41'	800.00'	5°02'35"	N60°20'08"E	70.39'
C210	74.65'	800.00'	5°20'46"	N65°31'49"E	74.62'
C211	44.01'	800.00'	3°09'07"	N69°46'46"E	44.00'
C212	283.51'	800.00'	20°18'17"	N61°12'11"E	282.03'
C213	268.85'	61.00'	252°31'36"	N54°54'30"W	96.33'
C214	47.73'	61.00'	44°49'43"	N48°56'28"E	46.52'
C215	44.61'	61.00'	41°54'00"	N05°34'37"E	43.62'
C216	82.26'	61.00'	77°16'05"	N54°00'26"W	76.17'
C217	64.25'	61.00'	88°31'50"	N43°05'36"E	85.15'
C218	52.62'	42.00'	71°47'23"	N34°43'23"E	49.25'
C219	18.64'	12.00'	89°00'31"	N06°32'47"E	16.82'
C220	60.34'	190.00'	18°11'44"	N28°51'37"W	60.09'
C221	49.87'	190.00'	15°02'22"	N09°10'16"W	49.73'
C222	10.19'	190.00'	3°04'18"	N18°13'35"W	10.18'
C223	7.13'	190.00'	2°09'06"	N00°24'32"W	7.13'
C224	127.53'	190.00'	38°27'30"	N18°43'44"W	125.15'
C225	46.39'	115.00'	23°06'50"	N12°03'26"E	46.08'
C226	37.01'	115.00'	18°26'27"	N32°20'05"E	36.85'
C227	44.33'	115.00'	22°05'05"	N53°05'51"E	44.05'
C228	18.45'	115.00'	9°11'38"	N68°44'12"E	18.43'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C229	146.19'	115.00'	72°50'00"	N36°55'01"E	136.54'
C230	135.93'	115.00'	67°43'01"	N72°48'28"W	128.14'
C231	56.18'	115.00'	27°59'27"	N36°35'42"W	55.62'
C232	49.26'	115.00'	24°33'15"	N56°15'21"W	48.91'
C233	18.26'	115.00'	9°05'45"	N43°25'50"W	18.24'
C234	12.20'	115.00'	6°04'34"	N76°22'16"E	12.19'
C235	95.07'	850.00'	6°24'30"	N59°15'38"E	95.02'
C237	17.80'	12.00'	84°59'33"	N81°26'47"W	16.21'
C238	216.02'	850.00'	14°33'41"	N63°20'14"E	215.44'
C239	18.08'	12.00'	86°19'24"	N71°31'15"E	16.42'
C240	89.76'	565.00'	9°06'19"	N32°54'42"E	89.66'
C241	55.68'	565.00'	5°38'48"	N40°17'15"E	55.66'
C242	60.00'	565.00'	6°05'04"	N46°09'11"E	59.97'
C243	28.07'	565.00'	2°50'48"	N50°37'07"E	28.07'
C244	233.54'	565.00'	23°40'56"	N40°12'02"E	231.88'
C245	18.85'	12.00'	90°00'00"	N07°02'31"E	16.97'
C246	19.06'	12.00'	90°58'29"	N83°27'13"W	17.12'
C247	54.66'	140.00'	22°22'06"	N54°08'00"W	54.31'
C248	19.69'	12.00'	94°00'00"	N04°03'02"E	17.55'
C249	76.82'	65.00'	67°43'01"	N72°48'28"W	72.43'
C250	82.63'	65.00'	72°59'00"	N36°55'01"E	77.17'
C251	18.99'	12.00'	90°41'03"	N06°22'34"E	17.07'
C252	85.87'	140.00'	35°08'33"	N70°23'13"W	84.53'
C253	8.10'	140.00'	3°18'57"	N01°08'28"W	8.10'
C254	19.06'	12.00'	90°58'29"	N83°27'13"W	17.12'
C255	53.67'	140.00'	33°27'30"	N18°43'44"W	52.22'
C256	18.85'	12.00'	90°00'00"	N83°56'58"W	16.97'
C257	23.56'	15.00'	90°00'37"	N44°39'19"W	21.22'
C258	120.55'	850.00'	8°08'11"	N66°30'29"E	120.65'
C259	174.53'	375.00'	19°01'36"	N41°32'14"E	173.96'
C260	20.87'	125.00'	6°00'00"	S09°08'07"E	20.86'
C261	13.21'	6.83'	110°52'49"	S81°44'08"E	11.24'
C263	9.38'	12.00'	44°48'31"	S67°56'44"W	9.15'
C264	209.26'	845.94'	14°10'22"	N61°52'35"E	208.72'
C265	126.02'	1285.08'	5°21'05"	N48°09'05"E	119.98'

REVISIONS		
By	Date	Description

DRAWN RLH
CHECKED JSV
DESIGNED RLH
FILENAME 004_FPLAT

COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR JEFFREY L. HEID PLS 33636 9/24/04

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GARDEN GATE FIRST SUBDIVISION

FINAL PLAT

JOB NO. 972-004
SCALE 1" = 50'
DATE 9/27/2004
SHEET 5 OF 5