



BOARD OF TRUSTEES
July 11, 2023
6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Regular Meeting Agenda

Individuals wishing to make public comments must attend the meeting in person or may submit comments by sending an email to muhse@wellingtoncolorado.gov. The email must be received by 4:00 p.m. on the day of the meeting. The comments will be provided to the Trustees and added as an addendum to the packet. Emailed comments will not be read during the meeting.

The Zoom information below is for online viewing and listening only.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/84871162393?pwd=UkVaaDE4RmhJaERnallEK1hvNHJ5Zz09>

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360 209 5623

Webinar ID: 848 7116 2393

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Amendments to Agenda
4. Conflict of Interest

B. COMMUNITY PARTICIPATION

1. Public Comment
2. Proclamation
 - a. Parks & Recreation Month

- Presentation: Mayor Chaussee

C. CONSENT AGENDA

1. June 13, 2023 Board of Trustees Regular Meeting Minutes

- Presentation: Ethan Muhs, Town Clerk

D. ACTION ITEMS

1. Resolution No. 22-2023: Wellington Senior Resource Center (WSRC) Annual Contract Renewal

- Presentation: Jenny Jones, Public Works Program Administrator and Dorothy McClure, WSRC Director

2. Public Hearing: Proposed Rezone of Saddleback Subdivision from R-2 - Residential Low Density to R-3 - Residential Medium Density and Preliminary Plat of Saddleback Subdivision First Replat

- Presentation: Cody Bird, Planning Director

3. Ordinance No. 07-2023: An Ordinance Rezoning a Portion of Saddleback Subdivision from R-2 - Residential Low Density to R-3 Residential Medium Density

- Presentation: Cody Bird, Planning Director

4. Ordinance No. 08-2023: An Ordinance adopting by reference the National Electrical Code, 2020 Edition or the succeeding edition currently adopted by the Colorado State Electrical Board, Division of Professions and Occupations, Department of Regulatory Agencies as updated from time to time.

- Presentation: Cody Bird, Planning Director, and Ethan Muhs, Town Clerk

5. Resolution No. 20-2023, and Resolution No. 21-2023: Resolutions Finding Substantial Compliance of Petitions for Annexation for the Sage Farms Annexation and the Village at Sage Farms Annexation and Establishing a Date, Time and Place for a Public Hearing.

- Presentation: Cody Bird, Planning Director, and Ethan Muhs, Town Clerk

6. Resolution No. 23-2023 - A Resolution of the Town of Wellington, Colorado Amending Expenditures for the Fiscal Year 2022 Budget

- Presentation: Patti Garcia, Town Administrator, and Meagan Smith, Deputy Public Works Director

E. OTHER BOARDS

1. Library Board

a. Update

- Presentation: Ross LaGenese, Library Director

F. REPORTS

1. Town Attorney
2. Town Administrator
3. Staff Communications
 - a. Quarter 2 CORA Report
 - Presentation: Ethan Muhs, Town Clerk
 - b. Monthly Utility Report
 - Presentation: Bob Gowing, Director of Public Works
4. Board Reports

G. ADJOURN

The Town of Wellington will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements. Individuals needing special accommodation may request assistance by contacting at Town Hall or at 970-568-3380 ext. 110 at least 24 hours in advance.



Board of Trustees Meeting

Date: July 11, 2023
Subject: Parks & Recreation Month

- **Presentation: Mayor Chaussee**

BACKGROUND / DISCUSSION

July is Parks and Recreation Month

STAFF RECOMMENDATION

Proclaim July as Parks and Recreation Month

ATTACHMENTS

1. Parks and Recreation Month (July)



PROCLAMATION

WHEREAS parks and recreation are an integral part of communities throughout this country, including in the Town of Wellington; and

WHEREAS parks and recreation promote health and wellness, improving the physical and mental health of people who live near parks; and

WHEREAS parks and recreation promote time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression; and

WHEREAS parks and recreation encourage physical activities by providing space for popular sports, hiking trails, and many other activities designed to promote active lifestyles; and

WHEREAS parks and recreation education activities, such as youth sports, form an integral component of youth development in our community; and

WHEREAS the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS the Town of Wellington recognizes the numerous benefits derived from parks and recreation programs.

NOW, THEREFORE, I Calar Chaussee, Mayor of the Town of Wellington, Colorado, do hereby proclaim the month of July as:

Parks and Recreation Month

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Wellington to be affixed this 11th day of July, 2023.

Calar Chaussee, Mayor

Board of Trustees Meeting

Date: July 11, 2023
Subject: June 13, 2023 Board of Trustees Regular Meeting Minutes

- **Presentation:** Ethan Muhs, Town Clerk

BACKGROUND / DISCUSSION

Minutes for the June 13, 2023 Board of Trustees Regular Meeting and Work Session

STAFF RECOMMENDATION

Staff have identified the following options for Board consideration:

1. Approve the June 13, 2023 Minutes
2. Approve the June 13, 2023 Minutes with amendments as the Board deems appropriate
3. Postpone consideration of the June 13, 2023 Minutes to a specific date and time and provide staff with direction regarding additional information or amendments
4. Vote to deny the June 13, 2023 Minutes

ATTACHMENTS

1. 06.13.23 Board of Trustees Regular Meeting Minutes Draft



BOARD OF TRUSTEES
June 13, 2023
6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Regular Meeting and Work Session Agenda

A. CALL TO ORDER

Mayor Chaussee called the meeting to order at 6:30 p.m.

1. Pledge of Allegiance

Mayor Chaussee asked all to rise for the pledge of allegiance.

2. Roll Call

Mayor Chaussee – present.

Mayor Pro Tem Macdonald – present.

Trustee Dailey – present.

Trustee Gaiter – present.

Trustee Mason – present.

Trustee Tietz – present.

Trustee Wiegand – present.

3. Amendments to Agenda

Mayor Chaussee asked if there were any amendments to the agenda; there were none.

4. Conflict of Interest

Mayor Chaussee asked if there were any conflicts of interest on agenda items; there were none.

B. COMMUNITY PARTICIPATION

1. Public Comment

Mayor Chaussee called for public comment on non-agenda items and indicated that the Board of Trustees would not hear comments on the decision of the Town of Wellington's Planning Commission from June 6, 2023 at this time due to the ongoing appeal process. Dawn Peacock and Elizabeth Lapol provided public comment. The Town's Planning Director, Mr. Cody Bird, provided clarification on the timing of an imminent event mentioned by Ms. Lapol.

C. PRESENTATION

1. Community & Business Liaison Introduction

Mayor Chaussee invited the Town's Community and Business Liaison, Ms. Caitlin Morris, to introduce herself to the members of the Board. Ms. Morris introduced herself, discussed her role, and responded to questions from the Board.

D. CONSENT AGENDA

1. May 23, 2023 Board of Trustees Regular Meeting Minutes

2. Resolution No. 19-2023: A Resolution Authorizing Temporary Road Closures for the Annual 4th of

July Celebration

Mayor Chaussee called for a motion to approve the consent agenda.

Trustee Mason moved to approve the consent agenda. Trustee Tietz seconded the motion.

Yeas: Gaiter, Mason, Dailey, Tietz, Wiegand, Macdonald, Chaussee

Nays: None

E. ACTION ITEMS

1. Ordinance No. 06-2023: An Ordinance Amending the Town of Wellington Marijuana Ordinance
Mayor Chaussee invited the Town Attorney, Mr. Dan Sapienza, and the Planning Director, Mr. Cody Bird, to present this item to the Board. The presentation included a summary of previous discussions of this Ordinance by the Board and three draft versions of the Ordinance corresponding to zoning and setback options for the Board's consideration. Trustees Tietz and Gaiter asked Mr. Sapienza and Mr. Bird questions regarding the differences between these drafts.

Mayor Chaussee called for public comment on this agenda item. Aaron Bradley, Melanie Murphey, Lisa Chollet, Phyllis Mortensen, Steve Wynn, Christine Gaiter, Matthew Mullet, Dawn Peacock, Ed Scoo Leary, Corinne Brewer and Angie Billington provided public comment on this item.

Mayor Chaussee called for a motion on this item.

Trustee Dailey moved to approve Ordinance No. 06-2023 Version B with amendments as the Board of Trustees deems appropriate. Mayor Pro Tem Macdonald seconded the motion.

The Town Attorney, Mr. Dan Sapienza, requested clarification on what amendments the Board deems appropriate.

Trustee Dailey moved to approve Ordinance No. 06-2023 Version B. Mayor Pro Tem Macdonald seconded the motion.

Mayor Chaussee called for discussion on this item from the Board of Trustees. The Trustees Wiegand, Tietz, and Gaiter discussed their preferences for setbacks and the corresponding versions of the Ordinance.

Trustee Gaiter then moved to amend Version B Chapter 2, Article 14, Section 70 (a)(2)(a) from 1,500 ft. to 2,000 ft. Trustee Tietz seconded the motion.

Mayor Chaussee then opened the item for debate among the Trustees. The Trustees then discussed the proposed amendment before Mayor Chaussee asked for a roll call.

Yeas: Gaiter, Mason, Wiegand, Tietz, Chaussee

Nays: Dailey, Macdonald

The motion to amend Version B carried.

Mayor Chaussee then asked for additional comments from the Board of Trustees. The Trustees provided comments before Mayor Chaussee asked for a roll call on Trustee Dailey's motion to approve Version B with amendments.

Yeas: Dailey, Mason, Tietz, Macdonald, Chaussee
Nays: Gaiter, Wiegand

The motion to approve Ordinance No. 06-2023 Version B as amended carried.

Mayor Chaussee then called a 5 minute recess.

F. LIQUOR LICENSE AUTHORITY

Mayor Chaussee closed the Regular Meeting and opened the Liquor License Authority Board at 7:52 p.m. before asking for a roll call.

Mayor Chaussee – present.

Mayor Pro Tem Macdonald – present.

Trustee Dailey – present.

Trustee Gaiter – present.

Trustee Mason – present.

Trustee Tietz – present.

Trustee Wiegand – present.

1. Special Event Permit: 4th of July Beer Garden

Mayor Chaussee invited the Town Administrator, Ms. Patti Garcia, and the applicant representative, Mr. Dennis Hipsag, to present this item. The presentation included a discussion of the application permit, timeline and control measures. Mr. Hipsag answered questions concerning planned control measures at the event. The Trustees then provided comments on this item.

Mayor Chaussee called for a motion on this item.

Mayor Pro Tem Macdonald motioned to approve the 4th of July Beer Garden Special Event Permit. Trustee Mason seconded the motion.

Mayor Chaussee then asked for a roll call on this item.

Yeas: Gaiter, Mason, Dailey, Wiegand, Tietz, Macdonald, Chaussee
Nays: None

The motion to approve the 4th of July Beer Garden Special Event Permit carried.

Mayor Chaussee then closed the Liquor License Authority Board and reopened the Regular Meeting at 8:02 p.m.

G. REPORTS

Mayor Chaussee then called for the following reports.

1. Town Attorney

The Town Attorney, Mr. Dan Sapienza, reported on anticipated plans to update Ch. 10 of the Town's code and other relevant items.

2. Town Administrator

The Town Administrator, Ms. Patti Garcia, reported on plans to explore ADA-accessible parking at the planned 4th of July events and provided a reminder of the cancellation of the June 27, 2023 Regular Meeting given the Board's anticipated attendance at the Colorado Municipal League annual conference.

3. Staff Communications

No report.

4. Board Reports

Trustee Dailey – reported on upcoming events at the skate park during Brewfest and provided a safety reminder to members of the Town for the summer season.

Trustee Gaiter – reported on upcoming event at Ziggy’s Coffee. He further expressed concerns with the Town’s finances, control measures, and the nature of the positions of Finance Director and Town Treasurer.

Trustee Tietz – concurred with Trustee Gaiter’s comments on the Town’s Finance Director and Treasurer position and mentioned her planned attendance at the event at Ziggy’s Coffee. She further reported on a recent meeting with Ms. Garcia concerning the Town’s Parks and Recreation department and the Humane Society. Finally she requested a listing of businesses that joined Town’s 4th of July park.

Trustee Wiegand – no report.

Mayor Pro Tem Macdonald – reported on a recent ride-along experience with the Larimer County Sheriff’s office, then thanked Ms. Garcia and the Town staff.

Trustee Mason – no report.

Mayor Chaussee – no report.

Mayor Chaussee then closed the Regular Meeting and opened the Work Session at 8:14 p.m.

H. WORK SESSION

1. Background and Discussion for Saddleback Subdivision and Development Agreement

- Presentation: Cody Bird, Planning Director

2. B-Dams Presentation and Discussion

- Presentation: Bob Gowing, Public Works Director

Mayor Chaussee closed the Work Session and reopened the regular meeting at 9:17 p.m.

I. ADJOURN

Mayor Chaussee then adjourned the meeting.

Ethan Muhs, Town Clerk

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Board of Trustees Meeting

Date: July 11, 2023

Subject: Resolution No. 22-2023: Wellington Senior Resource Center (WSRC) Annual Contract Renewal

- **Presentation: Jenny Jones, Public Works Program Administrator and Dorothy McClure, WSRC Director**

BACKGROUND / DISCUSSION

Wellington Senior Resource Center, Inc. (WSRC) has a long-standing relationship with the Town. Part of the WSRC charter, in connection with Larimer County Office on Aging Funding (LCOA), is to provide transportation to medical appointments for Wellington Seniors. Transportation is provided via the Senior van, which is owned by the WSRC. The Town has historically provided fuel, maintenance, and vehicle insurance and registration for the Senior van, as well as provided the Leeper Center for their use for various programming and activities through this annual contract which is a requirement of the Larimer County Office on Aging. The purpose of this agenda item is to renew the annual contract between the WSRC and the Town of Wellington.

STAFF RECOMMENDATION

Staff has identified the following options for Trustee consideration:

1. Approve Resolution No. 22-2023
2. Approve Resolution No. 22-2023 with amendments as the Board of Trustees deems appropriate
3. Postpone consideration of Resolution No. 22-2023 to a specific date and time and provide staff direction regarding additional information or amendments
4. Vote to deny Resolution No. 22-2023

The contract between Wellington Senior Resources, Inc. and the Town of Wellington, which includes support costs for fuel, maintenance, vehicle insurance, and vehicle registration for the senior van is for a contract year effective from July 11, 2023 through June 30, 2024 with subsequent renewals to be in line with LCOA fiscal/grant year. All expenses will be paid from GL #: 201-13-5933.

ATTACHMENTS

1. Resolution 22-2023 - WSRC Contract Renewal
2. WSRC Renewal Contract
3. WSRC Brochure

TOWN OF WELLINGTON
RESOLUTION 22-2023

A RESOLUTION RENEWING THE ANNUAL CONTRACT WITH THE WELLINGTON
SENIOR RESOURCE CENTER

WHEREAS, the Town of Wellington has a history of annually contracting with Wellington Senior Resources, Inc. regarding services and resources to support the operations of the Wellington Senior Resource Center and associated programs for the community; and

WHEREAS, the term of the previous contract agreement was June 28, 2022 through June 30, 2023; and

WHEREAS, the Board of Trustees wishes to extend the term of the Contract Agreement and make related amendments thereto.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, LARIMER COUNTY, COLORADO.

The Board of Trustees hereby approves the renewal of the Contract Agreement with the Wellington Senior Resource Center

Upon a motion duly made, seconded and carried, the foregoing Resolution was adopted this 11th day of July 2023.

TOWN OF WELLINGTON, COLORADO

By: _____
Calar Chaussee, Mayor

ATTEST:

Ethan Muhs, Town Clerk

Town of Wellington & Wellington Senior Resource Center, Inc Agreement

This agreement is made on July 11, 2023, between the Town of Wellington, Colorado, herein referred to as the “Town,” and the Wellington Senior Resources Center, Inc., hereafter referred to as “WSRC,” for the purpose of allocating space at the Leeper Community Center to serve as the Wellington Senior Resource Center, as well as to renew the Town’s historical commitment to provide maintenance, fuel, vehicle registration, and insurance costs for the WSRC Senior Van. This agreement shall be effective from July 11, 2023, through June 30, 2024. This contract directly aligns with the Larimer County Office on Aging annual funding, hereafter referred to as “LCOA,” grant year. LCOA provides critical funding to WSRC for program activities.

1. Purpose of the Agreement

It is the intent of WSRC to assume partial maintenance, as defined in Section 3 of this agreement of the community room and kitchen at the Leeper Community Center, 3800 Wilson Avenue, Wellington, Colorado, (herein referred to as the “Center”) in lieu of rent to the Town.

2. Services to be Provided by the Town

In return for the services outlined in this agreement, the Town agrees to provide, without charge, the following services to WSRC:

- a) Use of the community room, kitchen, and office at the southeast corner of the Center from 8:00AM to 1:30PM on Monday, Wednesday, and Friday each week.
- b) Use of the community room of the Center all day the 1st Saturday of each June for the Town Garage Sale.
- c) Use of the community room for the 1st Saturday each December from 7:00AM to 4:30PM for the annual WSRC fund-raiser.
- d) Use of the lawn and patio outside the Center for lawn and outdoor activities on the days and times outlined above.
- e) Use of the kitchen and bathroom facilities on the days and times outlined above.
- f) Use of the shed as needed.
- g) The Town will provide fuel, maintenance, and the required vehicle registration and insurance coverage costs for the Senior Van (see Exhibit A).
- h) The Town will also continue to provide normal janitorial bathroom supplies such as toilet paper, paper towels and soap.
- i) Website assistance for all updates and special event notification.
- j) Facilitate the volunteer driver selection. The WSRC agrees to not allow any person to operate any Town-insured vehicle(s) who has traffic infractions totaling more than four (4) points within the prior three (3) years. The WSRC shall require an initial driving record review upon volunteer sign up and an annual review thereafter. The WSRC shall promptly notify the Town of any new volunteer drivers. If the Town learns that any volunteer driver has a driving record that would disqualify him or her from volunteering, the Town will promptly notify WSRC.

3. Services to be Provided by WSRC

Assist the Town to advertise and promote the use and availability of the Center through:

- a) Newspaper articles and advertisements
- b) Posters at strategic locations
- c) Newsletters
- d) Larimer County Office on Aging Services
- e) Word of mouth to residents throughout the Town and surrounding community.

4. Maintenance Provided by WSRC

Cleaning and organization of:

- a) Oven
- b) Refrigerator and freezer
- c) Chairs and tables
- d) Floor “spot” cleaning
- e) Vacuum if needed
- f) Trash receptacles
- g) Contents of kitchen cabinets
- h) Bathrooms in community room, including tissues and towels, soap, and spot clean/mopping as needed
- i) Dusting and wiping down kitchen, community room and WSRC office
- j) Light snow removal (broomable dusting)
- k) Outdoor perimeter clean-up of small trash.

5. Maintenance provided by Town

- a) Painting and repair of interior and exterior
- b) Lawn care and maintenance
- c) Snow removal (other than item 4.j above)
- d) Major floor maintenance including floor stripping and waxing
- e) Light bulb and fixture replacement
- f) Weekly cleaning as needed (other than items mentioned in 4. a-k)
- g) Standard vehicle maintenance on the Senior Van, fuel for operations, and vehicle registration and insurance costs as required by the Larimer County Office on Aging Funding.

6. Provisions

- a) This agreement shall be effective from **June 13, 2023 through June 30, 2024.**
- b) This agreement does not automatically renew and must be renewed annually under the following provision:
 - i. *Prior to, but no later than the expiration date of this agreement, the designated representative or spokesperson for WSRC shall come before the Wellington Board of Trustees with an accounting of the WSRC activities for the previous year and their relation to the continued use of the facilities of the Center. The purpose of this provision is to ensure, in the least, an annual accounting of the status of the Center, and an opportunity for the WSRC to request any additional assistance from the Board or propose changes to this agreement.*

- c) Subsequent renewals shall take place no later than June 30th.
- d) Expiration or renewal of this agreement is solely the responsibility of WSRC.
- e) It shall be the sole responsibility of the Town to purchase supplies as needed to fulfill the maintenance obligations contained in this agreement.
- f) The WSRC agrees to provide the Town with a schedule of cleaning hours and days as to prevent scheduling conflicts for the use of the Center.
- g) The WSRC shall contact their Town liaison to request scheduling of the Center if the Center is needed for additional use other than the times stated in this agreement. The Town will work to accommodate additional requests beyond the normal M, W, F schedule within reason, and at no additional cost to WSRC.
- h) The Town reserves the right to schedule the Center for use at any other time which does not conflict with the times and days of use as stated in this agreement and shall be responsible for the inspection and use of the facility and equipment, collection of rent, damage deposits, and admission of renters for using any or all of the center and its equipment.
- i) All equipment within the WSRC office that is the property of WSRC will not be used or removed without the permission of the designated WSRC spokesperson.

SIGNATORS:

Wellington Senior Resources, Inc.

Town of Wellington

Director

Calar Chaussee, Mayor

ATTEST: _____

Ethan Muhs, Town Clerk

Exhibit A

**Town of Wellington
Compilation of Estimated Support
Wellington Senior Resource Center
July 11, 2023 – June 30, 2024**

	Annual	Monthly
Fuel & Maintenance – Senior Van	\$7860.00	\$655.00
Value of Leeper Center use	\$19,500.00	\$1625.00
Approximately 15 hours a week (52 weeks \$25.00 hour)		
Actual Insurance Premium – Progressive		
* 2021 Starcraft AllStar Van	* \$5987.00	\$498.92
	<u>\$33,347.00</u>	<u>\$2778.92</u>

Exhibit B

**Town of Wellington
Compilation of Estimated Support
Wellington Senior Resource Center
June 28, 2022 – June 30, 2023**

	Annual	Monthly
Fuel & Maintenance – Senior Van	\$8,415.00	\$701.25
Value of Leeper Center use	\$19,500.00	\$1625.00
Approximately 15 hours a week (52 weeks \$25.00 hour)		
Actual Insurance Premium – Progressive		
2010 Starcraft AllStar Van*	\$2003.00*	\$166.92*
2021 Starcraft AllStar Van	\$3183.00	\$265.25
	<u>\$33,101.00</u>	<u>\$2,758.42</u>

If you, or someone you know, is 60 years or older, come join the company and conversation with some of the most interesting and friendly Seniors in Wellington!



Center Hours

Monday
9am - 1pm

Wednesday
9am - 1pm

Friday
9am - 1pm



Contact Us

Phone
970-817-2293

Email
wellington.wsrc@gmail.com

Website
wellingtoncolorado.gov

TOWN OF WELLINGTON



WELLINGTON SENIOR RESOURCE CENTER

3800 WILSON AVENUE
WELLINGTON, CO 80549
(LEEPER CENTER)

Transportation Services

Transportation service is available to and from the Senior Center within a 15 mile radius. Rides are available to and from Fort Collins for medical related appointments, as well as local pick up of groceries, mail, and prescriptions. A donation of \$2 per ride is encouraged.

This service is partially funded by Larimer County Office on Aging and the Town of Wellington.

Good Health

Blood pressure checks are provided by Wellington Fire Department on the 1st Wednesday of the month. Haircuts are offered the 2nd Monday of the month. Foot Care is offered the 3rd Monday of the month.

Activities

- Bingo
- Cards
- Crafts
- Potlucks
- Fitness Classes
- Local outings
- 4 Star country western band every Wednesday



JUNE 2023

970-817-2293

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Birthdays: Darlene H 5th Lisa N 6th Bill B 6th Norma B 9th Virginia H 25th Floyd S 28th Bill H (Band) 30th				1	2 Exercise at 8:30am Cards (31) LRC Cribbage WSRC Lunch Chicken Cordon Bleu Board Meeting at 9am	3  Pancake Breakfast 7:30-10:30am
	5 Exercise at 8:30am Membership Meeting at 9am Cards (31) LRC	6	7	8	9 Exercise at 8:30am Cards (31) LRC Cribbage WSRC Lunch Lasagna	10 Candlelight/Cats Bus Leaves at 11am
11	12 Exercise @ 8:30am Hair Cuts @ 9am Cards (31) LRC Cribbage	13	14 SALT/TOW Meeting Band at 10:30am Birthdays	15	16 Exercise at 8:30am Cards (31) LRC Cribbage WSRC Lunch Chili Dogs	17 Walker Hymn Sing Bus Leaves at 6pm
18	19 Exercise @ 8:30am Cards (31) LRC Cribbage	20	21 Band at 10:30am Potluck at 12pm	22	23 Exercise at 8:30am WSRC Lunch Meatloaf	24
25	26 Exercise @ 8:30am Cards (31) LRC Cribbage	27	28 Band at 10:30am	29 Lunch Corona Village in Laramie Bus Leaves at 10:30am & Tour	30 Exercise at 8:30am Bingo WSRC Lunch Chicken Fried Steak	

Board of Trustees Meeting

Date: July 11, 2023

Subject: **Public Hearing: Proposed Rezone of Saddleback Subdivision from R-2 - Residential Low Density to R-3 - Residential Medium Density and Preliminary Plat of Saddleback Subdivision First Replat**

- **Presentation: Cody Bird, Planning Director**

BACKGROUND / DISCUSSION

- The owner/developer of Saddleback Subdivision located north of GW Bush Ave. (CR 60) and east of The Meadows subdivision (location map attached) has submitted a request to rezone and replat the Saddleback Subdivision (excluding outlots) for single-family detached residential. A rezone request to R-3 – Residential Medium Density District is proposed to allow narrower lot widths and smaller lot size to allow reconfiguration of the existing lots. The corresponding preliminary plat is proposed to reconfigure the lots but keep the intent of the original approved development plan and keeps the single-family detached residential character of the area.
- The property was annexed into the Town in 2016 (Ord. No. 7-2016) and was concurrently zoned R-2 Residential Single-family, Medium Density.
- The Town updated its land use code in 2022 and re-established zoning district categories, including renaming of the district that changed the R-2 zone district to Residential Low Density District.
- The plat for Saddleback Subdivision was approved in 2018 (Ord. No. 5-2018). The plat was approved for 153 single-family lots and associated open space for parks, trails and stormwater drainage. A corresponding development agreement was required and entered into by the Town and Developer.
- Development of the Saddleback Subdivision has not commenced since the initial approval in 2018.
- The development plan for Saddleback Subdivision was approved in 2018, prior to the Town's recent efforts to improve water efficiency, create infrastructure master plans, update land use development standards, and undertake major capital projects to improve the Town's water treatment plant and wastewater treatment facility. The Town has also reviewed and updated raw water dedication requirements to more accurately reflect water demand for indoor and outdoor use as compared to the unified water dedication standards in place at the time the original development was approved.
- With the new information available for water use, infrastructure needs and water dedication changes, the development as originally approved does not utilize available water resources as efficiently as possible and may not be the most financially viable for potential purchasers in today's housing market.
- The Developer has provided a general development information report (attached) that further describes the existing and proposed development conditions and the Developer's request to rezone and replat the property.
- The request to change the zoning from R-2 to R-3 is being requested to allow narrower lot dimensions and smaller lot size in accordance with the Town's updated Land Use Code. The overall density of the proposed replat for the subdivision is 3.7 dwelling units per acre and is lower than the Low Density standards of the existing R-2 zoning (6 dwelling units per acre is the max density for R-2).

- The rezone request and preliminary plat were advertised for public hearings before the Planning Commission and Board of Trustees. The applications are being considered concurrently as one development request.
 - Notice of the public hearings were published in the Fort Collins Coloradoan as prescribed by State law and Town Municipal Code.
 - Signs advertising the public hearings have been continuously displayed on the property.
 - Notices were mailed to surrounding property owners as prescribed by State law and Town Municipal Code. A second notice was also mailed to property owners to clarify that the Board of Trustees meeting date was scheduled for July 11, 2023 due to the June 27 regular Board meeting being canceled due to Trustees attending the Colorado Municipal League (CML) conference.
- The Planning Commission held a public hearing on June 12, 2023 to consider the rezone request and preliminary plat.
- Following the public hearing, the Planning Commission voted 4-2 to forward a recommendation to the Board of Trustees to approve the rezone request for R-3 – Residential Medium Density District and the preliminary plat for Saddleback Subdivision, First Replat.
- The findings of fact considered by the Planning Commission as a basis for its recommendation are included in this report.
- Staff has not received any verbal or written public comments between the Planning Commission hearing and the date of this report.

Rezone Process and Findings for Approval:

- A rezone request is submitted to the Town for review in accordance with Section 15-2-70 of the Land Use Code.
- The Planning Commission reviews the application for rezone and conducts a public hearing on the request. The Planning Commission makes a recommendation on the rezone and forwards the recommendation to the Board of Trustees for consideration.
- The Board of Trustees also conducts a public hearing and reviews the rezone request.
- In reviewing a rezone request, the Board of Trustees considers the Findings for Approval, Subsection 15-2-70(d), below:
 1. The rezone is consistent with the Comprehensive Plan and the intent stated in this Land Use Code;
 2. The rezone is consistent with the stated intent of the proposed zoning district(s);
 3. The rezone will not result in adverse impacts to the natural environment (including air, water, noise, stormwater management, wildlife, and vegetation) or such impacts will be mitigated;
 4. The rezone of the subject property will not result in material adverse impacts to the surrounding properties;
 5. Facilities and services (roads, transportation, water, gas, electricity, police, fire protection, and sewage and waste disposal) are available to serve the subject property while maintaining adequate levels of service to existing development; and;
 6. The rezone is consistent with any other prior approvals and official plans and policies created under the guidance of that plan for those areas (e.g., The Comprehensive Plan, specific area plans like a Downtown Corridor Study, etc.).

- In consideration of a rezone request, the Board of Trustees may take one of the following actions:

1. Approve the rezone;
2. Approve the rezone with conditions;
3. Deny the rezone application;
4. Continue the public hearing.

Preliminary Plat Process and Findings for Approval:

- A preliminary plat request is submitted to Town staff for review in accordance with Section 15-2-170 of the Land Use Code. Town staff reviews the preliminary plat, grading and drainage, utility plans, landscape and open space plans, traffic impact studies, draft covenants and design guidelines, mineral/oil/gas rights, and soils reports.
- Town staff reviews the preliminary plat and supporting documentation and presents the preliminary plat and findings to the Planning Commission. The Planning Commission makes a recommendation to the Board of Trustees for consideration.
- The Board of Trustees conducts a public hearing and reviews the preliminary plat.
- In reviewing a preliminary plat, the Board of Trustees considers the Findings for Approval, Subsection 15-2-170(d) below:
 1. The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Comprehensive Plan.
 2. The land use mix within the project conforms to the Town's Zoning District Map and furthers the goals and policies of the Comprehensive Plan including:
 - a. The proposed development promotes the Town's small town, rural character;
 - b. Proposed residential development adds diversity to the Town's housing supply;
 - c. Proposed commercial development will benefit the Town's economic base;
 - d. Parks and open space are incorporated into the site design;
 - e. The proposed project protects the Town's environmental quality; and
 - f. The development enhances cultural, historical, educational and/or human service opportunities.
 3. The utility design is adequate at a capacity that promotes the Town's character while strengthening the Town's vitality.
 4. The transportation design meets the intent of the Comprehensive Plan to provide increased connectivity, reduce traffic impacts, and encourage walkability.
 5. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
 6. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals.
- In consideration of a preliminary plat application, the Board of Trustees may take one of the following actions:
 1. Approve the preliminary plat;
 2. Approve the preliminary plat with conditions;
 3. Deny the preliminary plat application;

4. Continue the public hearing.

Staff Comments (Rezone):

The Findings for Approval for a rezone request are listed below along with Staff's recommendation for each finding.

Findings for Approval (Land Use Code Subsection 15-2-70(d))

1. The rezone is consistent with the Comprehensive Plan and the intent stated in this Land Use Code;

- The requested rezone from R-2 Residential Low Density to R-3 Residential Medium Density is supported by the Comprehensive Plan.
- The Future Land Use Map identifies the area as Low Density Residential – (Comprehensive Plan - Pg. 81, attached) “Neighborhoods composed predominantly of detached and attached single-family homes that are supported by neighborhood amenities and public facilities. While these areas may be more reliant on vehicles given the dispersion of housing, they should still be connected to the Town’s trail network providing safe and active means to access jobs, services, schools, and parks and connecting to the larger, regional trail system.”
- Potential uses and suggested density described in the Comprehensive Plan is single-family attached and detached homes and supporting accessory dwelling units as supporting a principal residence with a density range of up to 6 dwelling units per acre.
- The Master Street Plan map identifies G.W. Bush Ave. (CR 60) as an arterial roadway, and the development contemplates constructing improvements to this roadway to the east edge of the property.
- The general intent of the Land Use Code is identified in Section 15-1-10(a) Purpose and includes purpose statements 1 through 11. The implementation of the purpose statements is evident in the specific district standards and use regulations throughout the Land Use Code.
- Staff supports the proposed R-3 zoning as being consistent with the purpose statements, district standards, lot dimensions, and other sections of the Land Use Code.
- The development plan is proposed to be consistent with the Town’s adopted Landscape and Irrigation Design Manual.

2. The rezone is consistent with the stated intent of the proposed zoning district(s);

- R-3 District Intent – “The Residential Medium Density District is intended for a mix of small lot single-family detached dwellings, single-family attached dwellings, and multi-family dwellings intended to provide a walkable environment supported by motorized and non-motorized transportation options, parks, and public gathering spaces that are ideal for people in all stages of life. Multi-family buildings are generally encouraged near viable business centers in order to facilitate appropriate densities. Street and open space designs in these areas shall be used to create compatibility among frontages, which encourage pedestrian interaction and discourage high automobile speeds.”
- The proposed R-3 zoning for the property and the associated preliminary plat will achieve the intent stated for the R-3 District.

3. The rezone will not result in adverse impacts to the natural environment (including air, water, noise, stormwater management, wildlife, and vegetation) or such impacts will be mitigated;

- The property is currently zone R-2 Residential Low Density. The proposed change to R-3 Residential Medium Density and the associated preliminary plat to change the lot sizes will not substantially change the impacts to the natural environment from what is currently proposed.
- Single-family detached homes proposed for the property are not generally expected to have detrimental impacts to air, noise, wildlife or vegetation. The property has been vacant land for several years and was previously used for agricultural uses.
- The land has not had irrigation water available to it for several years, making it dryland agriculture that has had limited wildlife and vegetation.
- The proposed R-3 Residential Medium Density District will allow a development pattern that is the same as has already been approved, including the preservation of open space that supports stormwater conveyance and detention ponds. The associated preliminary plat also ensures the protection of open space and areas for stormwater as well as trails to allow residents access to the open space that is proposed to be native vegetation.
- The proposed change to R-3 zoning and the associated replat of the property will enable smaller lot sizes that increase the amount of area of native vegetation, reduce the amount of irrigable lawn spaces, and will result in an overall reduction of water demand for outdoor irrigation for the property. The reduction to the outdoor irrigation demand for treated water will be a net benefit to the Town's water infrastructure systems as well as a benefit to the owners of properties for water expenses.

4. The rezone of the subject property will not result in material adverse impacts to the surrounding properties;

- The existing R-2 zoning and R-3 zoning both support single-family residences. The preliminary plat proposed in conjunction with this rezone request has the same layout as the approved plat and will ensure the density of development does not increase beyond what is approved for a subdivision plat.
- R-3 zoning allows up to 12 dwelling units per acre, however the proposed development plan results in approximately 3.7 dwelling units per acre, less than the maximum allowed under the existing R-2 zoning. The proposed single-family development density is compatible with adjacent subdivisions.
- The increased impact on utility infrastructure and transportation infrastructure will be mitigated through design and construction of public infrastructure to support the development.

5. Facilities and services (roads, transportation, water, gas, electricity, police, fire protection, and sewage and waste disposal) are available to serve the subject property while maintaining adequate levels of service to existing development;

- Adequate public services are available to serve the site or will be designed and constructed to support the site.
- Roads, water lines, and sanitary sewer improvements are required to connect the development to existing public services. The existing development requires the developer to construct on-site and off-site improvements to satisfy the infrastructure needs.
- The increased residential density that would result from a change from R-2 zoning to R-3 zoning is not expected to result in public service demand that cannot be provided with existing available resources.
- The Town is currently in the process of constructing capital improvements and expansion of the Town's Water Treatment Plant and Wastewater Treatment Facility. The projects are expected to be complete and operational by fall of 2024. The timeline for development for this property would not be expected

to be ready for building permits until summer of 2024, and therefore, the increased demand on the Town's facilities will be available by the time the water and wastewater demand from this development is placed on the Town's infrastructure.

6. The rezone is consistent with any other prior approvals and official plans and policies created under the guidance of that plan for those areas (e.g., The Comprehensive Plan, specific area plans like a Downtown Corridor Study, etc.).

- The rezone request to R-3 is consistent with the prior approval for single-family residential development on the property.
- The rezone request to R-3 is consistent with the pattern and scale of development of surrounding development approvals.
- The R-3 zoning district can be utilized to support higher density developments including multifamily developments up to 12 dwelling units per acre when located along appropriate business corridors and business centers.
- The multi-family scale density of the R-3 zoning district is not supported by the property location. The preliminary plat proposed in conjunction with this rezone request is specifically intended and designed for single-family residential and can be supported.
- The rezone request and replat request are integrally tied for this development proposal and should be viewed as a single development request.

Staff Comments (Preliminary Plat):

The Findings for Approval for a preliminary plat are listed below along with Staff's recommendation for each finding.

Findings for Approval (Land Use Code Subsection 15-2-170(d))

1. The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Comprehensive Plan.

- The proposed preliminary plat is designed with the same general layout as the existing approved development.
- The street layout, utility extensions and stormwater drainage are consistent with the Town's Street Master Plan and infrastructure master plans.
- The proposed preliminary plat connects streets and sidewalks and trails to other adjacent transportation corridors and trail systems.
- The residential lot layout is compatible in form and character to the adjacent surrounding neighborhoods and is compatible with the scale and massing of the district.

2. The land use mix within the project conforms to the Town's Zoning District Map and furthers the goals and policies of the Comprehensive Plan including:

- a. The proposed development promotes the Town's small town, rural character;**
 - Lot size and layout is consistent with the rural suburban character of the Town.
 - Single-family detached dwellings have long been the typical development pattern of small-town residential developments.
- b. Proposed residential development adds diversity to the Town's housing supply;**

- Average lot sizes proposed in the replat of this development will be more closely aligned with similar lot sizes in other residential developments.
- The large lot pattern of the existing plat offers a scale of development with more diversity, but which is not cost effective in the marketplace or affordable for residents.
- Larger lots as approved on the existing plat do not necessarily result in larger or different homes.

c. Proposed commercial development will benefit the Town's economic base;

- Commercial development is not proposed with this development and would not be well supported due to the lack of proximity to other commercial centers and limited access to major roadways.

d. Parks and open space are incorporated into the site design;

- The proposed preliminary plat honors the original layout and intent of the existing approved plat. The open spaces include buffer areas around the development and provide opportunities for stormwater facilities and recreational spaces.
- A trail system is proposed to connect through the development and connect into adjacent trails and sidewalks to provide loops for recreation and leisure.
- The prior plat included a pocket park that was isolated behind backyards along the east property line. The new preliminary plat proposes a more central and integrated pocket park for residents of the neighborhood. The new location is more visible and accessible, improving access for residents and improving safety by not isolating the park behind backyards and fences.
- The pocket park is proposed to be privately owned and maintained.
- The Town's Parks, Recreation, Open Space and Trails (PROST) Board is scheduled to make recommendations on the parks and trails component for this development as well.

e. The proposed project protects the Town's environmental quality; and

- The open space proposed will convey historic stormwater flows as well as improve existing stormwater conveyance that is currently restricted.
- The open spaces will utilize native vegetation to enhance the natural look and feel of the areas. Additional trees and shrubs will be installed to restore more natural habitat and improve aesthetics as compared to the existing dryland agriculture use of the site.

f. The development enhances cultural, historical, educational and/or human service opportunities.

- There are no known cultural or historical elements associated with the existing project site. The trail connections will support the culture of the community for enhancing outdoor recreation and fitness.

3. The utility design is adequate at a capacity that promotes the Town's character while strengthening the Town's vitality.

- Water, sanitary sewer and stormwater infrastructure design plans have been previously approved that satisfy this criterion. The public improvement plans are currently being re-evaluated to ensure the original design still satisfies all applicable engineering design standards.
- There are public infrastructure improvements that this development is responsible for constructing that will connect gaps, create loops for redundancy, and include oversizing pipelines to support future development to the north. The construction of loops and oversizing for future developments strengthens the Town's vitality by partnering with developers to install needed infrastructure in a more efficient manner and to share the costs responsibly.

4. The transportation design meets the intent of the Comprehensive Plan to provide increased connectivity, reduce traffic impacts, and encourage walkability.

- The proposed street layout meets applicable standards for connectivity and functional classifications for roadway design (local residential roads, collector road for Ronald Reagan Ave. and arterial road for GW Bush Ave.).
- The developer provided an updated Traffic Impact Study (TIS) to evaluate the proposed increase in number of lots. The TIS identifies an expected increase in average daily trips from 1,476 to 2,006 daily vehicle trips. The increase is reasonable based on the proposed changes and the increase does not result in any changes to roadway classification or design to accommodate the increase.
- Trails and sidewalks are proposed to connect within the development for bicycle and pedestrian transportation paths. Trails and sidewalks connect to adjacent developments and provide connections to existing Town parks that will encourage walkability to other recreational opportunities.

5. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.

- Negative impacts to adjacent land uses are not anticipated as a result of the replat. The single-family residential character of the development is compatible with adjacent land uses and the original approval.
- The increased traffic mentioned above is not anticipated to result in traffic patterns or volume that will be detrimental to existing residential developments.

6. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals.

- The Town has identified a goal of “Purposeful Growth” in the Comprehensive Plan and the Board of Trustee’s Strategic Plan reflects a similar goal of “responsible growth and sound financial practices.”
- The timing of this development construction and permit issuance will not put a strain on the Town’s water treatment plant or wastewater treatment facility because both projects are on schedule to be complete and operational by the time permits are issued for this project.
- Impact fee revenue and building material use tax collected from new developments fund the Town’s critical infrastructure projects and operations. Increasing the number of lots in this development will result in a corresponding increase in the impact fee and use tax revenues.
- The smaller lot sizes proposed will result in a more efficient use of water resources by reducing the outdoor irrigation demand for Town-treated water.
- The reduction in irrigation demand will also help make housing prices in this subdivision more affordable by reducing the amount of raw water that would be needed for irrigation (costs recovered in each home sale) and the ongoing water rate costs to residents to irrigate large lawns.

Town Engineering Division staff have identified redline comments on the preliminary plat, floodplain boundary, drainage report and utility design. The applicant will need to address the engineering comments in their revised plans and final plat. Depending on the methods for addressing the comments, especially the floodplain comments, some variations to the lot layout on the plat could be expected. The lot layout changes would be more likely to result in fewer lots than more lots, and staff would suggest those changes would be reasonably acceptable to consider at the time of final plat.

Based upon the above findings of the staff report and the Planning Commission recommendation, Town staff



recommends the rezone request and preliminary plat satisfies the Findings for Approval in accordance with the Land Use Code. Town staff recommends approval of the rezone and the preliminary plat.

The action for this agenda item is to conduct a public hearing to receive information describing the request, hear from the applicant and Town staff, receive the recommendation of the Planning Commission, and hear public testimony.

Following the close of the public hearing, the Board of Trustees has a separate item on the agenda to take action on the rezone request.

STAFF RECOMMENDATION

Conduct a public hearing to consider the request to rezone portions of the Saddleback Subdivision from R-2 – Residential Low Density to R-3 – Residential Medium Density and preliminary plat of Saddleback Subdivision, First Replat.

ATTACHMENTS

1. Public Hearing Procedures
2. Location Map
3. Landscape Color Rendering
4. Town Presentation Slides
5. Applicant Presentation Slides
6. Comprehensive Plan - Future Land Use
7. Zoning Map
8. General Development Information Report
9. Preliminary Plat



Public Hearing Procedures

Conflicts of Interest

Disclosure of *Ex Parte* Communications

Staff Introduction

Applicant Presentation (If any)

General Questions from Board/Commission

Open Public Hearing

Three Minutes per Person (additional time may be granted upon request)

Close Public Hearing

Applicant Rebuttal (if any)

Staff Closing Comments

Deliberation by the Board/Commission

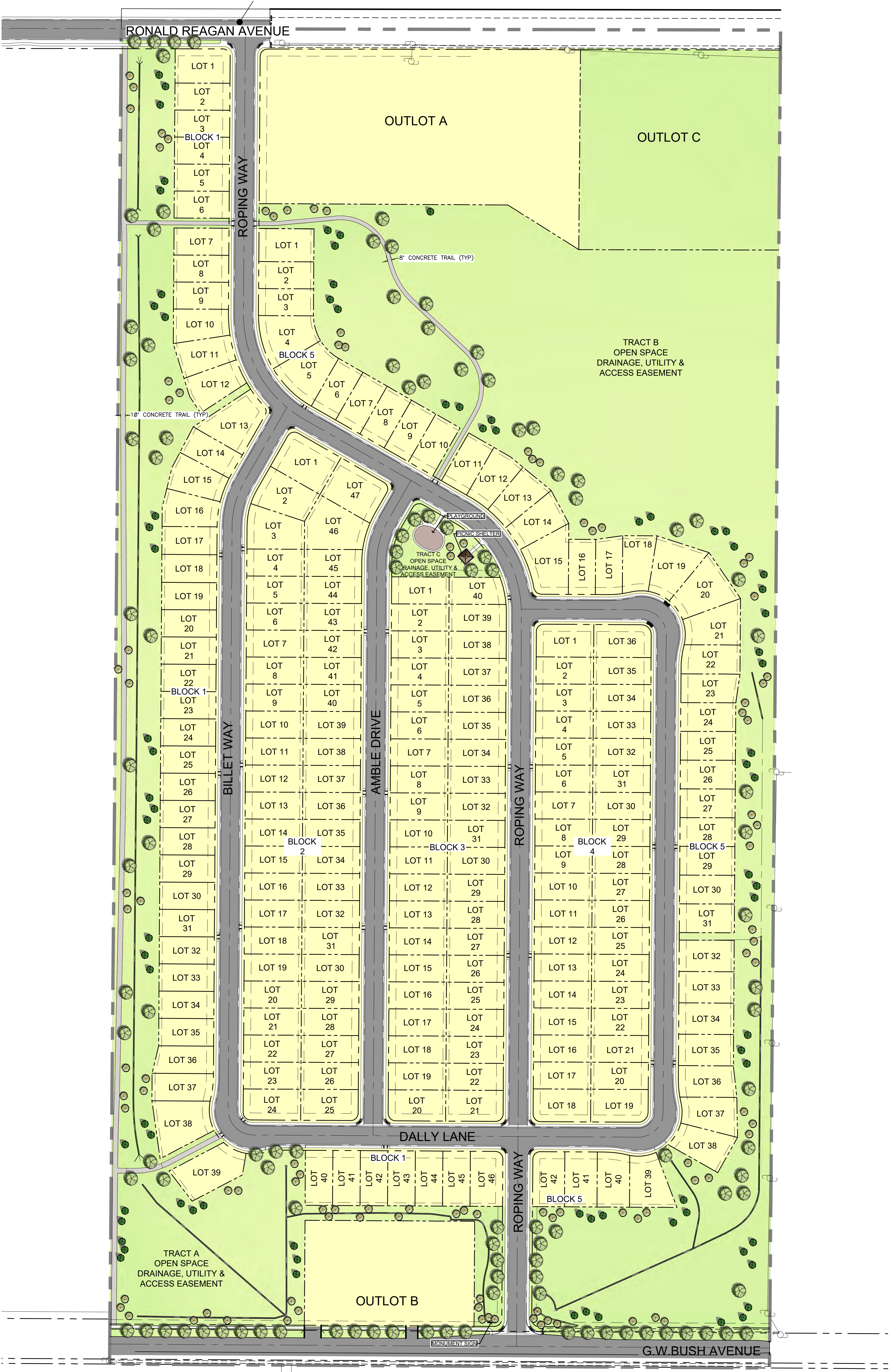
Motion and Vote

Saddleback Subdivision



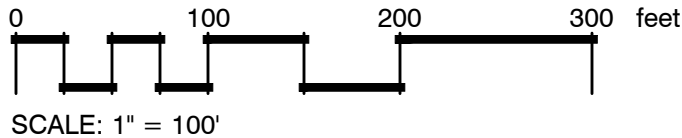
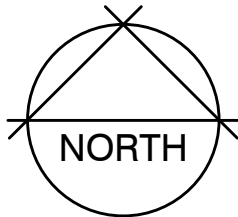
Saddleback Subdivision

Wellington, Colorado



LEGEND

- CANOPY TREES
- ORNAMENTAL TREES
- EVERGREEN TREES
- OPEN SPACE LANDSCAPE
- PRIVATE LOT



Saddleback Rezone and Preliminary Plat:

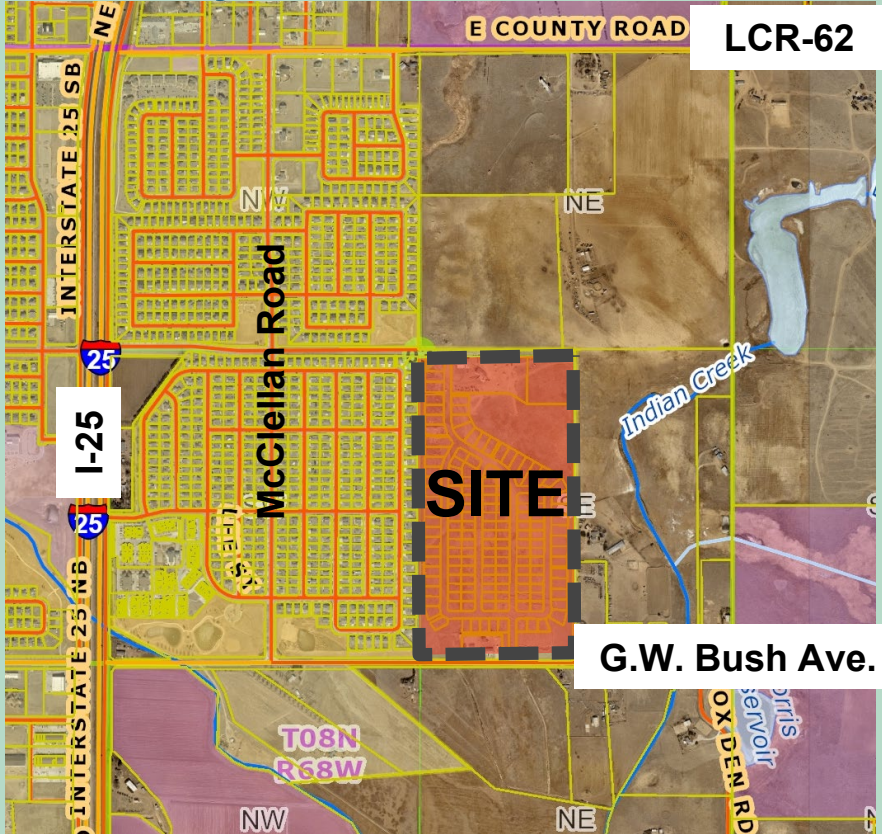
1/2 mile East of I-25
Between Ronald Reagan Ave. and G.W. Bush Ave.

Applicant:
SH Holding of Colorado, LLC
Daren Roberson

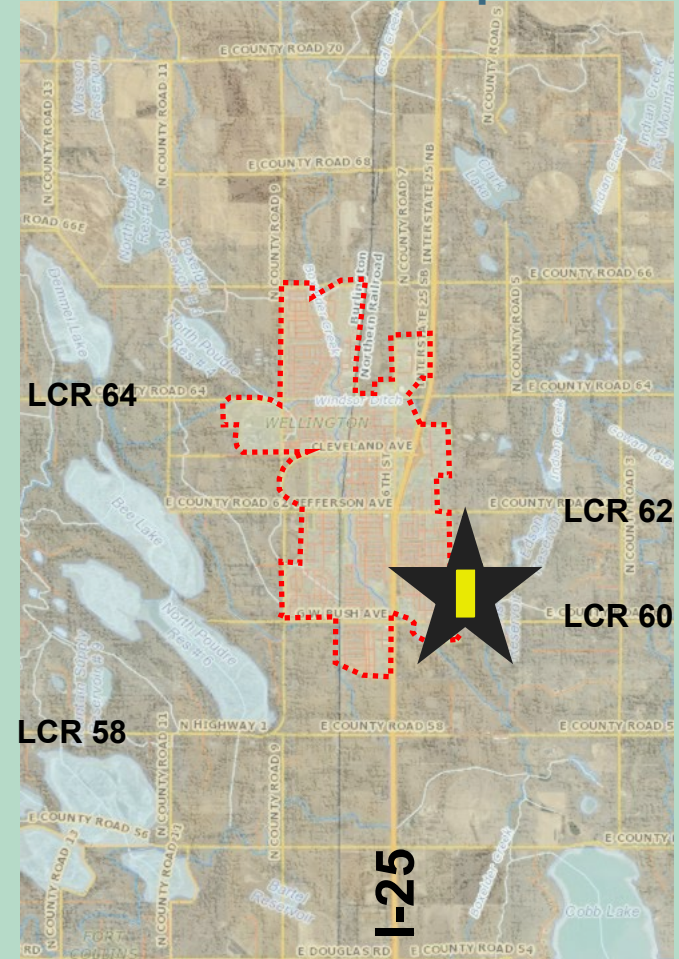


THE REQUEST:

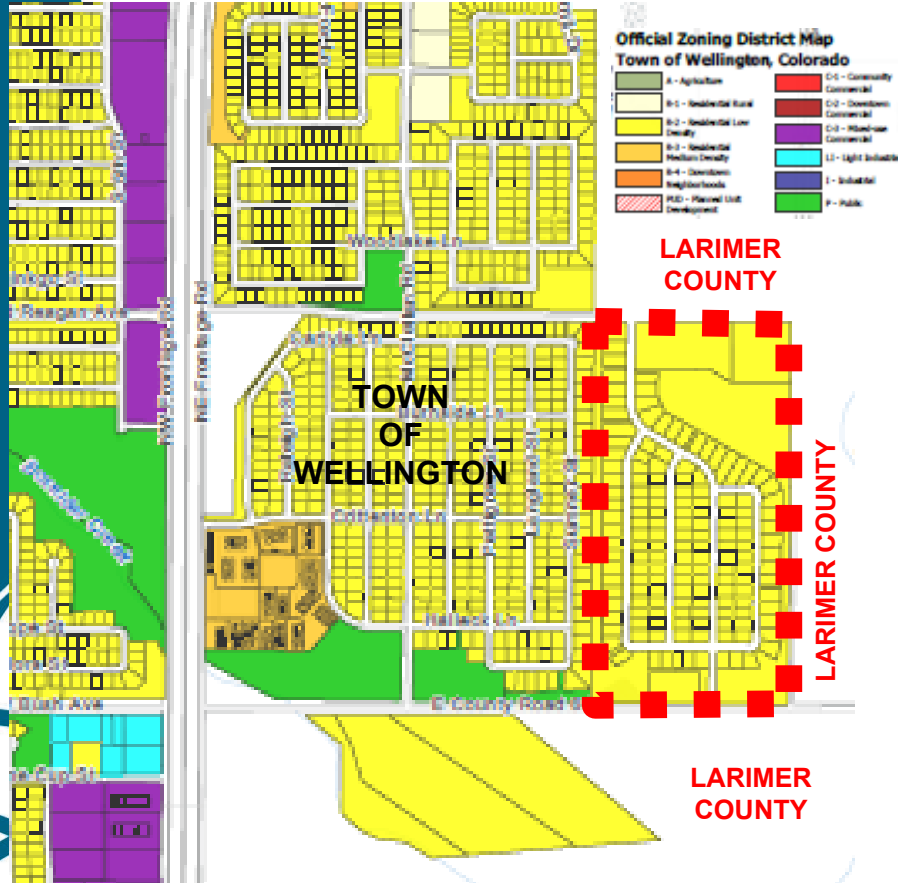
Approval for a Rezone and Preliminary Plat:



Location Map



THE ZONING:



- ✓ Existing zoning is R-2 Residential Low Density
- ✓ Proposed zoning is R-3 Residential Medium Density
- ✓ A replat of the subdivision is proposed concurrent with the rezone request.
- ✓ The rezone and replat should be considered as a single development proposal.
- ✓ Together, the rezone and replat would achieve a density of 3.72 dwelling units per acres, less than the 6 dwelling units per acres allowed under the existing R-2 zoning.

PROJECT INFORMATION

- ✓ The applicant proposes concurrent rezone and preliminary plat for the existing Saddleback Subdivision.
- ✓ The Saddleback Subdivision is an existing Single-family detached residential development.
- ✓ The Site is zoned R-2 Residential Low Density – The applicant proposes rezoning the property to R-3 Residential Medium Density District to achieve smaller lot sizes and narrower lot widths to accommodate an additional 58 lots.
- ✓ The proposed project density is 3.72 dwelling units per acre that is consistent with the Comprehensive Plan recommendations for Residential Low Density areas identified on the Future Land Use Map.
- ✓ The open spaces will remain low-water native plant materials to conserve Town water resources.

COMPREHENSIVE PLAN:



LOW DENSITY RESIDENTIAL

Desired Intent & Character

Neighborhoods composed predominantly of detached and attached single family homes that are supported by neighborhood amenities and public facilities.

While these areas may be more reliant on vehicles given the dispersion of housing, they should still be connected to the Town's trail network providing safe and active means to access jobs, services, schools, and parks, and connecting to the larger, regional trail system.

Potential Uses: Single-family attached and detached homes. A supporting use to the principal residence may include Accessory Dwelling Units (ADUs).

Other uses include places of worship, schools, parks, recreation, open spaces, and civic uses.

Suggested Net Density Range: Up to 6 DU/Acre

Suggested Intensity Range: N/A

FUTURE LAND USE MAP

- Gateway
- Proposed Regional Park
- Existing Trails
- Proposed Trails
- Future Roads
- Canal
- Streams
- Activity Center
- Boxelder Sanitation District
- 100-Year Floodplain
- Town Boundary
- Growth Management Area

Future Land Use Categories

- Parks and Open Space
- Agriculture
- Low Density Residential
- Medium Density Residential
- Downtown Neighborhoods
- Downtown Core
- Commercial
- Mixed Use
- Industrial/Light Industrial
- Civic

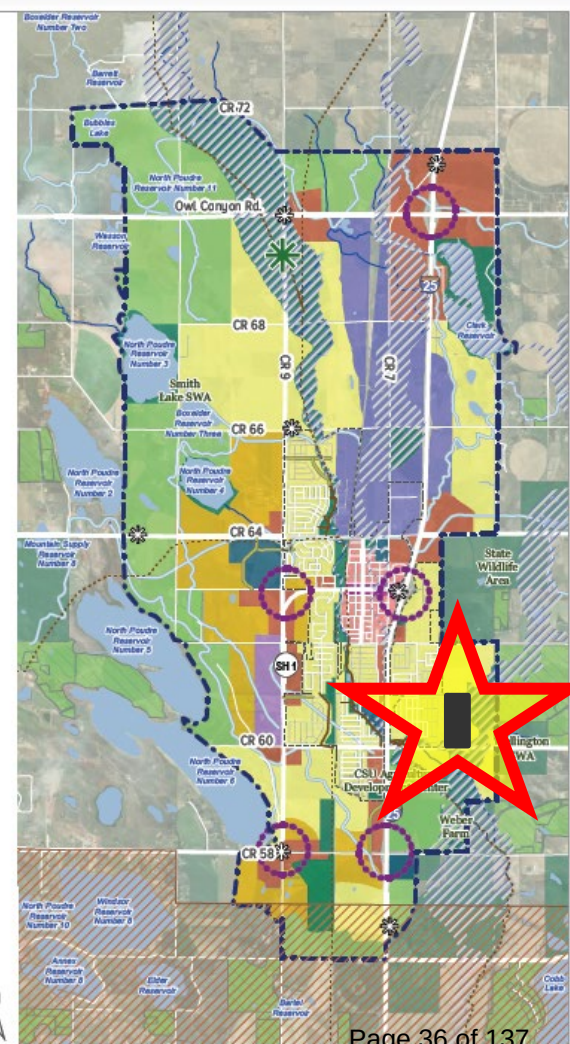
Conserved Lands

- Private Conservation
- State Owned Conservation

6/17/2021

0 0.5 1 Miles

(Source: Logan Simpson, 2021)



REZONE:

2.07.4 Findings for Approval.

- A. The rezone is consistent with the Comprehensive Plan and the intent stated in this Land Use Code;**
- B. The rezone is consistent with the stated intent of the proposed zoning district(s);**
- C. The rezone will not result in adverse impacts to the natural environment (including air, water, noise, stormwater management, wildlife, and vegetation) or such impacts will be mitigated;**
- D. The rezone of the subject property will not result in material adverse impacts to the surrounding properties;**
- E. Facilities and services (roads, transportation, water, gas, electricity, police, fire protection, and sewage and waste disposal) are available to serve the subject property while maintaining adequate levels of service to existing development; and**
- F. The rezone is consistent with any other prior approvals and official plans and policies created under the guidance of that plan for those areas (e.g., The Comprehensive Plan, specific area plans like a Downtown Corridor Study, etc.).**

PRELIMINARY PLAT:

2.17.4 Findings for Approval.

- A. The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Comprehensive Plan.**
- B. The land use mix within the project conforms to the Town's Zoning District Map and furthers the goals and policies of the Comprehensive Plan including:**
 - 1. The proposed development promotes the Town's small town, rural character;**
 - 2. Proposed residential development adds diversity to the Town's housing supply;**
 - 3. Proposed commercial development will benefit the Town's economic base;**
 - 4. Parks and open space are incorporated into the site design;**
 - 5. The proposed project protects the Town's environmental quality; and**
 - 6. The development enhances cultural, historical, educational and/or human service opportunities.**
- C. The utility design is adequate at a capacity that promotes the Town's character while strengthening the Town's vitality.**
- D. The transportation design meets the intent of the Comprehensive Plan to provide increased connectivity, reduce traffic impacts, and encourage walkability.**
- E. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.**
- F. There is a need or desirability within the community for the applicant's development and the development will help achieve a balance of land use and/or housing types within the Town, according to the Town's goals.**

STAFF ASSESSMENT:

- The property is currently zoned R-2 Residential Low Density and single family residential is already a permitted land use.
- The existing plat allows for 153 single-family lots - average size 11,340 SF.
- The proposal to rezone to R-3 Residential Medium Density with the associated preliminary plat would allow 58 additional lots with an average lot size of approximately 6,500 SF.
- The reduction in lot size will allow more area to be dedicated for open space and utilize native vegetation that requires less irrigation water.
- The reduced lot size will allow for a more efficient use of the Town's water resources.
- The Town's Rezone procedures, Section 2.07 have been followed.
- The Town's Preliminary Plat process, Section 2.17 has been followed.
- The Applicant is addressing Town staff comments to update utility plans in accordance with Town Engineering Standards.
- Some changes are expected on the Final Plat to address staff review comments.



SUMMARY & RECOMMENDATIONS:

- The Findings for Approval for both the rezone and the preliminary plat are satisfied.
- The R-3 zoning is in conjunction with and supported by the proposed Preliminary Plat. The rezone and plat should be considered one development proposal.
- The Planning Commission voted to recommend approval of the rezone and preliminary plat.
- The PROST Board recommended approval of the park and trail layout.
- Town Staff recommends approval of the rezone to R-3 Residential Medium Density and approval of the preliminary plat.
- The applicant needs to make adjustments to the plat and drainage and utility plans to address staff comments.
- Changes are expected on the final plat to address comments from staff, Planning Commission, PROST and Board of Trustees.
- Approval of the Rezone and Preliminary Plat will allow the applicant to proceed to preparation of the Final Plat.

Saddleback Neighborhood

Using Water Responsibly

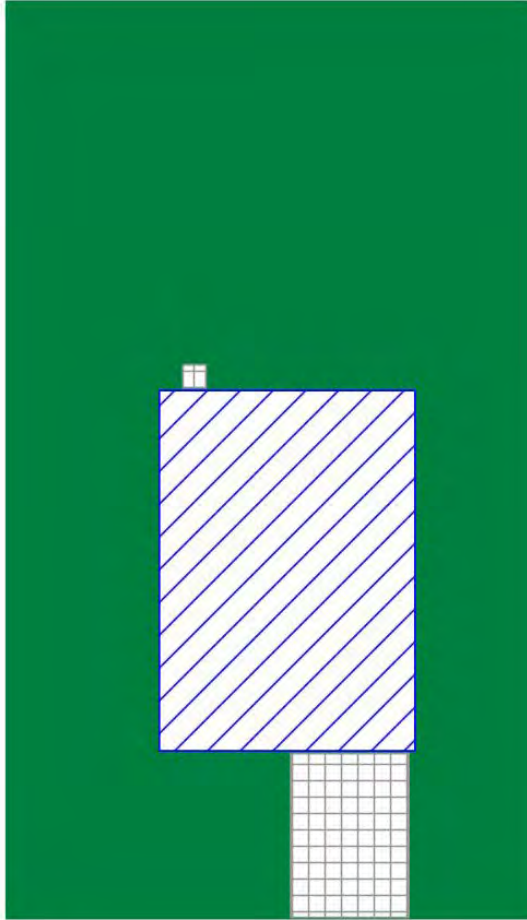
Request to Rezone and Replat

Original Plat approved in 2018

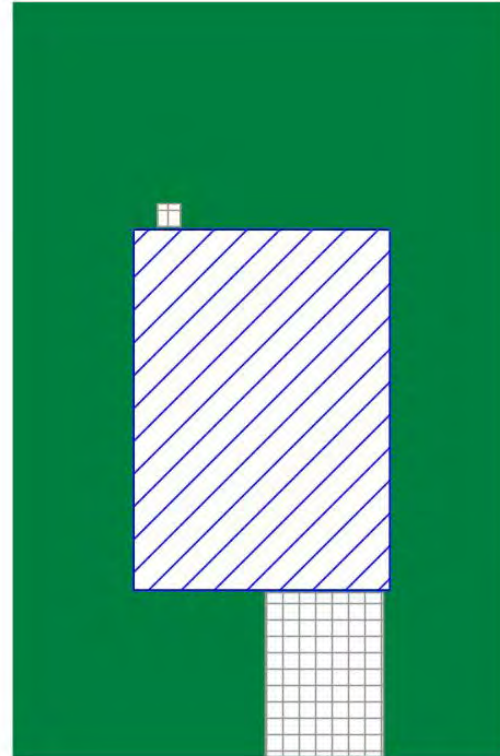
Request now under review to:

- Reduce overall irrigation through
 - Reducing lot size
 - Restricting use of turf in front/side yards
 - Increasing overall open space areas (native grasses)
- Contribute impact fees to all funds
- Provide housing with attainable total cost of ownership

Existing Plat

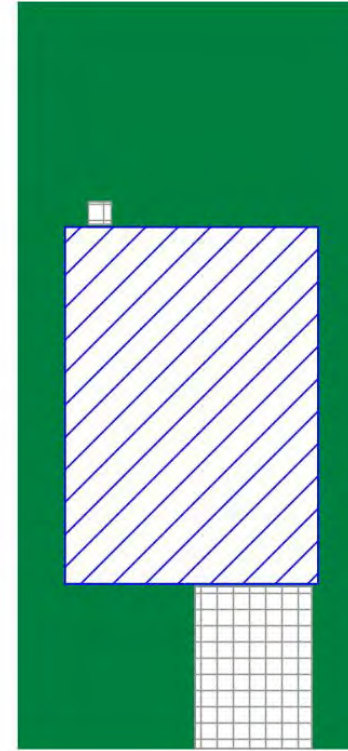


Approved Plat Lots
 80' x 140'
 11,200 sf lot
 2,607.25 sf impervious
 8,592.75 pervious

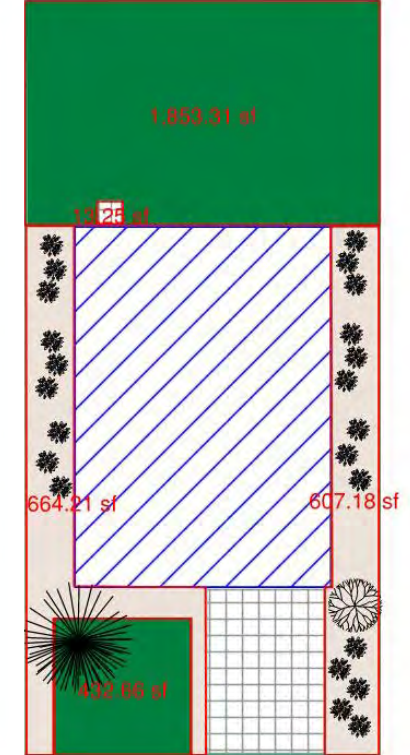


Approved Plat Lots
 75' x 115'
 8,625 sf lot
 2,607.25 sf impervious
 6,017.75 pervious

Proposed Plat



Proposed Lots
 54' x 115'
 6,210 sf lot
 2,607.25 sf impervious
 3,602.75 sf pervious



Proposed Lots
 54' x 115'
 6,210 sf lot
 2,607.25 sf impervious
 3,602.75 pervious

Building Permit Revenue Comparison

	Saddleback Platted	Saddleback Proposed
Number of Lots	153	211
Water tap fee	\$10,437.00	\$10,437.00
Total water tap fees	\$1,596,861.00	\$2,202,207.00
Sewer tap fees	\$9,742.00	\$9,742.00
Total sewer tap fees	\$1,490,526.00	\$2,055,562.00
Estimated permit fees per home	\$14,997.38	\$14,997.38
Estimated total permit fees	\$2,294,599.14	\$3,164,447.18
*Fees in addition to sewer and water taps		

Request to Rezone and Replat

Original Plat approved in 2018

Request now under review to:

- Reduce overall irrigation through
 - Reducing lot size
 - Restricting use of turf in front/side yards
 - Increasing overall open space areas (native grasses)
- Contribute impact fees to all funds
- Provide housing with attainable total cost of ownership



Thank you

LOW DENSITY RESIDENTIAL

Desired Intent & Character

Neighborhoods composed predominantly of detached and attached single family homes that are supported by neighborhood amenities and public facilities.

While these areas may be more reliant on vehicles given the dispersion of housing, they should still be connected to the Town's trail network providing safe and active means to access jobs, services, schools, and parks, and connecting to the larger, regional trail system.

Potential Uses: Single-family attached and detached homes. A supporting use to the principal residence may include Accessory Dwelling Units (ADUs).

Other uses include places of worship, schools, parks, recreation, open spaces, and civic uses.

Suggested Net Density Range: Up to 6 DU/Acre

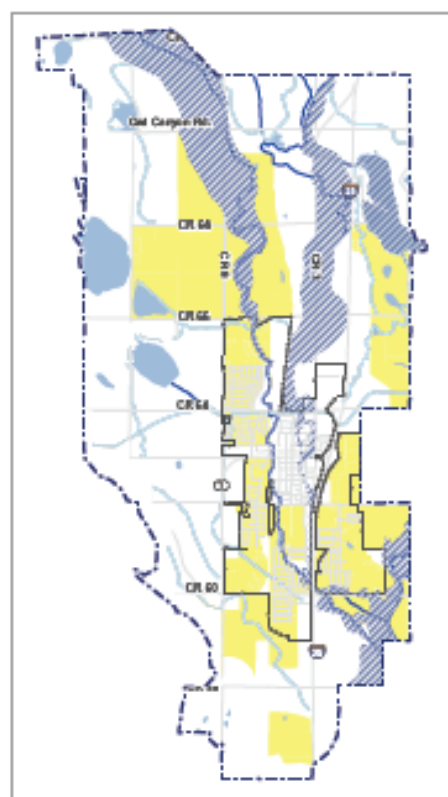
Suggested Intensity Range: N/A

COMMUNITY VOICES:

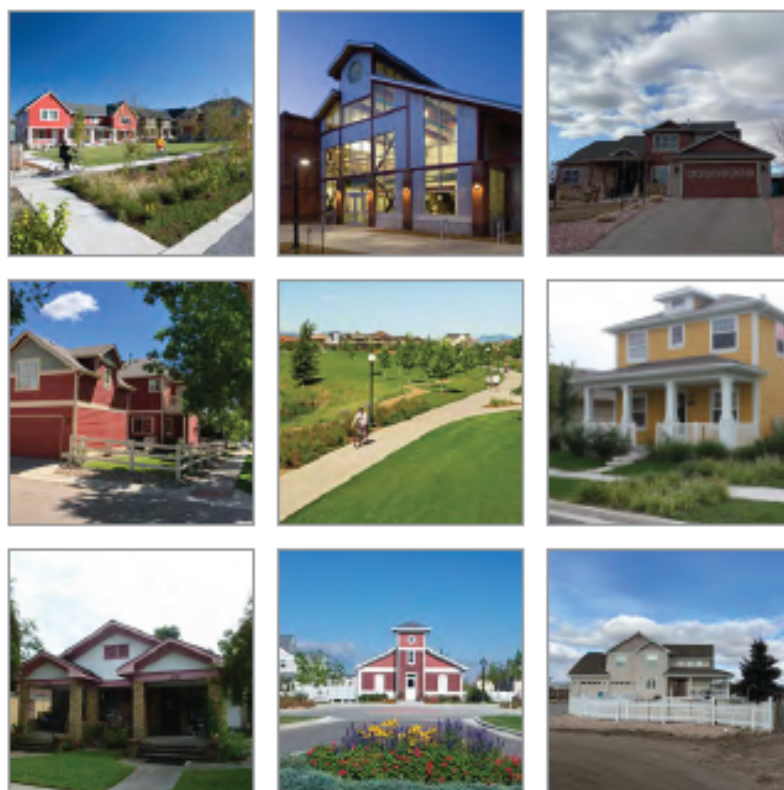
"Continue to provide good quality housing."

"Enhance trail connections throughout town."

LOCATION FOR THIS LAND USE



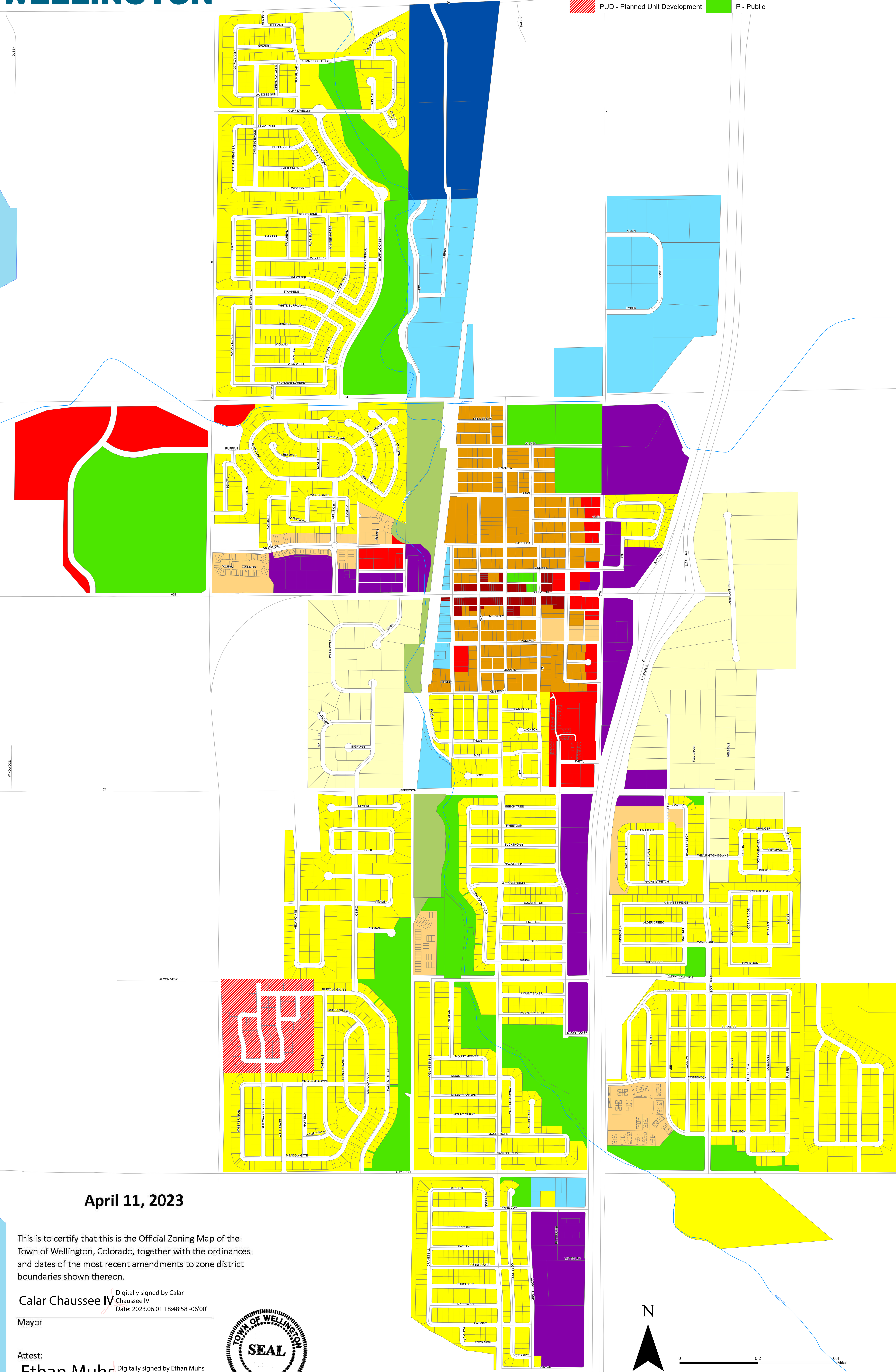
REPRESENTATION OF SUGGESTED DENSITY, USES, AND AMENITIES.





Official Zoning District Map
Town of Wellington, Colorado

- | | |
|----------------------------------|----------------------------|
| A - Agriculture | C-1 - Community Commercial |
| R-1 - Residential Rural | C-2 - Downtown Commercial |
| R-2 - Residential Low Density | C-3 - Mixed-use Commercial |
| R-3 - Residential Medium Density | LI - Light Industrial |
| R-4 - Downtown Neighborhoods | I - Industrial |
| PUD - Planned Unit Development | P - Public |



April 11, 2023

This is to certify that this is the Official Zoning Map of the Town of Wellington, Colorado, together with the ordinances and dates of the most recent amendments to zone district boundaries shown thereon.

Calar Chaussee IV
Digitally signed by Calar Chaussee IV
Date: 2023.06.01 18:48:58 -06'00'

Mayor

Ethan Muhs
Digitally signed by Ethan Muhs
Date: 2023.05.24 14:15:05 -06'00'

Town Clerk

Ord. No. 03-2023 Amending town-wide to reflect changes in the land use code (04/11/2023)



**Town of Wellington,
County of Larimer, Colorado**

General Development Information

Saddleback Subdivision First Replat Preliminary Plat and Rezoning

May 1, 2023

Saddleback Subdivision First Replat and Rezoning

In 2018 the Board of Trustees approved the Saddleback subdivision plat allowing 153 single family lots that ranged in size from 8,500 square feet to over 18,500 square feet and approximately 20.5 acres of open space. The property does not have a nonpotable water source for irrigation, so all required landscape irrigation was planned to be from Wellington's treated water system.

It is the request of the applicant/developer, SH Holding of Colorado, LLC to rezone and replat the property known as the **Saddleback Subdivision** from the existing 153 single family lots under the Town of Wellington's R-2 Residential Low Density District to the R-3 Residential Medium Density District to reconfigure lots to allow 211 single family lots and also to reduce the size of the existing platted lots as a way to reduce the outdoor demand for treated water. Also, while the Town of Wellington has worked through design and construction of major improvements to its water treatment plant and wastewater reclamation facility, it was understandable that the Town had to limit the number of residential building permits to stay within the treatment capacity of the plants during years leading up to the completion of those projects. During that time the developer actively worked with the Town to manage the number of residential building permits being issued including postponing development of this property. Since the time this project was originally approved there have been considerable changes in the housing market and the price of materials. The Town has also updated its Land Use Code and created new standards for best practices for Landscape and Irrigation Design. The rezone and replat would allow changes in the development plans to reflect the changes in the housing market, reduce the demand for outdoor irrigation water, address updated Town standards, and reflect the current material costs while spreading shared costs across more lots to keep housing prices competitive.

The site is approximately 57 acres in size and is located about 1.5 miles east of Interstate 25 on the east side of the existing Meadows neighborhood and the north side of CR 60 (GW Bush Ave.) The site is located in the West ½ Southeast Quarter (SE ¼) of Section Three (3), Township Eight North (T.8.N.), Range 68 West (R.68.W.), of the 6th Principal Meridian (6th P.M.) Larimer County, Colorado. It is bounded to the north, east and south by undeveloped farmland zoned O-Open District in unincorporated Larimer County; and to the west by The Meadows Subdivision of single family residential homes in the Town of Wellington zoned R-2 Residential Low Density.

Property Owners/Applicant/Consultants

Property Owner/Applicant/ Developer

SH Holding of Colorado, LLC

c/o Mr. Daren Roberson
395 Delozier Drive, Suite 110
Fort Collins, CO 80524
(970) 224-3103
daren@sagehomes.com

Planning Consultant

PineCrest Planning and Design LLC

Mr. Tom Dugan
4225 Westshore Way
Fort Collins, Colorado 80525

Civil Engineer

Northern Engineering Services, Inc.

Mr. Shane Ritchie
301 N. Howes Street, Suite 100
Fort Collins, CO 80521

(970) 566-4714
tompinecrest@qwest.net

Surveyor
Northern Engineering Services, Inc.
Mr. Aaron Lund
301 N. Howes Street, Suite 100
Fort Collins, CO 8052
(970) 488-1115
aaronl@northernengineering.com

(970)573-6417
shane@northernengineering.com

Landscape Architect
Centennial Design LLC
Mr. John Gettman
601 S. 9th Street
Berthoud, CO 80513
(970) 567-1912
centennialdesign@hotmail.com

Legal Description

Please see the Property Description, attached as Exhibit “A”.

Existing and Proposed Infrastructure

The majority of the Town's current infrastructures (i.e. water and sewer lines) are located within the existing Town limits in the Meadows neighborhood to the east.

It is proposed that the developer would extend all required utilities per the Town Code to the property as required. All roads and streets within the property would again be extended and constructed per the Town's Subdivision Regulations. Improvements to Larimer County Road 60 (GW Bush Ave.) would include widening the north side, the addition of curb and gutter along the north side of CR 60 with improvements to the south side to be completed in the future if and when the property to the south develops. The right of way dedication and cost for the south side improvements Larimer County Road 60 shall be by the developer/landowner to the south as that property develops. Ronald Reagan Blvd. would be extended east and be improved to the north entrance to the property at Roping Way.

Zoning

Existing Zoning - R-2 Residential Low Density District at the Town maximum density of 6 units per acre.

Proposed Zoning – R-3 Residential Medium Density District with a maximum density of 12 units per acre.

Justification for Rezoning

In order to replat the existing large lots (R-2 zoning) into smaller lots (R-3 zoning) a change in the zoning for the property is required. The current R-2 Residential zoning requires lots to be a minimum of 60’ wide and a minimum of 6,600 square feet in size. By rezoning the property to the R-3 Residential Medium Density District, the required minimum lot width is reduced to 50’ and the minimum lot size is reduced to 3,000 square feet. Within the proposed replat, no lot would be smaller than 5,900 square feet and there is an additional 4.5 acres of open space. The rezone would allow changes in the development plans to reflect the changes in the housing market, reduce the demand for outdoor irrigation water, address updated Town standards, and reflect the current material costs while spreading infrastructure and shared costs across more lots to keep housing prices competitive.

Although this rezoning would increase the total number of lots in the replat by 58, it would also decrease the total potable outside irrigation water demand by over 50% excluding and irrigation water demand reduction in the backyards. Currently, the total acre feet required for 153 lots is 39.8 AF. We will show a reduction and savings of over 20 acre feet of Town treated water for outside irrigation. The property will also have recorded private covenants that require all builders to install front yard landscaping in accordance with current Town of Wellington Landscape and Irrigation Design Standards. Builders will be required to install the front yard landscaping in accordance with the covenants to achieve the reduced outdoor irrigation water demand. Builders will also promote xeriscaping principles for back yard landscaping. This reduction in potable water use follows several of the Goals and Strategies of the Comprehensive Plan including:

- CP. 2.3. encourage new housing developments to include water-wise material and practices while insuring homes are both affordable and cost comparable
- TE. 2.1 update development impact fees (ie: raw water costs and/or dedications) that align with community needs and regional best practices to enhance amenities and appropriately cover infrastructure costs
- F&P. 1.2 ensure the expansion and upgrades of utilities, infrastructure, and amenities are consistent with Town Plans (e.g. water efficiency)

Existing Conditions and Proposed Development

The property is currently vacant and being used for dryland farming and agricultural uses. The site slopes to the east and south with the lowest point along the southern portion of the property.

The proposed Land Uses include detached single family residential homes of various sizes as well as public and private parks and open space. A total of 211 single-family units are proposed on approximately 57 acres for a maximum gross density of 3.72 units/acre. Also proposed is approximately 25 acres of land to be used for park land and open space. A small pocket park is also proposed and this will be owned and maintained by the Homeowners Association.

Financing of Municipal Service Expansion

The Town of Wellington will require that the Developer bear the cost of any required expansions to the Town's utilities and roads. The developer has entered into a cost sharing (reimbursement) agreement with the Town that allows the Developer to be reimbursed for certain identified improvements that benefit other properties that will connect into the improvements in the future. Additional costs for portions of the extensions of Ronald Reagan Ave. and GW Bush Ave. are part of the existing Development Agreement for the original Saddleback Subdivision. The developer desires to renegotiate with the Town on these reimbursements as part of the final platting process and updated development agreement.

The Developer will most likely finance any required improvements and expansions through private funds and construction loans secured by the property.

Natural and Man-Made Site Features

The site is approximately 57 acres in size and is located about 1.5 miles east of Interstate 25 on the east side of the existing Meadows neighborhood and the north side of CR 60 (GW Bush Ave.) The site is located in the West ½ Southeast Quarter (SE ¼) of Section Three (3), Township Eight North (T.8.N.), Range 68 West (R.68.W.), of the 6th Principal Meridian (6th P.M.) Larimer County, Colorado. It is bounded to the north, east and south by undeveloped farmland zoned O-

Open District in unincorporated Larimer County; and to the west by The Meadows Subdivision, an existing and built-out development of single family residential homes in the Town of Wellington zoned R-2 Residential Low Density.

Proposed Land Use Summary

<u>Land Use</u>	<u>Acreage</u>	<u>Gross Density</u>	<u>Maximum Number of Units</u>
Single Family Residential (5,900 sf lots min.)	31.57 acres	3.72 du/ac.	211 units
<u>Open Space/Parks</u>	<u>25.16 acres</u>	<u>N/A</u>	<u>N/A</u>
TOTAL	56.73 acres	3.72 du/ac.	211 units

Public Use Dedication

The proposed development is required to dedicate 20% of the total land area to be platted for parks and/or open space as per the Town's Land Use Code for a total required land dedication of approximately 11.35 acres. The Developer is proposing to dedicate 25.16 acres of land as park land and/or open space (approximately 44%). This open space will be owned and maintained by a Homeowners Association.

Vehicular, Bike, and Pedestrian Circulation

Vehicular access to the site shall be from GW Bush Avenue (CR 60) on the south and Ronald Reagan Ave. to the northwest. Internal circulation shall be by public roads within the subdivision. All roads shall be dedicated to the Town of Wellington. Bike and pedestrian circulation shall use the public roads/sidewalks throughout the project. An off-street sidewalk connection through the open space will further promote pedestrian and bicycle connectivity through the neighborhood.

Development Phasing and Schedule

It is anticipated that the project will be developed in one or two phases and that construction is expected to begin in the winter of 2023-2024. Projected build out is 4-6 years.

Wellington Comprehensive Plan and Land Use Code

The Town of Wellington has adopted a Comprehensive Plan and the Wellington Land Use Code of which both describe and require future development within the Town to meet standards that will provide the same level of service to new areas as it is currently providing within the existing town. These documents, we believe, allow the Town to achieve controlled, orderly and efficient growth. To accomplish orderly, controlled growth, Wellington will rely on the Town's Land Use Code and Comprehensive Plan to provide the basic guidelines for development and construction of new areas around the Town.

Statement of Conformance with the Wellington Comprehensive Master Plan

The Town of Wellington has recently updated the Town's Comprehensive Plan (2021) and the Community Vision Statement states "Our friendly and supportive community welcomes you with a smile. Together, we take pride in celebrating and protecting our town character and values while welcoming productive ideas that enhance our quality of life. Our dreams take root and blossom in Wellington."

The citizens of Wellington choose to deal with the issue of growth proactively in order to maintain the quality of life in the community. Over the past fifteen years, the Town has witnessed a significant amount of residential growth. Wellington residents want to continue to investigate the development of innovative land uses that provide a sound tax base, preserve the quality of life, and balance residential and commercial development. Citizens want to ensure that new development does not overburden existing infrastructure and services and does not detract from the community's existing character."

In following the Town's Community Vision and Themes outlined in the Comprehensive Plan, the proposed development ensures the logical extension of the Town boundaries in a fiscally sound manner providing predictability in the rate, location and character of the growth within the Town's Growth Management Area while not creating a net negative fiscal burden on the Town.

The applicant believes that the proposed Rezoning and Preliminary Replat meet the intent of the Town's Comprehensive Plans Goals and Strategies. By allowing the rezoning and preliminary plat to proceed as proposed, the applicant has met the following goals and themes as stated in the 2021 Comprehensive Plan.

Community Cohesion (CC) Goals & Strategies

CP.2.3 Identify incentives to encourage new housing developments and retrofits to include energy-efficient and water-wise materials and practices while ensuring homes are both affordable and cost comparable.

CP.2.5 Ensure adequate park, trail, and open spaces are added to land use mix as the population grows.

Reliable & Resilient Public Services Facilities & Programs (F & P) Goals and Strategies

F&P.1.2 Ensure the expansion and upgrades of utilities, infrastructure and amenities are consistent with Town Plans (e.g. Water Efficiency, Stormwater Management, Emergency Preparedness, Infrastructure Plan, and the Comprehensive Plan)

F&P.2.2 Require new utilities and existing overhead utilities to be underground for major development projects.

F&P.2.3 Require new development to demonstrate how they will connect to and improve the existing networks for active transportation, vehicular traffic, open space and parks and essential infrastructure for water, wastewater, and stormwater.

Statement of Conformance with the Wellington Land Use Code

It is the intent of the proposed Saddleback Subdivision Preliminary First Replat and Rezoning to comply with the Town's Land Use Code as it was revised and adopted in 2022. The applicant believes that the project as proposed is in compliance with the general intent of the Zoning and Subdivision Regulations of the Land Use Code including:

ZONING

3.01 Purpose and Organization

3.01.1 Purpose.

- A. Encourage the most appropriate use of land throughout the Town and ensure logical growth of the various physical elements of the Town,
- B. Regulate the size of building lots, yards and other open spaces.

- D. Prevent the overcrowding of land, poor quality in development, waste and inefficiency in land use, danger and congestion in travel and transportation and any other use or development that might be detrimental to the stability and livability of the Town.
- 3.01.2 Uniformity of regulations.
 - B. No building or other structure shall be erected or altered to:
 - 1. Exceed the height limitations
 - 2. Occupy a greater percentage of the area; or
 - 3. Have narrower or smaller rear yards, front yards, side yards or other open spaces
- 3.02.4 Residential Medium Density
 - A. Intent. The Residential Medium Density District is intended for a mix of small lot single-family detached dwellings.
- 3.02.07 Table of Dimensional Standards for Residential Zones
- 4.01 Purpose and Organization**
- 4.02-1 Table of Allowable Uses (for the R-3 Zoning District)
- 5.01 Purpose and Organization**
- 5.01.1 Purpose. This article establishes uniform standards for the development and improvement of property throughout the Town of Wellington to ensure quality development that is consistent with the Town's Comprehensive Plan.
- 5.04 Landscaping and Screening**
- 5.04.8 Park and Open Space Landscape Standards
 - A. Purpose and intent: Landscaping in park and open space areas that are commonly used by the public for passive and active recreation shall be appropriate to the use and function of the area, respectful of water conservation practices, and include trees, shrubs, ground cover, and site furnishings appropriate to use.
 - B. Applicability: The following requirements shall apply to all new development of public parks, pocket parks, detention ponds, trail connections and common open space areas for both public and HOA use.
 - C. General Design Standards
 - 1. All parks shall be landscaped and programmed to create a balance of plant material with no more than fifty percent (50%) of the total landscaped area comprised of high water plant species.
 - 5. Park periphery and detention pond areas shall consist of low water or native plant material and grass seed mix.
 - 6. Common open spaces and trail connections shall be landscaped with a balance of low water or native plant material and grass seed mix to reduce the need for supplemental irrigation in hard to reach areas.
 - 9. Development shall provide a mechanism such as a homeowners association and covenants for long-term maintenance of parks, detention ponds, and common open spaces, in order to ensure the continued upkeep of the property.
- 5.04.9 Standard Lot Detached and Attached Single-Family Residential Development Landscape Standards
 - A. Purpose and intent: To ensure that single-family residences contain consistently landscaped front yards and are designed with water conservation in mind.
 - B. Applicability: In addition to landscaping the right-of-way tree lawn, detached and attached single-family parcels developed as part of an overall subdivision, shall meet the following standards.
 - C. General design standards:
 - 1. Landscaping of a single-family lot under one half (1/2) acre in size shall include no

more than fifty percent (50%) of the total landscaped area comprised of high water use plant material such as turf grass.

2. There shall be a minimum of seventy-five percent (75%) live materials between the front of the single-family residential structure and the curb, excluding the paved driveway areas.
3. Each single-family residential owner shall maintain the owner's yard and landscaping within the adjacent road right-of-way.

5.05 Off-Street Parking

5.05.7 Off-Street Parking Requirement. Off-street parking shall be provided in accordance with the minimum ratios specified in Table 5.05.7-1

5.10 Stormwater and Sewer

5.10.1 Purpose. The intent of this section is to ensure that the stormwater drainage system addresses the broader goals of drainage and flood control problem alleviation, environmental preservation enhancement that consider quality, water way stability and natural habitat and resource protection, and long-term maintenance of the Town's drainage systems.

5.10.4 Sanitary sewer

- A. All residential uses shall have a sanitary sewer facilities designed by a registered professional engineer in accordance with the regulations and standards of the Colorado Department of Public Health and Environment.
- B. The sanitary sewer system shall be connected to an existing public sanitary sewer system and consist of a closed system of sanitary sewer mains and lateral branch connections to each structure or lot upon which a structure is to be built.
- C. Sanitary sewer lines are to be of sufficient size and design to collect all sewage from all proposed portable structures within the subdivision or development and designed per the Town of Wellington Standard Design Criteria and Standard Construction Requirements.

5.10.5 Potable Water

- B. All water utilities shall be designed per the Town of Wellington Standard Design Criteria and Standard Construction Requirements.

5.11 Transportation and Connectivity

5.11.1 Purpose.

- A. Establish a safe, efficient, attractive transportation system that promotes all modes of transportation and is sensitive to the environment.

5.11.3 Streets. The local street system of any proposed development is designed to be safe, efficient, convenient, and attractive and consider the use by all modes of transportation that will use the system.

A. Street Layout

1. All streets are aligned to join with planned or existing streets consistent with the approved Street Master Plan and Comprehensive Master Plan.
2. The street layout forms an interconnected system of streets primarily in a grid or modified pattern adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas.
4. The use of cul-de-sacs and other roadways with a single point of access are minimized.

F. Access. Access to all subdivisions shall come from a public street.

I. Street Names. Names of new streets comply with the IGA with Larimer County and the Municipalities of Larimer County concerning standardization of street names.

5.11.4 Sidewalks, Pathways, and Trails

B. Sidewalks Required

1. In all zoning districts, except for the R-1, LI and I Districts, sidewalks are required along both sides of a street.

SUBDIVISION REGULATIONS

6.01 Purpose and Organization

- B. Intent. This Article promotes the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town by:
2. Promoting compact, well-defined neighborhoods that enhance the Town's character.
 3. Create livable neighborhoods that foster a sense of community.
 8. Providing open spaces for adequate stormwater management.

6.01 Design and Improvement Standards

- A. Applicability. All applications shall comply with the density, dimension, design and zoning standards contained in herein.
- C. Community Design Principles. The design, layout, and orientation of subdivisions, lots, buildings and infrastructure shall be consistent with the Comprehensive Plan.
- 3.g Water conservation.
4. Compact urban growth. The Comprehensive Master Plan includes a compact urban growth policy that encourages and directs development to take place within areas contiguous to existing development in the community.

6.02 Dedications

- A. Streets. All street rights-of-way shall be dedicated to the Town.
- B. Sidewalks, walkways, and multi-use trails
1. All walkways, sidewalks, and multi-use paths located within the right-of-way shall be dedicated to the Town.
 2. All walkways, sidewalks, and multi-use paths that are not located with the right-of-way shall be dedicated to a duly formed owners' association.
- C. Utilities
1. Utility easement width. Utility easement widths and locations shall comply with the design standards.
 2. Multiple installations within easement. Easements shall be designed to provide efficient installation of utilities. Public utility installations shall be located to permit multiple installations within easements.
 3. Underground utilities.
 - a. Telephone lines, electric lines, cable television lines and other utility services shall be placed underground.

Exhibit "A"

Property Description

Saddleback Subdivision First Replat – Preliminary Plat and Rezoning
Town of Wellington, Colorado

Tracts of land located in the West Half of the Southeast Quarter of Section 3, Township 8 North, Range 68 West of the 6th Principal Meridian, Town of Wellington, County of Larimer, State of Colorado, described as follows:

Lots 1-31, Block 1

Lots 1-35, Block 2

Lots 1-31, Block 3

Lots 1-26, Block 4

Lots 1-30, Block 5

Tracts A and B

Saddleback Subdivision, recorded 6/8/2018 at Reception No. 20180034683, Larimer County
Clerk and Recorder

PRELIMINARY PLAT OF
SADDLEBACK SUBDIVISION FIRST REPLAT

BEING A REPLAT OF LOTS 1-31, BLOCK 1; LOTS 1-35, BLOCK 2; LOTS 1-31, BLOCK 3; LOTS 1-26, BLOCK 4; LOTS 1-30, BLOCK 5; AND TRACTS A AND B, SADDLEBACK SUBDIVISION, LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO

LEGAL DESCRIPTION:

Tracts of land located in the West Half of the Southeast Quarter of Section 3, Township 8 North, Range 68 West of the 6th Principal Meridian, Town of Wellington, County of Larimer, State of Colorado, described as follows:

Lots 1-31, Block 1
Lots 1-35, Block 2
Lots 1-31, Block 3
Lots 1-26, Block 4
Lots 1-30, Block 5
Tracts A and B
Saddleback Subdivision, recorded 6/8/2018 at Reception No. 20180034683, Larimer County Clerk and Recorder;

The above described land contains 2,471,198 square feet or 56.731 acres more or less and is subject to all easements and rights-of-way now on record or existing.

DEDICATION OF PUBLIC PROPERTY

The owner of the real property described in this Plat has caused the real property to be surveyed, laid out and subdivided under the name and style of **SADDLEBACK SUBDIVISION FIRST REPLAT**, and does hereby sell, grant, dedicate and convey to the Town of Wellington in fee simple, free and clear of all liens and encumbrances, and set apart all of the streets, roads, alleys, easements and other public ways and places as shown on the accompanying plat to the use of the public forever. The owner shall be responsible for construction and maintenance of all improvements of said streets, alleys, easements, public ways and places, until acceptance of maintenance therefor by the Town as provided in the Wellington Municipal Code.

CERTIFICATE OF OWNERSHIP

I certify that SH Holdings of Colorado, LLC, is the owner of the property, and hereby consents to this plat and joins in the conveyance and dedication of all streets, alleys, easements, public ways, and places shown heron.

OWNER: SH Holdings of Colorado, LLC

By: _____
Daren L. Roberson, Member

NOTARIAL CERTIFICATE:

STATE OF COLORADO)ss.

COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023 by Daren L. Roberson as Member of SH Holdings of Colorado, LLC.

Witness my hand and official seal.

My commission expires: _____

Notary Public

PLANNING COMMISSION CERTIFICATE

Approved this _____ day of _____, 20____, by the Town Planning and Zoning Commission, Wellington, Colorado.

Chairman

BOARD OF TRUSTEES CERTIFICATE

Approved this _____ day of _____, 20____, by the Board of Trustees, Wellington, Colorado. This approval is conditioned upon all expenses involving necessary improvements for all utility services, paving, grading, landscaping, curbs, gutters, street lights, street signs and sidewalks shall be financed by other and not the towns.

Mayor

ATTORNEY'S CERTIFICATION

I, _____, an attorney licensed to practice law in the State of Colorado, certify to the Town of Wellington, Colorado, that I have examined the title to the property being subdivided and being dedicated to the Town of Wellington, Colorado, and that all owners and proprietors as defined by CRS 31-23-111 have signed this plat.

Attorney: _____

Address: _____

Registration No.: _____

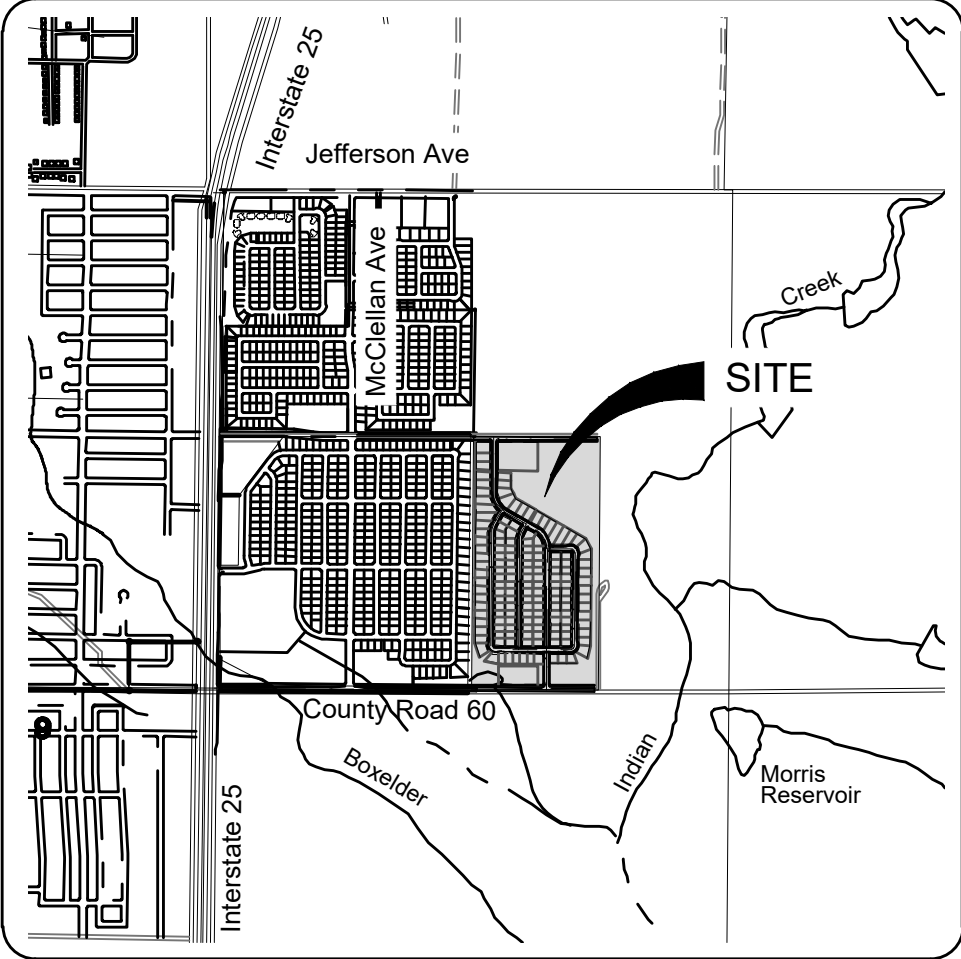
NOTES:

1. Basis of Bearing is the West line of the Southeast Quarter of Section 3, Township 8 North, Range 68 West of the 6th P.M. as bearing South 00°30'16" West (assumed bearing).
2. All information regarding easements, rights-of-way or Title of Record, Northern Engineering relied upon Property Information Binder No. PIB25205245.24881530, prepared by Land Title Guarantee Company, dated April 14, 2023 .
3. The lineal unit of measurement for this plat is U. S. Survey Feet.
4. Existing Zoning: R-2 Residential Low Density
Proposed Zoning: R-3 Residential Medium Density

SURVEYOR'S CERTIFICATE

I, Robert C. Tessely, a duly registered professional land surveyor in the State of Colorado, do hereby certify that this plat of **SADDLEBACK SUBDIVISION FIRST REPLAT** was performed by me or under my direct supervision, and that this plat has been prepared in compliance with all applicable laws of the State of Colorado at the time of this survey and within my control and is accurate to the best of my knowledge, information and belief.

Robert C. Tessely
Colorado Registered Land Surveyor No. 38470
For and on Behalf of Northern Engineering Services, Inc.



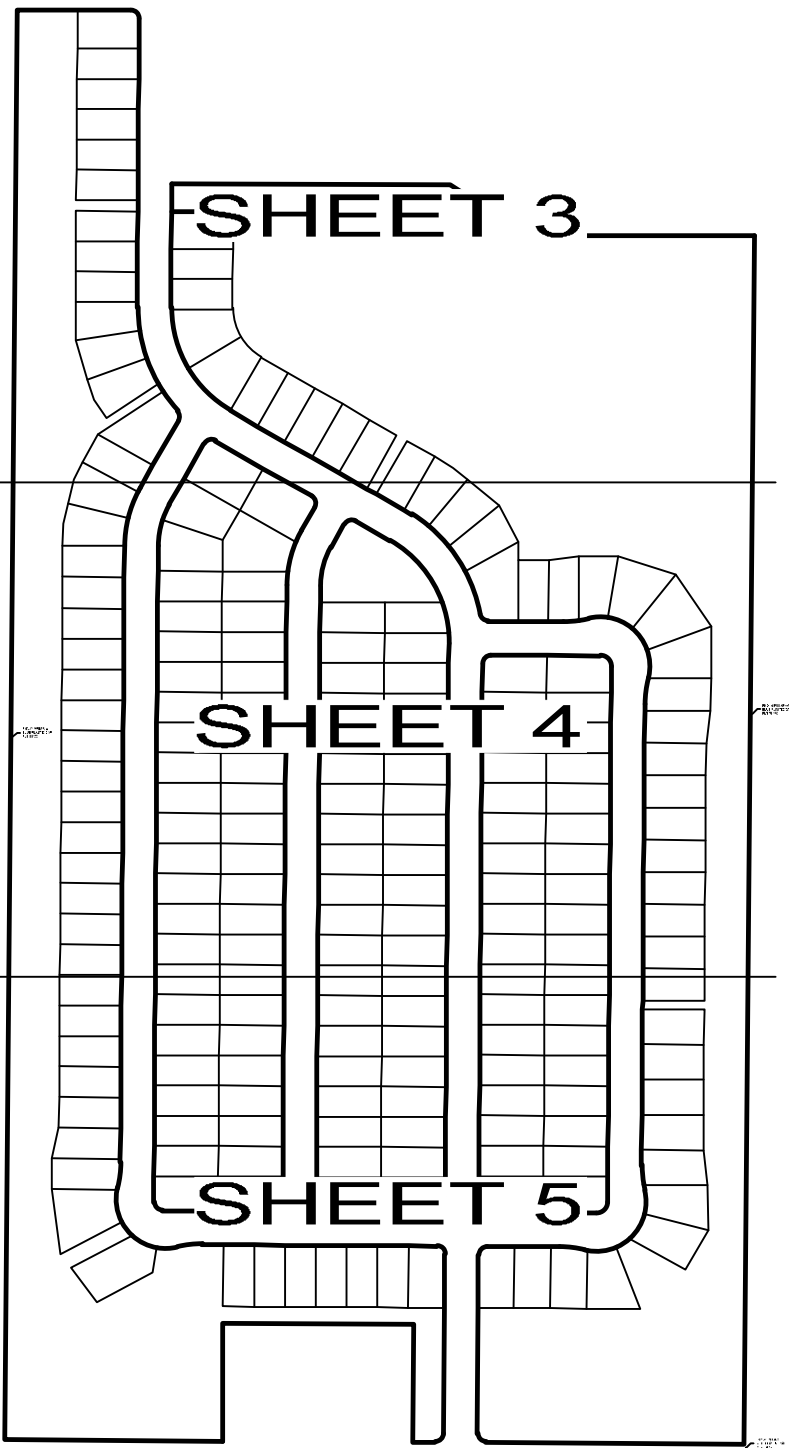
APPLICANT
SH Holding of Colorado, LLC
395 Delozier Drive, #110
Fort Collins, CO 80524
(970) 224-3103

SITE ENGINEER
Northern Engineering Services, Inc.
301 North Howes Street, Suite 100
Fort Collins, Colorado 80521
(970) 221-4158

DEVELOPER
SH Holding of Colorado, LLC
395 Delozier Drive, #110
Fort Collins, CO 80524
(970) 224-3103

SURVEYOR
Northern Engineering Services, Inc.
301 North Howes Street, Suite 100
Fort Collins, Colorado 80521
(970) 221-4158

SHEET INDEX



NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown herein.

SECTION:
3
TOWNSHIP:
8N
RANGE:
68 W of the 6th PM

NORTHERN ENGINEERING
SURVEY | MUNICIPAL | LAND DEVELOPMENT
FORT COLLINS | GREELEY 970.221.4158
NORTHERNENGINEERING.COM

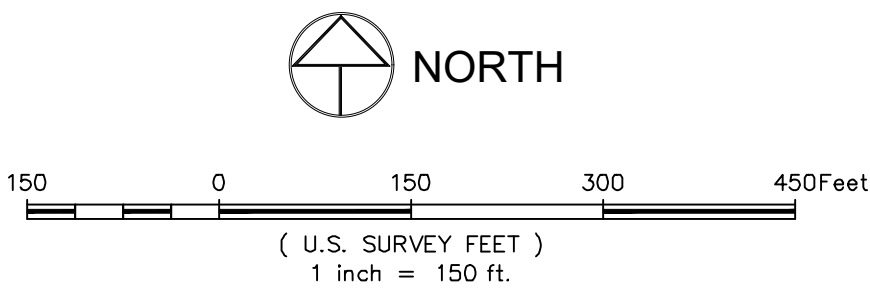
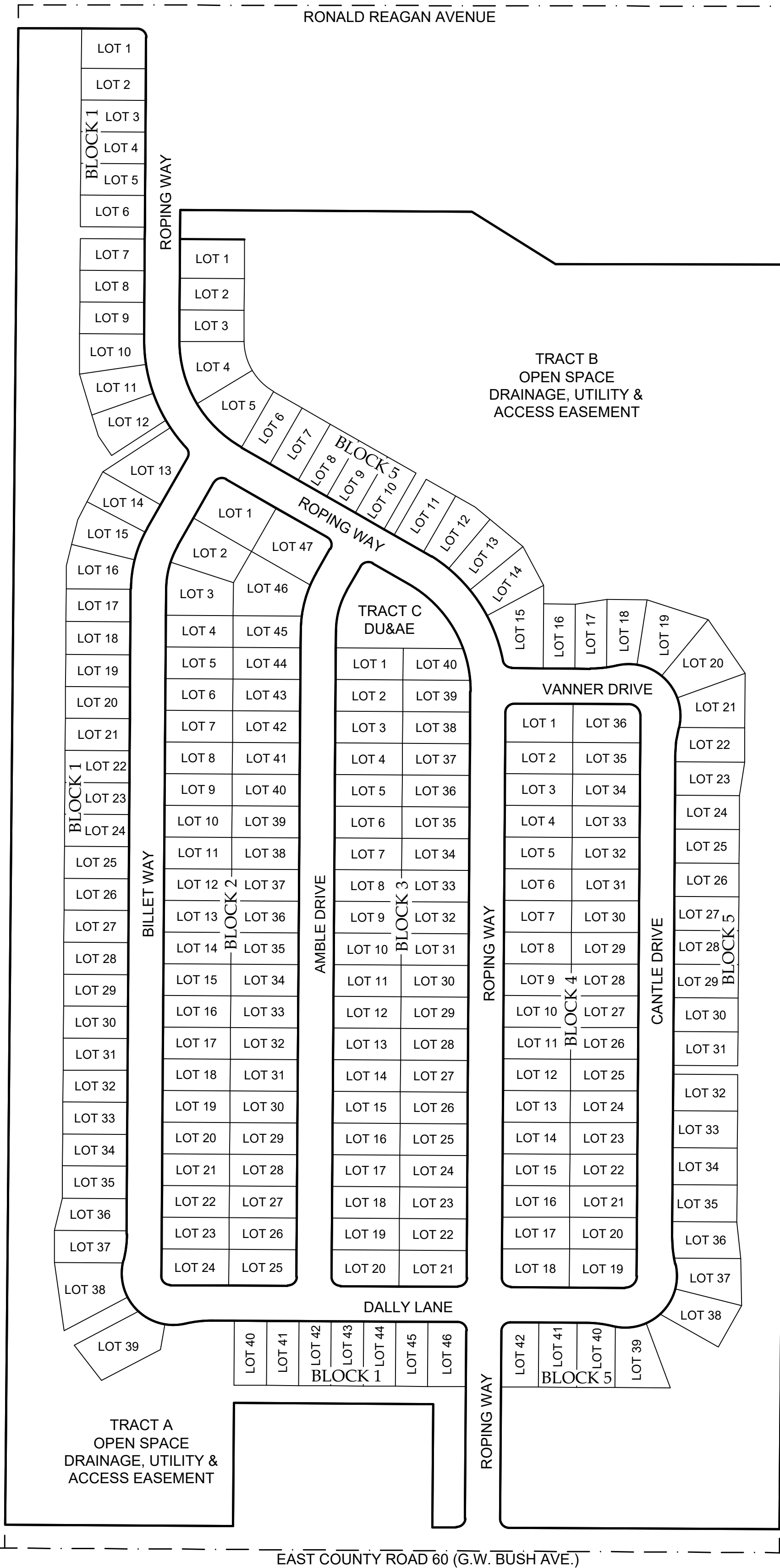
PROJECT: 992-003	DATE: 5/17/23
CLIENT: SH of Colorado	SCALE: As shown
DRAWN BY: L. Smith	REVIEWED BY: R. Tessely

SADDLEBACK SUBDIVISION FIRST REPLAT
TOWN OF WELLINGTON
LARIMER COUNTY, COLORADO

Sheet
1
Of 5 Sheets

PRELIMINARY PLAT OF
SADDLEBACK SUBDIVISION FIRST REPLAT

BEING A REPLAT OF LOTS 1-31, BLOCK 1; LOTS 1-35, BLOCK 2; LOTS 1-31, BLOCK 3; LOTS 1-26, BLOCK 4; LOTS 1-30, BLOCK 5; AND TRACTS A AND B, SADDLEBACK SUBDIVISION, LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO



CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	90°15'40"	15.00'	23.63'	N44°45'06"W	21.26'
C2	42°59'55"	270.00'	202.63'	N21°07'14"W	197.90'
C3	72°25'04"	15.00'	18.96'	N06°24'39"W	17.72'
C4	29°25'09"	210.00'	107.83'	N15°05'18"E	106.65'
C5	13°48'13"	189.00'	45.53'	N07°16'51"E	45.42'
C6	117°39'08"	88.00'	180.70'	N44°38'37"W	150.59'
C7	13°48'13"	189.00'	45.53'	S83°25'56"W	45.42'
C8	90°02'42"	15.00'	23.57'	N44°38'37"W	21.22'
C9	89°57'44"	15.00'	23.55'	N45°21'40"E	21.21'
C10	60°34'51"	210.00'	222.04'	N29°54'42"W	211.84'
C11	46°49'26"	271.00'	221.47'	N34°12'55"W	215.36'
C12	78°53'02"	15.00'	20.65'	N50°13'27"W	19.06'
C13	13°48'13"	189.00'	45.53'	S83°25'56"W	45.42'
C14	117°39'08"	88.00'	180.70'	N44°38'37"W	150.59'
C15	13°48'13"	189.00'	45.53'	N07°16'51"E	45.42'
C16	13°48'13"	189.00'	45.53'	N06°31'23"W	45.42'
C17	117°33'44"	88.00'	180.56'	N45°21'23"E	150.51'
C18	13°48'13"	189.00'	45.53'	S82°45'51"E	45.42'
C19	89°57'18"	15.00'	23.55'	N45°21'23"E	21.20'
C20	90°02'16"	15.03'	23.62'	N44°45'59"W	21.27'
C21	90°00'00"	15.00'	23.56'	S74°47'53"W	21.21'
C22	90°00'00"	15.00'	23.56'	N15°12'07"W	21.21'
C23	29°25'09"	200.00'	102.69'	N15°05'18"E	101.57'
C24	89°57'18"	15.00'	23.55'	N45°21'23"E	21.20'
C25	90°02'42"	15.00'	23.57'	S44°38'37"E	21.22'
C26	29°25'09"	150.00'	77.02'	S15°05'18"W	76.18'
C27	90°00'00"	15.00'	23.56'	N74°47'53"E	21.21'
C28	60°34'51"	210.00'	222.04'	S29°54'42"E	211.84'
C29	89°57'18"	15.00'	23.55'	S45°21'23"W	21.20'
C30	90°02'42"	15.00'	23.57'	N44°38'37"W	21.22'
C31	29°25'09"	140.00'	71.88'	N15°05'18"E	71.10'
C32	89°57'18"	15.00'	23.55'	S45°21'23"W	21.20'
C33	90°02'42"	20.00'	31.43'	N44°38'37"W	28.30'
C34	89°57'18"	20.00'	31.40'	N45°21'23"E	28.27'
C35	90°02'42"	15.00'	23.57'	S44°38'37"E	21.22'
C36	1°25'11"	100.00'	2.48'	S00°19'52"E	2.48'
C37	8°56'16"	270.00'	42.12'	S04°05'24"E	42.08'
C38	10°52'20"	270.00'	51.23'	S13°59'42"E	51.16'
C39	10°43'49"	270.00'	50.57'	S24°47'47"E	50.49'
C40	3°09'33"	270.00'	14.89'	S31°44'28"E	14.88'
C41	9°17'57"	270.00'	43.82'	S37°58'13"E	43.77'
C42	2°04'36"	210.00'	7.61'	S28°45'34"W	7.61'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C43	13°47'03"	210.00'	50.52'	S20°49'44"W	50.40'
C44	13°33'29"	210.00'	49.69'	S07°09'28"W	49.58'
C45	2°37'11"	88.00'	4.02'	S12°52'22"W	4.02'
C46	39°11'50"	88.00'	60.20'	S08°02'09"E	59.04'
C47	19°55'56"	88.00'	30.61'	S37°38'02"E	30.46'
C48	33°00'33"	88.00'	50.70'	S64°04'16"E	50.00'
C49	22°53'39"	88.00'	35.16'	N87°58'38"E	34.93'
C50	6°34'08"	200.00'	22.93'	S26°30'49"W	22.92'
C51	15°43'55"	200.00'	54.91'	S15°21'47"W	54.74'
C52	7°07'06"	200.00'	24.85'	S03°56'17"W	24.83'
C53	17°48'12"	150.00'	46.61'	N09°16'50"E	46.42'
C54	11°38'57"	150.00'	30.41'	N23°59'24"E	30.36'
C55	40°12'35"	210.00'	147.38'	S40°05'50"E	144.37'
C56	15°08'59"	210.00'	55.53'	S12°25'03"E	55.37'
C57	5°13'17"	210.00'	19.14'	S02°13'55"E	19.13'
C58	60°34'51"	100.00'	105.73'	S29°54'42"E	100.88'
C59	3°13'45"	88.00'	4.96'	S77°28'37"E	4.96'
C60	34°58'40"	88.00'	53.72'	N83°25'10"E	52.89'
C61	18°39'09"	88.00'	28.65'	N56°36'15"E	28.52'
C62	33°03'52"	88.00'	50.78'	N30°44'45"E	50.08'
C63	27°38'18"	88.00'	42.45'	N00°23'40"E	42.04'
C64	3°06'13"	189.00'	10.24'	N11°52'23"W	10.24'
C65	10°42'00"	189.00'	35.30'	N04°58'16"W	35.24'
C66	1°10'46"	88.00'	1.81'	N13°35'34"E	1.81'
C67	33°07'23"	88.00'	50.87'	N03°33'00"W	50.17'
C68	30°23'37"	88.00'	46.68'	N35°19'01"W	46.14'
C69	30°23'37"	88.00'	46.68'	N65°42'38"W	46.14'
C70	22°33'45"	88.00'	34.65'	S87°48'41"W	34.43'
C71	5°21'11"	189.00'	17.66'	S79°12'24"W	17.65'
C72	8°27'02"	189.00'	27.88'	S86°06'31"W	27.85'
C73	17°25'04"	271.00'	82.38'	N19°30'44"W	82.07'
C74	11°06'53"	271.00'	52.57'	N33°46'42"W	52.49'
C75	10°50'13"	271.00'	51.26'	N44°45'15"W	51.18'
C76	7°27'16"	271.00'	35.26'	N53°54'00"W	35.23'
C77	29°46'42"	100.00'	51.97'	S15°55'48"E	51.39'
C78	29°22'59"	210.00'	107.69'	N45°30'38"W	106.52'
C79	30°31'19"	210.00'	111.87'	N15°33'29"W	110.55'
C80	0°40'34"	210.00'	2.48'	N00°02'27"E	2.48'
C81	29°22'59"	100.00'	51.28'	S45°30'38"E	50.72'

LAND USE TABLE					
PARCEL	AREA	PERCENT	USE	OWNED & MAINTAINED BY	
TRACT A	376,398 S.F.	8.84 AC.	15.23%	Open Space - Drainage, Utility & Access Easement	Homeowners Association
TRACT B	696,447 S.F.	16.03 AC.	28.26%	Open Space - Drainage, Utility & Access Easement	Homeowners Association
TRACT C	21,286 S.F.	0.49 AC.	0.86%	Open Space - Drainage, Utility & Access Easement	Homeowners Association
LOTS (211)	1,375,067 S.F.	31.57 AC.	55.65%	Single-Family Residential	Property Owner
TOTAL	2,471,198 S.F.	56.73 AC.	100.00%		

DRAFT
5-1-23
PRELIMINARY - NOT FOR CONSTRUCTION,
RECORDING PURPOSES OR IMPLEMENTATION

PRELIMINARY
For and on behalf of Northern Engineering Services, Inc.
Robert C. Tesseley
Colorado Registered Professional Land Surveyor No. 38470

SADDLEBACK SUBDIVISION FIRST REPLAT
TOWN OF WELLINGTON
LARIMER COUNTY, COLORADO

Sheet
2
Of 5 Sheets

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E
NORTHERN
ENGINEERING
SURVEY | MUNICIPAL | LAND DEVELOPMENT
FORT COLLINS | GREELEY 970.221.4188 NORTHERNENGINEERING.COM

PROJECT: 992-003
DATE: 5/1/23
CLIENT: SH of Colorado
SCALE: 1"=150'
DRAWN BY: L. Smith
REVIEWED BY: R. Tesseley

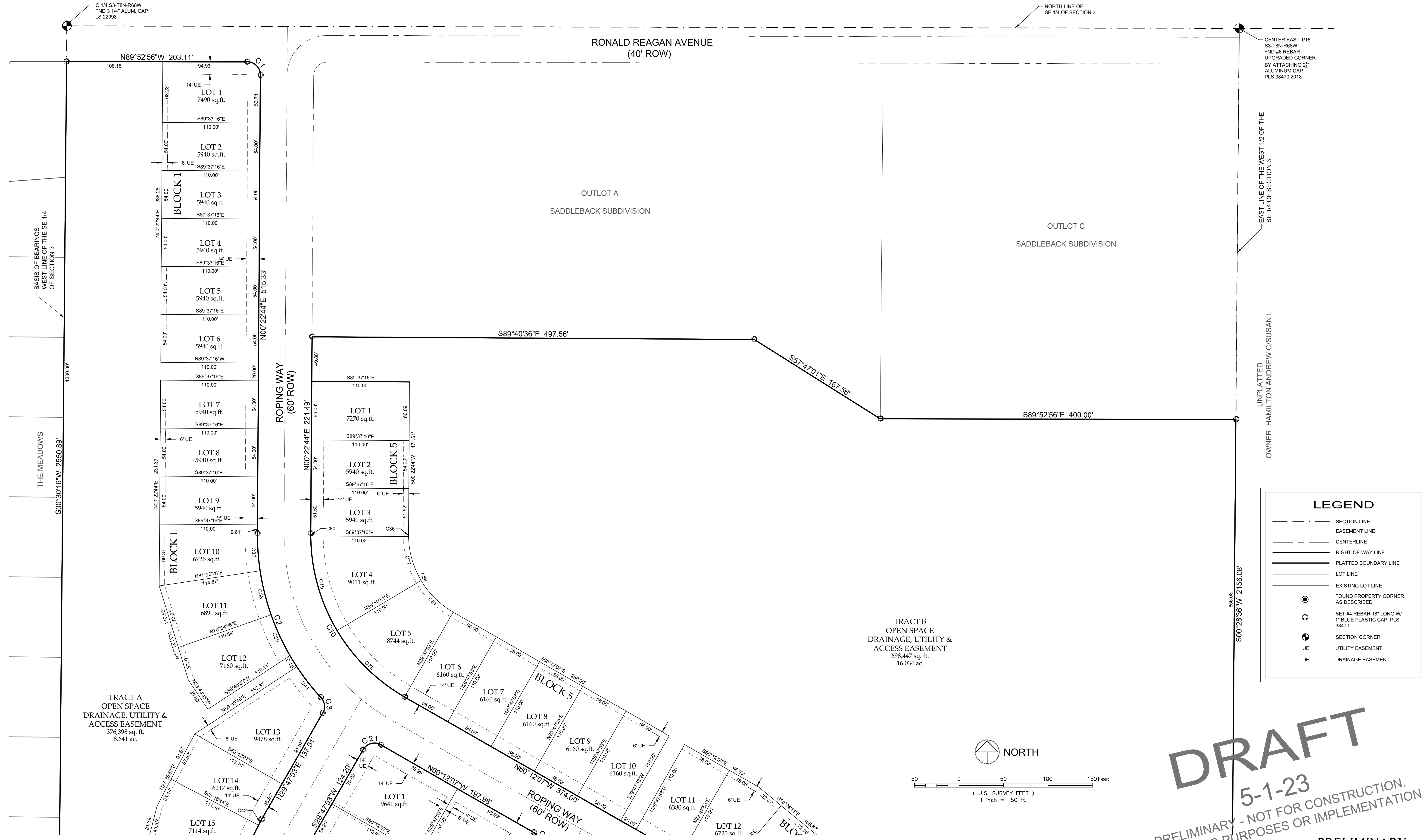
SECTION:
3
TOWNSHIP:
8N
RANGE:
68 W of the 6th PM

NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown herein.

PRELIMINARY PLAT OF
SADDLEBACK SUBDIVISION FIRST REPLAT

BEING A REPLAT OF LOTS 1-31, BLOCK 1; LOTS 1-35, BLOCK 2; LOTS 1-31, BLOCK 3; LOTS 1-26, BLOCK 4; LOTS 1-30, BLOCK 5; AND TRACTS A AND B, SADDLEBACK SUBDIVISION, LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO

UNPLATTED
OWNER: JOHNSON ROBERT H



LEGEND

- SECTION LINE
- EASEMENT LINE
- CENTERLINE
- RIGHT-OF-WAY LINE
- PLATTED BOUNDARY LINE
- LOT LINE
- EXISTING LOT LINE
- FOUND PROPERTY CORNER AS DESCRIBED
- SET #4 REBAR 18" LONG W/ 1" BLUE PLASTIC CAP, PLS 38470
- SECTION CORNER
- UTILITY EASEMENT
- DRAINAGE EASEMENT

DRAFT
5-1-23
PRELIMINARY - NOT FOR CONSTRUCTION,
RECORDING PURPOSES OR IMPLEMENTATION

PRELIMINARY
For and on behalf of Northern Engineering Services, Inc.
Robert C. Tesseley
Colorado Registered Professional Land Surveyor No. 38470

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SECTION: 3
TOWNSHIP: 8N
RANGE: 68 W of the 6th PM

NORTHERN ENGINEERING
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FORT COLLINS | GREELEY 970.221.4188 NORTHERNENGINEERING.COM

DATE: 5/1/23
PROJECT: 992-003
CLIENT: SH of Colorado
DRAWN BY: L. Smith
REVIEWED BY: R. Tesseley

SADDLEBACK SUBDIVISION FIRST REPLAT
TOWN OF WELLINGTON
LARIMER COUNTY, COLORADO

Sheet
3
Of 5 Sheets

PRELIMINARY PLAT OF
SADDLEBACK SUBDIVISION FIRST REPLAT

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SEE SHEET 3



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SECTION:
3
TOWNSHIP:
8N
RANGE:
68 W of the 6th PM

NORTHERN ENGINEERING
SURVEY | MUNICIPAL | LAND DEVELOPMENT
FORT COLLINS | GREELEY 970.221.4188 NORTHERNENGINEERING.COM

DATE:
5/1/23
SCALE:
1"=50'
REVIEWED BY:
R. Tesseley

SADDLEBACK SUBDIVISION FIRST REPLAT
TOWN OF WELLINGTON
LARIMER COUNTY, COLORADO

Sheet
4
Of 5 Sheets

PRELIMINARY

For and on behalf of Northern Engineering Services, Inc.
Robert C. Tesseley
Colorado Registered Professional Land Surveyor No. 38470

PRELIMINARY PLAT OF
SADDLEBACK SUBDIVISION FIRST REPLAT

BEING A REPLAT OF LOTS 1-31, BLOCK 1; LOTS 1-35, BLOCK 2; LOTS 1-31, BLOCK 3; LOTS 1-26, BLOCK 4; LOTS 1-30, BLOCK 5; AND TRACTS A AND B, SADDLEBACK SUBDIVISION, LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO

SEE SHEET 4



LEGEND

- SECTION LINE
- EASEMENT LINE
- CENTERLINE
- RIGHT-OF-WAY LINE
- PLATTED BOUNDARY LINE
- LOT LINE
- EXISTING LOT LINE
- FOUND PROPERTY CORNER AS DESCRIBED
- SET #4 REBAR 18" LONG W/ 1" BLUE PLASTIC CAP, PLS 38470
- SECTION CORNER
- UTILITY EASEMENT
- DRAINAGE EASEMENT

DRAFT
5-1-23
PRELIMINARY - NOT FOR CONSTRUCTION,
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SURVEY | MUNICIPAL | LAND DEVELOPMENT
FORT COLLINS | GREELEY 970.221.4188 NORTHERNENGINEERING.COM

PROJECT: 992-003
DATE: 5/1/23
CLIENT: SH of Colorado
SCALE: 1"=50'
REVIEWED BY: R. Tesseley
DRAWN BY: L. Smith

SADDLEBACK SUBDIVISION FIRST REPLAT
TOWN OF WELLINGTON
LARIMER COUNTY, COLORADO

Sheet
5
Of 5 Sheets

PRELIMINARY
For and on behalf of Northern Engineering Services, Inc.
Robert C. Tesseley
Colorado Registered Professional Land Surveyor No. 38470

BATH MINOR LAND DIVISION NO. 07-52690

Board of Trustees Meeting

Date: July 11, 2023

Subject: Ordinance No. 07-2023: An Ordinance Rezoning a Portion of Saddleback Subdivision from R-2 - Residential Low Density to R-3 Residential Medium Density

- **Presentation: Cody Bird, Planning Director**

BACKGROUND / DISCUSSION

- This agenda item is for the official action of the Board of Trustees on a rezone request for a portion of Saddleback Subdivision from the existing R-2 – Residential Low Density to R-3 – Residential Medium Density. Please refer to background materials, attachments and staff report included with the public hearing agenda item.
- When considering a rezone request, the Board of Trustees should make specific and substantiated findings to support its decision to either approve or disapprove the rezone request. Findings are factors or matters that are considered by the Board in evaluating the rezone request, and findings determined by the Board to be important will be the basis for the Board’s approval or disapproval.
- The following are rezoning findings for approval evaluated by Town staff and the Planning Commission:
 - A. **The rezone is consistent with the Comprehensive Plan and the intent stated in the Land Use Code.**
 - B. **The rezone is consistent with the stated intent of the proposed zoning district.**
 - C. **The rezone will not result in adverse impacts to the natural environment (including air, water, noise, stormwater management, wildlife, and vegetation) or such impacts will be mitigated.**
 - D. **The rezone of the subject property will not result in material adverse impacts to the surrounding properties.**
 - E. **Facilities and services (roads, transportation, water, gas, electricity, police, fire protection, and sewage and waste disposal) are available to serve the subject property while maintaining adequate levels of service to existing development.**
 - F. **The rezone is consistent with any other prior approvals and official plans and policies created under the guidance of that plan for those areas (e.g., the Comprehensive Plan, specific area plans like a Downtown Corridor Study, etc.).**
- The Planning Commission conducted a public hearing on the requested rezone on June 12, 2023. Following the public hearing, the Planning Commission voted 4-2 to forward a recommendation to the Board of Trustees to approve the R-3 – Residential Medium Density District zoning and the Preliminary Plat for Saddleback Subdivision, First Replat.
- The Board of Trustees may choose to adopt the Planning Commission’s findings, may modify the Planning Commission’s findings, or may adopt its own findings.

- Approval of a rezone requires adoption of an ordinance. The Board of Trustees may choose to adopt an ordinance granting the requested R-3 – Residential Medium Density District zoning. An ordinance approving the requested R-3 – Residential Medium Density District zoning is included with this report.

STAFF RECOMMENDATION

- Staff has identified the following motion options for Trustee consideration:
 1. Move to adopt Ordinance No. 07-2023 approving R-3 – Residential Medium Density District zoning for Saddleback Subdivision based upon the Board’s findings for approval and updating the Official Zoning Map of the Town.
 2. Move to remand the rezone case to the Planning Commission for further consideration of ____ (insert specific topics for the Planning Commission to consider and provide a recommendation) ____.
 3. Move to continue consideration of Ordinance No. 07-2023 to a regular/special meeting of the Board of Trustees to be held _____ (month) ____ (day), 2023 at _____ (time) at the Wilson Leeper Center, 3800 Wilson Ave., Wellington, Colorado.
 4. Move to deny Ordinance No. 07-2023 approving R-3 – Residential Medium Density District zoning for Saddleback Subdivision based upon the Board’s findings.

ATTACHMENTS

1. Ordinance No. 07-2023

TOWN OF WELLINGTON

ORDINANCE NO. 07-2023

AN ORDINANCE REZONING REAL PROPERTY LOCATED WITHIN THE TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO FROM R2 – RESIDENTIAL LOW DENSITY DISTRICT TO R-3 RESIDENTIAL MEDIUM DENSITY DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OR MAPS OF THE TOWN TO REFLECT SUCH AMENDMENT.

WHEREAS, Owner, SH Holding of Colorado, LLC, 395 Delozier Drive, Suite 110, Fort Collins, CO 80524, has requested to rezone all of Saddleback Subdivision, excluding Outlot A, Outlot B and Outlot C, Town of Wellington, County of Larimer, State of Colorado from R-2 Residential Low Density District to R-3 Residential Medium Density District; and

WHEREAS, the notices have been given and the public hearings required by the Wellington Municipal Code have been held; and

WHEREAS, the Planning Commission by motion and vote on June 12, 2023 recommended approval of the rezone to R-3 Residential Medium Density District based on specific findings of fact; and

WHEREAS, the Board of Trustees of the Town of Wellington has found the application to be in substantial compliance with the requirements of the Wellington Municipal Code; and

WHEREAS, it has been determined by the Board of Trustees of the Town of Wellington, following a public hearing on the matter, that the request to rezone the described property to R-3 – Residential Medium Density District should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO, AS FOLLOWS:

1. Having received the recommendation of the Town Planning Commission and the Town Board of Trustees having acted, following notice and hearing thereon as provided by law and pursuant to the Municipal Code of the Town of Wellington, Colorado, the zoning of the following described real property is hereby amended from R-2 – Residential Low Density District to R-3 – Residential Medium Density District:

All of Saddleback Subdivision, recorded at Reception No. 20180034683, excluding Outlot A, Outlot B, and Outlot C of said subdivision, Town of Wellington, County of Larimer, State of Colorado.

2. The official zoning map of the Town of Wellington, Colorado is hereby amended in accordance with Section 1 of this Ordinance.

3. Validity. The Board of Trustees hereby declares that should any section, paragraph, sentence, word or other portion of this ordinance or the rules and regulations adopted herein be declared invalid for any reason, such invalidity shall not affect any other portion of this ordinance or said rules and regulations, and the Board of Trustees hereby declares that it would have passed all other portions of this ordinance and adopted all other portions of said rules and regulations, independent of the elimination here from of any such portion which may be declared invalid.
4. Necessity. In the opinion of the Board of Trustees of the Town of Wellington, this ordinance is necessary for the preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Wellington.
5. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than three (3) copies of the adopted ordinance available for inspection by the public during regular business hours and shall record at least one certified copy of the ordinance with the Clerk and Recorder of Larimer County.

PASSED AND ADOPTED by the Board of Trustees of the Town of Wellington, Colorado and ordered published this 11th day of July, 2023 and ordered to become effective 30 days from the date of publication.

TOWN OF WELLINGTON, COLORADO

By: _____
Calar Chaussee, Mayor

ATTEST:

Ethan Muhs, Town Clerk

Board of Trustees Meeting

Date: July 11, 2023
Subject: Ordinance No. 08-2023: An Ordinance adopting by reference the National Electrical Code, 2020 Edition or the succeeding edition currently adopted by the Colorado State Electrical Board, Division of Professions and Occupations, Department of Regulatory Agencies as updated from time to time.

- **Presentation:** Cody Bird, Planning Director, and Ethan Muhs, Town Clerk

BACKGROUND / DISCUSSION

The Town of Wellington has adopted the National Electrical Code as the Town's rules and regulations governing electrical installation and maintenance. The Town is required to adopt the most current edition of the National Electrical Code adopted by the State Electrical Board. The Town's current Municipal Code includes language that the electrical code shall be in the form adopted by the State of Colorado, in the form and as the code may be amended from time to time by the State, including the State acting through the State Electrical Board.

The current edition of the National Electrical Code adopted by the State Electrical Board is the 2020 edition. The Town is currently enforcing the National Electrical Code 2020 edition as required by the State. However, in review of the Town's Municipal Code regarding adoption of the National Electric Code, several technical corrections were identified, as follows:

- The language in the current Municipal Code includes adoption of the current edition of the National Electrical Code adopted by the State Electrical Board, however other language in the current Municipal Code does not include all of the most accurate publication information and where copies are available for review.
- The current Municipal Code references a past agreement for building plan review and inspection services that is no longer relevant (references Colorado Inspection Agency, however SAFEbuilt is the Town's current contractor for building plan review and inspection services). The reference is not necessary in the ordinance.
- Amendments are proposed to correctly reference that the Board of Trustees establishes electrical permit fees by resolution and fees are included on the Town's fee schedule.
- The current Municipal Code has an inaccurate reference to National Electrical Code - 2005 (title). The inaccuracy is proposed to be removed and corrected by updating the title and reflecting the current edition of the National Electrical Code in the text instead of in the title.

The attached draft ordinance provides the above technical clean-ups and provides current references. More precise language is also included to reference that the effective edition of the National Electrical Code adopted by the Town will reflect the succeeding edition currently adopted by the State Electrical Board as required.

Adoption of the ordinance does not change the rules, procedures or enforcement of electrical codes currently in force and effect for the Town. There are no cost or fee implications to adopting the proposed ordinance.

STAFF RECOMMENDATION

Below are possible motion options for the Board of Trustees to consider:

1. Move to approve Ordinance No. 08-2023.
2. Move to approve Ordinance No. 08-2023 with amendments as the Board of Trustees deems appropriate.
3. Move to postpone consideration of Ordinance No. 08-2023 to a specified date and time and provide staff direction regarding additional information the Trustees would like to request for consideration.
4. Move to deny Ordinance No. 08-2023.

ATTACHMENTS

1. Ordinance No. 08-2023

TOWN OF WELLINGTON

ORDINANCE NO. 08-2023

AN ORDINANCE ADOPTING BY REFERENCE THE NATIONAL ELECTRICAL CODE, 2020 EDITION OR THE SUCCEEDING EDITION CURRENTLY ADOPTED BY THE COLORADO STATE ELECTRICAL BOARD, DIVISION OF PROFESSIONS AND OCCUPATIONS, DEPARTMENT OF REGULATORY AGENCIES AS UPDATED FROM TIME TO TIME.

WHEREAS, the National Electrical Code is prepared and published by The National Fire Protection Association standard number 70, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02169-7471; and

WHEREAS, the National Electrical Code is periodically reviewed and republished as new editions of the National Electrical Code; and

WHEREAS, the Colorado legislature, by C.R.S. 12-115-107(2)(a) provided the State Electrical Board the power to adopt, and from time to time revise rules necessary to administer the provisions of Title 12 C.R.S. and further provides that in adopting such rules, the Board shall be governed when appropriate by the standards in the most current edition of the National Electrical Code or by modification to the standards made by the board; and

WHEREAS, Colorado Statutory Towns are required to adopt the current edition of the National Electrical Code adopted by the Colorado State Electrical Board, Division of Professions and Occupations, Department of Regulatory Agencies; and

WHEREAS, Code of Colorado Regulations rulemaking 3 CCR 710-1 adopted standards at Section 1.2 including adoption of the National Electrical Code, 2020 Edition; and

WHEREAS, the Town of Wellington has previously adopted by reference previous editions of the National Electrical Code adopted by the State Electrical Board; and

WHEREAS, C.R.S. 31-16 Part 2 provides for adoption of codes by reference; and

WHEREAS, C.R.S. 31-16-202 provides that “Notwithstanding the procedures and requirements of this Part 2, a municipality may enact any ordinance which adopts by reference any statute, rule, regulation, or standard adopted by the federal government or the state of Colorado, or by any agency of either of them, solely by referring to such statute, rule, regulation, or standard in the text of such ordinance”; and

WHEREAS, the Town desires to update the Town Municipal Code to more accurately reflect adoption of the National Electric Code currently adopted by the State Electrical Board, and to further ensure that the Town Municipal Code accurately adopts new editions of the National Electrical Code when new editions are adopted by the State Electrical Board.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO, AS FOLLOWS:

Section 1. National Electrical Code. The Board of Trustees of the Town of Wellington hereby repeals Article 6, Chapter 18 of the Wellington Municipal Code and reenacts the same Article to read as follows:

Sec. 18-6-10. – Adoption.

The National Fire Protection Association standard number 70, hereafter known as the National Electrical Code, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, 02169-7471, is hereby adopted by reference as the Town Wellington Electrical Code as if fully set out in the ordinance codified herein with the additions, deletions, insertions and changes as follows, and such adoption is to have the same force and effect as if set forth herein in every particular. The effective edition of such National Electrical Code shall be the 2020 Edition or the succeeding edition currently adopted by the State Electrical Board, Division of Professions and Occupations, Department of Regulatory Agencies as updated from time to time. The purpose and subject matter of the National Electrical Code includes minimum regulations for the practical safeguarding of persons and property from the hazards arising from the use of electricity and minimum standards relating to the installation of electrical conductors and equipment within or on public and private buildings and other structures, including mobile homes, recreational vehicles and floating dwelling units, and other premises such as yards, carnivals, parking and other lots, and industrial substations. The National Electrical Code provides for the issuance of permits, inspections and the collection of fees therefor. Except as otherwise provided herein, the National Electrical Code is adopted in full, including the outline of contents, index and all appendices thereto.

Sec. 18-6-20. – Copy on File.

A copy of the provisions of the National Electrical Code, currently adopted by the State Electrical Board, is available for public inspection during regular business hours at the State Electrical Board office at the Division of Professions and Occupations, Department of Regulatory Agencies, 1560 Broadway, Suite 1350, Denver, Colorado, 80202. In addition, at least one copy of the edition of the National Electrical Code, currently adopted by the State Electrical Board, has been and is now on file in the Town building department and may be inspected during regular business hours.

Sec. 18-6-30. – Amendments.

The National Electrical Code as adopted by the Town is hereby amended as follows: The electrical permit fees for each permit shall be as established from time to time by resolution of the Town Board of Trustees and set forth in the town fee schedule maintained by the Town Clerk for such purposes.

Sec. 18-6-40. – Violations.

It is unlawful and constitutes a public nuisance for any person to maintain any property, building or any other structure in the Town in a condition which is in violation of the Building Code or this Chapter.

Sec. 18-6-50. – Penalties.

Any person who violates a provision of this Code or this Chapter or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of the Code or Chapter, shall be subject to penalties as prescribed by law.

Section 2. Validity. The Board of Trustees hereby declares that should any section, paragraph, sentence, word or other portion of this ordinance or the rules and regulations adopted herein be declared invalid for any reason, such invalidity shall not affect any other portion of this ordinance or said rules and regulations, and the Board of Trustees hereby declares that it would have passed all other portions of this ordinance and adopted all other portions of said rules and regulations, independent of the elimination here from of any such portion which may be declared invalid.

Section 3. Necessity. In the opinion of the Board of Trustees of the Town of Wellington, this ordinance is necessary for the preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Wellington.

Section 4. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted ordinance available for inspection by the public during regular business hours and shall record at least one certified copy of the ordinance with the Clerk and Recorder of Larimer County.

PASSED AND ADOPTED by the Board of Trustees of the Town of Wellington, Colorado and ordered published this 11th day of July, 2023 and ordered to become effective 30 days from the date of publication.

TOWN OF WELLINGTON, COLORADO

By: _____
Calar Chaussee, Mayor

ATTEST:

Ethan Muhs, Town Clerk

Board of Trustees Meeting

Date: July 11, 2023
Subject: Resolution No. 20-2023, and Resolution No. 21-2023: Resolutions Finding Substantial Compliance of Petitions for Annexation for the Sage Farms Annexation and the Village at Sage Farms Annexation and Establishing a Date, Time and Place for a Public Hearing.

- **Presentation: Cody Bird, Planning Director, and Ethan Muhs, Town Clerk**

BACKGROUND / DISCUSSION

The owner of property located between Highway 1 and BNSF Railroad, and south of G.W. Bush Ave. to County Road 58, (location map attached) has petitioned for annexation of the property into the Town of Wellington. The Town of Wellington received two annexation petitions on June 26, 2023. Both annexations are proposed to be annexed at the same time and may be considered concurrently for review purposes. The property is proposed as two annexations in series as follows:

- Sage Farms Annexation
- Village at Sage Farms Annexation

Annexation of property into the municipal Town limits requires the Town to follow a process outlined in State statutes. In accordance with C.R.S. 31-12-101 *et seq.*, the Municipal Annexations Act of 1965, and the Town of Wellington's Municipal Code, the governing body, without undue delay, shall take appropriate steps to determine if the petition is in substantial compliance with applicable sections of State Statutes. Applicable statutes for the purpose of annexation petitions and resolutions are attached for reference.

Town staff has reviewed the annexation petitions and supporting materials provided and found them to be in substantial compliance with the applicable State and Town requirements.

If the Board finds that the petitions are in substantial compliance, the Board will adopt resolutions (draft resolutions for each petition are attached) and set the date for a public hearing to formally consider the petitions.

- Town staff and the applicant will provide the required notices, including advertising the public hearing required for formal consideration of an annexation.
- The Planning Commission will be notified of the annexation petitions to consider the proposed annexation and make a recommendation to the Board of Trustees.
- The Board will then hold the public hearing at the established date and time and hear any public testimony presented.
- Following the public hearing, the Board may choose to adopt an ordinance annexing the property into the Town of Wellington and enter into an annexation agreement with the property owner.

Resolutions 20-2023 and 21-2023 finding substantial compliance and setting the date for a public hearing are attached for the Board of Trustee's consideration.

STAFF RECOMMENDATION

There are two annexation petitions for consideration and may be considered concurrently for review purposes. Separate resolutions are presented for the separate petitions and should be adopted as separate motions.

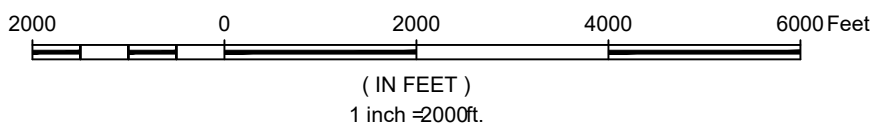
- Move to adopt Resolution No. 20-2023 finding substantial compliance of an annexation petition to annex the Sage Farms Annexation into the Town of Wellington and establish the required public hearing for August 22, 2023.
- Move to adopt Resolution No. 21-2023 finding substantial compliance of an annexation petition to annex the Village at Sage Farms Annexation into the Town of Wellington and establish the required public hearing for August 22, 2023.

ATTACHMENTS

1. Location Map
2. Resolution 20-2023 Sage Farms Annexation Substantial Compliance
3. Reso 20-2023 Exhibit A
4. Reso 20-2023 Exhibit B
5. Annexation Map - Sage Farms Annexation
6. Resolution 21-2023 Village at Sage Farms Substantial Compliance
7. Reso 21-2023 Exhibit A
8. Reso 21-2023 Exhibit B
9. Annexation Map - Village At Sage Farms Annexation
10. CRS Title 31 Excerpt

**SAGE FARMS
ANNEXATION
247.56 AC.**

**VILLAGE AT
SAGE FARMS
ANNEXATION
52.97 AC.**



SAGE FARMS ANNEXATION
WELLINGTON, CO

VICINITY MAP

06.22.23



**NORTHERN
ENGINEERING**

D:\PROJECTS\992-008\DWG\EXHIBITS\992-008 VICINITY MAP.DWG

TOWN OF WELLINGTON

RESOLUTION NO. 20-2023

A RESOLUTION BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO FINDING SUBSTANTIAL COMPLIANCE OF AN ANNEXATION PETITION TO ANNEX A PORTION OF SECTION NINE (9), TOWNSHIP EIGHT NORTH (T.8N.), RANGE SIXTY-EIGHT WEST (R.68W.), SIXTH PRINCIPAL MERIDIAN (6TH P.M.), CURRENTLY WITHIN THE UNINCORPORATED PARTS OF LARIMER COUNTY, AND ESTABLISHING THE DATE, TIME AND PLACE FOR PUBLIC HEARING.

WHEREAS, a petition for annexation of a certain property described as a portion of Section Nine (9), Township Eight North (T.8N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and proposed to be known as the Sage Farms Annexation, has been filed with the Town Clerk of the Town of Wellington, Colorado; and

WHEREAS, the Clerk has referred this petition to the Wellington Board of Trustees on this date as a communication; and

WHEREAS, the Board of Trustees has reviewed the petition and desires to adopt by resolution its findings regarding the petition and other annexation requirements.

NOW, THEREFORE, be it resolved by the Board of Trustees of the Town of Wellington, Colorado, as follows:

Section 1. The Board of Trustees hereby finds that the area proposed for annexation, which is described as a portion of Section Nine (9), Township Eight North (T.8N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and more particularly described in Exhibit A, incorporated herein by reference, is in substantial compliance with eligibility requirements for annexation under Colorado Revised Statutes ("C.R.S.") §31-12-104 and 31-12-105, as evidenced by the following allegations:

- a) Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality;
- b) A community of interest exists between the area to be annexed and the annexing municipality, as evidenced by its contiguity and its existence within the Wellington Growth Management Area, as defined by the Town's Comprehensive Plan;
- c) The area proposed to be annexed will be urbanized in the near future;
- d) The area is capable of being integrated with the annexing municipality.

Section 2. The Board of Trustees hereby finds the petition, which is attached hereto as Exhibit B and incorporated herein by reference, is in substantial compliance with C.R.S. §31-12-107(1), specifically:

- a) The petitioners allege that it is desirable and necessary that such area be annexed to the municipality;
- b) The petitioners allege that the area does not violate the limitations set forth in C.R.S. §31-12-104 and 31-12-105 and the petition meets the requirements therein;
- c) The petitioners allege that the signatures of the petition on the petition comprise the landowners of more than 50 percent (50%) of the territory included in the area proposed to be annexed, exclusive of streets and alleys;
- d) The petitioners request that the annexing municipality (the Town of Wellington) approve the annexation of the area proposed to be annexed.

Section 3. No election is required under C.R.S. §31-12-107(2).

Section 4. The Clerk is directed to immediately refer this petition to the Town Planning Commission.

Section 5. A hearing date for this annexation before the Board of Trustees has been set as follows:

August 22, 2023
6:30 p.m.
Wilson Leeper Center
3800 Wilson Avenue
Wellington, CO 80549

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 11th day of July, 2023.

TOWN OF WELLINGTON, COLORADO

By: _____
Calar Chaussee, Mayor

ATTEST:

Ethan Muhs, Town Clerk

SAGE FARMS ANNEXATION PARCEL

A parcel of land being a portion of Section Nine (9), Township Eight North (T.8N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado:

COMMENCING at the West Quarter Corner of said Section 9 and assuming the West line of the Northwest Quarter of Section 9 as bearing North 00° 46' 45" East a distance of 2623.43 feet with all other bearings contained herein relative thereto:

THENCE South 89° 22' 24" East along the Southerly line of the Northwest Quarter of said Section 9 a distance of 30.00 feet to the Easterly Right of Way line of Colorado State Highway 1 and to the **POINT OF BEGINNING**.

THENCE North 00° 46' 45" East along said Easterly Right of Way line of Colorado State Highway 1 a distance of 1067.20 feet to the Southerly line of that parcel of land described in Warranty Deed recorded June 5, 1979 in Book 1958, Page 277 of the Records of Larimer County;

THENCE South 89° 31' 04" East a distance of 280.00 feet to the Southeast Corner of that parcel of land described in said Warranty Deed recorded in Book 1958, Page 277;

THENCE North 00° 46' 45" East along the Easterly line and Northerly prolongation of said Warranty Deed parcel recorded in Book 1958, Page 277 a distance of 400.57 feet to the Northeast Corner of that parcel of land described in Special Warranty Deed recorded August 2, 1990 as Reception No. 19900033927 of the Records of Larimer County;

THENCE North 89° 31' 04" West along the Northerly line of that parcel of land described in said Special Warranty Deed recorded as Reception No. 19900033927 a distance of 280.00 feet to the Easterly Right of Way line of said Colorado State Highway 1;

THENCE North 00° 46' 45" East along said Easterly Right of Way line a distance of 794.32 feet to an angle point;

THENCE North 01° 46' 38" East continuing along said Easterly Right of Way line of Colorado State Highway 1 a distance of 331.59 feet to the Southerly line of the Prouty Annexation Map recorded October 14, 2005 as Reception No. 20050088016 of the Records of Larimer County said line being coincidental with the Southerly Right of Way line of G.W. Bush Avenue;

THENCE South 89° 40' 50" East along said Southerly line a distance of 2596.36 feet to the Northerly prolongation of the Westerly line of the Winick Annexation recorded August 8, 2002 as Reception No. 2002084459 of the Records of Larimer County;

THENCE South 00° 41' 49" West along said Westerly line of the Winick Annexation and along the Westerly line of Lot 2, Owl Canyon MRD No.2-93 EX0290 recorded November 18, 1993 as Reception No. 19930086844 of the Records of Larimer County a distance of 2607.63 feet to the Northwest Corner of Lot 1, Owl Canyon MRD No.1-No.93-EX0289 recorded October 27, 1993 as Reception No. 19930079994 of the Records of Larimer County;

THENCE South 00° 42' 10" West along the Westerly line of said Lot 1, Owl Canyon MRD No.1-No.93-EX0289 a distance of 2016.08 feet to a line parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of said Section 9 and the Easterly prolongation thereof;

THENCE North 89° 18' 35" West along said line being parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of Section 9 and the Easterly prolongation thereof a distance of 909.80 feet;

THENCE North 00° 41' 49" East a distance of 908.66 feet to a point of curvature;

THENCE along the arc of a curve concave to the Southwest a distance of 454.52 feet, said curve has a Radius of 500.00 feet, a Delta of 52° 05' 03" and is subtended by a Chord bearing North 25° 20' 42"

West a distance of 439.03 feet to a point of tangency;

THENCE North 51° 23' 13" West a distance of 271.70 feet;

THENCE South 38° 36' 47" West a distance of 303.93 feet to a point of curvature;
THENCE along the arc of a curve concave to the Southeast a distance of 992.81 feet, said curve has a Radius of 1500.00 feet, a Delta of 37° 55' 22" and is subtended by a Chord bearing South 19° 39' 06" West a distance of 974.79 feet to a Point of Tangency;
THENCE South 00° 41' 25" West a distance of 308.47 feet to a line parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of said Section 9;
THENCE North 89° 18' 35" West along said line being parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of Section 9 a distance of 40.00 feet to the Northeast Corner of Lot 1, Sipes M.L.D. #19-LAND3918 as recorded on November 6, 2019 as Reception No. 20190069527 of the Records of Larimer County;

The following two (2) courses are along the Northerly lines of said Lot 1, Sipes M.L.D. #19-LAND3918;

THENCE North 89° 18' 40" West a distance of 700.76 feet;
THENCE North 49° 35' 39" West a distance of 64.49 feet to the Easterly Right of Way line of Colorado State Highway 1 and to the beginning point of a curve non-tangent to this course;

The following five (5) courses are along the Easterly Right of Way lines and arcs of said Colorado State Highway 1.

THENCE along the arc of curve concave to the Northwest a distance of 288.91 feet, said curve has a Radius of 1186.00 feet, a Delta of 13° 57' 27" and is subtended by a Chord bearing North 12° 17' 52" East a distance of 288.20 feet to end point of said curve;
THENCE North 00° 20' 25" East along a line non-tangent to the aforesaid curve a distance of 305.10 feet;
THENCE North 02° 10' 54" West a distance of 185.49 feet;
THENCE North 02° 11' 06" West a distance of 872.21 feet;
THENCE North 01° 04' 25" East a distance of 328.34 feet to the North line of the Southwest Quarter of said Section 9 and to the **POINT OF BEGINNING.**

TOTAL ANNEXED AREA for the Parcel 1 Annexation is 10,783,366 sq. ft. or 247.55 acres, more or less (±).

**PETITION FOR ANNEXATION OF UNINCORPORATED TERRITORY
IN THE COUNTY OF LARIMER, STATE OF COLORADO
TO THE TOWN OF WELLINGTON, COLORADO**

SAGE FARMS ANNEXATION

To the Mayor and Board of Trustees of the Town of Wellington, Colorado:

The undersigned, in accordance with Title 31, Article 12, Chapter 101 *et seq.*, Colorado Revised Statutes, as amended, hereby petition the Board of Trustees of the Town of Wellington, Colorado, for annexation to the Town of Wellington the unincorporated territory, the legal description of which is attached hereto as **Exhibit "A"** comprising the annexation area and are incorporated herein by reference, located in the County of Larimer and State of Colorado, to be known as the **Sage Farms Annexation**, to the Town of Wellington, Colorado. The Sage Farms Annexation is filed in a series with the **Village at Sage Farms Annexation** which annexations are intended to be completed simultaneously and considered together for the purposes of all public hearings and annexation requirements.

In support of this Petition, the Petitioners allege that:

- 1) It is desirable and necessary that the territory described in **Exhibit "A"** be annexed to the Town of Wellington, Colorado;
- 2) The requirements of Section 31-12-104 and 31-12-105 of the Colorado Revised Statutes, as amended, exist or have been met in that:
 - a) Not less than one-sixth (1/6) of the perimeter of each of the parcel(s) proposed to be annexed are contiguous with the Town of Wellington, Colorado as follows:
 - i) The perimeter of the proposed annexation has a distance of 17,308.94 feet of which 4,449.88 feet are contiguous to the existing Town of Wellington municipal boundary. This contiguity results in a minimum of 25.71% of the perimeter (at least 1/6) of the proposed annexation being contiguous to the Town of Wellington. The proposed annexation contains approximately 247.56 acres;
 - b) A community of interest exists between the territory proposed to be annexed and the Town of Wellington;
 - c) The territory to be annexed is urban or will be urbanized in the near future;
 - d) The territory proposed to be annexed is integrated or is capable of being integrated with the Town of Wellington;
 - e) No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless said tracts or parcels are separated by a dedicated street, road or other public way;
 - f) No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprises twenty (20) acres or more and which, together the buildings and improvements situated thereon has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000) for ad valorem tax purposes for the

- year preceding the annexation, is included within the territory proposed to be annexed without the written consent of the landowner or landowners;
- g) No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place;
 - h) The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the Town of Wellington was held within twelve (12) months preceding the filing of this petition;
 - i) The territory proposed to be annexed does not include any area included in another annexation proceeding involving another municipality other than the Town of Wellington;
 - j) The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district;
 - k) The undersigned anticipates entering into the Sage Farms Annexation Agreement with the Town prior to the effective date of this annexation, the terms and conditions of which agreement shall be additional conditions as effectively as if set forth in full in this Petition.
- 3) The signatures on this petition comprise more than fifty percent (50%) of the landowners of the area and own more than fifty percent (50%) of the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing municipality, and said landowners attesting to the facts and agreeing to the conditions herein contained will negate the necessity of any annexation election. Petitioner FC Farm Holding, LLC is the owner of approximately 152.35 acres, more or less, of the property submitted for annexation which territory is described on Exhibit "B", attached hereto and incorporated herein by reference, which represents approximately sixty two percent (62%) of the area proposed to be annexed. Petitioner Sipes Farm Holding, LLC is the owner of approximately 88.15 acres, more or less, of the property submitted for annexation which territory is described on Exhibit "C", attached hereto and incorporated herein by reference, which represents approximately thirty six percent (36%) of the area proposed to be annexed. The Petitioners signing and submitting this petition comprise approximately ninety eight percent (98%) of the landowners of the property submitted for annexation save and except approximately two percent (2%) of the property which is the public right of way known as East Larimer County Road 58 and the railroad right of way for the Fort Collins Development Railway Company as recorded with the Larimer County Clerk and Recorder on March 24, 1904 at Book 162, Page 144.
- 4) Accompanying this petition are four copies of an annexation map as well as an electronic file that contains the following information:
- a) A written legal description of the boundaries of the area proposed to be annexed, in the form of a title commitment issued within 30 days of the application date;
 - b) A map showing the boundary of the area proposed to be annexed, said map prepared by and containing the seal of an engineer registered in the State of Colorado;
 - c) Within the annexation boundary map, an identification of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat number of plots or of lots and blocks. Also, within the boundary map, identification of any special districts the area proposed to be annexed may be a part of.
 - d) Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Wellington and the contiguous boundary of any other

- municipality abutting the area proposed to be annexed and showing the dimensions of such contiguous boundaries.
- e) A surveyor's certificate prepared by a land surveyor registered in the State of Colorado that attests to the preparation of the map and certifies at least one-sixth (1/6) contiguity to the Town of Wellington.
 - f) Acceptance block describing the acceptance by the Mayor on behalf of the Town of Wellington and providing the effective date and Town Clerk attest signature.
- 5) The zoning classification requested for the area proposed to be annexed is *PUD – Planned Unit Development Overlay District* according to the Zoning Map for Sage Farms P.U.D. submitted for simultaneous consideration and adoption by the Town pursuant to Section 31-15-115 of the Colorado Revised Statutes, as amended, and Section 16-1-50 of the Town of Wellington Municipal Code.
 - 6) The Sage Farms Annexation Agreement shall be executed by the petitioners and the Town of Wellington relating to this annexation and the petitioners, and their successors, heirs and assigns shall be bound by the terms and conditions set forth in the Sage Farms Annexation Agreement. The Sage Farms Annexation Agreement shall include additional conditions as effective as if set forth in this Petition including credits or reductions in fees and costs for the provision of nonpotable water for irrigation and oversizing on-site and off-site public utility services.
 - 7) Unless otherwise agreed upon by Petitioners, their successors and assigns, and the Town of Wellington in the Annexation Agreement, the undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the Town, appear on the annexation map;
 - a) Water rights or cash-in-lieu payments shall be provided pursuant to Town ordinance at time of future plat approvals from time to time, and two nonpotable irrigation water wells within the annexed territory will be restricted to the historical use of each water well for the installation of nonpotable irrigation system within the annexed territory. The owners shall retain all water rights associated with North Poudre Irrigation Company shares;
 - b) The territory to be annexed shall be included in the Municipal Sub-district of the Northern Colorado Water Conservancy District;
 - c) The owners, or the future developer, which is the current contract purchaser of the Property, shall participate in providing drainage plans and improvements and payment of the storm drainage impact fee as may be required by the Town for the area;
 - d) Future development of the property shall be subject to payment of the capital expansion fees pursuant to the Wellington Municipal Code;
 - e) Future provision of electrical services within the annexed territory are subject to a surcharge as provided in the Wellington Municipal Code;
 - f) Any development within annexed territory shall comply with the Town of Wellington Comprehensive Master Plan;
 - g) Farming and agriculture uses legally existing at the time of annexation may continue as a nonconforming use so long as such activities are compatible with the future development of the property. Such farming and agriculture use shall continue to utilize the nonpotable water irrigation wells provided that such use does not conflict with the then current irrigation use within the residential development; and

- h) Upon the annexation ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinance, resolutions, rules and regulations of the Town of Wellington.
- 8) Petitioners reserve the right to withdraw this Annexation Petition for Sage Farms Annexation at any time prior to the effective date of the ordinance annexing the Property.
- 9) This Petition for Annexation may be executed in multiple counterparts, each of which shall constitute an original but all of which, taken together, shall constitute one and the same document.

Therefore, the petitioners, whose signatures are on the subsequent pages, respectfully requests the Board of Trustees of the Town of Wellington, Colorado to annex the territory described and referenced to in **Exhibit A** to the Town of Wellington, Colorado, and adopt the zoning classification of *PUD – Planned Unit Development Overlay District* according to the Zoning Map for Sage Farms P.U.D. submitted for simultaneous consideration and adoption by the Town in accordance with and pursuant to the statutes of the State of Colorado and the Town of Wellington Municipal Code.

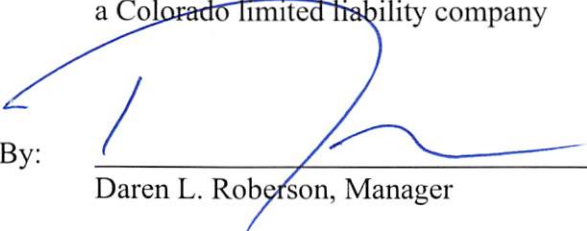
[Signatures on following pages]

EXECUTED this 20th day of June, 2023.

Owner of the Property Described in Exhibit "B"

FC Farm Holding, LLC,
a Colorado limited liability company

By:


Daren L. Roberson, Manager

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this 20th day of June, 2023, by Daren L. Roberson, as Manager of FC Farm Holding, LLC, a Colorado limited liability company.

Witness my hand and official seal.


Notary Public

(NOTARIAL SEAL)

CONNIE L EVANS Notary Public State of Colorado Notary ID # 20214020482 My Commission Expires 05-26-2025

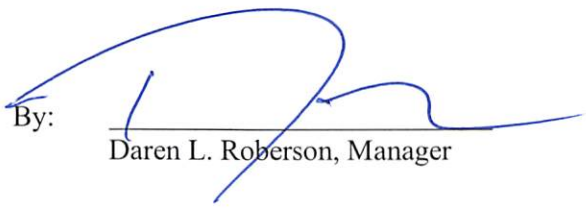
Mailing Address: FC Farm Holding, LLC
 Attn: Daren L. Roberson, Manager
 395 Delozier Drive, Unit 110
 Fort Collins, CO 80524

EXECUTED this 20th day of June, 2023.

Owner of the Property Described in Exhibit "C"

Sipes Farm Holding, LLC,
a Colorado limited liability company

By:


Daren L. Roberson, Manager

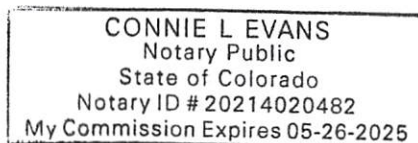
STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me on this 20th day of June, 2023, by Daren L. Roberson, Manager of Sipes Farm Holding, LLC, a Colorado limited liability company.

Witness my hand and official seal.


Notary Public

(NOTARIAL SEAL)



Mailing Address: Sipes Farm Holding, LLC
 Attn: Daren L. Roberson, Manager
 721 Darthmouth Trail
 Fort Collins, CO 80525

AFFIDAVIT OF CIRCULAR

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:

That (he or she) was the circular of the forgoing Petition for Annexation and that the signatures thereon was witnessed by the affiant and are the signatures of the persons whose names they purport to be.

Circulator

Thomas J. Dugan
Print Name

[illegible]

The foregoing Petition for Annexation was subscribed and sworn to before me this 20th day of June, 2023, by Tomas J. Dugan as Circulator.

Witness my hand and official seal.

My commission expires: 05-26-2025

(SEAL)

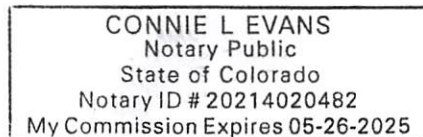


Exhibit "A"
Property Description

SAGE FARMS ANNEXATION PARCEL

A parcel of land being a portion of Section Nine (9), Township Eight North (T.8N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado:

COMMENCING at the West Quarter Corner of said Section 9 and assuming the West line of the Northwest Quarter of Section 9 as bearing North 00° 46' 45" East a distance of 2623.43 feet with all other bearings contained herein relative thereto:

THENCE South 89° 22' 24" East along the Southerly line of the Northwest Quarter of said Section 9 a distance of 30.00 feet to the Easterly Right of Way line of Colorado State Highway 1 and to the **POINT OF BEGINNING**.

THENCE North 00° 46' 45" East along said Easterly Right of Way line of Colorado State Highway 1 a distance of 1067.20 feet to the Southerly line of that parcel of land described in Warranty Deed recorded June 5, 1979 in Book 1958, Page 277 of the Records of Larimer County;

THENCE South 89° 31' 04" East a distance of 280.00 feet to the Southeast Corner of that parcel of land described in said Warranty Deed recorded in Book 1958, Page 277;

THENCE North 00° 46' 45" East along the Easterly line and Northerly prolongation of said Warranty Deed parcel recorded in Book 1958, Page 277 a distance of 400.57 feet to the Northeast Corner of that parcel of land described in Special Warranty Deed recorded August 2, 1990 as Reception No.

19900033927 of the Records of Larimer County;

THENCE North 89° 31' 04" West along the Northerly line of that parcel of land described in said Special Warranty Deed recorded as Reception No. 19900033927 a distance of 280.00 feet to the Easterly Right of Way line of said Colorado State Highway 1;

THENCE North 00° 46' 45" East along said Easterly Right of Way line a distance of 794.32 feet to an angle point;

THENCE North 01° 46' 38" East continuing along said Easterly Right of Way line of Colorado State Highway 1 a distance of 331.59 feet to the Southerly line of the Prouty Annexation Map recorded October 14, 2005 as Reception No. 20050088016 of the Records of Larimer County said line being coincidental with the Southerly Right of Way line of G.W. Bush Avenue;

THENCE South 89° 40' 50" East along said Southerly line a distance of 2596.36 feet to the Northerly prolongation of the Westerly line of the Winick Annexation recorded August 8, 2002 as Reception No. 2002084459 of the Records of Larimer County;

THENCE South 00° 41' 49" West along said Westerly line of the Winick Annexation and along the Westerly line of Lot 2, Owl Canyon MRD No.2-93 EX0290 recorded November 18, 1993 as Reception No. 19930086844 of the Records of Larimer County a distance of 2607.63 feet to the Northwest Corner of Lot 1, Owl Canyon MRD No.1-No.93-EX0289 recorded October 27, 1993 as Reception No. 19930079994 of the Records of Larimer County;

THENCE South 00° 42' 10" West along the Westerly line of said Lot 1, Owl Canyon MRD No.1-No.93-EX0289 a distance of 2016.08 feet to a line parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of said Section 9 and the Easterly prolongation thereof;

THENCE North 89° 18' 35" West along said line being parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of Section 9 and the Easterly prolongation thereof a distance of 909.80 feet;

THENCE North 00° 41' 49" East a distance of 908.66 feet to a point of curvature;

THENCE along the arc of a curve concave to the Southwest a distance of 454.52 feet, said curve has a Radius of 500.00 feet, a Delta of 52° 05' 03" and is subtended by a Chord bearing North 25° 20' 42"

West a distance of 439.03 feet to a point of tangency;

THENCE North 51° 23' 13" West a distance of 271.70 feet;

THENCE South 38° 36' 47" West a distance of 303.93 feet to a point of curvature;
THENCE along the arc of a curve concave to the Southeast a distance of 992.81 feet, said curve has a Radius of 1500.00 feet, a Delta of 37° 55' 22" and is subtended by a Chord bearing South 19° 39' 06" West a distance of 974.79 feet to a Point of Tangency;
THENCE South 00° 41' 25" West a distance of 308.47 feet to a line parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of said Section 9;
THENCE North 89° 18' 35" West along said line being parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of Section 9 a distance of 40.00 feet to the Northeast Corner of Lot 1, Sipes M.L.D. #19-LAND3918 as recorded on November 6, 2019 as Reception No. 20190069527 of the Records of Larimer County;

The following two (2) courses are along the Northerly lines of said Lot 1, Sipes M.L.D. #19-LAND3918;

THENCE North 89° 18' 40" West a distance of 700.76 feet;
THENCE North 49° 35' 39" West a distance of 64.49 feet to the Easterly Right of Way line of Colorado State Highway 1 and to the beginning point of a curve non-tangent to this course;

The following five (5) courses are along the Easterly Right of Way lines and arcs of said Colorado State Highway 1.

THENCE along the arc of curve concave to the Northwest a distance of 288.91 feet, said curve has a Radius of 1186.00 feet, a Delta of 13° 57' 27" and is subtended by a Chord bearing North 12° 17' 52" East a distance of 288.20 feet to end point of said curve;
THENCE North 00° 20' 25" East along a line non-tangent to the aforesaid curve a distance of 305.10 feet;
THENCE North 02° 10' 54" West a distance of 185.49 feet;
THENCE North 02° 11' 06" West a distance of 872.21 feet;
THENCE North 01° 04' 25" East a distance of 328.34 feet to the North line of the Southwest Quarter of said Section 9 and to the **POINT OF BEGINNING**.

TOTAL ANNEXED AREA for the Parcel 1 Annexation is 10,783,366 sq. ft. or 247.55 acres, more or less (±).

Exhibit "B"
Property Owned by Petitioner FC Farm Holding, LLC

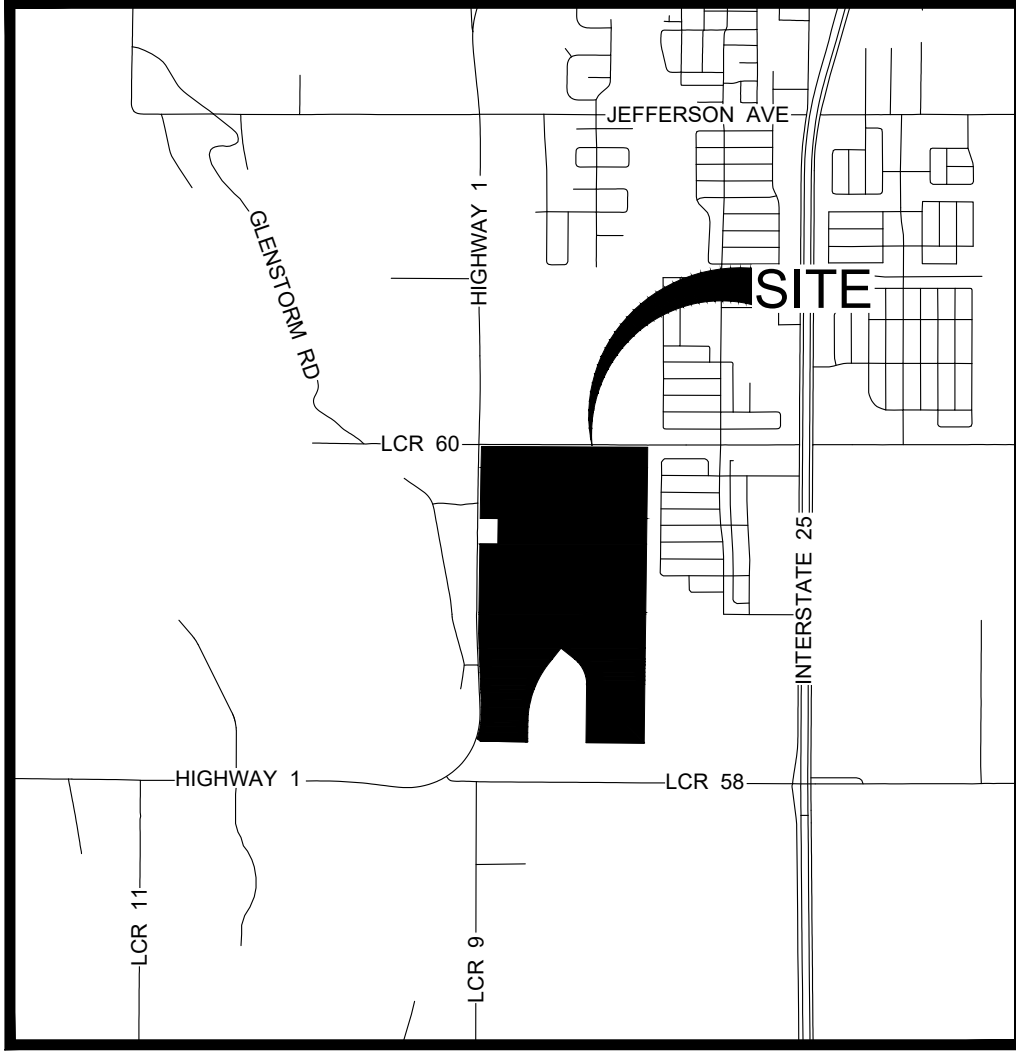
THE NW 1/4 OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO EXCEPT THE EAST 25 FEET FOR RAILROAD; ALSO EXCEPT THOSE PARCELS DESCRIBED IN DEEDS RECORDED JUNE 5, 1979, IN BOOK 1958 AT PAGE 277 AND AUGUST 2, 1990, AT RECEPTION NO. 90033927 AND APRIL 20, 1964, IN BOOK 1244 AT PAGE 319

Exhibit “C”
Property Owned by Petitioner Sipes Farm Holding, LLC

LOT 2, SIPES M.L.D. #19-LAND3918,
COUNTY OF LARIMER,
STATE OF COLORADO

SAGE FARMS ANNEXATION

BEING A PORTION OF SECTION 9 AND SECTION 16,
TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE 6TH P.M.,
COUNTY OF LARIMER, STATE OF COLORADO



VICINITY MAP

SAGE FARMS ANNEXATION PARCEL

A parcel of land being a portion of Section Nine (9), Township Eight North (T.8N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado:

COMMENCING at the West Quarter Corner of said Section 9 and assuming the West line of the Northwest Quarter of Section 9 as bearing North 00° 46' 45" East a distance of 2623.43 feet with all other bearings contained herein relative thereto:

THENCE South 89° 22' 24" East along the Southerly line of the Northwest Quarter of said Section 9 a distance of 30.00 feet to the Easterly Right of Way line of Colorado State Highway 1 and to the **POINT OF BEGINNING**.

THENCE North 00° 46' 45" East along said Easterly Right of Way line of Colorado State Highway 1 a distance of 1067.20 feet to the Southerly line of that parcel of land described in Warranty Deed recorded June 5, 1979 in Book 1958, Page 277 of the Records of Larimer County;

THENCE South 89° 31' 04" East a distance of 280.00 feet to the Southeast Corner of that parcel of land described in said Warranty Deed recorded in Book 1958, Page 277;

THENCE North 00° 46' 45" East along the Easterly line and Northerly prolongation of said Warranty Deed parcel recorded in Book 1958, Page 277 a distance of 400.57 feet to the Northeast Corner of that parcel of land described in Special Warranty Deed recorded August 2, 1990 as Reception No. 19900033927 of the Records of Larimer County;

THENCE North 89° 31' 04" West along the Northerly line of that parcel of land described in said Special Warranty Deed recorded as Reception No. 19900033927 a distance of 280.00 feet to the Easterly Right of Way line of said Colorado State Highway 1;

THENCE North 00° 46' 45" East along said Easterly Right of Way line a distance of 794.32 feet to an angle point;

THENCE North 01° 46' 38" East continuing along said Easterly Right of Way line of Colorado State Highway 1 a distance of 331.59 feet to the Southerly line of the Prouty Annexation Map recorded October 14, 2005 as Reception No. 20050088016 of the Records of Larimer County said line being coincidental with the Southerly Right of Way line of G.W. Bush Avenue;

THENCE South 89° 40' 50" East along said Southerly line a distance of 2596.36 feet to the Northerly prolongation of the Westerly line of the Winick Annexation recorded August 8, 2002 as Reception No. 2002084459 of the Records of Larimer County;

THENCE South 00° 41' 49" West along said Westerly line of the Winick Annexation and along the Westerly line of Lot 2, Owl Canyon MRD No.2-93 EX0290 recorded November 18, 1993 as Reception No. 1993006844 of the Records of Larimer County a distance of 2607.63 feet to the Northwest Corner of Lot 1, Owl Canyon MRD No.1-No.93-EX0289 recorded October 27, 1993 as Reception No. 19930079994 of the Records of Larimer County;

THENCE South 00° 42' 10" West along the Westerly line of said Lot 1, Owl Canyon MRD No.1-No.93-EX0289 a distance of 2016.08 feet to a line parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of said Section 9 and the Easterly prolongation thereof;

THENCE North 88° 18' 35" West along said line being parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of Section 9 and the Easterly prolongation thereof a distance of 909.80 feet;

THENCE North 00° 41' 49" East a distance of 908.66 feet to a point of curvature;

THENCE along the arc of a curve concave to the Southwest a distance of 454.52 feet, said curve has a Radius of 500.00 feet, a Delta of 52° 05' 03" and is subtended by a Chord bearing North 25° 20' 42" West a distance of 439.03 feet to a point of tangency;

THENCE North 51° 23' 13" West a distance of 271.70 feet;

THENCE South 38° 36' 47" West a distance of 303.93 feet to a point of curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 992.81 feet, said curve has a Radius of 1500.00 feet, a Delta of 37° 55' 22" and is subtended by a Chord bearing South 19° 39' 06" West a distance of 974.79 feet to a point of tangency;

THENCE South 00° 41' 25" West a distance of 308.47 feet to a line parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of said Section 9;

THENCE North 89° 18' 35" West along said line being parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of Section 9 a distance of 40.00 feet to the Northeast Corner of Lot 1, Sipes M.L.D. #19-LAND3918 as recorded on November 6, 2019 as Reception No. 20190069527 of the Records of Larimer County;

The following two (2) courses are along the Northerly lines of said Lot 1, Sipes M.L.D. #19-LAND3918:

THENCE North 89° 18' 40" West a distance of 700.76 feet;

THENCE North 49° 35' 39" West a distance of 64.49 feet to the Easterly Right of Way line of Colorado State Highway 1 and to the beginning point of a curve non-tangent to this course;

The following five (5) courses are along the Easterly Right of Way lines and arcs of said Colorado State Highway 1.

THENCE along the arc of curve concave to the Northwest a distance of 288.91 feet, said curve has a Radius of 1166.00 feet, a Delta of 13° 57' 27" and is subtended by a Chord bearing North 12° 17' 52" East a distance of 288.20 feet to end point of said curve;

THENCE North 00° 20' 25" East along a line non-tangent to the aforesaid curve a distance of 305.10 feet;

THENCE North 02° 10' 54" West a distance of 165.49 feet;

THENCE North 02° 11' 06" West a distance of 872.21 feet;

THENCE North 01° 04' 25" East a distance of 328.34 feet to the North line of the Southwest Quarter of said Section 9 and to the **POINT OF BEGINNING**.

TOTAL ANNEXED AREA for the Parcel 1 Annexation is 10,783,366 sq. ft. or 247.55 acres, more or less (±).

PLANNING AND ZONING APPROVAL:

This Map to be known as FORT COLLINS FARM ANNEXATION #1 was recommended to the Town Council for approval by action of the Planning and Zoning Commission of the Town of Wellington, Colorado at the regular meeting held on the _____ day of _____, 20____.

Signature

TOWN COUNCIL APPROVAL:

This Map to be known as FORT COLLINS FARM ANNEXATION #1 is approved and accepted to the Town of Wellington, Colorado by Ordinance Number _____, passed and adopted on final reading at a regular meeting of the Town Council of the Town of Wellington, Colorado, held on the _____ day of _____, 20____.

Mayor

Attest: Town Clerk

OWNERS APPROVAL AND DEDICATION:

The undersigned, being sole owners of the land described herein, have caused said land to be laid out and Annexed under the name of FORT COLLINS FARM ANNEXATION #1 and do hereby dedicate to the public forever all streets, alleys and utility easements as indicated hereon. In compliance with the Town of Wellington Subdivision Regulations and by contractual agreement, the undersigned shall bear all expenses involved in improvements.

In witness whereof, we have hereto set our hands and seal this _____ day of _____, 20____.

OWNER

OWNER

STATE OF COLORADO)

COUNTY OF LARIMER) SS

The foregoing instrument was acknowledged before me by _____ day of _____, 20____.

My commission expires: _____

Notary Public

SURVEYOR'S CERTIFICATION:

I hereby state that this Property Description of land proposed to be annexed to the Town of Wellington, County of Larimer, State of Colorado, was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge, information, belief, and in my professional opinion.

I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the Town of Wellington, County of Larimer, State of Colorado.

For and on behalf of Northern Engineering Services, Inc.
Robert C. Tessey
Colorado Registered Professional Land Surveyor No. 38470

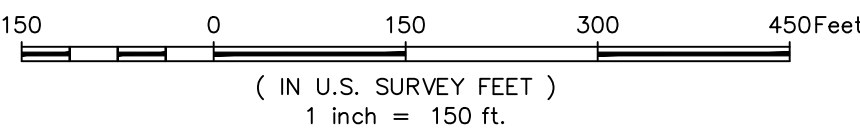
SYMBOL LEGEND

- CALCULATED POSITION
- FOUND PROPERTY MONUMENT
- ⊕ FOUND SECTION CORNER AS DESCRIBED

LINE LEGEND

- RIGHT OF WAY LINE
- - - SECTION LINE
- ANNEXATION BOUNDARY LINE
- PROPERTY LINE
- - - EXISTING ANNEXATION LINE

SEE SHEET 1 OF 2



FORT COLLINS DEVELOPMENT
RAILWAY COMPANY
25.0' RIGHT OF WAY
BOOK 162 PAGE 144
MARCH 24, 1904

NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown herein.

SECTION:
S9 & S16
TOWNSHIP:
8 N
RANGE:
68 W of the 6th PM

NORTHERN ENGINEERING
FORT COLLINS: 307 North Hovey Street, Suite 100, 80521-9702, 221.4158
GREELEY: 820 8th Street, 80633

DATE:
06/26/2023
PROJECT:
992-008
DESIGNED BY:
DRAWN BY:
A. Lund
REVIEWED BY:
B. Tessey

SAGE FARMS ANNEXATION
SECTION 9 & SECTION 16, T.8N., R.68W.
LARIMER COUNTY, COLORADO

Sheet
1
Of 2 Sheets

TOWN OF WELLINGTON

RESOLUTION NO. 21-2023

A RESOLUTION BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO FINDING SUBSTANTIAL COMPLIANCE OF AN ANNEXATION PETITION TO ANNEX A PORTION OF SECTION NINE (9) AND A PORTION OF THE NORTH HALF OF SECTION SIXTEEN (16), TOWNSHIP EIGHT NORTH (T.8N.), RANGE SIXTY-EIGHT WEST (R.68W.), OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.), CURRENTLY WITHIN THE UNINCORPORATED PARTS OF LARIMER COUNTY, AND ESTABLISHING THE DATE, TIME AND PLACE FOR PUBLIC HEARING.

WHEREAS, a petition for annexation of a certain property described as being a portion of Section Nine (9) and a portion of the North Half of Section Sixteen (16), Township Eight North (T.8N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.) County of Larimer, State of Colorado, and proposed to be known as the Village at Sage Farms Annexation, has been filed with the Town Clerk of the Town of Wellington, Colorado; and

WHEREAS, the Clerk has referred this petition to the Wellington Board of Trustees on this date as a communication; and

WHEREAS, the Board of Trustees has reviewed the petition and desires to adopt by resolution its findings in regard to the petition and other annexation requirements.

NOW, THEREFORE, be it resolved by the Board of Trustees of the Town of Wellington, Colorado, as follows:

Section 1. The Board of Trustees hereby finds that the area proposed for annexation, which is described as a portion of Section Nine (9) and a portion of the North Half of Section Sixteen (16), Township Eight North (T.8N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.) County of Larimer, State of Colorado, and more particularly described in Exhibit A, incorporated herein by reference, is in substantial compliance with eligibility requirements for annexation under Colorado Revised Statutes ("C.R.S.") §31-12-104 and 31-12-105, as evidenced by the following allegations:

- a) Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality;
- b) A community of interest exists between the area to be annexed and the annexing municipality, as evidenced by its contiguity and its existence within the Wellington Growth Management Area, as defined by the Town's Comprehensive Plan;
- c) The area proposed to be annexed will be urbanized in the near future;
- d) The area is capable of being integrated with the annexing municipality.

Section 2. The Board of Trustees hereby finds the petition, which is attached hereto as Exhibit B and incorporated herein by reference, is in substantial compliance with C.R.S. §31-12-107(1), specifically:

- a) The petitioners allege that it is desirable and necessary that such area be annexed to the municipality;
- b) The petitioners allege that the area does not violate the limitations set forth in C.R.S. §31-12-104 and 31-12-105 and the petition meets the requirements therein;
- c) The petitioners allege that the signatures of the petition on the petition comprise the landowners of more than 50 percent (50%) of the territory included in the area proposed to be annexed, exclusive of streets and alleys;
- d) The petitioners request that the annexing municipality (the Town of Wellington) approve the annexation of the area proposed to be annexed.

Section 3. No election is required under C.R.S. §31-12-107(2).

Section 4. The Clerk is directed to immediately refer this petition to the Town Planning Commission.

Section 5. A hearing date for this annexation before the Board of Trustees has been set as follows:

August 22, 2023
6:30 p.m.
Wilson Leeper Center
3800 Wilson Avenue
Wellington, CO 80549

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 11th day of July, 2023.

TOWN OF WELLINGTON, COLORADO

By: _____
Calar Chaussee, Mayor

ATTEST:

Ethan Muhs, Town Clerk

VILLAGE AT SAGE FARMS ANNEXATION PARCEL

A parcel of land being a portion of Section Nine (9) and a portion of the North Half of Section Sixteen (16) , Township Eight North (T.8N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado:

COMMENCING at the West Quarter Corner of said Section 9 and assuming the West line of the Northwest Quarter of Section 9 as bearing North 00° 46' 45" East a distance of 2623.43 feet with all other bearings contained herein relative thereto:

THENCE South 89° 22' 24" East along the Southerly line of the Northwest Quarter of said Section 9 a distance of 30.00 feet to the Easterly Right of Way line of Colorado State Highway 1;

The following five (5) courses are along the Easterly Right of Way lines and arcs of said Colorado State Highway 1.

THENCE South 01° 04' 25" West a distance of 328.34 feet;

THENCE South 02° 11' 06" East a distance of 872.21 feet;

THENCE South 02° 10' 54" East a distance of 185.49 feet;

THENCE South 00° 20' 25" West a distance of 305.10 feet to the beginning point of a curve non-tangent to this course;

THENCE along the arc of curve concave to the Northwest a distance of 288.91 feet, said curve has a Radius of 1186.00 feet, a Delta of 13° 57' 27" and is subtended by a Chord bearing South 12° 17' 52" West a distance of 288.20 feet to end point of said curve and to the Northerly line of Lot 1, Sipes M.L.D. #19-LAND3918 as recorded on November 6, 2019 as Reception No. 20190069527 of the Records of Larimer County;

The following two (2) courses are along the Northerly lines of said Lot 1, Sipes M.L.D. #19-LAND3918.

THENCE South 49° 35' 39" East a distance of 64.49 feet;

THENCE South 89° 18' 40" East a distance of 700.76 feet to the Northeast Corner of said Lot 1, Sipes M.L.D. #19-LAND3918 and to the **POINT OF BEGINNING**.

THENCE South 89° 18' 35" East along a line parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of said Section 9 a distance of 40.00 feet;

THENCE North 00° 41' 25" East a distance of 308.47 feet to a point of curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 992.81 feet, said curve has a Radius of 1500.00 feet, a Delta of 37° 55' 22" and is subtended by a Chord bearing North 19° 39' 06" East a distance of 974.79 feet to a Point of Tangency;

THENCE North 38° 36' 47" East a distance of 303.93 feet;

THENCE South 51° 23' 13" East a distance of 271.70 feet to a point of curvature;

THENCE along the arc of a curve concave to the Southwest a distance of 454.52 feet, said curve has a Radius of 500.00 feet, a Delta of 52° 05' 03" and is subtended by a Chord bearing South 25° 20' 42" East a distance of 439.03 feet to a point of tangency;

THENCE South 00° 41' 49" West a distance of 908.66 feet to a line parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of said Section 9;

THENCE South 89° 18' 35" East along said line being parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of Section 9 a distance of 909.80 feet to the Westerly line of Lot 1, Owl Canyon MRD No.1-No.93-EX0289 as recorded on October 27, 1993 as Reception No. 19930079994 of the Records of Larimer County;

THENCE South 00° 42' 10" West along the Westerly line and Southerly prolongation of the Westerly line of said Lot 1, Owl Canyon MRD No.1-No.93-EX0289 a distance of 679.31 feet to a line parallel with and 50.00 feet Southerly of the South line of the Southeast Quarter of Section 9 and to the Southerly Right of Way line of Larimer County Road 58;

The following Four (4) courses are along the Southerly Right of Way lines of said Larimer County Road 58.

THENCE North 89° 18' 02" West along said line parallel with and 50.00 feet Southerly of the South line of the Southeast Quarter of Section 9 a distance of 24.99 feet;

THENCE North 89° 18' 35" West along a line parallel with and 50.00 feet Southerly of the South line of the Southwest Quarter of said Section 9 a distance of 296.94 feet;

THENCE North 00° 41' 25" East a distance of 20.00 feet to a line parallel with and 30.00 feet Southerly of said Southwest Quarter;

THENCE North 89° 18' 35" West along said line being parallel and 30.00 feet Southerly of the Southwest Quarter of Section 9 a distance of 1538.17 feet to the Southerly prolongation of the Easterly line of said Lot 1, Sipes M.L.D. #19-LAND3918;

THENCE North 00° 41' 25" East along the Southerly prolongation of the Easterly line, and along the true Easterly line of said Lot 1, Sipes M.L.D. #19-LAND3918 a distance of 659.31 feet to the Northeast Corner of Lot 1, Sipes M.L.D. #19-LAND3918 and to the **POINT OF BEGINNING**.

TOTAL ANNEXED AREA for the Parcel 2 Annexation is 2,307,254 sq. ft. or 52.97 acres, more or less (±).

**PETITION FOR ANNEXATION OF UNINCORPORATED TERRITORY
IN THE COUNTY OF LARIMER, STATE OF COLORADO
TO THE TOWN OF WELLINGTON, COLORADO**

VILLAGE AT SAGE FARMS ANNEXATION

To the Mayor and Board of Trustees of the Town of Wellington, Colorado:

The undersigned, in accordance with Title 31, Article 12, Chapter 101 *et seq.*, Colorado Revised Statutes, as amended, hereby petition the Board of Trustees of the Town of Wellington, Colorado, for annexation to the Town of Wellington the unincorporated territory, the legal description of which is attached hereto as **Exhibit A** comprising the annexation area and are incorporated herein by reference, located in the County of Larimer and State of Colorado, to be known as the **Village at Sage Farms Annexation**, to the Town of Wellington, Colorado. The Village at Sage Farms Annexation is filed in a series with the **Sage Farms Annexation** which annexations are intended to be completed simultaneously and considered together for the purposes of all public hearings and annexation requirements.

In support of this Petition, the Petitioners allege that:

- 1) It is desirable and necessary that the territory described in **Exhibit A** be annexed to the Town of Wellington, Colorado;
- 2) The requirements of Section 31-12-104 and 31-12-105 of the Colorado Revised Statutes, as amended, exist or have been met in that:
 - a) Not less than one-sixth (1/6) of the perimeter of each of the parcel(s) proposed to be annexed are contiguous with the Town of Wellington, Colorado as follows:
 - i) The perimeter of the proposed annexation has a distance of 7,408.68 feet of which 4,189.89 feet are contiguous to the property proposed to be annexed under the contemporaneously filed serial Sage Farms Annexation to the Town of Wellington. This contiguity results in a minimum of 56.55% of the perimeter (at least 1/6) of the proposed serial annexation being contiguous to the Town of Wellington subsequent to the first serial annexation for the Sage Farms Annexation. The proposed annexation contains approximately 52.97 acres;
 - b) A community of interest exists between the territory proposed to be annexed and the Town of Wellington;
 - c) The territory to be annexed is urban or will be urbanized in the near future;
 - d) The territory proposed to be annexed is integrated or is capable of being integrated with the Town of Wellington;
 - e) No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless said tracts or parcels are separated by a dedicated street, road or other public way;
 - f) No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprises twenty (20) acres or more and which, together the buildings and improvements situated thereon has an assessed value in

- excess of Two Hundred Thousand Dollars (\$200,000) for ad valorem tax purposes for the year preceding the annexation, is included within the territory proposed to be annexed without the written consent of the landowner or landowners;
- g) No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place;
 - h) The territory proposed to be annexed does not include any area which is the same or substantially the same area in which an election for an annexation to the Town of Wellington was held within twelve (12) months preceding the filing of this petition;
 - i) The territory proposed to be annexed does not include any area included in another annexation proceeding involving another municipality other than the Town of Wellington;
 - j) The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district;
 - k) The undersigned anticipates entering into the Village at Sage Farms Annexation Agreement with the Town prior to the effective date of this annexation, the terms and conditions of which agreement shall be additional conditions as effectively as if set forth in full in this Petition.
- 3) The signatures on this petition comprise more than fifty percent (50%) of the landowners of the area and own more than fifty percent (50%) of the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing municipality, and said landowners attesting to the facts and agreeing to the conditions herein contained will negate the necessity of any annexation election. The Petitioner signing and submitting this petition is the owner of approximately ninety-nine (99%) of the area proposed for annexation save and except approximately one percent (1%) of the property which is the public right of way known as East Larimer County Road 58 and the railroad right of way for the Fort Collins Development Railway Company as recorded with the Larimer County Clerk and Recorder on March 24, 1904 at Book 162, Page 144.
- 4) Accompanying this petition are four copies of an annexation map as well as an electronic file that contains the following information:
- a) A written legal description of the boundaries of the area proposed to be annexed, in the form of a title commitment issued within 30 days of the application date;
 - b) A map showing the boundary of the area proposed to be annexed, said map prepared by and containing the seal of an engineer registered in the State of Colorado;
 - c) Within the annexation boundary map, an identification of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat number of plots or of lots and blocks. Also, within the boundary map, identification of any special districts the area proposed to be annexed may be a part of.
 - d) Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Wellington and the contiguous boundary of any other municipality abutting the area proposed to be annexed and showing the dimensions of such contiguous boundaries.
 - e) A surveyor's certificate prepared by a land surveyor registered in the State of Colorado that attests to the preparation of the map and certifies at least one-sixth (1/6) contiguity to the Town of Wellington.

- f) Acceptance block describing the acceptance by the Mayor on behalf of the Town of Wellington and providing the effective date and Town Clerk attest signature.
- 5) The zoning classification requested for the area proposed to be annexed is *PUD – Planned Unit Development Overlay District* according to the Zoning Map for Sage Farms P.U.D. submitted for simultaneous consideration and adoption by the Town pursuant to Section 31-15-115 of the Colorado Revised Statutes, as amended, and Section 16-1-50 of the Town of Wellington Municipal Code.
- 6) The Village at Sage Farms Annexation Agreement shall be executed by the petitioners and the Town of Wellington relating to this annexation and the petitioners, and their successors, heirs and assigns shall be bound by the terms and conditions set forth in the Village at Sage Farms Annexation Agreement. The Village at Sage Farms Annexation Agreement shall include additional conditions as effective as if set forth in this Petition including credits or reductions in fees and costs for the provision of nonpotable water for irrigation and oversizing on-site and off-site public utility services.
- 7) Unless otherwise agreed upon by Petitioners, their successors and assigns, and the Town of Wellington in the Annexation Agreement, the undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the Town, appear on the annexation map;
- a) Water rights or cash-in-lieu payments shall be provided pursuant to Town ordinance at time of future plat approvals from time to time, and two nonpotable irrigation water wells within the annexed territory will be restricted to the historical use of each water well for the installation of nonpotable irrigation system within the annexed territory. The owners shall retain all water rights associated with North Poudre Irrigation Company shares;
 - b) The territory to be annexed shall be included in the Municipal Sub-district of the Northern Colorado Water Conservancy District;
 - c) The owners, or the future developer, which is the current contract purchaser of the Property, shall participate in providing drainage plans and improvements and payment of the storm drainage impact fee as may be required by the Town for the area;
 - d) Future development of the property shall be subject to payment of the capital expansion fees pursuant to the Wellington Municipal Code;
 - e) Future provision of electrical services within the annexed territory are subject to a surcharge as provided in the Wellington Municipal Code;
 - f) Any development within annexed territory shall comply with the Town of Wellington Comprehensive Master Plan;
 - g) Farming and agriculture uses legally existing at the time of annexation may continue as a nonconforming use so long as such activities are compatible with the future development of the property. Such farming and agriculture use shall continue to utilize the nonpotable water irrigation wells provided that such use does not conflict with the then current irrigation use within the residential development; and
 - h) Upon the annexation ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinance, resolutions, rules and regulations of the Town of Wellington.
- 8) Petitioners reserve the right to withdraw this Annexation Petition for Village at Sage Farms Annexation at any time prior to the effective date of the ordinance annexing the Property.

- 9) This Petition for Annexation may be executed in multiple counterparts, each of which shall constitute an original but all of which, taken together, shall constitute one and the same document.

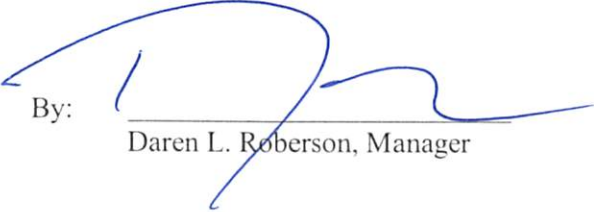
Therefore, the petitioner, whose signature is on the subsequent page, respectfully requests the Board of Trustees of the Town of Wellington, Colorado to annex the territory described and referenced to in **Exhibit A** to the Town of Wellington, Colorado, and adopt the zoning classification of *PUD – Planned Unit Development Overlay District* according to the Zoning Map for Sage Farms P.U.D. submitted for simultaneous consideration and adoption by the Town in accordance with and pursuant to the statutes of the State of Colorado and the Town of Wellington Municipal Code.

[Signatures on following pages]

EXECUTED this 20th day of June, 2023.

Sipes Farm Holding, LLC,
a Colorado limited liability company

By:


Daren L. Roberson, Manager

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me on this 20th day of June, 2023, by Daren L. Roberson, Manager of Sipes Farm Holding, LLC, a Colorado limited liability company.

Witness my hand and official seal.


Notary Public

(NOTARIAL SEAL)

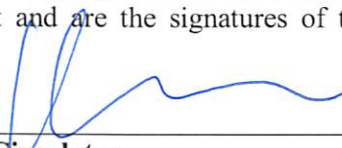
CONNIE L EVANS Notary Public State of Colorado Notary ID # 20214020482 My Commission Expires 05-26-2025

Mailing Address: Sipes Farm Holding, LLC
 Attn: Daren L. Roberson, Manager
 721 Darthmouth Trail
 Fort Collins, CO 80525

AFFIDAVIT OF CIRCULAR

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:

That (he or she) was the circular of the forgoing Petition for Annexation and that the signatures thereon was witnessed by the affiant and are the signatures of the persons whose names they purport to be.



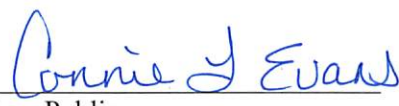
Circulator

Thomas J. Dugan
Print Name

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing Petition for Annexation was subscribed and sworn to before me this 20th day of June, 2023, by Thomas J. Dugan as Circulator.

Witness my hand and official seal.



Notary Public

(NOTARIAL SEAL)

CONNIE L EVANS Notary Public State of Colorado Notary ID # 20214020482 My Commission Expires 05-26-2025

Exhibit "A"
Property Description

VILLAGE AT SAGE FARMS ANNEXATION PARCEL

A parcel of land being a portion of Section Nine (9) and a portion of the North Half of Section Sixteen (16), Township Eight North (T.8N.), Range Sixty-eight West (R.68W.), Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado:

COMMENCING at the West Quarter Corner of said Section 9 and assuming the West line of the Northwest Quarter of Section 9 as bearing North 00° 46' 45" East a distance of 2623.43 feet with all other bearings contained herein relative thereto:

THENCE South 89° 22' 24" East along the Southerly line of the Northwest Quarter of said Section 9 a distance of 30.00 feet to the Easterly Right of Way line of Colorado State Highway 1;

The following five (5) courses are along the Easterly Right of Way lines and arcs of said Colorado State Highway 1.

THENCE South 01° 04' 25" West a distance of 328.34 feet;

THENCE South 02° 11' 06" East a distance of 872.21 feet;

THENCE South 02° 10' 54" East a distance of 185.49 feet;

THENCE South 00° 20' 25" West a distance of 305.10 feet to the beginning point of a curve non-tangent to this course;

THENCE along the arc of curve concave to the Northwest a distance of 288.91 feet, said curve has a Radius of 1186.00 feet, a Delta of 13° 57' 27" and is subtended by a Chord bearing South 12° 17' 52" West a distance of 288.20 feet to end point of said curve and to the Northerly line of Lot 1, Sipes M.L.D. #19-LAND3918 as recorded on November 6, 2019 as Reception No. 20190069527 of the Records of Larimer County;

The following two (2) courses are along the Northerly lines of said Lot 1, Sipes M.L.D. #19-LAND3918.

THENCE South 49° 35' 39" East a distance of 64.49 feet;

THENCE South 89° 18' 40" East a distance of 700.76 feet to the Northeast Corner of said Lot 1, Sipes M.L.D. #19-LAND3918 and to the **POINT OF BEGINNING**.

THENCE South 89° 18' 35" East along a line parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of said Section 9 a distance of 40.00 feet;

THENCE North 00° 41' 25" East a distance of 308.47 feet to a point of curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 992.81 feet, said curve has a Radius of 1500.00 feet, a Delta of 37° 55' 22" and is subtended by a Chord bearing North 19° 39' 06" East a distance of 974.79 feet to a Point of Tangency;

THENCE North 38° 36' 47" East a distance of 303.93 feet;

THENCE South 51° 23' 13" East a distance of 271.70 feet to a point of curvature;

THENCE along the arc of a curve concave to the Southwest a distance of 454.52 feet, said curve has a Radius of 500.00 feet, a Delta of 52° 05' 03" and is subtended by a Chord bearing South 25° 20' 42" East a distance of 439.03 feet to a point of tangency;

THENCE South 00° 41' 49" West a distance of 908.66 feet to a line parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of said Section 9;

THENCE South 89° 18' 35" East along said line being parallel with and 629.31 feet Northerly of the Southerly line of the Southwest Quarter of Section 9 a distance of 909.80 feet to the Westerly line of Lot 1, Owl Canyon MRD No.1-No.93-EX0289 as recorded on October 27, 1993 as Reception No. 19930079994 of the Records of Larimer County;

THENCE South 00° 42' 10" West along the Westerly line and Southerly prolongation of the Westerly line of said Lot 1, Owl Canyon MRD No.1-No.93-EX0289 a distance of 679.31 feet to a line parallel with and 50.00 feet Southerly of the South line of the Southeast Quarter of Section 9 and to the Southerly Right of Way line of Larimer County Road 58;

The following Four (4) courses are along the Southerly Right of Way lines of said Larimer County Road 58.

THENCE North 89° 18' 02" West along said line parallel with and 50.00 feet Southerly of the South line of the Southeast Quarter of Section 9 a distance of 24.99 feet;

THENCE North 89° 18' 35" West along a line parallel with and 50.00 feet Southerly of the South line of the Southwest Quarter of said Section 9 a distance of 296.94 feet;

THENCE North 00° 41' 25" East a distance of 20.00 feet to a line parallel with and 30.00 feet Southerly of said Southwest Quarter;

THENCE North 89° 18' 35" West along said line being parallel and 30.00 feet Southerly of the Southwest Quarter of Section 9 a distance of 1538.17 feet to the Southerly prolongation of the Easterly line of said Lot 1, Sipes M.L.D. #19-LAND3918;

THENCE North 00° 41' 25" East along the Southerly prolongation of the Easterly line, and along the true Easterly line of said Lot 1, Sipes M.L.D. #19-LAND3918 a distance of 659.31 feet to the Northeast Corner of Lot 1, Sipes M.L.D. #19-LAND3918 and to the **POINT OF BEGINNING**.

TOTAL ANNEXED AREA for the Parcel 2 Annexation is 2,307,254 sq. ft. or 52.97 acres, more or less (±).

(11) "Resident" means one who makes his primary dwelling place within the area proposed to be annexed.

(12) "Taxpayer" means any person who has paid or becomes liable for ad valorem taxes on real property located in the area proposed to be annexed during a specified period of time.

(13) "Urban development" means the construction on land of improvements for residential, institutional, commercial, industrial, transportation, public flood control, and recreational and similar uses, in contrast to use of the land for growing crops, truck gardening, grazing of farm animals, and other agricultural pursuits. The term also applies to vacant ground which has been or is being prepared for urban development by such steps as subdivision into lots or plots and blocks, installation of water and sewer lines, construction of access streets, and construction of railroad spur or branch tracks.

Source: L. 75: Entire title R&RE, p. 1076, § 1, effective July 1. L. 2010: (7) and (9) amended and (10.5) added, (HB 10-1259), ch. 211, p. 913, § 2, effective August 11.

Editor's note: This section is similar to former § 31-8-103 as it existed prior to 1975.

31-12-104. Eligibility for annexation. (1) No unincorporated area may be annexed to a municipality unless one of the conditions set forth in section 30 (1) of article II of the state constitution first has been met. An area is eligible for annexation if the provisions of section 30 of article II of the state constitution have been complied with and the governing body, at a hearing as provided in section 31-12-109, finds and determines:

(a) That not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality. Contiguity shall not be affected by the existence of a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, public lands, whether owned by the state, the United States, or an agency thereof, except county-owned open space, or a lake, reservoir, stream, or other natural or artificial waterway between the annexing municipality and the land proposed to be annexed. Subject to the requirements imposed by section 31-12-105 (1)(e), contiguity may be established by the annexation of one or more parcels in a series, which annexations may be completed simultaneously and considered together for the purposes of the public hearing required by sections 31-12-108 and 31-12-109 and the annexation impact report required by section 31-12-108.5.

(b) That a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. The fact that the area proposed to be annexed has the contiguity with the annexing municipality required by paragraph (a) of this subsection (1) shall be a basis for a finding of compliance with these requirements unless the governing body, upon the basis of competent evidence presented at the hearing provided for in section 31-12-109, finds that at least two of the following are shown to exist:

(I) Less than fifty percent of the adult residents of the area proposed to be annexed make use of part or all of the following types of facilities of the annexing municipality: Recreational, civic, social, religious, industrial, or commercial; and less than twenty-five percent of said area's

adult residents are employed in the annexing municipality. If there are no adult residents at the time of the hearing, this standard shall not apply.

(II) One-half or more of the land in the area proposed to be annexed (including streets) is agricultural, and the landowners of such agricultural land, under oath, express an intention to devote the land to such agricultural use for a period of not less than five years.

(III) It is not physically practicable to extend to the area proposed to be annexed those urban services which the annexing municipality provides in common to all of its citizens on the same terms and conditions as such services are made available to such citizens. This standard shall not apply to the extent that any portion of an area proposed to be annexed is provided or will within the reasonably near future be provided with any service by or through a quasi-municipal corporation.

(2) (a) The contiguity required by paragraph (a) of subsection (1) of this section may not be established by use of any boundary of an area which was previously annexed to the annexing municipality if the area, at the time of its annexation, was not contiguous at any point with the boundary of the annexing municipality, was not otherwise in compliance with paragraph (a) of subsection (1) of this section, and was located more than three miles from the nearest boundary of the annexing municipality, nor may such contiguity be established by use of any boundary of territory which is subsequently annexed directly to, or which is indirectly connected through subsequent annexations to, such an area.

(b) Because the creation or expansion of disconnected municipal satellites, which are sought to be prohibited by this subsection (2), violates both the purposes of this article as expressed in section 31-12-102 and the limitations of this article, any annexation which uses any boundary in violation of this subsection (2) may be declared by a court of competent jurisdiction to be void ab initio in addition to other remedies which may be provided. The provisions of section 31-12-116 (2) and (4) and section 31-12-117 shall not apply to such an annexation. Judicial review of such an annexation may be sought by any municipality having a plan in place pursuant to section 31-12-105 (1)(e) directly affected by such annexation, in addition to those described in section 31-12-116 (1). Such review may be, but need not be, instituted prior to the effective date of the annexing ordinance and may include injunctive relief. Such review shall be brought no later than sixty days after the effective date of the annexing ordinance or shall forever be barred.

(c) Contiguity is hereby declared to be a fundamental element in any annexation, and this subsection (2) shall not in any way be construed as having the effect of legitimizing in any way any noncontiguous annexation.

Source: L. 75: Entire title R&RE, p. 1078, § 1, effective July 1. L. 87: (1)(a) amended, p. 1218, § 1, effective May 28. L. 91: (2) added, p. 763, § 1, effective May 15. L. 2010: IP(1) amended, (HB 10-1259), ch. 211, p. 914, § 3, effective August 11.

Editor's note: This section is similar to former § 31-8-104 as it existed prior to 1975.

Cross references: For annexation of unincorporated areas, see § 30 of article II of the state constitution.

31-12-105. Limitations. (1) Notwithstanding any provisions of this part 1 to the contrary, the following limitations shall apply to all annexations:

(a) In establishing the boundaries of any territory to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, shall be divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way.

(b) In establishing the boundaries of any area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year next preceding the annexation) shall be included under this part 1 without the written consent of the landowners unless such tract of land is situated entirely within the outer boundaries of the annexing municipality as they exist at the time of annexation. In the application of this paragraph (b), contiguity shall not be affected by a dedicated street, road, or other public way.

(c) No annexation pursuant to section 31-12-106 and no annexation petition or petition for an annexation election pursuant to section 31-12-107 shall be valid when annexation proceedings have been commenced for the annexation of part or all of such territory to another municipality, except in accordance with the provisions of section 31-12-114. For the purpose of this section, proceedings are commenced when the petition is filed with the clerk of the annexing municipality or when the resolution of intent is adopted by the governing body of the annexing municipality if action on the acceptance of such petition or on the resolution of intent by the setting of the hearing in accordance with section 31-12-108 is taken within ninety days after the said filings if an annexation procedure initiated by petition for annexation is then completed within the one hundred fifty days next following the effective date of the resolution accepting the petition and setting the hearing date and if an annexation procedure initiated by resolution of intent or by petition for an annexation election is prosecuted without unreasonable delay after the effective date of the resolution setting the hearing date.

(d) As to any annexation which will result in the detachment of area from any school district and the attachment of the same to another school district, no annexation pursuant to section 31-12-106 or annexation petition or petition for an annexation election pursuant to section 31-12-107 is valid unless accompanied by a resolution of the board of directors of the school district to which such area will be attached approving such annexation.

(e) (I) Except as otherwise provided in this paragraph (e), no annexation may take place that would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year. Within said three-mile area, the contiguity required by section 31-12-104 (1)(a) may be achieved by annexing a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway. Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the

area. Such plan shall be updated at least once annually. Such three-mile limit may be exceeded if such limit would have the effect of dividing a parcel of property held in identical ownership if at least fifty percent of the property is within the three-mile limit. In such event, the entire property held in identical ownership may be annexed in any one year without regard to such mileage limitation. Such three-mile limit may also be exceeded for the annexation of an enterprise zone.

(II) Prior to completion of an annexation in which the contiguity required by section 31-12-104 (1)(a) is achieved pursuant to subparagraph (I) of this paragraph (e), the municipality shall annex any of the following parcels that abut a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway, where the parcel satisfies all of the eligibility requirements pursuant to section 31-12-104 and for which an annexation petition has been received by the municipality no later than forty-five days prior to the date of the hearing set pursuant to section 31-12-108 (1):

(A) Any parcel of property that has an individual schedule number for county tax filing purposes upon the petition of the owner of such parcel;

(B) Any subdivision that consists of only one subdivision filing upon the petition of the requisite number of property owners within the subdivision as determined pursuant to section 31-12-107; and

(C) Any subdivision filing within a subdivision that consists of more than one subdivision filing upon the petition of the requisite number of property owners within the subdivision filing as determined pursuant to section 31-12-107.

(e.1) The parcels described in subparagraph (II) of paragraph (e) of this subsection (1) shall be annexed under the same or substantially similar terms and conditions and considered at the same hearing and in the same impact report as the initial annexation in which the contiguity required by section 31-12-104 (1)(a) is achieved by annexing a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway. Impacts of the annexation upon the parcels described in subparagraph (II) of paragraph (e) of this subsection (1) that abut such platted street or alley, public or private right-of-way, public or private transportation right-of-way or area, or lake, reservoir, stream, or other natural or artificial waterway shall be considered in the impact report required by section 31-12-108.5. As part of the same hearing, the municipality shall consider and decide upon any petition for annexation of any parcel of property having an individual schedule number for county tax filing purposes, which petition was received not later than forty-five days prior to the hearing date, where the parcel abuts any parcel described in subparagraph (II) of paragraph (e) of this subsection (1) and where the parcel otherwise satisfies all of the eligibility requirements of section 31-12-104.

(e.3) In connection with any annexation in which the contiguity required by section 31-12-104 (1)(a) is achieved by annexing a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway, upon the latter of ninety days prior to the date of the hearing set pursuant to section 31-12-108 or upon the filing of the annexation petition, the municipality shall provide, by regular mail to the owner of any abutting parcel as reflected in the records of the county assessor, written notice of the annexation and of the landowner's right to petition for annexation pursuant to section 31-12-107. Inadvertent failure to provide such notice shall neither create a cause of action in favor of any landowner nor invalidate any annexation proceeding.

(f) In establishing the boundaries of any area proposed to be annexed, if a portion of a platted street or alley is annexed, the entire width of said street or alley shall be included within the area annexed.

(g) Notwithstanding the provisions of paragraph (f) of this subsection (1), a municipality shall not deny reasonable access to landowners, owner of an easement, or the owner of a franchise adjoining a platted street or alley which has been annexed by the municipality but is not bounded on both sides by the municipality.

(h) The execution by any municipality of a power of attorney for real estate located within an unincorporated area shall not be construed to comply with the election provisions of this article for purposes of annexing such unincorporated area. Such annexation shall be valid only upon compliance with the procedures set forth in this article.

Source: **L. 75:** Entire title R&RE, p. 1078, § 1, effective July 1. **L. 87:** (1)(e) to (1)(g) added, p. 1218, § 2, effective May 28. **L. 96:** (1)(h) added, p. 1770, § 69, effective July 1. **L. 97:** (1)(c) and (1)(d) amended, p. 994, § 1, effective May 27. **L. 2001, 2nd Ex. Sess.:** (1)(e) amended and (1)(e.1) and (1)(e.3) added, p. 32, § 2, effective November 6.

Editor's note: This section is similar to former § 31-8-105 as it existed prior to 1975.

31-12-106. Annexation of enclaves, partly surrounded land, and municipally owned land. (1) **Annexation of enclaves.** When any unincorporated area is entirely contained within the boundaries of a municipality, the governing body may by ordinance annex such territory to the municipality in accordance with section 30 (1)(c) of article II of the state constitution, but without complying with section 31-12-104, 31-12-105, 31-12-108, or 31-12-109, if said area has been so surrounded for a period of not less than three years; except that notice of the proposed annexation ordinance shall be given by publication as provided by section 31-12-108 (2) for notices of annexation petitions, and resolutions initiating annexation proceedings, but no public hearing on the proposed annexation ordinance shall be required, and the first publication of notice shall be at least thirty days prior to the adoption of the ordinance.

(1.1) **Exception to annexation of enclaves.** (a) No enclave may be annexed pursuant to subsection (1) of this section if:

(I) Any part of the municipal boundary or territory surrounding such enclave consists at the time of the annexation of the enclave of public rights-of-way, including streets and alleys, that are not immediately adjacent to the municipality on the side of the right-of-way opposite to the enclave; or

(II) Any part of the territory surrounding the enclave was annexed to the municipality since December 19, 1980, without compliance with section 30 of article II of the state constitution.

(b) In the case of an enclave the population of which exceeds one hundred persons according to the most recent United States census and that contains more than fifty acres, the enclave shall not be annexed pursuant to subsection (1) of this section unless the governing body of the annexing municipality has:

(I) Created an annexation transition committee composed of nine members, five of whom shall reside, operate a business, or own real property within the enclave, two of whom

shall represent the annexing municipality, and two of whom shall represent one or more counties in which the enclave is situated; and

(II) Published notice of the creation and existence of the committee, together with its regular mail, electronic mail, or telephonic contact information, in the same manner as provided by section 31-12-108 (2) for notices of annexation petitions and resolutions initiating annexation proceedings.

(c) The duties of the annexation transition committee required by paragraph (b) of this subsection (1.1) shall be to:

(I) Serve as a means of communication between or among the annexing municipality, one or more counties within which the enclave is situated, and the persons who reside, operate a business, or own real property within the enclave regarding any public meetings on the proposed annexation; and

(II) Provide a mechanism by which persons who reside, operate a business, or own real property within the enclave may communicate, whether by electronic mail, telephonic communication, regular mail, or public meetings, with the annexing municipality or any counties within which the enclave is situated regarding the proposed annexation.

(2) (Deleted by amendment, L. 97, p. 995, § 2, effective May 27, 1997.)

(3) **Annexation of unincorporated municipally owned land.** When the municipality is the sole owner of the area that it desires to annex, which area is eligible for annexation in accordance with section 30 (1)(c) of article II of the state constitution and sections 31-12-104 (1)(a) and 31-12-105, the governing body may by ordinance annex said area to the municipality without notice and hearing as provided in sections 31-12-108 and 31-12-109. The annexing ordinance shall state that the area proposed to be annexed is owned by the annexing municipality and is not solely a public street or right-of-way.

(4) **Additional terms and conditions on the annexation.** Additional terms or conditions may be imposed by the governing body in accordance with section 31-12-112.

(5) Any municipality that has entered into an intergovernmental agreement, any portion of which addresses issues pertaining to the annexation of enclaves shall, promptly upon execution of the agreement, record the agreement with the clerk and recorder of any county within which any land area addressed in the agreement is situated.

Source: **L. 75:** Entire title R&RE, p. 1079, § 1, effective July 1. **L. 81:** (1) amended and (1.1) added, p. 1510, § 1, effective July 1. **L. 97:** (1.1) and (2) amended, p. 995, § 2, effective May 27. **L. 2006:** (1.1) amended and (5) added, p. 1007, § 1, effective September 1. **L. 2010:** (1) and (3) amended, (HB 10-1259), ch. 211, p. 914, § 4, effective August 11.

Editor's note: This section is similar to former § 31-8-106 as it existed prior to 1975.

Cross references: For annexation of unincorporated areas, see § 30 of article II of the state constitution.

31-12-107. Petitions for annexation and for annexation elections. (1) Petition for annexation in accordance with section 30 (1)(b) of article II of the state constitution:

(a) Persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area, excluding public streets and alleys and any land owned by

the annexing municipality, meeting the requirements of sections 31-12-104 and 31-12-105 may petition the governing body of any municipality for the annexation of such territory.

(b) The petition shall be filed with the clerk.

(c) The petition shall contain the following:

(I) An allegation that it is desirable and necessary that such area be annexed to the municipality;

(II) An allegation that the requirements of sections 31-12-104 and 31-12-105 exist or have been met;

(III) An allegation that the signers of the petition comprise more than fifty percent of the landowners in the area and own more than fifty percent of the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing municipality;

(IV) A request that the annexing municipality approve the annexation of the area proposed to be annexed;

(V) The signatures of such landowners;

(VI) The mailing address of each such signer;

(VII) The legal description of the land owned by such signer;

(VIII) The date of signing of each signature; and

(IX) The affidavit of each circulator of such petition, whether consisting of one or more sheets, that each signature therein is the signature of the person whose name it purports to be.

(d) Accompanying the petition shall be four copies of an annexation map containing the following information:

(I) A written legal description of the boundaries of the area proposed to be annexed;

(II) A map showing the boundary of the area proposed to be annexed;

(III) Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;

(IV) Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

(e) No signature on the petition is valid if it is dated more than one hundred eighty days prior to the date of filing the petition for annexation with the clerk. All petitions which substantially comply with the requirements set forth in paragraphs (b) to (d) of this subsection (1) shall be deemed sufficient. No person signing a petition for annexation shall be permitted to withdraw his signature from the petition after the petition has been filed with the clerk, except as such right of withdrawal is otherwise set forth in the petition.

(f) The clerk shall refer the petition to the governing body as a communication. The governing body, without undue delay, shall then take appropriate steps to determine if the petition so filed is substantially in compliance with this subsection (1).

(g) If the petition is found to be in substantial compliance with this subsection (1), the procedure outlined in sections 31-12-108 to 31-12-110 shall then be followed. If it is not in substantial compliance, no further action shall be taken.

(2) Petition for annexation election in accordance with section 30 (1)(a) of article II of the state constitution:

(a) The registered electors may petition the governing body of any municipality to commence proceedings for the holding of an annexation election in the area proposed to be

annexed. This petition shall meet the standards described in paragraphs (c) and (d) of this subsection (2) and either:

(I) Shall be signed by at least seventy-five registered electors or ten percent of said electors, whichever is less, if such area is located in a county of more than twenty-five thousand inhabitants; or

(II) Shall be signed by at least forty registered electors or ten percent of said electors, whichever is less, if such area is located in a county of twenty-five thousand inhabitants or less.

(b) The petition shall be filed with the clerk.

(c) The petition for annexation election shall comply with the provisions of paragraph (c) of subsection (1) of this section; except that:

(I) Rather than an allegation of any certain percentage of land owned, it shall contain an allegation that the signers of the petition are qualified electors resident in and landowners of the area proposed to be annexed; and

(II) The petition shall request the annexing municipality to commence proceedings for the holding of an annexation election in accordance with section 30 (1)(a) of article II of the state constitution.

(d) The requirements and procedures provided for in paragraphs (e) and (f) of subsection (1) of this section shall be met and followed in a proceeding under this subsection (2).

(e) If the petition is found to be in substantial compliance with this subsection (2), the procedure outlined in sections 31-12-108 to 31-12-110 shall then be followed, subject thereafter to an annexation election to be held in accordance with section 31-12-112. If the petition for an annexation election is not found to be in substantial compliance, no further action shall be taken; except that the governing body shall make such determination by resolution.

(3) Procedures alternative: The procedures set forth in subsections (1) and (2) of this section are alternative to each other and to any procedure set forth in section 31-12-106; except that a petition for annexation election filed pursuant to subsection (2) of this section shall take precedence over an annexation petition involving the same territory and filed pursuant to subsection (1) of this section if such petition for annexation election is filed at least ten days prior to the hearing date set for the annexation petition filed pursuant to subsection (1) of this section.

(4) Additional terms and conditions on the annexation: Additional terms and conditions may be imposed by the governing body in accordance with section 31-12-112.

(5) If a petition is filed pursuant to subsection (1) or (2) of this section and the territory sought to be annexed meets the specifications of section 31-12-106 (1), the governing body of the municipality with which the petition is filed shall thereupon initiate annexation proceedings pursuant to the appropriate provisions of section 31-12-106 (1). In the event that any governing body fails to initiate such annexation proceedings within a period of one year from the time that such petition is filed, annexation may be effected by an action in the nature of mandamus to the district court of the county where the land to be annexed is located, and the petitioner's court costs and attorney fees incident to such action shall be borne by the municipality.

(6) No proceedings for annexation to a municipality may be initiated in any area which is the same or substantially the same area in which an election for annexation to the same municipality has been held within the preceding twelve months.

(7) For the purpose of determining the compliance with the petition requirements in this section, a signature by any landowner shall be sufficient so long as any other owner in fee of an

undivided interest in the same area of land does not object in writing to the governing body of the annexing municipality within fourteen days after the filing of the petition for annexation or annexation election. The entire area of the land signed for shall be computed as petitioning for annexation if such signing landowner has become liable for taxes in the last preceding calendar year or is exempt by law from payment of taxes. One who is purchasing land under a written contract duly recorded shall be deemed the owner of the land which is subject to the contract if he has paid the taxes thereon for the next preceding tax year. The signers for an area owned by a corporation, whether profit or nonprofit, shall be the same persons as those authorized to convey land for such corporation.

(8) No power of attorney providing the consent of a landowner to be annexed by a municipality pursuant to this section shall be valid for a term of more than five years, and no such power of attorney executed before May 27, 1997, shall be valid for a term of more than five years after May 27, 1997.

Source: **L. 75:** Entire title R&RE, p. 1080, § 1, effective July 1; (1)(d)(IV) amended, p. 1452, § 12, effective July 1. **L. 87:** (1)(e) and (1)(g) amended, p. 1219, § 3, effective May 28. **L. 97:** (5) amended and (8) added, p. 995, § 3, effective May 27. **L. 2010:** IP(1), (1)(a), (1)(c)(III), (1)(g), IP(2), (2)(a), (2)(c)(II), and (2)(e) amended, (HB 10-1259), ch. 211, p. 914, § 5, effective August 11.

Editor's note: This section is similar to former §§ 31-8-103 and 31-8-107 as they existed prior to 1975.

31-12-108. Setting hearing date - notice given. (1) As a part of the resolution initiating annexation proceedings by the municipality or of a resolution finding substantial compliance of an annexation petition or of a petition for an annexation election, the governing body of the annexing municipality shall establish a date, time, and place that the governing body will hold a hearing to determine if the proposed annexation complies with section 30 of article II of the state constitution and sections 31-12-104 and 31-12-105 or such provisions thereof as may be required to establish eligibility under the terms of this part 1. The hearing shall be held not less than thirty days nor more than sixty days after the effective date of the resolution setting the hearing. This hearing need not be held if the municipality has determined conclusively that the requirements of section 30 of article II of the state constitution and sections 31-12-104 and 31-12-105 have not been met.

(2) The clerk shall give notice as follows: A copy of the resolution or the petition as filed (exclusive of the signatures) together with a notice that, on the given date and at the given time and place set by the governing body, the governing body shall hold a hearing upon said resolution of the annexing municipality or upon the petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of section 30 of article II of the state constitution and sections 31-12-104 and 31-12-105 and is considered eligible for annexation. Said notice shall be published once a week for four successive weeks in some newspaper of general circulation in the area proposed to be annexed. The first publication of such notice shall be at least thirty days prior to the date of the hearing. The proof of publication of the notice and resolution or petition, or the summary thereof, shall be returned when the publication is completed, the certificate of the owner, editor, or manager of the

newspaper in which said notice is published shall be proof thereof, and a hearing shall then be held as provided in said notice. A copy of the published notice, together with a copy of the resolution and petition as filed, shall also be sent by registered mail by the clerk to the board of county commissioners and to the county attorney of the county wherein the territory is located and to any special district or school district having territory within the area to be annexed at least twenty-five days prior to the date fixed for such hearing. The notice required to be sent to the special district or school district by this subsection (2) shall not confer any right of review in addition to those rights provided for in section 31-12-116.

(3) The governing body of the annexing municipality, from time to time, may continue the hearing to another date without additional notice if the volume of material to be received cannot be presented within the available time for any given session; except that no session of a hearing shall be so continued unless at least one hour of testimony has been heard.

Source: **L. 75:** Entire title R&RE, p. 1083, § 1, effective July 1. **L. 87:** (2) amended, p. 1220, § 4, effective May 28. **L. 2010:** (1) and (2) amended, (HB 10-1259), ch. 211, p. 916, § 6, effective August 11.

Editor's note: This section is similar to former § 31-8-108 as it existed prior to 1975.

31-12-108.5. Annexation impact report - requirements. (1) The municipality shall prepare an impact report concerning the proposed annexation at least twenty-five days before the date of the hearing established pursuant to section 31-12-108 and shall file one copy with the board of county commissioners governing the area proposed to be annexed within five days thereafter. Such report shall not be required for annexations of ten acres or less in total area or when the municipality and the board of county commissioners governing the area proposed to be annexed agree that the report may be waived. Such report shall include, as a minimum:

(a) A map or maps of the municipality and adjacent territory to show the following information:

(I) The present and proposed boundaries of the municipality in the vicinity of the proposed annexation;

(II) The present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and

(III) The existing and proposed land use pattern in the areas to be annexed;

(b) A copy of any draft or final preannexation agreement, if available;

(c) A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or on behalf of the municipality at the time of annexation;

(d) A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed;

(e) A statement identifying existing districts within the area to be annexed; and

(f) A statement on the effect of annexation upon local-public school district systems, including the estimated number of students generated and the capital construction required to educate such students.



Board of Trustees Meeting

Date: July 11, 2023

Subject: Resolution No. 23-2023 - A Resolution of the Town of Wellington, Colorado Amending Expenditures for the Fiscal Year 2022 Budget

- **Presentation:** Patti Garcia, Town Administrator, and Meagan Smith, Deputy Public Works Director

BACKGROUND / DISCUSSION

Enclosed for review and consideration is Resolution 23-2023, which will modify the 2022 budget recognizing an increase in operating expenses and ensure that the Town is in compliance with C.R.S. 29-1-110. The proposed change is as follows:

Raw Water Purchases

The approved budget for Raw Water Purchases (204-34-5593) is \$2,058,854. The budget for 2022 is for expenses related to the 1983 Water Lease Agreement between the Town of Wellington and North Poudre Irrigation Company (NPIC) and all other raw water assessments for 2022. Beginning with the 2023 Budget, the NPIC Water Lease Agreement costs are tracked separately from other raw water assessments. The invoices for 2022 for this include:

- \$10,207.80 - NPIC Annual Assessment on 53 Shares under the 1983 Agreement – 02/08/2022
- \$12,420.00 – NPIC Annual Assessment on Town owned shares – 02/08/2022
- \$1,200.00 – Larimer County Underground Water Users Association Assessment – 03/09/2022
- \$783.00 – Larimer County Underground Water Users Association Assessment – 03/09/2022
- \$2,674,893.38 – NPIC Fee for Water Usage under the 1983 Agreement 12/06/2022

These invoices total \$2,699,594.18, putting expenditures \$640,740.18 over the approved budget. The overage is due predominantly to the Town's underestimation of the projected farm and ranch real estate interest rate for October 2022. This interest rate is a key component of the rate calculation defined in the 1983 Agreement for water usage by the Town of Wellington. The five year history of the amount of water leased and related interest rates are as follows:

Year	Leased Volume (acre-feet)	Interest Rate	Average Market Value per Share	Invoice for Leased Water
2018	964	6.00%	\$ 102,604	\$ 898,500.85
2019	727	5.75%	\$ 125,949	\$ 692,597.86
2020	1158	4.25%	\$ 190,600	\$ 1,476,313.72
2021	950	5.00%	\$ 170,974	\$ 1,163,066.32
2022	997	8.25%	\$ 224,444	\$ 2,674,893.38

The Town of Wellington leases raw water from NPIC then treats and distributes to customers in Wellington. The Town typically receives the NPIC invoice in November or early December and submits payment in

December or January. The invoice for 2022 water usage was initially received in November 2022 with a revised invoice received in December 2022 for \$2,674,893.38.

Upon receipt and review of the 2022 invoice, staff had significant concerns related to the 8.25% interest rate used for the rate calculation. Staff performed research and developed a proposal for NPIC identifying a reduced interest rate of 6.32% based on interest rates surveyed from five regional banks. The proposal was brought to the NPIC board at their March meeting and discussed in Executive Session. The proposed interest rate of 6.32% would have brought the invoice to \$2,066,758.80.

During that time, and continuing now, the Town is in active negotiations with NPIC regarding the 1983 Agreement. Discussing the very high invoice for 2022 with the NPIC Board was an excellent tool for communicating the extreme variability in current rate calculation and the impact that has on the budgeting process for the Town.

In late March, the NPIC General Manager advised the Town that the NPIC Board did not approve the Town's request to modify the interest rate in the rate calculation. Acknowledging the invoice is greater than the Town's 2022 budgeted amount, the NPIC Board did approve the option of making a partial payment for the 2022 invoice with the remainder due in early 2024 so the Town could include it the 2024 budget process. Staff vetted this idea and believed the better approach is to bring the full invoice for approval to pay by the Board of Trustees.

STAFF RECOMMENDATION

Staff has identified the following options for Trustee consideration:

1. Approve Resolution No. 23-2023
2. Approve Resolution No. 23-2023 with amendments as the Board of Trustees deems appropriate
3. Postpone consideration of Resolution No. 23-2023 to a specific date and time and provide staff direction regarding additional information or amendments
4. Vote to deny Resolution No. 23-2023

ATTACHMENTS

1. Reso 23-2023_Budget amendment

TOWN OF WELLINGTON

RESOLUTION NO. 23-2023

A RESOLUTION OF TOWN OF WELLINGTON, COLORADO, AMENDING
EXPENDITURES FOR THE FISCAL YEAR 2022 BUDGET

WHEREAS, on November 8, 2022, the Board of Trustees adopted Ordinance No. 18-2022, the Fiscal Year 2022 Budget (“2022 Budget”); and

WHEREAS, expenditures have been evaluated and are being adjusted for the 2022 operating budget to increase clarity of information and improve the quality of usefulness of such information in the decision-making process; and

WHEREAS, the Board of Trustees agrees to modify appropriated expenditures for the 2022 Budget, ensuring that the budget will be in balance and that authorized expenditures are amended, as required by law.

NOW, THEREFORE, be it resolved by the Board of Trustees for the Town of Wellington, Colorado, as follows:

Raw Water Purchases:

Whereas, the Board of Trustees of the Town of Wellington determines that the Fiscal Year 2022 Raw Water Purchases expenditure appropriations are hereby increased from \$2,058,854 to \$2,699,594.18 to reflect an increase in expenditures for the annual lease payment for water used through the 1983 North Poudre Irrigation Company Agreement.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 11th day of July 2023.

TOWN OF WELLINGTON, COLORADO

By: _____
Calar Chaussee, Mayor

ATTEST:

Ethan Muhs, Town Clerk

Board of Trustees Meeting

Date: July 11, 2023
Subject: Update

- **Presentation: Ross LaGenese, Library Director**

BACKGROUND / DISCUSSION

During the Library Board meeting, staff will provide a brief update on the recent activities at the Wellington Public Library specifically regarding the busy summer season of events. Enclosed in the board packet the schedule of events for the summer reading program. The library staff has dedicated their efforts to curating a wide range of engaging activities for community members of all ages to enjoy.

At this meeting, the Library Director will present an update on several key areas, including the summer reading program, collaborative efforts with community organizations, the Youth Council, and the noticeable increase in patronage. We look forward to providing more detailed information and insights during the meeting. Thank you for the Board's continued support in making Wellington Public Library a vibrant hub of learning and community engagement.

STAFF RECOMMENDATION

ATTACHMENTS

1. Library Summer Events

Summer Reading Program All Together Now

Summer Events!

Thursday 6/1 - SUMMER READING STARTS!

Saturday 6/3 - Used Book Sale 9 AM - 1 PM

Friday 6/9 - Once Upon a Field Day 11 AM - 1 PM

Saturday 6/17 - Children's Yoga 11 AM

Friday 6/23 - Mad Science Show 3 - 4 PM

Saturday 6/24 - D&D 1 - 3 PM

Monday 6/26 - 1st PRIZE PICKUP BEGINS

Friday 6/30 - Lego Club 4-5 PM

Tuesday 7/4 - CLOSED

Saturday 7/8 - Fale African Drum and Dance 10:30 AM

Tuesday 7/11 - Ann Lincoln Foam Party 3:30 - 5 PM

Thursday 7/13 - Miniatures Painting Class 2:30 - 5 PM

Saturday 7/15 - Children's Yoga 11 AM

Monday 7/17 - 2nd PRIZE PICKUP BEGINS

Saturday 7/22 - Family Art Exploration

Tuesday 7/25 - Story Bakers 10:30 AM

Friday 7/28 - Lego Club

Friday 8/4 - Pizza Party

Saturday 8/5 - Last day of SRP

Saturday 8/12 - Last day to pick up prizes

Storytime!
2nd and 4th Tuesdays
at 10:15 AM
Toddler Playgroup!
1st and 3rd Tuesdays
at 10:15 AM



Board of Trustees Meeting

Date: July 11, 2023
Subject: Quarter 2 CORA Report

- **Presentation: Ethan Muhs, Town Clerk**

BACKGROUND / DISCUSSION

A summary report of CORA requests and responses issued by the Town from April - June 2023.

STAFF RECOMMENDATION

Review and retain report.

ATTACHMENTS

1. CORA Report Apr-Jun 2023

Date	Requestor	Description of Request	Outcome	STAFF PoC	Staff Minutes Spent	Charges	Date Closed	Pending Closure
3/30/2023	Shane Wells	Please produce a copy of the Town of Wellington's document retention policy applicable to building department files. Please produce a copy of all correspondence, memos, writings, or other communications between Wyatt Knutson and any member of the Town of Wellington staff, employees or vendors regarding document retention or purging for the building department files. Please produce all documents containing direction to purge building department files, including structural plans for homes for the last 5 years.	Policy provided. Explanation of research conducted provided to requestor, noting that no additional records were found after 6 hours of research.	Ethan Muhs	420	\$180	4/13/2023	
4/6/2023	Mark Skalican	Any existing records with respect to proposed commercial construction project located at 8955 Pieper Road.	Documents provided	Ethan Muhs	60		4/6/2023	
4/9/2023	Christine Gaiter	Library Board Special Meeting Minutes in 2023	Documents provided	Ethan Muhs	60		4/11/2023	
4/12/2023	Christine Gaiter	Library Board Minutes from the meeting before the September 29, 2023 meeting	Documents provided	Ethan Muhs	15		4/12/2023	
4/12/2023	Christine Gaiter	Minutes from Trustee Meetings between 9/2/2003 and 9/29/2003	Documents provided	Ethan Muhs	5		4/13/2023	
4/18/2023	Jesse Kirchmeier	List of graves with veteran status at Town Cemetery	Documents provided	Ethan Muhs	60		4/24/2023	
4/20/2023	Jeffrey Cullers	All writings pertaining to 6513 Globeflower St., Wellington, CO, 80549 - License No. 155478	Documents provided	Ethan Muhs	240	\$90	5/3/2023	
4/25/2023	Melissa Beauregard	Construction documents for: 7263 Horsechestnut St 3799, 3763, 3751, 3787, 3775, 3891, 3813 Buckhorn St 3905, 3815, 3798, 3763, 3762, 3814 Hackberry St 3969, 3801 River Birch St	Documents provided	Ethan Muhs	45		4/27/2023	
4/28/2023	Nathan Beernink	Building Plans for each of Front Range Steel's 3 buildings Building Permits for each of FRS's 3 buildings Fire Plan for this location	Requestor connected with Building Dept.	Ethan Muhs	30		5/2/2023	
5/10/2023	Renee Reed	Construction documents for: 7263 Horsechestnut St	Documents provided	Ethan Muhs	5		5/10/2023	
5/10/2023	Renee Reed	Construction documents for: 3799 Buckhorn St	Documents provided	Ethan Muhs	5		5/10/2023	
5/10/2023	Renee Reed	Construction documents for: 3763 Buckhorn St	Documents provided	Ethan Muhs	5		5/10/2023	
5/10/2023	Renee Reed	Construction documents for: 3751 Buckhorn St	Documents provided	Ethan Muhs	5		5/10/2023	
5/10/2023	Renee Reed	Construction documents for: 3787 Buckhorn St	Documents provided	Ethan Muhs	5		5/10/2023	
5/10/2023	Renee Reed	Construction documents for: 3775 Buckhorn St	Documents provided	Ethan Muhs	5		5/10/2023	
5/10/2023	Renee Reed	Construction documents for: 3891 Buckhorn St	Documents provided	Ethan Muhs	5		5/10/2023	
5/10/2023	Renee Reed	Construction documents for: 3813 Buckhorn St	Documents provided	Ethan Muhs	5		5/10/2023	
5/10/2023	Renee Reed	Construction documents for: 3905 Hackberry St	Documents provided	Ethan Muhs	5		5/10/2023	
5/10/2023	Renee Reed	Construction documents for: 3815 Hackberry St	Documents provided	Ethan Muhs	5		5/10/2023	
5/10/2023	Renee Reed	Construction documents for: 3798 Hackberry St	Documents provided	Ethan Muhs	5		5/10/2023	
5/10/2023	Renee Reed	Construction documents for: 3763 Hackberry St	Documents provided	Ethan Muhs	5		5/10/2023	
5/10/2023	Renee Reed	Construction documents for: 3762 Hackberry St	Documents provided	Ethan Muhs	5		5/10/2023	
5/10/2023	Renee Reed	Construction documents for: 3814 Hackberry St	Documents provided	Ethan Muhs	5		5/10/2023	
5/10/2023	Renee Reed	Construction documents for: 3969 River Birch St	Documents provided	Ethan Muhs	5		5/10/2023	
5/10/2023	Renee Reed	Construction documents for: 3801 River Birch St	Documents provided	Ethan Muhs	5		5/10/2023	
5/22/2023	Twila Soles	Copy of Old Colorado Brewing Company's submitted plans for brewery at 8121 1st St. Wellington and the formal review comments (all comments related to this) including final approval information please.	Documents provided	Ethan Muhs	240	\$90	6/1/2023	
5/29/2023	Jeszy Andreen	Documentation from Town citizens to the Board of Trustees about golf carts.	Request abandoned after requestor's non-response to invoice.	Ethan Muhs	60		6/12/2023	
6/1/2023	Natasha Carr	All emails between Judi Tippetts and the Wellington Board of Trustees between November 15, 2021 to December 15, 2021.	Document discovered determined a work product and not provided to requestor	Ethan Muhs	60		6/9/2023	
6/9/2023	Trustee Shirrell Tietz	Results from the above request.	Passed to Town Attorney	Ethan Muhs/Dan Sapienza	60		6/9/2023	
6/12/2023	Kendal Fosbaugh	Records pertaining to a spill or storage of hazardous waste at 5111 East County Road 62.	Documents provided	Patti Garcia	60		6/23/2023	
6/12/2023	Pat Ferrier	Connell asphalt plant appeal from Mr. Jeffrey Cullers.	Documents provided	Patti Garcia	15		6/16/2023	
6/19/2023	Haider Ali	List of houses that have had water cut off in last 3 months.	Documents provided	Patti Garcia	60		6/23/2023	
6/19/2023	Haider Ali	List of house fires in the last 6 months.	Documents provided	Patti Garcia	60		6/23/2023	
6/19/2023	Haider Ali	Code violation list for the last 2 months for vacant, property damage, high grass, and mold.	Documents provided	Patti Garcia	60		6/23/2023	
6/26/2023	Dylan Simard	Connell asphalt plant appeal from Mr. Jeffrey Cullers.	Documents provided	Ethan Muhs	15		6/26/2023	

Category	Totals
Requests	35
Staff Minutes	1705
Staff Hours	28.41666667
Average Time/Request (Minutes)	48.71428571
Invoices Issued	4 (3 issued for requests initiated in Q2)
Charges Obtained	Total: \$360 (\$180 from requests in Q2)

Board of Trustees Meeting

Date: July 11, 2023
Subject: Monthly Utility Report

- **Presentation: Bob Gowing, Director of Public Works**

BACKGROUND / DISCUSSION

The Monthly Utility Report is being provided for the period ending 6/1/2023. Ordinarily, this report is provided in the packet for the second regular Board of Trustees meeting each month. However, that meeting was canceled in June, so the report is provided herein.

STAFF RECOMMENDATION

Review and retain report.

ATTACHMENTS

1. Monthly Utility Report through 6.1.2023



Wellington Water and Wastewater Utilities Monthly Production and Operational Summary Report As of June 1, 2023

May Production Summary

- Water
 - Total May monthly volumetric production to meet demand was 33 million gallons (MG), which is about average for the last 5 years.
 - The Conventional Plant produced 24 MG.
 - The Nanofiltration Plant produced 9 MG.
 - Please see the attached charts for various additional data related to drinking water production.
- Wastewater
 - May Summary
 - The total influent volume for May was 20 MG, which is the second highest total for the last 5 years.
 - Hydraulic loading was at 0.63 million gallons per day (MGD). This hydraulic loading represents 70% of the maximum permitted hydraulic capacity.
 - Organic loading was 1,813 pounds of BOD, which is below average for the last 5 years. This represents 69% of the maximum permitted organic capacity.
 - Please see the attached charts for various additional data related to water reclamation production.

May Operational Summary

- Water Treatment Plants
 - Conventional Plant
 - Operators continue to coordinate with the expansion project contractor daily. Numerous sequencing and coordination issues are resolved on a daily or hourly basis.
 - Nanofiltration Plant
 - Wilson Well #2 was taken offline due to excessive sediment being produced by water coming from the well. A contractor was hired to pull the pump and video the well to determine the cause of the sediment. The well casing was intact with minimal issues. The increased sediment was due to a potential iron bacteria outbreak which was treated by the contractor.
- Water Reclamation Facility
 - Operators continue to coordinate with the expansion project contractor daily. Numerous sequencing and coordination issues are resolved on a daily or hourly basis.



Wellington Water Treatment Plant Expansion Project

Project Status Summary Report

As of June 1, 2023

Schedule Update

- The contractor has requested eleven (11) weather days to date, although the Contractor has made up six (6) of those days already. Based on the number of weather days to date including the days made up the Substantial completion date has moved to May 10, 2024, and final completion to August 2, 2024. Material and equipment procurement continues to be the biggest threat to the project schedule. Milestone dates are as follows:
 - Notice to Proceed May 11, 2022
 - Substantial Completion May 10, 2024
 - Final Completion August 2, 2024
 - Days remaining to Final Completion 292 days

Construction Update

- Work completed or in progress listed under each structure.
 - Site Work
 - Maintained SWMP BMPs
 - Installed various yard pipelines from the new treatment building to the new drying beds.
 - Treatment Building
 - Floc/Sed basins and settled water channel continued leak testing.
 - The filter gallery under slab piping, plumbing and electrical was installed.
 - The filter gallery wall rebar and forms were installed.
 - The filter gallery stem walls were poured.
 - Ozone Building
 - Foundation was excavated.
 - Mud mat was placed, and the sump was formed and poured.
 - The bottom slab was formed and rebar along with in slab electrical and plumbing was installed.
 - Chemical Building
 - Metal Building structural steel was installed, and coating touchups applied.
 - CMU containment walls within the building were installed.
 - Work started on installing the exterior building wall panels.
 - Construction team continues to work through design and material submittals requiring approval from the design engineer and Town Project Managers prior to construction.
 - Concrete, backfill, and compaction testing by CTL Thompson as needed.
 - Safebuilt has been performing construction inspection on electrical and plumbing components as needed.

- Issues
 - The project team was notified that due to AIS issues the Chemical Building roof panels will not be available until August or later. The project team worked with the metal building suppliers to have temporary panels sourced and installed (at no cost to the project) so that work on the interior of the building can proceed on schedule.
 - The new raw water pumps were delayed approximately 6 weeks due to the pump motors not showing up at the pump supplier as scheduled. Work on the raw water pump station was pushed back until this fall when demand lessens. The project team worked through several scenarios to re-schedule the raw water pump station upgrades to avoid any project delays and minimize production down time.

Contingency Update

- Contractor Contingency Actions
 - Price escalation for framing and drywall was approved for the Contractor Contingency for a total of cost of \$49,125.00.
 - Price escalation for masonry buyout was approved for the Contractor Contingency for a total of cost of \$13,726.00
 - Contractor contingency currently has \$1.2 million remaining or is at 80% remaining.
- Town Contingency Actions
 - Site security scope and costs were negotiated and added to the project with Greeley Lock and Key in lieu of contracting separately with the Town. Installation and materials included in this contingency item includes building access control system, door locks and hardware, access control and communication cables, and limited on-site video surveillance. Total contingency cost is \$136,353.00.
 - Staff elected to purchase the LOX (liquid oxygen) and Nitrogen equipment used in the Ozone treatment process rather than lease the equipment as was assumed in the GMP. The total cost to the Owner Contingency is \$249,115.00.
 - Staff decided to have Jacobs design upgrades to the electrical systems, HVAC systems, and design general upgrades to the pre-treatment facility. With the addition of new electrical systems and controls for the new raw water pumps being installed with the expansion project it became evident that facility upgrades would be necessary in order for the new equipment to be installed in an optimal environment. Total owner contingency cost for design and construction oversight is \$39,173.00.
 - Total construction costs to the Owner Contingency for the upgrades to the Pre-Treat facility is \$98,934.00.
 - The project team elected to change the pipe material of the exposed pipe being installed for the sludge collection system from coated ductile iron to stainless steel. The upgrade to stainless minimizes the need for future maintenance (periodic inspection and re-coating). Total cost to owner contingency is \$4,936.00.
 - Owner contingency due to several large cost savings items is at \$1.5 million, which is 100% of the original contingency.



Wellington Water Reclamation Facility Expansion Project

Project Status Summary Report

As of June 1, 2023

Schedule Update

- Project is currently on schedule for Final Completion of October 30, 2024. There have been eight (8) weather days tracked to date. Material and equipment procurement continues to be the biggest threat to the project schedule. Milestone dates are as follows:
 - Notice to Proceed April 19, 2022
 - Substantial Completion August 1, 2024
 - Final Completion October 30, 2024
 - Days remaining to Final Completion 353 days

Construction Update

- Work completed or in progress listed under each structure:
 - Site Work
 - Installation of various pipelines between the new structures on the site has begun.
 - Step Feed Aeration Basin
 - Leak testing completed.
 - Influent Pump Station
 - Interior coating installed.
 - Secondary Clarifiers
 - Clarifier 6 mechanism installed.
 - Backfilling around the clarifiers continued.
 - Effluent box slabs and walls were formed and poured.
 - Step Feed Process Building
 - Slab sections were completed.
 - Exterior curb was poured.
 - Backfill and fine grading completed.
 - Installation of the structural steel for the building started.
 - Orbal Reactor
 - No work was done.
 - UV Digester 5 & 6
 - No work.
 - UV Digester Blower Building
 - UV Channels and Walls were formed and poured.
 - UV Building slab was formed and poured.
 - Administration Building
 - Slab on grade was formed and poured with two placements.
 - Waiting on Metal Building to be installed (after the Step Feed Building is installed)
 - Headworks Building
 - Formed and placed the final wall placement #12.
 - Interior concrete work on the grit chamber was started.
 - Construction team continues to work through design and material submittals requiring approval from the design engineer prior to construction.
 - Materials Testing by CTL Thompson as needed.
 - Electrical and plumbing inspections by Safebuilt as needed.

- **Issues**

- Items intended for design during construction were completed this month including the re-design of the existing RAS/WAS basement and the location and extent of the dumpster wear plates being installed into the Step Feed Process Building concrete slab.

Contingency Update

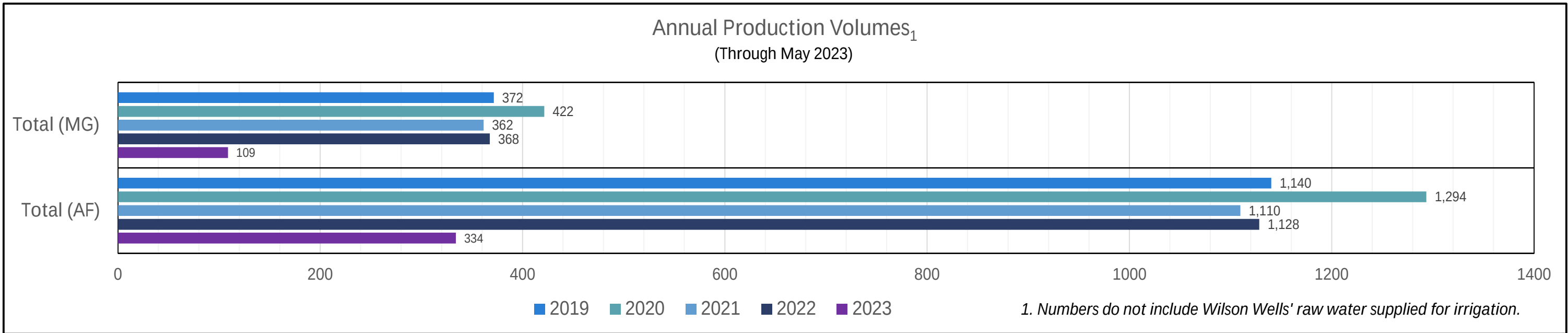
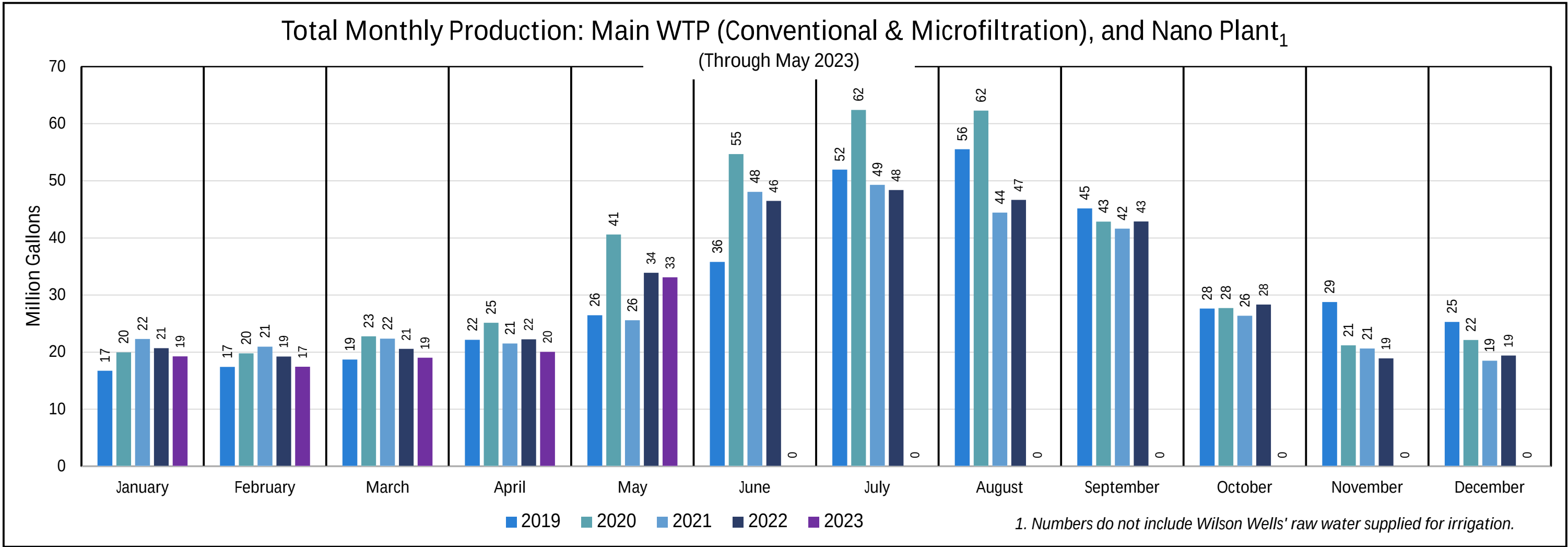
- **Contractor Contingency**

- The redesign of the existing RAS/WAS basement was completed last month and Moltz completed the pricing this month. The total cost for the electrical/structural and mechanical changes was \$437,023.00. The cost was split between the Contractor and Owner Contingency with \$218,511.50 charged to the Contractor contingency.
- Contractor contingency currently has \$1.76 million remaining or is at 81% remaining.

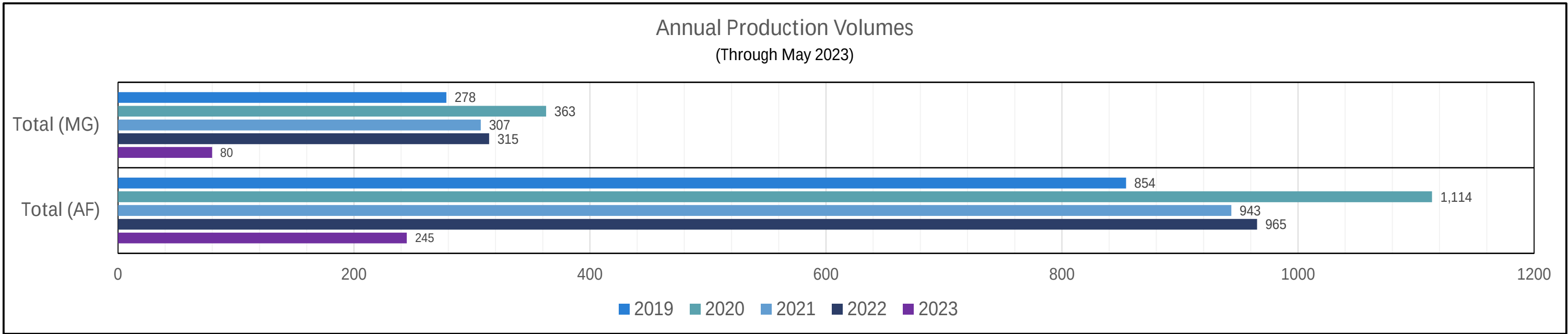
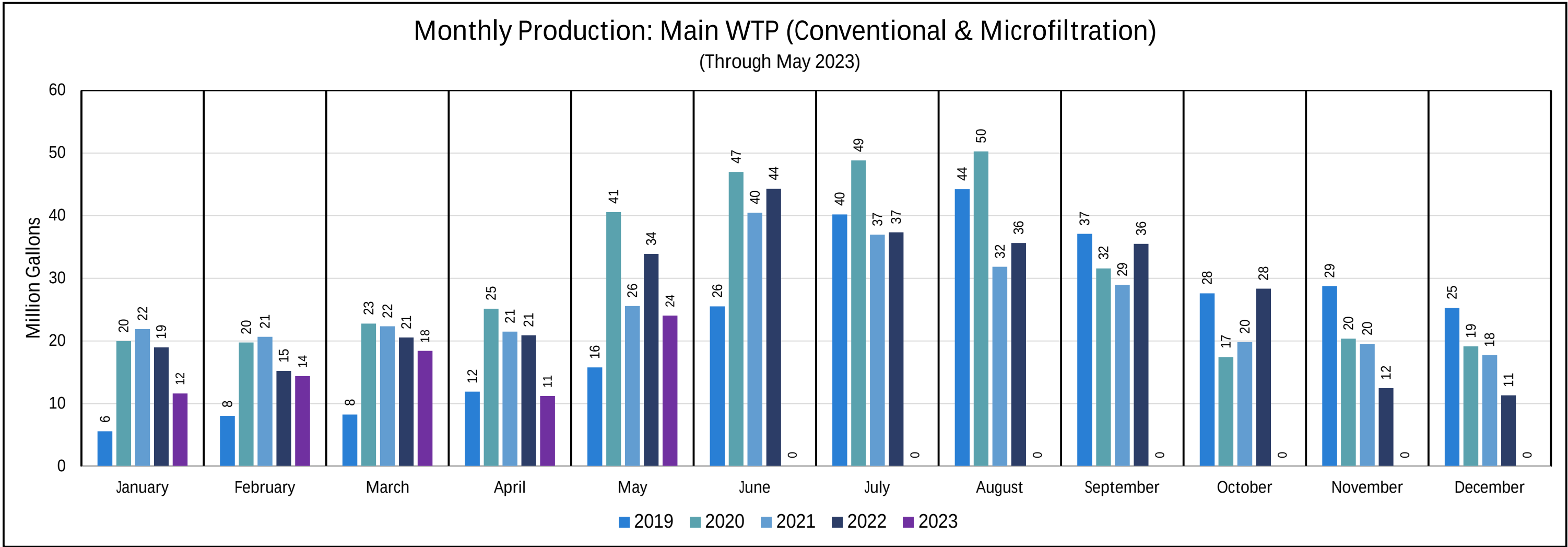
- **Town Contingency**

- The redesign of the existing RAS/WAS basement was completed last month and Moltz completed the pricing this month. The total cost for the electrical/structural and mechanical changes was \$437,023.00. The cost was split between the Contractor and Owner Contingency with \$218,511.50 charged to the Owner contingency.
- FRP Launder covers were approved this month by the project team. This was a design item with a delayed approval pending sufficient contingency funds at the one-year point in the construction project. The total cost to the Owner contingency was \$203,292.00 for all six clarifiers.
- Owner contingency currently has \$1.1 million remaining, which is 49% of the original contingency.

Town of Wellington Water Treatment

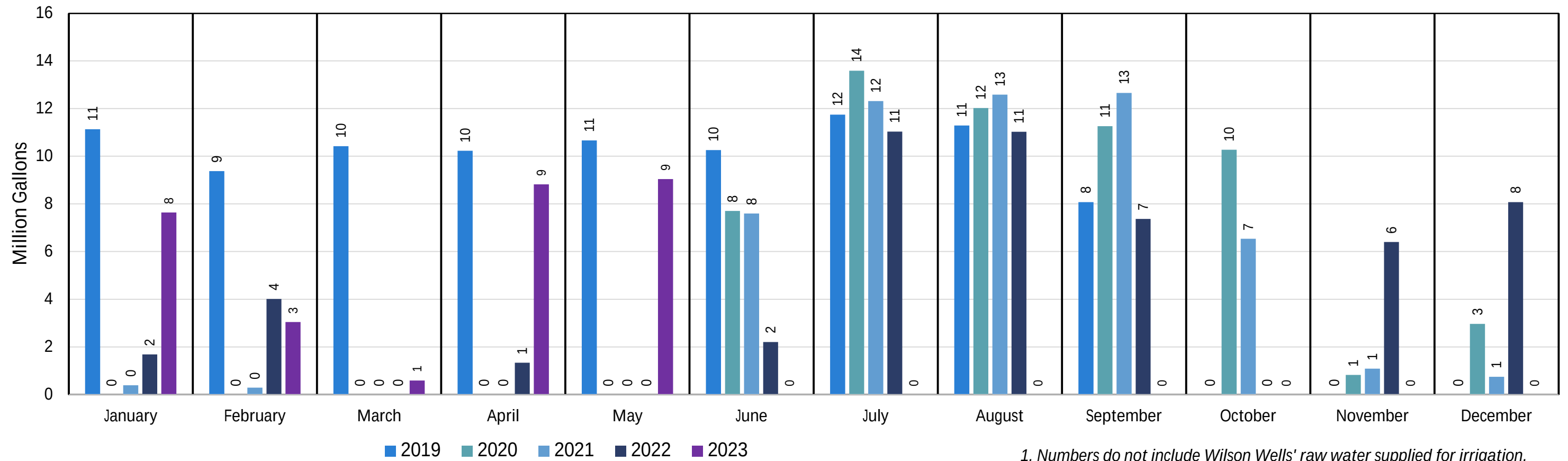


Town of Wellington Water Treatment

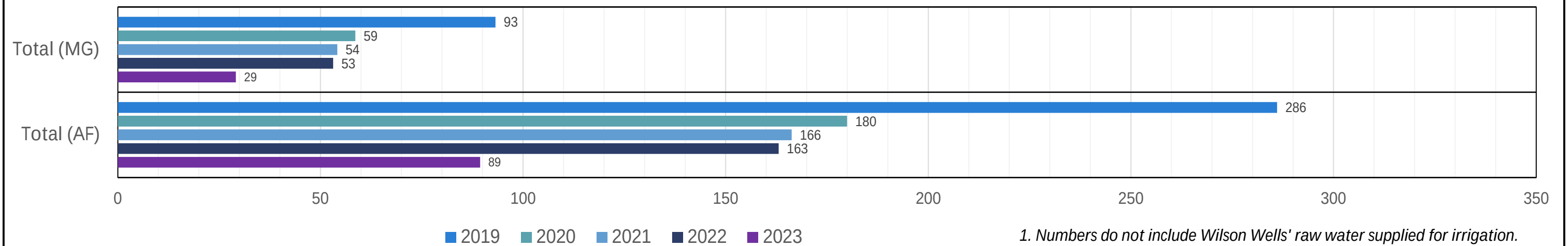


Town of Wellington Water Treatment

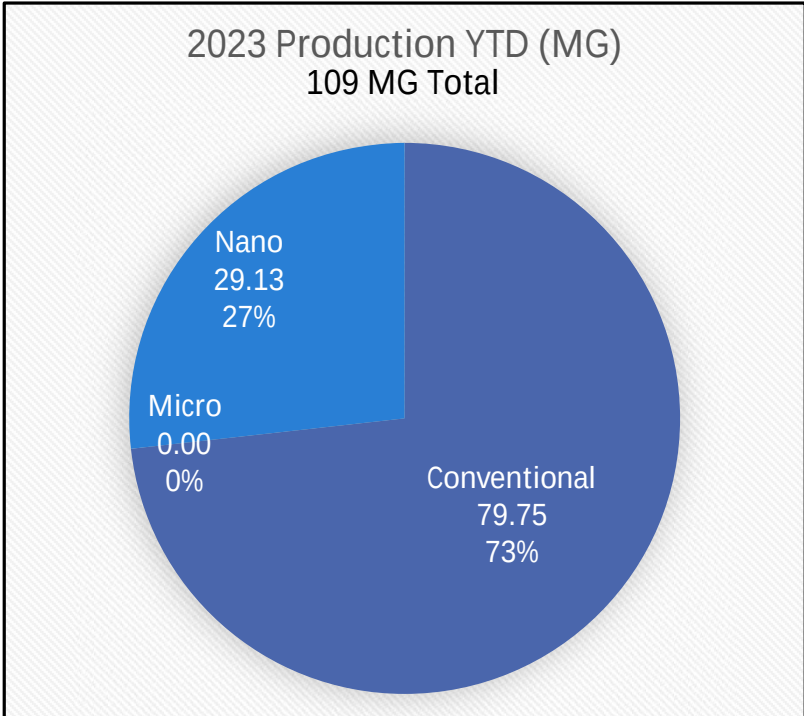
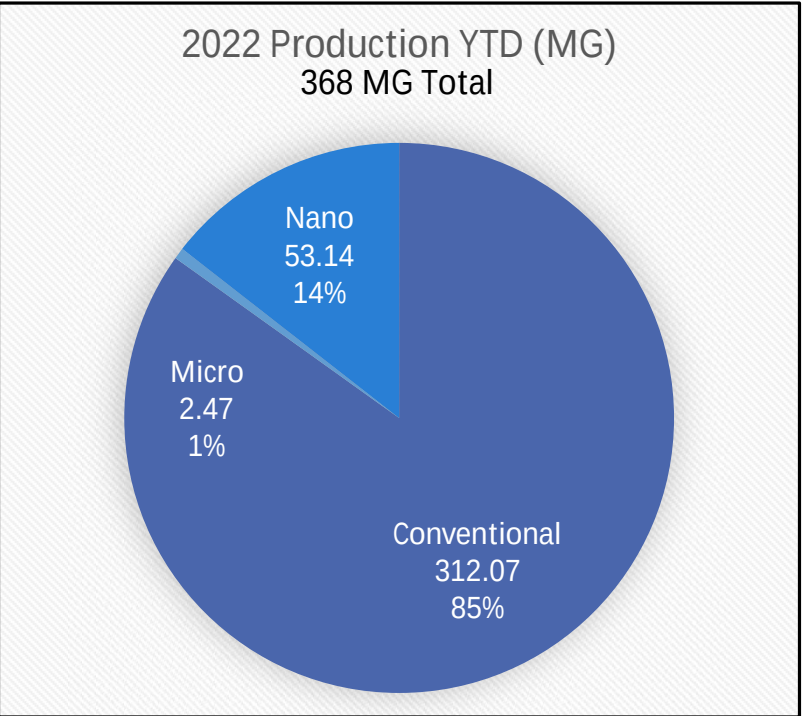
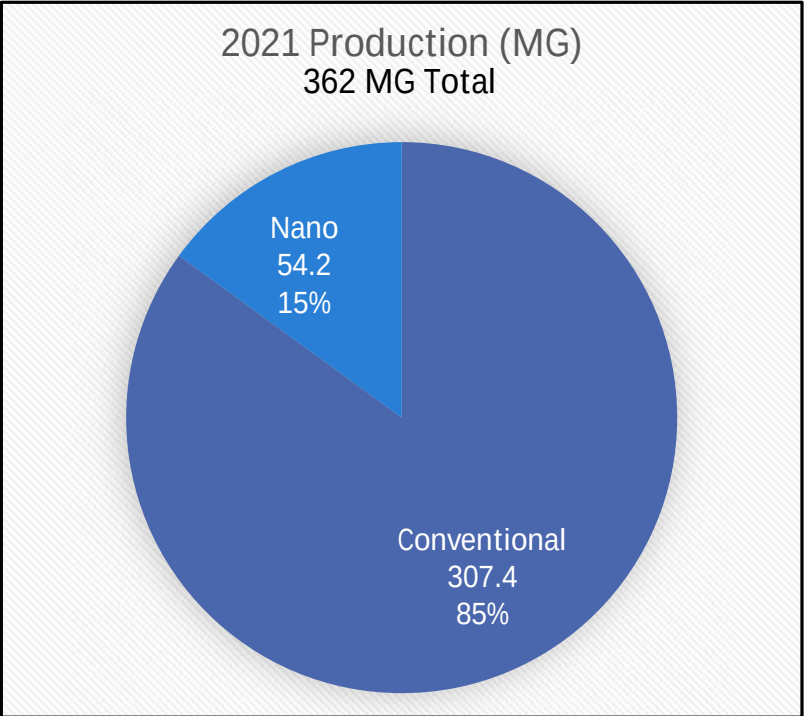
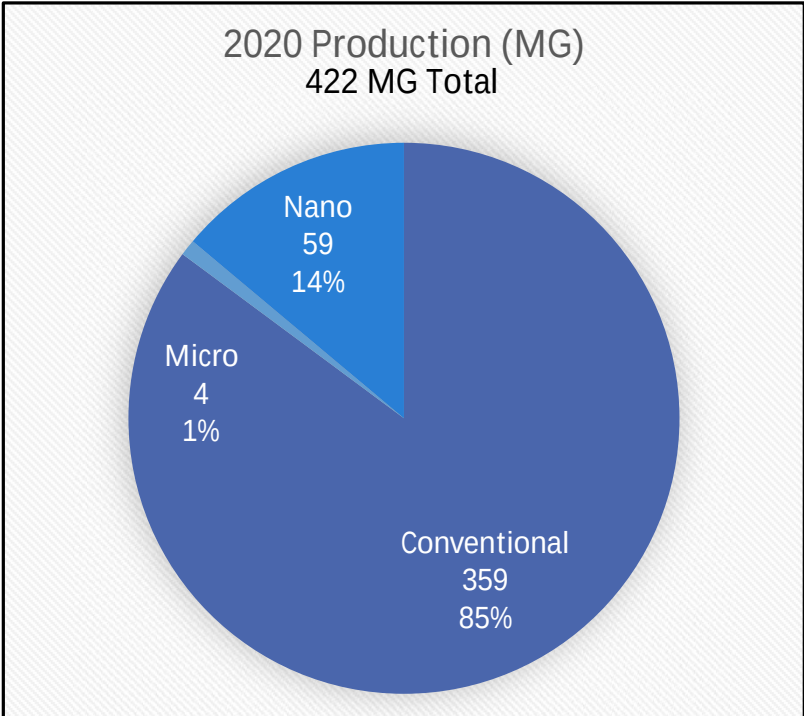
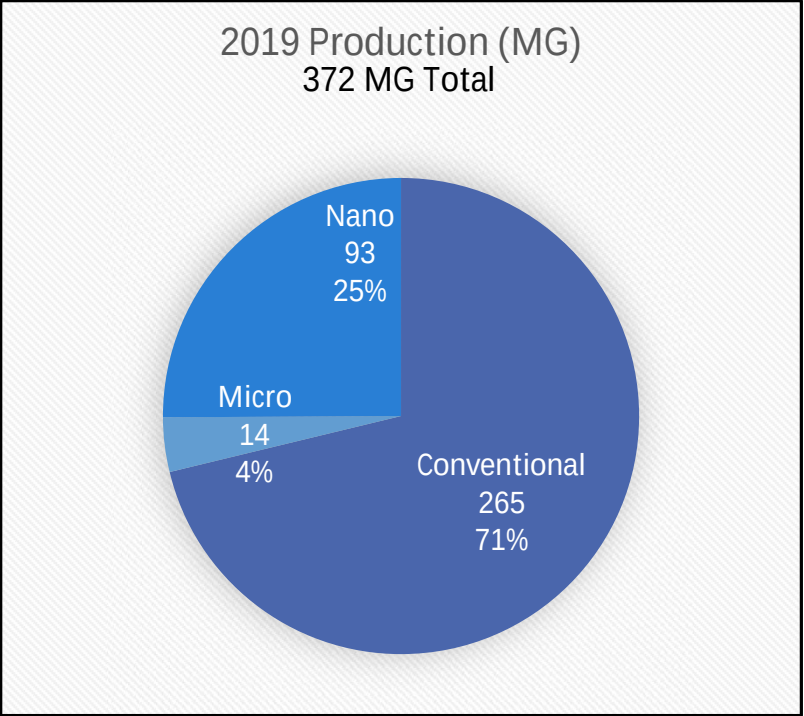
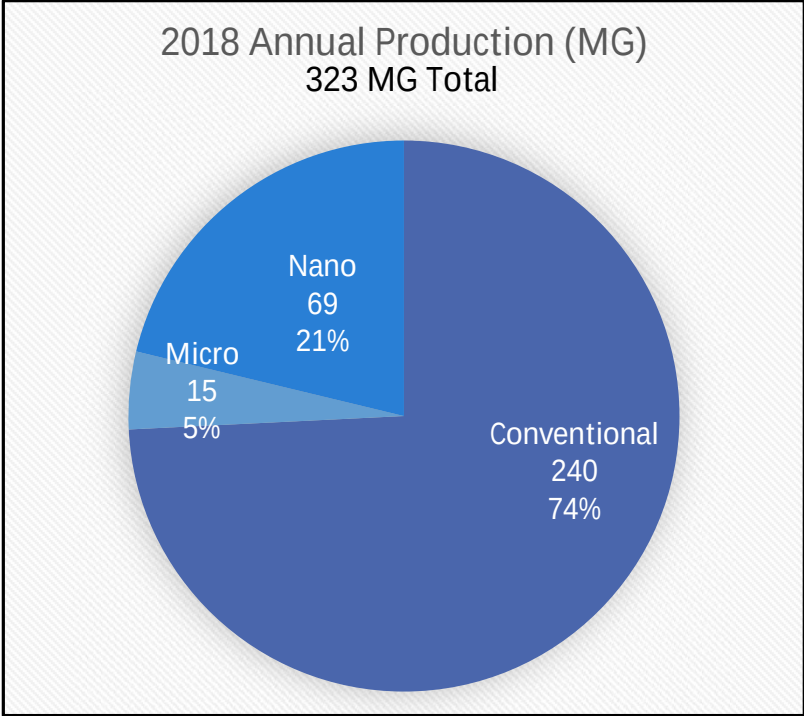
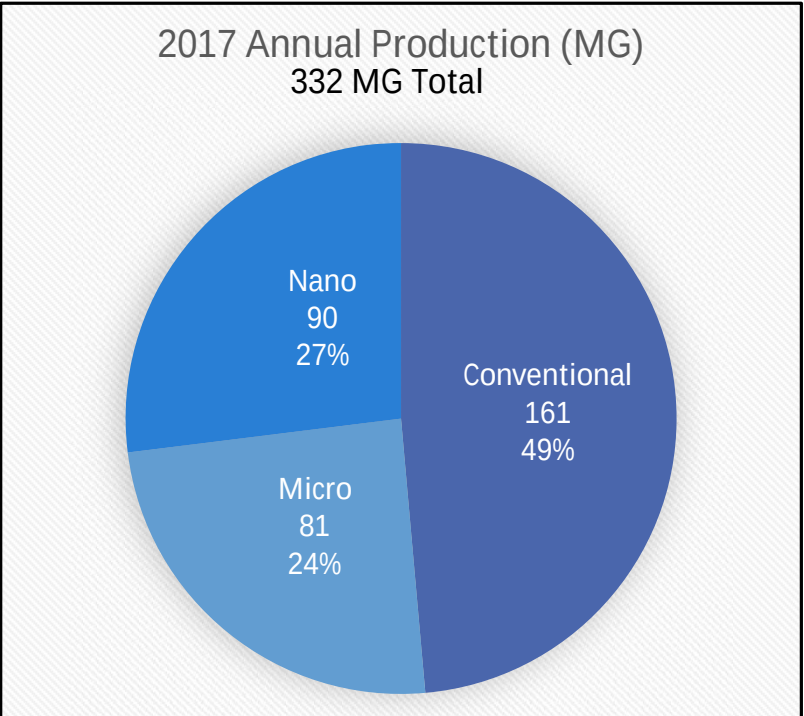
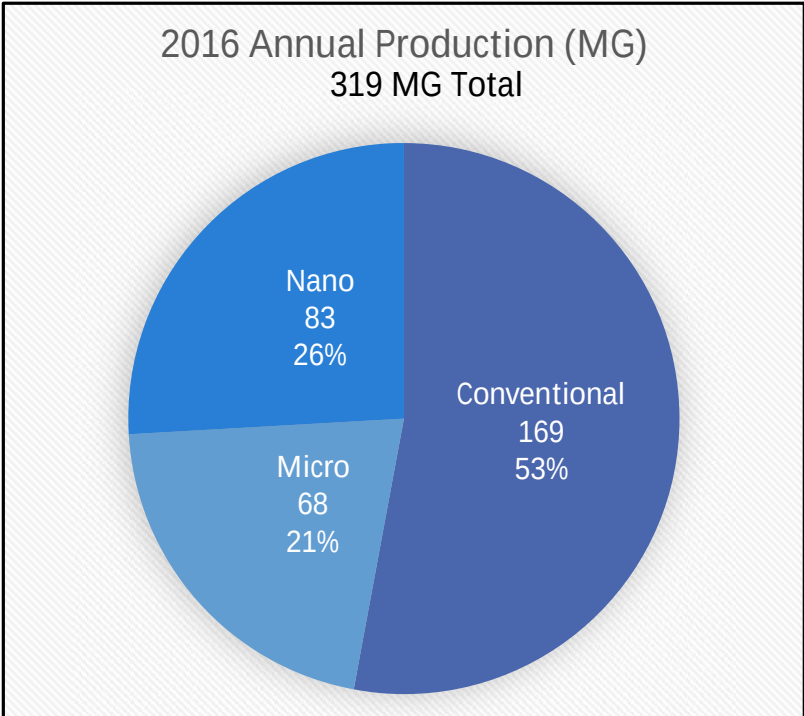
Monthly Production: Nano Plant₁
(Through May 2023)



Annual Production Volumes₁
(Through May 2023)

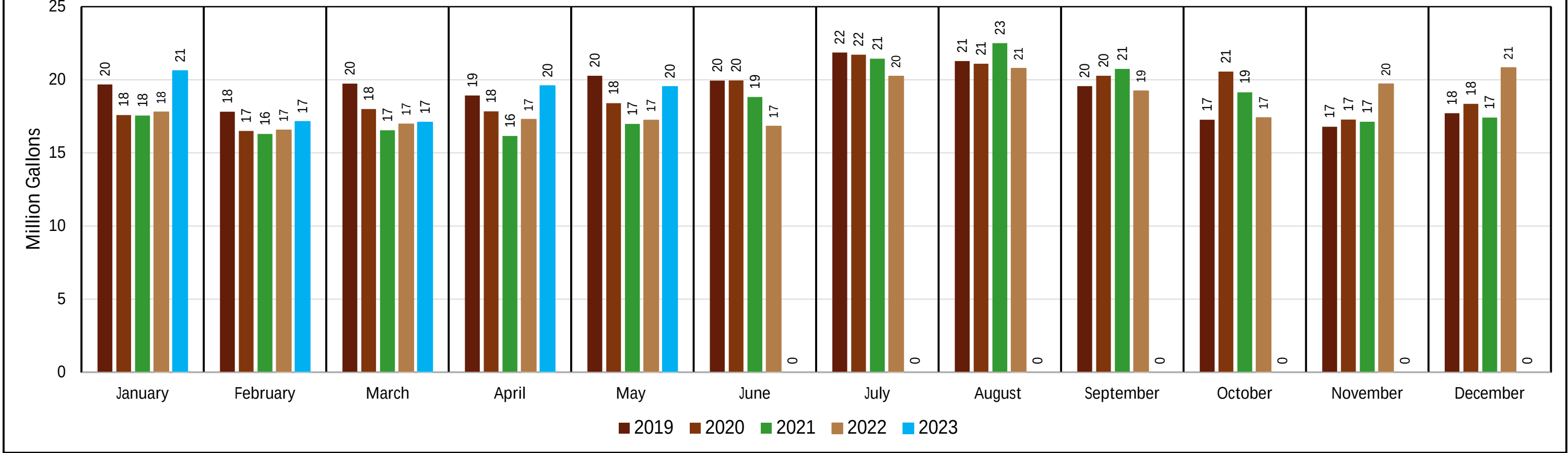


Town of Wellington
Water Treatment

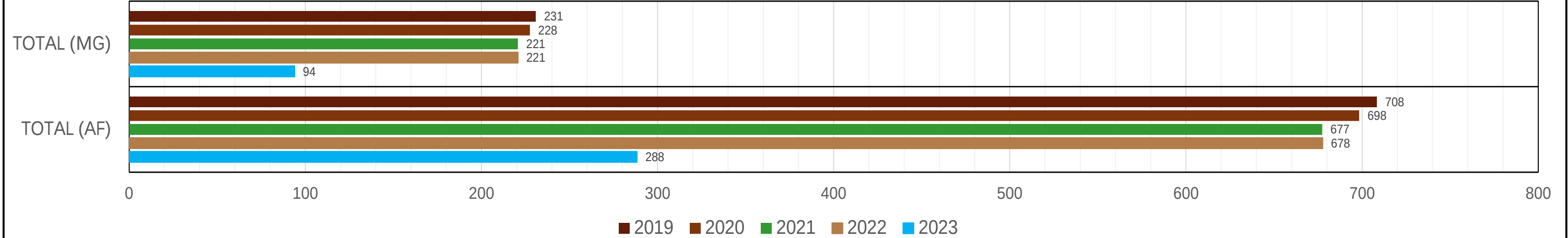


Town of Wellington
Water Reclamation Facility Treatment

Monthly Production: Monthly Volume of Influent
(Through May 2023)

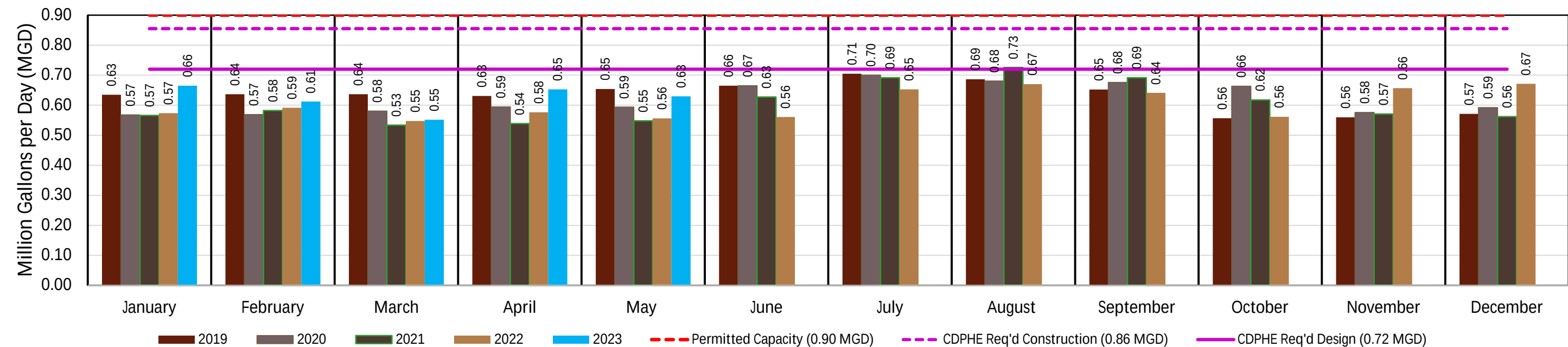


Annual Volume of Influent
(Through May 2023)

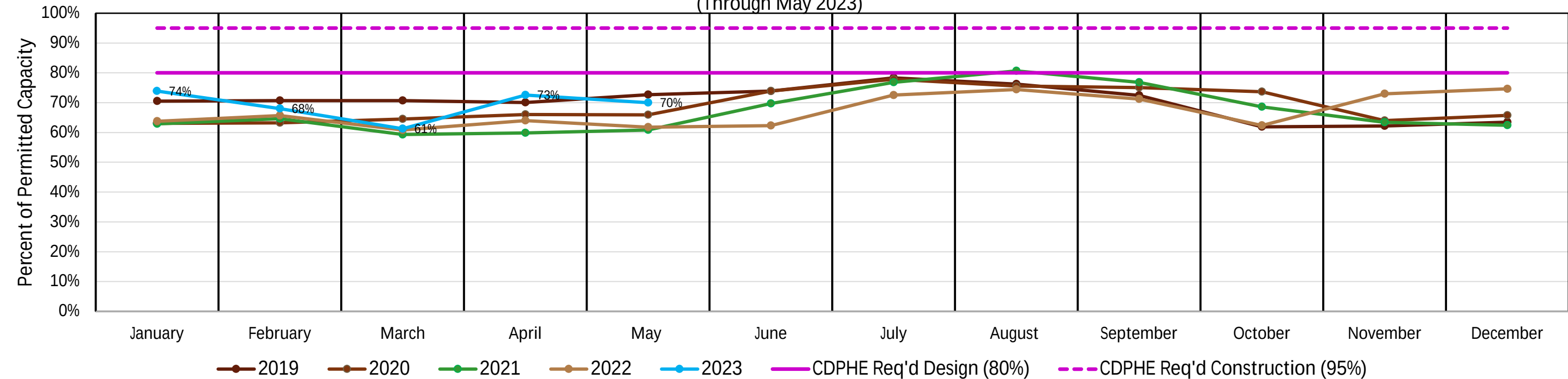


Town of Wellington
Water Reclamation Facility

Monthly Production: Hydraulic Loading
(Through May 2023)



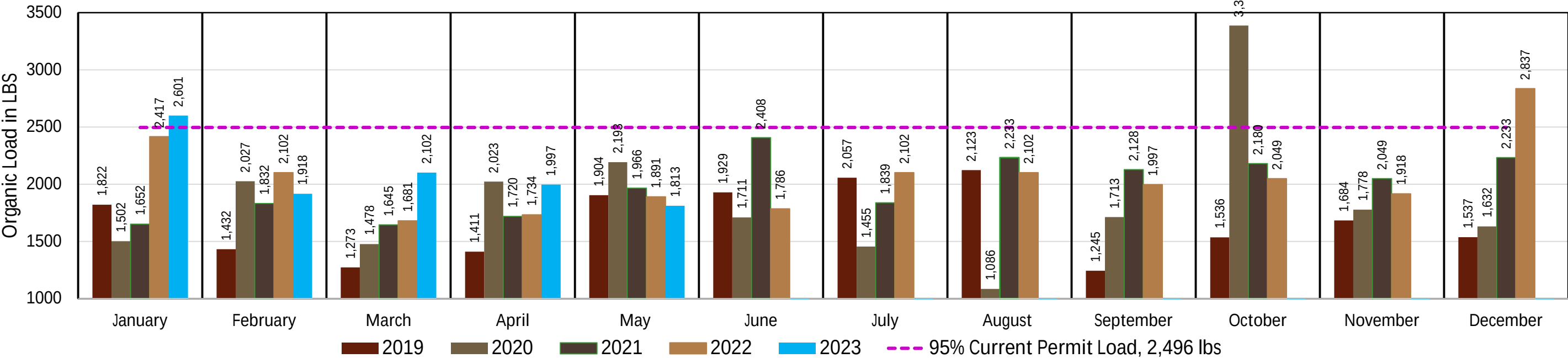
Monthly Production: Percent of Permitted Hydraulic Capacity
(Through May 2023)



Town of Wellington
Water Reclamation Facility

Monthly Production: Organic Loading
(Through May 2023)

Note: June 2018 permitted capacity increased from 1314lbs to current level of 2627lbs.



Monthly Production: Percent of Permitted Organic Capacity
(Through May 2023)

Note: June 2018 permitted capacity increased from 1314lbs to current level of 2627lbs.

