TOWN COUNCIL WORK SESSION & MEETING
Zoom Webinar and Town Council Chamber
3 S. Timber Ridge Parkway, Severance, CO 80550

AGENDA
TOWN COUNCIL WORK SESSION & MEETING
Tuesday, March 14, 2023, at 6:00 PM

A. CALL TO ORDER WORK SESSION

The Goal of the Work Session is to have the Town Council receive information on topics of Town business from the Town Manager, Town Attorney and Town Staff in order to exchange ideas and opinions regarding these topics.

1. **Pledge of Allegiance**

2. **Pg 4 - Community Center Discussion**
   - Legislative
   - Staff Presentation: Nicholas Wharton, Town Manager

B. CALL TO ORDER REGULAR MEETING

1. **Roll Call**

2. **Agenda Review by Town Manager**

3. **Consent Calendar**

   The Consent Calendar is intended to allow the Town Council to spend time and energy on the important items and not routine actions. A Council Member may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately as a regular agenda item. Items remaining on the Consent Calendar will be approved by Town Council with one vote.

   a. **Pg 5 - 2.28.23 Minutes**

4. **Approval of Agenda**

5. **Public Comment**

   The purpose of the Public Comment is for members of the public to speak to the Town Council on any subject not scheduled on the agenda. To accomplish scheduled agenda items, comments should be limited to three minutes for those attending in person or an appropriate time as deemed by the Mayor. The Town Council is not obligated to make decisions or take action on comments but may choose to schedule the matter for a later discussion. Those addressing the Town Council, please state your name and address and sign-in.

6. **Council Member Comments**

7. **Reports**

   Council approval may be sought for administrative actions in association with staff reports.

   a. Town Attorney
   b. Town Staff
   c. Town Management
   d. Council Members Liaisons
   e. Mayor

C. TOWN COUNCIL

1. **Pg 10 -** Provisions and Procedures **Discussion: Land Use Code (Discussion)**
   - Discussion
   - Staff Presentation: Abdul Barzak, Town Planner

2. **Pg 146 - Resolution 2023-13R: A Resolution of The Town Council of The Town Of Severance, Colorado, Approving a Use By Additional Review application to operate a large-scale solar facility on certain real property fully described herein, Approving a Site Plan in conjunction with such use; and authorizing a Development Agreement pertaining to the BHS Solar Facility**
   - Quasi-Judicial
   - Staff Presentation: Abdul Barzak, Town Planner

3. **PUBLIC HEARING**
   Pg 438 - Resolution 2023-14R: A Resolution of The Severance Zoning Board of Adjustment, Approving a Variance Request for certain real property located within portions of Section 2, T7n, R67 We, 6th P.M., And Sections 14, 23, 26, 27, And 35, T8n, R67w, 6th P.M., Weld County, Colorado
   - Quasi-Judicial
   - Staff Presentation: Abdul Barzak, Town Planner

4. **PUBLIC HEARING**
   Pg 455 - Resolution 2023-15R: A Resolution of The Town Council of The Town of Severance, Colorado, Granting the vesting of The BHS Solar Use By Additional Review, BHS Solar Energy Facility Site Plan and BHS Solar Energy Facility Site Plan Development Agreement; and approving a Vesting Agreement pertaining to thereto
   - Legislative
   - Staff Presentation: Abdul Barzak, Town Planner

5. **Pg 472 - Resolution 2023-16R: Memorandum of Understanding for North Weld County Responder Team**
   - Legislative
   - Staff Presentation: Jim Gerdeman, Chief of Police

6. **Pg 482 - Ordinance 2023-03: An Ordinance of the Town Council of the Town of Severance, Colorado, Repealing and Reenacting Article 6 of Chapter 13, Pertaining to the Town's Cross-Connection Control Program**
   - Legislative
   - Staff Presentation: Nicholas Wharton, Town Manager

D. COUNCIL MEMBER PETITIONS

Council Members may ask for items to be added to future agendas.

E. EXECUTIVE SESSION

1. **Executive Session pursuant to C.R.S. Section 24-6-402(4)(b) of the Colorado Revised Statutes to confer with the Town Attorney for the purpose of receiving legal advice on specific legal questions regarding various water-related projects.**

2. **Executive Session pursuant to C.R.S. Section 24-6-402(4)(e) of the Colorado Revised Statutes for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations, and instructing negotiators with respect to a Comcast Franchise Agreement.**

F. ADJOURN

Town Council MEETING
Tuesday, March 14, 2023, 6:00 PM (MDT)

Registration URL
https://us02web.zoom.us/webinar/register/WN_GSL5tq02RNOARXxagWeWpA

The Town of Severance does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services. For disabled persons needing reasonable accommodation to attend or participate in a town service, program, public meeting, or activity, call 970-686-1218 at least 72 hours in advance. Disabled access is available from the front entrance of the Town Hall.

AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg 4 - Community Center Discussion	Nicholas Wharton, Town Manager	Nicholas J. Wharton and Bill Cornelius

ACTION REQUESTED

Management asked the Town Council to discuss the next steps for recreation and a community center in the Town of Severance.	**Presentation** **Report** **Discussion**

BRIEF SUMMARY

As mentioned at the February 28th Meeting, Town Management would like to discuss the next steps for a community center in Severance. A partnership with the YMCA has been discussed, however, it has come to our attention that the town would need to subsidize the YMCA by $500,000 to $1,000,000 in operations, as well as going to bond to build the building.

PUBLIC SUPPORT/CONCERN

None at this time.

ANALYSIS AND RECOMMENDATION

Town Management asks the Town Council to discuss the proposed future Community Center and direct any necessary actions.

MATERIALS SUBMITTED

The following materials were submitted and included in this packet:
None

TOWN COUNCIL WORK SESSION & MEETING
Zoom Webinar and Town Council Chamber
3 S. Timber Ridge Parkway, Severance, CO 80550

MINUTES
WORK SESSION & MEETING
Tuesday, February 28, 2023, at 6:00 PM

Present:

Mayor: Matthew Fries

Mayor Pro-tem: Dennis 'Zeke' Kane

Council Members: Frank Baszler
Stephen Gagliardi
Michelle Duda
Dan Meyers

Absent:

Audience: Susan & Jacob Pault & Erik Peter

Staff:

Nicholas Wharton, Town Manager
Lindsay Radcliff-Coombes, Deputy Town Manager
Abdul Barzak, Town Planner
Nancy Mueller CPA, Finance Director
Leah Vanarsdall, Town Clerk
Keith Martin, Town Attorney
John Zacklene, Public Works Director
Jose Guzman, Water Supervisor
Jim Gerdeman, Chief of Police
Dave Lewis, ORC
Chris Messersmith, Town Engineer

A. CALL TO ORDER WORK SESSION

The Goal of the Work Session is to have the Town Council receive information on topics of Town business from the Town Manager, Town Attorney and Town Staff in order to exchange ideas and opinions regarding these topics.

1. Pledge of Allegiance

2. **Pg 4 Future Land Use Map**
   - Discussion
   - Staff Presentation: Nicholas Wharton, Town Manager

B. CALL TO ORDER REGULAR MEETING

1. **Roll Call**

2. **Agenda Review by Town Manager**

3. **Consent Calendar**

   The Consent Calendar is intended to allow the Town Council to spend time and energy on the important items and not routine actions. A Council Member may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately as a regular agenda item. Items remaining on the Consent Calendar will be approved by Town Council with one vote.

   MOTION WAS MADE BY Council Member Duda, seconded by Council Member Meyers to Approve Consent Calendar. All Council Members present voting Yes,

   MOTION PASSED

   a. **Pg 6 - 1.24.23 Minutes**

   b. **Pg 10 December 2022 Payables Report**

   c. **Pg 15 January 2023 Payables Report**

   d. **Pg 20 December 2022 Interim Financial Statements**

4. **Approval of Agenda**

   MOTION WAS MADE BY Council Member Duda, seconded by Council Member Kane to Approve the Agenda. All Council Members present voting Yes,

   MOTION PASSED

5. **Public Comment**

   The purpose of the Public Comment is for members of the public to speak to the Town Council on any subject not scheduled on the agenda. To accomplish scheduled agenda items, comments should be limited to three minutes for those attending in person or an appropriate time as deemed by the Mayor. The Town Council is not obligated to make decisions or take action on comments but may choose to schedule the matter for a later discussion. Those addressing the Town Council, please state your name and address and sign-in.

6. **Council Member Comments**

7. **Pg 61 Reports**

   Council approval may be sought for administrative actions in association with staff reports.

   a. Town Attorney

   b. Town Staff

   c. Town Management

   d. Council Members Liaisons

   e. Mayor

C. TOWN COUNCIL

1. **Pg 85 Tree Board Appointment**
   - Legislative
   - Staff Presentation: Nicholas Wharton, Town Manager

     Erik Peter appears, no other applicants present.

     MOTION WAS MADE BY Council Member Duda, seconded by Council Member Meyers to Appoint Erik Peter to the Tree Board. All Council Members present voting Yes,

     MOTION PASSED

2. **Pg 103 Resolution 2023-10R Saddler Ridge Metro District Amendment**
   - Legislative
   - Staff Presentation: Nicholas Wharton, Town Manager

     MOTION WAS MADE BY Council Member Duda, seconded by Council Member Baszler to Approve **Resolution 2023-10R:** Saddler Ridge Metro District Amendment for 2024 Budget and to include plowing to Saddlers Ridge and to include in the agreement that if any damage occurs while plowing, Saddlers Ridge will cover those damages. All Council Members present voting Yes,

     MOTION PASSED

3. **Pg 122 State Water Inspection Report and Town's Cross-Connection Control Program**
   - Discussion
   - Staff Presentation: John Zacklene, Public Works Director

     John Zacklene, Public Works Director & Dave Lewis, ORC Presented. Council directs Management to prepare an Ordinance for adoption on the next Agenda.

4. **Pg 155 Resolution 2023-11R: Budget Reappropriations**
   - Legislative

- Staff Presentation: Nancy Mueller, Finance Director

MOTION WAS MADE BY Council Member Duda, seconded by Council Member Baszler to Approve **Resolution 2023-11R:** A Resolution for the Town of Severance to Appropriate and reappropriate funds for 2022 projects that were budgeted but not complete by December 31, 2022. All Council Members present voting Yes,

MOTION PASSED

5. **Pg 160 Density Requirements: Land Use Code (Discussion)**
   - Discussion
   - Staff Presentation: Abdul Barzak, Town Planner

     Ordinance will be on the March 14, 2023, Agenda for consideration

6. **Pg 171 Ordinance 2023-02: An Ordinance Of The Town Council of The Town Of Severance, Colorado, Amending Chapter 16 of The Severance Municipal Code by the addition of a New Article 19 pertaining to Nonresidential Commercial and Office Design and Development Standards**
   - Legislative
   - Staff Presentation: Abdul Barzak, Town Planner

     MOTION WAS MADE BY Council Member Duda, seconded by Council Member Baszler to Adopt **Ordinance 2023-02**: An Ordinance Of The Town Council of The Town Of Severance, Colorado, Amending Chapter 16 of The Severance Municipal Code by the addition of a New Article 19 pertaining to Nonresidential Commercial and Office Design and Development Standards. All Council Members present voting Yes,

     MOTION PASSED

7. **Pg 183 Resolution 2023-12R: 1.5 MG Elevated Water Tank Construction Contract Award**
   - Legislative
   - Staff Presentation: Chris Messersmith, Town Engineer, Abdul Barzak, Town Planner

     MOTION WAS MADE BY Council Member Duda, seconded by Council Member Kane to Approve **Resolution 2023-12R**: A Resolution of the Town Council of the Town of Severance, Colorado, approving an agreement between the Town of Severance and Landmark Structures I, LP regarding the 1.5 MG Elevated water tank project; and granting a waiver of the 80% Colorado Labor Requirement pertaining thereto. All Council Members present voting Yes,

     MOTION PASSED

8. **Pg 213 Council Liaison Roles to Boards, Commissions, and Committees**
   - Discussion
   - Staff Presentation: Nicholas Wharton, Town Manager

     Direction given to management for changes and to bring back for consideration at future Council meeting

D. COUNCIL MEMBER PETITIONS

Council Members may ask for items to be added to future agendas.

E. EXECUTIVE SESSION

Open: 8:55 **Closed**: 9:56

1. **Pursuant to Section 24-6-402(4)(b) of the Colorado Revised Statutes to confer with the Town Attorney for the purpose of receiving legal advice on specific legal questions regarding North Weld County Water District and various water-related projects**

MOTION WAS MADE BY Council Member Duda, seconded by Council Member Baszler to ADJOURN INTO Executive Session Pursuant to Section 24-6-402(4)(b) of the Colorado Revised Statutes to confer with the Town Attorney for the purpose of receiving legal advice on specific legal questions regarding North Weld County Water District and various water related projects. All Council Members present voting Yes,

MOTION PASSED

MOTION WAS MADE after the Executive Session BY Council Member Duda, seconded by Council Member Kane for the Town Attorney to invite the North Weld County Water District Board to provide an update on the Districts Master Plan and continued partnership or cooperation on moving forward with the Town of Severance. All Council Members present voting Yes,

MOTION PASSED

F. ADJOURN

9:57 pm

AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg 10 - Provisions and Procedures Discussion: Land Use Code (Discussion)	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner

ACTION REQUESTED

Community and Economic Development and Management ask that the Severance Town Council review, discuss, and provide direction to Town staff on the Provisions and Procedures within the Land Use Code.	**Report Discussion**

BRIEF SUMMARY

On September 7th, 2022, and January 4th, 2023, the Land Use Advisory Committee (LUAC) reviewed, discussed, and directed Town staff with recommendations on Provisions and Procedures within the Land Use Code. On February 15th, 2023, the Planning Commission reviewed, discussed, and then directed Town Staff with Recommendations for Provisions and Procedures within the Land Use Code. Tonight those recommendations are before the Town Council as proposed Code Language. Town staff asks that the Town Council review, discuss, and provide direction to Town staff on the Provisions and Procedures within the Land Use Code. Town Staff will make final edits and bring back the Code Language to Town Council for approval via Ordinance.

PUBLIC SUPPORT/CONCERN

None at this time

ANALYSIS AND RECOMMENDATION

Town staff is asking for the Town Council to review, discuss, and provide direction to Town staff on the Provisions and Procedures within the Land Use Code.

MATERIALS SUBMITTED

The following materials were submitted and included in this packet:

1. Memo on Provisions and Procedures
2. Proposed Code Language (Redlines)
3. Proposed Code Language (Clean)
4. Procedures Summary Table

MEMORANDUM

To:	Mayor and Town Council - Town of Severance
From:	Josh Olhava, AICP, PCCP, Sr. Community Planner and Sr. Project Manager
Date:	March 14, 2023
Re:	Council Code Review – Provisions and Procedures Draft Code Language

Background

Over the past few months, the project team has worked closely with the Land Use Advisory Committee (LUAC) and the Planning Commission (PC) to prepare the enclosed draft code language for Council review and input. During the September 2022 LUAC meeting, committee members reviewed the project team's initial findings and recommendations to the general provisions and procedures sections of the land use code. There were no substantial comments or concerns raised at that time.

In January 2023, the LUAC reviewed an excerpt of the project team's preliminary redlines and suggested format. Due to the nature of the code language found within these sections, a comparison table was not a viable way to share the research with the group. As with other code sections, the project team reviewed and compared the Town's code language and criteria against the seven (7) comparison jurisdictions: Evans, Firestone, Frederick, Johnstown, Timnath, Wellington and Windsor; as well as industry best practices and the goals of the community. There were a few items that the group asked for clarification on during the meeting, but the group unanimously supported the proposed revisions and structure. In February 2023, the PC reviewed the LUAC's recommendations and had no comments or concerns on the proposed language excerpt. Since then, the project team completed the draft language for Council review.

Enclosed are both a redlined version and clean version for review, as well as the draft procedures summary table. Track changes are used on the redlined version document to show existing code language being repurposed into the new structure (black font), proposed deletions (red font), and proposed additions (blue font). Existing code language that was relocated from one section to another is also shown (green font), where applicable. Due to the complexity of the changes and formatting, there are some segments of existing language that is part of the proposed editions in blue font, rather than black font.

Highlights

As part of the targeted updates to the criteria within the Land Use Code, there were two overarching goals of the Town and observations of the project team:

1. Reorganize the overall code structure of the various articles and sections into a more unified development code structure that followed a natural progression.
2. Improve legibility and user friendliness throughout by eliminating redundant or unnecessary language, and incorporating tables, graphics, and/or bulleted lists.

Due to the overall complexity and level of changes proposed, the project team will be available to walk through and discuss the changes with Council. To aid in the discussion, the following list includes a high-level overview of the major changes proposed with the enclosed draft code language.

1. Reorganized and updated Article I – General Provisions to remove redundancies and dated information, and establish clear expectations on how to use, interpret, and administer the land use code.
2. Developed a new 'Procedures' article that contains the Town's development application processes, review criteria, meeting notification requirements, and general requirements related to development applications.
    a. This article includes a new, user-friendly table that clearly illustrates and summarizes the Town's development applications, reviewing bodies, and general notification requirements. *(Note: this table is currently separate from the code language as a separate document due to formatting – but it will be integrated with the final ordinance)*
    b. Certain application types are modified to clearly identify the 'review body' responsible for review and recommendation, decision making authority, and for appeals to decisions. Notable changes include:
        i. PC as decision making body on Comprehensive Plan Amendments
        ii. Town Manager as decision making body on Minor Subdivision Plats
        iii. PC as decision making body on Use by Special Reviews
    c. Application processes are clearly established that were either hidden, hard to interpret, or non-existent for Minor Subdivisions, Use by Special Reviews, Minor and Major Variances, and Easement and Right-of-Way Vacations and/or Dedications.
    d. The Waiver process is changed to Alternative Compliance with criteria that aligns more closely to the overall intent of this process.
    e. Development application submittal requirements are removed from code and replaced with a reference to Town managed applications, checklists, and submittal requirements that will allow for administrative adjustments without a code amendment or variance. This allows the Town to stay current with industry best practices and community needs when a development application is submitted.
    f. Overall workflows and process steps are incorporated to guide and inform applicants of the development application processes.
    g. Annexation agreement language is created to support Town requirements and workflows when administering annexation requests from applicants.
    h. Concept reviews are removed as a separate process and are instead included as part of Town staff's pre-application review process.
3. Language is incorporated, added to, and restructured for Development Agreements and Security to clearly outline the Town's requirements for construction of private and public infrastructure.
    a. This language is more robust than may be required in the future once Engineering and Construction Standards and Specifications are adopted by the Town. If similar language is adopted in the Standards and Specs document, this section of code can be trimmed down to reference the adopted Standards and Specs.
4. Language and code structure is setup for Subdivision and Construction Requirements to reference future Standards and Specifications, and to document specific construction requirements that the Town wishes to add into the code.
5. Vesting language remains similar to current language, with minor clean-ups and updates to reference LUAC and PC recommended time limits on approvals.
6. Nonconforming uses and structures is new language provided by the Town Attorney.

The project team will continue to work closely with Town staff and the Town Attorney to finalize the language (based on Council's direction) prior to final review and action by the Town Council. This will include final organization and structure of the various segments into appropriate Articles and Divisions within the Land Use Code. Further refinement of Articles and Divisions will occur as part of the final code clean-up once all sections have been reviewed and approved by Town Council.

Process

The following provides a summary of the steps completed, where we are in the process, and the remaining steps for this code language.

Step 1. Staff received guidance and direction on specific topic areas and areas of concern with the existing code from Council and the PC.

Step 2. The project team, led by Ayres, conducted a detailed code comparison between 'like' communities in the region, including seven (7) jurisdictions: Evans, Firestone, Frederick, Johnstown, Timnath, Wellington and Windsor. Best practices and professional guidance unique to Severance were incorporated in the initial recommendations.

Step 3. The LUAC completed their initial review of the recommendations and approach presented by the project team. Following discussion by the group, the LUAC provided guidance to the project team to update and incorporate for final review by the LUAC.

Step 4. The LUAC completed their final review on an excerpt of the draft language and structure. The LUAC provided a formal recommendation to the PC.

Step 5. The PC reviewed the excerpt of the draft language and structure, including the project team's analysis, and the LUAC recommendations. Following discussion by the group, the PC forwarded a formal recommendation on the code language to Council.

Step 6. The project team prepared the full draft code language based on the recommendations provided and best practices for review by Council.

Step 7. Council review of draft code language.

Step 8. The project team will make final updates for final review and action by Council.

Step 9. Integration of revised code language with other sections.

Step 10. Adoption of revised code language.

Attachments

- Provisions and Procedures – redlined draft language *(84 pages)*
- Provisions and Procedures – clean version of draft language *(47 pages)*
- Review Procedures Summary Table - draft *(1 page)*

General Provisions

Overview

(a) *Title*. This ~~Code~~ chapter 16 is known as the Severance Land Use Code. References to "this Code," "the Development Code," or "these regulations" shall be considered a reference to the Severance Land Use Code. This Code establishes the regulations and standards governing the use and development of land within the Town. Included are provisions for the annexation, ~~subdivision~~subdivision, and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews and appeals. Also included are Town standards for site and building design, landscaping, ~~parking~~parking, and public infrastructure.

~~**Short Title**~~

~~This Code shall be known and may be cited as the Severance Land Use Code. Within this Code, the Severance Land Use Code shall be referred to as "this Code." Reference herein to the comprehensive Plan, formally known as "Severance: HomeTown Vision," shall be referred to as "Comprehensive Plan."~~

(b) *Authority*. This Code is adopted pursuant to the purposes and authority contained in the Colorado Revised Statutes (CRS) and the Colorado Constitution, Article XX~~, Section 6~~ and the Severance Charter, independent of and in addition to the CRS, Title 31, Article 23. This title also supersedes any state legislative enactments which are, by their terms, subject to being superseded by adopted home rule charters or ordinances. ~~, Local governments are provided broad authority to Plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Article 20, et seq., and Title 31, Article 23, et seq., CRS. Additional statutory authority may also exist for specific types of land use regulation.~~ Whenever a section of the CRS cited in this Code is later amended or superseded, this Code shall be deemed amended to refer to the amended section or sections that most nearly corresponds to the superseded section. Additional statutory authority may exist for specific types of land use regulations.

(c) Jurisdiction. This Code shall ~~be effective~~ apply to all structures and land ~~throughout~~ within the Town's corporate boundaries, as depicted on the official zoning map. The Town's Planning jurisdiction includes all land within the ~~Town~~ corporate limits and, where applicable, the lands within the Growth Management Area (GMA) as defined in the adopted Comprehensive Plan. ~~per Section 31-12-105(e)(1), CRS.~~ Maps showing these and other regulatory boundaries shall be available for public inspection with the Town. For purposes of zoning and subdivision, this Code only applies to lands within the Town's corporate boundaries. It shall be unlawful to conduct any development or use of land until all specified development review processes have been followed, all applicable standards have been fulfilled, and all required approvals, permits or other authorizations have been issued.

~~A map showing the boundaries of the Town and the area within the GMA (as defined in the Comprehensive Plan) Planning jurisdiction shall be available for public inspection in the Town offices.~~

(d) *Purposes*. ~~The purpose of t~~This Code is adopted to promote the public health, safety, and general welfare for the Town and its' citizens and businesses. The regulations have the following purposes: ~~to create a vital, cohesive, well-designed community in order to enhance the Town's character and further the citizens' vision, goals and objectives as identified in the Comprehensive Plan.~~

1. Create a vital, cohesive, well-designed community to enhance the Town's character and further the citizen's vision, goals, and objectives.
2. Implement adopted plans, policies, and programs, including the current Comprehensive Plan.

Commented [OJ1]: Check with legal on appropriate placement whether here or under Enforcement with additional language.

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3. Promote the physical, social, and economic well-being of the Town and its' citizens and businesses.
4. Invest public funds effectively and efficiently, and in a manner that creates lasting value for the community.
5. Promote innovative, quality community planning and design that creates distinct places and unique elements that enhance the character of the community.
6. Provide parks, trails, and civic spaces that help organize development around systems of connected open spaces.
7. Promote the proper arrangement and design of streets to shape efficient neighborhood development patterns to improve access and circulation patterns.
8. Divide the community into zoning districts that promote the character and development patterns of distinct places identified in the Comprehensive Plan.
9. Regulate the development and use of structures and land within each zoning district to create compatible development patterns.
10. Promote appropriate transitions to adjacent properties.
11. Provide a variety of housing opportunities for all citizens.
12. Facilitate the adequate and efficient provision of public and private infrastructure to support the Town's adopted vision and values.
13. Direct new development into areas with adequate public and private infrastructure and to areas that conserve environmentally sensitive lands and protect citizens from environmental hazards and dangers.
14. Facilitate clear and consistent development procedures for all citizens and businesses.

Interpretation

The provisions of this Code shall be interpreted and applied as the minimum requirements for the promotion of public health, safety, and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, or sections, the more restrictive or that imposing the higher standard shall govern.

(a) *General Rules.* The following rules shall apply to the application and interpretation of these regulations, unless otherwise stated within this Code:

1. ~~As used in this Code, words in the~~The singular includes the plural~~,~~ and ~~words in~~ the plural ~~include~~includes the singular.
2. The words "must," "shall," and "will" are mandatory; whereas the words "may," "can," "should" and "might" are permissive but recommended as a way to best meet the standard or achieve the intent of the standard.
3. The word "lot" shall include the words "building site," "site," "plot," or "tract."
4. A building or structure includes any part thereof.
5. ~~Words in the~~ The present tense includes the future ~~tense~~tense, and the future tense includes the present tense.
6. Lists of examples prefaced by "including the following," "such as," or other similar clauses shall not be construed as exclusive or exhaustive and shall not preclude an interpretation of the list to include other similar and non-mentioned examples.
7. The conjunctive "and" in a list means that all apply; the conjunctives "or" and "and/or" mean the provisions may apply singly or in any combination; and the conjunctive "either … or" means the provisions apply individually but not in combinations.
8. When calculations to determine a requirement results in a fraction that cannot be divided *(i.e., parking spaces, trees, dwelling units, etc.)* it shall be rounded up to the nearest whole number.

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9. Any references to “Town Manager,” “Manager,” or any other official may also include any other designee of the Town Manager.
10. For processes and procedure timeframes that specify a certain number of “days,” it shall be assumed to mean “calendar days,” unless otherwise specified.
11. Any reference to other official local, state, or federal government rules or regulations shall include the most current versions of those rules or regulations.
12. References to a person shall include the individual, a partnership, association, agency, corporation, or other legal entity and their associated representatives.

(b) *Interpretation of the Zoning Map.* Where uncertainty exists with respect to any boundary on the official zoning map, the following rules shall apply:

1. Property Lines. Zoning district boundaries shall be interpreted as following platted or official legal property lines unless these lines have been substantially altered.
2. City Limits. Zoning district boundaries shall be interpreted as following the official Town limits.
3. Other Features. Zoning district boundaries shall be interpreted as following the centerline of streets, rights-of-way, rivers, or other similar features.

(c) *Official Interpretations of this Code.* The Manager and/or Director may make official interpretations in cases where there is uncertainty to the criteria of this Code. Such interpretations shall be made in writing to applicants and documented at the Town with the Community Development Department. When making an official interpretation, the following criteria shall be used:

1. Rational professional and technical planning principles.
2. Town adopted goals and policies of the Comprehensive Plan and other adopted plans and policies.
3. The purposes, intent, or criteria applicable to this Code and the specific chapter or sections related to the interpretation.
4. Applicable and available resources, guidelines, or industry standards.
5. The context and physical characteristics of the surrounding neighborhood and/or environment.
6. If the interpretation could be applied in a similar circumstance or situation.

(d) *Non-regulatory Provisions.* Purpose statements, development and design criteria, supporting tables and/or graphics, and analysis such as captions or notes to figures and tables provide additional guidance or simplification to an interpretation of the Code criteria. In the event of a conflict, the specific written criteria shall control.

(e) *Resources, Guides, and Industry Standards.* Reputable professional and technical planning resource guides and industry “best practice” standards may be used by the Town to supplement this Code, as determined by the Manager and/or Director. These resource guides and/or standards should only be used to clarify adopted criteria or the purposes of this Code. They shall not be used to conflict with any adopted criteria but may be used in text amendments by the Town.

~~**Applicability of chapter**~~

~~(a) The provisions of this Code shall apply to any and all development of land within the municipal boundaries of the Town unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All land use shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code.~~

Commented [OJ2]: Removed - this is integrated elsewhere now.

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~~(b) Whenever both the provisions of this Code and the provisions of any other law cover the same subject matter, whichever is more restrictive shall govern.~~

~~(c) This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Comprehensive Plan and with adopted regulations, policies and other guidelines.~~

Relationship to existing regulations and adopted plans~~sections and resolutions~~

All existing ordinances, resolutions, or motions of the Town Council in conflict with this Code are, to the extent of such conflict, hereby superseded and repealed, provided that no such repeal shall repeal the clauses of such section, resolution, or motion, nor revive any section, resolution, or motion thereby. The adoption of this Code shall not adversely affect the Town's right to seek remedies for any violation of previous sections that occurred while those sections were in effect.

~~Relationship to Comprehensive Plan~~

(a) *Comprehensive Plan and Advisory Documents.* It is the intent of the Town that this Code implements the Planning policies adopted in the Comprehensive Plan, its' ~~and its~~ GMA, and all other adopted Advisory Documents. While this relationship is reaffirmed, it is the intent of the Town that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan and/or adopted Advisory Documents, nor may any action taken in conformity with this Code be challenged on the basis of claimed inconsistency with the Comprehensive Plan and/or adopted Advisory Documents.

(b) *Requirement for Comprehensive Plan amendment.* Where a development proposal is not in conformance with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. Conformance exists when a development proposal matches the designations of the land use sections within the Comprehensive Plan.

(c) *Criteria for evaluating amendment proposals.* Amendments to the Comprehensive Plan resulting from development proposals under this Code shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan.

Severability

If any part, section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this Code. The Town Council hereby declares that it would have passed this Code, including each part, section, subsection, sentence, clause, or phrase thereof, regardless of the fact that one (1) or more parts, sections, subsections, sentences, clauses or phrases was declared invalid.

Commented [OJ3]: Town Attorney will review further and refine as needed.

Administration

~~(a)~~ *Administrative Authority on Certain Land Use Applications.* Notwithstanding any other provision of this ~~Land Use~~ Code and subject to any limitations established by state statute, the Town Manager or such official's designee may act administratively, without resort to the ~~Town~~ Town Council or the Planning Commission with respect to any land use action that has insignificant impact on the public or adjoining landowners, does not change overall project ~~density~~ dimension criteria by more than ~~five~~ ten percent (~~5~~10%), and does not require any change of zoning or variance from these regulations. Such administrative review is identified within the procedures article of this Code. ~~By way of illustration and not limitation, such actions shall be appropriate for:~~

~~(a) Lot line adjustments.~~

~~2. Adjustments to lot boundaries on an approved plat that do not impair or diminish public parks or infrastructure.~~

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1. ~~Modification of site Plan landscaping or fencing requirements that are consistent with the requirements of this Code.~~

(b) *Town Manager.* The Town Manager (Manager) may delegate their authority to a department or staff position (designee) to administer and interpret certain or all aspects of this Code. Other department heads and staff may serve in an advisory role under this Code. In addition to the authority granted by the Charter and local ordinances, the Manager shall have specific review responsibilities and final administrative decisions referred to the Manager under the procedures and standards of these regulations. The Manager may bring forward amendments to the Comprehensive Plan, Zoning Map, and these regulations.

(c) *Community Development Department and Community Development Director.* The Community Development Department (Department) and Director (Director) may assume the role as the administrator, the principal interpretation and enforcement official of these regulations, as the Manager's designee. The Community Development Department and Director may consult with any other town staff or relevant outside agencies to coordinate any plans, policies, and programs that impact these regulations or adopted plans and policies. The Community Development Department and Director shall specifically:

1. Prepare and provide development application forms and administer the requirements and review of submittals.
2. Oversee the application, review, and administration processes and prepare presentations and reports for review bodies.
3. Issue official interpretations and approve the use of other resources, guides, and industry standards used in administering this Code, as designated by the Manager.
4. Make final interpretations and final administrative decision referred to the Department or Director under the procedures and standards of these regulations.

(d) *Planning Commission.* The Planning Commission is the appointed body responsible for long-range and comprehensive planning. The Planning Commission is established according to the Town Charter. In addition to all other general planning authority granted by the Charter, statutes, and local ordinances, the Planning Commission shall have the specific review responsibilities and final authority referred to the Planning Commission under the procedures and standards of these regulations, as appointed by the Town Council.

(e) *Town Council.* The Town Council is the elected and governing body responsible for all legislative decisions that affect implementation of adopted plans, regulations, and policies. In addition to other general authority granted by law, the Town Council shall have the final decision authority as outlined under the procedures and standards of these regulations.

(f) *Board of Adjustments.* The Board of Adjustments (BOA) shall act in accordance with the same rules and procedures that govern the Planning Commission and Town Council. Pursuant to Section 31-23-307(1), CRS, and as amended, the Town Council hereby appoints itself to serve as the BOA. The BOA shall hear and decide major variance and appeal requests.

1. The BOA shall have the following powers and duties, all of which shall be subject to and in compliance with the laws of the State, in harmony with the purpose and intent of this Code and the most appropriate development of the neighborhood.
   a. To hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcement of the provisions of this Code, as identified in procedures Article of this Code.
   b. To review and decide on major variance requests from the terms of this Code in accordance with the major variance review criteria and procedures of this Code.

Commented [OJ4]: Proposed BOA language pulled from existing Appeals and Variances section of code, reworded and cleaned-up.

Commented [OJ5]: Relocated from Article 9 - Supplemental Regulations

Commented [OJ6R5]: This could be trimmed up as well by legal, if desired.

Enforcement

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(a) *Responsible enforcement entity.* The Town Council shall be responsible for enforcing the provisions of this article. Any criminal enforcement shall be by the issuance of a complaint and summons to municipal court by a peace officer.

(b) *Authorization for inspections.* The Town may enter any building, structure, real property, or premises to ensure compliance with the provisions of this Code. Such inspections shall be carried out during normal business hours unless the Town Manager, zoning enforcement officer or Code enforcement officer determines that there is an emergency.

(c) Violations and enforcement procedures.

1. Violations. It shall be unlawful to violate any provision of this Code.
2. Specific activities violating this Code. It shall be a violation of this Code to undertake any of the following activities:
    a. Activities inconsistent with Code. Erecting, constructing, reconstructing, remodeling, altering, maintaining, expanding, demolishing, moving, or using any building, structure, or sign, or engaging in development or subdivision of any land in contravention of any zoning, subdivision, sign, or other regulation of this Code, including terms and conditions of all required approvals.
    b. Land-disturbing activities inconsistent with Code. Excavating, grading, cutting, clearing, or undertaking any other land disturbance activity contrary to the provisions of this Code or without first obtaining all requisite land use approvals required by this Code or other applicable regulations.
    c. Nonconforming uses or structures inconsistent with Code. Creating, expanding, replacing, or changing a nonconforming use, structure, lot or sign, except in compliance with this Code.
    d. Making lots or setbacks nonconforming. Reducing or diminishing the lot area, setbacks or open space below the minimum required by this Code.
    e. Increasing intensity of use. Increasing the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this Code.
    f. Activities inconsistent with permit. Engaging in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval or other form of authorization required to engage in such activity.
    g. Activities inconsistent with conditions of approval. Failing to comply with any terms, conditions or limitations placed by the Town upon any final development Plan, subdivision plat, permit or other form of approval by the Town.
    h. Agreements to convey. Making any agreement to convey or conveyance of any lot or undivided parcel of land, contrary to the provisions of this Code or prior to approval of a final plat by the Town; it shall be a separate violation for each lot or parcel of land sold or agreed to be sold.
    i. Activities inconsistent with order of Town. Failing to comply with any stop work order, abatement order or any other order issued by the Town pursuant to this Code.
3. Separate violations. Any person who violates or causes the violation of any of the provisions of this Code shall be guilty of a separate offense for every day or portion thereof during which a violation is committed, permitted, or continues.
4. Remedies and enforcement powers. Violations of this Code may be enforced in the municipal court or any other court with jurisdiction by any appropriate equitable action, by abatement, by issuance of stop work orders, by injunction and restraining order, by revoking any permits or approvals issued and by assessing any amounts due or

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delinquent fines as taxes. Any one (1), all, or any combination of the foregoing penalties and remedies may be used to enforce this Code. In addition, the Town shall have the following civil remedies and powers to enforce this Code:

a. Notice of violation and corrective action order.
    1) Nonemergency violations. In the case of violations of this Code that do not constitute an emergency or require immediate attention, written notice of the nature of the violation and required corrective action to be taken shall be given by the Town to the owner, occupant, applicant for any relevant permit, person in charge of construction or other work on the property or any other person in possession of or involved in the illegal activity on the property. Notice shall be given in person, by certified U.S. mail, return receipt requested, or by posting notice on the premises. The notice shall specify the Code provisions allegedly in violation and shall state that the individual has a period of thirty (30) days from the date of the receipt of the notice in which to correct the alleged violations before further enforcement action shall be taken.
    2) Emergency violations. In the case of violations of this Code that constitute an emergency as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the Town may use the enforcement powers available under this Code without prior ~~notice, but~~notice but shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as practicable. Notice may be provided to the property owner, agent, occupant, or the applicant for any relevant permit. In addition, the Town may proceed to abate the danger and assess the costs therefor as a lien on the property and certified to the county treasurer, to be collected with the taxes on the property.
    3) Extension of time for correction. The Town Council may grant an extension of the time to cure an alleged violation, up to a total of ninety (90) days, if the Town Council finds that, due to the nature of the alleged violation, it reasonably appears that it cannot be corrected within thirty (30) days.

b. Deny/withhold approvals or permits. The Town may deny and withhold all approvals, permits, certificates or other authorization to use or develop any land, structure, or improvements thereon until the alleged violation related to such property, use or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit is responsible for the violation.

    Where a property owner, agent or other person has a record of an outstanding violation of this Code, the Town shall be authorized to deny or withhold all permits, certificates of occupancy or other forms of authorization for any use or development activity undertaken by such person until all outstanding violations are corrected. This provision shall apply whether or not the property for which the permit or other approval is sought is the property in violation.

    The denial or withholding of a permit by the Town may be appealed to the BOA in accordance with Section 16.9.50 of this Article.

c. Revocation of permits.

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1) Public hearing required. The Town Council may revoke any development permit, building permit, certificate or other authorization after notice and a public hearing, for violation of this Code.
2) Reconsideration of revocation. The applicant may request a public hearing for reconsideration of the Town's revocation.
3) Notice of public hearing. The public hearing on the reconsideration of revocation shall be conducted during a regular or special meeting of the Town Council not less than seven (7) days nor more than twenty-one (21) days from the date the notice of the hearing is given. Notice of hearing shall be deemed given to the owner, the owner's ~~agent~~agent, or other person to whom the development permit was issued, upon deposit of said notice in the U.S. mail, by certified mail, return receipt requested, addressed to the last known address of said person. Additional methods of service may also be utilized to give notice of the public hearing.
4) Findings. Following the public hearing, the Town Council shall reinstate the permit revoked unless it finds any of the following:
    a) There is a departure from the approved Plans, specifications, or conditions of approval;
    b) There is a violation of any provision of this Code;
    c) The development permit was obtained by false representation; or
    d) The development permit was issued in error.
5) Notice of revocation. Written notice of the findings shall be served upon the owner, the owner's agent, applicant, or other person to whom the permit was issued by certified mail, return receipt requested, or such notice may be posted in a prominent location at the place of the violation. No work, construction or use of the property shall proceed after service of the findings.

d. Stop work order.
    1) Issuance of stop work order. The Town may issue a written order to stop work on any property on which there is an uncorrected violation of either a provision of this Code or a provision of a land use approval or development permit, building permit or other form of authorization. The stop work order shall specify the Code provisions allegedly in violation. Service of the order shall be given in person, by certified U.S. mail, return receipt requested, or by posting notice on the premises. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order except to correct such violation or comply with the order. The notice shall also state any appeal and/or variance procedures available pursuant to this Code.
    2) Timing/notice. The stop work order may be issued in conjunction with a notice of violation or subsequent to such notice. The stop work order may also specify a shorter time for correction of the violation if the Town determines that a shorter time is necessary to protect the health, welfare or safety of people or property in the Town. It shall be unlawful to violate the terms of a stop work order.

e. Abatement or injunctive relief. In addition to any other remedy, the Town Council may initiate injunction or abatement proceedings or other appropriate legal action in the municipal court or other court of competent jurisdiction to abate, remove or

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enjoin such violation and to recover damages, costs and reasonable attorney's fees incurred in the abatement and removal of such violation.

5. Persons responsible. The owner, tenant or occupant of any building or land or part thereof, as well as any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Code, may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.
6. Remedies cumulative. The remedies provided for violations of this Code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law or equity and may be exercised in any order. Each twenty-four (24)-hour period or portion thereof is considered a separate violation under this Code.
7. Continuation of prior enforcement actions. Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken by the Town pursuant to previous regulations.
8. Appeals of enforcement actions. Appeals of any order, requirement, ~~decision~~decision, or determination made by an administrative official in the enforcement of this Code shall be made to the BOA in accordance with this Code.
9. Liability of Town. This Code shall not be construed to hold the Town responsible for any damages to persons or property by reason of the inspection or reinspection or failure to inspect or reinspect, by reason of issuing a building permit or by reason of pursuing or failing to pursue an action for injunctive relief.
10. Violations. Violations of this Code may be enforced in the municipal court or any other court with jurisdiction, by any appropriate equitable action, by abatement, by issuance of stop work orders, by injunction and restraining order, by revoking any permits or approvals issued and by assessing any amounts due or delinquent fines as taxes. Any one (1) or any combination of the foregoing penalties and remedies may be used to enforce this Code.
11. Penalty. Failure to comply with ~~all of~~all the provisions of this Code shall constitute a misdemeanor and, upon conviction, is punishable by a fine of three hundred dollars ($300.00) or imprisonment for a period of not more than ninety (90) days, or both. Each day that such violation continues to exist shall be considered a separate offense.
12. Costs and attorney's fees for enforcement for abatement to be paid to the Town. Costs and attorney's fees associated with said abatement shall be charged to the owner of the property on which said violation has occurred and any other person responsible for the violation, as defined in this Code. The cost of abating a violation of this Code shall include all direct and indirect costs of such abatement plus the costs of collection and interest at the rate of one percent (1%) per month. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by certified mail and shall be payable within thirty (30) calendar days from the receipt thereof. If ~~all of~~all such costs are not paid within thirty (30) days of the notice, such costs may be made a lien on the property and certified to the county treasurer and collected with the taxes on the property.

~~**(b) Effective date**~~

~~The provisions of this Code were adopted on January 5, 2021, and are effective in accordance with Ordinance May 28, 2021.~~

~~**Application fees**~~

Commented [OJ7]: Relocated fees under the next Article (Procedures)

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~~Application fees for all annexation, zoning and development applications will be paid per a published Town fee schedule. The fee schedule may be revised and adopted annually by resolution of the Town Council and is available in the office of the Town Clerk.~~

~~Development review deposit and reimbursement of town costs~~

~~(a) Fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, plat approvals, zoning or zoning amendments, site Plans, annexations, Plan approvals, sign permits, variances and other administrative relief. In addition to the standard fees, the applicant and the owner of the property that is the subject of the application shall be required to pay any actual costs and fees incurred by the Town for review of the application by consultants and Staff, including but not limited to engineering, surveying, legal and Planning. Such fees shall include the hourly cost for any contracted professionals engaged by the Town for review of the application. The Town may require a deposit from applicants to offset the Town's costs for review prior to consideration of any application submittal pursuant to this Code. Subsequent deposits may be required when the initial deposits are eighty-five percent (85%) depleted. These deposits may exceed the total amount of fees collected using the standard schedule of fees. The Town shall not continue the processing of any application for which the applicant or the property owner has refused to deposit the funds to cover the Town's cost of review.~~

~~(b) Any funds deposited in excess of the standard fees remaining after paying the actual costs incurred by the Town shall be refunded to the applicant. The Town may certify to the county treasurer any amount due pursuant to this section as a lien on the property for which the application is submitted, to be due and payable with the real estate taxes for the Town if the applicant or the property owner does not pay such amount within thirty (30) days of written request by the Town.~~

~~Severability~~

~~If any part, section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this Code. The Town Council hereby declares that it would have passed this Code, including each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that one (1) or more parts, sections, subsections, sentences, clauses or phrases was declared invalid.~~

~~Computation of time~~

~~(a) In computing a period of days, the first day is excluded and the last day is included.~~

~~(b) If the last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday.~~

~~(c) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.~~

~~Grammatical interpretation~~

~~(a) As used in this Code, words in the singular include the plural, and words in the plural include the singular.~~

~~(b) The words *must*, *shall* and *will* are mandatory; *may*, *can*, *should* and *might* are permissive.~~

~~(c) The word *lot* shall include the words *building site, site, plot* or *tract*.~~

~~(d) A *building* or *structure* includes any part thereof.~~

~~(e) Words in the present tense include the future tense.~~

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Note: Public Hearing and Notice Provisions moved under Procedures Article

~~**Administrative authority for certain land use actions**~~

~~(a) Notwithstanding any other provision of this Land Use Code and subject to any limitations established by state statute, the Town Manager or such official's designee may act administratively, without resort to the Town Town Council or the Planning Commission with respect to any land use action that has insignificant impact on the public or adjoining landowners, does not change overall project density by more than five percent (5%), and does not require any change of zoning or variance. By way of illustration and not limitation, such actions shall be appropriate for:~~

~~(1) Lot line adjustments.~~

~~(2) Adjustments to lot boundaries on an approved plat that do not impair or diminish public parks or infrastructure.~~

~~(3) Modification of site Plan landscaping or fencing requirements that are consistent with the requirements of this Code.~~

~~(b) Notice to the public and adjoining landowners shall be made in such instances in the same manner as for site Plan approval, except that the notice shall state that the Town Manager may act without further notice on the requested action and that any objections or concerns should be submitted in writing to the administrator by the end of the notice period. The Town Manager may decline to exercise the authority provided by this section in any instance, in which case all other processes established by this Code shall apply. Any decision of the administrator may be appealed to the Town Board of Adjustment (BOA) by an appeal notice filed within fifteen (15) days of the announcement of his or her decision.~~

Commented [OJ8]: Relocated and reworded to General Provisions Article.

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Procedures and Criteria

Procedures summary

Applications and land use procedures shall be processed in accordance with Table x.x.x and this Article.

[summary procedures table]

General criteria – all applications

(a) *Eligible Applicants.* Table x.x.x indicates applicants eligible for each application type found under this Code.

1. *Owner.* The property owner of record for the subject property(s) of the application or the owner's authorized agent by written permission of the owner.
2. *Planning Commission.* The Planning Commission, acting on its' own initiative or through recommendations brought to it by staff, and according to its' bylaws and procedures.
3. *Town Council.* The Town Council acting on its' own initiative or through recommendations brought to it by staff or the Planning Commission, and according to its' bylaws and procedures.

(b) *Application Forms.* Applications required under this Code shall be submitted to the Community Development Department in a form and format specified by the Department. The Department and Director are authorized to establish submittal requirements and procedures to ensure all applications can be evaluated for conformance with this Code.

1. *Modification.* The Director may waive or modify certain requirements for specific information at the time of application due to the routine nature of the application or due to the context of the application making the information inapplicable for review against the standards and criteria of this Code.
2. *Supplement.* The Director may require further submittals or information, provided the request is reasonably required to evaluate compliance with this Code and/or adopted plans and policies.

(c) *Application Fees.*

1. ~~Application f~~Fees ~~for all annexation, zoning and development applications will~~shall be paid per a published Town fee schedule. The fee schedule may be revised and adopted annually by resolution of the Town Council and is available ~~in the office of the Town Clerk~~for review at the Town.
2. Applicants shall submit ~~Development review deposit and reimbursement of town costsF~~fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters. Development review deposit fees will be charged to applicants for processing, reviewing, and administering applications such as but not limited to building

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permits, subdivision plats ~~approvals~~, rezoning requests~~or zoning amendments~~, site ~~Plans~~plans, annexations, ~~Plan approvals,~~ sign permits, variances, and all other administrative ~~relief~~functions. In addition to the standard fees, the applicant and the owner of the property that is the subject of the application shall be required to pay any actual costs and fees incurred by the Town for review of the application by consultants and ~~Staff~~staff, including but not limited to engineering, surveying, legal and ~~Planning~~planning. Such fees shall include the hourly cost for any contracted professionals engaged by the Town for review of the application.

a. The Town may require a deposit from applicants to offset the Town's costs for review prior to consideration of any application submittal pursuant to this Code. ~~Subsequent deposits may be required when the initial deposits are eighty-five percent (85%) depleted. These deposits may exceed the total amount of fees collected using the standard schedule of fees.~~ The Town shall not continue the processing of any application for which the applicant or the property owner has refused to deposit the funds to cover the Town's cost of review.

b. ~~Any funds deposited in excess of the standard fees remaining after paying the actual costs incurred by the Town shall be refunded to the applicant. The Town may certify to the county treasurer any amount due pursuant to this section as a lien on the property for which the application is submitted, to be due and payable with the real estate taxes for the Town if the applicant or the property owner does not pay such amount within thirty (30) days of written request by the Town.~~

Commented [OJ9]: Suggest including on internal procedural materials and not in code.

Commented [OJ10]: Same as above, suggest including on internal procedural materials and not in code.

(d) *Concurrent Applications.* When a project requires approvals under more than one type of application, the Director may determine that each application may run concurrently based on the similarity of information needed and interrelationship between the applications.

(e) *Withdrawal of an Application.*

1. The applicant may request to withdraw their application. Such request shall be in writing, either digital or print. Annexation applications with an approved resolution initiating annexation proceedings may only be withdrawn subject to approval by the Town Council.
2. After withdrawal, the Town will take no further action on the application.
3. The applicant may resubmit an application which shall be treated as a new application for purposes of review, scheduling, and payment of the application fees.
4. A request for withdrawal of an application from a noticed agenda is subject to the discretion of the decision-making body.

(f) Inactive Application. If the applicant fails to submit requested application materials within one hundred eighty (180) days of the request, the Director may declare the application withdrawn. Such determination shall be made in writing from the Director to the applicant noting the date of the determination and the application title and/or project number if one exists.

(g) *Lapse of Approvals.* In the event an approved development application exceeds the time limits established under this Code, the approval shall automatically lapse, be null and void, and have no further force and effect. A site-specific development plan, as defined under the Vested Property Rights section of this Code, shall be in conformance with Article 68 of Title 24, C.R.S.

Application steps

This section is intended to outline typical development review steps administered by the Community Development Department for both administrative review and public hearing review applications, as identified in Table.x.x under Procedures Summary. This information is not intended to reflect review timeframes or unique aspects of every application, including but not limited to the number of reviews required, situations beyond the Town's control, or individual approval requirements.

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Figure x.x: Board and/or Commission Application Types

1	• Pre-Application Conference / Concept Review *(informal staff level)*	Required unless waived
2	• Neighborhood Meeting *(applicant managed)*	Required unless waived
3	• Application Submittal & Completeness Review	Review by staff
4	• Review Development Application and Supporting Documents	Review by staff
5	• Revised Application Submitted by Applicant *(repeat from Step 4 as applicable)*	Review by staff
6	• Planning Commission Action or Recommendation	Review and decision, or recommendation by PC
7	• Council Action	Review and decision by Council

Figure x.x: Administrative Application Types

1	• Pre-Application Conference / Concept Review *(staff level)*	As directed by staff
2	• Neighborhood Meeting *(applicant managed)*	As directed by staff
3	• Application Submittal & Completeness Review	Review by staff
4	• Review Development Application and Supporting Documents	Review by staff
5	• Revised Application Submitted by Applicant *(repeat from Step 4 as applicable)*	Review by staff and director / manager
6	• Director or Manager Action	Action by director / manager

(a) *Step 1: Pre-Application Conference*. This step (also referred to as a concept review meeting) provides an opportunity for an applicant to discuss their development plans with the Town. This step is required for most application types and may be waived by the Director or Manager depending on the unique characteristics of the development proposal. When required, the applicant shall submit the information required in accordance with the application and submittal requirements maintained by the Town.

1. The applicant shall submit a request on a form or in a manner approved by the Town. Staff will coordinate a meeting with the applicant once all requested items have been submitted for the discussion.
2. The meeting is an informal discussion of the preliminary development proposal with Town staff. The application shall submit the required information to facilitate discussion on the following topics:
    a. How the proposal meets the goals of the Comprehensive Plan, or other adopted plans or policies related to the application.
    b. The proposed use(s), general site layout, conceptual or anticipated design of the building(s), and how the project relates to surrounding sites and public spaces.
    c. How the project will contribute to the area and further the intent of the existing or proposed zoning district.
    d. The development review processes and review criteria.
    e. Impacts to infrastructure planning including timing, phasing, or the need for any technical studies or outside agency coordination and review.
    f. Necessary public improvements as part of the proposal including but not limited to public and private utilities, sidewalks and/or trails, road improvements, parks, landscaping, or other improvements warranted by the development.
    g. Opportunities to improve designs, layout, and overall function to meet Town goals and policies.

(b) *Step 2: Neighborhood meeting.* A neighborhood meeting may be required as indicated in Table x.x.x under Procedures Summary and is the responsibility of the applicant in working with Town staff. These meetings should occur prior to the formal application submittal so that input or concerns may be considered in the initial application. Notices shall be in accordance with the Notification Requirements found in Sec. x.x.x of this Code. The Town is not responsible for facilitating or managing the neighborhood meeting logistics. Following the pre-application meeting or during the review of an application, the Director or Manager may require a neighborhood meeting where:
1. The characteristics of the project are complex and present the potential for significant changes and unanticipated impacts on nearby or adjacent property.
2. The proposal is likely to raise questions or concerns from adjacent property owners, beyond the typical allowances under the zoning district and/or the adopted plans or policies.

(c) *Steps 3, 4, and 5: Application Submittal and Review.* Upon receipt of a complete application and payment of the required fee, the Town shall take the following steps:
1. *Completeness Review.* The Town shall determine if an application is complete. An application shall be considered complete if it is submitted in the required form, includes all submittal information specified by the Director or Manager, and is accompanied by the applicable application fee(s).
    a. If an application is deemed complete, it shall be processed for formal review.
    b. If an application is determined to be incomplete, the Town shall notify the applicant of the deficiencies. No further processing or review of the application will occur until the deficiencies are corrected as requested.
2. *Referral.* As part of the process, referral agencies may be notified and provided the opportunity to comment on an application. Referral agencies included but are not limited to adjacent or other local governments; state agencies; public and private utility providers; ditch companies; school districts; and other special districts such as the fire district.

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3. *Staff Review and Comments.* The Town shall coordinate a staff review and may provide the applicant the following information in writing:
    a. Comments or recommended change(s) based on the review of referral agencies, staff, and comments from any neighborhood meeting(s).
    b. Supplemental information required to support the application, address comments or the recommended changes.

    If the applicant chooses not to address any specific comment(s) or recommended change(s), a written explanation shall be included with the resubmittal that demonstrates a good faith effort to address the issue or justify why the comment was not addressed. Failure to address any comment or recommended change without explanation may be grounds for rejection of the revised application.

(d) *Step 6 (administrative): Director Action.* For administrative applications, the Director shall make a final determination regarding a proposal. This determination shall be based on the technical review of the application by staff and the review criteria associated with the specific application type as identified in this Code.

(e) *Step 6 (public hearing): Planning Commission Recommendation or Action.* For public hearing applications, the Planning Commission may serve in the following two capacities:
    1. *As a recommending body that review the proposal against the criteria of this Code, adopted plans and policies, and the recommendation of professional staff, and provide a recommendation to the Town Council of approval, denial, or approval with conditions.*
    2. *As a deciding body that reviews the proposal against the criteria of this Code, adopted plans and policies, and the recommendation of professional staff, and make a final decision on a proposal to either approve, deny, or approve with conditions.*

(f) *Step 7 (public hearing): Town Council Action.* For public hearing applications, the Town Council serves as the decision body for certain applications, as specified on Table x-x-x. Following review of the proposal against the criteria of this Code, adopted plans and policies, and the recommendation of the Planning Commission and professional staff, the Town Council may approve, deny, approve with conditions, or refer the application back to the Planning Commission for further review.

Neighborhood meeting, public hearing, and notification requirements.

(a) *Neighborhood Meetings.* A neighborhood meeting shall be required prior to the formal public meeting as indicated in Table x-x-x and as directed by the Director or Manager.
    1. *Director Determination.* During the pre-application conference or as part of the review of an application, the Director may waive a neighborhood meeting requirement for a project based on the following circumstances:
        a. The project does not present a significant change and impact on properties in the vicinity of the proposal; and
        b. The project meets the code criteria contained herein.
    2. *Applicant Option.* An applicant may decide to host a neighborhood meeting prior to submitting their formal application to the Town.
    3. *Meeting Notices.* The applicant shall provide notice of the neighborhood meeting consistent with the requirements for a public hearing including mailed, posted, and published notifications as specified in Sec. x-x-x and Table x-x-x of this Article.
    4. *Meeting Format.*
        a. The applicant is responsible for all content of the meeting and for preparing meeting minutes to provide to the Town as part of the official project record. Failure by the applicant to provide the Town with complete and accurate meeting minutes following the neighborhood meeting may result in an additional

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neighborhood meeting being required and/or used by the decision-making body as criteria when reviewing and deciding on an application.

b. The applicant shall work with the Town to coordinate meeting logistics such as the date, time, venue, and notification requirements.

~~(a)~~*(b) Public Hearing(s).* Public hearings (hearings) are open meetings conducted by local Boards to gather information from the public and to survey public opinion as part of the local ~~rule~~decision-making process. ~~Public h~~Hearings are required by either the State or the Town and will be conducted before the Planning Commission, the Town Council, or the ~~Town Council acting as the~~ Board of Adjustment, as appropriate. ~~Public h~~Hearings will be conducted under the following general conditions:

1. ~~Before reviewing an application for a permit that requires a public hearing, said~~A hearing shall be scheduled within a reasonable time as allowed by the schedules of the Town officials and Staff. The Town Manager or Staff, as delegated, are responsible for the scheduling of all public hearings.
2. Subject to Paragraph 3 that follows, the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments.
3. The Town Council, Planning Commission or Board of Adjustment conducting the hearing may place reasonable and equitable limitations on the presentation of evidence, arguments, and the cross-examination of witnesses.
4. A hearing for which proper notice was given may be continued to a later date without again requiring notice, provided the specific date, time, and place of the continued hearing is announced at the original hearing.

~~3.~~5. Record. An audio recording shall be made of all hearings, and transcripts of such hearings may be requested within thirty (30) calendar days of the close of the hearing. Transcripts shall be provided within a reasonable time after deposit of the cost of the preparation of the transcript with the Town.

~~4.~~6. Modification of application at hearing.

a. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Town Council, Planning Commission or Board of Adjustment (BOA), the applicant may agree to modify his or her application, including the Plans and specifications submitted.

b. Unless such modifications are so substantial or extensive to materially change the Plans, the hearing body may approve the application with the stipulation that the permit will not be issued until Plans reflecting the agreed-upon changes are submitted to the Town for review and approval as an administrative act.

~~(b)~~(c) *Public notice requirements.* ~~The Town shall give notice of any public hearing required as provided in the following list.~~Notice shall be provided for each application as indicated in Table x-x-x and Table x-x-x below. The applicant shall be responsible for all costs of such notices.

1. *Annexations.* Annexation notifications shall be completed in accordance with Colorado statute, see C.R.S. 31-12-101 et seq.
2. *Mailed Notice Requirements.* Where mailed notice is required under this Code, the following requirements shall be met:

a. Content. The mailed notice shall include a description of the proposal; the location of the meeting or hearing; the date, time, and location of the meeting or hearing; and information regarding public comment.

b. Mailing List. Where required by statute or this chapter, the mailed notice shall be sent to the following groups:

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1) All record landowners within one thousand (1,000) feet of the proposal boundaries no later than fifteen (15) calendar days before the hearing (unless otherwise specified by state statute).~~Where required by statute or this chapter to give notice to surrounding property owners, written notice shall be sent by mail not later than fifteen (15) days before the hearing (unless otherwise specified by state statute) to those persons who have listed for taxation any real property located within one thousand (1,000) feet of the lot, parcel or property area that is the subject of the application or appeal.~~

~~1)~~2)~~Where required by statute or this chapter to give notice t~~To other interested property owners, such as mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies no later than fifteen (15) calendar days before the hearing (unless otherwise specified by state statute)~~, written notice shall be sent by mail not later than fifteen (15) days before the hearing (unless otherwise specified by state statute).~~.

3) ~~Where required by statute or this chapter to give notice t~~To other parties of interest or referral agencies as determined by the Manager or Director~~, written notice shall be sent by mail not~~ no later than fifteen (15) calendar days before the hearing (unless otherwise specified by state statute).

~~b.~~c. Affidavit of Compliance. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the Director prior to the meeting or public hearing to which the notice relates. Failure to provide the affidavit for a public hearing shall result in continuation of the public hearing.

~~c.~~d. Surface Development Notification. Notices shall be mailed to the mineral estate owner no later than required by state statute, see C.R.S. 24-65.5-103.

~~d.~~e. ~~Where required by statute or this chapter to give notice of annexation hearings to special districts, school districts and Weld County Commissioners and the Weld County Attorney, written notice shall be sent by certified mail not later than thirty (30) days before the hearing~~.

~~1.~~3. *Posted Notice Requirements.* If notice by posting of the property is required by statute or this chapter, such notice shall occur by prominently posting signs on the property that is the subject of the proposed action. Such signs shall be posted no less than fifteen (15) calendar days prior to the hearing (unless otherwise specified by state statute) and shall be easily legible from the nearest public streets. The sign shall be in the format available from the Town. ~~Posting shall be required for all properties seeking annexation, zoning, rezoning or subdivision approvals and any amendments such as variances and appeals to such approvals.~~

a. Affidavit of Compliance. If posting was done by the applicant, the applicant shall provide (prior to the hearing) an affidavit showing that the property was posted within the specified time.

~~a.~~b. When applicant has made all reasonable and good faith efforts to maintain posted notice, failure of this posted notice will not be grounds to invalidate the application.

~~2.~~4. *Published Notice Requirements.* The Town Clerk shall give notice of any public hearing required as follows:

a. Notice shall be given to potentially interested persons by publishing a notice one (1) time in a newspaper of general circulation in the area not less than fifteen (15) calendar days prior to the hearing (unless otherwise specified by state statute).

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b. This notice shall state the date, time, and place of the hearing, reasonably identify the lot, parcel or property that is the subject of the application or appeal and give a brief description of the action requested or proposed. Proof of publication shall be made part of the record at the time of the public hearing.

[keep Town Hearing and Notification Requirements Table – minor updates]

Table x-x-x. Notification Timeframes and Requirements

(See Table x.x – Review Procedures for additional information)

	Mailed Notice	Posted Sign	Publication
Annexation	Owners within 1,000 feet; 15 calendar days prior to Planning Commission meeting	15 calendar days prior to Planning Commission meeting	Once a week for four (4) consecutive weeks; 30 calendar days prior to Town Council meeting
Comprehensive Plan Amendment	Each government body of territory affected; 15 calendar days prior to meeting	15 calendar days prior to meeting	Not required
Major Subdivision – Preliminary Plat	Owners within 1,000 feet; 15 calendar days prior to meeting	15 calendar days prior to meeting	15 calendar days prior to meeting
Major Subdivision – Final Plat	Owners within 1,000 feet; 15 calendar days prior to meeting	15 calendar days prior to meeting	15 calendar days prior to meeting
Rezoning	Owners within 1,000 feet; 15 calendar days prior to meeting	15 days prior to meeting	15 calendar days prior to meeting
Land Development Code (Text) Amendments	Not required	Not required	15 calendar days prior to meeting
Use by Special Review	Owners within 500 feet (up to 1,000 feet at discretion of Town Manager); 15 calendar days prior to meeting	15 calendar days prior to meeting	15 calendar days prior to meeting
Variance – Major	Owners within 300 feet (up to 1,000 feet at discretion of Town Manager); 15 calendar days prior to meeting	15 calendar days prior to meeting	15 calendar days prior to meeting
Appeals	Owners within 500 feet; 15 days prior to meeting	Not required	Not required
ROW Vacation / Dedication	Owners within 500 feet; 15 days prior to meeting	Not required	15 days prior to meeting
Home-Based Business - Type II	Owners within 500 feet; 15 days prior to meeting	Not required	15 days prior to meeting

~~(a) Hearing and notification requirements. Listed in Table 1.1 are the notification requirements in the Town. Abbreviations used include CRS and Hearing (Public Hearing). Hearings will be noticed per the Town in most instances but notice requirements for annexation must follow the provisions of the CRS. The mailed notices identified in the following table would normally include notice of both the Planning Commission and Town Council meeting/hearings as appropriate.~~

~~(b) Modification of application at hearing.~~

~~(1) In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Town Council, Planning Commission or Board of Adjustment (BOA), the applicant may agree to modify his or her application, including the Plans and specifications submitted.~~

~~(2) Unless such modifications are so substantial or extensive so as to materially change the Plans, the hearing body may approve the application with the stipulation that the permit will not be issued until Plans reflecting the agreed-upon changes are submitted to the Town for review and approval as an administrative act.~~

~~(c) Hearing continuations. The Town Council, Planning Commission or BOA may continue the hearing to a subsequent meeting at a certain date and time or may close the hearing and~~

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~~continue the meeting to deliberate the issues until a final decision is made. If a hearing is continued to a certain date and time, no further notice of a continued hearing or meeting need be published.~~

~~(d) Record. An audio recording shall be made of all hearings, and transcripts of such hearings may be requested within thirty (30) days of the close of the hearing. Transcripts shall be provided within a reasonable time after deposit of the cost of the preparation of the transcript with the Town.~~

Annexation

(a) *Purpose.* The purpose of this ~~article~~ Section is to establish a procedure to bring land under the jurisdiction of the Town in compliance with the Colorado Municipal Annexation Act of 1965 (hereafter referred to as "Act"), as amended. This article, in part, provides supplemental requirements for annexation pursuant to the Act and is not to be construed as altering, modifying, eliminating, or replacing any requirement set forth in that Act or any requirements set forth in other portions of this Code. In the event of a conflict between the Act, the provisions of this ~~article~~ Section, or any requirements set forth in other portions of this Code, it is the expressed intent of the Town Council that the more stringent provision shall control.

(b) *Review Criteria.*

1. General Eligibility. The Town may consider an annexation petition for land that satisfies the eligibility requirements of the state statutes as follows:
    a. The area proposed for annexation has not less than one-sixth of its perimeter contiguous with the Town's municipal boundaries.
    b. A community of interest exists between the area proposed for annexation and the Town and the area is integrated with or is capable of being integrated with the Town.
    c. The full width of all public rights-of-way adjacent to a proposed annexation shall be included in the annexation.
    d. The responsibility to apply for exclusion from any applicable special districts shall be upon the applicant of the annexation.
    e. Annexations of enclaves may be initiated by the Town when such enclaves have been surrounded by property within the Town's municipal limits for a period of at least three years.
2. Specific Criteria. The Town shall evaluate annexations according to the following criteria:
    a. The annexation complies with the Municipal Annexation Act of 1965, as amended (C.R.S. 31-12-101 et seq.);
    b. The proposed annexation complies with the Comprehensive Plan goals and objectives, other adopted plans and policies, and the regulations of this Code;
    c. The proposed annexation promotes geographical balance of the Town's land use pattern;
    d. Adequate facilities and services are or will become available to support the current or future development within the annexation area. Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the Town in order for the public needs to be served by such facilities (including~~. These facilities may include~~ but ~~are~~ not limited to streets, bridges, public parks and recreation areas, water and sanitary sewer facilities, school sites, fire and police station sites and storm drainage facilities).

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~~a.~~e. The annexation ~~of lands to the Town~~ shall be shown not to create any additional cost or burden on the then-existing residents of the Town ~~to provide such public facilities in any newly annexed area~~.

f. The applicant has demonstrated that the proposed annexation follows all pertinent intergovernmental agreements to which the Town is a party.

g. The proposed annexation is needed to accommodate future land use requirements.

h. The proposed zoning complies with the Rezoning Review Criteria in Sec. x-x-x.

i. The property being annexed is located within the Town's Growth Management Area.

j. Unless otherwise agreed to, the landowner has waived in writing any preexisting vested property rights as a condition of annexation.

k. Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels (for example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property.)

l. To the extent allowed by law or possessed by landowner, all subsurface (non-tributary) water rights shall be deeded to the Town at the time of annexation.

m. Town-initiated annexations shall conform to C.R.S. 31-12-106 and the annexation ordinance shall include an annexation map meeting the requirements of C.R.S. 31-12-107(1)(d).

(c) *Review Procedures.* In addition to the specific review procedures required by state statutes at the time of annexation, and in accordance with the general procedures section of this Code, the following specific procedures apply to annexations:

1. A petition for annexation shall be signed by more than fifty (50) percent of the landowners in the area and owning more than fifty (50) percent of the land are of the proposed annexation.
2. An application form, related fees, and supporting documents includes plans, reports, and studies shall be provided by the applicant consistent with the application checklist requirements available through the Town.
3. The annexation assessment report is necessary for the Town to evaluate the feasibility and impacts of the proposed annexation on the Town's infrastructure, including but not limited to the ability to serve with streets, water, sanitary sewer, storm sewer, parks and recreation, schools, police, and fire protection; compliance with the Comprehensive Plan; sources of revenue from the property; the Town's costs to serve the proposed development and other related matters.
4. The applicant shall submit concurrently with their annexation application a request to establish zoning in accordance with the rezoning criteria found in Sec. x-x-x.
5. An annexation agreement shall be required for all annexation requests into the Town. See the annexation agreement criteria in Subsection x-x-x.
6. The Town Council shall review the annexation request to determine whether to proceed with annexation of the property by resolution, which shall include the public hearing dates.
7. The Planning Commission shall hold a public hearing on the annexation and consider the review criteria in this section when making a recommendation.
8. The Town Council shall hold a public hearing on the annexation and consider the review criteria in this section, the recommendations from staff and the Planning Commission, and determine if the annexation petition complies with the Municipal Annexation Act of 1965 when deciding on the annexation request.

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(d) *Effect of Decision.* If the annexation is approved, the Town shall have the signed annexation plat recorded with the County. Annexed areas shall be included in the Town's zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance.

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Policy and review criteria.

It shall be the general policy of the Town, with respect to annexations, the annexation application and the consideration of annexation petitions, that:

(1) Annexation is a discretionary act. Unless otherwise required by Colorado Statute, the Town Council shall have sole discretion in whether to annex property into the Town.

(2) The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the Comprehensive Plan and to the land uses depicted on the Future Land Use Map, as amended.

(3) Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the Town in order for the public needs to be served by such facilities. These facilities may include but are not limited to streets, bridges, public parks and recreation areas, water and sanitary sewer facilities, school sites, fire and police station sites and storm drainage facilities. The annexation of lands to the Town shall be shown not to create any additional cost or burden on the then-existing residents of the Town to provide such public facilities in any newly annexed area.

(4) The petitioner for annexation shall be responsible for paying application fees and the Town's full cost for processing the annexation applications and petition; from initial discussion with Town Staff before submittal of the petition, through the approval and recording of the final annexation documents.

(5) Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels (for example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property.)

(6) To the extent allowed by law or possessed by landowner, all subsurface (non-tributary) water rights shall be deeded to the Town at the time of annexation.

Annexation Process.

(a) Annexation applications shall be processed and considered as follows:

(1) Annexation pre-application conference. The application process beings with a pre-application conference with the Town Planner to determine the feasibility of the annexation request. Following this meeting, the applicant may submit a letter of intent requesting the annexation, the annexation application and petition as described in this section, the completed annexation application form, maps and supporting documents as determined at the pre-application conference. The Town Planner shall provide all applicants with a checklist identifying the form and number of copies for each submittal.

(2) Annexation application. An annexation application is necessary for the Town to evaluate the impacts on the Town of annexing the property identified in the application and to negotiate an annexation agreement.

(3) Town evaluation of annexation application. Town Staff shall analyze the feasibility of annexing the proposed property, including but not limited to the ability to serve with streets, water, sanitary sewer, storm sewer, parks and recreation, schools and police and fire protection; compliance with the Comprehensive Plan; sources of revenue from the property; the Town's costs to serve the proposed development and other related matters.

(b) Annexation petitions shall be processed and considered as follows:

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(1) Annexation petition certification and completion. The petition for annexation and all other documents submitted shall be reviewed by Town Staff for completeness and compliance with the provisions of the Act and this Code. The applicant shall be notified within five (5) working days of any deficiencies or inadequacies in the materials submitted. An incomplete submission shall not be processed nor referred to the Town Council for a determination of substantial compliance.

(2) Annexation petition referral to Town Council. Upon the Town Staff's determination that the petition and supporting documentation are complete and in compliance with provisions of the Act and this Code, the Town Staff shall refer the petition to the Town Council.

(3) Town Council determination of substantial compliance. The Town Council shall take the appropriate steps to determine if the petition is in substantial compliance with the Act.

a. If the petition is found to be in substantial compliance with the Act, the Town Council may, by the adoption of a resolution of substantial compliance, set the annexation and zoning for public hearing on a specified date, time and place, not less than thirty (30) days nor more than sixty (60) days from the effective date of the resolution, subject to compliance with Section 31-12-108, CRS.

b. If the petition is found not to comply with the Act, no further action shall be taken, except that the determination shall be made by resolution of the Town Council.

c. If the Town Council, at its sole discretion, finds that the annexation is not in the best interest of the Town, it may deny the petition by resolution.

(4) Annexation impact report. An annexation impact report conforming to Section 31-12-108.5, CRS, is required for areas of ten (10) or more acres and will be completed by Town Staff.

(5) Planning Commission review and recommendations.

a. The Planning Commission shall review, as a public hearing, the annexation application at a regular or special meeting to be held prior to the date of the public hearing before the Town Council. The Planning Commission will make a recommendation by motion to the Town Council regarding the overall annexation of the property to the Town. The Planning Commission motion may be to recommend approval, approval with conditions or denial of the annexation.

b. At this same hearing, the Planning Commission may review the requested zoning of the property. Notice of the Planning Commission review of zoning shall be given in accordance with the requirements for an amendment to the zoning map. The Planning Commission shall recommend to the Town Council approval with or without conditions or recommend denial of the requested zoning.

(6) Town Council public hearing and action on the annexation.

a. The Town Council shall hold the public hearing on the petition for annexation (and zoning, if requested in conjunction with the annexation). The petitioners shall present evidence in support of the petition and zoning, if applicable. The Town Staff shall testify as to the elements required by statute to be present for annexation and any comments received from governmental entities affected by the annexation. Any person may appear at the hearing and present evidence on any matter related to the annexation petition as determined by the Town Council. The Town Council may continue the hearing to another date without additional notice as provided by applicable law. At the conclusion of the public hearing, the Town Council shall adopt a resolution containing the findings of fact and conclusions, including:

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1. Whether the requirements of Sections 31-12-104 and 31-12-105, CRS and this section have been met.
2. Whether additional terms and conditions are to be imposed.
3. Whether an election is required, either as a result of a petition for election or the imposition of additional terms and conditions.

b. If the Town Council finds that the area proposed for annexation does not comply with the requirements of Sections 31-12-104 and 31-12-105CRS, the annexation proceeding will be terminated.

c. If the Town Council finds the following, then the Town Council may annex the land by ordinance without election and approve any annexation agreement. The zoning of the property, if requested with annexation, shall be approved by separate ordinance:

1. The annexation complies with the requirements of Sections 31-12-104 and 31-12-105, CRS and the provisions of section 30 of Article II of the Colorado Constitution."
2. An election is not required under Section 31-12-107(2), CRS or Section 30(1)(a) of article II of the Colorado Constitution.
3.1. No additional terms and conditions are to be imposed.

Annexation application.

An annexation application is necessary for the Town to evaluate the impacts on the Town of annexing the property identified in the application and negotiating an annexation agreement. The annexation application shall include the following information:

(1) Letter of intent. The applicant shall provide a letter of intent addressed to the Town Council to serve as a cover letter to the formal petition, introducing the applicant to the Town Council, requesting annexation of the petitioner's property and describing the development Plans for the property if it is annexed.

(2) Land use application form. The Town's land use application form shall be completed, signed and dated. The applicant shall provide application fee and deposit as provided by the adopted fee schedule at the time of the project submittal.

(3) Annexation petition. The applicant shall submit a petition for annexation that complies with the requirements of Section 31-12-107, CRS. The Town will provide the applicant with the standard form of this petition. One (1) original and one (1) electronic copy of the annexation petition shall be submitted to the Town.

(4) Cost reimbursement agreement for payment of development review expenses. The application shall be accompanied by a signed standard agreement for the payment of development review expenses incurred by the Town and the appropriate deposit of funds.

(5) Annexation map. Paper copies of the annexation map at twenty-four (24) by thirty-six (36) inches and reductions sized at eleven (11) by seventeen (17) inches are to be provided with the initial submittal. The annexation maps shall comply with the technical drawing requirements contained in Section 16.2.80 of this article. The map shall be accompanied by a written legal description of the property, including an electronic version in Word format. The Town Planner shall determine the number of copies needed.

(6) Title commitment. The applicant shall submit proof of ownership in the form of a current title commitment issued by a title insurance company licensed by the State, whose effective date shall be less than thirty (30) days prior to the date of submittal of the annexation petition. Ownership must match the ownership listed in the petition. If the legal description of the area to be annexed as shown on the annexation map does not

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~~match the legal description of the property owned because of road rights-of-way or other reasons, then the title policy must certify that the property owned is wholly contained within the described area on the annexation map. If the applicant is not the owner, there shall be provided, in addition to the title commitment naming the owner as the insured, a notarized affidavit by the owner stating that the applicant is authorized by the owner to make application for annexation. The applicant is to provide a word processing file of the legal description contained in the title commitment.~~

~~(7) Property tax statement. The applicant shall provide a copy of the prior year's property tax statement and paid receipt for all property to be annexed.~~

~~(8) Mailing labels for Weld County, special districts, school districts, irrigation companies, mineral interest owners and adjacent property owners. The applicant is to provide mailing address labels and the appropriate number of stamped envelopes as required by this Code.~~

~~(9) Zoning of property to be annexed. If zoning is requested simultaneously with annexation, the petitioner must submit a completed zoning application form, including a zoning map, for the property. If zoning is approved, the applicant must amend the official zoning map and pay all application, mapping and recording fees. If zoning is not requested simultaneously with annexation, the property is required by statute to be brought under compliance with this Code and the zoning map within ninety (90) days of the completion of the annexation process.~~

~~(10) Annexation assessment report. The application is to be accompanied by a narrative report assessing the effect of the proposed annexation upon the community and existing service and facilities. It shall detail the need for any expansion of those services and facilities to accommodate the development proposed for the property being annexed. The narratives shall be one (1) or more paragraphs in length and shall be adequate to fully explain the needs, concepts and proposed solutions for each of the following:~~

~~a. The economic impact to the municipality of the proposed annexation.~~

~~b. The impact on schools, including an estimate of the number of students to be generated by development of the property.~~

~~c. The anticipated sources of water, sanitary sewer and other utilities to be used to serve the property and the impact on the water and sanitary sewer systems anticipated to serve the property.~~

~~d. The impact on the existing transportation system.~~

~~e. The compatibility of the proposed development with the Comprehensive Plan and any Plan amendments that may be necessary for the proposed development.~~

~~f. A review of existing and adjacent land uses, areas of compatibility or conflict and possible mitigation measures that may be required for the proposed development.~~

~~**Post-approval actions.**~~

~~a. After final passage of the annexation ordinance, the applicant shall file with the Town final versions of all applicable documents, including one (1) Mylar and one (1) paper copy of the annexation maps. Applicant will submit digital copies of all files.~~

~~b. In the event that zoning was requested with the annexation, zoning shall be granted by ordinance, and the official zoning map shall be amended accordingly. In the event that zoning was not requested with annexation, the Town shall bring the area annexed under the zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance in the manner provided by this Code.~~

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~~(a)~~(e) *Annexation ~~Public~~ hearing notices.*

1. Notice of the public hearing for annexation set by the resolution of substantial compliance shall be published and given to the county and to any special district or school district having territory within the area to be annexed in accordance with State law.
2. A copy of the published notice, together with the letter of intent provided with the application and the annexation maps, shall be sent by the Town by U.S. mail to the owners of real property within one thousand (1,000) feet of the boundaries of the proposed annexation, irrigation ditch companies whose rights-of-way traverse the property to be annexed and to the mineral estate owners and their lessees of the property to be annexed, as outlined in Section 16.1.160 of this Code. Notice provided by the Town to the owners of the mineral estate and their lessees shall not relieve the petitioners of the responsibility to provide notice as required by Section 24-65.5-101, et seq., CRS. In the case of a "flagpole" annexation, the Town shall also provide notice to abutting property owners as specified in Section 31-12-105, CRS.
3. Petitioner's responsibilities—mailing labels, notice to mineral estate owners and lessees. Upon notice of complete application by Town Staff:
    a. The petitioner shall provide the Town with a set of standard mailing labels ~~(matching Avery 8160)~~ for the owners of real property within one thousand (1,000) feet of the property to be annexed, the mineral interest owners and lessees for the property to be annexed, the irrigation ditch companies whose rights-of-way traverse the property to be annexed and the special districts encompassing the property to be annexed. The petitioner shall also certify that the required address list of owners of real property is complete. The petitioner will provide adequate envelopes and postage for ~~all of~~all the referenced mailings with submittal package.
    b. The petitioner shall provide a set of standard mailing labels ~~(matching Avery 8160)~~ for all special districts encompassing the property to be annexed, the Board of County Commissioners and the county attorney, special districts and school districts with territory within the property to be annexed, and referral agencies of the Town, as directed by the Town. The petitioner shall also provide ~~a sufficient number of~~enough labels to mail notice to the owners of real property and mineral interest owners and lessees identified in the mailing list.
    c. The petitioner shall be responsible for providing notice of each public hearing (Planning Commission and/or Town Council) to the owners of the mineral estate on the property to be annexed and to their lessees, as required by Section 24-65.5-101, et seq., CRS. The petitioner shall certify to the Town Clerk the petitioner's conformance with this notice requirement, not less than fifteen (15) days prior to the date of the public hearings.

~~(b)~~(f) *Annexation agreement.* An annexation agreement is required for all annexation applications, unless waived by the Manager. The Town will provide the applicant with a draft agreement to review and finalize as part of the development review process. The annexation agreement must be executed by the applicant prior to scheduling the Planning Commission and Town Council public hearings on the annexation proceedings. The annexation application is reviewed and considered by Town Council as part of the overall annexation request.~~Should special circumstances warrant with historical use or special future use of the property, an annexation agreement can be requested either by the petitioner, Town Staff or an appointed or elected official of the Town. Should applicants wish to create an annexation agreement, they must contact the Town Attorney.~~

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~~Annexation map technical standards.~~

~~The annexation map shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State. The annexation map shall conform to the following drafting standards and shall contain the following information. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected.~~

~~(1) The annexation map shall be an original drawing on twenty-four (24) inch by thirty-six (36) inch flat, spliceless, tapeless and creaseless sheets of double matte Mylar film with a uniform thickness of not less than three one-thousandths (0.003) of an inch, using only mobiledblack ink that will adhere to drafting films or an acceptable "fix-line" photographic reproduction (emulsion down) or a computer-generated reproduction of the original drawing. A margin line shall be drawn completely around each sheet, leaving a margin at least one-half (½) inch on three (3) sides and a margin at least two (2) inches on the left (short) side, entirely blank. Unless otherwise specified, text and numbers are to be large enough to be clearly legible at the scale drawn.~~

~~(2) The annexation map shall be drafted at a scale that best conveys the detailed survey and confines the drafting error to less than one percent (1%). Acceptable scales are 1" = 50' or 1" = 100'. For annexations exceeding one hundred (100) acres, an acceptable scale is 1" = 200'. In special instances, a different scale may be used if approved by the Town. When an annexation requires multiple sheets, an index shall be provided that delineates the boundaries and identifies each sheet number. The scale of a composite map may be different from the individual sheets, as approved by the Town. A "title sheet" containing the certifications and signature blocks shall be provided in the event that the annexation map sheet is too crowded.~~

~~(3) The title shall be centered at the top of the sheet, along the long dimension of each sheet and shall include the name of the proposed annexation. A general legal description stating the section, Township, range, ___th P.M., Town of Severance, Weld County, Colorado, shall be included under the name. The total acreage shall be included on the title sheet (Sheet #1) under the general legal description annexation names may not duplicate existing annexation names.~~

~~Example:~~

~~NEW ANNEXATION~~

~~TO THE TOWN OF SEVERANCE, COLORADO~~

~~A part of the xx of Section xx Township ___ North,~~
~~Range ___ West, ___th P.M., Town of Severance,~~
~~Weld County, Colorado~~
~~xx.xx Acres~~

~~(4) There shall be a title block in the lower right-hand corner or along the right-hand margin that contains the name, address and telephone number of the land owner, the developer and the engineer or surveyor preparing the drawing, an appropriate title for the drawing, the preparation date, sheet number, the preparer's project identification numbers, revision dates, draftsman's initials and the electronic drawing file name (matching the AutoCAD TM drawing file provided to the Town).~~

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(5) Adjacent to the title block in the lower right-hand corner, there shall be a legend block that includes a description of lines, points and symbols, a double-headed north arrow designated as true north and a written and graphic scale.

(6) Adjacent to the right margin or in a column to the right of the center of the title page if the page is crowded, there shall be the Town's standard statement of ownership containing a written metes and bounds legal description of the land to be annexed (including the full width of abutting roadways not already within the Town), followed by the owner's signature blocks and notary blocks, one (1) for each owner or mortgagee.

(7) Immediately following the ownership certificate, there shall be the Town's standard surveyor's certificate, signed, dated and sealed by a licensed surveyor or engineer.

(8) Immediately following the surveyor's certificate, there shall be the Town's standard certificate block for the Town Council.

(9) Immediately following the Town Council' approval certificate, there shall be the Town's standard recording certificate block for the County Clerk and Recorder.

(10) A vicinity map that depicts the area to be annexed and the area that surrounds the proposed annexation within a two (2) mile radius superimposed on a current United States Geological Survey (USGS) topographical map and maintaining the same scale shall be placed on the left side of the annexation map, outside the boundary of the area being annexed or on the left side of the title sheet.

(11) The annexation map drawing shall:

a. Show the outline of area to be annexed with boldest line.

b. Show book, page, map number, etc. for all references and place where publicly recorded.

c. Show all recorded and apparent right-of-way lines of roads, both within and without the periphery of land to be annexed; these roads are those that are adjacent, adjoining, contiguous and/or coincident with boundary. Also provide all road names, right-of-way widths at each leg of an intersection, at the point of curve and point of tangent, at dead ends and angle points, and right-of-way lines with accurate bearings and dimensions, including chord length and bearings, central angles and radii of all curves. Whenever the centerline of a road has been established or recorded, the date and recording information shall be shown on the annexation map.

d. how on the annexation map, next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town and the contiguous boundary of any other municipality abutting the area proposed to be annexed. A hatched boundary line shall be used to depict the boundary contiguous to the Town (example: ////////).

e. Show section, quarter section and other monument corners. Display ties to section corners and to the state grid, if available, that show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc., shall be used. All dimensions are to be shown to the nearest one one-hundredth (0.01) of a foot or, in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts or parcels shall have a closure accuracy of one one-hundredth (0.01) of a foot.

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f. Provide a description of all monuments, both found and set, that mark the boundaries of the property and all control monuments used in conducting the survey.
g. Show the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and plat numbers of plots or lots and blocks.
h. Show the names and locations of all abutting subdivisions. The locations of all abutting unplatted parcels and public lands shall be depicted and designated as such.
i. Designate the ownership identity of all mineral rights.
j. Show the purpose, widths, location (with fine dashed lines) and ownership of all easements and all abutting easements, including but not limited to utility, oil and gas gathering and transmission lines, and irrigation ditches (fee or prescriptive). If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. The widths of all easements and sufficient data to definitively locate the same with respect to the parcel to be annexed must be shown. All easements must be clearly labeled and identified. If an easement shown on the annexation map is of record, its recorded reference must be given.
k. Depict all lines, names and descriptions on the annexation map that do not constitute a part of the annexation in dashed or screened lines. Any area enclosed by the annexation but not a part thereof shall be labeled "Not a Part of This Annexation."
l. Accurately locate one hundred-year (100-year) floodplains, all existing watercourses, streams, lakes or inlets on the affected property.
m. Show clearly the length and bearing of all lines described in the written description.
n. Show section numbers, quarter section quadrants, Township and range lines, and label each.
o. Show all lines, calls, arcs, etc. described in written description.
p. Circle or place an ellipse around each location where a detail drawing will be provided. and provide designation for each detail, such as "See Detail A."
q. Show "Point of Beginning" in bold letters with an arrow.
r. Show "True Point of Beginning" with bold letters and arrow, when appropriate.
s. Indicate with a map note the total perimeter of the annexation boundary, the contiguous length to the existing Town boundary and the length representing one-sixth (⅙) of the total annexation boundary perimeter.

(12) An AutoCAD TM drawing file (release 2010 or higher) of the annexation maps and title sheets; all fonts used shall be provided electronically. If multiple maps are used, one (1) drawing file must combine all the parts into one (1) map showing the entire annexation. AutoCAD TM drawing files of each revision to the annexation map shall be provided at the time the revision is submitted to the Town.

(13) A word processing file of the legal description for the annexation and all submittal narratives shall be provided electronically as a Word document.

Findings.

When the Town Council conducts a hearing on an annexation petition, as contemplated by the Colorado Statutes, the Town Council shall determine whether the annexation petition complies with the Municipal Annexation Act of 1965 and all provisions pertaining to annexation contemplated by this Land Use Code

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~~**Findings**~~

~~The Town Council will be acting in a quasi-judicial manner. At the end of each hearing on an application, it should enter a resolution making findings of fact in support of its decision to approve or deny any project or variance. The findings of fact should include that:~~

~~(1) The Town has jurisdiction (i.e. the proposed development is within the Town's boundaries).~~

~~(2) The proposed development or variance is located in the _____ Planning zone.~~

~~(3) The proposed use is within the uses authorized for the proposed location.~~

~~(4) Based on the evidence presented by the applicant and the reports of the Town Staff:~~

~~a. The proposal is consistent with the Comprehensive Plan.~~

~~b. The infrastructure impacts have been properly identified and addressed with appropriate fees or in-kind agreements to be reflected in any subsequent development agreement.~~

~~c. The impact on the neighborhood is or is not acceptable, considering the benefits to be obtained by the granting of the application.~~

~~(5) The application or variance shall or shall not be subject to future review or revocation.~~

~~(6) Town Staff is authorized to prepare a development agreement for Town Council' approval consistent with their findings (if approved).~~

Rezoning

(a) Purpose. The rezoning process provides for the review of changes to the boundary of zoning districts that may be necessary to:

(1) Establish zoning with an annexation application;

(2) Correct a manifest error in an ordinance;

(3) Implement the Comprehensive Plan goals and policies;

(4) To account for changed conditions in the general area; and/or

(5) To reflect a change in policies with respect to future development.

(b) Review Criteria. A rezoning request shall be reviewed according to the following criteria.

(a) The proposal is consistent with the Comprehensive Plan, other Town adopted plans and/or policies, and the criteria of this Code.

(b) The proposal serves a community need or amenity that was not considered at the time of the initial zoning of the property.

(c) Any anticipated negative impacts or burdens on the area, public infrastructure, or adjacent properties are either mitigated by sound planning, design, and engineering practices, or are outweighed by broader public benefits to the surrounding community.

(d) The proposed zoning will further development in the area that is in character with existing or future development when considering the design, pattern, scale, and compatibility with surrounding uses and developments.

(e) The recommendations of technical and professional staff, advisory review bodies, or any other public entity authorized to review the rezoning application.

(c) Review Procedures. In addition to the general procedures found in this Code, the following requirements are specific to rezoning applications:

(1) The application shall include a~~A~~ written statement describing the proposal and addressing the following points:

a. Rationale for the proposed rezoning.

b. Present and future impacts on the existing adjacent zone districts, uses and physical character of the surrounding area.

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c. Impact of the proposed zone on area accesses and traffic patterns.
d. Availability of utilities for any potential development.
e. Present and future impacts on public facilities and services, including but not limited to fire, police, water, sanitation, roadways, parks, ~~schools~~schools, and transit.
f. The relationship between the proposal and the Comprehensive Plan.
g. Public benefits arising from the proposal.
h. ~~Surrounding and interested property ownership mailing labels.~~ The applicant shall provide the Town with ~~two (2) current sets of mailing labels not more than thirty (30) days old of the names and addresses of the surrounding property owners (within one thousand [1,000] feet of the property),~~ mineral interest owners of record, mineral and oil and gas lessees for the property, and appropriate ditch companies. ~~The applicant shall certify that the report is complete and accurate.~~

~~(2) Zoning amendment application certification of completion. Within a reasonable period of time, Town Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in blue ink.~~

(2) Applications for rezoning may run concurrently with related development applications at the direction of the Manager and/or Director.
(3) Following review by staff and referral agencies, and any necessary resubmittal(s), the Town shall schedule review of the rezoning request by the Planning Commission during a public hearing.
(4) The Planning Commission shall hold a public hearing, review the request, and make a recommendation to the Town Council. Following Planning Commission action, the Town shall schedule review and final decision of the rezoning request by the Town Council.
(5) Town Council shall hold a public hearing and make a final decision on the rezoning application by ordinance.

~~(a) Set zoning amendment public hearing and complete public notification process. No less than thirty (30) days prior to the scheduled public hearing, the Town shall send notice of public hearings to the applicant, all property owners of record within one thousand (1,000) feet of the property in question, all mineral interest owners, oil and gas lessees of record and the appropriate referral agencies. The Town shall also publish notice in a newspaper of general circulation. For zoning map amendments, the Town shall prepare a public hearing notification sign to be posted on the property within thirty (30) days as well. If the zoning amendment request is accompanying another application that is scheduled for public hearings before the Planning Commission and Town Council, one (1) public hearing may be held on both applications. Such notice shall not be required for text amendments.~~

~~(b) Planning Commission public hearing and motion and Town Council' ratification on the zoning amendment. The Planning Commission shall hold a public hearing to review the zoning amendment. The Planning Commission shall then make a motion to approve, conditionally approve, or deny the application that the Town Council will ratify.~~

~~Town Council public hearing and action on the zoning amendment. The Town Council shall, after receiving the report and recommendations from the Planning Commission, hold a public hearing and act upon the proposed amendment. The public hearing should be held at the first~~

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available Town Council hearing following the Planning Commission hearing. Following the required hearing, the Town Council shall consider the comments and evidence presented at the hearing, evaluate the application in accordance with the following criteria and approve, approve with conditions or deny the application, in whole or in part.

(b)(d) *Effect of Decision*Post-approval actions. Upon approval of an amendmenta rezoning request to the official zoning map by the Town Council, the Town shall cause an appropriate revision of the official zoning map to be prepared. In the event an interested partyIf the applicant initiated the rezoning amendmentrequest, the petitioner shall pay the Town's cost for the preparation of the revision to the official zoning map. The Town shall record a copy of the official zoning map amendment with the County.

Upon approval of an ordinance amending, changing or repealing part of the text of this Code, the Town shall certify a copy of the ordinance and place it in the official records of the Town and make appropriate supplements to this Code.

(1) The applicant initiating the official zoning map amendment shall have thirty (30) days after approval of the amendment by the Town Council to submit to the Town two (2) original drawings of the approved zoning amendment map for recording, along with the recording fees and all other costs billed by the Town relative to the zoning amendment.

(2) A licensed surveyor or engineer shall prepare the zoning amendment map. Inaccurate, incomplete or poorly drawn Plans shall be rejected. In addition, the petitioner shall submit one (1) reduction of the zoning amendment map sized eleven (11) inches by seventeen (17) inches and an AutoCAD™ drawing file (release 10 or higher).

(3) Within thirty (30) days of receipt of an applicant-initiated zoning amendment map, the Town shall review the documents for compliance with the Town Council' approval, obtain the Town officials' signatures and submit the approved zoning amendment map and the ordinance amending the official zoning map to the Weld County Clerk and Recorder for recordation.

(c) Criteria for amendments to the official zoning map. For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the zoning map shall not be amended except:

(d) To correct a manifest error in an ordinance establishing the zoning for a specific property.

(e) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally.

(f) When the land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Comprehensive Plan.

(g) When the proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan.

(h) When the area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area.

This declaration of criteria for zoning map amendments shall not control an amendment that occurs incidentally to a general revision of the zoning map.

(i) Criteria for text amendments to the zoning Code. For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the text of this article shall not be amended except to:

(j) Correct a manifest error in the text of this Article.

(k) Provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town Staff.

(l) Accommodate innovations in land use and development practices that were not contemplated at the adoption of this Article.

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(m) Further the implementation of the goals and objectives of the Comprehensive Plan.

(n) Map amendment upon zoning establishment or modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property and upon final passage thereof, the Town shall amend the prior existing official maps to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated zoning map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

(o)(e) *General rezoning of the Town*. Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of the zoning code, whether such revision is made by repeal of the existing zoning code and enactment of a new zoning code or otherwise, the requirement of an accurate survey map or other sufficient legal description thereof, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection with the Town for fifteen (15) days prior to the public hearing on such amendments.

(p)(f) Zoning of annexed territory.

(1) Zoning of land during annexation may be done in accordance with the procedure and notice requirements of this aArticle. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.

(2) Any area annexed shall be brought under the provisions of this aArticle and the zoning map within ninety (90) days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During such ninety-day (90-day) day period, or such portion thereof as is required to zone the territory, the Town shall not issue a building permit for any portion(s) of the newly annexed area.

Commented [OJ12]: This section to focus on the procedures. General zoning language to be moved under Zone Districts Article.

Zoning

General provisions.

In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare of the community.

(1) Uniformity of regulations. The regulations established within each zone by this article shall apply uniformly to each class or type of structure or land. Unless exceptions are specified in this Code, the following interpretations shall apply:

a. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, changed, constructed, moved, demolished, or structurally altered, unless in conformance with all of the regulations herein specified for the zone in which it is located.

b. No part of a yard, other open space, off-street parking or loading space around or in connection with any building that is in compliance with this Code shall be combined with part of a yard, open space, off-street parking or loading space that has not been zoned unless it is considered a specific exception as stated in this article.

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c. No yard or lot existing or approved at the time of adoption or any amendment to this Code shall be reduced in dimension or area below the minimum requirements set forth herein as a result of such adoption or amendment.

d. Any use not permitted in a zone, either specifically or by interpretation by the Town Council as provided in this Code, is hereby specifically prohibited from that zone.

(2) Conflict with other provisions of law. Whenever the requirements of this article are inconsistent with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive standards shall govern.

(3) Conflict with private covenants or deeds. In case of a conflict between this Code and any private restrictions, the provisions of this Code shall control for purposes of enforcement by the Town. The Town shall have no responsibility to enforce private covenants or deed provisions.

(4) Zoning of annexed territory.

a. Zoning of land during annexation may be done in accordance with the procedure and notice requirements of this article. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.

b. Any area annexed shall be brought under the provisions of this article and the zoning map within ninety (90) days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During such ninety-day (90-day) period, or such portion thereof as is required to zone the territory, the Town shall not issue a building permit for any portion or all of the newly annexed area.

Commented [OJ13]: Relocate and reword under current Article 6 - Zoning Districts

Purpose.

The purpose of this article is to create a vital, cohesive, well-designed community in order to enhance the Town's small-Town character and further the citizens' goals as identified in the Comprehensive Plan. These zoning regulations are designed to:

(1) Encourage the most appropriate use of land throughout the Town and ensure logical growth of the various physical elements of the Town

(2) Regulate and restrict the location and use of buildings, structures and land for residence, business, trade, industry or other purposes

(3) Regulate and determine the size of building lots, yards and other spaces

(4) Prevent the overcrowding of land, promote quality development, ensure efficiency in land use, lessen congestion, increase safety in travel and transportation and encourage development that supports the long-term stability and livability of the Town

(5) Promote the health, safety and general welfare of Town residents

Zoning districts and boundaries.

In order to carry out the provisions of this Code and the Comprehensive Plan, the Town is divided into the following zoning districts, which are further defined in Article 6 of this Code:

- Rural Residential
- Rural Residential Conservation
- Rural Residential Agricultural
- Suburban Perimeter
- Town Core
- Development Nodes
- Development Node Industrial

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Official zoning map.

The boundaries and classifications of established districts are as depicted on the "Town of Severance Official Zoning Map," which may from time to time be revised, updated or redrafted. The zoning map adopted and to be used for reference shall be that map bearing the most recent date of publication, which has been signed by the chair of the Planning Commission and the Mayor.

(1) Interpretation of zoning district boundaries. In the event that uncertainty exists on the zoning map, district boundaries shall be on section lines, lot lines, the centerlines of highways, streets, alleys, railroad rights-of-way or such lines extended; municipal corporation lines; natural boundary lines such as streams or other lines to be determined by the use of scales shown on the map.

(2) Amendment upon zoning or modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property and upon final passage thereof, the Town shall amend the prior existing zoning map to include the annexed area with the proper zoning classification or show the amended classification. Such updated official map shall contain, in table form, the date and number of the ordinance amending it, the title of the change, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

(3) Cost for amending zoning. Any person who proposes zoning for property being annexed or proposes modifying existing zoning shall bear the entire cost of amending the zoning map, including all notification costs. The Town shall provide applicants with a copy of the current fee schedule and a fee agreement form upon request.

(4) Public inspection; storage of original. A copy of the zoning map shall be available and on display at Community Development during normal business hours. In addition, one (1) copy of the current zoning map and all prior zoning maps that have been adopted shall be held in a secure place by the Town Clerk, who shall act as custodian thereof, and the map shall not be amended, changed, updated or otherwise modified or let out of direct control of the Town Clerk for any reason whatsoever. The secured map is to be released for inspection only upon authorization of the Town Clerk.

Principal and conditional uses permitted by zoning district.

(a) General application of uses.

(1) Uses designated as "uses by right" are allowed in a zone district as a matter of right but shall be required to conform to all requirements of this Code. If Code requirements are not met the Town reserves the right to deny a project based on non-compliance. Uses classified as "encouraged uses" are uses that are generally compatible and encouraged in a zoning district, but not allowed as a matter of right. These uses will be approved based on compliance with the Code as well as compatibility with adjacent land uses. Uses classified as "uses requiring additional review" are not allowed as a matter of right but may be approved by the Town Council with certain justification above and beyond the requirements of this Code. All uses must meet the requirements of this Code or be allowed as a legal non-conforming use with approval by the Town Council, otherwise they are not permitted.

(2) Land uses not otherwise identified in this Code may be proposed. In order to allow such uses, the new or unlisted land use must be determined to be similar to either an encouraged use or use requiring additional review listed within that zone district. The term "similar" shall mean that the use can be reasonably interpreted to fit into a similar use category as identified in this Code. Town Staff will make a written determination

regarding any request for a land use not listed in this Code. If a determination is made that the proposed use is similar to either a listed encouraged use or a use requiring additional review, it will be processed as a use requiring additional review under the provisions of this Code.

(b) Requirements of zone districts. Uses and requirements of zone districts are defined in Article 4 of this Code.

Commented [OJ14]: Relocate and reword under current Article 6 - Zoning Districts

Amendments.

(b) Initiation of amendments to text or official zoning map. The Town Council may, from time to time, amend, supplement, change or repeal the regulations and provisions of this Code. The Town Council, Town Staff or Planning Commission may initiate amendments to the text of this Code. Amendments to the zoning district map may be initiated by the Town Council, Town Staff, Planning Commission or a real property owner in the area to be included within the proposed amendment.

Commented [OJ15]: Integrated into new "Text amendment" section

(c) General rezoning of the Town. Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of the zoning Code, whether such revision is made by repeal of the existing zoning Code and enactment of a new zoning Code or otherwise, the requirement of an accurate survey map or other sufficient legal description thereof, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the Town hall during regular business hours for fifteen (15) days prior to the public hearing on such amendments.

(d) Zoning amendment application process.

(a) Optional pre-application conference. The applicant may attend a pre-application conference with a representative from the Town. The purpose of the hearing is to discuss the zoning amendment, submittal requirements and review process.

(b) Zoning amendment application submittal. The applicant shall submit two (2) hard copies and a digital file of the complete zoning amendment application package to the Town and shall request that the Planning Commission and Town Council review the application. Note: In the case of text amendments, only subparagraphs a. and b. that follow are required.

a. Completed land use application form, zoning amendment, application fee and fee agreement

b. Written description of the proposed change to the text of this article, including the citation of the portion of the article to be changed and the wording of the proposed change. The description must provide the rationale for the proposed change, citing specific difficulties with the existing text and similar provisions in zoning Codes of other jurisdictions that support the rationale of the proposed change.

c. Legal description for all property to be considered for rezoning.

d. Current proof of ownership in the form of a title commitment issued within thirty (30) days of submission of the application (for zoning map amendments only).

e. Zoning amendment map of the area included in the proposed change, twenty-four (24) inches high by thirty-six (36) inches wide, with the following information:

1. North arrow, scale (1" = 100' or 1" = 200') and date of preparation.

2. Subdivision or block and lot name of the area to be zoned (if applicable) at the top of each sheet.

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3. ~~Legal description of area to be zoned (entire area and individual zoning districts). In unsubdivided property, zone boundaries shall be determined by a metes and bounds description.~~
4. ~~Location and boundaries, including dimensions, of the properties proposed for rezoning. (Note: Zone boundaries are to be the centerlines of physical streets, roads, highways, alleys, railroad rights-of-way and channelized waterways or such lines extended).~~
5. ~~Acreage or square footage contained within the property proposed for rezoning.~~
6. ~~All existing land uses in the proposed rezoning area.~~
7. ~~Zoning and existing land uses on all lands adjacent to the proposed rezoning.~~
8. ~~Location and dimensions for all existing public rights-of-way, including streets, and centerlines of watercourses within and adjacent to the rezoning.~~
9. ~~Names of all adjoining subdivisions with lines of abutting lots and departing property lines of adjoining properties not subdivided.~~
10. ~~Certificate blocks for surveyor, Planning Commission, Town Council and Weld County Clerk and Recorder.~~
11. ~~AutoCAD™ drawing (release 2010 or higher) of the zoning amendment map on acceptable electronic transfer.~~

Minor s~~S~~ubdivision.

(a) *Purpose.* Minor subdivisions establish or alter legal boundaries of parcels consistent with the Town's regulations and design criteria of this Code, but do not significantly alter development patterns or impact public improvements and facilities. The minor subdivision process may be used in lieu of the preliminary and final subdivision processes in any of the following situations, and the Director determines that the subdivision is compatible with and will not adversely impact surrounding properties:
   1. The alteration or creation of legal boundaries for five (5) or fewer lots, blocks, tracts, and/or outlots;
   2. To correct an error in the legal description or other administrative element of an approved plat;
   3. To dedicate, vacate, or alter easements;
   4. To establish a condominium plat of a building on an existing, legally platted lot into individual ownership units, relative to commonly owned elements and common area covenants and agreements;
   5. When the above situations apply and there are no variances or alternative compliances required or requested; and
   6. When the above situations apply and there are no public rights-of-way dedication required or requested.

(b) *Review Criteria.* A minor subdivision may be approved by the Manager and/or Director if it is determined the application complies with the review criteria applicable to the preliminary subdivision process of this Code.

(c) *Review Procedures.* In addition to the specific review procedures required in accordance with the general procedures section of this Code, the following specific procedures apply to minor subdivision applications.
   1. If the Manager and/or Director determine at any point in the process that the application is no longer eligible to continue or does not meet the criteria as a minor subdivision, the

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Manager and/or Director may deny the application or allow the applicant to reclassify as a preliminary subdivision according to additional required information or fees.

2. After staff and referral agency review, and any necessary resubmittals to address all outstanding review comments, the Manager or Director may make a final decision on the minor subdivision application.

(d) *Effect of Decision.* If the minor subdivision is approved, the Town shall have the signed plat recorded with the County. A recorded minor subdivision shall create a vested property right for three years as specified in the vested property rights section of this Code, unless otherwise specified in a fully executed agreement.

General provisions.

(a) The provisions of this article shall apply to any and all subdivision of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this article and this Code. The submittal of an application for approval pursuant to the provisions of this article constitutes consent to an agreement to comply with all of its applicable provisions.

(b) This article establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Comprehensive Plan, this Code and applicable regulations, policies and other guidelines. The submittal of an application for approval pursuant to the provisions of this article constitutes an agreement to comply with all of its applicable provisions.

(c) Scheduling of development applications before the Planning Commission or Town Council is at the discretion of the Town. Any change to a development application by an applicant after formal submittal of that application to the Town constitutes a decision by the applicant that may result in the Town deciding to void the pending application. The Town may then reschedule or cancel the review of the development application at its discretion.

(d) Prior to formal submittal of any subdivision application identified in this article, the Planning Commission will typically provide to an applicant an individualized submittal checklist indicating the documents and information needed, quantities of those documents to be submitted and the referral agencies that will be involved in the review process. The applicants are responsible for being fully familiar with all applicable provisions of this article. At the time of submittal, the applicants will provide a prepackaged packet and an electronic copy of all application materials, which the Town will use to distribute to the list of recipients provided by the Town. Upon determination by Town Staff that a submittal constitutes a complete development application, the Town will forward the application packet information to each referral agency.

Intent.

This article is designed and enacted for the purposes of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town by:

(1) Ensuring compliance with this Code and the Comprehensive Plan.

(2) Creating livable neighborhoods that foster a sense of community.

(3) Encouraging the proper arrangement of streets in relation to existing or Planned streets and ensuring that streets facilitate safe, efficient and pleasant walking, biking and driving.

(4) Providing a variety of lot sizes and housing types.

(5) Providing for adequate roadways, utilities, access for fire apparatus, recreation, convenient open spaces, light, air quality and the avoidance of congestion of population.

(6) Providing open spaces for adequate stormwater management.

(7) Providing adequate spaces for educational facilities.

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(8) Providing adequate and appropriate spaces for commercial and industrial land uses.
(9) Providing protection from geologic hazards and flood-prone areas.
(10) Regulating such other matters as the Town Council may deem necessary in order to protect the best interest of the public.

Subdivision types and process outlines.

(a) Subdivisions.

(1) Definition. A subdivision of land that includes one (1) or more of the following:

a. Dedication of public right-of-way, public infrastructure or other public tracts.
b. Two (2) or more lots or tracts.
c. Amendments to any lots, parcels or the relocation of any streets within a previously recorded subdivision.

Minor subdivisions that involve the creation of fewer than four (4) lots and propose no public infrastructure may be allowed to move directly to final plat with Town Council approval.

(2) Process. The subdivision process is as follows:

a. Concept Plan.

1. Pre-application conference and site visit with Staff occurs.
2. Application is submitted.
3. Town Staff certifies that application is complete and recommends that applicant move forward with process.
4. Town Staff sets comment review deadline (subject to submittal workload and Planning Commission and Board calendar availability). If comments are acceptable, Staff will move to item 5.
5. Applicant schedules, notifies neighbors within a minimum of a one thousand (1,000) foot radius of the project and holds a neighborhood meeting at a own-approved location. Neighborhood meeting must be completed and documented a minimum of one (1) week prior to the final deadline for the Planning commission Staff reports (see sections 16.4.40 and 16.4.50 regarding specifics for the neighborhood meeting).
6. Planning Commission holds public hearing and makes recommendation.
7. Town Staff compiles a record of the Planning Commission and neighborhood meeting comments and provides it to the applicant.
8. Town Council reviews and takes action at a regular hearing and comments to determine the viability of a preliminary plat.

b. Preliminary plat.

1. Pre-application conference with Town Staff occurs.
2. Application is submitted.
3. Town Staff certifies that application is complete.
4. Town Staff sets comment review deadline (subject to submittal workload and Planning Commission and Board calendar availability). If comments are acceptable, Staff will move to item 5.
5. Town schedules Planning Commission and Town Council agendas and completes public notification process.
6. Town Staff refers application to parties of interest.
7. Town Staff makes final review and reports to Planning Commission.

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8. Planning Commission holds public hearing and makes recommendation.
9. Town Council holds public hearing and takes action.
10. Applicant addresses any conditions of approval.

c. Final plat.

1. Application is submitted.
2. Town Staff certifies that application is complete.
3. Town Staff refers application to parties of interest.
4. Town Staff sets comment review deadline (subject to submittal workload and Planning Commission and Board calendar availability). If comments are acceptable, Staff will move to item 5.
5. Town Staff makes final review and reports to Planning Commission.
6. Town schedules Planning Commission and Town Council review as public hearings.
7. Planning Commission holds public hearing and takes action.
8. Staff add any Planning Commission comments to final Staff report and prepare Town Council Packet.
9. Town Council holds public hearing and takes action.
10. Applicant resubmits final drawings addressing all comments.
11. Post-approval documents are submitted and final administrative actions are completed.
12. Town records final plat and development agreement with County Clerk and Recorder.

Concept plan.

(a) Concept Plan purpose. The concept Plan is a broad concept that describes in general terms what the applicant envisions. The purpose of the concept Plan is three-fold:

(1) It provides the applicant with a clear understanding of the Town's vision for the Severance community.

(2) It gives the applicant an opportunity to discuss his or her development Plans, explain how the Plans will further the community's vision and obtain input and direction from neighboring property owners, the Planning Commission and Town Council early in the process.

(3) It gives the applicant an opportunity to hear preliminary comments and concerns from the Planning Commission, Town Council and general public prior to engaging in project design. The ultimate goal of this process is to help the applicant develop a Plan that reflects the Town's vision for the community.

(b) Concept Plan application process.

(1) Pre-application conference and site visit with Town Staff. A pre-application conference and site visit with representatives from the Town is required before the applicant may submit a concept Plan application. The purpose of the hearing is to allow the applicant to discuss the ideas for developing the property and to give the Town the opportunity to communicate the community's vision to the applicant. Topics to be discussed will include:

a. Applicant's goals for the property.
b. Town vision and expectations as identified in the Comprehensive Plan.
c. Requirements of this Code.
d. Character and quality of development the Town is seeking.
e. Town regulations and standards.
f. Application and review process.
g. Submittal requirements.

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h. Proposed schedule.

(2) Concept Plan application submittal. The applicant shall submit the completed concept Plan application package to the Town. The concept Plan application package shall be formatted and packaged per the application submittal checklist provided by the Town and shall include the following items:

a. Land use application form.

b. Application fee and cost reimbursement agreement for payment of review and development expenses incurred by the Town.

c. Title commitment (dated no more than thirty (30) days from the date of concept Plan application submittal).

d. Neighboring property owner list. Mailing labels with current names and addresses of all property owners within one thousand (1,000) feet of the proposed subdivision for purposes of notice for the neighborhood meeting, Planning Commission hearing and Town Board Hearing. Applicant will provide one (1) set of labels for the notification of the Planning Commission and Board hearings and will provide a statement certifying the notification of the required neighborhood meeting seven (7) days prior to its occurrence.

e. Concept Plan. This Plan may be on a single sheet or may be a set of drawings. Electronic files of all drawings, reports, submittals and narratives must be submitted as part of the concept Plan. Example concept Plans may be requested from Town Staff prior to submittal.

f. General development information. Provide a written description of the existing conditions on the site and the proposed development. Include the following items in the description:

1. Design rationale—how the development is connected to and integrated with surrounding area, how it responds to site features and constraints and how it is consistent with this Code.

2. General description of the Plan for drainage and stormwater management.

3. Water supply information, including the number of water taps needed, the amount of raw water that will be provided to the Town and the source of the water.

4. Utility (electric, cable, natural gas, telephone, etc.) information, including capacity and any line extensions or upgrades that may be necessary and "Commitment to Serve" letters from each utility.

5. Statement indicating whether or not any commercial mineral deposits are located on the site.

6. Description of any floodplain hazards on the site (only if additional information is needed than what is shown on the concept Plan map).

7. Detailed description of how the proposed development complies with the Comprehensive Plan; management Plan checklist and narrative.

(3) Application certification of completion. Within five (5) working days of complete submittal, Town Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package and resubmit the application to the Town.

(4) Set Planning Commission. Town Staff shall schedule the application for the next available Planning Commission.

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(5) Notice to neighboring property owners. At least fifteen (15) days prior to the combined Planning Commission and neighborhood meeting to review the concept Plan, the Town shall send notice of that meeting and the Town Council meeting by regular mail to neighboring property owners within one thousand (1,000) feet of the property.

(6) Neighborhood Meeting. Applicant shall notify and conduct a neighborhood meeting. The meeting will be notified and run completely by the applicant, and Town Staff will attend. As a requirement of the neighborhood meeting, applicant will submit documentation of the meeting dialogue no less than seven (7) days prior to the due date for Planning commission Staff reports.

(7) Planning Commission. Neighborhood meeting. This is intended to be a collaborative meeting among the Town Staff, Planning Commission, the public and the applicant to ensure that all new development is consistent with community goals and that important issues are identified early in the development process. Topics that may be addressed in this meeting include:

a. How the proposed project is consistent with the adopted Comprehensive Plan and this Code.
b. The applicant's goals and vision for the project.
c. The overall character and style of the project.
d. How the proposed development will incorporate variety in the type, design and siting of buildings.
e. How the proposed subdivision will be connected to and integrated with surrounding undeveloped and developed areas.
f. How the project will impact neighboring properties (i.e. water drainage, traffic circulation, environmental impacts, view corridors, etc.).
g. How the proposal promotes the efficient use of land, public streets, utilities and governmental services.
h. How the proposal will address water resources and wastewater services.
i. Applicants should bring the following items to the meeting:
    1. Context/vicinity map that shows the proposed development in relation to the surrounding area.
    2. Base map that shows the site features (such as topography, ditches, drainage ways, wildlife habitat, existing trees and view corridors).
    3. Conceptual Plan for the property in terms of basic street network, development areas, park or open space areas, etc.
    4. Anything else that illustrates what the applicant is trying to create with this development.

(8) Town Council public hearing. A hearing shall be scheduled for the first available Town Council meeting after the Planning Commission neighborhood meeting. This is also intended to be a collaborative hearing where the Town Council, the public and the applicant ensure that the new development is consistent with community goals. Important issues are confirmed at this stage of the development process. Items that may be addressed in this hearing include results and any recommendations from the Planning Commission neighborhood meeting. The Town Council shall review and act upon the concept Plan as a regular agenda item. The Town Council may choose to approve, approve with conditions or deny the concept Plan.

(c) Concept Plan review criteria. The Town shall use the following criteria in addition to other applicable provisions of this Code to evaluate the applicant's concept Plan application:

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(1) The land use within the project conforms to the Comprehensive Land Use Map and furthers the goals and policies of the Comprehensive Plan.
(2) The concept Plan represents a functional system of land use and is consistent with the rationale and criteria set forth in this Code and the Comprehensive Plan.
(3) The utility and transportation designs are adequate and meet the standards set by the Severance Transportation Master Plan and the Severance Construction Standards given existing and Planned capacities of those systems.
(4) Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
(5) 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 Town goals.
(6) The project has shown efforts to preserve wetlands, view corridors and natural features of the site to the extent possible.

(d) Time frame related to approval of concept Plan. A concept Plan is in full force and effect for a period of two (2) years from the date of Town Council action to approve or approve with conditions. Approval will automatically expire at the end of two (2) years unless the applicants submit a completed plat application for the property or request an extension of one (1) year at least thirty (30) days prior to the expiration date. Extensions of a concept Plan approval are at the discretion of the Town Council.

Preliminary subdivisionplat.

(a) *Purpose.* Preliminary plat purpose. The purpose of the preliminary plat is toPreliminary subdivisions apply to all land divisions or other alterations of legal boundaries of lots, blocks, tracts, and/or outlots that are ineligible for the minor subdivision processes of this Code. The preliminary subdivision application is the first step in the major subdivision process, followed by the final subdivision application as outlined in this Code. The preliminary subdivision process provides detailed planning review of development patterns, street networks, block and lot layout, and preliminary engineering for future development prior to preparation of detailed construction and engineering plans.provide the Town with an overall master Plan and preliminary engineering for the proposed development. At this time the Planning Commission and the Town Council may request minor changes to plans such as parking, traffic, lighting, and fencing. If the scope of the project/plat warrants it, the Town Council may waive the preliminary plat requirement.

(b) *Review Criteria.* A preliminary subdivision shall be reviewed according to the following criteria.

1. The subdivision provides for a functional system of land use and is consistent with the criteria set forth in this Code.
2. The mix of land uses within the project area conforms with the existing or proposed zoning and furthers the following planning objectives:
   a. The proposal promotes the Town's adopted plans, goals, and policies;
   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 and transportation designs are adequate and meet the standards set by the Severance Transportation Master Plan and the Severance Construction Standards given existing and planned capacities of those systems.
4. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
5. The subdivision will not create lots that are undevelopable or that are burdened with costs that would preclude development from occurring on other property.

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(c) *Review Procedures.* In addition to the specific review procedures required in accordance with the general procedures section of this Code, the following specific procedures apply to preliminary subdivision applications.

1. After staff and referral agency review, and any necessary resubmittals to address all outstanding review comments, the Town shall schedule review by the Planning Commission.
2. The Planning Commission shall hold a public hearing and make a recommendation on the preliminary plat to the Town Council. Following review and a decision by the Planning Commission, the Town shall schedule review and final decision by the Town Council.
3. The Town Council shall hold a public hearing and make a final decision on the preliminary subdivision plat.

(d) *Effect of Decision.* An approved preliminary subdivision shall have a vested property right for two (2) years as specified in the vested property rights section of this Code, except that any complete submittal of a final subdivision for any phases indicated on the preliminary subdivision shall extend the expiration deadline for an additional one (1) year. Approval will automatically expire at the end of two (2) years unless an applicant formally requests an extension of one (1) year from the Town Council prior to termination or submits a completed final subdivision application for all or a portion of the property. Extensions of a preliminary subdivision approval are at the discretion of the Town Council.

Commented [OJ16]: New 2 year vested right timeframe for preliminary plats (was 3), per LUAC, PC, and review of other communities.

~~1. Preliminary plat application process.~~

~~2. Pre-application conference. A pre-application conference with a representative from the Town is required before the applicant may submit a preliminary plat application. Topics to be discussed will include:~~

~~a. The provisions of this Code and the applicable requirements.~~

~~b. The application and review process.~~

~~c. Submittal requirements.~~

~~d. Changes or modifications based on direction from the Town at concept Plan.~~

~~e. Preliminary schedule/timeline.~~

~~3. Preliminary plat application submittal. Following approval or conditional approval of the concept Plan, the applicant may submit the complete preliminary plat application to the Town. The preliminary plat application package shall be formatted and packaged per the application submittal checklist provided by the Town:~~

~~a. Land use application form.~~

~~b. Application fee.~~

~~c. Title commitment, which must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal.~~

~~d. Surrounding and interested property ownership report. The applicant shall provide the Town with a list and set of mailing labels, not more than thirty (30) days old, of the names and addresses of the surrounding property owners within one thousand (1,000) feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.~~

~~e. Preliminary plat, example available upon request from Town Staff.~~

~~f. Comment response letter stating any changes that were completed between concept plan approval and preliminary plat if applicable.~~

~~g. Preliminary plat drawing standards. The preliminary plat drawing shall comply with the following standards:~~

~~1. The preliminary plat shall be prepared by or under the direct supervision of a registered land surveyor, shall be signed and stamped by said surveyor and shall meet applicable state requirements.~~

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2. Except for parcels separated by public rights-of-way, public tracts or railroads, parcels not contiguous with each other shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
3. Lengths on the preliminary plat boundary shall be shown to the nearest hundredth of a foot, and bearings shall be shown in degrees, minutes and seconds.
4. The perimeter survey description of the proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).
5. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.

h. General development information. A written description of the existing conditions on the site and the proposed development shall include an explanation of how:
1. The preliminary plat is consistent with the concept Plan and how the items of concern expressed by the Planning Commission, Town Council and the public at the time of concept Plan have been addressed.
2. The Plan is consistent with this Code and the Comprehensive Plan.

i. Preliminary grading and drainage Plan and report. This Plan and report must be certified by a Colorado-registered professional engineer and include approximate earthwork quantities (how earthwork on the site is "balanced"), storm drainage concepts such as locations of pipe and other conveyance facilities, locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control Plans and specifications. It must also discuss the impacts on any existing floodways and/or floodplains, both on and adjacent to the site, as well as any Federal Emergency Management Agency (FEMA) applications required.

j. Preliminary water and sewer Plan and study. A Colorado-registered professional engineer shall prepare this Plan. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.

k. Geologic study. If, upon referral to the Colorado Geologic Survey (CGS), the CGS requires a geologic study, then this report must be prepared by a registered professional engineer or professional geologist and shall address site conditions, geologic conditions, engineering considerations and any limitations or additional investigations that might be necessary.

l. Preliminary landscape and open space Plan. The landscape Plan must address the treatment of all exterior spaces. Landscape Plans are to be designed to meet the requirements of this Code and show approximate locations of trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the Plan.

m. Traffic study. This study must be prepared by a professional Traffic Engineer and must identify the projected impacts to the local and regional traffic system. Town will engage a third-party Traffic Engineer at applicants expense. The projected

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~~direct roadway impacts and proposed share of regional improvements and intersections must be identified.~~

~~n. Mineral, oil and gas rights documentation. Evidence that the surface owner has contacted all lessees of mineral, oil and gas rights associated with the site must be provided. Included in the evidence must be the name of the current contact person, his or her phone number and mailing address for each of the mineral owners or lessees. Said evidence may be provided to Town Staff in a mineral interests report prepared by a certified petroleum landman, title company or attorney and an affidavit certifying the completion of this requirement.~~

~~o. General ecological resource survey., A survey prepared by a qualified biologist, geologist, ecologist or similar qualified professional identifying the potential/absence/habitat of a threatened or endangered species and wetlands or other ecologically sensitive area must be provided. Said survey shall make practical recommendations regarding treatment or mitigation of the findings.~~

~~p. Draft management Plan and development guide.~~

~~q. Phase 1 Environmental Site Assessment (Phase I ESA).~~

~~4. Application certification of completion. Within five (5) working days, Town Staff shall typically certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town.~~

~~5. Schedule preliminary plat public hearing at Planning Commission and public hearing at Town Council hearings and complete public notification process. The Town shall schedule a public hearing before the Planning Commission for the purpose of developing a recommendation for consideration at a public hearing before the Town Council. The Town shall publish notice in a newspaper of general circulation and post the property with at least one (1) sign clearly visible from a public right-of-way. Publication and posting shall be consistent with this Code.~~

~~6. Refer application to parties of interest. The Town shall send summary information about the application by regular mail to those on the mailing list provided by the applicant, which includes neighboring property owners, utility and service providers and other parties of interest. The referral information shall include the time and place of the Planning Commission hearing and Town Council public hearing, the nature of the hearing or meeting, the location of the property, the applicant's name and background information about the proposal.~~

~~7. Town Staff review and report to Planning Commission. Town Staff will complete a final review of the application and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the preliminary plat review criteria.~~

~~8. Planning Commission public hearing and recommendation. The Planning Commission shall hold a public hearing to review the application based on the preliminary plat review criteria. The Planning Commission shall then make a recommendation to the Town Council to approve, conditionally approve or deny the application.~~

~~9. Town Council public hearing and action. The preliminary plat should be scheduled for the first available hearing after the Planning Commission hearing. The Town Council shall review and act on the preliminary plat as part of a public hearing. The Town Council may choose to approve, approve with conditions or deny the preliminary plat.~~

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Applicant addresses any conditions placed on the proposal. The applicant shall revise the preliminary plat based only on conditions of approval (if any) placed on the proposal by the Town Council.

(b) Preliminary plat review criteria. In addition to all provisions of this Code, the Town shall use the following criteria to evaluate the applicant's request:

1. The preliminary plat represents a functional system of land use and is consistent with the rationale and criteria set forth in the Comprehensive Plan and this Code.
2. The application is consistent with the approved concept Plan and incorporates the Town's recommendations and any conditions of approval.
3. The land use mix within the project conforms to the Town's zoning district map and Future Land Use Map and furthers the goals and policies of the Comprehensive Plan.
4. The utility and transportation designs are adequate and meet the standards set by the Severance Transportation Master Plan and the Severance Construction Standards given existing and Planned capacities of those systems.
5. Negative impacts on adjacent land uses, including but not limited to solar access, heat, dust, glare, traffic and noise, 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.

(c) Phasing. A preliminary plat shall designate the boundaries of phases for which separate final plats will be presented for approval. Each phase, either alone or in conjunction with previously approved and recorded phases, must meet all of the requirements of this Code.

(d) Early grading.

1. After approval of a preliminary plat, applicants may proceed with preliminary grading of the project area if a construction Plan set for grading and drainage is approved and a memo issued by the Town Engineer authorizing grading work to begin.
2. Early grading is at the risk of the applicant, and no presumption of any final plat approval at the Planning Commission is expressed or implied by any authorization of early grading.

(e) Timeframe related to approval of preliminary plat. A preliminary plat is in full force and effect for a period of three (3) years from the date of the Town Council action to approve or approve with conditions. Approval will automatically expire at the end of three (3) years unless an applicant formally requests an extension of one (1) year from the Town Council prior to termination or submits a completed final plat application for all or a portion of the property. Extensions of a preliminary plat approval are at the discretion of the Town Council.

Preliminary plat findings.

(a) The Town Council will be acting in a quasi-judicial manner. At the end of each hearing on an application, it should enter a resolution making findings of fact in support of its decision to approve or deny any project or variance.

(b) Without the benefit of the final Code as it will be enacted, the following findings are somewhat generalized but should include that:

(1) The Town has jurisdiction (i.e. the proposed development is within the Town's boundaries).

(2) The proposed (development/variance) is located in the _____ Planning zone.

(3) The proposed use is within the uses authorized for the proposed location.

(4) Based on the evidence presented by the applicant and the reports of Town Staff:

a. The proposal is consistent with the Comprehensive Plan.

Commented [OJ17]: Components of the Town's existing Review Criteria for Preliminary Plats is incorporated in the revised and expanded language above.

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b. The infrastructure impacts have been properly identified and addressed with appropriate fees or in-kind agreements to be reflected in any subsequent development agreement.

c. The impact on the neighborhood is or is not acceptable considering the benefits to be obtained by the granting of the application.

(5) The application or variance shall or shall not be subject to future review or revocation.

(6) The Town Staff is authorized to prepare a development agreement for Town Council approval consistent with its findings (if approved).

Final subdivisionplat.

(a) *Purpose.* Final subdivisions complete the subdivision of land consistent with the technical standards of the Town including the review and coordination of construction documents, and review and dedication of easements, rights-of-way, and public lands. A final subdivision application may only be submitted following review and approval of a preliminary subdivision plat.

(b) *Review Criteria.* A final subdivision shall be reviewed according to the following criteria.

1. The final subdivision plat is in substantial conformance with the approved preliminary subdivision plat. For the purposes of this Code, substantial conformance, including design adjustments made to meet any conditions of preliminary subdivision approval, is determined as follows:
   a. Does not change any land use of the proposed subdivision plat.
   b. Does not significantly change the number of lots or residential density.
   c. Does not contain changes that would render the final subdivision plat in nonconformance with requirements of this Code.
   d. Does not contain significant changes in street alignment and/or access points or other public elements such as drainage improvements, utility lines, or facilities.
   e. Does not significantly change any measurable standard (other than above).
   f. The development complies with this Code, the Comprehensive Plan, and Town adopted plans and/or policies.
   g. All applicable technical standards, including the provision of water in sufficient amount and quality, have been met.
2. The recommendations of technical and professional staff, advisory review bodies, or any other public entity authorized to review the final subdivision plat.

(b) *Review Procedures.* In addition to the specific review procedures required in accordance with the general procedures section of this Code, the following specific procedures apply to final subdivision applications.

1. The applicant shall identify all public and private improvements to be constructed as part of the final subdivision application. The applicant shall submit final plans and specifications for these improvements and ensure construction of these improvements. Such assurances will be incorporated as part of a fully executed agreement between the applicant and the Town with security posted in accordance with the development agreement and security provisions of this Code.
   a. After, or concurrent with, final subdivision review and/or approval, the applicant shall prepare and submit construction drawings and final reports for administrative approval by the Town prior to commencement of construction.
2. Following staff and referral agency review, and any necessary resubmittals to address all outstanding review comments, the Town shall schedule review by the Planning Commission.
3. The Planning Commission shall hold a public hearing and make a recommendation on the final subdivision plat to the Town Council. Following review and a decision by the Planning Commission, the Town shall schedule review and final decision by the Town Council.

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4. The Town Council shall hold a meeting and make a final decision on the final subdivision plat.

(c) *Effect of Decision.* If the final subdivision plat is approved, the Town shall have the signed plat recorded with the County along with the executed development agreement. A recorded final subdivision plat shall create a vested property right for two (2) years as specified in the vested property rights section of this Code, unless otherwise specified in a fully executed agreement. Approval will automatically expire at the end of two (2) years unless an applicant formally requests an extension of one (1) year from the Town Council prior to termination and can show substantial progress has been made on the installation of public improvements. Extensions of a final subdivision plat approval are at the discretion of the Town Council.

(d) *Sales prior to recording of final plat*. Except as provided in this section, it is unlawful for any subdivider or agent of a subdivider to transfer, sell or advertise, offer, or agree to transfer or sell any separate interest in property before a final subdivision plat for such ~~subdivided~~ property has been approved in accordance with the provisions of this article and recorded ~~in the office of the County Clerk and Recorder~~with the County..

~~(a) Final plat purpose. The purpose of the final plat is to complete the subdivision of land consistent with the technical standards of the Town.~~

~~(b) Final plat application process.~~

~~(1) Final plat application submittal. The final plat application shall substantially conform to the concept Plan and the preliminary plat (if applicable), as approved at the public hearing, and shall meet all conditions of approval. The applicant shall submit the completed final plat application package to the Town. The final plat application shall be formatted and packaged per the application submittal checklist provided by the Town and shall include:~~

~~a. Land use application form.~~

~~b. Application fee.~~

~~c. Title commitment, updated and dated no more than thirty (30) days from the date of final plat application submittal.~~

~~d. Final plat drawing that complies with the following standards:~~

~~1. The plat shall be prepared by or under the direct supervision of a registered land surveyor, shall be signed and stamped by said surveyor and shall meet applicable state requirements.~~

~~2. Except for parcels separated by public rights-of-way, public tracts or railroads, parcels not contiguous with each other shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.~~

~~3. Lengths shall be shown to the nearest hundredth of a foot, and bearings shall be shown in degrees, minutes and seconds.~~

~~4. The perimeter survey description of the proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).~~

~~5. Bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions.~~

Commented [OJ18]: Final Subdivision - Town Council meeting is not a public hearing, still allows public comment at the purview of the Mayor and Council. Avoids additional expenses for a mailer at this stage considering very little should change between preliminary and final, plus PC will hold a public hearing with their recommendation on the final subdivision.

Commented [OJ19]: New 2 year vesting proposed, per LUAC, PC and review of other communities.

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6. Names and signatures of all owners of equitable interest in the property shall be on the plat and shall be made in black drawing ink.

e. General development information. Applicants shall provide a written description confirming that the final plat conforms to the preliminary plat. In addition, the description shall address how the proposed development conforms to this Code and the Comprehensive Plan.

f. Update of any Plans or reports provided with the concept Plan or preliminary plat for which there is a change of conditions.

g. Special documents (as needed):

1. Special agreements.
2. Oil and gas surface use agreement.
3. Floodplain use permit from the Town.
4. Prior to commencement of construction, a state highway utility permit from Colorado Department of Transportation (CDOT).
5. Prior to commencement of construction, a state highway access permit from CDOT.
6. Prior to commencement of construction, a construction dewatering permit from the Colorado Department of Public Health and Environment.
7. Prior to commencement of construction, a 404 Permit from the Army Corps of Engineers.
8. Prior to commencement of construction, an Air Pollution Emission Notice from the Colorado Department of Public Health and Environment.
9. Prior to commencement of construction, a permit for work in any ditch rights-of-way from individual ditch companies.
10. Development agreement (DA).
11. Prior to commencement of construction, acceptable collateral in the amount and form stipulated in the DA.
12. Prior to commencement of construction, an approved adjudication of water rights and a Plan of augmentation.
13. Prior to commencement of construction, a FEMA-approved application (i.e. Conditional Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]).
14. Documentation identifying who will own and maintain open spaces.
15. Deed for public lands for dedication of public sites for open space or other civic purposes.
16. Covenants and homeowner's association (HOA) regulations.
17. Final management Plan and development guide.

h. Notification mailing list. Applicant shall provide one (1) set of mailing labels for appropriate referral agencies and property owners of record within one thousand (1,000) feet of the property.

(2) Application certification of completion. Within five (5) working days of complete submittal, Town Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in blue ink.

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(3) Notice. In order to provide an opportunity for referral agencies and the public to review any final plat for changes, the Town shall send a notice of the Planning Commission public hearing with appropriate final plat materials for review.

(4) Town Staff review and report to Planning Commission. Town Staff will complete a final review of the application and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the final plat review criteria.

(5) Planning Commission public hearing and action. Staff will not schedule the final plat hearings until such time that all comments have been addressed. Once scheduled by Staff, the Planning Commission shall hold a public hearing to review the final plat based on the Town's final plat review criteria. It shall then approve, conditionally approve or deny the final plat application by resolution. The applicant may appeal a decision to deny the application by the Planning Commission to the Town Council.

(6) Town Council public hearing and action. The final plat should be scheduled for the initial reading at the first available hearing after the Planning Commission hearing. The initial reading shall include project presentation, Staff reports, public testimony and Board discussion. Following the Board discussion, the Town Council may take action or choose to take final action at the next available Town Council meeting. Should the applicant request a continuance, such request shall be in writing and shall constitute a waiver of the requirements of CRS 17-5-40. The Town Council shall review and act on the recommendation of the Planning Commission regarding the final plat as a regular agenda item. The Town Council may choose to approve, approve with conditions or deny the final plat. A formal set of findings will be attached to any of the above actions.

(7) Applicant addresses Town Council conditions. The applicant shall revise the final plat based on any Town Council conditions of approval and submit it to the Town. All conditions shall be addressed to Town Staff's satisfaction prior to submittal of final plat Mylars.

(8) Original plats. The applicant shall submit two (2) Mylar copies of the final plat, one (1) Mylar copy of all other Plans and one (1) paper copy of everything to the Town. Original Mylars and documents shall become the property of the Town. Applicant will submit a digital copy of all files.

(9)(1) Complete engineering Plans and specifications. After, or concurrent with, final plat approval, the applicant shall prepare and submit the following for administrative approval by the Town prior to commencement of construction:

a. Construction Plans and profiles. The Plans and profiles shall be prepared by a registered professional engineer licensed in the State of Colorado. Plans shall be twenty-four (24) inches high by thirty-six (36) inches wide and shall provide the following information:

1. The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
2. The minimum horizontal scale is to be 1" = 100'.
3. The minimum vertical scale is to be 1" = 10'.
4. The typical road geometric and structural cross section is to be shown on each Plan sheet.
5. The Plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginning of curves and end of curves, intersections, structures, angles, curb lines, cross pans, traffic-control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii and all other features to enable construction in accordance with

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~~approved standards and standard engineering practice. Stationing may be centerline if approved by the Town Engineer. Construction Plans shall include water lines and appurtenances, sewer lines and appurtenances, stormwater lines and appurtenances and any other wet utilities such as non-potable water systems and irrigation ditches.~~

6. ~~The profiles shall include existing and proposed grades at curb and gutter or centerline of street elevation at point of intersection of vertical curves, intersections, grade breaks, point of curb return, point of reverse curve and other critical points, structures and all other features required to enable construction in accordance with the standards adopted by this Code.~~
7. ~~Signature blocks for all utility providers shall be included unless otherwise provided in agreement form.~~
8. ~~Structure details. Sufficient data shall be given to construction of major structures and road appurtenances, such as bridges, culverts, gutters, drives, walks, cross pans, etc.; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc., or as the Town Engineer may approve.~~
9. ~~Final water report. A final water report, including hydraulic analysis and pipe sizing calculations, shall be included.~~
10. ~~Final sanitary sewer report. A sanitary sewer report including hydraulic analysis and pipe sizing calculations shall be included.~~
11. ~~Sewage collection and water supply distribution Plans, profiles and specifications. The Plans, profiles and specifications shall be prepared by a registered professional engineer and shall be accompanied by written approvals from the applicable water and sanitation district.~~
12. ~~Final drainage Plans and reports. Based on the approved preliminary drainage Plan, a final report is to be submitted in accordance with the Greeley Drainage and Design Criteria, as amended, or as the Town Engineer may approve. The Plan and report must provide:~~
    - ~~a) Cross-sections of each water carrier showing high water elevations for one hundred (100) year runoff and adjacent features that may be affected thereby.~~
    - ~~b) Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e. FEMA, Larimer County and Weld County, ditch companies).~~
    - ~~c) Supporting calculations for runoffs, times of concentration, flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.~~
    - ~~d) Erosion control Plans, when required.~~
    - ~~e) Sizing of all pipes, inlets, conveyance ways and other appurtenances.~~
13. ~~Final grading Plan. The final grading Plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and shall illustrate existing and proposed contours and lot and block grading details.~~
14. ~~Soils report. The soils report shall detail pavement design and construction requirements and shall be submitted after overlot grading is complete.~~

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b. Final landscape and open space Plan. The landscape Plan must address the treatment of all exterior spaces. Landscape Plans are to be designed to meet the requirements of this Code and show trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the Plan. All Plant materials must be adapted to the physical limitations of the local climate and specific conditions of the landscape Plan. All Plant materials must meet specifications of the American Association of Nurseryman for No. 1 grade. All street trees must be selected from the Town's recommended tree list located in Section 7-5-10.

1. Landscape Plan drawn to scale (not greater than 1" = 50') on sheets sized twenty-four (24) inches by thirty-six (36) inches, which includes:
    a) Project name.
    b) Scale, north arrow and date of preparation.
    c) Existing and proposed streets and street names.
    d) Lot lines, easements and public rights-of-way as shown on the subdivision plat, including gross and net area of all parcels.
    e) Location of proposed building footprints and parking areas.
    f) Location of storage, loading and service areas.
    g) Existing and proposed two (2) foot contours (based on USGS datum).
    h) Natural features, wetlands, wildlife corridors, floodplains, streams, ditches and other waterways.
    i) Location of existing and proposed utilities (utility lines can be "ghosted" in on the landscape Plan to vary the line types for cleaner drawings).
2. All existing trees within the proposed site and adjacent to the site must be accurately identified on the Plan. Existing trees must be labeled as to their size, species and, if they are intended to remain, be removed or transPlanted. All replacement mitigation trees will need to be shown separately on the Plan. Tree protection standards for existing trees to remain shall be included in the Plan.
3. The extent and location of proposed trees, shrubs and perennials and quantities of each species - Plant materials are to be drawn at two-thirds (⅔) of their mature size.
4. Landscape schedule, including the represented Plant symbol, Latin name, common name, Planting size and number of individual Plants. All Plant materials are to meet the minimum size requirements as provided in this Code.
5. Proposed treatment of all ground surfaces must be clearly indicated, including turf, paving, mulch, native grass, seeded grass, and so on. Grass areas are to be specified as seed or sod and a seed mix/rate specified.
6. Sight distance triangles must be shown at street intersections pursuant to the table within this Code.
7. Project-specific landscape notes and details to ensure the proper Planting, establishment and survival of Plant materials, along with additional notes detailing the warranty for Plant materials and continued maintenance, shall be included.
8. Open space trail network and pedestrian circulation system.

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9. Areas to be irrigated and method of irrigation.
10. Proposed grading of the project site, including drainage swales, detention basins and retaining walls. Off-site grading for infrastructure improvements will need to be included, as well.
11. Notes for conservation and retention of topsoil and landscape soil preparation.
12. Restoration, revegetation or enhancement of disturbed natural areas or open space features.
13. Park/open space structures, signage, play equipment and other landscape amenities and appurtenances.

c. A PDF file and an AutoCAD™ drawing file of the final plat in an electronic format specified by the Town Engineer.

1. Improvements guarantee. Prior to commencement of construction, the applicant shall provide to the Town collateral in a form approved by the Town, guaranteeing adequate safe closure of all public improvements for each phase of construction necessary for the subdivision. The amount of the security shall be one hundred fifteen percent (115%) of the estimated cost of constructing all public improvements, as approved by the Town Engineer, unless otherwise provided in the development agreement.
2. Deed for public lands. The applicant shall submit to the Town a warranty deed and title insurance for all lands dedicated on the final plat and accepted by the Town.
3. Raw water dedication. Prior to the issuance of a building permit, the applicant shall provide to the Town sufficient raw water or rights thereto for that permit. At the time of final plat, all water necessary for irrigation of parks, open spaces, golf courses, playing fields and similar public areas shall be dedicated to the Town per this Code.
4. Post-approval actions. Prior to the issuance of a building or grading permit, the applicant shall submit the following documentation to the Town:
5. List of contractors that will be performing the improvements.
   a) Proof of workers' compensation insurance and liability insurance for each contractor.
   b) Open space deed restriction. (Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as open space in perpetuity).
   c) Construction traffic-control Plan for review by Town Engineer, which addresses construction traffic, construction water, temporary road closures, street repairs, dust, noise and other construction-related concerns.
   d) Other certificates, affidavits, enforcements or deductions as required by the Town.

(c) Final plat review criteria. In addition to all provisions of this Code, the Town shall use the following criteria to evaluate the applicant's final plat application:

(1) The final plat is in substantial conformance with the approved concept Plan and/or preliminary plat. For the purposes of this Code, substantial conformance, including

Commented [OJ20]: Existing Final Plat review criteria is incorporated, reworded, and expanded as part of the proposed new language above.

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design adjustments made to meet any conditions of preliminary plat approval, is determined as follows:

a. Does not change any land use of the proposed plat.
b. Does not significantly change the number of lots or residential density.
c. Does not contain changes that would render the final plat in nonconformance with requirements of this Code.
d. Does not contain significant changes in street alignment and/or access points or other public elements such as drainage improvements, utility lines or facilities.
e. Does not significantly change any measurable standard (other than above).

(2) The development complies with this Code and the Comprehensive Plan.
(3) All applicable technical standards, including the provision of water in sufficient amount and quality, have been met.

(d) Time frame related to approval of final plat. A final plat is in full force and effect for a period of three (3) years from the date of recordation unless a longer time frame is specifically allowed by the Town in an approved development agreement or unless public improvements are completed and accepted on all or a portion of the final plat. Applicants may formally request a single extension of one (1) year from the Town prior to termination of final plat approval. Prior to the expiration of the original time frame of three (3) years or the extension (four [4] years total) time frame, an applicant may formally request an additional extension if substantial progress has been made on installation of public improvements.

Commented [OJ21]: Existing approval timeframes are incorporated as part of the revised and proposed new language above.

Development agreements.

Commented [OJ22]: Relocated under new Article

(a) Agreements and improvements. A development agreement stating that the applicant agrees to construct any required public improvements shown in the final plat documents, together with security in a form approved by the Town Attorney, is required. No subdivision plat shall be signed by the Town or recorded at the office of the county clerk and no building permit shall be issued for development until a development agreement between the Town and the applicant has been executed. Such agreement shall include a list of all agreed-upon public improvements and landscaping, an estimate of the cost of such improvements, the form of guarantee for the improvements and any other provisions or conditions deemed necessary by the Town Council to ensure that all improvements will be completed in a timely, quality and cost-effective manner.
(b) Other agreements or contracts setting forth the Plan, method and parties responsible for the construction of any required public improvements shown in the final plat documents may also be required.
(c) As required by this Code and all applicable laws, rules and regulations, the applicant shall apply to the Town for inspection of improvements.
(d) The following improvements shall typically be constructed as determined by the Town Engineer:

(1) Road grading and surfacing.
(2) Curbs.
(3) Streetlights.
(4) Sidewalks.
(5) Sanitary sewer collection system.
(6) Storm sewers or storm drainage system, as required.
(7) Potable water distribution.
(8) Non-potable water distribution.
(9) Fire hydrants.
(10)Utility distribution system for public parks and open space.
(11)Street signs at all street intersections.
(12)Permanent reference monuments and monument boxes.

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(13)Underground telephone, electricity and gas lines.

Three (3) SDR11 smooth conduit lines, one and one-quarter (1 ¼)"inch in diameter, shall be placed at horizontal and vertical locations approved by the Town Engineer within the municipal utility easement with a capped junction at each buildable lot. In addition, when crossing a public street, a High Definition Poly Ethylene (HDPE) four (4)-inch schedule 40 PVC sleeve conduit will be placed around each of the three (3) SDR 11 smooth conduit lines for the full width of the Right of Way (ROW). Once installed and accepted by the Town, the conduit shall become the property of the Town of Severance, and its use shall be subject to license or franchise by the Town.

(14)Berm or fence along major arterial and collector streets.

(15)Required landscaping, open space and park improvements.

(16)Tree lawns.

(17)Under drains.

(18)Trails.

(19)Required floodway improvements.

(20)Required irrigation ditch improvements.

(21)Required off-site improvements.

(e) Time for completion. Commencement of construction of all or a portion of the approved final plat shall occur within three (3) years from the date of recordation of said final plat. The required time for the completion of all required improvements for all or a portion of said final plat shall be three (3) years from the Town's issuance of a grading or other permit to commence construction. However, the Town Council may, for good cause shown, extend such time for commencement or completion of the required improvements upon request from the applicant. Upon completion of such improvements within the required time and approval thereof by the Town, the Town shall cause the cash or letter of credit, excluding the retainage for warranty security, to be released within thirty (30) days of the Town's initial acceptance of such improvements and receipt of the required as-built drawings; however, the Town will retain ten (10)-percent security of the original until final acceptance at the end of the two (2)-year warranty period. When such improvements are not completed within the required time, the Town may cause the proceeds of the cash or letter of credit to be used to close or complete the required improvements in accordance with the terms and provisions of the development agreement.

(f) Partial release of security. During construction of required improvements, the applicant may from time to time request the release by the Town of a portion of the security for improvements that have been inspected and approved by the Town Engineer. The required warranty period shall commence upon completion and initial approval of all required improvements and landscaping in accordance with the terms and provisions of the development agreement. Full and complete acceptance of the project will occur at the termination of the warranty period after final inspection.

(g) Warranty. All workmanship and materials for all required improvements shall be warranted for a minimum period of two (2) years by the applicant as specified in the development agreement and this Code.

Sales prior to recording of final plat.

Applicability. Except as provided in this section, it is unlawful for any subdivider or agent of a subdivider to transfer, sell or advertise, offer or agree to transfer or sell any separate interest in property before a final plat for such subdivided property has been approved in accordance with the provisions of this article and recorded in the office of the County Clerk and Recorder.

Final plat findings.

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(a) The Town Council will be acting in a quasi-judicial manner. At the end of each hearing on an application, it should enter a resolution making findings of fact in support of its decision to approve or deny any project or variance.

(b) Without the benefit of the final Code as it will be enacted, the following findings are somewhat generalized but should include that:

(1) The Town has jurisdiction (i.e. the proposed development is within the Town's boundaries).

(2) The proposed (development/variance) is located in the _____ Planning zone.

(3) The proposed use is within the uses authorized for the proposed location.

(4) Based on the evidence presented by the applicant and the reports of Town Staff:

a. The proposal is consistent with the Comprehensive Plan.

b. The infrastructure impacts have been properly identified and addressed with appropriate fees or in-kind agreements to be reflected in any subsequent development agreement.

c. The impact on the neighborhood is or is not acceptable considering the benefits to be obtained by the granting of the application.

(5) The application or variance shall or shall not be subject to future review or revocation. (If so, when and under what conditions?)

(6) The Town Staff is authorized to prepare a development agreement for Town Council approval consistent with its findings (if approved).

Site Planplan.

(a) *Purpose*Site Plan purpose. The site Plan plan is a prerequisite to a building permit for all multi-family, commercial and industrial developments, and uses by specialrequiring additional review. The site Plan plan shows how the lot will be developed so that the Town can make sureensure the site design will comply with all Town regulations of this Code and the vision and goals of adopted plans and/or policies. The site Plan application process is:

(b) *Review Criteria*. The site Pplan shall be reviewed according to the following criteria.

1. All of information required on the site Pplan, as identified by the Town, is clearly shown.
2. The lot size and lot dimensions are consistent with the approved final plat and requirements of this Code.
3. No buildings or structures infringe on any easements.
4. The proposed site grading is consistent with the requirements of adopted storm drainage criteria or master drainage Pplans.
5. The density and dimensions shown conform to the applicable density and dimensional standards of this Code.
6. The proposal demonstrates compatibility with adjacent uses such as building placement and orientation, transitions in density and overall building height, overall site, and structure design, and buffering and landscaping criteria of this Code.
7. The proposal mitigates nuisance impacts such as heat and glare, traffic congestion, noise, light spill, and other factors that affect public health, safety, and welfare.
8. The proposal meets the adopted design criteria of this Code and any supplemental design guidelines and/or policies adopted by the Town.
9. The applicable provisions of this Code have been adequately addressed, and the proposed improvements conform to this Code.
10. The recommendations of technical and professional staff, advisory review bodies, or any other public entity authorized to review the site plan application.

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(c) *Review Procedures.* In addition to the general procedures found in this Code, the following requirements are specific to site plan and site plan amendment applications:

1. Requests for alternative compliance or a variance from the criteria of this Code shall be processed concurrently with the site plan review but are subject to additional review, application fees as established by the Town, and adopted application submittal requirements.
2. The Town may require the applicant to execute a development agreement to ensure the completion of all on-site and off-site improvements as shown on the site plan drawings and identified in accompanying technical reports and studies to the site plan application.
3. Following review by staff and referral agencies, and any necessary resubmittal(s), the Town shall schedule review of the site plan request by the Planning Commission.
4. The Planning Commission shall review the request and make a recommendation to the Town Council. Following Planning Commission action, the Town shall schedule review and final decision of the site plan request by the Town Council.
5. Town Council shall review the site plan request and make a final decision on the application.

(d) *Effect of Decision.* Approval of the site plan application shall authorize the applicant to apply for a building permit or other construction related permits associated with the project.

1. A building permit shall be issued after a site plan has been approved and an agreement reflecting any additional requirements has been executed and recorded. With Town approval, an applicant may submit a building permit application concurrent with the site plan application or during the review process. Building permits shall not be issued for any development that is not in conformance with the approved site plan.
2. The site plan shall be effective for a period of two (2) years from the date of approval unless stated otherwise in the written site plan approval. Building permits shall not be issued based on site plans that have an approval date more than two (2) years old. For multi-phased plans, building permits shall not be issued based on an approval date more than two (2) years from the date of Phase I approval, or as otherwise described in the approved phasing plan and/or executed agreement.

(e) *Amendments to approved site ~~P~~plans.* Minor variations in the location of structures, site improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved administratively by Town ~~S~~staff.

1. Such changes shall not exceed ten percent (10%) of any measurable standard or modify the use, character, or density of an approved site ~~P~~plan. Additional changes may include exterior building modifications, expansion of impervious surface, and the addition of an accessory structure less than five hundred (500) square feet in size.
    a. All ~~P~~plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.
2. Changes to approved site ~~P~~plans that exceed the ten percent (10%)~~ percent~~ threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site ~~P~~plan application.
    a. Such amendments shall require Planning Commission review and Town Council approval to become effective. A complete site ~~P~~plan application shall be prepared and submitted in compliance with the requirements set forth in this ~~Article~~Code.

~~2. Pre-application conference. A pre-application conference with a representative from the Town is required before the applicant may submit a site Plan application. Topics to be discussed will include:~~

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a. The provisions of this Code and the applicable requirements.
b. The application and review process.
c. Submittal requirements.
d. Changes or modifications based on direction from the Town at concept Plan level.
e. Schedule and timeline.

3. Site Plan application submittal. Following approval or conditional approval of the concept Plan level, the applicant may submit the complete site Plan application to the Town. The site Plan application package shall be formatted and packaged per the application submittal checklist provided by the Town, which may include any or all of the following:
    a. Land use application form.
    b. Application fee and agreement to pay all land use application fees.
    c. Title commitment, which must be current and dated no more than thirty (30) days from the date of the site Plan application submittal.
    d. Property tax statement.
    e. Surrounding and interested property ownership report. The applicant shall provide the Town with a list and a set of mailing labels, not more than thirty (30) days old, of the names and addresses of the surrounding property owners within one thousand (1,000) feet of the property, mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
    f. Site Plan map, example available upon request from Town Staff.
    g. Sound mitigation Plan.
    h. Demonstration, in written and graphic form, of how the proposed site Plan is consistent with this Code and the Comprehensive Plan.
    i. Grading and drainage Plan and report. This Plan and report must be certified by a Colorado-registered professional engineer and must include approximate earthwork quantities (how earthwork on the site is "balanced"), storm drainage concepts, such as locations of pipe and other conveyance facilities, locations for on-site detention or downstream structural improvements, and soil erosion and sedimentation control Plans and specifications. It must also discuss the impacts on any existing floodways and/or floodplains both on and adjacent to the site as well as any FEMA applications required.
    j. Utility Plans and report prepared by a registered professional engineer. It is necessary that the engineer consult with the appropriate utility service providers regarding the design of all utilities through the subdivision.
    k. Soils report/geotechnical report.
    l. Landscape and open space Plan, which must address the treatment of all exterior spaces. Landscape Plans are to be designed to meet the requirements of this Code and show approximate locations of trees, shrubs, groundcovers, turf, buffering, fences, walls and other site amenities that will be included in the Plan.
    m. Traffic study, which must be prepared by a professional traffic engineer and identify the projected impacts to the local and regional traffic system. The projected direct roadway impacts, and proposed share of regional improvements and intersections must be identified. The Town shall engage a third-party traffic engineer to review and comment on the traffic study through the development review process at the cost of the applicant.

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n. Ecological characterization study, which must be prepared by a qualified biologist, geologist, ecologist or similar qualified professional and must include a survey identifying the potential/absence/habitat of a threatened or endangered species and wetlands or other ecologically sensitive area. Survey shall make practical recommendations regarding treatment or mitigation of the findings.

o. Exterior elevations of proposed structures and graphic visual aids. Applicant shall provide complete building elevations drawn to scale, with illustrations of all colors and identifying major materials to be used in the structures. In addition, Town Staff may require building floor Plans, sectional drawings, perspective drawings, models, materials samples and/or computer visualizations when the impacts of a proposal warrant such information.

p. Lighting Plan.

q. Phase 1 Environmental Site Assessment (Phase I ESA).

r. Floodplain use permit from the Town.

s. Right-of-way access permits.

t. Covenants and HOA regulations.

u. Development agreement, if required (refer to Section 16.4.70).

v. Other agreements.

w. Management Plan, checklist, narrative and Plans.

4. Application certification. Within five (5) working days of a complete submittal, Town Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application support materials.
5. Town Staff refers application to adjacent municipalities and other agencies. Town Staff may refer the site Plan materials to adjacent municipalities and other agencies and service providers for comments. The referral period shall be fifteen (15) days, but such period may be reduced or extended as needed by Town Staff. Town Staff shall notify the applicant of any adjustment to the referral period.
6. Site Plan letters of support. Within thirty (30) working days of receipt of the site Plan, the applicant shall provide the Town with letters of support from all utility providers that will be serving the property.
7. Town Staff reviews application and prepares comments. Town Staff will review the site Plan map to determine its consistency with this Code and the Comprehensive Plan. Town Staff may consider comments received during the referral period in its review of the site Plan. Following the review, Town Staff will prepare a written report to accompany the project in presentation to the Planning Commission and the Town Council.
8. Improvement agreement. Town Staff may require that the applicant execute an improvement agreement to ensure the construction of on-site and off-site improvements as a condition of approval of the site Plan.
9. Planning Commission public hearing and recommendation. The Planning Commission shall hold a public hearing to review the application based on the site Plan review criteria. The Planning Commission shall then make a recommendation to the Town Council to approve, conditionally approve or deny the application.
10. Town Council public hearing and action. The site Plans should be scheduled for the first available meeting after the Planning Commission hearing. The Town Council shall review and act on the site Plan based on the recommendation of the Planning Commission and

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the minutes of the public hearing. The Town Council may choose to approve, approve with conditions or deny the site plan. Based on finding is Section 16.5.20.

11. Submit and record site Plan. Upon approval by the Town Council, the applicant shall have thirty (30) days to submit one (1) original, fully executed Mylar drawing and one (1) paper copy of the approved site Plan to the Town Clerk for recording. Applicant will submit a digital copy of all files.
12. Post-approval actions.
    a. Building permit. A building permit shall be issued only when a site Plan has been approved and a written agreement reflecting any additional requirements has been executed and recorded. However, with the approval of the Planner or building official, an applicant may submit a building permit application concurrent with the site Plan application. Building permits shall not be issued for any development that is not in conformance with the approved site Plan.
    b. Phasing and expiration of approval. The site Plan shall be effective for a period of two (2) years from the date of approval unless stated otherwise in the written site Plan approval. Building permits shall not be issued based on site Plans that have an approval date more than two (2) years old. For multi-phased Plans, building permits shall not be issued based on an approval date more than two (2) years from the date of Phase I approval, or as otherwise described in the approved phasing Plan.

(b) Site Plan review criteria. In addition to all requirements of this Code, the site Plan must meet the following review criteria:

Commented [OJ23]: Existing site plan review criteria are incorporated, reworded, and expanded on under the proposed new language above.

(c) All of the information required on a site Plan is shown.
(d) The lot size and lot dimensions are consistent with the approved final plat.
(e) No buildings or structures infringe on any easements.
(f) The proposed site grading is consistent with the requirements of any applicable adopted storm drainage criteria or master drainage Plans.
(g) The density and dimensions shown conform to the applicable density and dimensional standards of the Town.
(h) The applicable provisions of this Code have been adequately addressed, and the proposed improvements conform to this Code.
(i) Amendments to approved site Plans.
(j) Minor variations in the location of structures, improvements or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by Town Staff. Such changes shall not exceed ten percent (10%) of any measurable standard or modify the use, character or density of an approved site Plan. All Plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.
(k)(f) Changes to approved site Plans that exceed the ten (10)-percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site Plan application. Such amendments shall require Planning Commission review and approval to become effective. A complete site Plan application shall be prepared and submitted in compliance with the requirements set forth in this Article.

Site plan findings.

(a) The Town Council will be acting in a quasi-judicial manner. At the end of each hearing on an application, it should enter a resolution making findings of fact in support of its decision to approve or deny any project or variance.

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~~(b) Without the benefit of the final Code as it will be enacted, the following findings are somewhat generalized, but should include that:~~

~~(1) The Town has jurisdiction (i.e. the proposed development is within the Town's boundaries).~~

~~(2) The proposed development or variance is located in the _____ Planning zone.~~

~~(3) The proposed use is within the uses authorized for the proposed location.~~

~~(4) Based on the evidence presented by the applicant and the reports of Town Staff:~~

~~a. The proposal is consistent with the Comprehensive Plan.~~

~~b. The infrastructure impacts have been properly identified and addressed with appropriate fees or in-kind agreements to be reflected in any subsequent development agreement.~~

~~c. The impact on the neighborhood is or is not acceptable considering the benefits to be obtained by the granting of the application.~~

~~(5) The application or variance shall or shall not be subject to future review or revocation. (If so, when and under what conditions?)~~

~~(6) Town Staff is authorized to prepare a development agreement for Town Council approval consistent with its findings (if approved).~~

Land development code (text) amendments.

(a) *Purpose.* The Town Council, Planning Commission, or Town staff may initiate amendments to the text of these regulations. Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of the zoning code, whether such revision is made by repeal of the existing zoning code and enactment of a new zoning code or otherwise, the requirement of an accurate survey map or other sufficient legal description thereof, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the Town hall during regular business hours for fifteen (15) days prior to the public hearing on such amendments.

(b) *Review Criteria.* A text amendment shall be reviewed according to the following criteria.

1. The amendment furthers the purposes of the Code.
2. The amendment improves the efficiency and effectiveness of administering the Code.
3. The amendment is consistent with the Comprehensive Plan and other adopted plans and/or policies.
4. The amendment incorporates innovations in land use and development practices that were not envisioned at the time the Code was written.
5. The amendment promotes the public health, safety, and welfare of the Town's residents.

(c) *Review Procedures.* In addition to the general procedures found in this Code, the following requirements are specific to text amendment requests:

1. Requests may run concurrently with a related Comprehensive Plan or other adopted plan amendment if the amendment or plan has met the legal and policy requirements for approvals independently of the proposed code amendment.
2. Amendments require the recommendation of the Planning Commission to the Town Council.
3. Town Council may recommend the request be returned to Planning Commission for further review or request additional information prior to acting on the request.

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(d) *Effect of Decision.* Amendments to the text of this Code shall be approved by the Town Council as an ordinance and be effective after the date specified in the ordinance. The Town shall incorporate the approved amendments into this Code.

(e) *Annual Review.* Town staff may provide a summary report of any formal issues, concerns, or suggested updates regarding this Code to the Planning Commission for review and consideration on an annual basis or as needed. The Planning Commission may direct action, additional research, or investigation into elements of this Code that may need modified. The intent of the annual review is to provide an opportunity to keep the Code current and ensure its viability and responsiveness over time.

Use by special review.

(a) *Purpose.* A use by special review provides flexibility for consideration by the Town of different land uses which are unique in nature or character on a case-specific review. These uses may require specific design criteria, operational limitations, or additional mitigation measures to ensure the use is appropriate in a specific location of Town.

(b) *Review Criteria.* A use by special review shall be reviewed according to the following criteria.

1. The proposal is consistent with the goals and vision of the Comprehensive Plan and other adopted plans and/or policies of the Town.
2. The proposal furthers the intent of the underlying zone district and does not conflict with the intent or character of abutting zone districts.
3. The associated site development or construction is consistent with the requirements of this Code, including any unique requirements identified for the land use.
4. The proposal is compatible with adjacent uses in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use, and other potential impacts on adjacent property.
5. The site is physically suitable for the proposal.
6. The proposal does not result in undue or unnecessary burdens on the existing public infrastructure, or arrangements are made to mitigate such impacts.
7. Whether a limited approval timeframe for the requested use is reasonably necessary to:
    a. Limit the duration of the use;
    b. Assess the use against changing conditions in the area; or
    c. Ensure periodic reporting and ongoing enforcement of any approvals.
8. The recommendations of technical and professional staff, advisory review bodies, or any other public entity authorized to review the use by special review request.

(c) *Review Procedures.* In addition to the general procedures found in this Code, the following requirements are specific to use by special review applications:

1. A complete application shall include the following minimum requirements:
    a. A written request with justification for the use by special review.
    b. A conceptual site plan with necessary information to review conformance of any construction with standards of this Code, and to review any performance criteria for the proposal.

    A use by special review application may be processed concurrently with a site plan application, as required by the Town.
2. Following review of the request by staff and referral agencies, and any necessary resubmittal(s), the Manager or Director shall schedule review and final action of the request by the Planning Commission.
3. The Planning Commission shall hold a public hearing and make a final decision on the use by special review request.

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4. The Planning Commission may include conditions on the approval to mitigate concerns with the physical development, operations, or maintenance.
5. The decision of the Planning Commission may be appealed by the applicant to the Town Council.

(d) *Effect of Decision.* Approval of a use by special review allows the applicant to apply for a site plan application, as applicable, prior to a building permit or other applicable development and construction permits.

1. A use by special review shall expire within one (1) year if the applicant has not submitted for an application for a site plan, building permit or other development and construction permits, licenses, or approvals necessary to establish the use. The Manager or Director may grant a one (1) year extension to this timeframe that is ratified by the Planning Commission. This timeframe is distinct from any duration limits, periodic reviews, or renewal periods once the use is established, which may be a condition of approval by the Town.
2. The approval shall expire if the use is no longer active or in operation after a one (1) year timeframe.
3. Minor changes may be approved by the Manager and/or Director upon meeting each of the following criteria:
   a. The change expands the floor area, height, or other dimensional standards of the original approval by less than ten (10) percent;
   b. There is not a change of use or significant increase in the intensity of the use that could adversely impact adjacent properties;
   c. The change does not exceed the limits or violate any specific conditions of the original approval; and
   d. The change complies with all other provisions of this Code.

   All other proposed changes to the use shall require an amendment to the use by special review through the same procedures and criteria as the original application.
4. A use by special review may be revoked by the Planning Commission through the same procedures granting the use, upon a finding that the conditions of approval have not been met, or that the use has otherwise violated the provisions of this Code.

Appeals~~, and Variances~~

(a) *Purpose.* The appeals process allows for the review of a decision, as outlined in the procedures section of this Code, to determine if there was an error in any final decision in the interpretation, administration, or enforcement of this Code by the decision body. Appeals may be filed by any person aggrieved and materially affected by a final decision.

(b) *Review Criteria.* When hearing an appeal request as outlined in this Code, the appellate body shall consider the following criteria.

1. The technical meaning of the provision being appealed.
2. Evidence of the way the provision has been interpreted in the past.
3. The positive or negative impact of the requested appeal on the achievement of stated development goals and policies of the Town, as outlined in this Code.
4. The intent of the provision in implementing the Comprehensive Plan and other adopted plans and/or policies of the Town.

(c) *Review Procedures.* Appeal requests shall be filed in writing with the Town no later than fifteen (15) days from the date of the order, requirement, decision, or determination being appealed.

Commented [OJ24]: Relocated Appeals and Variances Section

Commented [OJ25R24]: Variances for Dimensional Criteria; Alternative Compliance for Design elements

Commented [OJ26]: Reduced from 30 days - consistent with other communities.

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Failure to make a timely and complete appeal request shall be considered a waiver of the appellant's rights to appeal to the Town's appellate body.

1. Applicants for an appeal request must submit the following to be deemed a complete appeal request.
    a. Written notice of the appeal on a form approved by the Town.
    b. A description and the date of the final order, requirement, decision, or determination being appealed.
    c. A description of the grounds for the appeal, including specific allegations of error.
2. An appeal halts all proceedings in furtherance of the order, requirement, decision, or determination appealed from unless the Town certifies that it could cause imminent peril to life or property.
3. Following review of the request by staff and , the Manager or Director shall schedule review and action by the appropriate Town appellate body depending on the item being appealed in accordance with the review procedures summary table and the notification requirements table of this Code.
4. The Town's appellate body for the case shall review and make a final determination by a majority vote on the appeal request and shall provide a written record of their findings.

(d) *Effect of Decision.* The Town's appellate body is the final quasi-judicial decision of the Town.

1. A decision to deny a requested appeal may be appealed to a court pursuant to the applicable Colorado Rules of Civil Procedure.
2. A decision to approve a requested appeal based on unclear interpretation of this Code or other regulatory document may cause Town staff to propose amendments that address future interpretation problems.

Variances.

(a) *Purpose.* A variance is a process to provide relief from the strict interpretation of the zoning and development standards of this Code, which when applied to a particular property within a specific context would create a practical difficulty or an unnecessary and undue hardship on all reasonable use of the property. Variances address exceptional or unique situations that were not caused by an applicant's act or omission. This application shall only apply to dimensional and site development criteria of this Code and shall not be used to authorize a non-permitted land use within a specific zone district or deviate from established design standards.

Variances are categorized into Minor and Major applications as follows.

1. Minor Variance requests are reviewed and decided by the Manager or Director in the following circumstances:
    a. Variances to a setback, building location, or building height requirement by up to ten (10) percent of the requirements of this Code. Where this figure is less than one (1) foot, the Manager or Director may approve a variance up to and not to exceed one (1) foot.
    b. Variances to building coverage, and a lot or open space area or dimension requirement of up to five (5) percent of the requirement.
    c. Variances to adopted Construction Specifications.
2. Major Variance requests are reviewed and decided by the BOA.

(b) *Review Criteria.* A variance shall be reviewed based on the following criteria.

1. The strict application of this Code would result in a practical difficulty or unnecessary hardship that limit the reasonable use of the property without granting the variance.

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2. The difficulty or hardship is caused by ~~There are~~ unique physical circumstances or conditions, such as irregularity, narrowness, or shallowness of the lot, or exceptional topographical or other physical conditions particular to the affected property and were not created by the applicant for personal or financial gain.
~~Because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of this Code.~~
~~Due to such unique physical circumstances or conditions, the strict application of this Code would create a demonstrated hardship.~~
3. The demonstrable hardship is not self-imposed.
4. ~~The variance, if granted,~~Granting the variance will not adversely affect the rights of proposed development or use of adjacent property or the neighborhood.
5. ~~The variance, if granted,~~ Granting the variance will not change the character of the zoning district in which the property is located.
6. ~~The variance, if granted,~~Granting the variance is in keeping with the purpose and intent of this Code, the goals of the Comprehensive Plan, and with adopted plans and/or policies of the Town.
7. ~~The variance, if granted,~~Granting the variance will not adversely affect the health, safety, or welfare of the citizens of the Town.
8. Granting the variance will not create a building or fire code violation or other safety hazard.

(c) *Minor Variance Procedures.* In addition to the general procedures found in this Code, the following requirements are specific to the Manager or Directors review of a minor variance application.

1. A complete application shall include the following minimum requirements:
   a. A written request with justification for the minor variance request.
   b. A conceptual site plan or plot plan with necessary information to review the request in relation to existing site conditions and the criteria of this Code.

   A minor variance request may be processed prior to, concurrently with, or following a site plan application, as required by the Town.
2. Following review of the request by staff and necessary referral agencies, and any necessary resubmittal(s), the Manager or Director shall make a final determination on the request based on the review criteria of this section.

(d) *Major Variance Procedures.* In addition to the general procedures found in this Code, the following requirements are specific to applications not eligible for a minor variance review.

1. A complete application shall include the following minimum requirements:
   a. A written request with justification for the minor variance request.
   b. A conceptual site plan or plot plan with necessary information to review the request in relation to existing site conditions and the criteria of this Code.

   A major variance request shall be processed prior to or concurrently with a site plan application, as required by the Town.
2. Following review of the request by staff and necessary referral agencies, and any necessary resubmittal(s), the Town shall schedule review by the BOA.
3. Approval by a majority of the Board present shall be necessary to grant a variance.
   a. The Board may impose conditions or special requirements that best assure the criteria for approval are in place and maintained by the applicant, and that any violation of these conditions shall be considered a violation of an approval.

(e) *Effect of Decision.* Upon determination of a variance, the findings of approval or denial shall be stated in writing in the minutes of the Board with the justifications set forth. Upon approval, the applicant may proceed with the next steps in the process including but not limited to a site plan or

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building permit application. An approved variance that has not been acted upon with a building permit application or commencement of site improvements within one-hundred and eighty (180) days following approval shall expire and no further action is to be permitted.

(a) Purpose. Pursuant to Section 31-23-307(1), CRS, the Town Council hereby appoints itself to serve as the BOA. The BOA shall hear and decide variances and appeals, and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of any ordinance with respect to the zoning Code of the Town with respect to Article 6, Land Use, or Article 9, Signs, of this Code. The BOA shall have the following powers and duties, all of which shall be subject to and in compliance with the laws of the State, in harmony with the purpose and intent of this Code and the most appropriate development of the neighborhood:

(a) To hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcement of the provisions of this Code.

(b) To authorize variances from the terms of this Code in which the strict enforcement of this Code would create a situation that would result in unreasonable application of these standards or circumstances in which the property owners affected most directly, i.e. neighbors, concur in writing with the variance, provided that such relief may be granted without substantial detriment to the neighborhood or the public good and without substantially impairing the intent and purposes of this Code, and further provided that there are exceptional circumstances applying to the specific piece of property that do not generally apply to the remaining property in the same zoning area or neighborhood, and further provided that no variance shall authorize any use other than the uses permitted in the zoning district. If the hardship on which the request for variance is based, in whole or in part, is self-inflicted, that will be a highly significant fact that is a material element bearing on the issue and will weigh heavily against the owner or applicant seeking the variance.

(c) To authorize, as variances, alterations in nonconforming uses and buildings, provided that the BOA determines that:

1. The total area devoted to the altered nonconforming use will not be greater than the total area devoted to the current nonconforming use.

2. The altered nonconforming building or use will not have any greater adverse impact on the neighborhood than the current nonconforming building or use.

(d) To perform all of the duties specified in Section 31-23-307, CRS, together with all other duties or authority that the laws of the State may hereafter confer on it.

(b) Procedures generally. The Board of Adjustment shall hold a public hearing on all applications and appeals, subject to the following:

(1) Notice shall be given in accordance with the provisions of Section 16.1.160 of this Code.

(2) Unless otherwise stated in the BOA's minutes, all variances granted shall be commenced within six (6) months of the time such variance is granted; otherwise, the variance shall be null and void.

(3) The concurring vote of the majority of the BOA shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant in order to affect any variance.

(c)(f) Appeal procedures. Every appeal to the BOA shall be filed in writing not later than thirty (30) days from the date of the order, requirement, decision or determination being appealed. The BOA shall have no jurisdiction on any appeal not brought within thirty (30) days from the date of the order, requirement, decision or determination.

Commented [OJ27]: BOA purpose language moved up under General Provisions Article of Code

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~~(4)~~(2) ~~Purpose. The BOA, referred to in this section as the "Board," shall hear and decide appeals from any order, requirement, decision or determination made by any administrative official charged with the enforcement of this Code.~~ In addition, ~~the Board shall hear and decide all requests for a variance from the requirements of this Code. Such variance shall not be granted if it would be detrimental to the public good, create a conflict with the Comprehensive Plan or impair the intent and purpose of this Code~~.

~~(5) Appeal application.~~

1. ~~Any aggrieved person of interest may appeal a denial of a building or other development permit or any order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of this Code.~~
2. ~~An appeal to the Board shall be made within ten (10) days after denial of a building or other development permit or receipt of a written notice of an order, requirement, decision, interpretation or determination by an official of the Town. Failure to make a timely appeal shall be considered a waiver of the appellant's rights to appeal to the Board.~~
3. ~~The applicant shall file with the Town Clerk a written notice of appeal on a form approved by the Town Staff and shall pay the fee set by the current fee schedule.~~
4. ~~The Town Clerk shall forward a copy of the notice of appeal to the Town Planner, Town Manager or other appropriate administrative officer, who shall prepare a record of the Town action that is being appealed for consideration by the Board.~~

~~(6) Variance application.~~

1. ~~Any person of interest or an officer or department of the Town may apply to the Board for a variance from the literal interpretation of the provisions of this Code.~~
2. ~~For a variance request, the applicant shall submit the following to the Town Clerk:~~
    1. ~~Land use application form~~
    2. ~~Variance request letter~~
    3. ~~Title commitment, current to within thirty (30) days from the date of the application submittal~~
    4. ~~ExPlanatory letter identifying the variance being requested, a citation of the portion of this Code from which relief is requested and exPlanation of the exceptional condition, practical difficulty or unnecessary hardship that exists to require the variance. The letter shall also address how the variance, if granted, will not be detrimental to the public good, create a conflict with the Comprehensive Plan or impair the intent and purpose of this Code.~~
    5. ~~Map. Town Staff will dictate map requirements based on the variance being requested. The map shall typically consist of a scale drawing depicting the property affected by the variance request, including but not limited to required or existing setbacks and proposed setbacks from adjacent lot lines or structures and any other information that will assist the Board in understanding the request.~~
    6. ~~Surrounding and interested property ownership report. Applicant shall provide a current list that is not more than thirty (30) days old of the names and addresses of the surrounding property owners within three hundred (300) feet of the property, mineral interest owners and lessees of record for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.~~

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7. Public hearing notification envelopes. Applicant shall provide one (1) set of stamped, addressed, certified, return receipt requested envelopes. The envelopes shall have the Town's address as the return address and shall be addressed to the surrounding property owners within three hundred (300) feet of the property, mineral interest owners and lessees of record for the property and the appropriate referral agencies.

(7) Set public hearing and public and referral agency notification.

1. The Town Clerk shall send notice of public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies no less than thirty (30) days before the hearing.
2. The Town Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than fifteen (15) days from the date of advertising.
3. The applicant shall prepare and post on the property a public hearing notification sign no less than fifteen (15) days before the hearing.
4. Reserved.
5. Board public hearing and action on request.
6. The Board shall make the decision on appeals and variances at a regular meeting of the Board.
7. The applicant for a variance has the burden of proof to establish the necessary facts to warrant favorable action of the Board.
8. The Board may in whole or in part affirm, reverse or amend the decision of the applicable Town administrative official.
9. The Board may impose reasonable conditions in its order to be complied with by the applicant in order to further the purposes and intent of this Code.
10. The Board may impose any reasonable conditions on the issuance of a variance and may amend the variance from that requested.
11. No single decision of the Board sets a precedent. The decision of the Board shall be made on the particular facts of each case.
12. Variances granted by the Board shall be recorded by the Town Clerk with the County Clerk and Recorder.
13. Any appeal of the decision of the Board may be made to the district court as provided by law, provided that such appeal is made prior to thirty (30) days following the date of the final action taken by the Board, as stated by Rule 106 of the Colorado Rules of Civil Procedure.

(8) Appeal criteria for approval.

1. The Board, when hearing an appeal from an interpretation of this Code, shall consider:
    1. The technical meaning of the provision being appealed
    2. Evidence of the manner in which the provision has been interpreted in the past
    3. The positive or negative impact of the requested appeal on the achievement of stated Town development goals and objectives
    4. The intent of the provision in implementing the Comprehensive Plan
2. When approving a requested interpretation, the Board shall provide a written record of its findings and the Town Staff shall use it to propose amendments that address future interpretation problems.

(9) Variance criteria for approval.

1. The Board shall not grant a variance to this Code that:

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1. Permits a land use not allowed in the zoning district in which the property is located
2. Is in the public right-of-way or on public property
3. Alters any definition of this Code
4. Is other than the minimum variance that will afford relief with the least modification possible to the requirements of this Code
5. Is based on physical conditions or circumstances of the property that are so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to this Code
6. Is based exclusively on findings of personal or financial hardship (convenience, profit or caprice shall not constitute undue hardship)

(10)In order to grant a variance to this Code, the Board shall find that all of the following have been satisfied:

1. There are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical condition particular to the affected property.
2. Because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of this Code.
3. Due to such unique physical circumstances or conditions, the strict application of this Code would create a demonstrated hardship.
4. The demonstrable hardship is not self-imposed.
5. The variance, if granted, will not adversely affect the proposed development or use of adjacent property or the neighborhood.
6. The variance, if granted, will not change the character of the zoning district in which the property is located.
7. The variance, if granted, is in keeping with the intent of this Code.
8. The variance, if granted, will not adversely affect the health, safety or welfare of the citizens of the Town.

(11)The condition of any variance authorized shall be stated in writing in the minutes of the Board with the justifications set forth.

Waivers Alternative compliance.

(a) *Purpose.* The alternative compliance process provides limited flexibility in the application of design standards by allowing an applicant to request relief from the strict application of adopted design criteria where an equal or better design solution is possible. Alternative compliance shall not reduce requirements of this Code but provide for equivalent standards to be applied in a creative way. Alternative compliance requests shall be limited to the following design standards of this Code:

1. Multi-Family Design Criteria
2. Non-Residential Design Criteria

(b) *Review Criteria.* An alternative compliance request shall be reviewed based on the following criteria.

1. The alternative will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use, or enjoyment of adjacent properties.

Commented [OJ28]: Relocated Waiver Section

Commented [OJ29R28]: Renamed from Waiver to Alternative Compliance - focused on design elements whereas variance is dimensional regulations

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2. The alternative~~The waiver, if granted,~~ will result in an outcome that equally meets or exceeds the goals of the Comprehensive Plan, ~~and~~ this Code, and adopted plans and/or policies by the Town.
3. The alternative shall not alter any land use and dimensional standards of this Code.
4. The alternative shall be based on specific site conditions and unique site context.
5. The proposed alternative shall meet or exceed the design objective of the adopted design standard.
6. The alternative shall consider the context of the broader community benefits such as:
    a. Enhanced architectural features that compliment or improve the character of the surrounding area.
    b. Adaptive reuse of existing buildings.
    c. Considerations of improved sustainability and mitigation of environmental impacts.
    d. Enhanced pedestrian amenities and features.

(g) *Review Procedures.* In addition to the general procedures found in this Code, the following requirements are specific to alternative compliance requests.

1. A complete application shall include the following minimum requirements:
    a. A written justification for the alternative compliance request addressing the review criteria above.
    b. A comparison of the requested alternative compliance against the existing criteria of this Code.
    c. Supporting images and details that illustrate the requested alternative.

   An alternative compliance request may be processed prior to submitting a formal site plan application. The details related to an alternative compliance shall be part of the formal site plan drawings.
2. Following review of the request by staff and necessary referral agencies, and any necessary resubmittal(s), the Town shall schedule review by the Planning Commission.
3. The Planning Commission will review and provide a recommendation on the request to the Town Council.
4. Town Council shall review and provide a determination on the request.

(c) *Effect of Decision.* Approval of an alternative compliance shall be indicated on the site plan drawings in a form approved by the Town to illustrate and document the authorized alternative to the Code criteria. Approval shall be valid for one (1) year when not associated with a formal site plan application. Once a formal site plan application has been submitted with the alternative compliance, the site plan timeframes and vesting shall be in effect.

~~The Town Council may authorize waivers from this Code in cases in which, due to exceptional conditions peculiar to the site, practical difficulties or an unnecessary hardship are placed on the landowner. Such waiver shall not be granted if it would be detrimental to the public good, create a conflict with the Comprehensive Plan or impair the intent and purpose of this Code.~~

~~(a) Processes suitable for waiver request. Applicants may seek a waiver from all or portions of the following processes identified in this Code:~~

~~1. Subdivision procedures, including portions of concept, preliminary or final platting requirements~~

~~2. Zoning and land use regulations limited to setback encroachments or height limitations~~

~~A waiver request may be made at any time and/or may be made in conjunction with a concept or preliminary or final plat application.~~

~~(b) Waiver application; waiver request in conjunction with other applications. The applicant shall submit the following to the Town in conjunction with another application (i.e. zoning amendment):~~

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~~explanation letter identifying the waiver being requested and explaining what exceptional condition, practical difficulty or unnecessary hardship exists to require the waiver. The letter shall also address how the waiver, if granted, will not be detrimental to the public good, create a conflict with the Comprehensive Plan or impair the intent and purposes of this Code.~~

~~*Waiver criteria for approval.* The condition of any waiver authorized shall be stated in writing in the minutes of the Town Council with the justifications set forth. Waivers may be granted only if they meet the following criteria:~~

1. ~~The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property~~.
2. ~~The waiver, if granted, is the minimum waiver of applicable Code provisions that will afford relief and is the least modification possible of the Code provisions that are in question.~~
3. ~~The applicant has not created such practical difficulties or unnecessary hardship.~~

~~The waiver, if granted, will result in an outcome that equally meets or exceeds the goals of the Comprehensive Plan and this Code.~~

Dedication and vacation of easements.

(a) *Purpose.* The dedication and vacation of easements is the process to officially record or eliminate easements that grant specific access and property interests stated on the recorded document, typically a plat or separate easement dedication document.

(b) *Eligibility.* Easements may be dedicated or vacated in association with a minor or major subdivision process, or by this Section of the Code.

(1) Eligible applicants for the dedication of an easement(s) include any person or entity with a property interest in the abutting and underlying land. The owner of the underlying land must be involved in the dedication process.

(2) Eligible applicants for the vacation of an easement(s) shall be the easement holder or underlying property owner.

(c) *Review Criteria.*

(1) The legal requirements for recording or eliminating the easement(s) have been established, and all forms and fees required by the Town have been submitted.

(2) The applicant has provided proof of ownership and provided notice to all other ownership interests in the easement or affected property.

(3) The request will not be detrimental to any adjacent property owner.

(4) No owner or entity with a property interest in the easement has objected.

(5) All parties with interest in or potentially impacted by the request have received notice and have had time to comment, including public and private utility providers.

(6) For a vacation, there is no current or future public purpose for the easement when considering the Comprehensive Plan and other adopted plans or policies.

(7) For a dedication, there are no conflicts with existing or planned easements and/or infrastructure.

(8) The application meets all other procedures and requirements of the Colorado Statutes, the Colorado Constitution, and the Municipal Code.

(d) *Review Procedures.* In addition to the general procedures found in this Code, the following requirements are specific to dedicating or vacating easements within the Town:

(1) The applicant shall submit an application, a plat or other legal document showing the proposed vacation or dedication, the affect to adjacent or abutting properties, and a legal description as warranted based on the request.

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(2) The Town shall evaluate the application for completeness and coordinate review of the application per Section x-x-x. The review shall include a request for comments from all referral agencies who may have facilities or other interest in the easement.
(3) The Town may require the applicant complete a consent form from the applicant for all applicable public and private utility providers.
(4) The Director or Manager shall make a final decision following review and analysis by staff and referral agencies.

(e) *Effect of Decision.* After approval of an easement dedication or vacation, the Town shall record the plat or other legal document with the County. A denial of a vacation or dedication application may be appealed to the Planning Commission.

Dedication and vacation of rights-of-way.

(a) *Purpose. The d*edication and vacation of rights-of-way (ROW) is the process to officially record or eliminate ROW granting specific access and property interests stated in the recorded document, which are not associated with a major subdivision process.

(b) *Eligibility.* ROW may be dedicated or vacated in association with a major subdivision process, or by this Section of the Code.
(1) Eligible applicants for a dedication or a vacation include the Town or any person or entity with a property interest in the abutting and underlying land. For ROW abutting multiple property owners, the Town may require all owners to be part of the application.

(c) *Review Criteria.*
(1) The legal requirements for recording or eliminating the easement(s) have been established, and all forms and fees required by the Town have been submitted.
(2) The applicant has provided proof of ownership of property abutting or underlying the ROW. Where multiple properties are involved, each owner shall be included on the application.
(3) The request will not be detrimental to any adjacent property owner.
(4) No owner or entity with a property interest in the ROW has objected.
(5) All parties with interest in or potentially impacted by the request have received notice and have had time to comment, including public and private utility providers.
(6) For a vacation, there is no current or future public purpose for the ROW when considering the Comprehensive Plan and other adopted plans or policies.
(7) For a dedication, the ROW will serve a public purpose and the dedication is sufficient to meet the design standards and specifications adopted by the Town for streets, sidewalks, trails, or other ROW.
(8) The application meets all other procedures and requirements of the Colorado Statutes, the Colorado Constitution, and the Municipal Code.

(d) *Review Procedures.* In addition to the general procedures found in this Code, the following requirements are specific to dedicating or vacating rights-of-way (ROW) in the Town:
(1) The applicant shall submit an application, a plat or other legal document showing the proposed vacation or dedication, the affect to adjacent or abutting property, and a legal description as warranted based on the request.
(2) The Town shall evaluate the application for completeness and coordinate review of the application per Section x-x-x. The review shall include a request for comments from all referral agencies who may have facilities or other interest in the ROW.
(3) The Town may require the applicant complete a consent form for all applicable public and private utility providers.

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(4) Following review and analysis by staff and referral agencies, the Director or Manager shall schedule review by the Planning Commission.
(5) The Planning Commission shall consider the application subject to the review criteria and make a recommendation to the Town Council.
(6) Upon receipt of a recommendation from the Planning Commission, the Town Council shall make a final decision, and may condition a decision to vacate ROW on reserving any interest it determines necessary to serve a public purpose or the interests of the affected property.

(e) *Effect of Decision.* After approval of a right-of-way dedication or vacation, the Town shall record the scaled drawing or illustration and legal description with the County.

Development Agreements and Security

Agreements and improvements**Development agreement provisions and processes**.

(a) *Purpose.* When public improvements, dedications, or similar components are part of a development application, the applicant shall enter into aA development agreement (also referred to as an improvement agreement or subdivision agreement) with the Town to guarantee timing of dedications and construction of stating that the applicant agrees to construct any all required public improvements shown in the final plat documentsdevelopment plan(s), together with security in a form approved by the Town Attorney, is required. The development agreement, as applicable, shall be fully executed by the applicant prior to final review and action on the development plan by the Town, or the Town may postpone final action on the development plan. No subdivision plat shall be signed by the Town or recorded at the office of the county clerk and no building permit shall be issued for development until a development agreement between the Town and the applicant has been executed. Such agreement shall include a list of all agreed-upon public improvements and landscaping, an estimate of the cost of such improvements (split out by phase as applicable), the form of guarantee for the improvements, and any other provisions or conditions deemed necessary by the Town Council to ensure that all improvements will be completed in a timely, quality, and cost-effective manner. Such public improvements may include but are not limited to the construction of streets, curbs and gutters, driveways, sidewalks, storm drainage systems, public water and sewer infrastructure, fire hydrants, floodway and irrigation ditch improvements, streetlights, sidewalks, trails, traffic control devices, required off-site improvements, and signage.

(1) Other agreements or contracts setting forth the Planplan, methodmethod, and parties responsible for the construction of any required public improvements shown in the final plat development plan documents may also be required.

(b) As required by this Code and all applicable laws, rules and regulations, the applicant shall apply to the Town for inspection of improvements.

(c) The following improvements shall typically be constructed as determined by the Town Engineer:

(1) Road grading and surfacing.
(2) Curbs.
(3) Streetlights.
(4) Sidewalks.

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~~(5) Sanitary sewer collection system.~~
~~(6) Storm sewers or storm drainage system, as required.~~
~~(7) Potable water distribution.~~
~~(8) Non-potable water distribution.~~
~~(9) Fire hydrants.~~
~~(10)Utility distribution system for public parks and open space.~~
~~(11)Street signs at all street intersections.~~
~~(12)Permanent reference monuments and monument boxes.~~
~~(13)Underground telephone, electricity and gas lines.~~
~~Three (3) SDR11 smooth conduit lines, one and one-quarter (1 ¼)"~~ inch in diameter, shall be placed at horizontal and vertical locations approved by the Town Engineer within the municipal utility easement with a capped junction at each buildable lot. In addition, when crossing a public street, a High Definition Poly Ethylene (HDPE) four (4) inch schedule 40 PVC sleeve conduit will be placed around each of the three (3) SDR 11 smooth conduit lines for the full width of the Right of Way (ROW). Once installed and accepted by the Town, the conduit shall become the property of the Town of Severance, and its use shall be subject to license or franchise by the Town.
~~(14)Berm or fence along major arterial and collector streets.~~
~~(15)Required landscaping, open space and park improvements.~~
~~(16)Tree lawns.~~
~~(17)Under drains.~~
~~(18)Trails.~~
~~(19)Required floodway improvements.~~
~~(20)Required irrigation ditch improvements.~~
~~(21)Required off-site improvements.~~

(b) *Time~~frame~~ for completion.* Commencement of construction of all or a portion of the approved ~~final plat~~development plan shall occur within ~~three~~ two (~~3~~2) years from the date of recordation of said ~~final plat~~development plan. The required timeframe for the completion of all required improvements for all or a portion of ~~said final plat~~the development plan shall be three (3) years from the Town's issuance of a grading or other permit to commence construction. However, the Town ~~Council~~ may, for good cause shown, extend such time for commencement or completion of the required improvements upon request from the applicant to the Manager.

(c) *Process.* The following steps outline the process for creating, reviewing, approving, and administering the Town's development agreement process through final acceptance of all required improvements.

(1) *Step 1:* The Town provides a draft copy of the development agreement to the applicant during the development review process to review and comment on.
(2) *Step 2:* The applicant returns the draft agreement with proposed revisions for final review and consideration by the Town.
(3) *Step 3:* The Town sends the applicant a final signature ready version of the agreement to execute prior to final review and action on the development proposal. The signed agreement accompanies the final development plan for review by the decision body, as outlined in this Code under Article 2 – Procedures.
(4) *Step 4:* If the development plan is approved by the Town, the Town will execute the final development application and send the applicant a signed copy.
(5) *Step 5:* The applicant shall post security, in a form approved by the Town Attorney and outlined in the executed development agreement, to cover the construction and warranty period of the necessary improvements outlined in the agreement.

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(6) *Step 6:* Following installation of the required improvements, the applicant shall apply to the Town for inspection of improvements, as required by this Code and all applicable laws, rules, and regulations.

(7) *Step 7:* The Town shall complete inspection(s) of all required improvements and determine if the project has received initial acceptance and can move into the warranty phase.

a. If incomplete, the Town will issue the applicant a letter and list of defects or items that require additional attention prior to the Town issuing initial acceptance. Once the applicant has addressed the Town's comments, they shall apply for reinspection of the outstanding improvements, see Step 6.

b. If complete, proceed to Step 8.

(8) *Step 8:* If deemed complete, the Town will issue initial acceptance of the required improvements and reduce the applicant's posted security to cover the two-year warranty period.

(9) *Step 9:* Following the two-year warranty period, the applicant shall apply to the Town for final acceptance and release of the remaining security.

(10) *Step 10:* The Town shall complete final acceptance warranty inspection(s) of all required improvements and determine if the project requires warranty work or if the Town can issue final acceptance.

a. If warranty work is needed, the Town will issue the applicant a letter and list of defects or items that require additional attention prior to the Town issuing final acceptance. Once the applicant has addressed the Town's comments, they shall apply for reinspection of the warranty items, see Step 9.

b. If no warranty work is identified, proceed to Step 11.

(11) *Step 11:* If no warranty work is necessary, the Town will issue final acceptance of the required improvements and return the remaining warranty security held by the Town. At this point, all remaining obligations of the applicant should have been met, subject to the requirements of the final development agreement.

(d) *Amendments.* In the event the agreement needs to be amended, the applicant or Manager may initiate the amendment process, which includes review of the proposed changes by both parties and a determination by the Manager on whether the proposed changes require Town Council review or if the proposed changes can be updated administratively. Administrative changes may include but are not limited to agreement deadline extensions, reassignment of the agreement requirements due to applicant or ownership changes, updates to the list of improvements based on administrative changes to the final development plans, or adjustments to the estimate of the cost of improvements based on market conditions.

General regulations to the security for required improvements.

(a) *Purpose.* For each development agreement or similar agreement executed by the Town, the applicant shall post security in the form of a letter of credit, cash, or similar security instrument in a form approved by the Town Attorney and drawn in favor of the Town in an amount equal to one hundred percent (100%) of the estimated cost of the construction of the required improvements. Security may be provided for one hundred percent (100%) of the total development or by approved phase, as shown on the development plans and in the executed development agreement. For purposes of this Section, "required improvements" shall mean, at a minimum:

(1) All improvements intended for dedication to the Town;

(2) All streets, sidewalks, and trails, regardless of whether they are intended for dedication to the Town;

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(3) All storm drainage improvements, regardless of whether they are intended for dedication to the Town; and

(4) All landscaping improvements intended for dedication to the Town or to an approved association or district.

~~(a)~~(b) *Initial Acceptance and Partial Release of Security.* Upon completion of such improvements within the required time and approval thereof by the Town, the Town shall cause the ~~cash or letter of credit~~security, excluding the retainage for warranty security, to be released ~~within thirty (30) days of~~following the Town's initial acceptance of such improvements and receipt of the required as-built drawings; however, the Town will retain ten (10)-percent security of the original security until final acceptance at the end of the two (2)-year warranty period. When such improvements are not completed within the required time, the Town may cause the proceeds of the ~~cash or letter of credit~~security to be used to close or complete the required improvements in accordance with the terms and provisions of the development agreement.

~~(d)~~(e) *Partial release of security.* During construction of required improvements, the applicant may from time to time request the release by the Town of a portion of the security for improvements that have been inspected and approved by the Town Engineer, as shown on approved phasing plans as part of the approved development plan. The required warranty period shall commence upon completion and initial approval of all required improvements and landscaping in accordance with the terms and provisions of the development agreement. Full and complete acceptance of the project will occur at the termination of the warranty period after final inspection.

~~(e)~~(f) *Warranty.* All workmanship and materials for all required improvements shall be warranted for a minimum period of two (2) years by the applicant as specified in the development agreement and this Code.

Subdivision and Construction Requirements

Reserved.

Reserved.

Commented [OJ30]: Location for reference to Construction/Engineering Standards and Specifications – when established by the Town.

Installing underground conduit.

(a) *Purpose.* To provide for the installation of public and private utilities after completion of streets, sidewalks, trails, or similar improvements, t~~T~~hree (3) SDR11 smooth conduit lines, one and one-quarter (1 ¼)~~"~~ inch in diameter, shall be placed at horizontal and vertical locations approved by the Town Engineer within the municipal utility easement with a capped junction at each buildable lot. In addition, when crossing a public street, a High Definition ~~Poly Ethylene~~Polyethylene (HDPE) four (4)-inch schedule 40 PVC sleeve conduit will be placed around each of the three (3) SDR 11 smooth conduit lines for the full width of the Right of Way (ROW).

~~(a)~~ *Ownership.* Once installed and accepted by the Town, the conduit shall become the property of the Town~~ of Severance~~, and its' use shall be subject to license or franchise by the Town.

Reserved.

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Vested Property Rights

Purpose.

This article specifies procedures necessary to implement Article 68 of Title 24, CRS, which establishes a vested property right to undertake and complete development of real property under the terms and conditions of an approved site-specific development ~~Plan~~plan. No vested rights shall be created within the Town except through a site-specific development ~~Plan~~plan. For purposes of this Article of Code, a site-specific development plan shall be limited to the following: preliminary subdivision, final subdivision, site plan, and/or a development agreement that creates a vested property right and is adopted as a legislative act of the Town. Zoning and annexation shall not result in the creation of vested property rights, other than as accompanied by the approval of a site-specific development plan. For all other development application types of this Code, applicant's should reference the Lapse of Approval criteria and application specific Effect of Decision criteria of this Code

General provisions.

(a) Request for site-specific development ~~Plan~~ plan approval. Landowners wishing the creation of vested property rights pursuant to Article 68 of Title 24, CRS shall request ~~that~~ such approval in writing at least thirty (30) days prior to the date that the approval is to be considered. Failure of the landowner to request such an approval renders the Plan not a ~~"~~"site-specific development Plan~~"~~" and no vested property rights shall be deemed to have been created.

(b) Notice and hearing. No site-specific development ~~Plan~~ plan shall be approved until notice of such hearing has been published by the Town ~~at least fifteen (15) days before the hearing and after a public hearing called for that purpose~~in accordance with the applicable development application notification requirements of this Code. Such notice may, at the Town~~'~~'s option, be combined with any other required notice. At such hearing, all interested persons shall have an opportunity to be heard.

(c) Approval, conditional approval, effective date, amendments, ~~referendum~~referendum, and review.

(1) A site-specific development ~~Plan~~ plan shall be deemed approved upon the effective date of the Town action granting final approval of the Plan. ~~For purposes of this Code, a site-specific development Plan shall be limited to the following: final plat, site Plan and/or a development agreement that creates a vested property right and is adopted as a legislative act of the Town. Zoning and annexation shall not result in the creation of vested property rights, other than as accompanied by the approval of a site-specific development Plan.~~ The vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development ~~Plan~~plan, including any amendments thereto.

(2) The Town Council may approve a site-specific development ~~Plan~~ plan with terms and conditions as may reasonably be necessary to protect the public health, ~~safety~~safety, and welfare. Such conditional approval will result in a vested property right, although failure to abide by all such terms and conditions shall result in a forfeiture of the vested property right.

(3) In the event amendments to a site-specific development ~~Plan~~ plan are approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site-specific development ~~Plan~~ plan unless the Town Council specifically finds to the contrary and incorporates such findings in its approval of the amendment.

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(4) The approval of vested property rights shall be subject to all rights of referendum and judicial review.

(5) The approval of vested property rights shall be subject to all rights of referendum and judicial review, except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication of a notice to the general public of the site-specific development ~~Plan~~ plan and creation of vested property rights.

(d) Notice of approval.

(1) Each plat or site ~~Plan~~ plan constituting a site-specific development ~~Plan~~ plan by this Code shall contain the following notice:

~~"~~"*This Plan constitutes a site-specific development ~~Plan~~ plan as defined in Article 68 of Title 24, CRS and as adopted as part of the Land Use Code by the Town of Severance, Colorado.~~Article 1 of the Severance Land Use Code available at the Severance Town Hall, 231 West Fourth Street, Severance, Colorado 80546.~~"*~~"~~

Failure to contain this statement shall invalidate the creation of the vested property right.

~~(2) The Town shall publish a notice describing generally the type and intensity of the approved use, the specific parcel or parcels of property affected, the terms and conditions of any approval and a statement that a vested property right has been created. The notice shall be published once, not more than fourteen (14) days after approval of the site-specific development Plan, in the newspaper of general circulation in the Town chosen for publishing public notices. Failure of the developer to publish the notice constitutes a waiver of the vested right by the developer.~~

(e) Duration of vested property right. A property right that has been vested as provided herein shall, upon compliance with the terms and conditions of the approval thereof, remain vested for a period of two (2) years, except that the Town Council may, in its sole discretion, grant vested property rights for a longer period within a final plat, site ~~Plan~~ plan, and/or development agreement when warranted in light of all relevant circumstances, including but not limited to the size and phasing of the development, economic cycles and market conditions. The vesting period shall not be extended by any amendments to a site-specific development Plan unless expressly authorized by the Town Council in an ordinance approving such amendments. For purposes of this Code, completion of a development shall include installation of all engineered improvements (i.e., water, wastewater, streets, curb, gutter, sidewalks, fire hydrants and storm drainage improvements) in accordance with the Town rules and regulations.

(f) Extensions. A vested property right may be extended for periods of one (1) year by the Town Council. The property owner must request an extension in writing not later than thirty (30) days prior to the date of expiration of the vested right. Prior to the expiration of the original vesting timeframe or the extension timeframe, an applicant may formally request an additional extension if substantial progress has been made on installation of public improvements. In considering whether to grant an extension, the Town Council shall apply the following criteria:

(1) That there is no conflict with this Code or that any conflict with the Code can be corrected by an amendment to the Plan, which shall be presented with the request for extension.

(2) That the applicant has demonstrated that the Plan continues to be compatible with adjacent properties and the surrounding areas or that compatibility may be established by an amendment to the Plan, which shall be presented with the request for an extension.

(3) That the applicant has demonstrated that the Plan is consistent with the Town~~'~~'s Comprehensive Plan.

(g) Other provisions unaffected. Approval of a site-specific development ~~Plan~~ plan shall not constitute an exemption or waiver of any other provisions or requirements of this Code or the Town

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pertaining to the development or use of property, adopted or applicable before or after the approval of the site-specific development Plan.

(h) Payment of costs. In addition to any and all other fees and charges imposed by this Code, the applicant for approval of a site-specific development ~~Plan~~ plan shall pay all costs incurred by the Town related to such application, including but not limited to publication of notices, public hearing costs, county recording fees and third-party review costs.

(i) Limitations. This article is enacted pursuant to the provisions of Article 68 of Title 24, CRS. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this Article shall be deemed to be repealed and the provisions hereof no longer effective.

(j) Disclosure of previously granted vested property rights and hazards.

(1) Any petition for annexation to the Town shall describe all vested property rights approved by any local government in effect at the time of the petition, if any, and shall be accompanied by all site-specific development Plans approved by any local government. Failure to so identify any previously approved vested property right and to provide all approved site-specific development Plans shall constitute a waiver of the vested rights created by any other local government upon annexation to the Town, unless specifically provided otherwise in the ordinance of annexation adopted by the Town.

(2) The applicant shall be required to include with any Plan submitted for approval as a site-specific development ~~Plan~~ plan notice of any natural or human-made hazards on or in the immediate vicinity of the subject property that are known to the applicant or could reasonably be discovered at the time of submission of the Plan. Should a hazard on or in the immediate vicinity of the property be discovered subsequent to the approval of a site-specific development ~~Plan~~plan, which would impose a serious threat to the public health, safety and welfare and is not corrected by the applicant, the vested property right created by such site-specific development ~~Plan~~ plan shall be forfeited by the applicant.

Article 6 - Nonconforming Structures and Uses

Commented [OJ31]: Language from Town Attorney.

General Provisions.

(a) *Purpose*. The purpose of this Article is to regulate and limit the development and continued existence of zoned legal uses, structures, lots, signs, and use characteristics such as parking and landscaping, established prior to the adoption of this Code, or the adoption of future amendments to this Code, that no longer conform to the requirements of this Code. All such situations are collectively referred to in this Article as "nonconformities." While nonconformities may continue, the provisions of this Article are designed to curtail substantial investment in nonconformities to bring about their eventual elimination in order to preserve the integrity of this Code and the character of the Town.

(b) *Authority to Continue*.

(1) *Generally*. Any nonconformity that lawfully existed as of the adoption of this Code and that remains nonconforming, and any nonconformity that is created as a result of any subsequent rezoning or amendment to the text of this Code, may be continued or maintained as a nonconformity only in accordance with the terms of this Article.

(2) *Exception Due to Variances or Minor Modifications*. Notwithstanding Subsection 16.18.10.B.1 above, this Article shall not apply to any development standard or feature that is the subject of a variance or minor modification granted under this Code. Where a

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variance or minor modification has been granted that results in a development standard or feature that does not otherwise conform to the requirements of this Code, that development standard or feature shall be deemed conforming.

(c) *Determination of Nonconformity Status*. In all cases, the burden of establishing the existence of a legal nonconformity shall be solely upon the owner of the nonconformity, not the Town.

(d) *Nonconformities Created Through Government Action*. If a structure, use of land, use of structure, or characteristic of use does not comply with the requirements of this Code solely as a result of an acquisition of land or other action by a government agency for a public purpose, then such structure, use of land, use of structure, or characteristic of use on land not acquired by the government shall be deemed conforming. For purposes of this Section the word "land" means fee simple interest in real estate.

(e) *Change of Ownership or Tenancy*. Changes of ownership, tenancy, or management of property with an existing nonconformity are permitted but such nonconformities shall continue to be subject to the provisions of this Article.

(f) *Damage or Destruction*.

(1) If a nonconformity is damaged or destroyed by any means to an extent greater than fifty percent (50%) of its floor area or its actual value at the time of damage or destruction (as determined by the Weld County Assessor), then such nonconformity shall not be re-established or restored to its original condition unless it is made to conform to the requirements of this Code.

(2) Where a nonconforming building is damaged less than fifty percent (50%) of its floor area or its actual value at the time of damage or destruction (as determined by the Weld County Assessor), it may be repaired or restored, provided any such repair or restoration is started within six (6) months and is completed within eighteen (18) months from the date of partial destruction.

(g) *Maintenance and Minor Repair*.

(1) Minor repairs or maintenance of nonconformities that are required to keep structures or sites in a safe condition are permitted, provided that the minor repair or maintenance does not increase the extent or degree of the nonconformity. For purposes of this Section, "maintenance or minor repair" shall mean:

a. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior appearance of a building or structure without expanding or altering the building or structure;

b. Maintenance of land areas to protect against health and environmental hazards and promote the safety of surrounding land uses; and

c. Repairs that are required to remedy unsafe conditions that cause a threat to public safety.

(h) *Improvements Triggering Upgrades in Nonconforming Characteristics*. If an application is filed for a building permit or for reconstruction, remodeling, expansion, or other improvements of a multi-family, commercial, industrial, or mixed-use structure, and (b) the value of the proposed improvements total more than twenty-five (25) percent of its replacement cost of the primary structure(s) on the property, the applicant shall be required to address the following nonconformities prior to, or as part of the improvements authorized by, such land use permit or building permit, unless the town determines that such nonconformities have no significant adverse impact on surrounding properties:

(1) Screening of mechanical equipment;

(2) Screening walls or fences (for parking areas or storage areas);

(3) Driveway surfacing;

(4) Landscaping;

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(5) Parking; and
(6) Lighting.

Nonconforming uses of land.

(a) *Limitations on Continuation of Nonconforming Uses of Land*. Nonconforming uses of land or structures may continue, subject to the general provisions of Section 16.18.10 and the following limitations:

(1) No nonconforming use of land shall be expanded, enlarged, or increased. An expansion of a nonconforming use shall include, but is not limited to, any change that results in any of the following: (a) an increase in usable floor area or an increase in percentage of the use of the parcel or lot, of a non-residential use; (b) the addition of a dwelling unit to a residential use. Any nonconforming use on a lot or portion thereof may be altered to decrease its nonconformity.

(2) No nonconforming use of land shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the regulations that make the use nonconforming.

(3) Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment of the applicable regulations, but no such use shall be extended to occupy any land outside such buildings.

(4) No additional structure not conforming to the requirements of this Code shall be erected in connection with the nonconforming use of land or structure.

(b) *Change of Use*. A nonconforming use permitted under this Code shall not be changed or replaced to a different nonconforming use.

(c) *Abandonment or Cessation of Use*. If a nonconforming use ceases for any reason, except when government action impedes access to the premises, on a lot or any portion of a lot for a period of more than six (6) consecutive months, the nonconforming use shall be considered abandoned. Once abandoned, the prior legal nonconforming status of the use shall be considered terminated and re-establishment of the use shall be prohibited. Any subsequent use of the property shall comply with all applicable provisions of this Code.

Nonconforming structures.

(a) *Continuation of Nonconforming Structures Generally*. Nonconforming structures may continue, subject to the general provisions of Section 16.18.10 and the following limitations:

(1) No nonconforming structure may be enlarged or altered in a way that increases its nonconformity, including but not limited to any new construction in violation of required setbacks or building height in the applicable zone district; but any structure or portion thereof may be altered to decrease its nonconformity. This Subsection shall not be construed to allow the expansion of a nonconforming use of structure.

(2) Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

(3) Structural changes to a nonconforming building that have the effect of increasing the life of the nonconforming building shall not be permitted, unless the building official determines that such change is necessary to rectify a hazardous condition or safety concern.

Nonconforming lots of record.

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(a) Unless otherwise provided in this Code, single-family residences and customary accessory buildings may be erected on any legally created single lot of record existing at the time of adoption of this Code. Such lot must have been in separate ownership and not of continuous frontage with other lots under the same ownership. This provision shall apply even though such lot fails to meet the requirements of the district in which it is located for area, width or both area and width; provided however, that the minimum setback requirements of the district shall be met unless a variance has been granted as provided herein.

(b) If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption of this Code, and part or all of said lots do not meet the requirements of the zone district in which they are located as to minimum area or width, or both minimum area and width, for the purpose of this Article, the lands shall be considered to be an undivided parcel, and no portion of said parcel shall be sold or used in a manner which diminishes compliance with the lot area and width requirements established in this Code.

Nonconforming signs.

(a) *Termination of Legal, Nonconforming signs.*

(1) The purpose of amortization is not only to provide a reasonable grace period during which the owner is permitted to continue a legal, nonconforming sign, and to recover its economic investment, but also to assure that the district in which the nonconforming sign exists will eventually benefit from a substantial uniformity of permanent and conforming signs.

(2) A nonconforming sign shall be removed and brought into compliance with this Code upon verification that any of the following conditions have been met:

a. The use to which such non-conforming sign refers has been abandoned for a continuous period of 180 days;

b. Such sign is damaged or destroyed, and the cost to repair, restore or replace the sign exceeds fifty percent (50%) of the cost of a new sign; or

c. The regulation or amendment to the Code that made the sign nonconforming has been in effect for ten years or more.

(b) *Extension of Time to Comply.* The time for a sign to be brought into compliance with the requirements of this Code may be extended at the request of the sign owner or lessee. In evaluating the extension of time for a nonconforming sign, the town shall consider the following factors to determine whether the owner of the sign has had a reasonable amount of time to recoup the initial investment:

(1) The value of the sign at the time of construction and the length of time the sign has been in place;

(2) The life expectancy of the physical structure and its salvage value, if any;

(3) The amount of depreciation and/or amortization of the sign already claimed for tax or accounting purposes;

(4) The length of the current tenant lease or expected occupancy compared to the date the sign is to be brought into compliance;

(5) The extent to which the sign is not in compliance with this article;

(6) The degree to which the town determines that the sign is consistent with this Code and its purposes; and

(7) Whether the sign has historical or landmark significance and should, therefore, be exempt from amortization.

(c) *Maintenance, Alteration, Reconstruction or Replacement of Nonconforming Signs*. All legal, nonconforming signs shall be maintained in good condition, and shall not be:

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(1) Changed to another nonconforming sign;
(2) Structurally altered;
(3) Altered to increase the degree of nonconformity of the sign;
(4) Expanded;
(5) Re-established after discontinuance for 90 consecutive days of the use to which the sign pertained;
(6) Continued after a change of the use or activity to which the sign pertains; or
(7) Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty percent (50%) of the cost of replacement.

~~Except as provided in this article, the lawful use of any buildings or land existing at the time of enactment of this Code or any amendments to this Code may be continued even though such use does not conform to the requirements of this Code. Nonconforming uses and buildings include signs, lots, uses, buildings, landscaping or activities that do not comply with the current requirements of this Code.~~

~~a. General provisions.~~

~~1. Whenever a nonconforming use or building has been discontinued for a period of one hundred eighty (180) days, such use shall not thereafter be reestablished, and any future use shall be in conformance with the provisions of this article.~~

~~2. Any building or structure for which a building permit has been issued prior to the date of enactment of this Code may be completed and used in accordance with the Plans, specifications and permits on which said building permit was granted if construction is commenced within sixty (60) days after the issuance of said permit and diligently pursued to completion.~~

~~3. No nonconforming use or building shall be altered, extended or restored so as to displace any conforming use.~~

~~4. Ordinary repairs and maintenance of a nonconforming building shall not be deemed an expansion of such nonconforming building and shall be permitted.~~

~~5. A nonconforming building that has been damaged by fire or other causes may be restored to its original condition, provided that such work is commenced within one hundred eighty (180) days of such calamity.~~

~~6. Any nonconforming building or portion thereof declared unsafe by the building inspector may be replaced, strengthened or restored to a safe condition.~~

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Chapter 16 – Land Use Code
General Provisions

Section 16.x.xx. – Overview

(a) *Title*. This chapter 16 is known as the Severance Land Use Code. References to "this Code," "the Development Code," or "these regulations" shall be considered a reference to the Severance Land Use Code. This Code establishes the regulations and standards governing the use and development of land within the Town. Included are provisions for the annexation, subdivision, and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews and appeals. Also included are Town standards for site and building design, landscaping, parking, and public infrastructure.

(b) *Authority*. This Code is adopted pursuant to the purposes and authority contained in the Colorado Revised Statutes (CRS) and the Colorado Constitution, Article XX and the Severance Charter, independent of and in addition to the CRS, Title 31, Article 23. This title also supersedes any state legislative enactments which are, by their terms, subject to being superseded by adopted home rule charters or ordinances. Whenever a section of the CRS cited in this Code is later amended or superseded, this Code shall be deemed amended to refer to the amended section or sections that most nearly corresponds to the superseded section. Additional statutory authority may exist for specific types of land use regulations.

(c) Jurisdiction. This Code shall apply to all structures and land within the Town's corporate boundaries, as depicted on the official zoning map. The Town's Planning jurisdiction includes all land within the corporate limits and, where applicable, the lands within the Growth Management Area (GMA) as defined in the adopted Comprehensive Plan. Maps showing these and other regulatory boundaries shall be available for public inspection with the Town. For purposes of zoning and subdivision, this Code only applies to lands within the Town's corporate boundaries. It shall be unlawful to conduct any development or use of land until all specified development review processes have been followed, all applicable standards have been fulfilled, and all required approvals, permits or other authorizations have been issued.

(d) *Purposes.* This Code is adopted to promote the public health, safety, and general welfare for the Town and its' citizens and businesses. The regulations have the following purposes:

1. Create a vital, cohesive, well-designed community to enhance the Town's character and further the citizen's vision, goals, and objectives.
2. Implement adopted plans, policies, and programs, including the current Comprehensive Plan.
3. Promote the physical, social, and economic well-being of the Town and its' citizens and businesses.
4. Invest public funds effectively and efficiently, and in a manner that creates lasting value for the community.
5. Promote innovative, quality community planning and design that creates distinct places and unique elements that enhance the character of the community.
6. Provide parks, trails, and civic spaces that help organize development around systems of connected open spaces.
7. Promote the proper arrangement and design of streets to shape efficient neighborhood development patterns to improve access and circulation patterns.

8. Coordinate with existing and planned streets to improve access and circulation patterns that support abutting land uses.
9. Divide the community into zoning districts that promote the character and development patterns of distinct places identified in the Comprehensive Plan.
10. Regulate the development and use of structures and land within each zoning district to create compatible development patterns.
11. Promote appropriate transitions to adjacent properties.
12. Provide a variety of housing opportunities for all citizens.
13. Facilitate the adequate and efficient provision of public and private infrastructure to support the Town's adopted vision and values.
14. Direct new development into areas with adequate public and private infrastructure and to areas that conserve environmentally sensitive lands and protect citizens from environmental hazards and dangers.
15. Facilitate clear and consistent development procedures for all citizens and businesses.

Section 16.x.xx. – Interpretation

The provisions of this Code shall be interpreted and applied as the minimum requirements for the promotion of public health, safety, and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, or sections, the more restrictive or that imposing the higher standard shall govern.

(a) *General Rules.* The following rules shall apply to the application and interpretation of these regulations, unless otherwise stated within this Code:
    1. The singular includes the plural, and the plural includes the singular.
    2. The words "must," "shall," and "will" are mandatory; whereas the words "may," "can," "should" and "might" are permissive but recommended as a way to best meet the standard or achieve the intent of the standard.
    3. The word "lot" shall include the words "building site," "site," "plot," or "tract."
    4. A building or structure includes any part thereof.
    5. The present tense includes the future tense, and the future tense includes the present tense.
    6. Lists of examples prefaced by "including the following," "such as," or other similar clauses shall not be construed as exclusive or exhaustive and shall not preclude an interpretation of the list to include other similar and non-mentioned examples.
    7. The conjunctive "and" in a list means that all apply; the conjunctives "or" and "and/or" mean the provisions may apply singly or in any combination; and the conjunctive "either … or" means the provisions apply individually but not in combinations.
    8. When calculations to determine a requirement result in a fraction that cannot be divided *(i.e., parking spaces, trees, dwelling units, etc.)* it shall be rounded up to the nearest whole number.
    9. Any references to "Town Manager," "Manager," or any other official may also include any other designee of the Town Manager.
    10. For processes and procedure timeframes that specify a certain number of "days," it shall be assumed to mean "calendar days," unless otherwise specified.

11. Any reference to other official local, state, or federal government rules or regulations shall include the most current versions of those rules or regulations.
12. References to a person shall include the individual, a partnership, association, agency, corporation, or other legal entity and their associated representatives.

(b) *Interpretation of the Zoning Map.* Where uncertainty exists with respect to any boundary on the official zoning map, the following rules shall apply:
1. Property Lines. Zoning district boundaries shall be interpreted as following platted or official legal property lines unless these lines have been substantially altered.
2. City Limits. Zoning district boundaries shall be interpreted as following the official Town limits.
3. Other Features. Zoning district boundaries shall be interpreted as following the centerline of streets, rights-of-way, rivers, or other similar features.

(c) *Official Interpretations of this Code.* The Manager and/or Director may make official interpretations in cases where there is uncertainty to the criteria of this Code. Such interpretations shall be made in writing to applicants and documented at the Town with the Community Development Department. When making an official interpretation, the following criteria shall be used:
1. Rational professional and technical planning principles.
2. Town adopted goals and policies of the Comprehensive Plan and other adopted plans and policies.
3. The purposes, intent, or criteria applicable to this Code and the specific chapter or sections related to the interpretation.
4. Applicable and available resources, guidelines, or industry standards.
5. The context and physical characteristics of the surrounding neighborhood and/or environment.
6. If the interpretation could be applied in a similar circumstance or situation.

(d) *Non-regulatory Provisions.* Purpose statements, development and design criteria, supporting tables and/or graphics, and analysis such as captions or notes to figures and tables provide additional guidance or simplification to an interpretation of the Code criteria. In the event of a conflict, the specific written criteria shall control.

(e) Resources, Guides, and Industry Standards. Reputable professional and technical planning resource guides and industry "best practice" standards may be used by the Town to supplement this Code, as determined by the Manager and/or Director. These resource guides and/or standards should only be used to clarify adopted criteria or the purposes of this Code. They shall not be used to conflict with any adopted criteria but may be used in text amendments by the Town.

Section 16.x.xx. – Relationship to existing regulations and adopted plans

All existing ordinances, resolutions, or motions of the Town Council in conflict with this Code are, to the extent of such conflict, hereby superseded and repealed, provided that no such repeal shall repeal the clauses of such section, resolution, or motion, nor revive any section, resolution, or motion thereby. The adoption of this Code shall not adversely affect the Town's right to seek remedies for any violation of previous sections that occurred while those sections were in effect.

(a) *Comprehensive Plan and Advisory Documents.* It is the intent of the Town that this Code implements the Planning policies adopted in the Comprehensive Plan, its' GMA, and all other adopted Advisory Documents. While this relationship is reaffirmed, it is the intent of the Town that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan and/or adopted Advisory Documents, nor may any action taken in conformity with this Code be challenged on the basis of claimed inconsistency with the Comprehensive Plan and/or adopted Advisory Documents.

(b) *Requirement for Comprehensive Plan amendment.* Where a development proposal is not in conformance with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. Conformance exists when a development proposal matches the designations of the land use sections within the Comprehensive Plan.

(c) *Criteria for evaluating amendment proposals.* Amendments to the Comprehensive Plan resulting from development proposals under this Code shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan.

Section 16.x.xx. – Severability

If any part, section, subsection, sentence, clause, or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this Code. The Town Council hereby declares that it would have passed this Code, including each part, section, subsection, sentence, clause, or phrase thereof, regardless of the fact that one (1) or more parts, sections, subsections, sentences, clauses or phrases was declared invalid.

Section 16.x.xx. – Administration

(a) *Administrative Authority on Certain Land Use Applications.* Notwithstanding any other provision of this Code and subject to any limitations established by state statute, the Town Manager or such official's designee may act administratively, without resort to the Town Council or the Planning Commission with respect to any land use action that has insignificant impact on the public or adjoining landowners, does not change overall project dimension criteria by more than ten percent (10%), and does not require any change of zoning or variance from these regulations. Such administrative review is identified within the procedures article of this Code.

(b) *Town Manager.* The Town Manager (Manager) may delegate their authority to a department or staff position (designee) to administer and interpret certain or all aspects of this Code. Other department heads and staff may serve in an advisory role under this Code. In addition to the authority granted by the Charter and local ordinances, the Manager shall have specific review responsibilities and final administrative decisions referred to the Manager under the procedures and standards of these regulations. The Manager may bring forward amendments to the Comprehensive Plan, Zoning Map, and these regulations.

(c) *Community Development Department and Community Development Director.* The Community Development Department (Department) and Director (Director) may assume the role as the administrator, the principal interpretation and enforcement official of these regulations, as the Manager's designee. The Community Development Department and Director may consult with any other town staff or relevant outside agencies to coordinate any plans, policies, and programs that impact these regulations or adopted plans and policies. The Community Development Department and Director shall specifically:

1. Prepare and provide development application forms and administer the requirements and review of submittals.
2. Oversee the application, review, and administration processes and prepare presentations and reports for review bodies.
3. Issue official interpretations and approve the use of other resources, guides, and industry standards used in administering this Code, as designated by the Manager.
4. Make final interpretations and final administrative decision referred to the Department or Director under the procedures and standards of these regulations.

(d) *Planning Commission.* The Planning Commission is the appointed body responsible for long-range and comprehensive planning. The Planning Commission is established according to the Town Charter. In addition to all other general planning authority granted by the Charter, statutes, and local ordinances, the Planning Commission shall have the specific review responsibilities and final authority referred to the Planning Commission under the procedures and standards of these regulations, as appointed by the Town Council.

(e) *Town Council.* The Town Council is the elected and governing body responsible for all legislative decisions that affect implementation of adopted plans, regulations, and policies. In addition to other general authority granted by law, the Town Council shall have the final decision authority as outlined under the procedures and standards of these regulations.

(f) *Board of Adjustments.* The Board of Adjustments (BOA) shall act in accordance with the same rules and procedures that govern the Planning Commission and Town Council. Pursuant to Section 31-23-307(1), CRS, and as amended, the Town Council hereby appoints itself to serve as the BOA. The BOA shall hear and decide major variance and appeal requests.

1. The BOA shall have the following powers and duties, all of which shall be subject to and in compliance with the laws of the State, in harmony with the purpose and intent of this Code and the most appropriate development of the neighborhood.
    a. To hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcement of the provisions of this Code, as identified in procedures Article of this Code.
    b. To review and decide on major variance requests from the terms of this Code in accordance with the major variance review criteria and procedures of this Code.

Section 16.x.xx. – Enforcement

Commented [OJ1]: Could be moved to the end of the Land Use Code chapter before definitions.

(a) *Responsible enforcement entity.* The Town Council shall be responsible for enforcing the provisions of this article. Any criminal enforcement shall be by the issuance of a complaint and summons to municipal court by a peace officer.

(b) *Authorization for inspections.* The Town may enter any building, structure, real property, or premises to ensure compliance with the provisions of this Code. Such inspections shall be carried out during normal business hours unless the Town Manager, zoning enforcement officer or Code enforcement officer determines that there is an emergency.

(c) Violations and enforcement procedures.

1. Violations. It shall be unlawful to violate any provision of this Code.
2. Specific activities violating this Code. It shall be a violation of this Code to undertake any of the following activities:
    a. Activities inconsistent with Code. Erecting, constructing, reconstructing, remodeling, altering, maintaining, expanding, demolishing, moving, or using any building, structure, or sign, or engaging in development or subdivision of any land in contravention of any zoning, subdivision, sign, or other regulation of this Code, including terms and conditions of all required approvals.
    b. Land-disturbing activities inconsistent with Code. Excavating, grading, cutting, clearing, or undertaking any other land disturbance activity contrary to the provisions of this Code or without first obtaining all requisite land use approvals required by this Code or other applicable regulations.
    c. Nonconforming uses or structures inconsistent with Code. Creating, expanding, replacing, or changing a nonconforming use, structure, lot or sign, except in compliance with this Code.
    d. Making lots or setbacks nonconforming. Reducing or diminishing the lot area, setbacks or open space below the minimum required by this Code.
    e. Increasing intensity of use. Increasing the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this Code.
    f. Activities inconsistent with permit. Engaging in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval or other form of authorization required to engage in such activity.
    g. Activities inconsistent with conditions of approval. Failing to comply with any terms, conditions or limitations placed by the Town upon any final development Plan, subdivision plat, permit or other form of approval by the Town.
    h. Agreements to convey. Making any agreement to convey or conveyance of any lot or undivided parcel of land, contrary to the provisions of this Code or prior to approval of a final plat by the Town; it shall be a separate violation for each lot or parcel of land sold or agreed to be sold.
    i. Activities inconsistent with order of Town. Failing to comply with any stop work order, abatement order or any other order issued by the Town pursuant to this Code.
3. Separate violations. Any person who violates or causes the violation of any of the provisions of this Code shall be guilty of a separate offense for every day or portion thereof during which a violation is committed, permitted, or continues.
4. Remedies and enforcement powers. Violations of this Code may be enforced in the municipal court or any other court with jurisdiction by any appropriate equitable action, by abatement, by issuance of stop work orders, by injunction and restraining order, by revoking any permits or

approvals issued and by assessing any amounts due or delinquent fines as taxes. Any one (1), all, or any combination of the foregoing penalties and remedies may be used to enforce this Code. In addition, the Town shall have the following civil remedies and powers to enforce this Code:

a. Notice of violation and corrective action order.
    1) Nonemergency violations. In the case of violations of this Code that do not constitute an emergency or require immediate attention, written notice of the nature of the violation and required corrective action to be taken shall be given by the Town to the owner, occupant, applicant for any relevant permit, person in charge of construction or other work on the property or any other person in possession of or involved in the illegal activity on the property. Notice shall be given in person, by certified U.S. mail, return receipt requested, or by posting notice on the premises. The notice shall specify the Code provisions allegedly in violation and shall state that the individual has a period of thirty (30) days from the date of the receipt of the notice in which to correct the alleged violations before further enforcement action shall be taken.
    2) Emergency violations. In the case of violations of this Code that constitute an emergency as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the Town may use the enforcement powers available under this Code without prior notice but shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as practicable. Notice may be provided to the property owner, agent, occupant, or the applicant for any relevant permit. In addition, the Town may proceed to abate the danger and assess the costs therefor as a lien on the property and certified to the county treasurer, to be collected with the taxes on the property.
    3) Extension of time for correction. The Town Council may grant an extension of the time to cure an alleged violation, up to a total of ninety (90) days, if the Town Council finds that, due to the nature of the alleged violation, it reasonably appears that it cannot be corrected within thirty (30) days.

b. Deny/withhold approvals or permits. The Town may deny and withhold all approvals, permits, certificates or other authorization to use or develop any land, structure, or improvements thereon until the alleged violation related to such property, use or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit is responsible for the violation.

    Where a property owner, agent or other person has a record of an outstanding violation of this Code, the Town shall be authorized to deny or withhold all permits, certificates of occupancy or other forms of authorization for any use or development activity undertaken by such person until all outstanding violations are corrected. This provision shall apply whether or not the property for which the permit or other approval is sought is the property in violation.

    The denial or withholding of a permit by the Town may be appealed to the BOA in accordance with Section 16.9.50 of this Article.

c. Revocation of permits.
    1) Public hearing required. The Town Council may revoke any development permit, building permit, certificate or other authorization after notice and a public hearing, for violation of this Code.
    2) Reconsideration of revocation. The applicant may request a public hearing for reconsideration of the Town's revocation.
    3) Notice of public hearing. The public hearing on the reconsideration of revocation shall be conducted during a regular or special meeting of the Town Council not less than seven (7) days nor more than twenty-one (21) days from the date the notice of the hearing is given. Notice of hearing shall be deemed given to the owner, the owner's agent, or other person to whom the development permit was issued, upon deposit of said notice in the U.S. mail, by certified mail, return receipt requested, addressed to the last known address of said person. Additional methods of service may also be utilized to give notice of the public hearing.
    4) Findings. Following the public hearing, the Town Council shall reinstate the permit revoked unless it finds any of the following:
        a) There is a departure from the approved Plans, specifications, or conditions of approval;
        b) There is a violation of any provision of this Code;
        c) The development permit was obtained by false representation; or
        d) The development permit was issued in error.
    5) Notice of revocation. Written notice of the findings shall be served upon the owner, the owner's agent, applicant, or other person to whom the permit was issued by certified mail, return receipt requested, or such notice may be posted in a prominent location at the place of the violation. No work, construction or use of the property shall proceed after service of the findings.

d. Stop work order.
    1) Issuance of stop work order. The Town may issue a written order to stop work on any property on which there is an uncorrected violation of either a provision of this Code or a provision of a land use approval or development permit, building permit or other form of authorization. The stop work order shall specify the Code provisions allegedly in violation. Service of the order shall be given in person, by certified U.S. mail, return receipt requested, or by posting notice on the premises. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order except to correct such violation or comply with the order. The notice shall also state any appeal and/or variance procedures available pursuant to this Code.
    2) Timing/notice. The stop work order may be issued in conjunction with a notice of violation or subsequent to such notice. The stop work order may also specify a shorter time for correction of the violation if the Town determines that a shorter time is necessary to protect the health, welfare or safety of people or property in the Town. It shall be unlawful to violate the terms of a stop work order.

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e. Abatement or injunctive relief. In addition to any other remedy, the Town Council may initiate injunction or abatement proceedings or other appropriate legal action in the municipal court or other court of competent jurisdiction to abate, remove or enjoin such violation and to recover damages, costs and reasonable attorney's fees incurred in the abatement and removal of such violation.

5. Persons responsible. The owner, tenant or occupant of any building or land or part thereof, as well as any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Code, may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.
6. Remedies cumulative. The remedies provided for violations of this Code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law or equity and may be exercised in any order. Each twenty-four (24)-hour period or portion thereof is considered a separate violation under this Code.
7. Continuation of prior enforcement actions. Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken by the Town pursuant to previous regulations.
8. Appeals of enforcement actions. Appeals of any order, requirement, decision, or determination made by an administrative official in the enforcement of this Code shall be made to the BOA in accordance with this Code.
9. Liability of Town. This Code shall not be construed to hold the Town responsible for any damages to persons or property by reason of the inspection or reinspection or failure to inspect or reinspect, by reason of issuing a building permit or by reason of pursuing or failing to pursue an action for injunctive relief.
10. Violations. Violations of this Code may be enforced in the municipal court or any other court with jurisdiction, by any appropriate equitable action, by abatement, by issuance of stop work orders, by injunction and restraining order, by revoking any permits or approvals issued and by assessing any amounts due or delinquent fines as taxes. Any one (1) or any combination of the foregoing penalties and remedies may be used to enforce this Code.
11. Penalty. Failure to comply with all the provisions of this Code shall constitute a misdemeanor and, upon conviction, is punishable by a fine of three hundred dollars ($300.00) or imprisonment for a period of not more than ninety (90) days, or both. Each day that such violation continues to exist shall be considered a separate offense.
12. Costs and attorney's fees for enforcement for abatement to be paid to the Town. Costs and attorney's fees associated with said abatement shall be charged to the owner of the property on which said violation has occurred and any other person responsible for the violation, as defined in this Code. The cost of abating a violation of this Code shall include all direct and indirect costs of such abatement plus the costs of collection and interest at the rate of one percent (1%) per month. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by certified mail and shall be payable within thirty (30) calendar days from the receipt thereof. If all such costs are not paid within thirty (30) days of the notice, such costs may be made a lien on the property and certified to the county treasurer and collected with the taxes on the property.

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Procedures and Criteria

Section 16.x.xx. – Procedures summary

Applications and land use procedures shall be processed in accordance with Table x.x.x and this Article.

[summary procedures table – see separate attachment]

Section 16.x.xx. – General criteria for applications.

(a) *Eligible Applicants.* Table x.x.x indicates applicants eligible for each application type found under this Code.
   1. *Owner.* The property owner of record for the subject property(s) of the application or the owner's authorized agent by written permission of the owner.
   2. *Planning Commission.* The Planning Commission, acting on its' own initiative or through recommendations brought to it by staff, and according to its' bylaws and procedures.
   3. *Town Council.* The Town Council acting on its' own initiative or through recommendations brought to it by staff or the Planning Commission, and according to its' bylaws and procedures.

(b) *Application Forms.* Applications required under this Code shall be submitted to the Community Development Department in a form and format specified by the Department. The Department and Director are authorized to establish submittal requirements and procedures to ensure all applications can be evaluated for conformance with this Code.
   1. *Modification.* The Director may waive or modify certain requirements for specific information at the time of application due to the routine nature of the application or due to the context of the application making the information inapplicable for review against the standards and criteria of this Code.
   2. *Supplement.* The Director may require further submittals or information, provided the request is reasonably required to evaluate compliance with this Code and/or adopted plans and policies.

(c) *Application Fees.*

1. Fees shall be paid per a published Town fee schedule. The fee schedule may be revised and adopted annually by resolution of the Town Council and is available for review at the Town.
2. Applicants shall submit fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters. Development review deposit fees will be charged to applicants for processing, reviewing, and administering applications such as but not limited to building permits, subdivision plats, rezoning requests, site plans, annexations, sign permits, variances, and all other administrative functions. In addition to the standard fees, the applicant and the owner of the property that is the subject of the application shall be required to pay any actual costs and fees incurred by the Town for review of the application by consultants and staff, including but not limited to engineering, surveying, legal and planning. Such fees shall include the hourly cost for any contracted professionals engaged by the Town for review of the application.
    a. The Town may require a deposit from applicants to offset the Town's costs for review prior to consideration of any application submittal pursuant to this Code. The Town shall not continue the processing of any application for which the applicant or the property owner has refused to deposit the funds to cover the Town's cost of review.

(d) *Concurrent Applications.* When a project requires approvals under more than one type of application, the Director may determine that each application may run concurrently based on the similarity of information needed and interrelationship between the applications.

(e) *Withdrawal of an Application.*

1. The applicant may request to withdraw their application. Such request shall be in writing, either digital or print. Annexation applications with an approved resolution initiating annexation proceedings may only be withdrawn subject to approval by the Town Council.
2. After withdrawal, the Town will take no further action on the application.
3. The applicant may resubmit an application which shall be treated as a new application for purposes of review, scheduling, and payment of the application fees.
4. A request for withdrawal of an application from a noticed agenda is subject to the discretion of the decision-making body.

(f) *Inactive Application.* If the applicant fails to submit requested application materials within one hundred eighty (180) days of the request, the Director may declare the application withdrawn. Such determination shall be made in writing from the Director to the applicant noting the date of the determination and the application title and/or project number if one exists.

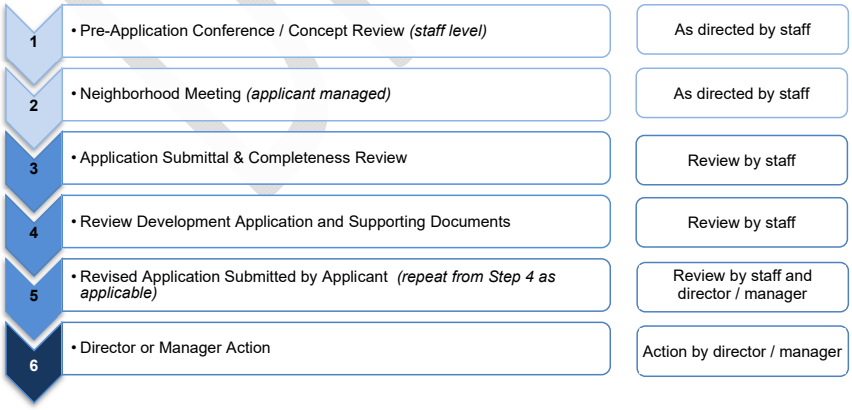
(g) *Lapse of Approvals.* In the event an approved development application exceeds the time limits established for this Code, the application shall automatically lapse, be null and void, and have no further force and effect. A site-specific development plan, as defined under the Vested Property Rights section of this Code, shall be in conformance with Article 68 of Title 24, C.R.S.

Section 16.x.xx. – Application steps

This section is intended to outline typical development review steps administered by the Community Development Department for both administrative review and public hearing review applications, as identified in Table.x.x under Procedures Summary. This information is not intended to reflect review timeframes or unique aspects of every application, including but not limited to the number of reviews required, situations beyond the Town's control, or individual approval requirements.

Figure x.x: Board and/or Commission Application Types

Figure x.x: Administrative Application Types



(a) *Step 1: Pre-Application Conference.* This step (also referred to as a concept review meeting) provides an opportunity for an applicant to discuss their development plans with the Town. This step is required for most application types and may be waived by the Director or Manager depending on the unique characteristics of the development proposal. When required, the applicant shall submit the information required in accordance with the application and submittal requirements maintained by the Town.

1. The applicant shall submit a request on a form or in a manner approved by the Town. Staff will coordinate a meeting with the applicant once all requested items have been submitted for the discussion.
2. The meeting is an informal discussion of the preliminary development proposal with Town staff. The application shall submit the required information to facilitate discussion on the following topics:
    a. How the proposal meets the goals of the Comprehensive Plan, or other adopted plans or policies related to the application.
    b. The proposed use(s), general site layout, conceptual or anticipated design of the building(s), and how the project relates to surrounding sites and public spaces.
    c. How the project will contribute to the area and further the intent of the existing or proposed zoning district.
    d. The development review processes and review criteria.
    e. Impacts to infrastructure planning including timing, phasing, or the need for any technical studies or outside agency coordination and review.
    f. Necessary public improvements as part of the proposal including but not limited to public and private utilities, sidewalks and/or trails, road improvements, parks, landscaping, or other improvements warranted by the development.
    g. Opportunities to improve designs, layout, and overall function to meet Town goals and policies.

(b) *Step 2: Neighborhood meeting*. A neighborhood meeting may be required as indicated in Table x.x.x under Procedures Summary and is the responsibility of the applicant in working with Town staff. These meetings should occur prior to the formal application submittal so that input or concerns may be considered in the initial application. Notices shall be in accordance with the Notification Requirements found in Sec. x.x.x of this Code. The Town is not responsible for facilitating or managing the neighborhood meeting logistics. Following the pre-application meeting or during the review of an application, the Director or Manager may require a neighborhood meeting where:

1. The characteristics of the project are complex and present the potential for significant changes and unanticipated impacts on nearby or adjacent property.
2. The proposal is likely to raise questions or concerns from adjacent property owners, beyond the typical allowances under the zoning district and/or the adopted plans or policies.

(c) *Steps 3, 4, and 5: Application Submittal and Review.* Upon receipt of a complete application and payment of the required fee, the Town shall take the following steps:

1. *Completeness Review.* The Town shall determine if an application is complete. An application shall be considered complete if it is submitted in the required form, includes all submittal information specified by the Director or Manager, and is accompanied by the applicable application fee(s).
    a. If an application is deemed complete, it shall be processed for formal review.

b. If an application is determined to be incomplete, the Town shall notify the applicant of the deficiencies. No further processing or review of the application will occur until the deficiencies are corrected as requested.

2. *Referral.* As part of the process, referral agencies may be notified and provided the opportunity to comment on an application. Referral agencies included but are not limited to adjacent or other local governments; state agencies; public and private utility providers; ditch companies; school districts; and other special districts such as the fire district.
3. *Staff Review and Comments.* The Town shall coordinate a staff review and may provide the applicant the following information in writing:
    a. Comments or recommended change(s) based on the review of referral agencies, staff, and comments from any neighborhood meeting(s).
    b. Supplemental information required to support the application, address comments or the recommended changes.

    If the applicant chooses not to address any specific comment(s) or recommended change(s), a written explanation shall be included with the resubmittal that demonstrates a good faith effort to address the issue or justify why the comment was not addressed. Failure to address any comment or recommended change without explanation may be grounds for rejection of the revised application.

(d) *Step 6 (administrative): Director Action.* For administrative applications, the Director shall make a final determination regarding a proposal. This determination shall be based on the technical review of the application by staff and the review criteria associated with the specific application type as identified in this Code.

(e) *Step 6 (public hearing): Planning Commission Recommendation or Action.* For public hearing applications, the Planning Commission may serve in the following two capacities:
1. *As a recommending body that reviews the proposal against the criteria of this Code, adopted plans and policies, and the recommendation of professional staff, and provide a recommendation to the Town Council of approval, denial, or approval with conditions.*
2. *As a deciding body that reviews the proposal against the criteria of this Code, adopted plans and policies, and the recommendation of professional staff, and make a final decision on a proposal to either approve, deny, or approve with conditions.*

(f) *Step 7 (public hearing): Town Council Action.* For public hearing applications, the Town Council serves as the decision body for certain applications, as specified on Table x-x-x. Following review of the proposal against the criteria of this Code, adopted plans and policies, and the recommendation of the Planning Commission and professional staff, the Town Council may approve, deny, approve with conditions, or refer the application back to the Planning Commission for further review.

Section 16.x.xx. – Neighborhood meeting, public hearing, and notification requirements.

(a) *Neighborhood Meetings.* A neighborhood meeting shall be required prior to the formal public meeting as indicated in Table x-x-x and as directed by the Director or Manager.

1. *Director Determination.* During the pre-application conference or as part of the review of an application, the Director may waive a neighborhood meeting requirement for a project based on the following circumstances:
    a. The project does not present a significant change and impact on properties in the vicinity of the proposal; and
    b. The project meets the code criteria contained herein.
2. *Applicant Option.* An applicant may decide to host a neighborhood meeting prior to submitting their formal application to the Town.
3. *Meeting Notices.* The applicant shall provide notice of the neighborhood meeting consistent with the requirements for a public hearing including mailed, posted, and published notifications as specified in Sec. x-x-x and Table x-x-x of this Article.
4. *Meeting Format.*
    a. The applicant is responsible for all content of the meeting and for preparing meeting minutes to provide to the Town as part of the official project record. Failure by the applicant to provide the Town with complete and accurate meeting minutes following the neighborhood meeting may result in an additional neighborhood meeting being required and/or used by the decision-making body as criteria when reviewing and deciding on an application.
    b. The applicant shall work with the Town to coordinate meeting logistics such as the date, time, venue, and notification requirements.

(b) Public Hearing(s). Public hearings (hearings) are open meetings conducted by local Boards to gather information from the public and to survey public opinion as part of the local decision-making process. Hearings are required by either the State or the Town and will be conducted before the Planning Commission, the Town Council, or the Board of Adjustment, as appropriate. Hearings will be conducted under the following general conditions:

1. A hearing shall be scheduled within a reasonable time as allowed by the schedules of the Town officials and Staff. The Town Manager or Staff, as delegated, are responsible for the scheduling of all public hearings.
2. Subject to Paragraph 3 that follows, the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments.
3. The Town Council, Planning Commission or Board of Adjustment conducting the hearing may place reasonable and equitable limitations on the presentation of evidence, arguments, and the cross-examination of witnesses.
4. A hearing for which proper notice was given may be continued to a later date without again requiring notice, provided the specific date, time, and place of the continued hearing is announced at the original hearing.
5. Record. An audio recording shall be made of all hearings, and transcripts of such hearings may be requested within thirty (30) calendar days of the close of the hearing. Transcripts shall be provided within a reasonable time after deposit of the cost of the preparation of the transcript with the Town.
6. Modification of application at hearing.
    a. In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Town Council, Planning Commission or Board of

Adjustment (BOA), the applicant may agree to modify his or her application, including the Plans and specifications submitted.

b. Unless such modifications are so substantial or extensive to materially change the Plans, the hearing body may approve the application with the stipulation that the permit will not be issued until Plans reflecting the agreed-upon changes are submitted to the Town for review and approval as an administrative act.

(c) *Public notice requirements.* Notice shall be provided for each application as indicated in Table x-x-x-x and Table x-x-x below. The applicant shall be responsible for all costs of such notices.

1. *Annexations.* Annexation notifications shall be completed in accordance with Colorado statute, see C.R.S. 31-12-101 et seq.
2. *Mailed Notice Requirements.* Where mailed notice is required under this Code, the following requirements shall be met:
    a. Content. The mailed notice shall include a description of the proposal; the location of the meeting or hearing; the date, time, and location of the meeting or hearing; and information regarding public comment.
    b. Mailing List. Where required by statute or this chapter, the mailed notice shall be sent to the following groups:
        1) All record landowners within one thousand (1,000) feet of the proposal boundaries no later than fifteen (15) calendar days before the hearing (unless otherwise specified by state statute).
        2) To other interested property owners, such as mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies no later than fifteen (15) calendar days before the hearing (unless otherwise specified by state statute).
        3) To other parties of interest or referral agencies as determined by the Manager or Director no later than fifteen (15) calendar days before the hearing (unless otherwise specified by state statute).
    c. Affidavit of Compliance. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the Director prior to the meeting or public hearing to which the notice relates. Failure to provide the affidavit for a public hearing shall result in continuation of the public hearing.
    d. Surface Development Notification. Notices shall be mailed to the mineral estate owner no later than required by state statute, see C.R.S. 24-65.5-103.
3. *Posted Notice Requirements.* If notice by posting of the property is required by statute or this chapter, such notice shall occur by prominently posting signs on the property that is the subject of the proposed action. Such signs shall be posted no less than fifteen (15) calendar days prior to the hearing (unless otherwise specified by state statute) and shall be easily legible from the nearest public streets. The sign shall be in the format available from the Town.
    a. Affidavit of Compliance. If posting was done by the applicant, the applicant shall provide (prior to the hearing) an affidavit showing that the property was posted within the specified time.
    b. When applicant has made all reasonable and good faith efforts to maintain posted notice, failure of this posted notice will not be grounds to invalidate the application.

4. *Published Notice Requirements.* The Town Clerk shall give notice of any public hearing required as follows:
    a. Notice shall be given to potentially interested persons by publishing a notice one (1) time in a newspaper of general circulation in the area not less than fifteen (15) calendar days prior to the hearing (unless otherwise specified by state statute).
    b. This notice shall state the date, time, and place of the hearing, reasonably identify the lot, parcel or property that is the subject of the application or appeal and give a brief description of the action requested or proposed. Proof of publication shall be made part of the record at the time of the public hearing.

Table x-x-x. Notification Timeframes and Requirements

(See Table x.x – Review Procedures for additional information)

	Mailed Notice	Posted Sign	Publication
Annexation	Owners within 1,000 feet; 15 calendar days prior to Planning Commission meeting	15 calendar days prior to Planning Commission meeting	Once a week for four (4) consecutive weeks; 30 days prior to Town Council meeting
Comprehensive Plan Amendment	Each government body of territory affected; 15 calendar days prior to meeting	15 calendar days prior to meeting	Not required
Major Subdivision – Preliminary Plat	Owners within 1,000 feet; 15 calendar days prior to meeting	15 calendar days prior to meeting	15 calendar days prior to meeting
Major Subdivision – Final Plat	Owners within 1,000 feet; 15 calendar days prior to meeting	15 calendar days prior to meeting	15 calendar days prior to meeting
Rezoning	Owners within 1,000 feet; 15 calendar days prior to meeting	15 calendar days prior to meeting	15 calendar days prior to meeting
Land Development Code (Text) Amendments	Not required	Not required	15 calendar days prior to meeting
Use by Special Review	Owners within 500 feet (up to 1,000 feet at discretion of Town Manager); 15 calendar days prior to meeting	15 calendar days prior to meeting	15 calendar days prior to meeting
Variance – Major	Owners within 300 feet (up to 1,000 feet at discretion of Town Manager); 15 calendar days prior to meeting	15 calendar days prior to meeting	15 calendar days prior to meeting
Appeals	Owners within 500 feet; 15 calendar days prior to meeting	Not required	Not required
ROW Vacation / Dedication	Owners within 500 feet; 15 days prior to meeting	Not required	15 calendar days prior to meeting
Home-Based Business - Type II	Owners within 500 feet; 15 calendar days prior to meeting	Not required	15 calendar days prior to meeting

Section 16.x.xx. – Annexation.

(a) *Purpose.* The purpose of this Section is to establish a procedure to bring land under the jurisdiction of the Town in compliance with the Colorado Municipal Annexation Act of 1965 (hereafter referred to as "Act"), as amended. This article, in part, provides supplemental requirements for annexation pursuant to the Act and is not to be construed as altering, modifying, eliminating, or replacing any requirement set forth in that Act or any requirements set forth in other portions of this Code. In the event of a conflict between the Act, the provisions of this Section, or any requirements set forth in other portions of this Code, it is the expressed intent of the Town Council that the more stringent provision shall control.

(b) *Review Criteria.*

1. General Eligibility. The Town may consider an annexation petition for land that satisfies the eligibility requirements of the state statutes as follows:
    a. The area proposed for annexation has not less than one-sixth of its perimeter contiguous with the Town's municipal boundaries.
    b. A community of interest exists between the area proposed for annexation and the Town and the area is integrated with or is capable of being integrated with the Town.
    c. The full width of all public rights-of-way adjacent to a proposed annexation shall be included in the annexation.
    d. The responsibility to apply for exclusion from any applicable special districts shall be upon the applicant of the annexation.
    e. Annexations of enclaves may be initiated by the Town when such enclaves have been surrounded by property within the Town's municipal limits for a period of at least three years.
2. Specific Criteria. The Town shall evaluate annexations according to the following criteria:
    a. The annexation complies with the Municipal Annexation Act of 1965, as amended (C.R.S. 31-12-101 et seq.);
    b. The proposed annexation complies with the Comprehensive Plan goals and objectives, other adopted plans and policies, and the regulations of this Code;
    c. The proposed annexation promotes geographical balance of the Town's land use pattern;
    d. Adequate facilities and services are or will become available to support the current or future development within the annexation area. Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the Town in order for the public needs to be served by such facilities (including but not limited to streets, bridges, public parks and recreation areas, water and sanitary sewer facilities, school sites, fire and police station sites and storm drainage facilities).
    e. The annexation shall be shown not to create any additional cost or burden on the then-existing residents of the Town.
    f. The applicant has demonstrated that the proposed annexation follows all pertinent intergovernmental agreements to which the Town is a party.
    g. The proposed annexation is needed to accommodate future land use requirements.
    h. The proposed zoning complies with the Rezoning Review Criteria in Sec. x-x-x.
    i. The property being annexed is located within the Town's Growth Management Area.
    j. Unless otherwise agreed to, the landowner has waived in writing any preexisting vested property rights as a condition of annexation.
    k. Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels (for example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property.)
    l. To the extent allowed by law or possessed by landowner, all subsurface (non-tributary) water rights shall be deeded to the Town at the time of annexation.
    m. Town-initiated annexations shall conform to C.R.S. 31-12-106 and the annexation ordinance shall include an annexation map meeting the requirements of C.R.S. 31-12-107(1)(d).

(c) *Review Procedures.* In addition to the specific review procedures required by state statutes at the time of annexation, and in accordance with the general procedures section of this Code, the following specific procedures apply to annexations:

1. A petition for annexation shall be signed by more than fifty (50) percent of the landowners in the area and owning more than fifty (50) percent of the land are of the proposed annexation.
2. An application form, related fees, and supporting documents includes plans, reports, and studies shall be provided by the applicant consistent with the application checklist requirements available through the Town.
3. The annexation assessment report is necessary for the Town to evaluate the feasibility and impacts of the proposed annexation on the Town's infrastructure, including but not limited to the ability to serve with streets, water, sanitary sewer, storm sewer, parks and recreation, schools, police, and fire protection; compliance with the Comprehensive Plan; sources of revenue from the property; the Town's costs to serve the proposed development and other related matters.
4. The applicant shall submit concurrently with their annexation application a request to establish zoning in accordance with the rezoning criteria found in Sec. x-x-x.
5. An annexation agreement shall be required for all annexation requests into the Town. See the annexation agreement criteria in Subsection x-x-x.
6. The Town Council shall review the annexation request to determine whether to proceed with annexation of the property by resolution, which shall include the public hearing dates.
7. The Planning Commission shall hold a public hearing on the annexation and consider the review criteria in this section when making a recommendation.
8. The Town Council shall hold a public hearing on the annexation and consider the review criteria in this section, the recommendations from staff and the Planning Commission, and determine if the annexation petition complies with the Municipal Annexation Act of 1965 when deciding on the annexation request.

(d) Effect of Decision. If the annexation is approved, the Town shall have the signed annexation plat recorded with the County. Annexed areas shall be included in the Town's zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance

(e) Annexation hearing notices.

1. Notice of the public hearing for annexation set by the resolution of substantial compliance shall be published and given to the county and to any special district or school district having territory within the area to be annexed in accordance with State law.
2. A copy of the published notice, together with the letter of intent provided with the application and the annexation maps, shall be sent by the Town by U.S. mail to the owners of real property within one thousand (1,000) feet of the boundaries of the proposed annexation, irrigation ditch companies whose rights-of-way traverse the property to be annexed and to the mineral estate owners and their lessees of the property to be annexed, as outlined in Section 16.1.160 of this Code. Notice provided by the Town to the owners of the mineral estate and their lessees shall not relieve the petitioners of the responsibility to provide notice as required by Section 24-65.5-101, et seq., CRS. In the case of a "flagpole" annexation, the Town shall also provide notice to abutting property owners as specified in Section 31-12-105, CRS.

3. Petitioner's responsibilities—mailing labels, notice to mineral estate owners and lessees. Upon notice of complete application by Town Staff:
    a. The petitioner shall provide the Town with a set of standard mailing labels for the owners of real property within one thousand (1,000) feet of the property to be annexed, the mineral interest owners and lessees for the property to be annexed, the irrigation ditch companies whose rights-of-way traverse the property to be annexed and the special districts encompassing the property to be annexed. The petitioner shall also certify that the required address list of owners of real property is complete. The petitioner will provide adequate envelopes and postage for all the referenced mailings with submittal package.
    b. The petitioner shall provide a set of standard mailing labels for all special districts encompassing the property to be annexed, the Board of County Commissioners and the county attorney, special districts and school districts with territory within the property to be annexed, and referral agencies of the Town, as directed by the Town. The petitioner shall also provide enough labels to mail notice to the owners of real property and mineral interest owners and lessees identified in the mailing list.
    c. The petitioner shall be responsible for providing notice of each public hearing (Planning Commission and/or Town Council) to the owners of the mineral estate on the property to be annexed and to their lessees, as required by Section 24-65.5-101, et seq., CRS. The petitioner shall certify to the Town Clerk the petitioner's conformance with this notice requirement, not less than fifteen (15) days prior to the date of the public hearings.

(f) *Annexation agreement.* An annexation agreement is required for all annexation applications, unless waived by the Manager. The Town will provide the applicant with a draft agreement to review and finalize as part of the development review process. The annexation agreement must be executed by the applicant prior to scheduling the Planning Commission and Town Council public hearings on the annexation proceedings. The annexation application is reviewed and considered by Town Council as part of the overall annexation request.

Section 16.x.xx. – Rezoning.

(a) *Purpose.* The rezoning process provides for the review of changes to the boundary of zoning districts that may be necessary to:
    (1) Establish zoning with an annexation application;
    (2) Correct a manifest error in an ordinance;
    (3) Implement the Comprehensive Plan goals and policies;
    (4) To account for changed conditions in the general area; and/or
    (5) To reflect a change in policies with respect to future development.

(b) *Review Criteria.* A rezoning request shall be reviewed according to the following criteria.
    (a) The proposal is consistent with the Comprehensive Plan, other Town adopted plans and/or policies, and the criteria of this Code.
    (b) The proposal serves a community need or amenity that was not considered at the time of the initial zoning of the property.

(c) Any anticipated negative impacts or burdens on the area, public infrastructure, or adjacent properties are either mitigated by sound planning, design, and engineering practices, or are outweighed by broader public benefits to the surrounding community.
(d) The proposed zoning will further development in the area that is in character with existing or future development when considering the design, pattern, scale, and compatibility with surrounding uses and developments.
(e) The recommendations of technical and professional staff, advisory review bodies, or any other public entity authorized to review the rezoning application.

(c) Review Procedures. In addition to the general procedures found in this Code, the following requirements are specific to rezoning applications:

(1) The application shall include a written statement describing the proposal and addressing the following points:
    a. Rationale for the proposed rezoning.
    b. Present and future impacts on the existing adjacent zone districts, uses and physical character of the surrounding area.
    c. Impact of the proposed zone on area accesses and traffic patterns.
    d. Availability of utilities for any potential development.
    e. Present and future impacts on public facilities and services, including but not limited to fire, police, water, sanitation, roadways, parks, schools, and transit.
    f. The relationship between the proposal and the Comprehensive Plan.
    g. Public benefits arising from the proposal.
    h. The applicant shall provide contact information to the Town with mineral interest owners of record, mineral and oil and gas lessees for the property, and appropriate ditch companies.
(2) Applications for rezoning may run concurrently with related development applications at the direction of the Manager and/or Director.
(3) Following review by staff and referral agencies, and any necessary resubmittal(s), the Town shall schedule review of the rezoning request by the Planning Commission during a public hearing.
(4) The Planning Commission shall hold a public hearing, review the request, and make a recommendation to the Town Council. Following Planning Commission action, the Town shall schedule review and final decision of the rezoning request by the Town Council.
(5) Town Council shall hold a public hearing and make a final decision on the rezoning application by ordinance.

(d) *Effect of Decision*. Upon approval of a rezoning request to the official zoning map by the Town Council, the Town shall cause an appropriate revision of the official zoning map to be prepared. If the applicant initiated the rezoning request, the petitioner shall pay the Town's cost for the preparation of the revision to the official zoning map. The Town shall record a copy of the official zoning map amendment with the County.

(e) *General rezoning of the Town*. Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of the zoning code, whether such revision is made by repeal of the existing zoning code and enactment of a new zoning code or otherwise, the requirement of an accurate survey map or other sufficient legal description thereof, and the notice to and listing of names

and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection with the Town for fifteen (15) days prior to the public hearing on such amendments.

(f) Zoning of annexed territory.

(1) Zoning of land during annexation may be done in accordance with the procedure and notice requirements of this Article. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.

(2) Any area annexed shall be brought under the provisions of this Article and the zoning map within ninety (90) days from the effective date of the annexation ordinance, despite any legal review that may be made challenging the annexation. During such ninety (90) day period, or such portion thereof as is required to zone the territory, the Town shall not issue a building permit for any portion(s) of the newly annexed area.

Section 16.x.xx. – Minor subdivision.

(a) *Purpose.* Minor subdivisions establish or alter legal boundaries of parcels consistent with the Town's regulations and design criteria of this Code, but do not significantly alter development patterns or impact public improvements and facilities. The minor subdivision process may be used in lieu of the preliminary and final subdivision processes in any of the following situations, and the Director determines that the subdivision is compatible with and will not adversely impact surrounding properties:

1. The alteration or creation of legal boundaries for five (5) or fewer lots, blocks, tracts, and/or outlots;
2. To correct an error in the legal description or other administrative element of an approved plat;
3. To dedicate, vacate, or alter easements;
4. To establish a condominium plat of a building on an existing, legally platted lot into individual ownership units, relative to commonly owned elements and common area covenants and agreements;
5. When the above situations apply and there are no variances or alternative compliances required or requested; and
6. When the above situations apply and there are no public rights-of-way dedication required or requested.

(b) *Review Criteria.* A minor subdivision may be approved by the Manager and/or Director if it is determined the application complies with the review criteria applicable to the preliminary subdivision process of this Code.

Commented [OJ2]: If desired, we can duplicate the criteria language here.

(c) *Review Procedures.* In addition to the specific review procedures required in accordance with the general procedures section of this Code, the following specific procedures apply to minor subdivision applications.

1. If the Manager and/or Director determine at any point in the process that the application is no longer eligible to continue or does not meet the criteria as a minor subdivision, the Manager and/or Director may deny the application or allow the applicant to reclassify as a preliminary subdivision according to additional required information or fees.
2. After staff and referral agency review, and any necessary resubmittals to address all outstanding review comments, the Manager or Director may make a final decision on the minor subdivision application.

(d) *Effect of Decision.* If the minor subdivision is approved, the Town shall have the signed plat recorded with the County. A recorded minor subdivision shall create a vested property right for three years as specified in the vested property rights section of this Code, unless otherwise specified in a fully executed agreement.

Section 16.x.xx. – Preliminary subdivision.

(a) *Purpose.* Preliminary subdivisions apply to all land divisions or other alterations of legal boundaries of lots, blocks, tracts, and/or outlots that are ineligible for the minor subdivision processes of this Code. The preliminary subdivision application is the first step in the major subdivision process, followed by the final subdivision application as outlined in this Code. The preliminary subdivision process provides detailed planning review of development patterns, street networks, block and lot layout, and preliminary engineering for future development prior to preparation of detailed construction and engineering plans.

(b) *Review Criteria.* A preliminary subdivision shall be reviewed according to the following criteria.
1. The subdivision provides for a functional system of land use and is consistent with the criteria set forth in this Code.
2. The mix of land uses within the project area conforms with the existing or proposed zoning and furthers the following planning objectives:
    a. The proposal promotes the Town's adopted plans, goals, and policies;
    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 and transportation designs are adequate and meet the standards set by the Severance Transportation Master Plan and the Severance Construction Standards given existing and planned capacities of those systems.
4. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
5. The subdivision will not create lots that are undevelopable or that are burdened with costs that would preclude development from occurring on other property.

(c) *Review Procedures.* In addition to the specific review procedures required in accordance with the general procedures section of this Code, the following specific procedures apply to preliminary subdivision applications.
1. After staff and referral agency review, and any necessary resubmittals to address all outstanding review comments, the Town shall schedule review by the Planning Commission.
2. The Planning Commission shall hold a public hearing and make a recommendation on the preliminary plat to the Town Council. Following review and a decision by the Planning Commission, the Town shall schedule review and final decision by the Town Council.
3. The Town Council shall hold a public hearing and make a final decision on the preliminary subdivision plat.

(d) *Effect of Decision.* An approved preliminary subdivision shall have a vested property right for two (2) years as specified in the vested property rights section of this Code, except that any complete submittal of a final subdivision for any phases indicated on the preliminary subdivision shall extend the expiration deadline for an additional one (1) year. Approval will automatically expire at the end of two (2) years unless an applicant formally requests an extension of one (1) year from the Town Council prior to termination or submits a completed final subdivision application for all or a portion of the property. Extensions of a preliminary subdivision approval are at the discretion of the Town Council.

Section 16.x.xx. – Final subdivision.

(a) *Purpose.* Final subdivisions complete the subdivision of land consistent with the technical standards of the Town including the review and coordination of construction documents, and review and dedication of easements, rights-of-way, and public lands. A final subdivision application may only be submitted following review and approval of a preliminary subdivision plat.

(b) *Review Criteria.* A final subdivision shall be reviewed according to the following criteria.

1. The final subdivision plat is in substantial conformance with the approved preliminary subdivision plat. For the purposes of this Code, substantial conformance, including design adjustments made to meet any conditions of preliminary subdivision approval, is determined as follows:
    a. Does not change any land use of the proposed subdivision plat.
    b. Does not significantly change the number of lots or residential density.
    c. Does not contain changes that would render the final subdivision plat in nonconformance with requirements of this Code.
    d. Does not contain significant changes in street alignment and/or access points or other public elements such as drainage improvements, utility lines, or facilities.
    e. Does not significantly change any measurable standard (other than above).
    f. The development complies with this Code, the Comprehensive Plan, and Town adopted plans and/or policies.
    g. All applicable technical standards, including the provision of water in sufficient amount and quality, have been met.
2. The recommendations of technical and professional staff, advisory review bodies, or any other public entity authorized to review the final subdivision plat.

(b) *Review Procedures.* In addition to the specific review procedures required in accordance with the general procedures section of this Code, the following specific procedures apply to final subdivision applications.

1. The applicant shall identify all public and private improvements to be constructed as part of the final subdivision application. The applicant shall submit final plans and specifications for these improvements and ensure construction of these improvements. Such assurances will be incorporated as part of a fully executed agreement between the applicant and the Town with security posted in accordance with the development agreement and security provisions of this Code.
    a. After, or concurrent with, final subdivision review and/or approval, the applicant shall prepare and submit construction drawings and final reports for administrative approval by the Town prior to commencement of construction.

2. Following staff and referral agency review, and any necessary resubmittals to address all outstanding review comments, the Town shall schedule review by the Planning Commission.
3. The Planning Commission shall hold a public hearing and make a recommendation on the final subdivision plat to the Town Council. Following review and a decision by the Planning Commission, the Town shall schedule review and final decision by the Town Council.
4. The Town Council shall hold a meeting and make a final decision on the final subdivision plat.

(c) *Effect of Decision.* If the final subdivision plat is approved, the Town shall have the signed plat recorded with the County along with the executed development agreement. A recorded final subdivision plat shall create a vested property right for two (2) years as specified in the vested property rights section of this Code, unless otherwise specified in a fully executed agreement. Approval will automatically expire at the end of two (2) years unless an applicant formally requests an extension of one (1) year from the Town Council prior to termination and can show substantial progress has been made on the installation of public improvements. Extensions of a final subdivision plat approval are at the discretion of the Town Council.

(d) *Sales prior to recording of final plat***.** Except as provided in this section, it is unlawful for any subdivider or agent of a subdivider to transfer, sell or advertise, offer, or agree to transfer or sell any separate interest in property before a final subdivision plat for such property has been approved in accordance with the provisions of this article and recorded with the County.

Section 16.x.xx. – Site plan.

(a) *Purpose*. The site plan is a prerequisite to a building permit for all multi-family, commercial and industrial developments, and uses by special review. The site plan shows how the lot will be developed so the Town can ensure the site design will comply with all regulations of this Code and the vision and goals of adopted plans and/or policies.

(b) *Review Criteria.* The site plan shall be reviewed according to the following criteria.
1. All information required on the site plan, as identified by the Town, is clearly shown.
2. The lot size and lot dimensions are consistent with the approved final plat and requirements of this Code.
3. No buildings or structures infringe on any easements.
4. The proposed site grading is consistent with the requirements of adopted storm drainage criteria or master drainage plans.
5. The density and dimensions shown conform to the applicable density and dimensional standards of this Code.
6. The proposal demonstrates compatibility with adjacent uses such as building placement and orientation, transitions in density and overall building height, overall site, and structure design, and buffering and landscaping criteria of this Code.
7. The proposal mitigates nuisance impacts such as heat and glare, traffic congestion, noise, light spill, and other factors that affect public health, safety, and welfare.
8. The proposal meets the adopted design criteria of this Code and any supplemental design guidelines and/or policies adopted by the Town.

9. The applicable provisions of this Code have been adequately addressed, and the proposed improvements conform to this Code.
10. The recommendations of technical and professional staff, advisory review bodies, or any other public entity authorized to review the site plan application.

(c) Review Procedures. In addition to the general procedures found in this Code, the following requirements are specific to site plan and site plan amendment applications:

1. Requests for alternative compliance or a variance from the criteria of this Code shall be processed concurrently with the site plan review but are subject to additional review, application fees as established by the Town, and adopted application submittal requirements.
2. The Town may require the applicant to execute a development agreement to ensure the completion of all on-site and off-site improvements as shown on the site plan drawings and identified in accompanying technical reports and studies to the site plan application.
3. Following review by staff and referral agencies, and any necessary resubmittal(s), the Town shall schedule review of the site plan request by the Planning Commission.
4. The Planning Commission shall review the request and make a recommendation to the Town Council. Following Planning Commission action, the Town shall schedule review and final decision of the site plan request by the Town Council.
5. Town Council shall review the site plan request and make a final decision on the application.

(d) Effect of Decision. Approval of the site plan application shall authorize the applicant to apply for a building permit or other construction related permits associated with the project.

1. A building permit shall be issued after a site plan has been approved and an agreement reflecting any additional requirements has been executed and recorded. With Town approval, an applicant may submit a building permit application concurrent with the site plan application or during the review process. Building permits shall not be issued for any development that is not in conformance with the approved site plan.
2. The site plan shall be effective for a period of two (2) years from the date of approval unless stated otherwise in the written site plan approval. Building permits shall not be issued based on site plans that have an approval date more than two (2) years old. For multi-phased plans, building permits shall not be issued based on an approval date more than two (2) years from the date of Phase I approval, or as otherwise described in the approved phasing plan and/or executed agreement.

(e) Amendments to approved site plans. Minor variations in the location of structures, site improvements, or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved administratively by Town staff.

1. Such changes shall not exceed ten percent (10%) of any measurable standard or modify the use, character, or density of an approved site plan. Additional changes may include exterior building modifications, expansion of impervious surface, and the addition of an accessory structure less than five hundred (500) square feet in size.

a. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.

2. Changes to approved site plans that exceed the ten percent (10%) threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application.
    a. Such amendments shall require Planning Commission review and Town Council approval to become effective. A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this Code.

Section 16.x.xx. – Land development code (text) amendments.

(a) *Purpose.* The Town Council, Planning Commission, or Town staff may initiate amendments to the text of these regulations. Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of the zoning code, whether such revision is made by repeal of the existing zoning code and enactment of a new zoning code or otherwise, the requirement of an accurate survey map or other sufficient legal description thereof, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the Town hall during regular business hours for fifteen (15) days prior to the public hearing on such amendments.

(b) *Review Criteria.* A text amendment shall be reviewed according to the following criteria.
    1. The amendment furthers the purposes of the Code.
    2. The amendment improves the efficiency and effectiveness of administering the Code.
    3. The amendment is consistent with the Comprehensive Plan and other adopted plans and/or policies.
    4. The amendment incorporates innovations in land use and development practices that were not envisioned at the time the Code was written.
    5. The amendment promotes the public health, safety, and welfare of the Town's residents.

(c) *Review Procedures.* In addition to the general procedures found in this Code, the following requirements are specific to text amendment requests:
    1. Requests may run concurrently with a related Comprehensive Plan or other adopted plan amendment if the amendment or plan has met the legal and policy requirements for approvals independently of the proposed code amendment.
    2. Amendments require the recommendation of the Planning Commission to the Town Council.
    3. Town Council may recommend the request be returned to Planning Commission for further review or request additional information prior to acting on the request.

(d) *Effect of Decision.* Amendments to the text of this Code shall be approved by the Town Council as an ordinance and be effective after the date specified in the ordinance. The Town shall incorporate the approved amendments into this Code.

(e) *Annual Review.* Town staff may provide a summary report of any formal issues, concerns, or suggested updates regarding this Code to the Planning Commission for review and consideration on an annual basis or as needed. The Planning Commission may direct action, additional research, or investigation into

elements of this Code that may need modified. The intent of the annual review is to provide an opportunity to keep the Code current and ensure its viability and responsiveness over time.

Section 16.x.xx. – Use by special review.

(a) *Purpose.* A use by special review provides flexibility for consideration by the Town of different land uses which are unique in nature or character on a case-specific review. These uses may require specific design criteria, operational limitations, or additional mitigation measures to ensure the use is appropriate in a specific location of Town.

(b) *Review Criteria.* A use by special review shall be reviewed according to the following criteria.

1. The proposal is consistent with the goals and vision of the Comprehensive Plan and other adopted plans and/or policies of the Town.
2. The proposal furthers the intent of the underlying zone district and does not conflict with the intent or character of abutting zone districts.
3. The associated site development or construction is consistent with the requirements of this Code, including any unique requirements identified for the land use.
4. The proposal is compatible with adjacent uses in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use, and other potential impacts on adjacent property.
5. The site is physically suitable for the proposal.
6. The proposal does not result in undue or unnecessary burdens on the existing public infrastructure, or arrangements are made to mitigate such impacts.
7. Whether a limited approval timeframe for the requested use is reasonably necessary to:
    a. Limit the duration of the use;
    b. Assess the use against changing conditions in the area; or
    c. Ensure periodic reporting and ongoing enforcement of any approvals.
8. The recommendations of technical and professional staff, advisory review bodies, or any other public entity authorized to review the use by special review request.

(c) *Review Procedures.* In addition to the general procedures found in this Code, the following requirements are specific to use by special review applications:

1. A complete application shall include the following minimum requirements:
    a. A written request with justification for the use by special review.
    b. A conceptual site plan with necessary information to review conformance of any construction with standards of this Code, and to review any performance criteria for the proposal.

    A use by special review application may be processed concurrently with a site plan application, as required by the Town.
2. Following review of the request by staff and referral agencies, and any necessary resubmittal(s), the Manager or Director shall schedule review and final action of the request by the Planning Commission.
3. The Planning Commission shall hold a public hearing and make a final decision on the use by special review request.

4. The Planning Commission may include conditions on the approval to mitigate concerns with the physical development, operations, or maintenance.
5. The decision of the Planning Commission may be appealed by the applicant to the Town Council.

(d) *Effect of Decision.* Approval of a use by special review allows the applicant to apply for a site plan application, as applicable, prior to a building permit or other applicable development and construction permits.

1. A use by special review shall expire within one (1) year if the applicant has not submitted for an application for a site plan, building permit or other development and construction permits, licenses, or approvals necessary to establish the use. The Manager or Director may grant a one (1) year extension to this timeframe that is ratified by Planning Commission. This timeframe is distinct from any duration limits, periodic reviews, or renewal periods once the use is established, which may be a condition of approval by the Town.
2. The approval shall expire if the use is no longer active or in operation after a one (1) year timeframe.
3. Minor changes may be approved by the Manager and/or Director upon meeting each of the following criteria:
    a. The change expands the floor area, height, or other dimensional standards of the original approval by less than ten (10) percent;
    b. There is not a change of use or significant increase in the intensity of the use that could adversely impact adjacent properties;
    c. The change does not exceed the limits or violate any specific conditions of the original approval; and
    d. The change complies with all other provisions of this Code.

   All other proposed changes to the use shall require an amendment to the use by special review through the same procedures and criteria as the original application.
4. A use by special review may be revoked by the Planning Commission through the same procedures granting the use, upon a finding that the conditions of approval have not been met, or that the use has otherwise violated the provisions of this Code.

Section 16.x.xx. – Appeals.

(a) *Purpose.* The appeals process allows for the review of a decision, as outlined in the procedures section of this Code, to determine if there was an error in any final decision in the interpretation, administration, or enforcement of this Code by the decision body. Appeals may be filed by any person aggrieved and materially affected by a final decision.

(b) *Review Criteria.* When hearing an appeal request as outlined in this Code, the appellate body shall consider the following criteria.

1. The technical meaning of the provision being appealed.
2. Evidence of the way the provision has been interpreted in the past.
3. The positive or negative impact of the requested appeal on the achievement of stated development goals and policies of the Town, as outlined in this Code.

4. The intent of the provision in implementing the Comprehensive Plan and other adopted plans and/or policies of the Town.

(c) *Review Procedures.* Appeal requests shall be filed in writing with the Town no later than fifteen (15) days from the date of the order, requirement, decision, or determination being appealed. Failure to make a timely and complete appeal request shall be considered a waiver of the appellant's rights to appeal to the Town's appellate body.

1. Applicants for an appeal request must submit the following to be deemed a complete appeal request.
    a. Written notice of the appeal on a form approved by the Town.
    b. A description and the date of the final order, requirement, decision, or determination being appealed.
    c. A description of the grounds for the appeal, including specific allegations of error.
2. An appeal halts all proceedings in furtherance of the order, requirement, decision, or determination appealed from unless the Town certifies that it could cause imminent peril to life or property.
3. Following review of the request by staff and , the Manager or Director shall schedule review and action by the appropriate Town appellate body depending on the item being appealed in accordance with the review procedures summary table and the notification requirements table of this Code.
4. The Town's appellate body for the case shall review and make a final determination by a majority vote on the appeal request and shall provide a written record of their findings.

(d) *Effect of Decision.* The Town's appellate body is the final quasi-judicial decision of the Town.

1. A decision to deny a requested appeal may be appealed to a court pursuant to the applicable Colorado Rules of Civil Procedure.
2. A decision to approve a requested appeal based on unclear interpretation of this Code or other regulatory document may cause Town staff to propose amendments that address future interpretation problems.

Section 16.x.xx. – Variances.

(a) *Purpose.* A variance is a process to provide relief from the strict interpretation of the zoning and development standards of this Code, which when applied to a particular property within a specific context would create a practical difficulty or an unnecessary and undue hardship on all reasonable use of the property. Variances address exceptional or unique situations that were not caused by an applicant's act or omission. This application shall only apply to dimensional and site development criteria of this Code and shall not be used to authorize a non-permitted land use within a specific zone district or deviate from established design standards.

Variances are categorized into Minor and Major application types as follows:

1. Minor Variance requests are reviewed and decided by the Manager or Director in the following circumstances:

Commented [OJ3]: Confirm with legal on the use of 'Minor Variance' in terms of State Statute, vs 'Administrative Adjustment' or another acceptable phrase --- to update phrase as needed.

a. Variances to a setback, building location, or building height requirement by up to ten (10) percent of the requirements of this Code. Where this figure is less than one (1) foot, the Manager or Director may approve a variance up to and not to exceed one (1) foot.
b. Variances to building coverage, and a lot or open space area or dimension requirement of up to five (5) percent of the requirement.
c. Variances to adopted Construction Specifications.

2. Major Variance requests are reviewed and decided by the BOA.

(b) *Review Criteria.* A variance shall be reviewed based on the following criteria.

1. The strict application of this Code would result in a practical difficulty or unnecessary hardship that limit the reasonable use of the property without granting the variance.
2. The difficulty or hardship is caused by unique physical circumstances or conditions, such as irregularity, narrowness, or shallowness of the lot, or exceptional topographical or other physical conditions particular to the affected property and were not created by the applicant for personal or financial gain.
3. The demonstrable hardship is not self-imposed.
4. Granting the variance will not adversely affect the rights of proposed development or use of adjacent property or the neighborhood.
5. Granting the variance will not change the character of the zoning district in which the property is located.
6. Granting the variance is in keeping with the purpose and intent of this Code, the goals of the Comprehensive Plan, and with adopted plans and/or policies of the Town.
7. Granting the variance will not adversely affect the health, safety, or welfare of the citizens of the Town.
8. Granting the variance will not create a building or fire code violation or other safety hazard.

(c) *Minor Variance Procedures.* In addition to the general procedures found in this Code, the following requirements are specific to the Manager or Directors review of a minor variance application.

1. A complete application shall include the following minimum requirements:
   a. A written request with justification for the minor variance request.
   b. A conceptual site plan or plot plan with necessary information to review the request in relation to existing site conditions and the criteria of this Code.

   A minor variance request may be processed prior to, concurrently with, or following a site plan application, as required by the Town.
2. Following review of the request by staff and necessary referral agencies, and any necessary resubmittal(s), the Manager or Director shall make a final determination on the request based on the review criteria of this section.

(d) *Major Variance Procedures.* In addition to the general procedures found in this Code, the following requirements are specific to applications not eligible for a minor variance review.

1. A complete application shall include the following minimum requirements:
   a. A written request with justification for the minor variance request.
   b. A conceptual site plan or plot plan with necessary information to review the request in relation to existing site conditions and the criteria of this Code.

A major variance request shall be processed prior to or concurrently with a site plan application, as required by the Town.

2. Following review of the request by staff and necessary referral agencies, and any necessary resubmittal(s), the Town shall schedule review by the BOA.
3. Approval by a majority of the Board present shall be necessary to grant a variance.
    a. The Board may impose conditions or special requirements that best assure the criteria for approval are in place and maintained by the applicant, and that any violation of these conditions shall be considered a violation of an approval.

(e) *Effect of Decision.* Upon determination of a variance, the findings of approval or denial shall be stated in writing in the minutes of the Board with the justifications set forth. Upon approval, the applicant may proceed with the next steps in the process including but not limited to a site plan or building permit application. An approved variance that has not been acted upon with a building permit application or commencement of site improvements within one-hundred and eighty (180) days following approval shall expire and no further action is to be permitted.

Section 16.x.xx. – Alternative compliance.

(a) *Purpose.* The alternative compliance process provides limited flexibility in the application of design standards by allowing an applicant to request relief from the strict application of adopted design criteria where an equal or better design solution is possible. Alternative compliance shall not reduce requirements of this Code but provide for equivalent standards to be applied in a creative way. Alternative compliance requests shall be limited to the following design standards of this Code:
    1. Multi-Family Design Criteria
    2. Non-Residential Design Criteria

(b) *Review Criteria.* An alternative compliance request shall be reviewed based on the following criteria.
    1. The alternative will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use, or enjoyment of adjacent properties.
    2. The alternative will result in an outcome that equally meets or exceeds the goals of the Comprehensive Plan, this Code, and adopted plans and/or policies by the Town.
    3. The alternative shall not alter any land use and dimensional standards of this Code.
    4. The alternative shall be based on specific site conditions and unique site context.
    5. The proposed alternative shall meet or exceed the design objective of the adopted design standard.
    6. The alternative shall consider the context of the broader community benefits such as:
        a. Enhanced architectural features that complement or improve the character of the surrounding area.
        b. Adaptive reuse of existing buildings.
        c. Considerations of improved sustainability and mitigation of environmental impacts.
        d. Enhanced pedestrian amenities and features.

(f) *Review Procedures.* In addition to the general procedures found in this Code, the following requirements are specific to alternative compliance requests.

1. A complete application shall include the following minimum requirements:
    a. A written justification for the alternative compliance request addressing the review criteria above.
    b. A comparison of the requested alternative compliance against the existing criteria of this Code.
    c. Supporting images and details that illustrate the requested alternative.

   An alternative compliance request may be processed prior to submitting a formal site plan application. The details related to an alternative compliance shall be part of the formal site plan drawings.
2. Following review of the request by staff and necessary referral agencies, and any necessary resubmittal(s), the Town shall schedule review by the Planning Commission.
3. The Planning Commission will review and provide a recommendation on the request to the Town Council.
4. Town Council shall review and provide a determination on the request.

(c) *Effect of Decision.* Approval of an alternative compliance shall be indicated on the site plan drawings in a form approved by the Town to illustrate and document the authorized alternative to the Code criteria. Approval shall be valid for one (1) year when not associated with a formal site plan application. Once a formal site plan application has been submitted with the alternative compliance, the site plan timeframes and vesting shall be in effect.

Section 16.x.xx. – Dedication and vacation of easements.

(a) *Purpose.* The dedication and vacation of easements is the process to officially record or eliminate easements that grant specific access and property interests stated on the recorded document, typically a plat or separate easement dedication document.

(b) *Eligibility.* Easements may be dedicated or vacated in association with a minor or major subdivision process, or by this Section of the Code.
    (1) Eligible applicants for the dedication of an easement(s) include any person or entity with a property interest in the abutting and underlying land. The owner of the underlying land must be involved in the dedication process.
    (2) Eligible applicants for the vacation of an easement(s) shall be the easement holder or underlying property owner.

(c) *Review Criteria.*
    (1) The legal requirements for recording or eliminating the easement(s) have been established, and all forms and fees required by the Town have been submitted.
    (2) The applicant has provided proof of ownership and provided notice to all other ownership interests in the easement or affected property.
    (3) The request will not be detrimental to any adjacent property owner.
    (4) No owner or entity with a property interest in the easement has objected.
    (5) All parties with interest in or potentially impacted by the request have received notice and have had time to comment, including public and private utility providers.

(6) For a vacation, there is no current or future public purpose for the easement when considering the Comprehensive Plan and other adopted plans or policies.
(7) For a dedication, there are no conflicts with existing or planned easements and/or infrastructure.
(8) The application meets all other procedures and requirements of the Colorado Statutes, the Colorado Constitution, and the Municipal Code.

(d) *Review Procedures.* In addition to the general procedures found in this Code, the following requirements are specific to dedicating or vacating easements within the Town:
(1) The applicant shall submit an application, a plat or other legal document showing the proposed vacation or dedication, the affect to adjacent or abutting properties, and a legal description as warranted based on the request.
(2) The Town shall evaluate the application for completeness and coordinate review of the application per Section x-x-x. The review shall include a request for comments from all referral agencies who may have facilities or other interest in the easement.
(3) The Town may require the applicant complete a consent form from the applicant for all applicable public and private utility providers.
(4) The Director or Manager shall make a final decision following review and analysis by staff and referral agencies.

(e) *Effect of Decision.* After approval of an easement dedication or vacation, the Town shall record the plat or other legal document with the County. A denial of a vacation or dedication application may be appealed to the Planning Commission.

Section 16.x.xx. – Dedication and vacation of rights-of-way.

(a) *Purpose. The d*edication and vacation of rights-of-way (ROW) is the process to officially record or eliminate ROW granting specific access and property interests stated in the recorded document, which are not associated with a major subdivision process.

(b) *Eligibility*. ROW may be dedicated or vacated in association with a major subdivision process, or by this Section of the Code.
(1) Eligible applicants for a dedication or a vacation include the Town or any person or entity with a property interest in the abutting and underlying land. For ROW abutting multiple property owners, the Town may require all owners to be part of the application.

(c) *Review Criteria.*
(1) The legal requirements for recording or eliminating the easement(s) have been established, and all forms and fees required by the Town have been submitted.
(2) The applicant has provided proof of ownership of property abutting or underlying the ROW. Where multiple properties are involved, each owner shall be included on the application.
(3) The request will not be detrimental to any adjacent property owner.
(4) No owner or entity with a property interest in the ROW has objected.
(5) All parties with interest in or potentially impacted by the request have received notice and have had time to comment, including public and private utility providers.

(6) For a vacation, there is no current or future public purpose for the ROW when considering the Comprehensive Plan and other adopted plans or policies.
(7) For a dedication, the ROW will serve a public purpose and the dedication is sufficient to meet the design standards and specifications adopted by the Town for streets, sidewalks, trails, or other ROW.
(8) The application meets all other procedures and requirements of the Colorado Statutes, the Colorado Constitution, and the Municipal Code.

(d) *Review Procedures.* In addition to the general procedures found in this Code, the following requirements are specific to dedicating or vacating rights-of-way (ROW) in the Town:
(1) The applicant shall submit an application, a plat or other legal document showing the proposed vacation or dedication, the affect to adjacent or abutting property, and a legal description as warranted based on the request.
(2) The Town shall evaluate the application for completeness and coordinate review of the application per Section x-x-x. The review shall include a request for comments from all referral agencies who may have facilities or other interest in the ROW.
(3) The Town may require the applicant complete a consent form for all applicable public and private utility providers.
(4) Following review and analysis by staff and referral agencies, the Director or Manager shall schedule review by the Planning Commission.
(5) The Planning Commission shall consider the application subject to the review criteria and make a recommendation to the Town Council.
(6) Upon receipt of a recommendation from the Planning Commission, the Town Council shall make a final decision, and may condition a decision to vacate ROW on reserving any interest it determines necessary to serve a public purpose or the interests of the affected property.

(e) *Effect of Decision.* After approval of a right-of-way dedication or vacation, the Town shall record the scaled drawing or illustration and legal description with the County.

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Development Agreements and Security

Commented [OJ4]: Some of this language could be amended and possibly reduced in the future once the Town has adopted Standards and Specs for construction.

Section 16.x.xx. – Development agreement provisions and processes.

(a) *Purpose.* When public improvements, dedications, or similar components are part of a development application, the applicant shall enter into a development agreement (also referred to as an improvement agreement or subdivision agreement) with the Town to guarantee timing of dedications and construction of all required public improvements shown in the final development plan(s), together with security in a form approved by the Town Attorney. The development agreement, as applicable, shall be fully executed by the applicant prior to final review and action on the development plan by the Town, or the Town may postpone final action on the development plan. Such agreement shall include a list of all agreed-upon public improvements and landscaping, an estimate of the cost of such improvements (split out by phase as applicable), the form of guarantee for the improvements, and any other provisions or conditions deemed necessary by the Town to ensure all improvements will be completed in a timely, quality, and cost-effective manner. Such public improvements may include but are not limited to the construction of streets, curbs and gutters, driveways, sidewalks, storm drainage systems, public water and sewer infrastructure, fire hydrants, floodway and irrigation ditch improvements, streetlights, sidewalks, trails, traffic control devices, required off-site improvements, and signage.

(1) Other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required public improvements shown in the final development plan documents may also be required.

(b) *Timeframe for completion.* Commencement of construction of all or a portion of the approved development plan shall occur within two (2) years from the date of recordation of said development plan. The required timeframe for the completion of all required improvements for all or a portion of the development plan shall be three (3) years from the Town's issuance of a grading or other permit to commence construction. However, the Town may, for good cause shown, extend such time for commencement or completion of the required improvements upon request from the applicant to the Manager.

(c) *Process.* The following steps outline the process for creating, reviewing, approving, and administering the Town's development agreement process through final acceptance of all required improvements.

(1) *Step 1:* The Town provides a draft copy of the development agreement to the applicant during the development review process to review and comment on.

(2) *Step 2:* The applicant returns the draft agreement with proposed revisions for final review and consideration by the Town.

(3) *Step 3:* The Town sends the applicant a final signature ready version of the agreement to execute prior to final review and action on the development proposal. The signed agreement accompanies the final development plan for review by the decision body, as outlined in this Code under Article 2 – Procedures.

(4) *Step 4:* If the development plan is approved by the Town, the Town will execute the final development application and send the applicant a signed copy.

(5) *Step 5:* The applicant shall post security, in a form approved by the Town Attorney and outlined in the executed development agreement, to cover the construction and warranty period of the necessary improvements outlined in the agreement.

(6) *Step 6:* Following installation of the required improvements, the applicant shall apply to the Town for inspection of improvements, as required by this Code and all applicable laws, rules, and regulations.

(7) *Step 7:* The Town shall complete inspection(s) of all required improvements and determine if the project has received initial acceptance and can move into the warranty phase.

a. If incomplete, the Town will issue the applicant a letter and list of defects or items that require additional attention prior to the Town issuing initial acceptance. Once the applicant has addressed the Town's comments, they shall apply for reinspection of the outstanding improvements, see Step 6.

b. If complete, proceed to Step 8.

(8) *Step 8:* If deemed complete, the Town will issue initial acceptance of the required improvements and reduce the applicant's posted security to cover the two-year warranty period.

(9) *Step 9:* Following the two-year warranty period, the applicant shall apply to the Town for final acceptance and release of the remaining security.

(10) *Step 10:* The Town shall complete final acceptance warranty inspection(s) of all required improvements and determine if the project requires warranty work or if the Town can issue final acceptance.

a. If warranty work is needed, the Town will issue the applicant a letter and list of defects or items that require additional attention prior to the Town issuing final acceptance. Once the applicant has addressed the Town's comments, they shall apply for reinspection of the warranty items, see Step 9.

b. If no warranty work is identified, proceed to Step 11.

(11) Step 11: If no warranty work is necessary, the Town will issue final acceptance of the required improvements and return the remaining warranty security held by the Town. At this point, all remaining obligations of the applicant should have been met, subject to the requirements of the final development agreement.

(d) Amendments. In the event the agreement needs to be amended, the applicant or Manager may initiate the amendment process, which includes review of the proposed changes by both parties and a determination by the Manager on whether the proposed changes require Town Council review or if the proposed changes can be updated administratively. Administrative changes may include but are not limited to agreement deadline extensions, reassignment of the agreement requirements due to applicant or ownership changes, updates to the list of improvements based on administrative changes to the final development plans, or adjustments to the estimate of the cost of improvements based on market conditions.

Section 16.x.xx. – General regulations to the security for required improvements.

(a) *Purpose.* For each development agreement or similar agreement executed by the Town, the applicant shall post security in the form of a letter of credit, cash, or similar security instrument in a form approved by the Town Attorney and drawn in favor of the Town in an amount equal to one hundred percent (100%) of the estimated cost of the construction of the required improvements. Security may be provided for one hundred percent (100%) of the total development or by approved phase, as shown on the development

plans and in the executed development agreement. For purposes of this Section, "required improvements" shall mean, at a minimum:

(1) All improvements intended for dedication to the Town;
(2) All streets, sidewalks, and trails, regardless of whether they are intended for dedication to the Town;
(3) All storm drainage improvements, regardless of whether they are intended for dedication to the Town; and
(4) All landscaping improvements intended for dedication to the Town or to an approved association or district.

(b) *Initial Acceptance and Partial Release of Security.* Upon completion of such improvements within the required time and approval thereof by the Town, the Town shall cause the security, excluding the retainage for warranty security, to be released following the Town's initial acceptance of such improvements and receipt of the required as-built drawings; however, the Town will retain ten (10)-percent security of the original security until final acceptance at the end of the two (2)-year warranty period. When such improvements are not completed within the required time, the Town may cause the proceeds of the security to be used to close or complete the required improvements in accordance with the terms and provisions of the development agreement.

(e) *Partial release of security.* During construction of required improvements, the applicant may from time to time request the release by the Town of a portion of the security for improvements that have been inspected and approved by the Town Engineer, as shown on approved phasing plans as part of the approved development plan. The required warranty period shall commence upon completion and initial approval of all required improvements and landscaping in accordance with the terms and provisions of the development agreement. Full and complete acceptance of the project will occur at the termination of the warranty period after final inspection.

(f) *Warranty.* All workmanship and materials for all required improvements shall be warranted for a minimum period of two (2) years by the applicant as specified in the development agreement and this Code.

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Subdivision and Construction Requirements

Section 16.x.xx. – Reserved.

Section 16.x.xx. – Reserved.

Commented [OJ5]: Location for reference to Construction/Engineering Standards and Specifications – when established by the Town.

Section 16.x.xx. – Installing underground conduit.

(a) *Purpose.* To provide for the installation of public and private utilities after completion of streets, sidewalks, trails, or similar improvements, three (3) SDR11 smooth conduit lines, one and one-quarter (1 ¼)"inch in diameter, shall be placed at horizontal and vertical locations approved by the Town Engineer within the municipal utility easement with a capped junction at each buildable lot. In addition, when crossing a public street, a High-Definition Polyethylene (HDPE) four (4)-inch schedule 40 PVC sleeve conduit will be placed around each of the three (3) SDR 11 smooth conduit lines for the full width of the Right of Way (ROW).

(b) *Ownership.* Once installed and accepted by the Town, the conduit shall become the property of the Town, and its' use shall be subject to license or franchise by the Town.

Section 16.x.xx. – Reserved.

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Vested Property Rights

Commented [OJ6]: Language could be trimmed.

Section 16.x.xx. – Purpose.

This article specifies procedures necessary to implement Article 68 of Title 24, CRS, which establishes a vested property right to undertake and complete development of real property under the terms and conditions of an approved site-specific development plan. No vested rights shall be created within the Town except through a site-specific development plan. For purposes of this Article of Code, a site-specific development plan shall be limited to the following: preliminary subdivision, final subdivision, site plan, and/or a development agreement that creates a vested property right and is adopted as a legislative act of the Town. Zoning and annexation shall not result in the creation of vested property rights, other than as accompanied by the approval of a site-specific development plan. For all other development application types of this Code, applicants should reference the Lapse of Approval criteria and application specific Effect of Decision criteria of this Code.

Section 16.x.xx. – General provisions.

(a) *Request for site-specific development plan approval.* Landowners wishing the creation of vested property rights pursuant to Article 68 of Title 24, CRS shall request such approval in writing at least thirty (30) days prior to the date that the approval is to be considered. Failure of the landowner to request such an approval renders the Plan not a "site-specific development Plan" and no vested property rights shall be deemed to have been created.

(b) *Notice and hearing.* No site-specific development plan shall be approved until notice of such hearing has been published by the Town in accordance with the applicable development application notification requirements of this Code. Such notice may, at the Town's option, be combined with any other required notice. At such hearing, all interested persons shall have an opportunity to be heard.

(c) Approval, conditional approval, effective date, amendments, referendum, and review.

(1) A site-specific development plan shall be deemed approved upon the effective date of the Town action granting final approval of the Plan. The vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific development plan, including any amendments thereto.

(2) The Town Council may approve a site-specific development plan with terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval will result in a vested property right, although failure to abide by all such terms and conditions shall result in a forfeiture of the vested property right.

(3) In the event amendments to a site-specific development plan are approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site-specific development plan unless the Town Council specifically finds to the contrary and incorporates such findings in its approval of the amendment.

(4) The approval of vested property rights shall be subject to all rights of referendum and judicial review.

(5) The approval of vested property rights shall be subject to all rights of referendum and judicial review, except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication of a notice to the general public of the site-specific development plan and creation of vested property rights.

(d) Notice of approval.

(1) Each plat or site plan constituting a site-specific development plan by this Code shall contain the following notice:
"This Plan constitutes a site-specific development plan as defined in Article 68 of Title 24, CRS and as adopted as part of the Land Use Code by the Town of Severance, Colorado."
Failure to contain this statement shall invalidate the creation of the vested property right.

(e) *Duration of vested property right.* A property right that has been vested as provided herein shall, upon compliance with the terms and conditions of the approval thereof, remain vested for a period of two (2) years, except that the Town Council may, in its sole discretion, grant vested property rights for a longer period within a final plat, site plan, and/or development agreement when warranted in light of all relevant circumstances, including but not limited to the size and phasing of the development, economic cycles and market conditions. The vesting period shall not be extended by any amendments to a site-specific development plan unless expressly authorized by the Town Council in an ordinance approving such amendments. For purposes of this Code, completion of a development shall include installation of all engineered improvements (i.e., water, wastewater, streets, curb, gutter, sidewalks, fire hydrants and storm drainage improvements) in accordance with the Town rules and regulations.

(f) *Extensions.* A vested property right may be extended for periods of one (1) year by the Town Council. The property owner must request an extension in writing not later than thirty (30) days prior to the date of expiration of the vested right. Prior to the expiration of the original vesting timeframe or the extension timeframe, an applicant may formally request an additional extension if substantial progress has been made on installation of public improvements. In considering whether to grant an extension, the Town Council shall apply the following criteria:

(1) That there is no conflict with this Code or that any conflict with the Code can be corrected by an amendment to the Plan, which shall be presented with the request for extension.
(2) That the applicant has demonstrated that the Plan continues to be compatible with adjacent properties and the surrounding areas or that compatibility may be established by an amendment to the Plan, which shall be presented with the request for an extension.
(3) That the applicant has demonstrated that the Plan is consistent with the Town's Comprehensive Plan.

(g) *Other provisions unaffected.* Approval of a site-specific development plan shall not constitute an exemption or waiver of any other provisions or requirements of this Code or the Town pertaining to the development or use of property, adopted or applicable before or after the approval of the site-specific development Plan.

(h) *Payment of costs.* In addition to any and all other fees and charges imposed by this Code, the applicant for approval of a site-specific development plan shall pay all costs incurred by the Town related to such

application, including but not limited to publication of notices, public hearing costs, county recording fees and third-party review costs.

(i) *Limitations.* This article is enacted pursuant to the provisions of Article 68 of Title 24, CRS. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this Article shall be deemed to be repealed and the provisions hereof no longer effective.

(j) Disclosure of previously granted vested property rights and hazards.

(1) Any petition for annexation to the Town shall describe all vested property rights approved by any local government in effect at the time of the petition, if any, and shall be accompanied by all site-specific development plans approved by any local government. Failure to so identify any previously approved vested property right and to provide all approved site-specific development plans shall constitute a waiver of the vested rights created by any other local government upon annexation to the Town, unless specifically provided otherwise in the ordinance of annexation adopted by the Town.

(2) The applicant shall be required to include with any Plan submitted for approval as a site-specific development plan notice of any natural or human-made hazards on or in the immediate vicinity of the subject property that are known to the applicant or could reasonably be discovered at the time of submission of the Plan. Should a hazard on or in the immediate vicinity of the property be discovered subsequent to the approval of a site-specific development plan, which would impose a serious threat to the public health, safety and welfare and is not corrected by the applicant, the vested property right created by such site-specific development plan shall be forfeited by the applicant.

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Nonconforming Structures and Uses

Commented [OJ7]: Language from Town Attorney.

Section 16.x.xx. – General Provisions.

(a) *Purpose*. The purpose of this Article is to regulate and limit the development and continued existence of zoned legal uses, structures, lots, signs, and use characteristics such as parking and landscaping, established prior to the adoption of this Code, or the adoption of future amendments to this Code, that no longer conform to the requirements of this Code. All such situations are collectively referred to in this Article as "nonconformities." While nonconformities may continue, the provisions of this Article are designed to curtail substantial investment in nonconformities to bring about their eventual elimination in order to preserve the integrity of this Code and the character of the Town.

(b) *Authority to Continue.*

1. *Generally*. Any nonconformity that lawfully existed as of the adoption of this Code and that remains nonconforming, and any nonconformity that is created as a result of any subsequent rezoning or amendment to the text of this Code, may be continued or maintained as a nonconformity only in accordance with the terms of this Article.
2. *Exception Due to Variances or Minor Modifications*. Notwithstanding Subsection 16.18.10.B.1 above, this Article shall not apply to any development standard or feature that is the subject of a variance or minor modification granted under this Code. Where a variance or minor modification has been granted that results in a development standard or feature that does not otherwise conform to the requirements of this Code, that development standard or feature shall be deemed conforming.

(c) *Determination of Nonconformity Status*. In all cases, the burden of establishing the existence of a legal nonconformity shall be solely upon the owner of the nonconformity, not the Town.

(d) *Nonconformities Created Through Government Action*. If a structure, use of land, use of structure, or characteristic of use does not comply with the requirements of this Code solely as a result of an acquisition of land or other action by a government agency for a public purpose, then such structure, use of land, use of structure, or characteristic of use on land not acquired by the government shall be deemed conforming. For purposes of this Section the word "land" means fee simple interest in real estate.

(e) *Change of Ownership or Tenancy*. Changes of ownership, tenancy, or management of property with an existing nonconformity are permitted but such nonconformities shall continue to be subject to the provisions of this Article.

(f) *Damage or Destruction*.

1. If a nonconformity is damaged or destroyed by any means to an extent greater than fifty percent (50%) of its floor area or its actual value at the time of damage or destruction (as determined by the Weld County Assessor), then such nonconformity shall not be re-established or restored to its original condition unless it is made to conform to the requirements of this Code.
2. Where a nonconforming building is damaged less than fifty percent (50%) of its floor area or its actual value at the time of damage or destruction (as determined by the Weld County Assessor),

it may be repaired or restored, provided any such repair or restoration is started within six (6) months and is completed within eighteen (18) months from the date of partial destruction.

(g) *Maintenance and Minor Repair*.

1. Minor repairs or maintenance of nonconformities that are required to keep structures or sites in a safe condition are permitted, provided that the minor repair or maintenance does not increase the extent or degree of the nonconformity. For purposes of this Section, "maintenance or minor repair" shall mean:
    a. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior appearance of a building or structure without expanding or altering the building or structure;
    b. Maintenance of land areas to protect against health and environmental hazards and promote the safety of surrounding land uses; and
    c. Repairs that are required to remedy unsafe conditions that cause a threat to public safety.

(h) *Improvements Triggering Upgrades in Nonconforming Characteristics*. If an application is filed for a building permit or for reconstruction, remodeling, expansion, or other improvements of a multi-family, commercial, industrial, or mixed-use structure, and (b) the value of the proposed improvements total more than twenty-five (25) percent of its replacement cost of the primary structure(s) on the property, the applicant shall be required to address the following nonconformities prior to, or as part of the improvements authorized by, such land use permit or building permit, unless the town determines that such nonconformities have no significant adverse impact on surrounding properties:

1. Screening of mechanical equipment;
2. Screening walls or fences (for parking areas or storage areas);
3. Driveway surfacing;
4. Landscaping;
5. Parking; and
6. Lighting.

Section 16.x.xx. – Nonconforming uses of land.

(a) *Limitations on Continuation of Nonconforming Uses of Land*. Nonconforming uses of land or structures may continue, subject to the general provisions of Section 16.18.10 and the following limitations:

1. No nonconforming use of land shall be expanded, enlarged, or increased. An expansion of a nonconforming use shall include, but is not limited to, any change that results in any of the following: (a) an increase in usable floor area or an increase in percentage of the use of the parcel or lot, of a non-residential use; (b) the addition of a dwelling unit to a residential use. Any nonconforming use on a lot or portion thereof may be altered to decrease its nonconformity.
2. No nonconforming use of land shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the regulations that make the use nonconforming.
3. Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment of the

applicable regulations, but no such use shall be extended to occupy any land outside such buildings.

4. No additional structure not conforming to the requirements of this Code shall be erected in connection with the nonconforming use of land or structure.

(b) *Change of Use*. A nonconforming use permitted under this Code shall not be changed or replaced to a different nonconforming use.

(c) *Abandonment or Cessation of Use*. If a nonconforming use ceases for any reason, except when government action impedes access to the premises, on a lot or any portion of a lot for a period of more than six (6) consecutive months, the nonconforming use shall be considered abandoned. Once abandoned, the prior legal nonconforming status of the use shall be considered terminated and re-establishment of the use shall be prohibited. Any subsequent use of the property shall comply with all applicable provisions of this Code.

Section 16.x.xx. – Nonconforming structures.

(a) *Continuation of Nonconforming Structures Generally*. Nonconforming structures may continue, subject to the general provisions of Section 16.18.10 and the following limitations:

1. No nonconforming structure may be enlarged or altered in a way that increases its nonconformity, including but not limited to any new construction in violation of required setbacks or building height in the applicable zone district; but any structure or portion thereof may be altered to decrease its nonconformity. This Subsection shall not be construed to allow the expansion of a nonconforming use of structure.
2. Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
3. Structural changes to a nonconforming building that have the effect of increasing the life of the nonconforming building shall not be permitted, unless the building official determines that such change is necessary to rectify a hazardous condition or safety concern.

Section 16.x.xx. – Nonconforming lots of record.

Commented [OJ8]: Keith - have you considered breaking out or including Nonconforming Site Conditions?

(a) Unless otherwise provided in this Code, single-family residences and customary accessory buildings may be erected on any legally created single lot of record existing at the time of adoption of this Code. Such lot must have been in separate ownership and not of continuous frontage with other lots under the same ownership. This provision shall apply even though such lot fails to meet the requirements of the district in which it is located for area, width or both area and width; provided however, that the minimum setback requirements of the district shall be met unless a variance has been granted as provided herein.

(b) If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption of this Code, and part or all of said lots do not meet the requirements of the zone district in which they are located as to minimum area or width, or both minimum area and width, for the purpose of this Article, the lands shall be considered to be an undivided

parcel, and no portion of said parcel shall be sold or used in a manner which diminishes compliance with the lot area and width requirements established in this Code.

Section 16.x.xx. – Nonconforming signs.

(a) *Termination of Legal, Nonconforming signs*.

1. The purpose of amortization is not only to provide a reasonable grace period during which the owner is permitted to continue a legal, nonconforming sign, and to recover its economic investment, but also to assure that the district in which the nonconforming sign exists will eventually benefit from a substantial uniformity of permanent and conforming signs.
2. A nonconforming sign shall be removed and brought into compliance with this Code upon verification that any of the following conditions have been met:
    a. The use to which such non-conforming sign refers has been abandoned for a continuous period of 180 days;
    b. Such sign is damaged or destroyed, and the cost to repair, restore or replace the sign exceeds fifty percent (50%) of the cost of a new sign; or
    c. The regulation or amendment to the Code that made the sign nonconforming has been in effect for ten years or more.

(b) *Extension of Time to Comply.* The time for a sign to be brought into compliance with the requirements of this Code may be extended at the request of the sign owner or lessee. In evaluating the extension of time for a nonconforming sign, the town shall consider the following factors to determine whether the owner of the sign has had a reasonable amount of time to recoup the initial investment:

1. The value of the sign at the time of construction and the length of time the sign has been in place;
2. The life expectancy of the physical structure and its salvage value, if any;
3. The amount of depreciation and/or amortization of the sign already claimed for tax or accounting purposes;
4. The length of the current tenant lease or expected occupancy compared to the date the sign is to be brought into compliance;
5. The extent to which the sign is not in compliance with this article;
6. The degree to which the town determines that the sign is consistent with this Code and its purposes; and
7. Whether the sign has historical or landmark significance and should, therefore, be exempt from amortization.

(c) *Maintenance, Alteration, Reconstruction or Replacement of Nonconforming Signs*. All legal, nonconforming signs shall be maintained in good condition, and shall not be:

1. Changed to another nonconforming sign;
2. Structurally altered;
3. Altered to increase the degree of nonconformity of the sign;
4. Expanded;
5. Re-established after discontinuance for 90 consecutive days of the use to which the sign pertained;

6. Continued after a change of the use or activity to which the sign pertains; or
7. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty percent (50%) of the cost of replacement.

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Table x.x – Review Procedures Summary													
Procedure	Eligible Applicants			Neighborhood Meeting	Pre-Application Conference	Review Body				Plans to be Recorded	Notification Requirements *(see Sec. x.x.x)*		
	Owner	PC	TC			Staff	PC	TC	BOA		Mailed Notice	Posted Sign	Publication
Annexation	☑		☑	☑	☑	R	<R>	<D>		☑	☑	☑	☑
Comprehensive Plan Amendment	☑	☑	☑	☐	☑	R	<D>	<A>			☐	☐	☐
Major Subdivision – Preliminary Plat	☑			☑	☑	R	<R>	<D>			☑	☑	☑
Major Subdivision – Final Plat	☑			☐	☐	R	<R>	D		☑	☑	☑	☑
Minor Subdivision Plat	☑				☑	D	<A>	<A>		☑	☐	☐	
Rezoning	☑	☑	☑	☑	☑	R	<R>	<D>		☑	☑	☑	☑
Site Plan	☑			☐	☑	R	R	D			☐	☐	
Land Development Code (Text) Amendment		☑	☑			R	<R>	<D>					☑
Use by Special Review	☑			☑	☑	R	<D>	<A>		☐	☑	☑	☑
Variance - Minor	☑				☑	D			A		☐	☐	☐
Variance - Major	☑				☑	R			<D>	☐	☑	☑	☑
Alternative Compliance	☑			☐	☑	R	R	D / C			☐		
Appeals	☑	☑	☑					<D>	<D>		☑		
Easement Vacation / Dedication	☑				☐	D	A	A		☑	☐		
ROW Vacation / Dedication	☑				☐	R	R	C		☑	☐		☑

PC = Planning Commission
TC = Town Council
BOA = Board of Adjustments

☑ = Required
☐ = At the Direction of the Town
< > = Public Hearing

R = Review and Recommending Authority
D = Decision Making Authority
C = Consent Agenda Item
A = Appeal of Decision

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AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg 146 - **Resolution 2023-13R:** A Resolution of The Town Council of The Town Of Severance, Colorado, Approving a Use By Additional Review application to operate a large-scale solar facility on certain real property fully described herein, Approving a Site Plan in conjunction with such use; and authorizing a Development Agreement pertaining to the BHS Solar Facility	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner

ACTION REQUESTED

Community and Economic Development and Town Management ask that the Severance Town Council review, discuss, and take action on Resolution 2023-13R. Actions that may be taken:

1. Approve Resolution 2023-13R approving the BHS Solar UAR and Site Plan subject to the conditions listed therein.
2. Take No Action.

Resolution
Site Plan
Action Requested
Attorney Approved

BRIEF SUMMARY

BHS Solar, LLC, on behalf of the owners of certain real property generally known as the 2021 BHS Solar Annexation Property and 2022 BHS Solar Annexation Property, has submitted an application for Use by Additional Review (UAR) to construct and operate a large-scale solar facility on the property. The applicant has also submitted a site plan, together with a proposed development agreement, relating to such use by additional review.

PUBLIC SUPPORT/CONCERN

Please see the packet for all received comments.

ANALYSIS AND RECOMMENDATION

Town staff is asking for the Town Council to review, discuss, and approve Resolution 2023-13R approving the BHS Solar UAR and Site Plan subject to the conditions listed therein.

MATERIALS SUBMITTED

The following materials were submitted and included in this packet:

1. Town Review Form - BHS Solar (Staff Generated)
2. Letter of Intent (Applicant Submitted)
3. Project Description (Applicant Submitted, Staff Reviewed)
4. Site Plan (Applicant Submitted, Staff Reviewed)

5. BHS Solar Traffic Study (Applicant Submitted, Staff Reviewed)
6. Management Plan (Applicant Submitted, Staff Reviewed)
7. Decommissioning Plan (Applicant Submitted, Staff Reviewed)
8. Landscape and Open Space Plan (Applicant Submitted, Staff Reviewed)
9. Lighting Plan (Applicant Submitted, Staff Reviewed)
10. Sound Mitigation Plan (Applicant Submitted, Staff Reviewed)
11. Glint and Glare Study (Applicant Submitted, Staff Reviewed)
12. Visual Simulations (Applicant Submitted, Staff Reviewed)
13. BHS Development Agreement (Generated by Town Staff)
14. Combined Referral Responses
15. BHS Referral Comment Response Summary (Applicant Submitted)
16. Vicinity Map (Applicant Submitted, Staff Reviewed)
17. 2023-13R - BHS Solar Facility UAR (Town Attorney Generated)

Town of Severance Review Comments

Date:	6.9.22 - Submittal Date Revised: 10.19.2022, 12.22.2022 2.23.2023
Project Name/Contact:	BHS Solar Site Plan/ Jeremy Call
Project Address:	North of SH 14 East of WCR 19
Customer/Project Number:	265 – Black Hollow Solar
Review Number:	6th Submittal (3rd Site Plan)
Project Coordinator:	Abdul Barzak, Town Planner

Recipients:

- ☒ MANAGEMENT
- ☒ PLANNING
- ☒ ENGINEERING
- ☒ TRAFFIC
- ☒ TOWN ATTORNEY
- ☒ PUBLIC WORKS
- ☒ POLICE
- ☒ BUILDING
- ☐ OTHER _____

Project Coordinator – Abdul Barzak, Town Planner, Town of Severance

Item 1	**Applicant to address Staff Redlines and Comments**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	Applicant to address all Staff comments and redlines. - Planning - Civil - Legal	
Applicant Response	BHS resubmitted the Site Plan and Drainage Plan/Report on 2/22/23 addressing each of the comments below. See also <Civil Comments_BHS Response_230222.pdf>.	
Notes	Applicant has addressed all Town of Severance staff comments with this submittal. No further comments, all resolved.	
Item 2	**Traffic & Weld County Road 90 Maintenance**	**Resolved?** ☐ YES ☒ NO ☐ SEE ATTACHED
Notes	Applicant will need to continue to coordinate with Town Staff regarding the Traffic Study and Comments received from stakeholders. **See Civil Engineering Item #2 and Town Legal Item #1 below**. Additionally, applicant will need continue to work with Town Staff and Weld County Staff regarding the maintenance of Weld County Road 90, this will be handled in the Development Agreement or by separate document.	
Applicant Response	BHS Solar has continued to consult with Town of Pierce and CDOT, and defer to Town communications with Weld County	

	staff. The Traffic Study is being revised to include a capillary worker vehicle traffic analysis and completed additional traffic counts on 2/14/23 per their feedback. The revised Traffic Study is expected to be submitted on 3/10/23. We understand per Abdul that commitments in a Road Use Agreement or similar will be codified in a separate post-Development Agreement.	
Notes	Maintenance of Weld County Road 90 per the Development Agreement is to be handled by a separate document. Town staff is working with Weld County to finalize, staff will bring this agreement before Council once it is ready to be approved.	
Item 3	**Development Agreement**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	See **Town Legal comment Item #1 below**, Development Agreement must be finalized prior to Town Council.	
Applicant Response	Noted. BHS Solar and the Town are working diligently to finalize the Development Agreement.	
Notes	No further comments	
Item 4	**Variance Requests**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	All variances must be approved by Town Council. See Town Legal comment Items #3 below.	
Applicant Response	Noted. Variance comments are addressed on the revised Site Plan (G-001).	
Notes	No further staff comments, Town Council to review and take action.	
Item 5	**Referral Comments**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	Applicant to provide a response to all received referral/stakeholder comments. Remaining outstanding comments	
Applicant Response	BHS provided <BHS Comment Response Summary_230206> on 2/6/23 addressing each agencies' comments.	
Notes	Applicant has provided a response to all received referral/stakeholder comments. No further comment.	

Town Management – Nick Wharton & Lindsay Radcliff-Coombes, Town Management , Town of Severance

Item 1	**No Comment**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	No additional comments at this time.	
Applicant Response	Noted.	

Planning – Josh Olhava & Logan Graves, Community Planner, Ayres Associates

Item 1	**Site Plan – Cover Sheet**	**Resolved?** ☒ YES ☐ NO
Notes	The signature blocks need to be on the cover sheet of the plan. Also, updated sheet numbering. The Cover Sheet is	

	always Sheet 1 as it is part of the overall plan set. Update page numbers throughout.	☐ SEE ATTACHED
Applicant Response	Signature blocks added to cover sheet for Town and Land Owners.	
Notes	No further comment.	
Item 2	**Site Plan – Cover Sheet**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	Is there a reason for including both the vicinity map and the State map on the cover sheet? Vicinity map is most important for the community and site plan drawing set. In addition, the Vicinity map is barely legible at 100% zoom and not legible at 50% zoom. Previous comments requested all labels to be legible at 50% zoom (applicant noted updates were made). Update accordingly and include appropriate street labels on the Vicinity Map.	
Applicant Response	State map has been removed. Drawing set is D size 24" x 36" and should be legible at print and zoom.	
Notes	No further comment.	
Item 3	**Site Plan – Cover Sheet (Signature Blocks)**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	There are four (4) property owner groups identified on the table. There needs to be Owner signature blocks for each ownership group. Type out the owner name and their role under the signature line for legibility.	
Applicant Response	Owner signature blocks have been implemented on the cover page. Property owner contact information located in table on cover page.	
Notes	No further comment.	
Item 4	**Site Plan – All Sheets**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	As noted about the labels on the vicinity map, most of the text on the drawing sheets is too small and not legible. Prior comments requested all text and labels to be legible at 50% zoom. Response to comments noted this was addressed, but this is not the case. The Variance table is another example where the text is not legible at 50% zoom.	
Applicant Response	Drawing set is D size 24" x 36" and should be legible at zoom.	
Notes	No further comment.	
Item 5	**Site Plan – Sheet 2 (Variances Table)**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	Text is too small. You are not re-writing zoning code under the Requested Variance column. Here you are noting what your variance request is. For example, your first request would note to exclude the subject project from the criteria of Sec. 16.6.10.15(8)b. and 16.6.10.15(9)b. Another example is under Sec. 16.11.160(c)(3)a. - Solar facility; you would note to exclude the project from the criteria that requires a landscape/irrigation plan. (typical approach for all rows) Also, your Code column and SMC Requirement column for the first variance ask needs to remove the (a) from the first part of the code reference as this is inaccurate. Double check all references for accuracy.	

Applicant Response	BHS Solar has prepared a Variance Application and revised table per our call with Keith Martin on 12/9/22 and follow up call with Abdul on 12/15. The Variance Application is included in this resubmittal along with a Zoning Letter to document interpretations that are not formal variances. Only two variances are requested, as shown in the Variance Application and Site Plan Sheet G-001.	
Notes	Will defer to Abdul on interpretations and inclusion of landscape/irrigation requirements in the variance request. (Staff will bring all variance requests to Council- AKB)	
Item 6	**Site Plan – Sheet 2 (Variances Table)**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	Justification for the first variance request needs additional information. And it does not address both references in the requested variance column. Most of the other justifications provide good rationale. Review and ensure all justifications relate to the specific code section and language that is being requested to deviate from. Include your setback numbers in this variances table to show what exists (current code) and what is proposed.	
Applicant Response	Addressed, see Variance Application and Site Plan Sheet G-001.	
Notes	No further comment.	
Item 7	**Sheet 3 – Panel Plan**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	Legibility. Very difficult to read and understand. Shouldn't this sheet be referenced as Existing Conditions Plan, similar to the zoomed in cut sheets? The Proposed Panel Plan and associated sheets begin 7 sheets down. It is not clear what portions of the site are found on the zoomed in sheets as referenced in the callouts. Property boundary line should be the most prominent, followed by the dashed line for the panel match line. This should be clear at 50% zoom.	
Applicant Response	Text has been updated to larger than US CAD standards for legibility. Site plan is also designed at D Size drawing.	
Notes	No further comment.	
Item 8	**Proposed Panel Plan/Proposed Site Plan Sheets**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	Keep page naming consistent (typical all sections of the overall plan set). Using two different references can be confusing. The solar array line weight should be reduced in half. It is currently very heavy on the sheets and makes it difficult to read. Future scanning and printing will cause issues, similar to heavy hatching on a site plan.	
Applicant Response	Page naming has been updated to be consistent and solar array line weight has been reduced for legibility.	
Notes	No further comment.	
Item 9	**Proposed Panel Plan/Proposed Site Plan Sheets**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	There are some labels on the zoomed in sheets that are cutoff and need to be adjusted on the sheet to include the full label and callout. Consider where the match lines are placed to avoid this issue. Double check that all labels and leader lines	

	are clearly visible and legible with the resubmittal. (good example is Panel 3 – Section 27 sheet)	
Applicant Response	Labels and Callouts have been updated and corrected and increased legibility. Arrow labeling on C-104 and C-107 appear organized and legible.	
Notes	Proposed Conditions Plan (Panel 6 – Section 2) and Proposed Site Plan (Panel 3 – Section 27) have a label on the sheet that is cut off. Sheets, Panel – Section 27 and Proposed Site Plan (Panel 3 – Section 27) have several arrows pointing at features not located on the sheet that should be adjusted so they are clearly visible or removed.	
Applicant Response	The sheets have been updated	
	No further comment.	
Item 10	**Proposed Lighting Plan Sheets**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	Ensure the fixtures and details meet recently adopted lighting regulations, including maximum lighting levels and light temperature. These regulations are not found on municode, but can be obtained from the Town.	
Applicant Response	BHS Solar reviewed Ordinance 2022-30 and Article 16.16 (dated December 6, 2022). While our application was submitted ahead of these recently adopted regulations, we believe the Site Plan sheet C-110 conforms to these requirements. The facility would only have motion-activated lighting with LED fixtures that are shielded downward and within property lines. The proposed locations (at gates and substation/switchyard) and fixtures are adequate for facility safety and security; promote efficient and cost-effective lighting to conserve energy; and reduce light pollution, glare and offensive light sources.	
Notes	Please include a note on the Proposed Lighting Plan Sheet that says lighting will conform to the recently adopted lighting regulations (Ordinance 2022-30 and Article 16.16).	
Applicant Response	A note as added that the Proposed Lighting Plan Sheet that says lighting will conform to the recently adopted lighting regulations (Ordinance 2022-30 and Article 16.16).	
Notes	No further comment.	
Item 11	**Proposed Setback Plan Sheet**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	This sheet should occur much earlier in the plan set, prior to the overall site plan and panel plan sheets. Setback callouts need to be included on the panel plan/site plan sheets. The setback criteria needs to be included on the same sheet as the variances table. Either include the new setback details in the variances table, or include the setbacks table on the same sheet with a reference in the variances table.	
Applicant Response	Setbacks have been included in the variance table on the same sheet (G-001). Setbacks are called out on the panel plan (Sheet C-112)	
Notes	No further comment.	
Item 12	**Additional Structural Details Sheet**	

Notes	The light fixture specification called out on the building elevations are not consistent with the light fixtures shown on Lighting Plan sheet. This needs to be consistent and the same criteria applies as noted above.	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Applicant Response	Resolved, labeling WDGE2 LED on C-110 matches labeling on S-503 O&M bldg elevation.	
Notes	No further comment.	

Civil Engineering – Brad Curtis P.E , Northern Engineering

Item 1	**See Attached Letter**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	See attached Letter regarding General Comments	
Applicant Response	See responses to comments in that letter.	
Notes	No further comment	
Item 2	**See Attached Letter**	**Resolved?** ☐ YES ☒ NO ☐ SEE ATTACHED
Notes	See attached Letter regarding Traffic Study [New Comments]	
Applicant Response	See responses to comments in that letter.	
Notes	See attached letter - Appears WCR90/Rowe in Pierce went from a haul route to a passenger vehicle route. Yet, it appears the exact same traffic volumes are projected to be used between the two traffic studies? For example, Figure 9 is the same. What facilitated the analysis of passenger vehicles using WCR90/Rowe as a focused route? Per the Town of Pierce's letter: "There is a significant change between the most recent traffic study and the prior issued drafts. In particular, the route has changed from a haul route to just a route for "workers" using passenger vehicles? Clarify why Pierce is singled out as a community where significant passenger vehicles will occur. How is BHSolar anticipating regulating/managing this route?" BHS Response: On January 31st Doug Carter on behalf of BHS Solar LLC met with the Town of Pierce's engineer Brad Curtis and the Town Clerk, Tina Duran. At the meeting it was resolved to revise the traffic study to demonstrate the construction passenger capillary road traffic impact originating east of Black Hollow Sun (BHS) from Cheyenne to Greeley. With this revision to the traffic study assumptions, Pierce will stop being identified as the sole route for construction passenger originating east of BHS and Route B (Highway 85 to WCR 90) will be replaced by the numerous capillary roads. Additionally, since the construction passenger traffic study will disburse traffic through multiple capillary roads BHS Solar LLC believes the study will illustrate that there is not a need for what was Route B and no	

	longer a need to regulate/manage the former Route B. Per the Town of Pierce's letter: "Based on the most recent traffic study, it appears capacity/offsite improvements are required in conjunction with CDOT. The Town anticipates these improvements to be installed as warranted. This is not contemplated in the draft maintenance agreement provided by BHSolar to the Town. As such, based on the most recent traffic study, a capacity/offsite improvement agreement will need to be prepared in conjunction with Weld County and CDOT." BHS Response: See the above anticipated revision to the Traffic Study which we anticipate will materially reduce construction passenger traffic through Pierce. Note the need for the acceleration lane because predated BHS Solar LLC. Lastly please see CDOT's email dated February 8th noting that while CDOT will support Pierce's requirements, CDOT alone would not require the acceleration lane as a result of BHS Solar LLC traffic and that the lane could not be built in time for the start of construction. Lastly, as noted above we anticipate that the study will illustrate there is no longer a need for maintenance agreement. Per the Town of Pierce's letter: It is unclear how a maintenance agreement will be prepared and enforced for what is assumed to be only passenger vehicles. Is this in conjunction with a capacity/offsite improvements agreement? Will BHSolar put down traffic counters for the duration of the project to track additional use? BHS Response: We anticipate that the study will illustrate there is no longer a need for maintenance agreement.	
Notes	2/24/2023 - Updated traffic Study has not been received for review/comment A review of the Traffic Study will be completed once received. The remaining comments/review pertain to Route B and comments received by stakeholders (Town of Pierce) Town staff and the Towns Traffic Engineer has no remaining comments on the Traffic Study (see Traffic Engineering Comments) below. -AKB	
Item 3	**See Attached Letter**	**Resolved?** ☒ **YES** ☐ NO ☐ SEE ATTACHED
Notes	See attached letter for Site Plan Map. Most comments are repeat comments not addressed or responded to.	
Applicant Response	Comments addressed on Northern Engineering form and completed.	

Notes	See attached letter - V105, C105 [REPEAT COMMENT]: Is there an existing easement south of WCR90, or is that a platted right of way? It appears the proposed security fence and proposed access road is within said easement/right of way limits. (Section 26)	
Applicant Response	There is no easement south of WCR90. Sheets V105 and C105 have been updated to remove the dotted line that previously made it appear that there was an easement.	
Notes	2/24/2023 - No further comments	
Item 4	**See Attached Letter**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	See attached letter for Conceptual/preliminary Drainage Report.	
Applicant Response	Addressed per new conceptual drainage study using City of Greeley conceptual drainage standards.	
Notes	See attached letter - 1. Page 2: Please elaborate on what you mean by "*..to at least 50% of Level 1 as described in the USDCM, Volume 3...*" The curves shown in Section 4.1 of the USDCM are only for planning purposes. More detailed calculations will be required as the design progresses. During Preliminary Plan, please elaborate on how DCIA's will provide LID and water quality treatment for this project. The substation and equipment pad area will require water quality treatment per the City of Greeley DCCS. Include any necessary calculations in the Preliminary Drainage Report. BHS Response: Level 1 is described as "The primary intent is to direct the runoff from impervious surfaces to flow over grass-covered areas and/or permeable pavement, and to provide sufficient travel time to facilitate the removal of suspended solids before runoff leaves the site, enters a curb and gutter system, or enters another stormwater collection system. Thus, at Level 1, to the extent practical, impervious surfaces are designed to drain over grass buffer strips or other pervious surfaces before reaching a stormwater conveyance system." For all intents and purposes, at least 50% of the site will be designed to drain over grass/other previous surfaces. When submitting the Preliminary Plan and subsequent submittals, we will provide more detailed calculations and details on how DCIA's will provide LID and water quality treatment for this project. 2. D103- Provide general assumed site drainage for flows getting into the detention pond.	

	BHS Response: Please see attached document [Appendix D] and note that the assumed site drainage for flows getting into the detention pond are shown in red and subject to change as proposed grading and site layout are not final."	

Traffic Engineering – Eli Farney, P.E, PTOE, JR Engineering, LLC

Item 1	**Construction routes in Town limits**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	This TIS discussed five possible vehicle routes to and from the site. Per the TIS, "It is believed that at various times other routes will be used, for example the proposed substation construction within the southern portion of the project site area will likely utilize Route D along WCR-23 from SH-14." The Town should monitor the use of other routes during construction, like Route D.	
Applicant Response	The BHS Solar Traffic Impact Study (revised December 19, 2022) prepared by Kimley-Horn, the "TIS", identifies three (3) routes A, B and C to the Project. See below extracted from the foregoing study: "The preferred regional and heavy access to BHS Solar is via Interstate 25 (I-25), which is identified herein as **Route A**. The anticipated vehicle route for Route A to the site from I-25 is to travel north on the I-25 Frontage Road to Laramie County Road 52 (LCR-52), then east onto LCR-52 to Weld County Road 13 (WCR-13), then north on WCR-13 to WCR-90, and east along WCR-90 to the project site. This route was chosen for the majority of the construction traffic to provide the least amount of impact to adjacent residents. Route A would also be the primary access for project operations and maintenance. **Route B** would be utilized only by local (i.e., points to the east of the site) resident workers in passenger vehicles to travel to the site from US Highway 85 (US-85) then west along Rowe Avenue (WCR-90) to the site. **Route C** would be used only for the delivery of equipment and construction and maintenance of the project substation. The route would leave I-25 and then travel east along State Highway 14 (SH-14) turning north onto WCR-25, then west on WCR-84. Route C then turns north (right) ontoWCR-23 to enter the site." A condition of the Project's construction contracts will require compliance with the foregoing routes for personal and deliveries.	
Notes	No further comment	

Item 2	**Site access points**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	The TIS should include discussion on site access points and compliance with Town of Severance criteria.	
Applicant Response	The TIS identifies two (2) site access points and describes the studied impacts on routes A, B, and C to this site access points. See below from the TIS describing the access points: "The project site would be accessed by two points. **Access 1** would be for the majority of the construction traffic and would be located on WCR-90 to a driveway in an easement on private land. **Access 2** would be only for work on the project substation and would be located at the intersection of WCR-23 and WCR-84 1/2. The Project team reviewed the following sections of Severance Municipal Code in regard to the note above "…and compliance with Town of Severance criteria…." and found the following: 1. CHAPTER 8 - Vehicles and Traffic. This section did not contain any references to site access. However, Section 8-1-30 (6) (4) states "Vehicles traveling on County roads annexed by the Town shall be exempt from the requirements of this Section (i.e. Part 5 Section 508 as amended) 2. CHAPTER 11 - Streets, Sidewalks and Public Property. Chapter 11 is not applicable to the TIS. 3. CHAPTER 16 - Land Use Code. Chapter 16 is applicable to the Site Plan application and Municipal Code. However, the scope of the TIS does not address Chapter 16 because the Site Plan application, which includes the TIS, serves this purpose. Certain applicable sections of Chapter 16 are listed below with the response a. "Sec. 16.6.10.15. - Rural residential agriculture sub-zoning. The rural residential agricultural sub-zoning is intended to allow private property owners to annex existing agricultural operations into the Town and continue operations. The process for receiving the rural residential agricultural sub-zoning is the same as any other zoning request and may either come through the annexation process or a rezoning of an existing annexed property. The following are characteristics of the Ag residential design option: (3) Joint access points to and from county roads to reduce driveways where practical. (Existing agricultural accesses permitted in Weld County may be maintained if no further subdivision is taking place"	

	Response: Both access points 1 and 2 are at an existing agricultural access and no further subdivision is taking place, consequently the access points 1 and 2 meets the Town of Severance criteria. Nonetheless, since via access points 1 and 2 Weld County easements -- without roads and NOT annexed into Severance -- will be crossed, the Project is adhering to Weld County Code Article XIV Road Access Policy which describes a requirement for an Access Permit and if required the foregoing permit will be obtained prior to the start of the Project's construction.	
Notes	No further comment	

Town Attorney – Keith Martin, Attorney, Hayashi & Macsalka, LLC

Item 1	**Use by Additional Review - Issues**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	Solar energy generation use requires "use by additional review" approval, which is akin to a conditional use permit or special review use, together with accompanying site plan for proposed large scale solar energy facility. In other words, UAR = Site Plan. The UAR implicates two issues: (1) who will be the designated fire protection agency because of property being within multiple fire protection jurisdictions; and (2) maintenance of WCR 90. <u>Fire</u> With respect to fire protection and emergency services to the proposed use for the life of the Project, I see a few outcomes: (1) Applicant goes through the exclusion/inclusion processes and accomplishes both; (2) WSFPD and Town mutually agree to waive reciprocal exclusion/inclusion and service obligations under IGA and permit multiple FPDs to serve the Project; or (3) IGA between WSFPD/AFPD/NFPD providing for a designated agency (or sharing of) fire protection services to the Property after effective date of annexation and continuing through decommissioning of solar facility. All three outcomes are possible, but TAO is not in a position to opine as to the probabilities of any particular outcome being observed and by when--I.e., prior to start of construction or final inspection. Nonetheless, the approving action can indicate approval of UAR conditioned upon any of the possible outcomes occurring plus a timing component. <u>WCR 90 Maintenance</u>	

	2 possible outcomes: (1) Weld Co maintains status quo in exchange for Town swapping maintenance on another stretch of WCR road, and Applicant reimburses Town for costs incurred; or (2) Town and Weld Co agree that Town will assume maintenance, and Applicant reimburses Town for costs incurred. Both outcomes are possible, but again TAO is not in a position to opine as to the probabilities of any particular outcome being observed and by when. Nonetheless, the approving action can indicate approval of UAR conditioned upon DA containing a provision that addresses applicant's contribution to Town for WCR 90 maintenance costs.	
Applicant Response	See the Development Agreement which outlines BHS responsibilities and timing for the inclusion/exclusion process with WSFPD. The Development Agreement also outlines BHS responsibilities for WCR 90 maintenance.	
Notes	Development Agreement has been finalized and all comments have been addressed through such agreement.	
Item 2	**Variances**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	Applicant has submitted a variance request seeking (1) exemption of interconnection facilities from 20' height limitation applicable to ground-mounted solar energy facilities per Sec. 16.11.160; and (2) to allow zero-foot (0') setback between and among certain lots. Town Attorney's Office has not identified any legal issues with respect to the variance request at this time.	
Applicant Response		
Notes		
Item 3	**Site Plan – Variance Request Table**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	Add an "Approval" column. The purpose of the column is to indicate approval status. In the row for each requested variance, include a citation to the relevant resolution—e.g., Per Resolution No. 2023-__R, certain interconnection facilities may be constructed up to a maximum height of [insert]. Variances as shown in the Variance Application and Sheet G-001.	
Applicant Response	An Approval column has been added to Sheet G-001.	
Notes	No further comments	
Item 4	**Site Plan Development Agreement**	**Resolved?** ☒ YES ☐ NO ☐ SEE ATTACHED
Notes	TAO is reviewing and revising draft development agreement following discussion with BHS Solar in early January. TAO plans to provide a revised draft agreement shortly.	
Applicant Response	Noted. BHS Solar and the Town are working diligently to finalize the Development Agreement.	
Notes	Development Agreement has been finalized and all comments have been addressed through such agreement.	

Item 5	Reservation	Resolved?
Notes	Town Attorney's Office reserves the right to make new or additional comments after re-submittal or based upon other referral agency comments.	☒ YES ☐ NO ☐ SEE ATTACHED
Applicant Response		
Notes	Applicant has addressed all comments.	

Public Works – John Zacklene, Public Works Director, Town of Severance

Item 1	No Comment	Resolved?
Notes	No Comments at this time	☒ YES ☐ NO ☐ SEE ATTACHED
Applicant Response	Noted.	

Police – Chief Gerdeman, Chief of Police, Severance Police

Item 1	No Comment	Resolved?
Notes	No issue from PD.	☒ YES ☐ NO ☐ SEE ATTACHED
Applicant Response	Noted.	

Building Department– Russ Weber, Chief Building Official, SAFEbuilt

Item 1	No Comment	Resolved?
Notes	No Comments at this time	☒ YES ☐ NO ☐ SEE ATTACHED
Applicant Response	Noted.	

Neighborhood Meeting Notes – October 10th, 2022

Item 1	No attendance for the neighborhood meeting
Notes	Town Staff and the applicant we present at Town Hall for the Public Noticed Neighborhood meeting held on October 10th, 2022. That meeting had zero attendance.
Staff Comments	Town staff did have one Weld County Resident come into Town Hall after the Neighborhood meeting and expressed that he was not in favor of the project.

Planning Commission Notes – February 15th, 2023

Item 1	Pavement of Roads

Notes	Commissioners clarified if any of the roads servicing the project are to be paved.
Staff Comments	Town staff confirmed that the adjacent roads will not be paved with this project.
Item 2	**Referral Comments**
Notes	Commissioners confirmed that the applicant has addressed comments from Colorado Parks and Wildlife (CPW), the Town of Pierce, and Windsor Severance Fire Rescue (WSFR).
Staff Comments	Staff clarified that the applicant has worked with CPW for approximately two years and has adhered to CPWs comments including, lighting, fencing, and working hours, and has even amended the original annexation boundary (Approved by Town Council) in response to CPW comments regarding migration patterns of local wildlife. Town staff has asked the applicant to adjust their Traffic Impact Study to address the Town of Pierce directly and comments received regarding Route B. The applicant has recently gotten new counts and is looking to resubmit the Traffic Study on March 10th Town Staff will continue to engage with the Town of Pierce. Town Staff has worked with WSFR and will require the applicant to undertake the inclusion/exclusion process per our IGA with WSFR.
Item 3	**Fencing Materials**
Notes	Commissioners clarified the fencing materials
Staff Comments	The applicant stated that the fencing around the substation is chain-link, and around the switchyard is a concrete block. The chain-link fencing, which is the external fencing, will adhere to CPW guidelines.
Item 4	**Location of the closest housing**
Notes	Commissioners asked for clarification of the nearest housing to the site.
Staff Comments	The applicant confirmed that the closest non-participating residence is approximately 500 feet from the property line and an additional approximately 500 feet from solar materials.
Item 5	**Construction dust mitigation on roads**
Notes	Commissioners asked how dust mitigation will be handled during construction.
Staff Comments	The applicant will be required to follow all Severance Municipal Code requirements regarding construction work hours and regulations. The applicant will also be required to obtain all appropriate road permits in jurisdictions and follow rules and regulations.
PUBLIC COMMENTS from Planning Commission Meeting	
Comment 1	A Weld County Resident has stated that they are not in favor of the project as they are the closest resident to the project, and the Solar Facility will be in

	their view. The resident explained the applicant had stated that a larger setback would be provided.
Staff Comments	The applicant confirmed the setbacks to this particular resident's home, and that they have worked with the property owner and tried to provide trees or other ways to screen. However, the maintenance cost and irrigation costs were prohibitive. The setback from the property and the site plan exceed current Code requirements.
Comment 2	A Weld County resident wanted to confirm that this project is the only Solar project in review with the Town, the resident also expressed some concern about dust from drivers. The resident also confirmed that he would not be required to annex into the Town of Severance.
Staff Comments	This is the only Solar Project that has been submitted to the Town of Severance. This particular residents home is located on Weld County Road 84, which is not an approved or contemplated route in the Traffic Impact Study and will remain in Weld County, as this in not an approved truck route or haul route the Town can work with Weld County to take action. The Planning Commission let the resident know they would not be required to annex.
Recommendation	
Notes	The Planning Commission approved PC-2023-01R and forwarded a recommendation of approval to the Town Council.

Please revise the plans accordingly and respond to all of the above action items in the **Applicant Response** boxes provided at your earliest convenience.

Once the project is resubmitted it will be referred out as necessary and any outstanding issues will be addressed with a comment response.

If you should have any questions, please contact me at 970-692-1556, or email.

Thank you,

Abdul Barzak
Town Planner
abarzak@townofseverance.org
Town of Severance
3 South Timber Ridge Parkway
PO BOX 339
Severance, CO 80546
970-692-1556

LETTER OF INTENT

June 7, 2022

Town of Severance
3 South Timber Ridge Parkway
Severance, CO 80550

Attention: Abdul Barzak, Town Planner
Cc: Nick Wharton, Town Administrator

Dear Mr. Barzak,

We, BHS Solar, LLC (BHS Solar), a wholly owned indirect subsidiary of Hanwha Energy USA Holding Corporation, d.b.a. 174 Power Global (174PG), appreciate partnering with the Town of Severance (Town) in developing the BHS Solar Project (Project).

The annexation into the Town's municipal boundary of most of the Project area was submitted under the 2021 BHS Solar Annexation application, which was previously unanimously approved by both the Planning Commission and Town Council (November 2, 2021). This 2022 BHS Solar Annexation application petitions the annexation of certain additional real property owned by SPABS LLC (Parcel #055526000002, approximately 159 acres) and Terry Ramsey and Jennifer Berg-Ramsey (Parcel #070502100001, approximately 20 acres). A map of the 2021 BHS Solar Annexation and 2022 BHS Solar Annexation areas is shown on Figure 1. The approximate 20 acres of Terry Ramsey and Jennifer Berg-Ramsey are included to relocate the Project transmission interconnection further from Black Hollow Reservoir recreation uses and residences.

The proposed zoning district is Rural Residential – Agricultural Zoning District, which allows photovoltaic solar through the Site Plan process. The proposed zoning district is consistent with the Comprehensive Plan.

The application includes a Site Plan for the Project that utilizes portions of the 2021 BHS Solar Annexation and 2022 BHS Solar Annexation areas. In ongoing siting efforts and consultation with the Town, Weld County, Colorado Parks and Wildlife, Platte River Power Authority, the U.S. Fish and Wildlife Service, and various landowners and neighbors, the Project team has identified the optimal locations for the Project's photovoltaic solar panels, access points, substation, and battery energy storage system as well as Platte River Power Authority's switchyard and transmission interconnection. The optimal design addresses the Town's questions raised through pre-application meetings, a neighborhood meeting on May 25, 2021, a virtual public meeting on May 27, 2021, and ongoing neighbor outreach. We have addressed land use, infrastructure, and environmental issues that have been identified to date. To proactively provide additional information, our application includes companion studies and plans to inform the review process. Please advise us as soon as possible whether the application is complete or if more information will be required to fulfill the application requirements.

Notable features of the proposal include:

- The Project offers direct and indirect economic benefits for up to 40 years including Town property tax revenue, permit fees, school and fire district payments, landowner payments, a local construction and operations workforce, and local construction purchases of supplies and services, ranging from lodging and food to equipment.

- The Project will be environmentally and socially responsible – avoiding sensitive areas, free from air and water pollution, setback from residential areas, and not resulting in hazardous waste.
- The Project's renewable energy will help strengthen the diverse energy supply portfolio and leadership in Weld County. Platte River relies on Weld County's natural gas industry for combustion energy generation and supports businesses and job creation in the county.
- The Project supports Town and regional interest in deploying more renewable energy and helps achieve Colorado's energy goals.
- The cost of solar power is now seen as cost-neutral or cheaper than other forms of power generation. The scale of the Project allows for additional cost savings that amount to more than half the cost of systems typically used in residential homes and businesses.
- The Battery Energy Storage System is a unique reliability asset to the region, supporting both peak loads (during periods of high demand) and backup power (during unexpected outages).
- The Project supports private landowners' stewardship of their property and supplements their income while allowing them to continue their current land uses.
- The Project would improve regional air quality by decreasing the overall emissions of Platte River.
- Unlike all other future land uses anticipated in the Comprehensive Plan, the Project brings significant benefits without requiring municipal water.

We look forward to continuing our work with the Town's leadership, stakeholders, neighbors, and the Severance community to bring this important Project to fruition.

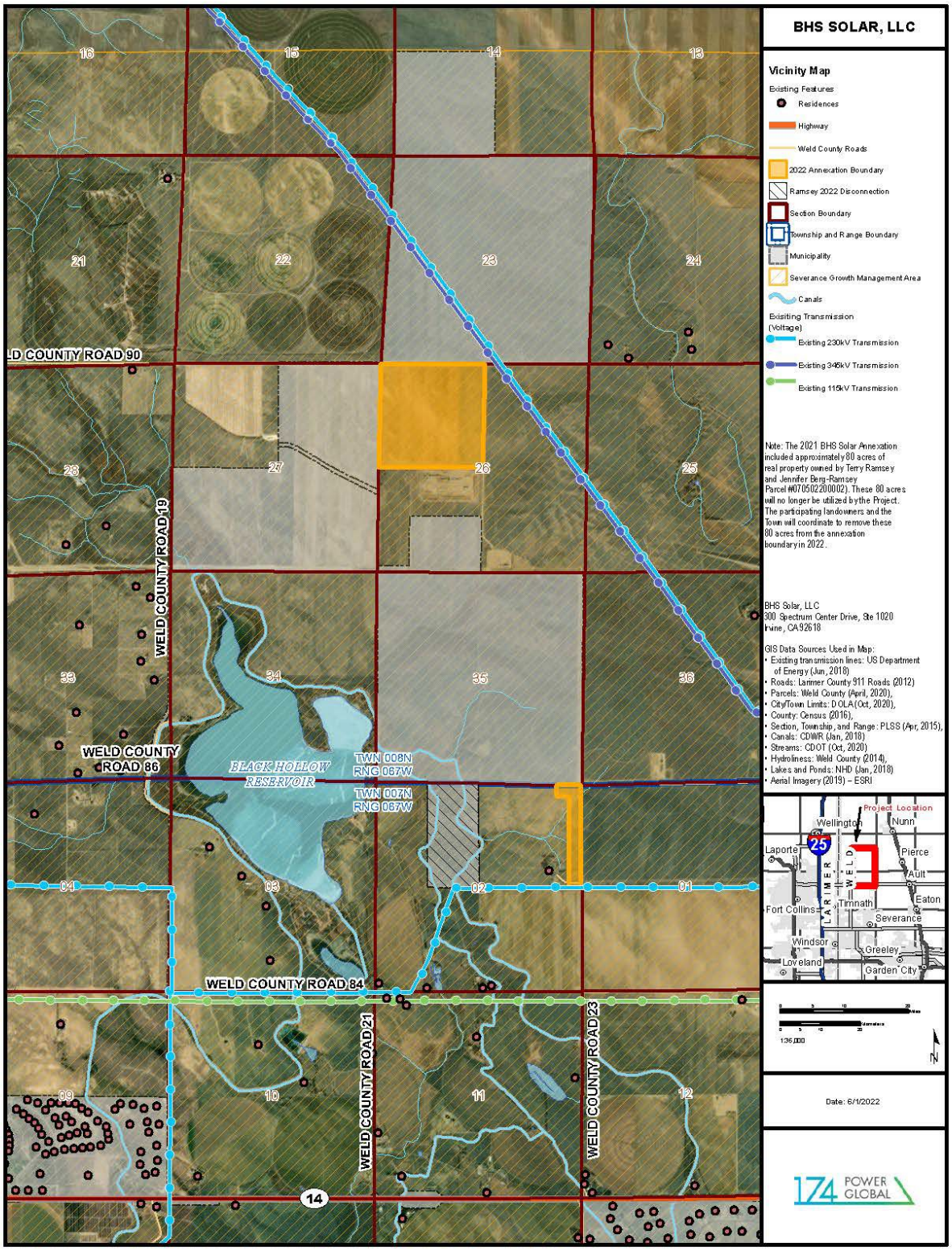
Respectfully,

BHS Solar, LLC

By: Hanwha Energy USA Holdings Corporation
Its: Manager

By: _____
Henry Yun
Its: President

Figure 1: Project Area and Vicinity Map



PROJECT DESCRIPTION AND CONSISTENCY WITH COMPREHENSIVE PLAN

BHS Solar, LLC, a Delaware limited liability company (BHS Solar), plans to develop the BHS Solar project (Project) on private land. The Project land is being annexed into the Town of Severance (Town) in two phases: 2021 BHS Solar Annexation and 2022 BHS Solar Annexation. The 2021 BHS Solar Annexation, which annexed 2,066.99 acres into the Town, was approved by the Town Council on November 2, 2021.[1] This 2022 BHS Solar Annexation petition for the annexation of certain additional real property owned by SPABS LLC (Parcel #055526000002, 159.164 acres) and Terry Ramsey and Jennifer Berg-Ramsey (Parcel #070502100001, 20.149 acres). A map of the 2021 BHS Solar Annexation and 2022 BHS Solar Annexation areas is in Figure 1.

There is a single Site Plan for the Project that utilizes portions of both the 2021 BHS Solar Annexation and 2022 BHS Solar Annexation areas. The Site Plan and the associated narrative and analysis within this application addresses the Project's development within lands annexed under the 2021 BHS Solar Annexation and 2022 BHS Solar Annexation, except where noted. The Project would consist of photovoltaic (PV) solar panels, inverters, electric collector lines, a Project substation, an operations and maintenance (O&M) building, access roads, fencing, a battery energy storage system (BESS), and other appurtenant equipment. Platte River Power Authority (Platte River) would construct and own a switchyard into which the Project substation would interconnect, an access road, and a transmission line to interconnect its switchyard into its existing 230kV transmission line. The layout for the Project is depicted on the Site Plan Map (Section 3.1) submitted as part of the 2022 BHS Solar Annexation and Site Plan Application.

Iterative feedback from Town staff, Weld County, CPW, and neighbors for over two years have optimized the Site Plan to support viewshed, economic, oil and gas, wildlife, transportation, recreation, and farming priorities. Of the total 2,165 acres annexed, only 1,362 acres or 63% would be utilized by the Project leaving the remainder in agriculture, wildlife habitat, oil and gas reservations, and setbacks. The footprint avoids irrigated pivots, floodplains, and is setback over 1,100 feet from the closest neighboring residence and over 1,300 feet from Black Hollow Reservoir.

The 2021 BHS Solar Annexation application anticipated the Project substation, switchyard, and transmission interconnect to Platte River's existing transmission line would be located on 80 acres owned by Terry Ramsey and Jennifer Berg-Ramsey (Parcel #_070502200002). Ongoing outreach and resource studies subsequently identified an alternative transmission interconnection further east with less impacts to Black Hollow Reservoir and residences. The new location better avoids raptor habitat and prairie dog colonies, with the added benefit of being further setback from Black Hollow Reservoir viewsheds and residences.

The optimized Site Plan:

- **Supports Agriculture and Private Property Rights**. Landowners support the Project because it supports stewardship of their properties and supplements their income. Many neighboring property owners have also leased their land for future solar uses. Through

[1] The 2021 BHS Solar Annexation included approximately 80 acres of real property in Section 2, T7N, R67W owned by Terry Ramsey and Jennifer Berg-Ramsey. These 80 acres will no longer be utilized by the Project. The participating landowners and the Town will coordinate to remove these 80 acres from the annexation boundary.

community development, leasing private property for a limited term and supporting existing water infrastructure, the Project supports long-term agricultural uses.

- **Accelerates Economic Development**. The Project will support economic stability through significant tax revenue, landowner payments, local construction and operations jobs and local purchases of supplies and services, ranging from lodging and food to equipment.
- **Keeps Energy Prices Low**. Even after accounting for the significant payment of tax revenue to Weld County and Town of Severance, schools, fire districts, and libraries, and payments to participating landowners, the Project will deliver some of the lowest-cost solar energy in the nation, which will help keep power costs low in the region; the Project's scale provides additional cost advantages – less than half the cost of smaller systems typically used in residential homes and businesses.
- **Protects and Utilizes Natural Resources**. Platte River Power Authority relies on the natural gas industry for energy generation and supports businesses and job creation in the county. The Project defends mineral and agricultural rights for future generations. The Project supports regional interest in deploying more noncarbon energy resources and helps diversify energy resources in the region.
- **Respects Land Use Amenities**. Through its grassroots outreach, the Project is working with partners to protect and improve agricultural, water infrastructure and setback from recreational amenities for the community.
- **Safeguards Environmental Resources**. The Site Plan avoids sensitive areas, and construction methods will maintain water quality, be considerate of residential areas and produce no hazardous waste.
- **Does Not Require Municipal Water**. Unlike most land uses approved in the Comprehensive Plan, the Project brings significant benefits without requiring a municipal water source.

Where is the Project Located?

The Project is located on private land in western Weld County, north and east of Black Hollow Reservoir (Figure 1).

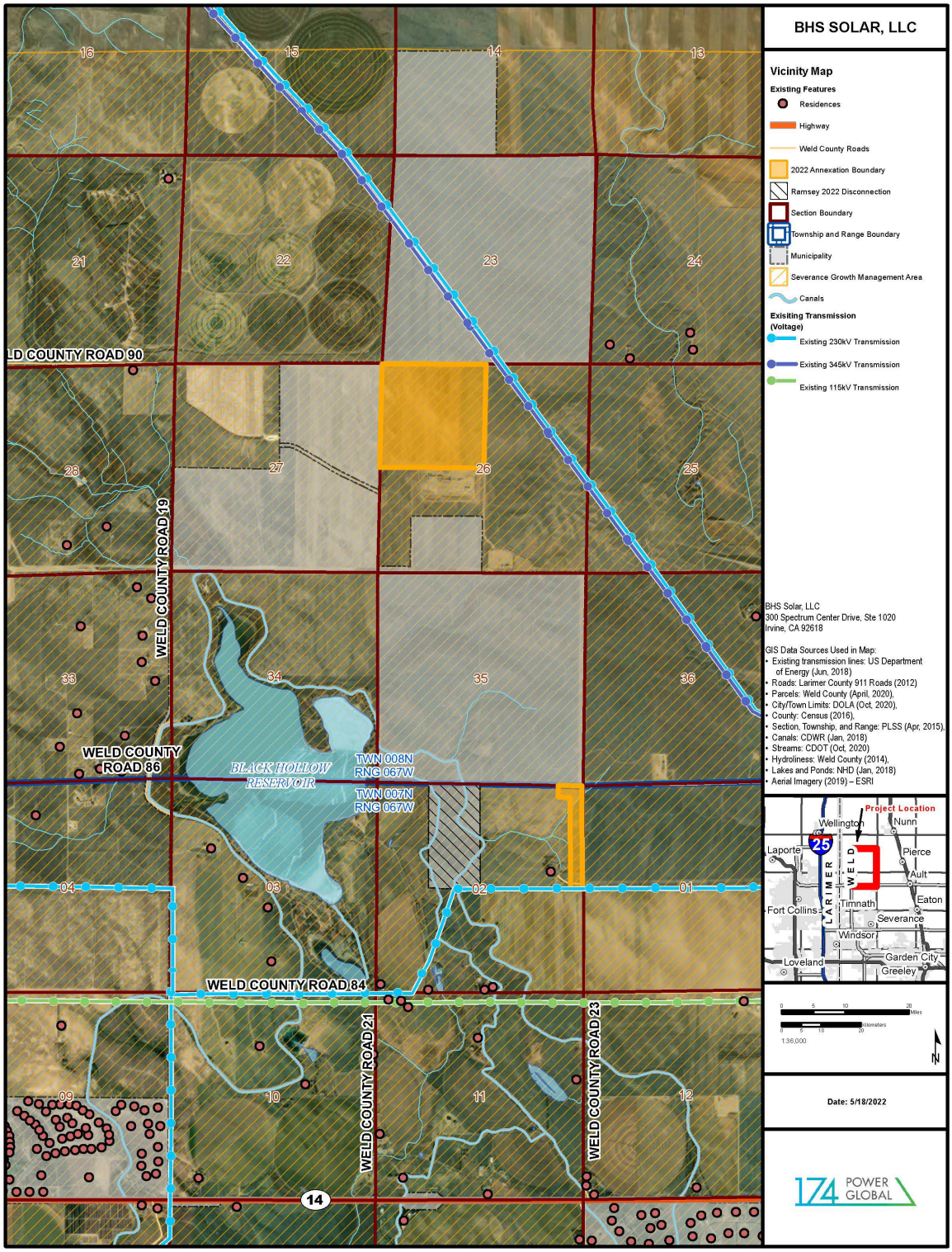
What is the Proposed Land Use of the Project?

The Project is a utility-scale PV solar facility. Current land use in the Project area is primarily agricultural, including cattle grazing, field crops, and wildlife habitat. Transmission lines and oil and gas pipelines are present, as well as other oil and gas facilities. No residences are located within the Project area.

The Project would allow landowners in the annexed area to utilize portions of their properties for additional revenue generation for up to 40 years and return to historic agricultural land use.

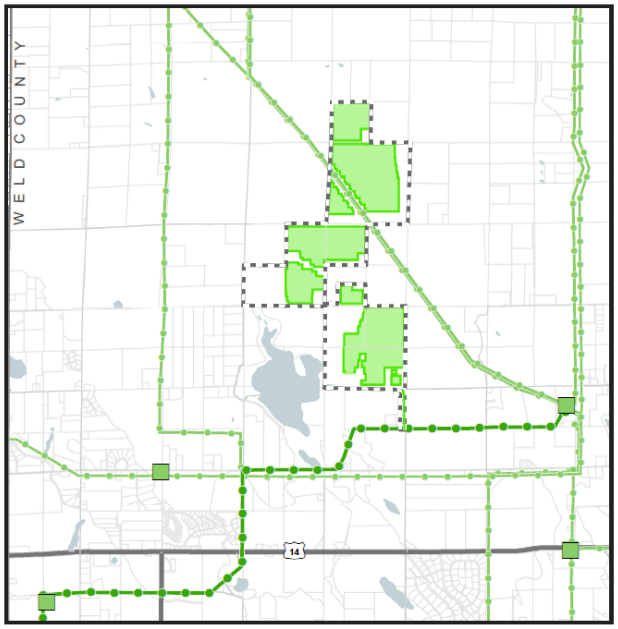
PV solar is compatible with neighboring agriculture and ranching uses because it is one of the quietest and cleanest forms of energy generation. The low-profile solar panels would be visually set back from adjacent properties, as shown on the Site Plan Map (Section 3.1). Construction of solar facilities is less disruptive than other types of non-residential construction.

Figure 1. Project Area and Vicinity

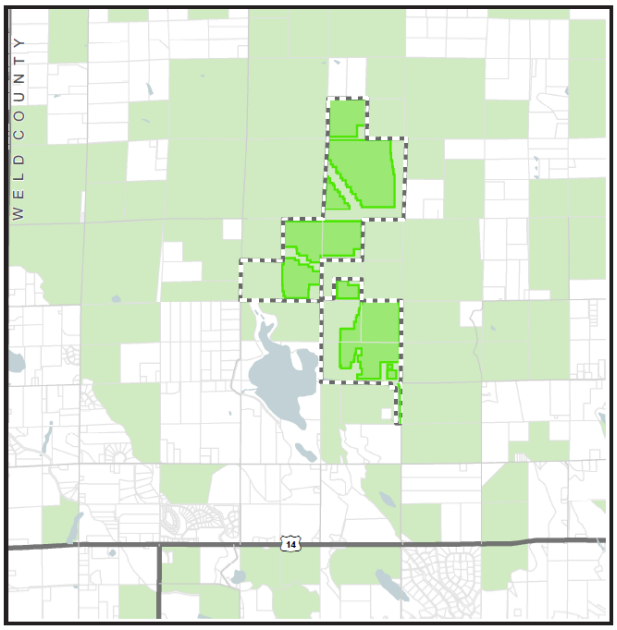


What constraints were analyzed to determine siting of the Project?

The northeast portion of Severance's Growth Management Area is ideal for solar energy development for a variety of reasons: it is adjacent to transmission lines radiating from the Ault Substation; ample rangeland or dryland is available; oil and gas infrastructure and expectations are factored into the layout; and the footprint can be set back from important wildlife habitats, wetlands, canals, floodplains, and residential areas. Each of these factors are explored on the following pages with the Site Plan footprint highlighted in green.



Transmission and Substations



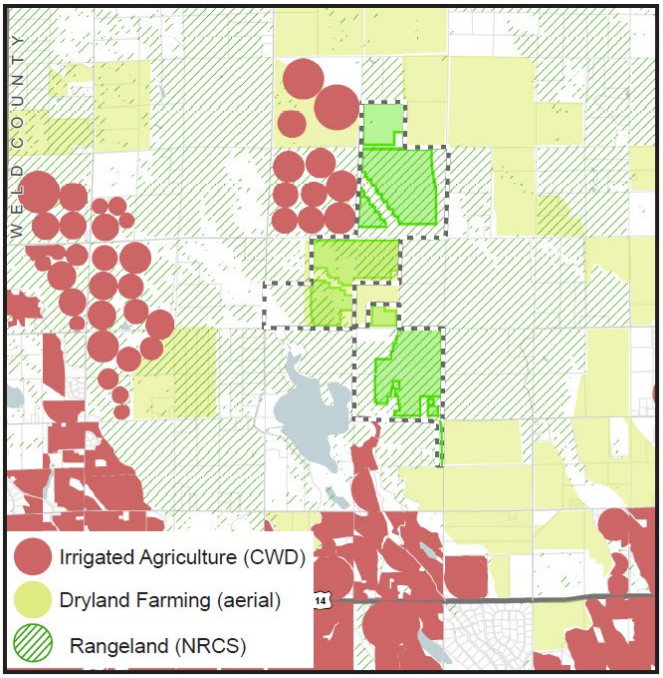
Parcels > 150 Acres

Transmission and Substations

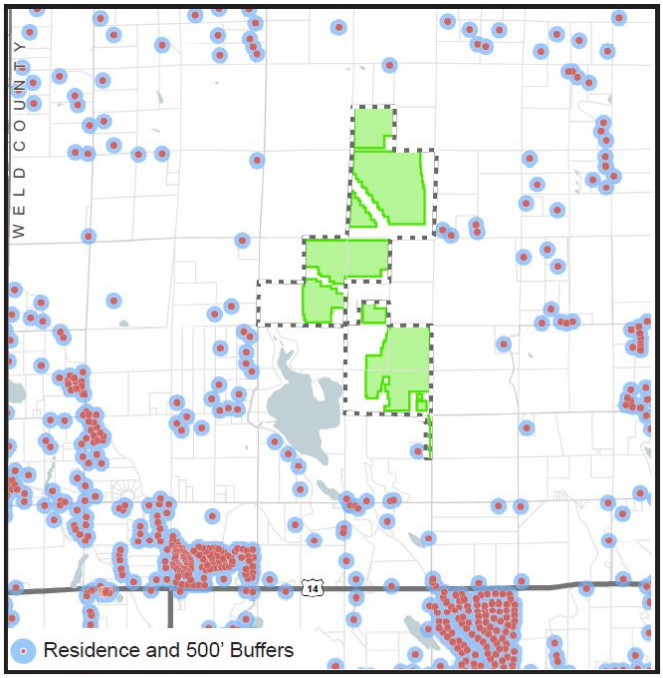
The Project is located adjacent to existing transmission lines so that the need for new transmission lines is minimized. BHS Solar would construct a new Project substation that would step-up from medium voltage to 230 kilovolts (kV). The Project substation would interconnect via a 230kV transmission line to a switchyard to be constructed and owned by Platte River. The Platte River switchyard would interconnect to Platte River's existing 230kV transmission line via a new transmission line to be constructed and owned by Platte River.

Parcels greater than 150 acres

The Project maximizes efficiency by leasing larger parcels from fewer landowners. The scale of the larger parcels allows for the preferred solar layout to avoid sensitive resources and buffer adjacent or nearby residences.



Agriculture & Rangeland



Residential

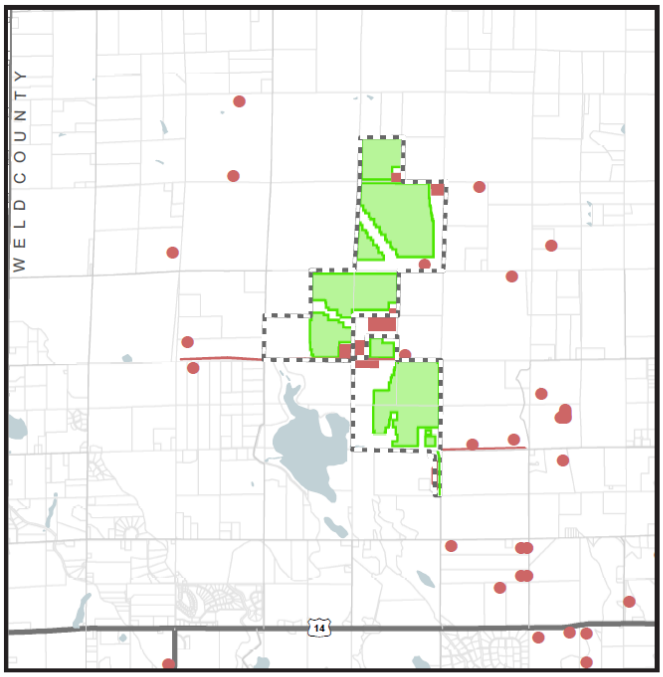
Agricultural Uses

The Project was sited to avoid irrigated agriculture. Components would be optimally arranged on dryland and rangeland agricultural areas. Ditches and irrigation infrastructure are also avoided.

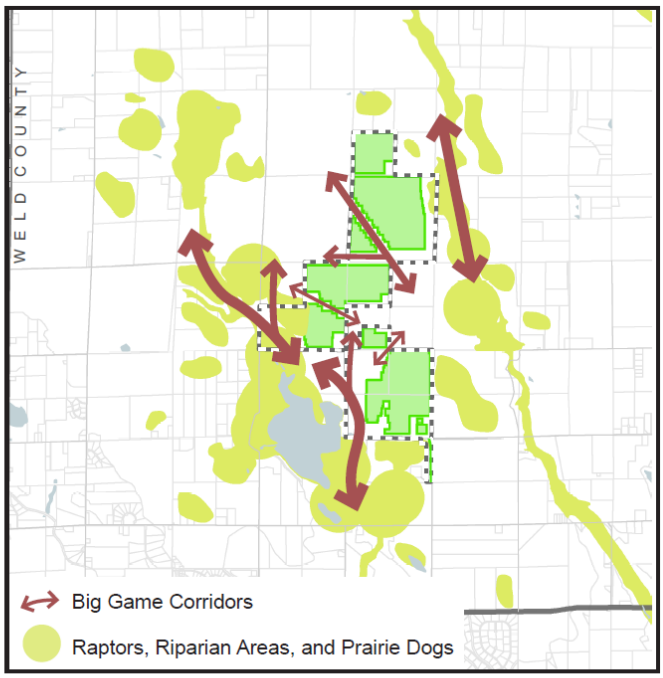
Residential Areas

The Project was sited and set back from residential areas to the extent possible. The closest Town neighborhood to the Project footprint is the Saddler Ridge development, over two miles away. County subdivisions are present west and south of Black Hollow Reservoir, one mile or more from the Site Plan footprint.

The Site Plan has been proactively set back from the closest non-participating residence at 11217 County Road 90 by 1,100 feet. The Project is over 0.5 mile from the next closest residence.



Oil & Gas Infrastructure / Agreements



Wildlife

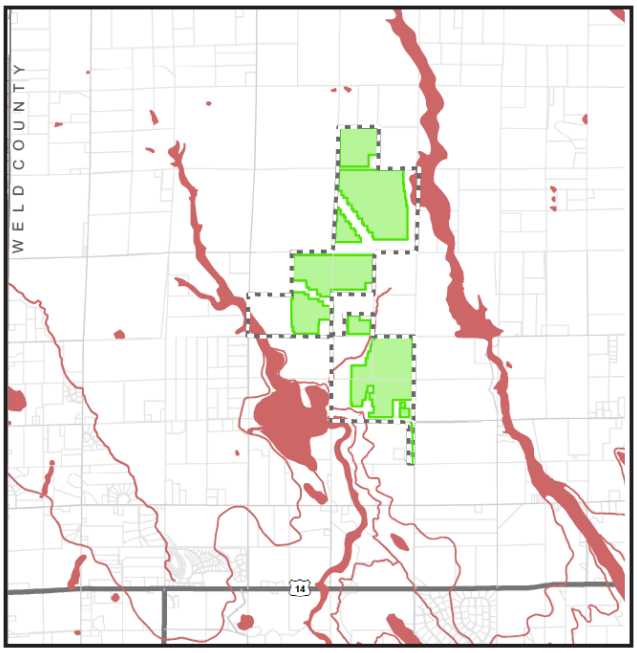
Oil and Gas Infrastructure and Agreements

The Project avoids current oil and gas facilities and planned developments with appropriate buffer distances. It does not preclude future oil and gas exploration and development that may be permitted through the Town or Weld County and protects mineral rights of current owners. Future drill pads are shown on the Site Plan Map (Section 3.1) for reference but are not included in this application.

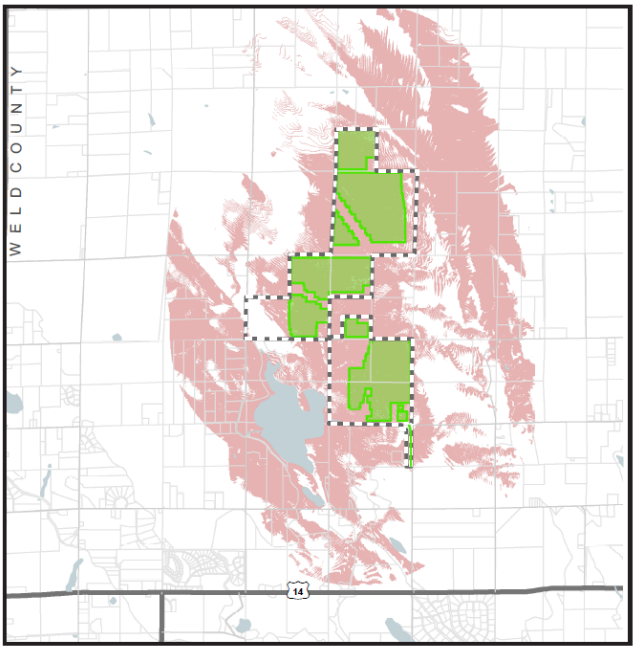
Wildlife Habitat

The Project was designed in coordination with Colorado Parks and Wildlife (CPW) for the past two years, with formal meetings on November 13, 2019; January 20, 2020; May 26, 2020; December 16, 2020; and October 6, 2021.

These early, proactive meetings helped inform property selection and Project siting, such as buffering Black Hollow Reservoir by over 1,300 feet at its closest point and avoiding floodplains and perennial drainages. Raptor nests present in the Project area are avoided according to the guidance provided by CPW (2020), and no trees are anticipated to be removed. Black-tailed prairie dog colonies are also avoided in the Site Plan, because these provide prey and habitat for a wide variety of other species. Until the Project is decommissioned the Site Plan footprint would remove approximately 1,362 acres of big game winter habitat. To mitigate the impact, big game movement corridors are incorporated between perimeter fencing to the extent feasible, shown in red on the figure above. These vary from almost one-half mile (2,560 feet) in width between Black Hollow and irrigated fields to the north to 250 feet between solar array fences. A Biological Resources Summary (Section 3.7) and additional Environmental Conservation Measures (Section 3.8) are included with this application.



Wetlands, Canals, and Floodplain



Solar Facility Viewshed

Wetlands, Canals (ditches), and Floodplains

The Project and substation would avoid wetlands and floodplains. A crossing agreement(s) for the Tunnel Water Company's surface rights (not a ditch/canal) would be obtained prior to construction.

Visibility of the Project

The low-profile solar panels are visually set back from adjacent property owners, as is shown in the Visual Simulations (Section 3.13). The figure above shows where the solar arrays and substation would be visible within 1.5 miles.

What are the Project components and pertinent specifications?

The Project would include PV solar arrays, an electric collection system, a substation, an O&M building, access roads, a BESS, a short segment of transmission line, and other appurtenant equipment. Typical solar facility equipment is presented below in Figure 2. See the Site Plan Map (Section 3.1) and Exterior Elevation Drawings (Section 3.2) included with this application.

PV Solar Panels. The Project's panels are grey-blue in color; have a non-reflective surface; and stand 8 to 12 feet tall, depending on the angle of the sun. The panels connect serially to form a string and these strings combine to form an array that follows the sun's movement. The equivalent of two standard intermodal containers (approximately 40 feet x 8 feet x 8 feet ~ 2,560 cubic feet per container) may be stored within the proposed laydown areas and would be removed during the decommissioning process. An O&M building would be included onsite and would be approximately 14 feet x 60 feet.

Figure 2. Solar Facility Equipment

Inverters and Collector Line System. The power generated within the arrays would be converted into alternating current (AC) using multiple inverters and collected within medium voltage lines. The collected medium voltage lines would connect to the Project substation. The Project's medium voltage collector lines may cross existing utilities overhead or underground, depending on the existing utilities' crossing requirements.

Project Substation. The Project substation includes a transformer to step-up medium voltage to 230kV, which is the transmission voltage at which Platte River operates its transmission system. Most substation equipment would be less than 30 feet tall and screened behind a 12-foot-tall chain link fence. Lightning protection masts and one dead-end structure connecting to Platte River's 230kV switchyard would be up to 60 feet tall. Most Project substation equipment would be less than 30 feet tall.

Backup power and internet to the Project substation and Platte River switchyard would be provided by Poudre Valley Rural Electric Association (PVREA) and CenturyLink through 12.47kV lines that would enter from the southern end of the Project area at County Road 23. PVREA and CenturyLink would permit their power and internet separately.

BESS. The BESS would be located next to the collector substation. The BESS would charge with energy produced by the solar array and discharge when electricity demand is greatest. The Project design would include approximately 35 to 40 battery containers hosting battery cells in a 2-acre footprint adjacent to the Project substation. The containers would be approximately 30 feet long, 8 feet wide, and 10 feet tall.

O&M Building. The BHS Solar O&M building will consist of a double-wide manufactured steel enclosure. Two 60-foot by 14-foot building modules will be connected to form the double-wide building. Exterior walls will consist of 24-gauge steel painted to match the surrounding environment. The operations and maintenance building will be the central plant monitoring

location and will house the plant Supervisory Control and Data Acquisition (SCADA) system. The building will serve as a storage location for the solar plant spare parts such as solar panels and fuses. The O&M building will also contain facilities for the staff such as kitchen, bathroom, and break room. Water and sewage will be of available means, whether stored potable water or septic tank service when municipal utilities are not available.

What Platte River-owned facilities are required for the Project to interconnect to the electrical grid?

Platte River would construct, own, and operate a new switchyard and transmission line that would connect the solar project to the existing electrical grid.

Platte River Switchyard. The Project substation would connect via a short overhead transmission line to a new Platte River switchyard. The switchyard's electrical equipment would be less than 30 feet tall except for lightning protection masts and H-frame transmission structures. Seventy-foot-tall H-Frame transmission structures and lightning masts would be inside the switchyard. The Platte River switchyard would be screened with a 12-foot-tall block wall around the perimeter.

Platte River Transmission Line. A new approximately 3,413-foot-long transmission line would connect the Platte River switchyard to Platte River's existing 230kV transmission line along the southern boundary of the south-half of Section 2, Township 7 North, Range 67 West. Platte River's new transmission line would include steel monopoles, approximately 115 feet to 130 feet tall, which are the same height as the existing lattice frame structures. Lastly, up to two steel monopoles are proposed to be built outside of the annexation area within Platte River's existing 100-foot-wide right-of-way for its 230kV transmission line.

What ancillary services may the Project substation and Platte River switchyard require?

Backup power and internet to the Project substation and Platte River switchyard would be provided by Poudre Valley Rural Electric Association (PVREA) and CenturyLink through 12.47kV electric, and telecommunication lines that would enter from the southern end of the Project area at County Road 23. PVREA and CenturyLink would permit their power and internet separately.

What Alternatives were analyzed and considered for the Project?

Many iterative and alternative locations and designs have been analyzed and considered for the Project based on the constraints described and presented on constraints maps above. This Site Plan application presents the optimal layout of all BHS Solar and Platte River facilities. The preferred alternative was chosen based on proximity to Platte River's existing 230kV transmission line, avoidance of environmental constraints, visual setbacks from neighbors, and landowner agreements.

The preferred location for the Project substation, battery storage, and Platte River switchyard is the southeast quadrant of Berrado Holdings, LLC (Section 35) with a new transmission line to Platte River's existing transmission line on Terry Ramsey and Jennifer Berg-Ramsey (Section 2). Two alternate locations for interconnection facilities were considered during project design (Table 1). The 2021 BHS Solar Annexation application anticipated Alternative A would be located on 80 acres owned by Terry Ramsey and Jennifer Berg-Ramsey (Parcel #_070502200002). Alternative B, on land owned by Drake-Carleton Partnership, LLLP (Section

2), was dismissed due to proximity to Black Hollow Reservoir, presence of raptor nests, and distance from Platte River's existing 230kV transmission line. In 2022 these facilities were moved to the southeast quadrant of Berrado to maximize the buffer distance to Black Hollow Reservoir and from residences along CR84. This application presents the most optimal Project in terms of environmental considerations, reduced residential impacts, and Project efficiency.

Table 1. Preferred Location vs. Alternative Locations for Project Substation and Platte River Switchyard

Criteria	**2022 Preferred Location (this Application)**	**Alternative A (anticipated in 2021 Annexation Application)**	**Alternative B**
Facilities	Project Substation, Platte River Switchyard, Transmission Interconnect	Same	Same
Length of Project Collector Line System from Solar Arrays to Project Substation	Approx. 200 feet	Approx. 1,700 feet	Approx. 200 feet
Length of New Platte River Transmission Line between Platte River Switchyard to Existing Platte River 230kV Line	Approx. 3,400 feet	Approximately 400 feet	Approximately 5,600 feet
Proximity to Neighbors	5,400 feet to nearest residence on CR 84	3,000 feet to nearest residence on CR 84	700 feet to same residence on CR 84
Viewshed	Longest transmission line and higher on hill, but furthest from Black Hollow Reservoir and residences	Shortest, shortest distance, screened by ditches and terrain but still close to Black Hollow Reservoir	Transmission line would be most visible and closest to Black Hollow Reservoir marina and CR 84.
Environmental	Does not cross floodplains or raptor buffers. Furthest from sensitive resources.	Does not cross floodplains or raptor buffers	Transmission line spans floodplain and crosses into raptor buffers

What is the Theme of the Development?

The theme of the development is sustainable solar energy. The Project would allow landowners in the annexed area to use portions of their property for additional revenue generation over the course of the next 40+ years until the Town's infrastructure is ready for them to transition to longer-term urban uses or return to historic agricultural land use.

PV solar is compatible with neighboring agriculture and ranching uses, because it is one of the quietest and cleanest forms of energy generation. The low-profile solar panels would be visually set back from adjacent property owners, as is shown on the Site Plan map (Section 3.1). Construction and operation of solar panels is less disruptive than other types of non-residential construction.

What are the Benefits of the Project?

Additional benefits of the Project beyond those listed on pages 1 and 2:

- The Project would create direct and indirect economic benefits, including payments to school and fire districts, participating landowners, a local construction and operation workforce, and construction purchases of local supplies and services, ranging from lodging and food to equipment. Tax revenue to the Town of Severance, as well as local schools and library districts would be significant without burdening them with additional students or services.
- The Project would support private landowner stewardship of their properties and supplement their income.
- Through community development, leasing of private property for a limited term, supporting existing water infrastructure, and low-impact development methods, the Project would support long-term agricultural uses.
- Renewable energy generated by the Project would help strengthen and diversify the energy supply portfolio in Weld County and Northern Colorado. It would also support regional strategies to deploy more renewable energy and would help the State and local communities achieve Colorado's overall energy goals.
- The Project would improve regional air quality by decreasing the overall emissions of Platte River facilities that are located upwind of the Town of Severance and Weld County.

How Does the Development Theme and Pattern Support the Comprehensive Plan and Rural Residential – Agricultural Zoning District?

Town Vision Statement Physical:

Severance will remain a small town with a strong vibrant commercial and residential core surrounded by sub-urban residential neighborhoods. Beyond the sub-urban perimeter, the pattern of development will be predominately large-lot rural residential subdivisions and a mix of agricultural land uses. A few development nodes may arise along surrounding major highways.

Participating landowners support the Project because it enables stewardship of their properties, supplements their incomes, and allows for a return to agricultural or other uses after decommissioning. Some neighboring property owners have already leased their land for future solar energy uses. Through community development, leasing of private property for a limited term, and supporting existing water infrastructure, the Project is compatible with, and would facilitate agricultural uses during operation on unutilized portions of the property. When the Project is decommissioned at the end of the term, the property could transition to higher and best Town uses or return to agricultural use.

PV solar is one of the few types of land uses that can be installed and later removed without impacting the long-range agricultural use of the land and some agricultural uses could even continue within the fenced perimeter. While in the short term the Project would remove

rangeland and dryland agriculture from production (see Section 3.1 Site Plan), the proposed solar construction technique does not require significant grading because frames can be pile- or screw-driven into the existing soil profile. This method allows agricultural uses to be re-established in the long-term following Project decommissioning without a loss of native topsoil, soil erosion, or existing vegetation (see Section 3.4, Grading Plan). As a "solar farm" itself, the Project would not encourage agricultural uses on neighboring properties to transition to other uses and would not adversely affect irrigated agricultural uses. For these reasons, participating landowners support the Project and the Right-to-Farm statement.

How would the Project interface with land use?

The Project is in the northeast portion of Severance's Growth Management Area where dryland agriculture, livestock grazing, and wildlife habitat are the primary uses. Other uses include oil and gas facilities, high voltage electrical transmission, irrigated agriculture, rural residential, and private recreational uses at Black Hollow Reservoir. The scale of the study area offers ample space to locate the Project away from Black Hollow Reservoir and wildlife habitats to the southwest, neighborhoods to the south and west, and avoid irrigated agricultural fields to the south and northwest. See the Existing Land Use Map (Figure 2) for a visual representation of the Project's immediate vicinity.

How would the Project interface with the zoning district?

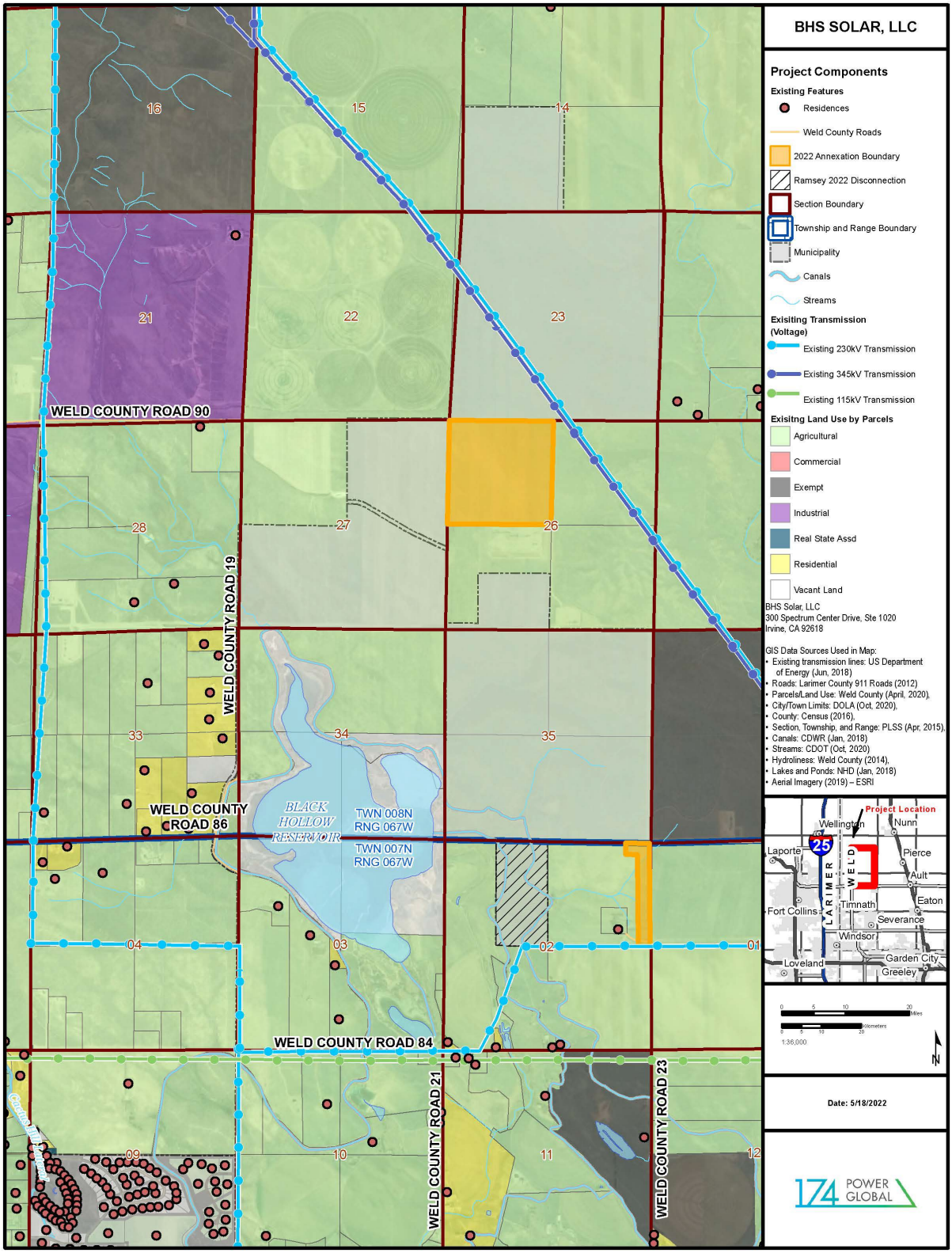
Per the Comprehensive Plan, Rural Residential – Agriculture residential development "is intended to be large lot residential subdivisions with an agricultural component that is associated with each lot, or a select number of lots, or is a standalone agricultural parcel." The Project is compatible with the proposed Rural Residential – Agricultural zoning. No new lots or residential density would be created because of the Project. The land would be available to transition to long-term urban uses if the Town's residential core and surrounding suburban residential neighborhoods and infrastructure expand in the future or return to its original agricultural uses following decommissioning.

Town Vision Statement - Cultural:

Severance will remain a family-oriented town that encourages interaction between neighbors, businesses, and civic services. Frequent community events, that are collaboratively sponsored and organized, will promote Severance as a great place to live, do business or visit.

The Project would provide safe, inexpensive electrical energy for development and attraction of new businesses, labor, and capital. The Project would tangibly achieve the Town's aspiration of attracting low impact commercial and industrial uses, which is emerging as an important consideration as the Town continues to build infrastructure and water service capacity. It would generate energy at less than half the cost of smaller systems on homes and businesses. Through an annual funding program for community initiatives and as a significant contributor to the tax base of the Town, school districts, library district, conservation district, and AIMS College, BHS Solar would be committed to serving as a long-term partner in the Town's family-oriented cultural priorities. Contributions are described in the Development Agreement (Section 4) and summarized further below.

Figure 2. Existing Land Use



BHS Solar would also contribute to the community by providing an opportunity for rural landowners to generate income from their agricultural properties in accordance with its current highest and best use, while also ensuring that those same landowners become invested in the Severance community and are able to reserve their land for future urban uses, agricultural production, and as visual open space for the surrounding community. Rather than encouraging new development pressure that may fragment the existing community or encourage long-time residents to consider selling and relocating, families would benefit from lease payments and the wider community would benefit from the continued stewardship of their properties.

Town Vision Statement - Economic:

Severance will be an economically sustainable community by growth and development according to our physical and cultural visions. Severance's Hometown Vision fosters business growth by encouraging policies and practices that support diverse uses and flexibility. Reasonable infrastructure requirements and fees, combined with straightforward, streamlined processes are essential for strong economic developments that portray Severance as a unique community in the region.

In addition to the information above, the Project would provide new local employment opportunities in Weld County throughout the construction, operation, and decommissioning phases. Construction of the Project would support hiring an average of 320 employees for temporary full-time positions during the 12- to 14-month construction period, many of which would be open to local residents. Approximately ten additional jobs would be created to operate the Project for decades into the future. Local contractors would be utilized for operation and maintenance activities, including panel washing and mowing. Additional temporary jobs would be created to decommission the Project. Supporting local workforce, industry, and employment opportunities is a priority for construction and implementation of the Project. We would work with the local Chambers of Commerce and other local organizations to encourage participation and interest.

The Economic Impact Analysis (Appendix A) was prepared by Development Research Partners to estimate the economic and fiscal impacts of the Project during both construction and operation. The total direct and indirect impacts of construction activity are an estimated $16.5 million in total output ($10.8 million direct output + $5.7 million indirect and induced output) produced by 53 local employees (34 direct employees + 19 indirect employees) earning a total of about $3.2 million ($2.3 million direct earnings + $0.9 million indirect earnings) during the construction period. The indirect or multiplier effects are generated as local suppliers and workers spend their dollars on everything from other business purchases to restaurants and other retail and entertainment. The direct fiscal impact of permits, fee revenue, and use tax revenue to the Town during the construction period is an estimated $3.6 million. These impacts are temporary, occurring only during the construction period.

Annual operations are estimated to provide total direct and indirect impacts of $9.1 million in total output ($6.7 million direct output + $2.4 million indirect and induced output) produced by 10 employees (5 direct employees + 5 indirect employees) earning a total of $0.6 million ($0.3 million direct earnings + $0.3 million indirect earnings). The Town and several other local districts would receive property tax revenue generated from the Project, totaling an additional $838,000 for schools, libraries, fire, conservation, etc. each year. These impacts are likely to

occur annually for up to 40 years (and longer if the term is extended) assuming similar business conditions – all without noise, odor, traffic, road, police, or student impacts.

As a significant contributor to the tax base of the Town – without corresponding service demands – BHS Solar is committed to serving as a long-term partner in the Town's economic priorities. By introducing an alternative type of use in the short term and preserving diverse land uses in the long term, the Town would be able to continue promoting flexible economic development policies and practices that continue to set Severance apart from other communities in the region.

How would the Project impact municipal services? What are the anticipated sources of water, sanitary sewer, and other utilities to be used to serve the property, and the impact on the water and sanitary sewer systems?

The Project is unique in that it does not result in increased demand for municipal services, including water, sewer, roads, schools, or other services; yet it would provide substantial tax revenue to the Town and special districts.

Unlike most other land uses, solar facilities require very little water to maintain their operations, and adequate water supplies are currently available for facility needs. No potable water is needed for the Project. The Project would have minimal water needs during construction or decommissioning (e.g., dust control, bottled water, and portable toilets for the workforce), or during operation (only for panel washing up to a few times per year). A dry brushing technique may be used to routinely clean the panels, thereby reducing operational water needs. Any water needed for fugitive dust control and panel washing would be purchased from a commercial water source and independently transported to the Project site. There are multiple commercial water providers in the area.

O&M building water shall consist of potable water holding tank when municipal services are not available. Water will be delivered from a local vendor as required to meet onsite usage. It is anticipated that the O&M building will be staffed by one employee to monitor and control the site. A septic tank will be designed for the O&M building based on staffing needs. It is anticipated that a 1,000-gallon septic tank will meet the needs of the site.

How would the Project interface with connectivity? What is the proposed access for the Project? How would Project traffic affect Severance transportation and what are the planned truck routes? What treatments would be applied to the roadways on the perimeter and internal to the site?

External access to the Project for construction and operation is available via existing roads and highways. A Traffic Impact Study Section 3.9) anticipates using Interstate 25 to CR 90 for construction equipment, with substation equipment using a mix of CR90 and CR 23.

The Project would comply with applicable transportation plans, functional classifications, and access control plans that have been adopted by the Town and Weld County. BHS Solar would consult with the Weld County Public Works Department and the Town to develop a road use agreement, as appropriate.

The Traffic Impact Study demonstrates that the Project would not generate an unacceptable level of additional traffic during construction or decommissioning. Minimal new road improvements would be required for Project construction. During operation, limited trips per

month would be required for inspection and maintenance with no impact to the road system. An internal, all-weather road network would be privately maintained with no public access.

Internal access would not be open to the public. The Town and Weld County do not have specific standards for substation access roads. The industry standard supports heavy-duty vehicles required for oil and gas and utility facility construction. This standard is an approximately 30-foot-wide graded and compacted dirt road with an approximate 50-foot turning radius. The access roads would be compacted dirt road and would allow for drainage (i.e., no impervious surfaces). BHS Solar would be responsible for maintaining internal roads during the term of the lease and would comply with the Town's conditions of approval.

Fire District and emergency responders could access the Project through CR 23 and CR 90 entrances. Platte River's access to its transmission line and switchyard would be through the CR 23 entrance. Century Link and PVREA's access to the Project substation and Platte River Switchyard would be through the CR 23 entrance.

How would the Project interface with residential density?

No new residential units would be associated with the Project.

How would the Project interface with open space?

The Project is not sited within or near designated or protected lands. The Project does not preclude future opportunities for connectivity with a greenway, such as envisioned in the Severance Comprehensive Plan.

How would the Project comply with the Town of Severance Land Use Code?

The Project would comply with the Town of Severance Land Use Code except for certain variances or clarifications of the Land Use Code Section 16.6.10 and 16.11.160, which are described in the Development Agreement and summarized under streetscape and setbacks below.

What improvements would be made to the streetscape (if applicable)? How would landscape design be achieved? How would landscaping be maintained? What would the landscape irrigation system be like, including sources for water? How are the entries to the development enhanced?

The Project area would not be open to the public. To prevent attracting attention and to blend in with the surrounding agricultural lands, the entrances would be maintained in their current state rather than setting them apart from other neighboring properties. See the Landscape and Open Space Plan (Section 3.6) for details on habitat enhancement and visual screening.

What are the setbacks proposed for these facilities both during initial operation and long-term?

The Project would adhere to the Severance Town Code, Section 16.11.160 setbacks for a large-scale solar facility:

- Front - 50 feet
- Side - 10 feet or 1 foot per 2 feet in height, whichever is greater
- Side corner - 50 feet

- Rear - 20 feet
- Arterial or State highway - 100 feet
- Local or collector road - 50 feet

One exception is the side and side corner setbacks in Section 27, T8N, R67W NE Quarter and Section 26, T8N, R67W, NW Quarter. Both parcels are owned by the same owner (SPABS) and there is no existing or reserved public ROW along the eastern boundary of Section 27 or western boundary of Section 26 NW Quarter. BHS Solar requests a waiver to make the site layout more efficient. If other changes to setbacks are necessary, BHS Solar would request them on construction permits.

What is the fencing plan for the Project, both during construction and long-term?

For safety purposes, the solar array and substation perimeters would be completely enclosed with fencing to prevent big game and the public from entering, following CPW and National Electrical Safety Code guidelines and requirements. Perimeter fencing would be designed, constructed, and maintained according to Project security requirements and CPW recommendations for fencing that is safe for wildlife (CPW 2009). The facility would also be marked with warning and no trespassing signage on fences, gates, and electrical equipment. All gates, access doors, and ports would always be locked. Exterior Elevation Drawings are included in Section 3.2 and Environmental Conservation Measures are included in Section 3.8.

How would Project improvements be managed?

During construction, the Engineering, Procurement and Construction (EPC) Contractor would provide a Construction Management Plan to the Town. During operation, a minimum amount of light-duty truck traffic would be generated. During operation, 5-10 trips per week of light-duty truck traffic would be generated. A Property Management Plan is included in Section 3.11.

How would stormwater be managed?

Grading and drainage exhibits and reports are included in Section 3.4. BHS Solar commits to obtaining a Stormwater Management Plan (SWMP) from the Colorado Department of Public Health and Environment (CDPHE).

How would parking be addressed?

The Site Plan map (Section 3.1) identifies laydown and parking areas to be used during construction. During operation, long-term parking would be available for routine maintenance and inspections.

How would exterior lighting be addressed?

The Project would not require lighting during operation except at the substation and gates. Lighting there would only be enough for security purposes and would be motion activated and shielded downward (dark sky lighting). Locations for security lights are shown on the Site Plan map (Section 3.1).

What is the potential impact on adjacent neighborhoods?

There are no adjacent neighborhoods to the Project. The types of potential impacts to neighbors in the Project vicinity include:

- Noise, increased traffic, and dust during construction;
- Visual impacts during construction and operation; and
- A change from a traditional rural land use.

Noise from construction would be managed to meet the Town's Municipal Code Article 9, Noise. The Project would be designed to accommodate the Development Code property line setbacks that further minimize noise effects on adjacent land uses.

BHS Solar would submit a Dust Mitigation Plan to the Town. Dust mitigation typically involves watering or application of non-toxic soil amendments during the highest volume periods. See also the Environmental Conservation Measures, which are included in Section 3.8.

One benefit of the scale of the properties involved in the development is the ability to site the Project at a distance from residences and recreation areas to the greatest extent possible to reduce visibility. There are no adjacent Town neighborhoods to the annexation boundary. With only one exception, all panels would be located more than 0.5 mile from the nearest non-participating residence. In addition, the panels would have a low profile of 8 to 12 feet in height, further reducing their visibility from neighboring properties and public ROWs. No specific landscaping treatments are planned for the Project perimeter except as shown on the Site Plan map (Section 3.1).

Solar plants, which generate little traffic and do not generate noise, dust, or other harmful effects after construction, do not negatively impact the value of nearby properties (Kirkland 2019). Researchers have found that the estimated average and median impact on property values is zero percent (Development Research Partners 2020). Recent peer-reviewed research published by the Lawrence Berkeley National Laboratory's Electric Markets and Policy Department surveyed public appraisers across the United States about the impact of utility-scale solar PV facilities on homes (Al-Hamooday et al, 2018). Researchers have noted that for all facility sizes, the respondents' estimated average and median impact on property values has been zero percent.

Similarly, HCE Reams Solar evaluated 65 matched pairs at 20 solar farms in Virginia and surrounding states, determining that the relevant range of property value differences "is from -9% to +9% with an average of +1% and median of +1%". This data strongly supports the compatibility of solar projects with adjoining agricultural and residential uses. Furthermore, the study notes that "matched pair results in multiple states are strikingly similar, and all indicate that solar farms – which generate very little traffic, and do not generate noise, or have other harmful effects – do not negatively impact the value of adjoining or abutting properties" (Kirkland, 2019). Other studies have reached similar conclusions that, "no consistent negative impact has occurred to adjacent property that could be attributed to proximity to the adjacent solar farm" (Development Research Partners 2020).

What is the roadway network associated with this development, and its impact on the existing transportation system?

Access to the Project for construction and operation is available via existing roads and highways. Minimal new road improvements would be required for Project construction and only minimal use of these roads would continue after construction is completed.

The Project would comply with applicable transportation plans, functional classifications, and access control plans that have been adopted by the Town and Weld County. BHS Solar would consult with the Weld County Public Works Department and the Town to develop a road use agreement, as appropriate. A Traffic Impact Study is provided in Section 3.9. It demonstrates that the Project would not generate an unacceptable level of additional traffic during construction or decommissioning. During operation, a minimal number of trips per month would be required for inspection and maintenance with no impact to the road system. An internal, all-weather road network would be privately maintained with no public access.

If noise or smells are associated with the development, what are the plans for mitigation?

Noise from construction would be managed through the development of a noise mitigation plan and would meet the Town's noise standards for construction. The Project would be designed to accommodate the Development Code property line setbacks that further minimize noise effects on adjacent land uses.

Are there existing or proposed mineral development/ oil and gas facilities?

Enerplus has an oil and gas support service facility in Section 26, permitted under USR18-0116.

What is the state of ownership of oil and gas minerals?

BHS Solar does not own any mineral rights. The mineral rights in the Project are owned and/or operated by third parties. Mineral interest owners were notified 30 days ahead of the initial public hearing for the 2021 Annexation per Colorado Revised Statutes 24-65.5, and would be notified again ahead of the initial 2022 public hearing.

How are conflicts between solar project and oil and gas development managed?

Surface use agreements exist on most of the participating parcels (see previous Oil and Gas Infrastructure/Agreements figure). BHS Solar has secured and is continuing to pursue surface use agreements with active oil and gas operators in the Project area. In addition, the Project would reserve areas for mineral operations to allow for future mineral development.

How does the development theme and pattern affect natural and cultural resources?

A careful inventory of wildlife habitat, cultural resources, and other sensitive areas has been conducted to inform optimal site selection within the large study area. From the outset, the Project team has coordinated with CPW to inform siting and develop strategies that would minimize impacts to raptors, big game winter habitat and movement corridors, and black-tailed prairie dog colonies in the area. The U.S. Fish and Wildlife Service (USFWS) concurred that the proposed layout would avoid potential impacts to federally listed species. Ground disturbance activities would be avoided in floodplains using overhead transmission spans. Buffers around waterways would be avoided to the maximum extent possible. Coordination would continue with USFWS. If construction becomes necessary within buffers of waterways, protocol surveys for Preble's meadow jumping mouse and Ute ladies'-tresses would occur, as appropriate.

The Project area currently provides important wildlife habitat and would be constructed as densely as possible to minimize the overall Project footprint and reduce habitat loss and fragmentation, while maintaining wildlife movement corridors. The dark, silent, vegetated, and nearly motionless facility would minimize disturbances to wildlife more than most other types of built land use. The risk of adverse impacts to natural resources and agricultural lands would be

mitigated through implementation of environmental protection measures as part of the Project (Section 3.8).

A literature search of cultural resources and a 100 percent pedestrian inventory was conducted in October 2020 within the Project boundary except for the transmission interconnection. No known sites on, or eligible for, the State or National Register of Historic Places or important cultural resource sites were identified within the Project footprint and, as a result, impacts to cultural resources are not anticipated. Additionally, an Inadvertent Discoveries Plan for Cultural Resources would also be implemented during construction.

How would the development theme and pattern affect waterways and storm drainage?

The Project would avoid wetland areas and floodplains and would not affect the function of irrigation infrastructure.

The Project would have no direct stormwater discharges and would not result in disturbance or sedimentation to any streams, canals, or the Black Hollow Reservoir downstream. No effects to groundwater or aquifers would result from the Project because it has minimal water needs during construction and operation. The Project would incorporate additional measures that are intended to minimize accidental discharges or any adverse effects on water quality.

A Preliminary Drainage Report is included in Section 3.4. A Stormwater Management Plan/Stormwater Pollution Prevention Plan for the Project area would be developed and implemented prior to construction that would be tailored to the soils, terrain, extent of construction, and existing drainage characteristics. The Stormwater Management Plan would meet the requirements of the COR400000 Permit from the Colorado Department of Public Health and Environment.

Will the Project create glare?

To maximize the output while minimizing the glare from the solar cells, the glass face of a standard crystalline PV panel is designed with greater than 95 percent light absorption. Anti-reflective coating on the glass, which is incorporated in the manufacturing process, increases light absorption even further. As a result, nearly 97 percent of the light that strikes a solar panel is absorbed and turned into electricity – leaving minimal light to reflect off and create glare from the solar array. Typically, residential windows, metal roofs, and car windows create greater glare than the latest PV panels.

How are hazards being addressed?

Additional demands on emergency service providers, (e.g., Weld County Sheriff's Department and the Windsor-Severance and Ault, Fire Protection Districts) are not anticipated and would only occur in the unlikely event of an accident or other unforeseen event. A Hazard Identification Plan (Section 3.12) and a Property Management Plan (Section 3.11) address how wildfire and other hazard risks would be mitigated.

What is the economic impact to the Town from the proposed annexation?

The Town would benefit in several ways, including increased sales and property taxes paid because of the development. Through tax revenues the Project would support improvements to the local road infrastructure and establishment of a number of educational and environmental programs that are currently under discussion per the Development Agreement (Section 4).

What will happen at the Project's end of life?

A BHS Solar Decommissioning Plan is included in Section 3.14. It describes the process for determining the appropriate timeline for, and level of, decommissioning security that the BHS Solar Project should provide to satisfy the landowners and other beneficiaries, such as the Town. Platte River intends to retain and use all of the Platte River-owned facilities, including its switchyard, access road and transmission facilities, after the Project has been decommissioned.

The intent of the BHS Solar Decommissioning Plan is to ensure that the site is restored at the end of the Project's useful life and that the restoration costs are borne by the permittee / Project owner. Additional permits and approvals may be necessary for Project decommissioning. Once the Project is decommissioned, each property may return to agricultural use or transition to long-term urban uses.

Development Schedule

On November 2, 2021, the Town Council unanimously approved the 2021 BHS Solar Annexation. This Site Plan addresses development of the Project that would be sited within portions of the property annexed under the 2021 BHS Solar Annexation and the 2022 BHS Solar Annexation.

The tentative schedule for constructing the Project is presented below.

Design & Construction Permitting: Q4 2022 – Q2 2023

Civil / Sitework: Q2 – Q4 2023

Pile Installation: Q4 2023 – Q2 2024

Racking Installation: Q4 2023 – Q2 2024

PV Module Installation: Q1 – Q3 2024

Substation and Switchyard Facility Installation: Q4 2023 – Q3 2024

Commissioning & Testing: Q3-Q4 2024

Future Permits and Approvals

Pending the Town's approval of the 2022 BHS Solar Annexation and Site Plan Application, permits and approvals for the Project that would be required to begin construction are presented in Table 2.

Table 2. Future Permits and Approvals Required for the Project

Permit or Approval	Responsible Agency	Expected Timeframe
Federal		
USEPA Spill Prevention, Containment, and Countermeasures (SPCC) Plan	U.S. Environmental Protection Agency	6 months
Bald and Golden Eagle Protection Act (BGEPA) compliance	USFWS and CPW	Ongoing

Permit or Approval	Responsible Agency	Expected Timeframe
Endangered Species Act (ESA) compliance	USFWS	Ongoing
Migratory Bird Treaty Act (MBTA) compliance	USFWS and CPW	Ongoing
Section 404 Permit – Waters of the U.S. (if applicable)	U.S. Army Corps of Engineers (USACE)	Not anticipated
Approval of Jurisdictional Determination	USACE	2-3 months
State		
Access Permit (Traffic Analysis Study)	Colorado Department of Transportation (CDOT)	1-3 months
Air Pollutant Emissions Notice (APEN/Dust Control Permit)	CDPHE	Immediate
Overweight Vehicle Permit	CDOT	6 months
Concurrence regarding a Class III cultural resources inventory	Colorado State Historic Preservation Office	Completed
Drainage Study	CDOT	3 months
Stormwater Management Plan (SWMP)	CDPHE	2-3 months
Colorado Discharge Permit	CDPHE	6 months
Stormwater Pollution Prevention Plan / General Permit (Stormwater)	CDPHE	6 months
Weld County		
Utility Services Permit	Weld County	3 months
Road Improvement and Road Maintenance Agreements	Weld County, Larimer County, and/or Town of Severance	2 months
Special Transport Permit	Weld County	2 months
Town of Severance		
2022 Annexation, Zoning, and Site Plan	Town of Severance	6 months
Building Permit	Town of Severance	4 months
Drainage Plan	Town of Severance	Included in this Site Plan application
Floodplain Permit (if footprint or construction access crosses the 100-year floodplain)	Town of Severance	Not anticipated

Permit or Approval	Responsible Agency	Expected Timeframe
Grading Permit, supported by a Sediment and Erosion Control Plan (unless the State-required SWMP addresses all required items)	Town of Severance	3 months
ROW Access / Driveway Permit (from CR 90)		2 months
Other Applicable Permits/Reviews		
Irrigation Ditch / Water District Coordination	Private ditch and Water District companies	Ongoing
Pipeline Coordination	Private pipeline owners	Ongoing

More information can be found at https://blackhollow.174powerglobal.com/

References

Al-Hamooday, Leila, Kavita Koppa, Eugenie Schieve, D. Cale Reeves, Ben Hoen, Joachim Seel, and Varun Rai. “An Exploration of Property-Value Impacts Near Utility-Scale Solar Installations.” Lawrence Berkeley National Laboratory, Electricity Markets & Policy, May 2018. Available online at https://emp.lbl.gov/sites/default/files/property-value_impacts_near_utility-scale_solar_installations.pdf.

Colorado Parks and Wildlife (CPW). 2009. Fencing with Wildlife in Mind. Available online at: https://cpw.state.co.us/Documents/LandWater/PrivateLandPrograms/FencingWithWildlifeInMind.pdf.

Colorado Parks and Wildlife (CPW). 2020. Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors (2020). Available online at: https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Raptor-Buffer-Guidelines.pdf.

Development Research Partners. 2020. Memorandum regarding The Impact of Utility-Scale Solar Farms on Adjacent Property Values. 3pp

Kirkland, Richard. “HCE Reams Solar, LLC, Dinwiddie, Dinwiddie County, VA.” Dinwiddie County, Virginia, November 2019. Available online at: http://www.dinwiddieva.us/AgendaCenter/ViewFile/Item/3411?fileID=3753.

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BHS SOLAR ENERGY FACILITY

SW1/4 Section 14, T8N, R67W, 6TH P.M.
PORTIONS OF SECTIONS 23, 26, 27 & 35, T8N, R67W, 6TH P.M.
A PORTION OF THE E1/2 NE1/4, SECTION 2, T7N, R67W, 6TH P.M.
TOWN OF SEVERANCE, WELD COUNTY, COLORADO
REVISED FEBRUARY 7, 2023

DRAFT

TOWN OF SEVERANCE
SITE PLAN SIGNATURE BLOCKS

CERTIFICATE OF OWNERSHIP

THE UNDERSIGNED
_____ BEING
THE OWNER OF FEE TITLE TO ALL THAT REAL PROPERTY SITUATED IN THE TOWN OF SEVERANCE, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS: [INSERT]

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS THE _____ DAY OF _____, 20___.

OWNER:
_____

_____
BY:

NOTARIAL CERTIFICATE (IN CONJUNCTION WITH OWNER'S SIGNATURES)

STATE OF _____)

COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____, AS _____ OF _____,

THIS _____ DAY OF _____, 20___.
MY COMMISSION EXPIRES:
_____

TOWN OF SEVERANCE
SITE PLAN SIGNATURE BLOCKS

CERTIFICATE OF OWNERSHIP

THE UNDERSIGNED
_____ BEING
THE OWNER OF FEE TITLE TO ALL THAT REAL PROPERTY SITUATED IN THE TOWN OF SEVERANCE, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS: [INSERT]

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS THE _____ DAY OF _____, 20___.

OWNER:
_____

_____
BY:

NOTARIAL CERTIFICATE (IN CONJUNCTION WITH OWNER'S SIGNATURES)

STATE OF _____)

COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____, AS _____ OF _____,

THIS _____ DAY OF _____, 20___.
MY COMMISSION EXPIRES:
_____

TOWN OF SEVERANCE
SITE PLAN SIGNATURE BLOCKS

CERTIFICATE OF OWNERSHIP

THE UNDERSIGNED
_____ BEING
THE OWNER OF FEE TITLE TO ALL THAT REAL PROPERTY SITUATED IN THE TOWN OF SEVERANCE, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS: [INSERT]

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS THE _____ DAY OF _____, 20___.

OWNER:
_____

_____
BY:

NOTARIAL CERTIFICATE (IN CONJUNCTION WITH OWNER'S SIGNATURES)

STATE OF _____)

COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____, AS _____ OF _____,

THIS _____ DAY OF _____, 20___.
MY COMMISSION EXPIRES:
_____

TOWN OF SEVERANCE
SITE PLAN SIGNATURE BLOCKS

CERTIFICATE OF OWNERSHIP

THE UNDERSIGNED
_____ BEING
THE OWNER OF FEE TITLE TO ALL THAT REAL PROPERTY SITUATED IN THE TOWN OF SEVERANCE, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS: [INSERT]

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS THE _____ DAY OF _____, 20___.

OWNER:
_____

_____
BY:

NOTARIAL CERTIFICATE (IN CONJUNCTION WITH OWNER'S SIGNATURES)

STATE OF _____)

COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____, AS _____ OF _____,

THIS _____ DAY OF _____, 20___.
MY COMMISSION EXPIRES:
_____

TOWN COUNCIL CERTIFICATE

THIS IS TO CERTIFY THAT THE SITE PLAN WAS APPROVED ON THE _____ DAY OF _____ , 20___, BY RESOLUTION NO._____, PASSED AND ADOPTED A THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, HELD ON THIS _____ DAY OF _____, 20___.

_____ _____ ATTEST:
_____
MAYOR TOWN CLERK

TOWN ENGINEERS REVIEW

REVIEWED THIS _____ DAY OF _____,20___.

_____
TOWN ENGINEER

TOWN PLANNING REVIEW

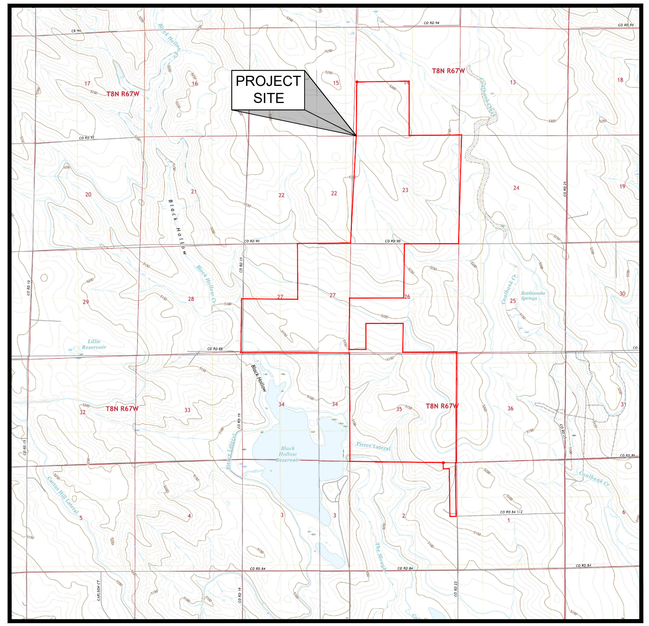
REVIEWED THIS _____ DAY OF _____,20___.

_____
TOWN PLANNER

PLANNING COMMISSION APPROVAL

RECOMMENDED FOR APPROVAL THIS _____ DAY OF _____ ,20___.

_____
CHAIRMAN,
SEVERANCE PLANNING COMMISSION



LOCUS MAP
1" = 3500'

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6	EXISTING CONDITIONS PLAN (PANEL 3 - SECTION 27)	V-104
7	EXISTING CONDITIONS PLAN (PANEL 4 - SECTION 26)	V-105
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27	ADDITIONAL STRUCTURAL DETAILS	S-503

PROPERTY OWNERS

PROPERTY	CONTACT	PHONE / EMAIL	SOLAR ARRAY AREA
SPABS, LLC	JAKE SCHROEDER	(303) 984-9800	948.4 ACRES
ENERPLUS RESOURCES (USA) CORPORATION	MARI GILLMAN	(720) 279-5571	40.9 ACRES
BERRADO HOLDINGS, LLC	WAYNE HOWARD	(970) 590-5982	406.9 ACRES*
TERRY W. RAMSEY AND JENNIFER L. BERG-RAMSEY AS JOINT TENANTS	JENNIFER RAMSEY	(970) 689-1140	20.8 ACRES

* INCLUDES PROPOSED DRILL SITE

CONTACT INFORMATION

AGENCY	FIRST NAME	LAST NAME	MAIN CONTACT EMAIL
TOWN OF SEVERANCE, PLANNER	ABDUL	BARZAK	ABARZAK@TOWNOFSEVERANCE.ORG
TOWN OF PIERCE, TOWN CLERK	TINA	DURAN	KDURAN@TOWNOFPIERCE.ORG
CITY OF FORT COLLINS, STREETS DIVISION	LISA	DEATON	STREETS@FCGOV.COM
WELD COUNTY PUBLIC WORKS	JAY	McDONALD	JMCDONALD@WELDGOV.COM
LARIMER COUNTY PUBLIC WORKS	TRACI	SHAMBO	ENG-PERMITS@CO.LARIMER.CO.US
COLORADO DEPARTMENT OF TRANSPORTATION (ROCKSOL CONSULTING)	GLORIA	HICE-IDLER	GLORIA.HICE-IDLER@STATE.CO.US
WINDSOR-SEVERANCE FIRE PROTECTION DISTRICTFIRE CHIEF	KRIS	KAZIAN	KKAZIAN@WSFR.US
PLATTE RIVER POWER AUTHORITY	PAT	CONNORS	CONNORSP@PRPA.ORG
POUDRE VALLE RURAL ELECTRIC ASSOCIATION	JAY	MENDOZA	JMENDOXA@PVREA.COOP

SITE INFORMATION

TOTAL ACREAGE	2,163 ACRES
TOTAL MILES OF ACCESS ROAD	14.33 MILES
ACREAGE ENCLOSED BY SOLAR ARRAY FENCING	1,353 ACRES
ELECTRICAL COLLECTION ROUTING LENGTH	36.79 MILES
SWITCHYARD ACREAGE	7.49 ACRES
SUBSTATION ACREAGE	2.33 ACRES

DEVELOPED BY

BHS SOLAR, LLC

174 POWER GLOBAL

300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

PREPARED BY

WSP USA ENVIRONMENT & INFRASTRUCTURE, INC.

100 APOLLO DRIVE, SUITE 302, CHELMSFORD, MASSACHUSETTS 01824

U:\ - CAD Projects\174 Power Global\Black Hollow - CO\7.0 CAD\7.1 Design - Permitting\Sheets\1 - 365220356 - G-000.dwg - Layout1 - Feb. 07, 2023 2:09pm - peter.garland

Variances Request Table

Code Section	Code Requirement	Requested Variance and Justification	Approval
Sec. 16.11.160. - Solar facility. (d) Requirements (3) Maximum height	(3) Maximum height: The height shall be measured from the highest grade below each solar panel. Ground-mounted solar energy systems shall not exceed twenty (20) feet in height.	Sec. 16.11.160 defines the following terms applicable to this requirement: Solar energy facility: Any device or structural design feature with the primary purpose of providing for the collection, storage or distribution of solar energy for space heating, space cooling, electricity generation or water heating. Ground-mounted solar energy facility: A solar energy system that is structurally mounted to the ground and is not roof-mounted. Ground-mounted systems include parking lot or parking canopy solar. The intent of the Code focuses on the height of a ground-mounted solar panel. BHS Solar commits that solar panels and other typical panel facilities (inverters, cabling, etc) will not exceed twenty (20) feet in height. The Site Plan Application includes "Interconnection Facilities": a BHS Solar substation, the Platte River Power Authority (PRPA) switchyard and approximately 0.5 miles of PRPA's high voltage transmission line. These Interconnection Facilities are not contemplated in the Code. Certain Interconnection Facilities will exceed 20'. These are shown on the Site Plan. BHS Solar commits that Interconnection Facilities will not exceed 130 feet in height.	Per Resolution No. 2023-__R, certain interconnection facilities may be constructed up to a maximum height of 130 feet. Variances as shown in the Variance Application and Sheet G-001.
Sec. 16.11.160. - Solar facility. (f) Setbacks (3) Large Scale	(f) Setbacks. Additional setbacks may be required to mitigate noise and visual impacts or to provide for designated road or utility corridors, as identified through the review process. As provided in 16.11.160(d)(2), setbacks shall be measured from the edge of the solar panels and equipment. Where appropriate landscaped berms may be used to reduced setback requirements with Board approval. (3) Large Scale a. Front: fifty (50) feet. b. Side: ten (10) feet or one (1) foot per two (2) feet height, whichever is greater. c. Side corner: fifty (50) feet. d. Rear: twenty (20) feet. e. Arterial or state highway - 100 feet f. Local or collector: fifty (50) feet	The Project meets the setback requirements for large scale solar facilities under Code Section 16.11.160(f)(3), except across certain lot lines (a) of lots that are owned by the same landowner and (b) do not have public roads or public road rights-of-way (reservations), as noted below in the table. The setback between and among the following lots would be 0 feet where the property owner: Property Owner — Weld County Assessor Parcel Number (APM #) — Lot Lines in T8N R67W 6th Meridian Weld County, Colorado that will not have any setback. SPABS LLC — APN #055527000017 (Section 27), APN #055526000002 (NW4 Section 26) — Section line between NE4 Section 27 and NW4 Section 26 BERRADO HOLDINGS LLC — APN #055535000001 (NW4 Section 35), APN #055535000014 (NE4 Section 35), APN#055535000002 (S2 Section 35) — Parcel lines among these three parcels that comprise Section 35.	Per Resolution No. 2023-__R, zero-foot setbacks shall only apply to the following parcel numbers and parcel lines within the Property: (1) APN#055527000017 (Sec. 27) and APN#055526000002 (NW 1/4, Sec. 26), and the section line between the NE $\frac{1}{4}$ of Section 27 and NW $\frac{1}{4}$ of Section 26; (2) APN #55535000001 (NW 1/4, Sec.35), APN# 055535000014 (NE 1/4, Sec. 35), and APN#055535000002 (S 1/2, Sec. 35) and the parcel lines among these three parcels that comprise Section 35. Variances as shown in the Variance Application and Sheet G-001.

ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION

WSP USA
ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC.
100 APOLLO DRIVE, SUITE 302
CHELMSFORD MASSACHUSETTS 01824
TELEPHONE: (978) 692-9090
FAX: (978) 692-6633
WEB: WWW.WOODPLC.COM

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3	02/07/2023	REVISED PER LOGAN SIMPSON COMMENTS	PDG	APV
2	12/21/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
1	09/14/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT:
BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE:
VARIANCE TABLE AND TOWN SIGNATURE BLOCKS

CLIENT:
BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL:
DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: G-001	
SHEET NUMBER: 2 OF 27	

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CHELMSFORD MASSACHUSETTS 01824
TELEPHONE: (978) 692-9090
FAX: (978) 692-6633
WEB: WWW.WOODPLC.COM

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1	09/14/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT:
BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE:
PANEL PLAN

CLIENT:
BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL:
DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: V-101	
SHEET NUMBER: 3 OF 27	

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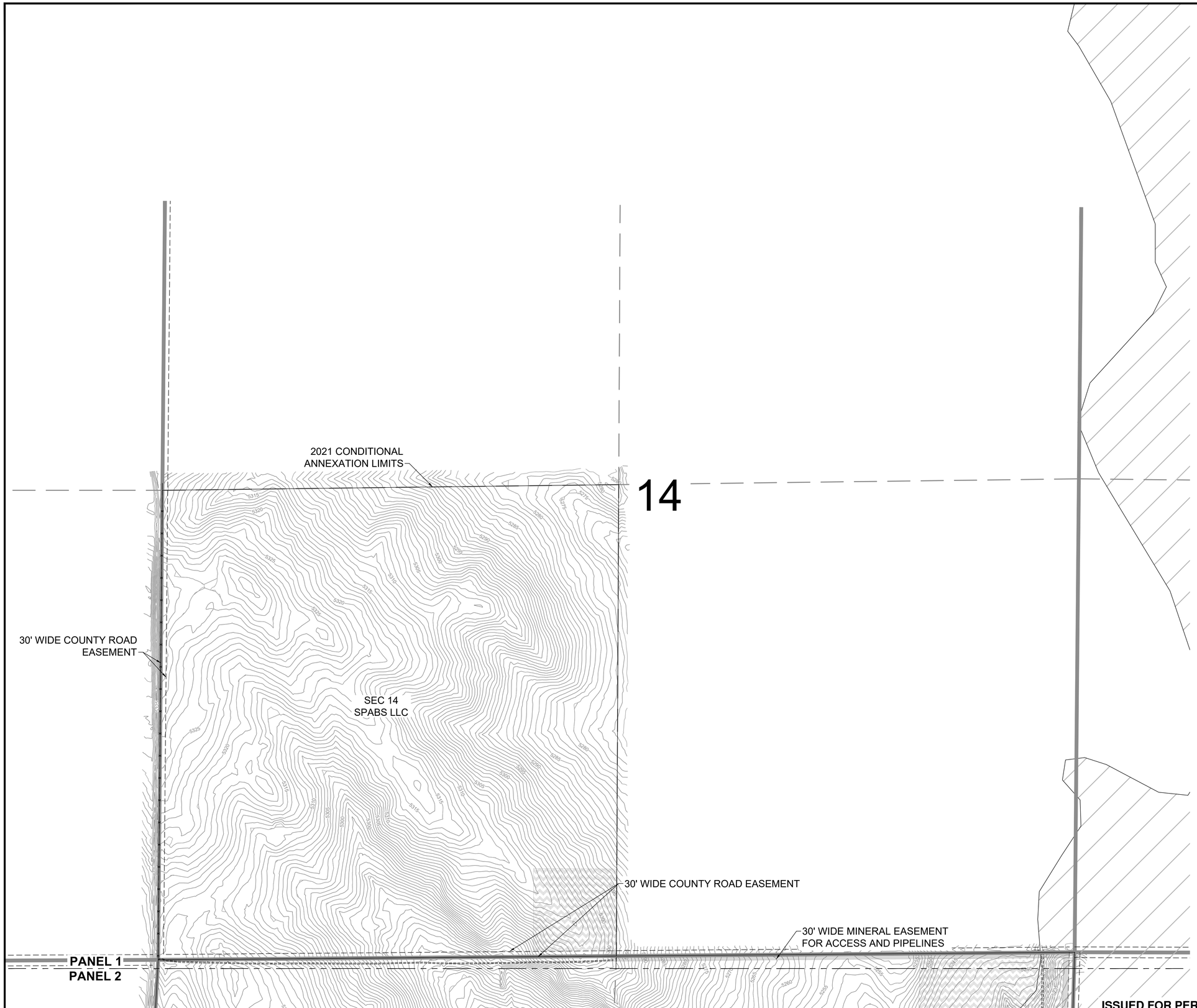

EXISTING LEGEND:

- OVERHEAD ELECTRIC TOWER
- BUILDING
- 5250 — MAJOR CONTOUR
- MINOR CONTOUR
- PROPERTY LINE
- SECTION LINE
- OHP — OVERHEAD ELECTRIC LINE
- GAS — GAS LINE
- OIL — OIL LINE
- FENCE
- EDGE OF CANAL
- GRAVEL ROAD EDGE
- TWO-TRACK PATH
- DITCH CENTERLINE
- FLOOD ZONE A
- BHS SOLAR'S RESERVED DEVELOPMENT AREA FOR OIL AND GAS USE
- PANEL 2 / PANEL 4 — PANEL MATCH LINE
- MINERAL ACCESS EASEMENT AREA
- EXISTING TEXT HERE — EXISTING CALLOUT

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1	09/14/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT:
BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE:
EXISTING CONDITIONS PLAN
(PANEL 1 - SECTION 14)

CLIENT:
BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL:
DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: V-102	
SHEET NUMBER: 4 OF 27	

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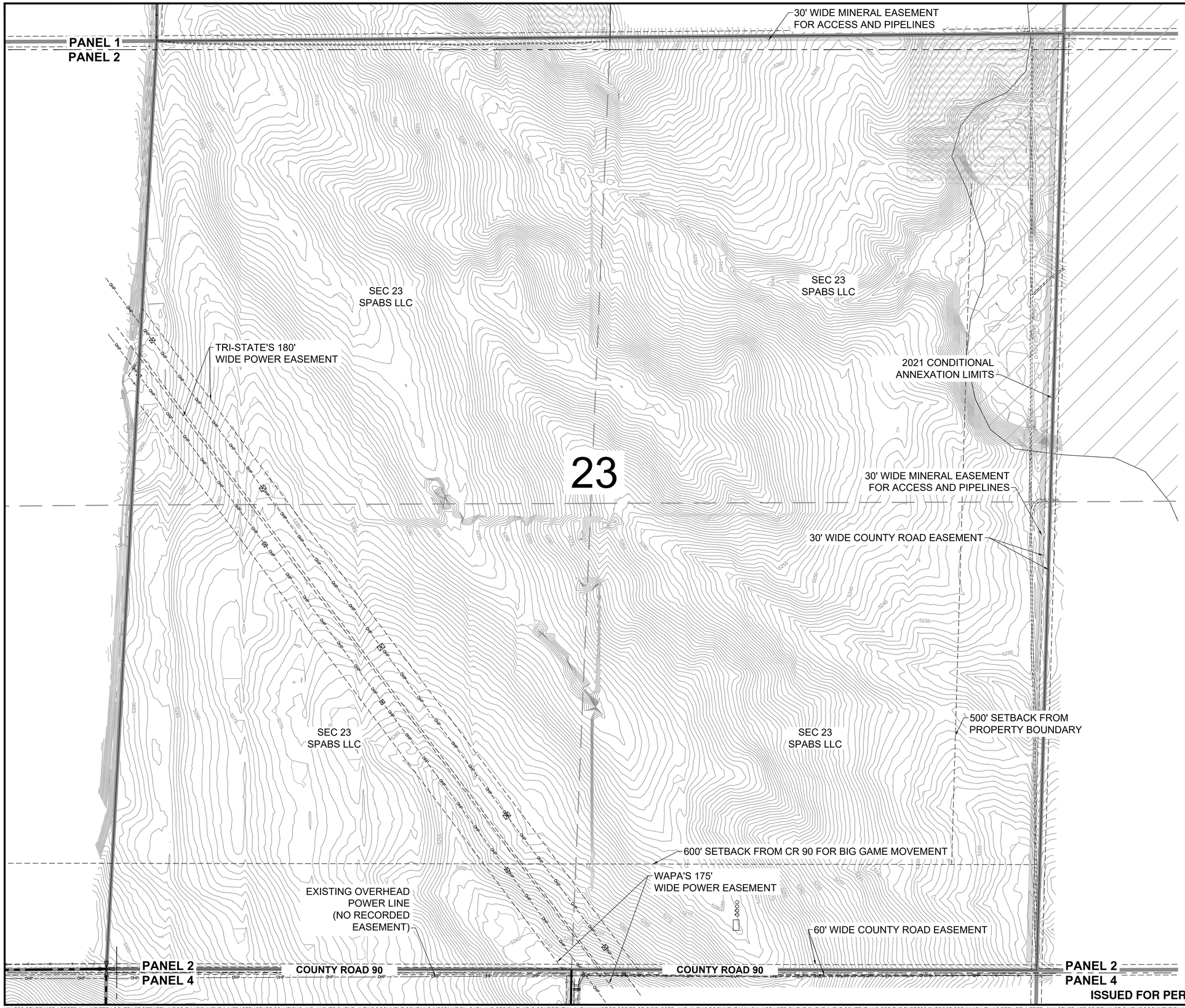

EXISTING LEGEND:

- OVERHEAD ELECTRIC TOWER
- BUILDING
- 5250 — MAJOR CONTOUR
- MINOR CONTOUR
- PROPERTY LINE
- SECTION LINE
- OHP — OVERHEAD ELECTRIC LINE
- GAS — GAS LINE
- OIL — OIL LINE
- FENCE
- EDGE OF CANAL
- GRAVEL ROAD EDGE
- TWO-TRACK PATH
- DITCH CENTERLINE
- FLOOD ZONE A
- BHS SOLAR'S RESERVED DEVELOPMENT AREA FOR OIL AND GAS USE
- PANEL 2 / PANEL 4 — PANEL MATCH LINE
- MINERAL ACCESS EASEMENT AREA
- EXISTING TEXT HERE — EXISTING CALLOUT

0' 100' 200' 300' 400'
1" = 250' WHEN PLOTTED ON 24" x 36" SHEET

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1	09/14/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT:
BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE:
EXISTING CONDITIONS PLAN (PANEL 2 - SECTION 23)

CLIENT:
BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL:
DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: V-103	
SHEET NUMBER: 5 OF 27	

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COUNTY ROAD 90

PANEL 2
PANEL 4

LAND OWNED BY THE TUNNEL WATER COMPANY;
NOT A PART OF THE BHS SOLAR PROJECT

SEC 27
SPABS LLC

27

COUNTY ROAD 19

EXISTING TUNNEL
WATER COMPANY
EASEMENT

CENTERLINE OF LARAMIE POUDRE
IRRIGATION COMPANY'S 5.5' WIDE
EASEMENT - RECAPTURE SEEPAGE DITCH NO. 2

SEC 27
SPABS LLC

SEC 27
SPABS LLC

PANEL 3
PANEL 4

75' WIDE
ENERPLUS
PIPELINE
EASEMENT

COUNTY ROAD 88

EXISTING LEGEND:

- OVERHEAD ELECTRIC TOWER
- BUILDING
- 5250 — MAJOR CONTOUR
- MINOR CONTOUR
- PROPERTY LINE
- SECTION LINE
- OHP — OVERHEAD ELECTRIC LINE
- GAS — GAS LINE
- OIL — OIL LINE
- FENCE
- EDGE OF CANAL
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- TWO-TRACK PATH
- DITCH CENTERLINE
- FLOOD ZONE A
- BHS SOLAR'S RESERVED DEVELOPMENT AREA FOR OIL AND GAS USE
- PANEL 2 / PANEL 4 — PANEL MATCH LINE
- MINERAL ACCESS EASEMENT AREA
- EXISTING TEXT HERE — EXISTING CALLOUT

0' 100' 200' 300' 400'
1" = 250' WHEN PLOTTED ON 24" x 36" SHEET

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0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT:
BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE:
EXISTING CONDITIONS PLAN
(PANEL 3 - SECTION 27)

CLIENT:
BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL:
DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: V-104	
SHEET NUMBER: 6 OF 27	

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PANEL 2
PANEL 4
COUNTY ROAD 90
COUNTY ROAD 90
PANEL 2
PANEL 4

30' WIDE MINERAL EASEMENT FOR ACCESS AND PIPELINES

SEC 26
SPABS LLC

SEC 26
KENNEDY FARMS & LAND, LLC

ENERPLUS RESOURCES (USA) CORPORATION'S EXISTING 50' WIDE ACCESS EASEMENT - COINCIDES WITH NORTHERN PORTION OF PROPOSED 50' WIDE ACCESS EASEMENT FOR BHS SOLAR

APPROXIMATE LOCATION OF ENERPLUS PIPELINE

26

EXISTING TUNNEL WATER COMPANY EASEMENT

EXISTING ENERPLUS RESOURCES (USA) CORPORATION'S ORCA PAD

SOUTHERN EXTENT OF ENERPLUS RESOURCES (USA) CORPORATION'S EXISTING 50' WIDE ACCESS EASEMENT AT ACCESS ROAD TO WELL PAD

2021 CONDITIONAL ANNEXATION LIMITS

TUNNEL WATER COMPANY EASEMENT

50' WIDE ACCESS EASEMENT FOR BHS SOLAR

SEC 26
KENNEDY FARMS & LAND, LLC

75' WIDE ENERPLUS PIPELINE EASEMENT (GAS OWNED BY OUTRIGGER)

SEC 26
ENERPLUS RESOURCES

PANEL 3
PANEL 4

ENERPLUS RESOURCES (USA) CORPORATION'S ROAD TO WELL PAD

ENERPLUS RESOURCES (USA) CORPORATION'S WELL PAD

75' WIDE ENERPLUS PIPELINE EASEMENT

30' WIDE COUNTY ROAD EASEMENT

OUTRIGGER GAS PIPELINE

PANEL 4
PANEL 5

EXISTING LEGEND:

- OVERHEAD ELECTRIC TOWER
- BUILDING
- MAJOR CONTOUR (5250)
- MINOR CONTOUR
- PROPERTY LINE
- SECTION LINE
- OVERHEAD ELECTRIC LINE
- GAS LINE
- OIL LINE
- FENCE
- EDGE OF CANAL
- GRAVEL ROAD EDGE
- TWO-TRACK PATH
- DITCH CENTERLINE
- FLOOD ZONE A
- BHS SOLAR'S RESERVED DEVELOPMENT AREA FOR OIL AND GAS USE
- PANEL 2 / PANEL 4 — PANEL MATCH LINE
- MINERAL ACCESS EASEMENT AREA
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0' 100' 200' 300' 400'
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0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: EXISTING CONDITIONS PLAN
(PANEL 4 - SECTION 26)

CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: V-105	
SHEET NUMBER: 7 OF 27	

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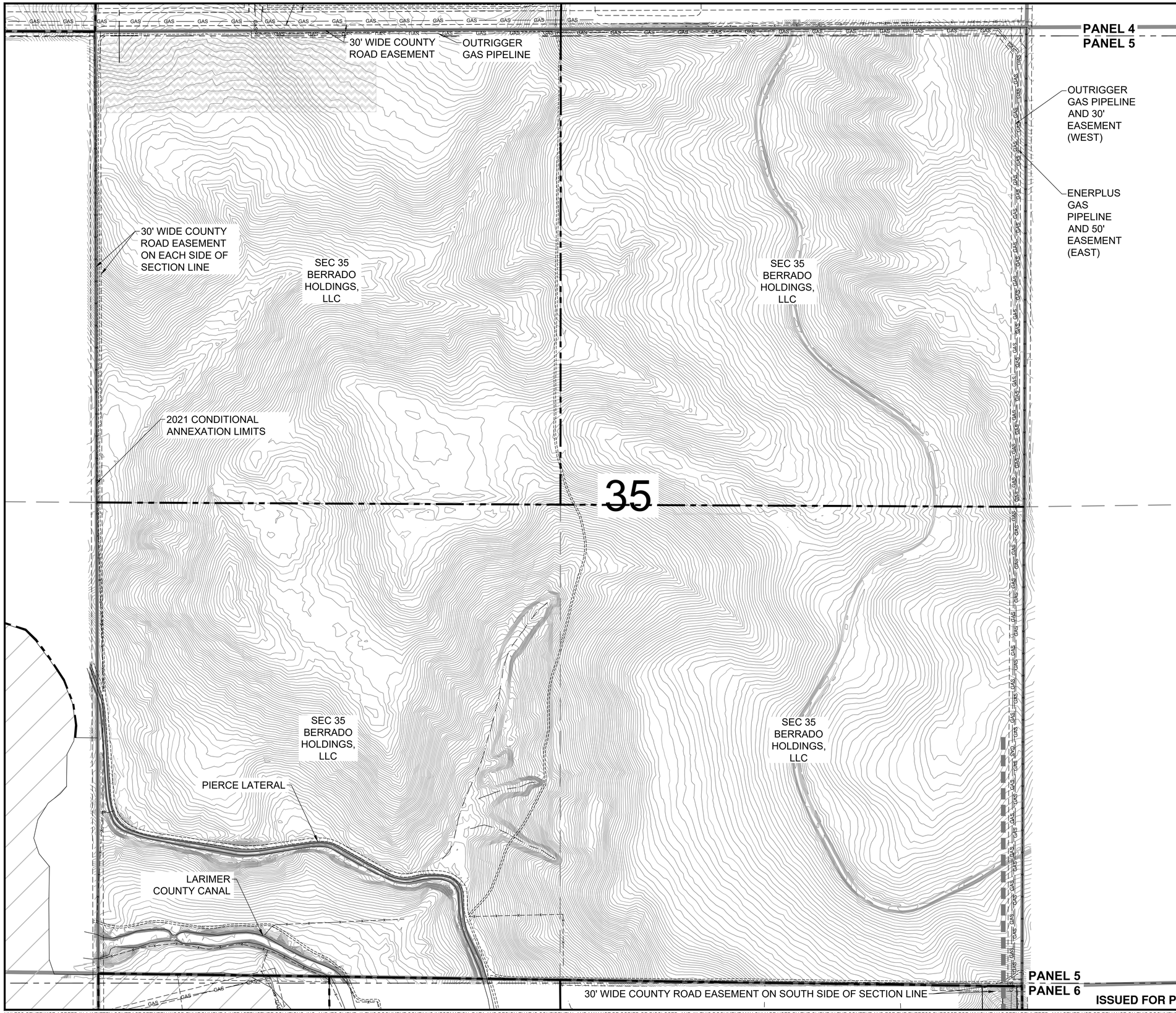

EXISTING LEGEND:

- OVERHEAD ELECTRIC TOWER
- BUILDING
- 5250 — MAJOR CONTOUR
- MINOR CONTOUR
- PROPERTY LINE
- SECTION LINE
- OHP — OVERHEAD ELECTRIC LINE
- GAS — GAS LINE
- OIL — OIL LINE
- FENCE
- EDGE OF CANAL
- GRAVEL ROAD EDGE
- TWO-TRACK PATH
- DITCH CENTERLINE
- FLOOD ZONE A
- BHS SOLAR'S RESERVED DEVELOPMENT AREA FOR OIL AND GAS USE
- PANEL 2 / PANEL 4 — PANEL MATCH LINE
- MINERAL ACCESS EASEMENT AREA
- EXISTING TEXT HERE — EXISTING CALLOUT

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1" = 250' WHEN PLOTTED ON 24" x 36" SHEET

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1	09/14/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT:
BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE:
EXISTING CONDITIONS PLAN
(PANEL 5 - SECTION 35)

CLIENT:
BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL:
DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: V-106	
SHEET NUMBER: 8 OF 27	

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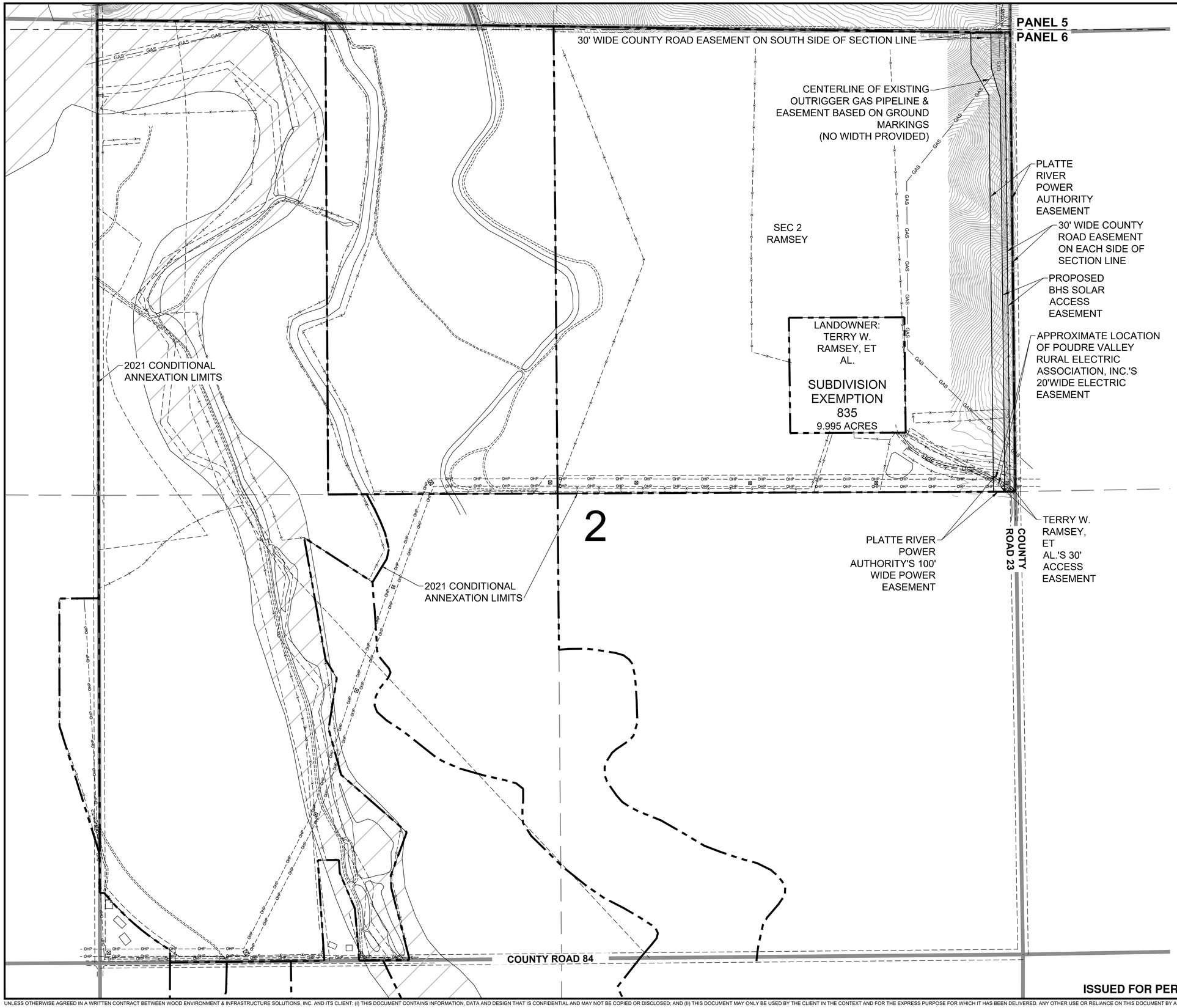

EXISTING LEGEND:

- OVERHEAD ELECTRIC TOWER
- BUILDING
- 5250 — MAJOR CONTOUR
- MINOR CONTOUR
- PROPERTY LINE
- SECTION LINE
- OHP — OVERHEAD ELECTRIC LINE
- GAS — GAS LINE
- OIL — OIL LINE
- FENCE
- EDGE OF CANAL
- GRAVEL ROAD EDGE
- TWO-TRACK PATH
- DITCH CENTERLINE
- FLOOD ZONE A
- BHS SOLAR'S RESERVED DEVELOPMENT AREA FOR OIL AND GAS USE
- PANEL 2 / PANEL 4 — PANEL MATCH LINE
- MINERAL ACCESS EASEMENT AREA
- EXISTING TEXT HERE — EXISTING CALLOUT

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1" = 250' WHEN PLOTTED ON 24" x 36" SHEET

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ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC.
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1	09/14/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: EXISTING CONDITIONS PLAN (PANEL 6 - SECTION 2)

CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: V-107	
SHEET NUMBER: 9 OF 27	

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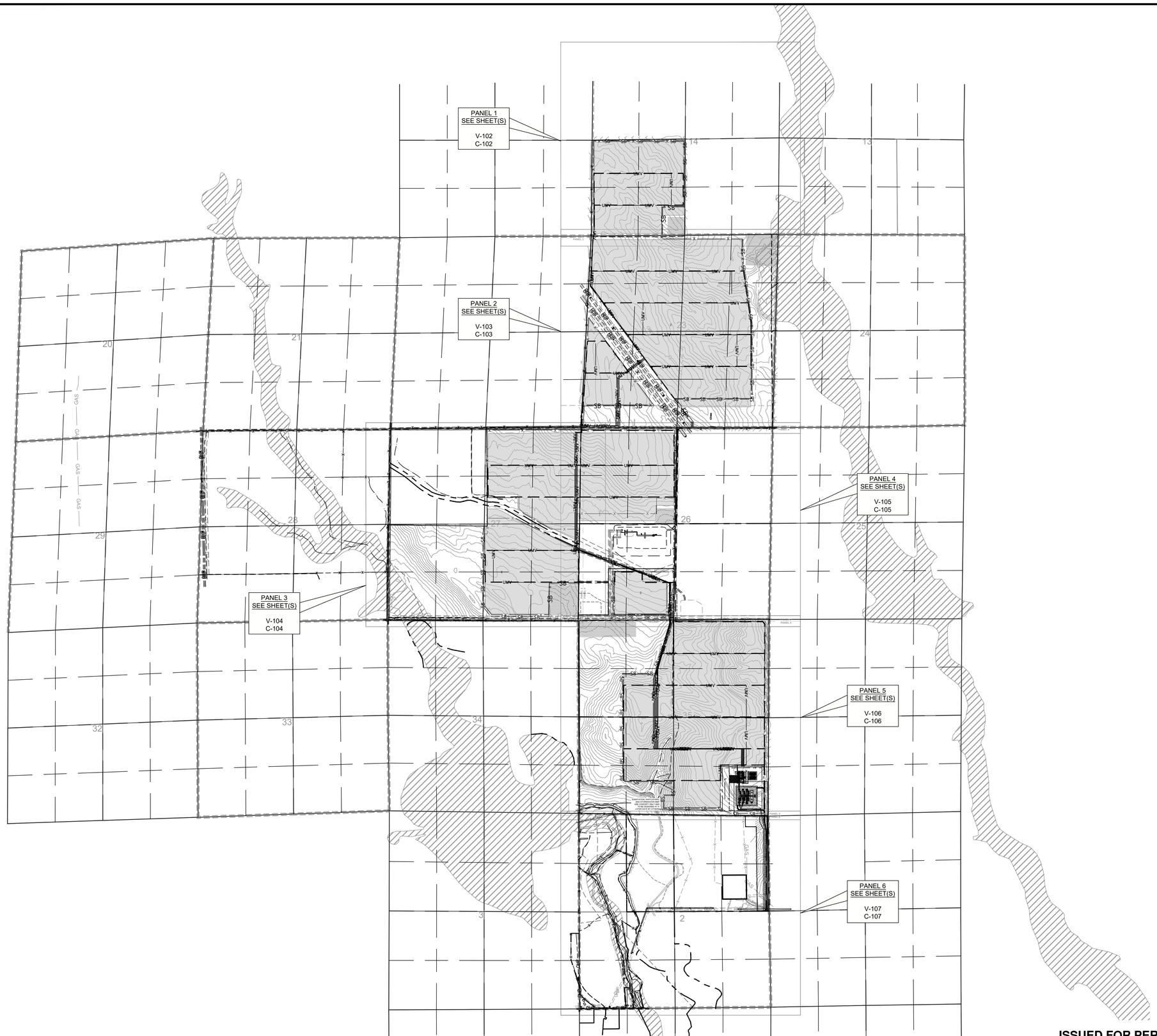

EXISTING LEGEND:

- OVERHEAD ELECTRIC TOWER
- BUILDING
- 5250 — MAJOR CONTOUR
- MINOR CONTOUR
- PROPERTY LINE
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- OHP — OVERHEAD ELECTRIC LINE
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- EDGE OF CANAL
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- BHS SOLAR'S RESERVED DEVELOPMENT AREA FOR OIL AND GAS USE
- PANEL 2 / PANEL 4 — PANEL MATCH LINE
- MINERAL ACCESS EASEMENT AREA
- EXISTING TEXT HERE — EXISTING CALLOUT

PROPOSED LEGEND:

- ANNEXATION BOUNDARY
- PROPOSED TEXT HERE — PROPOSED CALLOUT
- PV ARRAY (250' SCALE OR LOWER PLANS)
- SECURITY FENCE
- ACCESS ROAD
- SB — SEDIMENT BARRIER
- UMV — MEDIUM VOLTAGE CABLE
- CONCRETE EQUIPMENT PADS
- PV ARRAY (SCALES GREATER THAN 1"=250' PLANS)

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ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC.
100 APOLLO DRIVE, SUITE 302
CHELMSFORD MASSACHUSETTS 01824
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FAX: (978) 692-6633
WEB: WWW.WOODPLC.COM

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3	02/07/2023	REVISED PER LOGAN SIMPSON COMMENTS	PDG	APV
2	12/21/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
1	09/14/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: PROPOSED PANEL PLAN

CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: C-101	
SHEET NUMBER: 10 OF 27	

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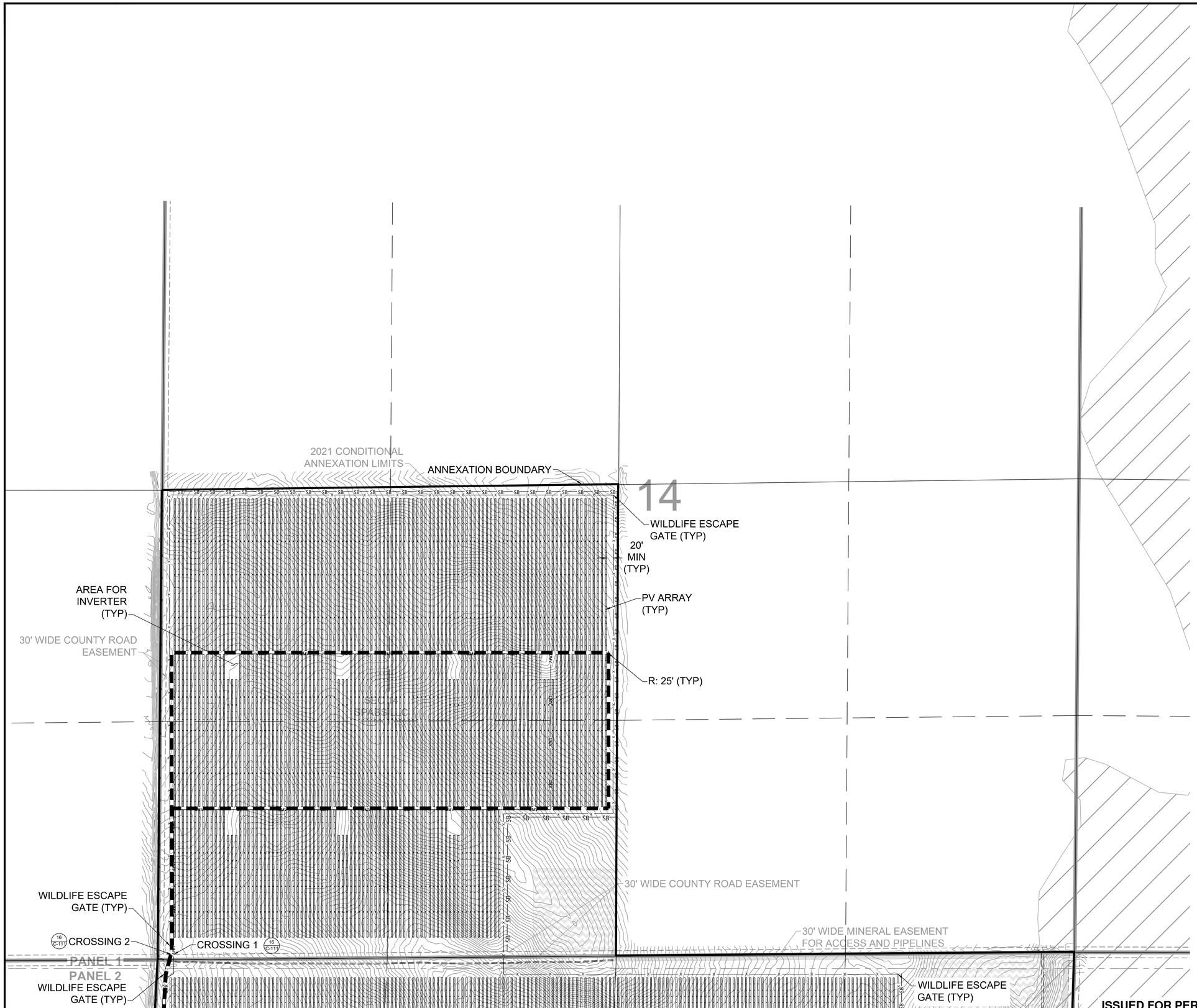

EXISTING LEGEND:

- OVERHEAD ELECTRIC TOWER
- BUILDING
- 5250 — MAJOR CONTOUR
- MINOR CONTOUR
- PROPERTY LINE
- SECTION LINE
- OHP — OVERHEAD ELECTRIC LINE
- GAS — GAS LINE
- OIL — OIL LINE
- FENCE
- EDGE OF CANAL
- GRAVEL ROAD EDGE
- TWO-TRACK PATH
- DITCH CENTERLINE
- FLOOD ZONE A
- BHS SOLAR'S RESERVED DEVELOPMENT AREA FOR OIL AND GAS USE
- PANEL 2 / PANEL 4 — PANEL MATCH LINE
- MINERAL ACCESS EASEMENT AREA
- EXISTING TEXT HERE — EXISTING CALLOUT

PROPOSED LEGEND:

- ANNEXATION BOUNDARY
- PROPOSED TEXT HERE — PROPOSED CALLOUT
- PV ARRAY (250' SCALE OR LOWER PLANS)
- x — SECURITY FENCE
- ACCESS ROAD
- SB — SEDIMENT BARRIER
- UMV — MEDIUM VOLTAGE CABLE
- CONCRETE EQUIPMENT PADS
- PV ARRAY (SCALES GREATER THAN 1"=250' PLANS)

PV MODULE	RISEN SOLAR TECHNOLOGY
	RSM120-8-600BMDG
	600W
	527,488
	32
	16,484
	316.492 MW-DC
	1500 V
DESIGN TEMPERATURES	ASHRAE COOLING DB 2% DB 29.2 DEG C
	ASHRAE HEATING DB 99.6% -20.4 DEG C
PV/ESS INVERTER	SMA SOLAR TECHNOLOGY
	SC 4200 UP-US
INVERTER NOMINAL OUTPUT POWER	35 DEG C / @ 50 DEG C 4200 KVA / 3780 KVA
	65
	AC SYSTEM OUTPUT NOMINAL @ UNITY PF 273.000 MW-AC
	250.000 MW-AC
RACKING	NEXTRACKER
	31.0% / 29.4%
	23.0 FT / 24.2 FT
	PILE DRIVEN POSTS
	1-PORTRAIT
	0 DEG
	TBD

0' 100' 200' 300' 400'
1" = 250' WHEN PLOTTED ON 24" x 36" SHEET

ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION

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CHELMSFORD MASSACHUSETTS 01824
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FAX: (978) 692-6633
WEB: WWW.WOODPLC.COM

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1	09/14/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY SOLAR PV DEVELOPMENT SEVERANCE, COLORADO 80546

TITLE: PROPOSED SITE PLAN (PANEL 1 - SECTION 14)

CLIENT: BHS SOLAR, LLC 174 POWER GLOBAL 300 SPECTRUM CENTER DRIVE, SUITE 1020 IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: C-102	
SHEET NUMBER: 11 OF 27	

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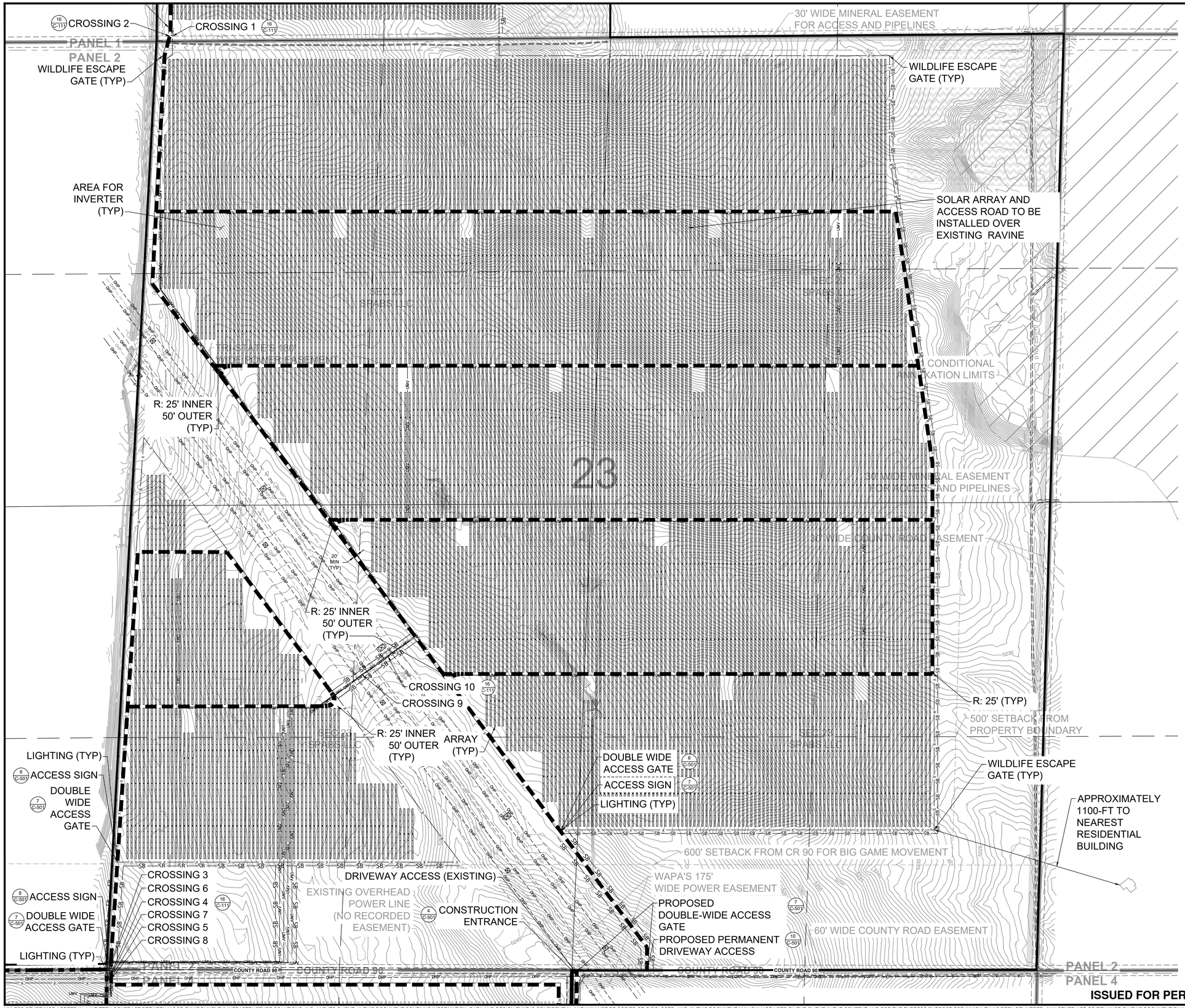

ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION

EXISTING LEGEND:

- OVERHEAD ELECTRIC TOWER
- BUILDING
- 5250 — MAJOR CONTOUR
- MINOR CONTOUR
- PROPERTY LINE
- SECTION LINE
- OHP — OVERHEAD ELECTRIC LINE
- GAS — GAS LINE
- OIL — OIL LINE
- FENCE
- EDGE OF CANAL
- GRAVEL ROAD EDGE
- TWO-TRACK PATH
- DITCH CENTERLINE
- FLOOD ZONE A
- BHS SOLAR'S RESERVED DEVELOPMENT AREA FOR OIL AND GAS USE
- PANEL 2 / PANEL 4 — PANEL MATCH LINE
- MINERAL ACCESS EASEMENT AREA
- EXISTING TEXT HERE — EXISTING CALLOUT

PROPOSED LEGEND:

- ANNEXATION BOUNDARY
- PROPOSED TEXT HERE — PROPOSED CALLOUT
- PV ARRAY (250' SCALE OR LOWER PLANS)
- SECURITY FENCE
- ACCESS ROAD
- SB — SEDIMENT BARRIER
- UMV — MEDIUM VOLTAGE CABLE
- CONCRETE EQUIPMENT PADS
- PV ARRAY (SCALES GREATER THAN 1"=250' PLANS)

PV MODULE	RISEN SOLAR TECHNOLOGY
	RSM120-8-600BMDG
	600W
	527,488
	32
	16,484
	316.492 MW-DC
	1500 V
DESIGN TEMPERATURES	ASHRAE COOLING DB 2% DB 29.2 DEG C
	ASHRAE HEATING DB 99.6% -20.4 DEG C
PV/ESS INVERTER	SMA SOLAR TECHNOLOGY
	SC 4200 UP-US
INVERTER NOMINAL OUTPUT POWER	35 DEG C / @ 50 DEG C 4200 KVA / 3780 KVA
	65
	AC SYSTEM OUTPUT NOMINAL @ UNITY PF 273.000 MW-AC
	250.000 MW-AC
RACKING	NEXTRACKER
	31.0% / 29.4%
	23.0 FT / 24.2 FT
	PILE DRIVEN POSTS
	1-PORTRAIT
	0 DEG
	TBD

0' 100' 200' 300' 400'
1" = 250' WHEN PLOTTED ON 24" x 36" SHEET

WSP USA
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WEB: WWW.WOODPLC.COM

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1	09/14/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: PROPOSED SITE PLAN (PANEL 2 - SECTION 23)

CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: C-103	
SHEET NUMBER: 12 OF 27	

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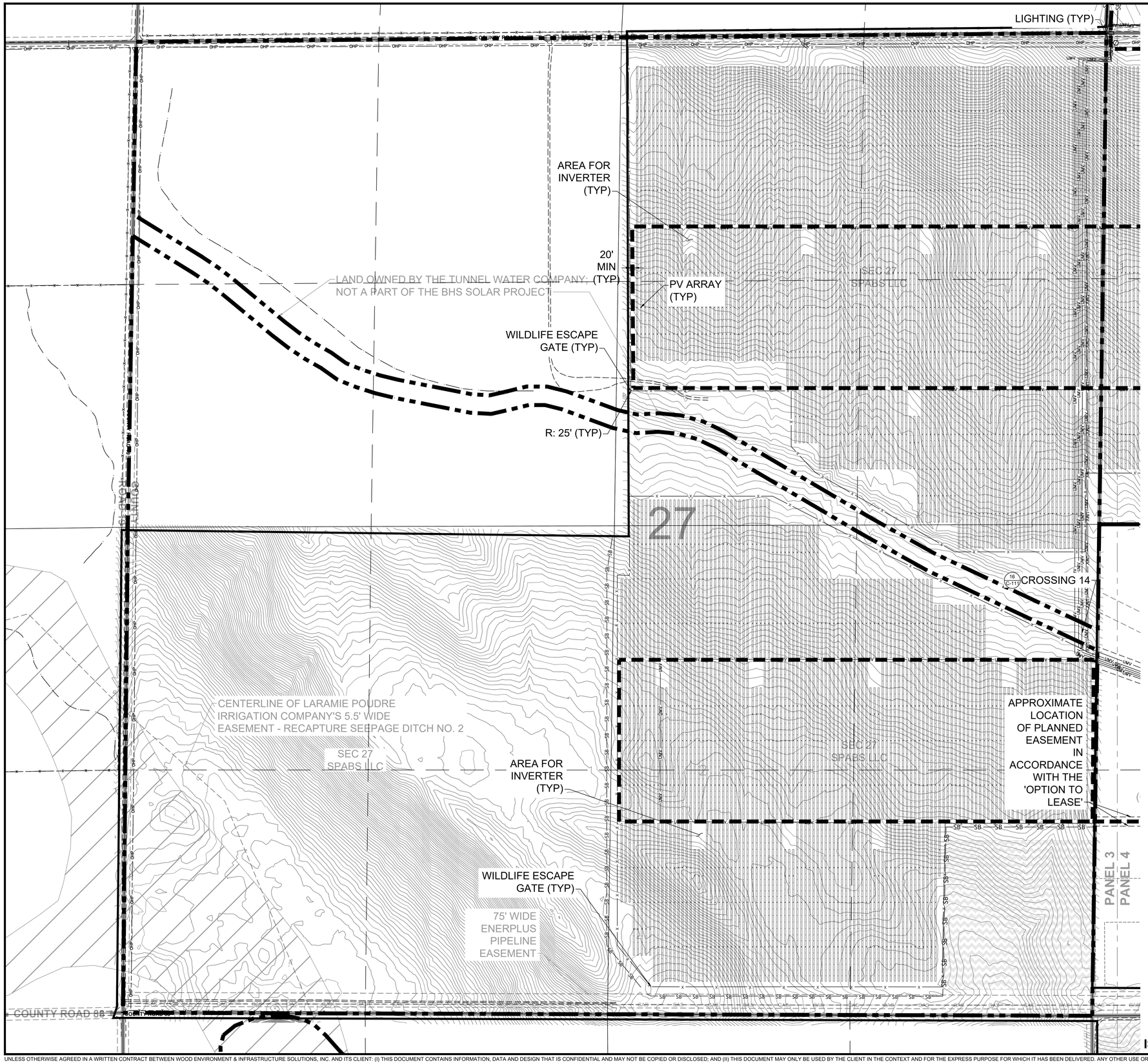

EXISTING LEGEND:

- OVERHEAD ELECTRIC TOWER
- BUILDING
- 5250 — MAJOR CONTOUR
- MINOR CONTOUR
- PROPERTY LINE
- SECTION LINE
- OHP — OVERHEAD ELECTRIC LINE
- GAS — GAS LINE
- OIL — OIL LINE
- FENCE
- EDGE OF CANAL
- GRAVEL ROAD EDGE
- TWO-TRACK PATH
- DITCH CENTERLINE
- FLOOD ZONE A
- BHS SOLAR'S RESERVED DEVELOPMENT AREA FOR OIL AND GAS USE
- PANEL 2 / PANEL 4 — PANEL MATCH LINE
- MINERAL ACCESS EASEMENT AREA
- EXISTING TEXT HERE — EXISTING CALLOUT

PROPOSED LEGEND:

- ANNEXATION BOUNDARY
- PROPOSED TEXT HERE — PROPOSED CALLOUT
- PV ARRAY (250' SCALE OR LOWER PLANS)
- SECURITY FENCE
- ACCESS ROAD
- SB — SEDIMENT BARRIER
- UMV — MEDIUM VOLTAGE CABLE
- CONCRETE EQUIPMENT PADS
- PV ARRAY (SCALES GREATER THAN 1"=250' PLANS)

PV MODULE	RISEN SOLAR TECHNOLOGY
	RSM120-8-600BMDG
	600W
	527,488
	32
	16,484
	316.492 MW-DC
	1500 V
DESIGN TEMPERATURES	ASHRAE COOLING DB 2% DB 29.2 DEG C
	ASHRAE HEATING DB 99.6% -20.4 DEG C
PV/ESS INVERTER	SMA SOLAR TECHNOLOGY
	SC 4200 UP-US
INVERTER NOMINAL OUTPUT POWER	35 DEG C / @ 50 DEG C 4200 KVA / 3780 KVA
	65
	AC SYSTEM OUTPUT NOMINAL @ UNITY PF 273.000 MW-AC
	250.000 MW-AC
RACKING	NEXTRACKER
	31.0% / 29.4%
	23.0 FT / 24.2 FT
	PILE DRIVEN POSTS
	1-PORTRAIT
	0 DEG
	TBD

0' 100' 200' 300' 400'
1" = 250' WHEN PLOTTED ON 24" x 36" SHEET

ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION

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1	09/14/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY SOLAR PV DEVELOPMENT SEVERANCE, COLORADO 80546

TITLE: PROPOSED SITE PLAN (PANEL 3 - SECTION 27)

CLIENT: BHS SOLAR, LLC 174 POWER GLOBAL 300 SPECTRUM CENTER DRIVE, SUITE 1020 IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: C-104	
SHEET NUMBER: 13 OF 27	

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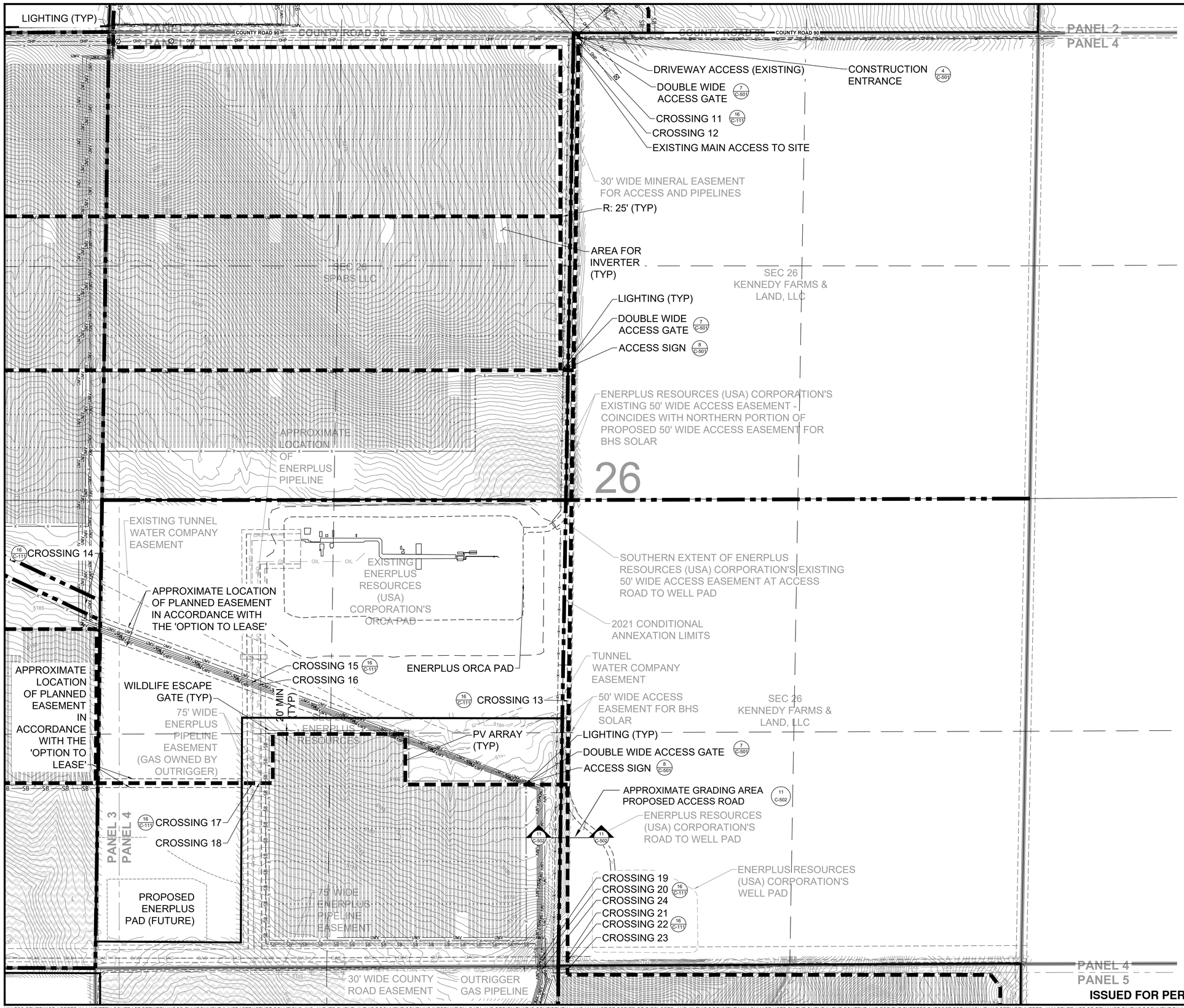

EXISTING LEGEND:

- OVERHEAD ELECTRIC TOWER
- BUILDING
- 5250 — MAJOR CONTOUR
- MINOR CONTOUR
- PROPERTY LINE
- SECTION LINE
- OHP — OVERHEAD ELECTRIC LINE
- GAS — GAS LINE
- OIL — OIL LINE
- FENCE
- EDGE OF CANAL
- GRAVEL ROAD EDGE
- TWO-TRACK PATH
- DITCH CENTERLINE
- FLOOD ZONE A
- BHS SOLAR'S RESERVED DEVELOPMENT AREA FOR OIL AND GAS USE
- PANEL 2 / PANEL 4 — PANEL MATCH LINE
- MINERAL ACCESS EASEMENT AREA
- EXISTING TEXT HERE — EXISTING CALLOUT

PROPOSED LEGEND:

- ANNEXATION BOUNDARY
- PROPOSED TEXT HERE — PROPOSED CALLOUT
- PV ARRAY (250' SCALE OR LOWER PLANS)
- SECURITY FENCE
- ACCESS ROAD
- SB — SEDIMENT BARRIER
- UMV — MEDIUM VOLTAGE CABLE
- CONCRETE EQUIPMENT PADS
- PV ARRAY (SCALES GREATER THAN 1"=250' PLANS)

PV MODULE	RISEN SOLAR TECHNOLOGY
	RSM120-8-600BMDG
	600W
	527,488
	32
	16,484
	316.492 MW-DC
	1500 V
DESIGN TEMPERATURES	ASHRAE COOLING DB 2% DB 29.2 DEG C
	ASHRAE HEATING DB 99.6% -20.4 DEG C
PV/ESS INVERTER	SMA SOLAR TECHNOLOGY
	SC 4200 UP-US
INVERTER NOMINAL OUTPUT POWER	35 DEG C / @ 50 DEG C 4200 KVA / 3780 KVA
	65
	AC SYSTEM OUTPUT NOMINAL @ UNITY PF 273.000 MW-AC
	250.000 MW-AC
RACKING	NEXTRACKER
	31.0% / 29.4%
	23.0 FT / 24.2 FT
	PILE DRIVEN POSTS
	1-PORTRAIT
	0 DEG
	TBD

0' 100' 200' 300' 400'
1" = 250' WHEN PLOTTED ON 24" x 36" SHEET

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CHELMSFORD MASSACHUSETTS 01824
TELEPHONE: (978) 692-9090
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1	09/14/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY SOLAR PV DEVELOPMENT SEVERANCE, COLORADO 80546

TITLE: PROPOSED SITE PLAN (PANEL 4 - SECTION 26)

CLIENT: BHS SOLAR, LLC 174 POWER GLOBAL 300 SPECTRUM CENTER DRIVE, SUITE 1020 IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: C-105	
SHEET NUMBER: 14 OF 27	

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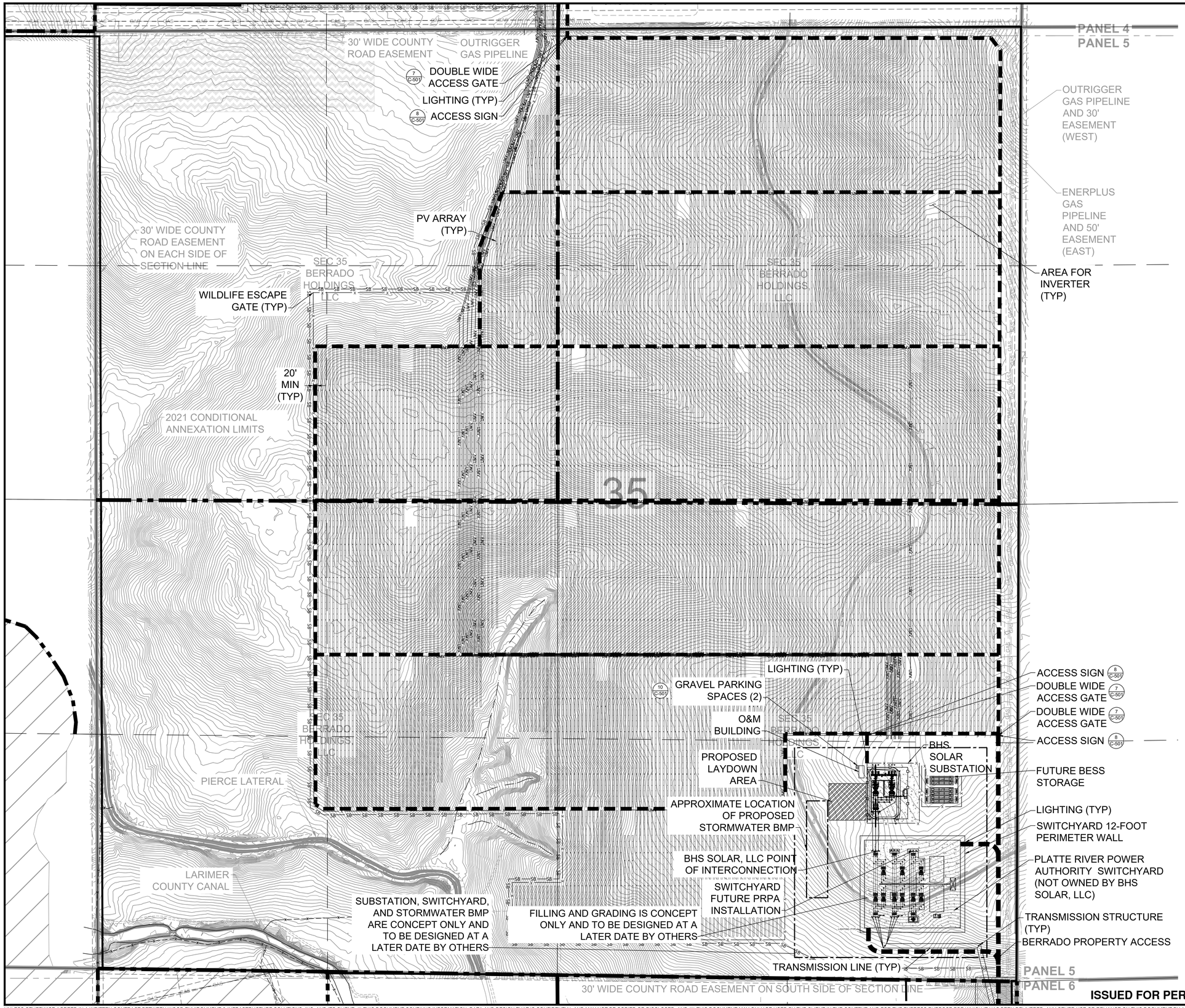

EXISTING LEGEND:

- OVERHEAD ELECTRIC TOWER
- BUILDING
- 5250 — MAJOR CONTOUR
- MINOR CONTOUR
- PROPERTY LINE
- SECTION LINE
- OHP — OVERHEAD ELECTRIC LINE
- GAS — GAS LINE
- OIL — OIL LINE
- FENCE
- EDGE OF CANAL
- GRAVEL ROAD EDGE
- TWO-TRACK PATH
- DITCH CENTERLINE
- FLOOD ZONE A
- BHS SOLAR'S RESERVED DEVELOPMENT AREA FOR OIL AND GAS USE
- PANEL 2 / PANEL 4 — PANEL MATCH LINE
- MINERAL ACCESS EASEMENT AREA
- EXISTING TEXT HERE — EXISTING CALLOUT

PROPOSED LEGEND:

- ANNEXATION BOUNDARY
- PROPOSED TEXT HERE — PROPOSED CALLOUT
- PV ARRAY (250' SCALE OR LOWER PLANS)
- X — SECURITY FENCE
- ACCESS ROAD
- SB — SEDIMENT BARRIER
- UMV — MEDIUM VOLTAGE CABLE
- CONCRETE EQUIPMENT PADS

BESS SYSTEM SUMMARY	
PCS MANUFACTURER	POWER ELECTRONICS
ESS MANUFACTURER	LG CHEM
SYSTEM POWER	25 MW
SYSTEM CAPACITY	100 MWH
ESS INVERTER	
MANUFACTURER	POWER ELECTRONICS
INVERTER MODEL	FP3510M
POWER RATING	3630 KVA

PV MODULE	RISEN SOLAR TECHNOLOGY
	RSM120-8-600BMDG
	600W
	527,488
	32
	16,484
	316.492 MW-DC
	1500 V
DESIGN TEMPERATURES	ASHRAE COOLING DB 2% DB 29.2 DEG C
	ASHRAE HEATING DB 99.6% -20.4 DEG C
PV/ESS INVERTER	SMA SOLAR TECHNOLOGY
	SC 4200 UP-US
INVERTER NOMINAL OUTPUT POWER	35 DEG C / @ 50 DEG C 4200 KVA / 3780 KVA
	65
	AC SYSTEM OUTPUT NOMINAL @ UNITY PF 273.000 MW-AC
	250.000 MW-AC
RACKING	NEXTRACKER
	31.0% / 29.4%
	23.0 FT / 24.2 FT
	PILE DRIVEN POSTS
	1-PORTRAIT
	0 DEG
	TBD

0' 100' 200' 300' 400'
1" = 250' WHEN PLOTTED ON 24" x 36" SHEET

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0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: PROPOSED SITE PLAN (PANEL 5 - SECTION 35)

CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: C-106	
SHEET NUMBER: 15 OF 27	

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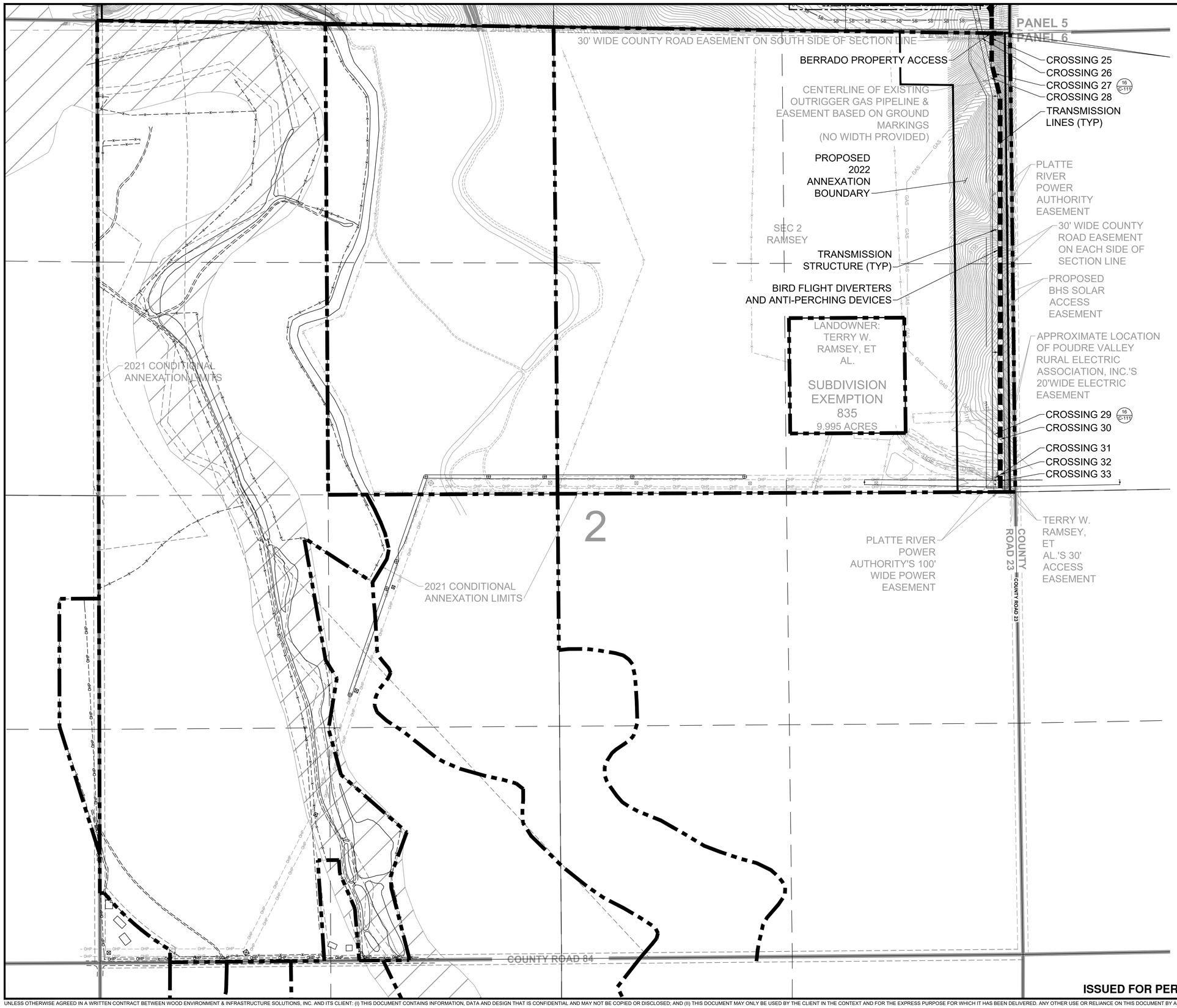

EXISTING LEGEND:

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- BUILDING
- 5250 — MAJOR CONTOUR
- MINOR CONTOUR
- PROPERTY LINE
- SECTION LINE
- OHP — OVERHEAD ELECTRIC LINE
- GAS — GAS LINE
- OIL — OIL LINE
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- EDGE OF CANAL
- GRAVEL ROAD EDGE
- TWO-TRACK PATH
- DITCH CENTERLINE
- FLOOD ZONE A
- BHS SOLAR'S RESERVED DEVELOPMENT AREA FOR OIL AND GAS USE
- PANEL 2 / PANEL 4 — PANEL MATCH LINE
- MINERAL ACCESS EASEMENT AREA
- EXISTING TEXT HERE — EXISTING CALLOUT

PROPOSED LEGEND:

- ANNEXATION BOUNDARY
- PROPOSED TEXT HERE — PROPOSED CALLOUT
- PV ARRAY (250' SCALE OR LOWER PLANS)
- SECURITY FENCE
- ACCESS ROAD
- SB — SEDIMENT BARRIER
- UMV — MEDIUM VOLTAGE CABLE
- CONCRETE EQUIPMENT PADS
- PV ARRAY (SCALES GREATER THAN 1"=250' PLANS)

0' 100' 200' 300' 400'
1" = 250' WHEN PLOTTED ON 24" x 36" SHEET

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FAX: (978) 692-6633
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0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: PROPOSED CONDITIONS PLAN (PANEL 6 - SECTION 2)

CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: C-107	
SHEET NUMBER: 16 OF 27	

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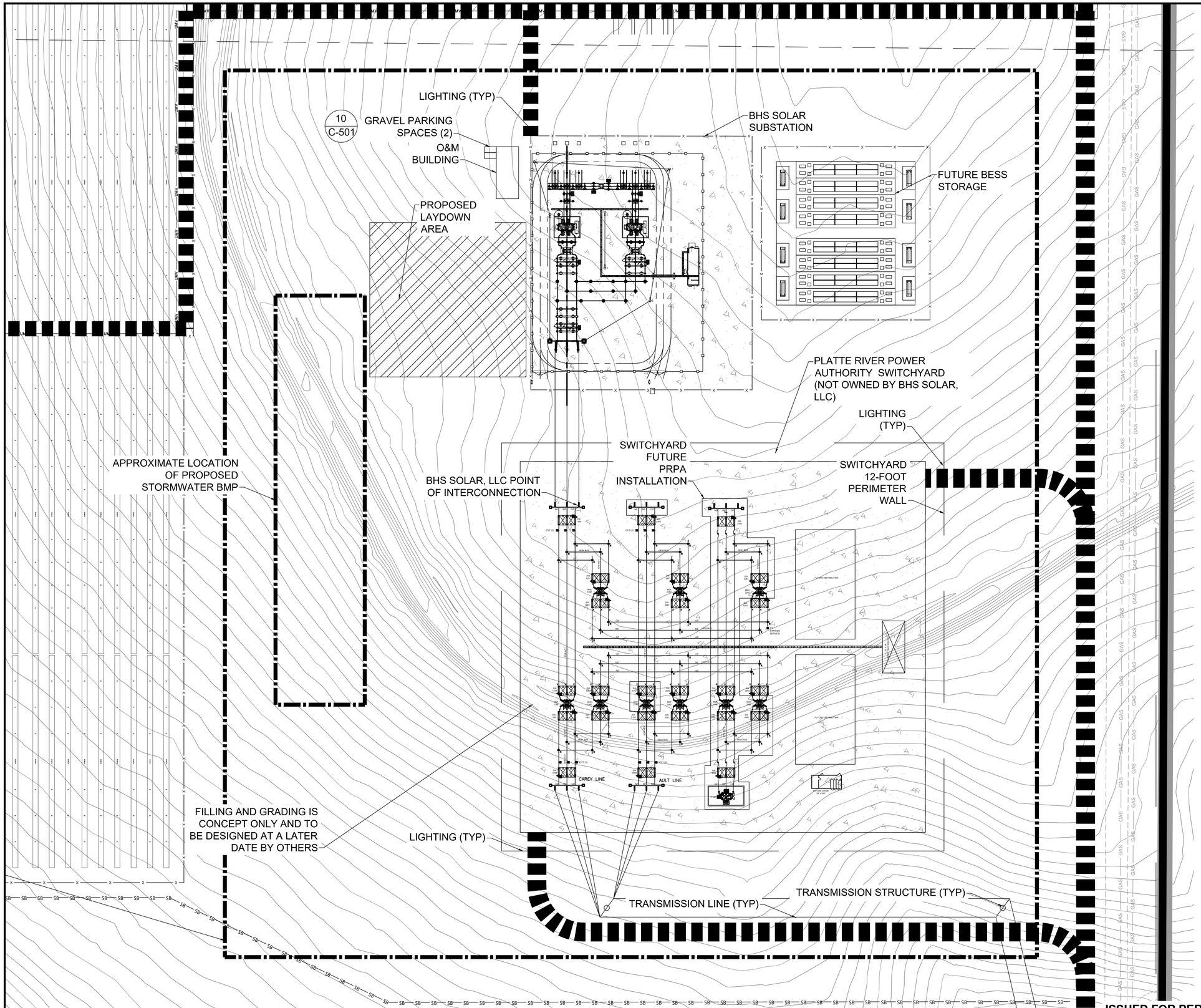

EXISTING LEGEND:

- OVERHEAD ELECTRIC TOWER
- BUILDING
- 5250 — MAJOR CONTOUR
- MINOR CONTOUR
- PROPERTY LINE
- SECTION LINE
- OHP — OVERHEAD ELECTRIC LINE
- GAS — GAS LINE
- OIL — OIL LINE
- FENCE
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- CONCRETE EQUIPMENT PADS

BESS SYSTEM SUMMARY	
PCS MANUFACTURER	POWER ELECTRONICS
ESS MANUFACTURER	LG CHEM
SYSTEM POWER	25 MW
SYSTEM CAPACITY	100 MWH
ESS INVERTER	
MANUFACTURER	POWER ELECTRONICS
INVERTER MODEL	FP3510M
POWER RATING	3630 KVA

PV MODULE	RISEN SOLAR TECHNOLOGY
	RSM120-8-600BMDG
	600W
	527,488
	32
	16,484
	316.492 MW-DC
	1500 V
DESIGN TEMPERATURES	ASHRAE COOLING DB 2% DB 29.2 DEG C
	ASHRAE HEATING DB 99.6% -20.4 DEG C
PV/ESS INVERTER	SMA SOLAR TECHNOLOGY
	SC 4200 UP-US
INVERTER NOMINAL OUTPUT POWER	35 DEG C / @ 50 DEG C 4200 KVA / 3780 KVA
	65
	AC SYSTEM OUTPUT NOMINAL @ UNITY PF 273.000 MW-AC
	250.000 MW-AC
RACKING	NEXTRACKER
	31.0% / 29.4%
	23.0 FT / 24.2 FT
	PILE DRIVEN POSTS
	1-PORTRAIT
	0 DEG
	TBD

0' 30' 60' 90'
1" = 60' WHEN PLOTTED ON 24" x 36" SHEET

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0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: SUBSTATION PLAN AND DETAILS

CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: C-108	
SHEET NUMBER: 17 OF 27	

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- PANEL 2 / PANEL 4 — PANEL MATCH LINE
- MINERAL ACCESS EASEMENT AREA
- EXISTING TEXT HERE — EXISTING CALLOUT

PROPOSED LEGEND:

- ANNEXATION BOUNDARY
- PROPOSED TEXT HERE — PROPOSED CALLOUT
- PV ARRAY (250' SCALE OR LOWER PLANS)
- x — SECURITY FENCE
- ACCESS ROAD
- SB — SEDIMENT BARRIER
- UMV — MEDIUM VOLTAGE CABLE
- CONCRETE EQUIPMENT PADS
- PV ARRAY (SCALES GREATER THAN 1"=250' PLANS)

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0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: PROPOSED GRADING AND DRAINAGE PLAN

CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: C-109	
SHEET NUMBER: 18 OF 27	

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RSX2 LED
Area Luminaire

Buy American

Catalog Number

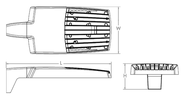
Notes

Type

Hit the Tab key or mouse over the page to see all interactive elements.

Specifications

EPA (ft²@0°):	0.69 ft² (0.06 m²)
Length:	29.3" (74.4 cm) (SPA mount)
Width:	13.4" (34.0 cm)
Height:	3.0" (7.6 cm) Main Body 7.2" (18.3 cm) Arm
Weight: (SPA mount)	30.0 lbs (13.6 kg)



Introduction

The new RSX LED Area family delivers maximum value by providing significant energy savings, long life and outstanding photometric performance at an affordable price. The RSX2 delivers 11,000 to 31,000 lumens allowing it to replace 250W to 1000W HID luminaires.

The RSX features an integral universal mounting mechanism that allows the luminaire to be mounted on most existing drill hole patterns. This "no-drill" solution provides significant labor savings. An easy-access door on the bottom of mounting arm allows for wiring without opening the electrical compartment. A mast arm adaptor, adjustable integral slipfitter and other mounting configurations are available.

WDGE2 LED
Architectural Wall Sconce
Precision Refractive Optic

Buy American

Catalog Number

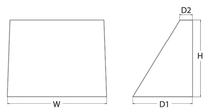
Notes

Type

Hit the Tab key or mouse over the page to see all interactive elements.

Specifications

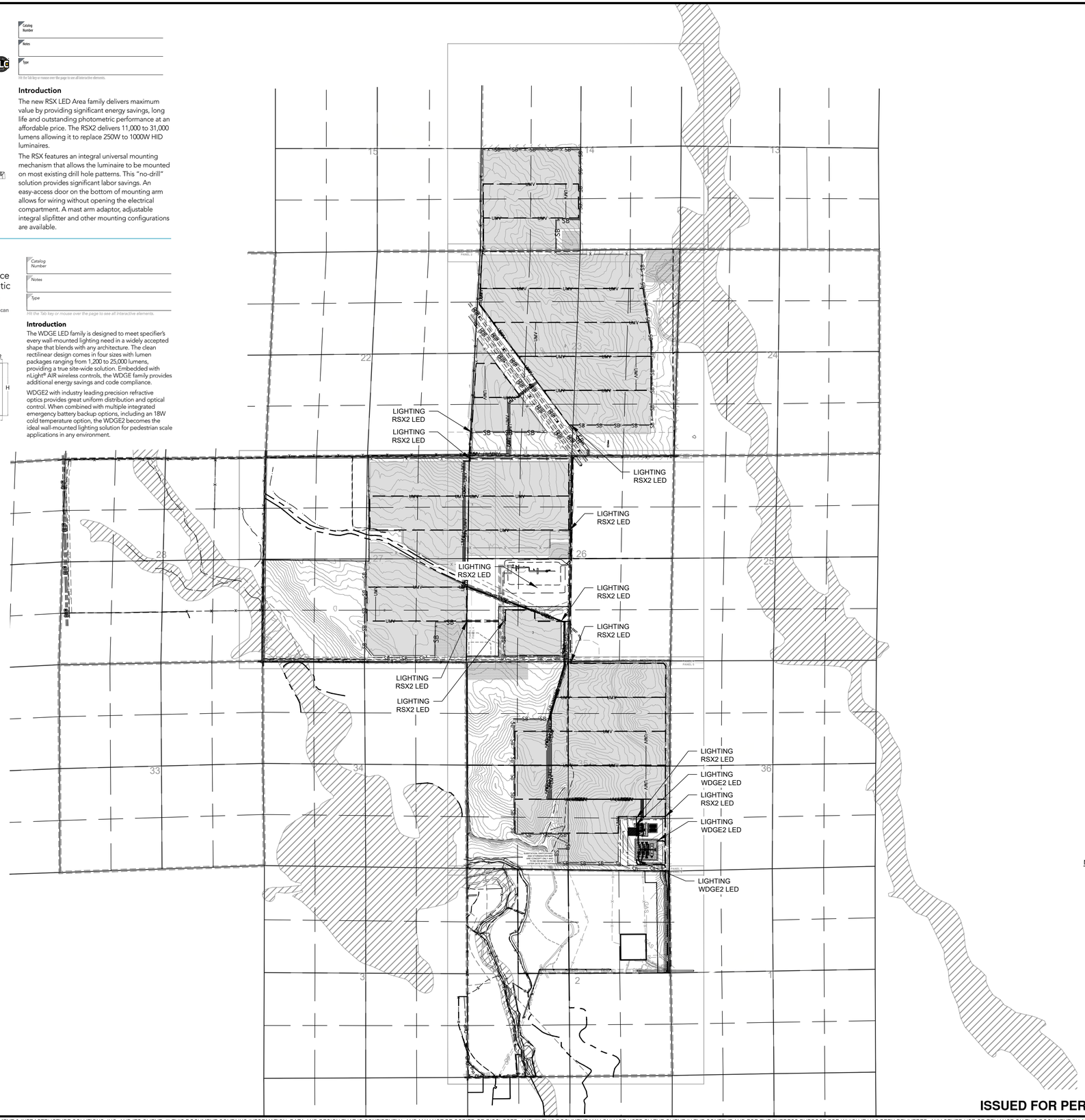
Depth (D1):	7"
Depth (D2):	1.5"
Height:	9"
Width:	11.5"
Weight: (without options)	13.5 lbs



Introduction

The WDGE LED family is designed to meet specifier's every wall-mounted lighting need in a widely accepted shape that blends with any architecture. The clean rectilinear design comes in four sizes with lumen packages ranging from 1,200 to 25,000 lumens, providing a true site-wide solution. Embedded with nLight® AIR wireless controls, the WDGE family provides additional energy savings and code compliance.

WDGE2 with industry leading precision refractive optics provides great uniform distribution and optical control. When combined with multiple integrated emergency battery backup options, including an 18W cold temperature option, the WDGE2 becomes the ideal wall-mounted lighting solution for pedestrian scale applications in any environment.



EXISTING LEGEND:

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- MINERAL ACCESS EASEMENT AREA
- EXISTING TEXT HERE — EXISTING CALLOUT

PROPOSED LEGEND:

- ANNEXATION BOUNDARY
- PROPOSED TEXT HERE — PROPOSED CALLOUT
- PV ARRAY (250' SCALE OR LOWER PLANS)
- SECURITY FENCE
- ACCESS ROAD
- SB — SEDIMENT BARRIER
- UMV — MEDIUM VOLTAGE CABLE
- CONCRETE EQUIPMENT PADS
- PV ARRAY (SCALES GREATER THAN 1"=250' PLANS)

NOTES:

1. LIGHTING WILL CONFORM TO THE RECENTLY ADOPTED LIGHTING REGULATIONS (ORDINANCE 2022-30 AND ARTICLE 16.16).

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PROJECT:
BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE:
PROPOSED LIGHTING PLAN

CLIENT:
BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL:
DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: C-110	
SHEET NUMBER: 19 OF 27	

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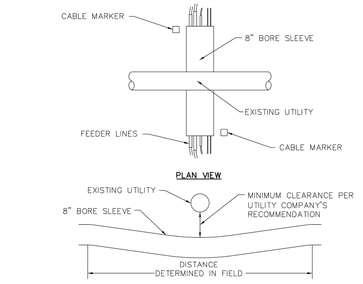
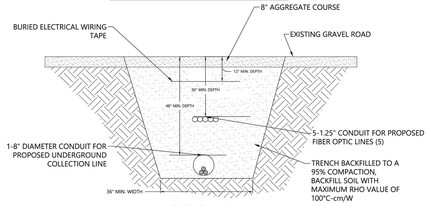


FEEDER PIPELINE CROSSING



SECTION VIEW
(NOT TO SCALE)

COLLECTION ROAD CROSSING DETAIL

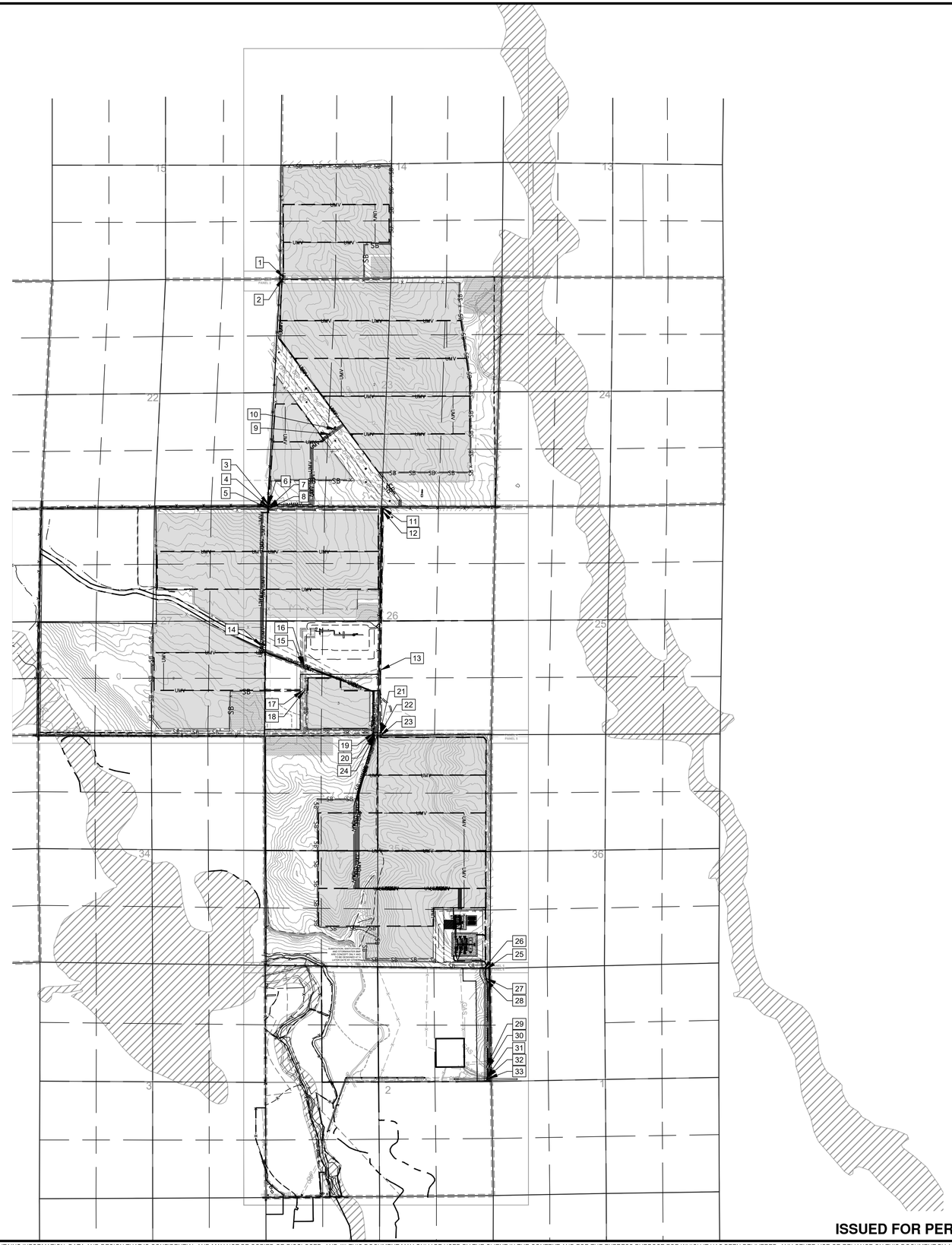
CROSSING LOCATIONS

#	TYPE	CROSSING COORDINATES LATITUDE	CROSSING COORDINATES LONGITUDE	CROSSING TYPE	CROSSING UTILITY	INSTALLATION TYPE
1	UG MV	40.654474	-104.867656	ROAD EASEMENT	WELD COUNTY	DIRECT BURIAL
2	ROAD	40.654474	-104.867707	ROAD EASEMENT	WELD COUNTY	AT GRADE
3	UG MV	40.640009	-104.869061	ROAD EASEMENT	COUNTY ROAD 90	DIRECTIONAL BORE
4	UG MV	40.639844	-104.869061	ROAD EASEMENT	COUNTY ROAD 90	DIRECTIONAL BORE
5	UG MV	40.639780	-104.869062	OVERHEAD DISTRIBUTION	PVREA	DIRECT BURIAL
6	ROAD	40.640008	-104.869049	ROAD EASEMENT	COUNTY ROAD 90	AT GRADE
7	ROAD	40.639843	-104.869050	ROAD EASEMENT	COUNTY ROAD 90	AT GRADE
8	ROAD	40.639780	-104.869050	OVERHEAD DISTRIBUTION	PVREA	AT GRADE
9	UG MV	40.644492	-104.863869	OVERHEAD TRANSMISSION	WAPA	DIRECT BURIAL OR DIRECTIONAL BORE
10	UG MV	40.644782	-104.863339	OVERHEAD TRANSMISSION	TRI-STATE	DIRECT BURIAL OR DIRECTIONAL BORE
11	ROAD	40.639765	-104.859522	OVERHEAD DISTRIBUTION	PVREA	AT GRADE
12	ROAD	40.639577	-104.859528	POWER EASEMENT	WAPA	AT GRADE
13	ROAD	40.629437	-104.859820	IRRIGATION	TUNNEL WATER COMPANY	AT GRADE
14	UG MV	40.630998	-104.869698	IRRIGATION	TUNNEL WATER COMPANY	DIRECT BURIAL OR DIRECTIONAL BORE
15	UG MV	40.629758	-104.866303	GAS PIPELINE	OUTRIGGER IN ENERPLUS EASEMENT	DIRECTIONAL BORE
16	UG MV	40.629718	-104.866164	OIL PIPELINE	ENERPLUS	DIRECTIONAL BORE
17	ROAD	40.628190	-104.866302	GAS PIPELINE	OUTRIGGER IN ENERPLUS EASEMENT	AT GRADE
18	ROAD	40.628190	-104.866161	OIL PIPELINE	ENERPLUS	AT GRADE
19	UG MV	40.625446	-104.860399	GAS PIPELINE	ENERPLUS	DIRECTIONAL BORE
20	UG MV	40.625384	-104.860399	ROAD EASEMENT	WELD COUNTY	DIRECTIONAL BORE
21	ROAD	40.625445	-104.859880	GAS PIPELINE	ENERPLUS	AT GRADE
22	ROAD	40.625383	-104.859882	ROAD EASEMENT	WELD COUNTY	AT GRADE
23	ROAD	40.625246	-104.859884	GAS PIPELINE	OUTRIGGER	AT GRADE
24	UG MV	40.625249	-104.860408	GAS PIPELINE	OUTRIGGER	DIRECTIONAL BORE
25	ROAD	40.610321	-104.851208	ROAD EASEMENT	WELD COUNTY	AT GRADE
26	PRPA TRANSMISSION LINE	40.610324	-104.851413	ROAD EASEMENT	WELD COUNTY	OVERHEAD
27	ROAD	40.609770	-104.851154	GAS PIPELINE	OUTRIGGER	AT GRADE
28	PRPA TRANSMISSION LINE	40.609700	-104.851229	GAS PIPELINE	OUTRIGGER	OVERHEAD
29	PRPA TRANSMISSION LINE	40.604108	-104.851198	GAS PIPELINE	OUTRIGGER	OVERHEAD
30	ROAD	40.604026	-104.851088	GAS PIPELINE	OUTRIGGER	AT GRADE
31	PRPA TRANSMISSION LINE	40.603419	-104.851205	DRIVEWAY EASEMENT	RAMSEY	OVERHEAD
32	ROAD	40.603474	-104.851090	POWER EASEMENT	PLATTE RIVER POWER AUTHORITY	AT GRADE
33	ROAD	40.603371	-104.851091	DRIVEWAY EASEMENT	RAMSEY	AT GRADE

* ALL CROSSINGS ARE PURSUANT TO FINAL CROSSING AGREEMENTS.

CROSSING MATRIX TABLE

16



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PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: PROPOSED CROSSING PLAN

CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: C-111	
SHEET NUMBER: 20 OF 27	

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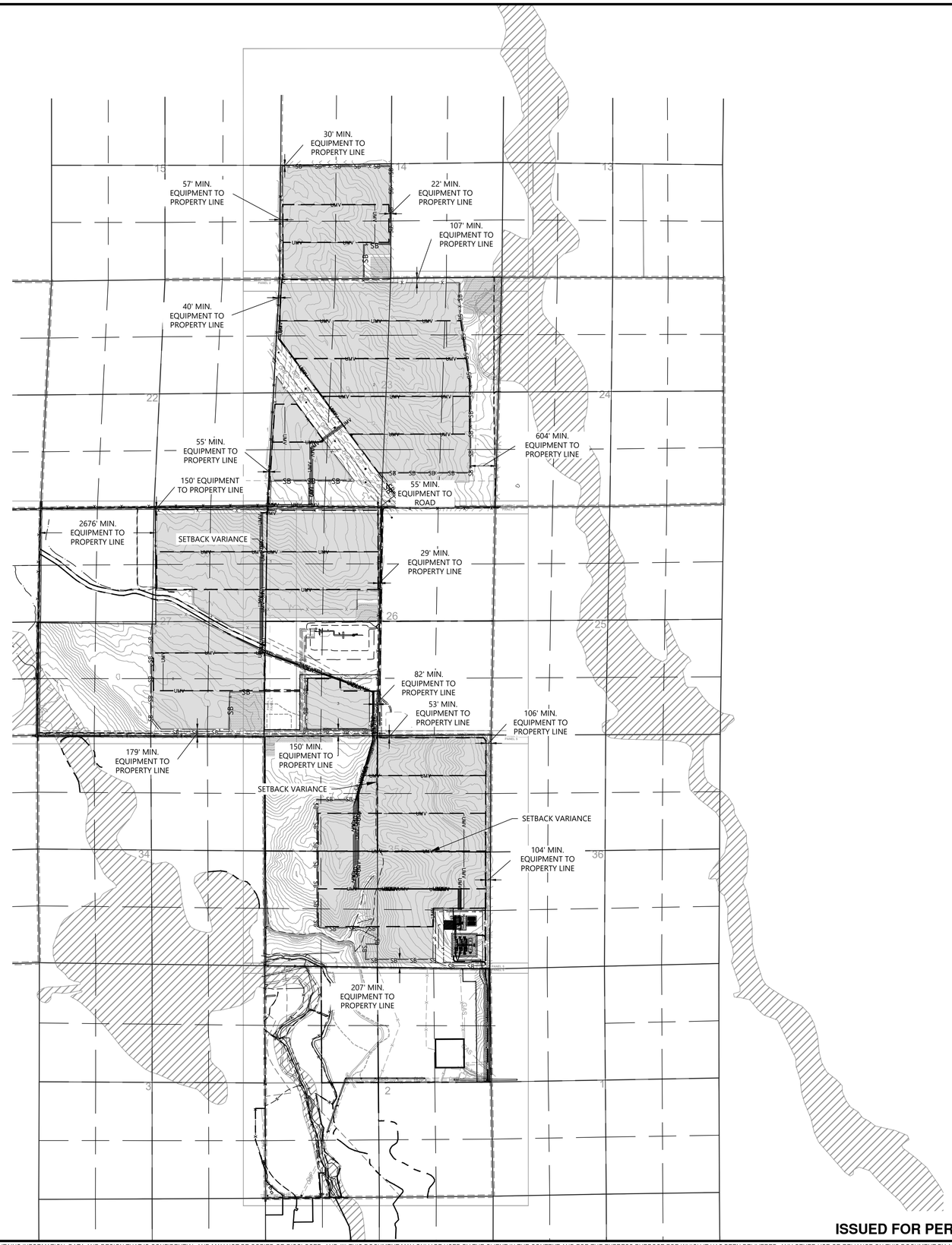

SOLAR FACILITY SETBACKS - LARGE SCALE*

LOCATION	DISTANCE (FT.)
FRONT	50 FT.
SIDE	10 FT. OR 1 FT. PER 2 FT. HEIGHT
SIDE CORNER	50 FT.
REAR	20 FT.
ARTERIAL OR STATE HIGHWAY	100 FT.
LOCAL OR COLLECTOR	50 FT.

* THE SETBACK CODE IS WRITTEN INFERRING THAT A PARCEL HAS FRONT, SIDES, AND REAR YARDS OR PROPERTY LINES, WHICH IS NOT THE CASE FOR THIS PROJECT. ADDITIONALLY, CERTAIN SETBACKS FROM PROPERTY BOUNDARIES ARE MATERIALLY LARGER TO CREATE VISUAL BUFFERS AND ACROSS COMMON PROPERTY OWNER BOUNDARIES.

EXISTING LEGEND:

- OVERHEAD ELECTRIC TOWER
- BUILDING
- 5250 — MAJOR CONTOUR
- MINOR CONTOUR
- PROPERTY LINE
- SECTION LINE
- OHP — OVERHEAD ELECTRIC LINE
- GAS — GAS LINE
- OIL — OIL LINE
- FENCE
- EDGE OF CANAL
- GRAVEL ROAD EDGE
- TWO-TRACK PATH
- DITCH CENTERLINE
- FLOOD ZONE A
- BHS SOLAR'S RESERVED DEVELOPMENT AREA FOR OIL AND GAS USE
- PANEL 2 / PANEL 4 — PANEL MATCH LINE
- MINERAL ACCESS EASEMENT AREA
- EXISTING TEXT HERE — EXISTING CALLOUT

PROPOSED LEGEND:

- ANNEXATION BOUNDARY
- PROPOSED TEXT HERE — PROPOSED CALLOUT
- PV ARRAY (250' SCALE OR LOWER PLANS)
- SECURITY FENCE
- ACCESS ROAD
- SB — SEDIMENT BARRIER
- UMV — MEDIUM VOLTAGE CABLE
- CONCRETE EQUIPMENT PADS
- PV ARRAY (SCALES GREATER THAN 1"=250' PLANS)
- 70' MIN. — SETBACK DISTANCE FROM ARRAY FENCE TO COUNTY ROAD OR PROPERTY LINE

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REVISION	DATE	ISSUE / REVISION DESCRIPTION	ISSUED	APPROVED
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0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: PROPOSED SETBACK PLAN

CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: C-112	
SHEET NUMBER: 21 OF 27	

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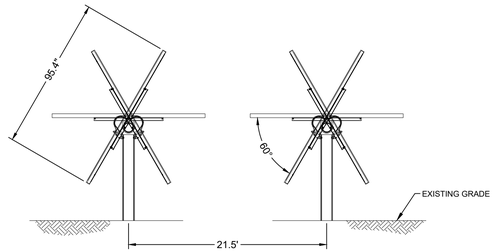
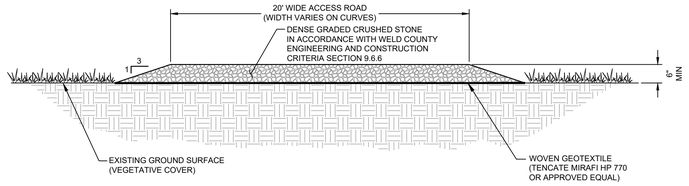


NOTE:

1. DESIGN FOR FOUNDATIONS, RACKING, DRIVEN POST, AND MODULES BY OTHERS. DETAILS SHOWN FOR ILLUSTRATION PURPOSES ONLY.

PV RACK ARRANGEMENT SIDE VIEW (1)

NOT TO SCALE

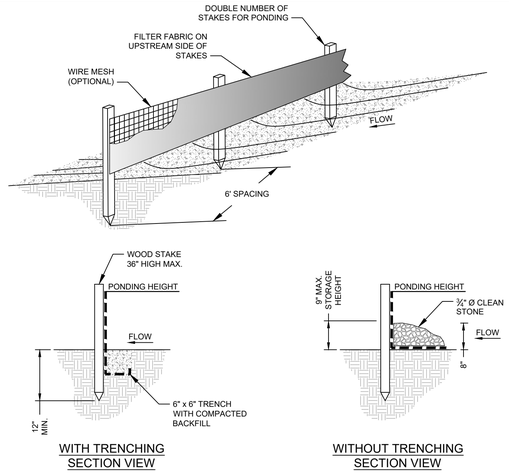


NOTES:

1. ACCESS ROAD TO BE CONSTRUCTED OF A MINIMUM 6" OF DENSE GRADED CRUSHED STONE.
2. WOVEN GEOTEXTILE TO BE PLACED BETWEEN THE GROUND SURFACE AND THE CRUSHED STONE.
3. CRUSHED STONE SHALL BE COMPACTED TO A FIRM AND NON-YIELDING CONDITION.
4. ROAD SHALL BE CONSTRUCTED SO THAT STORMWATER DOES NOT CONCENTRATE ON THE ROAD SURFACE AND IS DISTRIBUTED IN SHEET FLOW TO THE VEGETATED SHOULDERS WHEREVER SUCH AREAS ARE AVAILABLE.

ACCESS ROAD (2)

NOT TO SCALE

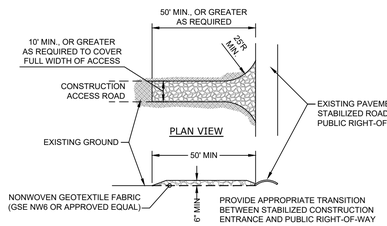


NOTES:

1. PREFABRICATED SILT FENCE MUST BE INSTALLED PER MANUFACTURER'S INSTALLATION INSTRUCTIONS.
2. THE FENCE SHALL BE ANCHORED TO RESIST PULL-OUT, AND BE STRETCHED TIGHTLY BETWEEN STAKES TO PREVENT SAGGING.
3. A 6-INCH WIDE AND 6-INCH DEEP TRENCH SHALL BE EXCAVATED UPGRADIENT OF THE FENCE LINE TO KEY THE "FLAP" OF THE FABRIC. THE TRENCH SHALL BE BACKFILLED AND COMPACTED.
4. WHEN JOINTS ARE NECESSARY, FILTER CLOTH SHALL BE SPLICED BY WRAPPING END STAKES TOGETHER.
5. IN AREAS WHERE THE FLAP CANNOT BE KEYED PROPERLY (DUE TO FROZEN GROUND, BEDROCK, STONY SOIL, ROOTS NEAR A PROTECTED NATURAL RESOURCE, ETC.) THE SILT FENCE SHALL BE ANCHORED WITH AGGREGATE, CRUSHED STONE, EROSION CONTROL MIX, OR OTHER MATERIAL.

SEDIMENT BARRIER - SILT FENCE (3)

NOT TO SCALE

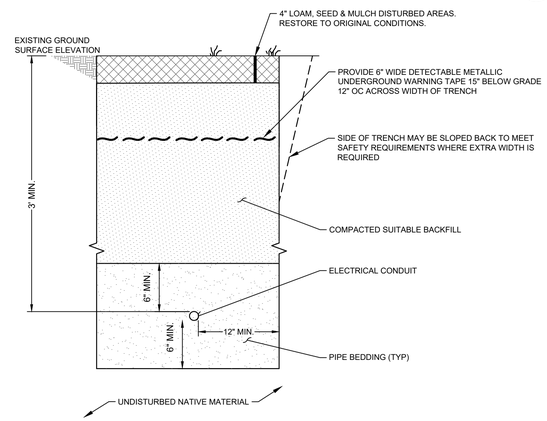


NOTES:

1. STONE TO BE 1"-3" STONE, RECLAIMED STONE, OR RECYCLED CONCRETE EQUIVALENT.
2. LENGTH - AS REQUIRED, BUT NOT LESS THAN 50 FT.
3. THICKNESS - NOT LESS THAN SIX (6) INCHES.
4. WIDTH - TEN (10) FT. MIN, BUT NOT LESS THAN THE FULL TRAVELED WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
5. FILTER CLOTH - SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCE SHALL BE PIPED ACROSS OR BENEATH THE ENTRANCE.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
8. WASHING - WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS-OF-WAY. IF WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

STABILIZED CONSTRUCTION ENTRANCE (4)

NOT TO SCALE

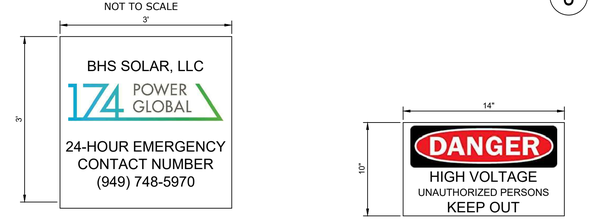


NOTE:

DETAIL SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. ELECTRICAL ENGINEER TO CONFIRM REGULATORY AND CODE COMPLIANCE.

ELECTRICAL CONDUIT UTILITY TRENCH (5)

NOT TO SCALE

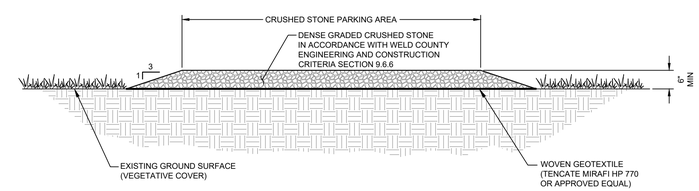


ACCESS SIGN DETAIL (8)

NOT TO SCALE

DANGER SIGN (TYPICAL) (9)

NOT TO SCALE

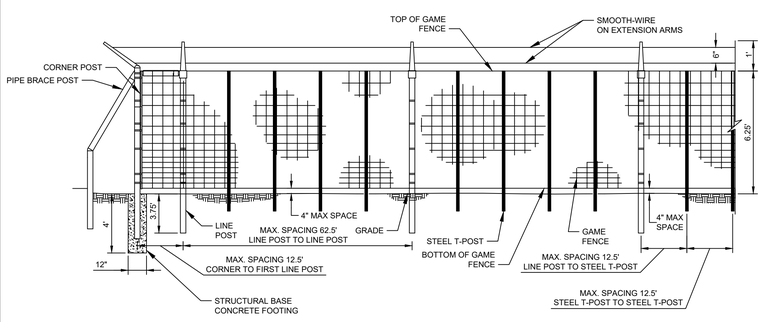


NOTES:

1. PARKING AREA TO BE CONSTRUCTED OF A MINIMUM 6" OF DENSE GRADED CRUSHED STONE.
2. WOVEN GEOTEXTILE TO BE PLACED BETWEEN THE GROUND SURFACE AND THE CRUSHED STONE.
3. CRUSHED STONE SHALL BE COMPACTED TO A FIRM AND NON-YIELDING CONDITION.
4. PARKING AREA SHALL BE CONSTRUCTED SO THAT STORMWATER DOES NOT CONCENTRATE ON THE SURFACE AND IS DISTRIBUTED IN SHEET FLOW TO THE VEGETATED SHOULDERS WHEREVER SUCH AREAS ARE AVAILABLE.

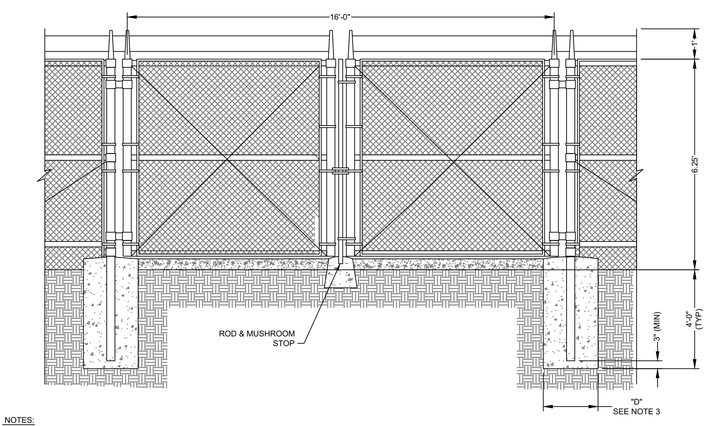
PARKING AREA CROSS SECTION (10)

NOT TO SCALE



GAME FENCE SECURITY FENCE DETAIL (6)

NOT TO SCALE

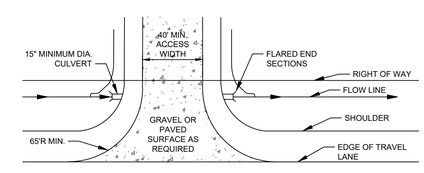


NOTES:

1. THE FENCE SHALL MEET OR EXCEED THE CHAIN LINK FENCE MANUFACTURER INSTITUTE GUIDELINES AND COMPLY WITH THE AMERICAN STANDARDS AND TESTING MATERIALS (ASTM INTERNATIONAL), AND RELATED FEDERAL SPECIFICATIONS FOR ALL SECURITY CHAIN LINK FENCE MATERIALS AND INSTALLATION.
2. ALL FENCE GATES MUST BE GROUNDED WITH A BONDING JUMPER PER NEC REQUIREMENTS REGARDLESS OF PROXIMITY TO ANY ELECTRICAL EQUIPMENT.
3. GATE POSTS
   - FOUR (4) INCH DIAMETER SS-40 PIPE
   - D = 24 INCHES BY 48-INCH DEEP CONCRETE FOOTING
4. KNOX PADLOCKS OR SWITCHES ARE REQUIRED AT THE ENTRANCE GATES.
5. ADDRESS AND CONTACT SIGNAGE ARE REQUIRED AT ALL ACCESS POINTS.

DOUBLE WIDE ACCESS GATE DETAIL (7)

NOT TO SCALE



PERMANENT PUBLIC DRIVEWAY ACCESS (11)

NOT TO SCALE

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0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: CONSTRUCTION, EROSION, AND SEDIMENTATION CONTROL DETAILS

CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: C-501	
SHEET NUMBER: 22 OF 27	

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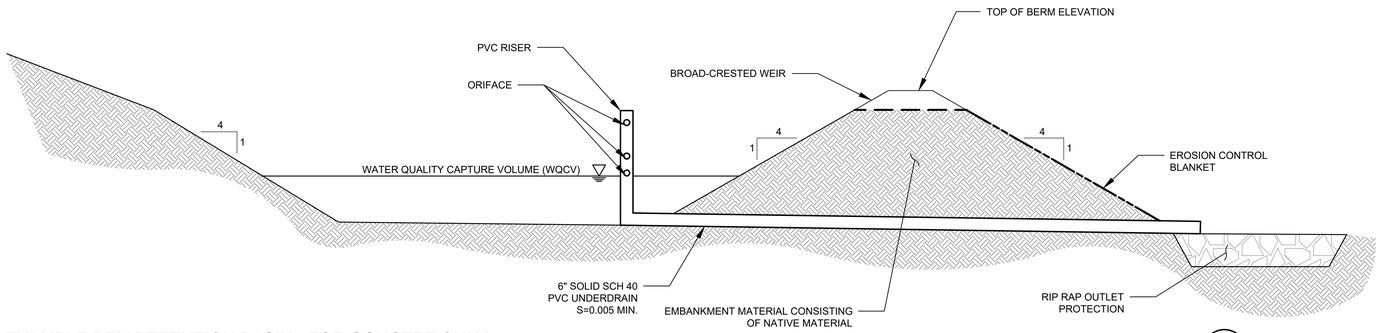
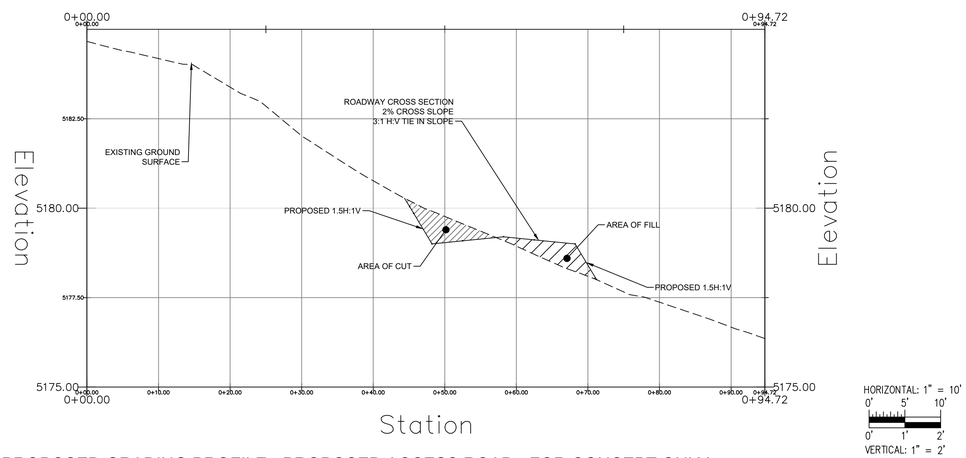


EXAMPLE DRY DETENTION BASIN - FOR CONCEPT ONLY

NTS

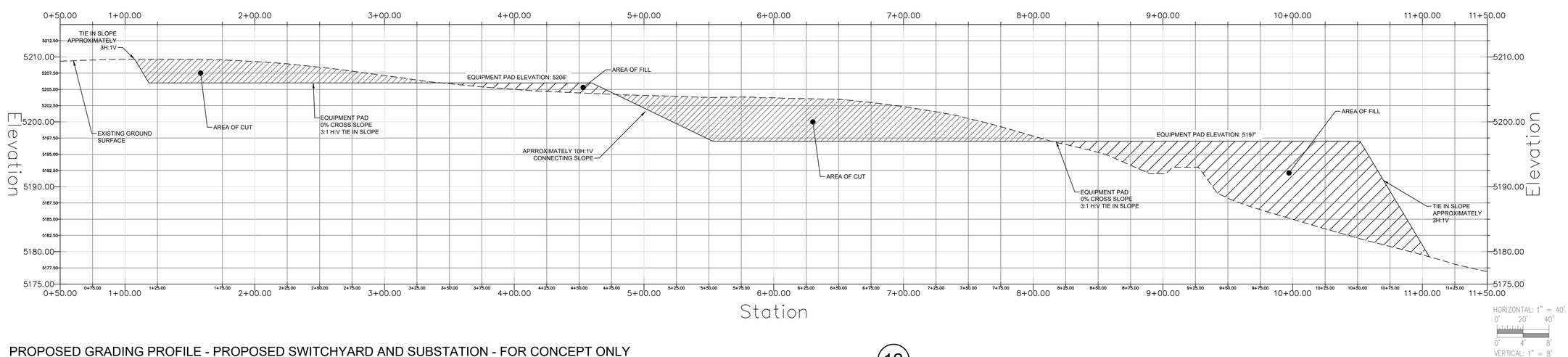
10



PROPOSED GRADING PROFILE - PROPOSED ACCESS ROAD - FOR CONCEPT ONLY

NTS

11



PROPOSED GRADING PROFILE - PROPOSED SWITCHYARD AND SUBSTATION - FOR CONCEPT ONLY

NTS

12

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PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: GRADING AND DRAINAGE DETAILS

CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: C-502	
SHEET NUMBER: 23 OF 27	

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EROSION AND SEDIMENTATION CONTROL PLAN:
THIS PLAN HAS BEEN DEVELOPED TO PROVIDE A STRATEGY FOR CONTROLLING SOIL EROSION AND SEDIMENTATION DURING AND AFTER CONSTRUCTION OF THE PROPOSED PROJECT.
THIS PLAN IS BASED ON THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) EROSION CONTROL AND STORMWATER QUALITY GUIDE, AND THE COLORADO DISCHARGE PERMIT SYSTEM (CDPS) GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY.

GENERAL EROSION AND SEDIMENTATION CONSTRUCTION DETAIL NOTES:
DURING CONSTRUCTION, THE CONTRACTOR SHALL TAKE ALL REASONABLE MEASURES TO SCHEDULE EARTHWORK OPERATIONS SUCH THAT THE AREA OF EXPOSED AND DISTURBED SOIL IS MINIMIZED. CONSTRUCTION SHALL BE PHASED TO MINIMIZE THE AREA OF DISTURBED SOIL THAT IS EXPOSED AT ANY ONE TIME. UPGRADIENT STORMWATER DIVERSION AND DISPERSION MEASURES SHALL BE INSTALLED WHERE APPROPRIATE. THE FOLLOWING MEASURES WILL BE UNDERTAKEN TO PROVIDE MAXIMUM PROTECTION TO THE SOIL, WATER, AND ABUTTING LANDS:

1. WITHIN 7 DAYS OF THE CESSATION OF CONSTRUCTION ACTIVITIES IN AN AREA THAT WILL NOT BE WORKED FOR MORE THAN 7 DAYS, STABILIZE ANY EXPOSED SOIL WITH MULCH, OR OTHER NON-ERODIBLE COVER. WHEN IT IS NOT POSSIBLE OR PRACTICAL TO PERMANENTLY STABILIZE DISTURBED LAND, TEMPORARY EROSION CONTROL MEASURES WILL BE IMPLEMENTED.
2. ANY EXPOSED SLOPES GREATER THAN 3:1 AND NEWLY CONSTRUCTED DRAINAGE SWALES WILL BE STABILIZED WITH EROSION CONTROL MATTING TO PREVENT EROSION DURING CONSTRUCTION AND TO FACILITATE RE-VEGETATION AFTER PLACEMENT OF TOPSOIL AND SEEDING.
3. NATIVE TOPSOIL SHALL BE SAVED, STOCKPILED, MULCHED, AND REUSED AS MUCH AS POSSIBLE ON THE SITE. SEDIMENT BARRIERS SUCH AS SILTATION FENCES SHALL BE INSTALLED AT THE BASE OF STOCKPILES AT THE DOWNHILL LIMIT TO PROTECT AGAINST EROSION. STOCKPILES SHALL BE STABILIZED UPON FORMATION OF THE PILES BY SEEDING AND MULCHING OR COVERING WITH AN EROSION CONTROL COVER. STABILIZED DITCHES AND/OR BERMS SHALL BE CONSTRUCTED UPHILL OF THE STOCKPILES TO DIVERT STORMWATER RUNOFF AWAY FROM THE PILES.
4. ALL SEDIMENT BARRIERS AND OTHER EROSION CONTROL MEASURES WILL BE INSPECTED BY THE CONTRACTOR ON A WEEKLY BASIS OR FOLLOWING ANY SIGNIFICANT RAINFALL (0.25 INCH OR MORE) OR SNOWMELT. ALL DAMAGED EROSION CONTROL DEVICES WILL BE REPAIRED AND/OR REPLACED IMMEDIATELY. TRAPPED SEDIMENT WILL BE REMOVED BEFORE IT HAS ACCUMULATED TO ONE-HALF OF THE INSTALLED SEDIMENT BARRIER HEIGHT. DEVICES NO LONGER SERVICEABLE DUE TO SEDIMENT ACCUMULATION WILL ALSO BE REPAIRED AND/OR REPLACED AS NECESSARY.
5. INTERCEPTED SEDIMENT WILL BE RETURNED TO THE SITE AND INCORPORATED INTO THE PROJECT AREA.
6. GENERAL EROSION AND SEDIMENTATION CONTROL ACTIONS SHALL INCLUDE THE FOLLOWING:
   - MARK SOIL DISTURBANCE LIMITS
   - INSTALL SEDIMENT BARRIERS BEFORE DISTURBING ANY SOILS
   - DIVERT AND DISPERSE STORMWATER RUNOFF TO UNDISTURBED AREAS WHENEVER POSSIBLE
   - MULCH DISTURBED AREAS
   - PROTECT STEEP SLOPES
   - INSPECT AND REPAIR EROSION CONTROLS AND SEDIMENT BARRIERS

MONITORING PROGRAM:
1. EROSION AND SEDIMENTATION CONTROLS SHALL BE INSPECTED AT LEAST ONCE EVERY 14 CALENDAR DAYS, AFTER A STORM EVENT (RAINFALL OR EXCESS SNOWMELT), AND PRIOR TO COMPLETING PERMANENT STABILIZATION MEASURES. WHEN CONSTRUCTION HAS BEEN COMPLETED, BUT FINAL STABILIZATION HAS NOT BEEN ACHIEVED DUE TO LACK OF VEGETATIVE COVER (VEGETATIVE COVER EQUAL TO 70% OF PRE-EXISTING COVER), THOROUGH INSPECTIONS OF THE STORMWATER MANAGEMENT BMPS SHALL OCCUR AT A MINIMUM OF EVERY 30 DAYS. WHEN THE GROUND IS FROZEN OR COVERED IN SNOW, INSPECTIONS ARE SUSPENDED. A PERSON WITH KNOWLEDGE OF EROSION AND STORMWATER CONTROL SHALL CONDUCT THE INSPECTIONS. ALL EROSION AND SEDIMENTATION CONTROL STRUCTURES DAMAGED BY CONSTRUCTION EQUIPMENT, VANDALS, OR THE ELEMENTS WILL BE REPAIRED OR REPLACED IMMEDIATELY, PRIOR TO CONTINUING THE CONSTRUCTION. THE REPAIR WORK SHOULD BE INITIATED UPON DISCOVERY OF THE PROBLEM BUT NO LATER THAN THE END OF THE NEXT WORKDAY. IF ADDITIONAL BMPS OR SIGNIFICANT REPAIR OF BMPS ARE NECESSARY, IMPLEMENTATION MUST BE COMPLETED WITHIN 7 CALENDAR DAYS AND PRIOR TO ANY STORM EVENT (RAINFALL). ALL MEASURES MUST BE MAINTAINED IN EFFECTIVE OPERATING CONDITION UNTIL AREAS ARE PERMANENTLY STABILIZED.
2. FOLLOWING THE FINAL SEEDING, THE SITE WILL BE INSPECTED IN ACCORDANCE WITH THE SCHEDULE OUTLINED IN #1 ABOVE, TO ENSURE THAT THE VEGETATION HAS BEEN ESTABLISHED (70% MATURE VEGETATION COVER ACHIEVED). IN THE EVENT OF ANY UNSATISFACTORY GROWTH, RESEEDING WILL BE CARRIED OUT, WITH FOLLOW-UP INSPECTION.
3. AFTER THE CONSTRUCTION INSPECTOR HAS DETERMINED THAT THE PROJECT AREA HAS STABILIZED (70% MATURE VEGETATION COVER ACHIEVED), THE CONTRACTOR SHALL REMOVE ALL SEDIMENT BARRIERS AND ANY OTHER TEMPORARY EROSION CONTROL MEASURES WITHIN 30 DAYS.
4. DOCUMENTATION - THE CONTRACTOR SHALL KEEP A LOG (REPORT) SUMMARIZING THE INSPECTIONS AND ANY CORRECTIVE ACTION TAKEN. THE LOG MUST INCLUDE THE NAME(S) AND QUALIFICATIONS OF THE PERSON MAKING THE INSPECTIONS, THE DATE(S) OF THE INSPECTIONS, AND MAJOR OBSERVATIONS ABOUT THE OPERATION AND MAINTENANCE OF EROSION AND SEDIMENTATION CONTROLS, MATERIALS STORAGE AREAS, AND VEHICLES ACCESS POINTS TO THE PARCEL. MAJOR OBSERVATIONS MUST INCLUDE BMPS THAT NEED MAINTENANCE, BMPS THAT FAILED TO OPERATE AS DESIGNED OR PROVED INADEQUATE FOR A PARTICULAR LOCATION, AND LOCATION(S) WHERE ADDITIONAL BMPS ARE NEEDED. FOR EACH BMP REQUIRING MAINTENANCE, BMP NEEDING REPLACEMENT, AND LOCATION NEEDING ADDITIONAL BMPS, NOTE IN THE LOG THE CORRECTIVE ACTION TAKEN AND WHEN IT WAS TAKEN.

PROTECTION OF STREAMS WETLANDS, AND SURFACE WATER:
1. CARE SHALL BE TAKEN TO PREVENT OR REDUCE TO A MINIMUM ANY DAMAGE TO ANY STREAM, DRAINAGE DITCH, STORM DRAIN OR SEWER FROM POLLUTION BY DEBRIS, SEDIMENT, OR OTHER MATERIAL, OR FROM THE MANIPULATION OF EQUIPMENT AND/OR MATERIALS IN OR NEAR SUCH STREAMS. WATER THAT HAS BEEN USED FOR WASHING OR PROCESSING, OR THAT CONTAINS OILS OR SEDIMENTS THAT WILL REDUCE THE QUALITY OF THE WATER IN THE STREAM, SHALL NOT BE DIRECTLY RETURNED TO THE STREAM. SUCH WATER WILL BE DIVERTED THROUGH A SETTLING BASIN OR FILTER BEFORE BEING DIRECTED INTO THE STREAMS OR OTHERWISE APPROPRIATELY PROTECT THE STREAM.
2. THE CONTRACTOR SHALL NOT DISCHARGE WATER FROM DEWATERING OPERATIONS DIRECTLY INTO ANY LIVE OR INTERMITTENT STREAM, CHANNEL, WETLANDS, SURFACE WATER, OR ANY STORM SEWER. WATER FROM DEWATERING OPERATIONS SHALL BE TREATED BY FILTRATION, SETTLING BASINS, OR OTHER APPROVED METHOD TO REDUCE THE AMOUNT OF SEDIMENT CONTAINED IN THE WATER TO ALLOWABLE LEVELS.
3. ALL PREVENTATIVE MEASURES SHALL BE TAKEN TO AVOID SPILLAGE OF PETROLEUM PRODUCTS AND OTHER POLLUTANTS. IN THE EVENT OF ANY SPILLAGE, PROMPT REMEDIAL ACTION SHALL BE TAKEN IN ACCORDANCE WITH A CONTINGENCY ACTION DRAWING OR PLAN APPROVED BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. CONTRACTOR SHALL SUBMIT COPIES OF APPROVED CONTINGENCY DRAWINGS OR PLANS TO THE ENGINEER.

DUST CONTROL:
1. CONSTRUCTION ACTIVITIES SHALL BE SCHEDULED TO MINIMIZE THE AREA OF DISTURBED SOIL THAT IS EXPOSED AT ONE TIME.
2. IF DUSTY CONDITIONS OCCUR ON-SITE (E.G. FROM DRY AND/OR WINDY CONDITIONS OR INCREASED VEHICULAR TRAFFIC), THE FOLLOWING DUST CONTROL MEASURES SHALL BE IMPLEMENTED:
   - DUST CONTROL METHODS SHALL BE APPROVED BY THE ENGINEER AND MAY INCLUDE VEGETATIVE COVER, WATER SPRINKLING, STONE, AND SOIL BINDERS.
   - VEGETATIVE COVER - FOR DISTURBED AREAS NOT SUBJECT TO TRAFFIC, VEGETATION PROVIDES THE MOST PRACTICAL METHOD OF DUST CONTROL.
   - WATER - WATER SHOULD BE APPLIED AT A RATE SUFFICIENT TO MOISTEN EXPOSED SOIL TO PREVENT DUST TRANSPORT BUT NOT AT A RATE THAT PRODUCES ANY AMOUNT OF SILT-LADEN RUNOFF OR MUDDY POOLS IN THE TRAVEL WAY.
   - STONE - COARSE GRAVEL SHOULD BE PLACED IN AREAS THAT ROUTINELY EXPERIENCE DUSTY CONDITIONS. USE ONLY CHEMICALLY STABLE AGGREGATES.
   - SOIL BINDERS - SOIL BINDERS MAY BE APPLIED ONTO SOIL TO PREVENT PARTICLES FROM BLOWING AWAY. PRE-WETTING, 24-HOUR CURING TIME, AND MINIMUM TEMPERATURES MAY BE REQUIRED FOR USE OF SOIL BINDERS, ASPHALT OR OIL-BASED BINDERS ARE NOT ALLOWED.
3. WATER FOR DUST CONTROL SHALL BE FROM AN ENGINEER-APPROVED SOURCE.

HOUSEKEEPING:
1. SPILL PREVENTION - CONTROLS SHALL BE USED TO PREVENT POLLUTANTS FROM CONSTRUCTION AND WASTE MATERIALS STORED ON-SITE FROM ENTERING STORMWATER. CONTROLS SHALL INCLUDE STORAGE PRACTICES TO MINIMIZE EXPOSURE OF THE MATERIALS TO STORMWATER, AND APPROPRIATE SPILL PREVENTION, CONTAINMENT, AND RESPONSE PLANNING AND IMPLEMENTATION.
2. GROUNDWATER PROTECTION - DURING CONSTRUCTION, LIQUID PETROLEUM PRODUCTS AND OTHER HAZARDOUS MATERIALS WITH THE POTENTIAL TO CONTAMINATE GROUNDWATER SHALL NOT BE STORED OR HANDLED IN AREAS OF THE SITE DRAINING TO AN INFILTRATION AREA. AN "INFILTRATION AREA" IS ANY AREA OF THE SITE THAT BY DESIGN OR AS A RESULT OF SOILS, TOPOGRAPHY AND OTHER RELEVANT FACTORS ACCUMULATES RUNOFF THAT INFILTRATES INTO THE SOIL. DIKES, BERMS, SUMPS, AND OTHER FORMS OF SECONDARY CONTAINMENT THAT PREVENT DISCHARGE TO GROUNDWATER MAY BE USED TO ISOLATE PORTIONS OF THE SITE FOR THE PURPOSES OF STORAGE AND HANDLING OF THESE MATERIALS.
3. FUGITIVE SEDIMENT AND DUST - ACTIONS MUST BE TAKEN TO ENSURE THAT ACTIVITIES DO NOT RESULT IN NOTICEABLE EROSION OF SOILS OR FUGITIVE DUST EMISSIONS DURING OR AFTER CONSTRUCTION. OIL MAY NOT BE USED FOR DUST CONTROL.
4. DEBRIS AND OTHER MATERIALS - LITTER, CONSTRUCTION DEBRIS, AND CONSTRUCTION CHEMICALS EXPOSED TO STORMWATER SHALL BE PREVENTED FROM BECOMING A POLLUTANT SOURCE. TO PREVENT THESE MATERIALS FROM BECOMING A SOURCE OF POLLUTANTS, CONSTRUCTION ACTIVITIES RELATED TO A PROJECT MAY BE REQUIRED TO COMPLY WITH APPLICABLE PROVISION OF RULES RELATED TO SOLID, UNIVERSAL, AND HAZARDOUS WASTE, INCLUDING, BUT NOT LIMITED TO, THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT (CDPHE) HAZARDOUS MATERIALS AND WASTE MANAGEMENT RULES.
5. TRENCH DE-WATERING - TRENCH DE-WATERING IS THE REMOVAL OF WATER FROM TRENCHES AND OTHER AREAS WITHIN THE CONSTRUCTION AREA THAT RETAIN WATER AFTER EXCAVATION. IN MOST CASES THE COLLECTED WATER IS HEAVILY SILTED AND HINDERS CORRECT AND SAFE CONSTRUCTION PRACTICES. THE COLLECTED WATER REMOVED FROM THE PONDED AREA, EITHER THROUGH GRAVITY OR PUMPING, MUST BE SPREAD THROUGH NATURAL WOODED BUFFERS OR REMOVED TO AREAS THAT ARE SPECIFICALLY DESIGNED TO COLLECT THE MAXIMUM AMOUNT OF SEDIMENT POSSIBLE, LIKE A COFFERDAM SEDIMENTATION BASIN. AVOID ALLOWING THE WATER TO FLOW OVER DISTURBED AREAS OF THE SITE.
6. NON-STORMWATER DISCHARGES - CONTRACTOR SHALL IDENTIFY AND PREVENT CONTAMINATION BY NON-STORMWATER DISCHARGES. WHERE ALLOWED NON-STORMWATER DISCHARGES EXIST, THEY SHALL BE IDENTIFIED AND STEPS SHALL BE TAKEN TO ENSURE THE IMPLEMENTATION OF APPROPRIATE POLLUTION PREVENTION MEASURES FOR THE NON-STORMWATER COMPONENT(S) OF THE DISCHARGE. AUTHORIZED NON-STORMWATER DISCHARGES ARE:
   B. DISCHARGES FROM FIREFIGHTING ACTIVITY;
   C. FIRE HYDRANT FLUSHINGS;
   D. VEHICLE WASHWATER IF DETERGENTS ARE NOT USED AND WASHING IS LIMITED TO THE EXTERIOR OF VEHICLES (ENGINE, UNDERCARRIAGE AND TRANSMISSION WASHING IS PROHIBITED);
   E. DUST CONTROL RUNOFF IN ACCORDANCE WITH CONSTRUCTION GENERAL PERMIT CONDITIONS;
   F. ROUTINE EXTERNAL BUILDING WASHDOWN, NOT INCLUDING SURFACE PAINT REMOVAL, THAT DOES NOT INVOLVE DETERGENTS;
   G. PAVEMENT WASHWATER (WHERE SPILLS/LEAKS OF TOXIC OR HAZARDOUS MATERIALS HAVE NOT OCCURRED, UNLESS ALL SPILLED MATERIAL HAD BEEN REMOVED) IF DETERGENTS ARE NOT USED;
   H. UNCONTAMINATED AIR CONDITIONING OR COMPRESSOR CONDENSATE;
   I. UNCONTAMINATED GROUNDWATER OR SPRING WATER;
   J. FOUNDATION OR FOOTER DRAIN-WATER WHERE FLOWS ARE NOT CONTAMINATED;
   K. UNCONTAMINATED EXCAVATION DEWATERING (SEE REQUIREMENTS IN ITEM 5 OF THIS STANDARD);
   L. POTABLE WATER SOURCES INCLUDING WATERLINE FLUSHINGS.

CITY OF SEVERANCE PROJECT GENERAL NOTES:
1. A SKI TYPE DEVICE AT LEAST 30 FEET IN LENGTH SHALL BE FURNISHED WITH EACH BITUMINOUS PAVER. THIS DEVICE SHALL BE USED ON ALL PASSES AND LIFTS OF BITUMINOUS PAVEMENT PLACED.
2. ANYLAYEROF BITUMINOUS PAVEMENT THAT IS TO HAVE A SUCCEEDING LAYER PLACED THEREON SHALL BE COMPLETED FULL WIDTH BEFORE SUCCEEDING LAYER IS PLACED.
3. TYPE OF COMPACTION FOR THIS PROJECT SHALL BE AASHTO T-99 (ASTM 0698) (STANDARD PROCTOR) FOR SUBGRADE SOILS AND AASHTO T-180 (ASTM 01557) (MODIFIED PROCTOR) FOR AGGREGATE BASE COURSE.
4. THE CONTRACTOR IS RESPONSIBLE FOR DUST CONTROL, AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE THE NECESSARY EQUIPMENT AND MATERIALS TO SATISFACTORILY CONTROL OUST AT ALL TIMES, AND AS DIRECTED BY THE CITY. WATER SHALL BE USED AS THE OUST PALLIATIVE WHERE REQUIRED. THE CONTRACTOR WILL FURNISH AND SPREAD WATER AT NO ADDITIONAL COST TO THE PROJECT.
5. DEPTH OF MOISTURE-CONTROL FOR THIS PROJECT SHALL BE AS FOLLOWS: FULL DEPTH OF ALL EMBANKMENTS BASE OF CUTS AND FILLS, 0.5 FT. EXCAVATION AND DIGGING AS REQUIRED FOR THE COMPACTION OF BASES OF CUTS AND FILLS WILL BE CONSIDERED SUBSIDIARY TO THAT OPERATION AND WILL NOT BE PAID FOR SEPARATELY.
6. WHEN EXISTING ASPHALT PAVEMENT IS TO BE REMOVED, IT SHALL BE CUT TO A NEAT WORK LINE WITH A CUTTING WHEEL ATTACHED TO A BLADE, SAW OR OTHER METHODS AS APPROVED BY THE ENGINEER. THIS WORK WILL NOT BE PAID FOR SEPARATELY BUT SHALL BE CONSIDERED AS SUBSIDIARY TO OTHER WORK.
7. ALL DEBRIS, RUBBISH AND OTHER MATERIALS RESULTING FROM DEMOLITION OPERATIONS SHALL BE REMOVED FROM THE SITE AND LEGALLY DISPOSED OF OFF,SITE. LOCATION OF DUMP. LENGTH OF HAUL. AND DISPOSAL EXPENSES SHALL BE CONTRACTOR'S RESPONSIBILITY.
8. THE STREETS ADJACENT TO THE CONSTRUCTION AREA SHALL BE CLEARED OF DEBRIS GENERATED BY THE PROJECT BY THE CONTRACTOR AT THE EARLIEST OPPORTUNITY, BUT IN NO CASE SHALL THE ROADS BE LEFT UNCLEARED AFTER THE COMPLETION OF THE DAY'S WORK. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE THE NECESSARY EQUIPMENT AND MATERIAL TO SATISFACTORILY CLEAN THE ROADWAYS AT NO ADDITIONAL COST TO THE PROJECT.
9. IT IS THE BUILDER/OWNER'S RESPONSIBILITY TO PROVIDE SITE GRADING IN A MANNER CONSISTENT WITH DEVELOPMENT PLANS REGARDING SITE DRAINAGE. DRAINAGE EASEMENTS SHALL NOT BE RESTRICTED. ON-SITE AND PASS-THROUGH RUNOFF SHALL BE ROUTED TO STREETS, ALONG PROPERTY LINES, AND THROUGH EASEMENTS IN A MANNER WHICH CONTROLS SURFACE RUNOFF.
10. THERE SHALL BE A MINIMUM 12" VERTICAL SEPARATION WHERE UTILITY SLEEVES ARE LOCATED IN THE SAME TRENCH.
11. CONTRACTOR SHALL SUBMIT AS-BUILT INFORMATION TO THE PROJECT ENGINEER TO REVIEW AND PREPARE FINAL AS-BUILT RECORD DRAWINGS.
12. ALL WORK WITHIN THE PUBLIC RIGHT-OF-WAY OR EASEMENT SHALL CONFORM TO THE CITY OF SEVERANCE CONSTRUCTION SPECIFICATIONS AND DESIGN STANDARDS.
13. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS PRIOR TO COMMENCEMENT OF ANY WORK ON THE PROJECT. A PERMIT FROM PUBLIC WORKS IS REQUIRED FOR ALL CONSTRUCTION IN PUBLIC RIGHT-OF-WAY OR EASEMENTS. A PRE-CONSTRUCTION CONFERENCE SHALL BE HELD WITH CITY REPRESENTATIVES BEFORE A PERMIT WILL BE ISSUED.
14. THE CONTRACTOR SHALL NOTIFY CONSTRUCTION SERVICES AT LEAST 24-HOURS PRIOR TO THE DESIRED INSPECTION.
15. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE OWNER/DEVELOPER AND THE CITY OF ANY PROBLEMS IN CONFORMING TO THE ACCEPTED PLANS FOR ANY ELEMENT OF THEPROPOSED IMPROVEMENTS PRIOR TO ITS CONSTRUCTION.
16. IT IS THE RESPONSIBILITY OF THE DEVELOPER DURING CONSTRUCTION ACTIVITIES TO RESOLVE CONSTRUCTION PROBLEMS DUE TO CHANGED CONDITIONS, OR DESIGN ERRORS ENCOUNTERED BY THE CONTRACTOR DURING THE PROGRESS OF ANY PORTION OF THE PROJECT. IF, IN THE OPINION OF THE CITY, THE MODIFICATIONS PROPOSED BY THE DEVELOPER TO THE ACCEPTED PLANS INVOLVE SIGNIFICANT CHANGES TO THE CHARACTER OF THE WORK, OR TO THE FUTURE CONTIGUOUS PUBLIC OR PRIVATE IMPROVEMENTS, THE DEVELOPER SHALL BE RESPONSIBLE FOR RE-SUBMITTING THE REVISED PLANS TO THE CITY OF SEVERANCE FOR ACCEPTANCE PRIOR TO ANY FURTHER CONSTRUCTION RELATED TO THAT PORTION OF THE PROJECT. ANY IMPROVEMENTS NOT CONSTRUCTED IN ACCORDANCE WITH THE ACCEPTED PLANS, OR THE ACCEPTED REVISED PLANS, SHALL BE REMOVED AND RECONSTRUCTED ACCORDING TO THE APPROVED PLAN.
17. THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR THE CONDITIONS AT AND ADJACENT TO THE JOB SITE, INCLUDING SAFETY OF All PERSONS AND PROPERTY, DURING THE PERFORMANCE OF THE WORK. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND SHALL NOT BE LIMITED TO NORMAL WORKING HOURS. THE DUTY OF THE CITY TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTOR'S PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES IN, ON, OR NEAR THE CONSTRUCTION SITE.
18. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAG PERSONS, OR OTHER DEVICES NECESSARY TO PROVIDE FOR PUBLIC SAFETY IN ACCORDANCE WITH THE CURRENT MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES. AND THE SEVERANCE SUPPLEMENT TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
19. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL SURVEY MONUMENTS. ANY MONUMENT THAT MUST BE DESTROYED FOR CONSTRUCTION MUST BE REPLACED. THE CONTRACTOR SHALL ENGAGE THE SERVICES OF A LICENSED SURVEYOR PRIOR TO DISTURBING ANY MONUMENTS.
20. PRIOR TO FINAL PLACEMENT OF SURFACE PAVEMENT, ALL UNDERGROUND UTILITY MAINS SHALL BE INSTALLED AND SERVICE CONNECTIONS STUBBED OUT BEYOND CURB LINE, WHEN ALLOWED BY THE UTILITY. SERVICE FROM PUBLIC UTILITIES AND FROM SANITARY SEWERS SHALL BE MADE AVAILABLE FOR EACH LOT IN SUCH A MANNER THAT WILL NOT BE NECESSARY TO DISTURB THE STREET PAVEMENT, CURB, GUTTER, AND SIDEWALK WHEN CONNECTIONS ARE MADE.
21. REPRODUCIBLE COPIES OF RECORD DRAWING PLANS SHALL BE SUBMITTED TO THE CITY OF SEVERANCE PRIOR TO CONSTRUCTION ACCEPTANCE OF THE PUBLIC IMPROVEMENTS.
22. THE CONTRACTOR SHALL RESTRICT WORKING HOURS TO BE BETWEEN 7:00 AM AND 6:00PM ON NORMAL CITY OF SEVERANCE BUSINESS DAY SUNLESS PRIOR APPROVAL HAS BEEN OBTAINED FROM THE CITY.

CITY OF SEVERANCE GENERAL NOTES:
1. ALL MATERIALS, WORKMANSHIP, AND CONSTRUCTION OF PUBLIC IMPROVEMENTS SHALL MEET OR EXCEED THE STANDARDS AND SPECIFICATIONS SET FORTH IN THE CITY OF SEVERANCE DESIGN CRITERIA AND CONSTRUCTION REGULATION AND APPLICABLE STATE AND FEDERAL REGULATIONS. WHERE THERE IS CONFLICT BETWEEN THESE PLANS AND THE SPECIFICATIONS, OR ANY APPLICABLE STANDARDS, THE MOST RESTRICTIVE STANDARD SHALL APPLY. ALL WORK SHALL BE INSPECTED AND APPROVED BY THE LOCAL ENTITY.
2. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES, AS SHOWN ON THESE PLANS, IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED UPON AS BEING EXACT OR COMPLETE. THE ENGINEER SHALL CONTACT THE UTILITY NOTIFICATION CENTER OF COLORADO (UNCC) AT 1-800-922-1987, AT LEAST 2 WORKING DAYS PRIOR TO BEGINNING EXCAVATION OR GRADING, TO HAVE ALL REGISTERED UTILITY LOCATIONS MARKED. OTHER UNREGISTERED UTILITY ENTITIES (I.E. DITCH / IRRIGATION COMPANY) ARE TO BE LOCATED BY CONTACTING THE RESPECTIVE REPRESENTATIVE. UTILITY SERVICE LATERALS ARE ALSO TO BE LOCATED PRIOR TO BEGINNING EXCAVATION OR GRADING. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES THAT CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.
3. NO WORK MAY COMMENCE WITHIN ANY IMPROVED PUBLIC RIGHT-OF-WAY UNTIL A RIGHT-OF-WAY PERMIT OR DEVELOPMENT CONSTRUCTION PERMIT IS OBTAINED, IF APPLICABLE. THE CONTRACTOR SHALL SUBMIT A CONSTRUCTION TRAFFIC CONTROL PLAN, IN ACCORDANCE WITH MUTCD, TO THE APPROPRIATE RIGHT-OF-WAY AUTHORITY, (LOCAL ENTITY, COUNTY OR STATE), FOR APPROVAL, PRIOR TO ANY CONSTRUCTION ACTIVITIES WITHIN, OR AFFECTING, THE RIGHT-OF-WAY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ANY AND ALL TRAFFIC CONTROL DEVICES AS MAY BE REQUIRED BY THE CONSTRUCTION ACTIVITIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR ALL APPLICABLE AGENCIES. THE CONTRACTOR SHALL NOTIFY THE LOCAL ENTITY ENGINEER AT LEAST 2 WORKING DAYS PRIOR TO THE START OF ANY EARTH DISTURBING ACTIVITY, OR CONSTRUCTION ON ANY AND ALL PUBLIC IMPROVEMENTS. IF THE LOCAL ENTITY ENGINEER IS NOT AVAILABLE AFTER PROPER NOTICE OF CONSTRUCTION ACTIVITY HAS BEEN PROVIDED, THE CONTRACTOR MAY COMMENCE WORK IN THE ENGINEER ABSENCE. HOWEVER, THE LOCAL ENTITY RESERVES THE RIGHT NOT TO ACCEPT THE IMPROVEMENT IF SUBSEQUENT TESTING REVEALS AN IMPROPER INSTALLATION.
5. THE ENGINEER WHO HAS PREPARED THESE PLANS, BY EXECUTION AND/OR SEAL HEREOF, DOES HEREBY AFFIRM RESPONSIBILITY TO THE CITY OF SEVERANCE, AS BENEFICIARY OF SAID ENGINEER'S WORK, FOR ANY ERRORS AND OMISSIONS CONTAINED IN THESE PLANS, AND APPROVAL OF THESE PLANS BY THE TOWN ENGINEER SHALL NOT RELIEVE THE ENGINEER WHO HAS PREPARED THESE PLANS OF ALL SUCH RESPONSIBILITY. FURTHER, TO THE EXTENT PERMITTED BY LAW, THE ENGINEER HEREBY AGREES TO HOLD HARMLESS AND INDEMNIFY THE TOWN, AND ITS OFFICERS AND EMPLOYEES, FROM AND AGAINST ALL LIABILITIES, CLAIMS, AND DEMANDS WHICH MAY ARISE FROM ANY ERRORS AND OMISSIONS CONTAINED IN THESE PLANS.
6. THE CONTRACTOR SHALL COORDINATE AND COOPERATE WITH THE LOCAL ENTITY, AND ALL UTILITY COMPANIES INVOLVED, WITH REGARD TO RELOCATIONS, ADJUSTMENTS, EXTENSIONS AND REARRANGEMENTS OF EXISTING UTILITIES DURING CONSTRUCTION, AND TO ASSURE THAT THE WORK IS ACCOMPLISHED IN A TIMELY FASHION AND WITH A MINIMUM DISRUPTION OF SERVICE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING, IN ADVANCE, ALL PARTIES AFFECTED BY ANY DISRUPTION OF ANY UTILITY SERVICE AS WELL AS THE UTILITY COMPANIES.

WILDLIFE NOTES:
1. THE ELECTRICAL COMPONENT LOCATIONS AND ALL ABOVEGROUND ELECTRICAL FACILITIES WOULD BE DESIGNED TO PROVIDE RAPTOR AND MIGRATORY BIRD PROTECTION IN COMPLIANCE WITH THE STANDARDS DESCRIBED IN AVIAN POWERLINE INTERACTION COMMITTEE (APLIC) DOCUMENTS: APLIC 2006 AND APLIC 2012.
2. PERIMETER FENCING WOULD BE DESIGNED, CONSTRUCTED, AND MAINTAINED ACCORDING TO PROJECT SECURITY REQUIREMENTS AND CPW RECOMMENDATIONS FOR FENCING THAT IS SAFE FOR WILDLIFE.
3. CHECK THE FACILITY WEEKLY TO ALLOW DEER, PRONGHORN, OR OTHER WILDLIFE TO ESCAPE IF ONE BECOMES TRAPPED WITHIN THE FACILITY.
4. SEE OTHER ENVIRONMENTAL CONSERVATION MEASURES AS PART OF THE SITE PLAN APPLICATION.

CONTACT INFORMATION			
AGENCY	FIRST NAME	LAST NAME	MAIN CONTACT EMAIL
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COLORADO PARKS AND WILDLIFE	BRANDON	MARETTE	BRANDON.MARETTE@STATE.CO.US
WELD COUNTE RE-4 (WINDSOR SCHOOL DISTRICT)	JASON	SEYBERT	JASON.SEYBERT@WELDRE4.ORG
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REVISION	DATE	ISSUE / REVISION DESCRIPTION	ISSUED	APPROVED
3	02/07/2023	REVISED PER LOGAN SIMPSON COMMENTS	PDG	APV
2	12/21/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
1	09/14/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: CONSTRUCTION, EROSION, AND SEDIMENTATION CONTROL NOTES

CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

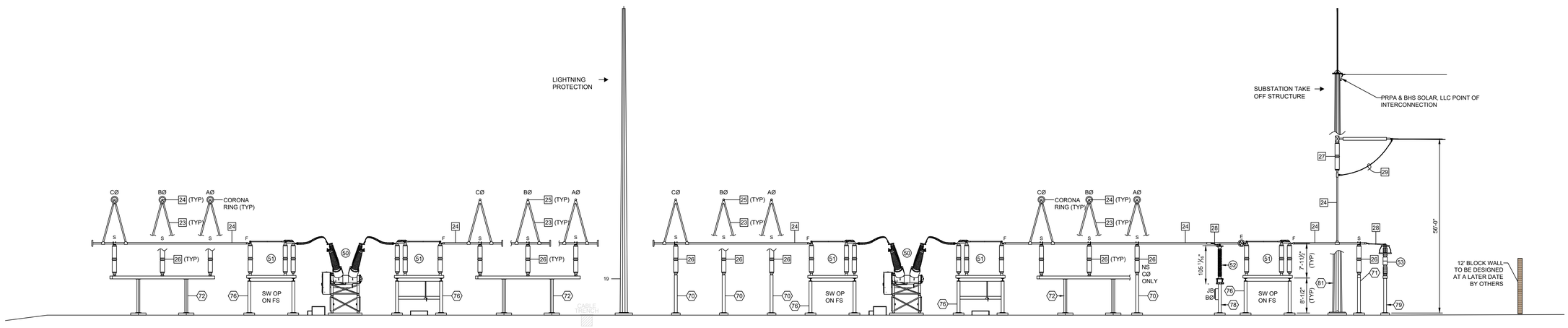
SEAL: DRAFT

DESIGNED BY: OAC
DRAWN BY: OAC/MPS
CHECKED BY: APV
SCALE: AS SHOWN
PROJECT NUMBER: 3652220356
DRAWING NUMBER: C-503
SHEET NUMBER: 24 OF 27

ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION

U:\- CAD Projects\174 Power Global\Black Hollow - CO\7.0 CAD\7.1 Design - Permitting\Sheets\24 - 3652220356 - C-503.dwg - Layout1 - Feb. 07, 2023 2:04pm - peter.garland

UNLESS OTHERWISE AGREED IN A WRITTEN CONTRACT BETWEEN WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC. AND ITS CLIENT: (I) THIS DOCUMENT CONTAINS INFORMATION, DATA AND DESIGN THAT IS CONFIDENTIAL AND MAY NOT BE COPIED OR DISCLOSED; AND (II) THIS DOCUMENT MAY ONLY BE USED BY THE CLIENT IN THE CONTEXT AND FOR THE EXPRESS PURPOSE FOR WHICH IT HAS BEEN DELIVERED. ANY OTHER USE OR RELIANCE ON THIS DOCUMENT BY ANY THIRD PARTY IS AT THAT PARTY'S SOLE RISK AND RESPONSIBILITY.

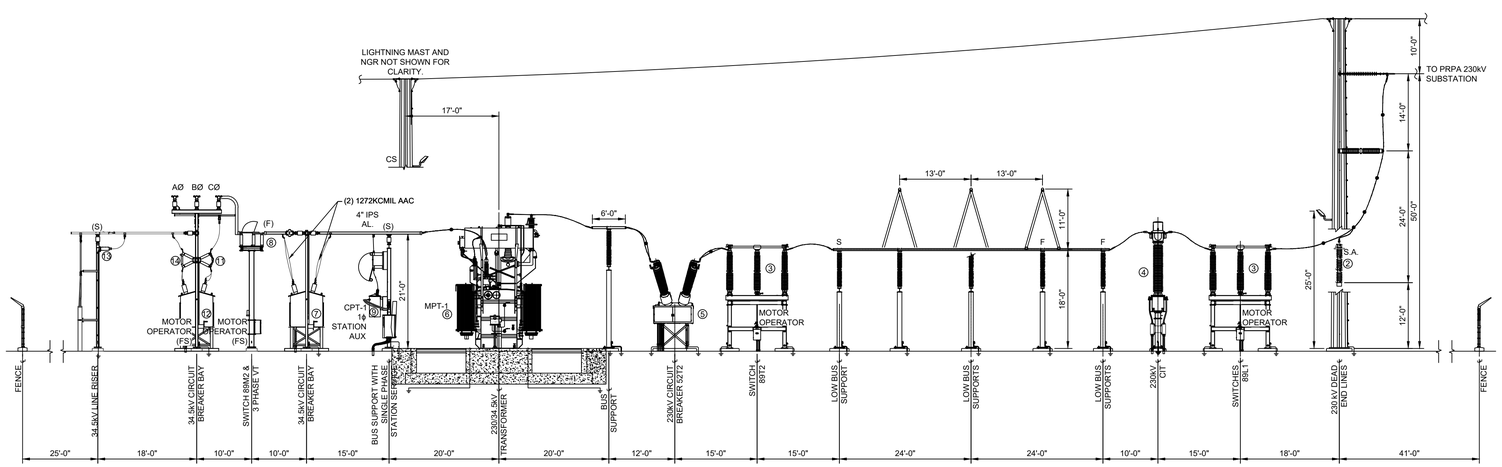


SAMPLE SECTION

PRPA 230 KV SWITCHYARD SAMPLE STRUCTURES EQUIPMENT ELEVATIONS

NOT TO SCALE

13



LEGEND:

(EX) EXPANSION
(S) SLIP
(F) FIXED
FS FAR SIDE
CS CLOSE SIDE

REFERENCE DRAWING:

SK-GA GENERAL ARRANGEMENT
SK-ML MAJOR EQUIPMENT LIST - AIS

NOTES:

1. ALL WORK DONE BY CONTRACTOR/INSTALLER PURSUANT TO THIS DRAWING SHALL: (A) CONFORM TO THE GOVERNING CONTRACT DOCUMENTS; (B) BE PERFORMED EXCLUSIVELY BY TRAINED, COMPETENT PERSONNEL OR, WHERE PERMITTED , THAT OF ITS SUBCONTRACTOR(S); AND (C) COMPLY WITH ALL APPLICABLE SAFETY LAWS, REGULATIONS, PROGRAMS AND PRACTICES TO ENSURE SAFETY OF ALL PEOPLE LOCATED ON THE WORK SITE, INCLUDING THE CONTRACTOR'S/INSTALLER'S PERSONNEL (OR THAT OF ITS SUBCONTRACTORS(S)) PERFORMING THE WORK.
2. UNDERGROUND OR EMBEDDED UTILITIES [MAY] EXIST WITHIN THE AREA OF AND ADJACENT TO THE LIMITS OF THE WORK. THE LOCATION OR IDENTIFICATION OF SUCH UTILITIES HAS NOT BEEN VERIFIED BY OWNER OR BY WESTWOOD. CONTRACTOR/INSTALLER IS RESPONSIBLE FOR FIELD LOCATING AND IDENTIFICATION UNDERGROUND OR EMBEDDED UTILITIES AND ANY OTHER UNDERGROUND OR EMBEDDED UTILITIES DIMENSIONS.
3. REFERENCES USED HAVE BEEN IDENTIFIED ON EXCAVATION/FOUNDATION/DEMOLITION DRAWINGS AND HAVE BEEN PROVIDED TO ASSIST THE CONTRACTOR/INSTALLER IN THE FIELD LOCATION OF EXISTING UTILITIES AND OTHER POTENTIAL UNDERGROUND OR EMBEDDED INTERFERENCES. THESE REFERENCES ONLY SHOW THE APPROXIMATE LOCATION OF POTENTIAL UNDERGROUND OR EMBEDDED UTILITIES AND MAY NOT INDICATE OR REFLECT ALL EXISTING UNDERGROUND OR EMBEDDED UTILITIES OR THEIR ACTUAL LOCATIONS.
4. REFERENCES IDENTIFIED SHALL NOT SUBSTITUTE FOR THE CONTRACTOR'S/INSTALLER'S OBLIGATION TO FIELD LOCATE ANY UNDERGROUND OR EMBEDDED UTILITIES OR INTERFERENCES THAT MAY AFFECT THE WORK.
5. DUE CAUTION SHALL BE TAKEN DURING ANY EXCAVATION/FOUNDATION/DEMOLITION WORK WITHIN THE AREA OF AND ADJACENT TO THE LIMITS OF THE WORK DUE TO POSSIBLE INTERFERENCES THAT MAY NOT BE REFLECTED ON THE REFERENCES IDENTIFIED.
6. ALL EQUIPMENT SHOWN IS PRELIMINARY FOR CONCEPTUAL DESIGN. EPC CONTRACTOR TO VERIFY IN DETAILED DESIGN.
7. FOR REACTOR, CAP BANK AND CONNECTIONS, EXACT LOCATION AND CONFIGURATION TO BE DETERMINED WHEN FINAL REACTIVE DESIGN IS COMPLETE.
8. PRECAST CONCRETE CABLE TRAY SHALL BE HEAVY TRAFFIC, HS-20 RATED AT ALL ROAD CROSSINGS, AS MANUFACTURED BY TRENWA.
9. PHASING TO BE VERIFIED BY ENGINEER OF RECORD.

BHS SOLAR, LLC SUBSTATION 230-34.5 KV SUBSTATION BUS ELEVATIONS

NOT TO SCALE

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ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION

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REVISION	DATE	ISSUE / REVISION DESCRIPTION	ISSUED	APPROVED
3	02/07/2023	REVISED PER LOGAN SIMPSON COMMENTS	PDG	APV
2	12/21/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
1	09/14/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: ELECTRICAL SUBSTATION ELEVATION DETAILS

CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: S-501	
SHEET NUMBER: 25 OF 27	

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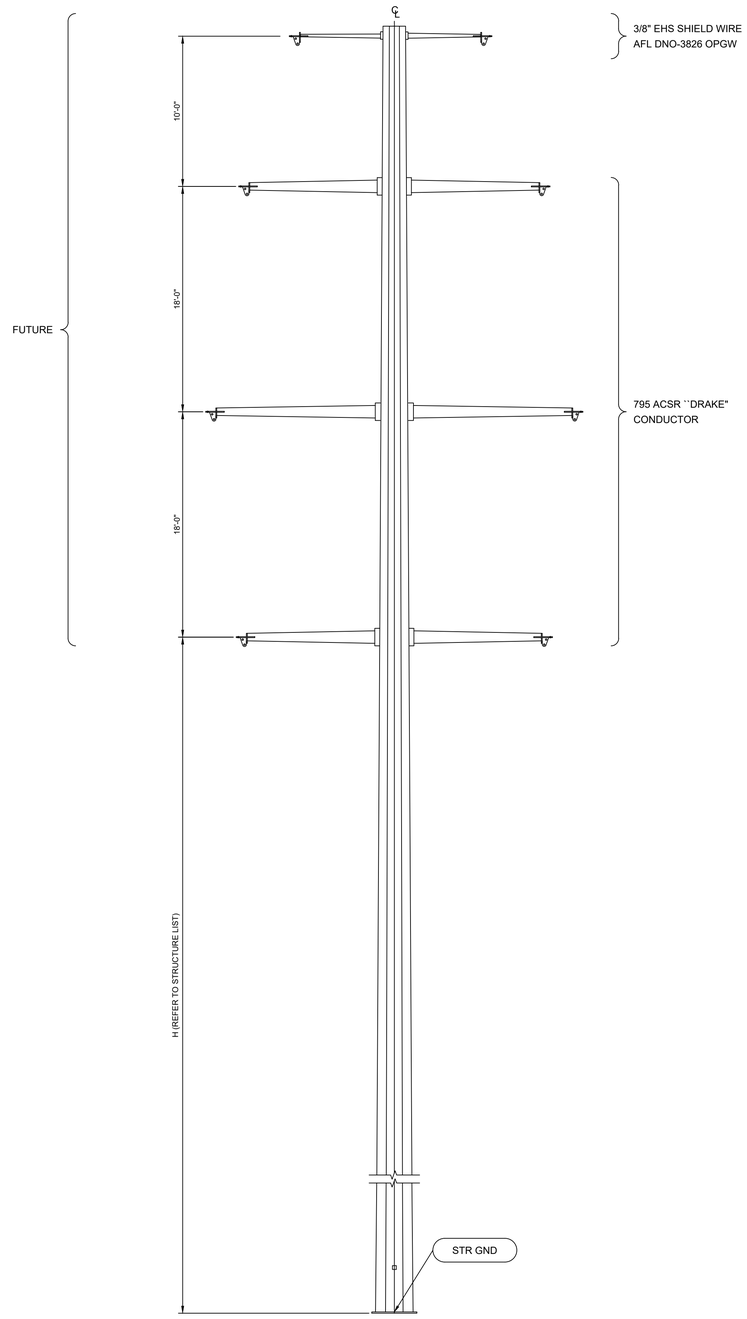

ELEVATION VIEW

NOTES:
1. ESTIMATED STRUCTURE HEIGHT TO MATCH EXISTING INFRASTRUCTURE WITH STRUCTURES RANGING FROM 115' TO 130'.

TYPICAL TRANSMISSION STRUCTURE

NOT TO SCALE

15

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PROJECT:
BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE:
TRANSMISSION STRUCTURE DETAILS

CLIENT:
BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL:
DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: S-502	
SHEET NUMBER: 26 OF 27	

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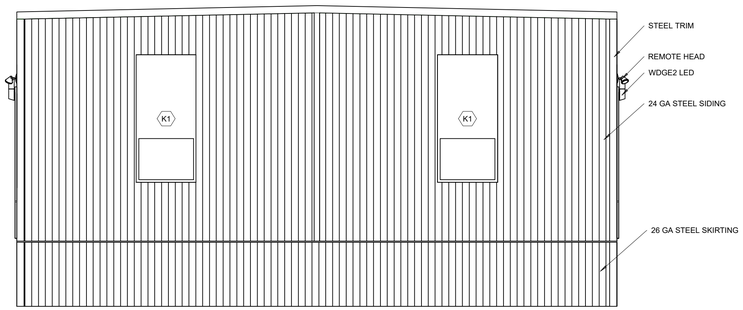
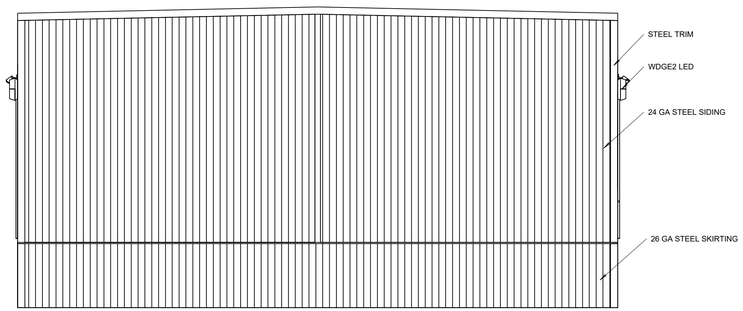
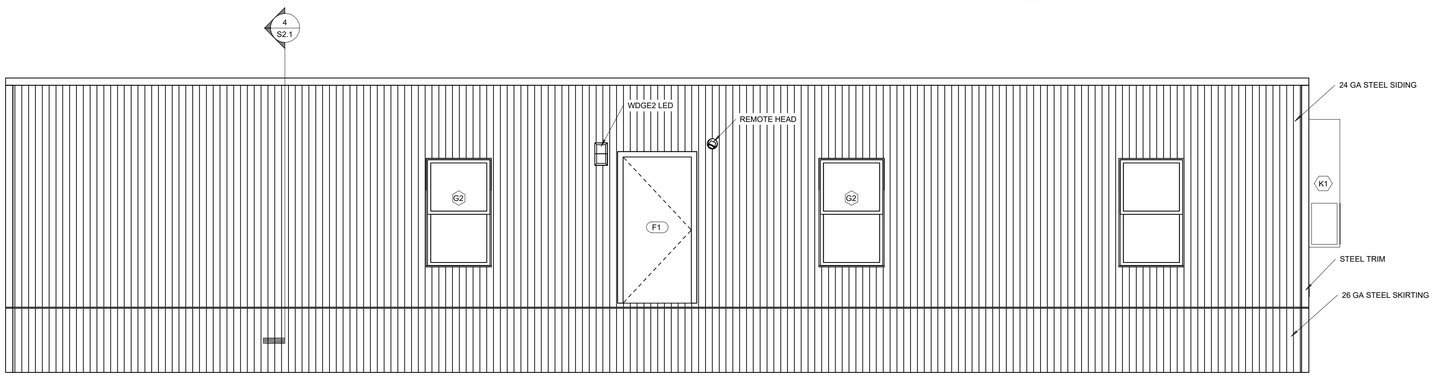


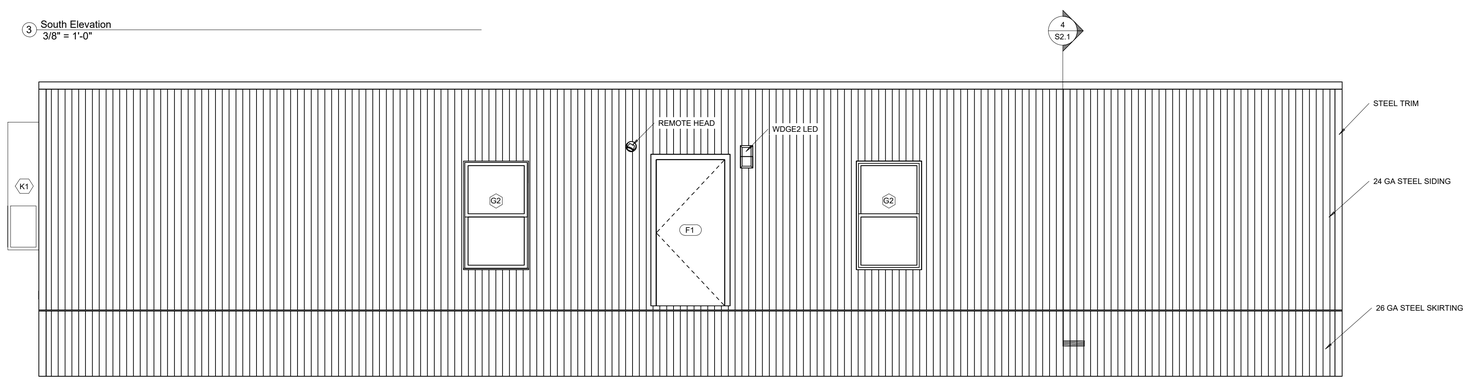
1 East Elevation
3/8" = 1'-0"



4 West Elevation
3/8" = 1'-0"



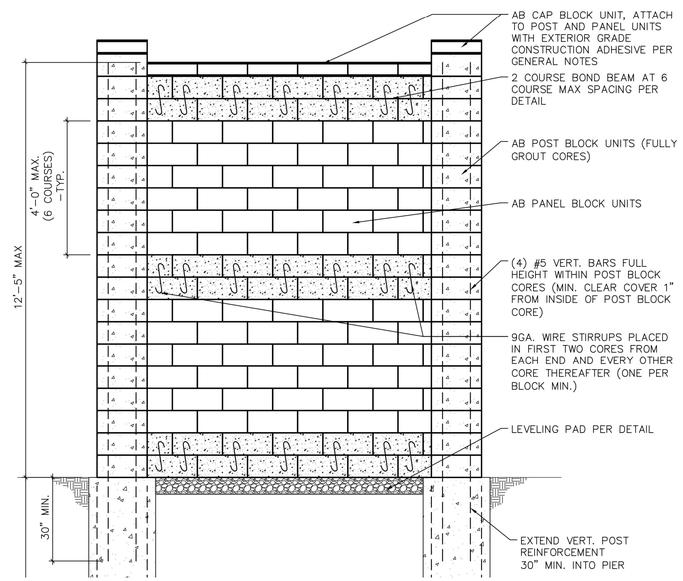
3 South Elevation
3/8" = 1'-0"



2 North Elevation
3/8" = 1'-0"

O&M BUILDING ELEVATIONS 16

NOT TO SCALE



12' BLOCK WALL CONCEPT ONLY - TO BE DESIGNED BY OTHERS AT A LATER DATE 17

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PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: ADDITIONAL STRUCTURAL DETAILS

CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN

PROJECT NUMBER: 3652220356

DRAWING NUMBER: **S-503**

SHEET NUMBER: **27 OF 27**

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Kimley»Horn

December 19, 2022

Ms. Stephanie Lauer
BHS Solar, LLC
300 Spectrum Center Drive
Irvine, CA 92618

Re: BHS Solar - Traffic Impact Study
Weld County, Colorado

Dear Ms. Lauer:

This letter documents the results of a traffic study including trip generation, trip distribution, traffic assignment, and intersection analysis for the proposed BHS Solar project to be constructed along the south side of County Road 90 (CR-90), east of County Road 15 (CR-15) in Weld County, Colorado. The project is located within the western portion of Weld County, north and east of BHS Reservoir and northwest of the Western Area Power Authority (WAPA) Ault Substation. The solar field project will be located approximately 3 miles east of the CR-90 and CR-13 intersection, a vicinity map is attached in **Figure 1**.

The project will consist of approximately 800,000 photovoltaic solar panels and associated inverters, access roads, fencing, one new substation, and supporting infrastructure with an improved area of approximately 1,400 acres. Interconnection facilities are planned to an existing 230kV transmission line at the southern end of the project area. This study presents the results of a traffic analysis for increased traffic generated with the construction of the Black Hallow Solar project.

Duration of construction activity to assemble the entire solar facility is anticipated to commence Quarter 2 of 2023. The construction activities each month may vary based on phasing and the size of the phase. This traffic study was prepared analyzing the peak construction traffic during the highest months of activity. Construction will generally follow these steps:

- Mobilization
- Civil/site preparation
- Cable plow/foundations construction
- Post install
- Racking install
- Substation construction
- Set major equipment
- Module installation
- Testing, commissioning, and energization
- Demobilization

In conjunction with consultation with Weld County, local municipalities, and local residents, three routes to the project site have been identified. The preferred regional and heavy access to BHS Solar is via Interstate 25 (I-25), which is identified herein as Route A. The anticipated vehicle route for Route A to the site from I-25 is to travel north on the I-25 Frontage Road to Laramie County Road 52 (LCR-52), then east onto LCR-52 to Weld County Road 13 (WCR-13), then north on WCR-13 to WCR-90, and east along WCR-90 to the project site. This route was chosen for the majority of the construction traffic to provide the least amount of impact to adjacent residents. Route A would also be the primary access for project operations and maintenance.

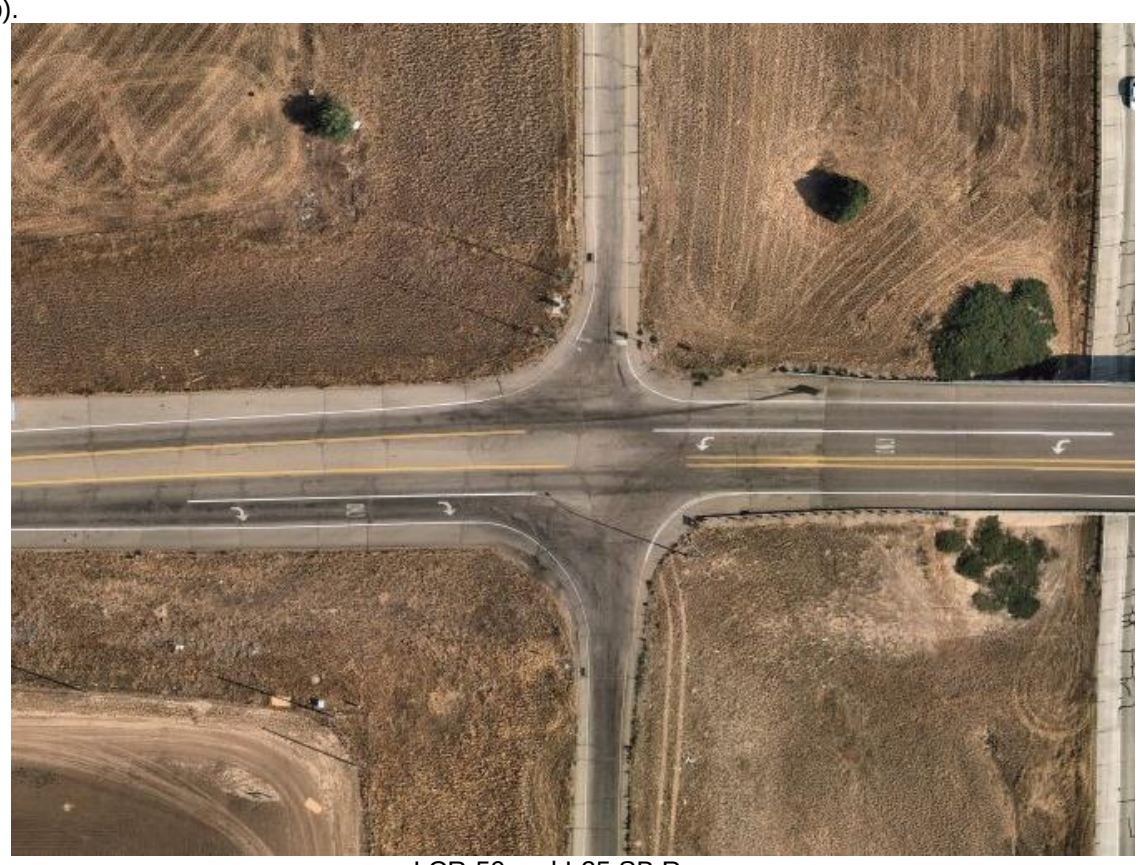
Route B would be utilized only by local (i.e., points to the east of the site) resident works in passenger vehicles to travel to the site from US Highway 85 (US-85) then west along Rowe Avenue (WCR-90) to the site. Route C would be used only for the delivery of equipment and construction and maintenance of the project substation. The route would leave I-25 and then travel east along State Highway 14 (SH-14) turning north onto WCR-25, then west on WCR-84. Route C then turns north (right) onto WCR-23 to enter the site.

The project site would be accessed by two points. Access 1 would be for the majority of the construction traffic and would be located on WCR-90 to a driveway in an easement on private land. Access 2 would be only for work on the project substation and would be located at the intersection of WCR-23 and WCR-84 1/2. Additionally, as a condition of the development agreement between BHS Solar, LLC and the Town of Severance, during construction only local traffic would be allowed on WCR-19 between WDR-14 and WCR-90; construction traffic would not be allowed. **Figure 2** illustrates the three vehicle routes to and from the site, the two site access points, and the two intersection management points.

<u>Existing Roadway Network</u>

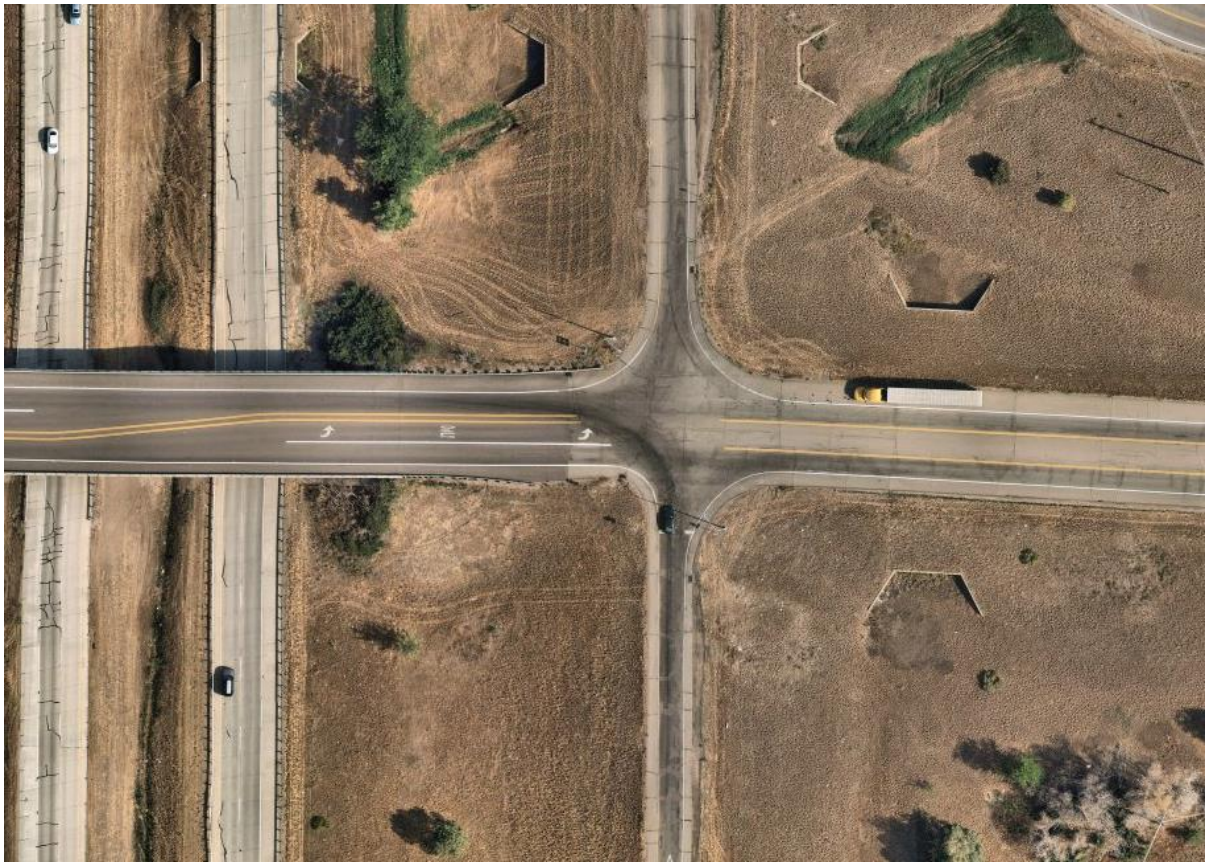
Route A Access

The intersection of LCR-50 and I-25 Southbound (SB) Ramp operates under stop control on the southbound approach of I-25 SB Off Ramp. The eastbound LCR-50 approach provides a through lane and a right turn lane while the westbound LCR-50 approach provides a left turn lane and a through lane. The southbound I-25 southbound offramp approach provides a single lane for shared movements. An aerial photo that illustrates the existing intersection configuration is below (north is up).



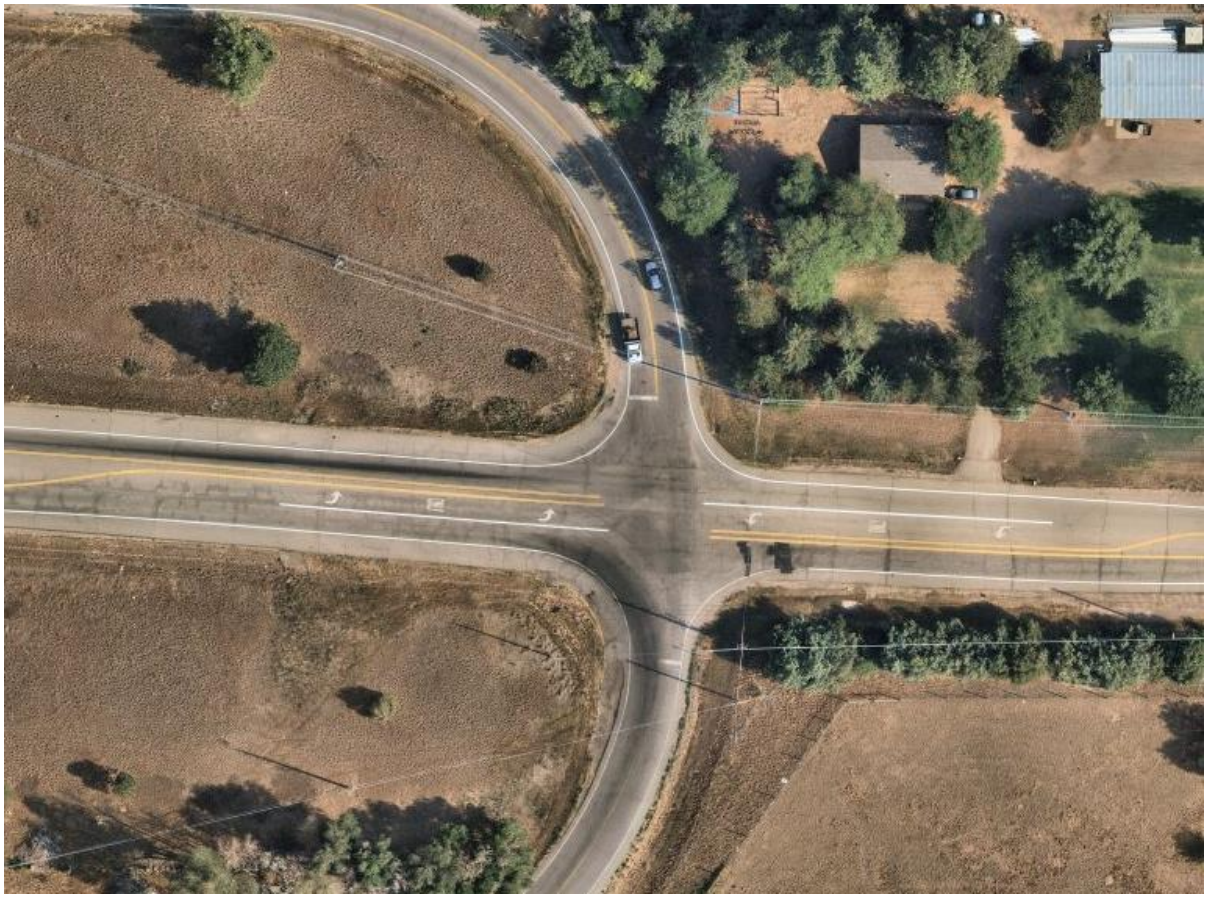
LCR-50 and I-25 SB Ramp

The LCR-50 and I-25 Northbound (NB) Ramp intersection operates under stop control on the northbound I-25 NB Off Ramp approach. The eastbound LCR-50 approach provides a left turn lane and a through lane while the westbound LCR-50 approach provides a shared through/right turn lane. The I-25 northbound offramp approach provides a single lane for shared movements. An aerial photo that illustrates the existing intersection configuration is as follows (north is up).



LCR-50 and I-25 NB Ramp

The intersection of LCR-50 and I-25 Frontage Road operates under stop control on the northbound and southbound approaches of I-25 Frontage Road. The northbound and southbound approaches provide a single lane for shared movements. The eastbound and westbound approaches of LCR-50 provide a left turn lane and a shared through/right turn lane. An aerial photo that illustrates the existing intersection configuration is below (north is up).



LCR-50 and I-25 Frontage Road

Due to LCR-52 being grade separated over the I-25 Frontage Road, the LCR-52 and I-25 Frontage Road connection includes a spur access roadway that connects to the I-25 Frontage Road south of LCR-52 and connects to LCR-52 east of the I-25 Frontage Road. Both intersections operate with stop control on the spur access roadway. All approaches operate with single lanes for shared movements. An aerial photo that illustrates the existing grade separated condition and intersections configuration is below (north is up).

LCR-52 and I-25 Frontage Road

The intersection of LCR-52 and WCR-13 operates under stop control on the eastbound and westbound approaches of LCR-52. Both roadways are currently unpaved. All four approaches provide a width to provide a single lane for shared movements. An aerial photo that illustrates the existing intersection configuration is below (north is up).

LCR-52 and WCR-13

The intersection of WCR-90 and WCR-13 operates under stop control on the eastbound and westbound approaches of WCR-90. Both roadways are currently unpaved. All four approaches provide a width to provide a single lane for shared movements. An aerial photo that illustrates the existing intersection configuration is below (north is up).

WCR-90 and WCR-13

Route B Access

The intersection of Rowe Avenue (WCR-90) and US-85 operates under stop control on the eastbound and westbound approaches of Rowe Avenue (WCR-90). The northbound and southbound approaches of US-85 provide a left turn lane, two through lanes, and a right turn lane. The eastbound and westbound approaches of Rowe Avenue (WCR-90) provide a single lane for shared movements. There is an acceleration lane along northbound US-85 for the westbound right turn movement.

Rowe Avenue (WCR-90) and US-85

Route C Access
The SH-14 and WCR-25 intersection operates under stop control on the southbound WCR-25 approach. The eastbound SH-14 approach provides a left turn lane and a through lane while the westbound SH-14 approach provides a through lane and a separate right turn lane. The southbound WCR-25 approach provides a single lane for shared left turn and right turn movements. A westbound acceleration lane along SH-14 from the southbound right turn and an eastbound acceleration lane along SH-14 from the southbound right turn are also present. An aerial photo that illustrates the existing intersection configuration is as follows (north is up).

SH-14 and WCR-25

The intersection lane configuration and control for the identified study area intersections for operational evaluation are shown in **Figure 3.**

Existing and Future Traffic Volumes
Existing morning and afternoon peak hour counts were conducted at the key intersections on Wednesday, March 31, 2021 and Wednesday, June 16, 2021. The counts were conducted during the morning and afternoon peak hours of adjacent street traffic in 15-minute intervals from 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM. The existing intersection traffic volumes are shown in **Figure 4.**

From the Larimer Transportation Master Plan, this area was not identified to experience much traffic volume growth within the next couple of years. Likewise, traffic volume growth was compared to information published by Weld County for the area and CDOT along US-85 at the WCR-90 intersection. The projected twenty-year growth factor at this intersection was found to be 1.26, which equates to an annual growth rate of 1.16 percent. Therefore, this is believed to be consistent, and a one (1%) percent annual growth rate was applied to the existing counts to calculate 2023 future morning and afternoon peak hour volumes with the peak construction of the solar facility in the entire project study area. **Figure 5** illustrates the 2023 background volumes at the study intersections.

Trip Generation

Site-generated traffic estimates are determined through a process known as trip generation. The number of trips for the BHS Solar facility was based on anticipated construction activity and operations. In order to study the effect of construction traffic created by the solar facility, the expected trips during the peak period of construction were used as the basis for this study. The peak construction traffic activity is anticipated to occur in 2023 and 2024.

Construction Traffic Generation

The typical construction peak season workday will see workers arriving during a four-hour window between 6:00 am and 10:00 am and departing during a three-hour window between 1:00 pm and 4:00 pm. The standard construction hours are anticipated to be 6:30 am to 3:30 pm. The highest proportion of workers will arrive to the site between 6:00 and 7:00 am (half) and depart between 3:00 pm to 4:00 pm (one-third), although the volume will be fairly uniform during the arrival and departure hours. It is anticipated that construction of the facility will include an average of 300 construction workers. At construction peak, there may be up to 450 workers, although the peak hour traffic volumes will remain the same as projected with the traffic spread out further over the arrival and departure peak hours. It is important to note the truck trip generation also includes the volume adjusted for the three (3) passenger car equivalents (PCE) per truck. The following **Table 1** identifies the peak construction activity trip generation for the construction of BHS Solar facility.

Table 1 - BHS Solar – Peak Construction Activity Traffic Generation

	Weekday Vehicles Trips							
	Daily Round		AM Peak Hour			PM Peak Hour		
User	Trips	Daily	In	Out	Total	In	Out	Total
Delivery Trucks (15)	15	30	3	0	3	0	2	2
Water Trucks (15)	15	30	2	0	2	0	2	2
Total Trucks (30)	30	60	5	0	5	0	4	4
PCE Trips	*90*	*180*	*15*	*0*	*15*	*0*	*12*	*12*
Passenger Vehicles (300 construction workers)	**300**	**600**	**150**	0	**150**	0	**100**	**100**
Total Vehicles	**330**	**660**	**155**	**0**	**155**	**0**	**104**	**104**
Total PCE	***390***	***780***	***165***	***0***	***165***	***0***	***112***	***112***

As shown in the table, BHS Solar is expected to generate approximately 330 daily round trips (660 daily trips) with 155 of these trips occurring during the morning peak hour and 104 of these trips occurring during the afternoon peak hour during the peak construction activities. This volume of daily traffic of 660 trips is expected to be the highest volume generated during solar facility construction.

Of note, when construction of the Substation and Switchyard are being completed, the Route C access will be utilized which will include traffic through the SH-14 and WCR-25 intersection (eastbound left turns and southbound right turns). Passenger car traffic will be approximately 20 vehicles per day for a period of five (5) months. Delivery trucks will be approximately 12 per day for a period of one (1) month and two (2) per day for a period of three (3) months. For switchyard construction, an average 15 passenger car trips per day for three months and five (5) delivery vehicles per day for one (1) month and two (2) delivery vehicles per day for an additional month.

Solar Facility Operational Phase Traffic Generation

After the BHS Solar project has been constructed, the number of trips generated by the solar plant is expected to be significantly less than during the construction period. The project will be a manned facility with two to five technicians onsite (including contractors) during operational hours Monday to

Friday, and as needed on weekends. Therefore, traffic impacts related to the operation of the solar plant facility will be negligible and insignificant.

Trip Distribution and Traffic Assignment

Trip distribution is based on the anticipated arrival location of employees along with the delivery route to be used for truck traffic. It is anticipated that truck traffic will utilize the I-25 interchange with LCR-50 and use the I-25 Frontage Road to LCR-52 and head east to WCR-13 and travel north along WCR-13 to WCR-90 to head east to the site. Construction worker trips will be based on the arrival location from place of residence (permanent or temporary). The distribution for construction worker trips was derived based on distances to nearby cities and populations. The City of Fort Collins is located approximately 10 miles southwest of the site and the Town of Wellington is located approximately 10 miles north of the project site. Further south, over approximately 20 miles southwest of the site is the City of Loveland. The City of Greeley is located approximately 20 miles southeast of the site. The City of Denver metro area is approximately 60 miles to the south. Based on these factors, it is anticipated that 70 percent of the traffic will be to and from the south, 10 percent of the traffic will be to and from the west, and 20 percent of the traffic will be to and from the north. This traffic was factored for the amount expected to arrive from I-25 (70 percent) versus US-85 (30 percent) areas. Attached **Figure 6** illustrates the anticipated trip distribution, shown in the overall direction of arrival and departure at the study intersections along Route A for truck traffic. **Figure 7** illustrates the anticipated trip distribution for the passenger vehicles to contain the construction workers of the facility. The project traffic assignment for vehicles is shown in attached **Figure 8**. The 2023 total traffic volumes are shown in **Figure 9**.

Traffic Operations Analysis Methodology

Capacity analysis results are listed in terms of Level of Service (LOS). LOS is a qualitative term describing operating conditions a driver will experience while traveling on a particular street or highway during a specific time interval. It ranges from A (very little delay) to F (long delays and congestion). For intersections and roadways, standard traffic engineering practice recommends LOS D as the minimum threshold for acceptable operations for intersections and LOS E for movements. **Table 2** below shows the definition of level of service for unsignalized intersections.

Table 2 - Level of Service Definitions

Level of Service	Unsignalized Intersection Average Total Delay (sec/veh)
A	≤ 10
B	> 10 and ≤ 15
C	> 15 and ≤ 25
D	> 25 and ≤ 35
E	> 35 and ≤ 50
F	> 50

Transportation Research Board, *Highway Capacity Manual*, Sixth Edition, Washington DC, 2016.

The study intersections were analyzed based on average total delay analysis for unsignalized intersections. Under the unsignalized analysis, the level of service (LOS) for a two-way stop-controlled intersection is determined by the computed or measured control delay and is defined for each minor movement. Level of service for a two-way stop-controlled intersection is not defined for the intersection as a whole.

Calculations for the level of service at the key intersections identified for the study are attached. The traffic analysis is based on the lane geometry and intersection control shown in **Figure 2**. The peak hour factor and percent heavy vehicles were used as determined by the existing turning movement

counts. Synchro traffic analysis software was used to analyze the study area intersections and access drives for level of service. The Synchro Highway Capacity Manual (HCM) methodology reports were used to analyze intersection delay and level of service.

Route A Access

LCR-50 and I-25 SB Ramp

The unsignalized intersection of LCR-50 and I-25 SB Ramp operates with stop-control on the southbound I-25 SB Off Ramp approach. The movements at this intersection currently operate at LOS B or better during the morning and afternoon peak hours. With the addition of project traffic in 2023, the movements at this intersection will operate acceptably at LOS C or better. Therefore, no improvements or modifications are anticipated to be needed based on the addition of construction traffic for BHS Solar. **Table 3** provides the results of the level of service at this intersection.

Table 3 – LCR-50 & I-25 SB Ramp LOS Results

Scenario	AM Peak Hour		PM Peak Hour	
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
2021 Existing				
Westbound Left	9.4	A	8.6	A
Southbound Approach	10.8	B	13.2	B
2023 Background				
Westbound Left	9.5	A	8.6	A
Southbound Approach	10.9	B	13.3	B
2023 Background Plus Project				
Westbound Left	9.5	A	8.8	A
Southbound Approach	16.9	C	14.4	B

LCR-50 and I-25 NB Ramp

This LCR-50/I-25 NB Ramp intersection operates with stop-control on the I-25 NB Off Ramp approach. The movements at this intersection currently operate at LOS C or better during the morning and afternoon peak hours. With the addition of solar construction traffic in 2023, the movements at this intersection will operate acceptably at LOS D or better. Therefore, no improvements are anticipated to be needed based on the addition of construction traffic for BHS Solar. **Table 4** provides the results of the level of service at this intersection.

Table 4 – LCR-50 & I-25 NB Ramp LOS Results

Scenario	AM Peak Hour		PM Peak Hour	
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
2021 Existing				
Northbound Approach	14.2	B	23.5	C
Eastbound Left	8.1	A	7.7	A
2023 Background				
Northbound Approach	14.5	B	25.1	D
Eastbound Left	8.1	A	7.8	A
2023 Background Plus Project				
Northbound Approach	16.7	C	31.5	D
Eastbound Left	8.1	A	8.0	A

LCR-50 and I-25 Frontage Road

The unsignalized LCR-50 and I-25 Frontage Road intersection operates with stop-control on the northbound and southbound approaches of the I-25 Frontage Road. The movements at this intersection currently operate at LOS D or better during the morning and afternoon peak hours. With the addition of project traffic in 2023, all movements at this intersection will operate acceptably at LOS D or better with exception of the northbound approach of this intersection which is projected to operate at LOS E with the addition of BHS Solar construction traffic during the afternoon peak hour. The delay level is only 1.8 seconds beyond the threshold from LOS D to E, and no project traffic is added to this approach. Therefore, no improvements or modifications are anticipated to be needed based on the addition of construction traffic for BHS Solar. As the traffic volumes evaluated in this traffic study are conservative without applying any reductions for ridesharing, it is anticipated that the intersection will operate better than predicted. **Table 5** provides the results of the level of service at this intersection.

Table 5 – LCR-50 & I-25 Frontage Road LOS Results

Scenario	AM Peak Hour		PM Peak Hour	
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
2021 Existing				
Northbound Approach	14.6	B	29.7	D
Eastbound Left	7.5	A	7.8	A
Westbound Left	0.0	A	7.4	A
Southbound Approach	10.9	B	12.3	B
2023 Background				
Northbound Approach	14.9	B	31.3	D
Eastbound Left	7.5	A	7.8	A
Westbound Left	0.0	A	7.4	A
Southbound Approach	11.0	B	12.5	B
2023 Background Plus Project				
Northbound Approach	24.2	C	36.8	E
Eastbound Left	7.8	A	7.8	A
Westbound Left	0.0	A	7.4	A
Southbound Approach	12.7	B	12.2	B

WCR-90 and WCR-13

The WCR-90 and WCR-13 intersection operates with stop control on the eastbound and westbound WCR-90 approaches. The movements at this intersection currently operate at LOS A during the morning and afternoon peak hours. With the addition of project traffic in 2023, all movements at this intersection will operate acceptably at LOS A. Therefore, no improvements or modifications are anticipated to be needed. **Table 6** provides the results of the level of service at this intersection.

Table 6 – WCR-90 & WCR-13 LOS Results

Scenario	AM Peak Hour		PM Peak Hour	
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
2021 Existing				
Northbound Left	7.3	A	7.2	A
Eastbound Approach	8.5	A	8.4	A
Westbound Approach	8.9	A	8.6	A
Southbound Left	7.3	A	7.3	A
2023 Background				
Northbound Left	7.3	A	7.2	A
Eastbound Approach	8.5	A	8.4	A
Westbound Approach	8.9	A	8.6	A
Southbound Left	7.3	A	7.3	A
2023 Background Plus Project				
Northbound Left	7.3	A	7.2	A
Eastbound Approach	8.5	A	8.4	A
Westbound Approach	9.5	A	9.4	A
Southbound Left	7.7	A	7.3	A

By these demonstrated results, the intersections of the spur road connecting LCR-52 and I-25 Frontage Road as well as the LCR-52 and WCR-13 intersection will have all movements operating with acceptable traffic levels. These intersections have lower traffic volumes than studied at these intersections, so all movements at the intersections along Route A Access.

Route B Access

Rowe Avenue (WCR-90) and US-85

The intersection of Rowe Avenue (WCR-90) and US-85 operates under stop control on the eastbound and westbound approaches of Rowe Avenue (WCR-90). The movements at this intersection currently operate at LOS A or better during the morning and afternoon peak hours. With the addition of project traffic in 2023, all movements at this intersection will operate acceptably at LOS A or better. Therefore, no improvements or modifications are anticipated to be needed based on the addition of construction traffic for BHS Solar based on this operational analysis. However, as identified in Turn Bay Length Analysis section of this report, an acceleration lane along southbound US-85 is warranted at this intersection based on CDOT guidelines and existing traffic. **Table 7** provides the results of the level of service at this intersection.

Table 7 – Rowe Avenue (WCR-90) & US-85 LOS Results

Scenario	AM Peak Hour		PM Peak Hour	
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
2021 Existing				
Northbound Left	7.9	A	7.9	A
Eastbound Approach	11.8	B	11.9	B
Southbound Left	8.1	A	7.9	A
2023 Background				
Northbound Left	8.0	A	7.9	A
Eastbound Approach	11.9	B	12.0	B
Southbound Left	8.1	A	7.9	A
2023 Background Plus Project				
Northbound Left	8.1	A	7.9	A
Eastbound Approach	12.6	B	11.4	B
Southbound Left	8.1	A	7.9	A

Route C Access
As discussed previously, Route C will only be used for substation deliveries and construction. This access will have a short duration and a low traffic volume. As turn lanes exists in all directions along SH-14, an operational analysis was not performed as traffic to and from the west along SH-14 to WCR-25 is anticipated to operate acceptably.

Vehicle Queueing Analysis
A vehicle queuing analysis was conducted for the study area intersections. The queuing analysis was performed using Synchro presenting the results of the 95th percentile queue lengths as shown in the following **Table 8** with calculations provided within the level of service operational sheets.

Table 8 – Left Turn Lane Queueing Analysis Results

Intersection Turn Lane	Existing Turn Lane Length (feet)	2023 Calculated Queue (feet)	2023 Recommended Length (feet)
LCR-50 & I-25 SB Ramp			
Westbound Left	175’	25’	175’
LCR-50 & I-25 NB Ramp			
Eastbound Left	200’	25’	200’
LCR-50 & I-25 Frontage Road			
Eastbound Left	200’	25’	200’
Westbound Left	175’	25’	175’
WCR-90 & US-85			
Northbound Left	200’	25’	200’
Southbound Left	450’	25’	450’

As shown in the table representing the queueing results, none of the queues are projected to extend past the provided storage bays with the addition of project traffic. Therefore, no modifications to left turn lane deceleration lengths are anticipated to be needed.

Turn Bay Length Analysis
The threshold for requiring an access permit along CDOT roadways occurs when project traffic is anticipated to increase the existing access traffic volumes by more than 20 percent. Based on traffic projections, the addition of project traffic on the west leg of WCR-90 and US-85 is anticipated to increase existing access traffic volumes by more than 20 percent. Project traffic is anticipated to increase existing traffic volumes by 52 percent (46 project/88 existing) during the morning peak hour. Therefore, an access permit may be required by CDOT for this intersection in association with construction of BHS Solar.

The turn lane requirements follow the CDOT State Highway Access Code (SHAC). CDOT categorizes the segment of US-85 through the study area as E-X: Expressway. According to the State Highway Access Code for category E-X roadways, the following thresholds apply:

- A left turn deceleration lane is required for any access with a projected average daily left turn ingress volume greater than 10 with the transition taper included within the required deceleration length. If the projected peak hour left ingress turning volume is greater than 10 vehicles per hour (vph), a left turn deceleration, storage, and taper lane is required for any access.
- A right turn deceleration lane and taper is required for any access with a projected peak hour right ingress turning volume greater than 10 vph.
- A right turn acceleration lane and taper is required for any access with a project peak hour right turning volume greater than 10 vph.

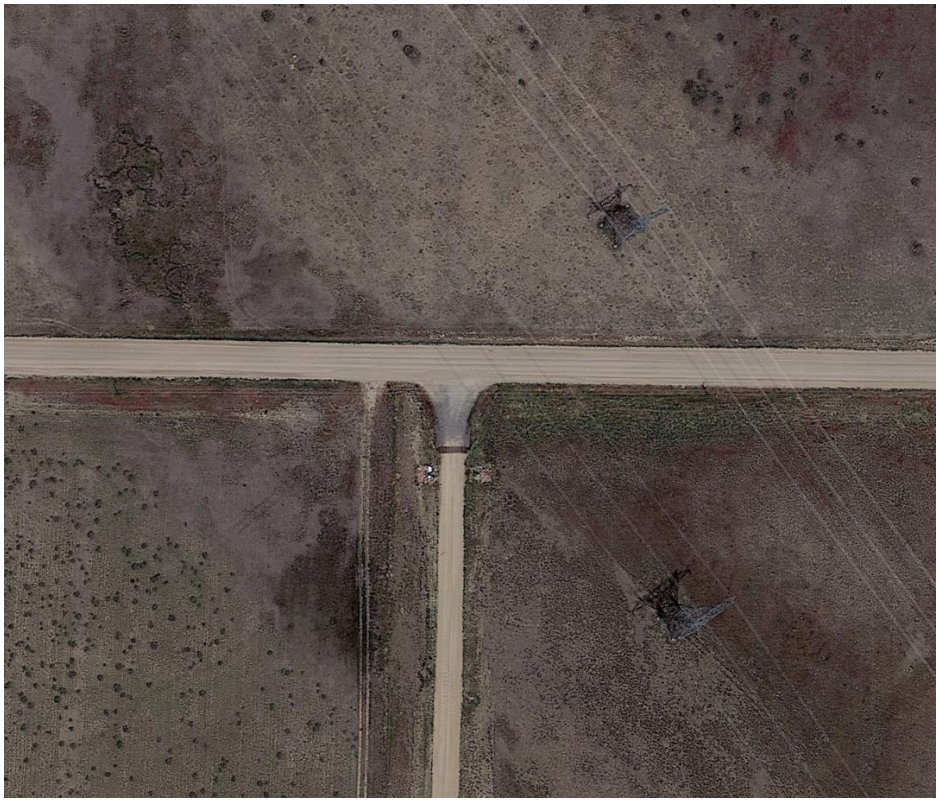
Based on traffic projections and the above thresholds, auxiliary turn lanes requirements at the WCR-90 and US-85 intersection for a speed limit of 40 miles per hour along US-85 are as follows:

- A northbound left turn deceleration **is** warranted based on the projected 2023 background plus project traffic being 69 northbound left turns during the peak hour and the threshold being 10 vehicles per day. This northbound left turn lane exists today. The existing turn lane length is 275 feet with a 100-foot taper. The left turn deceleration lane per SHAC requirements is 70 feet of storage (one foot per vehicle during the peak hour) plus 370 feet of deceleration length plus a 145-foot taper (12:1 ratio). Therefore, to meet current CDOT standards, the northbound left turn lane should provide 440 feet of length plus a 145-foot taper to meet CDOT SHAC requirements. However, due to existing back-to-back left turn lanes along US-85 between the WCR-90 and Grain Elevator and Park Avenue intersections, the northbound left turn lane cannot be extended without shortening the southbound left turn lane. Therefore, no modification to the northbound left turn lane is recommended.
- A southbound right turn deceleration lane **is** warranted based on the projected 2023 background plus project traffic being 13 southbound right turns during the peak hour and the threshold being 10 vph. This southbound right turn lane exists today with a length of 425 feet with a 175-foot taper. To meet current CDOT SHAC requirements, this right turn lane should provide a length of 370 feet plus a 145-foot taper (12:1 ratio) based on the 40-mph posted speed limit at the beginning of the right turn lane. Therefore, no modifications to this existing southbound right turn deceleration lane are anticipated to be needed.
- An acceleration lane along southbound US-85 for the eastbound right turn **is** warranted today based on existing traffic of 15 vph and projected 2023 background plus project traffic being 36 vph and the threshold being 10 vph. However, this acceleration lane does not exist today. The acceleration lane length per SHAC requirements is 380 feet plus a 145-foot taper (12:1 ratio). A southbound right turn deceleration lane exists approximately 380 feet south of WCR-90 for the Park Avenue intersection to the south. Therefore, this acceleration lane should be constructed as a continuous auxiliary lane between WCR-90 and Park Avenue along southbound US-85. Recommendations are illustrated in **Figure 10** which show this acceleration length.

Access Discussion

As noted previously, access is proposed at two locations for BHS Solar. One access is located along WCR-90 at an existing location as shown following. This access is located underneath overhead power lines, 1.5 miles east of WCR-19 and 1.5 miles west of WCR-25. WCR-90 and the Access are unpaved roadways at this intersection. A north leg will be constructed at this access location to serve the northern solar field development area.

The other access will be located as the north leg of the WCR-84 ½ and WCR-23 intersection, as also shown on the following page. There is an existing residence access at this intersection which will be maintained with the proposed access for BHS Solar. WCR-23 in this area is unpaved with a single lane width provided in each direction. WCR-84 ½ is a field access roadway with a width to provide only one-way travel in each direction at this intersection and over to WCR-25 to the east.



WCR-90 Access (Routes A and B)

WCR-23 Access (Route C)

WCR-90 Roadway Analysis for Dust Mitigation

Daily traffic volumes were collected on Wednesday, June 16, 2021 along WCR-90 east of WCR-13 and west of WCR-29. It is understood that the County will request dust mitigation along WCR-90 between WCR-13 and WCR-29 (approximately eight miles) when WCR-90 exceeds 200 vehicles per day (vpd) daily volume. The existing daily traffic volume along WCR-90 adjacent to the site is 70 vpd. Based on the peak daily trip generation being 660 vpd and the existing traffic volume being 70 vpd, dust mitigation is anticipated to be required during the peak construction period, east and west of the project site along WCR-90 as follows:

- Dust mitigation is anticipated to be needed along WCR-90 between WCR-13 and the project access when the daily traffic volume generation of the solar facility is greater than 185 trips per day (130 vpd / 0.70 distribution to and from the west).
- Dust mitigation is anticipated to be needed along WCR-90 between the project access and WCR-27 when the daily traffic volume generation is anticipated to be greater than 430 trips per day (130 vpd / 0.30 distribution to and from the east). Of note, dust mitigation was found to already be required along WCR-90 east of WCR-27 with the daily traffic volume in this section being greater than 200 vpd today.

Pedestrian, Bicycles, and Transit

There are no pedestrian or bicycle connections, nor transit availability in the project area. Construction of the solar facility will not change or increase the need for such facilities in the future. Of note, Rowe Avenue (WCR-90) within the Town of Pierce is adjacent to Highland Elementary School, directly on the southwest corner of the Rowe Avenue (WCR-90) and US-85 intersection. No pedestrian facilities exist along the roadway, but there is pedestrian and bus traffic generated by the school.

Conclusions and Recommendations

Based on the traffic analysis presented in this report, Kimley-Horn and Associates, Inc. believes construction traffic for BHS Solar project will be incorporated into the existing roadway network. The following provide the traffic study report conclusions and recommendations:

- A CDOT Access Permit is anticipated to be needed at the WCR-90 and US-85 intersection with the addition of the solar facility construction traffic. It was found that an acceleration lane along southbound US-85 for the eastbound right turn from WCR-90 is warranted today based on existing traffic volumes. If this lane were to be constructed, it would need to provide a length of 380 feet to meet CDOT SHAC turn lane requirements. This acceleration lane would need to tie into the existing southbound right turn deceleration lane that exists for Park Avenue, with its full lane width southbound right turn lane beginning 380 feet south of WCR-90.
- A Colorado State Patrol or CDOT Temporary Access Permit may be needed at the SH-14 and WCR-25 intersection for the duration of the substation construction.
- Dust mitigation was found to be needed along WCR-90 between WCR-13 and the solar facility access when the daily traffic volume generation is anticipated to be greater than 185 trips per day.
- Dust mitigation was found to be needed along WCR-90 between the project access and WCR-27 to the east when the daily traffic volume generation is greater than 430 trips per day.
- Dust mitigation was found to be needed today along WCR-90 between WCR-27 and WCR-29 based on existing traffic volumes.

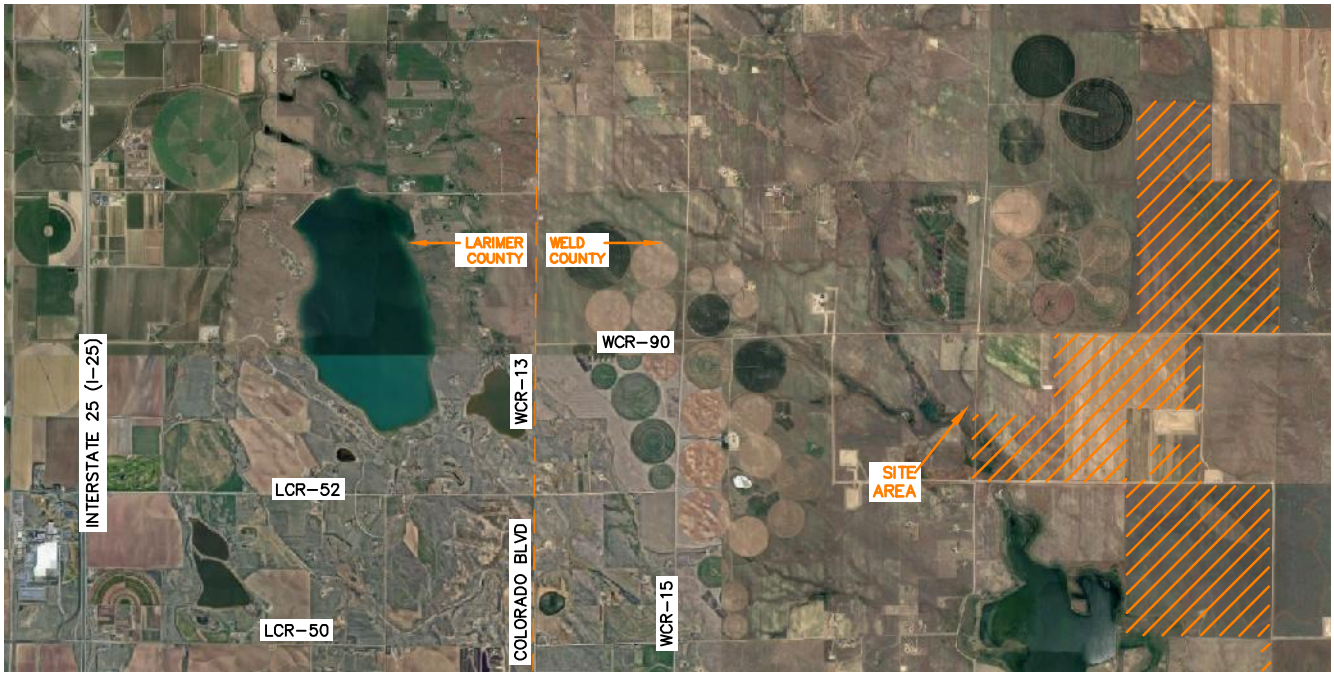
Please call if you have any questions or require anything further.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.

Curtis D. Rowe, P.E., PTOE
Vice President

Figures

Kimley»Horn
NORTH
NTS 196148001

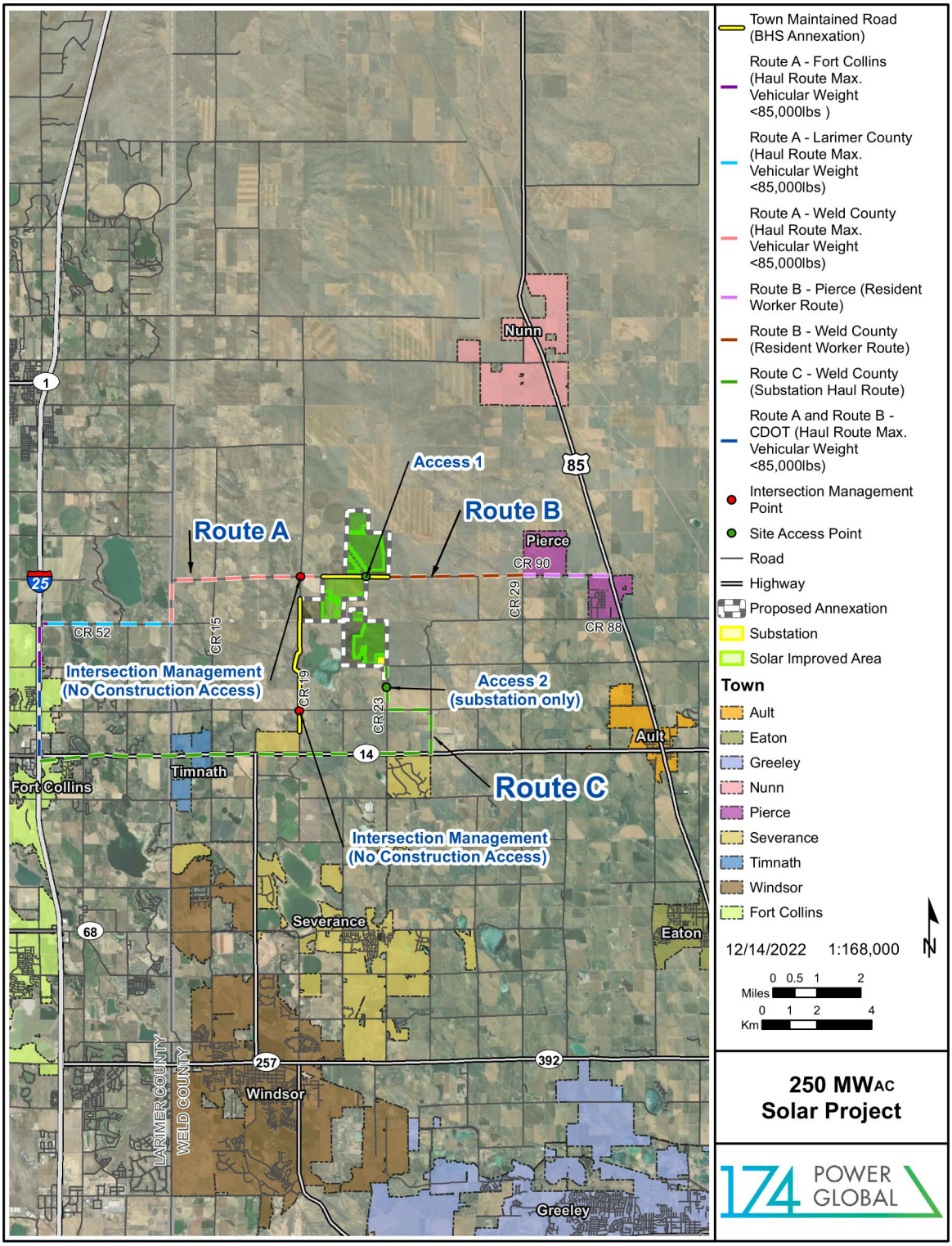


BHS SOLAR
WELD COUNTY, COLORADO
VICINITY MAP

FIGURE 1

Kimley»Horn

Kimley»Horn
NORTH
NTS 196148001



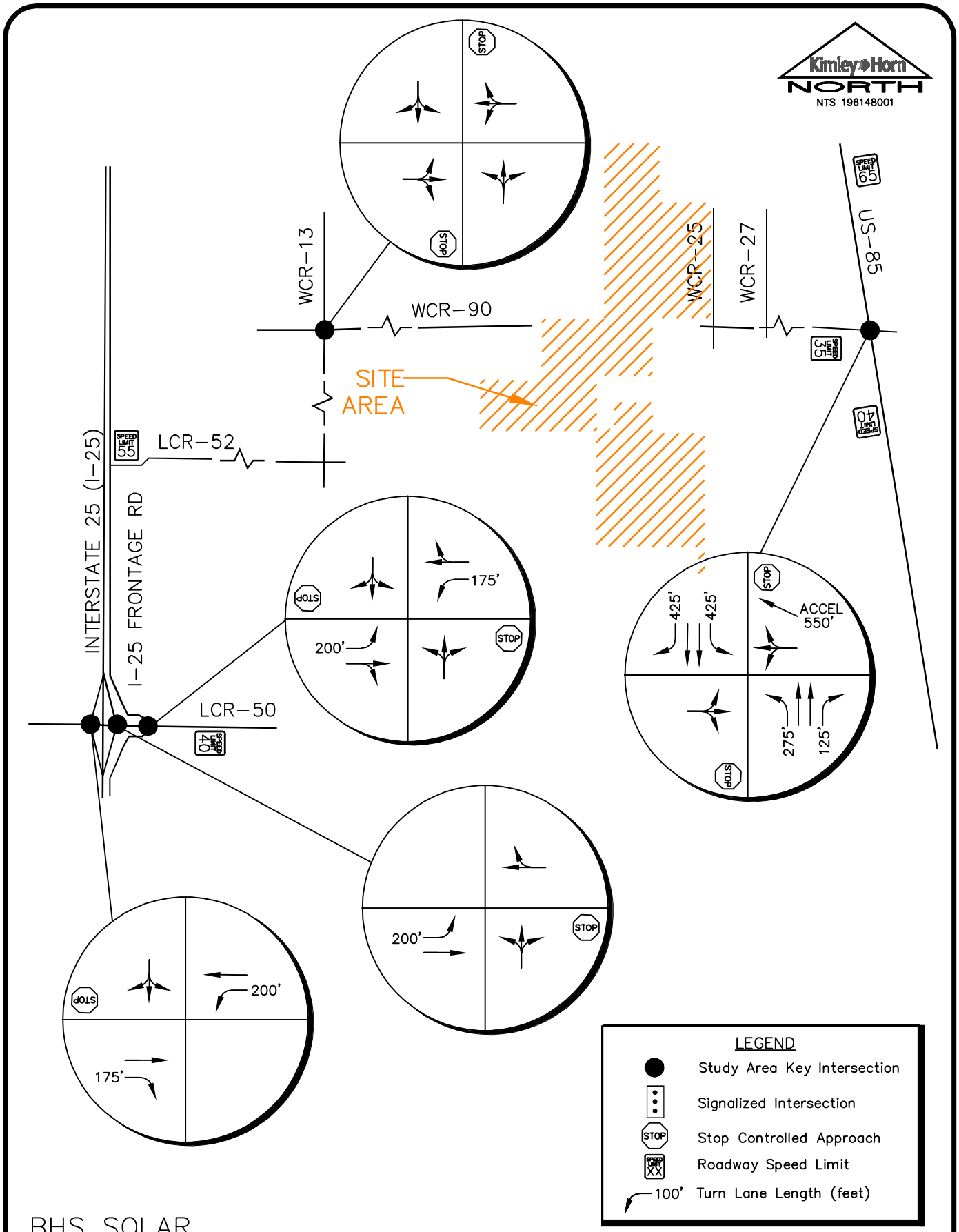
250 MWAC Solar Project

174 POWER GLOBAL

BHS SOLAR
WELD COUNTY, COLORADO
TRUCK ROUTE

FIGURE 2

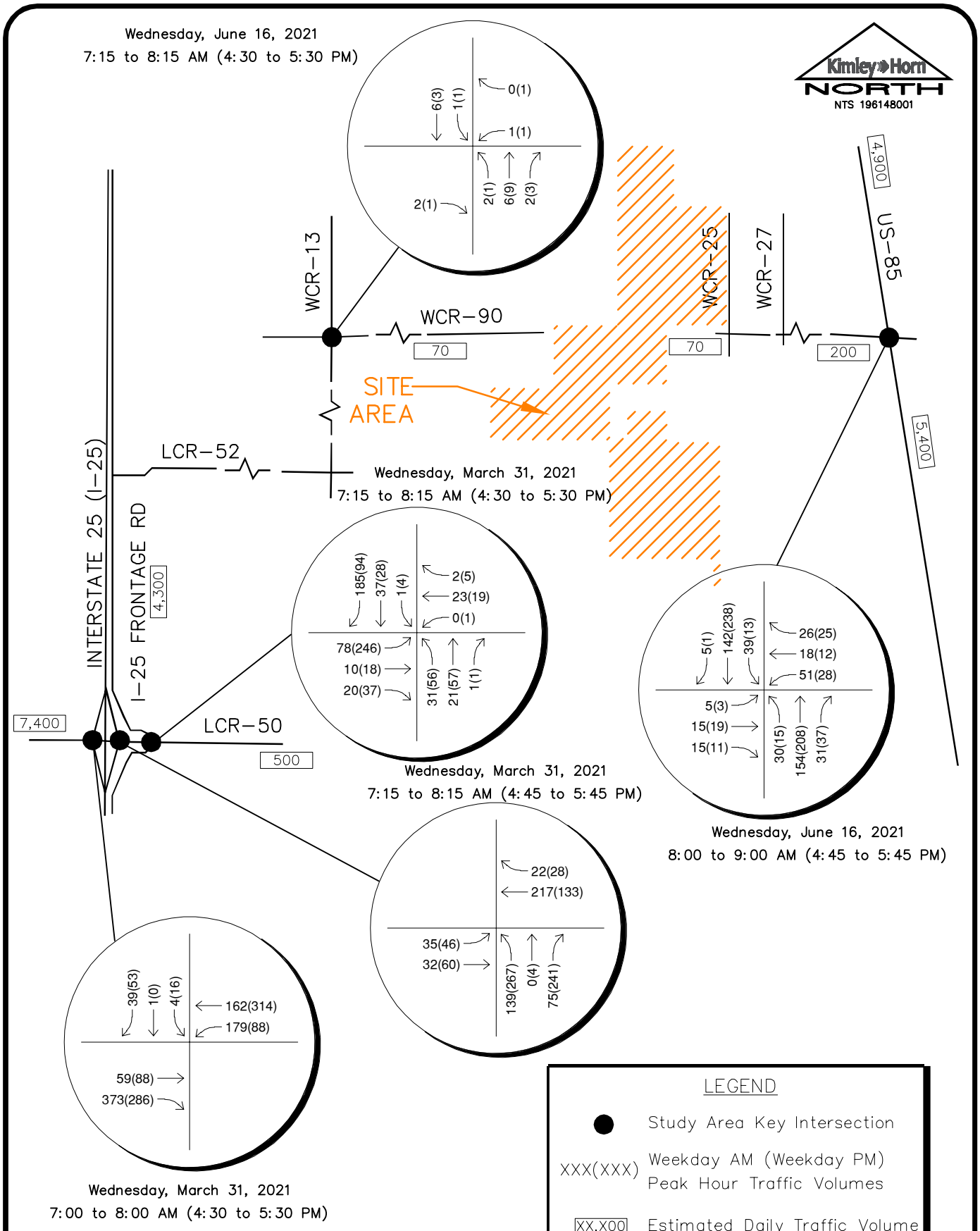
Kimley»Horn



BHS SOLAR
WELD COUNTY, COLORADO
EXISTING LANE CONFIGURATIONS

FIGURE 3

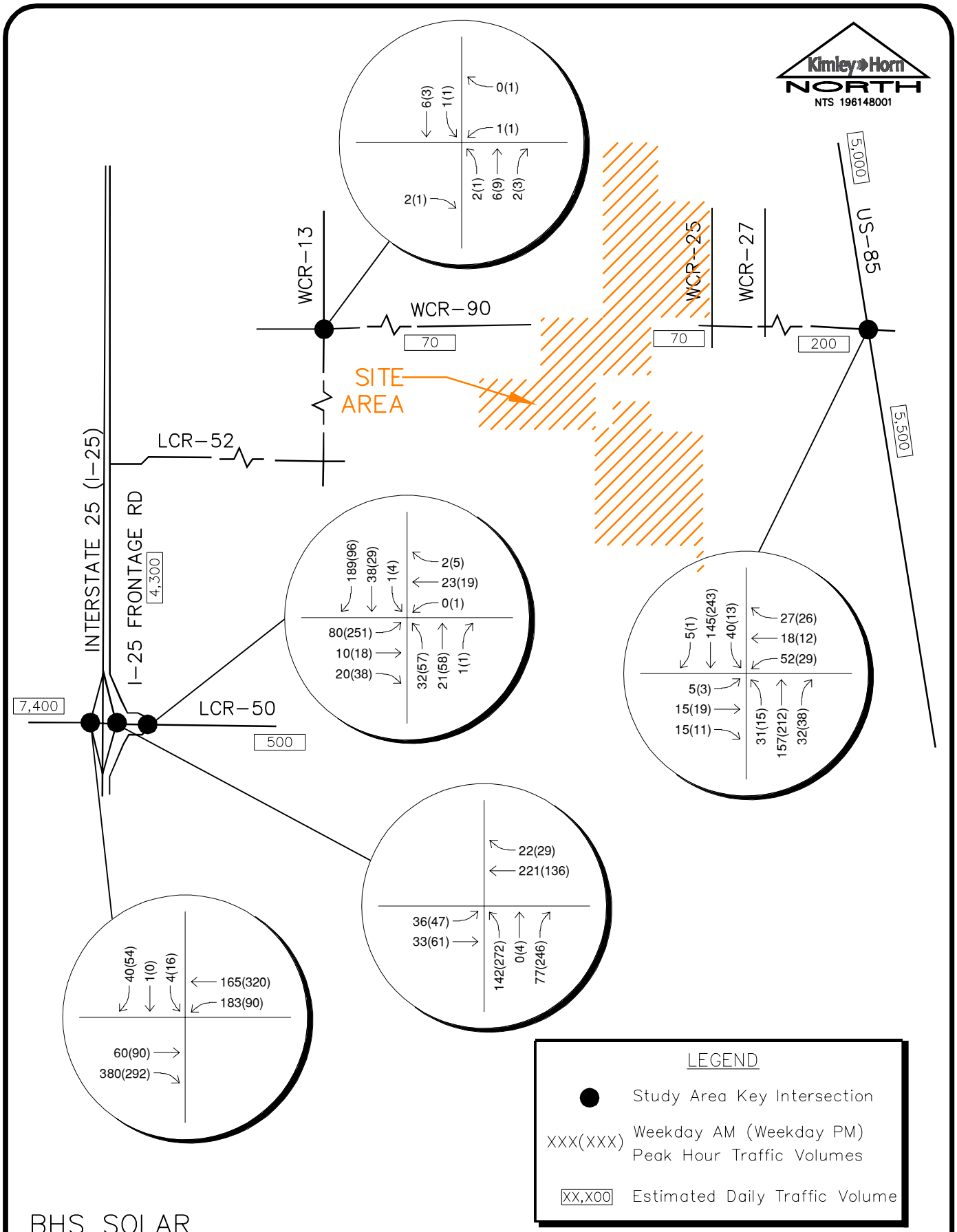
Kimley»Horn



BHS SOLAR
WELD COUNTY, COLORADO
2021 EXISTING TRAFFIC VOLUMES

FIGURE 4A

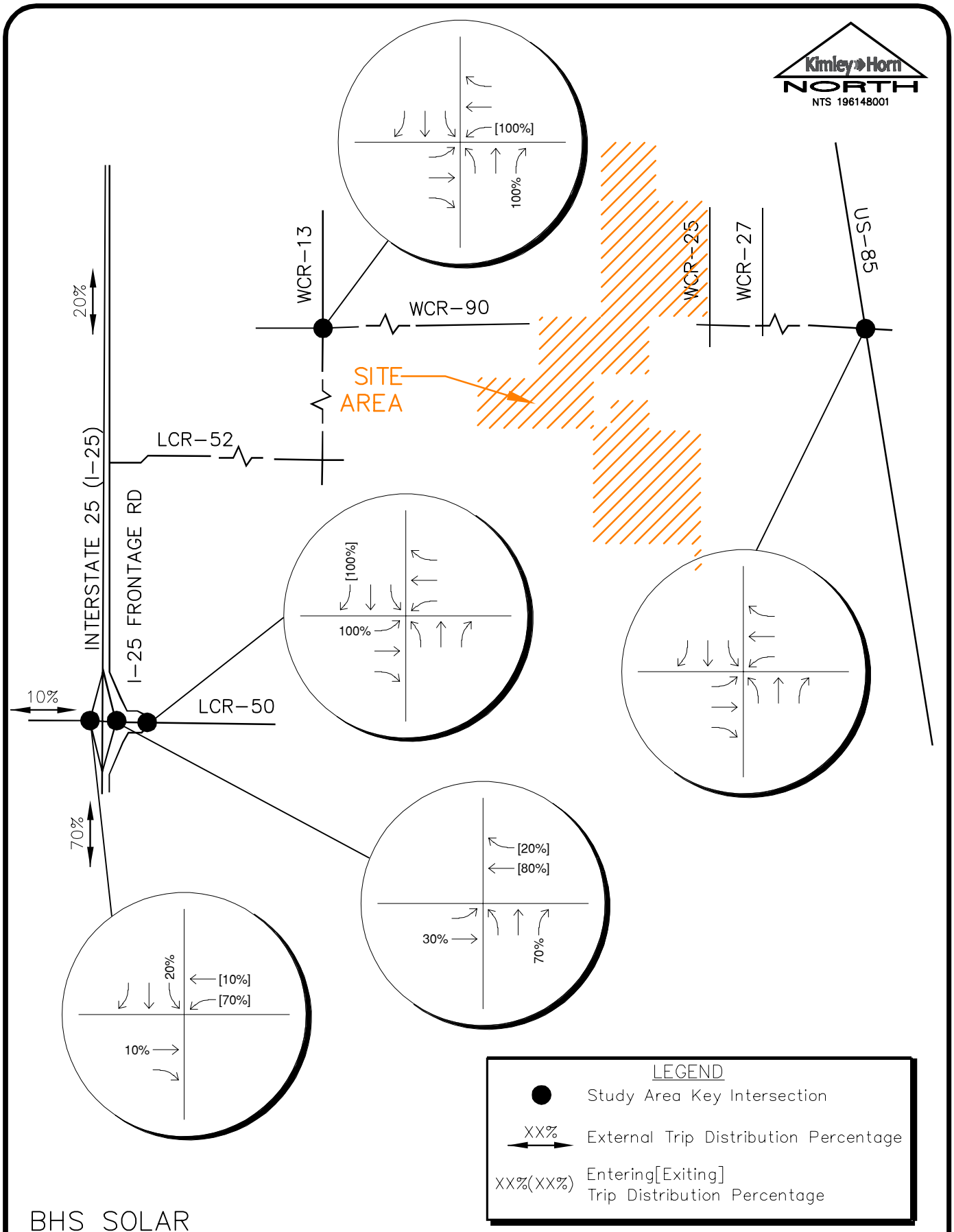
Kimley»Horn



BHS SOLAR
WELD COUNTY, COLORADO
2023 BACKGROUND VOLUMES

FIGURE 5

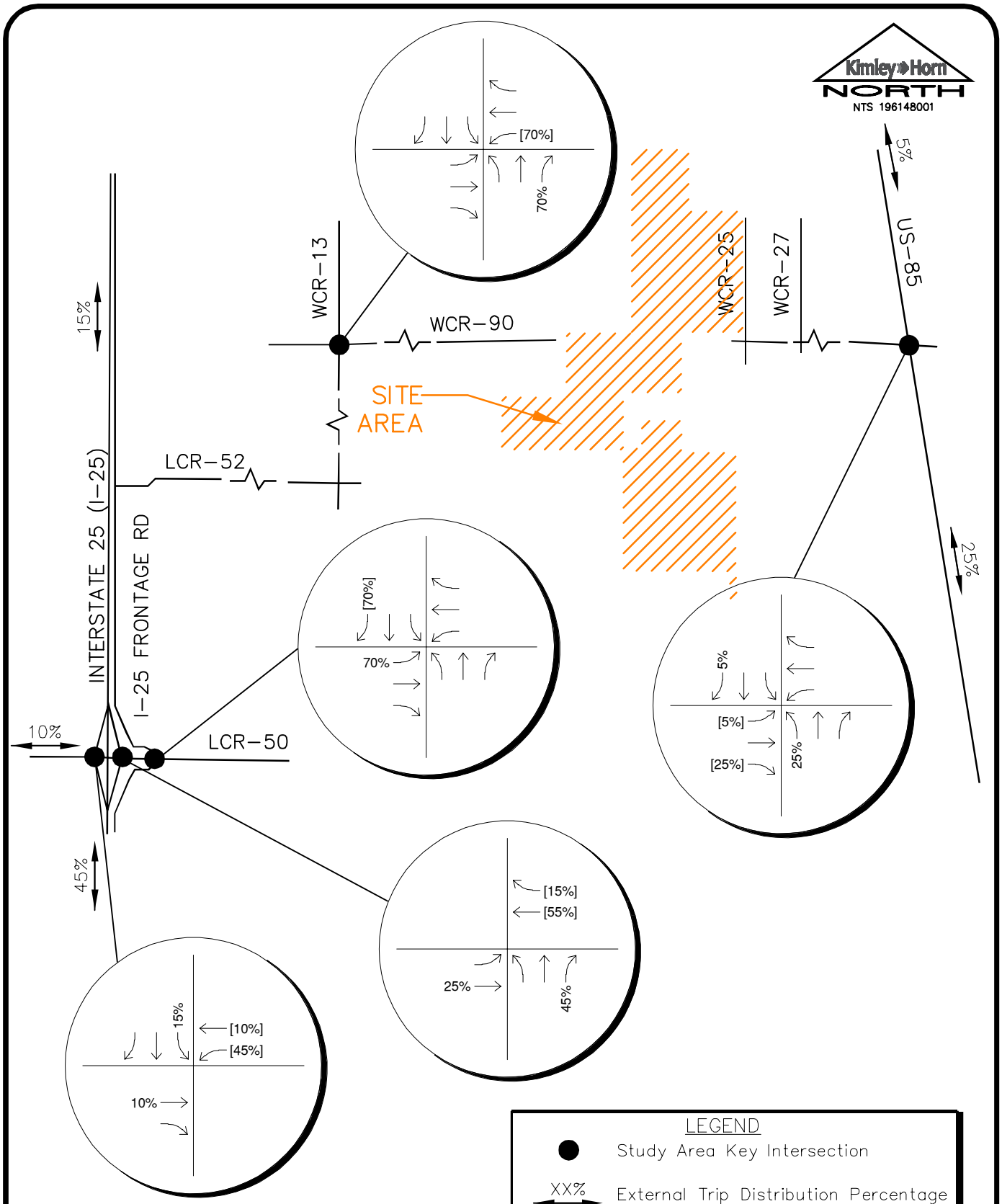
Kimley»Horn



BHS SOLAR
WELD COUNTY, COLORADO
PROJECT TRIP DISTRIBUTION (TRUCK)

FIGURE 6

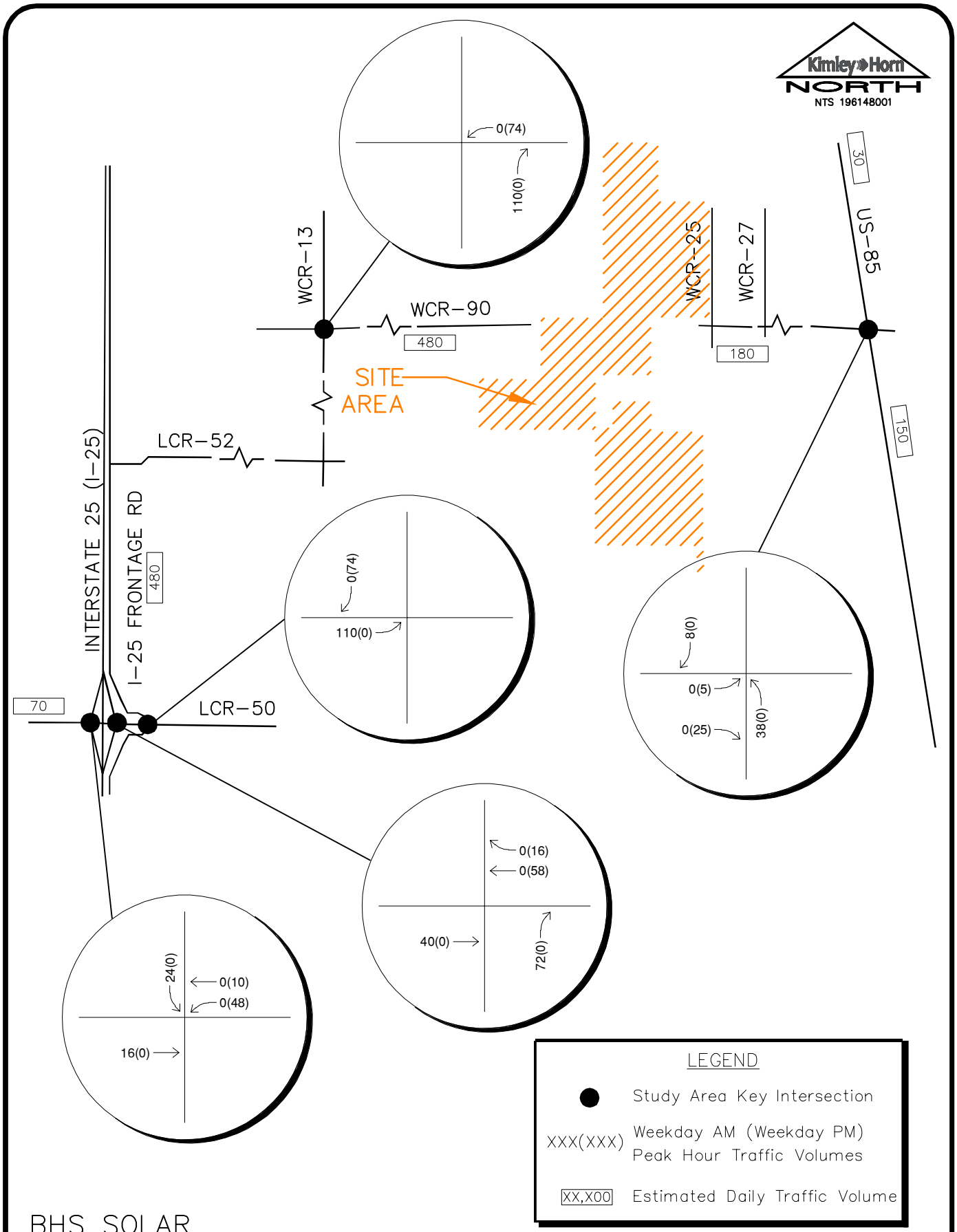
Kimley»Horn



BHS SOLAR
WELD COUNTY, COLORADO
PROJECT TRIP DISTRIBUTION
(PASSENGER VEHICLES)

FIGURE 7

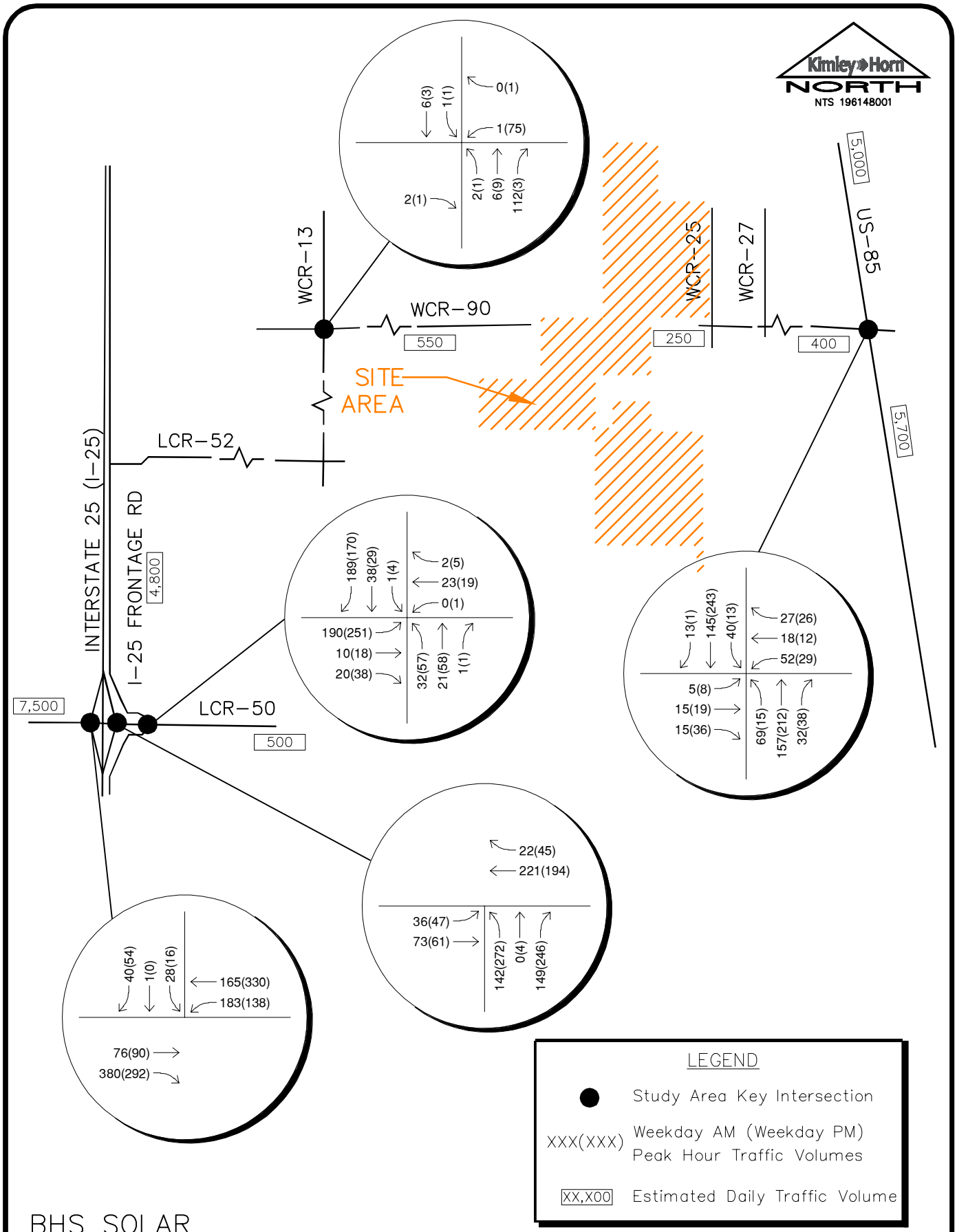
Kimley»Horn



BHS SOLAR
WELD COUNTY, COLORADO
PROJECT TRAFFIC ASSIGNMENT

FIGURE 8

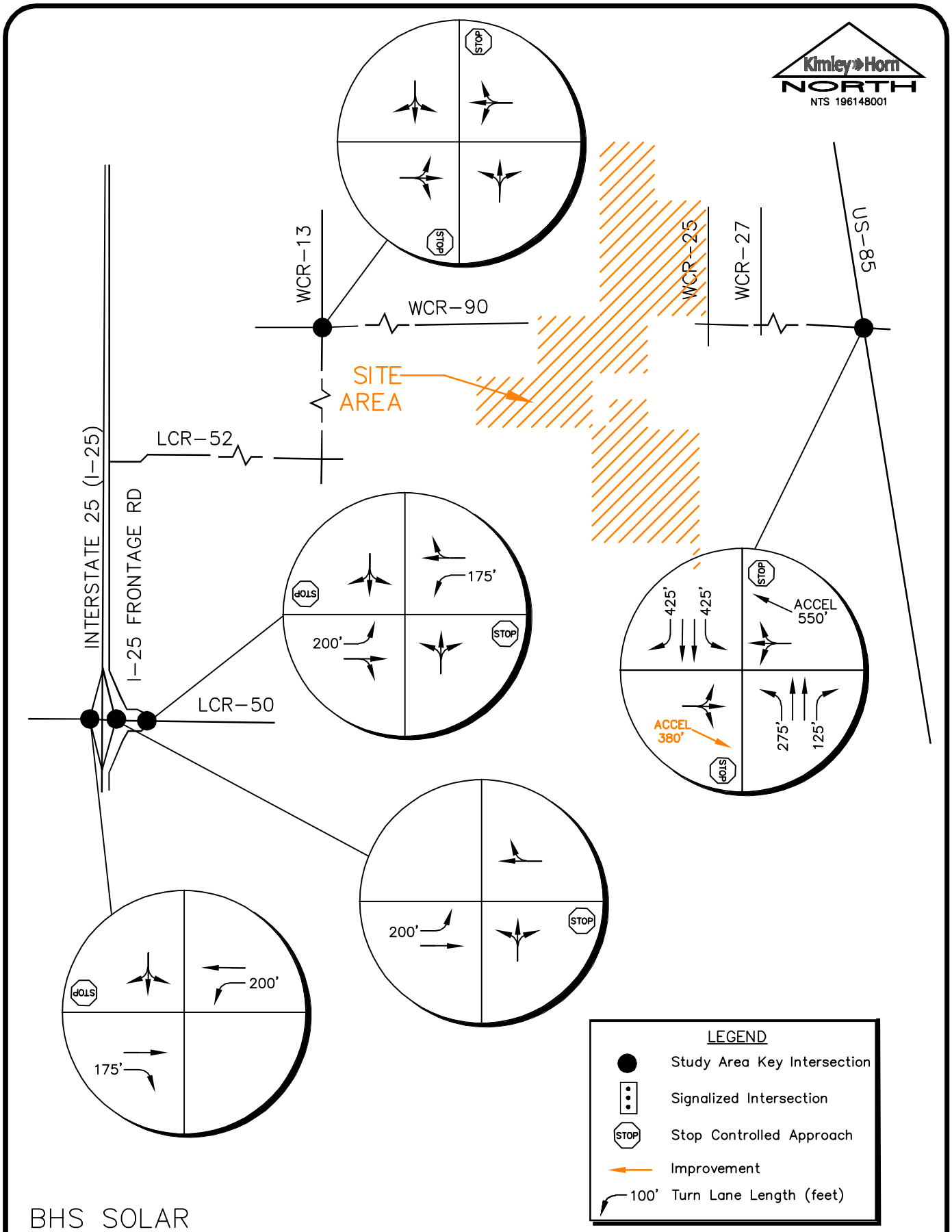
Kimley»Horn



BHS SOLAR
WELD COUNTY, COLORADO
2023 TOTAL TRAFFIC VOLUMES

FIGURE 9

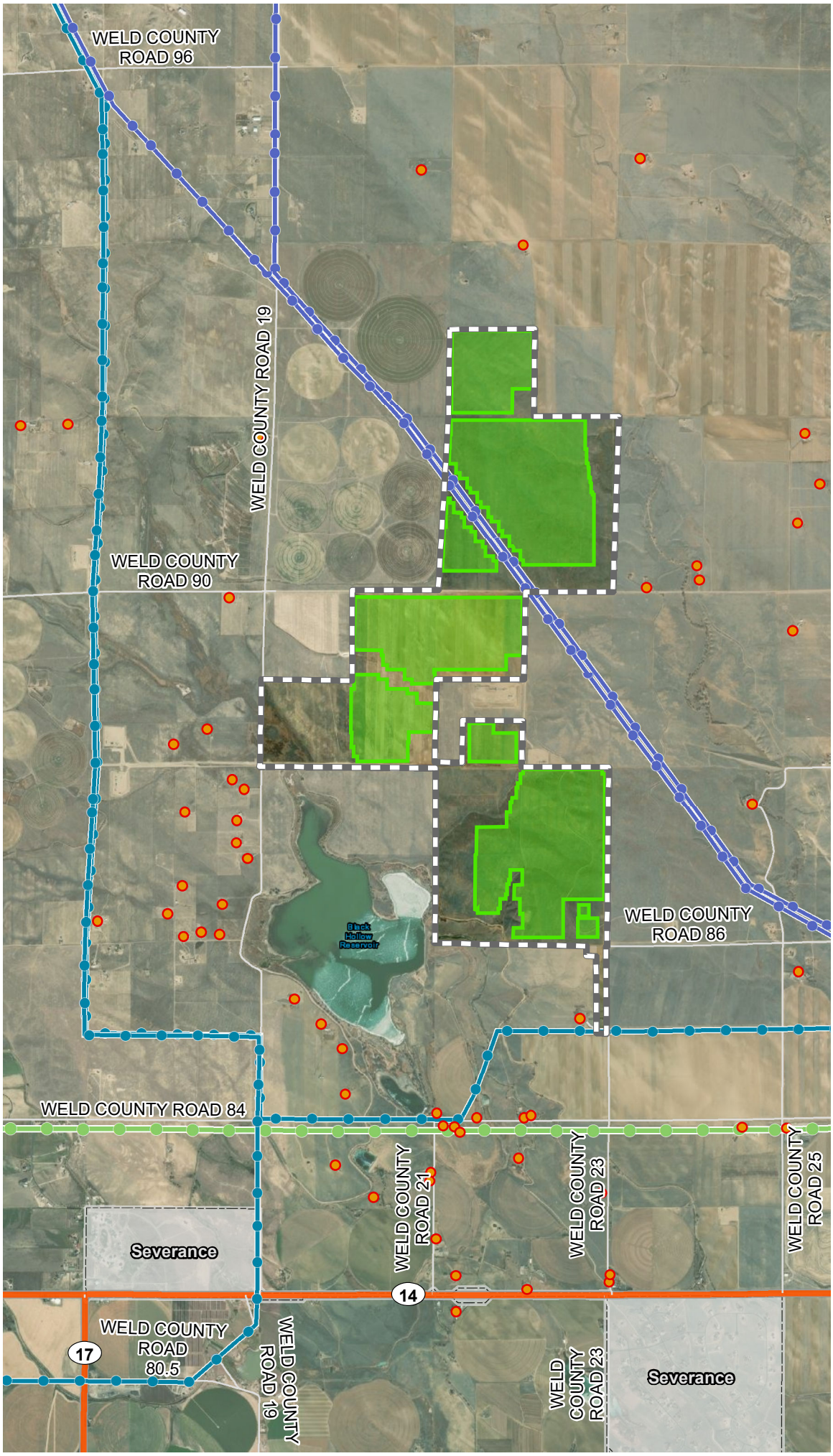
Kimley»Horn



BHS SOLAR
WELD COUNTY, COLORADO
RECOMMENDED LANE CONFIGURATIONS

FIGURE 10

Kimley»Horn



Residences located near project

Existing 230kV Transmission

Existing 345kV Transmission

Existing 115kV Transmission

Local Roads

Highway

Proposed Annexation

Solar Improved Area

City Limits

10/5/2022 1:50,000

N

Km 0 0.5 1 2

Miles 0 0.25 0.5 1

250 MWAC Solar Project

174 POWER GLOBAL

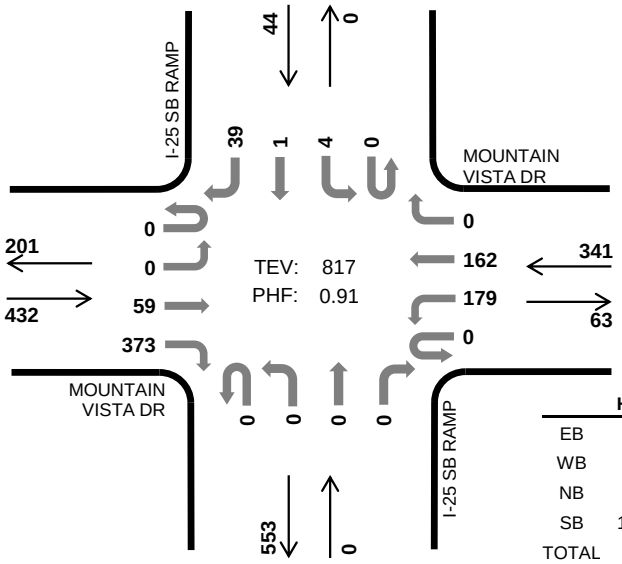
Turning Movement Counts

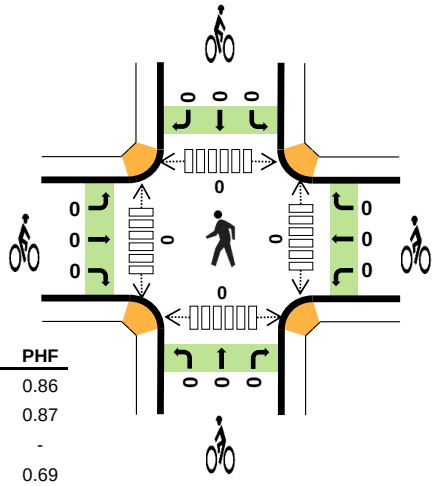
I-25 SB RAMP
MOUNTAIN VISTA DR

Date: 03/31/2021
Count Period: 7:00 AM to 9:00 AM
Peak Hour: 7:00 AM to 8:00 AM

N

Peak Hour





	HV %:	PHF
EB	8.1%	0.86
WB	8.2%	0.87
NB	-	-
SB	18.2%	0.69
TOTAL	8.7%	0.91

Two-Hour Count Summaries

Interval Start		MOUNTAIN VISTA DR Eastbound UT	LT	TH	RT	MOUNTAIN VISTA DR Westbound UT	LT	TH	RT	I-25 SB RAMP Northbound UT	LT	TH	RT	I-25 SB RAMP Southbound UT	LT	TH	RT	15-min Total	Rolling One Hour
7:00 AM		0	0	14	98	0	32	36	0	0	0	0	0	0	0	0	6	186	0
7:15 AM		0	0	13	80	0	56	42	0	0	0	0	0	0	2	1	8	202	0
7:30 AM		0	0	20	106	0	46	37	0	0	0	0	0	0	1	0	15	225	0
7:45 AM		0	0	12	89	0	45	47	0	0	0	0	0	0	1	0	10	204	817
8:00 AM		0	0	13	62	0	32	51	0	0	0	0	0	0	4	0	12	174	805
8:15 AM		0	0	18	57	0	42	50	0	0	0	0	0	0	3	0	8	178	781
8:30 AM		0	0	13	75	0	25	49	0	0	0	0	0	0	1	0	8	171	727
8:45 AM		0	0	11	70	0	26	39	0	0	0	0	0	0	2	0	6	154	677
Count Total		0	0	114	637	0	304	351	0	0	0	0	0	0	14	1	73	1,494	0
Peak Hour	All	0	0	59	373	0	179	162	0	0	0	0	0	0	4	1	39	817	0
	HV	0	0	12	23	0	3	25	0	0	0	0	0	0	1	1	6	71	0
	HV%	-	-	20%	6%	-	2%	15%	-	-	-	-	-	-	25%	100%	15%	9%	0

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals EB	WB	NB	SB	Total	Bicycles EB	WB	NB	SB	Total	Pedestrians (Crossing Leg) East	West	North	South	Total
7:00 AM	5	6	0	1	*12*	0	0	0	0	*0*	0	0	0	0	*0*
7:15 AM	4	7	0	2	*13*	0	0	0	0	*0*	0	0	0	0	*0*
7:30 AM	16	4	0	5	*25*	0	0	0	0	*0*	0	0	0	0	*0*
7:45 AM	10	11	0	0	*21*	0	0	0	0	*0*	0	0	0	0	*0*
8:00 AM	5	7	0	4	*16*	0	0	0	0	*0*	0	0	0	0	*0*
8:15 AM	13	14	0	1	*28*	0	0	0	0	*0*	0	0	0	0	*0*
8:30 AM	8	9	0	0	*17*	0	0	0	0	*0*	0	0	0	0	*0*
8:45 AM	11	10	0	1	*22*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	72	68	0	14	*154*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	**35**	**28**	**0**	**8**	***71***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	MOUNTAIN VISTA DR				MOUNTAIN VISTA DR				I-25 SB RAMP				I-25 SB RAMP				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
7:00 AM	**0**	**0**	**0**	**5**	**0**	**1**	**5**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**12**	0
7:15 AM	**0**	**0**	**3**	**1**	**0**	**0**	**7**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**1**	**13**	0
7:30 AM	**0**	**0**	**5**	**11**	**0**	**0**	**4**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**4**	**25**	0
7:45 AM	**0**	**0**	**4**	**6**	**0**	**2**	**9**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**21**	**71**
8:00 AM	0	0	2	3	0	1	6	0	0	0	0	0	0	2	0	2	16	75
8:15 AM	0	0	7	6	0	4	10	0	0	0	0	0	0	0	0	1	28	90
8:30 AM	0	0	3	5	0	1	8	0	0	0	0	0	0	0	0	0	17	82
8:45 AM	0	0	2	9	0	1	9	0	0	0	0	0	0	0	0	1	22	83
Count Total	0	0	26	46	0	10	58	0	0	0	0	0	0	3	1	10	154	0
Peak Hour	**0**	**0**	**12**	**23**	**0**	**3**	**25**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**1**	**6**	**71**	**0**

Two-Hour Count Summaries - Bikes

Interval Start	MOUNTAIN VISTA DR			MOUNTAIN VISTA DR			I-25 SB RAMP			I-25 SB RAMP			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
7:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

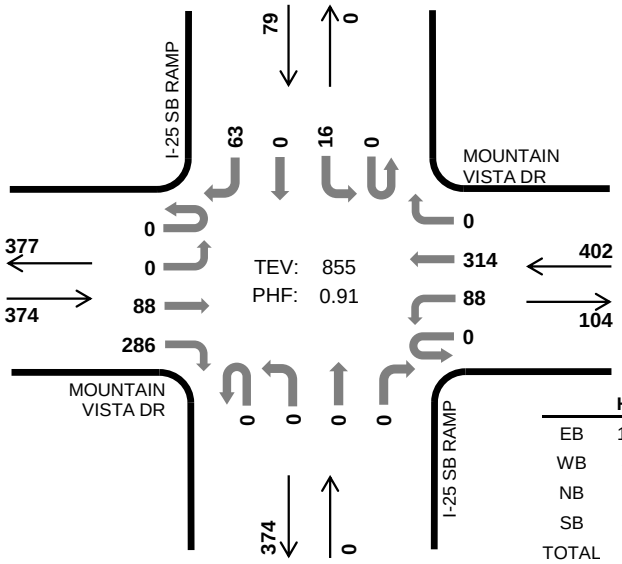
Note: U-Turn volumes for bikes are included in Left-Turn, if any.

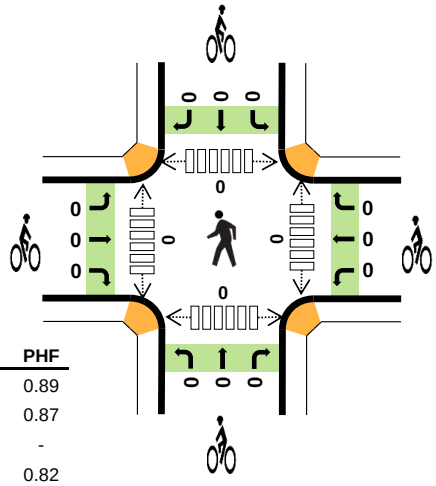
I-25 SB RAMP
MOUNTAIN VISTA DR

Date: 03/31/2021
Count Period: 4:00 PM to 6:00 PM
Peak Hour: 4:30 PM to 5:30 PM

N

Peak Hour





	HV %:	PHF
EB	12.8%	0.89
WB	4.7%	0.87
NB	-	-
SB	3.8%	0.82
TOTAL	8.2%	0.91

Two-Hour Count Summaries

Interval Start		MOUNTAIN VISTA DR Eastbound UT	LT	TH	RT	MOUNTAIN VISTA DR Westbound UT	LT	TH	RT	I-25 SB RAMP Northbound UT	LT	TH	RT	I-25 SB RAMP Southbound UT	LT	TH	RT	15-min Total	Rolling One Hour
4:00 PM		0	0	13	49	0	27	61	0	0	0	0	0	0	1	0	13	164	0
4:15 PM		0	0	18	73	0	22	68	0	0	0	0	0	0	6	0	9	196	0
4:30 PM		**0**	**0**	**14**	**69**	**0**	**22**	**82**	**0**	**0**	**0**	**0**	**0**	**0**	**5**	**0**	**15**	**207**	0
4:45 PM		**0**	**0**	**28**	**63**	**0**	**17**	**68**	**0**	**0**	**0**	**0**	**0**	**0**	**3**	**0**	**12**	**191**	758
5:00 PM		**0**	**0**	**22**	**83**	**0**	**19**	**79**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	**0**	**18**	**223**	817
5:15 PM		**0**	**0**	**24**	**71**	**0**	**30**	**85**	**0**	**0**	**0**	**0**	**0**	**0**	**6**	**0**	**18**	**234**	**855**
5:30 PM		0	0	14	45	0	31	71	0	0	0	0	0	0	6	0	20	187	835
5:45 PM		0	0	23	38	0	24	78	0	0	0	0	0	0	2	1	13	179	823
Count Total		0	0	156	491	0	192	592	0	0	0	0	0	0	31	1	118	1,581	0
Peak Hour	**All**	**0**	**0**	**88**	**286**	**0**	**88**	**314**	**0**	**0**	**0**	**0**	**0**	**0**	**16**	**0**	**63**	**855**	**0**
	HV	**0**	**0**	**16**	**32**	**0**	**3**	**16**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**2**	**70**	**0**
	HV%	**-**	**-**	**18%**	**11%**	**-**	**3%**	**5%**	**-**	**-**	**-**	**-**	**-**	**-**	**6%**	**-**	**3%**	**8%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals EB	WB	NB	SB	Total	Bicycles EB	WB	NB	SB	Total	Pedestrians (Crossing Leg) East	West	North	South	Total
4:00 PM	7	11	0	4	*22*	0	0	0	0	*0*	0	0	0	0	*0*
4:15 PM	8	5	0	1	*14*	0	0	0	0	*0*	0	0	0	0	*0*
4:30 PM	**4**	**8**	**0**	**0**	***12***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
4:45 PM	**20**	**2**	**0**	**0**	***22***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:00 PM	**10**	**7**	**0**	**0**	***17***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:15 PM	**14**	**2**	**0**	**3**	***19***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
5:30 PM	6	9	0	2	*17*	0	0	0	0	*0*	0	0	0	0	*0*
5:45 PM	12	3	0	1	*16*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	81	47	0	11	*139*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	**48**	**19**	**0**	**3**	***70***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	MOUNTAIN VISTA DR				MOUNTAIN VISTA DR				I-25 SB RAMP				I-25 SB RAMP				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM	0	0	1	6	0	2	9	0	0	0	0	0	0	0	0	4	22	0
4:15 PM	0	0	3	5	0	1	4	0	0	0	0	0	0	1	0	0	14	0
4:30 PM	**0**	**0**	**2**	**2**	**0**	**0**	**8**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**12**	0
4:45 PM	**0**	**0**	**6**	**14**	**0**	**0**	**2**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**22**	70
5:00 PM	**0**	**0**	**3**	**7**	**0**	**2**	**5**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**17**	65
5:15 PM	**0**	**0**	**5**	**9**	**0**	**1**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**2**	**19**	**70**
5:30 PM	0	0	2	4	0	1	8	0	0	0	0	0	0	1	0	1	17	75
5:45 PM	0	0	5	7	0	0	3	0	0	0	0	0	0	0	1	0	16	69
Count Total	0	0	27	54	0	7	40	0	0	0	0	0	0	3	1	7	139	0
Peak Hour	**0**	**0**	**16**	**32**	**0**	**3**	**16**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**2**	**70**	**0**

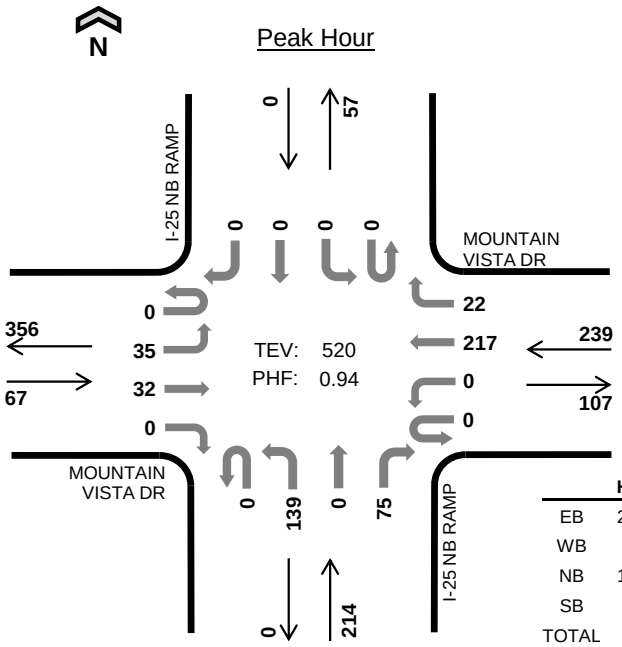
Two-Hour Count Summaries - Bikes

Interval Start	MOUNTAIN VISTA DR			MOUNTAIN VISTA DR			I-25 SB RAMP			I-25 SB RAMP			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

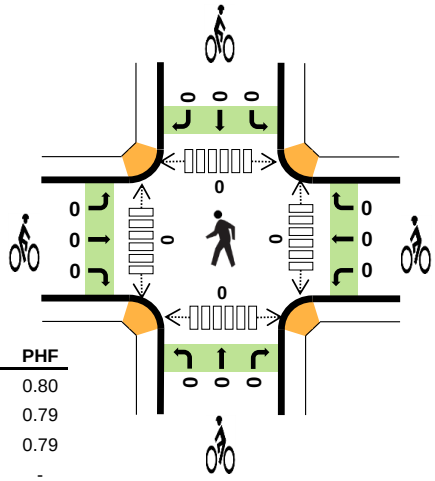
Note: U-Turn volumes for bikes are included in Left-Turn, if any.

I-25 NB RAMP
MOUNTAIN VISTA DR

Date: 03/31/2021
Count Period: 7:00 AM to 9:00 AM
Peak Hour: 7:15 AM to 8:15 AM



	HV %:	PHF
EB	23.9%	0.80
WB	4.6%	0.79
NB	11.2%	0.79
SB	-	-
TOTAL	9.8%	0.94



Two-Hour Count Summaries

Interval Start	MOUNTAIN VISTA DR Eastbound UT	LT	TH	RT	MOUNTAIN VISTA DR Westbound UT	LT	TH	RT	I-25 NB RAMP Northbound UT	LT	TH	RT	I-25 NB RAMP Southbound UT	LT	TH	RT	15-min Total	Rolling One Hour
7:00 AM	0	8	6	0	0	0	37	5	0	31	0	14	0	0	0	0	101	0
7:15 AM	**0**	**9**	**6**	**0**	**0**	**0**	**68**	**8**	**0**	**30**	**0**	**18**	**0**	**0**	**0**	**0**	**139**	0
7:30 AM	**0**	**15**	**6**	**0**	**0**	**0**	**55**	**8**	**0**	**28**	**0**	**13**	**0**	**0**	**0**	**0**	**125**	0
7:45 AM	**0**	**5**	**8**	**0**	**0**	**0**	**52**	**2**	**0**	**40**	**0**	**28**	**0**	**0**	**0**	**0**	**135**	500
8:00 AM	**0**	**6**	**12**	**0**	**0**	**0**	**42**	**4**	**0**	**41**	**0**	**16**	**0**	**0**	**0**	**0**	**121**	**520**
8:15 AM	0	10	10	0	0	0	49	6	0	43	0	14	0	0	0	0	132	513
8:30 AM	0	10	5	0	0	0	38	5	0	37	0	22	0	0	0	0	117	505
8:45 AM	0	4	8	0	0	0	31	5	0	33	0	20	0	0	0	0	101	471
Count Total	0	67	61	0	0	0	372	43	0	283	0	145	0	0	0	0	971	0
Peak Hour All	**0**	**35**	**32**	**0**	**0**	**0**	**217**	**22**	**0**	**139**	**0**	**75**	**0**	**0**	**0**	**0**	**520**	**0**
Peak Hour HV	**0**	**7**	**9**	**0**	**0**	**0**	**6**	**5**	**0**	**22**	**0**	**2**	**0**	**0**	**0**	**0**	**51**	**0**
Peak Hour HV%	**-**	**20%**	**28%**	**-**	**-**	**-**	**3%**	**23%**	**-**	**16%**	**-**	**3%**	**-**	**-**	**-**	**-**	**10%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals EB	WB	NB	SB	Total	Bicycles EB	WB	NB	SB	Total	Pedestrians (Crossing Leg) East	West	North	South	Total
7:00 AM	1	2	5	0	*8*	0	0	0	0	*0*	0	0	0	0	*0*
7:15 AM	**3**	**2**	**7**	**0**	***12***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
7:30 AM	**6**	**2**	**3**	**0**	***11***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
7:45 AM	**3**	**5**	**8**	**0**	***16***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
8:00 AM	**4**	**2**	**6**	**0**	***12***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
8:15 AM	6	4	13	0	*23*	0	0	0	0	*0*	0	0	0	0	*0*
8:30 AM	4	2	8	0	*14*	0	0	0	0	*0*	0	0	0	0	*0*
8:45 AM	2	5	8	0	*15*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	29	24	58	0	*111*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	**16**	**11**	**24**	**0**	***51***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	MOUNTAIN VISTA DR				MOUNTAIN VISTA DR				I-25 NB RAMP				I-25 NB RAMP				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
7:00 AM	0	0	1	0	0	0	2	0	0	4	0	1	0	0	0	0	8	0
7:15 AM	**0**	**1**	**2**	**0**	**0**	**0**	**0**	**2**	**0**	**7**	**0**	**0**	**0**	**0**	**0**	**0**	**12**	0
7:30 AM	**0**	**4**	**2**	**0**	**0**	**0**	**1**	**1**	**0**	**3**	**0**	**0**	**0**	**0**	**0**	**0**	**11**	0
7:45 AM	**0**	**1**	**2**	**0**	**0**	**0**	**4**	**1**	**0**	**7**	**0**	**1**	**0**	**0**	**0**	**0**	**16**	47
8:00 AM	**0**	**1**	**3**	**0**	**0**	**0**	**1**	**1**	**0**	**5**	**0**	**1**	**0**	**0**	**0**	**0**	**12**	**51**
8:15 AM	0	3	3	0	0	0	3	1	0	11	0	2	0	0	0	0	23	62
8:30 AM	0	4	0	0	0	0	2	0	0	8	0	0	0	0	0	0	14	65
8:45 AM	0	0	2	0	0	0	3	2	0	7	0	1	0	0	0	0	15	64
Count Total	0	14	15	0	0	0	16	8	0	52	0	6	0	0	0	0	111	0
Peak Hour	**0**	**7**	**9**	**0**	**0**	**0**	**6**	**5**	**0**	**22**	**0**	**2**	**0**	**0**	**0**	**0**	**51**	**0**

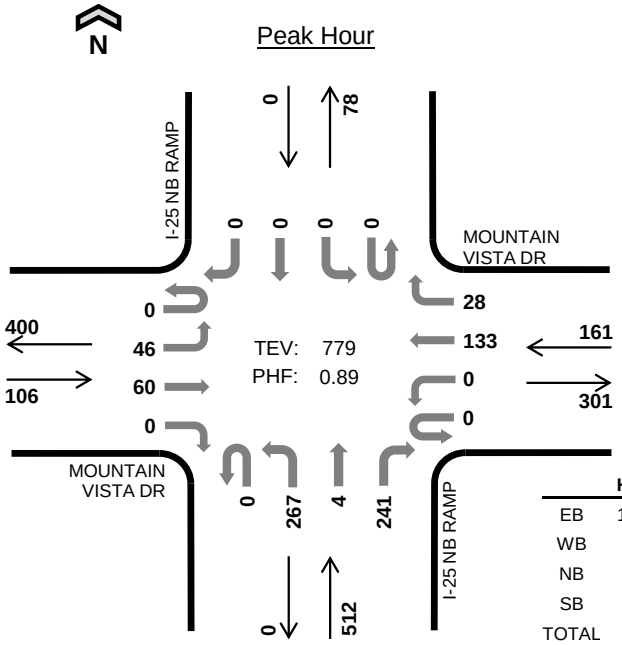
Two-Hour Count Summaries - Bikes

Interval Start	MOUNTAIN VISTA DR			MOUNTAIN VISTA DR			I-25 NB RAMP			I-25 NB RAMP			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
8:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

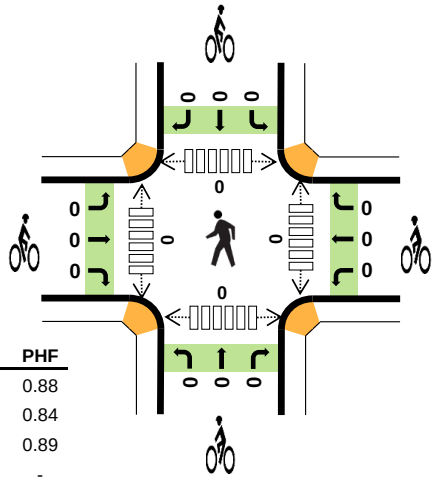
Note: U-Turn volumes for bikes are included in Left-Turn, if any.

I-25 NB RAMP
MOUNTAIN VISTA DR

Date: 03/31/2021
Count Period: 4:00 PM to 6:00 PM
Peak Hour: 4:45 PM to 5:45 PM



	HV %:	PHF
EB	17.0%	0.88
WB	3.7%	0.84
NB	3.7%	0.89
SB	-	-
TOTAL	5.5%	0.89



Two-Hour Count Summaries

Interval Start		MOUNTAIN VISTA DR Eastbound UT	LT	TH	RT	MOUNTAIN VISTA DR Westbound UT	LT	TH	RT	I-25 NB RAMP Northbound UT	LT	TH	RT	I-25 NB RAMP Southbound UT	LT	TH	RT	15-min Total	Rolling One Hour
4:00 PM		0	4	10	0	0	0	31	1	0	57	2	56	0	0	0	0	161	0
4:15 PM		0	11	13	0	0	0	29	7	0	61	2	60	0	0	0	0	183	0
4:30 PM		0	4	15	0	0	0	39	5	0	65	0	55	0	0	0	0	183	0
4:45 PM		**0**	**12**	**18**	**0**	**0**	**0**	**29**	**6**	**0**	**56**	**1**	**59**	**0**	**0**	**0**	**0**	**181**	708
5:00 PM		**0**	**14**	**12**	**0**	**0**	**0**	**32**	**8**	**0**	**67**	**2**	**54**	**0**	**0**	**0**	**0**	**189**	736
5:15 PM		**0**	**10**	**18**	**0**	**0**	**0**	**40**	**8**	**0**	**74**	**0**	**70**	**0**	**0**	**0**	**0**	**220**	773
5:30 PM		**0**	**10**	**12**	**0**	**0**	**0**	**32**	**6**	**0**	**70**	**1**	**58**	**0**	**0**	**0**	**0**	**189**	**779**
5:45 PM		0	11	13	0	0	0	32	3	0	70	0	43	0	0	0	0	172	770
Count Total		0	76	111	0	0	0	264	44	0	520	8	455	0	0	0	0	1,478	0
Peak Hour	**All**	**0**	**46**	**60**	**0**	**0**	**0**	**133**	**28**	**0**	**267**	**4**	**241**	**0**	**0**	**0**	**0**	**779**	**0**
	HV	**0**	**12**	**6**	**0**	**0**	**0**	**5**	**1**	**0**	**15**	**1**	**3**	**0**	**0**	**0**	**0**	**43**	**0**
	HV%	**-**	**26%**	**10%**	**-**	**-**	**-**	**4%**	**4%**	**-**	**6%**	**25%**	**1%**	**-**	**-**	**-**	**-**	**6%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals EB	WB	NB	SB	Total	Bicycles EB	WB	NB	SB	Total	Pedestrians (Crossing Leg) East	West	North	South	Total
4:00 PM	1	2	11	0	*14*	0	0	0	0	*0*	0	0	0	0	*0*
4:15 PM	4	2	5	0	*11*	0	0	0	0	*0*	0	0	0	0	*0*
4:30 PM	2	2	8	0	*12*	0	0	0	0	*0*	0	0	0	0	*0*
4:45 PM	**6**	**0**	**3**	**0**	***9***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:00 PM	**4**	**5**	**6**	**0**	***15***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:15 PM	**4**	**1**	**2**	**0**	***7***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:30 PM	**4**	**0**	**8**	**0**	***12***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
5:45 PM	5	0	4	0	*9*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	30	12	47	0	*89*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	**18**	**6**	**19**	**0**	***43***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	MOUNTAIN VISTA DR				MOUNTAIN VISTA DR				I-25 NB RAMP				I-25 NB RAMP				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM	0	0	1	0	0	0	2	0	0	9	1	1	0	0	0	0	14	0
4:15 PM	0	2	2	0	0	0	1	1	0	4	1	0	0	0	0	0	11	0
4:30 PM	0	0	2	0	0	0	1	1	0	7	0	1	0	0	0	0	12	0
4:45 PM	**0**	**4**	**2**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	**0**	**1**	**0**	**0**	**0**	**0**	**9**	46
5:00 PM	**0**	**3**	**1**	**0**	**0**	**0**	**4**	**1**	**0**	**4**	**1**	**1**	**0**	**0**	**0**	**0**	**15**	47
5:15 PM	**0**	**2**	**2**	**0**	**0**	**0**	**1**	**0**	**0**	**1**	**0**	**1**	**0**	**0**	**0**	**0**	**7**	43
5:30 PM	**0**	**3**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**8**	**0**	**0**	**0**	**0**	**0**	**0**	**12**	**43**
5:45 PM	0	4	1	0	0	0	0	0	0	3	0	1	0	0	0	0	9	43
Count Total	0	18	12	0	0	0	9	3	0	38	3	6	0	0	0	0	89	0
Peak Hour	**0**	**12**	**6**	**0**	**0**	**0**	**5**	**1**	**0**	**15**	**1**	**3**	**0**	**0**	**0**	**0**	**43**	**0**

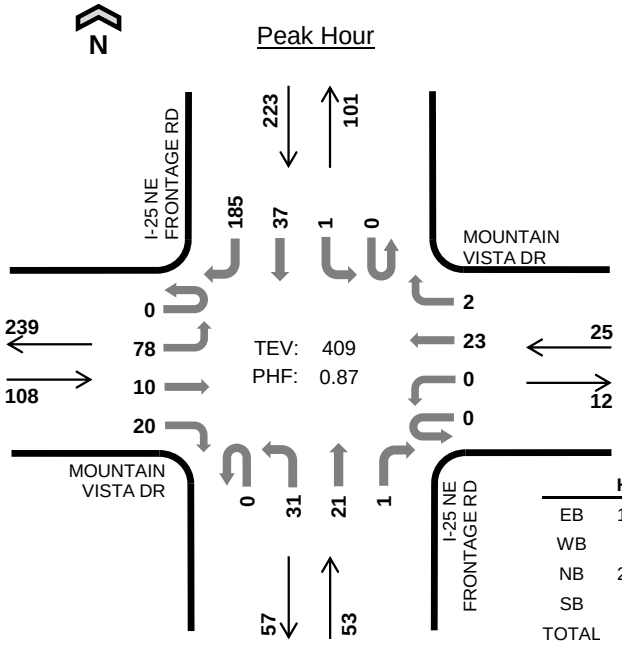
Two-Hour Count Summaries - Bikes

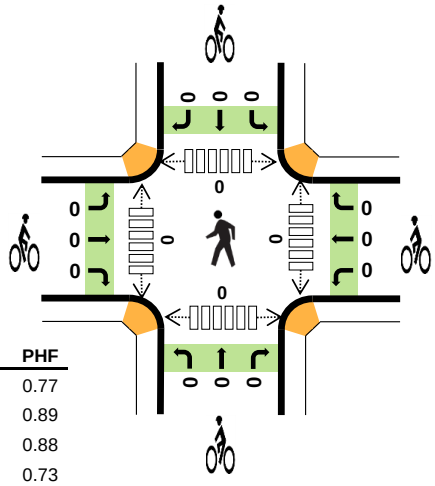
Interval Start	MOUNTAIN VISTA DR			MOUNTAIN VISTA DR			I-25 NB RAMP			I-25 NB RAMP			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Note: U-Turn volumes for bikes are included in Left-Turn, if any.

I-25 NE FRONTAGE RD
MOUNTAIN VISTA DR

Date: 03/31/2021
Count Period: 7:00 AM to 9:00 AM
Peak Hour: 7:15 AM to 8:15 AM





	HV %:	PHF
EB	13.0%	0.77
WB	8.0%	0.89
NB	24.5%	0.88
SB	2.7%	0.73
TOTAL	8.6%	0.87

Two-Hour Count Summaries

Interval Start	MOUNTAIN VISTA DR Eastbound UT	LT	TH	RT	MOUNTAIN VISTA DR Westbound UT	LT	TH	RT	I-25 NE FRONTAGE RD Northbound UT	LT	TH	RT	I-25 NE FRONTAGE RD Southbound UT	LT	TH	RT	15-min Total	Rolling One Hour
7:00 AM	0	14	4	2	0	0	3	0	0	6	4	0	0	0	14	33	80	0
7:15 AM	**0**	**19**	**3**	**2**	**0**	**0**	**5**	**0**	**0**	**10**	**3**	**0**	**0**	**0**	**12**	**64**	**118**	0
7:30 AM	**0**	**13**	**1**	**5**	**0**	**0**	**7**	**0**	**0**	**7**	**7**	**0**	**0**	**0**	**10**	**46**	**96**	0
7:45 AM	**0**	**25**	**5**	**5**	**0**	**0**	**5**	**2**	**0**	**7**	**4**	**0**	**0**	**1**	**7**	**42**	**103**	397
8:00 AM	**0**	**21**	**1**	**8**	**0**	**0**	**6**	**0**	**0**	**7**	**7**	**1**	**0**	**0**	**8**	**33**	**92**	**409**
8:15 AM	0	14	3	7	0	0	2	0	0	7	8	0	0	0	9	44	94	385
8:30 AM	0	22	2	2	0	0	3	0	0	8	8	2	0	1	5	34	87	376
8:45 AM	0	20	2	6	0	0	3	1	0	6	4	0	0	1	8	27	78	351
Count Total	0	148	21	37	0	0	34	3	0	58	45	3	0	3	73	323	748	0
Peak Hour All	**0**	**78**	**10**	**20**	**0**	**0**	**23**	**2**	**0**	**31**	**21**	**1**	**0**	**1**	**37**	**185**	**409**	**0**
Peak Hour HV	**0**	**7**	**3**	**4**	**0**	**0**	**2**	**0**	**0**	**7**	**6**	**0**	**0**	**0**	**2**	**4**	**35**	**0**
Peak Hour HV%	**-**	**9%**	**30%**	**20%**	**-**	**-**	**9%**	**0%**	**-**	**23%**	**29%**	**0%**	**-**	**0%**	**5%**	**2%**	**9%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals EB	WB	NB	SB	Total	Bicycles EB	WB	NB	SB	Total	Pedestrians (Crossing Leg) East	West	North	South	Total
7:00 AM	1	0	2	1	*4*	0	0	0	0	*0*	0	0	0	0	*0*
7:15 AM	**3**	**0**	**3**	**1**	***7***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
7:30 AM	**2**	**1**	**4**	**1**	***8***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
7:45 AM	**3**	**1**	**2**	**2**	***8***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
8:00 AM	**6**	**0**	**4**	**2**	***12***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
8:15 AM	3	0	2	5	*10*	0	0	0	0	*0*	0	0	0	0	*0*
8:30 AM	0	0	1	2	*3*	0	0	0	0	*0*	0	0	0	0	*0*
8:45 AM	3	0	3	4	*10*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	21	2	21	18	*62*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	**14**	**2**	**13**	**6**	***35***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	MOUNTAIN VISTA DR				MOUNTAIN VISTA DR				I-25 NE FRONTAGE RD				I-25 NE FRONTAGE RD				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
7:00 AM	0	1	0	0	0	0	0	0	0	1	1	0	0	0	1	0	4	0
7:15 AM	**0**	**2**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**2**	**0**	**0**	**0**	**0**	**1**	**7**	0
7:30 AM	**0**	**1**	**1**	**0**	**0**	**0**	**1**	**0**	**0**	**2**	**2**	**0**	**0**	**0**	**1**	**0**	**8**	0
7:45 AM	**0**	**2**	**0**	**1**	**0**	**0**	**1**	**0**	**0**	**2**	**0**	**0**	**0**	**0**	**0**	**2**	**8**	27
8:00 AM	**0**	**2**	**1**	**3**	**0**	**0**	**0**	**0**	**0**	**2**	**2**	**0**	**0**	**0**	**1**	**1**	**12**	**35**
8:15 AM	0	0	0	3	0	0	0	0	0	1	1	0	0	0	3	2	10	38
8:30 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	1	3	33
8:45 AM	0	1	0	2	0	0	0	0	0	2	1	0	0	0	1	3	10	35
Count Total	0	9	3	9	0	0	2	0	0	12	9	0	0	1	7	10	62	0
Peak Hour	**0**	**7**	**3**	**4**	**0**	**0**	**2**	**0**	**0**	**7**	**6**	**0**	**0**	**0**	**2**	**4**	**35**	**0**

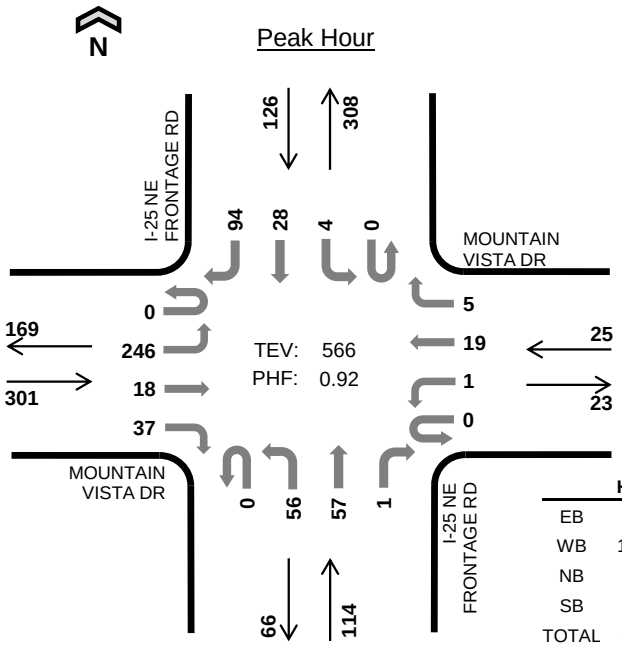
Two-Hour Count Summaries - Bikes

Interval Start	MOUNTAIN VISTA DR			MOUNTAIN VISTA DR			I-25 NE FRONTAGE RD			I-25 NE FRONTAGE RD			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
8:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

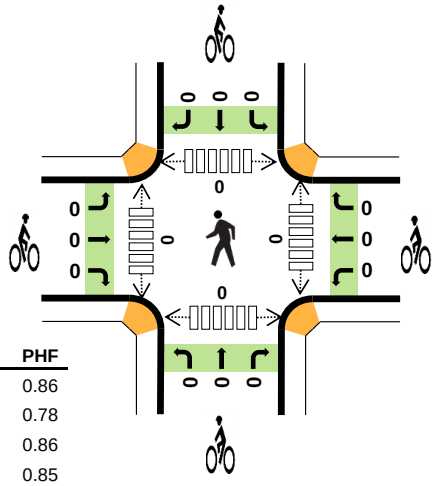
Note: U-Turn volumes for bikes are included in Left-Turn, if any.

I-25 NE FRONTAGE RD
MOUNTAIN VISTA DR

Date: 03/31/2021
Count Period: 4:00 PM to 6:00 PM
Peak Hour: 4:30 PM to 5:30 PM



	HV %:	PHF
EB	3.3%	0.86
WB	12.0%	0.78
NB	5.3%	0.86
SB	5.6%	0.85
TOTAL	4.6%	0.92



Two-Hour Count Summaries

Interval Start		MOUNTAIN VISTA DR Eastbound				MOUNTAIN VISTA DR Westbound				I-25 NE FRONTAGE RD Northbound				I-25 NE FRONTAGE RD Southbound				15-min Total	Rolling One Hour
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM		0	59	4	3	0	0	8	1	0	4	10	1	0	1	4	21	116	0
4:15 PM		0	61	6	6	0	0	1	0	0	6	6	1	0	1	11	27	126	0
4:30 PM		**0**	**56**	**4**	**11**	**0**	**1**	**5**	**2**	**0**	**14**	**18**	**1**	**0**	**0**	**7**	**24**	**143**	0
4:45 PM		**0**	**63**	**5**	**8**	**0**	**0**	**4**	**0**	**0**	**10**	**21**	**0**	**0**	**1**	**3**	**20**	**135**	520
5:00 PM		**0**	**54**	**5**	**7**	**0**	**0**	**5**	**3**	**0**	**16**	**11**	**0**	**0**	**3**	**9**	**22**	**135**	539
5:15 PM		**0**	**73**	**4**	**11**	**0**	**0**	**5**	**0**	**0**	**16**	**7**	**0**	**0**	**0**	**9**	**28**	**153**	**566**
5:30 PM		0	56	4	10	0	0	3	1	0	6	14	0	0	0	5	27	126	549
5:45 PM		0	48	3	5	0	0	2	2	0	5	10	0	0	2	7	29	113	527
Count Total		0	470	35	61	0	1	33	9	0	77	97	3	0	8	55	198	1,047	0
Peak Hour	**All**	**0**	**246**	**18**	**37**	**0**	**1**	**19**	**5**	**0**	**56**	**57**	**1**	**0**	**4**	**28**	**94**	**566**	**0**
	HV	**0**	**4**	**0**	**6**	**0**	**0**	**2**	**1**	**0**	**3**	**3**	**0**	**0**	**1**	**4**	**2**	**26**	**0**
	HV%	**-**	**2%**	**0%**	**16%**	**-**	**0%**	**11%**	**20%**	**-**	**5%**	**5%**	**0%**	**-**	**25%**	**14%**	**2%**	**5%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
4:00 PM	2	0	1	1	*4*	0	0	0	0	*0*	0	0	0	0	*0*
4:15 PM	2	0	2	1	*5*	0	0	0	0	*0*	0	0	0	0	*0*
4:30 PM	**3**	**1**	**2**	**0**	***6***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
4:45 PM	**3**	**0**	**1**	**1**	***5***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:00 PM	**1**	**2**	**2**	**4**	***9***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:15 PM	**3**	**0**	**1**	**2**	***6***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
5:30 PM	2	0	1	1	*4*	0	0	0	0	*0*	0	0	0	0	*0*
5:45 PM	2	0	0	0	*2*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	18	3	10	10	*41*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	**10**	**3**	**6**	**7**	***26***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	MOUNTAIN VISTA DR				MOUNTAIN VISTA DR				I-25 NE FRONTAGE RD				I-25 NE FRONTAGE RD				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM	0	2	0	0	0	0	0	0	0	1	0	0	0	0	0	1	4	0
4:15 PM	0	0	1	1	0	0	0	0	0	1	1	0	0	0	0	1	5	0
4:30 PM	**0**	**1**	**0**	**2**	**0**	**0**	**1**	**0**	**0**	**1**	**1**	**0**	**0**	**0**	**0**	**0**	**6**	0
4:45 PM	**0**	**1**	**0**	**2**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**1**	**0**	**5**	20
5:00 PM	**0**	**1**	**0**	**0**	**0**	**0**	**1**	**1**	**0**	**1**	**1**	**0**	**0**	**1**	**1**	**2**	**9**	25
5:15 PM	**0**	**1**	**0**	**2**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**2**	**0**	**6**	**26**
5:30 PM	0	1	0	1	0	0	0	0	0	0	1	0	0	0	0	1	4	24
5:45 PM	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2	21
Count Total	0	8	1	9	0	0	2	1	0	5	5	0	0	1	4	5	41	0
Peak Hour	**0**	**4**	**0**	**6**	**0**	**0**	**2**	**1**	**0**	**3**	**3**	**0**	**0**	**1**	**4**	**2**	**26**	**0**

Two-Hour Count Summaries - Bikes

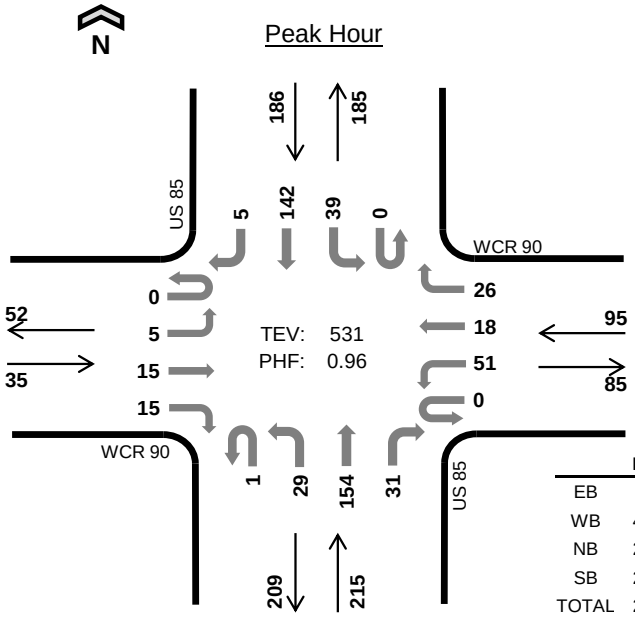
Interval Start	MOUNTAIN VISTA DR			MOUNTAIN VISTA DR			I-25 NE FRONTAGE RD			I-25 NE FRONTAGE RD			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Note: U-Turn volumes for bikes are included in Left-Turn, if any.

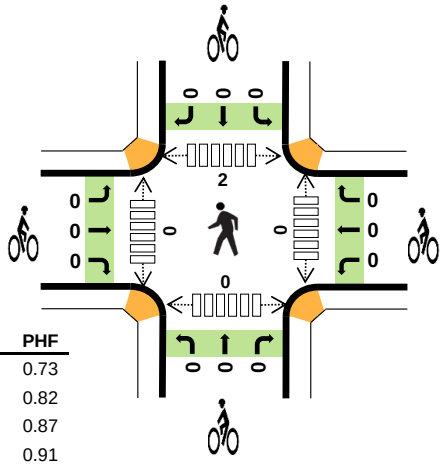
US 85
WCR 90

Date: 06/16/2021
Count Period: 7:00 AM to 9:00 AM
Peak Hour: 7:15 AM to 8:15 AM

Peak Hour



	HV %:	PHF
EB	2.9%	0.73
WB	44.2%	0.82
NB	25.1%	0.87
SB	22.6%	0.91
TOTAL	26.2%	0.96



Two-Hour Count Summaries

Interval Start		WCR 90 Eastbound UT	LT	TH	RT	WCR 90 Westbound UT	LT	TH	RT	US 85 Northbound UT	LT	TH	RT	US 85 Southbound UT	LT	TH	RT	15-min Total	Rolling One Hour
7:00 AM		0	1	1	3	0	9	5	0	0	6	30	3	0	2	28	0	88	0
7:15 AM		**0**	**1**	**3**	**3**	**0**	**16**	**3**	**2**	**1**	**6**	**36**	**7**	**0**	**10**	**40**	**1**	**129**	0
7:30 AM		**0**	**2**	**1**	**4**	**0**	**14**	**5**	**5**	**0**	**7**	**44**	**11**	**0**	**4**	**33**	**2**	**132**	0
7:45 AM		**0**	**0**	**6**	**3**	**0**	**11**	**5**	**5**	**0**	**10**	**41**	**9**	**0**	**17**	**30**	**1**	**138**	487
8:00 AM		**0**	**2**	**5**	**5**	**0**	**10**	**5**	**14**	**0**	**6**	**33**	**4**	**0**	**8**	**39**	**1**	**132**	**531**
8:15 AM		0	1	5	10	0	9	7	3	0	16	37	7	0	4	23	2	124	526
8:30 AM		0	2	4	7	0	13	7	9	0	3	43	13	0	1	33	0	135	529
8:45 AM		0	2	3	2	0	11	7	4	0	0	39	13	0	2	32	2	117	508
Count Total		0	11	28	37	0	93	44	42	1	54	303	67	0	48	258	9	995	0
Peak Hour	**All**	**0**	**5**	**15**	**15**	**0**	**51**	**18**	**26**	**1**	**29**	**154**	**31**	**0**	**39**	**142**	**5**	**531**	**0**
	HV	**0**	**0**	**0**	**1**	**0**	**24**	**2**	**16**	**0**	**0**	**38**	**16**	**0**	**28**	**14**	**0**	**139**	**0**
	HV%	**-**	**0%**	**0%**	**7%**	**-**	**47%**	**11%**	**62%**	**0%**	**0%**	**25%**	**52%**	**-**	**72%**	**10%**	**0%**	**26%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals EB	WB	NB	SB	Total	Bicycles EB	WB	NB	SB	Total	Pedestrians (Crossing Leg) East	West	North	South	Total
7:00 AM	0	4	10	2	*16*	0	0	0	0	*0*	0	0	0	0	*0*
7:15 AM	**0**	**8**	**13**	**7**	***28***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
7:30 AM	**1**	**8**	**14**	**5**	***28***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
7:45 AM	**0**	**8**	**16**	**15**	***39***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**1**	**0**	*1*
8:00 AM	**0**	**18**	**11**	**15**	***44***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**1**	**0**	***1***
8:15 AM	1	6	11	5	*23*	0	0	0	0	*0*	0	0	0	0	*0*
8:30 AM	1	9	11	8	*29*	0	0	0	0	*0*	0	0	0	0	*0*
8:45 AM	1	3	13	6	*23*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	4	64	99	63	*230*	0	0	0	0	*0*	0	0	2	0	*2*
Peak Hour	**1**	**42**	**54**	**42**	***139***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**2**	**0**	***2***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	WCR 90				WCR 90				US 85				US 85				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
7:00 AM	0	0	0	0	0	2	2	0	0	0	8	2	0	0	2	0	16	0
7:15 AM	**0**	**0**	**0**	**0**	**0**	**8**	**0**	**0**	**0**	**0**	**8**	**5**	**0**	**5**	**2**	**0**	**28**	0
7:30 AM	**0**	**0**	**0**	**1**	**0**	**6**	**0**	**2**	**0**	**0**	**9**	**5**	**0**	**2**	**3**	**0**	**28**	0
7:45 AM	**0**	**0**	**0**	**0**	**0**	**4**	**2**	**2**	**0**	**0**	**10**	**6**	**0**	**13**	**2**	**0**	**39**	111
8:00 AM	**0**	**0**	**0**	**0**	**0**	**6**	**0**	**12**	**0**	**0**	**11**	**0**	**0**	**8**	**7**	**0**	**44**	**139**
8:15 AM	0	0	0	1	0	3	0	3	0	0	10	1	0	3	2	0	23	134
8:30 AM	0	0	0	1	0	2	0	7	0	0	7	4	0	1	7	0	29	135
8:45 AM	0	0	0	1	0	1	1	1	0	0	6	7	0	0	6	0	23	119
Count Total	0	0	0	4	0	32	5	27	0	0	69	30	0	32	31	0	230	0
Peak Hour	**0**	**0**	**0**	**1**	**0**	**24**	**2**	**16**	**0**	**0**	**38**	**16**	**0**	**28**	**14**	**0**	**139**	**0**

Two-Hour Count Summaries - Bikes

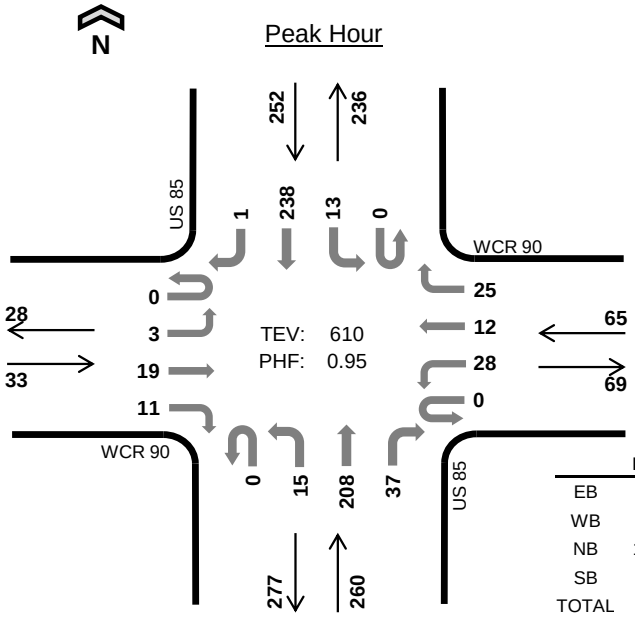
Interval Start	WCR 90			WCR 90			US 85			US 85			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
8:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Note: U-Turn volumes for bikes are included in Left-Turn, if any.

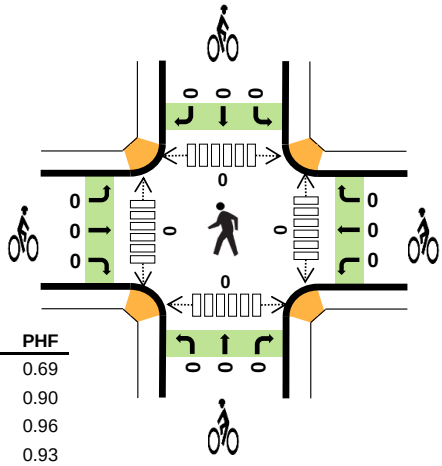
US 85
WCR 90

Date: 06/16/2021
Count Period: 4:00 PM to 6:00 PM
Peak Hour: 4:30 PM to 5:30 PM

Peak Hour



	HV %:	PHF
EB	6.1%	0.69
WB	9.2%	0.90
NB	10.4%	0.96
SB	7.9%	0.93
TOTAL	9.0%	0.95



Two-Hour Count Summaries

Interval Start		WCR 90 Eastbound UT	LT	TH	RT	WCR 90 Westbound UT	LT	TH	RT	US 85 Northbound UT	LT	TH	RT	US 85 Southbound UT	LT	TH	RT	15-min Total	Rolling One Hour
4:00 PM		0	2	8	5	0	8	0	0	0	0	39	6	0	13	51	1	133	0
4:15 PM		0	1	1	2	0	15	3	3	0	1	53	5	0	5	47	3	139	0
4:30 PM		**0**	**0**	**3**	**1**	**0**	**11**	**2**	**5**	**0**	**4**	**55**	**9**	**0**	**2**	**58**	**0**	**150**	0
4:45 PM		**0**	**2**	**6**	**3**	**0**	**6**	**4**	**7**	**0**	**2**	**52**	**10**	**0**	**3**	**65**	**0**	**160**	582
5:00 PM		**0**	**0**	**4**	**2**	**0**	**4**	**4**	**9**	**0**	**2**	**54**	**7**	**0**	**3**	**62**	**1**	**152**	601
5:15 PM		**0**	**1**	**6**	**5**	**0**	**7**	**2**	**4**	**0**	**7**	**47**	**11**	**0**	**5**	**53**	**0**	**148**	**610**
5:30 PM		0	2	4	3	0	5	2	7	0	2	41	10	0	6	43	1	126	586
5:45 PM		0	0	8	1	0	5	2	7	0	3	53	6	0	3	47	1	136	562
Count Total		0	8	40	22	0	61	19	42	0	21	394	64	0	40	426	7	1,144	0
Peak Hour	**All**	**0**	**3**	**19**	**11**	**0**	**28**	**12**	**25**	**0**	**15**	**208**	**37**	**0**	**13**	**238**	**1**	**610**	**0**
	HV	**0**	**0**	**2**	**0**	**0**	**5**	**0**	**1**	**0**	**1**	**25**	**1**	**0**	**4**	**16**	**0**	**55**	**0**
	HV%	**-**	**0%**	**11%**	**0%**	**-**	**18%**	**0%**	**4%**	**-**	**7%**	**12%**	**3%**	**-**	**31%**	**7%**	**0%**	**9%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals EB	WB	NB	SB	Total	Bicycles EB	WB	NB	SB	Total	Pedestrians (Crossing Leg) East	West	North	South	Total
4:00 PM	0	1	15	12	*28*	0	0	0	0	*0*	0	0	0	0	*0*
4:15 PM	0	3	6	8	*17*	0	0	0	0	*0*	0	0	0	0	*0*
4:30 PM	**1**	**3**	**7**	**6**	***17***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
4:45 PM	**0**	**2**	**3**	**2**	***7***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:00 PM	**1**	**1**	**11**	**4**	***17***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:15 PM	**0**	**0**	**6**	**8**	***14***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
5:30 PM	0	1	8	4	*13*	0	0	0	0	*0*	0	0	0	0	*0*
5:45 PM	0	0	5	5	*10*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	2	11	61	49	*123*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	**2**	**6**	**27**	**20**	***55***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	WCR 90				WCR 90				US 85				US 85				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM	0	0	0	0	0	1	0	0	0	0	10	5	0	6	6	0	28	0
4:15 PM	0	0	0	0	0	3	0	0	0	0	5	1	0	2	6	0	17	0
4:30 PM	**0**	**0**	**1**	**0**	**0**	**3**	**0**	**0**	**0**	**0**	**7**	**0**	**0**	**1**	**5**	**0**	**17**	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**1**	**0**	**0**	**3**	**0**	**0**	**0**	**2**	**0**	**7**	69
5:00 PM	**0**	**0**	**1**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**10**	**1**	**0**	**1**	**3**	**0**	**17**	58
5:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**5**	**0**	**0**	**2**	**6**	**0**	**14**	**55**
5:30 PM	0	0	0	0	0	0	0	1	0	0	8	0	0	1	3	0	13	51
5:45 PM	0	0	0	0	0	0	0	0	0	0	4	1	0	0	5	0	10	54
Count Total	0	0	2	0	0	9	0	2	0	1	52	8	0	13	36	0	123	0
Peak Hour	**0**	**0**	**2**	**0**	**0**	**5**	**0**	**1**	**0**	**1**	**25**	**1**	**0**	**4**	**16**	**0**	**55**	**0**

Two-Hour Count Summaries - Bikes

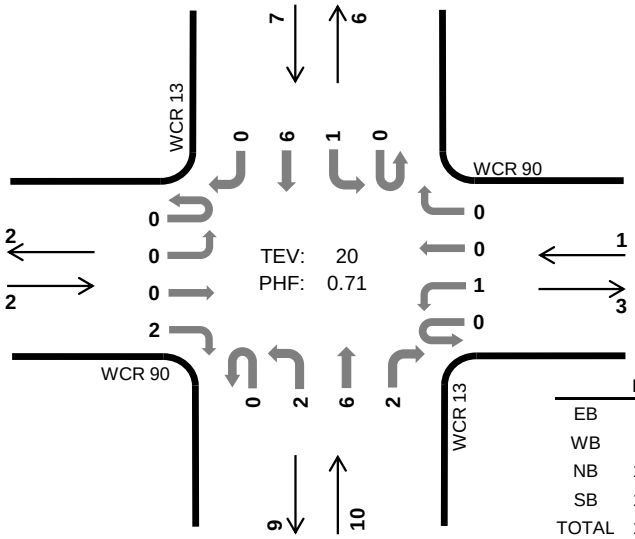
Interval Start	WCR 90			WCR 90			US 85			US 85			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Note: U-Turn volumes for bikes are included in Left-Turn, if any.

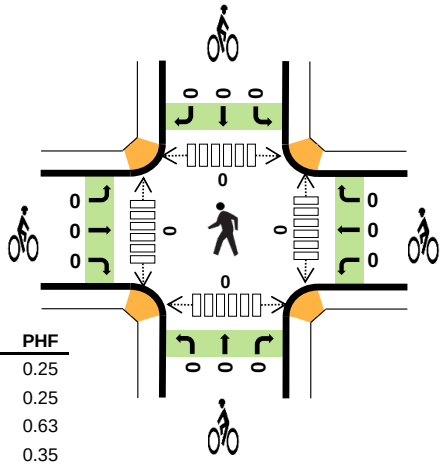
WCR 13
WCR 90

Peak Hour

Date: 06/16/2021
Count Period: 7:00 AM to 9:00 AM
Peak Hour: 8:00 AM to 9:00 AM



	HV %:	PHF
EB	0.0%	0.25
WB	0.0%	0.25
NB	10.0%	0.63
SB	14.3%	0.35
TOTAL	10.0%	0.71



Two-Hour Count Summaries

Interval Start		WCR 90 Eastbound				WCR 90 Westbound				WCR 13 Northbound				WCR 13 Southbound				15-min Total	Rolling One Hour
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
7:00 AM		0	0	0	0	0	0	1	1	0	0	1	2	0	0	2	0	7	0
7:15 AM		0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0	2	0
7:30 AM		0	0	0	0	0	1	0	1	0	0	1	0	0	0	0	0	3	0
7:45 AM		0	0	0	0	0	1	0	2	0	0	0	0	0	1	2	0	6	18
8:00 AM		**0**	**0**	**0**	**2**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**3**	14
8:15 AM		**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**1**	**2**	**0**	**0**	**0**	**2**	**0**	**6**	18
8:30 AM		**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**3**	**1**	**0**	**0**	**0**	**0**	**4**	19
8:45 AM		**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**1**	**0**	**0**	**1**	**4**	**0**	**7**	**20**
Count Total		0	0	0	2	0	3	1	5	0	2	8	4	0	2	11	0	38	0
Peak Hour	**All**	**0**	**0**	**0**	**2**	**0**	**1**	**0**	**0**	**0**	**2**	**6**	**2**	**0**	**1**	**6**	**0**	**20**	**0**
	HV	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**1**	**0**	**0**	**2**	**0**
	HV%	**-**	**-**	**-**	**0%**	**-**	**0%**	**-**	**-**	**-**	**0%**	**0%**	**50%**	**-**	**100%**	**0%**	**-**	**10%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
7:00 AM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
7:15 AM	0	1	0	0	*1*	0	0	0	0	*0*	0	0	0	0	*0*
7:30 AM	0	1	0	0	*1*	0	0	0	0	*0*	0	0	0	0	*0*
7:45 AM	0	1	0	0	*1*	0	0	0	0	*0*	0	0	0	0	*0*
8:00 AM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
8:15 AM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
8:30 AM	**0**	**0**	**1**	**0**	***1***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
8:45 AM	**0**	**0**	**0**	**1**	***1***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
Count Total	0	3	1	1	*5*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	**0**	**0**	**1**	**1**	***2***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	WCR 90				WCR 90				WCR 13				WCR 13				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0
7:30 AM	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0
7:45 AM	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	3
8:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	3
8:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	2
8:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**1**	2
8:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**1**	**2**
Count Total	0	0	0	0	0	0	0	3	0	0	0	1	0	1	0	0	5	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**1**	**0**	**0**	**2**	**0**

Two-Hour Count Summaries - Bikes

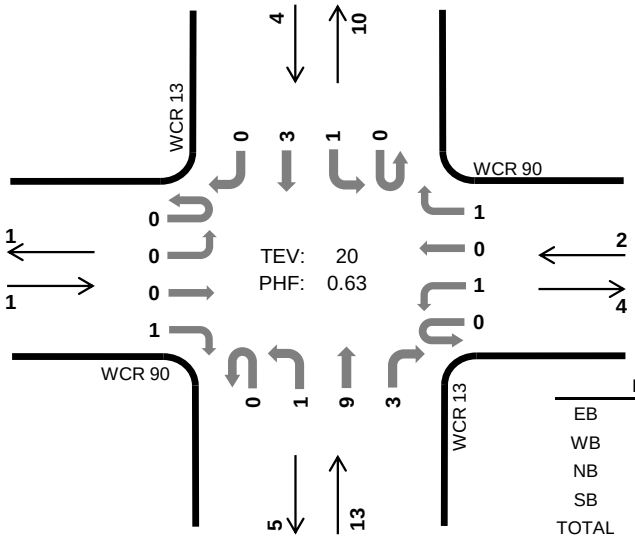
Interval Start	WCR 90			WCR 90			WCR 13			WCR 13			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
8:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
8:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
8:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Note: U-Turn volumes for bikes are included in Left-Turn, if any.

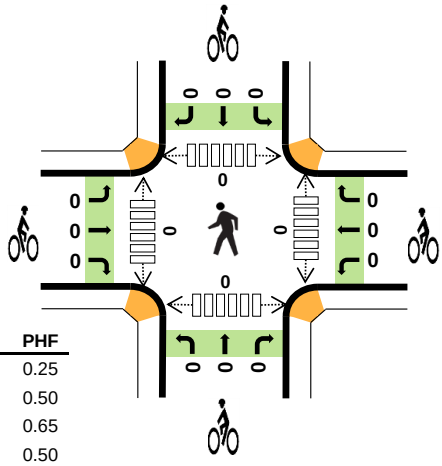
WCR 13
WCR 90

Peak Hour

Date: 06/16/2021
Count Period: 4:00 PM to 6:00 PM
Peak Hour: 4:45 PM to 5:45 PM



	HV %:	PHF
EB	0.0%	0.25
WB	0.0%	0.50
NB	0.0%	0.65
SB	0.0%	0.50
TOTAL	0.0%	0.63



Two-Hour Count Summaries

Interval Start		WCR 90 Eastbound				WCR 90 Westbound				WCR 13 Northbound				WCR 13 Southbound				15-min Total	Rolling One Hour
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM		0	0	0	0	0	0	0	1	0	0	1	0	0	0	4	0	6	0
4:15 PM		0	0	0	0	0	0	0	1	0	0	0	1	0	0	1	0	3	0
4:30 PM		0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0
4:45 PM		**0**	**0**	**0**	**1**	**0**	**0**	**0**	**1**	**0**	**0**	**3**	**0**	**0**	**1**	**0**	**0**	**6**	16
5:00 PM		**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**1**	11
5:15 PM		**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**1**	**3**	**1**	**0**	**0**	**2**	**0**	**8**	16
5:30 PM		**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**3**	**2**	**0**	**0**	**0**	**0**	**5**	**20**
5:45 PM		0	0	1	0	0	0	0	0	0	1	1	0	0	0	0	0	3	17
Count Total		0	0	1	1	0	1	0	3	0	2	12	4	0	1	8	0	33	0
Peak Hour	**All**	**0**	**0**	**0**	**1**	**0**	**1**	**0**	**1**	**0**	**1**	**9**	**3**	**0**	**1**	**3**	**0**	**20**	**0**
	HV	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
	HV%	**-**	**-**	**-**	**0%**	**-**	**0%**	**-**	**0%**	**-**	**0%**	**0%**	**0%**	**-**	**0%**	**0%**	**-**	**0%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
4:00 PM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
4:15 PM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
4:30 PM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
4:45 PM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:00 PM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:15 PM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:30 PM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
5:45 PM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	WCR 90				WCR 90				WCR 13				WCR 13				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Two-Hour Count Summaries - Bikes

Interval Start	WCR 90			WCR 90			WCR 13			WCR 13			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Note: U-Turn volumes for bikes are included in Left-Turn, if any.

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	WCR 84				WCR 84				WCR 23				WCR 23				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	1
5:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:15 PM	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**1**
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Count Total	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	2	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**

Two-Hour Count Summaries - Bikes

Interval Start	WCR 84			WCR 84			WCR 23			WCR 23			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Note: U-Turn volumes for bikes are included in Left-Turn, if any.

Location: WCR 90 E/O WCR 13
Date Range: 6/16/2021 - 6/22/2021
Site Code: 01

	Wednesday			Thursday			Friday			Saturday			Sunday			Monday			Tuesday					
	6/16/2021			6/17/2021			6/18/2021			6/19/2021			6/20/2021			6/21/2021			6/22/2021			Mid-Week Average		
Time	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total
12:00 AM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
1:00 AM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
2:00 AM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
3:00 AM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
4:00 AM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
5:00 AM	0	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	1	1
6:00 AM	1	1	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	2
7:00 AM	2	8	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	8	10
8:00 AM	3	1	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	1	4
9:00 AM	3	1	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	1	4
10:00 AM	1	5	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	5	6
11:00 AM	3	2	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	2	5
12:00 PM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
1:00 PM	1	2	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	2	3
2:00 PM	1	6	7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	6	7
3:00 PM	2	4	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	4	6
4:00 PM	2	3	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	3	5
5:00 PM	4	2	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	2	6
6:00 PM	1	1	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	2
7:00 PM	1	2	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	2	3
8:00 PM	0	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	1	1
9:00 PM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
10:00 PM	0	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	1	1
11:00 PM	1	0	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	0	1
Total	**26**	**41**	**67**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	**26**	**41**	**67**
Percent	**39%**	**61%**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	**39%**	**61%**	-

1. Mid-week average includes data between Tuesday and Thursday.

Mark Skaggs:425-250-0777
mark.skaggs@idaxdata.com

Location: WCR 90 W/O WCR 29
Date Range: 6/16/2021 - 6/22/2021
Site Code: 02

	Wednesday			Thursday			Friday			Saturday			Sunday			Monday			Tuesday					
	6/16/2021			6/17/2021			6/18/2021			6/19/2021			6/20/2021			6/21/2021			6/22/2021			Mid-Week Average		
Time	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total
12:00 AM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
1:00 AM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
2:00 AM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
3:00 AM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
4:00 AM	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0	0
5:00 AM	0	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	1	1
6:00 AM	3	2	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	2	5
7:00 AM	6	8	14	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	8	14
8:00 AM	6	9	15	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	9	15
9:00 AM	4	6	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	6	10
10:00 AM	5	5	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	5	10
11:00 AM	9	11	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9	11	20
12:00 PM	9	4	13	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9	4	13
1:00 PM	12	9	21	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12	9	21
2:00 PM	8	9	17	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	8	9	17
3:00 PM	11	11	22	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	11	11	22
4:00 PM	10	10	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10	10	20
5:00 PM	4	9	13	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	9	13
6:00 PM	4	7	11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	7	11
7:00 PM	3	5	8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	5	8
8:00 PM	1	4	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	4	5
9:00 PM	1	3	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	3	4
10:00 PM	0	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	1	1
11:00 PM	2	0	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	0	2
Total	**98**	**114**	**212**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	**98**	**114**	**212**
Percent	**46%**	**54%**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	**46%**	**54%**	-

1. Mid-week average includes data between Tuesday and Thursday.

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CDOT OTIS Growth Rate: Black Hollow Solar

ROUTE	REFPT	ENDREFPT	LENGTH	AADT	AADTYR	YR20FACTOR	Growth Rate	DHV	DD	LOCATION
085L	283.61	283.889	0.323	4800	2019	1.26	1.16%	11	57	ON SH 85 NW/O MAIN AVE PIERCE

Intersection Operational Analysis

Intersection	
Int Delay, s/veh	2.7

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	59	373	179	162	0	0	0	0	4	1	39
Future Vol, veh/h	0	59	373	179	162	0	0	0	0	4	1	39
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	200	175	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	16974	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	86	86	86	87	87	87	92	92	92	69	69	69
Heavy Vehicles, %	9	9	9	9	9	9	9	9	9	9	9	9
Mvmt Flow	0	69	434	206	186	0	0	0	0	6	1	57

Major/Minor	Major1			Major2				Minor2		
Conflicting Flow All	-	0	0	503	0	0		884	1101	186
Stage 1	-	-	-	-	-	-		598	598	-
Stage 2	-	-	-	-	-	-		286	503	-
Critical Hdwy	-	-	-	4.19	-	-		6.49	6.59	6.29
Critical Hdwy Stg 1	-	-	-	-	-	-		5.49	5.59	-
Critical Hdwy Stg 2	-	-	-	-	-	-		5.49	5.59	-
Follow-up Hdwy	-	-	-	2.281	-	-		3.581	4.081	3.381
Pot Cap-1 Maneuver	0	-	-	1026	-	0		307	206	838
Stage 1	0	-	-	-	-	0		536	480	-
Stage 2	0	-	-	-	-	0		747	530	-
Platoon blocked, %		-	-		-					
Mov Cap-1 Maneuver	-	-	-	1026	-	-		245	0	838
Mov Cap-2 Maneuver	-	-	-	-	-	-		245	0	-
Stage 1	-	-	-	-	-	-		536	0	-
Stage 2	-	-	-	-	-	-		597	0	-

Approach	EB	WB	SB
HCM Control Delay, s	0	4.9	10.8
HCM LOS			B

Minor Lane/Major Mvmt	EBT	EBR	WBL	WBT	SBLn1
Capacity (veh/h)	-	-	1026	-	684
HCM Lane V/C Ratio	-	-	0.201	-	0.093
HCM Control Delay (s)	-	-	9.4	-	10.8
HCM Lane LOS	-	-	A	-	B
HCM 95th %tile Q(veh)	-	-	0.7	-	0.3

Intersection	
Int Delay, s/veh	2.1

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	88	286	88	314	0	0	0	0	16	0	53
Future Vol, veh/h	0	88	286	88	314	0	0	0	0	16	0	53
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	200	175	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	16974	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	89	89	89	87	87	87	92	92	92	82	82	82
Heavy Vehicles, %	8	8	8	8	8	8	8	8	8	8	8	8
Mvmt Flow	0	99	321	101	361	0	0	0	0	20	0	65

Major/Minor	Major1			Major2			Minor2		
Conflicting Flow All	-	0	0	420	0	0	823	983	361
Stage 1	-	-	-	-	-	-	563	563	-
Stage 2	-	-	-	-	-	-	260	420	-
Critical Hdwy	-	-	-	4.18	-	-	6.48	6.58	6.28
Critical Hdwy Stg 1	-	-	-	-	-	-	5.48	5.58	-
Critical Hdwy Stg 2	-	-	-	-	-	-	5.48	5.58	-
Follow-up Hdwy	-	-	-	2.272	-	-	3.572	4.072	3.372
Pot Cap-1 Maneuver	0	-	-	1108	-	0	335	243	670
Stage 1	0	-	-	-	-	0	558	499	-
Stage 2	0	-	-	-	-	0	770	579	-
Platoon blocked, %		-	-		-				
Mov Cap-1 Maneuver	-	-	-	1108	-	-	305	0	670
Mov Cap-2 Maneuver	-	-	-	-	-	-	305	0	-
Stage 1	-	-	-	-	-	-	558	0	-
Stage 2	-	-	-	-	-	-	700	0	-

Approach	EB	WB	SB
HCM Control Delay, s	0	1.9	13.2
HCM LOS			B

Minor Lane/Major Mvmt	EBT	EBR	WBL	WBT	SBLn1
Capacity (veh/h)	-	-	1108	-	524
HCM Lane V/C Ratio	-	-	0.091	-	0.161
HCM Control Delay (s)	-	-	8.6	-	13.2
HCM Lane LOS	-	-	A	-	B
HCM 95th %tile Q(veh)	-	-	0.3	-	0.6

Intersection	
Int Delay, s/veh	2.8

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	60	380	183	165	0	0	0	0	4	1	40
Future Vol, veh/h	0	60	380	183	165	0	0	0	0	4	1	40
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	200	175	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	16974	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	86	86	86	87	87	87	92	92	92	69	69	69
Heavy Vehicles, %	9	9	9	9	9	9	9	9	9	9	9	9
Mvmt Flow	0	70	442	210	190	0	0	0	0	6	1	58

Major/Minor	Major1			Major2				Minor2		
Conflicting Flow All	-	0	0	512	0	0		901	1122	190
Stage 1	-	-	-	-	-	-		610	610	-
Stage 2	-	-	-	-	-	-		291	512	-
Critical Hdwy	-	-	-	4.19	-	-		6.49	6.59	6.29
Critical Hdwy Stg 1	-	-	-	-	-	-		5.49	5.59	-
Critical Hdwy Stg 2	-	-	-	-	-	-		5.49	5.59	-
Follow-up Hdwy	-	-	-	2.281	-	-		3.581	4.081	3.381
Pot Cap-1 Maneuver	0	-	-	1018	-	0		300	200	834
Stage 1	0	-	-	-	-	0		529	474	-
Stage 2	0	-	-	-	-	0		743	525	-
Platoon blocked, %		-	-		-					
Mov Cap-1 Maneuver	-	-	-	1018	-	-		238	0	834
Mov Cap-2 Maneuver	-	-	-	-	-	-		238	0	-
Stage 1	-	-	-	-	-	-		529	0	-
Stage 2	-	-	-	-	-	-		590	0	-

Approach	EB	WB	SB
HCM Control Delay, s	0	5	10.9
HCM LOS			B

Minor Lane/Major Mvmt	EBT	EBR	WBL	WBT	SBLn1
Capacity (veh/h)	-	-	1018	-	679
HCM Lane V/C Ratio	-	-	0.207	-	0.096
HCM Control Delay (s)	-	-	9.5	-	10.9
HCM Lane LOS	-	-	A	-	B
HCM 95th %tile Q(veh)	-	-	0.8	-	0.3

Intersection	
Int Delay, s/veh	2.1

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	90	292	90	320	0	0	0	0	16	0	54
Future Vol, veh/h	0	90	292	90	320	0	0	0	0	16	0	54
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	200	175	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	16974	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	89	89	89	87	87	87	92	92	92	82	82	82
Heavy Vehicles, %	8	8	8	8	8	8	8	8	8	8	8	8
Mvmt Flow	0	101	328	103	368	0	0	0	0	20	0	66

Major/Minor	Major1			Major2			Minor2		
Conflicting Flow All	-	0	0	429	0	0	839	1003	368
Stage 1	-	-	-	-	-	-	574	574	-
Stage 2	-	-	-	-	-	-	265	429	-
Critical Hdwy	-	-	-	4.18	-	-	6.48	6.58	6.28
Critical Hdwy Stg 1	-	-	-	-	-	-	5.48	5.58	-
Critical Hdwy Stg 2	-	-	-	-	-	-	5.48	5.58	-
Follow-up Hdwy	-	-	-	2.272	-	-	3.572	4.072	3.372
Pot Cap-1 Maneuver	0	-	-	1099	-	0	328	236	664
Stage 1	0	-	-	-	-	0	552	494	-
Stage 2	0	-	-	-	-	0	766	574	-
Platoon blocked, %		-	-		-				
Mov Cap-1 Maneuver	-	-	-	1099	-	-	297	0	664
Mov Cap-2 Maneuver	-	-	-	-	-	-	297	0	-
Stage 1	-	-	-	-	-	-	552	0	-
Stage 2	-	-	-	-	-	-	694	0	-

Approach	EB	WB	SB
HCM Control Delay, s	0	1.9	13.3
HCM LOS			B

Minor Lane/Major Mvmt	EBT	EBR	WBL	WBT	SBLn1
Capacity (veh/h)	-	-	1099	-	518
HCM Lane V/C Ratio	-	-	0.094	-	0.165
HCM Control Delay (s)	-	-	8.6	-	13.3
HCM Lane LOS	-	-	A	-	B
HCM 95th %tile Q(veh)	-	-	0.3	-	0.6

Intersection	
Int Delay, s/veh	3.6

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	76	380	183	165	0	0	0	0	28	1	40
Future Vol, veh/h	0	76	380	183	165	0	0	0	0	28	1	40
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	200	175	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	16974	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	86	86	86	87	87	87	92	92	92	69	69	69
Heavy Vehicles, %	9	9	9	9	9	9	9	9	9	9	9	9
Mvmt Flow	0	88	442	210	190	0	0	0	0	41	1	58

Major/Minor	Major1			Major2				Minor2		
Conflicting Flow All	-	0	0	530	0	0		919	1140	190
Stage 1	-	-	-	-	-	-		610	610	-
Stage 2	-	-	-	-	-	-		309	530	-
Critical Hdwy	-	-	-	4.19	-	-		6.49	6.59	6.29
Critical Hdwy Stg 1	-	-	-	-	-	-		5.49	5.59	-
Critical Hdwy Stg 2	-	-	-	-	-	-		5.49	5.59	-
Follow-up Hdwy	-	-	-	2.281	-	-		3.581	4.081	3.381
Pot Cap-1 Maneuver	0	-	-	1003	-	0		293	195	834
Stage 1	0	-	-	-	-	0		529	474	-
Stage 2	0	-	-	-	-	0		729	515	-
Platoon blocked, %		-	-		-					
Mov Cap-1 Maneuver	-	-	-	1003	-	-		232	0	834
Mov Cap-2 Maneuver	-	-	-	-	-	-		232	0	-
Stage 1	-	-	-	-	-	-		529	0	-
Stage 2	-	-	-	-	-	-		577	0	-

Approach	EB	WB	SB
HCM Control Delay, s	0	5	16.9
HCM LOS			C

Minor Lane/Major Mvmt	EBT	EBR	WBL	WBT	SBLn1
Capacity (veh/h)	-	-	1003	-	403
HCM Lane V/C Ratio	-	-	0.21	-	0.248
HCM Control Delay (s)	-	-	9.5	-	16.9
HCM Lane LOS	-	-	A	-	C
HCM 95th %tile Q(veh)	-	-	0.8	-	1

Intersection	
Int Delay, s/veh	2.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	90	292	138	330	0	0	0	0	16	0	54
Future Vol, veh/h	0	90	292	138	330	0	0	0	0	16	0	54
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	200	175	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	16974	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	89	89	89	87	87	87	92	92	92	82	82	82
Heavy Vehicles, %	8	8	8	8	8	8	8	8	8	8	8	8
Mvmt Flow	0	101	328	159	379	0	0	0	0	20	0	66

Major/Minor	Major1			Major2			Minor2		
Conflicting Flow All	-	0	0	429	0	0	962	1126	379
Stage 1	-	-	-	-	-	-	697	697	-
Stage 2	-	-	-	-	-	-	265	429	-
Critical Hdwy	-	-	-	4.18	-	-	6.48	6.58	6.28
Critical Hdwy Stg 1	-	-	-	-	-	-	5.48	5.58	-
Critical Hdwy Stg 2	-	-	-	-	-	-	5.48	5.58	-
Follow-up Hdwy	-	-	-	2.272	-	-	3.572	4.072	3.372
Pot Cap-1 Maneuver	0	-	-	1099	-	0	277	200	655
Stage 1	0	-	-	-	-	0	483	434	-
Stage 2	0	-	-	-	-	0	766	574	-
Platoon blocked, %		-	-		-				
Mov Cap-1 Maneuver	-	-	-	1099	-	-	237	0	655
Mov Cap-2 Maneuver	-	-	-	-	-	-	237	0	-
Stage 1	-	-	-	-	-	-	483	0	-
Stage 2	-	-	-	-	-	-	655	0	-

Approach	EB	WB	SB
HCM Control Delay, s	0	2.6	14.4
HCM LOS			B

Minor Lane/Major Mvmt	EBT	EBR	WBL	WBT	SBLn1
Capacity (veh/h)	-	-	1099	-	467
HCM Lane V/C Ratio	-	-	0.144	-	0.183
HCM Control Delay (s)	-	-	8.8	-	14.4
HCM Lane LOS	-	-	A	-	B
HCM 95th %tile Q(veh)	-	-	0.5	-	0.7

Intersection	
Int Delay, s/veh	6.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	35	32	0	0	217	22	139	0	75	0	0	0
Future Vol, veh/h	35	32	0	0	217	22	139	0	75	0	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	16965	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	80	80	80	79	79	79	79	79	79	92	92	92
Heavy Vehicles, %	10	10	10	10	10	10	10	10	10	10	10	10
Mvmt Flow	44	40	0	0	275	28	176	0	95	0	0	0

Major/Minor	Major1			Major2			Minor1		
Conflicting Flow All	303	0	-	-	-	0	417	431	40
Stage 1	-	-	-	-	-	-	128	128	-
Stage 2	-	-	-	-	-	-	289	303	-
Critical Hdwy	4.2	-	-	-	-	-	6.5	6.6	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	5.5	5.6	-
Critical Hdwy Stg 2	-	-	-	-	-	-	5.5	5.6	-
Follow-up Hdwy	2.29	-	-	-	-	-	3.59	4.09	3.39
Pot Cap-1 Maneuver	1214	-	0	0	-	-	577	505	1009
Stage 1	-	-	0	0	-	-	878	775	-
Stage 2	-	-	0	0	-	-	742	649	-
Platoon blocked, %		-			-	-			
Mov Cap-1 Maneuver	1214	-	-	-	-	-	556	0	1009
Mov Cap-2 Maneuver	-	-	-	-	-	-	556	0	-
Stage 1	-	-	-	-	-	-	846	0	-
Stage 2	-	-	-	-	-	-	742	0	-

Approach	EB	WB	NB
HCM Control Delay, s	4.2	0	14.2
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	WBT	WBR
Capacity (veh/h)	660	1214	-	-	-
HCM Lane V/C Ratio	0.41	0.036	-	-	-
HCM Control Delay (s)	14.2	8.1	-	-	-
HCM Lane LOS	B	A	-	-	-
HCM 95th %tile Q(veh)	2	0.1	-	-	-

Intersection	
Int Delay, s/veh	15.7

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	46	60	0	0	133	28	267	4	241	0	0	0
Future Vol, veh/h	46	60	0	0	133	28	267	4	241	0	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	16965	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	88	88	88	84	84	84	89	89	89	92	92	92
Heavy Vehicles, %	5	5	5	5	5	5	5	5	5	5	5	5
Mvmt Flow	52	68	0	0	158	33	300	4	271	0	0	0

Major/Minor	Major1			Major2			Minor1		
Conflicting Flow All	191	0	-	-	-	0	347	363	68
Stage 1	-	-	-	-	-	-	172	172	-
Stage 2	-	-	-	-	-	-	175	191	-
Critical Hdwy	4.15	-	-	-	-	-	6.45	6.55	6.25
Critical Hdwy Stg 1	-	-	-	-	-	-	5.45	5.55	-
Critical Hdwy Stg 2	-	-	-	-	-	-	5.45	5.55	-
Follow-up Hdwy	2.245	-	-	-	-	-	3.545	4.045	3.345
Pot Cap-1 Maneuver	1365	-	0	0	-	-	644	560	987
Stage 1	-	-	0	0	-	-	851	751	-
Stage 2	-	-	0	0	-	-	848	737	-
Platoon blocked, %		-			-	-			
Mov Cap-1 Maneuver	1365	-	-	-	-	-	620	0	987
Mov Cap-2 Maneuver	-	-	-	-	-	-	620	0	-
Stage 1	-	-	-	-	-	-	819	0	-
Stage 2	-	-	-	-	-	-	848	0	-

Approach	EB	WB	NB
HCM Control Delay, s	3.4	0	23.5
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	WBT	WBR
Capacity (veh/h)	753	1365	-	-	-
HCM Lane V/C Ratio	0.764	0.038	-	-	-
HCM Control Delay (s)	23.5	7.7	-	-	-
HCM Lane LOS	C	A	-	-	-
HCM 95th %tile Q(veh)	7.3	0.1	-	-	-

Intersection	
Int Delay, s/veh	6.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	36	33	0	0	221	22	142	0	77	0	0	0
Future Vol, veh/h	36	33	0	0	221	22	142	0	77	0	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	16965	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	80	80	80	79	79	79	79	79	79	92	92	92
Heavy Vehicles, %	10	10	10	10	10	10	10	10	10	10	10	10
Mvmt Flow	45	41	0	0	280	28	180	0	97	0	0	0

Major/Minor	Major1			Major2			Minor1		
Conflicting Flow All	308	0	-	-	-	0	425	439	41
Stage 1	-	-	-	-	-	-	131	131	-
Stage 2	-	-	-	-	-	-	294	308	-
Critical Hdwy	4.2	-	-	-	-	-	6.5	6.6	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	5.5	5.6	-
Critical Hdwy Stg 2	-	-	-	-	-	-	5.5	5.6	-
Follow-up Hdwy	2.29	-	-	-	-	-	3.59	4.09	3.39
Pot Cap-1 Maneuver	1209	-	0	0	-	-	571	500	1008
Stage 1	-	-	0	0	-	-	876	773	-
Stage 2	-	-	0	0	-	-	738	646	-
Platoon blocked, %		-			-	-			
Mov Cap-1 Maneuver	1209	-	-	-	-	-	550	0	1008
Mov Cap-2 Maneuver	-	-	-	-	-	-	550	0	-
Stage 1	-	-	-	-	-	-	844	0	-
Stage 2	-	-	-	-	-	-	738	0	-

Approach	EB	WB	NB
HCM Control Delay, s	4.2	0	14.5
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	WBT	WBR
Capacity (veh/h)	655	1209	-	-	-
HCM Lane V/C Ratio	0.423	0.037	-	-	-
HCM Control Delay (s)	14.5	8.1	-	-	-
HCM Lane LOS	B	A	-	-	-
HCM 95th %tile Q(veh)	2.1	0.1	-	-	-

Intersection	
Int Delay, s/veh	16.7

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	47	61	0	0	136	29	272	4	246	0	0	0
Future Vol, veh/h	47	61	0	0	136	29	272	4	246	0	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	16965	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	88	88	88	84	84	84	89	89	89	92	92	92
Heavy Vehicles, %	5	5	5	5	5	5	5	5	5	5	5	5
Mvmt Flow	53	69	0	0	162	35	306	4	276	0	0	0

Major/Minor	Major1			Major2			Minor1		
Conflicting Flow All	197	0	-	-	-	0	355	372	69
Stage 1	-	-	-	-	-	-	175	175	-
Stage 2	-	-	-	-	-	-	180	197	-
Critical Hdwy	4.15	-	-	-	-	-	6.45	6.55	6.25
Critical Hdwy Stg 1	-	-	-	-	-	-	5.45	5.55	-
Critical Hdwy Stg 2	-	-	-	-	-	-	5.45	5.55	-
Follow-up Hdwy	2.245	-	-	-	-	-	3.545	4.045	3.345
Pot Cap-1 Maneuver	1358	-	0	0	-	-	637	553	986
Stage 1	-	-	0	0	-	-	848	749	-
Stage 2	-	-	0	0	-	-	844	732	-
Platoon blocked, %		-			-	-			
Mov Cap-1 Maneuver	1358	-	-	-	-	-	612	0	986
Mov Cap-2 Maneuver	-	-	-	-	-	-	612	0	-
Stage 1	-	-	-	-	-	-	815	0	-
Stage 2	-	-	-	-	-	-	844	0	-

Approach	EB	WB	NB
HCM Control Delay, s	3.4	0	25.1
HCM LOS			D

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	WBT	WBR
Capacity (veh/h)	746	1358	-	-	-
HCM Lane V/C Ratio	0.786	0.039	-	-	-
HCM Control Delay (s)	25.1	7.8	-	-	-
HCM Lane LOS	D	A	-	-	-
HCM 95th %tile Q(veh)	7.9	0.1	-	-	-

Intersection	
Int Delay, s/veh	8

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	36	73	0	0	221	22	142	0	149	0	0	0
Future Vol, veh/h	36	73	0	0	221	22	142	0	149	0	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	16965	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	80	80	80	79	79	79	79	79	79	92	92	92
Heavy Vehicles, %	10	10	10	10	10	10	10	10	10	10	10	10
Mvmt Flow	45	91	0	0	280	28	180	0	189	0	0	0

Major/Minor	Major1			Major2			Minor1		
Conflicting Flow All	308	0	-	-	-	0	475	489	91
Stage 1	-	-	-	-	-	-	181	181	-
Stage 2	-	-	-	-	-	-	294	308	-
Critical Hdwy	4.2	-	-	-	-	-	6.5	6.6	6.3
Critical Hdwy Stg 1	-	-	-	-	-	-	5.5	5.6	-
Critical Hdwy Stg 2	-	-	-	-	-	-	5.5	5.6	-
Follow-up Hdwy	2.29	-	-	-	-	-	3.59	4.09	3.39
Pot Cap-1 Maneuver	1209	-	0	0	-	-	534	468	945
Stage 1	-	-	0	0	-	-	831	735	-
Stage 2	-	-	0	0	-	-	738	646	-
Platoon blocked, %		-			-	-			
Mov Cap-1 Maneuver	1209	-	-	-	-	-	514	0	945
Mov Cap-2 Maneuver	-	-	-	-	-	-	514	0	-
Stage 1	-	-	-	-	-	-	800	0	-
Stage 2	-	-	-	-	-	-	738	0	-

Approach	EB	WB	NB
HCM Control Delay, s	2.7	0	16.7
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	WBT	WBR
Capacity (veh/h)	671	1209	-	-	-
HCM Lane V/C Ratio	0.549	0.037	-	-	-
HCM Control Delay (s)	16.7	8.1	-	-	-
HCM Lane LOS	C	A	-	-	-
HCM 95th %tile Q(veh)	3.4	0.1	-	-	-

Intersection	
Int Delay, s/veh	19

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	47	61	0	0	194	45	272	4	246	0	0	0
Future Vol, veh/h	47	61	0	0	194	45	272	4	246	0	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	16965	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	88	88	88	84	84	84	89	89	89	92	92	92
Heavy Vehicles, %	5	5	5	5	5	5	5	5	5	5	5	5
Mvmt Flow	53	69	0	0	231	54	306	4	276	0	0	0

Major/Minor	Major1			Major2			Minor1		
Conflicting Flow All	285	0	-	-	-	0	433	460	69
Stage 1	-	-	-	-	-	-	175	175	-
Stage 2	-	-	-	-	-	-	258	285	-
Critical Hdwy	4.15	-	-	-	-	-	6.45	6.55	6.25
Critical Hdwy Stg 1	-	-	-	-	-	-	5.45	5.55	-
Critical Hdwy Stg 2	-	-	-	-	-	-	5.45	5.55	-
Follow-up Hdwy	2.245	-	-	-	-	-	3.545	4.045	3.345
Pot Cap-1 Maneuver	1260	-	0	0	-	-	574	494	986
Stage 1	-	-	0	0	-	-	848	749	-
Stage 2	-	-	0	0	-	-	778	670	-
Platoon blocked, %		-			-	-			
Mov Cap-1 Maneuver	1260	-	-	-	-	-	550	0	986
Mov Cap-2 Maneuver	-	-	-	-	-	-	550	0	-
Stage 1	-	-	-	-	-	-	812	0	-
Stage 2	-	-	-	-	-	-	778	0	-

Approach	EB	WB	NB
HCM Control Delay, s	3.5	0	31.5
HCM LOS			D

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	WBT	WBR
Capacity (veh/h)	696	1260	-	-	-
HCM Lane V/C Ratio	0.843	0.042	-	-	-
HCM Control Delay (s)	31.5	8	-	-	-
HCM Lane LOS	D	A	-	-	-
HCM 95th %tile Q(veh)	9.5	0.1	-	-	-

Intersection	
Int Delay, s/veh	9.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	78	10	20	0	23	2	31	21	1	1	37	185
Future Vol, veh/h	78	10	20	0	23	2	31	21	1	1	37	185
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	-	175	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	77	77	77	89	89	89	88	88	88	73	73	73
Heavy Vehicles, %	9	9	9	9	9	9	9	9	9	9	9	9
Mvmt Flow	101	13	26	0	26	2	35	24	1	1	51	253

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	28	0	0	39	0	0	407	256	26	268	268	27
Stage 1	-	-	-	-	-	-	228	228	-	27	27	-
Stage 2	-	-	-	-	-	-	179	28	-	241	241	-
Critical Hdwy	4.19	-	-	4.19	-	-	7.19	6.59	6.29	7.19	6.59	6.29
Critical Hdwy Stg 1	-	-	-	-	-	-	6.19	5.59	-	6.19	5.59	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.19	5.59	-	6.19	5.59	-
Follow-up Hdwy	2.281	-	-	2.281	-	-	3.581	4.081	3.381	3.581	4.081	3.381
Pot Cap-1 Maneuver	1541	-	-	1527	-	-	542	636	1030	671	626	1029
Stage 1	-	-	-	-	-	-	759	703	-	973	859	-
Stage 2	-	-	-	-	-	-	807	858	-	747	693	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1541	-	-	1527	-	-	363	594	1030	617	585	1029
Mov Cap-2 Maneuver	-	-	-	-	-	-	363	594	-	617	585	-
Stage 1	-	-	-	-	-	-	709	657	-	909	859	-
Stage 2	-	-	-	-	-	-	572	858	-	672	647	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	5.4	0	14.6	10.9
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	435	1541	-	-	1527	-	-	911
HCM Lane V/C Ratio	0.138	0.066	-	-	-	-	-	0.335
HCM Control Delay (s)	14.6	7.5	-	-	0	-	-	10.9
HCM Lane LOS	B	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0.5	0.2	-	-	0	-	-	1.5

Intersection	
Int Delay, s/veh	12.1

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	246	18	37	1	19	5	56	57	1	4	28	94
Future Vol, veh/h	246	18	37	1	19	5	56	57	1	4	28	94
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	-	175	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	86	86	86	78	78	78	86	86	86	85	85	85
Heavy Vehicles, %	5	5	5	5	5	5	5	5	5	5	5	5
Mvmt Flow	286	21	43	1	24	6	65	66	1	5	33	111

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	30	0	0	64	0	0	716	647	43	677	665	27
Stage 1	-	-	-	-	-	-	615	615	-	29	29	-
Stage 2	-	-	-	-	-	-	101	32	-	648	636	-
Critical Hdwy	4.15	-	-	4.15	-	-	7.15	6.55	6.25	7.15	6.55	6.25
Critical Hdwy Stg 1	-	-	-	-	-	-	6.15	5.55	-	6.15	5.55	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.15	5.55	-	6.15	5.55	-
Follow-up Hdwy	2.245	-	-	2.245	-	-	3.545	4.045	3.345	3.545	4.045	3.345
Pot Cap-1 Maneuver	1564	-	-	1519	-	-	341	386	1019	363	377	1040
Stage 1	-	-	-	-	-	-	473	478	-	980	865	-
Stage 2	-	-	-	-	-	-	898	862	-	454	467	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1564	-	-	1519	-	-	241	315	1019	262	308	1040
Mov Cap-2 Maneuver	-	-	-	-	-	-	241	315	-	262	308	-
Stage 1	-	-	-	-	-	-	386	391	-	801	864	-
Stage 2	-	-	-	-	-	-	771	861	-	308	382	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	6.4	0.3	29.7	12.3
HCM LOS			D	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	275	1564	-	-	1519	-	-	641
HCM Lane V/C Ratio	0.482	0.183	-	-	0.001	-	-	0.231
HCM Control Delay (s)	29.7	7.8	-	-	7.4	-	-	12.3
HCM Lane LOS	D	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	2.5	0.7	-	-	0	-	-	0.9

Intersection	
Int Delay, s/veh	9.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	80	10	20	0	23	2	32	21	1	1	38	189
Future Vol, veh/h	80	10	20	0	23	2	32	21	1	1	38	189
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	-	175	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	77	77	77	89	89	89	88	88	88	73	73	73
Heavy Vehicles, %	9	9	9	9	9	9	9	9	9	9	9	9
Mvmt Flow	104	13	26	0	26	2	36	24	1	1	52	259

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	28	0	0	39	0	0	417	262	26	274	274	27
Stage 1	-	-	-	-	-	-	234	234	-	27	27	-
Stage 2	-	-	-	-	-	-	183	28	-	247	247	-
Critical Hdwy	4.19	-	-	4.19	-	-	7.19	6.59	6.29	7.19	6.59	6.29
Critical Hdwy Stg 1	-	-	-	-	-	-	6.19	5.59	-	6.19	5.59	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.19	5.59	-	6.19	5.59	-
Follow-up Hdwy	2.281	-	-	2.281	-	-	3.581	4.081	3.381	3.581	4.081	3.381
Pot Cap-1 Maneuver	1541	-	-	1527	-	-	534	631	1030	664	621	1029
Stage 1	-	-	-	-	-	-	754	698	-	973	859	-
Stage 2	-	-	-	-	-	-	803	858	-	742	689	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1541	-	-	1527	-	-	353	589	1030	610	579	1029
Mov Cap-2 Maneuver	-	-	-	-	-	-	353	589	-	610	579	-
Stage 1	-	-	-	-	-	-	703	651	-	908	859	-
Stage 2	-	-	-	-	-	-	565	858	-	666	643	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	5.5	0	14.9	11
HCM LOS			B	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	424	1541	-	-	1527	-	-	909
HCM Lane V/C Ratio	0.145	0.067	-	-	-	-	-	0.344
HCM Control Delay (s)	14.9	7.5	-	-	0	-	-	11
HCM Lane LOS	B	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0.5	0.2	-	-	0	-	-	1.5

Intersection	
Int Delay, s/veh	12.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	251	18	38	1	19	5	57	58	1	4	29	96
Future Vol, veh/h	251	18	38	1	19	5	57	58	1	4	29	96
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	-	175	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	86	86	86	78	78	78	86	86	86	85	85	85
Heavy Vehicles, %	5	5	5	5	5	5	5	5	5	5	5	5
Mvmt Flow	292	21	44	1	24	6	66	67	1	5	34	113

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	30	0	0	65	0	0	730	659	43	690	678	27
Stage 1	-	-	-	-	-	-	627	627	-	29	29	-
Stage 2	-	-	-	-	-	-	103	32	-	661	649	-
Critical Hdwy	4.15	-	-	4.15	-	-	7.15	6.55	6.25	7.15	6.55	6.25
Critical Hdwy Stg 1	-	-	-	-	-	-	6.15	5.55	-	6.15	5.55	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.15	5.55	-	6.15	5.55	-
Follow-up Hdwy	2.245	-	-	2.245	-	-	3.545	4.045	3.345	3.545	4.045	3.345
Pot Cap-1 Maneuver	1564	-	-	1518	-	-	334	380	1019	355	370	1040
Stage 1	-	-	-	-	-	-	466	472	-	980	865	-
Stage 2	-	-	-	-	-	-	896	862	-	447	461	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1564	-	-	1518	-	-	233	309	1019	254	300	1040
Mov Cap-2 Maneuver	-	-	-	-	-	-	233	309	-	254	300	-
Stage 1	-	-	-	-	-	-	379	384	-	797	864	-
Stage 2	-	-	-	-	-	-	767	861	-	299	375	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	6.4	0.3	31.3	12.5
HCM LOS			D	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	268	1564	-	-	1518	-	-	630
HCM Lane V/C Ratio	0.503	0.187	-	-	0.001	-	-	0.241
HCM Control Delay (s)	31.3	7.8	-	-	7.4	-	-	12.5
HCM Lane LOS	D	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	2.6	0.7	-	-	0	-	-	0.9

Intersection	
Int Delay, s/veh	10.7

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	190	10	20	0	23	2	32	21	1	1	38	189
Future Vol, veh/h	190	10	20	0	23	2	32	21	1	1	38	189
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	-	175	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	77	77	77	89	89	89	88	88	88	73	73	73
Heavy Vehicles, %	9	9	9	9	9	9	9	9	9	9	9	9
Mvmt Flow	247	13	26	0	26	2	36	24	1	1	52	259

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	28	0	0	39	0	0	703	548	26	560	560	27
Stage 1	-	-	-	-	-	-	520	520	-	27	27	-
Stage 2	-	-	-	-	-	-	183	28	-	533	533	-
Critical Hdwy	4.19	-	-	4.19	-	-	7.19	6.59	6.29	7.19	6.59	6.29
Critical Hdwy Stg 1	-	-	-	-	-	-	6.19	5.59	-	6.19	5.59	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.19	5.59	-	6.19	5.59	-
Follow-up Hdwy	2.281	-	-	2.281	-	-	3.581	4.081	3.381	3.581	4.081	3.381
Pot Cap-1 Maneuver	1541	-	-	1527	-	-	343	434	1030	428	427	1029
Stage 1	-	-	-	-	-	-	527	521	-	973	859	-
Stage 2	-	-	-	-	-	-	803	858	-	518	514	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1541	-	-	1527	-	-	201	365	1030	357	359	1029
Mov Cap-2 Maneuver	-	-	-	-	-	-	201	365	-	357	359	-
Stage 1	-	-	-	-	-	-	443	438	-	817	859	-
Stage 2	-	-	-	-	-	-	565	858	-	411	432	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	6.7	0	24.2	12.7
HCM LOS			C	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	248	1541	-	-	1527	-	-	780
HCM Lane V/C Ratio	0.247	0.16	-	-	-	-	-	0.4
HCM Control Delay (s)	24.2	7.8	-	-	0	-	-	12.7
HCM Lane LOS	C	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	0.9	0.6	-	-	0	-	-	1.9

Intersection	
Int Delay, s/veh	13.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	251	18	38	1	19	5	57	58	1	4	29	170
Future Vol, veh/h	251	18	38	1	19	5	57	58	1	4	29	170
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	200	-	-	175	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	86	86	86	78	78	78	86	86	86	85	85	85
Heavy Vehicles, %	5	5	5	5	5	5	5	5	5	5	5	5
Mvmt Flow	292	21	44	1	24	6	66	67	1	5	34	200

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	30	0	0	65	0	0	773	659	43	690	678	27
Stage 1	-	-	-	-	-	-	627	627	-	29	29	-
Stage 2	-	-	-	-	-	-	146	32	-	661	649	-
Critical Hdwy	4.15	-	-	4.15	-	-	7.15	6.55	6.25	7.15	6.55	6.25
Critical Hdwy Stg 1	-	-	-	-	-	-	6.15	5.55	-	6.15	5.55	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.15	5.55	-	6.15	5.55	-
Follow-up Hdwy	2.245	-	-	2.245	-	-	3.545	4.045	3.345	3.545	4.045	3.345
Pot Cap-1 Maneuver	1564	-	-	1518	-	-	312	380	1019	355	370	1040
Stage 1	-	-	-	-	-	-	466	472	-	980	865	-
Stage 2	-	-	-	-	-	-	850	862	-	447	461	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1564	-	-	1518	-	-	197	309	1019	254	300	1040
Mov Cap-2 Maneuver	-	-	-	-	-	-	197	309	-	254	300	-
Stage 1	-	-	-	-	-	-	379	384	-	797	864	-
Stage 2	-	-	-	-	-	-	659	861	-	299	375	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	6.4	0.3	36.8	12.2
HCM LOS			E	B

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	243	1564	-	-	1518	-	-	736
HCM Lane V/C Ratio	0.555	0.187	-	-	0.001	-	-	0.324
HCM Control Delay (s)	36.8	7.8	-	-	7.4	-	-	12.2
HCM Lane LOS	E	A	-	-	A	-	-	B
HCM 95th %tile Q(veh)	3.1	0.7	-	-	0	-	-	1.4

Intersection	
Int Delay, s/veh	3.1

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	0	2	1	0	0	2	6	2	1	6	0
Future Vol, veh/h	0	0	2	1	0	0	2	6	2	1	6	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	25	25	25	25	25	25	63	63	63	35	35	35
Heavy Vehicles, %	10	10	10	10	10	10	10	10	10	10	10	10
Mvmt Flow	0	0	8	4	0	0	3	10	3	3	17	0

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	41	42	17	45	41	12	17	0	0	13	0	0
Stage 1	23	23	-	18	18	-	-	-	-	-	-	-
Stage 2	18	19	-	27	23	-	-	-	-	-	-	-
Critical Hdwy	7.2	6.6	6.3	7.2	6.6	6.3	4.2	-	-	4.2	-	-
Critical Hdwy Stg 1	6.2	5.6	-	6.2	5.6	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.2	5.6	-	6.2	5.6	-	-	-	-	-	-	-
Follow-up Hdwy	3.59	4.09	3.39	3.59	4.09	3.39	2.29	-	-	2.29	-	-
Pot Cap-1 Maneuver	943	835	1039	937	836	1046	1550	-	-	1555	-	-
Stage 1	975	860	-	981	865	-	-	-	-	-	-	-
Stage 2	981	864	-	970	860	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	940	832	1039	927	833	1046	1550	-	-	1555	-	-
Mov Cap-2 Maneuver	940	832	-	927	833	-	-	-	-	-	-	-
Stage 1	973	858	-	979	863	-	-	-	-	-	-	-
Stage 2	979	862	-	961	858	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	8.5	8.9	1.5	1
HCM LOS	A	A		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1550	-	-	1039	927	1555	-	-
HCM Lane V/C Ratio	0.002	-	-	0.008	0.004	0.002	-	-
HCM Control Delay (s)	7.3	0	-	8.5	8.9	7.3	0	-
HCM Lane LOS	A	A	-	A	A	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0	0	0	-	-

Intersection	
Int Delay, s/veh	2.6

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	0	1	1	0	1	1	9	3	1	3	0
Future Vol, veh/h	0	0	1	1	0	1	1	9	3	1	3	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	25	25	25	50	50	50	65	65	65	50	50	50
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	0	0	4	2	0	2	2	14	5	2	6	0

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	32	33	6	33	31	17	6	0	0	19	0	0
Stage 1	10	10	-	21	21	-	-	-	-	-	-	-
Stage 2	22	23	-	12	10	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	976	860	1077	974	862	1062	1615	-	-	1597	-	-
Stage 1	1011	887	-	998	878	-	-	-	-	-	-	-
Stage 2	996	876	-	1009	887	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	973	858	1077	969	860	1062	1615	-	-	1597	-	-
Mov Cap-2 Maneuver	973	858	-	969	860	-	-	-	-	-	-	-
Stage 1	1010	886	-	997	877	-	-	-	-	-	-	-
Stage 2	993	875	-	1004	886	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	8.4	8.6	0.6	1.8
HCM LOS	A	A		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1615	-	-	1077	1013	1597	-	-
HCM Lane V/C Ratio	0.001	-	-	0.004	0.004	0.001	-	-
HCM Control Delay (s)	7.2	0	-	8.4	8.6	7.3	0	-
HCM Lane LOS	A	A	-	A	A	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0	0	0	-	-

Intersection	
Int Delay, s/veh	3.1

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	0	2	1	0	0	2	6	2	1	6	0
Future Vol, veh/h	0	0	2	1	0	0	2	6	2	1	6	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	25	25	25	25	25	25	63	63	63	35	35	35
Heavy Vehicles, %	10	10	10	10	10	10	10	10	10	10	10	10
Mvmt Flow	0	0	8	4	0	0	3	10	3	3	17	0

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	41	42	17	45	41	12	17	0	0	13	0	0
Stage 1	23	23	-	18	18	-	-	-	-	-	-	-
Stage 2	18	19	-	27	23	-	-	-	-	-	-	-
Critical Hdwy	7.2	6.6	6.3	7.2	6.6	6.3	4.2	-	-	4.2	-	-
Critical Hdwy Stg 1	6.2	5.6	-	6.2	5.6	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.2	5.6	-	6.2	5.6	-	-	-	-	-	-	-
Follow-up Hdwy	3.59	4.09	3.39	3.59	4.09	3.39	2.29	-	-	2.29	-	-
Pot Cap-1 Maneuver	943	835	1039	937	836	1046	1550	-	-	1555	-	-
Stage 1	975	860	-	981	865	-	-	-	-	-	-	-
Stage 2	981	864	-	970	860	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	940	832	1039	927	833	1046	1550	-	-	1555	-	-
Mov Cap-2 Maneuver	940	832	-	927	833	-	-	-	-	-	-	-
Stage 1	973	858	-	979	863	-	-	-	-	-	-	-
Stage 2	979	862	-	961	858	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	8.5	8.9	1.5	1
HCM LOS	A	A		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1550	-	-	1039	927	1555	-	-
HCM Lane V/C Ratio	0.002	-	-	0.008	0.004	0.002	-	-
HCM Control Delay (s)	7.3	0	-	8.5	8.9	7.3	0	-
HCM Lane LOS	A	A	-	A	A	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0	0	0	-	-

Intersection	
Int Delay, s/veh	2.6

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	0	1	1	0	1	1	9	3	1	3	0
Future Vol, veh/h	0	0	1	1	0	1	1	9	3	1	3	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	25	25	25	50	50	50	65	65	65	50	50	50
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	0	0	4	2	0	2	2	14	5	2	6	0

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	32	33	6	33	31	17	6	0	0	19	0	0
Stage 1	10	10	-	21	21	-	-	-	-	-	-	-
Stage 2	22	23	-	12	10	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	976	860	1077	974	862	1062	1615	-	-	1597	-	-
Stage 1	1011	887	-	998	878	-	-	-	-	-	-	-
Stage 2	996	876	-	1009	887	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	973	858	1077	969	860	1062	1615	-	-	1597	-	-
Mov Cap-2 Maneuver	973	858	-	969	860	-	-	-	-	-	-	-
Stage 1	1010	886	-	997	877	-	-	-	-	-	-	-
Stage 2	993	875	-	1004	886	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	8.4	8.6	0.6	1.8
HCM LOS	A	A		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1615	-	-	1077	1013	1597	-	-
HCM Lane V/C Ratio	0.001	-	-	0.004	0.004	0.001	-	-
HCM Control Delay (s)	7.2	0	-	8.4	8.6	7.3	0	-
HCM Lane LOS	A	A	-	A	A	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0	0	0	-	-

Intersection	
Int Delay, s/veh	0.7

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	0	2	1	0	0	2	6	112	1	6	0
Future Vol, veh/h	0	0	2	1	0	0	2	6	112	1	6	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	25	25	25	25	25	25	63	63	63	35	35	35
Heavy Vehicles, %	10	10	10	10	10	10	10	10	10	10	10	10
Mvmt Flow	0	0	8	4	0	0	3	10	178	3	17	0

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	128	217	17	132	128	99	17	0	0	188	0	0
Stage 1	23	23	-	105	105	-	-	-	-	-	-	-
Stage 2	105	194	-	27	23	-	-	-	-	-	-	-
Critical Hdwy	7.2	6.6	6.3	7.2	6.6	6.3	4.2	-	-	4.2	-	-
Critical Hdwy Stg 1	6.2	5.6	-	6.2	5.6	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.2	5.6	-	6.2	5.6	-	-	-	-	-	-	-
Follow-up Hdwy	3.59	4.09	3.39	3.59	4.09	3.39	2.29	-	-	2.29	-	-
Pot Cap-1 Maneuver	827	667	1039	822	748	935	1550	-	-	1339	-	-
Stage 1	975	860	-	881	793	-	-	-	-	-	-	-
Stage 2	881	725	-	970	860	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	825	664	1039	813	745	935	1550	-	-	1339	-	-
Mov Cap-2 Maneuver	825	664	-	813	745	-	-	-	-	-	-	-
Stage 1	973	858	-	879	791	-	-	-	-	-	-	-
Stage 2	879	724	-	961	858	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	8.5	9.5	0.1	1.1
HCM LOS	A	A		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1550	-	-	1039	813	1339	-	-
HCM Lane V/C Ratio	0.002	-	-	0.008	0.005	0.002	-	-
HCM Control Delay (s)	7.3	0	-	8.5	9.5	7.7	0	-
HCM Lane LOS	A	A	-	A	A	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0	0	0	-	-

Intersection	
Int Delay, s/veh	8.1

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	0	0	1	75	0	1	1	9	3	1	3	0
Future Vol, veh/h	0	0	1	75	0	1	1	9	3	1	3	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	25	25	25	50	50	50	65	65	65	50	50	50
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	0	0	4	150	0	2	2	14	5	2	6	0

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	32	33	6	33	31	17	6	0	0	19	0	0
Stage 1	10	10	-	21	21	-	-	-	-	-	-	-
Stage 2	22	23	-	12	10	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	976	860	1077	974	862	1062	1615	-	-	1597	-	-
Stage 1	1011	887	-	998	878	-	-	-	-	-	-	-
Stage 2	996	876	-	1009	887	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	973	858	1077	969	860	1062	1615	-	-	1597	-	-
Mov Cap-2 Maneuver	973	858	-	969	860	-	-	-	-	-	-	-
Stage 1	1010	886	-	997	877	-	-	-	-	-	-	-
Stage 2	993	875	-	1004	886	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	8.4	9.4	0.6	1.8
HCM LOS	A	A		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1615	-	-	1077	970	1597	-	-
HCM Lane V/C Ratio	0.001	-	-	0.004	0.157	0.001	-	-
HCM Control Delay (s)	7.2	0	-	8.4	9.4	7.3	0	-
HCM Lane LOS	A	A	-	A	A	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0	0.6	0	-	-

Intersection	
Int Delay, s/veh	2

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	5	15	15	51	18	26	30	154	31	39	142	5
Future Vol, veh/h	5	15	15	51	18	26	30	154	31	39	142	5
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	Free	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	200	-	125	450	-	450
Veh in Median Storage, #	-	1	-	-	1	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	73	73	73	82	82	82	87	87	87	91	91	91
Heavy Vehicles, %	26	26	26	26	26	26	26	26	26	26	26	26
Mvmt Flow	7	21	21	62	22	32	34	177	36	43	156	5

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	410	523	78	420	492	-	161	0	0	213	0	0
Stage 1	242	242	-	245	245	-	-	-	-	-	-	-
Stage 2	168	281	-	175	247	-	-	-	-	-	-	-
Critical Hdwy	8.02	7.02	7.42	8.02	7.02	-	4.62	-	-	4.62	-	-
Critical Hdwy Stg 1	7.02	6.02	-	7.02	6.02	-	-	-	-	-	-	-
Critical Hdwy Stg 2	7.02	6.02	-	7.02	6.02	-	-	-	-	-	-	-
Follow-up Hdwy	3.76	4.26	3.56	3.76	4.26	-	2.46	-	-	2.46	-	-
Pot Cap-1 Maneuver	472	409	895	464	427	0	1257	-	-	1196	-	-
Stage 1	676	648	-	673	646	0	-	-	-	-	-	-
Stage 2	752	621	-	745	645	0	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	433	384	895	417	401	-	1257	-	-	1196	-	-
Mov Cap-2 Maneuver	499	444	-	487	460	-	-	-	-	-	-	-
Stage 1	658	625	-	655	629	-	-	-	-	-	-	-
Stage 2	706	604	-	679	622	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	11.8		1.1	1.7
HCM LOS	B	-		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1257	-	-	578	-	1196	-	-
HCM Lane V/C Ratio	0.027	-	-	0.083	-	0.036	-	-
HCM Control Delay (s)	7.9	-	-	11.8	-	8.1	-	-
HCM Lane LOS	A	-	-	B	-	A	-	-
HCM 95th %tile Q(veh)	0.1	-	-	0.3	-	0.1	-	-

Intersection	
Int Delay, s/veh	1.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	3	19	11	28	12	25	15	208	37	13	238	1
Future Vol, veh/h	3	19	11	28	12	25	15	208	37	13	238	1
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	Free	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	200	-	125	450	-	450
Veh in Median Storage, #	-	1	-	-	1	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	69	69	69	90	90	90	96	96	96	93	93	93
Heavy Vehicles, %	9	9	9	9	9	9	9	9	9	9	9	9
Mvmt Flow	4	28	16	31	13	28	16	217	39	14	256	1

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	431	572	128	419	534	-	257	0	0	256	0	0
Stage 1	284	284	-	249	249	-	-	-	-	-	-	-
Stage 2	147	288	-	170	285	-	-	-	-	-	-	-
Critical Hdwy	7.68	6.68	7.08	7.68	6.68	-	4.28	-	-	4.28	-	-
Critical Hdwy Stg 1	6.68	5.68	-	6.68	5.68	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.68	5.68	-	6.68	5.68	-	-	-	-	-	-	-
Follow-up Hdwy	3.59	4.09	3.39	3.59	4.09	-	2.29	-	-	2.29	-	-
Pot Cap-1 Maneuver	492	414	876	502	436	0	1255	-	-	1257	-	-
Stage 1	680	658	-	713	682	0	-	-	-	-	-	-
Stage 2	821	655	-	795	657	0	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	473	404	876	463	426	-	1255	-	-	1257	-	-
Mov Cap-2 Maneuver	542	477	-	537	492	-	-	-	-	-	-	-
Stage 1	671	651	-	704	673	-	-	-	-	-	-	-
Stage 2	794	646	-	739	650	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	11.9		0.5	0.4
HCM LOS	B	-		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1255	-	-	570	-	1257	-	-
HCM Lane V/C Ratio	0.012	-	-	0.084	-	0.011	-	-
HCM Control Delay (s)	7.9	-	-	11.9	-	7.9	-	-
HCM Lane LOS	A	-	-	B	-	A	-	-
HCM 95th %tile Q(veh)	0	-	-	0.3	-	0	-	-

Intersection	
Int Delay, s/veh	2

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	5	15	15	52	18	27	31	157	32	40	145	5
Future Vol, veh/h	5	15	15	52	18	27	31	157	32	40	145	5
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	Free	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	200	-	125	450	-	450
Veh in Median Storage, #	-	1	-	-	1	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	73	73	73	82	82	82	87	87	87	91	91	91
Heavy Vehicles, %	26	26	26	26	26	26	26	26	26	26	26	26
Mvmt Flow	7	21	21	63	22	33	36	180	37	44	159	5

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	420	536	80	430	504	-	164	0	0	217	0	0
Stage 1	247	247	-	252	252	-	-	-	-	-	-	-
Stage 2	173	289	-	178	252	-	-	-	-	-	-	-
Critical Hdwy	8.02	7.02	7.42	8.02	7.02	-	4.62	-	-	4.62	-	-
Critical Hdwy Stg 1	7.02	6.02	-	7.02	6.02	-	-	-	-	-	-	-
Critical Hdwy Stg 2	7.02	6.02	-	7.02	6.02	-	-	-	-	-	-	-
Follow-up Hdwy	3.76	4.26	3.56	3.76	4.26	-	2.46	-	-	2.46	-	-
Pot Cap-1 Maneuver	464	401	892	456	420	0	1253	-	-	1192	-	-
Stage 1	671	645	-	666	641	0	-	-	-	-	-	-
Stage 2	747	615	-	742	641	0	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	425	375	892	409	393	-	1253	-	-	1192	-	-
Mov Cap-2 Maneuver	492	437	-	480	453	-	-	-	-	-	-	-
Stage 1	652	621	-	647	622	-	-	-	-	-	-	-
Stage 2	700	597	-	675	617	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	11.9		1.1	1.7
HCM LOS	B	-		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1253	-	-	571	-	1192	-	-
HCM Lane V/C Ratio	0.028	-	-	0.084	-	0.037	-	-
HCM Control Delay (s)	8	-	-	11.9	-	8.1	-	-
HCM Lane LOS	A	-	-	B	-	A	-	-
HCM 95th %tile Q(veh)	0.1	-	-	0.3	-	0.1	-	-

Intersection	
Int Delay, s/veh	1.2

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	3	19	11	29	12	26	15	212	38	13	243	1
Future Vol, veh/h	3	19	11	29	12	26	15	212	38	13	243	1
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	Free	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	200	-	125	450	-	450
Veh in Median Storage, #	-	1	-	-	1	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	69	69	69	90	90	90	96	96	96	93	93	93
Heavy Vehicles, %	9	9	9	9	9	9	9	9	9	9	9	9
Mvmt Flow	4	28	16	32	13	29	16	221	40	14	261	1

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	438	582	131	426	543	-	262	0	0	261	0	0
Stage 1	289	289	-	253	253	-	-	-	-	-	-	-
Stage 2	149	293	-	173	290	-	-	-	-	-	-	-
Critical Hdwy	7.68	6.68	7.08	7.68	6.68	-	4.28	-	-	4.28	-	-
Critical Hdwy Stg 1	6.68	5.68	-	6.68	5.68	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.68	5.68	-	6.68	5.68	-	-	-	-	-	-	-
Follow-up Hdwy	3.59	4.09	3.39	3.59	4.09	-	2.29	-	-	2.29	-	-
Pot Cap-1 Maneuver	486	409	872	496	431	0	1250	-	-	1251	-	-
Stage 1	675	654	-	710	679	0	-	-	-	-	-	-
Stage 2	818	652	-	792	654	0	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	467	399	872	457	421	-	1250	-	-	1251	-	-
Mov Cap-2 Maneuver	537	473	-	533	488	-	-	-	-	-	-	-
Stage 1	666	647	-	701	670	-	-	-	-	-	-	-
Stage 2	791	644	-	736	647	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	12		0.4	0.4
HCM LOS	B	-		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1250	-	-	565	-	1251	-	-
HCM Lane V/C Ratio	0.013	-	-	0.085	-	0.011	-	-
HCM Control Delay (s)	7.9	-	-	12	-	7.9	-	-
HCM Lane LOS	A	-	-	B	-	A	-	-
HCM 95th %tile Q(veh)	0	-	-	0.3	-	0	-	-

Intersection	
Int Delay, s/veh	2.5

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	5	15	15	52	18	27	69	157	32	40	145	13
Future Vol, veh/h	5	15	15	52	18	27	69	157	32	40	145	13
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	Free	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	200	-	125	450	-	450
Veh in Median Storage, #	-	1	-	-	1	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	73	73	73	82	82	82	87	87	87	91	91	91
Heavy Vehicles, %	26	26	26	26	26	26	26	26	26	26	26	26
Mvmt Flow	7	21	21	63	22	33	79	180	37	44	159	14

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	506	622	80	516	599	-	173	0	0	217	0	0
Stage 1	247	247	-	338	338	-	-	-	-	-	-	-
Stage 2	259	375	-	178	261	-	-	-	-	-	-	-
Critical Hdwy	8.02	7.02	7.42	8.02	7.02	-	4.62	-	-	4.62	-	-
Critical Hdwy Stg 1	7.02	6.02	-	7.02	6.02	-	-	-	-	-	-	-
Critical Hdwy Stg 2	7.02	6.02	-	7.02	6.02	-	-	-	-	-	-	-
Follow-up Hdwy	3.76	4.26	3.56	3.76	4.26	-	2.46	-	-	2.46	-	-
Pot Cap-1 Maneuver	399	355	892	392	367	0	1243	-	-	1192	-	-
Stage 1	671	645	-	588	583	0	-	-	-	-	-	-
Stage 2	659	559	-	742	635	0	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	354	320	892	340	331	-	1243	-	-	1192	-	-
Mov Cap-2 Maneuver	427	387	-	416	397	-	-	-	-	-	-	-
Stage 1	628	621	-	550	546	-	-	-	-	-	-	-
Stage 2	592	523	-	675	612	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	12.6		2.2	1.6
HCM LOS	B	-		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1243	-	-	520	-	1192	-	-
HCM Lane V/C Ratio	0.064	-	-	0.092	-	0.037	-	-
HCM Control Delay (s)	8.1	-	-	12.6	-	8.1	-	-
HCM Lane LOS	A	-	-	B	-	A	-	-
HCM 95th %tile Q(veh)	0.2	-	-	0.3	-	0.1	-	-

Intersection	
Int Delay, s/veh	1.8

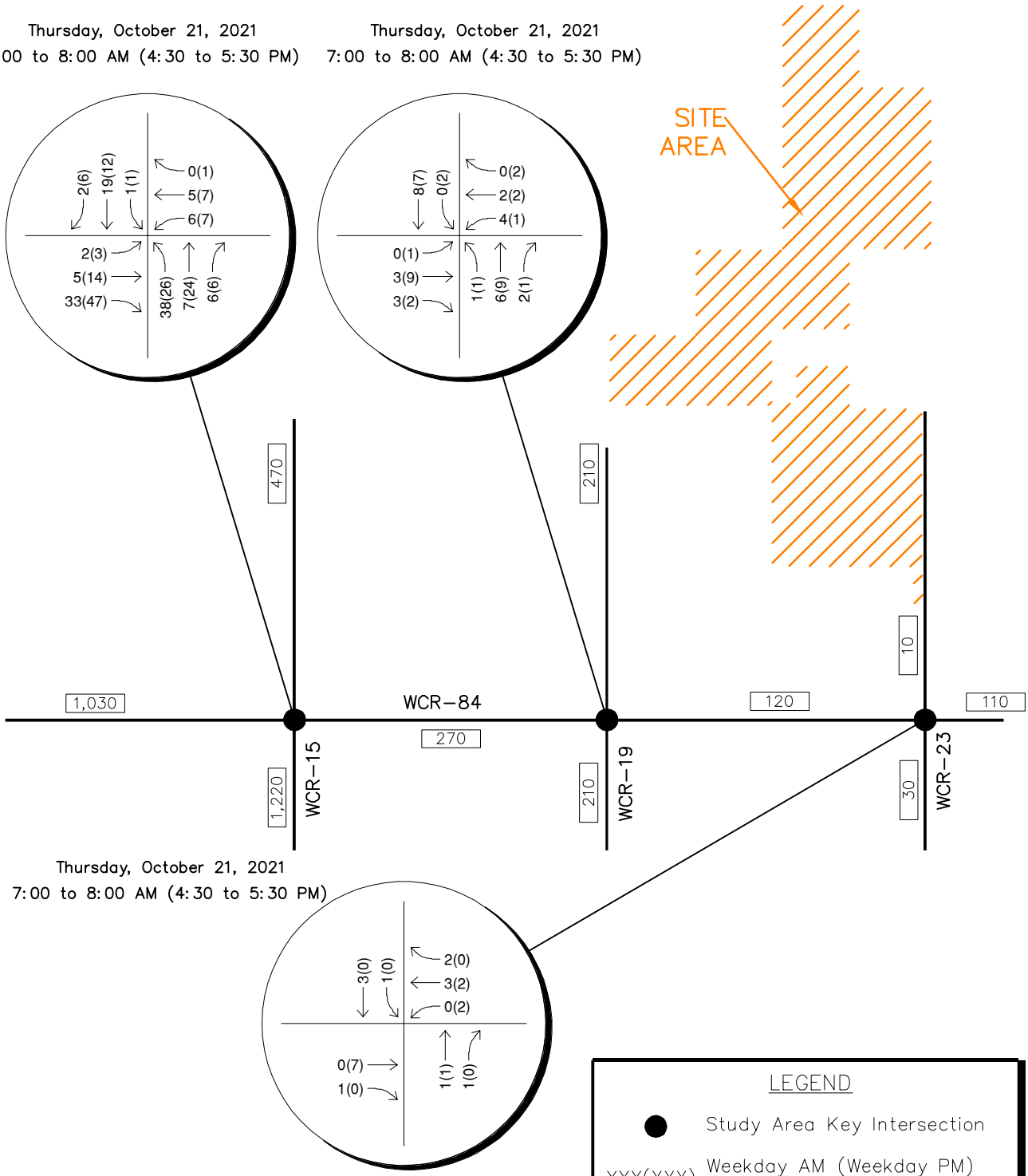
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	8	19	36	29	12	26	15	212	38	13	243	1
Future Vol, veh/h	8	19	36	29	12	26	15	212	38	13	243	1
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	Free	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	200	-	125	450	-	450
Veh in Median Storage, #	-	1	-	-	1	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	69	69	69	90	90	90	96	96	96	93	93	93
Heavy Vehicles, %	9	9	9	9	9	9	9	9	9	9	9	9
Mvmt Flow	12	28	52	32	13	29	16	221	40	14	261	1

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	438	582	131	426	543	-	262	0	0	261	0	0
Stage 1	289	289	-	253	253	-	-	-	-	-	-	-
Stage 2	149	293	-	173	290	-	-	-	-	-	-	-
Critical Hdwy	7.68	6.68	7.08	7.68	6.68	-	4.28	-	-	4.28	-	-
Critical Hdwy Stg 1	6.68	5.68	-	6.68	5.68	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.68	5.68	-	6.68	5.68	-	-	-	-	-	-	-
Follow-up Hdwy	3.59	4.09	3.39	3.59	4.09	-	2.29	-	-	2.29	-	-
Pot Cap-1 Maneuver	486	409	872	496	431	0	1250	-	-	1251	-	-
Stage 1	675	654	-	710	679	0	-	-	-	-	-	-
Stage 2	818	652	-	792	654	0	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	467	399	872	437	421	-	1250	-	-	1251	-	-
Mov Cap-2 Maneuver	537	473	-	517	488	-	-	-	-	-	-	-
Stage 1	666	647	-	701	670	-	-	-	-	-	-	-
Stage 2	791	644	-	705	647	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	11.4		0.4	0.4
HCM LOS	B	-		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1250	-	-	654	-	1251	-	-
HCM Lane V/C Ratio	0.013	-	-	0.14	-	0.011	-	-
HCM Control Delay (s)	7.9	-	-	11.4	-	7.9	-	-
HCM Lane LOS	A	-	-	B	-	A	-	-
HCM 95th %tile Q(veh)	0	-	-	0.5	-	0	-	-

WCR 84 Data



LEGEND

● Study Area Key Intersection

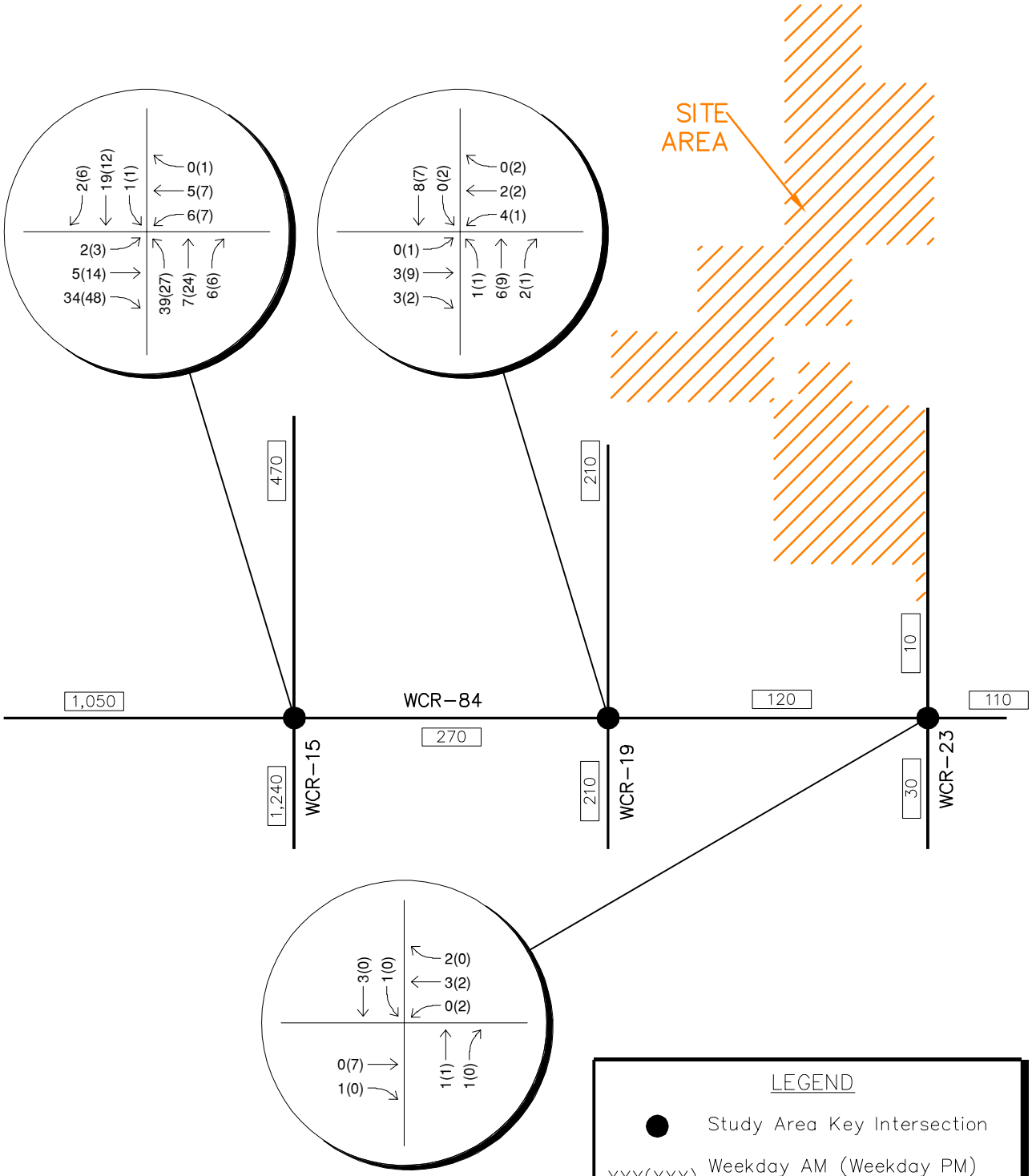
XXX(XXX) Weekday AM (Weekday PM) Peak Hour Traffic Volumes

XX,X00 Estimated Daily Traffic Volume

BLACK HOLLOW SOLAR
WELD COUNTY, COLORADO
2021 EXISTING TRAFFIC VOLUMES
ALONG WCR-84

FIGURE 4B

Kimley»Horn



BLACK HOLLOW SOLAR
WELD COUNTY, COLORADO
2023 BACKGROUND TRAFFIC VOLUMES
ALONG WCR-84

FIGURE 5B

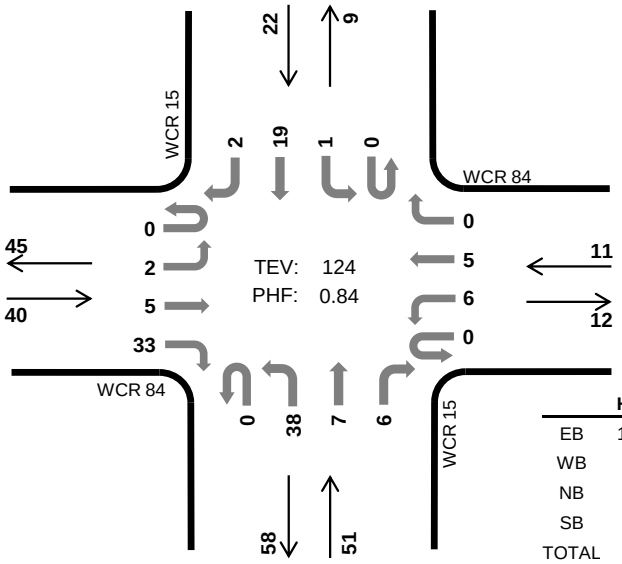
Kimley»Horn

WCR 15
WCR 84

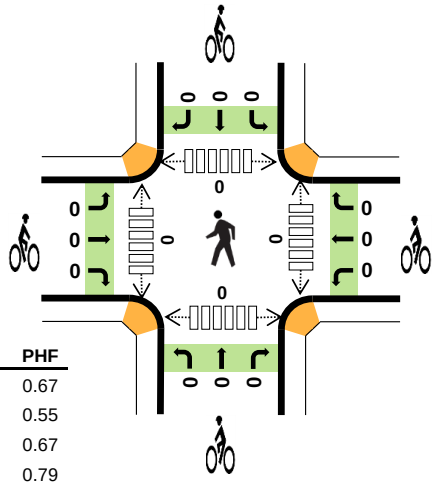
Date: 10/21/2021
Count Period: 7:00 AM to 9:00 AM
Peak Hour: 7:00 AM to 8:00 AM

N

Peak Hour



	HV %:	PHF
EB	12.5%	0.67
WB	9.1%	0.55
NB	3.9%	0.67
SB	4.5%	0.79
TOTAL	7.3%	0.84



Two-Hour Count Summaries

Interval Start		WCR 84 Eastbound UT	LT	TH	RT	WCR 84 Westbound UT	LT	TH	RT	WCR 15 Northbound UT	LT	TH	RT	WCR 15 Southbound UT	LT	TH	RT	15-min Total	Rolling One Hour
7:00 AM		**0**	**1**	**0**	**8**	**0**	**4**	**1**	**0**	**0**	**7**	**1**	**4**	**0**	**1**	**5**	**0**	**32**	0
7:15 AM		**0**	**1**	**3**	**11**	**0**	**0**	**0**	**0**	**0**	**6**	**2**	**2**	**0**	**0**	**4**	**0**	**29**	0
7:30 AM		**0**	**0**	**1**	**8**	**0**	**2**	**0**	**0**	**0**	**10**	**0**	**0**	**0**	**0**	**5**	**0**	**26**	0
7:45 AM		**0**	**0**	**1**	**6**	**0**	**0**	**4**	**0**	**0**	**15**	**4**	**0**	**0**	**0**	**5**	**2**	**37**	**124**
8:00 AM		0	2	0	4	0	0	1	0	0	8	2	1	0	0	6	0	24	116
8:15 AM		0	1	1	1	0	1	0	0	0	8	4	2	0	0	6	0	24	111
8:30 AM		0	1	0	3	0	1	1	0	0	3	3	0	0	0	5	1	18	103
8:45 AM		0	1	1	8	0	2	3	0	0	6	2	1	0	0	4	1	29	95
Count Total		0	7	7	49	0	10	10	0	0	63	18	10	0	1	40	4	219	0
Peak Hour	**All**	**0**	**2**	**5**	**33**	**0**	**6**	**5**	**0**	**0**	**38**	**7**	**6**	**0**	**1**	**19**	**2**	**124**	**0**
	HV	**0**	**0**	**2**	**3**	**0**	**0**	**1**	**0**	**0**	**2**	**0**	**0**	**0**	**0**	**1**	**0**	**9**	**0**
	HV%	**-**	**0%**	**40%**	**9%**	**-**	**0%**	**20%**	**-**	**-**	**5%**	**0%**	**0%**	**-**	**0%**	**5%**	**0%**	**7%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals EB	WB	NB	SB	Total	Bicycles EB	WB	NB	SB	Total	Pedestrians (Crossing Leg) East	West	North	South	Total
7:00 AM	**0**	**0**	**0**	**1**	***1***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
7:15 AM	**1**	**0**	**1**	**0**	***2***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
7:30 AM	**3**	**0**	**1**	**0**	***4***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
7:45 AM	**1**	**1**	**0**	**0**	***2***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
8:00 AM	0	0	1	0	*1*	0	0	0	0	*0*	0	0	0	0	*0*
8:15 AM	0	1	2	0	*3*	0	0	0	0	*0*	0	0	0	0	*0*
8:30 AM	1	0	0	0	*1*	0	0	0	0	*0*	0	0	0	0	*0*
8:45 AM	0	1	1	0	*2*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	6	3	6	1	*16*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	**5**	**1**	**2**	**1**	***9***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	WCR 84 Eastbound				WCR 84 Westbound				WCR 15 Northbound				WCR 15 Southbound				15-min Total	Rolling One Hour
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
7:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**1**	0
7:15 AM	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	0
7:30 AM	**0**	**0**	**1**	**2**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**4**	0
7:45 AM	**0**	**0**	**0**	**1**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	**9**
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	9
8:15 AM	0	0	0	0	0	1	0	0	0	1	1	0	0	0	0	0	3	10
8:30 AM	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	7
8:45 AM	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	2	7
Count Total	0	0	2	4	0	1	2	0	0	4	1	1	0	0	1	0	16	0
Peak Hour	**0**	**0**	**2**	**3**	**0**	**0**	**1**	**0**	**0**	**2**	**0**	**0**	**0**	**0**	**1**	**0**	**9**	**0**

Two-Hour Count Summaries - Bikes

Interval Start	WCR 84 Eastbound			WCR 84 Westbound			WCR 15 Northbound			WCR 15 Southbound			15-min Total	Rolling One Hour
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
7:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

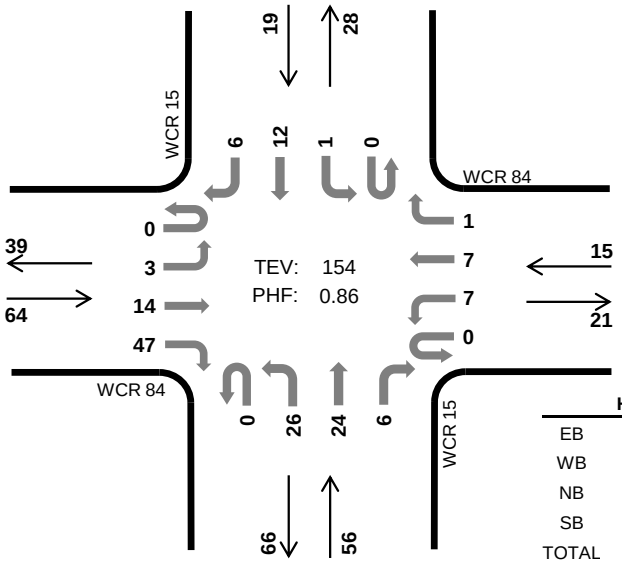
Note: U-Turn volumes for bikes are included in Left-Turn, if any.

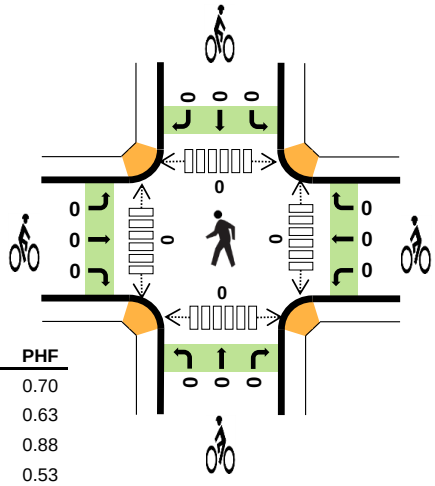
WCR 15
WCR 84

Date: 10/21/2021
Count Period: 4:00 PM to 6:00 PM
Peak Hour: 4:30 PM to 5:30 PM

N

Peak Hour





	HV %:	PHF
EB	3.1%	0.70
WB	0.0%	0.63
NB	1.8%	0.88
SB	5.3%	0.53
TOTAL	2.6%	0.86

Two-Hour Count Summaries

Interval Start		WCR 84 Eastbound				WCR 84 Westbound				WCR 15 Northbound				WCR 15 Southbound				15-min Total	Rolling One Hour
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM		0	3	2	9	0	1	1	0	0	12	4	4	0	1	2	2	41	0
4:15 PM		0	2	2	6	0	1	1	0	0	3	11	2	0	0	2	1	31	0
4:30 PM		**0**	**0**	**5**	**5**	**0**	**2**	**2**	**0**	**0**	**6**	**5**	**1**	**0**	**0**	**4**	**5**	**35**	0
4:45 PM		**0**	**0**	**3**	**20**	**0**	**2**	**2**	**0**	**0**	**10**	**3**	**0**	**0**	**0**	**5**	**0**	**45**	152
5:00 PM		**0**	**1**	**2**	**8**	**0**	**2**	**3**	**1**	**0**	**5**	**10**	**1**	**0**	**1**	**2**	**1**	**37**	148
5:15 PM		**0**	**2**	**4**	**14**	**0**	**1**	**0**	**0**	**0**	**5**	**6**	**4**	**0**	**0**	**1**	**0**	**37**	**154**
5:30 PM		0	0	2	8	0	2	2	0	0	7	1	0	0	0	4	1	27	146
5:45 PM		0	1	1	9	0	0	1	0	0	3	3	3	0	0	1	0	22	123
Count Total		0	9	21	79	0	11	12	1	0	51	43	15	0	2	21	10	275	0
Peak Hour	**All**	**0**	**3**	**14**	**47**	**0**	**7**	**7**	**1**	**0**	**26**	**24**	**6**	**0**	**1**	**12**	**6**	**154**	**0**
	HV	**0**	**0**	**1**	**1**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**1**	**4**	**0**
	HV%	**-**	**0%**	**7%**	**2%**	**-**	**0%**	**0%**	**0%**	**-**	**4%**	**0%**	**0%**	**-**	**0%**	**0%**	**17%**	**3%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
4:00 PM	0	0	0	1	*1*	0	0	0	1	*1*	0	0	0	0	*0*
4:15 PM	1	0	0	0	*1*	0	0	0	0	*0*	0	0	0	0	*0*
4:30 PM	**1**	**0**	**1**	**1**	***3***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
4:45 PM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:00 PM	**1**	**0**	**0**	**0**	***1***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:15 PM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
5:30 PM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
5:45 PM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	3	0	1	2	*6*	0	0	0	1	*1*	0	0	0	0	*0*
Peak Hour	**2**	**0**	**1**	**1**	***4***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	WCR 84				WCR 84				WCR 15				WCR 15				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0
4:15 PM	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0
4:30 PM	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**1**	**3**	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	5
5:00 PM	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	5
5:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**4**
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Count Total	0	0	1	2	0	0	0	0	0	1	0	0	0	0	1	1	6	0
Peak Hour	**0**	**0**	**1**	**1**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**1**	**4**	**0**

Two-Hour Count Summaries - Bikes

Interval Start	WCR 84			WCR 84			WCR 15			WCR 15			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	1	1	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	1
5:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	1	1	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

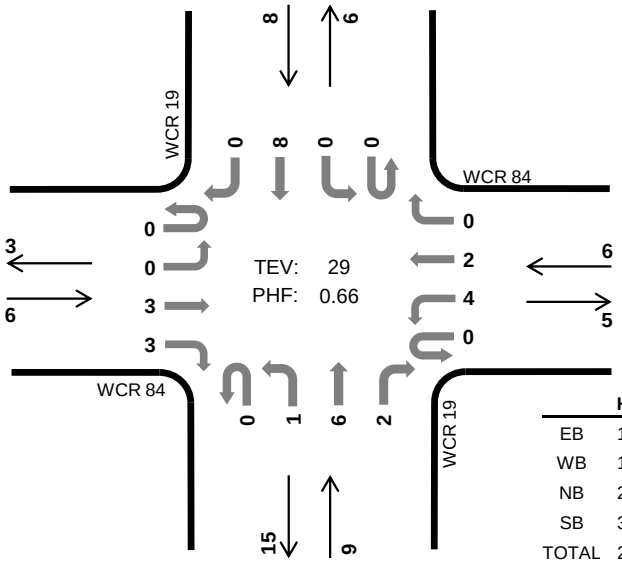
Note: U-Turn volumes for bikes are included in Left-Turn, if any.

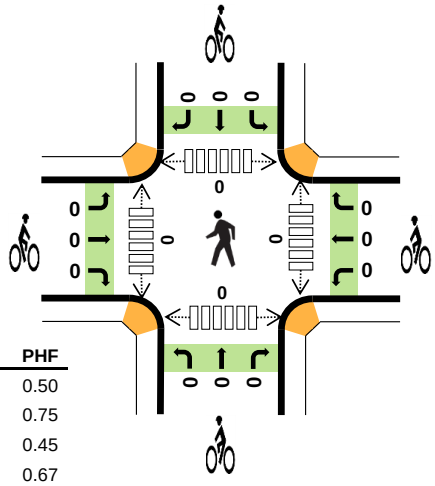
WCR 19
WCR 84

Date: 10/21/2021
Count Period: 7:00 AM to 9:00 AM
Peak Hour: 7:00 AM to 8:00 AM

N

Peak Hour





	HV %:	PHF
EB	16.7%	0.50
WB	16.7%	0.75
NB	22.2%	0.45
SB	37.5%	0.67
TOTAL	24.1%	0.66

Two-Hour Count Summaries

Interval Start		WCR 84 Eastbound				WCR 84 Westbound				WCR 19 Northbound				WCR 19 Southbound				15-min Total	Rolling One Hour
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
7:00 AM		0	0	1	0	0	0	1	0	0	0	1	0	0	0	2	0	5	0
7:15 AM		0	0	0	1	0	1	0	0	0	0	3	0	0	0	2	0	7	0
7:30 AM		0	0	1	0	0	2	0	0	0	0	0	0	0	0	3	0	6	0
7:45 AM		0	0	1	2	0	1	1	0	0	1	2	2	0	0	1	0	11	29
8:00 AM		0	0	0	1	0	0	0	0	0	0	2	0	0	0	1	0	4	28
8:15 AM		0	0	0	0	0	1	1	0	0	1	0	0	0	0	1	0	4	25
8:30 AM		0	0	0	1	0	1	0	1	0	0	2	0	0	0	1	0	6	25
8:45 AM		0	0	1	0	0	1	1	0	0	0	1	0	0	0	1	0	5	19
Count Total		0	0	4	5	0	7	4	1	0	2	11	2	0	0	12	0	48	0
Peak Hour	All	0	0	3	3	0	4	2	0	0	1	6	2	0	0	8	0	29	0
	HV	0	0	0	1	0	1	0	0	0	0	1	1	0	0	3	0	7	0
	HV%	-	-	0%	33%	-	25%	0%	-	-	0%	17%	50%	-	-	38%	-	24%	0

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals EB	WB	NB	SB	Total	Bicycles EB	WB	NB	SB	Total	Pedestrians (Crossing Leg) East	West	North	South	Total
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	1	0	1	0	2	0	0	0	0	0	0	0	0	0	0
7:30 AM	0	1	0	2	3	0	0	0	0	0	0	0	0	0	0
7:45 AM	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0
8:00 AM	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0
8:15 AM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	1	0	1	2	0	0	0	0	0	0	0	0	0	0
Count Total	1	3	3	4	11	0	0	0	0	0	0	0	0	0	0
Peak Hour	1	1	2	3	7	0	0	0	0	0	0	0	0	0	0

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	WCR 84				WCR 84				WCR 19				WCR 19				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
7:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:15 AM	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**2**	0
7:30 AM	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	**0**	**3**	0
7:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**1**	**0**	**2**	**7**
8:00 AM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	8
8:15 AM	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	7
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
8:45 AM	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	2	4
Count Total	0	0	0	1	0	3	0	0	0	0	2	1	0	0	4	0	11	0
Peak Hour	**0**	**0**	**0**	**1**	**0**	**1**	**0**	**0**	**0**	**0**	**1**	**1**	**0**	**0**	**3**	**0**	**7**	**0**

Two-Hour Count Summaries - Bikes

Interval Start	WCR 84			WCR 84			WCR 19			WCR 19			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
7:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

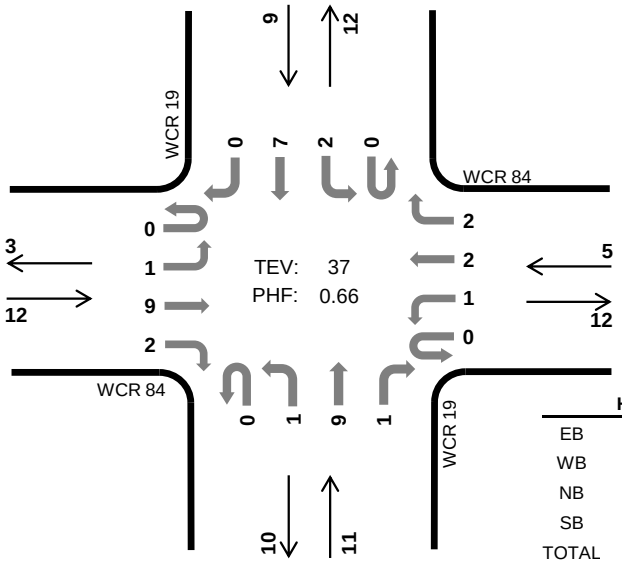
Note: U-Turn volumes for bikes are included in Left-Turn, if any.

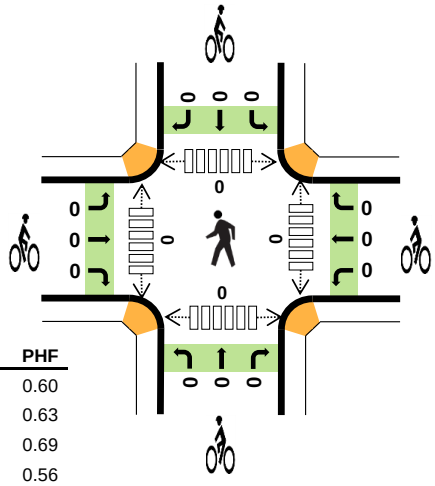
WCR 19
WCR 84

Date: 10/21/2021
Count Period: 4:00 PM to 6:00 PM
Peak Hour: 4:30 PM to 5:30 PM

N

Peak Hour





	HV %:	PHF
EB	8.3%	0.60
WB	0.0%	0.63
NB	0.0%	0.69
SB	0.0%	0.56
TOTAL	2.7%	0.66

Two-Hour Count Summaries

Interval Start		WCR 84 Eastbound				WCR 84 Westbound				WCR 19 Northbound				WCR 19 Southbound				15-min Total	Rolling One Hour
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM		0	0	0	0	0	0	2	0	0	0	2	1	0	0	1	0	6	0
4:15 PM		0	0	1	0	0	0	1	0	0	0	2	0	0	0	1	0	5	0
4:30 PM		**0**	**0**	**5**	**0**	**0**	**0**	**0**	**2**	**0**	**0**	**3**	**0**	**0**	**2**	**2**	**0**	**14**	0
4:45 PM		**0**	**1**	**1**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**2**	**0**	**6**	31
5:00 PM		**0**	**0**	**1**	**2**	**0**	**1**	**1**	**0**	**0**	**1**	**2**	**1**	**0**	**0**	**1**	**0**	**10**	35
5:15 PM		**0**	**0**	**2**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**3**	**0**	**0**	**0**	**2**	**0**	**7**	**37**
5:30 PM		0	0	2	1	0	1	1	0	0	0	2	3	0	0	1	0	11	34
5:45 PM		0	0	0	0	0	0	1	0	0	0	3	1	0	0	2	0	7	35
Count Total		0	1	12	3	0	2	7	2	0	1	18	6	0	2	12	0	66	0
Peak Hour	**All**	**0**	**1**	**9**	**2**	**0**	**1**	**2**	**2**	**0**	**1**	**9**	**1**	**0**	**2**	**7**	**0**	**37**	**0**
	HV	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**
	HV%	**-**	**0%**	**11%**	**0%**	**-**	**0%**	**0%**	**0%**	**-**	**0%**	**0%**	**0%**	**-**	**0%**	**0%**	**-**	**3%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals EB	WB	NB	SB	Total	Bicycles EB	WB	NB	SB	Total	Pedestrians (Crossing Leg) East	West	North	South	Total
4:00 PM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
4:15 PM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
4:30 PM	**1**	**0**	**0**	**0**	***1***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
4:45 PM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:00 PM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:15 PM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
5:30 PM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
5:45 PM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	1	0	0	0	*1*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	**1**	**0**	**0**	**0**	***1***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	WCR 84				WCR 84				WCR 19				WCR 19				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	1
5:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	1
5:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Peak Hour	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**

Two-Hour Count Summaries - Bikes

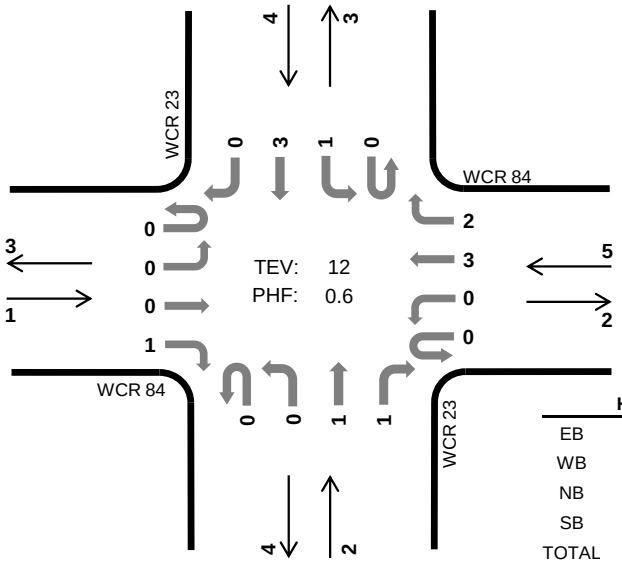
Interval Start	WCR 84			WCR 84			WCR 19			WCR 19			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
4:45 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:00 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
5:15 PM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Note: U-Turn volumes for bikes are included in Left-Turn, if any.

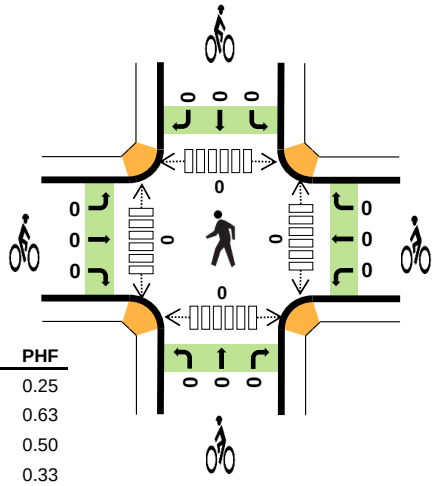
WCR 23
WCR 84

Peak Hour

Date: 10/21/2021
Count Period: 7:00 AM to 9:00 AM
Peak Hour: 7:00 AM to 8:00 AM



	HV %:	PHF
EB	0.0%	0.25
WB	0.0%	0.63
NB	0.0%	0.50
SB	0.0%	0.33
TOTAL	0.0%	0.60



Two-Hour Count Summaries

Interval Start		WCR 84 Eastbound				WCR 84 Westbound				WCR 23 Northbound				WCR 23 Southbound				15-min Total	Rolling One Hour
		UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
7:00 AM		0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0
7:15 AM		0	0	0	0	0	0	1	1	0	0	1	0	0	0	1	0	4	0
7:30 AM		0	0	0	1	0	0	0	1	0	0	0	0	0	1	2	0	5	0
7:45 AM		0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	2	12
8:00 AM		0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	12
8:15 AM		0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2	10
8:30 AM		0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	6
8:45 AM		0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	2	6
Count Total		0	0	1	1	0	0	7	2	0	0	1	2	0	1	3	0	18	0
Peak Hour	All	0	0	0	1	0	0	3	2	0	0	1	1	0	1	3	0	12	0
	HV	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	HV%	-	-	-	0%	-	-	0%	0%	-	-	0%	0%	-	0%	0%	-	0%	0

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals					Bicycles					Pedestrians (Crossing Leg)				
	EB	WB	NB	SB	Total	EB	WB	NB	SB	Total	East	West	North	South	Total
7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0
Peak Hour	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Two-Hour Count Summaries - Heavy Vehicles

Interval Start	WCR 84				WCR 84				WCR 23				WCR 23				15-min Total	Rolling One Hour
	Eastbound				Westbound				Northbound				Southbound					
	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT	UT	LT	TH	RT		
7:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	1
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Count Total	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

Two-Hour Count Summaries - Bikes

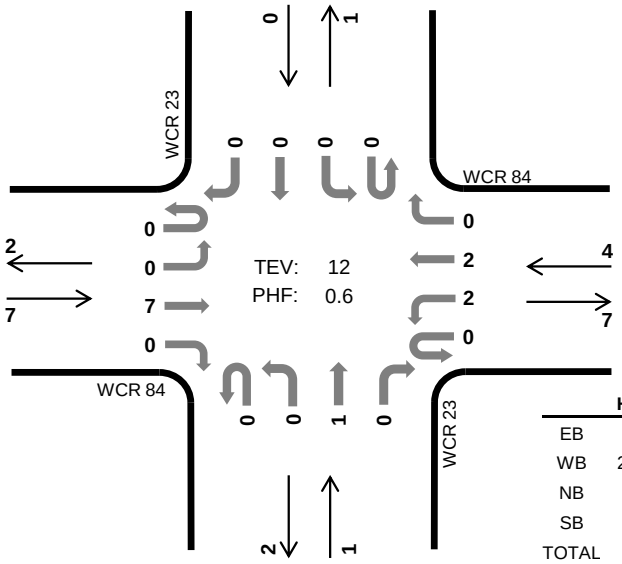
Interval Start	WCR 84			WCR 84			WCR 23			WCR 23			15-min Total	Rolling One Hour
	Eastbound			Westbound			Northbound			Southbound				
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT		
7:00 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:15 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:30 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	0
7:45 AM	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Count Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

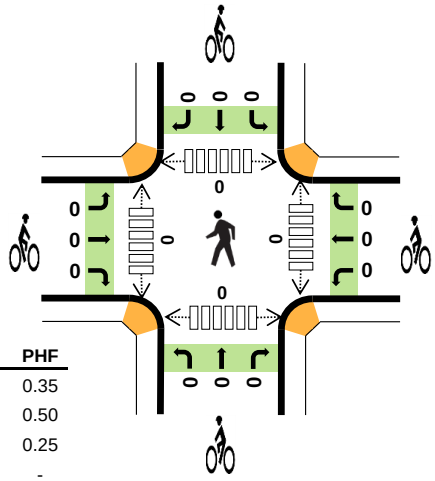
Note: U-Turn volumes for bikes are included in Left-Turn, if any.

WCR 23
WCR 84

Peak Hour

Date: 10/21/2021
Count Period: 4:00 PM to 6:00 PM
Peak Hour: 4:30 PM to 5:30 PM





	HV %:	PHF
EB	0.0%	0.35
WB	25.0%	0.50
NB	0.0%	0.25
SB	-	-
TOTAL	8.3%	0.60

Two-Hour Count Summaries

Interval Start		WCR 84 Eastbound UT	LT	TH	RT	WCR 84 Westbound UT	LT	TH	RT	WCR 23 Northbound UT	LT	TH	RT	WCR 23 Southbound UT	LT	TH	RT	15-min Total	Rolling One Hour
4:00 PM		0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	2	0
4:15 PM		0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	1	3	0
4:30 PM		**0**	**0**	**5**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**5**	0
4:45 PM		**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	11
5:00 PM		**0**	**0**	**1**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**2**	11
5:15 PM		**0**	**0**	**1**	**0**	**0**	**2**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**4**	**12**
5:30 PM		0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	8
5:45 PM		0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	8
Count Total		0	1	9	0	0	3	3	0	0	0	1	0	0	0	1	1	19	0
Peak Hour	**All**	**0**	**0**	**7**	**0**	**0**	**2**	**2**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**12**	**0**
	HV	**0**	**0**	**0**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**	**0**
	HV%	**-**	**-**	**0%**	**-**	**-**	**50%**	**0%**	**-**	**-**	**-**	**0%**	**-**	**-**	**-**	**-**	**-**	**8%**	**0**

Note: Two-hour count summary volumes include heavy vehicles but exclude bicycles in overall count.

Interval Start	Heavy Vehicle Totals EB	WB	NB	SB	Total	Bicycles EB	WB	NB	SB	Total	Pedestrians (Crossing Leg) East	West	North	South	Total
4:00 PM	1	0	0	0	*1*	0	0	0	0	*0*	0	0	0	0	*0*
4:15 PM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
4:30 PM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
4:45 PM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:00 PM	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	*0*
5:15 PM	**0**	**1**	**0**	**0**	***1***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***
5:30 PM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
5:45 PM	0	0	0	0	*0*	0	0	0	0	*0*	0	0	0	0	*0*
Count Total	1	1	0	0	*2*	0	0	0	0	*0*	0	0	0	0	*0*
Peak Hour	**0**	**1**	**0**	**0**	***1***	**0**	**0**	**0**	**0**	***0***	**0**	**0**	**0**	**0**	***0***

Property Management Plan
for the
BHS Solar Project

Prepared For:

BHS SOLAR, LLC

300 Spectrum Center Dr., Suite 1020
Irvine, CA 92618

Prepared By:

LOGAN SIMPSON

April 2022

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1.0 Introduction

The BHS Solar Project (Project) would consist of photovoltaic (PV) solar panels, inverters, electric collector lines, a Project substation, operations and maintenance building, Battery Energy Storage System (BESS), a short section of transmission line (0.5-mile-long), access roads, fencing, and other appurtenant equipment on private land north and east of Black Hollow Reservoir. Platte River Power Authority (Platte River) would construct and own a switchyard into which the Project substation would interconnect, an access road, and a transmission line to interconnect its switchyard into its existing 230kV transmission line.

BHS Solar, LLC (BHS Solar), the Project developer and owner, would be responsible for maintenance of the Project for its life through decommissioning.

The sections below provide draft general guidance relative to operation, maintenance, and monitoring activities to support the Site Plan application to the Town of Severance. A final plan would be prepared concurrent with a Stormwater Management Plan and/or Erosion Control Plan prior to construction.

A detailed Decommissioning Plan is included with the 2022 BHS Solar Annexation and Site Plan Application as Section 3.14. This Decommissioning Plan describes the process and responsibilities for removal and proper disposal of Project facilities and equipment at the end of the Project's life.

2.0 Project Description

The Project facilities would be located on private land in western Weld County. This area would be surrounded by wildlife and security fencing with gates at strategic locations (e.g., access roads, substation) and select corners to facilitate removal of potentially entrapped wildlife. The Project facilities would be separately fenced within the Project area.

BHS Solar would employ Best Management Practices (BMPs) and standard operating procedures for developing and maintaining all Project components, including implementation of environmental conservation measures (Section 3.8 of this 2022 BHS Solar Annexation and Site Plan application) to protect resources within the Project area.

3.0 Vegetation Maintenance, Revegetation, and Monitoring

Vegetation management for the Project area would include noxious weed control; compliance with wildfire prevention regulations and implementation of best management practices; and compliance with lease and permit obligations. Only BHS Solar personnel or subcontractors would perform vegetation management of the Project area.

Wildfire Prevention

International Fire Code (International Code Council 2018) states that "A clear, brush-free area of 10 feet (3,048 mm) shall be required for ground-mounted photovoltaic (PV) arrays." Brush refers to low-height woody vegetation. A 20-foot brush-free buffer would be maintained around the perimeter of the facility, within the perimeter fence. Brush, grasses, and herbaceous vegetation within the arrays would be necessary for erosion control, dust control, and wildlife habitat but would be managed to be short enough to not interfere with equipment function or pose a fire hazard. BHS Solar would coordinate with the Windsor-Severance Fire District regarding compliance with the current Fire Code and incorporation of future code revisions, as appropriate.

Table 3-1 provides implementation tasks and timeframes to guide wildfire prevention strategies.

Table 3-1. Operations and Maintenance Tasks and Schedule

Task	Frequency
Inspect the facility and Project area as necessary for the following conditions:	
a. Document and resolve all blown fuses, corrosion, heat distortion, moisture entry, electrical termination torque, pest issues (including but not limited to insects and rodents), and exterior damage on all electrical enclosures and equipment (including but not limited to disconnect switches, circuit breakers, metal-clad switchgear, protective relaying, battery systems, transformers, exposed bus work and containing structures), in accordance with applicable NETA MTS standards (Standard for Maintenance Testing Specifications for Electrical Power Equipment and Systems);	a. As needed in ongoing maintenance. Full inspection annually
b. Document and resolve all broken or missing modules, damage, unexpected wear, loose racking hardware, unsecured wiring, chafing of electrical conductor insulation and evidence of corrosion on modules, racking, tracker equipment, and wiring;	b. Annually
c. Document and resolve all loose or corroded grounding connections at module frames and module racking/support structures;	c. Annually
d. Document and resolve all loose connections, missing sealant, corrosion, moisture intrusion in accessible wiring runs, elbows, weather heads, piping, conduits and wireway;	d. Annually
e. Remove all debris and trash from arrays;	e. As necessary
f. Perform a ground continuity test to validate the integrity of the equipment grounding system;	f. Once per year
g. Inspect and test all safety equipment as required by the manufacturer, and recharge fire extinguishers;	g. Annually or as required by the jurisdiction
h. Inspect tracker systems and document and resolve any evidence of wear, moisture intrusion, loss of lubrication, damage in all motor drive/gearbox assemblies, bushings/bearings, linkage and torque tubes; and	h. Annually
i. Inspect any common facilities (including, but not limited to spare parts storage facility, utility connections, etc.) and document and resolve any moisture intrusion, roof damage, exterior damage, and corrosion.	i. Annually
Maintain and test medium, high voltage, and auxiliary electrical power distribution and interconnection equipment and systems.	As required by manufacturer's instructions, Project documents, PRPA guidelines, and applicable laws

Table 3-1. Operations and Maintenance Tasks and Schedule

Task	Frequency
Identify and resolve module-level operating issues; perform and document string testing, including string level open circuit voltage and direct current (DC) operating current tests, as required to ensure modules are operating within manufacturer's specifications and per the terms of module warranties.	Ongoing monitoring and evaluation of module operating status. String testing as necessary and as may be required to document and resolve non-conformance
Test switches, disconnects, wiring connections, battery backup systems for meteorological systems, and Supervisory Control and Data Acquisition (SCADA) system equipment, and other equipment as required per maintenance schedules.	A minimum of once per year and as required by manufacturer's instructions, Project documents, PRPA guidance, and applicable laws
Maintain facility communications equipment, facility data monitoring equipment, and SCADA system in good working order.	Ongoing
Perform functional tests of all communications, data monitoring platform, and SCADA system equipment. Such functional tests shall include verification of any loss of communication alarms, testing of battery back-up systems, validation that monitored data points appear correctly on the data monitoring platform, and testing of alarm conditions to verify the alarm condition is recognized by the data monitoring platform.	A minimum of once per year and as required by manufacturer's instructions, Project documents, PRPA guidance, and applicable laws
Perform infrared scans on all combiner and re-combiner boxes. Document and resolve all loose connections, provide report of issues and resolution.	Once per year
Recalibration and realignment of irradiance sensors.	A minimum of once per year to meet the requirements of the manufacturer's specifications and Project documents
Inverter and switchgear preventative maintenance, including, but not limited to: a. Cleaning of cabinet air vents b. Cleaning and changing of air filters c. Cleaning and removing dust from heat sinks d. Checking torque marks and re-tightening appropriate wiring connections to design specification torque force (per manufacturer's instructions) e. Checking and resolving coolant level f. Checking and resolving door seals and moisture intrusion	Ongoing and as necessary to meet the requirements of manufacturer's specifications and applicable laws

Table 3-1. Operations and Maintenance Tasks and Schedule

Task	Frequency
g. Clean out debris	

Revegetation

The goal of revegetation is to maintain a desired non-woody vegetation community that maximizes ecosystem services while minimizing erosion and the risk of wildland fire. The Ecological Site Descriptions (described in this section), local ecological conditions, best management practices, and relevant authorities such as the Native Plant Revegetation Guide for Colorado, Volume III: Upland Communities, Plains Grasslands (Colorado Natural Areas Program, Colorado State Parks, and Colorado Department of Natural Resources (1998) would serve to guide revegetation efforts. A desired seed mix would be agreed upon with the landowners and approved by the Fire District as part of the Building Permit to revegetate areas disturbed by construction and not occupied by Project facilities. Methods to control the establishment and spread of invasive, non-native plants (weeds) are described in Section 4.0. This plan would establish a vegetation management approach that maintains a buffer around access points and electrical equipment that would remain void of vegetation (defensible spaces). A Landscape and Open Space Plan has been prepared and is included as Section 3.6 of this 2022 BHS Solar Annexation and Site Plan application.

The Project area is within Major Land Resource Are (MLRA) 067B – Central High Plains, Southern Part. Vegetation in MLRA 067B is characterized by shallow to deep, loamy or clayey soils with a mesic soil temperature regime and arid soil moisture regime. Much of this area supports short prairie grasses; however, cottonwood is common along major streams. Most of the land within this MLRA is in farms or ranches, much of which is converted to urban use that has contributed to loss of prime farmland and cropland of statewide importance, a major soil resource concern. Invasion of invasive, non-native species is a concern, especially in areas that have been overgrazed and ground cover has deteriorated (NRCS 2006).

Vegetation observed in the Project area consists of a mix of previously grazed warm-season shortgrass and cool-season midgrass prairie species with associated shrubs and forbs. Common native species in the Project area include buffalograss and blue grama, which form a short-grass prairie cover type. The Project area has a history of agricultural or ranching use, consistent with description for MLRA 067B Central High Plains, Southern Part (NRCS 2006).

Ecological Sites within the Project area include:

- R067BY002CO (Loamy Plains) – “The Loamy Plains ecological site occurs in an upland position on nearly level to gently sloping plains. It is a warm-season and cool-season co-dominant, mixed-grass prairie (short- and mid-grasses) with a minor component of forbs and shrubs. … The major grasses in the Reference Plant Community include western wheatgrass, green needlegrass, and blue grama. Western wheatgrass is a major cool-season grass in this plant community and is a valuable forage plant in late spring and/or early summer. Sub-dominant grasses include needle-and-thread grass, buffalograss, and sand dropseed. Major forbs include American vetch, upright prairie coneflower, scarlet globemallow, and dotted blazingstar (dotted gayfeather). A minor amount of shrubs such as fourwing saltbush and winterfat may also occur” (NRCS, JER, and NMSU 2021).

- R067BY008CO (Loamy Slopes) – "This site occurs on gently sloping to steep slopes in an upland position on plains. It is co-dominated by warm season shortgrass and cool-season mid-grasses, along with a minor component of forbs and shrubs. … The potential vegetation is a mixed grass prairie consisting of approximately 85 percent grasses and grass-like plants, 10 percent forbs, and 5 percent shrubs. Blue grama, western wheatgrass, and sideoats grama are the primary grasses in this community. Secondary species include green needlegrass, needle-and-thread grass, big bluestem, buffalograss, switchgrass, threadleaf, and sun sedge. Big bluestem and switchgrass are most likely to be located in a lower position on the landform which receives more water. Little bluestem occurs in minor amounts. This community has a diverse forb population, most of which occur in small amounts. A minor component of shrubs includes winterfat, fourwing saltbush, Arkansas rose, fringed sagebrush, prickly pear, and yucca" (NRCS, JER, and NMSU 2021).
- R067BY024CO (Sandy Plains) – "The Sandy Plains ecological site is a mixed grass prairie site dominated by warm-season tallgrasses with an understory of warm-season shortgrass. Cool-season mid-grasses are secondary. A variety of forbs and shrubs occur on the site. The site occurs in upland positions on plains. …The dominant tall warm season grasses are prairie sandreed, sand bluestem and switchgrass. Blue grama dominates the understory. Important cool season grasses and grass-likes are needle-and-thread grass and sun sedge. Key forbs and shrubs are American vetch, pacific peavine (manystem pea), purple prairie clover, and spreading buckwheat" (NRCS, JER, and NMSU 2021)
- R067BY035CO (Salt Meadow) – "This site occurs on nearly level floodplains. Primary grasses are warm-season mid/tall bunchgrass and cool-season mid-rhizomatous grass with secondary warm-season tall rhizomatous grass and grasslike plants. Forbs and shrubs are a minor component. … The community is dominated by tall and mid warm and cool-season grasses. Major grasses include alkali sacaton, switchgrass, prairie cordgrass and western wheatgrass. Other grasses and grass-likes occurring on the community include big bluestem, little bluestem, alkali cordgrass, Nebraska sedge, and Baltic rush. Key forbs and shrubs include American licorice, prairie gentian, rag sumpweed, and fourwing saltbush" (NRCS, JER, and NMSU 2021).
- R067BY036CO (Overflow) – "The Overflow ESD occurs on floodplains, terraces, and drainageways on Plains. It is a primarily a cool-season mid-rhizomatous and bunchgrass site with warm-season tall bunchgrasses being secondary. Forbs and shrubs also occupy this site. … Major grasses include western wheatgrass, green needlegrass, big bluestem and switchgrass. Other grasses occurring on this community include blue grama, buffalograss, Canada wildrye and Indiangrass. Major forbs and shrubs include American vetch, upright prairie coneflower, fourwing saltbush and winterfat" (NRCS, JER, and NMSU 2021)
- R067BY042CO (Clayey Plains) – "The Clayey Plains ecological site occurs in an upland position on nearly level to gently sloping plains. It is a warm season shortgrass and cool-season midgrass co-dominant, mixed-grass prairie with a minor component of forbs and shrubs. … The plant community consists of 70-90% grasses and grass-likes, 5-15% forbs, and 5-15% shrubs. Dominant grasses include western wheatgrass, green needlegrass, and blue grama. Other grasses and grass-like plants that occur in minor amounts are buffalograss, sideoats grama, and sun sedge. Significant forbs are American vetch, purple prairie clover, and scarlet globemallow. Dominant shrubs that

occupy this community are fourwing saltbush and winterfat" (NRCS, JER, and NMSU 2021)

- R067BY063CO (Gravel Breaks) – "This site occurs on moderately sloping to steep hills on dissected plains or canyonlands. Primary production is warm-season mid-bunchgrasses, with secondary warm-season short bunchgrass, and warm-season tall bunchgrass. A diverse component of forbs and shrubs is also present. …The principal mid-grasses are little bluestem and sideoats grama. Secondary grasses include blue grama, big bluestem, prairie sandreed, switchgrass, needle-and-thread grass, hairy grama, and western wheatgrass. Threadleaf and sun sedge are common. Dominant forbs are purple prairie clover, dotted blazing star (dotted gayfeather) and upright prairie coneflower. Winterfat, skunkbush sumac and golden currant are some of the major shrubs found on this plant community" (NRCS, JER, and NMSU 2021)

Non-native species, including kochia, field bindweed, and smooth brome were observed during previous site visits; however, there is potential for other species identified on the Colorado Noxious Weeds List to occur (CDA 2020). No threatened, endangered, or sensitive plant species are known to inhabit the Project area.

Restoration and revegetation efforts at the Project area would begin within weeks of completing soil disturbing activities. For locations that may be disturbed again during the construction phase, temporary soil covering, erosion control, and weed monitoring would occur until more permanent revegetation efforts could be applied. Stockpiled or salvaged subsoil would be used to restore pre-project contours to the site. In accordance with the Town of Severance guidelines, salvaged topsoil would be replaced. In instances when salvaged topsoil and its associated seed bank are not in sufficient supply, the approved seed mix would be used. The seed mix would be certified weed free, obtained from local suppliers, and preferentially be of native varieties that originate from within 1,000 feet elevation of the Project site (locally adapted).

The use of stockpiled topsoil may not be appropriate or possible in all areas proposed for disturbance. In areas that stockpiled topsoil is not used during restoration and revegetation, the following practices would be implemented:

- Disturbed soil would be scarified, harrowed, or disked, in order to prepare a seed bed;
- Non-invasive, native and/or naturalized seeds would be broadcast;
- Sowed seeds would be protected with a layer of weed-free mulch or straw;
- Seed contact with soil would be improved by disking or rolling; and
- Reseeded areas would be appropriately watered.

All restoration and revegetation efforts would be implemented soon after disturbance of a site has concluded and prior to the typical spring rainy season. This would minimize the potential for soil loss and establishment of noxious weeds, as well as maximize success of revegetation efforts. Revegetation would be achieved by implementing BMPs and environmental conservation measures (Section 3.8 of this 2022 BHS Solar Annexation and Site Plan application, Environmental Conservation Measures). If satisfactory revegetation is challenging, BHS Solar would coordinate with the landowner and the Town of Severance to improve success.

Table 3-2 provides implementation tasks and timeframes to guide vegetation management strategies.

Table 3-2. Vegetation Management Tasks and Schedule

Task	Frequency
Perform site and landscape maintenance to ensure safe operation of the facility. Appropriately consider, address, and mitigate any potential for adverse impact to the intended use and ongoing operation of the facility, including, but not limited to pest management, vegetation monitoring, vegetation management, and refuse disposal.	Ongoing per prudent industry standards and as necessary to satisfy the requirements set forth in the Project documents
Maintain a clear, brush (non-woody)-free area of 10 feet (3048 mm) around ground-mounted photovoltaic (PV) arrays. This can be accomplished through chemical, mechanical, and biological means, as appropriate	Ongoing

4.0 Weed Management and Monitoring

Noxious weed species with potential to occur in the Project area are listed in Table 4-1. To determine all noxious weed species that are present and the extent of these occurrences in the Project area, a survey would be conducted prior to surface disturbing activities by qualified botanists/biologists, including all construction areas and areas adjacent to the Project area. This survey would focus on identifying and mapping populations of noxious weed species, as listed in the Colorado Revised Statutes, Article 5.5 of the Colorado Noxious Weed Act.

The weed survey would identify infested areas within and adjacent to the Project area. The weed survey would entail qualified botanists/biologists walking parallel transects to identify all noxious weeds on both sides of each transect. Identified weed occurrences would be described to species or further taxonomic level as required (i.e., subspecies, variety) and assigned an estimate for ground cover. When possible, individual plants would be counted or estimated. The location of identified weed occurrences would be recorded using a hand-held global positioning system (GPS) unit and all recorded occurrences would be mapped using geographic information system (GIS) software. All identified weed occurrences would be treated using the methods provided below (Noxious Weed Management Methods) prior to ground-disturbing activities to reduce the likelihood of spreading to other areas or remaining viable in the soil.

Table 4-1. List B Noxious Weed Species with Potential to Occur in the Project Area[1,2]

Common Name	Scientific Name
Absinth wormwood	*Artemisia absinthium*
Bouncingbet	*Saponaria officinalis*
Bull thistle	*Cirsium vulgare*
Canada thistle	*Cirsium arvense*
Common tansy	*Tanacetum vulgare*
Common and cutleaf teasel	*Dipsacus fullonum* & *Dipsacus laciniatus*
Dalmatian toadflax	*Linaria dalmatica*
Dames rocket	*Hesperis matronalis*

Common Name	Scientific Name
Diffuse knapweed	*Centaurea diffusa*
Eurasian watermilfoil	*Myriophyllum spicatum*
Hoary cress	*Lepidium draba*
Houndstongue	*Cynoglossum officinale*
Jointed goatgrass	*Aegilops cylindrica*
Leafy spurge	*Euphorbia esula*
Moth mullein	*Verbascum blattaria*
Musk thistle	*Carduus nutans*
Oxeye daisy	*Leucanthemum vulgare*
Perennial pepperweed	*Lepidium latifolium*
Russian knapweed	*Rhaponticum repens*
Russian olive	*Elaeagnus angustifolia*
Salt cedar	*Tamarix spp.*
Scotch thistle	*Onopordum acanthium*
Spotted knapweed	*Centaurea stoebe*
Sulfur cinquefoil	*Potentilla recta*
Wild caraway	*Carum carvi*
Yellow nutsedge	*Cyperus esculentus*
Yellow toadflax	*Linaria vulgaris*

[1] Species identified in the 2017 Weld County List B Management Plan (Colorado Department of Agriculture [CDA] 2017). Those species with known occurrence within Weld County (i.e., “Infested Acres” are greater than 0) are presented in this table.
[2] If additional noxious weeds not presented in this table are identified within the Project area, they would be treated using appropriate methods, as identified in this plan.

Treatment Methodology

Noxious weeds can be treated with a variety of methods including mechanical removal, prescribed fire, chemical / herbicide, and biocontrol. Due to the relatively small extent of the Project area and low concentration of existing noxious weed populations, mechanical mowing and selective herbicide application (spot treatment) are recommended. Post-construction monitoring would occur annually and if noxious weeds are observed, they would be treated per the recommendation for each species. Additional non-native weed species identified in the Project area that are not on the noxious weed list may also be evaluated for treatment using field observations and professional judgment. All vegetation in the Project area, including weed species not required to be treated under the Colorado Noxious Weed Act, would be treated with mechanical control methods (mower or string trimmer) periodically throughout the summer to maintain a height less than or equal to 2 feet to mitigate fuels and reduce fire hazards.

Noxious Weed Management on the Project Site

Treatment methods are necessary to control and eradicate known occurrences of noxious weeds. This integrated weed management approach uses multiple techniques, such as preventative, mechanical, and chemical controls. The most appropriate and effective weed treatment measures would be determined following the assessment of existing weed populations on the Project site. It is anticipated that mechanical and chemical control would be sufficient to maintain the maximum vegetation height of 2 feet on the site and eradicate any noxious weed populations identified. In addition to the measures provided below, the Project would generally adhere to the BMPs provided by the Colorado Department of Agriculture (2016). Preventative Methods

The prevention of weed establishment is the most effective weed management practice. Preventing or reducing the potential for weed establishment reduces additional effort, cost, and time invested in subsequent weed control or eradication measures. Several measures, such as ensuring construction equipment is clear of vegetative material to the extent practical prior to entering the Project area; using certified weed-free materials for site stabilization and revegetation; and restricting vehicle travel to established routes have proven to be effective toward preventing the spread and establishment of weeds and would be implemented during surface disturbing activities.

Physical / Mechanical Methods

Physical and mechanical treatments include the use of physical means to remove plants, reproductive parts, or propagules. Mechanical treatments include manual methods (pulling weed plants from the soil), use of hand tools and hand-held power tools, mowing, and other aggressive efforts that involve removing above and below ground plant structures. The designation of the appropriate mechanical treatment would depend on variables, including season, weed species, size and population of each occurrence. Mechanical methods would be used in conjunction with chemical applications to eradicate noxious weeds on the site. Mowing would be used for all vegetation to maintain a maximum height of 2 feet on the site.

Chemical Methods

Chemical treatments involve the use and application of herbicides. The use of herbicides is highly regulated and involves a variety of specific protocols, safety measures, and precautions for eliminating, reducing, and mitigating for uncontrolled releases.

Monitoring

Monitoring is the repeated collection and assessment of information toward evaluating the resource management objective. If management objectives are not being met, noxious weed control measures would be scrutinized and modified to improve their effectiveness. Effective monitoring would increase the likelihood of timely detection and control of weed occurrences in the Project area.

Noxious weed monitoring would be conducted by qualified biologists or appropriately trained personnel. All areas in the Project area that are proposed for surface disturbance would be monitored for noxious weeds. Monitoring would occur when noxious weed species are most likely to be detected and could be easily identified. New or previously unidentified noxious weed populations identified during monitoring would be recorded using a hand-held GPS unit and reported to the appropriate Project personnel.

Post Construction

Noxious weed monitoring would begin immediately following surface disturbance at all disturbed sites at least once a year for three consecutive years after the Project's completion. Identified noxious weed occurrences would be noted and recorded in the same manner as was described for the noxious weed pre-construction inventory effort.

Ongoing Monitoring

Noxious weed monitoring would occur on an ongoing basis during operation of the Project. Qualified and appropriately trained personnel would use the results of the initial noxious weed inventory to monitor known occurrences (or populations) and would observe activity areas for new occurrences.

5.0 Wildlife Monitoring

Entrapment

Every effort would be made to prevent big game species and other large mammals (e.g., coyotes, foxes) from entering and being entrapped within the security fencing around the Project area. Periodic monitoring of the Project area and fencing would be conducted by Project staff. BHS Solar would coordinate with Colorado Parks and Wildlife (CPW) if entrapped wildlife is located and requires release.

Mortality

BHS Solar would document and report observations of dead or injured wildlife within the Project area during regular monitoring. There is potential for wildlife to be killed in vehicle collisions or incidental collisions with other equipment (e.g., bird strikes). Transmission structures and lines would be designed to avoid avian collision and electrocution according to Avian Power Line Interaction Committee (APLIC) guidelines (APLIC 2006, Suggested Practices for Avian Protection on Power Lines and APLIC 2012, Reducing Avian Collisions with Power Lines). Regular monitoring under transmission lines and around other equipment would be conducted to locate injured or dead birds.

Black-tailed Prairie Dog Colonies

The Project area includes active and inactive black-tailed prairie dog colonies. Prairie dog colonies provide habitat for a variety of other grassland species, including burrowing owl. Prairie dogs also serve as prey for raptor and mammalian predators. The Project has been designed to avoid prairie dog colonies to the extent practicable. Colonies expand, contract, and shift in location in response to many factors including disease, weather conditions, and changes in vegetation communities. Regular monitoring would be conducted to document locations of prairie dog colonies and activity within them.

7.0 Conclusion

BHS Solar would remain in compliance with applicable permit conditions and regulations. Effective regular monitoring of ecological conditions would allow for adaptive management to achieve optimum revegetation results and avoidance of impacts to wildlife species to the extent practicable. Coordination with CPW and the Town of Severance would be conducted, as appropriate. The Decommissioning Plan describes final site conditions for the Project area.

Successful weed management can be evaluated through development and implementation of a monitoring program, adaptive management that is responsive to the monitoring program, and consistent management and implementation of BMPs.

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BHS Solar Project

Weld County, Colorado

Decommissioning Plan

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1.0 Decommissioning Plan

1.1 General

The following provisions are intended to ensure that facilities are properly removed after their useful life. The plan includes provisions for removal of all structures, foundations, underground cables (buried shallower than the leases allow to remain in place), unused transformers and foundations; restoration of soil and vegetation; and a plan ensuring financial resources will be available to fully decommission the site according to the conditions described in Weld County Charter and County Code, Chapter 23 -4-1030. Underground cables buried deeper than the depth of removal required by the lease may be abandoned in place. The Contractors will comply with requirements of all permits during the decommissioning process, and disposal of structures and foundations will comply with the provisions of the County Solid Waste Ordinance.

The BHS Solar Project is a proposed 250 Megawatt alternating current (250 MW-ac) solar electric generating facility using ground-mounted photovoltaic panels, located on approximately 3000 acres of land in Weld County, Colorado. The facilities will be located in a fenced area of approximately 1330 acres. The quantities and equipment used for the decommissioning cost estimate were taken from BHS Solar Layout prepared by Westwood Professional Services, date 04/08/2021 and the ESS Layout provided by 174 Power Global and dated 2/16/2022.

1.2 Decommissioning and Reclamation

Solar panels are expected to have a useful commercial lifespan of approximately 35 years. The solar facility may be decommissioned after it has reached the end of its useful life. The Owner will be responsible for removal of all above ground equipment and underground equipment, with the exception of designated below-grade foundations that may be left in place to minimize erosion and disruption to vegetation, within the project area. Underground cables buried deeper than the depth of removal; required by the lease, may be left in place to minimize disturbances. The owner will restore and reclaim the site to pre-construction topography and topsoil quality to the extent commercially practical.

Decommissioning includes removing the solar panels, solar panel racking, steel foundation posts and beams, inverters, transformers, overhead and underground cables (shallower than the depth specified in the lease), equipment pads and foundations, equipment cabinets, and ancillary equipment. The civil facilities, access road, security fence, and drainage structures and sedimentation basins are included in the scope. Standard decommissioning practices will be utilized, including dismantling and repurposing, salvaging/recycling, or disposing of the solar energy improvements.

After all equipment is removed, any holes or voids created by poles, concrete pads and other equipment will be filled in with soil to the surrounding grade and seeded with a previously approved seed mix consistent with requirements of Weld County Department of Public Work's Reseeding guidelines. All access roads and other areas compacted by equipment will be de-compacted prior to fine grading and tilling or seeding. This may include seeding as farmland or re-development of the land for other beneficial uses, based on consultation with the landowner.

If the owner or operator of the BHS Solar Project fails to begin removing the solar facilities as required by the lease, the landowner retains the right, after receipt of an appropriate court order, to enter and remove the solar facilities.

1.3 List of Decommissioning Activities

1.3.1 Timeline

Decommissioning is estimated to take approximately 40 weeks for a project of this size to complete and the decommissioning crew(s) will ensure that all equipment and materials are recycled or disposed of properly.

1.3.2 Removal and Disposal of Site Components

The removal and disposal details of the site components are found below.

Modules: Modules will be inspected for physical damage, tested for functionality, and disconnected and removed from racking. Functioning modules will be packed and shipped to an offsite facility for reuse or resale. Non-functioning modules will be packed, palletized, and shipped to the manufacturer or a third party for recycling or disposal.

Racking: Racking and racking components will be disassembled and removed from the steel foundation posts, processed to appropriate size, and sent to a metal recycling facility.

Steel Foundation Posts: All structural foundation steel posts will be pulled out to full depth, removed, processed to appropriate size, and shipped to a recycling facility. During decommissioning, the area around the foundation posts may be compacted by equipment and, if compacted, the area will be de-compacted in a manner to adequately restore the topsoil and sub-grade material to a density consistent for vegetation.

Overhead and Underground Cables and Lines: All underground cables and conduits shallower than the depth specified in the leases will be removed. Topsoil will be segregated and stockpiled for later use prior to any excavation and the subsurface soils will be staged next to the excavation. The subgrade will be compacted to a density similar to the surrounding soil to limit future settlement in the backfilled areas while promoting groundwater flows and vegetation growth. Topsoil will be redistributed across the disturbed area. Overhead lines will be removed from the project and taken to a recycling facility.

Inverters, Transformers, and Ancillary Equipment: All electrical equipment will be disconnected and disassembled. All parts will removed from the site and reconditioned and reused, sold as scrap, recycled, or disposed of appropriately, at the Owner's sole discretion, consistent with applicable regulations and industry standards.

Battery Energy Storage System, BESS: The BESS containers will be disconnected from electric ports prior to removal. The Lithium-Ion batteries will be transported to a recycling facility. The containers can be resold, reused, or recycled. Gravel aggregate will be removed and shipped from the Project site to be reused, sold, or disposed of appropriately, at the Project Owner's sole discretion, consistent with applicable regulations and industry standards. Clean aggregate can often be used as "daily cover" at landfills for no disposal cost. All internal service roads are constructed with geotextile fabric and the specified depth of aggregate over compacted subgrade. All pile foundations will be pulled out completely. Underground cables and duct banks will be removed to a depth of four feet. Topsoil will be reapplied to the disturbed area. Soil and topsoil will be de-compacted, and the site will be restored to the pre-construction condition and re-vegetated.

Equipment Foundation and Ancillary Foundations: The ancillary foundations for BHS Solar are pile foundations for both equipment skids and met stations. As with the solar array steel foundation posts, the foundation piles will be pulled out completely. Duct banks will be removed to a depth sufficient so farming will not be impeded. All unexcavated areas compacted by equipment used in decommissioning will be de-compacted in a manner to adequately restore the topsoil and sub-grade material to a density similar to the surrounding soil to limit future settlement in the backfilled areas while promoting groundwater flows and vegetation growth. All materials will be removed from the site and reconditioned and reused, sold as scrap, recycled, or disposed of appropriately, at the owner's sole discretion, consistent with applicable regulations and industry standards.

Fence: All fence parts and foundations will be removed from the site and reconditioned and reused, sold as scrap, recycled, or disposed of appropriately, at the owner's sole discretion, consistent with applicable regulations and industry standards. The surrounding areas will be restored to pre-construction conditions to extent feasible.

Access Roads: Facility access roads will be used for decommissioning purposes, after which the roads will be removed using the following process. Aggregate will be removed and shipped from the site to be reused, sold, or disposed of appropriately, at the Owner's sole discretion, consistent with applicable regulations and industry standards. Clean aggregate can often be used as "daily cover" at landfills for no disposal cost. All internal service roads are assumed to be constructed with six (6) inches of aggregate over compacted subgrade. Any ditch crossing connecting access road to public roads will be removed unless the landowner requests it remain. The subgrade will be de-compacted to a depth of approximately 18 inches using a chisel plow or other appropriate subsoiling equipment. All rocks larger than four inches will be removed. Topsoil that was stockpiled during the original construction will be distributed across the open area. The access roads and adjacent areas that are compacted by equipment will be de-compacted.

1.3.3 Restoration/Reclamation of Site

The Owner will restore and reclaim the site to approximately the pre-construction condition consistent with the site lease agreement. The Owner assumes that most of the site will be returned to farmland and/or pasture after decommissioning, and will implement appropriate measures to facilitate such uses. If no specific use is identified, the Owner will vegetate the site with a seed mix meeting the requirements of the County re-seeding guidelines. The goal of restoration will be to restore natural hydrology and plant communities to the greatest extent practicable while minimizing new disturbance and removal of native vegetation. The decommissioning effort will implement best management practices (BMP's) to minimize erosion and to contain sediment on the Project to the extent practicable with the intent of meeting this goal include:

1. Minimize new disturbance and removal of native vegetation to the greatest extent practicable.

2. Removal of solar equipment and all access roads up to full depth, backfill with subgrade material and cover with suitable topsoil to allow adequate root penetration for plants, and so that subsurface structures do not substantially disrupt ground water movements.

3. Any topsoil that is removed from the surface for decommissioning will be stockpiled to be reused when restoring plant communities. Once decommissioning activity is complete, topsoil will be re-spread to assist in establishing and maintaining plant communities.

4. Stabilize soils and returning them to agricultural use according to the landowner direction.

5. During and after decommissioning activities, install erosion and sediment control measures, such as silt fences, bio-rolls, and ditch checks in all disturbance areas where potential for erosion and sediment transport exists, consistent with storm water management objectives and requirements.

6. Remediate any petroleum product leaks and chemical releases prior to completion of decommissioning.

Decommissioning and restoration activities at each site will be completed within 365 days after the end of commercial operations.

1.4 Post-Restoration Monitoring

Decommissioning of the site will comply with permits for a National Pollution Discharge Elimination System Construction Site Run-off (NPDES CSR general permit, Spill Containment and Countermeasure (SPCC) Plan, and Storm Water Pollution Prevention Plan (SW3P), if grading activities are necessary and exceed applicable permit thresholds. Decommissioning may include post-restoration monitoring as required by the NPDES CSR permit and SW3P and other applicable requirements. In addition, the Owner's Field Representative assigned to decommissioning monitoring will stay in contact with the landowner, including onsite check-ins until the NPDES CSR permit is closed.

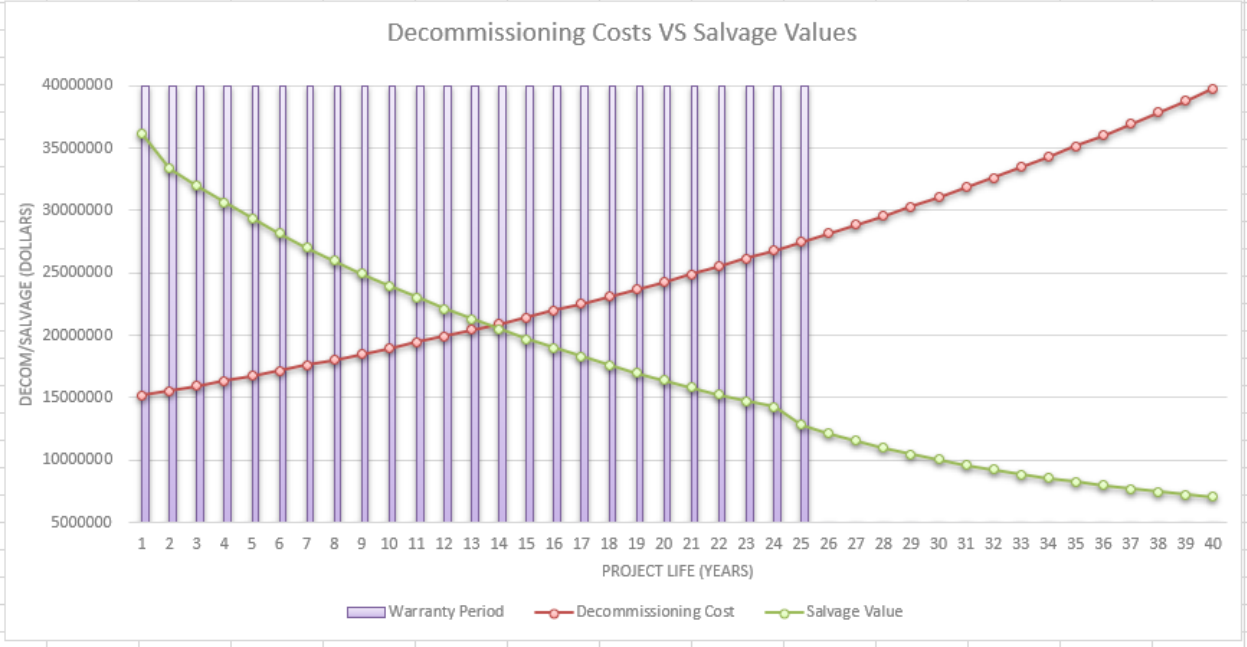
1.5 Estimated Net Decommissioning Costs

The decommissioning costs are calculated using current pricing. In keeping with the requirements of many jurisdictions the estimate of net costs should be updated periodically to recognize price trends for both decommissioning costs and the salvage and resale values of the components. This estimate is based on the first five years of operation. Subsequent revisions to the decommissioning plan and cost estimate may be required based on changes in construction techniques and technology, and changing material scrap or resale values.

There are currently active markets for scrap steel, aluminum, and copper, used transformers and electrical equipment, and used solar panels. Scrap metal prices have been discounted from posted spot prices found on www.scrapmonster.com. Pricing for used panels has been discounted from prices received from We Recycle Solar for a similar project. The pricing of the used panels has incorporated the degradation from five years of use as warrantied the manufacturer (not more than 0.5 percent per year).

The estimated cost for decommissioning is approximately $15,184,753. Salvage and resale value is estimated as approximately $36,136,987, resulting in a net surplus of approximately $20,952,234.

The intent of the decommissioning plan is to ensure that the site is restored at the end of project's useful life, and that the restoration costs are borne by the permittee / project owner. Consistent with other jurisdictions which applicant operates, the applicant recommends, and would plan that financial assurance be assessed and put in place following Power Purchase Agreement (PPA) term, through a Bond, Letter of Credit or Parent Company Guarantee. At minimum, re-assessment would done every 5 years to determine any changes to the level of financial assurance. As presented, evaluation of the project through a formal Decommissioning Plan will be conducted by independent engineer periodically following the PPA period. Information in the plan outlines the anticipated life of the project, estimated decommissioning costs in current dollars, method and schedule for updating the costs, evaluation of salvage / resale market potential of components and materials, methods for ensuring funds will be available, method for decommissioning and restoration.



As outlined above it can be seen that the indicative costs of decommissioning are less than the value of the solar project and associated salvage value. At the point the cost of decommissioning exceeds the salvage value, which would be some length of time before this the decommissioning obligations should be triggered

through provision of Bond, Letter of Credit or Parent Company Guarantee. Prior to this date the PPA with the utility off-taker and financing arrangements ensure that the project has a solid cash flow and remains in operation, and therefore the need for decommissioning security is very low. As the project moves through its operational life, manufacturers' warranty provisions end, the PPA terminates, and the debt is fully recovered, there is increased concern over the viability of the project and timing and costs for decommissioning needs to be assessed in further detail. However, with an expected operational life of 35 – 40 years the project continues to have great value and will continue to supply power to the utility under a separate contract or the wholesale energy market.

For additional detail on the assumptions made see Section 1.6.

Cost estimate:

BHS Solar Project				
Project Size	310.00	MW-DC	253.46	MW-AC
	Quantity	Unit	Unit Cost	Total Cost
Mobilization/Demobilization	1	Lump Sum	$965,000.00	$965,000
Mobilization was estimated to be approximately 7% of total cost of other items.				
				Year 1
Permitting				
State and Federal Permits	1	Lump Sum	$10,000.00	$10,000
Subtotal Permitting				**$10,000**
Decommissioning will require a SWPPP and SPCC plan, cost is an estimate of the permit preparation cost				
Civil Infrastructure				
Removal Gravel Surfacing from Road	26,806	Cubic Yards (BV)	$2.31	$61,962
Haul Gravel Removed from Road (Ault,CO)	33,507	Cubic Yards (LV)	$7.35	$246,415
Disposal of Gravel Removal from Road (Use as Daily Cover)	43,426	Tons	$0.00	$0
Remove and Load Culvert from Beneath Access Roads	12	Each	$448.00	$5,376
Haul Culvert Removed from Access Roads	4	Tons	$5.39	$21
Disposal of Culverts (Ault, CO)	4	Tons	$74.00	$284
Removal Low Water Crossing from Road	10	Each	$3,400.00	$34,000
Haul Low Water Crossing Materials Removed from Road	400	Ton	$5.39	$2,157
Disposal of Low Water Crossing Materials	400	Ton	$30.00	$12,000
Grade Road Corridor (Re-spread Topsoil)	84,970	Linear Feet	$1.43	$121,244
Decompaction on Road Area	23.93	Acres	$418.71	$10,018
Removal of Security Fence	79,745	Linear Feet	$3.14	$250,399
Subtotal Civil Infrastructure				**$743,876**
Structural Infrastructure				
Removal Steel Foundation Posts (Arrays, Equipment, Met Towers)	122,863	Each	$13.38	$1,643,446
Haul Array Steel Post (Johnstown, CO)	5,650	Tons	$8.40	$47,460
Removal of Tracker Racking per String	28,131	Each	$55.24	$1,553,861
Haul Tracker Racking (Johnstown, CO)	19,586	Tons	$8.40	$164,535
Subtotal Structural Infrastructure				**$3,409,302**
Steel removal costs were calculated by using RS Means information for demolition of steel members.				
Hauling calculations are based on the locations of metals recyclers.				
Electrical Collection/Transmission System				
Removal of PV Panels	704,548	Each	$5.27	$3,713,554
Haul PV 95% of Panels to Reseller (Phoenix, AZ)	21,396	Tons	$170.26	$3,642,967
Haul 5% of PV Panels for Disposal (Ault, CO)	1,126	Tons	$5.39	$6,073
Disposal of PV Panels	1,126	Tons	$74.00	$83,332
Removal of Equipment Skids	78	Each	$1,522.17	$118,729
Haul Equipment to Recycler (Deer Trail, CO)	78	Each	$608.52	$47,465
Remove, Haul, and Dispose of Timber Transmission Poles	1	Each	$1,000.00	$1,000
Remove and Haul Overhead Power Cables	445	Linear Feet	$5.96	$2,652
Removal of Scada Equipment	1	Each	$2,000.00	$2,000
Removal of DC Collector System Cables (copper)	253.5	Per MW	$2,000.00	$506,912
Removal of Underground (AC) Collector System Cables	78	Locations	$400.00	$31,200
Load and Haul Cables for Recycling	498.5	Tons	$8.40	$4,188
Subtotal Electrical Collection/Transmission System				**$8,160,072**
Electrical removal costs of PV Panels and Combiner Boxes were based industry standard installation rates. Equipment pads,				
MV Equipment and Scada Equipment removal cost are based on removal of equipment, concrete pads, and conduits using a				
truck mounted crane and RS Means information on crew production rates.				

Substation				
Disassembly and Removal of Main Power Transformer(s)	2	Each	$4,500.00	$9,000
Freight Transformer(s) Offsite	100	Tons	$24.34	$2,434
Disposal of Transformer (Including Oil) (Salvage Value)	2	Each	$0.00	$0
Excavate Around Transformer Foundation(s)	2	Each	$4,000.00	$8,000
Remove Complete Transformer Foundation(s)	80	Cubic Yards	$90.75	$7,260
Backfill Excavation Area from Transformer Foundation Removal	240	Cubic Yards	$39.39	$9,454
Haul Concrete (Transformer, Switch Gear, etc. Foundations)	325	Tons	$5.39	$1,752
Disposal of Concrete from Transformer Foundation	325	Tons	$75.00	$24,360
Demolish Substation Site Improvements (fences, etc)	1	LS	$3,500.00	$3,500
Demolish Control Building and Foundation	1	LS	$12,000.00	$12,000
Remove Medium/High Voltage Equipment	1	LS	$3,500.00	$3,500
Remove Structural Steel Substation Frame	1	LS	$3,500.00	$3,500
Haul - Demolition Materials, Removed Equipment & Structural Steel	40	Tons	$8.40	$336
Disposal of Demolition Materials & Removed Equipment	20	Tons	$75.00	$1,500
Remove Copper Ground Grid	1	LS	$1,177.50	$1,178
Load Copper Wire	20,000	Feet	$0.04	$760
Haul Copper Wire to Recycling	6.5	Tons	$74.00	$483
Remove and Load Gravel Surfacing from Substation Site	3,025	Cubic Yards (BV)	$2.31	$6,992
Haul Gravel Removed from Substation Site	3,781	Cubic Yards (LV)	$7.35	$27,805
Disposal of Gravel from Substation Site (Use as Daily Cover)	4,900	Tons	$0.00	$0
Grade Substation Site	122,500	SF	$0.06	$7,283
Erosion and Sediment Control at Substation Site	1,400	LF	$3.01	$4,214
Decompact Substation Site (Subsoiling)	2.81	Acres	$418.71	$1,178
Revegetation at Substation Site	2.81	Acres	$12,196.80	$34,300
Subtotal Substation				**$170,787**
Battery Energy Storage System				
Disconnection of Battery Storage Containers	48	Each	$82.23	$3,947
Removal and Loading of Battery Storage Containers	48	Each	$2,030.00	$97,440
Haul Battery Storage Containers (Assume Resale)	48	Each	$0.00	$0
Remove BESS Concrete Foundation(s)	251	Cubic Yards	$90.75	$22,796
Haul Container Concrete Foundations	407	Tons	$5.39	$2,195
Haul batteries to Phoenix, AZ	1,435	Tons	$170.26	$244,361
Disposal of Concrete from Foundations	407	Tons	$75.00	$30,521
Demolish BESS Site Improvements (fences, etc)	1,725	Linear Feet	$3.14	$5,417
Remove and Load Gravel Surfacing from BESS Site	5,003	Cubic Yards(BV)	$2.31	$11,564
Haul Gravel Removed from BESS Site	5,753	Cubic Yards(LV)	$7.35	$42,308
Disposal of Gravel from BESS Site (Use as "Daily Cover")	8,104	Tons	$0.00	$0
Decompact BESS Site	3.77	Acre	$418.71	$1,578
Grade BESS Site	164,168	SF	$0.06	$9,760
Erosion and Sediment Control at BESS Site	1,725	Linear Feet	$3.01	$5,192
Topsoil and Revegetation on BESS Site	3.8		$12,196.80	$45,967
Subtotal BESS				**$523,045**
Site Restoration				
Stabilized Construction Entrance	0	Each	$2,000.00	$0
Perimeter Controls (Erosion and Sediment Control)	56,122	Linear Feet	$3.01	$168,927
Permanent Seeding on roadway area	23.9	Acres	$12,196.80	$291,820
Till to Framable Condition at array areas	1,300	Acres	$236.80	$307,924
Subtotal Site Restoration				**$768,671**
Project Management				
Project Manager	40	Weeks	$3,800.00	$152,000
Superintendent	40	Weeks	$3,525.00	$141,000
Field Engineer	40	Weeks	$2,775.00	$111,000
Clerk	40	Weeks	$750.00	$30,000
Subtotal Project Management				**$434,000**
Standard industry weekly rates from RS Means. 40 week schedule used.				
Subtotal Demolition/Removals				**$15,184,753**

Salvage				
Fencing (Chain Link)	425	Tons	$243.75	$103,507
Steel Posts	5,650	Tons	$243.75	$1,377,100
Module Racking	19,586	Tons	$243.75	$4,774,206
PV Modules	669,320	Each	$37.73	$25,253,456
Transfomers and Inverters	2,524,470	Pounds	$0.28	$700,540
Substation Transformers (Core and Coils)	529,509	Pounds	$0.28	$146,939
Substation Transformers (Tanks and Fittings)	178	Tons	$243.75	$43,451
Transformers (Oil)	51,130	Gallons	$0.70	$35,791
Substation Ground Grid (Copper)	13,060	Pounds	$3.34	$43,620
DC Collection Lines (Copper)	897,386	Pounds	$1.22	$1,090,324
AC Collection Lines (Aluminum)	99,710	Pounds	$0.68	$68,052
Resale/Recycle Battery	100,000	kwh	$25.00	$2,500,000
Subtotal Salvage				**$36,136,987**
Salvage values are a combination of the following factors; current market metal salvage prices, current secondary market				
for solar panel module recycling, discussions with national companies that specialize in recycling and reselling electrical				
transformers and inverters, and the assumption that care is taken to prevent any damage or breakage of equipment.				
Total Demolition Minus Salvage				**($20,952,234)**
Notes:				
1. Prices used in analysis are estimated based on research of current average costs and salvage values.				
2. Prices provided are estimates and may fluctuate over the life of the project.				
3. Contractor means and methods may vary and price will be affected by these.				

1.6 Decommissioning Assumptions

To develop a cost estimate for the decommissioning of the BHS Solar Project, Westwood engineers made the following assumptions and used the following pricing references: Costs were estimated based on current pricing, technology, and regulatory requirements. The assumptions are listed in order from top to bottom of the estimate spreadsheet. We developed time and material based estimates considering composition of work crews and equipment and material required using RS Means data and Colorado Depart of Transportation (CDOT) average bid prices. RS Means is a construction industry recognized service providing cost data for use in developing construction cost estimates. When materials have a salvage value at the end of the project life, the construction activity costs and the hauling/freight cost are separated from the disposal costs or salvage value to make revisions to salvage values more transparent.

1. Decommissioning year is based on a 5 year initial period for the financial security. The projected life of the project is 35 years.
2. This Cost Estimate is based on preliminary plans and CAD design dated 04/08/21 and data provided by BHS Solar, LLC.
3. A project of this size and complexity requires a full time project manager or support staff.
4. Common labor will be used for the majority of the tasks except for heavy equipment operation. Since CDOT unit prices are used, where possible, the labor rates will reflect union labor rates.
5. Mobilization was estimated at approximately 7% of total cost of other items.
6. Permit applications required include the preparation of a Storm Water Pollution Protection Plan (SWPPP) and a Spill Prevention Control and Countermeasure (SPCC) Plan.
7. Road gravel removal was estimated on a time and material basis using a 16 foot width and a 6 inch thickness for the array access roads and a 20 foot width and a 6 inch thickness for substation access roads. Substation aggregate is included in the substation quantities. Since the material will not remain on site, a hauling cost is added to the removal cost. Road aggregate can often be disposed of by giving to landowners for use on driveways and parking areas. Many landfills will accept clean aggregate for use as “daily cover” and do not charge for the disposal.
8. Grade Road Corridor reflects the cost of mobilizing and operating light equipment to spread and smooth the topsoil stockpiled on site to replace the aggregate removed from the road.
9. Erosion and sediment control along road reflects the cost of silt fence on the downhill side of the road and surrounding all on-site wetlands.
10. Topsoil is required to be stockpiled on site during construction, therefore this top soil is available on site to replace the road aggregate, once removed. Subsoiling cost to decompact roadway areas is estimated as $418.71 per acre. Revegetation on removed substation area, which includes soil preparation, seed, fertilizer, lime, and care until vegetation is established is $12,197 per acre. Tilling to an agriculture ready condition is estimated as $236.80 per acre. The majority of the project area is tilled to agriculture ready condition since the decommissioning activities are not expected to eliminate the existing grasses and vegetation under the arrays or heavily compact the soils. Array areas tilled to agriculture ready condition will require little restoration effort, fertilizer, or lime since the arrays will have been planted with prairie, pollinator seed mixes, and the soils will have been rejuvenated by being planted as prairie and removed from intense farming and grazing pressure.
11. Fence removal includes loading, hauling, and recycling or disposal. Fence and posts weigh approximately 10 pounds per foot.
12. Array support posts are generally lightweight “I” beam sections installed with a piece of specialized tracked equipment. Crew productivity is approximately 240 posts per day, and the

same crew and equipment should have a similar productivity removing the posts, resulting in a per post cost of approximately $13.38.

13. A metal recycling facility (Waste Not Recycling) is located in Johnstown, Colorado is 25 miles from the project site. Pricing was acquired from www.scrapmonster.com. The posts weigh approximately 250 pounds each, and we estimate the hauling costs at approximately $0.37 per ton mile. The pricing from Scrapmonster is adjusted to 75 percent of the published price to reflect the processing required for the posts to fit recycling requirements and Waste Not Recycling's margin.
14. Based on the review of a manufacturer's details of the array support structures the structures weigh approximately 15 pounds per linear foot of array. The facility has 704,548 modules, for a total module weight of 22,522 tons. The tracker arrays are made of steel pipe, mounted on the foundation piles, which the panels are bolted to. A crew with hand tools can disassemble and cut the pieces to sizes for recycling at a rate of about 240 four foot long pieces per person per day based on RS Means cost data.
15. Hauling the steel to Johnstown, CO costs about $8.40 per ton.
16. The solar panels rated at 440 Watts measure approximately 6.98 feet by 3.44 feet and weigh 63.9 pounds so they can easily be disconnected, removed, and packed by a three person crew at a rate we estimate at 36 panels per hour.
17. Based on preliminary design information, 3510 kVA inverters will be used on this project. Inverters and transformers are going to be a part of an equipment skid, mounted on a pile foundation. This modular cabinet will measure 21'-8" long, 7'-0" tall, and 7'-0" deep. The total weight of the cabinet including the inverter, transformer, and other electrical equipment will be approximately 32,400 pounds each, and can be disconnected by a crew of electricians and lifted by a small crane for transport to the recycler. They contain copper or aluminum windings.
18. Medium voltage (MV) equipment and SCADA equipment are mounted on the same concrete pad as the transformer and enclosed in weather proof cabinets. Their size requires light equipment to remove them. The costs shown include the removal of the concrete pads.
19. The underground collector system cables are placed in trenches, inside of PVC conduits, with a minimum of 4 feet of cover.
20. To reduce tracking of sediment off-site by trucks removing materials, we have included a rock construction entrance priced based on state DOT bid prices.
21. Perimeter control pricing is based on a sediment fence placed on the downgrade side of the work area perimeters, and protecting wetlands and drainage swales within the project area. Pricing is based on RS Means unit prices.
22. No topsoil will be removed from the landowner's property or used on other landowners' property during decommissioning. Most of the site will not have been compacted by heavy truck or equipment traffic so no top soil will need to be imported, and very few areas will need to be de-compacted.
23. Metal salvage prices (steel, aluminum, copper) are based on quotes from www.scrapmonster .com for the U.S. Midwest in December 2020. These prices are based on delivery to the recycling facility with the material prepared to meet size, thickness, cleanliness and other specifications. A reduction of 25% has been taken from this price to reflect the difficulty of realizing the full spot prices posted. The prices are three months old at the time they are displayed on the website.
24. The steel posts and array racking are priced based on 75 percent of the HMS (high melt steel) 80/20 the price listed on www.scrapmonster.com in December, 2020. ($325 per ton)
25. Solar module degradation is approximately 0.50% per year, or 96% of capacity remaining after 5 years, and 82% capacity remaining after 35 years. The manufacturer guarantees that panels will

have 98 percent the rated capacity when new, so combining the guaranteed capacity and the degradation, the estimate uses 96 percent capacity after five years. There is currently a robust market for used solar panels and pricing can be found on Solar Biz, eBay and other sites. New entrants in the market include We Recycle Solar, which markets used panels in Asia, Africa, and South America. We have assumed that as long as the modules are producing power they will have economic value. To avoid unconservative pricing for the used modules we used a pricing of 80 percent of the $0.0875 per watt price quoted by We Recycle Solar for a similar project within the last two months. The price is based on the buyer transporting panels placed on pallets from the project site to a We Recycle Solar facility.

26. There is an active market for reselling and recycling electrical transformers and inverters with several national companies specializing in recycling. We have assumed that the electrical equipment will be obsolete at the time of decommissioning so we have based the pricing on a percentage of the weight that reflects the aluminum windings that can be salvaged. Pricing was obtained from scrapmonster.com in December 2020, for used transformer scrap at a price of $0.37 per pound.
27. The collection lines are priced assuming copper conductor wire for the DC circuits, which is typical. The prices used reflect a reduced yield of the copper resulting from the insulation and other materials that must be stripped from the wire so that the copper can be recycled. The estimate uses the Midwest price of #2 copper wire with an 85 percent recovery rate as found on www.scrapmonster.com in December 2020, which is $1.62 per pound. For the salvage value we have assumed 75 percent of the published price.
28. The underground collection lines are assumed to be aluminum conductor. The majority of the length of the collection lines will be buried deep enough so that it does not have to be removed. Those sections coming up out of the ground at junction boxes, or otherwise, can be salvaged. The salvage value is based on the Midwest price of E.C. Aluminum Wire as found on www.scrapmonster.com in December 2020, which is $0.91 per pound. We have reduced the price to 75 percent of the quoted price to reflect the complications of stripping insulation and separating the materials.
29. Care to prevent damage and breakage of equipment, PV modules, inverters, capacitors, and SCADA must be exercised, but removal assumes unskilled common labor under supervision.
30. The substation transformers contain either copper or aluminum windings that have significant salvage value. They are typically oil filled, but most transformer recyclers will accept the transformers with oil. The estimated costs include removal of the concrete pads and conduits feeding the equipment.
31. All salvage is based on the weights of bulk material or equipment.

Landscape and Open Space Plan

Section 16.11.160 Solar Facility states "As no single landscaping Plan can be prescribed for all developments due to differing land features, solar access, topography, and soils, these guidelines encourage flexible and creative landscape designs. Landscaping/screening shall include, at a minimum, decorative fencing, berming, and/or vegetation such that the facility is aesthetically pleasing as viewed from adjacent properties and rights-of-way. Native grasses and wildflower mixes are encouraged."

BHS will comply Section 16.11.160.c.3 Landscape / Irrigation Plan with the following clarifications:

- As distance increases, visual change decreases. Hence setbacks are more effective than ornamental landscaping, berming, or decorative fencing.
- The Project exceeds the setback requirements in Section 16.11.160.f.3. The Project has been set back over 1,000 feet from the nearest residence and is over 0.5 mile from the next closest residence. Except for CR 90, development areas are more than 0.5 mile from public roads.
- The rolling topography makes berming and ornamental vegetation ineffective on aesthetic observations when the Project is viewed from adjacent properties or rights-of-way. Wildlife movement corridors and solar array configurations also break up the uniformity of the Project.
- The vernacular rural character of the Black Hollow Reservoir is rolling rangeland, native grasses, and riparian trees. Ornamental landscaping at the scale of the Project would appear unnatural, and the irrigation requirements would be unsustainable.
- The landscape will rely on non-irrigated native grasses, wildflowers and pollinators, habitat enhancement, wildlife movement corridors, setbacks, and fencing.

Landscaping within the Project Fence

Revegetation of the site would integrate a variety of restoration techniques, including protection of the existing native seedbed and rootstock (through mowing and grubbing), spot grading (see Section 3.4, Grading Plan), reseeding in disturbed or denuded areas, decompacting, transplanting of larger woody species, and more. A seed mix would be developed to reflect a combination of existing conditions and ecological site descriptions (as presented in the Property Management Plan, Section 3.11). The mix would feature native short- and mixed-grass species (such as blue grama and western wheatgrass), as well as native, ecotypic forbs (such as dotted blazing star and prairie coneflower) that support pollinators.

If it is determined that one seed mix is not suitable for the entire site (due to variable ecological site descriptions and habitats known to occur), the seed mix would be modified, as needed, to support successful re-establishment of appropriate vegetation species.

To improve the likelihood of success for revegetation of the site, noxious weeds would be managed according to the Property Management Plan (Section 3.11). Noxious weeds are identified and managed by the Colorado Department of Agriculture and the Weld County Weed Division. Prevention is the most effective management practice; however, where noxious weeds do occur post-construction, an integrated weed management approach that incorporates mechanical and chemical control methods would be used.

Lighting Plan

The Town of Severance Land Use Application Form Checklist requests a Lighting Plan for the Project area that answers the question: “How is exterior lighting being addressed?”.

The Project would include lighting during operation at the substation, gates, BESS, O&M building, and switchyard. Lighting at the facilities and gates would be for security purposes only and would be motion activated and shielded downward (dark sky lighting). Lights planned for use include the RSX2 LED Area Luminaire and the WDGE2 LED Architectural Wall Sconce Precision Refractive Optic. No other lighting would be required during Project operation.

Page 17, sheet C-110 of the Project Site Plan (Section 3.1) shows lighting fixtures and specifications. General locations are also shown on the Site Plan at the Project substation, PRPA switchyard, O&M building, and BESS. These areas would be illuminated as described. Gates providing access to the Project area would be located on access roads and are also provided on the Site Plan.

Sound Mitigation Plan

The Town of Severance Land Use Application Form Checklist requests a Sound Mitigation Plan for the Project area that answers the question: “If noise or smells are associated with the development, what are the plans for mitigation?”.

During construction noise from construction would be managed to meet the Town of Severance Ordinance 2022-12 (an amendment to the Municipal Code pertaining to noise). Section 7-7-30 of that ordinance states:

> “The prohibitions set forth in subsection 7-7-20(a) shall not apply to sound from:
>
> (6) Any lawful construction, maintenance, or repair activities conducted between 7:00 a.m. and 7:00 p.m. or dusk, whichever comes first, Monday through Friday, and between 9:00 a.m. and 5:00 p.m. on Saturday and Sunday.”

During operation the Project will not generate noise that is generally audible at least twenty-five feet from the property line. Further there are no adjacent neighborhoods to the Project. All photovoltaic panels would be setback over 1,100 feet from the closest neighboring residence and over 1,300 feet from Black Hollow Reservoir.

As a good neighbor BHS Solar commits to the following mitigation found in the Environmental Conservation Measures

- The Project would ensure that all construction equipment would have sound-control devices no less effective than those provided on the original equipment. All construction equipment used would be adequately muffled and maintained.
- The Project would ensure that all stationary construction equipment (i.e., compressors and generators) would be located as far as practicable from nearby residences.
- The Project would notify nearby residents in advance if noisy activities are required during the construction period.

Stantec

Memo

To:	Stephanie Lauer 174 Power Global	From:	Jennifer Brunty Stantec Consulting Services Inc.
		Date:	May 12, 2021

Reference: Black Hollow Solar Project Glare Hazard Analysis

The purpose of this memo is to describe key information regarding the attached ForgeSolar Glare Hazard Analysis Reports for the Black Hollow Solar Project (Project) in Weld County, Colorado.

The analysis was conducted on the array areas shown in yellow on **Figure 1,** below. Seventeen viewing sites provided by 174 Power Global are also shown on **Figure 1**. Airports within 10 miles of the project site are shown on **Figure 2**.

Due to analysis program limitations, the array was broken into five separate blocks (Blocks 1-5) to analyze the whole site. Blocks 1-5 and the Observation Points (OPs), airports, and routes used in the analysis are shown in **Figures 3-7**. The 17 viewing points provided by 174 Power Global (OPs 1-17) were analyzed for glare at a 6-foot viewing height. Additional glare analyses were performed for 11 houses near each block, each at a 6-foot and 16-foot viewing heights (OPs 18-39). Route analyses were performed for County Roads 19, 25 and 90, as shown by blue-green lines on **Figures 3-7**. In addition, the nine airports within 10 miles of the project site were analyzed. Input parameters also included a maximum tracking angle of 60 degrees and use of lightly textured glass with anti-reflective coating.

Each block was analyzed four times, for combinations of 5-foot and 9-foot vehicle heights, and 8-foot and 10-foot panel heights. The 20 resulting ForgeSolar output reports are provided as Attachment 1. No glare was predicted on any of the OPs, routes, or airports for any height combinations for any analysis block.

Please do not hesitate to contact the undersigned with any questions, comments, or concerns regarding these analyses.

Stantec Consulting Services Inc.

Jennifer Brunty PhD, PMP
Senior Environmental Scientist

Phone: 941 907 6900
Jennifer.Brunty@stantec.com

Attachment 1: Forgesolar Output Reports

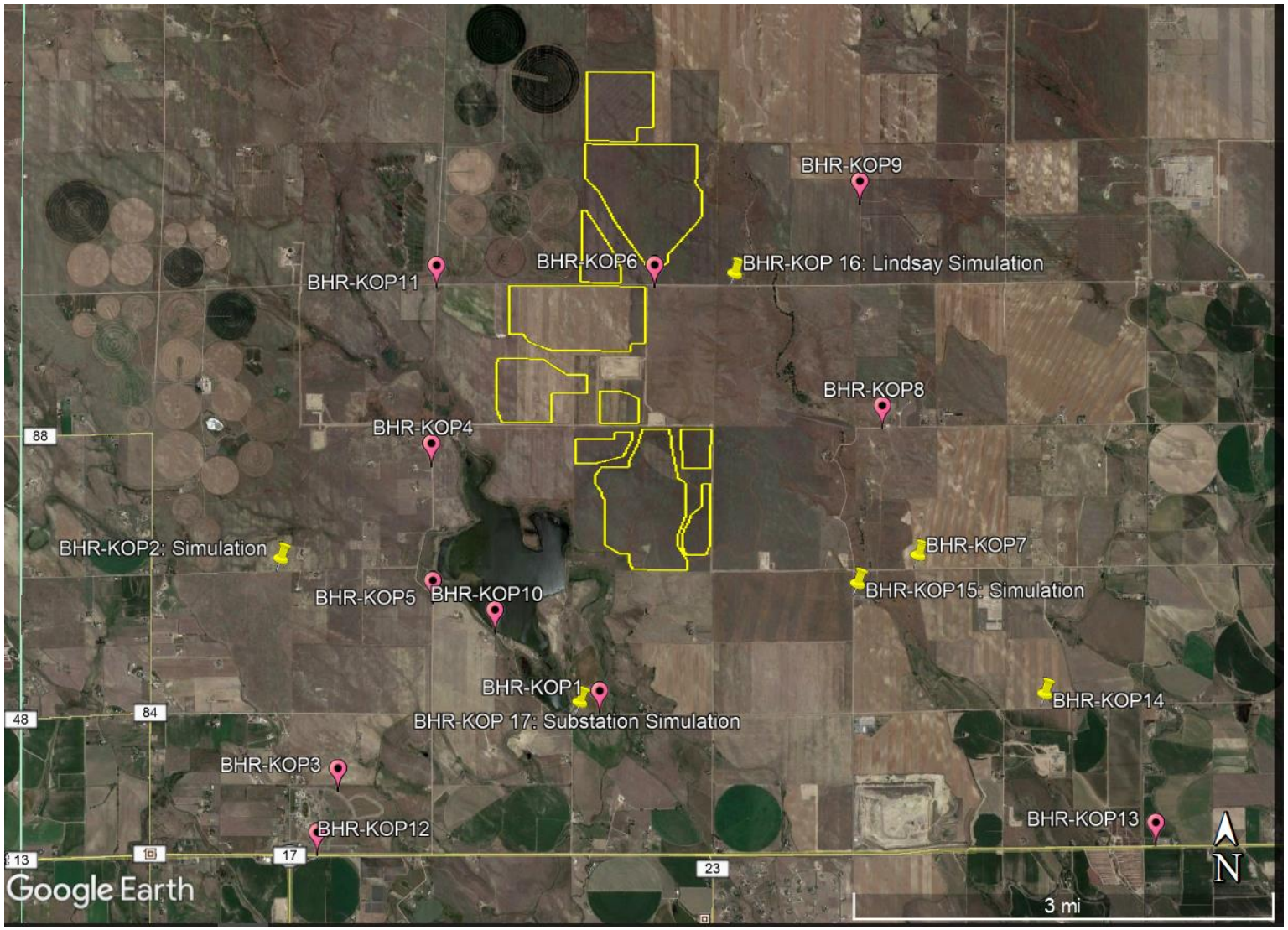


Figure 1: Glare Hazard Analysis Area and Viewing Sites Provided by 174 Power Global

Note: PV Arrays Glare Analysis Area shown with yellow lines. Viewing sites provided by 174 Power Global shown with yellow and pink markers.

Source: Google Earth, July 2019

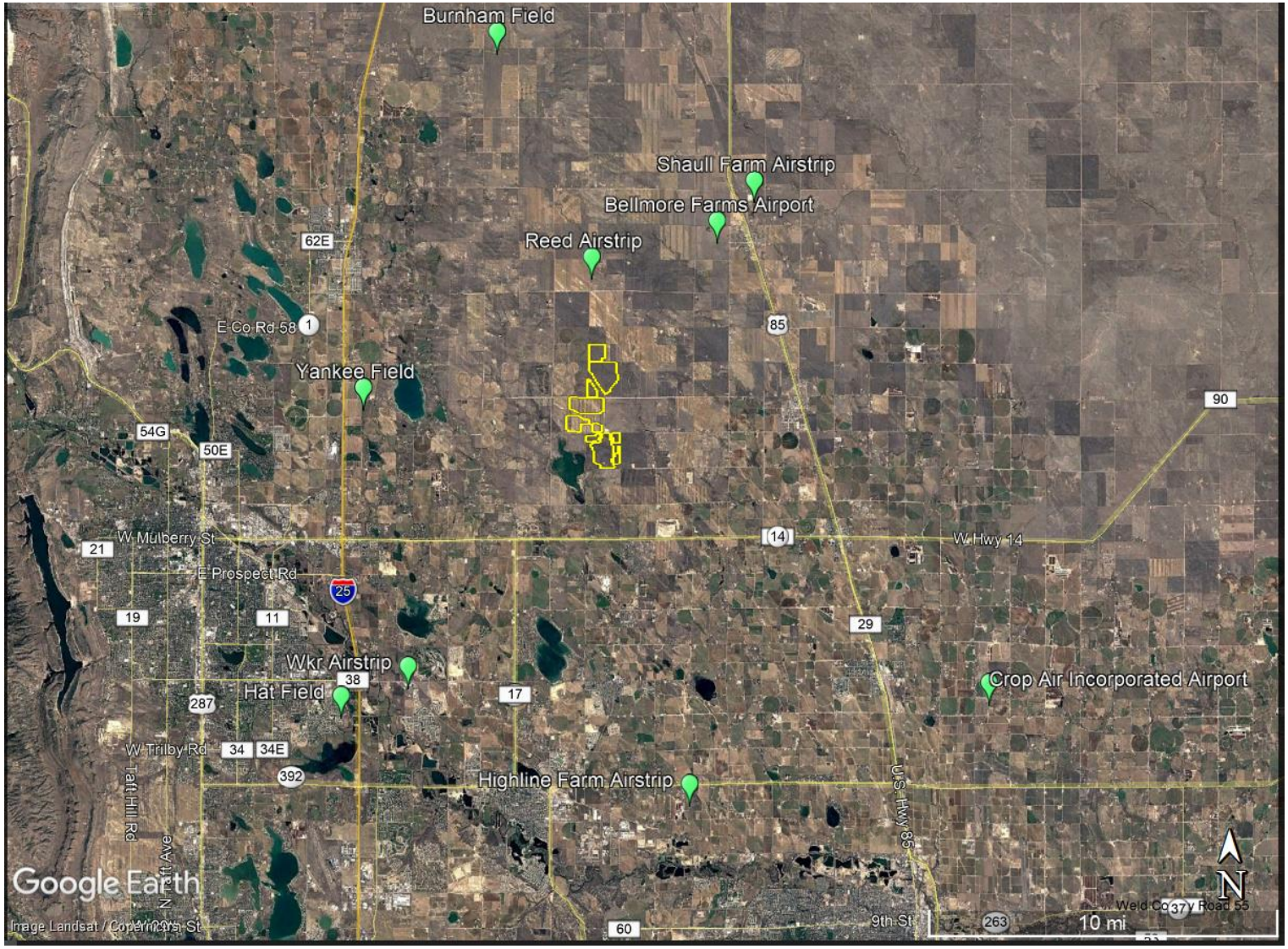


Figure 2: Airports within 10 Miles of the Glare Hazard Analysis Area

Notes: with PV Array shown in yellow and airports analyzed shown with green markers.

Source: Google Earth, July 2019

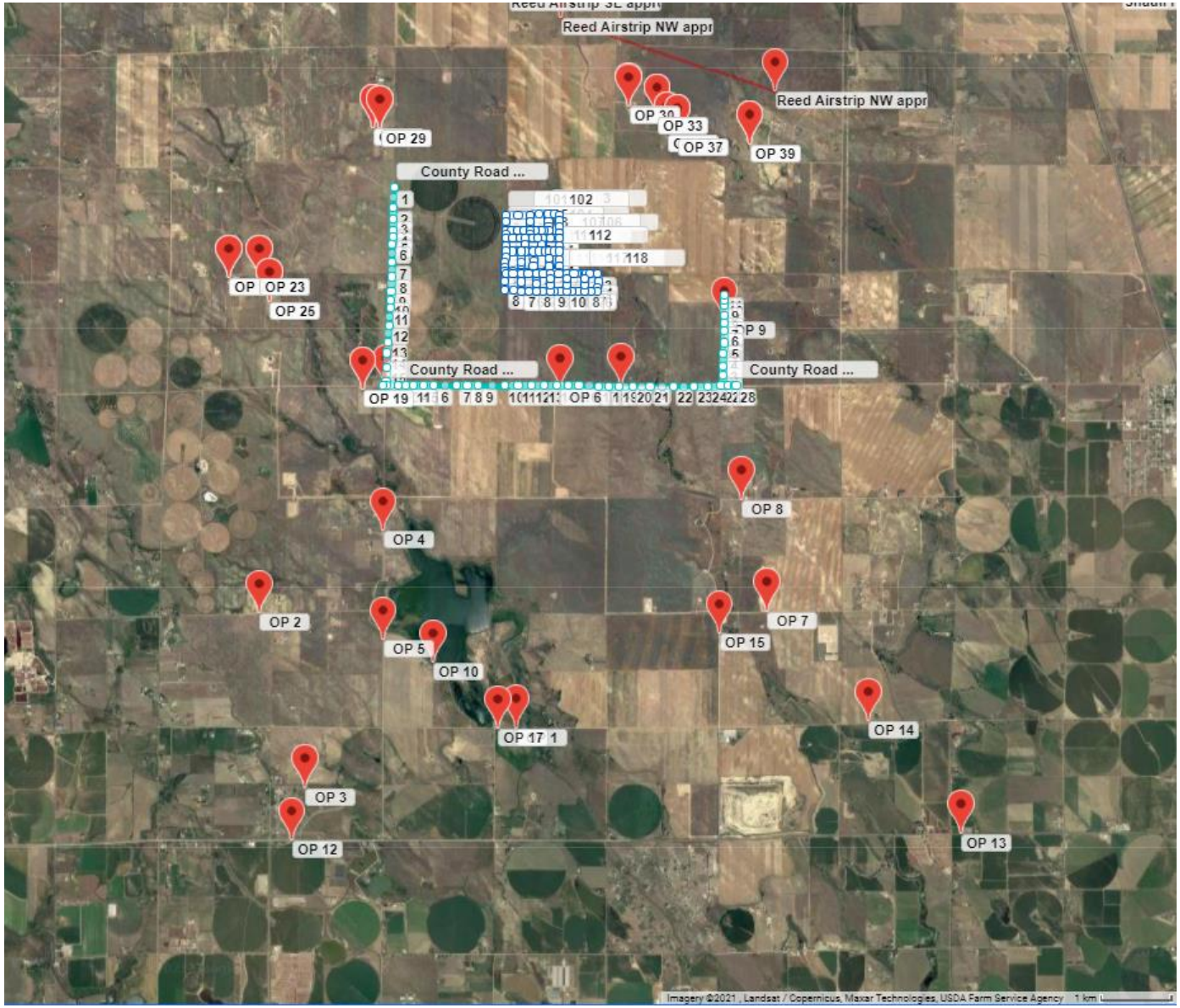


Figure 3: Block 1 Analysis Area with Analyzed Routes and OPs

Note: Block 1 shown in dark blue; analyzed routes shown in light blue; and analyzed OPs shown with red markers.

Source: ForgeSolar, Google Earth Imagery, July 2019

Figure 4: Block 2 Analysis Area with Analyzed Routes and OPs

Notes: Block 2 shown in dark blue; analyzed routes shown in light blue; and analyzed OPs shown with red markers.

Source: ForgeSolar, Google Earth Imagery, July 2019

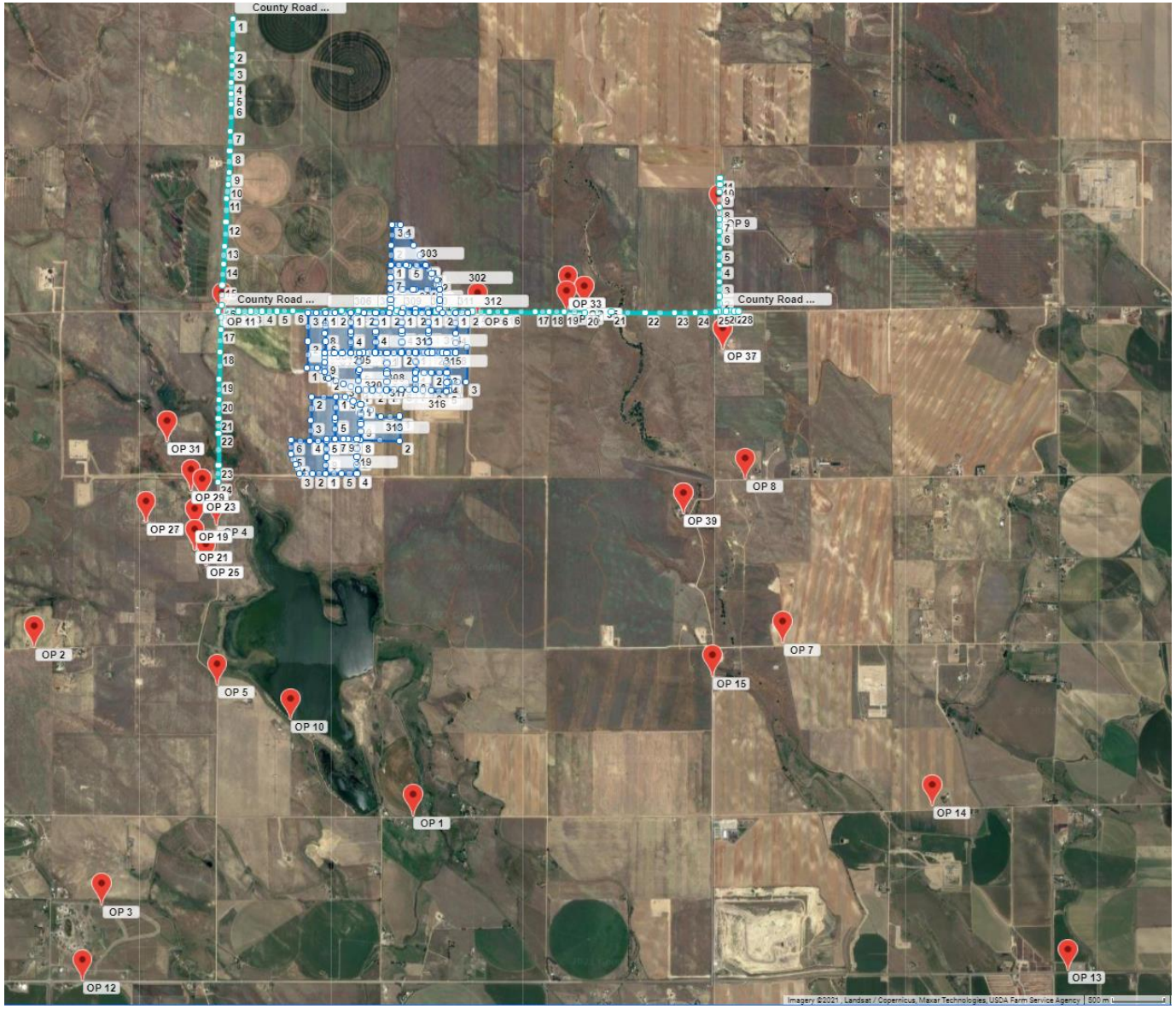


Figure 5: Block 3 Analysis Area with Analyzed Routes and OPs

Notes: Block 2 shown in dark blue; analyzed routes shown in light blue; and analyzed OPs shown with red markers.

Source: ForgeSolar, Google Earth Imagery, July 2019

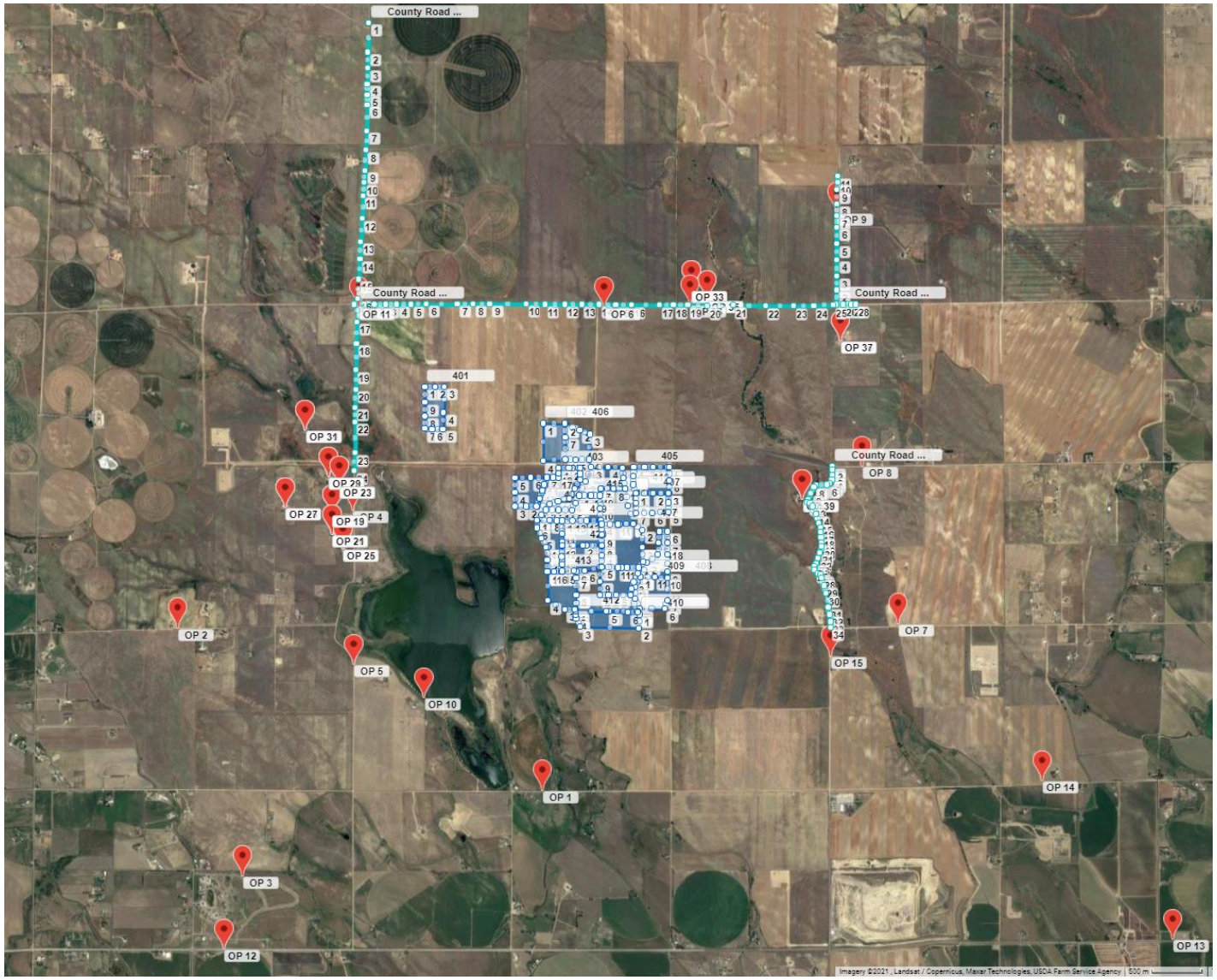


Figure 6: Block 4 Analysis Area with Analyzed Routes and OPs

Notes: Block 4 shown in dark blue; analyzed routes shown in light blue; and analyzed OPs shown with red markers.

Source: ForgeSolar, Google Earth Imagery, July 2019

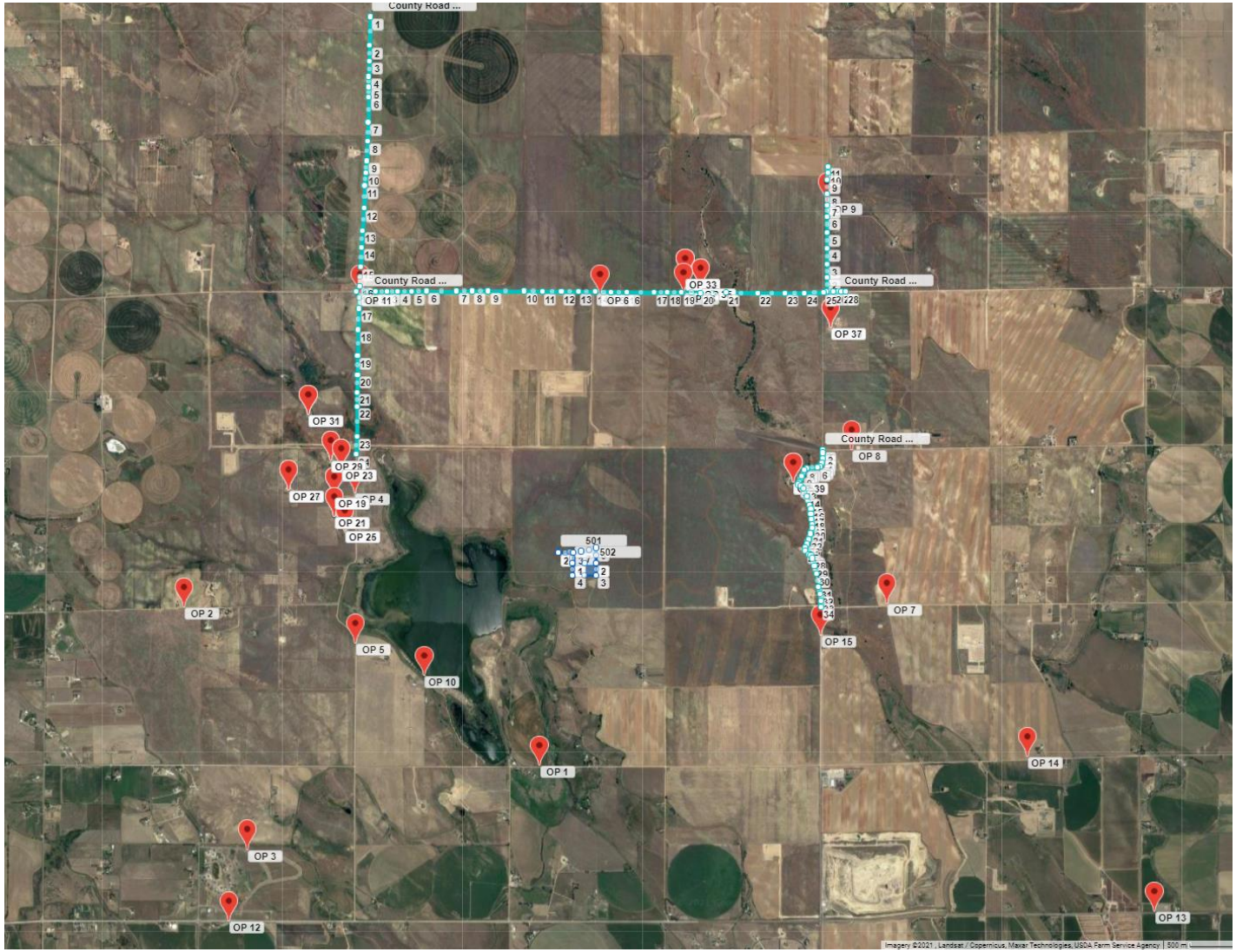


Figure 7: Block 5 Analysis Area with Analyzes Routes and OPs

Notes: Block 5 shown in dark blue; analyzed routes shown in light blue; and analyzed OPs shown with red markers.

Source: ForgeSolar, Google Earth Imagery, July 2019

ATTACHMENT 1

FORGESOLAR REPORTS

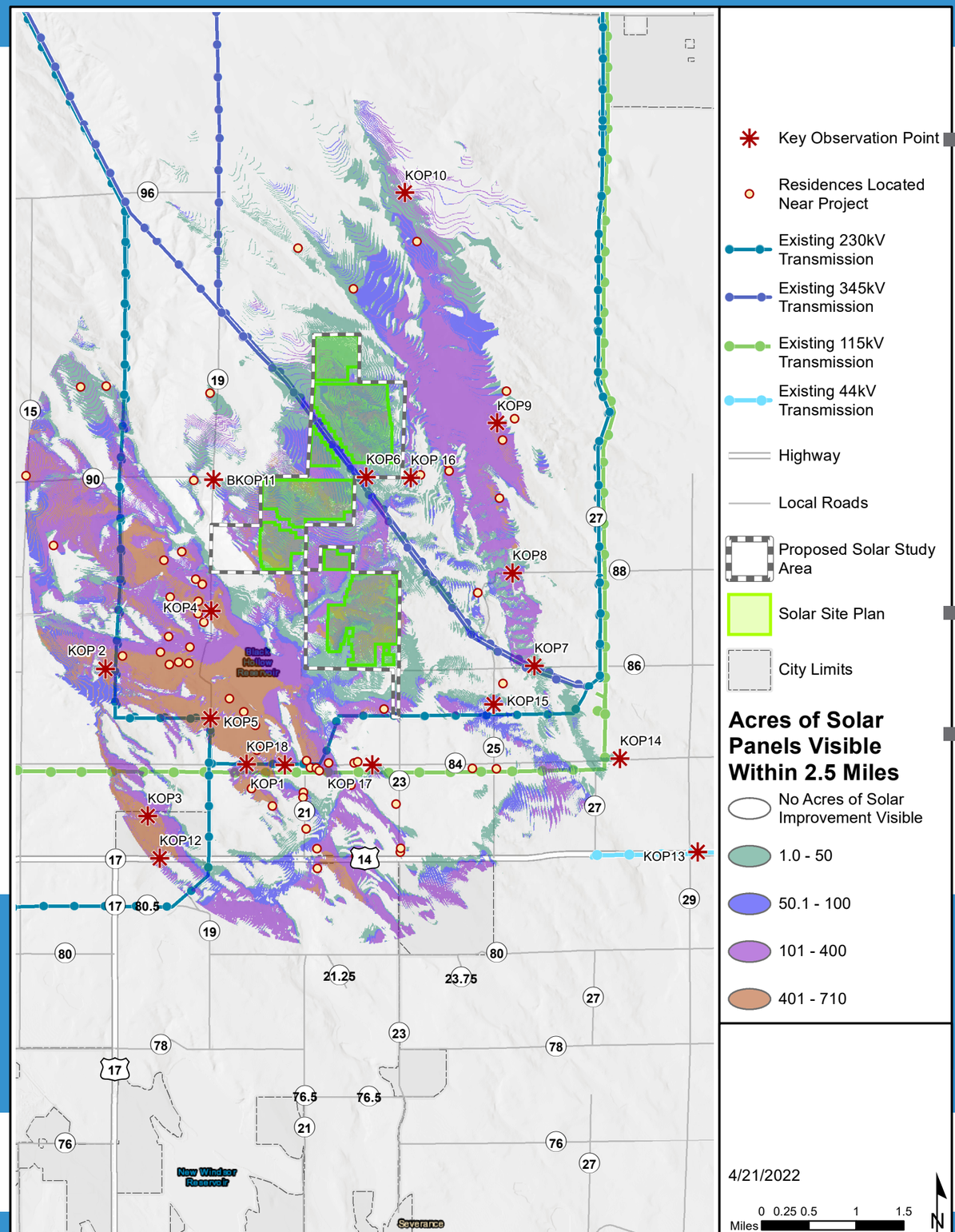
CAN BE PROVIDED

UPON REQUEST

Black Hollow Solar Project

VISUAL IMPACT ANALYSIS

April 26, 2022

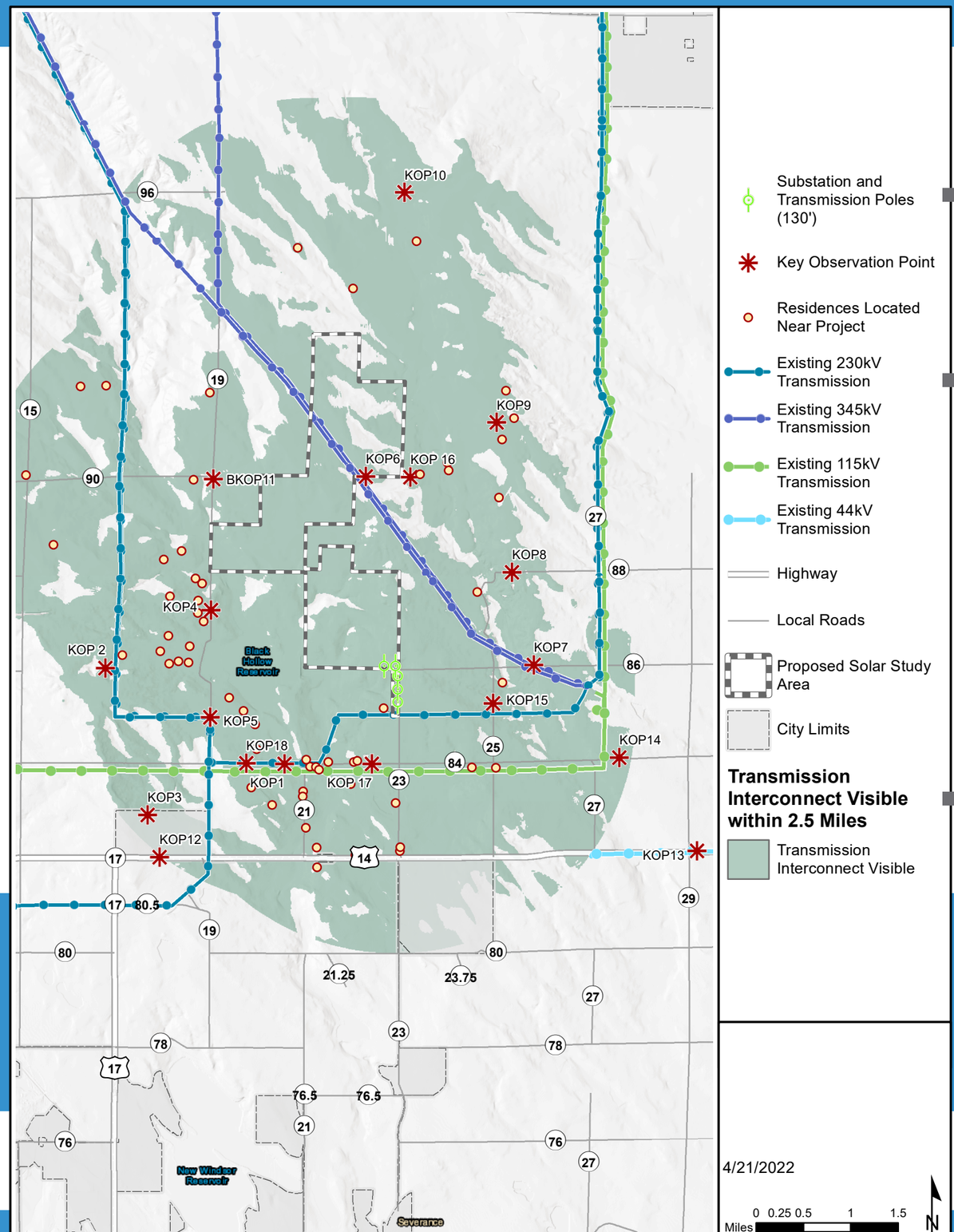


Panoramic and detail photos from 18 Key Observation Points show where the proposed solar facility would be visible on the landscape. Each camera location is paired with a viewshed map. The viewshed map does not account for vegetation screening.

The proposed 1,000 to 1,400 acre fenced area is shown in green. At most, the rolling terrain only allows up to 700 acres to be seen from any observation point.

Color scales show how many acres of the solar facility could be seen from up to 2.5 miles away. Visual change decreases with distance. The most pronounced change is within the first half mile, and only two neighboring homes are within this distance (one of whom is a participant).

SOLAR FACILITY VIEWSHED ANALYSIS



A new substation and 0.5 mile transmission line is proposed to connect to the existing 230kV transmission line. The new transmission line is over 0.5 miles from the closest non-participating residence.

Several high voltage lines already cross the study area. These can serve as landmarks in the following photos.

Green shaded areas would have a view of the proposed transmission interconnection.

TRANSMISSION LINE VIEWSHED ANALYSIS

KOP 1

Black Hollow Solar

Existing Conditions - Detail

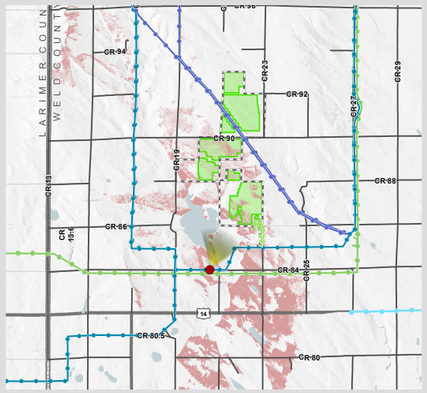
Photograph Information

Time: 12:55 pm
Date: 5/18/2020
Weather: Clear
View Direction: Northeast
Latitude: 40.59595786
Longitude: -104.8737282
Camera: Nikon D7500
Lens: 48mm
Nearest Panel: .68 miles
Solar Site Plan Version Date: 4/8/2021

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Existing Conditions - Panorama

KOP 2 - Revised Location

Black Hollow Solar

Existing Conditions - Detail

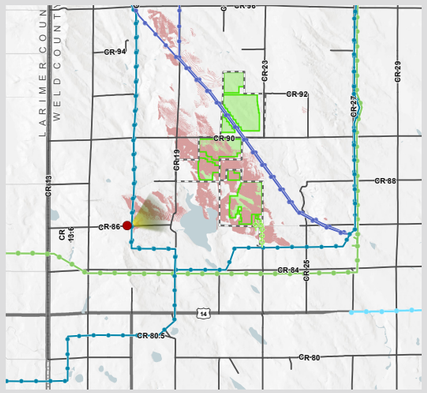
Photograph Information

Time: 10:23 am
Date: 5/13/2021
Weather: Clear
View Direction: East
Latitude: 40.61065713
Longitude: -104.9040163
Camera: Nikon D7500
Lens: 50mm
Nearest Panel: 2.04 miles
Solar Site Plan Version Date: 4/8/2021

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Existing Conditions - Panorama

KOP 3

Black Hollow Solar

Existing Conditions - Detail

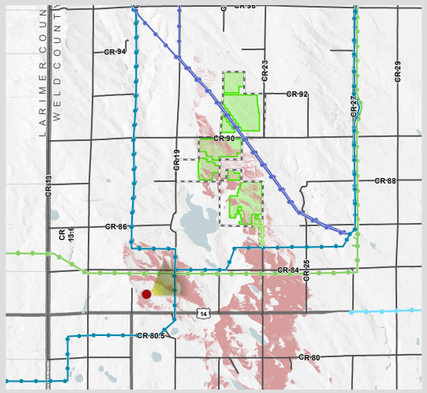
Photograph Information

Time: 1:59 pm
Date: 5/18/2020
Weather: Clear
View Direction: Northeast
Latitude: 40.5880784
Longitude: -104.9012634
Camera: Nikon D7500
Lens: 50mm
Nearest Panel: 2.5 miles
Solar Site Plan Version Date: 4/8/2021

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Existing Conditions - Panorama

KOP 4

Black Hollow Solar

Simulation - Detail

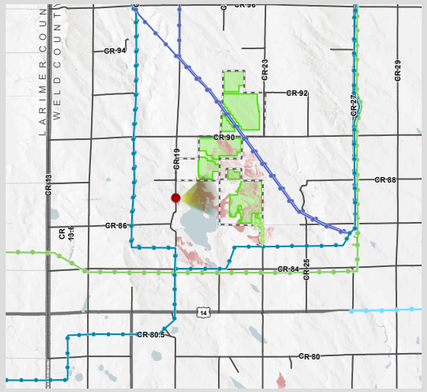
Photograph Information

Time: 12:23 pm
Date: 5/18/2020
Weather: Clear
View Direction: Northeast
Latitude: 40.621316
Longitude: -104.8886947
Camera: Nikon D7500
Lens: 50mm
Nearest Panel: 1.2 miles
Solar Site Plan Version Date: 4/8/2021

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Simulated Conditions - Panorama

KOP 5

Black Hollow Solar

Simulation - Detail

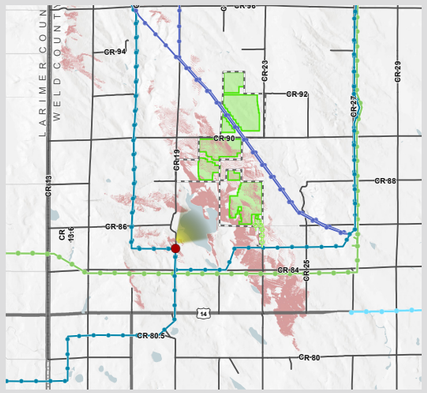
Photograph Information

Time: 12:42 pm
Date: 5/18/2020
Weather: Clear
View Direction: Northeast
Latitude: 40.60308979
Longitude: -104.8886068
Camera: Nikon D7500
Lens: 50mm
Nearest Panel: 1.4 miles
Solar Site Plan Version Date: 4/8/2021

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Simulated Conditions - Panorama

KOP 6

Black Hollow Solar

Existing Conditions - Detail

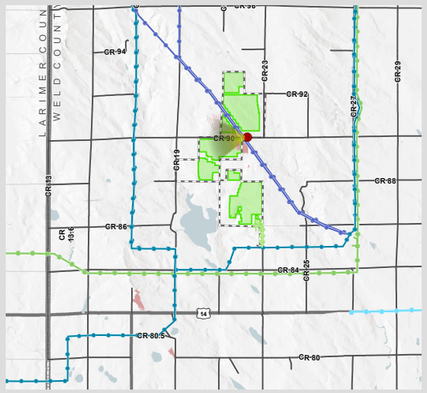
Photograph Information

Time: 11:59 am
Date: 5/18/2020
Weather: Clear
View Direction: West
Latitude: 40.63953158
Longitude: -104.8586011
Camera: Nikon D7500
Lens: 50mm
Nearest Panel: .10 miles
Solar Site Plan Version Date: 4/8/2021

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Existing Conditions - Panorama

KOP 7

Black Hollow Solar

Existing Conditions - Detail

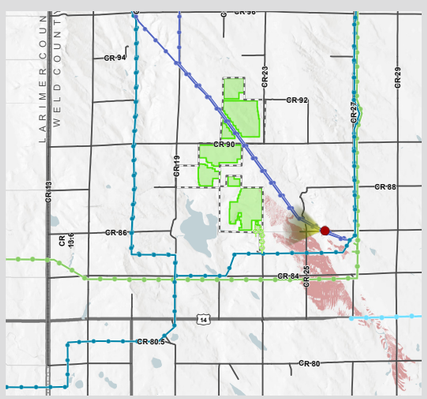
Photograph Information

Time: 1:21 pm
Date: 5/18/2020
Weather: Clear
View Direction: West
Latitude: 40.61094781
Longitude: -104.8235928
Camera: Nikon D7500
Lens: 50mm
Nearest Panel: 1.45 miles
Solar Site Plan Version Date: 4/8/2021

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Existing Conditions - Panorama

KOP 8

Black Hollow Solar

Existing Conditions - Detail

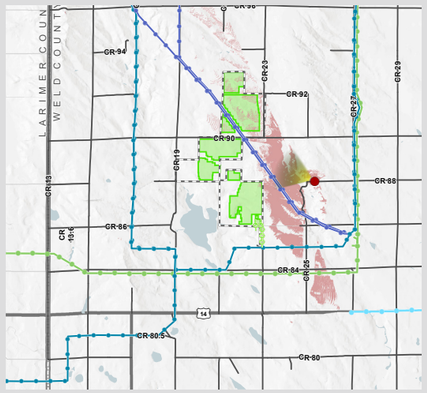
Photograph Information

Time: 1:36 pm
Date: 5/18/2020
Weather: Clear
View Direction: West
Latitude: 40.62517844
Longitude: -104.8279479
Camera: Nikon D7500
Lens: 50mm
Nearest Panel: 1.22 miles
Solar Site Plan Version Date: 4/8/2021

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Existing Conditions - Panorama

KOP 9

Black Hollow Solar

Existing Conditions - Detail

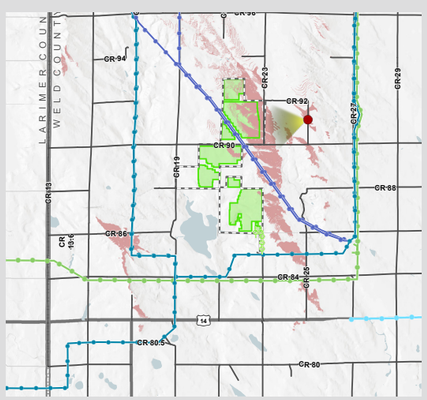
Photograph Information

Time: 12:06 pm
Date: 5/18/2020
Weather: Clear
View Direction: West
Latitude: 40.64807209
Longitude: -104.8310024
Camera: Nikon D7500
Lens: 50mm
Nearest Panel: 1.17 miles
Solar Site Plan Version Date: 4/8/2021

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Existing Conditions - Panorama

KOP 10

Black Hollow Solar

Existing Conditions - Detail

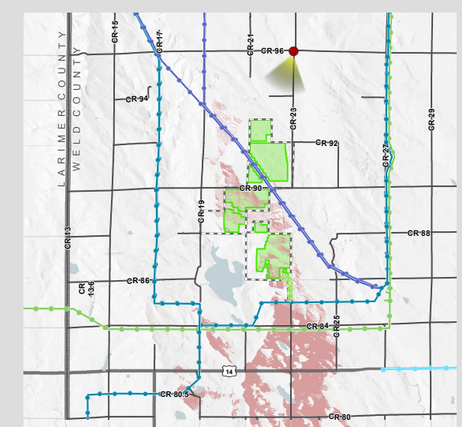
Photograph Information

Time: 12:06 am
Date: 5/18/2020
Weather: Clear
View Direction: Southwest
Latitude:
Longitude:
Camera: Nikon D7500
Lens: 50mm
Nearest Panel:
Solar Site Plan Version Date: 4/8/2021

True to Life Scale

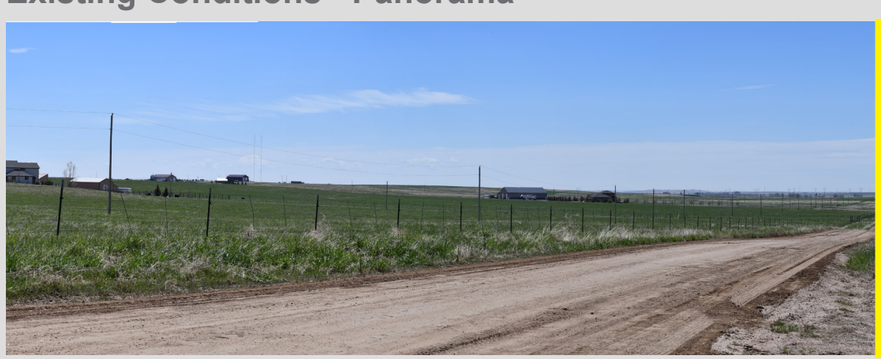
The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Existing Conditions - Panorama



KOP 11

Black Hollow Solar

Existing Conditions - Detail

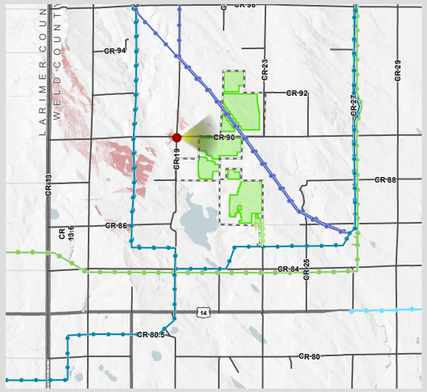
Photograph Information

Time: 12:16 pm
Date: 5/18/2020
Weather: Clear
View Direction: East
Latitude: 40.63950671
Longitude: -104.8879683
Camera: Nikon D7500
Lens: 50mm
Nearest Panel: .51 miles
Solar Site Plan Version Date: 4/8/2021

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Existing Conditions - Panorama

KOP 12

Black Hollow Solar

Simulation - Detail

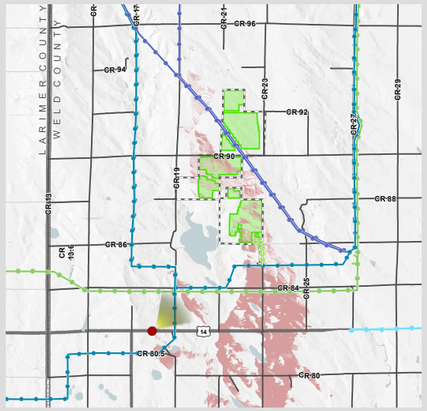
Photograph Information

Time: 1:51 pm
Date: 5/18/2020
Weather: Clear
View Direction: Northeast
Latitude: 40.5815594
Longitude: -104.9040255
Camera: Nikon D7500
Lens: 50mm
Nearest Panel: 2.98 miles
Solar Site Plan Version Date: 4/8/2021

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Existing Conditions - Panorama

Existing Conditions - Detail

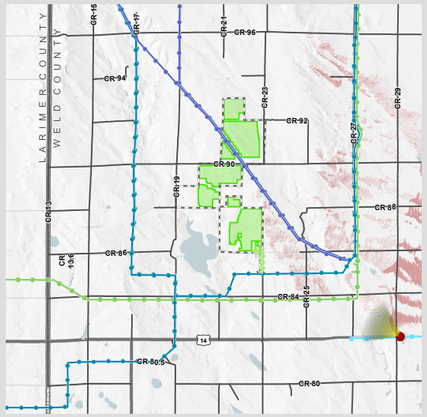
Photograph Information

Time: 1:08 pm
Date: 5/18/2020
Weather: Clear
View Direction: Northwest
Latitude: 40.58243705
Longitude: -104.7909077
Camera: Nikon D7500
Lens: 50mm
Nearest Panel: 3.77 miles
Solar Site Plan Version Date: 4/8/2021

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Existing Conditions - Panorama

Existing Conditions - Detail

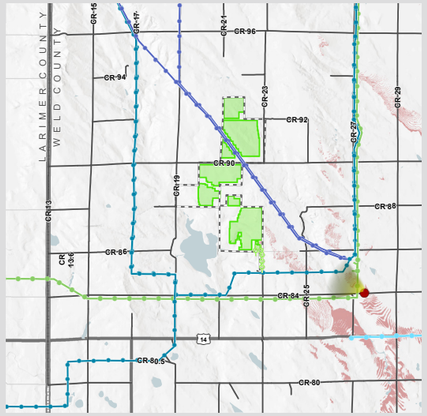
Photograph Information

Time: 3:02 pm
Date: 5/18/2020
Weather: Clear
View Direction: Northwest
Latitude: 40.59675271
Longitude: -104.8064588
Camera: Nikon D7500
Lens: 50mm
Nearest Panel: 2.57 miles
Solar Site Plan Version Date: 4/8/2021

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Existing Conditions - Panorama

KOP 15

Black Hollow Solar

Simulated Condition - Detail

The proposed transmission line and substation (shown in yellow) would be screened by terrain.

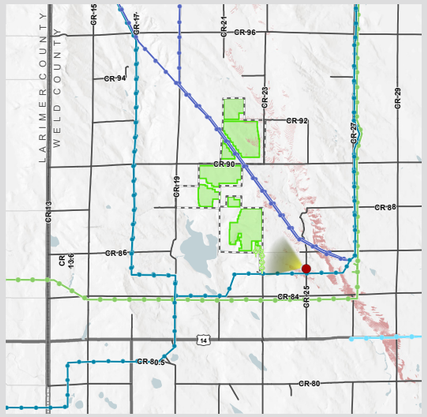
Photograph Information

Time: 11:24 am
Date: 3/11/2022
Weather: Clear
View Direction: East
Latitude: 40.60805539
Longitude: -104.8317451
Camera: Nikon D7500
Lens: 50mm
Nearest Panel: 1.06 miles
Solar Site Plan Version Date: 3/11/2022

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Existing Conditions - Panorama

KOP 16

Black Hollow Solar

Simulated Condition - Detail

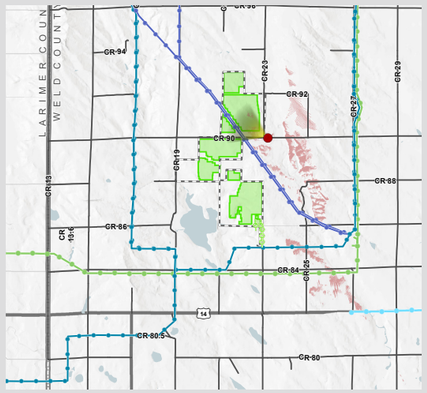
Photograph Information

Time: 8:47am
Date: 5/5/2021
Weather: Clear
View Direction: Northwest
Latitude: 40.63976997
Longitude: -104.8483299
Camera: Nikon D7500
Lens: 50mm
Nearest Panel: .25 miles
Solar Site Plan Version Date: 4/8/2021

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Simulated Conditions - Panorama

Simulated Condition - Detail

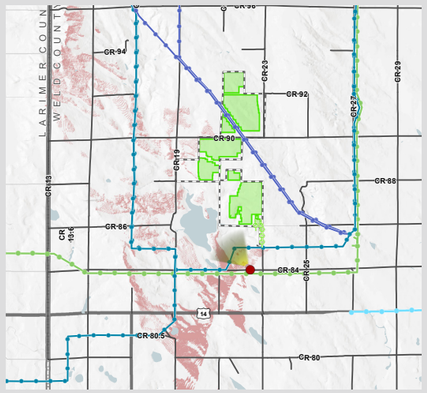
Photograph Information

Time: 10:57 am
Date: 3/11/2022
Weather: Clear
View Direction: North
Latitude: 40.5959444
Longitude: -104.8561254
Camera: Nikon D7500
Lens: 50mm
Nearest Panel: 1.02 miles
Solar Site Plan Version Date: 3/11/2022

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Simulated Conditions - Panorama

KOP 18

Black Hollow Solar

Existing Conditions - Detail

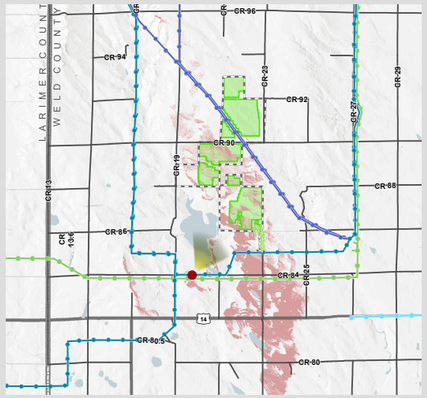
Photograph Information

Time: 9:23 am
Date: 5/5/2021
Weather: Clear
View Direction: Northeast
Latitude: 40.595833
Longitude: -104.881389
Camera: Nikon D7500
Lens: 50mm
Nearest Panel: 1.63 miles
Solar Site Plan Version Date: 4/8/2021

True to Life Scale

The image at left is intended to be viewed 38 inches from viewer's eyes when printed on 11x17 inch paper. The photograph below has not been cropped to show a wide angle of view.

Visibility From KOP



Visible area not accounting for vegetation

Existing Conditions - Panorama

BHS SOLAR ENERGY FACILITY
SITE PLAN DEVELOPMENT AGREEMENT

(SW ¼ SECTION 14, T8N, R67W, 6TH P.M.
PORTIONS OF SECTIONS 23, 26, 27, & 35, T8N, R67W, 6TH P.M.
A PORTION OF THE E1/2 NE1/4 SECTION 2, T7N, R67W, 6TH P.M.
TOWN OF SEVERANCE, WELD COUNTY, COLORADO)

THIS DEVELOPMENT AGREEMENT (the "Agreement"), is made and entered into this ___ day of _____, 2023 ("Effective Date"), by and between the Town of Severance, Colorado, a Colorado home-rule municipality ("Town" or "Severance"), and BHS Solar, LLC, a Delaware limited liability company ("Developer").

WHEREAS, Developer desires to improve and develop the real property within the Town, legally described on **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property"), which contains approximately 2,166 acres, more or less (the "Property") to allow for the construction of a utility-scale, solar energy generating and storage facility (the "Project"); and

WHEREAS, Developer further intends to improve and/or develop the Project in accordance with the site plan approved by the Town Council on _____, 2023 (the "Site Plan"); and

WHEREAS, Developer and the Town desire to provide for the orderly development of the Property and the Project; and

WHEREAS, the Town and Developer desire to set forth their respective rights and obligations with respect to the development of the Property and the Project as more particularly set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, it is agreed as follows:

1. PROJECT CONSTRUCTION STANDARDS

1.1 Plan Submission and Acceptance. Developer shall furnish to the Town the required fees and complete plans for all improvements and development phases. Severance shall issue its written acceptance or rejection of said plans as expeditiously as reasonably possible. Said acceptance or rejection shall be based upon the applicable standards and criteria established by Severance, and Severance shall notify Developer of all deficiencies which must be corrected prior to acceptance. All deficiencies shall be corrected and said plans shall be resubmitted to and accepted by Severance prior to construction.

1.2. Licensing of Contractors and/or Subcontractors. Developer shall ensure that all contractors and subcontractors hired or retained by Developer shall be licensed by the Town before beginning any work on the Project.

1.3 Dust and Erosion Control. During the period of construction, Developer shall be responsible for using proper dust and erosion control in accordance with Colorado Department of Public Health and Environment ("CDPHE") standards. To the extent applicable, Owner or Developer shall be responsible for obtaining all permits as required by the United States Corps of Engineers, CDPHE, and Severance with respect to air quality, stormwater quality, and erosion control.

1.4 Trash, Debris, Mud. Developer agrees that during construction of the Project, Developer will take appropriate steps necessary to control trash, debris and wind or water erosion within the Property. If Severance determines that said trash, debris or wind or water erosion causes substantial damage or injury or creates a nuisance, Developer agrees to abate the damage or nuisance condition no later than twenty-four (24) hours after written notification by the Town or, if it reasonably takes more than 24 hours to abate such condition, Developer shall begin to abate within 24 hours and diligently pursue the abatement to completion. Developer also agrees to take any and all reasonable steps necessary to prevent the transfer of mud or construction debris, including but not limited to, mud, rock, portable toilets, dumpsters, and construction materials of any type, from the construction site onto public rights-of-way and to immediately remove or clean such mud and debris from public rights-of-way after notification by Severance. If Developer fails to take any corrective action within five (5) business days, subject to force majeure delays, Severance may abate the nuisance and/or correct any damage or injury without notice to Developer, at Developer's expense. All costs and expenses incurred by the Town in abating any nuisance or correcting any damage shall be paid by Developer to the Town in full within thirty days after written demand by the Town.

1.5 Operation of Construction Equipment. The operation of construction equipment outside an enclosed structure shall be prohibited on weekdays between the hours of 7:00 p.m. and 7:00 a.m. The operation of such equipment outside an enclosed structure is permitted on weekdays between the hours of 7:00 a.m. and 7:00 p.m. and weekends between the hours of 9:00 a.m. and 5:00 p.m. With the prior written approval of the Town, the operation of such equipment outside an enclosed structure may be permitted on legal holidays between the hours of 9:00 a.m. and 5:00 p.m. The Town may alter the hours of operation for good cause. All construction activities shall operate in accordance with all Town codes, ordinances, and policies in regards to sound and noise.

1.6 Construction Build-out Period. Developer shall be allowed to construct the Project such that Substantial Completion is achieved no later than 5 years from the date that all permits necessary to construct the Project are obtained, but in no event later than 6 years from the Effective Date of this Agreement (the "Construction Buildout Period") provided however, that such construction is not delayed by a Force Majeure Event.

2. DECOMMISSIONING AND RECLAMATION — SECURITY

2.1 Project Decommissioning and Site Restoration Plan.

2.1.1. Approximately one hundred eighty (180) days prior to the twentieth (20th) anniversary of the commercial operations date of the Project, Developer shall provide to the Town a decommissioning plan prepared by an independent Colorado-licensed engineer that reflects the cost to decommission the Project facilities and restore the land and the salvage value of the Project facilities (the "Decommissioning Plan"). The Site Plan includes facilities owned by Developer and Platte River Facilities. Developer shall coordinate with Platte River for the Decommissioning Plan to address and describe Platte River's ongoing maintenance and operation of the Platte River Facilities within the Project Area after decommissioning of the Project. In the event, prior to 180 days before the 20th anniversary of the commercial operations date, the Town enters into a separate agreement with Platte River, or otherwise approves of Platte River's development plan, regarding the future entitlement and ongoing maintenance and operation of Platte River Facilities beyond the Project's decommissioning, the Decommissioning Plan need not address the Platte River Facilities, and Developer's decommissioning and reclamation obligations under this Section 2 shall automatically terminate, without any further action or documentation by Developer or the Town, as to Platte River Facilities.

2.1.2 In the event the Town disagrees with Developer's Decommissioning Plan, the Town shall engage its own independent Colorado-licensed engineer to prepare a decommission plan with the applicable decommissioning/restoration costs and Project facilities' salvage value.

2.1.3 If the Parties still disagree, then the Parties shall engage a third independent engineer that is mutually agreeable to the Parties to review both Developer's and the Town's third-party reports and make a final, binding decommissioning plan; the Parties shall equally share the cost of the third independent engineer.

2.2 Timing; Exemptions and Extension. Developer shall decommission the Project and complete restoration of the Project Area within twelve (12) months following the earlier of either: (a) the time frame specified in the Decommissioning Plan; or (b) within ninety (90) days of the Developer receiving a written request from the Town, Developer demonstrates that the energy generated by the Project for the past twenty-four (24) month period is less than 10% of the Historical Energy Production and no exemptions apply. Developer shall prepare and maintain at all times during the life of the Project all records and data necessary to establish the Historical Energy Production of the Project. Upon Substantial Completion of the Project, Developer shall provide baseline data to be utilized in establishing the Historical Energy Production and shall thereafter provide an annual report based on publicly available data from such records and data to the Town. Developer shall also allow the Town access to such records and data upon Town's written notice as provided herein. Developer will be exempted from the decommissioning and restoration requirements if the twenty-four (24) month reduced energy output period described above is the result of (i) a repair, restoration or improvement to an integral part of the Project that affects the generation of electricity that is being diligently pursued by the Applicant, or (ii) a Force Majeure Event. The time period to perform the decommissioning and restoration may be extended

for one additional twelve (12) month period if there is a delay caused by forces beyond the control of Developer including, but not limited to inclement weather conditions, planting requirements, equipment failure, wildlife considerations or the availability of equipment or personnel to support decommissioning, or a Force Majeure Event.

2.2.1 Town Access and Reporting. The Town shall be granted unrestricted access to the Project site during decommissioning of the Project for purposes of inspecting any decommissioning work or to perform decommissioning evaluations. The Town personnel on the Project site shall observe all worker safety requirements enforced and observed by Developer and its contractors. If requested by the Town, Developer will provide monthly status reports until this decommissioning work is completed.

2.3 Decommissioning Security. No later than the twentieth (20th) anniversary of the commercial operations date of the Project, Developer shall furnish to the Town a performance guaranty ("Decommissioning Security"), securing Developer's obligations to remove the Project facilities and restore the Property (the "Decommissioning Security") in accordance with the Decommissioning Plan.

2.3.1 Amount of Decommissioning Security. The amount of the Decommissioning Security shall equal the difference between value (x), which shall be the cost of removal of the Project facilities and restoration of the Property in accordance with the Decommissioning Plan and value (y), which shall be the salvage value of the Project facilities set forth in the Decommissioning Plan (the "Net Removal Cost"). The Net Removal Cost shall be calculated based on the megawatt ac of the Project installed on the Property. The amount of Decommissioning Security shall be reviewed every five (5) years after posting and if, in the Parties' reasonable estimation, the Net Removal Cost shall have increased or decreased, either Party may engage, at such Party's expense, an independent engineer, as reasonably agreed to by the other Party, to review the Net Removal Costs. If the Net Removal Cost shall have increased or decreased as per such independent engineer's written report, then the amount of the Decommissioning Security shall be promptly increased or decreased consistent with such estimate.

2.3.2 Form of Decommissioning Security. The Decommissioning Security shall be in the form of, at Developer's election, a guaranty by an entity with a minimum net worth of Fifty Million Dollars ($50,000,000) as evidenced by such entity's most recent audited financial statement (a "Qualified Entity") or a bond, irrevocable letter of credit or other financial instrument issued by a bank or insurance company. A Qualified Entity may be Developer or an affiliated entity of Developer that controls Developer, is controlled by Developer or under common control with Developer. The Decommissioning Security shall be kept in full force and effect until Developer removes such Project facilities and restores the Property to a condition reasonably similar to its original condition in accordance with the Decommissioning Plan.

2.3.3 Deficient Guaranty Conditions. In the event that Developer elects for the Decommissioning Security to be in the form of a letter of credit and a) Developer fails to extend or replace the letter of credit at least sixty (60) days prior to expiration of such letter

of credit, b) the letter of credit is set to expire, c) Town receives notice that the letter of credit will not be renewed, d) the entity issuing the letter of credit becomes non-qualifying, e) the letter of credit is at risk of being rendered invalid because of an error, defect or discrepancy in the instrument or being lost as a guarantee, because of the issuing entity's creditworthiness, f) prior to completion of all obligations of the Developer under this Agreement, the bank issuing a letter of credit elects not to renew the letter of credit pursuant to the letter of credit automatic renewal provisions, or g) the Net Removal Cost is reasonably determined by the Town pursuant to Section 2.3.1 of this Agreement to be greater than the amount of the Decommissioning Security provided (collectively, "Deficient Guaranty Conditions"), Developer will provide the Town a good and adequate, as determined reasonably by the Town, new substitutional Decommissioning Security that complies with Section 2.3.1 and Section 2.3.2 of this Agreement. The failure to provide such substitutional Decommissioning Security within 30 days of the occurrence of any of the Deficient Guaranty Conditions shall constitute a material breach of this Agreement for which the Town may draw upon the Decommissioning Security in the full amount of the Decommissioning Security.

2.3.4 Failure to Complete Decommissioning and Reclamation. If Developer fails to remove such Project facilities and restore the Property to a condition reasonably similar to its original condition in accordance with the Decommissioning Plan within the time frame specified in Section 2.2, the Town may utilize the Decommissioning Security, to the extent necessary to do so without notice to or consent from Developer, and the Town shall promptly return to Developer any remaining Decommissioning Security upon completion of such removal. If Developer removes such Project facilities and restores the Property in accordance with its obligations under the Decommissioning Plan, then the Town shall release any such Decommissioning Security.

2.3.4.1 Reimbursement to Severance. In the event the Town exercises its right to secure completion of decommissioning and reclamation work using funds other than the Decommissioning Security, because the Decommissioning Security is insufficient to complete such decommissioning and reclamation work, Developer shall reimburse Severance within sixty (60) days after receipt of written demand and supporting documentation from the Town. If Developer fails to reimburse Severance, then Developer shall be in default of this Agreement.

3. ADDITIONAL DEVELOPMENT STANDARDS

3.1 Relationship Between this Agreement and the UAR/Site Plan. This Agreement incorporates by reference any terms and conditions of the UAR and Site Plan as approved by the Town.

3.2 Project and Project Area Expansion. Developer acknowledges and agrees that the Town has the discretion under Severance Municipal Code Section 16.5.10(c)(2) to determine whether any change to the Site Plan requires an amendment to the Site Plan. If the Town determines that a change to the Site Plan requires an amendment to the Site Plan, Developer must

apply for and obtain from the Town approval of an amendment to the Site Plan approval, prior to undertaking any construction.

3.3 Substation and Transmission Line. Developer acknowledges and agrees that any material siting change or relocation of any substation or transmission line to a location other than those identified or contemplated in the approved Site Plan shall require review and approval from the Town as an amendment to the Site Plan prior to undertaking any construction.

3.4 Street Signs, Traffic Signs, and Striping. Developer will furnish and install at Owners expense street name signs, striping, stop signs, speed limit and other signs on all streets, in accordance with the Manual of Uniform Traffic Control Devices, as amended, and other applicable legal requirements.

3.5 Drainage Improvements.

3.5.1 Drainage improvements, including without limitation, regional area drains, individual building drains, and erosion abatement, shall be designed and constructed by Developer in accordance with drawings, plans and specifications submitted by Developer and accepted by Severance. Unless otherwise approved by Town, over lot grading shall not be initiated by Developer until Severance approves drainage improvement plans. Developer shall provide temporary erosion control during and after over lot grading until the site is stabilized.

3.5.2 Developer shall be responsible for obtaining a CDPHE "General Permit for Stormwater Discharges Associated with Construction Activity" required during construction. A copy of this permit shall be submitted to Severance.

3.5.3 Developer agrees that all construction shall be in conformance with any and all National Pollutant Discharge Elimination Systems (NPDES) standards including compliance with and applicable NPDES and CDPHE permits issued to Developer, applicable to the Project. In the event there is any violation of such standards or permits issued, and if the Town, as a result of Developer's actions, is subject to or given a monetary fine, penalty or any other affirmative obligation imposed by another governmental entity, Developer shall reimburse the Town for any and all costs incurred.

3.5.4 Developer shall maintain in good repair and working condition all private drainage improvements for the Project.

3.6. Landscape Improvements. Developer shall construct all private landscaping for the Project in accordance with final landscape plans submitted by Developer and approved by the Town. Developer shall maintain in good condition all private landscaping located on the Property.

3.7 Utility Coordination and Installation. Developer shall be responsible for coordination of and payment for installation of on-site and off-site electric, street lights, natural gas, telephone, cable television and other such dry-utilities, which are necessary to serve the

Property and Project.

3.8 Payment of Building Permit Fees. Developer shall pay to the Town all required building permit fees for the Project at such rate as established in the fee schedule adopted by the Town Council by resolution currently in effect as of the date of payment, including all Severance use taxes or use tax deposits to be collected in connection with the issuance of any building permits for the Project, on account of the construction materials to be incorporated into the Project.

3.9 Other Fees. Developer shall pay to the Town, at the time of building permit issuance, all applicable right-of-way permit fees and street cut permit fees at the time of their respective issuance, together with any other associated and required fees for the development of the Project in accordance with the Site Plan, at such rate as established in the fee schedule adopted by the Town Council by resolution currently in effect as of the date of payment.

3.10 Maintenance of Open Space, Walkways, and Landscaping. Developer, or any owner's association established by Developer, shall maintain in good condition all open space, walkways, driveways, parking areas, and landscaping on the Property, to the extent depicted on the Site Plan, including any improvements and landscaping within those areas.

3.11 Maintenance of Roadways.

3.11.1 Road Grader Contribution. Developer agrees to make a voluntary contribution to the Town, for future use in defraying the costs of acquiring a road grader, in the amount of $320,000.00 at the time of building permit issuance.

3.11.2 Road Grader Facility Contribution. Developer agrees to make a voluntary contribution to the Town, for future use in defraying the costs of designing, constructing, operating and maintaining an equipment building to be located on Town-owned property, at the time of building permit issuance in the amount of $80,00.00.

3.11.3 Roadway Maintenance Contribution. Developer agrees to contribute to the Town, for future use in defraying the costs of grading and maintaining those portions of Weld County Road ("WCR") 19 as depicted on **Exhibit B** attached hereto and made a part of this Agreement (the "Town Roads"), the amount of $35,000 on an annual basis, beginning on the first anniversary of the date of Substantial Completion of the Project and ending on the date Developer has fulfilled its decommissioning and reclamation obligations under Section 2 ("Maintenance Contribution Period"). In the event the first year or the last year of the Maintenance Contribution Period is for only a partial calendar year, Developer's roadway maintenance contribution amount shall be prorated by the portion of such calendar year. Notwithstanding the foregoing, in the event that during the term of this Agreement, additional real property is annexed into the Town along or adjacent to the Town Roads such that the Town Roads are utilized by such annexed real property, the Town may, in its sole and absolute discretion, prorate Developer's annual maintenance contribution based on the shared use.

3.11.4 Future Maintenance of WCR 90. Prior to beginning work on the Project, Developer and the Town will enter into a separate, written agreement, which is mutually acceptable to both Developer and the Town, to govern the ongoing and future maintenance of those portions of Weld County Road ("WCR") 90 as depicted on **Exhibit C** attached hereto and made a part of this Agreement.

3.12 No Vested Rights. IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT DEVELOPER HAS NO CLAIM OR ENTITLEMENT TO RECEIVE WATER, WASTEWATER OR STORM DRAINAGE UTILITY SERVICES FROM THE TOWN OR RIGHT TO CAPACITY IN THE TOWN'S WATER, WASTEWATER OR STORM DRAINAGE SYSTEMS TO SERVE THE POTENTIAL MAXIMUM DEVELOPMENT OF THE PROPERTY OR FUTURE SUBDIVISION PHASES. Developer acknowledge and agree that no vested property rights are granted by this Agreement. Further, Developer hereby waive and release any common law vested rights, whether known or unknown, suspected or unsuspected, contingent or fixed, relating to water service or capacity, wastewater treatment and conveyance capacity, or storm water drainage and conveyance capacity, which Developer may or might hereafter have or acquire against the Town arising from or relating to the granting of any land-use approvals.

3.13 System Connection. Developer acknowledges and agrees that capacity in the Town's water, wastewater or storm drainage systems may not be available or capable of serving the potential maximum development of the Property or in connection with a final plat re-platting all or a portion of the Property into developable lots as part of a future Subdivision phase, and that the Town is not making and it expressly disclaims any express or implied warranty, representation, or commitment of any kind that the Property is capable of receiving water, wastewater or storm drainage utility services from the Town, to sell or furnish utility services or extend utility infrastructure to the Property for future Subdivision phases, or to make available capacity from the existing Town water, wastewater or storm drainage utility systems sufficient to provide the Project or any future Subdivision phase with adequate water service, wastewater treatment or storm drainage conveyance. Moreover, Developer acknowledges and agrees that that there may be many years in which water, wastewater, or stormwater utility services are not available to the Property or that there may not be any time when the is able to provide the service or capacity Developer needs when it needs it. In such case, Developer acknowledges and agrees that as a condition of approval of a final plat re-platting all or a portion of the Property into developable lots as part of a future Subdivision phase, Developer may be required to design, construct and install certain public water or sewer facilities required to provide each such future Subdivision phase with adequate water or wastewater capacity.

3.14 Exclusion from Ault, Nunn, and Poudre Valley Fire Protection Districts. Developer shall exclude the Property from the Ault, Nunn, and Poudre Valley Fire Protection Districts' respective boundaries (to the extent the Property is within one or more of these districts as of the Effective Date). Within 120 days of the effectiveness of the annexation of the Property, Developer shall initiate an exclusion petition with the applicable fire district(s) for all or a portion of the Property sought to be excluded, and must submit proof that the entire Property has been successfully excluded from those fire districts no later than thirty (30) days after Substantial Completion.

3.15 Inclusion within Windsor-Severance Fire Protection District. Developer shall include the Property within the Windsor-Severance Fire Protection District ("WSFR"). Upon the filing of an exclusion petition, Developer shall initiate an inclusion petition with WSFR for that portion of the Property coterminous with the exclusion petition and must submit proof that the entire Property has been successfully included within WSFR no later than thirty (30) days after Substantial Completion.

4. LIABILITY LIMITATIONS – HOLD HARMLESS

4.1. Non-Liability. Developer acknowledges that the Town's review and approval of the plans for the development of the Property is done in furtherance of the general public health, safety and welfare, and that no specific relationship with, or duty of care to Developer or third parties is assumed by such review and approval, or immunity waived, as more specifically set forth in the Colorado Governmental Immunity Act.

4.2 Indemnification. Developer agrees to save, indemnify, defend, and hold harmless the Town from any claims brought by any third party against the Town which are attributable to any act or omission of the Developer, their employees, agents, contractors, subcontractors, and consultants with respect to performing this Agreement. Developer further agrees to indemnify, defend and hold harmless the Town from any loss or liability, including damages for inverse condemnation, the Town may have or suffer on account of any change in the direction, nature, quality, or quantity of historical drainage flow resulting from the development of the Property or from the construction of streets, water mains, and/or storm sewers on the Property. Developer shall bear all reasonable costs of investigation and litigation, including reasonable attorney fees, incurred by the Town in defending such claim. This indemnification does not extend to claims of willful misconduct or negligence brought by any third party against the Town which is attributable to any act or omission of the Town.

4.3 Insurance. Developer and its contractors performing work in constructing the Project shall at all times hereunder have and maintain in full force and effect comprehensive liability insurance, providing general liability, and comprehensive automobile liability insurance. Owner's or Developer's architect and engineer responsible for work in the right-of-way shall also carry professional liability insurance. The policies shall name the Town and its agents, officials and employees as additional insureds and shall provide coverage for the liability risks identified at Section 4.2 hereof, and shall not be less than $387,000 for any injury to one person in any single occurrence, or $1,093,000 for any injury to two or more persons in any single occurrence. Developer, and contractors shall at all times fully comply with the Colorado Workmen's Compensation Act, and shall ensure that each of its contractors and subcontractors are in full compliance with the Act. Developer shall submit certificates of insurance in compliance with the standards as set forth above. Nothing herein shall be construed to relieve or discharge Developer of its liability to the Town under the terms of this Agreement should Developer for any reason fail to procure and maintain any required insurance in sufficient amounts.

5. ENFORCEMENT AND REMEDIES

5.1 Breach of Agreement. In the event that either party should fail to timely comply with any of the terms, conditions, covenants and undertakings hereof, such non-compliance shall be cured and brought into compliance within 30 days of written notice of breach by the other party. Such notice will specify the conditions of default. If such default is not of a type that can be cured within such 30-day period and the defaulting party gives written notice to the non-defaulting party within such 30-day period that it is actively and diligently pursuing such cure, the defaulting party will have a reasonable period of time given the nature of the default following the end of such 30-day period to cure such default, provided that such defaulting party is at all times within such additional time period actively and diligently pursuing such cure and provided further that in no event will such cure period exceed a total of six months. Notwithstanding the foregoing, in the event Developer is not able to provide proof of the applicable exclusion and inclusion within 30 days after Substantial Completion under Sections 3.14 and 3.15, but provided that Developer is actively and diligently pursuing the applicable exclusion and inclusion, the foregoing six-month cap on a cure period shall not apply to Developer's failure to timely comply under Sections 3.14 and 3.15. The Town may after the cure period withhold any additional building permits, certificates of occupancy, or provision of new utility fixtures or service only upon reasonable cause. For any default that is not cured as described above, the non-defaulting party may pursue any other remedy at law or in equity which may be appropriate under the Town's Regulations, the applicable laws and legal standards of the State of Colorado or the United States before any court of competent jurisdiction, including remedies which may be available against the Decommissioning Security. Such remedies shall be cumulative.

5.2 Legal Expenses. In the event that it is necessary to initiate legal proceedings to enforce the provisions of this Agreement, the non-prevailing party shall be responsible for all reasonable legal expenses and costs incurred by the prevailing party.

5.3 Venue. Venue for any legal proceedings shall be in the County of Weld, State of Colorado.

5.4 Developer Remedy; Limitation of Liability; Waiver. The parties agree, and Developer expressly acknowledges and agrees, that Developer's sole remedy in the event of i) the Town's failure or refusal to perform any other obligation under this Agreement; or ii) any delay on the part of the Town in performing any other obligation under this Agreement, shall be the equitable remedies of specific performance or injunctive relief. THE TOWN SHALL NOT HAVE ANY LIABILITY FOR ANY LOSS OF PROFITS, SALES, BUSINESS, OR OTHER DIRECT, INCIDENTAL, CONSEQUENTIAL, OR SPECIAL LOSS OR DAMAGE, INCLUDING EXEMPLARY AND PUNITIVE DAMAGES, OF ANY KIND OR NATURE RESULTING FROM OR ARISING OUT OF THIS AGREEMENT. THE ALLOCATIONS OF LIABILITY IN THIS SECTION REPRESENT THE AGREED, BARGAINED-FOR UNDERSTANDING OF THE PARTIES. THE LIMITATION OF LIABILITY AND TYPES OF DAMAGES STATED IN THIS AGREEMENT ARE INTENDED BY THE PARTIES TO APPLY REGARDLESS OF THE FORM OF LAWSUIT OR CLAIM A PARTY MAY BRING, WHETHER IN TORT, CONTRACT OR OTHERWISE, AND REGARDLESS OF WHETHER ANY LIMITED REMEDY PROVIDED FOR IN THIS AGREEMENT FAILS OF ITS ESSENTIAL PURPOSE. OWNER AND DEVELOPER HEREBY WAIVE ANY AND ALL CLAIMS FOR MONETARY DAMAGES WHICH OWNER OR DEVELOPER MAY OR MIGHT HEREAFTER ACQUIRE AGAINST THE TOWN FOR LOSS OR DAMAGE ARISING FROM THIS AGREEMENT.

6. DEFINITIONS

The following definitions shall apply generally to the provisions of this Agreement:

6.1 "**Construction Build-out Period**" has the meaning set forth in Section 1.6 of this Agreement.

6.2 "**Force Majeure Event**" means any event beyond the control of the affected Party that directly prevents or delays the performance by such Party of any obligation arising under this Agreement, including an event that is within one or more of the following categories: condemnation; expropriation; invasion; plague; drought; landslide; tornado; hurricane; tsunami; flood; lightning; earthquake; fire; explosion; epidemic; quarantine; war (declared or undeclared), terrorism or other armed conflict; material physical damage to the Project caused by third Parties; riot or similar civil disturbance or commotion; other acts of God.

6.3 "**Historical Energy Production**" means the sum of all energy generated by the Project after Substantial Completion divided by the total number of months of operation after Substantial Completion and the remaining sum multiplied by twelve.

6.4 "**Platte River Power Authority**" or "**Platte River**" means a political subdivision of the State of Colorado.

6.5 "**Platte River Facilities**" means certain interconnection facilities, such as a switchyard, high voltage transmission lines and an access road, as shown in the Site Plan, which are owned and operated by Platte River.

6.5 "**Project**" means the BHS Solar Project, a utility-scale PV solar and energy storage facility, together with any necessary Project components and related appurtenant improvements, including solar panels, inverter buildings, underground electrical conductors, substation, battery containers hosting battery cells, transmission lines, maintenance and access roads and an Operations and Maintenance (O&M) building.

6.6 "**Project Area**" means the overall land area in which the Project will be located. [The Project Area covers approximately 1,417 acres. A map depicting the location of the Project Area is contained in **Exhibit D**: Proposed Site Layout. The land within the Project Area is a part of the Property as more specifically described in **Exhibit A**: Property Legal Description.

6.7 "**Substantial Completion**" means the Project is constructed, installed, generating and delivering energy to the electric power grid.

6.8 "**UAR"** means the Use by Additional Review and accompanying Site Plan approved by the Town's Town Council for the Project.

7. MISCELLANEOUS PROVISIONS

7.1 Recordation. This Agreement shall be recorded, at Developer's expense, in the office of the Weld County Clerk and Recorder.

7.2 No Waiver. Nothing herein shall constitute or be interpreted as a waiver or repeal of existing codes or ordinance or the Town's legislative, governmental or police powers, nor shall this Agreement prohibit the enactment by the Town of any fees or any other ordinances which are of uniform or general application.

7.3 Third Party Beneficiaries. This Agreement will not be construed as or deemed to be an agreement for the benefit of any third party or parties, and no third party or parties will have any right of action hereunder for any cause whatsoever.

7.4 Successors and Assigns. This Agreement will be binding upon the parties and their respective successors and assigns and will be deemed a covenant running with the Property insofar as it relates to Developer's leasehold interest in the Property and will be binding upon all successors in and to Developer's leasehold interest or ownership interest in the Project. Developer may not assign or transfer this Agreement or any of the rights or privileges therein granted, without the prior, express written consent of the Town, which shall not be unreasonably withheld, conditioned, or delayed; provided however, the Town's consent shall not be required for Developer to collaterally assign its interest in whole or in part to a financing party. Developer shall provide written notice to the Town within ten (10) days of such collateral assignment. With respect to the Town's consent, Owner or Developer shall provide the Town written notice of: (a) any such proposed transfer; and (b) transferee's acceptance of the obligations and liabilities under this Agreement by a written assignment. Following delivery to the Town of written evidence of such assignment and an express assumption of the obligations and liabilities by the transferee, the Town will consent to the proposed transfer, and the Town will accept performance by such assignee. Following any such assignment of this Agreement, Developer will be relieved from any obligations and liabilities assumed by such assignee.

7.5 Term. This Agreement becomes effective upon the Effective Date, and shall remain in effect until Developer has performed and complied with all warranties, covenants, terms, conditions, and obligations contained in this Agreement, or 99 years from the Effective Date, whichever comes first.

7.6 Modification. This Agreement may be amended or modified only by written instrument executed by the Town and Developer.

7.7 Notice. All notices, demands or other communications required or permitted to be given hereunder will be in writing and any and all such items will be deemed to have been duly delivered upon personal delivery; or as of the third business day after mailing by United States mail, certified, return receipt requested, postage prepaid, addressed as follows; or as of the immediately following business day after deposit with Federal Express or a similar overnight courier service that provides evidence of receipt, addressed as follows:

Severance:

Town of Severance
Town Manager
3 South Timber Ridge Parkway,
PO Box 339
Severance, CO 80546

Hayashi & Macsalka, LLC
Town Attorney
1650 38th Street, Suite 103
Boulder, CO 80301

Developer:

BHS Solar, LLC
c/o 174 Power Global
300 Spectrum Center Drive, Suite
1020
Irvine, CA 92618
Attn: Legal Department

Either party may change the address to which notice is to be sent by providing notice set forth in this section .

7.8 Section Headings. The section of headings are inserted herein only for convenience or reference, and in no way shall be defined to limit or describe the scope or intent of any of the provisions in this Agreement.

7.9 Severability. If any part, term, or provision of this Agreement is held by the courts to be illegal or otherwise unenforceable, such illegality or un-enforceability will not affect the validity of any other part, term, or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of this Agreement.

7.10 Applicable Law. This Agreement will be governed by and construed in accordance with the laws of the State of Colorado, without reference to its conflict of laws provisions.

7.11 Integration. This Agreement constitutes the entire agreement among the parties with respect to the matters addressed herein. All prior discussions and negotiations regarding the subject matter hereof are merged herein.

7.12 Counterparts. This Agreement may be executed in any number of counterparts, each of which will be deemed an original instrument, but all of which together will constitute but one and the same instrument. The counterparts of this Agreement may be executed and delivered by facsimile or other electronic signature by either party to the other party and the receiving party may rely on the receipt of such document so executed and delivered by facsimile or other electronic method as if the original had been received.

[*remainder of page left intentionally blank—signatures on following page*]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

TOWN OF SEVERANCE, COLORADO,
a municipal corporation

By: _____
Matthew Fries, Mayor

ATTEST:

_____
Leah Vanarsdall, Town Clerk

APPROVED AS TO FORM:

_____
Hayashi & Macsalka, LLC, Town Attorney

DEVELOPER:

BHS Solar, LLC
A Delaware limited liability company

By: Hanwha Energy USA Holdings Corporation,
a Delaware corporation
Its: Manager

By: _____
Name: _____
Its: _____

EXHIBITS LIST

EXHIBIT A – LEGAL DESCRIPTION OF PROPERTY

EXHIBIT B – PORTIONS OF WELD COUNTY ROAD 19 TO BE MAINTAINED

EXHIBIT C – PORTIONS OF WELD COUNTY ROAD 90 TO BE SUBJECT OF FUTURE AGREEMENT

EXHIBIT D – PROPOSED SITE LAYOUT

EXHIBIT A

Property Legal Description

2021 BHS Solar Annexation - Legal Description Annexation Boundary 1

COMMENCING AT A SOUTHEAST CORNER OF SECTION 9, T7N, R67W OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, WITH A NORTHING OF 1455254.24' AND AN EASTING OF 3169802.61'; THENCE N00°16'01"W 2620.59' ALONG THE EAST LINE OF THE SE 1/4 OF SAID SECTION 9 TO THE EAST 1/4 CORNER OF SAID SECTION 9; THENCE N89°50'46"W 30.00' ALONG THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 9 TO A POINT ON THE WEST RIGHT-OF-WAY OF WELD COUNTY ROAD 19 AND THE POINT OF BEGINNING.

THENCE N11°20'07"E 149.95' TO A POINT ON THE EAST LINE OF THE NE 1/4 OF SAID SECTION 9; THENCE S11°44'23"E 150.03' TO A POINT AT THE INTERSECTION OF THE NORTH LINE OF THE SW 1/4 OF SECTION 10, T7N, R67W, WITH THE EAST RIGHT-OF-WAY OF WELD COUNTY ROAD 19; THENCE S89°35'49"W 30.00' ALONG THE NORTH LINE OF THE SW 1/4 OF SAID SECTION 10 TO THE WEST 1/4 CORNER OF SAID SECTION 10; THENCE N89°50'46"W 30.00' ALONG THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 9 TO THE POINT OF BEGINNING.

CONTAINS 0.101 ACRES MORE OR LESS. ALL BEARINGS, DISTANCES, COORDINATES AND AREAS ARE BASED ON COLORADO COORDINATE SYSTEM OF 1983, NORTH ZONE, U.S. SURVEY FEET.

2021 BHS Solar Annexation - Legal Description Annexation Boundary 2

COMMENCING AT A SOUTHEAST CORNER OF SECTION 9, T7N, R67W OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, WITH A NORTHING OF 1455254.24' AND AN EASTING OF 3169802.61'; THENCE N00°16'01"W 2620.59' ALONG THE EAST LINE OF THE SE 1/4 OF SAID SECTION 9 TO THE EAST 1/4 CORNER OF SAID SECTION 9; THENCE N89°50'46"W 30.00' ALONG THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 9 TO A POINT ON THE WEST RIGHT-OF-WAY OF WELD COUNTY ROAD 19 AND THE POINT OF BEGINNING.

THENCE N02°05'15"E 749.78' TO A POINT ON THE EAST LINE OF THE NE 1/4 OF SAID SECTION 9; THENCE S02°29'54"E 749.87' TO A POINT AT THE INTERSECTION OF THE NORTH LINE OF THE SW 1/4 OF SECTION 10, T7N, R67W, WITH THE EAST RIGHT-OF-WAY OF WELD COUNTY ROAD 19; THENCE N11°44'23"W 150.03' TO A POINT ON THE WEST LINE OF THE NW 1/4 OF SAID SECTION 10; THENCE S11°20'07"W 149.95' TO THE POINT OF BEGINNING.

CONTAINS 0.415 ACRES MORE OR LESS. ALL BEARINGS, DISTANCES, COORDINATES AND AREAS ARE BASED ON COLORADO COORDINATE SYSTEM OF 1983, NORTH ZONE, U.S. SURVEY FEET.

2021 BHS Solar Annexation - Legal Description Annexation Boundary 3

COMMENCING AT A SOUTHEAST CORNER OF SECTION 9, T7N, R67W OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, WITH A NORTHING OF 1455254.24' AND AN EASTING OF 3169802.61'; THENCE N00°16'01"W 2620.59' ALONG THE EAST LINE OF THE SE 1/4 OF SAID SECTION 9 TO THE EAST 1/4 CORNER OF SAID SECTION 9; THENCE N89°50'46"W 30.00' ALONG THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 9 TO A POINT ON THE WEST RIGHT-OF-WAY OF WELD COUNTY ROAD 19 AND THE POINT OF BEGINNING.

THENCE N00°15'11"E 2653.23' TO A POINT ON THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 9; THENCE N00°40'43"E 1095.87' TO A POINT ON THE EAST LINE OF THE SE 1/4 OF SECTION 4, T7N, R67W; THENCE S00°14'18"E 1095.75' TO A POINT ON THE SOUTH LINE OF THE SW 1/4 OF SECTION 3, T7N, R67W; THENCE S00°39'50"E 2653.30' TO A POINT AT THE INTERSECTION OF THE NORTH LINE OF THE SW 1/4 OF SECTION 10, T7N, R67W, WITH THE EAST RIGHT-OF-WAY OF WELD COUNTY ROAD 19; THENCE N02°29'54"W 749.87' TO A POINT ON THE WEST LINE OF THE NW 1/4 OF SAID SECTION 10; THENCE S02°05'15"W 749.78' TO THE POINT OF BEGINNING.

CONTAINS 2.066 ACRES MORE OR LESS. ALL BEARINGS, DISTANCES, COORDINATES AND AREAS ARE BASED ON COLORADO COORDINATE SYSTEM OF 1983, NORTH ZONE, U.S. SURVEY FEET.

2021 BHS Solar Annexation - Legal Description Annexation Boundary 4

COMMENCING AT A SOUTHEAST CORNER OF SECTION 9, T7N, R67W OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, WITH A NORTHING OF 1455254.24' AND AN EASTING OF 3169802.61'; THENCE N00°16'01"W 2620.59' ALONG THE EAST LINE OF THE SE 1/4 OF SAID SECTION 9 TO THE EAST 1/4 CORNER OF SAID SECTION 9; THENCE N89°50'46"W 30.00' ALONG THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 9 TO A POINT ON THE WEST RIGHT-OF-WAY OF WELD COUNTY ROAD 19 AND THE POINT OF BEGINNING.

THENCE N00°01'25"E 2653.23' TO A POINT ON THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 9; THENCE N00°23'24"E 2725.66' TO A POINT ON THE NORTH LINE OF THE SE 1/4 OF SECTION 4, T7N, R67W; THENCE N00°17'43"E 1814.03'; THENCE IN A NORTHWESTERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 698.89’, HAVING A CHORD BEARING OF N65°57'24"W AND A CHORD DISTANCE OF 356.34’, HAVING A CENTRAL ANGLE OF 29°32'20" AND AN ARC LENGTH OF 360.31’; THENCE N51°11'14"W 275.50'; THENCE IN A NORTHWESTERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 326.88’, HAVING A CHORD BEARING OF N21°38'20"W AND A CHORD DISTANCE OF 308.11’, HAVING A CENTRAL ANGLE OF 56°14'11" AND AN ARC LENGTH OF 320.84’; THENCE N06°28'46"E 323.32' TO A POINT ON THE NORTH LINE OF LOT 1 OF SAID SECTION 4; THENCE N12°08'28"E 1126.72'; THENCE IN A NORTHEASTERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 805.01’, HAVING A CHORD BEARING OF N26°21'03"E AND A CHORD DISTANCE OF 380.24’, HAVING A CENTRAL ANGLE OF 27°19'18" AND AN ARC LENGTH OF 383.87’; THENCE IN A NORTHERLY DIRECTION WITH A REVERSE TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 795.01’, HAVING A CHORD BEARING OF N19°44'26"E AND A CHORD DISTANCE OF 550.88’, HAVING A CENTRAL ANGLE OF 40°32'32" AND AN ARC LENGTH OF 562.55’; THENCE N00°47'51"W 694.78' TO A POINT ON THE NORTH LINE OF THE SE 1/4 OF SECTION 33, T8N, R67W; THENCE N00°06'35"W 2635.05' TO A POINT ON THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 33; THENCE N89°01'47"E 5.00' ALONG THE NORTH LINE OF THE NE 1/4 OF SAID SECTION 33 TO THE NE CORNER OF SAID SECTION 33; THENCE S89°49'13"E 5.00' ALONG THE NORTH LINE OF THE NW 1/4 OF SECTION 34, T8N, R67W; THENCE S00°06'35"E 2635.03' TO A POINT ON THE SOUTH LINE OF THE NW 1/4 OF SAID SECTION 34; THENCE S00°47'51"E 694.75'; THENCE IN A SOUTHERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 805.01’, HAVING A CHORD BEARING OF S02°31'57"W AND A CHORD DISTANCE OF 86.08’, HAVING A CENTRAL ANGLE OF 06°07'46" AND AN ARC LENGTH OF 86.12’ TO A POINT ON THE WEST LINE OF THE SW 1/4 OF SAID SECTION 34; THENCE IN A SOUTHWESTERLY DIRECTION WITH A COMPOUND TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 805.01’, HAVING A CHORD BEARING OF S22°48'16"W AND A CHORD DISTANCE OF 476.29’, HAVING A CENTRAL ANGLE OF 34°24'52" AND AN ARC LENGTH OF 483.53’; THENCE IN A SOUTHWESTERLY DIRECTION WITH A REVERSE TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 795.01’, HAVING A CHORD BEARING OF S26°21'10"W AND A CHORD DISTANCE OF 375.48’, HAVING A CENTRAL ANGLE OF 27°19'06" AND AN ARC LENGTH OF 379.06’; THENCE S12°08'46"W 1124.19' TO A POINT ON THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 33; THENCE S06°29'49"W 324.82'; THENCE IN A SOUTHEASTERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 316.88’, HAVING A

CHORD BEARING OF S21°37'39"E AND A CHORD DISTANCE OF 298.58’, HAVING A CENTRAL ANGLE OF 56°12'50" AND AN ARC LENGTH OF 310.90’; THENCE S51°11'14"E 275.38'; THENCE IN A SOUTHEASTERLY DIRECTION WITH A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 688.89’, HAVING A CHORD BEARING OF S66°06'02"E AND A CHORD DISTANCE OF 354.58’, HAVING A CENTRAL ANGLE OF 29°49'35" AND AN ARC LENGTH OF 358.61’ TO A POINT ON THE EAST LINE OF LOT 1 OF SAID SECTION 4; THENCE IN A EASTERLY DIRECTION WITH A COMPOUND TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 688.89’, HAVING A CHORD BEARING OF S81°13'24"E AND A CHORD DISTANCE OF 5.04’, HAVING A CENTRAL ANGLE OF 00°25'08" AND AN ARC LENGTH OF 5.04’; THENCE S00°06'11"E 1822.47' TO A POINT ON THE SOUTH LINE OF THE NW 1/4 OF SECTION 3, T7N, R67W; THENCE S00°03'02"W 2725.63' TO A POINT ON THE SOUTH LINE OF THE SW 1/4 OF SAID SECTION 3; THENCE S00°26'05"E 2653.24' TO A POINT AT THE INTERSECTION OF THE NORTH LINE OF THE SW 1/4 OF SECTION 10, T7N, R67W, WITH THE EAST RIGHT-OF-WAY OF WELD COUNTY ROAD 19; THENCE N00°39'50"W 2653.30' TO A POINT ON THE NORTH LINE OF THE NW 1/4 OF SAID SECTION 10; THENCE N00°14'18"W 1095.75' TO A POINT ON THE WEST LINE OF THE SW 1/4 OF SAID SECTION 3; THENCE S00°40'43"W 1095.87' TO A POINT ON THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 4; THENCE S00°15'11"W 2653.23' TO THE POINT OF BEGINNING.

CONTAINS 4.560 ACRES MORE OR LESS. ALL BEARINGS, DISTANCES, COORDINATES AND AREAS ARE BASED ON COLORADO COORDINATE SYSTEM OF 1983, NORTH ZONE, U.S. SURVEY FEET.

2021 BHS Solar Annexation - Legal description of Annexation Boundary 5

COMMENCING AT A SOUTHEAST CORNER OF SECTION 9, T7N, R67W OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, WITH A NORTHING OF 1455254.24' AND AN EASTING OF 3169802.61'; THENCE N00°16'01"W 2620.59' ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 9 TO THE E1/4 CORNER OF SAID SECTION 9; THENCE N89°50'46"W 30.00' ALONG THE NORTH LINE OF THE SE1/4 OF SAID SECTION 9 TO A POINT ON THE WEST RIGHT-OF-WAY OF WELD COUNTY ROAD 19 AND THE TRUE POINT OF BEGINNING.

THENCE ALONG THE WEST RIGHT-OF-WAY OF WELD COUNTY ROAD 19 THE FOLLOWING THIRTEEN COURSES (13):

1) N00°12'20"W 2653.28' PARALLEL AND 30' WEST OF THE EAST LINE OF THE NE1/4 OF SAID SECTION 9 TO A POINT ON THE NORTH LINE OF THE NE1/4 OF SAID SECTION 9;
2) N00°13'13"E 2725.82' PARALLEL AND 30' WEST OF THE EAST LINE OF THE SE1/4 OF SECTION 4, T7N, R67W TO A POINT ON THE NORTH LINE OF THE SW1/4 OF SAID SECTION 4;
3) N00°05'46"E 1793.22' PARALLEL AND 30' WEST OF THE EAST LINE OF THE NE1/4 OF SAID SECTION 4;
4) ALONG A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 642.82', HAVING A CHORD BEARING OF N65°07'44"W AND A CHORD DISTANCE OF 349.21 HAVING A CENTRAL ANGLE OF 31°31'18" AND AN ARC LENGTH OF 353.65';
5) N51°11'14"W 274.08';
6) ALONG A TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 338.20', HAVING A CHORD BEARING OF N21°40'03"W AND A CHORD DISTANCE OF 333.28', HAVING A CENTRAL ANGLE OF 59°02'23" AND AN ARC LENGTH OF 348.49';
7) N06°28'46"E 318.88' TO A POINT ON THE NORTH LINE OF LOT 1 OF SAID SECTION 4;
8) S88°04'38"W 32.42' ALONG THE NORTH LINE OF LOT 1 OF SAID SECTION 4;
9) N12°41'30"E 1141.25';
10) ALONG A TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 850.00', HAVING A CHORD BEARING OF N26°21'07"E AND A CHORD DISTANCE OF 401.48', HAVING A CENTRAL ANGLE OF 27°19'13" AND AN ARC LENGTH OF 405.30';
11) ALONG A REVERSE TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 750.00', HAVING A CHORD BEARING OF N19°36'26"E AND A CHORD DISTANCE OF 522.97', HAVING A CENTRAL ANGLE OF 40°48'34" AND AN ARC LENGTH OF 534.19' TO A POINT 50' WEST OF THE EAST LINE OF THE SE1/4 OF SECTION 33, T8N, R67W;
12) N00°47'53"W 691.44' PARALLEL AND 50' WEST OF THE EAST LINE OF THE SE1/4 OF SAID SECTION 33 TO A POINT ON THE NORTH LINE OF THE SE1/4 OF SAID SECTION 33;
13) N00°05'30"W 2664.57' PARALLEL AND 50' WEST OF THE EAST LINE OF THE NE1/4 OF SAID SECTION 33 TO A POINT ON THE NORTH RIGHT-OF-WAY OF WELD COUNTY ROAD 88 IN SECTION 28, T8N, R67W;

THENCE N89°01'47"E 19.52' ALONG THE NORTH RIGHT-OF-WAY OF WELD COUNTY ROAD 88 TO THE INTERSECTION WITH THE WEST RIGHT-OF-WAY OF WELD COUNTY ROAD 19; THENCE N00°34'21"E 2599.57' ALONG THE WEST RIGHT-OF-WAY OF WELD COUNTY ROAD 19 TO A POINT ON THE NORTH LINE OF THE SE1/4 OF SAID SECTION 28; THENCE N89°14'15"E 30.01' ALONG THE NORTH LINE OF THE SE1/4 OF SAID SECTION 28 TO THE E1/4 CORNER OF SAID SECTION 28; THENCE N89°49'52"E 2634.84' ALONG THE NORTH LINE OF THE SW1/4 OF SECTION 27, T8N, R67W TO THE C1/4 CORNER OF SAID SECTION 27; THENCE N00°48'46"E 526.03' ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 27; THENCE S77°30'53"E 112.53'; THENCE N86°29'07"E 120.20'; THENCE S84°30'53"E 106.52'; THENCE S74°30'53"E 105.99'; THENCE S64°30'53"E 108.62'; THENCE S59°30'53"E 930.00'; THENCE S60°50'49"E 398.50'; THENCE S64°50'49"E 1018.49' TO A POINT ON THE EAST LINE OF THE SE1/4 OF SAID SECTION 27; THENCE N00°49'49"E 109.74' ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 27; THENCE N64°50'49"W 969.80'; THENCE N60°50'49"W 393.85'; THENCE N59°30'53"W 933.21'; THENCE N64°30'53"W 121.74'; THENCE N74°30'53"W 123.49'; THENCE N84°30'53"W 123.14'; THENCE S86°29'07"W 114.02'; THENCE N77°30'53"W 108.20'; THENCE N69°53'35"W 11.34' TO A POINT ON THE WEST LINE OF THE NE1/4 OF SAID SECTION 27; THENCE N00°48'46"E 2015.62' ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 27 TO THE N1/4 CORNER OF SAID SECTION 27; THENCE N02°45'10"E 30.18' ALONG THE WEST LINE OF THE SE1/4 OF SECTION 22, T8N, R67W TO A POINT ON THE NORTH RIGHT-OF-WAY OF WELD COUNTY ROAD 90; THENCE N89°28'38"E 2626.46' ALONG THE NORTH RIGHT-OF-WAY OF WELD COUNTY ROAD 90 TO A POINT ON THE WEST LINE OF THE SW1/4 OF SECTION 23, T8N, R67W; THENCE N03°05'46"E 2609.79' ALONG THE WEST LINE OF THE SW1/4 OF SAID SECTION 23 TO THE W1/4 CORNER OF SAID SECTION 23; THENCE N03°05'46"E 2639.85' ALONG THE WEST LINE OF THE NW1/4 OF SAID SECTION 23 TO THE NORTHWEST CORNER OF SAID SECTION 23; THENCE N00°30'47"E 2640.21' ALONG THE WEST LINE OF THE SW1/4 OF SECTION 14, T8N, R67W TO THE W1/4 CORNER OF SAID SECTION 14; THENCE N89°16'54"E 2565.55' ALONG THE NORTH LINE OF THE SW1/4 OF SAID SECTION 14 TO THE C1/4 CORNER OF SAID SECTION 14; THENCE S00°17'03"W 2650.69' ALONG THE EAST LINE OF THE SW1/4 OF SAID SECTION 14 TO THE S1/4 CORNER OF SAID SECTION 14; THENCE N89°31'39"E 2546.15' ALONG THE NORTH LINE OF THE NE1/4 OF SAID SECTION 23 TO A POINT ON THE WEST RIGHT-OF-WAY OF A ROAD EASEMENT, BEING 30' WEST OF THE EAST LINE OF THE NE1/4 OF SAID SECTION 23; THENCE S01°39'50"W 2661.86' PARALLEL AND 30' WEST OF THE EAST LINE OF THE NE1/4 OF SAID SECTION 23 TO A POINT ON THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 23, BEING 30' WEST OF THE EAST 1/4 CORNER OF SAID SECTION 23; THENCE S01°39'47"W 2661.83' PARALLEL AND 30' WEST OF THE EAST LINE OF THE SE1/4 OF SAID SECTION 23 TO A POINT ON THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 23, BEING 30' WEST OF THE SOUTHEAST CORNER OF SAID SECTION 23; THENCE S01°02'23"W 30.00' TO A POINT IN THE NE1/4 OF SECTION 26, T8N, R67W AND ON THE SOUTH RIGHT-OF-WAY OF WELD COUNTY ROAD 90; THENCE N89°55'35"W 2611.34' PARALLEL AND 30' SOUTH OF THE NORTH LINE OF THE NE1/4 OF SAID SECTION 26 TO A POINT ON THE WEST LINE OF THE NE1/4 OF SAID SECTION 26,

BEING 30' SOUTH OF THE N1/4 CORNER OF SAID SECTION 26; THENCE N89°55'28"W 2641.07' PARALLEL AND 30' SOUTH OF THE THE NORTH LINE OF THE NW1/4 OF SAID SECTION 26 TO A POINT ON THE WEST LINE OF THE NW1/4 OF SAID SECTION 26; THENCE S00°50'14"W 2631.66' ALONG THE WEST LINE OF THE NW1/4 OF SAID SECTION 26 TO THE W1/4 CORNER OF SAID SECTION 26; THENCE S00°49'48"W 2556.42' ALONG THE WEST LINE OF THE SW1/4 OF SAID SECTION 26; THENCE N89°43'52"E 971.37'; THENCE N00°14'56"W 1260.00'; THENCE N89°43'52"E 1686.18' TO A POINT ON THE EAST LINE OF THE SW1/4 OF SAID SECTION 26; THENCE S00°56'36"W 1365.30' ALONG THE EAST LINE OF THE SW1/4 OF SAID SECTION 26 TO THE S1/4 CORNER OF SAID SECTION 26; THENCE N89°45'05"E 2631.62' ALONG THE NORTH LINE OF THE NE1/4 OF SECTION 35, T8N, R67W TO THE NORTHEAST CORNER OF SAID SECTION 35; THENCE S00°16'24"W 2711.14' ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 35 TO THE E1/4 CORNER OF SAID SECTION 35; THENCE S00°16'17"W 2711.26' ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 35 TO THE SOUTHEAST CORNER OF SAID SECTION 35; THENCE N89°11'40"W 2609.91' ALONG THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 35 TO THE S1/4 CORNER OF SAID SECTION 35; THENCE N89°09'50"W 1304.93' ALONG THE SOUTH LINE OF THE SE1/4SW1/4 OF SAID SECTION 35 TO THE W1/16 CORNER OF SAID SECTION 35; THENCE N89°13'11"W 1274.83' ALONG THE SOUTH LINE OF THE SW1/4SW1/4 OF SAID SECTION 35 TO A POINT ON THE EAST RIGHT-OF-WAY OF A COUNTY ROAD EASEMENT, BEING 30' EAST OF THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N00°11'37"W 2662.60' PARALLEL AND 30' EAST OF THE WEST LINE OF THE SW 1/4 OF SAID SECTION 35 TO A POINT ON THE NORTH LINE OF THE SW1/4 OF SAID SECTION 35, BEING 30' EAST OF THE W1/4 CORNER OF SAID SECTION 35; THENCE N00°11'18"W 2663.01' PARALLEL AND 30' EAST OF THE WEST LINE OF THE NW1/4 OF SAID SECTION 35 TO A POINT ON THE NORTH LINE OF THE NW1/4 OF SAID SECTION 35; THENCE S89°48'42"W 30.00' ALONG THE NORTH LINE OF THE NW1/4 OF SAID SECTION 35 TO THE NORTHWEST CORNER OF SAID SECTION 35; THENCE N89°49'25"W 2623.77' ALONG THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 27 TO THE S1/4 CORNER OF SAID SECTION 27; THENCE N89°49'13"W 2593.58' ALONG THE SOUTH LINE OF THE SW1/4 OF SAID SECTION 27 TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 19, BEING 30' EAST OF THE SOUTHWEST CORNER OF SAID SECTION 27; THENCE ALONG THE EAST RIGHT-OF-WAY OF WELD COUNTY ROAD 19 THE FOLLOWING SIXTEEN COURSES (16):

1) S00°06'35"E 2635.16' PARALLEL AND 30 EAST OF THE WEST LINE OF THE NW1/4 OF SAID SECTION 34 TO A POINT ON THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 34;
2) S00°47'51"E 977.73' PARALLEL AND 30 EAST OF THE WEST LINE OF THE SW1/4 OF SAID SECTION 34;
3) S89°12'09"W 30.00' TO A POINT ON THE WEST LINE OF THE SW1/4 OF SAID SECTION 34;
4) ALONG A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 850.00', HAVING A CHORD BEARING OF S29°28'59"W AND A CHORD DISTANCE OF 310.64', HAVING A CENTRAL ANGLE OF 21°03'28" AND AN ARC LENGTH OF 312.40';

5) ALONG A REVERSE TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 750.00', HAVING A CHORD BEARING OF S26°21'07"W AND A CHORD DISTANCE OF 354.24', HAVING A CENTRAL ANGLE OF 27°19'13" AND AN ARC LENGTH OF 357.62';
6) S12°41'30"W 1115.17' TO A POINT ON THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 33;
7) S88°04'38"W 10.27' ALONG THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 33;
8) S06°28'46"W 328.49';
9) ALONG A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 278.20', HAVING A CHORD BEARING OF S21°35'49"E AND A CHORD DISTANCE OF 274.75', HAVING A CENTRAL ANGLE OF 59°10'50" AND AN ARC LENGTH OF 287.35';
10) S51°11'14"E 275.05';
11) ALONG A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 582.82', HAVING A CHORD BEARING OF S64°36'53"E AND A CHORD DISTANCE OF 308.33', HAVING A CENTRAL ANGLE OF 30°40'34" AND AN ARC LENGTH OF 312.04';
12) S89°54'14"E 30.00' TO A POINT ON THE EAST LINE OF LOT 1 OF SAID SECTION 4;
13) S89°54'14"E 30.00';
14) S00°05'46"W 1854.20' TO A POINT ON THE SOUTH LINE OF THE NW1/4 OF SECTION 3, T7N, R67W;
15) S00°13'13"W 2725.50' TO A POINT ON THE SOUTH LINE OF THE SW1/4 OF SAID SECTION 3;
16) S00°12'20"E 2653.22' TO A POINT OF THE SOUTH LINE OF THE NW1/4 OF SECTION 10, T7N, R67W;

THENCE N00°26'05"W 2653.24' TO A POINT ON THE NORTH LINE OF THE NW1/4 OF SAID SECTION 10; THENCE N00°03'02"E 2725.63' TO A POINT ON THE NORTH LINE OF THE SW1/4 OF SAID SECTION 3; THENCE N00°06'11"W 1822.47'; THENCE N81°13'24"W 5.04' TO A POINT ON THE WEST LINE OF THE NW1/4 OF SAID SECTION 3; THENCE IN A NORTHWESTERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 688.89', HAVING A CHORD BEARING OF N66°06'02"W AND A CHORD DISTANCE OF 354.58', HAVING A CENTRAL ANGLE OF 29°49'35" AND AN ARC LENGTH OF 358.61'; THENCE N51°11'14"W 275.38'; THENCE IN A NORTHWESTERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 316.88', HAVING A CHORD BEARING OF N21°37'39"W AND A CHORD DISTANCE OF 298.58', HAVING A CENTRAL ANGLE OF 56°12'50" AND AN ARC LENGTH OF 310.90'; THENCE N06°29'49"E 324.82' TO A POINT ON THE NORTH LINE OF LOT 1 OF SAID SECTION 4; THENCE N12°08'46"E 1124.19'; THENCE IN A NORTHEASTERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 795.01', HAVING A CHORD BEARING OF N26°21'10"E AND A CHORD DISTANCE OF 375.48', HAVING A CENTRAL ANGLE OF 27°19'06" AND AN ARC LENGTH OF 379.06'; THENCE IN A NORTHEASTERLY DIRECTION WITH A REVERSE TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 805.01', HAVING A CHORD BEARING OF N22°48'16"E AND A CHORD DISTANCE OF 476.29', HAVING A CENTRAL ANGLE OF 34°24'52" AND AN ARC LENGTH OF 483.53' TO A POINT ON THE EAST LINE OF THE SE1/4 OF SAID SECTION 33; THENCE IN A NORTHERLY DIRECTION WITH A COMPOUND TANGENT CURVE

TURNING TO THE LEFT WITH A RADIUS OF 805.01', HAVING A CHORD BEARING OF N02°31'57"E AND A CHORD DISTANCE OF 86.08', HAVING A CENTRAL ANGLE OF 06°07'46" AND AN ARC LENGTH OF 86.12'; THENCE N00°47'51"W 694.75' TO A POINT ON THE NORTH LINE OF THE SW1/4 OF SAID SECTION 34; THENCE N00°06'35"W 2635.03' TO A POINT ON THE NORTH LINE OF THE NW1/4 OF SAID SECTION 34; THENCE N89°49'13"W 5.00' ALONG THE NORTH LINE OF THE NW1/4 OF SAID SECTION 34 TO THE NORTHWEST CORNER OF SAID SECTION 34; THENCE S89°01'47"W 5.00' ALONG THE NORTH LINE OF THE NE1/4 OF SAID SECTION 33; THENCE S00°06'35"E 2635.05' TO A POINT ON THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 33; THENCE S00°47'51"E 687.38'; THENCE IN A SOUTHERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 795.01', HAVING A CHORD BEARING OF S19°28'26"W AND A CHORD DISTANCE OF 557.83', HAVING A CENTRAL ANGLE OF 41°04'34" AND AN ARC LENGTH OF 569.95'; THENCE IN A SOUTHWESTERLY DIRECTION WITH A REVERSE TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 805.01', HAVING A CHORD BEARING OF S26°21'03"W AND A CHORD DISTANCE OF 380.24', HAVING A CENTRAL ANGLE OF 27°19'18" AND AN ARC LENGTH OF 383.87'; THENCE S12°08'28"W 1126.72' TO A POINT ON THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 33; THENCE S06°28'46"W 323.32'; THENCE IN A SOUTHEASTERLY DIRECTION WITH A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 326.88', HAVING A CHORD BEARING OF S21°38'20"E AND A CHORD DISTANCE OF 308.11', HAVING A CENTRAL ANGLE OF 56°14'11" AND AN ARC LENGTH OF 320.84'; THENCE S51°11'14"E 275.50'; THENCE IN A SOUTHEASTERLY DIRECTION WITH A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 698.89', HAVING A CHORD BEARING OF S65°57'24"E AND A CHORD DISTANCE OF 356.34', HAVING A CENTRAL ANGLE OF 29°32'20" AND AN ARC LENGTH OF 360.31'; THENCE S00°17'43"W 1814.03' TO A POINT ON THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 4; THENCE S00°23'24"W 2725.66' TO A POINT ON THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 4; THENCE S00°01'25"W 2653.23' TO THE TRUE POINT OF BEGINNING.

CONTAINS 1979.298 ACRES MORE OR LESS.

BASIS OF BEARINGS: EAST LINE OF THE SE1/4 OF SECTION 9, T7N, R67W BEARS N00°16'01"W AS SHOWN HEREON (GPS OBSERVATION).

2022 BHS SOLAR ANNEXATION BOUNDARY 1 (Landowner: Jennifer Berg-Ramsey and Terry Ramsey)

COMMENCING AT THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 7 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION 2 BEARS N89°11'40"W; THENCE N89°11'40"W 30.01' ALONG THE NORTH LINE OF LOT 1 OF SAID SECTION 2 TO A POINT ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD 23 AND THE **TRUE POINT OF BEGINNING.**

THENCE S12°20'33"W 750.25'; THENCE N10°43'53"W 750.25' TO A POINT ON THE NORTH LINE OF LOT 1 OF SAID SECTION 2 AND THE SOUTH BOUNDARY LINE OF 2021 BHS SOLAR ANNEXATION NO. 5; THENCE S89°11'40"E 300.10' ALONG THE NORTH LINE OF LOT 1 OF SAID SECTION 2 AND THE SOUTH BOUNDARY LINE OF THE 2021 BHS SOLAR ANNEXATION NO. 5 TO THE **TRUE POINT OF BEGINNING**.

CONTAINS 2.532 ACRES MORE OR LESS.

BASIS OF BEARINGS: NORTH LINE OF THE NE1/4 OF SECTION 2, T7N, R67W BEARS N89°11'40"W.

<u>2022 BHS SOLAR ANNEXATION BOUNDARY 2A</u> (Landowner: Jennifer Berg-Ramsey and Terry Ramsey)

COMMENCING AT THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 7 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION 2 BEARS N89°11'40"W; THENCE N89°11'40"W 30.01' ALONG THE NORTH LINE OF LOT 1 OF SAID SECTION 2 AND THE SOUTHERN BOUNDARY OF THE 2021 BHS SOLAR ANNEXATION NO. 5 TO A POINT ON THE WEST RIGHT-OF-WAY OF COUNTY ROAD 23 AND THE **<u>TRUE POINT OF BEGINNING</u>**.

THENCE S00°39'07"E 2623.05' ALONG THE WEST RIGHT-OF-WAY OF COUNTY ROAD 23 PARALLEL AND 30' WEST OF THE EAST LINE OF THE NE1/4 OF SAID SECTION 2 TO A POINT ON THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 2; THENCE S89°45'45"W 300.01' ALONG THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 2; THENCE N00°39'07"W 2328.51' PARALLEL AND 330' WEST OF THE EAST LINE OF THE NE1/4 OF SAID SECTION 2; THENCE N89°11'40"W 300.00'; THENCE N00°39'07"W 300.00' TO A POINT ON THE NORTH LINE OF LOT 1 OF SAID SECTION 2 AND THE SOUTHERN BOUNDARY OF THE 2021 BHS SOLAR ANNEXATION NO. 5; THENCE S89°11'40"E 300.00' ALONG THE NORTH LINE OF LOT 1 OF SAID SECTION 2 AND THE SOUTHERN BOUNDARY OF THE 2021 BHS SOLAR ANNEXATION NO. 5 TO A POINT ON THE WEST BOUNDARY LINE OF THE 2022 BHS SOLAR ANNEXATION NO. 1; THENCE ALONG THE BOUNDARY LINE OF THE 2022 BHS SOLAR ANNEXATION NO. 1 THE FOLLOWING TWO (2) COURSES: (1) S10°43'53"E 750.25'; THENCE (2) N12°20'33"E 750.25' TO A POINT ON THE NORTH LINE OF LOT 1 OF SAID SECTION 2 AND THE SOUTHERN BOUNDARY OF THE 2021 BHS SOLAR ANNEXATION NO. 5 AND THE **<u>TRUE POINT OF BEGINNING</u>**.

CONTAINS 17.617 ACRES MORE OR LESS.

BASIS OF BEARINGS: NORTH LINE OF THE NE1/4 OF SECTION 2, T7N, R67W BEARS N89°11'40"W.

2022 BHS SOLAR ANNEXATION BOUNDARY 2B (Landowner: SPABS LLC)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 26, TOWNSHIP 8 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, FROM WHICH THE WEST 1/4 CORNER OF SAID SECTION 26 BEARS S00°50'14"W; THENCE S00°50'14"W 30.00' ALONG THE WEST LINE OF THE NW1/4 OF SAID SECTION 26 TO A POINT ON THE SOUTH RIGHT-OF-WAY OF COUNTY ROAD 90 AND THE **TRUE POINT OF BEGINNING**.

THENCE S89°55'28"E 2641.07' ALONG THE SOUTH RIGHT-OF-WAY OF COUNTY ROAD 90 PARALLEL AND 30' SOUTH OF THE NORTH LINE OF THE NW1/4 OF SAID SECTION 26 AND THE SOUTHERN BOUNDARY OF THE 2021 BHS SOLAR ANNEXATION NO. 5 TO A POINT ON THE EAST LINE OF THE NW1/4 OF SAID SECTION 26; THENCE S00°56'44"W 2624.09' ALONG THE EAST LINE OF THE NW1/4 OF SAID SECTION 26 TO THE C 1/4 CORNER OF SAID SECTION 26; THENCE S89°54'34"W 2636.23' ALONG THE SOUTH LINE OF THE NW 1/4 OF SAID SECTION 26 TO THE WEST 1/4 CORNER OF SAID SECTION 26 AND A POINT ON THE EASTERN BOUNDARY LINE OF THE 2021 BHS SOLAR ANNEXATION NO. 5; THENCE N00°50'14"E 2631.66' ALONG THE WEST LINE OF THE NW1/4 OF SAID SECTION 26 AND THE EASTERN BOUNDARY LINE OF THE 2021 BHS SOLAR ANNEXATION NO. 5 TO THE **TRUE POINT OF BEGINNING**.

CONTAINS 159.164 ACRES MORE OR LESS.

BASIS OF BEARINGS: WEST LINE OF THE NW1/4 OF SECTION 26, T8N, R67W BEARS S00°50'14"W.

EXHIBIT B

PORTIONS OF WELD COUNTY ROAD 19 TO BE MAINTAINED

3.1-mile portion of Weld County 19 as shown on the attached map:

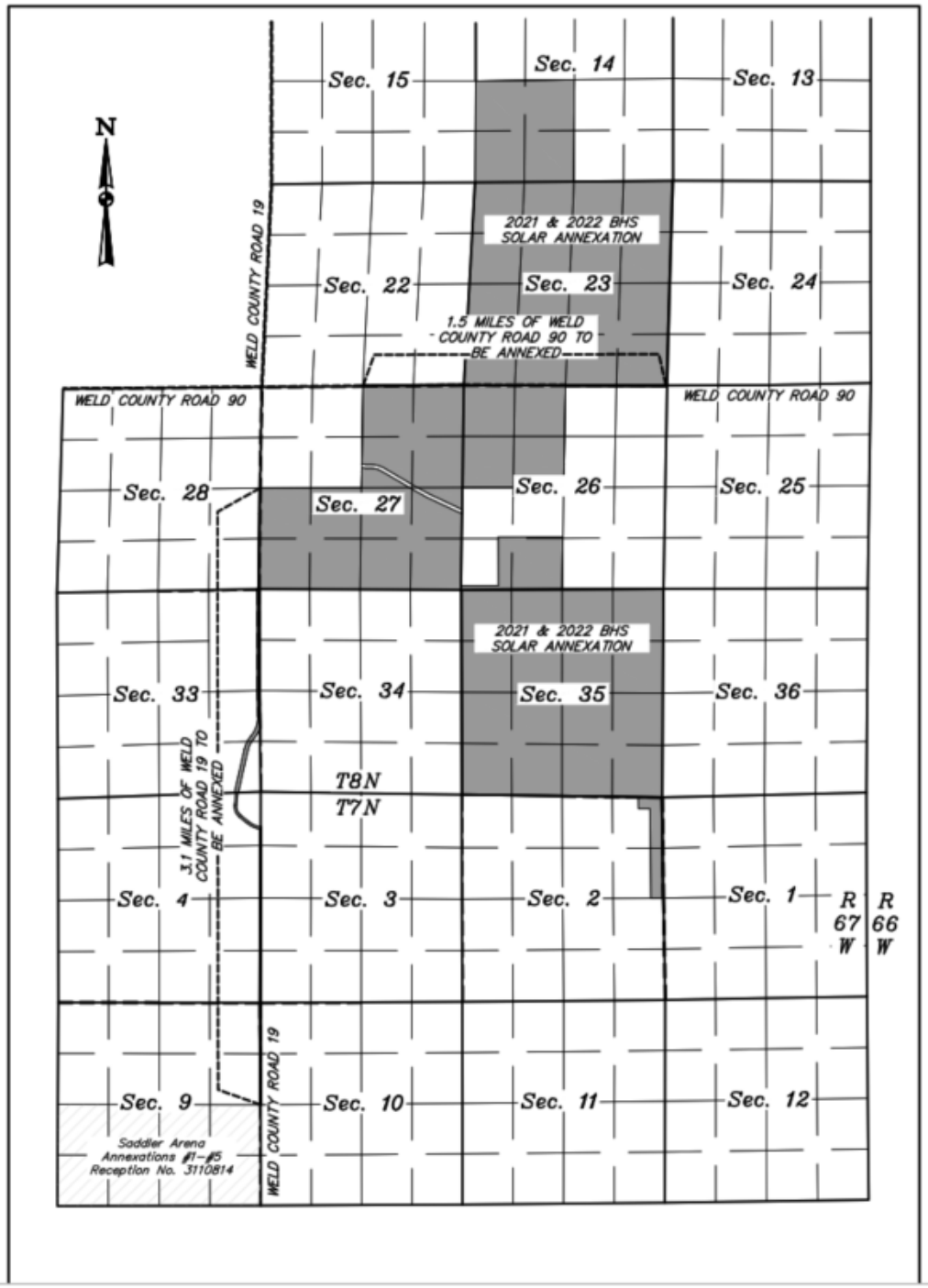


EXHIBIT C

PORTIONS OF WELD COUNTY ROAD 90 TO BE MAINTAINED

1.5-mile portion of Weld County 90 as shown on attached map

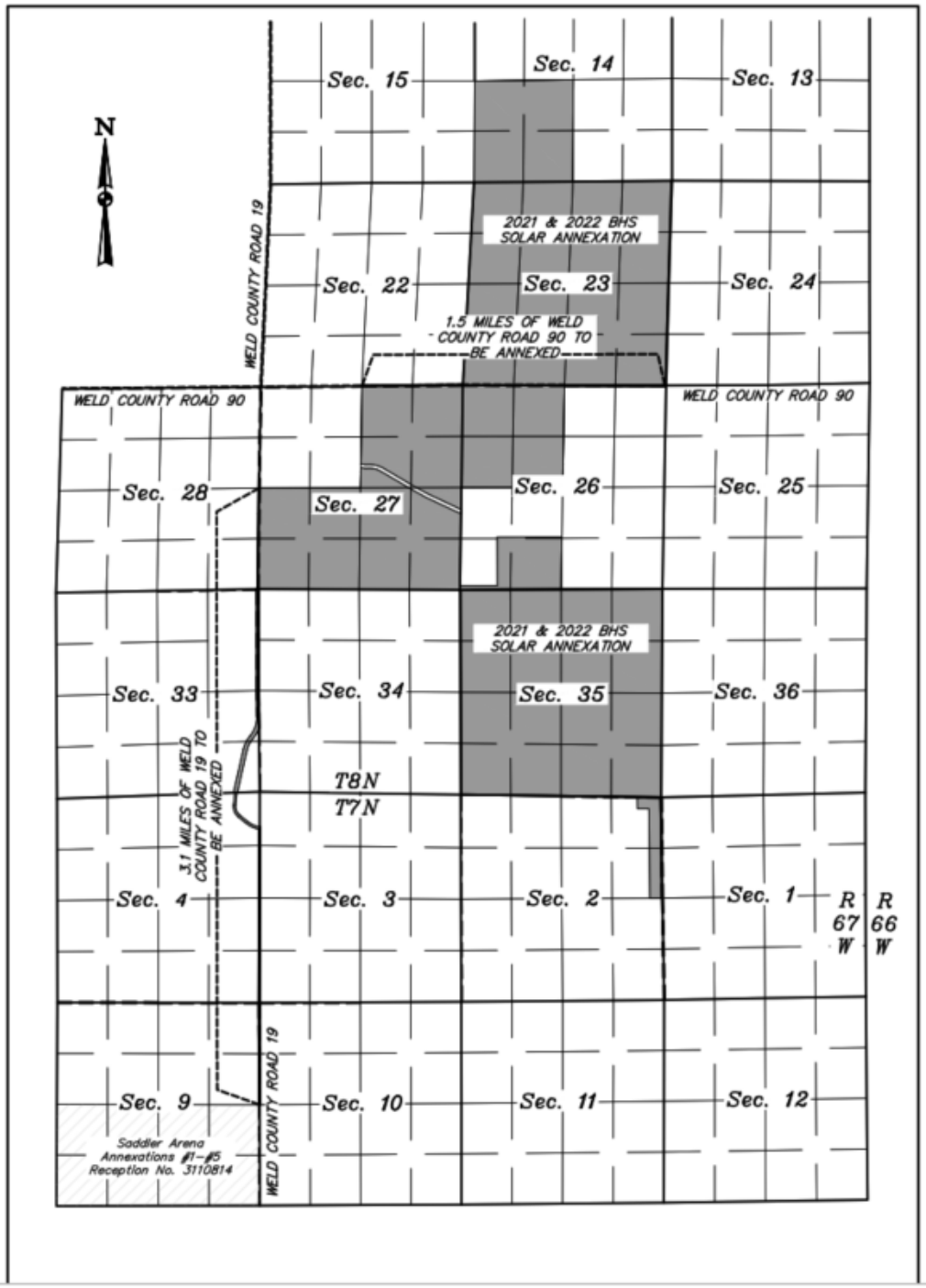
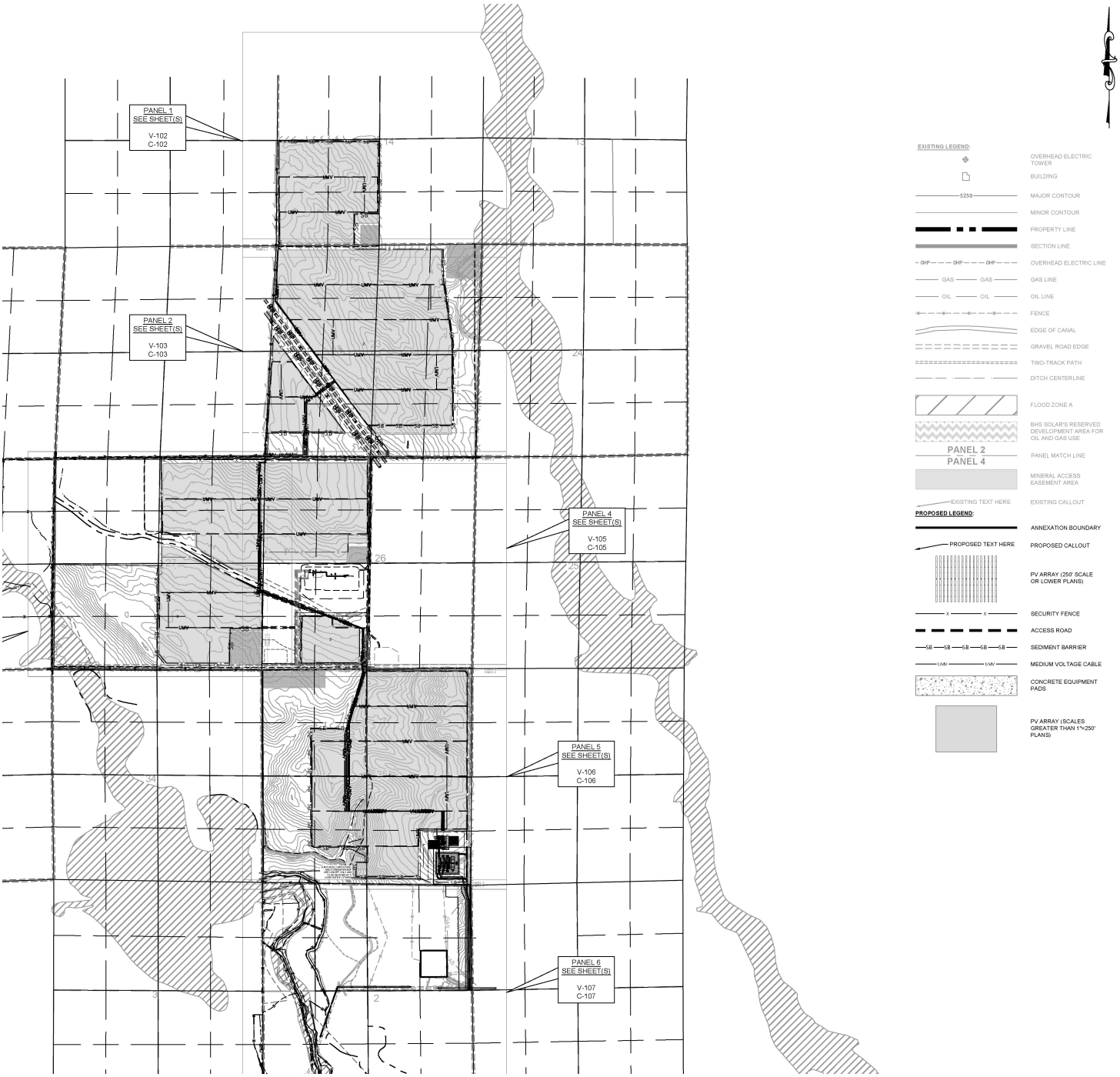


EXHIBIT D
PROPOSED SITE LAYOUT



From:	Heather S Alderman
To:	Abdul Barzak
Subject:	RE: BHS Solar Site Plan (REVISED) (Town of Severance Planning Referral)
Date:	Friday, October 21, 2022 5:47:31 AM
Attachments:	image005.png image007.png

We do not have comments.

Thanks,
Heather

Heather S. Alderman
Project Hydrologist
Paragon Consulting Group, Inc.
1103 Oak Park Drive, Suite 110
Fort Collins, Colorado 80525
Office 970-377-1600
Mobile 303-901-1701
Fax 970-377-1880

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From:	Adam Ferrell
To:	Abdul Barzak
Subject:	RE: BHS Solar Site Plan (REVISED) (Town of Severance Planning Referral)
Date:	Thursday, October 20, 2022 2:00:45 PM
Attachments:	image004.png image005.png image006.png image007.png image009.png

---

Thank you for the update. Please note that the Ault Fire Protection District is not in favor of this project.

Any questions please let me know.

Adam Ferrell, Captain
Ault – Pierce Fire Department
O: 970-834-2848|F: 970-834-2088
16680 Highway 14
Ault, CO 80610
www.aultpiercefire.org

We protect lives and property through fire suppression, emergency medical response, fire prevention and public education.

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From:	tduran
To:	Abdul Barzak
Cc:	Heather Rospierski; Mike Lester
Subject:	Town of Pierce
Date:	Tuesday, January 24, 2023 12:54:15 PM
Attachments:	image001.png

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Mr. Barzak:

Thank you for reaching out to the Town of Pierce regarding the BHSolar project and its potential impacts on our community. Based on the most recent December 27, 2022, Site Plan Submittal from BHSolar, we have the following comments/questions through discussions with staff and the Town's contracted consultants:

1. There is a significant change between the most recent traffic study and the prior issued drafts. In particular, the route has changed from a haul route to just a route for "workers" using passenger vehicles? Clarify why Pierce is singled out as a community where significant passenger vehicles will occur. How is BHSolar anticipating regulating/managing this route?

2. Based on the most recent traffic study, it appears capacity/offsite improvements are required in conjunction with CDOT. The Town anticipates these improvements to be installed as warranted. This is not contemplated in the draft maintenance agreement provided by BHSolar to the Town. As such, based on the most recent traffic study, a capacity/offsite improvement agreement will need to be prepared in conjunction with Weld County and CDOT.

3. It is unclear how a maintenance agreement will be prepared and enforced for what is assumed to be only passenger vehicles. Is this in conjunction with a capacity/offsite improvements agreement? Will BHSolar put down traffic counters for the duration of the project to track additional use?

Regards.

Kristina Duran

Kristina Duran, CMC
Town Clerk
Town of Pierce

From:	Christine Lutz
To:	Abdul Barzak
Cc:	Kimberly Lambrecht; Mark Price
Subject:	RE: BHS Solar Site Plan (Town of Severance Planning Referral)
Date:	Friday, January 20, 2023 4:09:02 PM
Attachments:	image001.png

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Hello Abdul,

The Town of Windsor has reviewed the application materials provided for the BHS Solar Site Plan. The subject property is outside the Town's Growth Management and Community Influence areas, therefore we have no comment.

Thank you for the opportunity to review the project.

Hope you have an amazing weekend,

Chrissy

Christine Lutz
Planning Technician
Windsor Town Hall | Community Development Dept.
301 Walnut St. | Windsor, CO 80550
Dir: 970-674-2439 | www.windsorgov.com
planningtechs@windsorgov.com

Your patience is appreciated while we are experiencing a high volume of incoming work being processed.
You may find some of your answers by going to the website and referring to the Planning page and FAQ's or the Municipal Code .

Applicant Responses

From: Sandi Friedrichsen
To: Abdul Barzak
Subject: RE: BHS Solar Site Plan (REVISED) (Town of Severance Planning Referral)
Date: Tuesday, November 29, 2022 4:29:48 PM
Attachments: image002.png
image003.png

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1. Knox padlocks or switches will be required at the entrance gates depending on what type of gate it is.
2. Address and contact signage will be required at all access points
3. Will there be an emergency shut-off on the property or just a remote one?
4. What is the square footage of the building that is being built? Fire extinguishers are required for any building on site.
5. Access is required around the arrays using the B40 turning template so that we are able to get around them.
6. What is the address of this property going to be? I assume it will be 1 address for the entire property?

Sandra Friedrichsen
Fire Marshal
Windsor Severance Fire Rescue
100 7th Street - Windsor, CO 80550
Office Hours Monday - Thursday 0700-1700
Main - (970) 686-2626
Email – firemarshal@wsfr.us
www.wsfr.us

From:	Sandi Friedrichsen
To:	Abdul Barzak
Subject:	RE: BHS Solar Site Plan (REVISED) (Town of Severance Planning Referral)
Date:	Monday, January 9, 2023 1:21:45 PM
Attachments:	image002.png image003.png

Caution: This is an external email and may have a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact your OnixIT at support@onixit.com or (970) 223-0300.

These comments look satisfactory to me. One address is awesome! Thank you Abdul!!

Sandra Friedrichsen
Fire Marshal
Windsor Severance Fire Rescue
100 7th Street - Windsor, CO 80550
Office Hours Monday - Thursday 0700-1700
Main - (970) 686-2626
Email – firemarshal@wsfr.us
www.wsfr.us

Loup Reservoir Company

c/o Weld RE-4 School District
180 North 8th Street
Windsor, CO 80550
Email: LoupReservoirCompany@gmail.com
Phone: 970-302-2668

October 21, 2022

Abdul Barzak
Assistant Town Planner
Town of Severance
PO Box 339
Severance, CO 80546

Re: BHS Solar Annexation & Zoning (REVISED)

The Loup Reservoir Company ("Ditch Company") has received a referral from the Town of Severance ("Town") for the above-referenced application for annexation.

The Ditch Company owns and operates a ditch and reservoir system with decreed water rights for drainage flows captured by the system. The proposed project appears to be located on property from which, at least in part, water historically drains into the Ditch Company's system.

As such, the Company received notice of the proposed project and, at this time and upon its review, the Company has not identified an issue upon which to comment.

We request the Town of Severance keep us on the referral list for the proposed project in case it evolves in such a way as to change the Company's assessment. The Town or developer may contact me with any questions or concerns.

Sincerely,

Julie Rothe

Julie Rothe, General Manager
Executive Board Member
Loup Reservoir Company

COLORADO
Parks and Wildlife
Department of Natural Resources
Northeast Regional Office
6060 Broadway
Denver, CO 80216
P 303.291.7227

September 13, 2022

Mr. Abdul Barzak
Town Planner at the Town of Severance
3 South Timber Ridge Parkway
Severance, CO 80550
abarzak@townofseverance.org

RE: CPW's Comments on the 2022 Black Hollow Solar Site Plan Application (T8N, R67W, S35)

Dear Mr. Barzak,

Thank you for the opportunity for Colorado Parks and Wildlife (CPW) to comment on the proposed Black Hollow Solar Project (Project) located within the Town of Severance (Town). It is our understanding that this Project's Site Plan (developed by 174 Power Global and Logan Simpson = Applicants) consists of an approximately 1,362-acre (roughly 250 megawatts) solar facility across 2,163 acres located north to east of Black Hollow Reservoir. This Project will include photovoltaic solar arrays, an electric collection system, a new substation and switchyard, a short segment of transmission line, a Battery Energy Storage System, and other appurtenant equipment that will begin construction Q2 2023 with a Q4 2024 commercial operation date. We recognize renewable energy development is important to meeting the State's greenhouse gas reduction goals and improves our climate resiliency.

CPW appreciates that the Applicants have consulted with CPW over the last two years. This consultation can lead to a responsibly-developed project that works toward achieving State of Colorado solar goals[1], while protecting sensitive wildlife species, habitats, and time frames. Our discussions have focused on specific ways to avoid, minimize and mitigate the impacts on the wildlife species in the vicinity of this Project, specifically to develop strategies to minimize impacts to raptors, big game winter habitat and movement corridors, and black-tailed prairie dog colonies in the area. CPW also appreciates that the Applicants modified the original design to allow for four wildlife movement corridors at least 300 feet wide, and the substation is located farther away (east) from Black Hollow Reservoir.

The mission of CPW is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado's natural resources. CPW has a statutory responsibility to manage all wildlife species

[1] https://energyoffice.colorado.gov/climate-energy/ghg-pollution-reduction-roadmap

Heather Dugan, Acting Director, Colorado Parks and Wildlife • Dan Prenzlow, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Carrie Besnette Hauser, Chair • Dallas May, Vice-Chair • Marie Haskett, Secretary • Taishya Adams
Karen Bailey • Betsy Blecha • Gabriel Otero • Duke Phillips, IV • Richard Reading • James Jay Tutchton • Eden Vardy

in Colorado, and to promote a variety of recreational opportunities throughout Colorado. One way we achieve this goal is by responding to referral comment requests, as is the case for this project. CPW encourages developers to afford the highest level of protection to Colorado's High Priority Habitats (HPHs). HPHs are defined as sensitive wildlife habitats where CPW has sound spatial data[2] and scientifically-backed best management practice recommendations to help developers with the siting process to minimize any impacts.

This 1,362-acre solar facility is located within the following CPW-mapped HPHs:

- Mule Deer Severe Winter Range (350.86 Project acres; 25.76%) and Pronghorn Winter Concentration Area (938.52 Project acres; 68.91%) polygons (as shown in Appendix A).

We recommend the following for the Applicant's consideration to reduce impacts to wildlife:

- CPW recommends that construction activity occurs between May 1 and November 30, avoiding the big game severe winter range dates of December 1 to April 30.
    - If construction must take place during the winter range time frame, we recommend that construction activities take place between the hours of 7 a.m. and 5 p.m. to reduce disturbance to wintering big game.
- CPW is aware that the Project area will include security fencing. For specific wildlife exclusion fencing specifications, CPW recommends that any installed fencing should be eight feet in height, have round-capped posts (e.g., so wildlife aren't impaled), smooth top wire to the fence (e.g., no top barbed wire) (or if two top strands are needed, ensure they are at least six inches apart). The bottom wire can be barbed but should be four inches or less from the ground.
- CPW recommends that other non-security fencing is kept to a minimum. Where such fencing is required, please use wildlife-friendly fencing specifications as described in CPW's document entitled "Fencing with Wildlife in Mind".
- CPW recommends that the solar facility is checked weekly (or escape structures are installed inside the fenced area) to allow deer and pronghorn to escape if one becomes trapped within the facility.
- CPW requests that security lighting is kept to a minimum and ideally motion sensor lights are installed. It is important to avoid lighting the riparian corridors along the sides of the project.
- If construction is slated from March 15 to July 15, please complete pre-construction nesting surveys for songbirds, Burrowing Owls, and ground- or tree-nesting raptors[3] within the Project area or in the immediate vicinity (e.g., their buffers may extend into the Project area).
- Install bird diverters on the new collector lines constructed east of Black Hollow Reservoir.

CPW appreciates the opportunity to review this project and provide comments and recommendations to avoid and minimize impacts to wildlife resources. If the timing or scope

[2] https://www.arcgis.com/home/item.html?id=190573c5aba643a0bc058e6f7f0510b7
[3] https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Raptor-Buffer-Guidelines.pdf

of this project changes and/or if you have any questions, please contact Brandon Marette (Northeast Region Energy Liaison) at 303-291-7327 or brandon.marette@state.co.us.

Sincerely,

Mark Leslie

Mark Leslie
Northeast Regional Manager

cc:

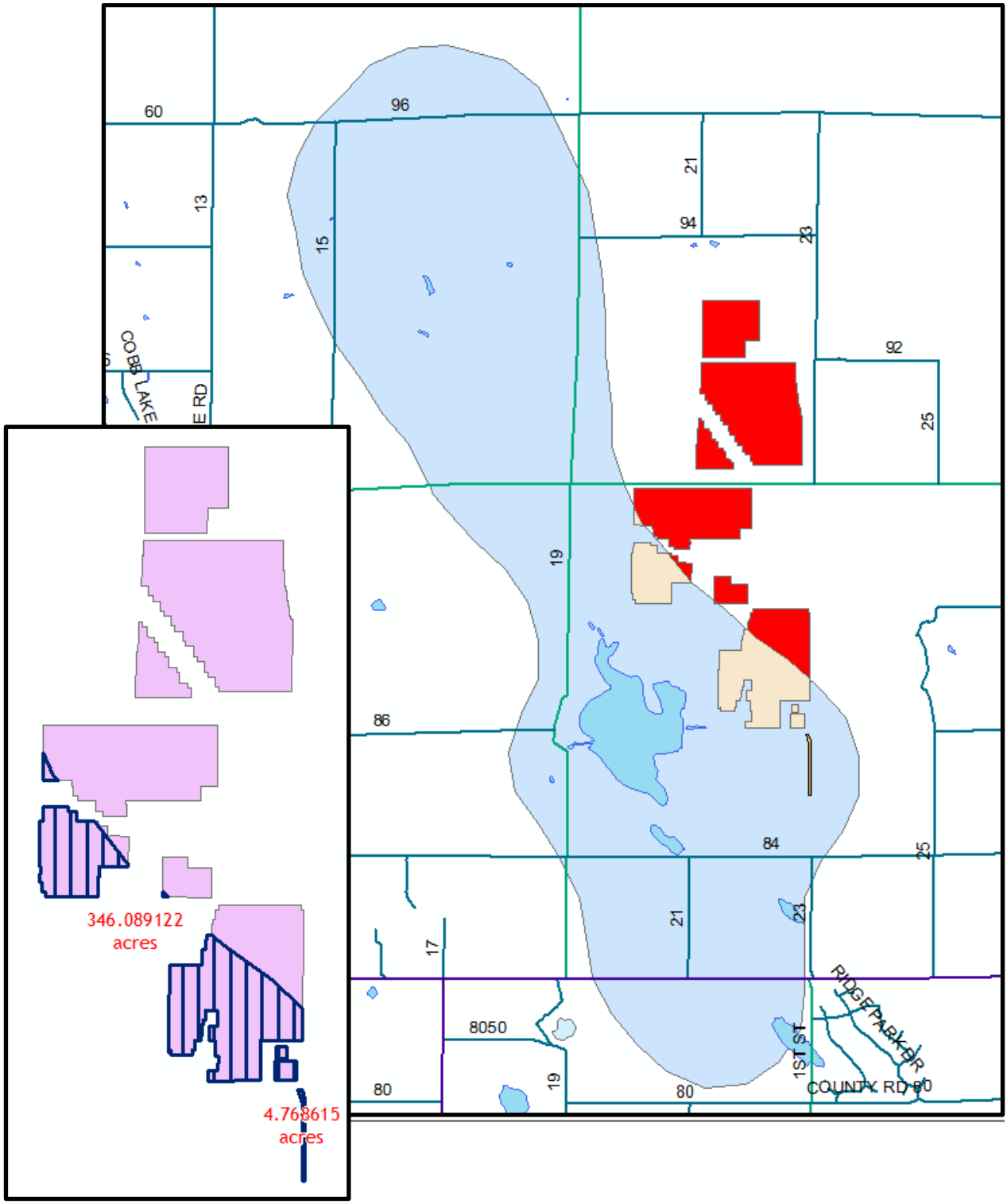
- Town of Severance
  - Abdul Barzak (Town Planner)
- 174 Power Global
  - Stephanie Lauer (Environmental Permitting Manager)
  - Ben Sturgeon (Director, Project Development)
- Logan Simpson
  - Jeremy Call (Principal)
  - Julie Capp (Senior Wildlife Biologist & Environmental Planner)

Attachment:

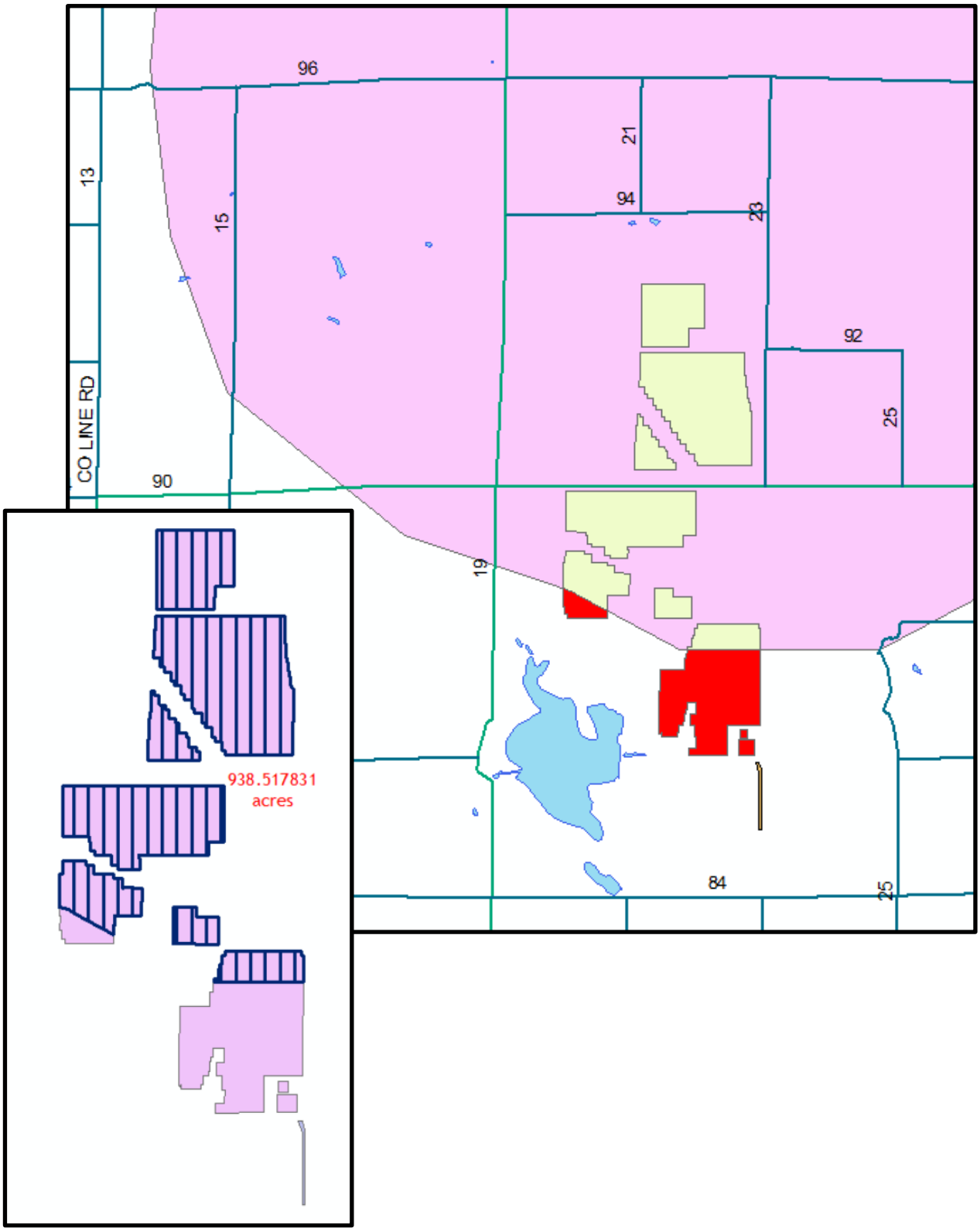
- Appendix A - HPH maps for mule deer and pronghorn winter concentration areas.

Appendix A

Mule Deer Winter Concentration Area (purple-hatched polygon) encompasses 25.76% of the Project Area (red polygons)



Pronghorn Winter Concentration Areas (blue-hatched polygon) encompasses 68.91% of the Project Area (red polygons)



From:	Bilobran - CDOT, Timothy
To:	Doug Carter
Cc:	Abdul Barzak; Brad Curtis; Rowe, Curtis; Stephanie Lauer
Subject:	Re: Black Hollow Solar - Traffic Study
Date:	Wednesday, February 8, 2023 3:17:44 PM
Attachments:	image001.png

Afternoon Doug,

Thank you very much for reaching out. To summarize that particular point we discussed, historically this organization does not require an energy industry company to build an auxiliary lane for a short term construction activity. The solar farm would fall in that short term phrase to us. The rationale for that is that the construction phase is just as disruptive for the motoring public as the construction traffic without the auxiliary lane. As a corollary, think of all the oil and gas wells fracked through Weld County in the last decade. Many of those pad sites had traffic cones exceeding the threshold for an auxiliary lane, but installing a full lane for nearly 2 months and then removing it poses safety and operational issues as well. Sure, there are exceptions to the rule for energy industry projects that generate thousands and thousands of construction traffic trips but as I understand your project, you are not one of them.

Having said that, as we discussed in the meeting, if our local municipality partners are steadfast in requiring the construction of this lane prior to your activity, CDOT will support those partners and assist your company with getting construction plans approved. Realistically, though, since you would be beginning your engineering plan construction phase sometime in March, you would be hard-pressed to install the lanes before paving season ends in October.

Please feel free to show this email to local municipality staff as evidence of our position as well. Thank you.

Tim

On Mon, Feb 6, 2023 at 11:27 AM Doug Carter <douglas_b_carter@me.com> wrote:

Summary of BHS Solar, LLC Responses to Referral Agency Comments

February 6, 2023

Introduction

On June 9, 2022, BHS Solar, LLC, a wholly owned subsidiary of Hanwha Energy USA Holding Corporation, d.b.a. 174 Power Global (BHS Solar), submitted an Annexation and Site Plan Application for the BHS Solar Project (Project) to the Town of Severance (Town), followed by revisions per Town and referral agency comments on October 19, 2022 and December 23, 2022.

The Project is a photovoltaic (PV) solar plant proposed on approximately 1,400 acres of private land. The Project would include PV solar arrays, A Battery Energy Storage System (BESS), an electric collection system, a new substation, a short segment of transmission line, and other appurtenant equipment.

Apart from Town comments, BHS Solar received referral agency comment letters shown in Table 1. Below is a summary of abridged substantive comment letters and BHS Solar responses, each of which was incorporated into the revised 2022 Annexation and Site Plan Application.

Table 1 Referral Agency Comment Letters Received

Name/Organization	Substantive Comments	No Comments, No Objections
Colorado Department of Transportation	June 14, 2022	
Colorado Parks and Wildlife	September 13, 2022	
Paragon Consulting Group		June 10, 2022
Town of Pierce	July 7, 2022 January 24, 2023	
Windsor Severance Fire Rescue	July 13, 2022 November 29, 2022 January 9, 2023	

Colorado Department of Transportation (CDOT, Gloria Hice-Idler). June 14, 2022.

Comment: CDOT has no comment regarding the annexation and zoning. The applicant will be responsible for obtaining a utility permit whenever crossing any state highway and an access permit if a driveway is needed from a state highway onto private property.

Response: Appropriate crossing and access permits will be obtained prior to construction.

Colorado Parks and Wildlife (Brandon Marette, Mark Leslie) September 13, 2022.

Comment: This 1,362-acre solar facility is located within the following CPW-mapped High Priority Habitats (HPHs):

- Mule Deer Severe Winter Range (350.86 Project acres; 25.76 percent of the Project area) and
- Pronghorn Winter Concentration Area (938.52 Project acres; 68.91 percent of the Project area)

CPW recommends that construction activity occurs between May 1 and November 30, avoiding the big game severe winter range dates of December 1 to April 30. If construction must take place during the winter range timeframe, we recommend that construction activities take place between the hours of 7 a.m. and 5 p.m. to reduce disturbance to wintering big game.

Response: The recommended seasonal restrictions to protect big game during winter will be implemented to the extent possible. Environmental Conservation Measure ECO-12 addresses seasonal avoidance of big game habitats; however, there is a distinction between the dates for mule deer (December 1 through April 30) and pronghorn (January 1 through April 30). In practice, adjusting construction timing to avoid mule deer HPH will also avoid pronghorn HPH during the same timeframe. There is no need to revise ECO-12 in the Site Plan application because mule deer and pronghorn HPH protection will effectively be the same.

Note that implementing big game HPH seasonal restrictions conflicts with seasonal avoidance for migratory bird and raptor nests.

Comment: CPW recommends that any installed fencing should be eight feet in height, have round-capped posts (e.g., so wildlife isn't impaled), smooth top wire to the fence (e.g., no top barbed wire) (or if two top strands are needed, ensure they are at least six inches apart). The bottom wire can be barbed but should be four inches or less from the ground.

Response: Fence locations and gates are shown on Site Plan Sheets C102 through 107, the Proposed Setback Plan on Sheet C-112, and a Game Security Fence Detail on Sheet C-501 to implement Environmental Conservation Measures ECO-8 and ECO-13. The intent of these details is to design, construct, and maintain perimeter fencing that satisfies security requirements and CPW requests that is safe for wildlife. BHS Solar will continue to coordinate with CPW regarding fencing considerations for the Project.

Comment: CPW recommends that other non-security fencing is kept to a minimum. Where such fencing is required, please use wildlife-friendly fencing specifications as described in CPW's document entitled "Fencing with Wildlife in Mind".

Response: See above. BHS Solar will continue to coordinate with CPW and property owners to remove or retrofit non-essential agricultural fencing to enable wildlife movement around the Project.

Comment: CPW recommends that the solar facility is checked weekly (or escape structures are installed inside the fenced area) to allow deer and pronghorn to escape if one becomes trapped within the facility.

Response: Environmental Conservation Measures ECO-7, ECO-8, and ECO-13 address fencing and wildlife entrapment. The facility would be checked weekly during construction and operation to allow big game to escape if one becomes trapped within the facility. BHS Solar will continue to coordinate with CPW regarding fencing considerations for the Project and wildlife entrapment prevention and mitigation.

Comment: CPW requests that security lighting is kept to a minimum and ideally motion sensor lights are installed. It is important to avoid lighting the riparian corridors along the sides of the project.

Response: Site Plan Sheet C-110 (Lighting Plan) and Environmental Conservation Measures VIS-3 and VIS-5 address lighting for the Project, which propose only motion sensor lights be installed. None of the lighting locations are near riparian corridors. BHS Solar will continue to coordinate with CPW regarding lighting considerations for the Project.

Comment: If construction is slated from March 15 to July 15, please complete pre-construction nesting surveys for songbirds, Burrowing Owls, and ground- or tree-nesting raptors within the Project area or in the immediate vicinity (e.g., their buffers may extend into the Project area).

Response: BHS Solar commits to Environmental Conservation Measure ECO-10 addressing pre-construction nest surveys and nest monitoring for the Project. A Pre-construction Survey and Monitoring Plan will be developed for the Project to implement specific actions and methodologies to implement ECO-10. BHS solar will continue to coordinate with CPW regarding protection of migratory birds and raptors.

Comment: Install bird diverters on the new collector lines constructed east of Black Hollow Reservoir.

Response: Environmental Conservation Measures ECO-3 and ECO-11 address avoidance of collision and electrocution risks to birds. The electrical component locations and all aboveground electrical facilities would be designed to provide raptor and migratory bird protection in compliance with the standards described in Avian Powerline Interaction Committee (APLIC) documents: APLIC 2006 and APLIC 2012. Bird diverters and anti-perching devices are noted on Site Plan Sheet C-107, and will be implemented as appropriate and recommended by CPW.

Paragon Consulting Group (David Rau). June 10, 2022.

Comment: No comments at this time.

Town of Pierce (Kristina Duran). July 7, 2022.

On July 28, 2022, Town of Pierce Mayor Julie Lukela and Pierce Planning Chair Martha Harold held an online meeting with Doug Carter and Taylor Henderson who represented BHS Solar regarding the July 7, 2022 Pierce comments and clarified the following items:

Comment: The Town of Pierce expressed concern with the planned use of CR90 from CR29 east to US85 as “Route B” of the construction haul routes identified in Figure 2 of the Traffic Plan. The Planning Commission requests that the designation of the Route be changed to Route D. The Town of Pierce is scheduled to complete a paving project on that section of CR 90 this fall, which coincides with the anticipated start of construction of the BHS Solar Project for the 3rd quarter of 2022. Increased truck traffic on this road could unnecessarily delay the paving and cause unforeseen damage to the newly paved road.

Response: The Project will not start construction until sometime in 2023, likely in the second or third quarter and consequently will not impact Pierce’s CR 90 paving project scheduled to be completed by the end of 2022.

Comment: The Town of Pierce notes that this section of CR 90 is also directly adjacent to the Weld RE-9 Elementary School in Pierce. Increased traffic may impact the drop-off/pick-up of children at that school.

Response: Pierce and BHS Solar will reasonably work together to establish traffic control procedures (the "School Traffic Safety Procedures") that will be enacted during drop off and pick up times at Highland Elementary School (Weld RE-9 Elementary School) that may include flagman operations and other control procedures for the safety of the community. The School Traffic Safety Procedures will be a condition precedent to the Town of Severance issuing a building permit to BHS Solar.

Pending completion of a final Traffic Impact Study and preferred routes Pierce and BHS Solar will enter into a Road Maintenance Agreement based on the Weld County Road Maintenance agreement, whereby BHS Solar will perform road repairs as required by the agreement. The Road Maintenance Agreement will be a condition precedent to the Town of Severance issuing a building permit to BHS Solar.

It is the Town of Pierce and BHS Solar's intent to sign the School Traffic Safety Procedures and the Road Maintenance Agreement by the end of 2022.

Comment: The Town expressed concern that there is a lack of transparency concerning details of the Project and the short notice in which to review plans and submit responses.

Response: BHS Solar has been in communication with the Town of Pierce for several years. BHS Solar regrets past miscommunications, especially annexation opportunities, and will endeavor to improve the timing and methods of communication. Pierce is a key stakeholder and BHS Solar welcomes additional comments from Pierce. BHS Solar appreciates coordinating with you to resolve concerns about the Project. BHS Solar has conducted several public meetings and maintains a Project website designed to provide current details about Project plans and development. Abdul Barzak provided an explanation for the unfortunate miscommunication regarding the review period for the complete 2022 Annexation Application and Site Plan. BHS Solar welcomes additional comments from the Town of Pierce.

Comment: The Town of Pierce wishes to be identified and respected as a stakeholder of this Project as the northeastern edge of the proposed annexation is approximately 3.05 miles from the Town limits of Pierce. The Town of Pierce requests immediate notification of scheduled public hearings for this Project and to be notified of any other communications regarding this Project.

Response: The Town is identified as a key stakeholder and referral agency for the Project. BHS Solar appreciates coordinating with the Town to resolve concerns about the Project. Public hearings and other pertinent communications will be publicized via local newspapers, email notifications, and on the Project website (www.174powerglobal.com).

Town of Pierce (Kristina Duran). January 24, 2023.

The Town of Pierce submitted a second letter based on the December 27, 2022 referral from the Town of Severance, and BHS Solar met with CDOT's Tim Bilobran and separately with the Town of Pierce's engineer Brad Curtis and the Town Clerk, Tina Duran on January 31, 2023 it affects the intersection of Highway 85 and WCR 90 through Pierce, CDOT construction time frames and CDOT interactions with various jurisdictions.

1. There is a significant change between the most recent traffic study and the prior issued drafts. In particular, the route has changed from a haul route to just a route for "workers" using passenger

vehicles? Clarify why Pierce is singled out as a community where significant passenger vehicles will occur. How is BHS Solar anticipating regulating/managing this route?

Response: BHS Solar recognizes the Town of Pierce prefers to avoid heavy traffic moving through the Town, and construction routes were modified in response. Resident workers living in/around the Town of Pierce and Weld County may use CR 90 for passenger traffic, but heavy traffic would not utilize CR 90 in/around Pierce. At the meeting we resolved to revise the traffic study to demonstrate the construction passenger capillary road traffic impact originating east of BHS Solar from Cheyenne to Greeley. With this revision to the traffic study assumptions, Pierce will stop being identified as the sole route for construction passenger originating east of BHS and Route B (Highway 95 to WCR 90) will be replaced by the numerous capillary roads.

2. Based on the most recent traffic study, it appears capacity/offsite improvements are required in conjunction with CDOT. The Town anticipates these improvements to be installed as warranted. This is not contemplated in the draft maintenance agreement provided by BHS Solar to the Town. As such, based on the most recent traffic study, a capacity/offsite improvement agreement will need to be prepared in conjunction with Weld County and CDOT.

Response: BHS Solar understands that the intersection of Highway 85 and WCR 90 has an existing need for a southbound acceleration lane, but it is not clear why the acceleration lane is needed for the BHS Solar construction passenger traffic. CDOT does not normally require improvements due to construction traffic only. BHS Solar has asked CDOT (Tim Bilobran) to please clarify why the acceleration lane may not be required by CDOT because of BHS construction, as well as document the timing of the improvement which may occur after BHS Solar construction.

3. It is unclear how a maintenance agreement will be prepared and enforced for what is assumed to be only passenger vehicles. Is this in conjunction with a capacity/offsite improvements agreement? Will BHS Solar put down traffic counters for the duration of the project to track additional use?

Response: Based on the Town of Pierce's response that Route B will not be a primary construction passenger traffic route any longer, pending the new capillary traffic study, the Town may not require a maintenance agreement.

Windsor Severance Fire Rescue (Sandi Friedrichsen). July 13, 2022.

Comments:

1. We will need some designated fire lanes around the groups of arrays. In the submitted plans, it appears that they are huge groupings with no way to get into the center of the arrays if there were to be a fire or an emergency.

Response: The final engineering and design for the solar arrays is in progress and will not be complete until the Project is fully permitted. BHS Solar will work with the Windsor Severance Fire District to ensure adequate fire lanes are provided.

2. Gates will be required to have Knox Box key switches or padlocks depending on the type of gate.

Response: Knox Box key switches or padlocks will be installed at gates.

3. A sign at the entrances with address and contact information on it will be required, looking much like the Oil and Gas site signs.

Response: Appropriate signs for the Project will be installed at entrances.

4. As far as the annexation portion of this review, Chief Kazian is handling that and I believe that he has been in contact with the appropriate people in regard to that. Please let me know if this isn't the case and I will get the information to you that is needed, (i.e., inclusion paperwork etc.).

Response: BHS Solar has received an exclusion petition template and will work with Chief Kazian to initiate the inclusion/exclusion process following approval of the Site Plan by the Town Board.

5. Will there be any batteries on-site or is all of the energy being sent off-site?

Response: The Project will include Battery Energy Storage System (BESS) facilities.

6. Any building will need to have fire extinguishers, signage for any hazmat, and any other signage that would be required based on what the building is being used for.

Response: Fire extinguishers, hazmat and other appropriate signage will be installed in the small onsite Operations and Maintenance (O&M) building.

7. We would like to see some lighting by any of the buildings and entrances as well.

Response: Downward shielded motion activated security lighting will be installed at the O&M building and entrances.

8. Vegetation will need to be kept to a minimum around the arrays to reduce the potential of fires.

Response: Low growth vegetation will be allowed to re-establish under the solar arrays. Weeds will be controlled per the Property Management Plan for the Project.

9. Any changes to layouts or additions of buildings or items will need to be reviewed by the fire district prior to being done.

Response: Any changes or improvements to the approved and permitted Construction Plan will be made available to the Fire District for review.

10. Any buildings over 5,000 sf are required to be fire sprinklered.

Response: No buildings larger than 5,000 square feet are planned for the Project.

11. Locations of emergency shut-off switches must be visibly marked.

Response: Emergency shut-off switches will be visibly marked and communicated to the Fire District.

Windsor Severance Fire Rescue (Sandi Friedrichsen). November 29, 2022.

1. Knox padlocks or switches will be required at the entrance gates depending on what type of gate it is.

Response: FD entrance equipment will be installed per WSFR standards and will be coordinated with the department at the time of construction drawings and building permit. A full inspection will be coordinated with WSFR as well as training for WSFR provided by construction contractor and site Owner.

2. Address and contact signage will be required at all access points.

Response: Address and signage will conform to WSFR and Town of Severance requirements at all access points. A full inspection, tour, and site training will be provided to WSFR by site construction contractor and Owner before completion.

3. Will there be an emergency shut-off on the property or just a remote one?

Response: The site will have one main 230kV disconnect for the complete site. Individual portions of the site will have separate 35kV disconnects for the feeders. The site can further be disconnected via the DC side of the plant at the inverters and combiner boxes. The site will have onsite staff as well as remote monitoring and both will have the option to disconnect the site via SCADA.

4. What is the square footage of the building that is being built? Fire extinguishers are required for any building on site.

Response: The operations and maintenance building will be approximately 4800 square feet. The building will adhere to all FD codes and requirements and will have fire extinguishers as required by code.

5. Access is required around the arrays using the B40 turning template so that we are able to get around them.

Response: Access will be designed to accommodate all required FD trucks during detailed design for building permits. A question was posed to clarify truck template. This can be modeled once confirmation is given on truck type in a February 2023 resubmittal.

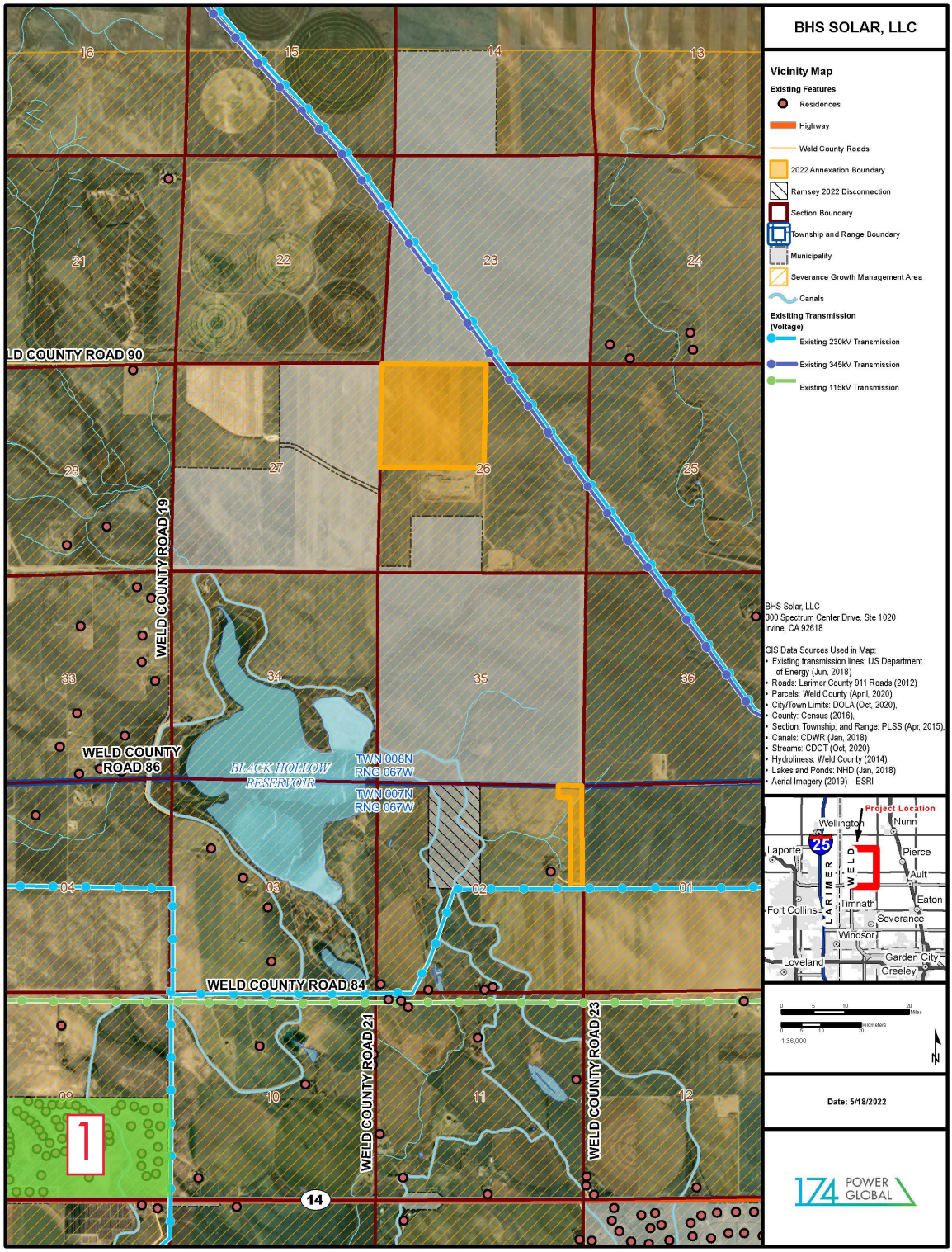
6. What is the address of this property going to be? I assume it will be 1 address for the entire property?

Response: An E911 address is being prepared by the Town of Severance. Once an E911 address is established it will be provided to all concerned parties including the WSFR. There will be one address for the entire site.

Windsor Severance Fire Rescue (Sandi Friedrichsen). January 9, 2023.

WSFR acknowledged their comments were resolved, and await a single address from the Town of Severance.

Figure 1. Project Area and Vicinity



TOWN OF SEVERANCE
RESOLUTION NO. 2023-13R

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, APPROVING A USE BY ADDITIONAL REVIEW APPLICATION TO OPERATE A LARGE-SCALE SOLAR FACILITY ON CERTAIN REAL PROPERTY FULLY DESCRIBED HEREIN, APPROVING A SITE PLAN IN CONJUNCTION WITH SUCH USE; AND AUTHORIZING A DEVELOPMENT AGREEMENT PERTAINING TO THE BHS SOLAR FACILITY

WHEREAS, BHS Solar, LLC, ("Applicant"), on behalf of the owners of certain real property generally known as the 2021 BHS Solar Annexation Property and 2022 BHS Solar Annexation Property, has submitted an application for Use by Additional Review (the "Application") to construct and operate a large-scale solar facility on a portion of that certain real property generally known as the 2021 BHS Solar Annexation Property and 2022 BHS Solar Annexation Property, which portion subject to the Application is legally described in **Exhibit A** ("Property"); and

WHEREAS, Applicant has also submitted a site plan relating to such use by additional review; and

WHEREAS, the Severance Planning Commission, after conducting a public hearing on the Application on February 15, 2023, rendered a decision recommending approval with conditions of the Application; and

WHEREAS, after considering and reviewing the Planning Commission's decision, and after considering all the testimony, evidence, and argument presented at the public hearing held before the Town Council on March 14, 2023, the Town Council finds and determines that the Application is complete, and that the Applicant has met the relevant standards and review criteria set forth in the Severance Municipal Code.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO:

Section 1. The Town Council acknowledges the Planning Commission's recommendation, and findings made in support of such recommendation in this case, as stated on the record made available to the Town Council.

Section 2. The above Recitals and Findings of the Town Council are hereby incorporated into this resolution.

Section 3. BHS Solar, LLC's application for a Use by Additional Review to construct and operate a large-scale solar facility on the Property, as a use by additional review, within the existing Rural Residential Agricultural zone district, is hereby approved, subject to and contingent upon compliance with the following conditions:

a. Approval of the use by additional review by the town shall lapse and be considered null and void if the use itself, or if permanent construction on any

portion of the Property in conjunction with such use, has not commenced within one year of the approving action.

b. Failure to use any portion of the Property as a large-scale solar facility for a period of 12 consecutive months following the commercial operations of the facility shall terminate the right to use the Property for the specified large-scale solar facility use.

c. Approval of the use by additional review by the Town shall lapse and be considered null and void upon the earliest of: (i) once the solar facility has been decommissioned; (ii) the change or replacement of the solar facility to a different use or facility; or (iii) any portion of the Property is not used as a large-scale solar facility for a period of 12 consecutive months following the commercial operations of the facility.

Section 4. The BHS Solar Energy Facility Site Plan, Town of Severance, Weld County, State of Colorado, attached hereto as **Exhibit B** and incorporated herein by this reference, is hereby approved, with the following conditions:

a. All remaining technical corrections to the Site Plan and Construction Drawings requested by Town staff shall be made to the Town staff's satisfaction.

b. Final Construction Documents shall be approved by the Town Engineer prior to the start of construction activities.

c. Approval of the Site Plan shall lapse and be considered null and void upon the lapse of the "use by additional review" approval.

Section 5. The BHS Solar Energy Facility Site Plan Development Agreement between the Town of Severance and BHS Solar, LLC is hereby approved in the form substantially similar to the form attached hereto as **Exhibit C**. The Mayor is authorized to execute the Development Agreement on behalf of the Town.

Section 6. Unless otherwise extended by resolution of the Town Council, the approval of the Use by Additional Review application shall be null and void if the conditions set forth in Section 3 are not complied with.

RESOLVED AND PASSED THIS ____DAY OF_____, 2023.

TOWN OF SEVERANCE, COLORADO

_____
Matthew Fries, Mayor

ATTEST:

_____
Leah Vanarsdall, MMC, Town Clerk

APPROVED AS TO FORM:

_____

Hayashi & Macsalka, LLC, Town Attorney

EXHIBIT A

Legal Description of Property

EXHIBIT B

Site Plan

EXHIBIT C

Site Plan Development Agreement

AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
PUBLIC HEARING Pg 438 - **Resolution 2023-14R**: A Resolution of The Severance Zoning Board of Adjustment, Approving a Variance Request for certain real property located within portions of Section 2, T7n, R67 We, 6th P.M., And Sections 14, 23, 26, 27, And 35, T8n, R67w, 6th P.M., Weld County, Colorado	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner

ACTION REQUESTED

Community and Economic Development and Town Management ask that the Severance Town Council review, discuss, and take action on Resolution 2023-14R. Actions that may be taken:

1. Approve Resolution 2023-14R, approving the Variance Request for the BHS Solar UAR and Site Plan.
2. Take No Action.

Resolution
Variance
Attorney Approved
Action Requested

BRIEF SUMMARY

This proposed Variance Application seeks to request a variance from certain Code requirements for the BHS Solar UAR and Site Plan Project.Section 16.11.160 of the Severance Municipal Code sets forth the regulations governing the development of solar facilities. The applicant is requesting two variances with this application. The variances requested are from the code sections listed below:

1. Section 16.11.160 (d)(3) - Maximum Height
2. Section 16.11.160 (f)(3) - Setbacks

Please see the packet materials for additional information, including Variance Application and Tables.

PUBLIC SUPPORT/CONCERN

None at this time.

ANALYSIS AND RECOMMENDATION

Town staff is asking for the Town Council to review, discuss, and take action on Resolution 2023-14R for the proposed Variance Request for the BHS Solar Use by Additional Review (UAR) and Site Plan.

MATERIALS SUBMITTED

The following materials were submitted and included in this packet:

1. Variance Application & Tables (Applicant Submitted)
2. Supplemental Variance Information (Setbacks)

3. Supplemental Variance Information (Height)
4. Reso 2023-14R- BHS Variance

December 22, 2022

Town of Severance
3 South Timber Ridge Parkway
Severance, CO 80550

Attention: Abdul Barzak, Town Planner
Cc: Nick Wharton, Town Administrator

Dear Mr. Barzak,

We, BHS Solar, LLC (BHS Solar), a wholly owned indirect subsidiary of Hanwha Energy USA Holding Corporation, d.b.a. 174 Power Global, appreciate partnering with the Town of Severance (Town) in developing a large scale solar facility referred to as the BHS Solar Project (Project). The Project real property was unanimously annexed into the Town's municipal boundary on November 2, 2021 and November 8, 2022 and zoned as Rural Residential Agricultural. The proposed zoning district and the Project conforms with the Severance Comprehensive Plan adopted January 2021, as demonstrated in *Section 2.3 Project Description and Consistency with the Comprehensive Plan* of the 2022 BHS Site Plan Application.

Section 16.11.160 of the Severance Municipal Code Chapter 16, Land Use Code (Code) sets forth the regulations governing the development of solar facilities. Rural Residential – Agricultural Zoning District allows for the development of solar facilities through the site plan process under Section 16.11.160 of the Code. This 2022 Variance Application seeks to request variance from certain Code requirements for the Project. The variances, if granted by the Town Council, fulfill the intent of the Code and will not change the character of the zoning district. Further, the variances, if granted, will not adversely affect the proposed development or use of adjacent property or the neighborhood, nor the health, safety or welfare of the citizens of the Town. Our request is for the minimum variance that will afford relief with the least modification possible to the requirements of the Code. Please see the below Variance Request Table, which includes the relevant Code provisions and the rationale for the variance request.

The concurrent Site Plan application includes the real property subject to the 2021 BHS Solar Annexation and 2022 BHS Solar Annexation. In ongoing siting efforts and consultation with the Town, Weld County, Colorado Parks and Wildlife, Platte River Power Authority, the U.S. Fish and Wildlife Service, and various landowners and neighbors, the Project team has identified the optimal locations for the Project's photovoltaic solar panels, access points, substation, and battery energy storage system, as well as Platte River Power Authority's switchyard and transmission interconnection. The optimal design and variances address the Town's questions raised through pre-application meetings, ongoing public meetings and neighbor outreach.

BHS Solar respectfully requests your consideration and approval of these variance requests. Please advise us as soon as possible whether the Variance Application is complete or if more information will be required. We look forward to continuing our work with the Town's leadership, stakeholders, and neighbors and the greater Severance community to bring this important Project to fruition.

Respectfully,

BHS Solar, LLC

By: Hanwha Energy USA Holdings Corporation
Its: Manager

By: _____
Henry Yun
Its: President

Variances Request Table

<table>
<tr><th>Code Section</th><th>Code Requirement</th><th>Requested Variance and Justification</th><th>Approval</th></tr>
<tr>
<td>Sec. 16.11.160. - Solar facility.

(d) Requirements (3) Maximum height</td>
<td>(3) Maximum height: The height shall be measured from the highest grade below each solar panel. Ground-mounted solar energy systems shall not exceed twenty (20) feet in height.</td>
<td>Sec. 16.11.160 defines the following terms applicable to this requirement:

Solar energy facility: Any device or structural design feature with the primary purpose of providing for the collection, storage or distribution of solar energy for space heating, space cooling, electricity generation or water heating.

Ground-mounted solar energy facility: A solar energy system that is structurally mounted to the ground and is not roof-mounted. Ground-mounted systems include parking lot or parking canopy solar.

The intent of the Code focuses on the height of a ground-mounted solar panel. BHS Solar commits that solar panels and other typical panel facilities (inverters, cabling, etc) will not exceed twenty (20) feet in height.

The Site Plan Application includes “Interconnection Facilities”: a BHS Solar substation, the Platte River Power Authority (PRPA) switchyard and approximately 0.5 miles of PRPA’s high voltage transmission line. These Interconnection Facilities are not contemplated in the Code.

Certain Interconnection Facilities will exceed 20’. These are shown on the Site Plan. BHS Solar commits that Interconnection Facilities will not exceed 130 feet in height.</td>
<td>Per Resolution No. 2023-__R, certain interconnection facilities may be constructed up to a maximum height of 130 feet. Variances as shown in the Variance Application and Sheet G-001.</td>
</tr>
<tr>
<td>Sec. 16.11.160. - Solar facility. (f) Setbacks

(3) Large Scale</td>
<td>(f) Setbacks. Additional setbacks may be required to mitigate noise and visual impacts or to provide for designated road or utility corridors, as identified through the review process. As provided in 16.11.160(d)(2), setbacks shall be measured from the edge of the solar panels and equipment. Where appropriate landscaped berms may be used to reduced setback requirements with Board approval.

(3) Large Scale

a. Front: fifty (50) feet.

b. Side: ten (10) feet or one (1) foot per two (2) feet height, whichever is greater.

c. Side corner: fifty (50) feet.

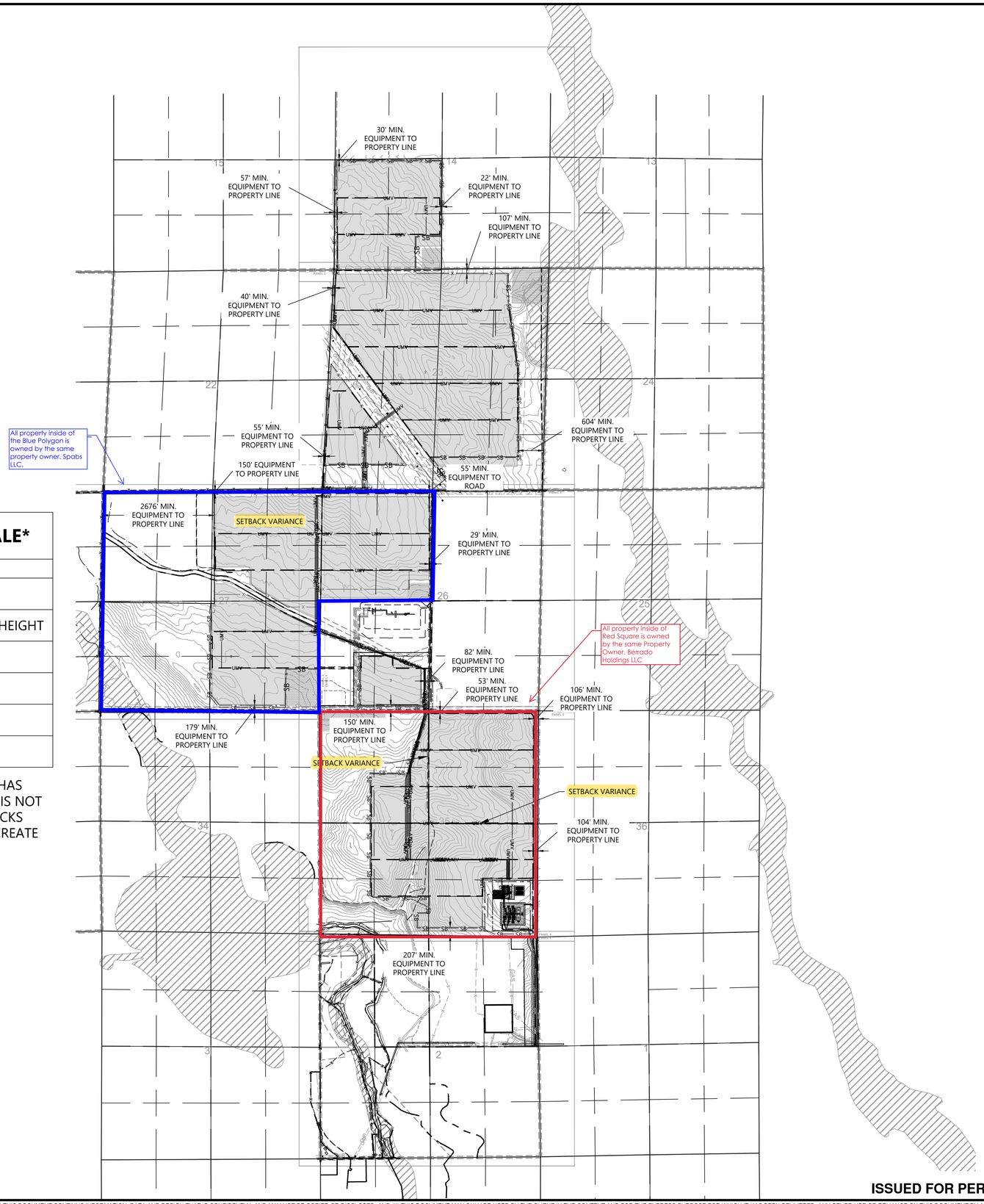
d. Rear: twenty (20) feet.

e. Arterial or state highway - 100 feet

f. Local or collector: fifty (50) feet</td>
<td>The Project meets the setback requirements for large scale solar facilities under Code Section 16.11.160(f)(3), except across certain lot lines (a) of lots that are owned by the same landowner and (b) do not have public roads or public road rights-of-way (reservations), as noted below in the table. The setback between and among the following lots would be 0 feet where the property owner:
<table>
<tr><th>Property Owner</th><th>Weld County Assessor Parcel Number (APM #)</th><th>Lot Lines in T8N R67W 6th Meridian Weld County, Colorado that will not have any setback.</th></tr>
<tr><td>SPABS LLC</td><td>APN #055527000017 (Section 27), APN #055526000002 (NW4 Section 26)</td><td>Section line between NE4 Section 27 and NW4 Section 26</td></tr>
<tr><td>BERRADO HOLDINGS LLC</td><td>APN #055535000001 (NW4 Section 35), APN #055535000014 (NE4 Section 35), APN#055535000002 (S2 Section 35)</td><td>Parcel lines among these three parcels that comprise Section 35.</td></tr>
</table>
</td>
<td>Per Resolution No. 2023-__R, zero-foot setbacks shall only apply to the following parcel numbers and parcel lines within the Property:

(1) APN#05527000017 (Sec. 27) and APN#055526000002 (NW 1/4, Sec. 26), and the section line between the NE $\frac{1}{4}$ of Section 27 and NW $\frac{1}{4}$ of Section 26;
(2) APN #55535000001 (NW 1/4, Sec.35), APN# 055535000014 (NE 1/4, Sec. 35), and APN#055535000002 (S 1/2, Sec. 35) and the parcel lines among these three parcels that comprise Section 35.

Variances as shown in the Variance Application and Sheet G-001.</td>
</tr>
</table>



SOLAR FACILITY SETBACKS - LARGE SCALE*

LOCATION	DISTANCE (FT.)
FRONT	50 FT.
SIDE	10 FT. OR 1 FT. PER 2 FT. HEIGHT
SIDE CORNER	50 FT.
REAR	20 FT.
ARTERIAL OR STATE HIGHWAY	100 FT.
LOCAL OR COLLECTOR	50 FT.

* THE SETBACK CODE IS WRITTEN INFERRING THAT A PARCEL HAS FRONT, SIDES, AND REAR YARDS OR PROPERTY LINES, WHICH IS NOT THE CASE FOR THIS PROJECT. ADDITIONALLY, CERTAIN SETBACKS FROM PROPERTY BOUNDARIES ARE MATERIALLY LARGER TO CREATE VISUAL BUFFERS AND ACROSS COMMON PROPERTY OWNER BOUNDARIES.

EXISTING LEGEND:

- OVERHEAD ELECTRIC TOWER
- BUILDING
- 5250 — MAJOR CONTOUR
- MINOR CONTOUR
- PROPERTY LINE
- SECTION LINE
- OHP — OVERHEAD ELECTRIC LINE
- GAS — GAS LINE
- OIL — OIL LINE
- FENCE
- EDGE OF CANAL
- GRAVEL ROAD EDGE
- TWO-TRACK PATH
- DITCH CENTERLINE
- FLOOD ZONE A
- BHS SOLAR'S RESERVED DEVELOPMENT AREA FOR OIL AND GAS USE
- PANEL 2 / PANEL 4 — PANEL MATCH LINE
- MINERAL ACCESS EASEMENT AREA
- EXISTING TEXT HERE — EXISTING CALLOUT

PROPOSED LEGEND:

- ANNEXATION BOUNDARY
- PROPOSED TEXT HERE — PROPOSED CALLOUT
- PV ARRAY (250' SCALE OR LOWER PLANS)
- x — SECURITY FENCE
- ACCESS ROAD
- SB — SEDIMENT BARRIER
- UMV — MEDIUM VOLTAGE CABLE
- CONCRETE EQUIPMENT PADS
- PV ARRAY (SCALES GREATER THAN 1"=250' PLANS)
- 70' MIN. — SETBACK DISTANCE FROM ARRAY FENCE TO COUNTY ROAD OR PROPERTY LINE

ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION

WSP USA
ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC.
100 APOLLO DRIVE, SUITE 302
CHELMSFORD MASSACHUSETTS 01824
TELEPHONE: (978) 692-9090
FAX: (978) 692-6633
WEB: WWW.WOODPLC.COM

REVISION	DATE	ISSUE / REVISION DESCRIPTION	ISSUED	APPROVED
2	12/21/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
1	09/14/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: PROPOSED SETBACK PLAN

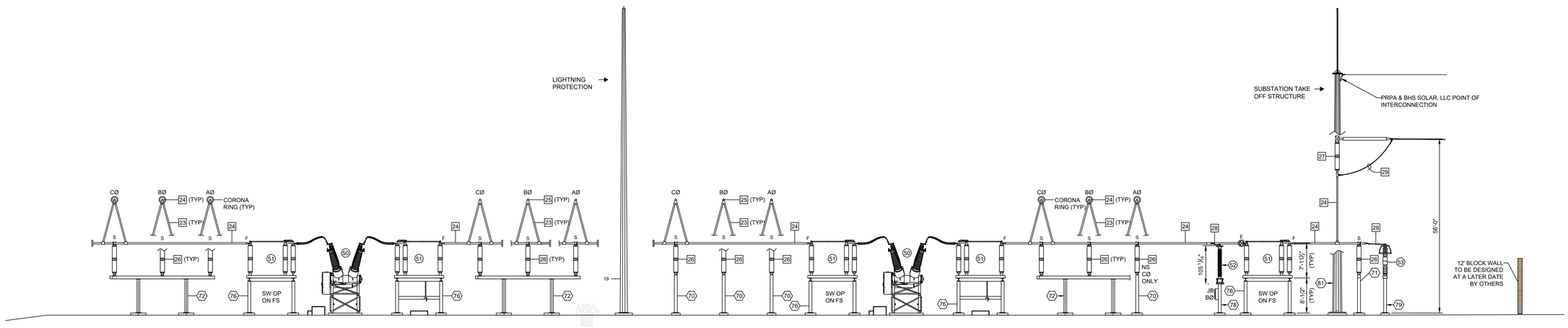
CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: C-112	
SHEET NUMBER: 21 OF 27	

U:\-CAD Projects\174 Power Global\Black Hollow - CO\7.0 CAD\7.1 Design - Permitting\Sheets\21 - 3652220356 - C-112.dwg - Layout1 - Dec. 22, 2022 3:40pm - peter.garland

UNLESS OTHERWISE AGREED IN A WRITTEN CONTRACT BETWEEN WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC. AND ITS CLIENT: (I) THIS DOCUMENT CONTAINS INFORMATION, DATA AND DESIGN THAT IS CONFIDENTIAL AND MAY NOT BE COPIED OR DISCLOSED; AND (II) THIS DOCUMENT MAY ONLY BE USED BY THE CLIENT IN THE CONTEXT AND FOR THE EXPRESS PURPOSE FOR WHICH IT HAS BEEN DELIVERED. ANY OTHER USE OR RELIANCE ON THIS DOCUMENT BY ANY THIRD PARTY IS AT THAT PARTY'S SOLE RISK AND RESPONSIBILITY.

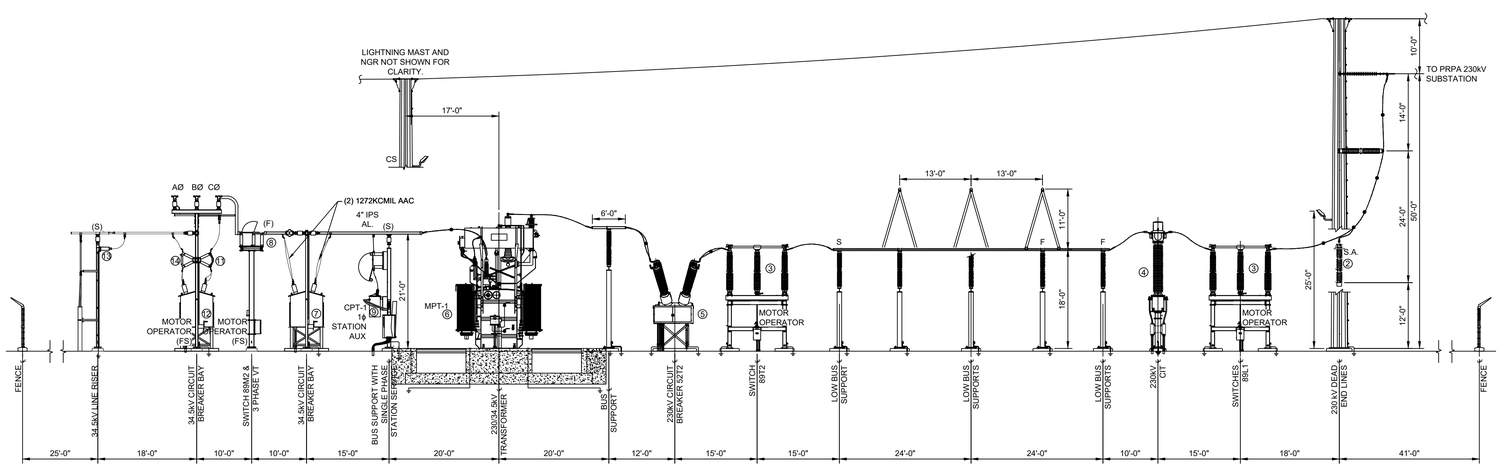


SAMPLE SECTION

PRPA 230 KV SWITCHYARD SAMPLE STRUCTURES EQUIPMENT ELEVATIONS

NOT TO SCALE

13



LEGEND:

(EX) EXPANSION
(S) SLIP
(F) FIXED
FS FAR SIDE
CS CLOSE SIDE

REFERENCE DRAWING:

SK-GA GENERAL ARRANGEMENT
SK-ML MAJOR EQUIPMENT LIST - AIS

NOTES:

1. ALL WORK DONE BY CONTRACTOR/INSTALLER PURSUANT TO THIS DRAWING SHALL: (A) CONFORM TO THE GOVERNING CONTRACT DOCUMENTS; (B) BE PERFORMED EXCLUSIVELY BY TRAINED, COMPETENT PERSONNEL OR, WHERE PERMITTED , THAT OF ITS SUBCONTRACTOR(S); AND (C) COMPLY WITH ALL APPLICABLE SAFETY LAWS, REGULATIONS, PROGRAMS AND PRACTICES TO ENSURE SAFETY OF ALL PEOPLE LOCATED ON THE WORK SITE, INCLUDING THE CONTRACTOR'S/INSTALLER'S PERSONNEL (OR THAT OF ITS SUBCONTRACTORS(S)) PERFORMING THE WORK.
2. UNDERGROUND OR EMBEDDED UTILITIES [MAY] EXIST WITHIN THE AREA OF AND ADJACENT TO THE LIMITS OF THE WORK. THE LOCATION OR IDENTIFICATION OF SUCH UTILITIES HAS NOT BEEN VERIFIED BY OWNER OR BY WESTWOOD. CONTRACTOR/INSTALLER IS RESPONSIBLE FOR FIELD LOCATING AND IDENTIFICATION UNDERGROUND OR EMBEDDED UTILITIES AND ANY OTHER UNDERGROUND OR EMBEDDED UTILITIES DIMENSIONS.
3. REFERENCES USED HAVE BEEN IDENTIFIED ON EXCAVATION/FOUNDATION/DEMOLITION DRAWINGS AND HAVE BEEN PROVIDED TO ASSIST THE CONTRACTOR/INSTALLER IN THE FIELD LOCATION OF EXISTING UTILITIES AND OTHER POTENTIAL UNDERGROUND OR EMBEDDED INTERFERENCES. THESE REFERENCES ONLY SHOW THE APPROXIMATE LOCATION OF POTENTIAL UNDERGROUND OR EMBEDDED UTILITIES AND MAY NOT INDICATE OR REFLECT ALL EXISTING UNDERGROUND OR EMBEDDED UTILITIES OR THEIR ACTUAL LOCATIONS.
4. REFERENCES IDENTIFIED SHALL NOT SUBSTITUTE FOR THE CONTRACTOR'S/INSTALLER'S OBLIGATION TO FIELD LOCATE ANY UNDERGROUND OR EMBEDDED UTILITIES OR INTERFERENCES THAT MAY AFFECT THE WORK.
5. DUE CAUTION SHALL BE TAKEN DURING ANY EXCAVATION/FOUNDATION/DEMOLITION WORK WITHIN THE AREA OF AND ADJACENT TO THE LIMITS OF THE WORK DUE TO POSSIBLE INTERFERENCES THAT MAY NOT BE REFLECTED ON THE REFERENCES IDENTIFIED.
6. ALL EQUIPMENT SHOWN IS PRELIMINARY FOR CONCEPTUAL DESIGN. EPC CONTRACTOR TO VERIFY IN DETAILED DESIGN.
7. FOR REACTOR, CAP BANK AND CONNECTIONS, EXACT LOCATION AND CONFIGURATION TO BE DETERMINED WHEN FINAL REACTIVE DESIGN IS COMPLETE.
8. PRECAST CONCRETE CABLE TRAY SHALL BE HEAVY TRAFFIC, HS-20 RATED AT ALL ROAD CROSSINGS, AS MANUFACTURED BY TRENWA.
9. PHASING TO BE VERIFIED BY ENGINEER OF RECORD.

BHS SOLAR, LLC SUBSTATION 230-34.5 KV SUBSTATION BUS ELEVATIONS

NOT TO SCALE

14

ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION

WSP USA
ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC.
100 APOLLO DRIVE, SUITE 302
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REVISION	DATE	ISSUE / REVISION DESCRIPTION	ISSUED	APPROVED
2	12/21/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
1	09/14/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED
0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: ELECTRICAL SUBSTATION ELEVATION DETAILS

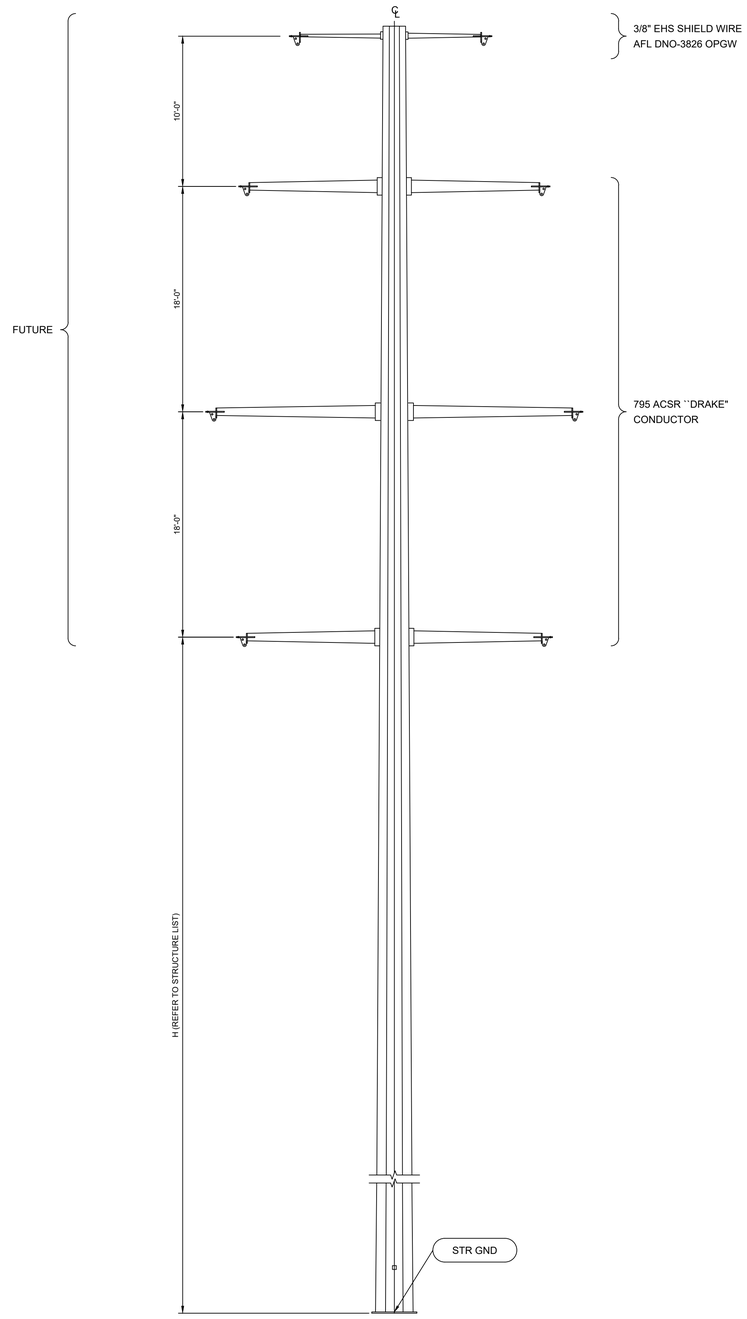
CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: S-501	
SHEET NUMBER: 25 OF 27	

U:\-CAD Projects\174 Power Global\Black Hollow - CO\7.0 CAD\7.1 Design - Permitting\Sheets\25 - 3652220356 - S-501.dwg - Layout1 - Dec. 21, 2022 3:46pm - peter.gallard

UNLESS OTHERWISE AGREED IN A WRITTEN CONTRACT BETWEEN WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS, INC. AND ITS CLIENT: (I) THIS DOCUMENT CONTAINS INFORMATION, DATA AND DESIGN THAT IS CONFIDENTIAL AND MAY NOT BE COPIED OR DISCLOSED; AND (II) THIS DOCUMENT MAY ONLY BE USED BY THE CLIENT IN THE CONTEXT AND FOR THE EXPRESS PURPOSE FOR WHICH IT HAS BEEN DELIVERED. ANY OTHER USE OR RELIANCE ON THIS DOCUMENT BY ANY THIRD PARTY IS AT THAT PARTY'S SOLE RISK AND RESPONSIBILITY.



ELEVATION VIEW

NOTES:
1. ESTIMATED STRUCTURE HEIGHT TO MATCH EXISTING INFRASTRUCTURE WITH STRUCTURES RANGING FROM 115' TO 130'.

TYPICAL TRANSMISSION STRUCTURE 15

NOT TO SCALE

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0	06/07/2022	ISSUED FOR PERMITTING / NOT FOR CONSTRUCTION	APV	MED

PROJECT: BHS SOLAR ENERGY FACILITY
SOLAR PV DEVELOPMENT
SEVERANCE, COLORADO 80546

TITLE: TRANSMISSION STRUCTURE DETAILS

CLIENT: BHS SOLAR, LLC
174 POWER GLOBAL
300 SPECTRUM CENTER DRIVE, SUITE 1020
IRVINE, CALIFORNIA 92618

SEAL: DRAFT

DESIGNED BY: OAC	DRAWN BY: OAC/MPS
CHECKED BY: APV	SCALE: AS SHOWN
PROJECT NUMBER: 3652220356	
DRAWING NUMBER: S-502	
SHEET NUMBER: 26 OF 27	

U:\ CAD Projects\174 Power Global\Black Hollow - CO\7.0 CAD\7.1 Design - Permitting\Sheets\26 - 3652220356 - S-502.dwg -Layout1 - Dec. 21, 2022 3:47pm - peter.garland

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RESOLUTION NO. 2023 - 14R

A RESOLUTION OF THE SEVERANCE ZONING BOARD OF ADJUSTMENT, APPROVING A VARIANCE REQUEST FOR CERTAIN REAL PROPERTY LOCATED WITHIN PORTIONS OF SECTION 2, T7N, R67 WE, 6TH P.M., AND SECTIONS 14, 23, 26, 27, AND 35, T8N, R67W, 6TH P.M., WELD COUNTY, COLORADO

WHEREAS, BHS Solar, LLC, ("Applicant"), on behalf of the owners of certain real property described in **Exhibit A** ("Property"), has submitted a variance request for the Property, entitled "2022 BHS Solar Project Variance Requests," which would: (a) exempt certain interconnection facilities, such as a substation, the Platte River Power Authority ("PRPA") switchyard, and approximately ½ mile of PRPA high voltage transmission lines, to be operated on the Property from the 20' maximum height limit applicable to solar energy facilities and/or ground-mounted solar energy facilities, as set forth in Section 16.11.160(d)(3); and (b) reduce the setback requirements for large scale solar facilities set forth in Section 16.11.160(f)(3) for certain portions of the Property to zero (the "Variance"); and

WHEREAS, on March 14, 2023, the Board of Adjustment held a public hearing on the Variance in accordance with Section 16.3.60 of the Severance Municipal Code ("Code"); and

WHEREAS, the Board of Adjustment, after reviewing the Variance and considering the testimony, evidence and argument presented at the public hearing, finds and determines the Variance meets the relevant standards and review criteria set forth in Section 16.3.60 of the Code.

NOW, THEREFORE, BE IT RESOLVED BY THE SEVERANCE BOARD OF ADJUSTMENT:

1. The Severance Board of Adjustment hereby approves the Variance subject to and contingent upon the following conditions:

a. The Town's approval of a Solar Facility as a "use by additional review" and accompanying site plan for the Property.

b. The annexation of the Property has become effective.

c. The Variance shall not permit construction or operation of any interconnection facilities constructed on the Property in excess of 130' feet in height.

d. The Variance pertaining to the zero-foot setbacks shall only apply to the following parcel numbers and parcel lines within the Property:

(1) APN#055527000017 (Sec. 27) and APN#055526000002 (NW 1/4, Sec. 26), and the section line between the NE ¼ of Section 27 and NW ¼ of Section 26;

(2) APN#55535000001 (NW 1/4 , Sec.35), APN# 055535000014 (NE 1/4, Sec. 35), and APN#055535000002 (S 1/2, Sec. 35) and the parcel lines among these three parcels that comprise Section 35.

e. Approval of the Variance shall lapse and be considered null and void upon the decommissioning of the Solar Facility or lapse of the "use by additional review" approval, whichever occurs first; and

f. Approval of the Variance shall lapse and be considered null and void if the use by additional review itself, or if permanent construction on any portion of the Property in conjunction with such use by additional review approval, has not commenced within one year of the approving action.

PASSED AND ADOPTED this 14th day of March, 2023.

_____
Matthew Fries, Mayor

ATTEST:

_____
Leah Vanarsdall, MMC, Town Clerk

Exhibit A

Include:

(1) AMENDED 2021 BHS ANNEXATION LEGAL DESCRIPTION

(2) 2022 BHS ANNEXATION LEGAL DESCRIPTION

AMENDED 2021 BHS ANNEXATION LEGAL DESCRIPTION

Revised legal description of Annexation Boundary 5 of the 2021 BHS Solar Annexation
COMMENCING AT A SOUTHEAST CORNER OF SECTION 9, T7N, R67W OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, WITH A NORTHING OF 1455254.24' AND AN EASTING OF 3169802.61'; THENCE N00°16'01"W 2620.59' ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 9 TO THE E1/4 CORNER OF SAID SECTION 9; THENCE N89°50'46"W 30.00' ALONG THE NORTH LINE OF THE SE1/4 OF SAID SECTION 9 TO A POINT ON THE WEST RIGHT-OF-WAY OF WELD COUNTY ROAD 19 AND THE TRUE POINT OF BEGINNING.

THENCE ALONG THE WEST RIGHT-OF-WAY OF WELD COUNTY ROAD 19 THE FOLLOWING THIRTEEN COURSES (13):

1) N00°12'20"W 2653.28' PARALLEL AND 30' WEST OF THE EAST LINE OF THE NE1/4 OF SAID SECTION 9 TO A POINT ON THE NORTH LINE OF THE NE1/4 OF SAID SECTION 9;
2) N00°13'13"E 2725.82' PARALLEL AND 30' WEST OF THE EAST LINE OF THE SE1/4 OF SECTION 4, T7N, R67W TO A POINT ON THE NORTH LINE OF THE SW1/4 OF SAID SECTION 4;
3) N00°05'46"E 1793.22' PARALLEL AND 30' WEST OF THE EAST LINE OF THE NE1/4 OF SAID SECTION 4;
4) ALONG A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 642.82', HAVING A CHORD BEARING OF N65°07'44"W AND A CHORD DISTANCE OF 349.21 HAVING A CENTRAL ANGLE OF 31°31'18" AND AN ARC LENGTH OF 353.65';
5) N51°11'14"W 274.08';
6) ALONG A TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 338.20', HAVING A CHORD BEARING OF N21°40'03"W AND A CHORD DISTANCE OF 333.28', HAVING A CENTRAL ANGLE OF 59°02'23" AND AN ARC LENGTH OF 348.49';
7) N06°28'46"E 318.88' TO A POINT ON THE NORTH LINE OF LOT 1 OF SAID SECTION 4;
8) S88°04'38"W 32.42' ALONG THE NORTH LINE OF LOT 1 OF SAID SECTION 4;
9) N12°41'30"E 1141.25';
10) ALONG A TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 850.00', HAVING A CHORD BEARING OF N26°21'07"E AND A CHORD DISTANCE OF 401.48', HAVING A CENTRAL ANGLE OF 27°19'13" AND AN ARC LENGTH OF 405.30';
11) ALONG A REVERSE TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 750.00', HAVING A CHORD BEARING OF N19°36'26"E AND A CHORD DISTANCE OF 522.97', HAVING A CENTRAL ANGLE OF 40°48'34" AND AN ARC LENGTH OF 534.19' TO A POINT 50' WEST OF THE EAST LINE OF THE SE1/4 OF SECTION 33, T8N, R67W;
12) N00°47'53"W 691.44' PARALLEL AND 50' WEST OF THE EAST LINE OF THE SE1/4 OF SAID SECTION 33 TO A POINT ON THE NORTH LINE OF THE SE1/4 OF SAID SECTION 33;
13) N00°05'30"W 2664.57' PARALLEL AND 50' WEST OF THE EAST LINE OF THE NE1/4 OF SAID SECTION 33 TO A POINT ON THE NORTH RIGHT-OF-WAY OF WELD

COUNTY ROAD 88 IN SECTION 28, T8N, R67W;

THENCE N89°01'47"E 19.52' ALONG THE NORTH RIGHT-OF-WAY OF WELD COUNTY ROAD 88 TO THE INTERSECTION WITH THE WEST RIGHT-OF-WAY OF WELD COUNTY ROAD 19; THENCE N00°34'21"E 2599.57' ALONG THE WEST RIGHT-OF-WAY OF WELD COUNTY ROAD 19 TO A POINT ON THE NORTH LINE OF THE SE1/4 OF SAID SECTION 28; THENCE N89°14'15"E 30.01' ALONG THE NORTH LINE OF THE SE1/4 OF SAID SECTION 28 TO THE E1/4 CORNER OF SAID SECTION 28; THENCE N89°49'52"E 2634.84' ALONG THE NORTH LINE OF THE SW1/4 OF SECTION 27, T8N, R67W TO THE C1/4 CORNER OF SAID SECTION 27; THENCE N00°48'46"E 526.03' ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 27; THENCE S77°30'53"E 112.53'; THENCE N86°29'07"E 120.20'; THENCE S84°30'53"E 106.52'; THENCE S74°30'53"E 105.99'; THENCE S64°30'53"E 108.62'; THENCE S59°30'53"E 930.00'; THENCE S60°50'49"E 398.50'; THENCE S64°50'49"E 1018.49' TO A POINT ON THE EAST LINE OF THE SE1/4 OF SAID SECTION 27; THENCE N00°49'49"E 109.74' ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 27; THENCE N64°50'49"W 969.80'; THENCE N60°50'49"W 393.85'; THENCE N59°30'53"W 933.21'; THENCE N64°30'53"W 121.74'; THENCE N74°30'53"W 123.49'; THENCE N84°30'53"W 123.14'; THENCE S86°29'07"W 114.02'; THENCE N77°30'53"W 108.20'; THENCE N69°53'35"W 11.34' TO A POINT ON THE WEST LINE OF THE NE1/4 OF SAID SECTION 27; THENCE N00°48'46"E 2015.62' ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 27 TO THE N1/4 CORNER OF SAID SECTION 27; THENCE N02°45'10"E 30.18' ALONG THE WEST LINE OF THE SE1/4 OF SECTION 22, T8N, R67W TO A POINT ON THE NORTH RIGHT-OF-WAY OF WELD COUNTY ROAD 90; THENCE N89°28'38"E 2626.46' ALONG THE NORTH RIGHT-OF-WAY OF WELD COUNTY ROAD 90 TO A POINT ON THE WEST LINE OF THE SW1/4 OF SECTION 23, T8N, R67W; THENCE N03°05'46"E 2609.79' ALONG THE WEST LINE OF THE SW1/4 OF SAID SECTION 23 TO THE W1/4 CORNER OF SAID SECTION 23; THENCE N03°05'46"E 2639.85' ALONG THE WEST LINE OF THE NW1/4 OF SAID SECTION 23 TO THE NORTHWEST CORNER OF SAID SECTION 23; THENCE N00°30'47"E 2640.21' ALONG THE WEST LINE OF THE SW1/4 OF SECTION 14, T8N, R67W TO THE W1/4 CORNER OF SAID SECTION 14; THENCE N89°16'54"E 2565.55' ALONG THE NORTH LINE OF THE SW1/4 OF SAID SECTION 14 TO THE C1/4 CORNER OF SAID SECTION 14; THENCE S00°17'03"W 2650.69' ALONG THE EAST LINE OF THE SW1/4 OF SAID SECTION 14 TO THE S1/4 CORNER OF SAID SECTION 14; THENCE N89°31'39"E 2546.15' ALONG THE NORTH LINE OF THE NE1/4 OF SAID SECTION 23 TO A POINT ON THE WEST RIGHT-OF-WAY OF A ROAD EASEMENT, BEING 30' WEST OF THE EAST LINE OF THE NE1/4 OF SAID SECTION 23; THENCE S01°39'50"W 2661.86' PARALLEL AND 30' WEST OF THE EAST LINE OF THE NE1/4 OF SAID SECTION 23 TO A POINT ON THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 23, BEING 30' WEST OF THE EAST 1/4 CORNER OF SAID SECTION 23; THENCE S01°39'47"W 2661.83' PARALLEL AND 30' WEST OF THE EAST LINE OF THE SE1/4 OF SAID SECTION 23 TO A POINT ON THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 23, BEING 30' WEST OF THE SOUTHEAST CORNER OF SAID SECTION 23; THENCE S01°02'23"W 30.00' TO A POINT IN THE NE1/4 OF SECTION 26, T8N, R67W AND ON THE SOUTH RIGHT-OF-WAY OF WELD COUNTY ROAD 90; THENCE N89°55'35"W 2611.34' PARALLEL AND 30' SOUTH OF THE NORTH LINE OF THE NE1/4 OF SAID

SECTION 26 TO A POINT ON THE WEST LINE OF THE NE1/4 OF SAID SECTION 26, BEING 30' SOUTH OF THE N1/4 CORNER OF SAID SECTION 26; THENCE N89°55'28"W 2641.07' PARALLEL AND 30' SOUTH OF THE THE NORTH LINE OF THE NW1/4 OF SAID SECTION 26 TO A POINT ON THE WEST LINE OF THE NW1/4 OF SAID SECTION 26; THENCE S00°50'14"W 2631.66' ALONG THE WEST LINE OF THE NW1/4 OF SAID SECTION 26 TO THE W1/4 CORNER OF SAID SECTION 26; THENCE S00°49'48"W 2556.42' ALONG THE WEST LINE OF THE SW1/4 OF SAID SECTION 26; THENCE N89°43'52"E 971.37'; THENCE N00°14'56"W 1260.00'; THENCE N89°43'52"E 1686.18' TO A POINT ON THE EAST LINE OF THE SW1/4 OF SAID SECTION 26; THENCE S00°56'36"W 1365.30' ALONG THE EAST LINE OF THE SW1/4 OF SAID SECTION 26 TO THE S1/4 CORNER OF SAID SECTION 26; THENCE N89°45'05"E 2631.62' ALONG THE NORTH LINE OF THE NE1/4 OF SECTION 35, T8N, R67W TO THE NORTHEAST CORNER OF SAID SECTION 35; THENCE S00°16'24"W 2711.14' ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 35 TO THE E1/4 CORNER OF SAID SECTION 35; THENCE S00°16'17"W 2711.26' ALONG THE EAST LINE OF THE SE1/4 OF SAID SECTION 35 TO THE SOUTHEAST CORNER OF SAID SECTION 35; THENCE N89°11'40"W 2609.91' ALONG THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 35 TO THE S1/4 CORNER OF SAID SECTION 35; THENCE N89°09'50"W 1304.93' ALONG THE SOUTH LINE OF THE SE1/4SW1/4 OF SAID SECTION 35 TO THE W1/16 CORNER OF SAID SECTION 35; THENCE N89°13'11"W 1274.83' ALONG THE SOUTH LINE OF THE SW1/4SW1/4 OF SAID SECTION 35 TO A POINT ON THE EAST RIGHT-OF-WAY OF A COUNTY ROAD EASEMENT, BEING 30' EAST OF THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE N00°11'37"W 2662.60' PARALLEL AND 30' EAST OF THE WEST LINE OF THE SW 1/4 OF SAID SECTION 35 TO A POINT ON THE NORTH LINE OF THE SW1/4 OF SAID SECTION 35, BEING 30' EAST OF THE W1/4 CORNER OF SAID SECTION 35; THENCE N00°11'18"W 2663.01' PARALLEL AND 30' EAST OF THE WEST LINE OF THE NW1/4 OF SAID SECTION 35 TO A POINT ON THE NORTH LINE OF THE NW1/4 OF SAID SECTION 35; THENCE S89°48'42"W 30.00' ALONG THE NORTH LINE OF THE NW1/4 OF SAID SECTION 35 TO THE NORTHWEST CORNER OF SAID SECTION 35; THENCE N89°49'25"W 2623.77' ALONG THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 27 TO THE S1/4 CORNER OF SAID SECTION 27; THENCE N89°49'13"W 2593.58' ALONG THE SOUTH LINE OF THE SW1/4 OF SAID SECTION 27 TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF WELD COUNTY ROAD 19, BEING 30' EAST OF THE SOUTHWEST CORNER OF SAID SECTION 27; THENCE ALONG THE EAST RIGHT-OF-WAY OF WELD COUNTY ROAD 19 THE FOLLOWING SIXTEEN COURSES (16):

1) S00°06'35"E 2635.16' PARALLEL AND 30 EAST OF THE WEST LINE OF THE NW1/4 OF SAID SECTION 34 TO A POINT ON THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 34;
2) S00°47'51"E 977.73' PARALLEL AND 30 EAST OF THE WEST LINE OF THE SW1/4 OF SAID SECTION 34;
3) S89°12'09"W 30.00' TO A POINT ON THE WEST LINE OF THE SW1/4 OF SAID SECTION 34;
4) ALONG A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 850.00', HAVING A CHORD BEARING OF S29°28'59"W AND A CHORD DISTANCE OF

310.64', HAVING A CENTRAL ANGLE OF 21°03'28" AND AN ARC LENGTH OF 312.40';
5) ALONG A REVERSE TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 750.00', HAVING A CHORD BEARING OF S26°21'07"W AND A CHORD DISTANCE OF 354.24', HAVING A CENTRAL ANGLE OF 27°19'13" AND AN ARC LENGTH OF 357.62';
6) S12°41'30"W 1115.17' TO A POINT ON THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 33;
7) S88°04'38"W 10.27' ALONG THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 33;
8) S06°28'46"W 328.49';
9) ALONG A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 278.20', HAVING A CHORD BEARING OF S21°35'49"E AND A CHORD DISTANCE OF 274.75', HAVING A CENTRAL ANGLE OF 59°10'50" AND AN ARC LENGTH OF 287.35';
10) S51°11'14"E 275.05';
11) ALONG A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 582.82', HAVING A CHORD BEARING OF S64°36'53"E AND A CHORD DISTANCE OF 308.33', HAVING A CENTRAL ANGLE OF 30°40'34" AND AN ARC LENGTH OF 312.04';
12) S89°54'14"E 30.00' TO A POINT ON THE EAST LINE OF LOT 1 OF SAID SECTION 4;
13) S89°54'14"E 30.00';
14) S00°05'46"W 1854.20' TO A POINT ON THE SOUTH LINE OF THE NW1/4 OF SECTION 3, T7N, R67W;
15) S00°13'13"W 2725.50' TO A POINT ON THE SOUTH LINE OF THE SW1/4 OF SAID SECTION 3;
16) S00°12'20"E 2653.22' TO A POINT OF THE SOUTH LINE OF THE NW1/4 OF SECTION 10, T7N, R67W;

THENCE N00°26'05"W 2653.24' TO A POINT ON THE NORTH LINE OF THE NW1/4 OF SAID SECTION 10; THENCE N00°03'02"E 2725.63' TO A POINT ON THE NORTH LINE OF THE SW1/4 OF SAID SECTION 3; THENCE N00°06'11"W 1822.47'; THENCE N81°13'24"W 5.04' TO A POINT ON THE WEST LINE OF THE NW1/4 OF SAID SECTION 3; THENCE IN A NORTHWESTERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 688.89', HAVING A CHORD BEARING OF N66°06'02"W AND A CHORD DISTANCE OF 354.58', HAVING A CENTRAL ANGLE OF 29°49'35" AND AN ARC LENGTH OF 358.61'; THENCE N51°11'14"W 275.38'; THENCE IN A NORTHWESTERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 316.88', HAVING A CHORD BEARING OF N21°37'39"W AND A CHORD DISTANCE OF 298.58', HAVING A CENTRAL ANGLE OF 56°12'50" AND AN ARC LENGTH OF 310.90'; THENCE N06°29'49"E 324.82' TO A POINT ON THE NORTH LINE OF LOT 1 OF SAID SECTION 4; THENCE N12°08'46"E 1124.19'; THENCE IN A NORTHEASTERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 795.01', HAVING A CHORD BEARING OF N26°21'10"E AND A CHORD DISTANCE OF 375.48', HAVING A CENTRAL ANGLE OF 27°19'06" AND AN ARC LENGTH OF 379.06'; THENCE IN A NORTHEASTERLY DIRECTION WITH A REVERSE TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 805.01', HAVING A CHORD BEARING OF N22°48'16"E AND A CHORD DISTANCE OF 476.29', HAVING A CENTRAL ANGLE OF 34°24'52" AND AN ARC LENGTH OF 483.53' TO A POINT ON THE EAST LINE OF THE SE1/4 OF SAID SECTION

33; THENCE IN A NORTHERLY DIRECTION WITH A COMPOUND TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 805.01', HAVING A CHORD BEARING OF N02°31'57"E AND A CHORD DISTANCE OF 86.08', HAVING A CENTRAL ANGLE OF 06°07'46" AND AN ARC LENGTH OF 86.12'; THENCE N00°47'51"W 694.75' TO A POINT ON THE NORTH LINE OF THE SW1/4 OF SAID SECTION 34; THENCE N00°06'35"W 2635.03' TO A POINT ON THE NORTH LINE OF THE NW1/4 OF SAID SECTION 34; THENCE N89°49'13"W 5.00' ALONG THE NORTH LINE OF THE NW1/4 OF SAID SECTION 34 TO THE NORTHWEST CORNER OF SAID SECTION 34; THENCE S89°01'47"W 5.00' ALONG THE NORTH LINE OF THE NE1/4 OF SAID SECTION 33; THENCE S00°06'35"E 2635.05' TO A POINT ON THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 33; THENCE S00°47'51"E 687.38'; THENCE IN A SOUTHERLY DIRECTION WITH A NON-TANGENT CURVE TURNING TO THE RIGHT WITH A RADIUS OF 795.01', HAVING A CHORD BEARING OF S19°28'26"W AND A CHORD DISTANCE OF 557.83', HAVING A CENTRAL ANGLE OF 41°04'34" AND AN ARC LENGTH OF 569.95'; THENCE IN A SOUTHWESTERLY DIRECTION WITH A REVERSE TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 805.01', HAVING A CHORD BEARING OF S26°21'03"W AND A CHORD DISTANCE OF 380.24', HAVING A CENTRAL ANGLE OF 27°19'18" AND AN ARC LENGTH OF 383.87'; THENCE S12°08'28"W 1126.72' TO A POINT ON THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 33; THENCE S06°28'46"W 323.32'; THENCE IN A SOUTHEASTERLY DIRECTION WITH A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 326.88', HAVING A CHORD BEARING OF S21°38'20"E AND A CHORD DISTANCE OF 308.11', HAVING A CENTRAL ANGLE OF 56°14'11" AND AN ARC LENGTH OF 320.84'; THENCE S51°11'14"E 275.50'; THENCE IN A SOUTHEASTERLY DIRECTION WITH A TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 698.89', HAVING A CHORD BEARING OF S65°57'24"E AND A CHORD DISTANCE OF 356.34', HAVING A CENTRAL ANGLE OF 29°32'20" AND AN ARC LENGTH OF 360.31'; THENCE S00°17'43"W 1814.03' TO A POINT ON THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 4; THENCE S00°23'24"W 2725.66' TO A POINT ON THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 4; THENCE S00°01'25"W 2653.23' TO THE TRUE POINT OF BEGINNING.

CONTAINS 1979.298 ACRES MORE OR LESS.

BASIS OF BEARINGS: EAST LINE OF THE SE1/4 OF SECTION 9, T7N, R67W BEARS N00°16'01"W AS SHOWN HEREON (GPS OBSERVATION).

CONTIGUITY = 27,765’
PERIMETER = 132,573’

RATIO 1:4.8

2022 BHS ANNEXATION LEGAL DESCRIPTION

(1) 2022 BHS SOLAR ANNEXATION BOUNDARY 1

COMMENCING AT THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 7 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION 2 BEARS N89°11'40"W; THENCE N89°11'40"W 30.01' ALONG THE NORTH LINE OF LOT 1 OF SAID SECTION 2 TO A POINT ON THE WEST RIGHT-OF- WAY OF COUNTY ROAD 23 AND THE I_RUE POINT _OF BEGINNING.

THENCE S12°20'33"W 750.25'; THENCE Nl0°43'53"W 750.25' TO A POINT ON THE NORTH LINE OF LOT 1 OF SAID SECTION 2; THENCE S89°11'40"E 300.10' ALONG THE NORTH LINE OF LOT 1 OF SAID SECTION 2 TO THE TRUE POINT OF BEGINNING.

CONTAINS 2.532 ACRES MORE OR LESS.

BASIS OF BEARINGS: NORTH LINE OF THE NEI/4 OF SECTION 2, T7N, R67W BEARS N89°1 l '40"W.

CONTIGUITY= 300'

PERIMETER= 1800'

RATIO= 1:6

(2) 2022 BHS SOLAR ANNEXATION BOUNDARY 2A AND 2B 2022 BHS SOLAR ANNEXATION BOUNDARY 2A

COMMENCING AT THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 7 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION 2 BEARS N89°11'40"W; THENCE N89°11'40"W 30.01' ALONG THE NORTH LINE OF LOT 1 OF SAID SECTION 2 TO A POINT ON THE WEST RIGHT-OF- WAY OF COUNTY ROAD 23 AND THE TRUE POINT OF BEGINNING.

THENCE S00°39'07"E 2623.05' ALONG THE WEST RIGHT-OF-WAY OF COUNTY ROAD 23 PARALLEL AND 30' WEST OF THE EAST LINE OF THE NEI/4 OF SAID SECTION 2 TO A POINT ON THE SOUTH LINE OF THE NEI/4 OF SAID SECTION 2; THENCE S89°45'45"W 300.01' ALONG THE SOUTH LINE OF THE NEl/4 OF SAID SECTION 2; THENCE N00°39'07"W 2328.51' PARALLEL AND 330' WEST OF THE EAST LINE OF THE NEI/4 OF SAID SECTION 2; THENCE N89°1 l '40"W 300.00'; THENCE N00°39'07"W 300.00' TO A POINT ON THE NORTH LINE OF LOT 1 OF SAID SECTION 2; THENCE S89°1 l '40"E 300.00' ALONG THE NORTH LINE OF LOT 1 OF SAID SECTION 2;

THENCE Sl0°43'53"E 750.25'; THENCE Nl2°20'33"E 750.25' TO A POINT ON THE NORTH LINE OF LOT 1 OF SAID SECTION 2 AND THE TRUE POINT OF BEGINNING.

CONTAINS 17.617 ACRES MORE OR LESS.

BASIS OF BEARINGS: NORTH LINE OF THE NEI/4 OF SECTION 2, T7N, R67W BEARS N89°11'40"W.

CONTIGUITY= 1800.50'

PERIMETER= 7652.07'

RATIO= 1:4.2

TOGETHER WITH

2022 BHS SOLAR ANNEXATION BOUNDARY 2B

COMMENCING AT THE NORTHWEST CORNER OF SECTION 26, TOWNSHIP 8 NORTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, FROM WHICH THE WEST 1/4 CORNER OF SAID SECTION 26 BEARS

S00°50'14"W; THENCE S00°50'14"W 30.00' ALONG THE WEST LINE OF THE NWI/4 OF SAID SECTION 26 TO A POINT ON THE SOUTH RIGHT-OF-WAY OF COUNTY ROAD 90 AND THE TRUE POINT OF BEGINNING.

THENCE S89°55'28"E 2641.07' ALONG THE SOUTH RIGHT-OF-WAY OF COUNTY ROAD 90 PARALLEL AND 30' SOUTH OF THE NORTH LINE OF THE NWl/4 OF SAID SECTION 26 TO A POINT ON THE EAST LINE OF THE NWl/4 OF SAID SECTION 26; THENCE S00°56'44"W 2624.09' ALONG THE EAST LINE OF THE NWl/4 OF SAID SECTION 26 TO THE C 1/4 CORNER OF SAID SECTION 26; THENCE S89°54'34"W 2636.23' ALONG THE SOUTH LINE OF THE NW 1/4 OF SAID SECTION 26 TO THE WEST 1/4 CORNER OF SAID SECTION 26; THENCE N00°50'14"E 2631.66' ALONG THE WEST LINE OF THE NWl/4 OF SAID SECTION 26 TO THE TRUE POINT OF BEGINNING.

CONTAINS 159.164 ACRES MORE OR LESS.

BASIS OF BEARINGS: WEST LINE OF THE NWl/4 OF SECTION 26, T8N, R67W BEARS S00°50'14"W.

CONTIGUITY= 5272.73'

PERIMETER= 10533.05'

RATIO= 1:2.0

2022 BHS SOLAR ANNEXATION BOUNDARIES 2A AND 2B TOGETHER CONTAIN 176.781 ACRES MORE OR LESS.

AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
PUBLIC HEARING Pg 455 - **Resolution 2023-15R**: A Resolution of The Town Council of The Town of Severance, Colorado, Granting the vesting of The BHS Solar Use By Additional Review, BHS Solar Energy Facility Site Plan and BHS Solar Energy Facility Site Plan Development Agreement; and approving a Vesting Agreement pertaining to thereto	Abdul Barzak, Town Planner	Abdul Barzak, Town Planner

ACTION REQUESTED

Community and Economic Development and Town Management ask that the Severance Town Council review, discuss, and take action on Resolution 2023-15R. Actions that may be taken:

1. Approve Resolution 2023-15R granting the vesting of the BHS Solar Use by Additional Review & Site Plan subject to the conditions listed therein.
2. Take No Action.

Resolution
Attorney Approved
Action Requested

BRIEF SUMMARY

On March 14, 2023, Town Council approved Resolution No. 2023-13R, to approve the BHS Solar Use by Additional Review ("UAR"), BHS Solar Energy Facility Site Plan ("Site Plan"), and BHS Solar Energy Facility Site Plan Development Agreement ("Development Agreement"), to construct and operate a large-scale solar facility on a portion of that certain real property generally known as the 2021 BHS Solar Annexation Property and 2022 BHS Solar Annexation Property. Pursuant to the Severance Municipal Code ("Code"), § 16-8-20, the UAR/Site Plan and Development Agreement are eligible for vested property rights in excess of three years solely with respect to uses, densities, and development standards of the Code, including those for which modifications have been granted. BHS Solar, LLC (BHS) (the "Applicant"), has submitted a request for the granting and extension of vesting of certain uses, densities and development standards as set forth in the UAR/Site Plan and Development Agreement, for a period of ten years (the "Vesting Request").

PUBLIC SUPPORT/CONCERN

None at this time.

ANALYSIS AND RECOMMENDATION

Town staff is asking for the Town Council to review, discuss, and approve Resolution 2023-15R granting the vesting of the BHS Solar Use by Additional Review & Site Plan subject to the conditions listed therein.

MATERIALS SUBMITTED
The following materials were submitted and included in this packet: 1. Vested Property Rights Agreement (Town Attorney Generated) 2. 2023-15R - BHS Solar Facility UAR and SP Vesting (Town Attorney Generated)

VESTED PROPERTY RIGHTS AGREEMENT
BHS SOLAR ENERGY FACILITY

THIS VESTED PROPERTY RIGHTS AGREEMENT ("Agreement"), dated _____, 2023 ("Effective Date"), is between the Town of Severance, Colorado, a municipal corporation (hereinafter called the "Town") and BHS Solar, LLC ("BHS"), a Delaware limited liability company.

WITNESSETH

Whereas, BHS desires to develop and operate a large-scale solar generation facility ("Project") on approximately 2,166 acres of vacant land within the Town's municipal boundaries, legally described in **Exhibit A** ("Property"); and

Whereas, BHS has submitted to the Town, and the Town Council has approved: (i) the use by additional review to construct and operate a large-scale solar facility ("UAR"); (ii) the BHS Solar Energy Facility Site Plan ("Site Plan") and (iii) the BHS Solar Energy Facility Site Plan Development Agreement ("Development Agreement"); and

Whereas, BHS has requested the City approve vested property rights in accordance with Article 68 of Title 24 of the Colorado Revised Statutes ("Vested Rights Statute") and Section 16-8-20 of the Severance Municipal Code ("Code") with respect to the UAR/Site Plan and Development Agreement; and

Whereas, a public hearing, preceded by written notice of the hearing, has been conducted by the Town Council on BHS's request for vesting of property rights; and

Whereas, recognizing the development of a large-scale solar generation facility requires years of planning to secure private financing, and the Project involves an extraordinary long-term investment in transportation and utility infrastructure, BHS requires reasonable certainty, stability, and fairness in the land use planning process and reasonable assurances from the Town that it can undertake and complete the development of the Project; and

Whereas, the Town has determined that, considering the size, phasing, and duration of the Project, the value it will provide, and the unpredictability of economic cycles and market conditions over the life of the Project, the terms and conditions of this Agreement are reasonably necessary to protect public health, safety, and welfare. The Town Council wishes to grant vesting of certain property rights in accordance with the terms and conditions set forth herein; and

Whereas, the parties wish to memorialize the terms of authorized vested property rights into an agreement.

NOW THEREFORE, the parties agree as follows:

1. Purpose. The purpose of this Agreement is to set forth the terms, conditions, and extent of vested property rights created pursuant to the Vested Rights Statute and the Code. Except as expressly provided herein to the contrary, all terms and conditions are in addition to all

requirements concerning subdivision and development of property contained in the Code. This Agreement creates certain statutory vested property rights and establishes the duration of such vested property rights as expressly provided in Paragraph 2 below.

2. Establishment of Vested Property Rights.

A. The Parties recognize that it is the intent and desire of BHS to develop the Project in a manner generally consistent with the applicable Rural Residential Agricultural zoning and Solar Facility regulations of the Code in effect on the Effective Date and as more particularly described in the UAR/Site Plan, attached hereto as **Exhibit B**, and the Development Agreement, attached hereto as **Exhibit C**.

B. The "BHS Solar Use by Additional Review," which includes the "BHS Solar Energy Facility Site Plan" and "BHS Solar Energy Facility Site Plan Development Agreement," approved by Town Council on March 14, 2023, by Resolution No. 2023-13R, taken together, shall constitute a "site specific development plan" for the purposes of the Vested Rights Statute and the Code. Subject to BHS's compliance with every obligation contained in the Site Plan and Development Agreement, BHS is granted a vested property right pursuant to the Vested Rights Statute and the Code to develop, plan, and engage in land uses on the Property in accordance with the UAR, Site Plan, and Development Agreement. Such vested property right shall be valid for a period of ten (10) years from the date of this Agreement and no longer, unless extended by Town Council.

C. Except as provided by the Vested Rights Statute, no voter-initiated or referred zoning, subdivision, land use, or other legal or administrative action that could affect, delay, impair, or prevent BHS's rights set forth in this Agreement, will apply to the Property or Project. Furthermore, except as provided in the Vested Rights Statute, no subsequent zoning or land use action by the Town will alter, impair, prevent, diminish, impose a moratorium on development, or otherwise delay the development or use of the Property as set forth in this Agreement, the UAR/Site Plan, and the Development Agreement for a period of ten (10) years.

D. The vested property rights granted herein shall not preclude application of ordinances or regulations described in C.R.S. § 24-68-105(2). Such vested property rights shall not be construed as to promise or otherwise guarantee: (i) to develop, plan, and engage in other land uses or the potential maximum development thereof, including residential or commercial uses, on the Property; (ii) that the Property or any future maximum development thereof, including residential or commercial uses, is capable of receiving water, sewer, or storm drainage utility services from the Town; (iii) that BHS or the owners of the Property have a claim or entitlement to receive water, wastewater, or storm drainage utility services from the Town or right to capacity in such systems to serve the potential maximum development of the Property or future subdivision phases; and (iv) that BHS will receive a building permit to complete the Project during the vesting period. The availability and issuance of building permits shall be governed by, and allocated pursuant to, the Code. Such vested property right shall not be construed as a waiver of, or otherwise

relieve the owner from development, construction or building limitations, and restrictions that may apply to lots, tracts, or parcels that are within the floodplain.

E. After expiration of the term of the statutory vested property rights set forth herein, the Property shall continue to be subject to the ordinances, resolutions, rules, and regulations of the Town for so long as it is located within the municipal boundaries of the Town, and the statutory vested property rights established by this Agreement shall be deemed terminated and of no further force and effect.

3. Right to Cure. Before bringing any action against the Town under this Agreement, the Town shall be given written notice of any claim of a breach or default by the Town hereunder and the Town shall have sixty (60) days after receipt of such notice in which to cure any such breach or default; provided, however, if the breach or default is not reasonably susceptible of cure within such sixty (60) day period, the Town shall be given an additional period of time as may be reasonably necessary to complete the cure; provided, however, that the Town commences to cure the breach or default within such sixty (60) day period and thereafter diligently pursues the same to completion.

4. No Town Responsibility for Outside Causes. The Town shall not be responsible for and there shall be no remedy against the Town if development of the Property is prevented or delayed for reasons beyond the control of the Town.

5. Developer's Remedies. In the event of any impairment of the statutory vested property rights established hereunder, BHS agrees its sole and exclusive remedies for the impairment shall be those set forth in C.R.S. § 24-68-105(1)(c) as in effect on the date of execution hereof, and BHS specifically waives all other remedies with respect to any such impairment, including but not limited to contract damages. Notwithstanding, BHS further agrees that its sole and exclusive remedy for any such impairment resulting from an initiated measure shall be the equitable remedy of specific performance, and BHS specifically waives any other remedies.

6. Binding Effect of Agreement. Commencing as of the Effective Date, this Agreement shall run with the land included within the Property and shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto.

7. Effective Date. This Agreement is, and shall be, effective only upon authorization by the Severance City Council, execution of all parties hereto, and publication of notice as required by law.

8. Recordation. This Agreement shall be recorded in the real property records of Weld County, Colorado.

9. Notices. The parties shall give all notices, consents, demands, waivers, or approvals related to this Agreement in writing delivered by (i) personal delivery; (ii) a nationally-recognized, next-day courier service; (iii) first-class certified mail, postage prepaid; or (iv) electronic mail. A notice is deemed given on the other party's receipt of it, or if mailed, on the earlier of the other party's receipt of it and the fifth business day after its mailing. The parties may change their addresses for notice by notifying the other parties in the manner provided in this Section 9. The parties hereby designate their addresses as follows:

Town of Severance
Attn: Town Manager
3 South Timber Ridge Pkwy
Severance, CO 80550
E-mail:_____

with copies to:

Severance Town Attorney's Office
Hayashi & Macsalka, LLC
1650 38th Street, Suite 103W
Boulder, CO 80301
E-mail:_____

BHS Solar, LLC
c/o 174 Power Global
300 Spectrum Center Drive, Suite 1020
Irvine, CA 92618
E-mail: Legal@174PowerGlobal.com

10. Modification and Waiver. No modification of the terms of this Agreement shall be valid unless in writing and executed by the parties, and no waiver of the breach of the provisions of any section of this Agreement shall be construed as a waiver of any subsequent breach of the same section or any other sections, which are contained herein. This Agreement may be amended only with prior written consent and approval of each of the parties hereto following public notice and public hearing. This Agreement may be amended by the Town with the mutual consent of any subsequent owner of the Project Any such amendment shall be recorded in the Weld County, Colorado real property records and shall be a covenant running with the land and shall be binding upon all persons or entities now or hereafter having an interest in the Property subject to the amendment unless otherwise specified in the amendment.

11. Adoption of Agreement a Legislative Act. The adoption of this Agreement, and any amendment to this Agreement, shall be deemed to be a legislative and administrative act of the Town, and not as an act of the Town in a judicial, quasi-judicial, or other capacity.

12. No Third-Party Beneficiaries. Except as otherwise provided herein, none of the terms, conditions, or covenants contained in this Agreement shall be deemed to be for the benefit of any person not a party hereto, and no such person shall be entitled to rely hereon in any manner.

13. Governing Law. The laws of the State of Colorado, without giving effect to its principles of conflicts of law, govern all adversarial proceedings brought by the parties arising out of this Agreement, whether their claims sound in contract, tort, or otherwise.

14. **Severability.** The parties acknowledge that if a dispute between the parties arises out of this Agreement or the subject matter of this Agreement, the court should interpret this Agreement as follows:

a. with respect to any provision it holds to be unenforceable, modifying that provision to the minimum extent necessary to make it enforceable or, if that modification is not permitted by law, disregarding that provision;

b. if an unenforceable provision is modified or disregarded in accordance with this Section 14, holding the rest of the Agreement in effect as written;

c. holding that any unenforceable provision will remain as written in any circumstances other than those in which the provision is held to be unenforceable; and

d. if modifying or disregarding the unenforceable provision would result in failure of an essential purpose of this Agreement, holding the entire agreement unenforceable.

15. **Counterparts**. This Agreement may be executed in any number of counterparts, each of which constitutes an original instrument, but all of which together constitute one and the same instrument.

[*Remainder of page left intentionally blank—Signature pages to follow*]

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective on the Effective Date.

TOWN OF SEVERANCE, COLORADO,
a municipal corporation

BY:_____
Matthew Fries, Mayor

ATTEST:

_____
Leah Vanarsdall, MMC, Town Clerk

APPROVED AS TO FORM:

_____
Town Attorney

BHS SOLAR, LLC, a Delaware limited liability company

By: _____

STATE OF COLORADO)
) ss.
COUNTY OF)

Acknowledged before me this _____ day of _____, 2023, by _____ _____, as _____of BHS Solar, LLC, a Delaware limited liability company.

_____
Notary Public

My commission expires: _____

<u>Exhibit A</u>

Legal Description

Exhibit B

UAR Resolution No. 2023-13R/ BHS Solar Site Plan

<u>Exhibit C</u>

Development Agreement

TOWN OF SEVERANCE
RESOLUTION NO. 2023-15R

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, GRANTING THE VESTING OF THE BHS SOLAR USE BY ADDITIONAL REVIEW, BHS SOLAR ENERGY FACILITY SITE PLAN AND BHS SOLAR ENERGY FACILITY SITE PLAN DEVELOPMENT AGREEMENT; AND APPROVING A VESTING AGREEMENT PERTAINING TO THERETO

WHEREAS, on March 14, 2023, Town Council approved Resolution No. 2023-13R, to approve the BHS Solar Use by Additional Review ("UAR"), BHS Solar Energy Facility Site Plan ("Site Plan"), and BHS Solar Energy Facility Site Plan Development Agreement ("Development Agreement"), to construct and operate a large-scale solar facility on a portion of that certain real property generally known as the 2021 BHS Solar Annexation Property and 2022 BHS Solar Annexation Property, which portion subject to the UAR, Site Plan and Development Agreement is legally described in **Exhibit A** ("Property"); and

WHEREAS, pursuant to the Severance Municipal Code ("Code"), § 16-8-20, the UAR/Site Plan and Development Agreement are eligible for vested property rights in excess of three years solely with respect to uses, densities, and development standards of the Code, including those for which modifications have been granted; and

WHEREAS, such vested property rights are normally valid for up to three years under Code § 16-8-20, unless an extended period of vested rights is granted as memorialized in an agreement Town Council approves; and

WHEREAS, BHS Solar, LLC (BHS) (the "Applicant"), has submitted a request for the granting and extension of vesting of certain uses, densities and development standards as set forth in the UAR/Site Plan and Development Agreement, for a period of ten years (the "Vesting Request"); and

WHEREAS, at its meeting on March 14, 2023, the Town Council considered, through a public hearing, the Applicant's Vesting Request; and

WHEREAS, Town Council finds that the extended vesting for a period of ten (10) years is warranted because the development of a large-scale solar energy facility requires years of planning to secure private financing, and because of the significant investments in utility infrastructure improvements that will be required of the BHS, the nature of the Site Plan, the anticipated multi-year build-out period of the Site Plan, and the unpredictability of economic cycles and market conditions over such build-out period; and

WHEREAS, Town Council desires to grant vesting of certain property rights and finds that approval of the Vesting Agreement, attached to this resolution, is consistent with the Code and the UAR/Site Plan and is in the best interests of the community of Severance.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO:

Section 1. The BHS Solar UAR/BHS Solar Energy Facility Site Plan, and BHS Solar

Energy Facility Site Plan Development Agreement, copies of which are attached hereto and incorporated herein, are hereby vested for a period of 10 years subject to the following conditions:

a. The following note shall be added to the Final Site Plan prior to recordation: "This Plan constitutes a site-specific development Plan as defined in Article 68 of Title 24, CRS and Article 1 of the Severance Land Use Code available at the Severance Town Hall, 231 West Fourth Street, Severance, Colorado 80546."

Section 2. Conditional upon compliance with any conditions upon Town Council's approval of the UAR/Site Plan, the Vesting Agreement is approved in substantially the same form as the copy attached hereto and made a part of this resolution.

Section 3. The Mayor and Town Clerk are hereby authorized and directed to certify upon the final site plan and development agreement the Town's approval and acceptance thereof upon fulfillment of all conditions as indicated herein. The Town Clerk is further authorized and directed to file the final site plan, development agreement, and vesting agreement with the Weld County Clerk and Recorder's Office upon fulfillment of all conditions as indicated herein.

RESOLVED AND PASSED THIS ____DAY OF_____, 2023.

TOWN OF SEVERANCE, COLORADO

_____
Matthew Fries, Mayor

ATTEST:

_____
Leah Vanarsdall, MMC, Town Clerk

APPROVED AS TO FORM:

_____
Hayashi & Macsalka, LLC, Town Attorney

EXHIBIT A

Legal Description of Property

EXHIBIT B

Site Plan and Development Agreement

EXHIBIT C

Vested Property Rights Agreement

AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg 472 - **Resolution 2023-16R:** Memorandum of Understanding for North Weld County Responder Team	Jim Gerdeman, Chief of Police	Chief Gerdeman

ACTION REQUESTED

The Chief of Police asks that the Town Council review and discuss the proposed Resolution 2023-16R.

- Actions that may be taken:
  - Move to approve Resolution 2023-16R
  - Take no action

Resolution
Presentation
Action Requested
Attorney Approved

BRIEF SUMMARY

The agencies listed in the memorandum of understanding (MOU), intend to establish and provide a coordinated approach of behavioral health intervention for 911 calls, thus allowing for the reduction in: emergency room admissions, jail admissions, costs for healthcare, and duplication of services. ("Co-Responder Program" or "Program"). This agreement allows for partnership in data collection/analysis and resource referrals & connections. The parties mutually desire to maintain compliance with state and federal confidentiality laws such as 42 CFR Part 2 and the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") for the purpose of safeguarding the privacy of any protected health information the Parties may share for joint activities as part of the Co-Responder program.

PUBLIC SUPPORT/CONCERN

None at this time.

ANALYSIS AND RECOMMENDATION

The Chief of Police and Management recommends that the Town Council take action and move to approve Resolution 2023-16R.

MATERIALS SUBMITTED

The following materials were submitted and included in this packet:

1. North Weld CoResponder MOU Revised
2. North Weld CoResponder MOU Cost Sharing Exhibit_Revised
3. 2023-16R - North Weld Co-Responder MOU

MEMORANDUM OF UNDERSTANDING AMONG PARTNER AGENCIES OF THE NORTH WELD CO-RESPONDER TEAM

This Memorandum of Understanding ("MOU") is between and among the following agencies: North Range Behavioral Health ("NRBH"), the Towns of Nunn, Ault, Eaton, Severance and Windsor (collectively "the Parties").

INTENT: These agencies enter into this memorandum of understanding (MOU), to establish and provide a coordinated approach of behavioral health intervention for 911 calls, thus allowing for reduction in: emergency room admissions, jail admissions, costs for healthcare, duplication of services. ("Co-Responder Program" or "Program") This agreement allows for partnership in data collection / analysis and resource referrals & connections. The parties mutually desire to maintain compliance with state and federal confidentiality laws such as 42 CFR Part 2 and the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") for the purpose of safeguarding the privacy of any protected health information the Parties may share for joint activities as part of the Co-Responder program.

BACKGROUND: North Range Behavioral Health (NRBH), and the towns of Eaton, Windsor, Severance, Ault, and Nunn (collectively, "Participating Agencies" or "Parties") desire to create a partnership supporting the work of personnel across the partnering police departments responding to 911 calls that may have a behavioral health component ("Co-Responders"). Each Participating Agency has agreed to contribute various resources needed to make the Program successful.

PURPOSE: This MOU outlines and clarifies the mutual responsibilities of the Participating Agencies and highlights the responsibilities of a steering committee, to be known as the the North Weld Co-Responder Steering Committee.

North Weld Co-Responder Program activities include the following:

- Primary response to 911 calls with a behavioral health component (when riding with law enforcement).
- Secondary response to 911 calls with a behavioral health component (either at the request of an officer or by self-deploying based on information received monitoring the CAD).
- Outreach, education and follow-up contacts to those identified by law enforcement officers as frequent utilizers of the 911 system for behavioral health needs.
- Behavioral health screening individual or group contacts for needs, resources or education.
- Referral to care managers, primary care & alternative destinations.
- Outreach & education to those experiencing addiction / mental health problems / crisis.
- Collection and storage of release of information documents.
- Case reviews.
- Data collection and analysis.

PARTICIPATING AGENCIES: Agencies may participate in either of the following capacities:

1. **Core and Lead Agencies**

a. Core Agencies of the Program are defined as Participating Agencies that contribute appropriate resources as negotiated and agreed upon within the partnership ("Core Agency"). A Core Agency shall have one voting member appointed to the North Weld Co-Responder Steering Committee. Each Town wishing to be considered a Core Agency will make some level of contribution in the form of equipment, data collection, space at the department, or some other necessary resource identified by the partnership. The Towns of Ault, Eaton, Severance and Nunn will be Core Agencies.

b. Lead Agencies of the Program are defined as Participating Agencies that have the same requirements as Core Agencies with additional responsibilities for contributions of time, money, staff, support and/or office space and furnishings ("Lead Agency"). The Town of Windsor and NRBH will be considered Lead Agencies. Each Lead Agency shall have one voting member appointed to the North Weld Co-Responder Steering Committee.

c. As other needs for the Program arise, responsibility for those needs shall be decided upon among the Core and Lead Agencies.

2. **Support Agency** - Support agencies may be added or included in the partnerships when appropriate. This role is defined as partner agencies that participate on the Co-Responder Steering Committee and may contribute ideas and solutions to process development and implementation ("Support Agencies"). These agencies are encouraged to participate in all functions of the Co-Responder programs however will not have a voting capacity on the Co-Responder Steering Committee.

AGENCY CONTRIBUTIONS: The participation and contribution levels are set forth in Exhibit A, North Weld Co-Responder Partnership Cost sharing document, and in Exhibit B, North Weld Co-Responder Financial Investment Overview, both documents are attached hereto and incorporated herein by reference.

CO-RESPONDER STEERING COMMITTEE:

The Co-Responder Steering Committee monitors the functioning efficacy of the Co-Responder Program. Each Core and Lead Agency will appoint one representative of their respective organization to serve as a voting member of the Co-Responder Steering Committee. Other Support Agency personnel may attend and contribute to processes, discussion, and/or solutions at any time, however, will not serve as voting members.

RESPONSIBILITIES OF STEERING COMMITTEE

Agencies serving on the Co-Responder Steering Committee agree to review processes, offer suggestions, and give input to be considered for the Co-Responders and the good of the community.

The Co-Responder Steering Committee is committed to the following:

- Regularly attending the Co-Responder Program meetings,

- Soliciting regular feedback from the Participating Agencies,
- Understanding any obstacles that may arise, and work to positively offer solutions for the betterment of all communities involved,
- Identifying additional funding that may become available,
- Providing technical assistance as identified by the group,
- Providing data obtained from Co-Responder contacts and support its use in individual agencies' funding applications when appropriate,
- Participating in case reviews.

MONITORING AND REPORTING:
Appointed members of Participating Agencies are responsible for reporting back to their respective agency leadership on the progress of the Co-Responder Program, with information and data provided by the Co-Responder Steering Committee.

AGENCY RESPONSIBILITIES:
Participating Agencies agree to seek feedback from the other Participating Agencies regarding the selection and evaluation of staff assigned to collaborative activities and agree to work within the scope and mission of the partnership. Participating Agencies retain responsibility and liability for the actions of their staff and volunteers.

TERM AND TERMINATION: This MOU shall commence on the date first set forth above, and shall continue in full force and effect and shall be renewed for successive one (1) year periods, unless terminated by any Party as to such Party with thirty (30) days written notice.

APPROPRIATION: It is understood and agreed that the obligations of the Towns as set forth herein shall be subject to annual appropriation. Nothing herein shall be deemed a multiple fiscal-year obligation in violation of Article X, Section 20 of the Colorado Constitution. If any Town fails to appropriate the funds necessary to meet the requirements of this MOU, such Town shall provide notice to each Participating Agency of the non-appropriation. This MOU shall then terminate unless the remaining Participating Agencies enter into a new memorandum of understanding to affirm or restate obligations.

OPEN RECORDS REQUESTS/CORA: The Towns are governmental entities, subject to the public records laws codified at Title 24, Article 72 of the *Colorado Revised Statutes*. In the event that a third-party requests inspection or copying of any documents, reports or returns containing confidential or protected information under this section, the Town subject to the open records request shall immediately notify all Participating Agencies of the request upon receipt and shall deny disclosure under Section 24-72-204 (3) (a) (IV), C.R.S. and any other applicable exceptions or privileges from disclosure. In the event a Town(s) is named as a party in litigation over the denial of inspection as provided herein, the Town(s) shall immediately notify all Participating Agencies and confer with the Participating Agencies as to a settlement strategy. Each Participating Agency or Town, subject to the open records request, shall bear all costs of defending the denial.

ENTIRE AGREEMENT: This MOU contains the entire agreement and understanding between the Parties t and supersedes any other agreements concerning the subject matter of this MOU, whether oral or written. No modification, amendment, novation, renewal or other alteration

of or to this MOU shall be deemed valid or of any force or effect whatsoever, unless mutually agreed upon in writing by all Parties hereto.

NO WAIVER: Nothing contained herein shall be construed as a waiver of any and all rights, limitations and protections afforded the Parties by virtue of the Colorado Governmental Immunity Act, section 24-10-101, et. seq., C.R.S. The Towns specifically reserve unto themselves, their officers, employees and agents any and all defenses, rights, limitations and immunities provided by law.

NO THIRD-PARTY BENEFICIARIES: It is expressly understood and agreed that enforcement of the terms and conditions of this MOU and all rights of action relating to such enforcement, shall be strictly reserved to the Parties and nothing contained in this MOU shall give or allow any claim or right of action whatsoever by any other person not included in this MOU. It is the express intention of the Parties that any entity, other than the undersigned Parties, receiving services or benefits under this MOU shall be deemed an incidental beneficiary only.

MODIFICATIONS: Any modifications to this MOU shall be in writing signed by all Parties. This MOU is at-will and may be modified by mutual consent of authorized officials from the Participating Agencies. It shall become effective upon signature and will remain in effect until modified or terminated as provided herein.

NO ASSIGNMENT: This MOU shall not be assigned or delegated.

NOTICE: Any notice required or permitted by this MOU shall be in writing and shall be deemed to have been successfully given for all purposes if sent by certified or registered mail, postage and fees prepaid, or electronically delivered by electronic mail, addressed to the Party to whom such notice is intended to be given at the address set forth below, as may be modified from time to time. Such notice shall be deemed to have been given when deposited in the US mail or sent electronically.

NORTH RANGE BEHAVIORAL HEALTH
Kimberly Collins, Chief Executive Officer
1300 N 17th Ave
Greeley, CO 80631
Kimberly.Collins@NorthRange.org

TOWN OF WINDSOR
Rick Klimek, Chief of Police
200 N. 11th Street
Windsor, CO 80550
rklimek@windsorgov.com

TOWN OF NUNN
Joel Smith, Chief of Police
185 Lincoln Avenue
Nunn, CO 80648

info@nunnpolice.org

TOWN OF SEVERANCE
James Gerdeman, Chief of Police
3 S. Timber Ridge Parkway
Severance, CO 80550
jgerdeman@townofseverance.org

TOWN OF EATON
Kevin Sturch, Chief of Police
223 1st Street
Eaton, CO 80615
ksturch@eatonco.org

TOWN OF AULT
Tom Nissen, Chief of Police
201 1st Street
Ault, CO 80610
tnissen@townofault.org

VENUE: This MOU shall be governed by the laws of the State of Colorado, Weld County.

COUNTERPARTS COMBINED: This MOU may be executed in several counterparts and, as so executed, shall constitute one agreement, binding on all the parties even though all parties have not signed the same counterpart. Any counterpart of this MOU which has attached to it separate signature pages, which altogether contain the signatures of all the parties, shall be deemed a fully executed document for all purposes.

SEVERABILITY: If any provision of this MOU is declared by a court of competent jurisdiction to be invalid, void or unenforceable, such provision shall be deemed to be severable, and all other provisions of this MOU shall remain fully enforceable, and this MOU shall be interpreted in all respects as if such provisions were omitted.

The signing parties below represent they have the authorization to enter into this MOU on behalf of their respective agencies.

NORTH RANGE BEHAVIORAL HEALTH

_____ _____

By: Kimberly Collins, Chief Executive Officer Date

TOWN OF WINDSOR

_____ _____

By: Rick Klimek, Chief of Police Date

TOWN OF NUNN

_____ _____

By: Joel Smith, Chief of Police Date

TOWN OF SEVERANCE

_____ _____

By: James Gerdeman, Chief of Police Date

TOWN OF EATON

_____ _____

By: Kevin Sturch, Chief of Police Date

TOWN OF AULT

_____ _____

By: Tom Nissen, Chief of Police Date

North Weld Co-Responder
Financial Investment Overview

Cost sharing document

YEAR ONE (July 1st 2022 – June 30th 2023)

Personnel + Fringe Benefits + Indirect Costs*	Quantity	Cost Estimate	Designated Agency
Full-time NRBH Clinician	1	$75,000	Year 1: North Range will cover full cost with other funding through 6/30/23

JULY 1st 2023 – DEC 31st 2023

Personnel + Fringe Benefits + Indirect Costs*	Total Cost	Cost Estimate	Designated Agency
1.0 Full-time NRBH Clinician	$37,500 (½ of $75,000)	$12,500	North Range
		Prorated by population	City of Windsor
		Prorated by population	City of Severance
		Prorated by population	City of Eaton
		Prorated by population	City of Ault
		Prorated by population	City of Nunn

JAN 1st 2024 – DEC 31st 2024

Personnel + Fringe Benefits + Indirect Costs*	Total Cost	Cost Estimate	Designated Agency
1.0 Full-time NRBH Clinician	$75,000	$25,000	North Range
		Prorated by population	City of Windsor
		Prorated by population	City of Severance
		Prorated by population	City of Eaton
		Prorated by population	City of Ault
		Prorated by population	City of Nunn

*Indirect costs include allocations from the following administrative departments within North Range Behavioral Health: Administration, Accounting & Finance, Contract Management, Accounts Receivable, Human Resources, Liability insurance, Training and Development, Electronic Health Record, Information Technology, Quality Improvement, Quality Assurance, Clinical Records, Marketing, Project Management, Facilities, Disaster & Safety Coordination.

RESOLUTION NO. 2023-16R

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWNS OF SEVERANCE, NUNN, AULT, EATON, AND WINDSOR AND NORTH RANGE BEHAVIORAL HEALTH PERTAINING A CO-RESPONDER PROGRAM

WHEREAS, North Range Behavioral Health (NRBH), and the Towns of Eaton, Windsor, Severance, Ault, and Nunn (collectively, "Participating Agencies") desire to create a partnership supporting the work of personnel across the Participating Agencies' respective police departments responding to 911 calls that may have a behavioral health component ("Co-Responders"); and

WHEREAS, the Participating Agencies further desire to establish and provide a coordinated approach to behavioral health intervention for 911 calls, thus allowing for reduction in: emergency room admissions, jail admissions, costs for healthcare, duplication of services ("Co-Responder Program"); and

WHEREAS, in furtherance of the Co-Responder Program, the Participating Agencies seek to outline and clarify the mutual responsibilities of the Participating Agencies in terms of data collection / analysis, resource referrals and connections, resource contribution, cost-sharing, and other responsibilities needed to make the Program successful, as set forth in the Memorandum of Understanding, attached hereto and made a part of this Resolution.

WHEREAS, the Town Council desires to approve the Memorandum of Understanding, and to direct the Town Staff to move forward with such matters as may be advisable to implement the Memorandum of Understanding.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO:

Section 1. The Memorandum of Understanding between North Range Behavioral Health and the Towns of Nunn, Ault, Easton, Severance, and Windsor pertaining to a co-responder program is approved in the form substantially similar to the form attached hereto as **Exhibit A** and incorporated herein by this reference.

Section 2. The Chief of Police is authorized to sign the Memorandum of Understanding, and the Town Manager, Chief of Police and Town Staff are hereby authorized and directed to take such other actions as are necessary to implement and carry out the actions in the Memorandum of Understanding, subject to and consistent with budgetary and other measures adopted by the Town Council.

RESOLVED AND APPROVED this 14th Day of March

TOWN OF SEVERANCE, COLORADO

_____
Matthew Fries, Mayor

ATTEST:

_____
Leah Vanarsdall, Town Clerk

AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg 482 - **Ordinance 2023-03:** An Ordinance of the Town Council of the Town of Severance, Colorado, Repealing and Reenacting Article 6 of Chapter 13, Pertaining to the Town's Cross-Connection Control Program	Nicholas Wharton, Town Manager	Nicholas J. Wharton, MPA

ACTION REQUESTED

Management asks that the Town Council review and discuss the proposed Ordinance 2023-03.

- Actions that may be taken:
  - Move to approve Ordinance 2023-03
  - Take no action

Ordinance
Action Requested
Attorney Approved

BRIEF SUMMARY

As discussed at the February 28th Council Meeting, this ordinance would create a Backflow Prevent and Cross-connection Control Program. This program would allow the Town to ensure future compliance with State regulations on cross-connections and ensure customers are adhering to State regulations.

PUBLIC SUPPORT/CONCERN

None at this time.

ANALYSIS AND RECOMMENDATION

Management recommends that the Town Council take action and move to approve Ordinance 2023-03.

MATERIALS SUBMITTED

The following materials were submitted and included in this packet:

1. Ord 2023-02: An Ordinance of the Town Council of the Town of Severance, Colorado, Repealing and Reenacting Article 6 of Chapter 13, Pertaining to the

TOWN OF SEVERANCE
ORDINANCE NO. 2023-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, REPEALING AND REENACTING ARTICLE 6 OF CHAPTER 13, PERTAINING TO THE TOWN'S CROSS-CONNECTION CONTROL PROGRAM

WHEREAS, Article 15 of Title 31 of the Colorado Revised Statutes gives municipalities broad powers to construct, operate, and maintain waterworks systems; and

WHEREAS, Title 31 also recognizes that municipalities have the authority to protect public water systems from injury and pollution; and

WHEREAS, the town owns and operates a public water system; and

WHEREAS, one component of protecting the town's water system from pollution is to prevent potential contaminants from being introduced into the town's drinking water system; and

WHEREAS, one common and accepted method of preventing contaminants from being introduced into the town's drinking water system is to require the installation and maintenance of approved backflow prevention devices at water system cross-connections; and

WHEREAS, C.R.S. §25-1-114(1)(h) requires any person connecting to a public water system to install and maintain cross-connection devices that prevent unsanitary water from entering a drinking water system that supplies water to the public; and

WHEREAS, the state of Colorado has issued the Colorado Primary Drinking Water Regulations at 5 C.C.R. 1002-11 as may be amended from time to time (Regulation 11); and

WHEREAS, Regulation 11 requires water suppliers that own and operate a public water system to protect the drinking water from potential contamination through cross-connection; and

WHEREAS, the Town is required to comply with Regulation 11 and other applicable health and safety laws; and

WHEREAS, backflow prevention assemblies installed at a water service line or at a plumbing fixture prevent backflow cross-connection contamination events; and

WHEREAS, C.R.S. §31-35-402(f) empowers municipalities to "prescribe, revise, and collect. . . fees, tolls, and charges or any combination thereof for the services furnished by, or the direct or indirect connection with, or the use of, or any commodity from [town] water facilities. . . .;" and

WHEREAS, the Town Council has determined that the town's existing cross-connection control program ordinance should be updated to comply with current standards and regulations relating to backflow prevention.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO:

Section 1. Article 6, "Backflow Prevent and Cross connection Control Program," of Chapter 13 of the Severance Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

ARTICLE 6. CROSS-CONNECTION CONTROL PROGRAM

Sec. 13-6-10. Legislative intent and purpose.

The town owns and operates a public water system that supplies safe drinking water to citizens. As the operator of a public water system, the town is required to comply with Colorado State regulations that protect town drinking water from potential contamination from an uncontrolled cross-connection. The Town Council has determined that an uncontrolled cross-connection presents a risk to the integrity of the public water system and to the health and safety of the public. It is the Town Council's intent to protect the town's water system from contamination or pollution due to backflow from a private water system, and to provide for the maintenance of a continuing cross-connection control program to help prevent the contamination of the town's water system. The purpose of this article is to comply with Colorado health and safety laws and regulations that require the town to protect its public water system from contaminants or pollutants that could enter the distribution system by backflow from a customer's water supply system through the service connection.

Sec. 13-6-20. Authority.

In addition to the town's home rule powers, the authority to establish and implement a cross-connection control program is derived from the following legislation and regulations:

(a) Colorado Department of Health Law Title 25-1-114, 25-1-114.1, Colorado Revised Statute (C.R.S);

(b) Colorado Primary Drinking Water Regulations issued by Colorado Department of Public Health and Environment at 5 C.C.R. 1002-11, as may be amended from time to time;

(c) Chapter 18, Building Regulations, of the Code; and

(d) The International Fire Code, as adopted by the Town.

Sec. 13-6-30. Applicability.

This article applies to all commercial, industrial, dedicated irrigation, and multi-family residential service connections within the town's water system, and to any persons outside the town who are, by contract or agreement with the town, users of the public water system. This article does not apply to single-family residential service connections unless the town becomes aware of a cross-connection at a single-family connection.

Sec. 13-6-40. Definitions.

When not clearly otherwise indicated by the context, the following words and phrases in this article have the following meanings:

Air gap is a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel installed in accordance with standard ASME A112.1.2.

Annual inspection due date means July 31 of each year.

Approved means accepted or acceptable under an applicable specification or standard stated or cited by the town as suitable for the proposed use.

Backflow means the reverse flow of water, fluid, or gas caused by back pressure or back siphonage.

Backflow contamination event means backflow into a public water system from an uncontrolled cross-connection such that the water quality no longer meets the Colorado Primary Drinking Water Regulations or presents an immediate health or safety risk to the public.

Backflow prevention assembly or *assembly* means any mechanical device installed at a water service line or at a plumbing fixture to prevent a backflow contamination event.

Backflow prevention method or *method* means any procedure, process, or technique, or a non-testable device, installed at a water service line or at a plumbing fixture to prevent a backflow contamination event.

Certified cross-connection control technician or *technician* means a person who possesses a valid backflow prevention assembly tester certification from one of the following approved organizations: American Society of Sanitary Engineering (ASSE) or the American Backflow Prevention Association (ABPA).

Containment means the installation of a backflow prevention assembly or a backflow prevention method at any connection to the public water system that supplies an auxiliary water system, location, facility, or area such that backflow from a cross-connection into the public water system is prevented.

Containment by isolation means the installation of backflow prevention assemblies or backflow prevention methods at all cross-connections identified within a customer's water system such that backflow from a cross-connection into the public water system is prevented.

Controlled means having a properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross-connection.

Cross-connection means any connection that could allow any water, fluid, or gas such that the water quality could present an unacceptable health and/or safety risk to the public, to flow from any pipe, plumbing fixture, or a customer's water system into the town's water distribution system or any other part of the public water system through backflow.

Day means a calendar day.

Director means the director of the public works department or a designee thereof.

Multi-family means a single residential connection to the public water system's distribution system from which three or more separate dwelling units are supplied water.

Person or customer means the owner of private property upon which a pipe, plumbing fixture, or water system is located beginning at the point where the water leaves the meter service connection, and includes an occupant, tenant, or manager of the property. It also includes a person who receives any service from the town water system, and any person upon whose property there exists a non-metered connection with the town water system. A person or customer may be an individual or an association, partnership, company, or corporation, or an officer of any such entity.

Service connection or *water service connection* means the terminal end of the town's service connection from the town water system (i.e., at the customer's stop box shut-off valve or meter). Service connection or water service connection also includes the water service connection from a fire hydrant and all other temporary or emergency water service connections from the town's water system.

Single-family means a single dwelling unit that is supplied by its own separate service line, a dwelling comprised of multiple dwelling units where each dwelling unit is supplied by a separate service line, or two separate single dwelling units supplied by a common service line.

Suspend, suspension, terminate, or termination means to stop or prevent the connection of a customer's plumbing or water system to the town's water system, and includes the termination of water service under the provisions of this article.

Town means the Town of Severance.

Town water system or *public water system* means the system of pipes and other constructed conveyances owned and operated by the town that provide to the public water for human consumption, and includes the source and distribution facilities owned by the town to the point of

the water system connection. The source includes all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system. The distribution system includes the network of conduits used for the delivery of water from the source to a private property owner's system.

Uncontrolled means not having a properly installed and maintained and tested or inspected backflow prevention assembly or backflow prevention method, or the backflow prevention assembly or backflow prevention method does not prevent backflow through a cross-connection.

Water distribution system means any combination of pipes, tanks, pumps, or other facilities that delivers water from a source or treatment facility to a customer.

Water supply system means a water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems may also be referred to as premises plumbing systems.

Writing or written means a communication in written format including emails or other electronic communication capable of being produced in a written format, but does not include instant messaging, text messaging, or telephone messages.

Sec. 13-6-50. Duties and powers of the director.

(a) *General.* The director is authorized and directed to implement, administer, and enforce the provisions of this article. The director has the authority to:

(1) Implement and administer a cross-connection control program and may develop written rules and regulations outlining the processes and procedures for surveying property for the purpose of establishing the extent of protection required for the town's water system and for other aspects of the program;

(2) Determine and implement a process to select a backflow prevention assembly or backflow prevention method to control a cross-connection;

(3) Establish and administer an annual cross-connection inspection program and communications plan therefor;

(4) Require access to the property of customers receiving water service to conduct a cross-connection control survey, and survey all service connections within the water distribution system to determine if the connection is a cross-connection;

(5) Control all service connections within the water distribution system if the connection is a cross-connection;

(6) In a case where a backflow prevention assembly required by this article is not installed, tested, or maintained as required under this article, or if a backflow prevention assembly has been removed or bypassed, or if an uncontrolled cross-connection exists on the customer's property, the director may:

(i) Control the cross-connection;

(ii) Remove the cross-connection;

(iii) Order the customer with the uncontrolled cross connection to take all necessary actions to ensure the connection is controlled;

(iii) Suspend water service to the cross-connection. If water service is suspended, it shall not be restored until the conditions or defects that caused the uncontrolled cross-connection are corrected. In this case, the director shall give notice to the customer of the director's action, as well as of any order or orders necessary to ensure the customer's cross-connection is brought into compliance with this article as soon as is reasonably practicable after the director takes action to protect the cross-connection;

(iv) Except in cases where the director has determined there is an acute risk to the public's health, safety, or welfare, the director may grant a one-time compliance extension of no more than an additional 14 days to a customer who has requested an extension under sec. 13-6-60(f) of this article; or

(v) Take any other action as authorized by this article.

(7) Control any service connection within the water distribution system in lieu of a survey if the service connection is controlled with an air gap or reduced pressure zone backflow prevention assembly;

(8) Inspect, test or require the testing of, or audit any backflow prevention assembly or backflow prevention method used to control a cross-connection at any time to ensure compliance with this Chapter 13;

(9) Create and administer a licensing program for technicians;

(10) Establish and collect fees for the administration of the program. Any such fees shall be set by Town Council by resolution;

(11) Maintain records of cross-connection surveys, and of the installation, testing, and repair of all backflow prevention assemblies installed for containment and containment by isolation purposes;

(12) Render interpretations of this article and adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this article, and shall not have the effect of waiving requirement specifically provided for in this article;

(13) Discontinue service of water to any property if uncontrolled cross-connections exist on the property, if any defect is found in an installed backflow prevention method or assembly, if a backflow prevention assembly or method has been removed or bypassed or does not adequately protect public health, or otherwise in accordance with this article; and

(14) Otherwise implement, administer, and enforce the provisions of this Ordinance.

Sec. 13-6-60. Customer responsibilities.

(a) *Controlled cross-connection required.* Each customer shall ensure that any cross-connection on the customer's property is controlled with an appropriate assembly or method as designated in this article. If the town becomes aware of a single-family residential connection to the public water system that is a cross-connection, the town will determine the type of backflow prevention assembly or backflow prevention method to control the cross-connection. The town will notify the customer of this determination, and the customer must install this type of assembly or method.

(b) *Appropriate device or method.* Each customer shall ensure that each assembly, method, or non-testable device located on the customer's property is appropriate for the identified contaminant at the cross-connection as set forth in the following table:

Table 13-6-60(b)
Appropriate Backflow Prevention Assemblies, Methods, or Non-testable Devices

Assembly or Method Type	Typical Appropriate Uses
Reduced Pressure Zone Backflow Prevention Assembly ("RPZ")	Appropriate for any identified contaminant except direct connections to sewer or installations which may impair the integrity of the assembly to function as designed.
Reduced Pressure Zone Fire Protection Backflow Prevention Assembly ("RPF")	Appropriate for cross connections to fire suppression systems.
Reduced Pressure Zone Detector Fire Protection	

Backflow Prevention Assembly (“RPD”)	
Double Check Backflow Prevention Assembly (“DC”)	Appropriate for cross connections to fire suppression systems except when upstream of a chemical other than food grade glycerin.
Double Check Fire Protection Backflow Prevention Assembly (“DCF”)	
Double Check Detector Fire Protection Backflow Prevention Assembly (“DCD”)	
Pressure Vacuum Breaker Backflow Prevention Assembly (“PVB”)*	Appropriate for any identified contaminant except direct connections to sewer or installations which may impair the integrity of the assembly to function as designed. Not appropriate for connections subject to backpressure.
Spill-Resistant Vacuum Breaker (“SVB”)*	
Air Gap (“AG”)*	Appropriate for any identified contaminant. All cross connections can be controlled using an air gap installed in accordance with standard ASME A112.1.1.
Block and Bleed Valve or Double Block and Bleed Valve (“BB”)*	Appropriate for membrane chemical-clean-in-place and filter-to-waste at supplier’s facilities.
Check Valve (“CV”)*	The Director shall have discretion as to whether these methods are appropriate.
Hydraulic Conditions (“HC”)*	

(c) *Installation to comply with applicable code.* The installation of each assembly or method shall comply with the International Plumbing Code, as adopted by the town, technical requirements, specifications, or other applicable standards, or any rule or regulation established by the director. Each assembly or method used is subject to the approval of the director. An assembly or method type marked with an asterisk in Table 13-6-60(b) requires the written approval of the director prior to installation. A customer may submit to the director a request to install an alternate assembly. The submission must be in writing, and must outline the exact nature of the alternate assembly, and detail with specificity the reason or reasons why the alternate assembly will provide the same or greater level of protection against backflow or backflow events as the assembly required under Table 13-6-60(b). Upon receipt of such a request by a customer, the director may, but is not required to, stay or defer any enforcement or other action authorized by this article based on the nature and potential severity of the risk presented by the delay.

(1) Proper clearance required. The customer must maintain the required clearance around the backflow prevention assembly to allow for testing and maintenance.

(d) *Other.* Each customer shall ensure that any backflow prevention assembly or

method on the customer's property is inspected, tested, maintained, and is properly repaired or replaced as necessary.

(1) Repair. Each customer shall ensure each backflow prevention assembly or method located on the customer's property is repaired and retested or replaced as necessary whenever the assembly or method is found to be defective.

(2) Records. Each customer shall keep records and reports of inspections, tests, repairs, retests, and replacements for a minimum of three years.

(3) Costs. All costs related to the design, submittal, installation, inspection, re-inspection, maintenance, testing, repairs, and replacement related to backflow prevention assemblies and methods shall be borne by the customer.

(e) *Annual inspection report required; annual inspection due date; duties.* Following the initial installation, each customer shall, on or before July 31 of each subsequent year, test any backflow prevention assembly or method on the customer's property in accordance with this article, and submit to the director the annual inspection report.

(f) *Responsibilities in an uncontrolled cross-connection compliance action.* If a customer is ordered by the director to install at the customer's water service connection an approved backflow prevention assembly or method, or to take any other action to ensure the installation is completed in accordance with the requirements of this article, the installation or other action shall be completed by the customer and a completed inspection report submitted to the director within the time frame noted in the director's notice and order, unless the customer requests and the director issues a written extension of that time.

(g) *Duty to obey*. Each customer shall comply with any order of the director issued under this article, including an order to allow access to and entry into any structure, property, or premises for the purposes outlined in this article. Each customer shall cooperate with the survey process, and with the installation, inspection, testing, maintenance, repair, and replacement of backflow prevention assemblies.

Sec. 13-6-70. Annual inspection program; failure to comply; compliance procedures.

(a) *Late notice.* If a customer fails to submit an annual inspection report on or before the annual inspection due date as required under sec. 13-6-60(e), the director shall, within 28 days of the annual inspection due date, send a late notice to the customer.

(1) Contents. The late notice shall contain a notice that a late fee in an amount forth in the utilities administrative fees and costs schedule will be added to the water bill for the property. In the case of a property that is owned by one

individual, one or more individuals, or a business entity, but which contains more than one assembly, the late fee will be assessed against each assembly on the property and otherwise as set forth in the utilities administrative fees and costs schedule. The late notice shall remind the customer and property owner of the obligation to comply with the annual inspection requirement, order them to submit a completed, valid inspection report to the director within 28 days of the date of the late notice, and state that fees, charges, and other penalties will continue to be assessed if the inspection report is not submitted as required.

(b) *First violation notice.* If a customer fails to submit an inspection report within 28 days of the date of the late notice, the director shall, within 35 days of the date of the late notice, send a first violation notice to the customer.

(1) Contents. The first violation notice shall contain a notice that a charge in an amount set forth in the utilities administrative fees and costs schedule will be added to the water bill for the property as a civil charge. In the case of a property that is owned by one individual, one or more individuals, or a business entity, but which contains more than one assembly, the civil charge will be assessed against each assembly on the property and otherwise as set forth in the utilities administrative fees and costs schedule. If the customer or property owner provides proof of compliance with the annual inspection program within 14 days of the date of the first violation notice, the director shall waive one-half of the civil charge assessed under this subsection (b). The notice shall also remind the customer and property owner of the obligation to comply with the annual inspection requirement, order them to submit a completed valid inspection report to the director within 28 days of the date of the first violation notice, and state that additional fees, charges, and other penalties will be assessed if the report is not submitted as required.

(c) *Second violation notice.* If a customer fails to submit an inspection report within 28 days of the date of the first violation notice, the director shall, within 35 days of the date of the first violation notice, send a second violation notice to the customer.

(1) Contents. The second violation notice shall contain a notice that a charge in an amount set forth in the utilities administrative fees and costs schedule will be added to the water bill for the property as a civil charge. In the case of a property that is owned by one individual, one or more individuals, or a business entity, but which contains more than one assembly, the civil charge will be assessed against each assembly on the property and otherwise as set forth in the utilities administrative fees and costs schedule. If the customer or property owner provides proof of compliance with the annual inspection program within 14 days of the date of the second violation notice, the director shall waive one-fourth of the civil charge assessed under this subsection (c). The notice shall also remind the customer and property owner of the obligation to comply with the annual inspection requirement,

and notify them that service will be terminated in accordance with the provisions of this article if the report is not submitted as required.

(d) *Termination notice.* If a customer fails to submit an inspection report within 21 days of date of the second violation notice, the director shall send a notice of termination of service to the customer. The termination notice shall also contain a notice that a water shut-off, restoration, and other fees and costs as set forth in the utilities administrative fees and costs schedule will be assessed against the property as applicable. Water service shall be terminated no sooner than seven days after the date of the termination notice, and shall remain terminated until such time as the property is brought into compliance with the requirements of the annual inspection program.

(e) *Mailing and posting of notices.* Each late notice, violation notice, or termination notice issued under this section shall be mailed to the customer by first class U.S. Mail. In addition, a termination notice shall be posted on the property. In the event that the property owner is different than the customer, the late notice, violation notice, and termination notice shall also be mailed to the listed owner, at the address on file with the applicable county tax assessor's office. Each notice must state any appeal available. The town's inability to comport strictly with the time deadlines set forth herein for the mailing or posting of any late notice, violation notice, or termination notice shall not impact the enforcement action.

(f) *Other actions authorized.* Nothing in this section is intended to limit the duties and powers of the director as set forth in sec. 16-3-50. The director may, at any time after a customer fails to submit an inspection report in accordance with the requirements of subsection 16-3-60(e), and in addition to the actions described in this section, take any other action authorized by this article.

Sec. 13-6-80. Uncontrolled cross-connection: compliance procedures.

(a) *Notice and order.* The director shall give written notice to any customer whose uncontrolled cross-connection or plumbing system complexity has been found to present a risk to the town's water distribution system through an uncontrolled cross-connection.

(1) Contents of notice and order. The notice and order shall set forth any order or orders stating the actions necessary to control the cross-connection, and allow the customer 14 days from the date of the notice and order to comply with each order listed in the notice and order. The notice and order shall also remind the customer and property owner of the obligation to control the cross-connection on the property, and note that inspection fees, re-inspection fees, and other fees, charges, and penalties will be assessed for non-compliance. The director may order a customer to take, permit, or allow any action reasonably necessary to ensure the connection is in

compliance with the provisions of this article, including but not limited to ordering that:

(i) An approved backflow prevention assembly or method be installed or reinstalled at each service connection to the premises in a location that provides access for inspection, testing, maintenance, and repair, and that testing be done in compliance with this article;

(ii) An assembly or method provide for adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies, and that such discharge shall be conveyed in a manner which does not impact waters of the town or the state;

(iii) Appropriate winterization actions be undertaken and completed to protect an assembly or method from freezing. The director may allow an assembly or method used for seasonal services to be removed in lieu of being protected from freezing. Any assembly or method removed under this subsection must be tested by a technician upon reinstallation; and

(iv) Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, a device for controlling pressure shall be installed.

(b) *Violation notice.* If a customer fails to comply with the order or orders of the director within 14 days of the date of the notice and order, the director shall, within 21 days of the date of the notice and order, send a violation notice to the customer.

(1) Contents. The violation notice shall re-state the order or orders stating the actions necessary to control the cross-connection, and may give the customer an additional 14 days from the date of the violation notice to comply with the order or orders. The notice shall also remind the customer and property owner of the obligation to comply with the order or orders of the director, and note that inspection fees, re-inspection fees, and other fees, charges, and penalties will continue to be assessed due to non-compliance. The notice will inform the customer that a cross-connection inspection fee as set forth in the utilities administrative fees and costs schedule will be added to the water bill.

(d) *Termination notice.* In the event that the customer does not comply within 42 days of the date of the notice and order issued by the director under subsection (a)(1) of this section, or within the period of any extension requested by the customer and granted by the director under subsection 13-6-50(a)(6), whichever date is applicable, the director shall send a notice of termination of service to the customer. The termination notice shall also contain a notice that a water shut-off, restoration,

and other fees and costs as set forth in the utilities administrative fees and costs schedule will be assessed against the property as applicable. Water service shall be terminated no sooner than seven days after the date of the termination notice, and shall remain terminated until such time as the property is brought into compliance with the requirements of this article.

(e) *Mailing and posting of notices.* Each notice and order, violation notice, or termination notice issued under this section shall be mailed to the customer by first class U.S. Mail. In addition, a termination notice shall be posted on the property. In the event that the property owner is different than the customer, the notice and order, violation notice, and termination notice shall also be mailed to the listed owner, at the address on file with the applicable county tax assessor's office. Each notice must state any appeal available. The town's inability to comport strictly with the time deadlines set forth herein for the mailing or posting of a notice and order, violation notice, or termination notice shall not impact the enforcement action.

(f) *Other actions authorized.* Nothing in this section is intended to limit the duties and powers of the director as set forth in sec. 13-6-50. The director may, at any time after an uncontrolled cross-connection or other similar situation is discovered, and in addition to the actions described in this section, take any other action authorized by this article.

Sec. 13-6-90. Fees, charges, and expenses to be lien upon property.

(a) *Debt due and owing.* Unless paid within 63 days of assessment, all fees, rates, charges, penalties, or expenses incurred by the town under this article constitute a debt due and owing to the town, and the town has the right to recover on any such debt in the manner provided by law in any court of competent jurisdiction.

(b) *Lien.* Unless paid within 63 days of assessment, all fees, rates, charges, penalties, or expenses incurred by the town under this article constitute a perpetual lien on and against the property served, and any such lien may be foreclosed by the town at any time in the manner as provided by the laws of the state for the foreclosure of mechanics' liens or in accordance with this Code. Such lien foreclosure by the town is subject to all rights of redemption granted by C.R.S. §38-39-101 *et seq.*, as amended.

Sec. 13-6-100. Certified cross-connection control technician: report requirements.

(a) *Technician.* Every test of a backflow prevention assembly, and every inspection of a non-testable assembly or a backflow prevention method, shall be conducted by a certified cross-control technician.

(b) *Calibration of equipment.* Each testing gauge used to test a backflow prevention assembly shall be tested and calibrated for accuracy at least once annually.

(c) *Submission of reports.* Reports of tests, inspections, repairs, retests, and re-inspections shall be in writing and shall be submitted by the testing company or technician to the town by mail, via an online town portal, or by email no later than seven days following the test, repair, retest, or re-inspection.

(d) *Contents of reports.* A report submitted to the town under this section shall include, but is not limited to, the following information:

(1) Assembly or method type;

(2) Assembly or method location;

(3) Assembly make, model, and serial number;

(4) Assembly size;

(5) Test date;

(6) Test results including all results that would justify a pass or fail outcome;

(7) Certified cross-connection control technician certification agency;

(8) Technician's certification number;

(9) Technician's certification expiration date. If a certification has expired, the certification is invalid;

(10) Test kit manufacturer, model, and serial number;

(11) Test kit calibration date; and

(12) Whether, and to what extent, the inspected backflow prevention assembly or method requires any repair.

Sec. 16-3-110. Appeals of a determination or order of the director.

(a) *Filing; timeliness.* A customer whose property is affected by a determination of the director made under sec. 16-3-60 (b) or (c), who is subject to a notice or order of the director made under sec. 16-3-70 or -80, may appeal that determination or order on a form prescribed by the town and available from the director on the town's website or by hard copy. The appeal must be in writing and be submitted to the town clerk within 14 days of the date of the director's determination or order. An appeal form that is not complete in all respects or that does not state the grounds for appeal shall be promptly returned by the clerk to the customer. The customer may resubmit an appeal form deemed incomplete by the clerk, and the clerk shall accept it, if the resubmitted form is complete and submitted to the clerk within the

deadline set forth this subsection. Compliance with the 14-day time limit noted in this subsection (a) shall be a jurisdictional prerequisite to any appeal brought under this article. Failure to comply shall bar any such appeal.

(b) *Grounds.* The appeal shall be based on a claim that:

(1) The provisions of this article do not apply;

(2) The true intent of this article has been incorrectly interpreted by the director; or

(3) The customer has previously filed with the director a written plan outlining the installation of an equally good or better assembly than that which has been rejected by the director.

(c) *Procedure.* The appeal form, and any other documentation submitted to the town clerk by the customer, as well as any response or documentation submitted by the director, will be submitted by the town clerk to the town manager for review. Notwithstanding any other provision of this Code, the appeal of the director's determination shall consist of a review of all relevant documentation on file with the town in the case, as well as the appeal form and any accompanying materials. All documents may be reviewed electronically. The town bears the burden of proof in an appeal to establish that the director's action or determination was reasonable in light of the intent of this article, that the terms of this article applied to the customer in question, and, in a case where the customer is appealing the type of assembly required by the director, that the type of assembly previously filed by the customer and rejected by the director does not function as well as the assembly required by the director. The town manager or their designee shall review the information submitted, and within 14 days of the date of the filing of the appeal, issue a written decision on the appeal. The decision must contain the reason or reasons for the decision. The decision must set forth appeal rights, if any. The decision may be mailed by first class U.S. Mail or furnished to the customer electronically. Should the town manager fail to issue a written decision on the appeal within the time frame set forth herein, the claim shall be deemed denied, and the customer may proceed as if an adverse decision has been issued.

(d) *Appeal of town manager's decision.* The town manager's decision, or denial of an appeal as a result of the manager's failure to issue a written decision, shall be considered a final agency decision. The appeal may proceed under Rule 106 of the Colorado Rules of Civil Procedure.

Sec. 16-3-120. Right of entry.

(a) *Generally.* The town shall have the right of entry to survey any structure or premises within the town for the presence of a cross-connection, to inspect a cross-connection, to assess possible contamination risk, to test the backflow assembly or

method, to audit any backflow assembly or method, to determine compliance with this article, whenever there is reasonable cause to believe there exists in a structure or upon a premises a condition in violation of this article, or otherwise to enforce this Code. This right of entry shall be a condition of water service in order to protect the health, safety and welfare of customers throughout the town's distribution system.

(b) *Process.* The director is authorized to exercise the town's right of entry at reasonable times to perform the duties imposed by this article. If the structure or premises is occupied, the director shall present credentials to the occupant and request entry. If the structure or premises is unoccupied, the director shall first make a reasonable effort to contact the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the director may apply to the municipal court for a warrant if the warrant relates to a violation of this article, involves a serious threat to public safety or order, and the violation is not also a violation prohibited by state statute for which a search warrant could be issued by a district or county court. The purpose of the warrant may be to enter the premises and any structure thereon to survey the premises and any structure thereon for the presence of a cross-connection, to search for and inspect the uncontrolled connection or source of the suspected contamination risk, to collect water samples, to assess possible contamination risk, to audit or test the backflow assembly or method, and to determine compliance with and otherwise enforce this article. The director shall also have recourse to any other remedy provided by law to secure entry.

Sec. 16-3-130. Conflicts.

If a dispute or conflict arises between a provision of this article and the provisions of any technical code, specification, rule, or regulation adopted by the town, the director shall determine which assembly, non-testable device, or method is most appropriate for the circumstance based on the identified contaminant and other relevant hazards.

Sec. 16-3-140. Unlawful acts.

(a) *Annual inspection program.* It shall be unlawful for any person to fail or refuse to submit an annual inspection report as required under this article.

(b) *Uncontrolled cross-connection.* It shall be unlawful for any person to make, install, maintain, permit, or allow an uncontrolled cross-connection.

(c) *Inspection.* It shall be unlawful for any person to make, install, maintain, permit or allow a backflow prevention assembly or method that has not been tested or inspected in accordance with the provisions of this article.

(1) It shall be unlawful for any person to fail to provide the results of a backflow prevention assembly test or of an inspection required under this article upon request of the director.

(d) *Refusal to allow entry.* It shall be unlawful for any person who owns or occupies property upon which a cross-connection is located to refuse to allow the director to survey or inspect the property in accordance with the provisions of this article.

(e) *Failure to obey*. It shall be unlawful for any person to fail to obey an order, rule, or regulation issued by the director under this article. For purpose of this subsection (e), "fail to obey" means and includes a customer's failure to test a backflow prevention method or assembly pursuant to this article.

(f) *Uncertified technician.* It shall be unlawful for any person who knows or should know that he or she is not a certified cross-connection control technician, or whose certification is invalid, to:

(1) Hold himself or herself out to another person as being a certified cross-connection control technician;

(2) In exchange for anything of value, conduct any test or inspection required under this article; or

(3) Submit to the town any report required under this article, except that an employee of company by whom a certified technician is employed may submit a report.

(g) *Invalid report.* It shall be unlawful for any person to submit a test or inspection report required by this article that is not complete and correct in every respect.

(h) *Illegal to test without certification.* It shall be unlawful for any person who holds himself or herself out to be a certified technician or who performs or attempts to perform a test or inspection required under this article to fail to immediately provide proof that he or she is a certified technician upon request of the director.

(i) *Illegal to remove a posted termination notice.* It shall be unlawful for any person to deface, render illegible, or remove a termination notice that has been posted on a property by order of the director under this article without the prior written permission of the director.

Sec. 16-3-150. Penalty; continuing violation.

(a) *Penalty.* A violation of this article shall be punished by a fine or imprisonment not to exceed the limits established in article 4, chapter 1 of this Code.

(b) *Continuing violation.* Every day any violation of this article continues or is

permitted or allowed to continue shall constitute a separate offense and shall be punishable as a separate offense.

(c) *Concurrent remedies.* The initiation of a prosecution for a violation of this article shall not preclude the director from instituting other appropriate action to restrain, correct, or abate a violation or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct, or the utilization of an uncontrolled cross-connection on or about any property. The initiation of a prosecution for a violation of this article shall also not preclude the director from taking any actions under sections 16-3-70 or -80.

Section 2. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 4. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 14th day of March, 2023.

TOWN OF SEVERANCE, COLORADO

_____
Matthew Fries, Mayor

ATTEST:

_____
Leah Vanarsdall, MMC, Town Clerk

APPROVED AS TO FORM:

_____
Hayashi & Macsalka, LLC, Town Attorney