Greeley City Council Agenda

Regular Meeting
Tuesday, September 19, 2023 at 6:00 PM

City Council Chambers at City Center South, 1001 11th Avenue, Greeley, CO 80631 &
via Zoom at: https://greeleygov.zoom.us/j/88429125363

NOTICE:

City Council Meetings are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

Members of the public are also invited to choose how to participate in Council meetings in the manner that works best for them.

Watch Meetings:



Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on GTV8 on cable television.



Meetings are livestreamed on the City's website, Greeleygov.com as well as YouTube at Youtube.com/CityofGreeley

For more information about this meeting or to request reasonable accommodations, contact the City Clerk's Office at 970-350-9740 or by email at cityclerk@greeleygov.com.

Meeting agendas, minutes, and archived videos are available on the City's meeting portal at https://greeleyco.portal.civicclerk.com/

Comment in real time:

During the public input portion of the meeting and public hearings:



In person attendees can address the Council in the Chambers.



The public can join the Zoom Webinar and comment from the remote meeting.

Submit written comments:



Email comments about any item on the agenda before Noon on the day of the meeting to cityclerk@greeleygov.com



Written comments can be mailed or Dropped off at the City Clerk's office at City Hall, at 1000 10th St. Greeley, CO 80631

City of Greeley Colorado

Mayor
John Gates
Councilmembers
Tommy Butler - Ward I
Deb DeBoutez - Ward II
Johnny Olson - Ward III
Dale Hall - Ward IV
Brett Payton - At-Large
Ed Clark - At-Large

City Council Regular Meeting Agenda

September 19, 2023 at 6:00 PM

City Council Chambers at City Center South, 1001 11th Avenue, Greeley, CO 80631 & via Zoom at: https://greeleygov.zoom.us/j/88429125363

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Agenda
5. Recognitions and Proclamations
6. Citizen Input
7. Reports from Mayor and Councilmembers
8. Initiatives from Mayor and Councilmembers

Consent Agenda

The Consent Agenda is a meeting management tool to allow the City Council to handle several routine items with one action.

Council Members may request an item be pulled off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

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9. A motion to approve the City Council Proceedings from the August 22, 2023 Work Session and the September 5, 2023 Regular Meeting
10. Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, from HA - Holding Agriculture to PUD (Planned Unit Development) changing the underlying land use designations for approximately 8.51 acres of property located on the parcel North of W. 19th Street Road, East of 82nd Avenue (Mountain Vista PUD)
11. Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado from R-H (Residential High Density) to PUD (Planned Unit Development) changing the underlying land use designations for approximately 4.23 acres located directly north of 7025 8th Street (Boomerang PUD)

12. Introduction and first reading of an ordinance changing the official zoning map of the city of Greeley, Colorado, from R-L (Residential Low Density), C-H (Commercial High Intensity), PUD (Planned Unit Development) to PUD (Planned Unit Development) changing the underlying land use designations for approximately 42.64 acres of property located at 10494, 10800, and 10892 Hwy 257 Spur

13. Introduction and first reading of an ordinance amending the boundaries of the Greeley Downtown Development Authority District

End of Consent Agenda

14. Pulled Consent Agenda Items

15. Public hearing and second reading of an ordinance annexing to the City of Greeley, Colorado, certain unincorporated territory located in Weld County, Colorado, known as the Wake Annexation, generally located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street, a parcel totaling 61.613 acres (Wake Annexation No. 1)

16. Public hearing and second reading of an ordinance annexing to the City of Greeley, Colorado, certain unincorporated territory located in Weld County, Colorado, known as the Wake Annexation, generally located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street, a parcel totaling 45.409 acres (Wake Annexation No. 2)

17. Public hearing and second reading of an ordinance annexing to the City of Greeley, Colorado, certain unincorporated territory located in Weld County, Colorado, known as the Wake Annexation, generally located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street, a parcel totaling 13.075 acres. (Wake Annexation No. 3)

18. Public hearing and second reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, to establish H-A (Holding-Agriculture) for certain property located in Weld County, Colorado, generally located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street, three properties totaling 120.097 acres (Wake Zoning)

19. Public hearing and two resolutions for approval of a Colorado Revised Statutes Title 32 Special District precedent to form a park and recreation district known as the Wake Park and Recreation District that would provide public facilities financing, operation, and maintenance (Wake P&R District)

20. Public Hearing and second reading of an ordinance amending portions of the Greeley Municipal Code Title 22, Chapter 11 Electrical Code as it relates to adopting the 2023 Edition of the National Electrical Code

21. Appointments to Boards & Commissions

22. Scheduling of Meetings, Other Events

23. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

24. Adjournment

Errata Sheet for September 19, 2023, City Council Meeting

Item 20: Public Hearing and second reading of an ordinance amending portions of the Greeley Municipal Code Title 22, Chapter 11 Electrical Code as it relates to adopting the 2023 Edition of the National Electrical Code

“Appendix A” included in the published agenda packet was corrected to reflect the “Appendix A” attached to Ordinance 37, 2023 presented on first reading at the City Council Meeting on August 1, 2023.

Council Agenda Summary

Title
Recognitions and Proclamations

Summary
Mayor Gates will present the following proclamations:
National Public Lands Day
Hispanic Heritage Month

Councilmember Butler will present the *What's Great about Greeley* Report.

Attachments
National Public Lands Day
Hispanic Heritage Month
What's Great about Greeley Report

National Public Lands Day

WHEREAS, National Public Lands Day is historically the largest single-day environmental stewardship volunteer effort across the country; and

WHEREAS, Natural spaces are recognized for their significant positive impacts to Greeley residents' quality of life; and

WHEREAS, The City of Greeley encourages all residents to join in the care and celebration of our public lands; and

WHEREAS, National Public Lands Day provides an opportunity for the people of the United States to connect with and steward their local natural areas; and

WHEREAS, 2023 marks the 30th annual National Public Lands Day celebration.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim September 23, 2023, as National Public Lands Day in the City of Greeley, and encourage all residents to engage in the celebration and stewardship of Greeley natural areas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 19th day, September 2023.

_____

Mayor

Hispanic Heritage Month

WHEREAS, the City of Greeley is a community enriched by the variety of the ethnicities of the residents who call Greeley home; and

WHEREAS, residents who identify as Hispanic comprise nearly 40% of its residents; and,

WHEREAS, the City of Greeley City Council benefits from the service of several of its Hispanic residents as employees, volunteers, representatives of City boards and commissions, and as members of City Council; and,

WHEREAS, the roots of Hispanic Heritage Month go back to 1968 by recognizing the contributions made and the important presence, heritage and culture of Hispanic and Latino Americans to the United States; and,

WHEREAS, the term Hispanic or Latino refers to Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race; and

WHEREAS, Dia De Los Muertos is a significant holiday to this community that follows Hispanic Heritage month.

NOW, THEREFORE, I, John D. Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, Colorado, and on behalf of the Greeley City Council, do hereby recognize September 15th to October 15th, 2023, as ***Hispanic Heritage Month*** and encourage all community members to join in celebratory events this month and throughout the year in recognition of the contributions of this important culture within our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, this 19th day of September 2023.

_____

John D. Gates
Mayor



City Council Meeting

September 19, 2023

A Story Best Lived In.


In all ways, we will transmit this City not only, not less, but greater and more beautiful than it was transmitted to us.
- Athenian Oath

Eighteen District 6 Students Received College Board National Recognition

- Students must have 3.5 GPA or higher
- Excelled on PSAT/NMSQT
- Earned score of 3 or higher on two or more Advance Placement exams
- African American, Hispanic American, Indigenous and/or attend school in rural area or small town

Greeley-Evans School District 6
I'm District 6.

- Dominic Mata, Early College Academy
- Eleanna Gonzalez, Early College Academy
- Ruby Ortega Guzman, Early College Academy
- Astrid Garcia, Greeley Central
- Brenda Olivas, Greeley Central
- Christopher Aragon, Greeley Central
- Maleea Hurtado Hamby, Greeley Central
- Margaret Reyes, Greeley Central
- Mateo Tecum Jacinto, Greeley Central
- MiAli Alvidrez, Greeley Central
- Vivian Gonzalez, Greeley Central
- Ernesto Villanueva, Greeley West
- Gabriella Bourquin, Greeley West
- Joshua Rascon, Greeley West
- David Rivera, Northridge
- Dylan Phipps, Northridge
- Giselle Pineda, Northridge
- Queenie Sheng, Northridge

City of Greeley Colorado

greeleygov.com

A Story Best Lived In.

Council Agenda Summary

Title
Citizen Input

Summary
During this 15-minute portion of the meeting, anyone may address the Council on any item of City Business appropriate for Council consideration that is not already listed as a public hearing on this evening's agenda.

As this meeting is being conducted in a hybrid format, citizen input will be accepted first from those in the City Council Chambers, and then from the virtual meeting audience via the meeting's webinar.

Written comments submitted for any item on the agenda will be placed in the public record and provided to the Council for their review and should include the name and city of residence of the person submitting the comments for the record.

Council Agenda Summary

Title
Reports from Mayor and Councilmembers

Summary
During this portion of the meeting any Councilmember may offer announcements or reports on recent events and happenings. These reports should be a summary of the Councilmember's attendance at assigned board/commission meetings and should include key highlights and points that may require additional decision and discussion by the full Council at a future time.

Council Agenda Summary

Title
Initiatives from Mayor and Councilmembers

Summary
During this portion of the meeting any Councilmember may bring before the Council any business that the member feels should be deliberated upon by the Council. These matters need not be specifically listed on the Agenda, but formal action on such matters shall be deferred until a subsequent Council meeting.

Initiatives will generally fall into three categories:

1) A policy item for Council deliberation and direction for a future Worksession, Committee meeting, or regular/special Council meeting;

2) A request to the City Manager for information or research;

3) A request involving administrative processes or procedures.

At the close of this portion of the meeting, the Mayor will confirm Council's consensus that the individual requests be pursued.

Attachments
Status Report of Council Initiatives and Related Information

Council Agenda Summary

September 19, 2023
Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

A motion to approve the City Council Proceedings from the August 22, 2023 Work Session and the September 5, 2023 Regular Meeting

Summary:

The City Council held the following meetings in Council Chambers: August 22, 2023 Work Session and September 5. 2023 Regular City Council Meeting. The draft proceedings of each meeting have been prepared and are being presented for the Council's review and approval.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	**No**

Legal Issues:

Consideration of this matter is a legislative process.

Other issues and Considerations:

Strategic Focus Area:

High-Performance Government

Decision Options:

1. Approve the motion as presented.
2. Amend the motion and approve as amended.
3. Deny the motion.

Council's Recommended Action:

A motion to approve the proceedings.

Attachments:

1. August 22, 2023 - draft minutes
2. September 5, 2023 Draft Minutes

City of Greeley, Colorado
CITY COUNCIL WORK SESSION REPORT
August 22, 2023

1. Call to Order
Mayor John Gates called the meeting to order at 6:00 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

2. Pledge of Allegiance
Mayor Gates led the Pledge of Allegiance.

3. Roll Call
City Clerk Heidi Leatherwood called the roll.

The following members of Council were present:
Councilmember Tommy Butler
Councilmember Deb DeBoutez
Councilmember Dale Hall
Mayor Pro Tem Brett Payton
Councilmember Ed Clark
Councilmember Johnny Olson
Mayor John Gates

4. Reports from Mayor and Council Members
None.

5. At Home in Greeley: Subarea Plan
Community Development Director Brian McBroom introduced the item at 6:01p.m.

Planning Manager Don Threewitt Development Strategies Consultant, Matt Wetli presented ideas and concepts of the Subarea Plan for the area along 10th Street between 23rd and 30th Avenues. The plan will include concepts to create a community that meets these elements: livable & inclusive, vibrant, healthy & caring, comfortable & connected, dynamic & lasting, and walkable & activated. The Plan will also include recommendations for development of design standards and implementation recommendations. The final version of the plan will be presented in a public hearing to the Planning Commission and then to the City Council in September. This item is informational only and no Council action is required.

Councilmember Olson questioned the location and was concerned this plan is not meeting our low-income housing needs. In addition, he is concerned about transportation issues as

this is the only East-West arterial that runs from one end of our city to the other. In response to the question, Mr. McBroom explained that these points will be considered in the planning phases.

Councilmember DeBoutez asked if redevelopment fees would be utilized for park renovation. In response, Mr. Threewitt shared that he will be looking at this with the redevelopment plan.

Councilmember Butler requested clarification of the 32 points for public engagement, funding resources and potential costs. Additionally, he inquired about gentrification considerations. In response, Mr. Threewitt clarified the engagement efforts and Mr. McBroom explained the initial plan for funding and incentivization efforts. Mr. Lee added that development funds are intended to assist with development incentives.

Councilmember Hall asked if outreach has been conducted throughout the City. In response, Mr. McBroom indicated further outreach efforts would likely be conducted later in the process.

Councilmember Olson expressed some concern about potential competition with downtown development. In response, Mr. Lee clarified that the intention is to help give the developers a better idea of development priorities.

Councilmember Clark discussed the economic engines and asked if they will all be affordable and multi-use housing. In response, Mr. McBroom summarized the grant requirements and expressed the classification of housing is yet to be determined.

Councilmember DeBoutez asked the consultant about the trend analysis for retail and multi-use. In response, Mr. Wetli replied that it's important to have a nice mixture and add services that are needed in the community.

Councilmember Butler requested additional information on next steps. In response, Mr. McBroom summarized ongoing efforts for finalizing the plan and potential approval. Mayor Gates reminded Council that efforts so far have been driven by grants.

6. Council 2037 Vision Priority for Landscape and Maintenance of City Properties

Culture, Parks, and Recreation Director John Dargle introduced this item at 6:37 p.m. Parks Superintendent Eric Bloomer and Deputy Public Works Director Will Jones also participated in the presentation.

In accordance with City Council 2037 Vision: Quality of Life Amenities is set to develop standards for the landscape maintenance of City owned and/or managed property. Staff shared the landscape and maintenance service level plan. The intent is to bring alignment among the following departments: Public Works, Culture, Parks and Recreation, Water & Sewer, as well as Community Development. Staff developed a framework to prioritize work, standards of care, and performance measures to track success. Staff also requested

City Council feedback on the framework and next steps to develop standards for the landscape maintenance of City owned and/or managed property.
Councilmember Hall expressed a need to prioritize weed management in city-owned property. In response, Mr. Jones agreed and indicated this is the intended direction.

Councilmember Olson requested clarification on categories of high, medium, and low traffic areas. In response, Mr. Jones defined the area prioritization levels as volume driven.

Mayor Gates asked if the metric is achievable. In response, Mr. Jones assured that it is our goal.

Councilmember DeBoutez requested a copy of the inventory narrative and made a request to add the Greeley Mall as a primary location as a gateway property for the City.

Councilmember Clark commented that the Parks & Recreation operations are reactive and this needs to be a priority. In response, Mr. Jones confirmed this is part of the asset management plan as they are working to keep it consistent. Mr. Lee added that the City is invested in landscaping and aesthetics as reflected in the proposed budget.

Councilmember Hall asked if natural areas, trails, and parkway watering will be included. In response, Mr. Dargle confirmed that watering is included.

Councilmember Olson mentioned the importance of everyone working together to clean up the ambiguity of parks. He would also like clear definitions of park classifications. In response, Mr. Dargle offered that classifications and sport complexes will come with the comprehensive plan. The intention is to take a global view of the next ten years. Mr. Lee added that gateways in the community are on the radar.

7. Water and Sewer Customer Service

Utility Finance Manager Erik Dial and Water & Sewer Director Sean Chambers introduced the item at 6:58 p.m.

Mr. Dial identified specific needs for improvement including staff to ensure consistent, prompt call response, and replacing outdated technology. Budget for 2024 will include investments in meter shops, backflow prevention, conservation, customer experience, as well as a multi-lingual resource navigator connecting residents with Water & Sewer utilities, conservation, and other information.

The Water Department's expectation is to provide excellent customer service to its citizens in all facets of its operations. Over the last year, water utilities leadership in coordination with the City Manager's Office, has reviewed the challenges and opportunities associated with improving the customer's experience by taking several steps to improve the utility billing and cashiering service level. Significant additional investments and technological improvements are coming.

Councilmember Clark asked if the system would be Oracle based. In response, Mr. Dial said that Oracle is an option, but bids will be considered from multiple vendors. Councilmember Olson recognized the need to implement a system that speaks to and works with the existing system.

Mayor Gates expressed his appreciation emphasizing customer service and noted the history provided helped put it in perspective.

Councilmember Clark asked if a call back feature would be considered. In response, Mr. Dial stated many improvements in call center technology will be researched.

Councilmember Olson agreed with Mayor Gates, mentioning transparency is refreshing considering the number one complaint is the water/sewer rates. He asked how staffing will impact rates. In response, Mr. Chambers said this change does not have an impact on the rates.

Councilmember Clark asked if a structure is deemed condemned when the water is turned off. In response, Mr. Dial mentioned that the City works with customers and posting the property for non-occupancy is an action of last resort.

8. **Animal Services in Weld County - Larimer Humane Society**

Chief of Staff Kelli Johnson introduced the item at 7:30 p.m. Police Chief Adam Turk was available for questions.

Councilmember Payton recused himself.

Judy Calhoun, CEO of Larimer Human Society, presented the strategic goals, mission, timeline, and services provided beginning on October 2, 2023.

In May, the City of Greeley learned the Weld County Humane Society (WCHS) was having financial concerns that could potentially impact animal sheltering services for our community. At that time, staff began exploring possible options for continuing this critical community service.

After fully vetting options and working with surrounding stakeholders, all parties agreed the most viable option was to engage in a new relationship with Larimer Humane Society. Over the past several months, Larimer Humane Society acquired the Weld County Humane Society.

Animal sheltering services include intake, adoption, vaccination, licensing, and quarantine. During July and August 2023, Larimer Humane Society will host community listening sessions to learn how best to support the community in this new endeavor. As of October 2, Larimer Humane Society will continue providing animal sheltering services at

1620 42nd Street, Evans, Colorado. The City of Greeley will partner and contract with Larimer Humane Society for animal sheltering services.

Mayor Gates asked about the fund structure and citizen fundraising. In response, Ms. Calhoun shared there will be a variety of ways that funding needs will be met, both public and private. She added the expectation is for funding from Larimer County, with many commitments, and the need for donor investment. Mayor Gates expressed an eagerness to partner with Larimer Humane Society, noting it will be a win-win.

Councilmember DeBoutez requested additional information about the County's commitment. In response, Ms. Calhoun explained it is contractually based across counties.

Councilmember Clark asked about the Board for the Larimer Humane Society. Ms. Calhoun explained the Larimer Humane Society Board is not currently adding new members. There are currently 11 members, with a priority to add people who either live or have strong community contact in Weld County. As Greeley is the center population of the County; the Larimer Humane Society is happy to accept recommendations.

9. Scheduling of Meetings, Other Events

None.

10. Adjournment

Mayor Gates adjourned the meeting at 7:56 p.m.

Approved:

_____

John D. Gates, Mayor

Attest:

_____

Heidi Leatherwood, City Clerk

City of Greeley, Colorado

CITY COUNCIL PROCEEDINGS

Regular Meeting

September 5, 2023

6 p.m.

1. Call to Order

Mayor Gates called the meeting to order at 6:00 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance.

3. Roll Call

City Clerk Heidi Leatherwood called the roll.

Present:
Mayor John Gates
Councilmember Tommy Butler
Councilmember Deb DeBoutez
Councilmember Ed Clark
Councilmember Johnny Olson

Excused:
Councilmember Dale Hall
Mayor Pro Tem Brett Payton

4. Approval of the Agenda

City Manager Lee had no changes to the agenda.

5. Recognitions and Proclamations

Mayor Gates read the Colorado GRIT Day Proclamation at 6:02 p.m.. Owner and CEO, Bob Bowden; Director of Hockey Operations, David Clarkson; Director of Operations, Mary Bowe; Head Coach, Steve Haddon; Players, Max Lacroix, and Levi Webber were present in Council Chambers to accept the proclamation.

Mayor Gates read the Suicide Awareness and Prevention Month proclamation at 6:08 p.m. CEO of North Range Behavioral Health, Kim Collins, Director of Suicide Education and Support Services, Micaela Sanchez and Imagine Zero of Weld County Coalition member, Edie Johnson were present in Chambers to receive the proclamation.

Mayor Gates read the Sunrise Community Health 50th Anniversary proclamation at 6:13 p.m. CEO Mitzi Moran, and Doctor Mark Wallace were present in Chambers to receive the proclamation.

Mayor Gates read the Assistance League of Greeley 50th Anniversary proclamation at 6:20 p.m. President Debbie Peterson and members were present to receive the proclamation.

Councilmember DeBoutez presented, *"What's Great about Greeley?"* report at 6:26 p.m.

6. Citizen Input

1. Steve Teets spoke about transportation, street maintenance, bike lanes, the need for affordable housing and service animals.

2. Mary Roberts spoke about housing and homelessness. Juliana Kitten addressed the Mayor, Council and Ms. Roberts about the housing first program and progress made.

3. Edwin Grant spoke about government, rising national debt and taxes.

4. Virtual participant, Trevor, asked about the possibility of legalizing retail and recreational marijuana sales. Mayor Gates replied that the previous City Council declined and since that time there has not been interest to do so. Trevin asked for guidance to begin discussion.

7. Reports from Mayor and Councilmembers

Councilmember Butler visited the new Jefferson High School Center and Technical Education Center and encouraged residents to visit.

8. Initiatives from Mayor and Councilmembers

None.

Consent Agenda

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9. A motion to approve the City Council Proceedings from the August 8, 2023, work session and August 15, 2023, regular meeting

10. A resolution authorizing the City to enter into an Intergovernmental Agreement with the United States Department of Transportation for a Connected Greeley – Emergency Vehicle Preemption

11. Introduction, first reading ordinance to annex Wake Annexation Number 1, a parcel totaling 61.613 acres

12. Introduction, first reading ordinance to annex Wake Annexation Number 2, a parcel totaling 45.409 acres

13. Introduction, first reading ordinance to annex Wake Annexation Number 3, a parcel totaling 13.075 acres

14. Introduction, first reading ordinance establishing zoning of three (3) properties totaling 120.097 acres as Holding-Agriculture (H-A)

End of Consent Agenda

Councilmember Butler moved to approve the Consent Agenda Items 9 - 14. Councilmember Olson seconded the motion. The motion passed 5-0 with Mayor Pro Tem Payton and Councilmember Hall absent, at 6:45 p.m.

15. Pulled Consent Agenda Items

None.

16. Public hearing, second reading ordinance annexing unincorporated territory Colorado, generally located north of 10th Street and West of 83rd Avenue, Weld County (Schneider Annexation)

Interim Chief Planner, Caleb Jackson introduced the item with a presentation at 6:46 p.m.

The request is to annex approximately 170 acres, where the site is currently zoned as agricultural in Weld County with 57% contiguity. City Council adopted a resolution on July 18, 2023, stating that the proposed annexation meets State requirements. This annexation is within Long Range expected growth area and is part of an enclave. The applicant provided a Planned Unit Development (PUD) which is scheduled for future public hearings.

Councilmember Butler asked why annexations have increased. In response to the question, City Manager Lee replied that the development community has made these requests. Mr. Jackson added that future public hearing dates are forthcoming.

Councilmember Clark asked if the property is part of the Tax Increment Financing (TIF) that Council approved a couple years ago. In response to the question Mr. Jackson answered the property is not part of that property located to the west of 95th Avenue.

Councilmember Olson inquired about the 83rd Avenue intersection and when it would be addressed. In response to the question, Mr. Jackson noted that it will be addressed with the PUD application.

Councilmember DeBoutez asked if this property finalized the ditch issues that were mentioned in the Planning Commission minutes. In response to the question, Mr. Jackson replied that the applicant met with the ditch owner and those concerns will have to be addressed before moving forward.

The public hearing opened at 6:53 p.m.

1. Steve Teets spoke in opposition to the request to annex this property.
2. Edwin Grant spoke about water resources.

With no additional speakers, the public hearing was closed at 6:57 p.m.

Councilmember Olson spoke about housing and building smarter.

Councilmember Clark spoke that the City should continue growing, considering the availability of land and future needs of the community.

Councilmember DeBoutez spoke about deliberate, smart, strategic housing, transportation options and positive influence structured growth.

Councilmember Butler spoke about long-range growing boundary and growing smart.

Councilmember Clark moved to adopt the ordinance and publish with reference to title only. Councilmember DeBoutez seconded the motion. The motion passed 5-0 with Mayor Pro Tem Payton and Councilmember Hall absent, at 7:01 p.m.

17. Public hearing¸ second reading ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2023 (4th Appropriation)

Interim Director of Cultural Parks and Recreation, Diana Frick introduced the item with a presentation at 7:01 p.m.

The request is for improvements to the Greeley Ice Haus that was built in 2005. The City signed a five-year agreement with the Colorado Grit hockey team with two options to renew. The hockey season is from September to April of each year with a minimum of 28 home games. Improvements to the facility will be necessary.

The Ice Haus building improvement estimated cost is just over $500,000 that include a build out for the Grit, expansion of the concession space, storage and equipment and necessary audio-visual equipment upgrades.

The improvements benefit all customers to the Ice Haus, the Grit, positive revenue impact to the downtown businesses and more exposure to the city of Greeley.

DeBoutez asked when construction is planned with the hockey league schedule and asked if the Ice Haus currently has a locker room. In response to the question, Ms. Frick replied that construction is planned around the hockey season and the Ice Haus has a locker room.

The public hearing opened at 7:07 p.m.
With no additional speakers the public hearing closed at 7:07 p.m.

Councilmember Olson moved to adopt the ordinance and publish by title only. Councilmember Clark seconded the motion. The motion passed, 5-0 with Mayor Pro Tem Payton and Councilmember Hall absent, at 7:08 p.m.

18. Public hearing, second reading ordinance adding Chapter 14 to Title 8 of the Greeley Municipal Code, relating to shared micro mobility

Public Works Director, Paul Trombino introduced the item with a presentation at 7:09 p.m.

Micromobility is shared fleets of small, low-speed vehicles typically used for shorter trips that are primarily bikes, e-bikes and e-scooters. These vehicles are typically accessed through a mobile app and are paid by "unlock" fee and a "per minute" fee. The types of shared use Micromobility are bikes and scooters with station-based, dockless and street corrals.

Greeley on the Go was approved by Council in March 2023 to adopt policies and invest in infrastructure that allow for emerging technologies within the community that off-set a lot of travel. The city has a lot of movements that are under one mile with Aims Community College and UNC. The micro mobility business licensing ordinance will establish definitions for key terms, requires a business license for operations of shared-use Micromobility devices parked in public spaces.

Next steps are to explore appropriate management strategies and establish standards, engage with stakeholders to compile feedback, and present the findings at a future Council Work Session.

Mayor Gate spoke about the pros/cons of scooters about how it can be challenging to pedestrians and business owners.

Councilmember Olson spoke in support of the scooters and would like to see a pilot program in partnership with University of Northern Colorado (UNC) and would like to see proactive legal strategies. Councilmember Olson asked if there are any companies interested in becoming vendors. In response to the question, Mr. Trombino replied that there was interest.

Councilmember Butler spoke about his concerns with leaving scooters all over the sidewalks, in yards and in front of retail stores. Councilmember Butler asked if the ordinance was premature to receiving community feedback. In response to the question, Mr. Trombino said it is important to supply a definition in the code and then to create the application and licensing strategy. The entire application process will be brought before Council in a work session and then the licensing component will be presented next.

The public hearing opened at 7:22 p.m.

1. Edwin Grant spoke about bicyclists disobeying the law.

2. Steve Teets spoke about cars disobeying the law and suggested staff collaborate with Boulder, Fort Collins, and Seattle about their mobility programs.

With no additional speakers, the public hearing closed at 7:25 p.m.

Councilmember Olson clarified that recent legislation allows bicyclists to disregard stop signs, in instances where it is safe to do so.

Councilmember DeBoutez moved to adopt the ordinance and publish by title only. Councilmember Olson seconded the motion. The motion passed 5-0, with Mayor Pro Tem Payton and Councilmember Hall absent, at 7:26 p.m.

19. Scheduling of Meetings, Other Events

None.

20. A motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Councilmember Clark moved to approve the motion. Councilmember Olson seconded the motion. The motion passed 5-0 with a voice vote at 7:27 p.m. with Mayor Pro Tem Payton and Councilmember Hall absent.

21. Adjournment

Mayor Gates adjourned the meeting at 7:27 p.m.

Approved:

_____

John D. Gates, Mayor Attest:

Attest:

_____

Heidi Leatherwood, City Clerk

Council Agenda Summary

September 19, 2023
Key Staff Contact: Brian McBroom, Community Development Director

Title:

Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, from HA - Holding Agriculture to PUD (Planned Unit Development) changing the underlying land use designations for approximately 8.51 acres of property located on the parcel North of W. 19th Street Road, East of 82nd Avenue (Mountain Vista PUD)

Summary:

Introduction and first reading of an ordinance to rezone from H-A (Holding Agriculture) to PUD (Planned Unit Development) to allow for multifamily development consisting of 14 buildings, six of which are 6-unit buildings and 8 of which are 8-unit buildings, for a total of 100 dwelling units. Letters regarding the public hearing for the proposed PUD were mailed on August 25, 2023, to property owners within 1000 feet of the site, as well as all property owners in the neighborhood directly south and east of the proposal. A Notice sign was posted on the site on August 24, 2023. Public notice was also published on the City of Greeley website on August 28, 2023. A neighborhood meeting was held on June 13, 2023, which approximately 50 residents attended.

Planning Commission considered this item on September 12. A motion to recommend approval failed (1-4). A motion to recommend denial passed (5-0).

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	**No**
Is there grant funding for this item?	**NA**

Legal Issues:

Other issues and Considerations:

Strategic Focus Area:

Community Vitality

Housing For All

Quality of Life

Decision Options:

1) Introduce the ordinance as presented; or
2) Amend the ordinance and introduce as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for October 3, 2023.

Attachments:

1. Ord 45, 2023 with Exhibit A
2. Planning Commission Summary
3. Vicinity Map
4. Mountain Vista Multifamily PUD
5. Mountain Vista Multifamily Memo
6. Mountain Vista MF neighborhood meeting
7. Neighbor Comments
8. Applicant response to petition
9. Applicant Presentation
10. Staff Presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. 45, 2023
CASE NO. PUD2023-0001

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM HA – HOLDING AGRICULTURE TO PUD (PLANNED UNIT DEVELOPMENT) CHANGING THE UNDERLYING LAND USE DESIGNATIONS FOR APPROXIMATELY 8.51 ACRES OF PROPERTY LOCATED ON THE PARCEL NORTH OF W. 19TH STREET ROAD, EAST OF 82ND AVENUE

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. The following described property located in the City of Greeley is hereby changed from HA – HOLDING AGRICULTURE TO PUD (PLANNED UNIT DEVELOPMENT) in the City of Greeley, County of Weld, State of Colorado:

Legal Description

See EXHIBIT A, attached hereto and incorporated herein.

Section 2. The boundaries of the pertinent zoning districts as shown on the official zoning map are hereby changed so as to accomplish the above-described zoning changes, and the Mayor and City Clerk are hereby authorized and directed to sign and attest an entry which shall be made on the official zoning map to reflect this change.

Section 3. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS _____ DAY OF _____, 2023.

ATTEST: **THE CITY OF GREELEY, COLORADO**

_____ _____

By: City Clerk **By: Mayor**

MOUNTAIN VISTA MULTIFAMILY REZONING DESCRIPTION

A parcel of land for rezoning purposes and being Tract 2 of Mountain Vista-Filing 3 recorded November 13, 2002 as Reception No. 3005092 of the Records of Weld County, and those portions of 82nd Avenue, 18th Street, and 19th Street adjoining to said Tract 2, all situate within the Southwest Quarter (SW1/4) of Section Eight (8), Township Five North (T.5N.), Range Sixty-six West (R.66W.), of the Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado, more particularly described as follows:

COMMENCING at the Westerly most Northwest corner of Tract 2, Mountain Vista-Filing 3 and assuming the Westerly line of said Tract 2 as bearing South 00° 33' 57" East a distance of 647.52 feet with all other bearings contained herein relative thereto:

The following Five (5) courses are along the Westerly and Southerly lines of said Tract 2, Mountain Vista-Filing 3:

THENCE South 00° 33' 57" East a distance of 647.52 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Northeast a distance of 15.71 feet, said curve has a radius of 10.00 feet, a delta of 90° 00' 00" and is subtended by a chord bearing South 45° 33' 57" East a distance of 14.14 feet to a Point of Tangency;
THENCE North 89° 26' 03" East a distance of 32.88 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Northwest a distance of 290.39 feet, said curve has a radius of 970.00 feet, a delta of 17° 09' 09" and is subtended by a chord bearing North 80° 51' 29" East a distance of 289.30 feet to a Point of Tangency;
THENCE North 72° 16' 54" East a distance of 155.47 feet to the Southerly most Southeast corner of Tract 2, Mountain Vista-Filing 3 monumented by a #5 rebar with an illegible 1.5" diameter cap and to the **POINT OF BEGINNING.**

THENCE South 17° 43' 06" East a distance of 30.00 feet to the centerline of 19th Street as depicted on the plat for said Mountain Vista-Filing 3:

The following Three (3) courses are along the centerline of said 19th Street:

THENCE South 72° 16' 54" West a distance of 155.47 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Northwest a distance of 299.37 feet, said curve has a radius of 1000.00 feet, a delta of 17° 09' 09" and is subtended by a chord bearing South 80° 51' 29" West a distance of 298.25 feet to a Point of Tangency;
THENCE South 89° 26' 03" West a distance of 72.88 feet to the centerline of 82nd Avenue as depicted on the plat of said Mountain Vista-Filing 3;
THENCE North 00° 33' 57" West along the centerline of said 82nd Avenue a distance of 762.59 feet to the centerline of 18th Street as depicted on the plat of Mountain Vista-Filing 3;
THENCE North 89° 29' 58" East along the centerline of said 18th Street a distance of 100.00 feet to a Point of Curvature;
THENCE along the arc of a curve concave to the Northwest a distance of 104.92 feet, said curve has a radius of 745.00 feet, a delta of 8° 04' 10" and is subtended by a chord bearing North 85° 27' 53" East a distance of 104.84 feet to the end point of the curve and to the intersection of the centerline of 18th Street and the Northwesterly prolongation of the Northeasterly line of Tract 2, Mountain Vista-Filing 3;
THENCE South 56° 06' 06" East along the Northeasterly line of said Tract 2 a distance of 461.18 feet to the Northwest corner of Lot 4, Block 2 as depicted on the plat for Mountain Vista-Filing 3;

The following Four (4) courses are along the Easterly and Southerly lines of said Tract 2, Mountain Vista-Filing 3:

THENCE South 10° 41' 50" East a distance of 72.17 feet;

THENCE South 17° 43’ 06” East a distance of 160.00 feet;
THENCE South 72° 16’ 54” West a distance of 180.00 feet;
THENCE South 17° 43’ 06” East a distance of 118.00 feet to the Southerly most Southeast corner of Tract 2, Mountain Vista-Filing 3 and to the **POINT OF BEGINNING.**

TOTAL REZONED AREA for the Mountain Vista Multifamily PUD is 370,623 sq. ft. or 8.51 acres, more or less (±).

SURVEYOR’S STATEMENT

I, Aaron M. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

_____
Aaron M. Lund - on behalf of Northern Engineering
Colorado Registered Professional Land Surveyor #38670

NORTHERN ENGINEERING
820 8th Street
Greeley, Colorado 80631
(970) 488-1115

PLANNING COMMISSION SUMMARY

ITEMS: A PUD (Planned Unit Development) for multifamily development in the Mountain Vista Subdivision

FILE NUMBER: PUD2022-0008

PROJECT: Mountain Vista Multifamily PUD

LOCATION: North of W. 19th Street Road, east of 82nd Avenue.

APPLICANT: Crow Creek Construction, LLC

CASE PLANNER: Doug May, Planner III

PLANNING COMMISSION HEARING DATE: September 12, 2023

PLANNING COMMISSION FUNCTION:
The Planning Commission shall consider the staff report, along with testimony and comments made by the applicant and the public and shall then make a recommendation to the City Council regarding the application in the form of a finding based on the review criteria in Section 24-205(c) and 24-204(b) of the Development Code.

EXECUTIVE SUMMARY
The City of Greeley is considering a request from Crow Creek Construction, LLC, for a PUD on approximately 7.43 acres of property located North of W. 19th Street Road, east of 82nd Avenue *(see Attachment A – Vicinity Map).*

A. REQUEST
The applicant is requesting approval of a PUD Plan for a multifamily development, known as the Mountain Vista Multifamily PUD *(Attachment B – Applicant Narrative).*

B. STAFF RECOMMENDATION
Approval

C. LOCATION
Abutting Zoning:
North: C-L (Commercial Low Intensity, R-L, Residential Low Density)
South: R-L (Residential Low Density)
East: R-L (Residential Low Density)
West: C-L (Commercial Low Intensity)
Surrounding Land Uses:

North: Vacant land, stormwater detention
South: Single-family residential
East: Single-family residential
West: Commercial – professional offices

Site Characteristics:

The subject site is approximately 7.43 acres in size. The property has not been previously developed, aside from a plugged and abandoned oil and gas well. The site is currently vacant and slopes gently downward to the north.

D. BACKGROUND

The subject site was originally part of the North Poudre Fourth Annexation, which was approved and zoned as H-A (Holding Agriculture) in 1982. The property is currently zoned as H-A, which according to the Greeley Development Code is intended for properties which have been annexed into the City and is used as a "pre-development" district to either preserve open and rural lands and agriculture uses, or hold areas until more coordinated planning for infrastructure, land uses, and design can occur.

The applicant is requesting a rezone from H-A (Holding Agriculture) to PUD (Planned Unit Development) to allow for multifamily development consisting of 14 buildings, six of which are 6-unit buildings and 8 of which are 8-unit buildings, for a total of 100 dwelling units. The PUD consists of three planning areas. Planning Area 1 contains the east portion of the property, closest to the single-family neighborhood to the east and south, and contains all of the six unit buildings. The total area of Planning Area 1 is 3.61 acres and has a density of 9.97 dwelling units per acre. Planning Area 2 contains the western portion of the property. This Planning Area contains has all of the 8-unit buildings and one six-unit building and has a total area of 3.82 acres with a density of 16.75 units per acre. Planning Area 3 consists of 1.079 acres of the 18th Street Road right-of-way. The proposal also contains three neighborhood features (plaza, courtyard, or community garden). Two of the neighborhood features are proposed to be 3,200 square feet in size and one is proposed to be 5,000 square feet, for a total of 11,400 square feet (0.26 acres) of neighborhood features/usable open space. The Greeley Development Code requires at least 30% of the parcel be open space. The proposed PUD contains 46.7% open space. Each of the multifamily buildings are proposed to be two-stories tall. The 6-unit buildings are two-story on one end and one-story on the other. The multifamily buildings closest to the single-family neighborhood to the east and south are all 6-unit buildings. The applicant is proposing 50-foot setbacks from these buildings to the adjacent single-family neighborhood property lines, which contains a 35-foot-wide drainage easement along the east property line and enhanced landscaping and berms adjacent to the single-family neighborhood. The PUD proposal also contains a small maintenance building in the north end of the property. *(see Attachment C – PUD Plan)*.

E. APPROVAL CRITERIA

Rezoning Review Criteria, Section 24-204(b):

1. **The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.**

Staff Comment: The subject area is identified as a Suburban Neighborhood on the Land Use Guidance Map in the Imagine Greeley Comprehensive Plan. The Plan specifies "while types of housing found in suburban neighborhoods is largely limited to single-family detached homes, there are opportunities to create a wider range of housing options". Additionally, the following comprehensive plan goals support the subject application:

*Objective HO-2.*1 *Diversity in New Development* Encourage a variety of housing types, sizes, styles, and price-points of housing units within new residential projects or subdivisions.

Object HO-2.2 Rental Housing Foster the development of attractive, safe, and well-maintained rental properties for those who do not qualify for or desire to own their own property.

Objective GC-1.2 Form of Growth Encourage a compact urban form over sprawl or leap-frog development.

Objective GC-4.3 Infill Compatibility Promote the use of site design and building architecture that is sympathetic to the surrounding area and enhances the desirable character and form of the neighborhood or area.

The request complies with this criterion.

2. The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.

Staff Comment: The intent of the Planned Unit Development is to provide additional use of the property in ways that are compatible with the area. The proposed land use provides opportunities for multifamily housing.

The request complies with this criterion.

3. Whether the area changed or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area.

Staff Comment: The area continues to see infill sites developed with a mix of residential and nonresidential uses. There are several commercial developments approved or under review as well as a detached multifamily project approximately ½ mile north including a drive-through coffee shop and gas station. Currently under review is a mixed-use development containing single-family, mixed-use multifamily, and townhomes, approximately ½ mile to the east.

The request complies with this criterion.

4. **Whether the existing zoning has been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.**

   Staff Comment: The existing H-A zoning was likely established in 1982 when the property was annexed and has remained undeveloped to this day. It is common for newly annexed properties to be zoned H-A until development is proposed. Over time, much of the surrounding area has been rezoned as development has occurred.

   The request complies with this criterion.

5. **The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces, and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.**

   Staff Comment: The proposal allows for multifamily residential uses. The PUD allows for a cap on density as well as enhanced buffering from the single-family residential uses to the east and south, as compared to a straight re-zone to a zone district that allows multifamily residential uses.

   The request complies with this criterion.

6. **The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.**

   Staff Comment: Existing services are present in the vicinity to support development of the site as proposed.

   The request complies with this criterion.

7. **The change will serve a community need, provide an amenity, or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.**

   Staff Comment: The proposed Planned Unit Development would accommodate the community's need for housing. The Housing Needs Assessment prepared for the City of Greeley indicates that there is demand for 19,400 housing units over the next 20 years.

   The request complies with this criterion.

8. **Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.**

   Staff Comment: Anticipated impacts on surrounding properties, especially the single-family neighborhood to the east and south have been considered by the applicant by locating only the six-unit buildings adjacent to the single-family neighborhood and by increasing the setback from the required 25 feet to 50 feet as well as proposing additional landscaping and berming between the proposed development and the adjacent neighborhood.

   The request complies with this criterion.

9. **The recommendations of professional staff or advisory review bodies.**

   Staff Comment: Planning staff and the Administrative Review Team recommend approval.

   The request complies with this criterion.

Planned Unit Development Review Criteria, Section 24-205(c):

1. **The plan reflects greater consistency with or more specificity in implementing the Comprehensive Plan than what could be accomplished under application of general zoning districts and development standards.**

Staff Comment: The use of a PUD for this proposal is appropriate and helps to achieve the Comprehensive Plan's goals with more specificity than the general zoning district would allow. If the applicant were to propose a rezone from H-A to R-H (Residential High Density), then there could be no conditions put on the development to make it more compatible with the neighborhood, such as limiting density under what is allowed in the R-H district or enhancing setbacks and landscaping between adjoining land uses. The PUD plans for development in a more intentional manner.

The request complies with this criterion

2. **The benefits from any flexibility in the proposed plan:**
   1) **Promote the general public health, safety and welfare of the community, and in particular, that of the areas immediately near or within the proposed project, and is not strictly to benefit the applicant or a single project;**
   2) **Involves innovative concepts that were not anticipated by the development code; or**
   3) **Apply to a unique or specific context in a manner that allows the project to better meet the intent or design objectives of the base zoning districts and standards.**

Staff Comment: The proposed development standards generally follow Development Code standards for R-H (Residential High Density). However, for this proposal there are limitations to density of dwelling units, building types and height, increased buffering to adjacent single-family uses, and allowed uses.

The request complies with this criterion.

3. The plan reflects generally accepted and sound planning and urban design principles with respect to applying the goals and objectives of the Comprehensive Plan to the area.

Staff Comment: The request is consistent with planning and design principles and the Comprehensive Plan.

The request complies with this criterion.

4. The plan meets all of the review criteria for zoning map amendments in Section 24-204.

Staff Comment: The request complies with Section 24-204, Review Criteria for Rezoning as detailed above.

The request complies with this criterion.

F. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The subject site was originally part of the North Poudre Fourth Annexation, which was approved and zoned as H-A (Holding Agriculture) in 1982. Currently, this property is Tract 2 from the Mountain Vista Filing 3 subdivision, which was recorded in November of 2002. If the proposed PUD is approved, the applicant will need to be approved for a Minor Subdivision to turn Tract 2 into a buildable lot prior to Site Plan approval.

2. HAZARDS

A plugged and abandoned oil and gas facility impacts the subject site and a 50-foot setback from the abandoned well has been designated on the PUD plan to protect the surrounding development. Staff is unaware of any other hazards on the property.

3. WILDLIFE

The subject site is not located within an area of ecological significance.

4. FLOODPLAIN

The property is not located within any flood zones.

5. DRAINAGE AND EROSION

The property would be graded to drain in a similar manner to the existing conditions, with water generally flowing from southwest to northeast. Drainage and erosion would be further reviewed during the Site Plan Review phase of the project.

6. TRANSPORTATION

The subject site has frontage along 82nd Avenue to the west and 19th Street Road to the south. Additionally, 18th Street currently stubs at the northwest corner of the property and is proposed to be extended to the east. The site is proposed to have three points of access: one from 18th Street to the north, one from 82nd Avenue to the east and, and one from 19th Street Road to the south. Currently, the nearest Greeley-Evans Transit (GET) route is Route 1, which runs along 20th Street and 71st Avenue.

A traffic study *(see Attachment D - Traffic Study)* evaluating the short-term and long-term traffic impacts of the proposed project was submitted as part of the PUD application. Based on this analysis, the proposed multifamily development is expected to generate 716 trips a day at full buildout. It is anticipated that most of the site traffic would utilize 18th Street to 83rd Avenue for trips to and from the site. The City's Traffic Engineer reviewed the traffic study and did not have any concerns.

G. SERVICES

1. WATER

The City of Greeley provides water services to the area and is adequate to serve the site.

2. SANITATION

The City of Greeley provides sanitary services to the area and is adequate to serve the site.

3. EMERGENCY SERVICES

The property is served by the City of Greeley's Police and Fire Departments. Fire Station #7 is located along 10th Street, approximately 2.5 miles from the subject site, by road.

4. PARKS AND OPEN SPACES

No public parks or regional open space areas are proposed as part of this request. Cash-in-lieu for parkland dedication does apply to this project. The applicant will also be required to pay Park & Trail Development Fees.

5. SCHOOLS

No schools are proposed or located on the subject site. However, cash-in-lieu for schools will be required for the project during the Minor Subdivision phase. The Weld RE-4 School District is requesting $1,304 per unit for multi-family developments.

H. NEIGHBORHOOD IMPACTS

1. VISUAL

The applicant has proposed enhanced landscaping and berms adjacent to the single-family neighborhood to the east and south, as well as 50-foot setbacks instead of the required 25-foot

setbacks. The applicant has also proposed to locate only the six-unit buildings adjacent to the single-family neighborhood, which are the smaller of the two proposed building types.

2. NOISE

Any potential noise created by future development would be regulated by the Municipal Code.

I. PUBLIC NOTICE AND COMMENT

Letters regarding the public hearing for the proposed PUD were mailed on August 25, 2023, to property owners within 1000 feet of the site, as well as all property owners in the neighborhood directly south and east of the proposal. A Notice sign was posted on the site on August 24, 2023 Public notice was also published on the City of Greeley website on August 28, 2023 A neighborhood meeting was held on June 13, 2023, which approximately 50 residents attended (*Attachment E – Neighborhood Meeting Summary*). Concerns raised at the meeting include adequate parking on-site, the effect the development will have on nearby property values, safety of development near plugged and abandoned oil and gas well, maintenance of the property, traffic on local streets, transient nature of apartment-dwellers. In addition to the neighborhood meeting staff has received a petition opposing the development with 299 signatures as of August 30, 2023. Staff has received letters from two property owners that raise concerns about potential spot-zoning, concerns with the proposal meeting the Imagine Greeley Comprehensive Plan, as well as similar concerns listed above.

J. MINERAL ESTATE OWNER NOTIFICATION

The applicant mailed the required notice regarding the initial public hearing for the proposed PUD to all mineral rights owners on August 9, 2023. Staff received no corresponding inquiries to date, August 30, 2023.

K. PLANNING COMMISSION RECOMMENDED MOTIONS

Recommended (Approval)

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Planned Unit Development is in compliance with Sections 24-204(b) and 24-205(c) of the Development Code and therefore recommends City Council approval.

Alternative (Denial)

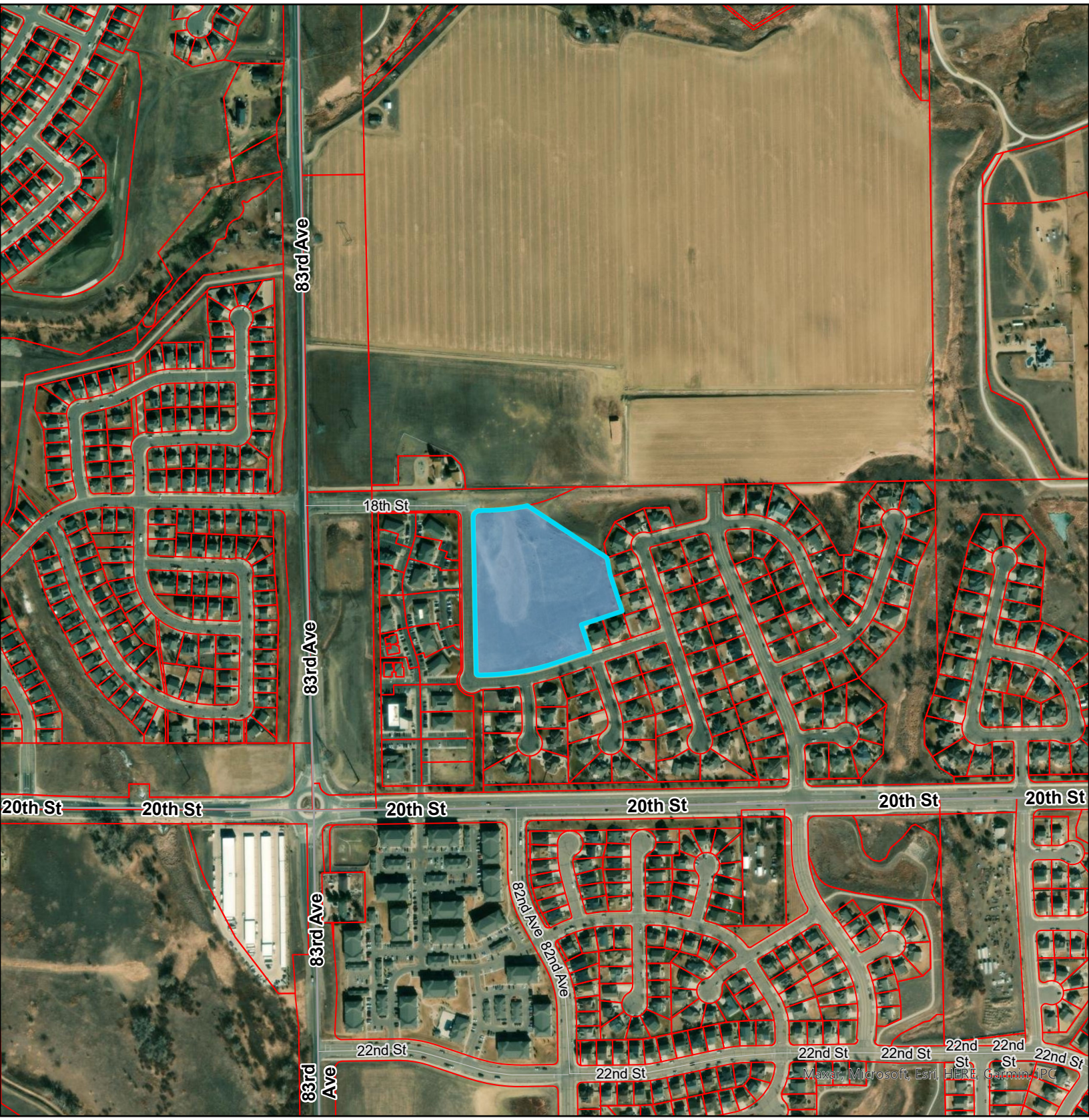
Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Planned Unit Development is not in compliance with Sections 24-204(b) and 24-205(c) of the Development Code and therefore recommends City Council denial.

ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Applicant Narrative
Attachment C – PUD Plan
Attachment D – Traffic Study
Attachment E – Neighborhood Meeting Summary
Attachment F – Neighbor Comments

Attachment G – Applicant Response to petition
Attachment H – Staff Presentation

Vicinity Map - PUD2022-0008 Mountain Vista Multi-family PUD
Planning Commission 8/22/2023



Legend

- Subject Site
- Greeley Parcels

City of Greeley Colorado

0 0.05 0.1 0.2 Miles

MOUNTAIN VISTA MULTIFAMILY PLANNED UNIT DEVELOPMENT

BEING A PLANNED UNIT DEVELOPMENT OF TRACT 2, MOUNTAIN VISTA-FILING 3 AND THOSE ADJOINING HALF RIGHT OF WAYS
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M.
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
8.51 ACRES (±)
PROJECT NUMBER: PUD2022-0008

OWNER DEDICATION STATEMENT

I, DS Investments, LLC, being the sole owner(s) in fee of...

A parcel of land for rezoning purposes and being Tract 2 of Mountain Vista-Filing 3 recorded November 13, 2002 as Reception No. 3005092 of the Records of Weld County, and those portions of 82nd Avenue, 18th Street, and 19th Street adjoining to said Tract 2, all situate within the Southwest Quarter (SW1/4) of Section Eight (8), Township Five North (T.5N.), Range Sixty-six West (R.66W.), of the Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado, more particularly described as follows:

COMMENCING at the Westerly most Northwest corner of Tract 2, Mountain Vista-Filing 3 and assuming the Westerly line of said Tract 2 as bearing South 00° 33' 57" East a distance of 647.52 feet with all other bearings contained herein relative thereto:

The following Five (5) courses are along the Westerly and Southerly lines of said Tract 2, Mountain Vista-Filing 3:

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THENCE North 89° 26' 03" East a distance of 32.88 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 290.39 feet, said curve has a radius of 970.00 feet, a delta of 17° 09' 09" and is subtended by a chord bearing North 80° 51' 29" East a distance of 289.30 feet to a Point of Tangency;

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THENCE North 00° 33' 57" West along the centerline of said 82nd Avenue a distance of 762.59 feet to the centerline of 18th Street as depicted on the plat of Mountain Vista-Filing 3;

THENCE North 89° 29' 58" East along the centerline of said 18th Street a distance of 100.00 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 104.92 feet, said curve has a radius of 745.00 feet, a delta of 8° 04' 10" and is subtended by a chord bearing North 85° 27' 53" East a distance of 104.84 feet to the end point of the curve and to the intersection of the centerline of 18th Street and the Northwesterly prolongation of the Northeasterly line of Tract 2, Mountain Vista-Filing 3;

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THENCE South 17° 43' 06" East a distance of 160.00 feet;

THENCE South 72° 16' 54" West a distance of 180.00 feet;

THENCE South 17° 43' 06" East a distance of 118.00 feet to the Southerly most Southeast corner of Tract 2, Mountain Vista-Filing 3 and to the **POINT OF BEGINNING.**

TOTAL REZONED AREA for Mountain Vista Multifamily Planned Unit Development is 370,623 sq. ft. or 8.51 acres, more or less (±).

...shown on the attached map as embraced within the heavy exterior lines thereon, has (have) subdivided the same into lots and blocks (or building envelopes) as shown on the attached map; and does (do) hereby set aside said portion of tract of land and designate the same MOUNTAIN VISTA MULTIFAMILY PLANNED UNIT DEVELOPMENT; and does (do) dedicate to the public, the streets and all easements over and across said lots (or building envelopes) at locations shown on said map; and does (do) further certify that the width of said streets, the dimensions of the lots and blocks (or building envelopes) and the names and numbers thereof are correctly designated upon said map.

Larry S. Buckendorf, Authorized Agent for DS Investments, LLC — Date: 7/21/23

NOTARIAL CERTIFICATE

Witness my hand and seal this 21 day of July, 2023.

STATE OF COLORADO)
CITY OF GREELEY)
COUNTY OF WELD)

The foregoing instrument was acknowledged before me by Larry S. Buckendorf this 21 day of July, 2023.

My commission expires: 1-21-23

Notary Public

(SEAL)

LAIRA ZIEGLER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19964000495
MY COMMISSION EXPIRES 01/21/2024

PLANNED UNIT DEVELOPMENT CERTIFICATION BLOCK

This Planned Unit Development (PUD) has been reviewed and found to be complete and in accordance with the City of Greeley Development Code Regulations.

DS Investments, LLC

Larry S. Buckendorf, Authorized Agent for DS Investments, LLC — Date: 7/21/23

ATTEST:

Secretary/Treasurer _____

CITY COUNCIL APPROVAL

Approved by the Greeley City Council on this _____ day of _____, 20____.

PLANNING COMMISSION RECOMMENDATION

Recommended / not recommended by the City of Greeley Planning Commission, this _____ day of _____, 20____.

COMMUNITY DEVELOPMENT DIRECTOR

Director of Community Development — Date

PLANNED UNIT DEVELOPMENT STANDARD NOTES:

1) Approval of site construction plans by the City of Greeley shall be required (as applicable) prior to issuance of building permits.

2) Signage shown on this plan is for illustrative purposes only. A separate sign permit shall be submitted to the city for review and approval.

3) All existing and proposed utilities shall be installed underground.

4) No building permit shall be issued for the construction of a new building or structure unless the property has been platted in accordance with the City's Subdivision Regulations (Chapter 3).

5) All elevations shown on these plans are tied to NAVD 88 datum.

SURVEYOR NOTES:

1) The word "State", "certify" or "certification" as shown and used hereon is an expression of professional opinion regarding the facts of the survey, and does not constitute a warranty or guaranty, expressed or implied. DORA Bylaws and Rules (4 CCR 730-1).

2) Northern Engineering or the Professional Land Surveyor listed hereon, does not have the expertise to address mineral rights, and recommends the owner retain an expert to address these matters. Northern Engineering or the Professional Land Surveyor listed heron assumes no responsibility for the mineral rights upon the subject property.

3) For easements created by separate document and shown hereon refer to record document for specific terms.

4) For all information regarding easements, right-of-way or title of record, Northern Engineering relied upon Order Number 459-H0674326-820-GRO, Amendment 2, dated July 11, 2023, prepared by Heritage Title Company.

5) Not all documents listed in the title commitment are plottable or definable by their terms. All easements that are definable by their descriptions are shown hereon with sufficient data to establish their position. Owner, Client and others should refer to the title commitment and those documents listed therein for a true understanding of all rights of way, easements, encumbrances, interests and title of record concerning the subject property.

6) The Surveyor has not physically located the underground utilities shown hereon. The underground utilities have been located from observed evidence and utility markings at the time of survey and the surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that that the underground utilities shown are in the location indicated, although he does state that they are located or scaled as accurately as possible from the information available. Additional Utility Lines may exist. The exact location of any underground utilities shown and the location of any additional utilities should be determined by contacting "one Call" for a utility locate. All Underground Utilities should be verified prior to any design and or construction.

7) The Professional opinion of the Surveyor is not a determination of law, nor a matter of fact.

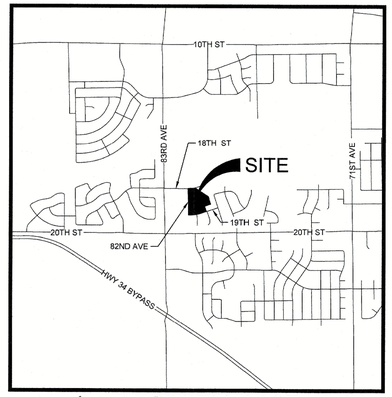
8) Adjacent property owner information per the Weld County Property Portal.

9) Zoning information per the City of Greeley ORIGIN Property Facts Map Portal.

10) Zoning Parcel descriptions are for reference purposes only. It is not the intent of the surveyor to create legal lots or subdivision as defined by the City of Fort Collins, the County of Larimer or State of Colorado. Zoning Parcel descriptions are not to be used in the transfer of real property or to replace deeded property descriptions.

11) This Zoning Map is not a statutory monumented Land Survey as defined by the State of Colorado. Monuments shown hereon are for depicted reference purposes only.

12) The location of that 30.0' Right of Way Easement to Snyder Oil Corporation as depicted hereon is approximate due to poor dedication geometry in Grant recorded on February 10, 1995 as Reception No. 2426230 of the Records of Weld County. Information was scaled via previous platting and aligned to known well locations.



N

VICINITY MAP
1" = 2000'

SURVEYING CERTIFICATE

I, Robert C. Tessely, a Colorado Registered Professional Land Surveyor do hereby certify that I prepared this plat from an actual and accurate survey of this land, including all known existing rights-of-way and easements, that the corner monuments shown thereon were properly placed under my supervision, in accordance with the regulations of the State of Colorado, under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

COLORADO LICENSED
ROBERT C. TESSELY
38470
PROFESSIONAL LAND SURVEYOR
07/20/2023

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

INTENT STATEMENT

It is the intent of this Planned Unit Development Map to rezone the described area hereon and shown on the attached map as embraced within the heavy exterior lines thereon to City of Greeley zone "PUD."

DEVELOPER/APPLICANT
DS Investments, LLC
Larry S. Buckendorf, Authorized Agent
7251 W. 20th Street, L-200
Greeley, CO, 80634
(970)-352-7072

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

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

CALL UTILITY NOTIFICATION CENTER OF COLORADO
811
Know what's below.
Call before you dig.
CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

UTILITY NOTE:
THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN ARE BASED ON OBSERVED EVIDENCE AND UTILITY MARKINGS AT TIME OF SURVEY. ADDITIONAL UTILITY LINES MAY EXIST. THE EXACT LOCATION OF ANY UNDERGROUND UTILITIES SHOWN AND THE LOCATION OF ANY ADDITIONAL UNDERGROUND UTILITIES SHOULD BE DETERMINED BY CONTACTING "ONE CALL" FOR A UTILITY LOCATE.

Revisions:

		By:	Date:
1)	Address First Round Comments	AML	3/14/23
2)	Address Second Round Comments	SPP	5/15/23
3)	Address Third Round Comments	SPP	6/26/23

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

SECTION: 8 | TOWNSHIP: 5 N | RANGE: 66 W of the 6th PM

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

DATE: 07/20/2023 | SCALE: N/A | REVIEWED BY: R. TESSELY
PROJECT: 1557-010 | CLIENT: JOURNEY HOMES | DRAWN BY: S. PAQUIN

MOUNTAIN VISTA MULTIFAMILY PLANNED UNIT DEVELOPMENT

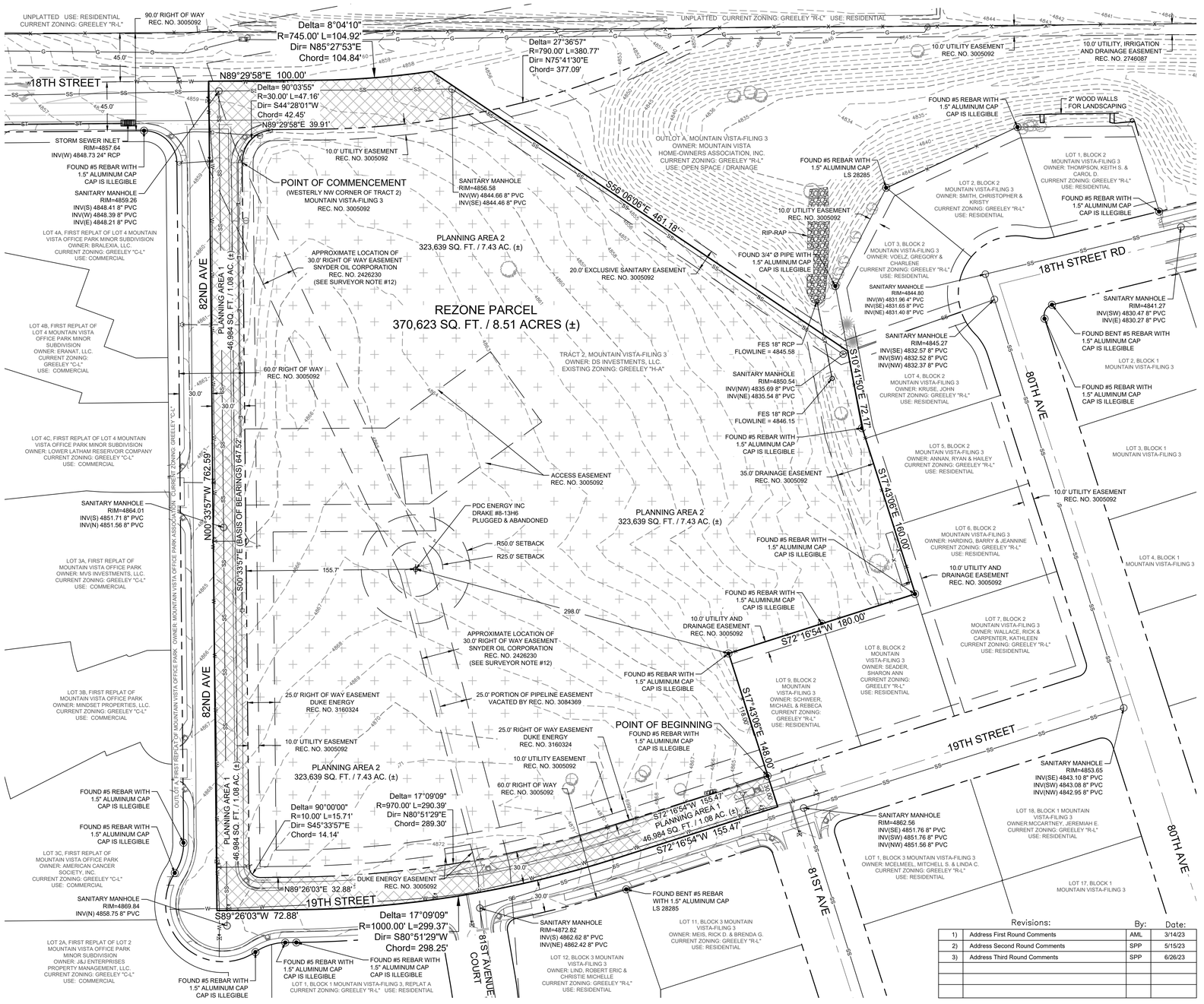
MOUNTAIN VISTA MULTIFAMILY PUD
CITY OF GREELEY, STATE OF COLORADO

Sheet 1 Of 12 Sheets

MOUNTAIN VISTA MULTIFAMILY PLANNED UNIT DEVELOPMENT

BEING A PLANNED UNIT DEVELOPMENT OF TRACT 2, MOUNTAIN VISTA-FILING 3 AND THOSE ADJOINING HALF RIGHT OF WAYS

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M.
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
8.51 ACRES (±)
PROJECT NUMBER: PUD2022-0008



SYMBOL LEGEND

○	FLARED END SECTION
	FIRE HYDRANT
	FOUND PROPERTY MONUMENT
WV	WATER VALVE
	INLET GRATE
	LIGHT POLE
M	MAILBOX
S	SANITARY SEWER MAN HOLE
ST	STORM SEWER MAN HOLE
GAS	GAS MARKER
	4" SQUARE POST
	HANDICAP RAMP
	DECIDUOUS SHRUB
	SIGN
	CONIFEROUS TREE
	DECIDUOUS TREE
	VERTICAL PIPE

LINE LEGEND

- BOUNDARY LINE
- RIGHT OF WAY LINE
- ROAD CENTERLINE
- PROPERTY LINE
- EASEMENT LINE
- VACATED EASEMENT LINE
- CURB AND GUTTER / PAN FLOWLINE
- FENCE
- BURIED ELECTRIC
- BURIED GAS
- WATER LINE
- SANITARY SEWER LINE
- STORM SEWER LINE
- EDGE OF ASPHALT
- ROAD STRIPING
- MAJOR CONTOUR
- MINOR CONTOUR

CALL UTILITY NOTIFICATION CENTER OF COLORADO
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CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

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COLORADO LICENSED
ROBERT C. TESSELY
38470
PROFESSIONAL LAND SURVEYOR
07/20/2023

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

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1)	Address First Round Comments	AML	3/14/23
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NORTHERN ENGINEERING
SURVEY | MUNICIPAL | LAND DEVELOPMENT
TORT COLLINS | GREELEY 970.221.4158 NORTHERNENGINEERING.COM

SECTION: 8
TOWNSHIP: 5 N
RANGE: 66 W of the 6th PM

DATE: 07/20/2023
SCALE: 1" = 50'
REVIEWED BY: R. TESSELY
PROJECT: 1155-010
CLIENT: JOURNEY HOMES
DRAWN BY: S. PAQUIN

EXISTING CONDITIONS MAP
MOUNTAIN VISTA MULTIFAMILY PUD
CITY OF GREELEY, STATE OF COLORADO

Sheet 2
Of 12 Sheets

MOUNTAIN VISTA MULTIFAMILY PLANNED UNIT DEVELOPMENT

BEING A PLANNED UNIT DEVELOPMENT OF TRACT 2, MOUNTAIN VISTA-FILING 3 AND THOSE ADJOINING HALF RIGHT OF WAYS

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M.
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
8.51 ACRES (±)
PROJECT NUMBER: PUD2022-0008

DEVELOPMENT STANDARDS			
DESCRIPTION	**PROPOSED**		
PLANNING AREA (PA-1)			
Permitted Uses	Public Access (i.e. public streets, sidewalks, emergency access, etc.), Utilities, Drainage		
PLANNING AREA (PA-2)			
Permitted Uses	Multifamily Dwellings, Assembly - Limited, Open Space & Common Areas, Utilities, Drainage, Private Access & Parking, Emergency Access		
Uses Not Allowed	Mobile/Manufactured Home & parks, Established Residential (all types), Industrial Uses - except Child Care Home, Assembly - Large, Cemeteries, Schools - Adult, Transportation (ALL), Utilities - Co-generation of Power Plants		
Density	16 Dwelling Units/Acre		
Minimum Lot Area	1.079 acres		
Site Area	Square Feet	Acres	Percent
Building Coverage	60,050	1.379	18.6%
Drive, Parking, and Walks	102,660	2.357	31.7%
Open Space	160,928	3.694	49.7%
Maximum Lot Coverage	323,638	7.430	100.0%
Parking	Per City of Greeley Municipal Code Article 24 Chapter 7		
Minimum Setbacks	Front	25 feet	
	Rear	25 feet	
	Side	20 feet	
	Corner	20 feet	
Accessory Structure Setbacks	Front	25 feet	
	Rear	25 feet	
	Side	20 feet	
	Corner	20 feet	
Encroachments	1. Primary entrance features may encroach beyond the required front building line, as specified in section 24-503.b.		
	2. Structural projections such as bay windows, balconies, canopies, chimneys, eaves, cornices, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to four feet from the foundation and encroach into the setback, but no closer than three feet from any lot line. This exception shall be limited to no more than 20 percent of the total area of a building elevation.		
	3. Unenclosed decks or patios at or below the first floor elevation may extend into the rear or side setback but no closer than five feet to any lot line. Where a roof is provided, it shall only be single story and shall remain unenclosed with at least 65 percent open and unobstructed on three sides.		
	4. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setback provided that it extends no more than six feet from the principal building, no closer than three feet to the lot line, and is screened from public right-of-way by structures or landscape. These limitations do not apply to any utility structures otherwise authorized to be located in easements or rights-of-way, subject to the design standards of those specific authorizations.		
	5. Any other accessory use or structure within the setback, not specified in section 24-502.c, shall have a setback of at least one-third its height from the property line.		
Building Height	Principal Structure	40 feet	
	Accessory Structure	20 feet	
Sign Standards	Per City of Greeley Municipal Code Article 24 Chapter 9		

ZONING DESCRIPTION:

A parcel of land for rezoning purposes and being Tract 2 of Mountain Vista-Filing 3 recorded November 13, 2002 as Reception No. 3005092 of the Records of Weld County, and those portions of 82nd Avenue, 18th Street, and 19th Street adjoining to said Tract 2, all situate within the Southwest Quarter (SW1/4) of Section Eight (8), Township Five North (T.5N.), Range Sixty-six West (R.66W.), of the Sixth Principal Meridian (6th P.M.), City of Greeley, County of Weld, State of Colorado, more particularly described as follows:

COMMENCING at the Westerly most Northwest corner of Tract 2, Mountain Vista-Filing 3 and assuming the Westerly line of said Tract 2 as bearing South 00° 33' 57" East a distance of 647.52 feet with all other bearings contained herein relative thereto:

The following Five (5) courses are along the Westerly and Southerly lines of said Tract 2, Mountain Vista-Filing 3:

THENCE South 00° 33' 57" East a distance of 647.52 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northeast a distance of 15.71 feet, said curve has a radius of 10.00 feet, a delta of 90° 00' 00" and is subtended by a chord bearing South 45° 33' 57" East a distance of 14.14 feet to a Point of Tangency;

THENCE North 89° 26' 03" East a distance of 32.88 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 290.39 feet, said curve has a radius of 970.00 feet, a delta of 17° 09' 09" and is subtended by a chord bearing North 80° 51' 29" East a distance of 289.30 feet to a Point of Tangency;

THENCE North 72° 16' 54" East a distance of 155.47 feet to the Southerly most Southeast corner of Tract 2, Mountain Vista-Filing 3 monumented by a #5 rebar with an illegible 1.5" diameter cap and to the **POINT OF BEGINNING.**

THENCE South 17° 43' 06" East a distance of 30.00 feet to the centerline of 19th Street as depicted on the plat for said Mountain Vista-Filing 3:

The following Three (3) courses are along the centerline of said 19th Street:

THENCE South 72° 16' 54" West a distance of 155.47 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 299.37 feet, said curve has a radius of 1000.00 feet, a delta of 17° 09' 09" and is subtended by a chord bearing South 80° 51' 29" West a distance of 298.25 feet to a Point of Tangency;

THENCE South 89° 26' 03" West a distance of 72.88 feet to the centerline of 82nd Avenue as depicted on the plat of said Mountain Vista-Filing 3;

THENCE North 00° 33' 57" West along the centerline of said 82nd Avenue a distance of 762.59 feet to the centerline of 18th Street as depicted on the plat of Mountain Vista-Filing 3;

THENCE North 89° 29' 58" East along the centerline of said 18th Street a distance of 100.00 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 104.92 feet, said curve has a radius of 745.00 feet, a delta of 8° 04' 10" and is subtended by a chord bearing North 85° 27' 53" East a distance of 104.84 feet to the end point of the curve and to the intersection of the centerline of 18th Street and the Northwesterly prolongation of the Northeasterly line of Tract 2, Mountain Vista-Filing 3;

THENCE South 56° 06' 06" East along the Northeasterly line of said Tract 2 a distance of 461.18 feet to the Northwest corner of Lot 4, Block 2 as depicted on the plat for Mountain Vista-Filing 3;

The following Four (4) courses are along the Easterly and Southerly lines of said Tract 2, Mountain Vista-Filing 3:

THENCE South 10° 41' 50" East a distance of 72.17 feet;

THENCE South 17° 43' 06" East a distance of 160.00 feet;

THENCE South 72° 16' 54" West a distance of 180.00 feet;

THENCE South 17° 43' 06" East a distance of 118.00 feet to the Southerly most Southeast corner of Tract 2, Mountain Vista-Filing 3 and to the **POINT OF BEGINNING.**

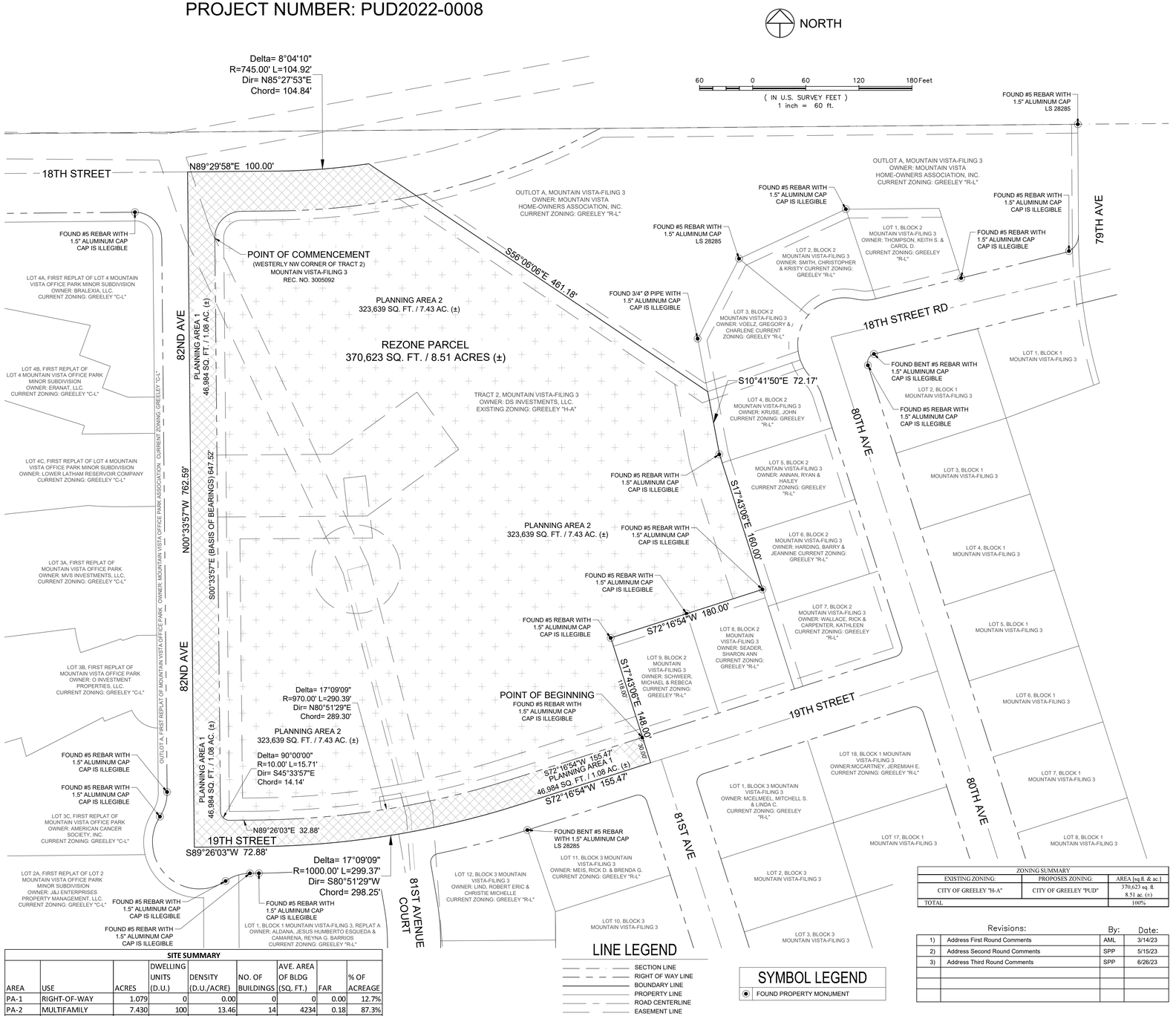
TOTAL REZONED AREA for the Mountain Vista Multifamily Planned Unit Development is 370,623 sq. ft. or 8.51 acres, more or less (±).

SURVEYING CERTIFICATE

I, Robert C. Tessely, a Colorado Registered Professional Land Surveyor do hereby state that this Rezone Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

COLORADO LICENSED ROBERT C. TESSELY 38470 PROFESSIONAL REGIONAL LAND SURVEYOR 07/20/2023

Robert C. Tessely
Registered Professional Land Surveyor LS 38670
For and on behalf of Northern Engineering Services, Inc.



SITE SUMMARY								
AREA	USE	ACRES	DWELLING UNITS (D.U.)	DENSITY (D.U./ACRE)	NO. OF BUILDINGS	AVE. AREA OF BLDG (SQ. FT.)	FAR	% OF ACREAGE
PA-1	RIGHT-OF-WAY	1.079	0	0.00	0	0	0.00	12.7%
PA-2	MULTIFAMILY	7.430	100	13.46	14	4234	0.18	87.3%
Total		8.508	100	11.75	14			100.0%

LINE LEGEND

- SECTION LINE
- RIGHT OF WAY LINE
- BOUNDARY LINE
- PROPERTY LINE
- ROAD CENTERLINE
- EASEMENT LINE
- VACATED EASEMENT LINE

SYMBOL LEGEND

- FOUND PROPERTY MONUMENT

ZONING SUMMARY		
EXISTING ZONING:	PROPOSES ZONING:	AREA [sq.ft. & ac.]
CITY OF GREELEY "H-A"	CITY OF GREELEY "PUD"	370,623 sq. ft. 8.51 ac. (±)
TOTAL		100%

Revisions:

		By:	Date:
1)	Address First Round Comments	AML	3/14/23
2)	Address Second Round Comments	SPP	5/15/23
3)	Address Third Round Comments	SPP	6/26/23

NOTICE:
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SECTION: 8 | TOWNSHIP: 5 N | RANGE: 66 W of the 6th PM

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

DATE: 07/20/2023 | SCALE: 1" = 60' | REVIEWED BY: R. TESSELY
PROJECT: 1155-010 | CLIENT: | DRAWN BY: S. PAQUIN

MASTER DEVELOPMENT PLAN & GENERAL LAYOUT
MOUNTAIN VISTA MULTIFAMILY PUD
CITY OF GREELEY, STATE OF COLORADO

Sheet 3
Of 12 Sheets

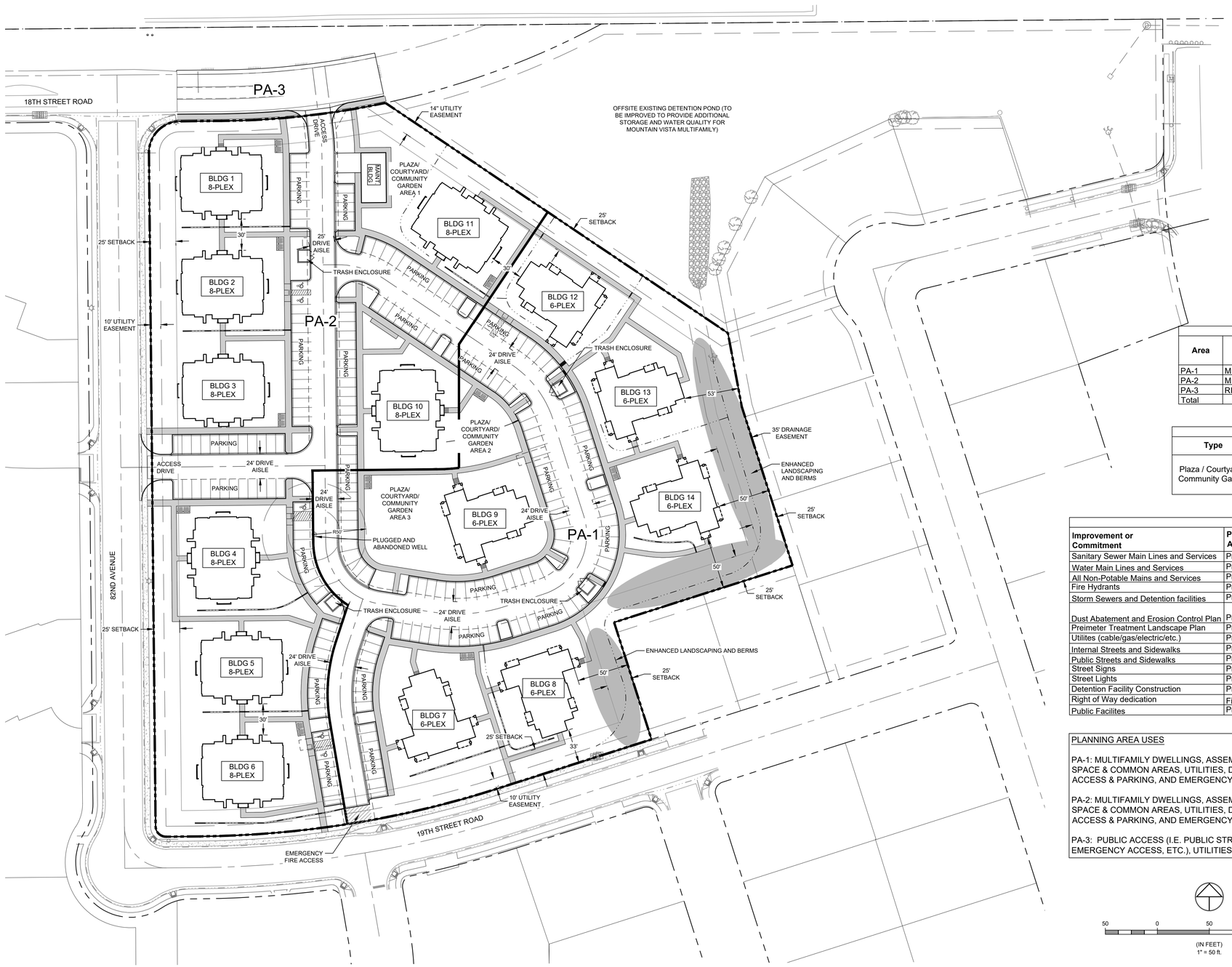
MOUNTAIN VISTA MULTIFAMILY REZONE

BEING A REZONE OF TRACT 2, MOUNTAIN VISTA-FILING 3 AND THOSE ADJOINING HALF RIGHT OF WAYS

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M. CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO

8.51 ACRES (±)

PROJECT NUMBER: PUD2022-0008



LEGEND:

- PROPOSED CURB & GUTTER
- PROPOSED PLANNING AREA BOUNDARY
- EASEMENT LINE
- EXISTING RIGHT-OF-WAY
- PROPOSED CONCRETE CROSS PAN (TYP.)
- PROPOSED BICYCLE RACK
- PROPOSED SIDEWALK
- EXISTING SIDEWALK
- ENHANCED LANDSCAPING AREA

NOTES:

1. PROJECT WILL BE CONSTRUCTED AS ONE OVERALL PHASE.
2. LANDSCAPING WILL BE PER CITY OF GREELEY LANDSCAPE STANDARDS AND CITY OF GREELEY DEVELOPMENT CODE.
3. SITE PLAN IS CONCEPTUAL AND DOES NOT REFLECT AN APPROVED SITE PLAN.
4. SITE PLAN IS WHAT IS INTENDED TO BE BUILT.

Site Summary

Area	Use	Acres	Dwelling Units (D.U.)	Density (D.U./ACRE)	No. of Buildings	Ave. Area of Bldg (SQ. FT.)	FAR	% of Acreage
PA-1	MULTIFAMILY	3.610	36	9.97	6	3853	0.15	42.4%
PA-2	MULTIFAMILY	3.820	64	16.75	8	4519	0.22	44.9%
PA-3	RIGHT-OF-WAY	1.079	0	0.00	0	0	0.00	12.7%
Total		8.509	100	11.75	14			100.0%

Neighborhood Feature & Common Area Types

Type	Required Size	Feature Points	Provided Size	Total Feature Points
Plaza / Courtyard / Community Garden	· 1K - 5K s.f. · At least 25 wide in all directions · Frontage on at least 1 public street OR connection to street by trail or pedestrian passage.	1	Area 1 - ± 3,200 s.f. Area 2 - ± 3,200 s.f. Area 3 - ± 5,000 s.f.	3

Commitment Matrix

Improvement or Commitment	Plan Preparation & Approval	Construction Timing	Construction Responsibility	Maintenance Responsibility	Ownership
Sanitary Sewer Main Lines and Services	Prior to Building Permit	1 Month	Contractor/Developer	City of Greeley	City of Greeley
Water Main Lines and Services	Prior to Building Permit	1 Month	Contractor/Developer	City of Greeley	City of Greeley
All Non-Potable Mains and Services	Prior to Building Permit	1 Month	Contractor/Developer	City of Greeley	City of Greeley
Fire Hydrants	Prior to Building Permit	1 Month	Contractor/Developer	City of Greeley	City of Greeley
Storm Sewers and Detention facilities	Prior to Building Permit	1 Month	Contractor/Developer	City of Greeley	City of Greeley
Dust Abatement and Erosion Control Plan	Prior to Building Permit	6 Months	Contractor/Developer	Contractor/Developer	Contractor/Developer
Preimeter Treatment Landscape Plan	Prior to Building Permit	1 Month	Contractor/Developer	HOA	HOA
Utilites (cable/gas/electric/etc.)	Prior to Building Permit	1 Month	Utility Provider	Utility Provider	Utility Provider
Internal Streets and Sidewalks	Prior to Building Permit	1 Month	Contractor/Developer	HOA	HOA
Public Streets and Sidewalks	Prior to Building Permit	1 Month	Contractor/Developer	City of Greeley	City of Greeley
Street Signs	Prior to Building Permit	1 Day	Contractor/Developer	HOA	HOA
Street Lights	Prior to Building Permit	1 Month	Contractor/Developer	City of Greeley	City of Greeley
Detention Facility Construction	Prior to Building Permit	1 Month	Contractor/Developer	HOA	HOA
Right of Way dedication	Final Plat	n/a	Contractor/Developer	City of Greeley	City of Greeley
Public Facilites	Prior to Building Permit	1 Month	Contractor/Developer	HOA	HOA

PLANNING AREA USES

PA-1: MULTIFAMILY DWELLINGS, ASSEMBLY - LIMITED, OPEN SPACE & COMMON AREAS, UTILITIES, DRAINAGE, PRIVATE ACCESS & PARKING, AND EMERGENCY ACCESS

PA-2: MULTIFAMILY DWELLINGS, ASSEMBLY - LIMITED, OPEN SPACE & COMMON AREAS, UTILITIES, DRAINAGE, PRIVATE ACCESS & PARKING, AND EMERGENCY ACCESS

PA-3: PUBLIC ACCESS (I.E. PUBLIC STREETS, SIDEWALKS, EMERGENCY ACCESS, ETC.), UTILITIES, AND DRAINAGE

PARKING SUMMARY

6-PLEX = 6 BUILDINGS
8-PLEX = 8 BUILDINGS

100 DU X 2.0 SPACES = 200 SPACES

+GUEST 1 SPACE/10 SPACES = 20 SPACES

TOTAL PARKING SPACES REQUIRED = 220 SPACES
TOTAL PARKING SPACES PROVIDED = 228 SPACES

NORTH

50 0 50 100 150 Feet

(IN FEET)
1" = 50 ft.

Revisions:		By:	Date:
1)	Address First Round Comments	ACP	03/14/23
2)	Address Second Round Comments	ACP	05/23/23
3)	Address Third Round Comments	ACP	06/26/23

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

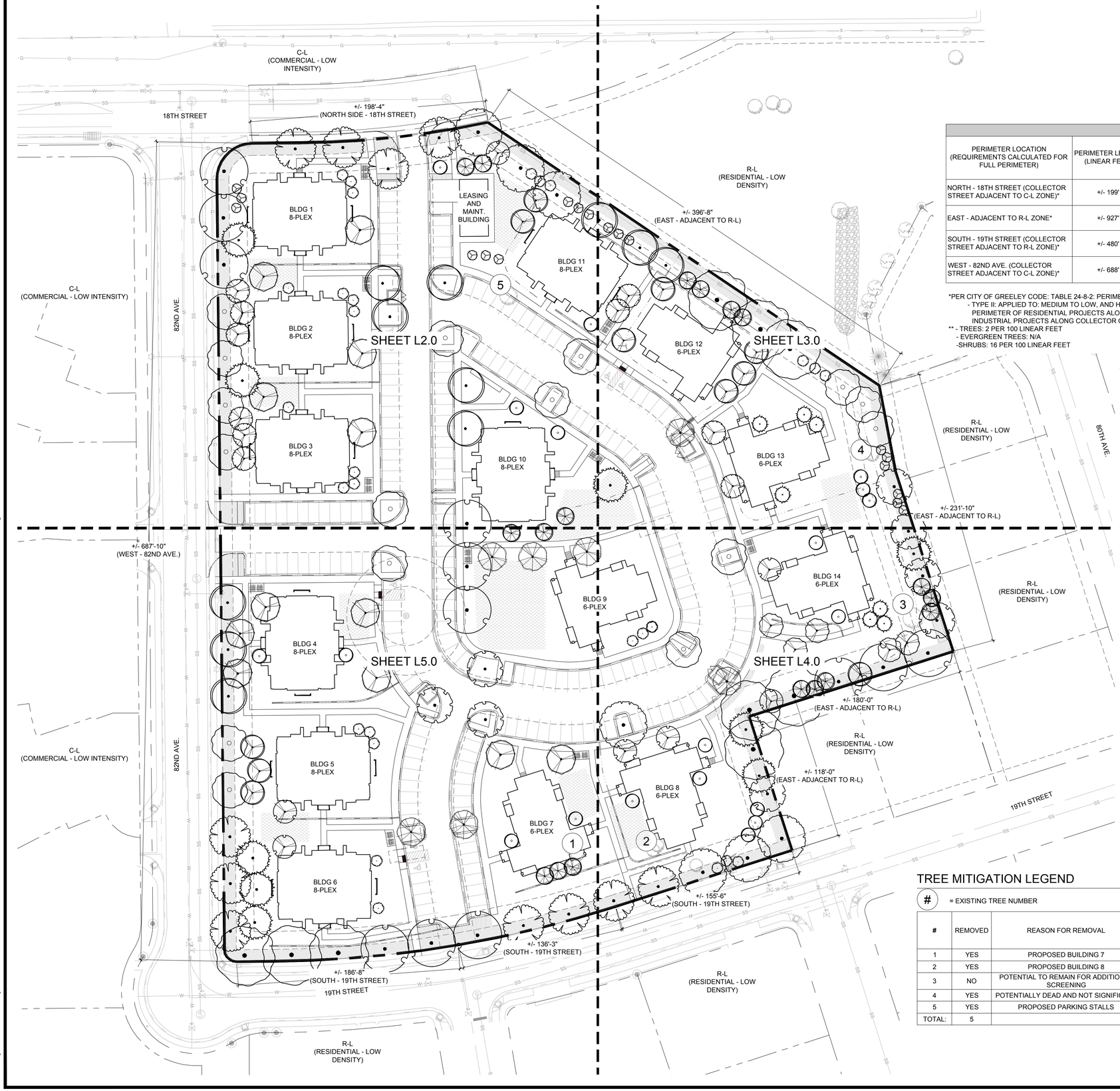
SECTION: 8 | TOWNSHIP: 5 N | RANGE: 66 W of the 6th PM

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

DATE: 06/26/2023 | SCALE: N/A | REVIEWED BY: R. TESSELY
PROJECT: 1155-010 | CLIENT: JOURNEY HOMES | DRAWN BY: A. POINCELOT

MOUNTAIN VISTA MULTIFAMILY PLANNED UNIT DEVELOPMENT
MOUNTAIN VISTA MULTIFAMILY PUD
CITY OF GREELEY, STATE OF COLORADO

Sheet 4
Of 12 Sheets



REFERENCE NOTES SCHEDULE

SYMBOL	10 LANDSCAPE DEVELOPMENT DESCRIPTION
	TYPE I - 5' PERIMTER TREATMENT: PARKING WITHIN 20' OF ROW
	TYPE II - 10' PERIMTER TREATMENT
	CONCEPTUAL OPEN SPACES AREAS

PERIMETER TREATMENT PLAN							
PERIMETER LOCATION (REQUIREMENTS CALCULATED FOR FULL PERIMETER)	PERIMETER LENGTH (LINEAR FEET)	SHADE TREE OR ORNAMENTAL TREE		EVERGREEN TREE		SHRUBS	
		REQUIRED**	PROPOSED	REQUIRED**	PROPOSED	REQUIRED**	PROPOSED
NORTH - 18TH STREET (COLLECTOR STREET ADJACENT TO C-L ZONE)*	+/- 199'	4	4	N/A		32	
EAST - ADJACENT TO R-L ZONE*	+/- 927'	19	48	N/A	9	149	
SOUTH - 19TH STREET (COLLECTOR STREET ADJACENT TO R-L ZONE)*	+/- 480'	10	12	N/A	3	77	
WEST - 82ND AVE. (COLLECTOR STREET ADJACENT TO C-L ZONE)*	+/- 688'	14	15	N/A		111	

*PER CITY OF GREELEY CODE: TABLE 24-8-2: PERIMETER DESIGN REQUIREMENTS
- TYPE II: APPLIED TO: MEDIUM TO LOW, AND HIGH TO MEDIUM LAND USE TRANSITIONS. PERIMETER OF RESIDENTIAL PROJECTS ALONG COLLECTOR STREETS; OR PERIMETER OF COMMERCIAL AND INDUSTRIAL PROJECTS ALONG COLLECTOR OR ARTERIAL STREETS

** - TREES: 2 PER 100 LINEAR FEET
- EVERGREEN TREES: N/A
-SHRUBS: 16 PER 100 LINEAR FEET

CONCEPTUAL TREE PLANTING LIST

CONCEPTUAL PERIMTER TREATMENT TREE
SHADE TREES:
-BUR OAK – QUERCUS MACROCARPA
-SKYLINE HONEYLOCUST – GLEDITSIA TRIACANTHOS V. INERMIS
-OHIO BUCKEYE – AESCULUS GLABRA
-HACKBERRY – CELTIS OCCIDENTALIS
-CATALPA – CATALPA SPECIOSA
-KENTUCKY COFFEETREE – GYMNOCLADUS DIOICUS

EVERGREEN TREES
- PICEA PUNGENS VAR.
- PINUS NIGRA VAR.
- PINUS PONDEROSA

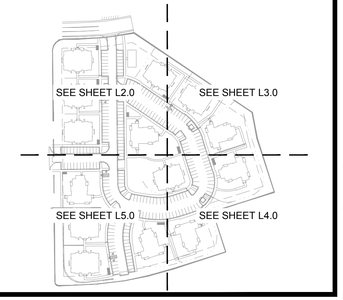
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-GREENSPIRE LINDEN" - TILIA CORDATA
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TREE MITIGATION LEGEND

(#) = EXISTING TREE NUMBER

#	REMOVED	REASON FOR REMOVAL	DBH	MITIGATION REQUIREMENT
1	YES	PROPOSED BUILDING 7	<4"	0
2	YES	PROPOSED BUILDING 8	<4"	0
3	NO	POTENTIAL TO REMAIN FOR ADDITIONAL SCREENING	8"	0
4	YES	POTENTIALLY DEAD AND NOT SIGNIFICANT	<4"	0
5	YES	PROPOSED PARKING STALLS	<4"	0
TOTAL:	5			0

KEY MAP



MOUNTAIN VISTA MULTIFAMILY

PUD

GREELEY, CO

PREPARED BY:

ripley design
LANDSCAPE ARCHITECTURE, LAND PLANNING
419 Canyon Ave. Suite 200 Fort Collins, CO 80521
phone 970.224.5828 | fax 970.225.6657 | www.ripleydesigninc.com

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NORTH
SCALE: 1"=40'-0"
0 20 40 80
ORIGINAL SIZE 24X36

ISSUED

No.	DESCRIPTION	DATE

REVISIONS

No.	DESCRIPTION	DATE

CONCEPTUAL OVERALL LANDSCAPE PLAN

SEAL:

ENTITLEMENT DRAWINGS NOT FOR CONSTRUCTION

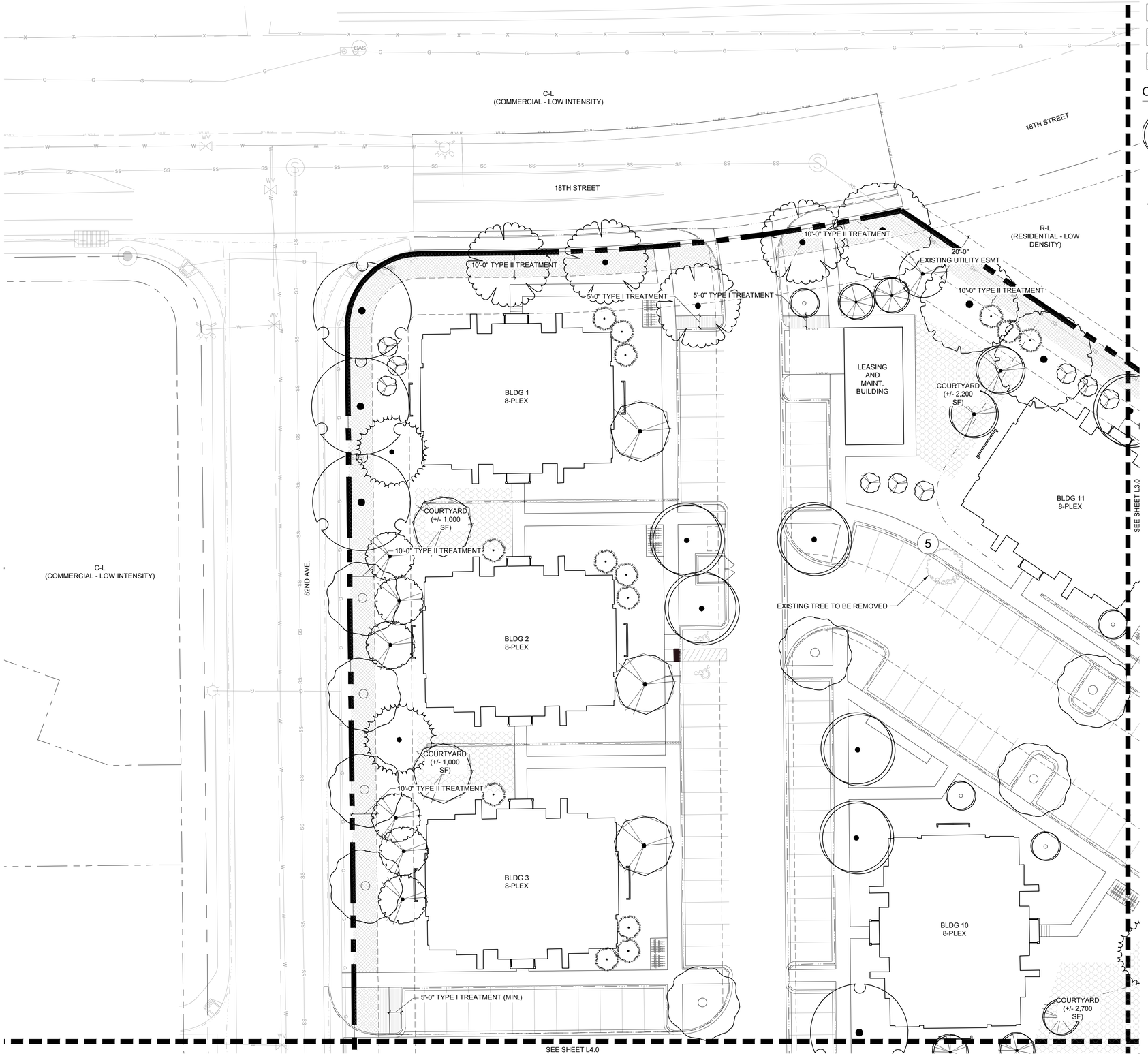
PROJECT No.:	R23-006
DRAWN BY:	AG
REVIEWED BY:	RL

DRAWING NUMBER:

L1.0

5 of 12

Plotted By: Alex Garvert **Layout:** L1.0 CONCEPTUAL OVERALL LANDSCAPE PLAN **Printed On:** 7/17/2023 11:42 AM **File Name:** L1.0 OVERALL LANDSCAPE PLAN.dwg



REFERENCE NOTES SCHEDULE

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	TYPE II - 10' PERIMTER TREATMENT
	CONCEPTUAL OPEN SPACES AREAS

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CONCEPTUAL PERIMTER TREATMENT TREE
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EVERGREEN TREES
- PICEA PUNGENS VAR.
- PINUS NIGRA VAR.
- PINUS PONDEROSA

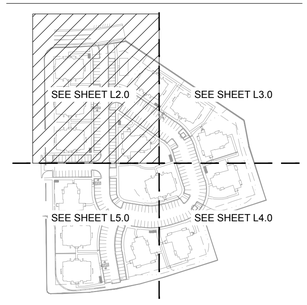
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-SUCKER PUNCH CHOKECHERRY - PRUNUS X VIRGINIANA 'SUCKER PUNCH'

TREE MITIGATION LEGEND

(#) = EXISTING TREE NUMBER

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1	YES	PROPOSED BUILDING 7
2	YES	PROPOSED BUILDING 8
3	NO	POTENTIAL TO REMAIN FOR ADDITIONAL SCREENING
4	YES	POTENTIALLY DEAD AND NOT SIGNIFICANT
5	YES	PROPOSED PARKING STALLS
TOTAL:	5	

KEY MAP



MOUNTAIN VISTA MULTIFAMILY

PUD

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NORTH
0 10 20 40
SCALE: 1"=20'-0"

ORIGINAL SIZE 24X36

ISSUED

No.	DESCRIPTION	DATE

REVISIONS

No.	DESCRIPTION	DATE

CONCEPTUAL LANDSCAPE ENLARGEMENT

SEAL:

ENTITLEMENT DRAWINGS NOT FOR CONSTRUCTION

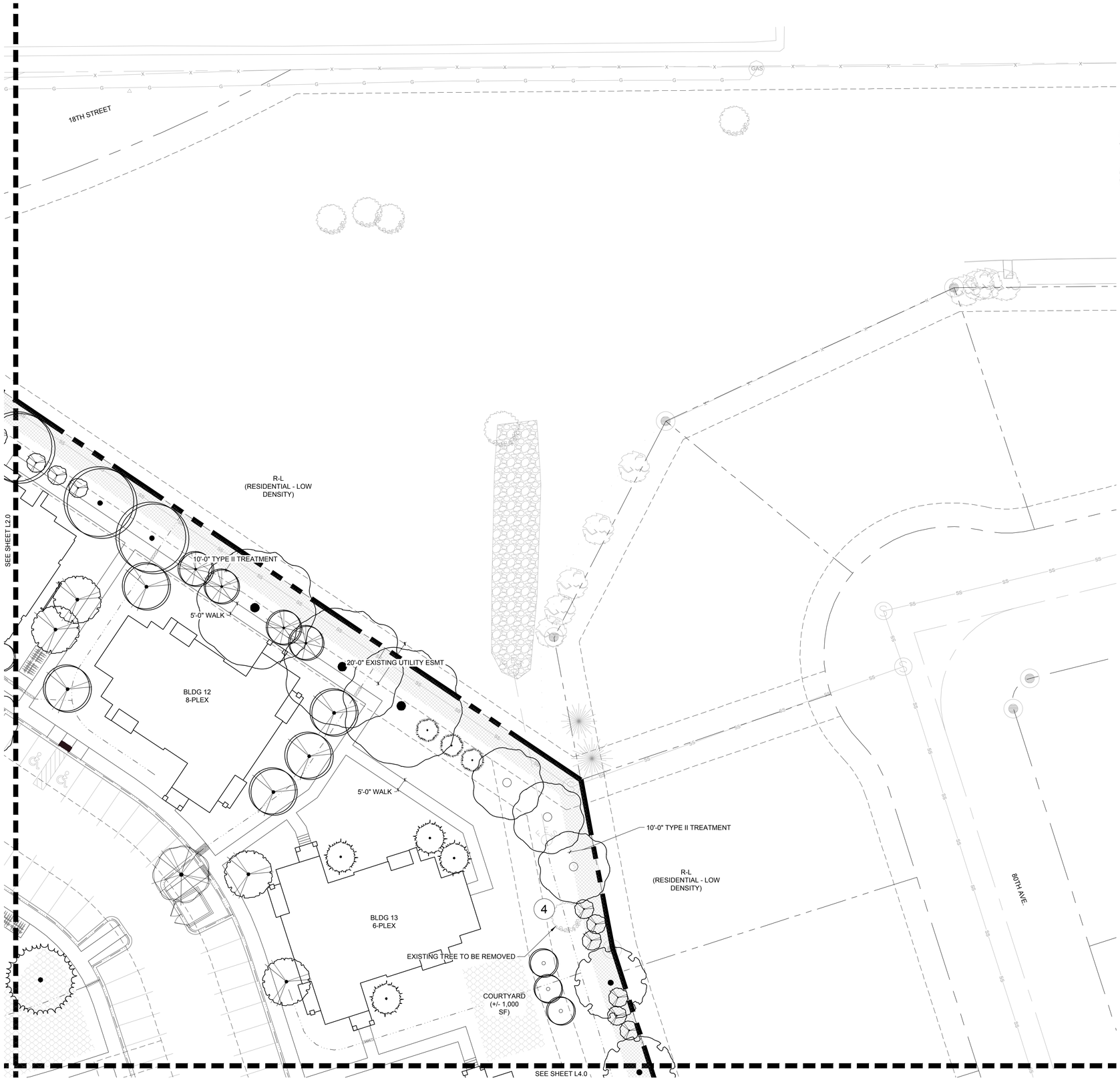
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DRAWN BY:	AG
REVIEWED BY:	RL

DRAWING NUMBER:

L2.0

6 of 12

Plotted By: Alex Garnett **Layout:** L2.0 CONCEPTUAL LANDSCAPE ENLARGEMENT **Printed On:** 7/17/2023 11:42 AM **File Name:** L1.0 OVERALL LANDSCAPE PLAN.dwg



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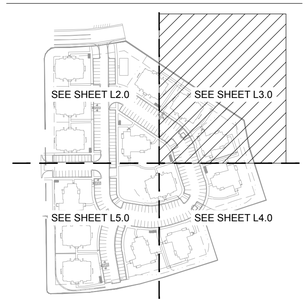
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5	YES	PROPOSED PARKING STALLS
TOTAL:	5	

KEY MAP



MOUNTAIN VISTA MULTIFAMILY

PUD

GREELEY, CO

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NORTH
0 10 20 40
SCALE: 1"=20'-0"

ORIGINAL SIZE 24X36

ISSUED

No.	DESCRIPTION	DATE

REVISIONS

No.	DESCRIPTION	DATE

CONCEPTUAL LANDSCAPE ENLARGEMENT

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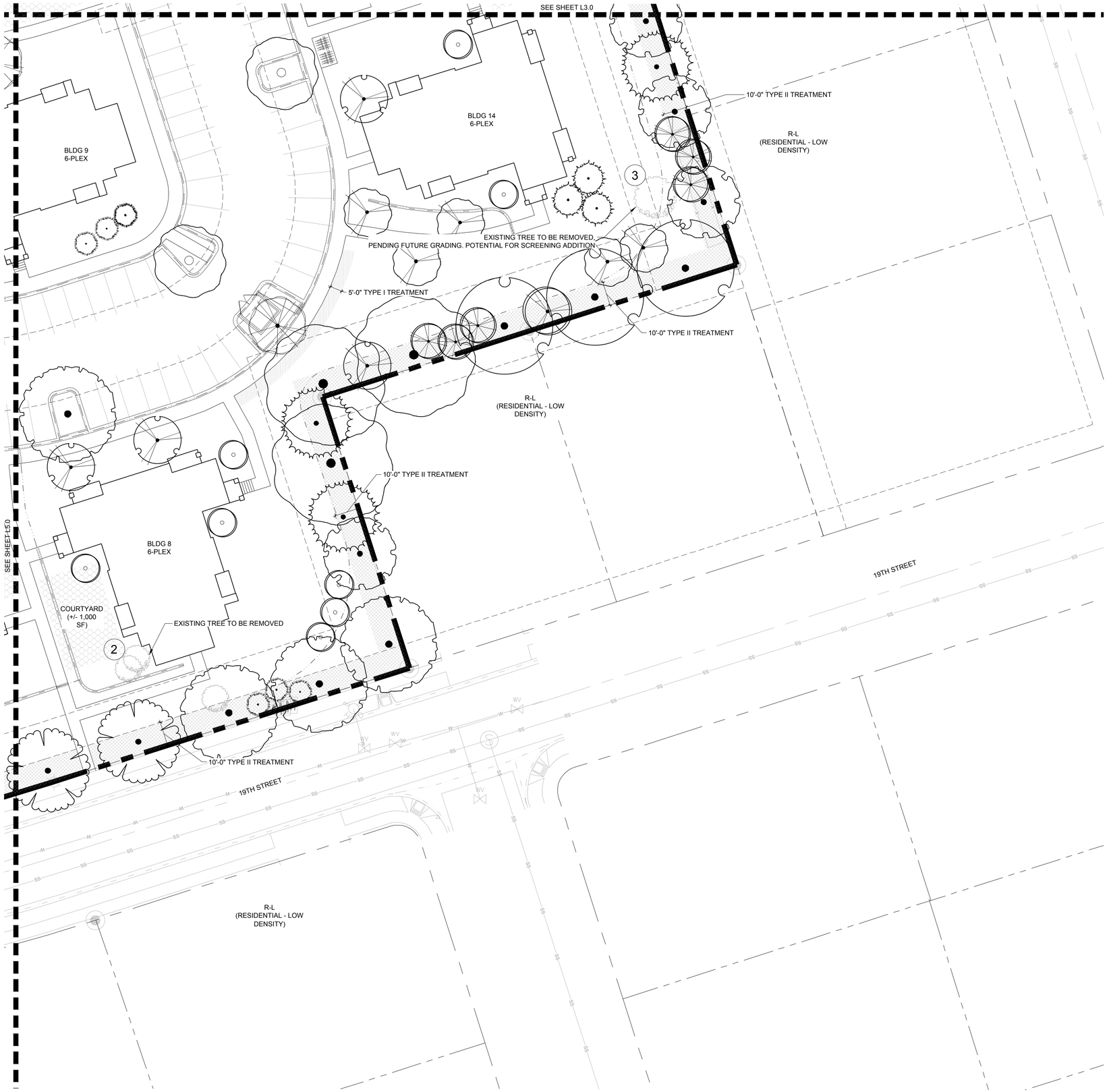
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L3.0

7 of 12

Plotted By: Alex Garvert **Layout:** L3.0 CONCEPTUAL LANDSCAPE ENLARGEMENT **Printed On:** 7/17/2023 11:43 AM **File Name:** L1.0 OVERALL LANDSCAPE PLAN.dwg



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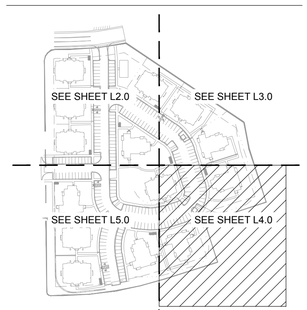
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TOTAL:	5	

KEY MAP



MOUNTAIN VISTA MULTIFAMILY

PUD

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(970) 224-5828

NORTH SCALE: 1"=20'-0" (0, 10, 20, 40)

ORIGINAL SIZE 24X36

ISSUED

No.	DESCRIPTION	DATE

REVISIONS

No.	DESCRIPTION	DATE

CONCEPTUAL LANDSCAPE ENLARGEMENT

SEAL:

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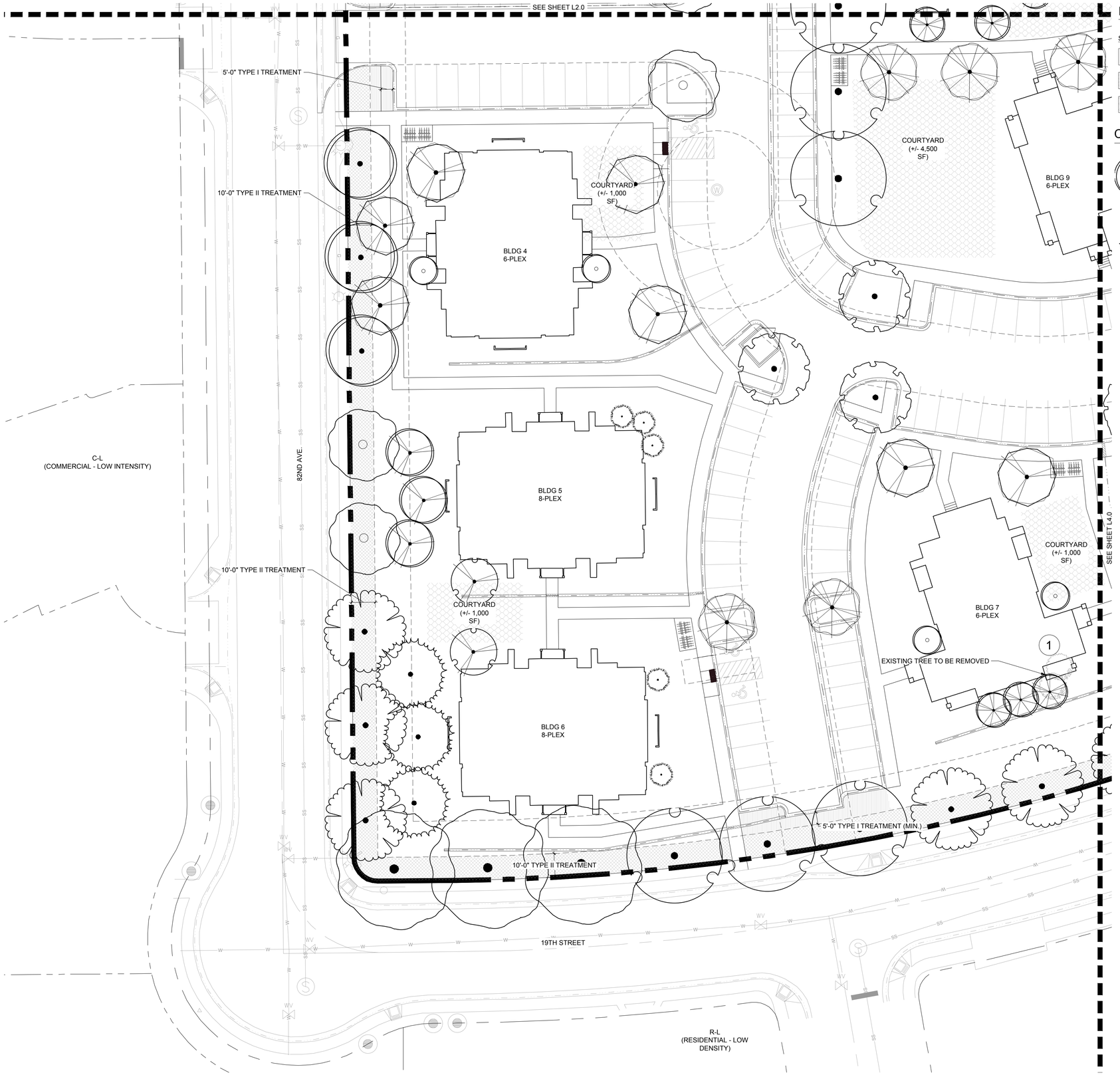
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DRAWN BY:	AG
REVIEWED BY:	RL

DRAWING NUMBER:

L4.0

8 of 12

Plotted By: Alex Garvert **Layout:** L4.0 CONCEPTUAL LANDSCAPE ENLARGEMENT **Printed On:** 7/17/2023 11:43 AM **File Name:** L1.0 OVERALL LANDSCAPE PLAN.dwg



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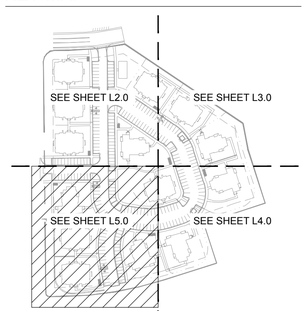
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KEY MAP



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NORTH
0 10 20 40
SCALE: 1"=20'-0"

ORIGINAL SIZE 24X36

ISSUED

No.	DESCRIPTION	DATE

REVISIONS

No.	DESCRIPTION	DATE

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REVIEWED BY:	RL

DRAWING NUMBER:

L5.0

9 of 12

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MATERIAL SCHEDULE		
FRONT:	STONE	472 sf
	HARDIBOARD	799 sf
BACK:	STONE	439 sf
	HARDIBOARD	365 sf
RIGHT:	STONE	411 sf
	HARDIBOARD	677 sf
LEFT:	STONE	436 sf
	HARDIBOARD	654 sf
TOTAL STONE	1758 sf	= 41%
TOTAL HARDIBD	+ 2495 sf	= 59%
TOTAL	4253 sf	= 100%



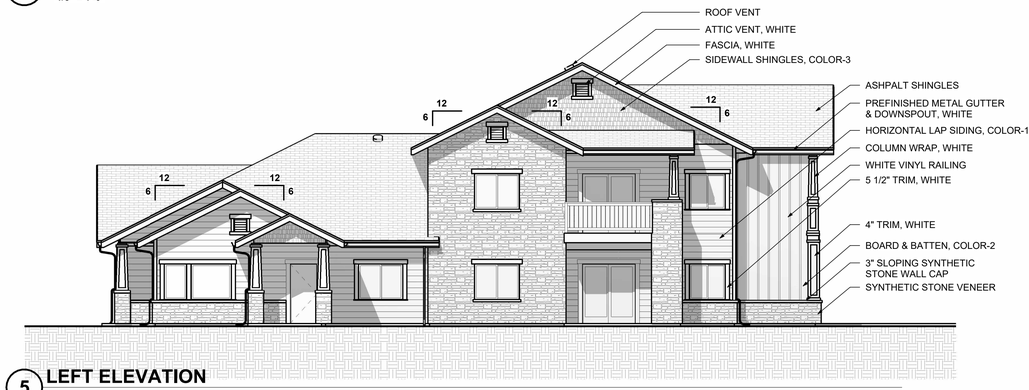
8 **FRONT ELEVATION**
1/8" = 1'-0"



7 **BACK ELEVATION**
1/8" = 1'-0"



6 **RIGHT ELEVATION**
1/8" = 1'-0"



5 **LEFT ELEVATION**
1/8" = 1'-0"

G:\2023\23-36 Mountain Vista Elevation Edits\5 Revit\Mountain Vista 6-Plex.rvt

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PROJECT NUMBER: 2022-37

Mountain Vista 6-PLEX

WINDSOR, CO

VAUGHT FRYE LARSON ARONSON
ARCHITECTURE + DESIGN

Strength in design. Strength in partnership. Strength in community.

419 Canyon Ave Suite 200, Fort Collins, CO 80521 | 970.224.1191
108 East Lincolnway, Cheyenne, WY 82001 | 307.635.5710
www.VFLA.com

IN ASSOCIATION WITH:

SITE PLAN REVIEW

Issued

No.	Description	Date
1	CONSTRUCTION SET	04-08-2022
2		
3		
4		
5		
6		
7		
8		
9		
10		

Revisions

No.	Description	Date
1	RESPONSE TO PERMIT COMMENTS	01-09-2023
2		
3		

DRAWN BY: AG

CHECKED BY: AG

SEAL:

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CONCEPTUAL EXTERIOR ELEVATIONS

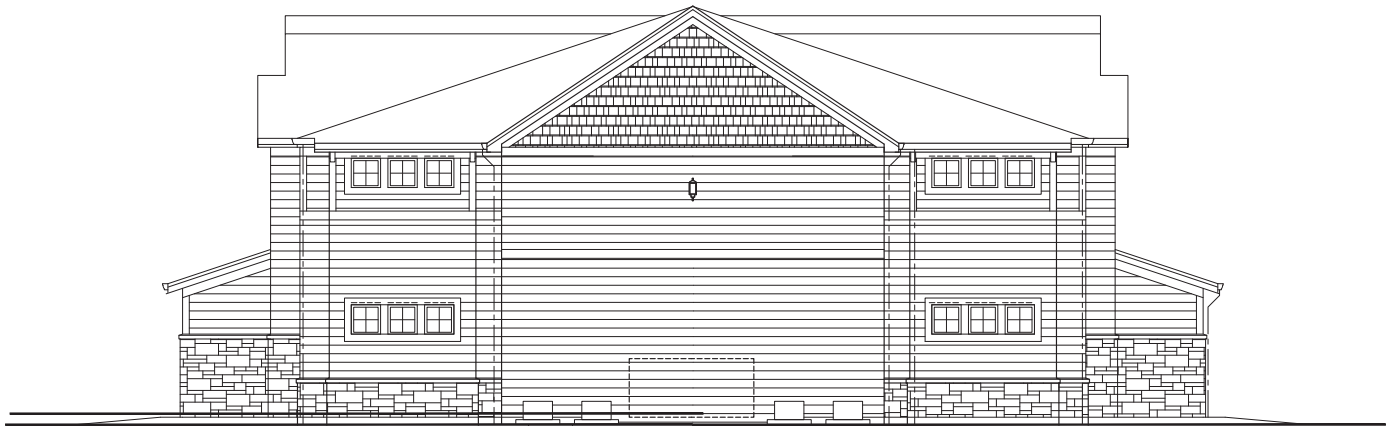
DRAWING NUMBER:

A3.1

CONCEPTUAL



FRONT & REAR ELEVATION



LEFT & RIGHT ELEVATION

CONCEPT

MOUNTAIN VISTA MULTIFAMILY PUD

8-PLEX

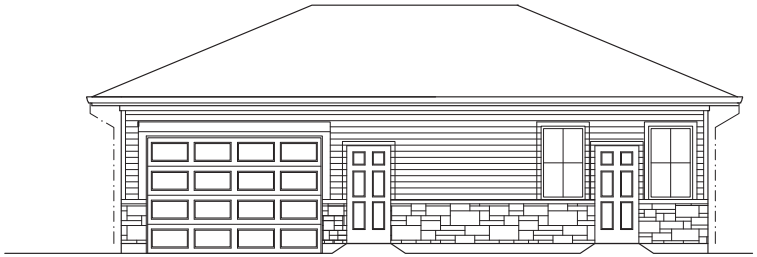
Title

ELEVATIONS

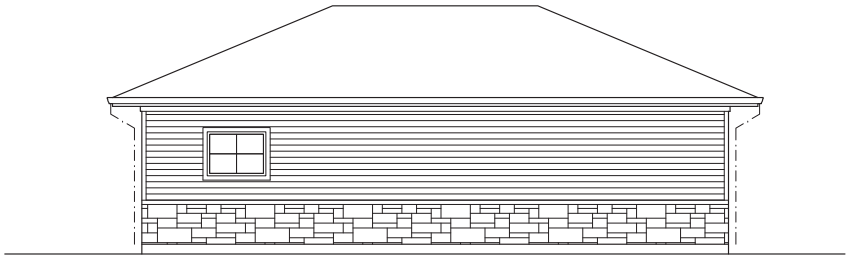
Sheet Number

11 of 12

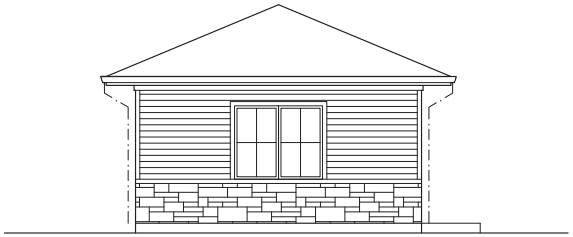
CONCEPTUAL



2 FRONT ELEVATION



2 BACK ELEVATION



3 LEFT & RIGHT ELEVATION

CONCEPT

MOUNTAIN VISTA MULTIFAMILY PUD
MAINTENANCE SHED

Title
ELEVATIONS

Sheet Number
12 of 12

April 3, 2023

City of Greeley
Planning and Zoning
1100 10th Street – 2nd Floor
Greeley, CO 80631

Re: Mountain Vista Multifamily

Dear City of Greeley Staff,

The Mountain Vista Multifamily is located northeast of 82nd Avenue and 19th Street intersection. The legal description of the site is Being a Rezone of Tract 2, Mountain Vista-Filing 3 and Those Adjoining Half Right of Ways, Located in the Southeast Quarter of Section 8, Township 5 North, Range 66 West of the 6th Prime Meridian., City of Greeley, County of Weld, State of Colorado. ***Figure 1*** below highlights the site location.

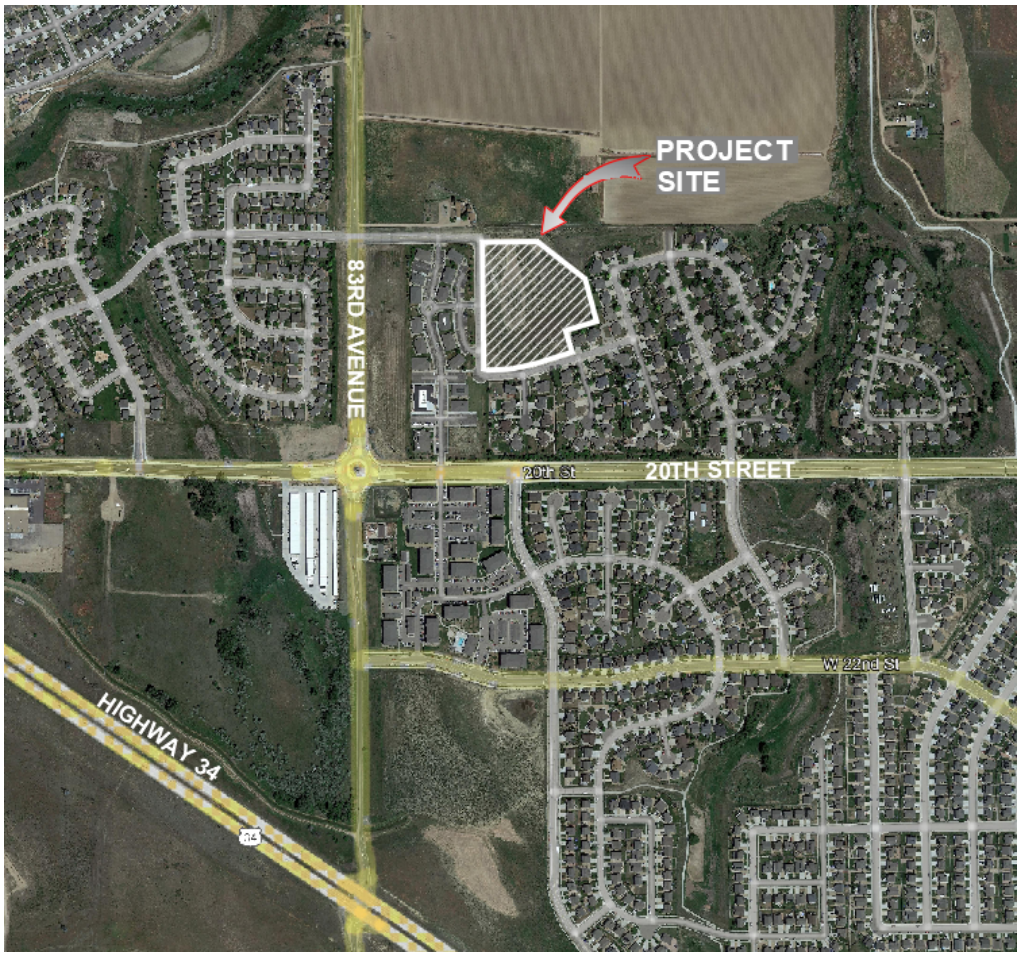


Figure 1: *Outline of Mountain Vista Multifamily*

The site is 8.51 acres and is currently zoned as Greeley "H-A" This application requests to rezone to Greeley "PUD". The surrounding uses consist of commercial and single family residential. The surrounding property is zoned as Greeley "R-L" to the North, South and East. The property to the West is currently zoned as Greeley "C-L".

The project consists of 14 multifamily buildings, 8 ~ 8-unit buildings and 6 ~ 6-unit buildings. In addition to the multifamily buildings the project will include required access and parking, landscaping, trail connectivity, and existing detention. Access to the site will be provided by two access roads from 82nd Avenue and from 18th Street Road. Additionally, Emergency Fire Access will be provided onto 19th Street Road. The site will be designed to the City of Greeley Standards. Utilities for the site will be provided by the City of Greeley.

Given the very limited amount of multi-family and predominate single-family housing options currently available in West Greeley, there is an inadequate variety of housing types to meet the needs of a diverse group of incomes. Rezoning to Greeley "PUD" would allow for a multi-family product and thus create a housing type that will be appealing to a wide variety of income types. This project will support and enhance Objective HO-2.1 of the Imagine Greeley Comprehensive Plan. ("IGCP") By providing an additional housing type that is lacking in this area of Greeley. Additionally, this project will be an attractive, safe, and well maintained rental property for those who do not qualify for or desire to own property as outlined in HO-2.1 of the IGCP. In addition, the proposed project will provide a buffer between the C-L area to the west and R-L area to the East. Both areas are developed and finished with this small 8.51 Acre infill area.

Rezoning to Greeley "PUD" will allow the applicant to establish zoning standards that will account for existing residence concerns. It will also provide a better transition and buffer to the existing single-family development to the south and east adding to the very sparse amount of multifamily that currently exists within West Greeley.

If you have any questions concerning this project, please contact me at *robbie@northernengineering.com* or call me at *970-221-4158.*

Sincerely,
NORTHERN ENGINEERING SERVICES, INC.



Robbie Lauer
Senior Project Manager

Mountain Vista MF Neighborhood meeting

June 13, 2023

Morgan Kidder of Journey Homes gave an overview of the project on behalf of the owner.

- Areas above and beyond city standards include
    - Setbacks 50ft from property line
    - Additional trees adjacent to homes 35 including Evergreen trees

Questions and comments from neighbors: (Bold are captured responses provided)

What will zoning be? **Planned Unit Development**

Where are access points? **82nd Avenue & 18th Street**

How many Units? **100**

Who manages property? **Not determined at this time, but will be local professional management company.**

Will 18th St & 82nd Ave be stop sign controlled? **Yes. Traffic study showed level of service that would not require a signal or other improvements.**

What is the number of parking stalls? **Don't know at this time since plan is conceptual, but will meet city code.**

Well caped Correctly? **Yes. State inspected**

Ratio of 1 and 2 Bedrooms in each unit?

How will project affect water pressure and other dry utilities? **Water & Sewer study is being done and will be reviewed and approved by city.**

Will there be parking on 19th street? **There currently is room for on street parking.**

Did we look at the traffic to the East through the existing neighborhood. **Yes the Traffic engineer and city discussed it and didn't require anything further.**

The average price of house is $600,000 & high density apartments don't make sense.

What is the consideration to support Windsor schools? **1 time fee paid by district and set by district.**

When was traffic counts done**? Fall 2022 during week and did account for school traffic and school buses.**

Why apartments not something else?

What is the consideration for missing middle homes?

Who owns the property? **Mountain Vista Apartments, LLC**

What can neighborhoods do to prove a point and get what they want?

When will Planning Commission be? **Not yet been set.** Will they get notice? **Yes, 2 weeks**

Mountain Vista MF Neighborhood meeting

June 13, 2023

What examples of changes were made to a project after neighbor meeting on other projects? **Severance project had changes.**

Have we looked at home values after MF is developed?

Did developer consider swapping land somewhere else due to impact to neighborhood?

How will developer improve pond since they don't own?

How will police patrol with extra people speeding in area**? Developer pays impact fee per unit to city to help with additional impacts from development.**

- 20th street is a problem now and Police can't get a handle on it.

When people purchased their home, they thought that it would be a park or commercial project.

All homes are custom.

What will developer pay to police to help patrol? **Are not sure from memory what Police Impact Fee is.**

Has single family senior homes been a consideration?

What is the well setback. **It is 50ft from capped well, 350' form existing facilities?**

How many units will be low income? **Unsure what is considered low income.**

What will rent be? Has not been determined yet. **Will be market driven.**

People were told it would be a park when they bought.

People are talking about moving due to project.

Why not more offices like to the southwest?

What prevents the project from getting bigger? **PUD restricts size and number of units.**

Can cars be marked with tags in apartment area to prevent from parking on city streets.

Do we consider the number of visitor parking requirements? **City response an additional 10% is required.**

Concern for maintenance of rentals prefer ownership type project of project.

What is the difference between 6&8 plex? **Used picture boards to show and explain layouts of buildings.**

Neighbors maybe willing to buy property.

Who is the owner who will be at the Planning Commission meeting?

Mountain Vista MF Neighborhood meeting

June 13, 2023

Questions to city staff

Do they ever do studies after a project to review project and what its impacts are? **City said no**

Is there a master plan as growth occurs to 10th street? Per **Comp plan but no zoning for every parcel.**

Does city look at so many people, then build a park? **Yes, use park fees.**

Where will kids play?

How many apartments does city need?

Will the city read the 11-page petition?

Where does park impact fee go?

Will there be another public meeting/ hearing be held- **City said no**

Someone was told the well is leaking. **State inspected oil and gas company plugging of well.**

Can property owners in Mountain Vista put gates on city streets? **No, roads would have to then be private and maintained by property owners.**

Why traffic study doesn't require a signal? **Meets level of service criteria.**

Who did traffic study and was it by a third party, and can they get a copy Mountain Vista and Creekview? **Was done by a third party and met city criteria**. **Contact city staff and can get a copy of both traffic studies**

Does traffic study look at larger city traffic miles away? **Does look at localized future traffic volumes and impacts.**

How many more public meetings? **2 more: Planning Commission and City Council**

Doesn't feel like the project meets Comp plan.

Can they/neighbors have another neighborhood meeting**? City said only if there was substantial changes that impacted the neighborhood.**

How many PC members? **7**

Is city supportive of what is being proposed? **City responded the project is still under review**

Can project be appealed beyond city council? **Yes, District Court**

MOUNTAIN VISTA MULTIFAMILY NEIGHBORHOOD MEETING

June 13, 2023

Greeley Family Funplex

NAME	STREET ADDRESS	EMAIL OR PHONE
Suzanne Strain	1926 80th Ave	sma.suzi@icloud.com
Glossy Youtz	1917 79th Ct	billyoutz@gmail.com
PHILIP STRAIN	1926 80TH AVE	HOTWATERR@ICLOUD.COM
DIRK COSNER	1909 81st Ave Ct	dirk.cosner@gmail.com
Mike Remley	1921 80 Ave	Remley25@comcast.net
Julie Tomoi	1912 81st Ave	julietomoi@msn.com

NAME	ADDRESS	PHONE OR EMAIL
Mark & Robin McIntire		trainingwpassion@gmail.com
Mike + Shelley Rowley	1921 80th Avenue	
Lisa Daigle	sevinKidsrheaven	oneway Community oneway809.com
Dave & Kristy Smith	7911 18th St. Rd	daves0607@gmail.
Leerssen	19119 81st ave	CSLeerssen@gmail
Greg ~~Theresa~~ Voelz	7915 18 St. Rd	
Sandy Cosner	1909 81st Ave Ct.	sandycosner@yahoo.com
Nancy & Dwight Steele	1908 76th Ave Ct	jdwightsteel@comcast.net
SKYLAR SOTO	196 78th AVE	970-534-4014
~~Danielle Ehlke~~	1908 74th Ave	970-222-4374/LIZ@tracysteam.com
Marty Neubauer	1910 81st Ave Ct	970-347-0593
Fumiyo Hottle	same as	970-415-7263
Linda McElmeel	1904 81st Ave	970-405-0770
Todd Clark	1901 74th Ave	todd_clark1975@yahoo.com

NAME	ADDRESS	PHONE OR EMAIL
Robert Thompson	7413 18th St	rlthompsm1130@gmail.com
MaryLynn Thompsm	7413 18th St	mlthompsm1130@gmail.com
Lynn Boyce	7304 18th St. Rd.	LJboyce@comcast.net
Pam Zimmerman	1917 80th Ave	970-261-0361
Rick Olson	7401 18th St	970 339-8916
Sherry Derner	" "	" "
Robert Maffei	1730 83rd Ave	maffei123@q.com
Mona Maffei	" "	"
Tracy Wilson	1908 79th Ave	TRACY@TRACYSTEAM.COM
Patrick Carter	1909 78th	530 613 6602
Beth Burough	1800 74 Ave Ct	970 396-4580
Don Burough	1800 74th Ave Ct.	970 396 4585
Becky Seela	7716 19th St	970-222-8425
Doris Biehl	1807 74 Ave Ct.	970-506-9706
Patricia Brown	1933 79th Ave	970-405-1385
[illegible]	1933 79th Ave	970-451-4372

NAME	ADDRESS	EMAIL OR PHONE
Charlene Voelz	795 18 St Rd	Chareev@gmail.com
Randy Wohl	1929 79th Ave	KKJ2756@aol.com
ROBERT MAIZE	1917 80TH AVE	Bob@pbspropertes.NET
Sam Tomoi	1912 81st Ave	stomoi@msn.com
MATT HOLZMEISTER	1907 81ST AVE	matthew.holzmeister@gmail.com
GINA HOLZMEISTER	1907 81ST AVE	gt.holzmeister@gmail.com
Steven Larson	1945 79th AVE	MLSTEVE2286MAIL.COM
Mitch McElmeel	1904 81st Ave	Waterfowl_hunt@Yahoo.com
Brynne Gant	1816 80th Ave.	brynne@gantlawoffice.com
Linda Young	1916 76th Ave Ct.	linnculo@gmail.com
DAWN WALTER	7413 19th St	dawnbwalter@comcast.net

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June 13, 2023

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Linda Young	1916 76th Ave Ct.	linnculo@gmail.com
DAWN WALTER	7413 19th St	dawnbwalter@comcast.net

Regina Holzmeister
1907 81st Avenue
Greeley, CO 80634
(970) 939-8574

August 23, 2023

City of Greeley Code Compliance
1100 10th Street
Greeley, CO 80631
970-350-9833

BACKGROUND

On February 22, 2023, Mountain Vista's H.O.A. notified residents in Mountain Vista community of an application proposal to rezone Parcel #095908321011, Section 8, Township 5 North, Range 66 West. This Company's request is to change the Open Land west of 82nd Avenue between 18th and 19th Streets from its current designation of Holding Agriculture (HA) Residential Low density (R-L) to Planned Unit Development (PUD) Residential high density (R-H). The company's purpose is to develop approximately 14 buildings comprised of six- and eight-unit structures under the name Mountain Vista West Apartments LLC. (**Figure A**) within our rural and quiet Mountain Vista, single-home subdivision FG#3, tract 2.

POSITION STATEMENT

As a proud, teacher, a Navy Veteran, and an active volunteer in Colorado Girls Scouts, and Greeley's Government Commission Services for Human Relations, I respectfully request for Greeley's City Council to deny the application to rezone Parcel #095908321011, section 8, township 5 north, range 66 west. The applicant's request to rezone does not comply with several goals listed in the City of Greeley's Comprehensive Plan, Land Use Policies, Development Code, Greeley Police Department (GPD) Strategic Plan, Greeley's Water Efficiency Plan, and many others.

Definition:

Violation *– City of Greeley's encroachment of its established comprehensive plan, laws, policies, and codes. To approve zoning change from HA/R-L to PUD/R-H for the purpose of concentrated multi-family units, and the City of Greeley's Official's pursuit for economic growth.*

CITY OF GREELEY'S OBLIGATION AND PROMISE TO CURRENT RESIDENTS

Contents:

Reinforced text from Greeley's Comprehensive Plan (GCP), Growth Framework, Action Plan, Greeley, Colorado Municipal Code, and other related city plans:

1. City Violations of GCP and Code/Policies:
    - Economic Health & Diversification (ED)
    - Education, Health, & Human Services (EH)
    - Growth & City Form (GC)
    - Historic & Cultural Resources (HC)
    - Housing (HO)
    - Infrastructure (IN)
    - Natural Resources & Open Lands (NR)
    - Parks & Recreation (PR)
    - Public Safety (PS)
    - Transportation & Mobility (TM)
2. Summary
3. Figures

The above contents are guided by the following Comprehensive Plan's Core Values:

1. Excellence in Actions, Attitude, & Leadership
2. Proactive, Progressive, & Balanced Economic Development
3. Safe, Healthy & Inclusive Community
4. Sustainable Patterns of Growth & Development
5. Responsible Stewardship of Natural Resources & the Environment
6. Distinctive Character & Outstanding Recreational & Cultural Amenities
7. High-Quality Infrastructure & Services
8. World-Class Water Resources & Management
9. Rich History & Diversity of People, Customs, Culture, and Ideas
10. Thriving, Connected, & Inclusive Neighborhoods in All the City
11. Premier Educational System & Commitment to Life-Long Learning
12. Public/Private Cooperation to Achieve & Maintain Exceptional Community Benefits

CITY OF GREELEY'S OBLIGATION AND PROMISE TO CURRENT RESIDENTS

1. Violations Upon Rezoning Approval:

- CRS § 3123-207 (pg. 8)

  A local government's comprehensive plan "shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will… best promote health, safety, morals, order, convenience, prosperity, and general welfare… including among other things, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise conservation, and the adequate provision of public utilities and other public requirements."

  and

- IMP NR-2.3 (pg. 151)

  Update, as appropriate, Development Code standards to limit impacts caused by errant light on adjacent properties and rights-of-way (such as requirements for downward directed lighting) and create standard illumination levels for various types of development.

  Inference:

  - Greeley's Comprehension Plan emphasizes on building and restructuring downtown Greeley. The plan calls for repurposing old buildings for low-income, multi-family units.
  - To "best promote health, safety, morals, order, convenience, prosperity, and general welfare" is to listen to the cries of current residents in the community. Mountain Vista West Apartments LLC. will cause unsafe conditions while stripping Mountain Vista residents the right to prosperity and general welfare.
  - This build is not a "coordinated, adjusted and harmonious development of the municipality and its environs". Mountain Vista residents purchased homes in West Greeley to distance themselves from overcrowding and multi-housing projects of East Greeley. We chose to settle in a safe environment of a rural, quiet, and spacious community--not harboring apartment buildings directly inside our neighborhood.
  - For "adequate provision(s) for light and air", rezoning will have an adverse effect by increasing littering, light, sound, and air pollution.
  - "The promotion of healthful and convenient distribution of population", the location will cause an inconvenient flood of traffic due to immediately adjacent business park, residential homes, townhomes, and apartment neighborhoods (Figure B).
  - "Promotion of good civic design and arrangement", the design arrangement will alter the character and reputation of our homes and provide an unsafe neighborhood with traffic cutting through the residential neighborhood. The number of vehicles increase should the renter run a business from his/her/their apartment.
  - "Wise conservation, and the adequate provision of public utilities and other public requirements, "are not meeting population demand. Greeley's Chief of Police admitted in September 2022 that

his department is unable to provide adequate services to residents because of the dramatic population increase.

- Moreover, renters are not as water conscious as homeowners, and may prove to be a challenge to City of Greeley Water Master Plans:

2021 Water Demands			
Customer Type	Average Number of Accounts Billed	Water Use (gallons)	Gallon Distribution per Account.
Residential	23,202	2,870,282,000	123,708.39 gal/Acct
Multi-family	2,221	1,013,071,000	456,132.82 gal/Acct
Population Difference	20,981	1,857,211,000	Residence use 332,424.43 **gal. less**

- Corruption and poor building management can easily occur with private owners. Therefore, "state policymakers can follow the lead of Tennessee, which explicitly prevents localities from adopting inclusionary zoning requirements. State and local policymakers should address poverty directly rather than handing off the responsibility to developers" (Furth and Hamilton. July 25, 2022. Housing Reform in the States: A Menu of Options for 2023*)*.
- Also refer to **EH-3.7** Funding for Services, and **HO-1** Housing Strategy sections of this document.
- Please remember the Guiding Principles of Sec. 22-2-10.

- OBJECTIVE: EDUCATION, HEALTH, & HUMAN SERVICES (EH)
  - **EH-2.6 Built Environment** (pg. 33)
    Encourage the construction of built environments that support health and active living… that support walkability, providing safe options for active transportation, and considering the safety and comfort of all users….

    Inference:
    - Rezoning for the purpose of Mountain Vista West Apartments LLC., will cause surrounding residents to become less active. Residents of all ages will no longer be safe because of the invasion of neighborhood traffic.
    - Proper signage and road markings are not existent within the neighborhood to ensure residents' safety.
    - Rezoning will not support health and active living. The noise, smell, cars entering and exiting the neighborhood, loitering, littering, and strange renters consistently coming and going will be an inconvenience to all residents within the neighborhood.
    - Renters of the rezoned area will not have safe options for active transportation other than a vehicle (**Figures B.1-B.5**).

- **EH-3.4** Early Intervention (pg. 34)
  Prioritize and direct resources to those programs that assist residents with early intervention and prevention that address issues before they develop into significant and costlier individual, family, and/or community issues.

and

- IMP PS-3.4 (pg. 162)

  Evaluate the Development Code for opportunities to incorporate design standards or best practices for discouraging or preventing crime or criminal activity, such as CPTED (crime prevention through environmental design).

  Inference:

  - City and/or builder's responsibility to prioritize direct resources that assist residents with early intervention and prevention include: 1. increase employed Police Officers, 2. increase employed health care officials, 3. Increase amount of groceries stocked in stores—current population is not accommodated, 4. pet waste pickup stations, 5. traffic calming measures for neighborhood streets, 6. improve walkability for students, 7. create bike lanes, 8. redirect city bus route near new zoning area, 9. divert trash from entering residential neighborhood, 10. prohibit those with relations to the rezoned area from parking by single-home residents, 11. prohibit street parking that prevents emergency vehicles and school buses to enter, and 12. create a barrier to limit noise and light pollution—especially afterhours.
  - Mountain Vista does not require fences to secure family backyards. Rezoning would significantly become a financial burden to individuals, families, and/or the HOA of Mountain Vista: 1. family investment fence backyard, 2. extra home/vehicle security, and 3. the neighborhood's extra efforts to calm traffic and loitering within the residential area.
  - Property damage from loitering, apartment-renters, and wind-blown trash will also cause a financial burden.
  - The value and status of our low-density, medium income homes will decline; also becoming costlier to families, individuals, and the neighborhood. The city may consider adopting Arizona's Property Ownership Fairness Act that "requires municipalities to compensate landowners when a new land use restriction lowers their property's value…. The act places citizens and cities on more equal footing before the law, without changing any existing regulation" (Furth and Hamilton. July 25, 2022. *Housing Reform in the States: A Menu of Options for 2023).*

- EH-4.3 Land Use and Zoning Changes (pg. 36)

  Discourage land use changes, zoning changes, and/or new developments that will negatively impact the safety of students while attending school, travelling to and from a school, or diminish residential population in areas that are served by a neighborhood school.

  Inference:

  - The increase of traffic from temporary renters will negatively impact the safety of students: 1. strange renters coming and going, 2. increase of motorists cutting through residential neighborhood to save time and avoid traffic; higher speeds and blockage on roads designed for lower traffic volumes. This creates dangerous conditions for students within the neighborhood as well as adjacent neighborhoods.

- Surrounding population is purging itself because of this rezoning request. The lack of safety, security, and inconvenience the proposal imposes is encouraging Mountain Vista's residents, served by a neighborhood school, to sell their homes (Figure C).

- EH-4.4 Safe Routes to School (pg. 36)
  Support ways for students to safely travel to and from school along well-planned and improved routes, and, as necessary, with the support of school crossing guards. Ensure that new residential developments incorporate facilities and/or design elements that support safe walking and bicycle routes for students….

and

- IMP TM-2.6 (pg. 164)
  Evaluate the feasibility of requiring subdivision applications to include, where applicable, a "Safe Routes to School" plan which clearly shows intended pedestrian and bicycle routes to nearby schools.

Inference:

- 18th St., 82nd Ave., and 83rd Ave. will require support for "students to safely travel to and from school along well-planned and improved routes" with the possibility of school crossing guards at the crossroads of 18th St. and 82nd Ave. as well as 82nd and 83rd Avenues (GPD currently has ten crossing guards in Weld County and five substitutes-***2022 GPD Annual Report***.
- The new residential development will require "design elements that support safe walking and bicycle routes for students".

- EH-2.4 Land Use (pg. 33)
  Promote land use decisions that support walkability and improve access to basic needs….

Inference:

- A change in land use will risk walkability and access to basic needs of Mountain Vista residents. The placement of proposed apartments will delay Mountain Vista residents on the west side of the neighborhood from accessing main roads leading to basic needs.

- OBJECTIVE: GROWTH & CITY FORM (GC) (pg. 41)
  Neighborhoods improvements will also be prioritized to enhance design, and reinforce unique physical elements, character, and identity.

  Inference:
  - Mountain Vista's neighborhood improvements will be neglected.
  - This neighborhood's unique physical elements, character, and identity will no longer hold a reputation of a safe, quiet, rural, medium/high income residential neighborhood.
  - This neighborhood's design will be jeopardized. The project's surge in traffic, type of building, and obstruction to the view of open spaces will not enhance the neighborhood design.

- IMP GC-3.2 (pg.138)
  Update the City's design standards to require new development to offer unique physical elements or improvements that contribute to the area's character and identity including:
  - *Distinct site elements or architecture;*
  - *Historic or cultural resources;*
  - *Amenities such as views, open space, water courses, varied topography, or connectivity to existing or new trails; or*
  - *A central gathering place for residents of the neighborhood or subdivision.*

Inference:

- Rezoning will not offer unique physical elements or improvements to the area's character and identity:
  - Multiple low-income multi-family units currently surround the named plot, while more are noted on the approved list of projects by the Zoning and Planning Committee.
  - Site elements is mainly characterized by seniors and settled families with low-density and low-profile housing.
  - Amenities are limited. A new development will not attribute, nor benefit from this plot.
  - A central gathering place for residents in this neighborhood is non-existent. A new development will not attribute, nor benefit from this plot.

- IMP GC-4.1 (pg. 139)
  Assess and amend as needed to Development Code and other City regulations related to infill development and redevelopment *to protect the* existing *neighborhood areas*. *Regulations (or lack thereof) that address, among other issues:*
  - *Site design and building massing's and forms that are compatible with or complimentary of the surrounding neighborhood.*
  - *Mitigation of any compatibility issues (such as parking, noise, hours of operation) that could arise from non- residential land uses/developments.*
  - *Transitions between higher-intensity development and lower-intensity development (particularly single-family neighborhoods) ….*

  and

- IMP NR-2.10 (pg. 152)
  Monitor traffic-related noise levels throughout the community to establish baseline standards and evaluate noise 'hot spots' to ascertain mitigation or management alternatives to address noise pollution from transportation activity.

Inference:

- To best serve and protect Mountain Vista and surrounding neighborhoods, rezoning will not be granted.
- Building masses such as Mountain Vista West Apartments LLC. will not be compatible or complimentary with the surrounding neighborhood.

- To best serve and protect Mountain Vista and surrounding neighborhoods, rezoning will not be granted.
- A transition from Low-Density Residential to High-Density Residential will cause a substantial distress on students, working residents, access to basic needs, and children at play.
- This specific zoning change will also cause distress on the attached active agricultural plot, civil services, and city funds.
- Per HUD Planning Guide, provisions of public transportation services are required to improve access to schools, jobs, training opportunities, and housing/community services for minority families including those with children, seniors, and disabilities. This area/neighborhood would need adjustments to meet such requirements.
- Sec. 24-207 Site Plan: "The plan reduces the exposure and adverse impact of more intense activities or components of the site or building on the streetscape and on adjacent properties". In fact, the plan on this plot will encourage the opposite.

- IMP GC-6.4 (pg. 141)
  Review and update Development Code standards related to the redevelopment of land lease or manufactured home communities to promote… a stable neighborhood setting.

Inference:

- Should a stable neighborhood setting remain within Mountain Vista, then rezoning for rental muti-family units will not secure this action plan.
- Renters are not "forever" residents. Renters are temporary. Renters change very often and does not present a "stable neighborhood setting".
- Mountain Vista Neighborhood residents enjoy knowing who their neighbors are, as this is a secure foundation for safety and security.

- GC-1.1 Growth Management (pg. 42)
  Manage growth to maintain or improve quality of life for Greeley's residents, minimize impacts on the natural environment, and protect or enhance natural features and other resources.

Inference:

- Greeley's growth is poorly managed: 1.crime rate data, 2. overpopulated schools, and 3. non-existent city improvements to accommodate swollen traffic and population—decreasing the quality of life for Greeley residents, 4. "Demands in many areas continually exceed resources available" (Weld County 2023 Financial Plan).
- West Greeley's environment is calm with the sense of safety for students and seniors. The police department rarely patrols the neighborhoods, and residents must call the city to preform regular maintenance obligations on this side of town, i.e., weed growth control, dead animal pick up, large objects in the road, snow removal, patrolling, etc.). Rezoning within Mountain Vista Neighborhood will cause an elemental impact on the natural environment, and put strain on the limited city resources, this neighborhood currently has.

- IMP HO-1.3 (pg. 146)
  Following the development of a comprehensive housing strategy (see Objective HO-2.1), assess the need to increase staff capacity and/or resources to implement the strategy's recommended actions. Increase capacity as needed.

  and

- IMP PS-2.2 (pg. 161)
  Regularly evaluate staffing levels within the Greeley Fire Department and Police Department to ensure adequate staff levels needed to ensure public safety, particularly as Greeley's population grows.

Inference:

- Weld County 2023 Financial Budget claims an increase to accommodate new housing strategies yet failed to make noticeable differences to increase staff and/or resource capacity:
- Public Safety: 2022=22.9%; 2023=22.10% for a total of 0.1% increase.
- Health: 2022=3.9%; down to 3.54% for 2023
- Contingency: 2022=2.7%; down to 2.27% for 2023
- Culture and Recreation: 2022=0.3%; down to 0.27% for 2023

Methods and theories are mentioned, yet the City has not secured or acted upon the needs of this immediate area for rezoning.

- GC-1.7 Regional Collaboration (pg. 43)
  Develop intergovernmental agreements with near-by jurisdictions to:
  - *Provide cost effective municipal services.*
  - *To address other issues or trends that may be impediments to the effective management of Greeley's growth.*
  - *Maintain and/or improve the quality and safety of existing units.*
  - *Encourage the preservation of existing affordable units.*

Inference:

- Has this building company collaborated with nearby cities regarding residential protection, and emergency services to alleviate wait-time of these additional renters?
- Is Windsor County school district aware of the students this proposal will add to its overflowing classrooms (also required in section EH-4.1 Impacts of New Development)?
- Improvement to the quality and safety of existing units around this structure will be required, specifically in this community. Temporary renters jeopardize children's safety and gives them road access allowing them to roam freely, without accountability, in backyards that are not fenced in.
- Weld County claims a "commitment to excellence and efficiency" to taxpayers, yet input is rarely used to "allow the Board of County Commissioners" to make tough decisions with maximizing "the value of the tax dollars" to implement programs.
- The GCP is supposed to include affordable housing for the average-wage-income earner (who are also struggling) -- veterans, school professors, seniors, etc., as well as med/high-income-earners

such as, doctors, lawyers, county officials, and so on. We reside in Mountain Vista. As homeowners striving to meet our own monthly financial obligations, Mountain Vista Apartments LLC. will cause us to lose thousands of invested monies encouraging a neighborhood purge (refer to HO-1 Housing Strategy sections within this document).

- Low-income housing and units are supported by city funds. City funds is collected from taxpayers, where the brunt city financial support come from property owners who do not welcome this zone change. Property owners are the backbone to Greeley's 2023 Financial Plan, holding a whopping 54.3% (an increase of $92,493,445.00 from 2022). Tax payers of Mountain Vista would like you to use our money for improving city functions and operations before taking on more responsibility.

- *GC-3.1* Community Character (pg. 45)
  Work with residents, businesses, and property owners to define and identify desirable characteristics of their neighborhoods or areas of the city to create neighborhood and special area plans. Reflect the community's character through the design of new developments, streetscapes, public art, landscaping, and related features.

Inference:

- The Building Company of the listed plot held a required meeting to "hear" resident's concerns yet provided zero answers and little interest in the possibility of different options more suitable for our neighborhood.
- We understand that our dream of a neighborhood playground and a student/community gathering area will never come true. We realistically offered alternatives to an apartment building such as, patio homes, retirement homes, retirement units, assisted living, and single level-connected units of which would be more appropriate for our immediate area.
- The Comprehension Plan called for a variety of multi-family homes. Considering the concentration of apartments, townhomes, and attached housing units within walking distance of the purchased plot (and the many more apartments currently on the agenda), exploring Mountain Vista residents' suggestions would best reflect this neighborhood's character, landscaping, and related features. In addition, it will reduce infrastructure duplication and better reflect Greely's City Comprehensive Plan; should rezoning be granted (also refer to HO-1 Housing Strategy section within this document).
- According to the U.S. Department of Housing and Urban Development, all federal and city housing programs shall include individuals with Disabilities "so that they can have full enjoyment of their homes and participate in and receive the benefits of housing programs".

- GC-4.4 Sub-Area and Redevelopment Plans (pg. 46)
  Implement, update, or develop sub-area plans or redevelopment plans for neighborhoods, corridors, or other parts of the city where revitalization and redevelopment is desired. Ensure such plans provide targeted guidance, based on community input, for where and how redevelopment and/or infill development should occur in those areas.

Inference:

- The city's poor communication and promotion of housing surveys that are restricted to social networks failed to collect accurate community input on the above plans. The city should invest time notifying all populations by placing banners at major department and food stores, lawn signs by neighborhood entrances, flyers at schools, and marquee at businesses. Many cities utilize these methods.
- Downtown Greeley's revitalization plan was agreed upon. However, west Greeley residents, such as the Mountain Vista neighborhood, desire to remain rural and have easy access to necessities.
- A door-to-door survey in, Mountain Vista, Sheep Draw, Owl Ridge, and other communities nearby will provide an opposite statistic for "growth" than what was previously and poorly collected.
- A variety of family units are encouraged. However, multi-use units for low-income families rather than seniors seem to be the city's only priority. Those paying high taxes will grow tired of paying for services we are not able to access in an unsafe town.
- Also refer to Weld County, Colorado-Character and County Code/Chapter 22-Comprehensive Plan/Appendix 22-B-Subarea Planning Guide.
- **For a realistic integration** of mixed housing within Mountain Vista Neighborhood, please review recent studies from US EPA: Smart Growth: Creating Great Neighborhoods: Density In Your Community: Lessons Learned: Design for Density. Which also recommends a smart planning tool called, Affordable Housing Design Advisor.
- Community Based Alternatives for Individuals With Disabilities
  Executive Order 13217, issued on June 18, 2001, requires federal agencies to evaluate their policies and programs to determine if any can be revised or modified to improve the availability of community-based living arrangements for persons with disabilities.

- **GC-6.2** Neighborhood Connectivity (pg. 48)
  Promote design standards and practices that improve connectivity for all modes between neighborhoods and adjacent neighborhoods, centers, corridors, and areas.

  and

- **Street Pattern and Mobility** (pg. 100)

  Streets in established neighborhoods are primarily curvilinear and, in many cases, are not well-connected…. their street networks and the prevalence of low-density development may make service unfeasible.

Inference:

- Connectivity for all modes between neighborhoods and adjacent neighborhoods would become congested. Vehicles will cut-through Mountain Vista neighborhood to access W. 20th Street. Commuters will seek a short-cut by heading west on 19th Street, turning left onto 80th Avenue, right onto 79th Avenue, to finally reach W. 20th Street.
- The above streets are the only two exits from the west side of the neighborhood. This building structure will violate **TM-1.3** Streetscape Design, **TM-1.8** Functional Classifications, **TM-1.13** Street Patterns, and **TM-3.4** Balance Impacts.

- Commuters are currently frustrated with long wait-times at the traffic light on 83rd Avenue and 10th St. As traffic presently stockpiles, drivers wait 2 stoplights before crossing or making a left/right turn on 10th St. The named roads are destroyed. There is not an efficient flow of traffic.
- The ability to turn right or left onto 83rd Avenue will become dangerous. Poor road construction and the inability to adapt to a flood of vehicles will cause impatient drivers to make dangerous, impulsive decisions at the stop sign of a busy street.
- Many construction/company trucks often use the above route from Highway 34. Also contributing to traffic build up on 83rd Ave. Rezoning will increase accidents and endanger students should drivers begin to wait for three or more traffic lights at 10th St.
- Starbucks at Boomerang Ranch, (SPR2022-0049) South of 10th Street and East of 83rd Avenue with city planner Darrell Gesick, will exacerbate the situation at the above-mentioned crossroads. Therefore, rezoning for R-H /PUD will ignore "long-range plans for the surrounding area [and] negatively impact considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area (Development Code Sec. 24-206).
- All traffic efforts will add strain on GPD's Strategic Plan to "address aggressive and discourteous driving behavior that contributes heavily to increased accident statistics."
- Per the Zoning Permit For Manufactured Home/Structures (Zpmh) Procedural Guide, an access must be available to provide safe ingress and egress to a public street/road, where all accesses shall be in accordance with the access requirements set forth in the Weld County Code. As stated in TM-1.3 Streetscape Design of this document, commuters of all modes will not have direct alternatives to destinations to avoid congestion without endangering our residential neighborhood.
- Sec.24-207-Site Plan: Rezoning will not provide a "safe access and internal circulation considering the site, the block and other surrounding connections, and appropriately balances vehicle, bicycle and pedestrian needs for the context".

- GC-6.3 Neighborhood Character (pg. 48)
  Maintain, enhance, and protect the character of established neighborhoods while recognizing the need or established neighborhoods to evolve to meet community needs.

Inference:

- Mountain Vista is an established neighborhood. Rezoning for the purpose of an apartment building on the mentioned plot will not maintain, enhance, or protect the character of our neighborhood for the many reasons stated. Rezoning will eliminate the community's ability to evolve or to meet a more profitable need.
- Residents of Mountain Vista recognizes community "needs". Therefore, residents of the neighborhood offered a reasonable compromise for the plot in our neighborhood as mentioned above in section ***GC-3.1*** *Community Character* of this document.
- Development Code **Sec. 24-206** emphasizes the ability of the Counsel to "ensure the use is appropriate in [this] specific location" to meet community needs consistent with the GCP "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. The cumulative

impact of a concentration of similar existing uses may be considered as part of the impact of a particular use."

- GC-6.8 Neighborhood Plans (pg. 49)
  Work in collaboration with residents to develop neighborhood plans which complement the goals and objectives of this Comprehensive Plan where additional policy guidance or implementation strategies are needed. In addition, neighborhood plans should address issues related to:
  - *Location and access to health and human services*
  - *Desired land uses and intensity/density of development.*
  - *Neighborhood character, transitions to adjacent neighborhoods and areas, and compatibility of new development*
  - *Parks, schools, public gathering spaces, and other neighborhood amenities*
  - *Transportation and mobility for a range of modes (i.e., pedestrians, bicyclists, automobiles, etc.).*

    Neighborhood plans should include goals and objectives (or similar), as well as a list of implementation actions or strategies the city and/or neighborhood will complete in order to implement the neighborhood plan.

Inference:

- Access to health and human services will prove more difficult for neighborhood residents and adjacent neighborhoods because of swollen roads cluttered with foreign traffic, parked traffic, and poor traffic control. Nor is a safe alternative mode of transportation available, such as walking or biking, due to the absence of sidewalks, bike lanes, and direct routes/trails.
- This neighborhood's desired land use and intensity/density of development wish to remain low-density/traffic.
- The proposed development is not compatible with the neighborhood or its character. It does not provide fluent transitions to adjacent neighborhoods and areas.
- Rezoning does not meet the neighborhood's objective to become healthy and active. Rezoning will steal the opportunity to add a neighborhood park, gathering area, or a neighborhood student meet-group that does not require a vehicle or to have children cross busy roads to reach (creating more parks and trails is also part of the City of Greeley's Comprehensive Plan).
- All modes of mobility within this area is threatened because of zero alternative options to access an arterial road besides violating GC-6.2 Neighborhood Connectivity where vehicles would "cut through" Mountain Vista neighborhood endangering everyone within.

- *OBJECTIVE: INFRASTRUCTURE (IN)*
  - IN-1 (pg. 148)
    Ensure developed areas in Greeley are served by adequate public facilities and services.

    and

  - IMP PR-1.6 (pg. 159)

Review subdivision requirements and the Development Code to ensure that new development is required to provide quality streetscape improvements and connections to parks and trails.

Inference:

- Greeley's 2023 Financial Plan, states several shortcomings within public staffing services. Solutions offered by the department includes recruitment adverting and wage adjustments. The availability of tax-dollar services should be prioritized in accordance to the current population before approving rezoning changes that allow high-density residential areas to invade neighborhoods such as Mountain Vista West Apartments LLC.
- "Charges for Services are up $1,267,957, mostly due to growth and inflationary trends" (2023 Financial Plan).
- "Fines from traffic enforcement are down an additional $35,000 from 2022 due to less traffic enforcement resulting from SB 20-217" which would not be an issue should the GPD have additional staff (2023 Financial Plan).
- The U.S. EPA stated, a healthy neighborhood preparing for mixed use family units also means "civic buildings such as recreation centers, bandstands, or a library, or to ensure that an elementary school is within a 15-minute walk of each household. It may also mean parks throughout the area, so that every home is within a 2- to 3-minute walk of a small park." Mountain Vista does not accommodate any of these features, which may become a FISCAL BUREN to the CITY.

- **IN-1.5** Police Service (Greeley Police Department [GPD]) (pg. 63)
  Adequacy for police service shall be determined according to call response times relevant to the proposed development location. City analysis of police service demand generated by the proposed development and existing capacity will be required to make a final adequacy determination.

Inference:

- The GPD's attention is concentrated on downtown Greeley, leaving West Greeley vulnerable. Yet Chief recognizes "a growing population, de-criminalization of certain crimes, and an increasing number of state and federal prison parolees being released to the area will continue to pose challenges for the future and we must prepare to address those variables" (GPD Strategic Plan).
- As stated in September of 2022 during a community Question and Answer session, Chief admitted his department does not currently hold adequate police services to meet today's population, nevertheless an increase.

- **IN-1.11** Costs of Infrastructure Expansion (pg. 64)
  Ensure the extension of infrastructure, services, and public facilities in a manner that does not create fiscal burdens for the city or existing residents.

Inference:

- Fiscal burdens for the City include: 1. hiring additional civil service staff to meet City's obligation to maintain resident's health and safety, 2. installing traffic safety equipment within the

neighborhood's area crossroads for students: (a) 83rd Ave. & 18th St., (b) 83rd Ave. & 10th St., (c) round-a-bout on 83rd Ave. & 20th St., and (d) 83rd Ave. & Route 34, 3. widen streets for suitable turning lanes to adapt to traffic for housing residents, new build renters, and businesses located on 82nd Ave. & 18th St., 4. construct bike lanes for students & commuters, 5. install city sidewalks for students & commuters, 6. paint road markings & install traffic signs to direct congestion, 7. snow removal, 8. create a city bus stop near new build & redirect city bus route (new build should not interfere with housing residence or take "routes within [our] established neighborhoods", and 9. Also refer to **IN-1.12** Infrastructure Operations.

- Fiscal burdens to the residents: 1. methods to slow traffic within the neighborhood (speed bumps, signs, etc.), 2. methods to discourage loitering within the neighborhood, 3. individual costs in the attempt to minimize noise and light, 4. additional lawn treatment due to pet defecation damage to avoid HOA Fees, and 5. individual costs to enclose unfenced backyards and to add home security.

- **IN-1.12** Infrastructure Operations (pg. 64)
  Ensure that City infrastructure is safe, well-managed, and efficiently operated.

Inference:

- A safe City infrastructure plan is not in affect. The city government's job is to "provide a continuous stream of funding" to a "safe city" initiative. This includes safety equipment, surveillance, government employees, technology agencies, and organizations to maintain the city's "dedicated" security equipment throughout (Safe Cities White Paper). The city currently has cameras on stoplights to perceive safety. This is one impractical act since it is not well-managed or efficiently operated. Nor does it protect Mountain Vista Housing residents if rezoning is approved.
- Infrastructure systems "tend to be capital intensive and high-cost investments and are vital to a country's economic development and prosperity. " …. Almost everyone would agree that transportation facilities and facilities to manage water and wastewater are infrastructure. Many respondents did not include housing or recreational facilities… because those are largely privately provided" (Miller, Tracy. Infrastructure: How to Define it and Why the Definition Matters. July 12, 2021).

- **IMP IN-2.2** (pg. 149)
  Evaluate, and update as needed, existing design guidelines for infrastructure and public facilities to ensure aesthetics and considerations for the visual or quality of life impacts on surrounding neighborhoods are considered.

Inference:

- Rezoning for the intended purpose will violate Development Code Sec. 24-504(d). The scale of the building will not compliment or transition well into Mountain Vista Residential community. This building will overpower our neighborhood's features, streets, and open spaces.

- The right to aesthetic and considerations for the visual impacts of neighborhoods nearby will be disregarded. Mountain Vista Community will be an oxymoron to the fact that residents will no longer enjoy its mountainous view and "natural features *for* their *aesthetic and* ecological value, including groves *of* trees, prairie, streams, unusual *and* attractive topography, *and* similar natural landscape features" as described in Sec. 24-506.
- The negative impact on resident's quality-of-life would grossly violate our residential rights and more. Rezoning for a similarly targeted group will not be of value in this area or for the City, overall. It will solely benefit the owner.

- *OBJECTIVE: NATURAL RESOURCES & OPEN LANDS (NR)*
  - NR-2.2 Outdoor Odors (pg. 69)
    Support ongoing efforts to identify, track, manage, and reduce offensive outdoor odors.

Inference:

- Rezoning this plot of land will not reduce offensive outdoor odors:
  - vehicle pollution
  - pet waste
  - public waste management
  - sewage
  - tobacco and marijuana smoking

- NR-2.3 Noise Levels (pg. 69)
  Promote acceptable noise levels throughout the community.

  and

- IMP NR-2.1 (pg. 151)
  Identify and employ methods to minimize and mitigate noise impacts generated from existing and planned traffic corridors, transit operations, and other capital improvements.

  and

- IMP NR-2.2 (pg. 151)
  Minimize the exposure to excessive and disturbing noise through the enforcement of daytime and nighttime noise ordinances, as well as through assertive traffic enforcement actions.

Inference:

- Rezoning will not promote acceptable noise levels throughout the community and will disrupt the peace during the daytime and nighttime hours:
  - loud vehicles
  - foreign vehicles using neighborhood streets.
  - loud music and gatherings
  - pets (barking, cat fights)
  - increased activity (sirens, trash pickup, etc.)
  - off hours firework/firecracker use

- illegal modifications to vehicle mufflers without legal recourse (Sec. 16-58).

- NR-3.1 Protect Natural Features and Viewsheds (pg. 70)
  Ensure that important natural features and viewsheds are protected or enhanced as development occurs.

Inference:

- Rezoning this plot will harm crops harvested by the Weidman and Schoenhaar families with land zoned as Agricultural attached to the plot in question. Littering, pets, pollution, loitering, and construction all contribute to the farmer's challenges to grow crops.
- This unit will also block the only open-view west Mountain Vista neighborhood currently values. Also refer to NR-3.2 Public Open Lands.

- NR-3.2 Public Open Lands (pg. 70)
  Secure and protect meaningful public open lands areas within and near to the city in order to provide visual relief from the urban landscape, preserve "food sheds" and important vistas, and/or retain separation from other communities.

  and

- IMP NR-3.8 (pg. 154)
  Identify and secure a range of funding sources and other financial mechanisms that will enable the implementation of the Open Lands and Natural Areas program and community separator concept in a way that balances individual property interests while securing important visual and natural areas for public enjoyment and/or protection of habitat and other environmentally sensitive areas.

Inference:

- Should rezoning commence, this area will not find visual relief from urban landscape. The city has plans to build additional apartment buildings adjacent to this plot, near the soon-to-be Starbucks within the Boomerang Ranch Retail Center currently in action. Rezoning, and the City's quest to urbanize all surrounding areas will deprive Mountain Vista residents the view of the distant sky and Rocky Mountains.
- Security and preservation of "food sheds", such as the lot located a hairline away from the land in question, will struggle from adequate sunlight and air quality. Rezoning will guarantee windblown trash, cigarette butts, pet waste, and loitering onto agricultural land.
- Also refer to NR-3.1 Protect Natural Features and Viewsheds.

- Parks & Open Lands (pg. 95)
  Access to parks and open lands is an important aspect of Greeley residents' quality of life…. the Land Use Guidance Map and community building blocks support both the protection of open lands

within the community and at its peripheries (as community separators) and support the preservation and interconnection of open lands within larger developments and subdivisions.

Inference:

- Rezoning from AG/R-L to PUD/R-H will eliminate Mountain Vista Resident's community separator within a larger development. The current land contributes to immediate resident's quality of life because it acts as a community separator from Mountain Vista Business Park and heavy traffic.
- A reasonable alternative that is often dismissed may be Residential Care for assisted living. SEC 24-404 Specific Use Standards. Located on a collector street, this type of mix-use housing would serve as a smooth transition between neighborhoods, easily meet all residential design standards, and ensure site compatibility "with the neighborhood in terms of scale and intensity of activity". This plot may remain R-L while the private owners collect capital and meet Greeley's Comprehensive Plan and equal housing requirements. A smaller and calmer build will maintain Mountain Vista's character while preserving the neighborhood's peripheries, and "interconnection of open lands within larger developments and subdivisions".

- *OBJECTIVE: PUBLIC SAFETY (PS)*
  - PS-2.2 Police Services (pg. 79)

    Sustain the most visible element of police protection through patrol officers and beats. Develop measurable thresholds that estimate when additional resources will be needed to sustain the community's expected future level of service.

Inference:

- GPD Strategic Plan declared an imbalance between the police department and population ratio, "with Greeley's anticipated increase in population, the necessity for additional personnel will need to be evaluated and balanced with a fiscally responsible, and strategic approach to agency growth."
- The GPD Strategic Plan does not have a measurable or definitive plan for additional resources to sustain the community's future level of service anticipated; only a plan to strategically place limited, tired officers already employed by the department with an adjustment to overtime pay.

- PS-2.8 Maintaining Service with Growth (pg.80)

  Identify City needs for funding and development related to safety through the Capital Improvements Plan in order to maintain and keep pace with growth and redevelopment. Periodically review fees to assure they keep pace with the actual costs of serving new development.

Inference:

- Weld County Capital Improvement Projects/Plan (CIP) does not identify City needs for funding and development related to safety for maintaining and keeping pace with growth and the costs of serving a new development by rezoning this land.
- The two CIP listed to date include Weld County Road 66/41 Intersection Improvements and Weld County Road 72/33 Roundabout. Both located in a non-urban and non-urgent locations.

- PS-3.5 Safe Built Environment (pg. 81)
  Support development patterns that foster constructive interactions with others to promote the opportunity for neighbors and businesses to mutually support common neighborhood interests such as hazard and crime prevention.

Inference:

- Rezoning for PUD R-H will not foster constructive interactions to promote the opportunity for this neighborhood to mutually support common interests:
  - hazard prevention is not possible with dangers and health risks this development presents.
  - crime prevention is not realistic. Temporary renters often change, not taking pride in their short-term residence or the neighborhoods surrounding them. This encourages a false sense of classification privileges. In turn, single-residential homes will be targeted based on homeowner's advanced planning and hard work.

- PS-3.6 Public Perceptions (pg. 81)
  Increase a positive public perception of Greeley as a safe place to live, work, and play; and deter opportunities for minimal and undesirable actions.

Inference:

Do not work toward the PERCEPTION of Greeley being a safe place; instead, make it a safe place to live.

- Greeley Police Department requires funding to catch up with Greeley's overpopulation and crime rate.
- Improve access to housing for ALL income-levels, ages, and physical abilities—not just multi-family, low-income, and homelessness. For instance, the average retired resident is struggling with rent as well as those with disabilities.
- Greeley Police Department requires funding to catch up with Greeley's overpopulation and crime rate.
- Improve access to housing for ALL income-levels, ages, and physical abilities—not just multi-family, low-income, and homelessness. For instance, the average retired resident is struggling with rent as well as those with disabilities (Zoning and Site Selection-Local government policies that limit or exclude housing facilities for persons with disabilities - HUD Planning Guide).
- Also, as an average income-earning family—who carefully planned our life—we are ignored of our wellbeing and safety. We want a quiet and safe place for our families. When we purchased our home, we were happy to be on the lower-dense side of town. The city did not propose plans to urbanize the above plot of land. Otherwise, homeowners like me would not have spent our life savings to settled here (Appendix E).

- *OBJECTIVE: TRANSPORTATION & MOBILITY (TM)*
  - TM-1.3 Streetscape Design (pg. 84)

Develop attractive, safe, accessible, and efficient public rights-of-way, including roadways and sidewalks. The design of such rights-of-way should vary depending on the modes accommodated, the surrounding land uses, and the character of the area or neighborhood through which it passes.

Inference:

- The EPA recommends a good street and transit connection throughout an area, preventing car use for every errand and every trip to school or work and facing unavoidable congestion every day. However:
  - Rezoning will not provide a possibility for a complete street network that would help reduce congestion allowing drivers, bicyclists, and pedestrians to go around traffic or to take more direct routes to their destinations.
  - At each intersection, a person should have options to turn onto a different street and choose a different route or continue along the way. This plot does not provide his roadway connection.

- TM-1.8 Functional Classifications (pg. 86)
  Maintain a roadway system that encourages the use of arterial streets for cross-town and regional traffic…and discourages the use of local streets for through-traffic.

  and

- IMP TM-1.1 (pg. 163)
  Revise, as appropriate, traffic design standards to match actual experience with various land use types.

Inference:

- This plot is not capable to maintain a roadway system that encourages the use of arterial streets for cross-town and regional traffic due to the long path the residents in the proposed apartment building would have to take to reach 20th Street. Changing zoning for this plot will encourage residents to Vehicles will cut-through Mountain Vista neighborhood to access E. 20th Street. Commuters will seek a short-cut by heading west on 19th Street, turning left onto 80th Avenue, right onto 79th Avenue, to finally reach west 20th Street.
- Please refer to this document's sections IN-1.11 Costs of Infrastructure Expansion, GC-6.2 Neighborhood Connectivity, EH-4.4 Safe Routes to School, EH-4.3 Land Use and Zoning Changes, EH-3.4 Early Intervention.

- TM-1.4 Traffic Calming (pg. 85)
  Support the use of traffic calming methods that prevent accidents and improve safety for all users.

  and

- TM-1.11 System Construction and Maintenance (pg. 86)
  Support and expand ongoing programs related to roadway construction and maintenance. Ensure that new growth does not negatively impact the City's ability to maintain the transportation system or create a fiscal burden for the city.

and

- IMP TM-1.2 (pg.163)
  Develop standards which control volume and speed on local streets through pro-active traffic calming strategies.

Inference:

- To allow cargo trucks to deliver supplies in a timely manner by continuing the truck route through 83rd Avenue, the fiscal burden to the city will include proper traffic control at 83rd Ave. and 18th Street.
- The city must ensure safe routes to schools by investing in, sidewalks, bikeways, trails, alternative routes, traffic control, and crosswalks on 83rd Ave. from 20th St to 10th St.
- To secure school bus schedules, the city may employ crossing guards, expand roadways, and build a turning lane into Mountain Vista Business Park.

- TM-1.13 Street Patterns (pg. 86)
  Promote street and pathway patterns and configurations that foster interconnectivity between subdivisions and commercial development in order to move all users in direct routes and limit extraneous travel on collector and arterial streets.

  and

- TM-3.4 Balance Impacts (pg. 88)
  Support land use proposals that seek to balance, mitigate, and distribute transportation impacts in order to maintain or improve current levels of mobility.

Inference:

- Construction on this plot of land will limit or close off roads 19th and 18th street. This will cause residents to take a long detour through Mountain Vista neighborhood for an extra 5+ minute drive to reach 83rd Avenue—encouraging extraneous travel on collector and arterial streets.
- The best way to create a complete street network and support new transportation choices is to "use a modified street grid network, ensure access to different modes of transportation (car, bus, train, and walking or biking routes) and build inviting sidewalks. The street network needs to accommodate both cars and people with many routes to their destinations. The streets and sidewalks should connect all neighboring areas with compatible uses, particularly adjacent residential areas. The network should have short blocks (some suggest 600 feet maximum8), which will make it easier for both people and cars to navigate the area. The streets should primarily meet in three or four-way intersections to allow people and cars to go around congestion. Cul-de-sacs should be avoided because they limit people's options to travel around congested areas and impede the connections between neighborhoods. The network should include a complete sidewalk along the local streets. It should be passable, without people having to go around hedges or highways to continue on the path. It should also have limited driveway cuts. Ideally, a planting strip should be placed along the street, creating a buffer for pedestrians and the opportunity to plant trees, whose canopy would provide shade" (EPA).

- TM-3.2 Supportive Development (pg. 88)
  Ensure that all proposed development projects demonstrate the ability to accommodate pedestrian and bicycle travel.

  and

- IMP TM-1.3 (pg. 162)
  Review Development Code standards to evaluate and update parking requirements for various zoning districts to ensure that excessive parking areas are not created, and attractive parking lot design is required.

  and

- **Sec. 24-702.** - Access and circulation.

  Where connections from sidewalks in the public streetscapes or internal access streets is not practical or is too remote, sites shall provide pedestrian connections to any of the above areas or amenities on adjacent sites. Connections directly to adjacent sites shall be made in any case where the connections by sidewalks on public streets or through access ways result in pedestrian routes greater than 300 feet.

Inference:

- Rezoning shall include crosswalk markings, pedestrian signs, bike lanes, and a sidewalk along the north side of 18th Street. As well as school bus stop signs, traffic slowing methods, and crossing guards.
- Vehicle parking will overflow into Mountain Vista Residential community where residents abide by strict HOA policies and pay high HOA fees and property tax.
- Renting families with 3+ vehicles will park on 19th Street, 82nd Avenue, 18th Street, and 83rd Ave. creating visual blind spots for all types of travelers.

---

2. SUMMARY:

Rezoning Parcel #095908321011, section 8, township 5 north, range 66 west in the name of Greeley's Comprehensive Plan challenges resident's rights. As a resident, I have a right to decide how my tax money is spent, how my quality of life is measured, and to purchase a home near land zoned as AG/R-L, away from urban congestion. At the time of our purchase, the city did not have documented plans to rezone the named land above for context manipulation to carry out capitalistic goals.

As I thoroughly clarified above, rezoning this plot will violate many policies, codes, and rights. The parcel presented for PUD/R-L is not in an ideal location. Approving this request will cause community separation between housing residents and renters of the new build—the opposite of GCP's purpose of "community". Therefore, an approval will grossly disobey Sec. 24-205-Planned Unit Development where "a PUD shall include sufficient area to implement planning concepts that generate broader public benefits that can only be gained from flexible application of the standards, and not simply be used to justify deviations for single projects or on a site-specific basis".

Moreover, many apartment, townhomes, and connecting units are located within this parcel's immediate area. The city has plans to build additional apartments within walking distance in Boomerang Ranch. This plot can easily achieve the GCP with its current R-L zoning designation. The owner may explore several other R-L housing options, parks and recreation, or health and safety needs within the GCP that would keep Mountain Vista Residential Community safe, healthy, and active.

Most studies associate economic and single-home value benefits from having mix-use housing near established communities. However, within those same studies, it was emphasized that the structure's strategical placement would determine the true value of a neighborhood.

My family and I (4 members) respectfully request for the proposal to rezone Parcel #095908321011, section 8, township 5 north, range 66 west to be **denied** (*Executive Order 13217*).

Very Respectfully,



Regina Holzmeister

3. FIGURES:

FIGURE A:

Parcel #095908321011, Section 8, Township 5 North, Range 66 West

Rezoning request = [Mountain Vista West Apartments LLC.]

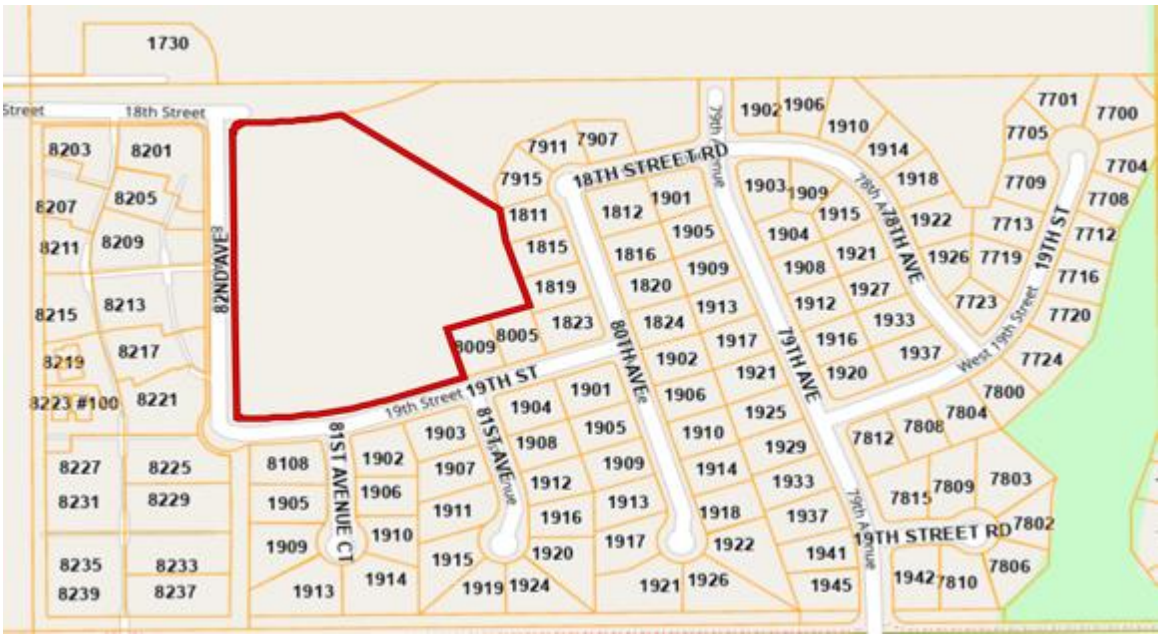


FIGURE B

Vehicle *as Primary Mode of Transportation*

FIGURE B.1

Zoned School District is Windsor County Schools – **Walking**

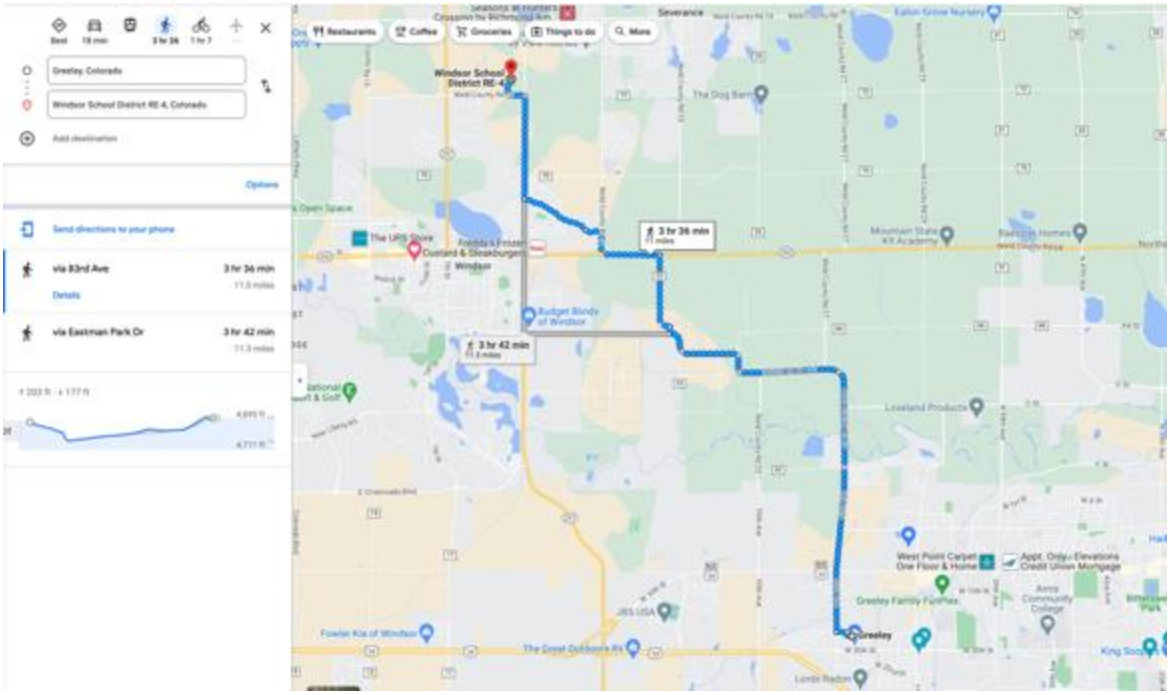


FIGURE B.2

Nearest Hospital for Regular Treatment

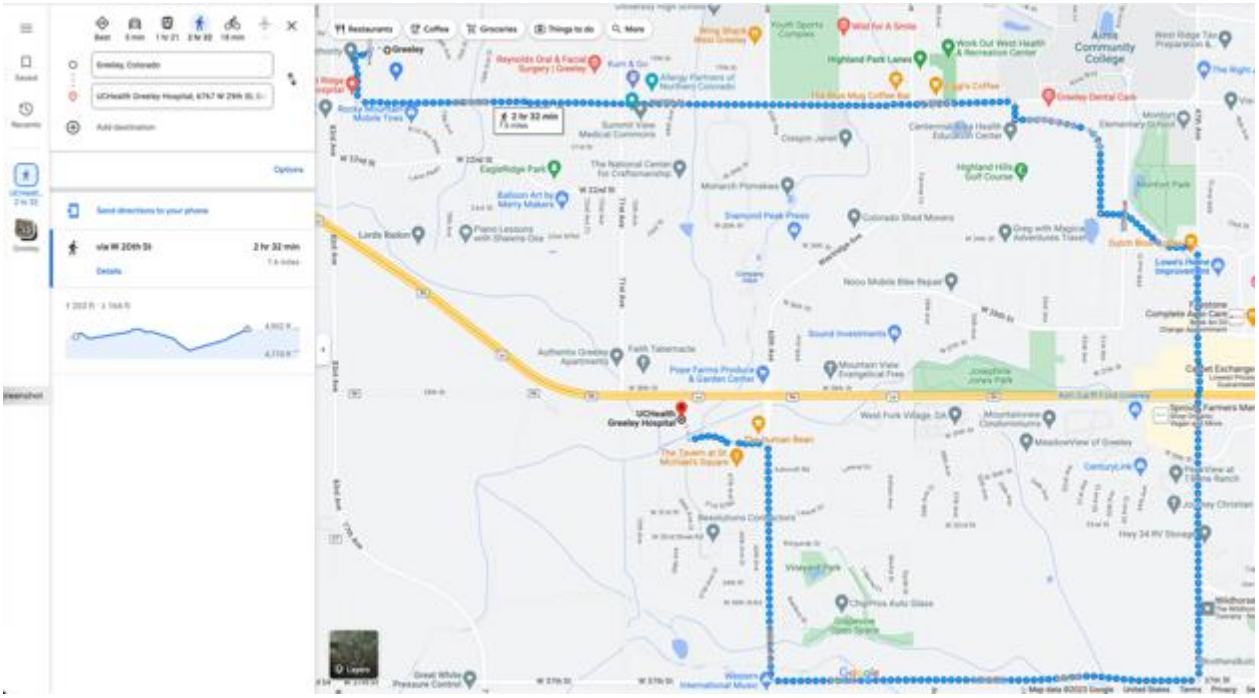


FIGURE B.3

Nearest Grocery Store

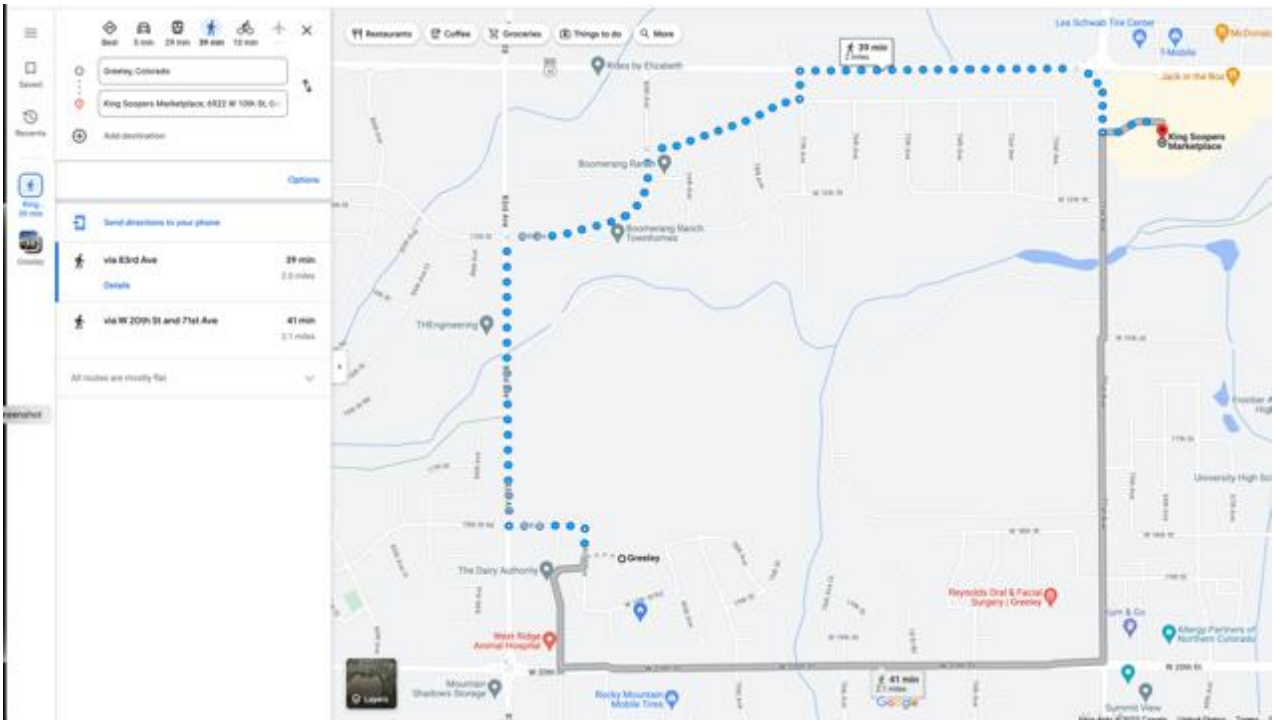


FIGURE B.4

Nearest Library

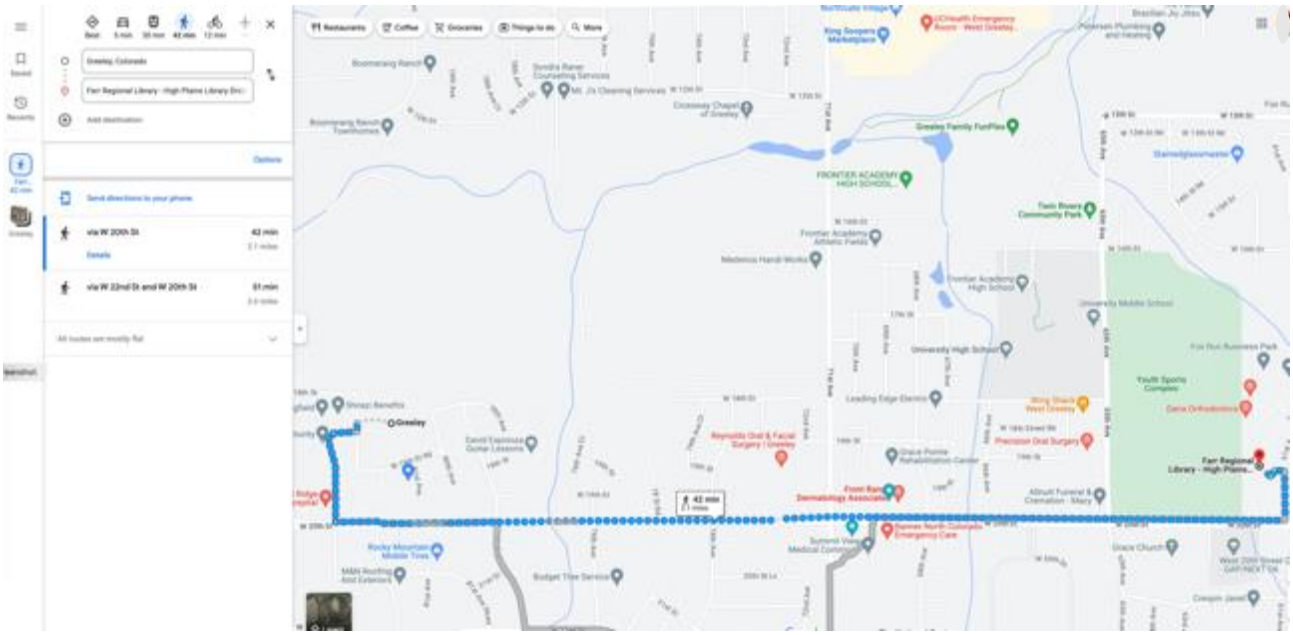


FIGURE B.5

Nearest Park that is NOT Funded by HOA/Renter Fees

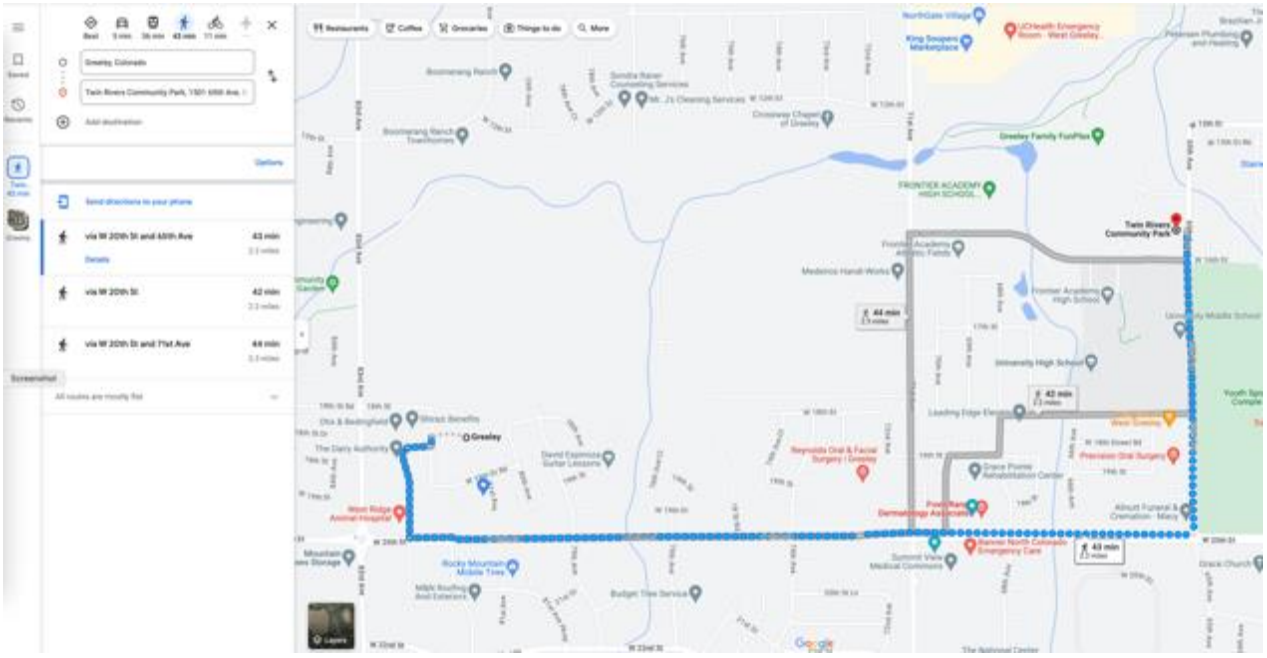
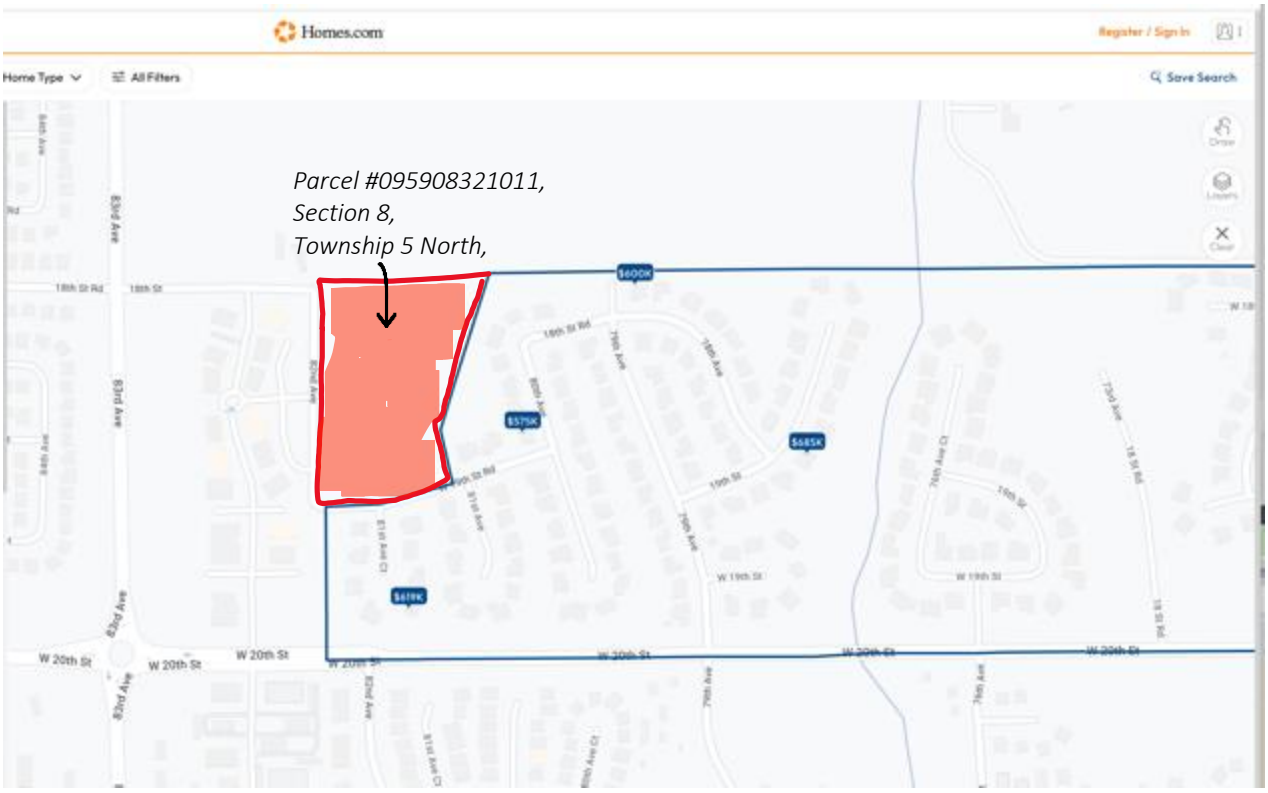


FIGURE C

Mountain Vista Homes for Sale (as of August 4, 2023)



Please refer to City Building Codes to research further graphic clarifications.

[END]

Doug May

From: David Harrold
Sent: Monday, August 21, 2023 3:49 PM
To: brynne@gantlawoffice.com
Cc: Doug May
Subject: RE: Date for Public Hearing - Mountain Vista Multifamily

Good afternoon Brynne,

Thank you for reaching out about the detention pond. To clarify, the authorization to discharge additional stormwater flows to the pond in question is required at the time of site plan review (SPR). We are currently working with the applicant on this land use case, SPR2023-0027, and have not seen any authorization form be submitted. It is on our list of items required prior to City acceptance of the project.

Let me know if you have any other questions.

Thanks,

David Harrold, P.E.
Engineer II
Community Development|Engineering Development Review
1100 10th Street, #203
Greeley, CO 80631
P: 970-336-4175 | david.harrold@greeleygov.com
greeleygov.com

From: Doug May <Doug.May@Greeleygov.com>
Sent: Monday, August 21, 2023 8:45 AM
To: David Harrold <David.Harrold@Greeleygov.com>
Subject: FW: Date for Public Hearing - Mountain Vista Multifamily

Hey David,

Can you answer her question regarding the drainage? I will respond about the hearing date.

Thanks,

Doug May
Planner III
Community Development |Planning
1100 10th Street
Greeley, CO 80631
970-350-9784 | doug.may@greeleygov.com
http://greeleygov.com/

From: Brynne Gant <brynne@gantlawoffice.com>
Sent: Monday, August 21, 2023 8:16 AM
To: planning <planning@Greeleygov.com>; Josh Olhava <Josh.Olhava@Greeleygov.com>; Doug May <Doug.May@Greeleygov.com>; Don Threewitt <Don.Threewitt@Greeleygov.com>
Cc: remley2@COMCAST.NET
Subject: Date for Public Hearing - Mountain Vista Multifamily

> You don't often get email from brynne@gantlawoffice.com. Learn why this is important

Good morning,

I apologize for copying all of you in this email, but I wasn't sure who would be best to direct this question to. I see on eTRAKiT that the Mountain Vista Multifamily project is scheduled for public hearing, but it is not yet showing on the planning website. Do we have a date for this hearing yet?

Also, in the 2nd Round Review letter dated May 12, 2023, you stated that approval from the HOA for the development to drain to the HOA's pond would need to be "in-hand" as part of the application process. In the developer's response, they stated they were in contact with Becky Stewart regarding this. To our knowledge, the HOA has never provided approval for the drainage, and Becky Stewart has not worked for the HOA for quite some time. Can you confirm whether Planning ever received any purported HOA approval details from the developer in any resubmission? I do not see one, but wanted to double check.

Thank you,
--

Brynne Gant

Gant Law, LLC

8213 W. 20th St., Ste G

Greeley, CO 80634

Phone: (970) 368-3684

www.gantlawoffice.com



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Doug May

From: JOHN KRUSE <NUGGETS28@msn.com>
Sent: Friday, September 1, 2023 9:51 AM
To: Doug May
Subject: PUD2022-0008 Mountain Vista Multi-family PUD

You don't often get email from nuggets28@msn.com. Learn why this is important

Good morning,

I am sending this e-mail in response to case number PUD2022-0008, the Mountain Vista Multi-family PUD.

I had our house built at 1811 80th Avenue over 15 years ago. We chose that location, as at the time, the area currently looking to be developed was a natural gas site. We built there thinking it would always be vacant, knowing that was not ever going to be the case long term. I only thought that the land behind us would either be homes similar to what is in the neighborhood or even commercial, as what is further west, off of 83rd Avenue. Never once did I think that apartments would be built back there. With that being said, I do have the following comments, concerns, and questions:

1. Traffic in the neighborhood increased exponentially when 20th street was expanded. While this was temporary, if apartments go up, this will also increase the level of traffic going through our neighborhood, but not on a temporary basis. During this same time that 20th street was expanded, unreported crime increased in our neighborhood, via theft.

2. Having only one exit out of the proposed apartment area is not enough. With 14 buildings and a minimum of 6 apartments per building, at 1.5 cars per average household, this is 126 cars going out one way.

3. Why does the City of Greeley only permit or approve "like" buildings in the area. As mentioned before, there are residential homes at probably an average market rate of $600,000 in the area and very nice commercial properties in the same area, now the City of Greeley wants to approve apartments in this area? What will this do to property values in the area, in which we just seen our property taxes go up, only to have them devalued by apartments going in behind us.

4. Is the City of Greeley's plan for affordable housing to just build apartments? When I look at the most current Residential Projects posted on the City of Greeley's website, all I pretty much see is apartments going up.

5. Where is the infrastructure going to be for West Greeley? 83rd Avenue is not equipped to handle additional traffic coming from all the new apartments going in on the west and east side of 83rd avenue. Why has 83rd Avenue not been expanded? Why is the City of Greeley not encouraging developers to build restaurants.

6. Will the City of Greeley limit the number of apartments being built in Greeley? There are apartments recently being built in Promontory, on the southwest side of 10th and 83rd, more apartments being built on the southeast side of 10th and 83rd, apartments being built on the northwest side of 71st and HWY 34,

southeast side of 20th street and 83rd Avenue, southwest side of HWY 34 and 17th Ave. Currently, we are a Tree City. I am concerned that soon, we will be considered Apartment City.

7. What is the current vacancy rate of apartments now?

Thank you for your time.

John Kruse

Doug May

From: Stephen Cantin <scantin212@gmail.com>
Sent: Friday, September 1, 2023 7:28 AM
To: Doug May
Subject: Case # PUD2022-0008

You don't often get email from scantin212@gmail.com. Learn why this is important

Mr. May,

I am writing to express concern with the proposal to rezone the property location located north of W. 19th St Rd/ east of 82nd Ave. I understand the need for multi-family residences as Greeley is growing. However, I believe other options should be explored before erecting massive apartments complexes that will create issues to existing residents who live in the neighborhood.

There are very little options to enter the third filling of Mountain Vista. The first is 79th Ave. The second, is 18th St Rd. This is going to create an influx of traffic related concerns that will be difficult if not impossible to manage. There are countless children, mine included that play in the streets and on sidewalks within the neighborhood. This will make safe passage for kids riding bikes, playing ball, and operating lemonade stands unsafe.

When we purchased our home in 2016 it was expressed from our agent that the area would remain as is. We decided to set our roots in this neighborhood so our children could have a place to play and be safe from the hustle of modern day distracted drivers. If we had anticipated a large corporation would be allowed to rezone an area to create residences for thousands, we would not have moved to the Mountain Vista neighborhood.

I'm pleading to you and the city to consider alternatives to this rezone request. I don't want to have to move my family to another community to ensure their safety.

This area in question is without modern conveniences, such as parks or playgrounds. These would make the area remain safe for our children to play while providing the area with much needed conveniences other parts of the community are already enjoying.

I thank you for your time and strongly support ANY other option in place of large apartment complexes being erected in the Mountain Vista neighborhood.

Thanks,

Stephen Cantin

Doug May

From: Marty Neibauer <coachmarty17@gmail.com>
Sent: Friday, September 1, 2023 6:19 PM
To: Doug May
Subject: Mountain Vista PUD Hearing 12Sept2023

You don't often get email from coachmarty17@gmail.com. Learn why this is important

Good Afternoon,

I am a resident of the Mountain Vista Subdivision in the 81st Ave Ct cul de sac that will be one of the most impacted by this project. Obviously, I am asking as a resident not to allow the rezoning from HA to PUD to go through. Residential low density seems much more appropriate for this site to maintain the style and character of the established neighborhood as the Greeley Master Plan suggests.

The idea of allowing some rich developer to place a random apartment complex right smack in the middle of our established higher end neighborhood seems absolutely absurd to me for a number of reasons. I would argue that greeley is already overbuilt and over building apartments right now. There are huge complexes across from AIMS and at the Mall under construction. Another large complex off US-34 and 71st, another new project near Promontory. There are recently completed projects and under construction projects by Center Place Shopping Center.
I also see there is a meeting on the same day for the PUD development of the 170 acres off 83rd and 10th near another recently completed giant apartment complex west of 83rd avenue.

Where are the houses? If all we build in Greeley are apartments we will always be considered the lesser step child of Windsor, Loveland, Fort Collins, Severance, Tinmunth and so forth where they are building houses. Don't we want people to establish roots in Greeley where they can become permanent residents and community members....not temporary residents? If all we build is apartments, the people who rent them will eventually leave Greeley when and if they can afford to and buy a house in one of the aforementioned communities.

If all we have is apartment complexes there is no opportunity for young families to start to develop inter-generational wealth and work their way up the property ladder in Greeley. They have to go somewhere else to do that. If we keep plopping apartments in the middle of established neighborhoods those people will leave too and take their money with them. There are already many residents in Mountain Vista putting their homes up for sale due to this proposal.This is not good for Greeley, it is a money grab for developers.

In the case of those other complexes, at least the location sort of makes sense. They are at least near a college, near a shopping mall or retail center, located on a major intersection, or with Promentory, near Loveland / Fort Collins where perhaps the residents work. In the case of the Mountain Vista PUD Proposal none of these criteria exist. It is right in the middle of an established subdivision with inadequate infrastructure and traffic capacity to support a 100 unit complex. This proposal flies in the face of the Greeley Master plan for maintaining the integrity and character of neighborhoods.

I'm sure you will find that most of the residents are okay with something reasonable being built there that matches the style and character of the existing neighborhood. Build houses, build patio homes, build something the residents can purchase and become invested members of our Mountain Vista community. Or use the "in lieu of" money the city got during the first phases of Mountain Vista Subdivision to build a park, as many of the older residents of our neighborhood were promised by this same developer. But for God's sake please say "NO" to the PUD rezoning and say "YES" to the tax paying residents of Mountain Vista.

For the record, I did not receive the informational flyer about the meeting until Wednesday,August 30th. Although it is dated August 24th, the envelope is postmarked August 28th. That is not a lot of time for residents to prepare and submit written comments.

I read in the rules that those who attend the community meeting will have the opportunity to speak. Please confirm that this is correct as I intend to take a day off of work to be at the meeting.

Sincerely,

Marty Neibauer
1910 81st Ave Ct
Greeley CO 80634

GANT
— LAW —
970-368-5687 | ADMIN@GANTLAWOFFICE.COM | 8213 W 20 ST STE G, GREELEY CO 80634

June 12, 2023

Via US Mail and Email
Greeley City
Planning & Zoning Commission
1100 10th St., 2nd Floor
Greeley, CO 80631
planning@greeleygov.com

Re: *Petition to Deny Proposed Rezoning – "Mountain Vista Multifamily"*
Tract 2, Mountain Vista Filing 3
SE ¼ Section 8, Township 5 N, Range 66
Parcel #095908321011

Dear Commission,

This firm represents Brynne and Jared Gant as residents of the Mountain Vista HOA at 1816 80th Avenue in regard to the above-referenced matter. **With us in objecting to the proposed development join those 261 persons and businesses whose names are attached**. Together, we will be referenced in this petition as "the residents."

The purpose of this petition is to request that the Commission disapprove the PUD application with proposed rezoning of the above-referenced parcel, in its current state ("the proposal"), as the proposal violates the Imagine Greeley Comprehensive Plan ("IGCP") and Colorado's common law against so-called "spot-zoning." In addition, the residents request that Journey Homes/Northern Engineering ("Northern") be required to complete an unbiased, third-party traffic analysis and submit the same with any modified proposal.

The residents note that if a modified proposal is submitted with a request to rezone to R-L or C-L, with a true emphasis on the IGCP's objectives of maintaining the character of higher-end neighborhoods, ensuring safety for students and residents, creating retail Centers or similar, it is likely the residents will not object, as such a request is much more likely to enhance the IGCP and the wellbeing of the residents.

Introduction

On or about April 3, 2023, Journey Homes/Northern Engineering submitted a PUD application with this Commission. That application was not provided to the residents in full, but from what was provided, the residents note that Northern claims that there is a "very limited amount of multi-family" housing in West Greeley—despite the fact that they themselves (or their parent companies) already own at least 1,374 high-density dwelling units in the immediate vicinity. *See Figure B*, below.

On account of their claim that such dwelling units are somehow missing, Northern requests to essentially rezone the subject parcel from H-A all the way to R-H, incorporating 100 dwelling units on the roughly 8-acre parcel that is near-completely surrounded by already-established R-L housing—with no direct access to any major highway. In essence, Northern is requesting this Commission approve a change to the character of

the neighborhood and the rerouting of approximately 200 vehicles[1] for the 100 units through the surrounding neighborhood where children are often out playing basketball, riding bikes, and the like.

The application goes on to include several bare generalities about how the proposal would supposedly comply with the IGCP and provide adequate traffic considerations, but the proposal fails to provide any specific explanations, traffic evaluations, or the like. For instance, the proposal claims to enhance Objective HO-2.1 of the IGCP, but that Objective contemplates encouraging ***a variety*** of housing types within new residential projects and subdivisions, and to ensure that Greeley has "neighborhoods and/or development sites available and attractive to its desired workforce, ***including higher-end housing***." Objective HO 2.1 does not contemplate or support a complete change of character for an existing neighborhood whose residents had a legal right to rely on the existing zoning when they purchased their homes. *See, g.e., Clark v. City of Boulder*, 362 P.2d 160, 162 (Colo. 1961).

In the end, what purports to be a declaration enhancing the IGCP is just a request to spot-zone a relatively small parcel in an already-established, high-end neighborhood in order to increase Northern's economic growth whilst supplying even more of the high-density units that, by definition, *do not* serve the "Missing Middle" of Greeley or the IGCP's emphasis on maintaining the character of established communities, creating community Centers, and ensuring neighborhoods are safe for children, elderly residents, and all those who had a right to rely on the zoning as it stood when they purchased their property.

Review of Applicable Standards for PUD Applications

Applications for PUD must comply with C.R.S.§ 24-67-104 by providing interested parties procedural due process. Before approval may be given, the Commission must make findings that the proposal is in not only in conformity with the IGCP but actually increases consistency with it. G.M.C. §24-204. So-called "spot-zoning" applies where a zoning amendment is sought for mere economic gain to the owner of a comparatively small area. Such zoning amendments are prohibited under the common law of Colorado. *See, e.g., Clark v. City of Boulder*, 362 P.2d 160, 160-162 (Colo. 1961) (internal citations omitted).

The purpose of a PUD should be to allow for flexibility on a ***large-scale*** and ***highly complex*** project that requires flexibility in order to take in the broader context in which it lies. G.M.C. §24-205 (2021) (emphasis added). A PUD must include sufficient area to implement planning concepts that generate broader public benefits that can only be gained from flexible application of the standards; ***it may not simply be used to justify deviations for single projects or on a site-specific basis***. *Id.* (emphasis added). Every PUD application must fully comply with G.M.C. §24-205(b). In addition, a PUD application is a type of rezoning and so must comply with the procedures outlined in G.M.C. §24-204. *Id* at (d).

A PUD request must also include a plan that reflects ***greater consistency*** with the IGCP; that ***better meets*** the intent and design objectives of the zoning districts and standards, and that promotes the "***general public health, safety and welfare of the community***, and in particular, that of the areas immediately near or within the proposed project, ***and is not strictly to benefit the applicant or a single project***. G.M.C. §24-205(c) (emphasis added). **We, the residents, believe that the proposal fails to meet these strictures.**

[1] US DOT and FHA Highway Statistics Series indicates an average of 1.96 vehicles per household in Colorado, and Greeley tends to be above average on vehicle ownership and usage.

The IGCP Objectives

As you all know, in 2018, Greeley adopted the IGCP as its fifth master plan since the original in 1869. The IGCP provides the framework for public growth and development in Greeley. The IGCP's overview on administration notes that private residents are necessary contributors to its administration. *IGCP p. 14*. The IGCP Vision Statement includes an emphasis on creating neighborhoods that sustain a safe and rewarding place for residents to live and for children to play. *Id.* at p. 24.

The IGCP Objectives are broken down into several sections, none of which are supported by Northern's current proposal, but could be with a modified proposal that is truly based on a desire for innovative development rather than dollars.

1. **Economic Health & Diversification**

The Economic Health & Diversification section, for instance, includes Objectives to streamline the regulatory framework (such as was done with the one-step PUD application process) but **"without compromising the welfare of the public."** *IGCP at p. 32*. ED-1.5 specifically encourages the start-up and growth of small businesses. Several of the residents own small businesses that would be negatively affected by the proposal. For instance, both Gant Law, LLC and JMGant Photography are run from the R-L neighborhood as well as the C-L business park for which traffic and parking would be greatly impacted.

Objective ED-1.6 encourages a climate of innovation that will benefit the community. In 2021, the Community Development Department presented information to this Commission and the City Council regarding the "Missing Middle," of housing in Greeley. Their subsequent adoption of changes to the Development Code included encouraging innovative ways to provide housing options for a variety of income levels. This Development Code update will be discussed further in the sections below, but notably high-density multi-family dwellings and apartments ***are not*** included among the innovative "Missing Middle" housing types and do not serve the population who were the focus of that presentation.

2. **Education, Health, & Human Services; Transportation & Mobility**

The Education, Health, and Human Services section and the Transportation and Mobility section of the IGCP include several Objectives for the health and safety of students, children, and other residents, that would be harmed by the proposal in its current state.

Objective of EH-4.3, for instance, is to "[d]iscourage land use changes, zoning changes, and/or new developments that will negatively impact the safety of students…travelling to and from a school…" Objective EH-4.4 encourages supporting "ways for students to safely travel to and from school along well-planned and improved routes," and ensuring "that new residential developments incorporate facilities and/or design elements that support safe walking and bicycle routes for students…"

There are three Windsor School District bus stops on the exact streets for which traffic to the 100 units would be rerouted if the proposal is approved.

Greeley residents drive more miles per day than those in surrounding counties along the Front Range. *IGCP* at p. 91. Objective TM-1.2 is meant to ensure that there are adequate and safe ways for pedestrians to walk in our communities and neighborhoods and TM-1.3 is meant to produce safe and accessible rights-of-way that

accommodate the character of the surrounding area and any neighborhood through which a right-of-way passes. TM-1.13 seeks to encourage traffic to move in direct paths and limit extraneous travel.

If the proposal is approved, there is a high likelihood that many of the occupants in the units would be commuting to work at the exact time that our neighborhood students, many of them elementary aged, are attempting to navigate to their bus stops and whilst our residents are walking, jogging, and the like.

Further, Objective EH-2.3 encourages active and healthy lifestyles. As this commission likely knows, it is enormously difficult to get children to play outside in the current culture of all-things-screens. This is our son, Peter Gant (right) and his best friend, Carter Kingman (left).



They are next-door neighbors who have a relationship not unlike Scott Smalls and Benjamin Rodriguez in The Sandlot. These boys often play baseball, basketball, and other games in front of their homes—1816 and 1820 80th Avenue, respectively. **This will no longer be safe or possible if the proposal is approved as is.** If the proposal is approved, they, and other children just like them who already find it difficult to get outside will be further discouraged from an active lifestyle by both the reality of their environment and the grownups who want to keep them safe.

The proposal includes 100 dwelling units in a small, 8-acre parcel that is tucked into our already-developed neighborhood with no direct access to any major roads. Essentially, the proposal would reroute 100 dwelling-units worth of traffic around a blind corner (from 79th Avenue around to 18th Street Road) and straight into the place where these boys are usually out playing on 80th Avenue. Other areas, such as the 3rd Filing's mailboxes (a favorite area for children to navigate to and from) and the HOA's open space west of Filing 3 will be affected as well.

In or around 2015 and then again in or around 2019, Greeley rerouted traffic from 20th street through the neighborhood in much the same way as will be required if the proposal here is approved. When that happened, the activity level of children in the neighborhood suffered greatly. We dealt daily with the inability to safely allow our children to play, as the re-routed drivers sped around the corners and headed through the neighborhood.

Additional EH Objectives regarding land use, walkability, and bikability would also be negatively impacted, as Northern has not adequately explained how those of us who walk, run, jog, cycle, walk our pets, and navigate to nearby areas would be able to continue doing so safely and adequately in the face of the massive development.

And as Northern likely well knows (since a parent company developed several of the R-L homes in the neighborhood), several of the homes here were specifically developed with the elderly in mind and include amenities for that population such as main-floor master bedrooms and laundry. Northern has not adequately provided for Objective EH-3.9 in this regard.

3. Growth & City Form

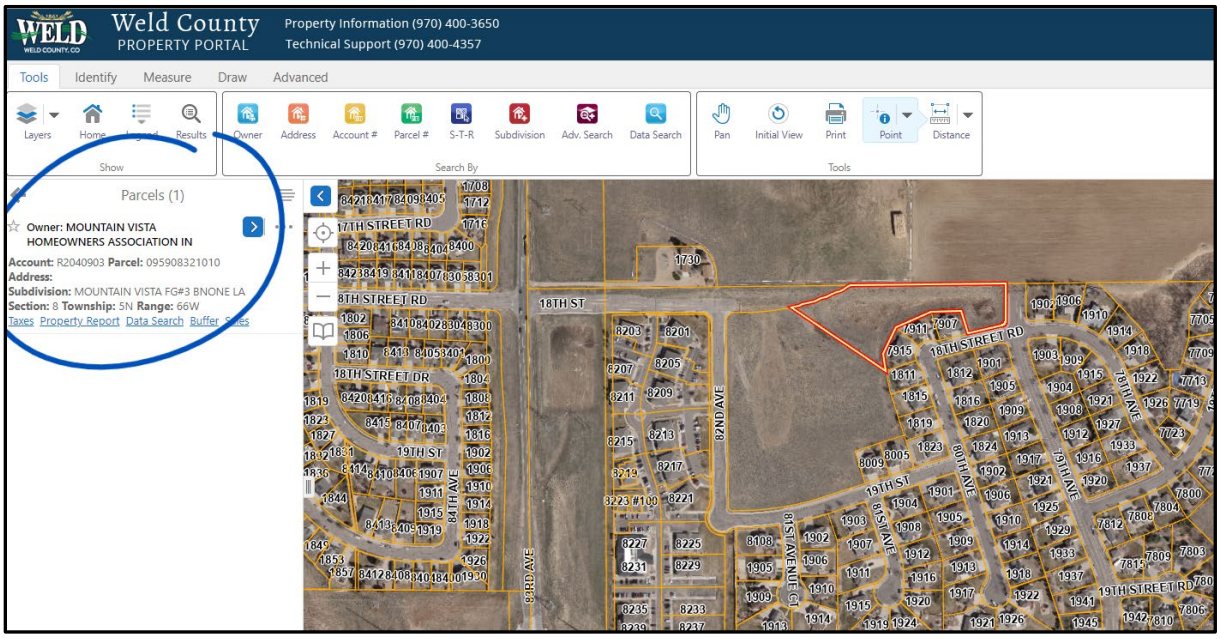
The Growth and City Form section of the IGCP begins be recognizing that Greeley's population growth has expanded (often westward) into a more dispersed population, away from many day-to-day services such as retail areas and parks. *IGCP* at p. 49. Since 2012, Greeley's growth has mostly included multi-family housing units. *Id.* Additional growth is expected, and mixed-use areas are desirable (*id*), but not in the way the proposal would have it. The goal is to provide enhanced quality of life for the neighborhood residents (GC-1.1) and increased access to things such as retail and parks (IGCP at 49) ***without*** compromising the character of existing neighborhoods (*id*).

GC-1.1, specifically seeks to "[m]anage growth to maintain or improve quality of life for Greeley's residents, minimize impacts on the natural environment, and protect or enhance natural features and other resources." As explained in the Education, Health & Human Services section, above, much like in 2015 and 2019 when traffic was rerouted through the neighborhood, with this proposal, the lives of many of the residents, including those who have signed this petition, would neither be enhanced nor even maintained; they would be negatively impacted.

Objective GC-1.3 requires new development to be restricted to APFA areas. Northern's proposal includes another broad, general statement about their being adequate utilities. Importantly, Northern also claims in their proposal (sheet 4) that they will improve the offsite existing retention pond—**which is owned by the Mountain Vista HOA**. *See Figure A*, below.

Figure A

Ownership of Parcel Northeast of Proposal



Northern states specifically that they want to "improve" this HOA-owned parcel in order to "provide additional storage and water quality" for their 100 units. Implicitly, Northern knows that the water supply is insufficient for its planned development, and they have failed to explain how the area (that is not owned by them) would be "improved."

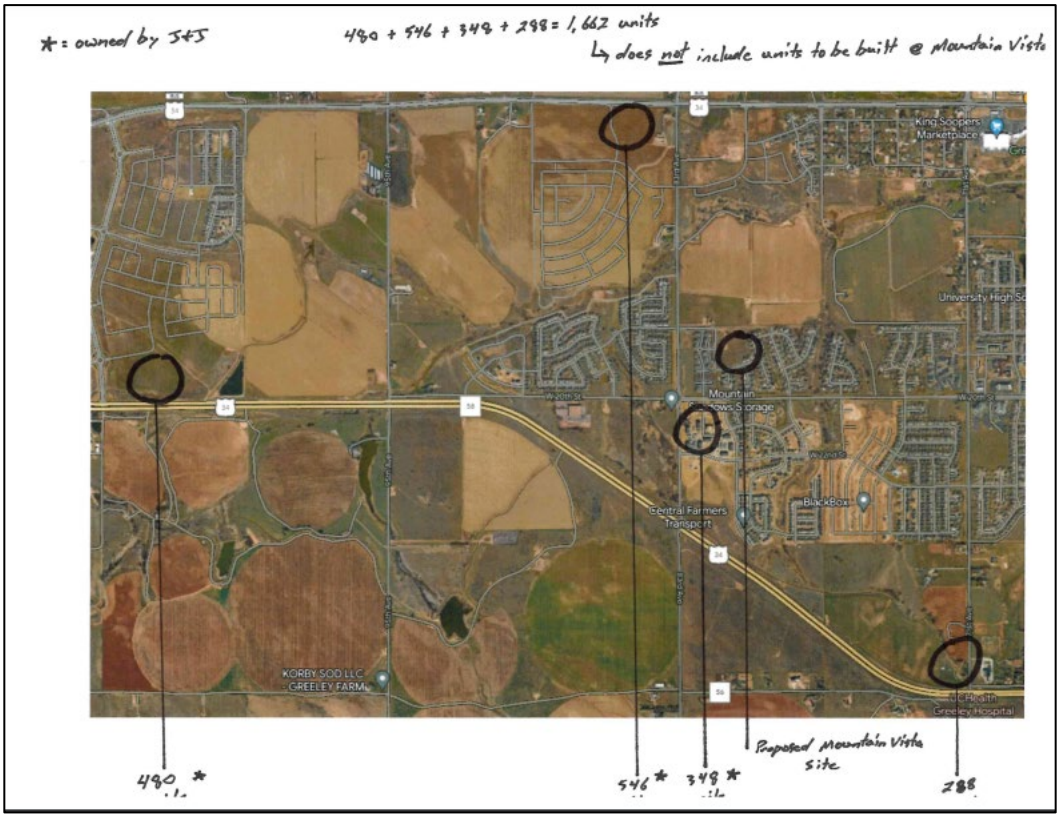
Property owners have a right to rely on existing zoning regulations when purchasing their property and when there has been no material change in the character of the neighborhood which may require re-zoning in the public interest. *See, e.g., Clark v. City of Boulder* at 162 (Colo. 1961).

Several of our residents purchased their abutting property under the then-existing Comprehensive Plan with an assurance of the zoning then in place. Further, since the Mountain Vista HOA owns that land, they purchased with the right to rely on that property continuing to back to the beautiful open space behind these residents' homes. There are foxes, toads, rabbits, and fireflies that live in that area. How is Northern planning to "improve" this HOA-owned parcel whilst additionally complying with the law that ensures residents a right to the zoning regulations in place at their purchase and that complies with the need to protect natural resources as outlined in GC-1.1? They have not provided sufficient information.

Additional Objectives (e.g., GC-2.4, GC-2.5, and GC-6.1), support building Centers and connection to retail as well as a variety of housing types around those Centers. Here is where Northern had a true opportunity to enhance the IGCP rather than requesting to spot-zone yet another large-scale high-density housing unit. The area just west of the proposed development is already zoned C-L but does not have the types of amenities to create a true Center. The closest retail (a single gas station) to this part of the neighborhood (Mountain Vista 3rd Filing) is over one mile away. Northern is claiming that their proposal enhances the IGCP by providing more of what they claim is a "very limited amount of multi-family" housing in west Greeley. But they are well aware of the fact that this particular type of multi-family housing is abundant here. They know this because the lion's share of such housing—1,374 of the 1,662 units within

recently built within about a half mile of the proposed development—were developed by them or their parent companies as shown in Figure B, below.

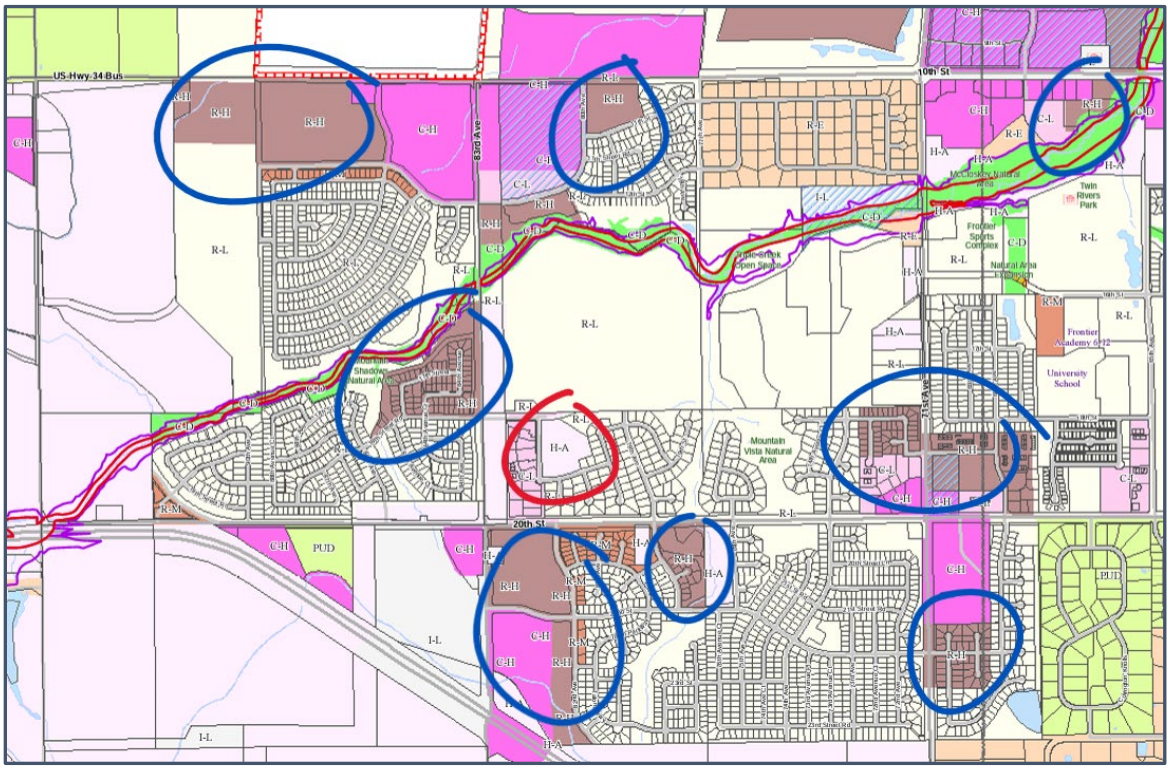
Figure B
Annotated Map of Nearby High-Density Units



In addition, Northern should be well aware that, per the February 2023 Residential Construction report, there are already approximately 3,800 multi-family units being readied in west Greeley (1,278 in design or fully-approved and 2,530 under construction).

Where are the downstairs apartments, duplexes, row houses, patio homes, garden apartments, townhouses, and other types of Missing Middle housing proposed by the Community Development Department? Where are the retail Centers encouraged by the IGCP? Developers like Northern are not interested in truly serving the Missing Middle or the residents of Greeley, as they know they can make more cash on high-density housing, of which there is plenty, as shown again in Figure C, below.

Figure C
Additional R-H Units



This spot-zoning tactic is prohibited under the common law of Colorado. *See, e.g., Clark v. City of Boulder* at 160-162 (Colo. 1961) (internal citations omitted). Spot-zoning is the act of singling out a small area for special treatment in a manner that does not further the comprehensive plan. *Id* at 162. When the surrounding areas are zoned differently, and the proposed use is likely to result in economic gain for the developer above enhancement of the comprehensive plan, that is a tell-tale sign that the request is one of spot-zoning. *Id.* An argument that no other use would suffice is not a sufficient rebuttal to this reality. *Id.*

Here, this is exactly what Northern is requesting. The land could be developed into C-L to further the area's use as a Center, it could maintain the character of the high-end neighborhood by being developed as further R-L, or it could even be developed into higher-end medium density residential such as patio homes or town homes, which would further the Missing Middle. None of those requests have been made by Northern. Rather, they seek only to fit as many units as they think they can get away with into the small, R-L-surrounded space—for their own economic growth.

4. **Housing**

The Housing Objectives are not furthered by Northern's proposal. This section of the IGCP focuses on increasing diversity of housing for all Greeley residents. Notably, Greeley's increase in multi-family housing, like that proposed in Northern's application, ***has not*** changed the general mix of housing types offered in Greeley. *IGCP* at p. 65.

Objective HO-1.1 provides for an overarching housing strategy which includes three main things:

(1) **preventing an over-concentration** of affordable housing in specific areas;
(2) **encouraging a range of creative housing options;** and
(3) **maintaining the quality of existing low-cost units**.

Another Housing Objective: HO-2.1, which Northern specifically references (but does not fully quote) in their application, encourages, again **a variety of housing types, sizes, styles, and price-points** of housing units **within new residential projects or subdivisions**, as well as the following:

(4) Ensure that Greeley has neighborhoods and/or development sites available and attractive to its desired workforce, **including higher-end housing for executives and other high-paid workers.**

Northern's proposal accomplishes none of four these objectives:

First, Northern already has a high concentration of low-income units within the area (as shown on Figures B and C).

Second, Northern does not foster creativity or a variety of housing types. In fact, Northern said it best themselves in an August 2020 BizWest interview: **"What [our builders] do well is build the same houses. Over and over and over."** *See 2020 Bravo! Entreprenuer – Weld County; Bizwest Aug. 2020; Kadlub, L. (https://bizwest.com/2020/08/01/jeff-demaske-and-larry-buckendorf-journey-homes/#).*

As mentioned above, in 2021 the Community Development Department presented their updates to the Development Code which included an emphasis on providing a variety of housing options for a variety of income levels. As part of their presentation, they included a video update and documentation regarding the Missing Middle. *See https://youtu.be/RqQARqCmeRE*.

The video update specifically addresses the fact that apartments/high-density dwelling units are not the type of variety they meant and ***do not*** meet the needs of the Missing Middle. A better option would be a development of cottages/smaller R-L houses, row houses, accessory dwelling units, or multi-unit homes such as duplexes which "can fit in nicely with single-family neighborhoods."

Third, Northern has not maintained their current units. Upon information from several of the residents and cross-reference to online reviews, Northern does a very poor job of maintenance and has even been prohibited from developing in two nearby municipalities due to the low-quality of their high-density dwelling construction.

Finally, with regard to providing higher-end housing for executives and other high-paid workers, Mountain Vista HOA currently houses several doctors, lawyers, military leaders, entrepreneurs, managers, and other high-level executives. Several of these residents have moved just since finding out about Northern's application.

Another Housing Objective—HO-1.6—would focus on housing for our elderly residents. As stated in the EH section above, several of the residents belong to our elderly community specifically on account of the initial build of houses here which catered to that population. Objective HO-1.6, if met, would cater to keeping the character of the neighborhood in line with that initial design, but nothing in Northern's application supports Objective HO-1.6.

Northern is seeking to develop yet another high-density, multi-family parcel, as indicated by the name of subsidiary LLC they created for this purpose: "Mountain Vista West **Apartments**, LLC."

They aren't asking to build a development that maintains the current, higher-end character of the neighborhood. They aren't asking to build a retail Center, or a development that caters to the Missing Middle, the elderly, or special needs communities. **They are asking to build more of what they do best: the same thing over and over and over.**

5. **Infrastructure**

Greeley's growth is causing strain on its current water treatment plants. This strain is being met by growth in infrastructure, but the rate of growth is not sufficient to meet the increased water demands that so many high-density units are creating and seek to continue creating.

Northern's proposal claims broadly that there will be adequate utilities, including water, but does not provide sufficient explanation on how this will be achieved (other than to say they will "improve" the land owned by the Mountain Vista HOA). The addition of pets alone, together with their waste, for the 100 units will strain the wastewater treatment in Greeley. Accordingly, Objective IN-1.1 would be hampered by the proposal.

Similarly, the proposal fails to adequately address Objectives IN-1.3 (fire service), IN-1.4 (park facilities), IN 1.5 (police service), and several others.

6. **Natural Resources & Open Lands; Parks & Recreation**

Finally, we, the residents, understand and appreciate that not all open spaces, undeveloped land, and related resources can remain forever, and not all resources are protected. Still, we wish to illustrate for you the effects on each of us personally of the change that has taken place in our surroundings and environment over the past few years in our neighborhood.

Figure B shows the high-density developments that have taken place in recent years in this immediate area (almost all of which belong to Northern or a parent company) (and Figure C shows additional R-H just a bit farther). Just a handful of years ago, these were open fields, grasses, home to many plants and animals. Our homes were quiet, traffic was slow, natural areas abounded. We had all manner of wildlife that we could see from our decks and patios.

As these high-density units have developed, there are no more toads, almost no more foxes and squirrels, rabbits have decreased tremendously along with all manner of flora and fauna. The city has maintained (and improved) the open space off of 20th street between the Mountain Vista 1st and 2nd Filings, but there is no direct access to that area for much of Mountain Vista, including the 3rd Filing and any direct access would require acquisition of a portion of the vast, open parcel (owned by the Wiedeman family) to the north.

Air quality has diminished. Water treatment has been strained. Noise levels have increased dramatically along with light pollution. Here in the Mountain Vista 3rd Filing, there are still fireflies. They live in the

HOA-owned parcel northwest of the proposed development (the parcel Northern states they will "improve."). We do not believe they will survive the development.

Several of the NE Objectives, such as NE-3.5, and the PR Objectives, such as PR-1.1, will be hampered by the proposal. We are already losing the character of the land we purchased. A rezoning to PUD/R-H will take what little we have left.

Request

We, the residents of Mountain Vista HOA, therefore are requesting that you disapprove the Northern PUD application in its current state as nothing more than a "spot-zoning" request claiming, without supporting documentation or convincing explanation, to be an enhancement to the IGCP.

We request that any modified proposal include a full, unbiased, third-party traffic evaluation and that any modified proposal really, truly take into account the IGCP's emphasis on maintaining the character of higher-end neighborhoods, on safety for students and pedestrians, on incorporation of Centers and retail services within neighborhoods, on the need for a variety of housing options (not just more apartments and high-density dwellings) as well as amenities for the elderly and special needs communities, and a need for reasonable infrastructure and water supplies as well as preservation of natural spaces.

Sincerely,

Brynne Gant

Brynne Gant | #46642

Jared M. Gant

Enc. Signatures of 261 additional residents who join in objecting to the proposal

Open land east of 82nd Avenue between 18th and 19th Streets

Name	Address	Signature/Date
Natalee Newsom	1805 74th Ave Greeley	3/13/23.
Bob Sandstrom	1904 79th Ave Greeley	3/13/23
Don Burough	1800 74th Ave Ct	Don E Burough 3-13-23
Linda McElmoyl	1904 81st Ave Greeley	3/13/23
	1820 80th Ave	3-13-22
Ryan Hansen	1815 80th Ave	3/13/23
Edith Chavez	1922 80th Ave	
JONATHAN WELTER	7810 19 ST. RD GREELEY	3-13-23
JANET RENAE DIGGET	1910 78th AVE	3-18-2023
RANDAL MEYER	7808 19 ST RD	
Doris Biehl	1807 74th Ave. Ct	Doris Biehl
Darren Stewart	1913 76th Avenue Ct	
Teresa Stewart	1913 76th Avenue Ct	Teresa Stewart
Linda Young	1916 76th Ave Ct	
Leticia Molina	2205 Ash ave Greeley Co	
Steven P. Sides	5321. W. B St, GREELEY CO	

Open land east of 82nd Avenue between 18th and 19th Streets

Name	Address	Signature/Date
Susan Harvey	30 Alles Dr	Susan Harvey - 3-13-2023
Karen Giebler	1947 17th Ave.	Karen Giebler 3-13-23
Virginia Axtell	1703 Glen Meadows Dr.	Virginia Axtell 3-13-23
Nancy Leone	1910 Montview Dr.	Nancy Leone 3/18/23
Mary E. Ryan	1925 Delaware Blvd.	Mary E. Ryan 3/13/23
Susan M Bergeretta	195 59th Avenue	3-13-2023
Jeremy Oldham	1903 78th Ave.	6/11/23
Jill Baldwin	1903 78th Ave	6/11/23
Joann Cobb	1914 78th Ave.	Greeley CO 6/11/23
Joyce Donovan	1922 78th Ave	Greeley Co. 6/11/23
[illegible]	1922 78th Ave	Greeley 6/11/23
Allyn Slater SLA	1921 78th Ave	6/11/23
Brooke Smith	1921 78th Ave	6/11/23
Marilyn J. Orth	1926 78th ave	Marilyn J. Orth 6/11/23
Rich Liggon	7808 79th ST	Rich Liggon 6/11/23
Brad Birleff	1909 79th Ave.	Brad Birleff 6-11-23

Open land east of 82nd Avenue between 18th and 19th Streets

Name	Address	Signature/Date
Charlene Voelz	7915 18th St Rd	Charlene Voelz 6/3/23
Lisa Koch	6664 51st Ave.	Lisa Koch 6/8/23
JACK HAIL (JOHN)	2066 40 AVE	Jack Hail 6/8/23
VAL ALEMAN	4954 W. 60th St	6/5/23
Greg Ashton	11186th Ave	6/8/23
Edith Chavez	1922 80th Avenue	6/8/23
~~Kopp~~ Dustin Kopp	1918 80th Ave.	6/3/23
Devin Schweer	8009 19th St	6/8/23
Becky Schweer	8009 19th St	6/8/23
Grant Law, LLC	8213 W. 20th St., Ste. 6	Brynne Grant 6/12/2023
JM Grant Photography	1816 80th Ave.	Jamie M Grant 6/12/2023

Open land east of 82nd Avenue between 18th and 19th Streets

Name	Address	Signature/Date
ROBERT MARTZ	19780 82ND AVE 80634	Robert Martz
KEN SORENSEN	1922 78TH	Ken Sorensen
BARBAR BENNETT	7514 19TH ST RD	B. Bennett
Gavin M'whorter	7509 19th St.	
Audrey Pike	7526 19TH ST	
Chauncy Anderson	7515 19th St AD	

Open land east of 82nd Avenue between 18th and 19th Streets

Name	Address	Signature/Date
Gregory L. Voelz	7915 18th St. Rd.	Gregory L Voelz
Andrew J. Koch	644 51st AVE	
Gordon B Sinnett	3134 58th Ave	Gordon B Sinnett
Richard Carlson	1513 61st Ave	Richard Carlson
Roger L Byrum	2418 19th Ave	Roger L Byrum
Sandra L Cummings	4626 W 1st St Rd	Sandra L. Cummings
Mona Massei	1730 83rd Ave	
Dave Smith	7911 18th St. Rd	
Mark Houtchens	7501 19th St	
Hailey Annan	1815 80th Ave.	Hailey Annan

Open land east of 82nd Avenue between 18th and 19th Streets

Name	Address	Signature/Date
Robin McIntire	1906 80th Ave. 80634	2/6/23
MARK MCINTIRE	1906 80th Ave Greeley, CO 80634	2/6/23
Dylan McIntire	7904 W 12th St 80634	3/7/23
Desirae Bates	7904 W. 12th St. 80634	3/7/23
Shelley Paddock	2021 Clubhouse Dr, Gly 80634	3/8/23
Carol Brink	1902 80th Ave Greeley 80634	Carol Brink 3/8/23
Kelley Millman	115 51st Ave Greeley 80634	Kelley Millman 3/10/23
Tom McInnan	112 51st Ave Greeley 80634	3/10/23
CHARICE SPRINGFIELD	1622 MOUNTVIEW RD, GREELEY 80631	3/10/23
Reena Dhaliwal	2021 81st Ave Ct.	4/1/2023
Jaclyn McKinnon	2013 81st Ave Ct	4/1/2023
Renda Englund	2005 81st Ave Ct	Renda Englund 4-1-23
DAVID ENGLUND	2005 81ST AVE. CT. GREELEY CO 80634	
Patricia Vasquez	2023 81st Ave Greeley	Patricia
Erin Joseph	2011 81st Ave Greeley	
Jeanne & Vince Lauria	2003 81st Ave Greeley Co	
Robert Mainhart	2018 81st Ave Greeley Co	
Reyna Barrios	8108 19th St Greeley	
Jesus Esq	8108 19th St Greeley	Jesus Esq
Mima Camann	8108 19TH ST Greely	Mima Camann

Businesses 82nd Avenue

Open land east of 82nd Avenue between 18th and 19th Streets

Name	Address	Signature/Date
Patricia Garcia	4750 W. 29th St Greeley, CO 80634	3/15/23
[redacted]	[redacted]	[redacted]
Naomi Tookey	8211 W. 20th St. Greeley, CO	3/15/23
Candice LeWallen	8215 W. 20th St Greeley Co	3/15/23
Melinda Heiden	8223 W 20th St. Greeley, Co	3/15/23
Brianna Morin	8223 W 20th St Greeley CO	3/15/23
Kelly Lynch	8223 W 20th St Greeley, CO	3/15/23
Mikey Thomas	8235 W 20th St.	3/15/23
Lisa Young	8225 W 20th St	3/15/23
Payton Hann	8200 W. 20th St	3/15/23
Nikki Nikki Gilkamp	8200 W. 20th St.	3/15/2023
Sarah Thomas	8205 W 20th St.	8/12/23
Jessica Schneider	1105 5th Ave	6-12-23

Open land east of 82nd Avenue between 18th and 19th Streets

DALE HALL WARD 4

Name	Address	Signature/Date
Liz Schueller	10302 19th St Greeley CO 80634	Elizabeth Schueller 2/22/23
Kelly Sanderford	709 Riverview Dr. Greeley, Co	
C. Brian Freeman	719 51st Ave Greeley CO	
Khoi Le	1912 74th Ave Ct.	
Jaime Carer	1732 Fairacre Rd Greeley CO	
Robert Vickerman	6600 W. 20th St #48 Greeley	
Paul L Andre	452-N Wyndham Greeley	
Abbey L Baeza	10201 W. 21st Street Greeley	
Mitch McElmeel	1904 81st Ave Greeley	
Amy Patterson	1908 81st Ave Greeley	
Marc Patterson	1908 81st Ave Greeley	
Julie Tomori	1912 81st Ave Greeley	
Sara Tomori	1912 81st Ave Greeley	
Jim Reessen	1919 81st ave greeley	
Gerald Spriggs	1915 81st Ave Greeley	
Zak	1911 81ST AVE GREELY COL	
MATT HOLZMEISTER	1907 81st AVE GREELEY CO	
Gina Holzmeister	1907 81st Ave, Greeley CO 80631	970-939-8574
Clyde Anderson	1906 81st Ave Greeley CO 80634	Clyde R Anderson
Sally J Anderson	1906 81st Ave Greeley CO 80634	Sally J Anderson
Martin Neibauer	1910 81st Ave Greeley	CO 80634
Manuel Lira	1913 81st Ave Ct.	Manuel Lira
Gary Ballendid	1915 81st Ave ct.	
BARRY HARDING	1819 80th Ave	
JEANNINE HARDING	" " "	

Open land east of 82nd Avenue between 18th and 19th Streets

Name	Address	Signature/Date
Mary L Labree	7724 W 19th Ave	Mary L Labree
Becky Siela	7716 19th St	Becky Siela
Brenda Spicer	7705 19th St	
Bob Hutchins	7585 19 ST	
Gordon L Grimes	7601 19th Street Rd	Gordon L Grimes
Mary E Grimes	7601 19th Street Rd	Mary E Grimes
Donna Bielefeld	1909 79th AVE	
Michelle Andreasen	7405 18th St.	Michelle Andreasen
Matthew Tempkin	7405 18th St	
Deborah G Mason	7704 19th St.	Deborah G Mason
Tracy Wilson	1908 79th Ave	Tracy Wilson
Danielle Wilson	1908 79th Ave	
Richard Hurd	7803 19th St Rd	Richard Hurd
Robert L. Thompson	7413 18th Street	
Ana J. Haro	1824 80th Ave.	Ana J Haro
Kiko Haro	1824 80th ave	
Diane Paden	1926 78th Ave	
Nancy Steele	1908 76th Ave Ct	Nancy K Steele
J Dwight Steele	1908 76th Ave ct	J Dwight Steele
Wendy Forsyth	7525 19th St	
Rickey Harris	7525 19th St	
Jana Frieler	1909 76 Ave Ct	
Glenn Frieler	1909 76 Ave CT	
Todd A. Clark Todd A Clark	1901 74th Ave	Todd A Clark 3/13/23
Jenna Clark	1901 74th Ave	Jenna Clark 3/13/23

Open land east of 82nd Avenue between 18th and 19th Streets

Name	Address	Signature/Date
Sandy Cosner	1909 81st Ave Ct.	A. Cosner 3/8/23
Dirk Cosner	" "	D Cosner 3-8-23
Jesus Esgueda	8108 19TH ST	Jesus Esgueda 3-08-23
Reyna Barrios	8118 19th st	Reyna Barrios 3-8/23
Sam Porter	1901 79th Ave	[illegible] 3/8/23
Maria Kangel	1913 79th Ave	[illegible] 3/8/23
Missy Yount	1917 79th Ave	[illegible] 3/8/23
Bill Yount	1917 79th Ave	[illegible] 3/8/23
Janis Mitchell	1916 79th ave	Janis Mitchell
Tracy Wilson	1908 79th Ave	[illegible]
Heather McKee	7806 19th St. Rd.	Heather McKee
Chris McKee	7806 19th St. Rd.	[illegible]
Marc McKee	7806 19th st rd.	[illegible]
Brent Rukzick	7800 19th st	Brent Rukzick 3-11-23
Barbara Karbs	7720 W. 19th Street	Barbara Karbs
Jennifer Karbs	7720 19th St.	[illegible]
Jerry Karbs	7720 19th St.	[illegible]
Kevin Burns	1925 76th Ave CT	[illegible] 8 MAR 23
Stephen Cantin	7712 19th St.	[illegible]
Kristy Smith	7911 18th St. Rd	[illegible]
Kandy Wolf	1929 79th Ave	Kandy Wolf
Marylynn Thompson	7413 18th st	[illegible]
Robert Mattei	1730 83rd Ave	[illegible] 3/13/23
Jan Oetken	7709 19th St	Jan Oetken
Kristee Deckstrom	1904 79th Ave.	Kristee Deckstrom 3/13/23

Open land east of 82nd Avenue between 18th and 19th Streets

Name	Address	Signature/Date
Trisha Dinges	7300 W 12th St Rd	3/14/23
Rachel Lewis	2708 19 St DR # 24	Rachel N Lewis
Jorge Lewis	2708 19th St. Dr. # 24	Jorge Lewis
Kim Mauser	909 4th Ave # 12	Kim Mauser 3/25/23
Linda Debo	10203 19th Street Rd	3/21/23
Jonathan Wolf	32412 Sunshine Ln	3/25/23
Kristen Wolf	32412 sunshine Lane	3/25/23
Carrie Alles	1424 87th Ave	Carrie Alles 4/1/23
Molly Bressler	4948 West 6th Street	Molly J. Bressler 4.1.2023
Kent Wolf	1929 79th Ave	6-11-2023
[illegible]	1933 79th Ave	
Patricia Boen	1933 79th Ave	Patricia Boen 6-11-23
Stacie Welter	7810 W 19th St #2	6-11-23

1 West

Open land east of 82nd Avenue between 18th and 19th Streets

Name	Address	Signature/Date
Francisco Valencia	1915 78th AVE	
Guillermina Valencia	1915 78th AVE	
Brenda A. Valencia	1915 78th AVE	
Janell Lambrecht	1927 78th Ave	
Scott Forkner	1900 76th Ave CT	
Everett Gonzales	1919 - 76th Ave CT	
Vic UNDERWOOD	1933 76th Ave CT	
Janis Williams	2632 W Buena Vista Dr	
RICHARD REID	7605 19TH ST. RD	
Melinda Kelly	7515 19th St Rd	
Art Chavez	1922 80th Ave	
Dawn Zimmerman	1917 80th Ave	
Monica Lira	1913 81st AVE CT	
Maria Aguilar	1913 81st Ave ct	
Lisa Downs	1916 81st Ave	
Sam Tomoi	1912 81st Ave	
	1911 81st Ave	
PHILIP STRAIN	1926 80TH AVE.	
Suzanne Strain	1926 80th Ave.	
J Paul Sorelle	1912 79th Ave	
JOE HOWARD	7809 W 19th ST. RD.	

Open land east of 82nd Avenue between 18th and 19th Streets

Name	Address	Signature/Date
Robert Borse	7304 w/ 18TH ST RD	06-10-23
Kortney Frank	1826 74th Ave	Kortney Frank 6-10-23
Dan Frank	1826 74th Ave	6-10-23
Joe Lozoya	7307 19TH St. Rd	Joe Lozoya 6-10-23
Rick Tandegan	1913 74th Ave	Rick Tandegan 6/10/2023
Allen Thomas	1825 74th Ave	6-10-23
Meaghan Schiller	1813 74th Ave	Meaghan Schiller 6/10/2023
Jessie Koons	1817 74th AVE	Jessie Koons 6/11/2023
AUGIE GODINEZ	1917-74TH AVE.	6/11/2023
Dan Green	7302 19th St Rd	
Tammy Green	7302 19th St Rd	Tammy Green
Eric Youngren	7301 18th St Rd	6/11/23

Open land east of 82nd Avenue between 18th and 19th Streets

Name	Address	Signature/Date
Earl P Miller	7429 W 18th St. Greeley	06/09/23
Josh & Ruth Ortiz	7425 W 18th St Greeley	06/09/23
Dale Lockyer	7417 18th ST Greeley	06/09/23
Robert L. Thompson	7413 18th St Greeley	06/09/23
Marylyn Thompson	7413 18th St Greeley	06/09/2023
Dianne Gibson	7315 18th St Greeley	6/9/23
Jane Plant	7303 18th St Greeley	6-9-23
Don Plant	7303 18th St Greeley	6-9-23
Bob Miller	7229 18th St. Greeley	6/9/23
Steve Otte	7224 18th St Greeley	6.9.23
Arlene Otto	7225 18th St Greeley	6-9-23
Linda Sandstrom	7221 18th St Greeley	6/9/23
Jack Jonnick	7217 18th St Greeley	6/9/23
Jane G. Adams	7209 18th St. Greeley	6/9/23
Don Burough	1800 74th Ave Ct Greeley	06/09/23
Elizabeth Burough	1800 -74th Ave Ct Greeley	
Daniel Plant	7418 w 18th st	6-9-23
Jenny Plant	7418 w 18th st	6-9-23
Terry McCarty	7409 18th	06-09-23
Matt Engleman	7405 18th St	6/10/23
Michelle Andreasen	7405 18th St.	6/10/23
Rick Gerner	7401 18th St	6/10/23
Steven McMurren	1808 74th AVE	6-10-2023
Denise McMurren	1808 74th AVE	6/10/2023
Ronald Strobel	1816 74th AVe	

Open land east of 82nd Avenue between 18th and 19th Streets

Name	Address	Signature/Date
Jared Gant	1816 80th Ave Greeley, CO 80634	
Brynne Gant	1816 80th Ave. Greeley, CO 80634	Brynne Gant
John Kruse	1811 80th Ave	
Phyllis Adair	1811 80th Ave	Phyllis Adair
Rachel Greenwood	1811 80th Ave	
Jason Rath	1812 80th Ave	
Ronald Rath	1812 80th Ave	Ronald Rath
Ryan Annan	1815 80th Ave	
Hailey Annan	1815 80th Ave.	Hailey Annan
Kaylyn Kingman	1820 80th Ave	
Henry Schmitz	1905 80th Ave	
Jill Schmitz	1905 80th Ave.	Jill Schmitz
ISAAC BAEZA	6201 W 21ST ST	
Doyle M Dick	1941 79th Avenue	Doyle M. Dick
~~Jim L Sisson~~		
Jim L. Sisson	1942 79TH Ave	
Steve Larson	1945 79th AVE	
Cody Remley	1713 67th Ave	
Megan Remley	1713 67th Ave	Megan Remley
Jason Taylor	1914 80th Ave	
Kari Taylor	1914 80th Ave	Kari Taylor
Gerald Brink	1902 80th Ave	
Christ Ltd	1902 81ST Ave Ct	
ERC LLC	1902 81st Ave Ct	
Robert Ltd	1912 81st Ave Ct	

Journey Homes
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J&J Construction

August 29, 2023

Doug May
Planner III
City of Greeley
Community Development Department
1100 10th Street
Greeley, CO 80634

RE: Mountain Vista Subdivision
Neighborhood Letter

Our response to the Gant Law Letter dated June 12, 2023, is as follows:

Greeley Comprehensive Plan

The Mountain Vista Multifamily Project ("MVMF") does not conflict with the Imagine Greeley Comprehensive Plan ("IGCP"). Conversely, MVMF supports many of the IGCP's goals and objectives as outlined below:

MVMF is not spot zoning and complies with the City's master plan and current zoning restrictions. The proposed land use supports good land use planning by transitional zoning from a lower density, single family to the proposed higher density, multifamily creating a density transition and buffer from the existing commercial zoning. Lower densities are being proposed adjacent to the existing homes at 9.97 DU/ac and transitioning to 16.75 DU/ac adjacent to the commercial area on the west side of the proposed project meeting IGCP's density goals.

MVMF supports walking distance in the adjacent commercial/office park thus meeting several more IGCP objectives.

EH 2.5 Walkability and EH 3.1 Access to Services. Increased density and population in this area will encourage desired high use commercial uses such as restaurants and retail on other nearby tracts of land that are zoned for commercial use.

GC 2.4 Mixed-Use and Transit Supportive – MVMF creates an additional housing opportunity for the overall area. The proposed product will be smaller six and eight unit apartments that are two stories and similar height as adjacent homes and businesses.

7251 West 20th Street • Building L, Suite 200 • Greeley, CO 80634
J and J (970) 352-7072 • Journey (970) 330-5480 • Fax (970) 330-5357

HO1.1 Housing Strategy – MVMF creates an affordable housing option for this area. The product will be a smaller multifamily structure with lower density compared to other apartment projects nearby of higher densities.

HO 2.2 Rental Housing – MVMF will provide attractive, well maintained properties for those desiring rent in west Greeley who may not be able to qualify for purchase of a home in this area.

MVMF is ¾ of a mile from Highway 34 providing housing for those commuting from Greeley, and near future planned transit along Highway 34.

The PUD zoning provides project specifics and assurance for the neighborhood of architecture and density versus a straight zoned plan.

Adding more of the same single family housing does not create the diversity and housing options that are detailed in multiple sections of the IGCP.

The higher density will make it easier for school buses to pick up more students at one stop versus scattered through out a subdivision.

The project provides ADA units to support the elderly and disabled population providing a more affordable option to live in west Greeley and be part of an established neighborhood with commercial services available such as veterinary, medical and services.

Building retail on this property is not practical for high impact commercial development. The existing commercial/office uses to the west along 83rd Avenue is still not built out after 20 years. There is proposed retail zoning a short distance to the south at 83rd Avenue and 22nd Street as well as several parcels at 10th Street and 83rd Avenue for higher use commercial.

City staff has not indicated in four review submittals that the proposed land use or zoning is not appropriate for this property.

Infrastructure

The project is accessing existing city water and sanitary mains that abut the site and have adequate capacity which has been verified by City infrastructure staff.

The existing stormwater detention pond was designed for future development of multifamily as part of the original Mountain Vista 3rd Filing subdivision and has capacity for development without any changes to the volume.

The existing road network has been analyzed by a third party traffic engineer as well as City staff and all roads have adequate capacity for the proposed project.

The property is zoned Holding Agriculture. It is presumptive to assume neighbors expected the zoning would remain and the land remain undeveloped. The HA zoning was a result of an oil and gas well existing at the time of development in 2002. The well was plugged and abandoned in 2022.

MVMF provides a dog park for pet owners to allow their animals to run and control dog waste.

Traffic

The traffic analysis was performed by a third party licensed professional traffic operations engineer. This traffic study was reviewed by the City and approved since it met criteria for traffic analysis including capacity and safety of all nearby roads.

Traffic will be routed to 83rd Avenue and not through a circuitous route to the east through the subdivision. It is 3,000 feet and four turns to go through the existing subdivision to the east compared to 1,000 feet and one turn to 83rd Avenue to the west. Minimal traffic impact to the subdivision

Access points were deliberately placed on 82nd Avenue near the office park as well as on the north side on 18th St adjacent to the existing field to encourage traffic flow away from the existing homes.

There are adjacent transportation facilities such as sidewalks which have adequate capacity for all residents in this area to safely move and enjoy the neighborhood and connect to the commercial/office park and 20th Street.

Summary

MVMF project represents a well-founded transitional zoning strategy that aligns harmoniously with IGCP and has undergone a meticulous third-party traffic analysis. In an earnest effort to address neighborhood concerns regarding traffic, MVMF has collaborated closely with the City, incorporating their guidance to introduce curb extensions along 82nd Avenue. This innovative feature serves the dual purpose of narrowing the road, thereby slowing vehicular traffic, and enhancing pedestrian safety for those crossing 82nd Avenue to access nearby offices and businesses. Furthermore, a raised crosswalk is slated for installation on 19th Street, a measure aimed at not only reducing vehicle speed but also ensuring the safety of pedestrians, including individuals of all ages, as they navigate the neighborhood.

Importantly, the MVMF project promises to augment housing diversity within the Mountain Vista Subdivision, which is currently predominantly characterized by single-family detached residences. By introducing two new types of multifamily housing options, this development addresses a crucial need for housing variety in the neighborhood, particularly between arterial roads such as 10th Street and 20th Street, which can at times create barriers between neighborhoods. In addition to diversifying housing options, the proposed project also has an array of over a half-dozen amenities designed to enhance the quality of life for its tenants. Moreover, it aims to expand the availability of affordable housing, thereby accommodating elderly and disabled residents who might not otherwise have the opportunity to reside in this part of the city.

Ultimately, the MVMF project aligns seamlessly with the overarching goals of the ICGP. By offering housing alternatives beyond the traditional single-family model, MVMF contributes to the enrichment and diversification of the community, rendering it more appealing for individuals seeking an attractive environment in which to live, work, and recreate.

Sincerely,

Joel Hemesath

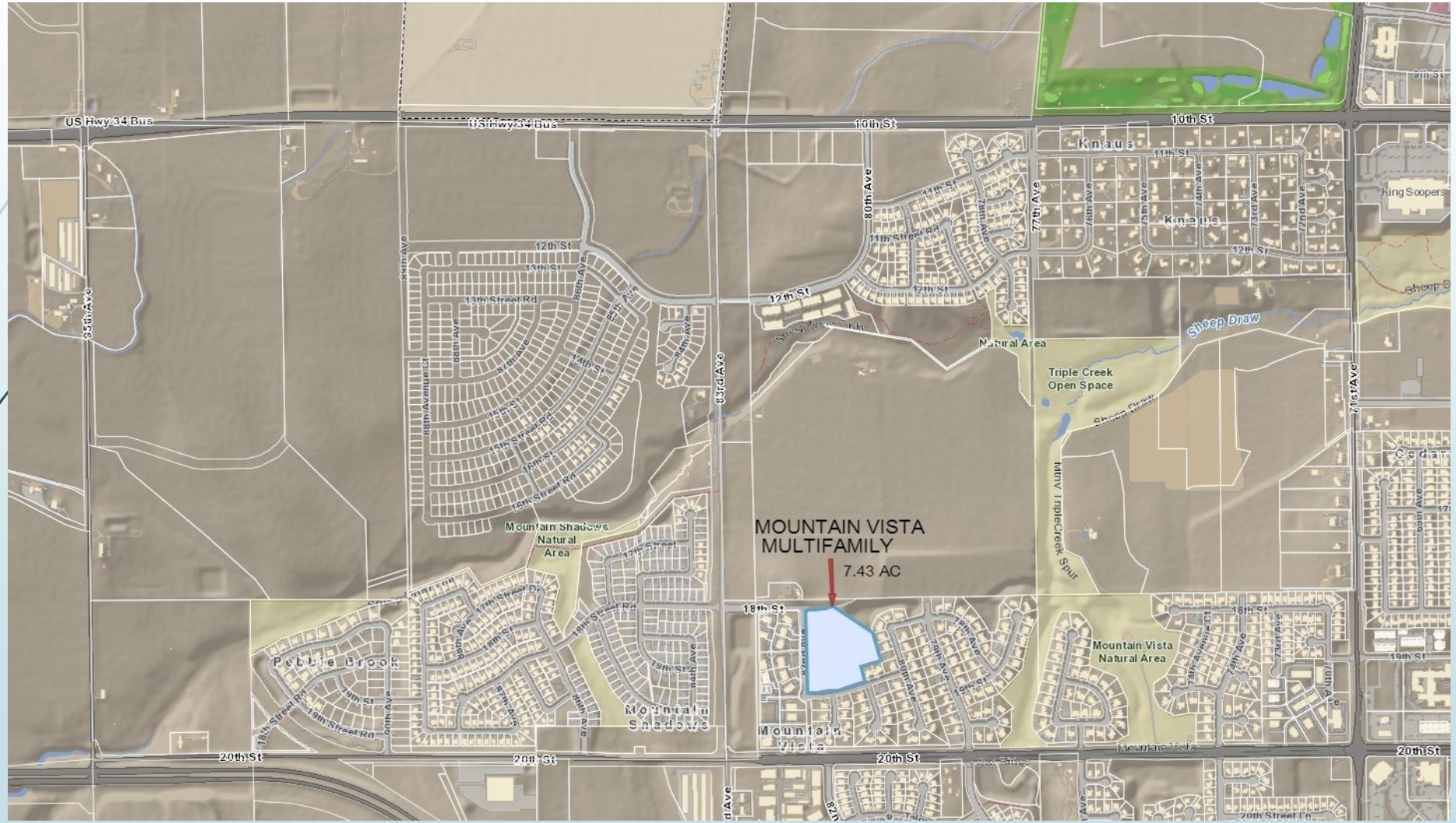
Joel Hemesath

Mountain Vista Multifamily

Planned Unit Development

Planning Commission September 12, 2023

Project Vicinity



Overall Site Plan



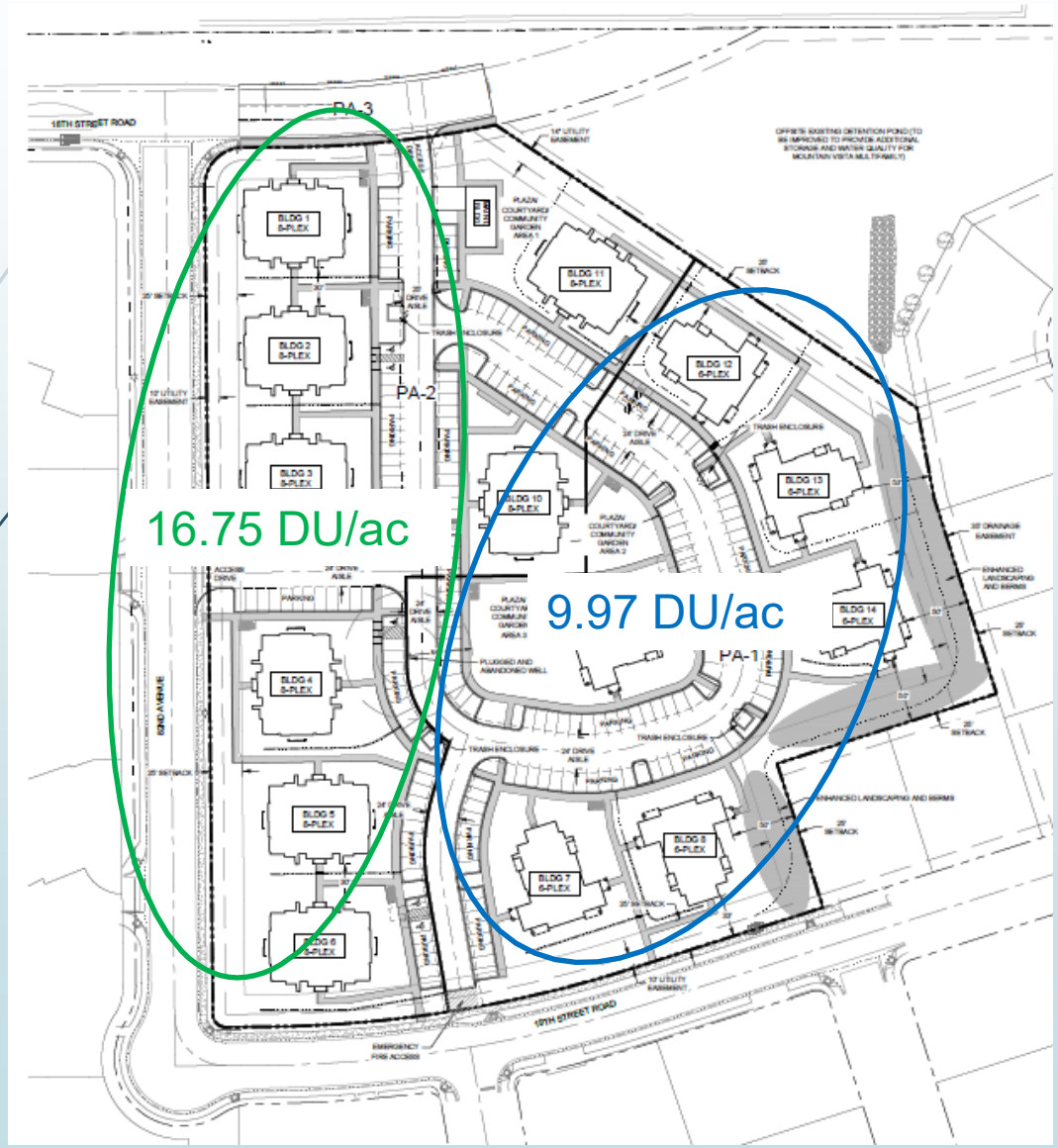
Site Statistics

- 7.43 ac site
- 100 Units
- 14 Buildings: Six 6-Plexes; Eight 8-Plexes
- Office/Maintenance Building
- Provided additional setback of 50’ vs 25’ near existing homes
  - 100% increase in setback requirement
- Enhanced Landscape buffers adjacent to existing homes
  - Adding 39 additional trees above minimum requirements
- Project will be built in within a 1 year period
  - Minimum nuisance to surrounding neighborhood

Utility & Streets Connections

- Potable Water – Connections in 82nd Ave,19th St & 18th St
- Nonpotable – Main to be constructed in 18th St
- Sanitary Sewer – Connection to existing sanitary sewer main on east side of property
- Stormwater – Existing detention pond has adequate capacity
- Streets – Public roads exist on west and south sides
  - Extension of 18th St (collector) along frontage of north side
  - Traffic Calming added to 19th St & 82nd Ave

Site Density

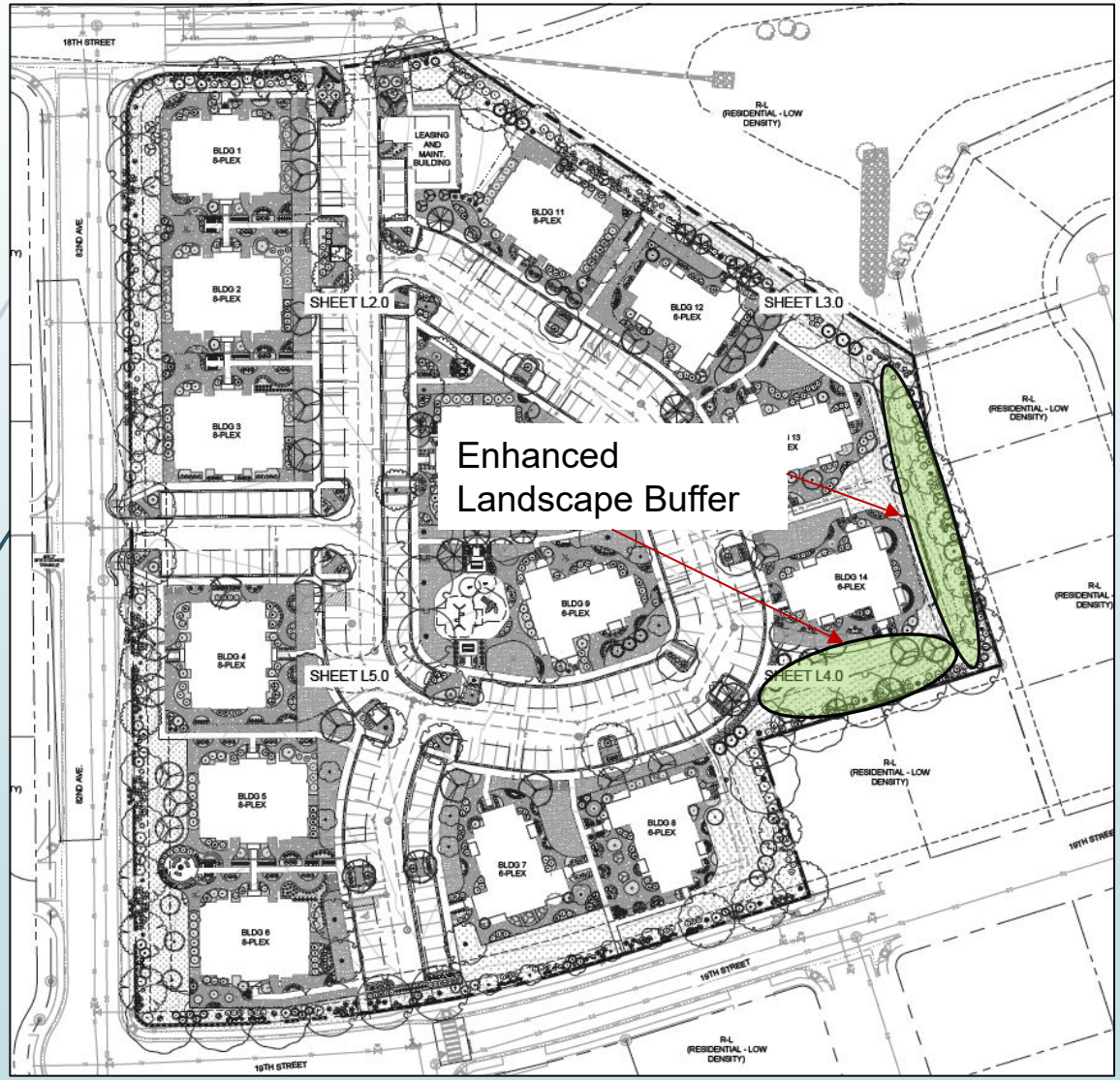


Total Site Density 11.75 DU/ac

Positioned buildings with lower density adjacent to existing homes

Area adjacent to existing neighborhood meets Comp Plan Suburban Neighborhood density of under 10 DU/ac

Site Landscaping



10 Additional Evergreens on east boundary

29 Additional Trees on east boundary

8 Plex



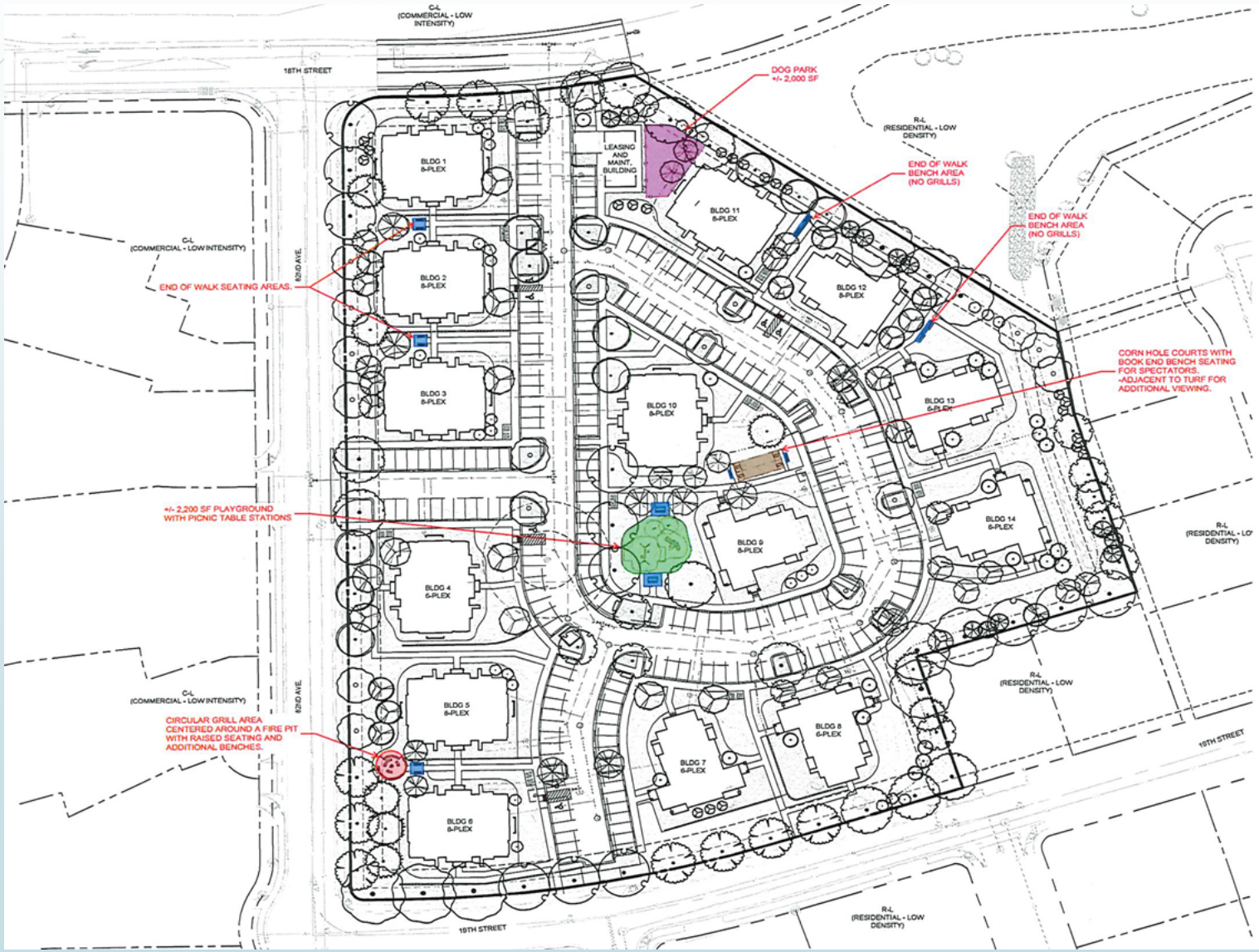
6 Plex



8 Plex & Single Family Homes



Site Amenities



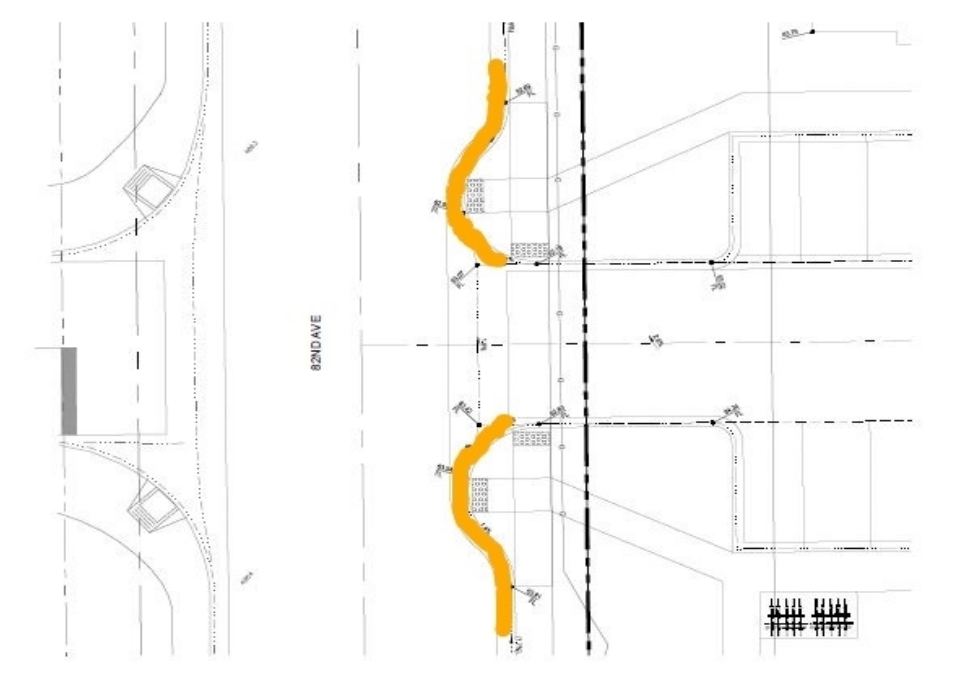
Parking

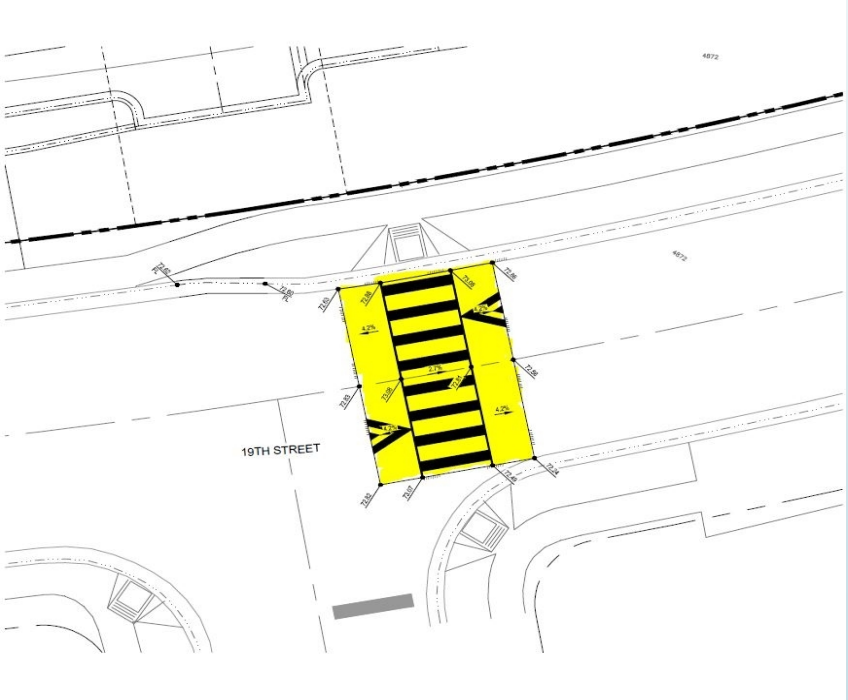
- 169 spaces required for tenants
- 17 guest parking required
- Total spaces <u>required</u> **<u>186</u>**
- Spaces <u>provided</u> **<u>228</u>** onsite
  - 45 Spaces above requirement
- No parking allowed west side 82nd Ave
- Parking allowed on east side of 82nd Ave



Traffic Calming

- Adding bump outs on 82nd Ave entrance
- Adding raised crosswalk on 19th St & 81st Ave Ct





Staff Report Conditions

- The proposed Rezone is consistent with the Greeley Comprehensive Plan.
- The Rezone is in compliance with the applicable City Codes, Regulations, and Requirements.
- The Rezone will meet the needs of the community by providing diverse multifamily housing, and is consistent with practical and prudent transitional land use planning practices.
- The Developer will work with City staff to receive approvals on all engineering and technical documents prior to proceeding to site plan approval.

Thank You


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Mount Vista Multifamily PUD2022-0008

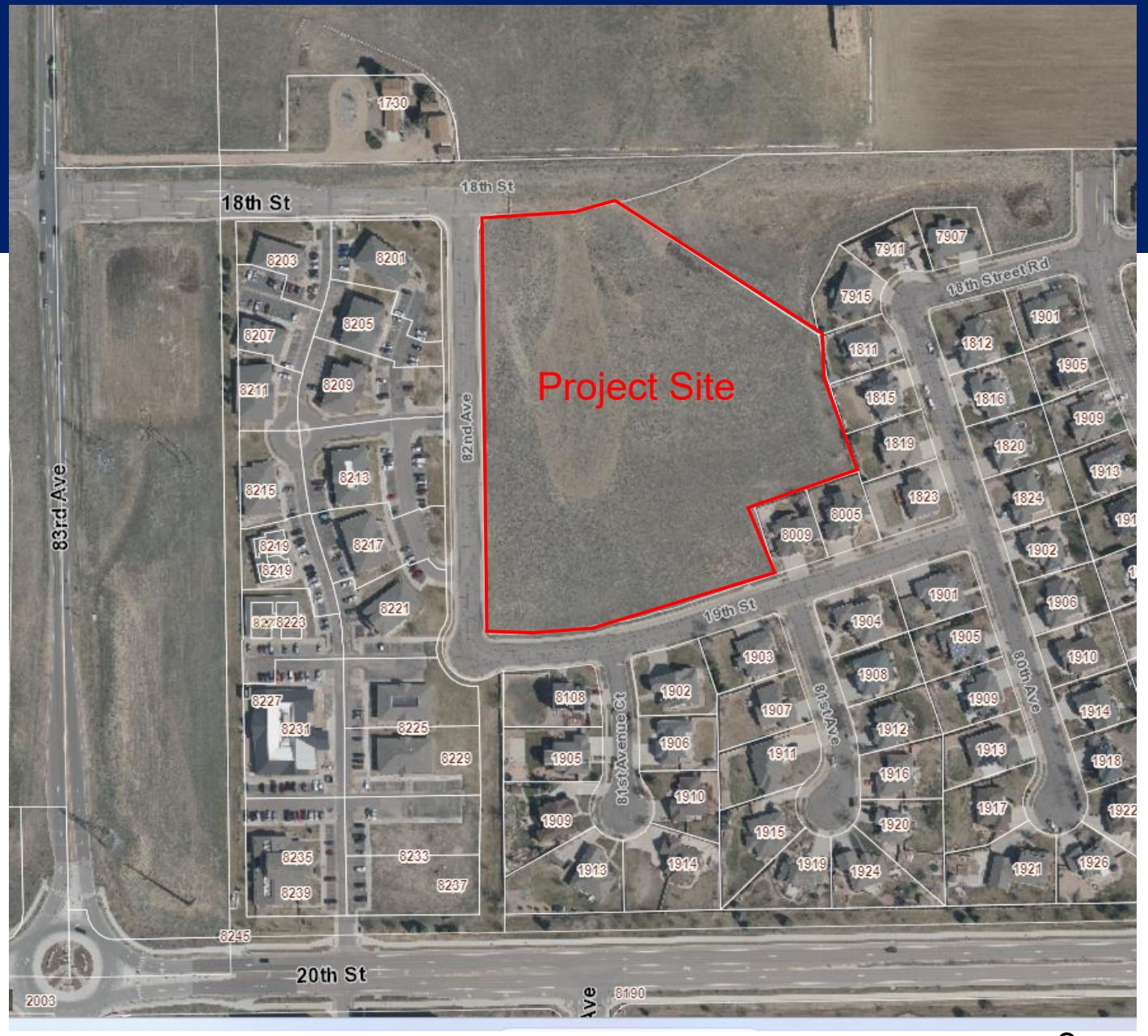
Planning Commission
September 12, 2023
Doug May | Planner III

Request & Site Background

- Request:
  - Rezone 7.43 acres from H-A (Holding Agriculture) to PUD (Planned Unit Development)
- Background:
  - Site annexed and zoned in 1982
  - Tract 2 of the Mountain Vista Filing 3 Subdivision (2002)

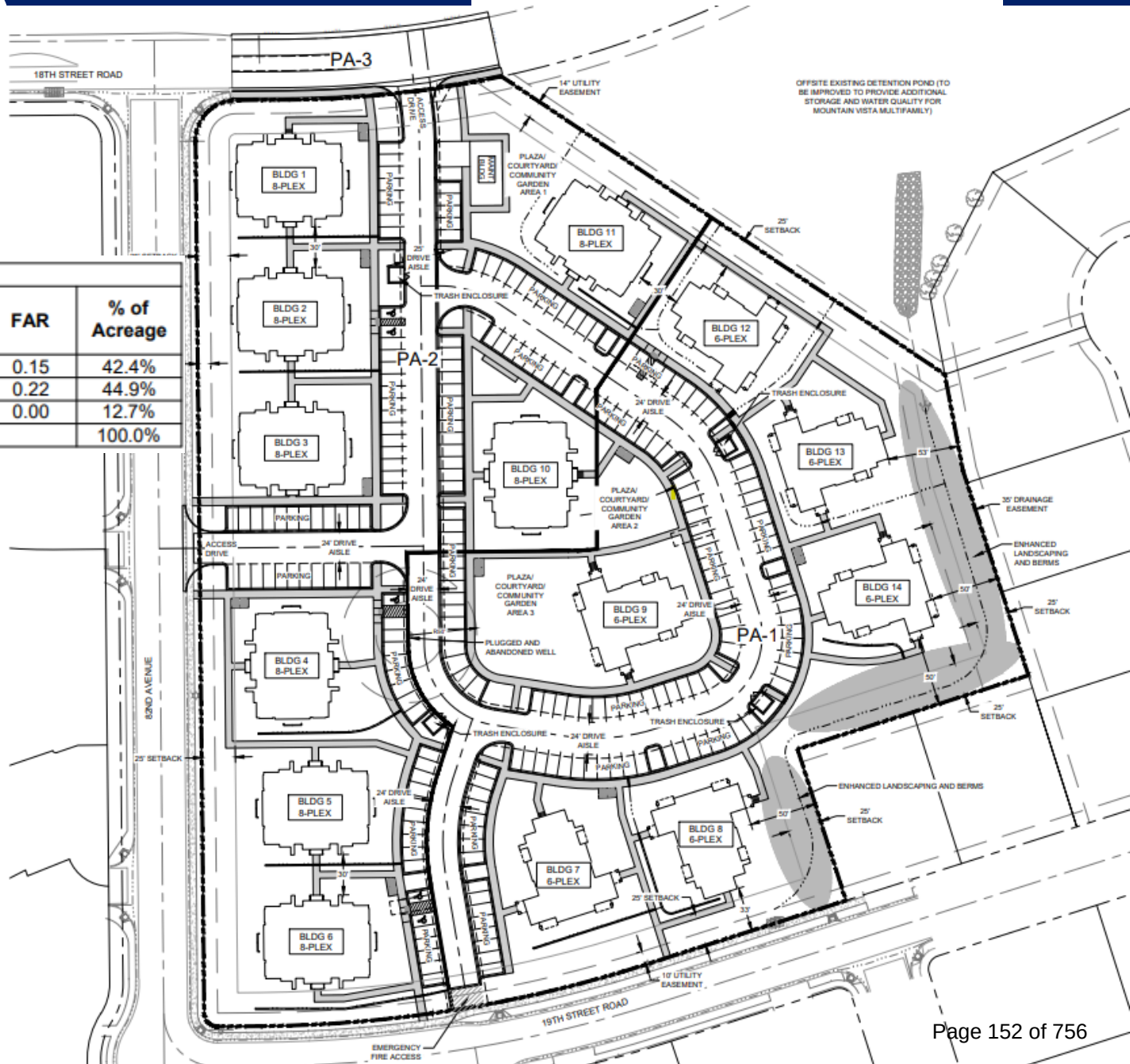
Location

- East of 82nd Ave, north of 20th Street
- Surrounding Zoning and Land Uses:
  - North: C-L (Commercial Low Intensity, R-L, Residential Low Density), Vacant land, stormwater detention
  - South: R-L (Residential Low Density), single-family residential
  - East: R-L (Residential Low Density), single-family residential
  - West: C-L (Commercial Low Intensity), professional office



Mountain Vista PUD

Site Summary								
Area	Use	Acres	Dwelling Units (D.U.)	Density (D.U./ACRE)	No. of Buildings	Ave. Area of Bldg (SQ. FT.)	FAR	% of Acreage
PA-1	MULTIFAMILY	3.610	36	9.97	6	3853	0.15	42.4%
PA-2	MULTIFAMILY	3.820	64	16.75	8	4519	0.22	44.9%
PA-3	RIGHT-OF-WAY	1.079	0	0.00	0	0	0.00	12.7%
Total		8.509	100	11.75	14			100.0%



Considerations

Approval Criteria

- Rezoning Criteria, 24-204(b) Nine Criteria Used to Evaluate Rezoning Applications
- PUD Criteria, 24-205(c) Four Criteria Used to Evaluate PUD Applications
- The proposal is consistent with the criteria as outlined in your Summary

Notification

- 350 notice letters
- Signs posted on the property
- Web notice
- Mineral notice completed
- Neighborhood meeting held on June 12, 2023
  - 50 attendees
- 5 neighbor comments and a petition with 299 signatures in opposition

Recommendation

- Community Development recommends approval

Recommended Motions

Recommended (Approval)
Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Planned Unit Development is in compliance with Sections 24-204(b) and 24-205(c) of the Development Code and therefore recommends City Council approval.

Alternative (Denial)
Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Planned Unit Development is not in compliance with Sections 24-204(b) and 24-205(c) of the Development Code and therefore recommends City Council denial.

Review Criteria

Rezoning Review Criteria, Section 24-204(b)	
1)	**The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.**
	• *Land Use Guidance Map – Suburban Neighborhood.* • *Objective HO-2.1 Diversity in New Development* • *Object HO-2.2 Rental Housing* • *Objective GC-1.2 Form of Growth* • *Objective GC-4.3 Infill Compatibility*
2)	**The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.**
	• *The intent of the Planned Unit Development is to provide additional use of the property in ways that are compatible with the area. The proposed land use provides opportunities for multifamily housing.*

Review Criteria

Rezoning Review Criteria, Section 24-204(b)	
3)	**Whether the area changed or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area.**
	• *The area continues to see infill sites developed with a mix of residential and nonresidential uses. There are several commercial developments approved or under review as well as a detached multifamily project approximately ½ mile north including a drive-through coffee shop and gas station. Currently under review is a mixed-use development containing single-family, mixed-use multifamily, and townhomes, approximately ½ mile to the east.*
4)	**Whether the existing zoning has been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.**
	• *The existing H-A zoning was likely established in 1982 when the property was annexed and has remained undeveloped to this day. It is common for newly annexed properties to be zoned H-A until development is proposed. Over time, much of the surrounding area has been rezoned as development has occurred.*

Review Criteria

Rezoning Review Criteria, Section 24-204(b)	
5)	**The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces, and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.**
	• *The proposal allows for multifamily residential uses. The PUD allows for a cap on density as well as enhanced buffering from the single-family residential uses to the east and south, as compared to a straight re-zone to a zone district that allows multifamily residential uses.*
6)	**The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.**
	• *Existing services are present in the vicinity to support development of the site as proposed.*

Review Criteria

Rezoning Review Criteria, Section 24-204(b)	
7)	**The change will serve a community need, provide an amenity, or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.**
	• *The proposed Planned Unit Development would accommodate the community's need for housing. The Housing Needs Assessment prepared for the City of Greeley indicates that there is demand for 19,400 housing units over the next 20 years.*
8)	**Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.**
	• *Anticipated impacts on surrounding properties, especially the single-family neighborhood to the east and south have been considered by the applicant by locating only the six-unit buildings adjacent to the single-family neighborhood and by increasing the setback from the required 25 feet to 50 feet as well as proposing additional landscaping and berming between the proposed development and the adjacent neighborhood.*

Review Criteria

Rezoning Review Criteria, Section 24-204(b)	
9)	**The recommendations of professional staff or advisory review bodies.**
	• *Planning staff and the Administrative Review Team recommend approval.*
Planned Unit Development Review Criteria, Section 24-205(c)	
1)	**The plan reflects greater consistency with or more specificity in implementing the Comprehensive Plan than what could be accomplished under application of general zoning districts and development standards.**
	• *The use of a PUD for this proposal is appropriate and helps to achieve the Comprehensive Plan's goals with more specificity than the general zoning district would allow. If the applicant were to propose a rezone from H-A to R-H (Residential High Density), then there could be no conditions put on the development to make it more compatible with the neighborhood, such as limiting density under what is allowed in the R-H district or enhancing setbacks and landscaping between adjoining land uses. The PUD plans for development in a more intentional manner.*

Review Criteria

Planned Unit Development Review Criteria, Section 24-205(c)	
2)	**The benefits from any flexibility in the proposed plan:** **(1) promote the general public health, safety and welfare of the community, and in particular, that of the areas immediately near or within the proposed project, and is not strictly to benefit the applicant or a single project;** **(2) involves innovative concepts that were not anticipated by the development code; or** **(3) apply to a unique or specific context in a manner that allows the project to better meet the intent or design objectives of the base zoning districts and standards.**
	• *The proposed development standards generally follow Development Code standards for R-H (Residential High Density). However, for this proposal there are limitations to density of dwelling units, building types and height, increased buffering to adjacent single-family uses, and allowed uses.*

Review Criteria

Planned Unit Development Review Criteria, Section 24-205(c)	
3)	**The plan reflects generally accepted and sound planning and urban design principles with respect to applying the goals and objectives of the Comprehensive Plan to the area.**
	• *The request is consistent with planning and design principles and the Comprehensive Plan.*
4)	**The plan meets all of the review criteria for zoning map amendments in Section 24-204.**
	• *The request complies with Section 24-204, Review Criteria for Rezoning as detailed above.*

Council Agenda Summary

September 19, 2023
Key Staff Contact: Brian McBroom, Community Development Director

Title:

Introduction and first reading of an ordinance changing the official zoning map of the City of Greeley, Colorado from R-H (Residential High Density) to PUD (Planned Unit Development) changing the underlying land use designations for approximately 4.23 acres located directly north of 7025 8th Street (Boomerang PUD)

Summary:

The applicant proposes rezoning approximately 4.23 acres located on the parcel directly north of 7025 8th Street from R-H (Residential High Density) to PUD (Planned Unit Development). The PUD would allow all uses listed as permitted and uses listed as Use by Special Review in C-H (Commercial High Intensity), in addition to outdoor RV/boat/vehicle storage. Development is proposed to follow Development Code standards for the C-H (Commercial High Intensity) zoning district to ensure that the site maintains adequate screening, buffering, landscaping, open space, and setbacks. Existing oil and gas wells have been plugged and abandoned. The site was originally a part of the Hewlett-Packard (H-P) Subdivision (S6-11; Recordation No. 38002237) and was established with the H-P Greeley Minor Subdivision – Seventh Replat (SUB2022-0021; Recordation No. 4875646) in January 2023. The applicant seeks to expand the existing business from the south of the site to allow for outdoor and indoor storage, which requires rezoning the site.

The applicant satisfied the mineral owner notification requirements. No feedback from mineral owners has been received. Public notices were completed as follows:

- A notice was placed on the City of Greeley's website on August 1, 2023;
- A sign was posted on the property on August 4, 2023;
- A notice was mailed to 108 property owners or current residents within 1,000 feet of the site on August 2, 2023. No comments have been received.

The proposed PUD was presented to the Planning Commission on September 12, 2023, for consideration and public hearing. The Planning Commission voted unanimously, 5-0, to recommend the proposal to the City Council. The public hearing and second reading of the ordinance will be October 17, 2023.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	**No**
Is there grant funding for this item?	**NA**

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

1) City staff presentation (if requested)
2) Council questions of staff
3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
4) Council discussion
5) Council decision

Other issues and Considerations:

Strategic Focus Area:



Business Growth



Community Vitality

Decision Options:

1) Introduce the ordinance as presented; or
2) Amend the ordinance and introduce as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for October 17, 2023.

Attachments:

1. Ordinance 46 with Exhibit
2. Planning Commission Summary
3. Vicinity Map
4. Boomerang Self Storage - Project Narrative
5. Planned Unit Development PUD2023-0001
6. Neighborhood Notification Boundary Map

CITY OF GREELEY, COLORADO
ORDINANCE NO. 46, 2023
CASE NO. PUD2023-0001

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM R-H (RESIDENTIAL HIGH DENSITY) TO PUD (PLANNED UNIT DEVELOPMENT) CHANGING THE UNDERLYING LAND USE DESIGNATIONS FOR APPROXIMATELY 4.23 ACRES OF PROPERTY LOCATED ON THE PARCEL DIRECTLY NORTH OF 7025 8TH STREET

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. The following described property located in the City of Greeley is hereby changed from R-H (RESIDENTIAL HIGH DENSITY DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT) in the City of Greeley, County of Weld, State of Colorado:

Legal Description

See EXHIBIT A, attached hereto and incorporated herein.

Section 2. The boundaries of the pertinent zoning districts as shown on the official zoning map are hereby changed so as to accomplish the above-described zoning changes, and the Mayor and City Clerk are hereby authorized and directed to sign and attest an entry which shall be made on the official zoning map to reflect this change.

Section 3. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS _____ DAY OF _____, 2023.

ATTEST: **THE CITY OF GREELEY, COLORADO**

_____ _____

By: City Clerk **By: Mayor**

CITY CENTER WEST COZ BOUNDARY LEGAL DESCRIPTION

LOT 1A H-P GREELEY MINOR SUBDIVISION - SEVENTH REPLAT, BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1A, AND CONSIDERING THE SOUTH LINE OF LOT 1A TO BEAR NORTH 83°32'57" WEST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE NORTH 05°13'45" EAST ALONG THE WEST LINE OF SAID LOT 1A, A DISTANCE OF 340.97 FEET TO THE NORTHWEST CORNER OF SAID LOT 1A;

THENCE SOUTH 84°45'59" EAST ALONG THE NORTHERLY LINE OF SAID LOT 1A, A DISTANCE OF 165.30 FEET;

THENCE NORTH 87°05'39" EAST ALONG THE NORTHERLY LINE OF SAID LOT 1A, A DISTANCE OF 216.12 FEET;

THENCE NORTH 56°35'00" EAST ALONG THE NORTHERLY LINE OF SAID LOT 1A, A DISTANCE OF 62.23 FEET;

THENCE SOUTH 83°31'37" EAST LONG THE NORTHERLY LINE OF SAID LOT 1A, A DISTANCE OF 78.15 FEET TO THE NORTHEAST CORNER OF SAID LOT 1A;

THENCE SOUTH 06°28'23" WEST ALONG THE EASTERLY LINE OF SAID LOT 1A, A DISTANCE OF 419.40 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1A;

THENCE NORTH 83°32'57" WEST ALONG THE SOUTHERLY LINE OF SAID LOT 1A, A DISTANCE OF 496.98 TO THE POINT OF BEGINNING.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 4.23 ACRES, MORE OR LESS.

PLANNING COMMISSION SUMMARY

ITEM: Rezone from R-H (Residential High Density) to PUD (Planned Unit Development)

FILE NUMBER: PUD2023-0001

PROJECT: Boomerang Storage PUD

LOCATION: 7025 8th Street

APPLICANT: Rob Stanley

CASE PLANNER: Meg Oren, Planner III

PLANNING COMMISSION HEARING DATE: August 22, 2023

PLANNING COMMISSION FUNCTION:
The Planning Commission shall consider the staff report, along with testimony and comments made by the applicant and the public and shall then make a recommendation to the City Council regarding the application in the form of a finding based on the review criteria in Section 24-205(c) and 24-204(b) of the Development Code.

EXECUTIVE SUMMARY
The City of Greeley is considering a request to rezone approximately 4.23 acres located on the parcel directly north of 7025 8th Street from R-H (Residential High Density) to PUD (Planned Unit Development).

A. REQUEST
The applicant proposes rezoning approximately 4.23 acres located on the parcel directly north of 7025 8th Street from R-H (Residential High Density) to PUD (Planned Unit Development).

The PUD would allow all uses listed as permitted and uses listed as Use by Special Review in C-H (Commercial High Intensity), in addition to outdoor RV/boat/vehicle storage. Development is proposed to follow Development Code standards for the C-H (Commercial High Intensity) zoning district to ensure that the site maintains adequate screening, buffering, landscaping, open space, and setbacks. Existing oil and gas wells have been plugged and abandoned. See Attachments A, B, and C for more information.

B. STAFF RECOMMENDATION
Approval

C. LOCATION

Abutting Zoning
North: R-H (Residential High Density)
South: C-H (Commercial High Intensity)
East: I-L (Industrial Low Intensity)
West: R-L (Residential Low Density)

Abutting Land Uses
North: Detention Pond
South: RV/Boat/Vehicle Storage and Indoor Storage
East: School (West Ridge Academy Charter School)
West: School (Tointon Academy)

Site Characteristics:
The site is currently vacant. There are existing oil and gas wells located on the northern half of the site, however they have been plugged and abandoned. There are no major topographical changes, and the site does not contain any major environmental areas of interest.

D. BACKGROUND

The site was orginially a part of the Hewlett-Packard (H-P) Subdivision (S6-11; Recordation No. 38002237) and was established with the H-P Greeley Minor Subdivision – Seventh Replat (SUB2022-0021; Recordation No. 4875646) in January, 2023.

The applicant seeks to expand the existing business from the south of the site to allow for outdoor and indoor storage, which requires rezoning the site.

E. APPROVAL CRITERIA

Rezoning Review Criteria, Section 24-204(b):

1. **The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.**

   Staff Comment: The subject area is identified as a Suburban Neighborhood on the Land Use Guidance Map in the Imagine Greeley Comprehensive Plan. The inclusion of indoor and outdoor storage supports the vision to include non-residential uses in appropriate locations within Suburban Neighborhoods. Additionally, the following comprehensive plan goals support the subject application:

   Objective GC-1.2 Form of Growth Encourage a compact urban form over sprawl or leap-frog development.

Objective GC-4.3 Infill Compatibility Promote the use of site design and building architecture that is sympathetic to the surrounding area and enhances the desirable character and form of the neighborhood or area.

The request complies with this criterion.

2. **The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.**

   Staff Comment: The intent of the Planned Unit Development is to provide additional use of the property in ways that are compatible with the area. The proposed land uses provide opportunities for indoor and outdoor storage which are relatively low-impact and low-intensity uses.

   The request complies with this criterion.

3. **Whether the area changed or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area.**

   Staff Comment: The area continues to see infill sites developed with a mix of residential and nonresidential uses. Recent development includes educational institutions and a residential neighborhood, Northridge Trails.

   The request complies with this criterion.

4. **Whether the existing zoning has been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.**

   Staff Comment: The existing zoning was established in 2015 with the H-P Greeley Subdivision Third Replat (S2-15; Recordation No. 4092418), and significant areas of the site remain undeveloped.

   The request complies with this criterion.

5. **The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces, and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.**

   Staff Comment: The proposal is an extension of an established business directly south of the site. The indoor and outdoor storage company is wanting to expand

their operations. Design criteria within the PUD has been proposed to continue within the established parameters of City of Greeley development code.

The request complies with this criterion.

6. **The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.**

   Staff Comment: Existing services are present in the vicinity to support development of the site as proposed.

   The request complies with this criterion.

7. **The change will serve a community need, provide an amenity, or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.**

   Staff Comment: The proposed Planned Unit Development would accommodate the community's need for indoor and outdoor storage. The proposed allowed use is not allowed under the existing zoning to this extent. The proposed zoning is more appropriate than the existing zoning to allow development of the site and to serve community needs.

   The request complies with this criterion.

8. **Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.**

   Staff Comment: The only anticipated negative impact of the proposal would be visual, which will be mitigated by the landscape buffering standards established in the PUD.

   The request complies with this criterion.

9. **The recommendations of professional staff or advisory review bodies.**

   Staff Comment: Planning staff and the Administrative Review Team recommend approval.

   The request complies with this criterion.

<u>Planned Unit Development Review Criteria, Section 24-205(c):</u>

1. **The plan reflects greater consistency with or more specificity in implementing the Comprehensive Plan than what could be accomplished under application of general zoning districts and development standards.**

   The proposal allows nonresidential uses to be incorporated into the area in a way that achieves greater consistency and more specificity than standard zones would allow. The proposed uses are enumerated, and the proposal does not allow uses that could be incompatible with the area that would be allowed using standard zones.

   The request complies with this criterion.

2. **The benefits from any flexibility in the proposed plan:**
   (1) promote the general public health, safety and welfare of the community, and in particular, that of the areas immediately near or within the proposed project, and is not strictly to benefit the applicant or a single project;
   (2) involves innovative concepts that were not anticipated by the development code; or
   (3) apply to a unique or specific context in a manner that allows the project to better meet the intent or design objectives of the base zoning districts and standards.

   The proposed development standards generally follow Development Code standards for C-H (Commercial High Intensity) areas with the inclusion of outdoor RV/boat/vehicle storage.

   The request complies with this criterion.

3. **The plan reflects generally accepted and sound planning and urban design principles with respect to applying the goals and objectives of the Comprehensive Plan to the area.**

   The request is consistent with planning and design principles and the Comprehensive Plan.

   The request complies with this criterion.

4. **The plan meets all the review criteria for zoning map amendments in Section 24-204.**

   The request complies with Section 24-204, Review Criteria for Rezoning as detailed above.

   The request complies with this criterion.

F. PHYSICAL SITE CHARACTERISTICS

1. **SUBDIVISION HISTORY**
   The subject site is Lot 1A of H-P Greeley Minor Subdivision 7th Replat, recorded in 2023 (SUB2022-0021; Recordation No. 4875646). No additional land division is proposed at this time.

2. **HAZARDS**
   A portion of the site is within 500 feet of the nearby abandoned and plugged oil and gas operation. Any development of the site must comply with setbacks from oil and gas operations.

3. **WILDLIFE**
   No ecologically sensitive areas have been identified on the site. Colorado Parks and Wildlife did not provide comments impacting the application.

4. **FLOODPLAIN**
   The property is not located within the 100-year floodplain or floodway, according to the adopted Federal Emergency Management Administration (FEMA) flood data.

5. **DRAINAGE AND EROSION**
   Existing drainage facilities serve the site. Drainage and erosion would be further reviewed with future development of the site in concert with a Site Plan Review.

6. **TRANSPORTATION**
   The site has adequate connectivity with an existing access from 71st Avenue. Additional traffic generation is expected to be minimal as there were 50 average daily trips and only four AM and PM trips.

G. SERVICES

1. **WATER**
   Existing water infrastructure is present and adequate to serve the site.

2. **SANITATION**
3. Existing sewer infrastructure is present and adequate to serve the site.

4. **EMERGENCY SERVICES**
   Existing emergency services are adequate to serve the site, including Fire Station #7, located approximately one-half mile away.

5. **PARKS AND OPEN SPACES**
   Parkland dedication, or cash-in-lieu, may be required with any future residential subdivision.

6. **SCHOOLS**

The subject property is located within Greeley-Evans School District 6. Cash-in-lieu for school land dedication may be required with any future residential subdivision.

7. METROPOLITAN DISTRICT

The site is within the City Center West Metro District (MD1-14; Ordinance No. 58), adopted in 2016, and has a Development Concept Master Plan (DCMP). If approved, the PUD development standards will override the DCMP standards.

H. NEIGHBORHOOD IMPACTS

1. VISUAL

Maintaining a generous buffer from existing residential uses is anticipated to adequately address visual impacts.

2. NOISE

Significant noise impacts are not anticipated. Any noise created by future development is regulated by the Municipal Code.

I. PUBLIC NOTICE AND COMMENT

Public notices were completed as follows:

- Notice was placed on the City of Greeley's website on August 1, 2023.
- A sign was posted on the property on August 4, 2023.
- Notice was mailed to 108 property owners or current residents within 1,000 feet of the site on August 2, 2023.

No comments have been received.

J. MINERIAL ESTATE OWNER NOTIFICATION

The applicant satisfied the mineral owner notification requirements. No feedback from mineral owners has been received.

K. PLANNING COMMISSION RECOMMENDED MOTIONS

Recommended (Approval)

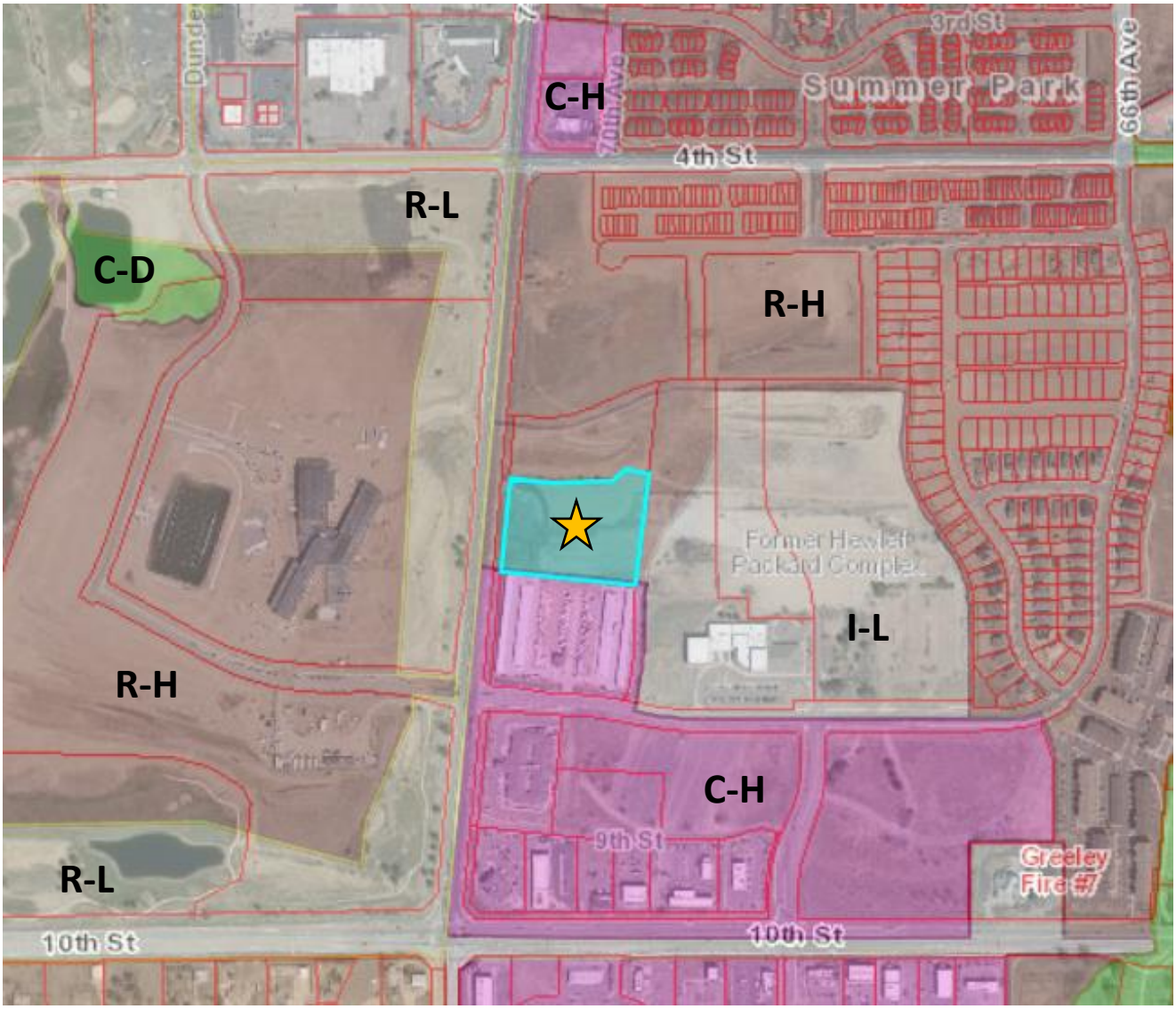
Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning and Planned Unit Development is in compliance with Sections 24-204(b) and 24-205(c) of the Development Code and therefore recommends City Council approval.

Alternative (Denial)

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning and Planned Unit Development is not in compliance with Sections 24-204(b) and 24-205(c) of the Development Code and therefore recommends City Council denial.

ATTACHMENTS
Attachment A – Vicinity Map
Attachment B – Project Narrative
Attachment C – PUD Plan Set
Attachment D – Neighborhood Notification Boundary Map
Attachment E – Staff Slides

Attachment A – Vicinity Map



Attachment B – Project Narrative

February 18, 2023

Planning & Zoning Department

1100 10th Street - 2nd Floor

Greeley, CO 80631

Re: Boomerang Storage PUD2023-0001 - Project Narrative

1. **Project Background**

The existing Boomerang Self-Storage business located at 7025 8th Street, is proposing to expand their facility to the northern vacant site legally described as Lot 1A, H-P Greeley Subdivision 5th Replat. The subject property is currently within the R-H (Residential High Density) zone district. The site is roughly 4.23 acres, comprised of a single lot. Oil and gas wells on the site have been plugged and abandoned.

The property owner is requesting to change the zoning for Lot 1A from RH to PUD based on direction received from the City. Lot 1A would provide additional outside storage for Boomerang Self Storage customers to store their boats, trailers, and RV/vehicles.

2. **Review Criteria - 24-201**

- **Applicant's vision and understanding of the market for the proposed project.** There is a significant market demand for this proposed project. The surrounding area has or is in development or construction of multi-family apartments/townhomes and single-family homes that do not allow RV parking (due to HOA or City of Greeley parking constraints, etc.), or the domicile has insufficient storage for the renter or owners' belongings.
- **Proposed uses.** The proposed use includes Boat/RV storage and self storage buildings. There is no general site layout, conceptual or anticipated design of buildings at this time.
- **How the project will fit in and contribute to the area and further the intent of the existing or proposed zoning district.** The project will be similar to the Boomerang Self Storage parcel to the south (which is zoned CH with a City of Greeley approved USR for outside boats/trailers/RV's storage), see the second bullet point. To the east the parcel is zoned IL.
- **Planning and infrastructure impacts, including timing, phasing, or the need for any technical studies or outside agency coordination and review.** We do not foresee any infrastructure impacts or any technical studies or outside agency coordination and review. We will need the

assistance of the City of Greeley Planning Department with the rezoning and granting of future permits, etc.

- **Any special public information and outreach or specific agency or department reviews are necessary.** We do not foresee the need for any special public information and outreach, or specific agency review is needed.
- **Opportunities to improve designs or coordinate the preliminary concepts with other private or public investments in the area.** None needed.

3. Consistency with the goals, policies, and strategies in the City's Comprehensive Plan.

The City's Comprehensive plan designates the general area as Mixed Use, there are residential land uses existing and under progress surrounding the property. A neighborhood center generally located at the western intersection is also outlined within the Comprehensive plan which are intended to provide commercial amenities that are compatible with residential land uses. The proposed PUD would allow for greater consistency and better implementation of the Comprehensive Plan by allowing the property owner to expand the Boomerang Storage site which is considered to be a less impactful commercial development in terms of noise and traffic, given its adjacency to future residential.

The PUD promotes a healthy, progressive, and competitive local economy. Providing services and products to the local area, one of the goals as set forth in Economic Health & Diversification (ED-1) of the Comprehensive Plan. Additionally, the PUD and proposed land use expand on the City's goal to provide growth and maintain City Form by providing a commercial node at an intersection near future residential subdivisions.

4. Compatibility with Surrounding Area.

Surrounding properties are within the C-H zoning as well as the I-L and R-H zoning. Land uses around the subject property appear to be commercial and public uses such as a school, while property immediately north is vacant. The proposed expansion of the Boomerang storage site is compatible with the surrounding land uses as it lends itself to a lower intensity commercial use on the corner of the 71st Avenue intersection.

- **North:** Property to the north is zoned R-H, future land uses appear to be a residential subdivision. An outlot roughly 3.1 acres is immediately adjacent to the subject PUD site to the north and is zoned R-H. The outlot will provide a buffer between the storage and future residential as it will contain drainage features and landscaping.
- **South:** Property to the south is zoned C-H and contains the existing Boomerang Storage facility, which will remain as-is.
- **East:** Properties to the east are zoned I-L which contain a school and the formerly HP industrial building.
- **West:** Bordering the site on the west is 71st Avenue, further west properties are zoned R-L and R-H. A golf course exists on the west side of 71st Avenue.

5. **Review Criteria - 24-205.c**

- **The plan reflects greater consistency with or more specificity in implementing the Comprehensive Plan than what could be accomplished under application of general zoning districts and development standards.**
  PUD zoning is a more appropriate zone district as the C-H zoning could not accommodate for the storage needs of the site.

- **The benefits from any flexibility in the proposed plan:**
  The direction to pursue a PUD zone was recommended by City staff as a means to allow the storage needs. The PUD plan also provides substantial buffering between surrounding future residential land uses which add to the safety and welfare of the community.
- **The plan reflects generally accepted and sound planning and urban design principles with respect to applying the goals and objectives of the Comprehensive Plan to the area.**
  The PUD is in-line with the Comprehensive plan goals and objectives as it encourages a commercial node at this intersection to potentially serve future residential subdivisions in the immediate area.
- **The plan meets all of the review criteria for zoning map amendments in section 24-204 shown below.**
  These have been outlined below.

6. **Review Criteria - 24-204.b**

- **The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.**
  The PUD is compatible with the vision of the Comprehensive Plan for this Mixed Use area and has been determined to be a more appropriate zone district as the C-H zoning could not accommodate for the storage needs of the site.
- **The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.**
  The PUD zoning can provide for higher standards that can accommodate a level of compatibility with the surround land uses in terms of buffering and landscaping.
- **Whether the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area.**
  The area appears to be developing in a manner that is consistent with the Comprehensive Plan, however, recent code amendments led to a change in direction and a suggestion to pursue PUD zoning as a more appropriate option.
- **Whether the existing zoning been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.**
  The R-H zone appears to have been established in 2015, however the site has historically been used for Oil and Gas facilities and commercial uses. The area seems to be developing in a manner where the residential land uses are being developed further north and east while this corner is being preserved for commercial uses.

- **The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.**

  The proposed PUD will allow for the expansion of the storage facility and will promote a thoughtful transition between the future residential subdivision.

- **The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.**

  The ability to provide adequate services has been determined to be feasible for this project.

- **The change will serve a community need, provide an amenity or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.**

  The PUD zoning has been determined to be the most appropriate zoning based on the needs of storage uses, the PUD will also allow for a larger buffer between adjacent sites.

- **Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.**

  The proposed land use and PUD zoning is appropriate as it is a less intense commercial use and will not cause negative impacts on surrounding land uses given the extensive buffering.

Please feel free to reach out with any questions,

Emily Tarantini

tarantini.emily@gmail.com

303-585-1055

BOOMERANG SELF STORAGE PLANNED UNIT DEVELOPMENT

PUD2023-0001

Lot 1A, H-P Greeley Minor Subdivision-Seventh Replat
Being a replat of Lot 1, HP Greeley Subdivision, Fifth Replat, and being a
Part of Southwest 1/4 of Section 4, Township 5 North, Range 66 W of the 6th P.M.
City of Greeley, County of Weld, State of Colorado
Totaling 4.23 Acres

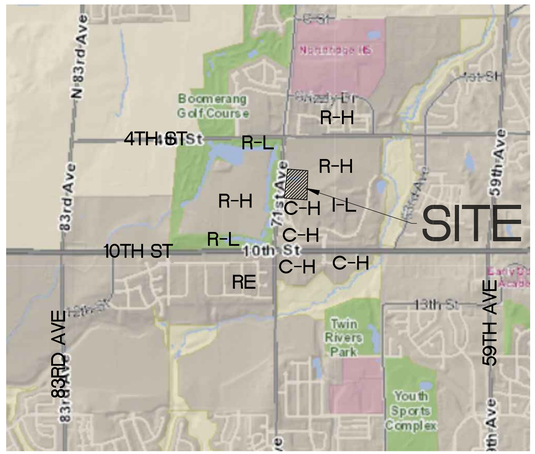
The purpose of the PUD zoning is to allow for the expansion the Outdoor Storage area. The existing zoning on the property is Residential HIGH Density RH

Zoning:

1. Development Standards to follow City of Greeley Standards for Commercial High zone district.
2. All uses listed as Permitted and Use by Special Review in the C-H (Commercial High Intensity) zoning district, in addition to outdoor RV/boat/vehicle storage, are allowed with a Site Plan Review.

General notes:

1. Approval of site construction plans by the City of Greeley shall be required (as applicable) prior to issuance of building permits.
2. All existing and proposed utilities shall be installed underground.
3. No building permit shall be issued for the construction of a new building or structure unless the property has been platted in accordance with the City's Subdivision Regulations (Chapter 3).
4. All elevations shown on these plans are tied to NAVD 88 datum.



Vicinity Map
N.T.S.

CERTIFICATE OF OWNERSHIP

BOOMERANG SELF STORAGE LLC (ROB STANLEY Member) being the Owners of the Property described hereon have planned this Property under the name of HP Lot 1 H-P Greeley Subdivision 5th Replat

1. All conditions, terms, and specifications designated or described on this document shall be binding upon the Owner(s), their heirs, successors and/or assigns.

In witness whereof, we have hereunto set our hand and seals this this day of , 20_.

ROB STANLEY

COMMUNITY DEVELOPMENT DIRECTOR:

Approved this day of ,2023, by the Community Development Director of the City of Greeley, Colorado.

Director of Community Development Date

PLANNING COMMISSION APPROVAL:

Approved by the City of Greeley Planning Commission on day of , 20_

PLANNING COMMISSION

CITY COUNCIL APPROVAL:

Approved by the Greeley City Council on day of ,20_.

CITY COUNCIL

OWNER

BOOMERANG STORAGE LLC
7025 8th Street
Greeley, CO 80634
970-576-6189

LANDSCAPE ARCHITECT

Rob Molloy
980 Norway Maple Drive
Loveland, CO
970-988-5301

SITE SUMMARY			
AREA	USE	ACRES	% OF SITE
Lot 1A	All Permitted and Uses by Special Review in C-H and outdoor RV/boat/vehicle storage	4.23	100%
TOTALS		4.23	100%

INDEX

C COVER SHEET
1 EXISTING CONDITIONS MAP
2 MASTER DEVELOPMENT PLAN & GENERAL LAYOUT
3 SUITABILITY MAP
4 BOUNDARY MAP

DRAWN FOR
BOOMERANG STORAGE
P.O. BOX 337175
GREELEY CO 80633
PHONE 970-576-6189

CITY CENTER WEST LP
400 E MISSISSIPPI AVE STE 500
GLENDALE, CO 80246

WERNSMAN ENGINEERING AND LAND DEVELOPMENT LLC
P.O. BOX 105
LASALLE CO 80645
PHONE 970-339-2656

DRAWN EJW
CHECKED
DATE 3/31/2023
SCALE n.t.s.
PROJECT #
SHEET C

BOOMERANG SELF STORAGE PLANNED UNIT DEVELOPMENT
EXISTING CONDITIONS AND SITE ANALYSIS MAP
LOT 1A, H-P GREELEY SUBDIVISION - SEVENTH REPLAT
BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
4.23 ACRES
PROJECT FILE NO. PUD2023-0001

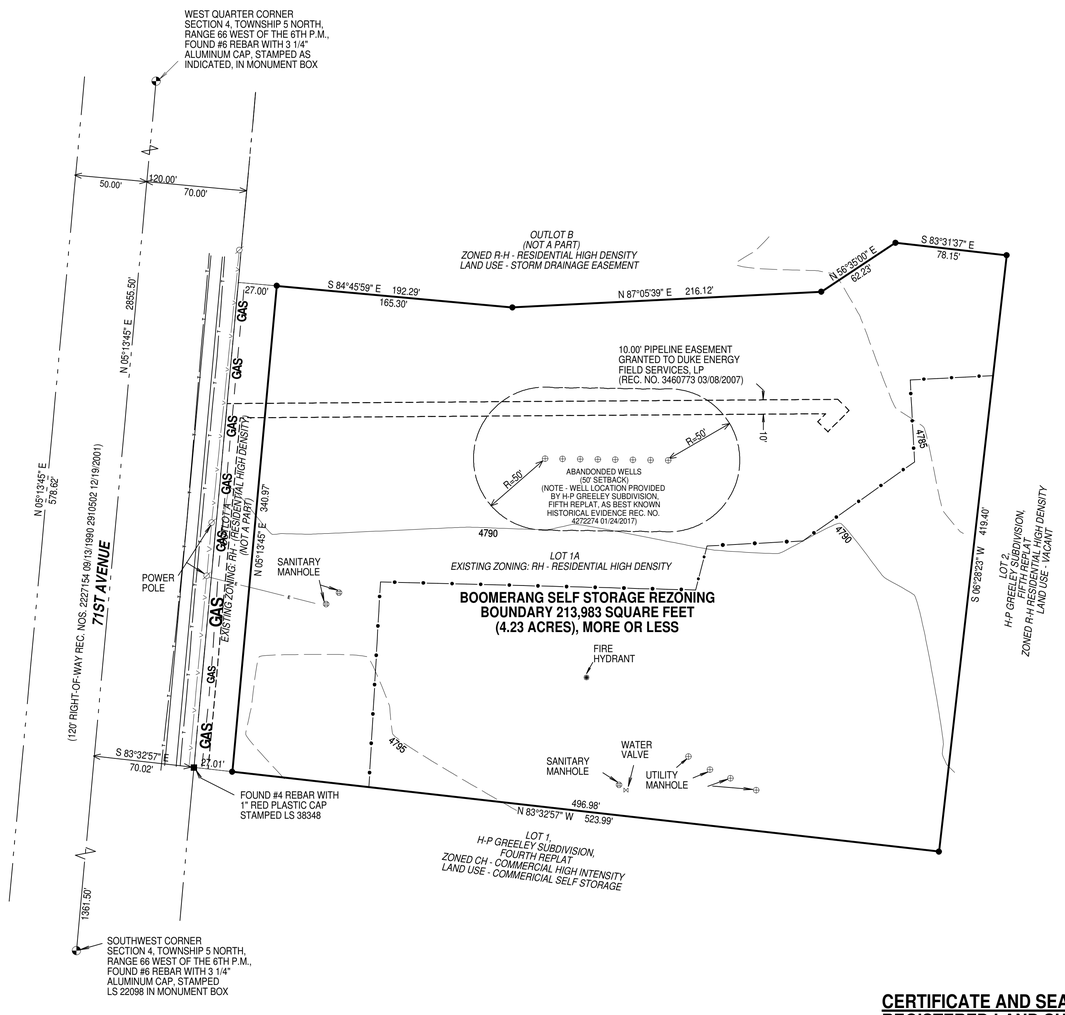
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1 INCH = 50 FEET

LEGEND

- ALIQUOT CORNER (AS DESCRIBED)
- FOUND MONUMENT (AS DESCRIBED)
- FOUND 24" #4 REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS PLS 38353
- SUBJECT BOUNDARY
- RIGHT-OF-WAY
- EASEMENT
- GAS GAS LINE
- BURIED ELECTRIC
- TELEPHONE/FIBER
- POWER LINE



NOTE: THIS SITE ANALYSIS MAP IS NOT A LAND SURVEY PLAT SHOULD NOT BE CONSTRUED AS SUCH. THE SOLE PURPOSE OF THIS MAP IS TO DELINEATE THE PUD REZONE BOUNDARY OF LOT 1A AND OUTLOT A, H-P MINOR SUBDIVISION SEVENTH REPLAT

CERTIFICATE AND SEAL OF THE REGISTERED LAND SURVEYOR

I, ROBERT D. THOMAS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PUD SITE ANALYSIS MAP WAS PREPARED BY ME, OR UNDER MY PERSONAL SUPERVISION, AND THAT THIS PLAT IS AN ACCURATE REPRESENTATION THEREOF, BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF. I FURTHER CERTIFY THAT THE MAP COMPLY WITH ALL APPLICABLE RULES, REGULATIONS, AND LAWS OF THE STATE OF COLORADO, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, AND THE CITY OF GREELEY, AND IS NOT A GUARANTY OR WARRANTY , EITHER EXPRESS OR IMPLIED.

_____ _____

ROBERT D. THOMAS
COLORADO PROFESSIONAL LAND SURVEYOR #38353

DATE

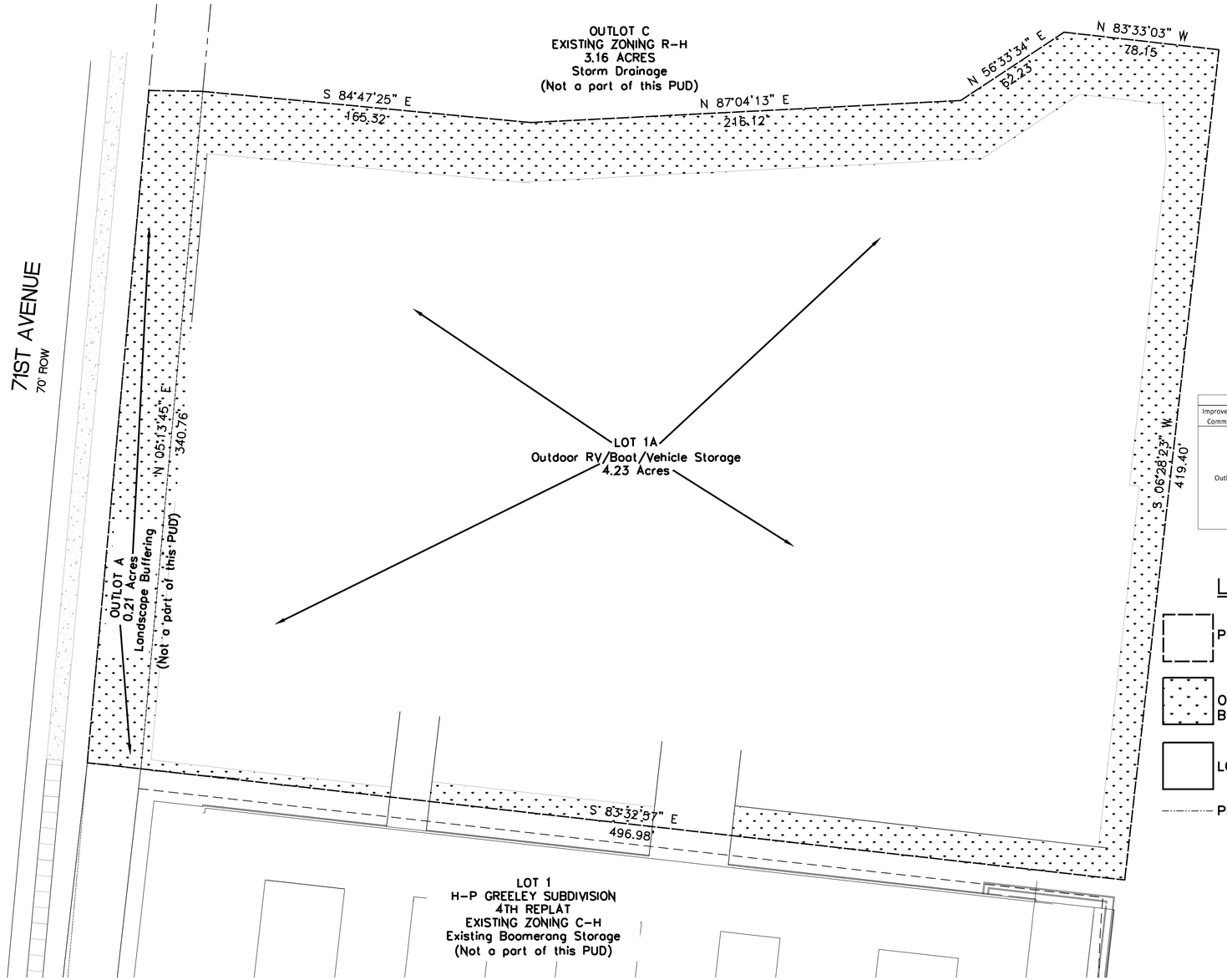
THOMAS LAND SURVEYING, LLC
2619 WEST 11TH ST. ROAD, SUITE 24
GREELEY, COLORADO 80634
970-304-0984

BOOMERANG SELF STORAGE PLANNED UNIT DEVELOPMENT

PUD2023-0001

Lot 1A, H-P Greeley Minor Subdivision-Seventh Replat
Being a replat of Lot 1, HP Greeley Subdivision, Fifth Replat, and being a
Part of Southwest 1/4 of Section 4, Township 5 North, Range 66 W of the 6th P.M.
City of Greeley, County of Weld, State of Colorado
Totaling 4.23 Acres

SITE SUMMARY			
AREA	USE	ACRES	% OF SITE
Lot 1A	All Permitted and Uses by Special Review in C-H and outdoor RV/boat/vehicle storage	4.23	100%
TOTALS		4.23	100%



Development Standards	
DESCRIPTION	PROPOSED
PLANNING AREA	**Lot 1A**
Permitted Uses	All Permitted and Uses by Special Review in C-H and outdoor RV/boat/vehicle storage
Uses Not allowed	All uses and allowances not listed as permitted above, per the City of Greeley's Development Code and as amended
Min Lot Area	Per the City of Greeley's C-H Development Standards and as amended
Density	Per the City of Greeley's C-H Development Standards and as amended
Building Coverage	Per the City of Greeley's C-H Development Standards and as amended
Drive, Parking, and Walks	Per the City of Greeley's C-H Development Standards and as amended
Open Space/Landscaping	15% Max
Max Lot Coverage	Per the City of Greeley's C-H Development Standards and as amended
Parking	Per the City of Greeley's C-H Development Standards and as amended
Minimum Setbacks	Per the City of Greeley's C-H Development Standards and as amended
Accessory Structure Setbacks	Per the City of Greeley's C-H Development Standards and as amended
Encroachments	Per the City of Greeley's C-H Development Standards and as amended
Building Height	Per the City of Greeley's C-H Development Standards and as amended
Sign Standards	Per the City of Greeley's C-H Development Standards and as amended
Lighting	Lighting poles not to exceed 27'-6" in height, average foot candles not to exceed 3.1 & overspill limited to 0.5 fc at property line
Other	Gravel surface within the outdoor storage area permitted. Alternative landscape bufferyard to be a part of the Site Plan Review.

Commitments Matrix					
Improvement or Commitment	Plan Preparation & Approval	Construction Timing	Construction Responsibility	Maintenance Responsibility	Ownership
Outlot A	Dedicated with the H-P Greeley Minor Subdivision - 7th Replat	After issuance of Building Permit	CITY CENTER WEST, LP	CITY CENTER WEST, LP SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID PROPERTY. UPON CONVEYANCE OF OUTLOT A TO THE CITY CENTER WEST COMMERCIAL METROPOLITAN DISTRICT, THE METROPOLITAN DISTRICT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID OUTLOT.	CITY CENTER WEST, LP

LEGEND

- PUD BOUNDARY
- OUTLOT A-LANDSCAPE BUFFER
- LOT 1A: OUTDOOR STORAGE
- PROPERTY LINE

LEGAL DESCRIPTION

LOT 1A H-P GREELEY MINOR SUBDIVISION - SEVENTH REPLAT, BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1A, AND CONSIDERING THE SOUTH LINE OF LOT 1A TO BEAR NORTH 83°32'57" WEST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE NORTH 05°13'45" EAST ALONG THE WEST LINE OF SAID LOT 1A, A DISTANCE OF 340.97 FEET TO THE NORTHWEST CORNER OF SAID LOT 1A;

THENCE SOUTH 84°45'59" EAST ALONG THE NORTHERLY LINE OF SAID LOT 1A, A DISTANCE OF 165.30 FEET;

THENCE NORTH 87°05'39" EAST ALONG THE NORTHERLY LINE OF SAID LOT 1A, A DISTANCE OF 216.12 FEET;

THENCE NORTH 56°35'00" EAST ALONG THE NORTHERLY LINE OF SAID LOT 1A, A DISTANCE OF 62.23 FEET;

THENCE SOUTH 83°31'37" EAST LONG THE NORTHERLY LINE OF SAID LOT 1A, A DISTANCE OF 78.15 FEET TO THE NORTHEAST CORNER OF SAID LOT 1A;

THENCE SOUTH 06°28'23" WEST ALONG THE EASTERLY LINE OF SAID LOT 1A, A DISTANCE OF 419.40 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1A;

THENCE NORTH 83°32'57" WEST ALONG THE SOUTHERLY LINE OF SAID LOT 1A, A DISTANCE OF 496.98 TO THE POINT OF BEGINNING.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 4.23 ACRES, MORE OR LESS.

N

0 20 40 60

MASTER DEVELOPMENT PLAN & GENERAL LAYOUT

DRAWN FOR
BOOMERANG STORAGE LLC
P.O. BOX 337175
GREELEY CO 80633
PHONE 970-576-6199

BOOMERANG STORAGE LLC
7025 6TH ST
GREELEY CO 80634
PHONE 970-576-6199

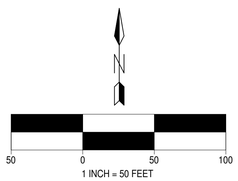
WERNSMAN ENGINEERING AND LAND DEVELOPMENT LLC
P.O. BOX 105
LASALLE CO 80645
PHONE 970-539-2656

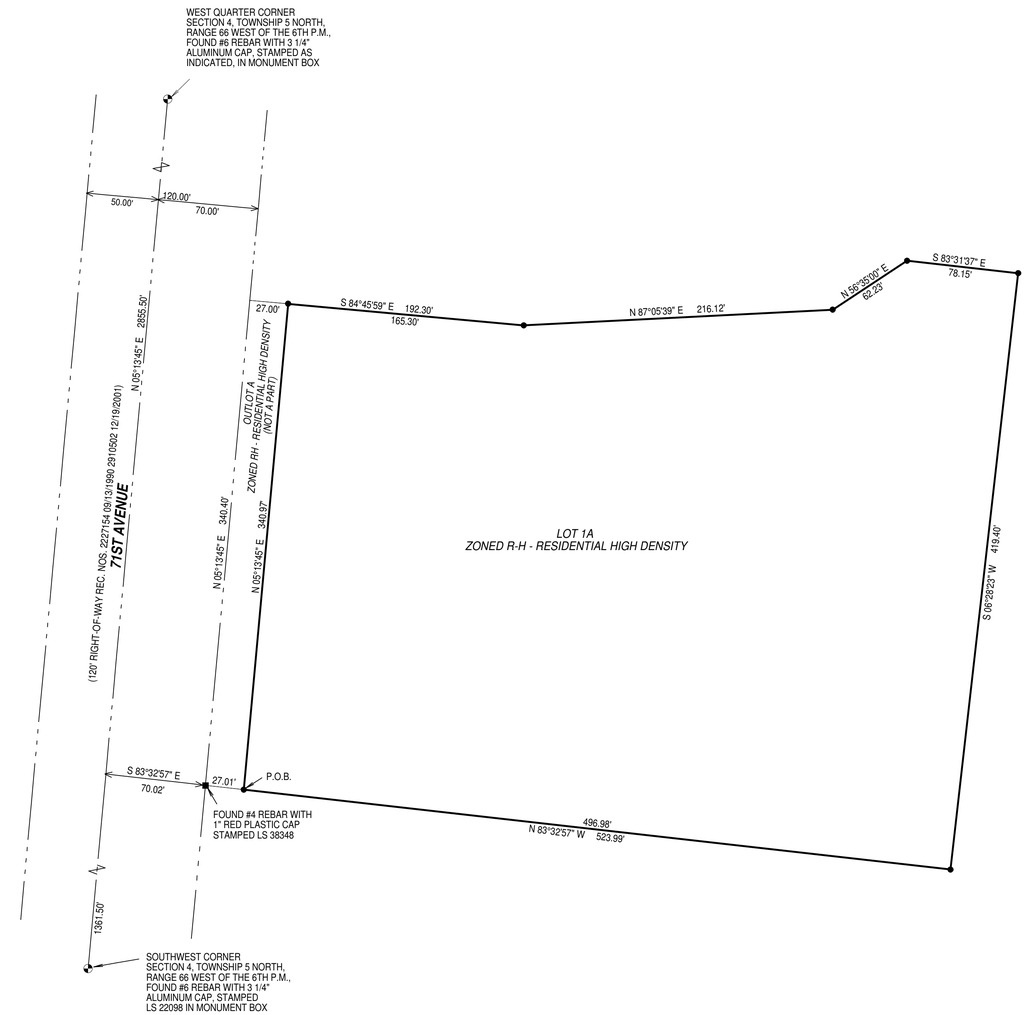
DRAWN: EJW
CHECKED:
DATE: 3/31/2023
SCALE: 1" = 40'
PROJECT #:
SHEET: 2

BOOMERANG SELF STORAGE REZONING
ZONING SUITABILITY MAP
LOT 1A, H-P GREELEY SUBDIVISION - SEVENTH REPLAT
BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
4.23 ACRES
PROJECT FILE NO. PUD2023-0001

LEGEND

- ALIQUOT CORNER (AS DESCRIBED)
- FOUND MONUMENT (AS DESCRIBED)
- FOUND 24" #4 REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS PLS 38353
- SUBJECT BOUNDARY
- RIGHT-OF-WAY
- EASEMENT





LEGAL DESRIPTION REZONING BOUNDARY

LOT 1A H-P GREELEY MINOR SUBDIVISION - SEVENTH REPLAT, BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 4.23 ACRES, MORE OR LESS.

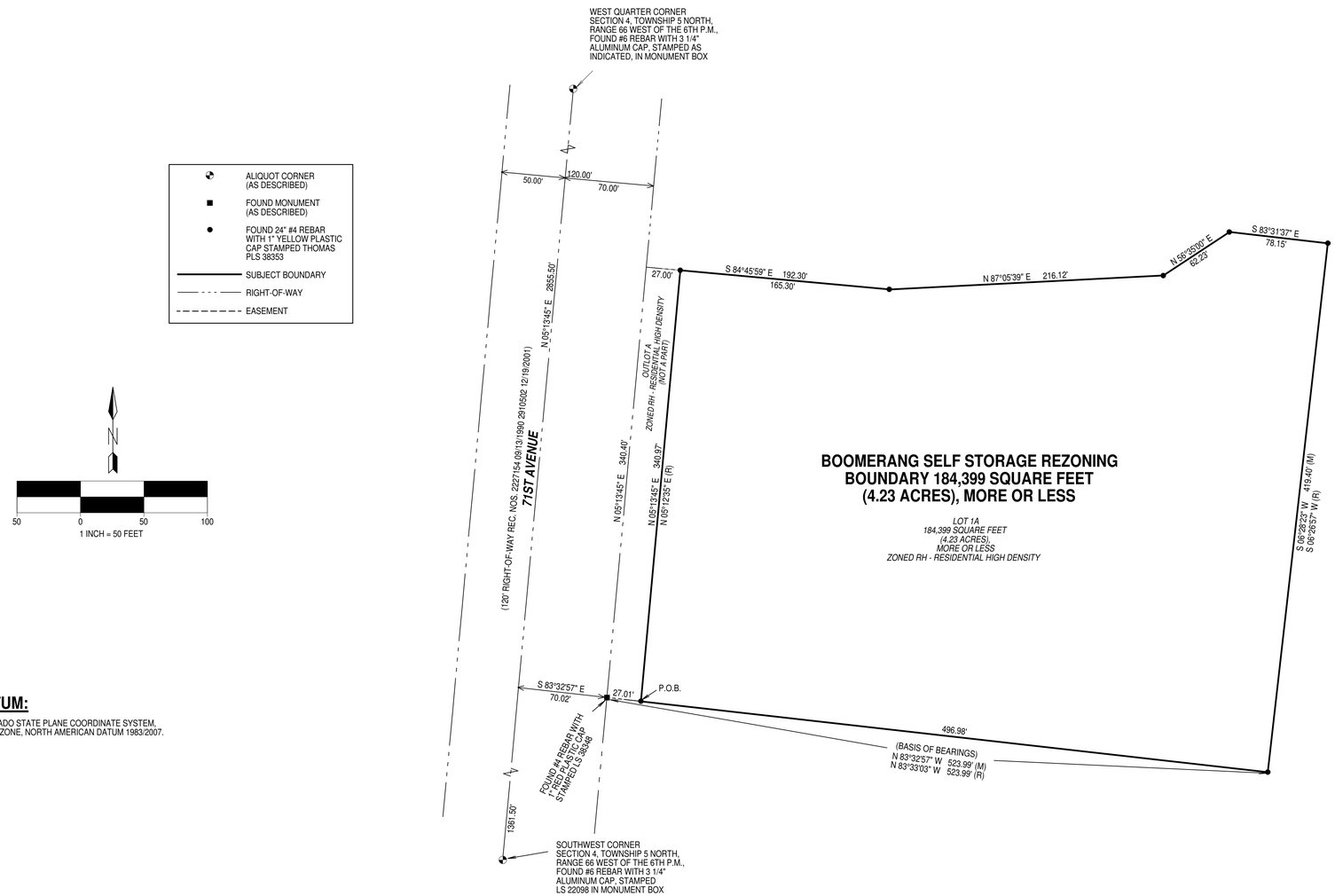
ZONING SUMMARY

EXISTING ZONING:	PROPOSED ZONING:	AREA:
RH	PUD	213,983 SQ. FT. (4.91 ACRES)
TOTAL		100%

THOMAS LAND SURVEYING, LLC
2619 WEST 11TH ST. ROAD, SUITE 24
GREELEY, COLORADO 80634
970-304-0984

BOOMERANG SELF STORAGE PLANNED UNIT DEVELOPMENT
PROJECT BOUNDARY MAP
LOT 1A, H-P GREELEY SUBDIVISION - SEVENTH REPLAT

BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
4.23 ACRES
PROJECT FILE NO. PUD2023-0001



DATUM:

COLORADO STATE PLANE COORDINATE SYSTEM,
NORTH ZONE, NORTH AMERICAN DATUM 1983/2007.

LEGAL DESRIPTION REZONING BOUNDARY

LOT 1A H-P GREELEY MINOR SUBDIVISION - SEVENTH REPLAT, BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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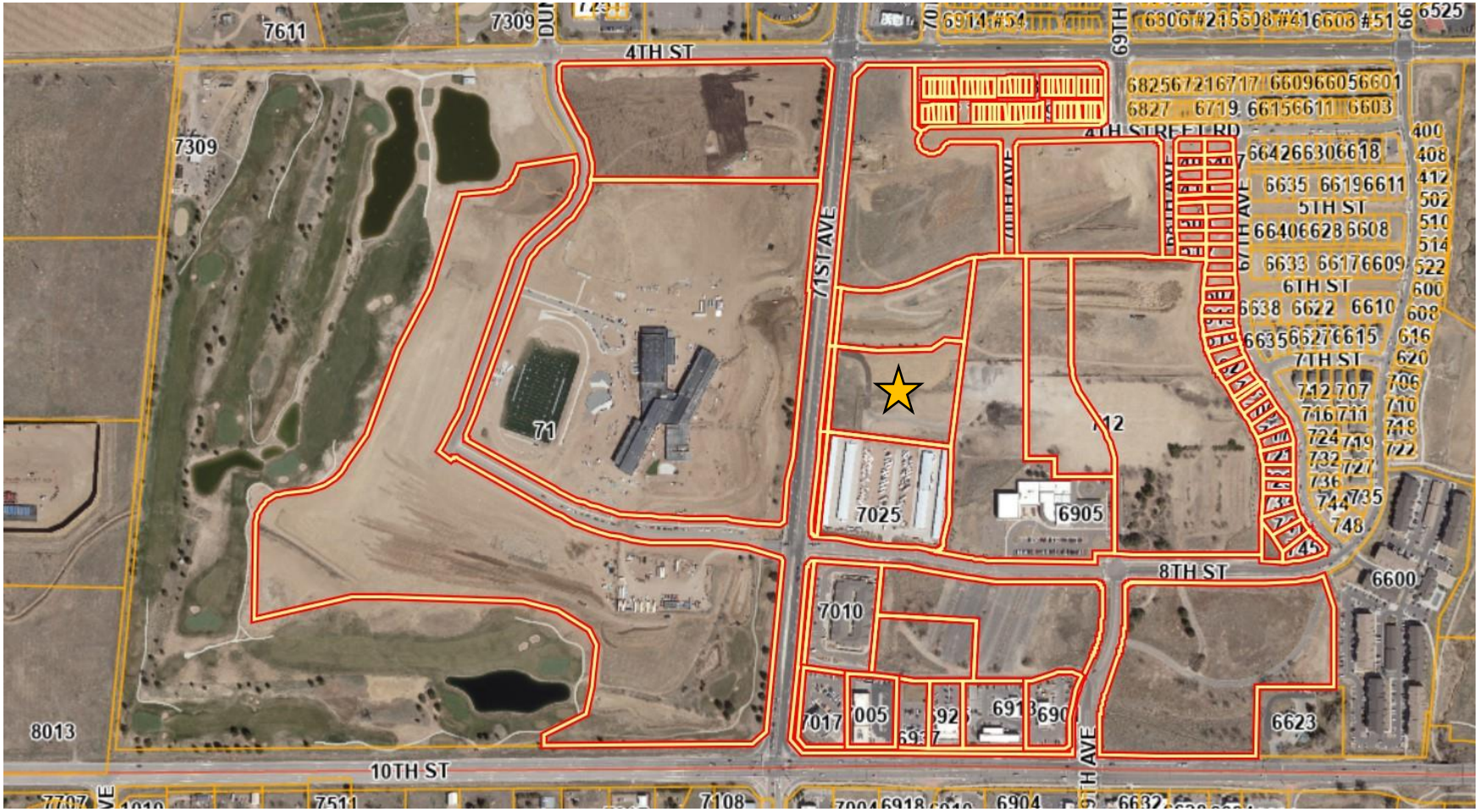
THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 4.23 ACRES, MORE OR LESS.

NOTE:

(M) DENOTES FIELD MEASURED BEARINGS AND DISTANCES
(R) DENOTES RECORDED BEARINGS AND DISTANCES PER THE PLAT OF H-P GREELEY SUBDIVISION, FIFTH REPLAT, AS RECORDED JANUARY 24, 2017 AT RECEPTION NO. 4272274, WELD COUNTY RECORDS.

THOMAS LAND SURVEYING, LLC
2619 WEST 11TH ST. ROAD, SUITE 24
GREELEY, COLORADO 80634
970-304-0984

Attachment D – Neighborhood Notification Boundary Map



Council Agenda Summary

September 19, 2023
Key Staff Contact: Brian McBroom, Community Development Director

Title:

Introduction and first reading of an ordinance changing the official zoning map of the city of Greeley, Colorado, from R-L (Residential Low Density), C-H (Commercial High Intensity), PUD (Planned Unit Development) to PUD (Planned Unit Development) changing the underlying land use designations for approximately 42.64 acres of property located at 10494, 10800, and 10892 Hwy 257 Spur

Summary:

The applicant proposes rezoning approximately 42.64 acres located at 10494, 10800, and 10892 Hwy 257 Spur from R-L (Residential Low Density), C-H (Commercial High Intensity), PUD (Planned Unit Development) to PUD (Planned Unit Development). The PUD proposes three planning areas. The first planning area proposes all uses listed as permitted in the I-L (Industrial Light Intensity) zoning district. The second and third planning areas propose uses listed as permitted in the C-H zoning district, as well as RV/Boat/Vehicle storage (Outdoor/Indoor) and Warehouse/Storage (Outdoor General (1.0+ acre). The proposed development does list prohibited uses in planning area one quite extensively, such as all Residential uses, all Public and Civic uses, Automobile, Lodging, Medical, Recreation, Mortuary and Funeral Homes, and Child Care (accessory and center/pre-school). Planning areas two and three prohibit Automobile (Gas Station Large, Repair/Service Large, and Sales/Rental Large) land uses.

Development is proposed to follow Development Code standards for the I-L (Industrial Light Intensity) zoning district in planning area one, and planning areas two and three to follow C-H (Commercial High Intensity) zoning district to ensure that the site maintains adequate screening, buffering, landscaping, open space, and setbacks. Planning areas one and three are currently vacant sites. Planning area two has an existing RV and boat storage business. Existing oil and gas wells have been plugged and abandoned.

The project did meet the public notice requirements. Surface Development Notice letters were sent by the Applicant on August 18, 2023. Notice was placed on the City of Greeley's website on September 11, 2023. Signs were posted on the property on September 11, 2023. Notice was mailed to 24 property owners or current residents within 1,000 feet of the site on September 6, 2023. No objections/support comments have been received.

The proposed PUD will be presented to the Planning Commission on September 26, 2023 for consideration and public hearing. Additional items and materials will be provided prior to the 2nd Reading and Public Hearing for City Council on October 17, 2023.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	**No**
Is there grant funding for this item?	**NA**

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

1) City staff presentation (if requested)
2) Council questions of staff
3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
4) Council discussion
5) Council decision

Other issues and Considerations:

Strategic Focus Area:



Business Growth



Community Vitality

Decision Options:

1) Introduce the ordinance as presented; or
2) Amend the ordinance and introduce as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for October 17, 2023.

Attachments:

1. Ordinance 47 with Exhibit A
2. HWY 257 SPUR PUD -Project Narrative
3. Vicinity Map Zoning
4. HWY 257 Spur Planned Unit Development
5. Notice of Public Hearing

CITY OF GREELEY, COLORADO
ORDINANCE NO. 47, 2023
CASE NO. PUD2023-0005

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, FROM R-L (RESIDENTIAL LOW DENSITY), C-H (COMMERCIAL HIGH INTENSITY), PUD (PLANNED UNIT DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT) CHANGING THE UNDERLYING LAND USE DESIGNATIONS FOR APPROXIMATELY 42.64 ACRES OF PROPERTY LOCATED AT 10494, 10800, AND 10892 HWY 257 SPUR, GREELEY, CO, 80634

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. The following described property located in the City of Greeley is hereby changed from R-L (RESIDENTIAL LOW DENSITY), C-H (COMMERCIAL HIGH INTENSITY), PUD (PLANNED UNIT DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT) in the City of Greeley, County of Weld, State of Colorado:

Legal Description

See EXHIBIT A, attached hereto and incorporated herein.

Section 2. The boundaries of the pertinent zoning districts as shown on the official zoning map are hereby changed so as to accomplish the above-described zoning changes, and the Mayor and City Clerk are hereby authorized and directed to sign and attest an entry which shall be made on the official zoning map to reflect this change.

Section 3. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS _____ DAY OF _____, 2023.

ATTEST: **THE CITY OF GREELEY, COLORADO**

_____ _____

By: City Clerk **By: Mayor**

Township 5 North, Range 67 West of the 6th P.M.
Section 11: Lot 2, Stanley Subdivision, 2nd Replat, according to that certain map or plat recorded thereof recorded March 2, 2022 under Reception No. 4806909, being a part of the NE¼

Township 5 North, Range 67 West of the 6th P.M.
Section 11: NE¼, being more particularly described as follows:

BEGINNING at the Northeast corner of Said Section 11 and assuming the North line of said NE¼ as bearing North 89°30'06" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2631.79 feet with all other bearings contained herein relative thereto; from said point the Southeast Corner of said Section 11 bears South 00°24'18" East a distance of 5263.76 feet:

THENCE South 00°24'18" East along said East line a distance of 40.01 feet to the Southeast Corner of that parcel of land as described in that Quit Claim Deed recorded June 24, 1936 in Book 995 at Page 159, said document hereafter referred to as Doc#l, said point being 40 feet Southerly of as measured at right angles to the North line of said NE¼, said point being the TRUE POINT OF BEGINNING;

THENCE continuing South 00°24'1811 East along said East line a distance of 8.7 feet to the intersection with the existing center line of State Highway #16 and being the beginning point of a curve; the aforesaid line being non-tangent to said curve;
THENCE along said center line by the following two (2) courses and distances:

1. THENCE along the arc of a curve which is concave to the Southeast a distance of 674.36 feet, whose radius is 1910.00 feet, whose delta is 20°13'46" and whose long chord bears South 64°41'5811 West a distance of 670.87 feet to the end point of said curve;

2. THENCE South 53°17'1611 West along a line non-tangent to the aforesaid curve a distance of 575.00 feet;

THENCE North 00°34'09" West a distance of 648.51 feet to the South line of the aforesaid Doc#l, said point being 40 feet Southerly of as measured at right angles to the North line of said NE¼, from said point the Northeast Corner of said Section 11 bears North 00°34'09" West a distance of 40.01 feet to the North line of said Section 11, thence South 89°30'0611 East along said North line a distance of 1074.00 feet;

THENCE South 89°30'06" East along a line 40 feet Southerly of as measured at right angles to and parallel with the North line of said NE¼ a distance of 1073.89 feet to the TRUE POINT OF BEGINNING;

EXCEPT that portion conveyed to the Department of Transportation, State of Colorado in Warranty Deed recorded August 3, 2007 under Reception No. 3494778

Township 5 North, Range 67 West of the 6th P.M.
Section 11: A parcel of land being part of the NE¼, being more particularly described as follows:

BEGINNING at the Northeast Corner of said Section 11 and assuming the North line of said NE¼ as bearing North 89°30'06" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2631.79 feet with all other bearings contained herein relative thereto:

THENCE North 89°30'06" West along said North line a distance of 1074.00 feet to the Northeast Corner of that parcel of land as described in Deed recorded February 4, 1948 in Book 1220 on Page 298 under Reception Number 1024391, said document hereinafter referred to as Doc#l;

THENCE South 00°34'09" East along the East line of the aforesaid parcel of land a distance of 40.01 feet to a point 40 feet Southerly of as measured at right angles to the North line of said NE¼ and being a point on the South line of that parcel of land as described within Quit Claim Deed recorded June 24, 1936 in Book 995 on Page 159, said document hereinafter referred to as Doc#2. Said point being on the Southerly right-of-way line of Weld County Road No. 60 {WCR#60), also known as Colorado State Highway #263 Spur, said point being the TRUE POINT OF BEGINNING:

THENCE continuing South 00°34'09" East along the East line of said Doc#l a distance of 598.98 feet to the Northeast Corner of that parcel of land as described within Deed recorded September 27, 1962 in Book 1626 on Page 234 under Reception Number 1390669;
THENCE along the Northerly line of the aforesaid parcel of land by the following 3 courses and distances:

1. THENCE South 53°17'16" West a distance of 338.27 feet {Rec. 301.6'} to the beginning point of a curve; The aforesaid line being non-tangent to said curve;

2. THENCE along the Arc of a curve which is concave to the Southeast a distance of 340.65 feet, whose radius is 5780.00 feet, whose delta is 03°22'36", and whose long chord bears South 54°58'13" West a distance of 340.60 feet to the Point of Tangency {PT);

3. THENCE South 53°17'16" West a distance of 442.33 feet to the Southeast Corner of that parcel of land as described within Warranty Deed recorded July 1, 1966 in Book 570 under Reception Number 1492337;

THENCE North 00°24'48" West along the East line of the aforesaid parcel of land and the East line of that parcel of land as described within Warranty Deed recorded May 8, 1968 in Book 594 under Reception Number 1516203 a distance of 1269.02 feet to the Southerly right-of-way line of said WCR#60, also known as Colorado State Highway #263 Spur and being the Southerly line of the aforesaid Doc#2 and being a point 40 feet Southerly of as measured at right angles to the North line of said NE¼;

THENCE South 89°30'06" East along said Southerly line and being a line 40 feet Southerly of as measured at right angles to the North line of said NE¼ a distance of 907.90 feet to the TRUE POINT OF BEGINNING; as described in Land Survey Plat recorded February 2, 2005 under Reception No. 3258299;

EXCEPTING THEREFROM Parcel No. 5 as contained in the Rule and Order recorded September 16, 2008 under Reception No. 3578545

September 6, 2023

Planning & Zoning Department

1100 10th Street - 2nd Floor

Greeley, CO 80631

Re: 10494 & 10800 HWY 257 SPUR PUD -Project Narrative

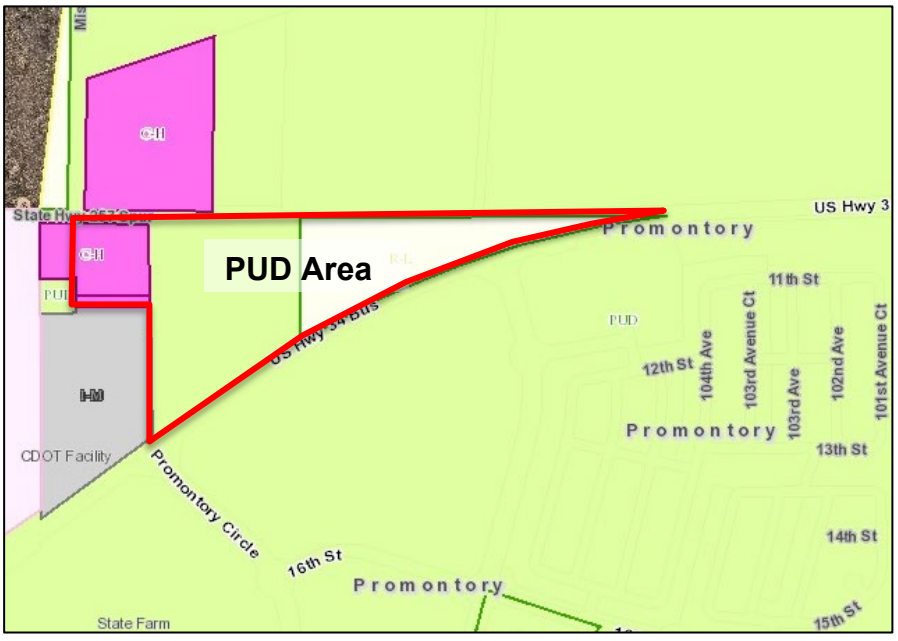
1. **Project Background**

Please note that this site was formerly under review for a standard rezone under project number ZON2022-0018. The application was withdrawn and is now being submitted as a PUD application following directions from City staff.

Star Enterprises, LLC (a sister company to Landmark Builders INC) has recently purchased the property at 10494 Hwy 257 Spur. Landmark Builders INC (LBI) will be leasing the property from Star Enterprises, LLC and is proposing to occupy the site for their Corporate Headquarters. Landmark Builders is an experienced and qualified, full-service contractor for commercial, industrial and agricultural clients including retail and educational centers as well as water drainage systems and smaller scale projects similar to pole barns and other agricultural-type buildings in the Colorado and Wyoming territories. Their services include design-build, general constructions, renovation/remodel and pre-engineered metal buildings. The LBI business structure and operations require indoor and outdoor storage of construction materials, primarily metal parts associated with the pre-engineered metal buildings they construct.
Anchor Point storage is a family owned and operated outdoor storage facility established in 2018. This property was originally part of the Golden Triangle PUD but was amended in 2018 to become the Northern Colorado RV and Boat Storage PUD.

The rezoning request to PUD includes the following properties:

- 10494 Hwy 257 Spur, owned by STAR Enterprises LLC – 5.15 Acres. Currently zoned C-H.
- 10800 Hwy 257 Spur, owned by Northern Colorado RV & Boat Storage LLC – 17.87 Acres. Currently zoned PUD.
- 10892 Hwy 257 Spur, owned by Northern Colorado RV & Boat Storage LLC - 6.77 Acres. Currently zoned R-L.



The property at 10494 Hwy 257 Spur is currently zoned C-H *Commercial High Intensity* and is vacant, the proposed use will be similar to that of a commercial and light industrial land use.

The property at 10800 Hwy 257 Spur is currently zoned PUD and contains the existing RV and Boat storage facility. No changes to this site are proposed or associated with the development applications.

The property at 10892 Hwy 257 Spur is zoned R-L and is currently vacant, the proposed use will be a future commercial/industrial development.

2. **Review Criteria - 24-201**

- **Applicant's vision and understanding of the market for the proposed project.** The necessity to relocate the LBI business is based on growth, the construction demand, and market trends of the area given the amount of new development in northern Colorado. In addition to the demand on construction, is the necessity for new home owners to look for nearby options to accommodate their storage needs. The applicant believes there is a market to support this business.
- **Proposed uses.** The proposed uses primarily include commercial and light industrial, including Boat/RV/Vehicle storage.
- **How the project will fit in and contribute to the area and further the intent of the existing or proposed zoning district.** The existing land uses in the area are commercial and industrial towards the western and southern areas, while residential land uses appear to be developing in the eastern area. Agricultural uses are occurring on the northern areas. The RV/Boat/Vehicle storage business contributes to the residential growth and residential storage needs. The LBI site continues to provide employment opportunities for the area while ensuring compatibility with the adjacent southern land use of the CDOT facility.
- **Planning and infrastructure impacts, including timing, phasing, or the need for any technical studies or outside agency coordination and review.** We do not foresee any negative infrastructure impacts or technical studies outside of the standard zoning review process and requirements.
- **Any special public information and outreach or specific agency or department reviews are necessary.** We are not aware of any outreach or specific agency review at this time.
- **Opportunities to improve designs or coordinate the preliminary concepts with other private or public investments in the area.** Other than refining the zoning to a PUD, there has not been a need to further refine or coordinate.

3. **Consistency with the goals, policies, and strategies in the City's Comprehensive Plan.**

The subject properties appear to be located within the *Mixed Use* Neighborhood area as outlined by the Comprehensive Plan. A residential community is located east (across Promontory Pkwy) of the site, the proposed land use and other similar commercial and industrial land uses can help accomplish the intent of the Mixed Use vision by providing for a variety of land uses that can support surrounding neighborhoods.

The proposed PUD site is located across a highway and separated from the developing residential area. However, the PUD zoning could allow for a more customized approach in establishing design standards in terms of screening, landscaping and architecture, to create a thoughtful transition between the developing residential along the eastern portion of the site.

The PUD promotes a healthy, progressive, and competitive local economy. Providing services and products to the local area, one of the goals as set forth in Economic Health & Diversification (ED-1) of the Comprehensive Plan. Additionally, the PUD and proposed land use expand on the City's goal to provide growth and maintain City Form by providing a commercial node at an intersection near future residential subdivisions.

The properties are surrounded by PUD and C-H zoning as well as an Industrial overlay outlined by the Comprehensive Plan, the land uses and zoning in the area support the opportunity for a rezone. The requested PUD zoning provides an appropriate land use opportunity for this parcel located adjacent to the Highway 257 Spur.

4. Compatibility with Surrounding Area.

The proposed zoning is consistent with the area and existing land uses and zoning. The property immediately to the south (of the LBI Lot) is zoned I-M and is of a similar land use with outdoor storage (CDOT Storage facility). The entire PUD site is bordered by a highway along the south and eastern edge. The property that is immediately adjacent to the Hwy 34 Business Route appears to be vacant, although zoned PUD and owned by Banner Health, it could be assumed that this will develop in a commercial manner. Residential is being developed further east, across Promontory Pkwy. The properties located north of the highway are zoned C-H and PUD, a residence that contains a commercial/light industrial use and agricultural farming are located here. Property to the west includes a residential land use and an industrial land use.

- **North:** Zoned C-H and PUD.
- **South:** Zoned I-M and PUD.
- **East:** Properties to the east are zoned PUD.
- **West:** Zoned PUD and H-A.



5. **Review Criteria - 24-205.c**

- **The plan reflects greater consistency with or more specificity in implementing the Comprehensive Plan than what could be accomplished under application of general zoning districts and development standards.**

  PUD zoning is a more appropriate zone district as the C-H zoning could not accommodate the existing and proposed RV storage needs. The PUD zoning can also be considered more appropriate in terms of its adjacency to other PUD zoning.

- **The benefits from any flexibility in the proposed plan:**

  The direction to pursue a PUD zone was recommended by City staff as a means to allow the storage needs and provide a more consistent zoning overlay within this area. The PUD plan will also provide a more intentional buffering design between surrounding future residential land uses which add to the safety and welfare of the community.

- **The plan reflects generally accepted and sound planning and urban design principles with respect to applying the goals and objectives of the Comprehensive Plan to the area.**

  The PUD aligns with the Comprehensive plan goals and objectives to encourage mixed-uses as determined by the *Mixed-Use Neighborhood* future land use designation. The PUD plan can also provide support to the goals of the Comprehensive plan in providing employment opportunities to surrounding Greeley neighborhoods and further the balance of housing and jobs (GC-2.2), as well as support growth within the long range expected growth areas (GC-1.4).

- **The plan meets all of the review criteria for zoning map amendments in section 24-204 shown below.**

  These have been outlined below.

6. **Review Criteria - 24-204.b**

- **The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.**

  The PUD is compatible with the vision of the Comprehensive Plan for this Mixed Use area and has been determined to be a more appropriate zone district as the C-H zoning could not accommodate for the storage needs of the site.

- **The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.**

  The requested PUD zone is compatible with the area as it can potentially allow for a variety of commercial, and industrial uses, similar to existing land uses in the area. The property immediately southwest is zoned I-M with a land use of outdoor storage, the parcel located north of Hwy 257 Spur is zoned C-H and PUD. The PUD document will provide for higher standards that can accommodate a level of compatibility with the surrounding land uses in terms of buffering and landscaping.

- **Whether the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area.**

  The PUD zone will encourage future development in the area and allow the property owner to ultimately develop the property and provide employment opportunities. The southern portion of the site (south of W. 10th Street) is currently vacant, approval of this requested PUD and future development on this site could promote investment in this far west area of Greeley.

- **Whether the existing zoning has been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.**

  The LBI property appears to have been rezoned to C-H in 2014 from a PUD zoning, since then the property has remained undeveloped possibly indicating that the commercial zoning was not appropriate for this area. The existing RV and Boat Storage site was originally zoned to PUD in 1986 as part of the Golden Triangle PUD. The RV and Boat Storage use was approved in 2018.

  The 10892 site is zoned R-L, currently the property is vacant but seems to have housed a variety of mobile homes in the early 2000's. The comprehensive plan designated this area as Mixed-Used neighborhood like much of the area north of Hwy 34. Given its location in-between 2 major roads, a residential zoning may not have been seen as appropriate. The requested PUD zoning can allow for the expansion of the RV/Boat storage or commercial development to support the nearby residential development.

- **The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.**

  The proposed PUD will promote a thoughtful transition between the existing and future commercial/industrial development and the existing and future residential development in the area. Additionally, the PUD zone can encourage development along this corridor that is compatible in scale and pattern with existing land uses that appear to be of a commercial and industrial nature. The PUD zone along the highway can encourage a more appropriate scale of building and streetscape that fits into the vision of the comprehensive plan and corridor design.

- **The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.**

  The ability to provide adequate services has been initially determined to be feasible for this project.

- **The change will serve a community need, provide an amenity or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.**

  The location of the property being within the western edge of City limits lends itself to an industrial/commercial land use under a PUD zone. The proposed zoning and future development provides employment opportunities for Greeley residents.

- **Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.**

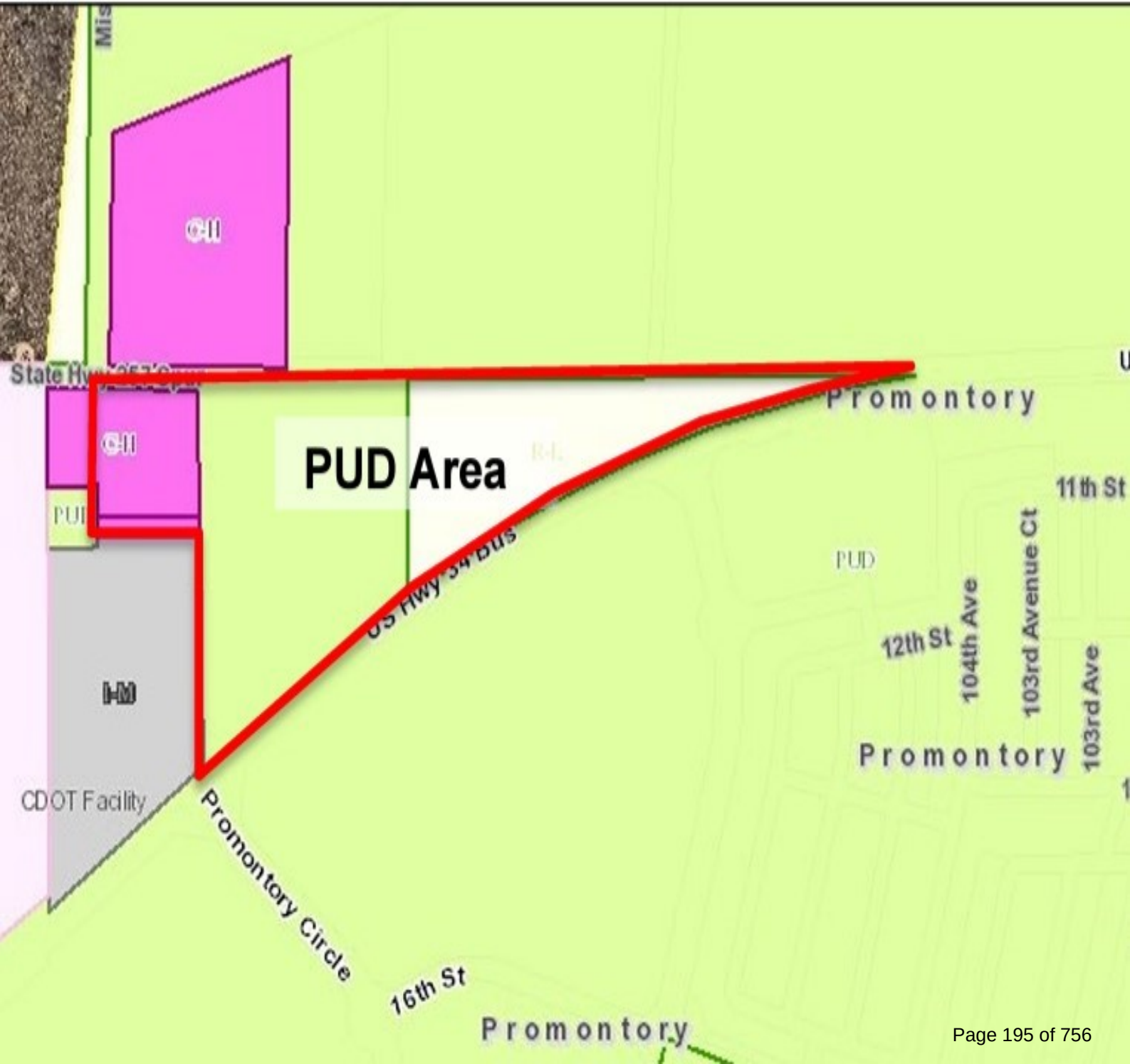
  Land within the general area is currently vacant while immediate adjacent properties are of a similar land use as what is proposed on the site. The PUD zone outlines development standards that will further mitigate any potential impacts to adjacent properties.

Please feel free to reach out with any questions,

Emily Tarantini

tarantini.emily@gmail.com

303-585-1055


C-II
C-II
PUD Area
PUD
HM
CDOT Facility
Promontory
PUD
US Hwy 34 Bus
12th St
104th Ave
103rd Avenue Ct
11th St
103rd Ave
Promontory
Promontory Circle
16th St
Promontory

HWY 257 SPUR PLANNED UNIT DEVELOPMENT

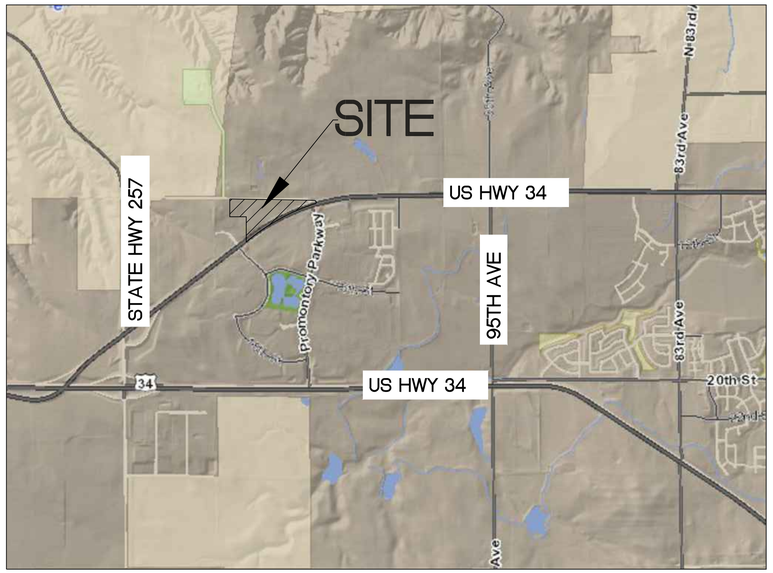
BEING A PART OF THE NW $\frac{1}{4}$ OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M.
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.
42.64 ACRES
PUD2023-0005

Zoning:

1. Development Standards to generally follow City of Greeley Standards for C-H (Commercial High Intensity) and I-L (Industrial Low Intensity) zone districts.

General notes:

1. Approval of site construction plans by the City of Greeley shall be required (as applicable) prior to issuance of building permits.
2. All existing and proposed utilities shall be installed underground.
3. No building permit shall be issued for the construction of a new building or structure unless the property has been platted in accordance with the City's Subdivision Regulations (Chapter 3).
4. All elevations shown on these plans are tied to NAVD 88 datum.



Vicinity Map
N.T.S.

The purpose of the PUD zoning is to allow for the future development of a commercial/industrial site. Planning Area 2 of this PUD is part of the Golden Triangle PUD, which allows for the existing Northern Colorado RV and Boat Storage use. The proposed PUD intends to preserve the existing Northern Colorado RV and Boat Storage use as well as allow for the future development of Planning Area 3 as a commercial/industrial site.

The existing zoning designation on the property are Commercial High Intensity, PUD and Residential Low Density.

CERTIFICATE OF OWNERSHIP

STAR Enterprises, LLC and Northern Colorado RV and Boat Storage, LLC, being the sole owners in fee of Lot 2, Stanley Subdivision, Second Replat and the metes and bounds parcels described hereon being a part of the northeast quarter of section 11, Township 5N, Range 67W of the 6th P.M., City of Greeley, County of Weld, State of Colorado.

1. All conditions, terms, and specifications designated or described on this document shall be binding upon the Owner(s), their heirs, successors and/or assigns.

In witness whereof, we have hereunto set our hand and seals this__day of _____, 2023.

STAR Enterprises, LLC
BY: Thomas Smerud

Northern Colorado RV and Boat Storage, LLC
BY: Kevin Moore

Approved this__day of_____;2023, by the Community Development Director of the City of Greeley, Colorado.

Director of Community Development Date

PLANNING COMMISSION RECOMMENDATION:

Recommended / not recommended by the City of Greeley Planning Commission, this ___ day of _____, 2023.

CITY COUNCIL APPROVAL:

Approved by the Greeley City Council on___ day of _____2023.

CITY COUNCIL

OWNER

STAR Enterprises, LLC
Thomas Smerud
3812 Carson Ave.
Evans, CO 80620

Northern Colorado RV and Boat Storage, LLC
Kevin Moore
2981 Wahupa Ranch Rd.
Escondido, CA 92029

LANDSCAPE ARCHITECT

Planscapes
Rob Molloy
980 Norway Maple Drive
Loveland, CO
970-988-5301

CIVIL ENGINEER

Wernsman Engineering and Land Development, LLC
Eric Wernsman
LaSalle, CO 80640
970-539-2656

SURVEYOR

Thomas Land Surveying, LLC
Robert Thomas, PLS
2619 West 11th Street Road,
Suite 24
Greeley, CO 80634
970-22-3311

SITE SUMMARY

AREA	USE	ACRES	% OF SITE
PA-1	Commercial/Light Industrial	5.15	12%
PA-2	Existing outdoor RV/Boat/Vehicle Storage	17.87	42%
PA-3	Commercial /Industrial	6.77	16%
Right-of-Way		12.85	30%
TOTALS		42.64	100%

INDEX

1 COVER SHEET
2 EXISTING CONDITIONS MAP
3 MASTER DEVELOPMENT PLAN & GENERAL LAYOUT
4 DEVELOPMENT STANDARDS
5 BOUNDARY MAP
6 LEGAL DESCRIPTIONS

PLANSCAPES
DESIGN GROUP
LAND PLANNING|LANDSCAPE ARCHITECTURE
980 Norway Maple Drive
Loveland, CO 80538
970-988-5301

PROJECT NAME:
Hwy 257 Spur PUD

DRAWING TITLE:
COVER SHEET

DRAWN BY: ET
CHECKED BY: RM
APPROVED BY: -
DATE: 5.9.2023

CLIENT
STAR Enterprises, LLC
Thomas Smerud
3812 Carson Ave.
Evans, CO 80620

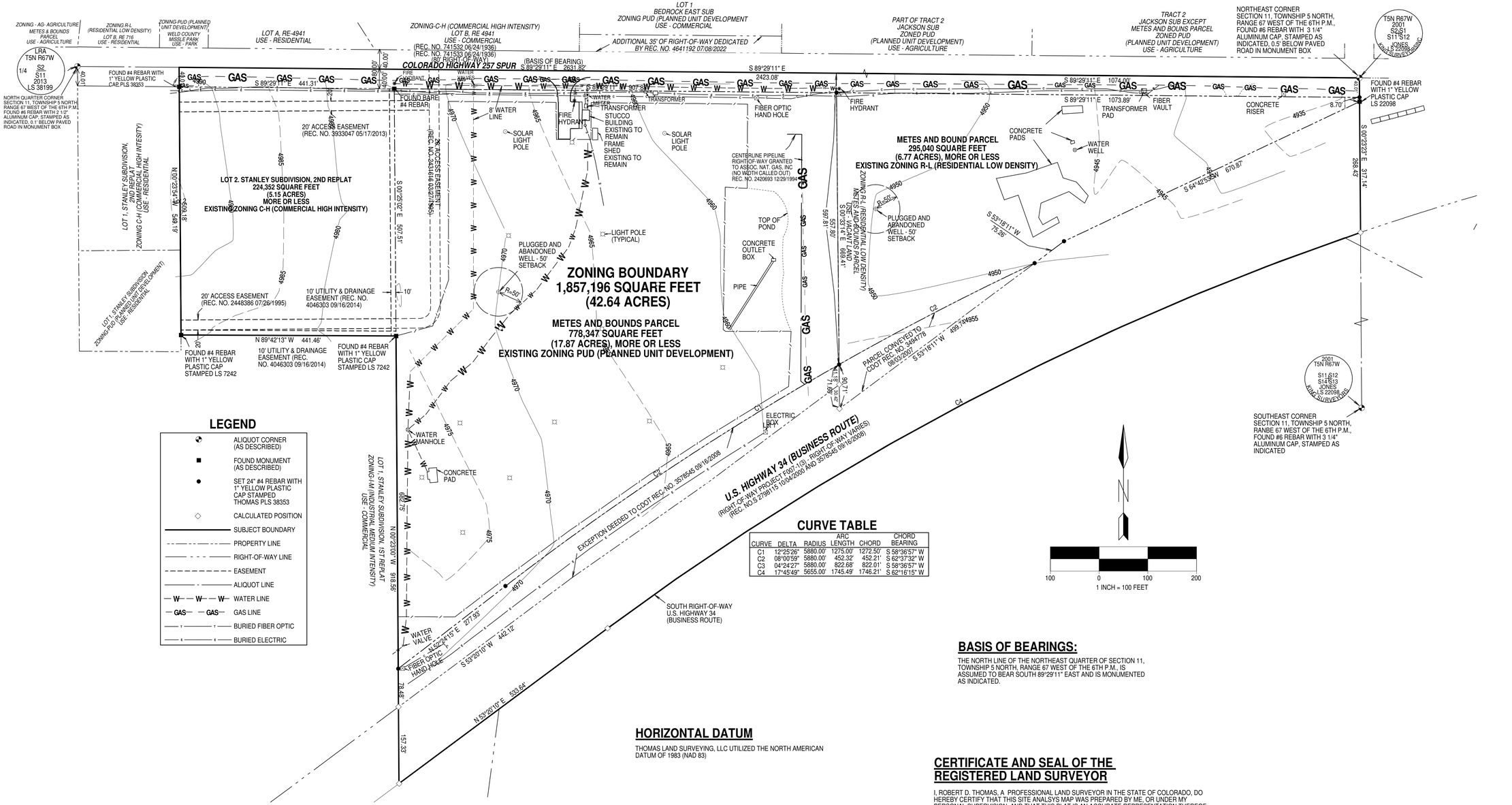
COVER PAGE

REV	DESCRIPTION	DATE
	Submittal 1	5.9.23
	Submittal 2	9.6.23

SHEET NO:
1 OF 6

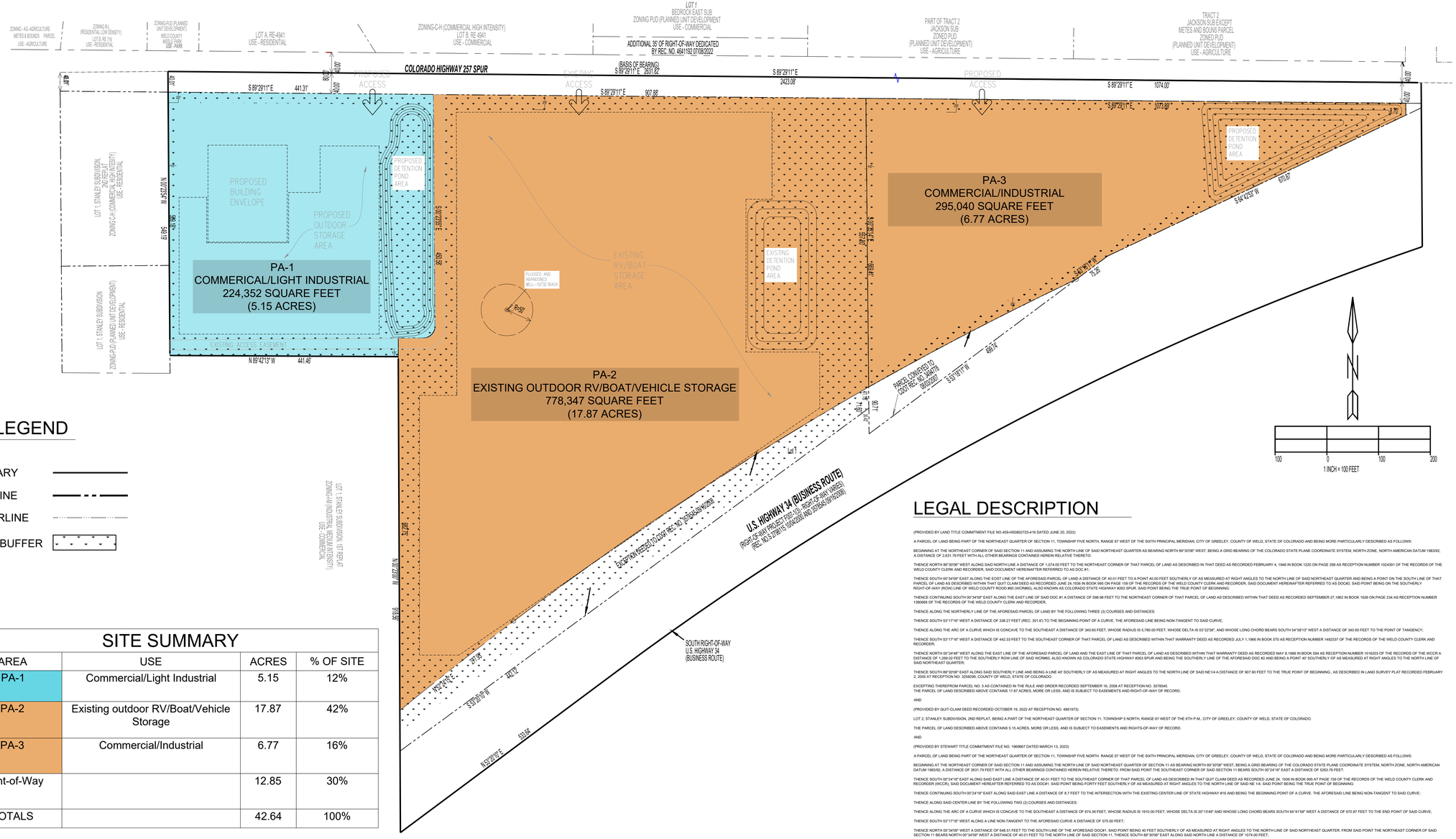
HWY 257 SPUR PLANNED UNIT DEVELOPMENT
EXISTING CONDITIONS MAP

BEING A PART OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH P.M.
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
42.64 ACRES
PUD2023-0005


ZONING - AG- AGRICULTURE
METES & BOUNDS PARCEL
USE - AGRICULTURE
ZONING R-L (RESIDENTIAL LOW DENSITY)
LOT B, RE 716
USE - RESIDENTIAL
ZONING-PUD (PLANNED UNIT DEVELOPMENT)
WELD COUNTY MISSILE PARK
USE - PARK
LOT A, RE-4941
USE - RESIDENTIAL
ZONING-C-H (COMMERCIAL HIGH INTENSITY)
LOT B, RE 4941
USE - COMMERCIAL
(REC. NO. 741532 06/24/1936)
(REC. NO. 741533 06/24/1936)
(80' RIGHT-OF-WAY)
COLORADO HIGHWAY 257 SPUR
LOT 1
BEDROCK EAST SUB
ZONING PUD (PLANNED UNIT DEVELOPMENT
USE - COMMERCIAL
ADDITIONAL 35' OF RIGHT-OF-WAY DEDICATED BY REC. NO. 4641192 07/08/2022
PART OF TRACT 2
JACKSON SUB
ZONED PUD
(PLANNED UNIT DEVELOPMENT)
USE - AGRICULTURE
TRACT 2
JACKSON SUB EXCEPT METES AND BOUNS PARCEL
ZONED PUD
(PLANNED UNIT DEVELOPMENT)
USE - AGRICULTURE
NORTHEAST CORNER
SECTION 11, TOWNSHIP 5 NORTH,
RANGE 67 WEST OF THE 6TH P.M.,
FOUND #6 REBAR WITH 3 1/4"
ALUMINUM CAP, STAMPED AS
INDICATED, 0.5' BELOW PAVED
ROAD IN MONUMENT BOX
T5N R67W
2001
S2,S1
S11,S12
JONES
LS 22098
FOUND #4 REBAR
WITH 1" YELLOW
PLASTIC CAP
LS 22098
LRA
T5N R67W
1/4 S2
S11
2013
LS 38199
NORTH QUARTER CORNER
SECTION 11, TOWNSHIP 5 NORTH
RANGE 67 WEST OF THE 6TH P.M.
FOUND #6 REBAR WITH 2 1/2"
ALUMINUM CAP, STAMPED AS
INDICATED, 0.1' BELOW PAVED
ROAD IN MONUMENT BOX
FOUND #4 REBAR WITH
1" YELLOW PLASTIC
CAP PLS 38353
(BASIS OF BEARING)
S 89°29'11" E 2631.82'
S 89°29'11" E 2423.08'
S 89°29'11" E 441.31'
S 89°29'11" E 1074.00'
S 89°29'11" E 1073.89'
40.00'
FOUND BARE
#4 REBAR
20' ACCESS EASEMENT
(REC. NO. 3933047 05/17/2013)
20' ACCESS EASEMENT
(REC. NO. 2424346 12/02/1974)
LOT 2. STANLEY SUBDIVISION, 2ND REPLAT
224,352 SQUARE FEET
(5.15 ACRES)
MORE OR LESS
EXISTING ZONING C-H (COMMERCIAL HIGH INTENSITY)
LOT 1, STANLEY SUBDIVISION, 2ND REPLAT
ZONING C-H (COMMERCIAL HIGH INTENSITY)
USE - RESIDENTIAL
LOT 1, STANLEY SUBDIVISION
ZONING-PUD (PLANNED UNIT DEVELOPMENT)
USE - RESIDENTIAL
S 00°25'02" E 597.51'
N 00°25'02" W 597.18'
20' ACCESS EASEMENT
(REC. NO. 2448386 07/26/1995)
10' UTILITY & DRAINAGE
EASEMENT (REC. NO.
4046303 09/16/2014)
10'
N 89°42'13" W 441.46'
FOUND #4 REBAR
WITH 1" YELLOW
PLASTIC CAP
STAMPED LS 7242
10' UTILITY & DRAINAGE
EASEMENT (REC.
NO. 4046303 09/16/2014)
FOUND #4 REBAR
WITH 1" YELLOW
PLASTIC CAP
STAMPED LS 7242
8' WATER
LINE
SOLAR
LIGHT
POLE
FIRE
HYDRANT
WATER
METER
TRANSFORMER
STUCCO
BUILDING
EXISTING TO
REMAIN
FRAME
SHED
EXISTING TO
REMAIN
SOLAR
LIGHT
POLE
FIBER OPTIC
HAND HOLE
FIRE
HYDRANT
CONCRETE
PADS
TRANSFORMER
PAD
FIBER
VAULT
WATER
WELL
CONCRETE
RISER
8.70'
CENTERLINE PIPELINE
RIGHT-OF-WAY GRANTED
TO ASSOC. NAT. GAS, INC
(NO WIDTH CALLED OUT)
REC. NO. 2420693 12/29/1999
METES AND BOUND PARCEL
295,040 SQUARE FEET
(6.77 ACRES), MORE OR LESS
EXISTING ZONING R-L (RESIDENTIAL LOW DENSITY)
ZONING R-L (RESIDENTIAL LOW DENSITY)
METES AND BOUNDS PARCEL
USE - VACANT LAND
S 00°25'02" E 669.41'
R=50'
PLUGGED AND
ABANDONED
WELL - 50'
SETBACK
S 53°19'11" W
75.26'
S 64°42'53" W
670.87'
S 00°23'23" E 317.14'
268.43'
ZONING C-H (COMMERCIAL HIGH INTENSITY)
USE - RESIDENTIAL
LOT 1, STANLEY SUBDIVISION
ZONING-PUD (PLANNED UNIT DEVELOPMENT)
USE - RESIDENTIAL
ZONING C-H (COMMERCIAL HIGH INTENSITY)
USE - COMMERCIAL
ZONING-I-M (INDUSTRIAL MEDIUM INTENSITY)
USE - COMMERCIAL
ZONING R-L (RESIDENTIAL LOW DENSITY)
USE - VACANT LAND
ZONING C-H (COMMERCIAL HIGH INTENSITY)
USE - COMMERCIAL
ZONING R-L (RESIDENTIAL LOW DENSITY)
USE - RESIDENTIAL
ZONING R-L (RESIDENTIAL LOW DENSITY)
USE - AGRICULTURE
ZONING-I-M (INDUSTRIAL MEDIUM INTENSITY)
USE - COMMERCIAL
ZONING R-L (RESIDENTIAL LOW DENSITY)
USE - AGRICULTURE
ZONING R-L (RESIDENTIAL LOW DENSITY)
USE - RESIDENT

HWY 257 SPUR PLANNED UNIT DEVELOPMENT

BEING A PART OF THE NW $\frac{1}{4}$ OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M.
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.
42.64 ACRES
PUD2023-0005



LEGEND

- PUD BOUNDARY
- PROPERTY LINE
- ROW CENTERLINE
- LANDSCAPE BUFFER

SITE SUMMARY

AREA	USE	ACRES	% OF SITE
PA-1	Commercial/Light Industrial	5.15	12%
PA-2	Existing outdoor RV/Boat/Vehicle Storage	17.87	42%
PA-3	Commercial/Industrial	6.77	16%
Right-of-Way		12.85	30%
TOTALS		42.64	100%

LEGAL DESCRIPTION

(PROVIDED BY LAND TITLE COMMITMENT FILE NO.459-H50602725-416 DATED JUNE 20, 2022)

A PARCEL OF LAND BEING PART OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP FIVE NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 11 AND ASSUMING THE NORTH LINE OF SAID NORTHEAST QUARTER AS BEARING NORTH 89°30'59" WEST, BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983/92, A DISTANCE OF 2,631.79 FEET WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE NORTH 89°30'59" WEST ALONG SAID NORTH LINE A DISTANCE OF 1,074.00 FEET TO THE NORTHEAST CORNER OF THAT PARCEL OF LAND AS DESCRIBED IN THAT DEED AS RECORDED FEBRUARY 4, 1948 IN BOOK 1220 ON PAGE 298 AS RECEPTION NUMBER 1024391 OF THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER, SAID DOCUMENT HEREINAFTER REFERRED TO AS DOC #1;

THENCE SOUTH 00°34'09" EAST ALONG THE EOST LINE OF THE AFORESAID PARCEL OF LAND A DISTANCE OF 40.01 FEET TO A POINT 40.00 FEET SOUTHERLY OF AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID NORTHEAST QUARTER AND BEING A POINT ON THE SOUTH LINE OF THAT PARCEL OF LAND AS DESCRIBED WITHIN THAT QUIT CLAIM DEED AS RECORDED JUNE 24, 1936 IN BOOK 995 ON PAGE 159 OF THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER, SAID DOCUMENT HEREINAFTER REFERRED TO AS DOC#2, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY (ROW) LINE OF WELD COUNTY ROOD #60 (WCR#60), ALSO KNOWN AS COLORADO STATE HIGHWAY #263 SPUR, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°34'09" EAST ALONG THE EAST LINE OF SAID DOC #1 A DISTANCE OF 598.98 FEET TO THE NORTHEAST CORNER OF THAT PARCEL OF LAND AS DESCRIBED WITHIN THAT DEED AS RECORDED SEPTEMBER 27,1962 IN BOOK 1626 ON PAGE 234 AS RECEPTION NUMBER 1390669 OF THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER;

THENCE ALONG THE NORTHERLY LINE OF THE AFORESAID PARCEL OF LAND BY THE FOLLOWING THREE (3) COURSES AND DISTANCES:

THENCE SOUTH 53°17'16" WEST A DISTANCE OF 338.27 FEET (REC. 301.6') TO THE BEGINNING POINT OF A CURVE, THE AFORESAID LINE BEING NON-TANGENT TO SAID CURVE;

THENCE ALONG THE ARC OF A CURVE WHICH IS CONCAVE TO THE SOUTHEAST A DISTANCE OF 340.65 FEET, WHOSE RADIUS IS 5,780.00 FEET, WHOSE DELTA IS 03°22'26", AND WHOSE LONG CHORD BEARS SOUTH 54°58'13" WEST A DISTANCE OF 340.60 FEET TO THE POINT OF TANGENCY;

THENCE SOUTH 53°17'16" WEST A DISTANCE OF 442.33 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND AS DESCRIBED WITHIN THAT WARRANTY DEED AS RECORDED JULY 1,1966 IN BOOK 570 AS RECEPTION NUMBER 1492337 OF THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER;

THENCE NORTH 00°24'48" WEST ALONG THE EAST LINE OF THE AFORESAID PARCEL OF LAND AND THE EAST LINE OF THAT PARCEL OF LAND AS DESCRIBED WITHIN THAT WARRANTY DEED AS RECORDED MAY 8,1968 IN BOOK 594 AS RECEPTION NUMBER 1516203 OF THE RECORDS OF THE WCOR A DISTANCE OF 1,269.02 FEET TO THE SOUTHERLY ROW LINE OF SAID WCR#60, ALSO KNOWN AS COLORADO STATE HIGHWAY #263 SPUR AND BEING THE SOUTHERLY LINE OF THE AFORESAID DOC #2 AND BEING A POINT 40' SOUTHERLY OF AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID NORTHEAST QUARTER;

THENCE SOUTH 89°30'06" EAST ALONG SAID SOUTHERLY LINE AND BEING A LINE 40' SOUTHERLY OF AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID NE1/4 A DISTANCE OF 907.50 FEET TO THE TRUE POINT OF BEGINNING., AS DESCRIBED IN LAND SURVEY PLAT RECORDED FEBRUARY 2, 2005 AT RECEPTION NO. 3258299, COUNTY OF WELD, STATE OF COLORADO.

EXCEPTING THEREFROM PARCEL NO. 5 AS CONTAINED IN THE RULE AND ORDER RECORDED SEPTEMBER 16, 2008 AT RECEPTION NO. 3578545.
THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 17.87 ACRES, MORE OR LESS, AND IS SUBJECT TO EASEMENTS AND RIGHT-OF-WAY OF RECORD.

AND

(PROVIDED BY QUIT-CLAIM DEED RECORDED OCTOBER 19, 2022 AT RECEPTION NO. 4861973)

LOT 2, STANLEY SUBDIVISION, 2ND REPLAT, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 5.15 ACRES, MORE OR LESS, AND IS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AND

(PROVIDED BY STEWART TITLE COMMITMENT FILE NO. 1969667 DATED MARCH 13, 2023)

A PARCEL OF LAND BEING PART OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP FIVE NORTH RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 11 AND ASSUMING THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 11 AS BEARING NORTH 89°30'59" WEST, BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983/92, A DISTANCE OF 2631.79 FEET WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO. FROM SAID POINT THE SOUTHEAST CORNER OF SAID SECTION 11 BEARS SOUTH 00°24'18" EAST A DISTANCE OF 5263.76 FEET;

THENCE SOUTH 00°24'18" EAST ALONG SAID EAST LINE A DISTANCE OF 40.01 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND AS DESCRIBED IN THAT QUIT CLAIM DEED AS RECORDED JUNE 24, 1936 IN BOOK 995 AT PAGE 159 OF THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER (WCR), SAID DOCUMENT HEREAFTER REFERRED TO AS DOC#1. SAID POINT BEING FORTY FEET SOUTHERLY OF AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID NE 1/4. SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°24'18" EAST ALONG SAID EAST LINE A DISTANCE OF 8.7 FEET TO THE INTERSECTION WITH THE EXISTING CENTER LINE OF STATE HIGHWAY #16 AND BEING THE BEGINNING POINT OF A CURVE, THE AFORESAID LINE BEING NON-TANGENT TO SAID CURVE;

THENCE ALONG SAID CENTER LINE BY THE FOLLOWING TWO (2) COURSES AND DISTANCES:

THENCE ALONG THE ARC OF A CURVE WHICH IS CONCAVE TO THE SOUTHEAST A DISTANCE OF 674.36 FEET, WHOSE RADIUS IS 1910.00 FEET, WHOSE DELTA IS 20°13'46" AND WHOSE LONG CHORD BEARS SOUTH 64°41'58" WEST A DISTANCE OF 670.87 FEET TO THE END POINT OF SAID CURVE;

THENCE SOUTH 53°17'16" WEST ALONG A LINE NON-TANGENT TO THE AFORESAID CURVE A DISTANCE OF 575.00 FEET;

THENCE NORTH 00°34'09" WEST A DISTANCE OF 648.51 FEET TO THE SOUTH LINE OF THE AFORESAID DOC#1, SAID POINT BEING 40 FEET SOUTHERLY OF AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID NORTHEAST QUARTER, FROM SAID POINT THE NORTHEAST CORNER OF SAID SECTION 11 BEARS NORTH 00°34'09" WEST A DISTANCE OF 40.01 FEET TO THE NORTH LINE OF SAID SECTION 11; THENCE SOUTH 89°30'06" EAST ALONG SAID NORTH LINE A DISTANCE OF 1074.00 FEET;

THENCE SOUTH 89°30'06" EAST ALONG A LINE 40' SOUTHERLY OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 1073.89 FEET TO THE TRUE POINT OF BEGINNING,

EXCEPT THAT PORTION CONVEYED TO THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO IN WARRANTY DEED RECORDED AUGUST 3, 2007 AT RECEPTION NO. 3494778.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 6.77 ACRES, MORE OR LESS, AND IS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PUD MASTER DEVELOPMENT PLAN & GENERAL LAYOUT

PLANSCAPES
DESIGN GROUP
LAND PLANNING | LANDSCAPE ARCHITECTURE

980 Norway Maple Drive
Loveland, CO 80538
970-988-5301

PROJECT NAME:
Hwy 257 Spur PUD

DRAWING TITLE:
MASTER DEVELOPMENT PLAN/GENERAL LAYOUT

DRAWN BY: ET

CHECKED BY: RM

APPROVED BY: -

DATE: 5.9.2023

CLIENT

STAR Enterprises, LLC
Thomas Smerud
3812 Carson Ave.
Evans, CO 80620

REV	DESCRIPTION	
	Submittal 1	5.9.23
	Submittal 2	9.6.23

SHEET NO:
3 OF 6

HWY 257 SPUR PLANNED UNIT DEVELOPMENT

BEING A PART OF THE NW $\frac{1}{4}$ OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M.
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.
42.64 ACRES
PUD2023-0005

SITE SUMMARY

AREA	USE	ACRES	% OF SITE
PA-1	Commercial/Light Industrial	5.15	12%
PA-2	Existing outdoor RV/Boat/Vehicle Storage	17.87	42%
PA-3	Commercial/Industrial	6.77	16%
Right-of-Way		12.85	30%
TOTALS		42.64	100%

COMMITMENTS MATRIX

PANNING AREA	IMPROVEMENT OR COMMITMENT	PLAN PREPARATION & APPROVAL	CONSTRUCTION TIMING	CONSTRUCTION RESPONSIBILITY	MAINTENANCE RESPONSIBILITY	OWNER SHIP
PA-1	Landscape bufferyards & detention	Landscape bufferyards & Detention areas to be designed and reviewed with submittal of a Site Plan Review & associated Civil Construction Plans.	After issuance of a Building Permit.	Lot owner of record.	Lot owner of record.	STAR Enterprises, LLC
PA-2 & PA-3	Landscape bufferyards & detention	Landscape bufferyards & Detention areas within PA-2 are existing. Landscape bufferyards & Detention areas within PA-3 are to be designed and reviewed with submittal of a Site Plan Review & associated Civil Construction Plans.	Existing within PA-2. After issuance of a Building Permit within PA-3.	Lot owner of record.	Lot owner of record.	Northern Colorado RV & Boat Storage, LLC

DEVELOPMENT STANDARDS

DESCRIPTION	PROPOSED
PLANNING AREA	PA-1
Minimum Lot Area	Per the City of Greeley's I-L Development Standards, as amended.
Density	Not applicable
Building Coverage	Per the City of Greeley's I-L Development Standards, as amended.
Drive, Parking and Walks	Per the City of Greeley's I-L Development Standards, as amended.
Open Space/Landscaping	20%
Max Lot Coverage	Per the City of Greeley's I-L Development Standards, as amended.
Parking	Per the City of Greeley's I-L Development Standards, as amended.
Minimum Setbacks	Per the City of Greeley's I-L Development Standards, as amended.
Accessory Structure Setbacks	Per the City of Greeley's I-L Development Standards, as amended.
Encroachments	Per the City of Greeley's I-L Development Standards, as amended.
Building Height	Per the City of Greeley's I-L Development Standards, as amended.
Sign Standards	Per the City of Greeley's I-L Development Standards, as amended.
Lighting	Per the City of Greeley's I-L Development Standards, as amended.
Other	Gravel surfaces permitted within outdoor storage areas.
PLANNING AREA	PA-2 & PA-3
Minimum Lot Area	Per the City of Greeley's C-H Development Standards, as amended.
Density	Not applicable
Building Coverage	Per the City of Greeley's C-H Development Standards, as amended.
Drive, Parking and Walks	Per the City of Greeley's C-H Development Standards, as amended.
Open Space/Landscaping	10% in PA-2 & 20% in PA-3.
Max Lot Coverage	Per the City of Greeley's C-H Development Standards, as amended.
Parking	Per the City of Greeley's C-H Development Standards, as amended.
Minimum Setbacks	Adjacent to Street: 25' Interior property lines: 0'
Accessory Structure Setbacks	Per the City of Greeley's C-H Development Standards, as amended.
Encroachments	Structures shall be allowed to encroach into the entirety of the minimum setback areas as long as said structures are part of a comprehensive screening plan for a proposed development. For example, covered boat and RV storage structures shall be allowed to encroach into the entirety of the minimum setback areas if they are also being used to screen uncovered boats and RVs stored on the interior portion of the lot.
Building Height	Per the City of Greeley's C-H Development Standards, as amended.
Sign Standards	Per the City of Greeley's C-H Development Standards, as amended.
Lighting	Per the City of Greeley's C-H Development Standards, as amended.
Other	Gravel surfaces permitted within outdoor storage areas.

DEVELOPMENT SUMMARY

PLANNING AREAS	USES PERMITTED BY RIGHT	PROHIBITED USES
PA-1	All uses listed as permitted in the I-L zoning district, as amended.	All uses listed as prohibited in the I-L zoning district in addition to the following uses: • Adult Businesses • All Residential Uses • All Public & Civic Uses • Automobile – Gas Station Large (21+ pumps) • Automobile – Repair/Service Large (7+ service bays; >1 acre) • Automobile – Sales/Rental Large (>1.0 acre) • Lodging – Short Term Rental • Lodging – Bed & Breakfast (up to 5 rooms) • Lodging – Inn (6 to 40 rooms) • Lodging – Hotel/Motel Small (41+ rooms) • Medical – Limited (<5K GLA; no emergency service) • Medical – General (5K – 20K GLA; no emergency service) • Medical – Large (>20K GLA; emergency service) • Medical – Hospitals • Mortuaries and Funeral Homes • Child Care (accessory) • Recreation – Outdoor Limited (no lights; <0.5 acre) • Recreation – Outdoor General (no lights; 0.5 – 1.0 acre) • Child Care Center/Pre-School • Drive-Through Services – Accessory • Recreation – Outdoor Large (lights or >1.0 acre) • Recreation – RV and Travel Trailer Park
PA-2 & PA-3	All uses listed as permitted in the C-H zoning district, as amended and the uses listed below: • RV/Boat/Vehicle storage (Outdoor/Indoor). • Warehouse/Storage — Outdoor General (1.0 + acre)	All uses listed as prohibited in the C-H zoning district, except those listed as permitted by this PUD. The additional land uses below will be prohibited: • Automobile – Gas Station Large (21+ pumps) • Automobile – Repair/Service Large (7+ service bays; >1 acre) • Automobile – Sales/Rental Large (>1.0 acre)

PUD DEVELOPMENT STANDARDS

PLANSCAPES
DESIGN GROUP
LAND PLANNING | LANDSCAPE ARCHITECTURE
980 Norway Maple Drive
Loveland, CO 80538
970-988-5301

PROJECT NAME:
Hwy 257 Spur PUD

DRAWING TITLE:
DEVELOPMENT STANDARDS

DRAWN BY: ET
CHECKED BY: RM
APPROVED BY: -
DATE: 5.9.2023

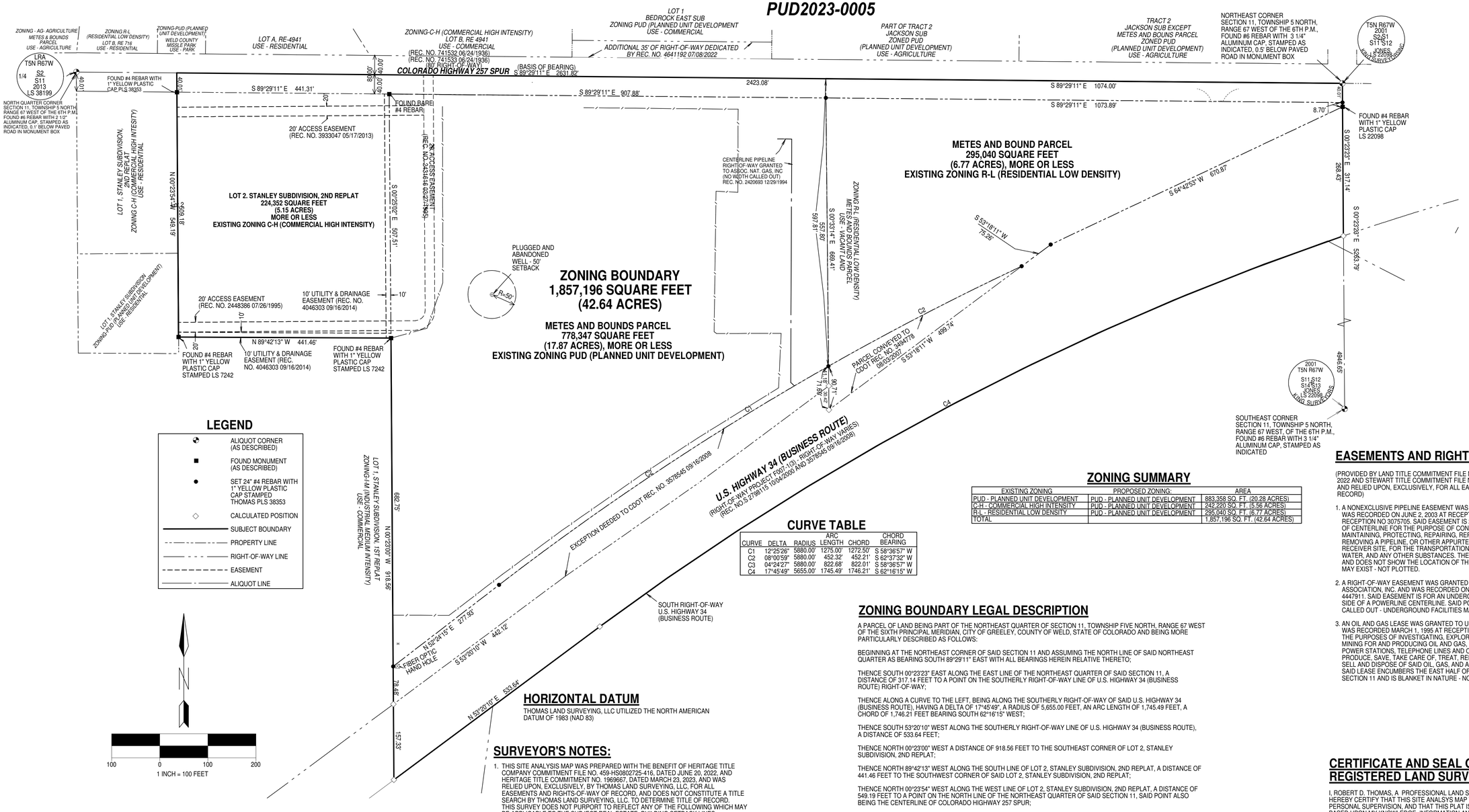
CLIENT
STAR Enterprises, LLC
Thomas Smerud
3812 Carson Ave.
Evans, CO 80620

REV	DESCRIPTION	DATE
	Submittal 1	5.9.23
	Submittal 2	9.6.23

SHEET NO:
4 OF 6

HWY 257 SPUR PLANNED UNIT DEVELOPMENT
PROPERTY BOUNDARY MAP

BEING A PART OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH P.M.
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
42.64 ACRES
PUD2023-0005



LEGEND

- ALIQUOT CORNER (AS DESCRIBED)
- FOUND MONUMENT (AS DESCRIBED)
- SET 24" #4 REBAR WITH 1" YELLOW PLASTIC CAP STAMPED THOMAS PLS 38353
- CALCULATED POSITION
- SUBJECT BOUNDARY
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- EASEMENT
- ALIQUOT LINE

100 0 100 200

1 INCH = 100 FEET

CURVE TABLE

CURVE	DELTA	RADIUS	ARC LENGTH	CHORD	CHORD BEARING
C1	12°25'26"	5880.00'	1275.00'	1272.50'	S 58°36'57" W
C2	08°00'59"	5880.00'	452.32'	452.21'	S 62°37'32" W
C3	04°24'27"	5880.00'	822.68'	822.01'	S 58°36'57" W
C4	17°45'49"	5655.00'	1745.49'	1746.21'	S 62°16'15" W

ZONING SUMMARY

EXISTING ZONING	PROPOSED ZONING:	AREA
PUD - PLANNED UNIT DEVELOPMENT	PUD - PLANNED UNIT DEVELOPMENT	883,358 SQ. FT. (20.28 ACRES)
C-H - COMMERCIAL HIGH INTENSITY	PUD - PLANNED UNIT DEVELOPMENT	242,220 SQ. FT. (5.56 ACRES)
R-L - RESIDENTIAL LOW DENSITY	PUD - PLANNED UNIT DEVELOPMENT	295,040 SQ. FT. (6.77 ACRES)
TOTAL		1,857,196 SQ. FT. (42.64 ACRES)

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH P.M., IS ASSUMED TO BEAR SOUTH 89°29'11" EAST AND IS MONUMENTED AS INDICATED.

HORIZONTAL DATUM

THOMAS LAND SURVEYING, LLC UTILIZED THE NORTH AMERICAN DATUM OF 1983 (NAD 83)

SURVEYOR'S NOTES:

1. THIS SITE ANALYSIS MAP WAS PREPARED WITH THE BENEFIT OF HERITAGE TITLE COMPANY COMMITMENT FILE NO. 459-HS0802725-416, DATED JUNE 20, 2022, AND HERITAGE TITLE COMMITMENT NO. 1969667, DATED MARCH 23, 2023, AND WAS RELIED UPON, EXCLUSIVELY, BY THOMAS LAND SURVEYING, LLC, FOR ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD, AND DOES NOT CONSTITUTE A TITLE SEARCH BY THOMAS LAND SURVEYING, LLC. TO DETERMINE TITLE OF RECORD. THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
2. ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THIS SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
4. THE DISTANCE MEASURMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.

ZONING BOUNDARY LEGAL DESCRIPTION

A PARCEL OF LAND BEING PART OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP FIVE NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 11 AND ASSUMING THE NORTH LINE OF SAID NORTHEAST QUARTER AS BEARING SOUTH 89°29'11" EAST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE SOUTH 00°23'23" EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 317.14 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 34 (BUSINESS ROUTE) RIGHT-OF-WAY;

THENCE ALONG A CURVE TO THE LEFT, BEING ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID U.S. HIGHWAY 34 (BUSINESS ROUTE), HAVING A DELTA OF 17°45'49", A RADIUS OF 5,655.00 FEET, AN ARC LENGTH OF 1,745.49 FEET, A CHORD OF 1,746.21 FEET BEARING SOUTH 62°16'15" WEST;

THENCE SOUTH 53°20'10" WEST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 34 (BUSINESS ROUTE), A DISTANCE OF 533.64 FEET;

THENCE NORTH 00°23'00" WEST A DISTANCE OF 918.56 FEET TO THE SOUTHEAST CORNER OF LOT 2, STANLEY SUBDIVISION, 2ND REPLAT;

THENCE NORTH 89°42'13" WEST ALONG THE SOUTH LINE OF LOT 2, STANLEY SUBDIVISION, 2ND REPLAT, A DISTANCE OF 441.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, STANLEY SUBDIVISION, 2ND REPLAT;

THENCE NORTH 00°23'54" WEST ALONG THE WEST LINE OF LOT 2, STANLEY SUBDIVISION, 2ND REPLAT, A DISTANCE OF 549.19 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, SAID POINT ALSO BEING THE CENTERLINE OF COLORADO HIGHWAY 257 SPUR;

THENCE SOUTH 89°29'11" EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, SAID LINE ALSO BEING THE CENTERLINE OF SAID COLORADO HIGHWAY 257 SPUR, A DISTANCE OF 2,423.08, TO THE POINT OF BEGINNING.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 1,125,577 SQUARE FEET, 25.84 ACRES, MORE OR LESS, AND IS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

EASEMENTS AND RIGHTS-OF-WAY NOTES:

(PROVIDED BY LAND TITLE COMMITMENT FILE NO. 459-HS0802725-416 DATED JUNE 20, 2022 AND STEWART TITLE COMMITMENT FILE NO. 10969667 DATED MARCH 13, 2023, AND RELIED UPON, EXCLUSIVELY, FOR ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD)

1. A NONEXCLUSIVE PIPELINE EASEMENT WAS GRANTED TO PRIMA OIL & GAS COMPANY WAS RECORDED ON JUNE 2, 2003 AT RECEPTION NO. 3068211 AND RE-RECORDED AT RECEPTION NO 3075705, SAID EASEMENT IS 20 FEET IN WIDTH, TEN FEET EACH SIDE OF CENTERLINE FOR THE PURPOSE OF CONSTRUCTING, OPERATING, INSPECTING, MAINTAINING, PROTECTING, REPAIRING, REPLACING, CHANGING THE SIZE OF, AND REMOVING A PIPELINE, OR OTHER APPURTENANCES INCLUDING ABOVE GROUND RECEIVER SITE, FOR THE TRANSPORTATION OF OIL, GAS, PETROLEUM PRODUCTS, WATER, AND ANY OTHER SUBSTANCES. THE RECORDED DOCUMENT IS ILLEGIBLE AND DOES NOT SHOW THE LOCATION OF THE EASEMENT - UNDERGROUND FACILITIES MAY EXIST - NOT PLOTTED.
2. A RIGHT-OF-WAY EASEMENT WAS GRANTED TO POUDRE VALLEY RURAL ELECTRIC ASSOCIATION, INC. AND WAS RECORDED ON NOVEMBER 20, 2018 AT RECEPTION NO. 4447911. SAID EASEMENT IS FOR AN UNDERGROUND EASEMENT BEING 5 FEET EACH SIDE OF A POWERLINE CENTERLINE. SAID POWERLINE CENTERLINE LOCATION IS NOT CALLED OUT - UNDERGROUND FACILITIES MAY EXIST - NOT PLOTTED.
3. AN OIL AND GAS LEASE WAS GRANTED TO UNION PACIFIC RESOURCES COMPANY AND WAS RECORDED MARCH 1, 1995 AT RECEPTION NO. 2428516. SAID LEASE GRANTS FOR THE PURPOSES OF INVESTIGATING, EXPLORING, PROSPECTING, DRILLING AND MINING FOR AND PRODUCING OIL AND GAS, LAYING PIPELINES, BUILDING TANKS, POWER STATIONS, TELEPHONE LINES AND OTHER STRUCTURES THEREON TO PRODUCE, SAVE, TAKE CARE OF, TREAT, REFINE, PROCESS, STORE, TRANSPORT, OWN, SELL AND DISPOSE OF SAID OIL, GAS, AND ASSOCIATED LIQUID HYDROCARBONS. SAID LEASE ENCUMBERS THE EAST HALF OF THE NORTHEAST QUARTER OF SUBJECT SECTION 11 AND IS BLANKET IN NATURE - NOT PLOTTED.

CERTIFICATE AND SEAL OF THE REGISTERED LAND SURVEYOR

I, ROBERT D. THOMAS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS SITE ANALSYS MAP WAS PREPARED BY ME, OR UNDER MY PERSONAL SUPERVISION, AND THAT THIS PLAT IS AN ACCURATE REPRESENTATION THEREOF, BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF. I FURTHER CERTIFY THAT THE SURVEY AND THIS PLAT COMPLY WITH ALL APPLICABLE RULES, REGULATIONS, AND LAWS OF THE STATE OF COLORADO, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, AND THE CITY OF GREELEY, AND IS NOT A GUARANTY OR WARRANTY , EITHER EXPRESS OR IMPLIED.

ROBERT D. THOMAS
COLORADO PROFESSIONAL LAND SURVEYOR #38353

DATE

THOMAS LAND SURVEYING, LLC
2619 WEST 11TH ST. ROAD, SUITE 24
GREELEY, COLORADO 80634
970-304-0984

HWY 257 SPUR PLANNED UNIT DEVELOPMENT
LEGAL DESCRIPTIONS

BEING A PART OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH P.M.
CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO
42.64 ACRES
PUD2023-0005

LEGAL DESCRIPTIONS - PROVIDED

(PROVIDED BY LAND TITLE COMMITMENT FILE NO.459-HS0802725-416 DATED JUNE 20, 2022)

A PARCEL OF LAND BEING PART OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP FIVE NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 11 AND ASSUMING THE NORTH LINE OF SAID NORTHEAST QUARTER AS BEARING NORTH 89°30'06" WEST, BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983/92, A DISTANCE OF 2,631.79 FEET WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE NORTH 89°30'06" WEST ALONG SAID NORTH LINE A DISTANCE OF 1,074.00 FEET TO THE NORTHEAST CORNER OF THAT PARCEL OF LAND AS DESCRIBED IN THAT DEED AS RECORDED FEBRUARY 4, 1948 IN BOOK 1220 ON PAGE 298 AS RECEPTION NUMBER 1024391 OF THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER, SAID DOCUMENT HEREINAFTER REFERRED TO AS DOC #1;

THENCE SOUTH 00°34'09" EAST ALONG THE EOST LINE OF THE AFORESAID PARCEL OF LAND A DISTANCE OF 40.01 FEET TO A POINT 40.00 FEET SOUTHERLY OF AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID NORTHEAST QUARTER AND BEING A POINT ON THE SOUTH LINE OF THAT PARCEL OF LAND AS DESCRIBED WITHIN THAT QUIT CLAIM DEED AS RECORDED JUNE 24,1936 IN BOOK 995 ON PAGE 159 OF THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER, SAID DOCUMENT HEREINAFTER REFERRED TO AS DOC#2, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY (ROW) LINE OF WELD COUNTY ROOD #60 (WCR#60), ALSO KNOWN AS COLORADO STATE HIGHWAY #263 SPUR. SAID POINT BEING THE TRUE POINT OF BEGINNING:

THENCE CONTINUING SOUTH 00°34'09" EAST ALONG THE EAST LINE OF SAID DOC #1 A DISTANCE OF 598.98 FEET TO THE NORTHEAST CORNER OF THAT PARCEL OF LAND AS DESCRIBED WITHIN THAT DEED AS RECORDED SEPTEMBER 27,1962 IN BOOK 1626 ON PAGE 234 AS RECEPTION NUMBER 1390669 OF THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER;

THENCE ALONG THE NORTHERLY LINE OF THE AFORESAID PARCEL OF LAND BY THE FOLLOWING THREE (3) COURSES AND DISTANCES:

THENCE SOUTH 53°17'16" WEST A DISTANCE OF 338.27 FEET (REC. 301.6') TO THE BEGINNING POINT OF A CURVE. THE AFORESAID LINE BEING NON-TANGENT TO SAID CURVE;

THENCE ALONG THE ARC OF A CURVE WHICH IS CONCAVE TO THE SOUTHEAST A DISTANCE OF 340.65 FEET, WHOSE RADIUS IS 5,780.00 FEET, WHOSE DELTA IS 03°22'36", AND WHOSE LONG CHORD BEARS SOUTH 54°58'13" WEST A DISTANCE OF 340.60 FEET TO THE POINT OF TANGENCY;

THENCE SOUTH 53°17'16" WEST A DISTANCE OF 442.33 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND AS DESCRIBED WITHIN THAT WARRANTY DEED AS RECORDED JULY 1, 1966 IN BOOK 570 AS RECEPTION NUMBER 1492337 OF THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER;

THENCE NORTH 00°24'48" WEST ALONG THE EAST LINE OF THE AFORESAID PARCEL OF LAND AND THE EAST LINE OF THAT PARCEL OF LAND AS DESCRIBED WITHIN THAT WARRANTY DEED AS RECORDED MAY 8,1968 IN BOOK 594 AS RECEPTION NUMBER 1516203 OF THE RECORDS OF THE WCCR A DISTANCE OF 1,269.02 FEET TO THE SOUTHERLY ROW LINE OF SAID WCR#60, ALSO KNOWN AS COLORADO STATE HIGHWAY #263 SPUR AND BEING THE SOUTHERLY LINE OF THE AFORESAID DOC #2 AND BEING A POINT 40' SOUTHERLY OF AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID NORTHEAST QUARTER;

THENCE SOUTH 89°30'06" EAST ALONG SAID SOUTHERLY LINE AND BEING A LINE 40' SOUTHERLY OF AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID NE1/4 A DISTANCE OF 907.90 FEET TO THE TRUE POINT OF BEGINNING., AS DESCRIBED IN LAND SURVEY PLAT RECORDED FEBRUARY 2, 2005 AT RECEPTION NO. 3258299, COUNTY OF WELD, STATE OF COLORADO.

EXCEPTING THEREFROM PARCEL NO. 5 AS CONTAINED IN THE RULE AND ORDER RECORDED SEPTEMBER 16, 2008 AT RECEPTION NO. 3578545.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 17.87 ACRES, MORE OR LESS, AND IS SUBJECT TO EASEMENTS AND RIGHT-OF-WAY OF RECORD.

AND

(PROVIDED BY QUIT-CLAIM DEED RECORDED OCTOBER 19, 2022 AT RECEPTION NO. 4861973)

LOT 2, STANLEY SUBDIVISION, 2ND REPLAT, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH P.M., CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 5.15 ACRES, MORE OR LESS, AND IS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AND

(PROVIDED BY STEWART TITLE COMMITMENT FILE NO. 1969667 DATED MARCH 13, 2023)

A PARCEL OF LAND BEING PART OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP FIVE NORTH. RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 11 AND ASSUMING THE NORTH LINE OF SAID NORTHEAST QUARTER OF SECTION 11 AS BEARING NORTH 89°30'06" WEST, BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983/92, A DISTANCE OF 2631.79 FEET WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO, FROM SAID POINT THE SOUTHEAST CORNER OF SAID SECTION 11 BEARS SOUTH 00°24'18" EAST A DISTANCE OF 5263.76 FEET;

THENCE SOUTH 00°24'18" EAST ALONG SAID EAST LINE A DISTANCE OF 40.01 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND AS DESCRIBED IN THAT QUIT CLAIM DEED AS RECORDED JUNE 24, 1936 IN BOOK 995 AT PAGE 159 OF THE RECORDS OF THE WELD COUNTY CLERK AND RECORDER (WCCR), SAID DOCUMENT HEREAFTER REFERRED TO AS DOC#1. SAID POINT BEING FORTY FEET SOUTHERLY OF AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID NE 1/4. SAID POINT BEING THE TRUE POINT OF BEGINNING:

THENCE CONTINUING SOUTH 00°24'18" EAST ALONG SAID EAST LINE A DISTANCE OF 8.7 FEET TO THE INTERSECTION WITH THE EXISTING CENTER LINE OF STATE HIGHWAY #16 AND BEING THE BEGINNING POINT OF A CURVE. THE AFORESAID LINE BEING NON-TANGENT TO SAID CURVE;

THENCE ALONG SAID CENTER LINE BY THE FOLLOWING TWO (2) COURSES AND DISTANCES:

THENCE ALONG THE ARC OF A CURVE WHICH IS CONCAVE TO THE SOUTHEAST A DISTANCE OF 674.36 FEET, WHOSE RADIUS IS 1910.00 FEET, WHOSE DELTA IS 20°13'46" AND WHOSE LONG CHORD BEARS SOUTH 64°41'58" WEST A DISTANCE OF 670.87 FEET TO THE END POINT OF SAID CURVE;

THENCE SOUTH 53°17'16" WEST ALONG A LINE NON-TANGENT TO THE AFORESAID CURVE A DISTANCE OF 575.00 FEET;

THENCE NORTH 00°34'09" WEST A DISTANCE OF 648.51 FEET TO THE SOUTH LINE OF THE AFORESAID DOC#1. SAID POINT BEING 40 FEET SOUTHERLY OF AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID NORTHEAST QUARTER. FROM SAID POINT THE NORTHEAST CORNER OF SAID SECTION 11 BEARS NORTH 00°34'09" WEST A DISTANCE OF 40.01 FEET TO THE NORTH LINE OF SAID SECTION 11, THENCE SOUTH 89°30'06" EAST ALONG SAID NORTH LINE A DISTANCE OF 1074.00 FEET;

THENCE SOUTH 89°30'06" EAST ALONG A LINE 40' SOUTHERLY OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 1073.89 FEET TO THE TRUE POINT OF BEGINNING,

EXCEPT THAT PORTION CONVEYED TO THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO IN WARRANTY DEED RECORDED AUGUST 3, 2007 AT RECEPTION NO. 3494778.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 6.77 ACRES, MORE OR LESS, AND IS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PLANNED UNIT DEVELOPMENT LEGAL DESCRIPTION AS SURVEYED

A PARCEL OF LAND BEING PART OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP FIVE NORTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 11 AND ASSUMING THE NORTH LINE OF SAID NORTHEAST QUARTER AS BEARING SOUTH 89°29'11" EAST WITH ALL BEARINGS HEREIN RELATIVE THERETO;

THENCE SOUTH 00°23'23" EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 317.14 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 34 (BUSINESS ROUTE) RIGHT-OF-WAY;

THENCE ALONG A CURVE TO THE LEFT, BEING ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID U.S. HIGHWAY 34 (BUSINESS ROUTE), HAVING A DELTA OF 17°45'49", A RADIUS OF 5,655.00 FEET, AN ARC LENGTH OF 1,745.49 FEET, A CHORD OF 1,746.21 FEET BEARING SOUTH 62°16'15" WEST;

THENCE SOUTH 53°20'10" WEST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 34 (BUSINESS ROUTE), A DISTANCE OF 533.64 FEET;

THENCE NORTH 00°23'00" WEST A DISTANCE OF 918.56 FEET TO THE SOUTHEAST CORNER OF LOT 2, STANLEY SUBDIVISION, 2ND REPLAT;

THENCE NORTH 89°42'13" WEST ALONG THE SOUTH LINE OF LOT 2, STANLEY SUBDIVISION, 2ND REPLAT, A DISTANCE OF 441.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, STANLEY SUBDIVISION, 2ND REPLAT;

THENCE NORTH 00°23'54" WEST ALONG THE WEST LINE OF LOT 2, STANLEY SUBDIVISION, 2ND REPLAT, A DISTANCE OF 549.19 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, SAID POINT ALSO BEING THE CENTERLINE OF COLORADO HIGHWAY 257 SPUR;

THENCE SOUTH 89°29'11" EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, SAID LINE ALSO BEING THE CENTERLINE OF SAID COLORADO HIGHWAY 257 SPUR, A DISTANCE OF XXXX, TO THE POINT OF BEGINNING.

THE PARCEL OF LAND DESCRIBED ABOVE CONTAINS 1,125,577 SQUARE FEET, 25.84 ACRES, MORE OR LESS, AND IS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

SURVEYOR NOTES:

1. THIS SITE ANALYSIS MAP WAS PREPARED WITH THE BENEFIT OF HERITAGE TITLE COMPANY COMMITMENT FILE NO. 459-HS0802725-416, DATED JUNE 20, 2022. AND HERITAGE TITLE COMMITMENT NO. 1969667, DATED MARCH 23, 2023, AND WAS RELIED UPON, EXCLUSIVELY, BY THOMAS LAND SURVEYING, LLC, FOR ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD, AND DOES NOT CONSTITUTE A TITLE SEARCH BY THOMAS LAND SURVEYING, LLC. TO DETERMINE TITLE OF RECORD. THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
2. ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THIS SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
4. THE DISTANCE MEASURMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.

EASEMENTS AND RIGHTS-OF-WAY NOTES:

(PROVIDED BY LAND TITLE COMMITMENT FILE NO. 459-HS0802725-416 DATED JUNE 20, 2022 AND STEWART TITLE COMMITMENT FILE NO. 10969667 DATED MARCH 13, 2023, AND RELIED UPON, EXCLUSIVELY, FOR ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD)

1. A NONEXCLUSIVE PIPELINE EASEMENT WAS GRANTED TO PRIMA OIL & GAS COMPANY WAS RECORDED ON JUNE 2, 2003 AT RECEPTION NO. 3068211AND RE-RECORDED AT RECEPTION NO 3075705. SAID EASEMENT IS 20 FEET IN WIDTH, TEN FEET EACH SIDE OF CENTERLINE FOR THE PURPOSE OF CONSTRUCTING, OPERATING, INSPECTING, MAINTAINING, PROTECTING, REPAIRING, REPLACING, CHANGING THE SIZE OF, AND REMOVING A PIPELINE, OR OTHER APPURTENANCES INCLUDING ABOVE GROUND RECEIVER SITE, FOR THE TRANSPORTATION OF OIL, GAS, PETROLEUM PRODUCTS, WATER, AND ANY OTHER SUBSTANCES. THE RECORDED DOCUMENT IS ILLEGIBLE AND DOES NOT SHOW THE LOCATION OF THE EASEMENT - UNDERGROUND FACILITIES MAY EXIST - NOT PLOTTED.
2. A RIGHT-OF-WAY EASEMENT WAS GRANTED TO POUDRE VALLEY RURAL ELECTRIC ASSOCIATION, INC. AND WAS RECORDED ON NOVEMBER 20, 2018 AT RECEPTION NO. 4447911. SAID EASEMENT IS FOR AN UNDERGROUND EASEMENT BEING 5 FEET EACH SIDE OF A POWERLINE CENTERLINE. SAID POWERLINE CENTERLINE LOCATION IS NOT CALLED OUT - UNDERGROUND FACILITIES MAY EXIST - NOT PLOTTED.
3. AN OIL AND GAS LEASE WAS GRANTED TO UNION PACIFIC RESOURCES COMPANY AND WAS RECORDED MARCH 1, 1995 AT RECEPTION NO. 2428516. SAID LEASE GRANTS FOR THE PURPOSES OF INVESTIGATING, EXPLORING, PROSPECTING, DRILLING AND MINING FOR AND PRODUCING OIL AND GAS, LAYING PIPELINES, BUILDING TANKS, POWER STATIONS, TELEPHONE LINES AND OTHER STRUCTURES THEREON TO PRODUCE, SAVE, TAKE CARE OF, TREAT, REFINE, PROCESS, STORE, TRANSPORT, OWN, SELL AND DISPOSE OF SAID OIL, GAS, AND ASSOCIATED LIQUID HYDROCARBONS. SAID LEASE ENCUMBERS THE EAST HALF OF THE NORTHEAST QUARTER OF SUBJECT SECTION 11 AND IS BLANKET IN NATURE - NOT PLOTTED.

THOMAS LAND SURVEYING, LLC
2619 WEST 11TH ST. ROAD, SUITE 24
GREELEY, COLORADO 80634
970-304-0984

NOTICE OF PUBLIC HEARING

Mailing Date: September 6th, 2023

A public hearing with Planning Commission will be held to discuss the following proposal in your neighborhood:

The City of Greeley is considering a request to rezone 42.64 acres from R-L (Residential Low Density), C-H (Commercial High Intensity), and PUD (Planned Unit Development) to PUD (Planned Unit Development) to allow for outdoor storage **(see attached map).**

Project Name: 257 Spur Planned Unit Development

Case Number: PUD2023-0005

Property Location: West of the intersection of W 10th Street and Hwy 257; South of the intersection of Missile Park Rd and Hwy 257

Owner Representative: STAR Enterprise LLC & Northern Colorado RV & Boat Storage LLC

Telephone: (970) 888-3008 & (970) 310-5060

Address: 10494, 10800, and 10892 Highway 257 Spur, Greeley, CO 80634

As a courtesy, property owners within 1,000 feet, as derived from the Weld County Assessor's Office, are notified when an application is scheduled for public hearing. As those records are not always current, please feel free to notify your neighbors of this hearing date, so that all may have an opportunity to participate. If you would like to submit a written comment to be included with the hearing staff report, please provide feedback to the Planning Division by September 15th, 2023. Correspondence received after this date will be presented at the hearing.

The Planning Commission public hearing will begin at **1:15 p.m.** on **September 26th, 2023**. The City Council public hearing will begin at **6:00 p.m.** on **October 17th, 2023**. The meeting will be in-person in the Council Chambers at 1001 11th Avenue. If COVID, weather, or other conditions beyond the control of the City dictate, the meeting will be conducted virtually, and notice will be posted on the City's meeting portal by 10:00 a.m. on the date of the meeting.

Please visit the City Meeting Portal at https://greeley-co.municodemeetings.com/ to view and download the agenda for this meeting. You are also welcome to call the Planning office at 970-350-9780 with any special needs or questions that you may have.

Planner Meg Oren, Planner III
Phone: 970-350-9824
Email: meg.oren@greeleygov.com

Project Location: ★

Notice Boundary: ▭



Council Agenda Summary

September 19, 2023
Key Staff Contact: Donald Threewitt, Chief Planner

Title:

Introduction and first reading of an ordinance amending the boundaries of the Greeley Downtown Development Authority District

Summary:

The Greeley Downtown Development Authority (DDA) is a special purpose district created to foster economic development and revitalization of Greeley's downtown. It is established by ordinance, and any additional annexations into the DDA must follow State Statutes, which require: (1) the property owner petition the DDA board for inclusion into the District; (2) the DDA board consider the petition for inclusion, and if approved, (3) forward the inclusion request to City Council for consideration.

The DDA reviewed the petition for annexation of two parcels subject to this request at their July regular meeting and voted to recommend the inclusion of the parcels. The attached ordinance outlines the included property boundaries, and the DDA boundary map will be subsequently amended. The petitioner acknowledges that the current and any subsequent owner(s) will be subject to payment of 5 mills on all real and personal property which is used for the operation of the DDA, and that any programs and grants available through the DDA to foster property investment and area improvements will be available to these properties upon passage.

This item is not subject to neighborhood notification requirements in Code or Statute, as it is a voluntary agreement for a property owner to join a taxing district.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	**No**
Is there grant funding for this item?	**NA**

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:
1) City staff presentation (if requested)
2) Council questions of staff
3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
4) Council discussion
5) Council decision

Other issues and Considerations:

Strategic Focus Area:



Business Growth



Community Vitality

Decision Options:

1) Introduce the ordinance as presented; or
2) Amend the ordinance and introduce as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for October 3, 2023.

Attachments:

1. Ord 48, 2023 with Exhibit
2. Greeley Downtown Development Authority Minutes
3. Staff Presentation

CITY OF GREELEY, COLORADO

ORDINANCE NO. 48, 2023

AN ORDINANCE AMENDING THE BOUNDARIES OF THE GREELEY DOWNTOWN DEVELOPMENT AUTHORITY DISTRICT

WHEREAS, at a special election held September 15, 1998, the creation of a Downtown Development Authority was approved by qualified electors; and,

WHEREAS, the boundaries of the district within which the Authority is to exercise its powers also was also approved at creation of the Authority; and

WHEREAS, the purpose of the Downtown Development Authority is generally to serve as a vehicle for planning and improving the central business district by exercise of all the powers granted to it by the governing Statute, specifically Part 8 of Article 25 of Title 31 of the Colorado Revised Statute (C.R.S.); and,

WMREAS, there is a need for the inclusion of additional property within the boundaries of the district, and Section 31-25-822 of the C.R.S. provides for the process for inclusion of additional property; and

WHEREAS, pursuant to Section 31-25-822, the property owner in fee of the parcel of land adjacent to the existing district has petitioned the board of the Downtown Development Authority for approval of inclusion within the district; and,

WHEREAS, the board of the Downtown Development Authority approved said inclusion of additional property and is hereby referring the petition for inclusion of additional property to the City Council for formal approval.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREELEY, COLORADO:

Section 1. The City Council of the City of Greeley, Colorado hereby approves the inclusion of additional property, as authorized by C.R.S. §31-25-822, within the City of Greeley, Colorado, as surveyed in the attached "Exhibit A" and particularly described as: all of Lot 1, the East Half of Lot 7 and the North 140 feet of Lot 8, Block 103, City of Greeley, County of Weld, State of Colorado, containing 42,744 square feet or 0.981 acres more or less; and commonly known as:

PARCEL:096108214010
SITUS ADDRESS: 703 13th STREET

PARCEL: 096108214009
SITUS ADDRESS: N/A

Section 2. The district within which the Downtown Development Authority may exercise its powers shall be properties located in the CITY OF GREELEY, Weld County, Colorado, known as Town Center, and described in its entirety in other documents, and shall include the additional property authorized by this ordinance and particularly described by the survey attached as "Exhibit A."

Section 3. The Downtown Development Authority is hereby re-created and re-established with all powers granted to it pursuant to §§31-25-801, et. seq., C.R.S. within the boundaries approved at the special election of September 15, 1998, as hereby amended; and all actions taken previously by the City and the Downtown Development Authority in furtherance of such powers authorized by the above statues are hereby approved and ratified.

Section 4. The district within which the Downtown Development Authority may exercise its powers shall be depicted on an official survey, which shall be amended from time to time by a registered surveyor to include authorized property additions and disconnections approved by Ordinance as provided in C.R.S. §31-25-822.

Section 5. This ordinance shall become effective five (5) days after its final publication and from this effective date such property shall be included within the district and shall be subject to any taxes thereafter imposed by the City of Greeley for the use and benefit of the Downtown Development Authority.

PASSED AND ADOPTED, SIGNED AND APPROVED **THIS** _____ DAY OF _____, **2023.**

ATTEST:

CITY CLERK

THE CITY OF GREELEY, COLORADO

_____

BY: _____
MAYOR

ALTA/NSPS LAND TITLE SURVEY

702 13TH STREET, GREELEY, CO

LOT 1 AND THE EAST HALF OF LOT 7 AND THE NORTH 140 FEET OF LOT 8, BLOCK 103

SITUATE IN THE NW QUARTER OF SECTION 8, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M.

PROPERTY DESCRIPTION

A parcel of land situate in the Northwest Quarter of Section Eight (8), Township Five North (T.5N.), Range Sixty-five West (R.65W.) of the Sixth Principal Meridian (6th P.M.) being more particularly described as follows:

All of Lot 1, the East Half of Lot 7 and the North 140 feet of Lot 8, Block 103, City of Greeley, County of Weld, State of Colorado.

Said parcel contains 42,744 Square Feet or 0.981 Acres more or less by this survey.

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the East line of Block 103, City of Greeley, monumented as shown on this drawing, as bearing South 00°00'28" East, being a Grid Bearing of the Colorado State Plane, North Zone, North American Datum 1983/2011, a distance of 401.05 feet and with all other bearings contained herein relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot".

NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

SURVEYOR'S NOTES

1. Property address: 702 13th Street, Greeley, CO

2. No observable evidence of earth moving work, building construction or building additions.

3. No changes in street right of way lines either completed or proposed, and available from the controlling jurisdiction. Observable evidence of recent street or sidewalk construction or repairs was present at time of survey.

4. Topographic information shown based on ground survey, with 1' contour interval. Benchmark: City of Greeley Benchmark No. 5. Elevation 4647.56 (NAVD 88 Vertical Datum)

5. Underground utility marking shown were provided by Primo Utility Locating Services, LLC.

6. The southern wall of the garage appears to exceed the boundary line by 0.2'.

SCHEDULE "B" EXCEPTIONS

9. Notes and easements as shown on the Plat of City of Greeley recorded September 1, 1870 Map Book 1. (PLOTTED)

10. An Oil and Gas Lease, executed by Allnutt Funeral Service Inc as Lessor(s) and by Mineral Resources, Inc. as Lessee(s) for a primary term of 5 years, dated October 7, 2010, recorded October 15, 2010 at Reception No. 3725551; and any and all assignments thereof or interests therein. (NOT PLOTTABLE)

NOTE: Matters affecting the present interest of the lessor or lessee are not shown herein.

11. An Oil and Gas Lease, executed by Allnutt Funeral Service Inc as Lessor(s) and by Mineral Resources, Inc. as Lessee(s) for a primary term of 5 years, dated October 7, 2010, recorded October 15, 2010 at Reception No. 3725552; and any and all assignments thereof or interests therein. (NOT PLOTTABLE)

NOTE: Matters affecting the present interest of the lessor or lessee are not shown herein.

12. All matters and items as shown on ALTA/NSPS Land Title Survey recorded October 3, 2017 at Reception No. 4341156. (PLOTTED)

SURVEYOR'S CERTIFICATE

To: Richmark Real Estate Partners, LLC, a Colorado limited liability company
First American Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements of ALTA/NSPS Land Title Surveys, jointly established and adopted by the ALTA and NSPS, and includes items 1, 2, 3, 4, 5, 7(a), 7(c), 8, 11, 13, 16, 17, 19 and 21 of the Table "A" thereof. The field work was completed on April 7, 2020.

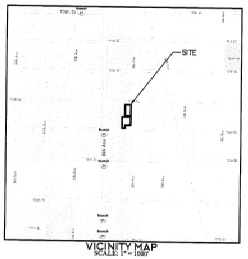
Date of Plat or Map: April 9, 2020.

COLORADO LICENSED PROFESSIONAL LAND SURVEYOR 38348 4-9-2020

Steven Parks - On Behalf of Majestic Surveying, LLC
Colorado Licensed Professional Land Surveyor #38348

For all information regarding easements, rights-of-way and title of records, Majestic Surveying, LLC relied upon Title Commitment Number 5599-3393389, dated January 30, 2020, as prepared by First American Title Insurance Company to delineate the aforesaid information.
This survey does not constitute a title search by Majestic Surveying, LLC to determine ownership or easements of record.

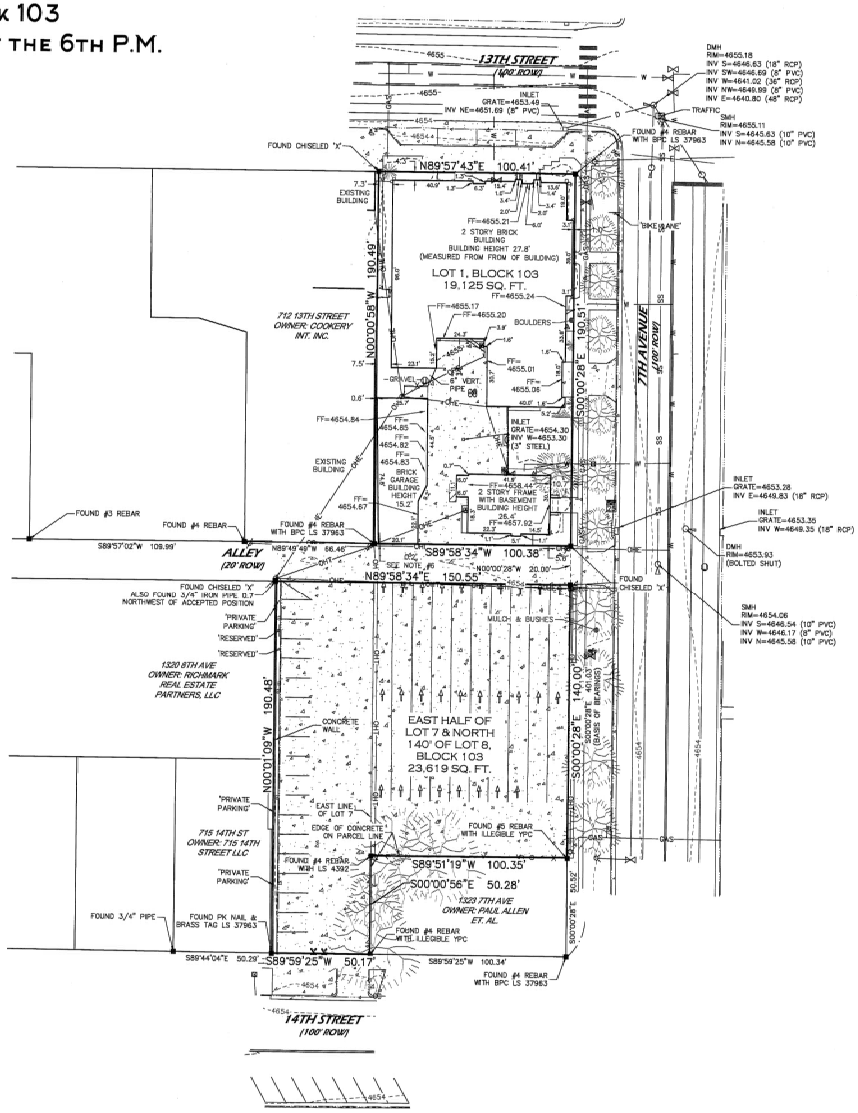
This certificate does not extend to any unnamed parties or the successors and/or assigns of Richmark Real Estate Partners, LLC, a Colorado limited liability company and First American Title Insurance Company.





LEGEND

AC UNIT	BOUNDARY LINE
GUY WIRE	EASEMENT LINE
POWER POLE	MAJOR CONTOUR
LIGHT POLE	MINOR CONTOUR
ELECTRIC METER	D — DRAINAGE LINE
ELECTRIC VAULT	OHE — OVERHEAD ELECTRIC LINE
GAS MARKER	E — ELECTRIC LOCATE
GAS METER	X — FENCE
GAS VALVE	CF — CHAIN LINK FENCE
WATER SHUTOFF VALVE	FO — FIBER OPTIC LOCATE
WATER VALVE	FLOW LINE
FIRE HYDRANT	GAS — GAS LOCATE
WATER METER	EDGE OF LANDSCAPING
IRRIGATION VALVE	W — WATER LOCATE
SANITARY MANHOLE	SS — SANITARY LINE
SANITARY CLEANOUT	OHT — OVERHEAD TELEPHONE
DRAINAGE MANHOLE	T — TELEPHONE LOCATE
UNKNOWN UTILITY MANHOLE	FOUND MONUMENT AS DESCRIBED
STEEL POST	FENCE GATE
CUT STEEL POST	SIGN
HANDICAP RAMP	



PROJECT NO: 2020061	NAME: 702 13TH STREET	REVISIONS:	DATE:	1
DATE: 4-9-2020	CLIENT: RICHMARK			
DRAWN BY: SIP	FILE NAME: 2020061ALTA			
CHECKED BY: JL	SCALE: 1" = 30'			SHEET 1 OF 1

MAJESTIC SURVEYING
MAJESTIC SURVEYING, LLC 181 DIAMOND VALLEY DRIVE #426, WINDSOR, CO 80550

Greeley Downtown Development Authority
Minutes – Board of Directors Meeting – Chase Building 3rd Floor Conference Room – July 27, 2023

Board Members in Attendance: Brian Seifried (Vice Chair), Luna's Tacos & Tequila, Sexy Sammies & Centennial Public House; Polly Kurtz (Treasurer), Resident; Tommy Butler, Greeley City Council; Deb Deboutez, Greeley City Council; Matt Hortt, High Plains Library District; Justin Ghofrani, The Kress Cinema and Lounge & Margie's Java Joint; Kimberly Ponce, Kimberly's Event Center Lounge; Christine Kutil, Richmark

Additional Attendees: Ariel Maes, Greeley Police Department; Paul Trombino, City of Greeley; Doug May, City of Greeley; Phil White, Phil's Pro Auto

DDA Staff in Attendance: Bianca Fisher, Executive Director; Alison Hamling, Director of Experience; Karen Baumgartner, Office & Event Manager; Daniela Hernandez, Marketing & Event Coordinator

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Meeting Called to Order:

- Brian Seifried called the meeting to order at 7:33am and let Christine Kutil and Kimberly Ponce, our new board members, introduce themselves

Meeting Minutes:

- Brian Seifried referenced the June DDA Minutes and called for a vote of approval. Tommy Butler moved to approve, Justin Ghofrani seconded, motion carried.

Safety Report from the Greeley Police Department:

- Looked over the reports from the last month and haven't had anything happen out of the ordinary; the continued presence of security has been a big factor in helping
- Have seen a bigger presence by the homeless/transient population in Lincoln Park, and the GPD is working with the security company to figure out what can be done about drug use/paraphernalia in the park
- Gave a heads up that you will see Rocky out and about downtown again even though he has place to live; he is generally pretty harmless but can cause concern
- Bianca Fisher mentioned that the Meeker Home Museum area is becoming a problem and she noticed that a camp had been set up by the empty office/apartment building across the street; Officer Maes mentioned that they need contact information for the owner so that they can reach out
- Deb Deboutez mentioned that having security downtown has moved people to other areas, and the Mayor is establishing a task force on Homelessness and some of you may be invited to join

YTD Financial Report from Polly Kurtz:

- Income – We are about $31,000 ahead of last year due to TIF revenue interest, Downtown Business Group pass through income, Monster Day pass through income, and Oktobrewfest sponsorships coming in early
- Expenses – Payroll costs are up but that was expected due to new staff, Advertising & Marketing is up but that was expected due to reclassification of the yearly brochure expenses, and office supplies are up but that was expected due to equipment for new staff
- Overall, our net income is down about $3,500 from last year
- TIF & Mil Levy – Net deposits in both are well ahead of pace of last year and we expect to end up at about $1.3 million

- Alison Hamling reminded the Board that the DDA will also be receiving money from the Downtown Greeley Promotional Association for sponsorships that were bundled together, and she will make that payment when the money comes in
- Justin Ghofrani moved to approve the YTD Financial Report, Tommy Butler seconded, motion carried.

Action Items:
District Boundary Addition Request:

- The former Allnutt building and adjacent parking lot to the south are not currently in downtown district boundary but it is contiguous and can be added
- This property is being considered by the Greeley Creative District as a potential site for artist workspace, gallery space and more
- Matt Hortt moved to accept the request from Richmark Real Estate Partners, LLC to add their properties at 702 13th Street (Parcel #: 096108214010) and the adjacent parking lot to the south (Parcel #: 096108214009) into the boundaries of the Greeley Downtown Development Authority area, and to send their request to the Greeley City Council for further action. This property meets all requirements for addition to the downtown development area, as set forth in the Colorado Revised Statutes, Part 8 of Article 25 of Title 31. Tommy and Deb recused themselves from the vote. Polly Kurtz seconded the motion. Motion carried.
- The next step is the request will go to City Council to amend boundaries and then off to the assessor's office to be added to the DDA tax rolls

The Capital Investment Committee met a couple of weeks ago and discussed a couple of projects which are being brought to the board because the project amounts exceed the budgeted amounts
Capital Investment Committee: Mural:

- Had budgeted lower for murals/artwork because there were not any projects in the pipeline
- Idea is to replicate the historic "Howdy from Greeley" postcard image on the wall at 1221 8th Avenue; explored both traditional mural route and brick melt route but decided to do a brick melt since it is such a defined image
- Two options were presented—one for part of the wall and one for the entire wall; the committee recommended the entire wall but will give final decision to the property owner
- Brick melt is warranted for three years and usually start to see fading at around 10 years
- Initial cost estimate is around $21k and the full wall is around $30k; there may be prep work that needs to be done ahead of time
- Polly Kurtz moved to allocate up to $35,000 of TIF funds under the Public Art category for the installation of a mural at 1221 8th Avenue, Justin Ghofrani seconded, motion carried

Capital Investment Committee: Tree Lighting:

- The tree lighting on the plazas is kept on year round and maintenance is incredibly costly as the lights have to be re-wrapped every few years to accommodate for tree growth
- Bianca reached out to All Terrain on the suggestion of Andy Feinstein and they have put together a proposal for a new lighting system which is included in the Board packet
- This project has been vetted several times through the Capital Investment Committee, and while there is a high up-front cost, the long-term benefit is that we will have the ability to change light colors, have less electrical exposure and far less maintenance
- Have been in talks with the City about using the Ice Haus as a location for the lighting hardware and have also been working with City Forestry and Eckstein Electric
- This new lighting system might also be something that could be integrated into planned improvements for 16th Street and 8th Avenue, or to light up historic buildings

- Justin Ghofrani moved to allocate up to $145,000 of TIF funds under the Tree Lighting Maintenance category for the installation of a new tree lighting system on 8th, 9th and 10th Streets and 8th Avenue, and the removal of existing tree lights in this area. Matt Hortt seconded. Motion carried.

Director of Experience Report from Alison Hamling:

- Alison announced that she will be retiring by the end of the year
- Friday Fests – STILL Overcoming weather challenges, but the crowds have come back and even stayed through a hailstorm.
    - Sponsorships now at $51,100
    - Funkiphino tomorrow – squeezing in a lot of sponsors
    - August 4th partnering with Dist. 6 Success Foundation who is fundraising for their "Fill a Fridge and Freezer" campaign - Winograd Mariachi will perform and Dierdre Pilch will speak briefly
    - August 11th sponsored in part by Greeley Young Professionals
    - September 8th UNC Pep Rally night and Block Party featuring The Burroughs - Daniela helping to coordinate after parties featuring UNC performers at various venues.
    - September 15th will be our Mexican Independence Day celebration
- Monster Day – August 12th
    - Tons of Vendors and Sponsors at $16,000- Vendors $4,350 - pretty full
    - Wednesday Dance contest added
    - Distortions – new extravaganza up their sleeves
- OktoBrewfest – September 29th-30th
    - Sponsorships looking stronger – Cash currently at $37,300 In-Kind even more.
    - Bianca wheeled and dealed for a fence deal
    - Still working on Light Towers – a new challenge
    - Still need a Title Sponsor at the $5,000 level and a Token Sponsor
- Trick or Treat Street - On autopilot. ALLO and Renewal by Andersen already sponsors
- Overall Sponsorship 2023 dollars including Friday Fests: - $110,350
- Marketing/Social Media Report from Daniela Hernandez
    - Working on creating content for Monster Day and Oktobrewfest, using more photography in posts, simplifying the e-newsletter, updating the website, developing more reels and having a marketing meet up with our business marketers
    - Will work on getting us on Tik Tok
- Greeley Creative District Report from Karen Baumgartner
    - Working on AgFeast for August 24th
    - Working on plans for possibly getting a building for the Greeley Creative District

Executive Director Report from Bianca Fisher:

Board & Staff

- Welcome to our two new Board members—Christine Kutil, Director of Operations at Richmark, and Kimberly Ponce, owner of Kimberly's Event Center!
- Excited to share that starting on August 1, the DDA will be offering medical insurance (covering 85% of premiums) and short-term disability benefits to the DDA staff for the first time in its history; we will have two participants for the medical coverage and all four staff members will have STD benefits (this is in lieu of the FAMLI program which the DDA chose to opt out of)
- Please note that we will be moving the August Board meeting one week later to August 24th—Karen will send an updated calendar invite

Advertising & Marketing

- A Day in the Life of Downtown Greeley magazine is done! 5,000 copies have been delivered to the DDA office and it will be included in the next mailed BizWest publication to their usual distribution (approx. 2,000 people)
- The Day in the Life website will be launching early next week with additional content
- Thanks to Logan and Brian for joining me on the BizWest podcast about downtown's past and future that will be featured on the website

Finance

- Review TIF Cash Flow – items in red were approved at today's meeting
- Voluntary Allocation of Sales Tax Agreement was approved at the City Council meeting on June 20; I am still waiting on the signed agreement but the approval is for minimum $50k and max $250k and will start next year

Economic Development/Business Support

- Met with Daniel Lawrence, the City's new Recreation Division Manager and discussed ideas for how downtown and City recreation can better partner together; kudos to City recreation for a fantastic Family Field Day and a great Bike to Work Day station, both held in Lincoln Park
- Met with the owners of Alquist 3D as they are exploring moving their headquarters and manufacturing operations to Greeley for 3d printed homes; also attended the City Council special meeting on June 29 in support of efforts to bring them to Greeley; they are looking at several downtown locations for office space/showroom
- Gave a downtown tour to Ashely and Hilary from Tribe Development as they are working with the City of Greeley on economic development efforts
- The DDA team met with Joanna Martinson, the City's Homeless Solutions Manager, to discuss several challenging areas in downtown and hear an update about their efforts
- Met with Kris Bornhoft, VP of sales at 55 Resort Apartments, to learn how the DDA could support their efforts to gain traction and exposure of their great new facility
- Met with Brian McBroom, the City's new Director of Community Development and updated him on downtown projects, challenges and future goals
- Capital Investment Committee met on July 13 and discussed the actions items before the Board today, along with several other ideas
- Attended Downtown Plan Implementation meeting with several City staff members to workshop ideas for a possible overlay district downtown

Promotion & Community Connections

- Served as a moderator on the small business panel at the Mayor's Summit on Entrepreneurship on June 21; great job to Phil McCready at the City on putting this event together
- Karen and I met with Joe Hengstler from Old Town Arvada to share about the formation, purpose and function of the Greeley Creative District as they are pursuing designation
- Provided downtown updates at the monthly BizWest Greeley Editorial Board meeting
- Featured in the Viewpoint documentary filming about LINC; thanks to Matt Hortt for including me; should be out in a few months
- Hosted third Q&A for the public on July 12—May was a coffee at Zoe's, June was a downtown walking tour and July was at LINC
- Interviewed by Tamsin Fleming, UNC's Alumni & Development Communication Strategist, on the importance and benefit of alumni-owned businesses downtown

Business Updates

New Business

- The Centennial Public House- 819 9th Street; opened June 17th

Business Closed:

- Zova Marketing- 922 8th Avenue
- Cubetas- 819 C 10th Street
- KFKA- 820 11th Avenue (moved to 10th Street)

Commercial Property Updates

For Sale or Lease:

- NEW: 905 16th Street (Pinocchios)- 3,610 SF; $775,000- Chris F
- 922 8th Avenue (Macy Jones Collective)- 4,150 SF; $1.05M
- 1619 8th Avenue (former Cisneros)- 720 SF; $239,000
- 1200 11th Avenue (former Atmos Energy office)- 14,072 SF; $1.575M
- 725 10th Street (Yetters Brewing former location)- 3,746 SF; $765,000
- 909 16th Street (Millennium II Tattoo)- 2,020 SF; $365,000
- 1105 11th Avenue (Peerless Tires)- 2,144 SF; $600,000
- 1215 8th Avenue (former Salvation Army)- 13,031 SF; $2M SALE or $7-$57/SF NNN
- 1228 8th Avenue (David's Auto Sales)- 1,269 SF; $500,000 SALE or $23-$44/SF NNN

For Lease Only:

- NEW: 930 11th Avenue (Independent Financial former location)- 1,360 SF; $24/SF
- NEW: 530 11th Street- 4,000 SF; $3,500/mo
- 603 8th Street- 615-800 SF; $15/SF GROSS
- 1120 6th Avenue (Greeley Ice House)- 5,989 SF; $7/SF
- 1130 8th Avenue, Unit 120 & 130 (Firestone Retail)- 2,240-2,747 SF; $22-$30/SF NNN
- 800 8th Avenue- 1,200-5,493 SF; $12-$14/SF NNN
- 807 17th Street, Unit F & G- 1,348-2,093 SF; $11.50-$14/SF

For the full list of properties, visit https://www.greeleydowntown.com/commercial-properties/

City Update from Paul Trombino:

- John Hall has been hired as the City's new Economic Development and Urban Revitalization Director; he will be starting August 4th
- Thank you to the City Council and City Manager's office for getting Alquist, a 3D home printing company to the city; they will be back in August for meeting with Aims Board of Trustees and the plan is to have an office downtown
- 16th Street will be under construction next year; will be meeting with businesses to discuss construction plans and impacts
- CDOT transportation director was in town and took a walking tour of downtown; wants to come back and see 16th Street when done
- Had a good meeting with CDOT regarding the City taking over 8th Avenue and have started putting framework in place

County Update from Scott James:

- Scott James was unable to be at the meeting – no update

Meeting adjourned at 8:53 am

Amendment to the Boundaries of the DDA District

702 13th Street and adjacent parking lot

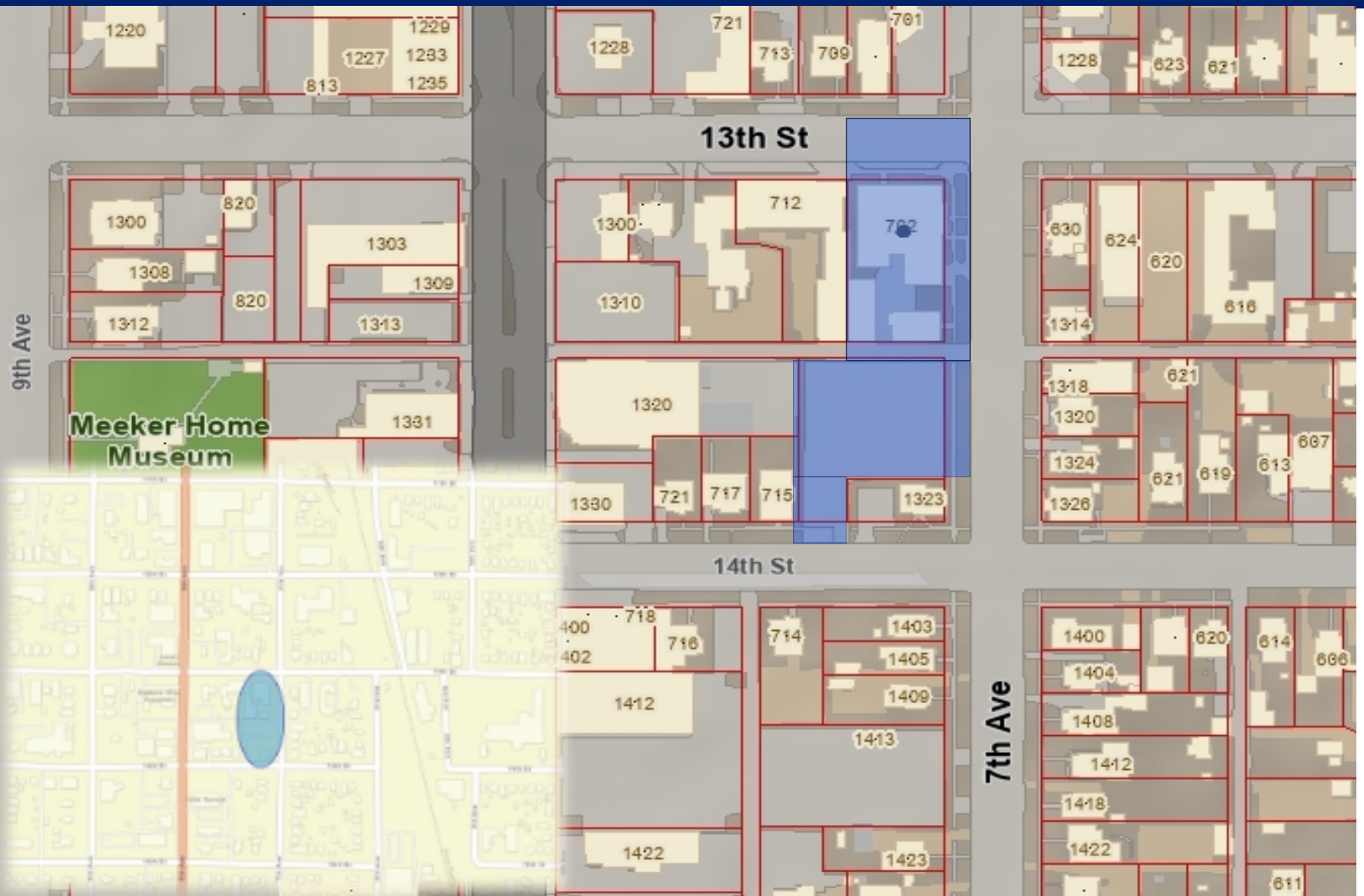
Owner: Richmark Real Estate Partners, LLC

Community Development – Planning

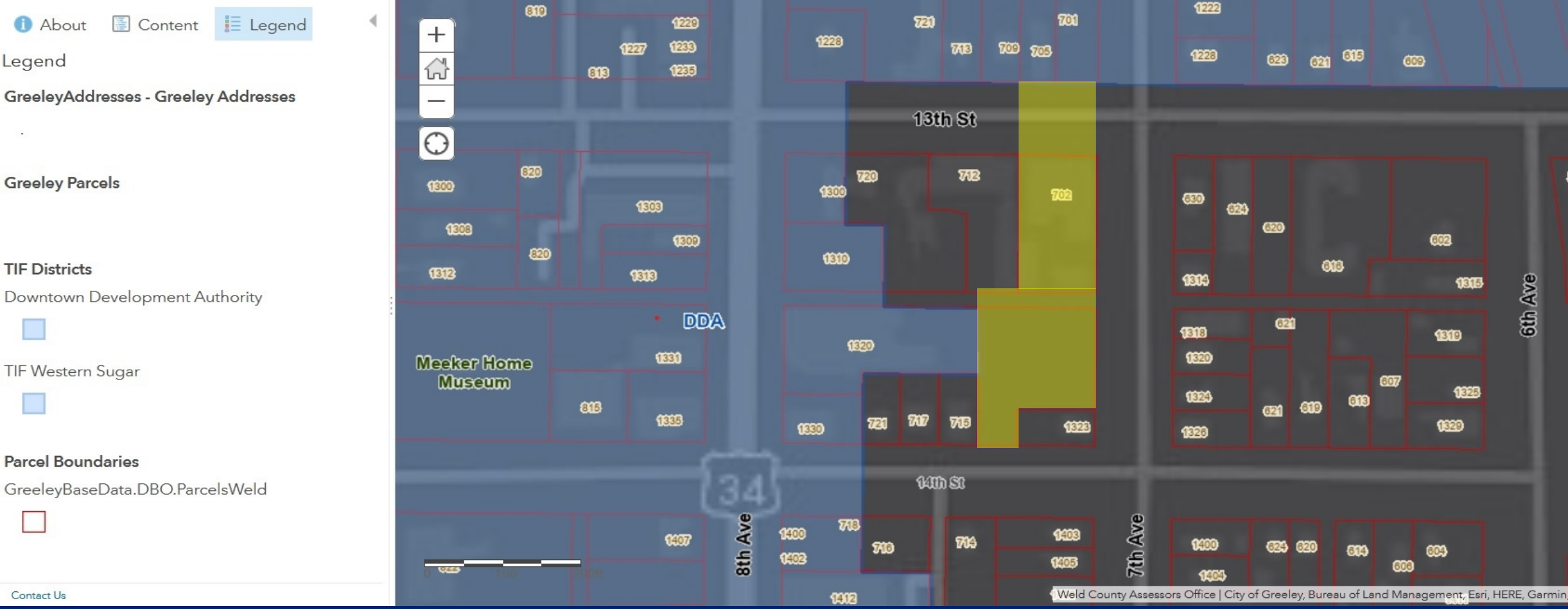
Don Threewitt, AICP



DDA Addition



- 702 13th Street and southern parking lot
- Voluntary request by property owner
- DDA Board recommended approval on July 27, 2023
- Inclusion is authorized by C.R.S. 31-25-822



DDA Boundary and Subject Parcels

Thank you



Inclusion of Additional Property to the DDA, Process (CRS 31-25-822)

- Initiated by petition to the DDA, signed by owner;
- Evidence presented to the DDA concerning title and accurate legal description;
- Upon DDA approval, submitted to the governing body;
- If governing body approves, it shall redescribe the district so as to include the additional property;
- Included property is subject to any taxes thereafter from the effective date of the amendment.

Council Agenda Summary

Title:

Pulled Consent Agenda Items

Summary:

Pulled Consent Agenda items will be considered in the order they appeared on the consent agenda.

Council Agenda Summary

September 19, 2023
Key Staff Contact: Douglas May, Planner III

Title:

Public hearing and second reading of an ordinance annexing to the City of Greeley, Colorado, certain unincorporated territory located in Weld County, Colorado, known as the Wake Annexation, generally located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street, a parcel totaling 61.613 acres (Wake Annexation No. 1)

Summary:

Public hearing and second reading of an Ordinance to annex Wake Annexation Number 1, a parcel totaling 61.613 acres located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street. Richmark Real Estate Partners, LLC petitions to annex a total of 120.097 acres of land to the City of Greeley. The properties are located in proximity to N. 6th Avenue, F Street and Highway 85, east of the Cache la Poudre River. Wake Annexation Number 1 is the first of three serial annexations. Notices were sent to 72 properties within 1,000 feet of the subject site, public hearing signs were posted on the property, and to date, no comments have been received.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	**No**
Is there grant funding for this item?	**NA**

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:
1) City staff presentation (if requested)
2) Council questions of staff
3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
4) Council discussion
5) Council decision

Other issues and Considerations:

Strategic Focus Area:

Community Vitality

Quality of Life

Decision Options:

1) Adopt the ordinance as presented; or
2) Amend the ordinance and adopt as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

1. Ordinance 41 with Exhibit
2. Planning Commission Staff Report
3. Vicinity Map
4. Annexation Map
5. Site Analysis Map
6. Impact Report
7. Land Use Guidance Map
8. Staff Presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. 41
CASE NO. ANX2022-0008

AN ORDINANCE ANNEXING TO THE CITY OF GREELEY, COLORADO, CERTAIN UNINCORPORATED TERRITORY LOCATED IN WELD COUNTY, COLORADO, KNOWN AS THE WAKE ANNEXATION, GENERALLY LOCATED EAST OF 6TH AVENUE, WEST OF HIGHWAY 85 BYPASS, NORTH OF 5TH STREET

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. The City Council of Greeley, Colorado, hereby finds that the property, which is legally described in section 2 below, for which one hundred percent (100%) of the landowners have petitioned for annexation to the City of Greeley, is in all respects eligible for annexation and that said annexation proceedings have been conducted in compliance with the laws of the State of Colorado.

Section 2. The territories described below in this section are hereby approved for annexations and are hereby annexed to the City of Greeley. These territories referred to are described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Said described parcels of land contains 61.613 Acres, more or less, and is subject to any easements or rights-of-way as granted by instruments of record, or as now existing on said described parcel of land.

Section 3. Pursuant to §C.R.S. 31 -12 -113 of the Colorado Revised Statutes, one (1) copy of the map of the above –described territory and the original of the annexation ordinance shall be filed with the City Clerk of the City of Greeley, Colorado. Two (2) certified copies of this annexation ordinance and map of the area annexed shall be filed for recording with the Clerk and Recorder of Weld County, Colorado, within thirty (30) days after the effective date of this ordinance. The Clerk and Recorder of Weld County, Colorado, is required to file one (1) certified copy of the annexation ordinance and map with the Division of Local Government of the Colorado Department of Local Affairs, as required by section §13- 12- 113(2)(a) of the Colorado Revised Statutes.

Section 4. This ordinance shall be effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS _ DAY OF SEPTEMBER 2023.

ATTEST: **THE CITY OF GREELEY**

By: City Clerk **By: Mayor**

EXHIBIT "A"
(LEGAL DESCRIPTIONS)

WAKE ANNEXATION NO. 1

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER, SOUTHEAST QUARTER, AND NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/16 CORNER BETWEEN SECTIONS 32 AND 33, TOWNSHIP 6 NORTH, RANGE 65 WEST; THENCE N84° 54' 03"W A DISTANCE OF 706.65 FEET ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 32 TO THE **POINT OF BEGINNING**;

THENCE CONTINUING ON SAID SOUTH LINE N84° 54' 03"W A DISTANCE OF 1386.38 FEET;

THENCE N0° 16' 24"E A DISTANCE OF 297.11 FEET;

THENCE N89° 20' 24"W A DISTANCE OF 129.00 FEET;

THENCE N0° 22' 34"E A DISTANCE OF 400.00 FEET ON THE EAST LINE OF THE THERMO COGENERATION PLANT ANNEXATION RECORDED AT REC. #2467353;

THENCE N89° 47' 22"W A DISTANCE OF 477.15 FEET ON THE NORTH LINE OF SAID THERMO COGENERATION PLANT ANNEXATION;

THENCE N5° 03' 53"E A DISTANCE OF 53.58 FEET ON THE EAST LINE OF THE MONFORT LAMB PLANT ANNEXATION RECORDED AT REC. #2181908;

THENCE N2° 35' 05"E A DISTANCE OF 203.34 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE N1° 02' 25"E A DISTANCE OF 422.15 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE S84° 15' 54"E A DISTANCE OF 33.45 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE N1° 00' 20"W A DISTANCE OF 344.18 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE S84° 18' 04"E A DISTANCE OF 909.75 FEET TO THE SOUTHWEST RIGHT OF WAY FOR THE HIGHWAY 85 BY-PASS;

THENCE N67° 42' 53"E A DISTANCE OF 299.44 FEET TO THE NORTHEAST RIGHT OF WAY FOR THE HIGHWAY 85 BY-PASS;

THENCE ON SAID NORTHEAST RIGHT OF WAY S23°10'17"E A DISTANCE OF 475.25 FEET;

THENCE N88° 44' 10"E A DISTANCE OF 479.74 FEET;

THENCE S1° 08' 17"E A DISTANCE OF 821.58 FEET;

THENCE S0° 04' 41"W A DISTANCE OF 358.82 FEET TO THE NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS;

THENCE 268.77 FEET ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT 268.77 FEET, THE ARC OF SAID CURVE HAVING A RADIUS OF 2956.24 FEET, A CENTRAL ANGLE OF 5°12’33” AND BEING SUB-TENDED BY A CHORD WHICH BEARS S14° 57' 22"E A DISTANCE OF 268.68 FEET TO THE **POINT OF BEGINNING**.

SAID WAKE ANNEXATION NO. 1 HAS A PERIMETER OF 7,359.70 FEET, AND AN AREA OF 2,683,882 SQUARE FEET, 61.613 ACRES, MORE OR LESS.

BASIS OF BEARINGS

THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO AS REFERENCED TO THE COLORADO STATE PLANE NORTH, NORTH AMERICAN DATUM 1983, BEARS NORTH 84° 54' 03” WEST FOR 2618.50 FEET BETWEEN THE SOUTH SIXTEENTH CORNER OF SAID SOUTHEAST QUARTER OF SECTION 32 AND 33 MONUMENTED WITH A #6 REBAR AND 3 ¼” ALUMINUM CAP STAMPED 33200, 2012 AND THE SOUTH CENTER SIXTEENTH CORNER OF SAID SECTION 32 MONUMENTED WITH #5 REBAR AND 2” ALUMINUM CAP STAMPED PLS 28259, 1996 WITH ALL OTHER BEARINGS REFERENCED THERETO.

For reference only: Parcel 080332400004 and 080332000023 and the Highway 85 right of way between said parcels.

PLANNING COMMISSION SUMMARY

ITEM: Wake Annexation

PROJECT: Wake Annexation Nos. 1 -3

CASE NO: ANX2022-0008
ANX2022-0009
ANX2022-0010

LOCATION: East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street

APPLICANT: Richmark Real Estate Partners, LLC

CASE PLANNER: Doug May, Planner III

PLANNING COMMISSION HEARING DATE: August 22, 2023

PLANNING COMMISSION FUNCTION: To review the proposed annexations for compliance with Section 24-214 of the Greeley Development Code and make a recommendation to the City Council.

EXECUTIVE SUMMARY

Richmark Real Estate Partners, LLC petitions to annex a total of 120.097 acres of land to the City of Greeley. The properties are located in proximity to N. 6th Avenue, F Street and Highway 85, east of the Cache la Poudre River.

A. REQUEST

Richmark Real Estate Partners, LLC is requesting approval to annex Richmark-owned properties, known as the Wake Annexations Nos. 1-3. The annexations include: Wake Annexation No. 1 consisting of 61.613 acres, Wake Annexation No. 2 consisting of 45.409 acres, and Wake Annexation No. 3 consisting of 13.075 acres for total combined area of 120.097 acres (see Attachment E).

B. STAFF RECOMMENDATION

Approval

C. LOCATION

N. 6th Avenue, F Street, and including a portion of Highway 85 bypass that bisects Wake

Annexation 1; parcels located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street.

Current Zoning: I-3 (Industrial – County) and R-1 (Residential – County)

Proposed Zoning: H-A (Holding Agriculture – City)

Abutting Zoning: North: I-3 (Industrial - County); Northeast: R-1 (Residential – County)
South: I-3 (Industrial - County)
East: R-1 (Residential - County)
West: C-D (Conservation District – City); I-H, I-M (Industrial – Medium – City) & I-3 (Industrial – County)

Site Conditions: The site is mostly undeveloped; the majority of the site is within the Cache la Poudre River floodplain, with the northern portion of Wake Annexation 1 in the floodway and most of Wake Annexation 3 in the floodway. A small portion of the western boundary of Wake 3 abuts the river. All three Wake Annexations include multiple oil and gas wellheads, tanks, burners and separators.

Lot Size: 120.097 Acres

Contiguity:

1st Annexation	Required	16.7%
	Provided	27%
2nd Annexation	Required	16.7%
	Provided	18%
3rd Annexation	Required	16.7%
	Provided	22%

Abutting Land Uses: North: Industrial
South: Agriculture/Vacant
East: Agriculture, Residential and Vacant
West: Industrial

D. BACKGROUND

The property owner has petitioned the City to annex a total of 120.097 acres of unincorporated property, including a portion of the right of way for the Highway 85 Bypass, in a total of three annexations. The first annexation, Wake Annexation No. 1, consists of two parcels and the portion of Highway 85 Bypass right of way between said parcels, and is 61.613 acres. The second annexation, Wake Annexation No. 2, consists of one parcel and is 45.409 acres. The third annexation, Wake Annexation No. 3, consists of one parcel and is 13.075 acres. Each annexation contains oil and gas facilities. Eaton Draw runs through the north portion of Annexation No. 1 and along a portion of the west boundary of Annexation No. 1. The parcels are located within the Long-Range Expected Growth Area and are designated as Natural uses, including parklands and open space. All three annexations are within the floodplain, with No. 1 and No. 3 also in the floodway.

The applicant requests the annexation be zoned Holding – Agriculture (H-A), in accordance with Section 24-214 of the Development Code. Following approval of the annexations, the establishment of zoning will be considered as a separate hearing item and must, per state statutes, take place within 90 days of the annexation.

Colorado Revised Statutes §31-12-104 and §31-12-105 establish the legal requirements for annexation, and include: (1) not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Greeley; (2) a community of interest exists between the territory proposed to be annexed and the City of Greeley; (3) the territory sought to be annexed is urban or will be urbanized in the near future and; (4) the territory sought to be annexed is integrated or is capable of being integrated with the City of Greeley. The City Attorney's Office has determined the proposal meets the statutory requirements to be considered for annexation (see Attachment F), and City Council adopted a resolution on August 8, 2023, making a finding to this effect, scheduling the introduction of the ordinance concerning the annexation for September 5, 2023, and the final reading on September 19, 2023.

Due to the state contiguity requirements, the applications are a combination of three stand-alone annexations, which constitute a serial annexation. The first Annexation, if approved, would provide contiguity for the second Annexation, and so on.

E. APPROVAL CRITERIA

The Commission shall consider comments from review agencies and offices, the staff recommendation, citizen comments, and the following criteria (found in Section 24-214 of the Greeley Development Code) in taking action to recommend approval, denial, or to table the annexation for future consideration:

1. **The proposed annexation is in conformance with the Comprehensive Plan.**
   The following Imagine Greeley: The City of Greeley Comprehensive Plan, policies apply to

this request:

Growth Framework – Annexation Consideration

The following will be considered when evaluating annexation proposals:

1. The proposed annexation meets state requirements for annexations.
2. The proposed annexation meets the requirements for annexations set forth in the Greeley Municipal Code.
3. The proposed annexation is in conformance with the Imagine Greeley Comprehensive Plan.
4. The proposed annexation promotes a geographic balance of land uses.
5. The proposed annexation increases the City's supply of developable employment land or other future land use requirements.
6. Adequate services are or will be available to support the development expected to result from the proposed annexation.
7. The proposed annexation provides for a continuous and rational municipal boundary, and at least one-sixth of the annexation's perimeter is contiguous with the city's current boundary.
8. The area is urban or will be urbanized in the near future. However, annexation of undeveloped land is appropriate if another community goal is achieved, such as procurement of open land for a community separator, for open space, or for the conservation of farmland.

Comprehensive Plan Policies & Objectives:

GC-1.5 Annexations: When considering a proposed annexation, the City should find persuasive evidence that the inclusion of the property into the City's jurisdiction meets the goals and objectives of the Comprehensive Plan, and that the property can be developed in a manner that will be a positive addition to the City, improve the quality of Greeley's neighborhoods, and can be provided with municipal services.

Staff Comment: The subject properties are primarily undeveloped except for oil and gas facilities in each annexation. It is anticipated that this area will develop as open space and outdoor recreation.

The site is within the Long-Range Expected Growth Area (LREGA) and the Land Use Guidance Map identifies this area for natural uses, including park lands and open space The LREGA includes those lands anticipated to accommodate the City of Greeley's urban development typically beyond a five (5) year time frame. This typically means that full urban services are

not currently available to the site. The properties can be fully serviced if needed in the future.

Because the subject properties are primarily located in the floodplain and include the riparian Eaton Draw and it is in the area demarcated for natural uses on the Land Use Guidance Map, the property can provide buffering between the river and the area to the east of Highway 85 bypass. It will also provide for the area to the east to be annexed in the future and would buffer industrial uses from the downtown area, as depicted on the Land Use Guidance Map.

This request complies with this criterion.

2. The proposed annexation promotes geographical balance of the City's land use pattern.

Staff Comment: The proposed annexations provide growth in the northeast part of Greeley, which has not grown as much as the western portion of Greeley. It provides balance to the City's growth and land use pattern.

This request complies with this criterion.

3. Adequate services are, or will be, available to support the development expected to result from the proposed annexation.

Staff Comment: If annexed, the subject site would be served by the Greeley Fire Department and the City of Greeley Police Department. The site would be served by Weld School District 6, but it will not add students to the district as no residential use is contemplated at this time.

Currently no City-level utilities are needed at the site. The extension of services is not required for this annexation.

This request complies with this criterion.

4. The proposed annexation provides for a continual and rational boundary.

Staff Comment: As proposed, all three annexations would exceed the State's one-sixth contiguity requirements. The combined contiguity of the three annexations is 23%, based on approval of annexation No.1, which has 27% contiguity, which would be required for annexation of No. 2 (18% contiguity), which would be required for annexation of No. 3 (22% contiguity). These properties inclusion would also help provide a continual and rational boundary by adding an area of unincorporated land within the Long Range Expected Growth Area.

This request complies with this criterion.

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

Staff Comment: There are no current plans to develop the property at this time, and it would continue to be utilized for oil and gas development and natural open space. Future development would need to meet the City's Development Code, Imagine Greeley Comprehensive Plan and Adequate Public Facilities requirements.

The establishment of Holding – Agriculture (H-A) zoning is being considered as a separate request following successful annexations.

This request complies with this criterion.

F. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The Weld County Board of County Commissioners approved a Site Specific Development Plan for the western parcel of Wake Annexation No. 1 for a major facility for a public utility transmission line through the Use by Special Review process in June 2014 (Recording number 4023037).

2. HAZARDS

The Eaton Draw runs through the western parcel of Annexation No. 1. Most of the site is within the FEMA designated floodplain with portions in the floodway. Flooding hazards may exist from time to time. The site also contains multiple oil and gas wells and associated equipment.

3. WILDLIFE

The site is partially located in areas of highly sensitive and moderately sensitive areas of ecological significance. An ecological report will be required at the time of any proposed development.

4. FLOODPLAIN

The Poudre River flows along and directly through this site; portions of the site are within the floodway, the 100-year floodplain and the 500-year floodplain.

5. DRAINAGE AND EROSION

The site is slightly developed with drainage patterns expected to continue to follow the existing lay of the land. However, drainage patterns would be examined in greater detail through the Site Plan Review application and the subsequent permitting processes.

6. TRANSPORTATION

The site is located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street.

H. SERVICES

Because the site is currently being used for oil and gas development, future development of the site is limited in the next 15 to 20 years, following completion of oil and gas operations and reclamation of the site. It is anticipated to be left as open space or developed for natural uses.

1. WATER

There is an existing 12-inch water line located in N 6th Avenue adjacent to the west of the subject site. Annexation No 1, No. 2, and No. 3 are shown on the Adequate Public Facilities Map as being "near an 8" or larger water line," excepting the smaller parcel of No. 1 that is east of Highway 85 bypass.

2. SANITATION

The nearest sewer line is located less than 300' west of the subject site. The Adequate Public Facilities Map for Sewer shows Annexation No. 3 "near an 8" or larger sewer line." Following annexation of No. 1 and then No. 2, annexation of No. 2 would be contiguous to an area "near an 8" or larger sewer line, and No. 1 would then be contiguous to an area contiguous to an area "near an 8" or larger sewer line." The portion of Annexation No. 1 located east of Highway 85 bypass is within a half mile of an area "near an 8" or larger sewer line."

3. EMERGENCY SERVICES

The subject site is currently served by the Eaton Fire Protection District and the Western Hills Fire Protection District. With the successful annexations, the applicant would withdraw the property from those Fire Protection Districts. The City of Greeley Fire Department would take over fire services for the site once annexed.

The closest fire station, Fire Station #1 (1155 10th Avenue), is approximately 2 miles away. The City of Greeley Police Department would also serve this area with the completion of the annexations.

4. PARKS/OPEN SPACES

The site is approximately 2.2 miles from Island Grove Regional Park and includes Eaton Draw riparian corridor.

5. SCHOOLS

The subject site is within the Greeley School District 6 boundary.

I. NEIGHBORHOOD IMPACTS

1. VISUAL

The site contains oil and gas development equipment at the time of review for annexation. No known new visual impacts would be created by the annexation. Potential impacts would be reviewed at time of development.

2. NOISE

The site contains oil and gas development equipment at the time of review for annexation. Staff does not anticipate that the proposed annexation would create any significant increase in noise.

H. NOTIFICATION:

Mailed notice is not required, per the Development Code effective as of October 1, 2021. However, as a courtesy a mailed notice was sent on July 28, 2023 to 72 surrounding properties within 1000 feet of the subject property. The applicant posted signs in three locations on the property on August 3, 2023. As of August 10, 2023, no comments or concerns have been received.

I. PLANNING COMMISSION RECOMMENDED MOTION:

There are three separate annexation applications for the Wake Annexations. Therefore, the Planning Commission will need to consider and vote individually on each of the below applications, in the order listed below.

Recommended motion for:

1. A motion that, based on the project summary and analysis, the Planning Commission find that the request for an annexation meets approval criteria found in Section 24-204.b.2.(a-e). And, the proposed Wake Annexation #1, File number ANX2022-0008, meets State statutory requirements. And, therefore, recommend approval of the annexation to the City Council.

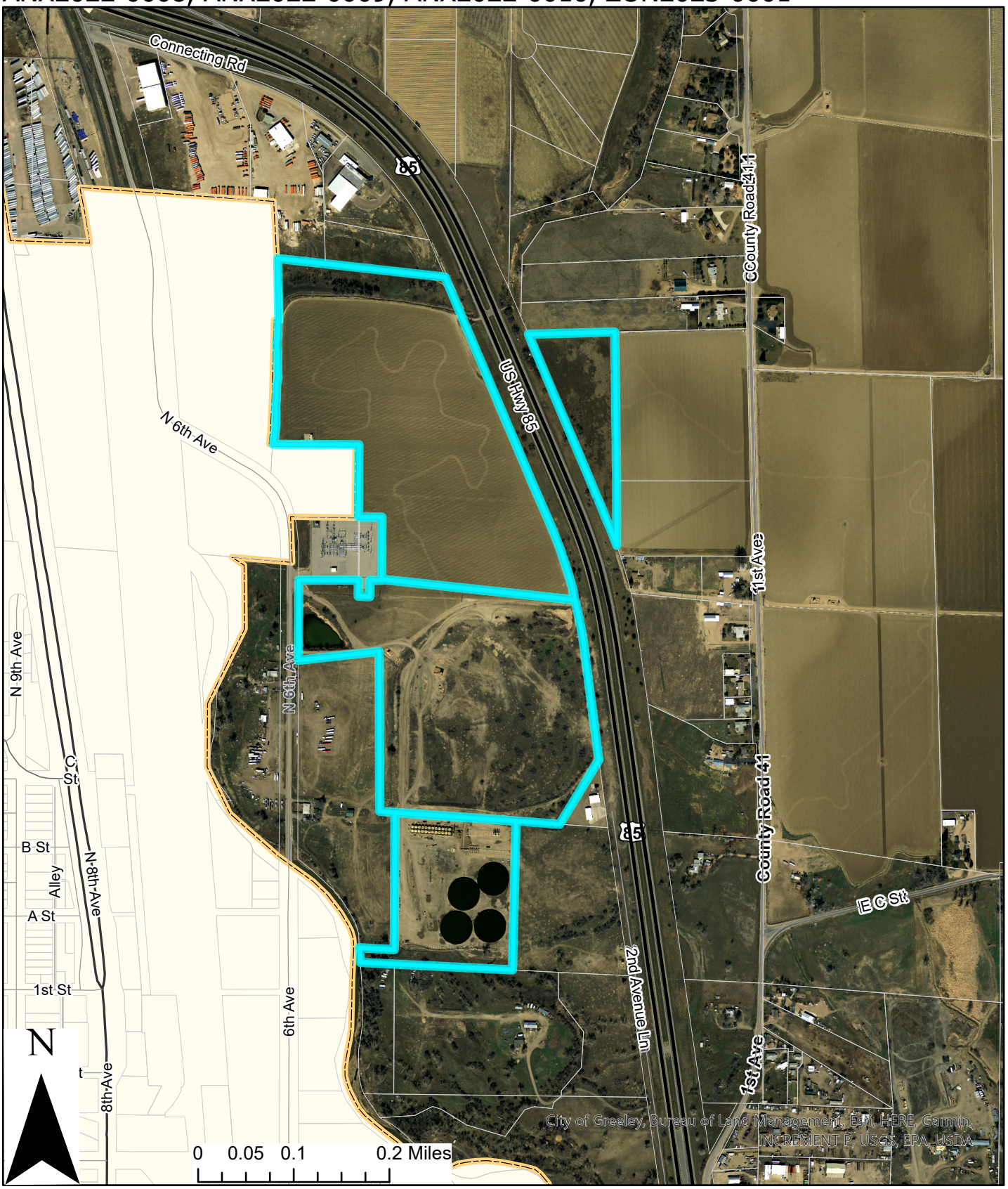
2. A motion that, based on the project summary and analysis, the Planning Commission find that the request for an annexation meets approval criteria found in Section 24-204.b.2.(a-e). And, the proposed Wake Annexation #2, File number ANX2022-0009, meets State statutory requirements. And, therefore, recommend approval of the annexation to the City Council.

3. A motion that, based on the project summary and analysis, the Planning Commission find that the request for an annexation meets approval criteria found in Section 24-204.b.2.(a-e). And, the proposed Wake Annexation #3, File number ANX2022-0010, meets State statutory requirements. And, therefore, recommend approval of the annexation to the City Council.

J. ATTACHMENTS:

Attachment A-	Vicinity Map
Attachment B-	Annexation Plats Nos. 1-3
Attachment C-	Annexation Petitions
Attachment D-	Site Analysis Map
Attachment E-	Annexation Impact Report
Attachment F-	Land Use Guidance Map

Wake Annexation and Zoning Vicinity Map
ANX2022-0008, ANX2022-0009, ANX2022-0010, ZON2023-0001



WAKE ANNEXATION NO. 1 TO THE CITY OF GREELEY

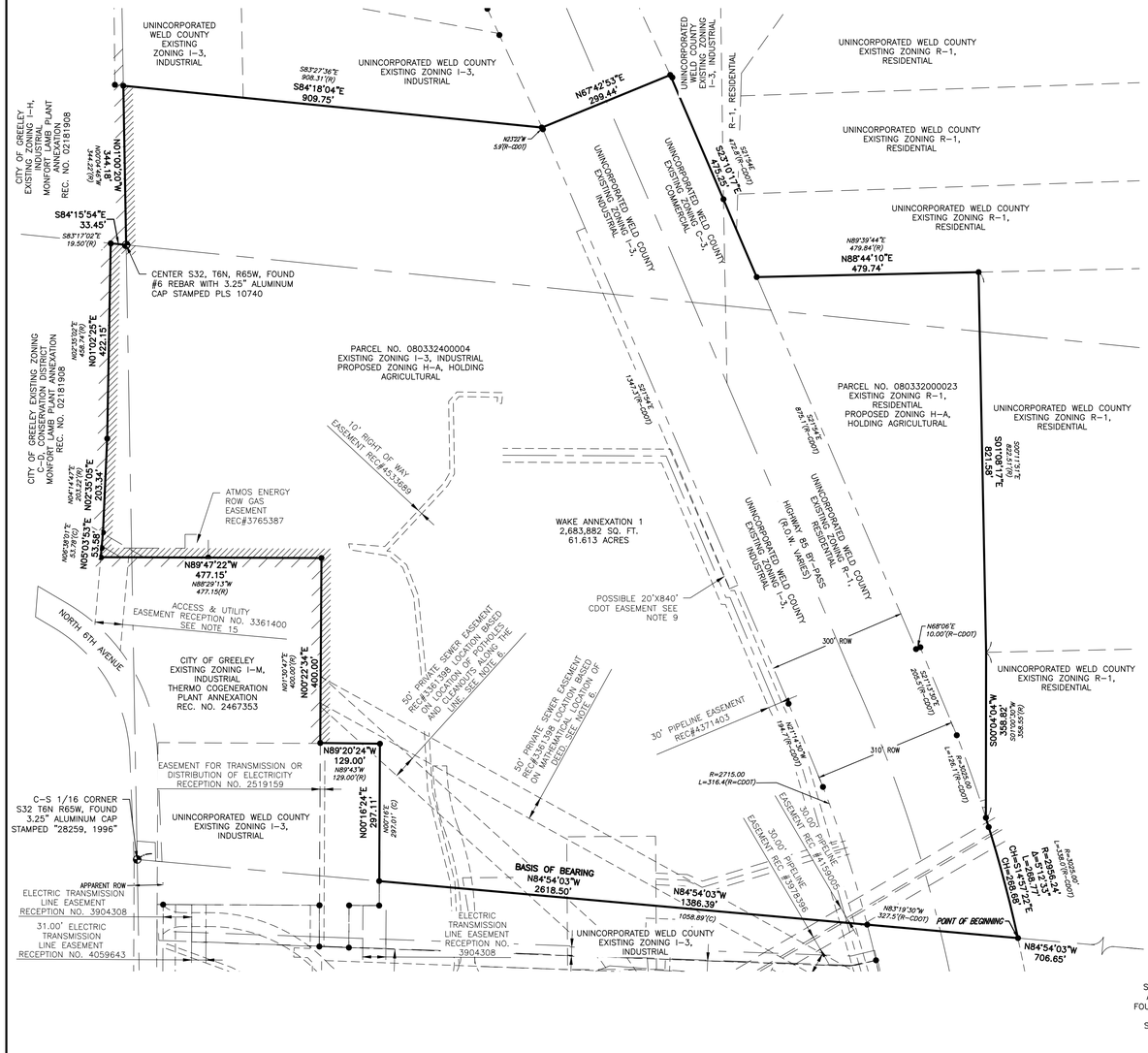
LOCATED IN THE SOUTHWEST, SOUTHEAST AND NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO
ANX2022-0008

0 150 300
SCALE: 1" = 150
U.S. SURVEY FEET

ANNEXATION TABLE:

TOTAL ANNEXATION BOUNDARY PERIMETER:	7359.70	LINEAR FEET
LENGTH CONTIGUOUS TO EXISTING CITY OF GREELEY BOUNDARY:	1,933.85	LINEAR FEET
TOTAL ALLOWABLE PERIMETER (CONTIGUOUS x 6):	11,603.10	LINEAR FEET
MINIMUM ONE-SIXTH (1/6) OF TOTAL ANNEXATION PERIMETER:	1226.62	LINEAR FEET

AS SHOWN ABOVE, THE ANNEXATION PERIMETER CONTIGUOUS TO CITY OF GREELEY BOUNDARY EXCEEDS THE MINIMUM REQUIRED 1/6 CONTIGUITY. THEREFORE, WAKE ANNEXATION #1 IS IN COMPLIANCE WITH THE STATE CONTIGUITY REQUIREMENT.



LEGEND

- SUBJECT PROPERTY LINE
- ADJACENT LOT LINE
- ANNEXATION/GREELEY TOWN LIMITS
- CONTIGUOUS PERIMETER
- SECTION LINE
- RIGHT OF WAY
- FOUND PROPERTY CORNER
- SECTION CORNER, AS DESCRIBED
- (R) PER RECORD
- (C) CALCULATED PER RECORD
- (R-CDOT) PER CDOT ROW MAP



0 2000 4000
SCALE: 1" = 2000
U.S. SURVEY FEET

VICINITY MAP
1"=2000'

WAKE ANNEXATION NO. 1 PERIMETER DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER, SOUTHEAST QUARTER, AND NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/16 CORNER BETWEEN SECTIONS 32 AND 33, TOWNSHIP 6 NORTH, RANGE 65 WEST; THENCE N84° 54' 03"W A DISTANCE OF 706.65 FEET ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 32 TO THE POINT OF BEGINNING;

THENCE CONTINUING ON SAID SOUTH LINE N84° 54' 03"W A DISTANCE OF 1386.38 FEET;

THENCE N0° 16' 24"E A DISTANCE OF 297.11 FEET;

THENCE N89° 20' 24"W A DISTANCE OF 129.00 FEET;

THENCE N0° 22' 34"E A DISTANCE OF 400.00 FEET ON THE EAST LINE OF THE THERMO COGENERATION PLANT ANNEXATION RECORDED AT REC. #2467353;

THENCE N89° 47' 22"W A DISTANCE OF 477.15 FEET ON THE NORTH LINE OF SAID THERMO COGENERATION PLANT ANNEXATION;

THENCE N5° 03' 53"E A DISTANCE OF 53.58 FEET ON THE EAST LINE OF THE MONFORT LAMB PLANT ANNEXATION RECORDED AT REC. #2181908;

THENCE N2° 35' 05"E A DISTANCE OF 203.34 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE N1° 02' 25"E A DISTANCE OF 422.15 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE S84° 15' 54"E A DISTANCE OF 33.45 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE N1° 00' 20"W A DISTANCE OF 344.18 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE S84° 18' 04"E A DISTANCE OF 909.75 FEET TO THE SOUTHWEST RIGHT OF WAY FOR THE HIGHWAY 85 BY-PASS;

THENCE N67° 42' 53"E A DISTANCE OF 299.44 FEET TO THE NORTHEAST RIGHT OF WAY FOR THE HIGHWAY 85 BY-PASS;

THENCE ON SAID NORTHEAST RIGHT OF WAY S23°10'17"E A DISTANCE OF 475.25 FEET;

THENCE N88° 44' 10"E A DISTANCE OF 479.74 FEET;

THENCE S1° 08' 17"E A DISTANCE OF 821.58 FEET;

THENCE S0° 04' 41"W A DISTANCE OF 358.82 FEET TO THE NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS;

THENCE 268.77 FEET ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT 268.77 FEET, THE ARC OF SAID CURVE HAVING A RADIUS OF 2956.24 FEET, A CENTRAL ANGLE OF 5°12'33" AND BEING SUB-TENDED BY A CHORD WHICH BEARS S14° 57' 22"E A DISTANCE OF 268.68 FEET TO THE TRUE POINT OF BEGINNING.

SAID WAKE ANNEXATION NO. 1 HAS A PERIMETER OF 7,359.70 FEET, AND AN AREA OF 2,683,882 SQUARE FEET, 61.613 ACRES, MORE OR LESS.

OWNERS: RICHMARK REAL ESTATE PARTNERS LLC, A COLORADO LIMITED LIABILITY COMPANY

BY: _____
TYLER RICHARDSON
AUTHORIZED AGENT

STATE OF COLORADO)
)SS
COUNTY OF WELD)

THE FOREGOING ANNEXATION PLAT WAS ACKNOWLEDGED BEFORE ME BY

TYLER RICHARDSON AS AUTHORIZED AGENT OF RICHMARK REAL ESTATE PARTNERS LLC, A COLORADO LIMITED LIABILITY COMPANY.

ON THIS _____ DAY OF _____, 20____.

WITNESS MY HAND AND OFFICIAL SEAL

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES _____

GENERAL NOTES:

1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
2. ALL EASEMENTS AND RIGHT-OF-WAYS ARE REFERENCED FROM: FIRST AMERICAN TITLE INSURANCE COMPANY, ORDER NUMBER NCS-1148067-CO, WITH AN EFFECTIVE DATE OF SEPTEMBER 19, 2022 AT 5:00 P.M..
3. BASIS OF BEARINGS: THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO AS REFERENCED TO THE COLORADO STATE PLANE NORTH, NORTH AMERICAN DATUM 1983, BEARS NORTH 84° 54' 03" WEST FOR 2618.50 FEET BETWEEN THE SOUTH SIXTEENTH CORNER OF SECTION 32 AND 33 MONUMENTED WITH A #6 REBAR AND 3 ¼" ALUMINUM CAP STAMPED 33200, 2012 AND THE CENTER-SOUTH SIXTEENTH CORNER OF SAID SECTION 32 MONUMENTED WITH #5 REBAR AND 2" ALUMINUM CAP STAMPED PLS 28259, 1996 WITH ALL OTHER BEARINGS REFERENCED THERETO.

ACCEPTANCE:

THIS ANNEXATION MAP WAS ACCEPTED BY THE CITY OF GREELEY, WELD COUNTY, COLORADO AND THE TERRITORY THEREIN DESIGNATED AND MADE A PART OF THE CITY OF GREELEY, AND INCLUDED WITHIN THE LIMITS AND JURISDICTION THEREON THIS _____, DAY OF _____, 2023.

ATTEST: _____ _____
CITY CLERK MAYOR

CERTIFICATE OF APPROVAL BY ENGINEERING DEVELOPMENT REVIEW AND CIVIL INSPECTIONS MANAGER OR THEIR DESIGNEE:

APPROVED THIS ____ DAY OF _____, 2023, BY THE ENGINEERING DEVELOPMENT REVIEW AND CIVIL INSPECTIONS MANAGER OR THEIR DESIGNEE OF THE CITY OF GREELEY, COLORADO.

_____
ENGINEERING DEVELOPMENT REVIEW
AND CIVIL INSPECTIONS MANAGER

COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL:

APPROVED THIS ____ DAY OF _____, 2023, BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF GREELEY, COLORADO.

_____
COMMUNITY DEVELOPMENT DIRECTOR

LAND SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAT OF WAKE ANNEXATION NO. 1 IS BASED UPON A FIELD SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF COLORADO, AND THAT AT LEAST 1/6 OF THE PERIMETER OF THE ABOVE-DESCRIBED PROPERTY IS CONTIGUOUS TO THE CURRENT BOUNDARY OF THE CITY OF GREELEY, COLORADO

_____
LAINE A. LANDAU, COLORADO PLS 31159
LAMP RYNEARSON
LAINE.LANDAU@LAMPRYNEARSON.COM
DATE OF SIGNATURE:

LAMP RYNEARSON
LAMPRYNEARSON.COM
OMAHA, NEBRASKA
14710 W. DODGE RD, STE. 100 (402)496.2498
FORT COLLINS, COLORADO
4715 INNOVATION DR., STE. 100 (970)226.0342
KANSAS CITY, MISSOURI
9001 STATE LINE RD., STE. 200 (816)361.0440

WAKE ANNEXATION NO. 1
A PORTION OF THE SOUTHWEST, SOUTHEAST, AND NORTHEAST QUARTER
SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M.,
COUNTY OF WELD, STATE OF COLORADO

RICHMARK WAKE ANNEXATION
GREELEY, COLORADO

811 Know what's below. Call before you dig.
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REVISIONS
08/09/2022 REMOVED OVERLAPPING TEXT
10/17/2022 REVISED PER CITY COMMENTS
12/13/2022 REVISED PER CITY COMMENTS
03/28/2023 BOUNDARY REVISION

DESIGNER / DRAFTER
LAINE LANDAU/JOSH CROAK
DATE
08/04/2022
PROJECT NUMBER
0222030
BOOK AND PAGE

SHEET
1 OF 1

L:\Engineering\0222030 Richmark Wakes Annexation\SURVEY\DRAWINGS\EXHIBITS\0222030-ANNEXATION PLAT.dwg, 3/28/2023 11:02:33 AM, JOSHUA A. CROAK, LAMP RYNEARSON

SITE ANALYSIS MAP

WAKE ANNEXATIONS NO. 1, 2 AND 3 TO THE CITY OF GREELEY

LOCATED IN THE SOUTHWEST, SOUTHEAST AND NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST, AND THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO
ANX2022–0008, ANX2022–0009, ANX2022–0010



VICINITY MAP
1"=2000'

0 100 200
SCALE: 1"=100
U.S. SURVEY FEET

LEGEND

- BOUNDARY LINE
- SECTION LINE
- ADJACENT PROPERTY LINE
- OIL AND GAS SETBACK
- EXISTING EASEMENT
- BUILDING LINE
- FENCE LINE
- EDGE OF CONCRETE
- EDGE OF GRAVEL
- RECORD SANITARY LINE
- SANITARY FORCE MAIN
- RECORD WATER LINE
- GAS LINE
- OVERHEAD POWER LINE
- ELECTRIC LINE
- EDGE OF AREA WITH 0.2% ANNUAL FLOOD CHANCE
- EDGE OF FLOODWAY
- EDGE OF AREA WITH NO BASE FLOOD ELEVATION
- MONUMENT SET
- OIL AND GAS WELL
- POWER POLE
- MONUMENT FOUND
- SECTION CORNER
- ACCESS ARROWS
- DIRECTION OF FLOW

NOTES:

1. CDOT PLANS FOR PROJECT U006-1(22) SHOWS A 40' EASEMENT PARCEL E10A ALONG THE EAST LINE OF SUBJECT PROPERTY. A DOCUMENT WAS NOT FOUND FOR THIS EASEMENT IN THE PUBLIC RECORD. SAID EASEMENT HAS BEEN SHOWN HEREON IN THE LOCATION DEPICTED ON SAID HIGHWAY PLANS
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4. THE PRIVATE SANITARY FORCE MAIN SHOWN DOES NOT FALL WITHIN THE MATHEMATICAL POSITION DESCRIBED IN RECEPTION NO. 3361398. THE LOCATION OF THE SANITARY FORCE MAIN AND RELATED PRIVATE EASEMENT IS ASSUMED TO BE A STRAIGHT LINE, BETWEEN LIMITED POTHOLE LOCATIONS EXCAVATED AS SUPPLEMENTED BY "WITCHING" THE LINE.
5. BENCHMARK: LAMP RYNEARSON CONTROL POINT #94 – 5/8" REBAR WITH A 1 1/4" ORANGE PLASTIC CAP STAMPED "CONTROL POINT"
   ELEVATION: 4649.44'
   ELEVATION DERIVED FROM TRIMBLE VRS NETWORK (NAVD88)
6. HORIZONTAL DATUM: BASED ON THE NORTH AMERICAN DATUM OF 1983(2011), COLORADO STATE PLANE, NORTH ZONE. PROJECT IS IN MODIFIED STATE PLANE COORDINATES. TO ACHIEVE GRID COORDINATES AND GRID DISTANCES SCALE ENTIRE PROJECT BY 0.999734758 FROM GRID COORDINATE (0,0) AS THE SCALE LOCATION.
7. THE SUBJECT PROPERTY IS LOCATED IN ZONE A, REGULATORY FLOODWAY, ZONE AE, AN AREA WITH A BASE FLOOD ELEVATION, AND SHADED ZONE X, AN AREA WITH A 0.2% ANNUAL CHANCE FLOOD HAZARD, AND UN-SHADED ZONE X, AREA OF MINIMAL FLOOD HAZARD, BASED ON THE FEMA FLOOD MAP 08123C1533E EFFECTIVE 01/20/2016, AND EFFECTED BY LOMR 15-08-0573P EFFECTIVE 07/14/2016. FLOOD INFORMATION IS SUBJECT TO CHANGE.
8. AERIAL IMAGE WAS TAKEN ON 06/10/2022 BY DRONE AND IS GEO-REFERENCED TO THE SITE.
9. CONTOURS SHOWN AT 2' INTERVALS WERE DERIVED FROM DRONE DATA.
10. THE AREA OF THE OIL AND GAS OPERATIONS SETBACKS WITHIN COMBINED ANNEXATION PROPERTY IS 3,137,720 SQUARE FEET, 72.032 ACRES MORE OR LESS.

LAMP RYNEARSON
LAMPRYNEARSON.COM
OMAHA, NEBRASKA
14710 W. DODGE RD, STE. 100 (402)496.2498
FORT COLLINS, COLORADO
4715 INNOVATION DR., STE. 100 (970)226.0342
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SITE ANALYSIS MAP
RICHMARK WAKE
GREELEY, COLORADO

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REVISIONS
LAL/JAC 10/17/2022 REV PER CITY COMMENTS
LAL 11/23/2022 REV PER CITY COMMENTS
LAL 12/13/2022 REV PER CITY COMMENTS
LAL 03/28/2023 BOUNDARY REVISION

DESIGNER / DRAFTER	LAINE LANDAU/JOSH CROAK
DATE	08/04/2022
PROJECT NUMBER	0222030
BOOK AND PAGE	

SHEET 1 OF 2

L:\Engineering\0222030 Richmark Wakes Annexation\SURVEY\DRAWINGS\EXHIBITS\0222030-Site Analysis Map.dwg, 3/28/2023 11:39:18 AM, JOSHUA A. CROAK, LAMP RYNEARSON

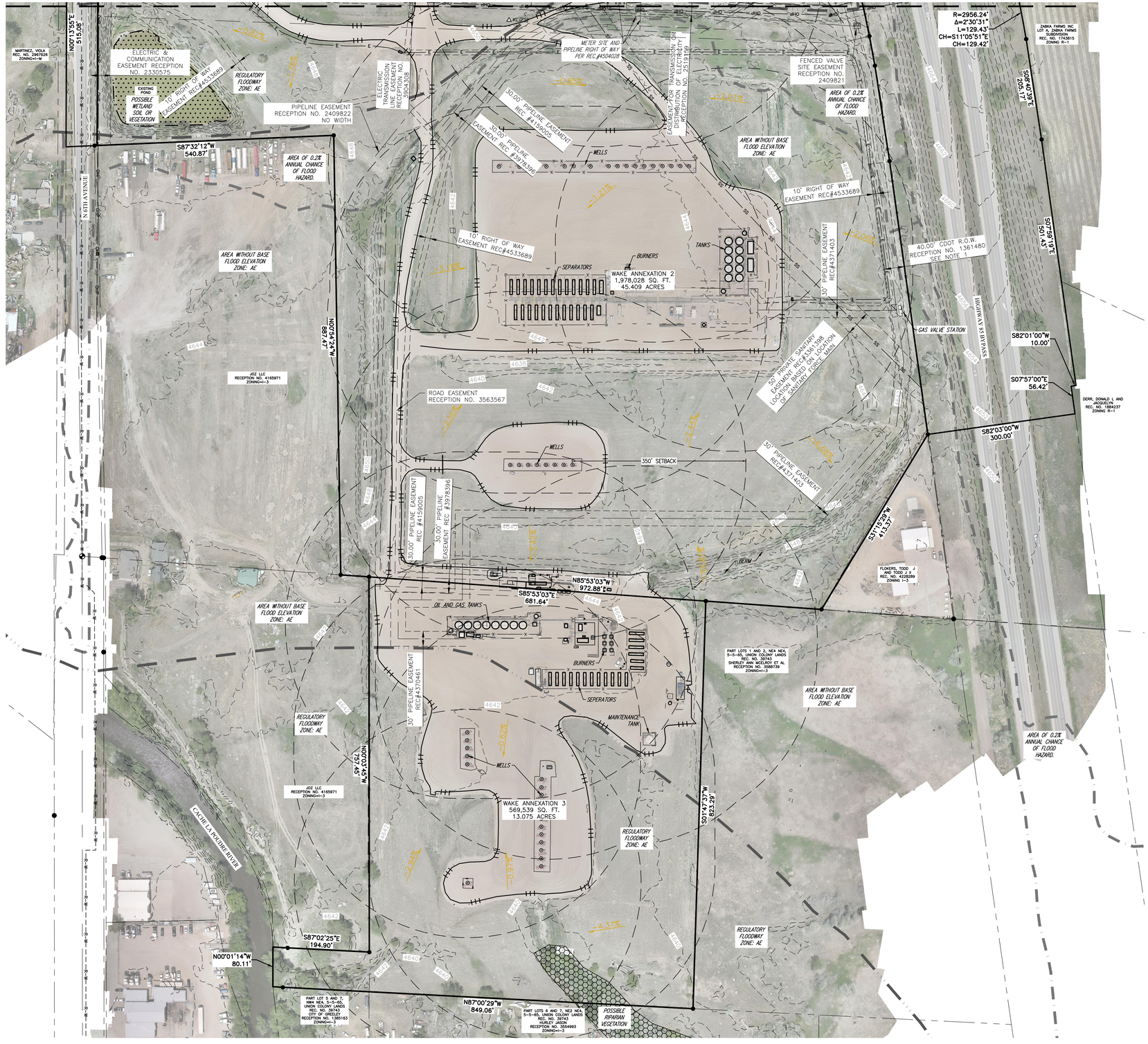
SITE ANALYSIS MAP

WAKE ANNEXATIONS NO. 1, 2 AND 3 TO THE CITY OF GREELEY

LOCATED IN THE SOUTHWEST, SOUTHEAST AND NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST, AND THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO

ANX2022-0008, ANX2022-0009, ANX2022-0010

MATCH LINE SHEET 1





VICINITY MAP
1"=2000'

0 100 200
SCALE: 1"= 100
U.S. SURVEY FEET

LEGEND

- BOUNDARY LINE
- SECTION LINE
- ADJACENT PROPERTY LINE
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- MONUMENT SET
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NOTES:

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   ELEVATION: 4649.44'
   ELEVATION DERIVED FROM TRIMBLE VRS NETWORK (NAVD88)
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STIE ANALYSIS MAP

RICHMARK WAKE
GREELEY, COLORADO

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REVISIONS
10/17/2022 LAL/JAC REV PER CITY COMMENTS
11/23/2022 LAL REV PER CITY COMMENTS
12/13/2022 LAL REVISE PER CITY COMMENTS
03/27/2023 LAL BOUNDARY REVISION

DESIGNER / DRAFTER	LAINE LANDAU/JOSH CROAK
DATE	08/04/2022
PROJECT NUMBER	0222030
BOOK AND PAGE	

SHEET 2 OF 2

L:\Engineering\0222030 Richmark Wakes Annexation\SURVEY\DRAWINGS\EXHIBITS\0222030-Site Analysis Map.dwg, 3/28/2023 11:39:44 AM, JOSHUA A. CROAK, LAMP RYNEARSON

ANNEXATION IMPACT REPORT
Wake Annexation Nos. 1-3

PROPERTY OWNERS	Richmark Real Estate Partners LLC
LOCATION	East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street
SIZE IN ACRES	120.097 Acres
CONTIGUITY	ANX2022-0008 Wake No. 1 - 27% ANX2022-0009 Wake No. 2 – 18% ANX2022-0010 Wake No. 3 – 22% Wake Combined – 23%
MINIMUM REQUIRED CONTIGUITY	16.67%
EXISTING USES	Vacant land and oil and gas wellheads with associated equipment
SURROUNDING LAND USES	North: Industrial South: Agriculture/Vacant East: Agriculture, Residential and Vacant West: Industrial
CURRENT ZONING	I-3 (Industrial – County) and R-1 (Residential – County)
SURROUNDING ZONING:	North: I-3 (Industrial - County) Northeast: R-1 (Residential – County) South: I-3 (Industrial - County) East: R-1 (Residential - County) West: C-D (Conservation District – City); I-H, I-M (Industrial – Medium – City) & I-3 (Industrial – County)
AVAILABLE UTILITIES	City of Greeley Water, City of Greeley Sewer, telecommunications, gas, and electric extensions would be needed at the time utility services are needed.

TAXING DISTRICTS & MILL LEVIES

Taxing District	**Mill Levy**
Aims Community College	6.307
High Plains Library District	3.181
Northern Colorado Water	1.000
Greeley School District No. 6	50.399
Weld County	15.038
Western Hills Fire Protection District	5.910

INTENDED/PROPOSED USES

The applicant, Richmark Real Estate Partners, is requesting to annex approximately 108.018 acres of unincorporated property to the City of Greeley (see Exhibits A & B). The intended use is to continue the existing oil and gas development for the next approximately 15-20 years. No further plans for the site are proposed at the time of annexation, but the Land Use Guidance Map indicates natural uses for the site, so it is likely to remain open space following completion of the oil and gas development.

Following the annexation, the establishment of zoning for Holding – Agriculture (H-A) zoning will be completed at the April 4th Council meeting. The property must be zoned within 90 days of annexation. The zoning request will be evaluated during that process.

COMPREHENSIVE PLAN

The property is entirely within the City of Greeley's Long-Range Expected Growth Area (LREGA) and complies with City of Greeley Comprehensive Plan policies. Portions of the annexation are in the floodway, 100-year floodplain and 500-year floodplain.

ANALYSIS

The proposed annexations have 23% combined contiguity with existing municipal limits which meets the State of Colorado one-sixth (16.67%) contiguity standard regarding annexations.

The annexations provide growth in the northeast part of Greeley, which has not grown as much as the western portion of Greeley. It provides balance to the City's growth and land use pattern.

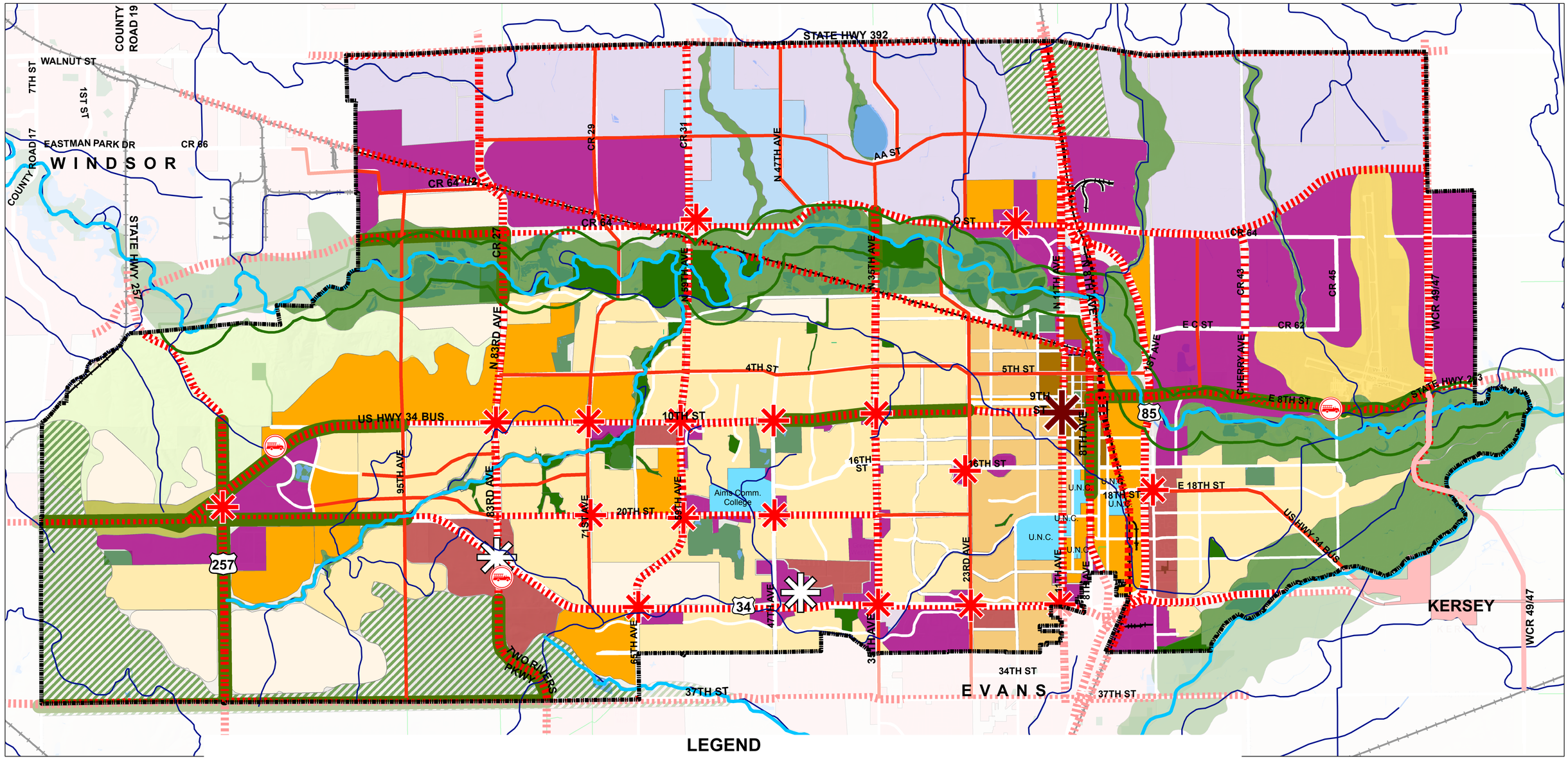
The annexations would be consistent with present growth patterns and Comprehensive Plan policies. There is evidence that this site shares a common interest with the City's future. The requirements of State statutes and City of Greeley guidelines for annexation appear to have been met by this requested annexation.

Since the site is currently used for oil and gas development, there should be zero additional students coming to School District 6 as a result of these annexations.

ATTACHMENTS:

Exhibit A - Vicinity Map
Exhibit B - Annexation Plats
Exhibit C - Site Analysis Map
Exhibit D - Legal Descriptions

LAND USE GUIDANCE MAP



LEGEND

CENTERS
- Downtown Center
- Regional Center
- Neighborhood Center

CORRIDORS
- Multi-Modal Corridor
- Special Multi-Modal Corridor Landscaping
- Poudre River Greenway

SPECIAL RECOMENDATIONS
- Potential Fire Station Locations

AREAS
- Airport Area
- Higher Education Hubs
- Employment, Industrial, and Commercial Areas
- North Annexation Area
- Mixed Use High Intensity
- Urban Reserve

OPEN LANDS & NATURAL AREAS
- Bluffs
- Community Separator
- Entryway Character Corridor
- Riparian Land
- City Owned Natural Areas

Town of Kersey
- Town of Kersey

NEIGHBORHOODS
- Rural
- Suburban
- Legacy Urban
- Mixed Use
- Downtown

N

0 0.375 0.75 1.5 2.25 3 Miles

Date of Preparation 12/1/17

IMAGINE GREELEY

Wake Annexation and Establishment of Zoning ANX2022-0008, ANX2022-0009, ANX2022-0010, ZON2023-0001

Community Development – Planning

8/22/2023

Request & Background

Annexation

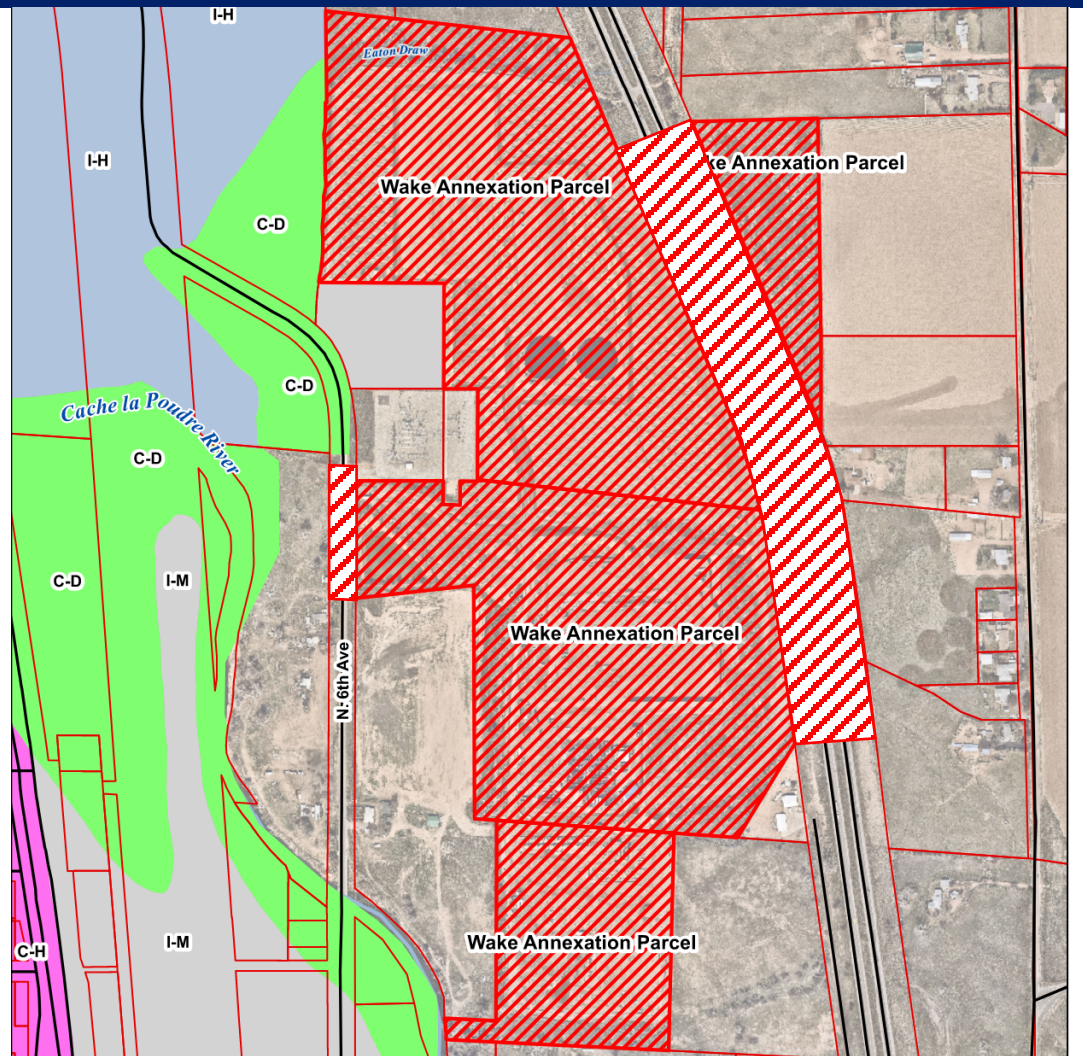
- Request:
  - Serial annexation of 3 pieces totaling 120.097 acres (permitted: C.R.S. 31-12-104(1)(a); 105(1)(e)
- Colorado Revised Statutes §31-12-104 and §31-12-105:
  - not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Greeley;
  - a community of interest exists between the territory proposed to be annexed and the City of Greeley;
  - the territory sought to be annexed is urban or will be urbanized in the near future and;
  - the territory sought to be annexed is integrated or is capable of being integrated with the City of Greeley.
- City Attorney's Office has determined the proposal meets the statutory requirements
- City Council adopted a resolution August 15, 2023

Request & Background

Establishment of Zoning

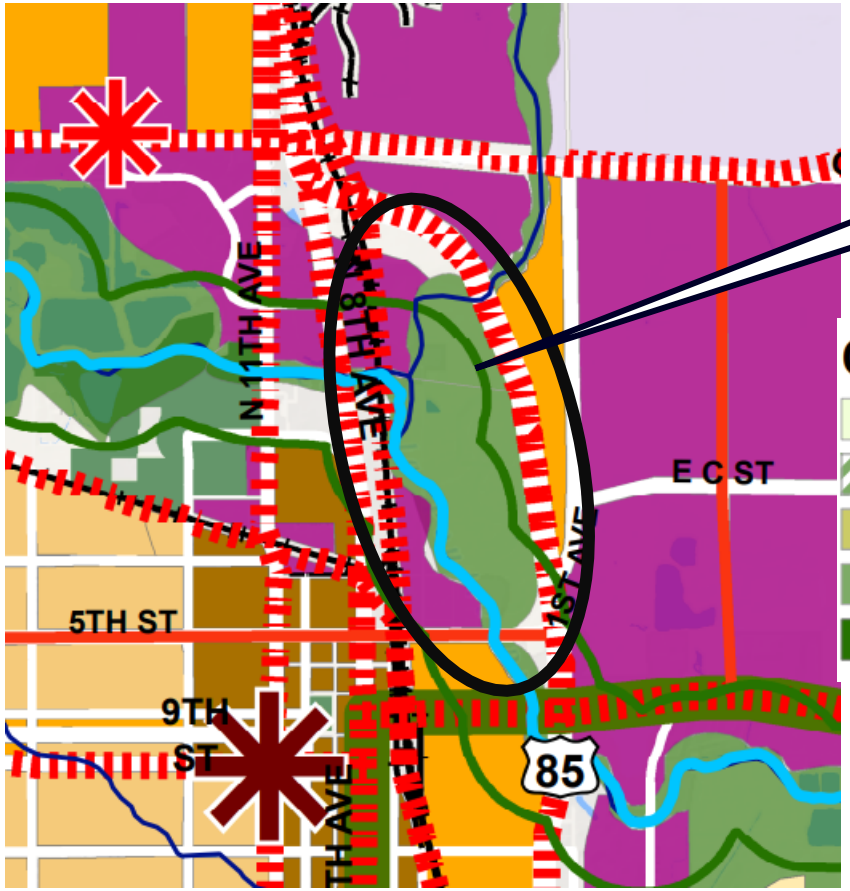
- Request:
  - Establish H-A (Holding Agriculture) Zone District (File No. ZON2023-0001)
- Background
  - Per state statutes, establishment of zoning must take place within 90 days of the annexation.
  - Located inside the Long-Range Expected Growth Area (LREGA)
  - The H-A zone district is generally intended to hold undeveloped and agricultural land

Location


I-H
Eaton Draw
I-H
C-D
Wake Annexation Parcel
ke Annexation Parcel
C-D
Cache la Poudre River
C-D
C-D
I-M
Wake Annexation Parcel
N. 6th Ave
C-H
I-M
Wake Annexation Parcel

Annexation Considerations

Greeley Comprehensive Plan



- Open Lands and Natural Areas
  - Contains areas not suitable for areas suitable for urban development, such as floodplains

    Comprehensive Cache la Poudre Greenway Guide recommends acquisition of riparian land along the Poudre River

Annexation Considerations

Approval Criteria

- Annexation Criteria – 24-214.b. (a–e) Five Criteria Used to Evaluate Annexation applications
- The proposed Annexation is consistent with the criteria as outlined in your Summary

Notification

- 72 notice letters to properties within 1000’
- Public hearing signs posted on the property
- No emails or phone calls received

Recommendation

- Planning recommends approval (7-0)

Establishment of Zoning Considerations

Approval Criteria

- Rezone Criteria – 24-204 Nine Criteria Used to Evaluate Rezoning applications
- The proposed Rezoning is consistent with the criteria as outlined in your Summary

Notification

- 72 notice letters sent to properties within 1000’
- Public hearing signs posted on the property
- No emails or phone calls received

Recommendation

- Planning Commission recommends approval (7-0)

Thank you

Council Agenda Summary

September 19, 2023
Key Staff Contact: Douglas May, Planner III

Title:

Public hearing and second reading of an ordinance annexing to the City of Greeley, Colorado, certain unincorporated territory located in Weld County, Colorado, known as the Wake Annexation, generally located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street, a parcel totaling 45.409 acres (Wake Annexation No. 2)

Summary:

Introduction and first reading of an Ordinance to annex Wake Annexation Number 2, a parcel totaling 45.409 acres located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street. Richmark Real Estate Partners, LLC petitions to annex a total of 120.097 acres of land to the City of Greeley. The properties are located in proximity to N. 6th Avenue, F Street and Highway 85, east of the Cache la Poudre River. Wake Annexation Number 2 is the second of three serial annexations. Notices were sent to 72 properties within 1,000 feet of the subject site, public hearing signs were posted on the property, and to date, no comments have been received.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	**No**
Is there grant funding for this item?	**NA**

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:
1) City staff presentation (if requested)
2) Council questions of staff
3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
4) Council discussion
5) Council decision

Other issues and Considerations:

Strategic Focus Area:

Community Vitality

Quality of Life

Decision Options:

1) Adopt the ordinance as presented; or
2) Amend the ordinance and adopt as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

1. Ordinance 42 with Exhibit
2. Annexation Map
3. Impact Report (See Wake Annexation 1)
4. Vicinity Map (See Wake Annexation 1)
5. Annexation Map (See Wake Annexation 1)
6. Site Analysis Map (See Wake Annexation 1)
7. Land Use Guidance Map (See Wake Annexation 1)
8. Planning Commission Staff Report (See Wake Annexation 1)
9. Presentation (See Wake Annexation 1)

CITY OF GREELEY, COLORADO
ORDINANCE NO. 42, 2023
CASE NO. ANX2022-0009

AN ORDINANCE ANNEXING TO THE CITY OF GREELEY, COLORADO, CERTAIN UNINCORPORATED TERRITORY LOCATED IN WELD COUNTY, COLORADO, KNOWN AS THE WAKE ANNEXATION, GENERALLY LOCATED EAST OF 6TH AVENUE, WEST OF HIGHWAY 85 BYPASS, NORTH OF 5TH STREET

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. The City Council of Greeley, Colorado, hereby finds that the property, which is legally described in section 2 below, for which one hundred percent (100%) of the landowners have petitioned for annexation to the City of Greeley, is in all respects eligible for annexation and that said annexation proceedings have been conducted in compliance with the laws of the State of Colorado.

Section 2. The territories described below in this section are hereby approved for annexations and are hereby annexed to the City of Greeley. These territories referred to are described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Said described parcels of land contains 45.409 Acres, more or less, and is subject to any easements or rights-of-way as granted by instruments of record, or as now existing on said described parcel of land.

Section 3. Pursuant to §C.R.S. 31 -12 -113 of the Colorado Revised Statutes, one (1) copy of the map of the above –described territory and the original of the annexation ordinance shall be filed with the City Clerk of the City of Greeley, Colorado. Two (2) certified copies of this annexation ordinance and map of the area annexed shall be filed for recording with the Clerk and Recorder of Weld County, Colorado, within thirty (30) days after the effective date of this ordinance. The Clerk and Recorder of Weld County, Colorado, is required to file one (1) certified copy of the annexation ordinance and map with the Division of Local Government of the Colorado Department of Local Affairs, as required by section §13- 12- 113(2)(a) of the Colorado Revised Statutes.

Section 4. This ordinance shall be effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS _ DAY OF SEPTEMBER 2023.

ATTEST: **THE CITY OF GREELEY**

By: City Clerk **By: Mayor**

EXHIBIT "A"
(LEGAL DESCRIPTIONS)

WAKE ANNEXATION NO. 2

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/16 CORNER BETWEEN SECTIONS 32 AND 33, TOWNSHIP 6 NORTH, RANGE 65 WEST; THENCE N84° 54' 03"W A DISTANCE OF 706.65 FEET ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 32 TO THE NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE 129.43 FEET ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2956.24 FEET, A CENTRAL ANGLE OF 2°30'31", AND BEING SUB-TENDED BY A CHORD WHICH BEARS S11° 05' 51"E A DISTANCE OF 129.42 FEET;

THENCE CONTINUING ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS S8° 40' 39"E A DISTANCE OF 205.17 FEET;

THENCE CONTINUING ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS S7° 59' 19"E A DISTANCE OF 501.43 FEET;

THENCE CONTINUING ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS S82°01'00"W A DISTANCE OF 10.00 FEET;

THENCE CONTINUING ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS S07°57'00"E A DISTANCE OF 56.42 FEET;

THENCE SOUTH 82°03'00"W A DISTANCE OF 300.00 FEET TO THE SOUTHWEST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS;

THENCE S31° 15' 29"W A DISTANCE OF 413.37 FEET;

THENCE N85° 53' 03"W A DISTANCE OF 972.88 FEET;

THENCE N0° 54' 24"W A DISTANCE OF 887.47 FEET;

THENCE S87°32' 12"W A DISTANCE OF 540.87 FEET TO THE APPARENT WEST RIGHT OF WAY OF 6TH AVENUE;

THENCE ON THE APPARENT WEST RIGHT OF WAY OF 6TH AVENUE N0°13' 55"E A DISTANCE OF 515.08 FEET;

THENCE S84°54'03"E A DISTANCE OF 60.48 FEET TO THE EAST RIGHT OF WAY OF 6TH AVENUE;

THENCE ON THE EAST RIGHT OF WAY OF 6TH AVENUE S01°35'54"E A DISTANCE OF 92.52 FEET;

THENCE S89° 42' 47"E A DISTANCE OF 337.76 FEET;

THENCE S0° 04' 42"W A DISTANCE OF 89.22 FEET;

THENCE S87° 54' 00"E A DISTANCE OF 63.86 FEET;

THENCE N0° 18' 26"E A DISTANCE OF 91.18 FEET;

THENCE S89° 49' 03"E A DISTANCE OF 64.95 FEET;'

THENCE N0° 16' 24"E A DISTANCE OF 52.85 FEET TO THE SOUTH LINE OF WAKE ANNEXATION NO. 1;

THENCE S84° 54' 03"E A DISTANCE OF 1386.38 FEET ON THE SOUTH LINE OF WAKE ANNEXATION NO. 1 TO THE **POINT OF BEGINNING.**

SAID WAKE ANNEXATION NO. 2 HAS A PERIMETER OF 6,771.34 FEET, AND AN AREA OF 1,978,028 SQUARE FEET, 45.409 ACRES, MORE OR LESS.

BASIS OF BEARINGS

THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO AS REFERENCED TO THE COLORADO STATE PLANE NORTH, NORTH AMERICAN DATUM 1983, BEARS NORTH 84° 54' 03" WEST FOR 2618.50 FEET BETWEEN THE SOUTH SIXTEENTH CORNER OF SAID SOUTHEAST QUARTER OF SECTION 32 AND 33 MONUMENTED WITH A #6 REBAR AND 3 ¼" ALUMINUM CAP STAMPED 33200, 2012 AND THE SOUTH CENTER SIXTEENTH CORNER OF SAID SECTION 32 MONUMENTED WITH #5 REBAR AND 2" ALUMINUM CAP STAMPED PLS 28259, 1996 WITH ALL OTHER BEARINGS REFERENCED THERETO.

For reference only: Parcel 080332400005 and the Highway 85 right of way and 6th Avenue apparent right of way adjacent to said parcels.

WAKE ANNEXATION NO. 2
TO THE CITY OF GREELEY

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO
ANX2022-0009

0 150 300
SCALE: 1" = 150
U.S. SURVEY FEET

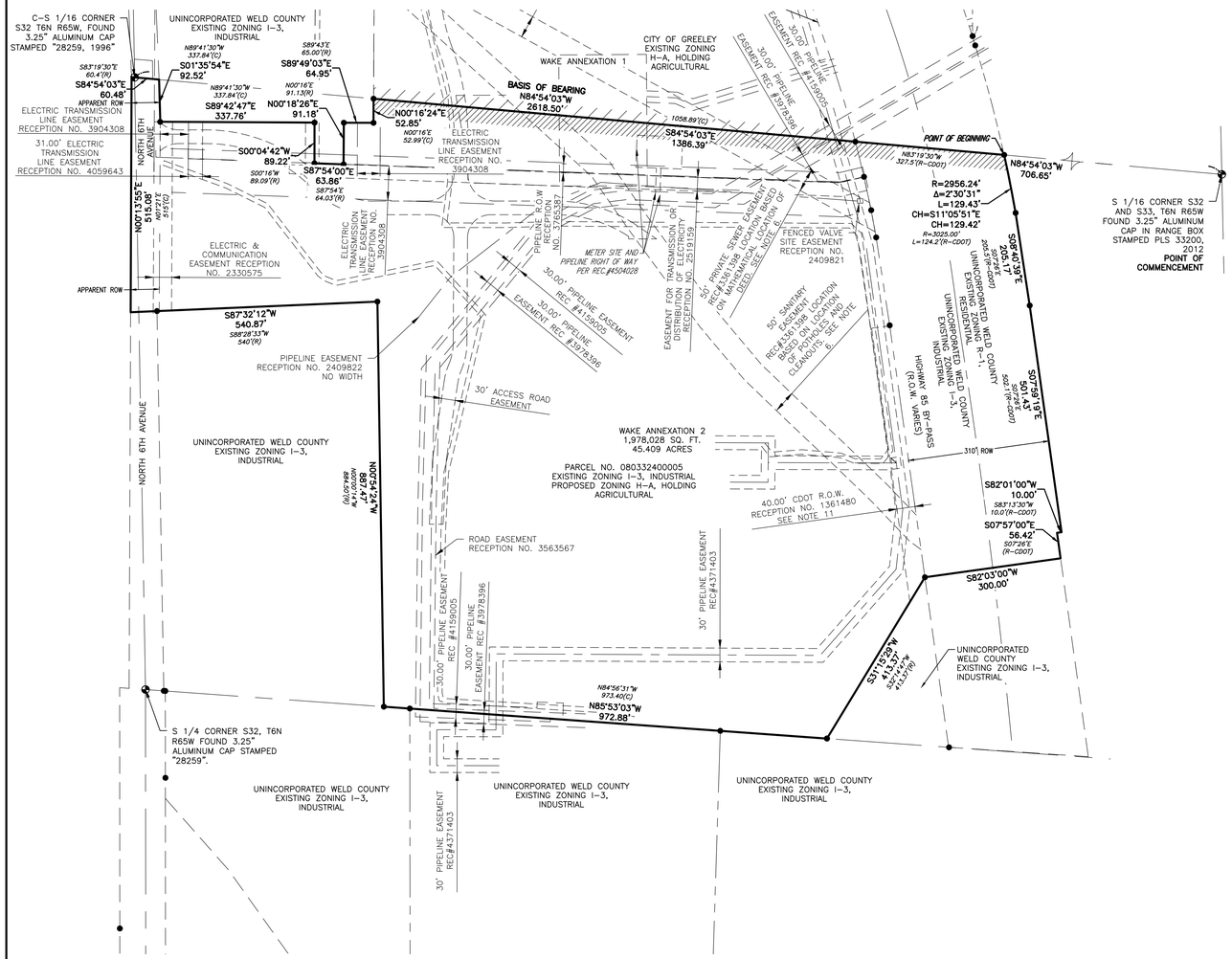
ANNEXATION TABLE:

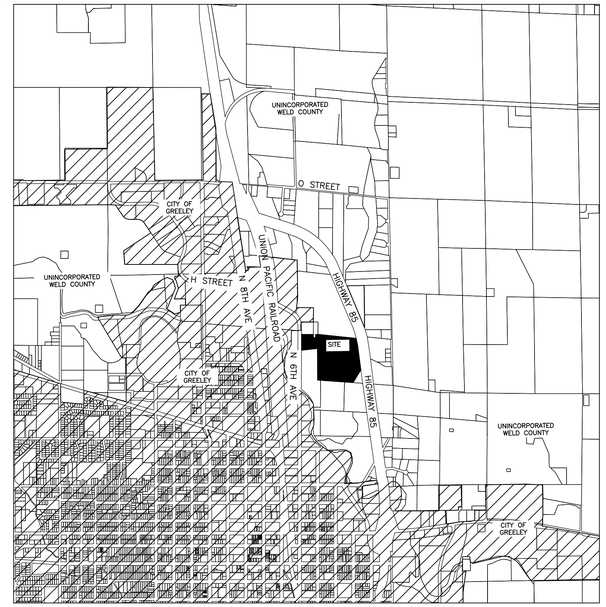
TOTAL ANNEXATION BOUNDARY PERIMETER:	6771.34	LINEAR FEET
CONTIGUOUS LENGTH TO EXISTING CITY OF GREELEY BOUNDARY:	1386.38	LINEAR FEET
TOTAL ALLOWABLE PERIMETER (CONTIGUOUS x 6):	8318.28	LINEAR FEET
MINIMUM ONE-SIXTH (1/6) OF TOTAL ANNEXATION PERIMETER:	1128.56	LINEAR FEET

AS SHOWN ABOVE, THE ANNEXATION PERIMETER CONTIGUOUS TO CITY OF GREELEY BOUNDARY EXCEEDS THE MINIMUM REQUIRED 1/6 CONTIGUITY. THEREFORE, WAKE ANNEXATION #2 IS IN COMPLIANCE WITH THE STATE CONTIGUITY REQUIREMENT.

LEGEND

- SUBJECT PROPERTY LINE
- ADJACENT LOT LINE
- ANNEXATION/GREELEY TOWN LIMITS
- CONTIGUOUS PERIMETER
- SECTION LINE
- RIGHT OF WAY
- FOUND PROPERTY CORNER
- SECTION CORNER, AS DESCRIBED
- (R) PER RECORD
- (C) CALCULATED PER RECORD
- (R-CDOT) PER CDOT ROW MAP





0 2000 4000
SCALE: 1" = 2000
U.S. SURVEY FEET

VICINITY MAP
1"=2000'

WAKE ANNEXATION NO. 2 PERIMETER DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/16 CORNER BETWEEN SECTIONS 32 AND 33, TOWNSHIP 6 NORTH, RANGE 65 WEST; THENCE N84° 54' 03"W A DISTANCE OF 706.65 FEET ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 32 TO THE NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS, SAID POINT BEING THE POINT OF BEGINNING;
THENCE 129.43 FEET ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2956.24 FEET, A CENTRAL ANGLE OF 2°30'31", AND BEING SUB-TENDED BY A CHORD WHICH BEARS S11° 05' 51"E A DISTANCE OF 129.42 FEET;

THENCE CONTINUING ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS S8° 40' 39"E A DISTANCE OF 205.17 FEET;

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THENCE CONTINUING ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS S82°01'00"W A DISTANCE OF 10.00 FEET;

THENCE CONTINUING ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS S07°57'00"E A DISTANCE OF 56.42 FEET;

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THENCE ON THE APPARENT WEST RIGHT OF WAY OF 6TH AVENUE N0°13' 55"E A DISTANCE OF 515.08 FEET;

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THENCE S84° 54' 03"E A DISTANCE OF 1386.38 FEET ON THE SOUTH LINE OF WAKE ANNEXATION NO. 1 TO THE POINT OF BEGINNING.

SAID WAKE ANNEXATION NO. 2 HAS A PERIMETER OF 6,771.34 FEET, AND AN AREA OF 1,978,028 SQUARE FEET, 45.409 ACRES, MORE OR LESS.

OWNERS: RICHMARK REAL ESTATE PARTNERS LLC, A COLORADO LIMITED LIABILITY COMPANY

BY: _____
TYLER RICHARDSON
AUTHORIZED AGENT

STATE OF COLORADO)
)SS
COUNTY OF WELD)

THE FOREGOING ANNEXATION PLAT WAS ACKNOWLEDGED BEFORE ME BY

TYLER RICHARDSON AS AUTHORIZED AGENT OF RICHMARK REAL ESTATE PARTNERS LLC, A COLORADO LIMITED LIABILITY COMPANY.

ON THIS _____ DAY OF _____, 20____.

WITNESS MY HAND AND OFFICIAL SEAL

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES _____

GENERAL NOTES:

1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
2. ALL EASEMENTS AND RIGHT-OF-WAYS ARE REFERENCED FROM: FIRST AMERICAN TITLE INSURANCE COMPANY, ORDER NUMBER NCS-1109108-CO, WITH AN EFFECTIVE DATE OF JANUARY 25, 2022 AT 5:00 P.M. AND STEWART TITLE GUARANTY COMPANY, ORDER NUMBER 1723690, WITH AN EFFECTIVE DATE OF JUNE 2, 2022 AT 8:00 A.M.
3. BASIS OF BEARINGS: THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO AS REFERENCED TO THE COLORADO STATE PLANE NORTH, NORTH AMERICAN DATUM 1983, BEARS NORTH 84° 54' 03" WEST FOR 2618.50 FEET BETWEEN THE SOUTH SIXTEENTH CORNER OF SAID SECTION 32 AND 33 MONUMENTED WITH A #6 REBAR AND 3 ¼" ALUMINUM CAP STAMPED 33200, 2012 AND THE CENTER SOUTH SIXTEENTH CORNER OF SAID SECTION 32 MONUMENTED WITH #5 REBAR AND 2" ALUMINUM CAP STAMPED PLS 28259, 1996 WITH ALL OTHER BEARINGS REFERENCED THERETO.

ACCEPTANCE:

THIS ANNEXATION MAP WAS ACCEPTED BY THE CITY OF GREELEY, WELD COUNTY, COLORADO AND THE TERRITORY THEREIN DESIGNATED AND MADE A PART OF THE CITY OF GREELEY, AND INCLUDED WITHIN THE LIMITS AND JURISDICTION THEREON THIS _____, DAY OF _____, 2023.

ATTEST: _____ _____
CITY CLERK MAYOR

CERTIFICATE OF APPROVAL BY ENGINEERING DEVELOPMENT REVIEW AND CIVIL INSPECTIONS MANAGER OR THEIR DESIGNEE:

APPROVED THIS ____ DAY OF _____, 2023, BY THE ENGINEERING DEVELOPMENT REVIEW AND CIVIL INSPECTIONS MANAGER OR THEIR DESIGNEE OF THE CITY OF GREELEY, COLORADO.

_____
ENGINEERING DEVELOPMENT REVIEW
AND CIVIL INSPECTIONS MANAGER

COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL:

APPROVED THIS ____ DAY OF _____ 2023, BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF GREELEY, COLORADO.

_____
COMMUNITY DEVELOPMENT DIRECTOR

LAND SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAT OF WAKE ANNEXATION NO. 2 IS BASED UPON A FIELD SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF COLORADO, AND THAT AT LEAST 1/6 OF THE PERIMETER OF THE ABOVE-DESCRIBED PROPERTY IS CONTIGUOUS TO THE CURRENT BOUNDARY OF THE CITY OF GREELEY, COLORADO

_____
LAINE A. LANDAU, COLORADO PLS 31159
LAMP RYNEARSON
LAINE.LANDAU@LAMPRYNEARSON.COM
DATE OF SIGNATURE:

LAMP RYNEARSON
LAMPRYNEARSON.COM
OMAHA, NEBRASKA
14710 W. DODGE RD, STE. 100 (402)496.2498
FORT COLLINS, COLORADO
4715 INNOVATION DR., STE. 100 (970)226.0342
KANSAS CITY, MISSOURI
9001 STATE LINE RD., STE. 200 (816)361.0440

WAKE ANNEXATION NO. 2
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M.
COUNTY OF WELD, STATE OF COLORADO

RICHMARK WAKE ANNEXATION
GREELEY, COLORADO

811 Know what's below. Call before you dig.
ALL UTILITIES ARE SHOWN BASED ON THE INFORMATION AVAILABLE TO THE ENGINEER. THERE MAY BE OTHERS. THE ENGINEER FAILURES NO GUARANTEE OF THE LOCATION, DEPTH, AND SIZE OF EACH FACILITY IS CORRECT. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES AND SERVICE LINES PRIOR TO CONSTRUCTION.

REVISIONS
08/09/2022 REMOVE OVERLAPPING TEXT
10/17/2022 REVISE PER CITY COMMENTS
12/13/2022 REVISED PER CITY COMMENTS
03/28/2023 BOUNDARY REVISION

DESIGNER / DRAFTER
LAINE LANDAU/JOSH CROAK
DATE
08/04/2022
PROJECT NUMBER
0222030
BOOK AND PAGE

SHEET
1 OF 1

L:\Engineering\0222030 Richmark Wakes Annexation\SURVEY\DRAWINGS\EXHIBITS\0222030-ANNEXATION PLAT.dwg, 3/28/2023 11:02:41 AM, JOSHUA A. CROAK, LAMP RYNEARSON

Council Agenda Summary

September 19, 2023
Key Staff Contact: Douglas May, Planner III

Title:

Public hearing and second reading of an ordinance annexing to the City of Greeley, Colorado, certain unincorporated territory located in Weld County, Colorado, known as the Wake Annexation, generally located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street, a parcel totaling 13.075 acres. (Wake Annexation No. 3)

Summary:

Public hearing and second reading of an Ordinance to annex Wake Annexation Number 3, a parcel totaling 13.075 acres, located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street. Richmark Real Estate Partners, LLC petitions to annex a total of 120.097 acres of land to the City of Greeley. The properties are located in proximity to N. 6th Avenue, F Street and Highway 85, east of the Cache la Poudre River. Wake Annexation Number 3 is the third of three serial annexations. Notices were sent to 72 properties within 1,000 feet of the subject site, public hearing signs were posted on the property, and to date, no comments have been received.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	**No**
Is there grant funding for this item?	**NA**

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:
1) City staff presentation (if requested)
2) Council questions of staff
3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
4) Council discussion
5) Council decision

Other issues and Considerations:

Strategic Focus Area:

Community Vitality

Quality of Life

Decision Options:

1) Adopt the ordinance as presented; or
2) Amend the ordinance and adopt as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

1. Ordinance 43 with Exhibit
2. Annexation Map
3. Impact Report (See Wake Annexation 1)
4. Vicinity Map (See Wake Annexation 1)
5. Annexation Map (See Wake Annexation 1)
6. Site Analysis Map (See Wake Annexation 1)
7. Land Use Guidance Map (See Wake Annexation 1)
8. Planning Commission Staff Report (See Wake Annexation 1)
9. Presentation (See Wake Annexation 1)

CITY OF GREELEY, COLORADO
ORDINANCE NO. 43, 2023
CASE NO. ANX2022-0010

AN ORDINANCE ANNEXING TO THE CITY OF GREELEY, COLORADO, CERTAIN UNINCORPORATED TERRITORY LOCATED IN WELD COUNTY, COLORADO, KNOWN AS THE WAKE ANNEXATION, GENERALLY LOCATED EAST OF 6TH AVENUE, WEST OF HIGHWAY 85 BYPASS, NORTH OF 5TH STREET

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. The City Council of Greeley, Colorado, hereby finds that the property, which is legally described in section 2 below, for which one hundred percent (100%) of the landowners have petitioned for annexation to the City of Greeley, is in all respects eligible for annexation and that said annexation proceedings have been conducted in compliance with the laws of the State of Colorado.

Section 2. The territories described below in this section are hereby approved for annexations and are hereby annexed to the City of Greeley. These territories referred to are described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Said described parcels of land contains 13.075 Acres, more or less, and is subject to any easements or rights-of-way as granted by instruments of record, or as now existing on said described parcel of land.

Section 3. Pursuant to §C.R.S. 31 -12 -113 of the Colorado Revised Statutes, one (1) copy of the map of the above –described territory and the original of the annexation ordinance shall be filed with the City Clerk of the City of Greeley, Colorado. Two (2) certified copies of this annexation ordinance and map of the area annexed shall be filed for recording with the Clerk and Recorder of Weld County, Colorado, within thirty (30) days after the effective date of this ordinance. The Clerk and Recorder of Weld County, Colorado, is required to file one (1) certified copy of the annexation ordinance and map with the Division of Local Government of the Colorado Department of Local Affairs, as required by section §13- 12- 113(2)(a) of the Colorado Revised Statutes.

Section 4. This ordinance shall be effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS _ DAY OF SEPTEMBER 2023.

ATTEST: **THE CITY OF GREELEY**

By: City Clerk **By: Mayor**

EXHIBIT "A"
(LEGAL DESCRIPTIONS)

WAKE ANNEXATION NO. 3

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 5; THENCE S85° 53' 03"E A DISTANCE OF 580.28 FEET ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5 TO THE **POINT OF BEGINNING**;

THENCE CONTINUING ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5 S85° 53' 03"E A DISTANCE OF 681.64 FEET ON THE SOUTH LINE OF WAKE ANNEXATION NO. 2;

THENCE S1° 47' 37"W A DISTANCE OF 823.29 FEET;

THENCE N87° 00' 29"W A DISTANCE OF 849.06 FEET;

THENCE N0° 01' 14"W A DISTANCE OF 80.11 FEET ON AN EAST LINE OF THE CITY OF GREELEY;

THENCE S87° 02' 25"E A DISTANCE OF 194.90 FEET;

THENCE N0° 03' 45"W A DISTANCE OF 757.45 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5, SAID POINT BEING THE **POINT OF BEGINNING**.

SAID WAKE ANNEXATION NO. 3 HAS A PERIMETER OF 3,386.45 FEET, AND AN AREA OF 569,539 SQUARE FEET, 13.075 ACRES, MORE OR LESS.

BASIS OF BEARINGS

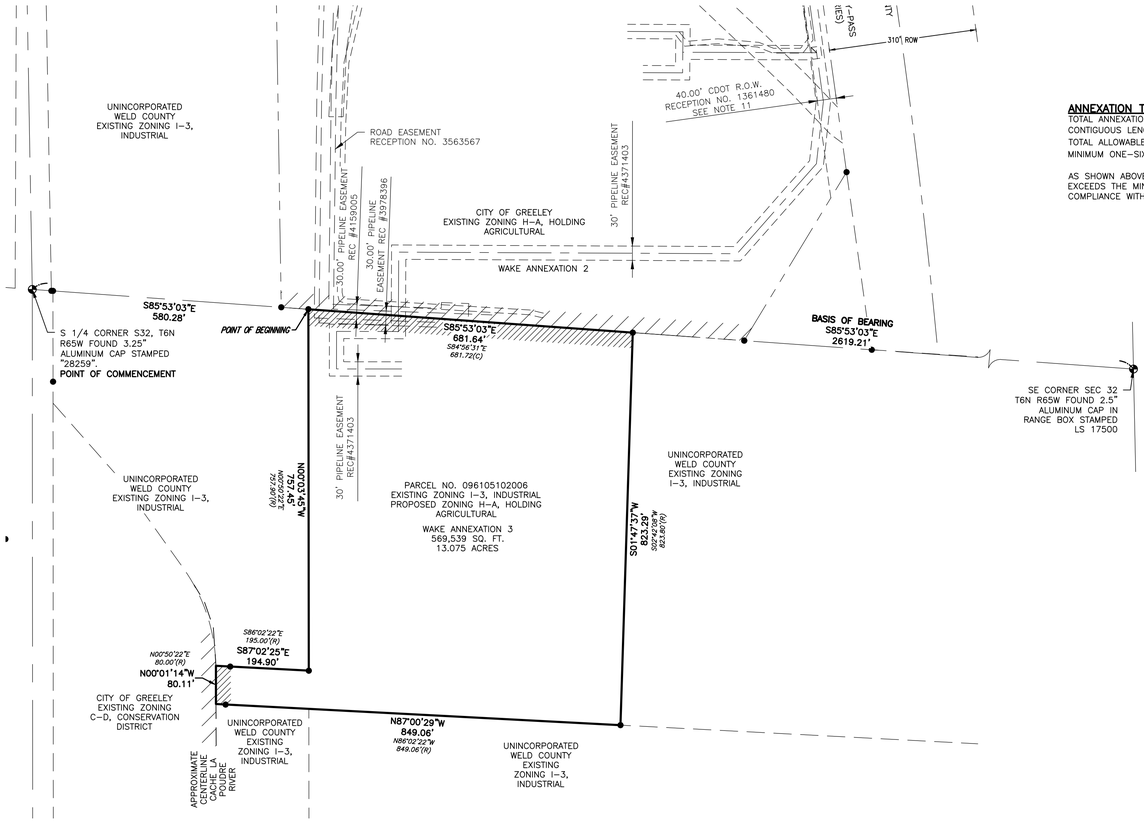
THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO AS REFERENCED TO THE COLORADO STATE PLANE NORTH, NORTH AMERICAN DATUM 1983, BEARS S85° 53' 03"E FOR 2619.21 FEET BETWEEN THE NORTH QUARTER CORNER OF SAID SECTION 5 MONUMENTED WITH A 3 ¼" ALUMINUM CAP STAMPED PLS 28259 IN A MONUMENT BOX AND THE NORTHEAST CORNER OF SAID SECTION 5 MONUMENTED WITH A 2 1/2" ALUMINUM CAP STAMPED LS 17500 IN A MONUMENT BOX WITH ALL OTHER BEARINGS REFERENCED THERETO.

For reference only: Parcel 096105102006

WAKE ANNEXATION NO. 3
TO THE CITY OF GREELEY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M.,
COUNTY OF WELD, STATE OF COLORADO
ANX2022-0010

0 150 300
SCALE: 1"= 150
U.S. SURVEY FEET



LEGEND

- SUBJECT PROPERTY LINE
- ADJACENT LOT LINE
- ANNEXATION/GREELEY TOWN LIMITS
- CONTIGUOUS PERIMETER
- SECTION LINE
- RIGHT OF WAY
- FOUND PROPERTY CORNER
- SECTION CORNER, AS DESCRIBED
- (R) PER RECORD
- (C) CALCULATED PER RECORD
- (R-CDOT) PER RECORD – CDOT ROW MAPS

ANNEXATION TABLE:

TOTAL ANNEXATION BOUNDARY PERIMETER:	3386.45	LINEAR FEET
CONTIGUOUS LENGTH TO EXISTING CITY OF GREELEY BOUNDARY:	761.75	LINEAR FEET
TOTAL ALLOWABLE PERIMETER (CONTIGUOUS x 6):	4570.50	LINEAR FEET
MINIMUM ONE-SIXTH (1/6) OF TOTAL ANNEXATION PERIMETER:	564.41	LINEAR FEET

AS SHOWN ABOVE, THE ANNEXATION PERIMETER CONTIGUOUS TO CITY OF GREELEY BOUNDARY EXCEEDS THE MINIMUM REQUIRED 1/6 CONTIGUITY. THEREFORE, WAKE ANNEXATION #3 IS IN COMPLIANCE WITH THE STATE CONTIGUITY REQUIREMENT.



0 2000 4000
SCALE: 1"= 2000
U.S. SURVEY FEET

VICINITY MAP
1"=2000'

WAKE ANNEXATION NO. 3 PERIMETER DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 5; THENCE S85° 53' 03"E A DISTANCE OF 580.28 FEET ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5 TO THE POINT OF BEGINNING;

THENCE CONTINUING ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5 S85° 53' 03"E A DISTANCE OF 681.64 FEET ON THE SOUTH LINE OF WAKE ANNEXATION NO. 2;

THENCE S1° 47' 37"W A DISTANCE OF 823.29 FEET;

THENCE N87° 00' 29"W A DISTANCE OF 849.06 FEET;

THENCE N0° 01' 14"W A DISTANCE OF 80.11 FEET ON AN EAST LINE OF THE CITY OF GREELEY;

THENCE S87° 02' 25"E A DISTANCE OF 194.90 FEET;

THENCE N0° 03' 45"W A DISTANCE OF 757.45 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5, SAID POINT BEING THE POINT OF BEGINNING.

SAID WAKE ANNEXATION NO. 3 HAS A PERIMETER OF 3,386.45 FEET, AND AN AREA OF 569,539 SQUARE FEET, 13.075 ACRES, MORE OR LESS.

OWNERS: RICHMARK REAL ESTATE PARTNERS LLC, A COLORADO LIMITED LIABILITY COMPANY

BY: _____
TYLER RICHARDSON
AUTHORIZED AGENT

STATE OF COLORADO)
)SS
COUNTY OF WELD)

THE FOREGOING ANNEXATION PLAT WAS ACKNOWLEDGED BEFORE ME BY

TYLER RICHARDSON AS AUTHORIZED AGENT OF RICHMARK REAL ESTATE PARTNERS LLC, A COLORADO LIMITED LIABILITY COMPANY.

ON THIS _____ DAY OF _____, 20____.

WITNESS MY HAND AND OFFICIAL SEAL

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES _____

GENERAL NOTES:

1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
2. ALL EASEMENTS AND RIGHT-OF-WAYS ARE REFERENCED FROM: FIRST AMERICAN TITLE INSURANCE COMPANY, ORDER NUMBER NCS-1109108-CO, WITH AN EFFECTIVE DATE OF JANUARY 25, 2022 AT 5:00 P.M. AND STEWART TITLE GUARANTY COMPANY, ORDER NUMBER 1723690, WITH AN EFFECTIVE DATE OF JUNE 2, 2022 AT 8:00 A.M.
3. BASIS OF BEARINGS: THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO AS REFERENCED TO THE COLORADO STATE PLANE NORTH, NORTH AMERICAN DATUM 1983, BEARS S85° 53' 03"E FOR 2619.21 FEET BETWEEN THE NORTH QUARTER CORNER OF SAID SECTION 5 MONUMENTED WITH A 3 ¼" ALUMINUM CAP STAMPED PLS 28259 IN A MONUMENT BOX AND THE NORTHEAST CORNER OF SAID SECTION 5 MONUMENTED WITH A 2 1/2" ALUMINUM CAP STAMPED LS 17500 IN A MONUMENT BOX WITH ALL OTHER BEARINGS REFERENCED THERETO.

ACCEPTANCE:

THIS ANNEXATION MAP WAS ACCEPTED BY THE CITY OF GREELEY, WELD COUNTY, COLORADO AND THE TERRITORY THEREIN DESIGNATED AND MADE A PART OF THE CITY OF GREELEY, AND INCLUDED WITHIN THE LIMITS AND JURISDICTION THEREON THIS _____, DAY OF _____, 2023.

ATTEST: _____ _____
CITY CLERK MAYOR

CERTIFICATE OF APPROVAL BY ENGINEERING DEVELOPMENT REVIEW AND CIVIL INSPECTIONS MANAGER OR THEIR DESIGNEE:

APPROVED THIS ___ DAY OF _____, 2023, BY THE ENGINEERING DEVELOPMENT REVIEW AND CIVIL INSPECTIONS MANAGER OR THEIR DESIGNEE OF THE CITY OF GREELEY, COLORADO.

_____
ENGINEERING DEVELOPMENT REVIEW
AND CIVIL INSPECTIONS MANAGER

COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL:

APPROVED THIS ___ DAY OF _____, 2023, BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF GREELEY, COLORADO.

_____
COMMUNITY DEVELOPMENT DIRECTOR

LAND SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAT OF WAKE ANNEXATION NO. 3 IS BASED UPON A FIELD SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF COLORADO, AND THAT AT LEAST 1/6 OF THE PERIMETER OF THE ABOVE-DESCRIBED PROPERTY IS CONTIGUOUS TO THE CURRENT BOUNDARY OF THE CITY OF GREELEY, COLORADO

_____
LAINE A. LANDAU, COLORADO PLS 31159
LAMP RYNEARSON
LAINE.LANDAU@LAMPRYNEARSON.COM
DATE OF SIGNATURE:

LAMP RYNEARSON
LAMPRYNEARSON.COM
OMAHA, NEBRASKA
14710 W. DODGE RD, STE. 100 (402)496.2498
FORT COLLINS, COLORADO
4715 INNOVATION DR., STE. 100 (970)226.0342
KANSAS CITY, MISSOURI
9001 STATE LINE RD., STE. 200 (816)361.0440

WAKE ANNEXATION NO. 3
A PORTION OF THE NORTHEAST QUARTER OF SECTION 5
TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M.,
COUNTY OF WELD, STATE OF COLORADO

RICHMARK WAKE ANNEXATION
GREELEY, COLORADO

811 Know what's below. Call before you dig.

ALL UTILITIES ARE SHOWN BASED ON THE DIMATION PROVIDED BY THE UTILITY OWNERS. THERE IS NO GUARANTEE ALL FACILITIES ARE SHOWN OR THAT THE LOCATION, DEPTH, AND SIZE OF EACH FACILITY IS CORRECT. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES AND OTHER LINES PRIOR TO CONSTRUCTION.

REVISIONS
08/09/2022 REMOVED OVERLAPPING TEXT
10/17/2022 REVISED PER CITY COMMENTS
12/13/2022 REVISED PER CITY COMMENTS
03/28/2023 BOUNDARY REVISION

DESIGNER / DRAFTER
LAINE LANDAU/JOSH CROAK
DATE
08/04/2022
PROJECT NUMBER
0222030
BOOK AND PAGE

SHEET
1 OF 1

L:\Engineering\0222030 Richmark Wakes Annexation\SURVEY\DRAWINGS\EXHIBITS\0222030-ANNEXATION PLAT.dwg, 4/7/2023 4:29:37 PM, LAINE LANDAU, LAMP RYNEARSON

Council Agenda Summary

September 19, 2023
Key Staff Contact: Brian McBroom, Community Development Director

Title:

Public hearing and second reading of an ordinance changing the official zoning map of the City of Greeley, Colorado, to establish H-A (Holding-Agriculture) for certain property located in Weld County, Colorado, generally located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street, three properties totaling 120.097 acres (Wake Zoning)

Summary:

Public hearing and second reading of an Ordinance establishing the zoning of three (3) properties totaling 120.097 acres as Holding-Agriculture (H-A), located East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street. Per Sec. 24-201.b.4. annexed areas shall be included in the City's zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance. As such, this application has been submitted in conjunction with two petitions to annex land to the City. The applicant proposes the establishment of H-A (Holding Agriculture) zoning. Notices were sent to 72 properties within 1,000 feet of the subject site, public hearing signs were posted on the property, and to date, no comments have been received.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	**No**
Is there grant funding for this item?	**NA**

Legal Issues:

Consideration of this matter is a quasi-judicial process which includes the following public hearing steps:

1) City staff presentation
2) Council questions of staff
3) Applicant presentation
4) Council questions of applicant
5) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
6) Rebuttal, if requested
7) Council discussion
8) Council decision

Other issues and Considerations:

Strategic Focus Area:

Community Vitality

Decision Options:

1) Adopt the ordinance as presented; or
2) Amend the ordinance and adopt as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

1. Ordinance 44 with Exhibit
2. Planning Commission Summary
3. Establishment of Zoning Map
4. Site Analysis Map
5. Land Use Guidance Map

CITY OF GREELEY, COLORADO
ORDINANCE NO. 44, 2023
CASE NO. ZON2022-0003

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, TO ESTABLISH H-A (HOLDING-AGRICULTURE) FOR CERTAIN PROPERTY LOCATED IN WELD COUNTY, COLORADO, GENERALLY LOCATED EAST OF 6TH AVENUE, WEST OF HIGHWAY 85 BYPASS, NORTH OF 5TH STREET

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. The following described property located in the City of Greeley known as the Wake Annexation is hereby placed into the H-A (Holding-Agriculture) zoning district in the City of Greeley, County of Weld, State of Colorado and is described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Said described parcels of land contains 120.097 Acres, more or less.

Section 2. The boundaries of the pertinent zoning districts as shown on the official zoning map are hereby changed so as to accomplish the above-described zoning changes, and the Mayor and City Clerk are hereby authorized and directed to sign and attest an entry which shall be made on the official zoning map to reflect this change.

Section 3. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS __ DAY OF SEPTEMBER 2023.

ATTEST: **THE CITY OF GREELEY, COLORADO**

_____ _____

By: City Clerk **By: Mayor**

EXHIBIT "A"

WAKE ZONING PERIMETER DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER, SOUTHEAST QUARTER, AND NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/16 CORNER BETWEEN SECTIONS 32 AND 33, TOWNSHIP 6 NORTH, RANGE 65 WEST; THENCE N84° 54' 03"W A DISTANCE OF 706.65 FEET ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 32 TO THE **POINT OF BEGINNING**;

THENCE CONTINUING ON SAID SOUTH LINE N84° 54' 03"W A DISTANCE OF 1386.38 FEET;

THENCE N0° 16' 24"E A DISTANCE OF 297.11 FEET;

THENCE N89° 20' 24"W A DISTANCE OF 129.00 FEET;

THENCE N0° 22' 34"E A DISTANCE OF 400.00 FEET ON THE EAST LINE OF THE THERMO COGENERATION PLANT ANNEXATION RECORDED AT REC. #2467353;

THENCE N89° 47' 22"W A DISTANCE OF 477.15 FEET ON THE NORTH LINE OF SAID THERMO COGENERATION PLANT ANNEXATION;

THENCE N5° 03' 53"E A DISTANCE OF 53.58 FEET ON THE EAST LINE OF THE MONFORT LAMB PLANT ANNEXATION RECORDED AT REC. #2181908;

THENCE N2° 35' 05"E A DISTANCE OF 203.34 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE N1° 02' 25"E A DISTANCE OF 422.15 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE S84° 15' 54"E A DISTANCE OF 33.45 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE N1° 00' 20"W A DISTANCE OF 344.18 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE S84° 18' 04"E A DISTANCE OF 909.75 FEET TO THE SOUTHWEST RIGHT OF WAY FOR THE HIGHWAY 85 BY-PASS;

THENCE N67° 42' 53"E A DISTANCE OF 299.44 FEET TO THE NORTHEAST RIGHT OF WAY FOR THE HIGHWAY 85 BY-PASS;

THENCE ON SAID NORTHEAST RIGHT OF WAY S23°10'17"E A DISTANCE OF 475.25 FEET;

THENCE N88° 44' 10"E A DISTANCE OF 479.74 FEET;

THENCE S1° 08' 17"E A DISTANCE OF 821.58 FEET;

THENCE S0° 04' 41"W A DISTANCE OF 358.82 FEET TO THE NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS;

THENCE 268.77 FEET ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT 268.77 FEET, THE ARC OF SAID CURVE HAVING A RADIUS OF 2956.24 FEET, A CENTRAL ANGLE OF 5°12’33” AND BEING SUB-TENDED BY A CHORD WHICH BEARS S14° 57' 22"E A DISTANCE OF 268.68 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL HAS AN AREA OF 2,683,882 SQUARE FEET, 61.613 ACRES, MORE OR LESS.

AND

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/16 CORNER BETWEEN SECTIONS 32 AND 33, TOWNSHIP 6 NORTH, RANGE 65 WEST; THENCE N84° 54' 03"W A DISTANCE OF 706.65 FEET ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 32 TO THE NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE 129.43 FEET ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2956.24 FEET, A CENTRAL ANGLE OF 2°30'31", AND BEING SUB-TENDED BY A CHORD WHICH BEARS S11° 05' 51"E A DISTANCE OF 129.42 FEET;

THENCE CONTINUING ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS S8° 40' 39"E A DISTANCE OF 205.17 FEET;

THENCE CONTINUING ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS S7° 59' 19"E A DISTANCE OF 501.43 FEET;

THENCE CONTINUING ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS S82°01’00”W A DISTANCE OF 10.00 FEET;

THENCE CONTINUING ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS S07°57’00”E A DISTANCE OF 56.42 FEET;

THENCE SOUTH 82°03’00”W A DISTANCE OF 300.00 FEET TO THE SOUTHWEST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS;

THENCE S31° 15' 29"W A DISTANCE OF 413.37 FEET;

THENCE N85° 53' 03"W A DISTANCE OF 972.88 FEET;

THENCE N0° 54' 24"W A DISTANCE OF 887.47 FEET;

THENCE S87°32' 12"W A DISTANCE OF 540.87 FEET TO THE APPARENT WEST RIGHT OF WAY OF 6TH AVENUE;

THENCE ON THE APPARENT WEST RIGHT OF WAY OF 6TH AVENUE N0°13' 55"E A DISTANCE OF 515.08 FEET;

THENCE S84°54’03”E A DISTANCE OF 60.48 FEET TO THE EAST RIGHT OF WAY OF 6TH AVENUE;

THENCE ON THE EAST RIGHT OF WAY OF 6TH AVENUE S01°35’54”E A DISTANCE OF 92.52 FEET;

THENCE S89° 42' 47"E A DISTANCE OF 337.76 FEET;

THENCE S0° 04' 42"W A DISTANCE OF 89.22 FEET;

THENCE S87° 54' 00"E A DISTANCE OF 63.86 FEET;

THENCE N0° 18' 26"E A DISTANCE OF 91.18 FEET;

THENCE S89° 49' 03"E A DISTANCE OF 64.95 FEET;'

THENCE N0° 16' 24"E A DISTANCE OF 52.85 FEET TO THE SOUTH LINE OF WAKE ANNEXATION NO. 1;

THENCE S84° 54' 03"E A DISTANCE OF 1386.38 FEET ON THE SOUTH LINE OF WAKE ANNEXATION NO. 1 TO THE **POINT OF BEGINNING.**

SAID PARCEL HAS AN AREA OF 1,978,028 SQUARE FEET, 45.409 ACRES, MORE OR LESS.

AND

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 5; THENCE S85° 53' 03"E A DISTANCE OF 580.28 FEET ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5 TO THE **POINT OF BEGINNING;**

THENCE CONTINUING ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5 S85° 53' 03"E A DISTANCE OF 681.64 FEET ON THE SOUTH LINE OF WAKE ANNEXATION NO. 2;

THENCE S1° 47' 37"W A DISTANCE OF 823.29 FEET;

THENCE N87° 00' 29"W A DISTANCE OF 849.06 FEET;

THENCE N0° 01' 14"W A DISTANCE OF 80.11 FEET ON AN EAST LINE OF THE CITY OF GREELEY;

THENCE S87° 02' 25"E A DISTANCE OF 194.90 FEET;

THENCE N0° 03' 45"W A DISTANCE OF 757.45 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5, SAID POINT BEING THE **POINT OF BEGINNING**.

SAID PARCEL HAS A PERIMETER OF 3,386.45 FEET, AND AN AREA OF 569,539 SQUARE FEET, 13.075 ACRES, MORE OR LESS.

THE PERIMETER OF THE COMBINED PARCEL HAS AN AREA OF 5,231,449 SQUARE FET, 120.098 ACRES, MORE OR LESS.

BASIS OF BEARINGS

THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO AS REFERENCED TO THE COLORADO STATE PLANE NORTH, NORTH AMERICAN DATUM 1983, BEARS S85° 53' 03"E FOR 2619.21 FEET BETWEEN THE NORTH QUARTER CORNER OF SAID SECTION 5 MONUMENTED WITH A 3 ¼" ALUMINUM CAP STAMPED PLS 28259 IN A MONUMENT BOX AND THE NORTHEAST CORNER OF SAID SECTION 5 MONUMENTED WITH A 2 1/2" ALUMINUM CAP STAMPED LS 17500 IN A MONUMENT BOX WITH ALL OTHER BEARINGS REFERENCED THERETO.

PLANNING COMMISSION SUMMARY

ITEM: Establishment of Zoning of 120.097 acres of newly annexed land to Holding Agriculture (HA).

FILE NUMBER: ZON2023-0001

PROJECT: Wake Establishment of Zoning

LOCATION: East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street

APPLICANT: Richmark Real Estate Partners, LLC

CASE PLANNER: Doug May, Planner III

PLANNING COMMISSION HEARING DATE: August 22, 2023

PLANNING COMMISSION FUNCTION:
Review the proposed annexation for compliance with Section 24-204 of the Greeley Development Code and make a recommendation to the City Council.

EXECUTIVE SUMMARY
Per Sec. 24-201.b.4. annexed areas shall be included in the City's zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance. As such, this application has been submitted in conjunction with two petitions to annex land to the City. The applicant proposes the establishment of H-A (Holding Agriculture) zoning.

A. REQUEST
The applicant is seeking approval for the Establishment of Zoning to H-A (Holding Agriculture) Zone District for property known as Wake Annexation 1 through 3.

B. STAFF RECOMMENDATION
Approval

C. LOCATION
East of 6th Avenue and West of Highway 85 Bypass (See Attachment A – Vicinity Map).

Current Zoning: Weld County I-3 (Industrial)

Proposed Zoning:	H-A (Holding Agriculture)
Abutting Zoning:	North: I-3 (Industrial - County); Northeast: R-1 (Residential – County) South: I-3 (Industrial - County) East: R-1 (Residential - County) West: C-D (Conservation District – City); I-H, I-M (Industrial – Medium – City) & I-3 (Industrial – County)
Site Conditions:	The site is mostly undeveloped; the majority of the site is within the Cache la Poudre River floodplain, with the northern portion of Wake Annexation 1 in the floodway and most of Wake Annexation 3 in the floodway. A small portion of the western boundary of Wake 3 abuts the river. All three Wake Annexations include multiple oil and gas wellheads, tanks, burners and separators.
Lot Size:	108.018 Acres
Abutting Land Uses:	North: Industrial South: Agriculture/Vacant East: Agriculture, Residential and Vacant West: Industrial

D. BACKGROUND

This establishment of zoning is initiated by the City of Greeley in order to place zoning on recently annexed property in a timely manner, as required by Colorado statute. The property is currently in the process of being annexed into the City of Greeley, with final reading of the annexation ordinance scheduled before City Council on September 19, 2023 (File Nos. ANX2022-0008 – ANX2022-0010). State law requires that zoning be established on all newly annexed parcels within 90 days. The final reading of the ordinance establishing the zoning for this property, as presented herein, is also scheduled before City Council on September 19, 2023.

The subject area, consisting of 120.097 acres, is composed of four parcels and a portion of the Highway 85 Bypass right of way. Each parcel contains oil and gas facilities. Eaton Draw runs through the north portion of Annexation No. 1 and along a portion of the west boundary of Annexation No. 1. The parcels are located within the Long-Range Expected Growth Area and are designated as Natural uses, including

parklands and open space. All three annexations are within the floodplain, with No. 1 and No. 3 also in the floodway.

The applicant is proposing to zone the land to H-A (Holding Agriculture) zone district (see Attachments D). The H-A zone district is generally intended for undeveloped open lands or agricultural land. No specific plans for the site are proposed at the time of annexation, but the Land Use Guidance Map indicates low-density residential uses for the site, so it is likely to eventually develop as such. Water and/or sanitary sewer will be extended to the area to serve any development that occurs there. If the subject site develops in the future, subsequent plans will be required to comply with the City's Development Code and will be required to comply with APFA (Adequate Public Facilities Area) requirements.

E. APPROVAL CRITERIA

Development Code Section 24-204 Rezoning Procedures

The review criteria found in Section 24-204(b) of the Development Code shall be used to evaluate the zoning amendment application.

1. **The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.**

   The site is within the Long-Range Expected Growth Area (LREGA) and the Land Use Guidance Map identifies this area for natural uses, including park lands and open space The LREGA includes those lands anticipated to accommodate the City of Greeley's urban development typically beyond a five (5) year time frame. This typically means that full urban services are not currently available to the site. The properties can be fully serviced if needed in the future.

   Staff Comment: The proposed H-A (Holding Agriculture) zoning district is appropriate for this area. The H-A district has limited land uses, and any development proposal will require a rezone to a district that allows the uses proposed. Additionally, the H-A zone district will allow current oil and gas uses to continue as they are.

   The proposal complies with this criterion.

2. **The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.**

   According to the Development Code, the H-A (Holding Agriculture) zoning district is intended for properties that have been annexed to the City and are either being used for agricultural purposes or have little or no immediate development potential. Additionally, due

to the development patterns and inefficiency of providing city services, this area receives only limited infrastructure investment and is therefore used as a "pre-development" district to either preserve open and rural lands and agriculture uses, or hold areas until more coordinated planning for infrastructure, land uses, and design can occur.

Staff Comment: There is currently no development on the subject property, except for oil and gas facilities. Under the proposed H-A zone district, these uses would be permitted to continue. It is anticipated that this area will develop as open space and outdoor recreation, at which time a re-zone to an appropriate zone district would need to occur.

The proposal complies with this criterion.

3. **Whether the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area.**

Staff Comment: The area is changing in that it is being annexed into the City of Greeley and per State statute and Greeley Development code requirements, zoning must be established within 90 days on newly annexed land.

The proposal complies with this criterion.

4. **Whether the existing zoning been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.**

Staff Comment: The subject area is currently I-3 (Industrial) in unincorporated Weld County. However, because the property is proposed to be annexed into the City of Greeley, City zoning must be established as discussed above.

The proposal complies with this criterion.

5. **The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.**

Staff Comment: The proposed establishment of zoning maintains the current character of the neighborhood. The proposed H-A zone district allows uses primarily limited to agriculture. Any proposed development would require the rezone of the subject area to a zone district that allows for the proposal.

The proposal complies with this criterion.

6. **The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.**

   Staff Comment: The H-A zone district primarily limits permitted uses to agriculture. A proposed development would require a rezone of the property. When water and sanitary sewer service is requested for this region as part of a development proposal, offsite extensions will be required unless other development has already made the extensions. Any proposed development of the subject site would be reviewed for compliance with city standards and improvements to existing infrastructure may be required at that time.

   The proposal complies with this criterion.

7. **The change will serve a community need, provide an amenity or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.**

   Staff Comment: As stated above, the area is changing in that it is being annexed into the City of Greeley and per State statute and Greeley Development code requirements, zoning must be established within 90 days on newly annexed land.

   The proposal complies with this criterion.

8. **Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.**

   Staff Comment: There are no anticipated negative impacts from the proposed establishment of zoning. As previously stated, the proposed H-A zone district's allowed uses are primarily limited to agriculture. A proposed development of the subject site would be reviewed for compliance with city standards and any potential impacts to neighboring properties would be considered at that time.

   The proposal complies with this criterion.

9. **The recommendations of professional staff or advisory review bodies.**

   Staff Comment: City staff recommends approval of this establishment of zoning request.

F. ADMINISTRATIVE REVIEW TEAM COMMENTS:

The proposal was reviewed by the Administrative Review Team and all comments have been addressed.

G. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

2. The Weld County Board of County Commissioners approved a Site Specific Development Plan for the western parcel of Wake Annexation No. 1 for a major facility for a public utility transmission line through the Use by Special Review process in June 2014 (Recording number 4023037).

3. HAZARDS

The Eaton Draw runs through the western parcel of Annexation No. 1. Most of the site is within the FEMA designated floodplain with portions in the floodway. Flooding hazards may exist from time to time. The site also contains multiple oil and gas wells and associated equipment.

4. WILDLIFE

The site is partially located in areas of highly sensitive and moderately sensitive areas of ecological significance. However, no new development of the property is proposed.

5. FLOODPLAIN

The Poudre River flows along and directly through this site; portions of the site are within the floodway, the 100-year floodplain and the 500-year floodplain.

6. DRAINAGE AND EROSION

The site is slightly developed with drainage patterns expected to continue to follow the existing lay of the land. However, drainage patterns would be examined in greater detail through the Site Plan Review application and the subsequent permitting processes.

7. TRANSPORTATION

The site is located adjacent to N. 6th Avenue and to Highway 85 bypass.

H. PUBLIC NOTICE AND COMMENT:

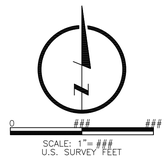
Mailed notice is required, per the Development Code effective as of October 1, 2021. Therefore, a mailed notice was sent on July 28, 2023 to 72 surrounding properties within 1,000 feet of the project boundary. The applicant posted signs in three locations on the property on August 3, 2023. As of August 10, 2023, no comments or concerns have been received.

I. PLANNING COMMISSION RECOMMENDED MOTION:

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Wake Establishment of Zoning, File number ZON2023-0001 meets the required Development Code criteria of Section 24-204.b.(1-9); and recommend approval of the Wake Establishment of Zoning to the City Council.

J. ATTACHMENTS:

Attachment A – Vicinity Map
Attachment B – Establishment of Zoning Maps
Attachment C – Site Analysis Map
Attachment D – Land Use Guidance Map



COVER SHEET

WAKE ZONING PLAT

LOCATED IN THE SOUTHWEST, SOUTHEAST AND NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO
ZON2023-0001

LEGEND

- SUBJECT PROPERTY LINE
- ADJACENT LOT LINE
- SECTION LINE
- RIGHT OF WAY
- FOUND PROPERTY CORNER
- SECTION CORNER, AS DESCRIBED
- (R) PER RECORD
- (C) CALCULATED PER RECORD
- (R-CDOT) PER CDOT ROW MAP

WAKE ZONING PERIMETER DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER, SOUTHEAST QUARTER, AND NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/16 CORNER BETWEEN SECTIONS 32 AND 33, TOWNSHIP 6 NORTH, RANGE 65 WEST; THENCE N84° 54' 03"W A DISTANCE OF 706.65 FEET ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 32 TO THE POINT OF BEGINNING;

THENCE CONTINUING ON SAID SOUTH LINE N84° 54' 03"W A DISTANCE OF 1386.38 FEET;

THENCE N0° 16' 24"E A DISTANCE OF 297.11 FEET;

THENCE N89° 20' 24"W A DISTANCE OF 129.00 FEET;

THENCE N0° 22' 34"E A DISTANCE OF 400.00 FEET ON THE EAST LINE OF THE THERMO COGENERATION PLANT ANNEXATION RECORDED AT REC. #2467353;

THENCE N89° 47' 22"W A DISTANCE OF 477.15 FEET ON THE NORTH LINE OF SAID THERMO COGENERATION PLANT ANNEXATION;

THENCE N5° 03' 53"E A DISTANCE OF 53.58 FEET ON THE EAST LINE OF THE MONFORT LAMB PLANT ANNEXATION RECORDED AT REC. #2181908;

THENCE N2° 35' 05"E A DISTANCE OF 203.34 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE N1° 02' 25"E A DISTANCE OF 422.15 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE S84° 15' 54"E A DISTANCE OF 33.45 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE N1° 00' 20"W A DISTANCE OF 344.18 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE S84° 18' 04"E A DISTANCE OF 909.75 FEET TO THE SOUTHWEST RIGHT OF WAY FOR THE HIGHWAY 85 BY-PASS;

THENCE N67° 42' 53"E A DISTANCE OF 299.44 FEET TO THE NORTHEAST RIGHT OF WAY FOR THE HIGHWAY 85 BY-PASS;

THENCE ON SAID NORTHEAST RIGHT OF WAY S23°10'17"E A DISTANCE OF 475.25 FEET;

THENCE N88° 44' 10"E A DISTANCE OF 479.74 FEET;

THENCE S1° 08' 17"E A DISTANCE OF 821.58 FEET;

THENCE S0° 04' 41"W A DISTANCE OF 358.82 FEET TO THE NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS;

THENCE 268.77 FEET ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT 268.77 FEET, THE ARC OF SAID CURVE HAVING A RADIUS OF 2956.24 FEET, A CENTRAL ANGLE OF 5°12'33" AND BEING SUB-TENDED BY A CHORD WHICH BEARS S14° 57' 22"E A DISTANCE OF 268.68 FEET TO THE POINT OF BEGINNING.

SAID PARCEL HAS AN AREA OF 2,683,882 SQUARE FEET, 61.613 ACRES, MORE OR LESS.

AND

COMMENCING AT THE SOUTH 1/16 CORNER BETWEEN SECTIONS 32 AND 33, TOWNSHIP 6 NORTH, RANGE 65 WEST; THENCE N84° 54' 03"W A DISTANCE OF 706.65 FEET ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 32 TO THE NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS, SAID POINT BEING THE POINT OF BEGINNING;
THENCE 129.43 FEET ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2956.24 FEET, A CENTRAL ANGLE OF 2°30'31", AND BEING SUB-TENDED BY A CHORD WHICH BEARS S11° 05' 51"E A DISTANCE OF 129.42 FEET;

THENCE CONTINUING ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS S8° 40' 39"E A DISTANCE OF 205.17 FEET;

THENCE CONTINUING ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS S7° 59' 19"E A DISTANCE OF 501.43 FEET;

THENCE CONTINUING ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS S82°01'00"W A DISTANCE OF 10.00 FEET;

THENCE CONTINUING ON SAID NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS S07°57'00"E A DISTANCE OF 56.42 FEET;

THENCE SOUTH 82°03'00"W A DISTANCE OF 300.00 FEET TO THE SOUTHWEST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS;

THENCE S31° 15' 29"W A DISTANCE OF 413.37 FEET;

THENCE N85° 53' 03"W A DISTANCE OF 972.88 FEET;

THENCE N0° 54' 24"W A DISTANCE OF 887.47 FEET;

THENCE S87°32' 12"W A DISTANCE OF 540.87 FEET TO THE APPARENT WEST RIGHT OF WAY OF 6TH AVENUE;

THENCE ON THE APPARENT WEST RIGHT OF WAY OF 6TH AVENUE N0°13' 55"E A DISTANCE OF 515.08 FEET;

THENCE S84°54'03"E A DISTANCE OF 60.48 FEET TO THE EAST RIGHT OF WAY OF 6TH AVENUE;

THENCE ON THE EAST RIGHT OF WAY OF 6TH AVENUE S01°35'54"E A DISTANCE OF 92.52 FEET;

THENCE S89° 42' 47"E A DISTANCE OF 337.76 FEET;

THENCE S0° 04' 42"W A DISTANCE OF 89.22 FEET;

THENCE S87° 54' 00"E A DISTANCE OF 63.86 FEET;

THENCE N0° 18' 26"E A DISTANCE OF 91.18 FEET;

THENCE S89° 49' 03"E A DISTANCE OF 64.95 FEET;'

THENCE N0° 16' 24"E A DISTANCE OF 52.85 FEET TO THE SOUTH LINE OF WAKE ANNEXATION NO. 1;

THENCE S84° 54' 03"E A DISTANCE OF 1386.38 FEET ON THE SOUTH LINE OF WAKE ANNEXATION NO. 1 TO THE POINT OF BEGINNING.

SAID PARCEL HAS AN AREA OF 1,978,028 SQUARE FEET, 45.409 ACRES, MORE OR LESS.

AND

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 5; THENCE S85° 53' 03"E A DISTANCE OF 580.28 FEET ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5 TO THE POINT OF BEGINNING;

THENCE CONTINUING ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5 S85° 53' 03"E A DISTANCE OF 681.64 FEET ON THE SOUTH LINE OF WAKE ANNEXATION NO. 2;

THENCE S1° 47' 37"W A DISTANCE OF 823.29 FEET;

THENCE N87° 00' 29"W A DISTANCE OF 849.06 FEET;

THENCE N0° 01' 14"W A DISTANCE OF 80.11 FEET ON AN EAST LINE OF THE CITY OF GREELEY;

THENCE S87° 02' 25"E A DISTANCE OF 194.90 FEET;

THENCE N0° 03' 45"W A DISTANCE OF 757.45 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5, SAID POINT BEING THE POINT OF BEGINNING.

SAID PARCEL HAS AN AREA OF 569,539 SQUARE FEET, 13.075 ACRES, MORE OR LESS.

THE PERIMETER OF THE COMBINED PARCEL HAS AN AREA OF 5,231,449 SQUARE FEET, 120.098 ACRES MORE OR LESS.

CERTIFICATION OF OWNERSHIP

RICHMARK REAL ESTATE PARTNERS, BEING THE SOLE OWNERS IN FEE OF THE ABOVE-DESCRIBED PROPERTY, EXCEPT FOR RIGHTS OF WAY, HEREBY REQUEST THE ABOVE PROPERTY BE ZONED HA - HOLDING AGRICULTURE.

OWNERS: RICHMARK REAL ESTATE PARTNERS LLC, A COLORADO LIMITED LIABILITY COMPANY

OWNERS: _____DATE:_____
TYLER RICHARDSON
AUTHORIZED AGENT

ACKNOWLEDGEMENT:

STATE OF COLORADO)
)SS
COUNTY OF WELD)

THE FOREGOING ZONING PLAT WAS ACKNOWLEDGED BEFORE ME BY TYLER RICHARDSON AS AUTHORIZED AGENT OF RICHMARK REAL ESTATE PARTNERS LLC, A COLORADO LIMITED LIABILITY COMPANY.

ON THIS _____ DAY OF _____, 20____.

WITNESS MY HAND AND OFFICIAL SEAL

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES _____

GENERAL NOTES:

1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
2. ALL EASEMENTS AND RIGHT-OF-WAYS ARE REFERENCED FROM: FIRST AMERICAN TITLE INSURANCE COMPANY, ORDER NUMBER NCS-1148067-CO, WITH AN EFFECTIVE DATE OF SEPTEMBER 19, 2022 AT 5:00 P.M..
3. BASIS OF BEARINGS: THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO AS REFERENCED TO THE COLORADO STATE PLANE NORTH, NORTH AMERICAN DATUM 1983, BEARS NORTH 84° 54' 03" WEST FOR 2618.50 FEET BETWEEN THE SOUTH SIXTEENTH CORNER OF SECTION 32 AND 33 MONUMENTED WITH A #6 REBAR AND 3 ¼" ALUMINUM CAP STAMPED 33200, 2012 AND THE CENTER-SOUTH SIXTEENTH CORNER OF SAID SECTION 32 MONUMENTED WITH #5 REBAR AND 2" ALUMINUM CAP STAMPED PLS 28259, 1996 WITH ALL OTHER BEARINGS REFERENCED THERETO.
4. INTENT: THE INTENT OF THIS DOCUMENT IS TO ZONE THE HEREIN DESCRIBED PROPERTY (WAKE ANNEXATION NO. 1 - ANX2022-0008, WAKE ANNEXATION NO. 2 - ANX2022-0009, AND WAKE ANNEXATION NO. 3 - ANX2022-0010) AS CITY OF GREELEY ZONE HA - HOLDING AGRICULTURE.

REZONING DEVELOPMENT STANDARD NOTES:

1. APPROVAL OF SITE CONSTRUCTION PLANS BY THE CITY OF GREELEY SHALL BE REQUIRED (AS APPLICABLE) PRIOR TO ISSUANCE OF BUILDING PERMITS.
2. AT TIME OF SITE DEVELOPMENT ALL EXISTING AND PROPOSED UTILITIES SHALL BE INSTALLED UNDERGROUND, EXCEPT THOSE FOR ELECTRICAL TRANSMISSION.
3. NO BUILDING PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF A NEW BUILDING OR STRUCTURE UNLESS THE PROPERTY HAS BEEN PLATTED IN ACCORDANCE WITH THE CITY'S SUBDIVISION REGULATIONS (CHAPTER 3).
4. ALL ELEVATIONS SHOWN ON THESE PLANS ARE TIED TO NAVD 88 DATUM.

PLANNING COMMISSION APPROVAL:

APPROVED BY THE CITY OF GREELEY PLANNING COMMISSION ON THIS ___ DAY OF _____, 2023,

_____
GREELEY PLANNING COMMISSION

CITY COUNCIL APPROVAL:

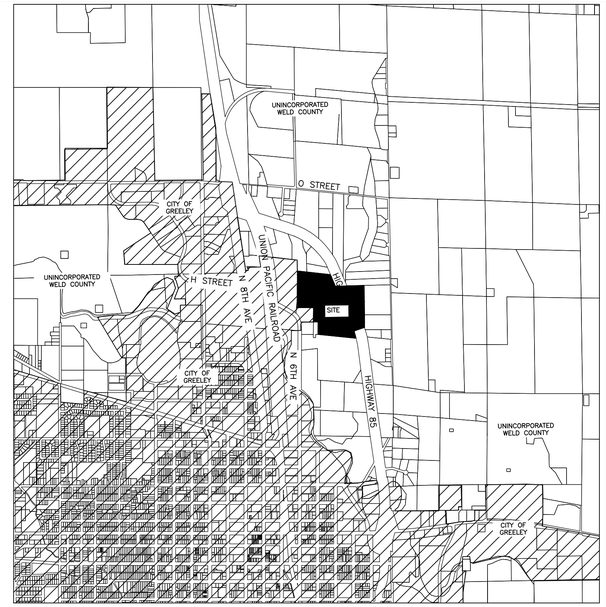
APPROVED BY THE GREELEY CITY COUNCIL ON THIS ___ DAY OF _____, 2023,

_____
GREELEY CITY COUNCIL

COMMUNITY DEVELOPMENT DIRECTOR'S APPROVAL:

APPROVED THIS ___ DAY OF _____, 2023, BY THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF GREELEY, COLORADO.

_____
COMMUNITY DEVELOPMENT DIRECTOR



VICINITY MAP
1"=2000'

APPLICANT & PROPERTY OWNER:

RICHMARK REAL ESTATE PARTNERS LLC
NATHAN ZIERER
5200 W 20TH ST.
GREELEY, CO 80634
PHONE: 970-352-9446

SURVEYOR:

LAMP RYNEARSON
LAINE LANDAU, PLS 31159
4715 INNOVATION DRIVE, SUITE 100
FORT COLLINS, CO 80525
PHONE: 970-226-0342

LAND SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS ZONING PLAT IS BASED UPON A FIELD SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF COLORADO.

_____
LAINE A. LANDAU, COLORADO PLS 31159
LAMP RYNEARSON
LAINE.LANDAU@LAMPRYNEARSON.COM

LAMP RYNEARSON
LAMPRYNEARSON.COM
OMAHA, NEBRASKA
14710 W. DODGE RD, STE. 100 (402)496.2498
FORT COLLINS, COLORADO
4715 INNOVATION DR., STE. 100 (970)226.0342
KANSAS CITY, MISSOURI
9001 STATE LINE RD., STE. 200 (816)361.0440

WAKE ZONING PLAT COVER SHEET
A PORTION OF THE SOUTHWEST, SOUTHEAST, AND NORTHEAST QUARTER
SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M.,
COUNTY OF WELD, STATE OF COLORADO

RICHMARK WAKE ANNEXATION
GREELEY, COLORADO

811 ALL UTILITIES ARE SHOWN ACCORDING TO INFORMATION AVAILABLE TO THE ENGINEER. THERE IS NO GUARANTEE ALL FACILITIES ARE SHOWN OR THAT THE LOCATION, DEPTH, AND SIZE OF EACH FACILITY IS CORRECTLY. THE CONTRACTOR IS RESPONSIBLE TO VERIFY ALL UTILITIES AND SERVICE LINES PRIOR TO CONSTRUCTION.
Know what's below. Call before you dig.

REVISIONS

DESIGNER / DRAFTER
LAINE LANDAU/JOSH CROAK
DATE
05/18/2023
PROJECT NUMBER
0222030
BOOK AND PAGE

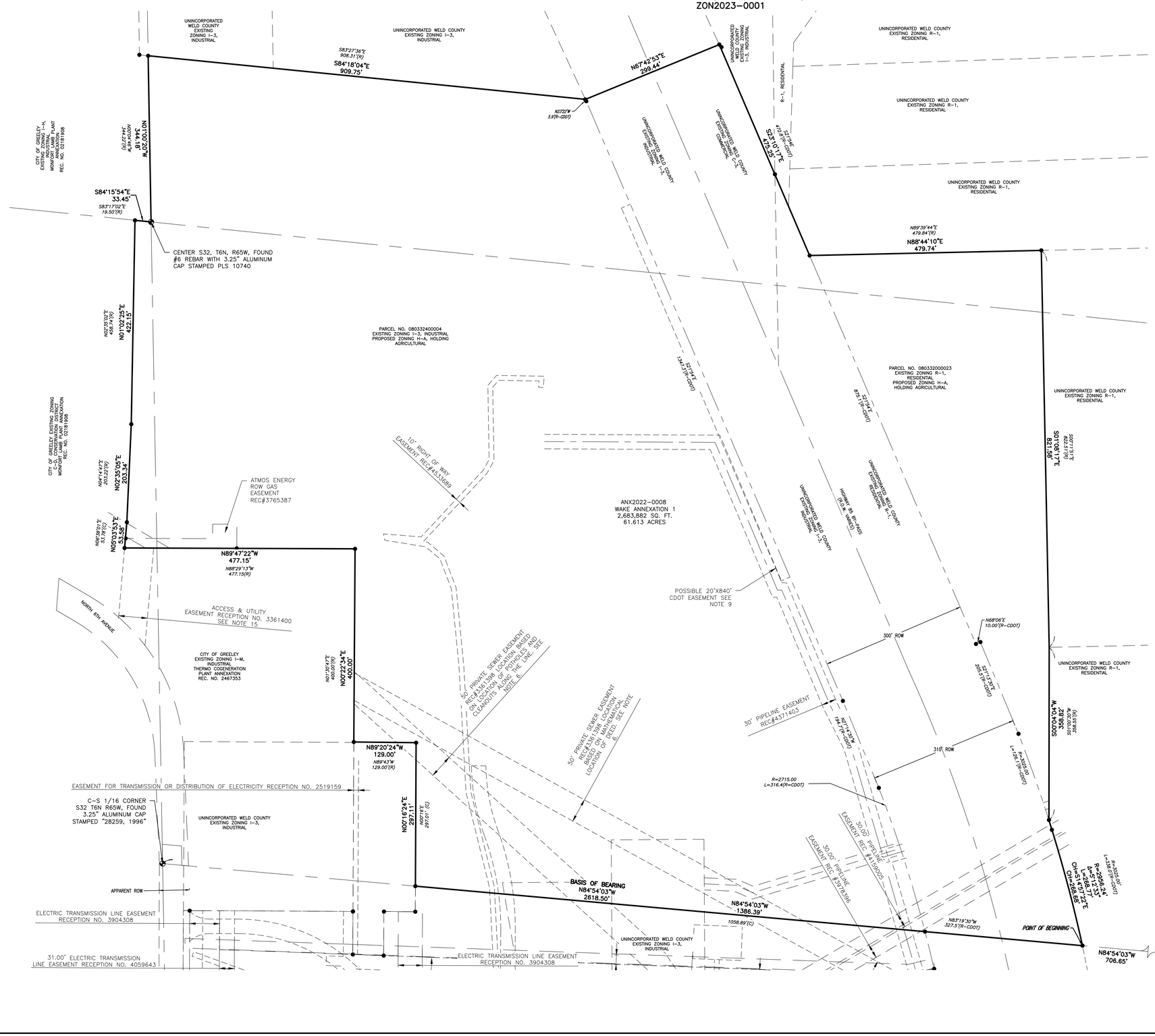
SHEET
1 OF 6

L:\Engineering\0222030 Richmark Wakes Annexation\Civil\Plats\0222030-ZONING PLAT.dwg, 5/24/2023 1:08:13 PM, JOSHUA A. CROAK, LAMP RYNEARSON

PROPERTY BOUNDARY MAP

WAKE ZONING PLAT

LOCATED IN THE SOUTHWEST, SOUTHEAST AND NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO
ZON2023-0001



LAMP RYNEARSON

LAMPRYNEARSON.COM

OMAHA, NEBRASKA
14710 W. DODGE RD, STE. 100 (402)496.2498

FORT COLLINS, COLORADO
4715 INNOVATION DR., STE. 100 (970)226.0342

KANSAS CITY, MISSOURI
9001 STATE LINE RD., STE. 200 (816)361.0440

WAKE ZONING PLAT PROPERTY BOUNDARY MAP
A PORTION OF THE SOUTHWEST, SOUTHEAST, AND NORTHEAST QUARTER
SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M.,
COUNTY OF WELD, STATE OF COLORADO

RICHMARK WAKE ANNEXATION
GREELEY, COLORADO

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REVISIONS

DESIGNER / DRAFTER
LAINE LANDAU/JOSH CROAK
DATE
05/24/2023
PROJECT NUMBER
0222030
BOOK AND PAGE

SHEET
2 OF 6

L:\Engineering\0222030 Richmark Wakes Annexation\SURVEY\DRAWINGS\EXHIBITS\0222030-ZONING PLAT.dwg, 5/24/2023 1:08:34 PM, JOSHUA A. CROAK, LAMP RYNEARSON

PROPERTY BOUNDARY MAP

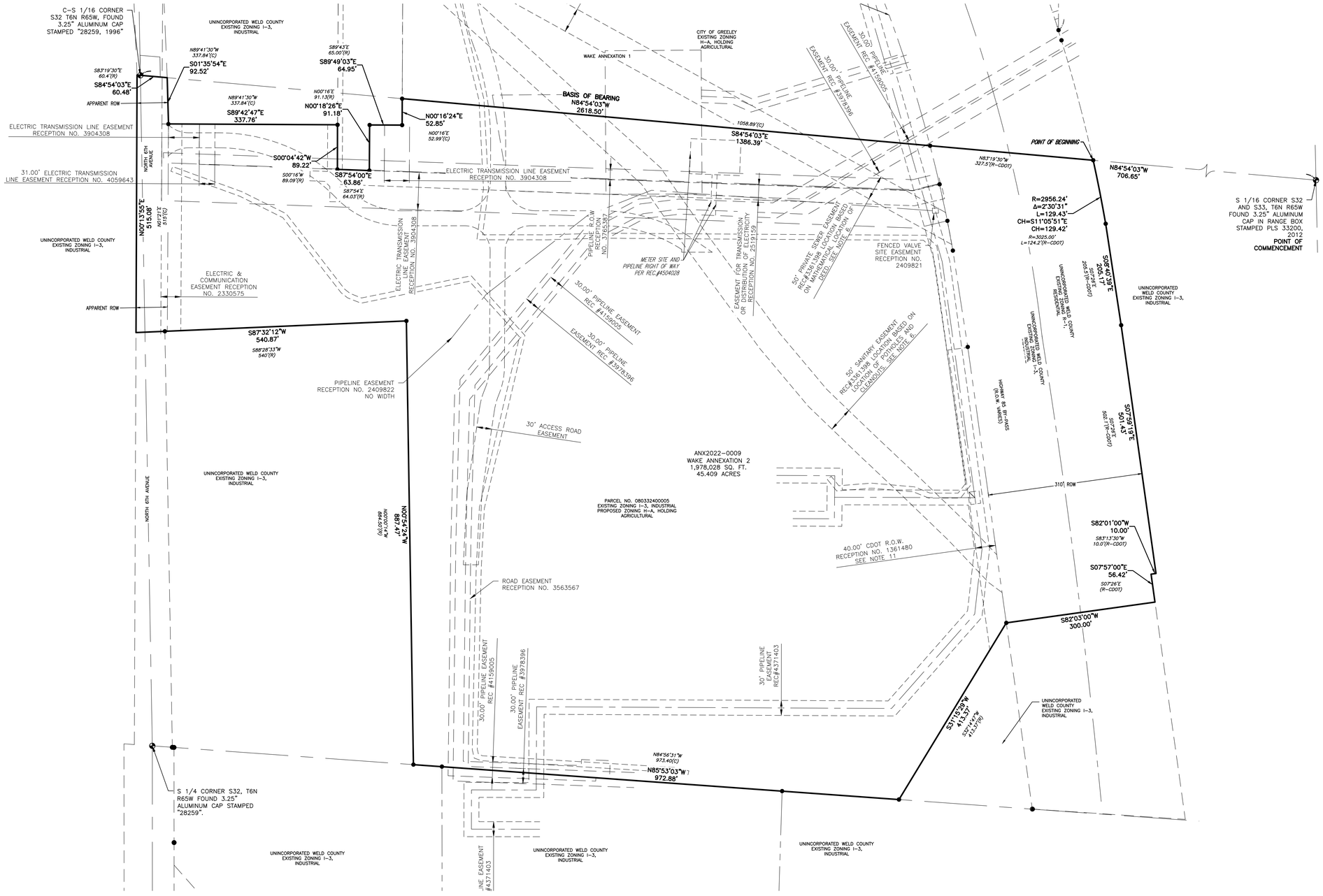
WAKE ZONING PLAT

LOCATED IN THE SOUTHWEST, SOUTHEAST AND NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO
ZON2023-0001

SCALE: 1"= ###
U.S. SURVEY FEET

LEGEND

- SUBJECT PROPERTY LINE
- ADJACENT LOT LINE
- SECTION LINE
- RIGHT OF WAY
- FOUND PROPERTY CORNER
- SECTION CORNER, AS DESCRIBED
- (R) PER RECORD
- (C) CALCULATED PER RECORD
- (R-CDOT) PER CDOT ROW MAP



LAMP RYNEARSON

LAMPRYNEARSON.COM

OMAHA, NEBRASKA
14710 W. DODGE RD, STE. 100 (402)496.2498

FORT COLLINS, COLORADO
4715 INNOVATION DR., STE. 100 (970)226.0342

KANSAS CITY, MISSOURI
9001 STATE LINE RD., STE. 200 (816)361.0440

WAKE ZONING PLAT PROPERTY BOUNDARY MAP
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M.
COUNTY OF WELD, STATE OF COLORADO

RICHMARK WAKE ANNEXATION
GREELEY, COLORADO

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REVISIONS

DESIGNER / DRAFTER
LAINE LANDAU/JOSH CROAK
DATE
05/24/2023
PROJECT NUMBER
0222030
BOOK AND PAGE

SHEET
3 OF 6

L:\Engineering\0222030 Richmark Wakes Annexation\SURVEY\DRAWINGS\EXHIBITS\0222030-ZONING PLAT.dwg, 5/24/2023 1:08:45 PM, JOSHUA A. CROAK, LAMP RYNEARSON

PROPERTY BOUNDARY MAP

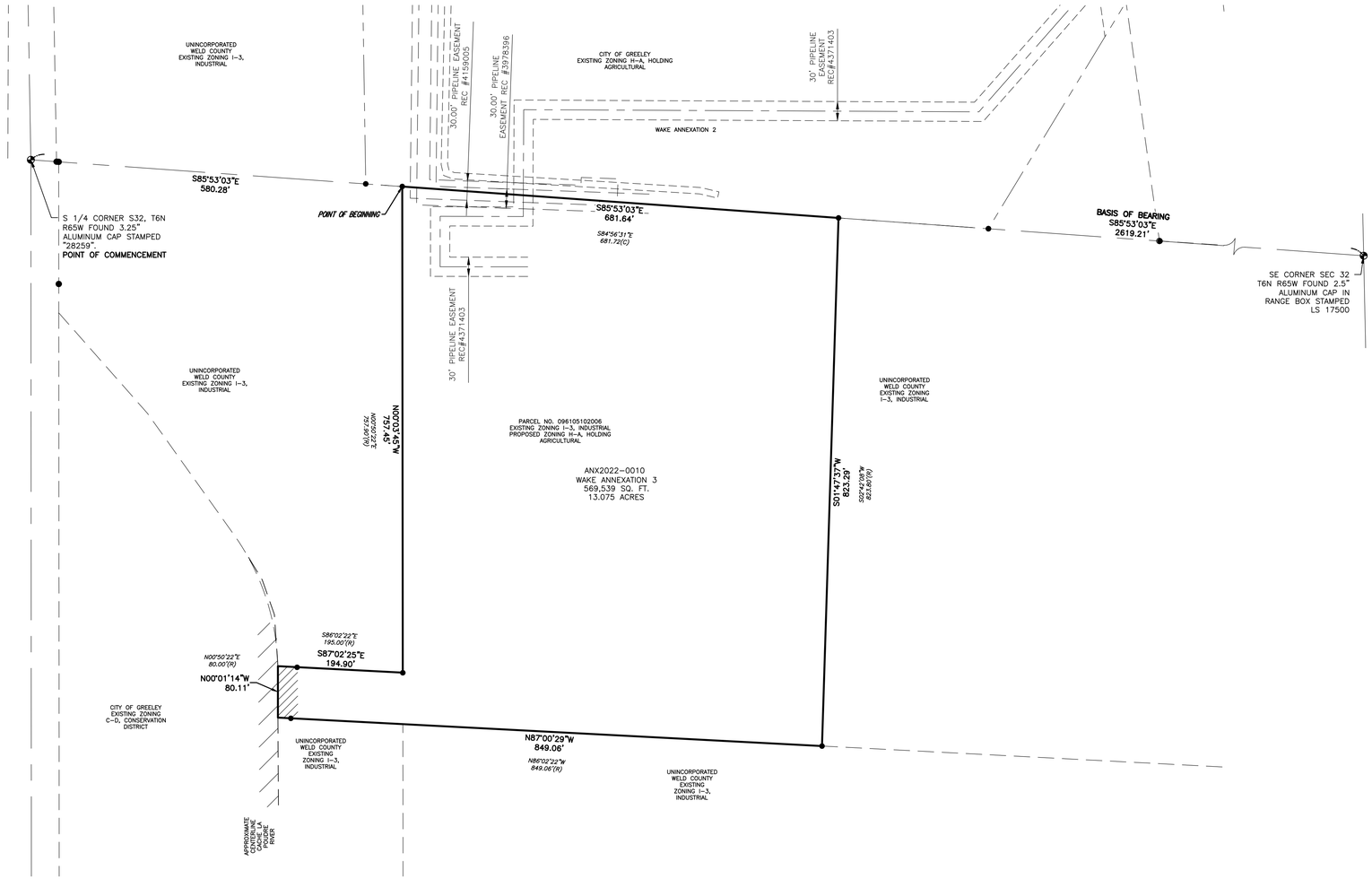
WAKE ZONING PLAT

LOCATED IN THE SOUTHWEST, SOUTHEAST AND NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO
ZON2023-0001

0 ### ###
SCALE: 1"= ###
U.S. SURVEY FEET

LEGEND

- SUBJECT PROPERTY LINE
- ADJACENT LOT LINE
- SECTION LINE
- RIGHT OF WAY
- FOUND PROPERTY CORNER
- SECTION CORNER, AS DESCRIBED
- (R) PER RECORD
- (C) CALCULATED PER RECORD
- (R-CDOT) PER RECORD – CDOT ROW MAPS



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9001 STATE LINE RD., STE. 200 (816)361.0440

WAKE ZONING PLAT PROPERTY BOUNDARY MAP
A PORTION OF THE NORTHEAST QUARTER OF SECTION 5
TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M.,
COUNTY OF WELD, STATE OF COLORADO

RICHMARK WAKE ANNEXATION
GREELEY, COLORADO

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4 OF 6

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EXISTING CONDITIONS AND ZONING SUITABILITY MAP

WAKE ZONING PLAT

LOCATED IN THE SOUTHWEST, SOUTHEAST AND NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO
ZON2023-0001

ZONING SUMMARY		
EXISTING ZONING	PROPOSED ZONING	AREA
WELD I-3	GREELEY H-A	4,950,490 S.F., 113.647
WELD R-1	GREELEY H-A	280,959 S.F., 6.450 ACRES
TOTAL		100%





VICINITY MAP
1"=2000'

0 100 200
SCALE: 1"=100
U.S. SURVEY FEET

LEGEND

- BOUNDARY LINE
- SECTION LINE
- ADJACENT PROPERTY LINE
- OIL AND GAS SETBACK
- EXISTING EASEMENT
- BUILDING LINE
- FENCE LINE
- EDGE OF CONCRETE
- EDGE OF GRAVEL
- RECORD SANITARY LINE
- SANITARY FORCE MAIN
- RECORD WATER LINE
- GAS LINE
- OVERHEAD POWER LINE
- ELECTRIC LINE
- EDGE OF AREA WITH 0.2% ANNUAL FLOOD CHANCE
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A PORTION OF THE NORTHEAST QUARTER OF SECTION 5
TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M.,
COUNTY OF WELD, STATE OF COLORADO

RICHMARK WAKE
GREELEY, COLORADO

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REVISIONS

DESIGNER / DRAFTER	LAINE LANDAU/JOSH CROAK
DATE	05/24/2023
PROJECT NUMBER	0222030
BOOK AND PAGE	
SHEET	5 OF 6

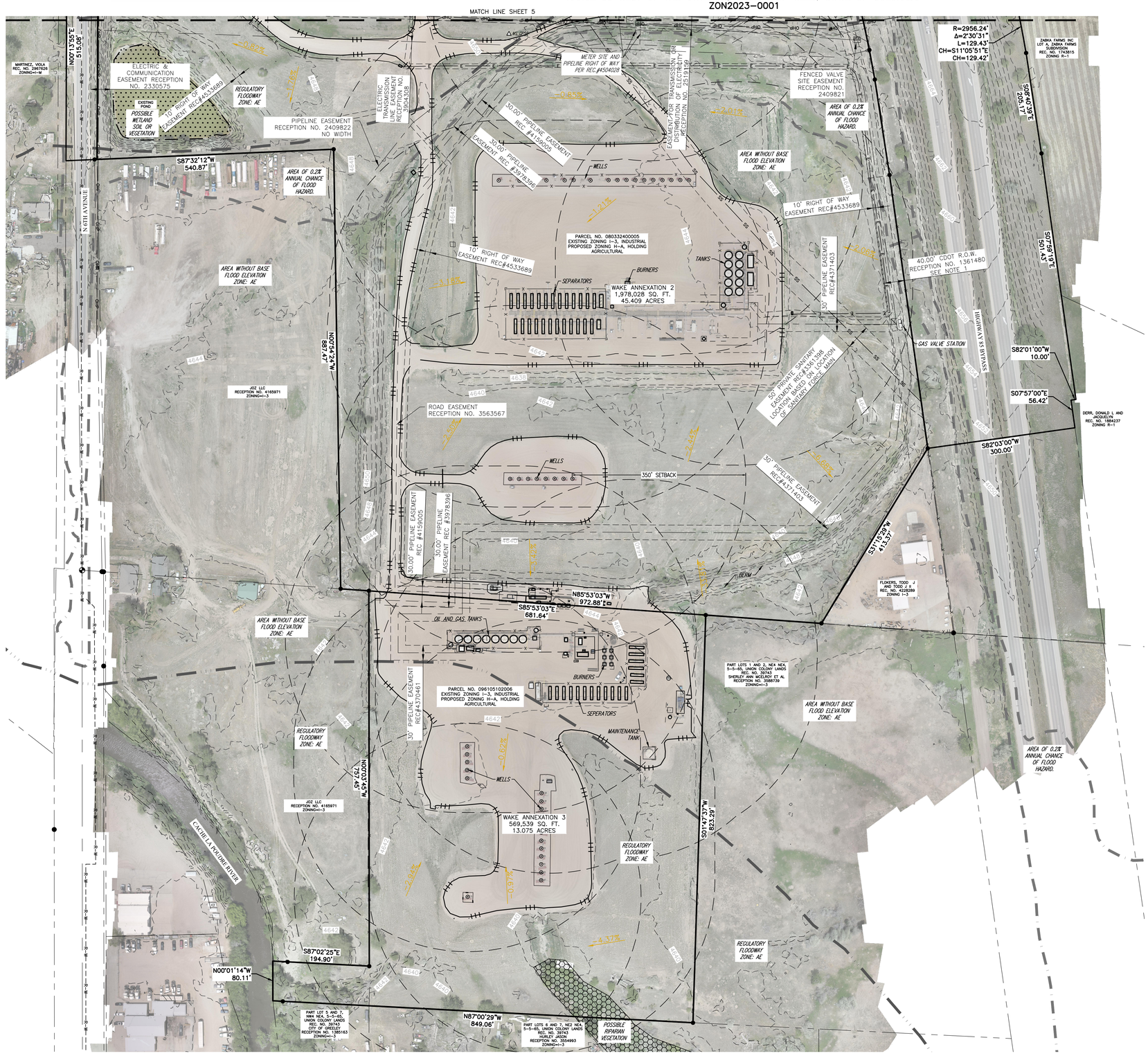
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EXISTING CONDITIONS AND ZONING SUITABILITY MAP

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ZON2023-0001

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VICINITY MAP
1"=2000'

SCALE: 1"= 100
U.S. SURVEY FEET

LEGEND

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- SECTION LINE
- ADJACENT PROPERTY LINE
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- EXISTING EASEMENT
- BUILDING LINE
- FENCE LINE
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GREELEY, COLORADO

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REVISIONS

DESIGNER / DRAFTER
LAINE LANDAU/JOSH CROAK
DATE
05/24/2023
PROJECT NUMBER
0222030
BOOK AND PAGE

SHEET
6 OF 6

L:\Engineering\0222030 Richmark Wakes Annexation\SURVEY\DRAWINGS\EXHIBITS\0222030-Zone Suitability Map.dwg, 5/24/2023 1:07:59 PM, JOSHUA A. CROAK, LAMP RYNEARSON

SITE ANALYSIS MAP

WAKE ANNEXATIONS NO. 1, 2 AND 3 TO THE CITY OF GREELEY

LOCATED IN THE SOUTHWEST, SOUTHEAST AND NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST, AND THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO
ANX2022–0008, ANX2022–0009, ANX2022–0010





VICINITY MAP
1"=2000'

0 100 200
SCALE: 1"= 100
U.S. SURVEY FEET

LEGEND

- BOUNDARY LINE
- SECTION LINE
- ADJACENT PROPERTY LINE
- OIL AND GAS SETBACK
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REVISIONS
LAL/JAC 10/17/2022 REV PER CITY COMMENTS
LAL 11/23/2022 REV PER CITY COMMENTS
LAL 12/13/2022 REV PER CITY COMMENTS
LAL 03/28/2023 BOUNDARY REVISION

DESIGNER / DRAFTER	LAINE LANDAU/JOSH CROAK
DATE	08/04/2022
PROJECT NUMBER	0222030
BOOK AND PAGE	

SHEET 1 OF 2

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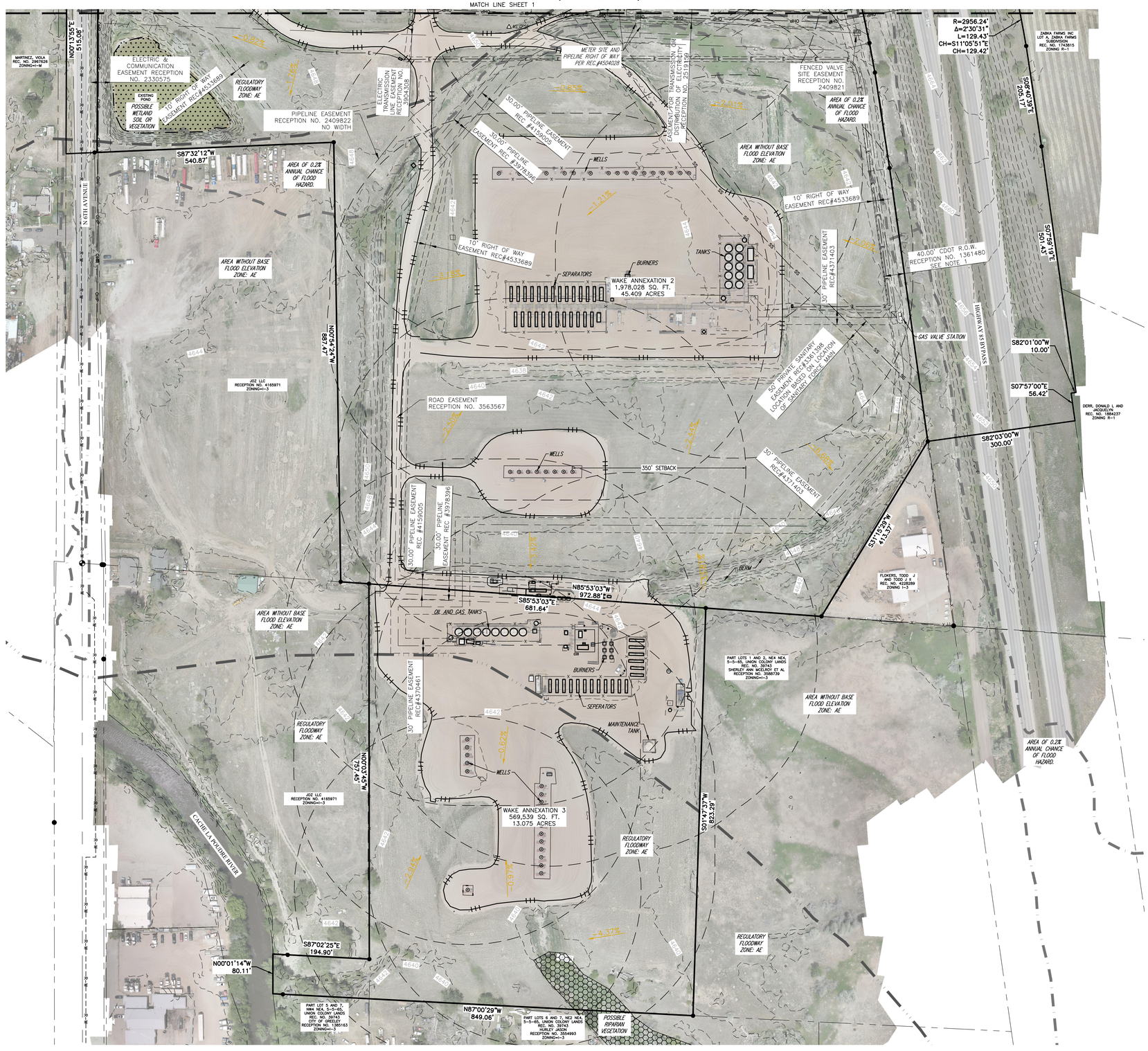
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ANX2022-0008, ANX2022-0009, ANX2022-0010

MATCH LINE SHEET 1





VICINITY MAP
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0 100 200
SCALE: 1"= 100
U.S. SURVEY FEET

LEGEND

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   ELEVATION DERIVED FROM TRIMBLE VRS NETWORK (NAVD88)
6. HORIZONTAL DATUM: BASED ON THE NORTH AMERICAN DATUM OF 1983(2011), COLORADO STATE PLANE SYSTEM, NORTH ZONE. PROJECT IS IN MODIFIED STATE PLANE COORDINATES. TO ACHIEVE GRID COORDINATES AND GRID DISTANCES SCALE ENTIRE PROJECT BY 0.999734758 FROM GRID COORDINATE (0,0) AS THE SCALE LOCATION.
7. THE SUBJECT PROPERTY IS LOCATED IN ZONE A, REGULATORY FLOODWAY, ZONE AE, AN AREA WITH A BASE FLOOD ELEVATION, AND SHADED ZONE X, AN AREA WITH A 0.2% ANNUAL CHANCE FLOOD HAZARD, AND UN-SHADED ZONE X, AREA OF MINIMAL FLOOD HAZARD, BASED ON THE FEMA FLOOD MAP 08123C1533E EFFECTIVE 01/20/2016, AND EFFECTED BY LOMR 15-08-0573P EFFECTIVE 07/14/2016. FLOOD INFORMATION IS SUBJECT TO CHANGE.
8. AERIAL IMAGE WAS TAKEN ON 06/10/2022 BY DRONE AND IS GEO-REFERENCED TO THE SITE.
9. CONTOURS SHOWN AT 2' INTERVALS WERE DERIVED FROM DRONE DATA.
10. THE AREA OF THE OIL AND GAS OPERATIONS SETBACKS WITHIN COMBINED ANNEXATION PROPERTY IS 3,137,720 SQUARE FEET, 72.032 ACRES MORE OR LESS.

LAMP RYNEARSON
LAMPRYNEARSON.COM
OMAHA, NEBRASKA
14710 W. DODGE RD, STE. 100 (402)496.2498
FORT COLLINS, COLORADO
4715 INNOVATION DR., STE. 100 (970)226.0342
KANSAS CITY, MISSOURI
9001 STATE LINE RD., STE. 200 (816)361.0440

STIE ANALYSIS MAP

RICHMARK WAKE
GREELEY, COLORADO

811 Know what's below. Call before you dig.

ALL UTILITIES ARE SHOWN BASED ON THE INFORMATION AVAILABLE TO THE ENGINEER. WHERE NO GUARANTEE ALL FACILITIES ARE SHOWN OR THAT THE LOCATION, DEPTH, AND SIZE OF EACH FACILITY IS CORRECT. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES AND SERVICE LINES PRIOR TO CONSTRUCTION.

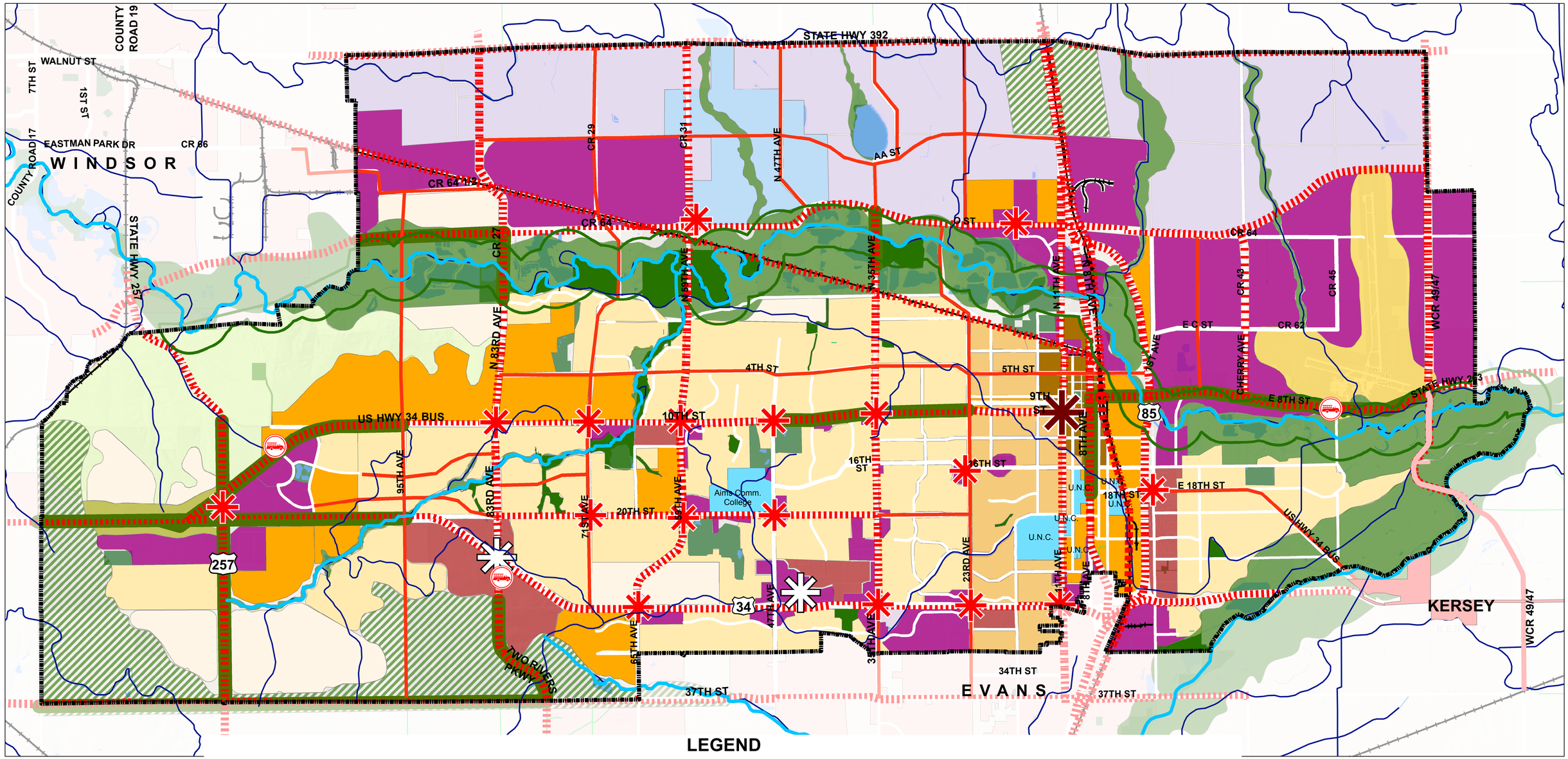
REVISIONS
10/17/2022 LAL/JAC REV PER CITY COMMENTS
11/23/2022 LAL REV PER CITY COMMENTS
12/13/2022 LAL REVISE PER CITY COMMENTS
03/27/2023 LAL BOUNDARY REVISION

DESIGNER / DRAFTER	LAINE LANDAU/JOSH CROAK
DATE	08/04/2022
PROJECT NUMBER	0222030
BOOK AND PAGE	

SHEET 2 OF 2

L:\Engineering\0222030 Richmark Wakes Annexation\SURVEY\DRAWINGS\EXHIBITS\0222030-Site Analysis Map.dwg, 3/28/2023 11:39:44 AM, JOSHUA A. CROAK, LAMP RYNEARSON

LAND USE GUIDANCE MAP



LEGEND

CENTERS
- Downtown Center
- Regional Center
- Neighborhood Center

CORRIDORS
- Multi-Modal Corridor
- Special Multi-Modal Corridor Landscaping
- Poudre River Greenway

SPECIAL RECOMENDATIONS
- Potential Fire Station Locations

AREAS
- Airport Area
- Higher Education Hubs
- Employment, Industrial, and Commercial Areas
- North Annexation Area
- Mixed Use High Intensity
- Urban Reserve

OPEN LANDS & NATURAL AREAS
- Bluffs
- Community Separator
- Entryway Character Corridor
- Riparian Land
- City Owned Natural Areas

Town of Kersey
- Town of Kersey

NEIGHBORHOODS
- Rural
- Suburban
- Legacy Urban
- Mixed Use
- Downtown

N

0 0.375 0.75 1.5 2.25 3 Miles

Date of Preparation 12/1/17

IMAGINE GREELEY

Council Agenda Summary

September 19, 2023
Key Staff Contact: Brian McBroom, Community Development Director

Title:

Public hearing and two resolutions for approval of a Colorado Revised Statutes Title 32 Special District precedent to form a park and recreation district known as the Wake Park and Recreation District that would provide public facilities financing, operation, and maintenance (Wake P&R District)

Summary:

A public hearing for two resolutions for the approval of a Colorado Revised Statutes Title 32 Special District Service Plan and related Intergovernmental Agreement (IGA) precedent to formation of a special district that would provide public park and recreational facilities financing, operations, and maintenance. The boundary of approximately 99.289 acres (defined in the Service Plan as the "District Boundaries"). The approximate 99.289-acre property is proposed for park and recreation amenities and facilities.

According to the Capital Plan, the estimated public improvement costs for the Initial District Boundaries and the Inclusion Area Boundaries is $59,778,405.60. 72 notice letters were sent to properties within 1,000 feet of the proposed district on August 31, 2023 and no comments have been received.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	**No**
Is there grant funding for this item?	**NA**

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:
1) City staff presentation (if requested)
2) Council questions of staff
3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
4) Council discussion
5) Council decision

Other issues and Considerations:

Strategic Focus Area:

Community Vitality

Quality of Life

Decision Options:

1) Adopt the resolution as presented; or
2) Amend the resolution and adopt as amended; or
3) Deny the resolution; or
4) Continue consideration of the resolution to a date certain.

Council's Recommended Action:

Two motions are needed to approve this request:
1. A motion that, based on the application received and the preceding analysis, the City Council finds that the request for the approval of a Colorado Revised Statutes Title 32 Special District Service Plan for the Wake Park and Recreation Districts is in conformance with the City of Greeley's Municipal Code Title 2, Chapter 16; and therefore, approves the request and adopts the Resolution.
2. A motion to adopt the Resolution approving the Intergovernmental Agreement between the City of Greeley and the Wake Park and Recreation District, regarding the Service Plan for the District.

Attachments:

1. Resolution 31 with Service Plan
2. Resolution 32 with Intergovernmental Agreement
3. City Council Staff Report
4. Vicinity Map
5. Wake P&R District Narrative Background Info
6. Wake Park and Recreation District Facility Map - Illustrative
7. Staff Presentation
8. Applicant Presentation

CITY OF GREELEY, COLORADO
RESOLUTION NO. 31, 2023

A RESOLUTION APPROVING A COLORADO REVISED STATUTES TITLE 32 SPECIAL DISTRICT SERVICE PLAN PRECEDENT TO FORMATION OF A PARK AND RECREATION DISTRICT KNOWN AS WAKE PARK AND RECREATION DISTRICT THAT WOULD PROVIDE PUBLIC FACILITIES FINANCING, OPERATIONS, AND MAINTENANCE

WHEREAS, PURSUANT TO C.R.S. 32-1-202(2), C.R.S. 32-1-1105 and City of Greeley Ordinance 2-1140, the City Council of the City of Greeley, Colorado, has considered the Service Plan for the Wake Park and Recreation District (hereinafter referred to as "the District"); and

WHEREAS, the public hearing required by 32-1-204 C.R.S., and 2-1139 of the City of Greeley Code of Ordinances was conducted regarding the Service Plan of the District on September 19, 2023; and

WHEREAS, after said public hearing, City Council has found that the Service Plan of the Districts comply with the provisions of Greeley Ordinance 2-1139 and the requirements of Colorado Statutes regarding special districts contained in Title 32 of the Colorado Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE GREELEY CITY COUNCIL OF THE CITY OF GREELEY, COLORADO.

1. The City Council of the City of Greeley, Colorado, a home rule municipality, does hereby determine that the applicable requirements of Title 32, Article I, Part 2, C.R.S., as amended, relating to the requirements for Service Plan for the District have been met.

2. The City Council finds that the Service Plan contents are in compliance with the information required by Section 32-1-202(2), C.R.S., and 2-1137 of the Greeley Code of Ordinances.

3. Further, the City Council does hereby determine that the provisions of Greeley Ordinance 2-1139 (b) have been met and does hereby find as follows:

1. Whether there is a sufficient existing and projected need for organized service in the area to be serviced by the proposed district;
2. Whether the existing service in the area to be served by the proposed district is inadequate for present and projected needs;
3. Whether the proposed district is capable of providing economical and sufficient service to the area within its proposed boundaries;
4. Whether the area to be included in the proposed district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;
5. Whether adequate service is not, or will not be, available to the area through the city or other existing quasi-municipal corporations, including existing districts, within a reasonable time and on a comparable basis;
6. Whether the facility and service standards of the proposed district are compatible with the facility and service standards of the city;
7. Whether the facility and service standards offer an exceptional or special level of improvement or service that warrants the use of a Special District;
8. Whether the proposal is in substantial compliance with the city's comprehensive plan;

9. Whether the proposal is in substantial compliance with the county, regional or state long-range water quality management plans and wastewater plans for the area;
10. Whether the creation of the district will be in the best interests of the area proposed to be served;
11. Whether the creation of the district will be in the best interests of the residents or future residents of the area proposed to be served;
12. Whether the proposed service plan is in substantial compliance with this chapter; and
13. Whether the creation of the district will foster urban development that is remote from, or incapable of being integrated with, existing urban areas, or place a burden on the city or adjacent jurisdictions to provide urban services to residents of the proposed district.

4. Further, the City Council does hereby determine that the provisions of Greeley Ordinance 2-1139 (c) have been met and does hereby find as follows:

1. The facility or service is not adequately provided in the district by private providers;
2. There is sufficient existing and projected need for the facility or service within the district;
3. The existing facilities or services in the district are inadequate for present and projected needs;
4. The district has or will have the financial ability to discharge any proposed indebtedness on a reasonable basis; and
5. The facility or service will be in the best interests of the district and of the residents of the district and the general public;

5. The City Council hereby determines that the Service Plans for the District is hereby approved.

6. A certified copy of this Resolution shall be filed in the records of the City and shall be submitted by the petitioners to the District Court for the purpose of filing with the Weld County District Court as required by State law.

7. Nothing contained herein limits the City's powers with respect to the District, the property within the District, or the improvements to be constructed by the District.

8. This Resolution shall become effective immediately upon its passage as provided by the Greeley City Charter.

PASSED, AND ADOPTED, SIGNED AND APPROVED this 19th day of September 2023.

ATTEST: **THE CITY OF GREELEY, COLORADO**

By: City Clerk **By: Mayor**

SERVICE PLAN

FOR

WAKE PARK AND RECREATION DISTRICT

CITY OF GREELEY, COLORADO

Prepared by

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law
2154 E. Commons Avenue
Centennial, Colorado 80122

Approved _____, 2023

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EXHIBIT B	Greeley Vicinity Map
EXHIBIT C-1	District Boundary Map
EXHIBIT C-2	Proof of Ownership and Consents for all Properties within District
EXHIBIT D	Capital Plan and Engineer's Certificate
EXHIBIT E	Map Depicting Public Improvements
EXHIBIT F	Financial Plan
EXHIBIT G	Indemnification Letters
EXHIBIT H	Intergovernmental Agreement

I. INTRODUCTION

A. Purpose and Intent.

The District is an independent unit of local government, separate and distinct from the City, and, except as may otherwise be provided for by State or local law or this Service Plan, their activities are subject to review by the City only insofar as they may deviate in a material matter from the requirements of the Service Plan. The District shall strictly comply with the Municipal Code and the Intergovernmental Agreement. It is intended that the District will provide a part or all of the Public Improvements for the use and benefit of all anticipated inhabitants, taxpayers of the District, and the general public. The primary purpose of the District will be to finance the construction of these Public Improvements.

The District is also being created to provide ongoing operations and maintenance services as specifically set forth in this Service Plan and as may be stated in any applicable Intergovernmental Agreement.

B. Need for the District.

There are currently no other governmental entities, including the City, located in the immediate vicinity of the District that consider it desirable, feasible or practical to undertake the planning, design, acquisition, construction, installation, relocation, redevelopment, and financing of the Public Improvements needed for the Project. Formation of the District is therefore necessary in order for the Public Improvements required for the Project to be provided in the most economic manner possible.

C. Objective of the City Regarding District's Service Plan.

The City's objective in approving the Service Plan for the District is to authorize the District to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment and financing of the Public Improvements from legally available revenues of the District and the proceeds of Debt to be issued by the District. All Debt is expected to be repaid by *ad valorem* property taxes imposed and collected for no longer than the Maximum Debt Mill Levy Imposition Term and at a tax mill levy no higher than the Maximum Debt Mill Levy. Debt which is issued within these parameters (as further described in the Financial Plan) will insulate property owners from excessive tax burdens to support the servicing of the Debt and will result in a timely and reasonable discharge of the Debt.

This Service Plan is intended to establish a limited purpose for the District and explicit financial constraints that are not to be violated under any circumstances. The primary purpose of the District is to provide for the Public Improvements associated with the Project, including those regional improvements necessitated by the Project. The District shall be authorized to operate and maintain all of the Public Improvements at a level equal to or greater than City standards, unless such authorization is specifically limited in the Intergovernmental Agreement.

The District shall be authorized to finance the Public Improvements that can be funded

from Debt to be repaid from tax revenues collected from a mill levy which shall not exceed the Maximum Debt Mill Levy and from other legally available revenues of the District. It is the intent of this Service Plan to assure to the extent possible that no property in the District bear an economic burden that is greater in amount than that associated with the Maximum Debt Mill Levy even under bankruptcy or other unusual situations. Generally, the cost of Public Improvements that cannot be funded within these parameters and the financing capacity of the District are not costs to be paid by the District. Costs of required Public Improvements that cannot be financed by the District are expected to be financed by the developer of the Project.

II. DEFINITIONS

In this Service Plan, the following terms shall have the meanings indicated below, unless the context hereof clearly requires otherwise:

Approved Development Plan: means a development plan or other process established by the City (including but not limited to approval of a final plat, development plat or site plan by the City planning commission or by the City Council) identifying, among other things, the Public Improvements necessary for facilitating development for property within the Service Area as approved by the City pursuant to the Municipal Code and as amended pursuant to the Municipal Code from time to time. An Approved Development Plan does not include any plan, process or approval denoted as preliminary under the Municipal Code. (To the extent the type of Development Plan has been determined for the Project, this definition should be revised accordingly.)

Board: means the board of directors of one District of the District.

Bond, Bonds or Debt: means bonds or other obligations for the payment of which the District has promised to impose an *ad valorem* property tax mill levy.

Capital Plan: means the Capital Plan described in Section V.B., which includes: (a) a comprehensive list of the Public Improvements to be developed by the District; (b) an engineer's estimate of the cost of the Public Improvements; and (c) a pro forma capital expenditure plan correlating expenditures with development.

City: means the City of Greeley, Colorado.

City Council: means the City Council of the City of Greeley, Colorado.

District: means the Wake Park and Recreation District.

Financial Plan: means the Financial Plan described in Section VI which describes (a) how the Public Improvements are to be financed; (b) the total amount of Debt anticipated to be issued by the District based on the estimated build out projections; (c) the estimated operating revenue and expenses for the District for the term of the Debt; and (d) the estimated debt service revenue resources and payment requirements on all Debt anticipated to be issued by the District; and (e) the assumptions regarding all such information. The

Financial Plan is based on current estimates and will change based on actual development of the Project.

District Boundary: means the boundary of the area described in the District Boundary Map.

District Boundary Map: means the map attached hereto as **Exhibit C-1**, describing the boundary of the District.

Intergovernmental Agreement: means the intergovernmental agreement required by Municipal Code Title 24, Chapter 24, Section 24-1215(a)(1)(k)), and attached hereto as **Exhibit G**.

Map Depicting Public Improvements: means the map attached hereto as **Exhibit E**, showing the location(s) of the Public Improvements listed in the Capital Plan.

Maximum Aggregate Mill Levy: means the maximum aggregate mill levy the District is permitted to impose for the payment of Debt, capital, operations and maintenance, administrative, or any other costs, which shall not exceed 60 mills, subject to adjustments as set for the in Section VI.C.1 below.

Maximum Debt Mill Levy: means the maximum mill levy a District is permitted to impose for payment of Debt, as set forth in Section VI.C. below.

Maximum Operating Mill Levy: means the maximum mill levy a District is permitted to impose for payment of operations, maintenance, and other administrative costs, as set forth in Section VI.C. below.

Municipal Code: means the City of Greeley Municipal Code, as may be amended and in effect from time to time.

Project: means the development or property commonly referred to as Wake Park.

Proof of Ownership: means a current title commitment or deed showing ownership and all encumbrances on all properties within the District Boundaries, or other documentation acceptable to the City Attorney.

Public Improvements: means a part or all of the improvements authorized to be planned, designed, acquired, constructed, installed, relocated, redeveloped as part of an Approved Development Plan and financed as generally described in the Special District Act, except as specifically limited in Section V below to serve the future taxpayers and inhabitants of the Service Area as determined by the Board of the District.

Service Area: means the property within the District Boundary Map and any property subsequently included into the District.

Service Plan: means this service plan for the District approved by City Council.

Service Plan Amendment: means an amendment to the Service Plan approved by City Council in accordance with Title 24, Chapter 12, Section 24-1221 of the Municipal Code and the applicable state law.

Special District Act: means Section 32-1-101, et seq., of the Colorado Revised Statutes, as amended from time to time.

State: means the State of Colorado.

III. BOUNDARIES

The area of the District Boundaries include approximately 99.289 acres. A legal description of the District Boundaries is attached hereto as **Exhibit A**. A map of the District Boundaries is attached hereto as **Exhibit C-1**. Proof of Ownership and consents of the owners to organization of the District for all properties within the District Boundaries is attached hereto as **Exhibit C-2**. A vicinity map is attached hereto as **Exhibit B**. It is anticipated that the boundaries of the District may change from time to time as the Project is developed and as the District undergo inclusions and exclusions pursuant to Section 32-1-401, et seq., C.R.S., and Section 32-1-501, et seq., C.R.S., subject to the limitations set forth in Article V below.

IV. PROPOSED LAND USE/POPULATION PROJECTIONS/ASSESSED VALUATION

The Service Area initially consists of approximately 99.289 acres of undeveloped land to be developed for park and recreation purposes. The current assessed valuation of the Service Area is assumed to be $0.00 for purposes of this Service Plan. The residential population of the District at build-out is 0 persons.

Approval of this Service Plan by the City does not imply approval of the development of a specific area within the District. The permitted level of development within the Project is as contained within an Approved Development Plan.

Approval of this Service Plan by the City in no way releases or relieves the developer of the Project, or the landowner or any subdivider of the Project property, or any of their respective successors or assigns, of obligations to construct Public Improvements for the Project or of obligations to provide to the City such financial guarantees as may be required by the City to ensure the completion of the Public Improvements, or of any other obligations to the City under the Municipal Code or any applicable annexation agreement, subdivision agreement, or other agreements affecting the Project property or development thereof.

V. DESCRIPTION OF PROPOSED POWERS, IMPROVEMENTS AND SERVICES

A. Powers of the District and Service Plan Amendment.

The District shall have the power and authority to provide the Public Improvements within

and without the boundaries of the District as such power and authority is described in the Special District Act, and other applicable statutes, common law and the Constitution, subject to the limitations set forth in this Service Plan and the Intergovernmental Agreement.

1. Operations and Maintenance Limitation. The purpose of the District is to plan for, design, acquire, construct, install, relocate, redevelop and finance the Public Improvements. The District shall maintain the Public Improvements in a manner consistent with the Approved Development Plan, other rules and regulations of the City, and applicable provisions of the Municipal Code, all as directed by the City. The City may consider whether to accept dedication of Public Improvements to the City upon 50% build-out of the development of each phase of the Project as identified in the Approved Development Plan. The District shall be authorized to operate and maintain all of the Public Improvements at a level equal to or greater than City standards, unless such authorization is specifically limited in the Intergovernmental Agreement.

2. Construction Standards Limitation. The District will ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the City and of federal and state governmental entities having proper jurisdiction and of those special districts that qualify as "interested persons" under Section 32-1- 204(1), C.R.S., as applicable. The District will obtain the City's approval of civil engineering plans and will obtain applicable permits for construction and installation of Public Improvements prior to performing such work. Additionally, the District will permit City inspectors to inspect the infrastructure during construction.

3. Property Acquisition Limitation; Transfer Requirement. The District shall not exercise any power of eminent domain without the prior written consent of the City. If the City decides the proposed Public Improvement is needed, at the time of dedication, the District shall at no expense to the City, transfer to the City all rights-of-way, fee interests and easements that the City determines are necessary for access to and operation and maintenance of the Public Improvements, consistent with the Approved Development Plan and to the extent such interests have not been acquired by the City through such Development Plan process. Notwithstanding the foregoing, nothing herein shall limit the District's ability to acquire property for development as part of the Project.

4. Water Rights. The District shall be authorized to acquire, own, and dedicate water rights.

5. Privately Placed Debt Limitation. Prior to the issuance of any Privately Placed Debt, the Districts shall obtain the certification by the such District's Investment Banker or financial advisor for such Debt substantially as follows:

> We [I] certify that (1) the net effective interest rate (calculated as defined in Section 32-1-103(12), C.R.S.) to be borne by the District for the [insert the designation of the Debt] does not exceed a market [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the

Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

6. Inclusion and Exclusion Limitations. The District shall not include within its boundaries any property outside the District Boundaries without the prior written consent of the City Council, which shall not constitute a material modification of this Service Plan. Under no circumstance shall any property, within or without the Inclusion Area, be included into the District except upon petition by the 100% owner of such property. The District shall not exclude any property from its boundaries if such exclusion will result, or is reasonably anticipated to result, in detriment to the remaining taxpayers within the District.

7. Initial Debt Limitation. On or before the effective date of approval of an Approved Development Plan, the District shall not: (a) issue any Debt; nor (b) impose a mill levy for the payment of Debt by direct imposition or by transfer of funds from the operating fund to the Debt service funds; nor (c) impose or collect any fees or revenues from any other source for the purpose of repayment of Debt.

8. Total Debt Issuance Limitation. The District shall not issue Debt in excess of $35,000,000 total principal amount. Refunding bonds may be issued by the District and are not subject to the Total Debt Issuance Limitation. Total Debt Issuance Limitation applies to any Debt issued by the District, including but not limited to any Debt issued by the District and secured in whole or in part by payment of *ad valorem* property tax revenues. Any Debt, issued with a pledge or which results in a pledge, that exceeds the Maximum Debt Mill Levy or the Maximum Debt Mill Levy Imposition Term, shall be deemed a material modification of this Service Plan pursuant to Section 32-1-207, C.R.S. and shall not be an authorized issuance of Debt unless and until such material modification has been approved by the City as part of a Service Plan Amendment.

9. Monies from Other Governmental Sources. The District shall not apply for or accept Conservation Trust Funds, Great Outdoors Colorado Funds, or other funds available from or through governmental or non-profit entities for which the City is eligible to apply for, except as may be specifically authorized in an intergovernmental agreement with the City pursuant to Title 24, Chapter 12, Section 24-1207 of the Municipal Code. This Section shall not apply to specific ownership taxes which shall be distributed to and constitute a revenue source for the District without any limitation.

10. Consolidation Limitation. The District shall not file a request with any Court to consolidate with any other Title 32 district without the prior written consent of the City.

11. Bankruptcy Limitation. All of the limitations contained in this Service Plan, including, but not limited to, those pertaining to the Maximum Debt Mill Levy, and the total debt issuance limitation, have been established under the authority of the City to approve a Service Plan with conditions pursuant to Section 32-1-204.5, C.R.S. It is expressly intended that such limitations:

(a) shall not be subject to set-aside for any reason or by any court of competent jurisdiction, absent a Service Plan Amendment; and

(b) are, together with all other requirements of Colorado law, included in the "political or governmental powers" reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the "regulatory or electoral approval necessary under applicable nonbankruptcy law" as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

12. Revenue Bond Limitation. The Districts shall not issue revenue bonds, except as set forth in this Section. Prior to issuing any revenue bonds, the District or Districts proposing to issue such revenue bonds shall submit all relevant details of such issuance to the City Council, which may elect to treat the issuance of revenue bonds as a material modification of the Service Plan. If the City Council determines that the issuance of revenue bonds constitutes a material modification of the Service Plan, the Districts shall proceed to amend the Service Plan in accordance with Section 32-1-207, C.R.S. prior to issuing any revenue bonds.

13. Service Plan Amendment Requirement. This Service Plan is general in nature and does not include specific detail in some instances because development plans have not been finalized. The Service Plan has been designed with sufficient flexibility to enable the District to provide required Public Improvements under evolving circumstances without the need for numerous amendments. Modification of the general types of services and facilities making up the Public Improvements, and changes in proposed configurations, locations or dimensions of the Public Improvements shall be permitted to accommodate development needs consistent with the then-current Approved Development Plan(s) for the Project, subject to the limitations of this Service Plan and the Intergovernmental Agreement.

The District is an independent unit of local government, separate and distinct from the City, and their activities are subject to review by the City only insofar as they may deviate in a material manner from the requirements of the Service Plan, the Municipal Code, or the Intergovernmental Agreement. Actions of the District which: (1) violate the limitations set forth in Sections V.A.1-14 above; (2) violate the limitations set forth in Section VI.B.; (3) constitute a material modification of the Service Plan; or (4) constitutes a failure to comply with the Intergovernmental Agreement or other agreement with the City, which non-compliance has not been waived in writing by the City, shall be deemed to be a material modification to this Service Plan and the City shall be entitled to all remedies available under State and local law to enjoin such action(s) of the District.

Any City approval requirements contained in this Service Plan (including, without limitation, any provisions requiring that a change, request, occurrence, act or omission be treated as a Service Plan Amendment or be deemed a "material modification" of the Service Plan) shall remain in full force and effect, and, unless otherwise provided by resolution of the City Council, such City approval shall continue to be required, notwithstanding any future change in law modifying or repealing any statutory provision concerning service plans, amendments thereof or modifications thereto.

14. Meetings. The District will foster community engagement by ensuring that residents have adequate opportunity to participate in District meetings and remain apprised of the District's operations and functions through a public website maintained by the District.

15. Public Improvement Fee. The District shall not be authorized to impose, receive, collect, or pledge to any indebtedness of the District a public improvement fee unless otherwise approved by the City.

16. Notice of Organization. The District shall provide the City with a copy of the notice of hearing on petition.

B. Capital Plan.

The District shall have authority to provide for the planning, design, acquisition, construction, installation, relocation, redevelopment, maintenance, and financing of the Public Improvements within and without the boundaries of the District, to be more specifically defined in an Approved Development Plan. A Capital Plan, including: (1) a comprehensive list of the Public Improvements to be developed by the District; (2) an estimate of the cost of the Public Improvements; and (3) a pro forma capital expenditure plan correlating expenditures with development is attached hereto as **Exhibit D**. A Map depicting the Public Improvements is attached hereto as **Exhibit E**. As shown in the Capital Plan, the estimated cost of the Public Improvements which may be planned for, designed, acquired, constructed, installed, relocated, redeveloped, maintained or financed by the District is approximately $59,778,405.60. Costs of required Public Improvements that cannot be financed by the District within the parameters of this Service Plan and the financial capability of the District are expected to be financed by the developer of the Project.

The District shall be permitted to allocate costs between such categories of the Public Improvements as deemed necessary in their discretion.

All of the Public Improvements described herein will be designed in such a way as to assure that the Public Improvements standards will be compatible with those of the City and shall be in accordance with the requirements of City standards and the Approved Development Plan. All descriptions of the Public Improvements to be constructed, and their related costs, are estimates only and are subject to modification as engineering, development plans, economics, the City's requirements, and construction scheduling may require. Upon approval of this Service Plan, the District will continue to develop and refine the Capital Plan and the Map Depicting Public Improvements, as necessary. All construction cost estimates contained in **Exhibit D** assume construction to applicable standards and specifications of the City and state or federal requirements.

VI. FINANCIAL PLAN

A. General.

The District shall be authorized to provide for the planning, design, acquisition, construction, installation, relocation and/or redevelopment of the Public Improvements from their revenues and by and through the proceeds of Debt to be issued by the District, or from other legally available revenues of the District. The Financial Plan for the District shall be to issue such Debt as the District can reasonably pay from revenues derived from the Maximum Debt Mill Levy and other legally available revenues. All bonds and other Debt issued by the District may be payable

from any and all legally available revenues of the District, including general *ad valorem* taxes to be imposed upon all taxable property within the District. The District may also rely upon various other revenue sources authorized by law, such as interest, specific ownership taxes, advances from the Project developer and grants. Unless specifically authorized in the Intergovernmental Agreement, the District shall not impose or assess any fees, rates, tolls, penalties, or charges without first obtaining City approval of an amendment to this Service Plan, which amendment shall be deemed to be a material modification hereof.

The total Debt that the Districts shall be permitted to issue shall not exceed $35,000,000 in aggregate principal amount, excluding refundings. Debt is permitted to be issued on a schedule and in such year or years as the issuing District determines shall meet the needs of the Capital Plan referenced above and the progression of the development, subject to compliance with this Service Plan. The $35,000,000 that the Districts shall be permitted to issue is supported by the Financial Plan prepared by D.A. Davidson & Co., attached hereto as **Exhibit F**.

B. Maximum Voted Interest Rate and Maximum Underwriting Discount.

The interest rate on any Debt is limited to the market rate at the time the Debt is issued. In the event of a default, the proposed maximum interest rate on any Debt shall not exceed eighteen percent (18%). The proposed maximum underwriting discount will be five percent (5%). Debt, when issued, will comply with all relevant requirements of this Service Plan, State law and Federal law as then applicable to the issuance of public securities.

C. Maximum Debt Mill Levy.

The Maximum Debt Mill Levy shall be the maximum mill levy a District is permitted to impose upon the taxable property within such District for payment of Debt imposed by the District, and shall be determined as follows:

1. The Maximum Debt Mill Levy shall be the Maximum Aggregate Mill Levy (50 mills) less the number of mills imposed by the District for operations and maintenance purposes; provided that if, on or after January 1, 2023, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the Maximum Aggregate Mill Levy may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2023, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

2. All Debt issued by the District must be issued in compliance with all state requirements.

Nothing herein shall prevent the District from covenanting with Debt holders or others to limit the amount of its operations and maintenance mill levy, as long as all district operations and maintenance requirements are met as required by VI.H. below.

3. The Maximum Operating Mill Levy shall be the Maximum Aggregate Mill Levy (60 mills); provided that if, on or after January 1, 2023, there are changes in the method of calculating assessed valuation or any constitutionally mandated tax credit, cut or abatement; the Maximum Aggregate Mill Levy may be increased or decreased to reflect such changes, such increases or decreases to be determined by the Board in good faith (such determination to be binding and final) so that to the extent possible, the actual tax revenues generated by the mill levy, as adjusted for changes occurring after January 1, 2023, are neither diminished nor enhanced as a result of such changes. For purposes of the foregoing, a change in the ratio of actual valuation shall be deemed to be a change in the method of calculating assessed valuation.

D. Debt Repayment Sources.

The District may impose a mill levy on taxable property within its boundaries as a primary source of revenue for repayment of debt service and for operations and maintenance. In no event shall the debt service mill levy in the District exceed the Maximum Debt Mill Levy.

E. Security for Debt.

The District shall not pledge any revenue, property or other assets of the City as security for any District indebtedness. Approval of this Service Plan shall not be construed as a guarantee by the City of payment of any of the District's obligations; nor shall anything in the Service Plan be construed so as to create any responsibility or liability on the part of the City in the event of default by the District in the payment of any such obligation.

F. TABOR Compliance.

The District will comply with the provisions of TABOR. In the discretion of the Board, the District may set up enterprises or nonprofit entities to manage, fund, construct and operate facilities, services and programs. To the extent allowed by law, any entity created by the District will remain under the control of the District's Board. The activities of such enterprises and entities shall comply with the provisions of this Service Plan.

G. District's Organizational Costs.

The estimated cost of engineering services, legal services and administrative services, in connection with the District's organization, are anticipated to be $100,000, which will be eligible for reimbursement from Debt proceeds and other available revenues of the District.

In addition to the capital costs of the Public Improvements, the District will require operating funds for administration and to plan and cause the Public Improvements to be constructed and maintained, if such maintenance is addressed in the Intergovernmental Agreement. The first year's operating budget is estimated to be $150,000, which is anticipated to be derived from funding advances by the developer of the Project until such time as the District operating mill levy revenues are sufficient to operate the District.

The District may impose an operations mill levy as necessary to operate the District and for provision of operation and maintenance services to their taxpayers and/or service users at a level equal to or greater than City standards. The authorized mill levy for operations and maintenance activities shall be included within the Maximum Aggregate Mill Levy.

H. Subdistricts.

The District may organize subdistricts or areas as allowed by Section 32-1-1101(1)(f), C.R.S., with the prior approval of the City Council. In accordance with Section 32-1- 1101(1)(f)(I), C.R.S., the District shall notify the City prior to establishing any such subdistrict(s) or area(s), and shall provide the City with details regarding the purpose, location, and relationship of the subdistrict(s) or area(s). The City Council may elect to treat the organization of any such subdistrict(s) or area(s) as a material modification of the Service Plan.

VII. ANNUAL REPORT

A. General. The District shall file an annual report with the City Clerk not later than September 1 of each calendar year, which annual report shall reflect activity and financial events of the District through the preceding December 31 (the "Report Year"). The District may elect to file a consolidated annual report to the City. Notwithstanding the foregoing, the District shall not be required to submit an annual report for any Report Year in which the District was on inactive status pursuant to Section 32-1-104(3), C.R.S for the entirety of the report year.

B. Reporting of Significant Events.

The annual report shall include the following:

1. A narrative summary of the progress of the District in implementing its Service Plan for the report year;

2. Except when exemption from audit has been granted for the report year under the Local Government Audit Law, the audited financial statements of the District for the report year including a statement of financial condition (i.e., balance sheet) as of December 31 of the report year and the statement of operations (i.e., revenues and expenditures) for the report year or a copy of the audit exemption application;

3. Unless disclosed within a separate schedule to the financial statements, a summary of the capital expenditures incurred by the District in development of Public Improvements in the report year, as well as any Public Improvements proposed to be undertaken in the five (5) years following the report year;

4. Unless disclosed within a separate schedule to the financial statements, a summary of the financial obligations of the District at the end of the report year, including the amount of outstanding Debt, the amount and terms of any new Debt issued in the report year, the amount of payment or retirement of existing Debt of the District in the report year, the total assessed valuation of all taxable properties within the District as of January 1 of the report year

and the current mill levy of the District in the report year;

5. A summary of the development in the District for the report year;

6. A summary of all fees, charges and assessments imposed by the District as of January 1 of the report year;

7. Certification of the Board that no action, event or condition has occurred in the report year, or certification that such event has occurred but that an amendment to the Service Plan that allows such event has been approved by City Council; and

8. The name, business address and telephone number of each member of the Board and its chief administrative officer and general counsel, together with the date, place and time of the regular meetings of the Board.

In addition, the District shall submit to the City, by January 31 of each year, the District's budget for the then current calendar year.

VIII. DISTRICT INDEMNIFICATION OF THE CITY; DISSOLUTION OF THE DISTRICT

Upon an independent determination of the City Council and written notice to the District that the purposes for which the District was created have been accomplished, the District agree to file petitions in the District Court for and in Weld County, Colorado, for dissolution, pursuant to the applicable State statutes. In no event shall dissolution occur until the District has provided for the payment or discharge of all of their outstanding indebtedness and other financial obligations as required pursuant to State statutes.

There is attached hereto as **Exhibit G** the Project Developer's Indemnification Letter, which is submitted to the City by the Developer as part of this Service Plan. The District shall approve and execute the Indemnification Letter at its first Board meeting after organizational election, in the same form as the Indemnification Letter set forth in **Exhibit G** and shall promptly deliver an executed original to the City

IX. DISCLOSURES REQUIRED TO PURCHASERS OF PROPERTY WITHIN THE DISTRICT

The City wants purchasers of property within the District to be aware of the additional tax burden to be imposed. The City mandates early written and recorded notice of the total (overlapping) tax burden, including the Maximum Aggregate Mill Levy. The City will review the type and timing of the disclosure, which the proponents of the District are proposing. The notice shall be recorded against all property within the District prior to the issuance of Debt by the District.

In addition to the above notice and the requirements of Ordinance 13.50.090, the District shall annually provide a written disclosure pursuant to Section 32-1-809, C.R.S. A copy of such

disclosure shall also be forwarded to the City of Greeley to be included in its public records related to the District.

X. INTERGOVERNMENTAL AGREEMENT

The form of the intergovernmental agreement relating to the limitations imposed on the District's activities, is attached hereto as **Exhibit H**. The District shall approve and execute the intergovernmental agreement at its first Board meeting following its organizational election, in the same form as the intergovernmental agreement approved by the City Council, and shall promptly deliver an executed original to the City. Failure of the District to execute the intergovernmental agreement as required herein shall constitute a material modification. The City Council shall approve an intergovernmental agreement at the public hearing approving the Service Plan.

The District may enter into intergovernmental agreements regarding the functions and services to be provided by the District, and the mechanisms to be used by the District for the ownership, operation, and maintenance of Public Improvements, and sharing of costs for construction and financing of Public Improvements, including intergovernmental agreements pursuant to Section 29-1-203, C.R.S. In addition to the intergovernmental agreement attached hereto as Exhibit H, the District anticipates entering into one or more to-be negotiated intergovernmental agreements with the City related to the ownership, operation and maintenance of the Public Improvements.

No intergovernmental agreements other than the intergovernmental agreement with the City and the District's intergovernmental agreements are anticipated at the time of approval of this Service Plan. The District shall use all City provided infrastructure services, including but not limited to, water and sewer service, unless the City is unable or unwilling to provide such services. In the event the City is unable or unwilling to provide such services, the District may seek such infrastructure services from other providers.

XI. NON-COMPLIANCE WITH SERVICE PLAN

In the event it is determined that the District has undertaken any act or omission which violates the Service Plan or constitutes a material departure from the Service Plan collectively, "**Material Departure**"), the City may impose any of the sanctions set forth in the Municipal Code, including but not limited to affirmative injunctive relief to require the District to act in accordance with the provisions of this Service Plan. The City will provide the District with written notice of any Material Departure from the Service Plan. The District shall have sixty (60) days to provide the City with written evidence that no Material Departure occurred, which evidence must be reasonably satisfactory to the City or to commence to cure such Material Departure. If the District is diligently pursuing the cure of such Material Departure, the City shall not take any action to enjoin the District. In the event the District fails to complete the cure or take any action to cure the Material Departure, the City may impose any sanctions allowed by municipal code or statute.

XII. CONCLUSION

It is submitted that this Service Plan for the District, as required by Section 32-1-203(2),

C.R.S., and the Municipal Code, establishes that:

1. There is sufficient existing and projected need for organized service in the area to be serviced by the District;

2. The existing service in the area to be served by the District is inadequate for present and projected needs;

3. The District is capable of providing economical and sufficient service to the area within their proposed boundaries; and

4. The area to be included in the District does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

5. Adequate service is not, and will not be, available to the area through the City or County or other existing municipal or quasi-municipal corporations, including existing special districts, within a reasonable time and on a comparable basis.

6. The facility and service standards of the District are compatible with the facility and service standards of the City.

7. The proposal is in substantial compliance the City's Comprehensive Plan.

8. The proposal is in compliance with any duly adopted City, regional or state long-range water quality management plan for the area.

9. The creation of the District is in the best interests of the area proposed to be served.

10. The creation of the District is in the best interests of the residents and future residents of the area proposed to be served.

11. The proposal is in substantial compliance with the Municipal Code.

12. The proposal will not foster urban development that is remote or incapable of being integrated with existing urban areas, and will not place a burden on the City or adjacent jurisdictions to provide urban services to residents of the District.

EXHIBIT A

District Boundary Legal Description

EXHIBIT "A"
(LEGAL DESCRIPTION)

WAKE METRO PARK DISTRICT

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER, SOUTHEAST QUARTER, AND NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M. AND LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/16 CORNER BETWEEN SECTIONS 32 AND 33, TOWNSHIP 6 NORTH, RANGE 65 WEST; THENCE N84° 54' 03"W A DISTANCE OF 1033.89 FEET ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 32 TO THE SOUTHWEST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE A DISTANCE OF 214.54 FEET ON THE SOUTHWEST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS, ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2,715.01 FEET, A CENTRAL ANGLE OF 4°31'39", AND BEING SUB-TENDED BY A CHORD WHICH BEARS S12°14'58"E A DISTANCE OF 214.49 FEET;

THENCE S8°45'42"E A DISTANCE OF 194.98 FEET ON THE SOUTHWEST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS;

THENCE S7°57'00"E A DISTANCE OF 557.28 FEET ON THE SOUTHWEST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS;

THENCE S31°15'29"W A DISTANCE OF 413.37 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5;

THENCE N85°53'03"W A DISTANCE OF 234.16 FEET;

THENCE S01°47'37"W A DISTANCE OF 823.29 FEET;

THENCE N87°00'29"W A DISTANCE OF 849.06 FEET;

THENCE N0°01'14"W A DISTANCE OF 80.11 FEET;

THENCE S87°02'25"E A DISTANCE OF 194.90 FEET;

THENCE N0°03'45"W A DISTANCE OF 757.45 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5;

THENCE N85°53'03"W A DISTANCE OF 57.08 FEET ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 5;

THENCE N0°54'24"W A DISTANCE OF 887.47 FEET;

THENCE S87°32'12"W A DISTANCE OF 478.27 FEET TO THE APPARENT EAST RIGHT OF WAY OF 6TH AVENUE;

THENCE ON THE APPARENT EAST RIGHT OF WAY OF 6TH AVENUE N0°19'36"E A DISTANCE OF 414.53 FEET;

THENCE S89°42'47"E A DISTANCE OF 337.76 FEET;

THENCE S0°04'42"W A DISTANCE OF 89.22 FEET;

THENCE S87° 54' 00"E A DISTANCE OF 63.86 FEET;

THENCE N0°18'26"E A DISTANCE OF 91.18 FEET;

THENCE S89°49'03"E A DISTANCE OF 64.95 FEET;'

THENCE N0°16'24"E A DISTANCE OF 52.85 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 32;

THENCE CONTINUING N0°16'24"E A DISTANCE OF 297.11 FEET;

THENCE N89°20'24"W A DISTANCE OF 129.00 FEET;

THENCE N0°22'34"E A DISTANCE OF 400.00 FEET ON THE EAST LINE OF THE THERMO COGENERATION PLANT ANNEXATION RECORDED AT REC. #2467353;

THENCE N89°47'22"W A DISTANCE OF 477.15 FEET ON THE NORTH LINE OF SAID THERMO COGENERATION PLANT ANNEXATION;

THENCE N5°03'53"E A DISTANCE OF 53.58 FEET ON THE EAST LINE OF THE MONFORT LAMB PLANT ANNEXATION RECORDED AT REC. #2181908;

THENCE N2°35'05"E A DISTANCE OF 203.34 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE N1°02'25"E A DISTANCE OF 422.15 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE S84°15'54"E A DISTANCE OF 33.45 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE N1°00'20"W A DISTANCE OF 344.18 FEET ON THE EAST LINE OF SAID MONFORT LAMB PLANT ANNEXATION;

THENCE S84°18'04"E A DISTANCE OF 909.75 FEET TO THE SOUTHWEST RIGHT OF WAY FOR THE HIGHWAY 85 BY-PASS;

THENCE S24°45’27”E, A DISTANCE OF 4.24 FEET ON THE SOUTHWEST RIGHT OF WAY FOR THE HIGHWAY 85 BY-PASS;

THENCE S23°09’36”E, A DISTANCE OF 1350.63 FEET ON THE SOUTHWEST RIGHT OF WAY FOR THE HIGHWAY 85 BY-PASS;

THENCE SOUTH 22°25’24” EAST, A DISTANCE OF 194.83 FEET ON THE SOUTHWEST RIGHT OF WAY FOR THE HIGHWAY 85 BY-PASS TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE A DISTANCE OF 312.95 FEET ON THE SOUTHWEST RIGHT OF WAY FOR THE HIGHWAY 85 BY-PASS, ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 2,714.99 FEET, A CENTRAL ANGLE OF 6°36'16", AND BEING SUB-TENDED BY A CHORD WHICH BEARS S17° 48' 52"E A DISTANCE OF 312.78 FEET TO THE **POINT OF BEGINNING.**

AND

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER AND NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/16 CORNER BETWEEN SECTIONS 32 AND 33, TOWNSHIP 6 NORTH, RANGE 65 WEST; THENCE N84° 54' 03"W A DISTANCE OF 706.65 FEET ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 32 TO THE NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS; THENCE A DISTANCE OF 268.77 FEET ON THE NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS, ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2,956.24 FEET, A CENTRAL ANGLE OF 5°12'33", AND BEING SUB-TENDED BY A CHORD WHICH BEARS N14° 57' 22"W A DISTANCE OF 268.68 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE A DISTANCE OF 268.77 FEET ON THE NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS, ON THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2,956.24 FEET, A CENTRAL ANGLE OF 3°40'45", AND BEING SUB-TENDED BY A CHORD WHICH BEARS N19° 24' 02"W A DISTANCE OF 189.80 FEET

THENCE N22°34’34”W, A DISTANCE OF 206.04 FEET ON THE NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS;

THENCE S 66°50’37”W, A DISTANCE OF 10.00 FEET ON THE NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS;

THENCE N23°10’00”W, A DISTANCE OF 874.86 FEET ON THE NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS;

THENCE N88° 44' 10"E, A DISTANCE OF 479.74 FEET;

THENCE S1° 08' 17"E, A DISTANCE OF 821.58 FEET;

THENCE S0° 04' 41"W, A DISTANCE OF 358.82 FEET TO THE NORTHEAST RIGHT OF WAY FOR HIGHWAY 85 BY-PASS TO THE **TRUE POINT OF BEGINNING**.

SAID WAKE METRO PARK DISTRICT CONTAINS A GROSS AREA OF 4,325,031 SQUARE FEET, 99.289 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND ENCUMBRANCES OF RECORD.

BASIS OF BEARINGS

THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 65 WEST OF THE 6TH P.M., WELD COUNTY, COLORADO AS REFERENCED TO THE COLORADO STATE PLANE NORTH, NORTH AMERICAN DATUM 1983, BEARS NORTH 84° 54' 03" WEST FOR 2618.50 FEET BETWEEN THE SOUTH SIXTEENTH CORNER OF SAID SOUTHEAST QUARTER OF SECTION 32 AND 33 MONUMENTED WITH A #6 REBAR AND 3 ¼" ALUMINUM CAP STAMPED 33200, 2012 AND THE SOUTH CENTER SIXTEENTH CORNER OF SAID SECTION 32 MONUMENTED WITH #5 REBAR AND 2" ALUMINUM CAP STAMPED PLS 28259, 1996 WITH ALL OTHER BEARINGS REFERENCED THERETO.

For reference only: Said description includes all of Parcels 080332400004, 080332000023, 080332400005, and 096105102006.

EXHIBIT B

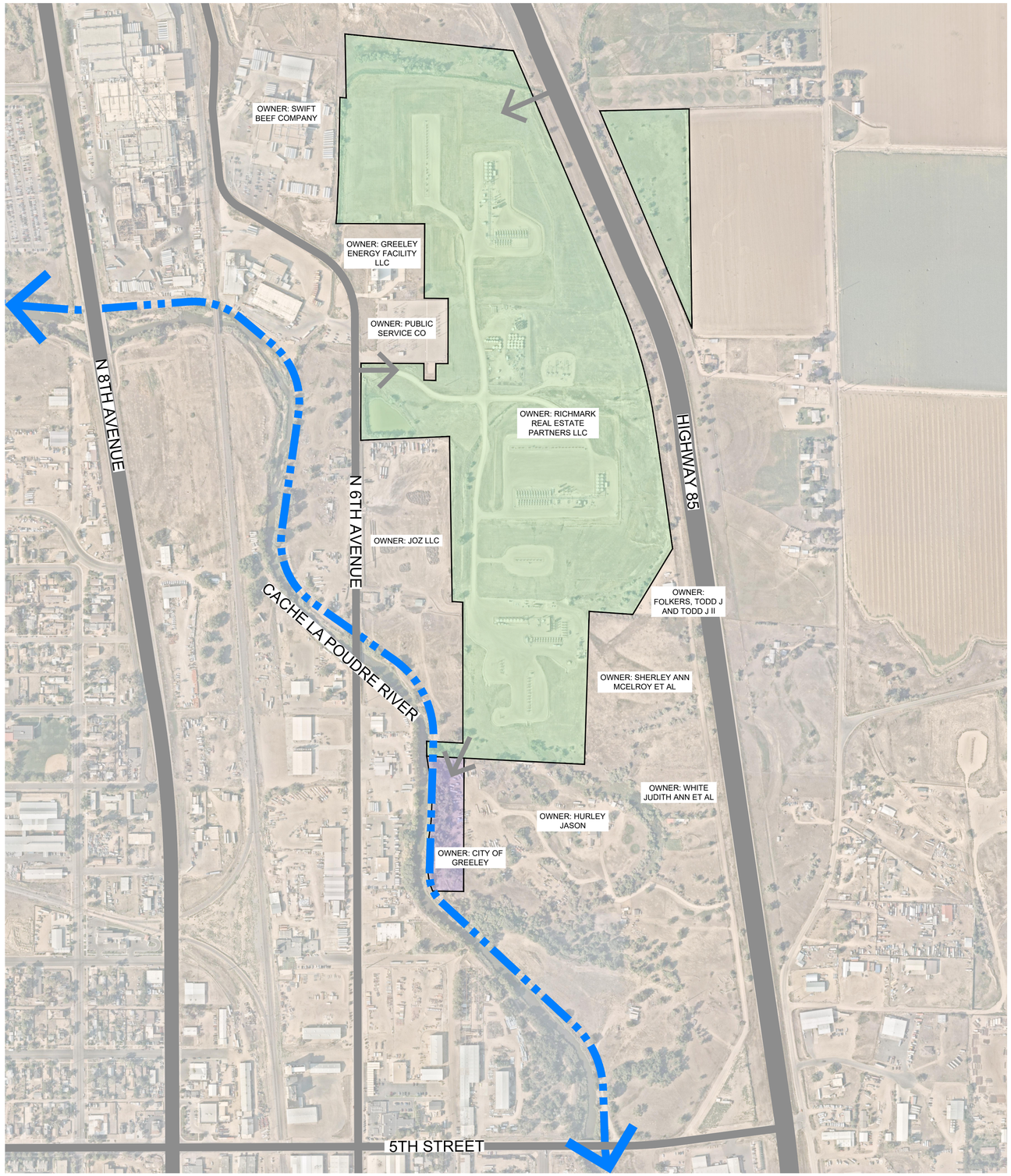
Greeley Vicinity Map



VICINITY MAP
1"=2000'

EXHIBIT C-1

District Boundary Map



LEGEND:

- PROJECT BOUNDARY
- WAKE PARK & REC DISTRICT BOUNDARY
- POTENTIAL CITY OWNED LAND PARTNERSHIP
- CONCEPTUAL POUDRE TRAIL CONNECTION (±2.0 MILES)
- POUDRE TRAIL EAST EXPANISON
- PROPERTY ACCESS POINT

NORTH

GRAPHIC SCALE IN FEET
0 150 300 600

GREELEY WAKE REC PARK
CONCEPTUAL DISTRICT MAP

Kimley»Horn
3801 AUTOMATION WAY
SUITE 210
FORT COLLINS, COLORADO, 80525
303.228.2300

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE

DWG NAME
LAST SAVED

K:\NCO_CIVIL\096603001_GREELEY WAKE REC PARK\CADD\CONCEPTS\BUBBLE CONCEPT PLAN.DWG
3/24/2023 2:04 PM

EXHIBIT C-2

Proof of Ownership and Consents

May 1, 2023

City of Greeley
1000 10th Street
Greeley, Colorado 80631

RE: Proposed Wake Park and Recreation District (the "District")

To Whom It May Concern:

Richmark Real Estate Partners, LLC is the owner ("Owner") of the property attached hereto as **Exhibit A**, which property constitutes territory proposed for inclusion within the initial boundaries of the above referenced District. Please accept this letter as evidence of the Owner's consent to the organization of the District.

Sincerely,

By: Tyler Richardson
Its: Authorized Agent

EXHIBIT A

First American Commitment	ALTA Commitment for Title Insurance ISSUED BY **First American Title Insurance Company** File No: NCS-1148067-CO

COMMITMENT FOR TITLE INSURANCE

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT-READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, ***First American Title Insurance Company***, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

First American Title Insurance Company

Kenneth D. DeGiorgio, President

Greg L. Smith, Secretary

If this jacket was created electronically, it constitutes an original document.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

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COMMITMENT CONDITIONS

1. DEFINITIONS

(a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
(b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
(c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
(d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
(e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
(f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
(g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
(h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
(a) the Notice;
(b) the Commitment to Issue Policy;
(c) the Commitment Conditions;
(d) Schedule A;
(e) Schedule B, Part I—Requirements; and
(f) Schedule B, Part II—Exceptions.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

(a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  (i) comply with the Schedule B, Part I—Requirements;
  (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
  (iii) acquire the Title or create the Mortgage covered by this Commitment.
(b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
(c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
(d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
(e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
(f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
(g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

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6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

(a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
(b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
(c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
(d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
(e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
(f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is $2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at http://www.alta.org/arbitration.

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Transaction Identification Data for reference only:

Issuing Agent: First American Title Insurance Company National Commercial Services

Issuing Office: 1380 17th Street, Denver, CO 80202

Commitment No.: NCS-1148067-CO

Issuing Office File No.: NCS-1148067-CO

Property Address: Ag land, , CO

Escrow Officer Name:

Revision No.:

Escrow Officer Number:

Escrow Officer Email:

Escrow Assistant Name:

Escrow Assistant Number:

Escrow Assistant Email:

Title Officer Name: Stacy Patton

Title Officer Number:

Title Officer Email: StPatton@firstam.com

Title Assistant Name: Jessica Frazier

Title Assistant Number:

Title Assistant Email: jfrazier@firstam.com

SCHEDULE A

1. Commitment Date: September 19, 2022 at 5:00 PM

2. Policy or Policies to be issued: None, See Schedule B, Part I
   (a) ☐ ALTA® Owner's Policy (6-17-06)
   Proposed Insured:
   Proposed Policy Amount: $
   (b) ☐ ALTA® Loan Policy (6-17-06)
   Proposed Insured:
   Proposed Policy Amount: $

3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.

4. The Title is, at the Commitment Date, vested in:

   Richmark Real Estate Partners LLC, a Colorado limited liability company

5. The Land is described as follows:

   See Exhibit "A" attached hereto and made a part hereof

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Exhibit A

Commitment No.: NCS-1148067-CO

The Land referred to herein below is situated in the County of Weld, State of Colorado, and is described as follows:

Parcel 1:

All that part of the East Half of the Southwest Quarter of Section 32, Township 6 North, Range 65 West of the 6th P.M., County of Weld, State of Colorado, and all that part of the Northeast Quarter of Section 5, Township 5 North, Range 65 West of the 6th P.M., County of Weld, State of Colorado.

A parcel of land located in part of the East Half and the Southwest Quarter of Section 32, Township 6 North, Range 65 West and in part of the Northeast Quarter of Section 5, Township 5 North, Range 65 West of the 6th P.M., County of Weld, State of Colorado, being more particularly described as follows:

Beginning at the Southeast corner of said Section 32 and considering the South line of said Section 32 as bearing North 84°56'31" West, with all other bearings contained herein relative thereto:

Thence North 84°56'31" West, along said South line, 1,122.98 feet to the True Point of Beginning;

Thence North 84°56'31" West, 234.53 feet to a point on said South line of said Section 32;
Thence South 02°42'08" West, 823.80 feet;
Thence North 86°02'22" West, 849.06 feet;
Thence North 00°50'22" East, 80.00 feet;
Thence South 86°02'22" East, 195.00 feet;
Thence North 00°50'22" East, 757.90 feet to a point on the South line of said Section 32;
Thence North 84°56'31" West, 57.15 feet;
Thence North 00°00'44" West, 884.50 feet;
Thence South 88°28'33" West, 478.29 feet to a point on the East ROW line of 6th Avenue;
Thence North 01°21'27" East, 427.99 feet;
Thence North 01°26'58" West, 276.71 feet;
Thence along the arc of a curve to the left whose radius is 396.00 feet and whose long chord bears North 24°29'54" West for a distance of 310.08 feet;
Thence North 06°38'01" East, 199.97 feet;
Thence North 04°14'47" East, 203.22 feet;
Thence North 02°35'02" East, 458.74 feet;
Thence South 83°17'02" East, 19.50 feet to the Center Corner of said Section 32;
Thence North 00°04'46" West, 344.22 feet;
Thence South 83°27'36" East, 908.31 feet to a point on the West ROW line of U.S. Highway 85 Bypass;

Thence along said ROW line by the following six courses and distances:

South 23°42'43" East, 6.37 feet;
South 22°14'34" East, 1,350.41 feet;
South 21°35'05" East, 194.74 feet along the arc of a curve to the right whose radius is 2,714.61 feet and whose long chord bears South 14°40'19"
East, for a distance of 527.05 feet;
South 07°45'33" East, 194.74 feet;

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South 07°04'33" East, 557.28 feet to a point on said ROW line;
Thence South 32°14'47" West, 413.37 feet to the True Point of Beginning.

Except that portion conveyed to Public Service Company of Colorado in Warranty Deed recorded July 15, 1993 in Book 1392 at Reception No. 2341249 and that portion conveyed to Thermo Greeley, L.L.C. in Warranty Deed recorded September 5, 1997 in Book 1624 at Reception No. 2567552 and that portion as conveyed by Mineral Resources, Inc. in Warranty Deed recorded June 27, 2008 at Reception No. 3563567 and that portion conveyed to Public Service Company of Colorado in Warranty Deed recorded March 28, 2013 at Reception No. 3920456 and re-recorded April 3, 2013 at Reception No. 3922050.

Parcel 2:

A parcel of land located in part of the East 1/2 of Section 32, Township 6 North, Range 65 West of the 6th P.M., County of Weld, State of Colorado, being more particularly described as follows:

Beginning at the East Quarter Corner of said Section 32 and considering the North line of the Southeast Quarter of said Section 32 as bearing North 83°17'02" West, with all other bearings contained herein relative thereto;

Thence North 83°17'02" West, 1,215.69 feet to a point on the East ROW line of U.S. Highway 85 Bypass;
Thence North 22°14'34" West, 78.37 feet to the True Point of Beginning;

Thence North 89°39'44" East, 479.84 feet;
Thence South 00°11'51" East, 822.51 feet;
Thence South 01°00'30" West, 358.55 feet to a point on the East ROW line of U.S. Highway 85 Bypass;
Thence along the arc of a curve to the left whose radius is 3,024.61 feet and whose chord bears North 18°26'18" West, for a distance of 190.49 feet;
Thence North 21°34'00" West, 205.56 feet;
Thence South 67°45'26" West, 10.00 feet;
Thence North 22°14'34" West, 875.21 feet to the True Point of Beginning, County of Weld, State of Colorado.

For informational purposes only: APN: 080332400004 and 80332400005 (As to Parcel 1); and
APN: 080332000023 (As to Parcel 2)

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Commitment No.: NCS-1148067-CO

SCHEDULE B, PART I

Requirements

LIMITATION OF LIABILITY FOR INFORMATIONAL REPORT

IMPORTANT – READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.

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Commitment No.: NCS-1148067-CO

SCHEDULE B, PART II

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any facts, rights, interests or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

2. Easements, or claims of easements, not shown by the Public Records.

3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct land survey and inspection of the Land would disclose, and which are not shown by the Public Records.

4. Any lien or right to a lien for services, labor, material or equipment, unless such lien is shown by the Public Records at Date of Policy and not otherwise excepted from coverage herein.

5. Any and all unpaid taxes, assessments and unredeemed tax sales.

6. Any water rights, claims of title to water, in, on or under the Land.

7. Any existing leases or tenancies.

8. Rights of way for County Roads 30 feet on either side of section and township lines, as established by the Resolution of the Board of County Commissioners of Weld County, recorded October 14, 1889 in Book 86 at Page 273.

9. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises, as reserved in United States Patent recorded September 20, 1875 in Book 20 at Page 28.

10. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises, as reserved in United States Patent recorded January 3, 1877 in Book 20 at Page 111.

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11. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises, as reserved in United States Patent recorded August 10, 1878 in Book 20 at Page 202.

12. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises, as reserved in United States Patent recorded November 21, 1879 in Book 20 at Page 250.

13. Reservation of oil, gas and minerals as set forth in Deed recorded November 14, 1952 in Book 1344 at Page 85.

14. Oil and Gas Lease recorded October 21, 1982 at Reception No. 1907072, and any and all assignments thereof or interests therein.

15. Oil and Gas Lease recorded July 11, 1983 at Reception No. 1933036, and any and all assignments thereof or interests therein.

16. Notices pursuant to CRS 9-1.5-103 concerning underground facilities have been filed with the Clerk and Recorder. These statements are general and do not necessarily give notice of underground facilities within the subject property:

(A) Mountain Bell Telephone Company, recorded October 1, 1981 at Reception No. 1870705.
(B) Panhandle Eastern Pipe Line Company, recorded October 1, 1981 at Reception No. 1870756 and recorded June 26, 1986 at Reception No. 2058722.
(C) Union Rural Electric Association, Inc., recorded October 5, 1981 at Reception No. 1871004.
(D) Public Service Company of Colorado, recorded November 9, 1981 at Reception No. 1874084.
(E) Western Slope Gas Company, recorded March 9, 1983 at Reception No. 1919757.
(F) Associated Natural Gas, Inc., recorded July 20, 1984 at Reception No. 1974810 and recorded October 1, 1984 at Reception No. 1983584 and recorded March 3, 1988 at Reception No. 2132709 and recorded April 10, 1989 at Reception No. 2175917.
(G) Colorado Interstate Gas Company recorded August 31, 1984 at Reception No. 1979784.
(H) Western Gas Supply Company, recorded April 2, 1985 at Reception No. 2004300.
(I) St. Vrain Sanitation District, recorded December 14, 1988 at Reception No. 2164975.
(J) United Power, Inc., recorded January 24, 1991 at Reception No. 2239296.
(K) Wiggins Telephone Association recorded October 14, 1992 at Reception No. 2306829.

17. Lease by and between David Cogburn, as lessor, and The Great Western Sugar Company, as lessee, as evidenced by Assignment of Farm Lease recorded August 13, 1986 at Reception No. 2064927.

18. An easement for utilities and incidental purposes granted to Public Service Company of Colorado, as set forth in an instrument recorded October 13, 1993 at Reception No. 2354763.

19. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Valve Site Contract recorded October 6, 1994 at Reception No. 2409821.

20. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded October 6, 1994 at Reception No. 2409822.

21. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded June 3, 1996 at Reception No. 2494362.

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22. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded November 5, 1996 at Reception No. 2519159.

23. Any tax, lien, fee or assessment by reason of inclusion of subject property in the Northern Colorado Water Conservancy District, as evidenced by instrument recorded October 27, 1997 at Reception No. 2576000.

24. Easements as set forth in Special Warranty Deed recorded February 8, 2006 at Reception No. 3361398.

25. Easements, notes, covenants, restrictions and rights-of-way as shown on the ALTA/ACSM Land Title Survey, recorded May 1, 2006 at Reception No. 3383577.

26. Terms, conditions, provisions, obligations and agreements as set forth in the Memorandum of Agreement recorded May 29, 2008 at Reception No. 3557374.

27. Oil and Gas Lease recorded May 29, 2008 at Reception No. 3557375, and any and all assignments thereof or interests therein.

    NOTE: Request for Notification of Application for Development in connection therewith recorded July 12, 2016 at Reception No. 4218393.

28. Reservation of oil, gas, hydrocarbons and minerals as set forth in Warranty Deed recorded December 28, 2009 at Reception No. 3667365.

29. Terms, conditions, provisions, obligations and agreements as set forth in the Extension to Agreement recorded April 18, 2011 at Reception No. 3762983.

30. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded April 28, 2011 at Reception No. 3765387.

    Partial Release in connection therewith recorded August 16, 2011 at Reception No. 3786469.

    Partial Release in connection therewith recorded August 12, 2022 at Reception No. 4847984.

31. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded August 16, 2011 at Reception No. 3786468.

32. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Easement and Right of Way Agreement recorded January 26, 2012 at Reception No. 3820805.

33. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Easement and Right of Way Agreement recorded January 26, 2012 at Reception No. 3820806.

34. Easements, notes, covenants, restrictions and rights-of-way as shown on the plat of Plat of Exemption, recorded August 29, 2012 at Reception No. 3869636.

35. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded January 21, 2013 at Reception No. 3904308.

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36. Mineral rights as conveyed by Deed recorded February 6, 2013 at Reception No. 3908351, and any and all assignments thereof or interests therein.

37. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Easement Deed by Court Order recorded March 15, 2013 at Reception No. 3917346.

38. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Pipeline Right-of-Way Grant recorded November 15, 2013 at Reception No. 3978396.

39. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded November 5, 2014 at Reception No. 4059643.

40. Terms, conditions, provisions, obligations and agreements as set forth in the Quit Claim Deed recorded November 5, 2014 at Reception No. 4059646.

41. Reservation of oil, gas and other minerals as set forth in Warranty Deed recorded July 2, 2015 at Reception No. 4121053.

42. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded November 18, 2015 at Reception No. 4159005.

43. Lease by and between 7N, LLC, a Delaware limited liability company, as lessor, and Richmark Real Estate Partners, LLC, a Colorado limited liability company, as lessee, set forth in Ground Lease and Option to Purchase recorded February 19, 2016 at Reception No. 4182085, which includes an option to purchase.

    First Amendment to Surface Use Agreement and Termination of Ground Lease and Option to Purchase in connection therewith recorded May 13, 2022 at Reception No. 4827341.

44. Terms, conditions, provisions, obligations and agreements as set forth in the Surface Use Agreement recorded February 19, 2016 at Reception No. 4182086.

45. Terms, conditions, provisions, obligations and agreements as set forth in the Memorandum of Joint Use and Production Matters Agreement recorded June 21, 2016 at Reception No. 4212926.

46. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Pipeline Easement and Right-of-Way Grant recorded January 25, 2018 at Reception No. 4370461.

47. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded January 30, 2018 at Reception No. 4371399.

48. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded January 30, 2018 at Reception No. 4371403.

49. Land Survey Plat recorded May 3, 2018 at Reception No. 4395869.

50. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded June 4, 2019 at Reception No. 4494443.

    Amendment of Right-of-Way Grant Agreement in connection therewith recorded October 25, 2019 at Reception No. 4535321.

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51. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded July 9, 2019 at Reception No. 4504028.

52. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded October 18, 2019 at Reception No. 4533689.

53. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Easement Agreement and Acknowledgement of Interest recorded October 2, 2020 at Reception No. 2020000100186 (Adams County Recording).

54. Mineral rights as conveyed by Personal Representative's Mineral and Royalty Deed recorded April 18, 2022 at Reception No. 4819578, and any and all assignments thereof or interests therein.

55. Terms, conditions, provisions, obligations and agreements as set forth in the Operating Agreement and Financing Statement recorded April 3, 2020 at Reception No. 4580289.

    Amendment in connection therewith recorded August 9, 2022 at Reception No. 4847154.

    Amendment in connection therewith recorded September 20, 2022 at Reception No. 4856259.

56. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way and Easement recorded August 12, 2022 at Reception No. 4847983.

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DISCLOSURE STATEMENT

Pursuant to C.R.S. 30-10-406(3)(a) all documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one-half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section.

NOTE: If this transaction includes a sale of the property and the price exceeds $100,000.00, the seller must comply with the disclosure/withholding provisions of C.R.S. 39-22-604.5 (Nonresident withholding).

NOTE: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title commitment, other than the effective date of the title commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owner's policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed.

Pursuant to C.R.S. 10-11-122, the company will not issue its owner's policy or owner's policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary.

The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

C.R.S. 10-11-122 (4), Colorado Notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.

NOTE: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 2.

A. **That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and**
B. **That such mineral estate may include the right to enter and use the property without the surface owner's permission.**

NOTE: Pursuant to Colorado Division of Insurance Regulations 8-1-1, Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

A. **The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.**
B. **No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.**

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C. **The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.**
D. **The Company must receive payment of the appropriate premium**.
E. **If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium, fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.**

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

NOTE: Pursuant to C.R.S. 38-35-125(2) no person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right.

NOTE: C.R.S. 39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee.

NOTE: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.

Nothing herein contained will be deemed to obligate the company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.

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First American	ALTA Commitment for Title Insurance
Commitment	ISSUED BY **First American Title Insurance Company** File No: NCS-1148073-CO

COMMITMENT FOR TITLE INSURANCE

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT-READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, ***First American Title Insurance Company***, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

First American Title Insurance Company

Kenneth D. DeGiorgio, President

Greg L. Smith, Secretary

If this jacket was created electronically, it constitutes an original document.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

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COMMITMENT CONDITIONS

1. DEFINITIONS

(a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
(b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
(c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
(d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
(e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
(f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
(g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
(h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
(a) the Notice;
(b) the Commitment to Issue Policy;
(c) the Commitment Conditions;
(d) Schedule A;
(e) Schedule B, Part I—Requirements; and
(f) Schedule B, Part II—Exceptions.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

(a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  (i) comply with the Schedule B, Part I—Requirements;
  (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
  (iii) acquire the Title or create the Mortgage covered by this Commitment.
(b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
(c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
(d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
(e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
(f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
(g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

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6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

(a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
(b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
(c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
(d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
(e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
(f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is $2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at http://www.alta.org/arbitration.

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Transaction Identification Data for reference only:

Issuing Agent: First American Title Insurance Company National Commercial Services

Issuing Office: 1380 17th Street, Denver, CO 80202

Commitment No.: NCS-1148073-CO

Issuing Office File No.: NCS-1148073-CO

Property Address: Ag Land, Weld, CO

Escrow Officer Name:

Revision No.:

Escrow Officer Number:

Escrow Officer Email:

Escrow Assistant Name:

Escrow Assistant Number:

Escrow Assistant Email:

Title Officer Name: Stacy Patton

Title Officer Number:

Title Officer Email: StPatton@firstam.com

Title Assistant Name: Jessica Frazier

Title Assistant Number:

Title Assistant Email: jfrazier@firstam.com

SCHEDULE A

1. Commitment Date: September 19, 2022 at 5:00 PM

2. Policy or Policies to be issued:
   (a) ☐ ALTA® Owner's Policy (6-17-06)
   Proposed Insured:
   Proposed Policy Amount: $
   (b) ☐ ALTA® Loan Policy (6-17-06)
   Proposed Insured:
   Proposed Policy Amount: $

3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.

4. The Title is, at the Commitment Date, vested in:

   Richmark Real Estate Partners LLC, a Colorado limited liability company

5. The Land is described as follows:

   See Exhibit "A" attached hereto and made a part hereof

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Exhibit A

Commitment No.: NCS-1148073-CO

The Land referred to herein below is situated in the County of Weld, State of Colorado, and is described as follows:

All that part of the East Half of the Southwest Quarter of Section 32, Township 6 North, Range 65 West of the 6th P.M., County of Weld, State of Colorado, and all that part of the Northeast Quarter of Section 5, Township 5 North, Range 65 West of the 6th P.M., County of Weld, State of Colorado.

A parcel of land located in part of the East Half and the Southwest Quarter of Section 32, Township 6 North, Range 65 West and in part of the Northeast Quarter of Section 5, Township 5 North, Range 65 West of the 6th P.M., County of Weld, State of Colorado, being more particularly described as follows:

Beginning at the Southeast corner of said Section 32 and considering the South line of said Section 32 as bearing North 84°56'31" West, with all other bearings contained herein relative thereto:

Thence North 84°56'31" West, along said South line, 1,122.98 feet to the True Point of Beginning;

Thence North 84°56'31" West, 234.53 feet to a point on said South line of said Section 32;
Thence South 02°42'08" West, 823.80 feet;
Thence North 86°02'22" West, 849.06 feet;
Thence North 00°50'22" East, 80.00 feet;
Thence South 86°02'22" East, 195.00 feet;
Thence North 00°50'22" East, 757.90 feet to a point on the South line of said Section 32;
Thence North 84°56'31" West, 57.15 feet;
Thence North 00°00'44" West, 884.50 feet;
Thence South 88°28'33" West, 478.29 feet to a point on the East ROW line of 6th Avenue;
Thence North 01°21'27" East, 427.99 feet;
Thence North 01°26'58" West, 276.71 feet;
Thence along the arc of a curve to the left whose radius is 396.00 feet and whose long chord bears North 24°29'54" West for a distance of 310.08 feet;
Thence North 06°38'01" East, 199.97 feet;
Thence North 04°14'47" East, 203.22 feet;
Thence North 02°35'02" East, 458.74 feet;
Thence South 83°17'02" East, 19.50 feet to the Center Corner of said Section 32;
Thence North 00°04'46" West, 344.22 feet;
Thence South 83°27'36" East, 908.31 feet to a point on the West ROW line of U.S. Highway 85 Bypass;

Thence along said ROW line by the following six courses and distances:

South 23°42'43" East, 6.37 feet;
South 22°14'34" East, 1,350.41 feet;
South 21°35'05" East, 194.74 feet along the arc of a curve to the right whose radius is 2,714.61 feet and whose long chord bears South 14°40'19"
East, for a distance of 527.05 feet;
South 07°45'33" East, 194.74 feet;
South 07°04'33" East, 557.28 feet to a point on said ROW line;
Thence South 32°14'47" West, 413.37 feet to the True Point of Beginning.

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Except that portion conveyed to Public Service Company of Colorado in Warranty Deed recorded July 15, 1993 in Book 1392 at Reception No. 2341249 and that portion conveyed to Thermo Greeley, L.L.C. in Warranty Deed recorded September 5, 1997 in Book 1624 at Reception No. 2567552 and that portion as conveyed by Mineral Resources, Inc. in Warranty Deed recorded June 27, 2008 at Reception No. 3563567 and that portion conveyed to Public Service Company of Colorado in Warranty Deed recorded March 28, 2013 at Reception No. 3920456 and re-recorded April 3, 2013 at Reception No. 3922050.

For informational purposes only: APN: 80332400004 and 080332400005

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Commitment No.: NCS-1148073-CO

SCHEDULE B, PART I

Requirements

LIMITATION OF LIABILITY FOR INFORMATIONAL REPORT

IMPORTANT – READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.

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Commitment No.: NCS-1148073-CO

SCHEDULE B, PART II

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any facts, rights, interests or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

2. Easements, or claims of easements, not shown by the Public Records.

3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct land survey and inspection of the Land would disclose, and which are not shown by the Public Records.

4. Any lien or right to a lien for services, labor, material or equipment, unless such lien is shown by the Public Records at Date of Policy and not otherwise excepted from coverage herein.

5. Any and all unpaid taxes, assessments and unredeemed tax sales.

6. Any water rights, claims of title to water, in, on or under the Land.

7. Any existing leases or tenancies.

8. Rights of way for County Roads 30 feet on either side of section and township lines, as established by the Resolution of the Board of County Commissioners of Weld County, recorded October 14, 1889 in Book 86 at Page 273.

9. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises, as reserved in United States Patent recorded September 20, 1875 in Book 20 at Page 28.

10. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises, as reserved in United States Patent recorded January 3, 1877 in Book 20 at Page 111.

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11. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises, as reserved in United States Patent recorded August 10, 1878 in Book 20 at Page 202.

12. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises, as reserved in United States Patent recorded November 21, 1879 in Book 20 at Page 250.

13. Reservation of oil, gas and minerals as set forth in Deed recorded November 14, 1952 in Book 1344 at Page 85.

14. Oil and Gas Lease recorded October 21, 1982 at Reception No. 1907072, and any and all assignments thereof or interests therein.

15. Oil and Gas Lease recorded July 11, 1983 at Reception No. 1933036, and any and all assignments thereof or interests therein.

16. Notices pursuant to CRS 9-1.5-103 concerning underground facilities have been filed with the Clerk and Recorder. These statements are general and do not necessarily give notice of underground facilities within the subject property:

(A) Mountain Bell Telephone Company, recorded October 1, 1981 at Reception No. 1870705.
(B) Panhandle Eastern Pipe Line Company, recorded October 1, 1981 at Reception No. 1870756 and recorded June 26, 1986 at Reception No. 2058722.
(C) Union Rural Electric Association, Inc., recorded October 5, 1981 at Reception No. 1871004.
(D) Public Service Company of Colorado, recorded November 9, 1981 at Reception No. 1874084.
(E) Western Slope Gas Company, recorded March 9, 1983 at Reception No. 1919757.
(F) Associated Natural Gas, Inc., recorded July 20, 1984 at Reception No. 1974810 and recorded October 1, 1984 at Reception No. 1983584 and recorded March 3, 1988 at Reception No. 2132709 and recorded April 10, 1989 at Reception No. 2175917.
(G) Colorado Interstate Gas Company recorded August 31, 1984 at Reception No. 1979784.
(H) Western Gas Supply Company, recorded April 2, 1985 at Reception No. 2004300.
(I) St. Vrain Sanitation District, recorded December 14, 1988 at Reception No. 2164975.
(J) United Power, Inc., recorded January 24, 1991 at Reception No. 2239296.
(K) Wiggins Telephone Association recorded October 14, 1992 at Reception No. 2306829.

17. Lease by and between David Cogburn, as lessor, and The Great Western Sugar Company, as lessee, as evidenced by Assignment of Farm Lease recorded August 13, 1986 at Reception No. 2064927.

18. An easement for utilities and incidental purposes granted to Public Service Company of Colorado, as set forth in an instrument recorded October 13, 1993 at Reception No. 2354763.

19. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Valve Site Contract recorded October 6, 1994 at Reception No. 2409821.

20. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded October 6, 1994 at Reception No. 2409822.

21. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded June 3, 1996 at Reception No. 2494362.

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22. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded November 5, 1996 at Reception No. 2519159.

23. Any tax, lien, fee or assessment by reason of inclusion of subject property in the Northern Colorado Water Conservancy District, as evidenced by instrument recorded October 27, 1997 at Reception No. 2576000.

24. Easements as set forth in Special Warranty Deed recorded February 8, 2006 at Reception No. 3361398.

25. Easements, notes, covenants, restrictions and rights-of-way as shown on the ALTA/ACSM Land Title Survey, recorded May 1, 2006 at Reception No. 3383577.

26. Terms, conditions, provisions, obligations and agreements as set forth in the Memorandum of Agreement recorded May 29, 2008 at Reception No. 3557374.

27. Oil and Gas Lease recorded May 29, 2008 at Reception No. 3557375, and any and all assignments thereof or interests therein.

    NOTE: Request for Notification of Application for Development in connection therewith recorded July 12, 2016 at Reception No. 4218393.

28. Reservation of oil, gas, hydrocarbons and minerals as set forth in Warranty Deed recorded December 28, 2009 at Reception No. 3667365.

29. Terms, conditions, provisions, obligations and agreements as set forth in the Extension to Agreement recorded April 18, 2011 at Reception No. 3762983.

30. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded April 28, 2011 at Reception No. 3765387.

    Partial Release in connection therewith recorded August 16, 2011 at Reception No. 3786469.

    Partial Release in connection therewith recorded August 12, 2022 at Reception No. 4847984.

31. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded August 16, 2011 at Reception No. 3786468.

32. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Easement and Right of Way Agreement recorded January 26, 2012 at Reception No. 3820805.

33. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Easement and Right of Way Agreement recorded January 26, 2012 at Reception No. 3820806.

34. Easements, notes, covenants, restrictions and rights-of-way as shown on the plat of Plat of Exemption, recorded August 29, 2012 at Reception No. 3869636.

35. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded January 21, 2013 at Reception No. 3904308.

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36. Mineral rights as conveyed by Deed recorded February 6, 2013 at Reception No. 3908351, and any and all assignments thereof or interests therein.

37. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Easement Deed by Court Order recorded March 15, 2013 at Reception No. 3917346.

38. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Pipeline Right-of-Way Grant recorded November 15, 2013 at Reception No. 3978396.

39. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded November 5, 2014 at Reception No. 4059643.

40. Terms, conditions, provisions, obligations and agreements as set forth in the Quit Claim Deed recorded November 5, 2014 at Reception No. 4059646.

41. Reservation of oil, gas and other minerals as set forth in Warranty Deed recorded July 2, 2015 at Reception No. 4121053.

42. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded November 18, 2015 at Reception No. 4159005.

43. Lease by and between 7N, LLC, a Delaware limited liability company, as lessor, and Richmark Real Estate Partners, LLC, a Colorado limited liability company, as lessee, set forth in Ground Lease and Option to Purchase recorded February 19, 2016 at Reception No. 4182085, which includes an option to purchase.

    First Amendment to Surface Use Agreement and Termination of Ground Lease and Option to Purchase in connection therewith recorded May 13, 2022 at Reception No. 4827341.

44. Terms, conditions, provisions, obligations and agreements as set forth in the Surface Use Agreement recorded February 19, 2016 at Reception No. 4182086.

45. Terms, conditions, provisions, obligations and agreements as set forth in the Memorandum of Joint Use and Production Matters Agreement recorded June 21, 2016 at Reception No. 4212926.

46. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Pipeline Easement and Right-of-Way Grant recorded January 25, 2018 at Reception No. 4370461.

47. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded January 30, 2018 at Reception No. 4371399.

48. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded January 30, 2018 at Reception No. 4371403.

49. Land Survey Plat recorded May 3, 2018 at Reception No. 4395869.

50. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded June 4, 2019 at Reception No. 4494443.

    Amendment of Right-of-Way Grant Agreement in connection therewith recorded October 25, 2019 at Reception No. 4535321.

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51. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded July 9, 2019 at Reception No. 4504028.

52. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded October 18, 2019 at Reception No. 4533689.

53. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Easement Agreement and Acknowledgement of Interest recorded October 2, 2020 at Reception No. 2020000100186 (Adams County Recording).

54. Mineral rights as conveyed by Personal Representative's Mineral and Royalty Deed recorded April 18, 2022 at Reception No. 4819578, and any and all assignments thereof or interests therein.

55. Terms, conditions, provisions, obligations and agreements as set forth in the Operating Agreement and Financing Statement recorded April 3, 2020 at Reception No. 4580289.

    Amendment in connection therewith recorded August 9, 2022 at Reception No. 4847154.

    Amendment in connection therewith recorded September 20, 2022 at Reception No. 4856259.

56. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way and Easement recorded August 12, 2022 at Reception No. 4847983.

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DISCLOSURE STATEMENT

Pursuant to C.R.S. 30-10-406(3)(a) all documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one-half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section.

NOTE: If this transaction includes a sale of the property and the price exceeds $100,000.00, the seller must comply with the disclosure/withholding provisions of C.R.S. 39-22-604.5 (Nonresident withholding).

NOTE: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title commitment, other than the effective date of the title commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owner's policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed.

Pursuant to C.R.S. 10-11-122, the company will not issue its owner's policy or owner's policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary.

The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

C.R.S. 10-11-122 (4), Colorado Notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.

NOTE: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 2.

A. **That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and**
B. **That such mineral estate may include the right to enter and use the property without the surface owner's permission.**

NOTE: Pursuant to Colorado Division of Insurance Regulations 8-1-1, Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

A. **The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.**
B. **No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.**

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C. **The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.**
D. **The Company must receive payment of the appropriate premium**.
E. **If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium, fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.**

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

NOTE: Pursuant to C.R.S. 38-35-125(2) no person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right.

NOTE: C.R.S. 39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee.

NOTE: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.

Nothing herein contained will be deemed to obligate the company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.

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First American Commitment	ALTA Commitment for Title Insurance ISSUED BY **First American Title Insurance Company** File No: NCS-1148074-CO

COMMITMENT FOR TITLE INSURANCE

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT-READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, ***First American Title Insurance Company***, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

First American Title Insurance Company

Kenneth D. DeGiorgio, President

Greg L. Smith, Secretary

If this jacket was created electronically, it constitutes an original document.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.

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COMMITMENT CONDITIONS

1. DEFINITIONS

(a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
(b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
(c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
(d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
(e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
(f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
(g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
(h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:
(a) the Notice;
(b) the Commitment to Issue Policy;
(c) the Commitment Conditions;
(d) Schedule A;
(e) Schedule B, Part I—Requirements; and
(f) Schedule B, Part II—Exceptions.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

(a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  (i) comply with the Schedule B, Part I—Requirements;
  (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
  (iii) acquire the Title or create the Mortgage covered by this Commitment.
(b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
(c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
(d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
(e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
(f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
(g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

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6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

(a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
(b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
(c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
(d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
(e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
(f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is $2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at http://www.alta.org/arbitration.

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Transaction Identification Data for reference only:

Issuing Agent: First American Title Insurance Company National Commercial Services

Issuing Office: 1380 17th Street, Denver, CO 80202

Commitment No.: NCS-1148074-CO

Issuing Office File No.: NCS-1148074-CO

Property Address: Ag land, , CO

Escrow Officer Name:

Revision No.:

Escrow Officer Number:

Escrow Officer Email:

Escrow Assistant Name:

Escrow Assistant Number:

Escrow Assistant Email:

Title Officer Name: Stacy Patton

Title Officer Number:

Title Officer Email: StPatton@firstam.com

Title Assistant Name: Jessica Frazier

Title Assistant Number:

Title Assistant Email: jfrazier@firstam.com

SCHEDULE A

1. Commitment Date: September 19, 2022 at 5:00 PM

2. Policy or Policies to be issued: None, See Schedule B, Part I
   (a) ☐ ALTA® Owner's Policy (6-17-06)
   Proposed Insured:
   Proposed Policy Amount: $
   (b) ☐ ALTA® Loan Policy (6-17-06)
   Proposed Insured:
   Proposed Policy Amount: $

3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.

4. The Title is, at the Commitment Date, vested in:

   Richmark Real Estate Partners LLC, a Colorado limited liability company

5. The Land is described as follows:

   See Exhibit "A" attached hereto and made a part hereof

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Exhibit A

Commitment No.: NCS-1148074-CO

The Land referred to herein below is situated in the County of Weld, State of Colorado, and is described as follows:

Lot 3 and the South 80 feet of Lot 4 of the North Half of the Northeast Quarter of Section 5, Township 5 North, Range 65 West of the 6th P.M., according to the subdivision of lands made by the Union Colony of Colorado,
County of Weld, State of Colorado.

"Together with a non exclusive perpetual easement over and across lands owned by Grantor where an existing road is located in the SW1/4 SE1/4 Section 32, Township 6 North, Range 65 West of the 6th PM, Weld County,
Colorado as represented by ALTA/ACSM Land Title Survey recorded May 1, 2006 at Reception No. 3383577. The purpose of this easement is to provide ingress and egress to and from the above described property and 6th Avenue of Greeley, Colorado. Grantee shall maintain and repair said road to a condition equal to or better than the existing road. The use is for any legal use and shall extend to and be binding upon the heirs, executors,
administrators, personal representatives, successors and assigns of the parties hereto".

EXCEPT that part of Lot 4 lying South and West of the Cache la Poudre River.

For informational purposes only: APN: 096105102006

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Commitment No.: NCS-1148074-CO

SCHEDULE B, PART I

Requirements

LIMITATION OF LIABILITY FOR INFORMATIONAL REPORT

IMPORTANT – READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.

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Commitment No.: NCS-1148074-CO

SCHEDULE B, PART II

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any facts, rights, interests or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

2. Easements, or claims of easements, not shown by the Public Records.

3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct land survey and inspection of the Land would disclose, and which are not shown by the Public Records.

4. Any lien or right to a lien for services, labor, material or equipment, unless such lien is shown by the Public Records at Date of Policy and not otherwise excepted from coverage herein.

5. Any and all unpaid taxes, assessments and unredeemed tax sales.

6. Any water rights, claims of title to water, in, on or under the Land.

7. Any existing leases or tenancies.

8. Rights of way for County Roads 30 feet on either side of section and township lines, as established by the Resolution of the Board of County Commissioners of Weld County, recorded October 14, 1889 in Book 86 at Page 273.

9. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises, as reserved in United States Patent recorded September 20, 1875 in Book 20 at Page 28.

10. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises, as reserved in United States Patent recorded January 3, 1877 in Book 20 at Page 111.

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11. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises, as reserved in United States Patent recorded August 10, 1878 in Book 20 at Page 202.

12. The right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises, as reserved in United States Patent recorded November 21, 1879 in Book 20 at Page 250.

13. Reservation of oil, gas and minerals as set forth in Deed recorded November 14, 1952 in Book 1344 at Page 85.

14. Oil and Gas Lease recorded October 21, 1982 at Reception No. 1907072, and any and all assignments thereof or interests therein.

15. Oil and Gas Lease recorded July 11, 1983 at Reception No. 1933036, and any and all assignments thereof or interests therein.

16. Notices pursuant to CRS 9-1.5-103 concerning underground facilities have been filed with the Clerk and Recorder. These statements are general and do not necessarily give notice of underground facilities within the subject property:

(A) Mountain Bell Telephone Company, recorded October 1, 1981 at Reception No. 1870705.
(B) Panhandle Eastern Pipe Line Company, recorded October 1, 1981 at Reception No. 1870756 and recorded June 26, 1986 at Reception No. 2058722.
(C) Union Rural Electric Association, Inc., recorded October 5, 1981 at Reception No. 1871004.
(D) Public Service Company of Colorado, recorded November 9, 1981 at Reception No. 1874084.
(E) Western Slope Gas Company, recorded March 9, 1983 at Reception No. 1919757.
(F) Associated Natural Gas, Inc., recorded July 20, 1984 at Reception No. 1974810 and recorded October 1, 1984 at Reception No. 1983584 and recorded March 3, 1988 at Reception No. 2132709 and recorded April 10, 1989 at Reception No. 2175917.
(G) Colorado Interstate Gas Company recorded August 31, 1984 at Reception No. 1979784.
(H) Western Gas Supply Company, recorded April 2, 1985 at Reception No. 2004300.
(I) St. Vrain Sanitation District, recorded December 14, 1988 at Reception No. 2164975.
(J) United Power, Inc., recorded January 24, 1991 at Reception No. 2239296.
(K) Wiggins Telephone Association recorded October 14, 1992 at Reception No. 2306829.

17. Lease by and between David Cogburn, as lessor, and The Great Western Sugar Company, as lessee, as evidenced by Assignment of Farm Lease recorded August 13, 1986 at Reception No. 2064927.

18. An easement for utilities and incidental purposes granted to Public Service Company of Colorado, as set forth in an instrument recorded October 13, 1993 at Reception No. 2354763.

19. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Valve Site Contract recorded October 6, 1994 at Reception No. 2409821.

20. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded October 6, 1994 at Reception No. 2409822.

21. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded June 3, 1996 at Reception No. 2494362.

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22. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded November 5, 1996 at Reception No. 2519159.

23. Any tax, lien, fee or assessment by reason of inclusion of subject property in the Northern Colorado Water Conservancy District, as evidenced by instrument recorded October 27, 1997 at Reception No. 2576000.

24. Easements as set forth in Special Warranty Deed recorded February 8, 2006 at Reception No. 3361398.

25. Easements, notes, covenants, restrictions and rights-of-way as shown on the ALTA/ACSM Land Title Survey, recorded May 1, 2006 at Reception No. 3383577.

26. Terms, conditions, provisions, obligations and agreements as set forth in the Memorandum of Agreement recorded May 29, 2008 at Reception No. 3557374.

27. Oil and Gas Lease recorded May 29, 2008 at Reception No. 3557375, and any and all assignments thereof or interests therein.

    NOTE: Request for Notification of Application for Development in connection therewith recorded July 12, 2016 at Reception No. 4218393.

28. Reservation of oil, gas, hydrocarbons and minerals as set forth in Warranty Deed recorded December 28, 2009 at Reception No. 3667365.

29. Terms, conditions, provisions, obligations and agreements as set forth in the Extension to Agreement recorded April 18, 2011 at Reception No. 3762983.

30. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded April 28, 2011 at Reception No. 3765387.

    Partial Release in connection therewith recorded August 16, 2011 at Reception No. 3786469.

    Partial Release in connection therewith recorded August 12, 2022 at Reception No. 4847984.

31. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded August 16, 2011 at Reception No. 3786468.

32. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Easement and Right of Way Agreement recorded January 26, 2012 at Reception No. 3820805.

33. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Easement and Right of Way Agreement recorded January 26, 2012 at Reception No. 3820806.

34. Easements, notes, covenants, restrictions and rights-of-way as shown on the plat of Plat of Exemption, recorded August 29, 2012 at Reception No. 3869636.

35. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded January 21, 2013 at Reception No. 3904308.

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36. Mineral rights as conveyed by Deed recorded February 6, 2013 at Reception No. 3908351, and any and all assignments thereof or interests therein.

37. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Easement Deed by Court Order recorded March 15, 2013 at Reception No. 3917346.

38. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Pipeline Right-of-Way Grant recorded November 15, 2013 at Reception No. 3978396.

39. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Easement recorded November 5, 2014 at Reception No. 4059643.

40. Terms, conditions, provisions, obligations and agreements as set forth in the Quit Claim Deed recorded November 5, 2014 at Reception No. 4059646.

41. Reservation of oil, gas and other minerals as set forth in Warranty Deed recorded July 2, 2015 at Reception No. 4121053.

42. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded November 18, 2015 at Reception No. 4159005.

43. Lease by and between 7N, LLC, a Delaware limited liability company, as lessor, and Richmark Real Estate Partners, LLC, a Colorado limited liability company, as lessee, set forth in Ground Lease and Option to Purchase recorded February 19, 2016 at Reception No. 4182085, which includes an option to purchase.

    First Amendment to Surface Use Agreement and Termination of Ground Lease and Option to Purchase in connection therewith recorded May 13, 2022 at Reception No. 4827341.

44. Terms, conditions, provisions, obligations and agreements as set forth in the Surface Use Agreement recorded February 19, 2016 at Reception No. 4182086.

45. Terms, conditions, provisions, obligations and agreements as set forth in the Memorandum of Joint Use and Production Matters Agreement recorded June 21, 2016 at Reception No. 4212926.

46. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Pipeline Easement and Right-of-Way Grant recorded January 25, 2018 at Reception No. 4370461.

47. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded January 30, 2018 at Reception No. 4371399.

48. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded January 30, 2018 at Reception No. 4371403.

49. Land Survey Plat recorded May 3, 2018 at Reception No. 4395869.

50. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded June 4, 2019 at Reception No. 4494443.

    Amendment of Right-of-Way Grant Agreement in connection therewith recorded October 25, 2019 at Reception No. 4535321.

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51. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded July 9, 2019 at Reception No. 4504028.

52. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way Grant recorded October 18, 2019 at Reception No. 4533689.

53. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Easement Agreement and Acknowledgement of Interest recorded October 2, 2020 at Reception No. 2020000100186 (Adams County Recording).

54. Mineral rights as conveyed by Personal Representative's Mineral and Royalty Deed recorded April 18, 2022 at Reception No. 4819578, and any and all assignments thereof or interests therein.

55. Terms, conditions, provisions, obligations and agreements as set forth in the Operating Agreement and Financing Statement recorded April 3, 2020 at Reception No. 4580289.

    Amendment in connection therewith recorded August 9, 2022 at Reception No. 4847154.

    Amendment in connection therewith recorded September 20, 2022 at Reception No. 4856259.

56. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right-of-Way and Easement recorded August 12, 2022 at Reception No. 4847983.

57. Terms, agreements, provisions, conditions and obligation as contained in Deed to Weld County recorded February 15, 1861 at Reception No. 0430268.

58. Surveyor's Affidavit recorded July 30, 1861 at Reception No. 2080448.

59. Right of way for road and driveway purposes as stated in Deed recorded March 8, 1945 at Reception No. 0952434.

60. Reservation of a right of way for road as stated in instrument recorded November 14, 1952 at Reception No. 1142304

61. Oil and Gas Lease recorded October 21, 1982 at Reception No. 1907072, and any and all assignments thereof or interests therein.

62. Oil and Gas Lease recorded November 7, 2011 at Reception No. 3804067, and any and all assignments thereof or interests therein.

63. An easement for utilities and incidental purposes granted to Public Service Company of Colorado, as set forth in an instrument recorded March 31, 1993 at Reception No. 2326985.

64. Oil, gas and minerals as described in Quit Claim Deed recorded February 8, 2006 at Reception No. 3361402.

65. Sewer easements as stated and mineral reservations as contained in Warranty Deed recorded June 27, 2008 at Reception No. 3563567.

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66. Terms, conditions, provisions, obligations and agreements as set forth in the Surface Use Agreement recorded May 30, 2013 at Reception No. 3935955 and Amendment recorded July 23, 2014 at Reception No. 4032710.

67. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Pipeline Right of Way Grant recorded November 15, 2013 at Reception No. 3978396.

68. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Permanent Exclusive Sewer Easement recorded October 3, 2014 at Reception No. 4051178.

69. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Right of Way Grant recorded November 18, 2015 at Reception No. 4159005.

70. Site Plan Review SPR15-0007 recorded December 17, 2015 at Reception No. 4165971.

71. Lease by and between 7N, LLC, a Delaware limited liability company, as lessor, and Richmark Real Estate Partners, LLC, a Colorado limited liability company, as lessee, set forth in Ground Lease and Option to Purchase recorded February 19, 2016 at Reception No. 4182085, which includes an option to purchase.

    Modification in connection therewith recorded May 13, 2022 at Reception No. 4827341.

72. Terms, conditions, provisions, obligations and agreements as set forth in the Surface Use Agreement recorded February 19, 2016 at Reception No. 4182086.

73. Terms, agreements, provision, conditions and obligations as contained in Quitclaim Deed recorded October 6, 2017 at Reception No. 4342249.

74. Terms, conditions, provisions, obligations, easements and agreements as set forth in the Pipeline Easement and Right of Way Grant recorded January 25, 2018 at Reception No. 4370461.

75. Right of way for Cache La Poudre River.

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DISCLOSURE STATEMENT

Pursuant to C.R.S. 30-10-406(3)(a) all documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one-half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section.

NOTE: If this transaction includes a sale of the property and the price exceeds $100,000.00, the seller must comply with the disclosure/withholding provisions of C.R.S. 39-22-604.5 (Nonresident withholding).

NOTE: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title insurance company shall be responsible to the proposed insured(s) subject to the terms and conditions of the title commitment, other than the effective date of the title commitment, for all matters which appear of record prior to the time of recording whenever the title insurance company, or its agent, conducts the closing and settlement service that is in conjunction with its issuance of an owner's policy of title insurance and is responsible for the recording and filing of legal documents resulting from the transaction which was closed.

Pursuant to C.R.S. 10-11-122, the company will not issue its owner's policy or owner's policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary.

The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

C.R.S. 10-11-122 (4), Colorado Notaries may remotely notarize real estate deeds and other documents using real-time audio-video communication technology. You may choose not to use remote notarization for any document.

NOTE: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 2.

A. **That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and**
B. **That such mineral estate may include the right to enter and use the property without the surface owner's permission.**

NOTE: Pursuant to Colorado Division of Insurance Regulations 8-1-1, Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

A. **The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.**
B. **No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.**

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C. **The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.**
D. **The Company must receive payment of the appropriate premium**.
E. **If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium, fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.**

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

NOTE: Pursuant to C.R.S. 38-35-125(2) no person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right.

NOTE: C.R.S. 39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee.

NOTE: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.

Nothing herein contained will be deemed to obligate the company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.

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EXHIBIT D

Capital Plan

Kimley-Horn and Associates, Inc. Opinion of Probable Construction Cost

Client:	RICHMARK	Date:	4/14/2023
Project:	GREELEY WAKE PARK	Prepared By:	KH TEAM
KHA No.:	96603001	Checked By:	

Summary of Costs	Sheet:	1 of 5

Kimley-Horn and Associates, Inc. has not prepared fully engineered construction drawings for this entire site; therefore, the final quantities are subject to change. Additionally, the final land plan could change significantly through the development process. Review all notes and assumptions. Since Kimley-Horn and Associates, Inc. has no control over the cost of labor, materials, equipment, or services furnished by others, or over methods of determining price, or over competitive bidding or market conditions, any and all opinions as to the cost herein, including but not limited to opinions as to the costs of construction materials, shall be made on the basis of experience and best available data. Kimley-Horn and Associates, Inc. cannot and does not guarantee that proposals, bids, or actual costs will not vary from the opinions on costs shown herein. The total costs and other numbers in this Opinion of Probable Cost have been rounded.

Sheet No.	Item Description	Item Cost
2	GREELEY WAKE RECREATIONAL PARK	$59,778,405.60
	Total:	$59,778,405.60

Basis for Cost Projection:

- [x] No Design Completed
- [ ] Preliminary Design
- [ ] Final Design

PROJECT NAME: Greeley Wake Rec Park
PROJECT NO: 096603001
DATE PREPARED: April 14, 2023

Kimley»Horn

ENGINEER'S OPINION OF PROBABLE COST - GREELEY WAKE REC PARK

	QUANTITY	UNIT	UNIT COST	TOTAL
SEWER				
6" PVC SEWER SERVICE LINE	2	EA	$1,000	$2,000
8" PVC SEWER LINE	900	LF	$65	$58,500
12" PVC SEWER LINE	2,000	LF	$78	$156,000
15" PVC SEWER LINE	500	LF	$99	$49,500
4' DIAMETER MANHOLES	10	EA	$3,837	$38,370
6' DIAMETER MANHOLES	11	EA	$9,655	$106,205
7' DIAMETER MANHOLES	1	EA	$11,816	$11,816
DOUBLE CLEANOUT	2	EA	$800	$1,600
TRENCHING TO EXISTING MAIN	360	LF	$65	$23,400
CONNECTION TO EXISTING	2	EA	$5,439	$10,878
CONCRETE ENCASEMENT	200	LF	$75	$15,000
			SEWER SUB-TOTAL	$473,269
WATER				
8" PVC WATER LINE	5,100	LF	$75	$382,500
VERTICAL REALIGNMENT	2	EA	$6,000	$12,000
12" TO 8" REDUCER	2	EA	$260	$520
8" X 6" TEE	5	EA	$745	$3,725
8" X 8" TEE	2	EA	$1,245	$2,490
2" COPPER SERVICE LINE	2	EA	$3,525	$7,050
8" GATE VALVE	10	EA	$3,102	$31,020
12" GATE VALVE	2	EA	$3,425	$6,850
8" BEND MJ	15	EA	$821	$12,315
WATER METER	2	EA	$2,500	$5,000
IRRIGATION METER	2	EA	$1,500	$3,000
FIRE DEPARTMENT CONNECTION	2	EA	$4,000	$8,000
STD FIRE HYDRANT ASSEMBLY	10	EA	$10,943	$109,430
FIRELINE VAULT AND BACKFLOW PREVENTOR	2	EA	$20,000	$40,000
CONNECTION TO EXISTING WATER (LIVE TAP)	2	EA	$11,134	$22,268
			WATER SUB-TOTAL	$646,168
STORM DRAIN				
18" CLASS III RCP	200	LF	$86	$17,200
24" CLASS III RCP	1,000	LF	$116	$116,000
36" CLASS III RCP	1,500	LF	$187	$280,500
48" CLASS III RCP	2,000	LF	$241	$482,000
UNDERDRAIN PIPE	2,000	LF	$30	$60,000
4' DIAM. STORM MANHOLE	2	EA	$3,836	$7,672
5' DIAM. STORM MANHOLE	2	EA	$5,945	$11,890
6' DIAM. STORM MANHOLE	4	EA	$9,655	$38,620
7' DIAM. STORM MANHOLE	2	EA	$11,816	$23,632
5' TYPE "R" INLET	5	EA	$7,356	$36,780
10' TYPE "R" INLET	10	EA	$10,676	$106,760
15' TYPE "R" INLET	2	EA	$13,711	$27,422
TYPE "C" INLET	10	EA	$5,328	$53,280
FLARED END SECTION	10	EA	$4,000	$40,000
HEADWALL	3	EA	$5,000	$15,000
WATER QUALITY DEVICE	2	EA	$25,000	$50,000
FOREBAY STRUCTURE	1	EA	$36,000	$36,000
CONCRETE TRICKLE CHANNEL	250	LF	$151	$37,750
RIPRAP	200	SF	$30	$6,000
POND ACCESS ROAD 4" THICK CL 6 ROAD BASE	100	SY	$30	$3,000
OUTLET STRUCTURE	1	EA	$82,555	$82,555
TIE TO EXISTING STORM OUTLET	1	EA	$5,000	$5,000
			STORM DRAIN SUB-TOTAL	$1,537,061

PROJECT NAME: Greeley Wake Rec Park
PROJECT NO: 096603001
DATE PREPARED: April 14, 2023

Kimley»Horn

ENGINEER'S OPINION OF PROBABLE COST - GREELEY WAKE REC PARK

	QUANTITY	UNIT	UNIT COST	TOTAL
SURFACE IMPROVEMENTS				
5' SIDEWALK (6" THICK)	2,400	LF	$22	$52,800
10' GRAVEL ATV TRAIL	13,995	LF	$35	$489,825
5' GRAVEL MOUNTAIN BIKE TRAIL	2,125	LF	$15	$31,875
3' GRAVEL MOUNTAIN BIKE PUMP TRACK	730	LF	$10	$7,300
6" VERTICAL CURB & GUTTER	1,655	LF	$28	$46,340
2' WIDE CONCRETE SHOULDER PER DETAIL COG S-1	14,350	LF	$28	$401,800
HMA (5.5" DEPTH) *TO BE CONFIRMED BY GEOTECHNICAL ENGINEER	30,700	SY	$36	$1,105,200
CLASS 6 ROAD BASE (6" DEPTH) *TO BE CONFIRMED BY GEOTECHNICAL ENGINEER	30,700	SY	$15	$460,500
FULL DEPTH CONCRETE PAVEMENT	1,000	SY	$70	$70,000
CONCRETE CROSSPAN	2,700	SF	$16	$43,200
PAVEMENT STRIPING	1	LS	$25,000	$25,000
STOP SIGN	10	EA	$730	$7,300
SPEED LIMIT SIGNAGE	5	EA	$320	$1,600
STREET SIGNS	10	EA	$380	$3,800
REGULATORY SIGNS	20	EA	$380	$7,600
BOLLARDS	30	EA	$375	$11,250
WHEEL STOPS	100	EA	$65	$6,500
LIGHTING - PARKING LOT POLES	25	EA	$8,000	$200,000
LIGHTING - STREET POLES	20	EA	$8,000	$160,000
LIGHTING - COURT POLES	15	EA	$8,000	$120,000
LIGHTING - LANDSCAPE AREA LIGHTING	1	LS	$40,000	$40,000
TRASH ENCLOSURE	2	EA	$32,500	$65,000
CURB RAMPS	10	EA	$2,620	$26,200
TENNIS COURT	2	EA	$250,000	$500,000
PICKLEBALL COURT	3	EA	$250,000	$750,000
BASKETBALL COURT	2	EA	$150,000	$300,000
SAND VOLLEYBALL COURT	2	EA	$50,000	$100,000
BENCHES	10	EA	$1,250	$12,500
TABLES AND CHAIRS	5	EA	$2,000	$10,000
TRASH RECEPTACLE	10	EA	$1,000	$10,000
BICYCLE RACK	10	EA	$1,000	$10,000
SHADE STRUCTURE AT SPORT COURTS	1	EA	$45,000	$45,000
SHADE SAILS AT ATV RENTAL BUILDING	1	LS	$150,000	$150,000
IRRIGATION	1	LS	$1,056,200	$1,056,200
MANICURED LANDSCAPE AREA	1	LS	$1,158,750	$1,158,750
NATIVE SEED LANDSCAPE AREA	435,600	SF	$1	$435,600
REC CENTER BUILDING	75,000	SF	$250	$18,750,000
ATV RENTAL BUILDING	36,400	SF	$250	$9,100,000
WHITE WATER PARK	1	LS	$3,000,000	$3,000,000
POUDRE RIVER SHORE RESTORATION	35,800	SF	$15	$537,000
HIGHWAY 85 ENTRANCE IMPROVEMENTS	1	LS	$300,000	$300,000
			SURFACE IMPROVEMENTS SUB-TOTAL	$39,608,140
DRY UTILITIES				
ELECTRICAL LINE	5,500	LF	$150	$825,000
TRANSFORMER	2	EA	$25,000	$50,000
ELECTRICAL VAULT	2	EA	$10,000	$20,000
COMMUNICATIONS LINE	3,000	LF	$25	$75,000
COMMUNICATIONS BOX	2	EA	$1,500	$3,000
CATV LINE	3,000	LF	$25	$75,000
CATV BOX	2	EA	$1,500	$3,000
NATURAL GAS PIPE	3,000	LF	$35	$105,000
GAS METER	2	EA	$1,500	$3,000
			DRY UTILITIES SUB-TOTAL:	$1,159,000

PROJECT NAME:	Greeley Wake Rec Park
PROJECT NO:	096603001
DATE PREPARED:	April 14, 2023

Kimley»Horn

ENGINEER'S OPINION OF PROBABLE COST - GREELEY WAKE REC PARK

	QUANTITY	UNIT	UNIT COST	TOTAL
EARTHWORK				
CLEARING AND GRUBBING	93	AC	$2,000	$186,000
MASS GRADING*	93	AC	$20,000	$1,860,000
LOT OVER-EXCAVATION (ASSUMING 4' DEPTH OVER-EX REQUIRED FOR LOTS) *TO BE CONFIRMED BY GEOTECHNICAL ENGINEER	42,000	CY	$4	$168,000
ROADWAY OVER-EXCAVATION (ASSUMING 4' DEPTH REQUIRED FOR ROADWAYS) *TO BE CONFIRMED BY GEOTECHNICAL ENGINEER	30,000	CY	$4	$120,000
SITE STRIPPING (12" DEPTH) *TO BE CONFIRMED BY GEOTECHNICAL ENGINEER	449,400	CY	$3	$1,348,200
DEWATERING	1	LS	$40,000	$40,000
GRASS SWALE	2,700	SY	$2	$5,400
ROUGH GRADE POND	4,100	SY	$3	$12,300
TRAIL COMPACTION	140,000	SF	$3	$420,000
BUILDING COMPACTION	111,400	SF	$2	$222,800
			EARTHWORK SUB-TOTAL:	$4,382,700

*NO GRADING DESIGN HAS BEEN COMPLETED. THIS VALUE IS APPROXIMATED BASED ON LIMITED DATA

MISCELLANEOUS				
DECORATIVE MONUMENT SIGNS	2	EA	$25,000	$50,000
EROSION CONTROL	93	AC	$5,000	$465,000
TRAFFIC CONTROL	1	LS	$50,000	$50,000
MOBILIZATION	93	AC	$6,000	$558,000
WETLAND DELINEATION ASSESSMENT	1	LS	$25,000	$25,000
ENVIRIONMENTAL SITE ASSESSMENT	1	LS	$25,000	$25,000
			MISCELLANEOUS SUB-TOTAL:	$1,173,000

PERMITS AND FEES				
WATER TAP FEE (2")	2	EA	$59,700	$119,400
SEWER TAP FEE (6")	2	EA	$284,800	$569,600
EASEMENT DEDICATION/VACATION	10	EA	$1,500	$15,000
FLOODPLAIN PERMITTING/MAPPING	1	LS	$50,000	$50,000
FLOODPLAIN NO RISE ANALYSIS	1	LS	$50,000	$50,000
BUILDING PERMIT	2	EA	$6,000	$12,000
CITY REVIEW FEES	1	LS	$20,000	$20,000
			PERMITS AND FEES SUB-TOTAL:	$836,000

SUB-TOTAL SEWER:	$473,269.00
SUB-TOTAL WATER:	$646,168.00
SUB-TOTAL STORM DRAINAGE:	$1,537,061.00
SUB-TOTAL SURFACE IMPROVEMENTS:	$39,608,140.00
SUB-TOTAL DRY UTILITIES:	$1,159,000.00
SUB-TOTAL EARTHWORK:	$4,382,700.00
SUB-TOTAL MISCELLANEOUS:	$1,173,000.00
SUB-TOTAL PERMITS AND FEES:	$836,000.00
SUB-TOTAL CONSTRUCTION:	$49,815,338.00

PROJECT NAME:	Greeley Wake Rec Park
PROJECT NO:	096603001
DATE PREPARED:	April 14, 2023

Kimley»Horn

ENGINEER'S OPINION OF PROBABLE COST - GREELEY WAKE REC PARK

	QUANTITY	UNIT	UNIT COST	TOTAL
20% CONTINGENCY:				$9,963,067.60
TOTAL ESTIMATE FOR CONSTRUCTION COSTS FOR GREELEY WAKE REC PARK:				$59,778,406

ESTIMATE NOTES

1. Units costs used in this cost opinion are derived from readily available information and do not account for inflationary cost escalation. Current construction costs could end up being more inflated than what is shown. It is recommended that pricing is verified with local contractors. Escalation during the time period from the date of this cost opinion to the start of construction is not factored into this estimate.

2. Cost Opinion does not include detailed estimates for demolition, testing, staking, water rights, or all dry utility costs. Budgets are shown above based on typical costs.

3. This cost opinion does not include franchise utility costs, permitting, sales tax, contractor's bonding, insurance, and geotechnical/materials testing.

4. The Engineer has no control over the cost of labor, materials, or equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs, as provided here, are made on the basis of the Engineer's experience and qualifications and represent the Engineer's judgement as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from opinions of probable cost prepared for the Owner.

ADDITIONAL POTENTIAL LINE ITEMS

EROSION CONTROL PERMIT
ENVIRONMENTAL PERMITTING
ENGINEERING DESIGN FEES
ARCHITECTURAL DESIGN FEES
LANDSCAPING DESIGN FEES
SURVEYING FEES
RETAINING WALL
PIT TOILET
PIPE BORING
LIFT STATION

EXHIBIT E

Map Depicting Public Improvements



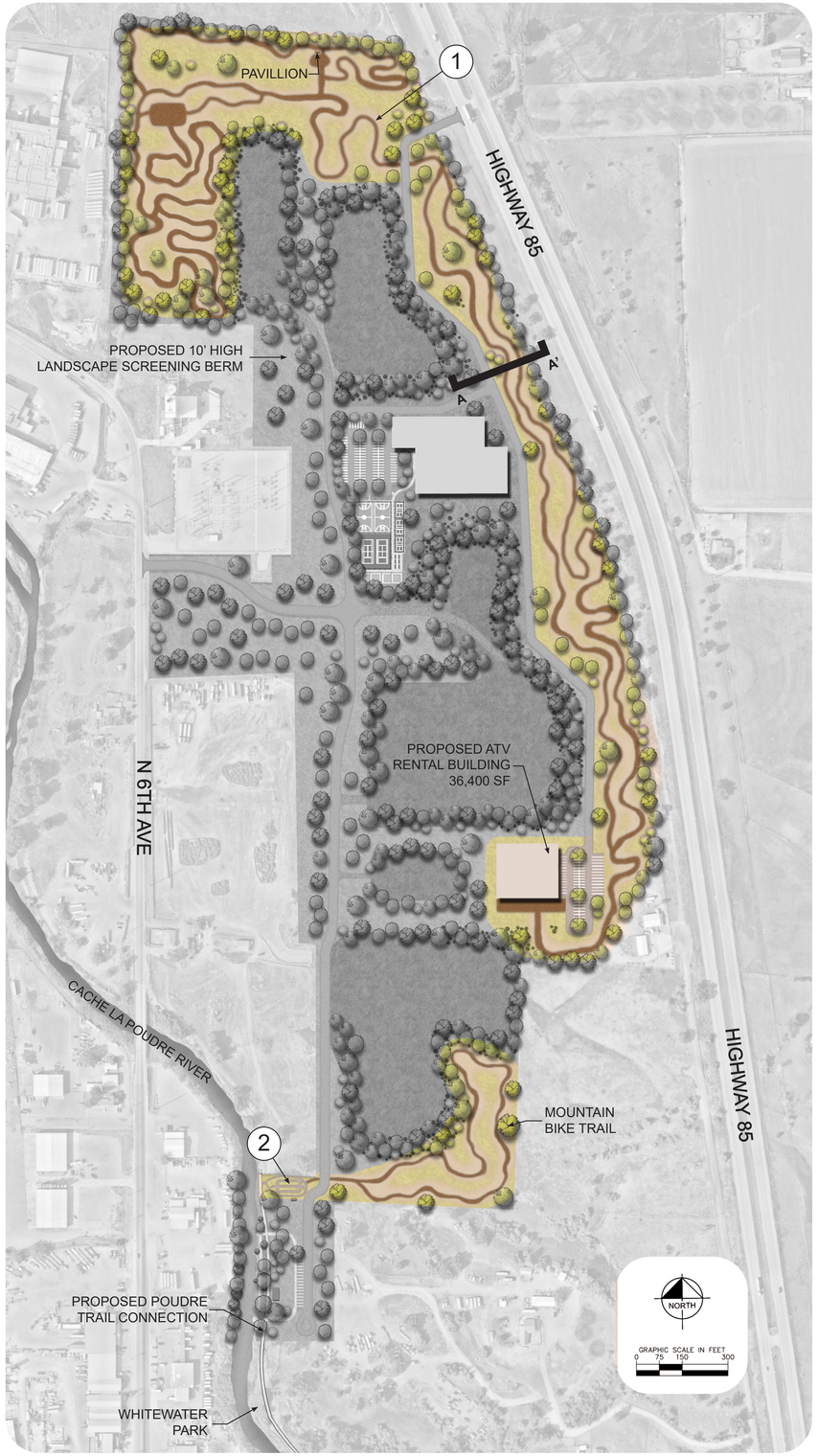
OVERALL LANDSCAPE CONCEPT

APRIL 2023 • CONTACT: EMILY WILSON, PLA (303) 228-2300

GREELEY WAKE REC PARK

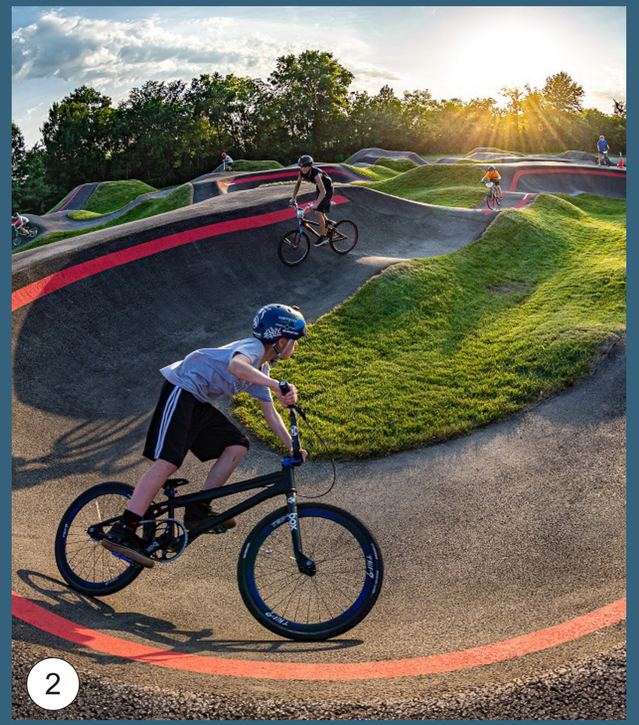
GREELEY, CO

Kimley»Horn



ATV TRAILS







ATV TRAILS

APRIL 2023 • CONTACT: EMILY WILSON, PLA (303) 228-2300

GREELEY WAKE REC PARK

GREELEY, CO

Kimley»Horn

WHITEWATER PARK















WHITEWATER PARK

APRIL 2023 • CONTACT: EMILY WILSON, PLA (303) 228-2300

GREELEY WAKE REC PARK

GREELEY, CO

Kimley»Horn

OUTDOOR RECREATION AMENITIES













OUTDOOR RECREATION AMENITIES

APRIL 2023 • CONTACT: EMILY WILSON, PLA (303) 228-2300

GREELEY WAKE REC PARK

GREELEY, CO

Kimley»Horn

EXHIBIT F

Financial Plan

D|A DAVIDSON

WAKE PARK & RECREATION DISTRICT

Weld County, Colorado

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GENERAL OBLIGATION BONDS, SERIES 2023

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Service Plan

Bond Assumptions	**Series 2023**	**Total**
Closing Date	12/1/2023	
First Call Date	12/1/2028	
Final Maturity	12/1/2054	
Sources of Funds		
Par Amount	32,830,000	**32,830,000**
Total	32,830,000	**32,830,000**
Uses of Funds		
Project Fund	**$30,232,844**	**$30,232,844**
Debt Service Reserve	1,690,556	**1,690,556**
Capitalized Interest	0	**0**
Surplus Deposit	0	**0**
Costs of Issuance	906,600	**906,600**
Total	32,830,000	**32,830,000**
Bond Features		
Projected Coverage at Mill Levy Cap	100x	
Tax Status	Tax-Exempt	
Rating	Non-Rated	
Average Coupon	4.000%	
Annual Trustee Fee	$4,000	
Taxing Authority Assumptions		
Metropolitan District Revenue		
Debt Service Mills		
Service Plan Mill Levy Cap	50.000	
Maximum Adjusted Cap	50.000	
Target Mill Levy	50.000	
Specific Ownership Taxes	6.00%	
County Treasurer Fee	1.50%	
Operations		
Operations Mill Levy	10.000	
Total Mill Levy	60.000	

WAKE PARK & RECREATION DISTRICT

Assessed Value Calculation **Revenue Calculation**

	Oil & Gas		Total	District Mill Levy Revenue				Total	Expenses		Total
	Production Cumulative Statutory Actual Value[1]	Assessed Value in Collection Year (2-year lag) 87.50%	Assessed Value in Collection Year (2-year lag)	Assessed Value in Collection Year (2-year lag)	Debt Mill Levy 50.000 Cap 50.000 Target	Debt Mill Levy Collections 99.5%	Specific Ownership Taxes 6.00%	District Revenue	County Treasurer Fee 1.50%	Annual Trustee Fee $4,000	Revenue Available for Debt Service
2021	189,633,051										
2022	242,960,914										
2023	136,100,906	165,928,919	165,928,919	165,928,919	0.000	0	0	0	0	0	0
2024	80,171,126	212,590,799	212,590,799	212,590,799	50.000	10,576,392	634,584	11,210,976	(158,646)	(4,000)	11,048,330
2025	56,287,072	119,088,292	119,088,292	119,088,292	50.000	5,924,643	355,479	6,280,121	(88,870)	(4,000)	6,187,251
2026	43,239,151	70,149,735	70,149,735	70,149,735	50.000	3,489,949	209,397	3,699,346	(52,349)	(4,000)	3,642,997
2027	35,007,974	49,251,188	49,251,188	49,251,188	50.000	2,450,247	147,015	2,597,261	(36,754)	(4,000)	2,556,508
2028	29,675,143	37,834,257	37,834,257	37,834,257	50.000	1,882,254	112,935	1,995,190	(28,234)	(4,000)	1,962,956
2029	25,683,171	30,631,977	30,631,977	30,631,977	50.000	1,523,941	91,436	1,615,377	(22,859)	(4,000)	1,588,518
2030	23,035,956	25,965,750	25,965,750	25,965,750	50.000	1,291,796	77,508	1,369,304	(19,377)	(4,000)	1,345,927
2031	20,945,009	22,472,774	22,472,774	22,472,774	50.000	1,118,021	67,081	1,185,102	(16,770)	(4,000)	1,164,331
2032	19,164,654	20,156,461	20,156,461	20,156,461	50.000	1,002,784	60,167	1,062,951	(15,042)	(4,000)	1,043,909
2033	17,668,655	18,326,882	18,326,882	18,326,882	50.000	911,762	54,706	966,468	(13,676)	(4,000)	948,792
2034	16,472,312	16,769,072	16,769,072	16,769,072	50.000	834,261	50,056	884,317	(12,514)	(4,000)	867,803
2035	15,175,627	15,460,073	15,460,073	15,460,073	50.000	769,139	46,148	815,287	(11,537)	(4,000)	799,750
2036	13,945,257	14,413,273	14,413,273	14,413,273	50.000	717,060	43,024	760,084	(10,756)	(4,000)	745,328
2037	12,912,985	13,278,673	13,278,673	13,278,673	50.000	660,614	39,637	700,251	(9,909)	(4,000)	686,342
2038	11,985,788	12,202,100	12,202,100	12,202,100	50.000	607,054	36,423	643,478	(9,106)	(4,000)	630,372
2039	11,146,408	11,298,862	11,298,862	11,298,862	50.000	562,118	33,727	595,845	(8,432)	(4,000)	583,414
2040	10,381,646	10,487,565	10,487,565	10,487,565	50.000	521,756	31,305	553,062	(7,826)	(4,000)	541,235
2041	9,631,530	9,753,107	9,753,107	9,753,107	50.000	485,217	29,113	514,330	(7,278)	(4,000)	503,052
2042	8,817,715	9,083,940	9,083,940	9,083,940	50.000	451,926	27,116	479,042	(6,779)	(4,000)	468,263
2043	8,032,407	8,427,588	8,427,588	8,427,588	50.000	419,273	25,156	444,429	(6,289)	(4,000)	434,140
2044	7,277,225	7,715,500	7,715,500	7,715,500	50.000	383,846	23,031	406,877	(5,758)	(4,000)	397,119
2045	6,584,628	7,028,356	7,028,356	7,028,356	50.000	349,661	20,980	370,640	(5,245)	(4,000)	361,395
2046	5,928,821	6,367,572	6,367,572	6,367,572	50.000	316,787	19,007	335,794	(4,752)	(4,000)	327,042
2047	4,905,032	5,761,549	5,761,549	5,761,549	50.000	286,637	17,198	303,835	(4,300)	(4,000)	295,536
2048	4,018,241	5,187,719	5,187,719	5,187,719	50.000	258,089	15,485	273,574	(3,871)	(4,000)	265,703
2049	3,647,315	4,291,903	4,291,903	4,291,903	50.000	213,522	12,811	226,333	(3,203)	(4,000)	219,131
2050	4,536,316	3,515,961	3,515,961	3,515,961	50.000	174,919	10,495	185,414	(2,624)	(4,000)	178,790
2051	3,481,407	3,191,401	3,191,401	3,191,401	50.000	158,772	9,526	168,299	(2,382)	(4,000)	161,917
2052	675,635	3,969,276	3,969,276	3,969,276	50.000	197,471	11,848	209,320	(2,962)	(4,000)	202,358
2053	219,453	3,046,231	3,046,231	3,046,231	50.000	151,550	9,093	160,643	(2,273)	(4,000)	154,370
2054	94,450	591,181	591,181	591,181	50.000	29,411	1,765	31,176	(441)	(4,000)	26,735
Total						38,720,874	2,323,252	41,044,126	(580,813)	(124,000)	40,339,313

1. Source: Developer Pro-Forma, tbd.

WAKE PARK & RECREATION DISTRICT
Senior Debt Service

	Total	Net Debt Service	Senior Surplus Fund			Ratio Analysis	
		Series 2023					
	Revenue Available for Debt Service	Dated: 12/1/23 Par: $32,830,000 Proj: $30,232,844	Annual Surplus	Cumulative Balance $3,283,000 Max	Released Revenue	Senior Debt to Assessed Value	Debt Service Coverage
2021							
2022							
2023	0	0	0	0	0	0%	n/a
2024	11,048,330	11,043,200	5,130	5,130	0	15%	100%
2025	6,187,251	6,184,000	3,251	8,381	0	19%	100%
2026	3,642,997	3,638,600	4,397	12,778	0	25%	100%
2027	2,556,508	2,551,600	4,908	17,686	0	30%	100%
2028	1,962,956	1,958,400	4,556	22,242	0	34%	100%
2029	1,588,518	1,585,800	2,718	24,960	0	38%	100%
2030	1,345,927	1,340,800	5,127	30,087	0	40%	100%
2031	1,164,331	1,163,800	531	30,618	0	42%	100%
2032	1,043,909	1,042,400	1,509	32,128	0	43%	100%
2033	948,792	944,600	4,192	36,319	0	44%	100%
2034	867,803	864,600	3,203	39,522	0	44%	100%
2035	799,750	796,800	2,950	42,472	0	44%	100%
2036	745,328	740,800	4,528	47,000	0	44%	101%
2037	686,342	681,200	5,142	52,142	0	44%	101%
2038	630,372	628,200	2,172	54,314	0	44%	100%
2039	583,414	581,600	1,814	56,128	0	43%	100%
2040	541,235	536,200	5,035	61,163	0	43%	101%
2041	503,052	502,000	1,052	62,215	0	43%	100%
2042	468,263	463,600	4,663	66,877	0	42%	101%
2043	434,140	431,200	2,940	69,817	0	42%	101%
2044	397,119	394,600	2,519	72,336	0	42%	101%
2045	361,395	359,000	2,395	74,732	0	42%	101%
2046	327,042	324,400	2,642	77,374	0	43%	101%
2047	295,536	290,800	4,736	82,110	0	44%	102%
2048	265,703	263,200	2,503	84,613	0	45%	101%
2049	219,131	216,400	2,731	87,343	0	50%	101%
2050	178,790	176,200	2,590	89,934	0	58%	101%
2051	161,917	157,400	4,517	94,451	0	61%	103%
2052	202,358	199,200	3,158	97,608	0	47%	102%
2053	154,370	149,200	5,170	102,778	0	57%	103%
2054	26,735	25,444	1,291	0	104,069	279%	105%
Total	40,339,313	40,235,244	104,069		104,069		

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WAKE PARK & RECREATION DISTRICT

Operations Projection

	Total	Operations Revenue				Total	Total Mills
	Assessed Value in Collection Year (2-year lag)	Operations Mill Levy 10.000 Target	Ops Mill Levy Collections 99.5%	Specific Ownership Taxes 6%	County Treasurer Fee 1.50%	Revenue Available for Operations	Total District Mills
2021							
2022							
2023	165,928,919	0.000	0	0	0	0	0.000
2024	212,590,799	10.000	2,115,278	126,917	(31,729)	2,210,466	60.000
2025	119,088,292	10.000	1,184,929	71,096	(17,774)	1,238,250	60.000
2026	70,149,735	10.000	697,990	41,879	(10,470)	729,399	60.000
2027	49,251,188	10.000	490,049	29,403	(7,351)	512,102	60.000
2028	37,834,257	10.000	376,451	22,587	(5,647)	393,391	60.000
2029	30,631,977	10.000	304,788	18,287	(4,572)	318,504	60.000
2030	25,965,750	10.000	258,359	15,502	(3,875)	269,985	60.000
2031	22,472,774	10.000	223,604	13,416	(3,354)	233,666	60.000
2032	20,156,461	10.000	200,557	12,033	(3,008)	209,582	60.000
2033	18,326,882	10.000	182,352	10,941	(2,735)	190,558	60.000
2034	16,769,072	10.000	166,852	10,011	(2,503)	174,361	60.000
2035	15,460,073	10.000	153,828	9,230	(2,307)	160,750	60.000
2036	14,413,273	10.000	143,412	8,605	(2,151)	149,866	60.000
2037	13,278,673	10.000	132,123	7,927	(1,982)	138,068	60.000
2038	12,202,100	10.000	121,411	7,285	(1,821)	126,874	60.000
2039	11,298,862	10.000	112,424	6,745	(1,686)	117,483	60.000
2040	10,487,565	10.000	104,351	6,261	(1,565)	109,047	60.000
2041	9,753,107	10.000	97,043	5,823	(1,456)	101,410	60.000
2042	9,083,940	10.000	90,385	5,423	(1,356)	94,453	60.000
2043	8,427,588	10.000	83,855	5,031	(1,258)	87,628	60.000
2044	7,715,500	10.000	76,769	4,606	(1,152)	80,224	60.000
2045	7,028,356	10.000	69,932	4,196	(1,049)	73,079	60.000
2046	6,367,572	10.000	63,357	3,801	(950)	66,208	60.000
2047	5,761,549	10.000	57,327	3,440	(860)	59,907	60.000
2048	5,187,719	10.000	51,618	3,097	(774)	53,941	60.000
2049	4,291,903	10.000	42,704	2,562	(641)	44,626	60.000
2050	3,515,961	10.000	34,984	2,099	(525)	36,558	60.000
2051	3,191,401	10.000	31,754	1,905	(476)	33,183	60.000
2052	3,969,276	10.000	39,494	2,370	(592)	41,272	60.000
2053	3,046,231	10.000	30,310	1,819	(455)	31,674	60.000
2054	591,181	10.000	5,882	353	(88)	6,147	60.000
Total			7,744,175	464,650	(116,163)	8,092,663	

SOURCES AND USES OF FUNDS

WAKE PARK & RECREATION DISTRICT
WELD COUNTY, COLORADO
GENERAL OBLIGATION BONDS, SERIES 2023
50.000 (target) Mills, O&G Revenue [1]
Non-Rated, 100x, 2054 Final Maturity
(SERVICE PLAN)
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Dated Date	12/01/2023
Delivery Date	12/01/2023

Sources:	
Bond Proceeds:	
Par Amount	32,830,000.00
	32,830,000.00

Uses:	
Project Fund Deposits:	
Project Fund	30,232,843.55
Other Fund Deposits:	
Debt Service Reserve Fund	1,690,556.45
Delivery Date Expenses:	
Cost of Issuance	250,000.00
Underwriter's Discount	656,600.00
	906,600.00
	32,830,000.00

[1] As provided by Developer, tbd.

BOND SUMMARY STATISTICS

WAKE PARK & RECREATION DISTRICT
WELD COUNTY, COLORADO
GENERAL OBLIGATION BONDS, SERIES 2023
50.000 (target) Mills, O&G Revenue [1]
Non-Rated, 100x, 2054 Final Maturity
(SERVICE PLAN)
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Dated Date	12/01/2023
Delivery Date	12/01/2023
First Coupon	06/01/2024
Last Maturity	12/01/2054
Arbitrage Yield	4.000000%
True Interest Cost (TIC)	4.401772%
Net Interest Cost (NIC)	4.000000%
NIC w/Interest only	4.000000%
NIC w/Interest & OID	4.000000%
NIC w/Interest, OID & Und. Discount	4.288749%
All-In TIC	4.560386%
Average Coupon	4.000000%
Average Life (years)	6.926
Weighted Average Maturity (years)	6.926
Duration of Issue (years)	5.058
Par Amount	32,830,000.00
Bond Proceeds	32,830,000.00
Total Interest	9,095,800.00
Net Interest	9,752,400.00
Bond Years from Dated Date	227,395,000.00
Bond Years from Delivery Date	227,395,000.00
Total Debt Service	41,925,800.00
Maximum Annual Debt Service	11,043,200.00
Average Annual Debt Service	1,352,445.16
Underwriter's Fees (per $1000)	
Average Takedown	
Other Fee	20.000000
Total Underwriter's Discount	20.000000
Bid Price	98.000000

Bond Component	Par Value	Price	Average Coupon	Average Life	Average Maturity Date	PV of 1 bp change
Term Bond due 2054	32,830,000.00	100.000	4.000%	6.926	11/03/2030	58,109.10
	32,830,000.00			6.926		58,109.10

	TIC	All-In TIC	Arbitrage Yield
Par Value	32,830,000.00	32,830,000.00	32,830,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount	-656,600.00	-656,600.00	
- Cost of Issuance Expense		-250,000.00	
- Other Amounts			
Target Value	32,173,400.00	31,923,400.00	32,830,000.00
Target Date	12/01/2023	12/01/2023	12/01/2023
Yield	4.401772%	4.560386%	4.000000%

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FIXED INCOME CAPITAL MARKETS

BOND DEBT SERVICE

WAKE PARK & RECREATION DISTRICT
WELD COUNTY, COLORADO
GENERAL OBLIGATION BONDS, SERIES 2023
50.000 (target) Mills, O&G Revenue [1]
Non-Rated, 100x, 2054 Final Maturity
(SERVICE PLAN)

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Dated Date	12/01/2023
Delivery Date	12/01/2023

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
06/01/2024			656,600	656,600	
12/01/2024	9,730,000	4.000%	656,600	10,386,600	11,043,200
06/01/2025			462,000	462,000	
12/01/2025	5,260,000	4.000%	462,000	5,722,000	6,184,000
06/01/2026			356,800	356,800	
12/01/2026	2,925,000	4.000%	356,800	3,281,800	3,638,600
06/01/2027			298,300	298,300	
12/01/2027	1,955,000	4.000%	298,300	2,253,300	2,551,600
06/01/2028			259,200	259,200	
12/01/2028	1,440,000	4.000%	259,200	1,699,200	1,958,400
06/01/2029			230,400	230,400	
12/01/2029	1,125,000	4.000%	230,400	1,355,400	1,585,800
06/01/2030			207,900	207,900	
12/01/2030	925,000	4.000%	207,900	1,132,900	1,340,800
06/01/2031			189,400	189,400	
12/01/2031	785,000	4.000%	189,400	974,400	1,163,800
06/01/2032			173,700	173,700	
12/01/2032	695,000	4.000%	173,700	868,700	1,042,400
06/01/2033			159,800	159,800	
12/01/2033	625,000	4.000%	159,800	784,800	944,600
06/01/2034			147,300	147,300	
12/01/2034	570,000	4.000%	147,300	717,300	864,600
06/01/2035			135,900	135,900	
12/01/2035	525,000	4.000%	135,900	660,900	796,800
06/01/2036			125,400	125,400	
12/01/2036	490,000	4.000%	125,400	615,400	740,800
06/01/2037			115,600	115,600	
12/01/2037	450,000	4.000%	115,600	565,600	681,200
06/01/2038			106,600	106,600	
12/01/2038	415,000	4.000%	106,600	521,600	628,200
06/01/2039			98,300	98,300	
12/01/2039	385,000	4.000%	98,300	483,300	581,600
06/01/2040			90,600	90,600	
12/01/2040	355,000	4.000%	90,600	445,600	536,200
06/01/2041			83,500	83,500	
12/01/2041	335,000	4.000%	83,500	418,500	502,000
06/01/2042			76,800	76,800	
12/01/2042	310,000	4.000%	76,800	386,800	463,600
06/01/2043			70,600	70,600	
12/01/2043	290,000	4.000%	70,600	360,600	431,200
06/01/2044			64,800	64,800	
12/01/2044	265,000	4.000%	64,800	329,800	394,600
06/01/2045			59,500	59,500	
12/01/2045	240,000	4.000%	59,500	299,500	359,000
06/01/2046			54,700	54,700	
12/01/2046	215,000	4.000%	54,700	269,700	324,400
06/01/2047			50,400	50,400	
12/01/2047	190,000	4.000%	50,400	240,400	290,800
06/01/2048			46,600	46,600	
12/01/2048	170,000	4.000%	46,600	216,600	263,200
06/01/2049			43,200	43,200	
12/01/2049	130,000	4.000%	43,200	173,200	216,400
06/01/2050			40,600	40,600	
12/01/2050	95,000	4.000%	40,600	135,600	176,200
06/01/2051			38,700	38,700	
12/01/2051	80,000	4.000%	38,700	118,700	157,400
06/01/2052			37,100	37,100	
12/01/2052	125,000	4.000%	37,100	162,100	199,200
06/01/2053			34,600	34,600	
12/01/2053	80,000	4.000%	34,600	114,600	149,200
06/01/2054			33,000	33,000	
12/01/2054	1,650,000	4.000%	33,000	1,683,000	1,716,000
	32,830,000		9,095,800	41,925,800	41,925,800
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NET DEBT SERVICE

WAKE PARK & RECREATION DISTRICT
WELD COUNTY, COLORADO
GENERAL OBLIGATION BONDS, SERIES 2023
50.000 (target) Mills, O&G Revenue [1]
Non-Rated, 100x, 2054 Final Maturity
(SERVICE PLAN)
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Period Ending	Principal	Interest	Total Debt Service	Debt Service Reserve Fund	Net Debt Service
12/01/2024	9,730,000	1,313,200	11,043,200		11,043,200.00
12/01/2025	5,260,000	924,000	6,184,000		6,184,000.00
12/01/2026	2,925,000	713,600	3,638,600		3,638,600.00
12/01/2027	1,955,000	596,600	2,551,600		2,551,600.00
12/01/2028	1,440,000	518,400	1,958,400		1,958,400.00
12/01/2029	1,125,000	460,800	1,585,800		1,585,800.00
12/01/2030	925,000	415,800	1,340,800		1,340,800.00
12/01/2031	785,000	378,800	1,163,800		1,163,800.00
12/01/2032	695,000	347,400	1,042,400		1,042,400.00
12/01/2033	625,000	319,600	944,600		944,600.00
12/01/2034	570,000	294,600	864,600		864,600.00
12/01/2035	525,000	271,800	796,800		796,800.00
12/01/2036	490,000	250,800	740,800		740,800.00
12/01/2037	450,000	231,200	681,200		681,200.00
12/01/2038	415,000	213,200	628,200		628,200.00
12/01/2039	385,000	196,600	581,600		581,600.00
12/01/2040	355,000	181,200	536,200		536,200.00
12/01/2041	335,000	167,000	502,000		502,000.00
12/01/2042	310,000	153,600	463,600		463,600.00
12/01/2043	290,000	141,200	431,200		431,200.00
12/01/2044	265,000	129,600	394,600		394,600.00
12/01/2045	240,000	119,000	359,000		359,000.00
12/01/2046	215,000	109,400	324,400		324,400.00
12/01/2047	190,000	100,800	290,800		290,800.00
12/01/2048	170,000	93,200	263,200		263,200.00
12/01/2049	130,000	86,400	216,400		216,400.00
12/01/2050	95,000	81,200	176,200		176,200.00
12/01/2051	80,000	77,400	157,400		157,400.00
12/01/2052	125,000	74,200	199,200		199,200.00
12/01/2053	80,000	69,200	149,200		149,200.00
12/01/2054	1,650,000	66,000	1,716,000	1,690,556.45	25,443.55
	32,830,000	9,095,800	41,925,800	1,690,556.45	40,235,243.55

BOND SOLUTION

WAKE PARK & RECREATION DISTRICT
WELD COUNTY, COLORADO
GENERAL OBLIGATION BONDS, SERIES 2023
50.000 (target) Mills, O&G Revenue [1]
Non-Rated, 100x, 2054 Final Maturity
(SERVICE PLAN)
~~~

Period Ending	Proposed Principal	Proposed Debt Service	Debt Service Adjustments	Total Adj Debt Service	Revenue Constraints	Unused Revenues	Debt Service Coverage
12/01/2024	9,730,000	11,043,200		11,043,200	11,048,330	5,130	100.046%
12/01/2025	5,260,000	6,184,000		6,184,000	6,187,251	3,251	100.053%
12/01/2026	2,925,000	3,638,600		3,638,600	3,642,997	4,397	100.121%
12/01/2027	1,955,000	2,551,600		2,551,600	2,556,508	4,908	100.192%
12/01/2028	1,440,000	1,958,400		1,958,400	1,962,956	4,556	100.233%
12/01/2029	1,125,000	1,585,800		1,585,800	1,588,518	2,718	100.171%
12/01/2030	925,000	1,340,800		1,340,800	1,345,927	5,127	100.382%
12/01/2031	785,000	1,163,800		1,163,800	1,164,331	531	100.046%
12/01/2032	695,000	1,042,400		1,042,400	1,043,909	1,509	100.145%
12/01/2033	625,000	944,600		944,600	948,792	4,192	100.444%
12/01/2034	570,000	864,600		864,600	867,803	3,203	100.370%
12/01/2035	525,000	796,800		796,800	799,750	2,950	100.370%
12/01/2036	490,000	740,800		740,800	745,328	4,528	100.611%
12/01/2037	450,000	681,200		681,200	686,342	5,142	100.755%
12/01/2038	415,000	628,200		628,200	630,372	2,172	100.346%
12/01/2039	385,000	581,600		581,600	583,414	1,814	100.312%
12/01/2040	355,000	536,200		536,200	541,235	5,035	100.939%
12/01/2041	335,000	502,000		502,000	503,052	1,052	100.210%
12/01/2042	310,000	463,600		463,600	468,263	4,663	101.006%
12/01/2043	290,000	431,200		431,200	434,140	2,940	100.682%
12/01/2044	265,000	394,600		394,600	397,119	2,519	100.638%
12/01/2045	240,000	359,000		359,000	361,395	2,395	100.667%
12/01/2046	215,000	324,400		324,400	327,042	2,642	100.814%
12/01/2047	190,000	290,800		290,800	295,536	4,736	101.629%
12/01/2048	170,000	263,200		263,200	265,703	2,503	100.951%
12/01/2049	130,000	216,400		216,400	219,131	2,731	101.262%
12/01/2050	95,000	176,200		176,200	178,790	2,590	101.470%
12/01/2051	80,000	157,400		157,400	161,917	4,517	102.870%
12/01/2052	125,000	199,200		199,200	202,358	3,158	101.585%
12/01/2053	80,000	149,200		149,200	154,370	5,170	103.465%
12/01/2054	1,650,000	1,716,000	-1,690,556	25,444	26,735	1,291	105.075%
	32,830,000	41,925,800	-1,690,556	40,235,244	40,339,313	104,069	

EXHIBIT G

Indemnification Letters

1. Developer's Letter
{date – on or after date of Service Plan approval} City of Greeley
1000 10th Street
Greeley, CO 80631

RE: Wake Park and Recreation District

To the City Council:

This Indemnification Letter (the "**Letter**") is delivered by the undersigned (the "**Developer**") in connection with the review by the City of Greeley (the "**City**") of the Service Plan, including all amendments heretofore or hereafter made thereto (the "**Service Plan**") for the Wake Park and Recreation District (the "**District**"). Developer, for and on behalf of itself and its transferees, successors and assigns, represents, warrants, covenants and agrees to and for the benefit of the City as follows:

1. Developer hereby waives and releases any present or future claims it might have against the City or the City's elected or appointed officers, employees, agents, contractors or insurers (the "**Released Persons**") in any manner related to or connected with the Service Plan or any action or omission with respect thereto. Developer further hereby agrees to indemnify and hold harmless the Released Persons from and against any and all liabilities resulting from any and all claims, demands, suits, actions or other proceedings of whatsoever kind or nature made or brought by any third party, including attorneys' fees and expenses and court costs, which directly or indirectly or purportedly arise out of or are in any manner related to or connected with any of the following: (a) the Service Plan or any document or instrument contained or referred to therein; or (b) the formation of the District; or (c) any actions or omissions of the Developer or the District, or their agents, in connection with the District, including, without limitation, any actions or omissions of the Developer or District, or their agents, in relation to any bonds or other financial obligations of the District or any offering documents or other disclosures made in connection therewith. Developer further agrees to investigate, handle, respond to and to provide defense for and defend against, or at the City's option to pay the attorneys' fees and expenses for counsel of the City's choice for any such liabilities, claims, demands, suits, actions or other proceedings.

2. Developer hereby consents to the disclosure requirements as set forth Section IX of the Service Plan, acknowledges the City's right to modify the required disclosures, and waives and releases the City from any claims Developer might have based on or relating to the use of or any statements made or to be made in such disclosures (including any modifications thereto).

3. This Letter has been duly authorized and executed on behalf of Developer.

Very truly yours,

_____

Developer

2. District's Letter
{date – date of organizational meeting} City of Greeley
1000 10th Street
Greeley, CO 80631

RE: Wake Park and Recreation District

To the City Council:

This Indemnification Letter (the "**Letter**") is delivered by the Wake Park and Recreation District (the "**District**") in order to comply with the Service Plan, including all amendments heretofore or hereafter made thereto (the "**Service Plan**") for the District. The District, for and on behalf of itself and its transferees, successors and assigns, represents, warrants, covenants and agrees to and for the benefit of the City as follows:

1. The District hereby waives and releases any present or future claims it might have against the City or the City's elected or appointed officers, employees, agents, contractors or insurers (the "**Released Persons**") in any manner related to or connected with the Service Plan or any action or omission with respect thereto. To the fullest extent permitted by law, the District hereby agrees to indemnify and hold harmless the Released Persons from and against any and all liabilities resulting from any and all claims, demands, suits, actions or other proceedings of whatsoever kind or nature made or brought by any third party, including attorneys' fees and expenses and court costs, which directly or indirectly or purportedly arise out of or are in any manner related to or connected with any of the following: (a) the Service Plan or any document or instrument contained or referred to therein; or (b) the formation of the District; or (c) any actions or omissions of the District, Richmark Real Estate Partners, LLC and assigns (the **"Developer**"), or their agents, in connection with the District, including, without limitation, any actions or omissions of the District or Developer, or their agents, in relation to any bonds or other financial obligations of the District or any offering documents or other disclosures made in connection therewith. The District further agrees to investigate, handle, respond to and to provide defense for and defend against, or at the City's option to pay the attorneys' fees and expenses for counsel of the City's choice for any such liabilities, claims, demands, suits, actions or other proceedings.

2. It is understood and agreed that neither the District nor the City waives or intends to waive the monetary limits (presently $387,000 per person and $1,093,000 per occurrence) or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, § 24 10 101, et seq., C.R.S., as from time to time amended, or otherwise available to the City, the District, its officers, or its employees.

3. The District hereby consents to the disclosure requirements as set forth Section IX of the Service Plan, acknowledges the City's right to modify the required disclosures, and waives and releases the City from any claims the District might have based on or relating to the use of or any statements made or to be made in such disclosures (including any modifications thereto).

4. This Letter has been duly authorized and executed on behalf of the District.

Very truly yours,

Wake Park and Recreation District

By: _____

President

Attest:

_____

Secretary

EXHIBIT H

Intergovernmental Agreement

INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF GREELEY, COLORADO AND WAKE PARK AND RECREATION DISTRICT

THIS **AGREEMENT** is made and entered into as of this [_] day of [_____], [____], by and between the **CITY OF GREELEY, COLORADO**, a home-rule municipal corporation of the State of Colorado ("**City**"), and **WAKE PARK AND RECREATION DISTRICT**, a quasi-municipal corporation and political subdivision of the State of Colorado (the "**District**"). The City and the District are collectively referred to as the Parties.

RECITALS

WHEREAS, the District was organized to provide those services and to exercise powers as are more specifically set forth in the District's Service Plan approved by the City on [__], 20[_____] ("**Service Plan**"); and

WHEREAS, the Service Plan makes reference to the execution of an intergovernmental agreement between the City and the District; and

WHEREAS, the City and the District have determined it to be in the best interests of their respective taxpayers, residents and property owners to enter into this Intergovernmental Agreement ("**Agreement**").

NOW, THEREFORE, in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

COVENANTS AND AGREEMENTS

1. Service Plan. The District will not take any action, including, without limitation, the issuance of any obligations or the imposition of any tax, which would constitute a material departure from the terms of the Service Plan and a material modification thereof as set forth in §32-1-207(2), C.R.S. Actions of the District which constitute a material departure from the terms of the Service Plan and a material modification thereof as set forth in §32-1-207(2), C.R.S., shall be a default hereunder, and shall entitle the City to protect and enforce its rights hereunder by such suit, action, or special proceedings as the City shall deem appropriate, including, without limitation, an action for specific performance or damages. It is intended that the remedies hereof shall be in addition to any remedies the City may have or actions the City may bring under §32-1-207, C.R.S., or any other applicable statute. The District shall have sixty (60) days to provide the City with written evidence that no Material Departure occurred, which evidence must be reasonably satisfactory to the City or to commence to cure such Material Departure. If the District is diligently pursuing the cure of such Material Departure, the City shall not take any action to enjoin the District. In the event the District fails to complete the cure or take any action to cure the Material Departure, the City may impose any sanctions allowed by municipal code or statute. Nothing herein is intended to modify or prevent the use of the provisions of §32-1-207(3)(b), C.R.S.

2. Notices. All notices, demands, requests or other communications to be sent by one party to the other hereunder or required by law shall be in writing and shall be deemed to have been validly given or served by delivery of same in person to the address or by courier delivery, via United Parcel Service or other nationally recognized overnight air courier service, or by depositing same in the United States mail, postage prepaid, addressed as follows:

To the District:	Wake Park and Recreation District White Bear Ankele Tanaka & Waldron 2154 E. Commons Avenue, Suite 2000 Centennial, CO 80122 Attention: Zachary P. White. Esq. Phone: 303-858-1800 Email: zwhite@wbapc.com
To the City:	[_____] [_____] [_____] Attention: [_____] Phone: [_] Fax: [_____]

All notices, demands, requests or other communications shall be effective upon such personal delivery or one (1) business day after being deposited with United Parcel Service or other nationally recognized overnight air courier service or three (3) business days after deposit in the United States mail. By giving the other party hereto at least ten (10) days written notice thereof in accordance with the provisions hereof, each of the Parties shall have the right from time to time to change its address.

3. Entire Agreement of the Parties. This written Agreement constitutes the entire agreement between the Parties and supersedes all prior written or oral agreements, negotiations, or representations and understandings of the Parties with respect to the subject matter contained herein.

4. Amendment. This Agreement may be amended, modified, changed, or terminated in whole or in part only by a written agreement duly authorized and executed by the Parties hereto and without amendment to the Service Plan.

5. Assignment. No Party hereto shall assign any of its rights nor delegate any of its duties hereunder to any person or entity without having first obtained the prior written consent of all other Parties, which consent will not be unreasonably withheld. Any purported assignment or delegation in violation of the provisions hereof shall be void and ineffectual.

6. Default/Remedies. In the event of a breach or default of this Agreement by any Party, the non-defaulting Parties shall be entitled to exercise all remedies available at law or in equity, specifically including suits for specific performance and/or monetary damages. In the event of any proceeding to enforce the terms, covenants or conditions hereof, the prevailing Party/Parties

in such proceeding shall be entitled to obtain as part of its judgment or award its reasonable attorneys' fees.

7. Governing Law and Venue. This Agreement shall be governed and construed under the laws of the State of Colorado.

8. Inurement. Each of the terms, covenants and conditions hereof shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

9. Integration. This Agreement constitutes the entire agreement between the Parties with respect to the matters addressed herein. All prior discussions and negotiations regarding the subject matter hereof are merged herein.

10. Parties Interested Herein. Nothing expressed or implied in this Agreement is intended or shall be construed to confer upon, or to give to, any person other than the District and the City any right, remedy, or claim under or by reason of this Agreement or any covenants, terms, conditions, or provisions thereof, and all the covenants, terms, conditions, and provisions in this Agreement by and on behalf of the District and the City shall be for the sole and exclusive benefit of the District and the City.

11. Severability. If any covenant, term, condition, or provision under this Agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such covenant, term, condition, or provision shall not affect any other provision contained herein, the intention being that such provisions are severable.

12. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same document.

13. Paragraph Headings. Paragraph headings are inserted for convenience of reference only.

14. Defined Terms. Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Service Plan.

IN WITNESS WHEREOF, the District and the City have caused this Agreement to be duly executed to be effective as of the day first above written.

WAKE PARK AND RECREATION DISTRICT

By: _____

President

Attest:

_____

Secretary

CITY OF GREELEY, COLORADO

By: _____

_____

Attest:

By: _____

Its: _____

APPROVED AS TO FORM:

_____

CITY OF GREELEY, COLORADO

RESOLUTION NO. 32, 2023

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF GREELEY AND WAKE PARK AND RECREATION DISTRICT, REGARDING THE SERVICE PLAN FOR THE DISTRICT

WHEREAS, the Districts were organized to provide those services and to exercise powers as are more specifically set forth in the District's Service Plan approved by the City on September 19, 2023 ("Service Plan"); and

WHEREAS, the Service Plan makes reference to the execution of an intergovernmental agreement between the City and the District, as required by the Greeley City Code; and

WHEREAS, the City and the District have determined it to be in the best interests of their respective taxpayers and property owners to enter into this Intergovernmental Agreement ("Agreement").

NOW THEREFORE, BE IT RESOLVED BY THE GREELEY CITY COUNCIL OF THE CITY OF GREELEY, COLORADO.

1. The Agreement is hereby approved and accepted.

2. Nothing contained herein limits the City's powers with respect to the District, the property within the District, or the improvements to be constructed by the District.

3. This Resolution shall become effective immediately upon its passage as provided by the Greeley City Charter.

PASSED, AND ADOPTED, SIGNED AND APPROVED this ____ day of _____, 2023.

ATTEST: **THE CITY OF GREELEY, COLORADO**

_____ _____

By: City Clerk **By: Mayor**

INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF GREELEY, COLORADO AND WAKE PARK AND RECREATION DISTRICT

THIS **AGREEMENT** is made and entered into as of this [_] day of [_____], [____], by and between the **CITY OF GREELEY, COLORADO**, a home-rule municipal corporation of the State of Colorado ("**City**"), and **WAKE PARK AND RECREATION DISTRICT**, a quasi-municipal corporation and political subdivision of the State of Colorado (the "**District**"). The City and the District are collectively referred to as the Parties.

RECITALS

WHEREAS, the District was organized to provide those services and to exercise powers as are more specifically set forth in the District's Service Plan approved by the City on [__], 20[_____] ("**Service Plan**"); and

WHEREAS, the Service Plan makes reference to the execution of an intergovernmental agreement between the City and the District; and

WHEREAS, the City and the District have determined it to be in the best interests of their respective taxpayers, residents and property owners to enter into this Intergovernmental Agreement ("**Agreement**").

NOW, THEREFORE, in consideration of the covenants and mutual agreements herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

COVENANTS AND AGREEMENTS

1. Service Plan. The District will not take any action, including, without limitation, the issuance of any obligations or the imposition of any tax, which would constitute a material departure from the terms of the Service Plan and a material modification thereof as set forth in §32-1-207(2), C.R.S. Actions of the District which constitute a material departure from the terms of the Service Plan and a material modification thereof as set forth in §32-1-207(2), C.R.S., shall be a default hereunder, and shall entitle the City to protect and enforce its rights hereunder by such suit, action, or special proceedings as the City shall deem appropriate, including, without limitation, an action for specific performance or damages. It is intended that the remedies hereof shall be in addition to any remedies the City may have or actions the City may bring under §32-1-207, C.R.S., or any other applicable statute. The District shall have sixty (60) days to provide the City with written evidence that no Material Departure occurred, which evidence must be reasonably satisfactory to the City or to commence to cure such Material Departure. If the District is diligently pursuing the cure of such Material Departure, the City shall not take any action to enjoin the District. In the event the District fails to complete the cure or take any action to cure the Material Departure, the City may impose any sanctions allowed by municipal code or statute. Nothing herein is intended to modify or prevent the use of the provisions of §32-1-207(3)(b), C.R.S.

2. Notices. All notices, demands, requests or other communications to be sent by one party to the other hereunder or required by law shall be in writing and shall be deemed to have been validly given or served by delivery of same in person to the address or by courier delivery, via United Parcel Service or other nationally recognized overnight air courier service, or by depositing same in the United States mail, postage prepaid, addressed as follows:

To the District:	Wake Park and Recreation District White Bear Ankele Tanaka & Waldron 2154 E. Commons Avenue, Suite 2000 Centennial, CO 80122 Attention: Zachary P. White. Esq. Phone: 303-858-1800 Email: zwhite@wbapc.com
To the City:	[_____] [_____] [_____] Attention: [_____] Phone: [_] Fax: [_____]

All notices, demands, requests or other communications shall be effective upon such personal delivery or one (1) business day after being deposited with United Parcel Service or other nationally recognized overnight air courier service or three (3) business days after deposit in the United States mail. By giving the other party hereto at least ten (10) days written notice thereof in accordance with the provisions hereof, each of the Parties shall have the right from time to time to change its address.

3. Entire Agreement of the Parties. This written Agreement constitutes the entire agreement between the Parties and supersedes all prior written or oral agreements, negotiations, or representations and understandings of the Parties with respect to the subject matter contained herein.

4. Amendment. This Agreement may be amended, modified, changed, or terminated in whole or in part only by a written agreement duly authorized and executed by the Parties hereto and without amendment to the Service Plan.

5. Assignment. No Party hereto shall assign any of its rights nor delegate any of its duties hereunder to any person or entity without having first obtained the prior written consent of all other Parties, which consent will not be unreasonably withheld. Any purported assignment or delegation in violation of the provisions hereof shall be void and ineffectual.

6. Default/Remedies. In the event of a breach or default of this Agreement by any Party, the non-defaulting Parties shall be entitled to exercise all remedies available at law or in equity, specifically including suits for specific performance and/or monetary damages. In the event of any proceeding to enforce the terms, covenants or conditions hereof, the prevailing Party/Parties

in such proceeding shall be entitled to obtain as part of its judgment or award its reasonable attorneys' fees.

7. Governing Law and Venue. This Agreement shall be governed and construed under the laws of the State of Colorado.

8. Inurement. Each of the terms, covenants and conditions hereof shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

9. Integration. This Agreement constitutes the entire agreement between the Parties with respect to the matters addressed herein. All prior discussions and negotiations regarding the subject matter hereof are merged herein.

10. Parties Interested Herein. Nothing expressed or implied in this Agreement is intended or shall be construed to confer upon, or to give to, any person other than the District and the City any right, remedy, or claim under or by reason of this Agreement or any covenants, terms, conditions, or provisions thereof, and all the covenants, terms, conditions, and provisions in this Agreement by and on behalf of the District and the City shall be for the sole and exclusive benefit of the District and the City.

11. Severability. If any covenant, term, condition, or provision under this Agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such covenant, term, condition, or provision shall not affect any other provision contained herein, the intention being that such provisions are severable.

12. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same document.

13. Paragraph Headings. Paragraph headings are inserted for convenience of reference only.

14. Defined Terms. Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Service Plan.

IN WITNESS WHEREOF, the District and the City have caused this Agreement to be duly executed to be effective as of the day first above written.

WAKE PARK AND RECREATION DISTRICT

By: _____

President

Attest:

_____

Secretary

CITY OF GREELEY, COLORADO

By: _____

_____

Attest:

By: _____

Its: _____

APPROVED AS TO FORM:

_____

CITY COUNCIL STAFF REPORT

ITEM: Park and Recreation Special District Service Plan and Intergovernmental Agreement (IGA) Approval

CASE NO: MD2023-0001

PROJECT: Wake Park and Recreation District

LOCATION: East of 6th Avenue, West of Highway 85 Bypass, North of 5th Street

APPLICANT: Zachary White on behalf of Richmark Real Estates Partners LLC

CASE PLANNER: Doug May, Planner III

CITY COUNCIL PUBLIC HEARING DATE: September 19, 2023

CITY COUNCIL FUNCTION:
Review the proposal for compliance with Section 2-1139 of the City of Greeley Municipal Code and approve, approve with conditions, or deny the request.

EXECUTIVE SUMMARY
The City of Greeley is considering a request for the approval of a Colorado Revised Statutes Title 32 Special District Service Plan and related Intergovernmental Agreement (IGA) precedent to formation of a special district that would provide public park and recreational facilities financing, operations, and maintenance. The boundary of approximately 99.289 acres (defined in the Service Plan as the "District Boundaries"). The approximate 99.289-acre property is proposed for park and recreation amenities and facilities. This item requires a public hearing and noticing in accordance with the requirements of C.R.S §32-1-204.

The applicant has provided a Capital Plan (see Attachment C) as an element of the Service Plan that indicates the anticipated costs associated with designing, installing, and constructing the infrastructure necessary to serve the development. According to the Capital Plan, the estimated public improvement costs for the Initial District Boundaries and the Inclusion Area Boundaries is $59,778,405.60.

The district, as proposed, would have the capacity to finance the necessary public facility improvements through property taxes, oil and gas revenue, and other legally available revenues. The district will not be authorized to issue debt.

As proposed, the Service Plan includes a Maximum Mill Levy cap of sixty (50) mills.

Per Section 2-1125 of the City of Greeley Municipal Code, the City Council finds that the determination of whether to use districts to provide for development of capital facilities and

incurring of debt to finance such facilities, is purely a matter of local concern and shall determine the merits of allowing the formation of a district for development of municipal infrastructure to allow a district on a case-by-case basis.

A. REQUEST

Approval of a Colorado Revised Statues Title 32 Special District Services Plan for Wake Park and Recreation District and a resolution approving the related Intergovernmental Agreement between the City and the Ash Park and Recreation District.

B. STAFF RECOMMENDATION

Approval of the proposed Service Plan and IGA as presented, with a condition that the areas shown as future inclusion area boundary be reviewed by the City Council following successful annexation into the City limits.

C. LOCATION **Abutting Zoning/Land Use:**

North: I-3 (Industrial - County); Northeast: R-1 (Residential – County)
South: I-3 (Industrial - County)
East: R-1 (Residential - County)
West: C-D (Conservation District – City); I-H, I-M (Industrial – Medium – City) & I-3 (Industrial – County)

Site Characteristics The site is mostly undeveloped; the majority of the site is within the Cache la Poudre River floodplain, with the northern portion of the property in the floodway and most of the southern portion in the floodway. A small portion of the southwestern boundary abuts the river. The property also includes multiple oil and gas wellheads, tanks, burners and separators.

Surrounding Land Uses:

North: Industrial
South: Agriculture/Vacant
East: Agriculture, Residential and Vacant
West: Industrial

D. BACKGROUND

The special district boundary is proposed to be annexed into the City of Greeley and zoned H-A Holding Agriculture as a separate concurrent application, as part of the "Wake Annexation" and "Wake Establishment of Zoning" (File Nos. ANX2022-0008, ANX2022-0009, ANX2022-0010, and ZON2023-0001).

E. PURPOSE OF A SPECIAL DISTRICT

Special districts can provide a funding mechanism for public infrastructure and amenities that may otherwise not be feasible given the restrictions of "TABOR" (Taxpayers Bill of Rights) laws [Article X, Section 20 of the Colorado Constitution]. TABOR limits the amount of

revenue that can be collected and retained by local governments with all tax increases requiring approval by voters in a ballot initiative process.

TABOR also sets a new revenue limit each year for local governments based on inflation rates and local growth. Any revenue collected that exceeds these limits must be returned to the citizens. These restrictions may cause a municipality issues with funding growth and to finance public improvements, such as large scale infrastructure projects. These constraints have given rise to the creation of metropolitan districts.

Park and Recreation districts are an independent unit of local government formed for financing, constructing, and maintaining public improvements. State statutes enable the formation of the districts under C.R.S. Title 32, Special District Act. Districts have the ability to levy ad valorem property taxes, charge fees, and have condemnation authority in limited cases with Council approval. Districts can be formed to finance the costs of needed infrastructure construction among other improvements. Bonds can be financed publicly, through a municipality, or through private investors. The bonds are repaid through an additional property tax by the metropolitan district on individual property owners within the district, typically at a mill levy not to exceed 70 mills. This proposal has a max mill levy of 50 mills.

F. ELIGIBLE IMPROVEMENTS

Special districts in general can provide a funding mechanism for a variety of public improvements including, but not limited to the following: street improvements, parks and recreation improvements, water improvements, sanitary sewer, storm sewer (drainage) improvements, transportation improvements, libraries, schools, public art, landscaping improvements, and ongoing maintenance. Park and Recreation districts are a subset of special districts and can provide only a limited set of services and improvements.

The Wake Park and Recreation District, if approved, would specifically provide funding for the construction, operation, and maintenance of the following: park and recreation facilities, and other powers described in the Service Plan and the Special District Act or other applicable statues, as necessary. The city would have the option to assume the responsibility of ownership and/or maintenance of the facilities, which the District has provided the City potential yearly maintenance cost for the park and recreational facilities.

G. HISTORY OF SPECIAL DISTRICTS IN GREELEY

On March 15, 2022, the City Council adopted an ordinance (Ordinance 9, 2022) creating Title 2, chapter 16 of the Greeley Municipal Code, which created requirements for special districts (non-metropolitan district). The City Council adopted the ordinance, in part, to provide a policy which would allow the opportunity to create special districts, outside of metropolitan districts. In this case, the applicants are requesting to develop a park and recreation district. This proposed park and recreation district is similar to the Ash Park and Recreation District, approved by City Council in September of 2022.

Once a local government approves a Service Plan, the newly formed district remains independent as a quasi-governmental entity. However, if the district proposes to amend the scope of the plan (e.g., add land not otherwise noted, change mill limits, make material

changes to the terms), then the City Council would again review a revised Service Plan for approval or denial.

H. LAND USE PLAN

The district anticipates providing for the construction of a regional recreation amenity including ATV and mountain bike trails, trail heads, lakes, public beaches, river restoration, whitewater park, basketball, volleyball, pickleball, and tennis courts.

I. SERVICE PLAN CRITERIA FOR APPROVAL (Title 2, Chapter 16, Section 2-1140) *MUNICIPAL CODE COMPLIANCE*

The City's Recreation District Ordinance calls for the City Council to consider a proposed Service Plan against the following provisions and determine whether or not the Plan meets the required criteria in granting approval. These plan elements were reviewed by City staff and the application was revised by the applicant to address staff questions and concerns, resulting in the version provided to you for review and final approval.

1. **Whether there is a sufficient existing and projected need for organized service in the area to be serviced by the proposed district;**

   Staff comment: The property within the proposed district is currently vacant and organized service is needed in order to develop the proposed park and recreation property, including the need to financing and construction of public improvements, and operations of such public improvements.

   The Service Plan includes provisions that would not allow any debt to be occurred from the district prior to an approved Development Plan. The districts would have the ability to collect fees and property taxes in advance of development.

   The Service Plan complies with this criterion.

2. **Whether the existing service in the area to be served by the proposed district is inadequate for present and projected needs;**

   Staff comment: The proposed districts and future inclusion area boundaries are located within the Long-Range Expected Growth Area.

   The property within the proposed District is currently vacant and the existing service to the property is inadequate for present and projected needs. The site currently lacks the necessary public improvements to serve the projected park and recreation development. Necessary public improvements include those shown in Exhibit D and Exhibit E of the proposed Service Plan.

   The Service Plan complies with this criterion.

3. **Whether the proposed district is capable of providing economical and sufficient**

service to the area within its proposed boundaries;

Staff comment: Included in the Service Plan is an engineer's cost estimate of the infrastructure installation requirements that demonstrates that the districts would be capable of providing economical and sufficient services to the area within the boundaries of the Service Area. The district, as proposed, would have the financing capacity to finance the necessary public facilities improvements thorough property and severance tax revenues.

Staff (including the Finance Department) and City Attorney's Office carefully reviewed the financial assumptions proposed with the Plans and have concluded that it is realistic in terms of potential build-out, construction timeframes, and debt load. As proposed, the Service Plan includes a maximum mill levy cap of 50 mills.

The Service Plan complies with this criterion.

4. **Whether the area to be included in the proposed district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;**

   Staff comment: The proposed District will not have the authority under the proposed service plan to issue debt.

   The Service Plan complies with this criterion.

5. **Whether adequate service is not, or will not be, available to the area through the city or other existing quasi-municipal corporations, including existing districts, within a reasonable time and on a comparable basis;**

   Staff comment: As noted in section (2) above, the City's infrastructure is adjacent to the proposed special district. The obligation to complete infrastructure internally as necessary for the further development of the site rests exclusively with the special district. No other entity is currently available to meet the internal infrastructure obligations besides the special district.

   The Service Plan complies with this criterion.

6. **Whether the facility and service standards of the proposed district are compatible with the facility and service standards of the city;**

   Staff comment: The development is obligated to construct all infrastructure consistent with Municipal Code standards and will, therefore, be compatible with the surrounding existing municipal systems and services.

   The Service Plan complies with this criterion.

7. **Whether the proposal is in substantial compliance with the city's comprehensive**

plan;

Staff comment: The proposed park and recreation district is in compliance with the City's Imagine Greeley's Comprehensive Plan, Natural Resources & Open Lands objective, which discusses the City's desire to undertake proactive measures to ensure that meaningful public open land and other natural areas are well preserved. The service plan proposes the creation of 99.289 acres of park and open space along the Poudre River, which includes the restoration of riverbanks, creation of trails, and open space, among other recreation uses.

The Service Plan complies with this criterion.

8. **Whether the proposal is in substantial compliance with the county, regional or state long-range water quality management plans and wastewater plans for the area;**

Staff comment: Staff is unaware at this time if approving the Service Plan would negatively impact any county, regional, or state long range water quality management plans or wastewater plans for the area. The site must conform to all development standards to obtain service from these systems. There are no exceptions to these standards proposed.

The Service Plan complies with this criterion.

9. **Whether the creation of the district will be in the best interests of the area proposed to be served;**

Staff comment: The area requires installation of park and recreational facilities and associated infrastructure.

City Council has authorized the use of special districts as an alternative financial tool for the installation of such infrastructure. The creation of the districts may be the most expedient tool to facilitate parkland improvement of the area, though the use of long-term basis from mill levies.

The Service Plan complies with this criterion.

10. **Whether the creation of the district will be in the best interests of the resident or future residents of the area proposed to be served;**

Staff comment: As noted in the Executive Summary and Service Plan, there will not be any residents or future residents in the area to be served by the District or within the future inclusion area boundaries.

The Service Plan complies with this criterion.

11. **Whether the proposed Service Plan is in substantial compliance with Chapter 16;**

    Staff comment: The proposed Service Plan complies with the criteria of Chapter 16.

    The Service Plan complies with this criterion.

12. **Whether the creation of the district will foster urban development that is remote from, or incapable of being integrated with, existing urban areas, or place a burden on the city or adjacent jurisdictions to provide urban services to residents of the proposed district.**

    Staff comment: As proposed, the district is consistent with the Imagine Greeley Comprehensive Plan, which shows the property within the proposed district (included future inclusion area boundaries) to be within the City defined open space areas which is consistent with the proposed district purposes.

    The Service Plan complies with this criterion.

In addition to the criteria listed in section 2-1139(b), the city council shall apply the following criteria to consideration of the park and recreation district proposed service plan in accordance to C.R.S. § 32-1-1105.

1. **The facility or service is not adequately provided in the district by private providers;**

   Staff comment: The proposed park and recreation facility and improvements are not provided by any private providers within the boundaries of the proposed district, nor are they planned to be provided by private providers.

   The Service Plan complies with this criterion.

2. **There is sufficient existing and projected need for the facility or service within the district;**

   Staff comment: The property within the proposed district is currently utilized for oil and gas operations. The proposed park and recreation district would be organized to develop the proposed park and recreation amenities, including the need to financing and construction of public improvements, and operations of such public improvements.

   The Service Plan complies with this criterion.

3. **The existing facilities or services in the district are inadequate for present and projected needs;**

Staff comment: The property within the proposed district is currently utilized for oil and gas operations. The existing service to the property is presently inadequate for the projected needs. The site currently lacks the necessary public improvements to serve a park and recreation development. The service plan includes provisions, which would address the financial needs for the projected needs for the service plan area.

The Service Plan complies with this criterion.

4. **The district has or will have the financial ability to discharge any proposed indebtedness on a reasonable basis; and**

Staff comment: The service plan does not provide the district the ability to issue debt.

This criterion does not apply.

5. **The facility or service will be in the best interests of the district and of the residents of the district.**

Staff comment: As mentioned in this report previously, the proposed district and future service plan area do not anticipate any residences within the boundary.

The proposed district would construct public park and recreation facilities, with the necessary revenues to support the proposed facility.

J. PUBLIC NOTICE AND COMMENT

Pursuant to Section 2-1133 of the City of Greeley's Municipal Code, the City shall send a written notice to each special district located within the proposed district's boundary at least thirty (30) calendar days prior to the public hearing. The purpose of the notice is to afford the special districts the opportunity to provide comment about the proposed district and any adverse impacts, including the district's proposed financing and mill levy, which the existing special district anticipates may arise from the district due to its anticipated development and its proposed location. Notices were sent on August 17, 2023. No comments have been received at the time of writing this report.

The City also sent a courtesy notice to all record landowners within 1,000' of the proposed district 15 days prior to the public hearing. Notices were sent on August 31, 2023. No comments have been received at the time of writing this report.

K. CITY COUNCIL RECOMMENDED MOTIONS

Based on the application received and the preceding analysis, the City Council finds that the request for the approval of a Colorado Revised Statutes Title 32 Special District Service Plan for the Wake Park and Recreation District is in conformance with the City of Greeley's

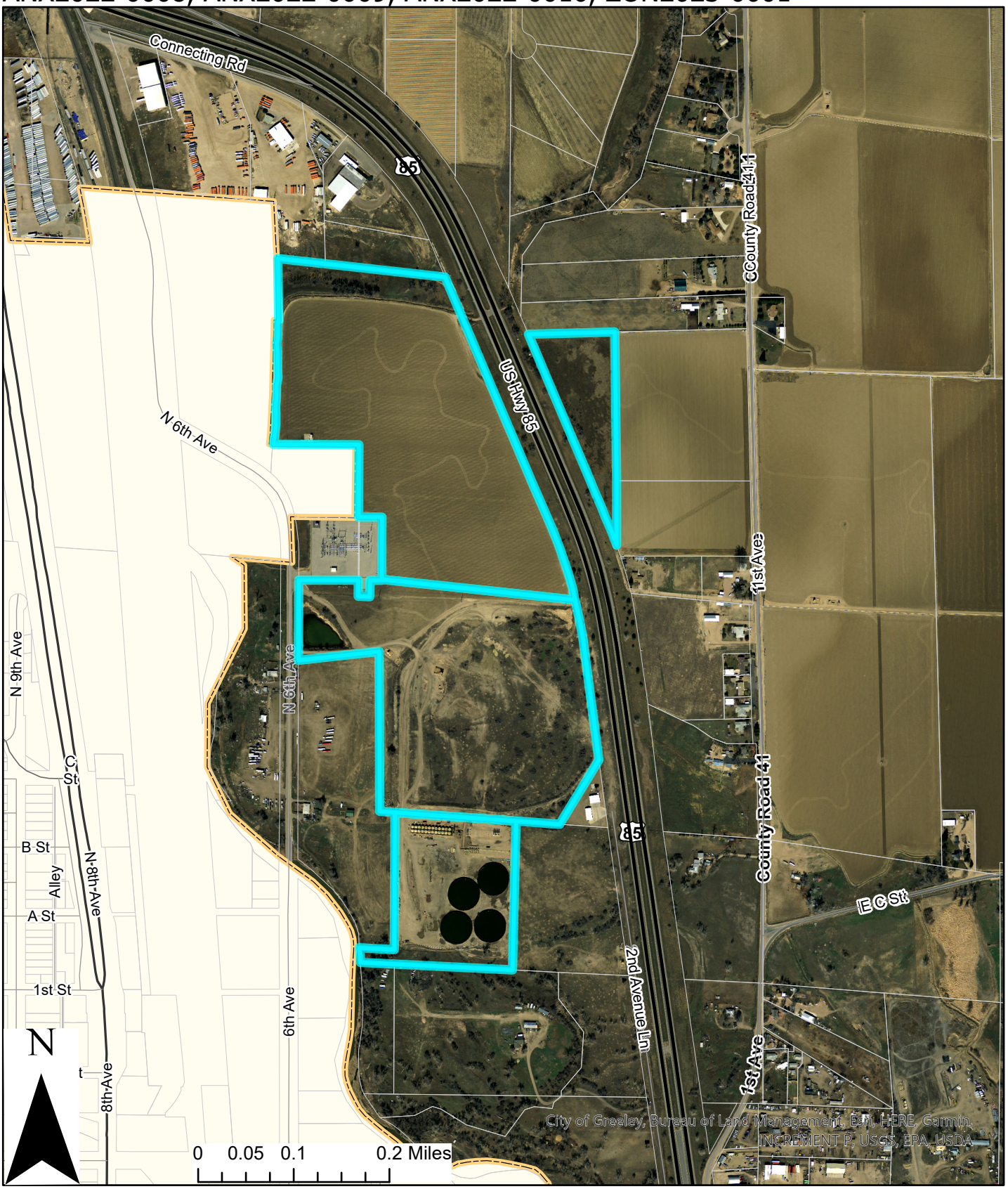
Municipal Code Title 2, Chapter 16, Section 2-1139; and therefore, approves the request.

A motion to adopt the Resolution approving the Intergovernmental Agreement between the City of Greeley and Ash Park and Recreation District, regarding the Service Plan for the District.

L. ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Narrative
Attachment C – Wake Park and Recreation District Service Plan
Attachment D – Wake Park and Recreation District Facility Map – Illustrative
Attachment E – Intergovernmental Agreement
Attachment F – Resolution - Intergovernmental Agreement (IGA)
Attachment G – Resolution – Service Plan
Attachment H – Staff Presentation
Attachment I – Applicant Presentation

Wake Annexation and Zoning Vicinity Map
ANX2022-0008, ANX2022-0009, ANX2022-0010, ZON2023-0001



Doug May

From: Adam Frazier <adam@richmarkcompanies.com>
Sent: Thursday, August 17, 2023 4:26 PM
To: Doug May
Cc: Don Threewitt
Subject: RE: Wake P&R District Narrative/Background Info

Hi Doug – For background Narrative on the P&R take a look at the below DRAFT and let me know your thoughts. Thanks Adam

The Wake pad sites have been presented to city staff for annexation and a new park and rec district. The parcels are located on the East side of Greeley, bounded by 4th Avenue to the West, US 85 North & East and approximately the eastward extension of 1st Street to the south. Currently these parcels are utilized for oil/gas extraction and the remainder left as open grass lands. The annexation of these parcels increases the cities reach East side of town, while providing the opportunity for park and rec activities in a historically under represented part of town.

Greeley has in recent decades expanded at a rapid pace to the west while almost no expansion to the East. Richmark believes that the Eastern side of Greeley is home to some of our communities greatest assets. Those being the distance from down town to city limits is a mere ½ a mile, compared to the West sides Promontory Point at 9.5 miles. To the East is endless opportunity for commercial and industrial growth with access to US 85, US 34 and Union Pacific rails for logistics. This annexation fills a large portion of the gap and bridges US 85 setting up for future expansion and development across what would otherwise be undevelopable land due to its low lying conditions.

Richmark intends to utilize the Park & Rec district to finance the subject properties transformation into a regional park with unique and diverse public actives not currently seen in Greeley. While a tremendous amount of planning, engineering and collaboration with the City remain, current conceptual plans call for 75,000 SF under roof recreational building with outdoor basketball, tennis, volley ball and other turf rec sports. In addition to the rec plex, a 36,000 SF equipment rental building and 2 miles of ATV trails, 1/2 mile of mountain bike trails, ¼ acre pump track is proposed for the adrenaline seeker. Along the riverfront, it is proposed to begin a river regeneration project to restore the historic river banks to their natural condition while implementing a new section of the Poudre River Trail. This area along the river will also incorporate a launch for rafting, a white water park and other river view amenities.

These opportunities and creative ideas will have a cost, but can be financed through the proposed park and recreation district. Richmark believes that the park and recreation district will provide amenities that will spur employers, developers and other industry to look to down town Greeley as their next home. The district could, in the future, purchase adjoining parcels for further expansion and preservation of natural open space in walking distance of the heart of down town.

ADAM FRAZIER · President
RICHMARK | w. richmarkcompanies.com
d. 970-415-8432 | c. 970-420-7537
e. adam@richmarkcompanies.com

From: Adam Frazier
Sent: Monday, August 14, 2023 8:14 AM
To: Doug May <Doug.May@greeleygov.com>
Cc: Don Threewitt <Don.Threewitt@greeleygov.com>
Subject: Re: Wake P&R District Narrative/Background Info

Hey Doug - I am available from 11am on today. Any availability for a call?

ADAM FRAZIER · President
RICHMARK | w. richmarkcompanies.com
d. 970-415-8432 | c. 970-420-7537
e.adam@richmarkcompanies.com

On Aug 10, 2023, at 5:17 PM, Adam Frazier <adam@richmarkcompanies.com> wrote:

Hi Doug – Are you wanting this for the annexation next week? I assumed a presentation for the P&R district on the 2nd reading which I have as 9/19/23?

I am out tomorrow as well so lets make sure to connect on Monday. Make sure I have the correct order of operations for this thing.

Adam

<image002.jpg>
ADAM FRAZIER · President
RICHMARK | w. richmarkcompanies.com
d. 970-415-8432 | c. 970-420-7537
e. adam@richmarkcompanies.com

From: Doug May <Doug.May@Greeleygov.com>
Sent: Thursday, August 10, 2023 4:51 PM
To: Adam Frazier <adam@richmarkcompanies.com>
Cc: Don Threewitt <Don.Threewitt@Greeleygov.com>
Subject: Wake P&R District Narrative/Background Info

Good afternoon Adam,

We are beginning to prepare the presentation and staff report for Council for this project. We are anticipating some questions from Council regarding the how this project came to be. Can you please prepare a description/narrative of how the project came together as well as a description of future plans/phases/timelines for development? Also, if the concept plan that you provided has changed at all, can you provide an updated version as well? I will be out of the office tomorrow, but happy to talk on Monday if you have questions.

Thank you!

<image001.jpg>
Doug May
Planner III
Community Development |Planning
1100 10th Street
Greeley, CO 80631
970-350-9784 | doug.may@greeleygov.com
http://greeleygov.com/



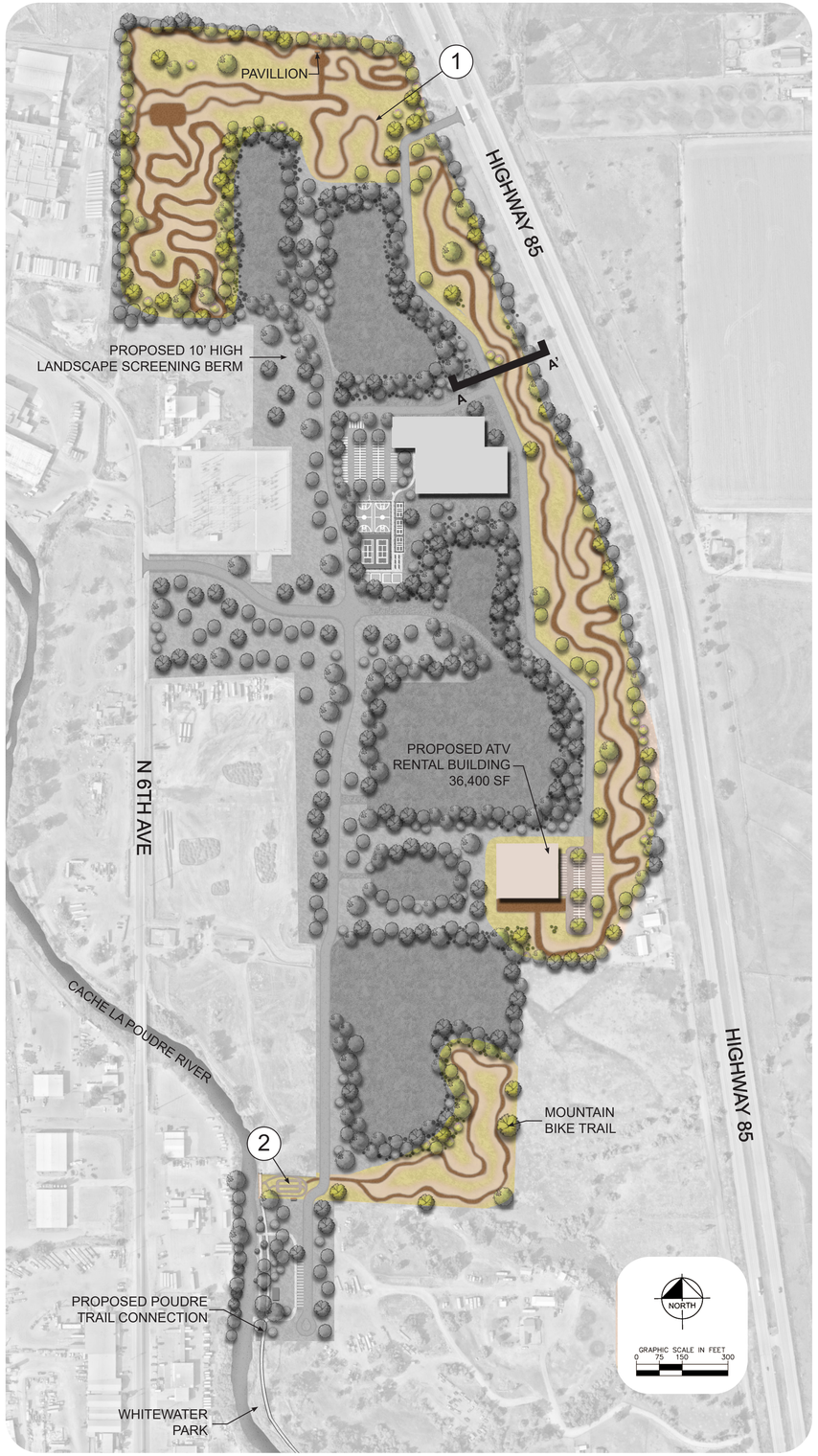
OVERALL LANDSCAPE CONCEPT

APRIL 2023 • CONTACT: EMILY WILSON, PLA (303) 228-2300

GREELEY WAKE REC PARK

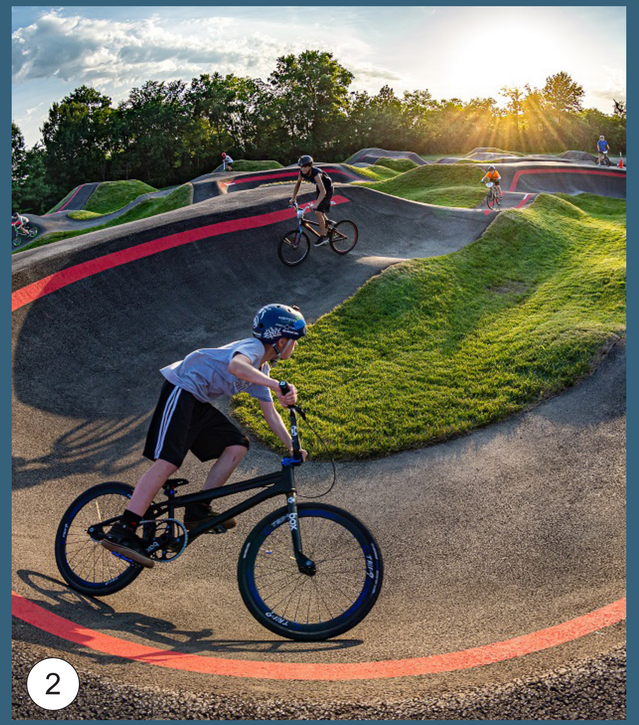
GREELEY, CO

Kimley»Horn



ATV TRAILS







ATV TRAILS

APRIL 2023 • CONTACT: EMILY WILSON, PLA (303) 228-2300

GREELEY WAKE REC PARK

GREELEY, CO

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WHITEWATER PARK















WHITEWATER PARK

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GREELEY WAKE REC PARK

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OUTDOOR RECREATION AMENITIES













OUTDOOR RECREATION AMENITIES

APRIL 2023 • CONTACT: EMILY WILSON, PLA (303) 228-2300

GREELEY WAKE REC PARK

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Wake Park and Recreation District (MD2023-0001)

Community Development – Planning

9/19/2023

Request

- Approval of a Park and Recreation District (Title 32 Special District)
    - 99.289 acres, $59.7M capital cost
    - Purpose: Construction of a regional recreation facility
        - ATV and mountain bike trails, open space, whitewater park, basketball, volleyball, pickleball, and tennis courts
        - No residential uses anticipated

**Only petitioning property owners are included in the district and future inclusion areas*

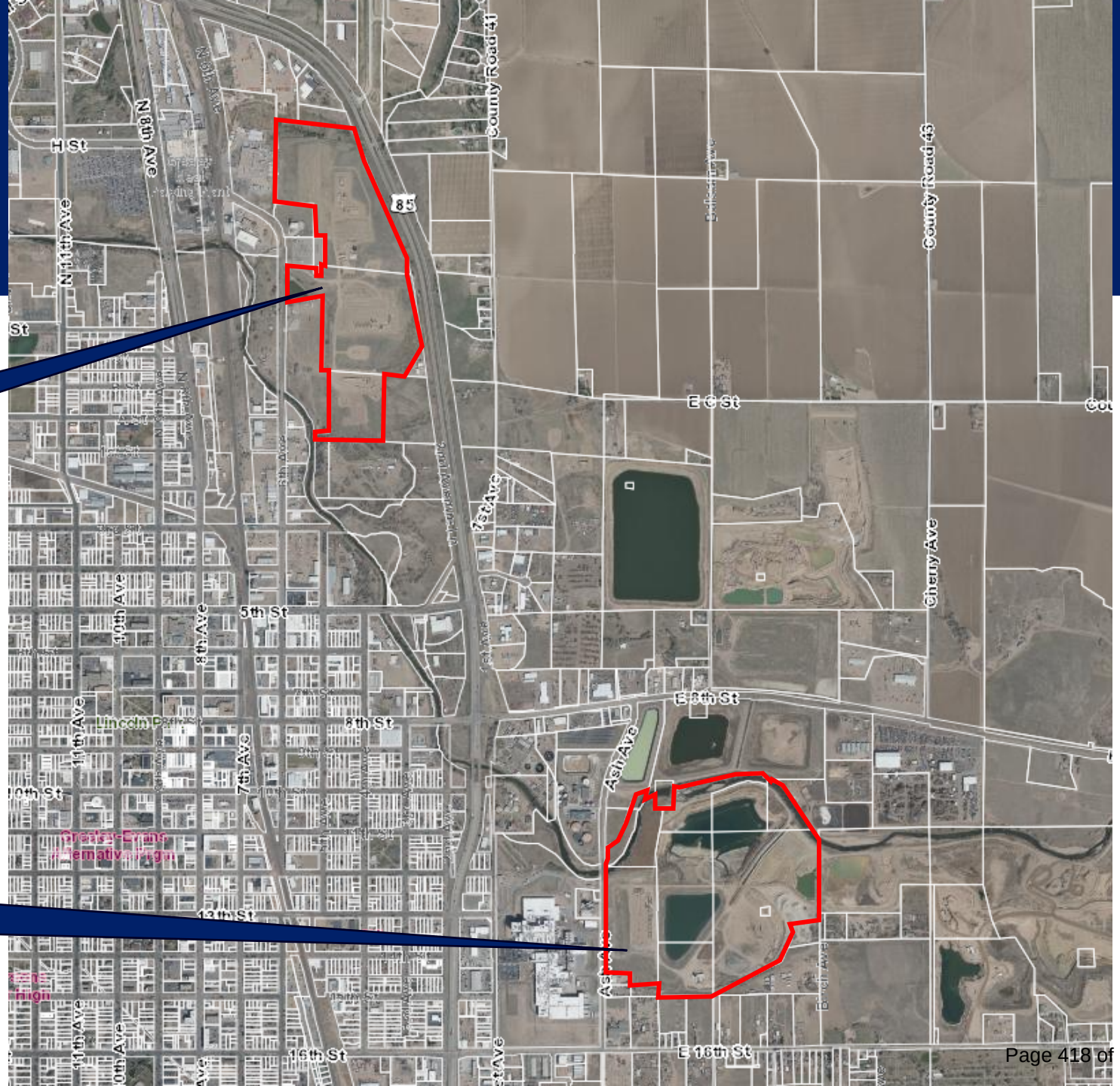
Request

- Review plan specifics for the District
  - Plan includes powers to finance, construct, operate and maintain public infrastructure, recreation, and other statutorily authorized improvements and powers
  - Proposed debt of $30M
  - Revenue sources – Mill levy within the district
  - *Properties located outside the district boundary can not be included in district boundaries or can be forced into the district*

Vicinity

Wake Park & Rec Site

Ash Park & Rec Site (Approved by Council 9/2022)



Formation of a Park and Recreation District

- The formation of a District starts with a Service Plan
- Service plan must be approved by City Council in a public hearing
- The District Court reviews for legal sufficiency and will notice and hold another public hearing
- If the District Court finds the plan in compliance, a vote is held amongst those within the proposed boundaries

Proposal

- Capital Plan
  - Supports the development of a regional recreational amenity (Park and Open Space)
  - Revenue Sources
  - Mill levy (up to 50 mills)

Proposed Conceptual Master Plan



Notice and Feedback

- City mailed notices to neighbors located within 1000’ on September 1, 2023
- City mailed notices to all associated special districts on August 17, 2023
- Applicant public meeting: 1 in favor, 1 with questions
- No comments received by staff to date

Approval Criteria
(reviewed under former Metro District criteria)

- Municipal Code Title 2, Chapter 16, Section 1139
  - The proposals meets the following criteria:
    1. There is sufficient need for an organized district to create a park and recreation district
    2. Existing services in this area are inadequate for present or future needs
    3. The district would be capable of financially supporting the proposed district
    4. The district will not have the authority to issue debt
    5. The District would be able to provide park development in a timely manner.

Approval Criteria, continued

- Municipal Code Title 2, Chapter 16, Section 1139
  - The proposals meets the following criteria:
    6. All infrastructure construction would be compatible with existing city facilities
    7. The proposal is consistent with the Comprehensive Plan
    8. Negative impact to long range water quality management plans are not anticipated
    9. The public amenity infrastructure would be funded through property and oil & gas taxes
    10. No residential uses
    11. Meets the requirements of chapter 16
    12. Urban services should not be impacted

Approval Criteria continued

- Municipal Code Title 2, Chapter 16, Section 1139 (b) – Park and Recreation Criteria
  - The proposals meets the following criteria:
    1. No private park and recreation providers exist within the service plan boundaries
    2. The area is identified for future open space and extension of the Poudre Trail
    3. This region in the city is currently underserved as it relates to park facilities
    4. The district does not have the ability to issue debt

Staff Recommendation

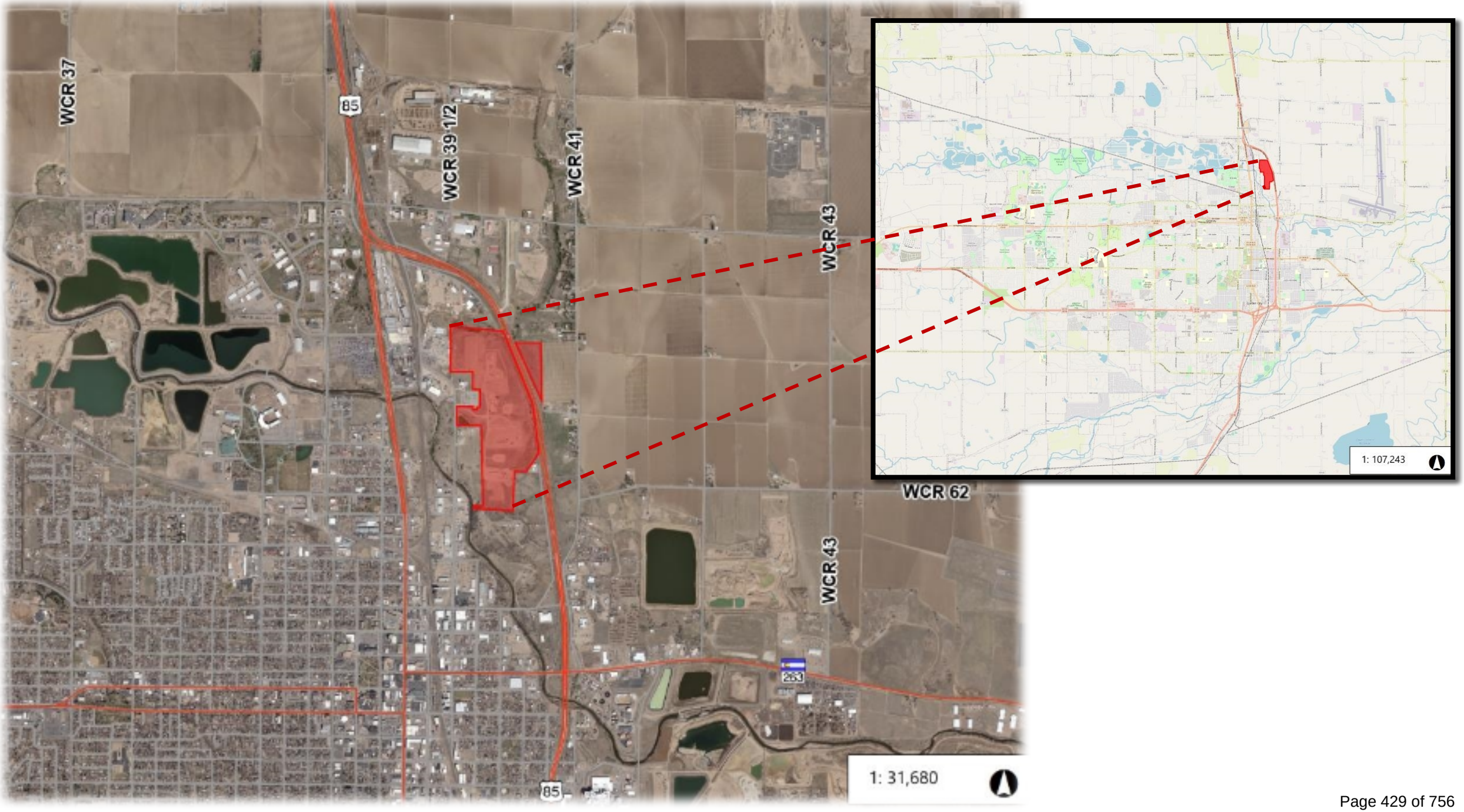
- Staff recommends APPROVAL of 2 separate motions:

1. Approval of the Service Plan
2. Approval of the Intergovernmental Agreement

Thank you

WAKE PARK & RECREATION DISTRICT

RICHMARK


WCR 37
85
WCR 39 1/2
WCR 41
WCR 43
WCR 62
WCR 43
85
263
1: 31,680
1: 107,243

TOTAL 94.04 ACRES
75,000 SQFT REC BUILDING
36,400 SQFT EQUIPENT RENTAL BUILDING
1.92 MILES OF ATV TRAILS
0.46 MILES OF MOUNTAIN BIKE TRAILS
¼ ACRE PUMP TRACK
500'+ RIVER REGENERATION



OVERALL LANDSCAPE CONCEPT
APRIL 2023 • CONTACT: EMILY WILSON, PLA (303) 228-2300

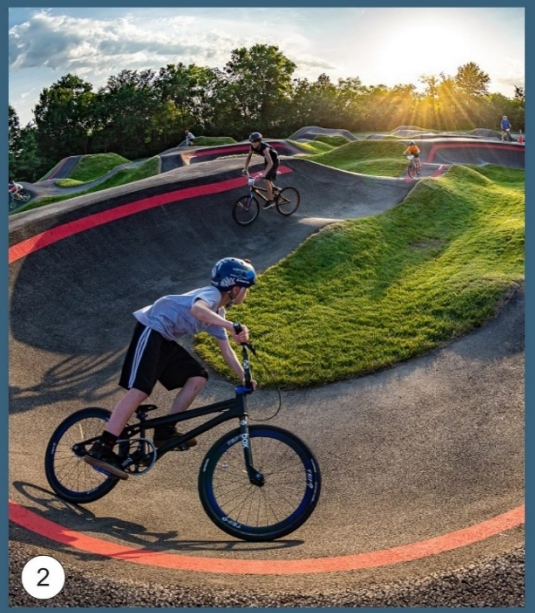
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GREELEY WAKE REC PARK

GREELEY, CO

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WHITEWATER PARK













WHITEWATER PARK

APRIL 2023 • CONTACT: EMILY WILSON, PLA (303) 228-2300

GREELEY WAKE REC PARK

GREELEY, CO

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OUTDOOR RECREATION AMENITIES











OUTDOOR RECREATION AMENITIES

APRIL 2023 • CONTACT: EMILY WILSON, PLA (303) 228-2300

GREELEY WAKE REC PARK

GREELEY, CO

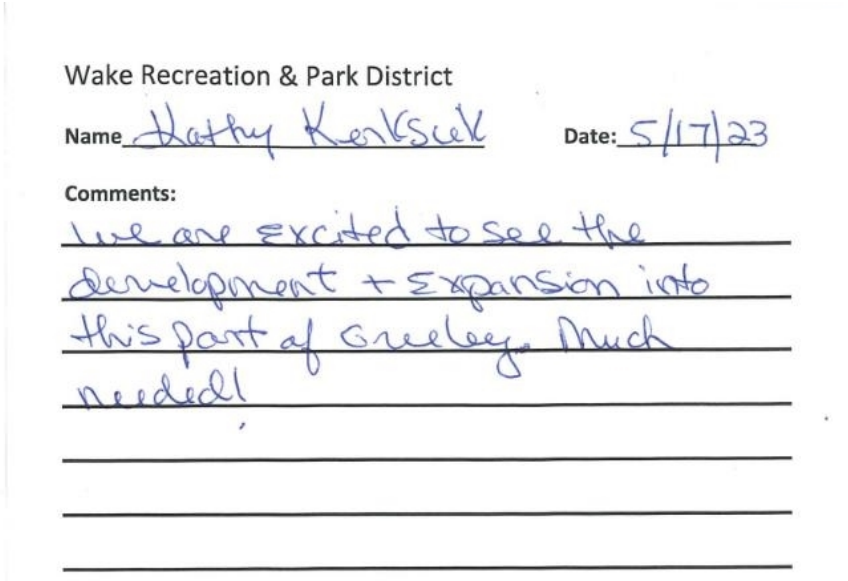
Kimley»Horn

OPEN HOUSE RESULTS

- RICHMARK HELD AN OPEN HOUSE ON May 17thth & 18th FROM 8:30AM TO 5:30PM AT THE DOWN TOWN DOUBLE TREE

- 20 REGISTERED WITH A HAND FULL DECLINING TO SIGN IN.

- RECEIVED TWO COMMENT CARDS

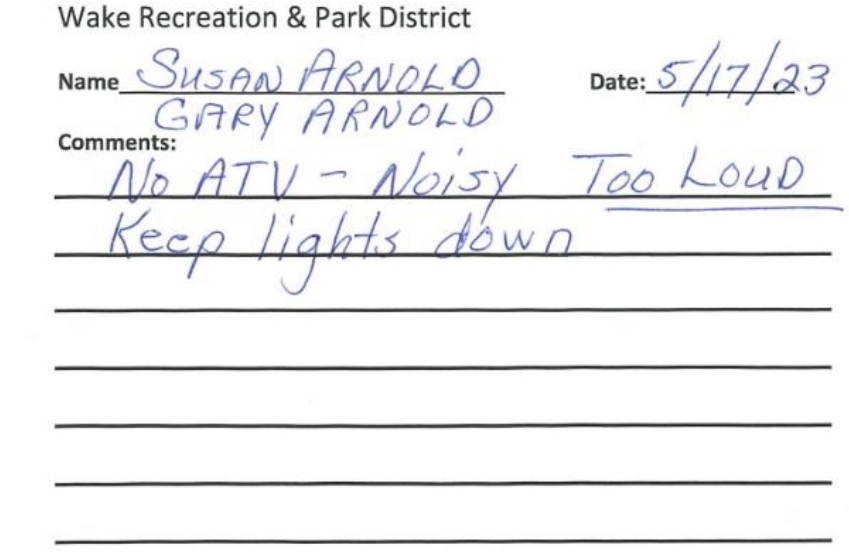


Wake Recreation & Park District

Name Kathy Kerksick Date: 5/17/23

Comments:

We are excited to see the development + expansion into this part of Greeley. Much needed!



Wake Recreation & Park District

Name SUSAN ARNOLD GARY ARNOLD Date: 5/17/23

Comments:

No ATV - Noisy Too Loud

Keep lights down


RICHMARK

Council Agenda Summary

September 19, 2023
Key Staff Contact: Brian McBroom, Community Development Director

Title:

Public Hearing and second reading of an ordinance amending portions of the Greeley Municipal Code Title 22, Chapter 11 Electrical Code as it relates to adopting the 2023 Edition of the National Electrical Code

Summary:

The National Electrical Code (NEC) is a standard electrical code that is published by the National Fire Protection Association, which is a non-profit organization that researches and publishes several model codes for use by communities across the country to review and inspect key aspects of building construction. The City of Greeley typically adopts updated versions of the NEC on a three-year cycle. The state also requires that the city adopt each version of the NEC within one year of it's adoption by the state. The state adopted the 2023 version of the NEC in July of this year. In some instances, the city will adopt the national code with several local amendments to the code to meet the city's needs. This year, however, the code is being adopted as-is without the need for any local amendments.

This adoption was originally scheduled for second reading and a public hearing at the August 15th City Council meeting. However, the full version of the NEC wasn't available for review by the City Council. Since that meeting, a means of reviewing the entire code book (which is 900 pages long) has been provided to council members. Three copies of the code book are also available at the City Clerk's Office for review. Included with this summary is a short presentation and a technical guide to the 2023 NEC.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	**No**
Is there grant funding for this item?	**No**

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:
1) City staff presentation (if requested)
2) Council questions of staff
3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
4) Council discussion
5) Council decision

Other issues and Considerations:

None.

Strategic Focus Area:

Safe and Secure Communities

Decision Options:

1) Adopt the ordinance as presented; or
2) Amend the ordinance and adopt as amended; or
3) Deny the ordinance; or
4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

1. Ord 37 2023 - Amending Portions of Title 22 Chapter 11 Electrical Code
2. Analysis of Changes, NEC 2023
3. Staff Presentation
4. Ord 37, 2023 with Appendix A

CITY OF GREELEY, COLORADO
ORDINANCE NO. 37, 2023

AN ORDINANCE AMENDING PORTIONS OF THE GREELEY MUNICIPAL CODE TITLE 22, CHAPTER 11, ELECTRICAL CODE, AS IT RELATES TO ADOPTING THE 2023 EDITION OF THE NATIONAL ELECTRICAL CODE

WHEREAS, the City Council of the City of Greeley is charged with the responsibility of providing for the health, safety, and welfare of its residents; and

WHEREAS, the adoption of minimum electrical code standards is one method of providing for the protection of residents of the city; and

WHEREAS, the City of Greeley has previously adopted various versions of the National Electrical Code, the most recent being the 2020 National Electrical Code, with local amendments included; and

WHEREAS, it becomes necessary to update the Greeley Municipal Code from time to time to adopt the most recent publication of the National Electrical Code and the 2023 National Electrical Code has been published and is the most recent edition; and

WHEREAS, the Building Inspection Department recommends amending the code, as shown in Appendix A, to adopt the 2023 National Electrical Code with local amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. That Chapter 11, Electrical Code, of Title 22, Buildings and Construction shall be amended as shown on Appendix A, attached hereto and incorporated herein.

Section 2. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF_____, 2023.

ATTEST **THE CITY OF GREELEY, COLORADO**

_____ _____

By: City Clerk **By: Mayor**

APPENDIX A
ORDINANCE AMENDING TITLE 22, CHAPTER 11
GREELEY MUNICIPAL CODE

Section 1. Chapter 11, Electrical Code, of Title 22, Buildings and Construction shall be amended to read as follows:

Sec. 22-377. National Electrical Code adopted.

The, National Electrical Code©, ~~2020~~ 2023 Edition, referred to in this chapter as this Code or the NEC©, is hereby adopted by reference by the city of Greeley. The National Electrical Code© is published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02269 and is referenced as NFPA 70. The city finds that The National Electrical Code© provides for the minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of electrical systems. To ensure the safety of the public, this code is to be enforced as published or as amended in this chapter. Enforcement and administrative procedures are also established in this chapter.

Sec. 22-378. Amendments, deletions, and additions designated.

NEC© articles 90.8(A), 110.14(A), 110.14(B), 210.11(C)(3), 210.52(G), 230.70(A)(1), ~~230.70(A)(1)~~, 250.118, 334.10, 344.10(B), 348.60, 350.60, and 408.4 of the National Electrical Code© are hereby amended; Annex H of the NEC© is hereby deleted; and articles 210.52(J), 210.52(K), and 210.52(L) are added as set out in sections 16.32.080 through 16.32.091.

~~Sec. 22-379. Article 90.8(A) amended; future expansion and convenience.~~

~~Article 90.8(A) of the NEC©, adopted at section 22-377, is amended to read as follows:~~

~~90.8 Wiring planning.~~

~~a. Future expansion and convenience. Plans and specifications that provide ample space in raceways, spare raceways, and additional spaces allow for future increases in electric power and communication circuits. Distribution centers located in readily accessible locations provide convenience and safety of operation.~~

~~b. Provisions shall be provided in the initial electrical installations to allow for future additional loads, feeders and branch circuits. A minimum of three, full size breaker spaces shall be provided in each panelboard at the time of final inspection. In addition, a minimum of a one inch spare conduit or adequate pull wire provision shall be provided from each flush mounted panelboard into the attic space and also into the basement or crawl space for future use.~~

~~c. Number of circuits in enclosures. It is elsewhere provided in this Code that the number of wires and circuits confined in a single enclosure be varyingly restricted. Limiting the number of circuits in a single enclosure minimizes the effects from a short circuit or ground fault.~~

~~Sec. 22-383. Article 210.52(G) amended; basements, garages, and accessory buildings.~~

~~Article 210.52(G) of the NEC© , adopted at section 22-377, is amended to read as follows:~~

~~210.52(G) Basements, garages, and accessory buildings. For a one-family dwelling, at least one receptacle outlet shall be installed, in the areas specified in 210.52(G)(1) through (3). These receptacles shall be in addition to receptacles required for specific equipment.~~

~~a. Garages. In each attached garage, and in each detached garage with electric power. The receptacle outlet shall be at least 450 mm (18 inches) of this section and no more than 1.7 [meters] (5½ feet) of this section the garage floor. All openings for receptacles, luminaires, heating, refrigeration, and motor loads shall be a minimum of 450 mm (18 inches) of this section the floor. At least one receptacle outlet shall be installed for each vehicle bay.~~

~~b. Accessory buildings. In each accessory building with electric power.~~

~~c. Basements. In each separate unfinished portion of a basement, or where a portion of the basement is finished into one or more habitable rooms, each separate unfinished portion, in addition to those for specific equipment.~~

~~1. In new construction and remodels, if all or any part of the walls of an unfinished basement are framed, the electrical receptacle outlets as required by NEC© 210.52, and switch and luminaire outlets as required by NEC© 210.70 shall be installed.~~

~~2. If the walls, floors and ceilings will not be finished, the outlet devices are not required to be installed, however, the outlet boxes shall have blank cover plates installed on them prior to final inspection approval.~~

~~3. If receptacle outlets are installed, they shall have GFCI protection for personnel, if floor covering is not installed at the time of final inspection.~~

~~Sec. 22-386. Article 230.70(A)(1) amended; readily accessible location.~~

~~Article 230.70(A)(1) of the NEC©, adopted at section 22-377, is amended to read as follows:~~

~~230.70(A)(1) Readily accessible location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure or inside nearest the point of entrance of the service conductors.~~

~~For a one- and two-family dwelling, the service disconnecting means shall be located on the exterior of the structure adjacent to or combined with the utility meter enclosure, and as required by article 230.85.~~

2023 NEC®

IAEI
The Electrical Safety Leader

NEC® CODE CHANGES

Analysis of Changes

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NEC®-2023
ANALYSIS OF CHANGES



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This book conveys the information related to each change as of July 1, 2022, but does not reflect any subsequent appeal or action taken by the NFPA Standards Council.

The Electrical Safety Leader

NEC®-2023
ANALYSIS OF CHANGES



International Association of Electrical Inspectors
Richardson, Texas

Forward

IAEI and ICC have shared a commitment to public safety that can be traced back nearly a century. This shared purpose is reflected in activities in such areas as code development, membership, training, publications and certification. Numerous ICC members also hold membership in IAEI, and ICC also recognizes IAEI's electrical training expertise through its Preferred Provider Status. IAEI Members currently serve as experts on ICC Exam Development Committees for Certification and collaborate on jointly published technical resources.

The Code Council is pleased to be afforded the opportunity to cobrand and support the promotion of the new NEC – 2023 Analysis of Changes to ICC's 64,000 members. This new edition continues the tradition of bringing expertise on the key changes to the NEC by those IAEI members who serve on code committees and actively participate in shaping each new addition of the code.

KEY TERMS USED IN THE ANALYSIS OF CHANGES

In order to grasp the full understanding of the changes reported on in this publication, several key terms or acronyms need to be understood. Some of these terms are as follows:

NEC	*National Electrical Code*
FD	First Draft (*NEC*)
SD	Second Draft (*NEC*)
PI	Public Input
PC	Public Comment
FR	First Revision
GFR	Global First Revision
DFR	Detailed First Revision
SR	Second Revision
GSR	Global Second Revision
DSR	Detailed Second Revision
CMP	Code Making Panel
CI	CMP Committee Input
NEC CC	*NEC* Correlating Committee
NITMAM	Notice of Intent to Make a Motion
TIA	Tentative Interim Amendment
AHJ	Authority Having Jurisdiction. An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure (*NEC* Article 100). This could be the Building Official, Electrical Inspector, Fire Marshall, etc.

Contributors

The *National Electrical Code* (*NEC*) is updated on a three year *Code* cycle. The International Association of Electrical Inspectors (IAEI) publishes its Analysis of Changes every three years on the same publishing schedule as the *NEC*. This publication is based on the update, revisions, and changes to the 2023 *NEC*. IAEI has representation on every *NEC* code-making panel (CMP) with two representatives (a Principal and an Alternate) on each CMP, providing 36 members in this cycle. For the 2023 edition of the *NEC*, there were:

- 4006 Public Inputs
- 1805 First Revisions
- 900 Second Revisions
- 1956 Public Comments
- 411 Correlating Notes
- 55 Certified Amending Motions

Here are the code-panel members who spent time attending draft meetings and contributing changes to each chapter within this publication.

CMP-1



Greg Chontow. Greg Chontow started working in the electrical field with his father at the age of nine. He obtained his electrical contractors license at 21. At 29, he obtained his first of four licenses enabling him to conduct electrical inspections for the State of New Jersey. Greg presently works as an electrical subcode official for the Borough of Hopatcong (and others) in New Jersey. In 2020 he was appointed to represent IAEI on NFPA NEC CMP-1. Greg is currently the secretary of the Skylands Chapter of IAEI and has been in that position since 2006. He also serves as membership chair of the Eastern Section.



Mohinder (Paul) Sood. Paul Sood has been a member of IAEI over 34 years. He is the past president of the Virginia Chapter (1999) and past Southern Section President (2008). He has represented IAEI on NFPA NEC CMP-1, first as alternate member (2014) and then as principal member for 2017, 2020 and 2023 code cycles. He has worked for the City of Alexandria, VA first as electrical inspector (5 years) and then as electrical plans examiner for over 28 years. He appreciates his friendship with the members of IAEI over the years and has learned a lot as a member of the IAEI.

CMP-2



David Humphrey. David G. Humphrey began his career in the electrical industry in 1978 where he worked as an electrician. He became an electrical inspector for Henrico County VA. in 1988 and was promoted to the senior electrical inspector in 1995. In 2005, David was further promoted to his current position as electrical plan review engineer. David has been a member of IAEI since 1989. He also has served as the principal IAEI representative on CMP 8 for the 2008 and 2011 *NEC* cycles, as the Chair of CMP 9 for the 2014, 2017, 2020 *NEC* cycles, and is the current IAEI representative and Chair of *NEC* CMP 2.



Joseph J. Wages, Jr. Joseph is the Digital Education Director at IAEI. Previously he has held the positions of Technical Advisor, Education, Codes and Standards and Seminar Coordinator at IAEI. He represents IAEI on NFPA's *NEC* Code-Making Panel-2 for the 2020 and 2023 *NEC* code cycles. He previously represented IAEI on NFPA's NEC Code Making Panel-3 for the 2014 and 2017 *NEC*. He serves on the Underwriters Laboratories (UL) Electrical Council and on several UL Technical Standard Panels. Joseph continues to hold state electrical licenses and several IAEI and ICC building related certifications.

CMP-3



Tim Mikloiche. Tim is a building official/supervisor of inspections for a municipality in the State of Connecticut. He started out as an apprentice, then went on to become a State of Connecticut licensed journeyman, master electrician/electrical contractor, and electrical inspector. Along the way he obtained a degree in Electro-Mechanical Engineering Technology. Tim is on the State of Connecticut Codes and Standards Committee. He is a member of IAEI, and NFPA. He has represented IAEI on NFPA CMP-3 for the 2020 and 2023 *NEC* code cycle. He is the 2nd Vice Chair on NFPA's Electrical Inspector Member Section Executive Board.

CMP-4



James J. Rogers. Jim Rogers has over 50 years of experience in the electrical profession, is a licensed Journeyman and Master Electrician, a nationally certified Electrical Inspector, and is an Associate Electrical Engineer. He has managed the Massachusetts Electrical Board and serves on both state and national code committees. Jim is the chair of *NEC* Code Making Panel 4 for the National Fire Protection Association (NFPA), which has purview over photovoltaic systems and other alternative energy systems.



Pete Jackson. Pete Jackson is presently the chief electrical inspector for the city of Bakersfield, California. He has been a journeyman wireman since 1984 and has earned five electrical inspector certifications through the IAEI and ICC. Pete serves as an AHJ representative to the UL Electrical Council and numerous UL Standards Technical Panels. He represented the IAEI as a member of CMP 8 for the 2014, 2017, and 2020 *NEC* and currently serves as an alternate to CMP-4 and the Correlating Committee for the 2023 *National Electrical Code*.

CMP-5



William Pancake. Bill has over forty-five years' experience in the construction industry, which includes ownership, management, inspection and plan review services. Before his move to Florida 25 years ago from Columbus, Ohio, Bill was an electrical contractor and then became inspector in electrical, mechanical and building for Delaware County. Bill is a principal voting member on the NFPA NEC CMP-5 from 2008 to the present. Bill currently holds 42 certifications/licenses combined with ICC, NFPA, and the State of Florida. Bill is a member of the IAEI, ICC, NFPA, BOAF.



Richard O'Brien. Richard has represented the IAEI on NFPA CMP-5 for the 2020 and 2023 *NEC* code cycles. Rick is an IBEW Local Union #3 New York City trained Journeyman Electrician, Former Electrical Inspector for the City of Las Vegas and currently an Inspections Supervisor for the City of Las Vegas. He holds a Master Electrical Inspector certification from IAEI, electrical plan review, commercial building and mechanical inspector certifications from ICC and IAPMO plumbing inspector certification.

CMP-6



Susan Newman-Scearce. Susan has worked within the electrical industry since 1993. She has a passion to bring education to those working in the field and has planned and hosted numerous classes to small local communities throughout Tennessee. She has served on various committees for the Tennessee Chapter IAEI such as the Nominating Committee, Membership Chairperson, Program Chairperson, Vice-President, President, and Board Member for the IAEI Southern Section. She is also the past Southern Section President and first female to serve in that position for the section. She has served the IAEI on CMP-1, CMP-3 and CMP-6 during the revision cycles for NFPA 70. Susan currently works as a DPW/CMB Construction Control Supervisor for the Department of Defense, US Army at Fort Campbell.



Borgia Noel. Borgia worked as an electrician in the United States Navy and after his service went into the apprenticeship program. He received his electrical journeyman license and worked as a supervisor. In due time, he also obtained his electrical master's license. He joined the electrical inspection department for the State of Wyoming Fire Marshall office. While there he tested and received his electrical inspection certification. He has been with the Fire Marshall office from 1998 to present. Borgia is a member of the IAEI Wyoming Chapter and past president of the IAEI Western Section. He served on NFPA CMP-6 for the 2017, 2020, and the 2023.

CMP-7



Dean Hunter. Dean is a licensed master electrician who has been active in the electrical industry for over 35 years. Before working with the Construction Codes and Licensing Division of the Department of Labor and Industry as their chief of electrical inspections, Dean was an electrical contractor, project manager and an instructor for the construction electrician program at Minnesota State Technical College in Wadena. Dean is the education chairman for the Minnesota Chapter of the IAEI and has served as an IAEI representative on CMP-7 (formally CMP-19) during the last 4 *NEC* code cycles. Dean also participates as a technical committee member on NFPA 225, 501 and 501A and was recently appointed to the Correlating Committee.



L. Keith Lofland, having retired from IAEI at the end of 2021, is the former Director of Education, Codes and Standards for IAEI. Keith is the past Chairman of NEC CMP-7 and has served as a member of CMP-9. Keith has served on NFPA's Electrical Section Executive Committee and is a past member of UL's Electrical Council. Keith also served as a member of the technical committee for NFPA's Guide on Electrical Inspections (NFPA 78) and the Standard for Electrical Inspector Professional Qualifications (NFPA 1078).

CMP-8



Scott Higgins. Scott is a licensed Journeyman and Master Electrician with over 30 years of experience in the electrical industry. He was an electrical inspector for 17 years and has spent the last 11 years as an electrical area representative for the Minnesota Department of Labor & Industry. Scott enjoys electrical education and has served as both an apprenticeship and CEU instructor for over 15 years. Scott is an active member of the Minnesota Chapter of the IAEI and has served as the membership and education chairman. Scott represents the IAEI on NFPA CMP 8 serving as an alternate to the chair.



Tom Moore. Tom has represented IAEI on multiple *NEC* CMPs since the 2002 edition including CMP-5 for the 2002, CMP-11 for the 2005, 2008 and 2011, chair of CMP-16 for the 2014, 2017 and 2020, presently chair of CMP-8 for the 2023 edition. Currently Tom is the Secretary Treasurer of the Western Section IAEI and President of the Akron Division and has held officer positions in the Western Section, Ohio Chapter and Akron Division. Tom has been an IAEI member since 1988. Tom has been a JATC apprenticeship and journeyman training instructor at IBEW Local 306 for 25 plus years.

CMP-9



Dean Fortney. Dean spent 30 years with the County of Fairfax as a combination inspector, supervising combination inspector, and engineer III (electrical plans examiner). He currently works for the County of Fairfax as an inspector consultant. He is lead instructor for the State of Virginia tasked with development and teaching electrical code classes. He represents IAEI on NFPA CMP-9. Dean has been on the board of directors for the IAEI Virginia Chapter for 20 years serving in many positions. He holds certifications as a One- and Two-Family Building, Plumbing, Electrical, and Mechanical, Building General, Plumbing Gen-

eral, Electrical General, Mechanical General, Fire Protection General, Residential Plan Review, and Electrical Plan Review.



Rick Hollander. Rick Hollander is a building inspector for Shums Coda Associate. He was an electrical inspector and electrical code enforcement inspector with the city of Tucson, Arizona for 19 years. Rick held Electrical Contractors licenses for both Commercial and Residential for the State of Arizona and has worked in the trade for over 39 years. He is a NFPA Member and serves on CMP-9 as a Principle and was the alternate on CMP-18 for the 2014, 2017 and 2020 cycles. He also serves on UL STP 48, 48B, 879, 876A, 2592 & 814.

CMP-10



Doug Smith. Doug is the Energy Division Manager for West Coast Code Consultants (WC3). He has also been an inspector/plan reviewer for over 17 years. During his career he has obtained 19 ICC certifications, including Certified Building Official and Master Code Professional. Doug has taught hundreds of electrical, solar photovoltaic, and energy storage system classes throughout the United States. With WC3, he has performed well over 10,000 plan reviews for solar PV and ESS (small & large-scale) for many jurisdictions. Doug also serves as an STP Member for five UL Standards: UL 9540, UL 1703/61730, UL 1741, UL 2703, and UL 6703.



David Williams. David is presently IAEI's Chairman of the Board. He was previously Vice-Chair of IAEI from 2019 to 2020 and a long-standing member of its Board. He is an electrical inspector for Delta Township, Lansing, Michigan, and an Adjunct Associate Professor at Lansing Community College in the Electrical Technology Program since 1995. He serves on the State of Michigan Fire Safety Board and previously served on Michigan's Electrical Administrative Board. He has served on a Technical Committee for the National Electrical Code (NEC) since 2007. He is currently serving on the NEC Correlating Committee since 2017 and CMP-10 for the 2020 and 2023 *Code* and has served on NFPA 99 ELS since 2019. Previously he Chaired CMP-7 for the 2017 *NEC* and served on CMP-5 for the 2008, 2011, and 2014 code cycles. Williams also serves on the UL Electrical Council since 2010.

CMP-11



Casey Littlefield. Charles (Casey) Littlefield, MCP/CBO, is the deputy building official for Goochland County, Virginia and has been with Goochland County since 2018. He is the IAEI Virginia Chapter Secretary and Virginia Representative to the IAEI Southern Section. He is a lead instructor and subject matter expert in electrical and amusement devices for the Jack Proctor Virginia Building Code Academy and has taught for them since 2010. He is the Chairman of the Amusement Device Technical Advisory Committee for the Commonwealth of Virginia. He has spent two cycles on NFPA NEC CMP-11, the latter as a Principle Voting Member representing IAEI.



Jack Jamison, Jr. Jack is the Chief Inspector with Jack E. Jamison, Jr. Inspections of Morgantown, WV. He holds a Bachelor of Science degree from Fairmont State University in Engineering Technology-Electrical Electronics. He is an ICC Master Code Professional, IAEI Certified Electrical Inspector Master, and a WV State Fire Marshall Class C Plans Examiner/Electrical Inspector. He is a founding member of the WV Chapter IAEI and currently serves as the Secretary and Education Committee. He has served as an IAEI Representative on the *NEC* Code-Making Panel for the last three code cycles on CMP 14, 18, and 11.

CMP-12



Phil Clark. Phil Clark has been an electrical inspector since 1989 and was the chief electrical inspector for the City of Detroit from 1996 until his retirement in 2013. He is currently a part-time inspector for the City for Southfield. Phil has carried a master electrician license since 1982 and has been a member of both IAEI and NFPA since 1989. He was the President of the Michigan Chapter of the IAEI from 2012-2014 and has been a member of NFPA CMP 12 for the last four cycles. Phil taught in the Apprentice Training Program at Henry Ford Community College for over twenty years and is a State approved instructor for Journey/ Master exam prep, as well as for Inspector continuing education. Phil is a member of many UL STPs and the SEAC Electric Vehicle Charging Group.

CMP-13



Larry Wildermuth, Jr. Larry began his electrical career through the International Brotherhood of Electrical Workers/JATC Apprenticeship program in 1984. From 1999 to present he has been employed by an electrical inspector inspecting and reviewing electrical systems. He is certified by SBCCI and ICC as a Commercial Electrical Inspector and Electrical Plans Examiner. He became a member of the IAEI Central Florida Division in 2002. He is currently the Florida Chapter President 2022/2023, IAEI Southern Section Board of Director Member, past Division President, Past Division Chairman Board of Directors, and current Liaison for the Central Florida Advisory Meetings. He serves as an alternate on NFPA 70 CMP-13 2023 *NEC*.



Steve Froemming. Steve has held a Wisconsin Master electrician license for over 20 years as well as multi certified as an inspector in both residential and commercial building, HVAC, plumbing and farm wiring. He is the Chief Electrical Inspector for the City of Franklin as well as being involved with classes at UW Madison, NECA/JATC, Wisconsin IAEI and others. He has represented IAEI as a member of the NFPA *NEC* CMP 13 for the 2014, 2017, 2020 and 2023 code cycles. He is a member of the advisory committee for the State of Wisconsin Electrical Code and serves as Secretary/Treasurer of the Wisconsin Chapter IAEI.

CMP-14



Haywood C. Kines. Haywood began his electrical career in 1973 as an apprentice. From 1984 to 1997 he worked as an electrical contractor on residential and commercial building projects. From 1998 to present he has been employed by an "AHJ" to inspect and review plans for all electrical systems. He is certified by ICC as a Combination 1&2 Family Inspector, Commercial Electrical Inspector, and Electrical Plans Reviewers. He has been a member of IAEI since 2001 and has served as Virginia IAEI Chapter President, Chairman of the Education Committee, and Code Clearing Committee. He served on NFPA 70 CMP-14 for the 2017,2020, & 2023 *NEC*.

CMP-15



Mark Hilbert. Mark was the former chief electrical inspector for the State of New Hampshire and now operates a private electrical inspection, training and consulting business. He is a licensed master electrician in three states, a certified electrical inspector by the IAEI and a Certified Electrical Safety Compliance Professional by NFPA. He is a former member of NEC Code Making Panels 4 and 2 and is currently a principle member of Panel 15. He is also a principle member of the NFPA 79, NFPA 70E, NFPA 790 and NFPA 791 Committees. He also sits on several UL Standards Technical Panels. He is an IAEI and NFPA seminar instructor and has taught the *NEC*, NFPA 79 and NFPA 70E domestically and internationally for over 21 years.



Clinton Bret Stoddard. Clinton "Bret" Stoddard is currently the building official for the City of Rexburg. He is a master electrician and was previously an electrical contractor. He has served six years as a member of the International Code Council Electrical Exam Development Committee. He currently serves on NFPA CMP-15 of the *National Electrical Code* as an alternate representing IAEI. He has been in the electrical industry for 25 years.

CMP-16



Jeff Fitzloff. Jeff Fitzloff has accumulated experience in areas such as maintenance, construction, inspection, and adult education. Jeff holds licenses as Electrical Contractor, Journeyman, and Master Electrician in Idaho. He is an Electrical Plan Reviewer and an Electrical Inspector with IAEI General Electrical Inspectors Certification. Jeff served as Lead Electrical Inspector for ECI Contractors performing electrical inspections for the several cities in Idaho, Jeff was the Lead Regulatory Engineer at Underwriters Laboratories Inc. In this position he represented third-party testing laboratories at code meetings and assisted code officials and installers to ensure code compliance. He serves on NFPA CMP-16 representing the IAEI.



Gerald O'Connor. Gerald O'Connor is an electrical inspector with the City of Chicago and a part-time instructor with I.B.E.W. #134 technical institute in the greater Chicago area. He represents the IAEI on NFPA CMP-16.

CMP-17



Donny Cook. Donny Cook began his electrical career in 1974 at the Shelby County Area Vocational Center and later completed his electrical apprenticeship in 1982 through the Birmingham Electrical JATC. He is currently employed at Dewberry Engineering as the chief inspector. Donny has represented IAEI since 1993, serving time on Panels 14, 10, and 17. Between the three committees he served seven cycles as chair. He also represents IAEI on the NFPA 915 Technical Committee on Remote Inspections and for the 2023 *NEC* cycle served as the IAEI Alternate member of the NEC Correlating Committee. Donny represented his previously employer, Shelby County, Alabama on the NFPA 78/1078, *Electrical Inspection Practices Committee*. He is a member of the UL Electrical Council, Chairs the Fire Protection Research Foundation Electrical Advisory Committee and has held numerous electrical industry board positions and committee positions. He has been an instructor and presenter for many years.



Chris Faucette. Chris began his electrical career as a journeyman electrician. In 2004, he shifted his career path to accept a position with the Alamance County Inspections Department and promoted to chief electrical inspector and inspections supervisor. He joined the State of North Carolina Department of Insurance, Office of the State Fire Marshal, currently serving as a state electrical inspector and NC Fire Investigator. Chris has an appointed position on the NFPA Code-Making Panel 17 for the *NEC*, where he represents the IAEI. He currently serves as the 2020-21 IAEI Southern Section President.

CMP-18



Bob Fahey. Bob has been involved the electrical industry as an electrician or as an electrical inspector since 1980. He has installed wiring and inspected wiring in residential, agricultural, commercial, and industrial facilities. Bob completed a state electrical apprenticeship program to become a journeyman electrician and then a licensed State of Wisconsin Master Electrician. Bob served on NFPA CMP-11 for five *Code* cycles and presently serves as Chairman of CMP 18 for the 2023 *NEC*. He has instructed *Code* classes for the local technical college and Wisconsin Chapter IAEI since 1994. He has been an electrical inspector for the City of Janesville from 1992 to the present.

NEC Correlating Committee

- David Williams
- Donny Cook

IAEI Codes and Standards Committee

- David Humphrey, Chair
- Donny Cook
- Pete Jackson
- Joseph Wages, Jr.
- Tim McClintock
- Jim Rogers
- Mike Savage
- Thomas Domitrovich
- David Williams

Additional Contributors

- Paul Dobrowsky
- Fred Hartwell
- Christel Hunter
- Chad Kennedy
- Chuck Mello
- Thomas Lichtenstein
- Bryan Holland
- Don Iverson
- Peter Graser
- Tim McClintock
- Dean Hunter
- Mark Hilbert

NEW CHARACTER ILLUSTRATIONS



Dane Parsons. Dane looks much like any other teenager you might meet in your community, with one exception, he was diagnosed with autism at age 3. He used his fascination with drawing to communicate with other individuals. The invention of the iPad helped to advance his art and speaking skills. These skills have caught the attention of businesses and corporations throughout the country. He has even been recruited by Disney/Pixar artists and studio executives for future opportunities to develop characters for their studio.

Dane has many accomplishments since graduating high school in 2022 from Celina, Texas. He has started to make an impact with his talent and has many years of success in his future. He has already created dozens of YouTube videos with nearly 500 followers. His work has been featured on the cover of his local OurCelina magazine in 2020. He even designed the cover art for Celina High School's 2021 yearbook.

His high school academic achievements know no bounds. He is a three-time state qualifying short film animator and 2022 UIL state champion animated short film (writer/director/producer). The rights to his 2022 award-winning short film were purchased by a firm in California in 2022. His portfolio includes paid character designs for businesses in Florida and Texas.

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INTRO

CODE-WIDE CHANGES

General

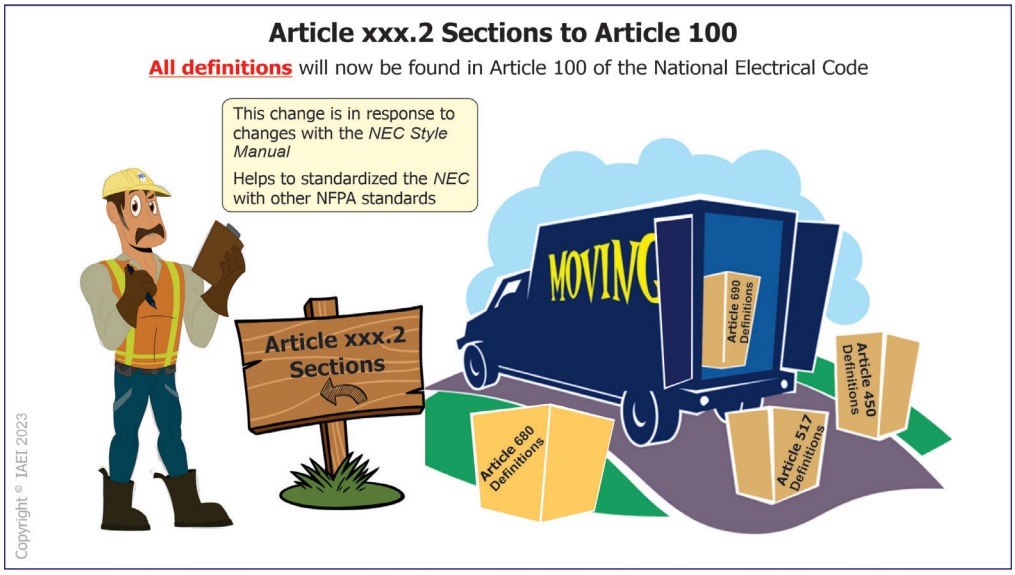
Definitions Relocation

Style Manual Updates



ARTICLE 100 — DEFINITIONS

Code-Wide Changes



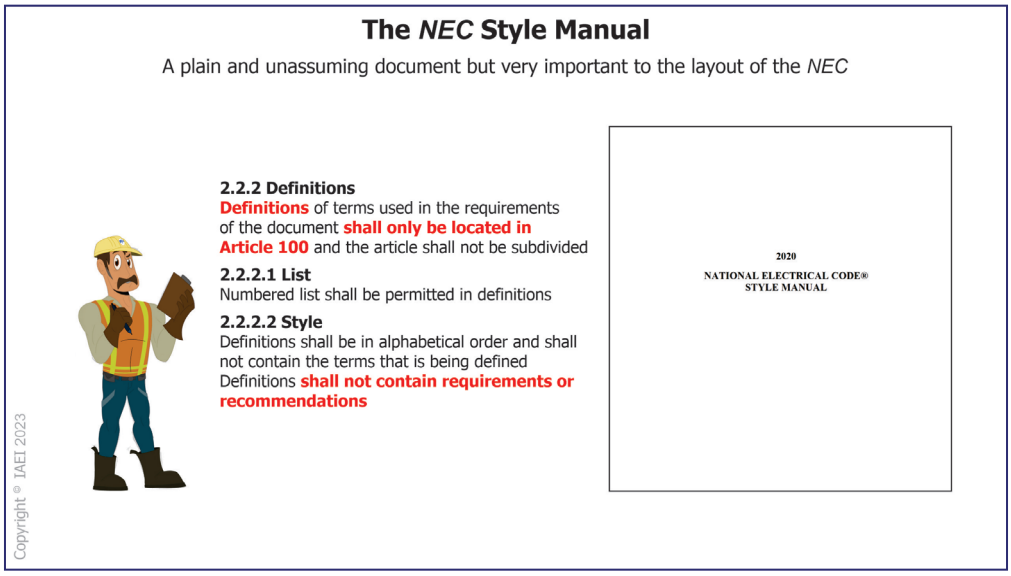
Article 100 Part I, Definitions

- **Type of change:** Relocation
- **The change:** All definitions were relocated to Article 100, and additional definition structure requirements were added for this cycle.
- **Why it happened:** The *NEC Style Manual* was revised, requiring all definitions to be in Article 100 and in alphabetical order. Similar terms and acronyms may be used along with provisions for electronic searching terms. The relocation revealed multiple terms defined differently in the *Code* that were also addressed with the *NEC Style Manual* revision. An article number appearing after the defined term indicates the definition only applies to that article.
- **How this will affect the electrical industry:** This relocation allows the electrical professional to find all definitions in one location. The *NEC* will be consistent with other codes by locating the definition in one chapter, allowing easier referencing of material.

David Williams, CMP-10

NEC STYLE MANUAL

Code-Wide Changes



NEC Style Manual

- **Type of change:** Revision

- This manual was revised in 2020 and used for the 2023 NFPA 70, *National Electrical Code*, and the 2024 version of NFPA 70E, *Standard for Electrical Safety in the Workplace*.

  The purpose of the *NEC Style Manual* is to make the code usable and clear as well as to provide formatting provisions.

- **Significant Changes for the 2020 Edition.**

  Parts. For articles containing multiple parts, the first part will be titled "Part I General" and the first section will be the scope of the article.

  Definitions. The most impactful change is the relocation of all definitions to Article 100. Previously, Article 100 Part I General Definitions, Part II Definitions for Over 1000, Nominal volts, Part III Hazardous (Classified) Location Definitions. The other articles were also allowed to contain definitions in the xxx.2 section.

  All definitions will be in Article 100 and in alphabetical order, with the exception of subset definitions.

  Definitions will no longer contain any defined terms, requirements, or recommendations.

  Searchability. A searchable term will be added after the defined term to allow for electronic searching.

Article Number. If a definition only applies to one article, the article number will appear in parentheses after the definition.

CMP Reference. The code-making panel that has purview of the term will be listed in parentheses at the end of the definition and after an article number when used.

Multiple Definitions. The merge to Article 100 identified multiple terms with different definitions. The panels were asked to consolidate when possible.

Similar and Alternate terms. Some terms have similar or alternate terms that share the same definition and allowed in parentheses after the defined term.

Informational Notes. The structure and numbering of the informational notes is another big change in this edition. When referencing a standard, an example of a structural change would be as follows: See NFPA 70E-2021, *Standard for Electrical Safety in the Workplace*, for information on lockout/tagout procedures.

Acronyms. The major change with acronyms is when used in a definition, that acronym can be used anywhere in the document.

David Williams, CMP-10

CHAPTER 1
GENERAL



Article 90

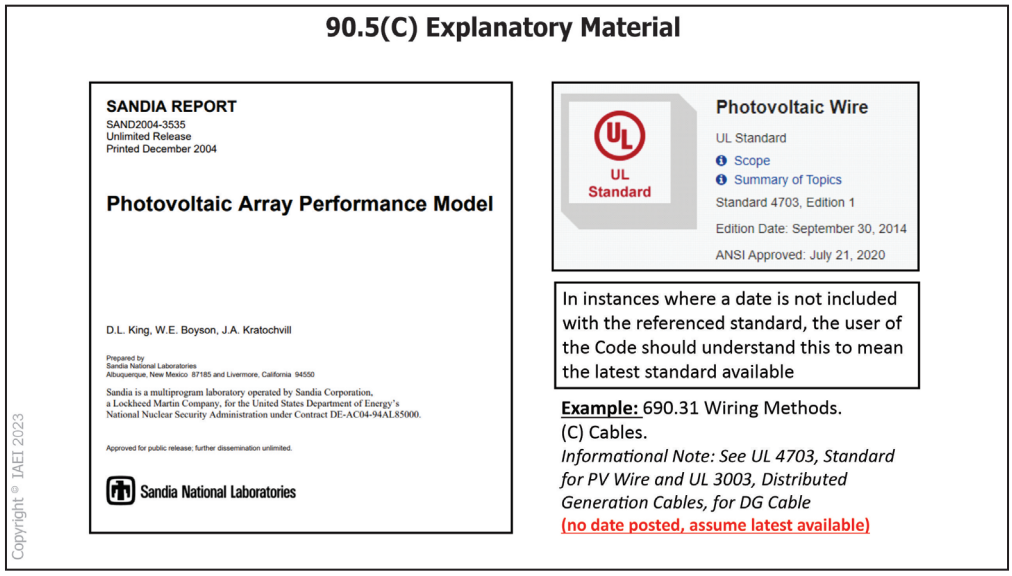
Articles 100–110

100 Definitions

110 Requirements for Electrical Installations

90.5(C)

Mandatory Rules, Permissive Rules



90.5(C) Explanatory Material. (Mandatory Rules, Permissive Rules, Explanatory Material)

- **Type of change:** Revision

- **The change:** CMP-1 revised subdivision (C) to state that unless a standard referenced in the *NEC* contains a date, that reference is to be considered the latest edition of the standard.

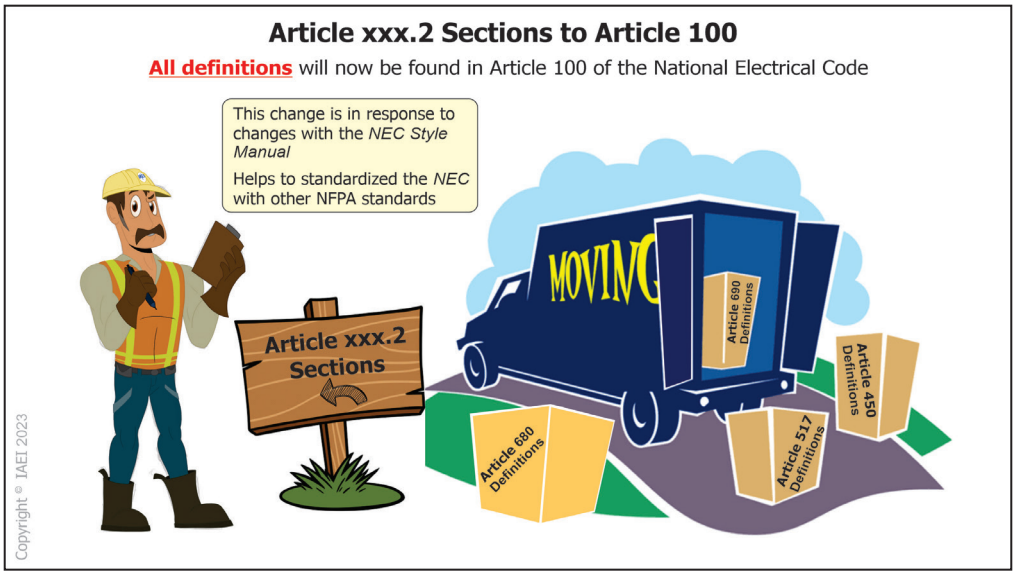
- **Why it happened:** Code-making panel members spend a lot of time and effort making date changes to referenced standards that appear in the *NEC*. This new text is an attempt to eliminate this lengthy process. In instances where a date is not included with the referenced standard, the user should understand this to mean the latest standard available.

- **How this will affect the electrical industry:** This change will help reduce the number of public inputs and public comments submitted to modify a date for a standard referenced in the *Code*. The electrical professional will need to understand that a referenced standard containing no date is meant to be the latest standard available.

IAEI Codes and Standards Committee

ARTICLE 100 — DEFINITIONS

Code-Wide Changes



Article 100 Part I, Definitions

- **Type of change:** Relocation

- **The change:** CMP-1 has moved all definitions found within the *NEC* and the XXX.2 placeholders of various articles to Article 100.

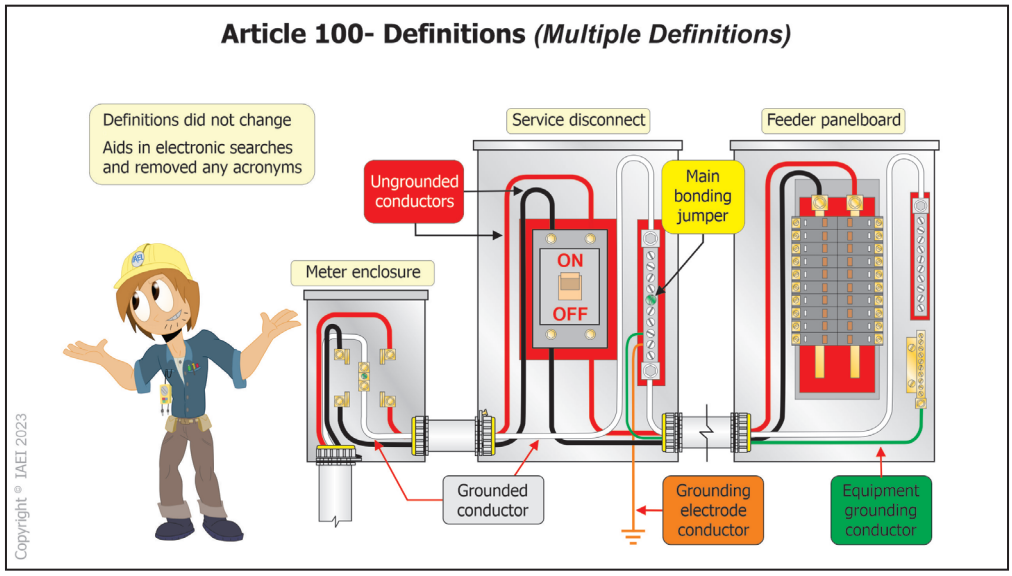
- **Why it happened:** This change is a response to changes with the latest editions of the NFPA Style Manual and will help standardize the *NEC* with other NFPA documents. The three parts have been eliminated and the definitions are found in alphabetical order. These definitions are considered applicable to the *NEC*. Bracketed references found at the end of some definitions designate the material was extracted from another document.

- **How this will affect the electrical industry:** This allows the electrical professional to locate all definitions in one location. The *NEC* will be consistent with other NFPA documents by locating the definition in one chapter allowing easier referencing of material.

Greg Chontow, CMP-1

ARTICLE 100 — DEFINITIONS

Multiple Definitions



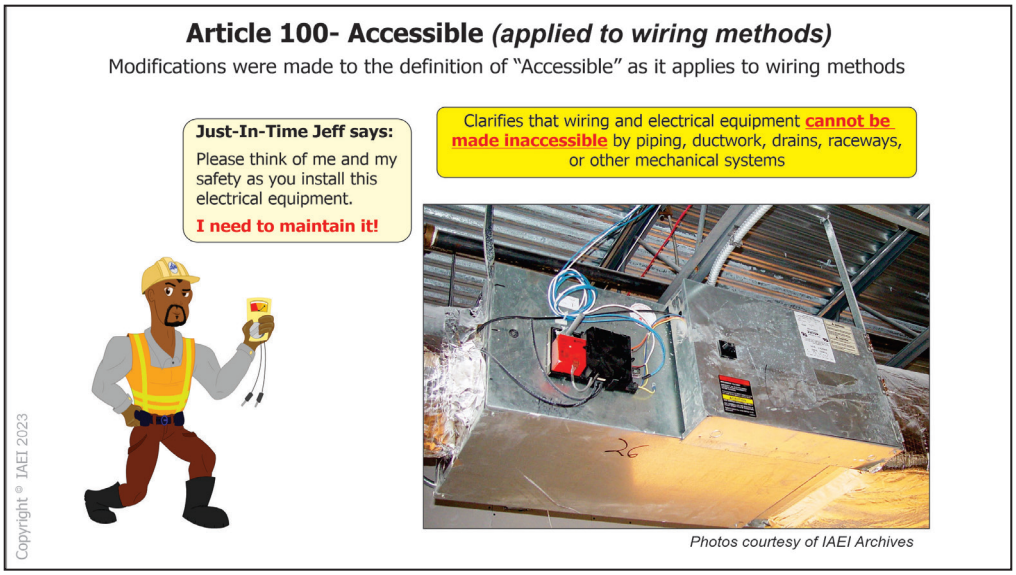
Article 100 Bonding Jumper, Equipment Bonding Jumper, Main Bonding Jumper, Supply-Side Bonding Jumper, System Bonding Jumper, Solidly Grounded, Equipment Grounding Conductor

- **Type of change:** Revision
- **The change:** CMP-5 has revised these definitions to aid in electronic searches, and the acronyms were also removed. Nothing was changed in their definitions.
- **Why it happened:** The CMP has changed all of these to be searchable terms when using electronic searching and removed the acronyms to comply with the *NEC Style Manual* 2.2.2.3.
- **How this will affect the electrical industry:** This will make it so much easier for the electrical professional to search for terms while using electronic PDF files or other online platforms such as NFPA Link™.

William Pancake, CMP-5

ARTICLE 100 — DEFINITIONS

Accessible (applied to wiring methods)



Article 100 Accessible (applied to wiring methods)

- **Type of change:** Revision

- **The change:** CMP-1 modified the definition of Accessible as it applies to wiring methods. The revision to this definition clarifies that wiring and electrical equipment made inaccessible by piping, ductwork, drains, raceways, or other mechanical systems is not considered as accessible as applied to wiring methods.

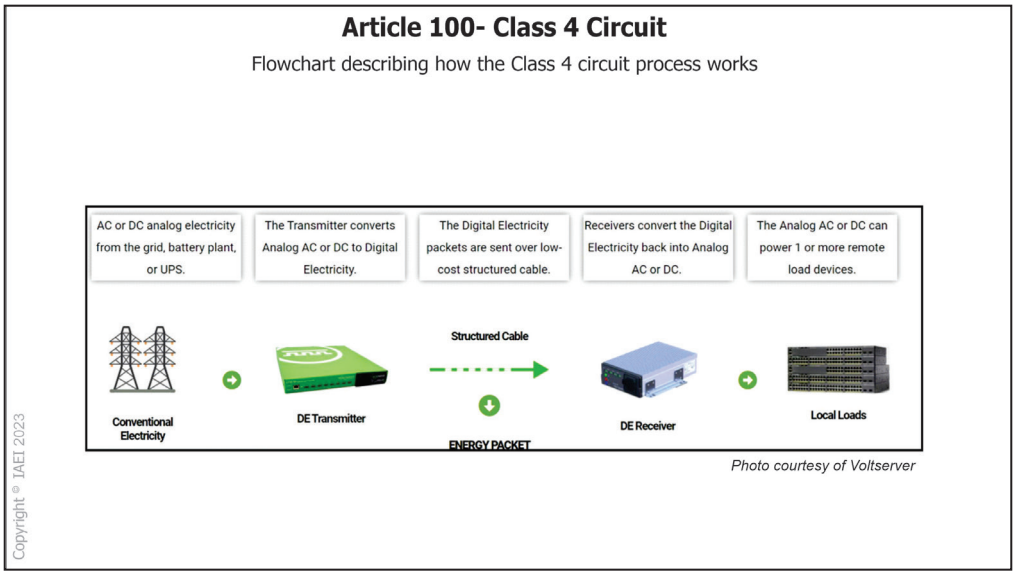
- **Why it happened:** The revision to this definition clarifies that wiring and electrical equipment made inaccessible by piping, ductwork, drains, raceways, or other mechanical systems is not considered as accessible as applied to wiring methods. Access to the wiring contained within this equipment is made very difficult sometimes requiring the removal or disassembling of piping, raceways, or other equipment. Building-related items like electrical raceways, plumbing pipes, and mechanical systems are considered accessible since they are not part of the structure or finish of the building.

- **How this will affect the electrical industry:** This revised wording for this definition helps to clarify the meaning for the electrical professional. This helps the AHJ and installer assure that equipment that requires access as it applies to wiring methods is installed correctly on the initial installation.

IAEI Codes and Standards Committee

ARTICLE 100 — DEFINITIONS

Class 4 Circuit



Article 100 Class 4 Circuit

- **Type of change:** New

- **The change:** CMP-3 created for a new definition for a Class 4 Circuit as it applies to Article 726. There are a total of six (6) definitions associated with this Class 4 technology.

- **Why it happened:** This definition was the result of the Packet Energy Transfer (PET) systems Task Group tasked to provide guidance towards this new technology. This emerging technology has been referred to in the past as Packet Energy Transfer (PET), Digital Electricity (DE), Pulsed Power, Smart Transfer Systems and Fault Managed Power (FMP). This technology involves a fault-managed system that verifies the powered device is present and operating correctly prior to a greater than Class 2 power is applied. A fault would cause a termination of the output power.

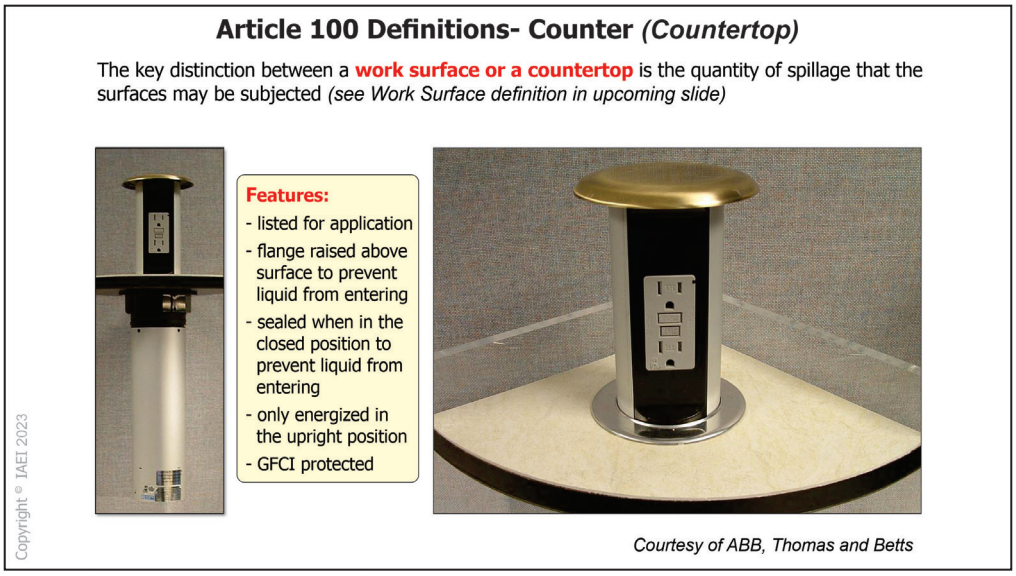
  The task group decided to create a new Article 726 to contain these requirements as the technology did not fit into existing *NEC* articles. This technology employs circuits and software protection for fault protection. Class 4 circuits protection will consider voltage levels, pulse widths, repetitive pulses, time to shut-off, and stored charge from cable capacitance and equipment. The installer or an AHJ cannot provide this protection in the field. There will have to be reliance on the safety standard and the listing of equipment. It is important to ensure safety in design, implementation, installation, and use of this emerging technology. These requirements are necessary for safe deployment of these systems.

- **How this will affect the electrical industry:** This new definition will provide clarity and guidance to electrical professionals as this new technology becomes available for installations as part of future electrical projects. Installing this technology correctly and safely is imperative for the assurance of safety to the end user.

IAEI Codes and Standards Committee

ARTICLE 100 — DEFINITIONS

Counter (Countertop)



Article 100 Counter (Countertop)

- **Type of change:** New

- **The change:** A new definition was added by CMP-2 to help users of the *Code* understand what constitutes a "Counter (Countertop)" location.

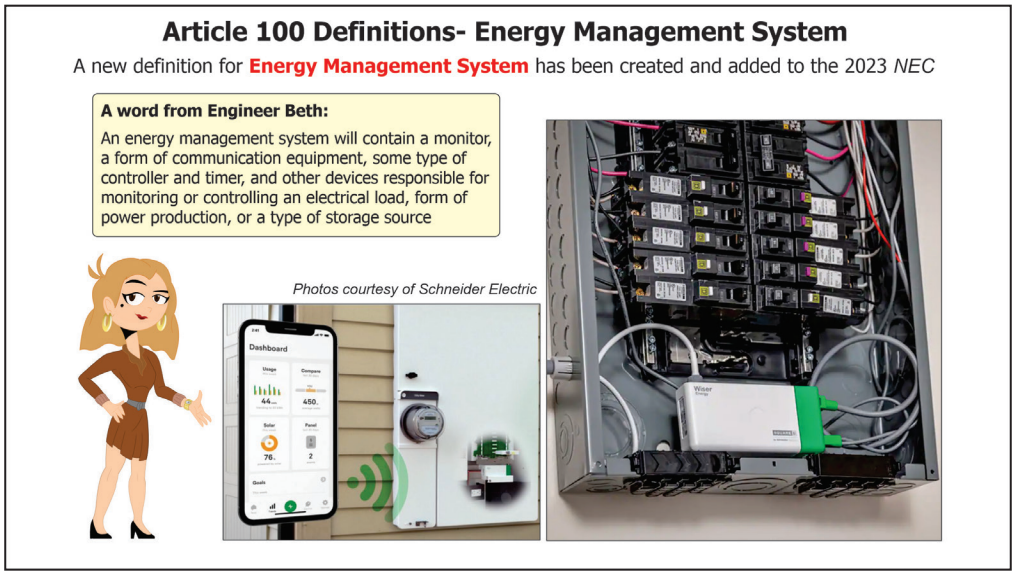
- **Why it happened:** The counter (countertop) definition has been introduced to help *Code* users apply it correctly in the built environment. The key distinction between these two types of surfaces is the quantity of spillage that the surfaces may be subjected to. The user of the *Code* will be directed to the industry standards that aid in the proper application of receptacles in these locations and found in this new definition and instructive note.

- **How this will affect the electrical industry:** There appears to be installer and enforcement confusion as well as frequent product misapplications resulting from electrical equipment being installed incorrectly on these surfaces. In some cases, the equipment was not suitable or unlisted for either location. These new definitions and informational notes should help the installer and AHJ better understand these locations.

Joseph Wages, Jr., CMP-2

ARTICLE 100 — DEFINITIONS

Energy Management System



Article 100 Energy Management System

- **Type of change:** New
- **The change:** CMP-13 created a new definition for an *energy management system*.
- **Why it happened:** At the direction of the Correlating Committee, the Energy Management Task Group was asked to review all current and proposed definitions and requirements related to items such as load management, load management system, power control system, energy management system, and related terms. This was to ensure a coordinated approach and understanding throughout the *Code*.

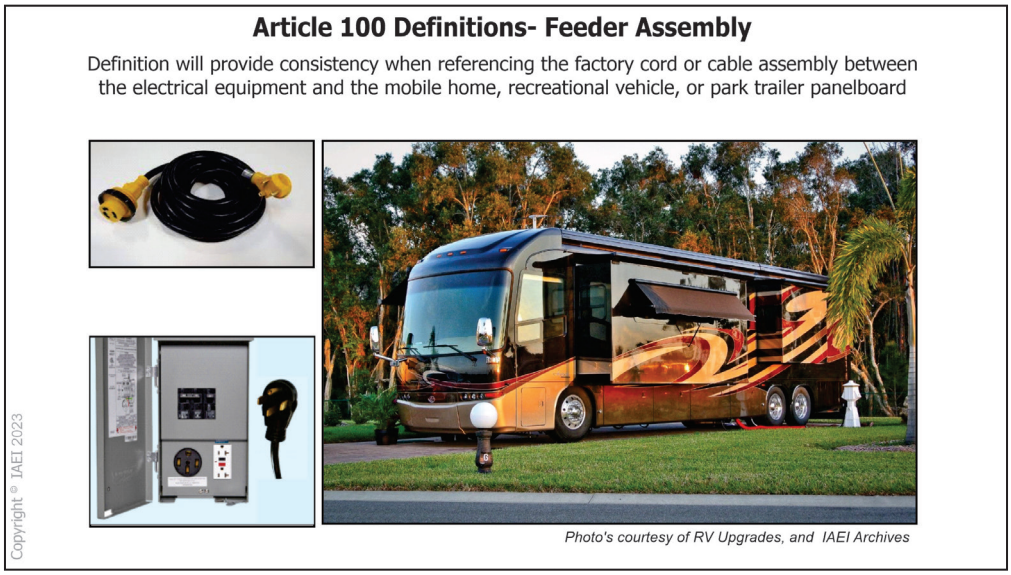
  An *energy management system* will contain a monitor, a form of communication equipment, some type of controller and timer, and other devices responsible for monitoring or controlling an electrical load, form of power production, or a type of storage source.

- **How this will affect the electrical industry:** Energy management systems are very prevalent in the built environment. Monitoring the use of electricity and supplementing utility power from the grid with other sources such as PV, wind, fuel cell, etc., is becoming the norm. This new definition offers guidance to electrical professionals as to what components commonly encompass these types of systems.

IAEI Codes and Standards Committee

ARTICLE 100 — DEFINITIONS

Feeder Assembly



Article 100 Feeder Assembly

- **Type of change:** New

- **The change:** CMP-7 added a new definition for *Feeder Assembly* to Article 100. This definition will provide consistency when referencing the factory cord or cable assembly between the electrical equipment and the mobile home, recreational vehicle, or park trailer panelboard.

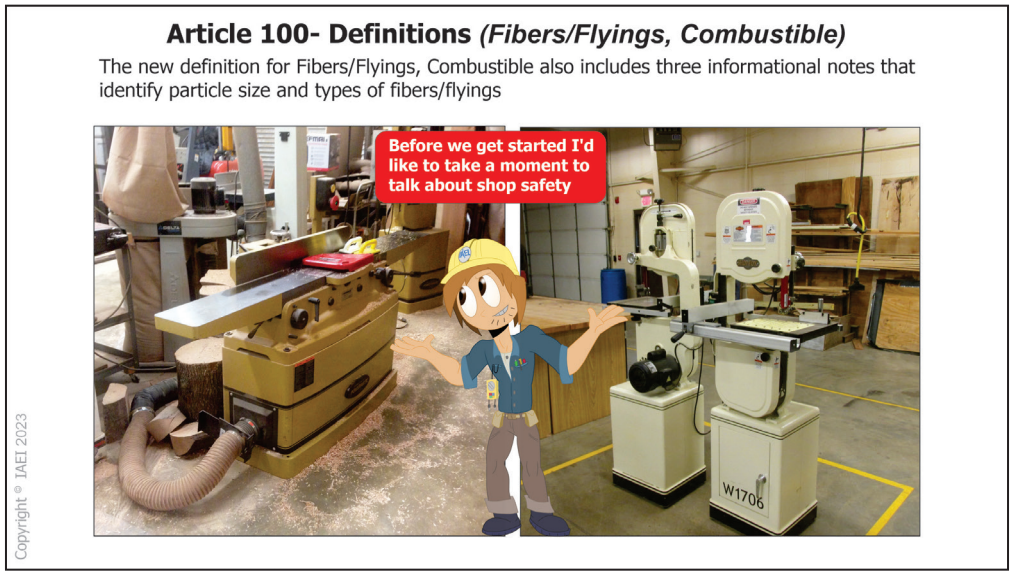
- **Why it happened:** In the past, there were different definitions in the *NEC* articles under CMP-7 purview that basically covered the power cord assembly. By adding the term "feeder assembly" consistently throughout Articles 550, 551, and 552, it clarified that these conductors, although connected to a receptacle, were considered feeders in order to forgo the GFCI protection. This clarification is necessary because of the concerns about "unwanted tripping" that could be caused by the accumulation (multiple portable appliances) of leakage current at the source.

- **How this will affect the electrical industry:** This new definition makes the application of different *NEC* articles with similar installations (cord and plug connections to panelboards) more consistent. This provides better usability and applicability for users of the *Code*.

Dean Hunter, CMP-7

ARTICLE 100 — DEFINITIONS

Fibers/Flyings, Combustible



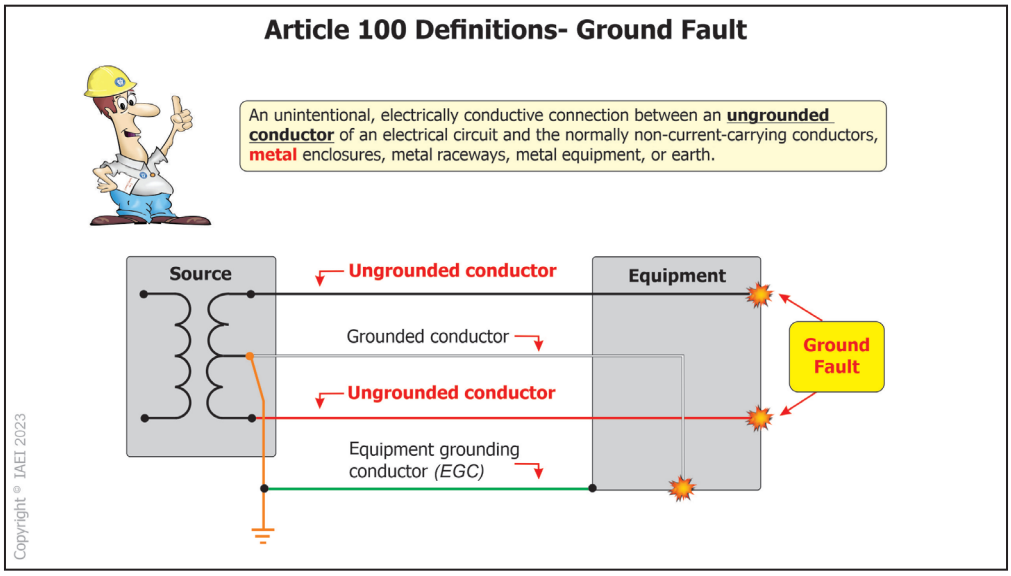
Article 100 Fibers/Flyings, Combustible. (Combustible Fibers/Flyings)

- **Type of change:** New
- **The change:** CMP-14 created a new definition for *Fibers/Flyings, Combustible. (Combustible Fibers/Flyings)*, which includes three informational notes that identify particle size and types of fibers/flyings.
- **Why it happened:** This was part of the Standards Council directive to CMP-14 and other Committees to resolve conflicts among the documents. This change is a result of members from several technical committees as part of a Task Group On Combustible Dusts. CMP-14 added the informational notes following the new definition to include specific information pertaining to combustible metal fibers/flyings.
- **How this will affect the electrical industry:** The new definitions and informational notes will help all electrical professionals who design, install, and inspect within this type of environment to verify code compliance and determine the size and types of various combustible fibers/flyings.

Haywood C. Kines, CMP-14

ARTICLE 100 — DEFINITIONS

Ground-Fault



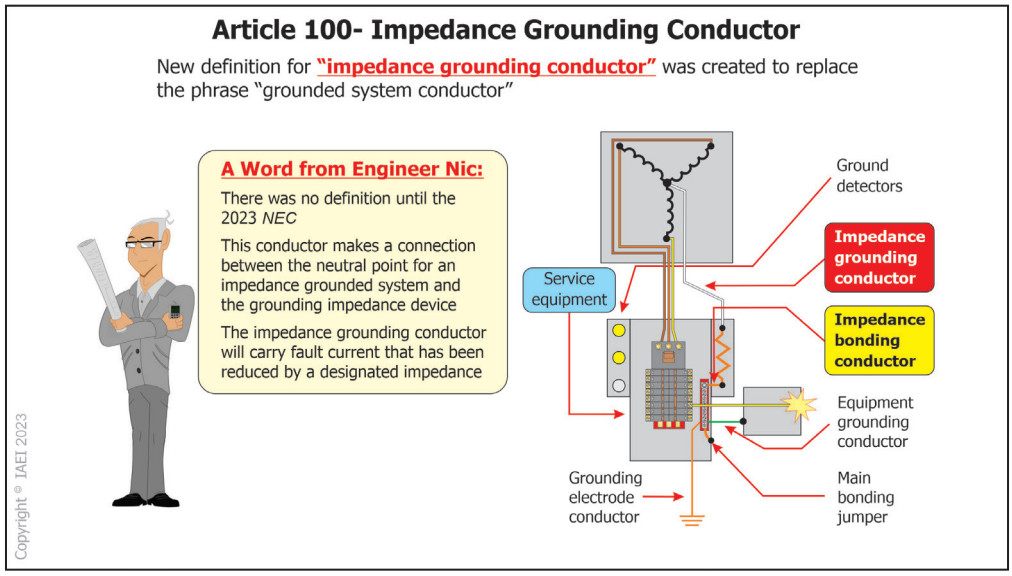
Article 100 Ground-Fault

- **Type of change:** Revision
- **The change:** CMP-5 has changed the words from "metallic" to "metal" in the definition of *Ground Fault* in Article 100.
- **Why it happened:** The change was made from "metallic" to "metal" to comply with the *NEC Style Manual*.
- **How this will affect the electrical industry:** It is not a big change, but it helps to add clarity and useability by updating the words of the definition from "metallic" to "metal."

William Pancake, CMP-5

ARTICLE 100 — DEFINITIONS

Impedance Grounding Conductor



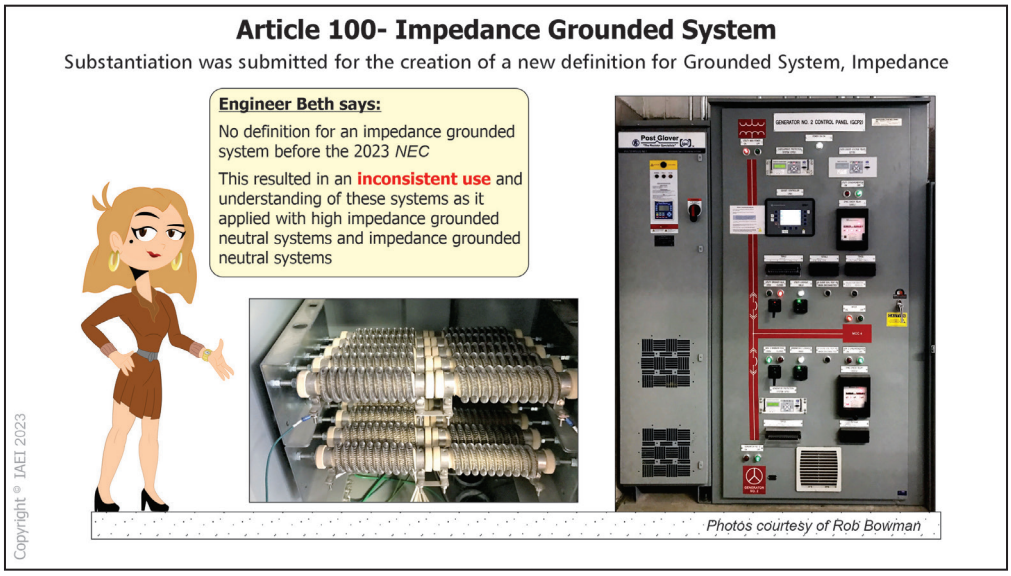
Article 100 Impedance Grounding Conductor

- **Type of change:** New
- **The change:** A new definition for *Grounded Conductor, Impedance* was added to Article 100 by CMP-5.
- **Why it happened:** There was no definition for a conductor that made a connection between the neutral point for an impedance grounded system and the grounding impedance device. This resulted in an inconsistent understanding of this conductor. This conductor did not meet the definition for a neutral conductor as it is not intended to carry current under normal conditions or a grounding electrode conductor. The impedance grounded conductor will carry fault current that has been reduced by a designed impedance.
- **How this will affect the electrical industry:** Electrical professionals will now have a definition that is accurate and consistent with this conductor and how if operates in an electrical system.

IAEI Codes and Standards Committee

ARTICLE 100 — DEFINITIONS

Impedance Grounded System



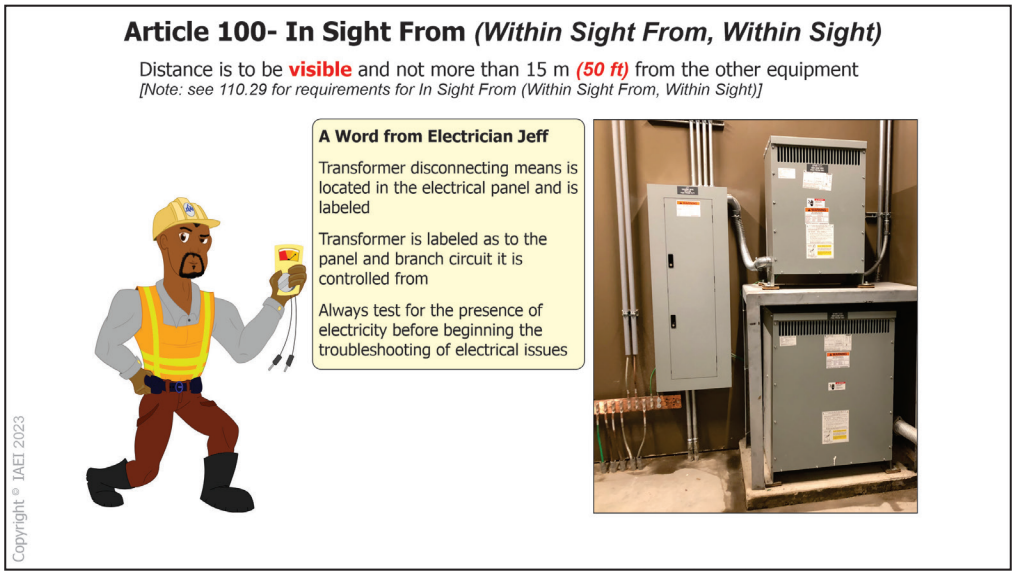
Article 100 Impedance Grounded System

- **Type of change:** New
- **The change:** CMP-5 created a new definition in Article 100 for *Grounded System, Impedance*.
- **Why it happened:** There was no definition for an impedance grounded system before the 2023 *NEC* code cycle. Previously this had resulted in an inconsistent use and understanding of these systems as it applied with high impedance grounded neutral systems and impedance grounded neutral systems.
- **How this will affect the electrical industry:** Electrical professionals will now have a definition that is accurate and consistently defines elements that make up this system.

IAEI Codes and Standards Committee

ARTICLE 100 — DEFINITIONS

In Sight From (Within Sight From), (Within Sight).



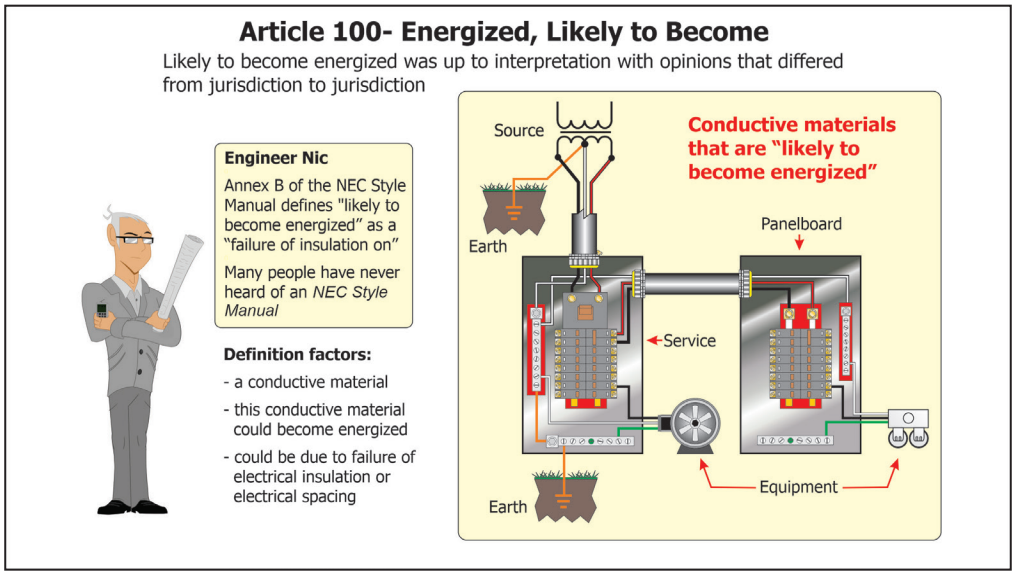
Article 100 In Sight From (Within Sight From), (Within Sight)

- **Type of change:** Revision
- **The change:** CMP-1 modified the definition of "In Sight From (Within Sight From), (Within Sight)" per requirements of the *NEC Style Manual*, stating that definitions shall not contain requirements or recommendations.
- **Why it happened:** Definition revised for clarity and uniform enforcement. The requirements found in the *NEC Style Manual* required the definition to be modified. See the new section for "In Sight From (Within Sight From), (Within Sight)" in 110.29 for requirements.
- **How this will affect the electrical industry:** The revised definition will assure that the electrical professional understands that equipment that is visible and not more than 15 m (50 ft.) distant from other equipment is considered to be in sight from that other equipment.

Mohinder (Paul) Sood, CMP-1

ARTICLE 100 — DEFINITIONS

Likely to Become Energized



Article 100 Likely to Become Energized

- **Type of change:** New

- **The change:** A new definition for *Likely to Become Energized was added to Article 100 by CMP-5.*

- **Why it happened:** There was no definition of this phrase that appears multiple times and locations within the *NEC*. It is used 25 times in the *NEC*, only seven of which are in Article 250. Likely to become energized was up to interpretation with opinions that differed from jurisdiction to jurisdiction. This caused frustration between electrical professionals when applying requirements from the *NEC*. An example is 250.104(B) for other metal piping.

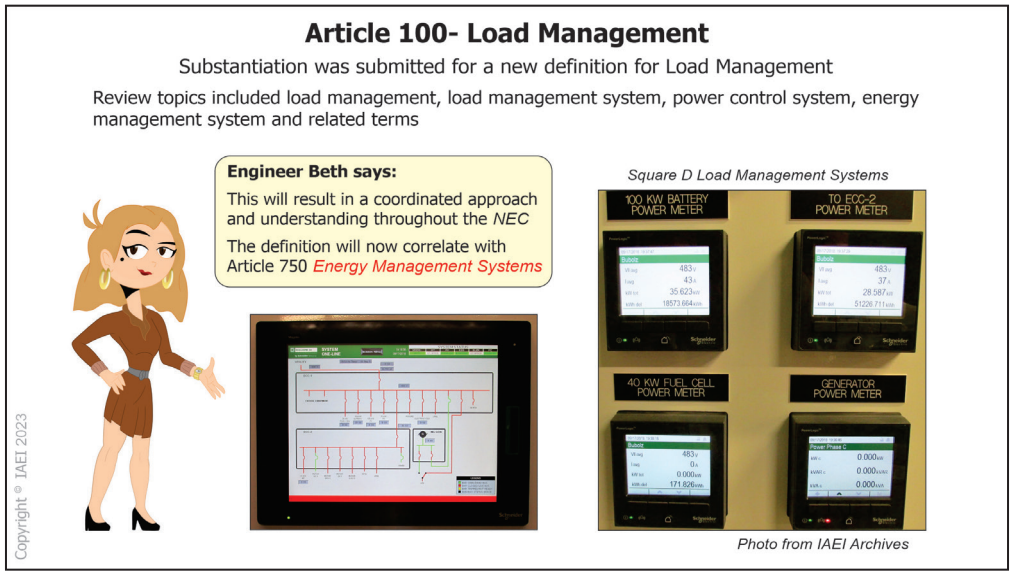
  Annex B of the *NEC Style Manual* defines "likely to become energized" as a "failure of insulation on." But most *NEC* users do not read the *NEC Style Manual*, a definition in the *NEC* was needed. There is a very important distinction between what can become energized compared to what is likely to become energized.

- **How this will affect the electrical industry:** Electrical professionals will now have a definition that is accurate and defines the meaning of this phrase. This should eliminate any confusion or misunderstandings when this phase is used.

IAEI Codes and Standards Committee

ARTICLE 100 — DEFINITIONS

Load Management



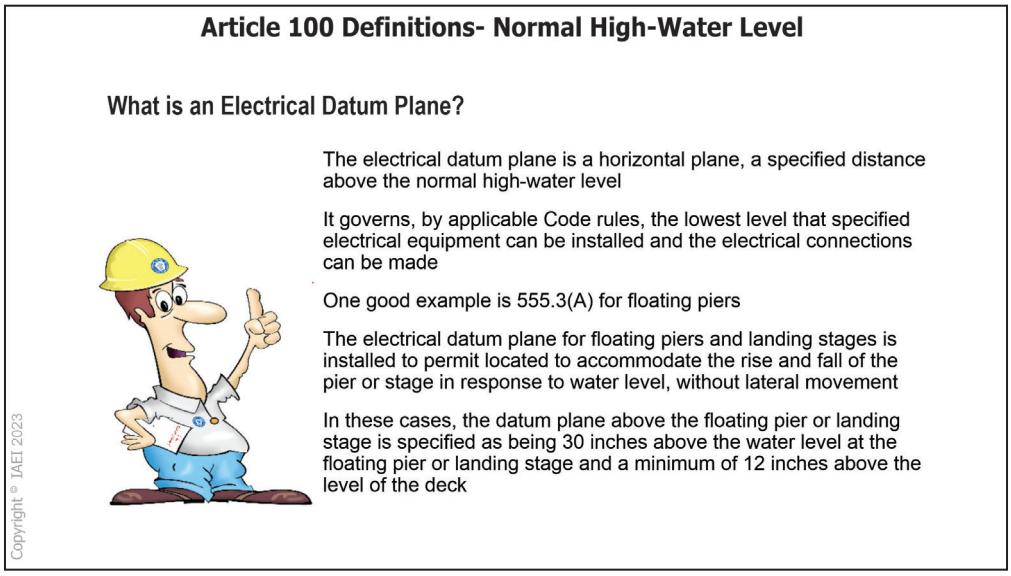
Article 100 Load Management

- **Type of change:** New
- **The change:** CMP-7 added a new definition for *Load Management*.
- **Why it happened:** This definition was the result of the Energy Management Task Group tasked to review current as well as proposed definitions and requirements. Topics included load management, load management system, power control system, energy management system and related terms. This action will result in a coordinated approach and understanding throughout the *NEC*. The task group proposed several public comments for energy management items located within the *NEC*. Load management is a function of a listed energy management system. The definition will now correlate with Article 750.
- **How this will affect the electrical industry:** This new definition will provide clarity and guidance to electrical professionals involved with load management involving energy management systems.

IAEI Codes and Standards Committee

ARTICLE 100 — DEFINITIONS

Normal High-Water Level



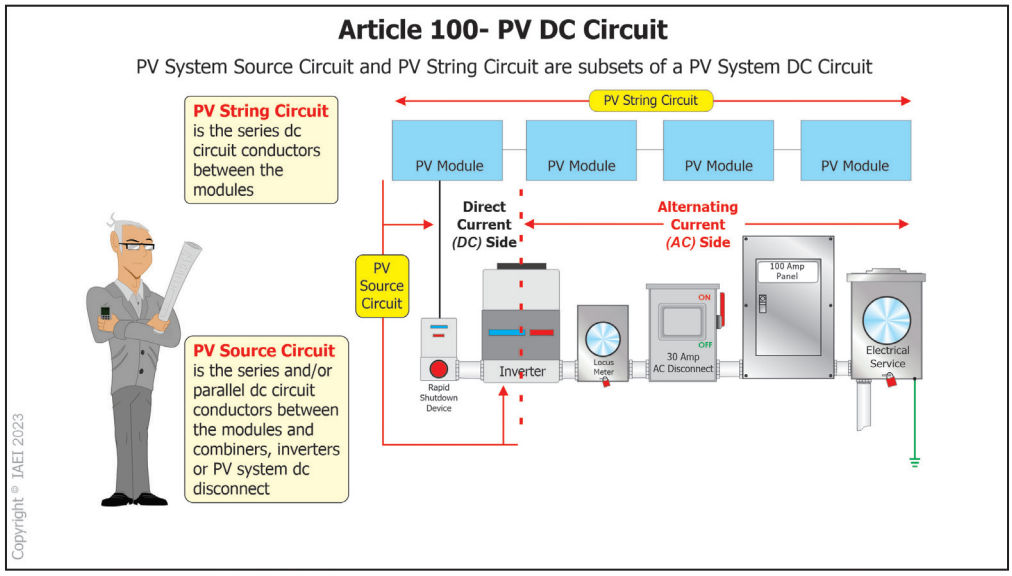
Article 100 Normal High-Water Level

- **Type of change:** New
- **The change:** CMP-7 added the definition for *Normal High-Water Level* to Article 100 in order to help AHJs determine the elevation for the electrical datum plane distances used in Articles 551, 555, and 682.
- **Why it happened:** In the past, there was not a consistent way to determine the elevation next to a body of water to validate or confirm where electrical equipment could be placed and where the electrical datum plane is located next to the edge of the body of water. In addition, the term was added to the definition of the electrical datum plane for further clarification.
- **How this will affect the electrical industry:** This definition will provide an easier and more consistent way to determine the elevation for the electrical datum planes.

Dean Hunter, CMP-7

ARTICLE 100 — DEFINITIONS

PV DC Circuit, PV Source Circuit, PV String Circuit



Article 100 PV DC Circuit, PV Source Circuit, PV String Circuit

- **Type of change:** New

- **The change:** CMP-4 added new terms and revised definitions for PV System DC elements. *PV DC Circuit (PV System DC Circuit)* includes the subsets of PV Source Circuit and PV String Circuit.

  The new *PV System DC Circuit* term is inclusive of the series and/or parallel dc circuit conductors between the modules and combiners, inverters, or PV system dc disconnect. A *PV Source Circuit* is a subset of a PV System DC Circuit.

  A *PV System String Circuit* is a subset of a PV System DC Circuit.

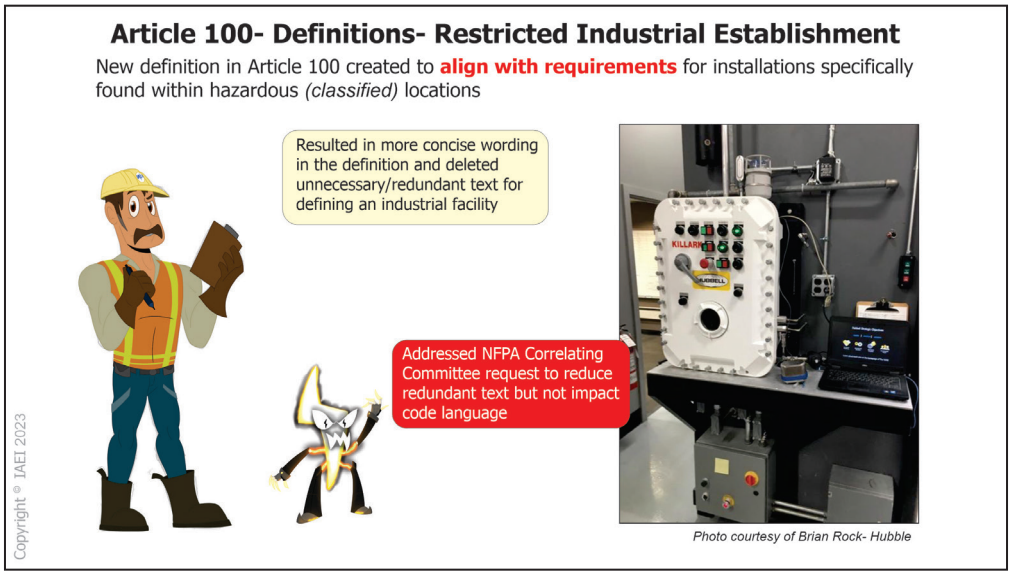
- **Why it happened:** The previous terms and definitions could be difficult to apply to current designs. The panel updated the definitions and relocated to Article 100 in accordance with the 2020 *NEC Style Manual* requirements.

- **How this will affect the electrical industry:** The new terms and definitions for PV system dc circuit conductors and elements align with common usage resulting in additional clarity for *NEC* users.

Pete Jackson, CMP-4

ARTICLE 100 — DEFINITIONS

Restricted Industrial Establishment



Article 100 Restricted Industrial Establishment [as applied to hazardous (classified) locations].

- **Type of change:** New

- **The change:** *Restricted Industrial Establishment* is a new definition in Article 100 created by CMP-14 to align with requirements for installations specifically found within hazardous (classified) locations.

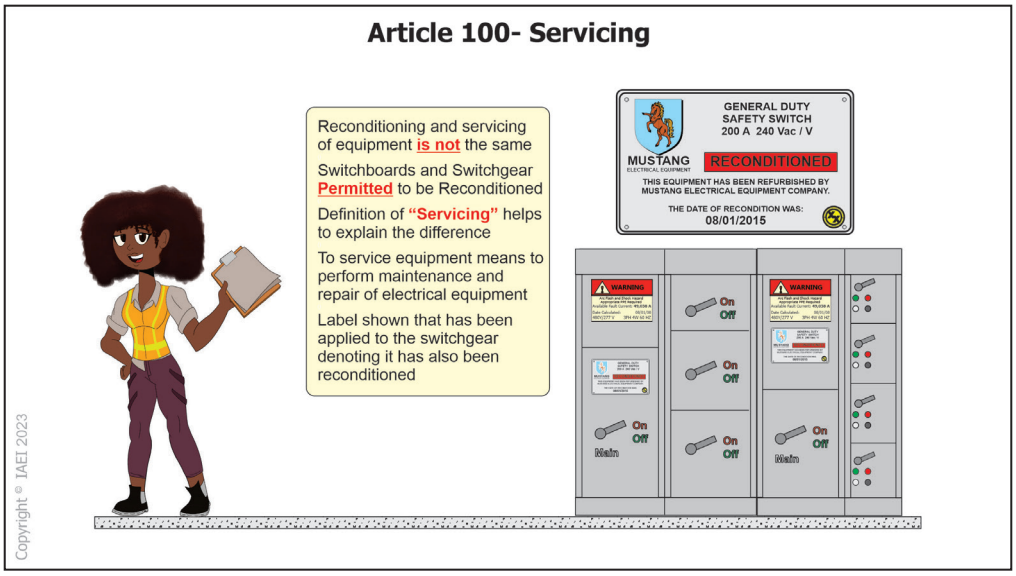
- **Why it happened:** This action resulted in more concise wording in the requirements and deleted unnecessary/redundant text for defining an industrial facility. The definition was created to remove the phrase "In industrial establishments with restricted public access, where the conditions of maintenance and supervision ensure that only qualified persons service the installation." This text was repeated in over 40 subdivisions for wiring methods permitted in hazardous (classified) locations. This change also addressed an NFPA Correlating Committee request for all Code panels to reduce redundant text that would not impact the *Code* requirements.

- **How this will affect the electrical industry:** This change will require the entire electrical industry to study for understanding the new definition of "Restricted Industrial Establishment." This action did not change the intent of the *Code*. This documentation shall be submitted to the authority having jurisdiction (AHJ) for review and approval with the plan submitted by the designer of record. The new definition still includes language for "Qualified Persons" and will require the AHJ to verify personnel that installs, maintain, operate, and inspects these facilities are qualified for these industrial establishments.

Haywood C. Kines, CMP-14

ARTICLE 100 — DEFINITIONS

Servicing



Article 100 Servicing

- **Type of change:** New

- **The change:** *Servicing* is a new definition in Article 100 created by CMP-1 for servicing of electrical equipment to assist in maintenance and repair activities.

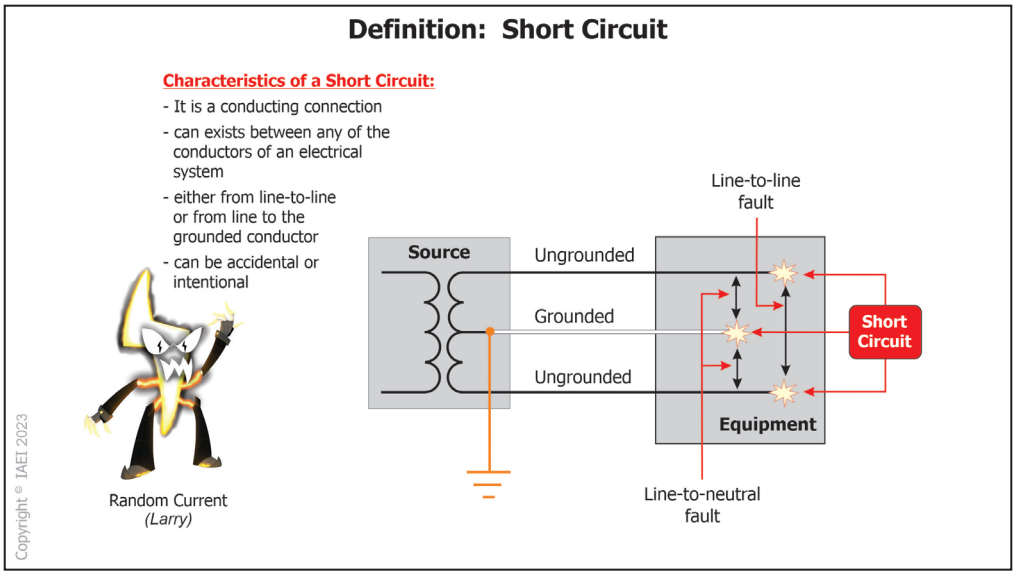
- **Why it happened:** Sometimes there was confusion between what is considered reconditioning versus normal servicing, maintenance, and repair of electrical equipment. This new definition distinguishes the act of servicing and maintenance of electrical equipment from reconditioning of electrical equipment. It will help assure the operational performance of the electrical equipment during the life of the equipment. See NEMA CS 100-2020, *NEMA Technical Position on Reconditioned Electrical Equipment,* for additional information for the proper application of rules related to reconditioning.

- **How this will affect the electrical industry:** This addition will assist electrical professionals in maintaining and preserving large pieces of equipment, switchgear, switchboards, etc., typically installed in high-rise buildings, hospitals, schools, office buildings, and critical installations. NFPA 70B, *Recommended Practice For Electrical Equipment Maintenance*, may be used for servicing of equipment in addition to applicable manufacturer and industry standards.

Mohinder (Paul) Sood, CMP-1

ARTICLE 100 — DEFINITIONS

Short Circuit



Article 100 Short Circuit

- **Type of change:** New

- **The change:** CMP-10 has added a new definition for short circuit to improve usability of the *Code*.

- **Why it happened:** The phrase "Short Circuit" appears in several locations throughout the *NEC* such as 90.8(B), the definition of fault current, and the definition of an overload just to name a few. It would seem prudent that a definition of this term be included in Article 100.

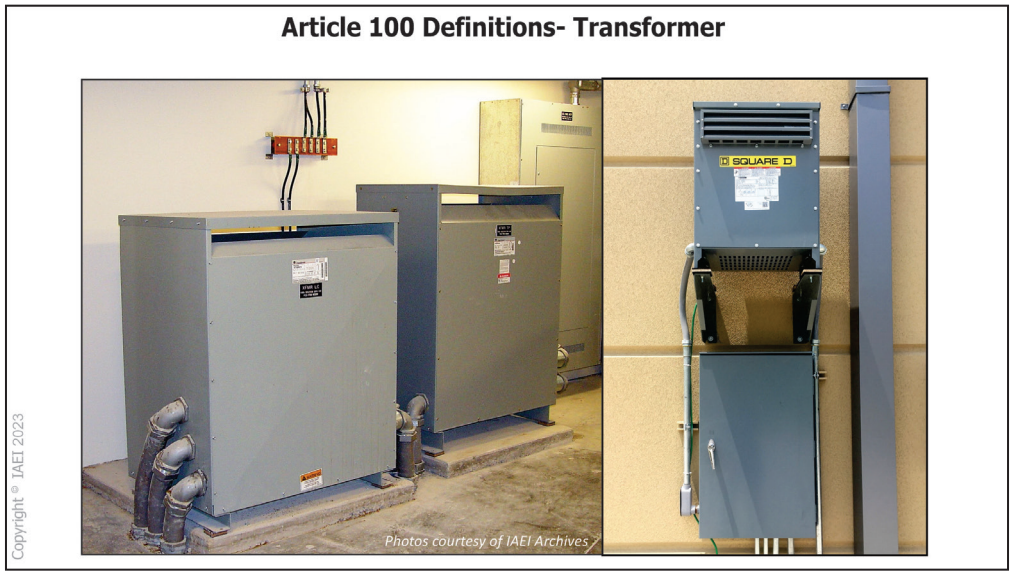
  This is necessary so that the user of the *Code* understands what a short circuit is and is not. Currently the user of the *Code* must rely on other industry manuals and documents to determine the definition of this term. Previous to being included in Article 100 for the 2023 cycle, it could be found in IEEE 100-1992, The New *IEEE Standard Dictionary of Electrical and Electronic Terms*, 5th Edition

- **How this will affect the electrical industry:** The inclusion of this definition within the *NEC* will help the electrical professional locate and understand the meaning of the term short circuit and its correct application. This will reduce misapplication of the term resulting in more accurate usage when discussing electrical issues.

Codes and Standards Committee

ARTICLE 100 — DEFINITIONS

Transformer



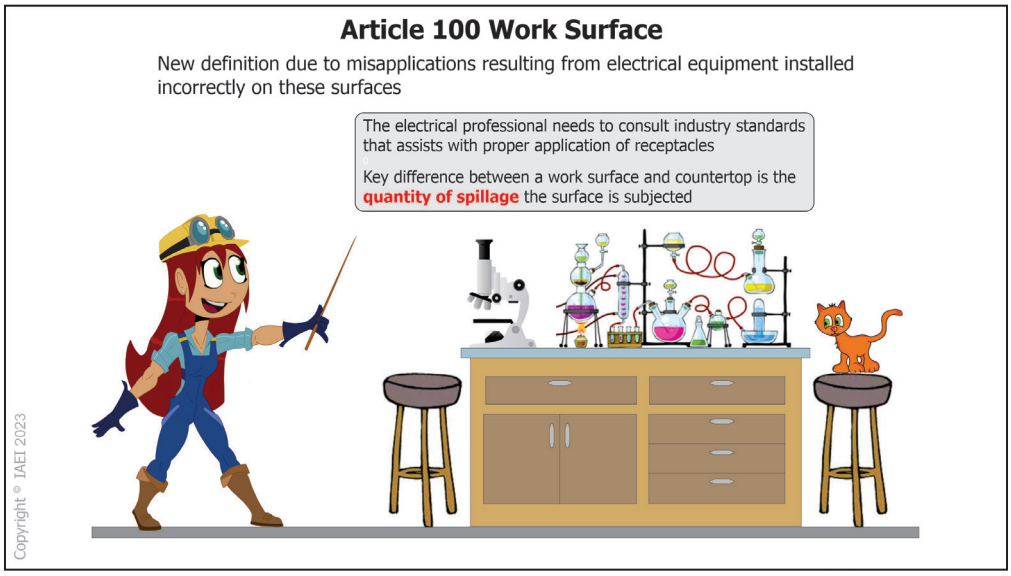
Article 100 Transformer

- **Type of change:** New
- **The change:** CMP-9 created a new definition for the term *transformer*.
- **Why it happened:** The word transformer appears approximately 1500 times in the *NEC*. Before the 2023 *NEC*, a definition was not included in 450.2 or Article 100. This new definition covers both single and polyphase equipment operating by electromagnetic induction. The definition was careful not to state "changing voltage or current" because isolating transformers filter noise without changing nominal voltages.
- **How this will affect the electrical industry:** A definition will add understanding for the electrical professionals who utilizes this *Code* to install these items.

Joseph Wages, Jr., CMP-2

ARTICLE 100 — DEFINITIONS

Work Surface



Article 100 Work Surface

- **Type of change:** New

- **The change:** A new definition was added by CMP-2 to help understand what constitutes a "Work Surface" location.

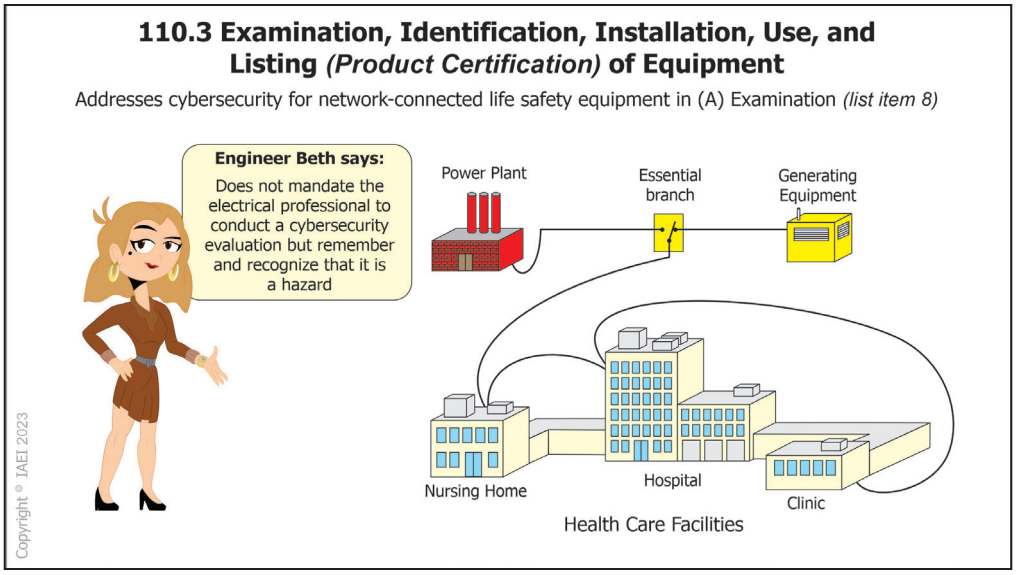
- **Why it happened:** The work surface definition has been included to help *Code* users understand the distinction between a countertop and a work surface when these two terms are used interchangeably. The key distinction between these two types of surfaces is the quantity of spillage that the location may be subjected to. The *Code* user will be directed to the industry standards that aid in the proper application of receptacles found in these locations and discussed in this new definition and instructive note.

- **How this will affect the electrical industry:** There appears to be installer and enforcement confusion as well as frequent product misapplications resulting from electrical equipment being installed incorrectly on these surfaces. In some cases, the equipment was not suitable or unlisted for either location. These new definitions and informational notes should help the installer and AHJ better understand these locations.

Joseph Wages, Jr., CMP-2

110.3(A)

Examination, Identification, Installation, Use, and Listing (Product Certification) of Equipment



110.3(A) Examination, Identification, Installation, Use, and Listing (Product Certification) of Equipment. (A) Examination

- **Type of change:** New

- **The change:** CMP-1 added a new list item number 8 that addresses cybersecurity for network-connected life safety equipment.

- **Why it happened:** Cybersecurity is a technology hazard that can cause many disturbances to electronic equipment. It needs to be considered when evaluating equipment for safety. These attacks can interfere and disable life-safety equipment and other critical systems that provide these essential roles.

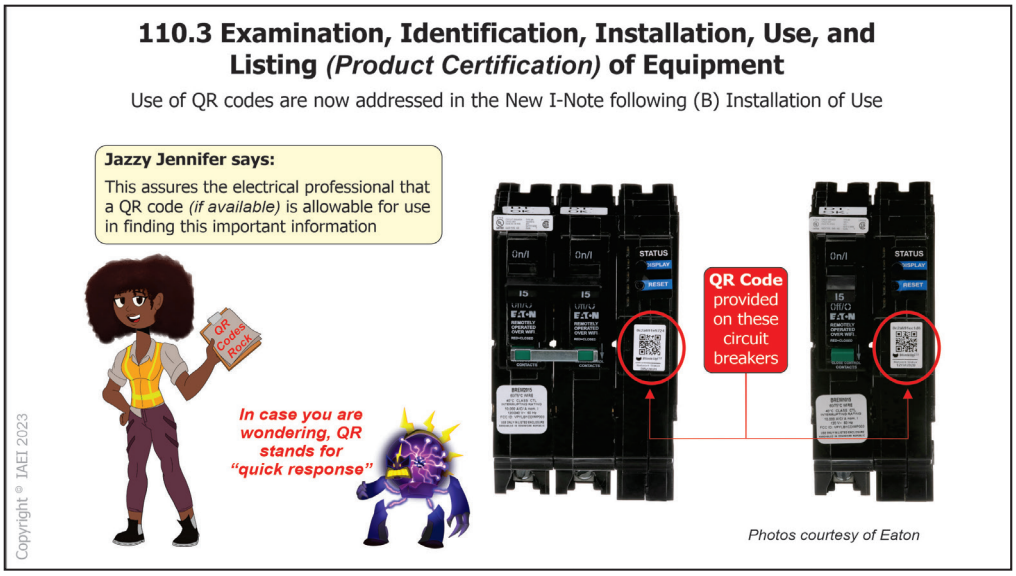
  This does not mandate the electrical professional conduct a cybersecurity evaluation but to remember and recognizes that it is a hazard. List item number 8 now includes cybersecurity as something that needs considered and evaluated.

  Informational Note No. 3 introduces the IEC 62443 series of standards for Industrial Automation and Control Systems, the UL 2900 series of standards for Software Cybersecurity for Network-Connectable Products, and UL 5500 the Standard for Remote Software Updates, as valuable information to mitigate cybersecurity issues involving electrical equipment.

- **How this will affect the electrical industry:** The electrical professional now has information related to cybersecurity concerns and a requirement to make considerations when evaluating network-connected life safety equipment. The safety of someone connected to this equipment is important to family and friends.

IAEI Codes and Standards Committee

110.3(B)
Installation and Use



110.3(B) Examination, Identification, Installation, Use, and Listing (Product Certification) of Equipment. (B) Installation and Use.

- **Type of change:** New

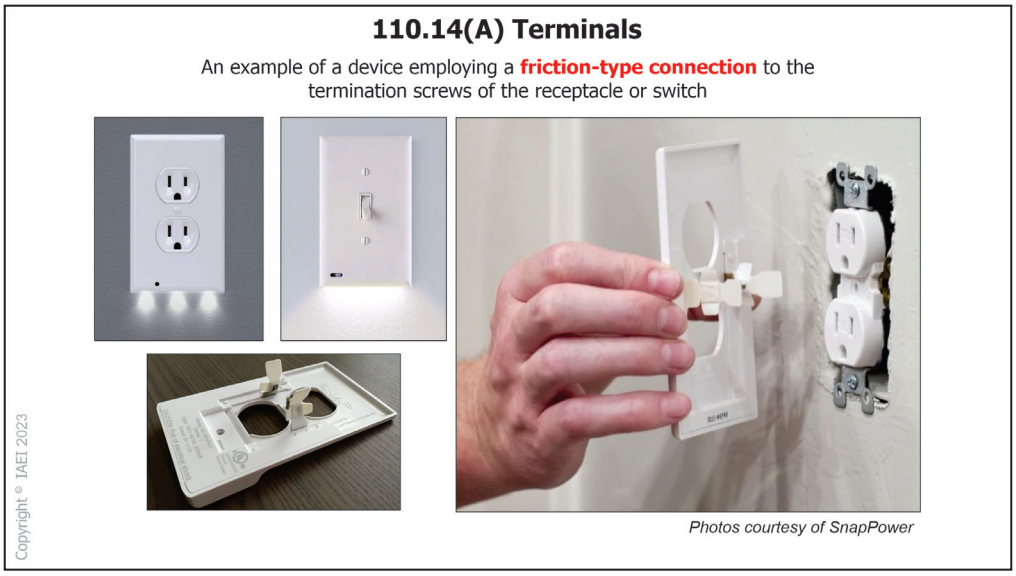
- **The change:** CMP-1 created a new informational note allowing the use of a QR code to access installation instructions.

- **Why it happened:** QR codes are appearing on many different items. These allow the user to access vast amounts of information about a product. Listing standards for Arc-Fault Circuit-Interrupters allow the use of printed materials, QR codes, and internet addresses as avenues to find information. The new note assures the electrical professional that a QR code (if available) is allowable for finding this important information.

- **How this will affect the electrical industry:** The electrical professional now has a new technology tool at his/her fingertips to locate important information concerning electrical devices and equipment. QR codes are appearing on many different items, and this informational note recognizes that they are appearing o electrical items as well.

IAEI Codes and Standards Committee

110.14(A)
Electrical Connections



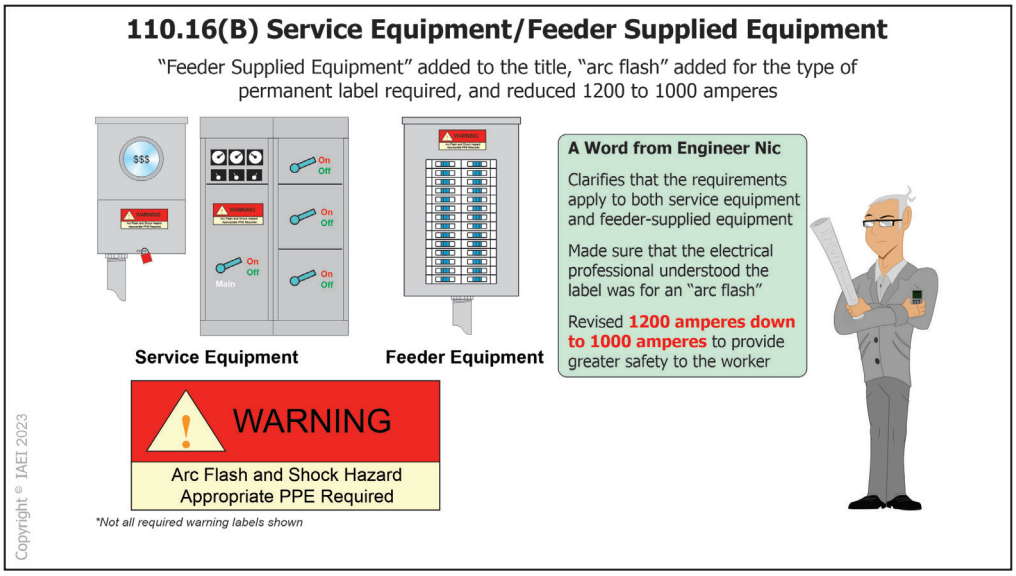
110.14(A) Terminals

- **Type of change:** Revision
- **The change:** CMP-1 added "electrical" for connection (as opposed to mechanical) for additional clarity about the connection.
- **Why it happened:** This change will clarify what kind of connection is being discussed as it applies to terminations found with various types of electrical equipment. The listing of the product will also determine the acceptability of the connection. An example would be a faceplate cover for lighting or USB use that employs a friction-type connection to the termination screws of the receptacle.
- **How this will affect the electrical industry:** This change will reduce any confusion that may have existed in the electrical industry regarding an electrical or mechanical type of connection for these terminations points.

Greg Chontow, CMP-1

110.16(B)

Arc-Flash Hazard Warnings — Service Equipment



110.16(B) Service Equipment and Feeder Supplied Equipment

- **Type of change:** Revision

- **The change:** Labeling requirements have been changed by CMP-1 for Service Equipment from 1200 amperes to 1000 amperes or more in Section 110.16(B). CMP-1 added "Feeder Supplied Equipment" to the title, added the phrase "arc flash" for the type of permanent label required, and reduced 1200 to 1000 amperes for equipment rating in Section 110.16(B).

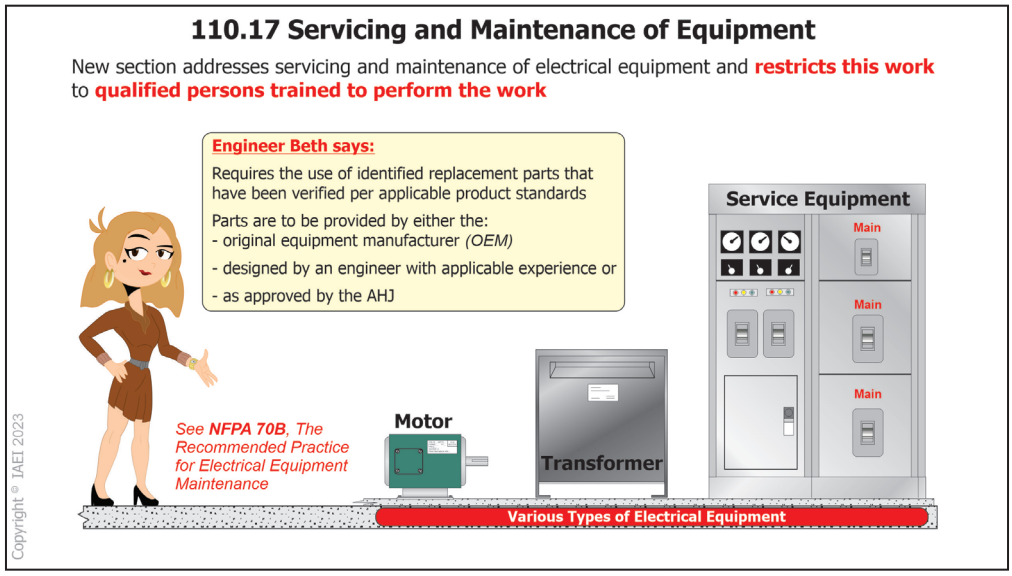
- **Why it happened:** Labeling requirements for service equipment rating where this section will apply have been changed from 1200 amperes to 1000 amperes or more for enhanced-safety and protection of the electrical professional.

  This change clarifies that the requirements apply to both service equipment and feed-er-supplied equipment. It was necessary to add the phrase "arc flash" to clarify the type of permanent label required for this equipment. The revision from 1200 to 1000 amperes was in an effort to advance and protect worker safety. The four previous list items and exception deleted and now references label to meet applicable industry practice

- **How this will affect the electrical industry:** This change will help the electrical professional to better maintain and operate large service equipment safely as per applicable industry standards.

Mohinder (Paul) Sood and Greg Chontow, CMP-1

110.17
Servicing and Maintenance of Equipment



110.17 Servicing and Maintenance of Equipment

- **Type of change:** Revision

- **The change:** CMP-1 added language in Section 110.17 restricting service and maintenance of equipment to qualified persons trained to perform the work.

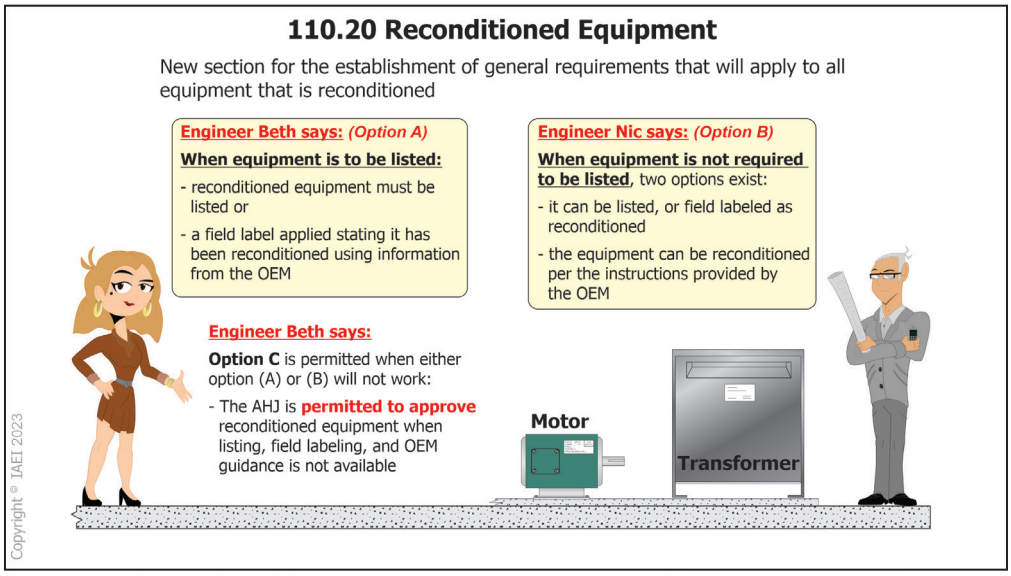
- **Why it happened:** The use of replacement parts during servicing and maintenance activities requires the use of identified replacement parts that have been verified per applicable product standards. A list of these options is provided for approval of these replacement parts. Parts are to be provided by either the original equipment manufacturer (OEM), designed by an engineer with applicable experience, or as approved by the AHJ. The manufacturer's instructions and any additional information included in the listing must be utilized. The applicable industry standards should also be consulted for additional information. New language also acknowledges that this information may not be available and provides a path whereby the authority having jurisdiction (AHJ) can provide approval.

  Informational Note No. 1 has been provided for guidance with approving parts when the equipment does not have a listing mark or when parts from the OEM are no longer available. Informational Note No. 2 has been added, stating the new language has been aligned with NFPA 70B, *The Recommended Practice for Electrical Equipment Maintenance*. This document also contains a definition for the phrase "Electrical Preventive Maintenance."

- **How this will affect the electrical industry:** This will help electrical professionals when servicing or replacing parts for electrical equipment. This will help assure the electrical equipment works properly and in a safe manner.

IAEI Codes and Standards Committee

110.20
Reconditioned Equipment



110.20 Reconditioned Equipment

- **Type of change:** New

- **The change:** CMP-1 established general requirements in Section 110.20 that will apply to all equipment that is reconditioned.

- **Why it happened:** New text in this new section addresses if reconditioned equipment is permitted by the *NEC*. The language requires the use of identified replacement parts verified under applicable standards, provided by the original equipment manufacturer (OEM), or designed by an engineer with applicable experience. This is in line with similar requirements for reconditioned parts used during the servicing and maintenance process.

  There are two first-level subdivisions (A) and (B)] dealing with equipment that is required to be listed or equipment not required to be listed.

  When equipment is to be listed, reconditioned equipment must be listed, or a field label applied stating it has been reconditioned using information from the OEM.

  When equipment is not required to be listed, two options exist. The first states that the equipment can be listed or field labeled as reconditioned. The second states that the equipment can be reconditioned per the instructions provided by the OEM.

  A third option (C) is permitted when either option (A) or (B) will not work. The authority having jurisdiction (AHJ) is permitted to approve reconditioned equipment when listing, field labeling, and OEM guidance are unavailable.

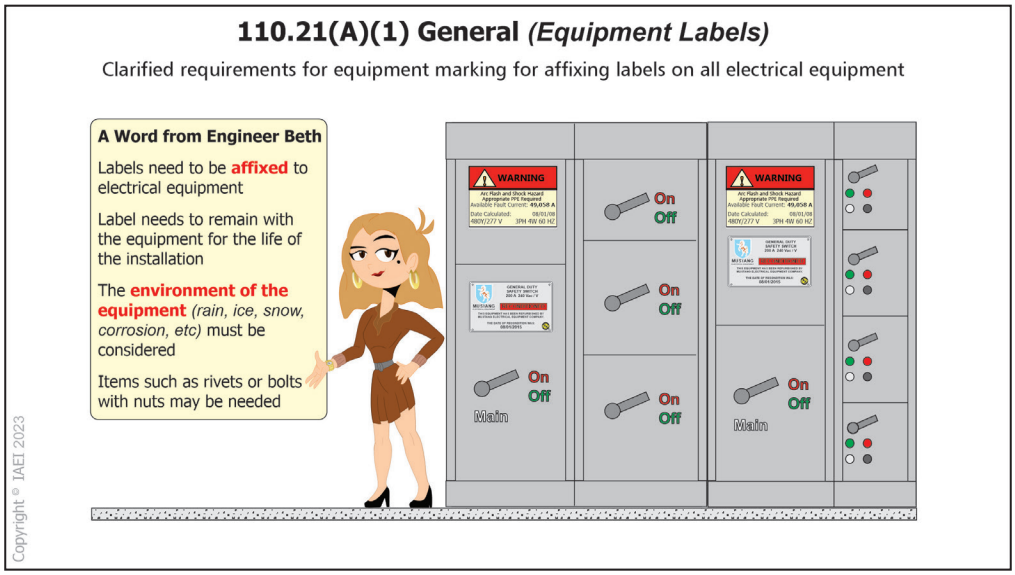
  This addition grants the AHJ the ability to review the documentation regarding the chang-

es that have been made to the equipment. Based on this review, the AHJ may be able to approve the equipment.

- **How this will affect the electrical industry:** This new section provides the electrical professional with guidelines for inspecting, evaluating, and approving reconditioned equipment. It should alleviate frustration in the field between installers, manufacturers, and AHJs when this equipment is being installed or being considered for repair or replacement.

IAEI Codes and Standards Committee

110.21(A)(1)
Equipment Markings



110.21(A)(1) General

- **Type of change:** Revision

- **The change:** CMP-1 made changes in Section 110.21(A)(1) to requirements for equipment marking to clarify how to apply or affix labels on all electrical equipment.

- **Why it happened:** The revision will clarify how to apply labels on electrical equipment for the safety of the equipment. There is a need to apply or affix labels onto the equipment instead of using the term "placed on the equipment." *NEC* 2020 simply mentioned placing the label on the equipment. The new requirement of applying or affixing labels onto all equipment will make sure the label stays there permanently and does not fall off with the passage of time.

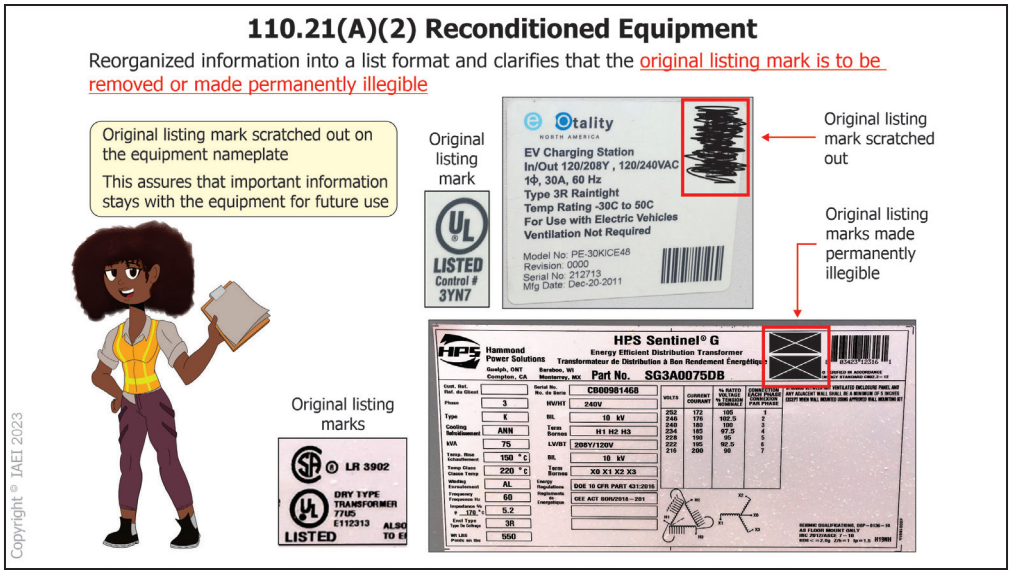
- **How this will affect the electrical industry:** The requirement for a permanent label is important for the inspectors and installers to understand for better compliance in the field. Steps must

be evaluated as to the longevity of these labels in the various environment that equipment is placed into service.

Mohinder (Paul) Sood, CMP-1

110.21(A)(2)

Markings — Reconditioned Equipment



110.21(A)(2) Reconditioned Equipment

- **Type of change:** Revision

- **The change:** CMP-1 has reorganized information in Section 110.21(A)(2) into a list format and clarifies that the original listing mark is to be removed or made permanently illegible.

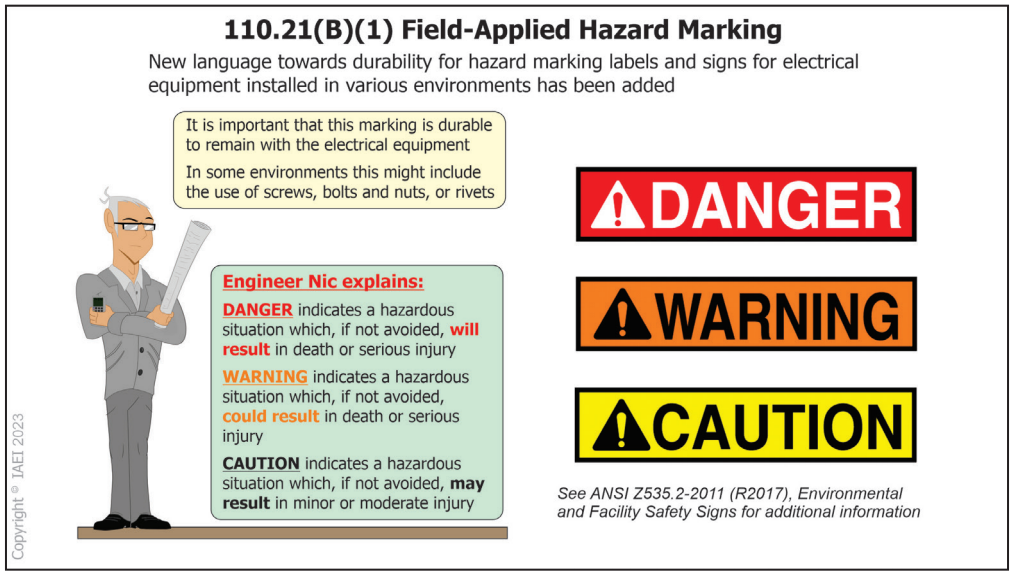
- **Why it happened:** The information in a sentence format has been placed into a list format making it easier to follow and understand. Clarification that the original listing mark is to be removed or made permanently illegible versus a misunderstanding by some that the nameplate should be removed assures that important information stays with the equipment for future use. This text further seeks to clarify that the approval of this equipment should not be based on the original listing mark.

- **How this will affect the electrical industry:** This change clarifies for the electrical professional what mark needs to be removed and that it is important for the equipment nameplate to remain with the equipment. It will ensure the equipment can be maintained and serviced properly in the future.

IAEI Codes and Standards Committee

110.21(B)(1)

Markings — Field-Applied Hazard Marking



110.21(B)(1) Field-Applied Hazard Marking

- **Type of change:** Revision

- **The change:** CMP-1 added language in Section 110.21(B)(1) towards durability for hazard marking labels and signs for electrical equipment installed in various environments.

- **Why it happened:** A field-applied hazard marking is an important sign or label. It is important that this marking is durable to remain with the electrical equipment in wet, damp, dry, or even corrosive environments. This change applies to signs and labels attached to items such as ingress and egress doors to areas that contain electrical equipment. In some environments, this might include the use of rivets to assure these hazard markings (caution, warning, or danger) are securely attached.

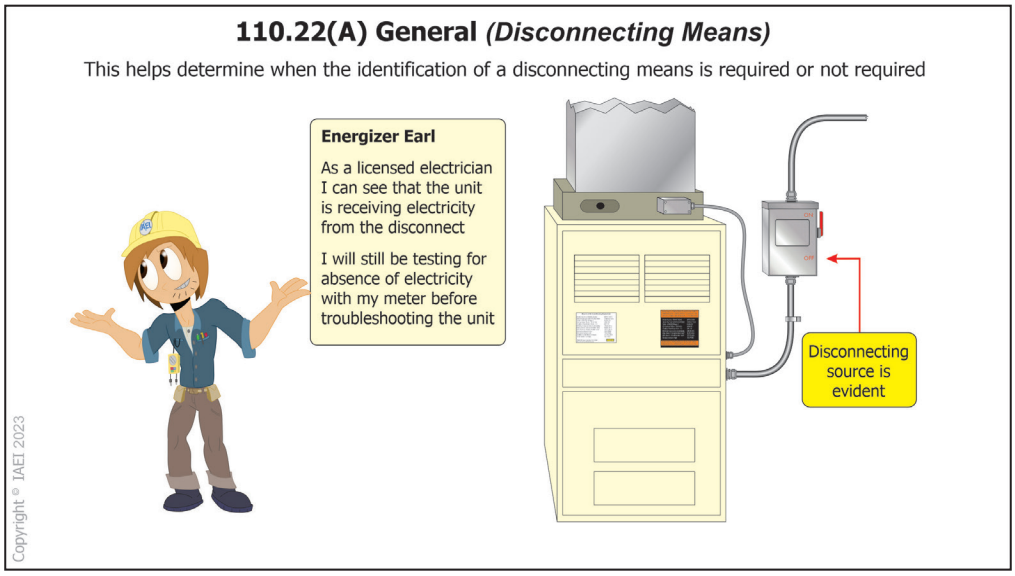
  Informational Note No. 1 references ANSI Z535.2-2011 (R2017), *Environmental and Facility Safety Signs*. This standard offers guidance towards the design and placement of signs and labels in various environments on electrical equipment.

- **How this will affect the electrical industry:** The installer and the inspector will need to conduct an assessment to make sure that the marking will stay adhered to the electrical equipment. These requirements will ensure the safety of the electrical professional as well as keep important hazard labels and signs where they need to be installed.

IAEI Codes and Standards Committee

110.22(A)

Identification of Disconnecting Means

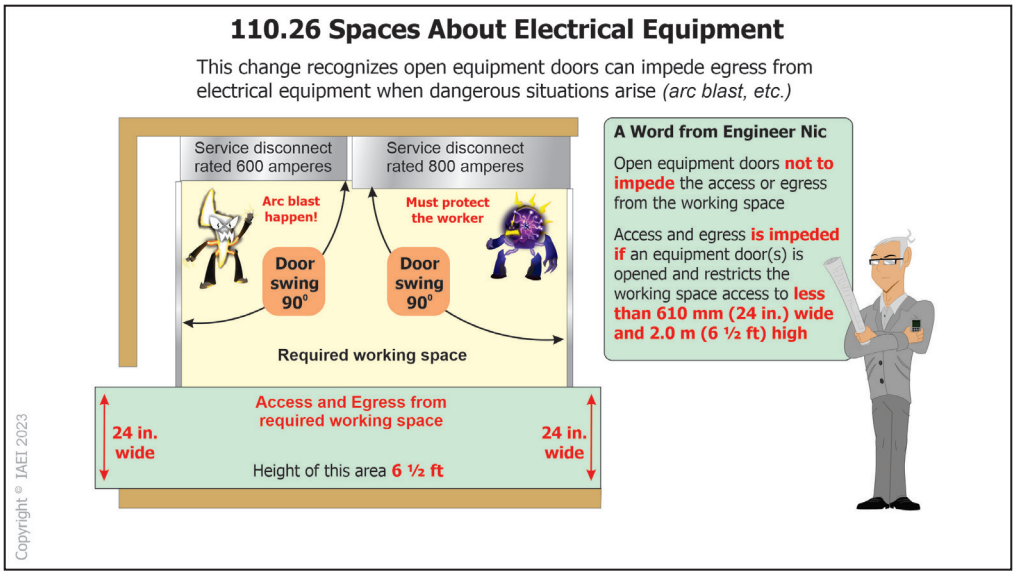


110.22(A) General

- **Type of change:** Revision
- **The change:** CMP-1 added text to clarify when the identification of a disconnecting means is required or not required.
- **Why it happened:** The revision will make it clear that identification of disconnecting is not required when the location of the circuit source is evident.
- **How this will affect the electrical industry:** This change will assist the installer and authority having jurisdiction (AHJ) in clarifying that identification of disconnecting means is not required when the location of the circuit source is evident. An example could be the disconnecting means for a water heater or furnace installed close to an electrical panel enclosing the disconnecting means.

Mohinder (Paul) Sood, CMP-1

110.26
Spaces About Electrical Equipment



110.26 Spaces About Electrical Equipment

- **Type of change:** Relocation

- **The change:** Substantiation was received by CMP-1 concerning equipment doors and their interference with egress and access from working space. As a result, text was relocated from (A)(2)(b) in Section 110.26, as it concerns more than just working space width. Access to egress from working space requirements have been clarified in Section 110.26 for equipment 1000 volts, nominal, or less.

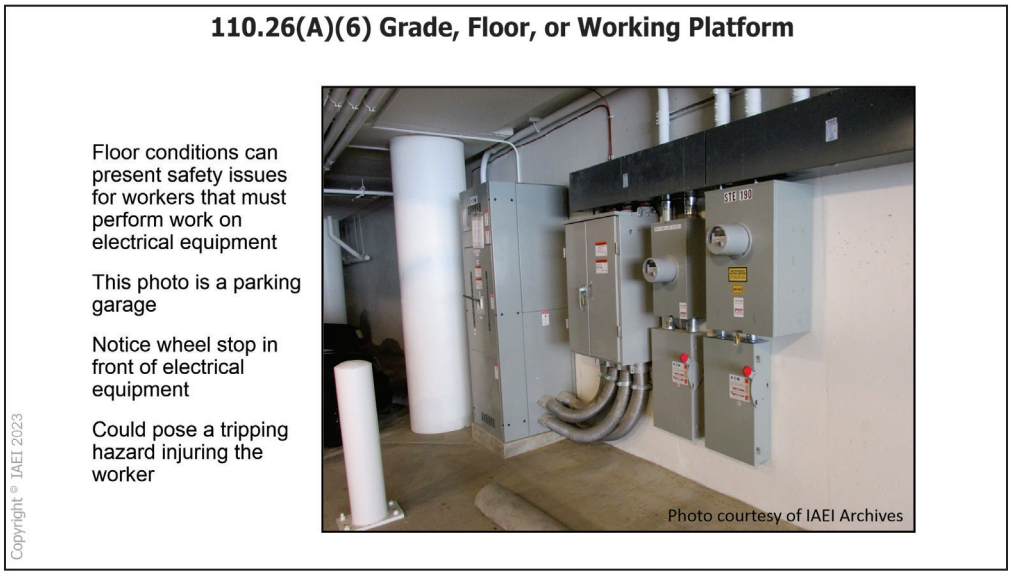
- **Why it happened:** It has been observed that several installations violated the previous *Code* language involving this working space. Worker entrapment by equipment doors can cause serious injury or death. This change recognizes open equipment doors may impede egress from electrical equipment when dangerous situations arise. It was determined that access and egress is impeded if an equipment door(s) is opened and restricts the working space access to less than 610 mm (24 in.) wide and 2.0 m (6 ½ ft) high.

- **How this will affect the electrical industry:** This change recognizes a serious safety concern to the electrical professional and adds specific language to help reduce serious injury or death from occurring. These requirements need to be installed correctly at the initial installation, and the AHJ will play a vital part in making sure these requirements are adhered to in the field.

Greg Chontow and Mohinder (Paul) Sood, CMP-1

110.26[A][6]

Grade, Floor, or Working Platform



110.26(A)(6) Grade, Floor, or Working Platform

- **Type of change:** New

- **The change:** CMP-1 added a new list item (6) at 110.26(A) to address the working space conditions of the floor at electrical equipment locations, emphasizing a need to be clear of objects and level and flat as practical.

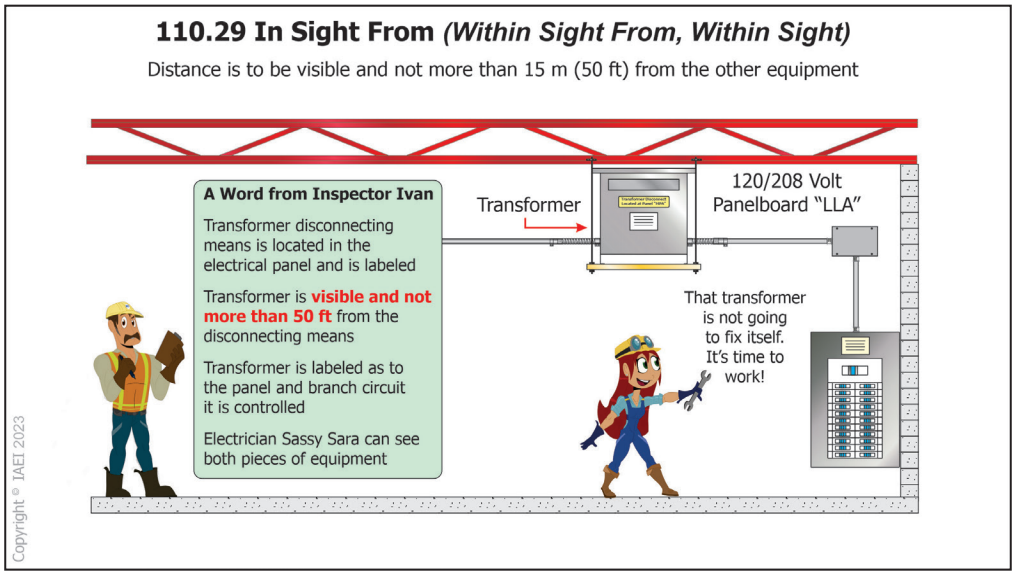
- **Why it happened:** Adding this language addresses floor conditions located at electrical equipment. Items such as the floor or platform being flat in the working space were not addressed by previous editions of the *Code*. These conditions are safety issues for workers that must perform work on electrical equipment. The AHJ needs guidance so that the initial installation is installed in a compliant manner. This change will clarify that working clearance space shall be kept clear, level and flat as practical for the entire required depth and width of the working space.

- **How this will affect the electrical industry:** This change will assist the installer and inspection authorities to apply the code requirements uniformly and avoid any issues at the time of inspection. When the electrical professional works on energized or non-energized electrical equipment, the floor condition should not add to safety concerns. This new requirement applies to the floor space that encompasses the required depth and width of the working space.

Greg Chontow and Mohinder (Paul) Sood, CMP-1

110.29

In Sight From (Within Sight From, Within Sight)



110.29 In Sight From (Within Sight From, Within Sight)

- **Type of change:** New

- **The change:** New Section 110.29 has been added by CMP-1 to address electrical equipment and the term "In Sight From."

- **Why it happened:** The term "in sight from" appears several times throughout the *NEC*. This information has been added to Article 110 as general requirements so it would be utilized throughout the *NEC*. This new section adds applicability and useability of the phrase that is used throughout the *Code*. This helps address *NEC Style Manual* issues that state definitions shall not contain requirements or recommendations.

- **How this will affect the electrical industry:** Section 110.29 will help the electrical professional apply this phrase correctly when used with electrical equipment requirements. This distance is to be visible and not more than 15 m (50 ft) from the other equipment, which is consistent with the previous edition of the *Code*. Refer to revised definition found in Article 100.

Greg Chontow and Mohinder (Paul) Sood, CMP-1

110.33(A)

Entrance to Enclosures and Access to Working Space



110.33(A) Entrance

- **Type of change:** Revision
- **The change:** Requirements for access and egress from working space for equipment over 1000 volts, nominal, was revised and clarified in Section 110.33(A) by CMP-1.
- **Why it happened:** It was substantiated that the access or egress is impeded by opened equipment doors in some situations. Conditions that restrict working space access or egress to less than 610 mm (24 in.) wide and 2.0 m (6 ½ ft) high make it a safety concern for the worker due to entrapment.
- **How this will affect the electrical industry:** This change will assist the electrical professional to maintain and inspect the electrical equipment in a safe manner as mentioned in section 90.1 of *NEC*.

Mohinder (Paul) Sood, CMP-1

110.34(A)
Work Space and Guarding



110.34(A) Working Space and Guarding

- **Type of change:** Revision

- **The change:** Section 110.34(A) was revised by CMP-1 to address the condition of the work surface making up the floor, grade, or platform area within the working space of electrical equipment 1000 volts, nominal, and above.

- **Why it happened:** This change will clarify that the working clearance space shall be kept clear, level, and flat as practical for the entire required depth and width of the working space. This will help ensure the safety of the worker.

- **How this will affect the electrical industry:** This change will assist the electrical professional in applying the code requirements uniformly and avoiding any issues at the time of inspection. This situation needs to be addressed by the installer and authority having jurisdiction (AHJ) at the time of installation and inspection to assure safety during the life of the electrical installation.

Mohinder (Paul) Sood, CMP-1

CHAPTER 2

WIRING AND PROTECTION

Articles 210-250



210.2
Reconditioned Equipment



210.2 Reconditioned Equipment

- **Type of change:** Relocation

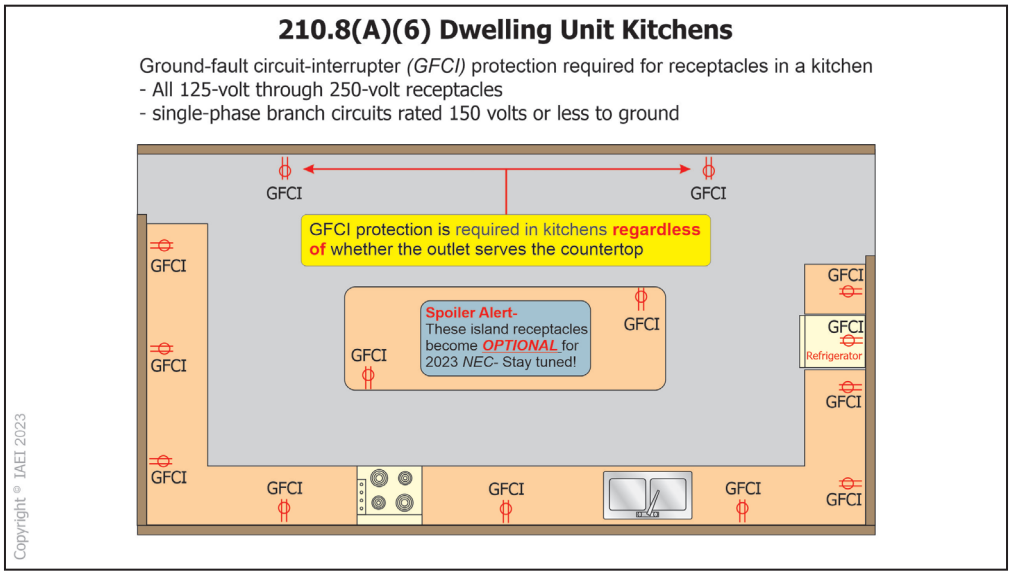
- **The change:** The information concerning reconditioned equipment has been relocated by CMP-2 from 210.15 to 210.2 as it applies to branch circuits. (Note: the xxx.2 sections within various chapters will become placeholders for information concerning reconditioned equipment.)

- **Why it happened:** Reconditioned equipment text has been reviewed and modified to remove redundant language in accordance with *NEC Style Manual,* Section 4.1.1. The NEC Correlating Committee recommended for CMP-2 to move reconditioned equipment information to a standardized placeholder found within the various articles that mentioned this topic to improve the useability of the *Code*.

- **How this will affect the electrical industry:** The removal of redundant text and creating a standard location within various articles (xxx.02) containing information about reconditioned equipment will make the *NEC* more user-friendly.

Joseph Wages, Jr., CMP-2

210.8[A][6]
Dwelling Units- Kitchens



210.8(A)(6) Dwelling Units- Kitchens

- **Type of change:** Revision

- **The change:** Ground-fault circuit-interrupter (GFCI) protection has been expanded in Section 210.8(A)(6) to include any cord-and plug equipment in the kitchen, regardless of whether the outlet serves the countertop.

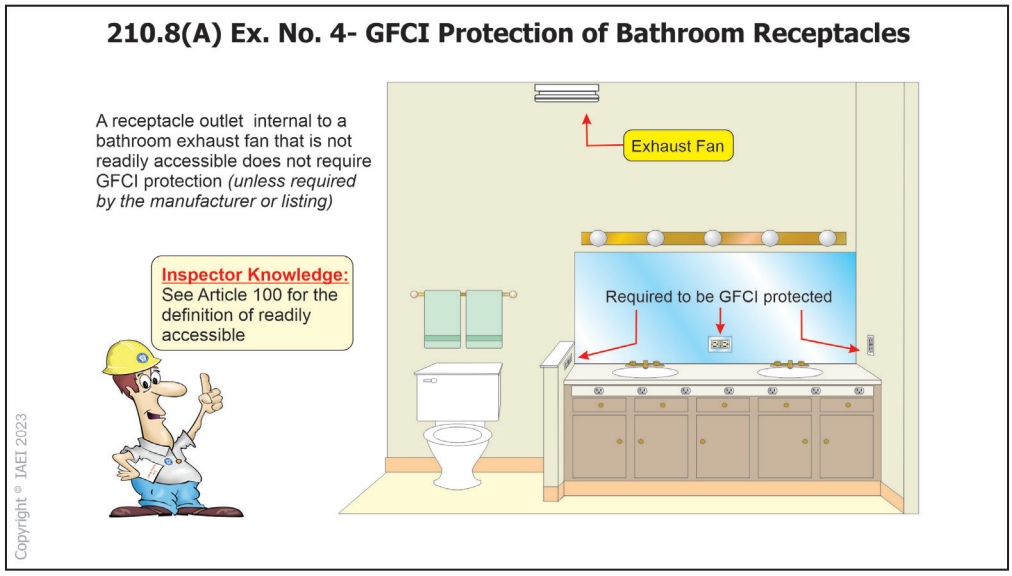
- **Why it happened:** There have been 104 electrocutions that have taken place from 2011 to 2022 based on the consumer products safety commission (CPSC) database. Eighty-one percent of these were working on an appliance or other equipment. GFCI protection should be installed to protect a person(s) working with cord-and-plug appliances or equipment. The proximity of the appliance to water isn't the only source of electrical danger. Most appliances and equipment contain a power supply and some sort of a grounded frame. This combination allows for the possible completion of a current route posing an electrical risk to the user.

- **How this will affect the electrical industry:** The electrical professional will need to be aware that GFCI protection is now required for all 125-volt through 250-volt receptacles within the kitchen and not just those that are serving countertop locations.

Joseph Wages, Jr., CMP-2

210.8(A)

Dwelling Unit Bathroom- Exception No. 4 Exhaust Fan Receptacle(s)



210.8(A) Dwelling Unit Bathroom- Exception No. 4 Exhaust Fan Receptacle(s)

- **Type of change:** New

- **The change:** A new exception was added by CMP-2 to Section 210.8(A) to help the installer and enforcer understand ground-fault circuit-interrupter (GFCI) protection requirements for factory-installed exhaust fan receptacles.

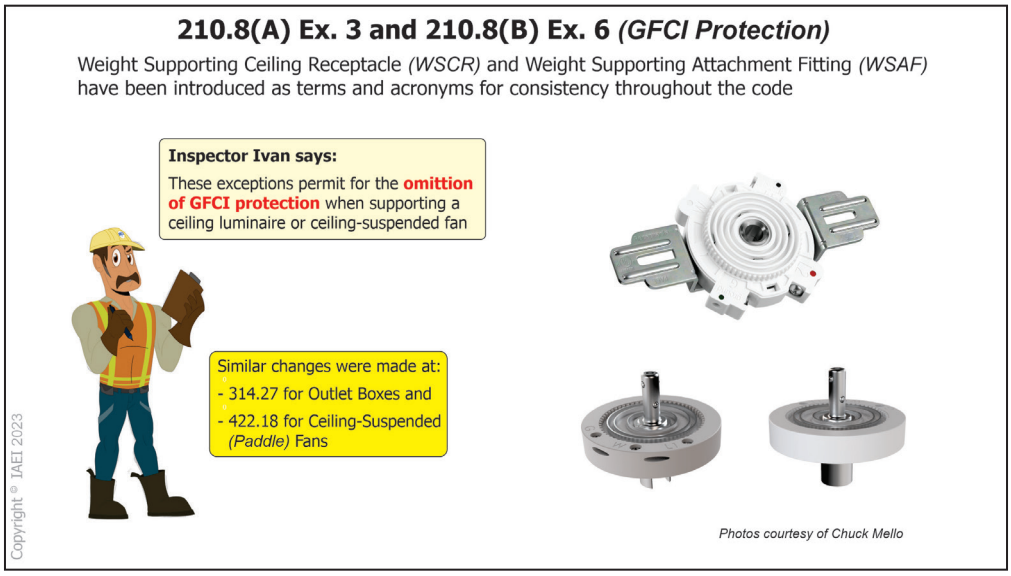
- **Why it happened:** There was confusion as to if a receptacle found within an exhaust fan installed in the bathroom required GFCI protection. It was determined that these receptacles do not require GFCI protection unless required by the installation instructions or the listing. There is language that specifies that these are not readily accessible and that the receptacles be installed integral to the bathroom exhaust fan assembly.

- **How this will affect the electrical industry:** This exception should alleviate disagreements between the installer and the inspector regarding the need for GFCI protection for exhaust fan assemblies found in bathrooms within dwelling units.

Joseph Wages, Jr., CMP-2

210.8(A) EXCEPTION 3 AND 210.8(B)

GFCI Protection for Personnel



210.8(A) Exception 3 and 210.8(B) GFCI Protection for Personnel

- **Type of change:** Relocation / Revision

- **The change:** CMP-2 utilized two new terms and acronyms for "Weight Supporting Ceiling Receptacle (WSCR)" and "Weight Supporting Attachment Fitting (WSAF)" for consistency throughout the code. Also, 210.8(A) Exception 3 and 210.8(B) Exception 6, along with the others, were relocated to the end of 210.8(A) and 210.8(B) as part of the reorganization of 210.8.

- **Why it happened:** The WSCR has a new definition in Article 100, and the WSAF had its term and definition modified with the acronym added. Similar nomenclature changes were made in 314.27 and 422.18. The relocation of the exceptions to the end of each section brings this into compliance with the *NEC Style Manual*. The exception text was revised to apply the new defined terms "Weight Supporting Ceiling Receptacle (WSCR)" and "Weight Supporting Attachment Fitting (WSAF)," including the acronyms.

- **How this will affect the electrical industry:** The weight supporting ceiling receptacle, previously known as the "listed locking support and mounting receptacle" with associated "attachment fitting," has been in the *NEC* since the 2017 cycle and is available to installers. These changes should allow electrical professionals a much easier term to be used along with the acronym for the electrical industry.

Chuck Mello, IAEI Contributor

210.8(B)(4)
Other Than Dwelling Units



210.8(B)(4) Other Than Dwelling Units

- **Type of change:** New

- **The change:** CMP-2 added buffet serving areas to the list of locations requiring ground-fault circuit-interrupter (GFCI) protection in Section 210.8(B)(4).

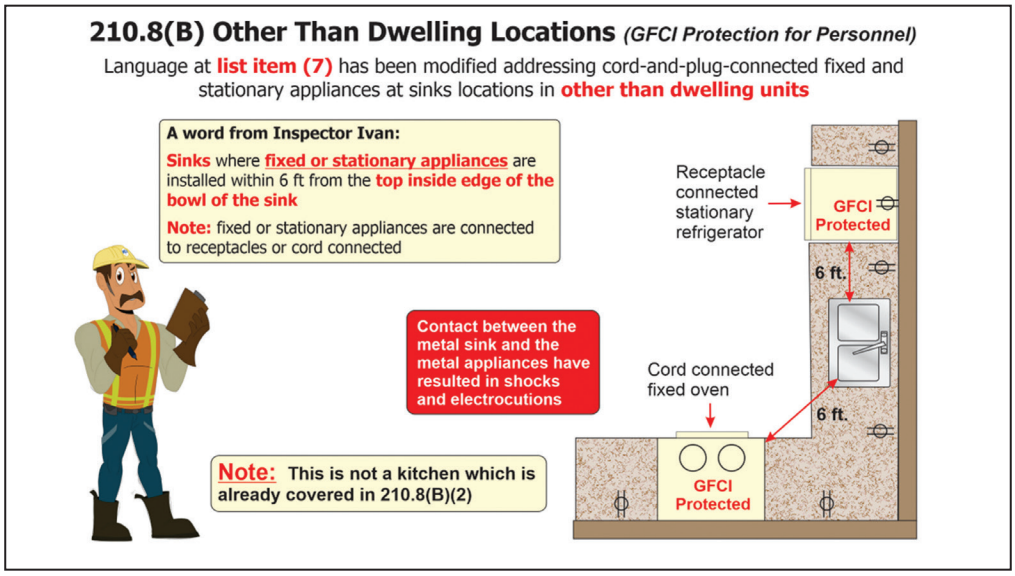
- **Why it happened:** The buffet serving area typically contains various food wells which hold hot water. Customers or staff members touching the stainless steel are subject to electric shock in the event of an accident. It was demonstrated that these locations are similar in safety concerns to surfaces located in kitchens. Due to the identified risk associated with these buffet serving units, CMP 2 has added GFCI protection.

- **How this will affect the electrical industry:** The electrical professional will need to ensure that any 125-volt through 250-volt receptacle supplied by a single-phase branch circuit and 150 volts or less to ground and 50 amperes or less is provided with GFCI protection. This addition will also apply to any receptacle supplied by three-phase branch circuits of 150 volts or less to ground, 100 amperes or less. It will provide protection from potential shock hazards at these locations.

Joseph Wages, Jr., CMP-2

210.8[B][7]

GFCI Protection for Personnel



210.8(B)(7) Other Than Dwelling Units, Sinks

- **Type of change:** New

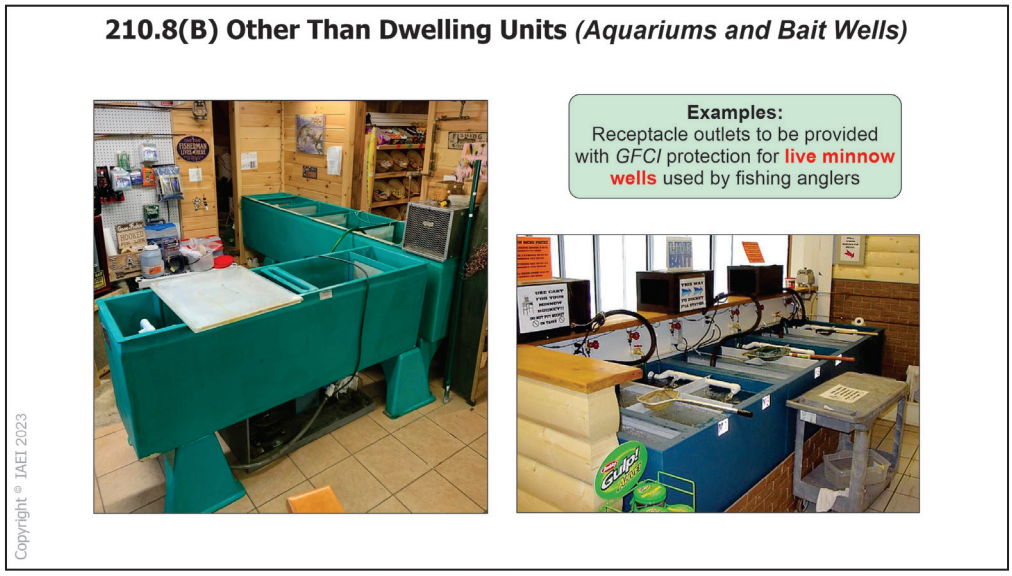
- **The change:** CMP-2 added "cord-and-plug-connected fixed and stationary appliances" to the existing language for sink locations.

- **Why it happened:** Substantiation indicated the electrical hazard was with the appliance being closer to the sink rather than the location of the receptacle. Fixed or stationary appliances such as a refrigerator or range are typically constructed of metal. These items can be located within 6 feet of a sink. A person at the sink that makes contact with these metal appliances has been injured or killed as a result. This action was necessary to prevent needless electrocutions or shocks to people from occurring.

- **How this will affect the electrical industry:** This change will require the electrical professional to provide GFCI protection for fixed or stationary appliances that are within 6 feet of the top inside edge of the bowl of a sink. Previously this measurement was taken from the top inside edge of the bowl of a sink to the receptacle to determine if GFCI protection was necessary. The electrical professional will need cooperation from the builder as to where fixed or stationary appliances will be located around sinks.

Joseph Wages, Jr., CMP-2

210.8(B)(13)
Aquariums and Bait Wells



210.8(B)(13) Other Than Dwelling Locations. (13) Aquariums and Bait Wells

- **Type of change:** New

- **The change:** Section 210.8(B) added a new numbered list item (13) dealing with aquariums and bait wells in areas that are other than dwelling units. This change requires that receptacles installed within 1.8 m (6 ft.) of aquariums, bait wells, and similar open aquatic vessels or containers be provided with ground-fault circuit-interrupter (GFCI) protection.

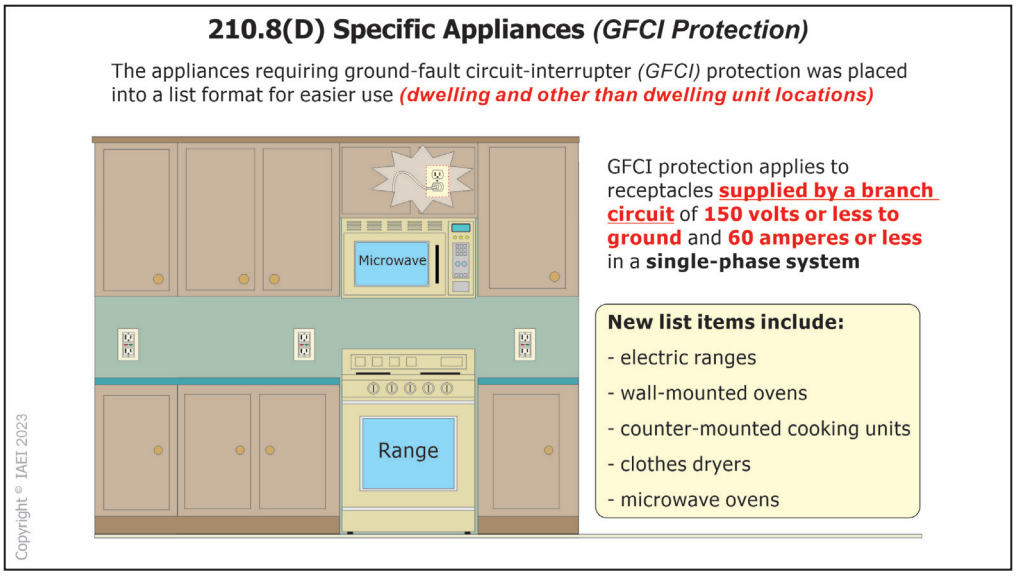
- **Why it happened:** The areas around bait wells, aquariums, and the like tend to be wet conductive locations where various types of electrical equipment are used. Equipment such as aerators, luminaires, and pump motors are examples. GFCI protection of the receptacle from which this equipment is connected will provide those that may come in contact with the open aquatic vessels a level of protection from electrical currents that may be induced on the conductive portions of the vessel or nearby conductive surfaces.

- **How this will affect the electrical industry:** The electrical professional will need to provide GFCI protection for these locations as a significant shock and electrocution hazard may exist.

David Humphrey, CMP-2

210.8(D)

Dwelling Units — Specific Appliances



210.8(D) Dwelling Units — Specific Appliances

- **Type of change:** Revision

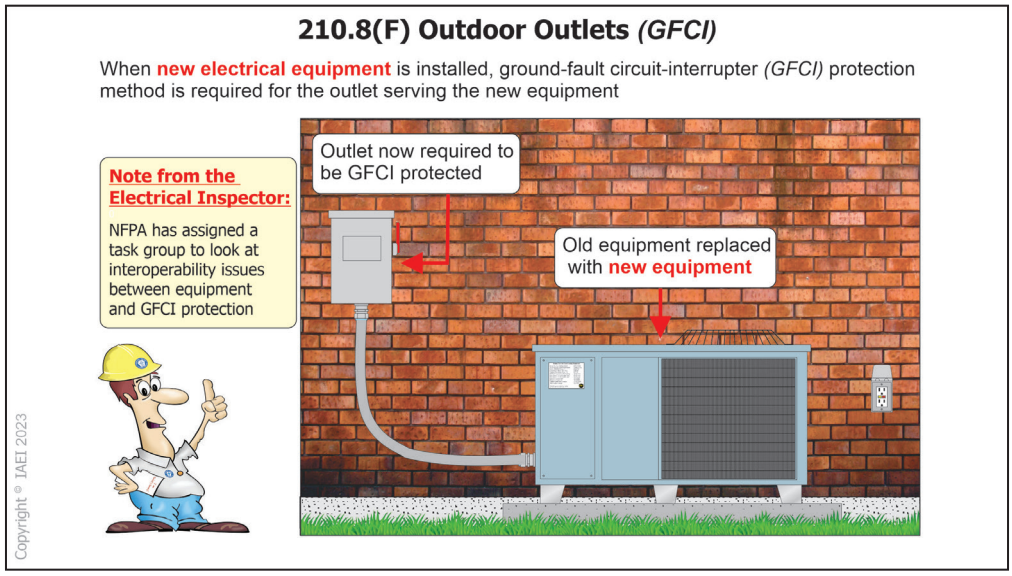
- **The change:** The appliance information at 210.8(D) requiring ground-fault circuit-interrupter (GFCI) protection was placed into a list format by CMP-2 for easier use. In the 2020 *NEC*, 210.8(D) did not include any specific appliances, rather it provided prescriptive requirements for achieving GFCI for appliances listed in a pointer to 422.5

- **Why it happened:** It was determined that users of the *Code* appreciate list items more than long-running sentences of text. Section 210.8(D) will also include five new appliances. These additional appliances can be hard-wired to outlets and would not meet the requirements to be GFCI protected. A shock hazard can exist with hard-wired equipment as well as cord-and-plug connected equipment.

- **How this will affect the electrical industry:** Users of the *Code* will find that appliances appear in a list format. New appliances on the list that require ground-fault circuit-interrupter (GFCI) protection include electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and microwave ovens. This will apply to a branch circuit or outlet supplied by 150 volts or less to ground and 60 amperes or less in a single-phase or three-phase system.

Joseph Wages, Jr., CMP-2

210.8(F)
Outdoor Outlets



210.8(F) Outdoor Outlets

- **Type of change:** Revision
- **The change:** A new requirement has been added to 210.8(F) by CMP-2 that will require when equipment that is supplied by an outlet covered under the requirements of this section is replaced, the outlet shall be GFCI protected.
- **Why it happened:** This change addresses the issue of older existing outlets that are not GFCI protected when new or replacement equipment is provided. This change will increase the overall level of safety by providing the same level of protection as a new outlet.
- **How this will affect the electrical industry:** Designers and installers should be prepared to provide the same level of GFCI protection for equipment installed in the areas specified in Section 210.8(F), regardless of whether the outlet is new or existing.

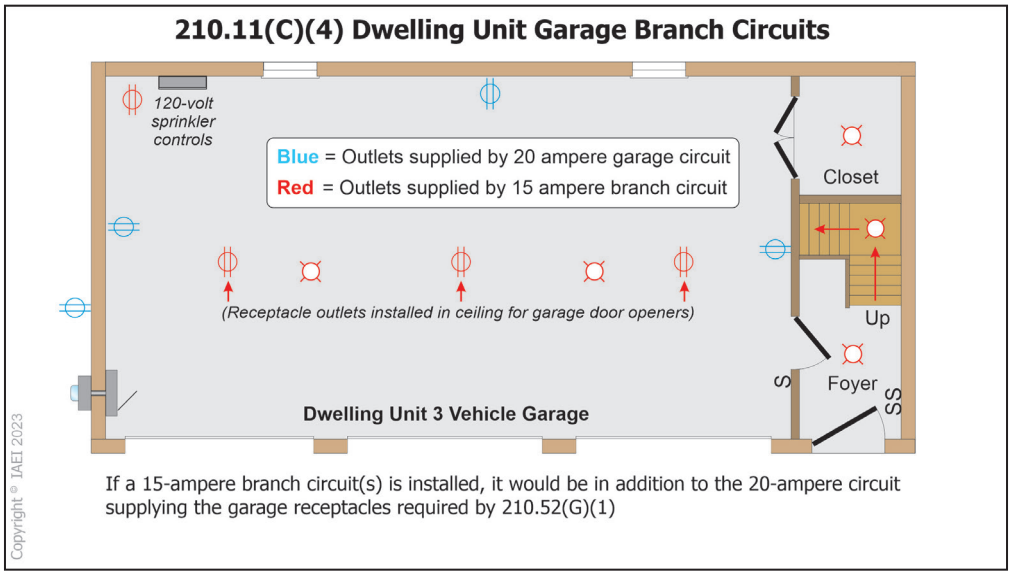
David Humphrey, CMP-2

Notice: TIA 23-3 (TIA Log #1664) created Exception No. 2 stating that GFCI protection not required for listed HVAC equipment

This exception will expire September 1, 2026

210.11(C)(4)

Garage Branch Branch Circuits



210.11(C)(4) 210.11 Branch Circuits Required. (C) Dwelling Units. (4) Garage Branch Circuits

- **Type of change:** Revision

- **The change:** The text was revised at Section 210.11(C)(4) by CMP-2, clarifying that 15-ampere branch circuits are permitted to serve receptacle outlets installed in a dwelling unit garage that are in addition to the receptacle outlets required by 210.52(G)(1).

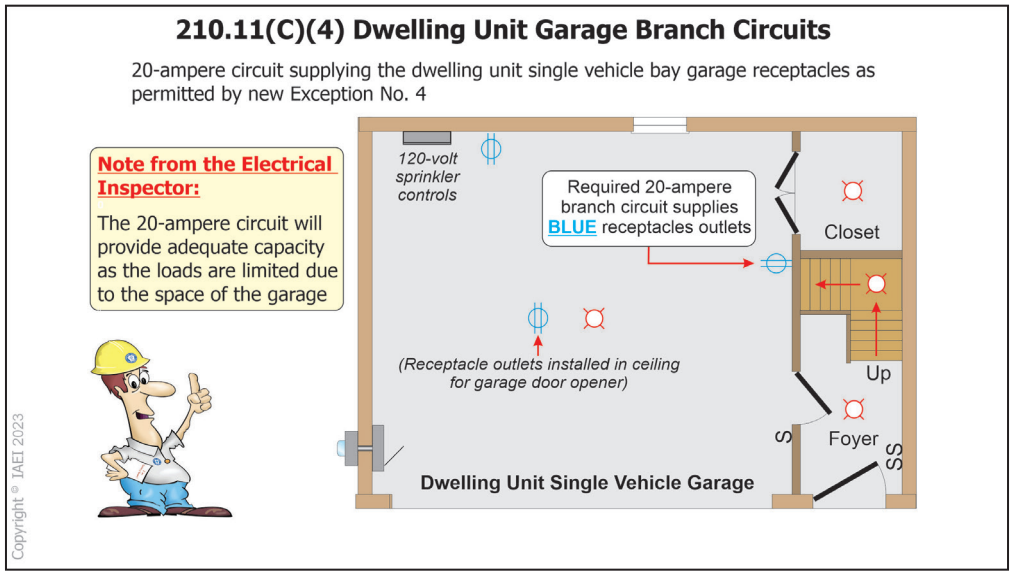
- **Why it happened:** Often equipment such as a central vacuum unit or garage door opener is allowed to be supplied by a branch circuit that limits ampacity to 15 amperes. Additionally, receptacles installed to supply equipment that may be adequately served by a fifteen-ampere branch circuit are now clearly permitted to do so. If a 15-ampere branch circuit(s) is installed, it would be in addition to the 20-ampere circuit supplying the required garage receptacles and, as such, would not diminish the required 20-ampere circuit capacity.

- **How this will affect the electrical industry:** The previous edition of the *NEC* may have led the user of the *Code* to incorrectly deduce that all garage receptacles, even those not required by 210.52(G)(1), be on a 20-ampere rated branch circuit. This clarification will help all electrical professionals have a greater understanding of the requirements in this location.

David Humphrey, CMP-2

210.11(C)(4)

Garage Branch Branch Circuits, Exception #2



210.11(C)(4) 210.11 Branch Circuits Required. (C) Dwelling Units. (4) Garage Branch Circuits. Exception No. 2

- **Type of change:** New

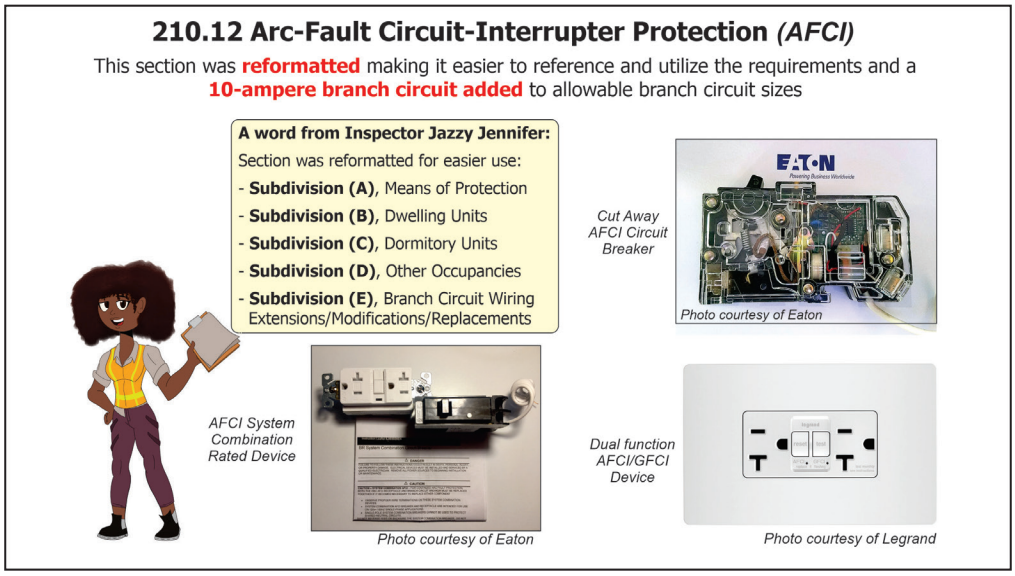
- **The change:** A new exception (4) was added by CMP-2 to Section 210.11(C)(4), permitting the 20-ampere circuit supplying a single-vehicle bay garage to supply other equipment in accordance with requirements in 210.23(A)(1) and (A)(2).

- **Why it happened:** A single bay garage is only mandated to be provided with one receptacle outlet on the 20-ampere branch circuit. This will provide adequate circuit capacity to supply other loads that are likely to be limited in number due to the reduced space availability in the garage.

- **How this will affect the electrical industry:** By utilizing Exception No. 2, the electrical professional can utilize a single 20-ampere branch circuit to supply a single car attached garage rather than installing additional circuits for other equipment within the single car garage area.

David Humphrey, CMP-2

210.12
Arc-Fault Circuit-Interrupter Protection



210.12 Arc-Fault Circuit-Interrupter Protection

- **Type of change:** New

- **The change:** CMP-2 reformatted this section making it easier to reference and utilize the requirements as well as introduce 10-ampere branch circuits as an allowable branch circuit size.

- **Why it happened:** This revision was done to provide the user of the *Code* an easier way to find important references pertaining to AFCI requirements. The 10-ampere branch circuit was added to the branch circuit sizes allowed for these locations. Subdivisions were also renamed.

  Subdivision (A), *Means of Protection,* now lists the protection methods available.

  Subdivision (B), *Dwelling Units*, contains a list format of the locations requiring the 120-volt, single-phase, 10, 15, and 20-ampere branch circuit outlets or devices to have AFCI protection.

  Subdivision (C), *Dormitory Units,* contains a list format of locations requiring the 120-volt, single-phase, 10, 15, and 20-ampere branch circuit outlets or devices to have AFCI protection.

  Subdivision (D), *Other Occupancies*, contains a list format of locations requiring the 120-volt, single-phase, 10, 15, and 20-ampere branch circuit outlets or devices to have AFCI protection.

  Subdivision (E) is entitled *Branch Circuit Wiring Extensions, Modifications, or Replacements*.

- **How this will affect the electrical industry:** The reformatting of this section will be very helpful to the electrical professional when looking for various requirements that pertain to AFCI protection and the locations where this protection is required to be installed. The opportunity to utilize a 10-ampere branch circuit based on the specific requirements will also afford a degree of flexibility to the electrical professional.

Joseph Wages, Jr., CMP-2

210.12(D)(3)
AFCI, Other Occupancies



210.12(D)(3) Other Occupancies

- **Type of change:** New

- **The change:** Substantiation was received by CMP-2 to add rooms designed exclusively as sleeping rooms in places such as firehouses, rescue squads, police departments, and similar locations to be protected by one of the methods in 210.12(A)(1) through (A)(6). As a result, a new list item (3) was added to Section 210.12(D).

- **Why it happened:** These areas in the rooms described are occupied in much the same way as bedrooms of dwellings or as guest rooms of hotels and motels and should be provided with the same level of safety AFCI protection affords. Therefore, all 120-volt single-phase, 10, 15, and 20-ampere branch circuits supplying devices or outlets for these rooms are now required to be provided with AFCI protection.

- **How this will affect the electrical industry:** This new requirement will result in AFCI protection being incorporated into the building design in firehouses, rescue squads, police departments, and similar locations with rooms used exclusively as sleeping rooms.

David Humphrey, CMP-2

210.17
Guest Rooms and Guest Suites



210.17 Guest Rooms and Guest Suites

- **Type of change:** Revision

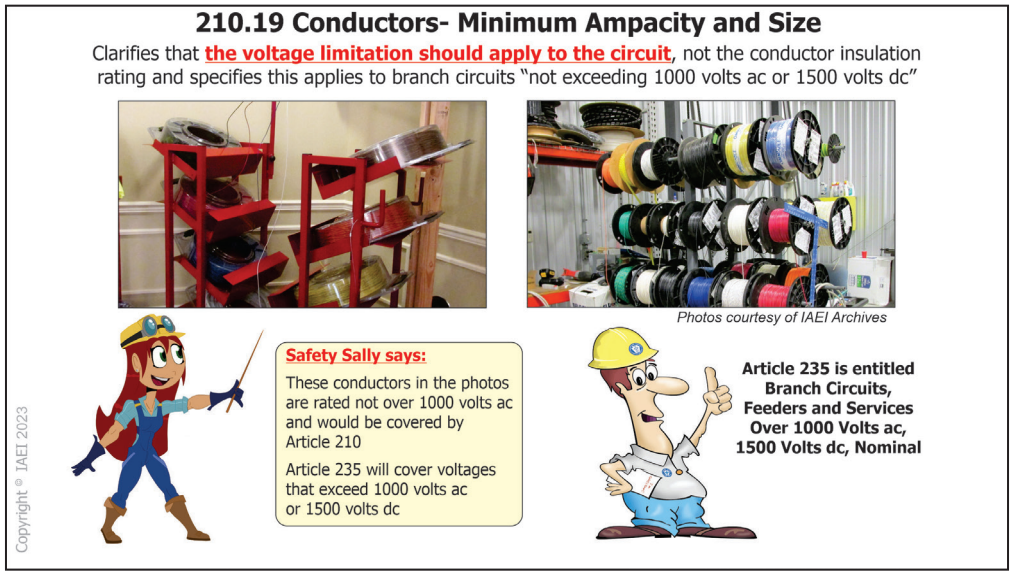
- **The change:** Section 210.17 was modified by CMP-2 to include assisted living facilities to the list of existing locations (guest rooms and guest suites) that were provided with a permanent means for cooking requiring them to have their branch circuits installed per the requirements for dwelling units.

- **Why it happened:** Assisted living facilities were seen as having the same characteristics as a guest room and guest suite. Therefore, they should observe the same branch circuit requirements as dwelling units. The previous locations in this section were placed into a list format for added clarity. Informational notes were also included for guidance with laundry branch circuits and direction towards the Life Safety Code for the definition of an assisted living facility.

- **How this will affect the electrical industry:** The electrical professional will need to be aware of these requirements when conducting electrical work for assisted living facilities. The list format will make this section more user-friendly in determining the locations that apply.

IAEI Codes and Standards Committee

210.19
Conductors – Minimum Ampacity and Size



210.19 Conductors – Minimum Ampacity and Size

- **Type of change:** Revision

- **The change:** CMP-2 clarified that the voltage limitation should apply to the circuit, not the conductor insulation rating, and specified that Section 210.19 applies to branch circuits not exceeding 1000 volts ac or 1500 volts dc.

- **Why it happened:** There was confusion in the field as to if the voltage limitation was applied to the circuit or if it applied to the insulation rating of the conductor. This has been clarified by the action of the code-making panel.

  Additionally, due to the creation of new Article 235, language was added at 210.19 stating that the section applies to not more than 1000 volts ac or 1500 volts dc. Article 235 is intended to apply to voltages over 1000 volts ac and 1500-volt dc.

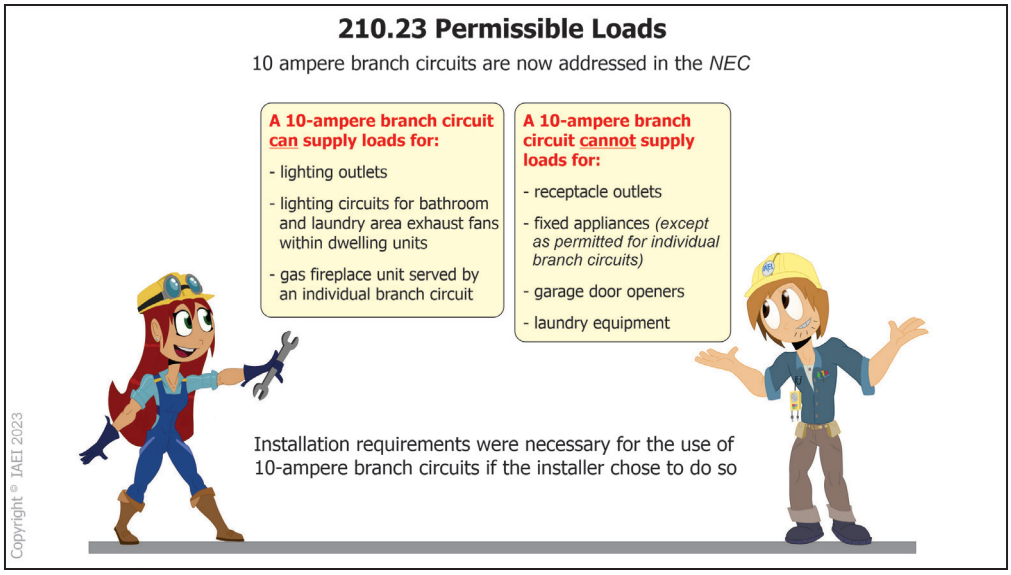
- **How this will affect the electrical industry:** There was confusion in the field as to if the voltage limitation was applied to the circuit or if it applied to the insulation rating of the conductor. This has been clarified by the action of the code-making panel.

  Additionally, due to the creation of new Article 235, language was added at 210.19 stating that the section applies to not more than 1000 volts ac or 1500 volts dc. Article 235 will apply and address requirements for voltages over 1000 volts ac and 1500-volt dc.

IAEI Codes and Standards Committee

210.23

Permissible Loads, Multiple-Outlet Branch Circuits
10 Ampere Branch Circuits- Permitted and Not Permitted



210.23 Permissible Loads, Multiple-Outlet Branch Circuits, 10 Ampere Branch Circuits- Permitted and Not Permitted

- **Type of change:** Revision

- **The change:** Information for the permitted and non-permitted use of a 10-ampere branch circuit has been developed by CMP-2 and implemented into existing Section 210.23.

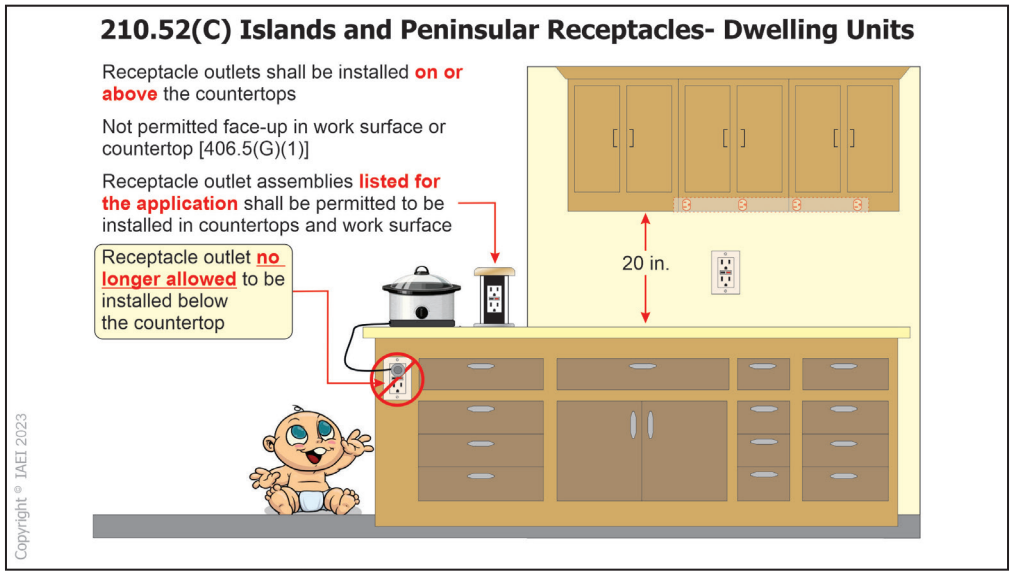
- **Why it happened:** Direction was necessary so that users of the *Code* understood how to install a 10-ampere branch circuit if they chose to do so. A 10-ampere load *can supply* lighting outlets, lighting circuits for bathroom and laundry area exhaust fans within dwelling units, and a gas fireplace unit served by an individual branch circuit. A 10-ampere branch circuit *cannot supply* receptacle outlets, fixed appliances (except as permitted for individual branch circuits), garage door openers, or laundry equipment.

- **How this will affect the electrical industry:** For instances when the installer installs or the AHJ inspects an installation involving a 10-ampere branch circuit, the above information will provide guidance to ensuring a compliant installation. The installation of a 10-ampere branch circuit is a choice. If you install a 10-ampere branch circuit, follow the permitted and not permitted use guidelines set forth by the *NEC*.

David Humphrey, CMP-2

210.52(C)

Island and Peninsular Countertops and Work Surfaces



210.52(C) Dwelling Units- Island and Peninsular Countertops and Work Surfaces

- **Type of change:** Revision

- **The change:** The requirement for receptacles serving the countertop or work surface of an island or peninsula has been made optional by CMP-2 in Section 210.52(C), but guidance for their location has been maintained when they are provided.

- **Why it happened:** Data compiled by the Consumer Products Safety Commission (CPSC) states 45 reports of burns or other injuries between January 1991 and 2020. An estimated 9,700 burns or other injuries were treated in U.S. hospital emergency rooms. These injuries were the result of spilling hot contents of countertop cooking appliances on children that came in contact with (pulled) the appliance cord. These resulted in second- and third-degree burn injuries, with 10 resulting in death. The investigations revealed that children and adults might pull power cords, or the cords may get snagged inadvertently when a person is walking by. A wheelchair-bound individual died from contents being pulled onto their lap area.

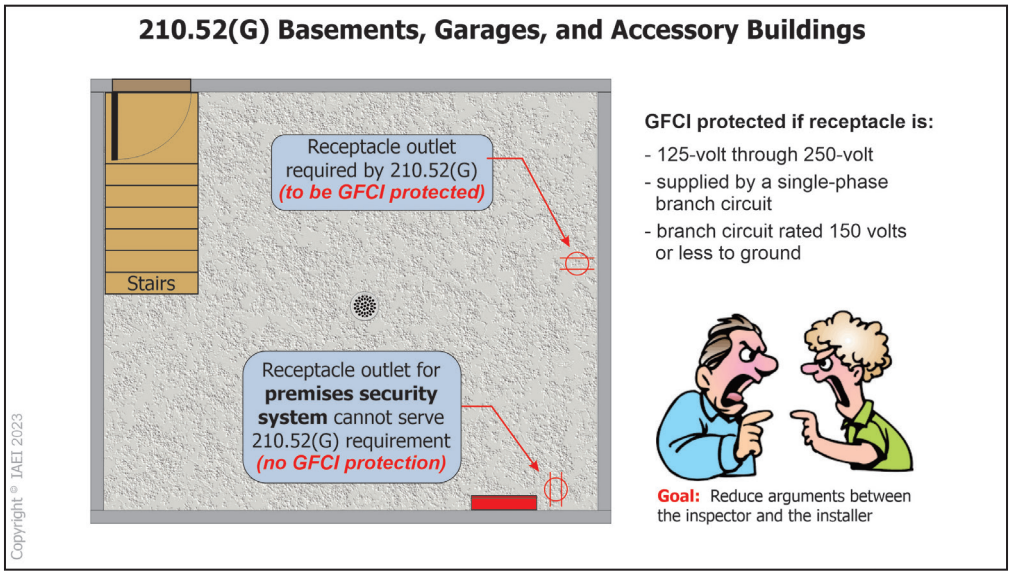
- **How this will affect the electrical industry:** The installation of a receptacle outlet for these locations will now be optional. The receptacle outlet will no longer be allowed to be placed on the side of an island or peninsular location. If a receptacle is desired, it will need to be in or on the countertop or worksurface. This decision will be made by the builder, homeowner, and/or electrical contractor. A city ordinance or amendment might also modify these *NEC* requirements.

  In the event a receptacle outlet is not provided for the island or peninsular countertop or work surface, the electrical contractor must provide a method to the island or peninsula for the future addition of a receptacle outlet. This could be a raceway to the island or peninsula location or a wiring method (example: NM cable in a box with cover) left in an accessible location.

Joseph Wages, Jr., CMP-2

210.52(G)

Basements, Garages, and Accessory Buildings



210.52(G) Basements, Garages, and Accessory Buildings

- **Type of change:** Revision

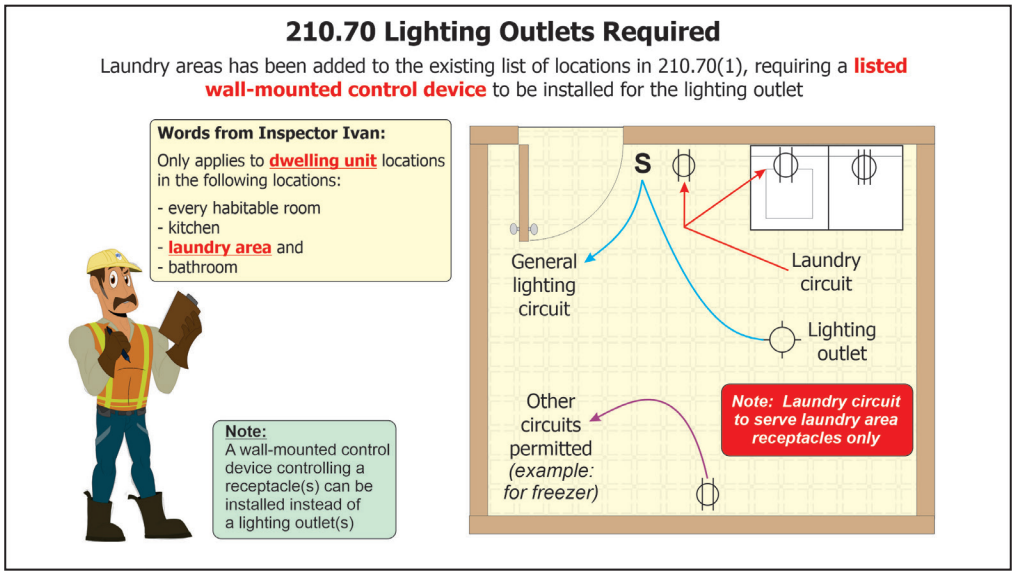
- **The change:** CMP-2 members clarified that the receptacle provided for premises security systems did not meet the receptacle requirements of 210.52(G).

- **Why it happened:** Reports were received about disagreements between installers and inspectors as to if the receptacle for a premises security system could serve these locations as the required receptacle required by 210.52(G). The change is being made to ensure that the required receptacles for the basement, garage, or accessory building are provided with ground-fault circuit-interrupter (GFCI) protection. Disagreements have arisen in the field concerning a receptacle that serves the premises security system that is not required to have GFCI protection and also meets the receptacle outlet required by 210.52(G).

- **How this will affect the electrical industry:** This change should correct any misunderstanding between installers and the authority having jurisdiction (AHJ) about the requirements for a GFCI receptacle outlet in the above locations that might also contain a premises security system.

Joseph Wages, Jr., CMP-2

210.70
Lighting Outlets Required



210.70 Lighting Outlets Required. (1) Habitable Rooms, Kitchens, Laundry Areas, and Bathrooms.

- **Type of change:** Revision

- **The change:** CMP-2 added laundry areas to the existing list of locations in 210.70(1), requiring a listed wall-mounted control device to be installed for the lighting outlet. Language was also added prohibiting a switch or wall-mounted control device to rely solely on a battery unless provided with a means to energize lighting outlets upon failure.

- **Why it happened:** A laundry area(s) deserves to be illuminated by a luminaire that is controlled by a wall-mounted control device located near the entrance to the room. The occupant is typically required to carry clothing or other items in this area. A wall-mounted control device controlling a receptacle(s) can be installed instead of a lighting outlet(s). This requirement only applies to laundry area(s) in dwelling unit locations.

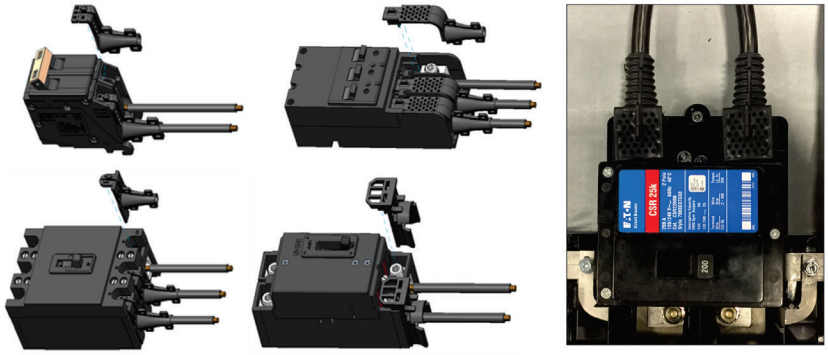
- **How this will affect the electrical industry:** It is uncertain that this will have an impact on the electrical industry. It has been observed that many installers have already been installing a wall-mounted switch at the entrance of the laundry area to control the laundry area luminaire. By adding the laundry area to the existing locations (every habitable room, kitchen, and bathroom), the *Code* specifically requires this to be done.

IAEI Codes and Standards Committee

215.15
Barriers

215.15 Barriers *(Feeders)*

When feeder taps or transformer secondary conductors supply **panelboards, switchboards, switchgear, or motor control centers,** there must be barriers installed at load terminations when such terminations remain energized when the disconnect for the taps *(or transformer secondary conductors)* is in the off *(open)* position



Photos courtesy of Eaton

215.15 Barriers

- **Type of change:** New

- **The change:** Substantiation was provided to CMP-10 that whenever feeder taps or transformer secondary conductors supply panelboards, switchboards, switchgear, or motor control centers, there must be added barriers at load terminations when such terminations remain energized when the disconnect for the taps (or transformer secondary conductors) is in the off (open) position. As a result, a new Section 215.15 was added.

- **Why it happened:** The change is a similar concept to the barrier requirements found in Section 230.62(C) of the 2020 *NEC*. The concern was that when feeder taps or transformer secondary wiring feed a panelboard, for example, the line terminal lugs to a main breaker for such panelboard would remain energized even when the main breaker is turned off. This new requirement would add safety to the installation by requiring covers or barriers over the line terminals to the main breaker.

- **How this will affect the electrical industry:** The new barrier requirements will provide additional safety for electrical workers. The barriers that we have seen for services were an easy and inexpensive fix, and there's potential to expand such requirements to include all disconnects and panelboards in future code cycles.

Doug Smith, CMP-10

215.18, 225.42, 230.67
Surge Protection



215.18, 225.42, 230.67 Surge Protection

- **Type of change:** Revision / New Sections

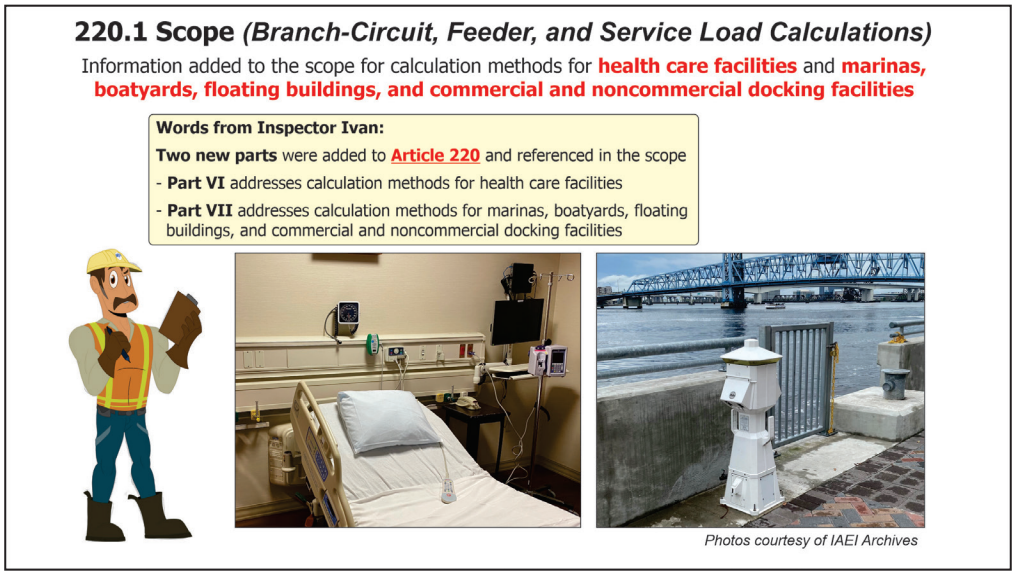
- **The change:** The requirements of 230.67 of the 2020 *NEC* were expanded for the 2023 *NEC* and added two new Sections 215.18 and 225.42. The new language requires Type 1 or 2 SPDs when a service or feeder supplies a dwelling unit, dormitory unit, guest rooms of hotels and motels, and sleeping rooms/areas of nursing homes and limited care facilities. The new requirements also specify that SPDs must have a nominal discharge rating not less than 10kA.

- **Why it happened:** Voltage surges can damage important sensitive equipment, such as smoke alarms, AFCIs, and GFCIs, for example. Such devices are especially important in areas where people sleep. The new rules have been expanded to ensure that SPDs are required not just for services but feeders supplying certain occupancies or areas used for sleeping.

- **How this will affect the electrical industry:** There will be added costs for installing the SPDs, especially for dormitory units, guest rooms of hotels and motels, and sleeping rooms/areas of nursing homes and limited care facilities. However, the safety of such electrical systems will be improved and public safety enhanced.

Doug Smith, CMP-10

220.1
Scope



220.1 Scope. (Branch-Circuit, Feeder, and Service Load Calculations)

- **Type of change:** New

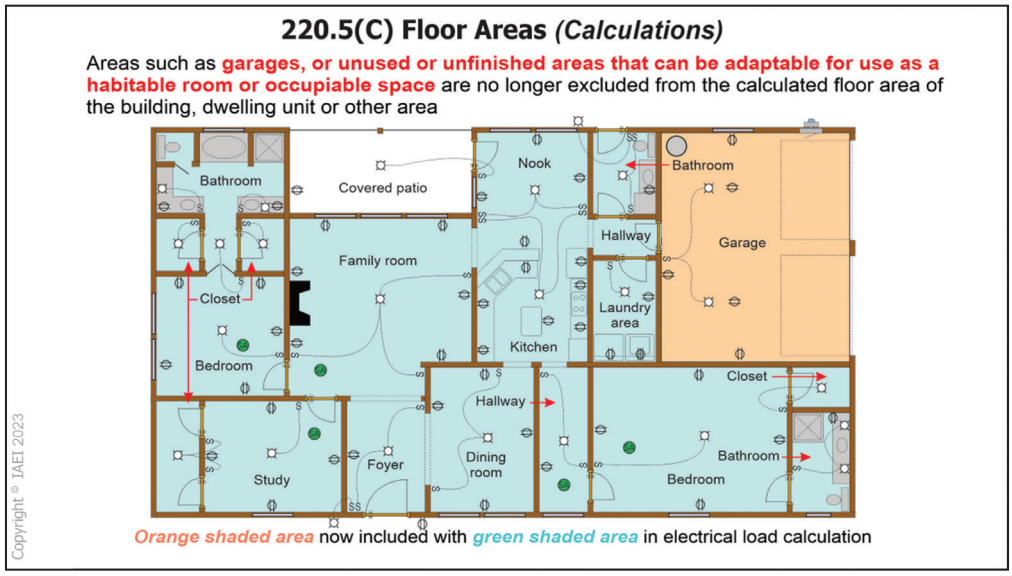
- **The change:** CMP-2 added information about new parts VI and VII to the Scope of Article 220 concerning calculation methods for health care facilities and marinas, boatyards, floating buildings, and commercial and noncommercial docking facilities. There are also new requirements in 220.110 that provides relief for load calculations in health care facilities.

- **Why it happened:** The correlating committee requested CMP-2 to modify the existing scope language to reflect two new parts that had been added to Article 220. There was also an existing figure informational note 220.1 that needed to be revised.

- **How this will affect the electrical industry:** Periodically there is a need to create new parts to *NEC* articles. That was the case for this change alerting the electrical professional about the calculation locations for health care facilities (Part VI) and marinas, boatyards, floating buildings, and commercial and noncommercial docking facilities (Part VII).

IAEI Codes and Standards Committee

220.5(C)
Floor Areas



220.5(C) Floor Areas

- **Type of change:** New

- **The change:** Substantiation was provided to CMP-2 for consideration and, as a result, areas such as garages, or unused or unfinished space(s) are no longer excluded from the calculated floor area of the building, dwelling unit, or other areas. A new subdivision (C) was added to Section 220.5(C), *Floor Areas*.

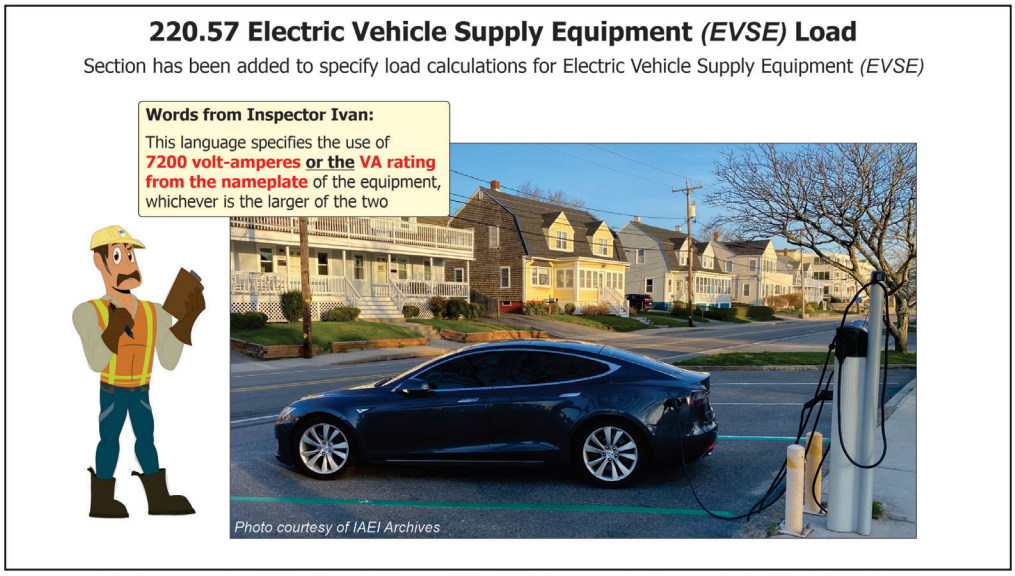
- **Why it happened:** Previous text included language that may be considered subjective such as "not adaptable for future use." Additionally, garages and other spaces, previously exempted from the square foot calculation, often are used as ancillary space to the habitable portions of the dwelling and as such should be included in dwelling, building, or other space square foot calculation.

- **How this will affect the electrical industry:** The electrical professional will need to be aware that this change will increase the calculated load for dwelling units, buildings, and other spaces that depend on square foot calculations when determining the load.

David Humphrey, CMP-2

220.57

Electric Vehicle Supply Equipment (EVSE) Load



220.57 Electric Vehicle Supply Equipment (EVSE) Load

- **Type of change:** New

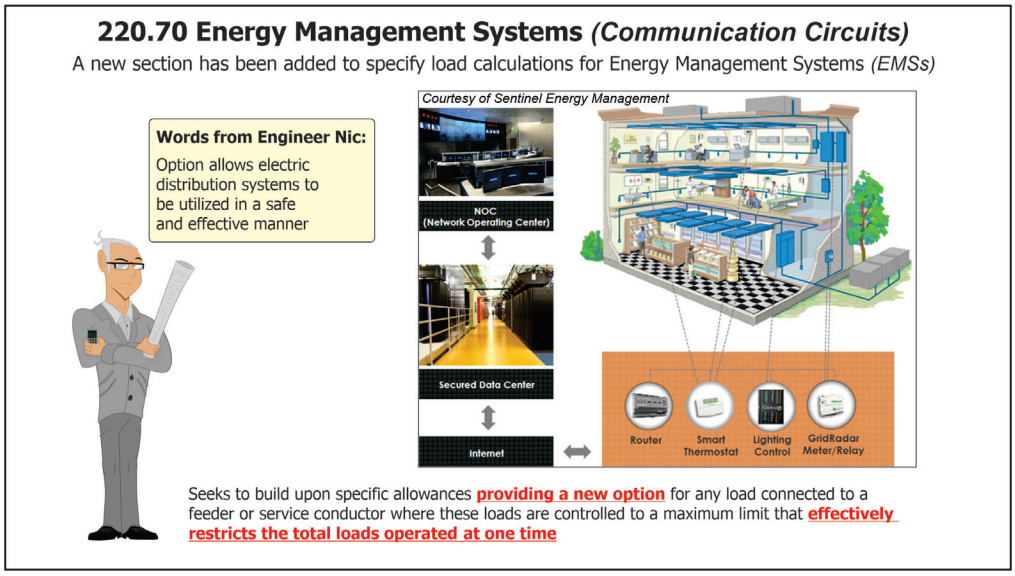
- **The change:** CMP-2 added a new Section 220.57 to specify load calculations for Electric Vehicle Supply Equipment (EVSE).

- **Why it happened:** Electric Vehicle Supply Equipment (EVSE) is becoming more and more prevalent. Charging infrastructure is necessary, and there was a need for the NEC to offer some direction as to load calculation requirements. A 7200 volt-ampere (VA) minimum requirement was chosen and is based on a 30 ampere, 240-volt, single-phase circuit. This language specifies the use of 7200 volt-amperes or the VA rating from the nameplate of the equipment, whichever is the larger of the two.

- **How this will affect the electrical industry:** Guidance was needed for electrical professionals as to the minimum volt-ampere requirements for EVSE. Oversizing these requirements is costly and burdensome for installers of this equipment. This new section should provide the user of the Code with the necessary information to install and inspect this equipment.

IAEI Codes and Standards Committee

220.70
Energy Management Systems (EMSs)



220.70 Energy Management Systems (EMSs)

- **Type of change:** New

- **The change:** CMP-2 added a new Section 220.70 to specify load calculations for Energy Management Systems (EMSs).

- **Why it happened:** This new section resulted from a correlating committee task group focused on alternative energy requirements. This change seeks to build upon specific allowances providing a new option for any load connected to a feeder or service conductor where these loads are controlled to a maximum limit that effectively restricts the total loads operated at one time. If an EMS is used in accordance with 750.30, requirements are provided concerning the maximum value setpoint.

  Providing this option allows electric distribution systems to be utilized in a safe and effective manner. This will help property owners to pursue the use of EMS equipment without requiring extensive electrical system upgrades.

- **How this will affect the electrical industry:** Energy management systems are becoming very popular. Some university apartments utilize systems like this to gauge the usage of electricity by the occupants within these apartments. If there are four bedrooms, each occupant has a set predetermined amount of electricity they can use. In the event a tenant exceeds their predetermined monthly usage amount, a bill for the additional usage is sent to the tenant. The electrical professional needs to be familiar with these systems and understand specific requirements for their installation.

IAEI Codes and Standards Committee

220.110 RECEPTACLE LOADS

Receptacle Loads



220.110 Receptacle Loads

- **Type of change:** New

- **The change:** CMP-2 members recommended new tables with demand factor values for receptacles used in Category 1, 2, 3, and 4 patient care spaces within Health Care Facilities. As a result, Table 220.110(1) and Table 220.110(2) are now included in the 2023 *NEC*.

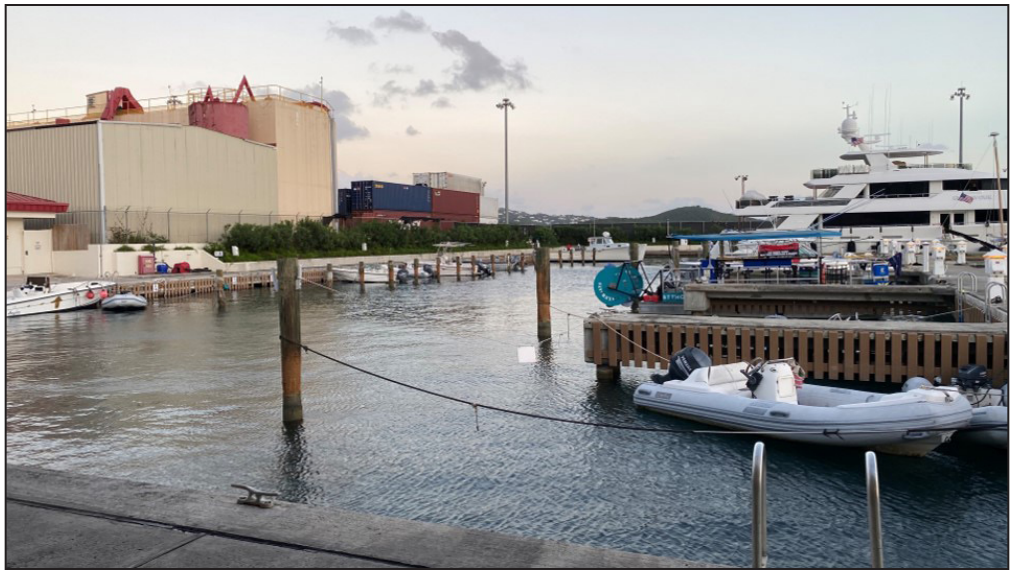
- **Why it happened:** The Correlating Committee (CC) and the Standards Council determined that CMP-2 has responsibility for occupancy-based load calculations and demand factors. The Demand Factor Task Group was assembled with CMP 2 and CMP 15 members to resolve correlation issues and review data provided by the NFPA Research Foundation project. The focus was concerning a large number of receptacles required in Category 1 and Category 2 patient care spaces. New tables were developed, which included demand factor values to apply to receptacles used in a health care facility. (Note: CC gave purview of this requirement to CMP-15 at the Second Draft CC Meeting.)

- **How this will affect the electrical industry:** New Table 220.110(1) and Table 220.110(2) provide the electrical professional demand factor information for receptacles supplied by general-purpose branch circuits in Category 1, 2, 3, and 4 patient care spaces.

Joseph Wages, Jr., CMP-2

220.120

Marinas, Boatyards, Floating Buildings, and Commercial and Noncommercial Docking Facilities

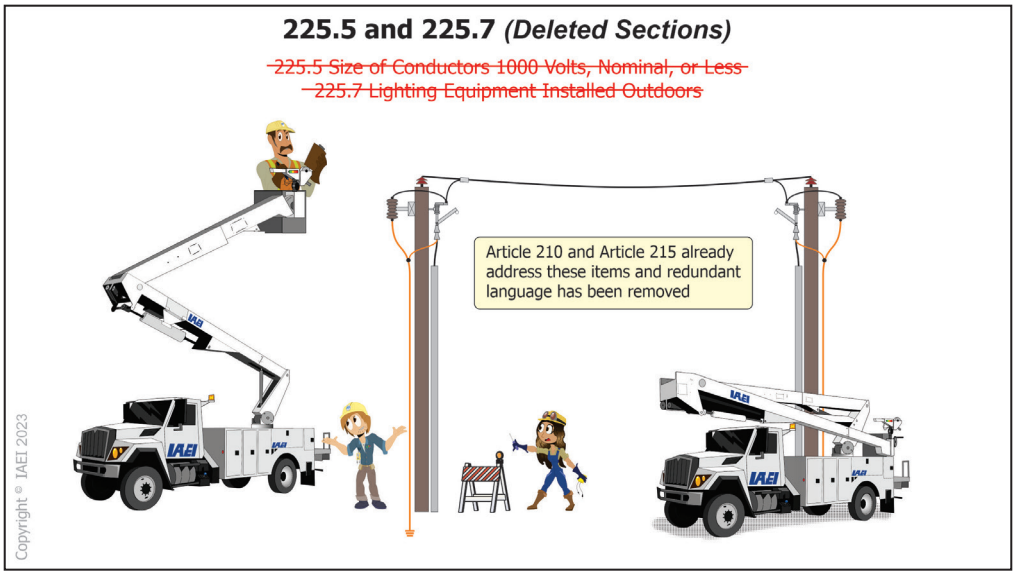


220.120 Marinas, Boatyards, Floating Buildings, and Commercial and Noncommercial Docking Facilities

- **Type of change:** Relocation
- **The change:** The requirements of Section 555.6 have been moved to 220.120. This will not change the requirements for load calculations or demand factors and is a simple relocation.
- **Why it happened:** The Correlating Committee and the Standards Council determined that CMP-2 has responsibility for load calculations. It was determined that this is the logical place for users of the *Code* to look for information concerning these calculations. (Note: The CC assigned responsibility for Part VII to CMP-7 during the Second Draft Correlating Committee.)
- **How this will affect the electrical industry:** This change seeks to simplify the use of the *NEC* by placing load calculation and demand factor requirements for marinas, boatyards, floating buildings, and commercial and noncommercial docking facilities in the article that contains this information. The *Code* user will need to be aware that this information has been moved to a new location for the 2023 code cycle.

David Humphrey, CMP-2

225.5 AND 225.7
Deletion of Sections

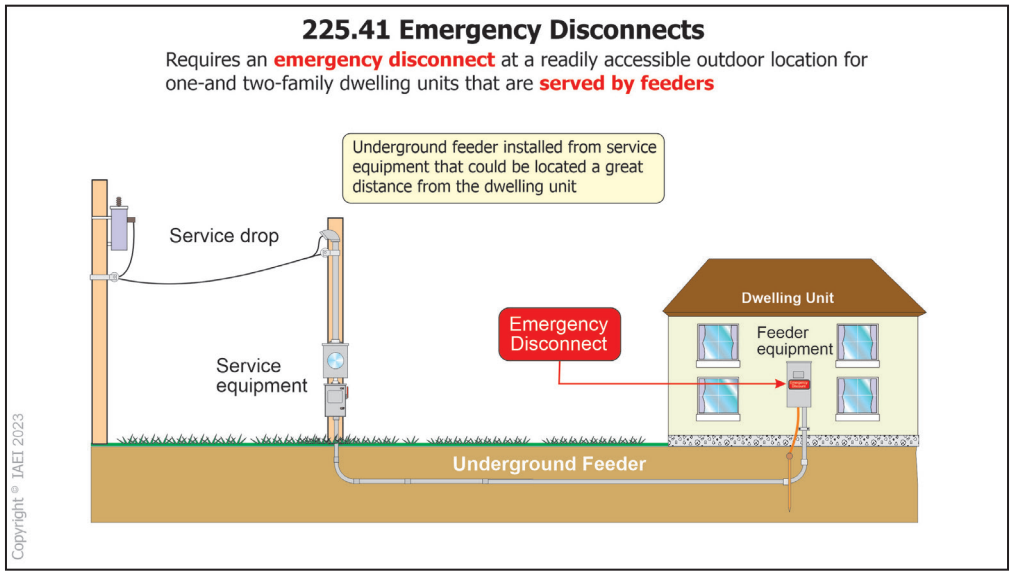


225.5 and 225.7 Deletion of 225.5 Size of Conductors, 1000 Volts, Nominal, or Less and 225.7 Lighting Equipment Installed Outdoors

- **Type of change:** Deletion
- **The change:** Sections 225.5, *Size of Conductors 1000 Volts, Nominal, or Less*, and 225.7, *Lighting Equipment Installed Outdoors*, were deleted.
- **Why it happened:** Section 225.5 was redundant since such requirements can be found in Articles 215 and 220. Section 225.7 was also redundant since such requirements can be found in Articles 210 and 220.
- **How this will affect the electrical industry:** There will likely be little or no effect to the electrical industry as these requirements are still part of the *NEC* but located in other locations.

Doug Smith, CMP-10

225.41
Emergency Disconnects



225.41 Emergency Disconnects

- **Type of change:** New

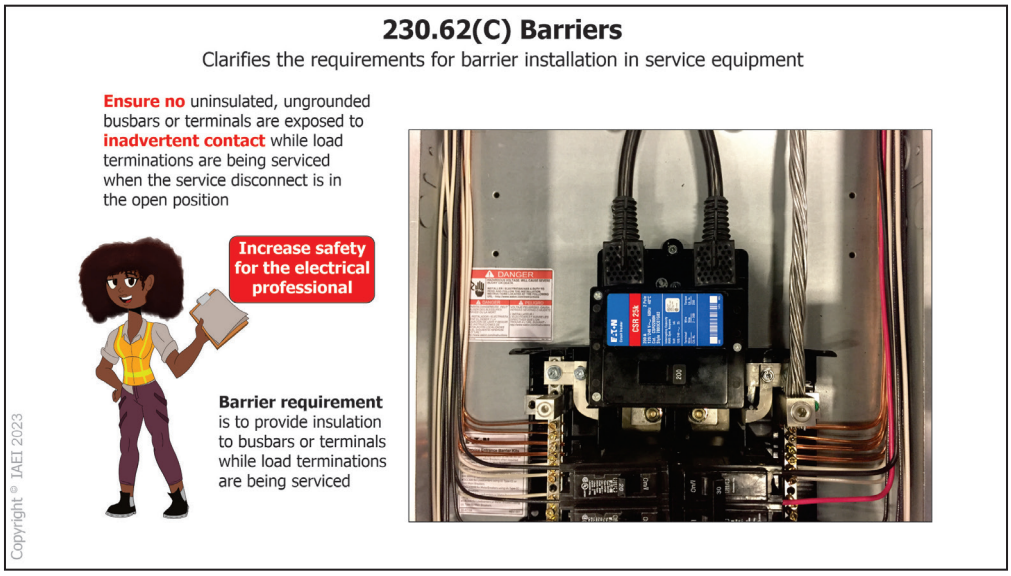
- **The change:** The new section was added by CMP-10 to require an emergency disconnect at a readily accessible outdoor location for one-and two-family dwelling units that are served by feeders. The disconnect must be on or within sight of the dwelling unit.

- **Why it happened:** This change is an expansion of 230.85, which under the 2020 *NEC* only included services for one-and two-family dwelling units. It was recognized that a one-and two-family dwelling unit is/are not always fed directly by a service but instead by an outdoor feeder. The requirement was added to ensure that all new one-and two-family dwelling units are provided with an emergency disconnect located at a readily accessible outdoor location. The emergency disconnect must be marked as "EMERGENCY DISCONNECT." A plaque or directory must also be provided adjacent to the emergency disconnect identifying the location(s) of any other energy source disconnect on the premises.

- **How this will affect the electrical industry:** Section 225.41 will help increase the safety of an electrical system by providing first responders (and others) easy access to shut down the electrical system (and other sources of power on the premises) for a one-and two-family dwelling.

Doug Smith, CMP-10

230.62[C]
Barriers

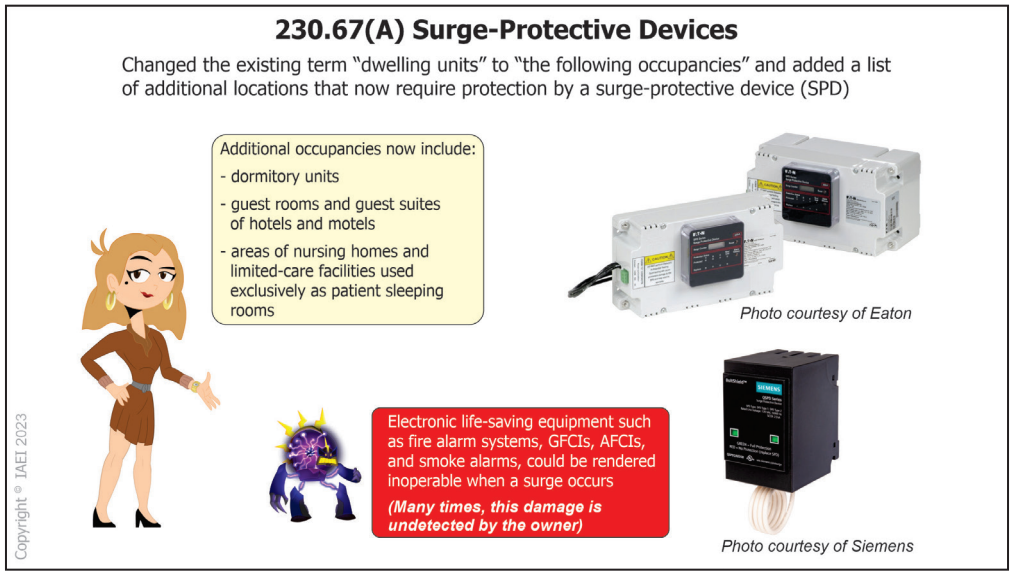


230.62(C) Barriers

- **Type of change:** Revision
- **The change:** New language was added by CMP-10 to clarify that barriers are required in service equipment in such a way that no uninsulated, ungrounded busbars or terminals is/are exposed to inadvertent contact while load terminations are being serviced *when the service disconnect is in the open position*.
- **Why it happened:** To add clarification that the main point of the barrier requirement is to have de-energized busbars or terminals while load terminations are being serviced.
- **How this will affect the electrical industry:** This change adds clarity on when the barriers are required. The barriers greatly increase safety for electrical professionals working on service equipment.

Doug Smith, CMP-10

230.67(A)
Surge-Protective Devices



230.67(A) Surge-Protective Devices

- **Type of change:** Revision

- **The change:** CMP-10 revised subdivision 230.67(A) by changing the term *dwelling units* to *the following occupancies* and added a list of additional locations that now require protection by a surge-protective device (SPD).

- **Why it happened:** Service equipment can at times be subjected to surges that inflict damage on systems designed to provide life safety. Recognized industry authorities such as NEMA, IEEE, and UL, have collected date showing surges cause significant damage. Insurance organizations are recognizing the need for surge protection to limit claims for damage to sensitive electronic devices. Electronic life-saving equipment such as fire alarm systems, GFCIs, AFCIs, and smoke alarms, could be rendered inoperable when a surge occurs. Many times, this damage is undetected by the owner.

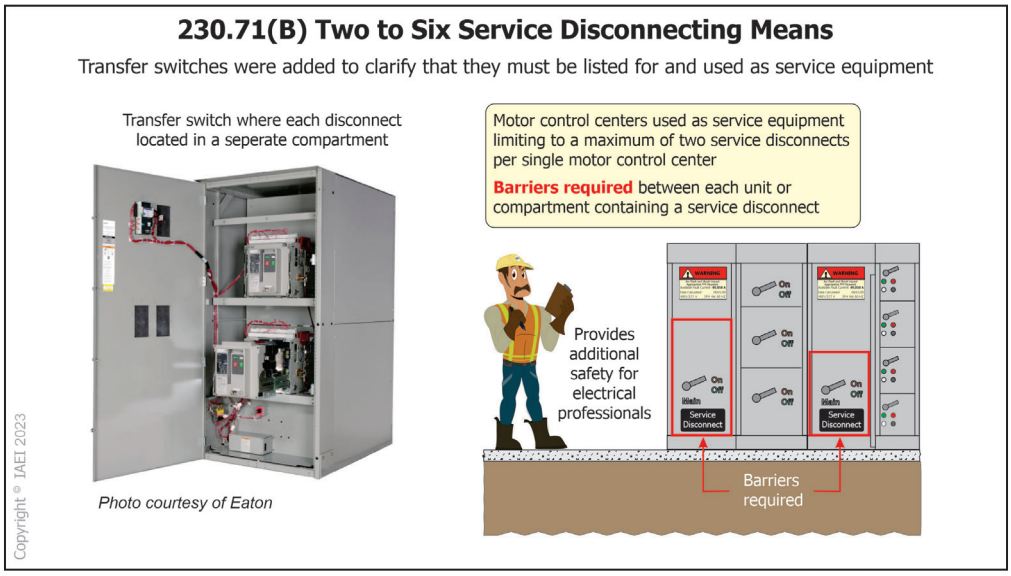
  Prior to the 2023 *NEC*, there was only a requirement for surge protection at dwelling units. Additional occupancies have now been added that include: dormitory units, guest rooms and guest suites of hotels and motels, and areas of nursing homes and limited-care facilities used exclusively as patient sleeping rooms.

- **How this will affect the electrical industry:** The electrical professional will need to be aware of the new occupancies requiring surge protection. The installer and inspector (AHJ) are key elements in providing this protection and ensuring surge protection is installed and providing this much-needed protection. These new occupancies requiring protection from surges will also help protect both life and property.

IAEI Codes and Standards Committee

230.71(B)

Two to Six Service Disconnecting Means



230.71(B) Two to Six Service Disconnecting Means

- **Type of change:** Revision

- **The change:** Transfer switches were added at 230.71(B)(4) by CMP-10 to clarify that they must be listed for and used as service equipment. Each service disconnect is to be provided in a separate compartment.

  Section 230.71(B)(6) was added for motor control centers used as service equipment to limit such equipment to a maximum of two service disconnects per single motor control center with barriers required between each unit or compartment containing a service disconnect.

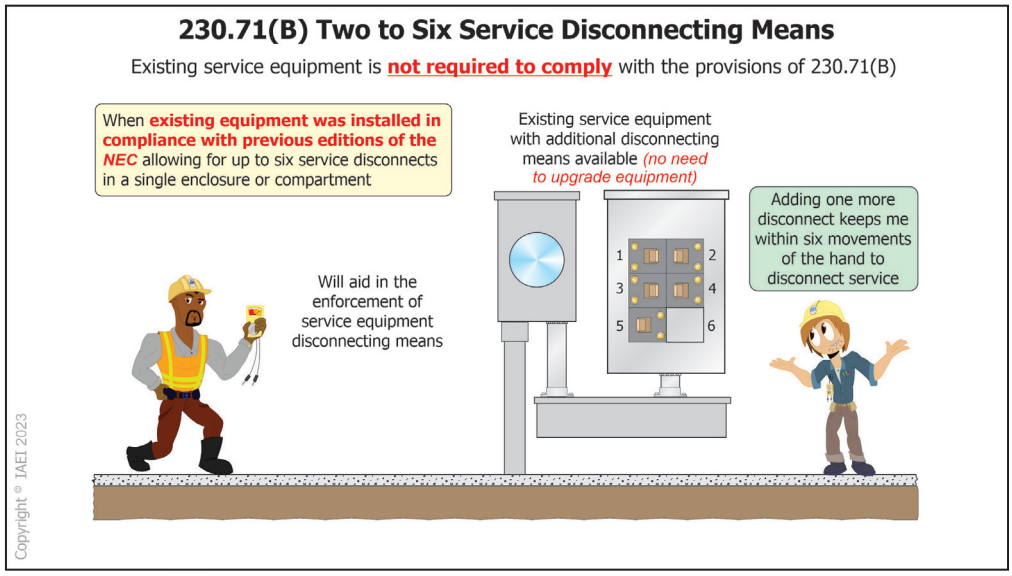
- **Why it happened:** The additions of 230.71(B)(4) and (6) increase the ease of usability for the *Code* by adding these requirements to the existing list items. It also ensures that transfer switches be properly listed when used as service equipment . Barrier provisions were added for additional types of service equipment to improve safety by reducing the likelihood of a person or maintenance equipment coming in contact with energized parts while servicing load terminations.

- **How this will affect the electrical industry:** These changes will increase safety for electrical professionals servicing load terminations in different types of service equipment and not just in service equipment that is traditionally used.

Doug Smith, CMP-10

230.71(B) EXCEPTION

Two to Six Service Disconnecting Means



230.71(B) Exception Two to Six Service Disconnecting Means

- **Type of change:** New

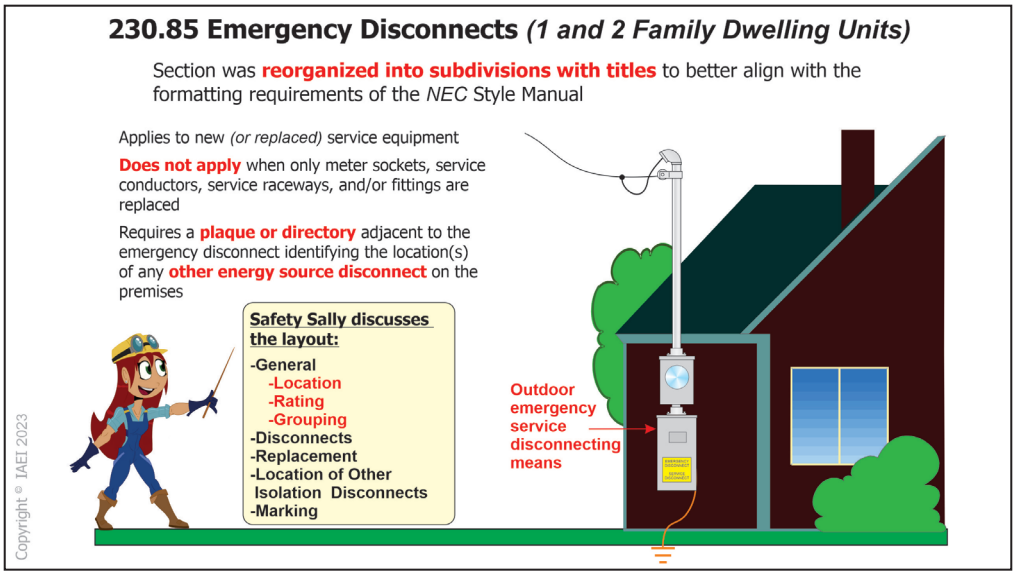
- **The change:** An exception was added by CMP-10 to clarify that existing service equipment is not required to comply with the provisions of 230.71(B) when such existing equipment was installed in compliance with previous editions of the *NEC* that allowed for up to six service disconnects in a single enclosure or compartment.

- **Why it happened:** Several public inputs were submitted expressing concern that if someone wanted to add a disconnect to existing service equipment that allowed more than one disconnect in it, the requirements of 230.71(B) could be interpreted that the entire service equipment would be required to be replaced. The new exception clarifies that existing service equipment in compliance with previous editions of the *NEC* is/are not required to be upgraded.

- **How this will affect the electrical industry:** The added exception will help prevent misinterpretations within the electrical professional community of when existing service equipment is required to be upgraded.

Doug Smith, CMP-10

230.85
Emergency Disconnects



230.85 Emergency Disconnects

- **Type of change:** Revision

- **The change:** Section 230.85 was reorganized by CMP-10 into subdivisions with titles to better align with the formatting requirements of the *NEC Style Manual*.

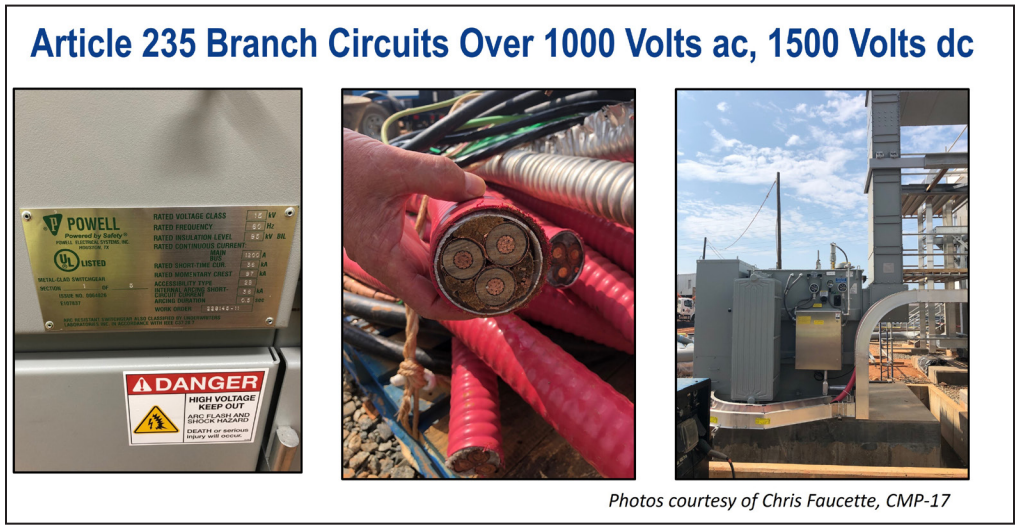
- **Why it happened:** The additional provisions were added for clarity to help *NEC* users better understand the requirements regarding emergency disconnects for one- and two-family dwelling units. Requirements were added to clarify that meter disconnects integral to meter mounting equipment or other listed disconnects used as the emergency disconnect cannot be marked as "suitable ONLY for use as service equipment." This requirement does not apply to the regular service disconnect(s) for the one- and two-family dwelling [see **230.85(B)**]. **Section 230.85(C)** was added to clarify that all of 230.85 applies to new (or replaced) service equipment. However, an exception was added to clarify that when only meter sockets, service conductors, service raceways, and/or fittings are replaced, 230.85 does not apply. S**ection 230.85(D)** specifies that there must also be provided a plaque or directory adjacent to the emergency disconnect identifying the location(s) of any other energy source disconnect on the premises.

- **How this will affect the electrical industry:** The provisions of 230.85 for emergency disconnects will be better understood by the electrical professional due to the clarifications and reorganization of the requirements. The emergency disconnect(s) will help increase the safety of an electrical system by providing first responders (and others) easy access to shut down the electrical system (and other sources of power on the premises) for a one- and two-family dwelling.

Doug Smith, CMP-10

ARTICLE 235

Branch Circuits, Feeders and Services
Over 1000 Volts ac, 1500 Volts dc, Nominal



Photos courtesy of Chris Faucette, CMP-17

Article 235 Branch Circuits, Feeders and Services Over 1000 Volts ac, 1500 Volts dc, Nominal

- **Type of change:** New / Relocation

- **The change:** CMP-2 added a new Article 235 to govern medium voltage branch circuits.

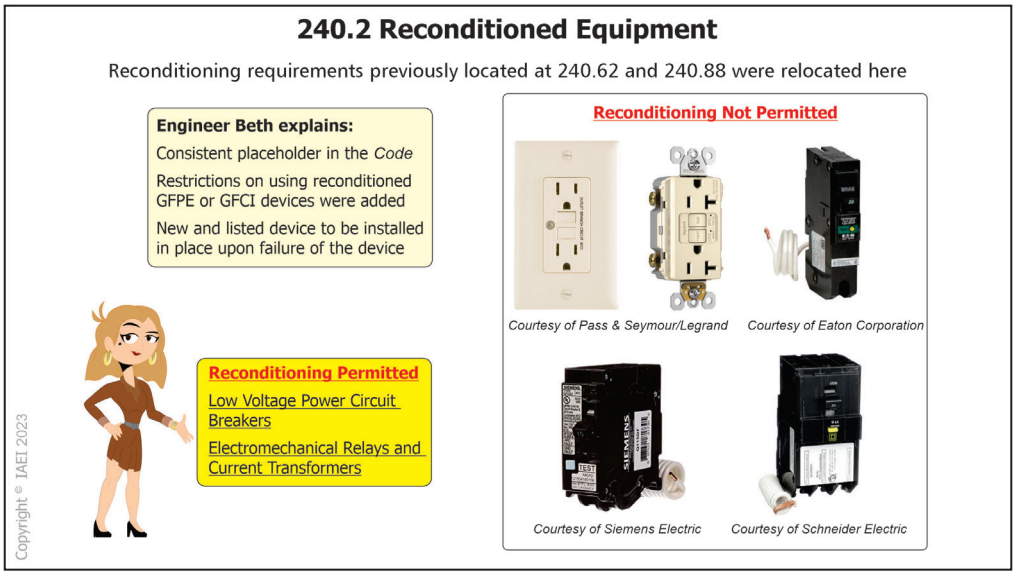
- **Why it happened:** It was determined that a new Article 235 would become the placeholder for information pertaining to medium voltage branch circuits that were located throughout the *NEC*. This article also includes requirements for feeders and services and is separating into individual parts throughout the article.

  Information from Article 210 that was applicable to these circuits has been copied and moved to this article. The requirements from Article 210 were reviewed for applicability to medium voltage branch circuits. Requirements were modified as necessary without making technical changes or modifying the existing requirements.

- **How this will affect the electrical industry:** The user of the *Code* will have a one-stop location in Article 235 to find requirements for branch circuits over 1000 volts ac, 1500 volts dc, nominal commonly referred to as medium voltage branch circuits. This should promote greater usability of the *NEC* as it applies to this topic.

Joseph Wages, Jr., CMP-2

240.2
Reconditioned Equipment



240.2 Reconditioned Equipment

- **Type of change:** Relocation

- **The change:** The reconditioning requirements located at 240.62 and 240.88 were relocated by CMP-10 to Section 240.2 in the 2023 *NEC*. Ground-fault protection of equipment (GFPE) and ground-fault circuit interrupters (GFCI) were added to the list of equipment that shall not be reconditioned.

- **Why it happened:** To comply with Correlating Committee recommendations and add usability for the *NEC* user, the reconditioning requirements of Article 240 are now located in a single section, 240.2. The xxx.02 sections have started becoming the placeholders for reconditioned equipment requirements.

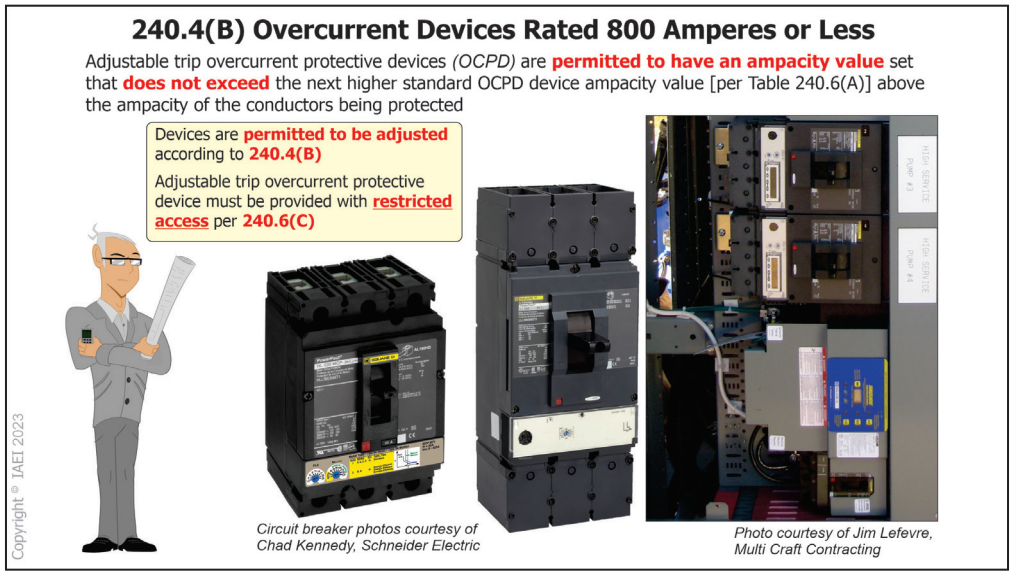
  The restrictions on using any reconditioned GFPE or GFCI devices were added since the reconditioning of such devices is not dependent upon where the devices are installed. When they reach the end of their usable life span, a new and listed device should be installed in its place.

- **How this will affect the electrical industry:** The changes add usability to the NEC and increase safety for electrical systems by ensuring that when existing GFPE or GFCIs are replaced, they're replaced with new and listed equipment.

Doug Smith, CMP-10

240.4(B)

Overcurrent Devices Rated 800 Amperes or Less



240.4(B) Overcurrent Devices Rated 800 Amperes or Less

- **Type of change:** Revision

- **The change:** CMP-10 has added adjustable trip overcurrent protective devices as being permitted to have an ampacity value set that does not exceed the next higher standard overcurrent protection device ampacity value [per Table 240.6(A)] above the ampacity of the conductors being protected.

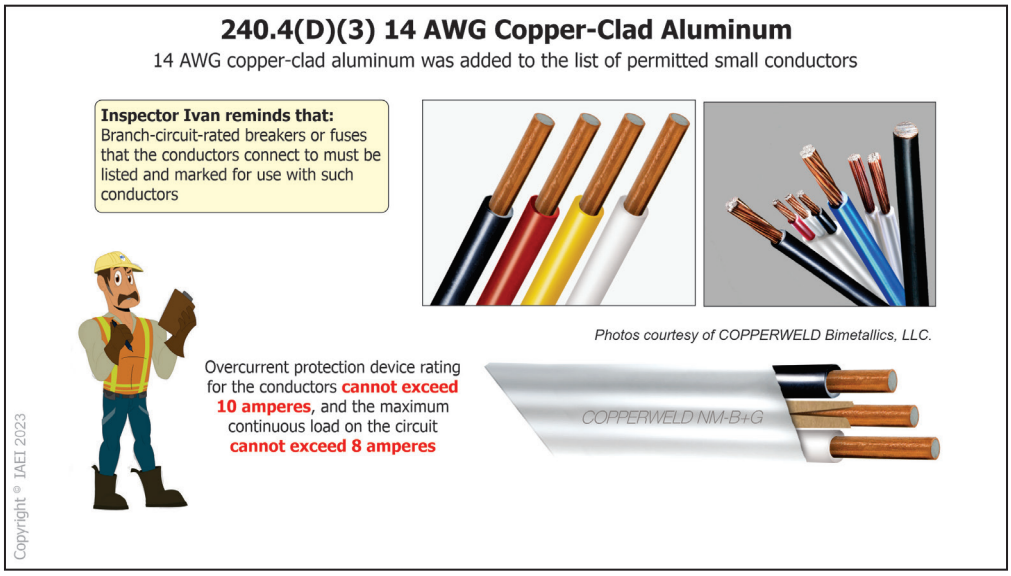
- **Why it happened:** Adjustable trip overcurrent devices are being used increasingly throughout the country. The added provisions recognize such devices and permit them to be adjusted according to 240.4(B). However, the requirements of 240.4(B)(1), (B)(2), and (B)(3) still apply, and the adjustable trip overcurrent protective device must be provided with restricted access per 240.6(C).

- **How this will affect the electrical industry:** This change adds flexibility for designers and electrical professionals when choosing overcurrent protection devices for electrical systems.

Doug Smith, CMP-10

240.4(D)(3)

14 AWG Copper-Clad Aluminum



240.4(D)(3) 14 AWG Copper-Clad Aluminum

- **Type of change:** Revision

- **The change:** 14 AWG copper-clad aluminum was added by CMP-10 to the list of small conductors permitted per *NEC* 240.4(D).

- **Why it happened:** 14 AWG copper-clad aluminum was added to align with other small conductors permitted per 240.4(D). The overcurrent protection device rating for the conductors cannot exceed 10 amperes, and the maximum continuous load on the circuit cannot exceed 8 amperes. Additionally, any branch-circuit-rated breakers or fuses that the conductors connect to must be listed and marked for use with such conductors.

- **How this will affect the electrical industry:** This change will offer the electrical industry more flexibility when choosing types of conductors to install for certain circuits.

David Williams, CMP-10

TABLE 240.6(A)

Standard Ampere Ratings for Fuses and Inverse Time Circuit Breakers

Table 240.6(A) Standard Ampere Rating

10 ampere was added to the list of standard ratings of overcurrent protection devices

These fuses and circuit breakers are available and being used in the field

Table listing is more user friendly



Table type format showing the ampere ratings for fuses and circuit breakers *(10 ampere has been added)*

10	15	20	25	35
30	40	45	50	70
60	80	90	100	125
110	150	175	200	250
225	300	350	400	500
450	600	700	800	1200
1000	1600	2000	2500	4000
3000	5000	6000		

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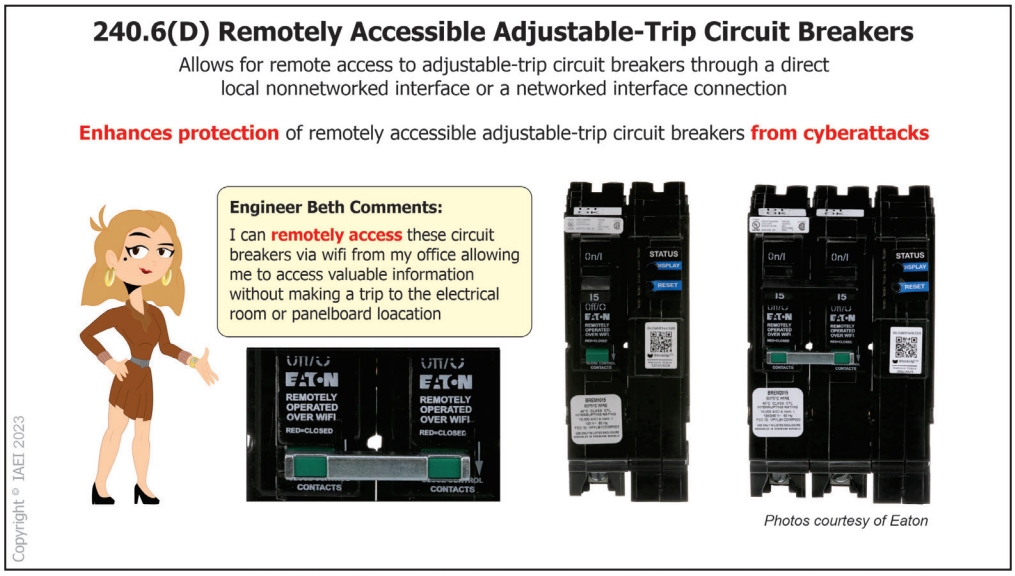
Table 240.6(A) Standard Ampere Ratings for Fuses and Inverse Time Circuit Breakers

- **Type of change:** Revision
- **The change:** 10 ampere was added by CMP-10 to the list of standard ratings of overcurrent protection devices.
- **Why it happened:** 10 ampere rated fuses and circuit breakers are available. This change clarifies that such devices are permitted to be used.
- **How this will affect the electrical industry:** This change offers more flexibility to the electrical industry when choosing overcurrent protection devices for certain circuits.

David Williams, CMP-10

240.6(D)

Remotely Accessible Adjustable-Trip Circuit Breakers



240.6(D) Remotely Accessible Adjustable-Trip Circuit Breakers

- **Type of change:** Revision

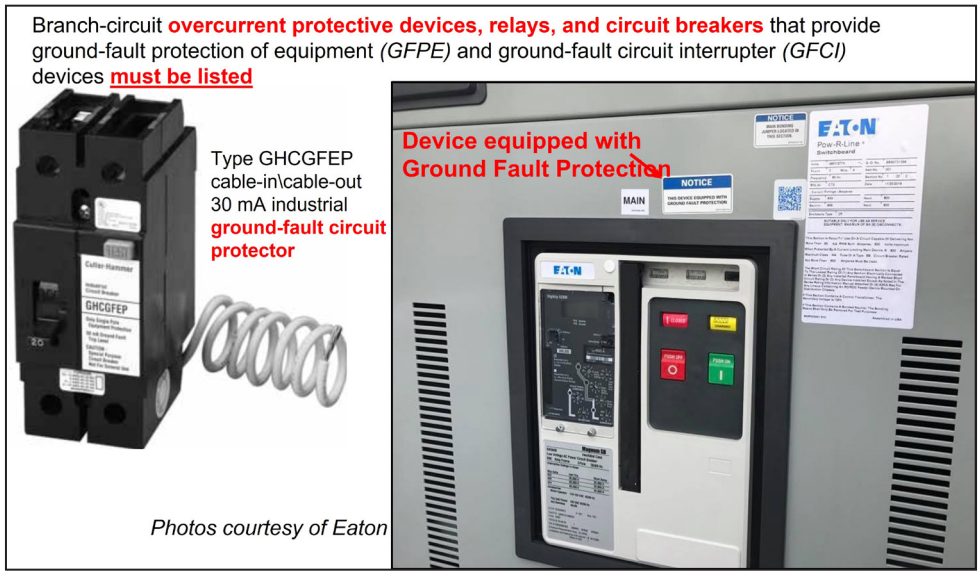
- **The change:** Provisions were added by CMP-10 to allow remote access to adjustable-trip circuit breakers through a direct local *non*networked interface or a networked interface connection.

- **Why it happened:** Due to the increased use of SMART devices, provisions were needed to address cybersecurity. It should be clarified that the requirements were added in relation to safety and not concerns about privacy or data protection. When the connection is through a networked interface, the circuit breaker and associated software must be evaluated for cybersecurity, OR a cybersecurity assessment of the network is required to be completed, and documentation of such assessment must be provided to those authorized to inspect, operate, and maintain the system.

- **How this will affect the electrical industry:** The new requirements will increase the protection of remotely accessible adjustable-trip circuit breakers from cyberattacks. The authority having jurisdiction (AHJ) should be prepared to request assessment documentation from the installer or designer stating the network has been evaluated for cybersecurity.

David Williams, CMP-10

240.7
Listing Requirements



240.7 Listing Requirements

- **Type of change:** New

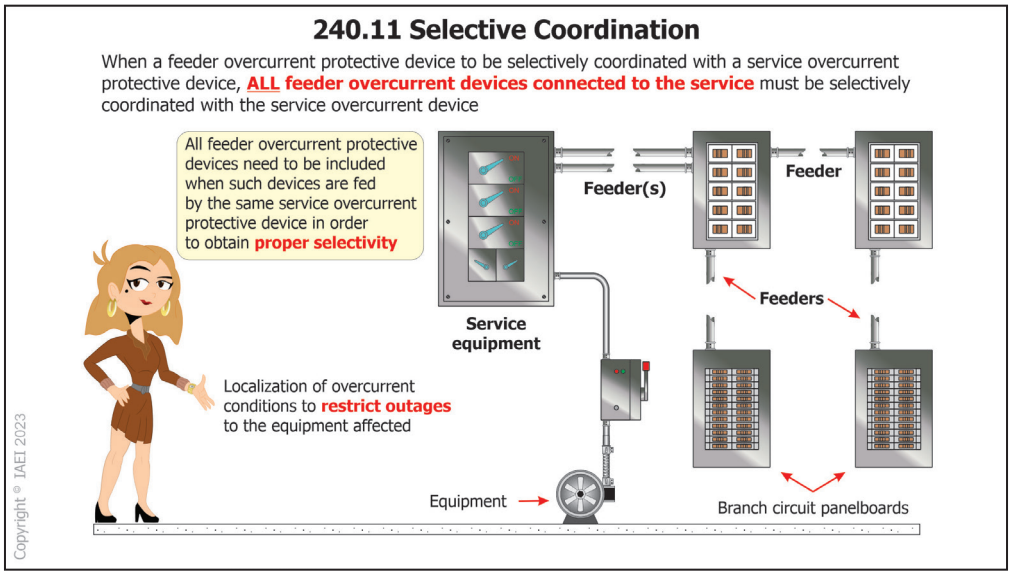
- **The change:** In the new Section 240.7, CMP-10 has clarified that branch-circuit overcurrent protective devices, relays, and circuit breakers that provide ground-fault protection of equipment (GFPE) and ground-fault circuit interrupter (GFCI) devices must be listed.

- **Why it happened:** This requirement was added to eliminate any confusion about whether or not such devices need to be listed and to give jurisdictions a tool to require the listing of equipment as a basis to approve such devices.

- **How this will affect the electrical industry:** The change will likely have little effect on the electrical industry since such devices have been required to be listed for a long time, even though the *NEC* never previously specified that they needed to be listed.

David Williams, CMP-10

240.11
Selective Coordination



240.11 Selective Coordination

- **Type of change:** New

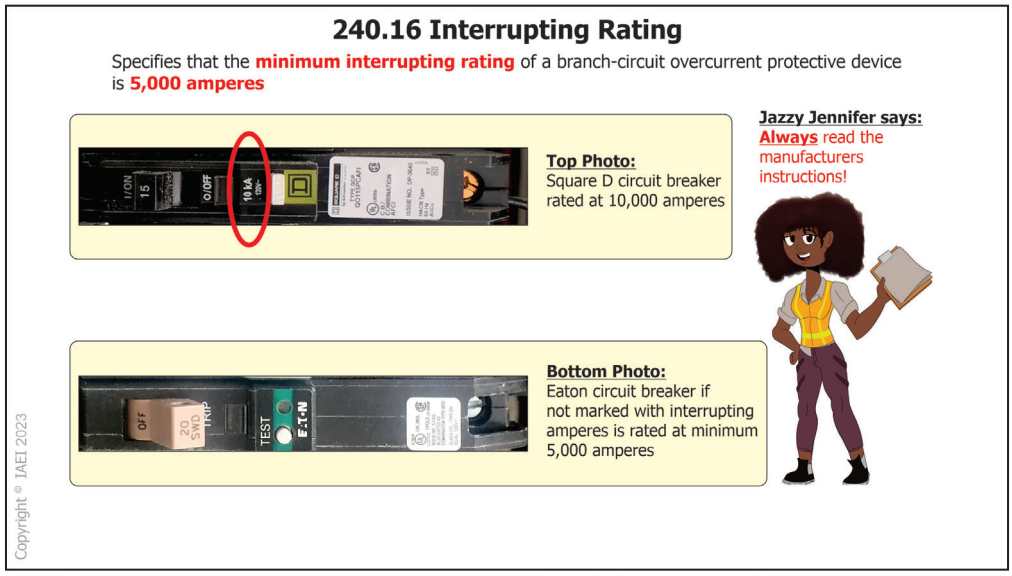
- **The change:** A requirement was added by CMP-10 to clarify that whenever the *NEC* requires a feeder overcurrent protective device to be selectively coordinated with a service overcurrent protective device, then ALL feeder overcurrent devices connected to such service must be selectively coordinated with the service overcurrent device.

- **Why it happened:** The rule was added to close any loopholes or gaps in the code to ensure that all feeder overcurrent devices are included in the selective coordination calculations whenever the *NEC* requires selective coordination. Previously in the *NEC*, it could be interpreted that only certain feeder overcurrent protective devices needed to be included in the coordination study. However, all of the feeder overcurrent protective devices need to be included when such devices are fed by the same service overcurrent protective device in order to obtain proper selectivity.

- **How this will affect the electrical industry:** This change will increase the safety of electrical systems that are required to be selectively coordinated by ensuring that the service overcurrent protective device is less likely to open since all feeder overcurrent protective devices are included in the coordination study. This will add clarity and enhanced useability to the *NEC* for the electrical industry.

David Williams, CMP-10

240.16
Interrupting Ratings



240.16 Interrupting Ratings

- **Type of change:** New

- **The change:** A new requirement was added at Section 240.16 by CMP-10 to specify that the minimum interrupting rating of a branch-circuit overcurrent protective device is 5,000 amperes.

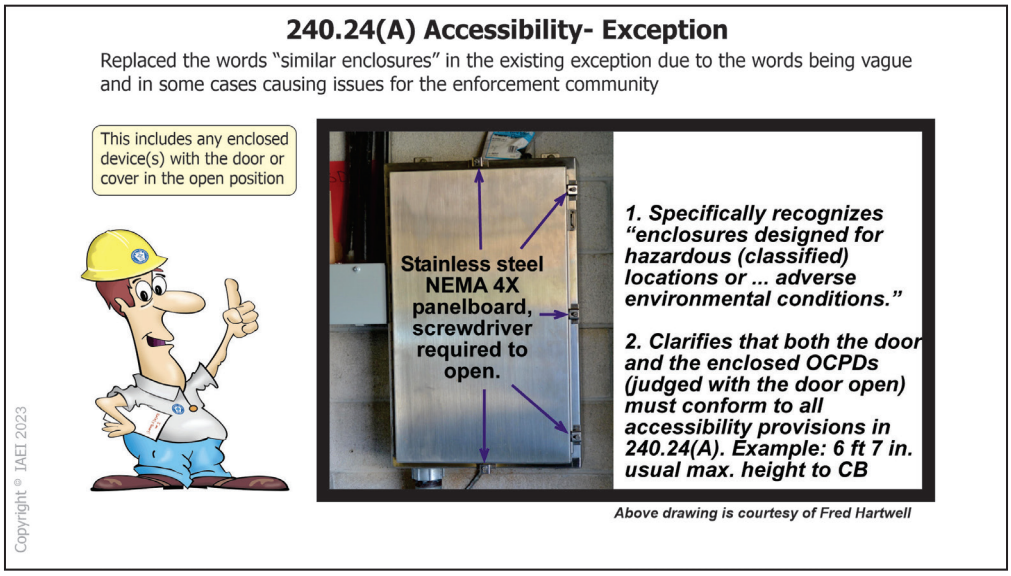
- **Why it happened:** The requirement for branch-circuit overcurrent protective devices to have a minimum interrupting rating of 5,000 amperes was previously found in the definition of *Overcurrent Protective Device (Branch-Circuit Overcurrent Protective Device).* However, Section 2.2.2.2 of the *NEC Style Manual* specifies that definitions are not permitted to contain requirements or recommendations. So, the 5,000-ampere interrupting rating requirement was moved from the definition to Section 240.16.

- **How this will affect the electrical industry:** This change will not affect the type of overcurrent protective devices installed. Having the requirement in a code section will allow users of the *Code* easier access to the requirement.

David Williams, CMP-10

240.24(A)

Accessibility - Exception.



240.24(A) Accessibility - Exception.

- **Type of change:** Revision

- **The change:** Substantiation was presented to CMP-10 concerning access to overcurrent protective devices and replacing the words "similar enclosures" in the existing exception due to the words being vague and problematic for the enforcement community. As a result, the exception to Section 240.24(A) was updated.

- **Why it happened:** This revision addresses a couple of issues that have caused enforcement problems due to the words "similar enclosures." An example would be a Type 4X stainless steel panel with bolted covers designed with a series of bolts around the perimeter. This enclosure is not an industrial control panel, nor is it a "similar enclosure." This same train of thought applies to hazardous location enclosures.

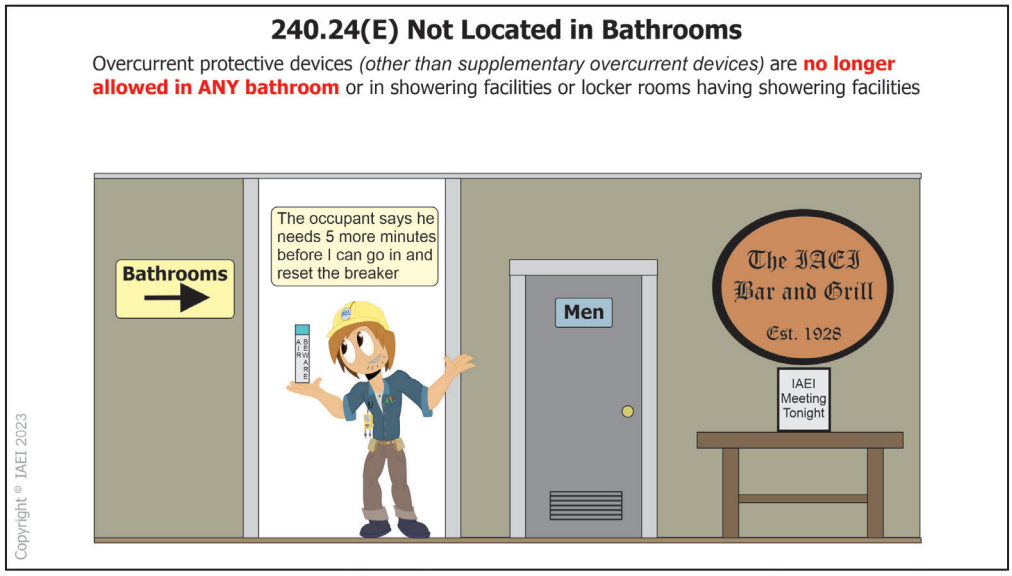
  The exception clarifies that when it is applied, any readily accessible requirements that would normally apply to the overcurrent devices must still be applied to the enclosure itself. This includes any enclosed device(s) with the door or cover in the open position.

- **How this will affect the electrical industry:** This exception helps to clarify the requirement's intent and will also aid in enforcement consistency. The electrical professional will benefit from more specific language that is less confusing to apply to electrical installations.

Fred Hartwell, IAEI Contributor

240.24(E)

Overcurrent Protective Devices in Bathrooms



240.24(E) Not Located in Bathrooms

- **Type of change:** Revision

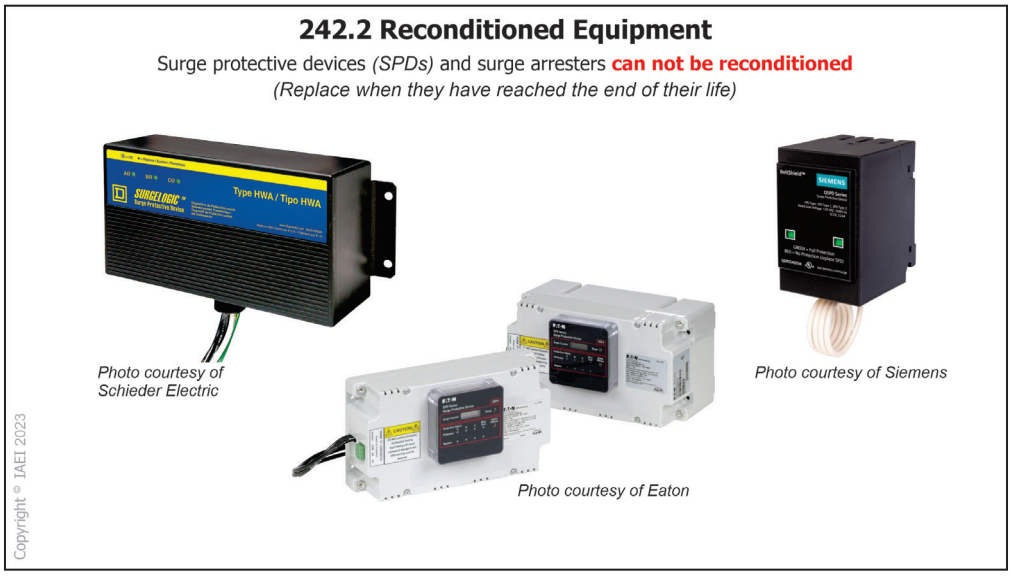
- **The change:** Substantiation was received by CMP-10 and the panel determined that overcurrent protective devices (other than supplementary overcurrent devices) are *no longer allowed in ANY bathroom* or in showering facilities or locker rooms having showering facilities

- **Why it happened:** The revision addresses the difficulty of accessing a bathroom when such bathroom is occupied. Panel members believed there was no practical reason to continue with the permissive requirement of having overcurrent protective devices in certain occupancies. Overcurrent protective devices are also no longer allowed in showering facilities or locker rooms having showering facilities since such area's present similar hazards as a bathroom.

- **How this will affect the electrical industry:** The electrical industry will need to find other locations for overcurrent protective devices. This will likely have the largest effect on facilities or occupancies having limited square footage. Office buildings are common occupancies where panels were installed in bathrooms.

David Williams, CMP-10

242.2
Reconditioned Equipment

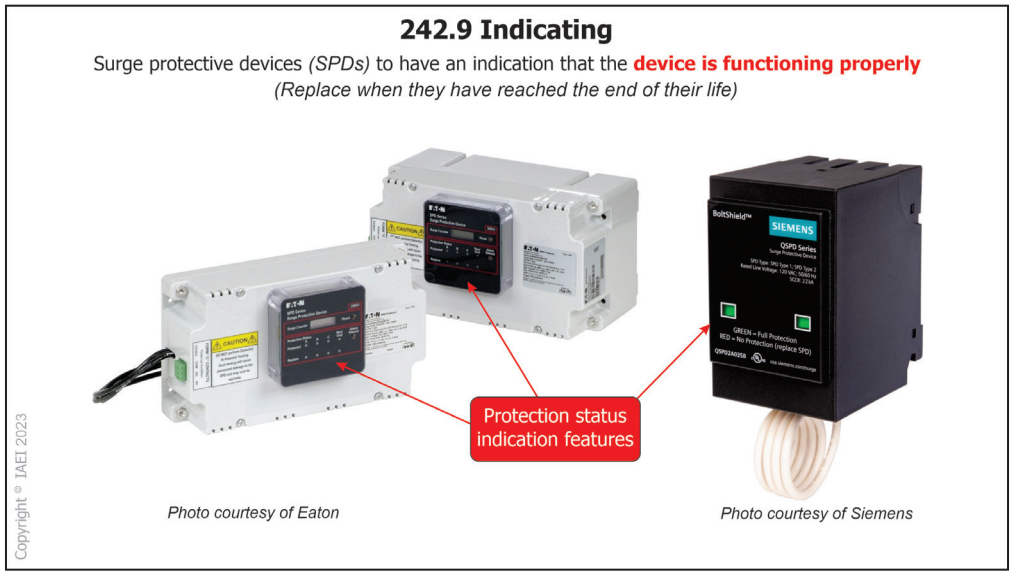


242.2 Reconditioned Equipment

- **Type of change:** New
- **The change:** CMP-10 has specified that surge protective devices (SPDs) and surge arresters shall not be reconditioned in the new Section 242.2.
- **Why it happened:** SPDs are not dependent on the specific equipment they connect to, and when they reach the end of their usable life span, a new and listed SPD should be installed in its place.
- **How this will affect the electrical industry:** This requirement will help ensure that when existing SPDs or surge arresters are being replaced, they're being replaced with new and listed equipment. This will add safety to the electrical system.

David Williams, CMP-10

242.9
SPD Indicating



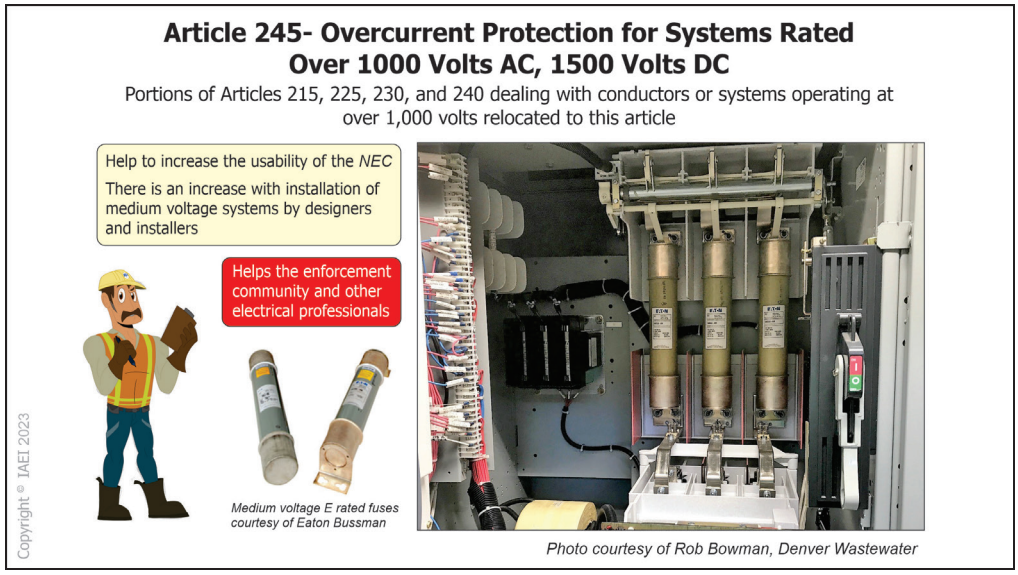
242.9 Indicating

- **Type of change:** New
- **The change:** New Section 242.9 requires surge protective devices (SPDs) to have an indication that the device is functioning properly.
- **Why it happened:** The rule was added so that building occupants, electricians, and the authorities having jurisdiction can identify whether an SPD is functioning properly or if such device needs to be replaced.
- **How this will affect the electrical industry:** This change will add safety to electrical systems since malfunctioning SPDs can be better identified and, therefore, replaced.

David Williams, CMP-10

ARTICLES 245

Overcurrent Protection for Systems Rated Over 1000 Volts ac, 1500 Volts dc



Article 245 Article 245 Overcurrent Protection for Systems Rated Over 1000 Volts ac, 1500 Volts dc

- **Type of change:** New

- **The change:** Various portions of Articles 215, 225, 230, and 240 dealing with conductors or systems operating at over 1,000 volts were relocated to the new Article 245, *Overcurrent Protection for Systems Rated Over 1000 Volts ac, 1500 Volts dc*.

- **Why it happened:** The move was to help increase the usability of the *NEC* by having requirements for systems operating over 1,000 volts be located in their own articles. The enforcement community has expressed concerns regarding the lack of needed requirements in the code and having updated requirements due to the increased usage of medium voltage installations.

- **How this will affect the electrical industry:** These new articles will likely aid users of the *NEC* to more easily find requirements specifically for systems operating at over 1,000 volts.

David Williams, CMP-10

250.24
Grounding of Service-Supplied Alternating-Current Systems



250.24 Grounding of Service-Supplied Alternating-Current Systems

- **Type of change:** Revision

- **The change:** CMP-5 made several changes within Section 250.24 to meet the requirements of the *NEC Style Manual*. The panel also added the word "shall" where necessary to clarify electrical professionals' understanding of installing conductors connected in parallel

- **Why it happened:** Informational Note under 250.42(A)(1) was revised to comply with the *NEC Style Manual*.

  In the Exception to 250.24(2), "The system" was replaced with "Impedance grounded system" to clarify the exception. This helps to correlate with 250.36 and the changes made for that section.

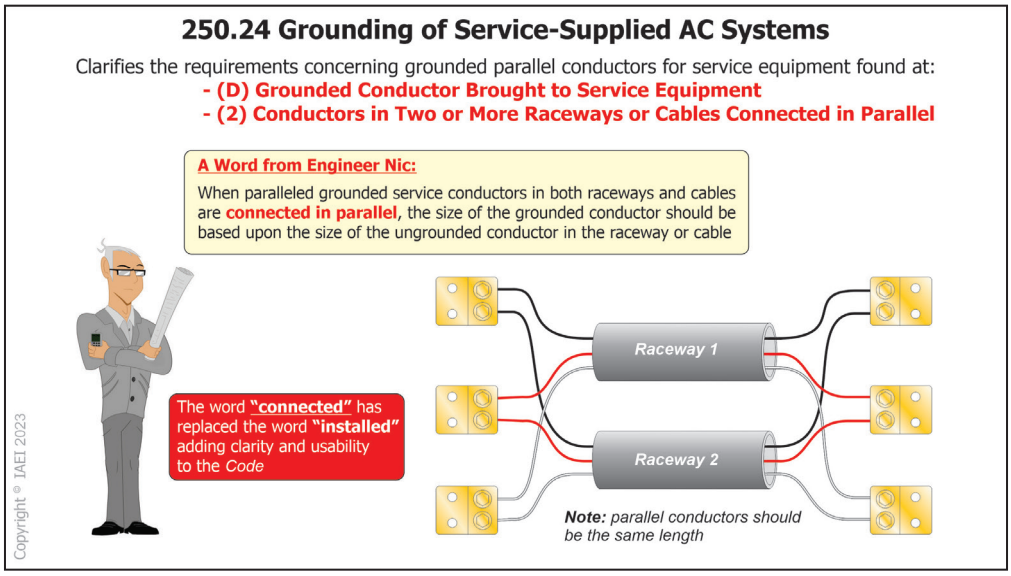
  Section 250.24(D)(2), *Connected in Parallel*, was relocated after "Conductors." It has been revised to a list format for additional clarity and useability. The last sentence in the paragraph under (2) has been rewritten and added 250.24(D)(2)(a), (D)(2)(b) in accordance with 250.24(D)(1). CMP-5 also added the word "shall" in (a) and (b) because it needs to be when conductors are connected in parallel. The last sentence in (b) was moved and rewritten to the paragraph in (2) to add clarity.

- **How this will affect the electrical industry:** There is not much of an impact with this change, but it adds clarity to the requirements described in this article when installing conductors connected in parallel. This will benefit electrical professionals when it comes to this type of installation.

William Pancake, CMP-5

250.24(D)(2)

Grounding of Service-Supplied Alternating-Current Systems



250.24(D)(2) Grounding of Service-Supplied Alternating-Current Systems. (D) Grounded Conductor Brought to Service Equipment. (2) Conductors in Two or More Raceways or Cables Connected in Parallel.

- **Type of change:** Revision

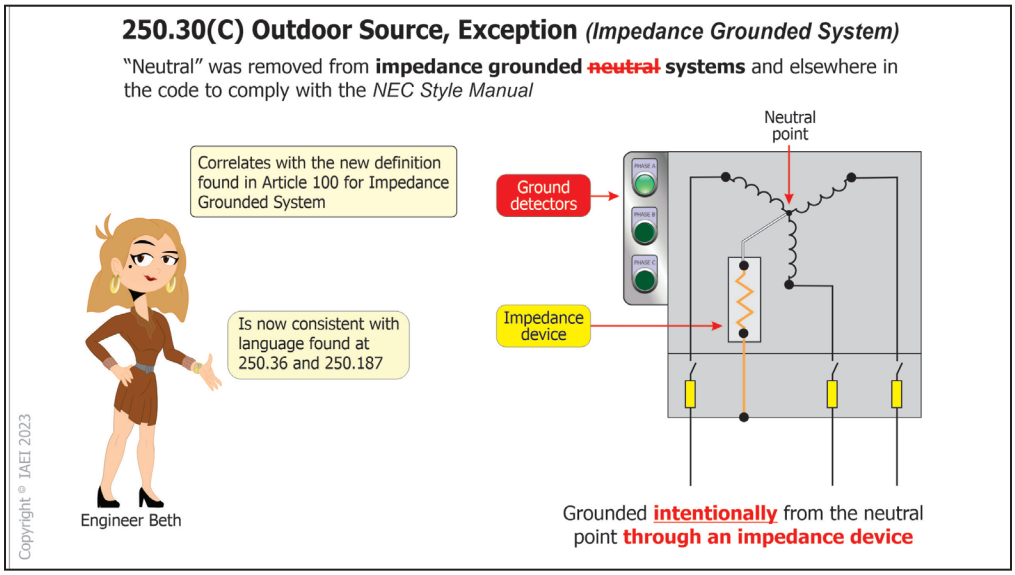
- **The change:** CMP-5 received substantiation to clarify the requirements concerning grounded parallel conductors for service equipment. As a result, Section 250.4(D)(2) was revised.

- **Why it happened:** Section 250.24(D)(2) has been revised for technical accuracy and easier use and understanding by electrical professionals. When paralleled grounded service conductors in both raceways and cables are connected in parallel, the size of the grounded conductor should be based upon the size of the ungrounded conductor in the raceway or cable. The previous language used the word "installed," which was grammatically incorrect. The word "connected" has replaced "installed," adding clarity and usability to the *Code*.

- **How this will affect the electrical industry:** This change was a grammatical change making sure the *NEC* language was specific about the action taking place.

IAEI Codes and Standards Committee

250.30(C)
Outdoor Source, Exception



250.30(C) Outdoor Source, Exception

- **Type of change:** Revision

- **The change:** CMP-5 removed the word "neutral" from 250.30(C) to be consistent with other locations within the *NEC* and with language found at 250.36 and 250.187.

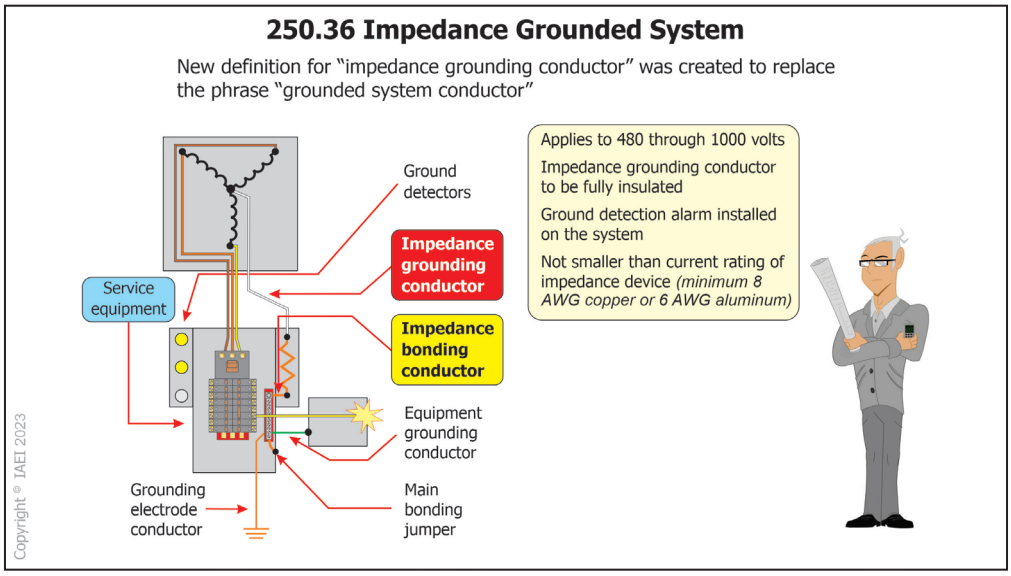
- **Why it happened:** The word "neutral" is removed from impedance grounded neutral systems because it was removed elsewhere in the code to comply with the *NEC Style Manual*. This is to correlate with the new definition found in Article 100 for *Impedance Grounded System*. This change makes it consistent with requirements located at 250.36 and 250.187.

- **How this will affect the electrical industry:** The creation of the new definition for *Impedance Grounded System* will be beneficial to the electrical professional. When consistency in terminology can be achieved, the *Code* becomes more user-friendly.

William Pancake, CMP-5

250.36

Impedance Grounded Systems — 480 Volts to 1000 Volts



250.36 Impedance Grounded Systems — 480 Volts to 1000 Volts

- **Type of change:** Revision

- **The change:** CMP-5 removed the words "High" and "Neutral" from the title of Section 250.36, renaming the section to be *Impedance Grounded Systems — 480 Volts to 1000 Volts*. A new definition for "impedance grounding conductor" was also created.

- **Why it happened:** The word "device" has been added after the word "impedance" several times throughout Section 250.36 to designate an object and not a value. A new definition was also created for "impedance grounding conductor" to replace the phrase "grounded system conductor." It is further clarified that the conductor that connects the neutral point to the impedance of an impedance grounded system does not meet the definition of a "grounded conductor" in Article 100.

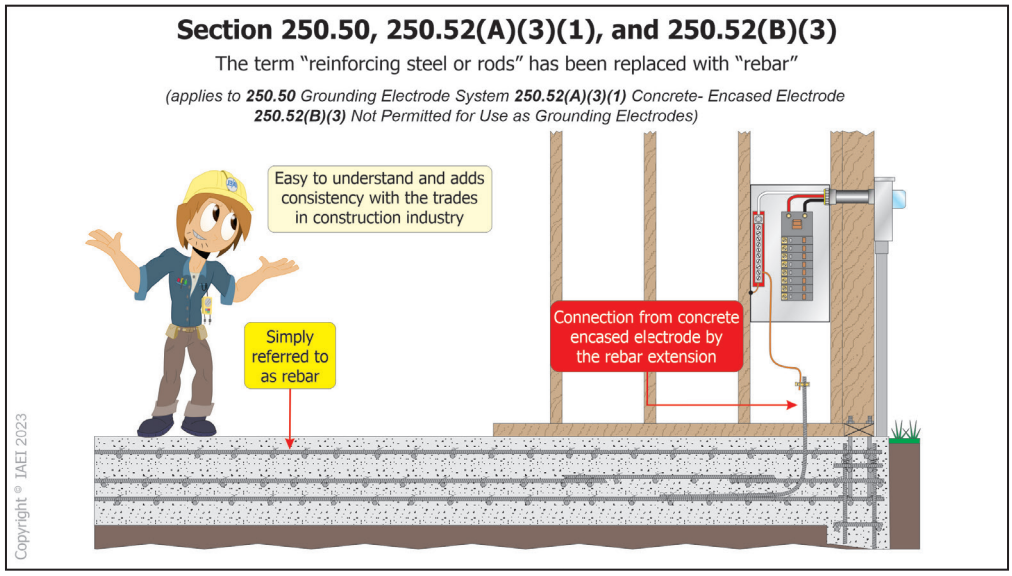
  Another change was made by deleting the word "Equipment" and replacing it with "Impedance" for the definition of "Impedance Bonding Jumper."

- **How this will affect the electrical industry:** The changes at 250.36 should not make a big impact on the electrical industry by making these changes. They make the text more accurate when it comes to "Impedance Bonding Jumpers," adding clarity and consistency to the *NEC*.

William Pancake, CMP-5

250.50, 250.52(A)(3)(1), 250.52(B)(2)

Grounding Electrodes



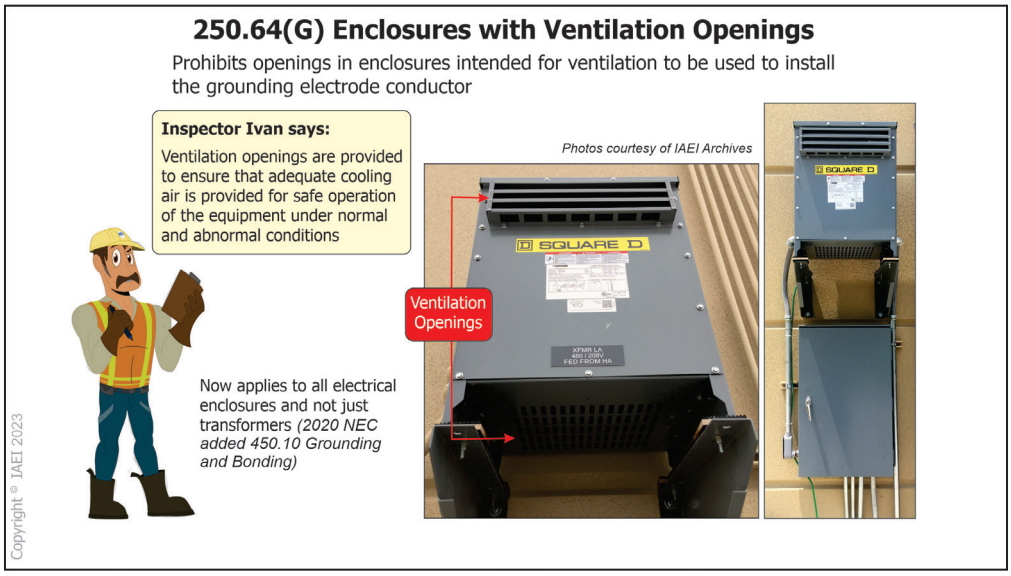
250.50 Grounding Electrode System, 250.52(A)(3)(1) Concrete- Encased Electrode, 250.52(B)(2) Not Permitted for Use as Grounding Electrodes.

- **Type of change:** Revision
- **The change:** The term "reinforcing steel or rods" was replaced by CMP-5 with "rebar." This revision was done in all three sections of the *Code* for consistency.
- **Why it happened:** The phrase "Reinforcing steel or rods" is typically referred to as a "rebar," so changing the term would make it easy to understand in the field and the construction industry. This also harmonizes the term to be consistent with the language preferred in 250.68(C).
- **How this will affect the electrical industry:** This new term allows the electrical professionals and the electrical industry to be consistent when utilizing the word "Rebar" with grounding electrode systems, concrete-encased electrodes, and grounding electrodes.

William Pancake, CMP-5

250.64(G)

Enclosures with Ventilation Openings



250.64(G) Enclosures with Ventilation Openings

- **Type of change:** New

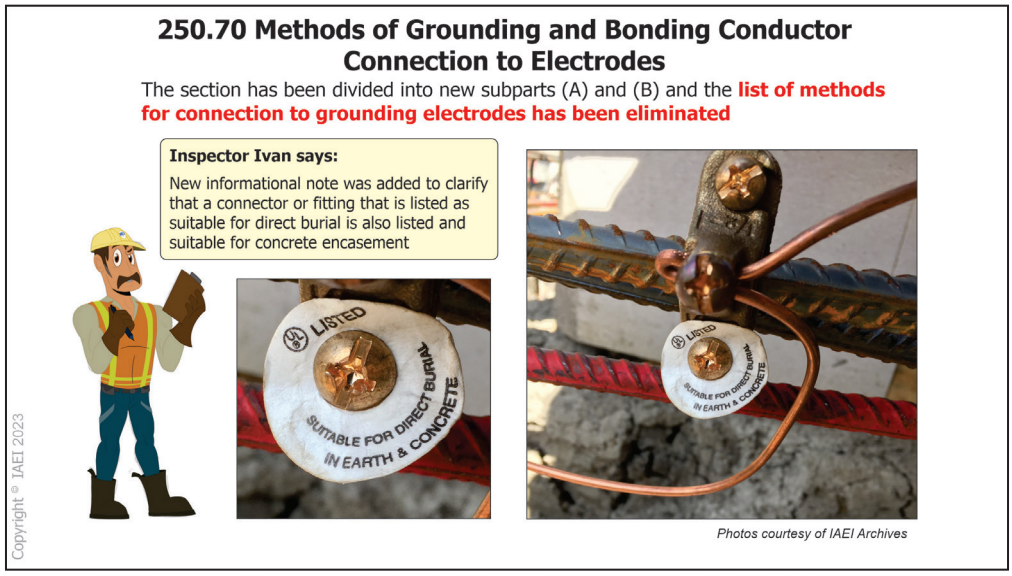
- **The change:** CMP-5 added a new requirement to prohibit openings in enclosures intended for ventilation to be used to install the grounding electrode conductor.

- **Why it happened:** The ventilation openings in equipment enclosures are provided to ensure that adequate cooling air is provided for the safe operation of the equipment under normal and abnormal conditions. The listing of the equipment is predicated on these openings not being obstructed, such as by the installation of raceways or conductors through the opening. Using one or more of these openings to install conductors, such as a grounding electrode conductor, can create a blockage to having adequate ventilation and therefore is now prohibited in general. A similar requirement was made to 450.10 in the 2020 *NEC* specific to transformers.

- **How this will affect the electrical industry:** Electrical professionals will need to be on the lookout for proper installation of the grounding electrode conductor through an enclosure wall opening that is intended for ventilation. This could be a conduit opening when the conduit is installed, or it could be an opening in the enclosure provided for a bare grounding electrode conductor such as found on some panelboard cabinets.

Chuck Mello, IAEI Contributor

250.70
Grounding and Bonding Conductor Connection to Electrodes



250.70 Methods of Grounding and Bonding Conductor Connection to Electrodes

- **Type of change:** Relocation / Revision

- **The change:** The section has been divided by CMP-5 into new subsections (A) and (B), and the list of methods for connection to grounding electrodes has been eliminated. The list item for the communications system has been moved to the new list item (B) as a permitted method. A new informational note was added to clarify to users that a connector or fitting that is listed as suitable for direct burial is also listed and suitable for concrete encasement.

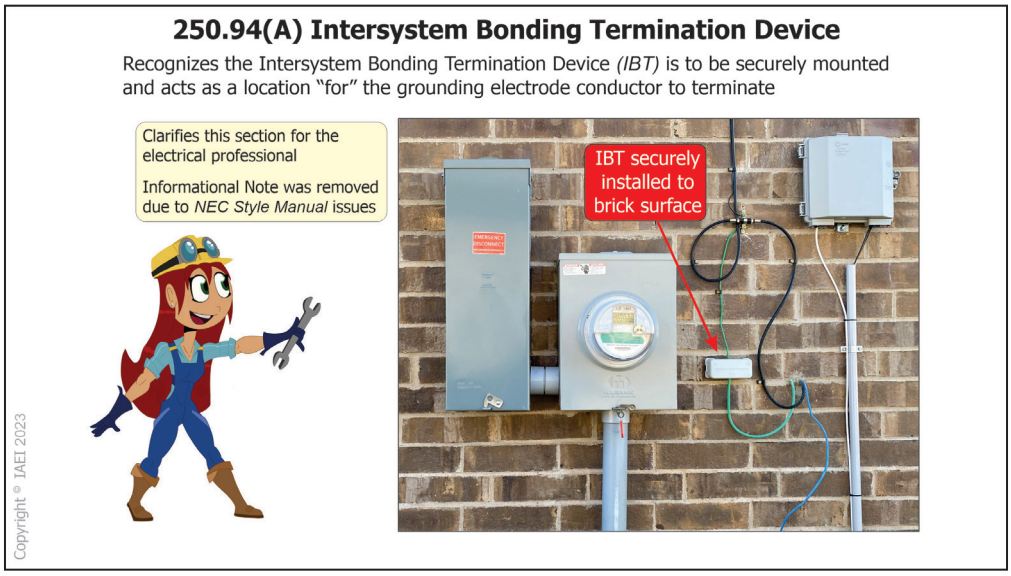
- **Why it happened:** Public inputs were made to CMP-5 for several changes. One of these identified the fact that there are no pipe fittings, pipe plugs, or other devices that screw into a pipe that are suitable or identified for attaching a grounding electrode conductor. Therefore, this list item was removed. The relocation of the list item for communications equipment left only one item in the list, and it was already covered in the main section text; therefore, all the list items could be deleted. The informational note was added from another public input to recognize that UL 467 for the listing of fittings and devices for connecting to grounding electrodes does not separate listing for direct burial from concrete encasement.

- **How this will affect the electrical industry:** The reorganization should give some clarity to electrical professionals and eliminate some connection means that are not available to be used. The informational note will address concerns that have been raised by installers or inspectors concerning these types of grounding connections.

Chuck Mello, IAEI Contributor

250.94(A)

The Intersystem Bonding Termination Device



250.94(A) The Intersystem Bonding Termination Device

- **Type of change:** Revision

- **The change:** CMP-5 made minor wording changes in 250.94(A)(4) a and b and removed Informational Note 1, which did not have much value within the code and did not comply with the *NEC Style Manual.*

- **Why it happened:** Section 250.94(A) gives requirements for installing the Intersystem Bonding Termination Device (IBT). Editorial revisions were made to add clarity in (A)(4) list item a. CMP-5 changed the word from "be" to "to" because of mentioning an object such as a metal enclosure. The words "or to" were removed and replaced with "for." This now recognizes the IBT as the location "for" the grounding electrode conductor.

  Section 250.94(A)(4) b added the phrase "that is supplied by a feeder or branch circuit" for that purpose. Also, the same thing that was done in "a" needed to be done in "b" to designate that the conductor is terminated on the IBT.

  Informational Note 1 was returned to CMP-5 by the Correlating Committee to be addressed so it would comply with *NEC Style Manual*. The Informational Note was removed by CMP-5 as the committee could not find a way to meet the requirements of the *NEC Style Manual*.

- **How this will affect the electrical industry:** Updated language at 250.94(A)(4) a and b helps to clarify this section for the electrical professional. Informational Note 1 was removed for useability as it was determined that it did not add value to the *Code*.

William Pancake, CMP-5

250.106
Lightning Protection Systems



250.106 Lightning Protection Systems

- **Type of change:** Revision

- **The change:** References to the NFPA 780 standard were removed for Informational Note No. 1 and updated for Informational Note No. 2 by CMP-5.

- **Why it happened:** CMP-5 removed most of Informational Note No.1 but retained the first sentence. Part of Informational Note No. 1 was relocated to Informational Note No. 2, making changes to comply with the *NEC Style Manual*.

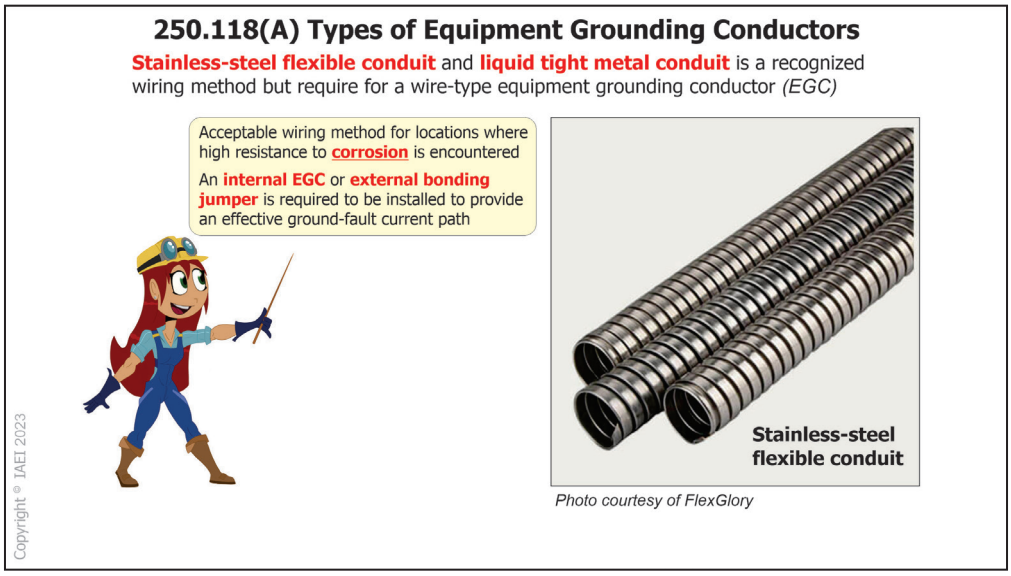
  The year of the edition of the standard used as reference was removed because when used in most cases, the version is about three years old when the *NEC* is published. This revision is permitted by language at the new 90.5(C), which states the reference is to be considered as the latest edition of the standard unless the standard reference includes a date

- **How this will affect the electrical industry:** This change will help the electrical professional and electrical industry understand this section better. It is also to be understood by the *Code* user that when a standard is referenced, it is to be considered the most up-to-date version unless a date for the publication has been included

William Pancake, CMP-5

250.118(A)

Types of Equipment Grounding Conductors



250.118(A) Types of Equipment Grounding Conductors, (A) Permitted.

- **Type of change:** New

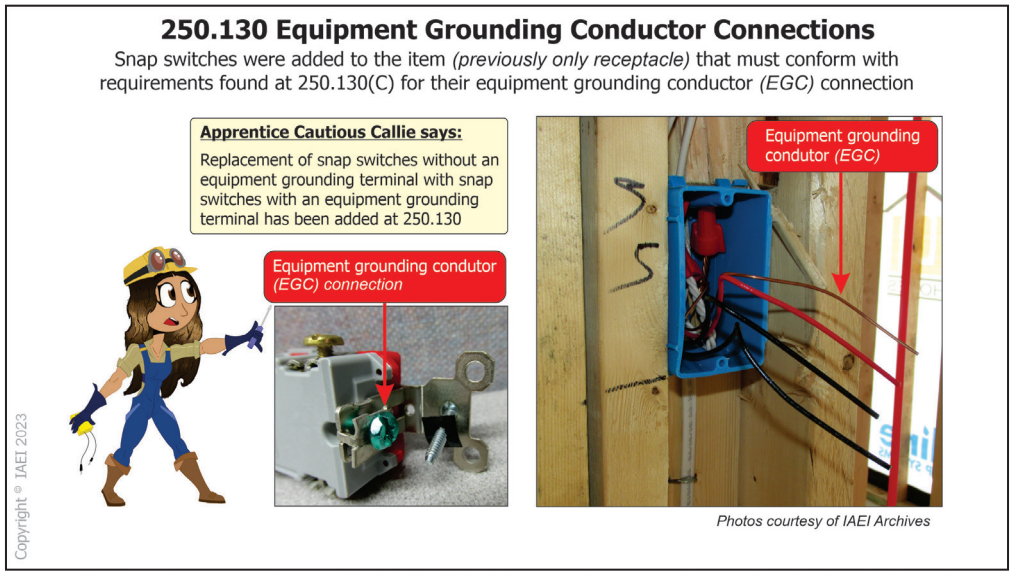
- **The change:** Substantiation was received by CMP-5 for the recognition of stainless-steel flexible and liquid tight metal conduit and a requirement for a wire-type equipment grounding conductor (EGC), resulting in the addition of a new list item (f) in Section 250.118(A).

- **Why it happened:** A new Item (6)(f) has been included as an acceptable wiring method for locations where high resistance to corrosion is encountered. The stainless-steel core provides higher resistivity than other metal types used with flexible conduits. A separate internal EGC or external bonding jumper is required to be installed to provide an effective ground-fault current path.

- **How this will affect the electrical industry:** The electrical professional now has additional options for use where high resistance to corrosion is required. The AHJ and installer will need to assure that the required EGC or bonding jumper is used if this method of raceway is utilized.

William Pancake, CMP-5

250.130
Equipment Grounding Conductor Connections



250.130 Equipment Grounding Conductor Connections

- **Type of change:** Revision

- **The change:** CMP-5 added snap switches to the items that must conform with requirements found at 250.130(C) for their equipment grounding conductor connection.

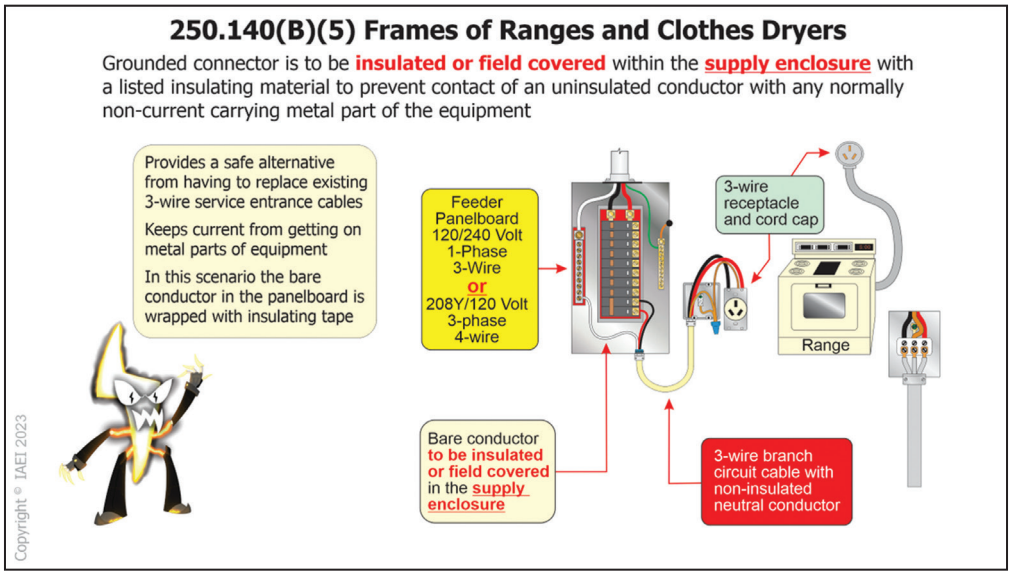
- **Why it happened:** Previous to the 2023 *NEC* this requirement only applied to non-grounding type receptacles being replaced with grounding-type receptacles. Section 404.9(B) required that snap switches be connected to an equipment grounding conductor (EGC). An exception allowed a replacement switch to be provided with GFCI protection when a grounding means was not available in the existing enclosure. The previous provision of 250.130(C) only addressed the replacement of receptacles.

  For the 2023 *NEC*, the replacement of snap switches without an equipment grounding terminal with snap switches with an equipment grounding terminal was added to 250.130. The installer now has an opportunity to choose to install an EGC for switches as well as receptacles. An added informational note provides a link to the 404.9(B) requirements.

- **How this will affect the electrical industry:** Section 250.130 will now provide the electrical professionals with coordination with Article 406 regarding the replacement of non-grounding type receptacles and non-grounding type snap switches. This revision brings usability and clarity to the user of the Code.

IAEI Codes and Standards Committee

250.140
Frames of Ranges and Clothes Dryers



250.140 Frames of Ranges and Clothes Dryers

- **Type of change:** Revision

- **The change:** CMP-5 recognized that clarification was needed to make Section 250.140 more understandable. It has been revised by changing the main requirement and the former exception into two titled subdivisions.

- **Why it happened:** At times, services are replaced, modified, upgraded, or optional standby systems (transfer switches) are installed. In some cases, the existing load center was the service equipment but is now being supplied by a feeder. The grounded conductor is not permitted to be used as part of the effective ground-fault current pathway. This new revision provides a safe alternative from having to replace the existing 3-wire nonmetallic sheathed cables.

  A new subdivision is Part (A), which covers the installation of equipment grounding connectors (EGCs) to ranges and dryers. Part of the 250.140 text was moved to Part (A), detailing how to make the connection specified in 250.134 or 250.118.

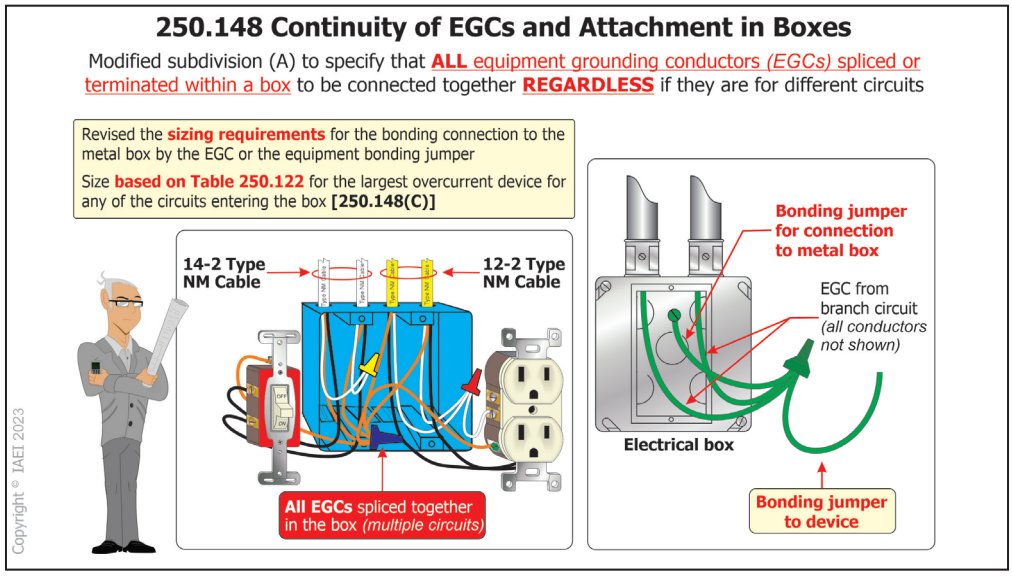
  This revision further clarifies that when there is only a grounded conductor to ranges and dryers of existing installations, to meet the requirements of part (B), new list items (3) and (5) were added. In the previous edition of the *Code*, part of this was the exception, but now it is a main rule.

- **How this will affect the electrical industry:** The changes in Section 250.140 clarify requirements for electrical professionals of these types of installations regarding ranges and dryers. The only big change is that the grounded connector is to be insulated or field covered within the supply enclosure with a listed insulating material. This will prevent contact of an uninsulated conductor with any normally non-current carrying metal part of the equipment.

William Pancake, CMP-5

250.148

Continuity of Equipment Grounding Conductors and Attachment in Boxes



250.148 Continuity of Equipment Grounding Conductors and Attachment in Boxes

- **Type of change:** Revision

- **The change:** CMP-5 modified subdivision (A) to specify that all equipment grounding conductors that are spliced or terminated within a box are required to be connected together without regard to if they are for different circuits. Also, the reference for the connection means complying with 250.8 was relocated to this section.

- **Why it happened:** Public inputs were made to CMP-5 for several changes. These identified the need to clarify if the interconnection of all wire-type equipment grounding conductors without regard to circuit association is required or if separate connections of just the equipment grounding conductors of a circuit were required.

  List item (C) has been revised to provide the sizing requirements for the bonding connection to the metal box by the equipment grounding conductor or equipment bonding jumper. This size is to be based on Table 250.122 for the largest overcurrent device for any of the circuits entering the box. A change to list item (D) was made to comply with the *NEC Style Manual* and use of vague terms.

- **How this will affect the electrical industry:** Electrical professionals will need to be aware of the requirements for connecting all the equipment grounding conductors together rather than just those associated with its circuit. This is a requirement that has been reversed several times over the past few cycles and is confusing depending on which edition of the code is adopted. Also, they will need to ensure that a properly sized bonding connection is made to the metal box where many times this has just been a 12 AWG copper pigtail.

Chuck Mello, IAEI Contributor

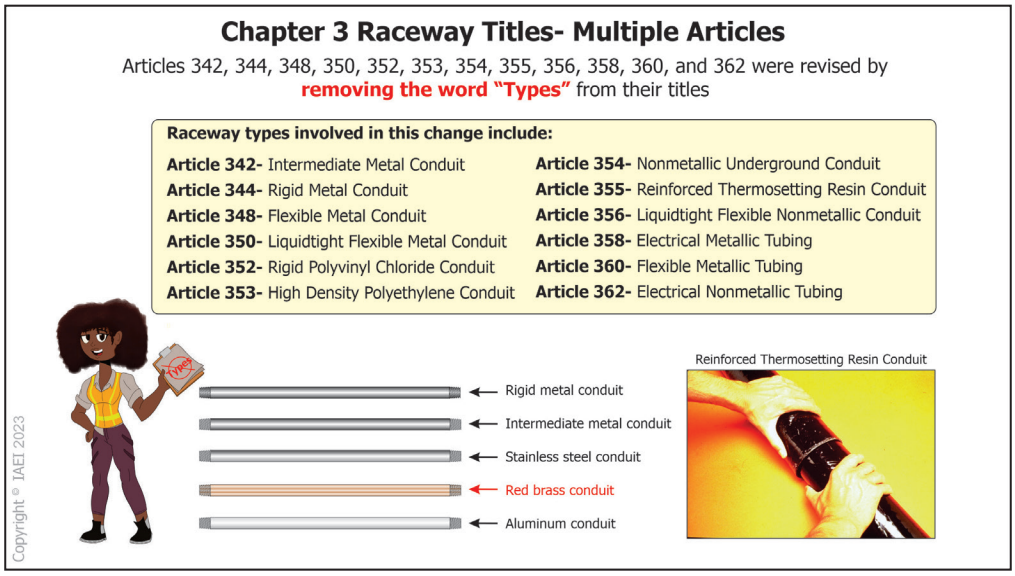
CHAPTER 3
WIRING METHODS AND MATERIALS

Articles 300-398



MULTIPLE ARTICLES

Various Chapter 3 Raceway Titles



Articles 342, 344, 348, 350, 352, 353, 354, 355, 356, 358, 360, and 362 Title Revision

- **Type of change:** Revision

- **The change:** CMP-8 revised Articles 342, 344, 348, 350, 352, 353, 354, 355, 356, 358, 360, and 362 by removing the word "Types" from their titles.

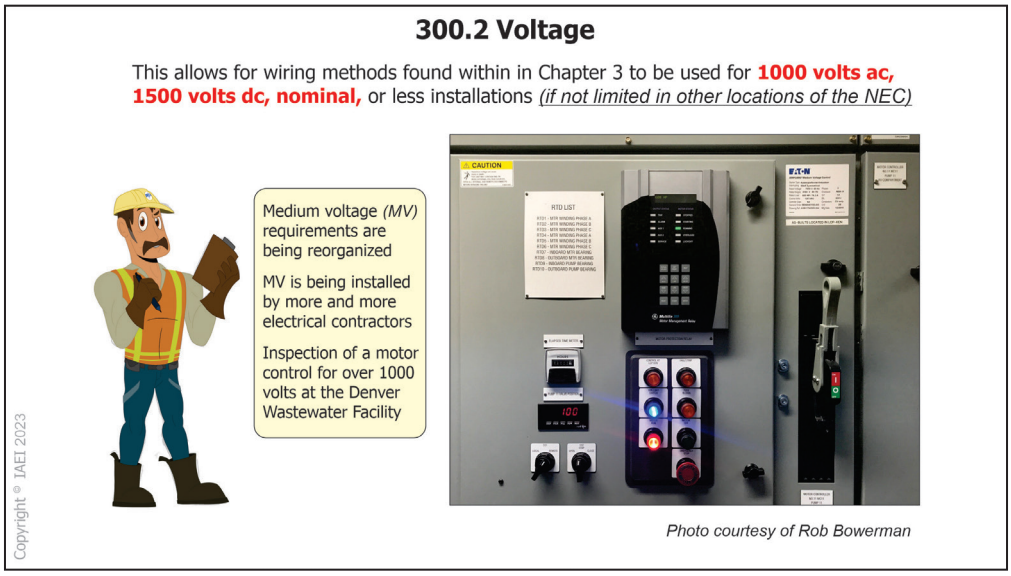
- **Why it happened:** This editorial revision only applies to certain raceway article titles under the purview of CMP-8. The word "Type" has been removed from the new definitions found in Article 100 for conduit and tubings. This editorial deletion correlates with the definition and clarifies the acronym for usability.

  This change was related to multiple public inputs that relocated all the xxx.2 definitions in the *NEC* to Article 100 to comply with the 2020 *NEC Style Manual*. The Correlating Committee established a Task Group with representation from CMPs 6 and 8 to review the format of the wiring method articles regarding the use of acronyms and the use of the word "type" used with some acronyms. CMP-8 was instructed to revise the definitions under their purview to comply with the *NEC Style Manual*.

- **How this will affect the electrical industry:** This change will increase the usability and application of the *NEC* by the electrical professional.

Scott Higgins and Tom Moore, CMP-8

300.2(A)
Limitations, Voltage



300.2(A) Limitations, Voltage

- **Type of change:** Revision

- **The change:** Section 300.2(A) was modified by CMP-3 to add 1500 volts dc in two locations. This change specifies that wiring methods found within Chapter 3 are to be used for systems rated 1000 volts ac, 1500 volts dc, nominal, or less, where not limited in other locations of the *NEC*.

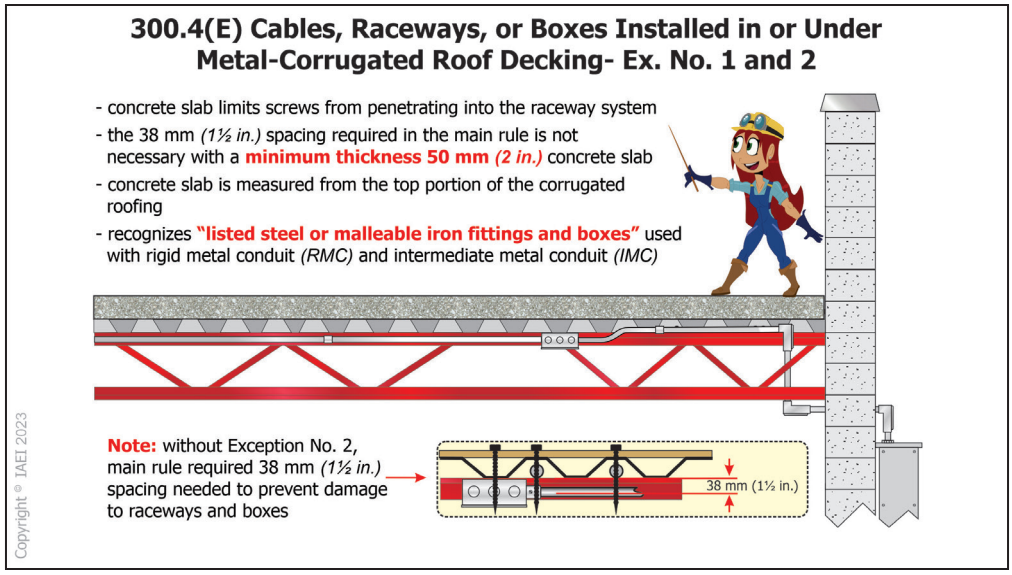
- **Why it happened:** Rules for medium voltage are being reorganized in the *Code* in an attempt to increase usability. New articles for installations greater than 1000 volts ac and 1500 volts dc have been added for these items.

- **How this will affect the electrical industry:** As medium voltage work is increasingly being installed by electrical contractors and not the utility company, focused articles will help with the location of requirements, education, and inspection and will help both installers and inspectors.

Tim Mikloiche, CMP-3

300.4(E) EX. NO. 1 AND 2

Cables, Raceways, or Boxes Installed in or Under Metal-Corrugated Roof Decking



300.4(E) Ex. No. 1 and 2 Cables, Raceways, or Boxes Installed in or Under Metal-Corrugated Roof Decking

- **Type of change:** Revision

- **The change:** A new Exception No. 1 and modifications to Exception No. 2 have been added to 300.4(E) by CMP-3. These changes recognize poured concrete on top of the metal roof decking as a means of physical protection and addition of "listed steel or malleable iron fittings and boxes" used with rigid metal conduit (RMC) and intermediate metal conduit (IMC).

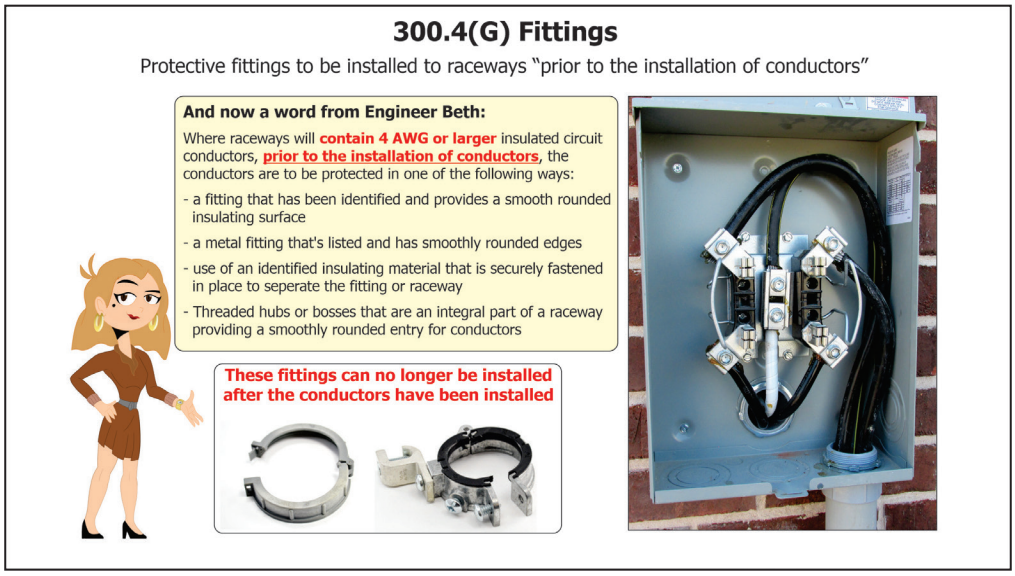
- **Why it happened:** The use of concrete on top of metal roof decking limits screws from penetrating into the raceway system, causing damage to the raceway and wiring. When the metal-corrugated sheet roof decking is covered with a minimum thickness of 50 mm (2 in.) concrete slab, the 38 mm (1 ½ in.) spacing requirements found in the main rule are not necessary. Per this exception, the concrete slab is measured from the top portion of the corrugated roofing.

  This also recognizes the addition of "listed steel or malleable iron fittings and boxes" for Exception No. 1, which are used with rigid metal conduit (RMC) and intermediate metal conduit (IMC). They are a part of the raceway installation and needed to be added to the existing exception for clarity.

- **How this will affect the electrical industry:** The update to 300.4(E) provides clarity to the installer and the AHJ that abiding by these exceptions will not require the installer to also comply with the main rule requirements of 300.4(E).

Tim Mikloiche, CMP-3

300.4[G]
Fittings



300.4(G) Fittings

- **Type of change:** Revision

- **The change:** CMP-3 added new language in 300.4(G), noting that protective fittings need to be installed "prior to the installation of conductors."

- **Why it happened:** To protect the conductors from damage while they are being pulled into the raceway, the protective fitting needs to be in place before the installation of the conductors. Installing this fitting after the conductors have been installed allows possible damage to occur to conductors being pulled into the raceway.

- **How this will affect the electrical industry:** Even though there are fittings that can be installed after the conductors have been pulled in, this new language will clarify that the intent of the protective fitting is to protect the conductors as they are being put into the raceway and is not intended to be added after the conductors have been installed in the raceway.

  Determining if this fitting was installed before the installation of conductors may be hard for an AHJ to determine during an inspection. There are fittings that are designed to be installed after the conductors have been installed. These are usually installed after the conductors have been installed and terminated to the equipment. This type of fitting can be installed without the electrical professional disconnecting the conductors, sliding the fitting over the conductors, and securing it to the raceway or fitting. It could be argued that this type of fitting was installed prior to the installation of the conductors.

Tim Mikloiche, CMP-3

TABLE 300.5
Minimum Cover Requirements

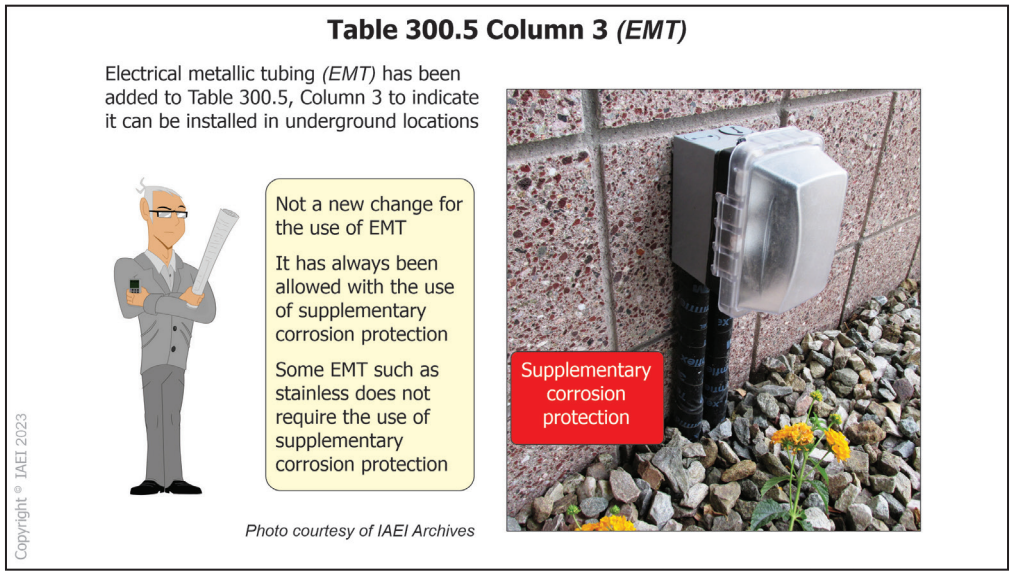


Table 300.5 Minimum Cover Requirements, 0 to 1000 Volts, ac, 1500 Volts dc, Nominal, Burial in Millimeters (Inches)

- **Type of change:** Revision

- **The change:** CMP-3 has added *Electrical Metallic Tubing (EMT)* to Column 3 of Table 300.5 to clearly indicate that EMT can be installed in an underground location.

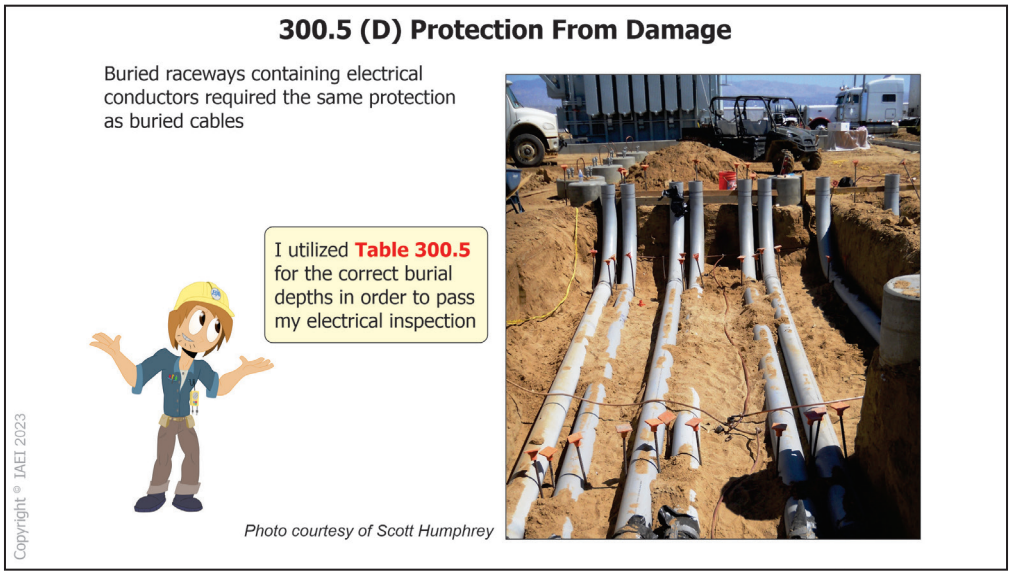
- **Why it happened:** EMT has been permitted to be used in underground locations, and not all types of EMT require supplemental corrosion protection. UL 797, *Standard for Safety Electrical Metallic Tubing – Steel*, also indicates that EMT is permitted in underground installations. Although supplementary corrosion protection is generally required for EMT in direct contact with earth, one cannot assume it is always required, as in the case for stainless tubing. A new note #6 was added to the bottom of the table to direct the *Code* user to 358.10 for additional information requirements for directly buried EMT.

- **How this will affect the electrical industry:** This change clarifies for the electrical professional that EMT can be used in underground installations when the UL guide card and Article 358 requirements are followed.

Tim Mikloiche, CMP-3

300.5(D)

Direct Buried Conductors and Cables

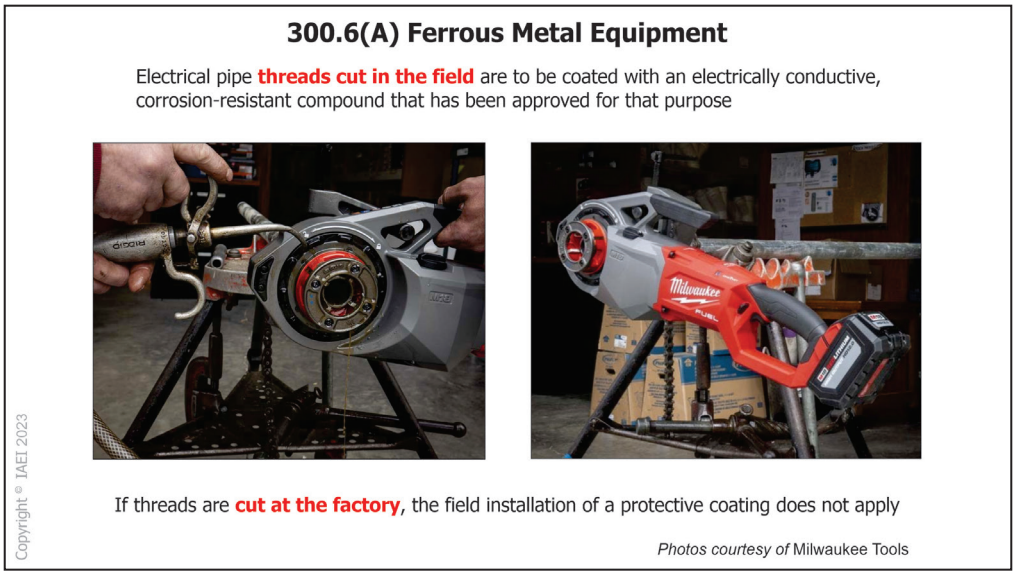


300.5(D) Protection from Damage

- **Type of change:** Deletion
- **The change:** The words "direct buried" were removed from the text at 300.5(D) by CMP-3 leaving behind "conductors and cables."
- **Why it happened:** As previously written, with the text reading as "direct buried conductors and cables," this section did not apply to buried raceways containing conductors and only conductors that themselves were directly buried.
- **How this will affect the electrical industry:** This revision will provide both the installers and inspectors with clarity as to requirements for underground conductor and cables installations.

Tim Mikloiche, CMP-3

300.6(A)
Ferrous Metal Equipment



300.6(A) Ferrous Metal Equipment

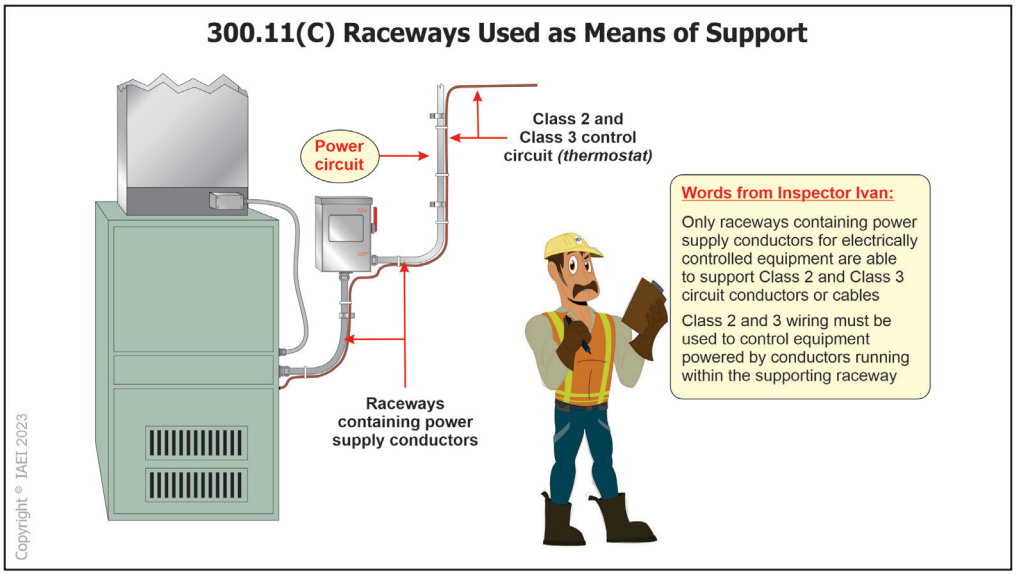
- **Type of change:** Revision
- **The change:** The informational note referencing field-cut threads was removed, and the reference was turned into positive language.
- **Why it happened:** Adding "anywhere other than at the factory where the product is listed" provides clarity that threads cut in the field are to be coated with an electrically conductive, corrosion-resistant compound that has been approved for that purpose. This field-installed application of a coating does not apply if the threads are cut at the factory.

  As informational notes are not enforceable, this note was more like a definition. Making positive language from the informational note will add clarity for code users and allow enforcement.
- **How this will affect the electrical industry:** This change will allow the AHJ enforcement options by creating positive code language that can be cited instead of pointing the installer to an informational note that is not enforceable and is of an informative nature.

Tim Mikloiche, CMP-3

300.11(C)

Raceways Used as Means of Support



300.11(C) Raceways Used as Means of Support

- **Type of change:** Revision

- **The change:** CMP-3 added Class 3 circuit conductors as a conductor permitted to be supported by the raceway containing power supply conductors that supplies the equipment.

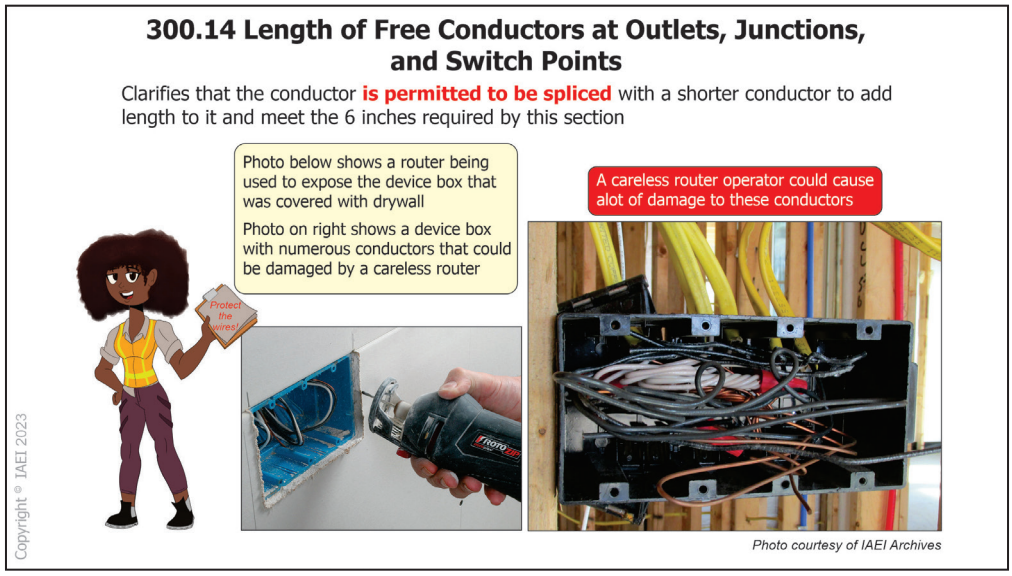
- **Why it happened:** It was pointed out that there is no basis for allowing Class 2 cables and not also specifying Class 3 cables from being attached to their raceway that supplies the equipment. These cables are typically the same in size and weight. This also aligns with 725.143 which recognizes Class 2 and Class 3 circuit conductors and points back to 310.11(C) for their installation.

- **How this will affect the electrical industry:** This allows the electrical professional utilization of the same techniques to be used with a Class 3 installation that are currently allowed for Class 2 cables.

Tim Mikloiche, CMP-3

300.14

Length of Free Conductors at Outlets, Junctions, and Switch Points



300.14 Length of Free Conductors at Outlets, Junctions, and Switch Points

- **Type of change:** Revision

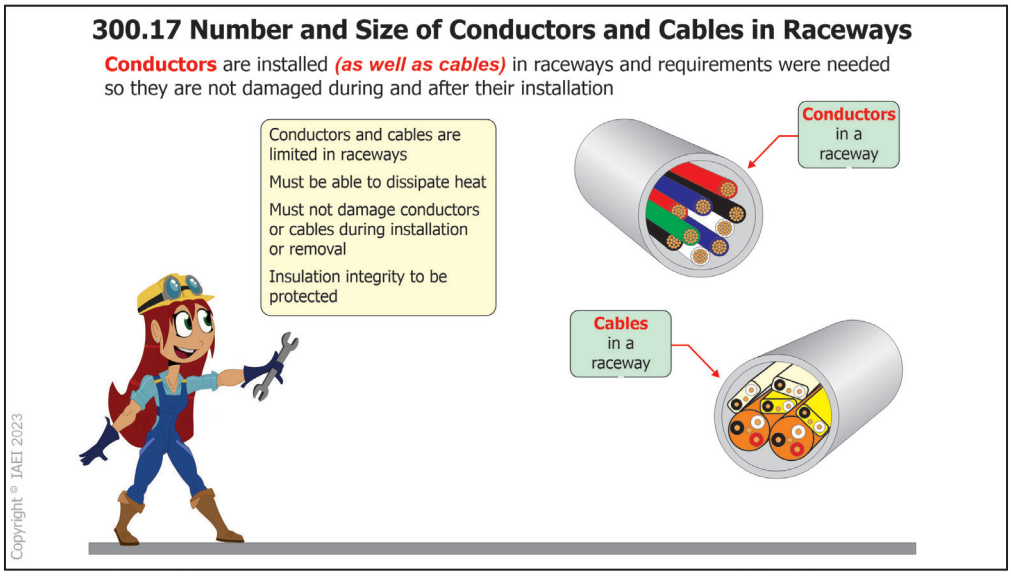
- **The change:** CMP-3 added text at 300.14 permitting free conductors to be spliced at outlet, junction, and switch points.

- **Why it happened:** The text as it was written left it up to interpretation as to if the free conductor had to be continuous or was permitted to be spliced and extended at the box. This caused misunderstanding and confusion between the installer and the inspector. When damage occurs from the drywall installer and their router damages the conductors within the box, some inspectors would not allow for the conductor to be spliced. In some cases, the installer would be required to replace the NM cable to the box. Additional issues could arise where wall surfacing was installed that left the length of the free conductor less than the 6-inch requirement.

- **How this will affect the electrical industry:** TThis change will aid electrical professionals in interpreting the requirement. It will also be clear that the conductor is permitted to be spliced with a shorter conductor to add length to it and meet the 6 inches required by this section. This will reduce misunderstanding and confusion, adding consistency to the *Code*.

Tim Mikloiche, CMP-3

300.17
Conductors and Cables in Raceway



300.17 Number and Size of Conductors and Cables in Raceway

- **Type of change:** Revision

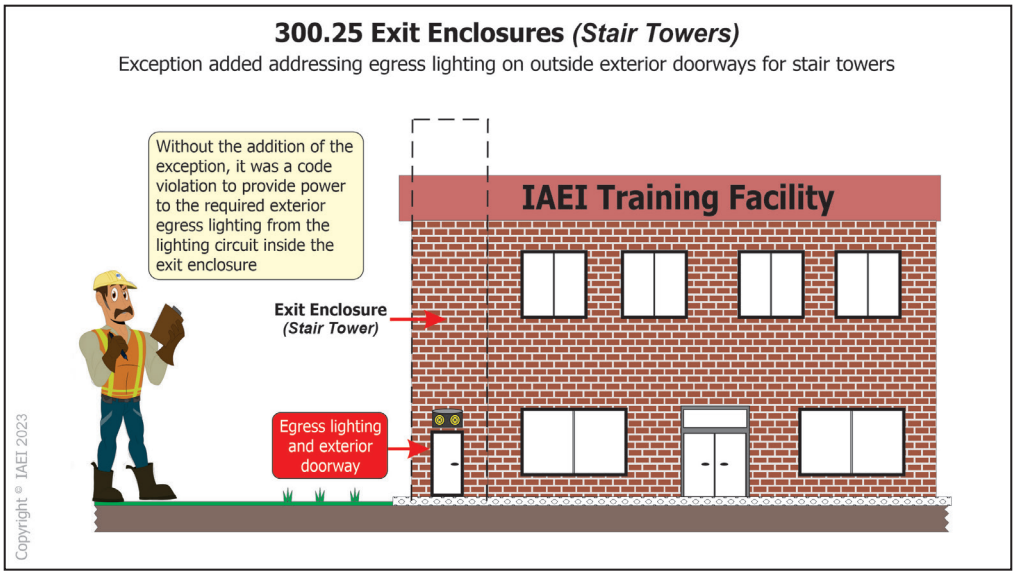
- **The change:** CMP-3 received substantiation for Section 300.17 to recognize that cables are installed in raceways and that requirements are needed so that they are not damaged during and after the installation. The revised Informational Note offers direction to the location of the various wiring methods.

- **Why it happened:** The *NEC* references for "Class 1, Class 2, and Class 3 circuits," "fire alarm circuits," and "optical fiber cables and raceways" were changed in the Informational Note. These changes will direct users of the *Code* to the proper code sections. Chapter 7 was reorganized, which relocated Class 1 circuits out of the article with Class 2 and Class 3. Also, a new Class 4 was created. Fire alarm circuits were divided between PLFA and NPLFA.

- **How this will affect the electrical industry:** The revisions to the Informational Note will help direct both installers and inspectors to the appropriate sections for additional information.

Tim Mikloiche, CMP-3

300.25
Exit Enclosures (Stair Towers)



300.25 Exit Enclosures (Stair Towers)

- **Type of change:** New

- **The change:** CMP-3 eliminated the term "be separated from the building" and added the words "have a fire resistance rating" to Section 300.25. An exception was also added addressing egress lighting on outside exterior doorways.

- CMP-3 also added a new exception at Section 300.25 to address outdoor exterior lighting power supply practices at exits of stair towers.

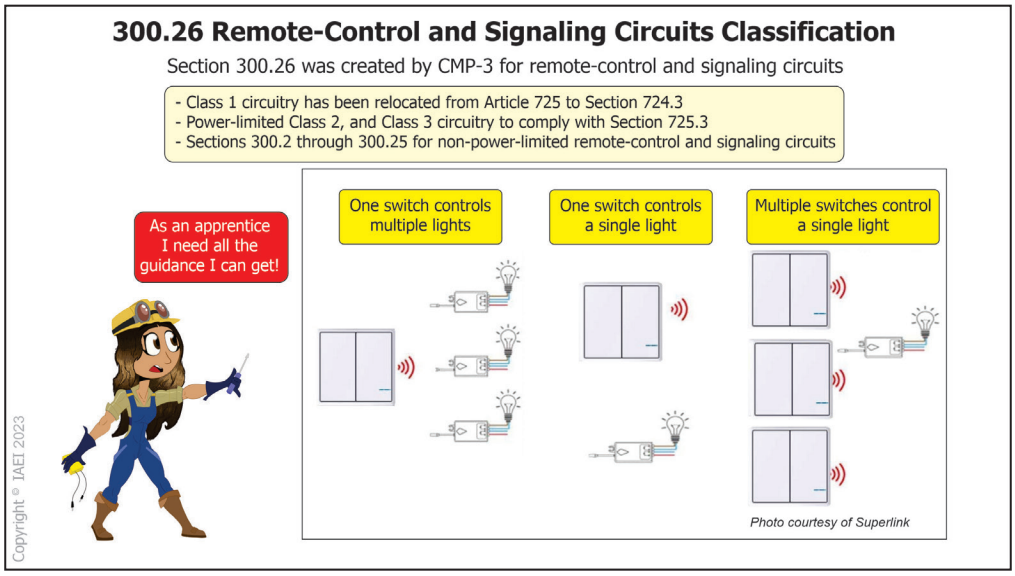
- **Why it happened:** "Be separated from the building" could mean different things and is not a defined term. "Fire resistance rating" is a defined term in the building code and, therefore, will clarify what the requirement applies to.

  Outside exterior doorways are part of the means of egress and frequently require egress lighting to extend to the public way. Without the addition of the exception, it was a code violation to provide power to the required exterior egress lighting from the lighting circuit inside the exit enclosure.

- **How this will affect the electrical industry:** This revised text will add clarity for the electrical professional regarding this egress lighting requirement. Providing a defined term from the building code makes the requirements easier to understand. The new exception will address a long-standing trade practice for providing power to this egress luminaire that previously was a code violation.

Tim Mikloiche, CMP-3

300.26
Remote-Control and Signaling Circuits Classification



300.26 Remote-Control and Signaling Circuits Classification

- **Type of change:** New

- **The change:** A new Section 300.26 was created by CMP-3 for remote-control and signaling circuits.

- **Why it happened:** Along with the moving of Class 1 circuitry out of Article 725, this new section directs the *Code* user to the location of Class 2, and Class 3 circuitry requirements. It also provides necessary clarity on power-limited and non-power-limited installations. Class 1 circuits were previously covered in 725.41 and have been moved to 724.3.

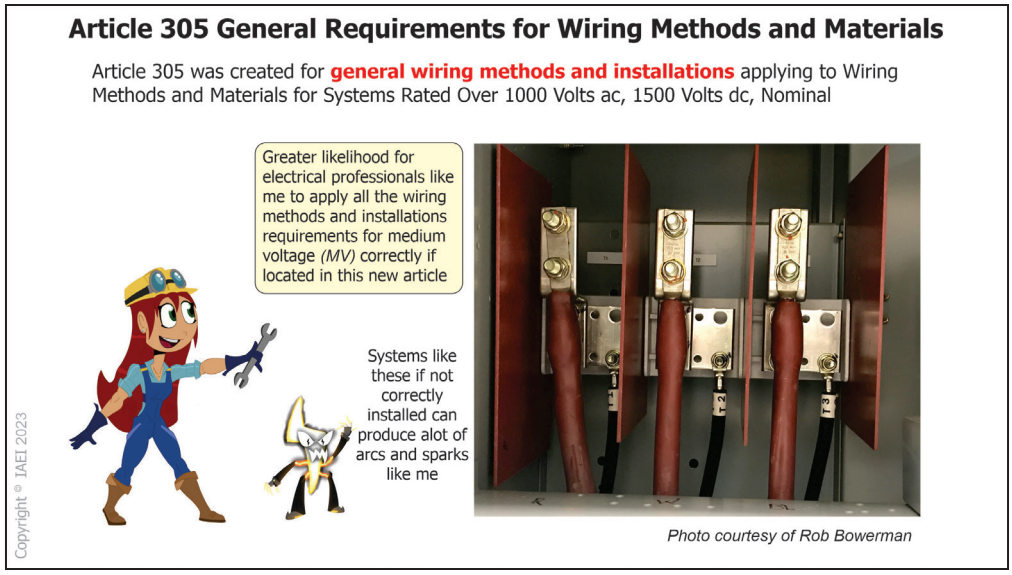
  This new section has list items for ease of usability and includes Class 1, Class 2, and Class 3 circuits, and non-power limited remote-control and signaling circuits.

- **How this will affect the electrical industry:** This revision will provide much-needed clarity, and approved usability, for remote control and signaling circuit installations for both installers and inspectors

Tim Mikloiche, CMP-3

ARTICLE 305

General Requirements for Wiring Methods and Materials for Systems Rated Over 1000 Volts ac, 1500 Volts dc, Nominal



Article 305 General Requirements for Wiring Methods and Materials for Systems Rated Over 1000 Volts ac, 1500 Volts dc, Nominal

- **Type of change:** New

- **The change:** A new Article 305 was created by CMP-3 for general wiring methods and installations applying to Wiring Methods and Materials for Systems Rated Over 1000 Volts ac, 1500 Volts dc.

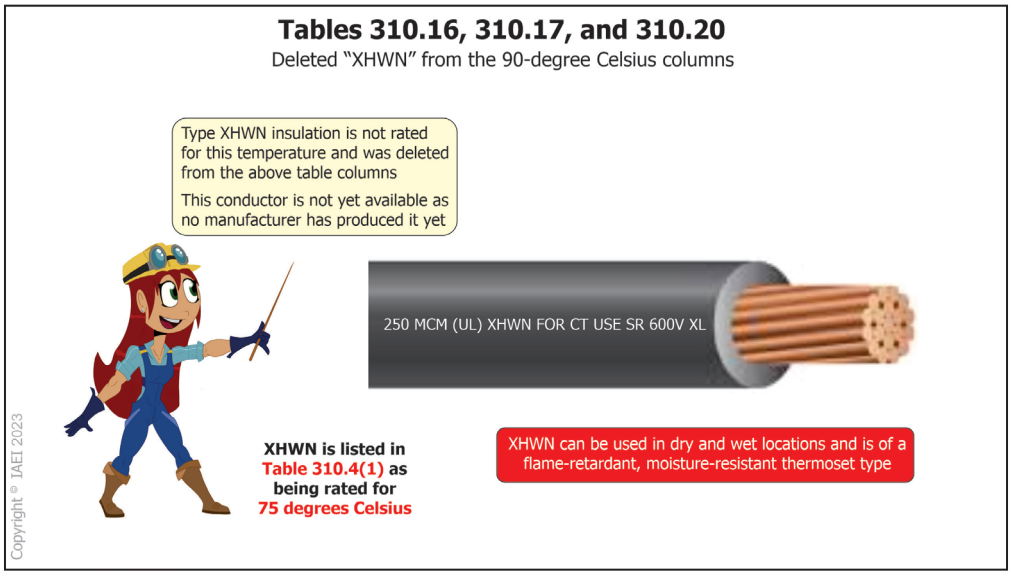
- **Why it happened:** Before this update, information on medium voltage (MV) installations was scattered throughout multiple sections of the NEC. There is a greater likelihood of the electrical professional applying all the wiring methods and installation requirements correctly if located in one centralized location. While it is acknowledged that this will be a long-term task to complete, the new updates in the 2023 *NEC* are a start in that direction.

- **How this will affect the electrical industry:** Consolidating the information for medium voltage (MV) into one article and adding additional information on MV installations will provide the electrical industry, including installers and inspectors, with more guidance in terms of medium voltage (MV) installations

Tim Mikloiche, CMP-3

TABLES 310.16, 310.17 AND 310.20

Ampacities of Conductor Tables



Tables 310.16, 310.17 and 310.20 Ampacities of Conductor Tables

- **Type of change:** Deletion

- **The change:** CMP-6 deleted "XHWN" from the 90-degree Celsius columns of Tables 310.16, 310.17, and 310.20.

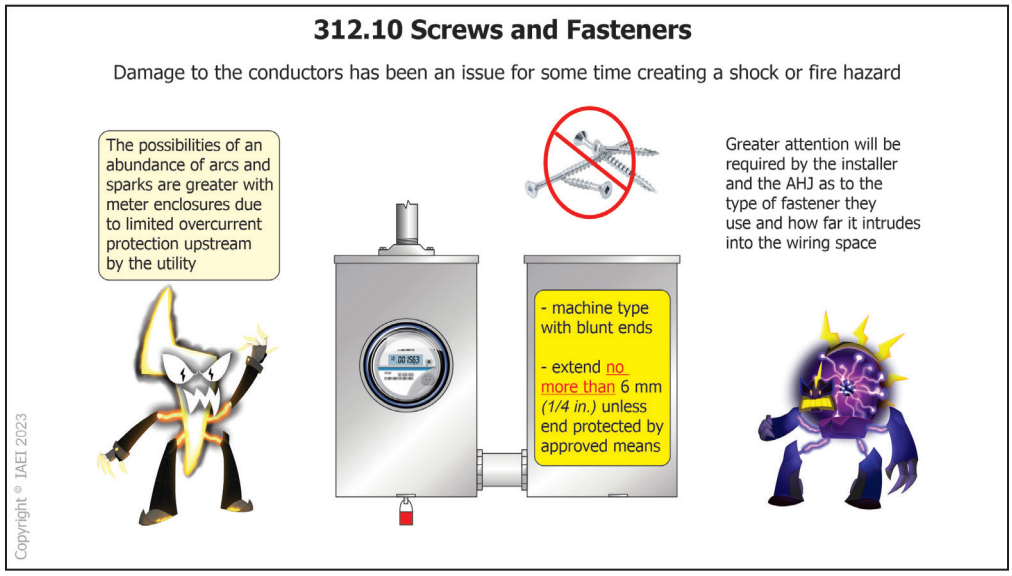
- **Why it happened:** The term "XHWN" means an insulation that can be used in dry and wet locations and is of a flame-retardant, moisture-resistant thermoset type. It is listed in Table 310.4(1) as being rated for 75 degrees Celsius.

  This change was due to substantiation from electrical professionals and action from the correlating committee requesting CMP-6 to determine if Type XHWN is allowable for use at 90 degrees Celsius. CMP-6 decided that Type XHWN insulation was not rated for this temperature and deleted it from the above tables.

- **How this will affect the electrical industry:** These revisions aid the electrical professional in proper conductor insulation selection and assure these conductors are used properly within the range that it has been rated/tested.

Susan Newman-Scearce, CMP-6

312.10
Screws and Other Fasteners



312.10 Screws and Other Fasteners

- **Type of change:** New

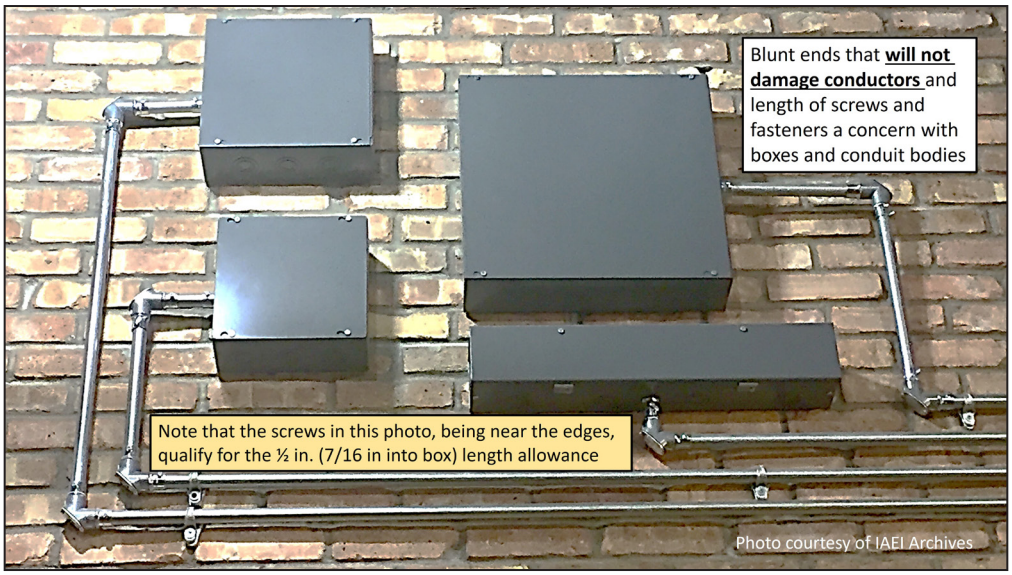
- **The change:** A new Section 312.10 was added by CMP-9 to address field-installed screws or other fasteners entering a cabinet, cutout box, or meter socket. This additional language protects against damage to conductors resulting from sharp projections from exposed threads of screws that are run through covers.

- **Why it happened:** Damage to the conductors has been an issue for some time, creating a shock or fire hazard. This addresses the installation of fasteners that enter into the wiring space.

- **How this will affect the electrical industry:** Greater attention will be required by the installer as to the type of fastener they use and how far it protrudes into the wiring space. This will protect conductors from damage from screws and fasteners.

Dean Fortney and Rick Hollander, CMP-9

314.5
Screws and Other Fasteners



314.5 Screws and Other Fasteners

- **Type of change:** New

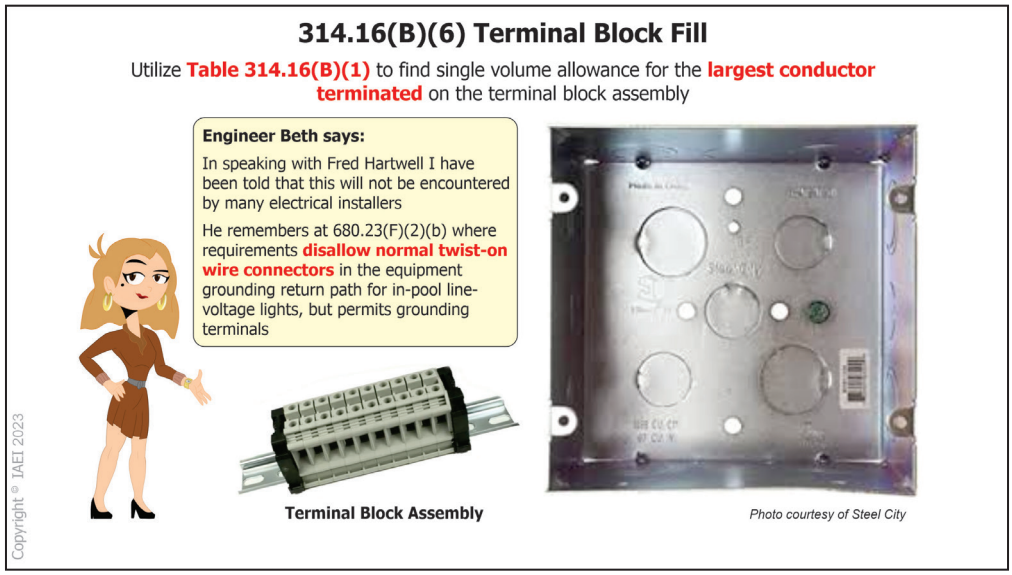
- **The change:** A new Section 314.5 was added to address screws and fasteners entering the wiring space of boxes and conduit bodies. CMP- 9 is inserting this language to protect against damage to conductors resulting from sharp projections from exposed threads of screws run through covers or sides of boxes.

- **Why it happened:** This new language addresses the installation of fasteners which are field installed into the wiring space of these boxes/conduit bodies. These fasteners and screws have been responsible for damage to the conductor(s), causing electrical shock and fire hazards. A new set of list items include seven requirements concerning screws and fasteners. These are applicable to situations encountered in the field during the installation of electrical equipment. Some concerns were discussed regarding inspections. It was felt that the authority having jurisdiction (AHJ) could determine these items.

- **How this will affect the electrical industry:** Greater attention by the electrical professional will be required as to the type and length of the fastener used. Fasteners such as drywall screws will not be acceptable. This will help to protect conductors from damage.

Dean Fortney and Rick Hollander, CMP-9

314.16[B][6]
Terminal Block Fill



314.16(B)(6) Terminal Block Fill

- **Type of change:** New

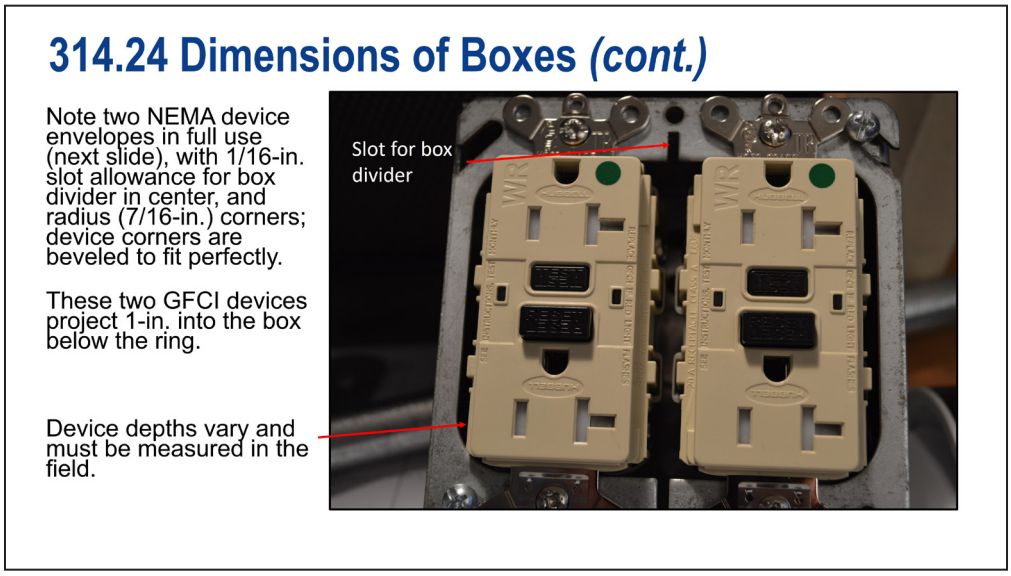
- **The change:** New subdivision 314.16(B)(6) was added to address terminal blocks installed in boxes. CMP-9 added the word assembly so as not to count all the poles of the terminal block for volume allowance towards box fill concerns.

- **Why it happened:** Terminal blocks are being used more frequently, and the volume of cubic inches they take up in the boxes needs to be addressed. Terminal block assembly was chosen, so this does not apply to each pole of a multipole terminal block. There was also confusion on the number of blocks and pole to be counted for box fill. By adding the word assembly, we can understand how to calculate box fill for terminal blocks. This specifies the largest conductor terminated on the terminal block assembly to be used as the single volume allowance based on Table 314.16(B)(1).

- **How this will affect the electrical industry:** Care must be taken by the electrical professional when choosing the size of box to be used. This will be a better understanding of how to calculate box fill for terminal blocks. When terminal block assemblies are used a larger box could be required based on the box fill calculations. A terminal block could also be added at a later time. This could possibly create an overfilled box when the terminal block(s) are installed.

Dean Fortney and Rick Hollander, CMP-9

315.1
Dimensions of Boxes



315.1 Dimensions of Boxes

- **Type of change:** Revision

- **The change:** CMP-9 adjusted the existing language at Section 314.24 by broadening the reach of this section to address side entries for outlet and device boxes.

- **Why it happened:** Outlet and device boxes need appropriate dimensions allowing equipment that is being installed within them to be installed properly without the possibility of damage to conductors that have been installed within the box. The panel adjusted the wording to assure that the depth of boxes accommodates wiring method entries where those entry points line up with the backs of installed devices or equipment. The panel became aware of damage to conductors from installed devices or other equipment of sufficient size to create a conflict with conductors entering these boxes. A fire investigation concerning a GFCI receptacle installed on the outside of a house was also considered as substantiation for this change.

  The product standards contain information for acceptable size envelopes for devices (or other equipment) installed within boxes with device yokes attached at manufacturer-provided gang points. This envelope is 1 ¾ in. wide by 2 13/16 inch high, with rounded corners having a radius of 7/16 inch, and several devices take advantage of this profile.

  These standards place no limitations on the equipment depth. CMP 9 conducted informal surveys of available designs and found depth variations in the market which added complications to the development of this language.

  The information located at 314.24 has been arranged in a format that enhances understanding and useability.

- **How this will affect the electrical industry:** The electrical professional will need to become aware of these requirements to assure that boxes of the proper size are installed in the field. There will need to be communication between the authority having jurisdiction (AHJ) and the installers as to what devices are intended to be installed in boxes to assure the box is of the appropriate size.

IAEI Codes and Standards Committee

315.1

Scope

Article 315- Medium Voltage Conductors, Cables, Cable Joints, and Cable Terminations

Wire wheel information tag for medium voltage cable



Photos courtesy of Scott Humphrey

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315.1 Scope

- **Type of change:** New

- **The change:** CMP-6 made clarifications as to the voltages covered by Article 315, which is entitled *Medium Voltage Conductors, Cable, Cable Joints, and Cable Terminations.* Article 311 has been deleted with those requirements relocated to Article 315. New requirements for cable joints and terminations were also added to this article.

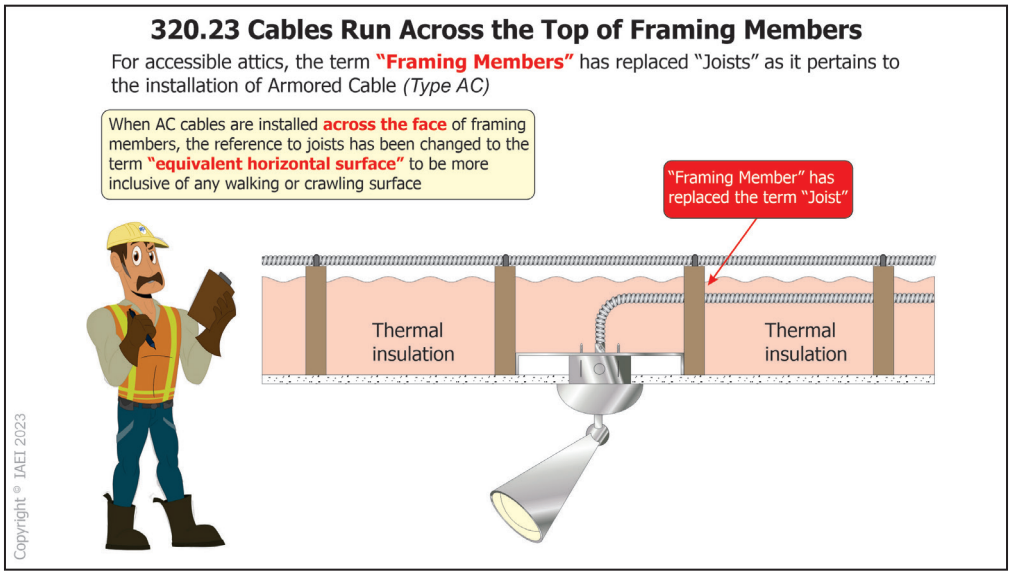
- **Why it happened:** Specification of the voltage requirements was needed to improve the usability of the *Code*. This article includes voltages from 2001 volts to 35,000 volts. This article does not include voltages from 2001 volts to 2500 volts dc, nominal or voltages above 2500 for dc circuits. This revision will also add clarity for the user at 315.16 on how to identify Type MV, medium voltage cable.

- **How this will affect the electrical industry:** This information will help the electrical professional assure the conductors are installed properly and within the range they are rated/tested.

Susan Newman-Scearce, CMP-6

320.23(A)

Cables Run Across the Top of Framing Members. (In Accessible Attics)



320.23(A) Cables Run Across the Top of Framing Members. (In Accessible Attics)

- **Type of change:** Revision

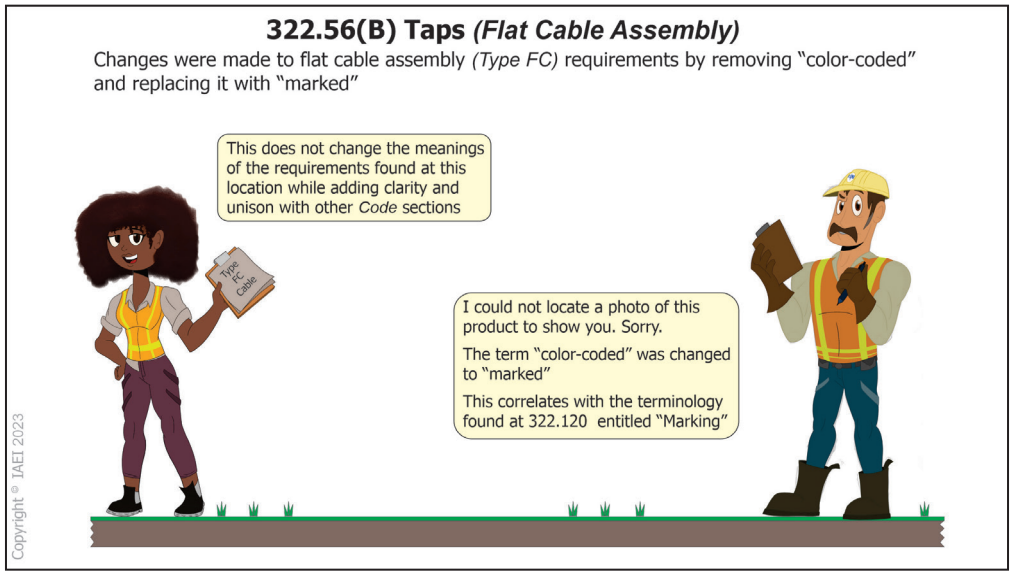
- **The change:** CMP-6 received substantiation to use the term "Framing Members" instead of the word "Joists" in Section 320.23(A) when considering the installations of armored cable: Type AC.

- **Why it happened:** Most attic locations do not contain floor joists; they have ceiling joists. This change is made to eliminate confusion for ceiling or floor locations where cables are installed by using the phrase "framing members." When cables are installed across the face of framing members, the reference to joists has been changed to the term "equivalent horizontal surface" to be more inclusive of any walking or crawling surface.

- **How this will affect the electrical industry:** This change adds clarity for the installer and AHJ when making interpretations of code language reflecting the location designated as "In Accessible Attics."

Susan Newman-Scearce, CMP-6

322.56(B)
Taps



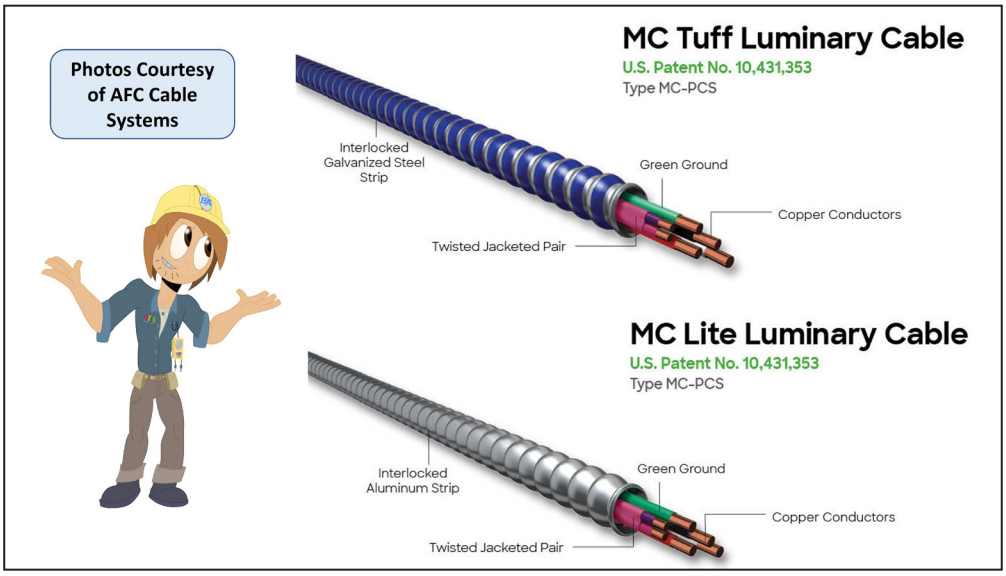
322.56(B) Taps

- **Type of change:** Revision
- **The change:** CMP-6 made changes to flat cable assembly requirements by removing the term "color-coded" and replacing it with "marked" in Section 322.56(B).
- **Why it happened:** The term "color-coded" was changed to "marked" to correlate with the terminology found at 322.120, which is entitled "Marking." This change does not change the meanings of the requirements found at this location.
- **How this will affect the electrical industry:** This change will provide clarity and unison with other code sections. It allows "marking" for conductor taps for flat cable assemblies (Type FC) to be installed per requirements found at 322.56(B)

Susan Newman-Scearce, CMP-6

330.112(A)

1000 Volts or Less. (MC Cable)



330.112(A) 1000 Volts or Less. (MC Cable)

- **Type of change:** Revision

- **The change:** CMP-6 made a few editorial changes in Section 330.112(A) to correlate with the addition of 16 AWG copper conductors for general use wiring methods used with metal-clad cable (Type MC).

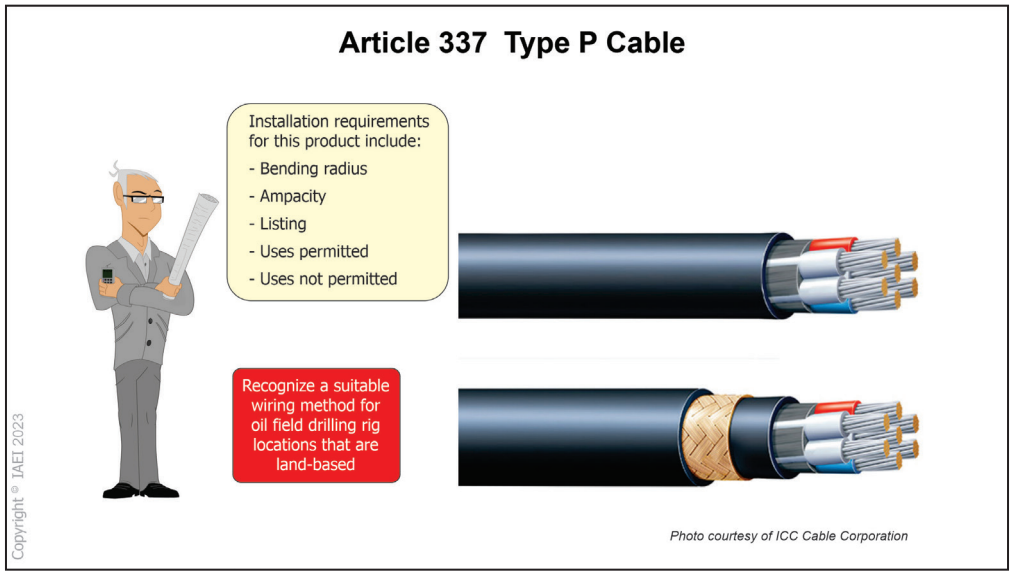
- **Why it happened:** The recognition of 16 AWG copper conductors for use as ungrounded, grounded, and equipment grounding conductors in 330.104 was necessary for the useability of the *Code*. These shall be of a type that is listed in Table 310.4(1) for conductor applications and installations rated for 600 volts.

  Previously this caused some confusion with the use of 16 AWG conductors for control and signal applications. Identification of the conductor types in 330.112(A) was necessary to identify the requirements for each conductor type. These conductors are to be of the type listed in Table 402.3 for fixture wires.

- **How this will affect the electrical industry:** This revision will clarify and allow the use of 16 AWG as control and signal circuits for ungrounded, grounded, and equipment grounding conductors.

Susan Newman-Scearce, CMP-6

ARTICLE 337
Type P Cable



Article 337 Industrial Mobile Cable: Type IM

- **Type of change:** Revision

- **The change:** CMP-6 changed all references to the former Type P cable to Type IM in Article 337. **Note:** appeals process reverted back to TYpe P Cable.

- **Why it happened:** Installation requirements can be found in this article for topics such as bending radius, ampacity, listing, and uses permitted or not permitted. This article should not dwell on marine-type installations, as most would not be found in the scope of the *NEC*. Type P cables are used for offshore drilling rigs and not under the purview of the *NEC*. The purpose of including Type P cable was to recognize a suitable wiring method for oil field drilling rigs locations that are land-based.

- **How this will affect the electrical industry:** This revision will clarify for the electrical professional the application of this type of cable and the severe environments that it is capable of functioning in.

Susan Newman-Scearce, CMP-6

342.20(B)
Intermediate Metal Conduit



342.20(B) Maximum

- **Type of change:** Revision

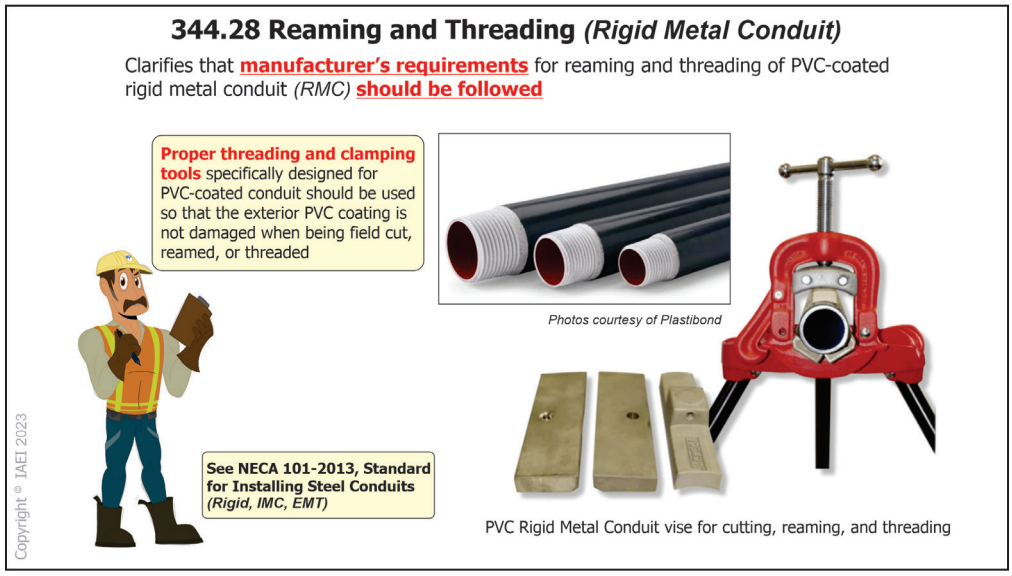
- **The change:** In Section 342.20(B), CMP-8 made a change for intermediate metal conduit (IMC) by specifying that a 6-inch trade size is the largest that can be installed.

- **Why it happened:** The panel accepted substantiation to include Trade Size 5 and 6 IMC in Article 342 to keep consistency in the rigid metal raceway articles. The panel found that due to the changes made in the first draft, and that the products are manufactured similarly, the addition of the new trade sizes is not considered new material.

- **How this will affect the electrical industry:** This change would allow for the use of Trade Size 5 and 6 IMC. It should be noted that UL standard 1242 does not currently include IMC trade sizes 5 and 6. It will be of concern for AHJs, installers, and designers that they are able to comply with 342.6 regarding listing requirements.

Scott Higgins and Tom Moore, CMP-8

344.28
Reaming and Threading (Rigid Metal Conduit)



344.28 Reaming and Threading (Rigid Metal Conduit)

- **Type of change:** Revision

- **The change:** CMP-8 clarified adherence to the manufacturer's requirements for reaming and threading of PVC-coated rigid metal conduit (RMC) in Section 344.28.

- **Why it happened:** This change was due to installers accidentally damaging PVC rigid metal conduit when they were reaming and adding threads to the conduit. Damage to the exterior coating of PVC-coated conduit can create unsafe conditions. The use of proper threading and clamping tools specifically designed for PVC-coated conduit should be used so that the exterior PVC coating is not damaged. Standard threading and clamping tools that are used with non-PVC coated RMC will damage the outside PVC coating and should not be used.

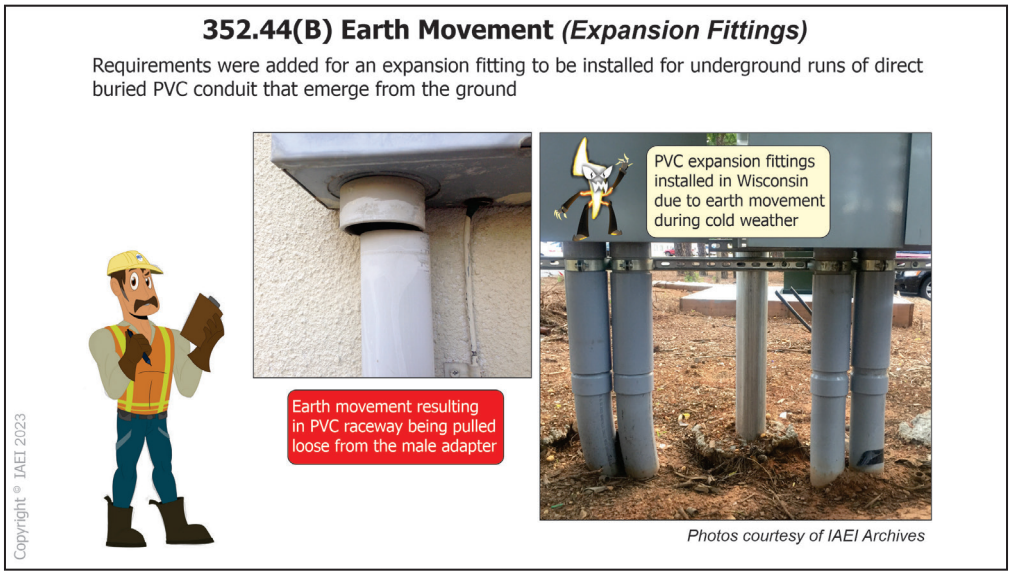
  A new informational note was added to assist installers with this procedure. This information can be found in NECA 101-2013, *Standard for Installing Steel Conduits (Rigid, IMC, EMT).*

- **How this will affect the electrical industry:** This guidance will help assure this product (when field modified by cutting, reaming, and threading) is not damaged and can function properly in the environment it is being used. The electrical professional will need to utilize the correct tools and follow the manufacturer's guidelines when installing this product.

IAEI Codes and Standards Committee

352.44[B]

Reaming and Threading (Rigid Metal Conduit)



352.44(B) Expansion Fittings (Earth Movement)

- **Type of change:** New

- **The change:** CMP-8 added requirements for an expansion fitting to be installed for underground runs of direct buried PVC conduit that emerge from the ground.

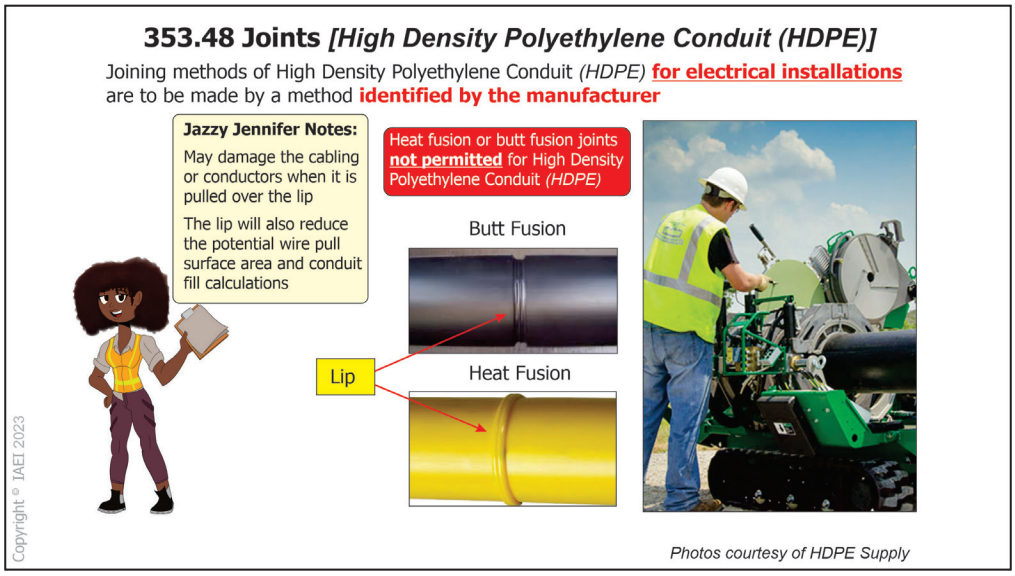
- **Why it happened:** Different soil conditions and weather conditions exist, and this change attempts to eliminate damage to PVC conduit and electrical equipment and enclosures from occurring. Section 352.44 is entitled Expansion Fittings, and a new (B) has been added to address Earth Movement events. Section 352.44(A) is existing language that addresses the thermal expansion and contraction of a PVC conduit system.

  Substantiation has been provided stating that PVC raceways and associated fitting are sometimes pulled away from the bottom of electrical enclosures due to earth movement. In some cases, the raceway and fitting are pushed into the electrical enclosure or equipment. This typically results from the settling of the soil because it was not compacted properly when the raceway was covered or from frost heave events during cold weather.

- **How this will affect the electrical industry:** The electrical professional will need to provide expansion fittings for PVC conduit installations emerging from the ground. When necessary, these should be provided above grade to compensate for earth settling or movement.

IAEI Codes and Standards Committee

353.48
High Density Polyethylene Conduit (HDPE)



353.48 Joints

- **Type of change:** Revision

- **The change:** Section 353.48 was revised by CMP 8 to specify that the joining methods of High Density Polyethylene Conduit (HDPE) are to be made by a method identified by the manufacturer. Heat fusion or butt fusion joints are not to be permitted.

- **Why it happened:** Heat or butt fusion joining methods result in an internal lip or bead formed on the conduit ID, which may "burn" or damage the cabling when it is subsequently pulled over the lip. Additionally, the lip will reduce the potential wire pull surface area and conduit fill calculations.

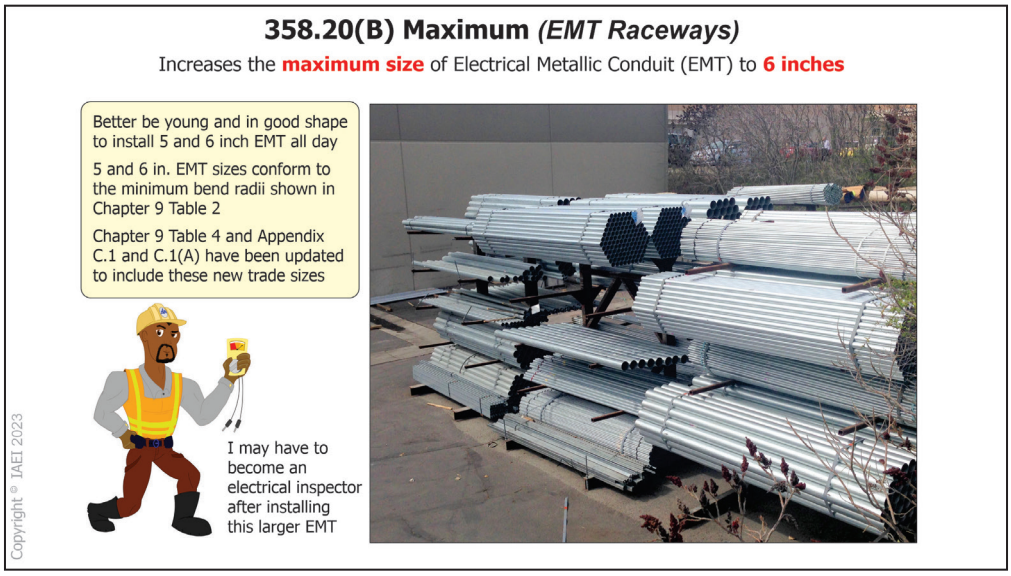
  This revision recognizes that UL Standard 651A, *Schedule 40 and 80 High Density Polyethylene (HDPE) Conduit*, is performance-based. Trying to include all joining methods in a list format may inadvertently omit a joining method that could meet the performance requirements of the standard.

- **How this will affect the electrical industry:** This change will affect the electrical inspector and installer by not requiring an "Approved method" for joining HDPE conduit. Joints shall be made by a method identified by the manufacturer, while heat fusion or butt fusion joints are not permitted.

Scott Higgins and Tom Moore, CMP-8

358.20(B)

Electrical Metallic Conduit (EMT)



358.20(B) Maximum

- **Type of change:** Revision

- **The change:** CMP-8 increased the maximum size of electrical metallic conduit (EMT) to metric designator 155 (trade size 6) in Section 358.20(B).

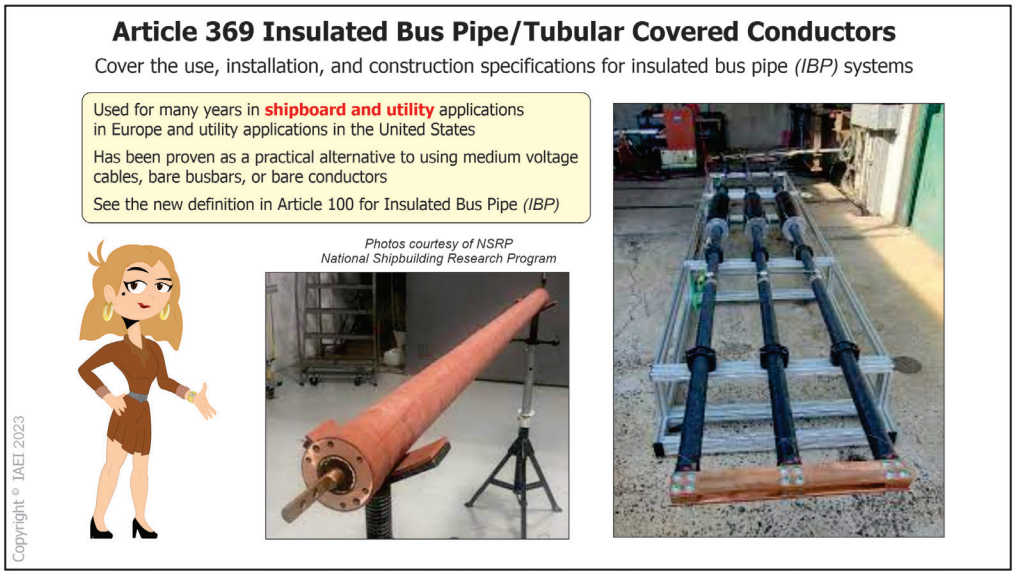
- **Why it happened:** There is a need for 5- and 6-inch EMT that is not being addressed in the current *Code*. The 5- and 6-inch EMT is similar to materials used to create 5- and 6-inch rigid metal conduit (RMC), which have a proven result. The outer diameter of 5- and 6-inch EMT will be the same as 5- and 6-inch RMC but will have a thinner wall. Trade sizes 5- and 6-inch EMT conforms to the minimum bend radii shown in Chapter 9 Table 2 of the *NEC*.

- **How this will affect the electrical industry:** This change would allow for the use of 5- and 6-inch EMT. It should be noted that UL standard(s) 797, *Electrical Metallic Tubing – Steel*, and UL 797A, *Electrical Metallic Tubing – Aluminum and Stainless Steel*, do not currently include 5- and 6-inch EMT. It will be of concern for AHJs, installers, and designers that they are able to comply with 358.6 for listing requirements.

Scott Higgins and Tom Moore, CMP-8

ARTICLE 369

Insulated Bus Pipe (IBP)/Tubular Covered Conductors (TCC), Systems



Article 369 Insulated Bus Pipe (IBP)/Tubular Covered Conductors (TCC), Systems

- **Type of change:** New
- **The change:** CMP-8 has created a new Article 369 to cover the use, installation, and construction specifications for insulated bus pipe (IBP) systems.
- **Why it happened:** This new article was needed to recognize Insulated Bus Pipe (IBP) systems.

  Insulated bus pipe systems (IBP) are not new to the electrical industry. IBP systems are currently in use or being installed by both U.S. and Canadian-based utilities. In August of 2018, UL 1366 Edition 1 was published at the industry's request where the system could be manufactured and listed for use in industrial applications when the *NEC* requires listed products to be installed. These systems can be used for both indoor & outdoor locations. The system incorporates cable systems, bus bars, metal-enclosed bus, resin-impregnated bushings, and tap boxes.

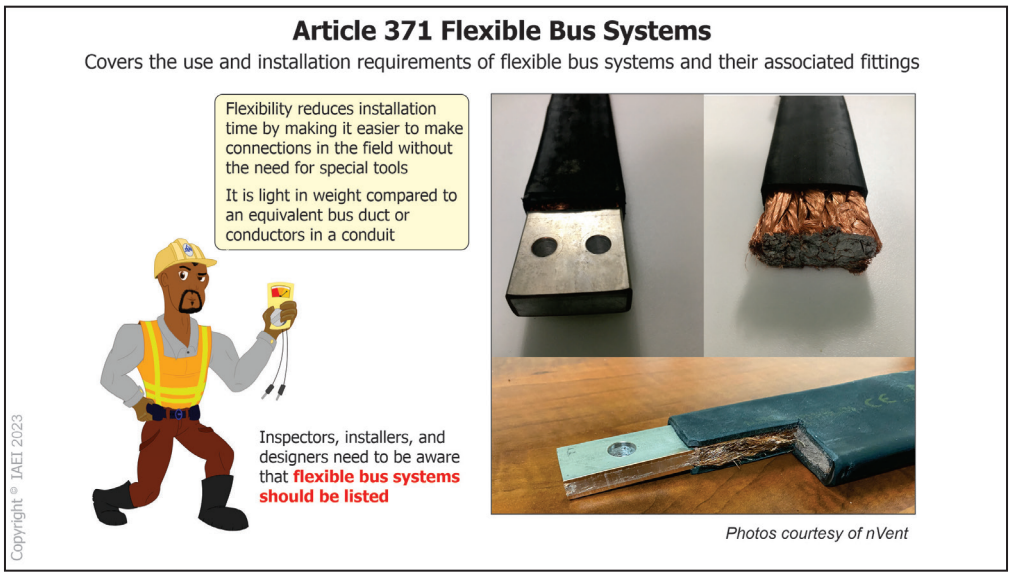
  Insulated bus pipe (IBP), also known as Tubular Covered Conductor (TCC), has been used for many years in shipboard and utility applications in Europe and utility applications in the United States.

  These systems are lighter, consume less volume, and take less time to install than a traditional system. It has been proven as a practical alternative to using medium voltage cables, bare busbars, or bare conductors. They could provide a level of safety equivalent or better than those wiring methods that are already allowed in locations accessible to qualified persons only when listing becomes available. Listing may be achieved using UL 1366 under the category of Insulated Bus Pipe (CVZL).

- **How this will affect the electrical industry:** It is important for inspectors, installers, and designers to note that (IBP) and IBP systems shall be listed per *NEC* 369.9 and must be installed by qualified persons, with all documentation made available to the authority having jurisdiction per *NEC* 369.14.

Scott Higgins and Tom Moore, CMP-8

ARTICLE 371
Flexible Bus Systems



Article 371 Flexible Bus Systems

- **Type of change:** New

- **The change:** CMP-8 received substantiation for the creation of a new article covering the use and installation requirements of flexible bus systems and their associated fittings. This resulted in the creation of new Article 371, *Flexible Bus Systems*.

- **Why it happened:** Article 371 was created to address the new product (Flexible Bus Systems), which provides many of the benefits of both bus duct and cable. It can easily be customized during installation in the field to account for field conditions. It is not rigid and does not have the bending radius limitations that cable has; therefore, it allows installation where there are space limitations or structural interference. Its flexibility reduces installation time by making it easier to make connections in the field without the need for special tools. It is light in weight compared to an equivalent bus duct or conductors in a conduit. It may reduce the installation time and cost associated with the electrical installation.

  Flexible Bus Systems are engineered systems for a specific site location and are ordinarily assembled at the point of installation from the components furnished or specified by the manufacturer.

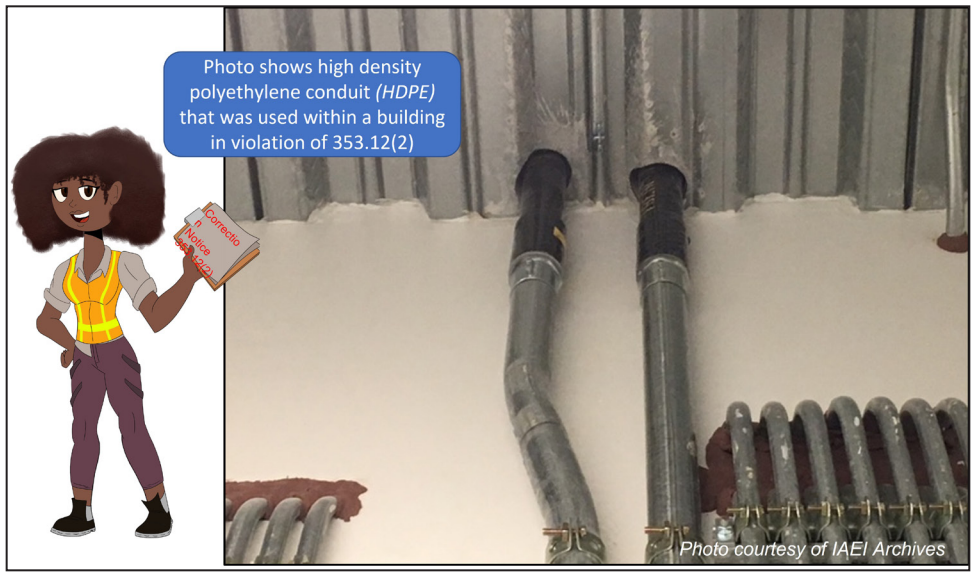
- **How this will affect the electrical industry:** It is of special interest to inspectors, installers, and designers that flexible bus systems be listed per *NEC* 371.6. Currently, there is not a specific standard available for listing this product. There is an outline of investigation developed for UL standard 1386, *Outline of Investigation for Flexible Bus Systems*, and UL Standard 1387, *Outline of Investigation for Flexible Insulated Bus.*

  In addition to the requirements of *NEC* 110.3(B), *NEC* 371.18(A) would also require the listed system to be installed under design engineering supervision and in accordance with the manufacturer's instructions, including supporting and securing. All documentation shall be available to the authority having jurisdiction (AHJ).

Scott Higgins and Tom Moore, CMP-8

398.15(C)

High-Density Polyethylene Conduit (HDPE Conduit)



398.15(C) Exposed to Physical Damage

- **Type of change:** Deletion

- **The change:** CMP-6 has removed high-density polyethylene conduit (HDPE) as a permitted means to provide physical protection for open wiring on insulators in Section 398.15(C).

- **Why it happened:** Language exists in Article 353 entitled *High-Density Polyethylene Conduit (HDPE Conduit)*, resulting in this change. It was discovered 353.12(1), *Uses Not Permitted*, prohibits its use for exposed installations. This conduit is also not permitted within a building per 353.12(2). Because of its inherent properties to spread fire, a technical report would

be needed to support the use of this combustible material in locations of a building.

- **How this will affect the electrical industry:** The electrical professional and electrical industry will now have clarification on the proper uses and prohibitions of HDPE. This revision will enhance electrical safety.

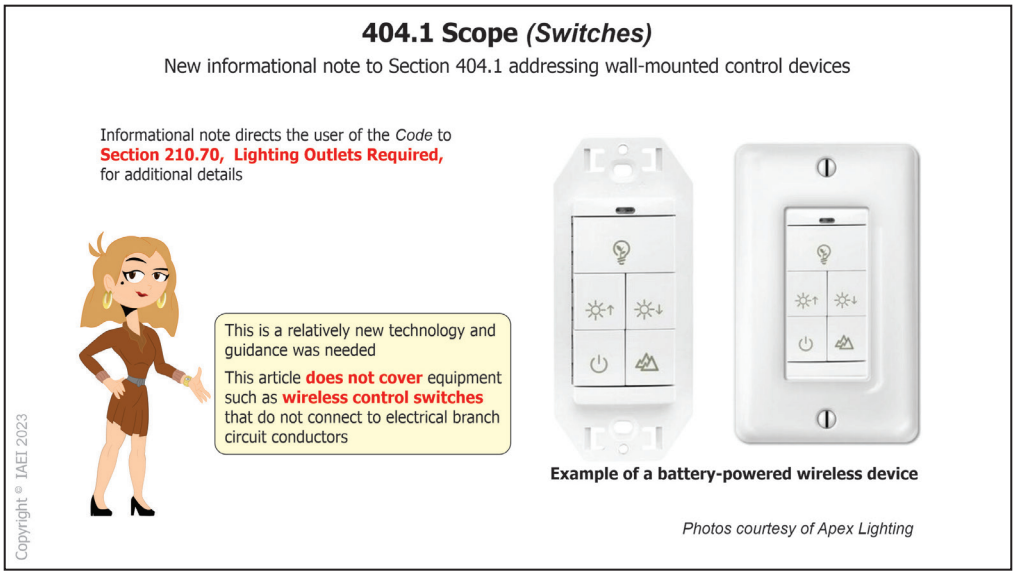
Susan Newman-Scearce, CMP-6

CHAPTER 4
EQUIPMENT FOR GENERAL USE

Articles 404-495



404.1
Wall-Mounted Control Devices

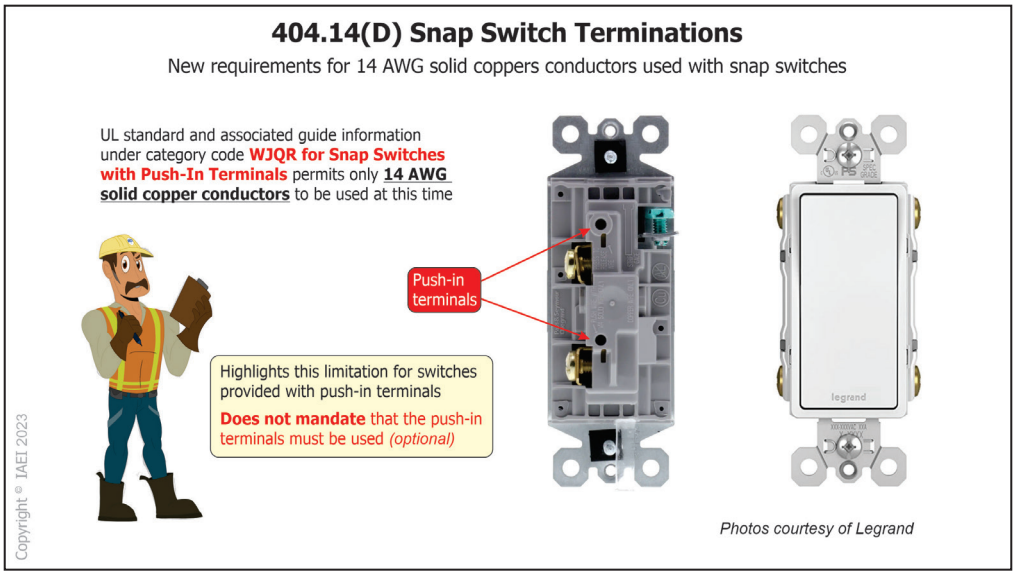


404.1 Scope

- **Type of change:** New
- **The change:** CMP-9 added a new informational note to Section 404.1 addressing wall-mounted control devices.
- **Why it happened:** Article 404 does not cover equipment such as wireless control switches that do not connect to electrical branch circuit conductors. Battery-powered wireless lighting wall control devices are a new technology, and guidance was needed as to how they should be addressed. The informational note directs the *Code* user to 210.70, *Lighting Outlets Required*, for additional details.
- **How this will affect the electrical industry:** With the addition of the informational note, the electrical professional will have a better understanding that these wireless switch devices are not under the purview of the *Code*.

Rick Hollander, CMP-9

404.14(D)
Snap Switch Terminations



404.14(D) Snap Switch Terminations

- **Type of change:** New

- **The change:** CMP-9 received substantiation regarding 14 AWG solid coppers conductors used with snap switches. As a result, a new 404.14(D), *Snap Switches with Push-In Terminals*, was inserted in between the pre-existing subdivisions.

- **Why it happened:** The change to this section is to highlight this limitation for switches that may have push-in terminals provided. The introduction of 14 AWG copper-clad aluminum into the *NEC* for branch circuit wiring needs this limitation to ensure push-in terminals on wiring devices are installed according to their listing. The UL standard and associated guide information under category code WJQR for snap switches with push-in terminals permits only 14 AWG solid copper conductors to be used at this time. Nothing in the proposed language mandates that the push-in terminals must be used.

  Using the list format allows for a future allowance for other conductors, such as 14 AWG copper-clad aluminum, to be installed using push-in type terminals where the additional evaluation to the applicable UL standards has been completed, and the listing and device markings permit the application.

- **How this will affect the electrical industry:** The clarification for 14 AWG solid copper conductors to be used with push-in terminals of snap switches ensures that the authority having jurisdiction (AHJ) and other electrical professionals will be provided with the intended requirements for use.

Rick Hollander, CMP-9

404.16
Reconditioned Equipment



404.16 Reconditioned Equipment

- **Type of change:** New

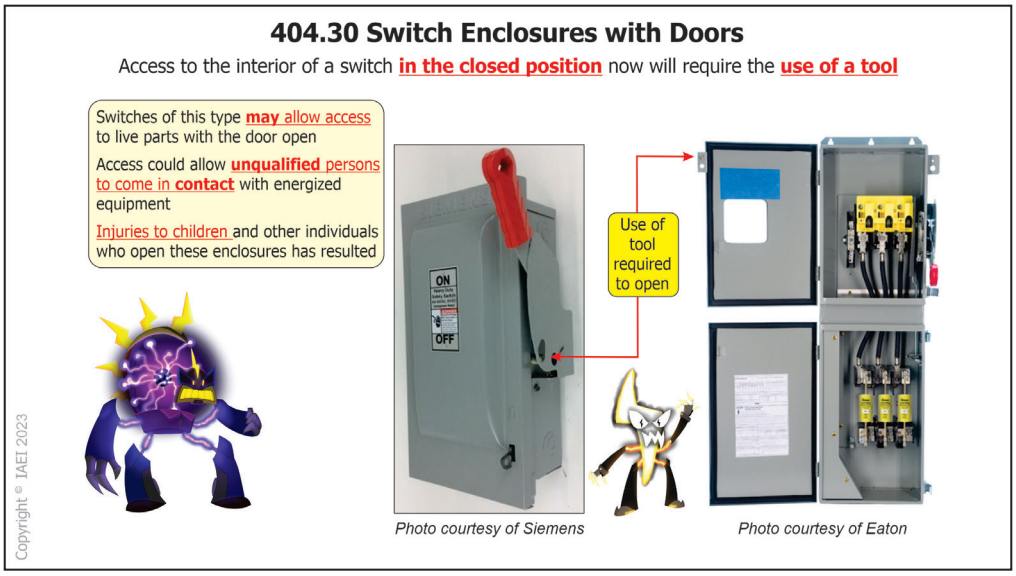
- **The change:** New Section 404.16 was added by CMP-9 to address reconditioned equipment. This change addresses control devices that can and can not be reconditioned after being damaged.

- **Why it happened:** Damage might occur to control devices after being subjected to water, fire, or products of combustion. The reliability or function may be compromised if reconditioning of the items is attempted.

- **How this will affect the electrical industry:** In cases where the control device has been subjected to damage from water, fire, or products of combustion, they can not be cleaned and put back into service. An inspector will have to be keen on what to look for to determine if the device was replaced or not.

Dean Fortney, CMP-9

404.30
Switch Enclosures with Doors



404.30 Switch Enclosures with Doors

- **Type of change:** New
- **The change:** CMP-9 changed the text to clarify the requirement for doors with switch mechanisms.
- **Why it happened:** Switches of this type may allow access to live parts with the door open that unqualified persons may come into contact. This has resulted in injuries to children and other individuals who open these enclosures and are unaware of safety concerns. Access to the interior of a switch in the closed position will require the use of a tool. An approved design providing equivalent protections is also allowed. Approval is issued by the authority having jurisdiction (AHJ) per *NEC* Article 100.
- **How this will affect the electrical industry:** The electrical professional will need to be aware of these changes and ensure the proper switch enclosure has a door with these provisions. This needs to be installed and verified before the installation is put into service.

Rick Hollander, CMP-9

406.2
Reconditioned Equipment

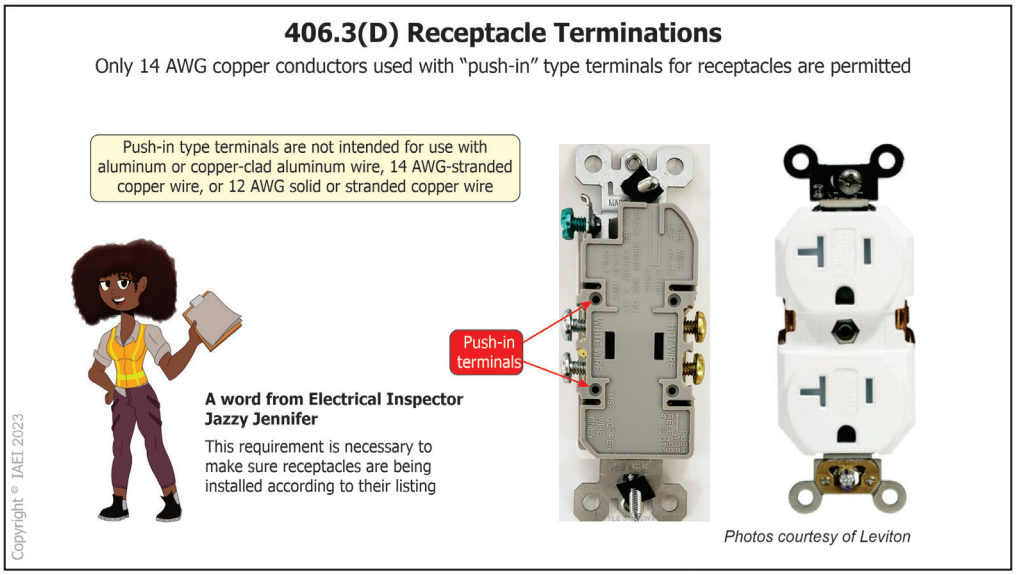


406.2 Reconditioned Equipment

- **Type of change:** Relocation
- **The change:** CMP-18 relocated limitations for reconditioned equipment from 406.3(A) and 406.7 into new Section 406.2.
- **Why it happened:** The second sentence in 406.3(A) and the second sentence in 406.7 were relocated to 406.2, *Reconditioned Equipment*, for consistency and better usability of the *Code*. Relocating reconditioning requirements into one section within Article 406 for receptacles, attachment plugs, cord connectors, and flanged surface devices provides one location for the user of the *Code* to find these requirements.
- **How this will affect the electrical industry:** The xxx.02 sections of *NEC* articles are becoming the placeholder for reconditioned equipment requirements. Combining all reconditioned requirements and limitations in 406.2 will improve the useability for the electrical professional.

Robert Fahey, CMP-18

406.3(D)
Receptacle Terminations



406.3(D) Receptacle Terminations

- **Type of change:** New

- **The change:** The new text added by CMP-18 in 406.3(D) is intended to emphasize the limitations for receptacles installed on 15-ampere branch circuits. Only 14 AWG copper conductors used with "push-in" type terminals for receptacles are permitted. The old text at 406.3(D) has been moved to subdivision (E).

- **Why it happened:** A Task Group was formed under the direction of the NFPA Standards Council to review new requirements covering the use of copper-clad aluminum conductors throughout the *NEC* and coordinate these requirements.

  Underwriters Laboratories (UL) standard UL 498 and associated guide information under UL category code "RTRT" for receptacles with push-in terminals only permits 14 AWG solid copper conductors and are limited to 15-ampere branch circuits as of this point in time. These push-in terminals are the screwless terminal connectors located on the backside of receptacles.

  These push-in type terminals are not intended for use with aluminum or copper-clad aluminum wire, 14 AWG-stranded copper wire, or 12 AWG solid or stranded copper wire.

  The new text in 406.3(D)(3) is intended on highlighting this limitation for these receptacles that may have push-in terminals provided. This requirement is necessary to make sure receptacles are being installed according to their listing.

  An option was added to provide a future allowance for other conductor types (i.e., "stranded 14 AWG copper or even 14 AWG copper-clad aluminum), to be installed using push-in

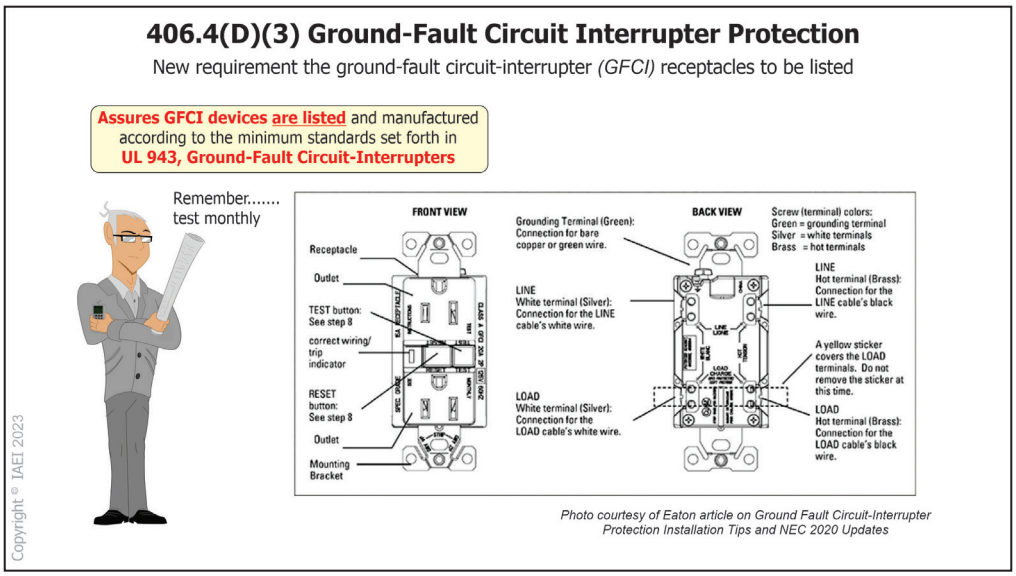
type terminals where the additional evaluation to the applicable UL 498 standard has been completed, and the listing and device markings permit the application.

- **How this will affect the electrical industry:** The new text will ensure inspectors and the installers will better understand the limitations of the terminations on receptacles. The additional text will reemphasize the type of conductors allowed based on the specific markings on the receptacle terminals. There has also been confusion within the electrical industry on the proper use of push-in type terminals and the type and size of conductors allowed to be terminated into these push-in type terminals. This new text will clear the confusion and alleviate future misapplication of the size and type of conductors allowed in push-in type terminals.

Robert Fahey, CMP-18

406.4(D)(3)

Ground-Fault Circuit-Interrupter Protection



406.4(D)(3) Ground-Fault Circuit-Interrupter Protection

- **Type of change:** Revision

- **The change:** Substantiation was provided to CMP-18 that will require ground-fault circuit interrupter (GFCI) receptacles to be listed per 406.4(D)(3).

- **Why it happened:** The submitter of this Public Input brought up that the *NEC* requires that arc-fault circuit-interrupter (AFCIs) be listed, but no such requirement was in the *NEC* for GFCI devices. The panel agreed with the submitter that an important safety device such as a GFCI receptacle should also be required to be tested and certified by an independent lab. GFCI devices are every bit as important as the AFCI devices specified in 210.12 and 406.4(D)(4), which are presently required to be listed. Using unlisted GFCI devices should

not be permitted. By adding this requirement, the public will be assured that all GFCI's are listed and manufactured according to the minimum standards set forth in UL 943, Ground-Fault Circuit Interrupters.

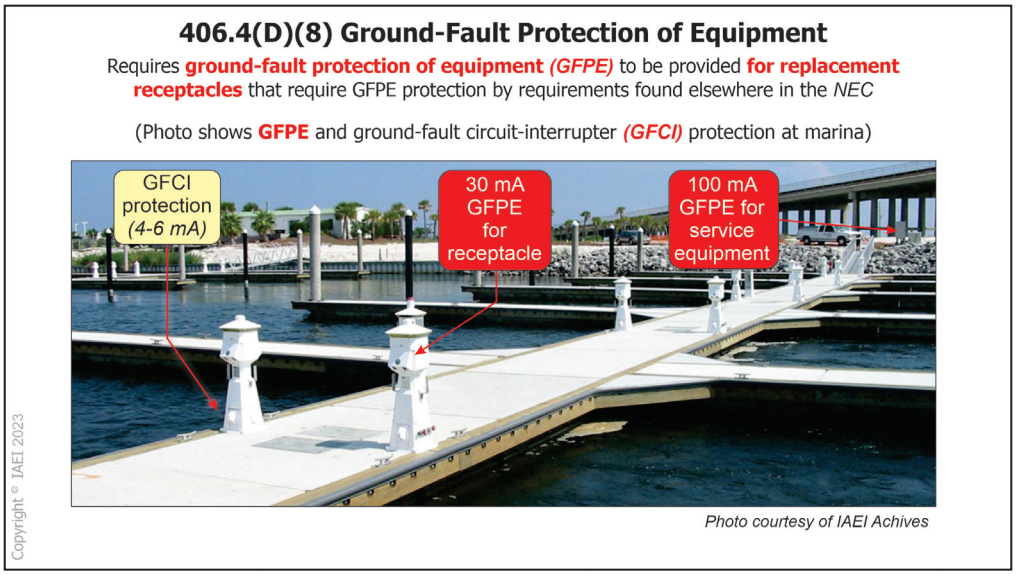
The 2023 *NEC* will now require ground-fault circuit interrupters to be listed. CMP-18 also removed the term "outlet," which improves and clarifies the intent of the current *Code* language. Also, abbreviations in 406.4(D)(4) of "AFCI" were incorporated to improve consistency with like terms. The specific type (i.e., receptacle, breaker) was retained for clarity. This change is also in accordance with the 2020 *NEC Style Manual*.

- **How this will affect the electrical industry:** Requiring the listing specifically within Article 406 will add clarity for the electrical professional and remove any uncertainty about whether these GFCI devices are or are not required to be listed. Listing of these and other electrical equipment assists in providing safe electrical products and assures all electrical devices are manufactured to the same standard and the same safety technologies are being provided for GFCI receptacles.

Robert Fahey, CMP-18

406.4(D)(8)

Ground-Fault Protection of Equipment (GFPE)



406.4(D)(8) Ground-Fault Protection of Equipment (GFPE)

- **Type of change:** New

- **The change:** Substantiation has been provided to CMP-18 to require ground-fault protection of equipment (GFPE) to be provided for replacement receptacles that require GFPE protection by current *Code* requirements elsewhere in the *NEC*.

- **Why it happened:** Section 406.4(D)(8) is a new requirement in the 2023 *NEC*. This requirement is very similar to section 406.4(D)(3) of this section, which requires ground-fault circuit-interrupter (GFCI) protection to be provided if a receptacle is replaced where the *NEC* presently requires GFCI protection. A Public Input noted that the requirement was needed to provide the ground-fault protection of equipment (GFPE) protection when modifications are made in areas such as marinas, where GFPE protection has been recently expanded, must also be afforded protection as the system ages and modifications are made.

  This new requirement will protect the people who use this electrical equipment and provide a safer electrical system. This change is like many other requirements within the *NEC* requiring that receptacles be replaced and updated and be installed to the current safety requirements, such as tamper-resistant type receptacles, GFCI protected receptacles, AFCI protection, and other similar safety improvements.

- **How this will affect the electrical industry:** This new requirement will improve the safety of electrical systems that have been installed previously and will enhance the safety for the people who use electrical systems where the ground-fault protection of equipment is required by newer versions of the *Code*.

Robert Fahey, CMP-18

406.6(D)

Receptacle Faceplates



406.6(D) Receptacle Faceplate (Cover Plates) with Integral Night Light and/or USB Charger

- **Type of change:** Revision

- **The change:** The change by CMP-18 adds language to 406.6(D), limiting the faceplate's load to one watt or less and specifically requires the screws on the receptacles to be made only of brass or copper alloy.

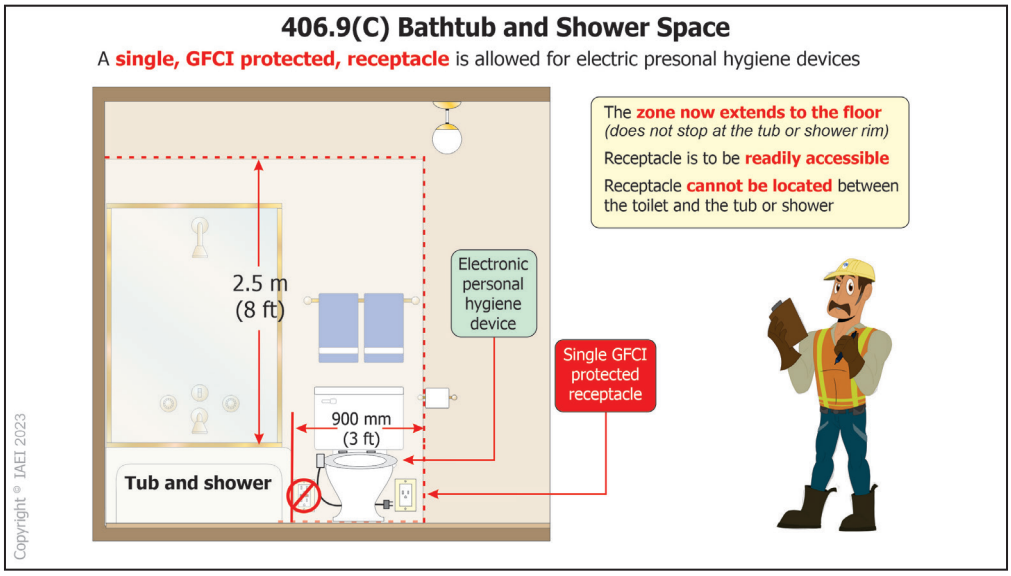
- **Why it happened:** There has been no substantiation submitted of reported instances where these faceplates have caused any issues. Spring-tensioned contacts have an excellent safety record based upon over 4 million of these NRTL Listed products in the field. Public Comments also indicated there are good designs with an exceptional record in the field by using proper materials and accommodating the various receptacles in the field. The Code Panel did add in the requirement that the screws be constructed of brass or copper alloy, after concerns with steel screws and the uncertainty of their reliability over the long term for this connection. An exception was added to have an effective date of January 1, 2026, to allow spring tension contacts if the receptacle faceplate is specifically listed and identified for connecting to steel screws on receptacles. The implementation date for the exception is to provide time to evaluate a possible conflict with UL 498, *Attachment Plugs and Receptacles*, regarding the use of steel screws to carry current and time to develop safety requirements in UL 514D, *Cover Plates for Flush-Mounted Wiring Devices*, for faceplate connection methods.

- **How this will affect the electrical industry:** There has been uncertainty if these devices were safely connected to receptacles by friction contact with the screw terminals. This change will add clarity for the electrical professional that they are safe to install. This change will allow these faceplates to be used as they have been in the past but will limit the wattage allowed to be carried thru the connection points between the receptacle and the faceplates. The new language also requires these faceplates to be utilized with receptacles equipped with brass or copper alloy only.

Robert Fahey, CMP-18

406.9(C)

Bathtub and Shower Space



406.9(C) Bathtub and Shower Space

- **Type of change:** Revision

- **The change:** CMP-18 clarified receptacle restrictions in and around bathtubs and showers in Section 406.9(C). A new Exception #4 was added to allow single receptacles within 36" of the tub or shower with limitations.

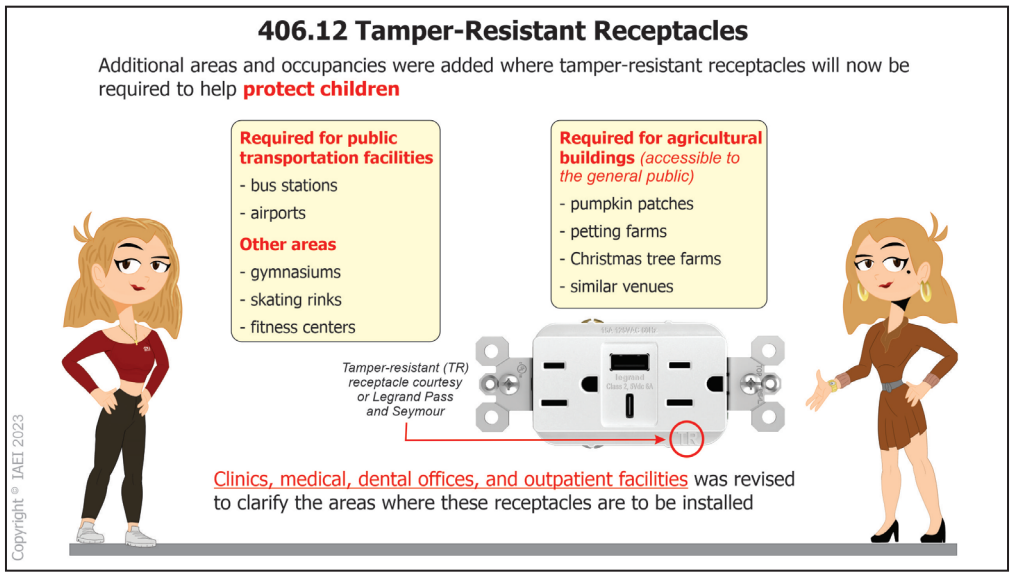
- **Why it happened:** This change was accepted because the area below the bathtub rim was not included in the language added in the 2020 *NEC*. The areas outside of and below the rim of a bathtub are just as important as the area above the rim extending out three feet. A new Exception #4 was added to accommodate the toilets with electronic seats and other functions, which require 120-volt receptacles to be installed within the 36" zone or personal hygiene devices for people with physical limitations. This receptacle is required to be a single receptacle and not be located in the space between the bathtub or shower and the toilet or bidet. The single receptacle in this location would need to be ground-fault circuit-interrupter (GFCI) protected.

  The Plumbing Manufacturers International submitted a Tentative Interim Amendment (TIA) during the summer of 2021 for this allowance for the 2020 *NEC*. TIA # 1598 was accepted and approved; therefore, this exception is allowed with the adoption of the 2020 *NEC*. Their concern was that some consumers with physical limitations needed the devices, and without this exception, it provides an undue burden on these consumers.

- **How this will affect the electrical industry:** These changes help clarify the receptacle requirements for the electrical professionals in areas containing a bathtub or shower space. They will enhance the safety within these areas.

Robert Fahey, CMP-18

406.12
Tamper-Resistant Receptacles



406.12 Tamper-Resistant Receptacles

- **Type of change:** Revision

- **The change:** CMP-18 made some editorial changes to allow for an easier understanding of where tamper-resistant receptacles are required. Additional areas and occupancies were also added where tamper-resistant receptacles will now be required.

- **Why it happened:** The text in Section 406.12(5) for clinics, medical, dental offices, and outpatient facilities was revised to clarify the areas where tamper-resistant receptacles are intended to be installed.

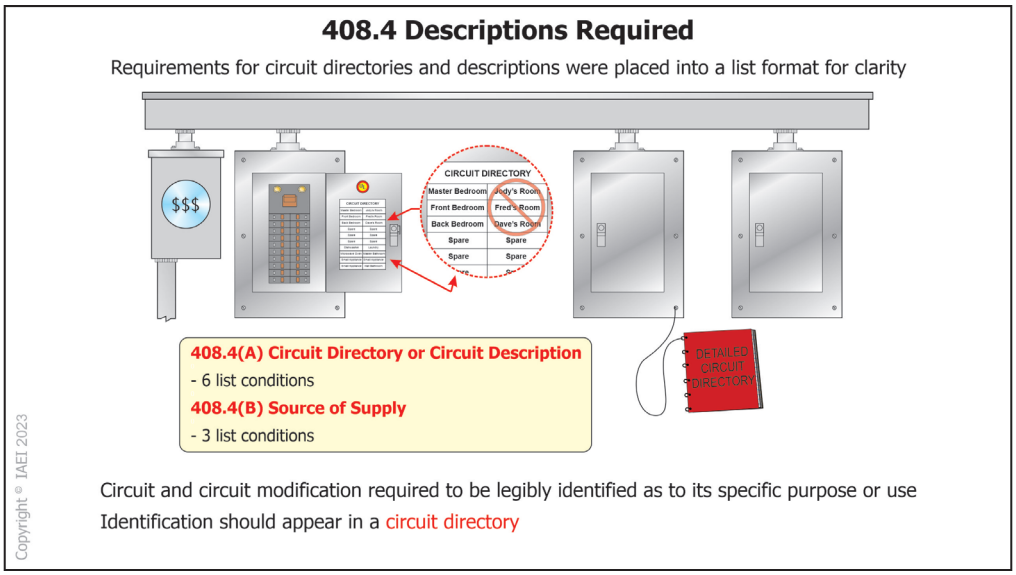
  The 2023 *NEC* has expanded areas tamper-resistant receptacles will now be required. These receptacles will be required in more areas where children and the general public will be present and occupancies where the occupants need this additional safety due to many factors regarding their age, condition, and other circumstances. Public transportation facilities such as bus stations, airports, and other areas such as gymnasiums, skating rinks, and fitness centers were also added where tamper-resistant receptacles will now be required.

  Agricultural buildings accessible to the general public is another specific location where tamper-resistant receptacles will now be required. Much discussion ensued regarding these agricultural buildings and where the tamper-resistant receptacles would be required. The agricultural facilities which are most common are pumpkin patches where there are buildings for the public to purchase various items, petting farms, Christmas tree farms, and similar venues where the public and children are present during their visits to these agricultural facilities. There was a new informational note #3 added to clarify the areas intended on applying within agricultural areas, such as petting areas, sales areas for the general public to visit, and other similar areas.

- **How this will affect the electrical industry:** The editorial changes made within the subdivisions of 406.12 will make these requirements and where the tamper-resistant receptacles are required easier to understand for the electrical professional. The expansion of the areas requiring tamper-resistant receptacles will provide an additional level of safety for the occupant in these occupancies.

Robert Fahey, CMP-18

408.4
Descriptions Required



408.4 Descriptions Required

- **Type of change:** Revision

- **The change:** CMP-9 has placed requirements for circuit directories and descriptions in Section 408.4 into a list format for clarity.

- **Why it happened:** There was confusion with the previous text as written in paragraph form. Generalized labeling was removed in a previous cycle, but there was still confusion left when looking at it in the field as to what was being written. The new list format layout for these requirements is for the end user's benefit. The electrical professional has shown that they understood the previous requirements for labeling.

  Also, the location of where power originates is critical information for inspectors, service persons, and other individuals that may need to locate the supply source. It is not always readily apparent where the location of the source is. For this reason, an identification of the location of the source should be provided in addition to the identification of the source itself.

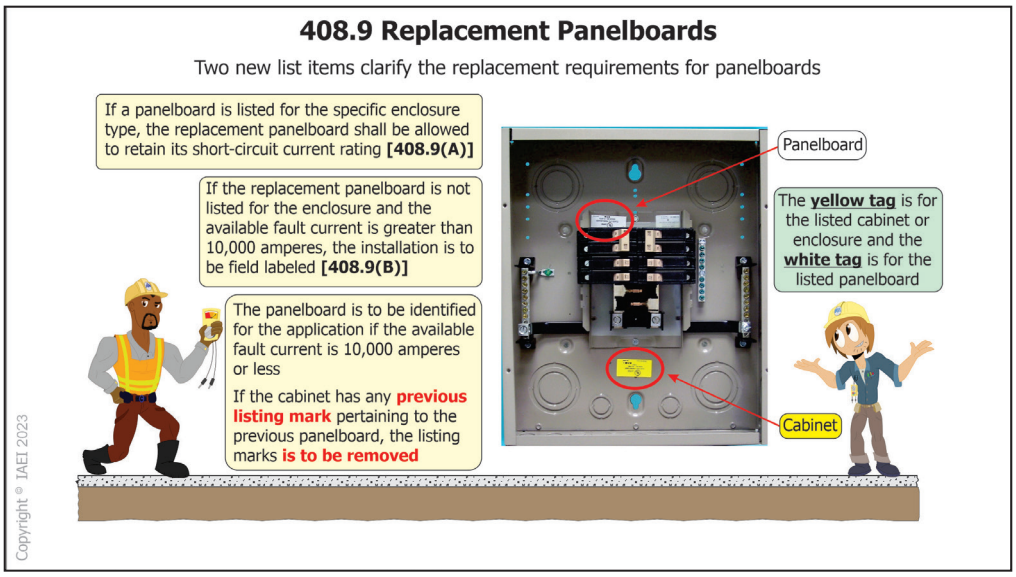
  In some circumstances, the location of the supply source may be readily apparent. Still, it was determined that allowing for an exemption in these cases would lead to ambiguity and

make the requirement too subjective. For this reason, the requirement is applied to all cases.

- **How this will affect the electrical industry:** This change will clarify labeling and description for panelboards and panels for the electrical professional.

Rick Hollander, CMP-9

408.9
Replacement Panelboards



408.9 Replacement Panelboards

- **Type of change:** Revision

- **The change:** CMP-9 clarified the replacement requirements for panelboards in Section 408.9. There are now two list items for the replacement of existing panelboards in an enclosure or cabinet.

- **Why it happened:** If a panelboard is listed for the specific enclosure type, the replacement panelboard shall be allowed to retain its short-circuit current rating. This can be determined by the catalog number or other dimensional information.

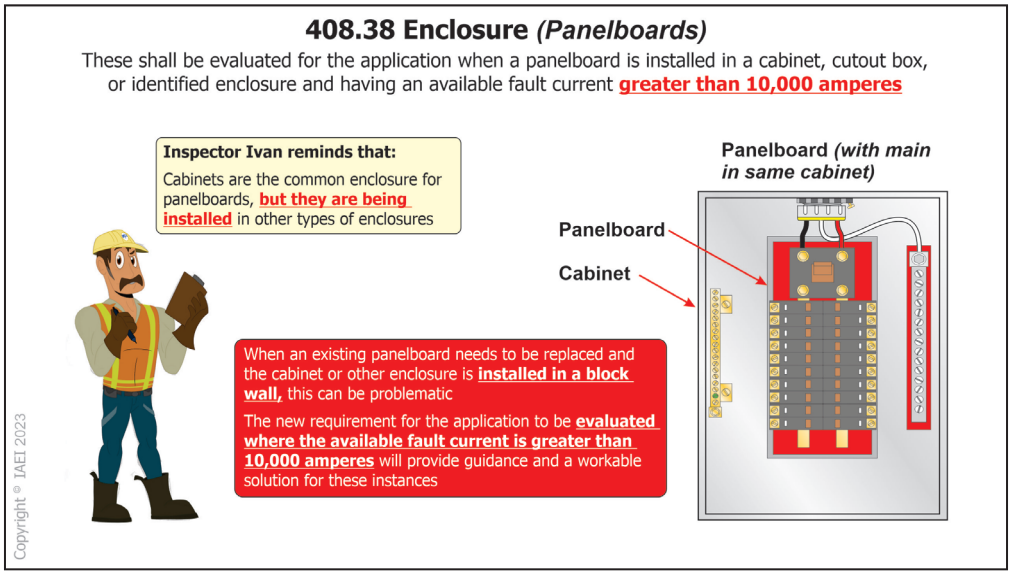
  If the replacement panelboard is not listed for the enclosure and the available fault current is greater than 10,000 amperes, the installation is to be field labeled. The replacement panelboard is to be identified for the application if the available fault current is 10,000 amperes or less. If the cabinet has any previous listing mark pertaining to the previous panelboard, the listing marks is to be removed.

- **How this will affect the electrical industry:** This offers a degree of clarity to the electrical professional regarding the replacement of a panelboard within an existing cabinet. There has been confusion regarding the replacement of a panelboard. Can one manufacturer's panel-

board be installed in another manufacturer's cabinet? What is the panelboard is no longer available from a specific manufacturer? This will alleviate the confusion that exists between the AHJ and the installer when these instances present themselves in the field.

Rick Hollander, CMP-9

408.38
Enclosure



408.38 Enclosure

- **Type of change:** Revision

- **The change:** CMP-9 clarified by revised text where a panelboard installed in a cabinet, cutout box, or identified enclosure has an available fault current greater than 10,000 amperes, the panelboard and enclosure combination shall be evaluated for the application.

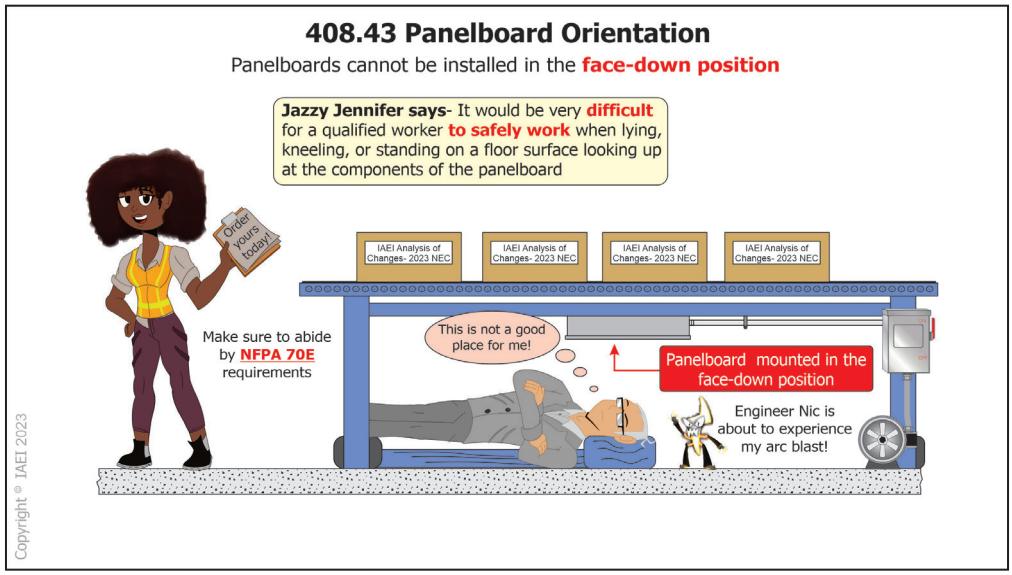
- **Why it happened:** Cabinets are the common enclosure for panelboards, but they are being installed in other types of enclosures. During the first draft meeting, the CMP discussed that panelboards installed where the available fault current is greater than 10,000 amps are evaluated with a specific enclosure type. When an existing panelboard needs to be replaced and the cabinet or other enclosure is installed in a block wall, this can be problematic. Removal of the existing cabinet can be very difficult if not impossible. The new requirement for the application to be evaluated where the available fault current is greater than 10,000 amperes will provide guidance and a workable solution for these instances.

- **How this will affect the electrical industry:** This offers guidance and a degree of clarity to the electrical professional when panelboards with a deadfront are installed in cabinets, cutout boxes, or other identified enclosures. An exception for installations that are not associated

with dead fronts is allowed to be accessible only to a qualified person. See Article 100 for the definition of a qualified person.

IAEI Codes and Standards Committee

408.43
Panelboard Orientation



408.43 Panelboard Orientation

- **Type of change:** Revision

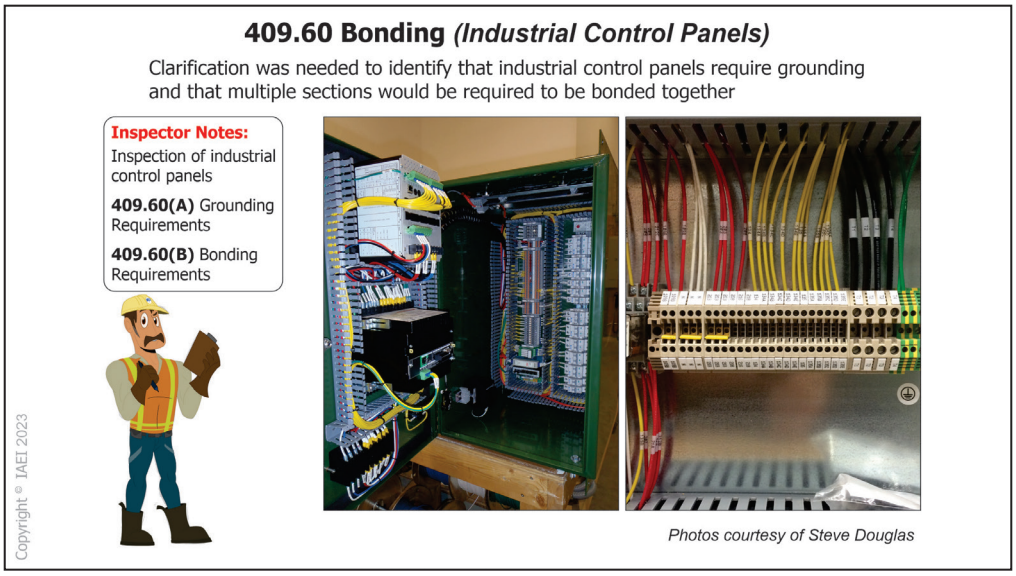
- **The change:** CMP-9 received substantiation to add that panelboards cannot be installed in the face-down position, therefore resulting in changes in Section 408.43.

- **Why it happened:** The face-down position criteria were added due to working space concerns. Even with acceptable working space, it would be very difficult for a qualified worker to safely work in this position due to the installer lying, kneeling, or standing on a floor surface looking up. The only move away from an arc blast or arc-fault event might be left or right from the equipment. In some cases, the panelboard overcurrent protective devices would only be accessible utilizing a step ladder.

- **How this will affect the electrical industry:** This revision in 408.43 clarifies how panelboards can be installed. It now includes language for the electrical professional that these items cannot be installed in the face-up or face-down position. Some *NEC* articles such as Article 518 may allow for face-up applications as CMP-15 has deemed this necessary to comply with the manufacturer's installation requirements.

Rick Hollander, CMP-9

409.60
Industrial Control Panels

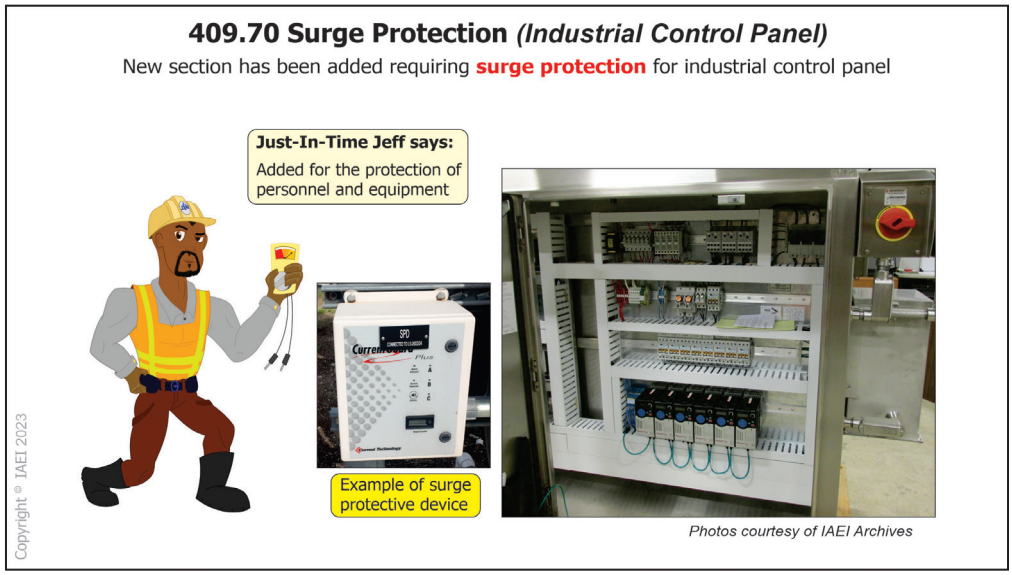


409.60 Bonding

- **Type of change:** Reorganization
- **The change:** Section 409.60 for industrial control panels was restructured by CMP-11, creating (A) Grounding and (B) Bonding.
- **Why it happened:** While originally started as a Public Input during the First Draft meeting to change the title of Section 409.60, it soon became apparent that further clarification was needed to identify that industrial control panels require grounding and multiple sections would be required to be bonded together. CMP-11 created (A) and (B) to clarify where grounding and bonding would occur and have the revised language comply with the section title. Further clarification was added to indicate applicable sections for sizing these grounding and bonding conductors. This also addressed any *NEC Style Manual* conflicts that may have existed.
- **How this will affect the electrical industry:** The reorganization of 409.60 will clarify to the Code user that grounding and bonding are required for these industrial control panels and provide the applicable code sections based on which direction or situation is present.

Casey Littlefield, CMP-11

409.70
Surge Protection for Industrial Control Panels



409.70 Surge Protection

- **Type of change:** New

- **The change:** New Section 409.70 has been added by CMP-11 requiring surge protection for industrial control panels.

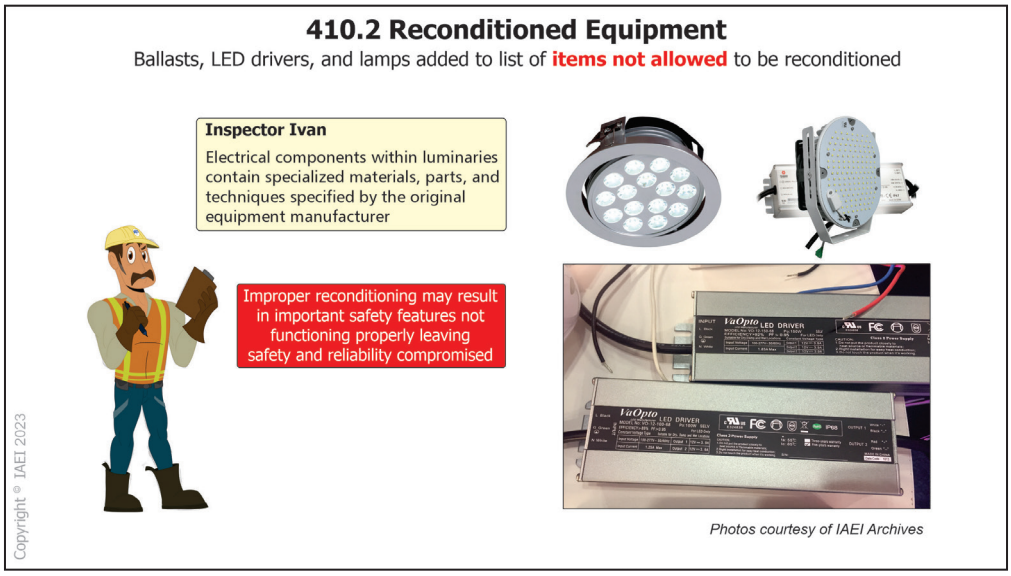
- **Why it happened:** In previous editions of the *NEC*, surge protection wasn't required in industrial control panels. Public Inputs were submitted during the First Draft meeting wanting to add these important safety features for the protection of the personnel and the equipment.

  This Public Input was discussed at length in CMP-11 with differing views on whether an inspector could identify the required protection within the industrial control panel and whether this language would be better suited in a recognized standard for the design of these panels. It was decided to put the language in the *Code* based on the fact that not all industrial control panels are made in a factory setting, and discussion among panel members revealed that both enforcement and labor entities are seeing these types of panels put together from listed materials in the field the majority of the time. Most panel members felt that this new requirement would provide a needed level of protection for personnel servicing these panels. During the second round of public inputs, the term "safety circuits" was used in the verbiage to match the new definition in Article 100 to provide consistency for the users of the *Code*.

- **How this will affect the electrical industry:** The added requirement at Section 409.70 provides a level of equipment and personnel safety for the electrical professional when working on industrial control panels. Additionally, a level of equipment protection is also inadvertently provided.

Casey Littlefield, CMP-11

410.2
Reconditioned Equipment



410.2 Reconditioned Equipment

- **Type of change:** Revision

- **The change:** CMP-18 has determined that ballasts, LED drivers, and lamps should be added into updated Section 410.2 for items not allowed to be reconditioned.

- **Why it happened:** Section 410.7 was new in the 2020 *NEC*; this section prohibits luminaires, lampholders, and retrofit kits from being reconditioned.

  The 2023 change will add lighting ballasts, LED drivers, and lamps to this existing list of items. These additional items are electrical components within luminaires constructed using specialized materials, parts, and techniques specified by the original equipment manufacturer. If these factors are not properly considered during reconditioning, important safety features may not function properly. Additionally, if proper materials, parts, or equipment are not used, the integrity of reconditioned devices may not be assured, and reliability or function may be compromised.

- **How this will affect the electrical industry:** The addition of these other items will assist the electrical professional in maintaining the safety of the public. It also adds clarity and usability to the *Code*.

Robert Fahey, CMP-18

410.10(F)

Luminaires Installed in or Under Roof Decking



410.10(F) Luminaires Installed in or Under Roof Decking

- **Type of change:** Revision

- **The change:** CMP-18 received substantiation to require a minimum of 38 mm (1 ½ in.) to luminaires under any roof system where physical damage can occur to the luminaire, not only metal corrugated style roof systems in Section 410.10(F). An exception was also added for concrete of 50 mm (2 in.) covering metal-corrugated sheet roof decking that the 38 mm (1 ½ in.) spacing is not required.

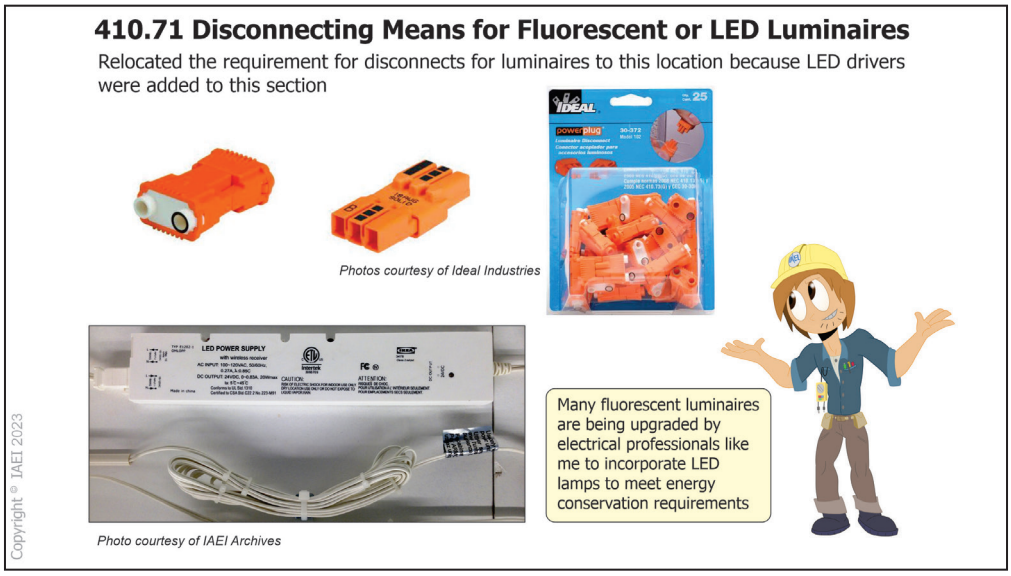
- **Why it happened:** This requirement has been changed to require luminaires to be located a minimum of 1 ½" from any type of roof. In addition to metal corrugated roof systems, many types of roof systems have metal roofing, rubber roofing, or shingle replaced and therefore be subject to the damaged screws or nails present. Roofers installing screws and other fasteners occasionally miss trusses or rafters when nailing/screwing roofing materials such as foam insulation, roof coverings, plywood, or OSB sheeting and could puncture luminaires. The qualifier of "where subject to physical damage" is added to any condition that would protect the luminaire installation from damage due to roof fasteners, including concrete slabs. There was an exception added that when the metal corrugated roof was covered with a minimum 2" concrete slab, the 38 mm (1 ½ in.) spacing is not required.

- **How this will affect the electrical industry:** The electrical professional will need to understand that this change expands the requirement for luminaires for all roof systems to be a minimum of 1 ½ inch from the lowest part of the roof system. This will assure other trades, such as roofers, will be less likely to damage luminaires installed near the underside of roofs. This will now apply to all roofs in all occupancies; therefore, dwellings will now be more likely to be affected by this requirement due to the fact this applies to all roofs. Previous editions of the *NEC* only applied to metal corrugated roof systems, which are typically installed on commercial or industrial buildings.

Robert Fahey, CMP-18

410.71

Disconnecting Means for Fluorescent or LED Luminaires



410.71 Disconnecting Means for Fluorescent or LED Luminaires the Utilize Double-Ended Lamps

- **Type of change:** Relocation

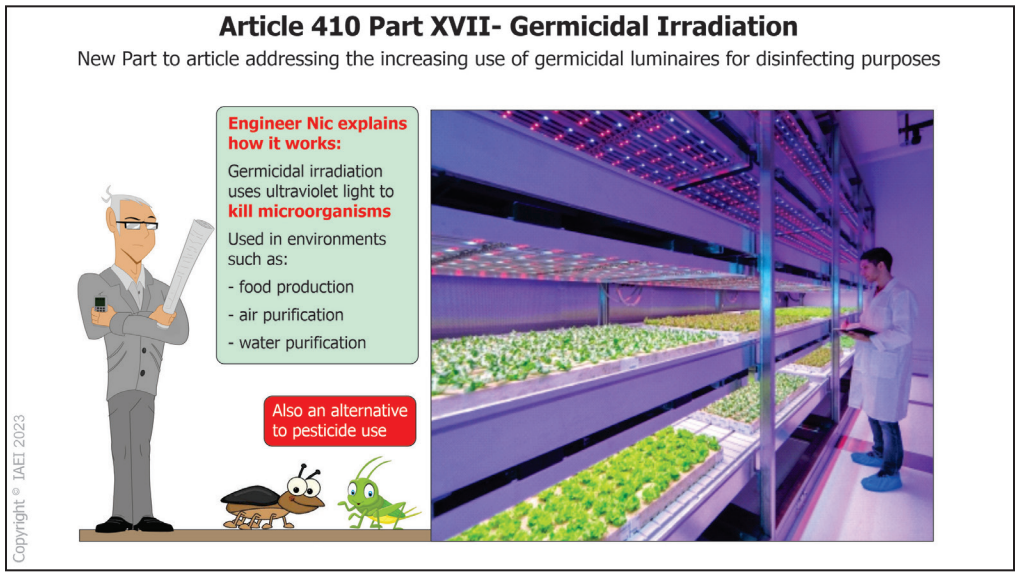
- **The change:** CMP-18 has relocated the requirement for disconnects for luminaires to 410.71 because LED drivers were added to this section.

- **Why it happened:** The original requirement was added in response to an accident involving a double-ended lamp fluorescent ballast replacement. Since then, lighting systems have evolved, and fluorescent lamps are being discontinued and replaced with LED lamps. Many of the existing fluorescent luminaires are being upgraded to incorporate LED lamps to meet energy conservation requirements. The additional requirement for LED luminaires was added to address a hazard that would exist with either style of luminaire. Expanding the requirement only addresses LED-type luminaires that are equivalent to fluorescent luminaires that utilize double-ended lamps. Many LED luminaires are being installed as a part of a retrofit; changing the driver out or hardwiring the end sockets while the circuit feeding the luminaire is energized is a regular practice. Safety standards such as the *NEC* must provide equipment requirements that safeguard individuals exposed to the hazards of electricity while maintaining that equipment.

- **How this will affect the electrical industry:** The electrical professional will need to know that the information previously located in 410.130(G) is now located at 410.71. This change will better align the wiring requirement within Article 410. It will also make the installation safer for the installer and the maintenance personnel who may be involved with repairing and maintaining the luminaire.

Robert Fahey, CMP-18

ARTICLE 410, PART XVII
Germicidal Irradiation



Article 410, Part XVII Special Provisions for Germicidal Irradiation Luminaires

- **Type of change:** New

- **The change:** A new Part XVII was added to Article 410 by CMP-18 to address the increasing use of germicidal luminaires for disinfecting purposes. These products are increasingly being used due to the COVID 19 pandemic and other concerns.

- **Why it happened:** Germicidal irradiation has been used to disinfect air, water, and surfaces for many years. Prompted by recent public health concerns, there has been an increased interest in the application and installation of germicidal irradiation luminaires due to the COVID 19 pandemic and other infectious diseases.

  The product safety requirements in which these luminaires are listed address possible eye and skin damage that can occur to personnel.

  New Part XVII has specific requirements outlines for these specialized luminaires, such as the locations the luminaires are not permitted. These luminaires are not typically permitted for general lighting, not permitted within dwelling units unless specifically listed; these luminaires have certain minimum mounting heights, among other limitations. All germicidal irradiation luminaires are also required to be listed; thus, the listing and installation instructions also play an important part in the proper installation of these products. Accordingly, it is very important that all installation instructions and markings provided by the equipment manufacturer, and prescribed by the product listing, be followed.

  Safety standard requirements addressing these applications are now available from Under-

writers Laboratories, which include:

• UL 1598 – *Standard for Safety, Luminaires.*

• UL 8802 – *Outline of Investigation for Germicidal Systems*

• UL 8750 – *LED Equipment*

- **How this will affect the electrical industry:** Bringing these requirements into the *NEC* allows the installer and the AHJ to understand the limitations and installation requirements for the specialized luminaires.

Robert Fahey, CMP-18

410.184

GFCI & SPGFCI Protection



410.184 Ground-Fault Circuit-Interrupter (GFCI) Protection and Special Purpose Ground-Fault Circuit-Interrupter (SPGFCI) Protection.

- **Type of change:** Revision

- **The change:** CMP-18 revised Section 410.184 to clarify when GFCI protection is required for horticultural lighting, with an exception added to require the use of a special purpose ground-fault circuit interrupter (SPGFCI) on circuits exceeding 150 volts to ground.

  An Informational Note was also added to point readers to UL 943C, *Outline of Investigation for Special Purpose Ground-Fault Circuit-Interrupters*, for further information on SPGFCI devices.

- **Why it happened:** During the 2020 *NEC* cycle, a requirement was added to provide GFCI

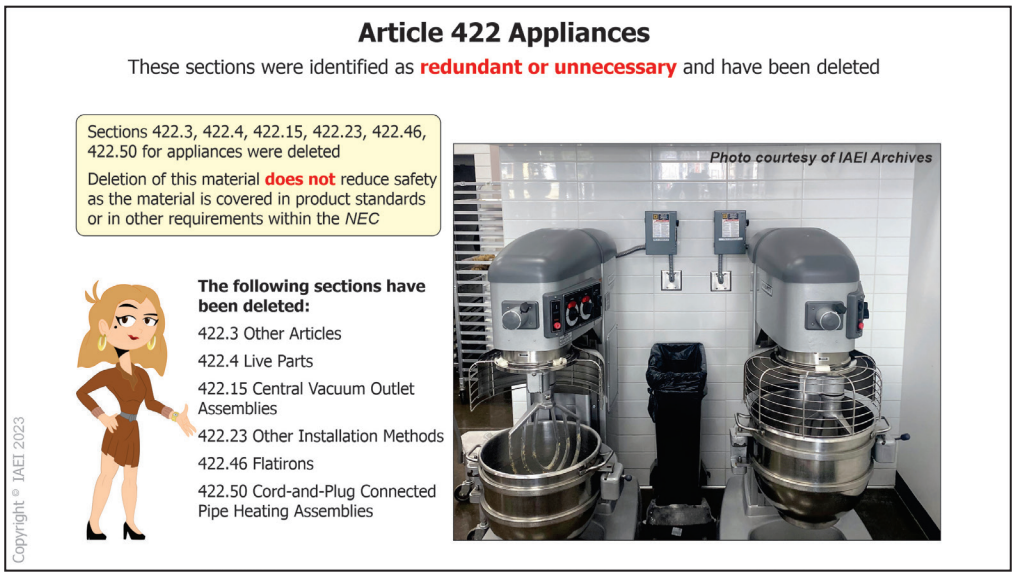
protection for lighting equipment identified for horticultural use and employing a flexible cord. The 2020 language did not distinguish between cord- and plug-connected equipment and hard-wired cord-connected equipment. GFCI circuit breakers were readily available for use on 120-volt circuits, but that was not the case with single-phase 480- or 277-volt circuits.

The revisions made for the 2023 *NEC* will clarify that GFCI or SPGFCI protection is not required for lighting equipment employing flexible cords that are hard-wired. Although not specifically specified in this section, cord-connected installations would also have to be in accordance with 410.62(C)(1)(b) or (c).

- **How this will affect the electrical industry:** The revisions will provide relief to the electrical professionals from having to provide GFCI or SPGFCI protection for 277-volt, cord-connected, horticultural lighting that is hard-wired. Electrical inspectors will have clear and enforceable *Code* language and will no longer have to resort to using 90.4 to approve an installation.

Mark Hilbert, CMP-18

ARTICLE 422
Appliances



Article 422 Appliances

- **Type of change:** Deletion

- **The change:** Sections 422.3, 422.4, 422.15, 422.23, 422.46. 422.50 for appliances were deleted by CMP-17 from the 2023 edition of the *NEC*.

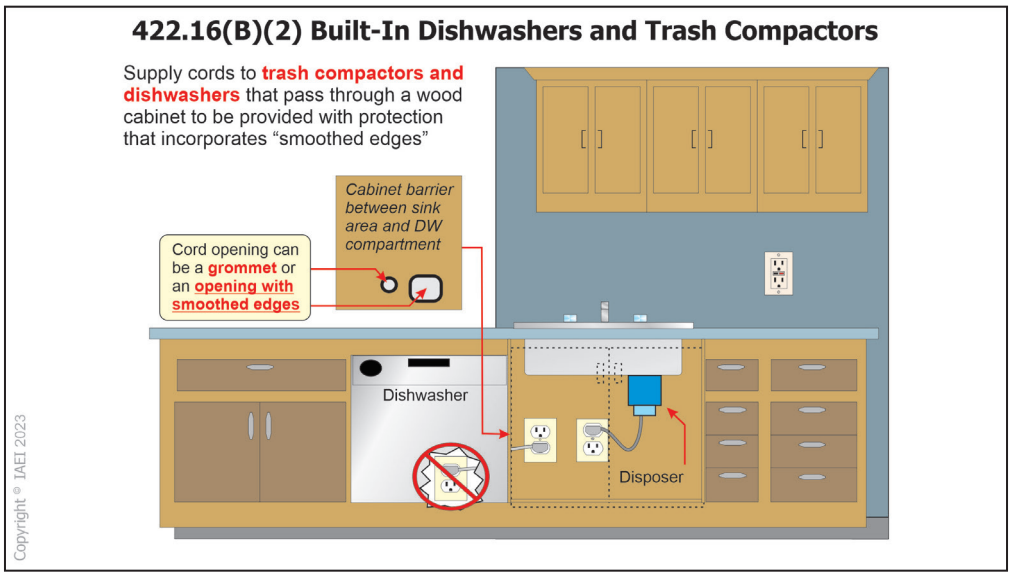
- **Why it happened:** These sections were identified as redundant or unnecessary. *NEC* 422.6 requires appliances to be listed. Many of the removed sections are covered in the listings. Other provisions are covered in general requirements and the *NEC* structure.

- **How this will affect the electrical industry:** Deletion of this material does not reduce safety as the material is covered in product standards or in other general requirements in the *NEC*. This allows installers and AHJs to simply confirm listing and utilize nameplate ratings to verify installation requirements.

Donny Cook, CMP-17

422.16(B)(2)

Built-in Dishwashers and Trash Compactors



422.16(B)(2) Built-in Dishwashers and Trash Compactors

- **Type of change:** Revision

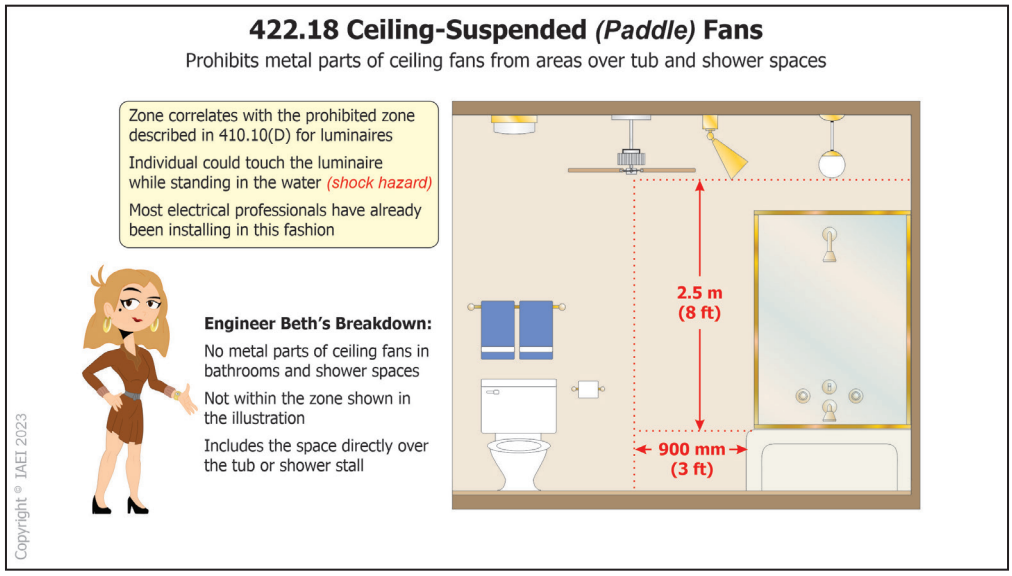
- **The change:** CMP-17 added provisions at Section 422.16(B)(2) for supply cords to trash compactors and dishwashers to pass through an item such as a wood cabinet to be provided with protections that incorporate smoothed edges.

- **Why it happened:** In many installations, cords passed through holes in wood cabinet separations. While grommets and bushings are practical solutions in metal cabinet separations, those fittings were not practical with wood cabinets.

- **How this will affect the electrical industry:** While previous text allowed other approved means as an acceptable means to protect cords, this revision eliminates the need for a judgment call when an obvious solution exists. This should clarify issues between the installer and the inspector when they arise in the field.

Donny Cook, CMP-17

422.18
Ceiling-Suspended (Paddle) Fans



422.18 Ceiling-Suspended (Paddle) Fans

- **Type of change:** Revision

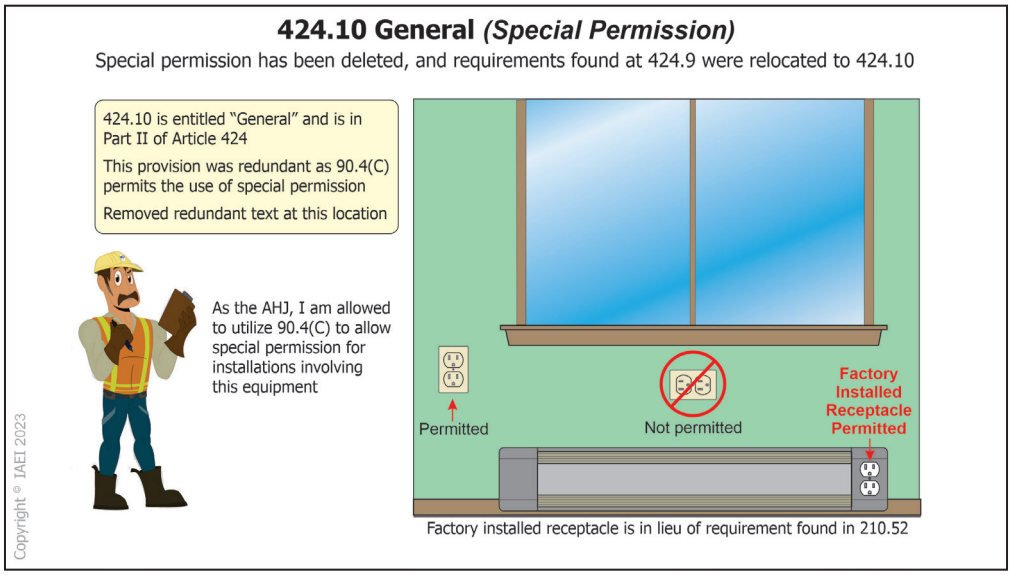
- **The change:** Text covering ceiling-suspended (paddle) fans have been subdivided by CMP-17 and includes a new first-level subdivision (B) that prohibits metal parts of ceiling fans from areas over tub and shower spaces. That prohibited "zone" correlates with the prohibited zone described in 410.10(D) for luminaires.

- **Why it happened:** This prohibited zone for luminaires recognized an elevated risk where an individual could touch the luminaire while standing in the water. This change correlates the ceiling fan requirement with luminaires since the risk is similar.

- **How this will affect the electrical industry:** Many electrical professionals were already likely applying the requirement in 410.10(D) to ceiling fans. This change improves usability by including text to provide equivalent safety to installations with similar risks.

Donny Cook, CMP-17

424.10
General



424.10 General

- **Type of change:** Deletion

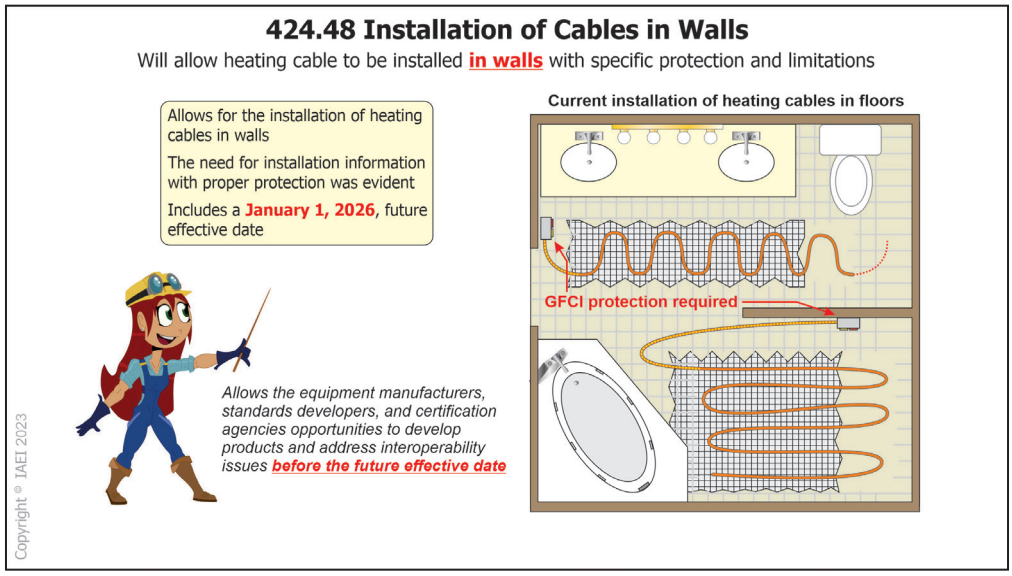
- **The change:** Section 424.10, *Special Permission*, was deleted by CMP-17, and 424.9, *General*, was relocated to 424.10 at the beginning of Article 424 Part II.

- **Why it happened:** The 2020 *NEC* included a provision in 424.10 to permit the installation of heating equipment by methods other than those included in Article 424 with special permission. This provision was determined to be redundant as 90.4(C) permits the use of special permission.

- **How this will affect the electrical industry:** While the provision for use of special permission was removed from Article 424, AHJs can utilize 90.4 where an equivalent installation is provided and the option for special permission is needed for approval. This will add clarity and usability to the *Code*.

Donny Cook, CMP-17

424.48
Installation of Cables in Walls



424.48 Installation of Cables in Walls

- **Type of change:** New

- **The change:** The new section at 424.28 was created by CMP-17 and will allow heating cables to be installed in walls with specific protection and limitations. The provision includes a January 1, 2026, effective date.

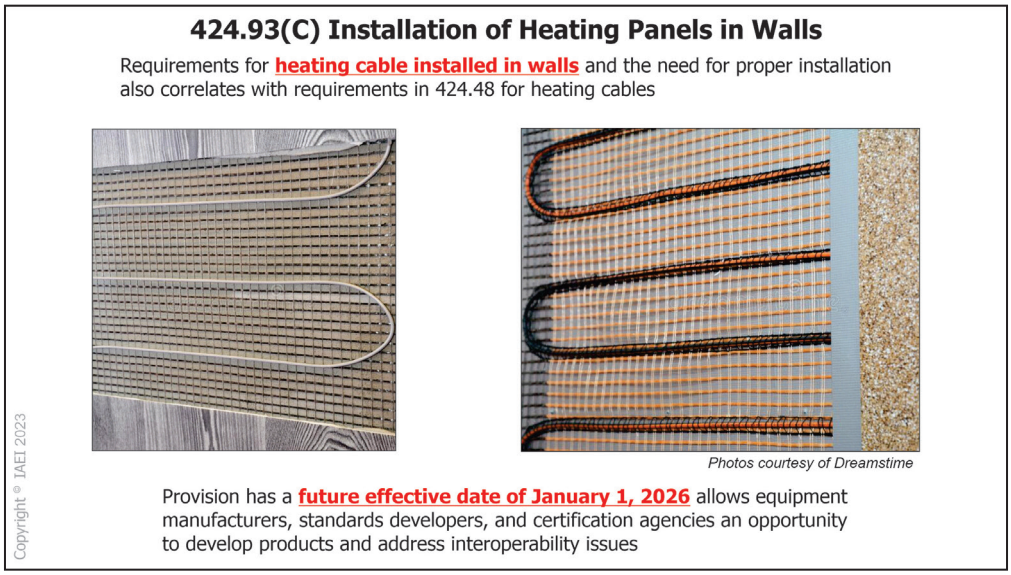
- **Why it happened:** While concerns exist for heating cable installed in walls, the need for that installation with proper protection was evident. Installations were already being considered in Canada to permit these types of installations with adequate protection. Understanding that installation codes, product standards, and certification would all need correlation and some effort to determine the heating products would be operating with available protection resulted in the future effective date.

- **How this will affect the electrical industry:** This change allows equipment manufacturers, standards developers, and certification agencies an opportunity to develop products and address interoperability issues before the effective date.

Donny Cook, CMP-17

424.93(C)

Installation of Heating Panels in Walls



424.93(C) Installation of Heating Panels in Walls

- **Type of change:** New

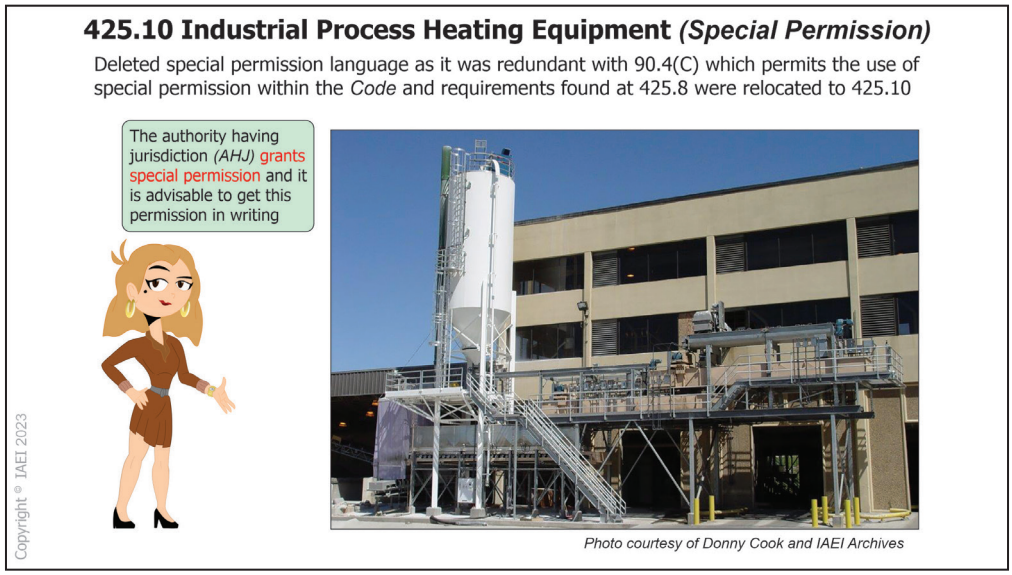
- **The change:** This new first-level subdivision created by CMP-17 will allow heating panels and heating panel sets to be installed in walls with specific protection and limitations. The provision includes a January 1, 2026, effective date.

- **Why it happened:** While concerns exist for heating panels and heating panel sets installed in walls, the need for that installation with proper protection was evident. Understanding that installation codes, product standards, and certification would all need correlation and some effort to determine the heating products would be operated with available protection resulted in the future effective date. This revision correlates with requirements in 424.48 for heating cables.

- **How this will affect the electrical industry:** This change allows equipment manufacturers, standards developers, and certification agencies an opportunity to develop products and address interoperability issues before the effective date.

Donny Cook, CMP-17

425.10
General



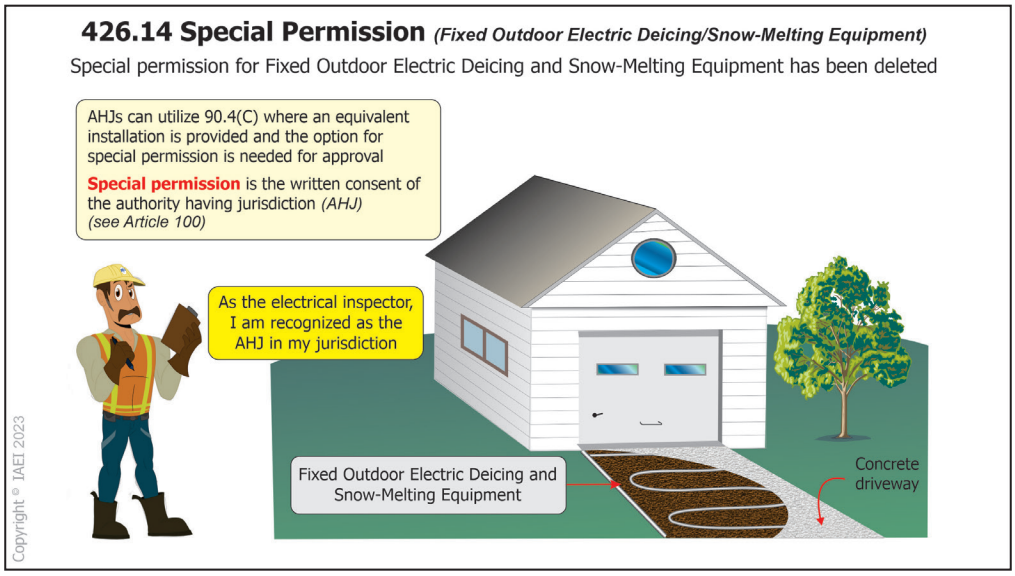
425.10 General

- **Type of change:** Deletion
- **The change:** Section 425.10 was deleted by CMP-17 for special permission requirements and 425.8 General was relocated to 425.10 as the beginning of Article 425 Part II.
- **Why it happened:** The 2020 *NEC* included a provision to permit the installation of industrial process heating equipment by methods other than those included in Article 425 with special permission. This provision was determined to be redundant as 90.4(C) permits the use of special permission.
- **How this will affect the electrical industry:** While the provision for use of special permission was removed from Article 425, AHJs can utilize 90.4 where an equivalent installation is provided, and the option for special permission is needed for approval.

Donny Cook, CMP-17

426.14

Fixed Outdoor Electric Deicing and Snow-Melting Equipment



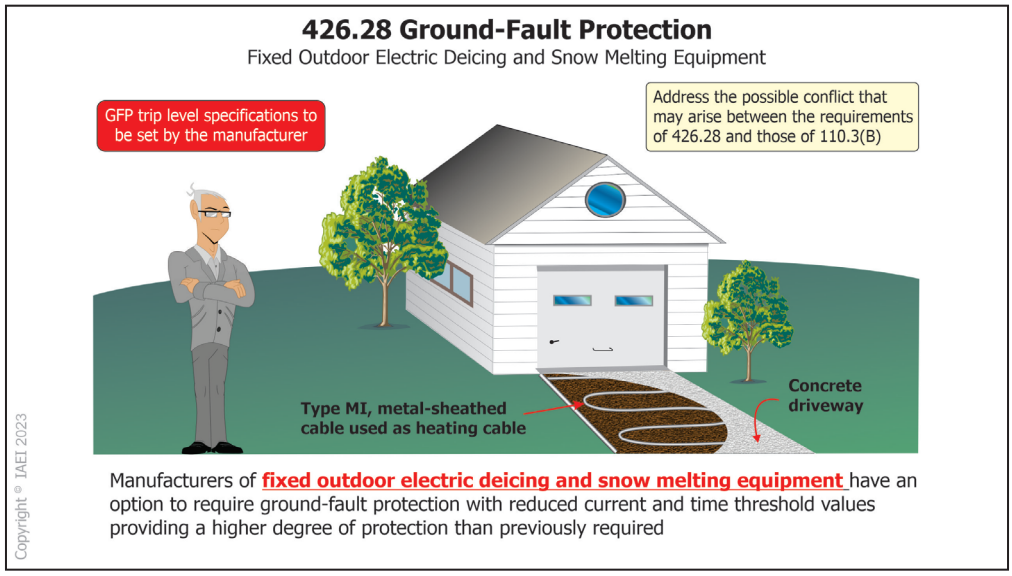
426.14 Special Permission

- **Type of change:** Deletion
- **The change:** Section 426.14 pertaining to special permission for fixed outdoor electric deicing and snow-melting equipment was deleted by CMP-17
- **Why it happened:** The 2020 *NEC* included a provision to permit the installation of fixed outdoor electric deicing and snow-melting equipment by methods other than those included in Article 426 with special permission. This provision was determined to be redundant as 90.4(C) permits the use of special permission.
- **How this will affect the electrical industry:** While the provision for the use of special permission was removed from Article 426, AHJs can utilize 90.4 where an equivalent installation is provided, and the option for special permission is needed for approval.

Donny Cook, CMP-17

426.28

Fixed Outdoor Electric Deicing and Snow-Melting Equipment



426.28 Ground-Fault Protection

- **Type of change:** Revision

- **The change:** CMP-17 recognizes that manufacturers of fixed outdoor electric deicing and snow-melting equipment have an option to require ground-fault protection with reduced current and time threshold values providing a higher degree of protection than previously required. Therefore, Section 426.28 was revised, allowing the manufacturer to specify the ground fault trip level.

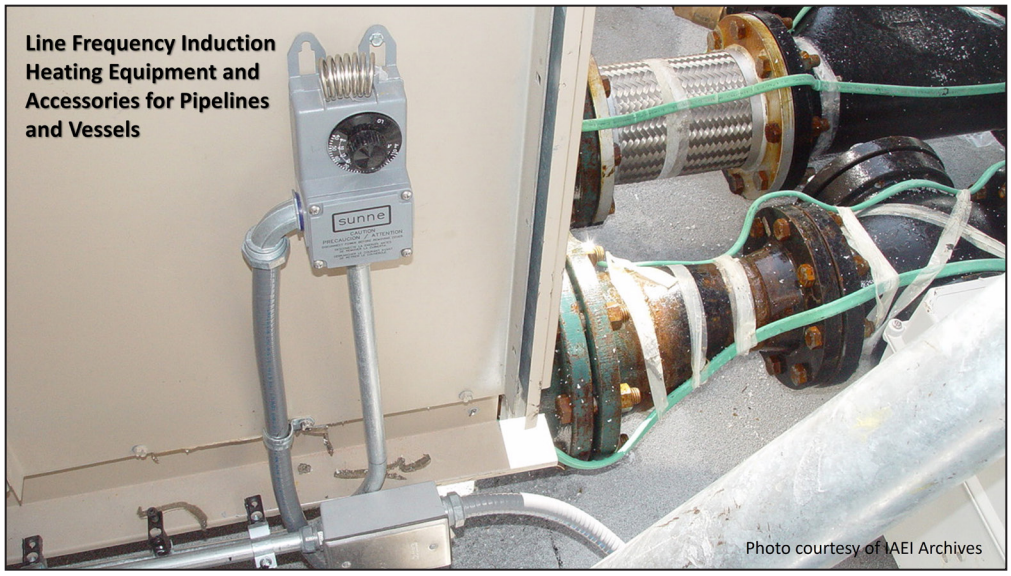
- **Why it happened:** Previous requirements in 426.28 mandated ground-fault protection of equipment for fixed outdoor electric deicing and snow-melting equipment, while some manufacturers specified GFCI protection. This change helps address the possible conflict that may arise between the requirements of 426.28 and the requirements of 110.3(B). This conflict may arise when a higher degree of protection is included in the manufacturer instructions of the fixed outdoor electric deicing and snow-melting equipment than that required by 426.28. This change emphasizes the importance of following the manufacturers' installation instructions provided with the equipment, especially when they exceed what the *NEC* requires.

- **How this will affect the electrical industry:** While *NEC* 110.3(B) is not new, this change is a clear application where utilization equipment manufacturers have included "additional" protection for the utilization equipment. Designers, installers, and AHJs must review installation instructions prior to installation to assure compliance.

Donny Cook, CMP-17

427.35

Line Frequency Induction Heating Equipment

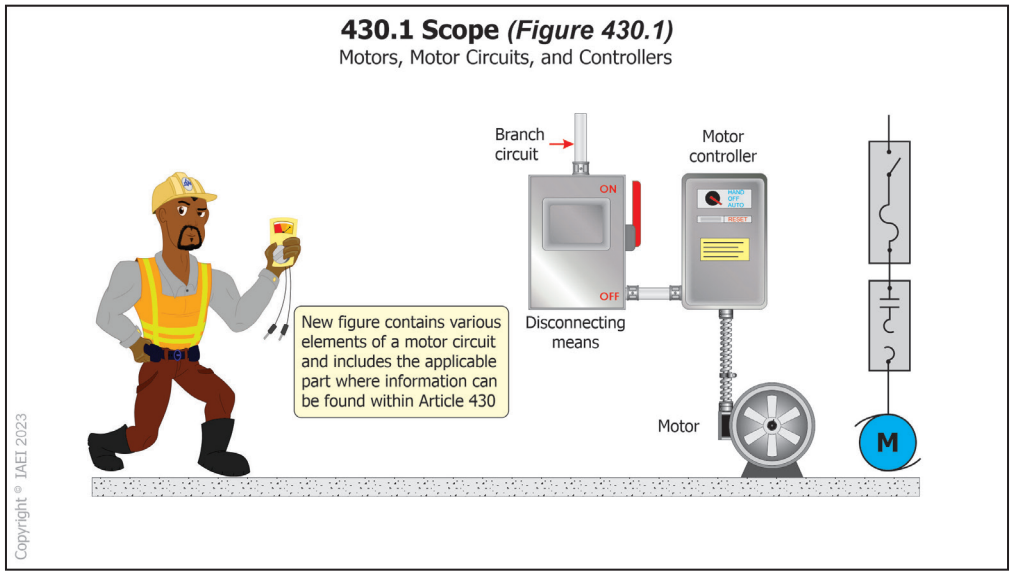


427.35 Scope

- **Type of change:** Deletion
- **The change:** Section 427.35, which covered the installation of line frequency induction heating equipment and accessories for pipelines and vessels, was deleted by CMP-17.
- **Why it happened:** The 2020 *NEC* included a second scope statement in 427.35 for line frequency induction heating equipment. This section was determined to be redundant as 427.1 already covers the scope of the article.
- **How this will affect the electrical industry:** This specialized heating equipment will continue to be covered by this article. The removal of the scope requirements at 427.35 will increase usability and reduce confusion for the electrical professional.

Donny Cook, CMP-17

430.1
Motor Circuits



430.1 Scope

- **Type of change:** Revision

- **The change:** The previous figure at Section 430.1 has been deleted, and an expanded figure has been added by CMP-11 to include all relevant parts of the motor circuit and what parts of Article 430 apply.

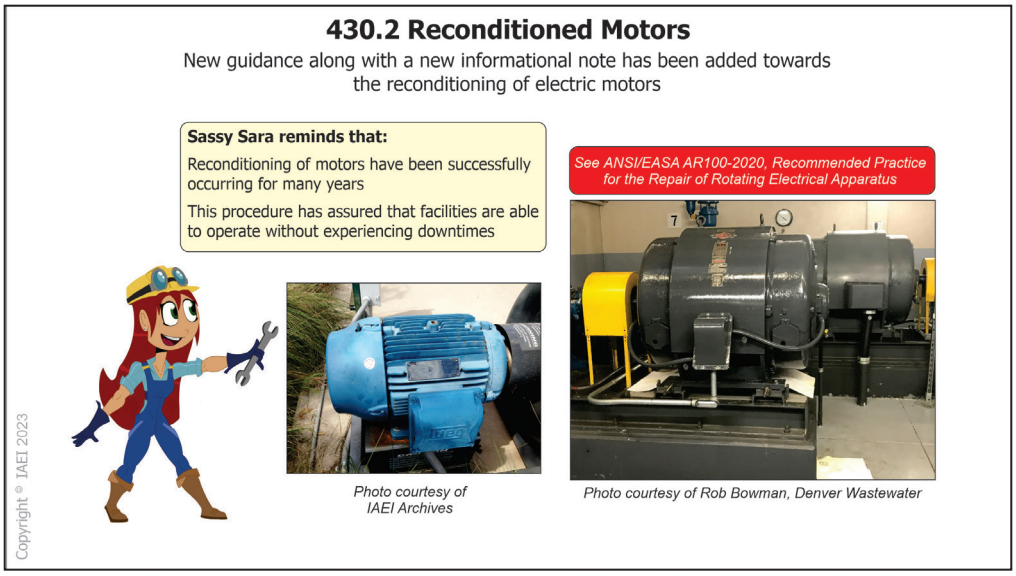
- **Why it happened:** The previous figure in 430.1 has been in the *NEC* for several decades. It has remained consistent even though new technology and increased safety features for both personnel and the motor circuit have been introduced. The revised figure provides a pictogram of the various elements of a motor circuit and includes the applicable part where information can be found within Article 430.

  CMP-11 had two Public Inputs submitted during the First Draft meeting for this change, with one asking to change the text at the top of the figure to say "From supply" instead of "To Supply." It was agreed upon after a lengthy discussion to keep the current language since, ultimately, a supply can come from different sources. The second Public Input addressed the need to expand the figure.

- **How this will affect the electrical industry:** This change provides a more comprehensive detail for motors and their control devices. The electrical professional will be provided with additional clarity and application to the various requirements that apply to this equipment.

Casey Littlefield, CMP-11

430.2
Reconditioned Motors



430.2 Reconditioned Motors

- **Type of change:** New

- **The change:** CMP-11 added new guidance for reconditioning of motors in Section 430.2, including a new informational note that references ANSI/EASA AR100-2020, *Recommended Practice for the Repair of Rotating Electrical Apparatus*.

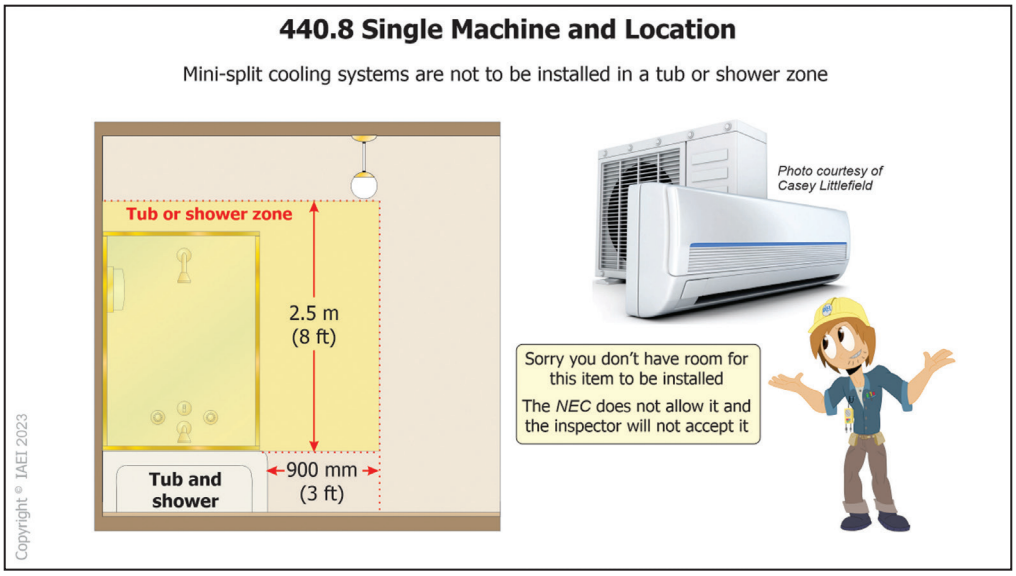
- **Why it happened:** Reconditioning of motors has been successfully occurring for many years. Motors are being repaired and rewound in accordance with standards such as ANSI/EASA AR100. Reconditioning of motors has assured that facilities are able to operate without experiencing downtimes. Nameplate information supplied on a motor is critical to the process of reconditioning. The nameplate should never be removed unless the original ratings or characteristics of the motor are altered. Motors used in hazardous (classified) locations can be reconditioned and should be listed as reconditioned when installed in a Class I, Division 1 (or Zone 0 or 1) location(s).

  The new informational note references ANSI/EASA AR100-2020, *Recommended Practice for the Repair of Rotating Electrical Apparatus*. This information is helpful if the reconditioning facility is no longer in business. This reference contains valuable information about the rewinding and repair of electric motors.

- **How this will affect the electrical industry:** Most electrical professionals are aware that motors are being reconditioned and safely placed back into service. There is now language in the *NEC* that provides guidance and acceptance for this practice.

IAEI Codes and Standards Committee

440.8
Mini-Split Cooling Systems

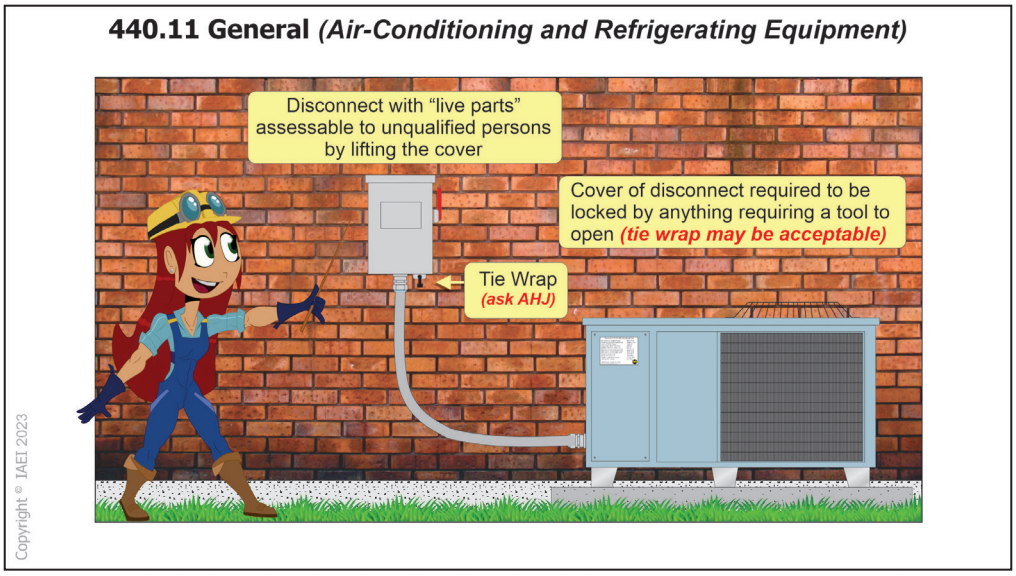


440.8 Single Machine and Location

- **Type of change:** Revision
- **The change:** New language has been added by CMP-11 to Section 440.8, indicating that mini-split units are not to be installed in a tub or shower zone.
- **Why it happened:** Mini-split cooling systems are being installed in bathtub and shower spaces due to a lack of wall space. This is increasingly occurring in older homes with smaller bathrooms where the shower was on the outside wall, making it a prime place to install these systems. This installation provides a clear danger to the occupants, and the new language revises Section 440.8 to prohibit the installation of these units in the zone around bathtub and shower spaces. The dimensions of the zone stated with this change are consistent with code requirements for other electrical equipment or devices.
- **How this will affect the electrical industry:** This added language makes it clear to installers and inspectors that mini-split systems are not allowed in a tub and shower zone.

Casey Littlefield, CMP-11

440.11
Disconnects with Covers



440.11 General

- **Type of change:** Revision

- **The change:** CMP-11 added additional language at Section 440.11 that requires disconnects with covers that expose live parts to be locked for protection.

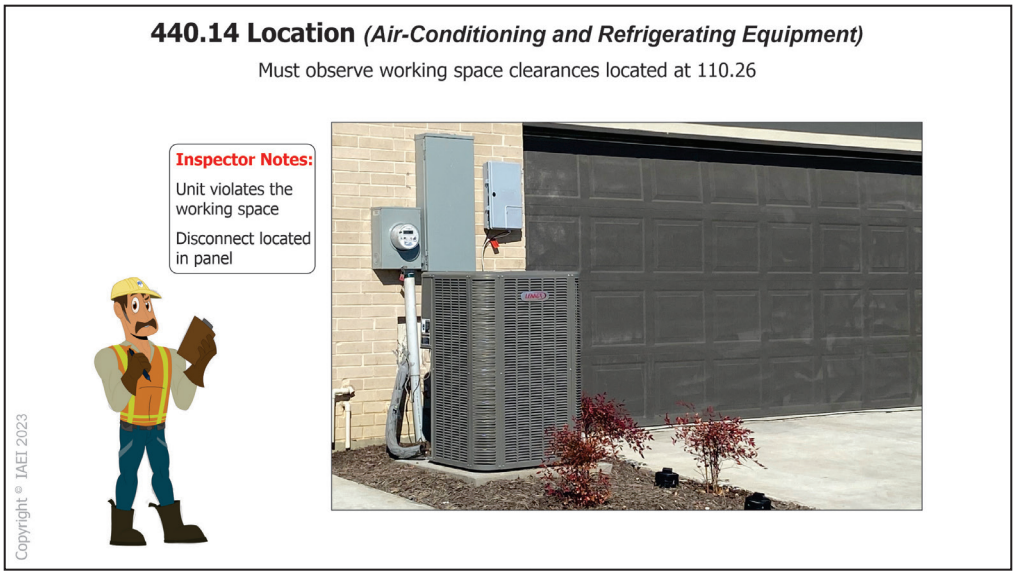
- **Why it happened:** Language was added requiring air-conditioning and refrigerating equipment disconnects that have hinged covers, and when open, have exposed live parts, be locked to prevent children and unqualified people from accidental contact.

  There was discussion about this new language at length in CMP-11 as the original Public Input wanted non-fused pull-out type disconnects to be locked to prevent accidental contact citing poor management practices with the internal protective cover often missing or not being present at these installations. CMP-11 recognized that good management practices need to be adhered to and are not in some cases but also acknowledged that the NEC is not a maintenance document. As discussion ensued, it was generally agreed upon that knife blade type disconnects pose the biggest hazard even as a properly maintained product. The language is written so that any exposed live parts must be covered when the cover door is open, protecting the person from shock and injury. CMP-11 made it clear that a lock would be anything that required a tool to open. As "zip-ties" would require the use of a tool to remove the cover, the panel felt this allowed a practice already used by many electrical and mechanical contractors.

- **How this will affect the electrical industry:** This added language provides an additional level of protection for the public and the electrical professional concerning disconnects that have no internal covers that protect live parts. Exposure of these live parts to unqualified individuals could cause injury or death.

Casey Littlefield, CMP-11

440.14
Air-Conditioning and Refrigerating Equipment



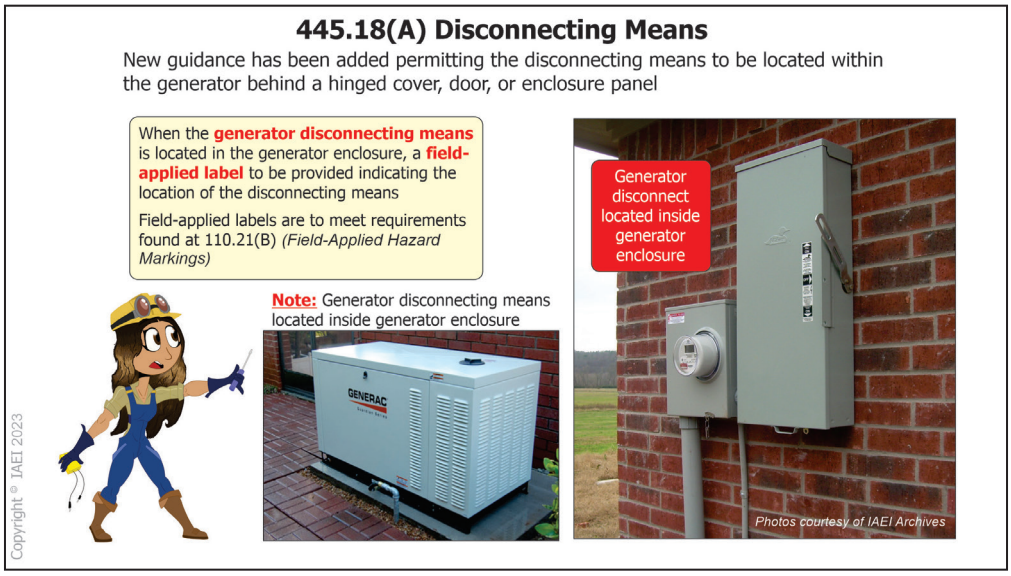
440.14 Location

- **Type of change:** Revision
- **The change:** CMP-11 added a reference to 110.26(A) in Section 440.14, which now makes it clear that working space clearances are required for air-conditioning and refrigerating equipment.
- **Why it happened:** Many HVAC contractors install their equipment per the manufacturer's specifications but pay little attention to the minimum required clearances in *NEC* 110.26 for disconnects that require servicing. The language added was previously in an Informational Note and, based on a Public Input during the First Draft meeting, was brought up into the main body of the *Code*. During discussions, CMP-11 understood the intent has always been to follow *NEC* 110.26, but that typical trade practices often don't follow these minimum safety requirements.
- **How this will affect the electrical industry:** This added information makes it clear to the inspector and installer that minimum clearances must be maintained at air-conditioning and refrigerating disconnects.

Casey Littlefield, CMP-11

445.18(A) & 445.19

Disconnecting Means & Emergency Shutdown of Prime Mover



445.18(A) & 445.19 Disconnecting Means & Emergency Shutdown of Prime Mover

- **Type of change:** Revision

- **The change:** CMP-13 has added new language to (A), permitting the disconnecting means to be located within the generator behind a hinged cover, door, or enclosure panel. When the generator disconnecting means is located in the generator, a field-applied label has to be provided indicating the location of the disconnecting means.

- **Why it happened:** Additional modifications are made for 445.18(A) to clarify the permitted locations for emergency disconnecting means and marking means. Field labeling requirements have been added, providing clarity for the purpose of the disconnecting means to aid first responders. Field-applied labels are to meet requirements found at 110.21(B).

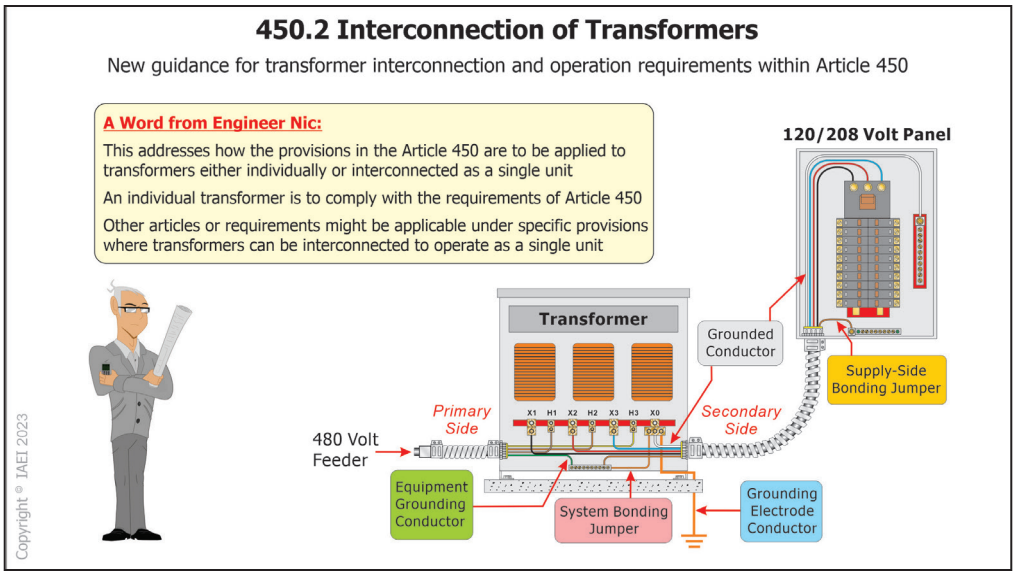
  A new Section 445.19 will separate the generator emergency shutdown requirements from the generator disconnect requirements. Generators with greater than 15 kW rating located at other than one- and two-family dwelling units are to be equipped with a remote emergency stop switch that will shut down the prime mover. This switch is to be located outside the equipment room or generator enclosure at a readily accessible location and meets the requirements found at 445.19(A)(1) and (A)(2).

  New language at (C) clarifies that the emergency shutdown device located at one- and two-family dwelling units mounted on the exterior of the generator enclosure meets the requirements of this section. This device is to be marked as the "Generator Emergency Shutdown" and meets the requirements of 110.21(B).

- **How this will affect the electrical industry:** There has been confusion among electrical professionals as to the requirements for generator disconnecting means and the requirements for emergency shutdown of the prime mover. These revisions help to clarify the requirements and aid in the usability of the *Code*. This work will help the installer and AHJ better understand these requirements.

Steve Froemming, CMP-13

450.2
Interconnection of Transformers



450.2 Interconnection of Transformers

- **Type of change:** New

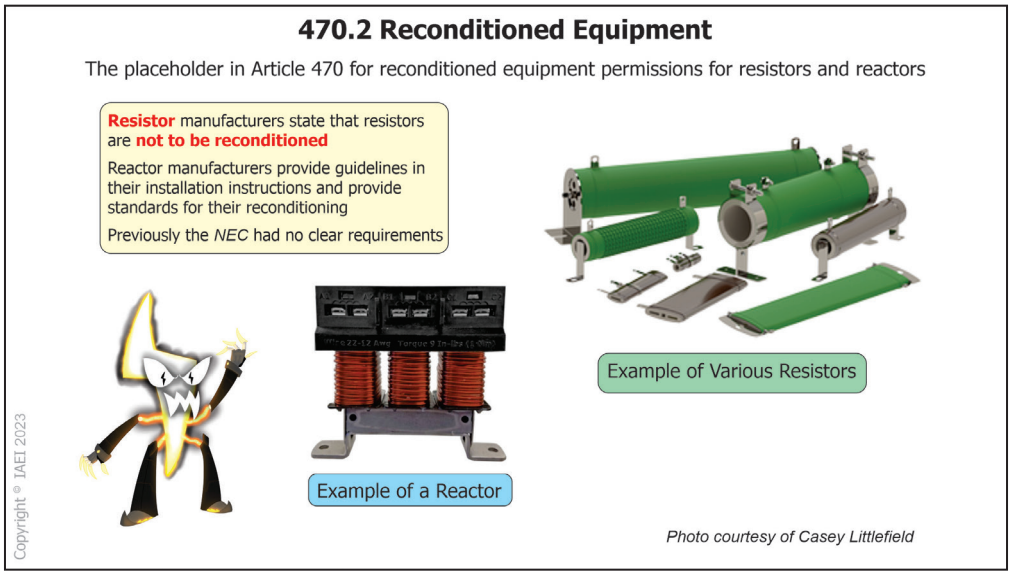
- **The change:** CMP-9 added new guidance for transformer interconnection and operation requirements within Article 450.

- **Why it happened:** This change addresses how the provisions in the article are to be applied to transformers either individually or interconnected as a single unit. An individual transformer is to comply with the requirements of Article 450. Other articles or requirements might be applicable under specific provisions where transformers can be interconnected to operate as a single unit.

- **How this will affect the electrical industry:** There should not be much of an effect on the electrical professional regarding this change. Much of this addressed *NEC Style Manual* concerns and correcting some issues that occurred in the 1987 code cycle.

IAEI Contributor, Fred Hartwell

470.2
Reconditioned Equipment



470.2 Reconditioned Equipment

- **Type of change:** New

- **The change:** CMP-11 made new Section 470.2 the placeholder for reconditioned equipment, indicating that reconditioning of a resistor is not permitted and that reactors shall follow manufacturers' guidelines.

- **Why it happened:** The *NEC* didn't provide clear directions for the reconditioning of both resistors and reactors. Resistor manufacturers have made it clear that resistors are not to be reconditioned, and it was felt that this language should appear in the code. Reactor manufacturers provide guidelines on the reconditioning of these apparatus in their installation instructions and also have standards for the reconditioning of them.

  Public Inputs were submitted to CMP-11 asking to have new sections throughout Article 470. The panel agreed to include these requirements under "Part I. General," to clearly indicate it applies to resistors and reactors regardless of voltage.

- **How this will affect the electrical industry:** This change will provide clear information to all electrical professionals regarding the reconditioning allowances for resistors and reactors.

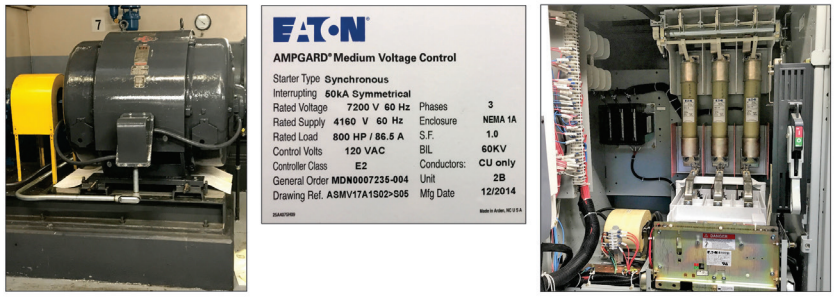
Casey Littlefield, CMP-11

ARTICLE 495

Equipment Over 1000 Volts AC, 1500 Volts DC, Nominal

Article 495- Equipment Over 1000 Volts AC, 1500 Volts DC- Nominal

Equipment over 1000 Volts AC installed in water treatment facility



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Photos courtesy of Rob Bowman, Denver Wastewater

Article 495 Equipment Over 1000 Volts AC, 1500 Volts DC, Nominal

- **Type of change:** New / Relocation
- **The change:** All the requirements previously found in Article 490, *Equipment Over 1000 Volts, Nominal,* have been moved to Article 495 by CMP-9.
- **Why it happened:** Substantiation was submitted to CMP-9 by the Medium Voltage Task Group to provide a central location to focus on medium- or high-voltage requirements. As a result, this action will provide an article that will contain all installation requirements pertaining to equipment over 1000 volts AC and 1500 volts DC in future additions.
- **How this will affect the electrical industry:** CMP-9 has created a "starting point" location for other code-making panels to consider relocating their requirements that pertain to Equipment Over 1000 Volts AC, or 1500 Volts DC, Nominal. This will result in easier use of the *Code* when searching for requirements on this topic.

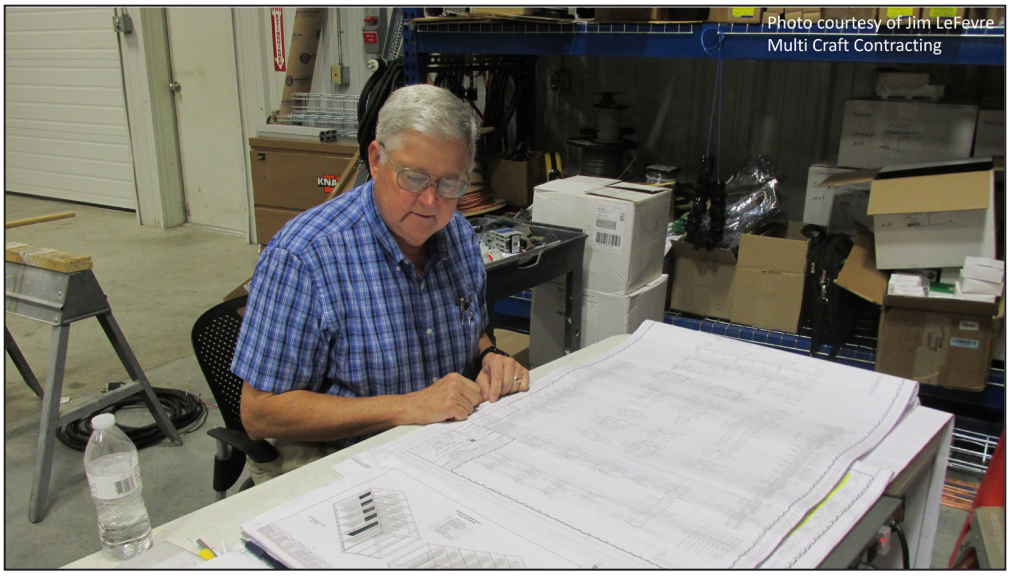
Dean Fortney, CMP-9

CHAPTER 5
SPECIAL OCCUPANCIES

Articles 500-590



500.4
Documentation



500.4 Documentation

- **Type of change:** Revision

- **The change:** CMP-14 added additional language in Section 500.4 to assist the authority having jurisdiction (AHJ) for requirements on documentation for hazardous (classified) locations.

- **Why it happened:** Numerous jurisdictions are now dealing with new types of facilities and products for hazardous (classified) locations. The parent text of 500.4 was revised to require that the documentation provided includes an area classification drawing. The change will create a consistent method of documenting hazardous (classified) locations and clearly indicate the boundaries between the classified areas and unclassified areas. The current wording uses the words "properly documented," which can be construed to mean almost any type of documentation. The word "properly" is included in Table 3.2.1 of the 2020 *NEC Style Manual,* which lists words that are possibly vague or unenforceable.

- **How this will affect the electrical industry:** This new language allows the AHJ to require the designers to provide additional information on the plans for the installations and inspections in the field to verify code compliance with the *NEC*. This new language will assist the electrical plans examiner, inspector, and installer to verify that the installation meets *Code* requirements for all hazardous (classified) locations.

Haywood C. Kines, CMP-14

500.5[D][1][A]
Combustible Fibers/Flyings



500.5(D)(1)(a) Combustible Fibers/Flyings

- **Type of change:** Revision

- **The change:** The previous *Code* language at 500.5(D)(1)(a) has been completely reworded by CMP-14 to align with the new definition for *combustible fibers/flyings* and the edits for combustible dust.

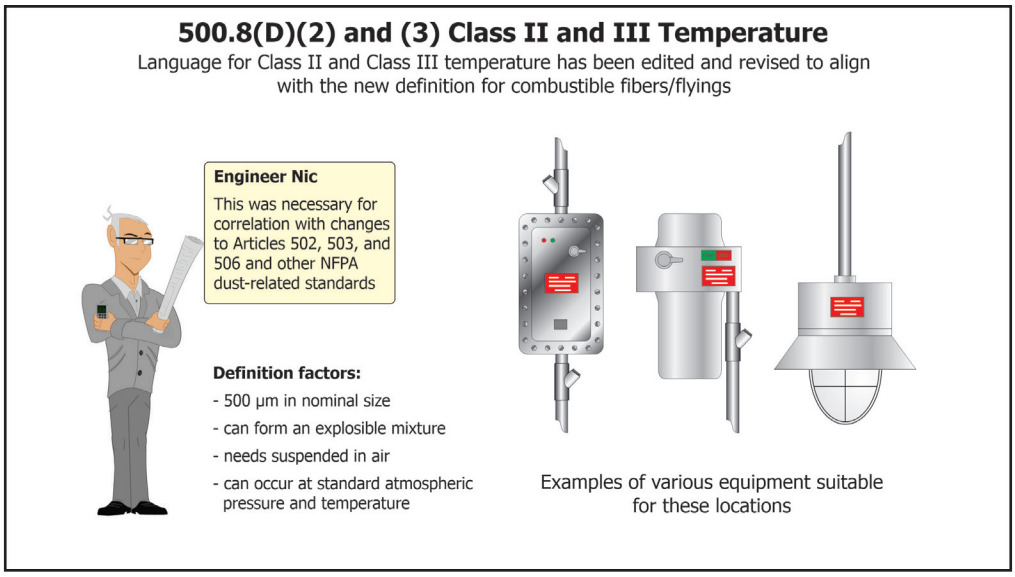
- **Why it happened:** This change involving Class III locations results from members from several technical committees as part of a Task group. Members from NFPA 70, NFPA 499, NFPA 652, and NFPA 654 worked to develop new definitions that would provide consistency in all the documents. This was necessary for correlation with changes to *NEC* Articles 502, 503, and 506 and with other NFPA dust-related standards.

- **How this will affect the electrical industry:** The new language and definitions will help the industry determine the type of hazardous (classified) locations that exist. The consistency in language for all the NFPA standards for the new definitions will assist all electrical professionals who design, install, and inspect in these environments.

Haywood C. Kines, CMP-14

500.8(D)(2) AND (3)

Class II and Class III Temperature



500.8(D)(2) and (3) Equipment, Temperature, Class II and Class III

- **Type of change:** Revision

- **The change:** The previous language for 500.8(D)(2) and (3) that involve Class II and Class III temperature has been edited and revised by CMP-14 to align with the new definition for combustible fibers/flyings.

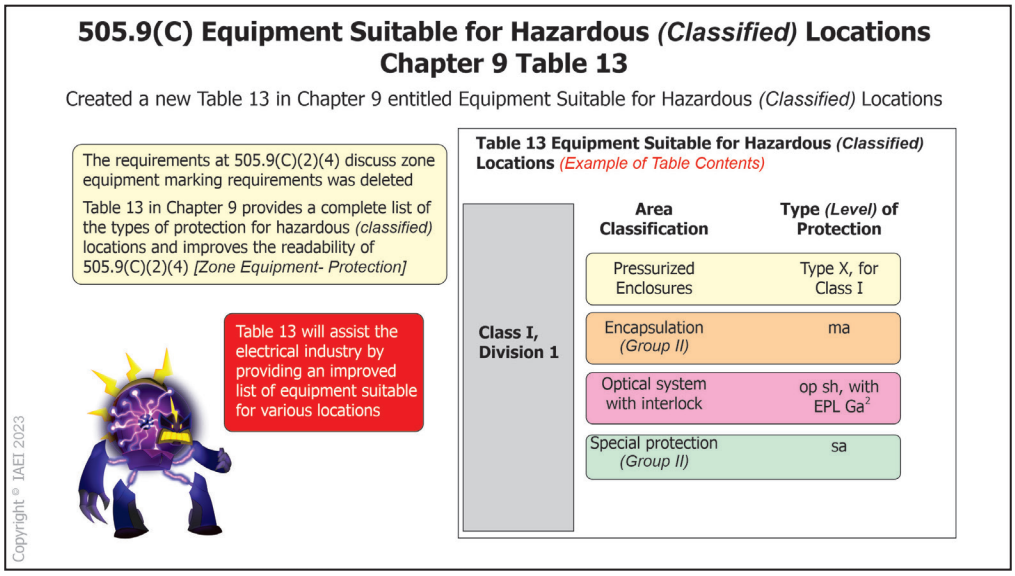
- **Why it happened:** NFPA Standards Committee directed CMP-14 and other Committees to resolve conflicts among the documents. The revisions to 500.8(D)(2) and (D)(3) are based on the revised definitions for combustible fibers/flyings and ignitible fibers/flyings. This now includes metal fibers/flyings in 500.8(D)(2). This was necessary for correlation with changes to Articles 502, 503, and 506 and other NFPA dust-related standards.

- **How this will affect the electrical industry:** The edits to 500.8(D)(2) and (D)(3) and the new definition will help the industry to determine the type of equipment permitted in these locations. This change provides consistency in language and requirements for all electrical professionals who design, install, and inspect.

Haywood C. Kines, CMP-14

505.9[C] CHAPTER 9 TABLE 13

Equipment Suitable for Hazardous (Classified) Locations



505.9(C) Chapter 9 Table 13 Equipment Suitable for Hazardous (Classified) Locations

- **Type of change:** New

- **The change:** CMP-14 has created a new Table 13 in Chapter 9 entitled *Equipment Suitable for Hazardous (Classified) Locations*. The text was deleted at 505.9(C)(2)(4) referencing Table 505.9(C)(2)(4) with new text added to reference Chapter 9 Table 13.

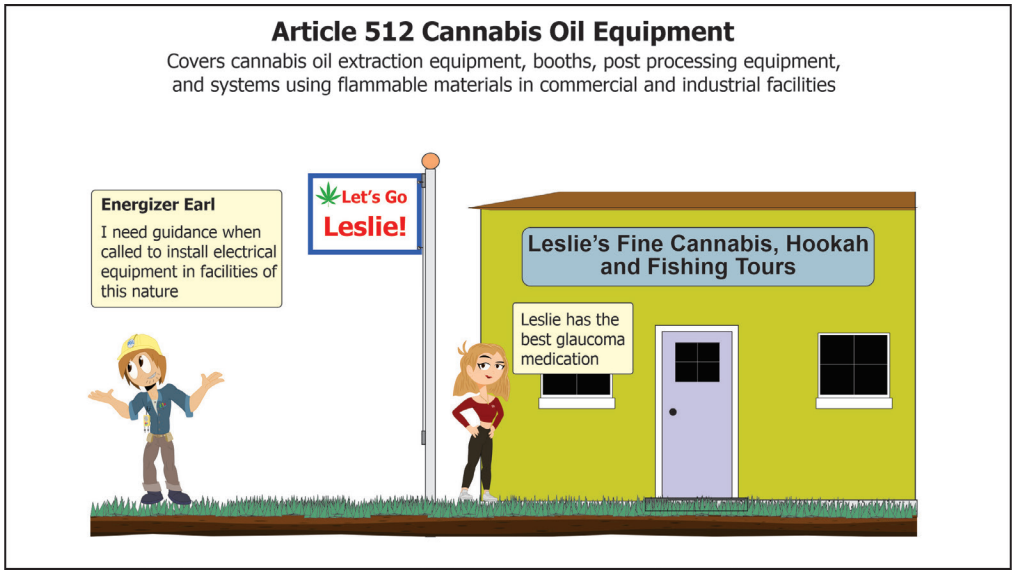
- **Why it happened:** The requirements at 505.9(C)(2)(4) discuss zone equipment marking requirements. The new Table 13 in Chapter 9 provides a complete list of the types of protection for hazardous (*classified*) locations and improves the readability of 505.9(C)(2)(4). CMP-14 determined that this new table was a vast improvement over previous Table 505.9(C)(2)(4).

- **How this will affect the electrical industry:** This new table will assist the electrical industry by providing an improved list of equipment suitable for various locations. The new table and revisions will assist the designer, contractors, and the AHJ in verifying compliance with the *Code* and the manufacturer's listing of the equipment installed in a hazardous (classified) location for both zone and other classified locations.

Haywood C. Kines, CMP-14

ARTICLE 512

Cannabis Oil Equipment and Cannabis Oil Systems Using Flammable Materials



Article 512 Cannabis Oil Equipment and Cannabis Oil Systems Using Flammable Materials

- **Type of change:** New

- **The change:** CMP-14 created new Article 512, which covers cannabis oil extraction equipment, booths, postprocessing equipment, and systems using flammable materials in commercial and industrial facilities.

- **Why it happened:** This is a new and expanding industry, and Article 512 is intended to address the hazards associated with the extraction of cannabis oil. This is in response to concerns raised by authorities having jurisdiction (AHJ) and other industry members regarding fire and explosion hazards associated with equipment used to process and extract plant oils from cannabis.

- **How this will affect the electrical industry:** The cannabis industry has its own unique set of issues that require designers, contractors, and inspectors to become familiar with the new extraction and processing technologies. Flammable solvents such as butane, pentane, hexane, propane, and ethanol can be released during the processing and extraction of plant oils. This may also include high temperatures and high pressures, which increase the risk of fire and explosion.

Haywood C. Kines, CMP-14

515.10
Motor Fuel Dispensers



515.10 Special Equipment – Motor Fuel Dispensers

- **Type of change:** Revision

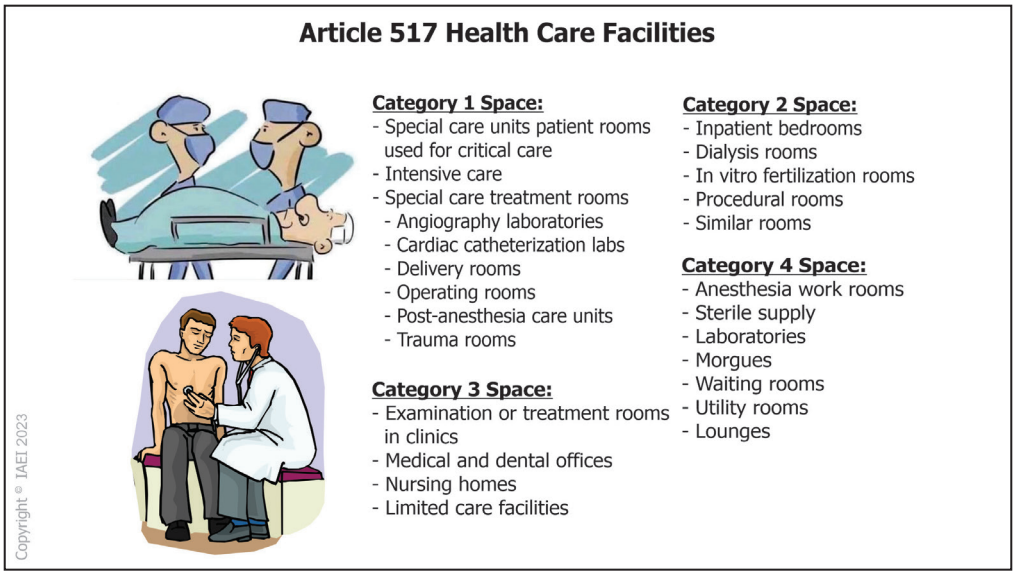
- **The change:** CMP-14 changed the title of Section 515.10 from "Gasoline Dispensers" to "Motor Fuel Dispensers."

- **Why it happened:** This change was to assist the industry regarding code enforcement for all types of fuel dispensers, regardless of fuel type. The reference to Article 514 has been removed. Additionally, the word "Gasoline" has been deleted and replaced with "Motor Fuel" in the title as the subsequent text covers dispensers for all fuel types.

- **How this will affect the electrical industry:** The revisions will help the industry understand that this requirement applies to all flammable liquids and liquified flammable gases. This will assist the electrical industry concerning the design, installation, interpretation, and enforcement of the *Code*.

Haywood C. Kines, CMP-14

ARTICLE 517
Health Care Facilities



Article 517 Health Care Facilities

- **Type of change:** Revision

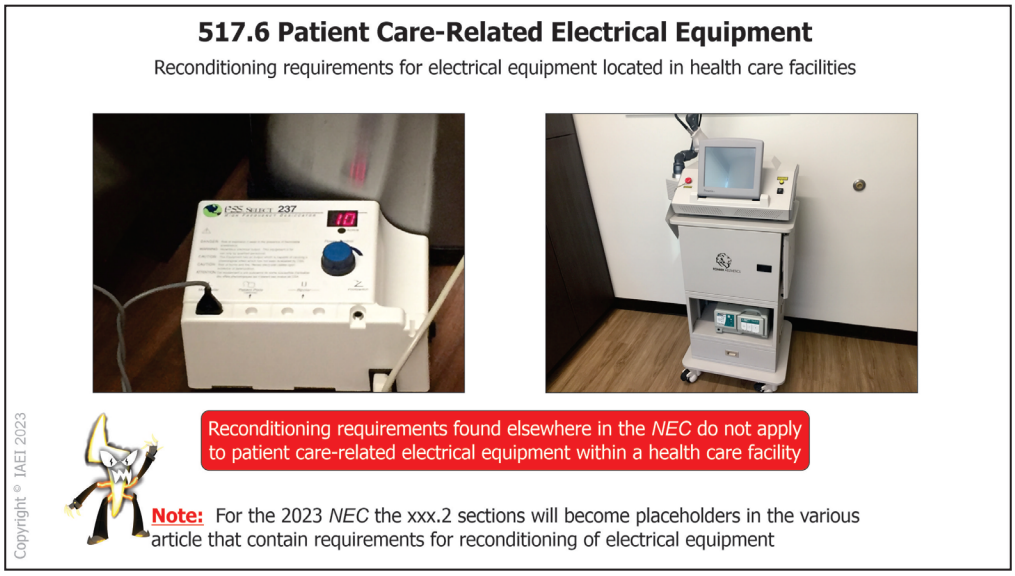
- **The change:** With the edition of the 2023 *NEC*, CMP-15 has completed the phased approach of changing the references found in Article 517 for health care facilities from critical, general, basic, and support spaces to Category 1, 2, 3, and 4 Spaces.

- **Why it happened:** Starting with the 2014 *NEC*, the migration from the previous terms "general" and "critical care areas" to "basic care spaces," "general care spaces," "critical care spaces," and "support spaces" started. For the 2017 *NEC*, CMP 15 made the decision to align with NFPA 99, the *Health Care Code,* by changing to Category 3, Category 2, Category 1, and Category 4 spaces respectively by including the Category terms as parenthetical references and then reversing the order of parenthetical references in the 2020 *NEC*. The phased approach of aligning with NFPA 99 was completed in the 2023 *NEC* as the parenthetical references were deleted, so only the Category space references remain.

- **How this will affect the electrical industry:** This will allow for harmony between the two documents with fewer conflicts between designers and installers/inspectors. Consistent use of the terminology related to patient care and support spaces will bring better useability to the *Code*. Many users of the *NEC* are also users of NFPA 99, therefore if the two documents are using the same terminology, the user can better understand the requirements.

Mark Hilbert and Clinton Bret Stoddard, CMP-15

517.6
Patient Care-Related Electrical Equipment



517.6 Patient Care-Related Electrical Equipment

- **Type of change:** New

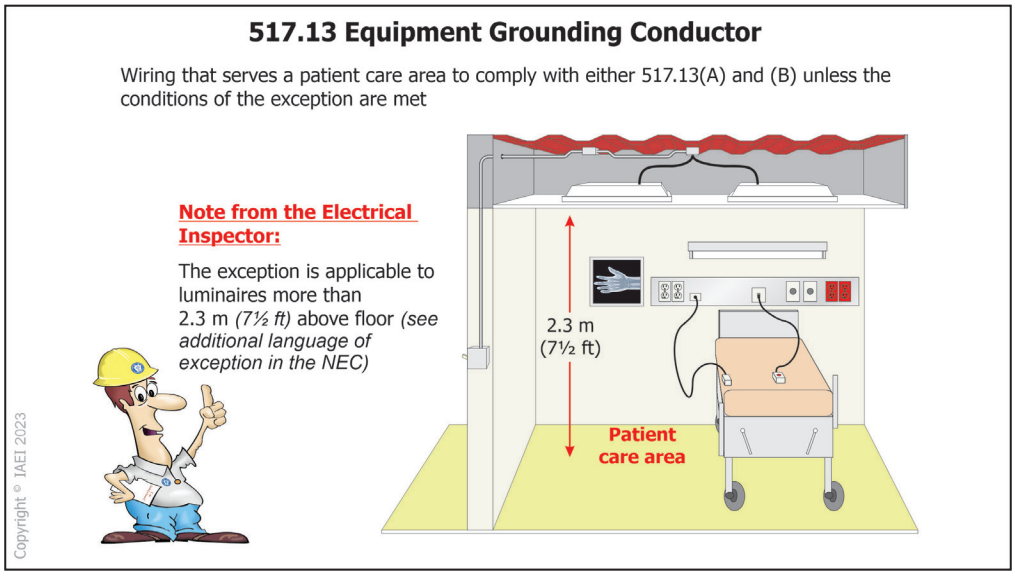
- **The change:** CMP-15 determined that the reconditioning requirements found elsewhere in the *Code* do not apply to patient care-related electrical equipment.

- **Why it happened:** Patient care-related electrical equipment is different from the other electrical equipment as it will be reconditioned or recertified in accordance with U.S. Federal Food, Drug, and Cosmetic Act (FDCA) when relocated. Health care facilities have used reconditioned equipment for many years without any record of failure, and it is imperative they maintain the ability to do so.

- **How this will affect the electrical industry:** This clarification is beneficial to the electrical professional, so they are aware that marking and labeling requirements found at 110.21(A)(2) and other restrictions on the use of reconditioned equipment will not apply to electrical equipment used in patient care-related activities.

Mark Hilbert and Clinton Bret Stoddard, CMP-15

517.13
Equipment in Patient Care Spaces



517.13 Equipment Grounding Conductor for Receptacles and Fixed Electrical Equipment in Patient Care Spaces

- **Type of change:** Relocation / Revision

- **The change:** Section 517.13 was revised by CMP-15 for clarity by relocating former Exception No. 2 to follow the opening paragraph and by stating wiring "serving" patient care spaces.

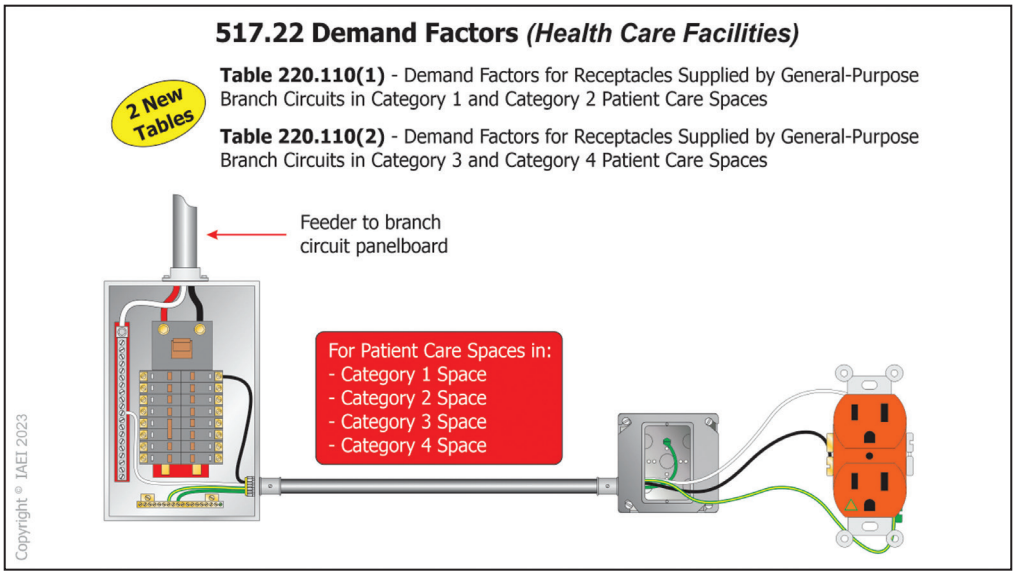
- **Why it happened:** The change was necessary to clarify the connection of the equipment grounding conductor for receptacles and fixed electrical equipment in patient care spaces. By relocating former Exception No. 2 to 517.13(B), for luminaires more than 2.3 m (6-1/2 ft.) above the floor and switches outside the patient care vicinity, to follow the main paragraph, it will be clear the wiring methods must comply with either 517.13(A) and (B) unless the conditions of the exception are met.

  Additionally, the words "wiring in patient care spaces" in the opening paragraph of 517.13 were changed to "wiring serving patient care spaces." As previously worded, the requirements literally only applied to the part of the branch circuit that was "in" the patient care vicinity. For the safety of staff and patients, it must be clear the equipment grounding requirements of 517.13(A) and (B) are enforced for the entire circuit.

- **How this will affect the electrical industry:** The change will provide a clear understanding of the application of the equipment grounding conductor connection requirements for branch circuits serving patient care spaces.

Mark Hilbert and Clinton Bret Stoddard, CMP-15

517.22
Demand Factors



517.22 Demand Factors

- **Type of change:** New

- **The change:** The members of CMP-15 have determined that the use of demand factors is acceptable and permitted for general-purpose receptacle loads in Category 1, 2, 3, and 4 patient care spaces.

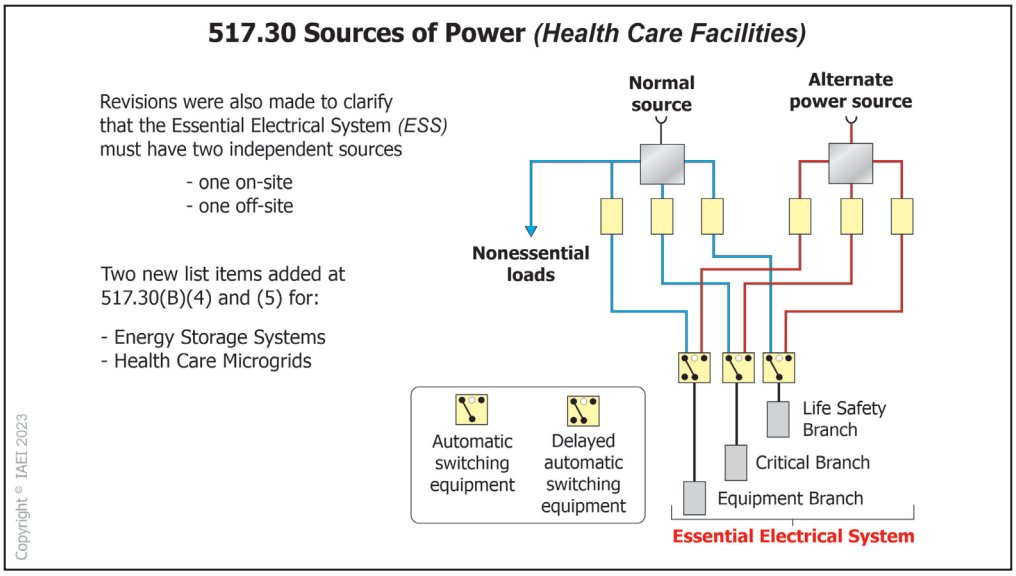
- **Why it happened:** Without the ability to apply demand factors to the receptacle load calculations required by Article 220, unnecessarily large feeders to branch circuit panelboards supplying patient care areas resulted. To provide relief to this situation, Section 517.22 was added to provide a reference to Section 220.110, *Receptacle Loads – Health Care Facilities*, which is also new to the 2023 *NEC*.

  Section 220.48 was the work of a task group with members from CMP 2 and CMP 15. The result of the task group's work was Table 220.110(1), *Demand Factors for Receptacles Supplied by General-Purpose Branch Circuits in Category 1 and Category 2 Patient Care Spaces* and Table 220.110(2), *Demand Factors for Receptacles Supplied by General-Purpose Branch Circuits in Category 3 and Category 4 Patient Care Spaces*. Both of these tables apply to branch circuits not exceeding 150 volts to ground.

- **How this will affect the electrical industry:** The permitted use of demand factors for calculating loads in patient care areas will provide relief to electrical professionals when sizing feeders to branch circuit panelboards supplying those areas.

Mark Hilbert and Clinton Bret Stoddard, CMP-15

517.30
Sources of Power



517.30 Sources of Power

- **Type of change:** Revision

- **The change:** Revisions were made by CMP-15 for consistent use of terminology, to clarify the types of sources of power, and to recognize energy storage systems and health care microgrids in Section 517.30.

- **Why it happened:** Under the direction of the NEC Correlating Committee, a task group harmonized the terminology across the *NEC*, NFPA 110 (*Standard for Emergency and Stand-by Power Systems*), and NFPA 111 (*Standard on Stored Electrical Energy and Standby Power Systems*). An example of that harmonization is the consistent use of the phrase "alternate power source" and "power sources."

  Revisions were also made to clarify that the essential electrical system (ESS) must have two independent sources: one on-site source (or set of sources) that must be sized to supply the entire ESS and another source, permitted to be on-site or off-site, that must also supply the entire ESS. Additional sources other than the first two independent sources can be sized for the intended load.

  There is really no need to distinguish between a "normal" source and an "essential system source." The essence of the issue is that some loads (ESS) must have multiple sources and multiple feeders to ensure the reliability of service in the loss of any one source or feeder. Other loads (i.e. the normal system) do not need to have redundancy. NFPA 99, *Health Care Facilities Code*, has made a number of important revisions to clarify the needed performance of these various sources to ensure reliable power to essential systems. The revisions made to 2023 *NEC* will ensure correlation with NFPA 99.

Additionally, two new list items, 517.30(B)(4) and (5), were added to recognize energy storage systems and health care microgrids respectively.

- **How this will affect the electrical industry:** The electrical professional will have a clearer understanding of the Energy Storage System (ESS) power source requirements and also become aware of the addition of two new sources of power. The newly added sources of power have been proven to be reliable for all types of health care type occupancies along with already accepted types of occupancies.

Mark Hilbert and Clinton Bret Stoddard, CMP-15

517 PART V

Diagnostic Imaging and Treatment Equipment

Article 517 Part V- Diagnostic Imaging and Treatment Equipment





Prior to the 2023 *NEC* this was titled "X-Ray Installations" and did not adequately distinguish between x-ray equipment and other modalities for diagnostic imagining

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517 Part V Diagnostic Imaging and Treatment Equipment

- **Type of change:** Revision

- **The change:** The title and applicable text in Article 517 have been changed by CMP-15 from "X-Ray Installations" to "Diagnostic Imagining and Treatment Equipment."

- **Why it happened:** The previous language did not adequately distinguish between x-ray equipment and other modalities for diagnostic imagining. More and more non-x-ray diagnostic equipment is becoming the industry norm, so the *NEC* needed to better define these needs.

- **How this will affect the electrical industry:** The title and applicable text were revised to adequately address current industry practices and equipment encountered in these locations. This will make the useability of the *NEC* better for the user.

Mark Hilbert and Clinton Bret Stoddard, CMP-15

518.2
Casinos and Gaming Facilities

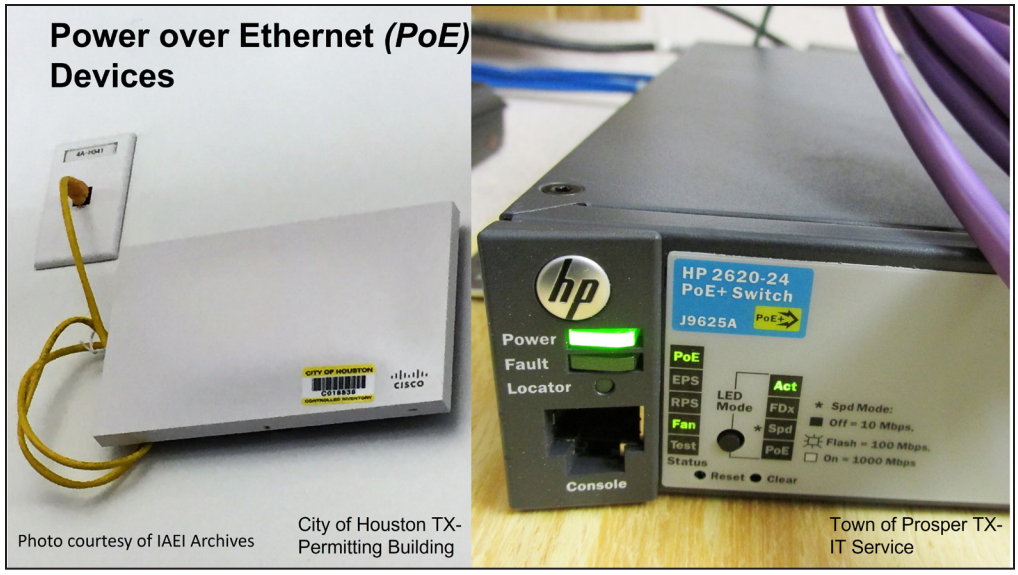


518.2 General Classification. (A) Examples.

- **Type of change:** Revision
- **The change:** Casinos and gaming facilities are now included in the list of assembly occupancy examples.
- **Why it happened:** Substantiation was submitted to CMP-15 showing that casinos and gaming facilities are assembly occupancies that are more prevalent than some of the assembly occupancies already included in the 518.2(A) list of examples. Electrical equipment suitable for use in exhibition halls is also installed in casinos and similar gaming facilities.
- **How this will affect the electrical industry:** If there was any confusion within the electrical professional community, this addition of these two locations clarifies that Article 518 applies to casinos and gaming facilities. In the past, there has been some confusion of whether or not casinos are considered assembly occupancies in the electrical community as well as the building community.

Mark Hilbert and Clinton Bret Stoddard, CMP-15

518.4
Power over Ethernet



518.4 Wiring Methods

- **Type of change:** Revision

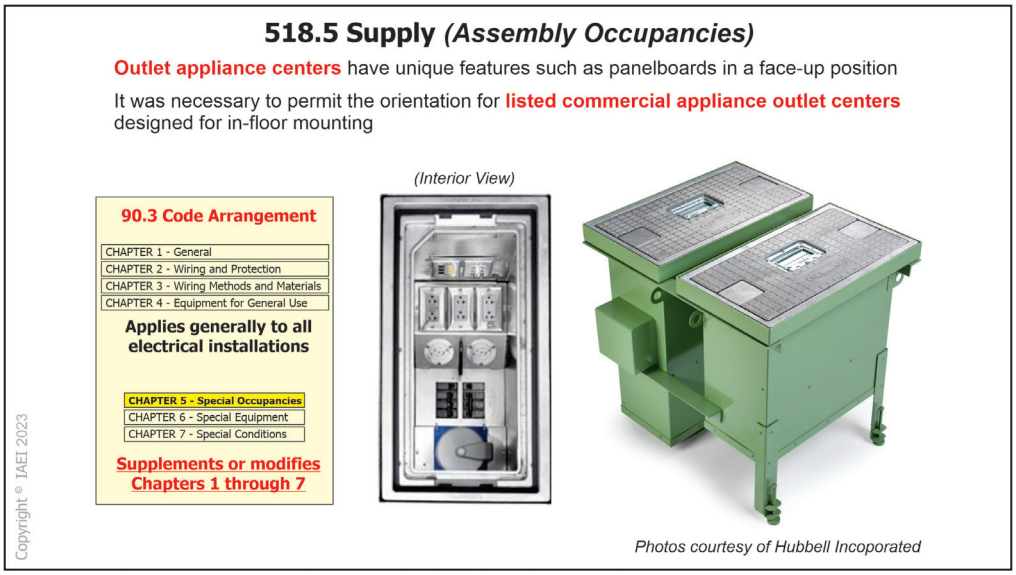
- **The change:** Section 518.4(A) and the Exception were revised into a list format, and two titled subdivisions and content were added to clarify that Power over Ethernet (PoE) is included.

- **Why it happened:** Substantiation was received by CMP-15 to place the previous text and exception into a list format for 518.4(A). Two titled subdivisions were added, providing clarity and usability. Previously, the reference to Class 2 and 3 circuits in Article 725 was specific to remote control and signaling circuits. Section 518.4(B)(4), Class 2 circuits that transmit power, data, or both to a powered device, was added, making it clear that Power over Ethernet (PoE) is permitted as a fixed wiring method for that specific application.

- **How this will affect the electrical industry:** The reformat of Section 518.4(A) adds clarity and usability to the document. The electrical professional will find this more user-friendly and easier to reference. Changes in technology present changes in the *Code* or the *Code* becomes outdated. Not addressing new technologies does not give the *Code* user any direction. Can also prevent a conflict between inspectors and installers.

Mark Hilbert and Clinton Bret Stoddard, CMP-15

518.5
Supply



518.5 Supply

- **Type of change:** Revision

- **The change:** The section concerning assembly occupancies was reorganized for clarity and revised by CMP-15, including requirements for commercial appliance outlet centers and panelboard orientation.

- **Why it happened:** The reorganizing into a list format with titled subdivisions was necessary, as previously, there were several requirements in a single paragraph. In addition, revisions to specifically reference commercial outlet appliance centers that have unique features such as a panelboard in a face-up position were added. Because the general requirements for panelboard orientation in 408.43 do not permit mounting of panelboards in a face-up position, it was necessary to permit the orientation for listed commercial appliance outlet centers designed for in-floor mounting. Marking requirements for use by qualified persons, identifying the disconnecting means location, and a shock hazard warning requiring disconnection before servicing were all included to provide additional safety.

- **How this will affect the electrical industry:** The reorganization of this section provides clarity for the electrical professional while recognizing the use of specific equipment. This should enhance the useability of the *Code* resulting in fewer conflicts between the installer and the AHJ.

Mark Hilbert and Clinton Bret Stoddard, CMP-15

ARTICLE 530

Motion Picture and Television Studios and Remote Locations

Article 530 Motion Picture and Television Studios





Photos courtesy of IATSE Local 728

Article 530 Motion Picture and Television Studios and Remote Locations

- **Type of change:** Revision / Reorganization

- **The change:** Article 530 was completely reorganized by CMP-15 for clarity and rewritten to remove old technologies and to include dominant and emerging new technologies.

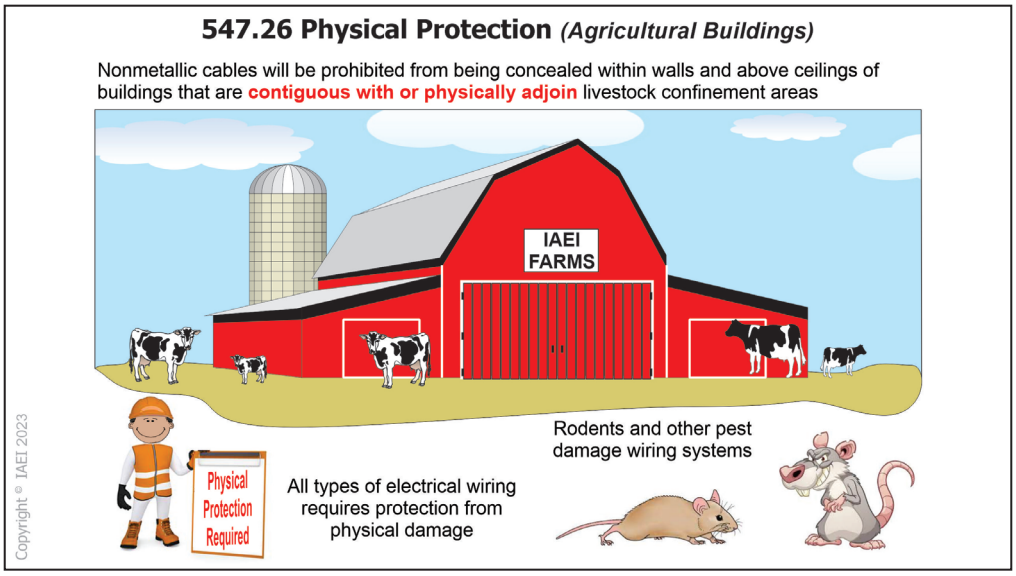
- **Why it happened:** For many years, equipment and safe practices in Article 530 occupancies did not change in any material way, and thus the wording of Article 530 required little or no change. However, over the past five years, there has been an onslaught of new technology brought to studios and locations. Old technologies have disappeared and been replaced with new technologies that bare directly on the content of Article 530. The rewrite of the article reflects those changes in the entertainment industry.

  The article's rewrite was the result of the work of a task group with a broad representation from motion picture producers, labor, supply chain, and users. The scope of the article was revised to acknowledge current safe work practices by stating that the requirements of the article apply to motion picture and television studios in facilities and locations staffed by qualified persons. "Locations" was added to the areas covered by the article as production no longer just occurs only in major centers such as Hollywood and New York. It can occur anywhere in the country. The term "location" is defined in Article 100 as a place outside a motion picture studio where a production is filmed or recorded.

- **How this will affect the electrical industry:** The changes in Article 530 will provide additional clarity for AHJs and other electrical professionals in locations where motion picture or television work and production was not the norm.

Mark Hilbert and Clinton Bret Stoddard, CMP-15

547.26
Physical Protection (Agricultural Buildings)



547.26 Physical Protection (Agricultural Buildings)

- **Type of change:** New

- **The change:** The members of CMP-7 determined that nonmetallic cables will be prohibited from being concealed within walls and above ceilings of buildings that are contiguous with or physically adjoin livestock confinement areas. As a result, a new Section 547.26, *Physical Protection*, was added to the 2023 *NEC*.

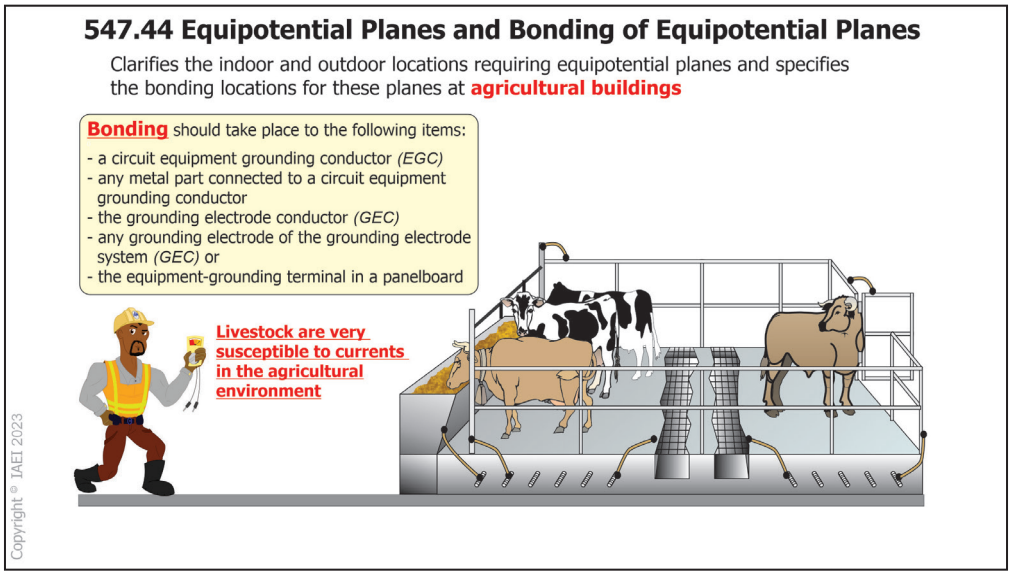
- **Why it happened:** An informational note was added to this section. It has been substantiated that rodents and other pests have caused damage to wiring systems such as nonmetallic sheathed cables. Therefore, the use of this wiring method concealed in walls and above ceilings is no longer allowed. There is also a requirement that protection is to be provided for all types of electrical wiring that is subject to physical damage.

- **How this will affect the electrical industry:** The installer and inspector should be aware that the use of a non-metallic sheathed cable to be concealed in walls or above ceilings in an agricultural building is prohibited.

Dean Hunter, CMP-7

547.44

Equipotential Planes and Bonding of Equipotential Planes



547.44 Equipotential Planes and Bonding of Equipotential Planes

- **Type of change:** New

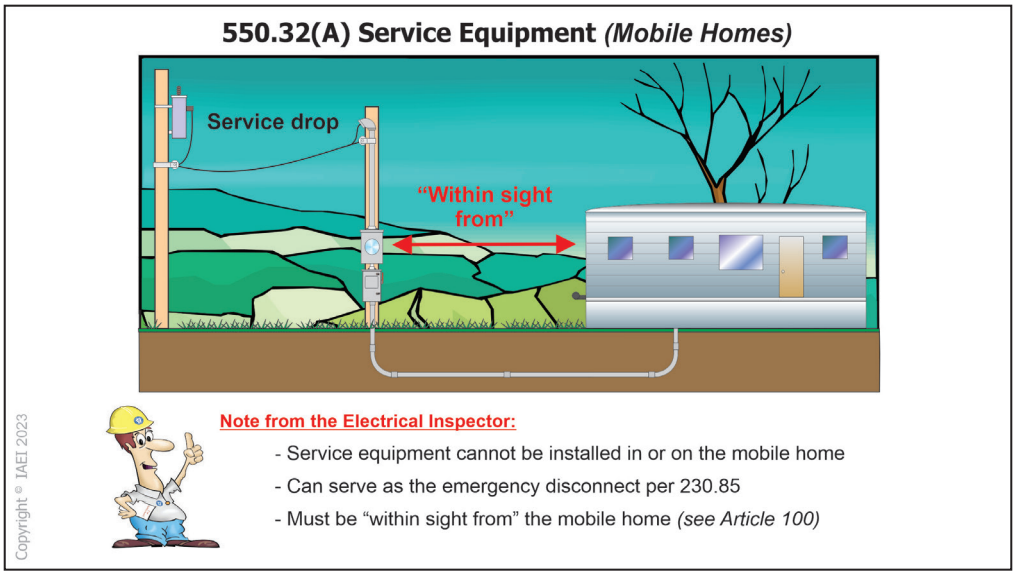
- **The change:** CMP-7 clarified the indoor and outdoor locations requiring equipotential planes and specified the bonding locations of equipotential planes in new Section 547.44(A) and (B).

- **Why it happened:** It was determined the previous language needed clarification as to where to bond the equipotential plane(s). The language now addresses locations where the equipotential plane can be connected for agricultural environments. Bonding should take place to the following items: a circuit equipment grounding conductor (EGC), any metal part connected to a circuit equipment grounding conductor, the grounding electrode conductor (GEC), any grounding electrode of the grounding electrode system (GEC), or the equipment-grounding terminal in a panelboard.

- **How this will affect the electrical industry:** Electrical planes and their connections are mysterious to some electrical professionals. Agricultural environments are locations that some installers will never be working at and have specific requirements to ensure safety of livestock and individuals. Proper bonding of metal parts and structures will assure that voltage gradients do not exist, causing voltage to be felt by animals or individuals of these facilities. The electrical professional will need to be aware of these requirements and conditions and take appropriate steps to comply with these requirements.

IAEI Codes and Standards Committee

550.32
Service Equipment



550.32 Service Equipment

- **Type of change:** Revision

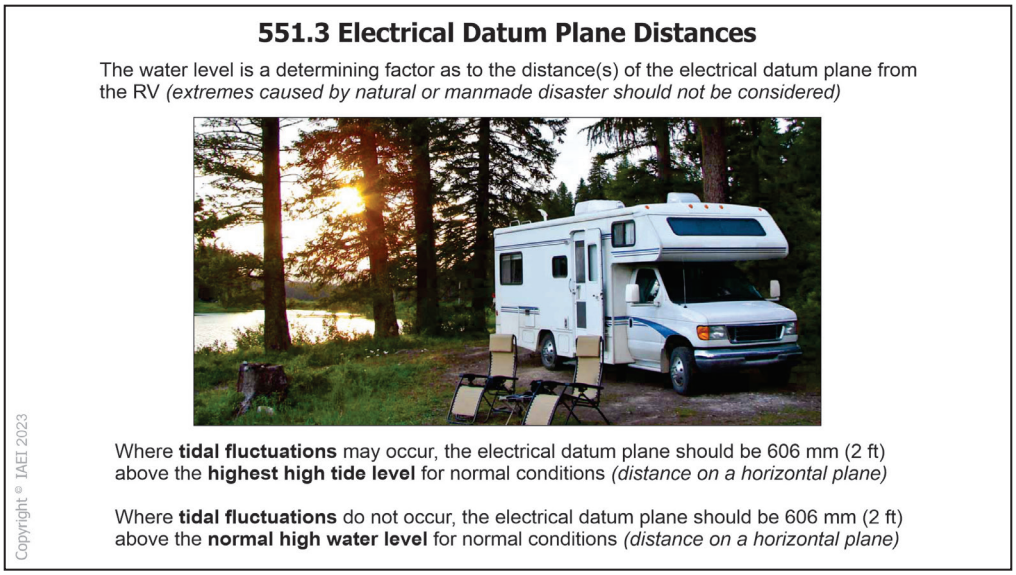
- **The change:** The electrical service disconnect can now be located within sight from the mobile home as opposed to 30 feet.

- **Why it happened:** The change from 30' to 50' (within sight) was an effort to be more consistent with other electrical disconnecting requirements. Specifically, with the changes in 230.85, this mobile home service disconnect could also serve as the emergency disconnect to eliminate the need for two disconnects on the exterior of the mobile home.

- **How this will affect the electrical industry:** Code-making panel 7 was cognizant of the changes being made in 230.85 and eliminated the 30-foot disconnect requirement of which had no technical basis. The service is now allowed to be installed in an accessible location outside of the mobile home and within sight from the mobile home it serves.

Dean Hunter, CMP-7

551.3
Electrical Datum Plane Distances



551.3 Electrical Datum Plane Distances

- **Type of change:** New

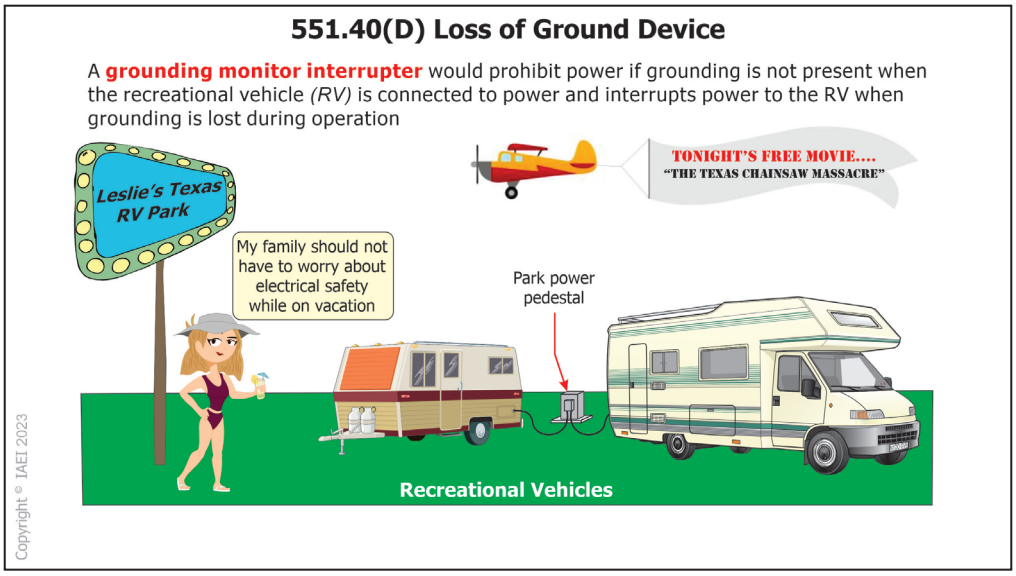
- **The change:** Substantiation was submitted to CMP-7 for the need to address recreational vehicle sites located next to natural bodies of water. As a result, a new Section 551.3, *Electrical Datum Plane Distances*, was added.

- **Why it happened:** Initially, there was no requirement in the *NEC* to address RV parks located next to bodies of water. In addition, it was quickly realized that the change was necessary to clarify some of the inconsistencies related to all electrical equipment installations around bodies of water. With the changes to the definitions for "Electrical Datum Plane" and "Normal High-Water Level," the inclusion of these requirements in Article 551 for recreational vehicles and recreational vehicle parks made sense.

- **How this will affect the electrical industry:** This new information will clarify the requirements for the AHJ when applying electrical elevation requirements in an RV park located next to a body of water. The installer and AHJ will need to determine if the area will be subject to tidal fluctuations or not.

Dean Hunter, CMP-7

551.40(D)
Loss of Ground Device



551.40(D) Loss of Ground Device

- **Type of change:** Revision

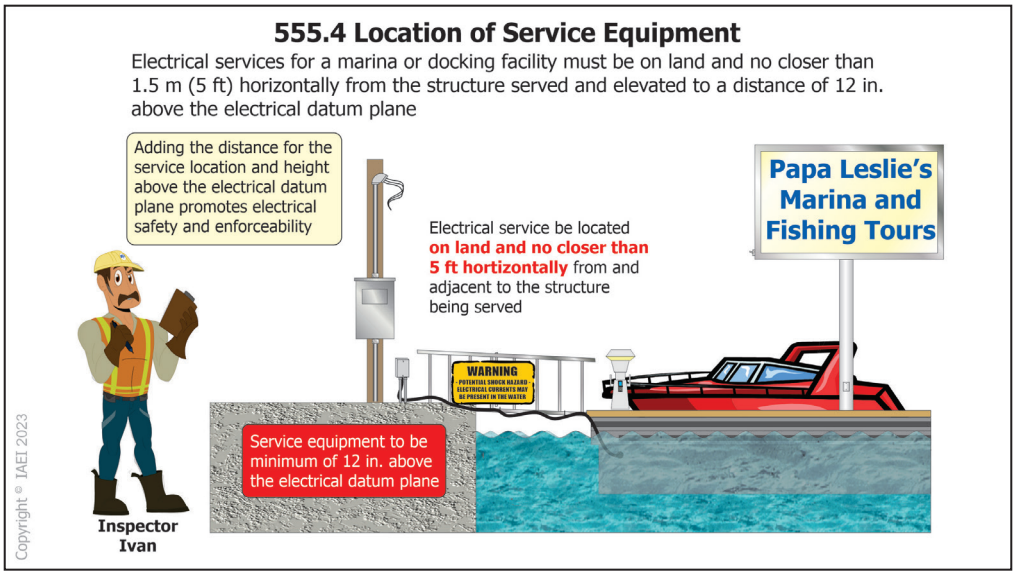
- **The change:** Section 551.40(D) was changed to eliminate the need for a Reverse Polarity Device in a recreational vehicle. Substantiation was submitted to CMP-7 for the addition of language for a loss of a ground device.

- **Why it happened:** The "Loss of Ground" device would notify users of the recreational vehicle (RV) if a hazardous condition exists that may result in a "hot skin" (electrical current on the frame of the RV) condition. In the past, CMP-7 has not required GFCI protection on the feeder assembly connected to the RV; however, panel members agree that this level of protection is very important to ensure electrical safety.

- **How this will affect the electrical industry:** This requirement will become effective January 1, 2026. The 2023 *NEC* language states that "each recreational vehicle shall have a listed grounding monitor between the feeder assembly connection and the transfer equipment or panelboard." Manufacturers would be required to create a solution by providing a loss of ground device for the recreational vehicle. This change, in my opinion, wouldn't impact the electrical contractor or installer.

Dean Hunter, CMP-7

555.4
Location of Service Equipment



555.4 Location of Service Equipment

- **Type of change:** Revision

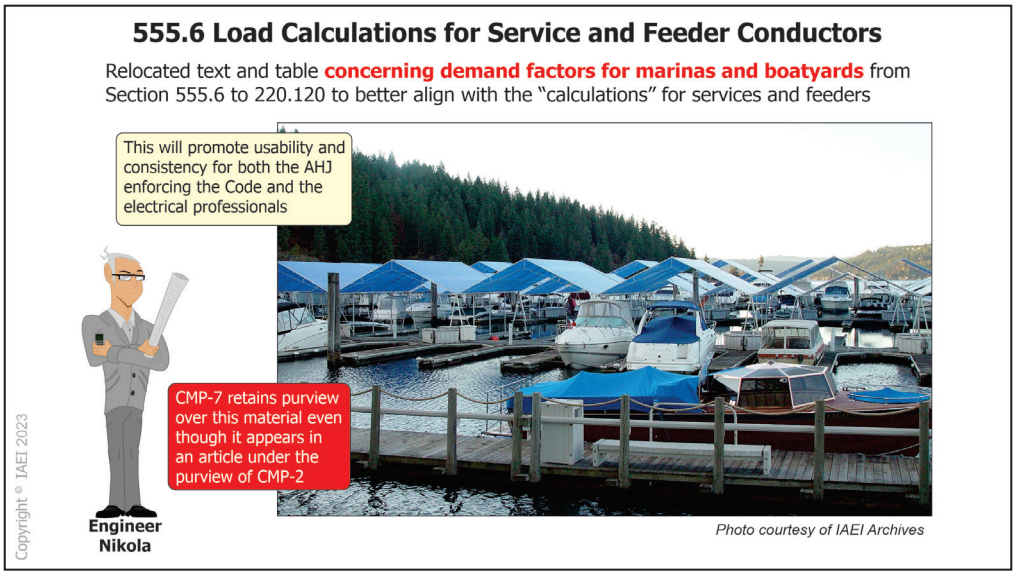
- **The change:** CMP-7 modified Section 555.4 to state that service for a marina or docking facility must be no closer than 1.5 m (5 ft) horizontally from the structure served and elevated to a distance of 12" above the electrical datum plane.

- **Why it happened:** Currently, Section 555.4 only addresses the fact that the service for a marina or docking facility must be located on land adjacent to the structure served. The language was vague with regards to the minimum distance horizontally and also the height the service could be located above the electrical datum plane. Adding the distance for the service location and height above the electrical datum plane promotes electrical safety and enforceability. In addition, the new language will provide a correlation between similar requirements in Articles 682 and 555.

- **How this will affect the electrical industry:** The impact on the electrical industry will be minimal. However, these specific measurements being added to this section will promote usability and consistency for both the AHJ enforcing the *Code* and the installer. These similar requirements already exist in Article 682 (CMP-17) for other bodies of water.

Dean Hunter, CMP-7

555.6
Load Calculations for Service and Feeder Conductors



555.6 Load Calculations for Service and Feeder Conductors

- **Type of change:** Relocation

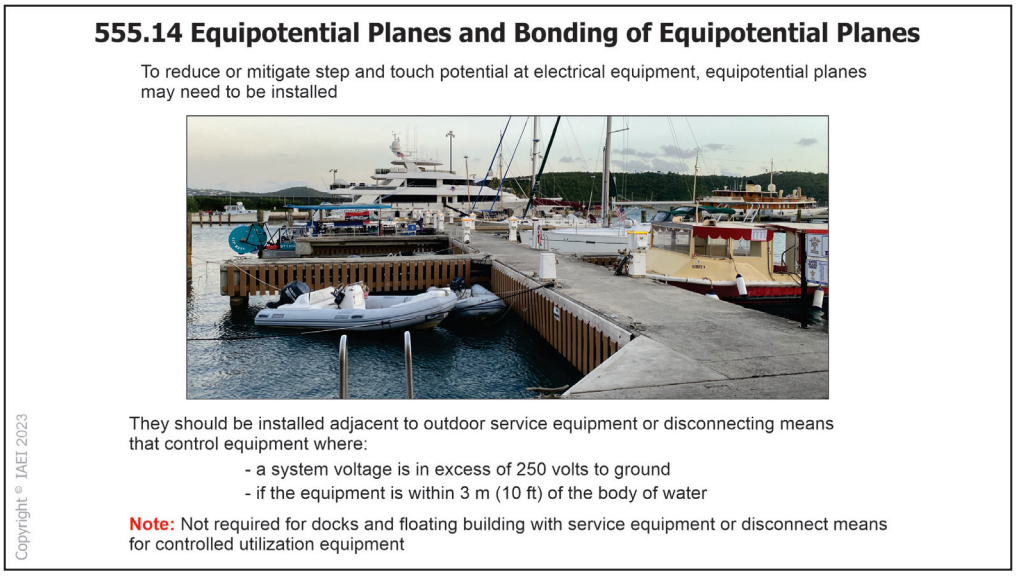
- **The change:** CMP-7 relocated text from Section 555.6 to 220.120 to better align with the "calculations" for services and feeders being located in Chapter 2.

- **Why it happened:** In an effort to correlate and standardize articles and chapters according to 90.3 of the *NEC*, it was recognized that articles in Chapter 5 occupancies or locations contained various demand factor calculations. Initially, there was hesitation on CMP-7 to move the section to Chapter 2 due to concerns of purview over the section and retaining the technical expertise when considering these calculations. On-going discussions about purview over certain parts of articles are continuing and will be resolved before the 2026 *NEC* process begins.

- **How this will affect the electrical industry:** The impact on the electrical industry will be minimal; however, these specific measurements being added to this section will promote usability and consistency for both the AHJ enforcing the *Code* and the installer. These similar requirements already exist in Article 682 (CMP-17) for bodies of water. The effort to review and correlate similar requirements was necessary because the electrical safety concerns are the same.

Dean Hunter, CMP-7

555.14
Equipotential Planes and Bonding of Equipotential Planes



555.14 Equipotential Planes and Bonding of Equipotential Planes

- **Type of change:** New

- **The change:** Substantiations were submitted to CMP-7 that enhanced safety could result from requiring an equipotential plane to equalize or eliminate step and touch voltages for electrical equipment located at or on docks. As a result, a new 555.14, *Equipotential Planes and Bonding of Equipotential Planes*, was added to Article 555.

- **Why it happened:** In an effort to better correlate with Article 682, equipotential planes were added in marina environments. The new change will help in mitigating step and touch voltage where electrical equipment is located within 10 feet of the water's edge and exceeding 250 volts to ground.

- **How this will affect the electrical industry:** The impact on the industry will be minimal. Similar requirements already exist in Article 682 (CMP-17) for bodies of water. The effort to review and correlate similar requirements was necessary because the electrical safety concerns are the same. The installer and AHJ will need to verify the presence of the equipotential plane or develop plans for the installation of one.

Dean Hunter, CMP-7

555.15

Replacement of Equipment at Marinas, Boatyards, Floating Buildings, and Commercial and Noncommercial Docking Facilities



555.15 Replacement of Equipment at Marinas, Boatyards, Floating Buildings, and Commercial and Noncommercial Docking Facilities

- **Type of change:** New

- **The change:** Language has been added to a new Section 555.15 that mandates that "replacement" electrical equipment at docking facilities be installed to the current edition of the *NEC*. In addition, the new language will also allow the AHJ to inspect the existing electrical equipment for any damage. The damage found for existing equipment needs only to be repaired to the *NEC* edition for which it was originally installed.

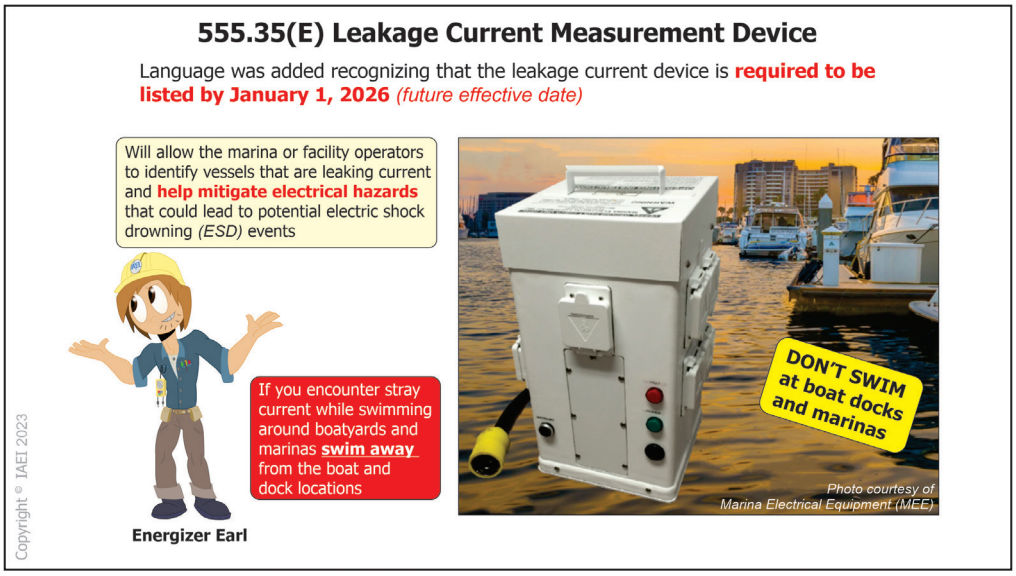
- **Why it happened:** The electrical infrastructure at a marina becomes compromised over time due to the harsh environment. CMP-7 recognized that it would not be cost-effective for installers to bring the entire branch circuit or feeder up to the current code standard when only replacing a piece of equipment. So, this was a compromise to address both problems that are encountered in the field. The language covers the newly replaced equipment as well as the ability to review the existing installation for any electrical hazards.

- **How this will affect the electrical industry:** I am more concerned about the actions of marina owners. With the new provision, if replacements are being done to electrical equipment, it will allow the AHJ to review the entire circuit. Realizing the entire circuit doesn't have to meet the current *NEC*, my guess is that it will still add time and money to installations when the entire circuit is reviewed for damage. Money is a concern for existing marina owners. Figuring out which edition of the *NEC* that damaged electrical equipment was installed could also be problematic.

Dean Hunter, CMP-7

555.35(E)

Leakage Current Measurement Device



555.35(E) Leakage Current Measurement Device

- **Type of change:** New

- **The change:** Language was added by CMP-7 to 555.35(E) to recognize that the leakage current device is required to be listed by January 1, 2026.

- **Why it happened:** The language for leakage current devices was added to the 2020 *NEC*. Initially, the required leakage current testing device had no specific standard in place to build, test, or construct this metering equipment specific for a marina environment. So, by now requiring a "listed" Leakage Current Measurement Device for use in Marina Applications by January 1, 2026, will assure that the device complies with specific safety and performance requirements. Currently, UL 1399, *The Outline of Investigation for Leakage Currently, Measurement Devices for use in Marina Applications*, is under development to help the industry certify these devices.

- **How this will affect the electrical industry:** The impact on the electrical industry will be minimal, however, UL 1399 product standard will standardize the testing equipment. The listed test device will allow the marina or facility operators to identify vessels that are leaking current to better mitigate any electrical hazard that could lead to a potential ESD event. The leakage current measurement device will be required to be provided by the marina owners when they have over three vessels supplied by shore power receptacles.

Dean Hunter, CMP-7

555.36(C)
Emergency Electrical Disconnect



555.36(C) Emergency Electrical Disconnect

- **Type of change:** New

- **The change:** Language has been added at a new subdivision 555.36(C) to mandate that an emergency disconnect be located within sight of a marina power outlet or enclosure that provides shore power to boats.

- **Why it happened:** The location of the emergency disconnect is critical, it needs to be located at each boat slip to be effective at having a chance to save the lives of electric shock drowning (ESD) victims and rescuers. If a swimmer is being subjected to electrical current in the water and struggling to stay afloat, there is very little time to act before the swimmer goes underwater and drowns. We know that from the hemispheric spreading of current in the water, that the further a swimmer is from the source of current, the effects of the current will be considerably less on the swimmer and the boat closest to the swimmer is most likely the offending boat. Therefore, disconnecting the boat nearest the swimmer is most critical. The emergency disconnect located within sight of the supply to the boat, will allow this to happen quickly, possibly saving the lives of those in the water and also without the responding person losing sight of the victim(s).

- **How this will affect the electrical industry:** There are numerous documented incidents where an emergency disconnect could have saved lives from ESD. The electrical industry has embraced emergency disconnects in the *NEC* for many types of installations for maintenance reasons and people protection. The difficulty for the installer will be finding a location within sight of the marina power pedestal for the placement of the emergency disconnect that will be obvious to the boat owners.

Dean Hunter, CMP-7

555.38
Luminaires



555.38 Luminaires

- **Type of change:** New

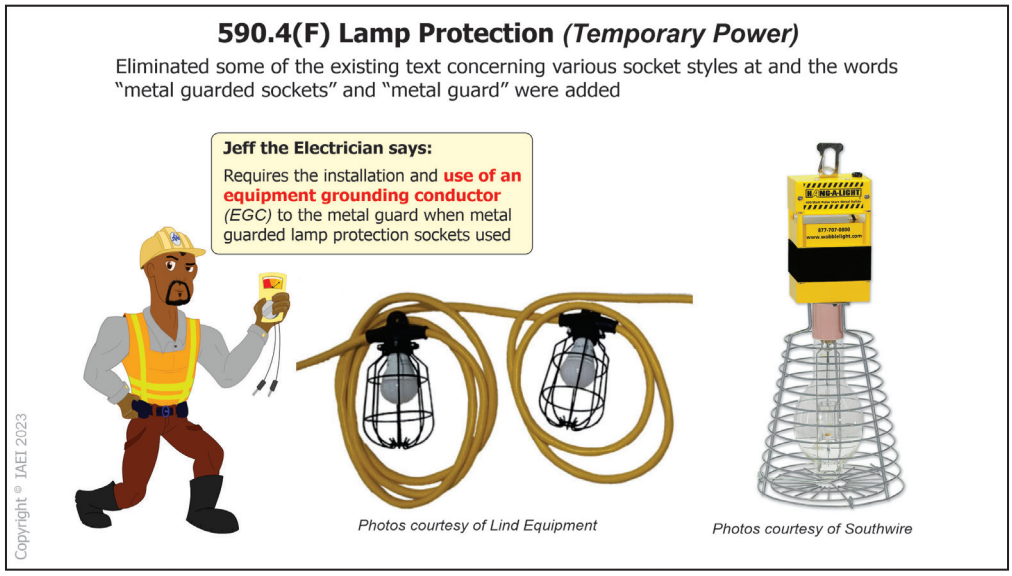
- **The change:** In the 2020 *NEC*, Article 555 does not address luminaires. Section 555.38, Luminaires, was added to the 2023 *NEC* as a result. This section should help both installers and AHJs address electrically safe installations of luminaires at docking facilities to help reduce the incidents of electric shock drowning.

- **Why it happened:** The electrical safety of people in the water in the vicinity of an immersed marina luminaire is best assured by not relying on the luminaire mechanical design to fully contain the dangerous line voltage electrical supply but instead precluding this dangerous energy from approaching the water at all. If the harsh environmental conditions damage or destroy an isolated low voltage luminaire, there will only be a loss of underwater lighting, but not likely any loss of life.

- **How this will affect the electrical industry:** This information provides the installer and AHJ with clear guidelines to what types of luminaires can be installed either above or below the water level at a marina.

Dean Hunter, CMP-7

590.4(F)
Lamp Protection



590.4(F) Lamp Protection

- **Type of change:** Revision

- **The change:** CMP-3 has eliminated some existing text concerning various socket styles at Section 590.4(F), and the words "metal guarded sockets" and "metal guard" were added.

- **Why it happened:** The previous language dates back to at least the 1990 edition of the *NEC*. The change in terminology from "grounded" to "equipment grounding conductor" in the 2020 *NEC* caused confusion. Some installations did not have an equipment grounding conductor as it was not needed. In many cases, the only two conductors available were the "hot" and the "neutral" conductor. This change requires the installation and use of an equipment grounding conductor to the metal guard when metal guarded lamp protection sockets are used.

- **How this will affect the electrical industry:** This change will add clarity to the requirement and address newer lighting fixtures made out of plastic that do not require connection to the equipment grounding conductor.

Tim Mikloiche, CMP-3

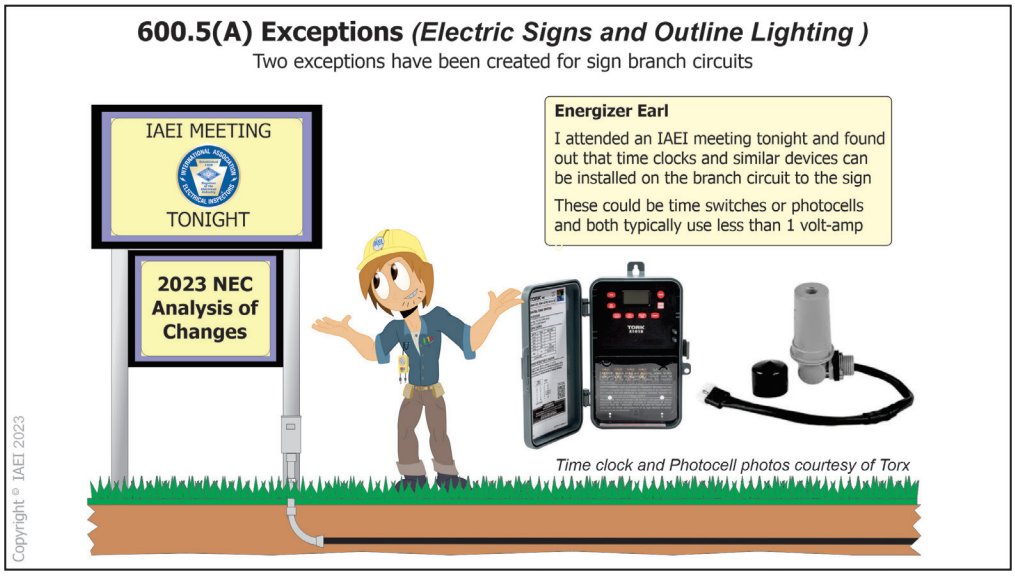
CHAPTER 6
EQUIPMENT FOR GENERAL USE

Articles 600–690



600.5(A)

Time Clocks and Similar Devices



600.5(A) Exception

- **Type of change:** New

- **The change:** CMP-18 added two exceptions for Section 600.5(A). Exception No. 1 was added, moving text that was originally in the last sentence of the main body of requirement. Exception No. 2 allows time clocks and similar devices to be on the sign circuit.

- **Why it happened:** Exception No. 1 does not change any requirements from the 2020 to the 2023 *NEC*. The sign branch circuit is required for entrances at each commercial occupancy accessible to pedestrians; this generally applies to the entrances used for the customers or the general public. This language is written as an exception to the rule and, as such, belonged in an exception and not in the main body of the *Code* section. Exception No. 2 was added to clarify the additional equipment required to power the sign circuit and may be included in the rating of the branch circuit. Signs are often controlled by time switches or photocontrols, both of which would be considered "loads." Even photocontrols use a small amount of power, although it is typically less than 1 volt-amp. The proposed second exception permits the required branch circuit to also serve as the supply for a time switch or photocontrol, which is directly related to the control of the sign.

- **How this will affect the electrical industry:** These changes will enhance the applicability and usability of the *Code* for the electrical professional. The relocation of the last sentence from the main body into Exception No. 1 will create a better separation between the mandatory rules. The addition of Exception No. 2 will clarify that photocells, timeclocks, and similar control devices are permitted to be on the same branch circuit as the sign.

Robert Fahey, CMP-18

600.35
Retrofit Kits

600.35 Retrofit Kits *(Electric Signs and Outline Lighting)*

Retrofit kits used in signs are uniquely different from other retrofit kits in other articles of the Code

Just-In-Time Jeff

Sign installers and other electrical professionals will need to become familiar with the other areas of the *NEC* that apply to electric signs and outline lighting installations



Redundant requirements removed *(see Chapter 1-4 for these requirements)*



Photos courtesy of Wes Wilkens, ISA

600.35 Retrofit Kits

- **Type of change:** Deletion

- **The change:** Section 600.35 had redundant requirements removed by CMP-18, which are already covered in Chapters 1-4 of *NEC*.

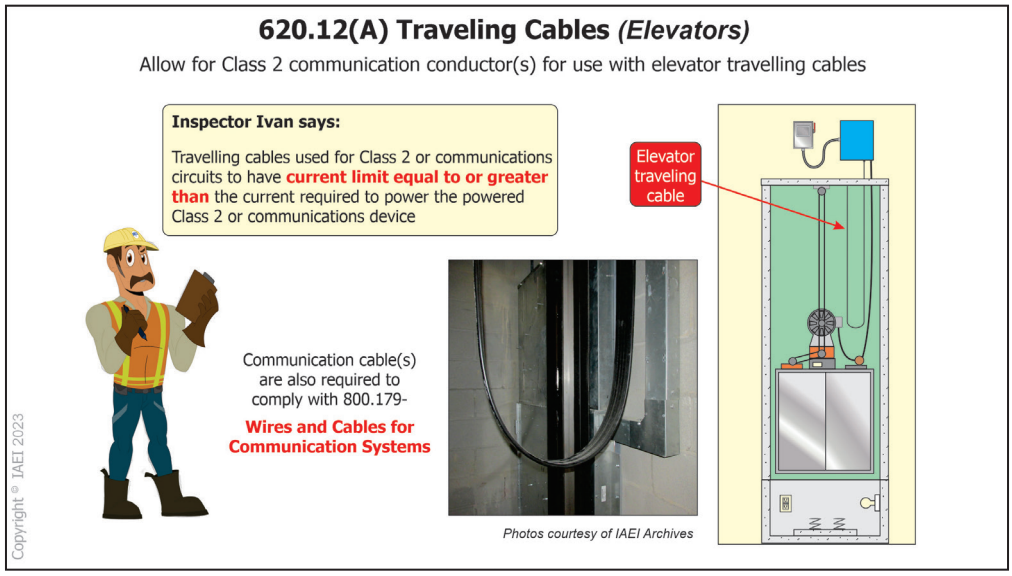
- **Why it happened:** There are different installation requirements for retrofit kits used in signs. These are uniquely different from other retrofit kits in other articles of the *Code* and need to be addressed in this section. Substantiation was received that indicated *NEC* 600.3, 110.3(B), 110.8, 110.12, and 600.4(B) requirements were found elsewhere in the *NEC* and did not need to be repeated in 600.35.

  List item (3) of 600.35(B) was removed to comply with 4.1.1 of the *NEC Style Manual*, which does not allow requirements in Chapters 1-4 to be repeated in other articles.

- **How this will affect the electrical industry:** Removing some of the requirements in 600.35 will require sign installers and other electrical professionals to be familiar with the other areas of the *NEC* that may apply to these electric signs and outline lighting installations.

Robert Fahey, CMP-18

620.12[A]
Traveling Cables



620.12(A) Traveling Cables

- **Type of change:** New

- **The change:** CMP-12 added Class 2 communication conductor(s) for use with elevator traveling cables.

- **Why it happened:** This allows elevator communications conductors to be compatible with standard building wiring infrastructure and hardware. Class 2 cables are also allowed in the elevator hoistway and pit locations [see Article 620.21(A)(1)] and thus would not create any additional risk.

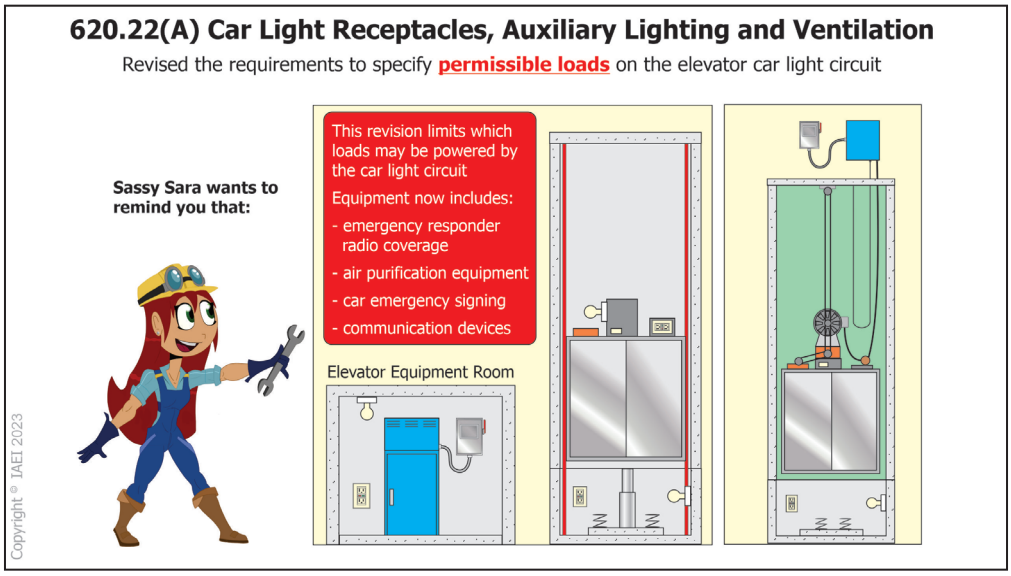
  Cables used for elevators as traveling cables for Class 2 or communications circuits to have current limit equal to or greater than the current required to power the powered Class 2 or communications device. The smallest size for the communication circuit is specified as a 24 AWG conductor. The communication cable(s) are also required to comply with 800.179 Wires and Cables for Communication Systems.

- **How this will affect the electrical industry:** This change allows the electrical professional to install a communication type limited power cable in the traveling cable and accommodates all communications and Class 2 applications including power over Ethernet (PoE). This should alleviate any confusion between the installer and the AHJ as to the requirements for this specific installation.

IAEI Codes and Standards Committee

620.22[A]

Car Light Receptacles, Auxiliary Lighting, and Ventilation



620.22(A) Car Light Receptacles, Auxiliary Lighting, and Ventilation

- **Type of change:** Revision

- **The change:** CMP-12 revised requirements in Section 620.22(A) to specify permissible loads on the car light circuit.

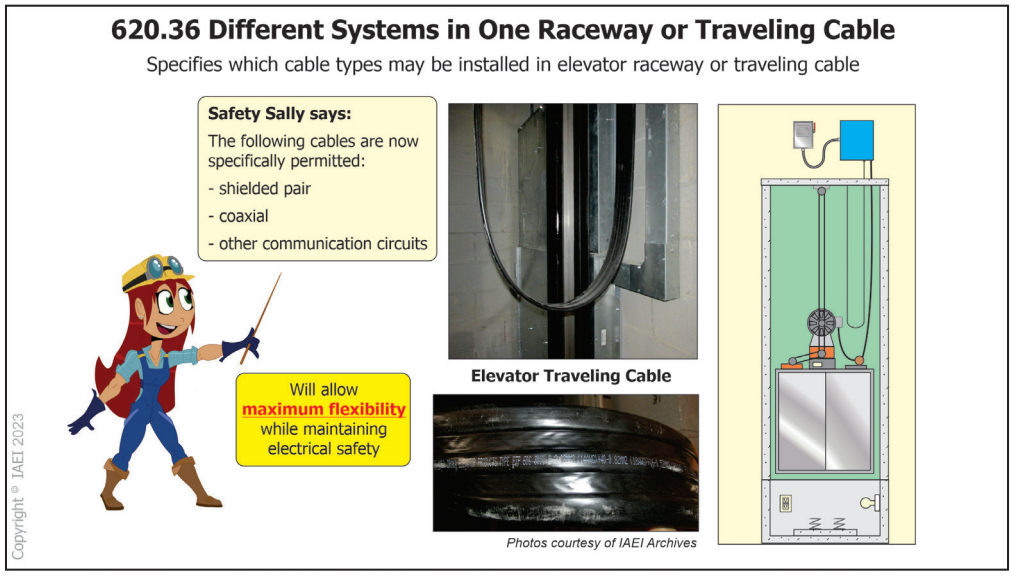
- **Why it happened:** Changes in equipment used in modern elevator cars have resulted in confusion about the permitted power source for these loads. This change clearly limits which loads may be powered by the car light circuit. Equipment now includes emergency responder radio coverage, air purification equipment, car emergency signing, and communication devices. The amperage for these new items is very small, with the risk of tripping the overcurrent protective device minimal. It will help the *NEC* align with the next edition of the ASME A17.1/CSA B44, *Safety Code for Elevators and Escalators*.

- **How this will affect the electrical industry:** The revision at 620.22(A) will help the electrical professional with rapidly changing elevator technology and aid in accommodating modern technology and safety. It will also aid designers and installers in achieving *Code* compliance and simplify the work of AHJs in evaluating installations.

Phil Clark, CMP-12

620.36

Different Systems in One Raceway or Traveling Cable



620.36 Different Systems in One Raceway or Traveling Cable

- **Type of change:** Revision

- **The change:** CMP-12 received substantiation specifies which cable types may be installed in elevator raceway or traveling cable. Shielded pair cables, coaxial cables, and communication cables complying with 800.179 are now specifically permitted in Section 620.36.

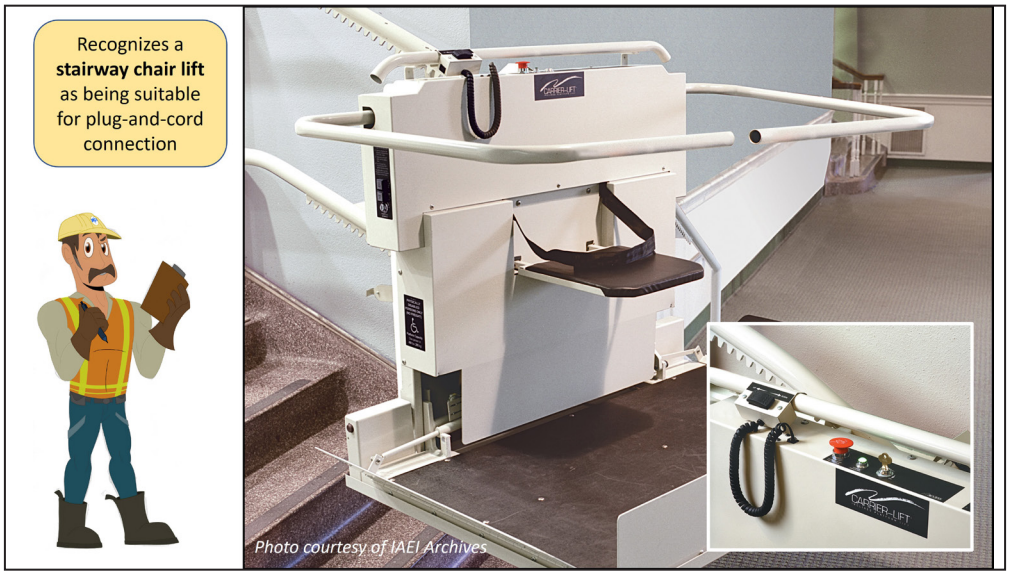
- **Why it happened:** There is a need for various cables for communications in modern elevator cars. The specific addition of coaxial and shielded pair cables will allow for the greatest design flexibility. The requirement that Type CMP-LP or CMR-LP cables meet the requirements in 800.179 allows for AHJs to make *Code*-based decisions on the suitability of cable. Type CMP-LP or CMR-LP cables cannot withstand continuous flexing events and are not suitable as components within elevator traveling cables.

- **How this will affect the electrical industry:** As elevator cars get "smarter," it is important that the *NEC* and the electrical professional remain current with technological changes. This change to 620.36 allows for maximum flexibility while maintaining safety.

Phil Clark, CMP-12

620.51[A] TYPE. EX. NO. 2

Stairway Chair Lift



620.51(A) Type. Ex. No. 2 Stairway Chair Lift

- **Type of change:** Revision

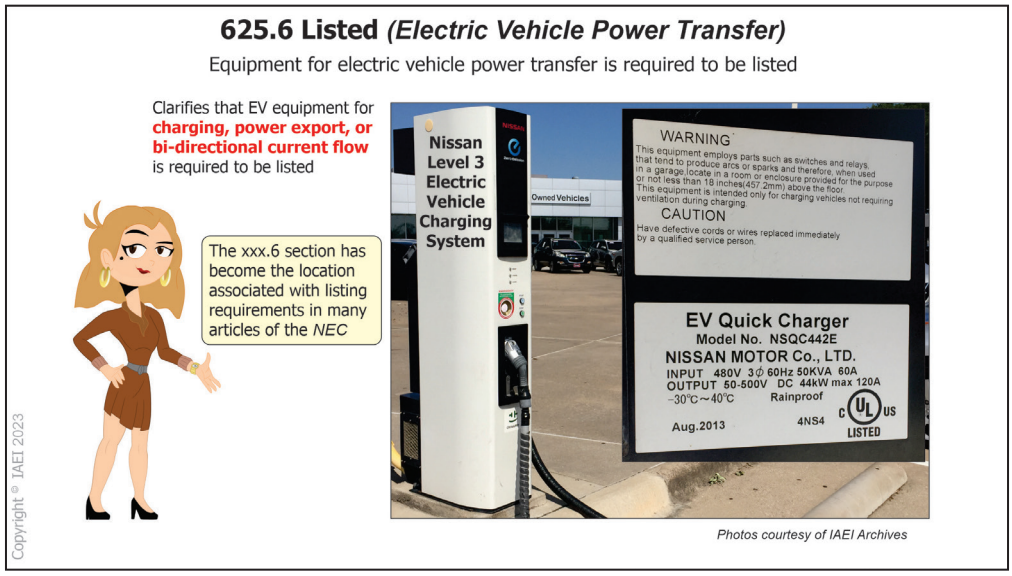
- **The change:** CMP-12 revised existing exception 2 clarifying situations where the cord-and-plug connection of a stairway chair lift is allowed. This includes new language concerning installations where a stairway chairlift is supplied by batteries as the primary source.

- **Why it happened:** This exception recognizes a plug-and-cord connection as an acceptable disconnecting means where a chair lift uses batteries as its primary power source. This change allows for safety to be maintained while recognizing new conveyance technology.

- **How this will affect the electrical industry:** The new exception provides guidance to the electrical professional when installations of this type are encountered. It eases *Code*-compliance issues faced by installers and inspectors for smaller buildings utilizing chair lift systems.

Phil Clark, CMP-12

625.6
Charging/Transfer Equipment



625.6 Listed

- **Type of change:** Revision
- **The change:** CMP-12 clarified which electric vehicle equipment involved in electric vehicle power transfer systems should be listed in Section 625.6.
- **Why it happened:** There was confusion among electrical professionals as to which charging/transfer equipment was required to be listed. The xxx.06 section has become the location associated with listing requirements in many articles of the *NEC*. Clarification has been made that specifies which equipment involved with charging, power export, or bidirectional current flow must be listed.
- **How this will affect the electrical industry:** This change removes confusion by stating plainly *NEC* listing requirements involved in this type of equipment. It will aid in achieving safety and simplify decisions for electrical professionals.

Phil Clark, CMP-6

625.44(A)

Portable Electric Vehicle Supply Equipment



625.44(A) Portable Equipment

- **Type of change:** Revision

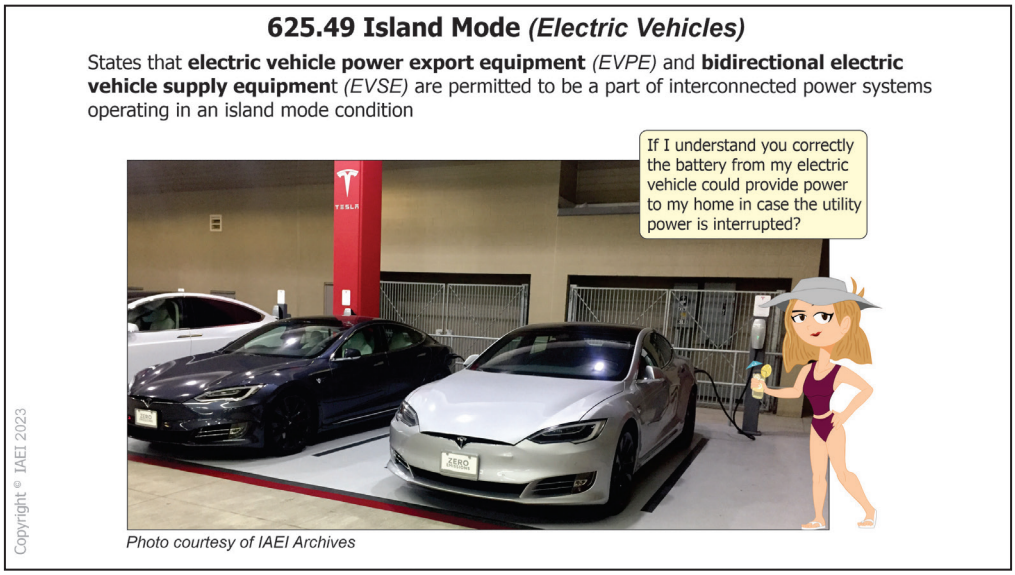
- **The change:** CMP-12 received substantiation that led to the addition of 60-ampere receptacles to the list of permitted receptacle amperages for portable electric vehicle supply equipment (EVSE) in Section 625.44(A).

- **Why it happened:** In the interest of reducing charging time, some EV manufacturers have specified larger capacity circuits for charging their vehicles. This change will now recognize single-phase receptacles of up to 125/250 volts and 60 amperes for portable charging equipment. This 60-ampere rating was also accepted for fastened-in-place electric vehicle supply equipment (EVSE) and wireless power transfer equipment (WPTE).

- **How this will affect the electrical industry:** The revision at 625.44(A) allows electrical professionals to install larger branch circuits and overcurrent protective devices for electric vehicle charging. It will allow AHJs to evaluate and consider approvals for installations not previously allowed by the *Code*.

Phil Clark, CMP-6

625.49
Island Mode



625.49 Island Mode

- **Type of change:** New

- **The change:** CMP-12 created a new Section 625.49 stating that electric vehicle power export equipment (EVPE) and bidirectional electric vehicle supply equipment (EVSE) are permitted to be a part of interconnected power systems operating in an island mode condition.

- **Why it happened:** This change was brought forth by the PV Industry Forum (PVIF). This was to address the continued expansion of EVPE and EVSE equipment operated within interconnected power systems.

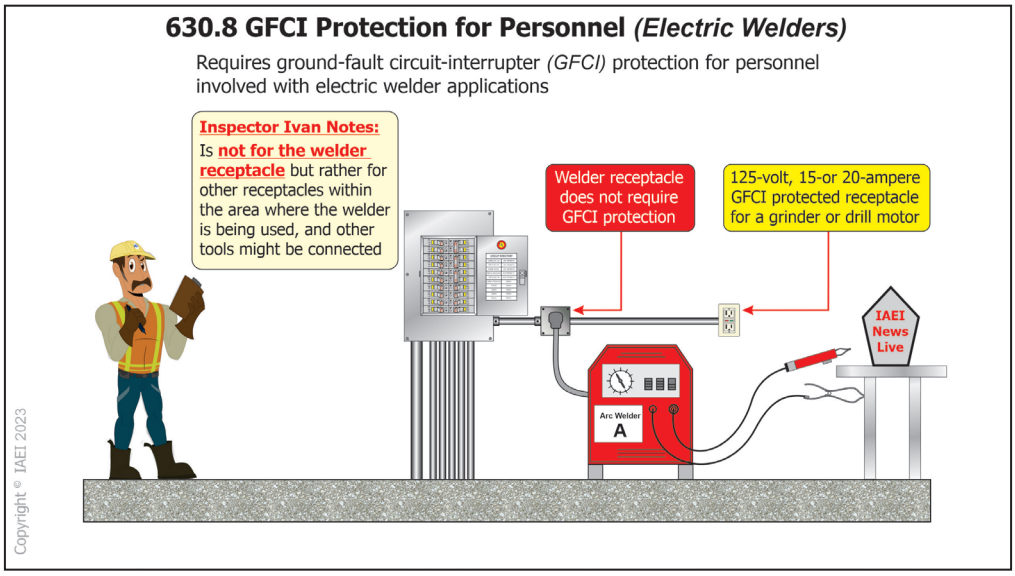
  Island mode is a condition involving power production equipment or microgrids. It allows energy to be supplied to loads that have been disconnected from an electric power production and distribution network or other primary power sources.

  The section further clarifies that this EVPE and EVSE equipment can be a source for these types of systems.

- **How this will affect the electrical industry:** This new language clarifies for electrical professionals any misconceptions that might have existed concerning electric vehicle power export equipment (EVPE) and bidirectional electric vehicle supply equipment (EVSE). This technology is advancing and becoming more and more prevalent. Electrical professionals need to understand how they are intended to interact with the interconnected power system(s).

IAEI Codes and Standards Committee

630.8
Electric Welders



630.8 Ground-Fault Circuit-Interrupter Protection for Personnel (Electric Welders)

- **Type of change:** New

- **The change:** CMP-12 created a new Section 630.8 requiring ground-fault circuit-interrupter (GFCI) protection for personnel involved with electric welder applications.

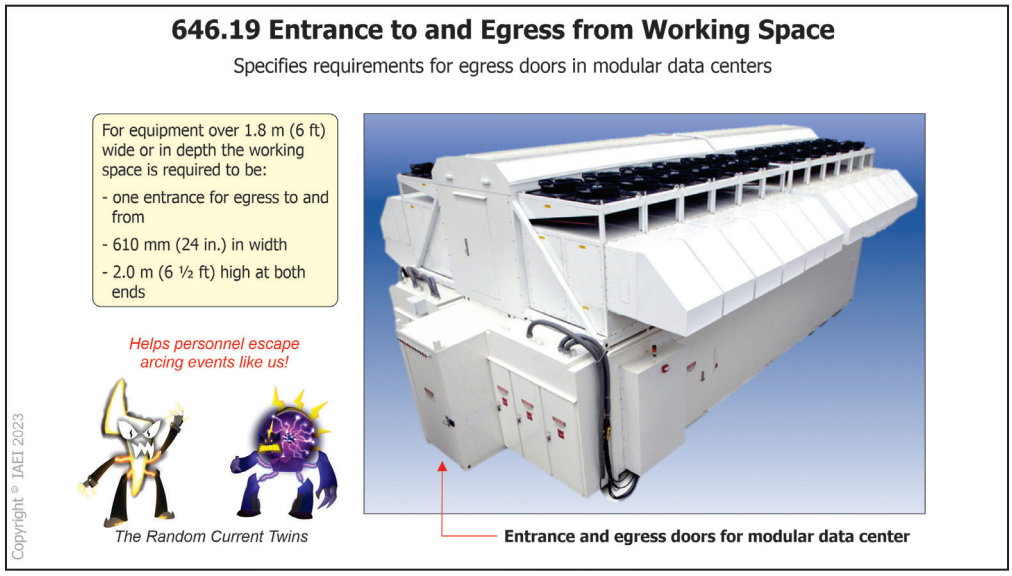
- **Why it happened:** It was observed that secondary, trade schools, and community colleges provide welding equipment for their students. The use of this equipment and associated equipment expose these users to electrical risk.

  This change is not for the welder receptacle but rather for other receptacles within the area where the welder is being used, and other tools might be connected. There was also concern expressed that CMP-2 had purview over GFCI protection requirements and should be involved in this new requirement.

- **How this will affect the electrical industry:** The requirement is to expand GFCI protection for individuals using hand tools in these environments. The electrical professional will need to be aware of the 125-volt, 15- and 20-ampere receptacles supplied by single-phase branch circuits rated 150 volts or less to ground that electrical hand tools or portable lighting equipment can be connected and utilized around welding equipment. These receptacles will require GFCI protection to be installed to protect the end-user.

IAEI Codes and Standards Committee

646.19
Entrance to and Egress from Working Space



646.19 Entrance to and Egress from Working Space

- **Type of change:** Revision

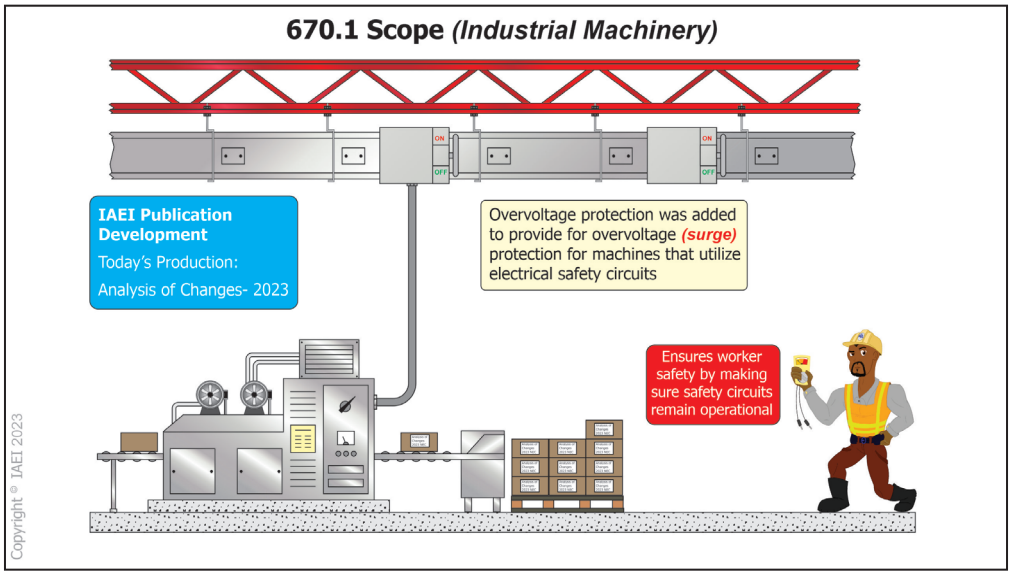
- **The change:** The revision of Section 646.19 by CMP-12 specifies the requirements for egress doors located in modular data centers.

- **Why it happened:** Previous *Code* editions did not clearly specify egress door opening requirements when the door is not of the "swinging" type. This change will include width and height requirements where the egress opening may be a sliding or "barn door" type. This ensures that personnel entering the working space will be able to exit in the event of an emergency and prevent injuries or deaths.

- **How this will affect the electrical industry:** This change removes a gap in previous *Code* requirements concerning egress from modular data centers. Electrical professionals and other personnel will now be assured of sufficient egress space regardless of installed door type. It will also raise the level of safety for maintenance workers working within this environment.

Phil Clark, CMP-6

670.1
Industrial Machinery



670.1 Scope. (Industrial Machinery)

- **Type of change:** Revision

- **The change:** CMP-12 revised Section 670.1 to now include overvoltage protection for supply conductors for industrial machinery.

- **Why it happened:** Information was revised due to requirements in the new *NEC Style Manual.* Overvoltage protection was added to the scope per Correlating Committee guidance to provide for overvoltage (surge) protection for those machines that utilize safety circuits. Informational Note No. 1 was added to point the user to NFPA 79, *Electrical Standard for Industrial Machinery*, for machine construction guidance. Informational Notes No. 2 and No. 3 were added to clarify clearance requirements.

- **How this will affect the electrical industry:** AHJs will now have a more effective tool in mandating safety requirements regarding industrial machines. Electrical professionals will have a clearer path to achieve safety for machine operators/maintenance personnel.

Phil Clark, CMP-6

ARTICLE 680

Swimming Pools, Fountains, and Similar Installations

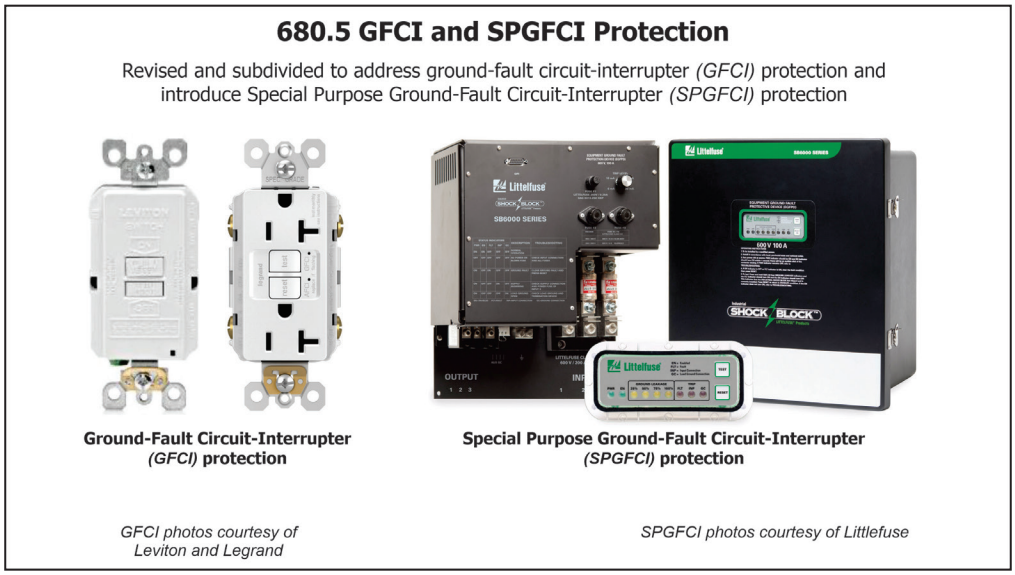


Article 680 Swimming Pools, Fountains, and Similar Installations

- **Type of change:** Reorganization
- **The change:** Article 680 underwent a major reorganization by CMP-17 to improve usability and compliance with the *NEC Style Manual*.
- **Why it happened:** Several sections were identified as redundant or unnecessary. Many provisions previously included in Article 680 repeated general requirements from Chapters 1-4. Structure requirements in 90.3 indicate that requirements in Chapters 5, 6, and 7 supplements or modify the general requirements in Chapters 1-4. Significant work was done to better comply with 90.3.
- **How this will affect the electrical industry:** While many industry individuals work significantly with "special occupancies, equipment, and conditions" and like to have every requirement they need in the same location as the supplemental or modified requirements, that concept results in a lack of uniformity from an organizational standpoint. These changes are one step to achieve better compliance with the *NEC Style Manual* providing better usability by the electrical professional.

Donny Cook, CMP-17

680.5
GFCI and SPGFCI Protection



680.5 Ground-Fault Circuit-Interrupter Protection (GFCI) and Special Purpose Ground-Fault Circuit-Interrupter (SPGFCI) Protection

- **Type of change:** Revision

- **The change:** Text at Section 680.5 has been revised by CMP-17 and subdivided to address ground-fault circuit-interrupter (GFCI) protection. It introduces special purpose ground-fault circuit-interrupter (SPGFCI) protection, a new GFCI protection requirement for circuits above 150 volts to ground, but not more than 480 volts phase-to-phase, single- or three-phase. The protection for higher voltage circuits shall not exceed 20-mA ground-fault trip current.

- **Why it happened:** GFCI protection has been required, and the equipment to be readily available for pool installations at typical single-family dwellings and smaller commercial facilities (120/240, single-phase and 208Y/120, single- and three-phase installations). However, some larger installations utilize electrical systems that operate outside the volage system parameters of Class A GFCI protection. This change is directed at providing protection at those installations.

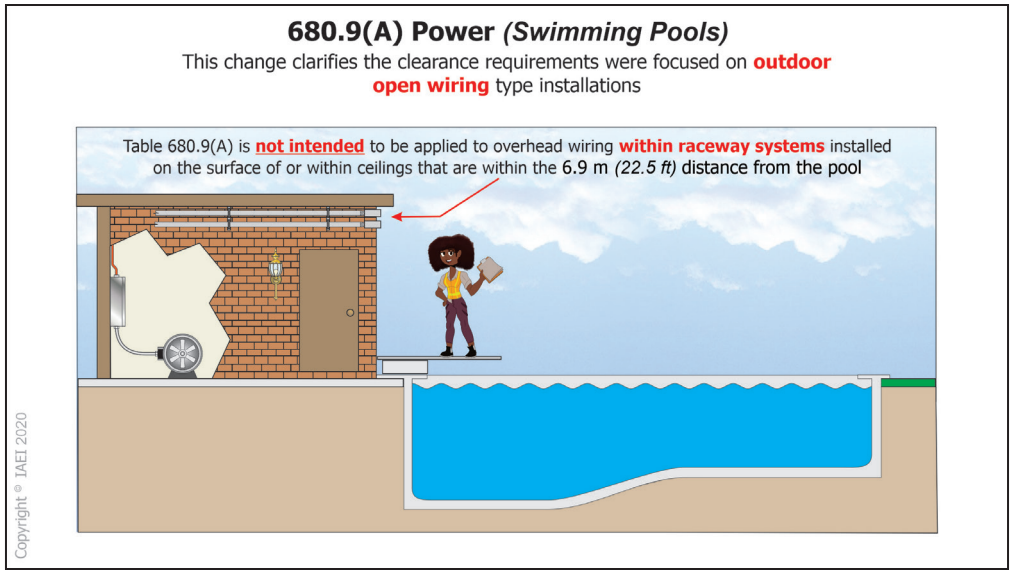
  General requirements will be found in (A), requirements for 150 volts or less to ground will be found in (B), and above 150 volts to ground will be found in (C) of Section 680.5. A new exception has been added not to require GFCI protection for certain receptacles and outlets on branch circuits associated with swimming pools and align with the new definition of SPGFCI in Article 100.

  The exception requires listed equipment that does not exceed the low-voltage contact limit and is fed from listed transformers or power supplies that adhere to requirements found at 680.23(A)(2). A GFCI device on the line voltage side of a circuit will not detect ground faults on the low voltage side of a listed pool or spa transformer or power supply due to the low voltage side of the circuit being electrically separated from the line voltage side.

- **How this will affect the electrical industry:** Industry members must learn and understand how Class C, D, and E GFCI equipment functions. The *NEC* text indicates it protects at values not to exceed 20 mA. The protection is dependent on branch circuit conditions correlating with installation limitations (for size and/or continuity of the equipment grounding conductor or possibly double insulation, etc.) included in the certification. Class A GFCI can be verified if the protective device is installed on the supply side of the protected circuit or equipment. This provision applies in various parts and sections of Article 680. While this change expands protection to additional systems and equipment, it will require additional training and understanding.

Donny Cook and Chris Faucette, CMP-17

680.9(A)
Wiring in Raceways



680.9(A) Power

- **Type of change:** Revision

- **The change:** In Section 680.9(A), CMP-17 clarifies that open overhead wiring in raceways is not subject to the clearance requirements in Table 680.9(A) and Figure 680.9(A).

- **Why it happened:** A literal reading of the previous text had the potential to be a problem for overhead wiring in raceways in ceilings of indoor pool installations. This change clarifies the clearance requirements were focused on outdoor open wiring type installations.

- **How this will affect the electrical industry:** This change provides improved text for the electrical professional to address potential hazards without restrictions that have little impact on electrical safety.

Donny Cook, CMP-17

680.10
Pool Water Temperature Conditioning Equipment



680.10 Electric Pool Water Heaters Incorporating Resistive Heating Elements and Electrically Powered Swimming Pool Heat Pumps and Chillers

- **Type of change:** Revision

- **The change:** The text has been revised by CMP-17 in Section 680.10 and subdivided to include provisions for pool water temperature conditioning equipment that incorporates technology other than resistance heating.

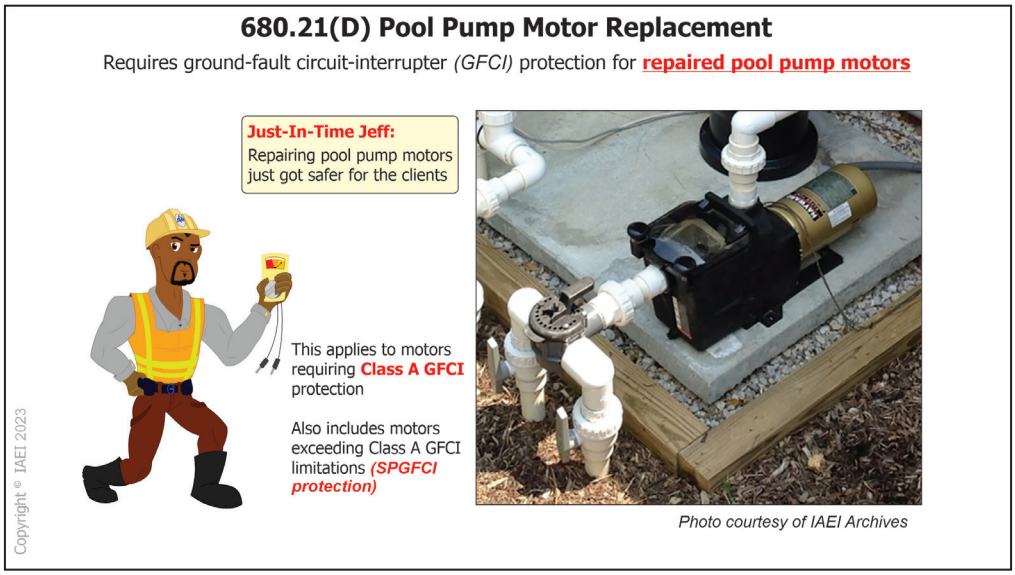
- **Why it happened:** Historically, 680.10 addressed the installation of electric resistance heating equipment to improve water temperature in pools. That heating equipment has been in use for many years. More recently, the installation of heat pump and chiller equipment has been used to heat or cool water temperature. This change recognizes this type of installation and provides requirements to size circuits and protective devices.

- **How this will affect the electrical industry:** This expansion of 680.10 provides designers, installers, and AHJs with clear *NEC* requirements to address equipment utilizing technology not used historically in pool installations.

Donny Cook, CMP-17

680.21(D)

Pool Pump Motor Replacement



680.21(D) Pool Pump Motor Replacement

- **Type of change:** Revision

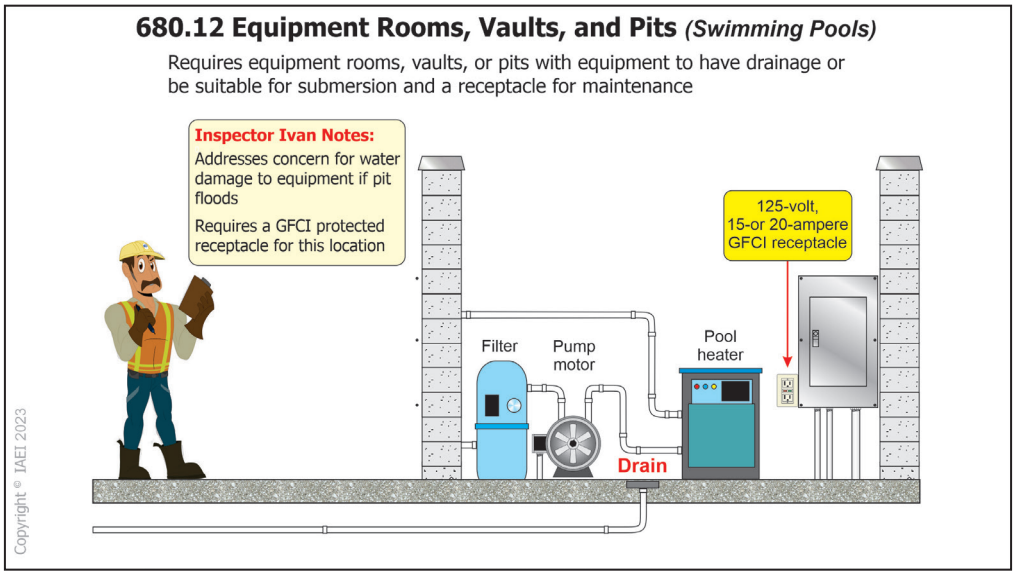
- **The change:** The revisions at 680.21(D) by CMP-17 expand the requirement to provide ground-fault circuit-interrupter (GFCI) protection for replaced pool pump motors and also include those that are repaired, but not replaced.

- **Why it happened:** GFCI protection enhances safety for pool users and workers maintaining pool equipment. Previous text only required GFCI protection for installations where the pump motor was replaced. This change adds an additional condition where GFCI protection must be provided.

- **How this will affect the electrical industry:** Pool motor repair projects must now incorporate the addition of GFCI protection. That includes the repair of motors that operate on systems that exceed Class A GFCI limitations. Those must be addressed by special purpose ground-fault circuit-interrupter (SPGFCI) protection. The electrical professional, facility owner, and pool maintenance personnel will need to be aware of these important safety requirements.

Donny Cook, CMP-17

680.12
Equipment Rooms, Vaults, and Pits



680.12 Equipment Rooms, Vaults, and Pits

- **Type of change:** Revision

- **The change:** Text at Section 680.12 has been revised by CMP-17 and subdivided to require equipment rooms, vaults, or pits with equipment to have drainage or be suitable for submersion in first-level subdivision A. New first-level subdivision B requires a 125-volt, 15-or 20-ampere receptacle and requires any receptacle in the space rated 150 volts or less to be ground-fault circuit-interrupter (GFCI) protected.

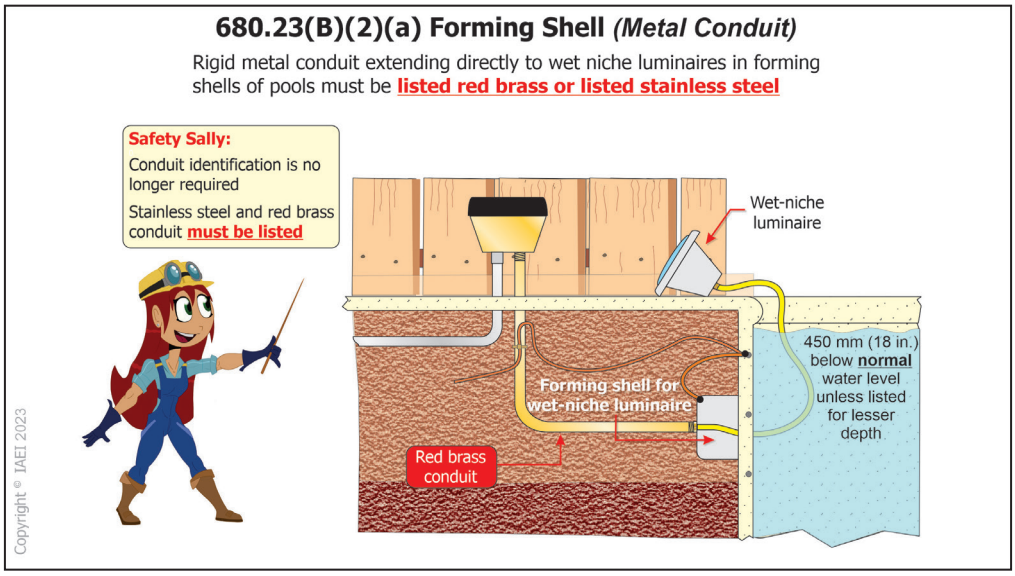
- **Why it happened:** The revision to this section includes multiple concepts. One concept addresses a concern related to the risk of water rising over electrical equipment. Another concept mandates a receptacle for maintenance. The last concept addresses shock protection for personnel for any receptacle installed.

- **How this will affect the electrical industry:** This requires the electrical professional to correlate drainage or equipment purchases to comply with 680.12(A). Additionally, the electrical industry will be required to provide a general-purpose receptacle and provide GFCI protection for all receptacles.

Donny Cook, CMP-17

680.23[B][2][a]

Forming Shell. (Metal Conduit)



680.23(B)(2)(a) Forming Shell. (Metal Conduit)

- **Type of change:** Revision

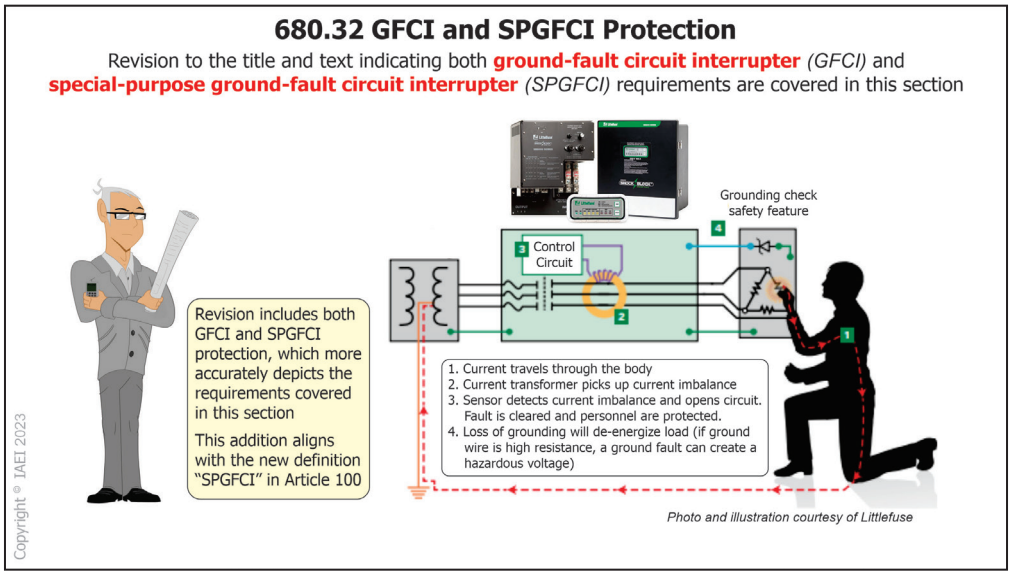
- **The change:** Substantiation was received by CMP-17 that rigid metal conduit extending directly to wet niche luminaires in forming shells of pools must be as listed red brass or listed stainless steel.

- **Why it happened:** Previous text required metal conduit for this application to be listed and identified. That text did not clearly describe the purpose of the "identification". The revised text makes it clear the requirement limits the materials permitted for this application. UL 6A, *Standard for Safety Electrical Rigid Metal Conduit- Aluminum, Red Brass and Stainless Steel*, includes the certification requirements for the permitted metal conduit products.

- **How this will affect the electrical industry:** This will benefit the electrical professional and bring clarity to this requirement in the *Code*. Many installations utilize nonmetallic conduit for this application as permitted by 680.23(B)(2)(b), however, metal conduit is the product of choice in some areas.

Donny Cook, CMP-17

680.32
GFCI and SPGFCI Protection



680.32 Ground-Fault Circuit-Interrupter (GFCI) and Special Purpose Ground-Fault Circuit-Interrupter (SPGFCI) Protection.

- **Type of change:** Revision

- **The change:** CMP-17 received substantiation to revise the title and text of Section 680.32 to indicate that both ground-fault circuit interrupter (GFCI) and special-purpose ground-fault circuit interrupter (SPGFCI) requirements are covered in this section and add a reference back to 680.5(B) and (C).

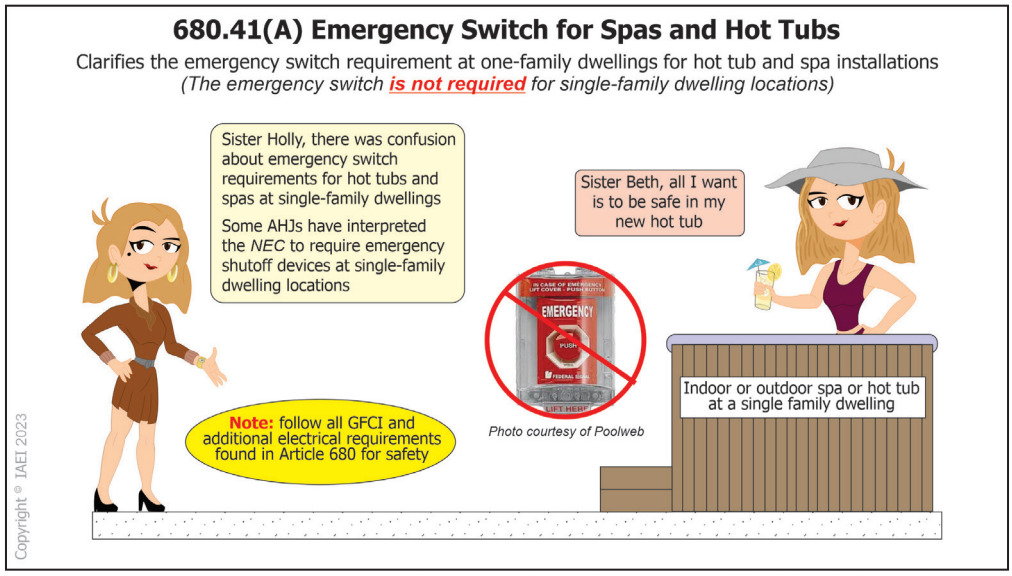
- **Why it happened:** This revision was part of a correlating committee request to review the term "GFCI" and other terminology associated with ground-fault protective equipment throughout the *NEC*. The task group was to ensure consistency with how these are defined in Article 100. Revisions indicate both GFCI and SPGFCI protection, which more accurately depicts the requirements covered in this section. This addition aligns with the new definition "SPGFCI" in Article 100. Also, the word "required" was removed from the title of this section for consistency with other areas in Article 680 addressing GFCI and SPGFCI requirements.

- **How this will affect the electrical industry:** This change provides the electrical professional with more options for providing electrical shock protection to the user of this type of equipment.

Chris Faucette, CMP-17

680.41[A]

Emergency Switch for Spas and Hot Tubs



680.41(A) Emergency Switch for Spas and Hot Tubs

- **Type of change:** Revision
- **The change:** CMP-17 clarified the emergency switch requirement at one-family dwellings for hot tub and spa installations in Section 680.41(A).
- **Why it happened:** There was confusion about emergency switch requirements for hot tubs and spas at single-family dwellings. The code-making panel reviewed this information and made modifications to state that emergency switch requirements do not apply for indoor or outdoor hot tub or spa installations at single-family dwellings.
- **How this will affect the electrical industry:** This revision makes requirements easier to understand for the electrical professional. In the past, some AHJs have interpreted the *Code* to require emergency shutoff devices at single-family dwelling locations. This change should alleviate this misunderstanding.

Chris Faucette, CMP-17

680.44
Spa and Hot Tub Installations



680.44 Ground-Fault Circuit-Interrupter (GFCI) and Special Purpose Ground-Fault Circuit-Interrupter (SPGFCI) Protection

- **Type of change:** Revision

- **The change:** CMP-17 revised Section 680.44 to indicate that both GFCI and SPGFCI requirements are addressed for spa and hot tub installations.

- **Why it happened:** The Correlating Committee established a task group to review the term "GFCI" and other terminology associated with ground-fault protective equipment throughout the *NEC*. It was to help with consistency as to how these are defined in Article 100. This change will more accurately depict the requirements covered in this section as it applies to GFCI and SPGFCI requirements and aligns with the new definition of "SPGFCI" in Article 100. The wording "listed, labeled, and identified" in (B) was changed to "listed" for clarity of the requirement.

- **How this will affect the electrical industry:** This change provides the electrical professional with more options for providing electrical shock protection to the user of this type of equipment. Using the word "listed" helps the electrical professional understand equipment requirements for this location.

Chris Faucette, CMP-17

680.54(C)

Equipotential Bonding of Splash Pads



Photo courtesy of IAEI Archives

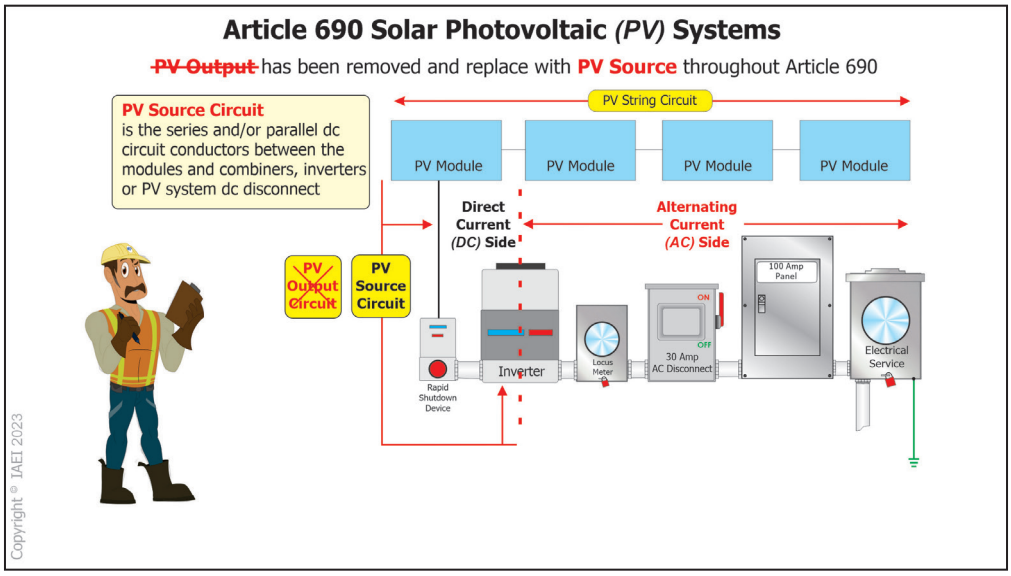
680.54(C) Equipotential Bonding of Splash Pads

- **Type of change:** New
- **The change:** CMP-17 drafted a new 680.54(C) to address bonding requirements for splash pads.
- **Why it happened:** Splash pads were introduced to the *NEC* in 2020 as a type of fountain. This change provides additional information to assist with the identification of the splash pad boundary. Many splash pads are constructed such that the area outside the splash pad perimeter is also concrete, but the equipotential bonding of the conductive splash pad (pool) shell terminates at some point. This change is an effort to identify that termination point. This will help assure the electrical safety of the user of this equipment.
- **How this will affect the electrical industry:** Electrical industry members must seek information and understanding of splash pad structure from the splash pad (pool) designer. Proper communication of this requirement will significantly impact the installation and inspection approval of the bonding provisions.

Donny Cook, CMP-17

ARTICLE 690

Solar Photovoltaic (PV) Systems



Article 690 Solar Photovoltaic (PV) Systems

- **Type of change:** Deletion

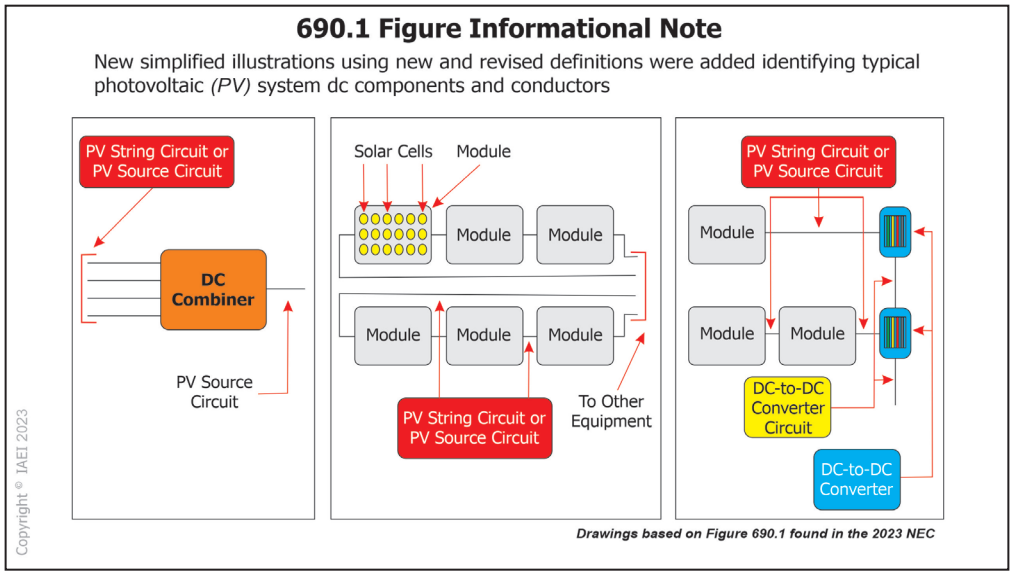
- **The change:** The use of the term "PV output circuit" has been removed by CMP-4 throughout Article 690. All circuits and conductors will be considered a PV source, whether individual or combined. The definition of PV *circuits* also changed to properly align with these changes.

- **Why it happened:** The submitter of these coordinated changes, the Solar Energy Industries Association (SEIA) PV Industry Forum (PVIF), stated that the existing language at times created confusion in the field, and the use of the term "output circuit" was not necessary.

- **How this will affect the electrical industry:** I was opposed to the change in language. It is my opinion that using the term "PV output circuit" assisted enforcers in applying a clear line of demarcation between power sources that were combined with others to establish output currents and voltages. That information will not change, but the terminology will remain the same and, in my opinion, could cause more confusion.

James J. Rogers, CMP-4

690.1
PV System dc Circuit Conductors



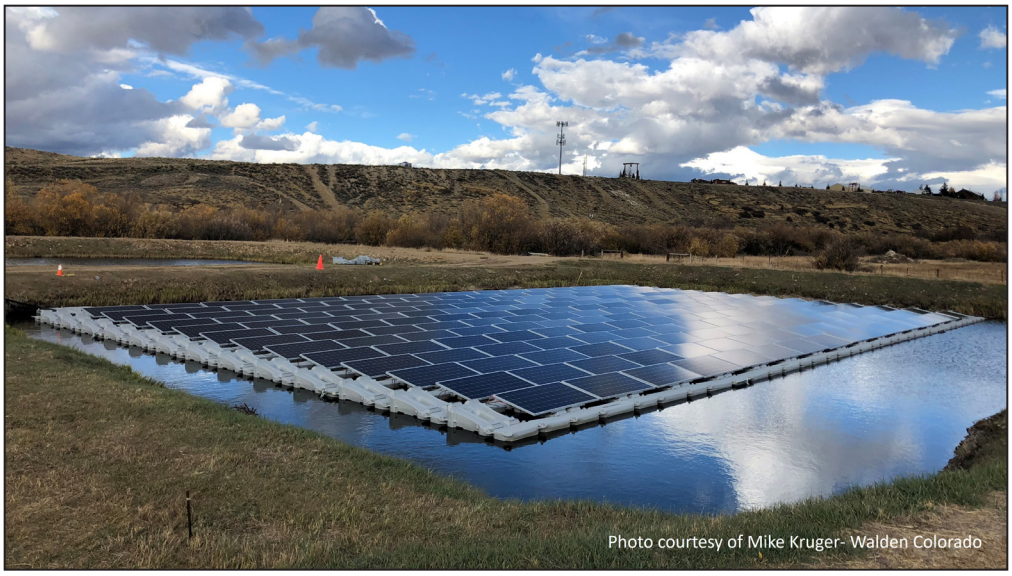
690.1 Figure Informational Note Figure 690.1(a), (b), (c)

- **Type of change:** New
- **The change:** CMP-4 added new simplified illustrations to Section 690.1 identifying typical PV system dc components and conductors using new or revised definitions.
- **Why it happened:** This change resulted from a Public Input provided by the PV Industry Forum (PVIF), a collaborative effort of several organizations dedicated to advancing the the safety of PV systems. The previous illustrations included non-PV elements and did not reflect current usage. CMP-4 combined the previous three figures into one figure for simplicity.
- **How this will affect the electrical industry:** The new illustrations will provide a better understanding of the PV system dc circuit conductors and elements for *NEC* users.

Pete Jackson, CMP-4

690.4(G)

PV Equipment Floating on Bodies of Water



690.4(G) PV Equipment Floating on Bodies of Water

- **Type of change:** New

- **The change:** A new subdivision (G) was added to 690.4. This change by CMP-4 recognizes the installation of floating PV arrays over a body of water and the additional product identification requirements.

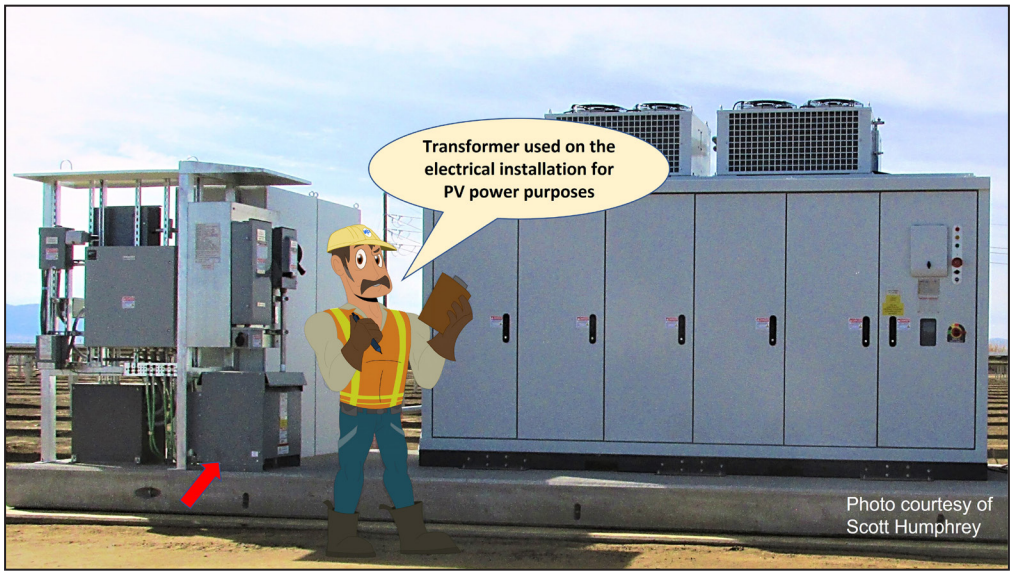
- **Why it happened:** PV system arrays of modules that float on water are becoming more common, and the requirements for the equipment must be identified. The unique location requires the use of electrical devices and equipment that are suited for the environment. The new text will provide minimum requirements applicable to these types of projects. The new informational note provides additional clarity regarding the unusual conditions that exist for PV arrays located on water.

  This change was submitted by Underwriters Laboratories (UL) as they recognized that installations like this are becoming more plentiful. In the public input, UL stated that there is no additional product standard, but that designers and installers should consider items such as humidity, corrosion, and mechanical stress due to movement.

- **How this will affect the electrical industry:** Without the benefit of a specific product safety standard for floating arrays, the CMP needed to address requirements through *NEC* language. Equipment must be identified for the purpose, and wiring methods must allow for movement.

Pete Jackson and James J. Rogers, CMP-4

690.9[D]
Transformers



690.9(D) Transformers

- **Type of change:** Revision

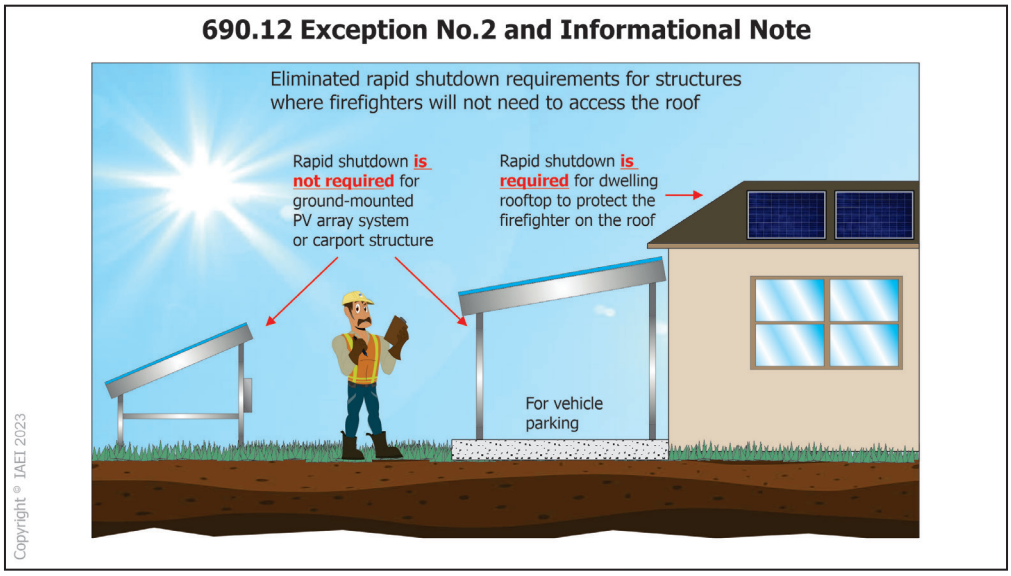
- **The change:** CMP-4 revised language in Section 690.9(D), providing a pointer to 705.30(F), where specific requirements applicable to interconnected systems are addressed.

- **Why it happened:** The previous 1984 *NEC* language was incorporated prior to the inclusion of Article 705 and was not correlated with Article 240 or the current product safety standard. Since Article 690 does not provide the requirements for interconnected systems, the language addressing sources on both sides was deleted, and a pointer to 705.30(F) was provided. The language of 705.30(F) addresses the requirements for transformers used with interconnected electric power production sources, where there may be sources of supply connected to both the primary and secondary windings of the transformer. The word "Power" was removed from the title to correlate with Article 450.

- **How this will affect the electrical industry:** Clarity and consistency for identification of transformer primary and secondary circuits and resulting overcurrent protection rules are simplified for designers, installers, and inspectors.

Pete Jackson, CMP-4

690.12
Rapid Shutdown Requirements



690.12 Exception No. 2 & Informational Note

- **Type of change:** Revision

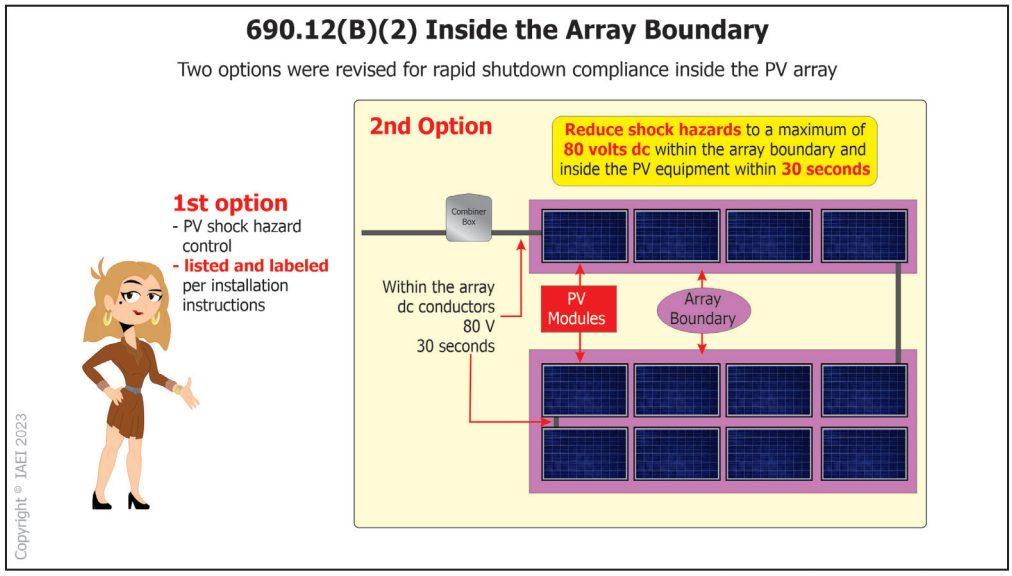
- **The change:** CMP-4 revised the language to eliminate rapid shutdown requirements for structures where firefighters will not need to access the roof.

- **Why it happened:** The rapid shutdown requirements were created to provide a greater degree of safety for rooftop firefighting operations. The previous language included a limited exception for buildings associated with ground-mounted arrays but did not address other types of structures. The new Exception 2 extends the exception to include carports and other nonenclosed detached structures where firefighting operations do not require roof access. The PV Industry Forum (PVIF) helped provide substantiations for these changes.

- **How this will affect the electrical industry:** The specific identification of structures exempt from rapid shutdown requirements will provide much-needed clarity for designers, installers, and inspectors.

Pete Jackson, CMP-4

690.12(B)(2)
Inside the Array Boundary



690.12(B)(2) Inside the Array Boundary

- **Type of change:** Revision

- **The change:** Two options were revised by CMP-4 in Section 690.12(B)(2) for rapid shutdown compliance within the array boundary. The previous option (3) was eliminated.

- **Why it happened:** The new UL 3741, *PV Hazard Control*, standard was created to better address the specific electrical hazards for firefighters when responding to a rooftop incident that includes a PV system. The first option for compliance within the array boundary is through the use of a listed PV shock hazard control system installed in accordance with the manufacturer's installation instructions. The second option requires the reduction of the voltage within the array to a maximum of 80 volts dc or less within 30 seconds.

- **How this will affect the electrical industry:** Designers, installers, and inspectors will have two options for compliance within the array. This will help clarify understanding and compliance for this important safety requirement.

Pete Jackson, CMP-4

690.15

Disconnecting Means for Isolating Photovoltaic Equipment

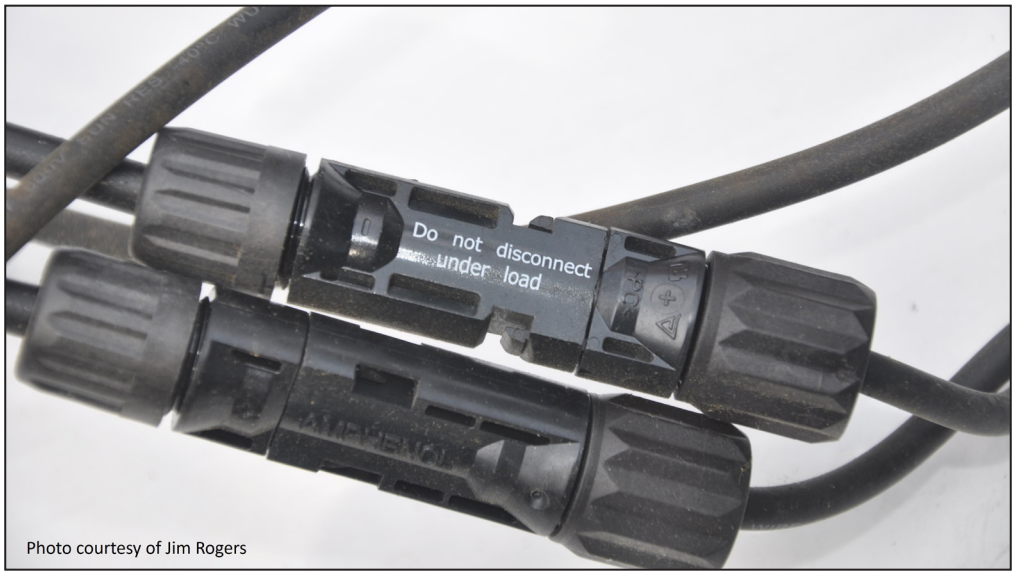


Photo courtesy of Jim Rogers

690.15 Disconnecting Means for Isolating Photovoltaic Equipment

- **Type of change:** Revision

- **The change:** CMP-4 rearranged 690.15 with some grammatical changes. A requirement for an equipment disconnecting means to be within 10 feet of the equipment to now be within sight was also modified.

- **Why it happened:** The change goes toward the reorganization of 690.15(C) and (D) in the 2020 NEC. Section 690.15(A) now refers to 690.15(C) for an equipment disconnect and requires the disconnecting means to be within sight and within 10 feet of the equipment or be capable of being lockable in accordance with 110.25 for the 2023 code cycle.

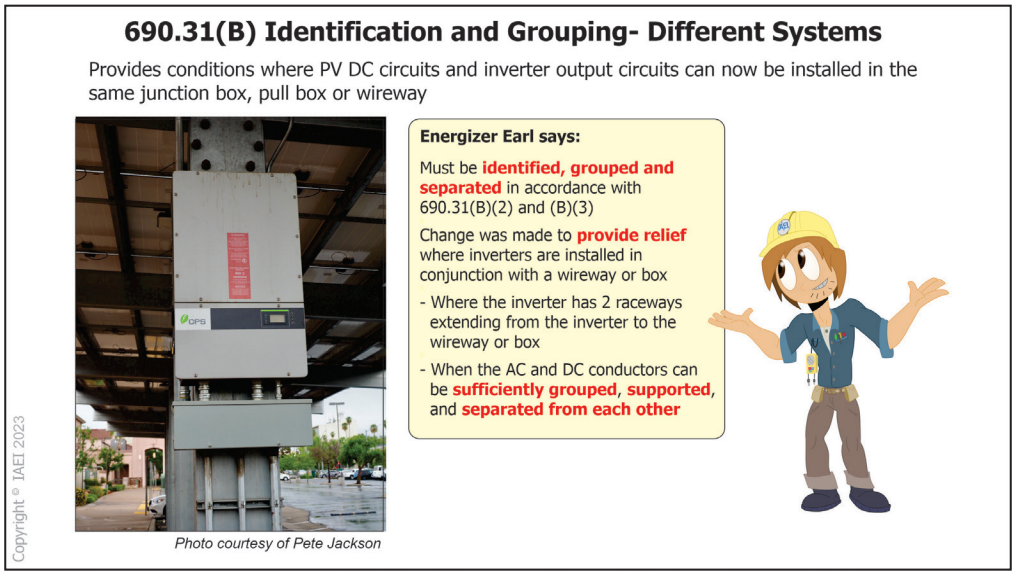
  Changes in the reorganizing of 690.15(C) do not mandate the 10-foot requirements provided the disconnect complies with 110.25. Also, it only applies to disconnecting means and not isolating devices.

- **How this will affect the electrical industry:** Instead of having a prescriptive distance of 10 feet, there will be a more liberal requirement of "in sight of" which may lead to some enforcement discrepancies. See 110.29 for requirements for "In Sight From (Within Sight From, Within Sight)."

James J. Rogers, CMP-4

690.31(B)

Conductors of Different Systems



690.31(B) Identification and Grouping. (1) Conductors of Different Systems. Exception List Item (2)

- **Type of change:** Revision

- **The change:** Section 690.31(B) was revised and a new list item (1), Conductors of Different Systems, was added while the previous text in that location was moved to list item (2), Identification. The text revisions by CMP-4 provide conditions where PV dc circuits and inverter output circuits can now be installed in the same junction box, pull box or wireway provided they are identified, grouped, and separated in accordance with 690.31 (B)(2) and (B)(3).

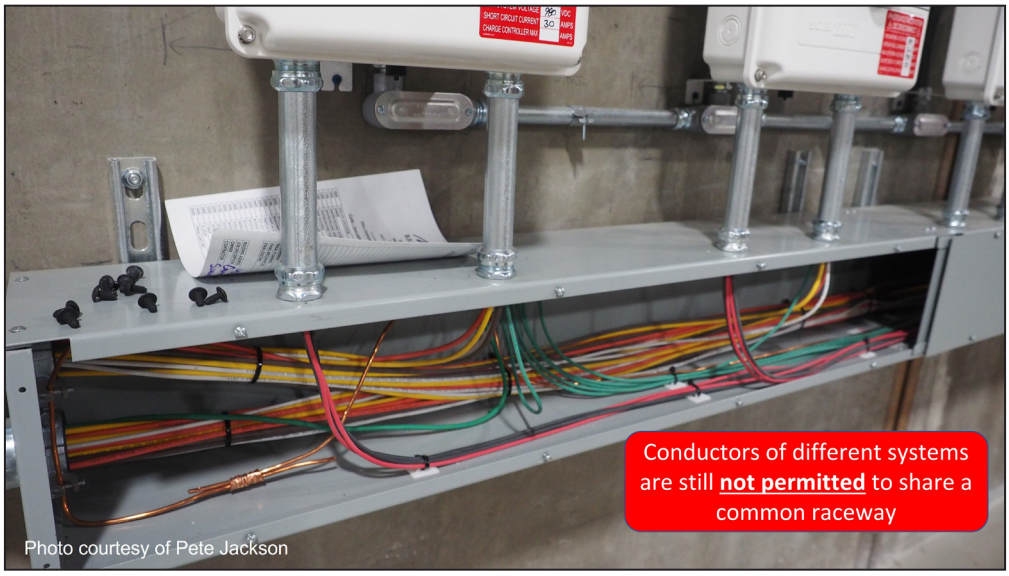
- **Why it happened:** This change was made to provide relief where inverters are installed in conjunction with a wireway or box. This applies where the inverter has two raceways extending from the inverter to the wireway or box where the ac and dc conductors can be sufficiently grouped, supported, and separated from each other.

- **How this will affect the electrical industry:** The updated language will grant relief to the electrical professional on installation practices while maintaining separation between dc circuits and ac circuits in the enclosures referenced. Conductors of different systems are still not permitted to share a common raceway.

James J. Rogers, CMP-4

690.31(B)(1)

Conductors of Different Systems



690.31(B)(1) Conductors of Different Systems. – Exception

- **Type of change:** Revision

- **The change:** Exception revised by CMP-4 to permit the dc and ac conductors of a PV system to be located within the same enclosure where all the conductors are insulated for the highest voltage present and grouped appropriately.

- **Why it happened:** The previous language prohibited an inverter's dc and ac conductors from being located within the same field-installed enclosure without a divider. Because the dc and ac conductors will all terminate within the inverter, there is a benefit from a workmanship perspective to permit these conductors within the associated wireway enclosure. Conductors of different systems are permitted within listed PV equipment, such as inverters, in accordance with the product safety standard. The new language will align with similar requirements in 300.3(C) for conductors of different systems of 1000 volts nominal or less.

- **How this will affect the electrical industry:** This change will simplify the routing of dc and ac PV system conductors to inverters for the installer. The revised format and new exception #2 will permit the common field installation of a wireway beneath an inverter that contains dc and ac conductors insulated for the highest voltage present. The previous rule required a divider to be installed.

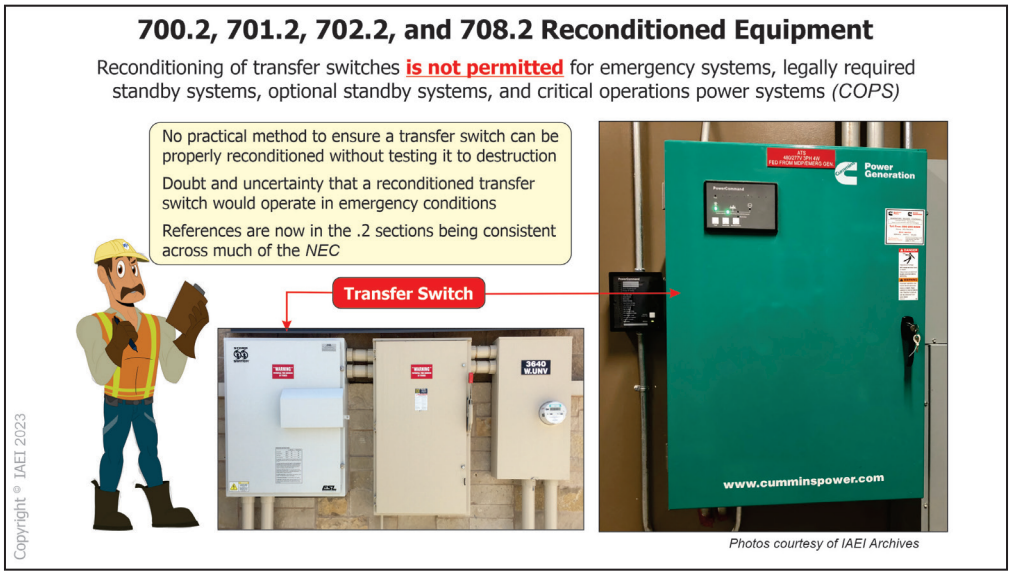
Pete Jackson, CMP-4

CHAPTER 7
SPECIAL CONDITIONS

Articles 700–760



700.2, 701.2, 702.2, AND 708.2
Reconditioned Equipment



700.2, 701.2, 702.2, and 708.2 Reconditioned Equipment

- **Type of change:** Relocation

- **The change:** CMP-13 clarified that the reconditioning of transfer switches is not permitted for emergency systems, legally required standby systems, optional standby systems, and critical operations power systems (COPS).

- **Why it happened:** This deleted the previous reconditioning statement found at 700.5(C), 701.5(C), 702.5(B)(1) and relocated them to the placeholder at the .2 sections being consistent across much of the *NEC*. Reconditioned language was added to Article 708 at 708.2, which did not appear prior to this edition of the *NEC*.

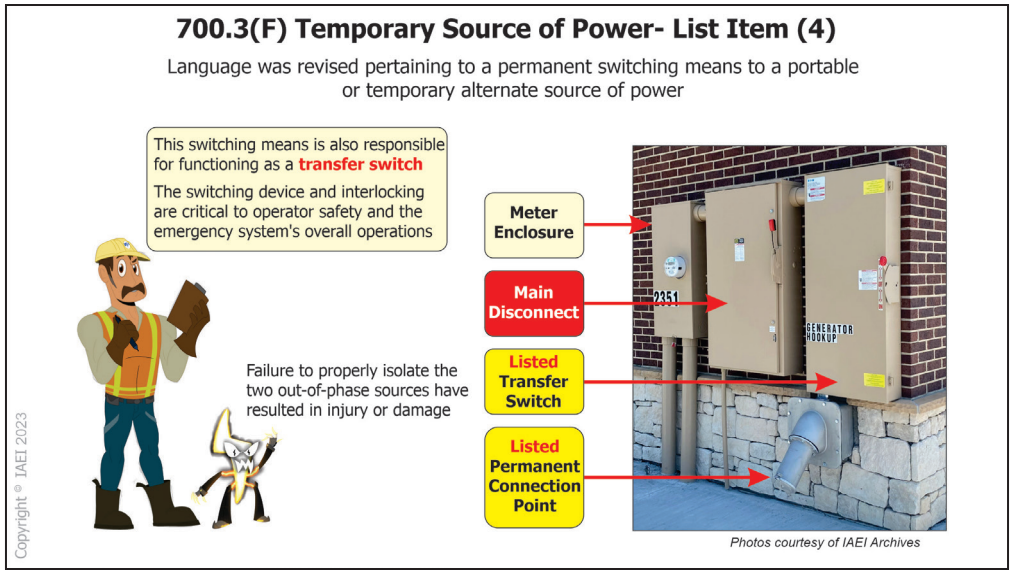
  Substantiation submitted revealed that destructive testing is the only viable method for determining suitability of reconditioning of transfer switches. This raised doubt and uncertainty that a reconditioned transfer switch would operate when necessary.

- **How this will affect the electrical industry:** This change helps electrical professionals with what equipment can and cannot be reconditioned. Stating this in these articles enhances the usability of the *Code* and provides definite direction concerning these items.

Steve Froemming, CMP-13

700.3(F)

Temporary Source of Power for Maintenance or Repair of the Alternate Source of Power



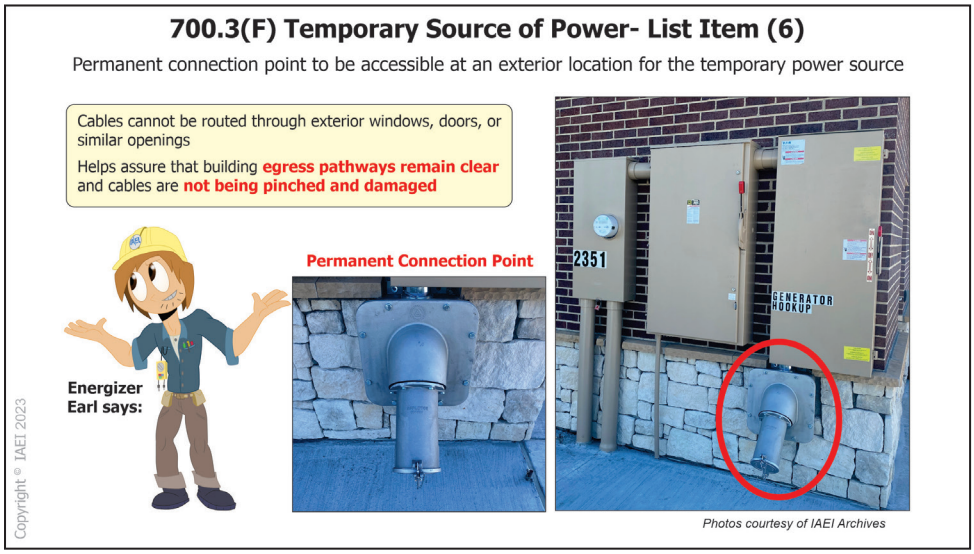
700.3(F) List items (4), (6), and (7).

- **Type of change:** New / Revision

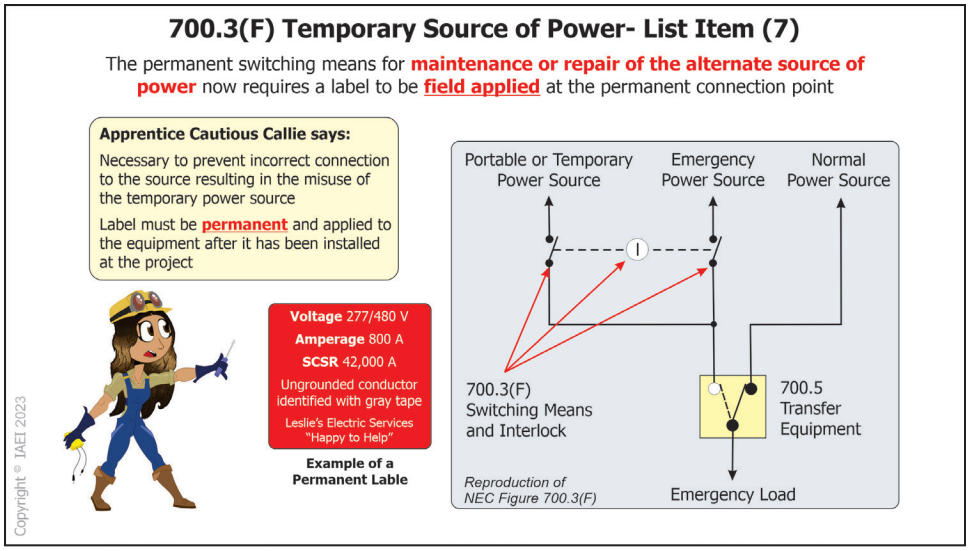
- **The change:** CMP-13 revised subdivision (F) to include revised list item (4) requiring listing, added a new (6) for the permanent connection point and routing requirements for cables, and a new (7) requiring a label to be field applied at the permanent connection point.

- **Why it happened:** There have been life safety concerns experienced or expressed when alternate power sources are being maintained or repaired. List item (4) has been revised pertaining to a permanent switching means connecting a portable or temporary alternate source of power. This means is also responsible for functioning as a transfer switch. The switching device and interlocking are critical to operator safety and the emergency system's overall operations. The mechanical interlock must be designed for the specific switching device, and the interlock is to be tested and shown to operate effectively or the system's safety cannot be assured. The switching device should be listed, and the interlock should be listed for use with the specific switching device. There have been failures to properly isolate the two out-of-phase sources from each other, resulting in injury or damage. These switching means must have features required for safe operation.

  List item (6) is new and directs that the permanent connection point must be accessible at an exterior location for the temporary power source. Cables cannot be routed through exterior windows, doors, or similar openings. This helps to assure that building egress pathways remain unimpeded by these cables and the cables are not subject to being pinched and damaged by door or window operation.



A new list item (7) has been added to require permanent field-applied labels at the connection point. This is necessary to prevent incorrect connection to the source resulting in the misuse of the temporary power source.



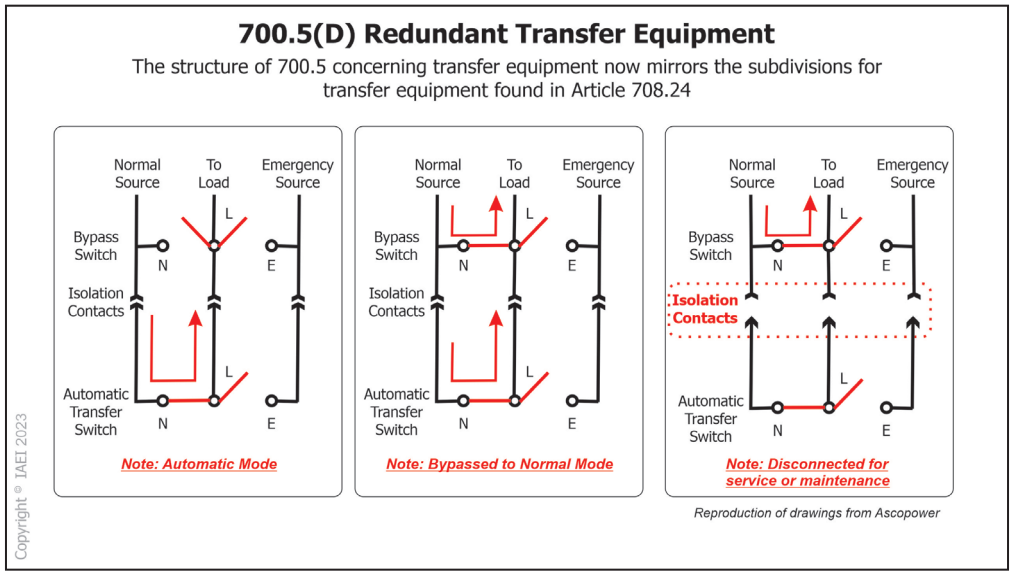
The informational note has been revised to comply with the *NEC Style Manual*.

- **How this will affect the electrical industry:** This change will give clarification and guidance to the electrical professional, helping to reduce inaccurate labeling at the connection point and reduce cable damage and building egress concerns. The installer and inspector must work together to ensure a safe system is in place during the repair or maintenance of alternate power sources.

Steve Froemming, CMP-13

700.5(D)

Redundant Transfer Equipment



700.5(D) Redundant Transfer Equipment

- **Type of change:** Revision

- **The change:** Substantiation was provided to CMP-13 pertaining to emergency loads supplied by a single feeder. This must include redundant transfer equipment or a bypass isolation transfer switch allowing for repair and maintenance as required in 700.3(C). The structure of 700.5 concerning transfer equipment now mirrors the subdivisions for transfer equipment found in Article 708.24. New subdivision (D) describes the functionality needed when a single feeder supplies emergency loads.

- **Why it happened:** Previously the language described how to do this based on a single product available on the market.

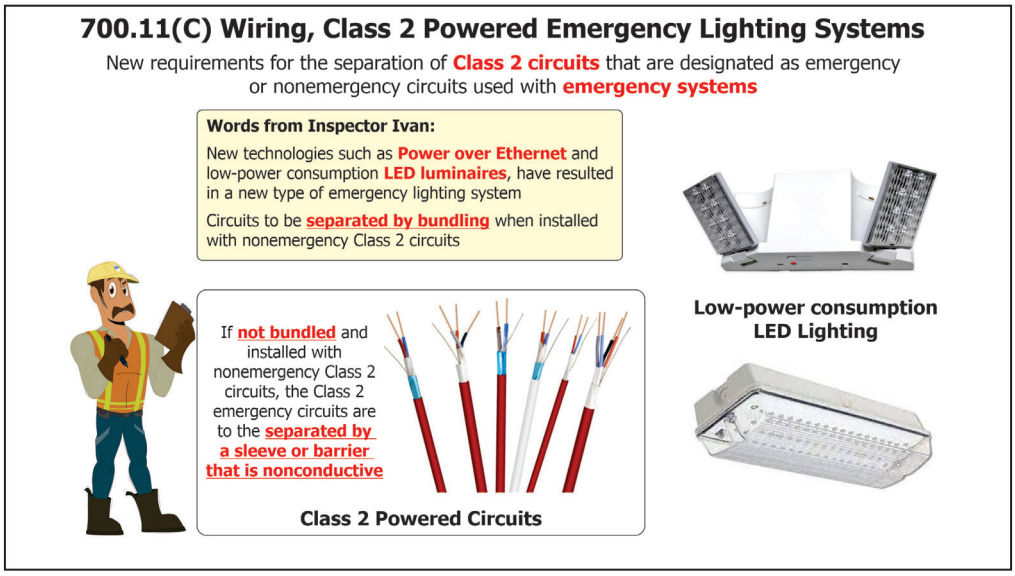
  There are multiple ways to meet the requirements safely and reliably and ensure continuity of power when a single feeder supplies an emergency load. The NEC should not be directing the user to do this based on one specific product. The term for *Bypass Isolation Transfer Switches* has been revised to correlate with the defined definition found in Article 100.

- **How this will affect the electrical industry:** This change will improve consistency between code articles and enhance useability for the electrical professional. It also allows the *NEC* not to be seen as specifying a specific brand of electrical equipment. The previous text could prove problematic and burdensome for the AHJ and installers.

Steve Froemming, CMP-13

700.11(C)

Wiring, Class 2 Powered Emergency Lighting Systems



700.11(C) Wiring, Class 2 Powered Emergency Lighting Systems

- **Type of change:** New

- **The change:** CMP-13 added new requirements for the separation of Class 2 circuits designated as emergency or nonemergency circuits in Section 700.11(C).

- **Why it happened:** The separation of Class 2 circuits used for different purposes was not defined in the previous edition, so 700.11(C) was created to define acceptable methods clearly.

  New technologies such as Power over Ethernet and low-power consumption LED luminaires have resulted in a new type of emergency lighting system. They receive their power from Class 2 conductors or control signals originating from a central device to one or more emergency luminaires.

  These are considered directly controlled emergency luminaires and are addressed at 700.24.

  The previous requirements of Article 700 for the wiring of emergency circuits only addressed line voltage type circuits.

  When an emergency system receives power from Class 2 circuits, alternative methods are required to ensure performance and safety to those systems using line-voltage conductors.

  This edition of the *Code* adds a new section covering Class 2 emergency lighting circuits.

  (A) General: is added to address line voltage supply wiring for Class 2 emergency lighting control devices.

  (B) Identification: since these systems use Class 2 conductors, acceptable methods of identification for emergency circuits must be specified to be consistently applied to Class 2 wiring methods.

(C) Separation of Circuits: The separation of line-voltage emergency circuits required by 700.10(B) exists to prevent damage or destruction of these circuits from faults in adjacent nonemergency circuits.

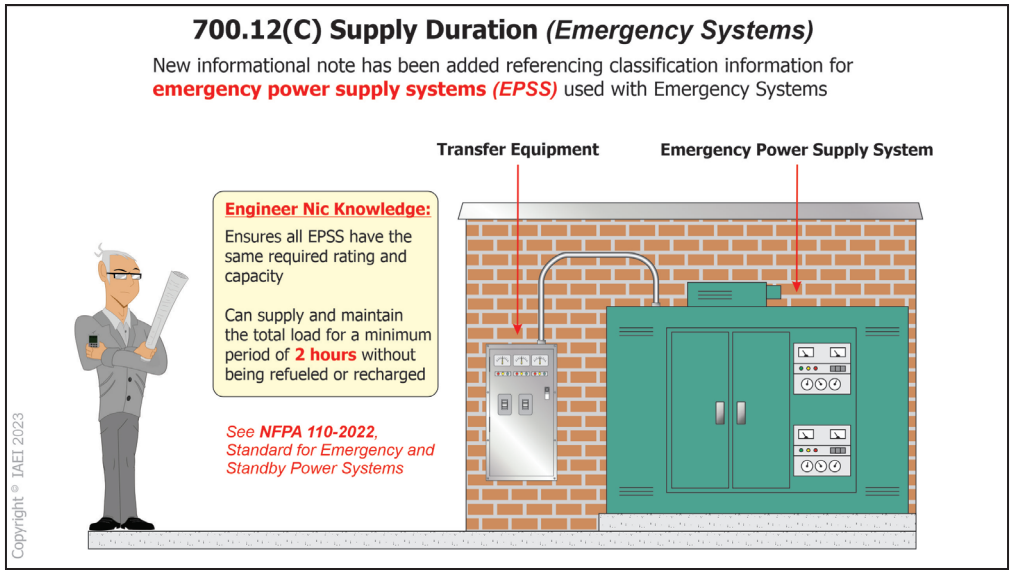
(D) Protection: Section 300.4 requirements apply to these Class 2 circuits. They are to be installed within a raceway, armored or metal-clad cable, or a cable tray.

Class 2 emergency lighting circuits are not permitted to be mixed with other wiring. These circuits are to be separated by bundling when installed with nonemergency Class 2 circuits. If not bundled and installed with nonemergency Class 2 circuits, the Class 2 emergency circuits are to be separated by a sleeve or barrier that is nonconductive. Protection is to be provided in accordance with a 300.4 wiring method.

- **How this will affect the electrical industry:** Separation of circuits allows the installer and inspector to readily identify by bundled Class 2 circuits from emergency and nonemergency circuits or by bundling or barrier separation. This change provides additional integrity to the emergency lighting system in so far as it prevents collateral damage during maintenance activities.

Larry Wildermuth, Jr., CMP-13

700.12(C)
Supply Duration



700.12(C) Supply Duration

- **Type of change:** New

- **The change:** CMP-13 added an informational note to reference classification information for emergency power supply systems (EPSS) used with emergency systems.

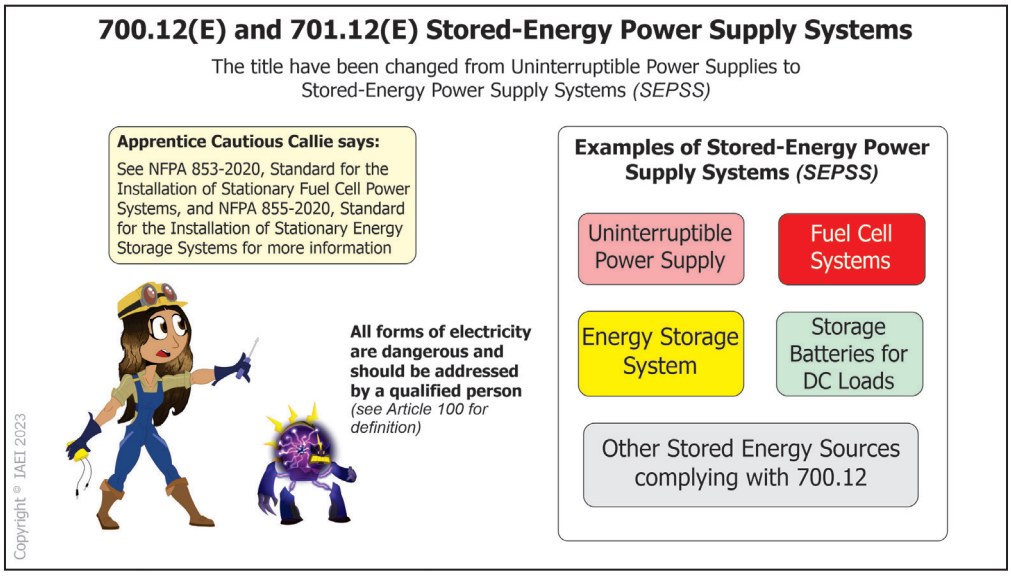
- **Why it happened:** A task group was formed to harmonize terminology across the *NEC*, NFPA 99, NFPA 110, and NFPA 111 concerning emergency and standby power and energy storage. The informational note was added to clarify that all Emergency and Standby Power Systems (EPSS) now require a minimum of not less than two hours of fuel for operation from the previous 1 ½ hours. This change will ensure all EPSS have the same required rating and capacity to supply and maintain the total load for a minimum period of 2 hours without being refueled or recharged. The note references NFPA 110-2022, *Standard for Emergency and Standby Power Systems*, to determine this information.

- **How this will affect the electrical industry:** This change should bring clarity to the electrical professionals for the requirements for EPSS installations used with emergency systems. The change in the Standard for Emergency and Standby Power Systems (EPSS) require consistent hours of operation regardless of the type of system installed. Testing these different EPSS installations will also become consistent as required in NFPA 110.

Larry Wildermuth, Jr., CMP-13

700.12(E) & 701.12(E)

Stored-Energy Power Supply Systems (SEPSS)



700.12(E) & 701.12(E) Stored-Energy Power Supply Systems (SEPSS)

- **Type of change:** Revision

- **The change:** The title of Sections 700.12(E) and 701.12(E) have been changed by CMP-13 from "Uninterruptible Power Supplies" to "Stored-Energy Power Supply Systems (SEPSS)."

- **Why it happened:** These changes are the result of a correlating committee task group focused on alternative power solutions. These revisions expand what will be encountered for the newly defined stored-energy power supply systems (SEPSS). This includes items such as an uninter-

ruptible power supply (UPS), fuel cell systems, energy storage systems (ESS), storage batteries for DC loads, and any "other" option complying with 700.12 since these technologies may not represent an all-inclusive list. Section 700.12(E) has two second-level subdivisions that are entitled (1) Types and (2) Fire Protection, Suppression, Ventilation, and Separation.

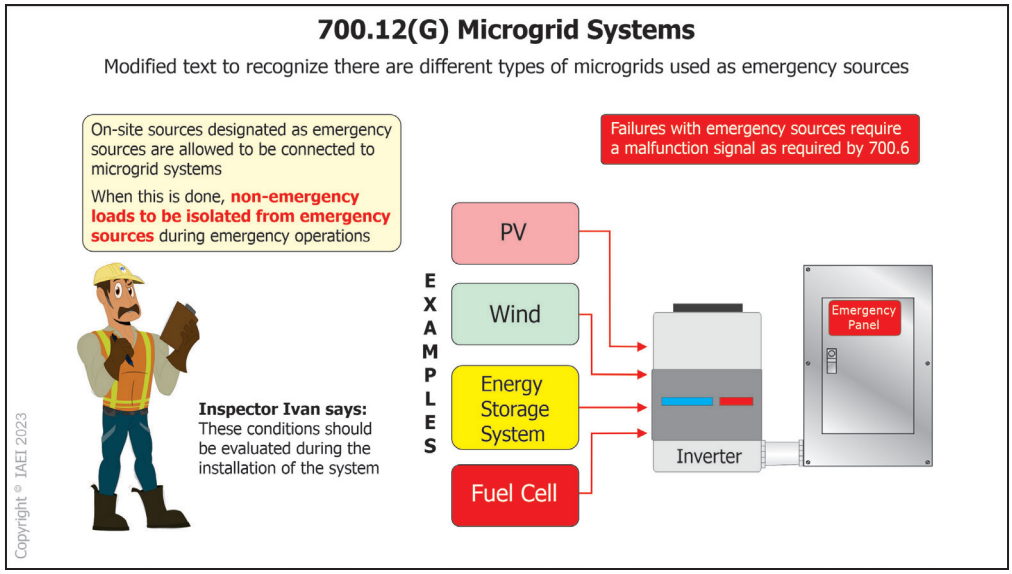
Section 700.12(E)(2) includes requirements for systems in 700.12(E)(1). They should be installed per the manufacturer's instructions or equipment listing. This would include provisions for fire protection, suppression, ventilation, and separation requirements.

A new informational note provides additional information on fire protection installation requirements. It references NFPA 853-2020, *Standard for the Installation of Stationary Fuel Cell Power Systems*, and NFPA 855-2020, *Standard for the Installation of Stationary Energy Storage Systems*.

- **How this will affect the electrical industry:** This change recognizes more options that are now available to the electrical professional for stored-energy power supply system (SEPSS) installations. The professionals will need to be aware that new options exist and understand the guidelines associated with their installation.

Steve Froemming, CMP-13

700.12[G]
Microgrid Systems



700.12(G) Microgrid Systems

- **Type of change:** Revision

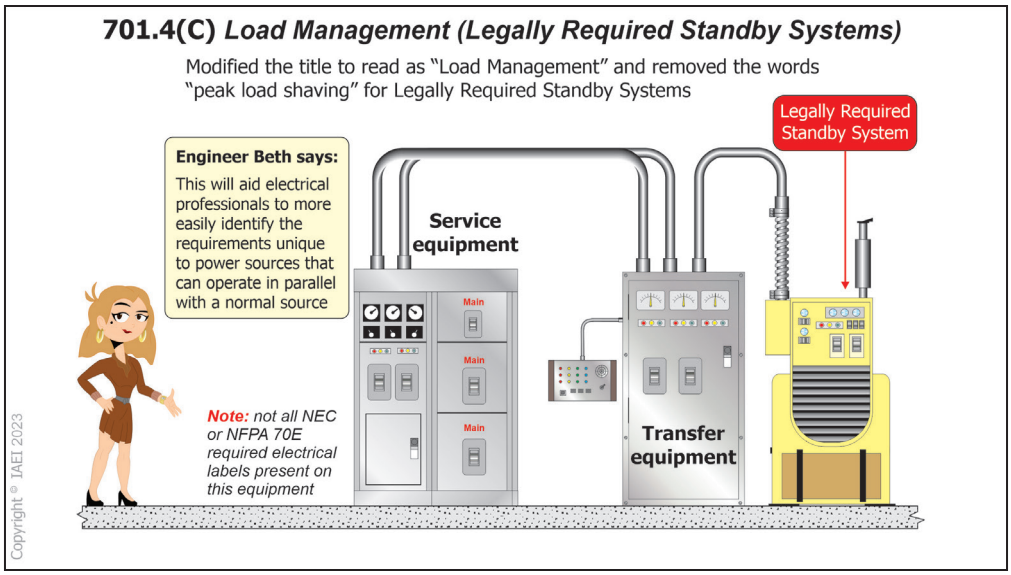
- **The change:** The existing 700.12(G) was moved into 700.12(E) and replaced with a new 700.12(G) titled Microgrid Systems. CMP-13 replaced existing Section 700.12(G), recognizing there are different types of microgrids, in addition to any that might be categorized as dc only.

- **Why it happened:** This work was completed by a Task Group at the direction of the Corrolating Committee. They were assigned to evaluate these systems and how they interact with one another.

- **How this will affect the electrical industry:** This change provides additional guidance to electrical professionals when designing, installing, or inspecting on-site sources that have been designated as emergency sources connected to microgrid systems.

Steve Froemming, CMP-13

701.4(C)
Load Management



701.4(C) Load Management

- **Type of change:** Revision

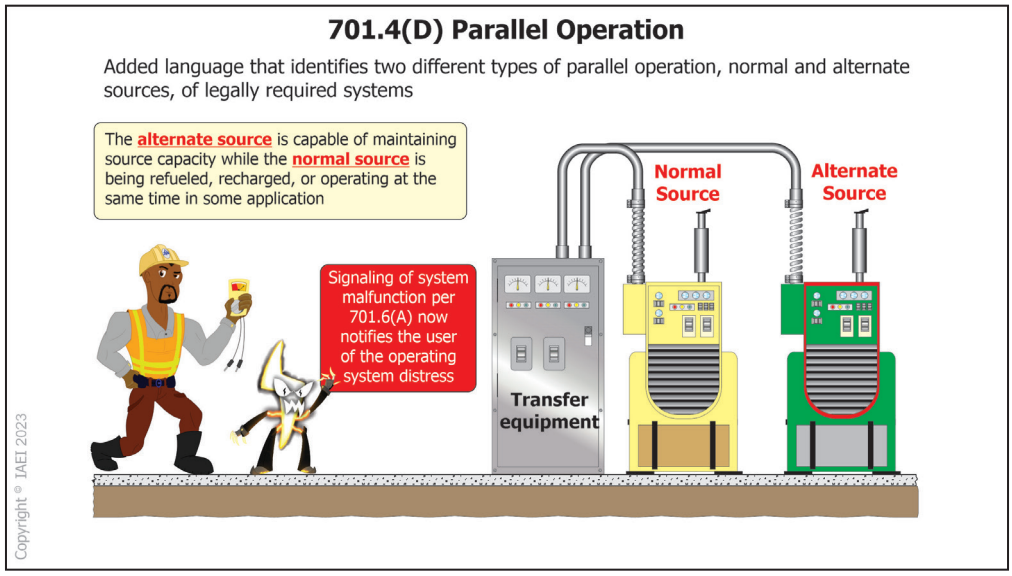
- **The change:** CMP-13 made modifications to the title of Section 701.4(C), which now simply addresses load management requirements.

- **Why it happened:** "Peak load shaving" has been removed from the title. Parallel source requirements are addressed in 701.4(D), titled *Parallel Operation*. This change was initiated by the Energy Management Task Group. This task group was directed to review all current and proposed definitions and requirements related to load management, load management system, power control system, energy management system, and related terms. This action was to ensure a coordinated approach throughout the *NEC*.

- **How this will affect the electrical industry:** This new section is being added to aid electrical professionals in more easily identifying the requirements unique to power sources used in legally required systems that can operate in parallel with a normal source.

Larry Wildermuth, Jr., CMP-13

701.4[D]
Parallel Operation



701.4(D) Parallel Operation

- **Type of change:** New

- **The change:** CMP-13 added language that now identifies the two different types of parallel operation, normal and alternate sources, of legally required systems in new Section 701.4(D).

- **Why it happened:** *Normal Source* was added at 701.4(D)(1) to provide the requirements of interconnected electric power production sources found in Article 705. These are to be maintained at all times and also comply with Part I and II of Article 705.

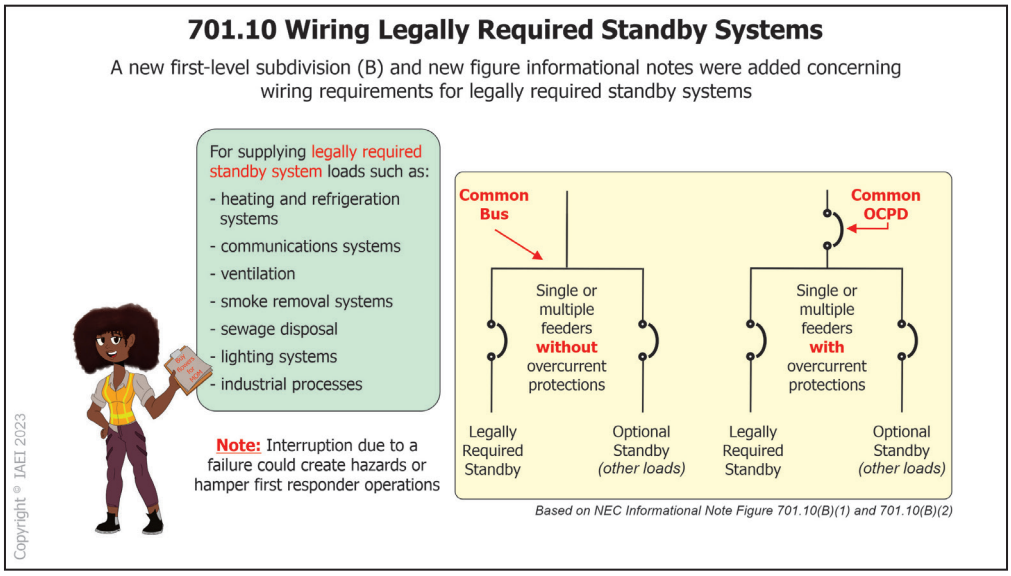
  Additionally, the signaling of system malfunction per 701.6(A) regardless of any failure within the operation of legally required standby system(s) that would compromise the capacity requirements now notifies the user of the operating system(s) distress.

  Alternate Source was added at 701.4(D)(2) for paralleling alternate sources of power that are within the requirements of legally required standby systems that are able to maintain source capacity while the other alternate source (normal source) is being refueled, recharged, or operating at the same time in some applications.

- **How this will affect the electrical industry:** The electrical installer and the inspector are provided a clear direction of which system(s) is effectively operational and any reduction of load capacity causing system(s) malfunction. The added changes ensure the required standby load is maintained at all times as well as while keeping the economy in mind, using the alternate source(s) during their most efficient or peak production times could be considered.

Larry Wildermuth, Jr., CMP-13

701.10
Wiring Legally Required Standby Systems



701.10 Wiring Legally Required Standby Systems

- **Type of change:** New

- **The change:** CMP-13 added a new first-level subdivision (B) and new figure informational notes concerning wiring requirements for legally required standby systems to Section 701.10.

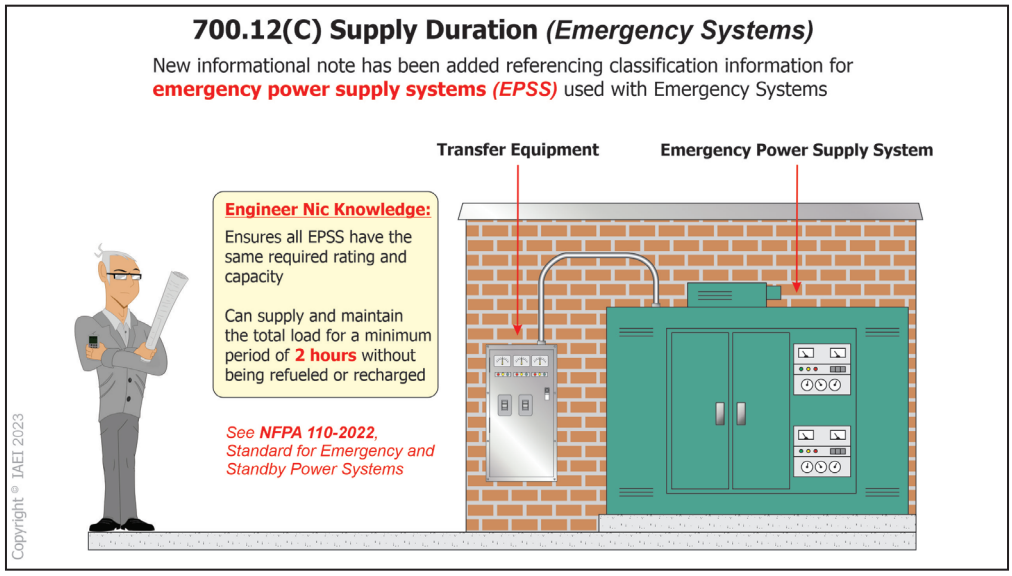
- **Why it happened:** This addition provides a correlation with 700.10(B)(5)(b). These systems are installed to supply legally required loads, such as heating and refrigeration systems, communications systems, ventilation, and smoke removal systems, sewage disposal, lighting systems, and industrial processes. If these loads are interrupted due to a failure of the normal building service, it could create hazards or hamper first responder operations. A limited level of selective coordination within electrical services where legally required systems are installed is a necessary requirement.

  Two new figure informational notes are now included to enhance understanding of these requirements when a common bus or a common overcurrent protective device is encountered in the electrical system. This involves single or multiple feeders, either with or without overcurrent protection.

- **How this will affect the electrical industry:** The electrical professional now has additional guidance and clarification for wir-ing and overcurrent protection options associated with a feeder(s) for legally required systems. Understanding these requirements is critical to the safety of these very important systems.

Steve Froemming, CMP-13

701.12(C)
Supply Duration



701.12(C) Supply Duration

- **Type of change:** New

- **The change:** CMP-13 added an informational note at Section 701.12(C) to reference classification information for emergency power supply systems (*EPSS*) used with legally required standby systems.

- **Why it happened:** A task group was formed to harmonize terminology across the *NEC*, NFPA 99, NFPA 110, and NFPA 111 concerning emergency and standby power and energy storage. The informational note was added to clarify that all Emergency and Standby Power Systems (*EPSS*) now require a minimum of not less than 2 hours of fuel for operation from the previous 1 ½ hours. This update will ensure all EPSS have the same required rating and capacity to supply and maintain the total load for a minimum period of 2 hours without being refueled or recharged. The note references NFPA 110-2022, *Standard for Emergency and Standby Power Systems*, to determine this information.

- **How this will affect the electrical industry:** This change should bring clarity to the electrical professionals for the requirements for EPSS installations with legally required standby systems. The change in the Standard for Emergency and Standby Power Systems (*EPSS*) require consistent hours of operation regardless of the type of system installed. Testing these different EPSS installations will also become consistent as required in NFPA 110.

Larry Wildermuth, Jr., CMP-13

705.11
Source Connections to a Service



705.11 Source Connections to a Service

- **Type of change:** Revision

- **The change:** Section 705.11 has been completely revised by CMP-4 and applies to systems interconnected with a new or existing utility service.

- **Why it happened:** A Correlating Committee Task Group of CMP-5, CMP-10, and CMP-4 members proposed this new language due to the CMP-10 First Draft action for a new Article 231. The proposed new Article 231 by CMP-10 was intended to cover the same material as 705.11, which is under the purview of CMP-4.

  None of the revised 705.11 language provides any new requirements. The entire section is now a restatement of existing Article 230 and Article 250 rules. The applicable rules of Articles 230 and 250 were already required in accordance with *NEC* 90.3. However, the new language did not include the previous requirement for current limiters for service tap conductors more than 10 feet in length. Deletion of the current-limiter requirement is the only effective change.

- **How this will affect the electrical industry:** This change is *intended* to provide the electrical professional with enhanced usability and clarity regarding the basic applicable requirements of *NEC* Chapters 1–4.

Pete Jackson and James J. Rogers, CMP-4

705.13
Energy Management Systems (EMS)

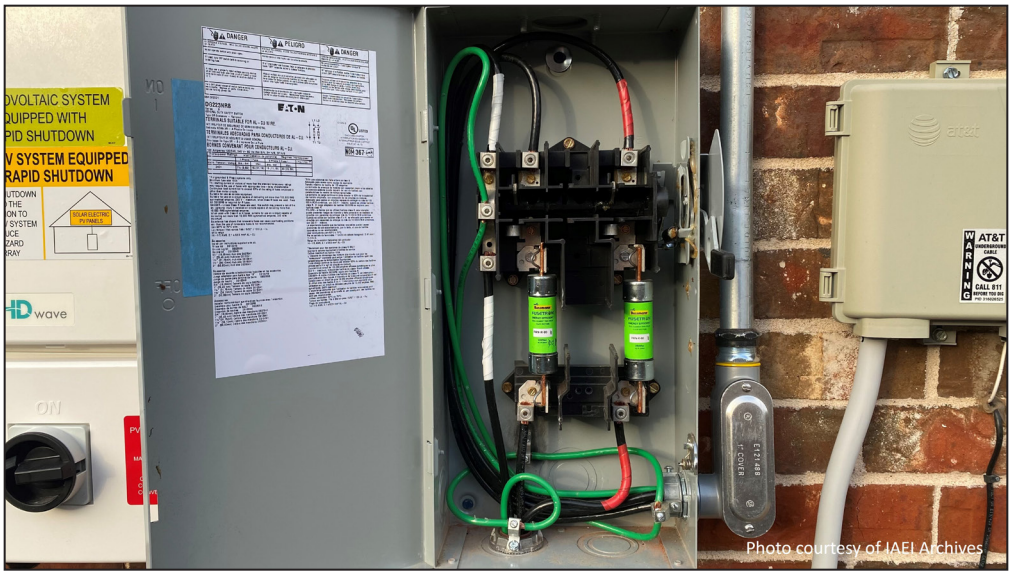


705.13 Energy Management Systems (EMS)

- **Type of change:** Relocation
- **The change:** Most of the requirements that were located in Section 705.13 have been deleted by CMP-4.
- **Why it happened:** The requirements previously located in 705.13 were relocated to Article 750 entitled *Energy Management Systems*, which is under the purview of CMP 13.
- **How this will affect the electrical industry:** This should have a positive impact on the electrical industry as the requirements are all now in one location. It should also aid in usability and greater understanding by the electrical professional concerning these requirements.

James J. Rogers, CMP-4

705.20
Source Disconnecting Means



705.20 Source Disconnecting Means

- **Type of change:** Deletion

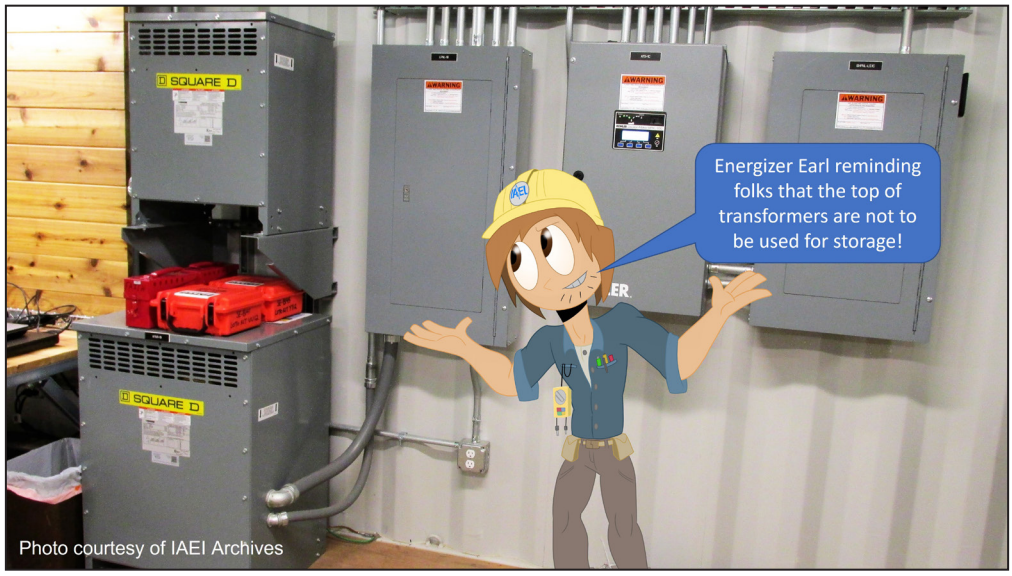
- **The change:** The requirement for enclosure covers in Section 705.20 requiring a tool to open or be locked has been deleted by CMP-4.

- **Why it happened:** This action was taken due to the language that exists at 404.30. This information is applicable throughout the *NEC* and will continue to protect unqualified people from accessing the equipment and becoming injured.

- **How this will affect the electrical industry:** This change will add clarity for the electrical professional as it will remove a redundant requirement. The information located at Section 404.30, *Switch Enclosures with Doors*, will provide the necessary information for these installations.

James J. Rogers, CMP-4

705.30(F)
Transformers



705.30(F) Transformers

- **Type of change:** New

- **The change:** New language has been added by CMP-4 at Section 705.30(F) to address transformer requirements for interconnected systems. The revised language now correlates with the transformer installation rules of Articles 240, 450, and the transformer product safety standard.

- **Why it happened:** The previous 1984 Article 690 *NEC* language incorporated to Article 705 was not intended for interconnected systems nor correlated with the applicable requirements of Article 240, Article 450, or the product safety standard. The new language defines the primary of a transformer as the side connected to the largest source of available fault-current in alignment with the product safety standard. This change was necessary to ensure that proper overcurrent protection is provided for transformer secondary conductors where sources of supply are connected to both sides. The word "Power" was removed from the title to correlate with Article 450.

- **How this will affect the electrical industry:** Clarity and consistency for identifying transformer primary and secondary circuits and resulting overcurrent protection rules in interconnected systems are simplified for designers, installers, and inspectors.

Pete Jackson, CMP-4

705.50
System Operation

A Faith Technologies and Schneider Electric renewable energies project in Wisconsin

Microgrid consisting of:
- Solar (PV)
- Natural gas generator
- Microturbine
- Fuel Cells
- Batteries

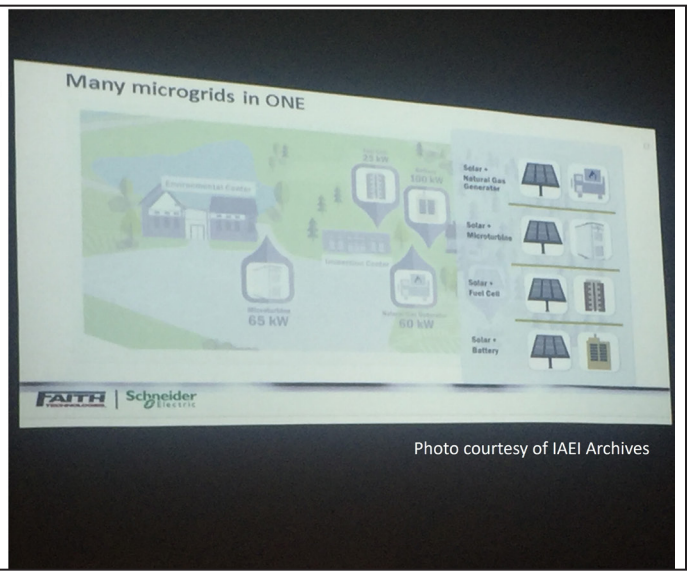


Photo courtesy of IAEI Archives

705.50 System Operation

- **Type of change:** Revision

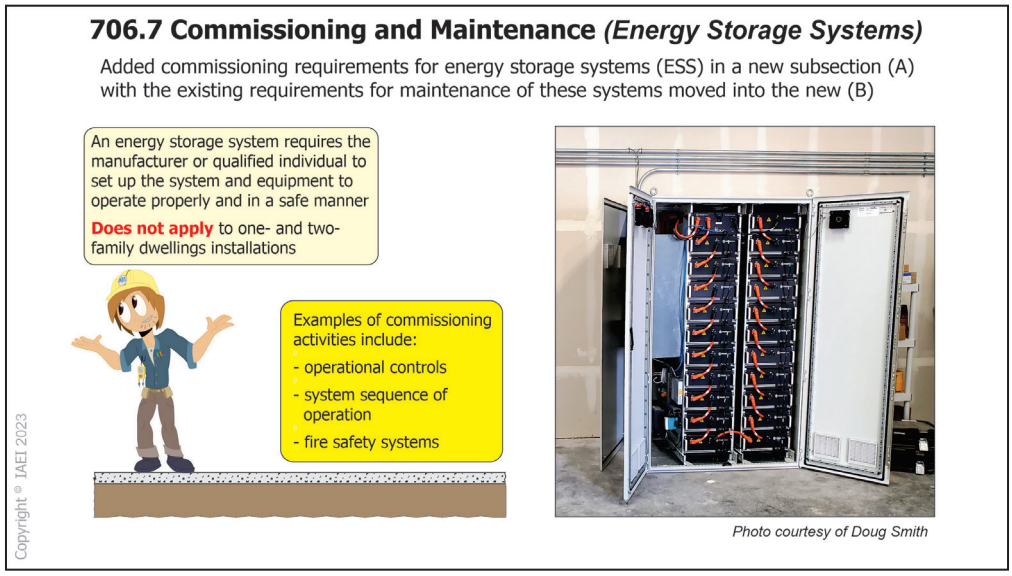
- **The change:** The language describing the operational modes of a Microgrid in Section 705.50 was rewritten by CMP-4 to clearly state that a microgrid can operate in parallel with other systems or in island mode.

- **Why it happened:** CMP-4 revised Section 705.50 to help with clarification and to make sure the language is consistent with other *NEC* sections. A new Informational Note has been added to address health care facilities that have plans for microgrid installations. They should consult Article 517, *Health Care Facilities*, and also NFPA 99, *Health Care Facilities Code*, for additional information.

- **How this will affect the electrical industry:** It will add clarity for the electrical professional to the operational functionality of a microgrid.

James J. Rogers, CMP-4

706.7
Commissioning and Maintenance (Energy Storage Systems)



706.7 Commissioning and Maintenance (Energy Storage Systems)

- **Type of change:** New

- **The change:** CMP-13 revised the existing text, adding commissioning requirements for energy storage systems in a new subdivision (A). The existing requirements for maintenance of these systems were moved into the new (B).

  Commissioning requirements have been added, which will now align with requirements found in Chapter 6 of NFPA 855-2020, *Standard for the Installation of Stationary Energy Storage Systems*.

- **Why it happened:** An energy storage system requires the manufacturer or qualified individual to set up the system and equipment to operate properly and in a safe manner. Examples of items typically covered during commissioning activities include operational controls, system sequence of operation, and fire safety systems.

  The Informational Note to (B) has been revised to comply with the NEC Style Manual. It includes references to NFPA 70B-2019, R*ecommended Practice for Electrical Equipment Maintenance*, and ANSI/NETA ATS-2017, *Standard for Acceptance Testing Specifications for Electrical Power Equipment and Systems*. These documents offer guidance on general electrical equipment maintenance and developing an effective electrical preventive maintenance (EPM) program.

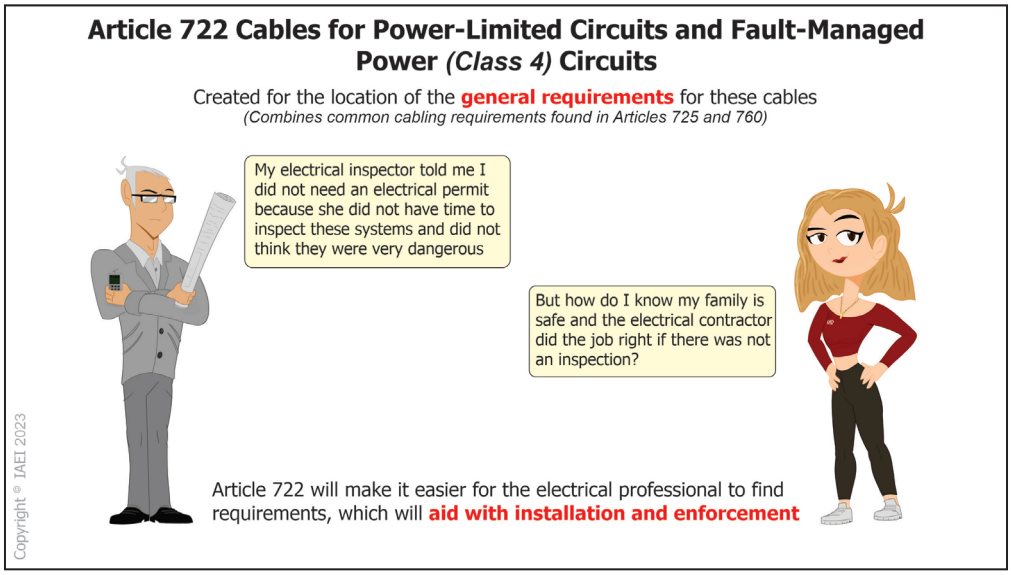
- **How this will affect the electrical industry:** These additions will require commissioning of the energy storage systems upon installation for other than one- and two-family dwellings installations. The electrical professional will need to provide necessary maintenance in

accordance with manufacturer requirements or other industry standards. It assures the energy storage system will operate properly and in a safe condition.

Steve Froemming, CMP-13

ARTICLE 722

Cables for Power-Limited Circuits, Fault-Managed Power (Class 4) Circuits



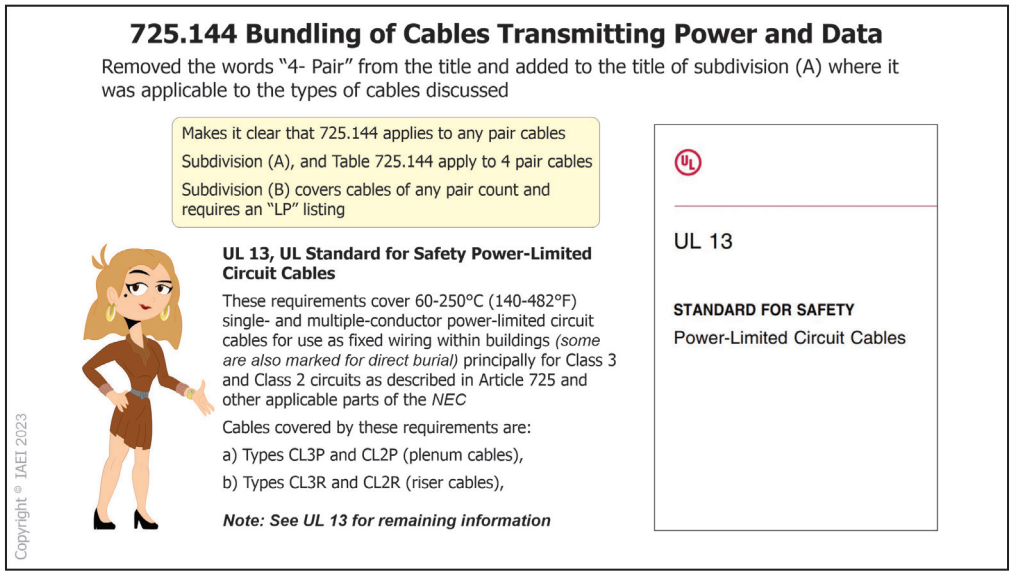
Article 722 Cables for Power-Limited Circuits, Fault-Managed Power (Class 4) Circuits

- **Type of change:** New
- **The change:** A new Article 722 was created by CMP-3 for the general requirements for cables used with power-limited circuits and fault-managed power (Class 4) circuits installations.
- **Why it happened:** Wiring requirements for these cables were located throughout Chapter 7 of the *NEC*, making it hard to find at times. With these requirements relocated to one location (the new Article 722), it is anticipated the user of the *Code* will have an easier time finding the requirements. There is a bigger vision in future editions of the *Code* for further consolidation, and this is the beginning step of a long-term journey.
- **How this will affect the electrical industry:** There are concerns that installations and inspections of work covered in Chapter 7 are not done to the level you would find for installations covered by Chapters 1-4. This change is intended to make it easier for the electrical professional to find requirements, aiding in installation and enforcement.

Tim Mikloiche, CMP-3

725.144

Bundling of Cables Transmitting Power and Data



725.144 Bundling of Cables Transmitting Power and Data

- **Type of change:** Revision

- **The change:** CMP-3 removed the words "4-Pair" from the title of Section 725.144 and added it to the title subdivision (A), where it was applicable to the types of cables discussed.

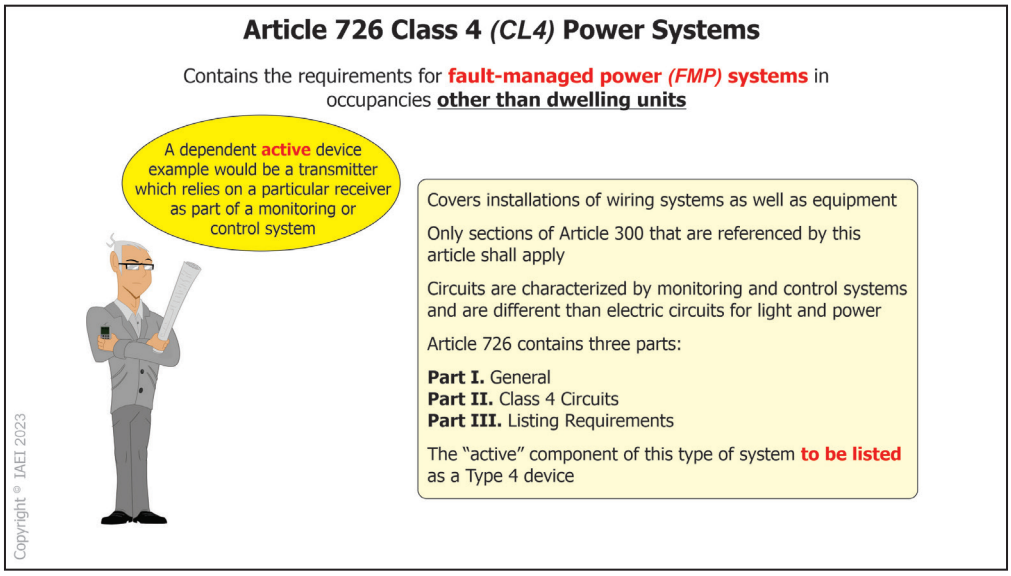
- **Why it happened:** This change clarifies that 725.144 applies to any pair of cables and that only subdivision (A) and Table 725.144 apply to 4-pair cables. Subdivision (B) covers cables of any pair count and requires an "LP" listing. See UL 13, *Standard for Safety Power-Limited Circuit Cables*, that does not limit rating to 4-pair cables.

- **How this will affect the electrical industry:** This change will help both installers and inspectors by clarifying the requirements for 4-pair cables and other cables. This change also provides a possible placeholder for future requirements concerning single-pair ethernet cables.

Tim Mikloiche, CMP-3

ARTICLE 726

Class 4 (CL4) Power Systems



Article 726 Class 4 (CL4) Power Systems

- **Type of change:** New

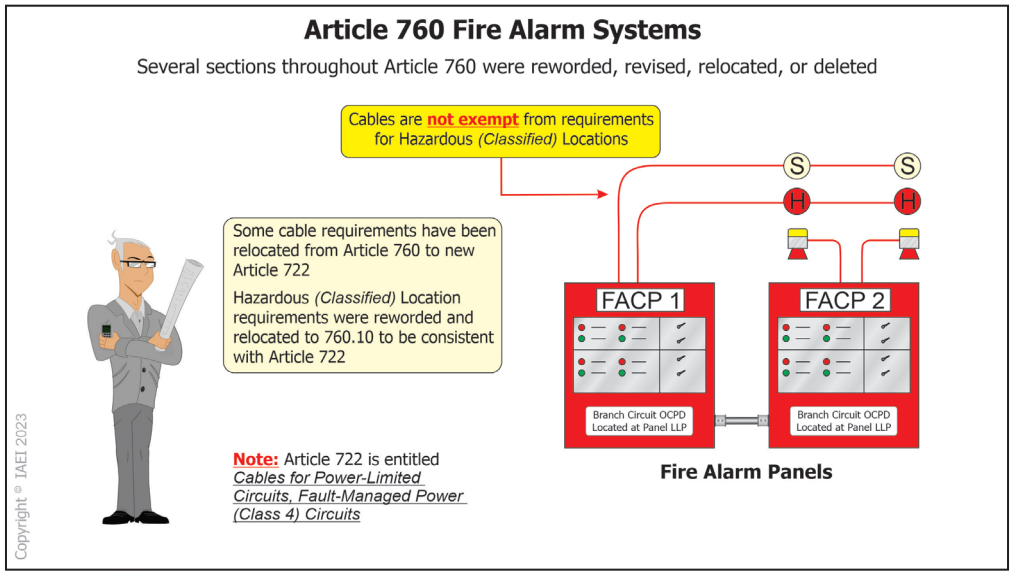
- **The change:** A new Article 726 was created by CMP-3 for fault-managed power (FMP) systems in occupancies other than dwelling units.

- **Why it happened:** There have been over 1,000 installations of "Digital Electricity" in the United States, mostly at stadiums where large numbers of people gather. A failure in this environment could be disastrous, causing needless loss of life. The code-making panel did not add requirements in the 2020 *NEC*. Instead, they undertook considerable effort to create this new article and listing standard for these systems to ensure fire and shock hazards are addressed. There was a lot of discussion on this, not on the article's creation, but on the limitation to "occupancies other than dwelling units."

- **How this will affect the electrical industry:** Class 4 systems have ground-fault circuit-interrupter (GFCI) equivalent protection (line to ground) while also introducing similar protection line to line. This allows for installations that do not require raceway systems. The higher voltage associated with this technology leads to lower current. This allow the electrical professional to install smaller conductors when compared to 120-volt AC systems. This reduces the materials required for installs, leading to a 'greener' construction project. Class 4 systems allow power in the kW range to be delivered using wiring methods more like Class 2 and Class 3 methods, other than methods found in Chapter 3. Smaller systems allow for greater floor space for the building owners to use for other purposes. A Class 4 system is envisioned to enable smart building expansion while allowing the natural integration of grid power with renewable and battery sources.

Tim Mikloiche, CMP-3

ARTICLE 760
Fire Alarm Systems



Article 760 Fire Alarm Systems

- **Type of change:** Revision / Relocation

- **The change:** Several sections throughout Article 760 were reworded, revised, relocated, or deleted by CMP-3. Hazardous (Classified) Location requirements were reworded and relocated to 760.10 to be consistent with Article 722. Some requirements applying to cables have been relocated to Article 722.

- **Why it happened:** These changes were part of the consolidation efforts towards requirements found throughout the *NEC* and moved into new Article 722. The end goal was greater useability.

- **How this will affect the electrical industry:** The new requirements at 760.12 make it clear that these specialty cables are not exempt from requirements for Hazardous (Classified) Locations. The reference to the full articles has changed to specific section references to comply with the *NEC Style Manual*.

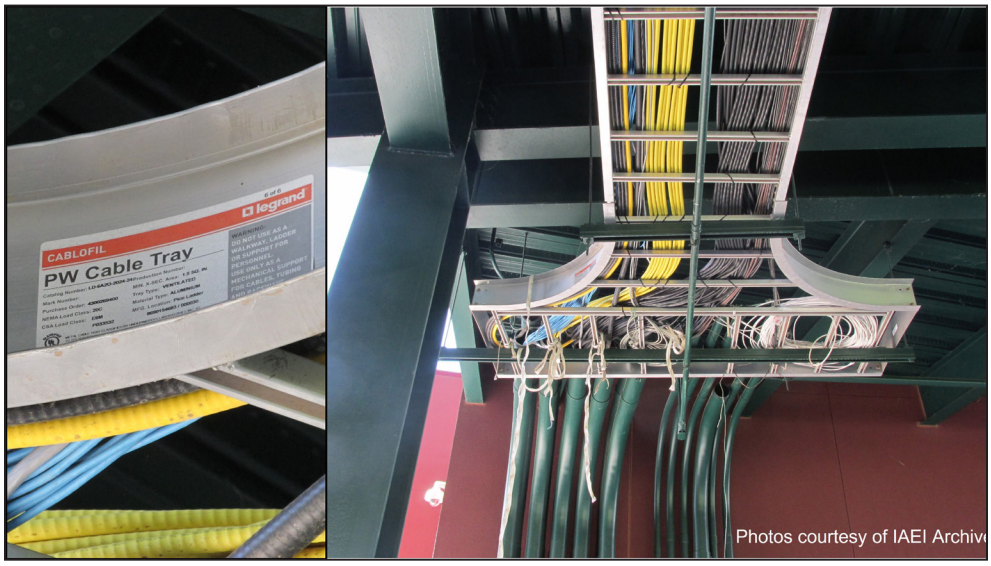
Tim Mikloiche, CMP-3

CHAPTER 8
COMMUNICATION SYSTEMS

Articles 800–840



800.179
Wires and Cables



800.179 Wires and Cables

- **Type of change:** Relocation

- **The change:** CMP-16 moved hybrid power and communications cable general requirements to Article 800 with the other communication cable types.

- **Why it happened:** This revision revises the title of 800.179 from "Communications Wires and Cables" to "Wires and Cables" to avoid confusion and also moves the listing and marking requirements to this article. This section has general listing requirements for all cables in Chapter 8.

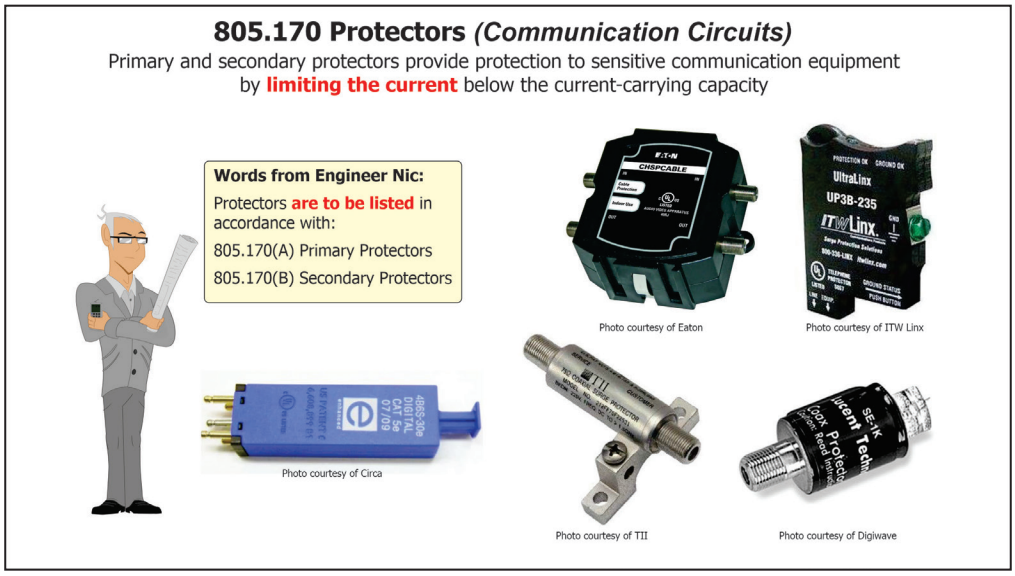
  The revised text clarifies that all wires and cables, except CATV-type cables, are required to have a minimum voltage rating of 300 volts.

- **How this will affect the electrical industry:** The changes add usability to the NEC and increase safety for electrical systems. It simplifies the listing and marking requirements for enhanced usability by the electrical professional.

Gerald O'Connor, CMP-16

805.170

Primary and Secondary Protectors.



805.170 Protectors

- **Type of change:** Relocation

- **The change:** CMP-16 moved communication equipment listing requirements to Article 800 leaving two subdivisions (A) and (B) for primary and secondary protectors.

- **Why it happened:** This section only deals with the listing of primary and secondary protectors. They are to be listed per 805.170(A) or 805.170(B). Since the equipment is no longer referenced, the title of 805.170 changed from "Equipment" to "Protectors."

  These items (*primary and secondary protectors*) provide protection to sensitive communication equipment by limiting the current below the current-carrying capacity. Listing is an important part of assuring these items can provide this protection.

  ANSI/UL 497-2017, *Standard for Protectors for Paired Conductor Communications Circuits*, contains information for listed primary protectors while ANSI/UL 497A-2019, *Standard for Secondary Protectors for Communications Circuits*, provides information for listed secondary protectors.

- **How this will affect the electrical industry:** These changes will assist users of the *Code* by specifying these protective devices to be listed. It will help assure the safety of communication systems.

Gerald O'Connor, CMP-16

840.160
Powering Circuits



840.160 Powering Circuits

- **Type of change:** Revision
- **The change:** CMP-16 changed the reference from Section 725.154(A) to Section 722.135(E) as cable substitution, and installation requirements are now in Article 722.
- **Why it happened:** Listing requirements for communications cables were moved to Article 800 (previously in Article 805). This modification resulted in the reference to 805.179 for listed communications cables to be incorrect. This change deletes this reference.
- **How this will affect the electrical industry:** This revision makes Chapter 8 more user-friendly and helps avoid confusion while also moving the listing and marking requirements to Article 800. This section has general listing requirements for all cables referenced in Chapter 8.

Gerald O'Connor, CMP-16

CHAPTER 9
TABLES

Table 13



CHAPTER 9 TABLE 13

Equipment Suitable for Hazardous (Classified) Locations



Chapter 9 Table 13 Equipment Suitable for Hazardous (Classified) Locations

- **Type of change:** New

- **The change:** CMP-14 has created a new Table 13 in Chapter 9 entitled Equipment Suitable for Hazardous (*Classified*) Locations. The text was deleted at 505.9(C)(2)(4) referencing Table 505.9 (C)(2)(4) with new text added to reference Chapter 9 Table 13.

- **Why it happened:** The requirements at 505.9(C)(2)(4) discuss zone equipment marking requirements. The new Table 13 in Chapter 9 provides a complete list of the types of protection for hazardous (*classified*) locations and improves the readability of 505.9(C)(2)(4). CMP-14 determined that this new table was a vast improvement over the previous Table 505.9(C)(2)(4).

- **How this will affect the electrical industry:** This will assist the electrical industry by providing an improved list of equipment suitability for various locations. The new table and revisions will assist the designer, contractors, and the AHJ verify compliance with code and the manufacturer's listing of the equipment that will be installed in a hazardous (*classified*) location for both zone and other classified locations.

Haywood C. Kines, CMP-14

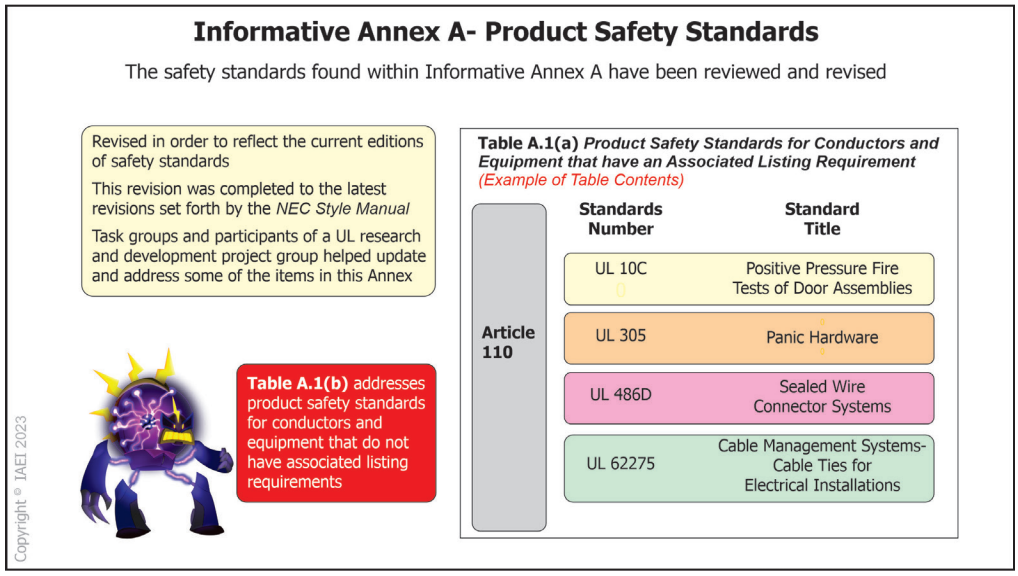
SUPPLEMENTS

ANNEX A AND ANNEX E



ANNEX A

Product Safety Standards



Informative Annex A Product Safety Standards

- **Type of change:** Revision / New

- **The change:** CMP-1 received substantiation to review and revise the safety standards found within Informative Annex. A new Table A.1(b) has also been developed and added to this Annex.

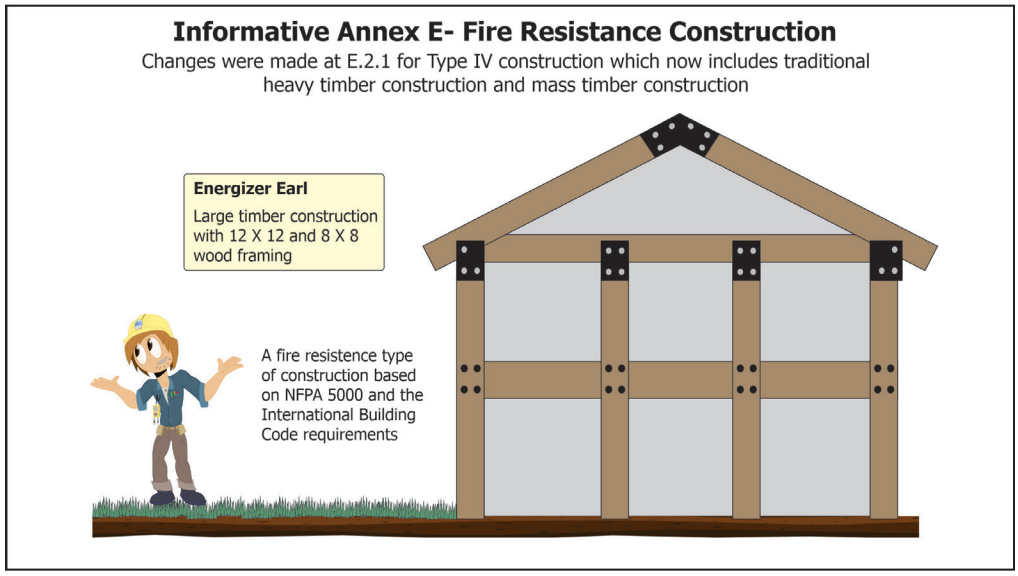
- **Why it happened:** The existing Informative Annex A was revised in order to reflect the current editions of safety standards. This was done to the latest revisions set forth by the *NEC Style Manual*. Task groups and participants of a UL research and development project group helped update and address some of the items in this Annex. In addition, new Table A.1(B) addresses product safety standards for conductors and equipment that do not have associated listing requirements.

- **How this will affect the electrical industry:** Finding information quickly is important to the electrical professional as to applying the requirements of the *NEC*. These revisions and the addition of the new table allow the *Code* user to utilize Annex A with better clarity. This is an effort to increase access to relevant product and safety standards, thus increasing electrical safety.

Greg Chontow, CMP-1

ANNEX E

Fire Resistance Construction



Annex E Fire Resistance Construction

- **Type of change:** New

- **The change:** CMP-6 received substantiation to make changes at E.2.1 for Type IV construction which now includes traditional heavy timber construction and mass timber construction.

- **Why it happened:** A Correlating Committee Task Group was asked to review Annex E for correlation with NFPA 5000, *Building Construction and Safety Code*, and the International Building Code (IBC 2018) concerning the various construction types. It was discovered that the description of Type IV covering fire resistance construction types is no longer accurate, as it does not discuss mass timber construction. These new changes provide alignment with the Model Building Codes.

- **How this will affect the electrical industry:** Changes were required to address the addition of mass timber buildings to Type IV construction in the model building codes.

Susan Newman-Scearce, CMP-6



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NEMA congratulates all the volunteers and thanks the NFPA staff who helped develop the 2023 NEC®.

Congratulations on a job well done!

For continued support and guidance on the significant improvements to the **2023 NEC®**, please don't hesitate to contact one of the **NEMA Technical Field Representatives**:



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Bryan Holland
972.358.0543
Bryan.Holland@nema.org



Northeast Region
Jack Lyons
413.695.2869
Jack.Lyons@nema.org



Midwest Region
Tim McClintock
330.749.9782
Tim.McClintock@nema.org

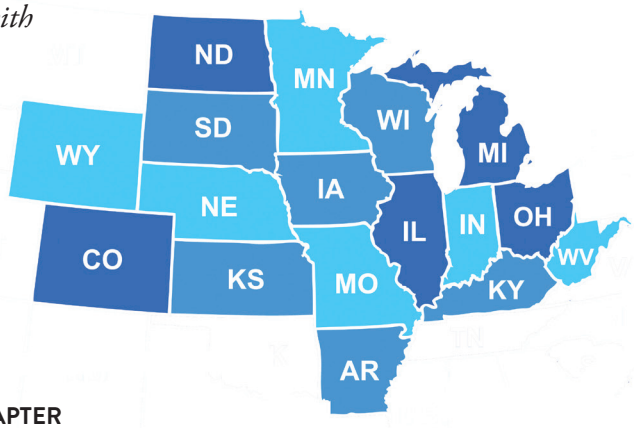


West Coast Region
Mike Stone,
707.495.8424
Mike.Stone@nema.org

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Rocky Mountain Chapter
Northeast Division of the Rocky Mountain Chapter

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South Dakota Chapter

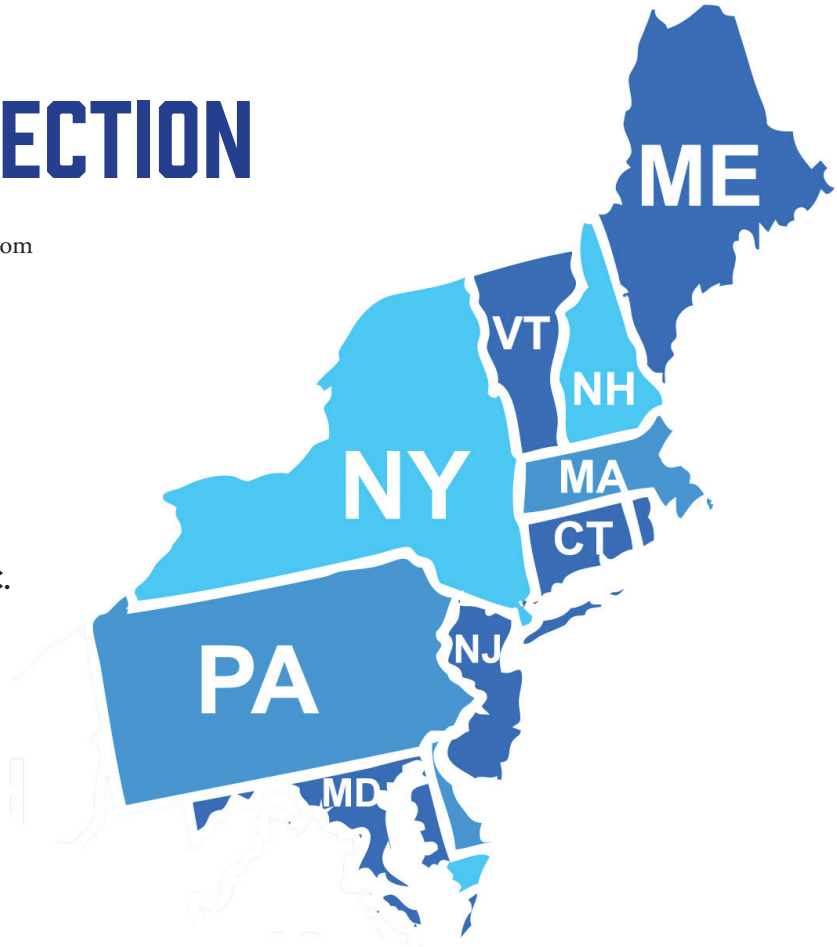
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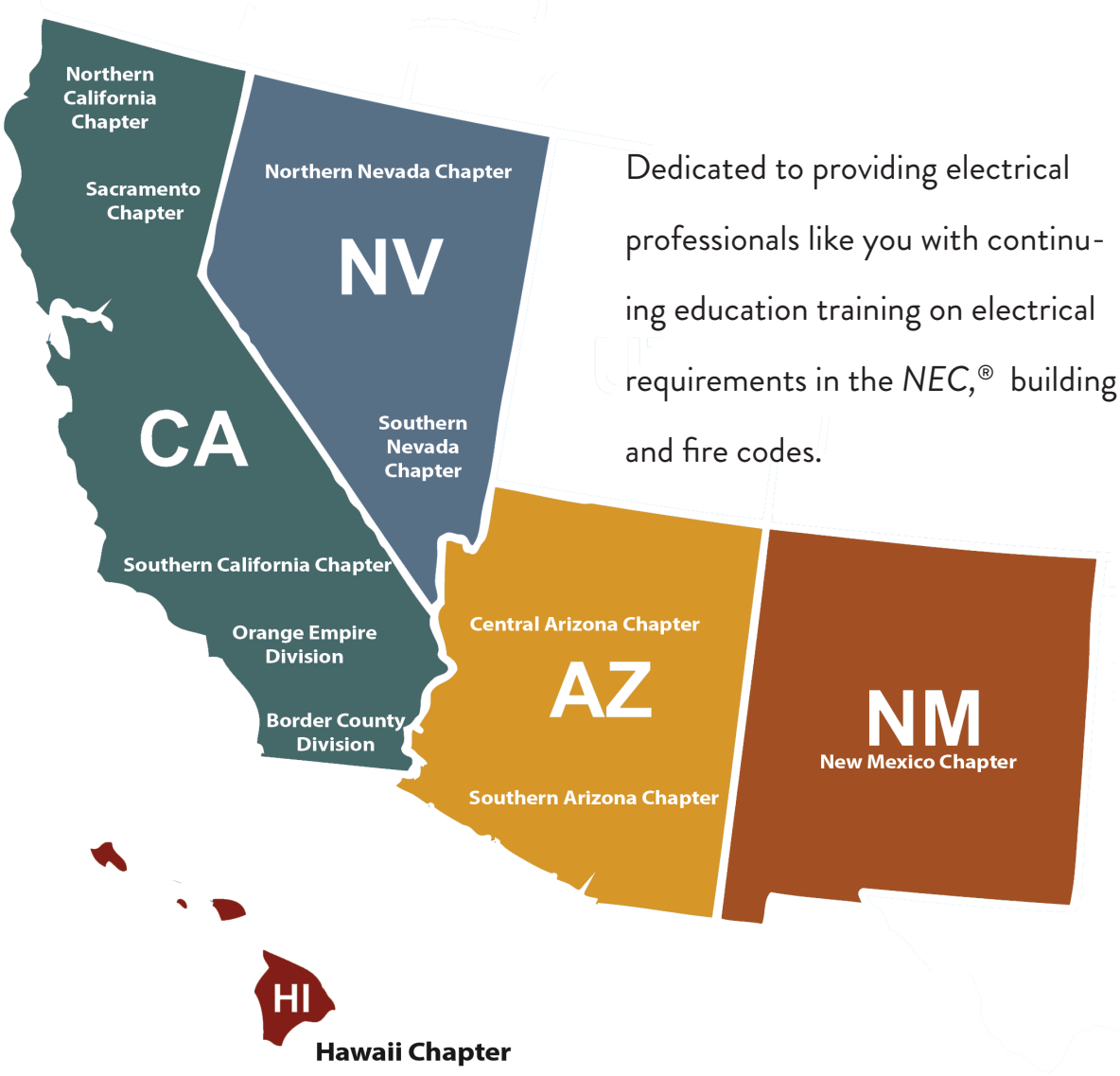
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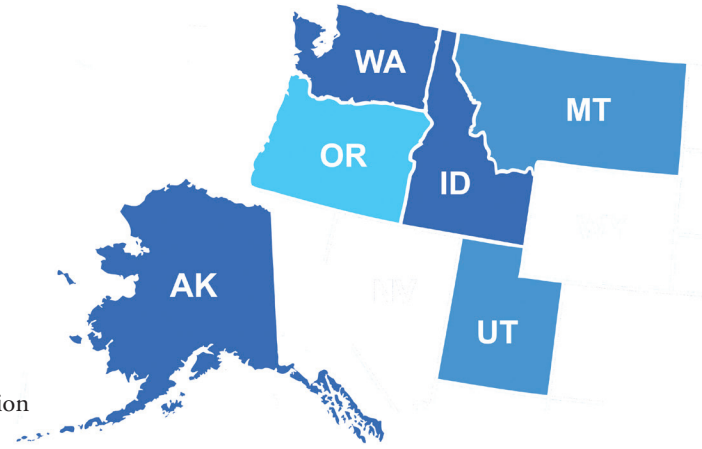
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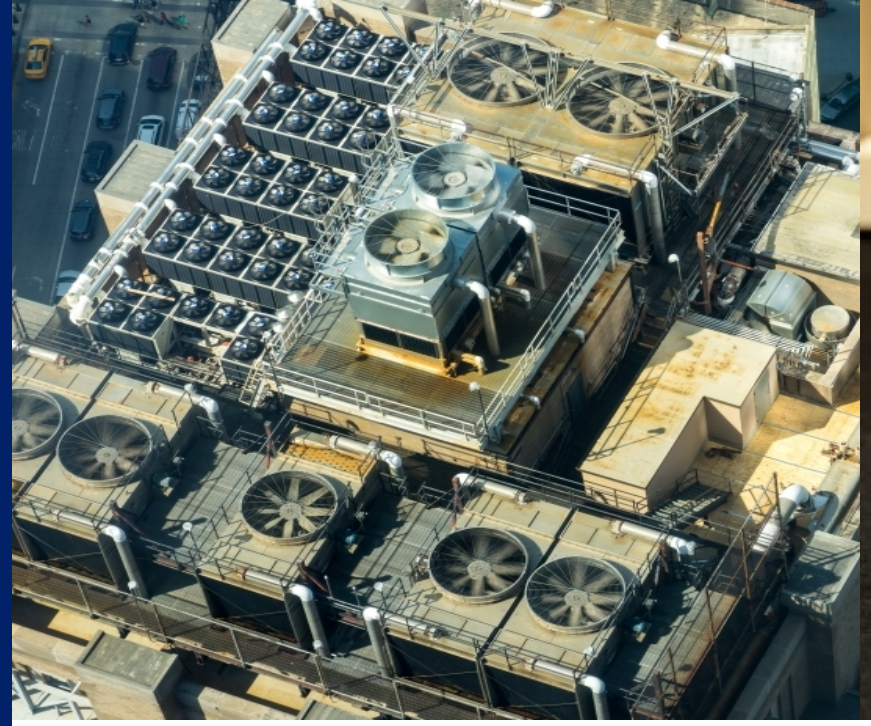
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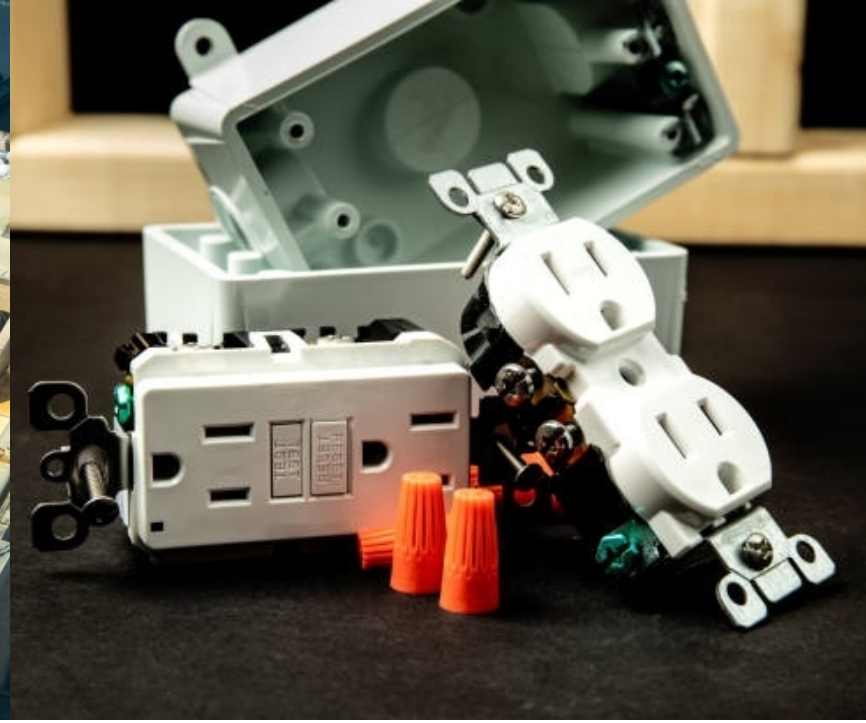
2023 National Electrical Code Adoption

Brian McBroom



Key Points





- Minor updates to the Electrical Code
  - Keeps code on 3-year update cycle & maintains consistency with other area communities
  - Most significant changes are more GFCI outlets in kitchens and a required emergency disconnect for dwelling electrical service for all new dwellings with only a nominal increase in total cost (approx. $200 on a typical single-family home)
  - Full code is 900 pages – link for online access sent in September 1st City Manager Update



Brian McBroom

Brian.McBroom@Greeleygov.com

970-350-9786

Thank you



CITY OF GREELEY, COLORADO
ORDINANCE NO. 37, 2023

AN ORDINANCE AMENDING PORTIONS OF THE GREELEY MUNICIPAL CODE TITLE 22, CHAPTER 11, ELECTRICAL CODE, AS IT RELATES TO ADOPTING THE 2023 EDITION OF THE NATIONAL ELECTRICAL CODE

WHEREAS, the City Council of the City of Greeley is charged with the responsibility of providing for the health, safety, and welfare of its residents; and

WHEREAS, the adoption of minimum electrical code standards is one method of providing for the protection of residents of the city; and

WHEREAS, the City of Greeley has previously adopted various versions of the National Electrical Code, the most recent being the 2020 National Electrical Code, with local amendments included; and

WHEREAS, it becomes necessary to update the Greeley Municipal Code from time to time to adopt the most recent publication of the National Electrical Code and the 2023 National Electrical Code has been published and is the most recent edition; and

WHEREAS, the Building Inspection Department recommends amending the code, as shown in Appendix A, to adopt the 2023 National Electrical Code with local amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. That Chapter 11, Electrical Code, of Title 22, Buildings and Construction shall be amended as shown on Appendix A, attached hereto and incorporated herein.

Section 2. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS 19th DAY OF September 2023.

ATTEST

CITY OF GREELEY INCORPORATED SEAL APRIL 6th, A.D. 1886 WELD COUNTY, COLORADO

THE CITY OF GREELEY, COLORADO

By: City Clerk

By: Mayor

APPENDIX A
ORDINANCE AMENDING TITLE 22, CHAPTER 11
GREELEY MUNICIPAL CODE

Section 1. Chapter 11, Electrical Code, of Title 22, Buildings and Construction shall be amended to read as follows:

Sec. 22-377. National Electrical Code adopted.

The, National Electrical Code©, ~~2020~~ 2023 Edition, referred to in this chapter as this Code or the NEC©, is hereby adopted by reference by the city of Greeley. The National Electrical Code© is published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02269 and is referenced as NFPA 70. The city finds that The National Electrical Code© provides for the minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of electrical systems. To ensure the safety of the public, this code is to be enforced as published or as amended in this chapter. Enforcement and administrative procedures are also established in this chapter.

Sec. 22-378. Amendments, deletions, and additions designated.

NEC© articles 90.8(A), 110.14(A), 110.14(B), 210.11(C)(3), 210.52(G), 230.70(A)(1), ~~230.70(A)(1)~~, 250.118, 334.10, 344.10(B), 348.60, 350.60, and 408.4 of the National Electrical Code© are hereby amended; Annex H of the NEC© is hereby deleted; and articles 210.52(J), 210.52(K), and 210.52(L) are added as set out in sections 16.32.080 through 16.32.091.

~~Sec. 22-379. Article 90.8(A) amended; future expansion and convenience.~~

~~Article 90.8(A) of the NEC©, adopted at section 22-377, is amended to read as follows:~~

~~90.8 Wiring planning.~~

~~a. Future expansion and convenience. Plans and specifications that provide ample space in raceways, spare raceways, and additional spaces allow for future increases in electric power and communication circuits. Distribution centers located in readily accessible locations provide convenience and safety of operation.~~

~~b. Provisions shall be provided in the initial electrical installations to allow for future additional loads, feeders and branch circuits. A minimum of three, full size breaker spaces shall be provided in each panelboard at the time of final inspection. In addition, a minimum of a one inch spare conduit or adequate pull wire provision shall be provided from each flush mounted panelboard into the attic space and also into the basement or crawl space for future use.~~

~~c. Number of circuits in enclosures. It is elsewhere provided in this Code that the number of wires and circuits confined in a single enclosure be varyingly restricted. Limiting the number of circuits in a single enclosure minimizes the effects from a short circuit or ground fault.~~

~~Sec. 22-383. Article 210.52(G) amended; basements, garages, and accessory buildings.~~

~~Article 210.52(G) of the NEC© , adopted at section 22-377, is amended to read as follows:~~

~~210.52(G) Basements, garages, and accessory buildings. For a one-family dwelling, at least one receptacle outlet shall be installed, in the areas specified in 210.52(G)(1) through (3). These receptacles shall be in addition to receptacles required for specific equipment.~~

~~a. Garages. In each attached garage, and in each detached garage with electric power. The receptacle outlet shall be at least 450 mm (18 inches) of this section and no more than 1.7 [meters] (5½ feet) of this section the garage floor. All openings for receptacles, luminaires, heating, refrigeration, and motor loads shall be a minimum of 450 mm (18 inches) of this section the floor. At least one receptacle outlet shall be installed for each vehicle bay.~~

~~b. Accessory buildings. In each accessory building with electric power.~~

~~c. Basements. In each separate unfinished portion of a basement, or where a portion of the basement is finished into one or more habitable rooms, each separate unfinished portion, in addition to those for specific equipment.~~

~~1. In new construction and remodels, if all or any part of the walls of an unfinished basement are framed, the electrical receptacle outlets as required by NEC© 210.52, and switch and luminaire outlets as required by NEC© 210.70 shall be installed.~~

~~2. If the walls, floors and ceilings will not be finished, the outlet devices are not required to be installed, however, the outlet boxes shall have blank cover plates installed on them prior to final inspection approval.~~

~~3. If receptacle outlets are installed, they shall have GFCI protection for personnel, if floor covering is not installed at the time of final inspection.~~

~~Sec. 22-386. Article 230.70(A)(1) amended; readily accessible location.~~

~~Article 230.70(A)(1) of the NEC©, adopted at section 22-377, is amended to read as follows:~~

~~230.70(A)(1) Readily accessible location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure or inside nearest the point of entrance of the service conductors.~~

~~For a one- and two-family dwelling, the service disconnecting means shall be located on the exterior of the structure adjacent to or combined with the utility meter enclosure, and as required by article 230.85.~~

Council Agenda Summary

September 19, 2023
Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Appointments to Boards & Commissions

Summary:

Council appointment is needed to the above-mentioned Boards and Commissions due to vacancies and term expirations. City staff continues to actively recruit to fill all other vacant positions.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	No

Legal Issues:

The City Attorney's Office reviewed the applications and advised of potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply recuses themselves from that particular item. Such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Other issues and Considerations:

None.

Strategic Focus Area:

Community Vitality

Decision Options:

1) Appoint or reappoint the individuals to serve on an applicable board or commission
2) Direct staff to re-advertise applicable vacancy

Council's Recommended Action:

No motion is necessary. The City Council's Policies and Protocol authorize appointment of Board and

Commission members by written ballot, which can be used in lieu of a motion or voice vote for individual or multiple appointments. This policy was adopted by Council as a time-savings measure. Accordingly, a ballot is attached for Council's use in making appointments. Candidates receiving a majority vote (at least 4 votes) are appointed with no further action needed by Council.

Attachments:

1. B&C September Transmittal Summary
2. Sample Ballot

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Boards & Commissions Transmittal

September 11, 2023
Key Staff Contact: Allie Powell, Senior Assistant City Clerk, 350-9746

Interview Date	*Council Interview Team*	*Council Appointment Date*
September 14, 2023	Councilmembers DeBoutez & Clark	September 19, 2023

Boards and Commissions Being Interviewed

- **Commission on Disabilities**
- **Golf Course Advisory Board**
- **Housing Authority**
- **Human Relations Commission**
- **Planning Commission**

Council's Recruitment and Qualifications Policy

General recruitment efforts shall be made with special measures being taken to balance ward representation and attract minority and special population applicants. Generally, volunteers will be limited to serving on one board or commission at a time. (14.2. (c)(2) City Council, Policies and Protocol)

Demographic information of existing board members and any specialty requirements are contained within the attached Membership Rosters.

Legal Issues

The City Attorney's Office reviewed the applications and the attached memorandum addresses any potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Applicable Council Goal or Objective

Infrastructure & Growth – Establish the capital & human infrastructure to support & maintain a safe, competitive, appealing, and dynamic community.

Decision Options

1. Recommend candidates for appointment; or
2. Direct staff to re-advertise applicable vacancy.

Attachments

1. Interview Schedule
2. Conflict Memorandum from City Attorney's Office
3. Sample Ballot
4. Membership Rosters from above mentioned Boards and Commissions
5. Applications of those being considered for interview and/or considered for appointment

Transmittal reviewed by: RCL DS Raymond Lee, City Manager HL DS Heidi Leatherwood, City Clerk

City of Greeley
Boards & Commissions
Appointment Ballot
September 19, 2023

Applicants for the boards and/or commissions listed below are in alphabetical order and recommendations from the interview team are shown in bold.

********** BALLOT **********

Commission on Disabilities
2 Positions: 3 Year Term
____ Raymond Hitchcock
____ (Recruit for Additional Applicants)

Golf Course Advisory Board
1 Position: 3 Year Term
____ Richard Furlong
____ (Recruit for Additional Applicants)

Housing Authority
1 Position: 3 Year Term
____ Julie Lewis
____ Shawn Walcott
____ (Recruit for Additional Applicants)

Human Relations Commission
1 Position: 3 Year Term
____ Kimber Watson
____ (Recruit for Additional Applicants)

Planning Commission
2 Positions: 3 Year Term
____ Anthony McCune
____ Jeffrey Carlson (I)
____ Justin Yeater (I)
____ (Recruit for Additional Applicants)

(I) = Incumbent

Council Agenda Summary

Title:

Scheduling of Meetings, Other Events

Summary:

During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Planning Calendar and Schedule for City Council Meetings and Work Sessions and make any necessary changes regarding any upcoming meetings or events.

Attachments:

Council Events Calendar
Council Meeting and Work Session Schedule/Planning Calendar
Status of Initiatives

September 18, 2023 - September 24, 2023

September 2023

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October 2023

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Monday, September 18

Tuesday, September 19

11:00am - 11:30am Ribbon Cutting Al Frank Memorial Plaza-Colorado Railroad Museum (Colorado Model Railroad Museum (680 10th St, Greeley, CO 80631)) - Council Master Calendar

6:00pm - City Council Meeting (R_CCS_Council Chambers - WiFi Ready; R_CCS_Council Chambers Overflow Room 103) - Council Master Calendar

Wednesday, September 20

7:30am - Visit Greeley (Butler) (902 7th Ave Greeley)

2:00pm - 5:00pm Water & Sewer Board (Gates)

3:00pm - 3:30pm Greeley PD Promotion and Swearing in Ceremony (Greeley Police Department; - Kent Donahue Room) - Council Master Calendar

Thursday, September 21

7:30am - 8:30am Downtown Development Authority (DeBoutez/Butler) (802 9th St #100, Greeley, CO 80631)

3:30pm - 4:30pm Airport Authority (Clark/Payton)

Friday, September 22

Saturday, September 23

Sunday, September 24

September 25, 2023 - October 1, 2023

September 2023

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October 2023

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Monday, September 25

11:30am - 12:30pm Greeley Chamber of Commerce (Hall)

6:00pm - 7:00pm Youth Commission (Clark)

Tuesday, September 26

6:00pm - City Council Work Session Meeting (R_CCS_Council Chambers - WiFi Ready) - Council Master Calendar

Wednesday, September 27

7:00am - 8:00am Upstate Colorado Economic Development (Gates/Hall) (Upstate Colorado Conference Room) - Council Master Calendar

8:00am - 8:30am NOCO Trade Mission (Boise (Boise, Idaho)) - Council Master Calendar

3:00pm - 4:00pm Greeley Police Department Retirement Ceremony

4:00pm - 7:30pm 2023 CML Fall District Meeting (Rialto Theater Center; Devereaux Room) - Council Master Calendar

Thursday, September 28

8:00am - 8:30am NOCO Trade Mission (Boise (Boise, Idaho)) - Council Master Calendar

Friday, September 29

8:00am - 8:30am NOCO Trade Mission (Boise (Boise, Idaho)) - Council Master Calendar

Saturday, September 30

Sunday, October 1

October 2, 2023 - October 8, 2023

October 2023

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November 2023

Su	Mo	Tu	We	Th	Fr	Sa
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Monday, October 2

Tuesday, October 3

6:00pm - 6:30pm City Council Meeting (R_CCS_Council Chambers - WiFi Ready; R_CCS_Council Chambers Overflow Room 103) - Council Master Calendar

Wednesday, October 4

Thursday, October 5

7:30am - Poudre River Trail (Hall)

3:30pm - IG Adv. Board (Butler)

6:00pm - 8:30pm North Front Range MPO Meeting (Olson/Payton)

Friday, October 6

10:00am - 10:30am Nitrification Phase 2 Ribbon Cutting (City of Greeley Wastewater Treatment & Reclamation Facility 300 E. 8th Street, Greeley, CO 80631) - Council Master Calendar

Saturday, October 7

Sunday, October 8

October 9, 2023 - October 15, 2023

October 2023

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November 2023

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Monday, October 9

Tuesday, October 10

6:00pm - City Council Work Session Meeting (R_CCS_Council Chambers - WiFi Ready) - Council Master Calendar

Wednesday, October 11

Thursday, October 12

6:30pm - 8:00pm Highway 85 Coalition/Mayors Bullseye Meeting (Changes with each meeting) - Council Master Calendar

Friday, October 13

10:00am - 5:00pm HOLD- Council and Economic Development Orientation and Tour (TBD- Tour) - Council Master Calendar

Saturday, October 14

Sunday, October 15

City Council Meeting Scheduling 2023

	9/12/2023		
	This schedule is subject to change		
Date/Type	**Description**	**Sponsor**	**Placement/Time**
September 05, 2023 Council Meeting	Proclamation 1 -Colorado GRIT Day	Mayor	Intro
	Proclamation 2 - Suicide Awareness and Prevention Month	Mayor	Intro
	Proclamation 3 - Sunrise Community Health 50th Anniversary (Deb DeBoutez)	Mayor	Intro
	Proclamation 4 - Assistance League of Greeley 50th Anniversary	Mayor	Intro
	Minutes Approval (Aug 8 Work Session; Aug 15 Council meeting)	Heidi Leatherwood	Consent
	Resolution for the USDOT SMART Agreement	Bhooshan Karnik	Consent
	Intro & 1st Rdg Ord- Wake Annexation #1	Brian McBroom	Consent
	Intro & 1st Rdg Ord- Wake Annexation #2	Brian McBroom	Consent
	Intro & 1st Rdg Ord- Wake Annexation #3	Brian McBroom	Consent
	Intro & 1st Rdg Ord- Wake Zoning	Brian McBroom	Consent
	PH & 2nd Rdg Ord- Schneider Annexation	Caleb Jackson	Regular
	PH & 2nd Rdg Ord - Appropriation #4	John Dargle	Regular
	PH & 2nd Rdg Ord - Amendment to GMC re Shared Micromobility	Paul Trombino	Regular
September 12, 2023 Council Work Session	Planning Commission Interviews (3)	Heidi Leatherwood	WS
	Performance and Analytics Overview 2024	Kim Priddy/Kelli Johnson	WS
	2024 Proposed Budget	Rodney Rhodes/Robert Miller	WS
	Concept Planning Update 9th/10th Streets Project and 8th Avenue Concept Planning Process	Paul Trombino	WS
September 19, 2023 Council Meeting	Proclamation - National Public Lands Day	Mayor	Intro
	Minutes Approval (Aug 22 Work Session; Sept 5 Council meeting)	Heidi Leatherwood	Consent
	Intro& 1st Rdg Ord- Mountain Vista PUD	Brian McBroom	Consent
	Intro & 1st Rdg Ord- Boomerang Self Storage PUD	Brian McBroom	Consent
	Intro & 1st Rdg Ord - 257 Spur PUD	Brian McBroom	Consent
	Intro & 1st Rdg Ord - Amending Boundaries - Greeley DDA	Brian McBroom	Consent
	PH & 2nd Rdg - Amendments for Electrical Code	Brian McBroom	Regular
	PH & 2nd Rdg- Wake Annexation #1	Brian McBroom	Regular
	PH & 2nd Rdg- Wake Annexation #2	Brian McBroom	Regular
	PH & 2nd Rdg- Wake Annexation #3	Brian McBroom	Regular
	PH & 2nd Rdg- Wake Zoning	Brian McBroom	Regular
	PH & Resolution - Wake P&R District	Brian McBroom	Regular
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
September 26, 2023 Council Work Session	Poudre River Ranch	Paul Trombino	WS
	2024 Proposed Budget Presentation Q&A (If needed)	Rodney Rhoades/Robert Miller	WS
	Capital Improvement Plan Presentation	Diana Frick	WS
	American Rescue Plan Act (ARPA)	Ashley Weesner/Robert Miller	WS
	Annual Action Plan for Program Year 2024 for Community Development Block Grant and HOME Investment Partnership Program Grant with Recommended Budgets	Juliana Kitten	WS
	Executive Session (Tentative)	?	WS

City Council Meeting Scheduling 2023

	9/12/2023		
	This schedule is subject to change		
Date/Type	**Description**	**Sponsor**	**Placement/Time**
October 03, 2023 Council Meeting	Proclamation - Domestic Violence Awareness (Diana Heldt - Exec. Dir. - A Woman's Place)	Mayor	Intro
	Proclamation - UNC 100th Anniversary Homecoming	Mayor	Intro
	Fall Update - UNC President Feinstein		Intro
	Minutes Approval (Sept 12 Work Session; Sept 19 Council meeting)	Heidi Leatherwood	Consent
	2023 Maplewood Concrete Rehabilitation Change Order	Paul Trombino	Consent
	Broadview Acres Trail - Hawk Signal Change Order	Paul Trombino	Consent
	Intro & 1st Rdg Ord - Schneider Farms PUD	Don Threewitt	Consent
	Intro & 1st Rdg Ord - 2023 Additional Appropriation	Finance - TBD	Consent
	PH, Intro & 1st Rdg Ord - 2024 Budget Adoption	Robert Miller	Regular
	Intro & 1st Rdg Ord - 2024 Pay Plan	Robert Miller	Consent
	PH, and consideration of the Annual Action Plan for Program Year 2024 for Community Development Block Grant and Home Investment Partnership Program Grant with Recommended Budgets	Juliana Kitten	Regular
	PH & 2nd Rdg - Mountain Vista PUD	Don Threewitt	Regular
	PH & 2nd Rdg - Amending Boundaries - Greeley DDA	Don Threewitt	Regular
October 10, 2023 Council Work Session	2024 Proposed Budget Presentation Q&A (If needed)	Rodney Rhoades/Robert Miller	WS
	Transformational Homelessness Response Grant	Julianan Kitten	WS
	Proposition HH - Overview (Changes to property Tax Law)	Staycie Coons	WS
	Proposition 123 - Overview (Affordable Housing)	Ashley Weesner/Juliana Kitten	WS
October 17, 2023 Council Meeting	Proclamation - Native American Heritage Month (for November)	Mayor	Intro
	GIS Day (Tentative)	Mayor	Intro
	Minutes Approval (9/26/23 Work session; 10/3/23 Council meeting)	Heidi Leatherwood	Consent
	Motion to call a spec meeting on Nov 28 to swear in new Council and reassign Dec 19 as a Council Meeting	Heidi Leatherwood	Consent
	Transformational Homelessness Response Grant	Julianan Kitten	Consent
	Resolution Accepting Proposition 123 (Affordable Housing) (Tentative)	Ashley Weesner	Consent
	PH & 2nd Rdg - Ord - 2023 Additional Appropriation	Finance - TBD	Regular
	PH & 2nd Rdg Ord - Fiscal Year 2024 Budget Adoption	Rodney Rhoades/Robert Miller	Regular
	PH & 2nd Rdg Ord - 2024 Pay Plan	Rodney Rhoades/Robert Miller	Regular
	PH & 2nd Rdg - Schneider Farms PUD	Don Threewitt	Regular
	PH & 2nd Rdg- Boomerang Self Storage PUD	Don Threewitt	Regular
	PH & 2nd Rdg - 257 Spur PUD	Don Threewitt	Regular
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
October 24, 2023 Council Work Session	Intiative 11- 2023 - Artificial turf and landscape standards	Brian McBroom	WS
	Image Campaign Update (Tentative)	Winna MacLaren	WS
	Community Engagement Priorities 2024	Winna MacLaren	WS
November 07, 2023 Council Meeting	CANCELLED due to Election 2023		

City Council Meeting Scheduling 2023

	9/12/2023		
	This schedule is subject to change		
Date/Type	**Description**	**Sponsor**	**Placement/Time**
November 14, 2023 Council Work Session	Code Enforcement Update	Brian McBroom	WS
	Chief Human Capital Officer Overview	Kimberly Southern-Weber	WS
November 21, 2023 Council Meeting	CANCELLED due to Thanksgiving/Holiday Week		
November 28, 2023 Special Meeting	Swear in New Councilmember(s)	Heidi Leatherwood	
November 28, 2023 Council Work Session	Boards & Commissions Triennial Review Report	Heidi Leatherwood	WS
	Intiative 03-2023 Campaign Finance Contributions	Doug Marek/Heidi Leatherwood	WS
December 05, 2023 Council Meeting	Proclamations		
	Minutes Approval (10/10/23 WS; 10/17/23 Council mtg; 10/24/23 WS; 11/14/23 WS)	Heidi Leatherwood	Consent
	Approve the Council meeting schedule for 2024	Heidi Leatherwood	Consent
	Consideration of a Resolution - 2023 DDA Mill Levy Certification	Finance - TBD	Consent
	Consideration of a Resolution - 2023 Tax Levy Certification	Finance - TBD	Consent
	Intro & 1st Rdg Ord - 1318 47th Ave PUD	Caleb Jackson/Jeff Woeber	Consent
	Intro & 1st Rdg Ord - Triennial Review	Heidi Leatherwood	Consent
	Consideration of a Resolution Approving the 2024 DDA Budget	Finance - TBD	Regular
December 12, 2023 Council Work Session	Affordable Housing Parking Reduction (Possibly move to Oct. 10)	Brian McBroom	WS
December 19, 2023 Council Meeting	PH & 2nd Rdg - 1318 47th Ave PUD	Don Threewitt	Regular
	PH & 2nd Rdg Ord - Triennial Review	Heidi Leatherwood	Regular
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
December 26, 2023 Council Work Session	CANCELLED due to Holiday/Christmas Week		

Greeley City Council

Status Report of Council Initiatives

Initiative No.	Council Member Initiating	Council Request	Council Meeting or Work Session Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Next Steps & Schedule	Anticipated Deliverable & Date (Report, Council Presentation, etc.)	Assigned to:
15-2021	Olson	Formation of a committee for implementation of a funding strategy for the 35th and 47th interchanges.	December 7, 2021 Council Meeting	Councilmember Olson will be following up with Manager Lee and Director Trombino on next steps Staff preparing a revised funding application for the next cycle of USDOT Grant Funding expected to be available in May 2023. At the August 8th City council Work Session, Public Works Staff will provide updates on the planned Interchanges on US 34 Bypass and 35th and 47th Avenues and the Mobility Hub at Centerplace titled the Mobility Expansion for Regional Growth and Equity (MERGE) project. The United States Department of Transportation (USDOT) has opened the Multimodal Project Discretionary Grant (MPDG) program for applications due August 21, 2023. The purpose of this item is to provide council with an update of the project design, cost information and an overview of the proposed grant application.	Pending outcome of federal grant application submitted	Next grant application expected May 2023	Paul Trombino
09-2022	Butler	Review traffic and safety surrounding 15 acre open area between 71st Avenue and 8th Street	June 7, 2022 Council Meeting	Requested that Public Works review the traffic and to improve safety in this congested area. In late 2022, Public Works Staff installed additional signage to improve safety and line of sight issues caused by parked cars. Furthermore, GPD with the help of Public Works have identified key times to enforce both speeding and stop sign compliance. City staff along with School District 6 and Westridge Academy held a public meeting with the neighborhood on January 26th, 2023. During this meeting we heard feedback regarding traffic safety and development concerns. This feedback is being used to develop solutions to address identified traffic safety concerns. These potential solutions will be brought back to the neighborhood to garner feedback prior to moving forward with the installation of identified improvements.	Additional signage installed for traffic and parking. Staff worked with School District, builder and GPD to ensure road is passable for school buses. GPD will focus enforcement times to ensure compliance with posted speed limit. Staff developing neighborhood safety improvement options and working with School District on transportation issues to improve coordination and support related to safety and infrastructure around school sites.	Anticipate providing council an update on the next neighborhood meeting and safety improvements by late summer 2023	Paul Trombino
03-2023	Butler	Limits on individual campaign contributions	February 7, 2023 Council Meeting	Research and gather information from other municipalties to determine if they have implemented campaign contribution limits and provide update of what the process would be to set limits for individual campaign contributions CAO and CCO will have a written report ready in May.	CCO/CAO to come back to Council at a work session regarding the process Work Session tentatively set for Nov 28	CCO/CAO report to Council in May Waiting on CAO to provide fianl report to send out	CCO/CAO

04-2023	Hall	Bridge over creek along the Sheep Draw Trail in Pumpkin Ridge area	March 7, 2023 Council Meeting	Would like a written report to Council regarding the history of the project and possibility of putting a wooden foot bridge across the trail and the timeline going forward Public Works Staff had a Pumpkin Ridge neighborhood meeting on June 29, 2023. The proposed solution presented to the HOA was to provide a crushed gravel path through a Pumpkin Ridge HOA parcel west of the 8th St and 63rd Ave intersection. This would cross the Sheep Draw with a culvert. While this is not an ADA accessible path, it provides the immediate connection to the neighborhood and Sheep Draw Trail. Proposed improvements along 10th Street with an enhanced crossing at the 63rd Ave and 10th Street coming in 2024/2025 would provide broader ADA connection to the neighborhood to supplement the existing connection to the Sheep Draw Trail at 4th Street. In general, the response from attendees at the meeting supported the proposed crossing at 8th Street and the proposed traffic calming and enhanced pedestrian connectivity along 10th Street. As a result, staff is advancing construction of the 8th Street crushed gravel trail connection to Sheep Draw Trail which will include installation of a privacy fence matching the character of the neighborhood to shield adjacent properties. The trail connection and fence will be	PW scheduled next neighborhood meeting for June 29, 2023 at the Greeley Fun Plex from 5:30 to 7 pm. At the June 29th neighborhood meeting, staff presented an option to connect to the Pumpkin Ridge Neighborhood to the Sheep Draw Trail from the corner of W 8th Street across 63rd Avenue between two homes located at 801 and 729 63rd Avenue. This would enable a connection between the two neighborhoods on opposite sides of Sheep Draw this year. Recently, we received follow-up concerns about a trail connection located in this area. Accordingly, Public Works, in coordination with our Natural Areas and Trails division, will research additional design options. Public Works will bring these additional options at a follow-up neighborhood meeting. We are anticipating this next neighborhood meeting will be in November or December of 2023.	PW report provided to Council on March 24, 2023. Neighborhood meeting planned on June 29, 2023. We are anticipating this next neighborhood meeting will be in November or December of 2023. As a result, there will be no construction activity for this proposed trail connection in 2023. Included Raymond's 9/1/2023 Council Update	PW
08-2023	DeBoutez	Asked City Attorney's Office to research the City's public nuisance ordinance	May 9, 2023 Council Work Session	Request staff to research ways to strengthen the City's public nuisance ordinances to address criminal behavior, including police assistance and code enforcement measures	City Attorney	Update in mid-July with research and draft ordinance at Council work session	CAO Brian McBroom
11-2023	Clark/Butler	Asked staff to do additional research on the artificial turf on front lawns/ and research the landscape standards	August 1, 2023 Council Meeting	Councilmember Clark asked for research the possibilities and standards for artificial turf and Councilmember Butler asked to research landscape standards Councilmemebr DeBoutez wants Shiloh Hatcher	Community Development	Come Back to Council with a draft ordinance Work session scheduled October 24, 2023	?
1-2020	Hall	Asked staff to follow-up on the Poudre River Trail- Narrows Project	August 1, 2023 Council Meeting	Councilmember Hall submitted an intiative in 2020 for Poudre River Trail Narrows Project and would like a follow-up due to this time period being during COVID	PW/CPRD	Come back to Council with update or completion date	Paul Trombino/Diana Frick
2-2020	Hall	Asked staff to follow-up on the Poudre River Trail Icing over at the River Run subdivision	August 1, 2023 Council Meeting	Councilmember Hall submitted an intiative in 2020 for Poudre River Trail icing over at the River Run sudivision and would like a follow-up due to this time period being during COVID		Come back to Council with update or completion date	Paul Trombino/Diana Frick

Council Agenda Summary

Title:

A motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Council's Recommended Action:

A motion to approve the above authorizations.