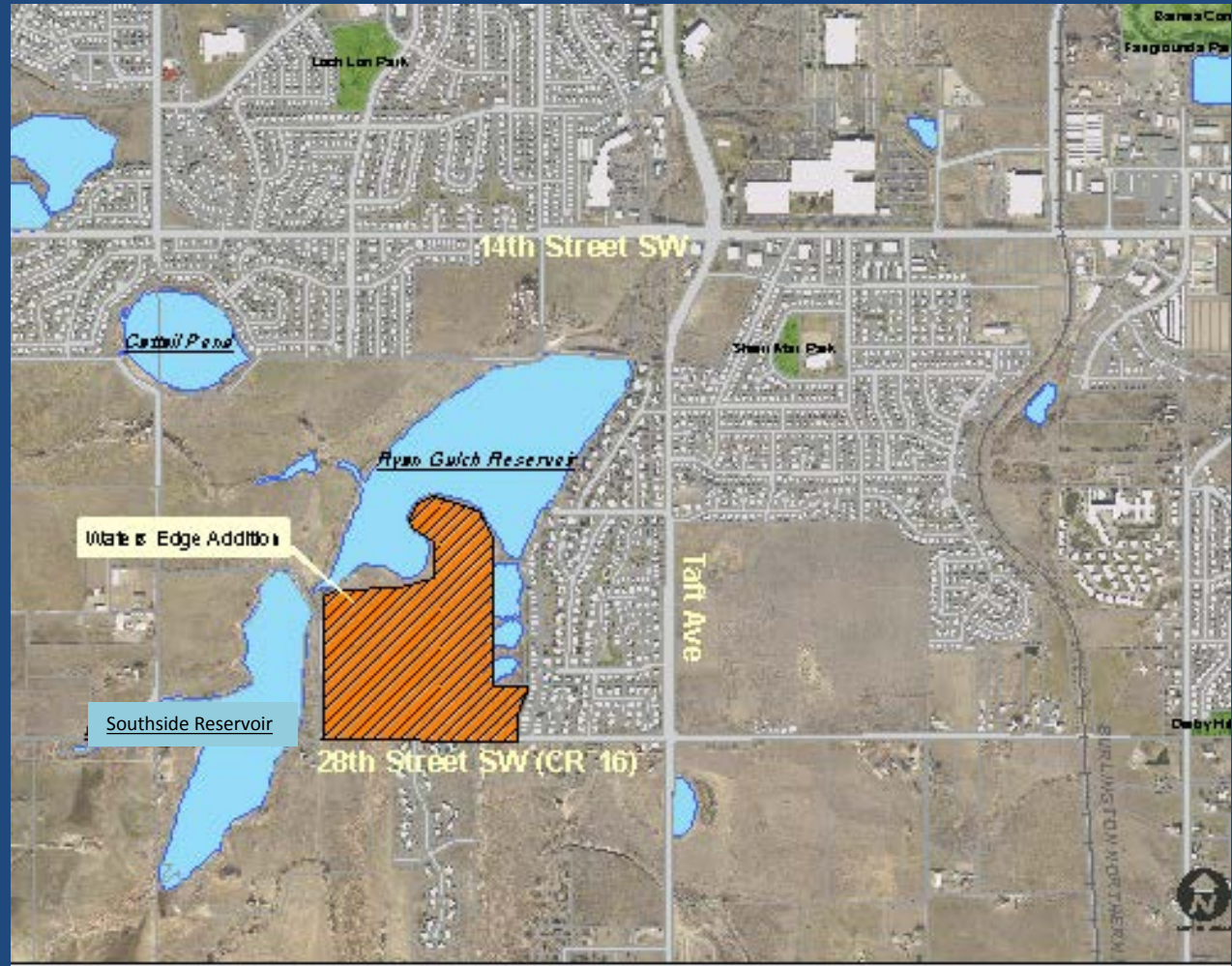


Waters Edge Addition

Description:

- North of 28th Street SW (CR 16), south of Ryans Gulch, west of Taft Ave.
- 82.6 acres
- Vacant – used for livestock grazing
- Applicant is Luxor LLC, represented by The Birdsall Group



Request:

Waters Edge Addition

- Annexation & Zoning
R1-Developing Low Density Residential
- Within the City's Growth Management Area
- Comprehensive Plan Designation:
Low Density Residential 2-4 units per acre
- R1 District aligns with Comp Plan and surrounding property



Development Process

Step 1: Annexation & Zoning

Neighborhood Meeting, Planning Commission, & City Council

Annexation & zoning map, annexation petition, annexation reports

Step 2: Subdivision Preliminary Platting & Preliminary Improvement Drawings

Neighborhood Meeting & Planning Commission

Lot layout, # of homes, access points, landscape plan, preliminary utility drawings

Step 3: Final Platting & Final Improvement Drawings

Administrative Approval

Final lot layout, # of homes, access points, landscape plan, final utility drawings

Step 4: Public Infrastructure & Building Construction

Administrative Approval

Annexation & Zoning

Annexation Request Findings & Considerations:

- Contiguous to City limits (1/6th perimeter)
- Can be served by the City
- Best interest of City citizens, consideration of additional cost or burden to provide services
- Compliance with Intergovernmental Agreements
- Compliance with City's Vision in Comprehensive Master Plan



Neighborhood Comments

Density

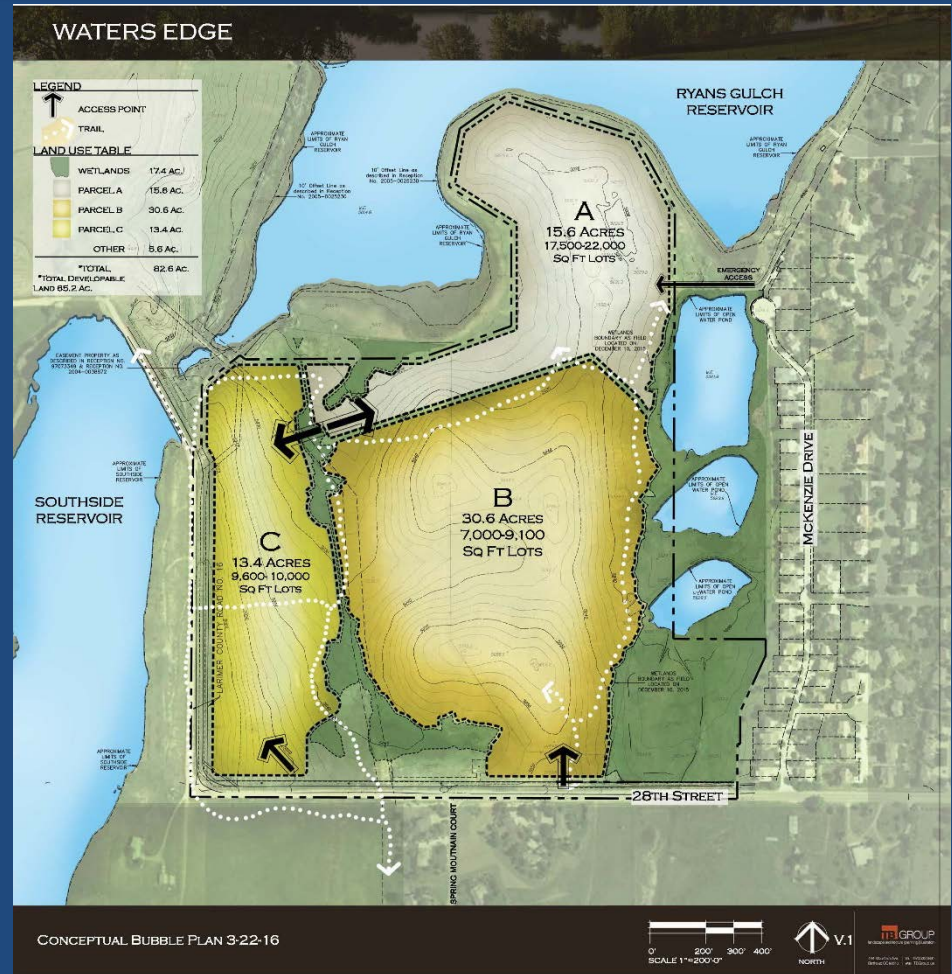
- LDR Range is 2-4 units per acre - gross
- Condition of approval would limit to 3 units per acre on the developable acreage.
- Approx. 2.3 units per acre gross; maximum of 196 units, Density is compatible with surrounding neighborhood
 - Lakeside Terrace Estates 1.8
 - Lakeside Terrace Estates Second 2.74



Neighborhood Comments

Traffic

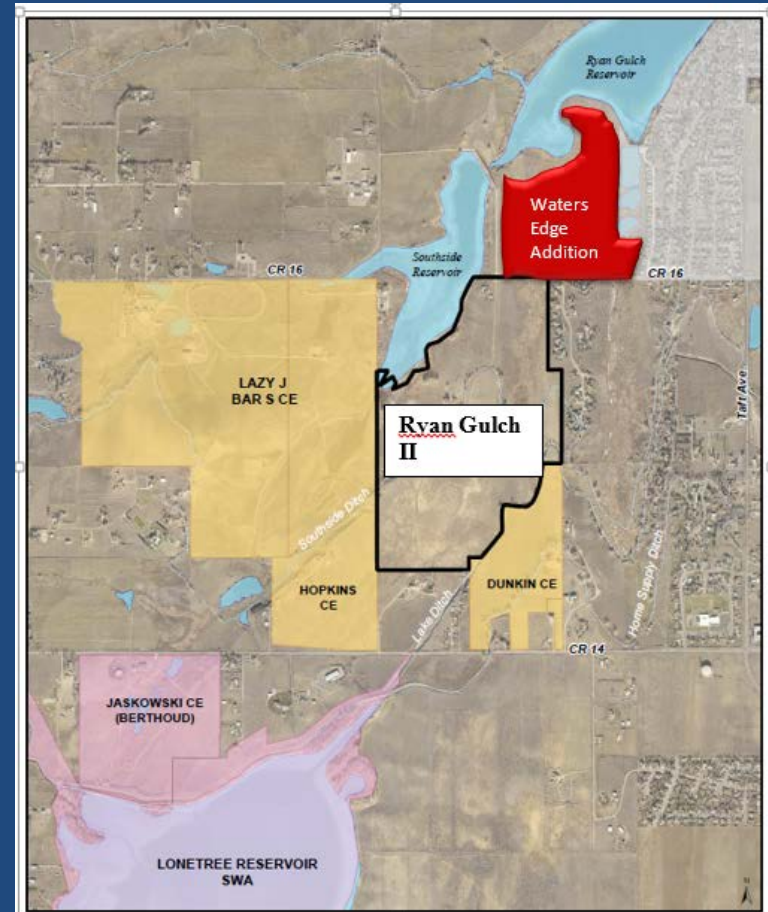
- Traffic Impact Study not required with Annexation
- Access will be from 28th Street SW
- 28th ST SW is a major collector roadway – accepts 3,000-7,000 daily trips
- Emergency access to McKenzie Drive



Neighborhood Comments

Open Space

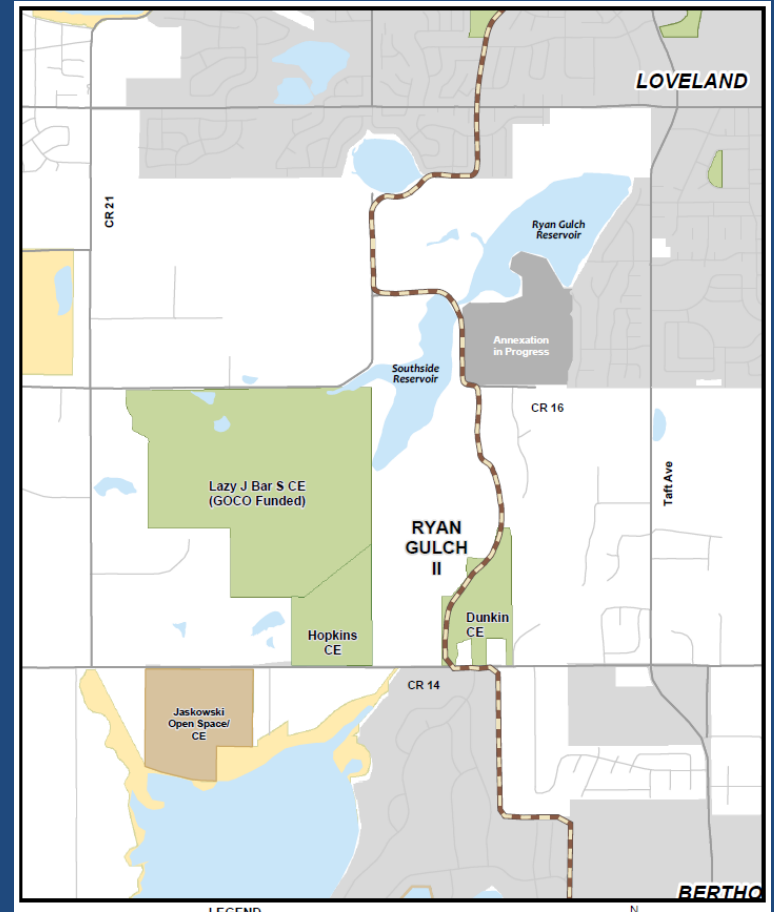
- Open Lands Commission (9 members plus CC rep) reviewed parcels around Ryan Gulch since 2001
- Conservation Easements - Loveland, Larimer Co., Berthoud, GOCO funds
 - 703 acres purchased for conservation easements in this area
- Ryan Gulch II - 185 acres south of 28th St SW, purchased in January for \$2,950,000
 - Loveland – \$2,475,000
 - Larimer County – \$275,000
 - Berthoud – \$100,000
 - Did not receive GOCO assistance



Neighborhood Comments

Open Space

- OLAC recommended purchase for Ryan Gulch II based on:
 - Available funding
 - Highly rated natural areas including active eagles nest
 - Riparian and wetland areas along Southside Reservoir
 - Key location surrounded by Conservation Easements
 - Connection to the Berthoud community by the Front Range Trail



Neighborhood Comments

Open Space

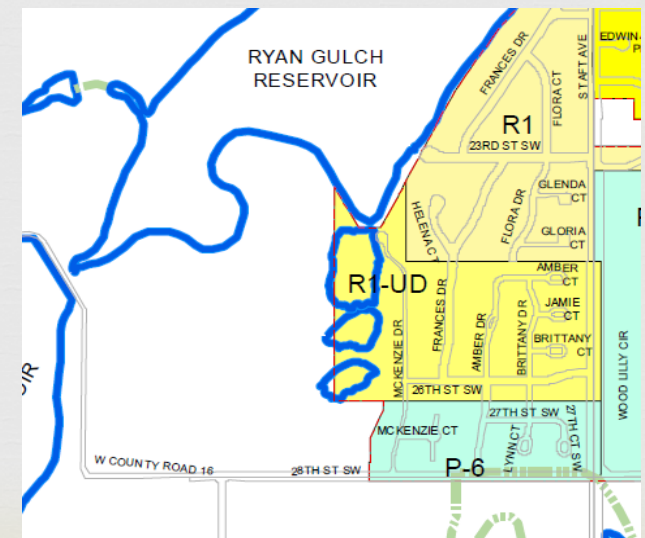
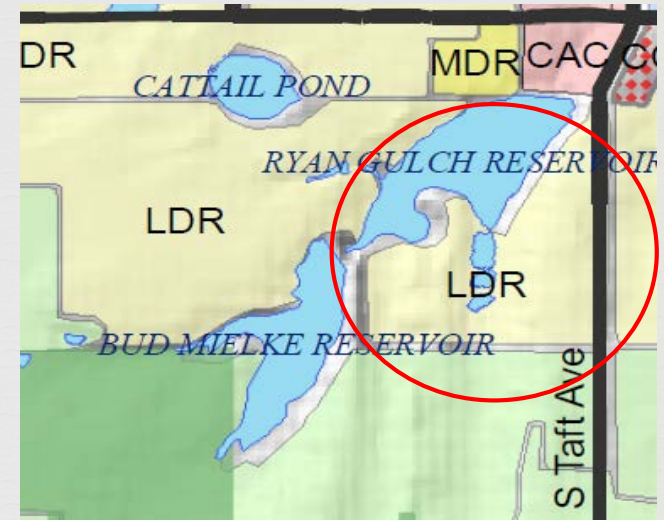
- OLAC reviewed the Waters Edge property but recommended to staff to not pursue it based on other community priorities.
- From the County Open Lands Tax, the City receives about \$1.5 million annually for open land property acquisition. OLAC prioritized projects currently in negotiation or under contract total approx. \$10 million. The current unallocated cash balance in the Open Lands Fund is \$393,000.
- Currently OLAC has more than 20 prospective open lands projects prioritized; each property under consideration is evaluated for the following values:
 - Ecological
 - Scenic
 - Recreational
 - Agricultural
 - Geological
 - Educational
 - Price
 - Context
 - Political Factors
 - Historic

Planning Commission and Staff Recommendation

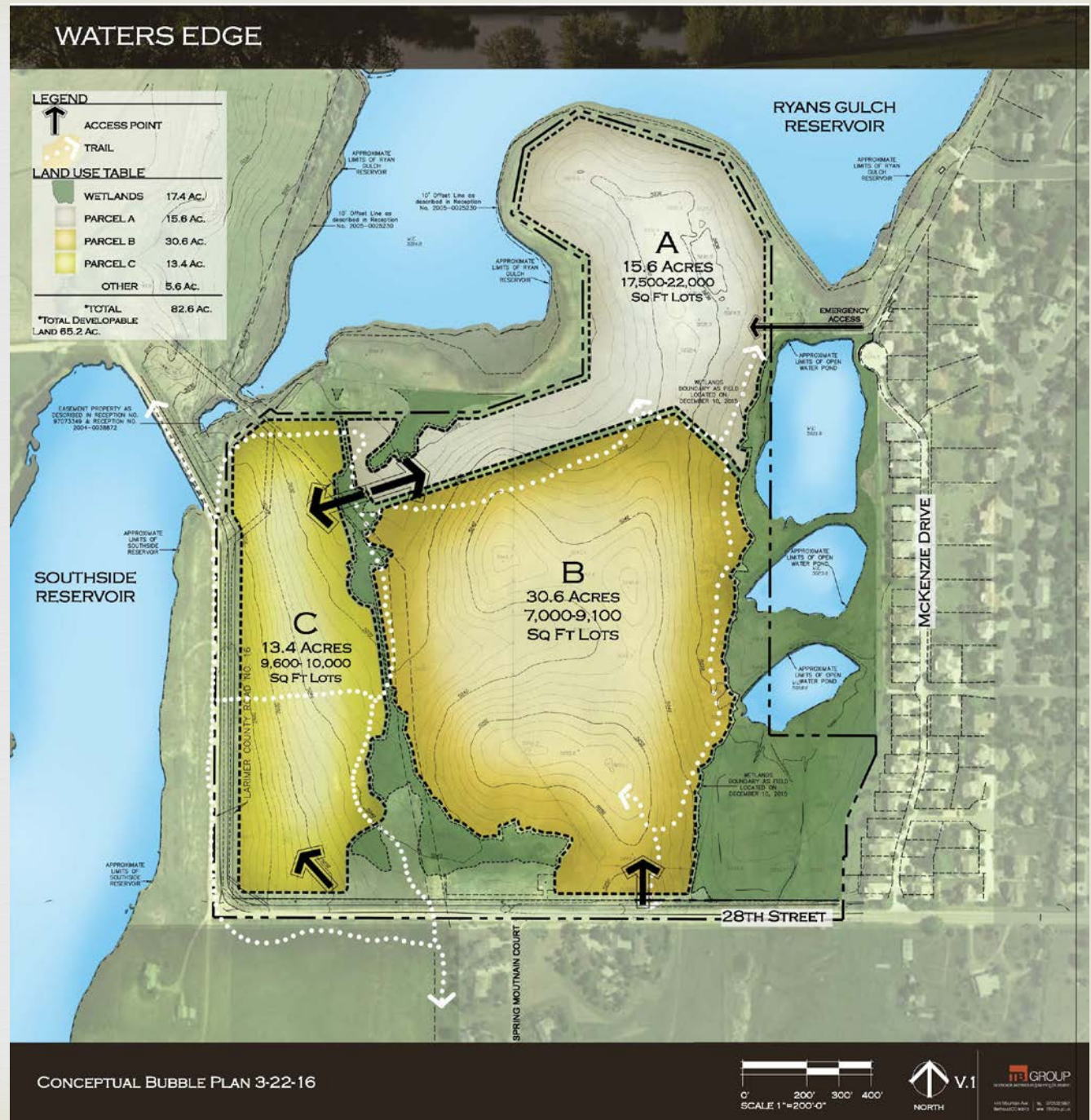
- Recommend approval of annexation with the annexation conditions listed in staff memorandum.
- Planning Commission Resolution requests City Council review the property for open space acquisition.

Consistency With Comprehensive Plan

- Zoning in Compliance with the Comprehensive Master Plan
- Low Density Residential (2-4 units per acre)
- Requested Zoning: **R1 - Developing Low Density Residential**
- Single Family - Use by Right
- Two family - Special Review
- Min. lot size 7,000 sq. feet (20% - 5,000 minimum with average of 7,000)



- Minimum Buffer: 364'
- Average Buffer: 497'
- Minimum Open Space Percentage: 27.8%
- Allowed Density: 2-4 DU/ Acre
- Density Cap: 3 DU/ Acre for Developable Land. (2.37 DU/ Acre Gross)
- Density comparable to surrounding neighborhoods.
 - Lakeside Terrace First 1.8 DU/ Acre Gross
 - Lakeside Terrace Second 2.74 DU/ Acre Gross



PLANNING COMMISSION

RESOLUTION NO. 16-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
LOVELAND, COLORADO, RECOMMENDING THAT CITY COUNCIL
CONSIDER PURCHASING THE PROPOSED WATERS EDGE ADDITION
AS OPEN SPACE**

WHEREAS, on May 9, 2016, after a noticed, public hearing, the Planning Commission approved for recommendation to the City Council annexation of the proposed Waters Edge Addition to the City and zoning such addition R1-Developing Low Density Residential; and

WHEREAS, the proposed Waters Edge Addition is located north of 28th Street SW, south of Ryans Gulch Reservoir and west of Taft Avenue and McKenzie Drive, and is comprised of 82.68 acres of undeveloped land that includes grasslands, wetlands, and wildlife habitats; and

WHEREAS, pursuant to evidence presented at the hearing, including testimony by Loveland residents who live in nearby and adjacent subdivisions, the Planning Commission finds there is significant value in maintaining the natural, undeveloped characteristics of such addition within the proposed Waters Edge Addition; and

WHEREAS, while the proposed Waters Edge Addition meets the required conditions to support annexation and zoning as set forth above, the Planning Commission finds that there is a valid basis to recommend that City Council consider purchasing such addition as open space.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF LOVELAND, COLORADO:

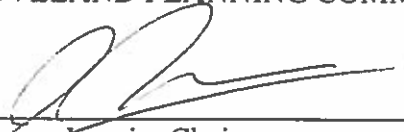
Section 1. That the Planning Commission recommends that City Council consider purchasing the proposed Waters Edge Addition as open space.

Section 2. That the Director of Development Services submit this resolution to City Council in conjunction with the Planning Commission's May 9, 2016 recommendation to annex the Waters Edge Addition and zone such addition R1-Developing Low Density Residential.

Section 3. That this Resolution shall be effective as of the date and time of its adoption.

Signed this 23rd day of May, 2016

LOVELAND PLANNING COMMISSION:



Jeremy Jersvig, Chairperson

ATTEST:



Planning Commission Secretary

APPROVED AS TO FORM:



Assistant City Attorney

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
May 9, 2016

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on May 9, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Molloy, Dowding, Ray, and McFall. Members absent: Commissioners Crescibene, Meyers, and Forrest. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney; Jenell Cheever, Planning Commission Secretary.

These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Development Services office.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Robert Paulsen**, Current Planning Manager, discussed the agenda for the upcoming 5/23/16 Planning Commission meeting.
2. **Mr. Paulsen** stated that two new Planning Commission members will be appointed at the 5/17/16 City Council Meeting.
3. **Mr. Paulsen** stated that Marcie Erion, Business Development Specialist with Economic Development, has resigned.

COMMITTEE REPORTS

1. **Commissioner Molloy** stated that the Title 18 committee will meet on Thursday, May 12th.

COMMISSIONER COMMENTS

*Commissioner Dowding motioned to move Item# 4, Flexible Zoning Overlay Code Amendments, from the Regular Agenda to the Consent Agenda. Upon a second by **Commissioner McFall**, the motion was unanimously approved.*

APPROVAL OF THE MINUTES

*Commissioner Dowding made a motion to approve the April 25, 2016 minutes; upon a second from **Commissioner McFall**, the minutes were unanimously approved.*

CONSENT AGENDA

1. Mountain Pacific Business Park - Preliminary Development Plan

Project Description: The Planning Commission held a public hearing on April 25, 2016 to consider plans for four light industrial/flex space buildings totaling 46,800 sq ft in an undeveloped area within the Mountain Pacific Planned Unit Development (PUD). The PDP also

seeks approval of minor changes to the office building at the existing storage facility on the lot to the north of the Business Park, which is also within Mountain Pacific. Commissioners unanimously supported the development and instructed city staff to prepare a resolution approving the Mountain Pacific Business Park Preliminary Development Plan. Staff has provided the Commission with a brief memo and a resolution for approval of the Preliminary Development Plan.

4. Flexible Zoning Overlay Code Amendments

Project Description: This public hearing item concerning a legislative matter that was continued from the April 25th meeting. This amendment would allow property owners within designated and approved areas to be exempted from standard zoning requirements. The purpose of this concept is to stimulate development in locations that are experiencing disinvestment or a lack of development activity. Prior to the public hearing, staff has prepared revisions to the code provisions based on recommendations received from Commissioners on April 25th. Staff is recommending that the Commission recommend approval of the code provisions to the City Council.

Commissioner Dowding motioned to approve Consent Item #1, Mountain Pacific Business Park, and Item # 4, Flexible Zoning Overlay Code Amendments. Upon a second by Commissioner Ray the motion was unanimously approved.

REGULAR AGENDA

2. Thompson School District Location and Extent Review

Project Description: In accordance with State Statutes, the Thompson School District R2-J is informing the Commission as to its plans to acquire a site that is intended for future school use. The district is in the process of acquiring approximately 42 acres of property from McWhinney located directly south of the Mountain View High School. The district owns 48 acres of land designated as a future middle school in the Millennium Addition, west of Sculpture Drive and south of the Great Western Railroad. The district is looking to trade the existing property for the new property south of the high school.

Kerri Burchett, Principal Planner, described the proposal and noted that a motion was not needed; however, the commissioners were welcome to provide comments. **Skip Armatoski**, Thompson School District Planning Manager, provided additional information on the property trade. He noted that the land swap would allow more site flexibility as the current property is dedicated and restricted to a middle school. At this time the district does not have a specific plan for the new property other than annexation.

Commissioners had no comments regarding the School District's land acquisition.

3. Water's Edge Annexation and Zoning

Project Description: This is a public hearing on a legislative matter to consider the annexation

and zoning of 82.68 acres located north of 28th Street SW, south of Ryans Gulch Reservoir and directly west of the Lakeside Terrace Estates PUD and Lakeside Terrace Estates PUD Second. The owners of this property are proposing to annex and zone the Water's Edge Addition as the first step towards developing a low density residential subdivision. The property is contiguous to city limits and borders the Lakeside Terrace Estates developments. The property is designated as low density residential in both the City's current Comprehensive Master Plan and the proposed Create Loveland Master Plan. The proposed R1 zone district aligns with the residential designation in the Master Plan. Staff is recommending approval of the annexation and zoning of the Water's Edge Addition as the property lies within the City's growth management area, is in compliance with statutory annexation requirements and is consistent with the Intergovernmental Agreement with Larimer County, and it is consistent with the City's Comprehensive Master Plan.

Kerri Burchett, Principal Planner, provided a description of the property and noted that the requested R1 zoning aligns with the Comp Plan designation and is consistent with the density of adjacent development. **Ms. Burchett** described the four project stages and stated that the first project stage is Annexation and Zoning. **Ms. Burchett** noted that subdivision and infrastructure details are not required as part of the annexation and zoning phase; these plans are submitted with the Preliminary Plat and Preliminary Improvement Construction Plans associated with stage 2. The phase 2 stage will require a neighborhood meeting and a public hearing with the Planning Commission.

Ms. Burchett stated that a neighborhood meeting was held earlier this year and approximately 80 people attended. Their top three questions and concerns were: project density, traffic, and open space.

Ms. Burchett asked that Condition #8 from Transportation Development Review be updated to include the word "feet" after the number 660. Therefore the condition will read: "Residential street lengths shall not exceed 660 feet."

Ms. Burchett introduced the applicant's representative, **Jim Birdsall**, with TB Group. **Mr. Birdsall** discussed the proposed annexation and zoning and noted that the proposed zoning was consistent with the Comprehensive Plan and the associated density policies. He stated that the proposal is to build single family homes and stated that although the comprehensive plan allows up to 3 units per acre, the applicant is willing to restrict the number of units per acre to 2.3.

The applicant, **Bill Beierwaltes**, also provided a brief project description and noted that due to his history and presence in Loveland, his goal is to provide a quality development that fits within the context of the existing neighborhoods and the environmental features of the site.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Molloy** asked what the county process for development would be if the City did not annex the property. **Ms. Burchett** stated that the applicant could move to develop the property in the county if the City chose not to annex the property. The county would refer to Loveland's Comprehensive Plan, including the recommended densities, when assessing the appropriate zoning and development. The county may potentially ask to utilize City of Loveland services and utilities.

- **Commissioner Ray** asked if it would be possible for the developer to build larger homes around the perimeter of the development and then put a multi-family development in the center. **Ms. Burchett** noted that the only use by right in the R1 district is single family homes and that duplexes could only be approved through a special review process.
- **Commissioner Jersvig** asked if a church or school could be built and **Ms. Burchett** confirmed that this is a use by right and either one could be built within the future subdivision.
- **Commissioner McFall** asked if the Planning Commission will have a chance to review the Traffic Impact Study if the annexation is approved. **Ms. Burchett** confirmed that the Traffic Impact Study would be presented as part of the 2nd project stage of project approval, specifically during the review of the preliminary plat.
- **Commissioner Ray** asked if the applicant could provide basic concept drawings of their proposed development. **Mr. Birdsall** noted that although they have a preliminary plan, they do not have data to support the plan. Therefore the applicant's team is not comfortable providing a copy of the proposal until more research is completed.
- **Commissioner McFall** asked what prevents the developer from building more than the recommended condition of 2.3 units per acre. **Ms. Burchett** noted that the conditions of approval would be recommended to the City Council and incorporated into an annexation agreement. Once approved, such conditions would be mandatory. If the applicant wanted to modify the agreement thereafter they would have to obtain approval from the City Council to change any conditions or other project requirements.
- **Commissioner McFall** asked if McKenzie Road would be used to access the development. **Ms. Burchett** stated that it has been discussed to limit this road to emergency access.
- **Commissioner Ray** asked what the height limit was in the R1 zoning district. **Ms. Burchett** stated that it is 35 feet and that the applicant plans to comply with this limit.
- **Commissioner Molloy** asked what the reservoir access would be for residents of the future subdivision. **Mr. Beierwaltes** discussed the surface rights and dock access to the reservoirs.
- **Commissioner McFall** asked why the city recently purchased the Ryans Gulch property for open lands but is not interested in purchasing the Waters Edge property. **Brian Hayes**, Open Lands Planner with Parks and Recreation Department, noted that Ryans Gulch has an open lands connection (trail), a raptor nest, and is a larger and more strategically-situated property than Waters Edge in terms of its open space value. The city has evaluated the Waters Edge property and has other priorities at this time.
- **Commissioner Molloy** asked what the 20 year plan is for 28th Street. **Randy Maizland**, Transportation Development Review, stated that 28th Street is classified as a major collector. This street is not on the 2035 public improvement plan therefore all improvements would be paid for by the developer.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 7:38 p.m. The following individuals provided oral comments to the Commission:

- **Dick Mellot** (2765 McKenzie) stated that the wildlife should be protected and recommended the area remain open lands.

- **Dan O'Donnell** (2633 McKenzie) presented photos that were taken on the property. Recommended that the land be used as open space as an alternative to development.
- **Jim Willard** (2665 McKenzie) author of Top 10 Concerns, which was included in the Planning Commission Agenda packet, expressed concerns that future residents would use McKenzie Drive to cut through the neighborhood because it may be an easier way to exit the subdivision.
- **Dick Stenbakken** (2493 Frances Dr.) stated that residents from different areas of Loveland utilize this undeveloped land. A better option than the proposed development is designating the property for open land and suggested that City Council and Planning Commission take a look at reprioritizing this property as open space. **Mr. Stenbakken** stated that he has over 158 signatures of people who support having the land purchased and reserved as open space.
- **Steve Olsen** (1668 McKenzie Ct.) stated that he supports the annexation and zoning proposal; however, he expressed concerns that the additional traffic will negatively impact the wildlife and adjacent neighborhood. He also requested that an additional point of egress be considered and asked if County Road 16 could be open to local traffic.
- **John Felicelli** (2763 Amber Dr.) expressed concerns with traffic, paving of roads and the lack of sufficient traffic lights at the Wilson and 28th Street intersection. Also expressed concerns with residential flooding and high ground water on the annexation site due to several streams.
- **Karl Noack** (2109 Flora Ct.) stated that wildlife and views will be impacted if this land is developed.
- **Deborah Jansen** (2527 McKenzie Dr.) expressed concerns that development will affect the wildlife and the land should be preserved and shared with all of Loveland.
- **Dee Clemens** (2433 Flora Ct.) asked if it was possible to get money from Parks and Rec to purchase the land.
- **Dusty Williams** (1532 S County Road 17C) stated that County Road 16 is a ditch rider access and not actually a road. **Mr. Williams** noted that his family owns all of the property to the west of **Mr. Beierwaltes'** property and doesn't want CR 16 opened to local traffic because it would interrupt his ranching operation.
- **Michael Yousif** (1452 Gloria Ct) discussed the impact on the area due to the increased development and felt that there was nothing stopping the developer from increasing the number of units per acre. **Ms. Burchett** clarified that if City Council approves the staff recommended density cap, this condition would be incorporated into the Annexation Agreement. If the applicant ever wanted to increase the number of units per acre, the applicant would need to complete the annexation amendment process, including a neighborhood meeting, Planning Commission hearing and City Council hearing.
- **Michael Unga** (2367 Amber Ct.) asked if the Planning Commission can recommend that an environmental impact study (EIS) be performed prior to development. **Ms. Burchett** stated that an environmental study was conducted and included in the Planning Commission agenda packet. Additionally, any future development must comply with the findings of the environmental study.
- **Julie Harden** (2673 Amber Drive) stated concerns with traffic as there are no sidewalks in the area and this can be dangerous for pedestrians. Additionally, pedestrians are not utilizing bicycle path.

- **Leo Grassens** (636 SW 26th Street) asked that the Planning Commission give the project and the issued raised full consideration and that a decision should not be made until the project and its impact was fully evaluated.

Commissioner Jersvig closed the public hearing at 8:35 p.m.

Commissioner Jersvig called for a recess at 8:35 p.m.

Commissioner Jersvig called the meeting to order at 8:50 p.m.

COMMISSIONER QUESTIONS:

- Commissioners asked **Mr. Maizland** to address questions and concerns expressed regarding traffic. **Mr. Maizland** stated that without a traffic study he could only talk in general terms. The Traffic Impact Study (TIS), to be reviewed with the preliminary plat, will include the proposed project along with existing developments and proposed developments that have a vested plan. Cut-through traffic may potentially be addressed in the TIS. Additionally, the TIS will determine the necessary offsite improvements. **Mr. Maizland** stated that based on a resolution passed by the county, it is not possible for CR 16 to be opened to local traffic unless an application was processed through the county.

Commissioners asked **Mr. Hayes** to address the request to designate the property as open space. **Mr. Hayes** stated that funding for open space comes from several sources, including county taxes. The Parks and Recreation Department's budget typically goes to parks projects, not open space. In regards to purchasing the property for open space, City Council, citizens, staff, Larimer County, and other entities help establish the list of properties and priorities. The priorities are based on 20 different criteria.

- **Commissioner McFall** thanked the community for their involvement and stated that he has mixed feelings in that he appreciates the wildlife and views but also believes the property owner has the right to develop the land. He would be in favor of having the Open Lands Commission reevaluate the property and see if City Council can find funding to purchase the property.
- **Commissioner Molloy** stated that he is undecided as to his support for the annexation, as the annexation and zoning meets the findings the city has compiled; however, the property is currently on the open lands list and may be considered a priority in the future.
- **Commissioner Ray** agreed with Commissioners McFall and Molloy. He thanked community members for their participation. Commissioner Ray stated that he supports annexation as the current developer is willing to meet the requirements being recommended by city staff. In the future, another developer may not be compelled to comply with city staff recommendations. He would ask that a resolution be sent to City Council to reevaluate this property as potential open space.
- **Commissioner Dowding** thanked the community for their well-organized comments. Commissioner Dowding stated she agreed with Commissioner Ray and supports annexation; however, she is deeply concerned that the development will put significant stress on the

streets. She would ask that when the development team evaluates the Preliminary Plat and Preliminary Improvement Construction Drawings that they give critical consideration to the traffic as it approaches Taft and 28th Street.

- **Commissioner Jersvig** thanked the community for their involvement. He stated that the Planning Commission's responsibility tonight is to make a recommendation on annexation and zoning only, and not determine if the property should be open space. Therefore, he stated that he supports the annexation and rezoning but would request a resolution asking City Council to ask Open Lands to reconsider this property for open space.

Commissioner Dowding moved to make the findings listed in Section VII of the Planning Commission staff report dated May 9, 2016 and, based on those findings, recommend that City Council approve the Waters Edge Addition, subject to the conditions listed in Section VIII, as amended on the record, and zone the addition to R1- Developing Low Density Residential. Commissioner Ray seconded the motion and the applicant accepted the conditions. The motion was approved with 4 ayes (Commissioners Jersvig, Dowding, Ray, and McFall) and 1 nay (Commissioner Molloy).

Commissioners discussed directing **Moses Garcia**, Assistant City Attorney, to draft a resolution to City Council asking Open Lands to reconsider this property for open space.

Commissioner Ray motioned to request the City's Attorney's office to draft a resolution for the next Planning Commission asking City Council to support open space. Upon a second by Commissioner Dowding, the motion was unanimously approved.

Mr. Paulsen stated that the resolution will be presented at the May 23rd Planning Commission meeting and while citizens are welcome to attend the meeting, this item will not be a public hearing matter.

ADJOURNMENT

Commissioner Dowding, made a motion to adjourn. Upon a second by Commissioner McFall, the motion was unanimously adopted.

Commissioner Jersvig adjourned the meeting at 9:30 p.m.

Approved by: _____


Jeremy Jersvig, Planning Commission Chair


Jenell Cheever, Planning Commission Secretary







Current Planning Division

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

Planning Commission Staff Report

May 9, 2016

Agenda #: Regular Agenda - 3
Title: Waters Edge Addition
Applicant: Luxor LLC, Linda Beierwaltes
Request: **Annexation and Zoning**
Location: North of 28th Street SW, south of Ryans Gulch Reservoir and west of Taft Avenue and McKenzie Drive.
Existing Zoning: County FA -Farming
Staff Planner: Kerri Burchett

Staff Recommendation

APPROVAL of the annexation and zoning.

Recommended Motions:

1. Move to make the findings listed in Section VII of the Planning Commission staff report dated May 9, 2016 and, based on those findings, recommend that City Council approve the Waters Edge Addition, subject to the conditions listed in Section VIII, as amended on the record, and zone the addition to R1-Developing Low Density Residential.

Summary of Analysis

The public hearing is to consider the following items:

- Annexation of 82.68 acres
- Zoning to R1-Developing Low Density Residential

The proposal is to annex and zone the Waters Edge Addition as the first step towards developing a low density residential subdivision. The property is contiguous to city limits and borders the Lakeside Terrace Estates developments. The property is designated as low density residential in both the City's current Comprehensive Master Plan and the proposed Create Loveland Master Plan. The proposed R1 zone district aligns with the residential designation in the Master Plan.

Concerns regarding the development of the property have been expressed by the neighborhood and include density, traffic, change in the character of the area and loss of habitat, views and housing values. As the application is for annexation and zoning, the subdivision layout and detailed traffic and infrastructure studies have not been completed. These plans and studies would be included in the next step of the development process, which is a preliminary subdivision plat. The preliminary plat requires a neighborhood meeting and a public hearing with the Planning Commission.

Staff is recommending approval of the annexation and zoning of the Waters Edge Addition as the property lies within the City's growth management area, is in compliance with statutory annexation requirements and the Intergovernmental Agreement with Larimer County, and is consistent with the City's Comprehensive Master Plan.

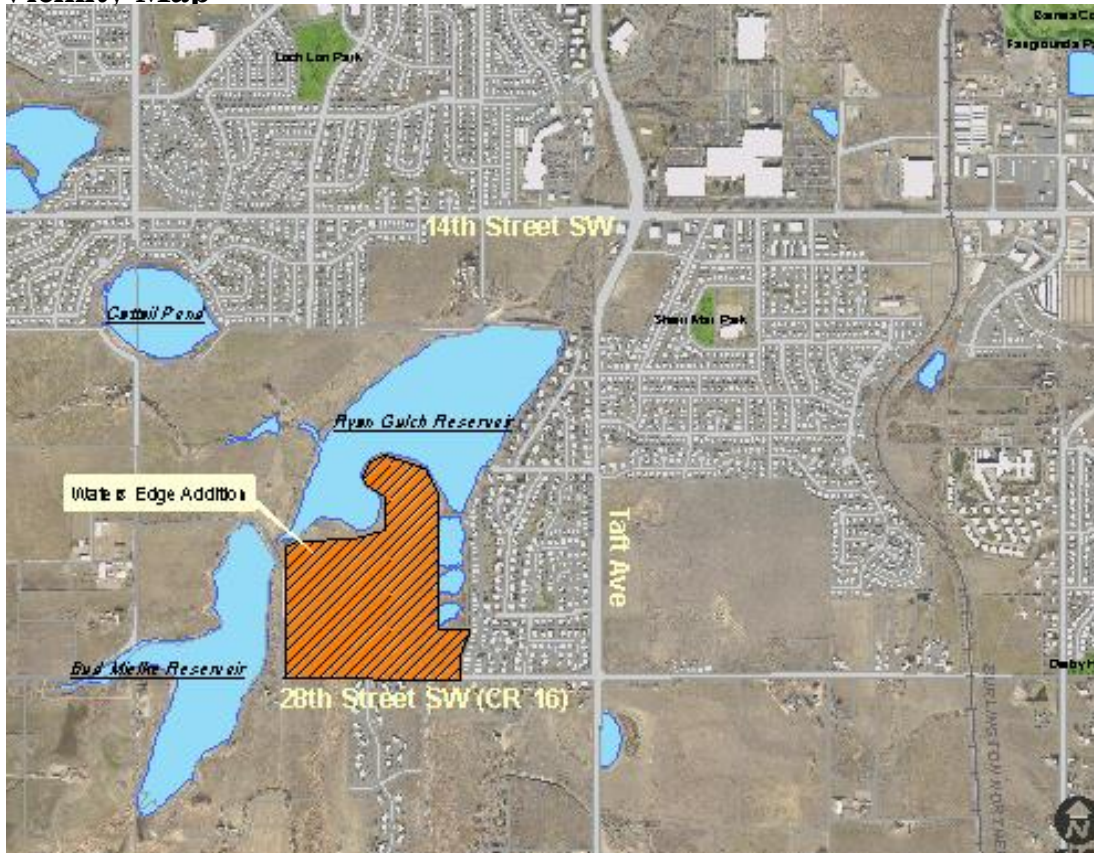
I. SUMMARY

This proposal is to annex and zone 82.68 acres located north of 28th Street SW, south of Ryans Gulch Reservoir and directly west of the Lakeside Terrace Estates PUD and Lakeside Terrace Estates PUD Second (see vicinity map below and neighborhood map on page 7). The requested zoning is R1-Developing Low Density Residential. This zoning aligns with both the City's Comprehensive Master Plan and the proposed Create Loveland Master Plan. Both documents designate the site as Low Density Residential with a target density of 2-4 units per acre.

Annexation and zoning is the first of three steps in developing a residential subdivision in the City. Annexation requires findings of compliance with State Statutes regarding contiguity with municipal boundaries, an intent to develop at an urban level and an indication that the property can be served with infrastructure. Additionally, annexations are subject to compliance with the Intergovernmental Agreement with Larimer County which requires the annexation of properties located within the City's Growth Management Area that are eligible for annexation. In determining appropriate zoning, the City's Comprehensive Master Plan and associated philosophies describe the City's vision for development.

The second planning step for a residential development is a preliminary subdivision plat. This step is where the specific design and lot layout of the subdivision occurs. Detailed studies are performed with the preliminary plat, including a traffic study, drainage report and environmental report. A neighborhood meeting and a public hearing with the Planning Commission are required for approval. The last planning step is the final subdivision plat, which is administratively reviewed and approved. The final plat requires detailed infrastructure design and a finalization of lot boundaries.

Vicinity Map



As the Waters Edge Addition application is in the annexation and zoning stage, detailed studies on traffic and infrastructure have not been completed and a lot layout for the subdivision has not been designed. A conceptual plan, however, has been included below that shows an illustrative concept of lot size ranges from 7,000 to 22,000 square feet. The plan also shows two access points from 28th Street SW and an emergency access drive connecting to McKenzie Drive. These general access locations comply with the City’s standards. The conceptual plan also identifies wetland areas in green that were described in the environmentally sensitive report that was provided by the applicant (see **Attachment E**). The concept plan is for illustrative purposes only and is not part of the annexation and zoning approval.

Conceptual Plan



Regionally Preserved Open Space

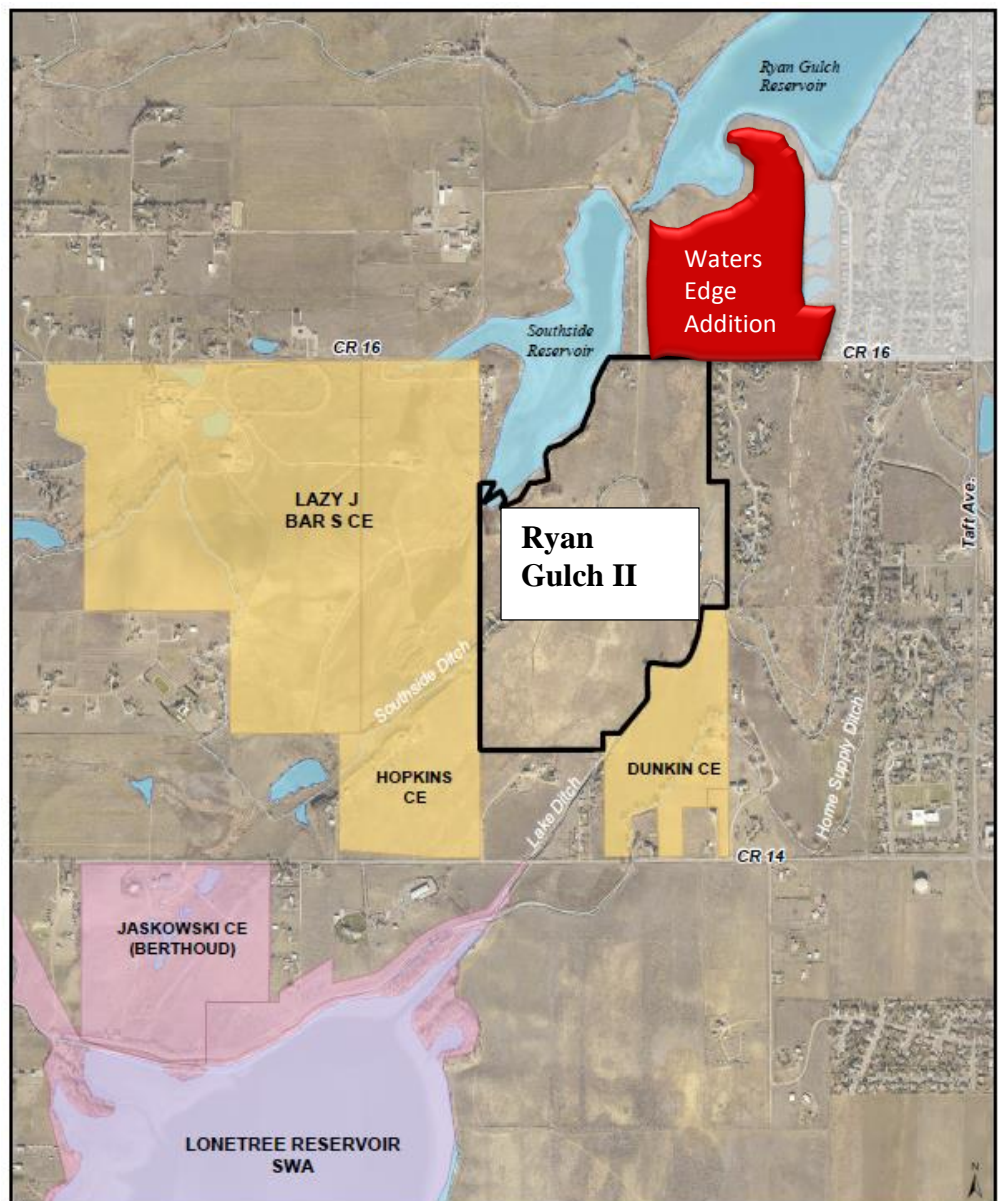
In the surrounding area, efforts have been made to purchase conservation easements to preserve valuable regional open space. The below map shows properties that have been designated as open space through permanent conservation easements purchased by the City, Larimer County and Town of Berthoud. This includes the following:

- Ryan Gulch II: 185 acres funded by Loveland, Larimer County & Berthoud
- Lazy J Bar S: 326 acres funded by Loveland, Larimer County, Berthoud & GOCO
- Hopkins: 60 acres funded by Loveland & Larimer County
- Dunkin: 52 acres funded by Loveland, Larimer County & Berthoud
- Jaskowski: 80 acres donated to Berthoud; conservation easement held by Colorado Open Lands

The Ryan Gulch II open space area was originally owned by Luxor LLC, the owners of the Waters Edge Addition. The 185 acres was a desired location for a regional trail connection and was rated as a high wildlife area with a documented Golden Eagle nest. This site was purchased in January of 2016 as a joint preservation effort between the City of Loveland, Larimer County and the Town of Berthoud. The purchase price was \$2,950,000 and of that amount, the City contributed \$2,475,000.

In selecting and purchasing the Ryan Gulch II open space, the City's Open Lands Advisory Commission (OLAC) also reviewed and evaluated the Waters Edge property over the last several years. More recently, OLAC reviewed the property in March of this year as requested by the surrounding neighbors.

Regional Open Space



Wildlife ratings, property cost and trail connectivity are all factors of consideration in selecting priority sites for preservation and determining projects that work within the Open Lands budget. The Commission did not select the Waters Edge property to pursue as an open space acquisition. A letter from OLAC is included as **Attachment F** to this report. A petition from the neighborhood requesting that the City, County and/or State purchase the property for open space is included as **Attachments G.1.d.**

II. ATTACHMENTS

- A. Narrative provided by the Applicant
- B. Rezoning Assessment provided by the Applicant
- C. Chapter 18.12 R1-Developing Low Density Residential
- D. Notes/questions from the Neighborhood Meeting recorded by The Birdsall Group
- E. Excerpt from Environmental Sensitive Areas Report
- F. Letter from the Open Lands Advisory Commission
- G. Information provided by the Surrounding Property Owners:
 - 1. Neighborhood Agenda Outline
 - a. Proposal by Lakeside Terrace HOAs
 - b. Photographs of wildlife
 - c. Top concerns to keep property as open space
 - d. Petition requesting the City to purchase the property as open space
 - 2. Email from Rhonda Koons
- H. Annexation Map
- I. Rezoning Map

III. SITE DATA

ACREAGE OF SITE GROSS	82.68 AC
MASTER PLAN DESIGNATION	LOW DENSITY RESIDENTIAL
EXISTING ZONING	LARIMER COUNTY FA FARMING
PROPOSED ZONING	R1 DEVELOPING LOW DENSITY RESIDENTIAL
EXISTING USE	VACANT
EXIST ADJ ZONING & USE - NORTH	COUNTY: RYANS GULCH RESERVOIR
EXIST ADJ ZONING & USE - SOUTH.....	COUNTY FA / 28 TH STREET SW, OPEN SPACE & AGRICULTURAL PROPERTY
EXIST ADJ ZONING & USE - WEST.....	COUNTY: RYANS GULCH RESERVOIR
EXIST ADJ ZONING & USE - EAST.....	R-1 RESIDENTIAL AND PUD / SF RESIDENTIAL
UTILITY SERVICE – WATER, SEWER.....	CITY OF LOVELAND
UTILITY SERVICE – ELECTRIC	CITY OF LOVELAND

IV. KEY ISSUES

City staff believes that all technical issues have been addressed regarding the annexation and zoning. At the neighborhood meeting, concerns were voiced regarding the development of the property. Information received from the neighborhood, including letters of concern, photographs and a petition, is included as **Attachment G**.

V. BACKGROUND

The 82 acre property is vacant, zoned FA in Larimer County, and has been used for ongoing livestock grazing. The majority of the area is grasslands, wetlands and weedy habitats. There is a single cottonwood tree located near the southwest corner of the property, which is the only mature vegetation on the site. There are wetlands mapped in the western and eastern portion of the site. The eastern wetlands and ponds are partially on property that has already been annexed into the City. The wetlands may be jurisdictional and regulated by the US Army Corps of Engineers since they have connection to Ryans Gulch Reservoir. More information regarding the nature of the wetlands and a wetland survey will be provided with a preliminary subdivision plat application.

Traversing the site is also an underground Xcel Energy regional gas line. The pipeline lies within a 50 foot easement shown on the Annexation Map in **Attachment H**.

VI. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. Notification:** An affidavit was received from Cathy Mathis with The Birdsall Group, who is serving as the representative for the owner, certifying that written notice was mailed to all property owners within 1,200 feet of the property on April 21, 2016 and notices were posted in 3 prominent locations on the perimeter of the site at least 15 days prior to the date of the Planning Commission hearing. There were no mineral owners associated with the property. In addition, a notice was published in the Reporter Herald on April 23, 2016.

- B. Neighborhood Response:** A neighborhood meeting was held at 6:00 p.m. on March 24, 2016 at the Calvary United Reformed Church on 14th Street SW. The meeting was attended by 82 neighbors and interested parties along with City staff and consultants. At the meeting, there were concerns voiced regarding development of the property. The concerns focused on accesses to the development being only from 28th Street SW, traffic on 28th Street SW and through the adjacent neighborhood, loss of habitat and views, loss of the rural character of the area and concern over declining property values. The Lakeside Terrace Estates developments, adjacent to the east, were developed without sidewalks and residents were concerned about pedestrian and vehicular conflicts. Many of the questions at the meeting focused on specific development of the property and staff explained that if annexed, there would be another neighborhood meeting and Planning Commission public hearing to consider the design and development of the subdivision.

At the neighborhood meeting, there was also a strong desire from residents to have the City, County and/or State purchase the property for open space preservation. A petition signed by 172 residents was submitted requesting that the property be purchased for open space. The petition is included as **Attachment G.1.d**. As previously stated, the City's Open Lands Advisory Commission considered the Waters Edge Addition property several times, however did not select the property for open space acquisition. A letter from the Commission is included as **Attachment F**.

Surrounding Neighborhoods



Lastly, staff has received comments from the neighborhood requesting that the City deny the annexation. If the annexation is denied, per the Intergovernmental Agreement with the County, the applicant can request to develop the property in the County and connect to City infrastructure services. If developed in the County under a Planned Land Division, the County would be permitted a gross density of 2 units per acre, which could be clustered to preserve the environmentally sensitive areas. Rob Helmick, Senior Planner for the County, also indicated that as the property lies within the City's Growth Management Area, the County would also look towards the City's Comprehensive Plan to determine appropriate densities should the property not be annexed.

Neighborhood questions from the neighborhood meeting are included as **Attachment D** and additional information provided by the neighborhood is included as **Attachment G** to this report.

VII. FINDINGS AND ANALYSIS

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

Annexation and Zoning

A. Annexation Policies and Eligibility

- 1. Loveland Comprehensive Master Plan, Section 4.2**
 - a. Annexation ANX2.A:** *Whether the annexation encourages a compact pattern of urban development.*
 - b. Annexation ANX2.B:** *Whether the annexation would result in the creation of an enclave*
 - c. Annexation ANX5.B:** *Whether the applicant has demonstrated that reasonable efforts have been made to assemble adjoining land parcels to allow for the preparation of a master plan for a larger area, rather than submit separate individual proposals.*
 - d. Annexation ANX1.C and 6:** *Whether the annexation encourages infill development and ensures that land is immediately contiguous to other land in the City that is already receiving City services, discouraging leapfrog and scattered site development.*
 - e. Growth Management GM7:** *Whether the land proposed for annexation is within the City of Loveland Growth Management Area.*

- 2. Loveland Municipal Code, Section 17.04.020:** *The annexation complies with the laws of the State of Colorado regarding annexation and the property proposed for annexation is otherwise eligible to be annexed because there is at least one-sixth contiguity between the City and the area seeking annexation and there is no evidence that two or more of the following conditions have been met:*
 - a.** *Less than 50% of the adult residents of the area proposed to be annexed use some of the recreation, civic, social, religious, industrial or commercial facilities of the municipality and less than 25% of its adult residents are employed in the annexing municipality.*
 - b.** *One-half or more of the land proposed to be annexed is agricultural, and the landowners of such agricultural land have expressed an intention under oath to devote the land to agricultural use for at least five years.*
 - c.** *It is not physically practical to extend urban service which the municipality provides normally.*

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

- The annexation complies with the Colorado State Statutes regarding annexation of lands and is within the City's Growth Management Area (GMA).
- No enclaves will be created by this annexation and there is no evidence that two or more of the conditions listed in Section 17.04.020 of the Municipal Code, cited above, have been met.
- The development of the property will encourage a compact pattern of urban development and will not be leapfrog or scattered site development. The land is immediately contiguous to the Lakeside Terrace Estates developments that are already receiving City services.
- The annexation complies with the Intergovernmental Agreement with Larimer County to annex property within the City's GMA that are eligible for annexation.

B. City Utilities/Services and Transportation

1. Loveland Comprehensive Master Plan, Section 4.2

a. **Annexation ANX1.A and B:** *Whether the annexation of land minimizes the length of vehicle trips generated by development of the land and whether the annexation minimizes the short and long term costs of providing community facilities and services for the benefit of the annexed area.*

2. Loveland Municipal Code

a. Section 17.04.040:

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

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

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

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

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

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

- Annexing and zoning property does not warrant compliance with the City's Adequate Community Facilities (ACF) ordinance. A condition is recommended to clearly ensure that all future development or land application within this proposed property shall be in compliance with the City of Loveland Street Plan, the Larimer County Urban Area Street Standards and any updates to either in effect at the time of development application.
- As identified in the City Municipal Code Title 16, a Traffic Impact Study will be required with all future development or other land use applications. The annexation will also be required to dedicate, free and clear, all applicable right-of-way to the City, at no cost to the City, at the time of development.
- The property will be accessed from 28th Street SW (Country Road 16). Vehicular access across the dam and spillway of the South Side Reservoir is not permitted by the County. The County's Public Works staff worked with the Reservoir Company to accommodate filling the reservoir to its maximum approved storage capacity and to comply with requirements of the State Engineer's office relative to spillway maintenance and elevation control. The County adopted Findings and Resolution in February of 2010 to restrict the use of the right-of-way that crosses the dam and spillway to non-vehicular traffic.

- Pending future proposed development within this property, of which review and approval by the City is required, the Transportation Engineering staff does not object to the proposed annexation and zoning.

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

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

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

- The subject annexation is situated within the City's current service area for both water and wastewater.
- Regarding water, the subject annexation is adjacent to an existing City 24" water main along the west and south side of the property. This main can be connected to for future development. The current Water Master Plan shows a new 36" water main to be installed in parallel to the existing 24" water main. At this time the only requirements for future development would be to preserve a 25' utility easement adjacent to the existing water main for a future water main.
- Regarding wastewater, there is no adjacent facilities to serve the annexation. The subject area is located within Future Sewer Basin B07 as indicated in the current Wastewater Master Plan. This basin is intended to drain to a low point on the north end to a lift station. This lift station would be ejected to the east to a point just west of the Railroad and County Road 16 where it would connect to a future gravity interceptor and ultimately connect to the existing 12" wastewater main just east of Cora Place. The Developer has proposed to the City an alternative connection point to the existing wastewater main. The current proposal is to connect to the existing 18" stub located west of the intersection of Taft and 14th Street SW. The Developer would be responsible in the future to verify this off-site solution is acceptable and develop infrastructure from the terminus to the development.
- The Department finds that the annexation and zoning is consistent with the Department's Water and Wastewater master plan by being consistent with the 2005 Comprehensive Master Plan.
- Public water facilities are available to serve the development.
- Public wastewater facilities are not readily available to serve the development and the conditions of approval are included that requires special conditions of the Developer to extend wastewater mains to serve any future development within the annexation.

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

- Property to the east is currently being served by the City of Loveland for power services.
- Additional housing units in the area will add load to the feeder system and a supplemental feeder may be required to serve the development. Additional review of the available power services to feed the development will occur with the preliminary subdivision plat.

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

- With the annexation and future development, the Developer will engineer certain Stormwater facilities that will adequately collect, detain, and release Stormwater runoff in a manner that will eliminate off-site impacts.
- Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in impacts on City infrastructure and services that are consistent with current infrastructure and service master plans.
- A condition has been included to protect future residential home owners who abut Ryan Gulch Reservoir from the anticipated 100-year high water surface elevation of the reservoir.

C. Land Use

1. Loveland Comprehensive Master Plan, Section 4.7

- a. **Land Use Plan:** *Whether the zoning is consistent with the Loveland Comprehensive Master Plan Land Use Plan or a "major plan amendment" request is being processed concurrently with the annexation and GDP application.*

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

- The Comprehensive Master Plan designates the site as Low Density Residential with a target density range of 2-4 units per acre. The requested R1 zone district aligns with the low density residential designation in the Master Plan.
- The zoning is consistent with the future Create Loveland Master Plan.
- A condition of approval is included that limits development of the property to a density of 3 units per acre, calculated based on developable area instead of a gross land area. Based on the environmental assessment, this would equate to a density of approximate 2.3 units per acre, which is consistent with the Master Plan.

2. Loveland Municipal Code

a. **Section 18.04.010:**

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

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

- Development of the property will provide adequate light and air and prevent overcrowding of the land. The R1 zone district requires a minimum lot size of 7,000 square feet and side yard setbacks of 1 foot for every 3 feet of building height. This typically results in a minimum of 14 feet between structures. This is consistent with the side yard setback for Lakes Side Terrace Estates and is greater than the side yard setback for Lakeside Terrace Estates PUD Second which stipulates a minimum of 10 feet between structures.
- The character of the district will preserve the value of buildings and encourages the most appropriate use of the land. The land use requested of low density residential development is consistent with the low density residential developments to the east. The gross density of Lakeside Terrace Estate PUD Second is 2.74 units per acre and the gross density of Lakeside Terrace Estates PUD is 1.8 units per acre. With the recommended

condition limiting the density of the Waters Edge Addition to 3 units per acre on the developable area, the project will have a gross density of approximately 2.3 units per acre.

- As the project is contiguous to existing developments receiving city services, an extension of infrastructure services is practical. The developer will be required to construct needed infrastructure to serve the development.

D. Environmental Impacts

1. Loveland Comprehensive Master Plan, Section 4.2

a. Annexation ANX3.A: *Whether the annexation will comply with the recommendations contained in the adopted Open Lands Plan and preserves open space or natural areas.*

Annexation ANX3.B: *Annexation will be allowed for the purpose of preserving or acquiring open space or natural areas.*

Annexation ANX4.A and B: *If the planning staff and/or the City have determined that significant negative impacts on the environment may occur from development allowed under the proposed zoning, an Environmental Impact Report, including a Wetlands Reconnaissance Report, has been prepared by a qualified specialist.*

Annexation ANX4.B: *Whether the annexation application includes a Phase I Environmental Report, prepared by a qualified specialist, ensuring that the land to be annexed does not contain hazardous or toxic substances that may pose a danger to the City or that reasonable mitigation measures can be taken in the event that such contamination exists.*

Annexation ANX4.D: *All development agreements must deal satisfactorily with any environmental impacts upon the property.*

Parks and Recreation: Staff believes that this finding can be met, based on the following facts:

- This property is adjacent to Natural Area Sites #35, #36, #46, #128 and #129. Each of these sites have a rating of 4 or 5 out of 10 for overall habitat value in the City's Natural Areas Sites report (2008) with the exception of Site #46 which has a rating of 6.
- Condition of approvals have been included that requires compliance with the environmentally sensitive areas report and preservation of environmentally sensitive areas and buffers. The conditions further require that these areas be placed in tracts or outlots to be owned and maintained by the home owners association.

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

- An environmentally sensitive areas report was submitted with the annexation and zoning and was prepared by Cedar Creek Associates (see excerpts in **Attachment E**). The report indicates that the habitat value and wildlife use of the property is limited by the lack of woody vegetation, dominance by non-native grass and weed species and current and past livestock grazing practices. The report indicates that wetlands along the western and eastern portions of the property are the most valuable habitats since they typically support a greater diversity of plants and animals.

E. Miscellaneous

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

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

- The annexation and zoning of the property into a low density residential development is compatible with development in the surrounding area. Future subdivision plats will need to demonstrate compliance with City standards including traffic studies and infrastructure plans.
- Conditions of approval have been included that would require preservation of environmentally sensitive areas and the establishment of a 40 foot bufferyard and detached meandering sidewalk along 28th Street SW to maintain a rural character. The sidewalk system will connect with the regional trail and will provide a safe link for pedestrians through the development.
- A preliminary subdivision plat application requires a neighborhood meeting and a public hearing with the Planning Commission. This will provide the neighborhood with an opportunity to participate and provide input on future subdivision designs.

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

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

- A certification from Zeren Land Services was submitted indicating that there are no mineral leasehold owners on the property.
- The configuration of the property, wetlands on the western and eastern boundaries, proximity to adjacent residential development and the location of the regional gas line traversing the site, would pose difficulties for mining operations.
- A mineral extraction report will be prepared prior to the City Council public hearing for the annexation and zoning.

VIII. RECOMMENDED CONDITIONS

The following conditions are recommended by City Staff.

Planning

1. Development of the property shall not exceed a gross density of 3 units per acre, as identified in the Low Density Residential Classification in the Comprehensive Master Plan. This density shall be calculated based on the developable area of the property, excluding environmentally sensitive areas identified in the Environmental Sensitive Areas Report dated December 14, 2015.
2. Subsequent development plans and subdivision plats for the property shall include residential design standards to demonstrate compliance with the City's Comprehensive Master Plan and the city policies for creating non-garage dominated streetscapes.
3. The streetscape on 28th Street SW shall include a detached meandering sidewalk within a 40 foot landscape bufferyard. Landscaping within the bufferyard shall be consistent with the rural character of the surrounding area, incorporating an informally arranged mix of deciduous and coniferous trees and shrubs with naturalized grasses.
4. The concept plan submitted with the annexation proposal is not vested or approved as part of the annexation and zoning of the property.

Parks and Recreation

5. This project is adjacent to the future Front Range Regional Trail (former CR 16 ROW on west side being abandoned for trail and utility access). No permanent structures or landscape shall be permitted within this easement without Parks and Recreation permission. The City may allow some permanent landscape improvements if such improvements meet the Parks and Recreation Dept. planting standards. Any improvements or connections to the future trail shall be installed, owned and maintained by the developer.
6. Future development plans and subdivision plats shall demonstrate compliance with the findings and recommendations from the submitted Environmentally Sensitive Areas Report (ESAR) dated December 14, 2015.
7. Any environmental buffer setbacks resulting from the findings in the Environmentally Sensitive Areas Report shall be located within a separate tract or outlot that will be owned and maintained by the homeowners association.

Transportation Development Review

8. All public street improvements will need to comply with the Larimer County Urban Area Street Standards. Residential street lengths shall not exceed 660 feet. No dead end streets are permitted. Standards require the development to connect to adjacent developed parcels at exiting street stubs or provide for a future connection to adjacent developable parcels every 1320 feet minimum around the all sides.

Water/Wastewater

9. With any development plans or subdivision plat the developer shall provide a 25 foot wide utility easement for a future water main at a location as shown in the current water master plan at the time of development.
10. With any development plans or subdivision plat the developer shall submit an approvable water and wastewater impact demand analysis that also determines a feasible wastewater solution for the development area.
11. With any development plans or subdivision plat the developer shall, unless previously constructed by others, design and construct a wastewater solution for this development.

Stormwater

12. Prior to approval of a Final Plat, the Developer shall design the residential lots which abut Ryan Gulch Reservoir such that the minimum abutting rear lot corner elevations are no lower than 5019.28 (NGVD29 datum). In addition, the Developer shall design the residential lots which abut Ryan Gulch Reservoir such that the residential home basement finished floor elevations are no lower than 5020.28 (NGVD 29 datum).

Waters Edge

Annexation and Zoning

Loveland, Colorado

Project Description

1. Zoning:

- Existing: FA-Farming (Larimer County)
- Proposed: R1 Low Density Residential (City of Loveland)
- The property is within the City of Loveland's Growth Management Area and has a designation of Low Density Residential (LDR) with the City's Comprehensive Plan.

2. Annexation:

- The property is currently located outside the City Limits and contiguous to the City limits on the east side.

3. Total area of project:

- The site is approximately 82.68 acres more or less.

4. Land Use:

- The proposed project consists of developing approximately 143 single family lots that will limit disturbance of existing natural areas.

5. Public Facilities:

a. General

- Due to Annexation and Zoning process and requirements, there would be the usual impact on public facilities and services including fire, police, water, sanitation, roadways, parks, schools and transit.

b. Sewage Disposal

- The property is located within the City of Loveland service area. Adjacent Lakeside Terrace to the east is currently serviced by the City of Loveland. Existing sewage disposal facilities at Lakeside Terrace will be used to service this property. Attached are City of Loveland Utility Maps for reference only.

c. Water Supply

- The property is located within the City of Loveland service area. There are existing water lines to the east at Lakeside Terrace, an existing 24" water line to the south in 28th Street SW and to the west in West County Road 16. Attached are City of Loveland Utility Maps for reference only.
- Each single family lot will be serviced with a 3/4" water service for a total of approximately 143 new water services.

d. Fire Protection

- Fire protection is provided by Loveland Fire Rescue Authority. All Fire Code requirements will be complied with for the proposed project.
- Fire hydrants will be installed to meet City of Loveland and Loveland Fire Rescue Authority requirements.
- Street system will meet Loveland Fire Rescue Authority access requirements including secondary emergency access.

e. Roadways

- The property will be developed in accordance with the Larimer County Urban Area Street Standards and with the City of Loveland Adequate Community Facility Ordinance.
- A Traffic Impact Study will be provided.
- The development will be responsible for the design and construction of adjacent roadways to the ultimate standard street section.
- All internal streets within the development will be classified as residential local streets.
- 28th Street SW is designated as a major collector according to the attached City of Loveland 2035 Transportation Plan. City major collector typical section total right-of-way width is 80'. Unless additional right-of-way width is required based on the Traffic Impact Study this development will dedicate 40' of right-of-way (1/2 total right-of-way) adjacent to this development. This right-of-way dedication is equal to Lakeside Terrace 2nd 28th Street SW right-of-way dedication attached.

- West County Road 16 is designated as a residential local according to the City of Loveland Concept Review Comments. This development will not have access off of West County Road 16. Based on the Larimer County Board of County Commissioners "Findings and Resolution Restricting the Use of Part of County Road 16 Right-of-Way to Non-Vehicular Traffic" attached, existing West County Road 16 right-of-way adjacent to this development is permanently closed to public vehicular traffic.

f. Parks and Recreation

- The property will be developed in accordance with the Parks and Recreation Master Plan (2014).
- The enhancement recommendations noted in the Natural Areas Sites Report (2008) will be implemented or updated in an Environmental Sensitive Areas Report.

6. Drainage:

- The existing site generally drains from the south to the north towards Ryan Gulch Reservoir. Existing onsite grades do not exceed 20%.
- A site specific conceptual, preliminary and final drainage and erosion control report will be prepared in accordance with City storm drainage criteria and construction standards.
- The property is located within the Ryan Gulch Basin as shown on the attached City of Loveland Master Drainage Plan.

7. Shallow Utilities:

- Electric, cable, natural gas and telephone exist adjacent to the site.

8. Floodplain:

- The property is not in a floodplain according to the FIRM (Flood Insurance Rate Map) attached:
 - FIRM Community Panel Number 08069C1400G; Map effective February 6, 2013

9. Geotechnical:

- Preliminary subsurface exploration has been completed by Soillogic, Inc. and that documentation is attached. Ground water depth information is included with the bore logs. Bore log locations are included with the diagram attached and with the attached Site Inventory Map.

Waters Edge Rezoning Assessment Report

12.14.15

The property will be annexed and zoned to R1 and will subsequently be subdivided into 143 single-family lots. The project will have lot sizes and densities that are consistent with the R1 Zone District Standards and the Land Use Map of the Comprehensive Plan from February 2007, which is currently designated as LDR – Low Density Residential. The 82.68-acre site is located southwest of 14th Street SW between South Taft Avenue and the Ryan Gulch Reservoir, north of 28th Street SW. The east side of the property is adjacent to the Lakeside Terrace subdivision. The site is surrounded on the south, north and west by agricultural land, all of which is unincorporated and part of Larimer County.

The Waters Edge Annexation and Zoning complies with the following Land Use Goals and Objectives in Section 4.2 of the Loveland Comprehensive Plan:

LU2: Place an equal importance on the quality and character of new residential neighborhoods in each quadrant of the city, while at the same time maintaining or upgrading of existing neighborhoods.

- The Waters Edge project will maintain the quality of the existing residential neighborhood. The character will be similar with the primary focus on similar-sized single family detached homes.

GM7: Proactively annex all eligible areas, including enclaves, within the Loveland Growth Management Area.

- Waters Edge is located within the Loveland Growth Management Area.

ANXI: The capacity of community services and facilities to accommodate development should be considered when annexing new lands into the City.

- The property is located within Loveland's service area and can be adequately served by water and sewer.

ANX2: A compact pattern of urban development should be encouraged when considering the annexation of new lands into the City.

- The proposed neighborhood design of Waters Edge will maintain a compact development by creating lots and streets that are logical. The neighborhood's edges are formed by the existing reservoirs and wetlands.

ANX3: Appropriate consideration should be given to the need for open space and natural areas within the city limits.

- The Waters Edge development will provide open space and maintain the natural wetlands areas that exist in and around the property. The majority of the lots will back up to either water or wetlands that will remain as permanent open space.

ANX4: Environmental impacts of development should be identified and considered when considering an annexation proposal.

- An Environmental Report was prepared and submitted with the annexation. It addresses the existing wetlands and impacts to wildlife.

ANX5: The City's annexation objectives, policies, and regulations should promote quality developments.

- Waters Edge will be consistent with the surrounding neighborhoods in terms of quality. A master concept plan is included with the annexation.

ANX6: Guidelines for Contiguous Development

- Waters Edge is contiguous to existing City limits being adjacent to the Lakeside Terrace neighborhood.

ANX7: Functional plans for extension of utilities should provide for a phased program of extension of utilities in accordance with the requirement for contiguous development, subject to the need to maintain the City utilities' ability to service their customers adequately and efficiently.

- The development is located within the City of Loveland's service plan for water and sewer. Adjacent Lakeside Terrace to the east is currently serviced by the City of Loveland. Existing sewage disposal facilities at Lakeside Terrace will be used to service this property. There are existing water lines to the east in Lakeside Terrace, an existing 24" water line to the south in 28th Street SW and to the west in West County Road 16.

RES1: Orderly development which is phased and coordinated with the community's fiscal and service capacity is encouraged.

- Waters Edge is consistent with the established land use pattern in the adjacent neighborhoods. The extension of 28th Street and the availability of existing utilities will not create a burden on the existing system. The property is also contiguous to existing development within the City limits.

RES2: Development should only be permitted where provision of facilities and services (i.e., police, fire, water, sewer, parks, schools, roads, communications systems, etc.) will be made available in a timely manner.

- Water, sewer, electric, roads, police, and fire can all serve this development.

RES3: The development of a full range of housing types to meet the needs of all age and socio-economic groups is encouraged.

- The residential development and the construction of new single family lots fills a community-wide need for housing. The range of lot sizes will encourage diversity and attract people of all income levels.

RES4: A mix of housing densities throughout the City is encouraged.

- Waters Edge will provide a mix of housing densities by providing a range of lot sizes, from 4,800 square foot patio home lots to estate lots that are over 1/3-acre in size.

RES5: Quality design and compatible land use relationships with all proposed and existing developments is encouraged.

RES6: Residential development in areas which have been officially designated as floodplain areas is discouraged.

RES7: Pedestrian and bicycle friendly development is encouraged by considering among other things.

- Waters Edge will provide on-street sidewalks and walking trails. There is an existing County road that currently is being used as a walking path. This project will protect and enhance the path, making it accessible to all users within the area. The property is located ¼-mile from a shopping center located at Taft and 14th Street. BF Kitchen Elementary school is also within walking and biking distance from the property.

RES8: Energy-conscious land use and site planning practices are encouraged.

- The concept plan is energy conscious by providing a network of local streets that have on-street sidewalks and off-street trails that encourage walking and bicycling as an alternative to vehicles.

RES9: Applicable elements of the Open Lands Plan and Parks and Recreation Master Plan should be considered when evaluating in residential development proposals.

- The property will be developed in accordance with the Parks and Recreation Master Plan (2014).

RES10: Residential development proposals are encouraged where appropriate to incorporate the “clustering” of units to promote open space.

- Waters Edge contains clusters of lots and lot types. Ample open space is provided.

RES11: Motor vehicle access to low density lots should be from local streets (not collectors).

- Motor vehicle access will be via an extension of 28th Street SW, which is a major collector street. There will be no lots fronting this street. All of the lots in the development will be accessed by local streets.

RES12: The developer of a residential project should consider assembling available land parcels and prepare a master plan design for the larger area, rather than submit separate individual proposals.

- A concept plan is included with the annexation.

Specific evidence on which to make each of the following findings:

- a) The purpose set forth in Section 18.04.010 of the Loveland Municipal Code would be met if any use permitted by right in the zone district being requested was developed on the subject property.
 - The property is requesting straight R1 zoning, with the intention of providing a single family residential subdivision. The purpose would be met if any R1 uses were to be developed on the property.
- b) Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in development that is compatible with existing land uses adjacent to and in close enough proximity to the subject property to be effected by development of it.
 - The proposed residential development of the property will be compatible with the existing adjacent land uses.
- c) Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in impacts on city infrastructure and services that are consistent with current infrastructure and services master plans.
 - Impacts from the proposed development are minimized as the subject property is currently within the City of Loveland's service plans for services.
- d) Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in development that is consistent with the policies contained in Section 4 of the Loveland Comprehensive Master Plan.
 - The development of the property results in consistency with all of the land use goals and objectives contained within Section 4.
- e) Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in development that is not detrimental to the health, safety, or welfare of the neighborhood or general public.
 - The development of the property will not be detrimental to the health, safety, or welfare of the neighborhood or general public.

Chapter 18.12

R1 DISTRICT-DEVELOPING LOW-DENSITY RESIDENTIAL DISTRICT

Sections:

18.12.010	Purpose.
18.12.015	Uses permitted by right.
18.12.020	Uses permitted by special review.
18.12.030	Lot area.
18.12.040	Lot width.
18.12.050	Front yard.
18.12.060	Rear yard.
18.12.070	Side yard.
18.12.075	Height limitations.
18.12.080	Off-street parking.
18.12.090	Special considerations.

18.12.010 Purpose.

The developing low-density residential zoning district provides standards for establishing and preserving low density residential neighborhoods that include single family detached dwellings and complementary uses.

18.12.015 Uses permitted by right.

The following uses are permitted by right in a developing low-density residential (R1) district:

- A. One-family dwellings;
- B. Essential aboveground pad-mount transformers, electric and gas meters, telephone and electric junction and service locations, and underground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;
- C. Open land for the raising of crops, plants and flowers;
- D. Accessory buildings and uses;
- E. Public schools; and
- F. Place of worship or assembly. In addition to standard buffering requirements of the site development performance standards and guidelines, parking areas and drive aisles shall be screened from adjacent residential uses and residentially-zoned land by a six-foot high opaque wall, fence, or landscaping which achieves a similar effect, unless such screening would serve no practical purpose, as determined by the current planning manager.

18.12.020 Uses permitted by special review.*

The following uses are permitted by special review in a R1 district:

- A. Preschool nurseries;
- B. Parks, recreation areas and golf courses;
- C. Cemeteries;
- D. Estate areas;
- E. Two-family dwellings;
- F. Private schools;
- G. Essential aboveground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production

- facilities are not included;
- H. Child care centers licensed according to the statutes of the state and in conformity with the minimum rules and regulations for child care centers adopted in accordance with such statutes; such use may be conducted in conjunction with the residential use of the property;
 - I. Governmental or semipublic uses;
 - J. Group care facilities;
 - K. Housing for elderly;
 - L. Receiving foster care homes for up to eight children licensed according to the statutes of the state;
 - M. Accessory dwelling units; and
 - N. Personal wireless service facilities, as defined in Section 18.55.020, in compliance with Chapter 18.55.

*See Chapter 18.40.

18.12.030 Lot area.

The minimum area of a lot in the R1 district shall be seven thousand square feet as provided below:

- A. When a group of ten or more single-family dwellings are proposed for development as a unit, the minimum lot area may be varied in order to achieve flexibility and creativity in design. However, in no case shall the lot area be less than five thousand square feet, the average lot size for the unit be less than seven thousand square feet, and more than twenty percent of the lots be less than seven thousand square feet. When such development procedures are followed, the city-approved subdivision plat must be of record in the Larimer County Clerk and Recorder's Office.
- B. The minimum area of the lot for a two-family dwelling shall be at least nine thousand square feet in the R1 district.
- C. The minimum lot area for a place of worship or assembly shall be three times the total floor area of the place of worship or assembly building.

18.12.040 Lot width.

The minimum width of a lot in a R1 district shall be sixty-five feet, except that there shall be no minimum lot width requirement for cul-de-sac lots. Cul-de-sac lots shall be designed so that driveways on adjacent lots will either be contiguous or separated by a minimum of twenty-two feet as measured along the face of curb.

18.12.050 Front yard.

The minimum front yard in a R1 district, being the minimum distance of any building from the front lot line, shall be twenty feet.

18.12.060 Rear yard.

The minimum rear yard in a R1 district, being the minimum distance of any building from the rear lot line, shall be as follows:

- Principal building, fifteen feet;
- Detached accessory building, five feet.

18.12.070 Side yard.

The minimum side yard in a R1 district, being the minimum distance of any building from each side lot line, shall be one foot for each three feet or fraction thereof of building height; except that no side yard shall be less than five feet for a one-family dwelling or two-family dwelling, nor less than twenty-five feet for any other permitted principal building. Variations to this requirement may be

approved by the current planning manager for groups of three or more single-family dwellings; however, the minimum spacing between two adjacent structures shall not be less than ten feet. On corner lots the side yard setback adjacent to the street shall be no less than fifteen feet.

18.12.075 Height limitations.

Buildings and structures in this zone shall comply with Chapter 18.54.

18.12.080 Off-street parking.

The minimum off-street parking in the R1 district shall be provided in Chapter 18.42.

18.12.090 Special considerations.

The following special requirements shall apply for special review uses in the R1 district:

- A. Preschool nurseries.
 - 1. At least fifty square feet of floor area is set aside for school purposes for each child; and
 - 2. At least two hundred square feet of outdoor fenced play area is available for each child.
- B. Noncommercial recreational uses, including swimming pools, community buildings, tennis courts, and similar uses as a principal use.
 - 1. Outside lighting must not be located in such a manner or be of such intensity to be distracting to adjacent residential areas or street traffic.
 - 2. All buildings and active play areas shall be located at least twenty-five feet from all lot lines.
- C. Cemeteries. The minimum area of any cemetery shall be at least twenty acres, and gravesites shall be located at least twenty-five feet from the boundaries of the cemetery.

Water's Edge Neighborhood Meeting 3.24.16

1. Lakeside Terrace 99%
Spring Mountain 1%
2. Inadequate number of signs / posting location. Move locations to where folks can better see.
3. Will presentation be posted on the City's website?
4. What are recommendation requirements?
5. How many lots per acre? Averaged over entire development? How many acres in the wetlands?
6. Any reason this won't go through or is it a forgone conclusion?
7. Is there a State law that says the City has to annex it?
8. Any interest in City buying the site?
9. County vs City development – difference?
10. If a considerable number of residents approach City to buy land, what will make them listen?
11. What is a "Use by Right?"
12. Any restrictions on size of house? A big concern of neighbors.
13. Is this a PUD like LTE? Why not?
14. Will they have a HOA?
15. Does the city ever restrict building height in a development?
16. Is traffic part of Step 1?
17. Does R-1 allow apartments?
18. Any attempt to open road back up?
19. What are black arrows? Entrances to project? Will it be gated? Locked?
20. Is there a traffic study being presented tonight?
21. Is there an access in NW corner? Only access is out to 28th?
22. Are you going to build houses on top of the gas line?

23. 130-260 houses, 2 cars for every house – all going out to 28th street at the same time. Any traffic lights? 28th two way, left out road – everyone will cut through to 26th to get to Taft.
24. What kind of input to citizens have? Frequent bike and pedestrians mixing w/traffic.
25. Trees on south side of 28th – south side County & north side city?
26. Ask group who wants to urge the city that this should be open space?
27. Does the environmental evaluation take into consideration wildlife, birds, eagles, etc.? Poisoning Prairie Dogs – loss of eagles, hunters valued hunting ground.
28. Show of hands – who doesn't want this as open space?
29. There will be a parking lot for open space and increase in traffic – take that into consideration as well.
30. Many people walk on 28th Street & gravel road and they wont be able to use them because of this.
31. There are not sidewalks on Taft – you are contradicting yourself.
32. Isn't there another development under review east of Taft?
33. Concerns of folks from Lakeside Terrace walk along 28th.
No sidewalks along Taft / sketchy
34. McKensie & 26th – lot of traffic – who maintains streets?
HOA or City – maintained roads
35. Will there be improvements required on both sides of road along 28th Street?
36. Trail along west – why not allow this to become a road?
Put the money into improving old county road
Why won't county allow access?
37. Property land – locked. Traffic will increase greatly,
28th & Taft very dangerous intersection
38. Has Bill put a price tag on A, B & C?
What is fair market price? 7 million
39. What about traffic?
40. Who would be responsible? Developer or City?
41. So many questions without answers, especially traffic.
42. How soon can we start using the open lands area?

Can we use land now without trail?

43. Who will pay for improvements on 28th?
44. Wetlands – What is difference between town lines – Why are you showing lots in wetlands?
45. Since Lakeside Terrace is a PUD, could this be a gated community?
46. What can this group do to facilitate the city to purchase this as open space?
47. What are the impacts to Ryan's Gulch? Surface rights? Number cap?
48. Where is access to lake if you don't have lakefront property?
49. Can you put all info on website? Send email?
50. How can we have input at city council?
51. When was the last time open lands looked at this? Can we have input?
52. Can there be an appeal?
53. Would Bill consider a compromise for some open space west of C or a part of C?
54. Are there houses on top of the rise?
55. Cattails provide songbirds / redwing blackbirds
56. Was there cash in lieu for sidewalks along Taft when Lakeside Terrace was developed?

**ENVIRONMENTAL AND NATURAL AREAS ASSESSMENT REPORT
FOR THE WATERS EDGE PROPERTY**

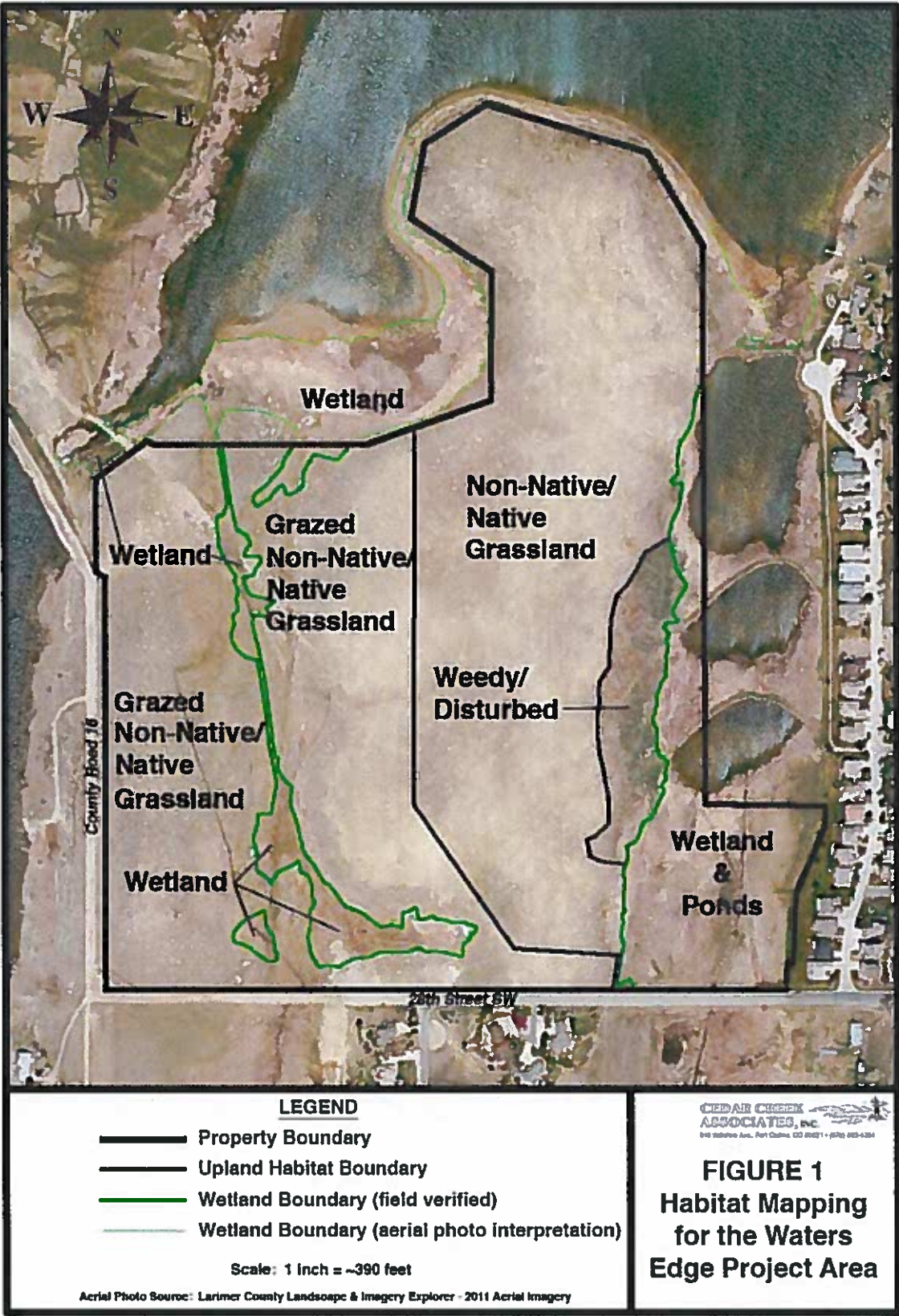
Prepared
by
Cedar Creek Associates, Inc.
Fort Collins, Colorado

Prepared
for
Luxor LLC
Loveland, Colorado

December 14, 2015

**CEDAR CREEK
ASSOCIATES, INC.** 
916 Wilshire Ave., Fort Collins, CO 80521 • (970) 493-4394

ATTACHMENT E



Non-native/native grassland in the eastern portion of the project area supports relatively sparse stands of grass cover over, although grass stands are more diverse and dense along the perimeter of this habitat, especially near the shoreline of Ryan Gulch Reservoir. In the more upland, hilltop portions of this habitat, it is apparent that past heavy grazing pressure has altered vegetation community composition. Grass cover is generally lacking, and unpalatable forb and small shrub species, which typically increase under heavy grazing pressure, are dominant. Dominants in this habitat are primarily fringed sage (*Artemisia frigida*) and broom snakeweed (*Gutierrezia sarothrae*) with field bindweed (*Convolvulus arvensis*) in the understory. The perimeter sites support increased vegetation diversity and more dense grass cover. Common grasses include western wheatgrass, Canada wildrye (*Elymus canadensis*), crested wheatgrass (*Agropyron cristatum*), smooth brome, cheatgrass (*Bromus tectorum*), and inland saltgrass. Western wheatgrass, Canada wildrye, and inland saltgrass are the only natives. Mixed stands of rubber rabbitbrush, broom snakeweed, field bindweed, flixweed (*Descurainia sophia*), curly dock (*Rumex crispus*), and kochia (*Bassia scoparia*) are also evident in these perimeter areas. Photos 2 and 5 through 8 provide representative views of non-native/native grassland habitats.

Weedy/disturbed habitat is supported on an east-facing slope between non-native/native grassland and wetlands at the east side of the project area. This area appears to have been cleared of native vegetation by disturbance, prairie dog grazing, or a combination of both, and now supports dense stands of predominantly tall weeds including kochia, flixweed, nettleseed lambsquarters (*Chenopodium berlandieri*), littlepod false flax (*Camelina microcarpa*), prickly lettuce (*Lactuca serriola*), Canada thistle (*Cirsium arvense*), and Scotch thistle (*Onopordum acanthium*). Photos 9 and 10 provide representative views of weedy/disturbed habitat.

Habitat value and wildlife use of non-native/native grassland and weedy/disturbed habitats are limited by the lack of woody vegetation, dominance by non-native grass and weed species, and current and past livestock grazing practices. Mice, voles, black-tiled prairie dogs, pocket gopher, western meadowlark, and horned lark are the only species likely to establish resident populations in these habitats. Other birds such as Brewer's blackbird, common grackle, black-billed magpie, and Canada goose may also occasionally use these habitats but would not be present as full time residents. Open-country raptors including red-tailed hawk, northern harrier, and great horned owl and mammalian predators like coyote, striped skunk, and red fox may occasionally hunt non-native grassland and weed/disturbed habitats. Prairie dog populations previously resided on the property but are currently absent.

Wetlands supported in the western half of the project area and along the eastern property boundary and associated water bodies are the most valuable habitats in or adjacent to the project area since they typically support a greater diversity of plants and animals than that found in adjacent dryland habitats. In addition, many wildlife species from adjacent upland habitats rely on wetland habitats for obtaining food, cover, and water on a regular or intermittent basis. However, the overall wildlife habitat value of the wetland swale in the western portion of the project area is relatively low since these wetlands are relatively small and narrow, have low herbaceous vegetation cover due to grazing, and lack any open surface water areas. In addition, these wetland areas are not well developed in terms of herbaceous species diversity and lack of woody species. Wildlife species potentially present in this wetland area include: small mammals, Woodhouse's toad, chorus frog, and wandering garter snake.

The pond and wetland mix along the project area eastern boundary and the wetlands associated with Ryan Gulch Reservoir are the most valuable and unique habitat features within or near the Waters Edge project area in terms of vegetation and wildlife species diversity and wildlife habitat value. However, dominance primarily by monotypic stands of cattail and bulrush and a lack of any woody vegetation diversity limit overall habitat diversity in these areas. Housing development immediately adjacent to the east boundary of the east side wetland swale also reduces the overall habitat value of this wetland swale. Wetlands and associated open water lake and pond habitats provide foraging, resting, and breeding habitat for some urban adapted species of waterfowl such as mallard and Canada goose. Wetlands with

Irrigation Canals, Ditches, and Water Courses

The grazed non-native/native grassland portion of the property was formerly flood irrigated for use as livestock pasture but has not been irrigated for at least 10 years (Bill Beierwaltes, personal communication). Small irrigation feeder ditches used for this irrigation practice are still evident in the western portion of the property, but they are no longer actively used for irrigation.

The two wetland swales are the only natural watercourses on or near the project area. The wetland swale in the western portion of the project area is ephemeral and carries water only seasonally in response to precipitation events. Surface water flow and open water ponds were evident in the east side wetland swale (Natural Area #35) at the time of the field surveys.

Existing Slopes Over Twenty Percent

Some slopes along the western property boundary and along the west side of the north-south ridge that runs down the center of the property exceed 20 percent. Erosion problem areas were not observed along these slopes, but additional erosion control and soil stabilization measures may need to be implemented in these areas if proposed development occurs in the Waters Edge property.

Soils With a High Water Table or Being Highly Erodible

The NRCS indicates that the Aquepts loamy and Longmont clay soil-mapping units have a water table within 6 to 18 inches and 24 to 30 inches of the surface, respectively. The water table is greater than 80 inches below the surface for the other project area soils.

Soils contained within the project area are: Aquepts loamy, Heldt clay loam, Longmont clay, Midway clay loam, Fort Collins loam, Kim loam, Longmont clay, Midway clay loam, and Tassel sandy loam. The NRCS (<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>) indicates these are all well-drained soils, except for Aquepts loamy and Longmont clay, which are poorly drained. Runoff is high to very high on all the project area soils. Aquepts loamy and Longmont clay have a slight to medium erosion hazard potential. The remaining project area soils with slopes over 3 percent have severe erosion potential (NRCS). No problem erosion sites were noted on the property during the December 2015 field surveys.

Land Formerly Used for Landfill Operations or Hazardous Industrial Use

These topics are addressed in separate documents submitted for the for the Water Edge property.

Fault Areas and Aquifer Recharge and Discharge Areas

These topics are addressed in separate documents submitted for the for the Waters Edge property.

ASSESSMENT OF POTENTIAL IMPACTS OF PROPOSED DEVELOPMENT

Proposed development would occur in primarily in non-native/native grassland and weedy/disturbed habitats. Because of past disturbance, livestock grazing, and a predominance of non-native and weedy species these habitat areas provide relatively low wildlife habitat value and do not support any special habitat features or environmentally sensitive areas.

Environmentally sensitive areas identified within or adjacent to the Waters Edge project area include Ryan Gulch Reservoir (Natural Areas #36), the Wetland Swale (Natural Areas #35) along the east project area boundary, and the wetland swale and ephemeral drainage in the western portion of the project area. *City of Loveland Parks and Recreation Master Plan (2014)* recommends a 50-foot setback from Natural Areas with a overall habitat rating of "5" or less to protect water quality and wildlife habitat would apply to the

east Wetland Swale (Natural Areas #35). A buffer setback of 75 feet is recommended for lake edges rated "5" or less and this would apply to #36 Ryan Gulch Reservoir. As per The *City of Loveland Parks and Recreation Master Plan (2014)* guidelines, buffer zones for these Natural Areas should be planted with native vegetation and intrusion by invasive weedy or non-native species should be controlled. These setbacks and vegetation planting guidelines would preclude any direct development impacts to these two Natural Areas and also minimize the potential surface water runoff degradation to water quality these Natural Areas. Buffer setbacks for Natural Area #35 would also maintain this swale as a wildlife movement corridor between Natural Areas to the south of the Waters Edge project area and Ryan Gulch Reservoir.

Preliminary concept plans for the proposed Waters Edge development indicate that development impacts to the wetland swale in the west portion of the project area would be restricted to a single road crossing. The extent of this impact is unknown at this time. Any wetland impact would need to be permitted through the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act, and wetland mitigation may be required if wetland losses reach or exceed 0.10 acre. A 50-foot buffer setback for other impervious surface developments near this wetland swale would protect the wetlands and water quality within this ephemeral drainage. This buffer would also maintain this swale as a wildlife movement corridor between Natural Areas to the south of the Waters Edge project area and Ryan Gulch Reservoir.

Based on this evaluation, project development would not result in any impacts to important wildlife corridors, environmentally sensitive areas, or potential habitat for federally listed threatened or endangered species. Development would result in loss of relatively low value non-native/native grassland and weedy/disturbed habitats and loss or displacement of wildlife currently residing or seasonally present in these habitats. However, no unique, sensitive, or State or Federal protected species would be impacted.

RECOMMENDED PROTECTION MEASURES, MITIGATION, AND ENHANCEMENT

Maintenance of Natural Areas and wetlands and establishment of appropriate buffer zone setbacks are the principal measures that would preclude or minimize impacts to Natural Areas and other environmentally sensitive areas. Other recommended mitigation measures to protect or enhance habitats within undeveloped portions of the project area are provided below.

- The intensity of night lighting from portions of the proposed development facing Natural Areas, wetlands, and their buffer zones should be shielded or directed to minimize the intrusion of artificial nighttime light into these areas.
- Existing weed-dominated areas within the buffer zones should be revegetated with appropriate native herbaceous and woody species to enhance wildlife habitat conditions within the two Natural Areas and the one unnamed wetland swale in the western portion of the project area.
- Impacts to existing stands of native herbaceous vegetation should be avoided to the extent possible.
- The road crossing of the western wetland swale should incorporate an appropriately sized and designed culvert to permit small mammal, reptile, and amphibian movement under the roadway.
- Removal of livestock grazing as soon as possible and continued control of prairie dogs would serve to greatly enhance existing stands of herbaceous vegetation in the western wetland swale. Additional plantings of native shrubs and trees would also increase vegetation diversity and cover as well as wildlife habitat value.
- Removal of weedy species and plantings of native shrub and trees in the existing weedy/disturbed habitat area would also substantially enhance wildlife habitat along the eastern portion of the project area.
- Any recreational trail development within the buffer zones should avoid existing wetland areas to the extent possible. Elevated boardwalks or small footbridges may be appropriate to span wetlands and minimize wetland impacts.

- Backyards of residential lots bordering Ryan Gulch shoreline areas may be attractive to Canada geese if planted to turf grass. In order to minimize potential human/goose conflicts on these lots, it may be necessary to construct low fences or shrub rows that limit goose line-of-sight views of the lake shoreline from these lots making them less attractive to grazing geese.



April 13, 2016

City of Loveland Planning Commission

Re: Waters Edge Proposed Development and Open Lands Purchase of Luxor 184 ac at 2440 CR 16

Dear Jeremy Jersvig,

The Loveland Planning Staff has asked the Open Lands Staff and Advisory Commission (OLAC) to make a statement regarding our interest in the Waters Edge Development for open land purposes. Staff has been in contact with the owner of the property for several years and this property has been discussed with OLAC several times. The property owner, Bill Beierwaltes, owned 184 acres south of CR 16 and 90 acres north of CR 16 (proposed Waters Edge). After a review and evaluation of both properties in 2015, OLAC recommended the fee simple purchase of the south parcel only. In January 2016, the City of Loveland closed on the 184-acre property south of CR 16 for open land and trail purposes.

The 184-acre property south of CR 16 was prioritized because:

- It provides a much needed trail connection south to CR 14 and then to the Town of Berthoud
- It is a highly-rated Natural Area with abundant wildlife including an active Golden Eagle nest
- It provides riparian and wetland areas along Southside Reservoir, Southside Extension Ditch

Both parcels were evaluated and discussed by OLAC and subsequently they did not recommend the 90 acres north of CR 16 (Waters Edge) as a project for Loveland's Open Lands program. Recommended acquisitions and preservation projects are periodically reviewed by OLAC and there are currently more than 20 prioritized open land acquisitions under consideration with limited funding.

Sincerely,

Marilyn Hilgenberg
Open Lands and Trails Manager

William Zawacki
Chair, Open Lands Advisory Commission

Cc: Elizabeth Anderson, Director of Parks and Recreation
Cc: Kerri Burchett, Current Planning
Cc: Tree Ablao, Assistant City Attorney
Cc: Hugh McKean, City Council Liaison to the Open Lands Advisory Commission

Agenda

Waters Edge Counter Proposal to Development

May 9, 2016

- 1. Who We Are**
- 2. Pictures of the Current Open Space**
- 3. Top 10 Reasons to keep it Open**
- 4. Statements of Support for Open Space
from the HOAs in the Area**

Proposal By Lakeside Terrace HOAs

To Keep Waters Edge “OPEN”

Who We Are:

- 5 HOAs that border the proposed Waters Edge Development (from the North to the South)
 - Shoreline HOA
 - Lakeside Terrace Estates HOA
 - Lakeside Commons HOA
 - Lakeside Terrace Estates II HOA
 - Spring Mountain HOA
- Concerned Citizens that are looking forward to the keeping the future of the City of Loveland with open lands and wildlife

Where We Live:

- From 14th Street SW to 28th Street SW along the west side of South Taft, bordering the proposed development on the entire east side and south side. Spring Mountain, while in the county, is directly south of the proposed development.

Why We Are Here:

- Protect the wildlife and natural areas of south Loveland.
- Keep an area with two wetlands and 5 lakes in just over a third of a mile wide and less than a mile long protected from development
- Exhort the city and county to protect this natural area from development
- Demonstrate the unanimity of the residents of southwest Loveland in protecting its environs.
- Request that the city/county and state work together to take advantage of the opportunity to preserve a natural wetlands

Wildlife On the Prairie

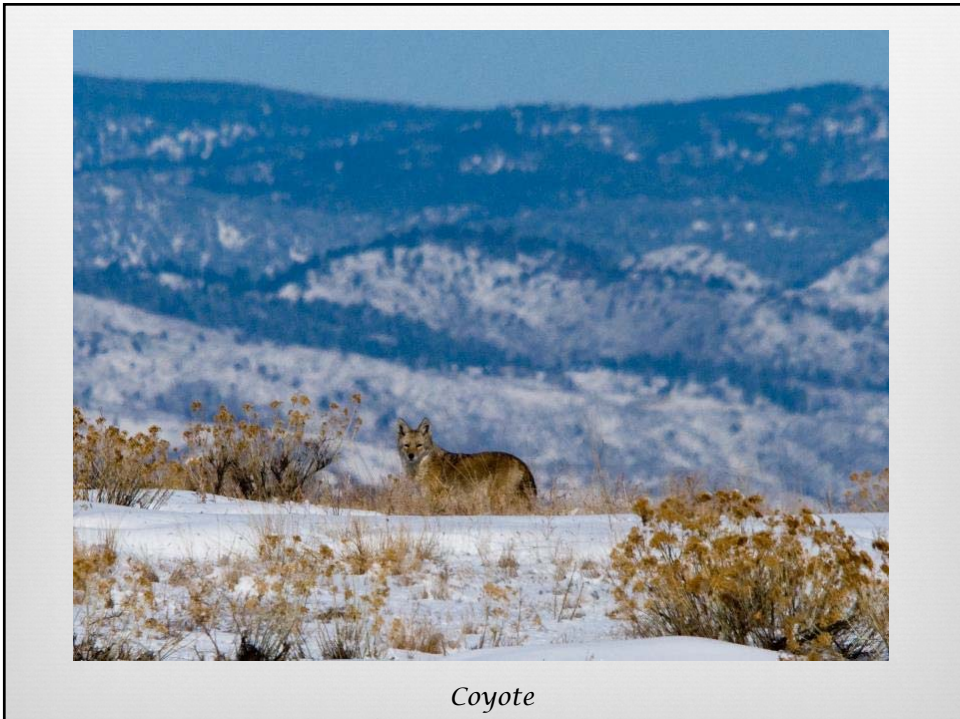


May 9, 2016



© Dan O'Donnell

Bald Eagle







Ferruginous Hawk



Golden Eagle





Northern Harrier



Red Fox Female



Red Fox Male



Red-Tailed Hawk



Swainson's Hawk



Rough-legged Hawk

TOP TEN CONCERNS OF RESIDENTS

ABOUT THE PROPOSED WATERS EDGE DEVELOPMENT

- 10-- Disruption of the natural animal habitat and the Colorado Trail/ No. Colorado Corridor (Deer, elk, foxes, coyotes, bear etc.)
- 9-- Light and Noise Pollution (from 130+ added houses and construction)
- 8-- Natural Gas Pipeline and Construction through Adjacent Wetlands to Ryans Gulch
- 7-- Air Pollution (200+ vehicles)
- 6-- Access ("emergency" route through narrow passage between north pond and Ryans Gulch) (Corps of Engineers permit?)
- 5-- Major disruption of view for Lakeside Terrace residents
- 4-- Significant traffic increase on Cty Road 16 (residents will soon discover gate on 16 west access is not padlocked)
- 3-- Traffic increase on 28th Street (additional 4-500 trips per day)
- 2-- Traffic increase on McKenzie Drive (Waters Edge residents driving north will cut down McKenzie, a narrow street with no sidewalks and many walkers)
- 1-- Erosion of housing values of all homeowners in the developments east and south of the proposed Waters Edge explosion of houses.

A POSSIBLE SOLUTION IS A CONTIGUOUS NATURAL AREA WITH THE RECENTLY ACQUIRED ONE TO THE SOUTH JUST ACROSS COUNTY ROAD 16

A neighbor recently stopped by to request your signature on this statement. Because you were not home I left this signature section below. An outpouring of support is necessary to have our concerns heard. Please sign this statement and deposit it in the receptacle at : 2665 McKenzie Dr. AND plan to attend the Planning Commission meeting on May 9th at 6:30 pm at the City Council Chambers.

**Statement of Support
Regarding the proposed Water's Edge Development Area**

We, the undersigned, agree and give our support to the following statement. We further affirm that our signature is given by our free will.

STATEMENT:

As residents, constituents, and neighbors near the proposed Waters Edge Development (as indicated by the attached map), we have concerns regarding increased traffic, environment, and limited access. We thereby request that:

Collectively or individually, the City of Loveland, Larimer County, and/or the State of Colorado purchase the land in question and designate it as Open Land in perpetuity.

*Total Signatures 172
cl. 5/2/16*

NAME	Address	In:	City	County	Date
Dick Malbot	2765 McKenzie Dr	X			4/25/16
Bird Sufenbaum	2766 McKenzie Dr	X			4/25/16
Christi McMan	2766 McKenzie Dr	X			4/25/16
Phillip Preston	2710 Lynn Ct	X			4/25/16
Marion Ham	2752 Lynn Ct	X			4/25/16
P. Venturas	2732 Lynn Ct	X			4-25-16
Mike Kelly	2764 Lynn	X			4-25-16
Dana Johnson	2764 Lynn Ct	X			4-25-16
Pete Muller	2763 Lynn Ct	X			4.25.16
Ronald Muller	2763 Lynn Ct	X			4/25/16
Victoria Carder	2731 Lynn Ct	X			4/25/16
Ann Balsiger	2731 Lynn Ct	X			4/25/16

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**Statement of Support
Regarding the proposed Water's Edge Development Area**

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NAME	Address	In:	City	County	Date
13 DAVID KOWNS	707 W 5 th , Loveland	X			4/27/16

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<i>Jay Sh</i>	1488 27th St SW Loveland CO 80537	X			4/25/14
<i>J. A. M</i>	2733 27th Ct. SW Loveland, CO 80537	✓			4/25/16
<i>Jim Capps</i>	2734 27th Ct. SW Loveland, CO 80537	X			4/25/16
<i>Malissa Christopher</i>	2734 27th Ct SW Loveland, CO 80537	X			4/25/16
<i>Eric Harting</i>	2690 27th Ct SW Loveland, CO 80537	X			4/25/16
<i>Alexa Harting</i>	2690 27th Ct SW Loveland, CO 80537	X			4/25/16
<i>Jennifer Klage</i>	1487 27th St SW Loveland CO 80537	X			4/25/16
<i>Lind Ann</i>	1501 27th St SW 80537	X			4/25/16
<i>Kathy D. McKenry</i>	2745 McKenzie Dr	X			4/27/16
<i>Nancy G Mc</i>	2745 McKenzie Dr	X			4/27/16
<i>Barbara Mallet</i>	2745 McKenzie Dr	X			4-27-16
<i>12 Rhonda Edgmon-Kopka</i>	707 W 5th St. Loveland, CO	X			4-28-16

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NAME	Address	In: City	County	Date
<i>[Signature]</i> Randall Payne	2765 27 th Ct SW	Loveland	Larimer	4/27/16
ATS for JASON B. PAYNE	2765 27 th Ct SW	Loveland	Larimer	4-28-16

2

Address of persons who have signed the Statement

Address	Number of Signatures	26th St	Number of Signatures	McKenzie	Number of Signatures	Helena Ct	Number of Signatures	Notes
2524	1	1669	2	2599	1	2318	1	
2525	1	1708	1	2575	1	2330	1	left stmt to sign
2458	1	1733	2	2539	1	2342	1	
2486	1	1680	1	2527	2	2307	2	
2493	2	1708	1	2491	1	2331	1	
2459	2	1658	2	2456	2	2318		President of the HOA, they had sent out 50 emails to their HOA re the WE development with information about the May 9 meeting probably, he will discuss w/his wife this evening 4/28
2525	2	1636	2	2432	1			
2307						2342		
2569	3							
2591								
2546	1							
2568	1							
2500	1							

16 11 9 5 41

2547 did not want to sign

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STEVEN LAURENCE	2459 FRANCES DR	Loveland	Larimer	12 April 2016
Kathryn Lawrence	2459 FRANCES DR	Loveland	Larimer	12 April 2016
Rebecca Ledermann	2525 Frances Dr	Loveland	"	04/22/2016
Brynn Ledermann	2525 Frances Dr	Loveland	"	04/22/2016
Donna C. Pelton	2307 Frances Dr	"	"	04/22/2016
Charles Kramer	2569 Frances Dr	"	"	4/22/2016
Jane Kramer	2569 Frances Dr	Loveland	"	4/22/2016
Jennifer Kramer	2569 Frances Dr	Loveland	"	4/22/16
Kate Foran	2591 Frances Dr	"	"	4-22-16
Kathy Jacobson	1680 26 th St SW	Loveland	"	4-22-16
Rob + Edie Sangiorgio	2318 Helena Ct	Loveland	"	4-22-16
Alan L. Girab	1708 26 th St. SW	Loveland	"	4-22-16

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✓ Stacy Yirak	1708 26 th St. SW	Loveland		4-22-16
✓ Donald-Faith Matula	1733 26 th St SW	Loveland		4-22-16
✓ Faith Matula	1933 26 th St. S.W	Loveland		4-22-16
✓ Sabrina Z. Southie	2599 McKenzie Dr	Loveland		4/22/16
✓ Nancy Turner	2575 McKenzie	Loveland		4/22/16
✓ Nelson Brownie	2539 McKenzie	Loveland		4-22-16
✓ Rebecca J. Jensen	2527 McKenzie Dr	Loveland		4-22-16
✓ E. S. Lewis	2527 McKenzie Dr	Loveland		4-22-16
✓ Carol M. Tomlin	2491 McKenzie Dr.	Loveland		4-22-16
✓ [Signature]	2456 MCKENZIE	LOVEL		4/22/16
✓ [Signature]	2432 MCKENZIE DR	LOVEL		4/22/16
12 ✓ [Signature]	2422 McKenzie Dr	Loveland		4/22/16

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NAME	Address	In: City	County	Date
Donna Cur	1669 265th SW	Loveland	Larimer	4-22-16
Donna Cur	"	"	"	4/22/16
Paul Marts	2524 Frances Dr	"	"	4/22/16
John [unclear]	2525 Frances Dr.	Loveland	Larimer	4/22/16
[unclear]	2458 FRANCES DR	LOVELAND	LARIMER	4/22/16
Melodie Beam	2486 Frances Dr.	Loveland	Larimer	4-22-16
K. O. Stenbakken	2493 FRANCES DR.	"	"	4/22/16
[unclear]	2493 Frances Dr.	"	"	4/22/16
[unclear]	2342 HELENA CT	"	"	4/27/2016
[unclear]	2307 Helena Ct	"	"	4/28/16
[unclear]	2307 Helena Ct	"	"	4/28/16
[unclear]	2331 Helena Ct	"	"	4/28/16

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NAME	Address	In: City	County	Date
<i>Barbara Johnson</i>	<i>2546 Frances Drive</i>	<i>Loveland</i>	<i>Larimer</i>	<i>05/01/16</i>
<i>W. Dan Mills</i>	<i>2568 Frances Dr</i>	<i>"</i>	<i>"</i>	<i>"</i>
<i>Dan Matheson</i>	<i>1658 26th St SW</i>	<i>"</i>	<i>"</i>	<i>5/1/16</i>
<i>Jessica Marlowe</i>	<i>1658 26th St SW</i>	<i>Loveland</i>	<i>Larimer</i>	<i>5/1/16</i>
<i>LEONARUS GRASSENS</i>	<i>1636 26th ST SW</i>	<i>LOVELAND</i>	<i>LARIME</i>	<i>5/1/16</i>
<i>Guatemala Grassens</i>	<i>1636 26th St. SW</i>	<i>Loveland</i>	<i>Larimer</i>	<i>5/1/16</i>
<i>James Mudge</i>	<i>2500 Frances Dr</i>	<i>Loveland</i>	<i>Larimer</i>	<i>5/1/16</i>
<i>Sharon Mudge</i>	<i>2560 Frances Dr. Loveland</i>			<i>5/1/16</i>

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NAME	Address	In:	City	County	Date
Karen J. Butz	2613 McKenzie Dr	Loue.	Lar.		4/26/16
Donald K. Butz	2613 McKenzie Pr.	Loue.	Lar.		4/26/16
Fanny S. Walter	2707 McKenzie Dr	LOVE	LAR		4/26/2016
Elizabeth K. Walter	2707 McKenzie Dr	love.	Lar.		4/26/2016
Thomas Yonon	7721 McKenzie Dr	hoo	lar		4/26/16
Gregg Donovan	" "	LV	Lar		4/26/16
Gregg C. Cunniff	2788 McKenzie	LV	Lar		4.26.16
Rah W. W. W.	"	"	"		"
Timber	11698 McKenzie	"	"		4/26/16
Timber	11698 McKenzie	"	"		4/26/16
Donald Bonnell	1682 McKenzie Ct.	LV.	Lar		4/26/16
Carol R. Van Delle	1682 McKenzie Ct	LV	Lar		4/26/16
A. Earl Page	1729 McKenzie Ct	LV	Lar		4/26/16

Handwritten initials or mark on the left side of the table.

Handwritten number '13' at the bottom left of the page.

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Paul Wimer	2479 McKenzie Dr.	Loveland ✓	LAR	April 25, '16
Marcia Wiener	2479 McKenzie Dr.	✓	LAR	Apr. 25, '16
Jane Snell	1528 - 27 th St. SW	✓	LAR	Apr. 25, '16
Kathleen Atkins	1714 McKenzie Ct	✓	LAR	April 25, 2016
James Athin	✓	✓	LAR	✓
Tom Wimer	1649 McKenzie Dr	✓	LAR	April 26, 2016
CREG JIRIK	1730 McKenzie Ct	✓	LAR	4/26/16
SHIRLEY JIRIK	1730 McKenzie Ct	✓	LAR	4/26/16
Lauri Rogers	1697 McKenzie Ct.	✓	LAR	4/26/16
Julie Mink	1681 McKenzie Ct	✓	LAR	4/26/16
Bob Mink	1681 McKenzie Ct	✓	LAR	4/26/16
12 Mingo George	1757 McKenzie Ct.	✓	LAR	4/26/16

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NAME	Address	In.	City	County	Date
Julie A Harden	2673 Amber Drive	Loveland	Larimer		4-26-16
Richard L. Hadden	2673 Amber Drive	Loveland	Larimer		4-26-16
Robert A. Benedict	2735 Amber Dr.	Loveland	Larimer		4-26-2016
John Elliott	2673 Amber Dr	Loveland	Larimer		4/26/2016
Mandi Dwyer	2791 Amber Dr	Loveland	Larimer		4/26/2016
Kevin D. Keys	2791 Amber Dr	Loveland	Larimer		4/26/2016
Paul Stramb	2792 Amber Dr	✓	✓		26 April 2016
Karl R. Kessler	2768 Amber Dr.	Loveland	Larimer		4/26/16
Susan H. Kessler	2768 Amber Dr.	Loveland	Larimer		4/26/16
Don D'aur	2740 Amber Dr	LOV	LAR		4/26/16
Terry Wiggins	1556 SW 27th St	LOV	LAR		4-26-16
Debra Beckm	1555 27th St. SW	LOV	LAR		4-26-16

12

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<i>L. F...</i>	<i>1757 McKe...</i>	<i>Lar</i>	<i>Lar.</i>	<i>Lar.</i>	<i>4-26-16</i>
<i>James L. Mc...</i>	<i>2626 McKe...</i>	<input checked="" type="checkbox"/>	<i>Lar.</i>	<i>Lar.</i>	<i>4-26-16</i>
<i>James L. Mc...</i>	<i>2626 McKe...</i>	<input checked="" type="checkbox"/>	<i>Lar.</i>	<i>Lar.</i>	
<i>Andre Schneider</i>	<i>2689 McKe...</i>	<input checked="" type="checkbox"/>	<i>Lar.</i>	<i>Lar.</i>	<i>4-27-16</i>
<i>Ron Schneider</i>	<i>2689 McKe...</i>	<input checked="" type="checkbox"/>	<i>Lar.</i>	<i>Lar.</i>	<i>4-27-16</i>
<i>Cheryl Courtney</i>	<i>2672 McKe...</i>	<input checked="" type="checkbox"/>	<i>Lar.</i>	<i>Lar.</i>	<i>4-28-16</i>
<i>Russell Pickering</i>	<i>2672 McKe...</i>	<input checked="" type="checkbox"/>	<i>Lar.</i>	<i>Lar.</i>	<i>4-28-16</i>

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NAME	Address	In: City	County	Date
Waneda Welle	2707 Amber Dr	✓	LAR	4-27-2016

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Judith Mamate	2204 Frances	yes	Larimer	4-28-16
Joseph T. Mamate	2204 Frances Dr.	yes	La.	04/28/16
Mary Louise Myers	2211 Frances Dr.	yes	Larimer	4-28-16
Bill	2208 Frances	yes	Larimer	4-28-16
Ben Hill	2208 Frances	yes	Larimer	4-28-16
Carla Hill	2208 Frances Dr.	yes	Larimer	4-28-16
Cody Hill	2208 Frances Dr.	yes	Larimer	4-28-16
Kathleen B. Hill	2106 Frances Dr.	yes	Larimer	5-1-16
John Hill	2106 Frances Dr.	yes	Larimer	5-1-16
Margaret Gardner	2203 Frances Dr.	yes	Larimer	5-1-16

P

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NAME	Address	In:	City	County	Date
<i>Kirk Bass</i>	<i>2801 Spring Mtn Loveland</i>			✓	<i>5/1/16</i> <i>also</i>
<i>Beth Hee</i>	<i>2880 Spring Mtn</i>			✓	<i>5/1/16</i> <i>also</i>
<i>Sari Gartner</i>	<i>2815 Spring Mtn</i>			✓	<i>5/1/16</i>
<i>Robert Hill</i>	<i>1956 Mt. Vista</i>			✓	<i>5-1-16</i>
<i>Janet Goldberry</i>	<i>1622 W. R. 16</i>			✓	<i>5-1-16</i>
<i>Zack Samuel Burnett</i>	<i>3142 Spring Mountain Ct</i>			✓	<i>5-1-16</i>
<i>Summer Samuel Burnett</i>	<i>3142 Spring Mountain Ct.</i>			✓	<i>5-1-16</i>
<i>Paul J. Caggler</i>	<i>3155 Spring Mtn. Ct.</i>			✓	<i>5-1-16</i>

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NAME	Address	In:	City	County	Date
Harry Weber	3003 Spring Mtn Dr			X	1 May 16
Ken E. Steph	3002 Spring Mtn Dr			X	5-1-16
Marilyn R. Stephens	3002 Spring Mtn Dr			X	5-1-2016
Tom M. Buel	2974 Spring Mtn Dr			X	5-1-2016
Keth Kemner	2962 Spring Mtn Dr			X	5-1-2016
G. Schmitt	2950 Spring Mtn Dr			X	5-1-2016
Jacquie Schmitt	2950 Spring Mtn Dr			X	5-1-2016
Janet Scott	2927 Spring Mtn Dr			X	5-1-2016
[Signature]	2927 Spring Mtn Dr			X	5-1-2016
Paul E. Williamson	2903 Spring Mtn Dr			X	5-1-2016
11 Amanda Williamson	2903 Spring Mtn Dr			X	

SM

HOA

Page 2 of 3

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<i>Ted Torres</i>	3118 Spring Mtn. Ct.			X	5-1-2016
<i>Sadie Torres</i>	" "			X	5-1-2016
<i>Ashley P. Payne</i>	3232 Spring Mtn. Ct.			X	5-1-2016
<i>Debra</i>	3232 Spring Mtn. Ct.			X	5-1-2016
<i>Carmen Williams</i>	3314 Spring Mtn. Ct.			X	5-1-2016
<i>Thomas L. Williams</i>	3314 Spring Mtn. Ct.			X	5-1-2016
<i>SM</i>	3303 Spring Mtn. Ct.			X	5-1-2016
<i>Stewart M. Stutz</i>	3323 Spring Mtn. Ct.			X	5-1-2016
<i>Leanne K. Uzzo</i>	3107 Spring Mtn. Ct.			X	5-1-2016
<i>Rachel DeLeon</i>	3107 Spring Mtn. Ct.			X	5-1-2016
<i>Angie A. Koch</i>	3431 Spring Mtn. Dr.			X	5-1-2016

SM

HOA

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NAME	Address	In	City	County	Date
Sonje Jessen	2212 Flora Ct	✓	✓	✓	May 1
Ken Jessen	2212 Flora Ct.	✓	✓	✓	5/1/2016

2

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NAME	Address Loveland CO	In: City	County	Date
Jean Filmer	2105 Francis Dr	yes	Larimer	May 1, 2016
Marshall Filmer	2105 Francis Dr	yes	Larimer	5-1-2016
Jean Filmer	2105 Francis	yes	Larimer	5-1-2016
Jean Filmer	2105 Francis	yes	Larimer	5-1-16
Bob Wilclark	2101 Flora Ct	yes	Larimer	5/1/16
Joseph Wilclark	2101 Flora Ct	yes	Larimer	5/1/16
Debbie Mayan	2208 Flora Ct	yes	Larimer	5/1/16
Howard Mayan	2208 Flora Court	yes	Larimer	May 1, 2016
Robert Campagna	2209 Flora Ct	yes	Larimer	May 1, 2016
Robert A. Campagna	2216 Flora Ct	yes	Larimer	May 1, 2016
12 Susan L. Campagna	2216 Flora Ct	yes	Larimer	May 1, 2016

Kerri Burchett

From: Rhonda Koons <rcekoons@yahoo.com>
Sent: Friday, April 29, 2016 3:26 PM
To: Kerri Burchett
Cc: David Koons
Subject: Proposed Water's Edge Addition Commentary

Dear Kerri,

We're writing you with regards to a proposed annexation and development called "Water's Edge" located north and west of 28th Street SW, south of Ryan Gulch Reservoir, west of the existing Lakeside Terraces division. This proposal will be under consideration at the May 9, 2016 Planning Commission session.

We'd like to ask Loveland to **deny annexation** and instead consider it an extension of the Loveland Natural Area recently acquired near Southside reservoir to preserve the natural environment of this area, its access to the Colorado Trail and Loveland's Open Spaces.

Reasons against:

- **PUBLIC SAFETY:** There is limited and questionable access to the proposed development for 911 alternative emergency access.
- **PUBLIC ACCESS:** The *one & only road* into the proposed development is 28th St SW causing dramatic increase in traffic along 28th St/County Road 16 and a myriad of difficulties with entry onto/off of Taft which is only 1 lane at that point. An increase of traffic will also be felt in the existing Lakeside Terraces neighborhoods as drivers try to circumvent the 28th and Taft entry. The proposed density will add up to *190 households* for a single entry/exit.
- **PROPERTY VALUE:** Property values for residences in existing neighborhoods are positively affected by the location of the open space and natural areas. A development of this size in this location will certainly affect the property values in a *negative* manner. We ourselves have a contract on a house adjacent to 28th St SW and will reconsider our purchase if 28th becomes the major thoroughfare for Water's Edge.
- **OPEN SPACE ACCESS:** This area is one of the few natural areas in Loveland that allows for open space access to Southside and Ryan Gulch reservoirs. We'd rather see this become a natural area for *all Loveland citizens* to enjoy rather than an environmentally stressed area available only to private residences.
- **PROTECTION:** This area has two natural wetlands which support untold numbers of birds, bald and golden eagles, small animals, occasional elk & deer, and various water creatures. A development of this density will *adversely affect* these populations.
- **INFRASTRUCTURE:** The infrastructure required to support the level of development proposed will be very difficult given the terrain, and be a drain on Loveland's finances to develop roads, sewage, utilities, etc.

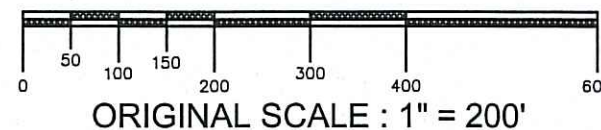
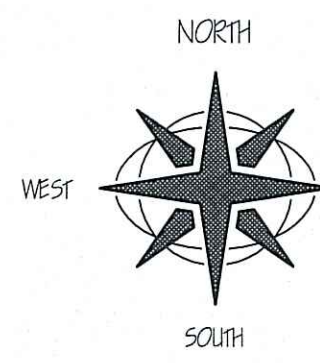
In closing, we'd like to ask you to **deny annexation** of the proposed Water's Edge development and choose to pursue an Open Space addition to support the Loveland Natural Area. Thanks for listening!

Best Regards,

David Koons & Rhonda Edgmon-Koons
Loveland Residents since 1985

WATERS EDGE ADDITION

BEING AN ANNEXATION OF PORTIONS OF SECTIONS 27 AND 34, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

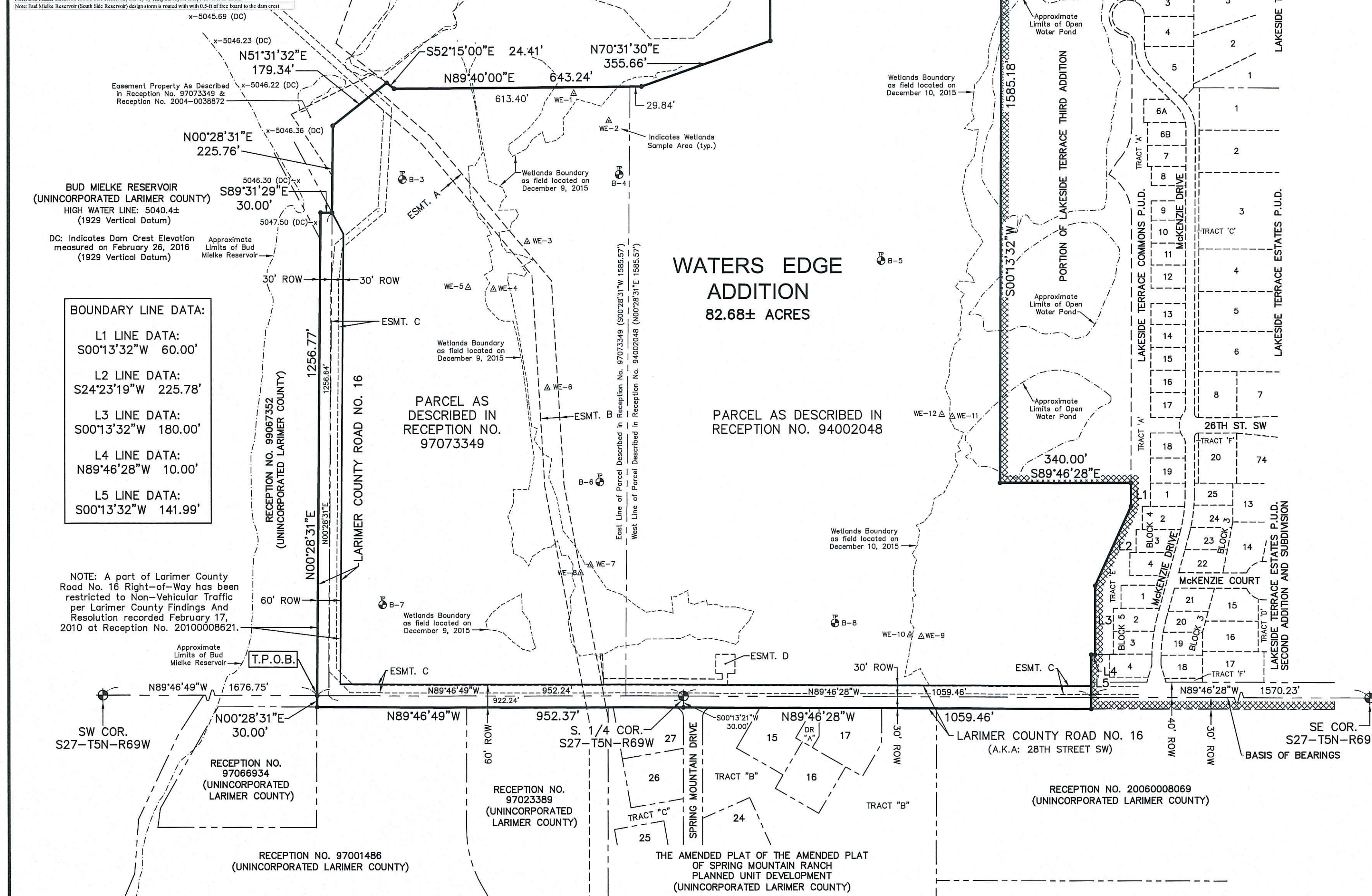


ORIGINAL SCALE: 1" = 200'
Date of Initial Preparation: November 13, 2015
STATEMENT OF LINEAR UNITS USED:
Linear Units Used for this survey - U.S. Survey Feet

Ryan Gulch Reservoir			
Interval	Back	Chk	Chk
(DISTANCE)	(DISTANCE)	(DISTANCE)	(DISTANCE)
Normal WSEL	5012.00	N/A	N/A
Chin Creek EL	5019.44 to 5019.73	5019.60	N/A
Spillway Canal EL	5013.17 to 5013.23	5013.40	N/A
SED 100-Year WSEL	N/A	5018.20	N/A
SLP/PSF	N/A	N/A	N/A

Bud Mielke Reservoir (South Side Reservoir)			
Interval	Back	Chk	Chk
(DISTANCE)	(DISTANCE)	(DISTANCE)	(DISTANCE)
Normal WSEL	5040.00	N/A	N/A
Chin Creek EL	5045.09 to 5045.30	5045.00	5045.00
Spillway Canal EL	5040.43 to 5040.51	5040.50	5040.50
SED 100-Year WSEL	N/A	5044.50	5044.50
SLP/PSF	N/A	N/A	N/A

Note: data marks horizontal reference points (NAD 83) shown
Note: Ryan Gulch Reservoir Project Final Design Report was completed by Buck Engineering Corporation
Note: Ryan Gulch Reservoir (South Side Reservoir) Final Design Report was completed by Buck Engineering Corporation
Note: Bud Mielke Reservoir (South Side Reservoir) Final Design Report was completed by Buck Engineering Corporation
Note: Bud Mielke Reservoir (South Side Reservoir) design notes were created with 1/8" of data based on the data used
Note: Bud Mielke Reservoir (South Side Reservoir) design notes were created with 1/8" of data based on the data used
x=5045.69 (DC)



BOUNDARY LINE DATA:

L1 LINE DATA:
S00°13'32"W 60.00'

L2 LINE DATA:
S24°23'19"W 225.78'

L3 LINE DATA:
S00°13'32"W 180.00'

L4 LINE DATA:
N89°46'28"W 10.00'

L5 LINE DATA:
S00°13'32"W 141.99'

NOTE: A part of Larimer County Road No. 16 Right-of-Way has been restricted to Non-Vehicular Traffic per Larimer County Findings And Resolution recorded February 17, 2010 at Reception No. 20100008621.

OWNERSHIP INFORMATION - ALL PARCELS (DOES NOT INCLUDE COUNTY ROAD RIGHT-OF-WAYS)
LUXOR, LLC
1907 GAIL COURT
LOVELAND, COLORADO 80537

Indicates Project Boundary
Indicates Existing City Limits

ANNEXATION DATA TABLE

1. Contiguity to City Limits:	2,542.95 Linear Feet
2. Total Allowable Annexation Limits:	15,257.70 Linear Feet
3. Total Annexation Boundary:	9,162.35 Linear Feet

WATERS EDGE ADDITION PROPERTY DESCRIPTION:

That portion of the South Half of Section 27 and that portion of the North Half of Section 34, all being in Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of the Southeast Quarter of said Section 27 as bearing North 89°46'28" West and with all bearings contained herein relative thereto:

Beginning at the Southwest corner of the Southeast Quarter of said Section 27; thence along the South line of the Southwest Quarter of said Section 27 North 89°46'49" West 952.24 feet, more or less, to a point on the Westerly right-of-way of Larimer County Road No. 16 and the TRUE POINT OF BEGINNING; thence departing said South line of the Southwest Quarter of said Section 27 and along said Westerly right-of-way of Larimer County Road No. 16 North 00°28'31" East 1256.77 feet; thence departing said Westerly right-of-way of Larimer County Road No. 16 South 89°31'29" East 30.00 feet, more or less, to a point on the Westerly line of that certain parcel of land as described in Deed recorded at Reception No. 97073349, records of said County; thence along said Westerly line of said certain parcel of land as described in Deed recorded at Reception No. 97073349 North 00°28'31" East 225.76 feet and again North 51°31'32" East 179.34 feet, more or less, to a point in the Southerly line of that certain parcel of land as described in Deed recorded in Book 1933 at Page 309, records of said County; thence departing said Westerly line of said certain parcel of land as described in Deed recorded at Reception No. 97073349 and along said Southerly lines of that certain parcel of land as described in Deed recorded in Book 1933 at Page 309 the following nine (9) courses and distances: 1) South 52°15'00" East 24.41 feet; 2) North 89°40'00" East 643.24 feet; 3) North 70°31'30" East 355.66 feet; 4) North 00°00'00" East 368.32 feet; 5) North 57°43'00" West 271.65 feet; 6) North 10°46'00" East 216.89 feet; 7) North 55°40'00" East 210.16 feet; 8) South 73°01'30" East 489.04 feet; 9) South 29°17'30" East 306.32 feet, more or less, to the Northwest corner of Lakeside Terrace Third Addition to the City of Loveland, County of Larimer, State of Colorado; thence departing said Southerly line of that certain parcel of land as described in Deed recorded in Book 1933 at Page 309 and along the Westerly line of said Lakeside Terrace Third Addition South 00°13'32" West 1585.18 feet, more or less, to the Southwest corner of said Lakeside Terrace Third Addition; thence departing said Westerly line of said Lakeside Terrace Third Addition and along the Southerly line of said Lakeside Terrace Third Addition South 89°46'28" East 340.00 feet, more or less, to a point on the Westerly line of Lakeside Terrace Estates P.U.D. Second Addition and Subdivision to the City of Loveland, County of Larimer, State of Colorado; thence departing said Southerly line of said Lakeside Terrace Estates P.U.D. Second Addition and Subdivision the following five (5) courses and distances: 1) South 00°13'32" West 60.00 feet; 2) South 24°23'19" West 225.78 feet; 3) South 00°13'32" West 180.00 feet; 4) North 89°46'28" West 10.00 feet; 5) South 00°13'32" West 141.99 feet, more or less, to the Southwest corner of said Lakeside Terrace Third Addition; said point also being a point on the Southerly right-of-way line of Larimer County Road No. 16; thence departing said Westerly line of said Lakeside Terrace Estates P.U.D. Second Addition and Subdivision and along said Southerly right-of-way line of Larimer County Road No. 16 North 89°46'28" West 1059.46 feet and again North 89°46'49" West 952.37 feet, more or less, to a point on the Westerly right-of-way of Larimer County Road No. 16 North 00°28'31" East 30.00 feet, more or less, to the TRUE POINT OF BEGINNING.

Containing 82.68 Acres, more or less, and being subject to all easements and/or rights-of-ways now in use or of record.

MAYOR'S CERTIFICATE

This Map is approved by the City Council of the City of Loveland, Larimer County, Colorado, by Ordinance No. _____, passed on second reading on this _____ day of _____, 2016, for filing with the Clerk and Recorder of Larimer County.

By: _____ Mayor
ATTEST: _____ City Clerk

SURVEYORS CERTIFICATE:

I, Robert George Perschitte, a registered Land Surveyor in the State of Colorado, do hereby certify that the annexation map shown hereon is a reasonably accurate depiction of the parcel of land legally described herein, and to the extent described herein, that at least one sixth (1/6) of the peripheral boundary of said parcel is contiguous to the boundary of the City of Loveland, Colorado. The map was compiled using existing plats, deeds, legal descriptions, and other documents and is not based on the field survey nor should it be construed as a boundary survey.

PREPARED BY AND ON BEHALF OF:
INTERMILL LAND SURVEYING, INC.
1301 North Cleveland Avenue
Loveland, Colorado 80537
P: (970) 669-0156
F: (970) 635-9775
E: intermill@westoffice.net
Robert George Perschitte
Colorado PLS 34174

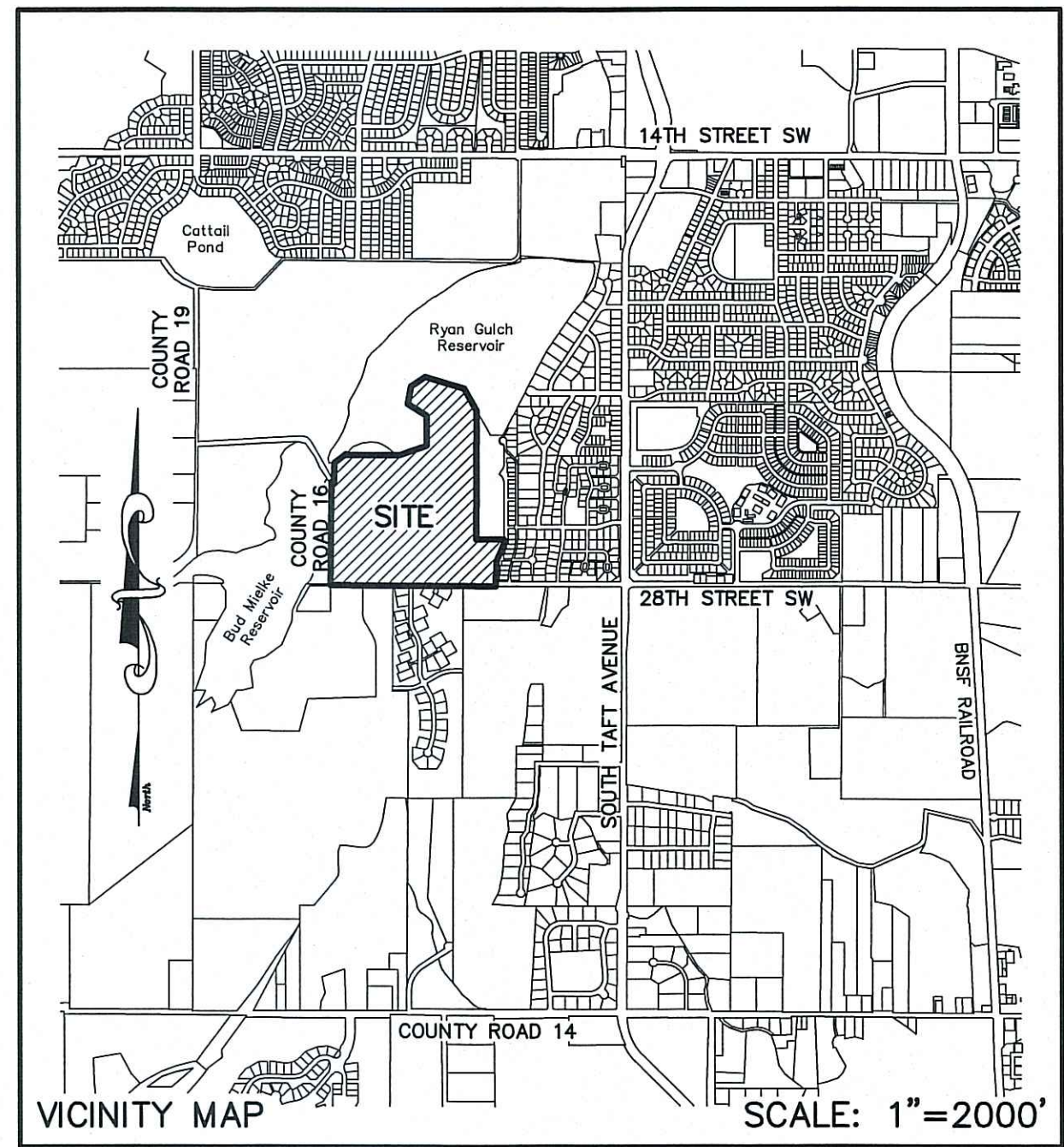
STATE OF COLORADO)
COUNTY OF LARIMER)
The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by Robert George Perschitte.
Witness my hand and official seal.
My commission expires: _____
Notary Public

EASEMENT DESCRIPTION LEGEND

- ESMT. A: 30' PSC0 Gas Easement (Parcel 1) Per Reception No. 20110053491
- ESMT. B: 50' PSC0 Gas Easement (Parcel 1) Per Reception No. 20110053491
- ESMT. C: 20' Waterline Easement (City of Loveland) Per Book 2129-Page 865
- ESMT. D: PSC0 Gas Easement (Parcel 3) Per Reception No. 20110053491

GENERAL NOTES:

- Recorded easements and rights of way within the subject property, if shown on this Map, were researched and provided to Intermill Land Surveying, Inc. by others. Research prepared by Land Title Guarantee Company, Inc. per the following Property Information Binder:
• Land Title Property Information Binder (Order No. FCC25135889, dated November 10, 2015).
- Recorded easements and rights of way, other than shown on this Map, have not been researched by Intermill Land Surveying, Inc. The easements and rights of way which may be shown hereon may not be complete, are based on general information, and are to be used only in this context. No further easement and/or right of way research, other than shown on this Map, was performed by Intermill Land Surveying, Inc. for the preparation of this Map. Easements and rights of way, if shown, taken from existing final plats, deeds, known information and documents obtained or provided to Intermill Land Surveying, Inc.
- This project is subject to an Annexation Agreement and Development Agreement which has been recorded in the Real Property records in the Office of the Larimer County Clerk and Recorder on _____ at Reception No. _____.
- When the property being annexed into the City of Loveland is currently located within the REA certified territory, this property is subject to a five percent (5%) surcharge on electrical energy as defined in 40-915-204, CRS, and the City of Loveland Municipal Code 13.12.180. This surcharge will expire ten years after effective date of the annexation.
- FLOOD ZONE NOTE:** Per the Federal Emergency Management Agency (FEMA) Flood Zone Mapping for this area (Map Number 08069C1400G, Panel 1400 of 1420, Effective Date of February 6, 2013) the subject property appears to lie within a Flood Zone "X". There appears to be no FEMA regulated flood zones affecting the subject property. As FEMA regulated flood areas do not appear to affect the subject property, it is always in one's best interest to consult with the City of Loveland, Colorado and/or Larimer County, Colorado to discuss the possibility of additional 'locally' regulated flood hazard areas affecting the subject property.
- BASIS OF BEARINGS STATEMENT:** Basis of Bearings for this survey are based on an assumed bearing of North 89°46'28" West on the South line of the Southeast Quarter of Section 27, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado.
- 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.



DATE: _____
BY: _____
REVISIONS: _____

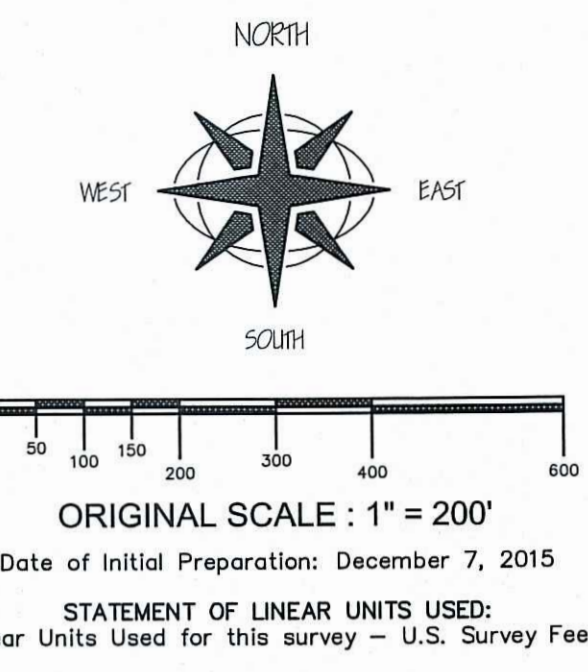
INTERMILL LAND SURVEYING, INC.
1301 NORTH CLEVELAND AVENUE
LOVELAND, COLORADO 80537
BUS. (970)-669-0156 / FAX (970)-635-9775

LUXOR, LLC
CLIENT:
TITLE: WATER'S EDGE ADDITION
TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

DRAWN BY: RGP
CHECKED BY: _____
APPROVED BY: _____
DATE: 11-13-2015
SCALE: 1"=200'
PROJECT NO.: P-11-6986
SHEET OF 1 1

WATERS EDGE ADDITION ZONING MAP

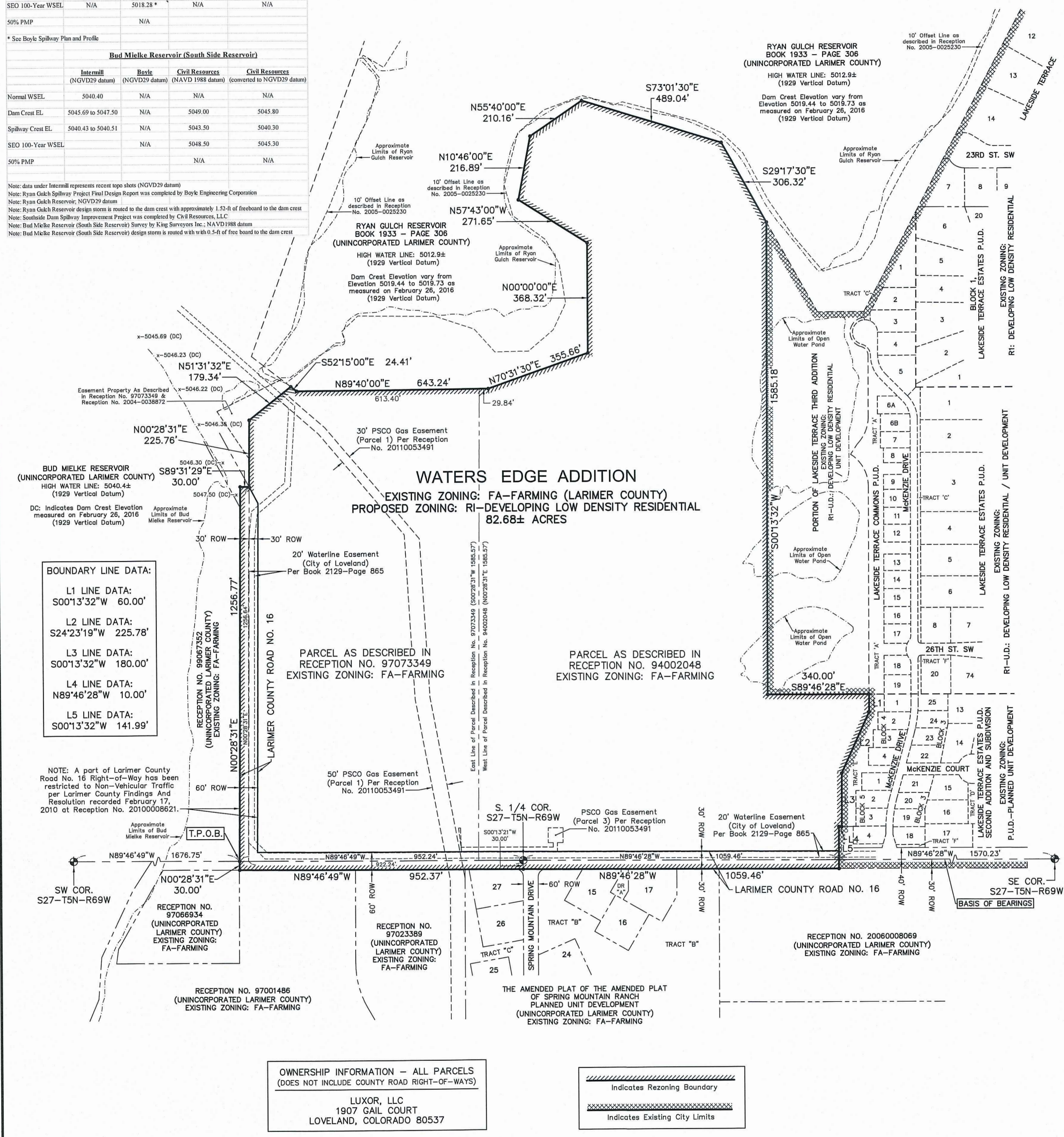
BEING A ZONING MAP FOR THE WATERS EDGE ADDITION, SITUATE IN SECTIONS 27 AND 34, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



	Ryan Gulch Reservoir			
	Intermittent (NGVD29 datum)	Bank (NGVD29 datum)	Civil Resources (NAVD 1988 datum)	Civil Resources (converted to NGVD29 datum)
Normal WSEL	5012.90	N/A	N/A	N/A
Dam Crest EL	5019.44 to 5019.73	5019.8*	N/A	N/A
Spillway Crest EL	5013.17 to 5013.23	5013.40	N/A	N/A
SEO 100-Year WSEL	N/A	5018.28*	N/A	N/A
50% PMP	N/A	N/A	N/A	N/A

	Bud Mielke Reservoir (South Side Reservoir)			
	Intermittent (NGVD29 datum)	Bank (NGVD29 datum)	Civil Resources (NAVD 1988 datum)	Civil Resources (converted to NGVD29 datum)
Normal WSEL	5040.40	N/A	N/A	N/A
Dam Crest EL	5045.69 to 5047.50	N/A	5049.00	5045.80
Spillway Crest EL	5040.43 to 5040.51	N/A	5043.50	5040.30
SEO 100-Year WSEL	N/A	N/A	5048.50	5043.30
50% PMP	N/A	N/A	N/A	N/A

Note: data under Intermittent represents recent top sheets (NGVD29 datum)
 Note: Ryan Gulch Reservoir Project Final Design Report was completed by Boyk Engineering Corporation
 Note: Ryan Gulch Reservoir, NGVD29 datum
 Note: Ryan Gulch Reservoir design storm is noted to the dam crest with approximately 1.5 ft of freeboard to the dam crest
 Note: South Side Reservoir Improvement Project was completed by Ch8 Resources, LLC
 Note: Bud Mielke Reservoir (South Side Reservoir) Survey by King Surveyors Inc., NAVD 1988 datum
 Note: Bud Mielke Reservoir (South Side Reservoir) design storm is noted with a 0.5-ft of free board to the dam crest



WATERS EDGE ADDITION ZONING DESCRIPTION
 FA-FARMING (LARIMER COUNTY) TO R1-DEVELOPING LOW DENSITY RESIDENTIAL (CITY OF LOVELAND);

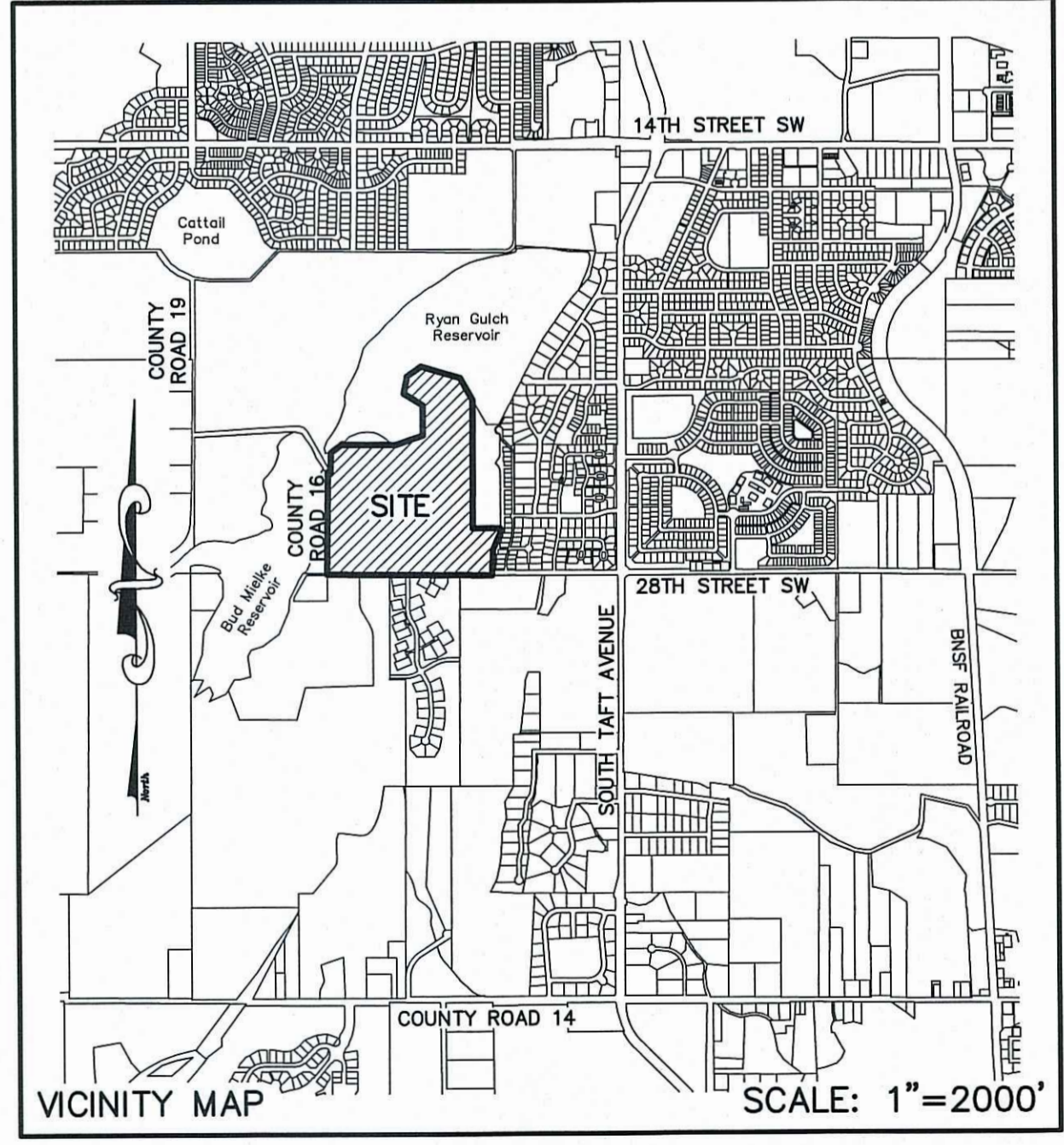
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Containing 82.68 Acres, more or less, and being subject to all easements and/or rights-of-ways now in use or of record.

- GENERAL NOTES:**
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OWNERSHIP INFORMATION - ALL PARCELS
 (DOES NOT INCLUDE COUNTY ROAD RIGHT-OF-WAYS)

LUXOR, LLC
 1907 GAIL COURT
 LOVELAND, COLORADO 80537

Indicates Rezoning Boundary
 Indicates Existing City Limits

DATE: _____
 BY: _____
 REVISIONS: _____

INTERMILL LAND SURVEYING, INC.
 BUS. (970)-689-0516 / FAX (970)-635-9775
 1301 NORTH CLEVELAND AVENUE
 LOVELAND, COLORADO 80537

CLIENT: **LUXOR, LLC**

TITLE: **WATERS EDGE ADDITION ZONING MAP**
 WATERS EDGE ADDITION, TO THE CITY OF LOVELAND, COLORADO

DRAWN BY: RGP
 CHECKED BY: _____
 APPROVED BY: _____
 DATE: 12-07-2015
 SCALE: 1"=200'
 PROJECT NO.: P-11-6986
 SHEET 1 OF 1