



**703 Weld County Road 37
BOARD OF TRUSTEES
REGULAR MEETING
December 5, 2023
6:30 p.m.**

This meeting will be held in the Town Hall Board Room, 703 WCR 37 and via Zoom. Residents are welcome to join us in the Board Room to view or participate in the meeting, during Public Comment or Public Hearings. Public access to this meeting can be found on the website no later than 24 hours prior to the meeting.

AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Michael Mahoney, Mayor

Jamie Jeffery, Mayor Pro Tem

May Wescott, Trustee

Dawn Coen, Trustee

Jacklyn White, Trustee

Kat Bristow, Trustee

Peggy Tapey, Trustee

4. APPROVAL OF AGENDA

5. PUBLIC COMMENT

The Town Clerk will read into record any comments/questions that were received prior to the meeting. Actions will not be taken at this time. Any Board of Trustee or Staff responses will be provisional. The Board of Trustees may provide consensus direction to Staff, for follow-up, at conclusion of comments.

6. CONSENT AGENDA

Any item listed on the Consent Agenda can be removed upon request from any member of the Town Board. For the benefit of our audience, the mayor will read the items remaining on the Consent Agenda prior to the Board's vote.

- a. Payment Approval Report (\$108,919.61) p. 3-8
- b. November 21, 2023 Minutes p. 9-12
- c. Board Meeting Calendar 2024 p. 13-14
- d. Resolution 2023-51 Amending The Procedures Regarding The Payment Of Bills Without Prior Approval Of The Board of Trustees Under Certain Circumstances p. 15-17
- e. Resolution 2023-52 Authorizing The Town Administrator To Execute Agreements Necessary To Complete Purchase Of Motor Grader From Weld County In An Amount Not To Exceed \$100,000 p. 18-21
- f. Emergency Repairs to Well Number 6 p. 22-27

7. ACTION ITEMS

- a. Public Hearing for the Elevated Storage Tank at Silver Peaks to gather input as part of a loan application process p. 28-104
- b. Public Hearing on the 2024 Budget: Public hearing to be opened and immediately continued to January 2, 2024, at 6:30 PM at Town Hall, 703 Weld County Road 37, Lochbuie, Colorado, 80603 p. 105

- c. Presentation of development impact fee study and consideration of Ordinance 2023-686 Amending The Lochbuie Municipal Code By (A) The Addition Of A New Article VI Of Chapter 4 Entitled “Development Impact Fees And Funds” To Impose Regional Transportation Impact Fees, Parks And Trails Impact Fees, And Municipal Facilities Impact Fees And (B) Amending Section 4-2-70(C) Regarding The Development Impact Fee Special Fund
p. 106-168
- d. Resolution 2023-53 Setting The Amount Of The Regional Transportation Impact Fee, Parks and Trails Impact Fee, And Municipal Facilities Impact Fee As Authorized by Article VI Of Chapter 4 Of The Lochbuie Municipal Code
p. 169-170
- e. Consideration and Action on Resolution 2023-54 Approving A Third Amendment To Annexation And Development Agreement For Blue Lake And A First Amendment To Subdivision Improvement And Water Dedication Agreement Blue Lake Filing No. 2.
p. 171-189

8. STAFF AND ATTORNEY UPDATES

9. MAYOR AND TRUSTEE COMMENTS

10. ADJOURN

The Board may convene a lawfully called executive session at any time during a regular or special meeting of the Board.

Report Criteria:

- Detail report.
- Invoices with totals above \$0 included.
- Paid and unpaid invoices included.

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
ADAMSON POLICE PRODUCTS						
ADAMSON POLICE PRODUCTS	INV405054	Shotgun shells	11/06/2023	665.00	.00	
ADAMSON POLICE PRODUCTS	INV405490	Uniform - PD - Ohlinger	11/14/2023	1,393.00	.00	
Total ADAMSON POLICE PRODUCTS:				2,058.00	.00	
AGFINITY, INC						
AGFINITY, INC	11-22-23	11/23 Hardware	11/22/2023	179.88	.00	
AGFINITY, INC	344480	11/23 WWTP Propane	11/20/2023	929.86	.00	
Total AGFINITY, INC:				1,109.74	.00	
AMAZON CAPITAL SERVICES						
AMAZON CAPITAL SERVICES	1677-HWGG-P	Supplies	11/22/2023	9.49	.00	
AMAZON CAPITAL SERVICES	1677-HWGG-P	Supplies	11/22/2023	5.14	.00	
AMAZON CAPITAL SERVICES	1VTR-VRQ6-F	PW Supplies	11/18/2023	329.16	.00	
AMAZON CAPITAL SERVICES	1VTR-VRQ6-F	PW Supplies	11/18/2023	329.15	.00	
AMAZON CAPITAL SERVICES	1WW6-XDNN-N	Supplies- kitchen	11/22/2023	45.87	.00	
AMAZON CAPITAL SERVICES	1WW6-XDNN-N	Supplies- kitchen	11/22/2023	45.87	.00	
AMAZON CAPITAL SERVICES	1WW6-XDNN-N	Supplies- kitchen	11/22/2023	45.87	.00	
Total AMAZON CAPITAL SERVICES:				810.55	.00	
AMERICAN HERITAGE LIFE INS						
AMERICAN HERITAGE LIFE INS	12400-112423	11/23 - Accident Insurance	11/24/2023	10.49	.00	
AMERICAN HERITAGE LIFE INS	12400-112423	11/23 - Accident Insurance	11/24/2023	.78	.00	
AMERICAN HERITAGE LIFE INS	12400-112423	11/23 - Accident Insurance	11/24/2023	46.21	.00	
AMERICAN HERITAGE LIFE INS	12400-112423	11/23 - Accident Insurance	11/24/2023	263.42	.00	
AMERICAN HERITAGE LIFE INS	12400-112423	11/23 - Accident Insurance	11/24/2023	33.07	.00	
AMERICAN HERITAGE LIFE INS	12400-112423	11/23 - Accident Insurance	11/24/2023	24.01	.00	
AMERICAN HERITAGE LIFE INS	12400-112423	11/23 - Accident Insurance	11/24/2023	24.01	.00	
AMERICAN HERITAGE LIFE INS	12400-112423	11/23 - Accident Insurance	11/24/2023	66.03	.00	
AMERICAN HERITAGE LIFE INS	12400-112423	11/23 - Accident Insurance	11/24/2023	38.56	.00	
AMERICAN HERITAGE LIFE INS	12400-112423	11/23 - Accident Insurance	11/24/2023	45.82	.00	
AMERICAN HERITAGE LIFE INS	12400-112423	11/23 - Accident Insurance	11/24/2023	27.54	.00	
Total AMERICAN HERITAGE LIFE INS:				579.94	.00	
AMERICAN SPRINKLER INC.						
AMERICAN SPRINKLER INC.	23-315	Fire Sprinkler Inspection 2023	11/20/2023	447.50	.00	
AMERICAN SPRINKLER INC.	23-315	Fire Sprinkler Inspection 2023	11/20/2023	447.50	.00	
Total AMERICAN SPRINKLER INC.:				895.00	.00	
CENTURY LINK						
CENTURY LINK	2474-111323	11/23-303-637-2474-Water Plant	11/13/2023	169.74	.00	
Total CENTURY LINK:				169.74	.00	
CINTAS						
CINTAS	4174403891	11/23-Town Hall Mats/Towels	11/17/2023	52.39	.00	
CINTAS	4176146089	11/23-Town Hall Mats/Towels	11/27/2023	52.39	.00	

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total CINTAS:				104.78	.00	
COBRAHELP						
COBRAHELP	300756	11/23 Cobra Consultant	11/15/2023	35.00	.00	
Total COBRAHELP:				35.00	.00	
COLORADO ANALYTICAL LAB						
COLORADO ANALYTICAL LAB	231108018	WASTEWATER TESTING	11/20/2023	423.00	.00	
COLORADO ANALYTICAL LAB	231108021	WASTEWATER TESTING	11/16/2023	917.11	.00	
COLORADO ANALYTICAL LAB	231109088	WASTEWATER TESTING	11/16/2023	93.60	.00	
COLORADO ANALYTICAL LAB	231113010	WASTEWATER TESTING	11/17/2023	136.80	.00	
COLORADO ANALYTICAL LAB	231115087	WATER-DRINKING	11/16/2023	82.80	.00	
COLORADO ANALYTICAL LAB	231117025	WASTEWATER TESTING	11/27/2023	81.00	.00	
COLORADO ANALYTICAL LAB	231120026	WASTEWATER TESTING	11/21/2023	24.30	.00	
Total COLORADO ANALYTICAL LAB:				1,758.61	.00	
COLORADO BARRICADE CO						
COLORADO BARRICADE CO	65159401-001	Street Signs - memorial	11/03/2023	166.48	.00	
Total COLORADO BARRICADE CO:				166.48	.00	
COLORADO COMMUNITY MEDIA						
COLORADO COMMUNITY MEDI	100469	11/23-Legal Notices-Ord BSB2824	11/17/2023	26.88	.00	
Total COLORADO COMMUNITY MEDIA:				26.88	.00	
Comcast						
Comcast	0288526-11162	12/23-Internet	11/16/2023	106.41	.00	
Comcast	0288526-11162	12/23-Internet	11/16/2023	106.42	.00	
Comcast	0288526-11162	12/23-Internet	11/16/2023	106.42	.00	
Total Comcast:				319.25	.00	
DANIEL OHLINGER						
DANIEL OHLINGER	BATTERIES	batteries	11/21/2023	10.76	.00	
Total DANIEL OHLINGER:				10.76	.00	
DENALI WATER SOLUTIONS LLC						
DENALI WATER SOLUTIONS LL	INV670979	11/7-11/10-Sludge Hauling	11/17/2023	3,400.98	.00	
DENALI WATER SOLUTIONS LL	INV677971	11/13-11/17-Sludge Hauling	11/27/2023	4,151.33	.00	
Total DENALI WATER SOLUTIONS LLC:				7,552.31	.00	
EQUIPMENTSHARE.COM INC						
EQUIPMENTSHARE.COM INC	LUP-3301760-0	drum roller	11/14/2023	569.10	.00	
Total EQUIPMENTSHARE.COM INC:				569.10	.00	
ERB ELEMENT						
ERB ELEMENT	13	12/23-Marketing Services	11/21/2023	666.67	.00	
ERB ELEMENT	13	12/23-Marketing Services	11/21/2023	666.67	.00	
ERB ELEMENT	13	12/23-Marketing Services	11/21/2023	666.66	.00	

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total ERB ELEMENT:				2,000.00	.00	
ERIKA MARICLE						
ERIKA MARICLE	SANTA PICTUR	PICTURES WITH SANTA	11/22/2023	500.00	.00	
Total ERIKA MARICLE:				500.00	.00	
FARMERS RESERVOIR & IRRIGATION						
FARMERS RESERVOIR & IRRIG	2028024-IN	10/23 - Schneider water adjustments	11/15/2023	112.50	.00	
Total FARMERS RESERVOIR & IRRIGATION:				112.50	.00	
GRAINGER						
GRAINGER	9900868168	WW - R&M	11/09/2023	33.58	.00	
Total GRAINGER:				33.58	.00	
KEN GARFF AUTOMOTIVE GROUP						
KEN GARFF AUTOMOTIVE GRO	F600	F-600 lease	11/16/2023	1,867.00	.00	
Total KEN GARFF AUTOMOTIVE GROUP:				1,867.00	.00	
KONICA MINOLTA BUSINESS SOLUTIONS						
KONICA MINOLTA BUSINESS S	290474031	11/23-Copier Lease-PD	11/18/2023	238.53	.00	
Total KONICA MINOLTA BUSINESS SOLUTIONS:				238.53	.00	
LONG BUILDING TECHNOLOGIES INC						
LONG BUILDING TECHNOLOGI	SCPAY0066332	11/23-HVAC Monthly Fee	11/10/2023	102.67	.00	
LONG BUILDING TECHNOLOGI	SCPAY0066332	11/23-HVAC Monthly Fee	11/10/2023	102.67	.00	
LONG BUILDING TECHNOLOGI	SCPAY0066332	11/23-HVAC Monthly Fee	11/10/2023	102.66	.00	
Total LONG BUILDING TECHNOLOGIES INC:				308.00	.00	
MARTIN/MARTIN CONSULTING ENGINEERS						
MARTIN/MARTIN CONSULTING	19.0580-00309	YTD 10/31/23 - Greenway Trail Reimb	11/13/2023	137.55	.00	
MARTIN/MARTIN CONSULTING	19.0580-00310	YTD 10/31/23 - CR4 Bridge Replacement	11/15/2023	53,866.37	.00	
Total MARTIN/MARTIN CONSULTING ENGINEERS:				54,003.92	.00	
MEDICAL AIR SERVICES ASSOCIATION						
MEDICAL AIR SERVICES ASSO	1690108	11/23 - Medical Transport Insurance	11/10/2023	2.10	.00	
MEDICAL AIR SERVICES ASSO	1690108	11/23 - Medical Transport Insurance	11/10/2023	.70	.00	
MEDICAL AIR SERVICES ASSO	1690108	11/23 - Medical Transport Insurance	11/10/2023	15.40	.00	
MEDICAL AIR SERVICES ASSO	1690108	11/23 - Medical Transport Insurance	11/10/2023	109.90	.00	
MEDICAL AIR SERVICES ASSO	1690108	11/23 - Medical Transport Insurance	11/10/2023	14.00	.00	
MEDICAL AIR SERVICES ASSO	1690108	11/23 - Medical Transport Insurance	11/10/2023	14.00	.00	
MEDICAL AIR SERVICES ASSO	1690108	11/23 - Medical Transport Insurance	11/10/2023	14.00	.00	
MEDICAL AIR SERVICES ASSO	1690108	11/23 - Medical Transport Insurance	11/10/2023	23.10	.00	
MEDICAL AIR SERVICES ASSO	1690108	11/23 - Medical Transport Insurance	11/10/2023	24.50	.00	
MEDICAL AIR SERVICES ASSO	1690108	11/23 - Medical Transport Insurance	11/10/2023	16.80	.00	
MEDICAL AIR SERVICES ASSO	1690108	11/23 - Medical Transport Insurance	11/10/2023	17.50	.00	
Total MEDICAL AIR SERVICES ASSOCIATION:				252.00	.00	

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
MUTUAL OF OMAHA						
MUTUAL OF OMAHA	001613193295	12/23 - Dental/Vision/Life/Disability	11/22/2023	83.51	.00	
MUTUAL OF OMAHA	001613193295	12/23 - Dental/Vision/Life/Disability	11/22/2023	62.80	.00	
MUTUAL OF OMAHA	001613193295	12/23 - Dental/Vision/Life/Disability	11/22/2023	322.86	.00	
MUTUAL OF OMAHA	001613193295	12/23 - Dental/Vision/Life/Disability	11/22/2023	1,285.45	.00	
MUTUAL OF OMAHA	001613193295	12/23 - Dental/Vision/Life/Disability	11/22/2023	190.63	.00	
MUTUAL OF OMAHA	001613193295	12/23 - Dental/Vision/Life/Disability	11/22/2023	95.79	.00	
MUTUAL OF OMAHA	001613193295	12/23 - Dental/Vision/Life/Disability	11/22/2023	95.80	.00	
MUTUAL OF OMAHA	001613193295	12/23 - Dental/Vision/Life/Disability	11/22/2023	401.20	.00	
MUTUAL OF OMAHA	001613193295	12/23 - Dental/Vision/Life/Disability	11/22/2023	160.51	.00	
MUTUAL OF OMAHA	001613193295	12/23 - Dental/Vision/Life/Disability	11/22/2023	276.17	.00	
MUTUAL OF OMAHA	001613193295	12/23 - Dental/Vision/Life/Disability	11/22/2023	114.65	.00	
Total MUTUAL OF OMAHA:				3,089.37	.00	
NAPA AUTO PARTS						
NAPA AUTO PARTS	3527-465867	Parts	11/16/2023	42.24	.00	
Total NAPA AUTO PARTS:				42.24	.00	
NEWMAN TRAFFIC SIGNS						
NEWMAN TRAFFIC SIGNS	TRFINV050728	PW STREETS - STREET SIGNS	11/14/2023	410.25	.00	
Total NEWMAN TRAFFIC SIGNS:				410.25	.00	
O.J. WATSON COMPANY, INC						
O.J. WATSON COMPANY, INC	J10336	2023 F-600	11/16/2023	2,768.00	.00	
Total O.J. WATSON COMPANY, INC:				2,768.00	.00	
POMP'S TIRE SERVICE, INC						
POMP'S TIRE SERVICE, INC	1900008130	PW - FLAT REPAIR	11/07/2023	32.86	.00	
Total POMP'S TIRE SERVICE, INC:				32.86	.00	
RAMEY ENVIRONMENTAL COMPLIANCE						
RAMEY ENVIRONMENTAL COM	26690	11/23 Water Services	11/22/2023	12,673.78	.00	
RAMEY ENVIRONMENTAL COM	26690	11/23 Wastewater Services	11/22/2023	12,589.27	.00	
RAMEY ENVIRONMENTAL COM	26690	11/23 Water Services LAB	11/22/2023	50.48	.00	
RAMEY ENVIRONMENTAL COM	26690	11/23 Wastewater Services LAB SUPPLIES	11/22/2023	32.70	.00	
RAMEY ENVIRONMENTAL COM	26690	11/23 Wastewater Services	11/22/2023	259.30	.00	
Total RAMEY ENVIRONMENTAL COMPLIANCE:				25,605.53	.00	
STERICYCLE INC						
STERICYCLE INC	8005351331	10/23-Shredding Service	11/18/2023	7.50	.00	
STERICYCLE INC	8005351331	10/23-Shredding Service	11/18/2023	7.50	.00	
STERICYCLE INC	8005351331	10/23-Shredding Service	11/18/2023	7.50	.00	
STERICYCLE INC	8005351331	10/23-Shredding Service	11/18/2023	7.50	.00	
STERICYCLE INC	8005351331	11/23-Shredding Service	11/18/2023	7.50	.00	
STERICYCLE INC	8005351331	11/23-Shredding Service	11/18/2023	7.50	.00	
STERICYCLE INC	8005351331	11/23-Shredding Service	11/18/2023	7.50	.00	
STERICYCLE INC	8005351331	11/23-Shredding Service	11/18/2023	7.50	.00	
Total STERICYCLE INC:				60.00	.00	

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
TJ Roberts						
TJ Roberts	2023 SANTA	2023 Santa	11/21/2023	100.00	.00	
Total TJ Roberts:				100.00	.00	
UNITED POWER						
UNITED POWER	19275500-1122	11/23 - 19275500 - Streetlights	11/22/2023	39.30	.00	
Total UNITED POWER:				39.30	.00	
USA BLUE BOOK						
USA BLUE BOOK	INV00188382	11/23- WW Lab Supplies	11/07/2023	321.34	.00	
Total USA BLUE BOOK:				321.34	.00	
XCEL ENERGY						
XCEL ENERGY	854311550	11/23 Water Plant	11/22/2023	391.57	.00	
XCEL ENERGY	854369137	11/23 PW	11/22/2023	157.84	.00	
XCEL ENERGY	854369137	11/23 PW	11/22/2023	157.83	.00	
Total XCEL ENERGY:				707.24	.00	
ZIPS TRUCK EQUIPMENT INC						
ZIPS TRUCK EQUIPMENT INC	SO68415	PW SUPPLIES	11/08/2023	261.81	.00	
Total ZIPS TRUCK EQUIPMENT INC:				261.81	.00	
Grand Totals:				108,919.61	.00	

Dated: _____

Mayor: _____

Town Trustees: _____

Town Clerk: _____

Town Treasurer: _____

Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
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Report Criteria:

- Detail report.
 - Invoices with totals above \$0 included.
 - Paid and unpaid invoices included.
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**703 Weld County Road 37
BOARD OF TRUSTEES
REGULAR MEETING
November 21, 2023
6:30 p.m.**

This meeting will be held in the Town Hall Board Room, 703 WCR 37 and via Zoom. Residents are welcome to join us in the Board Room to view or participate in the meeting, during Public Comment or Public Hearings. Public access to this meeting can be found on the website no later than 24 hours prior to the meeting.

Minutes

CALL TO ORDER

Mayor Mahoney called the meeting to order at 6:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Mayor Mahoney
Mayor Pro Tem Jeffery
Trustee Coen
Trustee Bristow
Trustee Tapey

Absent: Trustee Wescott
Trustee White

APPROVAL OF AGENDA

Motion made by Mayor Pro Tem Jeffery seconded by Trustee Coen to approve the agenda. Motion carried 5-0.

PUBLIC COMMENT

Larry Strock, 840 Lonewolf Circle, shared that this past Saturday the Knights of Columbus were at Lochbuie Elementary School handing out food to our citizens, they had over 50 bags of food. He would like to see a crosswalk at 168th Ave and Bonanza Blvd. There will be one there after QuikTrip builds, but he has been told that the 7-Eleven is the busiest in the state, and for right now we could use a crosswalk so that cars must yield for pedestrians. He asked about a timeline for County Road 50. In the future, the Town could consider a bridge over the Speer Canal on County Road 6.

CONSENT AGENDA

Any item listed on the Consent Agenda can be removed upon request from any member of the Town Board. For the benefit of our audience, the mayor will read the items remaining on the Consent Agenda prior to the Board's vote.

- a. Payment Approval Report (\$460,401.03)
- b. November 7, 2023 Minutes

- c. Resolution 2023-49 Expressing The Intent Of The Town To Be Reimbursed For Certain Expenses Relating To The Construction Of Water And Wastewater Utility Improvements

Motion made by Trustee Coen seconded by Mayor Pro Tem Jeffery to approve the consent agenda. Motion carried 5-0.

ACTION ITEMS

- a. Resolution 2023-50 Approving (A) A Carriage Agreement Between The Farmers Reservoir And Irrigation Company And The Town Of Lochbuie And (B) A Termination And Mutual Release Agreement By And Among The Town And Farmers Reservoir And Irrigation Company, Burlington Ditch, Reservoir And Land Company, Henrylyn Irrigation District, United Water & Sanitation District As The Successor To Silver Peaks Metropolitan District No. 1, Bromley District Water Providers, LLC, East Cherry Creek Valley Water And Sanitation District And Arapahoe Water And Wastewater Authority

Steve Jeffers, Lyons Gaddis, shared two agreements for consideration and approval. The agreements relate to maintaining Lochbuie's water delivery rights in the Farmers Reservoir and Irrigation Company system. There are agreements in place, but this resolution would be to replace one of the existing agreements with a new one, and to terminate the old agreement.

Motion made by Mayor Pro Tem Jeffery seconded by Trustee Coen to approve Resolution 2023-50 Approving (A) A Carriage Agreement Between The Farmers Reservoir And Irrigation Company And The Town Of Lochbuie And (B) A Termination And Mutual Release Agreement By And Among The Town And Farmers Reservoir And Irrigation Company, Burlington Ditch, Reservoir And Land Company, Henrylyn Irrigation District, United Water & Sanitation District As The Successor To Silver Peaks Metropolitan District No. 1, Bromley District Water Providers, LLC, East Cherry Creek Valley Water And Sanitation District And Arapahoe Water And Wastewater Authority. Motion carried 5-0.

- b. Employee Year End Bonus

AJ Euckert, Town Administrator, shared that historically, the Board of Trustees approved year end bonuses for all full-time employees. For the last few years, a \$200.00 bonus was approved, though the board has complete discretion to approve or forego bonuses. There are funds available in the budget for the bonuses. Additionally, if the Board considers a bonus for next year, staff could add this to the budget so that the funds are there, and it could still be determined at the end of the year if a bonus is deserved. At the request of the board, he provided statistics on the longevity of employees currently with the Town.

Motion made by Mayor Pro Tem Jeffery seconded by Trustee Coen to all full-time employees received a bonus of \$250. Motion carried 5-0.

DISCUSSION

- a. Board Organizational Matters

AJ Euckert, Town Administrator, reported that this is a check in with our representatives on DRCOG and the CML Policy Committee, and to discuss if there are any other committees that Lochbuie should be represented on. Our current representatives can decide if they are still able to serve, or if the Board of Trustees shall appoint a new representative.

Trustee Bristow stated that she would like to remain the Lochbuie representative for DRCOG.

Trustee Coen stated that she would like to remain the Lochbuie representative on the CML Policy Committee. She shared that in the future, this committee could be discussed in September, before the meetings begin.

- b. Compensation Study

AJ Euckert, Town Administrator, shared the results of the Compensation Study. Staff is still working with the consultant on the fine details of the study, but the intent is to move the Town to a market-based approach for compensation, should the board wish to move in that direction. Another recommendation of the study was to implement a step pay plan for the police department. He explained how the market-based compensation approach and the step pay plan would work and answered questions regarding each.

STAFF REPORTS

A. Finance/Treasurer

Denise Rademacher, Finance Director, shared the October financials and the quarterly report for the third quarter of 2023. She is working on the 2024 budget to get it ready for approval next month. The auditors are coming to town in December to begin the pre-audit for 2023. The Town has started a sweep program at the bank to earn more interest on our bank account. This year, W-2s must be filed electronically, so she is working on getting that set up. The loan application for the elevated storage tank is also in progress.

B. Police

Chief McCoy reported that the department had an investigation that resulted in an arrest warrant and a search warrant. The SWAT team assisted with this, and it was a positive operation. Earlier today, a call came in regarding trespassing at 7-Eleven. An officer responded and there was an incident with a dog that he wanted to make the board aware of.

C. Water/Wastewater

Wayne Ramey, Ramey Environmental, stated that the wastewater plant is running smoothly, and winter flows show that flows are continually increasing. They have been having issues with the chlorine read at the water plant and are working on getting that all fixed.

D. Public Works

Chris Larmon, Public Works Director, shared that the Ford F600 the department has been waiting for has arrived, so they are more ready for the snow season. A preconstruction meeting is scheduled tomorrow for the Greenways Trail. He is anticipating 30-day construction, weather depending. On October 27th, the grant application for funds for the Weld County Road 4 bridge was submitted. He is working with Wayne Ramey and 120 Water on the Lead and Copper Rule compliance. Adams County is resurfacing County Road 2, east of I76, next summer, and we are working on partnering with them and Weld County to resurface the Town's 1200 feet of road, which will be a cost-effective approach. He is working with Brighton to amend an existing IGA that governs maintenance on County Road 2 to incorporate signal operation and maintenance. County Road 2, phase 1 construction is on schedule.

E. Community Development

Chris Kennedy, Community Development Director, reported that we are very close to completing plan review for Starbucks in Lochbuie Center. He hopes to see building permit applications in December or early 2024. There have been discussions with a wholesale business who is looking at property south of the wastewater treatment plant. They purchase wholesale soil and garden mulch, then bag it up for sale and distribution. QuikTrip is looking at January for public notice requirements to finalize plans and begin construction. In addition to QuikTrip, this lot can hold several other commercial properties. The Homestead development in Brighton west of Silver Peaks is obligated to build the southern half of the roadway from County Road 2 to Jade Ave.

F. Town Clerk

Heather Bowen, Town Clerk, shared preliminary results of the 2023 election in regards to the Town's marijuana question.

G. Town Administrator

AJ Euckert, Town Administrator, thanked the board for the bonuses. Tonight, staff is sitting at the dais as it is more functional for presenting. This will be a new addition to meetings. He will be out of town next week. Economic development projects continue to move forward. He has received a warm welcome from everybody and is very thankful that Steve Stamey was the interim town administrator and could help provide some history. Water team meetings will begin to happen more frequently and will include Wayne Ramey, Steve Jeffers, Chris Sanchez and many other people. The purpose of the water team is to look down the road with our master planning to ensure that we can continue to serve existing customers and future development.

Jhazmin Thomas, Human Resources Manager, shared that she has been happy to work with AJ Euckert on the compensation study and it will be ready in a couple of weeks. She is also working on open enrollment and employee evaluations. She is getting ready to post and then hire the new positions that were approved for 2024.

Wayne Ramey shared that, on November 3rd, he and his wife sold their business to a company that is larger and has more resources. He is contractually obligated to stay with the company for two years through the transition, but he may stay longer. The company will remain named Ramey Environmental Compliance and his staff will also remain the same. The new company will allow for more technology and more opportunity.

MAYOR AND TRUSTEE COMMENTS

Trustee Tapey shared that after looking at the overall view of everything that Chris put together with all the different projects and hearing that we will start to see something visually is pretty exciting. It was disheartening to see that our marijuana question did not pass and to see how few people voted in town. Research shows there are approximately 5500 adults in Lochbuie, and just over 1000 of them voted. In that instance, the people did not speak, and I do not see it as a no.

Trustee Bristow shared that she agrees with Trustee Tapey that a low voter turnout does not depict an overall consensus of what the Town wants.

Mayor Pro Tem Jeffery stated that one of the biggest reasons she asked for a larger bonus this year for staff is that all the transitions we have gone through have been seamless. With Brian leaving, Steve coming in, and now AJ coming in, staff has not skipped a beat and everything staff does is appreciated. She is proud to live in Lochbuie.

Trustee Coen stated that she agrees with Mayor Pro Tem Jeffery's sentiments. We have awesome staff, and it makes her feel more comfortable living in this town now that she knows how everything fits together. As a private citizen, she is on the RE-3J District Accountability Committee. Right now, they are focused on Lochbuie as there is an issue with transportation. Kids here are on a waiting list to get a bus to school. Enrollment is down in the district, even though the population is up, so the district is not able to build a school right now. The district is discussing a change to the elementary schools in Lochbuie, and it is proposed to start next year. Students at Meadow Ridge finishing second grade would stay at Meadow Ridge for third grade, instead of moving to Lochbuie Elementary as they do now. This would continue for the next few years until Meadow Ridge housed grades pre-k through fourth. The same system would be implemented at Lochbuie Elementary; students finishing fifth grade would stay there for sixth grade, and then seventh and eighth until Lochbuie Elementary held grades five through eight. This would be an interim solution and the district would need to make a decision next spring for this to happen in fall 2024.

Mayor Mahoney shared that he has been in Lochbuie a long time and has seen lots of changes. The staffing we have now is bar none. Staff, and the board too, all do phenomenal jobs, and he thanks everyone from the bottom of his heart. He wished a Happy Thanksgiving to everybody.

ADJOURN

Motion made by Mayor Pro Tem Jeffery seconded by Trustee Bristow to adjourn the meeting. Motion carried unanimously.

Mayor Mahoney adjourned the meeting at 8:05 PM.

The Board may convene a lawfully called executive session at any time during a regular or special meeting of the Board.

Heather Bowen
Town Clerk

Michael Mahoney
Mayor



Agenda Item Summary

MEETING DATE: December 5, 2023
SUBJECT: 2024 Board Meeting Calendar
PRESENTED BY: Heather Bowen, Town Clerk

SUMMARY

Each year, the Town must set the dates that the Board of Trustee meetings will be held. Meetings are held on the first and third Tuesday of each month at 6:30 PM. Unless the board objects, we will continue with this same meeting schedule.

In 2024, the Colorado Municipal League Conference is scheduled from June 18-22. June 18th is the third Tuesday of the month, so would be a meeting date. Typically, the board has cancelled the second meeting in June, as many of the Trustees and staff attend this conference.

2024 is an election year, with the election date, November 5th, falling on the same evening as a meeting. Historically, a regular meeting landing on election night has been cancelled.

The calendar attached lists only one meeting in both June and November.

FINANCIAL CONSIDERATIONS

No financial considerations.

STAFF RECOMMENDATION/ACTION REQUIRED

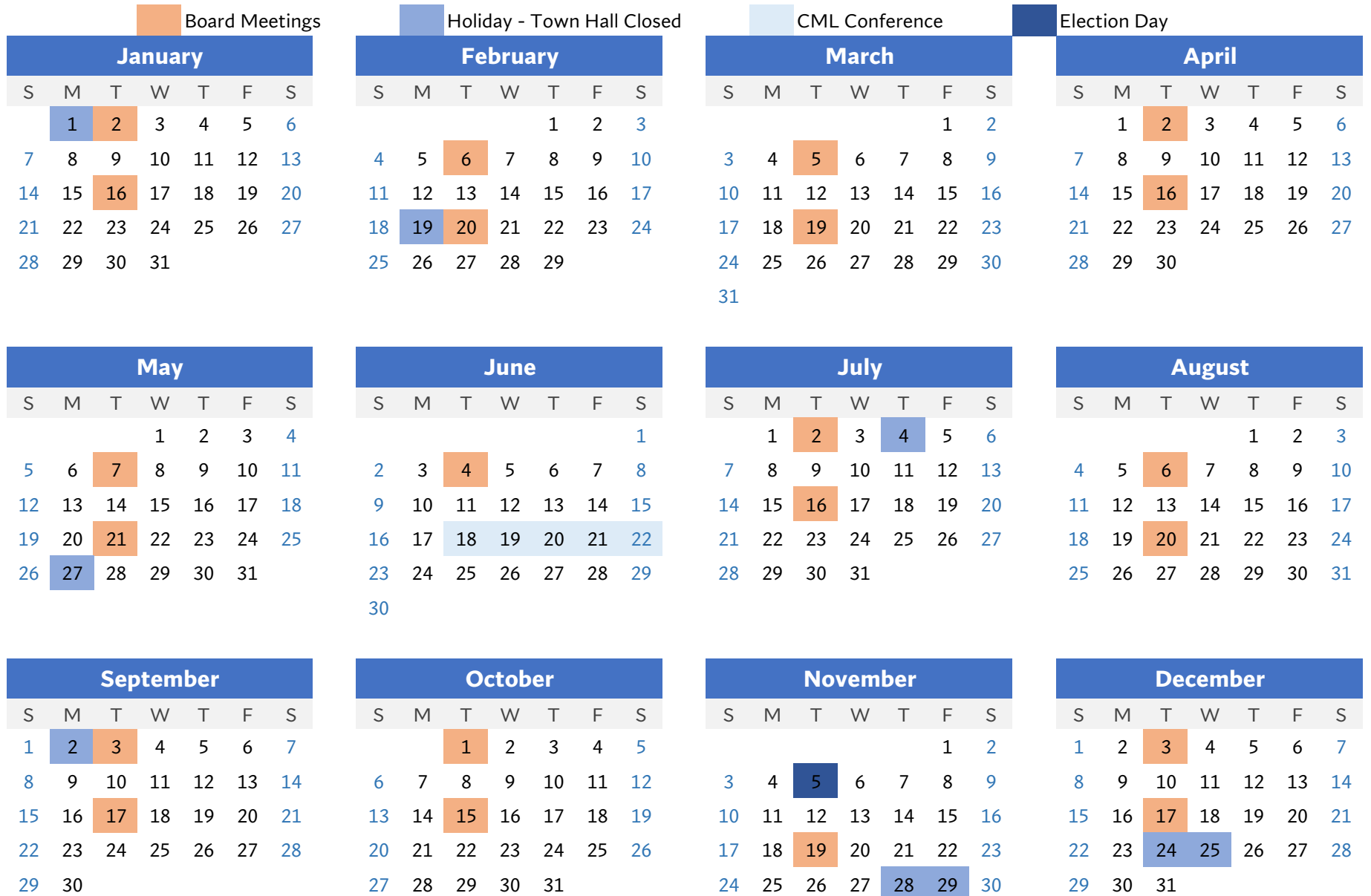
Staff recommends the following motion...

“I move to approve the 2024 Board Meeting Calendar.”

ATTACHMENTS

2024 Board Meeting Calendar

2024 Board Meeting Calendar





Agenda Item Summary

MEETING DATE: December 5, 2023
SUBJECT: Resolution 2023-51 Amending The Procedures Regarding The Payment Of Bills Without Prior Approval Of The Board Of Trustees Under Certain Circumstances
PRESENTED BY: AJ Euckert, Town Administrator

SUMMARY

At each Board of Trustees meeting, the Payment Approval Report is approved prior to staff sending out checks to pay the Town's bills. In an instance where a board meeting is cancelled or there are three weeks in between meetings, checks need to be mailed out prior to a future board meeting to ensure bill due dates are met.

The December 19, 2023 Board of Trustees meeting will be cancelled. Resolution 2023-51 allows staff to prepare checks and mail them out before the Board has approved the Payment Approval Report. The report will be presented to the Board at the January 2, 2024 meeting, as part of the consent agenda.

For future occurrences, staff would prepare and send the checks out to meet due dates, and would provide the Payment Approval Report at the next meeting date of the Board of Trustees.

FINANCIAL CONSIDERATIONS

No financial considerations.

STAFF RECOMMENDATION/ACTION REQUIRED

Staff recommends the following motion:

"I move to approve Resolution 2023-51 Amending The Procedures Regarding The Payment of Bills Without Prior Approval of The Board of Trustees Under Certain Circumstances."

ATTACHMENTS

Resolution 2023-51

**TOWN OF LOCHBUIE
COUNTIES OF ADAMS AND WELD
STATE OF COLORADO**

RESOLUTION NO. 2023-51

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
LOCHBUIE, COLORADO AMENDING THE PROCEDURES REGARDING
THE PAYMENT OF BILLS WITHOUT PRIOR APPROVAL OF THE
BOARD OF TRUSTEES UNDER CERTAIN CIRCUMSTANCES.**

WHEREAS, the Town must pay bills on time or it could incur late fees and other penalties;
and

WHEREAS, the Board of Trustees (the “Board”) desires that all bills be paid on time to avoid
such late fees and penalties; and

WHEREAS, the Town pays bills semimonthly, and the Board approves their payment at its
regularly scheduled meetings on the first and third Tuesdays of each month; and

WHEREAS, there are some occasions when only one meeting of the Board is held in a month,
and there are other occasions when there are three weeks between meetings of the Board, and on such
occasions bills may become due prior to the next regular meeting of the Board; and

WHEREAS, to ensure bills are paid on time by the Town, the Board desires to authorize the
Finance Director or his or her designee to pay such bills without prior approval of the Board when (1)
only one meeting of the Board is held in one month and the bill is received after the date of Board
packet preparation for the Board meeting and the bill payment becomes due before the Board will
meet again, or (2) there are three weeks between meetings of the Board and the bill is received after
the date of packet preparation for the Board meeting held before such three week period and the
payment becomes due during such three-week period; provided that, the Finance Director or his or
her designee presents the Board with a list of bills paid under such circumstances at the Board’s next
regularly scheduled meeting.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF
LOCHBUIE, COLORADO:**

Section 1. The Board of Trustees hereby authorizes the Town’s Finance Director, or
the Finance Director’s designee in the absence of the Finance Director with the approval of the Town
Administrator, to pay Town bills that are due without prior approval of the Board when (1) only one
meeting of the Board is held in one month and the bill is received after the date of Board packet
preparation for the Board meeting and payment becomes due before the Board will meet again, or (2)
there are three weeks between meetings of the Board and the bill is received after the date of Board
packet preparation for the Board meeting held before such three week period and the payment
becomes due during such three-week period; provided that, the Finance Director or his or her designee
shall present the Board with a list of bills paid under such circumstances at the Board’s next regularly
scheduled meeting

Section 2. Effective Date. This Resolution shall take effect upon its approval by
the Board of Trustees.

INTRODUCED, READ, AND ADOPTED THIS 5th day of December, 2023.

TOWN OF LOCHBUIE, COLORADO

ATTEST:

Michael Mahoney, Mayor

By: _____
Heather Bowen, Town Clerk



Agenda Item Summary

MEETING DATE: December 5, 2023

SUBJECT: Resolution 2023-52, authorizing the Town Administrator to execute agreements necessary to complete purchase of motor grader from Weld County.

PRESENTED BY: Chris Larmon, Public Works Director

SUMMARY

Staff is recommending the approval of Resolution No. 2023-52, authorizing the Town Administrator to execute agreements necessary to complete purchase of motor grader from Weld County.

BACKGROUND

The Public Works Department utilizes a variety of vehicles and equipment to provide essential services to our residents. These services include water and sewer service, parks, road and right-of-way maintenance, and snow removal.

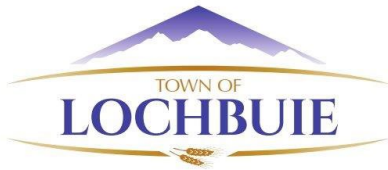
A motor grader is an essential piece of equipment primarily used for the maintenance of gravel roads. A motor grader is also very useful for many other applications like roadway shoulder maintenance, general construction, and snow removal.

The Town's current motor grader is a 1986 Dresser A-600. This unit is currently inoperable, and parts are not available to make repairs.

Staff have been working with the Weld County Public Works Department for quite some time to identify a used machine that will meet our current needs. Recently a machine has become available. Staff have inspected this unit and believe it to be in good working order and to be capable of meeting our current needs.

FINANCIAL CONSIDERATIONS

The 2023 budget allocated \$100,000 for the purchase of a used motor grader from Weld County. These funds are currently available in account 10-441-9400.



STAFF RECOMMENDATION/ACTION REQUIRED

Staff recommends the following motion:

- 1) "I move to approve Resolution No. 2023-52 authorizing the Town Administrator to execute agreements necessary to complete purchase of motor grader from Weld County in an amount not to exceed \$100,000."

ATTACHMENTS

Resolution No. 2023-52 - a resolution of the Board of Trustees of the Town of Lochbuie, Colorado, authorizing the Town Administrator to execute agreements necessary to complete purchase of motor grader from Weld County.

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS
STATE OF COLORADO**

RESOLUTION NO. 2023-52

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, COLORADO, AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE AGREEMENTS NECESSARY TO COMPLETE PURCHASE OF MOTOR GRADER FROM WELD COUNTY IN AN AMOUNT NOT TO EXCEED \$100,000

WHEREAS, the Board of Trustees previously budgeted and appropriated funds necessary to complete the purchase of a motor grader for the Town’s Public Works Department for the Town’s streets maintenance and other municipal functions; and

WHEREAS, Town staff has identified and evaluated a used motor grader currently owned by Weld County (“Motor Grader”) and recommends that the Town acquire this Motor Grader; and

WHEREAS, the purchase price exceeds the Town Administrator’s authority to execute the Agreement pursuant to the Town’s current Purchasing Policy; however, the Board of Trustees has the authority by this resolution to authorize the Town Administrator to bind the Town to an agreement and desires to do so to expedite the execution of an agreement with Weld County and the acquisition of the motor grader.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Lochbuie, Colorado, the following:

Section 1. The Town Board of Trustees (a) incorporates the above recitations as findings of the Board, (b) authorizes the Town Administrator, with the approval of the Town Attorney, to negotiate and execute on behalf of the Town a bill of sale, purchase agreement and/or other documentation necessary to effect the purchase of the Motor Grader in an amount not to exceed \$100,000.00.

Section 2. Effective Date. This Resolution shall take effect upon its approval by the Board of Trustees.

ADOPTED THIS 5TH DAY OF DECEMBER, 2023.

TOWN OF LOCHBUIE, COLORADO

ATTEST:

Michael Mahoney, Mayor

By: _____

Heather Bowen, Town Clerk



Agenda Item Summary

MEETING DATE: December 5, 2023
SUBJECT: Emergency Repairs to Well Number 6
PRESENTED BY: Chris Larmon, Public Works Director

SUMMARY

Well 6 is a critical component of the Town's water system. It provides water to the treatment plant for use by our residents. Well 6 is also used for the non-potable irrigation of Lockwood and Leo Sack parks.

On July 26 Well 6 developed excessive noise from the motor and was taken offline for diagnosis and repair. The motor was found to be defective and was replaced.

On August 28th the new motor began making excessive noise. After further diagnosis the pump shaft was found to be out of alignment. A down well contractor was called to remove the pump and diagnose the problem.

On November 6th the pump was removed and inspected. During inspection the pump shaft and bearings were found to be worn and needing to be replaced.

On November 21st Staff received a quote to repair and reinstall the pump. Due to the critical nature of these repairs and our reliance on Well 6, staff authorized these repairs. Staff anticipates the pump will be installed and Well 6 will be operational the week of December 4th.

FINANCIAL CONSIDERATIONS

The cost to repair and reinstall the pump at Well 6 was \$19,700.00. The Water Fund has funds available in account 50-410-6115 to cover these repairs.

STAFF RECOMMENDATION/ACTION REQUIRED

None



ATTACHMENTS

Proposal from Layne Christensen Company for Well 6 repairs



Office
5810 East 77th Avenue
Commerce City, CO 80022

T (303-755-1281)
graniteconstruction.com

11/21/23

Lochbuie Well 6R

Subject: Lochbuie Well 6R – Repair & Reinstallation

Dear Mr. Ramey:

Layne Christensen Company is pleased to present this proposal for the remaining pump repair and reinstallation scope for Lochbuie 6R Well Project.

- Mobilization/Demobilization
- Repair Pumping Equipment
 - o New Shafting and Bearings
 - o New Stuffing Box
- Reinstall Pumping Equipment
- Perform Startup

Total = \$19,700.00

This proposal is subject to the attached general terms and conditions. Please endorse below and Layne can schedule this work. If you have any questions regarding this information, please contact our office. Layne Christensen Company has appreciated this opportunity to be of service and looks forward to the possibility of working with you and your team on this project.

Sincerely,
LAYNE CHRISTENSEN COMPANY

Nathan L. Anderson
Account Manager III
303-842-4229

Accepted by: _____

Date: _____

11-21-2023



Office
5810 East 77th Avenue
Commerce City, CO 80022

T (303-755-1281)
graniteconstruction.com

LIABILITY OF CONTRACTOR: Contractor shall not be liable for any bodily injury, death, or injury to or destruction of tangible property except, as the same may have been caused by the negligence of Contractor. In no event shall Contractor be liable for any delays or special, indirect, incidental or consequential damages. Purchaser agrees that the total limit of Contractor's liability (whether based on negligence, warranty, strict liability or otherwise) hereunder, shall not exceed the aggregate amount due Contractor for services rendered under this contract. All claims, including claims for negligence or any other cause whatsoever, shall be deemed waived unless made in writing and received by Contractor within one (1) year after Contractor's completion of work hereunder.

INSURANCE: Contractor shall provide worker's compensation insurance, public liability and property damage insurance covering its employees and operation. Purchaser, at its option, may maintain such insurance as will protect it against claims arising out of the work.

TERMS: Net 30 days from date of invoice. For extended projects, Contractor shall submit invoices on a monthly basis for any and all work completed, and materials or equipment provided during the previous month. Past due invoices shall be subject to a delinquency charge.

MATERIAL SHORTAGES AND COST INCREASES: If any portion of materials or equipment which Contractor is required to furnish becomes unavailable, either temporarily or permanently, through causes beyond the control and without the fault of Contractor, then in the case of temporary unavailability any completion time frames shall be extended for such period of time as Contractor shall be delayed by such above-described unavailability, and in the case of permanent unavailability Contractor shall be excused from the requirement of furnishing such materials or equipment. Purchaser agrees to pay Contractor any increase in cost between the cost of the materials or equipment, which become permanently unavailable and the cost of the closest substitute, which is then reasonably available.

DELAYS: If Contractor is delayed at any time in the progress of work by labor disputes, fire, unusual delays in transportation, unavoidable casualties, weather, or any cause beyond Contractor's reasonable control, then any completion time frames shall be extended by a reasonable period of time, at least equal to the period of delay.

CHANGED CONDITIONS:

- a. The discovery of any hazardous waste, substances, pollutants, contaminants, underground obstructions or utilities on or in the jobsite which were not brought to the attention of Contractor prior to the date of this contract will constitute a materially different site condition entitling Contractor, at its sole discretion to immediately terminate this contract without further liability.
- b. In the event adequate circulation cannot be properly maintained by Contractor for two (2) consecutive hours, the Client will be notified, and drilling operations will immediately revert to Contractor's negotiated hourly and material rates. After circulation has been adequately maintained, the drilling operation will revert back to the contracted footage rate. Should circulation be lost again, the hourly rate will start immediately at Contractor's negotiated hourly and material rates.
- c. In the event subsurface and/or geologic conditions slow the drilling rate below 5 feet per hour, the client will be notified, and drilling operations will revert to contractor's negotiated hourly and material rate. When the drilling rate moves above 5' per hour and is adequately maintained, the drilling operation will revert back to the footage rate.

GUARANTEE AND LIABILITY: Contractor warrants that its labor supplied hereunder shall be free from defect and shall conform to the standards of care in effect in its industry at the time of performance of such labor for a period of twelve (12) months after substantial completion of Contractor's work. Contractor agrees, to the extent it is permitted, to pass on any warranties provided by the manufactures of materials and/or equipment furnished under this contract. Contractor itself provides no warranty, express, implied or otherwise, on any such materials or equipment. Contractor will not be responsible for; work done, material or equipment furnished, or repairs or alterations made by others.

For any breach hereunder, Contractor shall be liable only for the values of the installation work or, if it wrongfully fails to install, then its liability is limited to the difference between the contract price herein, and the value of other similar installation work. If Contractor's breach damages any materials or equipment furnished hereunder,



Contractor shall only be liable for the value of such materials or equipment. Under no circumstances will Contractor be liable for consequential, special or indirect damages, including without limitation, any crop loss or damage to other equipment, structures or property, nor for any other similar or dissimilar damages or losses whether due to delay, failure to furnish or install, delay in installation, defective material or equipment, defective workmanship, defective installation, delay in replacing, nor for any cause or breach whatsoever. In any event, Contractor's total liability towards Purchaser for alleged faulty performance or nonperformance under this contract shall be limited to the total contract price. No materials, equipment or services contracted herein carries any guarantee not mentioned in this contract. THE ABOVE WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, WARRANTIES OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, WHICH ARE HEREBY DISCLAIMED.

Water well rehabilitation or well repair may require the use of strong chemical agents and/or mechanical techniques that impart higher than normal stresses on the well. This is necessary to effectively repair the well casing or disperse and distribute the chemicals to breakdown any mineral build up, biofouling or encrustation. Layne will use standard industry practices available to repair or rehabilitate the well; however, it is possible due to poor construction practices, poor construction materials, pre-existing conditions, etc. that damage may occur. Impairment is very unlikely, and rarely occurs, but should such events such as gas production, increased sand production, reduced capacity, casing damage, surface subsidence, water quality changes or complete well failure occur, Layne Christensen will not be held liable for any damage due to these repair or rehabilitation processes.

TITLE AND OWNERSHIP: In case of default on Purchaser's part, Contractor shall have the right to enter the premises upon which any material or equipment furnished herein have been installed and retake such goods not then paid for and pursue any further remedy provided by law, including recovery of attorney's fees and any deficiency to the maximum extent and in the manner provided by law. Such materials and equipment shall retain their character as personal property of Contractor until Contractor receives payment in full, regardless of their mode of attachment. Unless prior specific written instructions are received to the contrary, surplus and replaced materials and equipment resulting from repair of installation work shall become the property of Contractor.

DELIVERY: Shipment schedules and dates, express or implied, are contingent on normal conditions. Contractor will not be responsible for any delays in shipment or completion caused by factors beyond its control such as, but not limited to, suppliers' failures, accidents, work stoppages or operation of or changes in the law. Shipments will be made as promptly as Contractor's ability to obtain materials and/or equipment and scheduling will permit. No delay in shipments or variances from shipping schedule shall be cause of cancellation or any claim for damage. Any changes in layout or design requested after acceptance of this contract will be made at Purchaser's additional cost. Any such change and/or time taken to supply engineering data or to approve drawings will automatically extend shipping schedules.

Equipment will be shipped "knocked down" to the extent Contractor considers necessary, with small parts stripped from equipment and crated. On and after delivery to the carrier for transportation to the Purchaser's site, Purchaser shall be responsible for all loss or damage to materials or equipment due to any cause, including but not limited to loss or damage resulting from casualty.

INDEMNIFICATION: Purchaser agrees to indemnify and hold Contractor, its directors, officers, stockholders, employees, agents and subcontractors, harmless from and against any and all claims, demands, causes of action (including third party claims, demands or causes of actions for contribution or indemnification), liability and costs (including attorneys' fees and other costs of defense) asserted and/or filed by Purchaser or any third party(ies), including without limitation Purchaser's employees, and arising out of or as a result of: (i) the presence of Contractor or its subcontractors at the job-site, (ii) the work performed by Contractor or its subcontractors, or (iii) any negligent act or omission of Purchaser, its employees, agents, consultants, or other contractors or any person or entity under Purchaser's control; except to the extent that such claims, demands, causes of action, liabilities or costs are caused by the negligence of Contractor or its subcontractors.

INTERPRETATION: This contract shall be governed by and construed in accordance with the laws of the state of the job-site location. In any term, provision or condition contained herein shall, to any extent, be invalid or unenforceable, pursuant to state law or otherwise, the remainder of the terms, provisions and conditions herein (or the application of such term, provision, or condition to persons or circumstances other than those in respect of which it is invalid or unenforceable) shall not be affected thereby, and each term, provision and condition of this contract shall be valid and enforceable to the fullest extent permitted by law.



ASSIGNMENT AND SUBLETTING: Purchaser shall not have the right to transfer or assign its rights and/or obligations under this contract to any third party, related or unrelated, without the express written consent of Contractor. Contractor shall have the right to transfer, assign or sublet all or any portion of its rights or obligations hereunder, but such transfer, assignment or subletting shall not relieve Contractor from its full obligations to Purchaser unless such transfer, assignment or subletting is pursuant to the sale of Contractor, or the division of Contractor responsible for this contract, to a third party.

LOST CIRCULATION: Contractor agrees to maintain its' equipment in good condition at all times and shall use reasonable means to prevent losses and maintain the integrity of the borehole. However, in the event adequate circulation cannot be properly maintained by Contractor for two (2) consecutive hours, the Client will be notified, and drilling operations will immediately revert to Contractor's currently published hourly rates. After circulation has been adequately maintained for one (1) consecutive hour, the drilling operation will revert back to the contracted footage rate. Should circulation be lost again, the hourly rate will start immediately at Contractor's currently published hourly rates. Client will be invoiced for all drilling fluids, additives, special equipment, tooling, or the like that is required to correct and/or maintain adequate circulation, at Contractor's cost plus 20%.

In the event that Contractor is required to drill through or encounters formations or conditions that result in stuck and/or broken drill pipe and tools, Contractor will make every effort to notify the Client and to remove the tooling for a period of 8 hours. During that time, all work will revert to the Contractor's currently published hourly rate. The Contractor will work in a reasonable and safe manner to remove the tooling for a period up to an additional 32 hours (40 hours total). If Contractor is not successful in removing the tooling at that point, Client may direct Contractor to proceed with the recovery effort. Otherwise, the tooling will be deemed as lost. If the tools are lost due to formation or geologic conditions, or due to uncontrollable lost circulation, or due to an inadequate water supply, and not due to Contractor's sole negligence, then the Client agrees to compensate Contractor for all work completed at the applicable contracted rates, for any special tooling and equipment mobilized to the jobsite for use or possible use in the recovery or conditioning process, and for the replacement value (at cost) of all tooling and equipment damaged and/or lost.

WELL CONDITIONS and "FISHING": Purchaser having custody and control of the well and superior knowledge of the conditions in and surrounding it, shall provide Contractor with all necessary information to enable Contractor to perform its services safely and efficiently. Contractor's services are designed to operate under conditions normally encountered in the well bore; however, if hazardous or unusual conditions exist, Purchaser shall notify Contractor in advance and make special arrangements for servicing such wells.

In the event any of Contractor's and/or Contractor's subcontractors tooling are lost or lodged in a well, the Purchaser shall recover them without cost to Contractor and/or Contractor's subcontractor or shall pay the full replacement value. In the event any wireline cable is lost or damaged in the well or during a recovery effort, Purchaser shall pay the full replacement cost of a winch spool of cable. Contractor has certain "fishing" tools available on a rental basis as needed. In case it is necessary for the Purchaser to "fish" for any of Contractor's/Contractor's subcontractor downhole equipment, Purchaser assumes the entire responsibility for such operation, but Contractor will, if so desired by Purchaser, without any responsibility or liability on Contractor's part, render assistance in an advisory capacity for the recovery of such equipment and instruments. None of Contractor's employees is authorized to do anything other than advise and consult with Purchaser in connection with such "fishing" operations, and Contractor shall not be liable or responsible for any damage that City may incur or sustain through its use of any "fishing" tools furnished by Contractor or by reason of such advice or assistance rendered by Contractor's agents or employees, irrespective of cause.

MISCELLANEOUS: The terms and conditions set forth herein constitute the entire understanding of the parties relating to the work to be performed, and materials and equipment to be provided, by Contractor for the Purchaser. All previous proposals offers and other communications relative to the provisions of the subject work, oral or written, are hereby superseded, except to the extent that they have been expressly incorporated herein. Any modifications or revisions of any provisions herein or any additional provisions contained in any purchase order, acknowledgement, or other form of the Purchaser are hereby expressly objected to by Contractor and shall not operate to modify this contract. This contract shall take effect upon acceptance and execution by both parties.



Agenda Item Summary

MEETING DATE: December 5, 2023

SUBJECT: Elevated Water Storage Tank at Silver Peaks Public Hearing

PRESENTED BY: Chris Larmon, Public Works Director
Mandy Rasmussen, JVA
Shane White, JVA

SUMMARY

Staff and our design team have been working on the design of the new 2-million-gallon water storage tank. We are in the home stretch of the design and approval phase of this project.

The Town is pursuing funding for this project through the Drinking Water Revolving Fund (DWRF) Loan Program. The DWRF loan program offers low interest loans to fund eligible water system projects. The program is administered by the Colorado Department of Health and Environment (CDPHE), The Department of Local Affairs (DOLA), and the Colorado Water Resources and Power Authority (CWRPDA).

As part of the loan application process. The Town is required to hold a public hearing. The intent of this hearing is to present a summary of the project and the Town's intent to apply for a DWRF loan to fund the project. As well as a summary of environmental resources and anticipated environmental impacts from the project. (Aside from the temporary construction, no other impacts have been identified so far.) Finally, and arguably most importantly, this hearing gives the community an opportunity to provide comments, ask questions, or voice concerns about the project.

FINANCIAL CONSIDERATIONS

The cost of this project continues to rise. Mainly due to the cost of construction materials like concrete and steel. The cost of the tank is estimated to be \$11,750,000. This project is currently out for bid, and we should have a better understanding of the project cost once bids are received.

The Town will use the 1.8 million dollars received from the State and Local Fiscal Recovery Funds (SLFRF) which was authorized by the American Rescue Plan Act of 2021 to partially fund this project.

The low interest loan provided by the DWRF loan program is a great option to fund the remainder of this project.

STAFF RECOMMENDATION/ACTION REQUIRED

None

ATTACHMENTS

Draft Environmental Assessment (EA)
Drinking Water Project Needs Assessment (PNA)

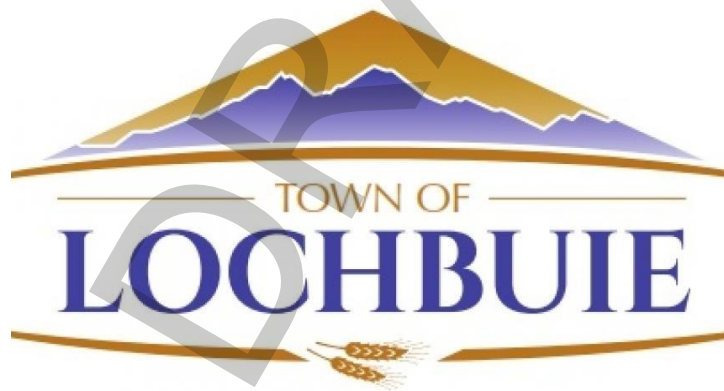


DRAFT ENVIRONMENTAL ASSESSMENT

FOR THE

TOWN OF LOCHBUIE

ELEVATED WATER STORAGE TANK



NOVEMBER 2023

DRAFT ENVIRONMENTAL ASSESSMENT

FOR THE

**TOWN OF LOCHBUIE
ELEVATED WATER STORAGE TANK**

JVA, Inc.
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Boulder, CO 80302
phone: 303-444-1951
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JVA Project No. 1010.5e

NOVEMBER 2023

TABLE OF CONTENTS

SUMMARY.....	1
PROJECT IDENTIFICATION.....	1
CONTACT PERSON.....	1
ABSTRACT.....	1
COMMENT PERIOD.....	2
PURPOSE AND NEED FOR ACTION.....	3
AGING INFRASTRUCTURE.....	3
CAPACITY FOR POPULATION GROWTH.....	3
COMPLIANCE.....	3
PROJECT SUMMARY.....	4
SELECTED ALTERNATIVE.....	4
AFFECTED ENVIRONMENT.....	6
DESCRIPTION OF THE PLANNING AREA.....	6
POPULATION AND FLOW PROJECTIONS.....	6
ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.....	8
DIRECT AND SECONDARY IMPACTS.....	8
SURFACE WATER AND GROUNDWATER QUALITY AND QUANTITY.....	8
WETLANDS.....	9
FLOODPLAINS.....	9
TERRESTRIAL AND AQUATIC PLANTS AND WILDLIFE.....	9
MIGRATORY BIRDS.....	10
CULTURAL, HISTORICAL AND ARCHEOLOGICAL RESOURCES.....	10
AIR QUALITY.....	11
ENVIRONMENTAL JUSTICE.....	11
UNAVOIDABLE ADVERSE IMPACTS.....	12
MITIGATION OF ADVERSE IMPACTS.....	12
COMPREHENSIVE OR MASTER PLAN.....	12
URBAN GROWTH BOUNDARY OR OTHER GROWTH MANAGEMENT TOOLS.....	13
STORMWATER MANAGEMENT PLAN.....	13
HABITAT AND/OR OPEN SPACE PRESERVATION AND PROTECTION.....	13
WETLAND POLICIES/ORDINANCES.....	13
FLOODPLAIN POLICIES/ORDINANCES.....	13
EROSION CONTROL AND RE-VEGETATION REQUIREMENTS.....	13
LOCAL OR REGIONAL AIR QUALITY MONITORING.....	14

MITIGATION MEASURES REQUESTED BY CONTACT AGENCIES 14
 PUBLIC PARTICIPATION 15

LIST OF TABLES

TABLE 1 – POTABLE WATER STORAGE ALTERNATIVES ANALYSIS SUMMARY 4
 TABLE 2 – EXISTING AND PROJECTED WATER DEMAND 6
 TABLE 3 – MAXIMUM EQRs FOR PROPOSED STORAGE CAPACITY 7
 TABLE 4 – STORAGE VOLUME GOALS FOR BUILDOUT DEMAND 7
 TABLE 5 - SUMMARY OF THREATENED AND ENDANGERED SPECIES 9
 TABLE 6 - MIGRATORY BIRDS SUMMARY 10
 TABLE 7 – PERCENTAGE OF MINORITY AND LOW-INCOME POPULATIONS IN LOCHBUIE 12

APPENDICES

APPENDIX A – REFERENCE DOCUMENTS
 APPENDIX B – AGENCY LETTERS

SUMMARY

PROJECT IDENTIFICATION

Applicant: Town of Lochbuie
Address: 703 Weld Couty Road 37
Lochbuie, CO 80603
Project Number: 1010.5e

CONTACT PERSON

Engineer

Mandy M. Rasmussen, P.E.
Senior Project Manager
JVA, Inc.
213 Linden Street, Suite 200
Fort Collins, CO 80524

System Owner/Contact Person

Chris Larmon, Public Works Director
Town of Lochbuie
703 Weld Couty Road 37
Lochbuie, CO 80603

ABSTRACT

The Town of Lochbuie (Town) is performing an environmental review pursuant to the National Environmental Policy Act for the Colorado Department of Public Health and Environment (CDPHE) State Revolving Fund (SRF) to assess the environmental impacts of its Elevated Water Storage Tank Project.

The Town owns and operates a public water system (PWSID CO0162486) consisting of two groundwater wells, a Water Treatment Plant (WTP), two chlorine contact storage tanks, and a potable water distribution system. In 2018, the WTP was expanded to provide 1.85 Million Gallons per Day (MGD) of firm capacity and a rated capacity of 2.47 MGD. A new, elevated 2.0 Million Gallon (MG) potable water storage tank is proposed. Appurtenances include a tank mixer, venting, overflow, connection point for future booster chlorination system, and drain. The project will also include site improvements such as grading, site access, storm drainage, and associated site piping. The addition of this tank will increase the Town's total available storage from 1.25 MG to 3.25 MG, providing sufficient water storage for current fire flow, normal operations, and emergency

potable water demands, while accommodating reasonable growth. The total project cost is estimated to be \$11,240,000. The Town intends to apply for an SRF loan during the January 2024 funding cycle. The loan amount is not finalized but may be up to \$10,000,000.

COMMENT PERIOD

In conformance with the requirements of the National Environmental Policy Act and the Colorado Environmental Review Process, a Finding of No Significant Impact (FONSI) will be subject to a 30-day public review period. The FONSI will be distributed to interested persons and agencies for their review. The FONSI will also be available for public review at the Colorado Department of Public Health and Environment. Any comments received will be given due consideration. Comments should be addressed to:

Matt Alms, Compliance Specialist
CDPHE Water Quality Control Division
Grants and Loans Unit
WQCD-OA-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

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PURPOSE AND NEED FOR ACTION

AGING INFRASTRUCTURE

The primary purpose for the project is to meet existing capacity needs and mitigate reliance on high service pumps to maintain distribution system pressure.

The Town owns and operates a public water system (PWSID CO0162486) consisting of two groundwater wells, a water treatment plant (WTP), two chlorine contact storage tanks, and a potable water distribution system. The two groundwater wells (Well 1 and Well 2) are drawn from the Beebe Draw alluvial aquifer. In 2018, the WTP was expanded to provide 1.85 MGD of firm capacity and a rated capacity of 2.47 MGD. The water system currently serves an estimated population of 8,135 people, which includes residential, institutional, and commercial taps. The service area encompasses approximately 3.25 square miles within Adams and Weld Counties.

Distribution system pressure is currently maintained by high service pumps located at the Town's existing water treatment plant and the Silver Peaks Booster Station. The dependence on high service pumps to maintain system pressure and fire flow is not desirable. In the event of an extended power outage or pump failure, the Town can more reliably maintain distribution system pressure with an elevated water storage tank. The addition of an elevated potable water storage tank will provide the Town with adequate redundancy in the event of a high service pump station or Silver Peaks Booster Station failure and will provide sufficient volume for current emergency storage and fire flow requirements. In addition, the tank will allow the Town to gravity flow potable water to distribution.

CAPACITY FOR POPULATION GROWTH

Water demand in the Town has steadily increased over the past decade due to population growth. The Town currently has 1.25 MG of potable water storage located at ground level at the WTP site. The existing potable water storage capacity is not sufficient to meet the Town's existing potable water demands. The proposed elevated water storage tank is sized to meet current demands up to 6,404 Equivalent Residential Units (EQRs). Additional water storage to meet projected future demand is currently being evaluated in the Town's 2023 Water Master Plan.

COMPLIANCE

Compliance is not a driver for this project, as the Town's water system is currently in compliance with all CDPHE regulations.

PROJECT SUMMARY

The Town has completed an SRF Project Needs Assessment (PNA). The PNA included an alternatives analysis for no action or the construction of a new elevated water storage tank. Although no action would be the low cost option, it is not a feasible alternative to meet current potable water demands. A summary of the alternatives is provided below in Table 1.

Table 1 – Potable Water Storage Alternatives Analysis Summary

Alternative	Advantages	Disadvantages	Capital Cost	Annual O&M Cost
No action	<ul style="list-style-type: none"> No associated capital and O&M costs. 	<ul style="list-style-type: none"> Does not meet current potable water demands. 	N/A	N/A
Construct an elevated water storage tank (Selected Alternative)	<ul style="list-style-type: none"> Will meet potable water capacity needs. Will meet emergency storage and fire flow capacity needs. Greater flexibility and redundancy if high service pumps and existing storage tanks require maintenance. 	<ul style="list-style-type: none"> Higher capital cost due to new storage tank and associated piping, valving, and appurtenances. 	\$11,242,800	\$2,075

SELECTED ALTERNATIVE

The selected alternative is a proposed 2.0 MG composite elevated potable water storage tank with associated piping, valving, and appurtenances. The addition of an elevated water storage tank will provide the Town with sufficient potable water storage for current demands, including demands for emergency storage and fire flow requirements. The proposed elevated water storage tank is sized to meet current demands up to 6,404 EQRs. Additional water storage to meet projected future demand is being evaluated in the Town's 2023 Water Master Plan. The proposed tank would also provide greater operational flexibility and redundancy. An Opinion of Probable Cost (OPC) for the selected alternative has been included in Appendix A. For the selected alternative, improvements include the following:

- A 2.0 MG composite elevated water storage tank designed in compliance with CDPHE's Design Criteria for Potable Water Systems.
- The tank will be factory coated and will include drain piping, overflow piping, isolation valves and backflow prevention, redundant level control, a pressure gauge, flow metering, chlorine analyzers, access ladders and hatches, and an active mixing system.
- The inside of the tank will be lined with an NSF/ANSI 61-compliant coating.
- A connection point will be included for a future chlorination booster system.
- Operational requirements for the proposed elevated water storage tank are not anticipated to change from the existing system requirements.

- The project will also include site improvements such as grading, site access, storm drainage, potable water and sanitary sewer service connections, and associated site improvements.

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AFFECTED ENVIRONMENT

DESCRIPTION OF THE PLANNING AREA

The water system currently serves an estimated population of 8,135 people, which includes residential, institutional, and commercial taps. The service area encompasses approximately 3.25 square miles within Adams and Weld Counties. The proposed elevated water storage tank site is inside of the Town’s property boundary, located at approximately 40.012074°, -104.753028°, Section 35, Township 1 North, Range 66 West, in Weld County. A project area map is shown in Appendix A.

The proposed project has an Area of Potential Effect (APE) that encompasses the extent of construction activities for the project. The APE is provided in Appendix A.

POPULATION AND FLOW PROJECTIONS

A Basis of Design Report (BDR) dated June 2023 details population and flow projections. In the BDR, existing and buildout demands were calculated using water demand estimates per EQR and updated population estimates given by the Town. Based on discussions with the Town and Town Engineer, there were approximately 8,135 residents in 2021, and growth projections estimate up to 25,000 future residents at buildout. Using a value of 3.0 people per EQR from the previous Masterplan, there are currently 2,712 EQRs and there will be 8,333 EQRs projected at buildout. Table 2 shows the existing and projected water demand based on the above assumptions.

Table 2 – Existing and Projected Water Demand

	Population	EQRs	Summer Average Day Demand ¹ (MGD)	Maximum Month Average Day Demand ² (MGD)	Peak Day Demand ³ (MGD)
Existing	8,135	2,712	0.99	1.29	1.56
Buildout	25,000	8,333	3.04	3.96	4.78

¹ Based on 365 gpd/EQR

² Based on 475 gpd/EQR

³ Based on 574 gpd/EQR

With a total proposed storage capacity of 3.25 MG, which includes the existing 1.0 MG and 0.25 MG storage tanks at the WTP as well as the proposed 2 MG elevated storage tank, it is anticipated that current storage volume requirements can still be met with a maximum of 6,404 EQRs. At 3.0 people per EQR, this represents a population of approximately 19,211 residents that can be served. Table 3 shows the storage volume requirements for the maximum EQRs that can be served by the proposed storage capacity. Table 4 shows the storage volume requirements to meet buildout demand.

Table 3 – Maximum EQRs for Proposed Storage Capacity

Storage Volume Type	Volume (MG)	Description
Operational	0.61	4 hours of peak day flow
Fire Flow	0.3	2 hours of 2,500 gpm flow
Emergency	2.34	24 hours of summer average day demand
Total Storage Required	3.25	-
Available Storage with Proposed Improvements	3.25	Storage tanks at WTP and proposed tank
Total Storage Deficit	0.00	-

Table 4 – Storage Volume Goals for Buildout Demand

Storage Volume Type	Volume (MG)	Description
Operational	0.80	4 hours of peak day flow
Fire Flow	0.3	2 hours of 2,500 gpm flow
Emergency	3.04	24 hours of summer average day demand
Total Storage Goal	4.14	-
Available Storage with Proposed Improvements	3.25	Storage tanks at WTP and proposed tank
Total Storage Deficit	0.89	-

ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT

For each affected environmental resource in the following section, correspondence was initiated with the applicable agency. A summary of correspondence, including letters to each agency, has been included in Appendix B. The agencies include:

- National Resources Conservation Service
- Colorado Parks and Wildlife
- History Colorado
- Colorado Air Pollution Control Division

DIRECT AND SECONDARY IMPACTS

Construction of the elevated storage tank may have direct impacts from facility construction and secondary and cumulative impacts from future development within the service area. Secondary impacts are those induced or stimulated by, or as a result of, the proposed action. These can include cumulative, social and land use impacts, among others. Cumulative impacts are the collective incremental impacts of the proposed action regardless of the entity undertaking the action. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. From the characteristics of the proposed project, and descriptive elements of the environmental setting, probable impacts are both direct and secondary.

Potential secondary and cumulative impacts to the environment from new development, such as increased quantity and decreased quality of urban runoff, degradation of wetland and wildlife habitat and increased air pollution and noise are likely to affect the planning area. Some of the more specific impacts are addressed in the following sections.

SURFACE WATER AND GROUNDWATER QUALITY AND QUANTITY

This project is not anticipated to have substantial negative direct or secondary impacts to surface water or groundwater quality. As shown in the U.S. Fish and Wildlife Service National Wetlands Inventory map, included in Appendix A, the APE does not include any stream segments or other surface water bodies. The closest stream, the Speer Canal, is over 1 mile away from the APE.

The potential for direct environmental impacts is minimal but could occur during construction activities: specifically, non-point source pollution from stormwater runoff in the APE during construction. Using proper Best Management Practices (BMPs), including erosion control and a Stormwater Management Plan (SWMP), will mitigate this impact.

Secondary impacts include changing imperviousness of areas within the APE: the site will be graded and an access road to the tank will be constructed. A portion of the APE was previously being used as farmland; however, the Town has purchased the land and now owns it for

development of the Tank. A Natural Resources Conservation Service (NRCS) Web Soil Survey Farmland Classification map of the APE is included in Appendix B. According to the Web Soil Survey Farmland Classification, none of the farmland on the APE is identified as prime farmland. Consultation with the Natural Resources Conservation Service (NRCS) took place regarding the proposed project. The agency response, included in Appendix B, confirmed that since no prime farmland is part of the APE, no additional action is needed.

Despite providing more storage, this project will not increase existing groundwater pumping from Well 1 and Well 2. The additional potable water storage is designed to meet existing potable water needs.

WETLANDS

This project is not anticipated to have negative direct or secondary impacts to wetlands. As shown in the U.S. Fish and Wildlife Service National Wetlands Inventory map, included in Appendix B, the APE does not include any wetlands.

FLOODPLAINS

A Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) was released in January 2016 and there are no special flood hazard areas within the Town’s service area, including the proposed tank location. The FEMA FIRM is included in Appendix B.

TERRESTRIAL AND AQUATIC PLANTS AND WILDLIFE

Evaluation of possible impact to wildlife in the area was performed using various resources including the Information and Planning for Consultation (IPaC) system from the U.S. Fish and Wildlife Service (USFWS). An official species list for the APE was generated using the IPaC system and is included in Appendix A. The list includes endangered/threatened species, migratory birds, US Fish and Wildlife Facilities, and NWI Wetlands. Table 5 summarizes the official threatened and endangered species list:

Table 5 - Summary of Threatened and Endangered Species

Species	Scientific Name	Status	Has Critical Habitat	Critical Habitat Present
Mammals				
Gray Wolf	<i>Canis lupus</i>	Endangered	Final designated	No
Tricolored Bat	<i>Perimyotis subflavus</i>	Proposed Endangered	No	No
Birds				
Eastern Black Rail	<i>Laterallus jamaicensis ssp. jamaicensis</i>	Threatened	No	No
Piping Plover	<i>Charadius melodus</i>	Threatened	Final designated	No
Whooping Crane	<i>Grus americana</i>	Endangered	Final designated	No
Fishes				
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	Endangered	No	No
Insects				
Monarch Butterfly	<i>Danaus plexippus</i>	Candidate	No	No
Flowering Plants				
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	Threatened	No	No

Western Prairie Fringed Orchid	<i>Platanthera praeclara</i>	Threatened	No	No
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Since the proposed project will not affect any critical habitats of threatened or endangered species, no agency consultation was required with USFWS. Consultation with Colorado Parks and Wildlife (CPW) took place regarding the proposed project, included in Appendix B. Although no official response has been received, no impact to threatened or endangered species is expected. Additional information will be included upon receipt of agency response.

MIGRATORY BIRDS

An IPaC resource list for the APE was generated using the IPaC system and is included in Appendix A along with the official species list. This IPaC resource list includes a list of migratory birds that are either in the APE or occur on the USFWS Birds of Conservation Concern list, as shown in Table 6.

Table 6 - Migratory Birds Summary

Name	Breeding season	Habitat Requirements*	Habitat Match APE?
Bald Eagle	Oct 15 – Jul 31	Forested areas adjacent to large bodies of water	No
Ferruginous Hawk	Mar 15 to Aug 15	Plains, prairies	Potentially

*Habitat information was obtained from the USFWS Environmental Conservation Online System, Cornell Lab of Ornithology Merlin Bird ID tool, Audubon Society Online Mapping tool, and Audubon Society Field Guide

The National Audubon Society’s online mapping tool was used to determine if any “important bird areas” were in the project vicinity. The nearest “important bird area” is Barr Lake State Park, which is approximately 4 miles south of the APE and no impact is expected.

The CPW’s online Google Earth species maps were used to determine bald eagle nest sites. Potential habitat typically includes trees and shrubs for nesting. The APE is not forested since it was previously used as farmland. The nearest bald eagle nest site identified using the CPW’s species maps is 2 miles south east of the APE and no impact is expected.

The project area contains potential habitats for ferruginous hawks. Construction activities could temporarily directly impact migratory bird habitat within the project area during construction. Best Management practices will be followed during and after all construction activities, thereby minimizing direct and indirect impacts on migratory birds. Short-term stress impacts due to construction activity can be avoided by altering construction schedules to accommodate breeding seasons if a migratory bird is identified in the project area during construction.

If appropriate measures are implemented during the construction of the project, such as surveying for active migratory bird nests prior to vegetation removal and otherwise minimizing disturbances, it is unlikely that the proposed project will adversely affect migratory birds in the project area.

CULTURAL, HISTORICAL AND ARCHEOLOGICAL RESOURCES

A request was made to the History Colorado to conduct a file and literature review for the proposed project. The purpose of a file and literature review is to compile information on whether previous

cultural resource inventories have been conducted or whether cultural resources have been previously documented within the project area. Those cultural resources eligible, potentially eligible, or listed in the National Register of Historic Places (NRHP) require consideration for potential adverse impacts. Sections within a 1-mile viewshed of the APE were included in the request. Zero sites and two surveys are in the same section as the proposed project (File Search # 25716). Consultation with History Colorado took place regarding the file search results, included in Appendix B. While no official response has been received, a finding of no adverse impacts is expected. Additional information will be included upon receipt of agency response.

AIR QUALITY

The U.S. Environmental Protection Agency (EPA) developed National Ambient Air Quality Standards (NAAQS) for six criteria pollutants. The six criteria pollutants are sulfur dioxide, particulate matter, fine particulate matter, carbon monoxide, ozone, nitrogen dioxide, and lead.

The APE is located within the 8-hour Non-Attainment boundary, where air quality for ozone is worse than the National Ambient Air Quality Standards as defined in the Clean Air Act Amendments of 1970. Construction is anticipated to take longer than six months and the Contractor will be responsible for obtaining any applicable Air Pollution Emission Notice General Construction Permits, prior to construction.

Construction activities may temporarily increase dust emissions in the immediate project vicinity. Any air pollutants generated from construction would be short-term in duration and spread over the project area. Dust control measures including, but not limited to, watering, graveling, vehicle tracking control, best available technologies for the specific activity are required by the contractor during such activities.

Consultation with the Colorado Air Pollution Control Division (APCD) took place regarding the proposed project, included in Appendix B. Although no official response has been received, additional information will be included upon receipt of agency response.

ENVIRONMENTAL JUSTICE

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” was issued by the President of the United States on February 11, 1994. As part of the environmental compliance process, agencies are required to identify and address disproportionately high and adverse human health or environmental effects on minority or low-income communities (EO 12898 populations). Federal agencies are directed to ensure that federal programs or activities do not result, either directly or indirectly, in discrimination on the basis of race, color, or national origin. An EJSCREEN Report was generated for the APE using the EPA’s online environmental justice mapping software. This report has been included in Appendix A.

Table 7 below shows the percentage of minority and low-income population in the Town compared to the State of Colorado. This was developed using the United States Environmental Protection Agency’s EJSCREEN tool.

Table 7 – Percentage of Minority and Low-Income Populations in Lochbuie

Parameter	Town of Lochbuie (%)	State (%)
Minority Population	57	31
Low Income Population	18	29

The elevated storage tank will serve all residents in the service area equally. While there are homes for single family residence adjacent to the APE to the south, the anticipated construction activities are not anticipated to significantly impact customers. Any impacts from this project would be borne equally among all populations in the Town and no mitigations measures are required. The capital and O&M costs associated with construction and operation of the proposed project may require the Town to increase user rates to its residents. This may have a negative impact on the socio-economic conditions of individuals living within the Town. The Town is working to obtain a long-term low interest loan from SRF to help fund the project and mitigate financial impacts to its water users.

UNAVOIDABLE ADVERSE IMPACTS

Unavoidable adverse impacts of all construction and development related projects that may not be fully mitigated include:

- Short-term increases in noise and ambient air particulate levels in the immediate vicinity of construction activities.
- Increased pollution in stormwater runoff from construction sites and impervious surfaces throughout the planning area.
- Commitment of resources including capital, manpower, and materials.
- Loss of potential wildlife habitat due to future development.
- Increased traffic associated with residential and commercial development served by the project.

MITIGATION OF ADVERSE IMPACTS

Although considered during the planning and design phases, the unavoidable adverse impacts discussed above are not considered to be significant impacts as part of this project. The following mitigation measures will be observed to reduce the adverse human health or environmental impacts of the proposed project:

COMPREHENSIVE OR MASTER PLAN

The Town completed a Water System Master Plan in 2017, which evaluated existing conditions and future growth rates. Construction of an elevated potable water storage tank was included on the Master Plan list of short-term improvement projects.

URBAN GROWTH BOUNDARY OR OTHER GROWTH MANAGEMENT TOOLS

The 2017 Comprehensive Plan serves as the Town's Three-Mile Plan. The Comprehensive Plan identifies all areas for future development, which includes urban growth boundary and management tools through density zoning and annexation.

STORMWATER MANAGEMENT PLAN

Best practices for stormwater management will be required for this project. A storm water management plan will be prepared and maintained by the contractor. Mitigation measures may include vehicle tracking control, silt fencing and sediment control logs, rock check dams, dust control measures, materials and spill prevention, and inspection and maintenance of these best practices to prevent point or non-point source pollution into wetlands or water sources.

HABITAT AND/OR OPEN SPACE PRESERVATION AND PROTECTION

The Comprehensive Plan includes all areas identified for future residential and commercial development, land preservation/open space, and parks or recreational opportunities within the Town. Open space designation by the Town protects and preserves sensitive environmental areas, vistas, scenic corridors, and community amenities.

WETLAND POLICIES/ORDINANCES

The APE is located outside of wetland areas.

FLOODPLAIN POLICIES/ORDINANCES

The APE is located outside of the mapped 100-year floodplain.

EROSION CONTROL AND RE-VEGETATION REQUIREMENTS

Any temporary surface disturbances for the project would minimally impact present vegetation. Most of the work in the APE is on land which has experienced previous surface disturbances. All construction areas would be reseeded to match native vegetation in the area. Weed control on all disturbed areas within the APE shall be implemented for the duration of the project and will continue as part of the Town's regular operation and maintenance. All seed mixes and mulch for reclamation or slope stabilization will be certified, free of any state-listed weed species. If an invasive weed is identified during construction, an integrated weed management approach will be used to assess the best technique depending on the species present.

LOCAL OR REGIONAL AIR QUALITY MONITORING

The U.S. Environmental Protection Agency (EPA) developed National Ambient Air Quality Standards (NAAQS) for six criteria pollutants. The six criteria pollutants are sulfur dioxide, particulate matter, fine particulate matter, carbon monoxide, ozone, nitrogen dioxide, and lead.

The APE is located within the 8-hour Non-Attainment boundary, where air quality for ozone is worse than the National Ambient Air Quality Standards as defined in the Clean Air Act Amendments of 1970. Construction is anticipated to take longer than six months and the Contractor will be responsible for obtaining any applicable Air Pollution Emission Notice General Construction Permits, prior to construction.

Construction activities may temporarily increase dust emissions in the immediate project vicinity. Any air pollutants generated from construction would be short-term in duration and spread over the project area. Dust control measures including, but not limited to, watering, graveling, vehicle tracking control, best available technologies for the specific activity are required by the contractor during such activities.

MITIGATION MEASURES REQUESTED BY CONTACT AGENCIES

It is anticipated that no mitigation measures will be requested. Agency consultations with APCD, CPW, and History Colorado, along with the response letter from NRCS, are provided in Appendix B. Should unidentified archaeological resources be discovered in the course of the project, History Colorado will be contacted, and work will be interrupted until the resources have been fully evaluated.

PUBLIC PARTICIPATION

The Town will hold a public meeting on December 5th, 2023 to inform citizens and solicit public input regarding the proposed project and identified environmental resources. The public meeting will include a discussion regarding the SRF loan to assist in funding the project and anticipated impacts to user rates. The general public will be invited to the meeting via an advertisement in the local newspaper.

Upon finalization of the Environmental Report, an additional 30 days of opportunity for public input will take place before the issuance of a Finding of No Significant Impact (FONSI) from CDPHE. An for public participation will be advertised in the local newspaper. Copies of the affidavits of publication and the attendance sheet from the meeting will be provided to CDPHE.

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APPENDIX A – REFERENCE DOCUMENTS

1. Opinion of Probable Cost
2. Project Area Map
3. Area of Potential Effect
4. Web Soil Survey Farmland Classification
5. Wetlands Inventory Map
6. FEMA FIRM
7. Official Species List
8. IPaC Resource List
9. EJScreen Report

DRAFT



Job Name: Town of Lochbuie PNA

Job Number: 1010.5e

Date: 05/24/2023

By: JLW/SAW

Reviewed By: MMR/JJM

OPINION OF PROBABLE COST FOR ALTERNATIVE 2				
ELEVATED WATER STORAGE TANK WITH ADDERS				
Description	Quantity	Units	Unit Cost	Total Cost
Division 00 and 01 - General Conditions and Requirements				
Earthwork Mobilization/Demobilization	1	LS	\$150,000	\$150,000
			General Requirements Subtotal	\$150,000
Division 02 - Sitework				
Erosion Control	1	LS	\$20,000	\$20,000
Import Fill (Non-Structural)	7000	CY	\$15.00	\$105,000
Site Grading and Access Road	80000	SF	\$5	\$400,000
Security Fence and Gate (Residential Appearance)	1450	LF	\$65	\$94,300
20-inch DIP Inlet/Outlet Water Site Piping	500	LF	\$175	\$87,500
Seeding and Revegetation	2	AC	\$3,000	\$6,000
			Sitework Subtotal	\$712,800
Division 03 - Concrete				
Deep Foundation (included in tank proposal)	1	LS	\$0	\$0
			Concrete Subtotal	\$0
Division 09 - Coatings				
Tank Coating (included with tank proposal)	1	LS	\$0	\$0
Environmental Controls During Tank Coating	1	LS	\$25,000	\$25,000
Logo and Special Colors	1	LS	\$50,000	\$50,000
			Coatings Subtotal	\$75,000
Division 11 - Equipment				
Active Tank Mixing System	1	LS	\$80,000	\$80,000
Chlorine Booster Pump	2	EA	\$15,000	\$30,000
			Equipment Subtotal	\$110,000
Division 13 - Special Construction				
2MG Composite Elevated Tank (includes stairs to roof, pedestal-mounted antenna provisions, climbing system, overhead vehicle door, man door, AWWA D107 lighting)	1	LS	\$7,900,000	\$7,900,000
Cathodic Protection	1	LS	\$49,000	\$49,000
Interior Finishes for Control Room - Stairs, Lighting, Ceiling	1	LS	\$50,000	\$50,000
Rescue Equipment	1	LS	\$30,000	\$30,000
High Rescue Safety Training for Fire Department	1	LS	\$13,000	\$13,000
Structural Floor	1	LS	\$218,000	\$218,000
Jib Crane with Floor Hatch in Structural Floor	1	LS	\$9,000	\$9,000
Beam Seats for One Structural Floor	1	LS	\$12,000	\$12,000
Antenna Provisions for Cellular Providers (Roof-Mounted)	1	LS	\$50,000	\$50,000
			Special Construction Subtotal	\$8,331,000
Division 15 - Mechanical				
Chemical Feed / Monitoring System	1	LS	\$22,000	\$22,000
Process Piping, Fittings, and Appurtenances	1	LS	\$75,000	\$75,000
			Mechanical Subtotal	\$97,000
Division 16 - Electrical				
CL-17 Chlorine Analyzer	2	EA	\$12,000	\$24,000
Electrical, Instrumentation and Controls	1	LS	\$300,000	\$300,000
			Electrical Subtotal	\$324,000

Project Subtotal \$9,800,000

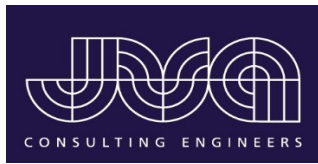
Contingency (10%) \$980,000

Earthwork Contractor's OH&P and General Conditions (15%) \$118,000

Bidding and Construction Administration \$250,000

Testing and Inspection \$95,000

Project Total \$11,243,000



Job Name: Town of Lochbuie PNA

Job Number: 1010.5e

Date: 05/24/2023

By: JLW/SAW

Reviewed By: MMR/JJM

OPINION OF PROBABLE COST FOR ALTERNATIVE 2				
ELEVATED WATER STORAGE TANK WITHOUT ADDERS				
Description	Quantity	Units	Unit Cost	Total Cost
Division 00 and 01 - General Conditions and Requirements				
Earthwork Mobilization/Demobilization	1	LS	\$150,000	\$150,000
			General Requirements Subtotal	\$150,000
Division 02 - Sitework				
Erosion Control	1	LS	\$20,000	\$20,000
Import Fill (Non-Structural)	7000	CY	\$15.00	\$105,000
Site Grading and Access Road	80000	SF	\$5	\$400,000
Security Fence and Gate (Residential Appearance)	1450	LF	\$65	\$94,300
20-inch DIP Inlet/Outlet Water Site Piping	500	LF	\$175	\$87,500
Seeding and Revegetation	2	AC	\$3,000	\$6,000
			Sitework Subtotal	\$712,800
Division 03 - Concrete				
Deep Foundation (included in tank proposal)	1	LS	\$0	\$0
			Concrete Subtotal	\$0
Division 09 - Coatings				
Tank Coating (included with tank proposal)	1	LS	\$0	\$0
Environmental Controls During Tank Coating	1	LS	\$25,000	\$25,000
Logo and Special Colors	1	LS	\$50,000	\$50,000
			Coatings Subtotal	\$75,000
Division 11 - Equipment				
Active Tank Mixing System	1	LS	\$80,000	\$80,000
Chlorine Booster Pump	2	EA	\$15,000	\$30,000
			Equipment Subtotal	\$110,000
Division 13 - Special Construction				
2MG Composite Elevated Tank (includes stairs to roof, pedestal-mounted antenna provisions, climbing system, overhead vehicle door, man door, AWWA D107 lighting)	1	LS	\$7,900,000	\$7,900,000
			Special Construction Subtotal	\$7,900,000
Division 15 - Mechanical				
Chemical Feed / Monitoring System	1	LS	\$22,000	\$22,000
Process Piping, Fittings, and Appurtenances	1	LS	\$75,000	\$75,000
			Mechanical Subtotal	\$97,000
Division 16 - Electrical				
CL-17 Chlorine Analyzer	2	EA	\$12,000	\$24,000
Electrical, Instrumentation and Controls	1	LS	\$300,000	\$300,000
			Electrical Subtotal	\$324,000

Project Subtotal \$9,368,800

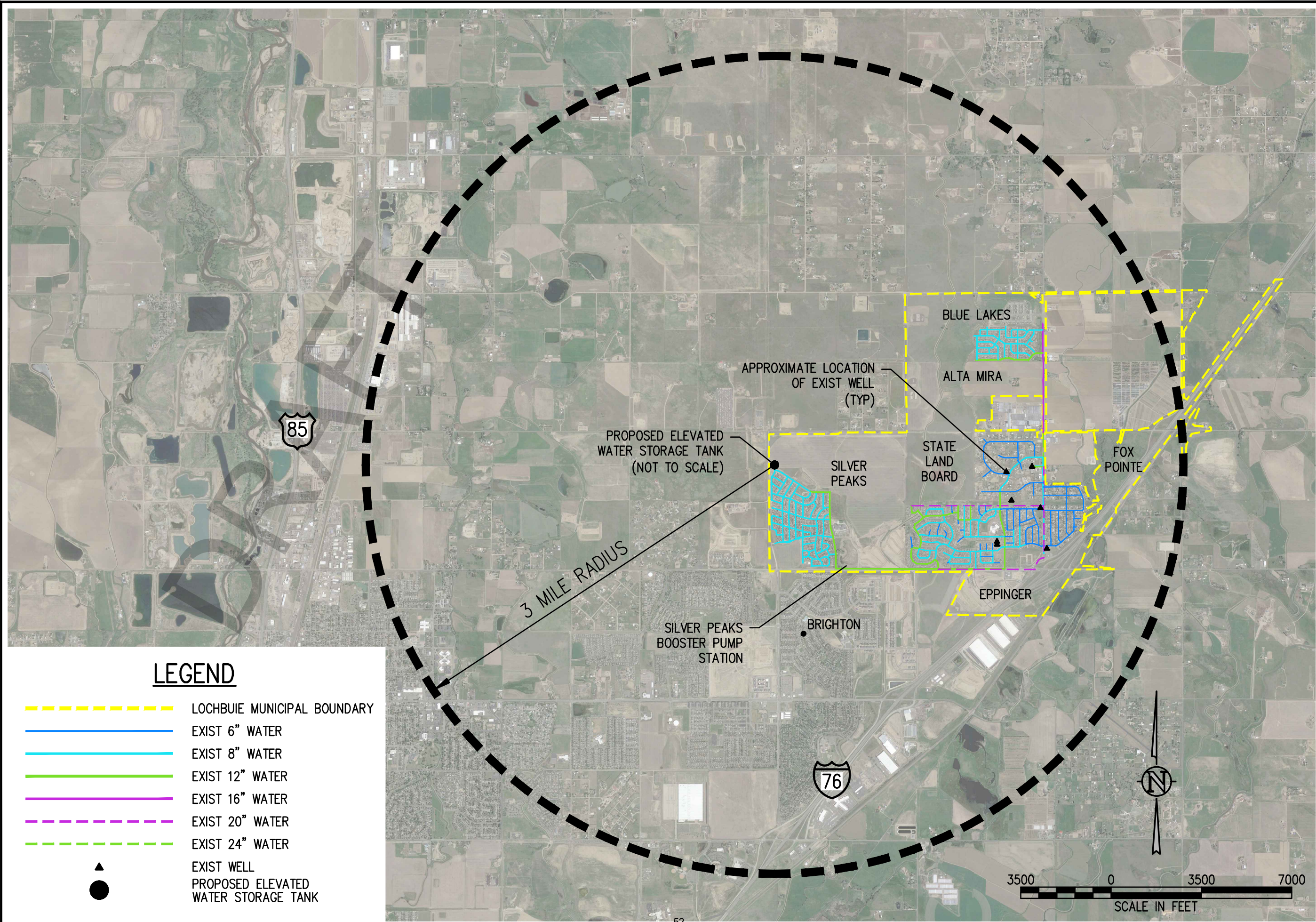
Contingency (10%) \$937,000

Earthwork Contractor's OH&P and General Conditions (15%) \$118,000

Bidding and Construction Administration \$250,000

Testing and Inspection \$95,000

Project Total \$10,768,800



LEGEND

- LOCHBUIE MUNICIPAL BOUNDARY
- EXIST 6" WATER
- EXIST 8" WATER
- EXIST 12" WATER
- EXIST 16" WATER
- EXIST 20" WATER
- EXIST 24" WATER
- ▲ EXIST WELL
- PROPOSED ELEVATED WATER STORAGE TANK

ATTACHMENT PROJECT AREA MAP
TOWN OF LOCHBUIE PNA
JANUARY 2023

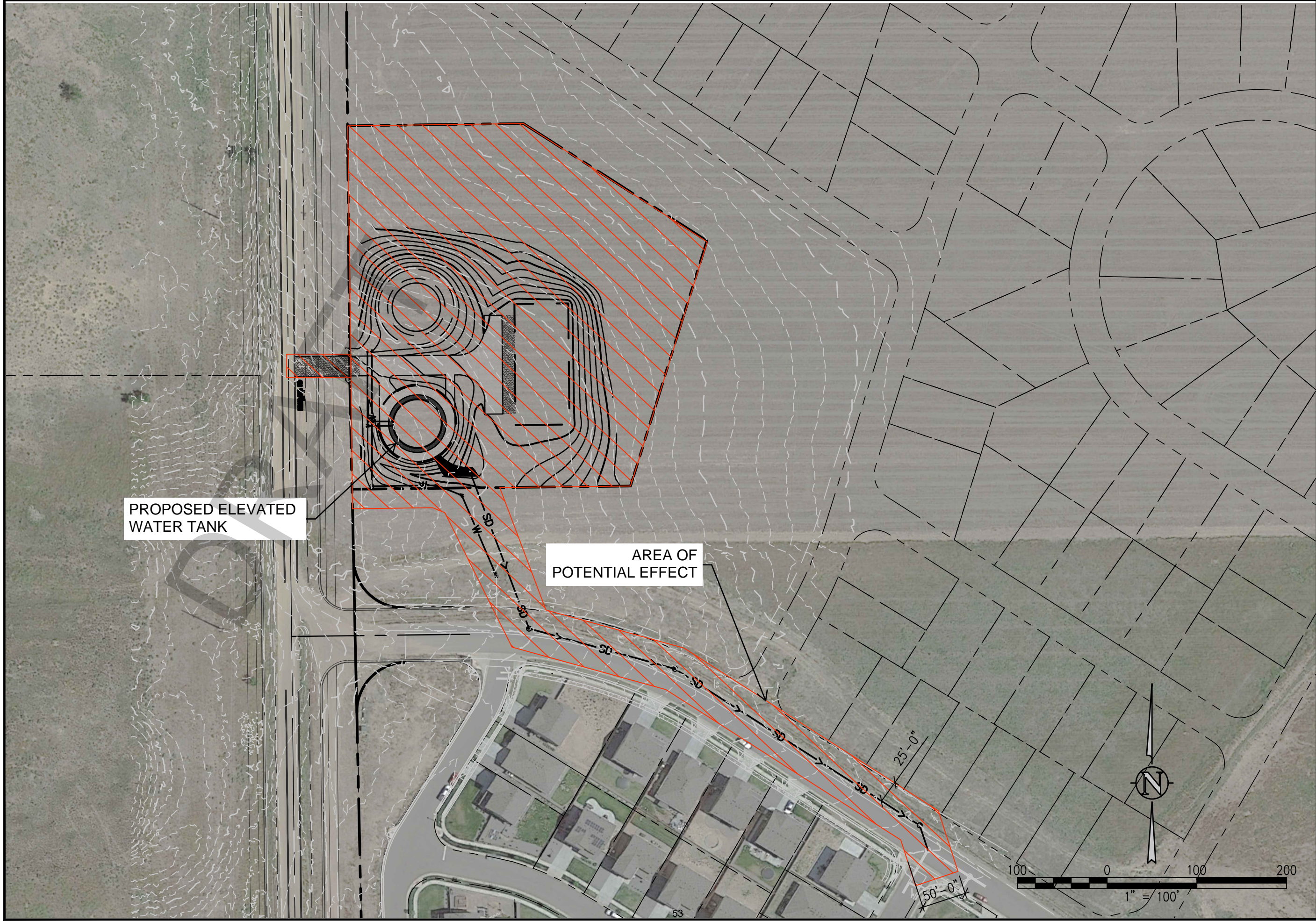
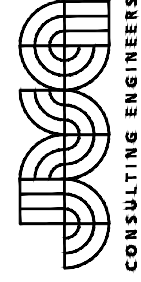


FIGURE #1 - AREA OF POTENTIAL EFFECT
TOWN OF LOCHBUIE
OCTOBER 2023



JVA, Inc.
1319 Spruce Street
Boulder, CO 80302
303.444.1951
www.jvajva.com
Boulder • Fort Collins • Winter Park
Glenwood Springs • Denver

CONSULTING ENGINEERS

Farmland Classification—Weld County, Colorado, Southern Part
(Lochbuie Tank)



Soil Map may not be valid at this scale.

Map Scale: 1:2,030 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 13N WGS84



Natural Resources
Conservation Service


Web Soil Survey
National Cooperative Soil Survey

10/3/2023
Page 1 of 5

Farmland Classification—Weld County, Colorado, Southern Part
(Lochbuie Tank)









MAP LEGEND








Area of Interest (AOI)






 Area of Interest (AOI)








Soils



Soil Rating Polygons

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season









-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of statewide importance, if drained
-  Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated

-  Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if irrigated and drained
-  Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer
-  Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

-  Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season
-  Farmland of statewide importance, if warm enough
-  Farmland of statewide importance, if thawed
-  Farmland of local importance
-  Farmland of local importance, if irrigated

































-  Farmland of unique importance
-  Not rated or not available

Soil Rating Lines

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

DRAFT

Farmland Classification—Weld County, Colorado, Southern Part
(Lochbuie Tank)

	Prime farmland if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium		Farmland of unique importance		Prime farmland if subsoiled, completely removing the root inhibiting soil layer
	Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if irrigated and drained		Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season		Soil Rating Points Not prime farmland		Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
	Prime farmland if irrigated and reclaimed of excess salts and sodium		Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season		Prime farmland if drained		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Farmland of statewide importance		Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer		Farmland of statewide importance, if warm enough		Prime farmland if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance
	Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60		Farmland of statewide importance, if thawed		Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if drained
	Farmland of statewide importance, if irrigated				Farmland of local importance		Prime farmland if irrigated and drained		Farmland of statewide importance, if protected from flooding or not frequently flooded during the growing season
					Farmland of local importance, if irrigated		Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season		Farmland of statewide importance, if irrigated

DRAFT

Farmland Classification—Weld County, Colorado, Southern Part
(Lochbuie Tank)

<p> Farmland of statewide importance, if drained and either protected from flooding or not frequently flooded during the growing season</p>	<p> Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium</p>	<p> Farmland of unique importance</p> <p> Not rated or not available</p>	<p>The soil surveys that comprise your AOI were mapped at 1:24,000.</p>
<p> Farmland of statewide importance, if irrigated and drained</p>	<p> Farmland of statewide importance, if drained or either protected from flooding or not frequently flooded during the growing season</p>	<p>Water Features</p> <p> Streams and Canals</p>	<p>Warning: Soil Map may not be valid at this scale.</p> <p>Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.</p>
<p> Farmland of statewide importance, if irrigated and either protected from flooding or not frequently flooded during the growing season</p>	<p> Farmland of statewide importance, if warm enough, and either drained or either protected from flooding or not frequently flooded during the growing season</p>	<p>Transportation</p> <p> Rails</p> <p> Interstate Highways</p> <p> US Routes</p> <p> Major Roads</p> <p> Local Roads</p>	
<p> Farmland of statewide importance, if subsoiled, completely removing the root inhibiting soil layer</p>	<p> Farmland of statewide importance, if warm enough</p>	<p>Background</p> <p> Aerial Photography</p>	<p>Please rely on the bar scale on each map sheet for map measurements.</p>
<p> Farmland of statewide importance, if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60</p>	<p> Farmland of statewide importance, if thawed</p>		<p>Source of Map: Natural Resources Conservation Service Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857)</p>
	<p> Farmland of local importance</p>		<p>Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.</p>
	<p> Farmland of local importance, if irrigated</p>		<p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p>
			<p>Soil Survey Area: Weld County, Colorado, Southern Part Survey Area Data: Version 22, Aug 24, 2023</p>
			<p>Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.</p>
			<p>Date(s) aerial images were photographed: Jun 8, 2021—Jun 12, 2021</p>
			<p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>

DRAFT

Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
44	Olney loamy sand, 1 to 3 percent slopes	Farmland of statewide importance	0.0	0.0%
70	Valent sand, 3 to 9 percent slopes	Not prime farmland	3.9	37.7%
72	Vona loamy sand, 0 to 3 percent slopes	Farmland of local importance	5.8	55.0%
74	Vona loamy sand, 5 to 9 percent slopes	Not prime farmland	0.8	7.3%
Totals for Area of Interest			10.5	100.0%

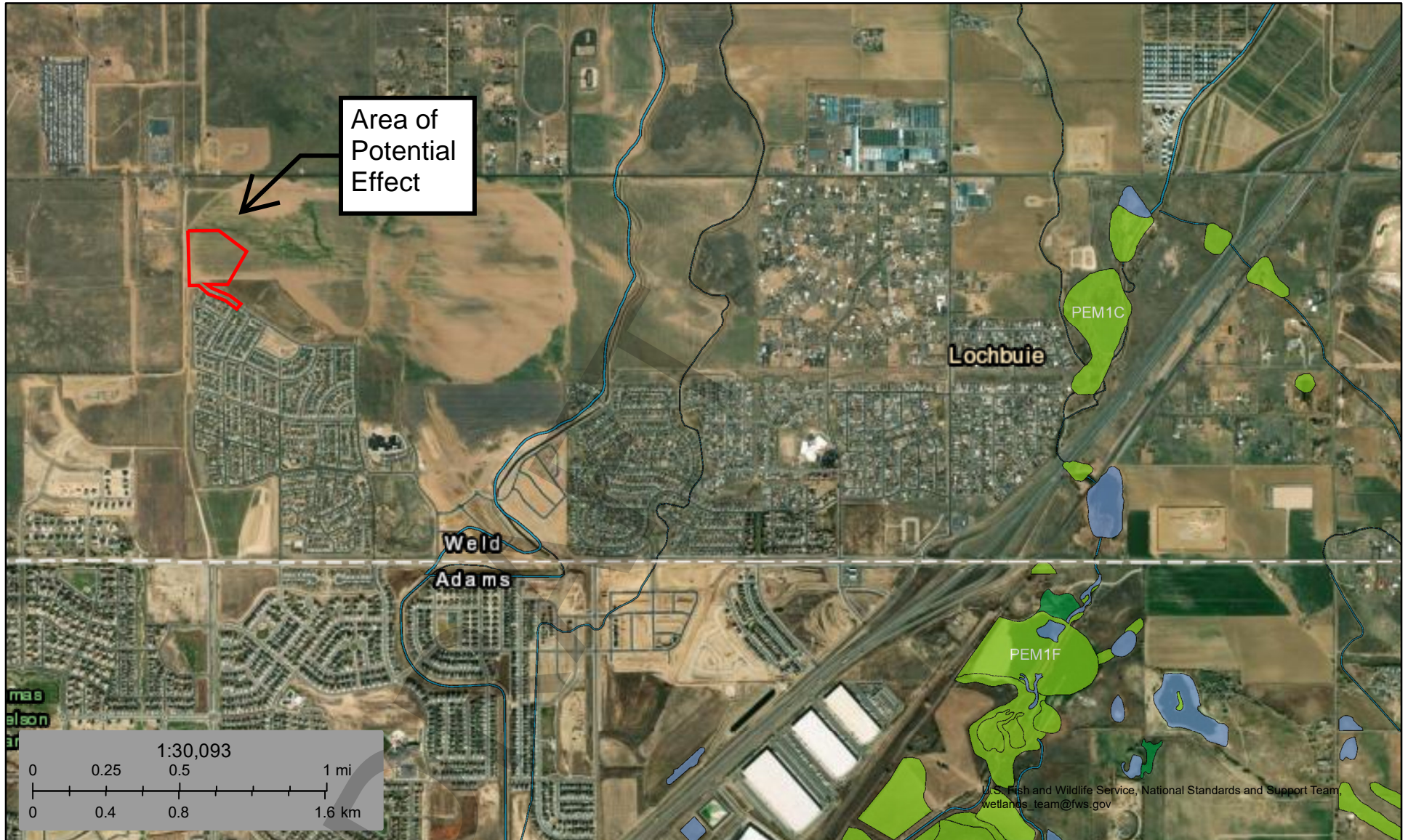
Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



September 25, 2023

Wetlands

- Estuarine and Marine Deepwater
- Freshwater Emergent Wetland
- Lake
- Estuarine and Marine Wetland
- Freshwater Forested/Shrub Wetland
- Other
- Freshwater Pond
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Colorado Ecological Services Field Office
Denver Federal Center
P.O. Box 25486
Denver, CO 80225-0486
Phone: (303) 236-4773 Fax: (303) 236-4005

In Reply Refer To:
Project Code: 2024-0000930
Project Name: Lochbuie Tank

October 03, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Colorado Ecological Services Field Office

Denver Federal Center
P.O. Box 25486
Denver, CO 80225-0486
(303) 236-4773

DRAFT

PROJECT SUMMARY

Project Code: 2024-0000930
Project Name: Lochbuie Tank
Project Type: Water Supply Facility - New Constr
Project Description: Lochbuie Elevated Storage Tank
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.01197045,-104.75256535527149,14z>



Counties: Weld County, Colorado

ENDANGERED SPECIES ACT SPECIES

There is a total of 9 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 3 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
<p>Gray Wolf <i>Canis lupus</i></p> <p>Population: U.S.A.: All of AL, AR, CA, CO, CT, DE, FL, GA, IA, IN, IL, KS, KY, LA, MA, MD, ME, MI, MO, MS, NC, ND, NE, NH, NJ, NV, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, and WV; and portions of AZ, NM, OR, UT, and WA. Mexico.</p> <p>There is final critical habitat for this species.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> ▪ Lone, dispersing gray wolves may be present throughout the state of Colorado. If your activity includes a predator management program, please consider this species in your environmental review. <p>Species profile: https://ecos.fws.gov/ecp/species/4488</p>	Endangered
<p>Tricolored Bat <i>Perimyotis subflavus</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: https://ecos.fws.gov/ecp/species/10515</p>	Proposed Endangered

BIRDS

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Threatened
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is final critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> ▪ Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska. Species profile: https://ecos.fws.gov/ecp/species/6039	Threatened
Whooping Crane <i>Grus americana</i> Population: Wherever found, except where listed as an experimental population There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/758	Endangered

FISHES

NAME	STATUS
Pallid Sturgeon <i>Scaphirhynchus albus</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> ▪ Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska. Species profile: https://ecos.fws.gov/ecp/species/7162	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

FLOWERING PLANTS

NAME	STATUS
Ute Ladies'-tresses <i>Spiranthes diluvialis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2159	Threatened
Western Prairie Fringed Orchid <i>Platanthera praeclara</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1669	Threatened

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

DRAFT

IPAC USER CONTACT INFORMATION

Agency: Lochbuie town
Name: Annabel Mungan
Address: 1319 Spruce Street
City: Boulder
State: CO
Zip: 80302
Email: amungan@jvajva.com
Phone: 4439249952

DRAFT

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Project information

NAME

Lochbuie Tank

LOCATION

Weld County, Colorado



DESCRIPTION

Some(Lochbuie Elevated Storage Tank)

Local office

Colorado Ecological Services Field Office

☎ (303) 236-4773

📠 (303) 236-4005

MAILING ADDRESS

Denver Federal Center

P.O. Box 25486

Denver, CO 80225-0486

PHYSICAL ADDRESS

134 Union Boulevard, Suite 670

Lakewood, CO 80228-1807

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Log in to IPaC.
2. Go to your My Projects list.
3. Click PROJECT HOME for this project.
4. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
<p>Gray Wolf <i>Canis lupus</i></p> <p>This species only needs to be considered if the following condition applies:</p> <ul style="list-style-type: none"> • Lone, dispersing gray wolves may be present throughout the state of Colorado. If your activity includes a predator management program, please consider this species in your environmental review. <p>There is final critical habitat for this species. https://ecos.fws.gov/ecp/species/4488</p>	Endangered
<p>Tricolored Bat <i>Perimyotis subflavus</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10515</p>	Proposed Endangered

Birds

NAME	STATUS
<p>Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10477</p>	Threatened

Piping Plover *Charadrius melodus* Threatened

This species only needs to be considered if the following condition applies:

- Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska.

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/6039>

Whooping Crane *Grus americana* Endangered

There is **final** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/758>

Fishes

NAME	STATUS
<p>Pallid Sturgeon <i>Scaphirhynchus albus</i></p> <p>Wherever found</p> <p>This species only needs to be considered if the following condition applies:</p> <ul style="list-style-type: none"> Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska. <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/7162</p>	Endangered

Insects

NAME	STATUS
<p>Monarch Butterfly <i>Danaus plexippus</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/9743</p>	Candidate

Flowering Plants

NAME	STATUS
<p>Ute Ladies'-tresses <i>Spiranthes diluvialis</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/2159</p>	Threatened
<p>Western Prairie Fringed Orchid <i>Platanthera praeclara</i></p> <p>Wherever found</p> <p>No critical habitat has been designated for this species.</p> <p>https://ecos.fws.gov/ecp/species/1669</p>	Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

There are bald and/or golden eagles in your project area.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Oct 15 to Jul 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

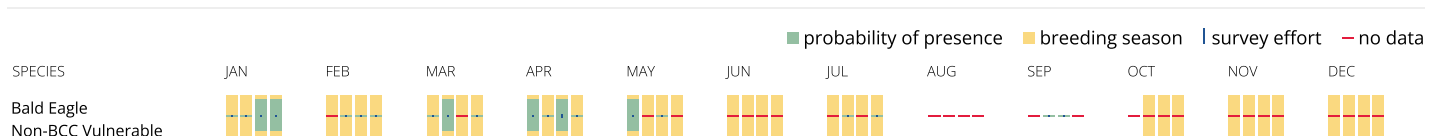
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply). To see a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs of bald and golden eagles in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the [Eagle Act](#) should such impacts occur. Please contact your local Fish and Wildlife Service Field Office if you have questions.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\) list](#) or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Oct 15 to Jul 31
Ferruginous Hawk <i>Buteo regalis</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/6038	Breeds Mar 15 to Aug 15

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

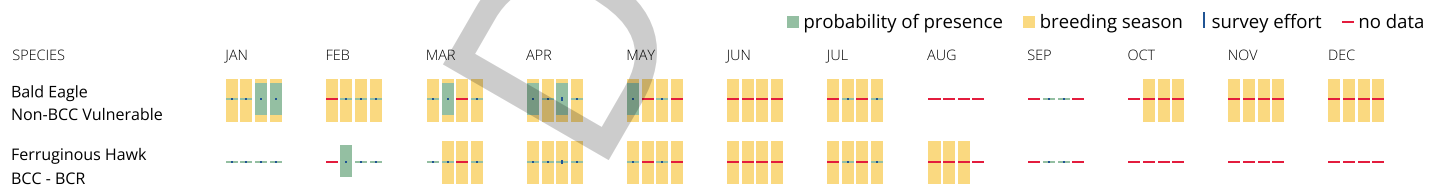
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

This location did not intersect any wetlands mapped by NWI.

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.



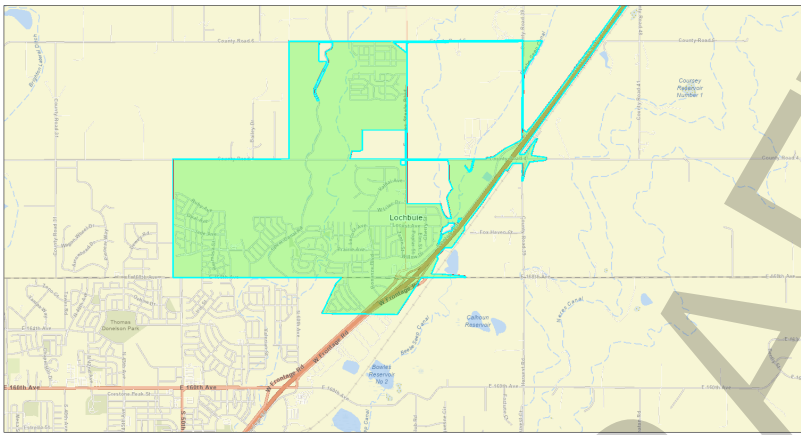
EJScreen Community Report

This report provides environmental and socioeconomic information for user-defined areas, and combines that data into environmental justice and supplemental indexes.

Lochbuie, CO

City: Lochbuie
Population: 7,591
Area in square miles: 3.71

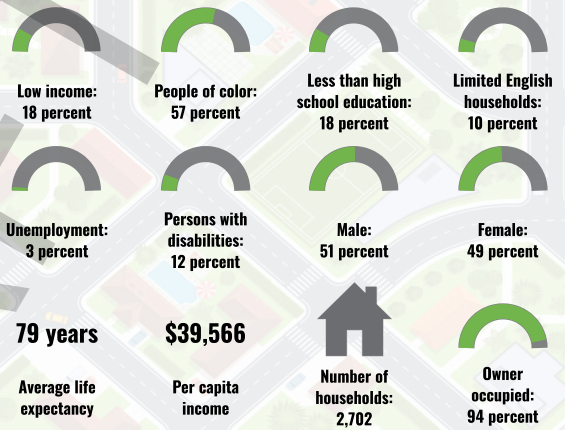
A3 Landscape



November 1, 2023
Project 1

0 0.35 0.7 1.4 1.5
0 0.5 1 2 km
EPA, eGRID, Census, SafeDrugs, GeoTechnology, Inc., SETPOINT, USDOJ, EPA, USGS, US Census Bureau, USDA

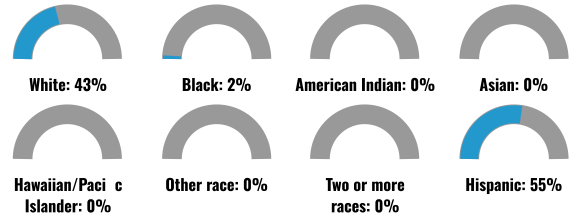
COMMUNITY INFORMATION



LANGUAGES SPOKEN AT HOME

LANGUAGE	PERCENT
English	68%
Spanish	32%
Total Non-English	32%

BREAKDOWN BY RACE



BREAKDOWN BY AGE



LIMITED ENGLISH SPEAKING BREAKDOWN



Notes: Numbers may not sum to totals due to rounding. Hispanic population can be of any race. Source: U.S. Census Bureau, American Community Survey (ACS) 2017-2021. Life expectancy data comes from the Centers for Disease Control.

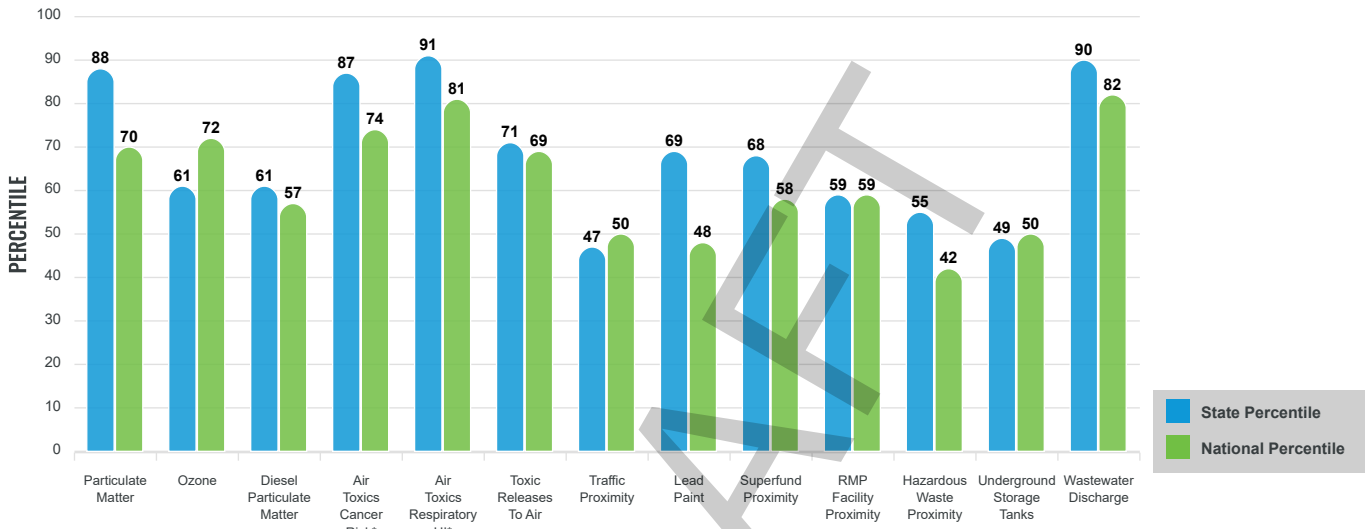
Environmental Justice & Supplemental Indexes

The environmental justice and supplemental indexes are a combination of environmental and socioeconomic information. There are thirteen EJ indexes and supplemental indexes in EJScreen reflecting the 13 environmental indicators. The indexes for a selected area are compared to those for all other locations in the state or nation. For more information and calculation details on the EJ and supplemental indexes, please visit the [EJScreen website](#).

EJ INDEXES

The EJ indexes help users screen for potential EJ concerns. To do this, the EJ index combines data on low income and people of color populations with a single environmental indicator.

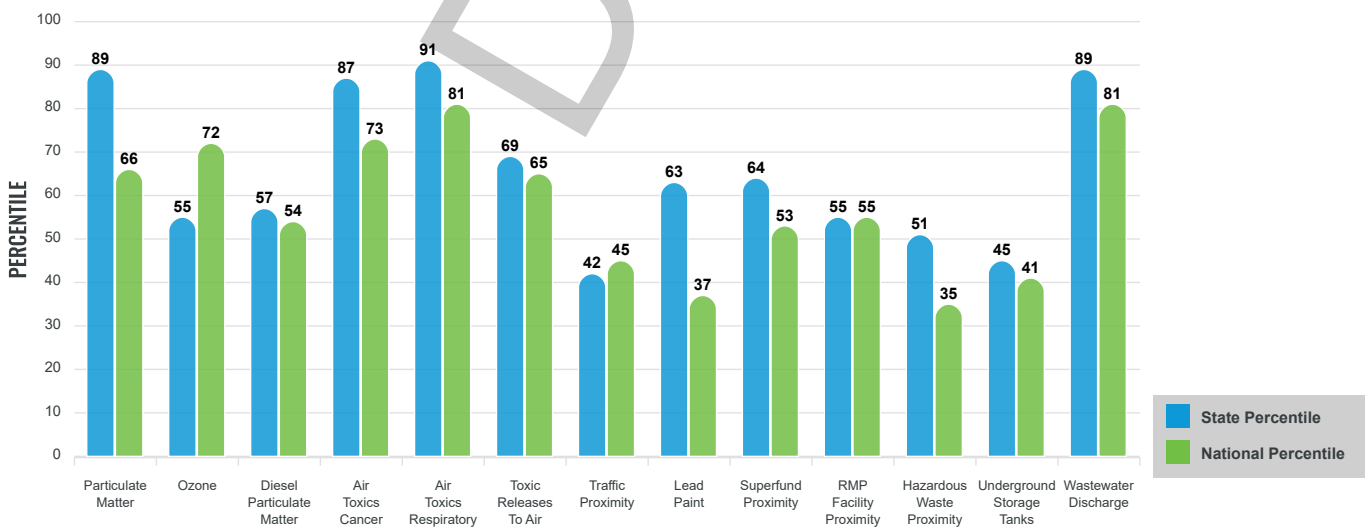
EJ INDEXES FOR THE SELECTED LOCATION



SUPPLEMENTAL INDEXES

The supplemental indexes offer a different perspective on community-level vulnerability. They combine data on percent low-income, percent linguistically isolated, percent less than high school education, percent unemployed, and low life expectancy with a single environmental indicator.

SUPPLEMENTAL INDEXES FOR THE SELECTED LOCATION



These percentiles provide perspective on how the selected block group or buffer area compares to the entire state or nation.

Report for City: Lochbuie

EJScreen Environmental and Socioeconomic Indicators Data

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE	USA AVERAGE	PERCENTILE IN USA
POLLUTION AND SOURCES					
Particulate Matter (µg/m ³)	8.53	6.45	91	8.08	59
Ozone (ppb)	63.5	64.9	34	61.6	66
Diesel Particulate Matter (µg/m ³)	0.184	0.268	37	0.261	41
Air Toxics Cancer Risk* (lifetime risk per million)	30	21	28	25	5
Air Toxics Respiratory HI*	0.4	0.25	83	0.31	70
Toxic Releases to Air	840	3,400	47	4,600	56
Traffic Proximity (daily traffic count/distance to road)	36	180	24	210	33
Lead Paint (% Pre-1960 Housing)	0.062	0.2	50	0.3	28
Superfund Proximity (site count/km distance)	0.046	0.1	41	0.13	40
RMP Facility Proximity (facility count/km distance)	0.15	0.35	39	0.43	46
Hazardous Waste Proximity (facility count/km distance)	0.13	0.58	33	1.9	25
Underground Storage Tanks (count/km ²)	0.14	2.7	27	3.9	29
Wastewater Discharge (toxicity-weighted concentration/m distance)	0.56	710	90	22	89
SOCIOECONOMIC INDICATORS					
Demographic Index	37%	28%	73	35%	61
Supplemental Demographic Index	14%	11%	70	14%	55
People of Color	57%	32%	84	39%	71
Low Income	18%	25%	44	31%	33
Unemployment Rate	3%	5%	42	6%	39
Limited English Speaking Households	10%	2%	92	5%	85
Less Than High School Education	18%	8%	87	12%	78
Under Age 5	9%	5%	84	6%	83
Over Age 64	11%	16%	39	17%	32
Low Life Expectancy	20%	18%	70	20%	57

*Diesel particulate matter, air toxics cancer risk, and air toxics respiratory hazard index are from the EPA's Air Toxics Data Update, which is the Agency's ongoing, comprehensive evaluation of air toxics in the United States. This effort aims to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that the air toxics data presented here provide broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. Cancer risks and hazard indices from the Air Toxics Data Update are reported to one significant figure and any additional significant figures here are due to rounding. More information on the Air Toxics Data Update can be found at: <https://www.epa.gov/haps/air-toxics-data-update>.

Sites reporting to EPA within defined area:

Superfund	0
Hazardous Waste, Treatment, Storage, and Disposal Facilities	0
Water Dischargers	41
Air Pollution	5
Brownfields	0
Toxic Release Inventory	0

Other community features within defined area:

Schools	2
Hospitals	0
Places of Worship	0

Other environmental data:

Air Non-attainment	Yes
Impaired Waters	Yes

Selected location contains American Indian Reservation Lands*	No
Selected location contains a "Justice40 (CEJST)" disadvantaged community	No
Selected location contains an EPA IRA disadvantaged community	Yes

Report for City: Lochbuie

EJScreen Environmental and Socioeconomic Indicators Data

HEALTH INDICATORS					
INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Low Life Expectancy	20%	18%	70	20%	57
Heart Disease	5.3	4.8	64	6.1	33
Asthma	10.4	9.9	72	10	64
Cancer	5	5.9	30	6.1	24
Persons with Disabilities	11.1%	11.4%	54	13.4%	40

CLIMATE INDICATORS					
INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Flood Risk	12%	5%	87	12%	73
Wildfire Risk	77%	33%	71	14%	88

CRITICAL SERVICE GAPS					
INDICATOR	HEALTH VALUE	STATE AVERAGE	STATE PERCENTILE	US AVERAGE	US PERCENTILE
Broadband Internet	11%	10%	65	14%	49
Lack of Health Insurance	14%	8%	85	9%	81
Housing Burden	No	N/A	N/A	N/A	N/A
Transportation Access	Yes	N/A	N/A	N/A	N/A
Food Desert	No	N/A	N/A	N/A	N/A

Footnotes

Report for City: Lochbuie

APPENDIX B – AGENCY LETTERS

1. Natural Resources Conservation Service
2. Colorado Parks and Wildlife
3. History Colorado
4. Colorado Air Pollution Control Division

DRAFT



October 9, 2023

www.jvajva.com

National Resources Conservation Service
Brighton Field Office in RT 17
Ms. Cynthia Einspahr
57 W. Bromley Ln
Brighton, CO 80601

RE: Environmental Assessment Agency Review Letter – Town of Lochbuie Elevated Water Storage Tank Project
JVA Job Number: 1010.5e

Dear Ms. Cynthia Einspahr,

The Town of Lochbuie (Town), in conjunction with JVA, Inc. (JVA), is performing an environmental review pursuant to the National Environmental Policy Act for the Colorado Department of Public Health and Environment (CDPHE) State Revolving Fund (SRF) program to assess the environmental impacts of its proposed Elevated Water Storage Tank Project, in Weld County, Colorado. This letter serves as a formal request for input from the National Resources Conservation Service on the proposed project. Please refer to the attached Figure 1 for a depiction of the Area of Potential Effect (APE).

A new 2 Million Gallon (MG) potable water storage tank and associated appurtenances are proposed to provide sufficient water storage for current fire flow, normal operations, and emergency potable water demands, while accommodating reasonable growth. The addition of this tank will increase the Town's available storage from 1.25 MG to 3.25 MG. Appurtenances include a tank mixer, venting, overflow, booster chlorination system, and drain. The project will also include site improvements such as grading, site access, storm drainage, and associated site piping.

Distribution system pressure is currently maintained by high service pumps located at the Town's existing water treatment plant and the Silver Peaks Booster Station. The dependence on high service pumps to maintain system pressure and fire flow is not desirable. In the event of an extended power outage or pump failure, the Town can more reliably maintain distribution system pressure with an elevated water storage tank. The addition of an elevated potable water storage tank will provide the Town with adequate redundancy in the event of a high service pump station or Silver Peaks Booster Station failure and will provide sufficient demands for emergency storage and fire flow. The addition of this tank will allow the Town to gravity flow potable water to distribution.

Permitting and detailed design of the proposed project are currently in progress with construction anticipated to begin in the Spring of 2024. The proposed project will occur within the Area of Potential Effect, as shown in the attached figure, for the elevated water storage tank site, which is located at approximately 40.012074°, -104.753028°, Section 35, Township 1 North, Range 66 West, in Weld County.

Figure 2, provided as an attachment to this letter, shows the farmland delineation for the project area, obtained from the United States Department of Agriculture Online Web Soil Survey mapping



tool. As is shown on the Figure, the proposed APE will be constructed on land not classified as prime farmland. A portion of the APE was previously being used as farmland; however, the Town has recently purchased the land and now owns it for development of the Tank.

It is also of note that the 2018 Lochbuie Comprehensive Plan has identified the areas adjacent to the APE for single family residential development in their Future Land-Use Map.

We look forward to receiving input from the National Resources Conservation Service on the proposed project. Please reply at your earliest convenience, or within 30 days as required by the SRF program. If you have any questions or require any further information, please feel free to contact me at swhite@jvajva.com. Thank you in advance for your time and attention in this matter.

Sincerely,
JVA, Incorporated

By:

Shane White, P.E.
Senior Project Engineer

Enclosure:

- Figure 1 – Area of Potential Effect
- Figure 2 – Web Soil Survey Farmland Classification



Natural Resources Conservation Service
Denver Federal Center
Building 56, Room 2604
P.O. Box 25426
Denver, CO 80225

SUBJECT: Farmland Protection Policy Act

October 20, 2023

Shane White, PE
Senior Project Engineer
JVA, Incorporated
1319 Spruce Street
Boulder, CO 80302

RE: Town of Lochbuie Elevate Water Tank Storage Tank Project

Dear Shane,

The Farmland Protection Policy Act (FPPA) is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to non-agricultural use. It assures that to the extent possible federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland.

For the purpose of the FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to the FPPA requirements does not have to be currently used for cropland. Projects are subject to the FPPA requirements if they may irreversibly convert farmland to non-agriculture use and are completed by a federal agency or with assistance from a federal agency.

All aspects of this project will occur in the areas defined not prime farmland and the project is not subject to the FPPA. NRCS encourages the use of accepted erosion control practices during the construction of this project.

If you have any further questions, please call at (720) 544-2850.

Thank you,

William Shoup
State Soil Scientist
William.Shoup@usda.gov

cc:

Eugene Backhaus - State Resource Conservationist, NRCS, Denver CO
Clint Evans – State Conservationist, NRCS, Denver CO



JVA, Incorporated
1319 Spruce Street
Boulder, CO 80302
303.444.1951
info@jvajva.com

October 9, 2023

www.jvajva.com

Colorado Parks and Wildlife
Division of Wildlife – Northeast Regional Service Center
Mr. Mark Leslie
6060 Broadway
Denver, CO 80216

RE: Environmental Assessment Agency Review Letter – Town of Lochbuie Elevated Water Storage Tank Project
JVA Job Number: 1010.5e

Dear Mr. Mark Leslie,

The Town of Lochbuie (Town), in conjunction with JVA, Inc. (JVA), is performing an environmental review pursuant to the National Environmental Policy Act for the Colorado Department of Public Health and Environment (CDPHE) State Revolving Fund (SRF) program to assess the environmental impacts of its proposed Elevated Water Storage Tank Project, in Weld County, Colorado. This letter serves as a formal request for input from Colorado Parks and Wildlife on the proposed project. Please refer to the attached Figure 1 for a depiction of the Area of Potential Effect (APE).

A new 2 Million Gallon (MG) potable water storage tank and associated appurtenances are proposed to provide sufficient water storage for current fire flow, normal operations, and emergency potable water demands, while accommodating reasonable growth. The addition of this tank will increase the Town's available storage from 1.25 MG to 3.25 MG. Appurtenances include a tank mixer, venting, overflow, booster chlorination system, and drain. The project will also include site improvements such as grading, site access, storm drainage, and associated site piping.

Distribution system pressure is currently maintained by high service pumps located at the Town's existing water treatment plant and the Silver Peaks Booster Station. The dependence on high service pumps to maintain system pressure and fire flow is not desirable. In the event of an extended power outage or pump failure, the Town can more reliably maintain distribution system pressure with an elevated water storage tank. The addition of an elevated potable water storage tank will provide the Town with adequate redundancy in the event of a high service pump station or Silver Peaks Booster Station failure and will provide sufficient demands for emergency storage and fire flow. The addition of this tank will allow the Town to gravity flow potable water to distribution.

Permitting and detailed design of the proposed project are currently in progress with construction anticipated to begin in the Spring of 2024. The proposed project will occur within the Area of Potential Effect, as shown in the attached figure, for the elevated water storage tank site, which is located at approximately 40.012074°, -104.753028°, Section 35, Township 1 North, Range 66 West, in Weld County.

An official species list has been generated using the U.S. Fish and Wildlife's Information for Planning and Consultation (IPaC) and the results have been evaluated, attached as Figure 2. As




shown in the attached Official Species list, there are no critical habitats for endangered or threatened species in the project area.

The U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) mapper results for the APE are included as Figure 3, attached to this letter. As shown on the map, no wetlands are present.

We look forward to receiving input from Colorado Parks and Wildlife on the proposed project. Please reply at your earliest convenience, or within 30 days as required by the SRF program. If you have any questions or require any further information, please feel free to contact me at swhite@jvajva.com. Thank you in advance for your time and attention in this matter.

Sincerely,

JVA, Incorporated

By: 

Shane White, P.E.
Senior Project Engineer

Enclosure:

- Figure 1 – Area of Potential Effect
- Figure 2 – Official Species List for the Area of Potential Effect
- Figure 3 – U.S. Fish and Wildlife Service Wetland Inventory



History Colorado

Jacqueline Wong
JVA
1319 Spruce Street Boulder CO 80302

September 29, 2023

Re: 1010.5e Lochbuie Elevated Water Storage Tank
File Search No. 25716

At your request, the Office of Archaeology and Historic Preservation has conducted a search of the Colorado Inventory of Cultural Resources based on your specified search criteria (the area shown in the provided map), located in the following areas:

PM	T	R	S
6th	1N	66W	35

0 sites and 2 surveys were located in the search area(s).

If any site, district, building, structure, object, or survey area was identified within the search area, a spreadsheet of detailed information* accompanies this letter. Our records may not represent all cultural resources in Colorado, nor can they be considered comprehensive, as most of the state has not been surveyed for cultural resources. There is the possibility that as yet unidentified cultural resources exist within the proposed impact area.

This letter is not considered formal consultation under Section 106 of the National Historic Preservation Act (36 CFR 800) or the Colorado Register of Historic Places (CRS 24-80.1). In the event that there is federal or state agency involvement, please note that it is the responsibility of the agencies to meet the requirements of these regulations.

We look forward to consulting with you regarding the effect of the proposed project on significant cultural resources in accordance with the Advisory Council on Historic Preservation regulations titled "Protection of Historic Properties" or the Colorado Register of Historic Places, as applicable (<http://www.historycolorado.org/consultation-guidance>).

If you have any questions, please contact the Office of Archaeology and Historic Preservation at (303) 866-3392. Thank you for your interest in Colorado's cultural heritage.

Dawn DiPrince
State Historic Preservation Officer

*Information regarding significant archaeological resources is excluded from the Freedom of Information Act. As such, legal locations of these resources must not be included in documents for public distribution.



JVA, Incorporated
1319 Spruce Street
Boulder, CO 80302
303.444.1951
info@jvajva.com

October 9, 2023

www.jvajva.com

History Colorado
Dawn DiPrince, Executive Director
State Historic Preservation Officer
1200 Broadway
Denver, CO 80203

RE: Environmental Assessment Agency Review Letter – Town of Lochbuie Elevated Water Storage Tank Project
JVA Job Number: 1010.5e

Dear Ms. Dawn DiPrince,

The Town of Lochbuie (Town), in conjunction with JVA, Inc. (JVA), is performing an environmental review pursuant to the National Environmental Policy Act for the Colorado Department of Public Health and Environment (CDPHE) State Revolving Fund (SRF) program to assess the environmental impacts of its proposed Elevated Water Storage Tank Project, in Weld County, Colorado. This letter serves as a formal request for input from the State Historic Preservation Office on the proposed project. Please refer to the attached Figure 1 for a depiction of the Area of Potential Effect (APE).

A new 2 Million Gallon (MG) potable water storage tank and associated appurtenances are proposed to provide sufficient water storage for current fire flow, normal operations, and emergency potable water demands, while accommodating reasonable growth. The addition of this tank will increase the Town's available storage from 1.25 MG to 3.25 MG. Appurtenances include a tank mixer, venting, overflow, booster chlorination system, and drain. The project will also include site improvements such as grading, site access, storm drainage, and associated site piping.

Distribution system pressure is currently maintained by high service pumps located at the Town's existing water treatment plant and the Silver Peaks Booster Station. The dependence on high service pumps to maintain system pressure and fire flow is not desirable. In the event of an extended power outage or pump failure, the Town can more reliably maintain distribution system pressure with an elevated water storage tank. The addition of an elevated potable water storage tank will provide the Town with adequate redundancy in the event of a high service pump station or Booster Station failure and will provide sufficient demands for emergency storage and fire flow. The addition of this tank will allow the Town to gravity flow potable water to distribution.

Permitting and detailed design of the proposed project are currently in progress with construction anticipated to begin in the Spring of 2024. The proposed project will occur within the Area of Potential Effect, as shown in the attached figure, for the elevated water storage tank site, which is located at approximately 40.012074°, -104.753028°, Section 35, Township 1 North, Range 66 West, in Weld County.

JVA requested assistance in identifying historic properties that are listed or eligible for listing on the National Register of Historic Places and received a response on September 29, 2023. The response has been attached for reference. There was a total of 0 sites and 2 surveys identified to



be in the same section as the proposed project (File Search No. 25716) as outlined in Table 1. In the event unidentified archaeological resources may be discovered during construction of the project, History Colorado will be immediately contacted.


Table 1: National Register of Historic Places

ID	Type	Name
MC.CPO.R27	Survey	SURVEY REPORT, WELD COUNTY, COLORADO FARM AND RANCH INVENTORY, WELD AND BROOMFIELD COUNTIES
WL.E.NR22	Survey	COLORADO INTERSTATE GAS COMPANY REPLACEMENT OF A PORTION OF THE EXISTING 5A AND 5B PIPELINES IN WELD COUNTY, COLORADO

The goal of consultation under Section 106 is to provide agencies the opportunity to help identify historic properties potentially affected by this federal assisted project; assess the impacts of this project on any historic resources; and consider ways to avoid, minimize or mitigate any adverse effects. Any input from you regarding concerns or possible environmental affects the proposed project may have, from your perspective, would be appreciated.

We look forward to receiving input from the State Historic Preservation Office on the proposed project. Please reply at your earliest convenience, or within 30 days as required by the SRF program. If you have any questions or require any further information, please feel free to contact me at swhite@jvajva.com. Thank you in advance for your time and attention in this matter.

Sincerely,
JVA, Incorporated

By: 

Shane White, P.E.
Senior Project Engineer

Enclosure:
Figure 1 – Area of Potential Effect
History Colorado File Search No. 25716 Response



JVA, Incorporated
1319 Spruce Street
Boulder, CO 80302
303.444.1951
info@jvajva.com

October 9, 2023

www.jvajva.com

Colorado Department of Public Health and Environment
Air Pollution Control Division
Mr. Richard Coffin
4300 Cherry Creek Drive South
Denver, CO 80246-1530

RE: Environmental Assessment Agency Review Letter – Town of Lochbuie Elevated Water Storage Tank Project
JVA Job Number: 1010.5e

Dear Mr. Richard Coffin,

The Town of Lochbuie (Town), in conjunction with JVA, Inc. (JVA), is performing an environmental review pursuant to the National Environmental Policy Act for the Colorado Department of Public Health and Environment (CDPHE) State Revolving Fund (SRF) program to assess the environmental impacts of its proposed Elevated Water Storage Tank Project, in Weld County, Colorado. This letter serves as a formal request for input from the Air Pollution Control Division on the proposed project. Please refer to the attached Figure 1 for a depiction of the Area of Potential Effect (APE).

A new 2 Million Gallon (MG) potable water storage tank and associated appurtenances are proposed to provide sufficient water storage for current fire flow, normal operations, and emergency potable water demands, while accommodating reasonable growth. The addition of this tank will increase the Town's available storage from 1.25 MG to 3.25 MG. Appurtenances include a tank mixer, venting, overflow, booster chlorination system, and drain. The project will also include site improvements such as grading, site access, storm drainage, and associated site piping.

Distribution system pressure is currently maintained by high service pumps located at the Town's existing water treatment plant and the Silver Peaks Booster Station. The dependence on high service pumps to maintain system pressure and fire flow is not desirable. In the event of an extended power outage or pump failure, the Town can more reliably maintain distribution system pressure with an elevated water storage tank. The addition of an elevated potable water storage tank will provide the Town with adequate redundancy in the event of a high service pump station or Silver Peaks Booster Station failure and will provide sufficient demands for emergency storage and fire flow. The addition of this tank will allow the Town to gravity flow potable water to distribution.

Permitting and detailed design of the proposed project are currently in progress with construction anticipated to begin in the Spring of 2024. The proposed project will occur within the Area of Potential Effect, as shown in the attached figure, for the elevated water storage tank site, which is located at approximately 40.012074°, -104.753028°, Section 35, Township 1 North, Range 66 West, in Weld County.


The APE is located within the 8-hour Non-Attainment boundary, where air quality for ozone is worse than the National Ambient Air Quality Standards as defined in the Clean Air Act



Amendments of 1970. Construction is anticipated to take longer than six months and the Contractor will be responsible for obtaining any applicable Air Pollution Emission Notice General Construction Permits, prior to construction.

We look forward to receiving input from the Air Pollution Control Division on the proposed project. Please reply at your earliest convenience, or within 30 days as required by the SRF program. If you have any questions or require any further information, please feel free to contact me at swhite@jvajva.com. Thank you in advance for your time and attention in this matter.

Sincerely,
JVA, Incorporated

By: 

Shane White, P.E.
Senior Project Engineer

Enclosure:
Figure 1 – Area of Potential Effect

DRAFT



Drinking Water Project Needs Assessment (PNA) Form

Water Quality Control Division

General Information

Facility Name: LOCHBUIE, TOWN OF Original ID: _____

Mailing Address 1: 703 WCR 37 Mailing Address 2: _____ County: _____

City: Lochbuie State: CO Zip Code: 80603

Property Address 1: 703 CR-37 Property Address 2: _____ County: _____

City: Lochbuie State: CO Zip Code: 80603

Latitude : 39.7517291 Longitude : -104.992107

Name of Project: Town of Lochbuie Elevated Water Storage Tank

Type of Project (Check all that apply)

Treatment Distribution / Transmission Water Supply Water Storage

Please enter the following information for your organization if you have it.

1. Applicant Information:

First Name: Denise Middle Name: _____ Last Name: Rademacher

Phone Number: 303-990-5775

Mailing Address1: 730 Weld County Road 37 Mailing Address2: _____

City: Lochbuie State: CO Zip Code: 80603

E-mail: DRademacher@Lochbuie.org

Consulting Engineer Information:

First Name: Mandy Middle Name: _____ Last Name: Rasmussen

Phone Number: 970-420-9636

Mailing Address1: 213 Linden Street, Suite 200 Mailing Address2: _____

City: Fort Collins State: CO Zip Code: 80524

E-mail: mrasmussen@jvajva.com

Self-Certification:

Yes No Does the system intend to self-certify all or a portion of the project?

2. Executive Summary

Water demand in the Town of Lochbuie (Town) has steadily increased over the past decade due to the growing number of customers. The Town currently has 1.25 million gallons (MG) of potable water storage located at ground level at the WTP site. The existing potable water storage capacity is not sufficient to meet the Town’s existing potable water demands. In addition, distribution system pressure is achieved with the high service pumps located at the WTP and the Silver Peaks Booster Station. The dependence on high service pumps to maintain system pressure and fire flow is not desirable to the Town and can be more reliably achieved with an elevated water storage tank. The addition of an elevated potable water storage tank will provide the Town with sufficient potable water storage for current demands, including demands for emergency storage and fire flow. The proposed tank will also provide additional system resiliency with the ability to gravity flow to distribution even in the event of an extended power outage. Proposed improvements include a 2 MG composite elevated potable water storage tank with associated piping, valving, and appurtenances. Appurtenances include a tank mixer, venting, overflow, and drain. The project will also include site improvements such as grading, site access, and associated site piping. The proposed elevated water storage tank is sized to meet current demands up to 6,404 EQR’s. Additional water storage to meet projected future demand will be evaluated in the Town’s 2023 Water Master Plan.

3. System Structure and Operation

3.1 Legal Ownership of System (TMF: Managerial-1)

First Name: Steve Stamey
Mailing Address1: 730 Weld County Road 37 Mailing Address2: _____
City: Lochbuie State: CO Zip Code: 80603
Phone Number: 303-990-5785 Fax: _____

3.2 Organizational Chart

Include an Organizational Chart as Attachment 2.

3.3 Plans (TMF: Managerial-2)

Monitoring Plan - Include a copy of the Monitoring Plan as Attachment 3.
Cross Connection Control Plan - Include a copy of the Cross Connection Control Plan as Attachment 4.

Water Conservation Plan (if system sells over 2,000 acre feet of water annually) - Include a copy of the Water Conservation Plan as Attachment 5. Not Applicable

3.4 Current Operator in Responsible (ORC) Charge (TMF: Technical-14)

First Name: Robert Middle Name: _____ Last Name: Ramey
Certification Number: CWP-D4-00226-0706 Certification Expiration Date: 07/03/2024
Operator Certification Level (check one) Staff Operator Contract Operator
Treatment Class D Class C Class B Class A
Distribution Class 4 Class 3 Class 2 Class 1
Combined Treatment/Distribution Class S Class T

3.5 Operator Certification (TMF: Technical-15)

Yes No Do the system operators have adequate operator certification levels for the proposed project as defined by Regulation 100 Water and Wastewater Facility Operators Certification Requirements?

Explain the impact of the proposed project on the required operator in responsible charge (ORC) certification level and other predicted staffing changes.

3.10 Insurance (TMF: Financial-6)

Does the system maintain general liability insurance?

Yes - Provide a copy of the most recent audited financial statement or exemption from State as Attachment 9.

No

4. Project Purpose and Need

Discuss the issue or concern that the proposed project will address. Specific issues are outlined below. All issues must be discussed in each sub section below even if they are not the project driver.

4.1 Health and Compliance

Summarize the system's compliance status that necessitates the proposed project.

There are currently no outstanding compliance issues associated with the Town's water system. However, the existing potable water storage capacity is not sufficient to meet the Town's existing potable water demands. The addition of a proposed elevated water storage tank will provide the Town with sufficient potable water storage for current demands, including demands for emergency storage and fire flow. The proposed tank will also provide additional system resiliency with the ability to gravity flow to distribution even in the event of an extended power outage such that safe drinking water can be reliably supplied to the Town's customers. The proposed elevated water storage tank is sized to meet current demands up to 6,404 EQRs. Additional water storage to meet projected future demand will be evaluated in the Town's 2023 Water Master Plan.

4.2 Existing facility limitations

Summarize existing water system facility(ies) limitations that necessitate the proposed project.

The Town currently has 1.25 million gallons (MG) of potable water storage located at ground level at the WTP site. The existing potable water storage capacity is not sufficient to meet the Town's existing or future potable water demands.

4.3 Operations and Maintenance Issues

Summarize operational and maintenance (O&M) issues with the existing water facilities.

The Town's existing water storage facilities lack operational flexibility and redundancy. Distribution system pressure is currently achieved with the high service pumps located at the WTP and the Silver Peaks Booster Station. From an O&M standpoint, the dependence on high service pumps to maintain system pressure and fire flow is not desirable to the Town and additional resiliency is needed to be able to provide safe drinking water to customers in the event of an extended power outage or unexpected maintenance requirements.

5. Existing Facilities Analysis

5.1 Existing Source Water– Section required for treatment and supply projects

Not applicable (for distribution and storage projects, only)

5.1.2 Water Rights (TMF: Technical-3)

5.2 Existing treatment– Required for treatment and supply projects only

Not applicable (for distribution and finished water storage projects, only)

5.3 Distribution - Required for distribution and storage projects only

Not applicable (for supply and treatment projects, only)

5.3.1 Overall Distribution System Description (TMF: Technical-11 and -12)

Discuss the existing finished water distribution system including: gravity vs. pumped pressurization, facility age, material type, condition of materials, amount of AC pipe, number of pressure zones, pump stations, and storage tanks.

All treated potable water is pumped from the high service pumps at the WTP to the distribution system via 6-inch, 8-inch, 12-inch, 20-inch, and 24-inch water mains. The Silver Peaks Booster Station serves the Silver Peaks subdivision to provide sufficient water pressure. The Town currently has two storage tanks, a 1.0 and 0.25 MG tank both located near the WTP. Four 60 HP high service pumps transfer water from the WTP storage tanks to the distribution system. The distribution line pressure at the WTP is maintained at 90 psi. The Town does not have sufficient storage to satisfy the Town's existing operational, fire, and emergency flow requirements.

Discuss the estimated distribution system losses (i.e., the percent of water lost in the distribution system and not delivered/billed to customers).

The Town's WTP production data was compared to the water billing data to show distribution losses within the system. The difference between water production and meter billing may be caused by meter reading inaccuracies, meter calibration error, unaccounted for construction water, and losses within the distribution system. The production and billing data differ less than 15 percent, which is considered acceptable for a distribution system and standard deviation in meter accuracies.

5.3.2 Pressure (TMF: Technical-13)

Discuss if the existing distribution system is designed to maintain a minimum pressure of 20 psi at all ground level points in the distribution system under all conditions of flow as required in the CDPHE Design Criteria for Potable Water Systems (Design Criteria). The Design Criteria also recommends a normal working pressure in the distribution system of approximately 60 psi, and not less than 35 psi. Discuss how the distribution system meets the required and recommended distribution system pressures.

The existing distribution was designed to maintain a minimum pressure of 20 psi at all ground level points.

Include a map illustrating any locations where a minimum pressure of 20 psi cannot be provided under all conditions of flow as Attachment 15.

Not Applicable

5.3.3 Meters (TMF: Financial-4)

Discuss if the existing distribution system includes water meters.

The Town's customers have water meters, which are read monthly, to measure residential and non-residential water usage for billing. Residential and non-residential customers are billed monthly with a base charge and a usage charge according to a tiered water billing system.

6.Facility Planning Analysis

6.1 Planning Area Description

6.1.1 Project Area Map

Provide a map showing a minimum of a 3-mile radius around the project area that includes environmental features (lakes, streams, wetlands, floodplains). Map must include current and proposed service area, existing drinking water facilities (plants, major distribution lines, water sources, storage facilities), existing wastewater outfalls/permitted discharge points, and any new or affected sources with regard to the pertinent watershed. Include the map as Attachment 16.

6.1.2 Urban Growth Boundary

Yes No Is the project within or near an urban growth boundary?

The project is located within an urban growth boundary, which is the Town's municipal boundary. The Town's water service area is entirely within the Town's municipal boundary.

6.1.3 Local and Regional Issues

Yes No Were local and regional planning efforts considered?

Please describe.

Growth rates in Weld County, Adams County, and the Town of Lochbuie were taken into consideration for population projections and EQR projections. Proposed and anticipated commercial and residential developments were also considered in projecting water demands to the WTP.

Yes No Were local and regional water quality and/or quantity efforts considered?

Please describe.

The Town has sufficient water rights to supply water to the WTP. The WTP is able to treat, blend, and disinfect groundwater to meet water quality standards and provide safe drinking water to its customers.

Yes No Was consolidation with another water system / treatment facility considered?

If yes, describe the consolidation considerations. If no, please indicate why consolidation was not considered.

6.2 Population and Water Demand Projections (TMF: Technical-2)

For a 20 year planning period, forecast the population growth, projected increase in Equivalent Residential Taps (ERT), and projected drinking water demands.

Current ERT - As Calculated in the Prequalification Form: 2834

Population and Demand Projections - The department generally accepts two methodologies for projecting water flows over the 20 year planning period. Other methodologies are acceptable with a clear explanation and all assumptions and parameters listed:

- Method 1: Population based projections. Recommended for primarily residential systems and/or for systems without water meter data
- Method 2: Equivalent Residential Taps (ERT) Analysis. Recommended for systems with a high multifamily, commercial, industrial, irrigation demands.

Method 1 and 2 templates can be found at the end of this form. Attach the population projection as Attachment 17.

Discuss supporting data and reasons for projected future growth during the 20 year planning period.
Note: Projects designed solely to serve future development or population growth are not eligible for State Revolving Fund financing.

The Town is anticipated to reach buildout during the 20-year planning period. Population growth rates were based on historical growth rates from the DOLA State Demography Office. The proposed elevated storage tank was sized to meet the Town's existing potable water demands only, not future demand.

6.3 Source Water Planning

6.3.1 Overall Water Resource Management Description (TMF: Technical-2)

For a 20 year planning period, describe the system's water resource management plan.

The Town's existing water rights allow the Town to divert up to 2,453 acre-feet per year of water from the Beebe Draw alluvial aquifer. The Beebe Draw alluvial aquifer has sufficient capacity for the five-year planning period. The Town is actively planning to acquire additional legal and physical water supplies to meet the 20-year planning period.

6.3.2 Water Rights (TMF: Technical-3)

For the 20 year planning period, discuss how the system will be able to meet the projected population and increased industrial/commercial water demands.

The Town receives raw water from three groundwater wells; Wells 1, 2, and 6R, that draw water from the Beebe Draw alluvial aquifer. Existing water rights allow the Town to divert up to 2,453 acre-feet per year (ac-ft/yr) of water from the Beebe Draw alluvial aquifer, which equates to approximately 799 million gallons (MG) of water per year, or an average of 2.18 million gallons per day (MGD). The existing combined pumping capacity of the raw water wells is 2.16 MGD. The Town is actively planning to acquire additional legal and physical water supplies to meet the 20-year planning period.

Provide documentation supporting the system's water rights, if not provided in section 5.1.2 above, as Attachment 18.

6.3.3 Source Water Supply Capacity (TMF: Technical-4)

For the 20 year planning period, discuss if the source water supply infrastructure is capable of delivering adequate source water to meet projected needs.

The source water supply infrastructure is capable of delivering adequate source water to meet project needs within the five-year planning period. The Town is actively planning to acquire additional legal and physical water supplies to meet the 20-year planning period.

7. Assessment of Alternatives

7.1 Alternatives

For each alternative, please provide:

1. A description of the alternative addressing the issues identified in Section 4: Project Purpose and Need. (TMF: Technical-7)
2. Capital cost estimates and annual operation and maintenance costs.
3. Advantages and Disadvantages of each alternative.

Alternative 1 Title : No Action

Alternative 1 Description (2000 character limit):

The Town's existing potable water storage capacity is not sufficient to meet existing potable water demands. The No Action alternative is not considered viable for the Town as it needs to reliably serve safe drinking water to its customers.

Alternative 1 Capital and Operation and Maintenance Costs (2000 character limit):

There are no capital and O&M costs associated with the No Action alternative.

Alternative 1 Advantages and Disadvantages (2000 character limit):

Although there are no capital and O&M costs associated with the No Action alternative, it is not considered viable for the Town as it needs to reliably serve safe drinking water to its customers.

Alternative 2 Title : Elevated Water Storage Tank

Alternative 2 Description (2000 character limit):

This alternative includes a proposed 2 MG composite elevated potable water storage tank with associated piping, valving, and appurtenances. Appurtenances include a tank mixer, venting, overflow, and drain. The project will also include site improvements such as grading, site access, and associated site piping. The addition of an elevated potable water storage tank will provide the Town with sufficient potable water storage for current demands, including demands for emergency storage and fire flow. This alternative would also provide greater operational flexibility and redundancy. Furthermore, it is anticipated that the proposed elevated storage tank alone will meet the Town's storage requirements if the high service pumps and existing storage tanks require maintenance.

Alternative 2 Capital and Operation and Maintenance Costs (2000 character limit):

The capital costs associated with the Elevated Water Storage Tank alternative is \$11,242,800.00. The additional annual O&M costs are \$2,075.00, with estimated 10-year tank re-coating and replacement costs at \$210,000.00.

Alternative 2 Advantages and Disadvantages (2000 character limit):

The advantage of this alternative is that the addition of an elevated water storage tank will provide the Town with sufficient potable water storage for current demands, including emergency storage and fire flow. Another advantage is that this alternative would also provide greater operational flexibility and redundancy. The primary disadvantage is cost, but the No Action alternative is not considered viable as the Town needs sufficient storage capacity to reliably serve its customers with safe drinking water.

Alternative 3 Title : _____

Alternative 3 Description (2000 character limit):

Alternative 3 Capital and Operation and Maintenance Costs (2000 character limit):

Alternative 3 Advantages and Disadvantages (2000 character limit):

Provide discussions of additional alternatives as Attachment 19.

8. Selected Alternative

8.1 Justification of Selected Alternative (TMF: Technical-6)

Please demonstrate why the selected alternative best meets system needs based on both monetary and non-monetary considerations. For treatment facility projects, if the EPA-BAT technology is not selected then the report must include a treatment rational.

The selected alternative is a proposed 2 MG composite elevated potable water storage tank with associated piping, valving, and appurtenances. The addition of an elevated water storage tank will provide the Town with sufficient potable water storage for current demands, including demands for emergency storage and fire flow. The proposed elevated water storage tank is sized to meet current demands up to 6,404 EQRs. Additional water storage to meet projected future demand will be evaluated in the Town's 2023 Water Master Plan. The proposed tank would also provide greater operational flexibility and redundancy. The No Action alternative is not considered viable as the Town needs sufficient storage capacity to reliably serve its customers with safe drinking water.

8.2 Technical Description and Design Parameters (TMF: Technical-5)

For the selected alternative, please describe all proposed project components and assumed design parameters.

The assumed design parameters are the existing population of 8,135 people and current water demands. The proposed 2 MG composite elevated water storage tank will be designed for compliance with CDPHE's Design Criteria for Potable Water Systems. The tank will be factory coated and will include drain piping, overflow piping, isolation valves and backflow prevention, redundant level control, a pressure gauge, flow metering, chlorine analyzers, access ladders and hatches, and an active mixing system. The inside of the tank will be lined with an NSF/ANSI 61-compliant coating. Operational requirements for the proposed elevated water storage tank is not anticipated to change from the existing system requirements.

8.3 Proposed Process Flow Diagram

Include a proposed treatment facility process flow diagram or map of the distribution system, as applicable as Attachment 20.

8.4 Appropriateness of Treatment Technologies (TMF: Technical-6)

Discuss appropriateness of the proposed treatment process(es) to meet Regulation 11 considering anticipated source water quality and potential sources of contamination.

N/A

8.5 Environmental Impacts

Describe direct and indirect impacts on floodplains, wetlands, wildlife habitat, historical and archaeological properties, etc., including any projected permits and certifications.

All the proposed work will occur on Town property that has been designated for the proposed elevated water storage tank and no additional land is required. The proposed work will take place on previously disturbed land and is not anticipated to impact floodplains, wetlands, wildlife habitat, or historical and archaeological properties.

8.6 Land Requirements

Identify all necessary sites and easements, permits and certifications, and specify if the properties are currently owned, to be acquired, or leased by the applicant.

All the proposed work will occur on Town property that has been designated for the proposed elevated water storage tank and no additional land is required.

8.7 Construction Requirements

Discuss construction concerns such as subsurface rock, high water table, limited access, or other conditions that may affect cost of construction or operation of a facility.

For the proposed elevated water storage tank, subsurface work will be required for the concrete foundation and drilled piers. Minor traffic control will also be necessary during construction.

8.8 Operational Aspects

Discuss the operator staffing requirements, operator certification level requirements (including distribution), the expected basic operating configuration and process control complexities, and the operational controls and equipment that allows operational personnel to respond to routine and unanticipated treatment challenges, such as flow rate, chemical feed dosing, and process monitoring.

The WTP and Town distribution system is operated under the supervision of Ramey Environmental Compliance, Inc., whose operator holds a Class A water treatment license and a Class D distribution system license. Upon completion of the proposed elevated water storage tank, the WTP will continue to be operated by the current staff. This project does not impact the ORC certification level and does not require any staffing changes. The proposed 2 MG elevated storage tank is greater than the existing storage deficit, and the additional storage will provide greater operational flexibility and redundancy. Furthermore, it is anticipated that the proposed elevated storage tank alone will meet the Town's storage requirements if the high service pumps and existing storage tanks require maintenance.

8.9 Costs (TMF: Financial-2 and -3)

Summarize the capital costs associated with the selected alternative. The 20 year cash flow projection included in Attachment 7 must reflect the capital and operation and maintenance costs associated with the selected alternative. (No more than 2,000 Characters)

The capital costs associated with the selected alternative is \$11,242,800.00. The additional annual O&M costs are \$2,075.00, with estimated 10-year tank re-coating and replacement costs at \$210,000.00. These are reflected in the 20 year cash flow projection.

Cost Category Selection (Assign a percent to each applicable category)

Planning and Design Only (non-construction)	2
Construction - Treatment	0
Construction - Transmission and distribution	0
Construction - Source	0
Construction - Storage	97
Purchase of Systems	0
Restructuring	0
Land Acquisition	0
Water Rights	0
Other	1
Total: (must equal 100%)	100

Please include an estimate of the projected increase in and total average monthly user charges. Does the user charge system allow for billing, collection, and enforcement?

The 20-year cash flow was prepared under two scenarios. The first scenario assumes the DOLA EIAF Grant and SRF Principal Forgiveness in addition to the SRF Loan, while the second scenario assumes that the Town receives the SRF Loan only. Although additional revenue from new taps, etc. is anticipated during the 20-year planning period, they were not included as the proposed elevated storage tank will be designed to provide the Town with sufficient potable water storage for current demands only (including emergency storage and fire flow). For the first scenario of the SRF Loan with Grants, rates are projected to increase by 39.54 percent to \$90.60 as the new monthly base rate. For the second scenario which assumes the SRF Loan only, rates are projected to increase by 56.76 percent from \$64.93 to \$101.78 as the new monthly base rate. The existing user charge system allows for billing, collection, and enforcement. The Town's customers have water meters, which are read monthly, to measure residential and non-residential water usage for billing. Residential and non-residential customers are billed monthly with a base charge and a usage charge according to a tiered water billing system.

8.10 Environmental Checklist

Include the Environmental Checklist for the Selected Alternative as Attachment 22.

8.11 Project Implementation

8.11.1 Proposed Schedule

Loan application	<u>10/26/2023</u>	Design Plans (60 day review period)	<u>09/06/2023</u>
Advertisement for bids	<u>11/06/2023</u>	Award Contracts	<u>01/12/2024</u>
Start Construction	<u>03/01/2024</u>	Complete Construction	<u>03/31/2026</u>

8.11.2 Public Meeting

Provide documentation of a public meeting held or describe when and where the meeting will be held. The meeting must be noticed for 30 days. Provide the public notice, proof of publication, sign in sheet, and agenda as Attachment 23 or provide to your project manager in the Grants and Loans Unit after the meeting has taken place.

Include the public meeting documentation as Attachment 23.

Or, will be provided to the Grants and Loans Unit project manager after the meeting takes place.

9. Projecting Water Flows Method 1: Population based projections

Assumptions/Data

Information Source

Current System Population	8135	People	U.S. Census
Current Service Area Population (If providing water to neighboring community)	8135	People	U.S. Census
Population Growth Rates	5.77	% increase/year	DOLA State Demography Office
Average Daily per Capita Flow Rate	80	Gallons per capita day	Town data
Maximum Daily per Capita Flow Rate	191	Gallons per capita day	Town data
Peak Hour Factor	204	Gallons per capita day	Calculated peak hour factor of 2.6

Year	System Population	Service Area Population (if different)	Average Daily Flow	Maximum Daily Flow	Peak Hour Flow
+0	0	0	648088	1556497	1656226
+5	10771		858084	2060838	2192881
+10	14261		1136123	2728597	2903426
+15	18882		1504254	3612726	3844203
+20	25000		1991667	4783333	5089815

10. Projecting Water Flow Method 2: Equivalent Residential Taps (ERT)

Current Equivalent Residential Taps (ERT)		
A	Number of active residential taps:	0
B	Total annual consumption (gallons per year) - Residential	0
C	Estimated equivalent residential tap water usage Annual flow per ERT = B / A	0
D	Total annual consumption (gallons per year) - Commercial / Industrial / Irrigation	0
E	Estimated Commercial / Industrial / Irrigation flow in ERT # of commercial / industrial / irrigation ERT = D / C	0
F	Total ERTs = A + E	0

Population and Flow Assumptions / Data

Information Source

Current System Population	_____	People	_____
Current Service Area Population (If providing water to neighboring community)	_____	People	_____
Population Growth Rates	_____	% increase/year	_____
Average daily flow per ERT	_____	Gallons per capita day	_____
Maximum daily flow per ERT	_____	Gallons per capita day	_____

Peak Hour Factor

Gallons per capita day

Year	System Population	Service Area Population (if different)	Residential Taps (ERTs)	Multifamily Residential Taps (ERTs)	Commercial/Industrial Taps (ERTs)	Irrigation Taps (ERTs)	Total Taps (ERTs)	Average Daily Flow	Maximum Daily Flow	Peak Hour Flow
+0										
+5										
+10										
+15										
+20										

Read

Only



Agenda Item Summary

MEETING DATE: December 5, 2023
SUBJECT: Public Hearing on the 2024 Budget
PRESENTED BY: AJ Euckert, Town Administrator

SUMMARY

Due to delays in receiving valuation information from the assessor this year, and as allowed by state law for the 2024 budget only, the budget hearing will move to January 2, 2024, and information regarding the budget will be provided in the packet for that meeting.

FINANCIAL CONSIDERATIONS

No financial considerations.

STAFF RECOMMENDATION/ACTION REQUIRED

Staff recommends the following motion:

“I move to continue the public hearing for the 2024 budget to January 2, 2024.”

ATTACHMENTS

None



Agenda Item Summary (AIS)

MEETING DATE: December 5, 2023
 SUBJECT: Development Impact Fees
 PRESENTED BY: Chris Kennedy, Community Development Director
 Todd Cristiano, Raftelis
 Dwayne Guthrie, DP Guthrie LLC (Raftelis Subcontractor)
 Maureen Juran, Town Attorney

SUMMARY

This is a request for the Board of Trustees to review the attached development impact fee study and adopt the proposed schedule of impact fees through adoption of proposed Ordinance 2023-686, which legislatively authorizes the imposition of the fees, and associated proposed Resolution 2023-53, which legislatively sets the fees amount based on the study results.

Impact fees are one-time payments charged to new developments typically when building permits are issued. The fees are meant to assist in funding projects that benefit the whole town but that are the result of the impact of the new development on Town capital facilities, and include construction of arterial roadways, development of community parks, trails and recreation facilities, construction of town buildings (Police Department, Public Works, Town Hall) and similar projects. Impact fees are restricted under state law to be used for “capital facilities” which is generally defined as improvements or facilities directly related to any service that a local government is authorized to provide with an estimated useful life of five years or longer. The table below (excerpt from attached fee study) lists the maximum fee amounts that may be charged for each type of infrastructure:

Figure 2: Proposed Impact Fee Schedule

<i>Townwide Service Area</i> <i>Lochbuie CO</i>	<i>Transportation</i>	<i>Parks, Open Space, and Trails</i>	<i>Municipal Facilities</i>	<i>PROPOSED TOTAL</i>
<i>Residential (per dwelling) by Size Range (square feet of heated space)</i>				
1,500 or less	\$4,458	\$3,546	\$2,342	\$10,346
1,501 to 2,700	\$5,666	\$4,605	\$3,041	\$13,312
2,701 or more	\$6,315	\$5,177	\$3,418	\$14,910
<i>Nonresidential (per 1,000 square foot of building)</i>				
Industrial	\$2,230	\$0	\$1,743	\$3,973
All Other Nonresidential	\$2,435	\$0	\$3,613	\$6,048

Previous annexation agreements related to the Silver Peaks and Blue Lake subdivisions do currently allow the Town to charge a modest infrastructure fee in those areas. However, the Town has not approved a contemporary impact fee schedule that would apply townwide to the new developments that are



expected in the area. Adopting the proposed fee schedule will ensure that new development contributes appropriately towards the infrastructure that will be required to serve the community as it grows.

The fees will automatically be adjusted each year based on a construction cost index to ensure that inflationary pressures are captured. Additional Board action will not be required for these adjustments. Future studies may also be undertaken and that would require Board action if there is a determination that the fees should be adjusted further than was accomplished through application of the inflationary adjustment alone.

METHODOLOGY OF STUDY

As discussed in more detail in the attached report, the proposed impact fees were calculated using the “incremental expansion” method, which is based on the idea that new development will contribute funds that are sufficient to maintain current standards, also referred to as levels of service. Depending on the service or infrastructure being provided, those levels of service were defined using a variety of different metrics, including “miles of roadway,” “square feet of public buildings,” “linear feet of trails” or “acres of parks and open space.” Estimated costs associated with each metric were then used to establish fees that are calculated to ensure that each new individual development (home or business) adequately addresses its specific incremental impact on Town infrastructure through a one-time payment.

For example, the Town currently owns approximately 13.3 acres of developed parkland that are considered community amenities because they are available for use by all residents. Lochbuie has an estimated population of 9,124 residents, which equates to a townwide level of service of 1.46 acres of Town-owned parks per 1,000 residents¹. To maintain that ratio of Town-owned² park acres to people (at an estimated cost of \$300,000 per acre³) as the community grows, each new resident that moves into the community would need to contribute a one-time payment of approximately \$438⁴ towards the development of new regional parks. The average new mid-sized home built in Lochbuie currently has 2.74 residents. As a result, each new mid-sized home built in town would need to contribute approximately \$1,200 to park development⁵. Applying similar methodology to calculate contributions for open space and trails results in a combined “Parks, Trails and Open Space” impact fee of \$4,605 for a mid-sized home as indicated in Figure 2 above. Similar methodology was used to calculate impact fees for transportation infrastructure and municipal facilities. Please see attached study for more information.

¹ 13.3 acres of developed parkland/9,124 people = .001457 acres per person OR 1.46 acres per 1000 people

² Small neighborhood parks funded and built by developers, metro districts, and/or HOAs are not included in this analysis.

³ \$300,000 includes land and development costs

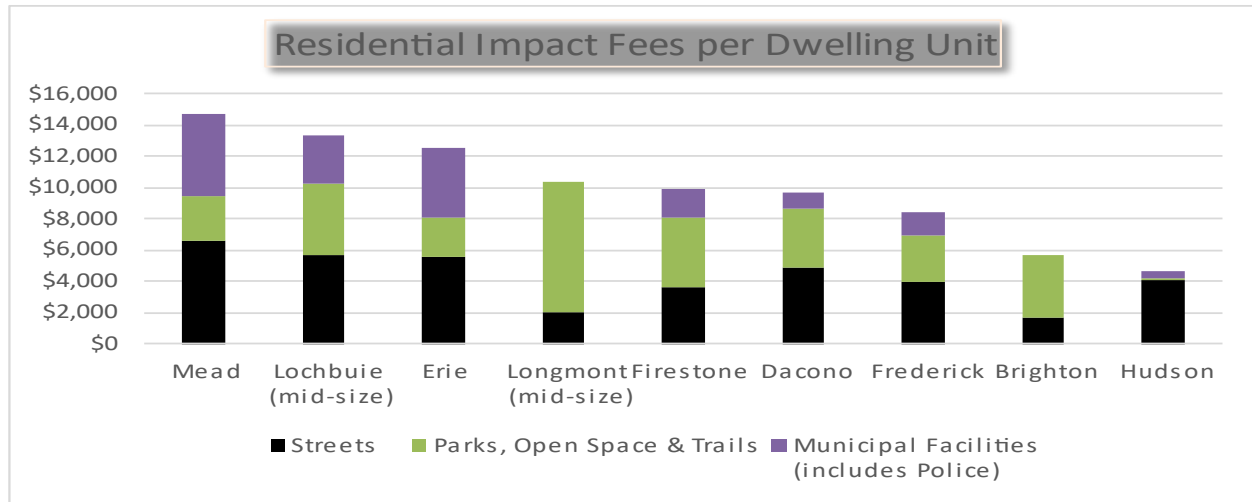
⁴ 1.46 acres X \$300,000 = \$438,000/1000 people = \$438 per person cost of developed parks

⁵ \$438 per person X 2.74 people per home = \$1,200 per home contribution to developed parks



COMPARISON STUDY

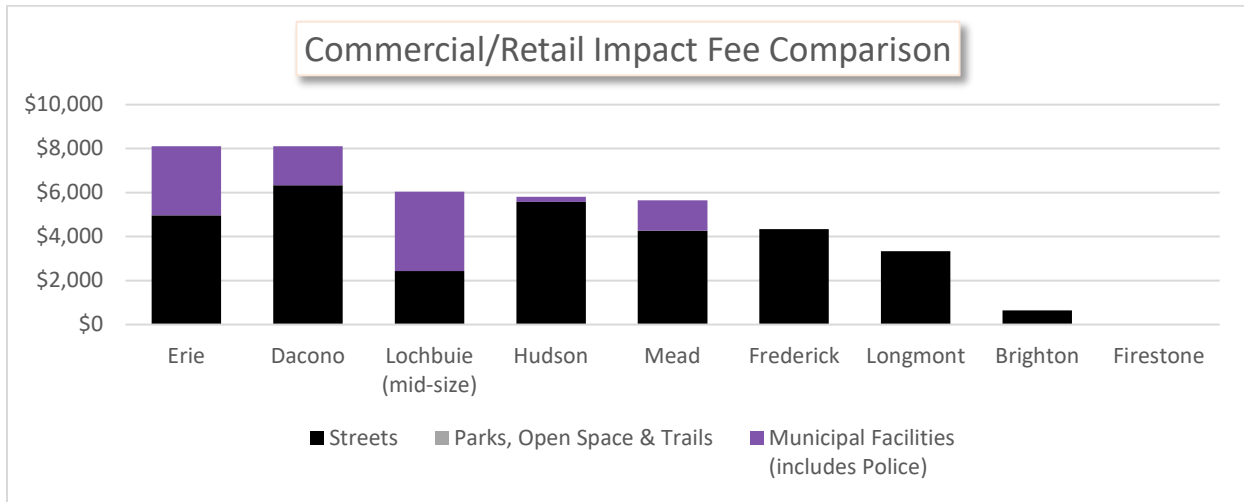
A comparison of the impact fees adopted by other communities in the region (see attached) was conducted as a part of the overall study to ensure that Lochbuie’s fees are comparable. The study mostly included municipalities of comparable size, although two significantly larger communities were also included. The following is an excerpt summarizing residential impact fees in the area:



Residential fees range from a low of \$4,655 (Hudson) to a high of \$14,748 (Mead). The average total impact fee in these communities is \$9,905. The fees recommended in this study for residential development in Lochbuie (\$13,312) fall on the higher side of the range. However, staff does not believe the fees are too high for the following reasons:

- On average, Lochbuie’s recommended residential fees are \$3,407 higher (for a mid-sized home) than what surrounding communities have adopted. This difference in fees represents less than one percent of the cost of a \$500,000 single-family home and would likely have minimal impact on affordability.
- It is common practice for municipalities to update their impact fee studies on a regular basis. As a result, and especially in response to recent inflationary pressures, many of the communities surveyed could soon be raising their fees, putting many of them in line with recommendations in this study.
- Staff shared the draft fee schedule with builders and developers received no negative feedback, so staff does not believe adoption of the fees will negatively impact home building in the community.

The comparison also included non-residential impact fees. Lochbuie’s recommended non-residential fees are more in the middle of the pack relative to other communities in the region.



LEGAL ISSUES

The authority of local governments to impose impact fees is a matter regulated by the state and the Town must ensure that it is in compliance with the statutory provisions governing that process, the collection, use and disbursement of the fees. For example, impact fees may not be used to pay for remedying deficiencies in Town owned capital facilities that existed as of the date the fees are imposed.

Once the Board has heard a presentation on the study and is comfortable with its conclusions, state law requires that the Board act legislatively to impose impact fees. Therefore, Ordinance 2023-686 adds a new Article to Chapter 4 of the Municipal Code to authorize the imposition of the impact fees and to assure that the collection, accounting, reporting and disbursement of such fees is in compliance with state law. The Ordinance allows the Board to adopt a resolution that actually sets the amount of the fees, and Resolution 2023-54 legislatively sets the fee amounts consistent with the results of the study and the requirements of the Ordinance and state law.

FINANCIAL IMPACTS

If the fee schedule and related ordinance and resolution are adopted, assuming the Town adds an average of 158 new homes per year (approx. 4.5% annual growth) over the next decade, the new impact fees could result in approximately \$21,260,000 in revenue to the Town as follows:

Parks, Trails and Open Space	\$7,300,000
Municipal Facilities	\$4,910,000
<u>Transportation</u>	<u>\$9,050,000</u>
Total	\$21,260,000



CONCLUSIONS AND RECOMMENDATIONS

Town staff and consultants have reviewed the attached draft report and recommend adoption of the proposed fee schedule and associated ordinance. The draft impact fee study complies with Colorado Revised Statute Section 29-20-104.5 governing the application of impact fees in the state and are comparable to what other communities in the region have adopted. The impact fees will ensure that development pays its own way by providing earmarked revenue streams that will enable the Town to undertake needed capital projects in the coming years that are directly related to the new developments that pay the fees. Staff recommends the following motion:

"I move to approve Ordinance 2023-686, Amending the Lochbuie Municipal Code by (a) the Addition of a New Article VI of Chapter 4 Entitled "Development Impact Fees And Funds" to Impose Regional Transportation Impact Fees, Parks and Trails Impact Fees, and Municipal Facilities Impact Fees and (b) Amending Section 4-2-70(C) Regarding the Development Impact Fee Special Fund

Assuming the Ordinance is approved, a second motion is required:

"I move to approve Resolution 2023-53, Setting the Amount of the Regional Transportation Impact Fee, Parks and Trails Impact Fee, and Municipal Facilities Impact Fee as Authorized by Article VI of Chapter 4 of the Lochbuie Municipal Code."

ATTACHMENTS

- Ordinance 2023-686
- Resolution 2023-53
- Impact Fee Report
- Fee Comparison
- Presentation

**TOWN OF LOCHBUIE
COUNTIES OF WELD AND ADAMS
STATE OF COLORADO
ORDINANCE NO. 2023-686**

**AN ORDINANCE OF THE TOWN OF LOCHBUIE, COLORADO, AMENDING THE
LOCHBUIE MUNICIPAL CODE BY (A) THE ADDITION OF A NEW ARTICLE VI OF
CHAPTER 4 ENTITLED “DEVELOPMENT IMPACT FEES AND FUNDS” TO
IMPOSE REGIONAL TRANSPORTATION IMPACT FEES, PARKS AND TRAILS
IMPACT FEES, AND MUNICIPAL FACILITIES IMPACT FEES AND (B) AMENDING
SECTION 4-2-70(C) REGARDING THE DEVELOPMENT IMPACT FEE SPECIAL
FUND**

WHEREAS, the Town of Lochbuie ("Town") is a Colorado statutory town that, pursuant to C.R.S. § Section 31-15-401, has general police powers and the authority to make regulations necessary for promotion of public health and safety; and

WHEREAS, pursuant to C.R.S. § 29-20-104.5, the Town may impose impact fees to fund expenditures by the Town which are intended to defray the projected impacts on capital facilities caused by proposed development; and

WHEREAS, the Town has undertaken and had completed a study to determine and quantify fees necessary to defray impacts generally applicable to a broad class of property that are proportionate and reasonably related to the capital improvement demands of new development within the Town; and

WHEREAS, the Town desires to adopt a new Article VI within Chapter 4 of the Municipal Code, which governs revenue and finance, to define the purpose, timing, process and amounts of applicable impact fees to be used for the development of roads, parks and trails, and municipal facilities.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO, AS FOLLOWS:

Section 1. **Addition of New Article VI of Chapter 4.** A new Article VI of Chapter 4 of the Municipal Code for the Town of Lochbuie is hereby adopted to read in full as follows:

Article VI – Impact Fees

Section 4-6-10. – Short title, authority, and applicability.

- (a) Title. This Article shall be known and may be cited as the Lochbuie Impact Fee Ordinance or Impact Fee Ordinance.
- (b) Authority. The Town has the authority to adopt this Article pursuant to the Town's general

police powers, C.R.S. §§ 29-20-101, 31-15-401, 29-1-801 et seq., and other relevant laws of the state.

- (c) Application. This Article shall not apply to any new development within any portion of the Town subject to an agreement with the Town entered into before January 15, 2024, that limits the ability of the Town to assess the fees authorized hereunder unless and until such contractual limitations expire.

Section 4-6-20. – Intent.

The intent of this Article is to comply with the provisions of applicable laws concerning the imposition of impact fees, including but not limited to Section C.R.S. § 29-20-104.5, and the provisions of this Article shall be construed and enforced in accordance with such laws. The intent of this Article is to ensure that:

- (1) new development bears a proportionate share of the cost of capital facilities, as such term is defined in defined in C.R.S. § 29-20-104.5.
- (2) the impact fees imposed on new development are no greater than necessary to defray the impacts directly related to proposed new development, such impact being the costs of capital facilities to accommodate new development.
- (3) impact fees are not used to remedy any deficiency in Town capital facilities existing as of January 15, 2024.
- (4) monies collected from any impact fee are deposited, used and accounted for in accordance with state law.

Section 4-6-30. – Definition.

For the purposes of this Article, unless the context clearly requires a different meaning, the following term shall have the following meaning:

Impact fees mean the fees established by this Article for the following capital facilities, as such term is defined in C.R.S. § 29-20-104.5(4), capital facilities related to regional transportation (the regional transportation impact fee), regional parks and trails (the regional parks and trails impact fee), and municipal facilities (the municipal facilities impact fee).

Section 4-6-40. – Development impact fees imposed.

- (a) Imposition and time for payment. Any person who seeks a building permit from the Town for development other than for development which is exempt under the provisions of Section 4-6-50, shall be obligated to pay impact fees pursuant to the terms of this Article, any such development being deemed to generate impacts on the Town’s capital facilities. Such development includes:
 - a. construction of a new residential dwelling unit or non-residential structure;

- b. improvement or expansion of an existing non-residential structure; and
 - c. improvement or expansion of an existing residential structure which creates a new residential dwelling unit.
- (b) Amount. The amount of the impact fees due shall be determined and separately set by the Board of Trustees by resolution and based on an impact fee study commissioned or undertaken to recommend such impact fee amounts in accordance with the requirements of state law, and such impact fees may be amended from time to time for inflation as set forth in such resolution without further action required by the Board, and adjusted by further resolution of the Board of Trustees based on the results of any new relevant impact fee study and state law.
- (c) Accounting and disbursement. All impact fees paid to the Town as required by this Article shall be identified as impact fees and shall be promptly deposited in the appropriate account of the Town and accounted for and spent on capital facilities in accordance with the requirements of Section 4-2-70(c)(5) and state law.
- (d) For the purposes of this Article, and as contemplated by C.R.S § 29-20-103(1)(b), the Town hereby finds and determines that a “development permit” as referenced in such state law includes any development for which a building permit is required for a project that involves new water use or that may involve any new water use and the definition of development in (A) above contemplates such definition.
- (e) In accordance with C.R.S. § 29-20-104.5(6), the Town defers collection of the impact fees imposed hereunder until the issuance of a building permit.

Section 4-6-50. – Exemptions.

The following types of development shall be exempted from payment of the impact fees. Any claim for exemption shall be made no later than the time when the applicant applies for the building permit. Any claim for exemption not timely made shall be waived. The Town Administrator or his or her designee shall determine the validity of any claim for exemption pursuant to the standards set forth below.

- (1) Development for which a complete application for a building permit was submitted prior to January 15, 2024. The decision of the Town with respect to completeness is final.
- (2) Replacing existing residential unit with new unit. Reconstruction, expansion, alteration or replacement of a previously existing residential unit (including without limitation replacement of dwelling unit destroyed by catastrophe that does not create any additional residential dwelling units). Construction of a new residential dwelling unit is not exempt.
- (3) Accessory structures. Construction of unoccupied accessory structures related to a residential dwelling unit.
- (4) Government. Development by the Federal, the State or the Town government.

- (5) Development without greater impact. Development for which the person otherwise obligated to pay such fee(s) can demonstrate will create no greater impact over and above that existing prior to the proposed development.

Section 4-6-60. – Expenditure of impact fees.

- (a) Expenditures limited to facilities for which impact fee imposed. The monies collected from each of the three (3) categories of impact fees shall be used only to finance or recoup the costs of capital facilities within such fee category as contemplated by state law and no monies shall be spent for routine maintenance, rehabilitation, or operation of capital facilities or to remedy deficiencies in capital facilities existing on January 15, 2024.
- (b) Annual impact fee capital facilities budget. As part of the annual budgeting process, the Town Administrator or his or her designee shall present to the Town Board a proposed budget for Town capital facilities for the ensuing year. This capital facilities budget shall recommend assigning monies from each Development Impact Fee Fund accounting to specific capital facilities. Based on this recommendation, the Town Board shall approve an annual capital facilities budget and assign monies from the Development Impact Fee Fund accounts for the specific capital facilities identified. Any monies, including any accrued interest, not assigned to specific capital facility projects and not expended, shall be retained and accounted for in the Development Impact Fee Fund account until the next fiscal year.

Section 4-6-70. -Miscellaneous provisions.

- (a) No individual landowner shall be required to provide any site specific dedication or improvement to meet the same need for capital facilities for which any impact fee authorized hereunder is imposed.
- (b) Requirements to construct improvements; other obligations. Nothing in this Article shall restrict the Town from requiring any applicant for a development permit to construct reasonable capital facility improvements designed and intended to serve the needs of the applicant's project. The impact fees charged pursuant to this Article shall be in addition to any other fees, charges, tolls or requirements applicable to development, including, by way of example and not limitation, public land dedication, tap fees and building permit fees.
- (c) Administrative costs. The Town shall be entitled to retain not more than two percent (2%) of the impact fees collected as payment for the expenses of collecting the fees and administering this Article and fees collected.

Section 2. Repeal and replace subsection (c)(5) of Section 4-2-70. Subsection (c)(5) of Section 4-2-70 of the Municipal Code for the Town of Lochbuie is hereby repealed and replaced to read in full as follows:

- (1) Development Impact Fee Funds. The Town shall maintain Development Impact Fee Funds for the purpose of ensuring that impact fees collected pursuant to Article

6 of this Chapter 4 are designated for the accommodation of capital facility impacts reasonably attributable to the new impact-generating development that paid the fees.

- (A) The Development Impact Fee Funds shall be:
 - a regional transportation impact fee fund,
 - a regional parks and trails impact fee fund, and
 - a municipal facilities impact fee fund.
- (B) The Development Impact Fee Funds shall be promptly deposited and maintained within a Town interest-bearing account and shall be managed and spent in conformity with C.R.S. § 29-1-801 *et seq.*
- (C) Interest earned on monies in the separate accountings shall be considered part of such accounting and shall be subject to the same restrictions on use applicable to the impact fees deposited in such account.
- (D) Monies in each Development Impact Fee Funds shall be considered to be spent in the order collected, on a first-in/first-out basis.
- (E) Information detailing the allocation within the Development Impact Fee Funds by dollar amount of each of the funds identified in (A) above, the average annual interest rate on each such accounting, and the total amount disbursed from each such accounting during the most recent fiscal year shall be published on the Town’s website at least once annually in conformity with the requirements of state law, particularly C.R.S. § 29-1-803.

Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause, or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

Section 4. Safety Clause. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relationship to the proper legislative object sought to be obtained.

Section 5. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by C.R.S. § 31-16-105 and §§ 1-3-60 and 2-2-110 of the Lochbuie Municipal Code.

ADOPTED by a vote of ___ in favor, __ against and __ abstaining, AND ORDERED PUBLISHED by title only this 5th day of December, 2023.

TOWN OF LOCHBUIE, COLORADO

Michael Mahoney, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of December 5, 2023, and ordered published by title only one time by *The Brighton Blade* newspaper on _____, 2023.

Heather Bowen, Town Clerk



Development Impact Fees

Draft Report

DRAFT

December 5, 2023
Board of Trustees Meeting

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
UNIQUE REQUIREMENTS OF THE COLORADO IMPACT FEE ACT	1
PROPOSED IMPACT FEES	2
<i>Figure 1: Proposed Fee Methods and Cost Components</i>	<i>3</i>
<i>Figure 2: Proposed Impact Fee Schedule</i>	<i>3</i>
PARKS, OPEN SPACE, AND TRAILS	4
<i>Figure P1: Park Standards and Projected Needs</i>	<i>4</i>
OPEN SPACE	5
<i>Figure P2: Open Space Standards and Projected Needs</i>	<i>5</i>
TRAILS	6
<i>Figure P3: Trail Standards and Projected Needs</i>	<i>6</i>
REVENUE CREDIT EVALUATION	7
PROPOSED IMPACT FEES	7
<i>Figure P4: Parks, Open Space, and Trails Impact Fee Schedule</i>	<i>7</i>
FORECAST OF REVENUES FOR PARKS, OPEN SPACE, AND TRAILS	8
<i>Figure P5: Projected Impact Fee Revenue</i>	<i>8</i>
MUNICIPAL FACILITIES	9
PROPORTIONATE SHARE	9
EXCLUDED COSTS	9
MUNICIPAL FACILITIES, SERVICE UNITS, AND STANDARDS	9
<i>Figure MF1: Building Standards and Projected Needs</i>	<i>10</i>
<i>Figure MF2: Municipal Rolling Stock</i>	<i>11</i>
REVENUE CREDIT EVALUATION	12
MUNICIPAL FACILITIES DEVELOPMENT IMPACT FEES	13
<i>Figure MF3: Municipal Facilities Impact Fees per Development Unit</i>	<i>13</i>
PROJECTED REVENUE FOR MUNICIPAL FACILITIES	14
<i>Figure MF4: Municipal Facilities Fee Revenue</i>	<i>14</i>
TRANSPORTATION	15
TRIP GENERATION RATES	15
ADJUSTMENTS FOR COMMUTING PATTERNS AND PASS-BY TRIPS	15
<i>Figure T1: Inflow/Outflow Analysis</i>	<i>16</i>
VEHICLE MILES OF TRAVEL	17
<i>Figure T2: Inventory of Arterial Lane Miles</i>	<i>17</i>
LANE CAPACITY	17
TRIP LENGTH WEIGHTING FACTOR BY TYPE OF LAND USE	17
<i>Figure T3: Average Trip Length and Weighting Factors</i>	<i>18</i>
DEVELOPMENT PROTOTYPES AND PROJECTED TRAVEL DEMAND	18
<i>Figure T4: Projected Travel Demand</i>	<i>19</i>
CAPITAL IMPROVEMENTS NEEDED TO ACCOMMODATE GROWTH	20
<i>Figure T5: Transportation Improvements Plan</i>	<i>20</i>
PROPOSED IMPACT FEES FOR TRANSPORTATION	21
<i>Figure T6: Transportation Impact Fees</i>	<i>22</i>

TRANSPORTATION GROWTH COST AND FUNDING STRATEGY	23
<i>Figure T7: Transportation Impact Fee Revenue</i>	23
FEE IMPLEMENTATION AND ADMINISTRATION	24
DEVELOPMENT CATEGORIES	24
CREDITS AND REIMBURSEMENTS	24
APPENDIX A: LAND USE ASSUMPTIONS	26
<i>Figure A1: Annual Development Projections</i>	27
PERSONS PER HOUSING UNIT.....	28
<i>Figure A2: Persons per Housing Unit by Type</i>	28
JOBS AND NONRESIDENTIAL DEVELOPMENT	29
<i>Figure A3: Average Weekday Vehicle Trip Ends</i>	29
DEMAND INDICATORS BY DWELLING SIZE	30
<i>Figure A4: Demographic Characteristics by Bedroom Range</i>	31
<i>Figure A5: Persons by Square Feet of Living Space</i>	32
<i>Figure A6: Vehicle Trip Ends by Dwelling Size</i>	33

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Executive Summary

Impact fees are one-time payments imposed on new development that must be used solely to fund growth-related capital projects, typically called “system improvements”. An impact fee represents new growth’s proportionate share of capital facility needs. In contrast to project-level improvements, impact fees fund infrastructure that will benefit multiple development projects, or even the entire service area, if there is a reasonable relationship between the new development and the need for growth-related infrastructure. Project-level improvements, typically specified in a development agreement, are usually limited to improvements within or near a proposed development, such as ingress/egress lanes. By law, impact fees can only be used for *capital* improvements, not operating or maintenance costs. Impact fees are subject to legal standards that satisfy three key tests: **need, benefit, and proportionality**.

- First, to justify a fee for public facilities, local government must demonstrate a **need** for capital improvements.
- Second, new development must derive a **benefit** from the payment of the fees (i.e., in the form of public facilities constructed within a reasonable timeframe).
- Third, the fee paid should not exceed a development’s **proportionate** share of the capital cost.

As documented in this report, the Town of Lochbuie has complied with applicable legal precedents. Impact fees are proportionate and reasonably related to the capital improvement demands of new development, with the projects identified in this study consistent with Lochbuie’s long-range comprehensive plan. Specific costs have been identified using local data and current dollars. With input from Town staff, Raftelis determined service units for each type of infrastructure and calculated proportionate share factors to allocate costs by type of development. This report documents the formulas and input variables used to calculate the impact fees for each type of public facility. Impact fee methodologies also identify the extent to which new development is entitled to various types of credits to avoid potential double payment of growth-related capital costs.

Unique Requirements of the Colorado Impact Fee Act

For local governments, the first step in evaluating funding options for capital improvements is to determine basic options and requirements established by state law. Some states have more conservative legal parameters that basically restrict local government to specifically authorized actions. In contrast, “home-rule” states grant local governments broader powers unless precluded or preempted by state statutes. Although Colorado is a “home-rule” state and home-rule municipalities were already collecting “impact fees” under their home-rule authority granted in the Colorado Constitution, the Colorado Legislature passed enabling legislation in 2001, as discussed further below.

According to Colorado Revised Statute Section 29-20-104.5, impact fees must be legislatively adopted at a level no greater than necessary to defray impacts generally applicable to a broad class of property. The purpose of impact fees is to defray capital costs directly related to proposed development. Impact fees do have limitations and should not be regarded as the total solution for infrastructure funding. Rather, they are one component of a comprehensive portfolio to ensure adequate provision of public facilities. Because system improvements are larger and more costly, they may require bond financing and/or funding from other revenue sources. To be funded by impact fees, Section 29-20-104.5 requires capital improvements to have a

useful life of at least five years. Also, development impact fees cannot be used to repair facilities or correct deficiencies in existing infrastructure.

Proposed Impact Fees

There are three general methods for calculating development fees. The choice of method depends primarily on the timing of infrastructure construction (past, concurrent, or future) and service characteristics of the facility type being addressed. Each method has advantages/disadvantages and can be used simultaneously for different cost components. The process of calculating development impact fees involves two main steps: (1) determining the cost of development-related capital improvements and (2) allocating those costs equitably to various types of development. In practice, development fees are complicated due to many variables involved in defining the relationship between development and the need for facilities within the service area. The following paragraphs discuss three basic methods for calculating development fees and how those methods can be applied.

- The rationale for recoupment, often called cost recovery, is that new development is paying for its share of the useful life and remaining capacity of facilities already built, or land already purchased, from which new growth will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place.
- The incremental expansion method documents current infrastructure standards for each type of public facility, using both quantitative and qualitative measures. If current standards are used, there is no existing infrastructure deficiency or surplus capacity and new development is only paying its proportionate share to maintain current standards for growth-related infrastructure. Fee revenue will be used to expand or provide additional facilities, as needed to keep pace with new development.
- The plan-based method allocates costs for a specified set of improvements to a specified amount of service units. Improvements are typically identified in an infrastructure master plan and development potential is identified by land use assumptions. There are two options for determining the cost per service unit: 1) total cost of a public facility can be divided by total demand units (average cost approach), or 2) the growth-share of the public facility cost can be divided by the net increase in demand units over the planning timeframe (marginal cost approach).

Figure 1 summarizes the methods and cost components used for each type of public facility in Lochbuie’s 2023 impact fee study. Town Council may change the proposed impact fees by eliminating infrastructure types, cost components, and/or specific capital improvements.

Figure 1: Proposed Fee Methods and Cost Components

Type of Impact Fee	Service Area	Incremental Expansion (current standards)	Cost Allocation
<i>Parks, Open Space, and Trails</i>	Townwide	Park sites and improvements; Open Space land and improvements; Trails	Population
<i>Municipal Facilities</i>	Townwide	Municipal Buildings; Municipal Vehicles/Equipment	Population plus Jobs
<i>Transportation</i>	Townwide	Arterial Lanes Miles; Arterial-Arterial Intersection Improvements	Vehicle Miles of Travel

Figure 2 summarizes proposed 2023 impact fees for new development in the Town of Lochbuie. As discussed in Appendix A, Raftelis recommends that residential fees be imposed by dwelling size, based on heated living space (i.e., excludes garages and outdoor patios/porches). In addition, this study recommends nonresidential fees by two general categories. Fees for nonresidential development are listed per thousand square feet of floor area. Industrial includes all buildings used for goods production, warehousing, transportation, communications and utilities. All Other Nonresidential includes shopping centers, establishments that sell merchandise, eating/drinking places, business services (e.g., banks), plus personal services (e.g., health care).

Figure 2: Proposed Impact Fee Schedule

<i>Townwide Service Area</i> <i>Lochbuie CO</i>	<i>Transportation</i>	<i>Parks, Open Space, and Trails</i>	<i>Municipal Facilities</i>	<i>PROPOSED TOTAL</i>
<i>Residential (per dwelling) by Size Range (square feet of heated space)</i>				
1,500 or less	\$4,458	\$3,546	\$2,342	\$10,346
1,501 to 2,700	\$5,666	\$4,605	\$3,041	\$13,312
2,701 or more	\$6,315	\$5,177	\$3,418	\$14,910
<i>Nonresidential (per 1,000 square foot of building)</i>				
Industrial	\$2,230	\$0	\$1,743	\$3,973
All Other Nonresidential	\$2,435	\$0	\$3,613	\$6,048

Parks, Open Space, and Trails

All parks included in the impact fees have a townwide service area. Cost components are allocated 100% percent to residential development. As shown in Figure P1, additional park sites and improvements are expected to cost approximately \$300,000 per acre. Lochbuie’s current park standard is 1.46 acres per 1,000 residents. To maintain the current standard over the next 10 years, Lochbuie will need to add 6.3 acres of parks at an estimated cost of approximately \$1.89 million, which will be covered by impact fees.

Figure P1: Park Standards and Projected Needs

<i>Location</i>		<i>Acres</i>	
Lochwood East		5.3	
Berkshire West		2.7	
Lochwood West		1.9	
Berkshire East		1.8	
Skate Park		1.6	
Total		13.3	
Allocation Factors for Parks			
	Cost per Acre	\$300,000	
	Residential Proportionate Share	100%	
	Service Units		
	Population in 2023	9,124	
Infrastructure Standards for Park Improvements			
		<i>Acres</i>	
	Residential (per 1,000 persons)	1.46	
Need for Townwide Parks			
	<i>Year</i>	<i>Population</i>	<i>Acres</i>
Base	2023	9,124	13.3
Year 1	2024	9,557	13.9
Year 2	2025	9,993	14.6
Year 3	2026	10,426	15.2
Year 4	2027	10,861	15.8
Year 5	2028	11,294	16.5
Year 6	2029	11,730	17.1
Year 7	2030	12,163	17.7
Year 8	2031	12,599	18.4
Year 9	2032	13,034	19.0
Year 10	2033	13,467	19.6
	<i>Ten-Year Increase</i>	4,343	6.3
	Growth Cost of Park Improvements =>		\$1,890,000

Open Space

Figure P2 lists the current inventory of open space land within Lochbuie. The Town expects to spend approximately \$90,000 per acre for additional land or improvements, such as parking, restrooms, pavilions and trails within open space land. Lochbuie’s current open space standard is 12.11 acres per 1,000 residents. To maintain the current standard over the next 10 years, Lochbuie will need to add 52.6 acres of open space at an estimated cost of approximately \$4.7 million, which will be covered by impact fees.

Figure P2: Open Space Standards and Projected Needs

<i>Location</i>		<i>Acres</i>	
Berkshire		28.1	
Lake Henry Central		24.8	
Lake Henry North		14.4	
Highplains North		12.7	
Spacious Living		9.0	
Altamira		8.6	
Silver Peaks		7.3	
Highplains South		2.9	
Lake Henry South		2.7	
Total		110.5	
Allocation Factors for Parks			
	Cost per Acre	\$90,000	
	Residential Proportionate Share	100%	
	Service Units		
	Population in 2023	9,124	
Infrastructure Standards for Park Improvements			
		<i>Acres</i>	
	Residential (per 1,000 persons)	12.11	
Open Space Needs			
	<i>Year</i>	<i>Population</i>	<i>Acres</i>
Base	2023	9,124	110.5
Year 1	2024	9,557	115.8
Year 2	2025	9,993	121.0
Year 3	2026	10,426	126.3
Year 4	2027	10,861	131.5
Year 5	2028	11,294	136.8
Year 6	2029	11,730	142.1
Year 7	2030	12,163	147.3
Year 8	2031	12,599	152.6
Year 9	2032	13,034	157.9
Year 10	2033	13,467	163.1
Ten-Year Increase		4,343	52.6
Growth Cost of Open Space =>			\$4,734,000

Trails

Figure P3 indicates the Town will complete construction of Greenways Trail in 2023. According to construction bids, this 8-foot wide concrete trails will cost \$278 per linear foot. Lochbuie’s current standard is 0.55 linear feet of trail per resident. The cost of multi-use paths/trails within the Right-Of-Way (ROW) of a street is included in transportation impact fees. Also, trails within a park are included in the cost of park improvements. The trails component of park impact fees will be used to construct trails outside of street ROW, parks, and open space areas. For example, Lochbuie could use these funds for trails along irrigation ditches, railroad tracks, powerline easements, wetlands, and the “Potential Trail Location” shown in Figure 5-1 of the Town’s Comprehensive Plan.

Figure P3: Trail Standards and Projected Needs

Trail Name	Linear Feet	Miles	Surface	\$/LF	Estimated Cost
Greenways Trail	5,029	0.95	Concrete (8 feet wide)	\$278	\$1,398,347

Source: Lochbuie staff based on trails not with Rights-Of-Way or Town parks.

Cost Allocation Factors for Trails		Residential	
2023 Service Units		9,124	Persons
Linear Feet per Service Unit		0.55	
Projected Need for Trails			
	Year	Population	Linear Feet
Base	2023	9,124	5,029
Year 1	2024	9,557	5,268
Year 2	2025	9,993	5,508
Year 3	2026	10,426	5,747
Year 4	2027	10,861	5,986
Year 5	2028	11,294	6,225
Year 6	2029	11,730	6,465
Year 7	2030	12,163	6,704
Year 8	2031	12,599	6,944
Year 9	2032	13,034	7,184
Year 10	2033	13,467	7,423
Ten-Yr Increase		4,343	2,394
Trail Cost per Linear Foot =>			\$278
Growth Cost of Trails =>			\$666,000

Revenue Credit Evaluation

Currently the Town of Lochbuie does not have any outstanding debt related to parks and recreation facilities. Therefore, a revenue credit for bond payments is not applicable. As shown in the cash flow analysis below, projected impact fee revenue matches the growth cost of new facilities. Because impact fees fully fund expected growth costs, there is no potential double-payment from other revenue sources.

Proposed Impact Fees

At the top of Figure P4 is a summary of parks, open space, and trails infrastructure needed to accommodate new development over the next ten years. The total growth cost of approximately \$7.3 million, divided by the projected increase in population from 2023 to 2033, yields a cost of \$1,681 per person. Impact fees are derived using the cost per person multiplied by the average number of persons per dwelling unit. Please see Appendix A for supporting documentation on the average number of persons by dwelling size in Lochbuie. In contrast to a “one size fits all” flat fee for all dwelling types, the proposed methodology derives lower impact fees for smaller, more affordable units, that average fewer people per unit.

Figure P4: Parks, Open Space, and Trails Impact Fee Schedule

<i>Infrastructure Type</i>		<i>Growth Cost</i>
Townwide Parks		\$1,890,000
Open Space		\$4,734,000
Trails (not within ROW or parks)		\$666,000
Professional Services		\$13,687
Total Growth Cost =>		\$7,303,687
Population increase 2023 to 2033 =>		4,343
Cost per Person		\$1,681
<i>Residential Impact Fees (per dwelling)</i>		
<i>Residential Size (heated square feet)</i>	<i>Persons per Housing Unit</i>	<i>Proposed Parks, Open Space, and Trails Impact Fee</i>
1,500 or less	2.11	\$3,546
1,501 to 2,700	2.74	\$4,605
2,701 or more	3.08	\$5,177

Forecast of Revenues for Parks, Open Space, and Trails

Figure P5 indicates Lochbuie should receive approximately \$7.3 million in park impact fee revenue over the next 10 years, if actual development matches the land use assumptions documented in Appendix A. To the extent the rate of development either accelerates or slows down, there will be a corresponding change in the need for infrastructure and impact fee revenue. In other words, the impact fee rate per dwelling is not sensitive to the rate of development.

Figure P5: Projected Impact Fee Revenue

Growth Cost Over 10 years (rounded) =>		\$7,300,000
POST Impact Fee Revenue		
	<i>Average Residential</i>	
	\$4,605	
	per housing unit	
	<i>Housing Units</i>	
Base	2023	3,330
Year 1	2024	3,488
Year 2	2025	3,647
Year 3	2026	3,805
Year 4	2027	3,964
Year 5	2028	4,122
Year 6	2029	4,281
Year 7	2030	4,439
Year 8	2031	4,598
Year 9	2032	4,757
Year 10	2033	4,915
	<i>Ten-Yr Increase</i>	1,585
Projected Revenue =>		\$7,300,000

Municipal Facilities

The Town of Lochbuie will use an incremental expansion cost method to maintain existing infrastructure standards for municipal facilities buildings, vehicles and heavy equipment (i.e., rolling stock).

Proportionate Share

In Lochbuie, municipal facilities standards, projected needs, and development fees are based on both residential and nonresidential development. Population plus jobs was used to allocate municipal facilities infrastructure and costs to residential and nonresidential development. Based on the latest available 2020 population and job data for Lochbuie, the cost allocation for residential development is 98% while nonresidential development accounts for 2% of the demand for municipal facilities infrastructure.

Excluded Costs

Municipal facilities development fees in Lochbuie exclude costs due to existing deficiencies and projected needs due to stricter safety, efficiency, environmental or regulatory standards. Also excluded from the municipal facilities fees are vehicles and equipment that do not meet the requirement in Colorado's Impact Fee Act for at least five years of useful life.

Municipal Facilities, Service Units, and Standards

In Lochbuie, municipal facilities are fully utilized and there is no surplus capacity for future development. Lochbuie has determined that future development will require additional municipal building space and vehicles/equipment to accommodate growth.

Municipal facilities fees in Lochbuie are based on the same level of service provided to existing development. Figure MF1 inventories municipal buildings in Lochbuie. For residential development, Lochbuie will use year-round population within the service area to derive current infrastructure standards. For nonresidential development, Lochbuie will use jobs, by place of work, as the service unit. Figure MF1 indicates the allocation of municipal building space to residential and nonresidential development, along with 2023 service units in Lochbuie.

For additional public building space, Lochbuie will use a cost factor of \$500 per square foot (provided by Town staff). The cost factor includes design and construction management. Based on 2023 service units, the current standard in Lochbuie is 1.67 square feet of public building floor area per person or job in the service area.

Projected population and jobs drive the need for municipal buildings. Lochbuie will need 6,641 additional square feet of municipal buildings over the next ten years. The ten-year, growth-related capital cost of municipal buildings is approximately \$3.3 million, which will be funded by impact fees.

Figure MF1: Building Standards and Projected Needs

<i>Municipal Buildings</i>	<i>Square Feet</i>
Town Hall	12,000
Public Works	2,000
Auxiliary	1,500
TOTAL	15,500

Source: Town of Lochbuie staff.

Municipal Buildings Standards

	<i>Residential</i>	<i>Nonresidential</i>
Proportionate Share	98%	2%
Growth Indicator	<i>Population</i>	<i>Jobs</i>
Service Units in 2023	9,124	177
Square Feet per Service Unit	1.67	1.67

Municipal Buildings Infrastructure Standards and Capital Cost

Buildings - Residential	1.67	Sq Ft per person
Buildings - Nonresidential	1.67	Sq Ft per job
Municipal Buildings Cost	\$500	per square foot

		Infrastructure Needed		
	<i>Year</i>	<i>Population</i>	<i>Jobs</i>	<i>Municipal Buildings (sq ft)</i>
Base	2023	9,124	177	15,500
Year 1	2024	9,557	186	16,237
Year 2	2025	9,993	194	16,977
Year 3	2026	10,426	202	17,711
Year 4	2027	10,861	211	18,451
Year 5	2028	11,294	219	19,186
Year 6	2029	11,730	228	19,928
Year 7	2030	12,163	236	20,663
Year 8	2031	12,599	245	21,404
Year 9	2032	13,034	253	22,143
Year 10	2033	13,467	261	22,878
<i>Ten-Year Increase</i>		4,343	84	6,641
Growth Cost of Municipal Buildings =>				\$3,321,000

Figure MF2 documents existing standards and projected need for municipal vehicles/equipment used for functions such as policing and public works. Fully equipped police vehicles have a cost of approximately \$82,500, including communications, computer, lights and safety additions. In a similar manner, the estimated new unit cost for all line items below includes communications and equipment to make the vehicle fully operational.

As shown in the table on the next page, the Town will need to expand the fleet by 17 vehicles over the next ten years, at an estimated cost of \$1.9 million, which will be funded by impact fees.

Figure MF2: Municipal Rolling Stock

<i>Municipal Vehicles</i>	<i>Units</i>	<i>New Unit Cost</i>	<i>Total Cost</i>
Police Patrol/Enforcement Vehicles	10	\$82,500	\$825,000
Dump Trucks with Snow Plows/Sanders	3	\$270,000	\$810,000
Jet Vac Truck	1	\$550,000	\$550,000
Pickup Plow/Sander	6	\$70,000	\$420,000
Grader	1	\$390,000	\$390,000
Wheel Loader	1	\$205,000	\$205,000
Backhoe	1	\$150,000	\$150,000
Portable Generator	1	\$120,000	\$120,000
Tractor	1	\$105,000	\$105,000
Skid Loader	1	\$100,000	\$100,000
Pickup Trucks	2	\$43,500	\$87,000
Heavy Equipment Trailer	1	\$76,000	\$76,000
UTV/Plow/Sprayer	1	\$62,000	\$62,000
Compact Excavator	1	\$60,000	\$60,000
Zero Turn Mower	3	\$18,000	\$54,000
Air Compressor	1	\$27,000	\$27,000
AVT/Plow	1	\$20,500	\$20,500
TOTAL	36		\$4,061,500
<i>Data Source: Lochbuie staff.</i>	Weighted Avg Cost per Vehicle =>		\$112,800
<i>Municipal Vehicle Standards</i>	<i>Residential</i>	<i>Nonresidential</i>	
Proportionate Share	98%	2%	
Growth Indicator	<i>Population</i>	<i>Jobs</i>	
2023 Service Units	9,124	177	
Vehicles per thousand Service Units	3.87	3.87	

Municipal Vehicle Standards and Capital Costs				
	Vehicles - Residential	3.87	per 1,000 persons	
	Vehicles - Nonresidential	3.87	per 1,000 jobs	
	Average Cost	\$112,800	per vehicle	
			Infrastructure Needed	
	<i>Year</i>	<i>Population</i>	<i>Jobs</i>	<i>Municipal Vehicles</i>
Base	2023	9,124	177	36
Year 1	2024	9,557	186	38
Year 2	2025	9,993	194	39
Year 3	2026	10,426	202	41
Year 4	2027	10,861	211	43
Year 5	2028	11,294	219	45
Year 6	2029	11,730	228	46
Year 7	2030	12,163	236	48
Year 8	2031	12,599	245	50
Year 9	2032	13,034	253	51
Year 10	2033	13,467	261	53
<i>Ten-Yr Increase</i>		4,343	84	17
Growth Cost of Municipal Vehicles =>				\$1,918,000

Revenue Credit Evaluation

Currently the Town of Lochbuie has outstanding lease purchase payments on six vehicles, with final payments due between 2024 and 2029. Therefore, Raftelis included a revenue credit for the remaining principal balance on these municipal vehicles to avoid potential double-payment from other revenue sources.

Municipal Facilities Development Impact Fees

Infrastructure standards and cost factors for municipal facilities are summarized in the upper portion of Figure MF3. The conversion of infrastructure needs and costs per service unit into a cost per development unit is also shown in the table below. For residential development, average number of persons in a housing unit provides the necessary conversion. Persons per housing unit, by size threshold are documented in Appendix A. For nonresidential development, jobs per thousand square feet of floor area (abbreviated KSF) are derived using data published by the Institute of Transportation Engineers (ITE 2022), as shown in Figure A3.

Figure MF3: Municipal Facilities Impact Fees per Development Unit

Growth Cost		
Municipal Buildings	\$3,321,000	
Municipal Vehicles	\$1,918,000	
Professional Services	\$13,687	
Less Lease Purchase Principal Balance	(\$321,254)	
TOTAL	\$4,931,433	
<i>Cost Allocation Based on Functional Population</i>		
Residential	98%	
Nonresidential	2%	
<i>Allocated Cost by Land Use</i>		
Residential	\$4,837,587	
Nonresidential	\$93,846	
<i>Growth 2023 to 2033</i>		
Residential (persons)	4,343	Cost per Service Unit \$1,110
Nonresidential (jobs)	84	\$1,110
Residential (per dwelling)		
<i>Heated Square Feet</i>	<i>Persons per Hsg Unit</i>	<i>Preliminary Fee</i>
1,500 or less	2.11	\$2,342
1,501 to 2,700	2.74	\$3,041
2,701 or more	3.08	\$3,418
Nonresidential (per 1,000 square feet of floor area)		
<i>Type</i>	<i>Jobs per KSF</i>	<i>Preliminary Fee</i>
Industrial	1.57	\$1,743
All Other Nonresidential	3.26	\$3,613

Projected Revenue for Municipal Facilities

Over the next ten years, municipal facilities impact fee revenue is projected to approximately match the growth cost of municipal buildings and vehicles, which have a ten-year total cost of approximately \$4.9 million (see the upper portion of Figure MF5). To the extent the rate of development either accelerates or slows down, there will be a corresponding change in the need for infrastructure and development fee revenue.

Figure MF4: Municipal Facilities Fee Revenue

		Ten-Year Growth Cost (rounded) => \$4,930,000		
Projected Impact Fee Revenue for Municipal Facilities				
		<i>Average Residential</i>	<i>Industrial</i>	<i>All Other Nonresidential</i>
		\$3,041	\$1,743	\$3,613
		per housing unit	per KSF	per KSF
Year		<i>Housing Units</i>	<i>KSF</i>	<i>KSF</i>
Base	2023	3,330	50	30
Year 1	2024	3,488	51	33
Year 2	2025	3,647	52	34
Year 3	2026	3,805	53	37
Year 4	2027	3,964	54	39
Year 5	2028	4,122	55	41
Year 6	2029	4,281	55	43
Year 7	2030	4,439	56	45
Year 8	2031	4,598	57	48
Year 9	2032	4,757	57	50
Year 10	2033	4,915	57	53
<i>Ten-Yr Increase</i>		1,585	7	23
Projected Revenue =>		\$4,820,000	\$10,000	\$80,000
Total Projected Revenues (rounded) =>				\$4,910,000

Transportation

Impact fees for transportation are limited to arterial capacity expansions, such as additional lanes and arterial-arterial intersection improvements. Intersections considered to be system improvements are those pertaining to section-line arterial streets needing capacity expansion to accommodate new growth. The cost of roundabouts or traditional intersection improvements in the impact fee model includes:

- a. Medians, pedestrian islands, and crosswalks
- b. Dedicated right and left turn lanes
- c. Traffic signals
- d. Signage, access control and relocating utility lines
- e. ROW acquisition

Intersection improvements pertaining to collector intersections with arterial streets are more appropriately included in exactions stipulated during the development approval process. Collector streets, along with deceleration/acceleration lanes for the purpose of ingress/egress, are also the subject of exactions, as they are not considered to be system improvements. Lochbuie's policy is to require property owners to construct two arterial lanes adjacent to their property as a reasonable condition for development approval. Construction of arterial medians and more than two arterial lanes are considered to be system improvements and are addressed in the impact fee. To avoid potential double payment situations, development agreements will specify site-specific credits for construction of system improvements.

Transportation impact fees are derived using the incremental expansion cost to expand arterial capacity and construct improvements at the intersection of two arterials. As shown in the formula below, the transportation fee is the product of Vehicle Miles of Travel (VMT) per development unit multiplied by the capital cost per VMT.

Transportation Fee = VMT (vehicle miles of travel) x Capital Cost per VMT (for multimodal improvements)

VMT is the product of trip generation rate per development unit, multiplied by trip rate adjustment factor, average trip length (in miles) and trip-length weighting factor. The capital cost per VMT is based on the projected growth cost of improvements divided by the increase in projected VMT over the planning timeframe. Each of these factors is described below.

Trip Generation Rates

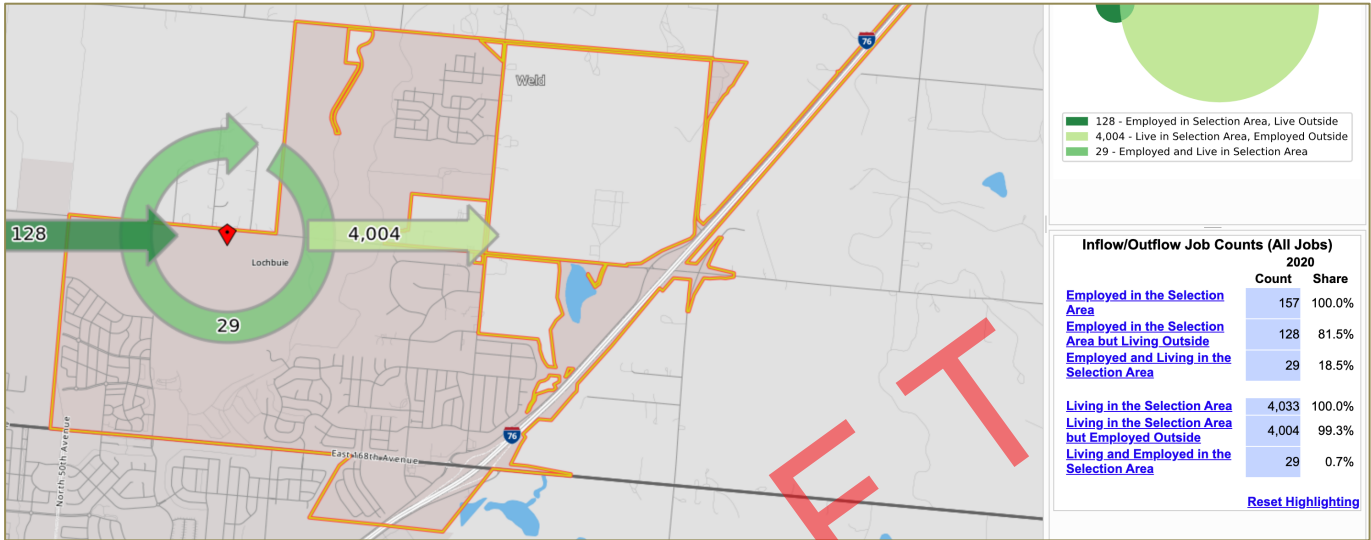
Transportation impact fees in Lochbuie are based on Average Weekday Vehicle Trip Ends (AWVTE). Trip generation rates are from Trip Generation published by the Institute of Transportation Engineers (ITE 11th Edition 2022). A vehicle trip end represents a vehicle either entering or exiting a development (as if a traffic counter were placed across a driveway). To calculate transportation impact fees, trip generation rates require an adjustment factor to avoid double counting each trip at both the origin and destination points. Therefore, the basic trip adjustment factor is 50%. As discussed further below, the impact fee methodology includes additional adjustments to make the fees proportionate to infrastructure demand by type of development.

Adjustments for Commuting Patterns and Pass-By Trips

Residential development has a larger trip adjustment factor of 65% to account for commuters leaving Lochbuie for work. According to the 2017 National Household Travel Survey (see Figure T3), home-based

trips to work are typically 30.2% of outbound trips (formula is 92,392 divided by [611,299 x 0.50]). As shown in Figure T1, the Census Bureau’s web application OnTheMap indicates that 99.3% of resident workers traveled outside Lochbuie for work in 2020. In combination, these factors (0.302 x 0.50 x 0.993 = 0.15 rounded) support the additional 15% allocation of trips to residential development.

Figure T1: Inflow/Outflow Analysis



For the land use category of All Other Nonresidential, which includes retail and restaurants, the trip adjustment factor is less than 50% because commercial development attracts vehicles as they pass by on arterial streets. For example, when someone stops at a convenience store on the way home from work, the convenience store is not their primary destination. For the average shopping center, the ITE data indicates that 34% of the vehicles that enter are passing by on their way to some other primary destination. The remaining 66% of attraction trips have the commercial site as their primary destination. Because attraction trips are half of all trips, the trip adjustment factor is 66% multiplied by 50%, or approximately 33% of the trip ends.

Vehicle Miles of Travel

A Vehicle Mile of Travel (VMT) is a measurement unit equal to one vehicle traveling one mile¹. In the aggregate, VMT is the product of vehicle trips multiplied by the average trip length. The average trip length in Lochbuie is calibrated using existing lane miles of arterials that the Town of Lochbuie is responsible for maintaining. As shown in Figure T2, Lochbuie has ten lane miles of arterials adjacent to urban development.

Figure T2: Inventory of Arterial Lane Miles

Arterial Lane Miles Adjacent to Urban Development			
North-South		East-West	
Hwy 37	3	Hwy 2 (168th Ave)	3
Hwy 35	1	Hwy 4	1
Hwy 33	1	Hwy 6	1
Subtotal	5		5
		Grand Total =>	10

Note: 168th Ave is four lanes, but only half of the arterial is Lochbuie's responsibility.

Lane Capacity

Transportation impact fees are based on a lane capacity standard of 2,475 vehicles per lane per day, which is the planning standard for a four-lane divided, signalized arterial, with right and left turn lanes, operating at Level-Of-Service (LOS) “C” (see Table 2, Florida Department of Transportation 2020 Quality/LOS Handbook).

Trip Length Weighting Factor by Type of Land Use

The transportation impact fee methodology includes a percentage adjustment, or weighting factor, to account for trip length variation by type of land use. As shown in Figure T3, vehicle trips from residential development are approximately 110% of the average trip length. The Residential trip length adjustment factor includes trips to home and for social/recreational purposes. Industrial trip lengths are 109% of the average trip length, based on journey-to-work travel, including diverted trips for transporting household members to and from daycare, school, etc. All Other Nonresidential (e.g., trips for shopping/errands, meals) typically accounts for trips that are 81% of the average for all trips.

¹ Typical VMT calculations for development-specific traffic studies, along with most transportation models of an entire service area, are derived from traffic counts on individual road segments multiplied by the length of that road segment. For the purpose of the transportation impact fee study, VMT calculations are based on attraction (inbound) trips to development located in the service area, with trip length limited to the road network considered to be system improvements (arterials). This refinement eliminates pass-through or external- external trips, and travel on roads that are not system improvements (e.g. interstate highways).

Figure T3: Average Trip Length and Weighting Factors

Trip purpose summary	Travel Day Vehicle Trip Length			Percent of Trips	Average Trip Length	Weighting Factor
	Trips	Mean Miles				
Home	205,743	9.93	Residential			
Social/Recreational	52,877	12.60	Residential			
Residential Subtotal =>	258,620			42.3%	10.48	1.10
Transport someone	44,991	7.25	Industrial			
Work	92,392	11.98	Industrial			
Industrial Subtotal =>	137,383			22.5%	10.43	1.09
Shopping/Errands	134,048	7.08	All Other Nonres			
Meals	43,347	7.49	All Other Nonres			
School/Daycare/Religious activity	16,288	9.11	All Other Nonres			
Medical/Dental services	11,568	10.14	All Other Nonres			
Something else	10,045	11.95	All Other Nonres			
All Other Nonresidential Subtotal =>	215,296			35.2%	7.71	0.81
TOTAL	611,299	9.55				

Source: Federal Highway Administration, 2017 National Household Travel Survey
 Tabulation created on the NHTS website at <http://nhts.orl.gov>

Development Prototypes and Projected Travel Demand

The relationship between development in Lochbuie and the need for system improvements is documented below. Figure T4 summarizes the input variables for the travel demand model. In the table below HU means housing units, KSF means square feet of nonresidential development, in thousands, Institute of Transportation Engineers is abbreviated ITE, and VTE means vehicle trip ends.

Projected development in the service area over the next ten years is shown with yellow shading in the middle section of Figure T4. Trip generation rates and trip adjustment factors convert projected development into inbound weekday vehicle trips. A typical vehicle trip, such as a person leaving their home and traveling to work, generally begins on a local street that connects to a collector street, which connects to an arterial road and eventually to a state or interstate highway. This progression of travel up and down the functional classification chain limits the average trip length determination, for the purpose of impact fees, to the following question, “What is the average vehicle trip length on impact fee system improvements (i.e., arterials in the service area)?”

With 10 lane miles of Town arterials and a lane capacity standard of 2,475 vehicles per lane, the existing network has 24,750 vehicle miles of capacity (i.e., 2,475 vehicles per lane traveling the entire 10 lane miles). To derive the average utilization (i.e., average trip length expressed in miles), we divide vehicle miles of capacity by the vehicle trips attracted to development in the service area. As shown in the bottom-left corner of the table below, existing development attracts 24,758 inbound weekday vehicle trips. Dividing 24,750 vehicle miles of capacity by inbound weekday vehicle trips yields an un-weighted average trip length of approximately one mile. However, the calibration of average trip length includes the same adjustment factors used in the impact fee calculations (i.e., commuting, commercial pass-by adjustment and average trip length adjustment by type of land use). With these adjustments, the weighted-average trip length used in the travel demand model is 1.092 miles.

Figure T4: Projected Travel Demand

	ITE Code	Development Type	Weekday Vehicle Trip Ends	Development Units	Trip Adjustment Factor	Trip Length Weighting Factor	
	210	Residential	9.43	DU	65%	1.10	
	110	Industrial	4.87	KSF	50%	1.09	
	710	All Other Nonre	10.84	KSF	33%	0.81	

Avg Trip Length (miles)	1.09	<= average utilization (i.e., travel on Lochbuie arterials)					
Capacity Per Lane	2,475	<= vehicles per lane per day					
Year->	Base	1	2	3	4	5	10
Lochbuie Land Use Assumptions	2023	2024	2025	2026	2027	2028	2033
Housing Units	3,330	3,488	3,647	3,805	3,964	4,122	4,915
Industrial KSF	50	51	52	53	54	55	57
AllOtherNonresidential KSF	30	33	34	37	39	41	53
Residential Trips	20,411	21,380	22,354	23,323	24,297	25,266	30,126
Industrial Trips	122	124	127	129	131	134	139
AllOtherNonresidential Trips	107	118	122	132	140	147	190
Total Vehicle Trips	20,640	21,622	22,603	23,584	24,568	25,546	30,455
Vehicle Miles of Travel (VMT)	24,758	25,934	27,110	28,286	29,466	30,638	36,521
LANE MILES	10.00	10.48	10.95	11.43	11.91	12.38	14.76
IMPROVED INTERSECTIONS	4.00	4.19	4.38	4.57	4.76	4.95	5.90
							10-Year Increase
							1,585
							7
							23
							11,763
							4.76
							1.90

	Cost Factors				Growth Cost over 10 Years			
\$2,500,000	<= Cost per Lane Mile				Lane Miles => \$11,900,000			
\$400,000	<= Cost per Improved Intersection				Improved Intersections => \$760,000			
Lane Miles per 10,000 VMT	4.04	4.04	4.04	4.04	4.04	4.04	4.04	
Intersections per 10,000 VMT	1.62	1.62	1.62	1.62	1.62	1.62	1.62	

Lane capacity assumes 4-lane divided, signalized, arterial with right and left turn lanes operating at LOS C.

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Capital Improvements Needed to Accommodate Growth

With input from local transportation engineers, Lochbuie staff produced a Transportation Improvements Plan (TIP) for multimodal projects that expand transportation capacity. Planned transportation improvements over the next 10 years are summarized in Figure T5. The growth cost of \$800,000 for intersection improvements is the growth share of the total project cost, with existing development’s share funded by a combination of intergovernmental revenue (e.g., CDOT and County) plus other Town revenue sources.

The purpose of the improvements plan show below is to build consensus on the need for capacity projects and demonstrate benefit to feepayers. Dollar amounts only approximate the need for improvements shown above in the travel demand model.

Figure T5: Transportation Improvements Plan

<i>Project</i>	<i>Location</i>	<i>Description</i>	<i>Additional Lane Miles</i>	<i>Growth Cost of Arterial Capacity</i>	<i>Growth Cost of Intersection Improvements</i>
CR 37	CR 4 to CR 6	Widening existing 2-lane arterial to include center turn lane (both sides in some areas)	1.3	\$3,250,000	
CR 37	From Lilac to CR 4	Widening existing 2-lane arterial to include center turn lane (east side only)	0.4	\$1,000,000	
CR 37	Lilac to Willow	Widening existing 2-lane arterial to include center turn lane (east side only)	0.5	\$1,250,000	
CR 2	I-72 to CR 41	Widening existing 2-lane arterial to include center turn lane (north side only)	2.0	\$5,000,000	
Signal 1	CR 37/CR 4	3/4 signal obligation			\$300,000
Signal 2	CR 37/CR 6	3/4 signal obligation			\$300,000
Signal 3	TBD	1/2 signal obligation			\$200,000
Total			4.20	\$10,500,000	\$800,000
Average Cost per Lane Mile =>			\$2,500,000		
<i>Source: Lochbuie staff.</i>			TOTAL GROWTH COST =>		\$11,300,000

Proposed Impact Fees for Transportation

Input variables for Lochbuie’s transportation impact fees are shown in the upper section of Figure T6. Inbound vehicle trips by type of development are multiplied by the net capacity cost per vehicle mile of travel to yield the impact fees. To avoid potential double payment from other sources of revenue over the next ten years, Raftelis reduced the cost of transportation improvements to account for the remaining principal balance on a General Obligation Bond used to finance transportation improvements near CR2 and I-76.

Given the Town’s intent to spend \$9,078,687 over the next ten years on the net cost of transportation improvements and the projected increase of 11,763 vehicle miles of travel over the next 10 years, the capital cost is \$771 (truncated) per VMT. An example of the transportation impact fee calculation is shown below using input variables for the mid-size dwelling unit.

$$\begin{array}{r}
 9.43 \text{ weekday vehicle trip ends per dwelling unit} \\
 \times \\
 0.65 \text{ adjustment factor for inbound trips, including commuting adjustment} \\
 \times \\
 1.09 \text{ average miles per trip} \\
 \times \\
 1.10 \text{ trip length adjustment factor for residential development} \\
 \times \\
 \$771 \text{ growth cost per VMT} \\
 = \\
 \$5,666 \text{ per dwelling unit (truncated)}
 \end{array}$$

Trip generation rates by residential size range are documented in Appendix A (see Figures A4 and A6 with respective narrative). To be consistent with the average trip generation rate used in the travel demand model (i.e., 9.43 AWWTE per single family housing unit), vehicle trip rates for all residential sizes, as shown in Figure A6, were multiplied by a factor of approximately 0.9155 (i.e., 9.43 divided by 10.30).

Figure T6: Transportation Impact Fees

Average Miles per Trip	1.09			
Ten-Year Cost of Additional Arterial Lane-Miles	\$11,900,000			
Ten-Year Cost of Intersection Improvements	\$760,000			
Professional Services	\$13,687			
Less G.O. Bond Principal Balance	(\$3,595,000)			
TOTAL COST	\$9,078,687			
Vehicle Miles of Travel Increase 2023 to 2033	11,763			
Capital Cost per Additional VMT	\$771			
<i>Development Type</i>	<i>Avg Wkdy Veh Trip Ends</i>	<i>Trip Rate Adjustment</i>	<i>Trip Length Adjustment</i>	<i>Transportation Fees</i>
Residential (per dwelling unit) by Square Feet of Heated Space				
1,500 or less	7.42	65%	110%	\$4,458
1,501 to 2,700	9.43	65%	110%	\$5,666
2,701 or more	10.51	65%	110%	\$6,315
Nonresidential (per thousand square feet of floor area)				
Industrial	4.87	50%	109%	\$2,230
All Other Nonresidential	10.84	33%	81%	\$2,435

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Transportation Growth Cost and Funding Strategy

Figure T7 compares the ten-year, net growth cost of transportation improvements to projected impact fee revenue. The Town expects to collect approximately \$9.05 million in transportation impact fee revenue over 10 years. Projected impact fee revenue is approximately equal to the growth cost of improvements.

The revenue projection shown below is based on the demographic data described in Appendix A and the proposed fee amount for an average-size residential unit. Residential development in the service area is expected to yield approximately 99% of total transportation impact fee revenue. To the extent the rate of development either accelerates or slows down, there will be a corresponding change in the impact fee revenue and capital costs.

Figure T7: Transportation Impact Fee Revenue

		Growth Cost of Transportation Improvements			\$9,080,000
		Projected Transportation Impact Fee Revenue			
		<i>Residential</i>	<i>Industrial</i>	<i>All Other Nonresidential</i>	
		\$5,666	\$2,230	\$2,435	
		per housing unit	per 1000 Sq. Ft	per 1000 Sq. Ft	
	<i>Year</i>	<i>Hsg Units</i>	<i>KSF</i>	<i>KSF</i>	
Base	2023	3,330	50	30	
Year 1	2024	3,488	51	33	
Year 2	2025	3,647	52	34	
Year 3	2026	3,805	53	37	
Year 4	2027	3,964	54	39	
Year 5	2028	4,122	55	41	
Year 6	2029	4,281	55	43	
Year 7	2030	4,439	56	45	
Year 8	2031	4,598	57	48	
Year 9	2032	4,757	57	50	
Year 10	2033	4,915	57	53	
Ten-Yr Increase =>		1,585	7	23	
Fee Revenue =>		\$8,981,000	\$16,000	\$56,000	
					\$9,050,000

Fee Implementation and Administration

Raftelis recommends that Lochbuie update capital improvements and impact fees every five years. In addition, some jurisdictions make annual adjustments for inflation using a price index like the Engineering News Record (ENR) Construction Cost Index published by McGraw-Hill Companies. This index could be applied to the adopted impact fee schedule, then approved by elected officials. If cost estimates or demand indicators change significantly, the Town should redo the fee calculations.

Another best practice is to spend impact fees as soon as possible, tracking funds according to first in, first out accounting, using aggregate rather than project-specific tracking. Impact fees and accrued interest should be maintained in a separate fund that is not comingled with other revenues. Finally, Raftelis recommends publishing an annual report indicating impact fee collections, expenditures, and fund balances by type of infrastructure.

Development Categories

Proposed impact fees for residential development are by square feet of heated living space, excluding porches, garage and unfinished space, such as basements and attics. For an apartment building, the average size threshold is derived for an entire building. The recommended procedure is to identify the aggregate heated floor area for the entire building, divided by the number of dwelling units in the building. Apartment complexes and some residential development provide common areas for use by residents, such as exercise rooms and clubhouses. Common areas for the private use of residents are ancillary uses to the dwelling units and not subject to additional impact fees. Raftelis recommends that an addition to an existing residential building, that does not increase the number of dwelling units, should be exempt from additional impact fees.

Two general nonresidential development categories can be used for all new construction within Lochbuie. Nonresidential development categories represent general groups of land uses that share similar average weekday vehicle trip generation rates and job density (i.e. jobs per 1,000 square feet of floor area), as documented in Appendix A. Industrial includes all buildings used for goods production, warehousing, transportation, communications and utilities. All Other Nonresidential includes shopping centers, establishments that sell merchandise, eating/drinking places, offices, lodging, business services and personal services, such as daycare and private schools.

An applicant may submit an independent study to document unique demand indicators (i.e., service units per development unit). The independent study should be prepared by a professional engineer or certified planner and use the same type of input variables as those in Lochbuie's impact fee study. For residential development, impact fees are based on average persons per housing unit. For nonresidential development, impact fees are based on inbound average weekday vehicle trips per 1,000 square feet of floor area. The independent fee study must be reviewed by Town staff and can be accepted as the basis for a unique fee calculation. If staff determines the independent fee study is not reasonable, the applicant may appeal the administrative decision to Lochbuie's elected officials for their consideration.

Credits and Reimbursements

A general requirement that is common to impact fee methodologies is the evaluation of credits. A revenue credit may be necessary to avoid potential double payment situations arising from one-time impact fees plus on-going payment of other revenues that may also fund growth-related capital improvements. The determination of revenue credits is dependent upon the impact fee methodology used in the cost analysis.

Policies and procedures related to site-specific credits should be addressed in the ordinance that establishes the impact fees. Project-level improvements, required as part of the development approval process, are not eligible for credits against impact fees. If a developer constructs a system improvement included in the fee calculations, it will be necessary to either reimburse the developer or provide a credit against the fees. The latter option is more difficult to administer because it creates a unique fee for a specific geographic area. Based on national experience, Raftelis recommends a jurisdiction establish a reimbursement agreement with the developer that constructs a system improvement. The reimbursement agreement should be limited to a payback period of no more than ten years and the Town should not pay interest on the outstanding balance. The developer must provide documentation of the actual cost incurred for the system improvement. The Town should only agree to pay the lesser of the actual construction cost or the estimated cost used in the impact fee analysis. If the Town pays more than the cost used in the fee analysis, there will be insufficient fee revenue. Reimbursement agreements should only obligate the Town to reimburse a developer annually according to actual fee collections from the benefiting area.

The supporting documentation for each type of impact fee describes the types of infrastructure considered to be system improvements. Site specific credits or developer reimbursements for one type of system improvement does not negate an impact fee for other system improvements.

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Appendix A: Land Use Assumptions

Appendix A contains the land use assumptions for Lochbuie’s 2023 impact fee study. Population, housing unit, jobs and nonresidential floor area are the “service units” or demand indicators that will be used to evaluate the need for growth-related infrastructure. The demographic data and development projections discussed below will also be used to demonstrate proportionality. All land use assumptions are consistent with Lochbuie’s Comprehensive Plan and actual annual housing unit increases in recent years. In contrast to the Comprehensive Plan, which is more general and has a long-range horizon, development impact fees require more specific quantitative analysis and have a short-range focus. Typically, impact fee studies look out five to ten years, with the expectation that fees will be periodically updated (e.g. every 5 years). Infrastructure standards were calibrated using fiscal year 2023 data. In Lochbuie, the fiscal year begins on January 1st.

Key development projections for the Town of Lochbuie are housing units and nonresidential floor area, as shown in Figure A1. These projections will be used to estimate development fee revenue and to indicate the anticipated need for growth-related infrastructure. The goal is to have reasonable projections without being overly concerned with precision. Because impact fee methods are designed to reduce sensitivity to development projections in the determination of the proportionate-share fee amounts, if actual development is slower than projected, fee revenue will decline, but so will the need for growth-related infrastructure. In contrast, if development is faster than anticipated, the Town will receive an increase in fee revenue, but will also need to accelerate infrastructure improvements to keep pace with the actual rate of development.

Consistent with input provided by Town staff, development projections assume 5.0% annual linear growth. Population for 2020 is from the U.S. Census Bureau. Job estimates in 2020, by type of nonresidential development, are from Lochbuie’s Work Area Profile, available through the U.S. Census Bureau’s online web application known as OnTheMap. The number of jobs in Lochbuie is based on quarterly workforce reports supplied by employers. Floor area estimates are derived from the number of jobs by type of nonresidential development and average square feet per job ratios, as discussed further below (see Figure A3). The job mix in Lochbuie assumes a one percent annual shift from industrial to all other nonresidential. Currently, Construction accounts for more jobs than any other two-digit industry sector, but over time, Lochbuie should attract more commercial jobs to satisfy the demand caused by residential development.

Figure A1: Annual Development Projections

Lochbuie CO	<u>2020</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2033</u>	<u>2035</u>
<i>Fiscal Year is Calendar Year</i>			<i>Base Yr</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>10</i>	<i>12</i>
Year-Round Population										
Town of Lochbuie	8,088	8,689	9,124	9,557	9,993	10,426	10,861	11,294	13,467	14,336
Annual Growth Rate		6.0%	5.0%	4.7%	4.6%	4.3%	4.2%	4.0%	3.3%	3.1%
Housing Units										
Total Housing Units	2,952	3,171	3,330	3,488	3,647	3,805	3,964	4,122	4,915	5,232
New Units/Year		180	159	158	159	158	159	158	158	158
Persons per Housing Unit	2.74	2.74	2.74	2.74	2.74	2.74	2.74	2.74	2.74	2.74
Jobs (by place of work)										
Industrial	74	76	78	80	82	83	85	86	89	89
All Other Nonresidential	83	93	99	106	112	119	126	133	172	189
Total Jobs	157	169	177	186	194	202	211	219	261	278
Jobs to Housing Ratio	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05
Job Mix										
Industrial	47.1%	45.1%	44.1%	43.1%	42.1%	41.1%	40.1%	39.1%	34.1%	32.1%
All Other Nonresidential	52.9%	54.9%	55.9%	56.9%	57.9%	58.9%	59.9%	60.9%	65.9%	67.9%
Nonresidential Floor Area (sq. ft. in thousands)										
Industrial	47	48	50	51	52	53	54	55	57	57
All Other Nonresidential	25	29	30	33	34	37	39	41	53	58
Total KSF	72	77	80	84	86	90	93	96	110	115
Avg Sq. Ft Per Job	459	456	452	452	443	446	441	438	421	
Avg Jobs per KSF	2.18	2.19	2.21	2.21	2.26	2.24	2.27	2.28	2.37	
Annual Increase										
		<i>22 to 23</i>	<i>23 to 24</i>	<i>24 to 25</i>	<i>25 to 26</i>	<i>26 to 27</i>	<i>27 to 28</i>	<i>32 to 33</i>	<i>23 to 33</i>	<i>Avg/Yr</i>
Year-Round Population		435	433	436	433	435	433	433	434	434
Housing Units		159	158	159	158	159	158	158	159	159
Jobs		8	9	8	8	9	8	8	8	8
Industrial KSF		2	1	1	1	1	1	0	1	1
All Other Nonresidential KSF		1	3	1	3	2	2	3	2	2
Total Nonres KSF/Yr =>		3	4	2	4	3	3	3	3	3

Persons per Housing Unit

The U.S. Census Bureau no longer obtains detailed information using a “long-form” questionnaire at the time of the decennial census. Instead, demographic data is tabulated using a continuous monthly mailing of surveys, known as the American Community Survey (ACS). Due to sample-size constraints, data on detached housing units are now combined with attached single units (commonly known as townhouses). Part of the rationale for imposing fees by size threshold, as discussed further below, is to address this ACS data limitation. According to the U.S. Census Bureau, a household is a housing unit that is occupied by year-round residents. Development impact fees often use per capita standards and persons per housing unit, or persons per household, to derive proportionate-share fee amounts. Raftelis recommends that fees for residential development in the Town of Lochbuie be imposed according to the number of year-round residents per housing unit, as shown in Figure A2.

Figure A2: Persons per Housing Unit by Type

<i>Town of Lochbuie</i>				
<i>Units in Structure</i>	<i>Persons</i>	<i>Housing Units</i>	<i>Persons per Housing Unit</i>	<i>Housing Mix</i>
One (detached or attached)	6,263	2,203	2.84	78%
All Other Residential	1,467	621	2.36	22%
Subtotal	7,730	2,824	2.74	

Source: 2017-2021 ACS Tables B25024 and B25033, U.S. Census Bureau.

DRAFT

Jobs and Nonresidential Development

In addition to data on residential development, the calculation of impact fees requires data on nonresidential development. Raftelis uses the term “jobs” to refer to employment by place of work. In Figure A3, color shading indicates nonresidential development prototypes that will be used by Raftelis to derive average weekday vehicle trips and nonresidential floor area. For future industrial development, the prototype is Light Industrial (ITE code 110) with an average of 637 square feet per industrial job. For all other nonresidential, an average-size General Office (ITE 710) is the prototype for future development, averaging of 307 square feet per job.

Figure A3: Average Weekday Vehicle Trip Ends

ITE Code	Land Use / Size	Demand Unit	Weekday Trip Ends Per Demand Unit*	Weekday Trip Ends Per Employee*	Employees Per Demand Unit	Square Feet Per Employee
110	Light Industrial	1,000 Sq Ft	4.87	3.10	1.57	637
140	Manufacturing	1,000 Sq Ft	4.75	2.51	1.89	528
150	Warehousing	1,000 Sq Ft	1.71	5.05	0.34	2,953
310	Hotel	room	7.99	14.34	0.56	N/A
320	Motel	room	3.35	25.17	0.13	N/A
520	Elementary School**	1,000 Sq Ft	19.52	21.00	0.93	1,076
530	High School**	1,000 Sq Ft	14.07	22.25	0.63	1,581
610	Hospital	1,000 Sq Ft	10.77	3.77	2.86	350
620	Nursing Home	1,000 Sq Ft	6.75	3.31	2.04	490
710	General Office	1,000 Sq Ft	10.84	3.33	3.26	307
720	Medical/Dental Office	1,000 Sq Ft	36.00	8.71	4.13	242
820	Shopping Center	1,000 Sq Ft	37.01	17.42	2.12	471
850	Grocery/Supermarket	1,000 Sq Ft	93.84	43.86	2.14	467

* *Trip Generation*, Institute of Transportation Engineers, 11th Edition (2022).

** *Trip Generation*, Institute of Transportation Engineers, 10th Edition (2017).

Demand Indicators by Dwelling Size

Rather than impose fees by residential type, Raftelis recommends a residential fee schedule based on unit size. Benefits of the proposed methodology include: 1) proportionate assessment of infrastructure demand using local demographic data; 2) more affordable fees for workforce housing; and 3) ease of fee implementation/administration. If staff determined fees based on residential types, such as single family and multifamily, there would be complications due to various forms of ownership (e.g., condominiums) and rental options (e.g., build-to-rent development). Impact fees based on size of dwelling are generally easier to administer when expressed in square feet of heated living space for all types of housing (excluding garages, patios and porches). For a building with more than one residential unit, Town staff will determine the average size threshold for the entire building by dividing total heated floor area by the total number of dwellings in the building.

Custom tabulations of demographic data by bedroom range can be created from individual survey responses provided by the U.S. Census Bureau, in files known as Public Use Microdata Samples (PUMS). Because PUMS files are only available for areas of at least 100,000 persons, Lochbuie is in Public Use Microdata Area (PUMA) 842 that includes southeast Weld County and eastern Arapahoe County. At the top of Figure A4, cells with yellow shading indicate the survey results, which yield the unadjusted number of persons and vehicles available per dwelling. These multipliers are adjusted to match the control totals for the Town of Lochbuie. As shown in Figure A2, Lochbuie averages of 2.74 persons per housing unit. Also, Raftelis used ACS Table B25046 to derive the average number of vehicles available per housing unit. In 2021, Lochbuie had an average of 2.14 vehicles available per housing unit.

The middle section of Figure A2 provides nation-wide data from the Institute of Transportation Engineers (ITE 2022). AWWTE is the acronym for Average Weekday Vehicle Trip Ends, which measures vehicles coming and going from a development. Dividing trip ends per housing unit by trip ends per person yields an average of 2.04 persons per multifamily unit and 3.56 persons per single family dwelling, based on ITE's national survey. Applying Lochbuie's current housing mix of 22% multifamily (i.e., two or more units per structure) and 78% single-family dwellings (detached and attached) yields a weighted average of 3.23 persons per housing unit. In comparison to the national data, Lochbuie only has an average of 2.74 year-round residents per housing unit.

Dividing trip ends per housing unit by trip ends per vehicle available yields a national average of 1.32 vehicles available per multifamily unit and 1.48 vehicles available per single-family dwelling, based on ITE's national survey. Applying Lochbuie's current housing mix yields a national weighted average of 1.44 vehicles available per household. In comparison to the national data, Lochbuie has more vehicles available, with an average of 2.14 vehicles available per housing unit.

Rather than rely on one methodology, the recommended trip generation rates shown in the bottom section of Figure A4 are an average of trip rates based on persons and vehicles available by bedroom range.

Figure A4: Demographic Characteristics by Bedroom Range

2021 Public Use Microdata Sample (PUMS)								
Bedroom Range	Persons (1)	Vehicles Available (1)	Housing Units (1)	Housing Mix	Unadjusted Persons/HU	Adjusted Persons/HU (2)	Unadjusted VehAvl/HU	Adjusted VehAvl/HU (2)
0-1	125	108	77	3%	1.62	1.58	1.40	1.23
2	654	632	332	15%	1.97	1.92	1.90	1.67
3	2,633	2,406	992	44%	2.65	2.58	2.43	2.14
4+	2,935	2,351	861	38%	3.41	3.33	2.73	2.40
Total	6,347	5,497	2,262		2.81	2.74	2.43	2.14
				Lochbuie control totals =>		2.74		2.14

National Averages (ITE 2022)						
ITE Code	AWVTE per Person	AWVTE per Veh Avl	AWVTE per HU	Lochbuie Hsg Mix	Persons per HU	Veh Avl per HU
220 MF (low-rise)	3.31	5.10	6.74	22%	2.04	1.32
210 SFD	2.65	6.36	9.43	78%	3.56	1.48
Wgtd Avg	2.80	6.08			3.23	1.44

Recommended AWVTE per Housing Unit			
Bedroom Range	AWVTE per Housing Unit Based on Persons (3)	AWVTE per Housing Unit Based on Veh Avl (4)	AWVTE per Housing Unit (5)
0-1	4.42	7.48	5.95
2	5.38	10.15	7.77
3	7.22	13.01	10.12
4+	9.32	14.59	11.96
Total	7.67	13.01	10.34

(1) American Community Survey (ACS), Public Use Microdata Sample for CO PUMA 824, which includes Lochbuie (2017-2021 Five-Year unweighted data).

(2) Adjusted multipliers are scaled to make the average PUMS values match control totals for Lochbuie, based on ACS 2021 5-year data. Vehicles Available in Lochbuie is from table B25046.

(3) Adjusted persons per housing unit multiplied by national weighted average trip rate per person.

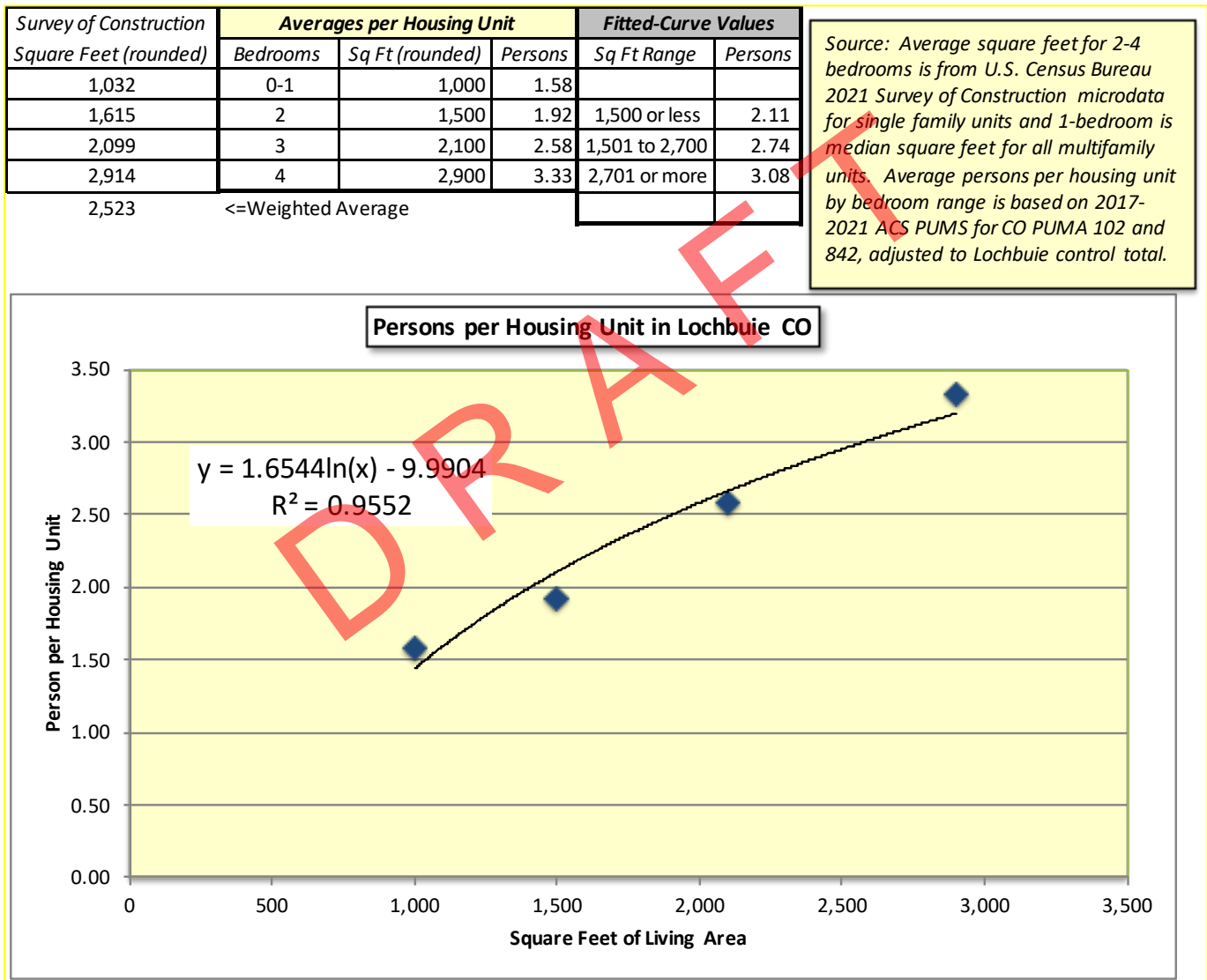
(4) Adjusted vehicles available per housing unit multiplied by national weighted average trip rate per vehicle available.

(5) Average of trip rates based on persons and vehicles available per housing unit.

Impact fees based on size of dwelling are generally easier to administer when expressed in square feet of heated space for all types of housing. Basing fees on floor area rather than the number of bedrooms eliminates the need for criteria to make administrative decisions on whether a room qualifies as a bedroom. To translate dwelling size by number of bedrooms into square feet of living space, Raftelis used the 2021 U.S. Census Bureau Survey of Construction microdata to derive average square feet by bedroom range.

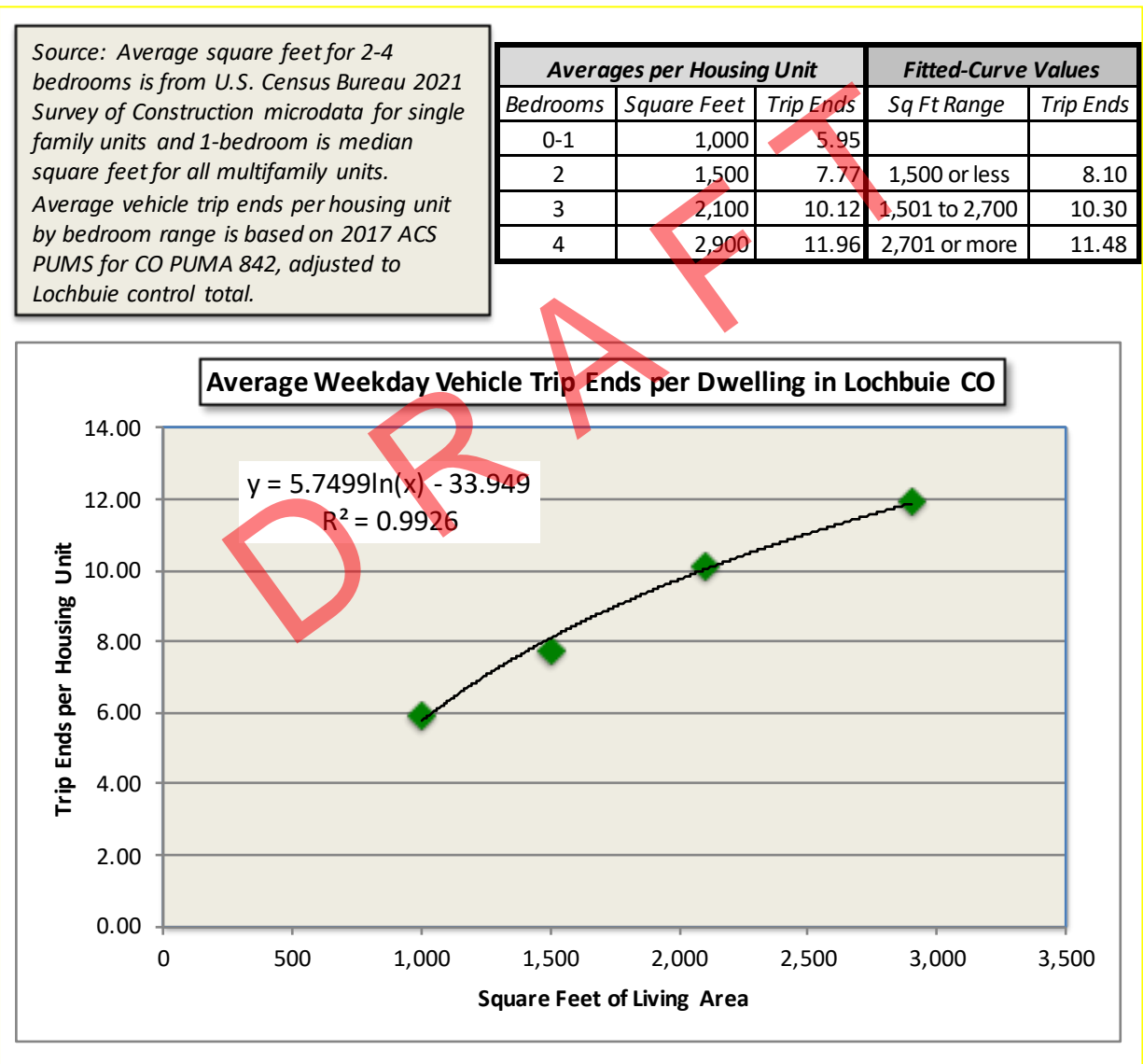
Raftelis recommends that impact fees for residential development be imposed based on square feet of heated space, excluding garages, patios, and porches. Average floor area and number of persons by bedroom range are plotted in Figure A5, with a logarithmic trend line derived from actual averages for Lochbuie. Using the trend line formula shown in the chart, Raftelis derived the estimated average number of persons, by dwelling size, in three size thresholds. The lowest floor area range (1,500 square feet or less) has an estimated average of 2.11 persons per housing unit. At the upper end of the floor area range (2701 or more square feet of heated space), the average is 3.08 persons per housing unit. For a building with more than one residential unit, Town staff will determine the average size threshold for the entire building by dividing total heated floor area by the total number of dwellings in the building.

Figure A5: Persons by Square Feet of Living Space



To derive average weekday vehicle trip ends by residential unit size, Raftelis matched trip generation rates and average floor area, by bedroom range, as shown in Figure A6. The logarithmic trend line formula is derived from the four averages graphed in the scatter plot. Floor areas by bedroom range are derived from Survey of Construction microdata (US Census Bureau, 2021). Trip generation rates by bedroom range are derived from ACS PUMS data, as described above. The lowest floor area range (1,500 square feet or less) has an estimated average of 8.10 average weekday vehicle trip ends per housing unit. At the upper end of the floor area range (2701 or more square feet of heated space), the average is 11.48 average weekday vehicle trip ends per housing unit. For a building with more than one residential unit, Town staff will determine the average size threshold for the entire building by dividing total heated floor area by the total number of dwellings in the building.

Figure A6: Vehicle Trip Ends by Dwelling Size

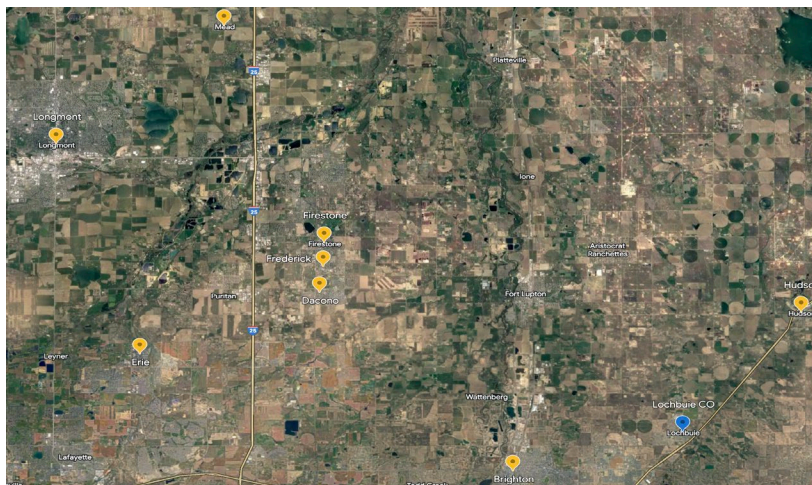


Development Impact Fees per Detached Residential Unit

	Streets	Parks, Open Space & Trails	Municipal Facilities (includes Police)	Total
Mead	\$6,552	\$2,921	\$5,275	\$14,748
Lochbuie (mid-size)	\$5,666	\$4,605	\$3,041	\$13,312
Erie	\$5,598	\$2,451	\$4,425	\$12,474
Longmont (mid-size)	\$2,061	\$8,325	\$0	\$10,386
Firestone	\$3,688	\$4,371	\$1,812	\$9,871
Dacono	\$4,863	\$3,829	\$965	\$9,657
Frederick	\$4,000	\$2,900	\$1,500	\$8,400
Brighton	\$1,700	\$3,942	\$0	\$5,642
Hudson	\$4,045	\$117	\$493	\$4,655

Commercial/Retail Impact Fees per 1,000 Square Feet

	Streets	Parks, Open Space & Trails	Municipal Facilities (includes Police)	Total
Erie	\$4,973	\$0	\$3,141	\$8,114
Dacono	\$6,330	\$0	\$1,780	\$8,110
Lochbuie (mid-size)	\$2,435	\$0	\$3,613	\$6,048
Hudson	\$5,570	\$0	\$240	\$5,810
Mead	\$4,267	\$0	\$1,376	\$5,643
Frederick	\$4,345	\$0	\$0	\$4,345
Longmont	\$3,340	\$0	\$0	\$3,340
Brighton	\$650	\$0	\$0	\$650
Firestone	\$0	\$0	\$0	\$0



Source: internet research by DP Guthrie LLC 08/16/23.

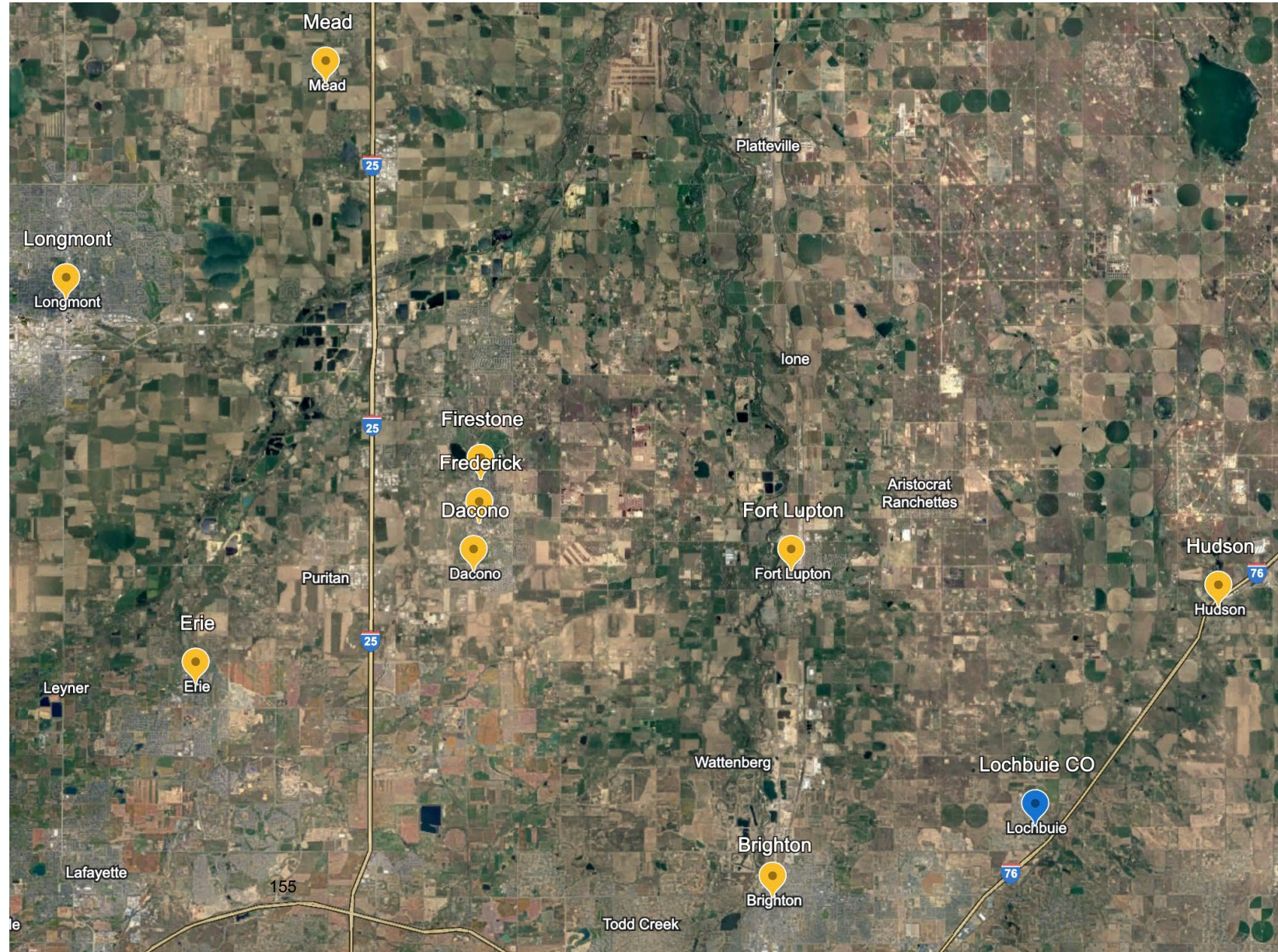
Town of Lochbuie

Draft Development Impact Fees

Board of Trustees Meeting on December 5, 2023

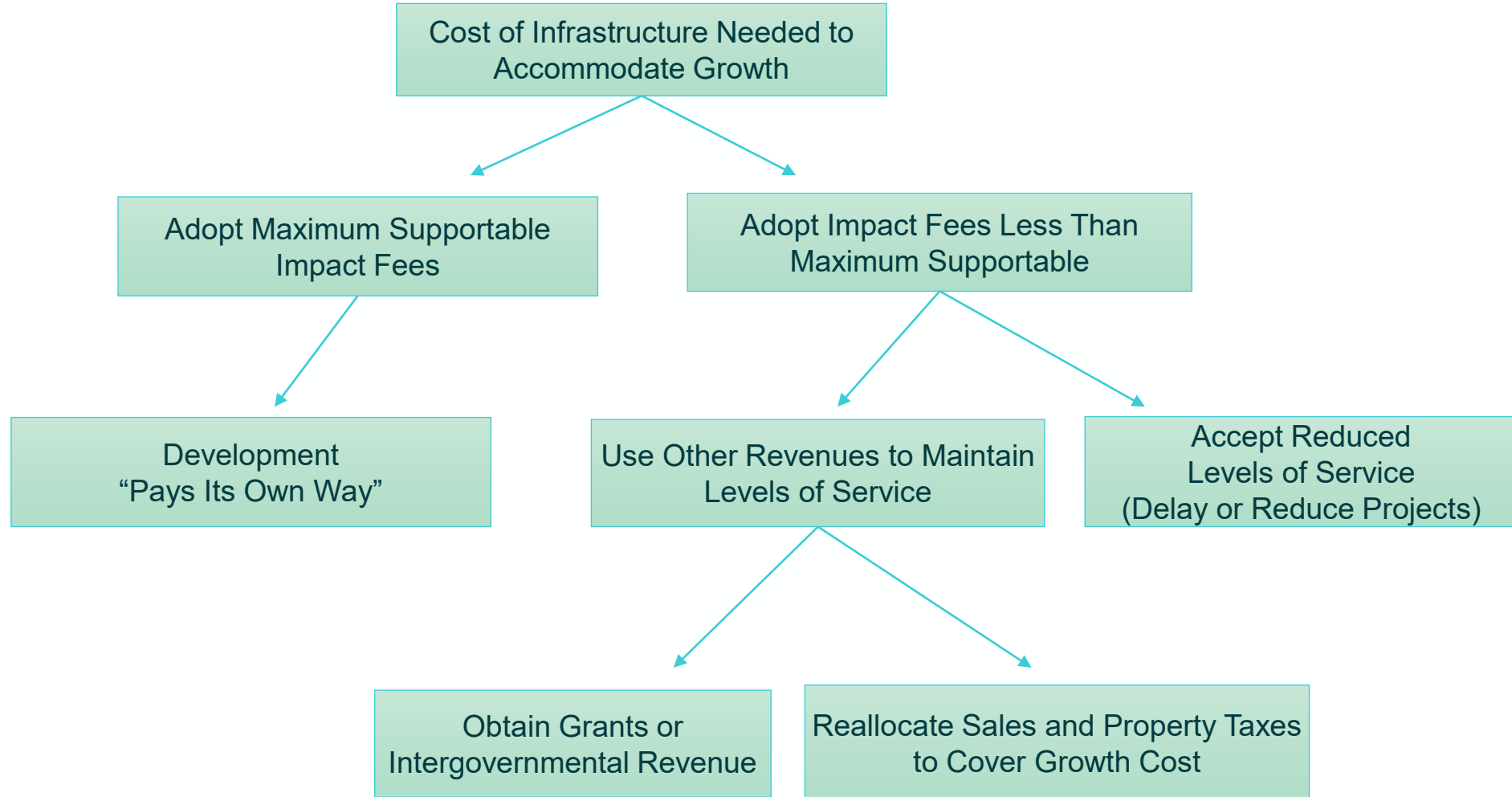


Presentation Overview



- Decision Tree with Options to Fund Cost of Growth
- Basic Information on Impact Fees
 - › Legal Requirements
 - › Fundamental Concepts
 - › Methods and Credits
 - › Example Formula
- Proposed Impact Fees for Lochbuie
 - › Parks, Open Space, and Trails
 - › Municipal Facilities
 - › Transportation
- Impact Fees in Comparable Communities

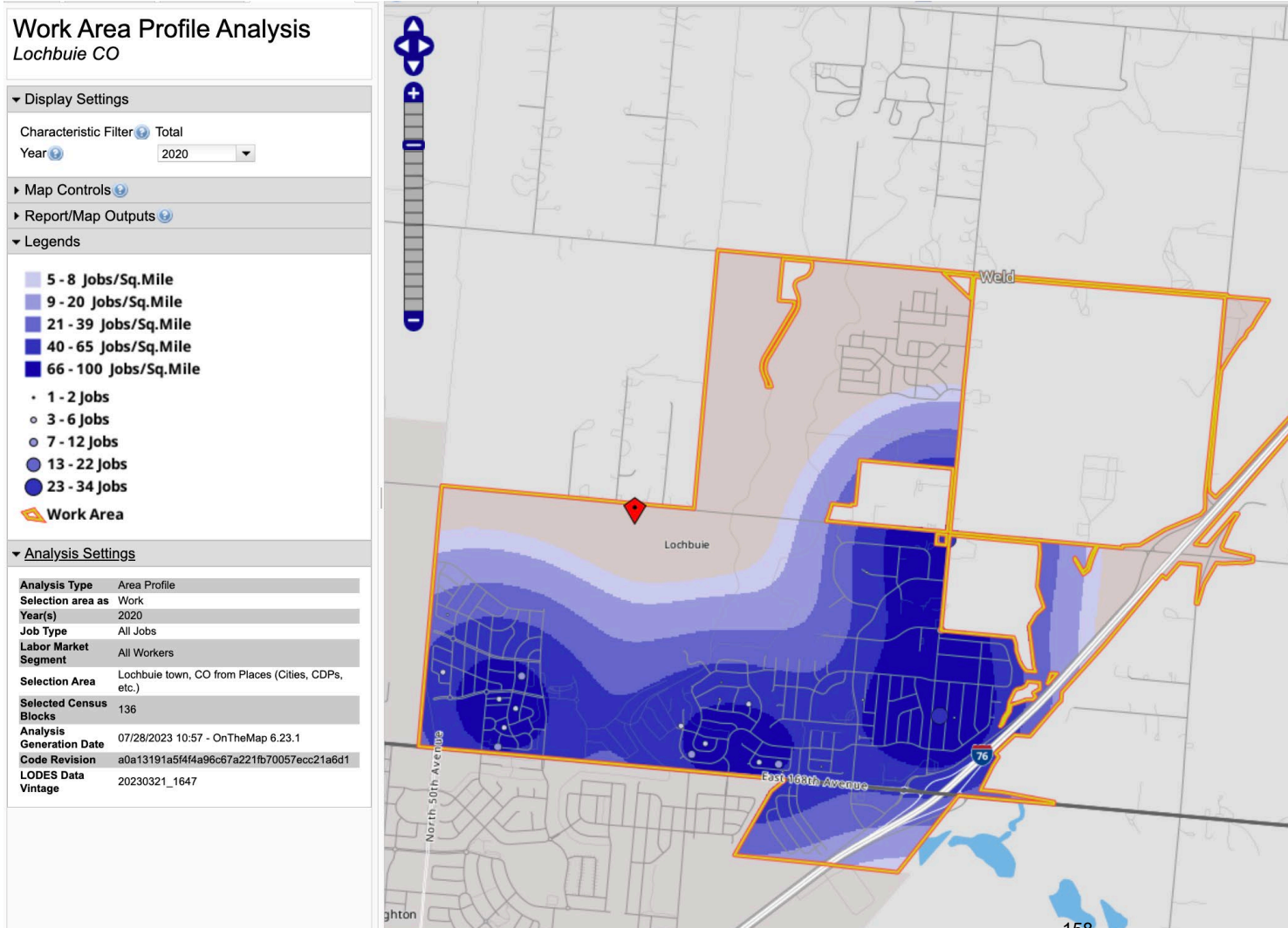
Decision Tree for Funding Cost of Growth



Legal Requirements

- Impact fees are not a tax (*purpose is to provide facilities not raise revenue*)
- Three legal requirements (*rational nexus test*)
 - › Need (*system not project-level improvements*)
 - › Benefit (*timing and location of infrastructure*)
 - › Proportionate
- Colorado Revised Statutes 29-20-104.5
 - › Impact fees must be legislatively adopted and generally applicable to a broad class of property
 - › Capital facilities must have a useful life of five years or longer
 - › May waive impact fee on low or moderate income housing or affordable employee housing

Fundamental Concepts

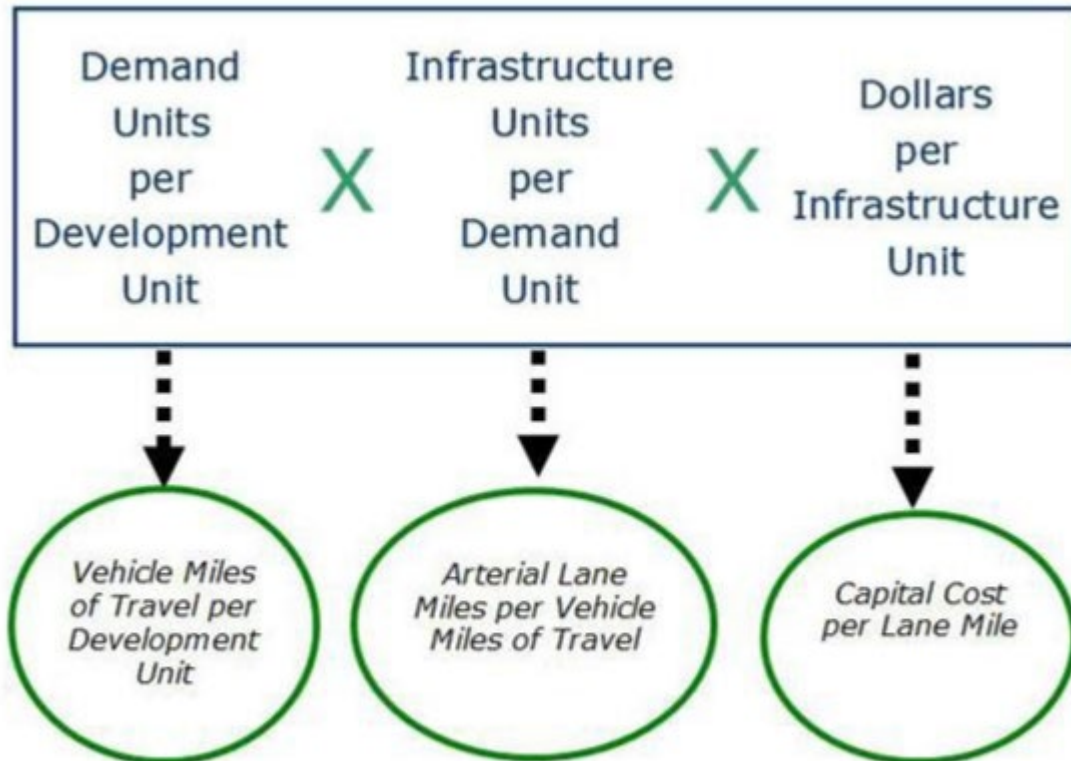


- Impact fees fund the growth share of public facilities directly related to proposed development
- Can't be used for operations, maintenance, or replacement costs
- Not collected prior to development permit
- Typically passed along to end users

Impact Fee Methods and Credits

- **Cost Recovery Method (past)**
 - › Oversized and unique facilities
 - › Debt service
- **Incremental Expansion Method (present)**
 - › Generic formula-based approach
 - › Document level-of-service with both quantitative and qualitative measures
- **Plan-Based Method (future)**
 - › Specific public facilities
 - › Usually requires non-impact fee funding
- **Evaluate Credits**
 - › Revenue credits for grants, dedicated funding, or taxes (policy decision)
 - › Development agreements may require site-specific credits or reimbursements to developers (no double payment for infrastructure)

Conceptual Impact Fee Formula



Source: Guthrie and Bise, 2015. *Next-Generation Transportation Impact Fees*, Planning Advisory Service Memo, American Planning Association.

Proposed Impact Fee Methods and Cost Components

Type of Impact Fee	Service Area	Incremental Expansion (current standards)	Cost Allocation
<i>Parks, Open Space, and Trails</i>	Townwide	Park sites and improvements; Open Space land and improvements; Trails	Population
<i>Municipal Facilities</i>	Townwide	Municipal Buildings; Municipal Vehicles/Equipment	Population plus Jobs
<i>Transportation</i>	Townwide	Arterial Lanes Miles; Arterial-Arterial Intersection Improvements	Vehicle Miles of Travel

Proposed Impact Fees

<i>Townwide Service Area Lochbuie CO</i>	<i>Transportation</i>	<i>Parks, Open Space, and Trails</i>	<i>Municipal Facilities</i>	<i>PROPOSED TOTAL</i>
<i>Residential (per dwelling) by Size Range (square feet of heated space)</i>				
1,500 or less	\$4,458	\$3,546	\$2,342	\$10,346
1,501 to 2,700	\$5,666	\$4,605	\$3,041	\$13,312
2,701 or more	\$6,315	\$5,177	\$3,418	\$14,910
<i>Nonresidential (per 1,000 square foot of building)</i>				
Industrial	\$2,230	\$0	\$1,743	\$3,973
All Other Nonresidential	\$2,435	\$0	\$3,613	\$6,048

Parks, Open Space, and Trails Impact Fee

<i>Infrastructure Type</i>	<i>Growth Cost</i>	
Townwide Parks	\$1,890,000	
Open Space	\$4,734,000	
Trails (not within ROW or parks)	\$666,000	
Professional Services	\$13,687	
Total Growth Cost Over Ten Years =>	<u>\$7,303,687</u>	
Population increase 2023 to 2033 =>	4,343	
Cost per Person	\$1,681	
<i>Residential Impact Fees (per dwelling)</i>		
<i>Residential Size (heated square feet)</i>	<i>Persons per Housing Unit</i>	<i>Proposed Parks, Open Space, and Trails Impact Fee</i>
1,500 or less	2.11	\$3,546
1,501 to 2,700	2.74	\$4,605
2,701 or more	3.08	\$5,177

Municipal Facilities Impact Fee

Growth Cost		
Municipal Buildings	\$3,321,000	
Municipal Vehicles	\$1,918,000	
Professional Services	\$13,687	
Less Lease Purchase Principal Balance	(\$321,254)	
Total Over Ten Years =>	\$4,931,433	
<i>Cost Allocation Based on Functional Population</i>		
Residential	98%	
Nonresidential	2%	
<i>Allocated Cost by Land Use</i>		
Residential	\$4,837,587	
Nonresidential	\$93,846	
<i>Growth 2023 to 2033</i>		
		Cost per Service Unit
Residential (persons)	4,343	\$1,110
Nonresidential (jobs)	84	\$1,110
<i>Residential (per dwelling)</i>		
<i>Heated Square Feet</i>	<i>Persons per Hsg Unit</i>	<i>Proposed Fee</i>
1,500 or less	2.11	\$2,342
1,501 to 2,700	2.74	\$3,041
2,701 or more	3.08	\$3,418
<i>Nonresidential (per 1,000 square feet of floor area)</i>		
<i>Type</i>	<i>Jobs per KSF</i>	<i>Proposed Fee</i>
Industrial	1.57	\$1,743
¹⁶⁴ All Other Nonresidential	3.26	\$3,613

Transportation Impact Fee

Average Miles per Trip	1.09
Ten-Year Cost of Additional Arterial Lane-Miles	\$11,900,000
Ten-Year Cost of Intersection Improvements	\$760,000
Professional Services	\$13,687
Less G.O. Bond Principal Balance	(\$3,595,000)
TOTAL COST	\$9,078,687
Vehicle Miles of Travel Increase 2023 to 2033	11,763
Capital Cost per Addtional VMT	\$771

<i>Development Type</i>	<i>Avg Wkdy Veh Trip Ends</i>	<i>Trip Rate Adjustment</i>	<i>Trip Length Adjustment</i>	<i>Transportation Fees</i>
Residential (per dwelling unit) by Square Feet of Heated Space				
1,500 or less	7.42	65%	110%	\$4,458
1,501 to 2,700	9.43	65%	110%	\$5,666
2,701 or more	10.51	65%	110%	\$6,315
Nonresidential (per thousand square feet of floor area)				
Industrial	4.87	50%	109%	\$2,230
All Other Nonresidential	10.84	33%	81%	\$2,435

Residential Comparisons

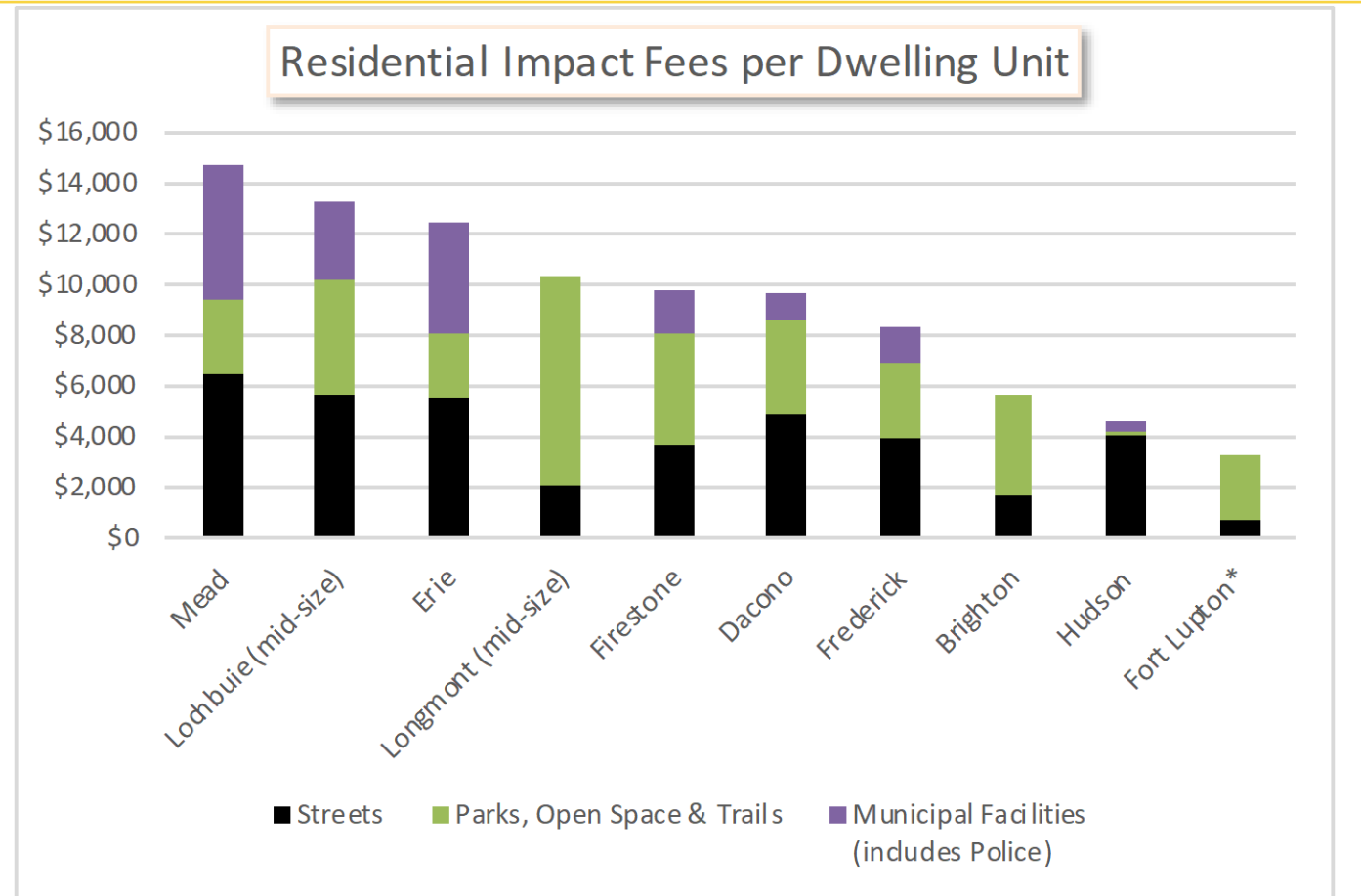
Townwide Service Area Lochbuie CO		PROPOSED TOTAL		THREE-YEAR PHASE IN OPTION		
Residential (per dwelling) by Size Range (square feet of heated space)		40%	60%	80%		
1,500 or less		\$10,346	\$4,138	\$6,207	\$8,276	
1,501 to 2,700		\$13,312	\$5,324	\$7,987	\$10,649	
2,701 or more		\$14,910	\$5,964	\$8,946	\$11,928	

Percentages are a policy decision that can be revised (e.g., 50%, 70%, 90%)

Development Impact Fees per Detached Residential Unit

	Streets	Parks, Open Space & Trails	Municipal Facilities (includes Police)	Total
Mead	\$6,552	\$2,921	\$5,275	\$14,748
Lochbuie (mid-size)	\$5,666	\$4,605	\$3,041	\$13,312
Erie	\$5,598	\$2,451	\$4,425	\$12,474
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Dacono	\$4,863	\$3,829	\$965	\$9,657
Frederick	\$4,000	\$2,900	\$1,500	\$8,400
Brighton	\$1,700	\$3,942	\$0	\$5,642
Hudson	\$4,045	\$117	\$493	\$4,655
Fort Lupton*	\$805	\$2,425	\$0	\$3,230

* Investment Fee might not be comparable to impact fee.
Source: internet research by DP Guthrie LLC 08/16/23.



Nonresidential Comparisons

Townwide Service Area Lochbuie CO		PROPOSED TOTAL		
		THREE-YEAR PHASE IN OPTION		
Nonresidential (per 1,000 square foot of building)		40%	60%	80%
Industrial	\$3,973	\$1,589	\$2,383	\$3,178
All Other Nonresidential	\$6,048	\$2,419	\$3,628	\$4,838

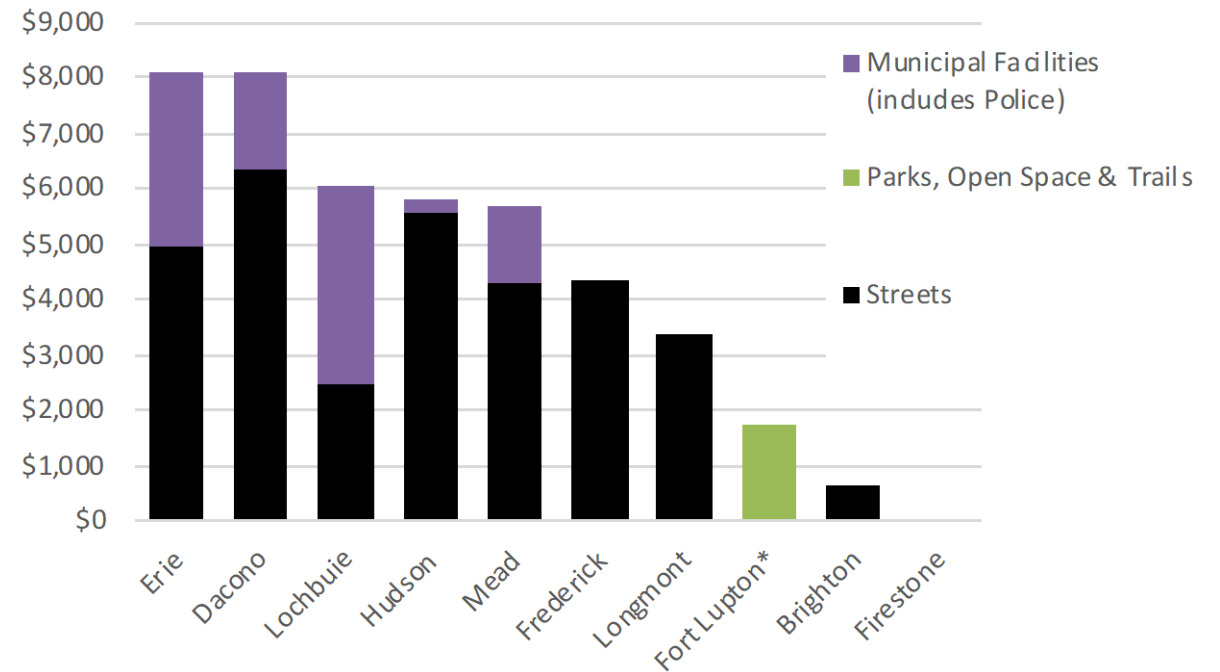
Percentages are a policy decision that can be revised (e.g., 50%, 70%, 90%)

Commercial/Retail Impact Fees per 1,000 Square Feet

	Streets	Parks, Open Space & Trails	Municipal Facilities (includes Police)	Total
Erie	\$4,973	\$0	\$3,141	\$8,114
Dacono	\$6,330	\$0	\$1,780	\$8,110
Lochbuie	\$2,435	\$0	\$3,613	\$6,048
Hudson	\$5,570	\$0	\$240	\$5,810
Mead	\$4,267	\$0	\$1,376	\$5,643
Frederick	\$4,345	\$0	\$0	\$4,345
Longmont	\$3,340	\$0	\$0	\$3,340
Fort Lupton*	2% of construction value	\$1,713	\$0	\$1,713
Brighton	\$650	\$0	\$0	\$650
Firestone	\$0	\$0	\$0	\$0

* Investment Fee might not be comparable to impact fee.
Source: internet research by DP Guthrie LLC 08/16/23.

Commercial/Retail Impact Fee Comparison





Thank you!

Contact Information

Todd Cristiano 303 305 1138 / tcristiano@raftelis.com

**TOWN OF LOCHBUIE
COUNTIES OF ADAMS AND WELD
STATE OF COLORADO**

RESOLUTION NO. 2023-53

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE,
COLORADO, SETTING THE AMOUNT OF THE REGIONAL TRANSPORTATION
IMPACT FEE, PARKS AND TRAILS IMPACT FEE, AND MUNICIPAL FACILITIES
IMPACT FEE AS AUTHORIZED BY ARTICLE VI OF CHAPTER 4 OF THE
LOCHBUIE MUNICIPAL CODE**

WHEREAS, by Ordinance 2023-686, to be codified as Article VI of Chapter 4 of the Lochbuie Municipal Code, the Board of Trustees authorized the imposition of three development impact fees in accordance with the authority, and in conformity with the requirements of, Part 1 of Article 20 of Title 29, C.R.S.; and

WHEREAS, Section 4-6-60 of the Municipal Code for the Town of Lochbuie provides that the impact fees authorized by Article VI of Chapter 4 shall be set by the Board of Trustees by separate resolution.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Lochbuie, Colorado:

Section 1. The above and foregoing recitals are hereby incorporated as findings and determinations of the Board of Trustees

Section 2. Setting of impact fee amounts. The impact fees to be assessed and paid are as set forth in the table below. Such fee amounts are determined based on the results of the 2023 Impact Fee Analysis prepared by Raftelis Financial Consultants, Inc. presented to the Lochbuie Board of Trustees on December 5, 2023 (Study”), and a description of the capital facilities for each type of impact fee below is set forth in such Study.

The fee amounts below shall be adjusted annually to reflect the effects of inflation on those costs for capital facilities. Commencing on January 1, 2025 and on January 1 of each following year unless and until the impact fees are revised or replaced by action of the Board, each impact fee amount set forth in the impact fee schedule in subsection (a) shall be adjusted for inflation, based on the annual construction cost index published by Engineering News Record. Such adjustments in the impact fees shall become effective immediately upon calculation by the Town and shall not require additional action by the Town Board to be effective.

Townwide Service Area Lochbuie CO	<i>Regional Transportation</i>	<i>Regional Parks, Open Space, and Trails</i>	<i>Municipal Facilities</i>	<i>TOTAL</i>
<i>Residential (per dwelling) by Size Range (square feet of heated space)</i>				
1,500 or less	\$4,458	\$3,546	\$2,342	\$10,346
1,501 to 2,700	\$5,666	\$4,605	\$3,041	\$13,312
2,701 or more	\$6,315	\$5,177	\$3,418	\$14,910
<i>Nonresidential (per 1,000 square foot of building)</i>				
Industrial	\$2,230	\$0	\$1,743	\$3,973
All Other Nonresidential	\$2,435	\$0	\$3,613	\$6,048

As used herein, *Industrial* means a building that is designed or utilized for any use set forth under Industrial Uses in the table in Section 19-230 of the Lochbuie Municipal Code or a combination of uses that includes any such industrial use.

Section 4. Effective Date. This Resolution shall be deemed effective upon approval by the Board of Trustees but the fees as set forth herein shall not be assessed or payable before January 15, 2024, or the effective date of Ordinance 2023-686, whichever is later.

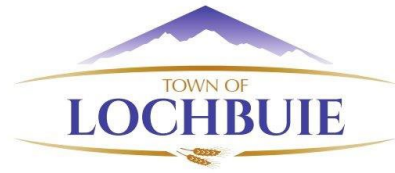
ADOPTED THIS 5th DAY OF DECEMBER, 2023.

TOWN OF LOCHBUIE, COLORADO

Michael Mahoney, Mayor

ATTEST:

By: _____
Heather Bowen, Town Clerk



Agenda Item Summary (AIS)

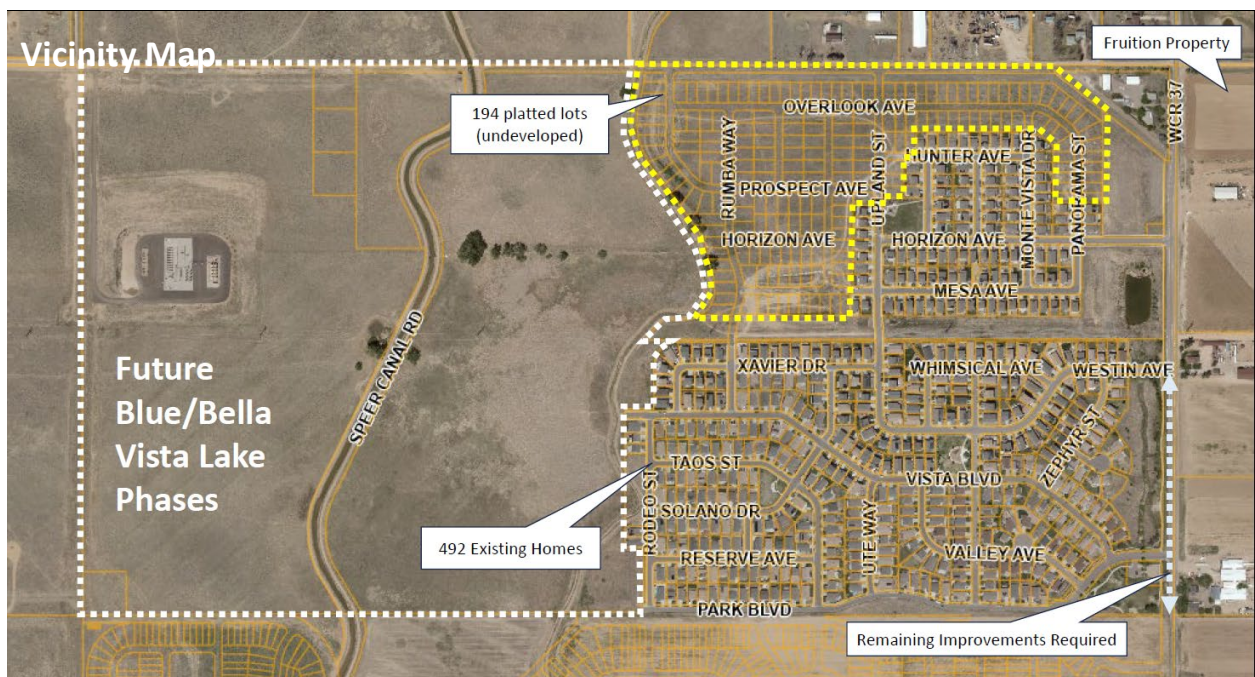
MEETING DATE: December 5, 2023

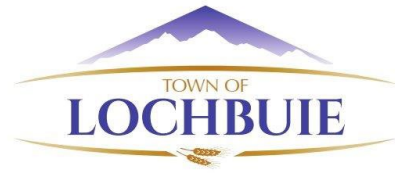
SUBJECT: Resolution 2023-54 approving amendments to the Blue Lake Annexation Agreement (Third Amendment) and Subdivision Improvement Agreement (First Amendment)

PRESENTED BY: Chris Kennedy, Community Development Director
Maureen Juran, Town Attorney

SUMMARY

This is a request for the Board of Trustees to approve amendments to the 2004 Blue Lake Annexation Agreement (AA) and the 2018 Blue Lake Subdivision Improvement Agreement (SIA) that would delay additional widening to CR 37 and allow for the installation of infrastructure and construction of homes on 194 existing platted lots to commence now. The additional widening is not warranted by current traffic conditions and may even need to be removed if the entire roadway needs to be reconstructed in the near future. Delaying these improvements would allow for additional residential construction while providing time for staff to work with the developer to further study the condition of CR 37 and determine the best way forward. The amendments also include eliminating a fee which is no longer needed that was imposed under the Annexation Agreement for the benefit of the Blue Lake Metropolitan District.





DISCUSSION

This is a request for the Board of Trustees to approve amendments to the 2004 Blue Lake Annexation Agreement (AA) and the 2018 Blue Lake Subdivision Improvement Agreement (SIA) that relates to Filing 2 that would delay additional widening of CR 37 and allow for the immediate installation of infrastructure and construction of homes on existing platted lots.

The requested amendments also include eliminating a fee that was imposed under the Annexation Agreement for the benefit of the Blue Lake Metropolitan District. The developer of the project, a principal of the metropolitan district, has requested elimination of that fee. There is no benefit to the Town by imposition of the fee as it is passed through to the District upon collection.

County Road 37

The Blue Lake annexation and zoning (PUD) were approved in 2004. Subdivision plats creating legal lots for development were approved in 2005 (Filing 1) and 2018 (Filing 2). The associated agreements governing development (AA, SIA) required that turn lanes off CR 37 into the subdivision (northbound left and southbound right) be constructed before the first phase of homes were built. The developer installed the required turn lanes and has facilitated construction of 492¹ homes to date, with 194 platted lots remaining unbuilt. The developer wishes to convey the remaining 194 lots to a builder for construction starting in 2024.

In conjunction with the construction of the initial 492 lots, the developer also completed other improvements to CR 37 beyond what was required at the time. Those improvements included additional road widening (generally between CR 6 and Westin Ave), pavement striping, eight-foot sidewalk (only six-foot sidewalk required) and landscaping. As a result of this work, the developer has fewer remaining obligations that need to be satisfied at the next development milestone.

The next milestone that the developer must comply with is a requirement that the remaining unbuilt portions of the west half of CR 37 be constructed prior to issuance of the 500th home permit. Those remaining improvements would include an additional lane of pavement generally between Westin Ave and Park Blvd.

¹ Construction in Filing 1 (381 homes) has been completed. Filing 2 contains 305 lots. A total of 111 homes have been constructed in Filing 2, with 194 lots remaining for development.



However, after much review and discussion with the developer, Town staff and consultants recommend delaying these improvements. Requiring the developer to construct those improvements according to the requirements of the development agreements (AA, SIA) may not be the most beneficial course of action for the Town. Portions of CR 37 lanes are becoming increasingly degraded and Town staff does not have enough information yet to determine if complete reconstruction of CR 37 will be necessary. If reconstruction is required, any new improvements by the developer could be a waste of resources, as they may have to be removed to facilitate the new design. Such a project would extend beyond the developer's scope of responsibility under the agreements and could require participation from the Town (and possibly other developers) to address appropriately.

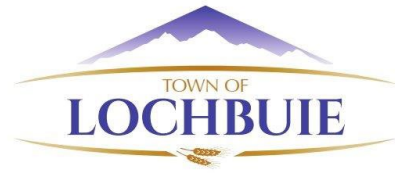
Also, the road improvements do not appear to be immediately warranted by current traffic conditions. The 2004 requirement that the road be widened at the 500th building permit was simply an estimate of when the developer and the Town thought the improvements might be needed based on the growth of the subdivision and the surrounding areas. However, no other development has occurred around the Blue Lake subdivision that would further contribute to the need for another lane of pavement along CR37. As a result, the developer's traffic engineer has produced a memo indicating that the additional travel lane is not currently necessary, and staff is in general agreement with that memo.

Delaying the improvements until the next phase of development (approximately 2-4 years) would provide additional time for staff to work with the developer to further study the condition of CR 37 and determine the best way forward for the Town. Future options might include:

- Developer installs the remaining improvements, if such action is technically prudent;
- Instead of building the improvements, the developer could contribute funds (aka cash-in-lieu) towards a larger reconstruction project; and/or
- Town and developer work towards an alternative funding solution, potentially involving other developers that are active in the area.

LEGAL ISSUES

The 2004 Blue Lake Annexation Agreement and 2018 Subdivision Improvement Agreement work to govern the development process with the Blue Lake (Bella Vista) subdivision. Amendments to these kinds of agreements from time to time are relatively commonplace and are permitted pursuant to language in both agreements.



FINANCIAL IMPACTS

Approval of the proposed amendments does not obligate the Town to any additional costs. Approval of the proposed amendments will allow for the construction of 194 additional single-family homes over the next 2-4 years which will result in approximately \$4.3 million in one-time permitting and use tax revenue (approx. \$22,000 per building permit) to the Town. Combined, those homes could also result in over \$32,000 per year in property tax revenue to the Town (based on \$3,614.18 example tax bill where \$165.92 goes to the Town).

STAFF RECOMMENDATION

Staff recommends that the Board approve Resolution 2023-54 amending the two agreements (see attached draft amendments) and authorizing the Mayor to execute the amended agreements on behalf of the Town.

MOTION

If the Board desires to approve the SIA, the motion should be: *"I move to approve Resolution 2023-54 as presented."*

ATTACHMENTS

- Resolution 2023-54
- Third Amendment to Annexation Agreement
- First Amendment to Subdivision Improvement Agreement
- Traffic Memo
- Obligations Exhibit

**TOWN OF LOCHBUIE
COUNTIES OF ADAMS AND WELD
STATE OF COLORADO**

RESOLUTION NO. 2023-54

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE,
COLORADO, APPROVING A THIRD AMENDMENT TO ANNEXATION AND
DEVELOPMENT AGREEMENT FOR BLUE LAKE AND A FIRST AMENDMENT TO
SUBDIVISION IMPROVEMENT AND WATER DEDICATION AGREEMENT BLUE
LAKE FILING NO. 2**

WHEREAS, real property commonly referred to as the Blue Lake subdivision was annexed to the Town of Lochbuie (“Town”) pursuant to an Annexation Agreement dated March 31, 2004 (“Annexation Agreement”) as amended by that certain First Amendment to the Annexation and Development Agreement for Blue Lake dated April 10, 2007 and that certain Second Amendment to the Annexation and Development Agreement for Blue Lake dated March 16, 2018, (the real property subject to such Annexation Agreement as amended referred to herein as the “Property”); and

WHEREAS, as a condition of development within the Property and as contemplated by the Annexation Agreement, the Town requires construction by a developer of certain infrastructure improvements and facilities, both onsite and offsite; and

WHEREAS, the Town and the Owner, as defined in that certain Subdivision Improvement and Water Dedication Agreement Blue Lake Filing No. 2 (“SIA”) entered into the SIA to govern the terms of the infrastructure improvements to be built by Owner or its assigns within or outside the area of the Property subject to the Blue Lake Filing No. 2 Plat recorded March 8, 2018; and

WHEREAS, the Town and the Owner desire to further amend the Annexation Agreement and amend the SIA to set forth amended conditions for issuance of building permits in relation to required improvements of Weld County Road 37 and to eliminate a fee required to be collected under such agreement for the benefit of the Blue lake Metropolitan District, which fee is no longer to be required.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Lochbuie, Colorado:

Section 1. The above and foregoing recitals are hereby incorporated as findings and determinations of the Board of Trustees

Section 2. The Town Board of Trustees approves the Third Amendment to Annexation and Development Agreement for Blue Lake in substantially the form attached hereto as Exhibit 1, authorizes the Mayor to execute the same on behalf of the Town and directs the Town Administrator to cause such Third Amendment to Annexation and Development

Agreement for Blue Lake to be recorded by the Clerk and Recorder for Weld County.

Section 3. The Town Board of Trustees approves the First Amendment to Subdivision Improvement and Water Dedication Agreement Blue Lake Filing No. 2 in substantially the form attached hereto as Exhibit 2, authorizes the Mayor to execute the same on behalf of the Town and directs the Town Administrator to cause such First Amendment to Subdivision Improvement and Water Dedication Agreement Blue Lake Filing No. 2 to be recorded by the Clerk and Recorder for Weld County.

Section 4. Effective Date. This Resolution shall be deemed effective upon approval by the Board of Trustees.

ADOPTED THIS ____ DAY OF _____, 2023.

TOWN OF LOCHBUIE, COLORADO

Michael Mahoney, Mayor

ATTEST:

By: _____
Heather Bowen, Town Clerk

EXHIBIT 1
Third Amendment to Annexation and Development Agreement for Blue Lake

EXHIBIT 2
First Amendment to Subdivision Improvement and Water Dedication Agreement Blue
Lake Filing No. 2

**THIRD AMENDMENT TO THE
ANNEXATION AND DEVELOPMENT AGREEMENT
FOR BLUE LAKE**

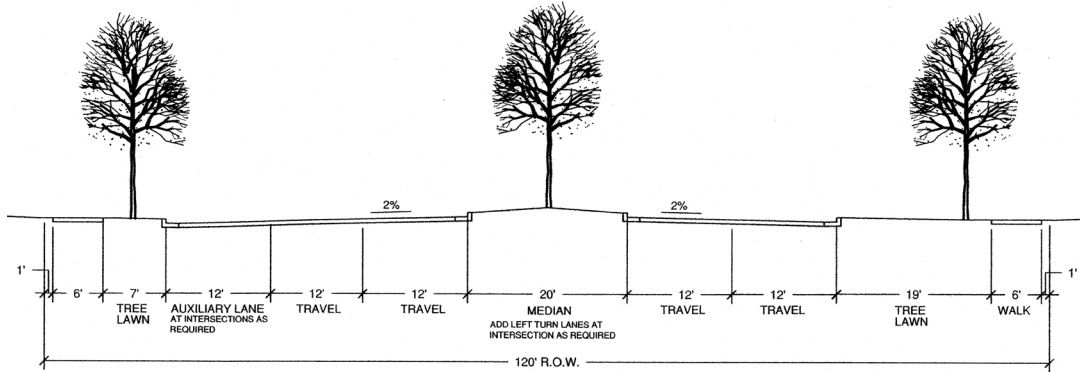
This THIRD AMENDMENT TO THE ANNEXATION AND DEVELOPMENT AGREEMENT FOR BLUE LAKE (the “Third Amendment”) is made and entered into this 5th day of December, 2023, by and between LOCHBUIE LAND I, LLC, a Colorado limited liability company (the “Annexor”) and the TOWN OF LOCHBUIE, a municipal corporation, of the County of Wells, State of Colorado (the “Town”), and is attached to and made a part of that certain Annexation and Development Agreement for Blue Lake dated March 31, 2004 (the “Original Agreement”), as amended by that certain First Amendment to the Annexation and Development Agreement for Blue Lake dated April 10, 2007 (the “First Amendment”) and that certain Second Amendment to the Annexation and Development Agreement for Blue Lake dated March 16, 2018 (the Original Agreement and the First and Second Amendments collectively the “Annexation and Development Agreement”), by and between LOCHBUIE LAND I, LLC, a Colorado limited liability company, HENRY BEIERLE, JR. and MELITA BEIERLE, and the TOWN OF LOCHBUIE, a municipal corporation of the County of Weld, State of Colorado.

In consideration of the promises and agreements contained in the Annexation and Development Agreement and in this Third Amendment and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties desire to amend the Annexation and Development Agreement as follows:

1. Defined Terms. All terms capitalized herein and not otherwise defined shall have the meaning ascribed to them in the Annexation and Development Agreement.
2. Construction of Weld County Road 37. Section 6.3.1 of the Original Agreement is hereby deleted and replaced with the new Section 6.3.1 as follows:

6.3.1 Weld County Road 37. Annexor or the applicable District have completed construction of the northbound left turn deceleration lanes into the Project entrances and southbound right turn deceleration lane along the portion of Weld County Road 37 abutting the Property. On or before the issuance of the 695th building permit for a residential unit within any area of the Project, the west ½ of the four lane Major Arterial street standard for Weld County Road 37 adjacent to the Property will be constructed in accordance with the standard as defined in Figure 1 below (as set forth in the Blue Lake Subdivision PUD Zone Document (recorded in the Weld County records at reception no. 3306676) or any street cross-section subsequently approved by the Town and the Annexor, or, if acceptable to the Town at that time, cash-in-lieu will be provided in an amount that is equal to the cost of the required improvements, as such amount is approved by Town staff based upon review of estimates provided by qualified engineers and/or contractors. Weld County Road 37 is ultimately designed to accommodate six lanes. Annexor has dedicated one-half (1/2) of the full width of the final six-lane cross section and agrees to grant such easements and licenses or dedicate such additional right of way as may be required to complete the construction of half of the full width of the final six-lane cross section of Weld County Road 37.

Figure 1:



COUNTY ROAD 37 - MAJOR ARTERIAL

3. Deletion of Development Surcharge Fee. Section 1.1.10 and Section 2.4 of Exhibit C, which define the term “Development Surcharge Fee” and describe its imposition, collection and remittance to Blue Lake Metropolitan District, are hereby deleted, the intent being that such Development Surcharge Fee shall no longer be collected.
4. No Other Amendments. All other provisions of the Annexation and Development Agreement shall remain in full force and effect, unamended hereby.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, this Third Amendment is executed in duplicate originals as of the date first written above and shall be binding upon each Party who executes same.

TOWN:

TOWN OF LOCHBUIE, COLORADO,
a municipal corporation

ATTEST:

By: _____
Mayor Michael Mahoney

By: _____
Heather Bowen, Town Clerk

ANNEXOR:

LOCHBUIE LAND I, LLC,
a Colorado limited liability company

By: Concord Partners, LLC,
a Colorado limited liability company,
its manager

By: _____
Mark W. Bush, Manager

STATE OF COLORADO)
)ss.
COUNTY OF ADAMS)

The foregoing instrument was acknowledged before me this ___ day of _____, 2023, by Mark W. Bush as Manager of Concord Partners, LLC, as Manager of Lochbuie Land I, LLC, a Colorado limited liability company

WITNESS my hand and official seal.

Notary Public

**FIRST AMENDMENT TO
SUBDIVISION IMPROVEMENT AND WATER DEDICATION AGREEMENT
BLUE LAKE FILING NO. 2
(Owner Improvements)**

THIS FIRST AMENDMENT TO SUBDIVISION IMPROVEMENT AND WATER DEDICATION AGREEMENT BLUE LAKE FILING NO. 2 (hereinafter “First Amendment to SIA”) is effective December 5, 2023 and amends the Subdivision Improvement and Water Dedication Agreement Blue Lake Filing No. 2 Agreement recorded in the records of Weld County on March 8, 2018 at recordation number 4381051 and dated March 6, 2018 (hereinafter the “SIA”) by and between the TOWN OF LOCHBUIE, COLORADO, a municipal corporation of the County of Weld, State of Colorado and LOCHBUIE LAND I, LLC, a Colorado limited liability company (hereinafter the “Owner”).

RECITALS

A. Pursuant to the SIA, Owner has the obligation to complete certain Improvements as defined in the SIA upon the occurrence of certain events or at certain times; and

B. WHEREAS, the Parties have simultaneously, with approval of this First Amendment to SIA, approved a Third Amendment to the Annexation and Development Agreement For Blue Lake (hereinafter the “Third Amendment to Annexation Agreement”) which amends the timing requirements for certain improvements required to be made to Weld County Road 37; and

C. WHEREAS, the parties desire to enter into this First Amendment to SIA to conform the timing requirement and other obligations related to Weld County Road 37 improvements to the provisions approved in the Third Amendment to the Annexation Agreement.

NOW THEREFORE, in consideration of the covenants, promises and agreements of all the parties hereto, to be kept and performed by each of them, **IT IS AGREED:**

1. Amendment of Section 1.2 of the SIA. Section 1.2 of SIA, titled “Timing,” is hereby replaced to read in full as follows:

Building permits for the Lots to be developed within the Development Area shall be issued so long as the street(s) platted in each individual phase, as set forth in **Exhibit C**, and the Weld County Road 37 improvements abutting the property within the Plat have been installed or cash-in-lieu therefor accepted as contemplated by the Third Amendment to the Annexation Agreement (which improvements to Weld County Road 37, for greater certainty, must be installed on or prior to the issuance of the 695th building permit for a residential unit within any area of the Project, or cash-in-lieu thereof paid if approved by the Town in accordance with the Third Amendment to the Annexation Agreement), with at least the first lift of asphalt and the streets required for access to the Lots have been installed and substantially completed. Certificates of occupancy for the structures on the Lots in the Development Area shall be conditioned on the completion of the Improvements

as are more particularly described on **Exhibit B**, and dedications are completed in accordance with Section 4.2.3 of the Blue Lake PUD Regulations. In accordance with Section 4.3 of the Blue Lake PUD Regulations, certificates of occupancy may be issued for structures in areas within a phase of a Development Area (on a street by street basis) where all Improvements required in order to serve such area have been substantially completed, provided that the Town has also received adequate financial guarantees for all areas within that phase that have not been completed as set forth in Section 1.5 below. In accordance with Section 4.2.2 of the Blue Lake PUD Regulations, the Town has approved the Construction Plans, and the Owner shall furnish and install the Improvements listed on **Exhibit B**, in conformance with the Construction Plans. Exhibit B has been divided into various phases corresponding to the Lots described in the phasing map on **Exhibit C** attached hereto and incorporated by reference (the “Phasing Map”).

2. Deletion of Section 2.14. Section 2.14 of the SIA is hereby deleted.
3. Deletion of Development Surcharge Fee. Exhibit E of the SIA, Schedule of Costs and Fees, is hereby amended to remove Number 16, Development Surcharge Fee payable to Blue Lake Metropolitan District, from the list of fees
4. No Other Amendments. All other provisions of the SIA shall remain in full force and effect, unamended hereby.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the parties have executed this First Amendment to SIA effective December 5, 2023.

TOWN:

ATTEST:

TOWN OF LOCHBUIE,
a municipal corporation

By: _____
Heather Bowen, Town Clerk

By: _____
Mayor Michael Mahoney

OWNER:

LOCHBUIE LAND I, LLC,
a Colorado limited liability company

By: Concord Partners, LLC,
a Colorado limited liability company,
its manager

By: _____
Mark W. Bush, Manager

STATE OF COLORADO)
)ss.
COUNTY OF ADAMS)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Mark W. Bush as Manager of Concord Partners, LLC, as Manager of Lochbuie Land I, LLC, a Colorado limited liability company

WITNESS my hand and official seal.

Notary Public



MEMORANDUM

TO: Mark Bush
CC Dev, LLC

FROM: Brandon Wilson, EIT
SM ROCHA, LLC

DATE: October 6, 2023

SUBJECT: Blue Lake Subdivision – Weld County Road 37

This memorandum is provided to summarize our preliminary analysis of the potential for roadway and intersection improvements associated with the construction of 194 residential lots within Blue Lake Subdivision Filing No. 2. This development is located near the southwest corner of Weld County Road (WCR) 6 and WCR 37 in Lochbuie, Colorado

Analysis Objective

- Referencing previously prepared traffic analyses and plans for the overall area, estimate how much site-generated traffic will be added to WCR 37 and its intersection with Park Boulevard.
- Evaluate the possibility of widening the west side of WCR 37 from Westin Avenue south to Park Boulevard, including a southbound right turn lane at Park Boulevard, as part of the new development for 194 residential lots within Blue Lake Subdivision Filing No. 2.

Site Description

Land for the development is currently occupied by 111 single-family residential lots (Phase One of Blue Lake Subdivision Filing No. 2) and surrounded by a mix of agricultural and residential land uses.

As described and analyzed within the Blue Lake Subdivision Filing 2, Phase 2 Traffic Generation Analysis Comparison letter¹, Filing No. 2 is understood to ultimately include a total of 305 single-family residential lots, resulting in the addition of 194 future single-family residential lots as part of development Phase Two.

¹ Blue Lake Subdivision Filing 2, Phase 2: Traffic Generation Analysis Comparison, SM ROCHA, LLC, June 23, 2020.

Existing access to the overall development is currently provided along WCR 37 at full-movement intersections with Horizon Avenue, Westin Avenue, and Park Boulevard. Future access is proposed via two full-movement intersections along WCR 6 at Quartz Street and Upland Street.

Existing and Committed Surface Transportation Network

In review of the Weld County 2045 Transportation Plan², the study segment of WCR 37 has a collector roadway classification and provides a posted speed limit of 45 MPH in either direction. At its intersection with Westin Avenue, a northbound left turn deceleration lane and a southbound right turn deceleration lane are provided. At the intersection with Park Boulevard, a northbound left turn deceleration lane is provided.

In review of the latest WCR 37 Roadway Improvement Plans³ prepared by Paragon Engineering Consultants, Inc., roadway widening along the west side of WCR 37 is planned from Westin Avenue south to Park Boulevard. This improvement is understood to be an interim condition for WCR 37 intended to allow for exclusive southbound acceleration and deceleration lanes for ingress and egress vehicles.

In the ultimate condition and as illustrated within the Blue Lake Subdivision Traffic Impact Study⁴ prepared for the overall area, WCR 37 is planned to accommodate a four-lane cross-section.

Vehicle Trip Generation

Standard traffic generation characteristics compiled by the Institute of Transportation Engineers (ITE) in their report entitled Trip Generation Manual, 11th Edition, were applied to the proposed land use in order to estimate the average daily traffic (ADT) and peak hour vehicle trips. A vehicle trip is defined as a one-way vehicle movement from point of origin to point of destination.

Table 1 presents average trip generation rates for the development area proposed. Use of average trip generation rates presents a conservative analysis. Consistent with previous traffic analyses performed, ITE land use code 210 (Single-Family Detached Housing) was used for analysis because of its best fit to the proposed land use.

² Weld County 2045 Transportation Plan, Weld County Public Works Department, November 9, 2020.

³ Weld County Road 37: Roadway Improvement Plans, Paragon Engineering Consultants, Inc., October 9, 2020.

⁴ Blue Lake Subdivision: Traffic Impact Study, Short Elliott Hendrickson Inc., January 9, 2004.

Table 1 – Trip Generation Rates

ITE CODE	LAND USE	UNIT	TRIP GENERATION RATES						
			24 HOUR	AM PEAK HOUR			PM PEAK HOUR		
				ENTER	EXIT	TOTAL	ENTER	EXIT	TOTAL
210	Single-Family Detached Housing	DU	9.43	0.18	0.53	0.70	0.59	0.35	0.94

Key: DU = Dwelling Units.

Note: All data and calculations above are subject to being rounded to nearest value.

Table 2 summarizes the projected ADT and peak hour traffic volumes likely generated by the additional land use area proposed.

Table 2 – Trip Generation Summary

ITE CODE	LAND USE	SIZE	TOTAL TRIPS GENERATED						
			24 HOUR	AM PEAK HOUR			PM PEAK HOUR		
				ENTER	EXIT	TOTAL	ENTER	EXIT	TOTAL
210	Single-Family Detached Housing	194 DU	1,829	34	102	136	115	67	182
<i>Total:</i>			1,829	34	102	136	115	67	182

Key: DU = Dwelling Units.

Note: All data and calculations above are subject to being rounded to nearest value.

As Table 2 shows, development Phase Two has the potential to generate approximately 1,829 daily trips with 136 of those occurring during the morning peak hour and 182 during the afternoon peak hour.

Trip Generation Distribution and Assignment

Overall directional distribution of site-generated traffic can be assumed based on the location of the site within the Town, proposed and existing area land uses, allowed turning movements, and the available roadway network.

Considering development of Phase Two and in reference to assumptions defined within the Blue Lake Subdivision Traffic Impact Study, it can reasonably be expected that as much as 20 to 25 percent of site-generated traffic will come to/from the north along WCR 37 and 45 to 65 percent to/from the south.

As a result, no site traffic from Phase Two of Blue Lake Subdivision Filing No. 2 is expected to enter the site from the north by turning right onto Park Boulevard. The majority of ingress traffic will likely turn right onto Horizon Avenue or a minor amount turning right at Westin Avenue.

Similarly, with the relatively minor increase in daily and peak hour trips expected to travel southbound along WCR 37, the expansion of WCR 37 is not expected to be needed at this stage of development.

Analysis Conclusion

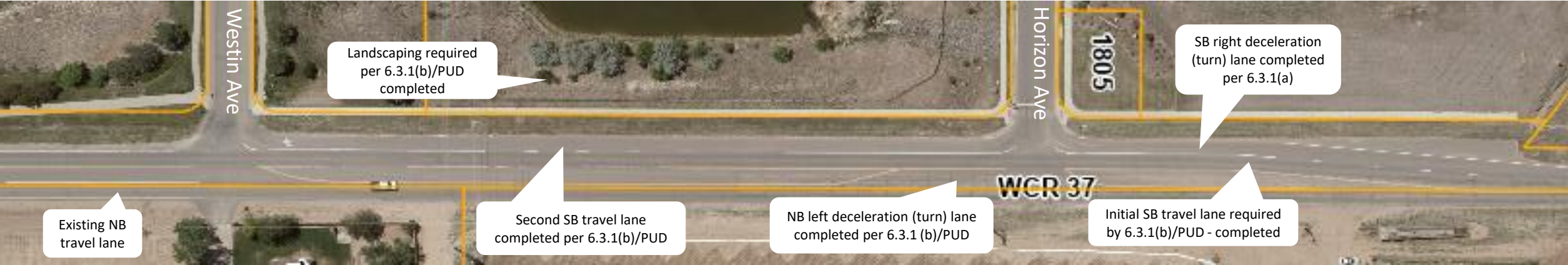
Preliminary analysis results from site trip generation estimates and previously approved traffic distribution patterns suggest that Phase Two of the Blue Lake Subdivision Filing No. 2 development will not trigger the need for exclusive turns lanes along WCR 37 at Park Boulevard nor the need to widen the west side of WCR 37 from Horizon Avenue south to Park Boulevard.

Furthermore, it is understood that existing the longitudinal slope and cross slope of WCR 37 do not meet Town standards. To widen the west side of WCR 37 would result in a new improvement continuing to not meet Town standards. A reasonable alternative to non-compliant construction could be to provide cash-in-lieu of roadway widening responsibility to Town for overall roadway improvement project.

Exhibit A: Blue Lake – CR 37 Outstanding Developer Obligations

 Remaining Obligations

CR 37 North Segment – Westin Ave to north property line (improvements substantially complete)



CR 37 South Segment – Westin Ave to south property line



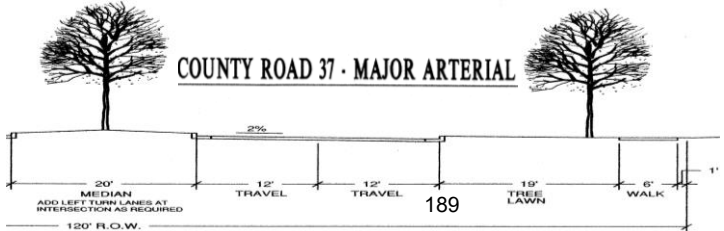
Annexation Agreement Requirements for CR 37:

Developer is required to complete the west half of CR 37 prior to construction of the 500th home in Blue Lake/Bella Vista.

6.3.1 *Weld County Road 37.* Annexor or the applicable District will construct the portion of Weld County Road 37 abutting the Property according to the following phasing schedule: (a) upon the issuance of the first building permit for a residential unit within the Property, the northbound left turn deceleration lane into the Project entrance and a southbound right turn deceleration lane will be constructed; (b) upon the issuance of the 500th building permit for a residential unit within the Project, the west ½ of the four lane Major Arterial street standard adjacent to the Property will be constructed. As Weld County Road 37 is ultimately designed to accommodate six lanes, Annexor will not be responsible for the construction of any curb and gutter associated with Weld County Road 37, but Annexor will dedicate one-half (½) of the full width of the final six-lane cross section.

PUD defines what design features CR 37 must have:

Median with integrated turn lanes; two one-way southbound travel lanes; tree lawn; six-foot sidewalks along frontage.



Developer has already provided the following:

- Eight-foot sidewalks
- Northbound turn lane
- Southbound turn lane
- Striped median
- Trees/Landscaping
- Initial SB travel lane along
- Second SB travel lane from north property line to Westin Ave.

Developer still needs to provide the following:

- **Second southbound travel lane from Westin Ave. to southern property line.**