



**Garden  
Spot of  
Colorado**

**MEETING OF THE TOWN BOARD  
Town Board Room  
807 Mountain Avenue  
Town of Berthoud, Colorado  
Tuesday, March 12, 2024, 6:30 p.m.**

This is an IN-PERSON meeting at the location and time noted above.  
You may also join virtually using Zoom: Phone: 1-346-248-7799 or 301-715-8592  
Web: [www.zoom.us/join](http://www.zoom.us/join) Use this Meeting ID: 210 035 9423

The Town Board may take action on any of the following agenda items as presented or modified prior to or during the meeting and items necessary or convenient to effectuate the agenda items.

1. Meeting Called To Order - Mayor William Karspeck
2. Pledge Of Allegiance - Mayor William Karspeck
3. Roll Call - Mayor William Karspeck
4. Citizen Participation
5. Scheduled Items And Estimated Time For Discussion
  - 5.I. Consent Agenda  
Introduction By: Christian Samora

Documents:

[MEMO RE CONSENT AGENDA.PDF](#)  
[A. MARCH 12, 2024 MEETING AGENDA.PDF](#)  
[B. FEBRUARY 27, 2024 MEETING MINUTES.PDF](#)  
[C. DECEMBER 2023 FINANCIAL INFORMATION.PDF](#)  
[D. ARBORETUM DESIGN PROPOSAL.PDF](#)

- 5.II. Arbor Day Proclamation  
Introduction By: Keith Knoll

Documents:

[MEMO RE ARBOR DAY PROCLAMATION.PDF](#)  
[ARBOR DAY PROCLAMATION 2024.PDF](#)

5.III. General Code Amendments Regarding Sign Code - Ord 1334 - Public Hearing  
Introduction By: Anne Johnson

Documents:

[MEMO RE GENERAL CODE AMENDMENTS - ORD 1334.PDF](#)  
[A. DRAFT PC MINUTES.PDF](#)  
[B. ORDINANCE 1334 \(24\) SIGN CODE.PDF](#)  
[C. PUBLIC NOTICE, SIGN CODE.PDF](#)  
[D. APPENDICES A - E.PDF](#)

5.IV. General Code Amendments Regarding Innovation District/1st Street Corridor- Ord 1335-  
Public Hearing  
Introduction By: Anne Johnson

Documents:

[MEMO RE GENERAL CODE AMENDMENTS - ORD 1335.PDF](#)  
[A. DRAFT PC MINUTES.PDF](#)  
[B. PUBLIC NOTICE\\_FIRST STREET OVERLAY.PDF](#)  
[C. ORDINANCE 1335 \(24\) INNOVATION DISTRICT.PDF](#)  
[D. APPENDIX A 1ST ORDINANCE ATTACHMENT.PDF](#)  
[E. 1ST MASTER PLAN, APRIL 25 2023.PDF](#)

5.V. Oil And Gas Regulations - Introduction  
Introduction By: Mike Foote

Documents:

[MEMO RE OIL AND GAS REGULATIONS.PDF](#)  
[A. ORDINANCE 1336 SERIES 2024.PDF](#)  
[B. ORDINANCE 1336 SERIES 2024 ATTACHMENT.PDF](#)  
[C. PUBLICATION BERTHOUD DEVELOPMENT CODE OIL AND GAS.PDF](#)  
[D. API\\_BOARD\\_MEMORANDUM\\_W\\_ATTACHMENT.PDF](#)

6. Elected Official Reports

1. Town Board - Tim Hardy, May Albrecht, Mike Grace, Sean Murphy, Karl Ayers, and Chris Kurtz.
2. Mayor - William Karspeck
3. Staff - Town Administrator, Attorney

7. Executive Session

Pursuant to C.R.S. § 24-6-402(4)(e)(I) to determine positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators.

The following is provided for informational purposes: 1<sup>st</sup> Street Sewer Easements

To conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions pursuant to C.R.S. Section 24-6-402(4)(b).

The following is provided for informational purposes: Potential Litigation



8. Adjourn

*The order of agenda items listed above is approximate and intended as a guideline for the*

Town Board. Individuals needing special accommodation may request assistance by contacting the Town Clerk 807 Mountain Avenue, Berthoud, Colorado 80513, 970-532-2643 at least 24 hours in advance.

# BOARD OF TRUSTEES INFORMATION



## ADMINISTRATION DEPARTMENT

|                              |                                                                                                          |
|------------------------------|----------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>         | <b>March 12, 2024</b>                                                                                    |
| <b>Agenda Title/Subject:</b> | <b>Consent Agenda</b>                                                                                    |
| <b>Type of Item:</b>         | <b>Regular Item</b>                                                                                      |
| <b>Purpose:</b>              | <b>The Consent Agenda contains routine items that can be approved with a single action by the Board.</b> |
| <b>Presented by:</b>         | <b>Christian Samora</b>                                                                                  |

### ATTACHMENTS:

- a) March 12, 2024, Meeting Agenda
- b) February 27, 2024, Meeting Minutes
- c) December 2023 Financial Information
- d) Arboretum Design Contract

### BACKGROUND:

"Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The mayor will ask if any Board Member wishes to remove an item for separate discussion. Items removed from the consent agenda should be considered immediately following adoption of the amended Consent Agenda.

### UPDATE/NEXT STEPS:

Any updates or next steps for the items on the Consent Agenda will be articulated in the information sheet provided for each item on the Consent Agenda.

### FISCAL IMPACT AND FUND SOURCE:

Any fiscal information for the items on the Consent Agenda will be articulated in the information sheet provided for each item on the Consent Agenda.

### COMMUNITY TOUCHSTONES:

Any Community Touchstones for the items on the Consent Agenda will be articulated in the information sheet provided for each item on the Consent Agenda.

### RECOMMENDED ACTION(S):

**"Move to combine and approve the items on the Consent Agenda."**

**Followed by a second and a vote.**



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**Use this Meeting ID:** 210 035 9423

Please note that you will need to call into the meeting if you wish to speak and do not have a microphone on your computer. If you are using a mobile device, it is highly recommended that you download the **Zoom app**.

*The Town Board may take action on any of the following agenda items as presented or modified prior to or during the meeting and items necessary or convenient to effectuate the agenda items.*

- I. REGULAR MEETING CALLED TO ORDER** – Mayor William Karspeck
- II. PLEDGE OF ALLEGIANCE** – Mayor William Karspeck
- III. ROLL CALL** – Mayor William Karspeck
- IV. CITIZEN PARTICIPATION**
- V. SCHEDULED ITEMS and ESTIMATED TIMES FOR DISCUSSION**
  - 1. Consent Agenda** (Christian Samora) (5 Min)  
*Consent Agenda items are considered to be routine by the Town Board and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately.*
    - a) March 12, 2024, Meeting Agenda
    - b) February 27, 2024, Meeting Minutes
    - c) December 2023 Financial Information
    - d) Arboretum Design Contract
  - 2. Arbor Day Proclamation** (Paul Furnas) (5 Min)
  - 3. General Code Amendments – Public Hearing** (Anne Johnson) (30 Min)  
Ordinance 1334 – An ordinance amending certain sections of the Berthoud Municipal Code Chapter 30, to support the sign code. Specifically, Sections 1, 3 and 7 are proposed for amendment.
  - 4. General Code Amendments – Public Hearing** (Anne Johnson) (15 Min)  
Ordinance 1335 – An ordinance adding Section 3 to the Berthoud Municipal Code Chapter 30, to support the 2023 adoption of the Innovation District/1<sup>st</sup> Street Corridor Guidelines.

*March 12, 2024, Meeting Agenda*

*The order of agenda items listed above is approximate and intended as a guideline for the Town Board. Individuals needing special accommodation may request assistance by contacting the Town Clerk 807 Mountain Avenue, Berthoud, Colorado 80513, 970-532-2643 at least 24 hours in advance.*

5. **Oil and Gas Regulations – Introduction** (Mike Foote) (45 Min)  
Ordinance 1336 – An ordinance amending the Town of Berthoud’s oil and gas regulations, Municipal Code Chapter 30, Section 11

**VI. ELECTED OFFICIAL REPORTS (10 Min)**

1. Town Board – Tim Hardy, May Albrecht, Mike Grace, Sean Murphy, Karl Ayers, and Chris Kurtz
2. Mayor – William Karspeck
3. Staff – Town Administrator, Attorney

**VII. EXECUTIVE SESSION**

To determine positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators pursuant to C.R.S. Section 24-6-402(4)(e)(I).

The following is provided for informational purposes: 1<sup>st</sup> Street Sewer Easements

To conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions pursuant to C.R.S. Section 24-6-402(4)(b).

The following is provided for informational purposes: Potential Litigation

**VIII. ADJOURN**

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Town Clerk or Deputy Town Clerk

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William Karspeck, Mayor

*March 12, 2024, Meeting Agenda*

*The order of agenda items listed above is approximate and intended as a guideline for the Town Board. Individuals needing special accommodation may request assistance by contacting the Town Clerk 807 Mountain Avenue, Berthoud, Colorado 80513, 970-532-2643 at least 24 hours in advance.*



## **MEETING MINUTES OF THE TOWN BOARD**

**Town Board Room  
807 Mountain Avenue  
Town of Berthoud, Colorado  
Tuesday, February 27, 2024, 6:30 p.m.**

2/27/2024 - Minutes

1. Meeting Called To Order - Mayor William Karspeck

Mayor Karspeck called the meeting to order at 6:30 pm.

2. Pledge Of Allegiance - Mayor William Karspeck

Mayor Karspeck led the Pledge of Allegiance.

3. Roll Call - Mayor William Karspeck

The following Board members were present:

Karl Ayers, Trustee  
Chris Kurtz, Trustee  
Tim Hardy, Trustee  
Sean Murphy, Trustee  
Will Karspeck, Mayor

The following Board members were absent:

May Albrecht, Trustee  
Mike Grace, Mayor Pro-Tem

The following staff members were present:

Chris Kirk, Town Administrator  
Christian Samora, Town Clerk  
Lexi Weissman, Deputy Town Clerk  
Keith Knoll, Public Works Operational Manager  
Anne Johnson, Community Development Director

4. Citizen Participation

Rick Rupp spoke regarding trails and gated communities.  
Brian Laak spoke regarding gated communities.

5. Scheduled Items And Estimated Time For Discussion

5.1. Consent Agenda

Items:

- a) February 27, 2024 Meeting Agenda
- b) February 13, 2024 Meeting Minutes

**Trustee Kurtz moved to combine and approve the items on the Consent Agenda. Trustee Ayers seconded the motion. In a 5-0 roll call vote, THE MOTION CARRIED.**

5.II. Water Resources Update

Pete Johnson gave a presentation to update the Board on the Town's water resources.

5.III. Road And Sidewalk Project 2024

Public Works Operational Manager, Keith Knoll, gave a presentation on the Town's Road and Sidewalk Project for 2024.

Mayor Karspeck opened the topic up to public comment.  
No one spoke during public comment.

**Trustee Ayers moved to direct staff to proceed with soliciting bids for the 2024 Road and Sidewalk Projects. Trustee Murphy seconded the motion. In a 5-0 roll call vote, THE MOTION CARRIED.**

5.IV. Naming Of Mountain Vista Park

Public Works Operational Manager, Keith Knoll, gave a presentation on Mountain Vista Park.

Mayor Karspeck opened the topic to public comment.  
Lauren Roth, Sarah Lincoln, and Carolyn Hobson spoke during public comment.  
Mayor Karspeck closed the public comment.

**The Board was supportive of having a community survey completed regarding the name of the Park and the priority of the amenities at the Park.**

Mayor Karspeck called for a 5 minute break.

5.V. Parks Capital Projects Discussion

Public Works Operational Manager, Keith Knoll, gave a presentation on the Parks Capital Projects.

Mayor Karspeck opened the topic up to public comment.  
Jane Vielehr spoke during public comment.  
Mayor Karspeck closed public comment.

**Trustee Kurtz moved to extend the meeting past 9:30 pm to 10:30 pm. Trustee Murphy seconded the motion. By unanimous agreement, THE MOTION CARRIED.**

**The Board was supportive of Keith and the PORT Committee creating a community survey regarding Town park priorities.**

5.VI. General Code Amendments - Introduction

Community Development Director, Anne Johnson, gave an introduction on the general code amendments.

**The Board was supportive of bringing the ordinances back for consideration at a Public Hearing on March 12, 2024.**

6. Elected Official Reports

Trustee Hardy:

Hardy reported on bee presence in the spring and the Bee Swarm Hotline.

Trustee Murphy:

Murphy reported on activity with the upcoming passenger rail, and several senate bills, including Bill 24-092 regarding cost effective energy codes. Murphy also reported on Tree Committee plans for Arbor Day.

Trustee Ayers:

Ayers thanked Trustee Murphy for his work with the passenger rail. Ayers inquired about public use for lakes/reservoirs and trails within the Town.

Mayor Karspeck:

Mayor Karspeck expressed gratitude to Trustee Murphy regarding the passenger rail. Karspeck inquired about CML event dates and mentioned the upcoming House of Neighborly Service benefit.

Administrator Kirk:

Kirk reported on a grant through DOLA for a Housing Diversity Plan.

## 7. Adjourn

The meeting was adjourned at 10:26 pm.

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Town Clerk or Deputy Town Clerk

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William Karspeck, Mayor

# TOWN OF BERTHOUD AT A GLANCE

## Monthly Report DECEMBER 2023

- Sales & Use Tax revenue is 48% **over** budget for the month of November; \$1,093,372 was received and \$739,250 was budgeted.
- Town Revenue through December including transfers between funds is 55% **over** budget for 2023.
- Town Expenditures through December are 49% **under** budget for 2023.

### Sales Tax Review

| DECEMBER | Berthoud<br>Sales Tax | Motor<br>Vehicle Use<br>Tax | Building<br>Materials Use<br>Tax | Combined<br>Total |
|----------|-----------------------|-----------------------------|----------------------------------|-------------------|
| 2023     | 746,213.75            | 145,776.59                  | 201,381.42                       | 1,093,371.76      |
| 2022     | 735,766.43            | 116,254.63                  | 174,362.73                       | 1,026,383.79      |
| 2021     | 635,982.96            | 103,650.86                  | 251,477.61                       | 991,111.43        |
| 2020     | 483,565.26            | 73,056.91                   | 260,795.07                       | 817,417.24        |

**SALES TAX YEAR-TO-DATE FOR 2023**

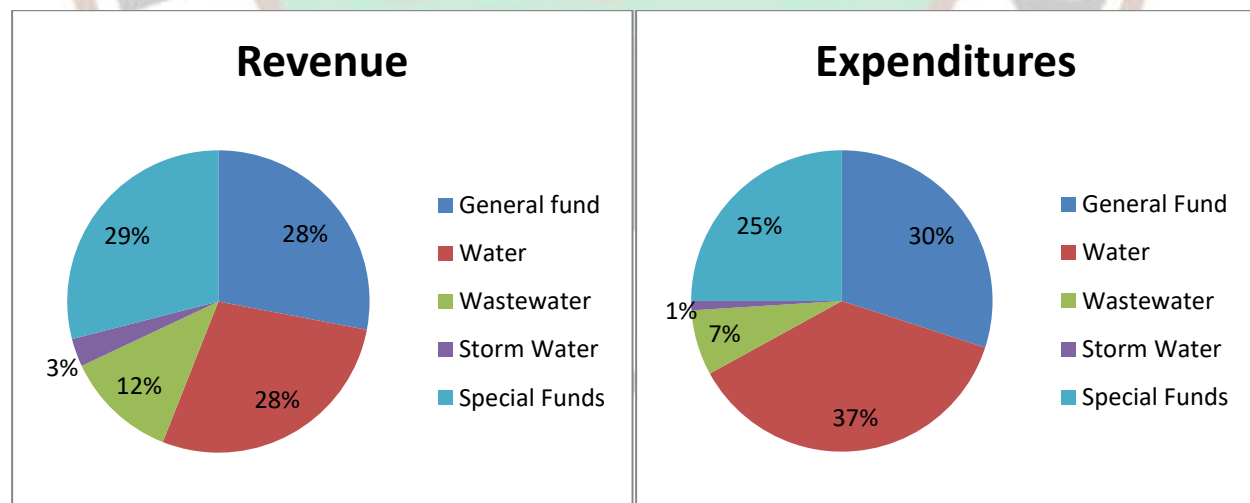
**\$12,556,449.19**



COMBINED STATEMENT OF REVENUES AND EXPENDITURES  
DECEMBER 2023

| REVENUE              | Current Month    | YTD Actual        | YTD Budget        | % of YTD Budget | % of Annual Budget |
|----------------------|------------------|-------------------|-------------------|-----------------|--------------------|
| General Fund         | 1,881,842        | 13,802,844        | 10,314,562        | 134%            | 134%               |
| Water                | 1,455,959        | 14,019,510        | 6,884,894         | 204%            | 204%               |
| Wastewater           | 541,191          | 6,111,957         | 4,530,510         | 135%            | 135%               |
| Storm Water          | 121,026          | 1,337,980         | 787,600           | 170%            | 170%               |
| Special Funds        | 2,522,664        | 14,129,010        | 9,333,450         | 151%            | 151%               |
| <b>TOTAL REVENUE</b> | <b>6,522,682</b> | <b>49,401,301</b> | <b>31,851,016</b> | <b>155%</b>     | <b>155%</b>        |
|                      |                  |                   |                   |                 |                    |

| EXPENDITURES              | Current Month     | YTD Actual        | YTD Budget        | % of YTD Budget | % of Annual Budget |
|---------------------------|-------------------|-------------------|-------------------|-----------------|--------------------|
| General Fund              | 1,943,349         | 12,745,604        | 19,693,304        | 65%             | 65%                |
| Water                     | 8,605,664         | 15,529,996        | 35,755,155        | 43%             | 43%                |
| Wastewater                | 233,246           | 3,041,155         | 7,960,085         | 38%             | 38%                |
| Storm Water               | 10,254            | 93,487            | 698,370           | 13%             | 13%                |
| Special Funds             | 1,101,045         | 10,484,390        | 18,024,374        | 58%             | 58%                |
| <b>TOTAL EXPENDITURES</b> | <b>11,893,558</b> | <b>41,894,632</b> | <b>82,131,288</b> | <b>51%</b>      | <b>51%</b>         |
|                           |                   |                   |                   |                 |                    |

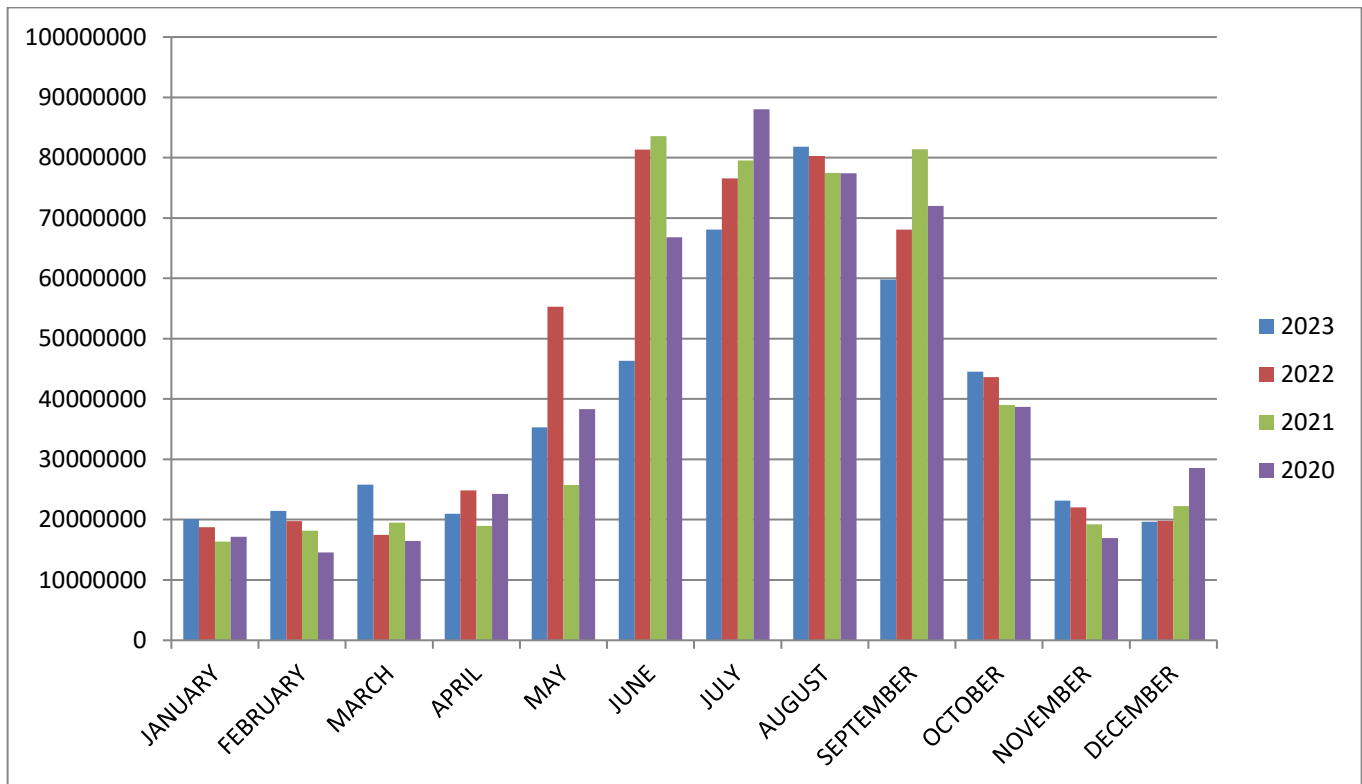


2023

|                       | YEAR TO DATE TOTALS<br>THRU DECEMBER 2023 |
|-----------------------|-------------------------------------------|
| Single Family Permits | 220                                       |
| Overall Permit Total  | 748                                       |
| Water Gallons Billed  | 467,007,000                               |
| Passports             | 1216                                      |
| Cemetery              | 24 Funerals                               |
|                       |                                           |

| Building Permit & Permit Valuation by Year & 2023 YTD |               |               |               |               |               |
|-------------------------------------------------------|---------------|---------------|---------------|---------------|---------------|
|                                                       | 2019          | 2020          | 2021          | 2022          | 2023 YTD      |
| Single-Family home permits                            | 448           | 505           | 508           | 222           | 220           |
| All permits (roofing, decks, additions, etc.)         | 752           | 934           | 1110          | 809           | 748           |
| Total Permit Value                                    | \$124,840,545 | \$119,451,932 | \$238,661,288 | \$164,526,847 | \$119,408,321 |

## BERTHOUD WATER USAGE



## Personnel Summary

|                      | Full-time | Part-time | Seasonal |
|----------------------|-----------|-----------|----------|
| Administration       | 13        |           |          |
| Code Enforcement     | 1         |           |          |
| Economic Development | 1         |           |          |
| Planning-Building    | 5         |           |          |
| Streets              | 6         |           |          |
| Recreation           | 4         |           |          |
| Rec Center           | 7         | 80        |          |
| Parks-Forestry       | 11        |           |          |
| BATS                 | 1         | 1         |          |
| Water-Wastewater     | 7         |           |          |

# DECEMBER 2023

Beginning and ending fund balances are not included in YTD and TOTAL Budget columns.

|                                        | <u>GENERAL FUND</u>    |                         |                         |                          | <u>PERCENTAGE</u>    |
|----------------------------------------|------------------------|-------------------------|-------------------------|--------------------------|----------------------|
|                                        | <u>REVENUE</u>         |                         |                         |                          | <u>YTD ACTUAL vs</u> |
|                                        | <u>CURRENT MONTH</u>   | <u>YTD ACTUAL</u>       | <u>YTD BUDGET</u>       | <u>TOTAL 2023 BUDGET</u> | <u>YTD BUDGET</u>    |
| TAXES                                  | \$ 1,499,234.80        | \$ 9,203,321.35         | \$ 7,485,600.00         | \$ 7,485,600.00          | 122.9%               |
| LICENSES & PERMITS                     | \$ 21,234.55           | \$ 236,902.33           | \$ 244,000.00           | \$ 244,000.00            | 97.1%                |
| INTERGOVERNMENTAL REVENUE              | \$ 70,283.51           | \$ 540,163.12           | \$ 391,084.00           | \$ 391,084.00            | 138.1%               |
| FINES                                  | \$ 1,645.00            | \$ 27,612.00            | \$ 15,500.00            | \$ 15,500.00             | 178.1%               |
| MISCELLANEOUS                          | \$ 249,096.53          | \$ 3,169,830.98         | \$ 1,568,000.00         | \$ 1,568,000.00          | 202.2%               |
| TRANSFERS                              | \$ 30,045.19           | \$ 359,774.04           | \$ 356,313.00           | \$ 356,313.00            | 101.0%               |
| PROPERTY SALES & DONATIONS & INS CLAIM | \$ -                   | \$ 15,827.28            | \$ -                    | \$ -                     | 0.0%                 |
| RECREATION                             | \$ 1,535.04            | \$ 137,083.34           | \$ 155,855.00           | \$ 155,855.00            | 88.0%                |
| PARKS                                  | \$ 120.00              | \$ 9,593.00             | \$ 7,700.00             | \$ 7,700.00              | 124.6%               |
| LEASE REVENUE                          | \$ 8,647.30            | \$ 102,736.44           | \$ 90,510.00            | \$ 90,510.00             | 113.5%               |
| <b>TOTAL REVENUE GENERAL FUND</b>      | <b>\$ 1,881,841.92</b> | <b>\$ 13,802,843.88</b> | <b>\$ 10,314,562.00</b> | <b>\$ 10,314,562.00</b>  | <b>133.8%</b>        |

| <u>ADMINISTRATION</u>                   |                      |                        |                        |                          | <u>PERCENTAGE</u>    |
|-----------------------------------------|----------------------|------------------------|------------------------|--------------------------|----------------------|
|                                         |                      |                        |                        |                          | <u>YTD ACTUAL vs</u> |
| <u>EXPENDITURES</u>                     | <u>CURRENT MONTH</u> | <u>YTD ACTUAL</u>      | <u>YTD BUDGET</u>      | <u>TOTAL 2023 BUDGET</u> | <u>YTD BUDGET</u>    |
| ADMIN SALARIES/TAXES/BENEFITS           | \$ 178,043.60        | \$ 1,365,952.46        | \$ 1,457,659.00        | \$ 1,457,659.00          | 93.7%                |
| GENERAL OFFICE OTHER                    | \$ 28,051.95         | \$ 579,383.41          | \$ 661,355.00          | \$ 661,355.00            | 87.6%                |
| ELECTIONS                               | \$ -                 | \$ 778.00              | \$ 6,000.00            | \$ 6,000.00              | 0.0%                 |
| MUNICIPAL COURT                         | \$ 4,311.22          | \$ 43,033.67           | \$ 43,800.00           | \$ 43,800.00             | 98.3%                |
| BOARD & BOARD MEETINGS                  | \$ 9,641.31          | \$ 79,992.05           | \$ 64,100.00           | \$ 64,100.00             | 124.8%               |
| FINANCE                                 | \$ -                 | \$ 9,779.80            | \$ 20,000.00           | \$ 20,000.00             | 48.9%                |
| BUILDING MAINTENANCE                    | \$ 3,377.08          | \$ 63,847.72           | \$ 106,000.00          | \$ 106,000.00            | 60.2%                |
| COMMUNITY SUPPORT                       | \$ -                 | \$ 69,877.14           | \$ 7,000.00            | \$ 7,000.00              | 998.2%               |
| NON-ENTITLEMENT FUNDS                   | \$ -                 | \$ -                   | \$ -                   | \$ -                     | 0.0%                 |
| TRANSFERS                               | \$ 1,666.63          | \$ 20,000.00           | \$ 20,000.00           | \$ 20,000.00             | 100.0%               |
| <b>TOTAL ADMIN EXPENDITURES</b>         | <b>\$ 225,091.79</b> | <b>\$ 2,232,644.25</b> | <b>\$ 2,385,914.00</b> | <b>\$ 2,385,914.00</b>   | <b>93.6%</b>         |
|                                         |                      |                        |                        |                          |                      |
| <u>PUBLIC SAFETY DEPARTMENT</u>         |                      |                        |                        |                          | <u>PERCENTAGE</u>    |
|                                         |                      |                        |                        |                          | <u>YTD ACTUAL vs</u> |
| <u>EXPENDITURES</u>                     | <u>CURRENT MONTH</u> | <u>YTD ACTUAL</u>      | <u>YTD BUDGET</u>      | <u>TOTAL 2023 BUDGET</u> | <u>YTD BUDGET</u>    |
| CODE ENFORCEMENT (INCLUDES SALARY)      | \$ 8,329.87          | \$ 63,946.28           | \$ 86,616.00           | \$ 86,616.00             | 73.8%                |
| TELEPHONE/OFFICE SUPPLIES/ADMIN         | \$ 730.00            | \$ 1,852.17            | \$ 7,500.00            | \$ 7,500.00              | 24.7%                |
| ANIMAL CONTROL                          | \$ 3,826.83          | \$ 45,921.96           | \$ 46,000.00           | \$ 46,000.00             | 99.8%                |
| TRAFFIC CONTROL/PEDESTRIAN SAFETY       | \$ -                 | \$ -                   | \$ 1,000.00            | \$ 1,000.00              | 0.0%                 |
| DRUG EDUCATION                          | \$ -                 | \$ -                   | \$ 17,000.00           | \$ 17,000.00             | 0.0%                 |
| LARIMER COUNTY SHERIFF                  | \$ 565,086.00        | \$ 2,260,344.00        | \$ 2,265,000.00        | \$ 2,265,000.00          | 99.8%                |
| <b>TOTAL PUBLIC SAFETY EXPENDITURES</b> | <b>\$ 577,972.70</b> | <b>\$ 2,372,064.41</b> | <b>\$ 2,423,116.00</b> | <b>\$ 2,423,116.00</b>   | <b>97.9%</b>         |
|                                         |                      |                        |                        |                          |                      |
| <u>STREETS DEPARTMENT</u>               |                      |                        |                        |                          | <u>PERCENTAGE</u>    |
|                                         |                      |                        |                        |                          | <u>YTD ACTUAL vs</u> |
| <u>EXPENDITURES</u>                     | <u>CURRENT MONTH</u> | <u>YTD ACTUAL</u>      | <u>YTD BUDGET</u>      | <u>TOTAL 2023 BUDGET</u> | <u>YTD BUDGET</u>    |
| SALARIES/TAXES/BENEFITS                 | \$ 64,294.31         | \$ 426,975.43          | \$ 500,766.00          | \$ 500,766.00            | 85.3%                |
| ADMINISTRATION OTHER                    | \$ 3,012.89          | \$ 21,465.04           | \$ 48,000.00           | \$ 48,000.00             | 44.7%                |
| STREET REPAIR/MAINTENANCE               | \$ 17,237.86         | \$ 217,706.44          | \$ 259,500.00          | \$ 259,500.00            | 83.9%                |
| WEED CONTROL                            | \$ -                 | \$ 10,459.09           | \$ 3,000.00            | \$ 3,000.00              | 348.6%               |
| SIGNAGE                                 | \$ 8,978.14          | \$ 41,517.97           | \$ 40,000.00           | \$ 40,000.00             | 103.8%               |
| SNOW REMOVAL                            | \$ -                 | \$ 66,468.81           | \$ 115,000.00          | \$ 115,000.00            | 57.8%                |
| SHOP & VEHICLE MAINTENANCE              | \$ 3,579.30          | \$ 103,879.75          | \$ 152,000.00          | \$ 152,000.00            | 68.3%                |
| <b>TOTAL STREETS EXPENDITURES</b>       | <b>\$ 97,102.50</b>  | <b>\$ 888,472.53</b>   | <b>\$ 1,118,266.00</b> | <b>\$ 1,118,266.00</b>   | <b>79.5%</b>         |

**RECREATION DEPARTMENT****PERCENTAGE****YTD ACTUAL vs**

| <b>EXPENDITURES</b>                    | <b>CURRENT MONTH</b> | <b>YTD ACTUAL</b>    | <b>YTD BUDGET</b>    | <b>TOTAL 2023 BUDGET</b> | <b>YTD BUDGET</b> |
|----------------------------------------|----------------------|----------------------|----------------------|--------------------------|-------------------|
| ADMIN SALARIES/TAXES/BENEFITS          | \$ 45,384.11         | \$ 328,543.59        | \$ 347,029.00        | \$ 347,029.00            | 94.7%             |
| ADMINISTRATION (SUPPLIES, CONCESSIONS) | \$ 980.63            | \$ 40,680.24         | \$ 70,080.00         | \$ 70,080.00             | 58.0%             |
| FLAG FOOTBALL                          | \$ -                 | \$ 8,872.66          | \$ 12,550.00         | \$ 12,550.00             | 70.7%             |
| TRACK                                  | \$ -                 | \$ 4,776.04          | \$ 4,810.00          | \$ 4,810.00              | 99.3%             |
| TENNIS                                 | \$ -                 | \$ 3,934.25          | \$ 8,580.00          | \$ 8,580.00              | 45.9%             |
| ADULT SOFTBALL                         | \$ -                 | \$ -                 | \$ 5,140.00          | \$ 5,140.00              | 0.0%              |
| YOUTH BASEBALL                         | \$ -                 | \$ 16,513.98         | \$ 17,700.00         | \$ 17,700.00             | 93.3%             |
| YOUTH SOFTBALL                         | \$ -                 | \$ 6,903.93          | \$ 10,658.00         | \$ 10,658.00             | 64.8%             |
| ADULT KICKBALL                         | \$ 44.97             | \$ 2,407.97          | \$ 3,820.00          | \$ 3,820.00              | 63.0%             |
| SOCCER                                 | \$ 63.99             | \$ 13,563.68         | \$ 21,560.00         | \$ 21,560.00             | 62.9%             |
| CAMPS/TOURNAMENTS                      | \$ -                 | \$ 5,021.52          | \$ 6,300.00          | \$ 6,300.00              | 79.7%             |
| ADDITIONAL PROGRAMS                    | \$ -                 | \$ -                 | \$ 7,230.00          | \$ 7,230.00              | 0.0%              |
| <b>TOTAL RECREATION EXPENDITURES</b>   | <b>\$ 46,473.70</b>  | <b>\$ 431,217.86</b> | <b>\$ 515,457.00</b> | <b>\$ 515,457.00</b>     | <b>83.7%</b>      |

**PARKS DEPARTMENT****PERCENTAGE****YTD ACTUAL vs**

| <b>EXPENDITURES</b>             | <b>CURRENT MONTH</b> | <b>YTD ACTUAL</b>      | <b>YTD BUDGET</b>      | <b>TOTAL 2023 BUDGET</b> | <b>YTD BUDGET</b> |
|---------------------------------|----------------------|------------------------|------------------------|--------------------------|-------------------|
| SALARIES/TAXES/BENEFITS         | \$ 68,819.52         | \$ 457,524.28          | \$ 625,117.00          | \$ 625,117.00            | 73.2%             |
| ADMINISTRATION OTHER            | \$ 4,121.99          | \$ 18,922.73           | \$ 37,550.00           | \$ 37,550.00             | 50.4%             |
| INSECT CONTROL                  | \$ -                 | \$ 33,167.00           | \$ 45,000.00           | \$ 45,000.00             | 73.7%             |
| FACILITIES MAINTENANCE          | \$ 1,919.57          | \$ 48,775.56           | \$ 52,500.00           | \$ 52,500.00             | 92.9%             |
| TURF/BALLFIELDS                 | \$ 1,840.00          | \$ 66,326.52           | \$ 87,000.00           | \$ 87,000.00             | 76.2%             |
| GENERAL PARKS                   | \$ 5,065.04          | \$ 82,607.62           | \$ 86,500.00           | \$ 86,500.00             | 95.5%             |
| FLEET MAINTENANCE               | \$ 2,221.40          | \$ 22,951.87           | \$ 23,000.00           | \$ 23,000.00             | 99.8%             |
| SEASONAL DECORATIONS/BANNERS    | \$ 463.56            | \$ 9,003.22            | \$ 22,000.00           | \$ 22,000.00             | 40.9%             |
| TRANSFER TO FORESTRY            | \$ 41,666.63         | \$ 500,000.00          | \$ 500,000.00          | \$ 500,000.00            | 100.0%            |
| <b>TOTAL PARKS EXPENDITURES</b> | <b>\$ 126,117.71</b> | <b>\$ 1,239,278.80</b> | <b>\$ 1,478,667.00</b> | <b>\$ 1,478,667.00</b>   | <b>83.8%</b>      |

**ECONOMIC DEVELOPMENT****PERCENTAGE****YTD ACTUAL vs**

| <b>EXPENDITURES</b>                    | <b><u>CURRENT MONTH</u></b> | <b><u>YTD ACTUAL</u></b> | <b><u>YTD BUDGET</u></b> | <b><u>TOTAL 2023 BUDGET</u></b> | <b><u>YTD BUDGET</u></b> |
|----------------------------------------|-----------------------------|--------------------------|--------------------------|---------------------------------|--------------------------|
| SALARIES/TAXES/BENEFITS                | \$ 19,421.55                | \$ 154,827.95            | \$ 154,666.00            | \$ 154,666.00                   | 100.1%                   |
| ADMINISTRATION OTHER                   | \$ 1,060.90                 | \$ 7,091.66              | \$ 9,790.00              | \$ 9,790.00                     | 72.4%                    |
| BUSINESS DEVELOPMENT/MARKETING         | \$ 21,375.87                | \$ 88,742.77             | \$ 96,710.00             | \$ 96,710.00                    | 91.8%                    |
| GRANTS - MARKET STUDY & FAÇADE/SIGN    | \$ -                        | \$ -                     | \$ 50,000.00             | \$ 50,000.00                    | 0.0%                     |
| <b>TOTAL ECONOMIC DEV EXPENDITURES</b> | <b>\$ 41,858.32</b>         | <b>\$ 250,662.38</b>     | <b>\$ 311,166.00</b>     | <b>\$ 311,166.00</b>            | <b>80.6%</b>             |

**BUILDING DEPARTMENT****PERCENTAGE****YTD ACTUAL vs**

| <b>EXPENDITURES</b>                          | <b><u>CURRENT MONTH</u></b> | <b><u>YTD ACTUAL</u></b> | <b><u>YTD BUDGET</u></b> | <b><u>TOTAL 2023 BUDGET</u></b> | <b><u>YTD BUDGET</u></b> |
|----------------------------------------------|-----------------------------|--------------------------|--------------------------|---------------------------------|--------------------------|
| SALARIES/TAXES/BENEFITS                      | \$ 11,060.59                | \$ 174,128.43            | \$ 221,234.00            | \$ 221,234.00                   | 78.7%                    |
| ADMINISTRATION OTHER                         | \$ 566.27                   | \$ 3,830.05              | \$ 12,735.00             | \$ 12,735.00                    | 30.1%                    |
| INSPECTIONS                                  | \$ 41,164.46                | \$ 548,717.34            | \$ 528,000.00            | \$ 528,000.00                   | 103.9%                   |
| <b>TOTAL BUILDING DEPARMENT EXPENDITURES</b> | <b>\$ 52,791.32</b>         | <b>\$ 726,675.82</b>     | <b>\$ 761,969.00</b>     | <b>\$ 761,969.00</b>            | <b>95.4%</b>             |

**PLANNING DEPARTMENT****PERCENTAGE****YTD ACTUAL vs**

| <b>EXPENDITURES</b>                           | <b><u>CURRENT MONTH</u></b> | <b><u>YTD ACTUAL</u></b> | <b><u>YTD BUDGET</u></b> | <b><u>TOTAL 2023 BUDGET</u></b> | <b><u>YTD BUDGET</u></b> |
|-----------------------------------------------|-----------------------------|--------------------------|--------------------------|---------------------------------|--------------------------|
| SALARIES/TAXES/BENEFITS                       | \$ 37,672.72                | \$ 211,740.42            | \$ 267,888.00            | \$ 267,888.00                   | 79.0%                    |
| ADMINISTRATION OTHER                          | \$ 562.04                   | \$ 12,777.37             | \$ 21,090.00             | \$ 21,090.00                    | 60.6%                    |
| COMMISSION SUPPORT                            | \$ 433.75                   | \$ 3,135.36              | \$ 11,500.00             | \$ 11,500.00                    | 27.3%                    |
| DEVELOPMENT REVIEW                            | \$ 16,065.00                | \$ 178,577.54            | \$ 200,000.00            | \$ 200,000.00                   | 0.0%                     |
| COMPREHENSIVE PLANNING                        | \$ 12,406.10                | \$ 101,814.56            | \$ 193,000.00            | \$ 193,000.00                   | 52.8%                    |
| <b>TOTAL PLANNING DEPARTMENT EXPENDITURES</b> | <b>\$ 67,139.61</b>         | <b>\$ 508,045.25</b>     | <b>\$ 693,478.00</b>     | <b>\$ 693,478.00</b>            | <b>73.3%</b>             |

**COMMUNITY OUTREACH****PERCENTAGE****YTD ACTUAL vs**

| <b>EXPENDITURES</b>                    | <b><u>CURRENT MONTH</u></b> | <b><u>YTD ACTUAL</u></b> | <b><u>YTD BUDGET</u></b> | <b><u>TOTAL 2023 BUDGET</u></b> | <b><u>YTD BUDGET</u></b> |
|----------------------------------------|-----------------------------|--------------------------|--------------------------|---------------------------------|--------------------------|
| SALARIES/TAXES/BENEFITS                | \$ 10,886.00                | \$ 78,627.19             | \$ 63,651.00             | \$ 63,651.00                    | 123.5%                   |
| ADMINISTRATION OTHER                   | \$ 115.98                   | \$ 3,865.09              | \$ 4,445.00              | \$ 4,445.00                     | 87.0%                    |
| COMMUNITY SUPPORT                      | \$ 360.00                   | \$ 11,042.04             | \$ 37,900.00             | \$ 37,900.00                    | 29.1%                    |
| <b>TOTAL ECONOMIC DEV EXPENDITURES</b> | <b>\$ 11,361.98</b>         | <b>\$ 93,534.32</b>      | <b>\$ 105,996.00</b>     | <b>\$ 105,996.00</b>            | <b>88.2%</b>             |

**TOWN HALL-MOUNTAIN AVE****PERCENTAGE****YTD ACTUAL vs**

| <b>EXPENDITURES</b>                    | <b><u>CURRENT MONTH</u></b> | <b><u>YTD ACTUAL</u></b> | <b><u>YTD BUDGET</u></b> | <b><u>TOTAL 2023 BUDGET</u></b> | <b><u>YTD BUDGET</u></b> |
|----------------------------------------|-----------------------------|--------------------------|--------------------------|---------------------------------|--------------------------|
| INSURANCE AND TAXES                    | \$ 20,866.56                | \$ 20,866.56             | \$ 28,000.00             | \$ 28,000.00                    | 74.5%                    |
| BUILDING MAINTENANCE                   | \$ 2,293.87                 | \$ 16,683.00             | \$ 7,100.00              | \$ 7,100.00                     | 235.0%                   |
| BUILDING REPAIRS                       | \$ 136.86                   | \$ 621.86                | \$ -                     | \$ -                            | 0.0%                     |
| HOA FEES                               | \$ 3,860.86                 | \$ 46,330.32             | \$ 48,000.00             | \$ 48,000.00                    | 96.5%                    |
| PURCHASE/DEVELOPMENT EXPENSE           | \$ -                        | \$ -                     | \$ -                     | \$ -                            | 0.0%                     |
| ADMINISTRATION FEES                    | \$ -                        | \$ -                     | \$ -                     | \$ -                            | 0.0%                     |
| <b>TOTAL MOUNTAIN AVE EXPENDITURES</b> | <b>\$ 27,158.15</b>         | <b>\$ 84,501.74</b>      | <b>\$ 83,100.00</b>      | <b>\$ 83,100.00</b>             | <b>101.7%</b>            |

**PERCENTAGE****YTD ACTUAL vs**

|                                        | <b><u>CURRENT MONTH</u></b> | <b><u>YTD ACTUAL</u></b> | <b><u>YTD BUDGET</u></b> | <b><u>TOTAL 2023 BUDGET</u></b> | <b><u>YTD BUDGET</u></b> |
|----------------------------------------|-----------------------------|--------------------------|--------------------------|---------------------------------|--------------------------|
| <b>TOTAL G.F.C.I. EXPENDITURES</b>     | <b>\$ 663,647.96</b>        | <b>\$ 3,862,690.43</b>   | <b>\$ 9,680,775.00</b>   | <b>\$ 9,680,775.00</b>          | <b>39.9%</b>             |
| REMOVE OLD POOL                        | \$ -                        | \$ 375.00                | \$ -                     | \$ -                            | 0.0%                     |
| <b>TOTAL CONTRIBUTION EXPENDITURES</b> | <b>\$ 6,633.65</b>          | <b>\$ 55,440.98</b>      | <b>\$ 135,400.00</b>     | <b>\$ 135,400.00</b>            | <b>40.9%</b>             |

|                                        |                        |                         |                         |                         |
|----------------------------------------|------------------------|-------------------------|-------------------------|-------------------------|
| <b>TOTAL EXPENDITURES GENERAL FUND</b> | <b>\$ 1,943,349.39</b> | <b>\$ 12,745,603.77</b> | <b>\$ 19,693,304.00</b> | <b>\$ 19,693,304.00</b> |
|----------------------------------------|------------------------|-------------------------|-------------------------|-------------------------|

|                                        |                       |                        |                          |                          |
|----------------------------------------|-----------------------|------------------------|--------------------------|--------------------------|
| <b>TOTAL REVENUE OVER EXPENDITURES</b> | <b>\$ (61,507.47)</b> | <b>\$ 1,057,240.11</b> | <b>\$ (9,378,742.00)</b> | <b>\$ (9,378,742.00)</b> |
|----------------------------------------|-----------------------|------------------------|--------------------------|--------------------------|



**WATER FUND****SOURCE OF SUPPLY****PERCENTAGE****YTD ACTUAL vs**

|                                      | <u>CURRENT MONTH</u>     | <u>YTD ACTUAL</u>        | <u>YTD BUDGET</u>         | <u>TOTAL 2023 BUDGET</u>  | <u>YTD BUDGET</u> |
|--------------------------------------|--------------------------|--------------------------|---------------------------|---------------------------|-------------------|
| TOTAL SOURCE OF SUPPLY REVENUE       | \$ 581,211.71            | \$ 7,535,864.35          | \$ 2,093,500.00           | \$ 2,093,500.00           | 360.0%            |
| TOTAL SOURCE OF SUPPLY EXPENDITURES  | \$ 7,929,819.40          | \$ 12,299,204.06         | \$ 30,069,450.00          | \$ 30,069,450.00          | 40.9%             |
| <b>NET REVENUE OVER EXPENDITURES</b> | <b>\$ (7,348,607.69)</b> | <b>\$ (4,763,339.71)</b> | <b>\$ (27,975,950.00)</b> | <b>\$ (27,975,950.00)</b> |                   |

**WATER OPERATIONS & MAINTENANCE****PERCENTAGE****YTD ACTUAL vs**

|                                      | <u>CURRENT MONTH</u>   | <u>YTD ACTUAL</u>    | <u>YTD BUDGET</u>        | <u>TOTAL 2023 BUDGET</u> | <u>YTD BUDGET</u> |
|--------------------------------------|------------------------|----------------------|--------------------------|--------------------------|-------------------|
| TOTAL WATER OPERATING REVENUE        | \$ 224,967.73          | \$ 3,699,864.84      | \$ 2,942,000.00          | \$ 2,942,000.00          | 125.8%            |
| <b>EXPENDITURES</b>                  |                        |                      |                          |                          |                   |
| SALARIES/TAXES/BENEFITS              | \$ 60,341.43           | \$ 431,809.95        | \$ 752,161.00            | \$ 752,161.00            | 57.4%             |
| ADMINISTRATION OTHER                 | \$ 7,720.00            | \$ 470,911.33        | \$ 480,800.00            | \$ 480,800.00            | 97.9%             |
| DISTRIBUTION                         | \$ 12,876.37           | \$ 187,345.01        | \$ 506,600.00            | \$ 506,600.00            | 37.0%             |
| TREATMENT                            | \$ 47,628.21           | \$ 628,790.98        | \$ 703,000.00            | \$ 703,000.00            | 89.4%             |
| PROFESSIONAL SERVICES                | \$ 74,619.72           | \$ 466,585.89        | \$ 595,000.00            | \$ 595,000.00            | 78.4%             |
| UTILITY BILLING                      | \$ 399.75              | \$ 9,424.91          | \$ 13,200.00             | \$ 13,200.00             | 71.4%             |
| IMPROVEMENTS                         | \$ 14,500.00           | \$ 156,573.37        | \$ 1,350,000.00          | \$ 1,350,000.00          | 11.6%             |
| TRANSFER                             | \$ 457,759.00          | \$ 659,884.00        | \$ 659,884.00            | \$ 659,884.00            | 100.0%            |
| TOTAL WATER OPERATING EXPENDITURES   | \$ 675,844.48          | \$ 3,011,325.44      | \$ 5,060,645.00          | \$ 5,060,645.00          | 59.5%             |
| <b>NET REVENUE OVER EXPENDITURES</b> | <b>\$ (450,876.75)</b> | <b>\$ 688,539.40</b> | <b>\$ (2,118,645.00)</b> | <b>\$ (2,118,645.00)</b> |                   |

**WATER PLANT CAPITAL IMPROVEMENTS****PERCENTAGE****YTD ACTUAL vs**

|                                        | <u>CURRENT MONTH</u> | <u>YTD ACTUAL</u>      | <u>YTD BUDGET</u>      | <u>TOTAL 2023 BUDGET</u> | <u>YTD BUDGET</u> |
|----------------------------------------|----------------------|------------------------|------------------------|--------------------------|-------------------|
| TOTAL WATER PLANT CAPITAL REVENUE      | \$ 649,779.55        | \$ 2,783,780.43        | \$ 1,849,394.00        | \$ 1,849,394.00          | 150.5%            |
| TOTAL WATER PLANT CAPITAL EXPENDITURES | \$ -                 | \$ 219,466.38          | \$ 625,060.00          | \$ 625,060.00            | 35.1%             |
| <b>NET REVENUE OVER EXPENDITURES</b>   | <b>\$ 649,779.55</b> | <b>\$ 2,564,314.05</b> | <b>\$ 1,224,334.00</b> | <b>\$ 1,224,334.00</b>   |                   |

|                                      |                          |                          |                           |                           |               |
|--------------------------------------|--------------------------|--------------------------|---------------------------|---------------------------|---------------|
| <b>TOTAL WATER FUND REVENUE</b>      | <b>\$ 1,455,958.99</b>   | <b>\$ 14,019,509.62</b>  | <b>\$ 6,884,894.00</b>    | <b>\$ 6,884,894.00</b>    | <b>203.6%</b> |
| <b>TOTAL WATER FUND EXPENDITURES</b> | <b>\$ 8,605,663.88</b>   | <b>\$ 15,529,995.88</b>  | <b>\$ 35,755,155.00</b>   | <b>\$ 35,755,155.00</b>   | <b>43.4%</b>  |
| <b>NET REVENUE OVER EXPENDITURES</b> | <b>\$ (7,149,704.89)</b> | <b>\$ (1,510,486.26)</b> | <b>\$ (28,870,261.00)</b> | <b>\$ (28,870,261.00)</b> |               |

**WASTEWATER FUND****WASTEWATER OPERATIONS & MAINTENANCE**

|                                 |                             |                          |                          |                                 | <b>PERCENTAGE</b>           |
|---------------------------------|-----------------------------|--------------------------|--------------------------|---------------------------------|-----------------------------|
|                                 | <b><u>CURRENT MONTH</u></b> | <b><u>YTD ACTUAL</u></b> | <b><u>YTD BUDGET</u></b> | <b><u>TOTAL 2023 BUDGET</u></b> | <b><u>YTD ACTUAL vs</u></b> |
|                                 |                             |                          |                          |                                 | <b><u>YTD BUDGET</u></b>    |
| TOTAL WASTEWATER REVENUE        | \$ 323,805.88               | \$ 3,842,513.48          | \$ 3,030,500.00          | \$ 3,030,500.00                 | 126.8%                      |
| <b>EXPENDITURES</b>             |                             |                          |                          |                                 |                             |
| SALARIES/TAXES/BENEFITS         | \$ 20,421.59                | \$ 141,182.28            | \$ 171,945.00            | \$ 171,945.00                   | 82.1%                       |
| ADMINISTRATION OTHER            | \$ 3,906.97                 | \$ 166,805.03            | \$ 186,030.00            | \$ 186,030.00                   | 89.7%                       |
| MAIN WASTEWATER TREATMENT PLANT | \$ 66,029.58                | \$ 438,274.83            | \$ 545,750.00            | \$ 545,750.00                   | 80.3%                       |
| REGIONAL I-25 TREATMENT PLAN    | \$ 5,563.53                 | \$ 55,429.40             | \$ 86,250.00             | \$ 86,250.00                    | 64.3%                       |
| COLLECTION SYSTEM               | \$ 13,949.75                | \$ 137,071.49            | \$ 202,500.00            | \$ 202,500.00                   | 67.7%                       |
| PROFESSIONAL SERVICES           | \$ 79,486.97                | \$ 593,638.51            | \$ 651,000.00            | \$ 651,000.00                   | 91.2%                       |
| UTILITY BILLING                 | \$ 399.75                   | \$ 9,180.91              | \$ 13,200.00             | \$ 13,200.00                    | 69.6%                       |
| TRANSFER                        | \$ 8,750.00                 | \$ 105,000.00            | \$ 105,000.00            | \$ 105,000.00                   | 100.0%                      |
| IMPROVEMENTS                    | \$ -                        | \$ 15,240.00             | \$ 1,705,000.00          | \$ 1,705,000.00                 | 0.9%                        |
| BOND                            | \$ -                        | \$ 830,906.99            | \$ 908,350.00            | \$ 908,350.00                   | 91.5%                       |
| TOTAL WASTEWATER EXPENDITURES   | \$ 198,508.14               | \$ 2,492,729.44          | \$ 4,575,025.00          | \$ 4,575,025.00                 | 54.5%                       |
| NET REVENUE OVER EXPENDITURES   | \$ 125,297.74               | \$ 1,349,784.04          | \$ (1,544,525.00)        | \$ (1,544,525.00)               |                             |

**WASTEWATER CAPITAL IMPROVEMENTS**

|                                       |                             |                          |                          |                                 | <b>PERCENTAGE</b>           |
|---------------------------------------|-----------------------------|--------------------------|--------------------------|---------------------------------|-----------------------------|
|                                       | <b><u>CURRENT MONTH</u></b> | <b><u>YTD ACTUAL</u></b> | <b><u>YTD BUDGET</u></b> | <b><u>TOTAL 2023 BUDGET</u></b> | <b><u>YTD ACTUAL vs</u></b> |
|                                       |                             |                          |                          |                                 | <b><u>YTD BUDGET</u></b>    |
| TOTAL WASTEWATER CAPITAL REVENUE      | \$ 217,385.51               | \$ 2,269,443.30          | \$ 1,500,010.00          | \$ 1,500,010.00                 | 151.3%                      |
| TOTAL WASTEWATER CAPITAL EXPENDITURES | \$ 34,737.60                | \$ 548,425.81            | \$ 3,385,060.00          | \$ 3,385,060.00                 | 16.2%                       |
| NET REVENUE OVER EXPENDITURES         | \$ 182,647.91               | \$ 1,721,017.49          | \$ (1,885,050.00)        | \$ (1,885,050.00)               |                             |
|                                       |                             |                          |                          |                                 |                             |
| TOTAL WASTEWATER FUND REVENUE         | \$ 541,191.39               | \$ 6,111,956.78          | \$ 4,530,510.00          | \$ 4,530,510.00                 | 134.9%                      |
| TOTAL WASTEWATER FUND EXPENDITURES    | \$ 233,245.74               | \$ 3,041,155.25          | \$ 7,960,085.00          | \$ 7,960,085.00                 | 38.2%                       |
| TOTAL REVENUE OVER EXPENDITURES       | \$ 307,945.65               | \$ 3,070,801.53          | \$ (3,429,575.00)        | \$ (3,429,575.00)               |                             |

**STORM WATER FACILITIES FUND****STORM WATER OPERATIONS & MAINTENANCE****PERCENTAGE****YTD ACTUAL vs**

|                                      | <u>CURRENT MONTH</u> | <u>YTD ACTUAL</u>    | <u>YTD BUDGET</u>    | <u>TOTAL 2023 BUDGET</u> | <u>YTD BUDGET</u> |
|--------------------------------------|----------------------|----------------------|----------------------|--------------------------|-------------------|
| TOTAL STORM WATER REVENUE            | \$ 67,319.70         | \$ 750,808.93        | \$ 481,000.00        | \$ 481,000.00            | 156.1%            |
| <b>EXPENDITURES</b>                  |                      |                      |                      |                          |                   |
| SALARIES/TAXES/BENEFITS              | \$ 1,790.81          | \$ 2,928.86          | \$ -                 | \$ -                     | #DIV/0!           |
| ADMINISTRATION OTHER                 | \$ 875.00            | \$ 10,500.00         | \$ 23,310.00         | \$ 23,310.00             | 45.0%             |
| STREET CLEANING                      | \$ 4,671.30          | \$ 61,340.28         | \$ 95,000.00         | \$ 95,000.00             | 64.6%             |
| PROFESSIONAL SERVICES                | \$ 2,730.50          | \$ 16,041.47         | \$ 80,000.00         | \$ 80,000.00             | 20.1%             |
| IMPROVEMENTS                         | \$ -                 | \$ -                 | \$ -                 | \$ -                     | #DIV/0!           |
| TOTAL STORM WATER EXPENDITURES       | \$ 10,067.61         | \$ 90,810.61         | \$ 198,310.00        | \$ 198,310.00            | 45.8%             |
| <b>NET REVENUE OVER EXPENDITURES</b> | <b>\$ 57,252.09</b>  | <b>\$ 659,998.32</b> | <b>\$ 282,690.00</b> | <b>\$ 282,690.00</b>     |                   |

**STORM WATER CAPITAL IMPROVEMENTS****PERCENTAGE****YTD ACTUAL vs**

|                                            | <u>CURRENT MONTH</u> | <u>YTD ACTUAL</u>      | <u>YTD BUDGET</u>      | <u>TOTAL 2023 BUDGET</u> | <u>YTD BUDGET</u> |
|--------------------------------------------|----------------------|------------------------|------------------------|--------------------------|-------------------|
| TOTAL STORM WATER CAPITAL REVENUE          | \$ 53,706.37         | \$ 587,170.72          | \$ 306,600.00          | \$ 306,600.00            | 191.5%            |
| TOTAL STORM WATER CAPITAL EXPENDITURES     | \$ 186.00            | \$ 2,676.00            | \$ 500,060.00          | \$ 500,060.00            | 0.5%              |
| <b>NET REVENUE OVER EXPENDITURES</b>       | <b>\$ 53,520.37</b>  | <b>\$ 584,494.72</b>   | <b>\$ (193,460.00)</b> | <b>\$ (193,460.00)</b>   |                   |
| <b>TOTAL STORM WATER FUND REVENUE</b>      | <b>\$ 121,026.07</b> | <b>\$ 1,337,979.65</b> | <b>\$ 787,600.00</b>   | <b>\$ 787,600.00</b>     | <b>169.9%</b>     |
| <b>TOTAL STORM WATER FUND EXPENDITURES</b> | <b>\$ 10,253.61</b>  | <b>\$ 93,486.61</b>    | <b>\$ 698,370.00</b>   | <b>\$ 698,370.00</b>     | <b>13.4%</b>      |
| <b>TOTAL REVENUE OVER EXPENDITURES</b>     | <b>\$ 110,772.46</b> | <b>\$ 1,244,493.04</b> | <b>\$ 89,230.00</b>    | <b>\$ 89,230.00</b>      |                   |

**SPECIAL REVENUE FUNDS****PARK DEVELOPMENT**

|                                      | <u>CURRENT MONTH</u>   |           | <u>YTD ACTUAL</u>   |           | <u>YTD BUDGET</u>     |           | <u>TOTAL 2023 BUDGET</u> |  | <u>PERCENTAGE</u><br><u>YTD ACTUAL vs</u><br><u>YTD BUDGET</u> |
|--------------------------------------|------------------------|-----------|---------------------|-----------|-----------------------|-----------|--------------------------|--|----------------------------------------------------------------|
| TOTAL PARK DEVELOPMENT REVENUE       | \$ 97,462.66           | \$        | 952,058.95          | \$        | 658,400.00            | \$        | 658,400.00               |  | 144.6%                                                         |
| TOTAL PARK DEVELOPMENT EXPENDITURES  | \$ 223,389.71          | \$        | 1,416,182.53        | \$        | 2,130,060.00          | \$        | 2,130,060.00             |  | 66.5%                                                          |
| <b>NET REVENUE OVER EXPENDITURES</b> | <b>\$ (125,927.05)</b> | <b>\$</b> | <b>(464,123.58)</b> | <b>\$</b> | <b>(1,471,660.00)</b> | <b>\$</b> | <b>(1,471,660.00)</b>    |  |                                                                |

**PARK DEDICATION**

|                                      | <u>CURRENT MONTH</u>   |           | <u>YTD ACTUAL</u> |           | <u>YTD BUDGET</u> |           | <u>TOTAL 2023 BUDGET</u> |  | <u>PERCENTAGE</u><br><u>YTD ACTUAL vs</u><br><u>YTD BUDGET</u> |
|--------------------------------------|------------------------|-----------|-------------------|-----------|-------------------|-----------|--------------------------|--|----------------------------------------------------------------|
| TOTAL PARK DEDICATION REVENUE        | \$ 26,111.83           | \$        | 252,289.36        | \$        | 200,000.00        | \$        | 200,000.00               |  | 126.1%                                                         |
| TOTAL PARK DEDICATION EXPENDITURES   | \$ 152,499.00          | \$        | 151,175.25        | \$        | 150,060.00        | \$        | 150,060.00               |  | 100.7%                                                         |
| <b>NET REVENUE OVER EXPENDITURES</b> | <b>\$ (126,387.17)</b> | <b>\$</b> | <b>101,114.11</b> | <b>\$</b> | <b>49,940.00</b>  | <b>\$</b> | <b>49,940.00</b>         |  |                                                                |

**PUBLIC FACILITIES**

|                                      | <u>CURRENT MONTH</u> |           | <u>YTD ACTUAL</u> |           | <u>YTD BUDGET</u> |           | <u>TOTAL 2023 BUDGET</u> |  | <u>PERCENTAGE</u><br><u>YTD ACTUAL vs</u><br><u>YTD BUDGET</u> |
|--------------------------------------|----------------------|-----------|-------------------|-----------|-------------------|-----------|--------------------------|--|----------------------------------------------------------------|
| TOTAL PUBLIC FACILITIES REVENUE      | \$ 32,862.01         | \$        | 546,452.77        | \$        | 462,200.00        | \$        | 462,200.00               |  | 118.2%                                                         |
| TOTAL PUBLIC FACILITIES EXPENDITURES | \$ -                 | \$        | 14,341.37         | \$        | 350,060.00        | \$        | 350,060.00               |  | 4.1%                                                           |
| <b>NET REVENUE OVER EXPENDITURES</b> | <b>\$ 32,862.01</b>  | <b>\$</b> | <b>532,111.40</b> | <b>\$</b> | <b>112,140.00</b> | <b>\$</b> | <b>112,140.00</b>        |  |                                                                |

**CONSERVATION TRUST/FORESTRY****PERCENTAGE****YTD ACTUAL vs**

|                                       | <u>CURRENT MONTH</u> | <u>YTD ACTUAL</u>    | <u>YTD BUDGET</u>   | <u>TOTAL 2023 BUDGET</u> | <u>YTD BUDGET</u> |
|---------------------------------------|----------------------|----------------------|---------------------|--------------------------|-------------------|
| TOTAL CONSERVATION TRUST REVENUE      | \$ 89,541.34         | \$ 678,175.59        | \$ 590,500.00       | \$ 590,500.00            | 114.8%            |
| <b>EXPENDITURES</b>                   |                      |                      |                     |                          |                   |
| SALARIES/TAXES/BENEFITS               | \$ 40,187.94         | \$ 291,429.73        | \$ 332,958.00       | \$ 332,958.00            | 87.5%             |
| ADMINISTRATION OTHER                  | \$ 2,002.23          | \$ 24,029.34         | \$ 25,810.00        | \$ 25,810.00             | 93.1%             |
| PARK MAINTENANCE & IMPROVEMENTS       | \$ 3,500.00          | \$ 48,941.95         | \$ 89,000.00        | \$ 89,000.00             | 55.0%             |
| TREE MAINTENANCE                      | \$ -                 | \$ 88,517.60         | \$ 69,500.00        | \$ 69,500.00             | 127.4%            |
| EAB RESPONSE                          | \$ -                 | \$ 7,678.00          | \$ 45,000.00        | \$ 45,000.00             | 17.1%             |
| TOTAL CONSERVATION TRUST EXPENDITURES | \$ 45,690.17         | \$ 460,596.62        | \$ 562,268.00       | \$ 562,268.00            | 81.9%             |
| <b>NET REVENUE OVER EXPENDITURES</b>  | <b>\$ 43,851.17</b>  | <b>\$ 217,578.97</b> | <b>\$ 28,232.00</b> | <b>\$ 28,232.00</b>      |                   |

**LARIMER COUNTY OPEN SPACE TAX****PERCENTAGE****YTD ACTUAL vs**

|                                      | <u>CURRENT MONTH</u> | <u>YTD ACTUAL</u>      | <u>YTD BUDGET</u>        | <u>TOTAL 2023 BUDGET</u> | <u>YTD BUDGET</u> |
|--------------------------------------|----------------------|------------------------|--------------------------|--------------------------|-------------------|
| TOTAL LARIMER COUNTY REVENUE         | \$ 405,575.59        | \$ 853,343.41          | \$ 523,000.00            | \$ 523,000.00            | 163.2%            |
| TOTAL LARIMER COUNTY EXPENDITURES    | \$ 106,937.82        | \$ 1,402,331.27        | \$ 1,620,060.00          | \$ 1,620,060.00          | 86.6%             |
| <b>NET REVENUE OVER EXPENDITURES</b> | <b>\$ 298,637.77</b> | <b>\$ (548,987.86)</b> | <b>\$ (1,097,060.00)</b> | <b>\$ (1,097,060.00)</b> |                   |

**CEMETERY ENDOWMENT****PERCENTAGE****YTD ACTUAL vs**

|                                       | <u>CURRENT MONTH</u> | <u>YTD ACTUAL</u>  | <u>YTD BUDGET</u>     | <u>TOTAL 2023 BUDGET</u> | <u>YTD BUDGET</u> |
|---------------------------------------|----------------------|--------------------|-----------------------|--------------------------|-------------------|
| TOTAL CEMETERY ENDOWMENT REVENUE      | \$ 4,399.21          | \$ 75,367.70       | \$ 70,500.00          | \$ 70,500.00             | 106.9%            |
| <b>EXPENDITURES</b>                   |                      |                    |                       |                          |                   |
| SALARIES/TAXES/BENEFITS               | \$ 4,168.97          | \$ 46,497.72       | \$ 64,592.00          | \$ 64,592.00             | 72.0%             |
| FUNERALS                              | \$ -                 | \$ 930.00          | \$ 3,000.00           | \$ 3,000.00              | 0.0%              |
| MAINTENANCE                           | \$ 93.16             | \$ 19,741.25       | \$ 27,610.00          | \$ 27,610.00             | 71.5%             |
| IMPROVEMENTS                          | \$ -                 | \$ 972.00          | \$ 35,000.00          | \$ 35,000.00             | 0.0%              |
| TOTAL CEMETERY ENDOWMENT EXPENDITURES | \$ 4,262.13          | \$ 68,140.97       | \$ 130,202.00         | \$ 130,202.00            | 52.3%             |
| <b>NET REVENUE OVER EXPENDITURES</b>  | <b>\$ 137.08</b>     | <b>\$ 7,226.73</b> | <b>\$ (59,702.00)</b> | <b>\$ (59,702.00)</b>    |                   |

| <u>BATS</u>                          |                       |                        |                        |                          | <u>PERCENTAGE</u>                         |
|--------------------------------------|-----------------------|------------------------|------------------------|--------------------------|-------------------------------------------|
|                                      | <u>CURRENT MONTH</u>  | <u>YTD ACTUAL</u>      | <u>YTD BUDGET</u>      | <u>TOTAL 2023 BUDGET</u> | <u>YTD ACTUAL vs</u><br><u>YTD BUDGET</u> |
| TOTAL BATS REVENUE                   | \$ 5,959.94           | \$ 94,660.30           | \$ 74,500.00           | \$ 74,500.00             | 127.1%                                    |
| <b>EXPENDITURES</b>                  |                       |                        |                        |                          |                                           |
| SALARIES/TAXES/BENEFITS              | \$ 12,972.32          | \$ 96,104.71           | \$ 101,830.00          | \$ 101,830.00            | 94.4%                                     |
| ADMINISTRATION OTHER                 | \$ 2,199.00           | \$ 4,467.59            | \$ 5,055.00            | \$ 5,055.00              | 88.4%                                     |
| DRIVING                              | \$ 931.15             | \$ 24,550.34           | \$ 29,700.00           | \$ 29,700.00             | 82.7%                                     |
| SERVICES                             | \$ -                  | \$ 80,685.02           | \$ 106,000.00          | \$ 106,000.00            | 76.1%                                     |
| TOTAL BATS EXPENDITURES              | \$ 16,102.47          | \$ 205,807.66          | \$ 242,585.00          | \$ 242,585.00            | 84.8%                                     |
| <b>NET REVENUE OVER EXPENDITURES</b> | <b>\$ (10,142.53)</b> | <b>\$ (111,147.36)</b> | <b>\$ (168,085.00)</b> | <b>\$ (168,085.00)</b>   |                                           |
|                                      |                       |                        |                        |                          |                                           |
| <u>ROAD IMPACT FEES</u>              |                       |                        |                        |                          | <u>PERCENTAGE</u>                         |
|                                      | <u>CURRENT MONTH</u>  | <u>YTD ACTUAL</u>      | <u>YTD BUDGET</u>      | <u>TOTAL 2023 BUDGET</u> | <u>YTD ACTUAL vs</u><br><u>YTD BUDGET</u> |
| TOTAL ROAD IMPACT REVENUE            | \$ 95,143.74          | \$ 1,401,159.26        | \$ 685,100.00          | \$ 685,100.00            | 204.5%                                    |
| TOTAL ROAD IMPACT EXPENDITURES       | \$ 2,558.69           | \$ 248,077.05          | \$ 630,373.00          | \$ 630,373.00            | 39.4%                                     |
| <b>NET REVENUE OVER EXPENDITURES</b> | <b>\$ 92,585.05</b>   | <b>\$ 1,153,082.21</b> | <b>\$ 54,727.00</b>    | <b>\$ 54,727.00</b>      |                                           |
|                                      |                       |                        |                        |                          |                                           |
| <u>RECREATIONAL MMJ</u>              |                       |                        |                        |                          | <u>PERCENTAGE</u>                         |
|                                      | <u>CURRENT MONTH</u>  | <u>YTD ACTUAL</u>      | <u>YTD BUDGET</u>      | <u>TOTAL 2023 BUDGET</u> | <u>YTD ACTUAL vs</u><br><u>YTD BUDGET</u> |
| TOTAL RECREATIONAL MMJ REVENUES      | \$ 112,388.15         | \$ 742,933.98          | \$ 402,000.00          | \$ 402,000.00            | 184.8%                                    |
| TOTAL RECREATIONAL MMJ EXPENDITURES  | \$ 13,500.00          | \$ 1,096,577.40        | \$ 1,270,060.00        | \$ 1,270,060.00          | 86.3%                                     |
| <b>NET REVENUE OVER EXPENDITURES</b> | <b>\$ 98,888.15</b>   | <b>\$ (353,643.42)</b> | <b>\$ (868,060.00)</b> | <b>\$ (868,060.00)</b>   |                                           |

| <u>1998 1% SALES TAX</u>                |                        |                         |                          |                          | <u>PERCENTAGE</u>                         |
|-----------------------------------------|------------------------|-------------------------|--------------------------|--------------------------|-------------------------------------------|
|                                         | <u>CURRENT MONTH</u>   | <u>YTD ACTUAL</u>       | <u>YTD BUDGET</u>        | <u>TOTAL 2023 BUDGET</u> | <u>YTD ACTUAL vs</u><br><u>YTD BUDGET</u> |
| TOTAL 1998 1% REVENUE                   | \$ 716,747.11          | \$ 3,356,738.18         | \$ 2,225,750.00          | \$ 2,225,750.00          | 150.8%                                    |
| TOTAL 1998 1% EXPENDITURES              | \$ 331,187.27          | \$ 2,538,232.04         | \$ 4,720,060.00          | \$ 4,720,060.00          | 53.8%                                     |
| <b>NET REVENUE OVER EXPENDITURES</b>    | <b>\$ 385,559.84</b>   | <b>\$ 818,506.14</b>    | <b>\$ (2,494,310.00)</b> | <b>\$ (2,494,310.00)</b> |                                           |
|                                         |                        |                         |                          |                          |                                           |
| <u>2019 1% SALES TAX</u>                |                        |                         |                          |                          | <u>PERCENTAGE</u>                         |
|                                         | <u>CURRENT MONTH</u>   | <u>YTD ACTUAL</u>       | <u>YTD BUDGET</u>        | <u>TOTAL 2023 BUDGET</u> | <u>YTD ACTUAL vs</u><br><u>YTD BUDGET</u> |
| RECREATION CENTER REVENUE               | \$ 204,565.41          | \$ 1,652,394.24         | \$ 1,221,750.00          | \$ 1,221,750.00          | 135.2%                                    |
| SALES TAX REVENUE/INTEREST              | \$ 731,906.90          | \$ 3,523,436.33         | \$ 2,219,750.00          | \$ 2,219,750.00          | 158.7%                                    |
| TOTAL 2019 1% REVENUE                   | \$ 936,472.31          | \$ 5,175,830.57         | \$ 3,441,500.00          | \$ 3,441,500.00          | 150.4%                                    |
|                                         |                        |                         |                          |                          |                                           |
| RECREATION CENTER OPERATING EXPENSES    | \$ 203,870.66          | \$ 1,749,742.48         | \$ 2,084,586.00          | \$ 2,084,586.00          | 83.9%                                     |
| COP PAYMENT AND OTHER EXPENSES          | \$ 1,047.00            | \$ 1,133,185.46         | \$ 4,134,000.00          | \$ 4,134,000.00          | 27.4%                                     |
| TOTAL 2019 1% EXPENDITURES              | \$ 204,917.66          | \$ 2,882,927.94         | \$ 6,218,586.00          | \$ 6,218,586.00          | 46.4%                                     |
| <b>NET REVENUE OVER EXPENDITURES</b>    | <b>\$ 731,554.65</b>   | <b>\$ 2,292,902.63</b>  | <b>\$ (2,777,086.00)</b> | <b>\$ (2,777,086.00)</b> |                                           |
|                                         |                        |                         |                          |                          |                                           |
| <b>TOTAL SPECIAL FUNDS REVENUE</b>      | <b>\$ 2,522,663.89</b> | <b>\$ 14,129,010.07</b> | <b>\$ 9,333,450.00</b>   | <b>\$ 9,333,450.00</b>   |                                           |
| <b>TOTAL SPECIAL FUNDS EXPENDITURES</b> | <b>\$ 1,101,044.92</b> | <b>\$ 10,484,390.10</b> | <b>\$ 18,024,374.00</b>  | <b>\$ 18,024,374.00</b>  |                                           |
| <b>TOTAL REVENUE OVER EXPENDITURES</b>  | <b>\$ 1,421,618.97</b> | <b>\$ 3,644,619.97</b>  | <b>\$ (8,690,924.00)</b> | <b>\$ (8,690,924.00)</b> |                                           |

|                    |                  |                  |                  |                  |  |
|--------------------|------------------|------------------|------------------|------------------|--|
| TOTAL REVENUE      | \$ 6,522,682.26  | \$ 49,401,300.00 | \$ 31,851,016.00 | \$ 31,851,016.00 |  |
| TOTAL EXPENDITURES | \$ 11,893,557.54 | \$ 41,894,631.61 | \$ 82,131,288.00 | \$ 82,131,288.00 |  |

**Town of Berthoud**  
807 Mountain Ave  
PO Box 1229  
Berthoud, CO 80513-1229  
Phone 970.532.2643 Fax 970.532.0640



## BILLS SUMMARY DECEMBER 2023 FINAL

### BILLS ALLOWED

|             |              |
|-------------|--------------|
| TOTAL BILLS | \$ 4,418,873 |
| NET PAYROLL | \$ 277,866   |

Mayor William Karspeck

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Mayor Pro-Tem Mike Grace

---

Trustee May Albrecht

---

Trustee Karl Ayers

---

Trustee Tim Hardy

---

Trustee Chris Kurtz

---

Trustee Sean Murphy

---



| GL Period         | Check Issue Date | Check Number | Payee                      | Invoice Number | Invoice GL Account | Invoice GL Account Title       | Check Amount |
|-------------------|------------------|--------------|----------------------------|----------------|--------------------|--------------------------------|--------------|
| <b>1100200400</b> |                  |              |                            |                |                    |                                |              |
| <b>75426</b>      |                  |              |                            |                |                    |                                |              |
| 12/23             | 12/28/2023       | 75426        | Calderon, Armando          | HSA 2023       | 11-00-200400       | Insurance Payable              | 320.82       |
| <b>120423300</b>  |                  |              |                            |                |                    |                                |              |
| 12/23             | 12/04/2023       | 120423       | Allstate                   | DECEMBER       | 11-00-200400       | Insurance Payable              | 881.83       |
| <b>120423301</b>  |                  |              |                            |                |                    |                                |              |
| 12/23             | 12/04/2023       | 120423       | CIGNA                      | DECEMBER       | 11-00-200400       | Insurance Payable              | 40,907.85    |
| Total 1100200400: |                  |              |                            |                |                    |                                | 42,110.50    |
| <b>1100221050</b> |                  |              |                            |                |                    |                                |              |
| <b>120423302</b>  |                  |              |                            |                |                    |                                |              |
| 12/23             | 12/04/2023       | 120423       | Guardian                   | DECEMBER       | 11-00-221050       | Payroll Deduction Payable      | 5,992.72     |
| Total 1100221050: |                  |              |                            |                |                    |                                | 5,992.72     |
| <b>1100420900</b> |                  |              |                            |                |                    |                                |              |
| <b>75381</b>      |                  |              |                            |                |                    |                                |              |
| 12/23             | 12/14/2023       | 75381        | Rousseau-Simmons, Eric     | 584714         | 11-00-4209-00      | Restitution                    | 250.00       |
| Total 1100420900: |                  |              |                            |                |                    |                                | 250.00       |
| <b>1101501001</b> |                  |              |                            |                |                    |                                |              |
| <b>75235</b>      |                  |              |                            |                |                    |                                |              |
| 12/23             | 12/04/2023       | 75235        | Office Depot               | Multiple       | 11-01-5010.01      | Office Supplies-General Office | 1,140.80     |
| <b>75236</b>      |                  |              |                            |                |                    |                                |              |
| 12/23             | 12/04/2023       | 75236        | Quadient, Inc              | 60630945       | 11-01-5010.01      | Office Supplies-General Office | 165.00       |
| <b>75360</b>      |                  |              |                            |                |                    |                                |              |
| 12/23             | 12/06/2023       | 75360        | Xerox Business Solutions   | 4772535        | 11-01-5010.01      | Office Supplies-General Office | 811.54       |
| <b>75365</b>      |                  |              |                            |                |                    |                                |              |
| 12/23             | 12/07/2023       | 75365        | Culligan of Cheyenne       | 53526          | 11-01-5010.01      | Office Supplies-General Office | 82.00        |
| <b>75415</b>      |                  |              |                            |                |                    |                                |              |
| 12/23             | 12/19/2023       | 75415        | Cardmember Service         | NOV23          | 11-01-5010.01      | Office Supplies-General Office | 28,440.29    |
| <b>75431</b>      |                  |              |                            |                |                    |                                |              |
| 12/23             | 12/29/2023       | 75431        | Culligan of Cheyenne       | 54808          | 11-01-5010.01      | Office Supplies-General Office | 82.00        |
| <b>75485</b>      |                  |              |                            |                |                    |                                |              |
| 12/23             | 12/27/2023       | 75485        | Office Depot               | Multiple       | 11-01-5010.01      | Office Supplies-General Office | 201.07       |
| Total 1101501001: |                  |              |                            |                |                    |                                | 30,922.70    |
| <b>1101501101</b> |                  |              |                            |                |                    |                                |              |
| <b>75359</b>      |                  |              |                            |                |                    |                                |              |
| 12/23             | 12/06/2023       | 75359        | Voice Exchange (Paragon    | 60405-45830    | 11-01-5011.01      | Telephone-General Office       | 38.00        |
| Total 1101501101: |                  |              |                            |                |                    |                                | 38.00        |
| <b>1101501707</b> |                  |              |                            |                |                    |                                |              |
| <b>75374</b>      |                  |              |                            |                |                    |                                |              |
| 12/23             | 12/07/2023       | 75374        | Polar Bear Plumbing Heat   | Multiple       | 11-01-5017.07      | Building Maintenance-Town Hall | 3,553.00     |
| <b>75438</b>      |                  |              |                            |                |                    |                                |              |
| 12/23             | 12/29/2023       | 75438        | Front Range Fire Protectio | SD5322         | 11-01-5017.07      | Building Maintenance-Town Hall | 595.00       |
| <b>75441</b>      |                  |              |                            |                |                    |                                |              |
| 12/23             | 12/29/2023       | 75441        | Holbrook Service           | Multiple       | 11-01-5017.07      | Building Maintenance-Town Hall | 3,996.00     |
| Total 1101501707: |                  |              |                            |                |                    |                                | 8,144.00     |

| GL Period         | Check Issue Date | Check Number | Payee                       | Invoice Number | Invoice GL Account | Invoice GL Account Title    | Check Amount |
|-------------------|------------------|--------------|-----------------------------|----------------|--------------------|-----------------------------|--------------|
| <b>1101501804</b> |                  |              |                             |                |                    |                             |              |
| <b>75385</b>      |                  |              |                             |                |                    |                             |              |
| 12/23             | 12/18/2023       | 75385        | Bell Gould Linder & Scott P | 36687          | 11-01-5018.04      | Publications/Legal Notice   | 1,943.25     |
| <b>75386</b>      |                  |              |                             |                |                    |                             |              |
| 12/23             | 12/18/2023       | 75386        | Berthoud Weekly Surveyor    | 38510          | 11-01-5018.04      | Publications/Legal Notice   | 175.63       |
| <b>75430</b>      |                  |              |                             |                |                    |                             |              |
| 12/23             | 12/29/2023       | 75430        | Berthoud Weekly Surveyor    | 38625          | 11-01-5018.04      | Publications/Legal Notice   | 441.36       |
| <b>75453</b>      |                  |              |                             |                |                    |                             |              |
| 12/23             | 12/27/2023       | 75453        | Berthoud Weekly Surveyor    | 38524          | 11-01-5018.04      | Publications/Legal Notice   | 411.03       |
| Total 1101501804: |                  |              |                             |                |                    |                             | 2,971.27     |
| <b>1101502004</b> |                  |              |                             |                |                    |                             |              |
| <b>75409</b>      |                  |              |                             |                |                    |                             |              |
| 12/23             | 12/18/2023       | 75409        | HR Engagement Analytics     | 1070           | 11-01-5020.04      | Professional Services-Board | 500.00       |
| Total 1101502004: |                  |              |                             |                |                    |                             | 500.00       |
| <b>1101502103</b> |                  |              |                             |                |                    |                             |              |
| <b>75331</b>      |                  |              |                             |                |                    |                             |              |
| 12/23             | 12/05/2023       | 75331        | Law Offices of Sunita Shar  | 2447-A         | 11-01-5021.03      | Municipal Judge             | 1,340.00     |
| <b>75336</b>      |                  |              |                             |                |                    |                             |              |
| 12/23             | 12/05/2023       | 75336        | March, Olive & Sapienza, L  | 158151         | 11-01-5021.03      | Municipal Judge             | 1,553.66     |
| Total 1101502103: |                  |              |                             |                |                    |                             | 2,893.66     |
| <b>1101503800</b> |                  |              |                             |                |                    |                             |              |
| <b>75369</b>      |                  |              |                             |                |                    |                             |              |
| 12/23             | 12/07/2023       | 75369        | Hays Market                 | NOV23          | 11-01-5038.00      | Administrative Expenses     | 47.77        |
| <b>75423</b>      |                  |              |                             |                |                    |                             |              |
| 12/23             | 12/27/2023       | 75423        | Colorado State Treasurer    | 4TH QUART      | 11-01-5038.00      | Administrative Expenses     | .00          |
| <b>75439</b>      |                  |              |                             |                |                    |                             |              |
| 12/23             | 12/29/2023       | 75439        | Hays Market                 | DECEMBER       | 11-01-5038.00      | Administrative Expenses     | 105.31       |
| Total 1101503800: |                  |              |                             |                |                    |                             | 153.08       |
| <b>1101504001</b> |                  |              |                             |                |                    |                             |              |
| <b>75475</b>      |                  |              |                             |                |                    |                             |              |
| 12/23             | 12/27/2023       | 75475        | Kissinger & Fellman, P. C.  | Multiple       | 11-01-5040.01      | Attorney-Admin              | 5,831.00     |
| Total 1101504001: |                  |              |                             |                |                    |                             | 5,831.00     |
| <b>1101504003</b> |                  |              |                             |                |                    |                             |              |
| <b>75429</b>      |                  |              |                             |                |                    |                             |              |
| 12/23             | 12/29/2023       | 75429        | Bell Gould Linder & Scott P | 36871          | 11-01-5040.03      | Attorney-Municipal Court    | 2,306.50     |
| Total 1101504003: |                  |              |                             |                |                    |                             | 2,306.50     |
| <b>1101504004</b> |                  |              |                             |                |                    |                             |              |
| <b>75368</b>      |                  |              |                             |                |                    |                             |              |
| 12/23             | 12/07/2023       | 75368        | Foote Law Firm              | 371            | 11-01-5040.04      | Attorney-Board Meetings     | 3,162.50     |
| <b>75524</b>      |                  |              |                             |                |                    |                             |              |
| 12/23             | 12/29/2023       | 75524        | Foote Law Firm              | 377            | 11-01-5040.04      | Attorney-Board Meetings     | 3,575.00     |
| Total 1101504004: |                  |              |                             |                |                    |                             | 6,737.50     |

| GL Period         | Check Issue Date | Check Number | Payee                       | Invoice Number | Invoice GL Account | Invoice GL Account Title      | Check Amount |
|-------------------|------------------|--------------|-----------------------------|----------------|--------------------|-------------------------------|--------------|
| <b>1101504103</b> |                  |              |                             |                |                    |                               |              |
| <b>75443</b>      |                  |              |                             |                |                    |                               |              |
| 12/23             | 12/29/2023       | 75443        | Larimer Co Sheriff's Office | 14301          | 11-01-5041.03      | Court Expenses                | 90.00        |
| <b>75460</b>      |                  |              |                             |                |                    |                               |              |
| 12/23             | 12/27/2023       | 75460        | CyraCom LLC                 | Multiple       | 11-01-5041.03      | Court Expenses                | 1,231.72     |
| <b>75552</b>      |                  |              |                             |                |                    |                               |              |
| 12/23             | 12/30/2023       | 75552        | Esy Ray & Associates        | 01222024       | 11-01-5041.03      | Court Expenses                | 260.00       |
| Total 1101504103: |                  |              |                             |                |                    |                               | 1,581.72     |
| <b>1101504601</b> |                  |              |                             |                |                    |                               |              |
| <b>75419</b>      |                  |              |                             |                |                    |                               |              |
| 12/23             | 12/26/2023       | 75419        | Dubois, Brian               | UNIFORM 12     | 11-01-5046.01      | Uniforms                      | 84.22        |
| Total 1101504601: |                  |              |                             |                |                    |                               | 84.22        |
| <b>1101508907</b> |                  |              |                             |                |                    |                               |              |
| <b>75316</b>      |                  |              |                             |                |                    |                               |              |
| 12/23             | 12/05/2023       | 75316        | C & B Cleaning              | Multiple       | 11-01-5089.07      | Janitorial Service & Supplies | 6,620.00     |
| <b>75454</b>      |                  |              |                             |                |                    |                               |              |
| 12/23             | 12/27/2023       | 75454        | C & B Cleaning              | Multiple       | 11-01-5089.07      | Janitorial Service & Supplies | 6,620.00     |
| Total 1101508907: |                  |              |                             |                |                    |                               | 13,240.00    |
| <b>1101509501</b> |                  |              |                             |                |                    |                               |              |
| <b>75378</b>      |                  |              |                             |                |                    |                               |              |
| 12/23             | 12/07/2023       | 75378        | Anchor Network Solutions,   | Multiple       | 11-01-5095.01      | Computer Maintenance/Replace  | 5,810.83     |
| Total 1101509501: |                  |              |                             |                |                    |                               | 5,810.83     |
| <b>1101509601</b> |                  |              |                             |                |                    |                               |              |
| <b>75354</b>      |                  |              |                             |                |                    |                               |              |
| 12/23             | 12/06/2023       | 75354        | Comcast                     | DEC23          | 11-01-5096.01      | Internet                      | 20.60        |
| Total 1101509601: |                  |              |                             |                |                    |                               | 20.60        |
| <b>1101524701</b> |                  |              |                             |                |                    |                               |              |
| <b>121523300</b>  |                  |              |                             |                |                    |                               |              |
| 12/23             | 12/15/2023       | 121523       | Caselle Inc.                | DECEMBER       | 11-01-5247.01      | Software-Admin                | 1,866.00     |
| Total 1101524701: |                  |              |                             |                |                    |                               | 1,866.00     |
| <b>1102501801</b> |                  |              |                             |                |                    |                               |              |
| <b>75371</b>      |                  |              |                             |                |                    |                               |              |
| 12/23             | 12/07/2023       | 75371        | Morgan, Theresa             | 12042023       | 11-02-5018.01      | Public Events                 | 47.10        |
| Total 1102501801: |                  |              |                             |                |                    |                               | 47.10        |
| <b>1102503404</b> |                  |              |                             |                |                    |                               |              |
| <b>75356</b>      |                  |              |                             |                |                    |                               |              |
| 12/23             | 12/06/2023       | 75356        | Larimer Humane Society      | 10344          | 11-02-5034.04      | Animal Control                | 3,826.83     |
| Total 1102503404: |                  |              |                             |                |                    |                               | 3,826.83     |
| <b>1102504604</b> |                  |              |                             |                |                    |                               |              |
| <b>75474</b>      |                  |              |                             |                |                    |                               |              |
| 12/23             | 12/27/2023       | 75474        | Kinsco LLC                  | 0016653-0      | 11-02-5046.04      | Uniforms-Code Enforcement     | 36.98        |

| GL Period         | Check Issue Date | Check Number | Payee                       | Invoice Number | Invoice GL Account | Invoice GL Account Title | Check Amount |
|-------------------|------------------|--------------|-----------------------------|----------------|--------------------|--------------------------|--------------|
| Total 1102504604: |                  |              |                             |                |                    |                          | 36.98        |
| <b>1102522801</b> |                  |              |                             |                |                    |                          |              |
| <b>75444</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/29/2023       | 75444        | Larimer Co Sheriff's Office | 23-1206        | 11-02-5228.01      | LCSD Contract Services   | 565,086.00   |
| Total 1102522801: |                  |              |                             |                |                    |                          | 565,086.00   |
| <b>1103500801</b> |                  |              |                             |                |                    |                          |              |
| <b>75508</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/29/2023       | 75508        | NOCO Drug Testing           | 23-1028        | 11-03-5008.01      | Employee Physicals       | 100.00       |
| Total 1103500801: |                  |              |                             |                |                    |                          | 100.00       |
| <b>1103501101</b> |                  |              |                             |                |                    |                          |              |
| <b>75380</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/07/2023       | 75380        | Complete Wireless Technol   | 104615         | 11-03-5011.01      | Telephone                | 165.00       |
| Total 1103501101: |                  |              |                             |                |                    |                          | 165.00       |
| <b>1103501202</b> |                  |              |                             |                |                    |                          |              |
| <b>75340</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/05/2023       | 75340        | Poudre Valley REA           | NOV23-3        | 11-03-5012.02      | Utilities-Street Lights  | 20,858.07    |
| <b>75349</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/05/2023       | 75349        | XCEL Energy                 | NOV23          | 11-03-5012.02      | Utilities-Street Lights  | 8,824.00     |
| <b>75547</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/30/2023       | 75547        | XCEL Energy                 | 859212814      | 11-03-5012.02      | Utilities-Street Lights  | 8,067.50     |
| Total 1103501202: |                  |              |                             |                |                    |                          | 37,749.57    |
| <b>1103501406</b> |                  |              |                             |                |                    |                          |              |
| <b>75370</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/07/2023       | 75370        | Kwik Korner                 | NOV23          | 11-03-5014.06      | Gas & Oil                | 3,597.36     |
| <b>75442</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/29/2023       | 75442        | Kwik Korner                 | DECEMBER       | 11-03-5014.06      | Gas & Oil                | 1,065.85     |
| Total 1103501406: |                  |              |                             |                |                    |                          | 4,663.21     |
| <b>1103504007</b> |                  |              |                             |                |                    |                          |              |
| <b>75335</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/05/2023       | 75335        | Loveland Barricade LLC      | 21866          | 11-03-5040.07      | Contract Services        | 1,452.31     |
| <b>75389</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/18/2023       | 75389        | Larimer Co Dept of Natural  | 00054301       | 11-03-5040.07      | Contract Services        | 741.17       |
| <b>75391</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/18/2023       | 75391        | Loveland Barricade LLC      | 22006          | 11-03-5040.07      | Contract Services        | 95.00        |
| <b>75489</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/27/2023       | 75489        | R & R Concrete              | 121623         | 11-03-5040.07      | Contract Services        | 5,740.00     |
| Total 1103504007: |                  |              |                             |                |                    |                          | 8,028.48     |
| <b>1103504506</b> |                  |              |                             |                |                    |                          |              |
| <b>75237</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/04/2023       | 75237        | Republic Services           | Multiple       | 11-03-5045.06      | Shop Operations          | 1,267.52     |
| <b>75376</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/07/2023       | 75376        | University Auto Parts-NAP   | Multiple       | 11-03-5045.06      | Shop Operations          | 186.51       |

| GL Period         | Check Issue Date | Check Number | Payee                     | Invoice Number | Invoice GL Account | Invoice GL Account Title | Check Amount |
|-------------------|------------------|--------------|---------------------------|----------------|--------------------|--------------------------|--------------|
| <b>75483</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/27/2023       | 75483        | Mountain View Commercial  | Multiple       | 11-03-5045.06      | Shop Operations          | 2,735.45     |
| <b>75525</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/29/2023       | 75525        | Mountain View Commercial  | Multiple       | 11-03-5045.06      | Shop Operations          | 1,795.00     |
| <b>75540</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/30/2023       | 75540        | Action Plumbing & Heating | 65644          | 11-03-5045.06      | Shop Operations          | 594.86       |
| Total 1103504506: |                  |              |                           |                |                    |                          | 6,579.34     |
| <b>1103504601</b> |                  |              |                           |                |                    |                          |              |
| <b>75252</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/11/2023       | 75252        | Keegan, Brandon           | UNIFORM 12     | 11-03-5046.01      | Uniforms                 | 281.53       |
| Total 1103504601: |                  |              |                           |                |                    |                          | 281.53       |
| <b>1103504704</b> |                  |              |                           |                |                    |                          |              |
| <b>75319</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/05/2023       | 75319        | Colorado Barricade Co     | Multiple       | 11-03-5047.04      | Signs & Signage          | 9,804.53     |
| <b>75464</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/27/2023       | 75464        | Fastenal Company          | COGRE1869      | 11-03-5047.04      | Signs & Signage          | 278.85       |
| <b>75514</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/29/2023       | 75514        | Safety & Construction Sup | Multiple       | 11-03-5047.04      | Signs & Signage          | 2,560.29     |
| <b>75541</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/30/2023       | 75541        | Colorado Barricade Co     | Multiple       | 11-03-5047.04      | Signs & Signage          | 399.00       |
| Total 1103504704: |                  |              |                           |                |                    |                          | 13,042.67    |
| <b>1103504802</b> |                  |              |                           |                |                    |                          |              |
| <b>75343</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/05/2023       | 75343        | Safety & Construction Sup | Multiple       | 11-03-5048.02      | Safety Equipment         | 1,813.00     |
| Total 1103504802: |                  |              |                           |                |                    |                          | 1,813.00     |
| <b>1104504602</b> |                  |              |                           |                |                    |                          |              |
| <b>75243</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/04/2023       | 75243        | Jones, Nicolas            | UNIFORM 11     | 11-04-5046.02      | Uniforms                 | 100.00       |
| Total 1104504602: |                  |              |                           |                |                    |                          | 100.00       |
| <b>1104505202</b> |                  |              |                           |                |                    |                          |              |
| <b>75522</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/29/2023       | 75522        | Cintas First Aid & Safety | 9241705249     | 11-04-5052.02      | First Aid Supplies       | 99.00        |
| Total 1104505202: |                  |              |                           |                |                    |                          | 99.00        |
| <b>1104505601</b> |                  |              |                           |                |                    |                          |              |
| <b>75405</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/18/2023       | 75405        | AdSortium, LLC            | 5240           | 11-04-5056.01      | Brochures/Advertising    | 300.00       |
| Total 1104505601: |                  |              |                           |                |                    |                          | 300.00       |
| <b>1106504606</b> |                  |              |                           |                |                    |                          |              |
| <b>75566</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/31/2023       | 75566        | Elish, Walt               | UNIFORM 12     | 11-06-5046.06      | Uniforms                 | 29.57        |
| Total 1106504606: |                  |              |                           |                |                    |                          | 29.57        |

| GL Period         | Check Issue Date | Check Number | Payee                    | Invoice Number | Invoice GL Account | Invoice GL Account Title       | Check Amount |
|-------------------|------------------|--------------|--------------------------|----------------|--------------------|--------------------------------|--------------|
| <b>1106510106</b> |                  |              |                          |                |                    |                                |              |
| <b>75411</b>      |                  |              |                          |                |                    |                                |              |
| 12/23             | 12/18/2023       | 75411        | NCCAR                    | 6133           | 11-06-5101.06      | Memberships                    | 305.00       |
| Total 1106510106: |                  |              |                          |                |                    |                                | 305.00       |
| <b>1106510806</b> |                  |              |                          |                |                    |                                |              |
| <b>75312</b>      |                  |              |                          |                |                    |                                |              |
| 12/23             | 12/05/2023       | 75312        | Berthoud Weekly Surveyor | 38447          | 11-06-5108.06      | Business Relations-Development | 1,310.00     |
| Total 1106510806: |                  |              |                          |                |                    |                                | 1,310.00     |
| <b>1106511006</b> |                  |              |                          |                |                    |                                |              |
| <b>75428</b>      |                  |              |                          |                |                    |                                |              |
| 12/23             | 12/29/2023       | 75428        | Ayres Associates Inc     | 212365         | 11-06-5110.06      | Professional Serv-Consultants  | 13,499.84    |
| <b>75445</b>      |                  |              |                          |                |                    |                                |              |
| 12/23             | 12/29/2023       | 75445        | Leadline Project Managem | 3              | 11-06-5110.06      | Professional Serv-Consultants  | 5,607.50     |
| <b>75459</b>      |                  |              |                          |                |                    |                                |              |
| 12/23             | 12/27/2023       | 75459        | Crazy Good Marketing     | 3663           | 11-06-5110.06      | Professional Serv-Consultants  | 308.90       |
| Total 1106511006: |                  |              |                          |                |                    |                                | 19,416.24    |
| <b>1106511206</b> |                  |              |                          |                |                    |                                |              |
| <b>75447</b>      |                  |              |                          |                |                    |                                |              |
| 12/23             | 12/27/2023       | 75447        | AdSortium, LLC           | 5241           | 11-06-5112.06      | Marketing                      | 1,100.00     |
| Total 1106511206: |                  |              |                          |                |                    |                                | 1,100.00     |
| <b>1107501101</b> |                  |              |                          |                |                    |                                |              |
| <b>75328</b>      |                  |              |                          |                |                    |                                |              |
| 12/23             | 12/05/2023       | 75328        | Hilltop Broadband        | 1489-202311    | 11-07-5011.01      | Telephone                      | 261.56       |
| Total 1107501101: |                  |              |                          |                |                    |                                | 261.56       |
| <b>1107501209</b> |                  |              |                          |                |                    |                                |              |
| <b>75413</b>      |                  |              |                          |                |                    |                                |              |
| 12/23             | 12/18/2023       | 75413        | Poudre Valley REA        | DEC23          | 11-07-5012.09      | Utilities-facilities/gen parks | 1,612.83     |
| Total 1107501209: |                  |              |                          |                |                    |                                | 1,612.83     |
| <b>1107501309</b> |                  |              |                          |                |                    |                                |              |
| <b>75322</b>      |                  |              |                          |                |                    |                                |              |
| 12/23             | 12/05/2023       | 75322        | Davidson-Gebhardt Chevro | 6157480/1      | 11-07-5013.09      | Vehicle Maint-General Park     | 395.25       |
| <b>75344</b>      |                  |              |                          |                |                    |                                |              |
| 12/23             | 12/05/2023       | 75344        | T & T OK Tire            | 1145156        | 11-07-5013.09      | Vehicle Maint-General Park     | 25.00        |
| Total 1107501309: |                  |              |                          |                |                    |                                | 420.25       |
| <b>1107504601</b> |                  |              |                          |                |                    |                                |              |
| <b>75242</b>      |                  |              |                          |                |                    |                                |              |
| 12/23             | 12/04/2023       | 75242        | Chard, Coletton          | UNIFORM 12     | 11-07-5046.01      | Uniforms                       | 160.00       |
| <b>75245</b>      |                  |              |                          |                |                    |                                |              |
| 12/23             | 12/04/2023       | 75245        | Kouns, Samantha          | UNIFORM 11     | 11-07-5046.01      | Uniforms                       | 131.38       |
| <b>75246</b>      |                  |              |                          |                |                    |                                |              |
| 12/23             | 12/04/2023       | 75246        | Pickard, Sam             | UNIFORM 11     | 11-07-5046.01      | Uniforms                       | 403.27       |
| <b>75253</b>      |                  |              |                          |                |                    |                                |              |
| 12/23             | 12/11/2023       | 75253        | Schachterle, John        | UNIFORM 12     | 11-07-5046.01      | Uniforms                       | 90.76        |

| GL Period         | Check Issue Date | Check Number | Payee                     | Invoice Number | Invoice GL Account | Invoice GL Account Title     | Check Amount |
|-------------------|------------------|--------------|---------------------------|----------------|--------------------|------------------------------|--------------|
| <b>75327</b>      |                  |              |                           |                |                    |                              |              |
| 12/23             | 12/05/2023       | 75327        | Gonzo Screen Printing     | 1209           | 11-07-5046.01      | Uniforms                     | 300.00       |
| <b>75420</b>      |                  |              |                           |                |                    |                              |              |
| 12/23             | 12/26/2023       | 75420        | Schachterle, John         | UNIFORM 12     | 11-07-5046.01      | Uniforms                     | 175.00       |
| <b>75564</b>      |                  |              |                           |                |                    |                              |              |
| 12/23             | 12/31/2023       | 75564        | Visger, Dawson            | UNIFORM 11     | 11-07-5046.01      | Uniforms                     | 125.00       |
| Total 1107504601: |                  |              |                           |                |                    |                              | 1,385.41     |
| <b>1107504804</b> |                  |              |                           |                |                    |                              |              |
| <b>75394</b>      |                  |              |                           |                |                    |                              |              |
| 12/23             | 12/18/2023       | 75394        | Middlesworth, William     | 12182023       | 11-07-5048.04      | Ballfield Maintenance        | 574.83       |
| Total 1107504804: |                  |              |                           |                |                    |                              | 574.83       |
| <b>1107504909</b> |                  |              |                           |                |                    |                              |              |
| <b>75551</b>      |                  |              |                           |                |                    |                              |              |
| 12/23             | 12/30/2023       | 75551        | DBC Irrigation Supply     | S5304101.00    | 11-07-5049.09      | Irrigation-general parks     | 1,165.80     |
| Total 1107504909: |                  |              |                           |                |                    |                              | 1,165.80     |
| <b>1107505709</b> |                  |              |                           |                |                    |                              |              |
| <b>75234</b>      |                  |              |                           |                |                    |                              |              |
| 12/23             | 12/04/2023       | 75234        | Mountain View Commercial  | Multiple       | 11-07-5057.09      | Repair/Supplies-General Park | 3,717.20     |
| <b>75350</b>      |                  |              |                           |                |                    |                              |              |
| 12/23             | 12/06/2023       | 75350        | Kevin Coughlan            | 344798         | 11-07-5057.09      | Repair/Supplies-General Park | 500.00       |
| Total 1107505709: |                  |              |                           |                |                    |                              | 4,217.20     |
| <b>1107505806</b> |                  |              |                           |                |                    |                              |              |
| <b>75408</b>      |                  |              |                           |                |                    |                              |              |
| 12/23             | 12/18/2023       | 75408        | High Altitude Equipment   | Multiple       | 11-07-5058.06      | Equipment Maint-Fleet        | 738.47       |
| <b>75434</b>      |                  |              |                           |                |                    |                              |              |
| 12/23             | 12/29/2023       | 75434        | Diamond Enterprise Fencin | 1250           | 11-07-5058.06      | Equipment Maint-Fleet        | 300.00       |
| Total 1107505806: |                  |              |                           |                |                    |                              | 1,038.47     |
| <b>1107506008</b> |                  |              |                           |                |                    |                              |              |
| <b>75377</b>      |                  |              |                           |                |                    |                              |              |
| 12/23             | 12/07/2023       | 75377        | Wintergreen Corporation   | 7844608        | 11-07-5060.08      | Seasonal Decorations         | 1,016.99     |
| Total 1107506008: |                  |              |                           |                |                    |                              | 1,016.99     |
| <b>1107509008</b> |                  |              |                           |                |                    |                              |              |
| <b>75401</b>      |                  |              |                           |                |                    |                              |              |
| 12/23             | 12/18/2023       | 75401        | United Rentals            | Multiple       | 11-07-5090.08      | Equipment rental seasonal    | 3,975.02     |
| Total 1107509008: |                  |              |                           |                |                    |                              | 3,975.02     |
| <b>1107525106</b> |                  |              |                           |                |                    |                              |              |
| <b>75480</b>      |                  |              |                           |                |                    |                              |              |
| 12/23             | 12/27/2023       | 75480        | MAC Equipment INC         | 456876         | 11-07-5251.06      | Tools                        | 1,144.94     |
| Total 1107525106: |                  |              |                           |                |                    |                              | 1,144.94     |
| <b>1108521502</b> |                  |              |                           |                |                    |                              |              |

| GL Period         | Check Issue Date | Check Number | Payee                       | Invoice Number | Invoice GL Account | Invoice GL Account Title       | Check Amount |
|-------------------|------------------|--------------|-----------------------------|----------------|--------------------|--------------------------------|--------------|
| <b>75341</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/05/2023       | 75341        | ProCode, Inc.               | 174736         | 11-08-5215.02      | Contract Inspections           | 45,588.63    |
| <b>75537</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/30/2023       | 75537        | ProCode, Inc.               | 206933         | 11-08-5215.02      | Contract Inspections           | 41,164.46    |
| Total 1108521502: |                  |              |                             |                |                    |                                | 86,753.09    |
| <b>1110508400</b> |                  |              |                             |                |                    |                                |              |
| <b>75527</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/29/2023       | 75527        | Tri City Cycle              | 102402         | 11-10-5084.00      | ATV Plow                       | 15,078.49    |
| Total 1110508400: |                  |              |                             |                |                    |                                | 15,078.49    |
| <b>1110508500</b> |                  |              |                             |                |                    |                                |              |
| <b>75402</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/18/2023       | 75402        | Up Top Roofing & Exteriors  | DL-2023-718    | 11-10-5085.00      | Roof Repairs                   | 66,538.95    |
| <b>75495</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/27/2023       | 75495        | Up Top Roofing & Exteriors  | DL-2023-718    | 11-10-5085.00      | Roof Repairs                   | 3,502.05     |
| Total 1110508500: |                  |              |                             |                |                    |                                | 70,041.00    |
| <b>1110512300</b> |                  |              |                             |                |                    |                                |              |
| <b>75357</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/06/2023       | 75357        | Picture This Creative Servi | Multiple       | 11-10-5123.00      | Signage at Entryways           | 560.00       |
| Total 1110512300: |                  |              |                             |                |                    |                                | 560.00       |
| <b>1110512800</b> |                  |              |                             |                |                    |                                |              |
| <b>75499</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/27/2023       | 75499        | Wilson & Company, Inc.      | 121937         | 11-10-5128.00      | 3rd & Massachusetts            | 14,090.00    |
| Total 1110512800: |                  |              |                             |                |                    |                                | 14,090.00    |
| <b>1110512900</b> |                  |              |                             |                |                    |                                |              |
| <b>75382</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/18/2023       | 75382        | American Ramp Company       | 5              | 11-10-5129.00      | Richardson Park Construction   | 78,599.09    |
| <b>75435</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/29/2023       | 75435        | DTJ Design                  | 67393          | 11-10-5129.00      | Richardson Park Construction   | 67,840.83    |
| <b>75465</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/27/2023       | 75465        | FCI Constructors, Inc.      | 30-23-001 P1   | 11-10-5129.00      | Richardson Park Construction   | 34,366.00    |
| <b>75470</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/27/2023       | 75470        | Handy Ditch Company         | 1361           | 11-10-5129.00      | Richardson Park Construction   | 123.00       |
| <b>75563</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/31/2023       | 75563        | DTJ Design                  | 67514          | 11-10-5129.00      | Richardson Park Construction   | 66,112.25    |
| Total 1110512900: |                  |              |                             |                |                    |                                | 247,041.17   |
| <b>1110525200</b> |                  |              |                             |                |                    |                                |              |
| <b>75398</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/18/2023       | 75398        | Skyline Lighting & Electric | Multiple       | 11-10-5252.00      | Electric Vehicle Charging Stat | 37,004.83    |
| Total 1110525200: |                  |              |                             |                |                    |                                | 37,004.83    |
| <b>1110570800</b> |                  |              |                             |                |                    |                                |              |
| <b>75388</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/18/2023       | 75388        | Krische Construction        | 23047 4        | 11-10-5708.00      | Town Park Reconstruction       | 511,382.09   |



| GL Period         | Check Issue Date | Check Number | Payee                      | Invoice Number | Invoice GL Account | Invoice GL Account Title    | Check Amount |
|-------------------|------------------|--------------|----------------------------|----------------|--------------------|-----------------------------|--------------|
| <b>75510</b>      |                  |              |                            |                |                    |                             |              |
| 12/23             | 12/29/2023       | 75510        | Ohlson Lavoie Corporation  | 115202         | 11-10-5708.00      | Town Park Reconstruction    | 10,523.50    |
| <b>75556</b>      |                  |              |                            |                |                    |                             |              |
| 12/23             | 12/30/2023       | 75556        | Krische Construction       | 23047.5        | 11-10-5708.00      | Town Park Reconstruction    | 396,898.41   |
| Total 1110570800: |                  |              |                            |                |                    |                             | 918,804.00   |
| <b>1111502201</b> |                  |              |                            |                |                    |                             |              |
| <b>75450</b>      |                  |              |                            |                |                    |                             |              |
| 12/23             | 12/27/2023       | 75450        | Awards Unlimited           | 37654          | 11-11-5022.01      | Planning Commission Support | 27.00        |
| Total 1111502201: |                  |              |                            |                |                    |                             | 27.00        |
| <b>1111502401</b> |                  |              |                            |                |                    |                             |              |
| <b>75337</b>      |                  |              |                            |                |                    |                             |              |
| 12/23             | 12/05/2023       | 75337        | Mountain States Specialtie | 127906         | 11-11-5024.01      | Youth Advisory Commission   | 1,638.32     |
| <b>75468</b>      |                  |              |                            |                |                    |                             |              |
| 12/23             | 12/27/2023       | 75468        | Grace, Mike                | 12132023       | 11-11-5024.01      | Youth Advisory Commission   | 69.00        |
| Total 1111502401: |                  |              |                            |                |                    |                             | 1,707.32     |
| <b>1111518603</b> |                  |              |                            |                |                    |                             |              |
| <b>75383</b>      |                  |              |                            |                |                    |                             |              |
| 12/23             | 12/18/2023       | 75383        | Ayres Associates Inc       | 211900         | 11-11-5186.03      | Development Code Updates    | 6,500.00     |
| <b>75396</b>      |                  |              |                            |                |                    |                             |              |
| 12/23             | 12/18/2023       | 75396        | Plan Tools LLC             | 23-35          | 11-11-5186.03      | Development Code Updates    | 3,506.25     |
| <b>75492</b>      |                  |              |                            |                |                    |                             |              |
| 12/23             | 12/27/2023       | 75492        | Sopher Spam Architects     | 113023         | 11-11-5186.03      | Development Code Updates    | 430.00       |
| <b>75512</b>      |                  |              |                            |                |                    |                             |              |
| 12/23             | 12/29/2023       | 75512        | Plan Tools LLC             | 24-1           | 11-11-5186.03      | Development Code Updates    | 7,356.25     |
| Total 1111518603: |                  |              |                            |                |                    |                             | 17,792.50    |
| <b>1111518902</b> |                  |              |                            |                |                    |                             |              |
| <b>75451</b>      |                  |              |                            |                |                    |                             |              |
| 12/23             | 12/27/2023       | 75451        | Baseline Engineering Corp. | Multiple       | 11-11-5189.02      | DEVELOPMENT REVIEW          | 36,489.25    |
| <b>75488</b>      |                  |              |                            |                |                    |                             |              |
| 12/23             | 12/27/2023       | 75488        | ProCode, Inc.              | Multiple       | 11-11-5189.02      | DEVELOPMENT REVIEW          | 16,065.00    |
| Total 1111518902: |                  |              |                            |                |                    |                             | 52,554.25    |
| <b>1112451000</b> |                  |              |                            |                |                    |                             |              |
| <b>75233</b>      |                  |              |                            |                |                    |                             |              |
| 12/23             | 12/04/2023       | 75233        | Morgan, Patrick            | DEPOSIT RE     | 11-12-4510-00      | Lease-Month to Month        | 250.00       |
| Total 1112451000: |                  |              |                            |                |                    |                             | 250.00       |
| <b>1112501702</b> |                  |              |                            |                |                    |                             |              |
| <b>75318</b>      |                  |              |                            |                |                    |                             |              |
| 12/23             | 12/05/2023       | 75318        | Clear Shine Window Cleani  | 13869          | 11-12-5017.02      | Building Maintenance-Maint  | 30.00        |
| <b>75456</b>      |                  |              |                            |                |                    |                             |              |
| 12/23             | 12/27/2023       | 75456        | Clear Shine Window Cleani  | 13954          | 11-12-5017.02      | Building Maintenance-Maint  | 30.00        |
| <b>75462</b>      |                  |              |                            |                |                    |                             |              |
| 12/23             | 12/27/2023       | 75462        | Enviropest                 | 1074822        | 11-12-5017.02      | Building Maintenance-Maint  | 399.00       |
| Total 1112501702: |                  |              |                            |                |                    |                             | 459.00       |

| GL<br>Period      | Check<br>Issue Date | Check<br>Number | Payee                       | Invoice<br>Number | Invoice<br>GL Account | Invoice GL Account Title    | Check<br>Amount |
|-------------------|---------------------|-----------------|-----------------------------|-------------------|-----------------------|-----------------------------|-----------------|
| <b>1112503901</b> |                     |                 |                             |                   |                       |                             |                 |
| <b>75351</b>      |                     |                 |                             |                   |                       |                             |                 |
| 12/23             | 12/06/2023          | 75351           | Berthoud Village Shopping   | DEC23             | 11-12-5039.01         | HOA Fees                    | 3,860.86        |
| Total 1112503901: |                     |                 |                             |                   |                       |                             | 3,860.86        |
| <b>1113504601</b> |                     |                 |                             |                   |                       |                             |                 |
| <b>75567</b>      |                     |                 |                             |                   |                       |                             |                 |
| 12/23             | 12/31/2023          | 75567           | Horvath, Stephanie          | UNIFORM 11        | 11-13-5046.01         | Uniforms-Community Outreach | 70.94           |
| Total 1113504601: |                     |                 |                             |                   |                       |                             | 70.94           |
| <b>1115515000</b> |                     |                 |                             |                   |                       |                             |                 |
| <b>75379</b>      |                     |                 |                             |                   |                       |                             |                 |
| 12/23             | 12/07/2023          | 75379           | Berthoud Area Chamber Of    | 26448             | 11-15-5150.00         | Shop Local - Chamber        | 1,500.00        |
| Total 1115515000: |                     |                 |                             |                   |                       |                             | 1,500.00        |
| <b>1115515400</b> |                     |                 |                             |                   |                       |                             |                 |
| <b>75545</b>      |                     |                 |                             |                   |                       |                             |                 |
| 12/23             | 12/30/2023          | 75545           | House of Neighborly Servc   | DRAWDOW           | 11-15-5154.00         | HNS Utility Assistance      | 4,983.65        |
| Total 1115515400: |                     |                 |                             |                   |                       |                             | 4,983.65        |
| <b>2000504002</b> |                     |                 |                             |                   |                       |                             |                 |
| <b>75347</b>      |                     |                 |                             |                   |                       |                             |                 |
| 12/23             | 12/05/2023          | 75347           | Vranesh & Raisch            | Multiple          | 20-00-5040.02         | Attorney Fees               | 12,771.38       |
| <b>75403</b>      |                     |                 |                             |                   |                       |                             |                 |
| 12/23             | 12/18/2023          | 75403           | Vranesh & Raisch            | Multiple          | 20-00-5040.02         | Attorney Fees               | 10,295.41       |
| <b>75559</b>      |                     |                 |                             |                   |                       |                             |                 |
| 12/23             | 12/30/2023          | 75559           | Vranesh & Raisch            | Multiple          | 20-00-5040.02         | Attorney Fees               | 13,742.91       |
| Total 2000504002: |                     |                 |                             |                   |                       |                             | 36,809.70       |
| <b>2000510402</b> |                     |                 |                             |                   |                       |                             |                 |
| <b>75477</b>      |                     |                 |                             |                   |                       |                             |                 |
| 12/23             | 12/27/2023          | 75477           | Leonard Rice Engineers In   | 24838             | 20-00-5104.02         | Water Resource Master Plan  | 10,049.50       |
| <b>75535</b>      |                     |                 |                             |                   |                       |                             |                 |
| 12/23             | 12/30/2023          | 75535           | Leonard Rice Engineers In   | 25151             | 20-00-5104.02         | Water Resource Master Plan  | 10,699.75       |
| Total 2000510402: |                     |                 |                             |                   |                       |                             | 20,749.25       |
| <b>2000510602</b> |                     |                 |                             |                   |                       |                             |                 |
| <b>75384</b>      |                     |                 |                             |                   |                       |                             |                 |
| 12/23             | 12/18/2023          | 75384           | Baseline Engineering Corp.  | Multiple          | 20-00-5106.02         | Ditchwide Study             | 27,130.75       |
| <b>75471</b>      |                     |                 |                             |                   |                       |                             |                 |
| 12/23             | 12/27/2023          | 75471           | Handy Ditch Company         | 1363              | 20-00-5106.02         | Ditchwide Study             | 72,500.00       |
| Total 2000510602: |                     |                 |                             |                   |                       |                             | 99,630.75       |
| <b>2000520802</b> |                     |                 |                             |                   |                       |                             |                 |
| <b>75538</b>      |                     |                 |                             |                   |                       |                             |                 |
| 12/23             | 12/30/2023          | 75538           | Providence Infrastructure C | 15                | 20-00-5208.02         | Raw Line Maintenance        | 5,861.23        |
| Total 2000520802: |                     |                 |                             |                   |                       |                             | 5,861.23        |

| GL Period         | Check Issue Date | Check Number | Payee                     | Invoice Number | Invoice GL Account | Invoice GL Account Title      | Check Amount |
|-------------------|------------------|--------------|---------------------------|----------------|--------------------|-------------------------------|--------------|
| <b>2100441000</b> |                  |              |                           |                |                    |                               |              |
| <b>75107</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/04/2023       | 75107        | FRICKE, JOHN              | 12216.1        | 21-00-4410-00      | Sale of Water                 | 349.97       |
| <b>75108</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/04/2023       | 75108        | MCCAWLEY, JAMIE           | 1007.2         | 21-00-4410-00      | Sale of Water                 | 127.54       |
| <b>75109</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/04/2023       | 75109        | FRICKE CUSTOM HOMES       | 12267.1        | 21-00-4410-00      | Sale of Water                 | 172.65       |
| <b>75110</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/04/2023       | 75110        | JOHNSON, MICHAEL & K      | 8939.3         | 21-00-4410-00      | Sale of Water                 | 194.26       |
| <b>75111</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/11/2023       | 75111        | KORBIN, RICHARD & KAY     | 10687.2        | 21-00-4410-00      | Sale of Water                 | 91.95        |
| <b>75112</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/11/2023       | 75112        | HOLLIS, COREY & TORI      | 11766.2        | 21-00-4410-00      | Sale of Water                 | 696.66       |
| <b>75113</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/26/2023       | 75113        | MQ3 Construction          | HM0839         | 21-00-4410-00      | Sale of Water                 | 2,388.51     |
| <b>75114</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/26/2023       | 75114        | SCHUEMANN, GEORGE         | 11438.2A       | 21-00-4410-00      | Sale of Water                 | 117.23       |
| <b>75115</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/26/2023       | 75115        | Primeau Enterprises Inc.  | 12286.1        | 21-00-4410-00      | Sale of Water                 | 117.61       |
| <b>75116</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/26/2023       | 75116        | HERGENREDER, JAMES        | 2117.2         | 21-00-4410-00      | Sale of Water                 | 29.07        |
| <b>75117</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/26/2023       | 75117        | PJL CUSTOM HOMES LL       | 11878.1        | 21-00-4410-00      | Sale of Water                 | 8.45         |
| <b>75118</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/26/2023       | 75118        | FRALIC, HEIDE K.          | 11688.2        | 21-00-4410-00      | Sale of Water                 | 194.26       |
| <b>75119</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/26/2023       | 75119        | SUTTON, DAVID D & AND     | 9880.2         | 21-00-4410-00      | Sale of Water                 | 67.11        |
| <b>75120</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/26/2023       | 75120        | JACKSON, DAVID L & NY     | 9770.2         | 21-00-4410-00      | Sale of Water                 | 111.80       |
| <b>75121</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/27/2023       | 75121        | EDWARDS FAMILY LIMIT      | 11687.2        | 21-00-4410-00      | Sale of Water                 | 421.98       |
| <b>75122</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/27/2023       | 75122        | FLEMING, GEOFFREY         | 2082.3         | 21-00-4410-00      | Sale of Water                 | 139.90       |
| <b>75123</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/27/2023       | 75123        | Epic Construction         | HM0840         | 21-00-4410-00      | Sale of Water                 | 2,152.03     |
| Total 2100441000: |                  |              |                           |                |                    |                               | 7,380.98     |
| <b>2100500701</b> |                  |              |                           |                |                    |                               |              |
| <b>75548</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/30/2023       | 75548        | Cardmember Service        | DEC23-2        | 21-00-5007.01      | Licenses and Exams            | 19,430.11    |
| Total 2100500701: |                  |              |                           |                |                    |                               | 19,430.11    |
| <b>2100500801</b> |                  |              |                           |                |                    |                               |              |
| <b>75427</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/29/2023       | 75427        | American DataBank LLC     | 2312256        | 21-00-5008.01      | Employee Physicals-Background | 135.90       |
| Total 2100500801: |                  |              |                           |                |                    |                               | 135.90       |
| <b>2100501001</b> |                  |              |                           |                |                    |                               |              |
| <b>75484</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/27/2023       | 75484        | Norfield Development Part | 1756           | 21-00-5010.01      | Office Supplies               | 1,259.00     |
| <b>75509</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/29/2023       | 75509        | Office Depot              | 3483256370     | 21-00-5010.01      | Office Supplies               | 250.42       |
| <b>75511</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/29/2023       | 75511        | Pioneer Press of Greeley  | Multiple       | 21-00-5010.01      | Office Supplies               | 419.00       |

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|-------------------|------------------|--------------|---------------------------|----------------|--------------------|---------------------------|--------------|
| Total 2100501001: |                  |              |                           |                |                    |                           | 1,928.42     |
| <b>2100501101</b> |                  |              |                           |                |                    |                           |              |
| <b>75320</b>      |                  |              |                           |                |                    |                           |              |
| 12/23             | 12/05/2023       | 75320        | Comcast                   | NOV23          | 21-00-5011.01      | Telephone                 | 428.48       |
| Total 2100501101: |                  |              |                           |                |                    |                           | 428.48       |
| <b>2100501203</b> |                  |              |                           |                |                    |                           |              |
| <b>75501</b>      |                  |              |                           |                |                    |                           |              |
| 12/23             | 12/27/2023       | 75501        | XCEL Energy               | 857113600      | 21-00-5012.03      | Utilities-Treatment       | 10,323.68    |
| Total 2100501203: |                  |              |                           |                |                    |                           | 10,323.68    |
| <b>2100501301</b> |                  |              |                           |                |                    |                           |              |
| <b>75392</b>      |                  |              |                           |                |                    |                           |              |
| 12/23             | 12/18/2023       | 75392        | Mainstreet Car Care & Qui | Multiple       | 21-00-5013.01      | Vehicle Maintenance       | 405.14       |
| <b>75507</b>      |                  |              |                           |                |                    |                           |              |
| 12/23             | 12/29/2023       | 75507        | Mainstreet Car Care & Qui | Multiple       | 21-00-5013.01      | Vehicle Maintenance       | 1,287.61     |
| Total 2100501301: |                  |              |                           |                |                    |                           | 1,692.75     |
| <b>2100504004</b> |                  |              |                           |                |                    |                           |              |
| <b>75393</b>      |                  |              |                           |                |                    |                           |              |
| 12/23             | 12/18/2023       | 75393        | Maynes Bradford Shipp &   | 12446          | 21-00-5040.04      | Attorney                  | 11,514.08    |
| <b>75562</b>      |                  |              |                           |                |                    |                           |              |
| 12/23             | 12/31/2023       | 75562        | Maynes Bradford Shipp &   | 12618          | 21-00-5040.04      | Attorney                  | 7,234.52     |
| Total 2100504004: |                  |              |                           |                |                    |                           | 18,748.60    |
| <b>2100504601</b> |                  |              |                           |                |                    |                           |              |
| <b>75251</b>      |                  |              |                           |                |                    |                           |              |
| 12/23             | 12/11/2023       | 75251        | Catron, Bryan             | UNIFORM 12     | 21-00-5046.01      | Uniforms                  | 125.00       |
| <b>75418</b>      |                  |              |                           |                |                    |                           |              |
| 12/23             | 12/26/2023       | 75418        | Calderon, Armando         | UNIFORM 12     | 21-00-5046.01      | Uniforms                  | 65.46        |
| Total 2100504601: |                  |              |                           |                |                    |                           | 190.46       |
| <b>2100504802</b> |                  |              |                           |                |                    |                           |              |
| <b>75232</b>      |                  |              |                           |                |                    |                           |              |
| 12/23             | 12/04/2023       | 75232        | Cintas First Aid & Safety | Multiple       | 21-00-5048.02      | Safety Equipment          | 882.00       |
| Total 2100504802: |                  |              |                           |                |                    |                           | 882.00       |
| <b>2100505702</b> |                  |              |                           |                |                    |                           |              |
| <b>75323</b>      |                  |              |                           |                |                    |                           |              |
| 12/23             | 12/05/2023       | 75323        | DBA White Excavation & C  | 312424         | 21-00-5057.02      | Repair, Maint, Supp Dist  | 1,275.00     |
| <b>75496</b>      |                  |              |                           |                |                    |                           |              |
| 12/23             | 12/27/2023       | 75496        | USA Bluebook              | INV0019576     | 21-00-5057.02      | Repair, Maint, Supp Dist  | 1,717.38     |
| Total 2100505702: |                  |              |                           |                |                    |                           | 2,992.38     |
| <b>2100505703</b> |                  |              |                           |                |                    |                           |              |
| <b>74951</b>      |                  |              |                           |                |                    |                           |              |
| 12/23             | 12/27/2023       | 74951        | Goble Sampson Associate   | BlNV001074     | 21-00-5057.03      | Repair, Maint, Supp Treat | 4,661.00     |

| GL Period         | Check Issue Date | Check Number | Payee                       | Invoice Number | Invoice GL Account | Invoice GL Account Title  | Check Amount |
|-------------------|------------------|--------------|-----------------------------|----------------|--------------------|---------------------------|--------------|
| <b>75375</b>      |                  |              |                             |                |                    |                           |              |
| 12/23             | 12/07/2023       | 75375        | UNCC                        | 223110171      | 21-00-5057.03      | Repair, Maint, Supp Treat | 432.15       |
| <b>75466</b>      |                  |              |                             |                |                    |                           |              |
| 12/23             | 12/27/2023       | 75466        | Goble Sampson Associate     | BINV001074     | 21-00-5057.03      | Repair, Maint, Supp Treat | 4,661.00     |
| <b>75469</b>      |                  |              |                             |                |                    |                           |              |
| 12/23             | 12/27/2023       | 75469        | Hach Co.                    | 13846583       | 21-00-5057.03      | Repair, Maint, Supp Treat | 1,471.36     |
| <b>75533</b>      |                  |              |                             |                |                    |                           |              |
| 12/23             | 12/30/2023       | 75533        | Grainger                    | 9947247681     | 21-00-5057.03      | Repair, Maint, Supp Treat | 321.98       |
| <b>75544</b>      |                  |              |                             |                |                    |                           |              |
| 12/23             | 12/30/2023       | 75544        | Goble Sampson Associate     | BINV001099     | 21-00-5057.03      | Repair, Maint, Supp Treat | 9,237.00     |
| Total 2100505703: |                  |              |                             |                |                    |                           | 11,462.49    |
| <b>2100506003</b> |                  |              |                             |                |                    |                           |              |
| <b>75372</b>      |                  |              |                             |                |                    |                           |              |
| 12/23             | 12/07/2023       | 75372        | Nalco Company LLC           | 6602362877     | 21-00-5060.03      | Chemicals-Treatment       | 29,666.40    |
| <b>75532</b>      |                  |              |                             |                |                    |                           |              |
| 12/23             | 12/30/2023       | 75532        | DPC Industries Inc.         | 737004786-2    | 21-00-5060.03      | Chemicals-Treatment       | 7,088.44     |
| Total 2100506003: |                  |              |                             |                |                    |                           | 36,754.84    |
| <b>2100508103</b> |                  |              |                             |                |                    |                           |              |
| <b>75534</b>      |                  |              |                             |                |                    |                           |              |
| 12/23             | 12/30/2023       | 75534        | HOA Solutions               | 11578          | 21-00-5081.03      | SCADA                     | 5,424.75     |
| Total 2100508103: |                  |              |                             |                |                    |                           | 5,424.75     |
| <b>2100510802</b> |                  |              |                             |                |                    |                           |              |
| <b>75364</b>      |                  |              |                             |                |                    |                           |              |
| 12/23             | 12/07/2023       | 75364        | Colorado Analytical Labs, I | Multiple       | 21-00-5108.02      | Lab Testing               | 4,630.41     |
| <b>75529</b>      |                  |              |                             |                |                    |                           |              |
| 12/23             | 12/30/2023       | 75529        | City of Fort Collins        | 99639          | 21-00-5108.02      | Lab Testing               | 1,620.00     |
| Total 2100510802: |                  |              |                             |                |                    |                           | 6,250.41     |
| <b>2100510902</b> |                  |              |                             |                |                    |                           |              |
| <b>75387</b>      |                  |              |                             |                |                    |                           |              |
| 12/23             | 12/18/2023       | 75387        | Dana Kepner                 | 1576193-00     | 21-00-5109.02      | Meters-repairs            | 526.98       |
| Total 2100510902: |                  |              |                             |                |                    |                           | 526.98       |
| <b>2100510905</b> |                  |              |                             |                |                    |                           |              |
| <b>75321</b>      |                  |              |                             |                |                    |                           |              |
| 12/23             | 12/05/2023       | 75321        | Dana Kepner                 | 1586285-01     | 21-00-5109.05      | Meters-new                | 9,111.24     |
| Total 2100510905: |                  |              |                             |                |                    |                           | 9,111.24     |
| <b>2100512401</b> |                  |              |                             |                |                    |                           |              |
| <b>75339</b>      |                  |              |                             |                |                    |                           |              |
| 12/23             | 12/05/2023       | 75339        | Northern Water              | 12052023       | 21-00-5124.01      | Water Assessments         | 11,663.36    |
| Total 2100512401: |                  |              |                             |                |                    |                           | 11,663.36    |
| <b>2100527704</b> |                  |              |                             |                |                    |                           |              |
| <b>75539</b>      |                  |              |                             |                |                    |                           |              |
| 12/23             | 12/30/2023       | 75539        | Xylem Water Solutions U.S.  | 3556D04813     | 21-00-5277.04      | Filter Plant              | 14,500.00    |

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|-------------------|------------------|--------------|-----------------------------|----------------|--------------------|--------------------------|--------------|
| Total 2100527704: |                  |              |                             |                |                    |                          | 14,500.00    |
| <b>2300501004</b> |                  |              |                             |                |                    |                          |              |
| <b>75361</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/07/2023       | 75361        | USPS-Berthoud               | DEC23          | 23-00-5010.04      | Office Supplies          | 2,579.90     |
| <b>75424</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/27/2023       | 75424        | Digital Print Resources Inc | 21727          | 23-00-5010.04      | Office Supplies          | 1,795.50     |
| Total 2300501004: |                  |              |                             |                |                    |                          | 4,375.40     |
| <b>2300501101</b> |                  |              |                             |                |                    |                          |              |
| <b>75311</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/05/2023       | 75311        | AT&T Mobility               | NOV23          | 23-00-5011.01      | Telephone-Main Plant     | 729.63       |
| <b>75352</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/06/2023       | 75352        | CenturyLink                 | DEC23          | 23-00-5011.01      | Telephone-Main Plant     | 409.61       |
| <b>75353</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/06/2023       | 75353        | Comcast                     | DEC23-2        | 23-00-5011.01      | Telephone-Main Plant     | 1,570.17     |
| <b>75449</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/27/2023       | 75449        | AT&T Mobility               | DECEMBER       | 23-00-5011.01      | Telephone-Main Plant     | 723.42       |
| Total 2300501101: |                  |              |                             |                |                    |                          | 3,432.83     |
| <b>2300501201</b> |                  |              |                             |                |                    |                          |              |
| <b>75478</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/27/2023       | 75478        | Little Thompson Water Dist  | Multiple       | 23-00-5012.01      | Utilities-Main Plant     | 188.54       |
| <b>75487</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/27/2023       | 75487        | Poudre Valley REA           | DECEMBER       | 23-00-5012.01      | Utilities-Main Plant     | 5,993.84     |
| <b>75513</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/29/2023       | 75513        | Poudre Valley REA           | DECEMBER       | 23-00-5012.01      | Utilities-Main Plant     | 15,796.83    |
| Total 2300501201: |                  |              |                             |                |                    |                          | 21,979.21    |
| <b>2300501202</b> |                  |              |                             |                |                    |                          |              |
| <b>75241</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/04/2023       | 75241        | XCEL Energy                 | 2023           | 23-00-5012.02      | Utilities-Regional       | 17,379.26    |
| <b>75500</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/27/2023       | 75500        | XCEL Energy                 | Multiple       | 23-00-5012.02      | Utilities-Regional       | 1,887.40     |
| Total 2300501202: |                  |              |                             |                |                    |                          | 19,266.66    |
| <b>2300501203</b> |                  |              |                             |                |                    |                          |              |
| <b>75333</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/05/2023       | 75333        | Little Thompson Water Dist  | NOV23          | 23-00-5012.03      | Utilities                | 33.09        |
| <b>75390</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/18/2023       | 75390        | Little Thompson Water Dist  | NOV2023        | 23-00-5012.03      | Utilities                | 1,404.66     |
| <b>75506</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/29/2023       | 75506        | Little Thompson Water Dist  | DECEMBER       | 23-00-5012.03      | Utilities                | 6,856.08     |
| Total 2300501203: |                  |              |                             |                |                    |                          | 8,293.83     |
| <b>2300502004</b> |                  |              |                             |                |                    |                          |              |
| <b>75399</b>      |                  |              |                             |                |                    |                          |              |
| 12/23             | 12/18/2023       | 75399        | TETRA TECH, INC.            | 52110079-2     | 23-00-5020.04      | Professional Fees        | 1,848.65     |
| Total 2300502004: |                  |              |                             |                |                    |                          | 1,848.65     |

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| <b>2300505401</b> |                  |              |                             |                |                    |                                |              |
| <b>75247</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/07/2023       | 75247        | Republic Services           | Multiple       | 23-00-5054.01      | Trash                          | 455.98       |
| Total 2300505401: |                  |              |                             |                |                    |                                | 455.98       |
| <b>2300505701</b> |                  |              |                             |                |                    |                                |              |
| <b>75490</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/27/2023       | 75490        | Ramey Environmental         | Multiple       | 23-00-5057.01      | Repair, Maint. & Supplies-Main | 3,359.61     |
| <b>75536</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/30/2023       | 75536        | MTech Mechanical            | 126906         | 23-00-5057.01      | Repair, Maint. & Supplies-Main | 3,886.00     |
| <b>75557</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/30/2023       | 75557        | Ramey Environmental         | Multiple       | 23-00-5057.01      | Repair, Maint. & Supplies-Main | 175,837.81   |
| Total 2300505701: |                  |              |                             |                |                    |                                | 183,083.42   |
| <b>2300505703</b> |                  |              |                             |                |                    |                                |              |
| <b>75516</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/29/2023       | 75516        | UNCC                        | 223120163      | 23-00-5057.03      | Repair, Maint. & Supplies-Lift | 419.25       |
| Total 2300505703: |                  |              |                             |                |                    |                                | 419.25       |
| <b>2300506001</b> |                  |              |                             |                |                    |                                |              |
| <b>75549</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/30/2023       | 75549        | Aries Chemical              | 107356         | 23-00-5060.01      | Chemicals-Main Plant           | .00          |
| <b>75565</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/30/2023       | 75565        | Aries Chemical              | 107356A        | 23-00-5060.01      | Chemicals-Main Plant           | 15,506.00    |
| Total 2300506001: |                  |              |                             |                |                    |                                | 15,506.00    |
| <b>2300506002</b> |                  |              |                             |                |                    |                                |              |
| <b>75448</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/27/2023       | 75448        | AGFINITY INC                | K26661         | 23-00-5060.02      | Chemicals-Regional             | 1,390.00     |
| Total 2300506002: |                  |              |                             |                |                    |                                | 1,390.00     |
| <b>2300510801</b> |                  |              |                             |                |                    |                                |              |
| <b>75505</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/29/2023       | 75505        | Colorado Analytical Labs, I | Multiple       | 23-00-5108.01      | Lab Tests-Main Plant           | 2,770.81     |
| Total 2300510801: |                  |              |                             |                |                    |                                | 2,770.81     |
| <b>2300510802</b> |                  |              |                             |                |                    |                                |              |
| <b>75530</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/30/2023       | 75530        | Colorado Analytical Labs, I | Multiple       | 23-00-5108.02      | Lab Tests-Regional             | 240.10       |
| Total 2300510802: |                  |              |                             |                |                    |                                | 240.10       |
| <b>2300511401</b> |                  |              |                             |                |                    |                                |              |
| <b>75433</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/29/2023       | 75433        | Denali Water Solutions      | Multiple       | 23-00-5114.01      | Sludge Hauling-Main Plant      | 2,666.16     |
| <b>75531</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/30/2023       | 75531        | Denali Water Solutions      | 701090         | 23-00-5114.01      | Sludge Hauling-Main Plant      | 1,590.06     |
| Total 2300511401: |                  |              |                             |                |                    |                                | 4,256.22     |

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| <b>2300511402</b> |                  |              |                           |                |                    |                          |              |
| <b>75324</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/05/2023       | 75324        | Denali Water Solutions    | 670961         | 23-00-5114.02      | Sludge Hauling-Regional  | 804.39       |
| <b>75367</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/07/2023       | 75367        | Denali Water Solutions    | Multiple       | 23-00-5114.02      | Sludge Hauling-Regional  | 1,545.90     |
| <b>75461</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/27/2023       | 75461        | Denali Water Solutions    | 693313         | 23-00-5114.02      | Sludge Hauling-Regional  | 700.60       |
| Total 2300511402: |                  |              |                           |                |                    |                          | 3,050.89     |
| <b>2300513803</b> |                  |              |                           |                |                    |                          |              |
| <b>75397</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/18/2023       | 75397        | Ramey Environmental       | Multiple       | 23-00-5138.03      | T.V. Lines/Line Cleaning | 18,474.15    |
| Total 2300513803: |                  |              |                           |                |                    |                          | 18,474.15    |
| <b>2400501900</b> |                  |              |                           |                |                    |                          |              |
| <b>122923320</b>  |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/29/2023       | 122923       | Alfa Construction LLC     | DECEMBER       | 24-00-5019.00      | ALFA Line Reimbursement  | 6,050.00     |
| Total 2400501900: |                  |              |                           |                |                    |                          | 6,050.00     |
| <b>2400527100</b> |                  |              |                           |                |                    |                          |              |
| <b>75330</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/05/2023       | 75330        | Kimley-Horn and Associate | 196724000-1    | 24-00-5271.00      | 1st Street Sewer Upgrade | 24,652.15    |
| <b>75473</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/27/2023       | 75473        | Kimley-Horn and Associate | 196724000-1    | 24-00-5271.00      | 1st Street Sewer Upgrade | 29,549.06    |
| Total 2400527100: |                  |              |                           |                |                    |                          | 54,201.21    |
| <b>2900526102</b> |                  |              |                           |                |                    |                          |              |
| <b>75314</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/05/2023       | 75314        | BK Tire, Inc.             | 33972          | 29-00-5261.02      | Sweeper Parts            | 171.00       |
| <b>75395</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/18/2023       | 75395        | O. J. Watson Equipment    | S11472         | 29-00-5261.02      | Sweeper Parts            | 424.94       |
| <b>75528</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/29/2023       | 75528        | University Auto Parts-NAP | Multiple       | 29-00-5261.02      | Sweeper Parts            | 717.45       |
| <b>75546</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/30/2023       | 75546        | O. J. Watson Equipment    | Multiple       | 29-00-5261.02      | Sweeper Parts            | 463.20       |
| Total 2900526102: |                  |              |                           |                |                    |                          | 1,776.59     |
| <b>3100502202</b> |                  |              |                           |                |                    |                          |              |
| <b>75491</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/27/2023       | 75491        | Rubber Form Recycled Pro  | RF87459        | 31-00-5022.02      | Bike Park plan           | 2,464.39     |
| Total 3100502202: |                  |              |                           |                |                    |                          | 2,464.39     |
| <b>3100520701</b> |                  |              |                           |                |                    |                          |              |
| <b>75437</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/29/2023       | 75437        | Ethos Land & Water        | 12152023       | 31-00-5207.01      | Pioneer Park             | 11,093.00    |
| <b>75515</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/29/2023       | 75515        | Star Playgrounds          | 10462          | 31-00-5207.01      | Pioneer Park             | 206,385.00   |
| <b>75560</b>      |                  |              |                           |                |                    |                          |              |
| 12/23             | 12/30/2023       | 75560        | Wenk Associates, Inc.     | Multiple       | 31-00-5207.01      | Pioneer Park             | 6,520.00     |



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| Total 3100520701: |                  |              |                           |                |                    |                               | 223,998.00   |
| <b>3100520702</b> |                  |              |                           |                |                    |                               |              |
| <b>75452</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/27/2023       | 75452        | Berthoud Local            | 2023           | 31-00-5207.02      | Pioneer Park Community Garden | 97.32        |
| Total 3100520702: |                  |              |                           |                |                    |                               | 97.32        |
| <b>3200504100</b> |                  |              |                           |                |                    |                               |              |
| <b>75553</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/30/2023       | 75553        | HDR Engineering           | 1200585716     | 32-00-5041.00      | Welch Trail Easement          | 2,499.00     |
| Total 3200504100: |                  |              |                           |                |                    |                               | 2,499.00     |
| <b>3300502000</b> |                  |              |                           |                |                    |                               |              |
| <b>75310</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/05/2023       | 75310        | alm2s                     | 8094           | 33-00-5020.00      | Professional Fees             | 1,159.81     |
| Total 3300502000: |                  |              |                           |                |                    |                               | 1,159.81     |
| <b>3400504601</b> |                  |              |                           |                |                    |                               |              |
| <b>75244</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/04/2023       | 75244        | Koons, Brandon            | UNIFORM 11     | 34-00-5046.01      | Uniforms                      | 160.00       |
| <b>75467</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/27/2023       | 75467        | Gonzo Screen Printing     | 1252           | 34-00-5046.01      | Uniforms                      | 112.00       |
| <b>75476</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/27/2023       | 75476        | Koons, Brandon            | UNIFORM 11     | 34-00-5046.01      | Uniforms                      | 125.00       |
| <b>75482</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/27/2023       | 75482        | Miller, Austin            | UNIFORM 12     | 34-00-5046.01      | Uniforms                      | 205.00       |
| Total 3400504601: |                  |              |                           |                |                    |                               | 602.00       |
| <b>3400526600</b> |                  |              |                           |                |                    |                               |              |
| <b>75498</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/27/2023       | 75498        | Wenk Associates, Inc.     | Multiple       | 34-00-5266.00      | Arboretum at Waggener Farm    | 8,459.50     |
| Total 3400526600: |                  |              |                           |                |                    |                               | 8,459.50     |
| <b>3600430600</b> |                  |              |                           |                |                    |                               |              |
| <b>75518</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/29/2023       | 75518        | Larimer County Sales Tax  | DECEMBER       | 36-00-4306-00      | County Open Space Revenue     | 38,631.23    |
| Total 3600430600: |                  |              |                           |                |                    |                               | 38,631.23    |
| <b>3600522000</b> |                  |              |                           |                |                    |                               |              |
| <b>75325</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/05/2023       | 75325        | ECI Site Construction Man | 6              | 36-00-5220.00      | Waggener Farm Park Const      | 63,710.50    |
| <b>75436</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/29/2023       | 75436        | ECI Site Construction Man | 7              | 36-00-5220.00      | Waggener Farm Park Const      | 99,218.18    |
| Total 3600522000: |                  |              |                           |                |                    |                               | 162,928.68   |
| <b>3600526600</b> |                  |              |                           |                |                    |                               |              |
| <b>75457</b>      |                  |              |                           |                |                    |                               |              |
| 12/23             | 12/27/2023       | 75457        | Colorado Materials Inc    | Multiple       | 36-00-5266.00      | Richardson Prop. Maint        | 4,060.80     |

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| <b>75458</b>      |                  |              |                            |                |                    |                               |              |
| 12/23             | 12/27/2023       | 75458        | Colorado Portables         | 11278          | 36-00-5266.00      | Richardson Prop. Maint        | 660.00       |
| Total 3600526600: |                  |              |                            |                |                    |                               | 4,720.80     |
| <b>3600526800</b> |                  |              |                            |                |                    |                               |              |
| <b>75407</b>      |                  |              |                            |                |                    |                               |              |
| 12/23             | 12/18/2023       | 75407        | Colorado Portables         | 111133         | 36-00-5268.00      | Berthoud Reservoir park Maint | 265.00       |
| Total 3600526800: |                  |              |                            |                |                    |                               | 265.00       |
| <b>3900504400</b> |                  |              |                            |                |                    |                               |              |
| <b>75558</b>      |                  |              |                            |                |                    |                               |              |
| 12/23             | 12/30/2023       | 75558        | Smart Marketing with Easy  | 4971           | 39-00-5044.00      | Advertising                   | 2,199.00     |
| Total 3900504400: |                  |              |                            |                |                    |                               | 2,199.00     |
| <b>3900511402</b> |                  |              |                            |                |                    |                               |              |
| <b>122923308</b>  |                  |              |                            |                |                    |                               |              |
| 12/23             | 12/29/2023       | 122923       | WEX BANK                   | 122923308      | 39-00-5114.02      | Gas & Oil                     | 1,538.66     |
| Total 3900511402: |                  |              |                            |                |                    |                               | 1,538.66     |
| <b>4000511400</b> |                  |              |                            |                |                    |                               |              |
| <b>75315</b>      |                  |              |                            |                |                    |                               |              |
| 12/23             | 12/05/2023       | 75315        | BNSF Railway Company       | 90260006       | 40-00-5114.00      | Spartan Design and Crossing   | 598.80       |
| <b>75520</b>      |                  |              |                            |                |                    |                               |              |
| 12/23             | 12/29/2023       | 75520        | Baseline Engineering Corp. | 29999          | 40-00-5114.00      | Spartan Design and Crossing   | 513.50       |
| <b>75555</b>      |                  |              |                            |                |                    |                               |              |
| 12/23             | 12/30/2023       | 75555        | Kissinger & Fellman, P. C. | 4858           | 40-00-5114.00      | Spartan Design and Crossing   | 107.50       |
| Total 4000511400: |                  |              |                            |                |                    |                               | 1,219.80     |
| <b>5100461000</b> |                  |              |                            |                |                    |                               |              |
| <b>75519</b>      |                  |              |                            |                |                    |                               |              |
| 12/23             | 12/29/2023       | 75519        | Town of Johnstown          | DECEMBER       | 51-00-4610-00      | Sales Tax Revenue             | 7,271.30     |
| Total 5100461000: |                  |              |                            |                |                    |                               | 7,271.30     |
| <b>5100503800</b> |                  |              |                            |                |                    |                               |              |
| <b>75239</b>      |                  |              |                            |                |                    |                               |              |
| 12/23             | 12/04/2023       | 75239        | Rimsky, Paul               | S1667          | 51-00-5038.00      | Sidewalk Improvements         | 448.32       |
| <b>75422</b>      |                  |              |                            |                |                    |                               |              |
| 12/23             | 12/26/2023       | 75422        | TCFI Home 4 LLC            | 201 CHEYE      | 51-00-5038.00      | Sidewalk Improvements         | 1,255.00     |
| Total 5100503800: |                  |              |                            |                |                    |                               | 1,703.32     |
| <b>5100523900</b> |                  |              |                            |                |                    |                               |              |
| <b>75493</b>      |                  |              |                            |                |                    |                               |              |
| 12/23             | 12/27/2023       | 75493        | St Vrain Companies         | Multiple       | 51-00-5239.00      | Street Improvements           | 45,025.00    |
| <b>75550</b>      |                  |              |                            |                |                    |                               |              |
| 12/23             | 12/30/2023       | 75550        | Baseline Engineering Corp. | Multiple       | 51-00-5239.00      | Street Improvements           | 26,339.50    |
| Total 5100523900: |                  |              |                            |                |                    |                               | 71,364.50    |
| <b>5100524400</b> |                  |              |                            |                |                    |                               |              |

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| <b>75313</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/05/2023       | 75313        | BHA Design, Inc.            | 2203-14        | 51-00-5244.00      | I-25 Design                    | 1,107.50     |
| <b>75517</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/29/2023       | 75517        | Upham, Tim                  | 12182023       | 51-00-5244.00      | I-25 Design                    | 10,500.00    |
| <b>75554</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/30/2023       | 75554        | Integrated Site Services In | 2              | 51-00-5244.00      | I-25 Design                    | 125,109.39   |
| Total 5100524400: |                  |              |                             |                |                    |                                | 136,716.89   |
| <b>5201500801</b> |                  |              |                             |                |                    |                                |              |
| <b>75362</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/07/2023       | 75362        | American DataBank LLC       | 2311278        | 52-01-5008.01      | Background/Physicals           | 65.00        |
| Total 5201500801: |                  |              |                             |                |                    |                                | 65.00        |
| <b>5201501101</b> |                  |              |                             |                |                    |                                |              |
| <b>75355</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/06/2023       | 75355        | Hilltop Broadband           | Multiple       | 52-01-5011.01      | Telephone/Internet             | 585.28       |
| <b>75440</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/29/2023       | 75440        | Hilltop Broadband           | 4872-202401    | 52-01-5011.01      | Telephone/Internet             | 516.18       |
| Total 5201501101: |                  |              |                             |                |                    |                                | 1,101.46     |
| <b>5201501201</b> |                  |              |                             |                |                    |                                |              |
| <b>75404</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/18/2023       | 75404        | XCEL Energy                 | NOV2023        | 52-01-5012.01      | Utilities                      | 22,853.30    |
| Total 5201501201: |                  |              |                             |                |                    |                                | 22,853.30    |
| <b>5201502004</b> |                  |              |                             |                |                    |                                |              |
| <b>75414</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/18/2023       | 75414        | Xerox Business Solutions    | 4802442        | 52-01-5020.04      | Purchased Services             | 25.90        |
| Total 5201502004: |                  |              |                             |                |                    |                                | 25.90        |
| <b>5201504601</b> |                  |              |                             |                |                    |                                |              |
| <b>75421</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/26/2023       | 75421        | Schaefer, Nate              | UNIFORM 12     | 52-01-5046.01      | Uniforms                       | 128.75       |
| Total 5201504601: |                  |              |                             |                |                    |                                | 128.75       |
| <b>5201505404</b> |                  |              |                             |                |                    |                                |              |
| <b>75238</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/04/2023       | 75238        | Republic Services           | 0642-000776    | 52-01-5054.04      | Trash Service                  | 269.17       |
| Total 5201505404: |                  |              |                             |                |                    |                                | 269.17       |
| <b>5201505601</b> |                  |              |                             |                |                    |                                |              |
| <b>75332</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/05/2023       | 75332        | Lefthand Printworks         | 3216           | 52-01-5056.01      | Brochures/Advertising/Printing | 220.00       |
| <b>75342</b>      |                  |              |                             |                |                    |                                |              |
| 12/23             | 12/05/2023       | 75342        | REACH Media Network         | 91410          | 52-01-5056.01      | Brochures/Advertising/Printing | 499.00       |
| Total 5201505601: |                  |              |                             |                |                    |                                | 719.00       |
| <b>5201524701</b> |                  |              |                             |                |                    |                                |              |

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| <b>75366</b>      |                     |                 |                            |                   |                       |                              |                 |
| 12/23             | 12/07/2023          | 75366           | DaySmart Recreation        | 1077291           | 52-01-5247.01         | Computer Software            | 1,457.85        |
| <b>75432</b>      |                     |                 |                            |                   |                       |                              |                 |
| 12/23             | 12/29/2023          | 75432           | DaySmart Recreation        | 1115529           | 52-01-5247.01         | Computer Software            | 1,985.81        |
| Total 5201524701: |                     |                 |                            |                   |                       |                              | 3,443.66        |
| <b>5202502004</b> |                     |                 |                            |                   |                       |                              |                 |
| <b>75358</b>      |                     |                 |                            |                   |                       |                              |                 |
| 12/23             | 12/06/2023          | 75358           | Schwenker Pete             | 2                 | 52-02-5020.04         | Purchased Services           | 300.00          |
| Total 5202502004: |                     |                 |                            |                   |                       |                              | 300.00          |
| <b>5203501701</b> |                     |                 |                            |                   |                       |                              |                 |
| <b>75326</b>      |                     |                 |                            |                   |                       |                              |                 |
| 12/23             | 12/05/2023          | 75326           | Front Range Plumbing       | 38779             | 52-03-5017.01         | Building Maintenance/Repair  | 110.00          |
| Total 5203501701: |                     |                 |                            |                   |                       |                              | 110.00          |
| <b>5203502004</b> |                     |                 |                            |                   |                       |                              |                 |
| <b>75334</b>      |                     |                 |                            |                   |                       |                              |                 |
| 12/23             | 12/05/2023          | 75334           | Long Building Technologies | SCPAY00665        | 52-03-5020.04         | Purchased Services           | 602.57          |
| <b>75479</b>      |                     |                 |                            |                   |                       |                              |                 |
| 12/23             | 12/27/2023          | 75479           | Long Building Technologies | SCPAY00671        | 52-03-5020.04         | Purchased Services           | 602.57          |
| Total 5203502004: |                     |                 |                            |                   |                       |                              | 1,205.14        |
| <b>5203510201</b> |                     |                 |                            |                   |                       |                              |                 |
| <b>75329</b>      |                     |                 |                            |                   |                       |                              |                 |
| 12/23             | 12/05/2023          | 75329           | Home Depot Pro             | Multiple          | 52-03-5102.01         | Supplies/Equipment           | 657.09          |
| <b>75417</b>      |                     |                 |                            |                   |                       |                              |                 |
| 12/23             | 12/21/2023          | 75417           | Western Paper Distributors | Multiple          | 52-03-5102.01         | Supplies/Equipment           | 1,786.70        |
| <b>75472</b>      |                     |                 |                            |                   |                       |                              |                 |
| 12/23             | 12/27/2023          | 75472           | Home Depot Pro             | Multiple          | 52-03-5102.01         | Supplies/Equipment           | 1,025.56        |
| Total 5203510201: |                     |                 |                            |                   |                       |                              | 3,469.35        |
| <b>5205501001</b> |                     |                 |                            |                   |                       |                              |                 |
| <b>75486</b>      |                     |                 |                            |                   |                       |                              |                 |
| 12/23             | 12/27/2023          | 75486           | Pioneer Press of Greeley   | 94565             | 52-05-5010.01         | Office Supplies              | 52.00           |
| Total 5205501001: |                     |                 |                            |                   |                       |                              | 52.00           |
| <b>5205505701</b> |                     |                 |                            |                   |                       |                              |                 |
| <b>75455</b>      |                     |                 |                            |                   |                       |                              |                 |
| 12/23             | 12/27/2023          | 75455           | CEM Sales & Service        | Multiple          | 52-05-5057.01         | Equipment Maintenance/Repair | 2,693.46        |
| <b>75463</b>      |                     |                 |                            |                   |                       |                              |                 |
| 12/23             | 12/27/2023          | 75463           | Exceptional Water Systems  | 14074             | 52-05-5057.01         | Equipment Maintenance/Repair | 1,842.67        |
| Total 5205505701: |                     |                 |                            |                   |                       |                              | 4,536.13        |
| <b>5205506001</b> |                     |                 |                            |                   |                       |                              |                 |
| <b>75317</b>      |                     |                 |                            |                   |                       |                              |                 |
| 12/23             | 12/05/2023          | 75317           | CEM Sales & Service        | 161890            | 52-05-5060.01         | Chemicals                    | 770.00          |
| <b>75345</b>      |                     |                 |                            |                   |                       |                              |                 |
| 12/23             | 12/05/2023          | 75345           | The Aqueous Solution, Inc  | 14215             | 52-05-5060.01         | Chemicals                    | 467.38          |

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| <b>75400</b>      |                  |              |                            |                |                    |                              |              |
| 12/23             | 12/18/2023       | 75400        | The Aqueous Solution, Inc  | 14311          | 52-05-5060.01      | Chemicals                    | 433.28       |
| <b>75406</b>      |                  |              |                            |                |                    |                              |              |
| 12/23             | 12/18/2023       | 75406        | CEM Sales & Service        | 161944         | 52-05-5060.01      | Chemicals                    | 2,041.00     |
| <b>75494</b>      |                  |              |                            |                |                    |                              |              |
| 12/23             | 12/27/2023       | 75494        | The Aqueous Solution, Inc  | 14412          | 52-05-5060.01      | Chemicals                    | 412.82       |
| Total 5205506001: |                  |              |                            |                |                    |                              | 4,124.48     |
| <b>5206502004</b> |                  |              |                            |                |                    |                              |              |
| <b>75348</b>      |                  |              |                            |                |                    |                              |              |
| 12/23             | 12/05/2023       | 75348        | Wellbeats                  | 83991          | 52-06-5020.04      | Purchased Services           | 249.00       |
| <b>75497</b>      |                  |              |                            |                |                    |                              |              |
| 12/23             | 12/27/2023       | 75497        | Wellbeats                  | 85064          | 52-06-5020.04      | Purchased Services           | 249.00       |
| Total 5206502004: |                  |              |                            |                |                    |                              | 498.00       |
| <b>5206505701</b> |                  |              |                            |                |                    |                              |              |
| <b>75543</b>      |                  |              |                            |                |                    |                              |              |
| 12/23             | 12/30/2023       | 75543        | Extreme Care               | 33333          | 52-06-5057.01      | Equipment Maintenance/Repair | 31.14        |
| Total 5206505701: |                  |              |                            |                |                    |                              | 31.14        |
| <b>5206510201</b> |                  |              |                            |                |                    |                              |              |
| <b>75542</b>      |                  |              |                            |                |                    |                              |              |
| 12/23             | 12/30/2023       | 75542        | Commercial Fitness Solutio | Multiple       | 52-06-5102.01      | Supplies/Equipment           | 587.38       |
| Total 5206510201: |                  |              |                            |                |                    |                              | 587.38       |
| <b>5207502004</b> |                  |              |                            |                |                    |                              |              |
| <b>75346</b>      |                  |              |                            |                |                    |                              |              |
| 12/23             | 12/05/2023       | 75346        | The Cheer and Dance Con    | 1990           | 52-07-5020.04      | Purchased Services           | 756.00       |
| <b>75363</b>      |                  |              |                            |                |                    |                              |              |
| 12/23             | 12/07/2023       | 75363        | Choose Well Nutrition, LLC | NOV23          | 52-07-5020.04      | Purchased Services           | 115.50       |
| <b>75410</b>      |                  |              |                            |                |                    |                              |              |
| 12/23             | 12/18/2023       | 75410        | Integral Steps             | 2259           | 52-07-5020.04      | Purchased Services           | 336.00       |
| <b>75446</b>      |                  |              |                            |                |                    |                              |              |
| 12/23             | 12/27/2023       | 75446        | 101 Sports                 | 2257           | 52-07-5020.04      | Purchased Services           | 525.00       |
| <b>75521</b>      |                  |              |                            |                |                    |                              |              |
| 12/23             | 12/29/2023       | 75521        | Choose Well Nutrition, LLC | DECEMBER       | 52-07-5020.04      | Purchased Services           | 38.50        |
| <b>75523</b>      |                  |              |                            |                |                    |                              |              |
| 12/23             | 12/29/2023       | 75523        | Colorado Salsa             | 928            | 52-07-5020.04      | Purchased Services           | 546.00       |
| Total 5207502004: |                  |              |                            |                |                    |                              | 2,317.00     |
| <b>5207502104</b> |                  |              |                            |                |                    |                              |              |
| <b>75561</b>      |                  |              |                            |                |                    |                              |              |
| 12/23             | 12/30/2023       | 75561        | Wildfire Arts Center       | 121523         | 52-07-5021.04      | Wildfire Class               | 1,326.72     |
| Total 5207502104: |                  |              |                            |                |                    |                              | 1,326.72     |
| <b>5209502012</b> |                  |              |                            |                |                    |                              |              |
| <b>75338</b>      |                  |              |                            |                |                    |                              |              |
| 12/23             | 12/05/2023       | 75338        | Northern Colorado Sports   | Multiple       | 52-09-5020.12      | Officials-Youth Basketball   | 420.00       |
| <b>75373</b>      |                  |              |                            |                |                    |                              |              |
| 12/23             | 12/07/2023       | 75373        | Northern Colorado Sports   | 10300          | 52-09-5020.12      | Officials-Youth Basketball   | 90.00        |

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| <b>75412</b>      |                  |              |                          |                |                    |                            |              |
| 12/23             | 12/18/2023       | 75412        | Northern Colorado Sports | 10332          | 52-09-5020.12      | Officials-Youth Basketball | 210.00       |
| Total 5209502012: |                  |              |                          |                |                    |                            | 720.00       |
| <b>5209504612</b> |                  |              |                          |                |                    |                            |              |
| <b>75481</b>      |                  |              |                          |                |                    |                            |              |
| 12/23             | 12/27/2023       | 75481        | MI Sports and Casuals    | Multiple       | 52-09-5046.12      | Uniforms-Youth Basketball  | 3,348.40     |
| Total 5209504612: |                  |              |                          |                |                    |                            | 3,348.40     |
| <b>5209504832</b> |                  |              |                          |                |                    |                            |              |
| <b>75526</b>      |                  |              |                          |                |                    |                            |              |
| 12/23             | 12/29/2023       | 75526        | NVAA                     | 114            | 52-09-5048.32      | Team Fees-Youth Volleyball | 126.22       |
| Total 5209504832: |                  |              |                          |                |                    |                            | 126.22       |
| <b>5235525400</b> |                  |              |                          |                |                    |                            |              |
| <b>75240</b>      |                  |              |                          |                |                    |                            |              |
| 12/23             | 12/04/2023       | 75240        | UMB BANK                 | COP 2 2023     | 52-35-5254.00      | COP Payment                | 741,000.00   |
| Total 5235525400: |                  |              |                          |                |                    |                            | 741,000.00   |
| Grand Totals:     |                  |              |                          |                |                    |                            | 4,418,872.58 |

# Town of Berthoud

Check Issue Dates December 1 - December 31, 2023

|                                  |    |           |
|----------------------------------|----|-----------|
| 101 Sports                       | \$ | 525.00    |
| Action Plumbing & Heating Inc    | \$ | 594.86    |
| AdSortium, LLC                   | \$ | 300.00    |
| AdSortium, LLC                   | \$ | 1,100.00  |
| AGFINITY INC                     | \$ | 1,390.00  |
| Alfa Construction LLC            | \$ | 6,050.00  |
| Allstate                         | \$ | 881.83    |
| alm2s                            | \$ | 1,159.81  |
| American DataBank LLC            | \$ | 65.00     |
| American DataBank LLC            | \$ | 135.90    |
| American Ramp Company            | \$ | 78,599.09 |
| Anchor Network Solutions, Inc.   | \$ | 5,810.83  |
| Aries Chemical                   | \$ | 15,506.00 |
| AT&T Mobility                    | \$ | 729.63    |
| AT&T Mobility                    | \$ | 723.42    |
| Awards Unlimited                 | \$ | 27.00     |
| Ayres Associates Inc             | \$ | 6,500.00  |
| Ayres Associates Inc             | \$ | 13,499.84 |
| Baseline Engineering Corp.       | \$ | 27,130.75 |
| Baseline Engineering Corp.       | \$ | 36,489.25 |
| Baseline Engineering Corp.       | \$ | 513.50    |
| Baseline Engineering Corp.       | \$ | 26,339.50 |
| Bell Gould Linder & Scott PC     | \$ | 1,943.25  |
| Bell Gould Linder & Scott PC     | \$ | 2,306.50  |
| Berthoud Area Chamber Of Comme   | \$ | 1,500.00  |
| Berthoud Local                   | \$ | 97.32     |
| Berthoud Village Shopping Center | \$ | 3,860.86  |
| Berthoud Weekly Surveyor         | \$ | 1,310.00  |
| Berthoud Weekly Surveyor         | \$ | 175.63    |
| Berthoud Weekly Surveyor         | \$ | 441.36    |
| Berthoud Weekly Surveyor         | \$ | 411.03    |
| BHA Design, Inc.                 | \$ | 1,107.50  |
| BK Tire, Inc.                    | \$ | 171.00    |
| BNSF Railway Company             | \$ | 598.80    |
| C & B Cleaning                   | \$ | 6,620.00  |
| C & B Cleaning                   | \$ | 6,620.00  |
| Calderon, Armando                | \$ | 65.46     |
| Calderon, Armando                | \$ | 320.82    |
| Cardmember Service               | \$ | 28,440.29 |
| Cardmember Service               | \$ | 19,430.11 |

|                                     |    |           |
|-------------------------------------|----|-----------|
| Caselle Inc.                        | \$ | 1,866.00  |
| Catron, Bryan                       | \$ | 125.00    |
| CEM Sales & Service                 | \$ | 770.00    |
| CEM Sales & Service                 | \$ | 2,041.00  |
| CEM Sales & Service                 | \$ | 2,693.46  |
| CenturyLink                         | \$ | 409.61    |
| Chard, Coleton                      | \$ | 160.00    |
| Choose Well Nutrition, LLC          | \$ | 115.50    |
| Choose Well Nutrition, LLC          | \$ | 38.50     |
| CIGNA                               | \$ | 40,907.85 |
| Cintas First Aid & Safety           | \$ | 882.00    |
| Cintas First Aid & Safety           | \$ | 99.00     |
| City of Fort Collins                | \$ | 1,620.00  |
| Clear Shine Window Cleaning         | \$ | 30.00     |
| Clear Shine Window Cleaning         | \$ | 30.00     |
| Colorado Analytical Labs, Inc.      | \$ | 4,630.41  |
| Colorado Analytical Labs, Inc.      | \$ | 2,770.81  |
| Colorado Analytical Labs, Inc.      | \$ | 240.10    |
| Colorado Barricade Co               | \$ | 9,804.53  |
| Colorado Barricade Co               | \$ | 399.00    |
| Colorado Materials Inc              | \$ | 4,060.80  |
| Colorado Portables                  | \$ | 265.00    |
| Colorado Portables                  | \$ | 660.00    |
| Colorado Salsa                      | \$ | 546.00    |
| Comcast                             | \$ | 428.48    |
| Comcast                             | \$ | 1,570.17  |
| Comcast                             | \$ | 20.60     |
| Commercial Fitness Solutions        | \$ | 587.38    |
| Complete Wireless Technologies      | \$ | 165.00    |
| Crazy Good Marketing                | \$ | 308.90    |
| Culligan of Cheyenne                | \$ | 82.00     |
| Culligan of Cheyenne                | \$ | 82.00     |
| CyraCom LLC                         | \$ | 1,231.72  |
| Dana Kepner                         | \$ | 9,111.24  |
| Dana Kepner                         | \$ | 526.98    |
| Davidson-Gebhardt Chevrolet         | \$ | 395.25    |
| DaySmart Recreation                 | \$ | 1,457.85  |
| DaySmart Recreation                 | \$ | 1,985.81  |
| DBA White Excavation & Construction | \$ | 1,275.00  |
| DBC Irrigation Supply               | \$ | 1,165.80  |
| Denali Water Solutions              | \$ | 804.39    |
| Denali Water Solutions              | \$ | 1,545.90  |
| Denali Water Solutions              | \$ | 2,666.16  |
| Denali Water Solutions              | \$ | 700.60    |



|                                  |    |           |
|----------------------------------|----|-----------|
| Denali Water Solutions           | \$ | 1,590.06  |
| Diamond Enterprise Fencing       | \$ | 300.00    |
| Digital Print Resources Inc      | \$ | 1,795.50  |
| DPC Industries Inc.              | \$ | 7,088.44  |
| DTJ Design                       | \$ | 67,840.83 |
| DTJ Design                       | \$ | 66,112.25 |
| Dubois, Brian                    | \$ | 84.22     |
| ECI Site Construction Management | \$ | 63,710.50 |
| ECI Site Construction Management | \$ | 99,218.18 |
| EDWARDS FAMILY LIMITED PARTNER   | \$ | 421.98    |
| Elish, Walt                      | \$ | 29.57     |
| Enviropest                       | \$ | 399.00    |
| Epic Construction                | \$ | 2,152.03  |
| Esy Ray & Associates             | \$ | 260.00    |
| Ethos Land & Water               | \$ | 11,093.00 |
| Exceptional Water Systems        | \$ | 1,842.67  |
| Extreme Care                     | \$ | 31.14     |
| Fastenal Company                 | \$ | 278.85    |
| FCI Constructors, Inc.           | \$ | 34,366.00 |
| FLEMING, GEOFFREY                | \$ | 139.90    |
| Foote Law Firm                   | \$ | 3,162.50  |
| Foote Law Firm                   | \$ | 3,575.00  |
| FRALIC, HEIDE K.                 | \$ | 194.26    |
| FRICKE CUSTOM HOMES LLC          | \$ | 172.65    |
| FRICKE, JOHN                     | \$ | 349.97    |
| Front Range Fire Protection In   | \$ | 595.00    |
| Front Range Plumbing             | \$ | 110.00    |
| Goble Sampson Associates         | \$ | 9,237.00  |
| Gonzo Screen Printing            | \$ | 300.00    |
| Gonzo Screen Printing            | \$ | 112.00    |
| Grace, Mike                      | \$ | 69.00     |
| Grainger                         | \$ | 321.98    |
| Guardian                         | \$ | 5,992.72  |
| Hach Co.                         | \$ | 1,471.36  |
| Handy Ditch Company              | \$ | 123.00    |
| Handy Ditch Company              | \$ | 72,500.00 |
| Hays Market                      | \$ | 47.77     |
| Hays Market                      | \$ | 105.31    |
| HDR Engineering                  | \$ | 2,499.00  |
| HERGENREDER, JAMES               | \$ | 29.07     |
| High Altitude Equipment          | \$ | 738.47    |
| Hilltop Broadband                | \$ | 261.56    |
| Hilltop Broadband                | \$ | 585.28    |
| Hilltop Broadband                | \$ | 516.18    |

|                                      |               |
|--------------------------------------|---------------|
| HOA Solutions                        | \$ 5,424.75   |
| Holbrook Service                     | \$ 3,996.00   |
| HOLLIS, COREY & TORI                 | \$ 696.66     |
| Home Depot Pro                       | \$ 657.09     |
| Home Depot Pro                       | \$ 1,025.56   |
| Horvath, Stephanie                   | \$ 70.94      |
| House of Neighborly Service Berthoud | \$ 4,983.65   |
| HR Engagement Analytics              | \$ 500.00     |
| Integral Steps                       | \$ 336.00     |
| Integrated Site Services Inc.        | \$ 125,109.39 |
| JACKSON, DAVID L & NYLA C            | \$ 111.80     |
| JOHNSON, MICHAEL & KELLY             | \$ 194.26     |
| Jones, Nicolas                       | \$ 100.00     |
| Keegan, Brandon                      | \$ 281.53     |
| Kevin Coughlan                       | \$ 500.00     |
| Kimley-Horn and Associates           | \$ 24,652.15  |
| Kimley-Horn and Associates           | \$ 29,549.06  |
| Kinsco LLC                           | \$ 36.98      |
| Kissinger & Fellman, P. C.           | \$ 5,831.00   |
| Kissinger & Fellman, P. C.           | \$ 107.50     |
| Koons, Brandon                       | \$ 160.00     |
| Koons, Brandon                       | \$ 125.00     |
| KORBIN, RICHARD & KAYE               | \$ 91.95      |
| Kouns, Samantha                      | \$ 131.38     |
| Krische Construction                 | \$ 511,382.09 |
| Krische Construction                 | \$ 396,898.41 |
| Kwik Korner                          | \$ 3,597.36   |
| Kwik Korner                          | \$ 1,065.85   |
| Larimer Co Dept of Natural Resource  | \$ 741.17     |
| Larimer Co Sheriff's Office          | \$ 90.00      |
| Larimer Co Sheriff's Office          | \$ 565,086.00 |
| Larimer County Sales Tax             | \$ 38,631.23  |
| Larimer Humane Society               | \$ 3,826.83   |
| Law Offices of Sunita Sharma, LLC    | \$ 1,340.00   |
| Leadline Project Management          | \$ 5,607.50   |
| Lefthand Printworks                  | \$ 220.00     |
| Leonard Rice Engineers Inc           | \$ 10,049.50  |
| Leonard Rice Engineers Inc           | \$ 10,699.75  |
| Little Thompson Water District       | \$ 33.09      |
| Little Thompson Water District       | \$ 1,404.66   |
| Little Thompson Water District       | \$ 188.54     |
| Little Thompson Water District       | \$ 6,856.08   |
| Long Building Technologies           | \$ 602.57     |
| Long Building Technologies           | \$ 602.57     |

|                                    |    |           |
|------------------------------------|----|-----------|
| Loveland Barricade LLC             | \$ | 1,452.31  |
| Loveland Barricade LLC             | \$ | 95.00     |
| MAC Equipment INC                  | \$ | 1,144.94  |
| Mainstreet Car Care & Quick Lube   | \$ | 405.14    |
| Mainstreet Car Care & Quick Lube   | \$ | 1,287.61  |
| March, Olive & Sapienza, LLC       | \$ | 1,553.66  |
| Maynes Bradford Shipps & Sheftel   | \$ | 11,514.08 |
| Maynes Bradford Shipps & Sheftel   | \$ | 7,234.52  |
| MCCAWLEY, JAMIE                    | \$ | 127.54    |
| MI Sports and Casuals              | \$ | 3,348.40  |
| Middlesworth, William              | \$ | 574.83    |
| Miller, Austin                     | \$ | 205.00    |
| Morgan, Patrick                    | \$ | 250.00    |
| Morgan, Theresa                    | \$ | 47.10     |
| Mountain States Specialties        | \$ | 1,638.32  |
| Mountain View Commercial Clean     | \$ | 3,717.20  |
| Mountain View Commercial Clean     | \$ | 2,735.45  |
| Mountain View Commercial Clean     | \$ | 1,795.00  |
| MQ3 Construction                   | \$ | 2,388.51  |
| MTech Mechanical                   | \$ | 3,886.00  |
| Nalco Company LLC                  | \$ | 29,666.40 |
| NCCAR                              | \$ | 305.00    |
| NOCO Drug Testing                  | \$ | 100.00    |
| Norfield Development Partners      | \$ | 1,259.00  |
| Northern Colorado Sports Officials | \$ | 420.00    |
| Northern Colorado Sports Officials | \$ | 90.00     |
| Northern Colorado Sports Officials | \$ | 210.00    |
| Northern Water                     | \$ | 11,663.36 |
| NVAA                               | \$ | 126.22    |
| O. J. Watson Equipment             | \$ | 424.94    |
| O. J. Watson Equipment             | \$ | 463.20    |
| Office Depot                       | \$ | 1,140.80  |
| Office Depot                       | \$ | 201.07    |
| Office Depot                       | \$ | 250.42    |
| Ohlson Lavoie Corporation          | \$ | 10,523.50 |
| Pickard, Sam                       | \$ | 403.27    |
| Picture This Creative Services     | \$ | 560.00    |
| Pioneer Press of Greeley           | \$ | 52.00     |
| Pioneer Press of Greeley           | \$ | 419.00    |
| PJL CUSTOM HOMES LLC               | \$ | 8.45      |
| Plan Tools LLC                     | \$ | 3,506.25  |
| Plan Tools LLC                     | \$ | 7,356.25  |
| Polar Bear Plumbing Heating & Air  | \$ | 3,553.00  |
| Poudre Valley REA                  | \$ | 20,858.07 |

|                                       |               |
|---------------------------------------|---------------|
| Poudre Valley REA                     | \$ 1,612.83   |
| Poudre Valley REA                     | \$ 5,993.84   |
| Poudre Valley REA                     | \$ 15,796.83  |
| Primeau Enterprises Inc.              | \$ 117.61     |
| ProCode, Inc.                         | \$ 45,588.63  |
| ProCode, Inc.                         | \$ 16,065.00  |
| ProCode, Inc.                         | \$ 41,164.46  |
| Providence Infrastructure Consultants | \$ 5,861.23   |
| Quadient, Inc                         | \$ 165.00     |
| R & R Concrete                        | \$ 5,740.00   |
| Ramey Environmental                   | \$ 18,474.15  |
| Ramey Environmental                   | \$ 3,359.61   |
| Ramey Environmental                   | \$ 175,837.81 |
| REACH Media Network                   | \$ 499.00     |
| Republic Services                     | \$ 1,267.52   |
| Republic Services                     | \$ 269.17     |
| Republic Services                     | \$ 455.98     |
| Rimsky, Paul                          | \$ 448.32     |
| Rousseau-Simmons, Eric                | \$ 250.00     |
| Rubber Form Recycled Products         | \$ 2,464.39   |
| Safety & Construction Supply, Inc.    | \$ 1,813.00   |
| Safety & Construction Supply, Inc.    | \$ 2,560.29   |
| Schachterle, John                     | \$ 90.76      |
| Schachterle, John                     | \$ 175.00     |
| Schaefer, Nate                        | \$ 128.75     |
| SCHUEMANN, GEORGE                     | \$ 117.23     |
| Schwenker Pete                        | \$ 300.00     |
| Skyline Lighting & Electric           | \$ 37,004.83  |
| Smart Marketing with EasyChair Media  | \$ 2,199.00   |
| Sopher Sparn Architects               | \$ 430.00     |
| St Vrain Companies                    | \$ 45,025.00  |
| Star Playgrounds                      | \$ 206,385.00 |
| SUTTON, DAVID D & ANDREA M            | \$ 67.11      |
| T & T OK Tire                         | \$ 25.00      |
| TCFI Home 4 LLC                       | \$ 1,255.00   |
| TETRA TECH, INC.                      | \$ 1,848.65   |
| The Aqueous Solution, Inc             | \$ 467.38     |
| The Aqueous Solution, Inc             | \$ 433.28     |
| The Aqueous Solution, Inc             | \$ 412.82     |
| The Cheer and Dance Connection        | \$ 756.00     |
| Town of Johnstown                     | \$ 7,271.30   |
| Tri City Cycle                        | \$ 15,078.49  |
| UMB BANK                              | \$ 741,000.00 |
| UNCC                                  | \$ 432.15     |

|                                    |              |
|------------------------------------|--------------|
| UNCC                               | \$ 419.25    |
| United Rentals                     | \$ 3,975.02  |
| University Auto Parts-NAPA         | \$ 186.51    |
| University Auto Parts-NAPA         | \$ 717.45    |
| Up Top Roofing & Exteriors         | \$ 66,538.95 |
| Up Top Roofing & Exteriors         | \$ 3,502.05  |
| Upham, Tim                         | \$ 10,500.00 |
| USA Bluebook                       | \$ 1,717.38  |
| USPS-Berthoud                      | \$ 2,579.90  |
| Visger, Dawson                     | \$ 125.00    |
| Voice Exchange (Paragon Comm)      | \$ 38.00     |
| Vranesh & Raisch                   | \$ 12,771.38 |
| Vranesh & Raisch                   | \$ 10,295.41 |
| Vranesh & Raisch                   | \$ 13,742.91 |
| Wellbeats                          | \$ 249.00    |
| Wellbeats                          | \$ 249.00    |
| Wenk Associates, Inc.              | \$ 8,459.50  |
| Wenk Associates, Inc.              | \$ 6,520.00  |
| Western Paper Distributors         | \$ 1,786.70  |
| WEX BANK                           | \$ 1,538.66  |
| Wildfire Arts Center               | \$ 1,326.72  |
| Wilson & Company, Inc.             | \$ 14,090.00 |
| Wintergreen Corporation            | \$ 1,016.99  |
| XCEL Energy                        | \$ 17,379.26 |
| XCEL Energy                        | \$ 8,824.00  |
| XCEL Energy                        | \$ 22,853.30 |
| XCEL Energy                        | \$ 1,887.40  |
| XCEL Energy                        | \$ 10,323.68 |
| XCEL Energy                        | \$ 8,067.50  |
| Xerox Business Solutions Southwest | \$ 811.54    |
| Xerox Business Solutions Southwest | \$ 25.90     |
| Xylem Water Solutions U.S.A., Inc  | \$ 14,500.00 |

|               |                 |
|---------------|-----------------|
| Grand Totals: | \$ 4,418,872.58 |
|---------------|-----------------|

# BOARD OF TRUSTEES INFORMATION



## ADMINISTRATION DEPARTMENT

|                              |                                                                                                                                |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>         | <b>March 12, 2024</b>                                                                                                          |
| <b>Agenda Title/Subject:</b> | <b>Arboretum service proposal</b>                                                                                              |
| <b>Type of Item:</b>         | <b>Consent Agenda</b>                                                                                                          |
| <b>Purpose:</b>              | <b>WENK consultants to provide schematic design, design development, and construction documents for the Arboretum project.</b> |
| <b>Presented by:</b>         | <b>Administration</b>                                                                                                          |

### ATTACHMENTS:

- Consultant Contract
- Service Proposal

### BACKGROUND:

In a previous Town Board meeting, the conceptual design of the Arboretum at Waggener Farm Park was presented by staff. The design and project presentation being well received by the community and the Town Board trustees, direction was given to staff to continue engaging the design consultant and forwarding the project. Feedback and input on the conceptual design were given via PORT meetings, public online surveys, and Board meetings.

After receiving Board direction to continue the project, staff has worked with WENK consultants to provide a proposal and services to complete the project through the construction document phase. WENK who previously provided the design concept will work with staff on creating plans for the schematic design phase, design development, and completing construction documents that the Town staff will use to ultimately bid the project for development and construction. The fee proposal to do said services is \$449,072.

### FISCAL IMPACT AND FUND SOURCE:

The funding for this proposal of services from the consultant was not budgeted for 2024 and will be requested to come from the 2019 1% fund.

Budget line item: 52-00-4400-00 2019 1% Sales Tax

### COMMUNITY TOUCHSTONES:

Berthoud's **Community Identity** is rooted in its commitment to **sustainability** and preserving its natural environment. The construction of an arboretum aligns perfectly with this identity and further establishes Berthoud as a garden spot and environmentally conscious community.

**RECOMMENDED ACTION(S):**

**Board approval through consent for the Town Administrator to authorize the proposal with WENK for further consultant services of developing design and construction documents for the Arboretum project at Waggener Farm Park.**



**ASSOCIATES**  
P L A N N E R S   &  
L A N D S C A P E  
A R C H I T E C T S

Mr. Jeremy Olinger  
Deputy Town Administer  
Town of Berthoud  
807 Mountain Avenue  
Berthoud, CO 80513

February 20, 2024

RE: **Berthoud Arboretum**

Dear Jeremy and Keith:

Thank you so much for the opportunity to continue working with the Town of Berthoud on the Waggener Farm site for the Arboretum. We are excited to continue our relationship with the Town and the stakeholders with such a visionary project. Our proposal for the arboretum includes a scope of services and corresponding fees for your review.

We would be happy to discuss our proposal with you in greater detail, or to make clarifications as needed. We look forward to working with you on this project. Please do not hesitate to contact me if you have any questions.

Sincerely,

Nicole Horst  
Principal

The Town of Berthoud may accept this proposal either by signature, oral assent, verbally authorizing Wenk Associates to begin providing services, or making any payments to Wenk Associates in consideration of services and any of the above modes of acceptance shall be deemed to incorporate all of the terms of this proposal into the contract between the parties thereby formed. To indicate your acceptance of this agreement and authorize Wenk Associates to proceed with the work, please sign and return via email to [nhorst@wenkla.com](mailto:nhorst@wenkla.com)

---

Signature and Title

---

Date



## **Berthoud Arboretum**

### **Exhibit One: Scope of Services**

Wenk Associates has assembled a team of sub-consultants to develop the construction documents for the Berthoud Arboretum, the sub-consultants included on the team are listed below. The Berthoud Arboretum concept design scope is based on the Berthoud Arboretum Board of Trustees presentation presented on January 23, 2024. The 31-acre project consists of existing undeveloped land in the south portion of the existing Waggener Farm Park, and includes an arboretum that will feature a North Community Hub composed of a community garden, a crop circle meadow, a tree nursery, picnic areas, flower gardens, and other amenities to support the community. South of the hub will be a meandering trail system that navigates horizontally and vertically through various trees, shrubs, and other natural features. An irrigation canal and pond will serve the arboretum's irrigation needs. We have structured our proposal based on the three key tasks: Task 1 Schematic Design, Task 2 Design Development, and Task 3 Construction Documents.

The subconsultants are listed below:

|                          |                    |
|--------------------------|--------------------|
| Irrigation               | Hydrosystems KDI   |
| Ecology                  | Birch Ecology      |
| Electrical               | Reese Hackman      |
| Structural               | Martin/Martin      |
| Civil Engineering        | Martin/Margin      |
| Geotechnical Engineering | Rocksol Consulting |

We have identified key tasks below:

#### **Key Tasks:**

#### **TASK 1 – SCHEMATIC DESIGN (30% Design) – 12 WEEKS**

**\$100,645**

- Project Kick-off
- Master Plan Refinement
- Tree and Landscape Planting development
- Topsoil and vegetation assessment
- Irrigation pond feasibility study
- 3D Model to Study Design Alternatives
- (6) geotechnical borehole locations for the initial geotechnical investigation

#### **Meetings and Site Visits**

- Up to (6) virtual team meetings with the Town of Berthoud
- (1) Town Review Meeting
- (1) Site visit to confirm existing conditions and to evaluate the Masterplan
- (1) PORT in person presentation, Wenk to attend
- (1) TAC in person presentation, Wenk to attend
- (1) Virtual meeting with the Thompson School District, Wenk and Hydrosystems to attend

#### **Deliverables**

- Base Map of Existing Conditions
- Site Assessment Memo including:
  - Ecological site inventory figure identifying major vegetation types, key ecological site features, and sampling locations
  - Narrative summarizing results of field assessment
  - Weed control recommendations; and
  - Soil test results and recommendations.
- 30% Design Report and 30% Construction Document Set (SD level)
- Outline specifications

- Irrigation Pond Feasibility Study
  - Review past studies related to the irrigation pond, sizing, and agreements with the Turner School District
- Site quantities and preliminary cost estimate
- PORT and TAC committee presentations
- Updated Illustrative plan graphic and up to (1) perspective rendering

**TASK 2 – DESIGN DEVELOPMENT (60% Design) – 16 WEEKS**

**\$172,127**

- Grading refinement
- Tree and Landscape Plant palette refinement, includes up to (6) custom seed mixes
- Design of Site Elements
  - Site lighting
  - Center Pivot Relic/Swing
  - Community Garden
  - Deck
  - Irrigation Canal
  - Irrigation Canal Bridges
- Research pre-manufactured restroom buildings and develop preferred vendor and design
  - Irrigation Pump House
  - Picnic Shelters
  - Restroom
- Recommendations for soil import/fill on the site Preparation of a drainage analysis and report
- Preparation of a stormwater management plan and report (SWMP)
- Utility plan for private and public utilities
- Design data for the detention pond to meet the provisions of CRS-37-92-602. As amended by Senate Bill 15-212
- Geotechnical and/or structural considerations/recommendations for the following:
  - Clay or PVC/EPDM irrigation pond liner.
  - Trail pavement
  - Park structures (prefabricated Picnic Shelters, Irrigation Pump House, Center Pivot Relic/Swing, Deck, Irrigation canal bridges, and Restroom)
  - Site lighting pole foundations

**Meetings and Site Visits**

- Bi-weekly virtual team meetings with the Town of Berthoud
- Up to (6) As needed virtual team meetings with the Town of Berthoud
- (1) PORT in person presentation, Wenk to attend
- (1) TAC in person presentation, Wenk to attend
- (1) Virtual meeting with the Thompson School District, Wenk and Hydrosystems to attend

**Deliverables**

- Detailed booklet of site elements
- 60% Construction Document Submittal
- Specifications
- Quantities and estimate of construction cost

**TASK3 – CONSTRUCTION DOCUMENTS (90% & 100%/Bid Docs) – 24 WEEKS**

**\$174,655**

- Incorporate VE comments
- Grading refinement
- Tree and Landscape Plant palette refinement

**Meetings and Site Visits**

- Up to (8) As needed virtual team meetings with the Town of Berthoud
- Up to (3) PORT/TAC/Board in person presentations as needed, Wenk to attend

- (1) Virtual meeting with the Thompson School District, Wenk and Hydrosystems to attend

#### **Deliverables**

- (2) Submittals of construction document drawings and specifications. Drawings and details will be prepared using CAD format software. The submittals include the 90% CD and the 100% CD/Bid Set, including bid tab and technical specifications.
- Quantities and estimate of construction cost

#### **Fees by Task:**

Our total fee for the tasks outlined is \$449,027. We will invoice time and materials not to exceed based on our 2024 billing rates.

|                                                 |                  |
|-------------------------------------------------|------------------|
| Task 1 Schematic Design 30% Plans               | \$100,645        |
| Task 2 Design Development 60% Plans             | \$172,127        |
| Task 3 Construction Documents 100% and Bid Docs | \$174,655        |
| Reimbursables                                   | \$1,600          |
| <b>Total Fee</b>                                | <b>\$449,072</b> |

#### **Fees Per Consultant:**

|                            |                  |
|----------------------------|------------------|
| Wenk Associates            | \$157,340        |
| Hydrosystems KDI           | \$53,250         |
| Birch Ecology              | \$19,670         |
| Reese Hackman              | \$17,500         |
| Martin/Martin (structural) | \$25,000         |
| Martin/Martin (civil)      | \$146,080        |
| Rocksol Consulting         | \$28,587         |
| Reimbursables              | \$1,600          |
| <b>Total Fee</b>           | <b>\$449,027</b> |

#### **Assumptions and Exclusions:**

- We assume that design services will occur in 2024-2025. Fees are based on 2024 billing rates and are valid for (12) months following the notice to proceed for the project. Any significant alterations to this schedule may result in additional consultant fees to be negotiated with the Town of Berthoud.
- No construction observation services are included. We anticipate being involved in construction observation and will provide those fees following the construction document phase.
- We assume that exterior site walls and landscape structures will be reviewed, and structural design to be provided by the project Structural Engineer who will be a sub-consultant to the Wenk.
- Our proposal assumes that water quality and detention is to happen within the site footprint and to be documented by the Civil Engineer.
- We assume no as-built drawings for the project. If these services are needed a proposal will be written to include these additional services.
- No survey is included. We will utilize the survey prepared in May 2019 by Tait & Associates for the Waggener Farm Park.
- We assume that Value Engineering will occur prior to Construction Documents. If Value Engineering occurs during the Construction Document phase or there are significant site adjustments for the project budget, a proposal will be written for additional services to accommodate the site adjustments.
- Wenk Associates does not provide BIM models in Revit. 3D models will be coordinated with the latest versions of SketchUp and/or Lumion.
- Proposal does not include:
  - Physical Models
  - Survey Work

**Payment of Fees:**

Wenk Associates, Inc. (Wenk) will invoice monthly on an hourly not to exceed basis.

**Client Responsibilities**

Project fees and schedules are based on continuous progression of the project. Prompt direction and approval from the Owner regarding project program, elements, layouts, and other Owner sensitive decisions are essential to the project's success. The Owner shall provide written approval of the design at established project milestones within this proposal. Acceptance of this proposal acknowledges this responsibility. In the interest of clear direction and communication, input from any other members or partners of the ownership team should be routed through the client to Wenk Associates.

**Project Changes**

This proposal is based upon initial information as furnished by the Town of Berthoud as described above. If at any time the program changes significantly (i.e. substantial changes to site size, building locations, construction cost, use, occupancy, Town-directed changes from concept plan, program, Consultant team or construction type), this proposal will be revised. In this event, Wenk Associates will pause work with reasonable notice and evaluate potential impacts to scope and schedule. Wenk Associates will then issue a revised proposal or Additional Service if warranted before proceeding with the work. If additional deliverables or drawing packages beyond those listed in the phases in this proposal are requested by the Owner at any given time, they can be provided as an Additional Service, billed hourly or by an agreed upon lump sum, and with appropriate adjustments to the design schedule.

**PROJECT HOLD / PAUSE**

If the project is paused or placed on hold for any reason outside of Wenk Associates' control, Wenk Associates will stop work within 7 days. At this time, Wenk Associates will invoice for any outstanding, non-billed work completed prior to the hold. If requested, Wenk Associates can continue to support the client during the project hold as an Additional Service. Any work done during this period will be billed hourly based on the rates listed below.

**PROJECT RESTART**

During a project hold, the client is to provide Wenk Associates with written directive at least 2 weeks prior to an anticipated project restart date. Upon receipt of the written directive, Wenk Associates will confirm the anticipated project restart date and begin to mobilize the Consultant team. Any past due or delinquent invoices must be paid in full prior to project restart. A Project Restart Fee of \$- (2% of Landscape Architecture fee) will be billed to the Owner/Client upon restart of the project. This fee covers the cost of the inefficiencies specific to the mobilization of staff, project resources and Consultants. The above fees do not include significant project changes that occur. If significant changes occur, Wenk Associates will issue a revised project schedule and fee table.

## **2024 Billing Rates**

|                                                |          |
|------------------------------------------------|----------|
| Principal II                                   | \$250/hr |
| Principal                                      | \$215/hr |
| Associate Principal                            | \$175/hr |
| Senior Project Manager                         | \$160/hr |
| Project Manager II                             | \$140/hr |
| Project Manager I / Landscape Designer III     | \$130/hr |
| Landscape Architect/Designer II / Assistant PM | \$110/hr |
| Landscape Architect/Designer I                 | \$110/hr |
| Landscape Design Intern                        | \$90/hr  |
| Graphic Designer                               | \$130/hr |
| Public Engagement Project Manager              | \$155/hr |
| Public Engagement Specialist                   | \$135/hr |
| Translation Services                           | at cost  |
| Administrative Support                         | \$80/hr  |

|                            |                          |
|----------------------------|--------------------------|
| Mileage                    | Current Government Rates |
| Photocopies                | .10/ea                   |
| Color photocopies 8.5 x 11 | 1.00/ea                  |
| Color photocopies 11 x 17  | 1.50/ea                  |
| Graphic Boards             | quoted by project        |

**End of Wenk Associates' Proposal**

## **CONSULTING SERVICES AGREEMENT**

This Consulting Service Agreement ("**Agreement**") is made effective as of \_\_\_\_\_, 2024 ("**Effective Date**") and entered into between Wenk Associate, Inc., a consultant group, with an address of 1130 31<sup>st</sup> Street, Suite 101 Denver, Colorado, ("**Consultant**") and Town of Berthoud ("**Town**" or "**Berthoud**"). Taken together, Consultant and Town shall be referred to as "**Parties**."

### **Recitals**

WHEREAS, the Town desires to hire Consultant to perform certain services as more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof;

### **Agreement**

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, the sufficiency of which is hereby acknowledged, the Parties do hereby promise and agree to and with each other as follows:

1. **Services**. Consultant shall provide to Berthoud the Services set forth in Exhibit A attached hereto (the "**Services**"), in a good and workmanlike manner and in accordance with all applicable professional standards and industry practices. Exhibit A shall describe in reasonable detail (i) the services to be performed by Consultant and any deliverables to be provided by Consultant (ii) the contract price to be paid by Berthoud ("**Contract Price**"), and (iii) any additional terms or conditions related to the Services. All Services shall be governed by the terms and conditions of this Agreement, the Exhibits attached hereto, and any Change Orders that may be executed by the Parties (collectively, the "**Contract Documents**"). To the extent a conflict arises between the Parties, the terms of this Agreement shall control.

2. **Term**. This Agreement and all provisions contained herein shall be effective as of the Effective Date and all Services contemplated hereunder shall be completed no later than [INSERT DATE] ("**Term**"). The Term identified in this paragraph is subject to any written Change Orders that may be executed by the Parties and/or any Termination that may occur in accordance with Paragraph 3, below.

3. **Change Orders**. Any modification to the Services, including any change in the basic character of the Services, increase in the Contract Price or other deviation from the Contract Documents, must be: (i) mutually agreed upon by the Parties, (ii) comply with all terms in this section 3, (iii) formalized in writing, and (iv) signed by the Parties (a "**Change Order**"). Either party will be entitled to initiate a Change Order, and for such purpose shall submit its Change Order, including a detailed description of the required change and the reasons for it, to the other party. The Parties will evaluate the Change Order and negotiate in good faith any changes to the Services required to implement the Change Order. If both parties agree to implement the Change Order, both parties will execute the Change Order to indicate their acceptance of the changes. Neither party will be obligated to proceed with a Change Order until such time as the Change Order has been agreed upon by both parties and formalized in a signed writing. The Parties shall not be obligated to accept a proposed Change Order from the other party. In the absence of a fully executed Change Order, this Agreement and the Services set forth on Exhibit A will remain in full force and effect without modification.

4. **Fees, Expenses and Taxes**. Consultant expressly acknowledges that all costs, expenses and applicable taxes for materials and services that it is required to supply and perform hereunder, including any costs associated with travel, lodging and meals, are included in the Contract Price set forth in Exhibit A. Unless otherwise explicitly set forth in Exhibit A, Consultant shall provide and pay for labor, materials, furniture, furnishings and equipment, tools, consumables, installation equipment and machinery, delivery and other facilities and services necessary for the proper execution and completion of the Services.

5. **Payment Terms**. The "Fee", as identified on Exhibit A, shall not exceed [INSERT AMOUNT] without prior written authorization by Town. The Fee shall be paid by the Town pursuant to invoices ("Invoices") submitted by consultant. Consultant shall submit Invoices no more often than monthly. Each Invoice shall describe the Services that have been completed and the portion of the Fee payable for same. Berthoud shall not be obligated to pay any costs and/or fees in excess of the Fee identified on Exhibit A and referenced again in this sub-paragraph.

6. **Engagement of Third Parties & Consultants**. Consultant shall not engage third parties with respect to the Services without prior written authorization from the Town.

7. **Representations, Warranties and Covenants.**

- a. Consultant hereby represents, warrants and agrees that:
  - i. Consultant has adequate skill, training, expertise, knowledge and experience to perform the Services in a competent and professional manner consistent with industry standards;
  - ii. Consultant has sufficient personnel and equipment available to perform and complete the Services within the milestones, timelines and time frames specified in this Agreement;
  - iii. Consultant will perform the Services in a good and workmanlike manner consistent with industry standards;
  - iv. Consultant has the full right and authority to enter into and fully perform this Agreement;
  - v. Consultant shall perform its activities under this Agreement in accordance with all federal, state and local codes, laws, rules, regulations, and legal requirements relating to the services provided by Consultant under this Agreement ("**Legal Requirements**");
  - vi. The execution, delivery and performance of this Agreement will not violate the provisions of any agreement to which Consultant is a party or by which it is bound; and
  - vii. The person signing this Agreement on behalf of Consultant has the full authority to do so.
- b. Berthoud hereby represents, warrants and agrees that:
  - i. Berthoud has the full right and authority to enter into and fully perform this Agreement;
  - ii. Berthoud shall perform its activities under this Agreement in accordance with all Legal Requirements;
  - iii. The execution, delivery and performance of this Agreement will not violate the provisions of any agreement to which Berthoud is a party or by which it is bound;
  - iv. The person signing this Agreement on behalf of Berthoud has the full authority to do so.

8. **Insurance.** Consultant agrees to maintain insurance during the life of the agreement:

- a. Comprehensive general liability insurance coverage in an amount not less than \$1 million per occurrence and automobile liability for owned, hired, and non-owned vehicles; and
- b. Professional/negligent acts, errors and omissions insurance in an amount not less than \$1 million; and
- c. Such workers' compensation insurance as required.

9. **Termination.** Town may terminate this agreement at any time by giving Consultant ten working days' prior written notice, provided that in such event Consultant shall be entitled to payment for those Services rendered through the date of termination, provided those Services rendered are satisfactory to the Town.

10. **Records.** Information, data, estimates, reports, studies, and all other project documents drafted or created by Consultant or on behalf of Consultant for Town shall belong to Town and Consultant hereby assigns all of its copyright interests to Town. All of the foregoing documents hereafter prepared by Consultant for Town shall be retained and maintained for Town by Consultant in its offices at no additional cost to Town. Consultant shall release all such files and documents as instructed by Town from time to time. Consultant shall not be liable for use of any such documents for purposes other than their original intended purpose.

11. **Liability and indemnity.** Consultant agrees to hold the Town harmless for any costs, claims, or liabilities arising from Consultant's performance or operations relating to the services required by this agreement.

12. **Notices.** All notices required to be given pursuant to this Agreement shall be made in writing and shall be delivered by personal delivery and securing a written receipt, or shall be sent by certified mail, return receipt requested, to the respective Party's address included below. Notice given as provided herein shall be deemed to have been given on the date it was received as evidenced by the receipt received pursuant to either form of delivery. Notice hereunder shall be addressed to:

If sent to Berthoud:

Town of Berthoud:  
c/o Mr. Jeremy Olinger  
807 Mountain Ave.  
Berthoud, CO 80513

If sent to Consultant:

Wenk Associates, Inc  
c/o Nicole Horst  
1130 31<sup>st</sup> Street, Suite 101  
Denver, Colorado

13. **Restriction of Assignment.** Neither party shall have the right or power to assign its rights or obligations under this Agreement without the written consent of the other party.

14. **Waiver.** The failure of any of the Parties to enforce any provision or condition contained in this Agreement at any time will not be construed as a waiver of that condition or provision nor will it operate as a forfeiture of any right of future enforcement of the condition or provision.

15. **Entire Agreement.** This Agreement, together with all Contract Documents, contains the entire agreement between the parties and merges any prior representations, warranties, or understandings they may have had regarding the subject matter of this Agreement. This Agreement may not be amended or modified except by a writing executed by all parties.

16. **Counterpart; Facsimile Signatures.** This Agreement may be executed in counterparts by each party, separately, and when each party has executed a copy thereof, such copies taken together shall be deemed to be a full and complete contract between the Parties.

17. **Headings.** The section headings appearing in this Agreement are inserted for reference purposes only and in no way define, limit, construe or describe the scope or intent of such section, or in any way affect the meaning or interpretation of this Agreement.

18. **Construction.** It is agreed that all parties have participated in preparation of this Agreement and that there shall be no presumption of construing ambiguities against the drafter.

19. **Governing Law.** This Agreement and the parties' conduct arising out of or related to it shall be governed by and interpreted under the laws of the State of Colorado. Any suit, action or proceeding seeking to enforce any of the terms of this Agreement shall be brought in a court of competent jurisdiction in Larimer County, Colorado. All Parties expressly and irrevocably consent to jurisdiction and venue in said courts.

20. **Severability.** In the event that any provisions of this Agreement are found to be illegal or unenforceable, such provisions shall be modified to the extent necessary to make it enforceable, and as so modified, the remainder of this Agreement shall remain in full force and effect.



IN WITNESS WHEREOF the parties have executed this Agreement by their properly authorized signatories:

WENK Consultant group

TOWN OF BERTHOUD

\_\_\_\_\_  
By: \_\_\_\_\_ Date: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
By: Chris Kirk \_\_\_\_\_ Date \_\_\_\_\_  
Its: Town Administrator

# BOARD OF TRUSTEES INFORMATION



## FORESTRY DEPARTMENT

|                              |                                                    |
|------------------------------|----------------------------------------------------|
| <b>Meeting Date:</b>         | <b>March 12, 2024</b>                              |
| <b>Agenda Title/Subject:</b> | <b>2024 Arbor Day Proclamation</b>                 |
| <b>Type of Item:</b>         | <b>Consent Agenda</b>                              |
| <b>Purpose:</b>              | <b>Proclamation for 2024 Arbor Day in Berthoud</b> |
| <b>Presented by:</b>         | <b>Paul Furnas – Berthoud Town Forester</b>        |

### ATTACHMENTS:

- 2024 Arbor Day Proclamation

### BACKGROUND:

Berthoud has been recognized by the Arbor Day Foundation as being a Tree City USA for 41 years. Required standards for a town to be recognized as a Tree City are maintaining a tree board or department, having a community tree ordinance, spending at least \$2 per capita on urban forestry, and celebrating Arbor Day. The town recognizing and celebrating Arbor Day each year helps this tradition of our town's devotion to trees alive and well. 92 towns across Colorado are recognized as Tree Cities. The Arbor Day Foundation started the Tree City USA program 47 years ago.

### COMMUNITY TOUCHSTONES:

Berthoud's unique urban forest and devotion to being a Tree City are a **Community Identity** some Berthoud residents take pride in. Berthoud's Arbor Day gives residents a unique opportunity to participate in planting a tree in our city, which they might not otherwise have the means to do at their current residence.

Further promotion and education about planting trees promoted by the town might encourage homeowners to plant on their own or engage in tree planting projects in their local communities.

### RECOMMENDED ACTION(S):

**Read 2024 Arbor Day Proclamation and approve to recognize April 27<sup>th</sup> as Arbor Day in Berthoud.**

# PROCLAMATION ARBOR DAY 2024

**WHEREAS**, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and;

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and;

**WHEREAS**, Arbor Day is now observed throughout the United States and the world, and;

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and;

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and;

**WHEREAS**, trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community, and;

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual Renewal, and;

**NOW THEREFORE**, I, William Karspeck, Mayor of the Town of Berthoud, do hereby proclaim Saturday, April 27th, 2024 as:



In the Town of Berthoud.

Given under my hand in these free United States in the Town of Berthoud, on this 12<sup>th</sup> day of March 2024, and to which I have caused the Seal of the Town of Berthoud to be affixed and have made this proclamation public.

---

William Karspeck, Mayor

# TOWN BOARD INFORMATION



## COMMUNITY DEVELOPMENT DEPARTMENT

|                              |                                                                                                                                                                                                        |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>         | <b>March 12, 2024</b>                                                                                                                                                                                  |
| <b>Agenda Title/Subject:</b> | <b>Ordinance 1334 (Series 2024) Public Hearing to present proposed amendments to the Berthoud Sign Code, Chapter 30, Sections 1, 3, 5 and 7 of the Berthoud Municipal Code, 2<sup>nd</sup> Reading</b> |
| <b>Type of Item:</b>         | <b>Public Hearing</b>                                                                                                                                                                                  |
| <b>Purpose:</b>              | <b>Amending the Sign Code via Ordinance 1334 (Series 2024) through changes proposed in Chapter 30, Sections 1, 3, 5 and 7 of the Berthoud Municipal Code, 2<sup>nd</sup> Reading</b>                   |
| <b>Presented by:</b>         | <b>Anne Johnson, Community Development Director</b>                                                                                                                                                    |

### ATTACHMENTS:

- Draft Minutes from Planning Commission on February 8, 2024
- Ordinance 1334 (Series 2024)
- Public Notice
- Appendix A, Code Amendments in redline format, Section 7
- Appendix B, Code Amendments clean, Section 7
- Appendix C, Code Amendments to the Definition Section 1
- Appendix D, Code Amendments to the Mountain Avenue Overlay Section 3
- Appendix E, Code Amendment to Section 30-5-102.J

### BACKGROUND:

It is necessary to update the Sign Code to ensure the Code is content-neutral. In doing so, the sign regulations from the Mountain Avenue Overlay District found in Section 3 and the Definition portion of the Municipal Code found in Section 1 of Chapter 30 also required amendments.

- The Amendments to Section 3 include correction to spelling of the words façade and drive-through, moving all regulations regarding signage to Section 7, and inserting reference to the Sign Code/Section 7. These changes can be found in the attached Appendix D.
- The Amendments to Section 1 include moving all sign types to one portion of the Definition Section by starting the defined term with "sign". All numbering of definitions shall also be revised. The type of illuminated signs has also been modified to allow for halo (back lighting) signage. These changes can be found in the attached Appendix C.
- The Amendment proposed in Section 30-5-102.J is purely a reflection of the definition of a site sign vs. construction sign for content neutrality.

- The Amendments to Section 7 were too numerous for a simple redline review. A redline copy is attached as Appendix A. The clean version which will be adopted is found in Appendix B. The Sign Code, or Section 7, of the Land Development Code will be repealed and replaced with the material found in Appendix B. The bulk of the changes reflect the outcome of the U.S. Supreme Court's decision in *Reed v. Town of Gilbert* and the right to free speech found in the intent of the First Amendment. Additional changes include clarifying terms, processes, placement and standards; refining acceptable illumination; adjusting temporary sign regulations; and adding graphics. The dates for Sections 30-7-111.B and C will be completed prior to sending this Code to MuniCode for publication.

**UPDATE/NEXT STEPS:**

Since the first reading, Trustee Hardy provided questions and sought clarification on the proposed language in the draft Ordinance being presented. Some comments were able to be addressed and presented in the attached documents as they are points of clarification. Other comments require discussion with the entire Board of Trustees regarding the vision and intent of signage in the Town. These issues will be brought to the attention of the entire Board of Trustees for discussion on March 12, 2024 in a public hearing format.

The Planning Commission's recommendation of approval from their February 8, 2024 public hearing are presented as an introduction at the Town Board of Trustees' meeting on February 27, 2024 and the public hearing on March 12, 2024.

**FISCAL IMPACT AND FUND SOURCE:**

There is no negative fiscal impact to the Town in clarifying the Town Development Code, Chapter 30 of the Municipal Code

**COMMUNITY TOUCHSTONES:**

Consideration of the amendment requests does not negatively impact community touchstones. Consideration of approval of the request does provide support for enhancing community identity, provides for support to strengthen the Town's sustainability and resiliency goals and affords the development community with a transparent set of standards to know what the expectations are for developing in the Town of Berthoud.

**RECOMMENDED ACTION(S):**

Planning Commission recommends the Town Board of Trustees approve Ordinance 1334 (series 2024) with all attached Ordinance Appendices on second reading to be held on March 12, 2024.



## **Planning Commission Minutes – February 8, 2024, at 6:00 p.m.**

- 1. Call to Order** – The Planning Commission convened a regular meeting on. Commissioner Anderson called the meeting to order at 6:00 p.m.

**2. Pledge of Allegiance**

- 3. Roll Call** – Members present:
- |                 |                    |
|-----------------|--------------------|
| Karen Anderson  | (Chairperson)      |
| Abigail Smith   | (Vice Chairperson) |
| Jon Van Benthem | (Secretary)        |
| Joe Donnelly    | (Commissioner)     |
| Marc Hofmans    | (Commissioner)     |
| Nick Semedallas | (Commissioner)     |
| Brett Wing      | (Commissioner)     |

Staff present:

|                |                                  |
|----------------|----------------------------------|
| Anne Johnson   | (Community Development Director) |
| Teri Reger     | (Planning Technician)            |
| Jeremy Olinger | (Deputy Town Administrator)      |

Consultants:

|                           |
|---------------------------|
| Gerald Dahl               |
| Martin Landers            |
| Erin Smith, Town Attorney |

- 4. Approval of Minutes** – Minutes from January 11, 2024, Planning Commission Meeting.

**MOTION made by Commissioner Wing to APPROVE the Minutes for January 11, 2024.**

**SECONDED by Commissioner Van Benthem.**

**With those all-in favor, THE MOTION CARRIED.**

- 5. Update on Town Projects in 2023 and 2024**

Presented by: Jeremy Olinger, Deputy Town Administrator

- 6. Public Hearing: Sign Code**

Community Development Director Anne Johnson introduced a recommendation to the Planning Commission regarding amendments to Section 7, Chapter 30, the Berthoud Sign Code, Ordinance 1334.

***Public Comment was opened at 7:24 p.m.***

***Public Comment was closed at 7:25 p.m.***

**MOTION made by Commissioner Wing to forward our recommendation of approval of the amendments contained in Ordinance 1334 (Series 2024) with Appendices A, B, C and D to the Town Board of Trustees. The rationale for approval is that the proposed guidelines provide transparent expectations for future development in the Town of Berthoud, supports the Town's community identity outlined in the 2021 update to the Comprehensive Plan, and aligns the Town's Sign Code with current findings of the U.S. Supreme Court.**

**SECONDED by Vice Chairperson Smith. With all in favor, THE MOTION CARRIED.**

**7. Public Hearing: Amendments to the Berthoud Development Code specifically, adopting Section 3 of Chapter 30, Ordinance 1335**

Community Development Director Anne Johnson introduced a recommendation to the Planning Commission regarding adopting Section 3, Chapter 30 of the Municipal Code to recognize the adoption of the Innovation District Standards by the Town Board of Trustees on April 25, 2023

**Public Comment was opened at 7:48 p.m.**

**Public Comment was closed at 7:48 p.m.**

**MOTION made by Commission Hofmans to *forward our recommendation of approval of the amendments contained in Ordinance 1335 (Series 2024) with Appendix A to the Town Board of Trustees. The rationale for approval is that the guidelines for the Berthoud Innovation District/1<sup>st</sup> Street Corridor were approved by the Town Board of Trustees on April 25, 2023. Inclusion of these standards by reference in the Town Development Code provides transparent expectations for future development in the Town of Berthoud and supports the Town's community identity outlined in 2023 Guidelines for the 1<sup>st</sup> Street Corridor.***

**SECONDED by Commissioner Semedalas. With all in favor, THE MOTION CARRIED.**

**8. Reports by Staff**

Planning Commission Field Trip is scheduled for March 16, 2024.

Planning Commission Meeting on February 25, 2024, has been cancelled the next meeting will be March 14, 2024.

**Board of Trustees Update:**

Commissioner Wing commended Deputy Town Administrator Olinger for his presentation and information he shared regarding Town Projects.

Commissioner Wing also asked, spurred by the upcoming field trip, how leaders can influence affordable housing.

Chairperson Anderson suggested that perhaps the Director for Habitat for Humanity could come and talk to the Commission.

**9. Adjourn –**

The meeting was adjourned at 7:58 p.m.

---

CHAIRPERSON

---

SECRETARY

**TOWN OF BERTHOUD ORDINANCE  
NUMBER 1334  
(SERIES 2024)**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE BERTHOUD MUNICIPAL  
CODE CHAPTER 30, TO SUPPORT THE SIGN CODE. SPECIFICALLY SECTIONS 1, 3 AND  
7 ARE PROPOSED FOR AMENDMENT**

**WHEREAS**, the Town of Berthoud is a municipal corporation possessing all powers granted to a statutory town by Title 31 of the Colorado Revised Statutes; and

**WHEREAS**, the Town wishes to implement the vision and values expressed in the 2021 update to the Comprehensive Plan, including strengthening the Town's sense of place, enhancing community identity, supporting community resilience and sustainability touchstones; and

**WHEREAS**, the Town wishes to remove regulations in the Sign Code which reference content; and

**WHEREAS**, the Planning Commission, after proper notice, has held a public hearing on February 8, 2024 on this ordinance providing for a recommendation of approval from the Town Board of Trustees; and

**WHEREAS**, the Board of Trustees, after proper notice introduced this Ordinance at their meeting on February 20, 2024 and heard the proposal at a public hearing on March 12, 2024 on this ordinance providing for the adoption of said code amendments pursuant to C.R.S. Section 31-16-203; and

**WHEREAS**, the Development Code and amendments thereto have been submitted to the Board of Trustees in writing and the Board of Trustees has determined that such code and amendments thereto should be adopted as herein set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. The attached Ordinance 1334 (Series 2024) shall be amended as presented in Appenxicies A, B, C, D and E and adopted into Chapter 30 of the Berthoud Municipal Code.

Section 2. Interpretation: This Ordinance shall be so interpreted and construed to effectuate its general purpose.

Section 3. Effective Date: The provisions of this Ordinance shall take effect thirty (30) days following the date of public hearing.

[INTENTIONALLY LEFT BLANK]



INTRODUCED on this 20<sup>th</sup> day of February, 2024.

**TOWN OF BERTHOUD**

By \_\_\_\_\_  
**William Karspeck, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**Christian Samora, Town Clerk**

READ, ADOPTED, AND APPROVED on this 12<sup>th</sup> day of March, 2024.

**TOWN OF BERTHOUD**

By \_\_\_\_\_  
**William Karspeck, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**Christian Samora, Town Clerk**

TOWN OF BERTHOUD, COLORADO

NOTICE OF PUBLIC HEARING  
Amendments to the Berthoud Development Code

PUBLIC NOTICE IS HEREBY GIVEN of public hearings before the Berthoud Planning Commission on Thursday, February 8, 2024 at 6:00 p.m. and before the Town Board on Tuesday, February 20, 2024 and Tuesday, March 12, 2024 at 6:30 pm to consider amendments to Chapter 30, Section 7 of the Berthoud Municipal Code, specifically the Sign Code. The public hearings will be held at Town Hall 807 Mountain Avenue Berthoud 80513.

Given and Posted on this \_\_\_\_ day of January, 2024.

Published: Loveland Reporter Herald January 20, 2024-2029779

Prairie Mountain Media, LLC

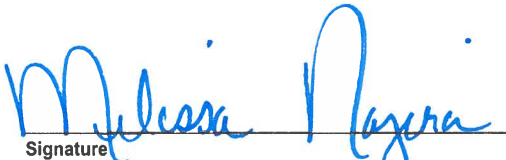
PUBLISHER'S AFFIDAVIT

County of Larimer  
State of Colorado

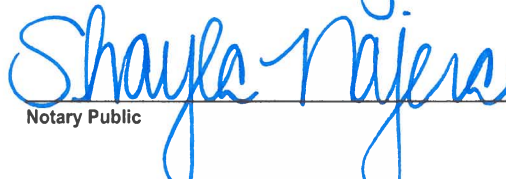
The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Loveland Reporter Herald*.
2. The *Loveland Reporter Herald* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Larimer County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Loveland Reporter Herald* in Larimer County on the following date(s):

Jan 20, 2024

  
Signature

Subscribed and sworn to me before me this  
22nd day of January, 2024.

  
Notary Public

(SEAL)

SHAYLA NAJERA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20174031965  
MY COMMISSION EXPIRES July 31, 2025

Account: 1051549  
Ad Number: 2029779  
Fee: \$17.40

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## SECTION 7 SIGNS

### 30-7-101 ~~Purpose and intent~~ General provisions

- A. *Purpose.* The regulations in this Section are intended to coordinate the use, placement, physical dimensions, and design of all signs within the Town. These regulations are established to safeguard the health, safety, convenience, order and welfare of all residents of the Town. The Town recognizes that signs may act as a visual means of communication between the public and businesses and those businesses have an expectation of using signs to identify and advertise themselves. In addition, ~~The~~ the purpose of these regulations is to:
1. Recognize that signs are a necessary means of visual communication for the convenience of the public and provide flexibility within the sign review/approval process to allow for unique circumstances and creativity.
  2. Recognize and ensure the right of those concerned to identify businesses, services and other activities by the use of signs, and not limit signs which are accessory and incidental to the use on the premises where such signs are located.
  3. Provide a reasonable balance between the right of an individual to identify his or her business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.
  4. Protect the public from damage or injury caused by signs that are poorly designed or maintained.
  5. Ensure signs are well-designed and contribute in a positive way to the Town's visual environment, express local character, and help develop a distinctive image for the Town of Berthoud.
  6. Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Ensure signs are compatible and integrated with the building's architectural design and with other signs on the property.
  7. Ensure signs are appropriate for the type of street on which they are located.
  8. Ensure signs adhere to the Town's Dark Sky regulations.
  9. Enhance property values and business opportunities.
  10. Assist in wayfinding.
  11. Provide fair and consistent permitting and enforcement.
- B. *Intent.* It is the intent of these regulations to provide for the proper control of signs in a manner consistent with the First Amendment guarantee of free speech. It is not the intent of these regulations to regulate signs based on the content of their messages. Rather, these regulations advance important, substantial, and compelling governmental interests.
1. The incidental restriction on the freedom of speech that may result from the regulation of signs hereunder is no more than is essential to the furtherance of the important, substantial, and compelling interests that are advanced by these regulations.
  2. The Town has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing motorists and pedestrians), because sign clutter:
    - a. Creates visual distraction and obstructs views, potentially creating a public safety hazard for motorists, bicyclists, and pedestrians;
    - b. May involve physical obstructions of streets or sidewalks, creating public safety hazards;

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- c. Degrades the aesthetic and essential historic character of the Town, making the Town a less attractive place for tourism, commerce, and private investment; and
    - d. Dilutes or obscures messages displayed along the Town's streets through the proliferation of distracting structures and competing messages.
  - 3. The Town has a substantial and/or compelling interest in preventing traffic accidents.
  - 4. The Town has a substantial and/or compelling interest in preventing negative impacts associated with temporary signs. Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the Town's streets if they are not removed.
  - C. Relationship to other regulations. The provisions of these regulations shall apply to the display, construction, erection, alteration, use, maintenance, and location of all signs within the Town.
    - 1. Nothing contained in this Section shall be deemed a waiver or variance of the provisions of any other provisions of the Development Code as applicable to signs.
    - 2. If any provision of this Section conflicts with any other adopted Town code that regulates signs, the more restrictive standard shall apply provided, however, to the extent an approved, unexpired and currently effective Planned Unit Development as described in Section 30-3-104 R *Planned Unit Development (PUD) Overlay District*—includes specific sign allowances and/or restrictions that directly conflict with these regulations, the approved PUD regulations shall apply to the extent of the conflict. In lieu thereof, the property owner may elect to fully comply with these regulations in the area of the conflict.
    - 3. The Town recognizes other regulations pertaining to signage (i.e., State of Colorado, Department of Highways, "Rules and Regulations Pertaining to Outdoor Advertising," effective January 1, 1984, and as may be amended).
    - 4. The content of signs related to marijuana businesses is restricted by state laws and regulations, and both the advertising and sale of marijuana are prohibited by federal law. The Town has no authority to supersede state or federal marijuana laws.
    - 5. Nothing in this Section shall be construed as a defense to a violation of applicable state or federal law.
    - 6. Where any provision of this Section covers the same subject matter as other Town, state or federal regulations, the more restrictive regulation shall apply.

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### 30-7-102 Sign permits ~~and administration~~

- A. *Sign permit required.* To ensure compliance with the regulations of this Section, a sign permit shall be required in order to erect, move, alter, reconstruct or repair any permanent or temporary sign, except signs that are exempt from permits under Section 30-7-103 Exempt signs.
1. In multiple tenant buildings, a separate permit shall be required for each business entity's sign(s).
  2. Separate building and electrical permits may be required for signs and will be determined on a case-by-case basis.
  3. Changing or replacing the copy on an existing ~~lawful~~ sign shall not require a permit, ~~provided the copy change does not change the nature of the sign or render the sign in violation of this Section.~~
- ~~B. *Special Events.* For the purposes of this Section, the term special event shall mean a parade, circus, fair, carnival, festival, farmers' market or other similar event of less than ten days duration that is different in character from the customary or usual activities generally associated with the property upon which the special event is to occur.~~
- B. *Comprehensive sign plan.* A comprehensive sign plan is required as a part of the development review process for all commercial projects with multiple lots or buildings or multiple tenants. Comprehensive sign plans are also required for all new signs on multiple tenant buildings or centers with multiple lots.
1. For any multi-tenant center, industrial park or other unified form of commercial site development or redevelopment, the applicant shall submit a comprehensive sign plan with a sign permit application that consists of coordinated and/or shared signage for the entire development.
  2. A ~~master~~ comprehensive sign plan shall be in accordance with the following criteria:
    - a. Signs shall meet the design criteria established in Section 30-7-106 Sign design.
    - b. ~~In~~ After reviewing an applicant's submittal of a comprehensive sign plan, the Director may vary standards for area, height and number of individual signs during sign permit review.
    - c. The Director may approve up to a twenty percent (20%) change in one or more dimensional or numerical standards based on the applicant demonstrating the change is warranted by a comprehensive sign plan which represents exceptional design.
- B.C. *Application for a sign permit.* Applications for sign permits shall be made in writing on forms furnished by the Town. The application shall contain:
1. The location by street number of the proposed sign structure;
  2. Names and addresses of the owner, ~~sign contractor~~ and the person or company installing the sign erectors;
  3. Legible site plans which include the specific location of the sign and setbacks to adjacent property lines and buildings;
  4. A detailed drawing indicating the dimensions, materials, and colors of the proposed sign structure. A certification by a registered professional structural engineer may be required by staff for a ~~freestanding monument~~ or projecting sign;
  - ~~e. — A graphic drawing or photograph of the sign copy;~~
  5. A description of the lighting to be used, if applicable and a narrative detailing how the proposed lighting will be compliant with the Town's Dark Sky regulations;
  6. If the sign is to be located off the premises ~~advertised in compliance with Section 30-7-111 Off-Premise sign standards,~~ a written lease or permission from the property owner of the site on which the sign will be located; and

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7. Sign permit fee as established by the current fee ~~resolution~~schedule.

~~D.~~D. Staff review and approval.

~~Sign permit application certification of completion.~~

1. Within ~~a reasonable period~~five days of the ~~date receipt~~ of a complete application ~~submission~~, staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant in writing of any deficiencies. The applicant shall address deficiencies and resubmit application materials.
2. When staff has determined the application to be complete, staff shall review the sign permit in accordance with the established review criteria and has the authority to approve, approve with conditions or deny the sign permit. Upon staff's approval of the sign permit, the sign permit and any building or electrical permits required for the sign shall be issued to the applicant.

~~D.E.~~D.E. Sign permit Review criteria. The following review criteria will be used by the Town to evaluate all sign permit applications:

1. Sign meets the requirements of this Section;
2. Sign conforms to the requirements of the building and electrical code;
3. Sign conforms to the size, height, material and location requirements of the Zoning Code for the zoning district in which it is located;
4. Sign would not interfere with pedestrian or vehicular safety;
5. Sign would not detract from the character of an architecturally significant or historic structure;
6. Sign would not be located so as to have a negative impact on adjacent properties;
7. Sign would not detract from the pedestrian quality of a street or area, if applicable;
8. Sign meets the Town's Dark Sky regulations; ~~and~~
9. Sign would not add to an over-proliferation of signs on a property or area; and
10. Sign structure and location are consistent with the purpose and intent of this Section.

- F. ~~Appeal of sign permit denial or approval with conditions.~~ Any appeal of Town's denial of a sign permit or approval with conditions shall be made to the Board of Adjustment as provided in Chapter 30, Section 3: Zoning, of the Development Code.

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## 30-7-103 Exempt signs

- A. *Exemptions from required sign regulations.* The following types of signs are exempt from permit requirements of this Section and may be placed in any zoning district subject to the provisions of this Section. Such signs shall otherwise be in conformance with all applicable requirements contained in this Section. All such signs (except ~~government~~ public signs) shall be located outside a street right-of-way. Signs shall not interfere with traffic signs or the sight distance triangle at intersections. Evidence of permission to install a sign may be required as the Town investigates compliance with this Section. All other signs shall be allowed only with permit and upon proof of compliance with this Section.
1. *General.* Signs that are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public thoroughfare or right-of-way ~~shall be exempt from the provisions of this Section~~, except that such signs shall be subject to the safety regulations of the adopted version of the Uniform Building Code and all other Codes (electrical, mechanical, etc.) governing building construction in the Town.
  - ~~2. *Address.* Non-illuminated signs less than two square feet in area which identify the address and/or occupants of a dwelling unit or of an establishment.~~
  - ~~3. *Banners.* Banners applied to paper, plastic or fabric used to decorate or attract attention to a business establishment, provided:~~
    - ~~a. It is displayed in conjunction with a grand opening celebration for a period not to exceed 30 days, or~~
    - ~~b. It is displayed in conjunction with a special sale for a period not to exceed 30 days in a one-year period.~~
    - ~~c. It is displayed no more than two times per calendar year per establishment.~~
    - ~~d. It is securely attached to the wall of the establishment, freestanding signs or light poles on private property.~~
    - ~~e. One single-sided banner per street frontage per establishment shall be permitted.~~
  2. *Bulletin board.* Bulletin board signs not exceeding ~~15~~ 12 square feet in gross surface area accessory to a ~~church~~-religious institution, school, ~~or other~~ public or nonprofit institution.
  - ~~6. *Construction.* Temporary construction signs provided that:~~
    - ~~a. Signs in conjunction with any residential use shall not exceed eight square feet each.~~
    - ~~b. Signs in conjunction with all other uses shall have a maximum area of 32 square feet each.~~
    - ~~c. Only one such sign oriented per street front per premises shall be erected. Any two such signs located on the same premises shall be located at least 100 feet apart as measured using a straight line.~~
    - ~~d. Such signs shall not be illuminated.~~
    - ~~e. Such signs shall only appear at the construction site.~~
    - ~~f. Such signs shall be removed within seven days after completion of the project.~~
  3. *Site sign.* Site signs as defined in Sec. 30-1-116 *Definitions* and subject to the standards in Section 30-7-110 *Temporary Sign Standards*.
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4. *Directional.* On-premises directional and instructional signs not exceeding six square feet in area each.
  - ~~8. *Doors.* Signs affixed to door surfaces which identify the name and/or address of an establishment.~~
  5. *Incidental signs.* Incidental signs as defined in Sec. 30-1-116 Definitions which do not exceed three square feet in area.
  6. *Flags.* Exempt flags include:
    - a. for residential properties up to two flagpoles no more than 18 feet high with a combined total of 48 square feet of flag area. ~~Staff may authorize additional flags on a premise provided that the flags are not used as a sign and are compatible within the context of the surrounding neighborhood.~~
    - b. for commercial areas up to two flagpoles of no more than 36 feet high with a combined total of 144 square feet of flag area. Additional flag installations shall be subject to a sign permit and the square footage of any additional flag shall be included in the ~~sign measurement for a freestanding sign~~ total sign area permitted for the subject property.
  - ~~10. *Garage, estate, yard sale or farm auction.* Signs, placed on private property, which advertise a private garage or yard sale provided such signs are displayed no more than twice per year per dwelling unit for a period not to exceed five days (for auctions, 30 days). Any such sign shall be removed within 24 hours after the end of the sale or auction.~~
  7. *Yard sign.* Yard signs as defined in Sec. 30-1-116 Definitions and subject to the standards in Section 30-7-110 Temporary sign standards.
  - ~~11. *Home-based businesses.* Signs identifying a properly permitted home-based business with non-illuminated sign limited to no more than two square feet in size.~~
  - ~~12. *Notice boards.* Notice boards for public or religious institutions or other uses as approved by Staff and primarily intended for view by pedestrians on or adjacent to the property.~~
  - ~~13. *Political.* Political signs displayed on private property in accordance with an official election or signs erected on behalf of candidates for public office provided:
    - a. The size of any such sign(s) on a private residential lot does not exceed six square feet per sign.
    - b. All such signs may be erected no sooner than 60 days in advance of the election for which they were made, or, at the commencement of early voting for that election.
    - c. The signs are removed within five days after the election for which they were made.
    - d. The property owner upon whose land the sign is placed shall give permission for the placement of said signs and will be responsible for violations.~~
  - ~~14. *Religious symbols.* Religious symbols located on a building or lot used for organized religious services.~~
  - ~~15. *Regulatory signs.* Regulatory signs erected on private property, such as "no trespassing" signs, which do not exceed two square feet per face or four square feet in total surface area, limited to four such signs per use or per building, whichever is the greater number.~~
  16. *Sale, lease, rent.* Temporary signs used to offer for sale, lease or rent the land or buildings upon which the sign is located provided:
    - a. One sign per street frontage advertising real estate ("For Sale", "For Rent", "For Lease" or "For Development") not greater than eight square feet in area in a residential district and 32 square feet in area in nonresidential districts. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the two signs are at least 100 feet apart as measured by the shortest straight line.
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- b. ~~In addition to the on-site real estate sign(s), a maximum of three directional signs, each not exceeding four square feet in area, shall be permitted off the subject premises. Such signs must be placed outside all existing rights-of-way. The message of said signs shall be limited to the name of the property or development being advertised, an address, a telephone number, a directional arrow, mileage to the subject property, and the terms "Lot/Home For Sale", "For Rent", "For Lease", "For Development", etc.~~
  - c. ~~No more than three temporary directional signs advertising a specific planned commercial or mixed use development, subdivision, multi-family development, etc. may also be permitted offsite. Each such sign may have a maximum area of four square feet and shall be placed outside all existing rights-of-way.~~
  - d. ~~All such temporary signs shall be removed within seven days after the real estate closing or lease transaction.~~
  - e. ~~No sign allowed under this subsection shall be lighted.~~
17. ~~Special events.~~ Temporary special event signs and banners for religious, charitable, civic, fraternal or similar non-profit or not-for-profit organizations provided that:
- a. ~~Signs shall be erected no sooner than 30 days prior and removed no later than five days after the event.~~
  - b. ~~No such sign shall exceed 60 square feet.~~
  - c. ~~No such sign shall be illuminated.~~
  - d. ~~All such signs shall be located off the street right-of-way, unless otherwise granted permission for such location by the Town or the Colorado Department of Transportation (CDOT). In no case may any such sign impede the view or travel of any motorists or pedestrians or be attached to any structure within the right-of-way (government signs, telephone poles, etc.).~~
8. Temporary window signs. Temporary window signs as defined in Sec. 30-1-116 *Definitions*, limited to 25 percent or less of any individual window area.
9. *Text.* No permit shall be required for text or copy changes ~~on conforming or legal nonconforming signs specifically designed to permit changes of the text or copy;~~ provided that no structural changes are made to the sign, ~~and provided that the name of the business to which the sign belongs is not changed.~~
10. *Time and temperature.* Signs displaying only time and temperature ~~provided they are not related to a product, not to exceed 6 square feet. Time and temperature devices shall not be included within the measurement of maximum sign area permitted by Section 30-7-109 B Sign allowance.~~

~~*Time and/or temperature signs.* A time and/or temperature sign is any sign intended to be displayed for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property.~~

- 1. ~~*Maximum area.* Time and/or temperature signs which do not exceed ten square feet shall not be required to be included in the allowable sign area permitted by this Section; provided however, that any identification or advertising which is attached to or made part of the same sign structure shall be included in the allowable sign area for the premises.~~
  - 2. ~~*Design.* The sign shall be designed in a manner that is compatible with other signs on the site and with the structure on which it is placed.~~
  - 3. ~~*Maintenance.* It shall be the responsibility of the owner of such signs to maintain such signs and insure that they are kept accurate. If these conditions are not met, the sign shall be repaired or removed at owner's expense per this Code.~~
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~~20. *Town sponsored signs.* Entrance, promotional or informational signs or monuments sponsored by and funded in whole or in part by the Town.~~

11. *Public signs* as defined at Section 30-1-116 *Definitions*.

12. ~~*Vehicular signs.* Signs displayed on trucks, buses, trailers or other vehicles which are being operated or stored in the normal course of a business, such as signs indicating the name of the owner or business which are located on moving vans, delivery trucks, rental trucks and trailers and the like, shall be exempt from the provisions of this Article.~~ *Vehicular signs* as defined at Section 30-1-116 *Definitions*, provided that the primary purpose of such vehicles is not for the display of signs, and provided that they are parked or stored in areas appropriate to their use as vehicles.

a. *Projection.* Signs on vehicles shall not project beyond the surface of the vehicle in a manner which creates a hazard to pedestrians, cyclists or other vehicles.

b. *Prohibitions.* It shall be unlawful to place or store a vehicle with a sign on it in such manner as to increase the permitted sign area or number of signs either on-site or off-site for a non-residential use. Also see Section 30-7-104 A. 12 *Prohibited Signs*.

~~22. *Vending machine signs.* A sign permit shall not be required for vending machine signs provided that the advertisement upon the vending machine sign is limited to the product vended from that machine.~~

13. *Handheld signs.* Handheld signs as defined at Section 30-1-116 *Definitions* shall not exceed 20 square feet in area. No person shall place, maintain or otherwise utilize a handheld sign in a manner which obstructs or makes hazardous the free passage of pedestrians and motor vehicles on any street, sidewalk or public right-of-way.

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### 30-7-104 ~~105~~ Prohibited signs

- A. *Prohibited signs.* The following ~~privately owned or sponsored~~ signs are inconsistent with the purposes and standards in this Section and are prohibited in all zoning districts.
1. Flashing, rotating, blinking or moving signs, animated signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement ~~except for time and temperature devices, and signs which convey a static digital message such as a price sign at fueling stations.~~
  2. Electronic messaging signs ~~are prohibited in the Town of Berthoud, except signs which convey a static digital message such as a price sign at fueling stations or a time and temperature device.~~
  3. Any sign that is erected in such a location as to cause visual obstruction or interference with motor vehicle traffic, bicycle traffic or traffic-control devices including any sign that obstructs clear vision in any direction from any street intersection or driveway.
  4. Mechanical or electrical appurtenances, such as "revolving beacons", that are designed to compel attention.
  5. Roof signs.
  6. Internally illuminated signs. See Section 30-7107 Sign illumination.
  7. Pole signs.
  8. Any sign other than traffic control signs erected, constructed, or maintained within, over or upon the right-of-way of any road or highway, except in the case of a sign for which a permit has been issued with the requirements of this Section.
  9. Off-premises ~~advertising signs or any other sign not pertinent and clearly incidental to the permitted use on the property where located, except for temporary subdivision directional signs and political signs sidewalk signs, and except for signs permitted in~~ See Section 30-7-109.H-111 Off-premises signs standards.
  10. Any sign which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress or providing light or air.
  11. Any sign located in such a way as to intentionally deny visual access to an adjoining property owner's existing sign.
  12. ~~Vehicle-mounted~~ Vehicular signs that are on stationary or immobile vehicles or trailers for over seven days including but not limited to, signs painted on or attached to semi-trailers or cargo containers when exhibited on public property or private property adjacent to public right-of-way ~~for the purpose of advertising a business, service, or product for sale or rent. Vehicle-mounted~~ Vehicular signs used in connection with a special event and construction trailers are exempted from the requirements of this Section during the duration of the special event or construction project only. Upon the conclusion of the special event, such signs must be ~~dismantled~~ removed.
  13. Searchlights ~~except as related to a special event as described in 30-7-102.B.~~
  14. Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.
  15. ~~Any sign,~~ Abandoned signs, as defined in Section 30-1-116 *Definitions*, (together with its supporting structure) ~~now or hereafter existing which, 60 days or more after the premises have been vacated, advertises an activity, business, product or service no longer produced or conducted upon the premises upon which such sign is located.~~ If the sign or sign structure is covered or the identifying symbols or letters removed, an extension of time may be granted by the Town Director upon good cause for such extension being shown. (This provision shall not apply to permanent signs accessory to businesses

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which are open only on a seasonal basis, provided that there is clear intent to continue operation of the business).

16. Any sign or sign structure which:

~~a. Is internally illuminated;~~

a. Is structurally unsafe;

b. Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;

c. Is not kept in good repair; or

d. Is capable of causing electrical shocks to persons likely to come in contact with it.

17. Any sign or sign structure which:

a. In any ~~other~~ way obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official sign;

~~b. Uses any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering a motor vehicle or bicycle;~~

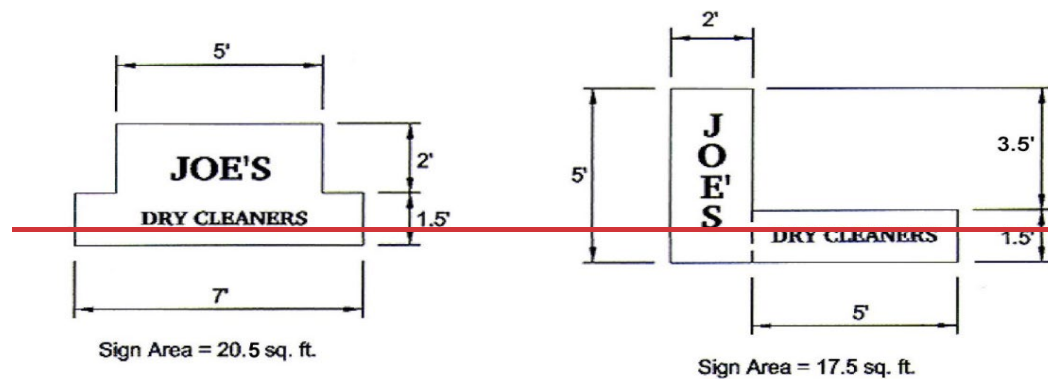
~~e-b.~~ Creates in any ~~other~~ way an unsafe distraction for motor vehicle or bicycle operators; or

~~d-c.~~ Obstructs the view of motor vehicle or bicycle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.

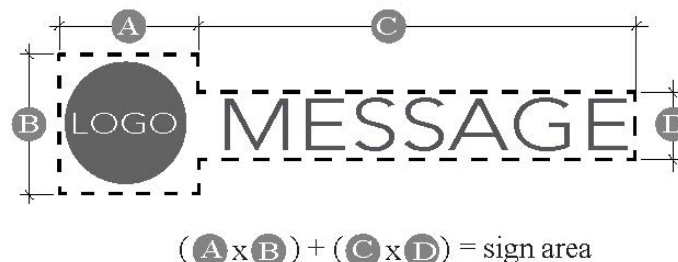
### 30-7-105 ~~106~~ Measurement of sign area and height Sign measurement

- A. *Sign surface-area.* The area of a geometric shape enclosing any message, logo, symbol, name, photograph or display face shall be measured using standard mathematical formulas. ~~Time and temperature devices shall not be included within the measurement of maximum sign area.~~
1. *Sign support.* Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
  2. *Back-to-back (double-faced) signs.* Back-to-back signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two feet at any point.
  3. *Three-dimensional signs.* Where a sign consists of one or more three-dimensional objects (i.e. balls, cubes, clusters of objects, sculpture), the sign area ~~shall be measured as their maximum projection upon a vertical plane is the largest display surface visible from any single direction.~~
  4. *Wall signs.* If a sign is attached to a wall only that portion of the wall onto which the sign face or letters are placed shall be calculated in the sign area, with the following exception: colors used behind or around a sign to differentiate it from the building façade shall be included in the sign area.

Figure 7.1: Sign area measurement

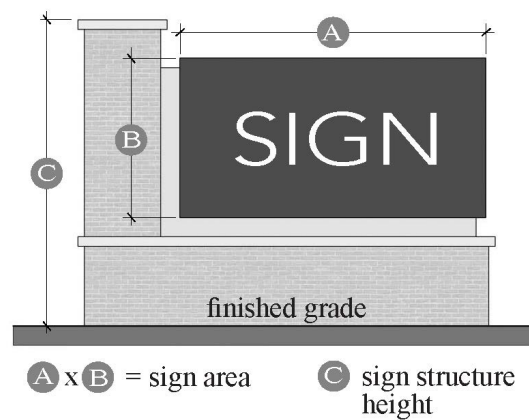
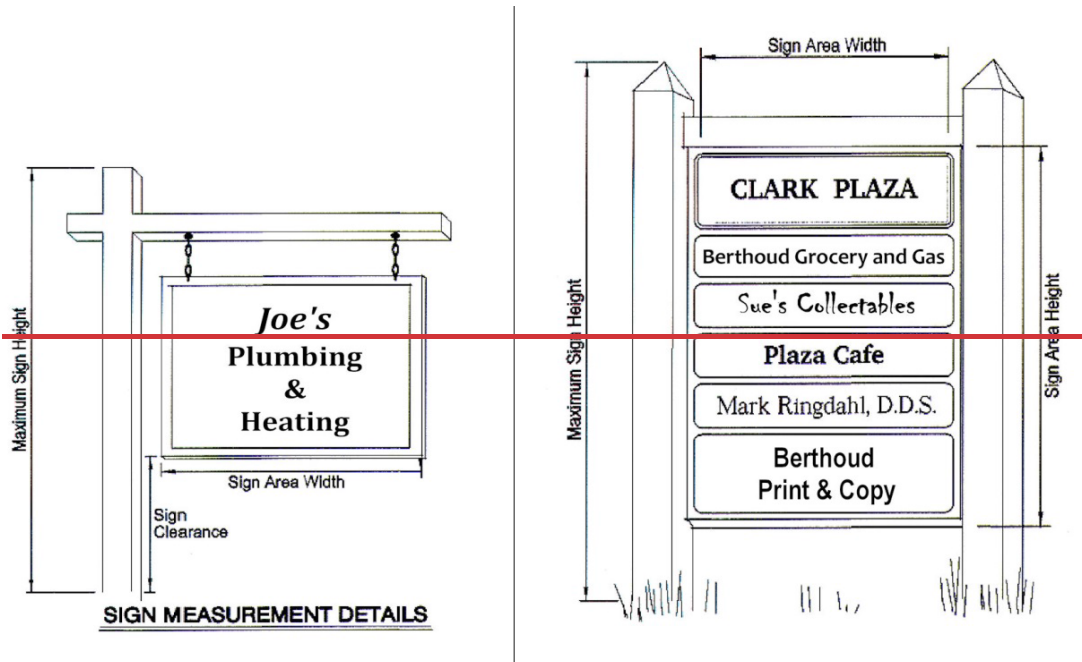


#### SIGN AREA MEASUREMENT



- B. *Sign height.* The height of a sign shall be measured from the highest point of a sign structure to the ground surface beneath it finished grade. When berms are used in conjunction with signage, the height of the sign shall be measured from the mean elevation of the fronting street.

Figure 7.2: Sign area and height measurement



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## 30-7-106 ~~107~~ Sign design

### A. *Design compatibility.*

1. *Creative design encouraged.* Signs shall make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building. The Town encourages imaginative and innovative sign design.
2. *Proportionate size and scale.* The scale of signs shall be appropriate for the building or property on which they are placed and the area in which they are located. Building signs shall be harmonious in scale and proportion with the building facade they are mounted upon.
3. ~~Sign location and placement~~ Additional design considerations.
  - a. *Visibility.* Signs shall not visually overpower nor obscure architectural features.
  - b. *Integrate signs with the building and landscaping.* Carefully coordinate the sign with the architectural design, overall color scheme and landscaping. Signs shall be designed to complement or enhance the other signs for a building.
  - c. *Unified sign band.* Whenever possible, signs located on buildings with the same blockface shall be placed at the same height, in order to create a unified sign band. Locate wall signs at the first-floor level only for retail uses.
  - d. ~~Monument signs — Locate monument signs in a planter setting within a landscaped area at the primary entries to residential, commercial and industrial subdivisions to provide an overall project identity. A maximum of one monument sign per entry is permitted.~~
  - d. *Pedestrian-oriented signs.* Pedestrian-oriented signs are encouraged. It is desirable to include a pedestrian-oriented sign as one of the permanent permitted signs for a business. These signs are designed for and directed toward pedestrians so they can easily and comfortably read the sign as they stand adjacent to the business.
  - f. ~~Road right-of-way — No sign shall be erected within the road right-of-way or near the intersection of any road(s) or driveways in such a manner as to obstruct free and clear vision of motorists, bicyclists or pedestrians or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Signs located at an intersection must be outside of the sight distance triangle.~~

Figure 7.3: Sign location and placement





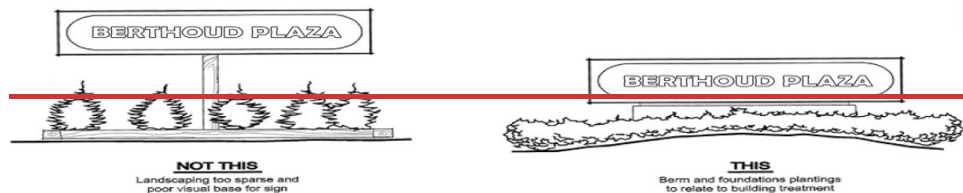
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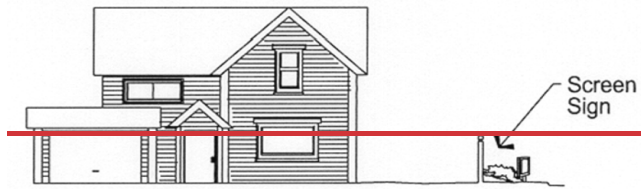


Figure 7.4: Signs and landscaping



4. *Reduce sign impact.* Because residential and commercial uses generally exist in close proximity, the foundation and support structure for signs shall be designed, located and/or screened with landscaping so that they have little or no-minimize impact on adjacent residential neighborhoods, without impairing the communicative purpose of the sign. Small-scale signs are encouraged.

Figure 7.5: Reduce-sign impact

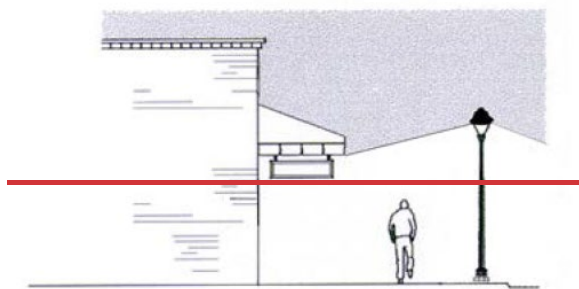


### REDUCE SIGN IMPACT

#### ~~B. — Sign Illumination.~~

- ~~1. — Use illumination for any sign only if necessary.~~

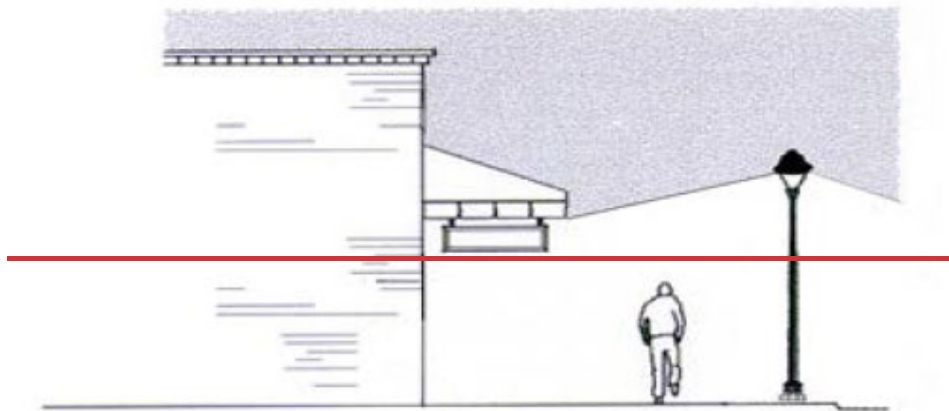
**Figure 7.6: Use of existing illumination**



### USE OF EXISTING ILLUMINATION

- ~~3. — Sign illumination shall complement the design of the site.~~

**Figure 7.7: Screening of light sources**



### USE OF EXISTING ILLUMINATION

- ~~5. — Signs must be illuminated in a way that does not cause glare onto the street and adjacent properties. Signs shall be lighted only to the minimum level for nighttime readability and shall not be so bright as to overpower an area.~~
- ~~7. — Flashing, moving, blinking, chasing or other animation effects shall be prohibited on all signs.~~

---

### **30-7-107 Sign illumination**

- A. External illumination. Unless otherwise specified, all signs shall use indirect lighting as defined in Sec. 30-1-116 Definitions.
1. ~~Use a direct light source.~~ All ~~lighted~~ signs that use illumination shall have their lighting directed in such a manner as to illuminate only the face of the sign without causing glare. ~~When external light sources are directed at the sign surface, the light source must be concealed from pedestrians' and motorists' "lines of sight."~~
  2. Any external light source must be downcast and fully shielded.
  3. Projecting light fixtures shall be simple and unobtrusive in appearance, and shall not obscure the graphics of the sign.
- B. Internal illumination prohibited. Signs shall not be internally illuminated, with the following exceptions:
1. Neon tubing ~~is and~~ LED light ropes are acceptable methods of sign design or sign illumination in the commercial and industrial zone districts.
  - ~~1-2.~~ The portion of a sign face dedicated to text or characters may be halo lit, as shown in Figure 7.4. No sign cabinets or light boxes with push through lettering shall be internally illuminated.

**Figure 7.4: Sign illumination**

THIS...



NOT THIS...



- C. Compliance.
- All sign illumination shall meet the Town of Berthoud "Dark Sky" regulations established in Sec. 30-2-118 Outdoor lighting and dark sky standards.
1. .
  2. All lighted signs shall meet all applicable electrical codes and the electrical components used shall bear the label of an approval agency. Electrical permits shall be obtained for electric signs.

- 
- D. Hours of operation. All ~~commercial-illuminated signs within 150 linear feet of a pre-existing residential structure or use, and visible from that structure,~~ shall be dimmed to one-half the standard illumination level between the hours of 11:00 p.m. and 6:00 a.m. unless the hours outside those listed above are part of the normal business operation turned off at close of business, or 9:00 pm, whichever occurs first.
1. ~~A residence shall be deemed "pre-existing" for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of this Section.~~
  2. ~~Signage facing residential property must be able to extinguish or dim any lighting during the period listed above in order to avoid an unreasonable impact to residential properties.~~

---

### 30-7-108 Sign installation, ~~and maintenance,~~ alteration and removal

#### A. Sign installation.

1. Where possible, signs shall be mounted so that the mounting brackets and associated mounting hardware are concealed.
2. Projecting signs shall be mounted so they generally align with others in the block.
3. The Town may inspect any sign governed by this Section and shall have the authority to order the ~~painting,~~ repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

#### B. Sign maintenance.

1. All signs and all components thereof, including sign structures and sign faces, shall be ~~kept neatly painted, in a good state of repair and maintained~~ in compliance with all building and electrical codes in force at the time of installation.
2. The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including any illumination sources in neat and orderly condition, and in a good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign. ~~The sign must also be in compliance with all building and electrical codes.~~
3. The owner of any sign regulated by this Section shall be required to keep signs and supporting hardware, including temporary signs and time/temperature signs structurally safe, clean, free of visible defects and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

#### C. Sign alteration.

1. Any alteration to an existing sign, other than for a change of copy or for maintenance, shall require a new sign permit pursuant to Section 30-7-102 Sign permits.
2. Sign alterations shall include, without limitation:
  - a. Changing the size of the sign.
  - b. Changing the shape of the sign.
  - c. Changing the material of which the sign is constructed.
  - d. Changing or adding lighting to the sign.
  - e. Changing the location of the sign.
  - f. Changing the height of the sign.

#### D. Sign removal (Formerly Sec. 30-7-104 Enforcement)

1. *Discontinued establishments.* Whenever a business, industry, service or other use is discontinued, the sign(s) pertaining to the use shall be removed or obscured by the person or entity owning or having possession over the property within 60 days after the discontinuance of such use.
2. *Removal of illegal signs in the public right-of-way.* The Town may cause the removal of any sign within the public right-of-way or on property that is otherwise abandoned that has been placed there without first complying with the requirements of this Section.

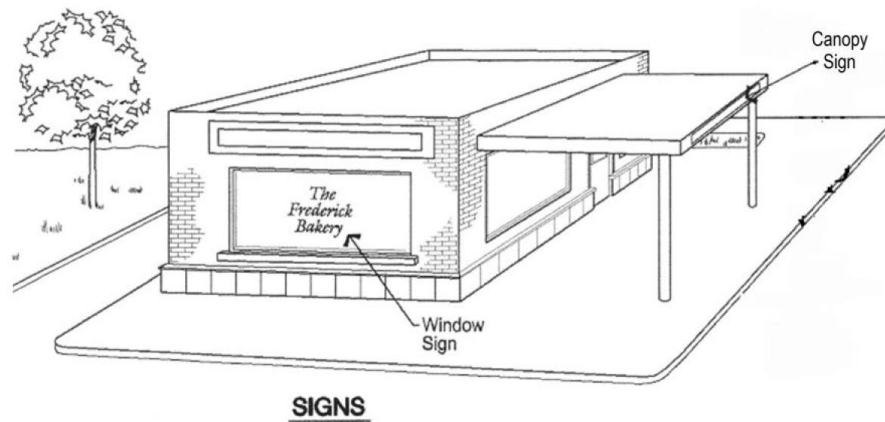
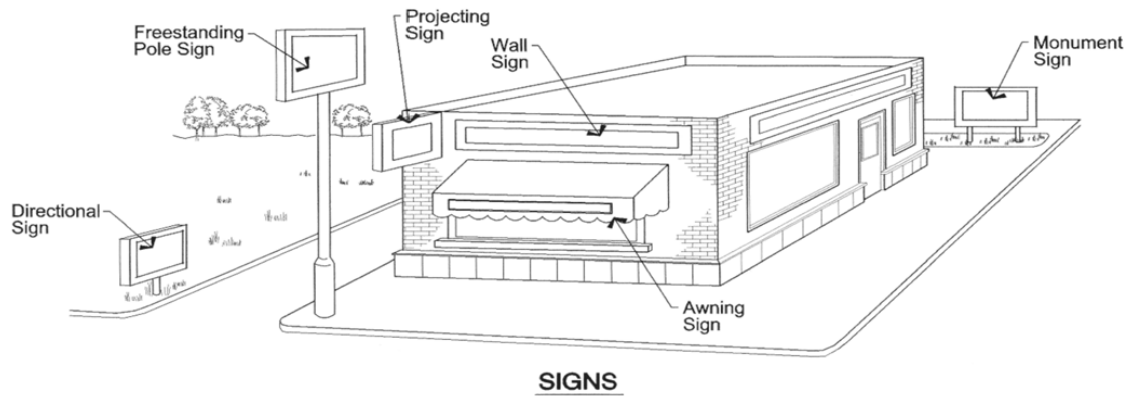
- 
3. *Repair and removal of ~~abandoned, poorly maintained~~ signs/signs in violation of Code.* The Town may cause the repair or removal of any sign that has become a hazard to public safety ~~due to poor construction or maintenance~~. Signs in violation of any other provision of this Code may also be removed by the Town.
  4. *Storage of removed signs.* Signs removed in compliance with this Section shall be stored by the Town for 30 days, during which they may be recovered by the owner only upon payment to the Town for costs of removal and storage. If not recovered within the 30-day period, the sign and supporting structure shall be declared abandoned and title shall vest with the Town. The costs of removal and storage (up to 30 days) may be billed to the property owner.
  5. *Inspection. The Town may inspect any sign governed by this Section and shall have the authority to order the repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.*
  - 5.6. *Penalties. ~~Illegal~~ Signs which are not permitted by this Code shall be subject to administrative remedies ~~of the Code~~ contained herein.*

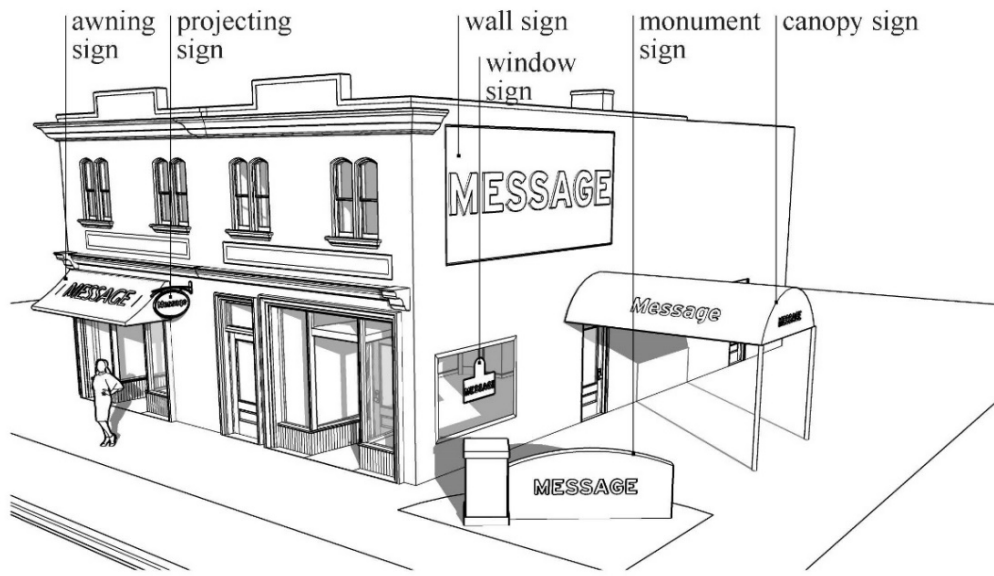
### 30-7-109 ~~Allowable sizes and specifications by type of sign~~ Permanent sign standards

A. ~~Sign examples~~ Permitted permanent sign types. The illustrations in Figure 7. ~~5~~ ~~Sign examples below identifies~~ identify the types of permanent signs permitted per this Section.

1. All permanent signs shall be located off the street right-of-way, unless otherwise granted permission for such location by the Town or the Colorado Department of Transportation (CDOT).

Figure 7. ~~85: Sign examples~~ Permanent Sign Types





B. ~~Allowable sign areas~~ Sign allowance.

1. ~~Business~~ Non-residential signs. All businesses and other non-residential properties within the Town are allowed ~~the following total square footage permanent signage in of any form on the property: All sign type (pole monument, wall, projecting, canopy, awning, etc.) may be allowed per this Code~~ within the square footage totals identified below and other limitations of this Section:
  - a. Two square feet for each linear foot of building up to 200 linear feet of building frontage and an additional one square foot for each linear foot of building frontage over 200 feet. Unless specifically stated otherwise in this Section, the maximum size of any single sign is 288 square feet (12 feet by 24 feet). Any request for a larger single sign will be reviewed by the Planning Commission as a variance to this Section, in accordance with Section 30-3-108 Board of Adjustment.
  - b. Where the linear frontage of all buildings is less than 30 percent of the total lot frontage, allowable sign sizes are two square feet of sign for each linear foot of building and an additional one square foot of sign for each linear foot of property frontage (less the linear building frontage).
  - ~~c. Where owners of property over ten acres in size with no building upon it are seeking a sign, up to one square foot of sign area is allowed for each linear foot of property frontage. Such requests will be processed administratively unless Staff determines that the proposal does not fit within the context of the site or neighborhood; at which time the request will be reviewed by the Planning Commission as a variance to this Section 7.c. Accessory wall signs count toward the total sign allowance and are limited to no more than 20% of the total wall sign allowance each.~~
2. Residential signs. All residential properties within the Town are allowed permanent signage of any type (monument, wall, projecting, canopy, awning, etc.) within the square footage totals identified below and other limitations of this Section:
  - a. The sign allowance for multi-family residential or mixed-use development shall be within the same limits as non-residential signage; see subsection B 1. above, with the following exception: all home-based business signs are limited to no more than two square feet in size.



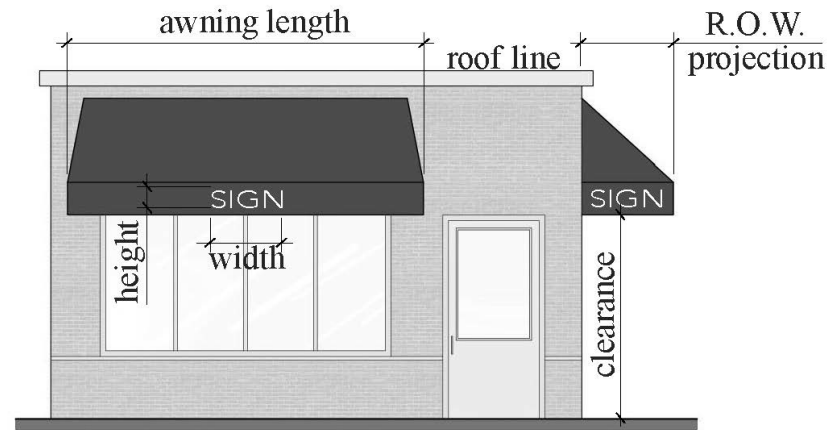
- ~~b.~~ All home-based business signs or other signs ~~allowed within residential districts on lots with single-family or two-family dwellings~~ are limited to no more than two square feet in size.
- C. **Awning signs.** ~~An awning sign is a sign which is painted, printed, stitched, sewn or stained onto the exterior of an awning. An awning is a movable or permanent shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.~~
1. General standards. The following standards apply to all awning signs:
- ~~Location.~~ Signs may be placed only on awnings that are located on first- and second-story building frontages, including those fronting a parking lot or pedestrian way.
  - No awning sign shall project outside the face of an awning.
- ~~2. Required maintenance. Awnings shall be regularly cleaned and kept free of dust, debris and visible defects.~~
2. **Awning sign specifications.** Specifications regulating awning signs ~~include~~ are shown on Table 7.1:

|    |                  |                                      |
|----|------------------|--------------------------------------|
| a. | Quantity         | One per window                       |
| b. | Width            | max. is width of window              |
| c. | Height           | n/a                                  |
| d. | Depth/projection | max. seven feet from building façade |
| e. | Clearance        | minimum eight feet                   |
| f. | Letter height    | variable                             |
| g. | Valance height   | max. 12 inches                       |
| h. | Illuminated      | Allowed                              |
| i. | Allowed zones    | R4, C1, C2, M1, M2, PUD              |

**Table 7.1 Awning sign standards**

|                               |                                                |
|-------------------------------|------------------------------------------------|
| <u>Zones Allowed</u>          | <u>R4, C1, C2, M1, M2, SC, UC, PUD</u>         |
| <u>Sign Permit Required</u>   | <u>Yes</u>                                     |
| <u>Maximum Number</u>         | <u>One per window</u>                          |
| <u>Maximum Area</u>           | <u>Within sign allowance</u>                   |
| <u>Maximum Width</u>          | <u>Width of window</u>                         |
| <u>Maximum Letter Height</u>  | <u>Variable</u>                                |
| <u>Maximum Valance Height</u> | <u>12 inches</u>                               |
| <u>Maximum Projection</u>     | <u>Seven feet</u>                              |
| <u>Minimum Clearance</u>      | <u>Eight feet</u>                              |
| <u>Illumination Allowed</u>   | <u>Yes; under awning and directed downward</u> |

**Figure 7.6 Awning sign detail**



**Figure 7.7 Awning sign example**



- D. **Canopy signs.** ~~A canopy sign is a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground, or by a combination of a building and columns.~~

1. General standards. The following standards apply to all canopy signs:

- a. No canopy, with or without signage, shall extend above the roof line of any building.
- b. No canopy sign shall project above the top of the canopy upon which it is mounted.
- c. Under-canopy signs which are perpendicular to the face of the building shall be deemed to be projecting ~~or blade wall~~ signs.
- d. Under-canopy signs which are parallel to the face of the building shall be a minimum of eight feet above finished grade and shall be deemed to be ~~flush~~ wall signs.

~~2. Required maintenance. Canopies shall be regularly cleaned and kept free of dust, debris and visible defects.~~

2. Canopy sign specifications. Specifications regulating canopy signs ~~include~~ are shown on Table 7.2:

|    |                  |                                            |
|----|------------------|--------------------------------------------|
| a. | Quantity         | One per canopy face                        |
| b. | Width            | 25 feet                                    |
| c. | Height           | 18 inches                                  |
| d. | Depth/projection | max. 20 feet from face of building         |
| e. | Clearance        | minimum 12 feet from finished grade        |
| f. | Letter height    | min. five inches, max. 12 inches           |
| g. | Illuminated      | Allowed under canopy and directed downward |
| h. | Allowed zones    | R4, C1, C2, M1, M2, PUD                    |

**Table 7.2 Canopy sign standards**

|                               |                                                |
|-------------------------------|------------------------------------------------|
| <u>Zones Allowed*</u>         | <u>R4, C1, C2, M1, M2, SC, UC, PUD</u>         |
| <u>Sign Permit Required</u>   | <u>Yes</u>                                     |
| <u>Maximum Number</u>         | <u>One per canopy face</u>                     |
| <u>Maximum Area</u>           | <u>38 square feet</u>                          |
| <u>Maximum Width</u>          | <u>25 feet</u>                                 |
| <u>Maximum Height</u>         | <u>18 inches</u>                               |
| <u>Letter Height</u>          | <u>Min. five inches/max. 12 inches</u>         |
| <u>Maximum Valance Height</u> | <u>12 inches</u>                               |
| <u>Maximum Projection</u>     | <u>20 feet from face of building</u>           |
| <u>Minimum Clearance</u>      | <u>12 feet from finished grade</u>             |
| <u>Illumination Allowed</u>   | <u>Yes; under canopy and directed downward</u> |

\*Canopy signs are not permitted in the Residential Conversion or Downtown Commercial character areas within the Mountain Avenue Overlay District

Figure 7.7-8 Canopy sign detail

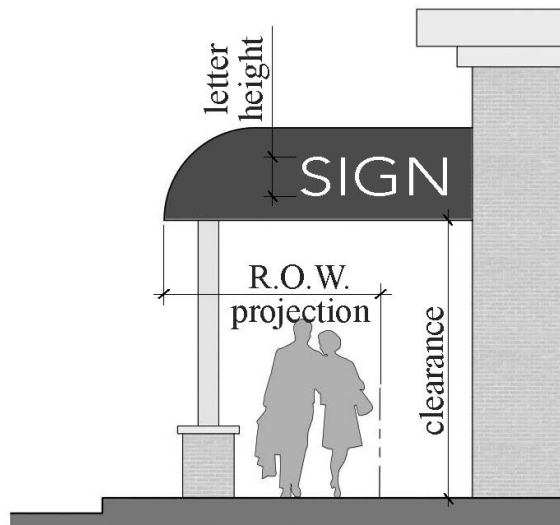


Figure 7.8-9 Canopy sign example



- E. ~~Freestanding and Monument signs. A freestanding sign is a sign which is supported by one or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground. A freestanding sign shall also include monument signs and pole signs but not a sign attached to any structure.~~

1. General standards. The following standards apply to all monument signs:

- a. *Location.*
  - i. ~~The A monument~~ sign may be located only on a site frontage adjoining a public street.
  - ii. No ~~freestanding monument~~ sign in any zoning district can be erected closer than eight feet from any curbline, nor closer than four feet to any building.
  - iii. ~~No freestanding monument~~ signs in any business ~~and or~~ industrial districts may be located less than 25 feet from any property line adjacent to a residential zoning district line.
- b. *Sign mounting.* The sign shall be mounted on ~~one or more posts or have~~ a solid monument-type base. ~~Posts shall not have a diameter greater than 12 inches.~~ The sign base ~~may~~ shall not be greater than 50% of the sign area.

~~Pole signs. Pole signs shall not be so large as to obscure the patterns of front facades and yards.~~
- c. *Monument sign design.* The design of a monument sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct traffic safety sight distance areas. ~~Project monument signs shall contain only the name and address of the project which it identifies.~~
- d. *Monument sign landscaping requirements.*
  - i. ~~Freestanding~~ Monument signs shall be landscaped at their base in a way harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer. A landscape plan for the sign base shall be provided.
  - ii. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 20 square feet of sign area equals 40 square feet of landscaped area.
  - iii. The Planning Commission may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

2. ~~Freestanding and~~ Monument sign specifications. Specifications regulating ~~freestanding and~~ monument signs ~~include are shown on Table 7.3 and Table 7.4:~~

|    |                                                                    |                                               |
|----|--------------------------------------------------------------------|-----------------------------------------------|
| a- | Quantity                                                           | One per project entrance                      |
| b- | Width                                                              | n/a                                           |
| c- | Height                                                             | less than 12 feet                             |
| d- | Depth/projection                                                   | n/a                                           |
| e- | Clearance                                                          | outside of right of way                       |
| f- | Illuminated                                                        | allowed                                       |
| g- | Allowed zones: freestanding signs<br>Allowed zones: monument signs | R4, C1, C2, M1, M2, PUD<br>all zone districts |

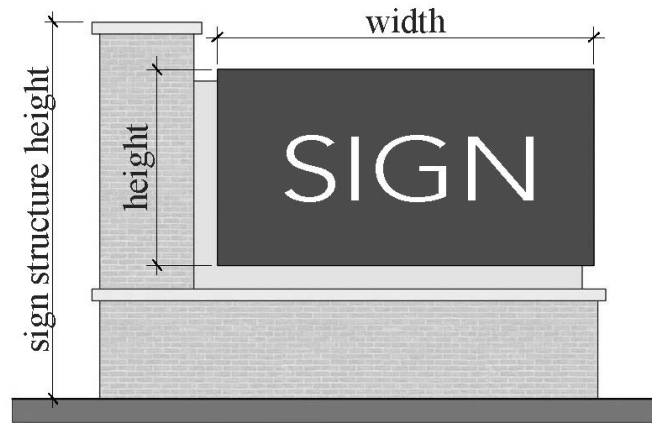
**Table 7.3 Monument sign standards**

|                                                                            |                                                                                                   |
|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| <u>Zones Allowed</u>                                                       | <u>All, except Downtown Commercial character area within the Mountain Avenue Overlay District</u> |
| <u>Sign Permit Required</u>                                                | <u>Yes</u>                                                                                        |
| <u>Maximum Number</u>                                                      | <u>One per project entrance</u>                                                                   |
| <u>Maximum Area: Residential Use* (height x width)</u>                     | <u>35 square feet</u>                                                                             |
| <u>Maximum Area: Non – Residential Use* (height x width)</u>               | <u>100 sq. ft.</u>                                                                                |
| <u>Maximum Height *</u>                                                    | <u>12 feet</u>                                                                                    |
| <u>Illumination Allowed</u>                                                | <u>Yes; indirect only</u>                                                                         |
| <u>*See Table 7.4 for Mountain Avenue Overlay District character areas</u> |                                                                                                   |

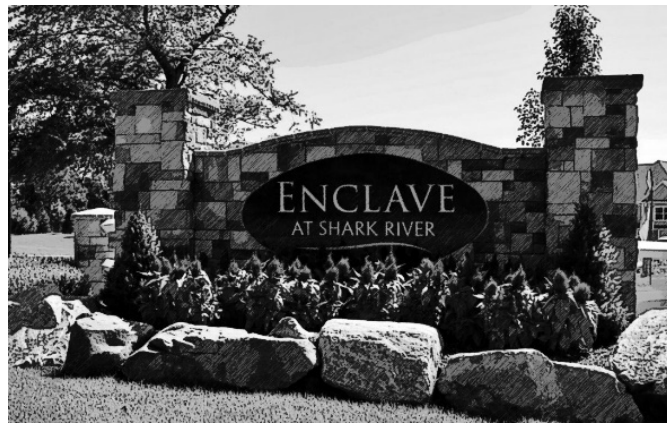
**Table 7.4 Monument sign area, height and setbacks– Mountain Avenue Overlay District**

|                                                                                                          | Berthoud West              | Residential Conversion    | Berthoud East              | Agriculture                | New Berthoud               |
|----------------------------------------------------------------------------------------------------------|----------------------------|---------------------------|----------------------------|----------------------------|----------------------------|
| Maximum <del>size of a single sign</del> <u>Area</u>                                                     | 100 square feet            | 35 square feet            | 100 square feet            | 100 square feet            | 135 square feet            |
| Maximum <del>size per building face</del>                                                                | <del>135 square feet</del> | <del>32 square feet</del> | <del>135 square feet</del> | <del>100 square feet</del> | <del>155 square feet</del> |
| Maximum Height                                                                                           | 10 feet                    | 5 feet                    | 10 feet                    | 10 feet                    | 12 feet                    |
| Mountain Ave/Highway 56 Setback                                                                          | 5 feet                     | 5 feet                    | 5 feet                     | 10 feet                    | 12 feet                    |
| <u>Note: Monument signs are prohibited in the Mountain Avenue Downtown Commercial character district</u> |                            |                           |                            |                            |                            |

**Figure 7.10 Monument sign detail**



**Figure 7.11 Monument sign example: Residential Use**



**Figure 7.12 Monument sign example: Non-Residential Use**





F. **Projecting (~~blade~~) signs.** ~~A projecting or blade sign is any sign supported by a building wall and projecting at least 12 inches or more horizontally beyond the surface of the building to which the sign is attached.~~

1. **General standards.** The following standards apply to all projecting signs:

- a. ~~Location.~~ Projecting ~~or blade~~ signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.
- b. Projecting signs shall be no higher than wall that it projects from or no higher than bottom of second story window framing
- c. Mount projecting ~~or blade~~ signs so that they align with others in the block and fit with architectural details of the structure.
- d. ~~Sign structure.~~ Sign supports and brackets shall be compatible with the design and scale of the sign.

2. **Projecting ~~or blade~~ sign specifications.** Specifications regulating projecting signs ~~include~~ are shown on Table 7.5:

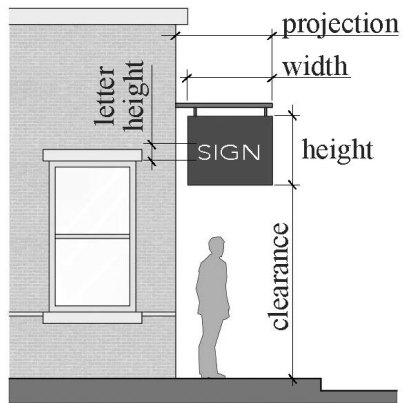
|    |                  |                                                                                                   |
|----|------------------|---------------------------------------------------------------------------------------------------|
| a. | Quantity         | one per façade, two maximum                                                                       |
| b. | Area             | max. six square feet                                                                              |
| c. | Width            | max. four feet                                                                                    |
| d. | Height           | no higher than wall that it projects from or no higher than bottom of second story window framing |
| e. | Depth/projection | max. four feet from face of building unless part of approved canopy or awing                      |
| f. | Clearance        | minimum eight feet                                                                                |
| g. | Letter height    | max. ten inches                                                                                   |
| h. | Illuminated      | allowed                                                                                           |
| i. | Allowed zones    | R4, C1, C2, M1, M2                                                                                |

**Table 7.5 Projecting sign standards**

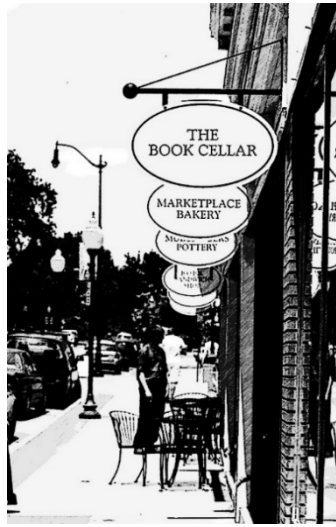
|                                          |                                        |
|------------------------------------------|----------------------------------------|
| <u>Zones Allowed</u>                     | <u>R4, C1, C2, SC, UC, M1, M2</u>      |
| <u>Sign Permit Required</u>              | <u>Yes</u>                             |
| <u>Maximum Number</u>                    | <u>One per façade; two max.</u>        |
| <u>Maximum Area<br/>(height x width)</u> | <u>Six square feet</u>                 |
| <u>Maximum Letter Height</u>             | <u>10 inches</u>                       |
| <u>Maximum Projection</u>                | <u>Four feet from face of building</u> |
| <u>Minimum Clearance</u>                 | <u>Eight feet from finished grade</u>  |
| <u>Illumination Allowed</u>              | <u>Yes; indirect only</u>              |



**Figure 7.13 Projecting sign detail**



**Figure 7.14 Projecting sign example**



- G. **Wall signs.** ~~A wall sign is any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.~~

1. General standards. The following standards apply to all wall signs:

a. Location. The sign shall not be placed to obstruct any portion of a window, doorway or other architectural detail.

a-b. Wall signs on buildings at the first-floor level are allowed for businesses on higher floors that have a principal entrance on the first floor.

~~Design. Wall signs shall identify the individual business, building or building complex by name or trademark only.~~

b-c. Wall signs plus accessory wall signs shall be in accordance with Section 30-7-109.B *Sign allowance.*

2. **Wall sign specifications.** Specifications regulating wall signs ~~include~~ are shown on Table 7.6 and Table 7.7:

|    |                  |                                                     |
|----|------------------|-----------------------------------------------------|
| a- | Quantity         | One (Two for corner buildings)                      |
| b- | Width            | max. 90 percent of building facade                  |
| c- | Height           | no higher than building eave or 25 feet above grade |
| d- | Depth/projection | max. 12 inches                                      |
| e- | Clearance        | minimum seven feet                                  |
| f- | Illuminated      | allowed                                             |
| g- | Allowed zones    | R4, C1, C2, M1, M2                                  |

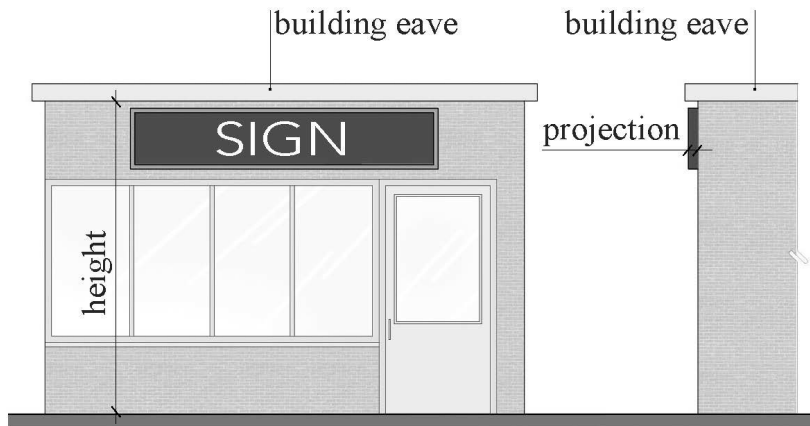
**Table 7.6 Wall sign standards**

|                                                                            |                                                                          |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <u>Zones Allowed</u>                                                       | <u>R4, C1, C2, SC, UC, M1, M2</u>                                        |
| <u>Sign Permit Required</u>                                                | <u>Yes</u>                                                               |
| <u>Maximum Number</u>                                                      | <u>One per street frontage per unit, plus three accessory wall signs</u> |
| <u>Maximum Area*</u>                                                       | <u>Within sign allowance</u>                                             |
| <u>Maximum Height</u>                                                      | <u>No higher than building eave or 25 feet above grade</u>               |
| <u>Maximum Projection</u>                                                  | <u>12 inches from face of building</u>                                   |
| <u>Illumination Allowed</u>                                                | <u>Yes; indirect only</u>                                                |
| <u>*See Table 7.7 for Mountain Avenue Overlay District character areas</u> |                                                                          |

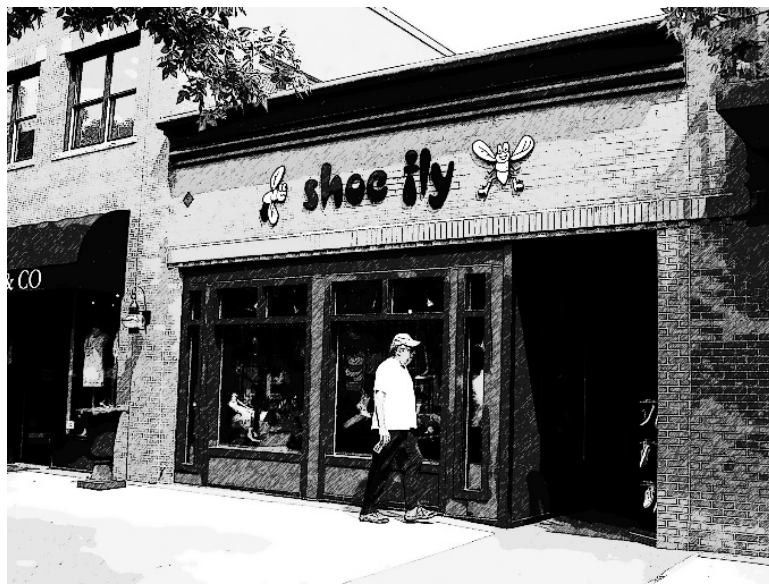
**Table 7.7 Wall sign area – Mountain Avenue Overlay District**

|                                   | Berthoud West   | Residential Conversion | Downtown Commercial | Berthoud East   | Agriculture     | New Berthoud    |
|-----------------------------------|-----------------|------------------------|---------------------|-----------------|-----------------|-----------------|
| Maximum size of a single signArea | 100 square feet | 35 square feet         | 60 square feet      | 100 square feet | 100 square feet | 135 square feet |
| Maximum size per building face    | 120 square feet | 35 square feet         | 80 square feet      | 120 square feet | 100 square feet | 105 square feet |

**Figure 7.15 Wall sign detail**



**Figure 7.16 Wall sign example**



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H. Window signs.

1. General standards. The following standards apply to all permanent window signs:

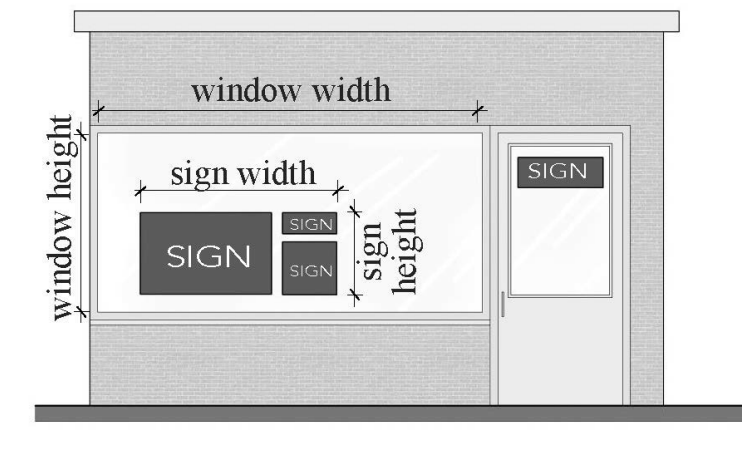
- a. Permanent window signs shall be located only in those windows of the unit or space occupied by a business.
- b. Permanent window signs shall not be displayed in windows above the ground floor level.
- c. Permanent window signs shall not be animated.
- d. When determining the maximum permitted number and the maximum permitted area of permanent signs, temporary window signs shall not be taken into account unless otherwise specified or regulated in this Development Code. However, in no case shall a permanent, temporary, or combination of such window signs cover more than 25 percent of any individual window area.

2. Window sign specifications. Specifications regulating window signs are shown on Table 7.8:

**Table 7.8 Window sign standards**

|                             |                                                 |
|-----------------------------|-------------------------------------------------|
| <u>Zones Allowed</u>        | <u>C1, C2, SC, UC, M1, M2</u>                   |
| <u>Sign Permit Required</u> | <u>Yes</u>                                      |
| <u>Maximum Number</u>       | <u>Unlimited, within maximum area</u>           |
| <u>Maximum Area</u>         | <u>25 percent of any individual window area</u> |
| <u>Maximum Height</u>       | <u>Top of ground floor window</u>               |
| <u>Illumination Allowed</u> | <u>Neon only</u>                                |

**Figure 7.17 Window sign detail**



**Figure 7.18 Window sign example**



J. ~~Standard brand-name signs.~~ A standard brand-name sign is any sign devoted to the advertising of any standard brand-name commodity (Coca-Cola, Pepsi, etc.) or service (carpet cleaning) which is not the principal commodity or service being sold or rendered on the premises, or are not a part of the name or business concern involved.

1. ~~Maximum area.~~ Not more than 20 percent of the total allowable sign area for any permitted use shall be devoted to the advertising of any standard brand-name commodity or service.

K. ~~Special event — business.~~ Temporary signs and banners for grand openings or special events by for-profit organizations. For a business special event, signage will be authorized by permit from the Town and may include the following:

- a. ~~portable signs, promotional tents or signs not permanently affixed or attached to the ground or to any structure,~~
- b. ~~inflatable freestanding signs or forms of any size or shape including but not limited to: wind puppets, sky guys, sky dancers, air dancers, advertising balloons, inflatable product replicas, blimps, spheres, etc.~~
- c. ~~Wind signs including but not limited to wind wavers, feather flags, banana flags, flex blades, etc.~~

~~Business special event signage is allowed under the following provisions:~~

- a. ~~It is displayed in conjunction with a grand opening celebration for a period not to exceed 30 days, or~~
- b. ~~It is displayed in conjunction with a special sale for a period not to exceed 30 days in a one-year period.~~
- c. ~~It is displayed no more than two times per calendar year per establishment.~~
- d. ~~It is securely attached to the ground on private property.~~
- e. ~~All such signs shall be located off the street right-of-way, unless otherwise granted permission for such location by the Town or the Colorado Department of Transportation (CDOT). In no case may any such sign impede the view or travel of any motorists or pedestrians or be attached to any structure within the right-of-way (government signs, telephone poles, etc.).~~

### 30-7-110 —~~30-7-xxx Reserved~~ Temporary sign standards

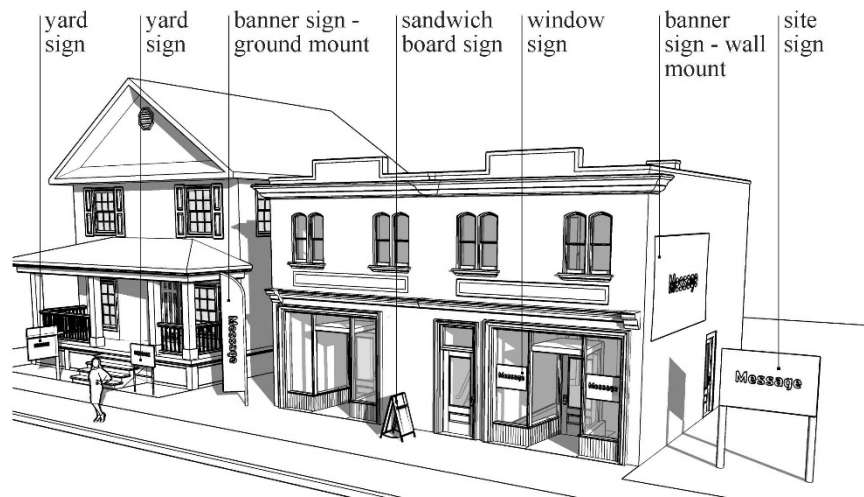
A. Permitted temporary sign types. The illustrations in Figure 7.19 identify the types of temporary signs permitted per this Section.

1. All ~~such~~temporary signs shall be located off the street right-of-way, unless otherwise granted permission for such location by the Town or the Colorado Department of Transportation (CDOT). In no case may any such sign impede the view or travel of any motorists or pedestrians or be attached to any structure within the right-of-way (i.e., may not be attached to a government signs, telephone poles, etc.).

B. Duration. The purpose of temporary signs is to display messages for a temporary duration. Temporary signs shall not be used to circumvent the regulations that apply to permanent signs or to add permanent signage to a property in addition to that which is allowed by these regulations. In general, a temporary sign shall be removed as of the date that:

1. It becomes an abandoned sign;
2. It falls into disrepair; or
- ~~1.~~3. The expiration of the number of days in the tables below.

**Figure 7.19: Temporary Sign Types**



A.C. Banners signs. ~~Banners applied to paper, plastic or fabric used to decorate or attract attention to a business establishment, provided:~~

- ~~a. It is displayed in conjunction with a grand opening celebration for a period not to exceed 30 days, or~~
- ~~b. It is displayed in conjunction with a special sale for a period not to exceed 30 days in a one-year period.~~
- ~~c. It is displayed no more than two times per calendar year per establishment.~~
- ~~d. It is securely attached to the wall of the establishment, freestanding signs or light poles on private property.~~
- ~~e. One single-sided banner per street frontage per establishment shall be permitted.~~

1. Special event limitation. Temporary banner signs are limited to special events as defined in Sec. 30-1-116 Definitions. This limitation also extends to portable signs, promotional tents or other signs not permanently affixed or attached to the ground or to any structure, with the exception of site signs, yard signs and sidewalk signs as regulated in this Section.

2. General standards. The following standards apply to all banner signs:

- a. Banner Signs-signs shall be erected no sooner than 30 days prior and removed no later than five days after the event.
- b. ~~It is~~ Banner signs shall be securely attached to the wall of the establishment, ~~freestanding signs~~ or light poles on private property.
- c. ~~It is~~ Wind banner signs shall be securely attached to the ground on private property.
- d. ~~All such signs shall be located off the street right-of-way, unless otherwise granted permission for such location by the Town or the Colorado Department of Transportation (CDOT). In no case may any such sign impede the view or travel of any motorists or pedestrians or be attached to any structure within the right of way (government signs, telephone poles, etc.).~~

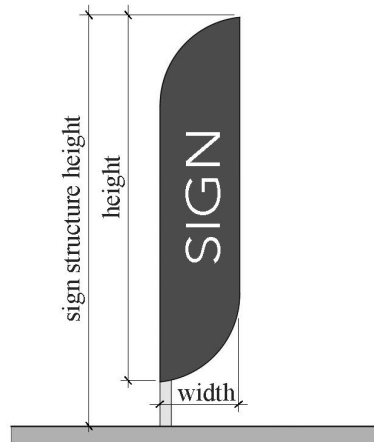
1-3. Banner sign specifications. Specifications regulating banner signs are shown on Table 7.9:

**Table 7.9 Banner sign standards**

|                                           |                                                              |
|-------------------------------------------|--------------------------------------------------------------|
| <u>Zones Allowed</u>                      | <u>All</u>                                                   |
| <u>Sign Permit Required</u>               | <u>Yes</u>                                                   |
| <u>Maximum Number</u>                     | <u>One per street frontage</u>                               |
| <u>Maximum Area:<br/>(height x width)</u> | <u>60 square feet</u>                                        |
| <u>Illumination Allowed</u>               | <u>No</u>                                                    |
| <u>Maximum Time Permitted</u>             | <u>30 days; no more than two times per<br/>calendar year</u> |



**Figure 7.20 Banner sign detail – ground mount**



**Figure 7.21 Banner sign example – ground mount**



**Figure 7.22 Banner sign example – wall mount**





~~B-D. Sandwich-board~~Sidewalk signs. Up to one sandwich board type sign is allowed along Mountain Avenue for businesses in the C1 or C2 zone districts located further than one block north or south of Mountain Avenue between 2<sup>nd</sup> Street and 5<sup>th</sup> Street, or within the one block dimension but outside of the normal line of sight of motorists on Mountain Avenue.

1. General standards. The following standards apply to all sidewalk signs:

~~a.~~ A sidewalk sign shall be placed only on the property of the business displaying such sign, or on the adjacent sidewalk. See Section 30-7-111 Off-premise sign standards regarding sign permits issued prior to \_\_\_\_\_, 2024 for off-premise sidewalk signs.

~~a-b.~~ All such signs shall be located off the street right-of-way, unless otherwise granted permission for such location by the Town or the Colorado Department of Transportation (CDOT).

~~b-c.~~ Sandwich-boardSidewalk signs must be removed upon close of business each day and may be replaced the following day.

~~d.~~ Plastic signs-sidewalk sign frames are not allowed.

~~e.~~ A sidewalk sign shall not obstruct pedestrian or vehicular circulation. Any sidewalk sign that is deemed unsafe for pedestrians or motorists may be removed by the Town.

~~e-f.~~ Sidewalk signs must be anchored to the ground or weighted sufficiently to prevent movement by wind.

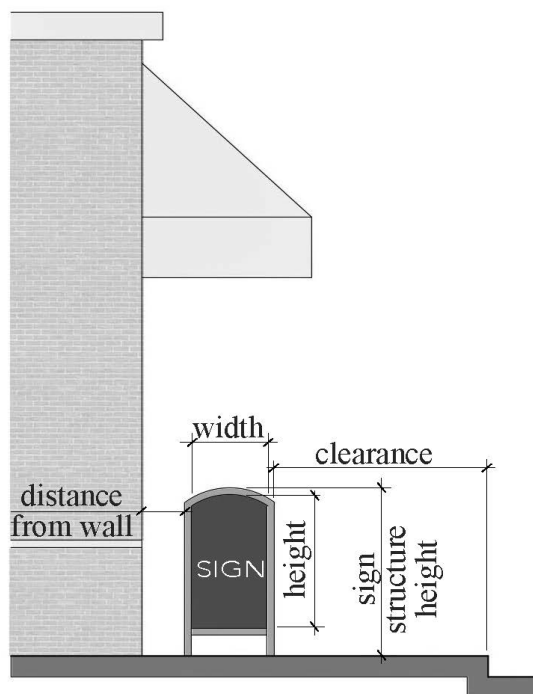
2. ~~Sandwich-board~~Sidewalk sign specifications ~~include.~~ Specifications regulating sidewalk signs are shown on Table 7.10:

|               |                         |                                    |
|---------------|-------------------------|------------------------------------|
| <del>a-</del> | <u>Quantity</u>         | <u>one</u>                         |
| <del>b-</del> | <u>Area</u>             | <u>max. eight square feet</u>      |
| <del>c-</del> | <u>Width</u>            | <u>max. 24 inches</u>              |
| <del>d-</del> | <u>Height</u>           | <u>max. 48 inches</u>              |
| <del>e-</del> | <u>Depth/projection</u> | <u>n/a</u>                         |
| <del>f-</del> | <u>Clearance</u>        | <u>n/a</u>                         |
| <del>g-</del> | <u>Illuminated</u>      | <u>no</u>                          |
| <del>h-</del> | <u>Allowed zones</u>    | <u>within area described above</u> |

**Table 7.10 Sidewalk sign standards**

|                                                |                                        |
|------------------------------------------------|----------------------------------------|
| <u>Zones Allowed</u>                           | <u>C1, C2, SC, UC</u>                  |
| <u>Sign Permit Required</u>                    | <u>Yes</u>                             |
| <u>Maximum Number</u>                          | <u>One</u>                             |
| <u>Maximum Area</u><br><u>(height x width)</u> | <u>Eight square feet</u>               |
| <u>Maximum Height</u>                          | <u>48 inches</u>                       |
| <u>Maximum Width</u>                           | <u>24 inches</u>                       |
| <u>Min. Pedestrian Clearance</u>               | <u>Four feet</u>                       |
| <u>Illumination Allowed</u>                    | <u>No</u>                              |
| <u>Maximum Time Permitted</u>                  | <u>Daily; subject to C. 1.c. above</u> |

**Figure 7.23 Sidewalk sign detail**



**Figure 7.24 Sidewalk sign example**



E. Site Signs.

1. General standards. The following standards apply to all site signs:

- a. Site signs are ~~intended for vacant land parcels~~ only allowed on properties with active listings for sale or for rent, or on lots under construction with active building permits, and are not permitted on parcels with existing or built-out residential or non-residential uses.
- b. Only one such sign oriented per street front per premises shall be erected. Any two such signs located on the same premises shall be located at least 100 feet apart as measured using a straight line.
- ~~b-c. See Sec. 30-5-102 J Signage for construction rules and regulations associated with site signs.~~
- ~~c. Such signs shall be removed within seven days after completion of the project or event.~~

2. Site sign specifications. Specifications regulating site signs are shown on Table 7.11:

**Table 7.11 Site sign standards**

|                                      |                                                                        |
|--------------------------------------|------------------------------------------------------------------------|
| Zones Allowed                        | All                                                                    |
| Sign Permit Required                 | No                                                                     |
| Maximum Number                       | One per street frontage                                                |
| Maximum Area: Residential Zone       | Eight square feet, <u>unless otherwise specified in E. 1.c above</u>   |
| Maximum Area: Non – Residential Zone | 32 square feet                                                         |
| Illumination Allowed                 | No                                                                     |
| <u>Maximum Time Permitted</u>        | <u>Seven days after active listing or building permit has expired.</u> |

**Figure 7.25 Site sign example**



F. Yard signs.

1. General standards. The following standards apply to all yard signs:

- a. Yard signs shall not be erected or placed in parks, alleys or in a street or other public right-of way or place.
- b. Unless otherwise specified herein, yard signs shall be displayed not more than twice per year per dwelling unit.
- a-c. An unlimited number of yard signs are permitted within 60 days before and five days after any general or special election.

2. Yard sign specifications. Specifications regulating yard signs are shown on Table 7.12:

**Table 7.12 Yard sign standards**

|                                     |                                                                                                                |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------|
| Zones Allowed                       | All                                                                                                            |
| Sign Permit Required                | No                                                                                                             |
| Maximum Number                      | One per street frontage, <u>unless otherwise specified in F. 1 above</u>                                       |
| Maximum Area: Residential Use       | <u>Eight</u> square feet                                                                                       |
| Maximum Area: Non – Residential Use | 32 square feet                                                                                                 |
| Illumination Allowed                | No                                                                                                             |
| <u>Maximum Time Permitted</u>       | <u>Five days, or seven days after an active listing has expired, unless otherwise specified in F. 1. above</u> |

**Figure 7.26 Yard sign examples**



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## 30-7-111 Off-Premise sign standards

### A. General requirements

1. Off-premises signs, also known as off-site signs, are permitted with a ~~conditional use~~ Use by Special Review permit.

~~Business or historic district identification signs. A business district identification sign is an off-premises sign for the identification of a historic district, specific business district, activity node as identified in the Comprehensive Plan, or a business improvement or redevelopment area approved by the Town. Business or historic district signs shall not:~~

- ~~a. Interfere with pedestrian or vehicular safety;~~
- ~~b. Detract from the pedestrian quality of the surrounding area; or~~
- ~~c. Add to an over-proliferation of signs on one property or in an area.~~

2. ~~Church and civic club off-premise signs. A church or civic club off-premise sign is intended to direct people to the church or civic club and/or state meeting dates and times. Such signs shall not:~~

- ~~a. Interfere with pedestrian or vehicular safety;~~
- ~~b. Detract from the pedestrian quality of the surrounding area;~~
- ~~c. Add to an over-proliferation of signs on one property or in an area;~~
- ~~d. Be allowed for any organization that does not have "non-profit" status;~~
- ~~e. Measure more than four square feet; or~~
- ~~f. Number more than five for any organization.~~

~~3. Subdivision or development directional signs. The Town may work with an applicant to provide directional signs to subdivision and neighborhood developments while those developments are in active development. Directional signs may be placed outside of the right-of-way along arterial and/or collector roadways within the Town. The location and form of all off-site subdivision or development signs requires approval by the Town. The message of said signs shall be limited to the name of the property or development being advertised, an address, a telephone number/website address, a directional arrow, mileage to the subject property and the terms "Lot(s)/Home(s) for sale".~~

2. Off-premises signs shall not:

- a. Interfere with pedestrian or vehicular safety;
- b. Detract from the pedestrian quality of the surrounding area;
- c. Add to an over-proliferation of signs on one property or in an area; or
- d. Measure more than 4 square feet in area, except for sidewalk signs.

- B. Billboard signs. No new billboard signs are allowed within the Town of Berthoud after May 3rd, 2012. Billboard signs in existence on May 3<sup>rd</sup> 2012 are considered legal and non-conforming, subject to the requirements of this Code with respect to non-conforming uses.

- C. Off-premise sidewalk signs. Sign permits issued prior to \_\_\_\_\_, 2024 remain in effect for existing off-premise sidewalk signs associated with businesses located further than one block north or south of Mountain Avenue between 2nd Street and 5th Street, or within the one block dimension but outside of the normal line-of-sight of motorists on Mountain Avenue. After \_\_\_\_\_, 2024 no additional sign permits for off-premise sidewalk signs will be issued. No new off-premise sidewalk signs are allowed.

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## SECTION 7 SIGNS

### 30-7-101 General provisions

- A. *Purpose.* The regulations in this Section are intended to coordinate the use, placement, physical dimensions, and design of all signs within the Town. These regulations are established to safeguard the health, safety, convenience, order and welfare of all residents of the Town. The Town recognizes that signs may act as a visual means of communication between the public and businesses and those businesses have an expectation of using signs to identify and advertise themselves. In addition, the purpose of these regulations is to:
1. Recognize that signs are a necessary means of visual communication for the convenience of the public and provide flexibility within the sign review/approval process to allow for unique circumstances and creativity.
  2. Recognize and ensure the right of those concerned to identify businesses, services and other activities by the use of signs, and not limit signs which are accessory and incidental to the use on the premises where such signs are located.
  3. Provide a reasonable balance between the right of an individual to identify his or her business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.
  4. Protect the public from damage or injury caused by signs that are poorly designed or maintained.
  5. Ensure signs are well-designed and contribute in a positive way to the Town's visual environment, express local character, and help develop a distinctive image for the Town of Berthoud.
  6. Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Ensure signs are compatible and integrated with the building's architectural design and with other signs on the property.
  7. Ensure signs are appropriate for the type of street on which they are located.
  8. Ensure signs adhere to the Town's Dark Sky regulations.
  9. Enhance property values and business opportunities.
  10. Assist in wayfinding.
  11. Provide fair and consistent permitting and enforcement.
- B. *Intent.* It is the intent of these regulations to provide for the proper control of signs in a manner consistent with the First Amendment guarantee of free speech. It is not the intent of these regulations to regulate signs based on the content of their messages. Rather, these regulations advance important, substantial, and compelling governmental interests.
1. The incidental restriction on the freedom of speech that may result from the regulation of signs hereunder is no more than is essential to the furtherance of the important, substantial, and compelling interests that are advanced by these regulations.
  2. The Town has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing motorists and pedestrians), because sign clutter:
    - a. Creates visual distraction and obstructs views, potentially creating a public safety hazard for motorists, bicyclists, and pedestrians;
    - b. May involve physical obstructions of streets or sidewalks, creating public safety hazards;

- 
- c. Degrades the aesthetic and essential historic character of the Town, making the Town a less attractive place for tourism, commerce, and private investment; and
    - d. Dilutes or obscures messages displayed along the Town's streets through the proliferation of distracting structures and competing messages.
  - 3. The Town has a substantial and/or compelling interest in preventing traffic accidents.
  - 4. The Town has a substantial and/or compelling interest in preventing negative impacts associated with temporary signs. Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the Town's streets if they are not removed.
  - C. *Relationship to other regulations.* The provisions of these regulations shall apply to the display, construction, erection, alteration, use, maintenance, and location of all signs within the Town.
    - 1. Nothing contained in this Section shall be deemed a waiver or variance of the provisions of any other provisions of the Development Code as applicable to signs.
    - 2. If any provision of this Section conflicts with any other adopted Town code that regulates signs, the more restrictive standard shall apply provided, however, to the extent an approved, unexpired and currently effective Planned Unit Development as described in Section 30-3-104 R *Planned Unit Development (PUD) Overlay District* includes specific sign allowances and/or restrictions that directly conflict with these regulations, the approved PUD regulations shall apply to the extent of the conflict. In lieu thereof, the property owner may elect to fully comply with these regulations in the area of the conflict.
    - 3. The Town recognizes other regulations pertaining to signage (i.e., State of Colorado, Department of Highways, "Rules and Regulations Pertaining to Outdoor Advertising," effective January 1, 1984, and as may be amended).
    - 4. The content of signs related to marijuana businesses is restricted by state laws and regulations, and both the advertising and sale of marijuana are prohibited by federal law. The Town has no authority to supersede state or federal marijuana laws.
    - 5. Nothing in this Section shall be construed as a defense to a violation of applicable state or federal law.
    - 6. Where any provision of this Section covers the same subject matter as other Town, state or federal regulations, the more restrictive regulation shall apply.

### **30-7-102 Sign permits**

- A. *Sign permit required.* To ensure compliance with the regulations of this Section, a sign permit shall be required in order to erect, move, alter, reconstruct or repair any permanent or temporary sign, except signs that are exempt from permits under Section 30-7-103 *Exempt signs*.
  - 1. In multiple tenant buildings, a separate permit shall be required for each business entity's sign(s).
  - 2. Separate building and electrical permits may be required for signs and will be determined on a case-by-case basis.
  - 3. Changing or replacing the copy on an existing sign shall not require a permit.
- B. *Comprehensive sign plan.* A comprehensive sign plan is required as a part of the development review process for all commercial projects with multiple lots or buildings or multiple tenants. Comprehensive sign plans are also required for all new signs on multiple tenant buildings or centers with multiple lots.
  - 1. For any multi-tenant center, industrial park or other unified form of commercial site development or redevelopment, the applicant shall submit a comprehensive sign plan with a sign permit application that consists of coordinated and/or shared signage for the entire development.

- 
2. A comprehensive sign plan shall be in accordance with the following criteria:
    - a. Signs shall meet the design criteria established in Section 30-7-106 *Sign design*.
    - b. After reviewing an applicant's submittal of a comprehensive sign plan, the Director may vary standards for area, height and number of individual signs during sign permit review.
    - c. The Director may approve up to a twenty percent (20%) change in one or more dimensional or numerical standards based on the applicant demonstrating the change is warranted by a comprehensive sign plan which represents exceptional design.
- C. *Application*. Applications for sign permits shall be made in writing on forms furnished by the Town. The application shall contain:
1. The location by street number of the proposed sign structure;
  2. Names and addresses of the owner and the person or company erecting the sign;
  3. Legible site plans which include the specific location of the sign and setbacks to adjacent property lines and buildings;
  4. A detailed drawing indicating the dimensions, materials, and colors of the proposed sign structure. A certification by a registered professional structural engineer may be required by staff for a monument or projecting sign;
  5. A description of the lighting to be used, if applicable and a narrative detailing how the proposed lighting will be compliant with the Town's Dark Sky regulations;
  6. If the sign is to be located off the premises in compliance with Section 30-7-111 *Off-Premise sign standards*, a written lease or permission from the property owner of the site on which the sign will be located; and
  7. Sign permit fee as established by the current fee schedule.
- D. *Staff review and approval*.
1. Within five days of the receipt of a completed application, staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant in writing of any deficiencies. The applicant shall address deficiencies and resubmit application materials.
  2. When staff has determined the application to be complete, staff shall review the sign permit in accordance with the established review criteria and has the authority to approve, approve with conditions or deny the sign permit. Upon staff's approval of the sign permit, the sign permit and any building or electrical permits required for the sign shall be issued to the applicant.
- E. *Review criteria*. The following review criteria will be used by the Town to evaluate all sign permit applications:
1. Sign meets the requirements of this Section;
  2. Sign conforms to the requirements of the building and electrical code;
  3. Sign conforms to the size, height, material and location requirements of the Zoning Code for the zoning district in which it is located;
  4. Sign would not interfere with pedestrian or vehicular safety;
  5. Sign would not detract from the character of an architecturally significant or historic structure;
  6. Sign would not be located so as to have a negative impact on adjacent properties;
  7. Sign would not detract from the pedestrian quality of a street or area, if applicable;
  8. Sign meets the Town's Dark Sky regulations;
-



- 
9. Sign would not add to an over-proliferation of signs on a property or area; and
  10. Sign structure and location are consistent with the purpose and intent of this Section.
- F. *Appeal.* Any appeal of Town's denial of a sign permit or approval with conditions shall be made to the Board of Adjustment as provided in Chapter 30, Section 3: Zoning, of the Development Code.

### **30-7-103 Exempt signs**

- A. *Exemptions from required sign regulations.* The following types of signs are exempt from permit requirements of this Section and may be placed in any zoning district subject to the provisions of this Section. Such signs shall otherwise be in conformance with all applicable requirements contained in this Section. All such signs (except public signs) shall be located outside a street right-of-way. Signs shall not interfere with traffic signs or the sight distance triangle at intersections. Evidence of permission to install a sign may be required as the Town investigates compliance with this Section. All other signs shall be allowed only with permit and upon proof of compliance with this Section.
1. *General.* Signs that are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public thoroughfare or right-of-way, except that such signs shall be subject to the safety regulations of the adopted version of the Uniform Building Code and all other Codes (electrical, mechanical, etc.) governing building construction in the Town.
  2. *Bulletin board.* Bulletin board signs not exceeding 12 square feet in gross surface area accessory to a religious institution, school, or other public or nonprofit institution.
  3. *Site sign.* Site signs as defined in Sec. 30-1-116 *Definitions* and subject to the standards in Section 30-7-110 *Temporary Sign Standards*.
  4. *Directional.* On-premises directional and instructional signs not exceeding six square feet in area each.
  5. *Incidental signs.* Incidental signs as defined in Sec. 30-1-116 *Definitions* which do not exceed three square feet in area.
  6. *Flags.* Exempt flags include:
    - a. for residential properties up to two flagpoles no more than 18 feet high with a combined total of 48 square feet of flag area.
    - b. for commercial areas up to two flagpoles of no more than 36 feet high with a combined total of 144 square feet of flag area. Additional flag installations shall be subject to a sign permit and the square footage of any additional flag shall be included in the total sign area permitted for the subject property.
  7. *Yard sign.* Yard signs as defined in Sec. 30-1-116 *Definitions* and subject to the standards in Section 30-7-110 *Temporary sign standards*.
  8. *Temporary window signs.* Temporary window signs as defined in Sec. 30-1-116 *Definitions*, limited to 25 percent or less of any individual window area.
  9. *Text.* No permit shall be required for text or copy changes; provided that no structural changes are made to the sign.
  10. *Time and temperature.* Signs displaying only time and temperature, not to exceed 6 square feet. Time and temperature devices shall not be included within the measurement of maximum sign area permitted by Section 30-7-109 B *Sign allowance*.
  11. *Public signs* as defined at Section 30-1-116 *Definitions*.

- 
12. *Vehicular signs.* Vehicular signs as defined at Section 30-1-116 *Definitions*, provided that the primary purpose of such vehicles is not for the display of signs, and provided that they are parked or stored in areas appropriate to their use as vehicles.
    - a. *Projection.* Signs on vehicles shall not project beyond the surface of the vehicle in a manner which creates a hazard to pedestrians, cyclists or other vehicles.
    - b. *Prohibitions.* It shall be unlawful to place or store a vehicle with a sign on it in such manner as to increase the permitted sign area or number of signs either on-site or off-site for a non-residential use. Also see Section 30-7-104 A. 12 *Prohibited Signs*.
  13. *Handheld signs.* Handheld signs as defined at Section 30-1-116 *Definitions* shall not exceed 20 square feet in area. No person shall place, maintain or otherwise utilize a handheld sign in a manner which obstructs or makes hazardous the free passage of pedestrians and motor vehicles on any street, sidewalk or public right-of-way.

### **30-7-104 Prohibited signs**

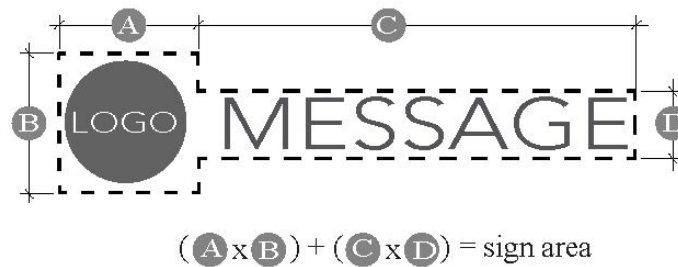
- A. *Prohibited signs.* The following signs are inconsistent with the purposes and standards in this Section and are prohibited in all zoning districts.
  1. Flashing, rotating, blinking or moving signs, animated signs, signs with moving, rotating or flashing lights or signs that create the illusion of movement.
  2. Electronic messaging signs, except signs which convey a static digital message such as a price sign at fueling stations or a time and temperature device.
  3. Any sign that is erected in such a location as to cause visual obstruction or interference with motor vehicle traffic, bicycle traffic or traffic-control devices including any sign that obstructs clear vision in any direction from any street intersection or driveway.
  4. Mechanical or electrical appurtenances, such as "revolving beacons", that are designed to compel attention.
  5. Roof signs.
  6. Internally illuminated signs. See Section 30-7-107 *Sign illumination*.
  7. Pole signs.
  8. Any sign other than traffic control signs erected, constructed, or maintained within, over or upon the right-of-way of any road or highway, except in the case of a sign for which a permit has been issued with the requirements of this Section.
  9. Off-premises signs, except for temporary sidewalk signs. See Section 30-7-111 *Off- premise sign standards*.
  10. Any sign which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder or opening intended as a means of ingress or egress or providing light or air.
  11. Any sign located in such a way as to intentionally deny visual access to an adjoining property owner's existing sign.
  12. Vehicular signs that are on stationary or immobile vehicles or trailers for over seven days including but not limited to, signs painted on or attached to semi-trailers or cargo containers when exhibited on public property or private property adjacent to public right-of-way. Vehicular signs used in connection with a special event and construction trailers are exempted from the requirements of this Section during the duration of the special event or construction project only. Upon the conclusion of the special event, such signs must be removed.

- 
13. Searchlights.
  14. Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.
  15. Abandoned signs, as defined in Section 30-1-116 *Definitions*, (together with its supporting structure). If the sign or sign structure is covered or the identifying symbols or letters removed, an extension of time may be granted by the Director upon good cause for such extension being shown. (This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided that there is clear intent to continue operation of the business).
  16. Any sign or sign structure which:
    - a. Is structurally unsafe;
    - b. Constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;
    - c. Is not kept in good repair; or
    - d. Is capable of causing electrical shocks to persons likely to come in contact with it.
  17. Any sign or sign structure which:
    - a. In any way obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official sign;
    - b. Creates in any way an unsafe distraction for motor vehicle or bicycle operators; or
    - c. Obstructs the view of motor vehicle or bicycle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.

### **30-7-105 Sign measurement**

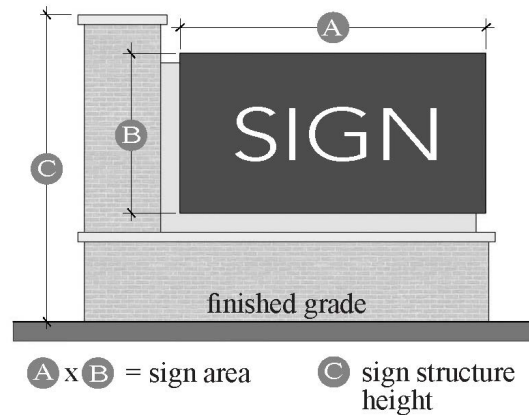
- A. *Sign area*. The area of a geometric shape enclosing any message, logo, symbol, name, photograph or display face shall be measured using standard mathematical formulas.
  1. *Sign support*. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
  2. *Back-to-back (double-faced) signs*. Back-to-back signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two feet at any point.
  3. *Three-dimensional signs*. Where a sign consists of one or more three-dimensional objects (i.e. balls, cubes, clusters of objects, sculpture), the sign area is the largest display surface visible from any single direction.
  4. *Wall signs*. If a sign is attached to a wall only that portion of the wall onto which the sign face or letters are placed shall be calculated in the sign area, with the following exception: colors used behind or around a sign to differentiate it from the building façade shall be included in the sign area.

**Figure 7.1: Sign area measurement**



- B. *Sign height.* The height of a sign shall be measured from the highest point of a sign structure to the finished grade. When berms are used in conjunction with signage, the height of the sign shall be measured from the mean elevation of the fronting street.

**Figure 7.2: Sign area and height measurement**

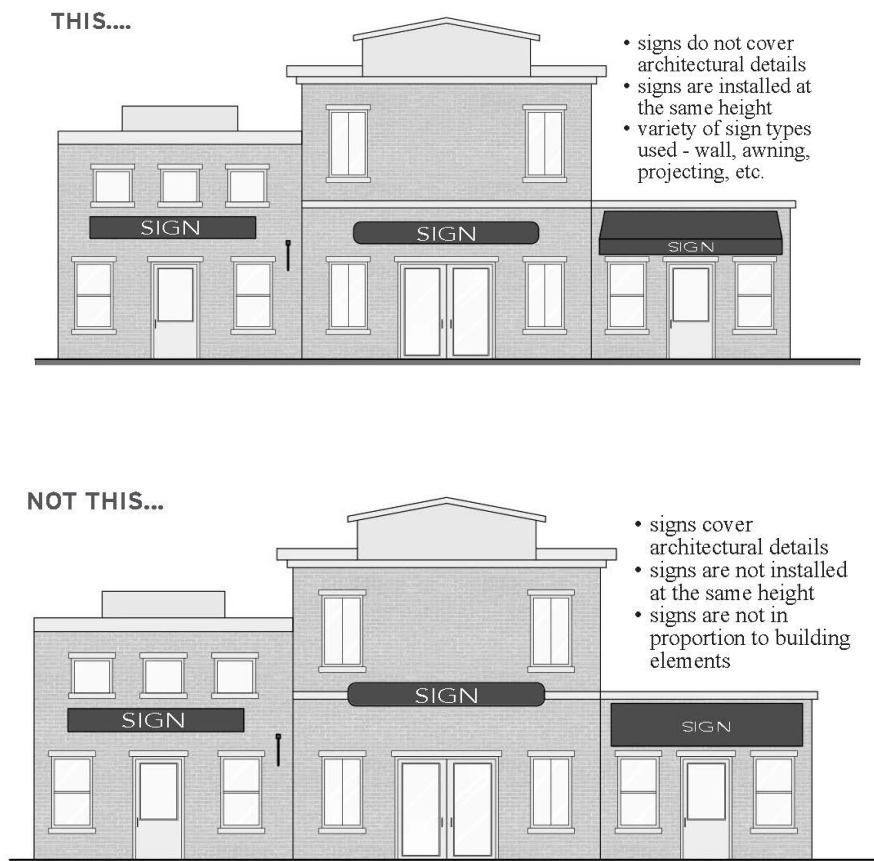


### 30-7-106 Sign design

- A. *Design compatibility.*
1. *Creative design encouraged.* Signs shall make a positive contribution to the general appearance of the street and commercial area in which they are located. A well-designed sign can be a major asset to a building. The Town encourages imaginative and innovative sign design.
  2. *Proportionate size and scale.* The scale of signs shall be appropriate for the building or property on which they are placed and the area in which they are located. Building signs shall be harmonious in scale and proportion with the building facade they are mounted upon.
  3. *Additional design considerations.*
    - a. *Visibility.* Signs shall not visually overpower nor obscure architectural features.
    - b. *Integrate signs with the building and landscaping.* Carefully coordinate the sign with the architectural design, overall color scheme and landscaping. Signs shall be designed to complement or enhance the other signs for a building.

- 
- c. *Unified sign band.* Whenever possible, signs located on buildings with the same blockface shall be placed at the same height, in order to create a unified sign band. Locate wall signs at the first-floor level only for retail uses.
- d. *Pedestrian-oriented signs.* Pedestrian-oriented signs are encouraged. It is desirable to include a pedestrian-oriented sign as one of the permanent permitted signs for a business. These signs are designed for and directed toward pedestrians so they can easily and comfortably read the sign as they stand adjacent to the business.

**Figure 7.3: Sign placement**



4. *Reduce sign impact.* Because residential and commercial uses generally exist in close proximity, the foundation and support structure for signs shall be designed, located and/or screened with landscaping so that they minimize impact on adjacent residential neighborhoods, without impairing the communicative purpose of the sign. Small-scale signs are encouraged.

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### 30-7-107 Sign illumination

- A. *External illumination.* Unless otherwise specified, all signs that use illumination shall use indirect lighting as defined in Sec. 30-1-116 *Definitions*.
1. All signs that use illumination shall have their lighting directed in such a manner as to illuminate only the face of the sign without causing glare.
  2. Any external light source must be downcast and fully shielded.
  3. Projecting light fixtures shall be simple and unobtrusive in appearance, and shall not obscure the graphics of the sign.
- B. *Internal illumination prohibited.* Signs shall not be internally illuminated, with the following exceptions:
1. Neon tubing and LED light ropes are acceptable methods of sign design or sign illumination in the commercial and industrial zone districts.
  2. The portion of a sign face dedicated to text or characters may be halo lit, as shown in Figure 7.4. No sign cabinets or light boxes with push through lettering shall be internally illuminated.

**Figure 7.4: Sign illumination**

**THIS...**



**NOT THIS...**



- C. *Compliance.*
1. All sign illumination shall meet the Town of Berthoud "Dark Sky" regulations established in Sec. 30-2-118 *Outdoor lighting and dark sky standards*.
  2. All lighted signs shall meet all applicable electrical codes and the electrical components used shall bear the label of an approval agency. Electrical permits shall be obtained for electric signs.
- D. *Hours of operation.* All illuminated signs shall be turned off at close of business, or 9:00 pm, whichever occurs first.

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### **30-7-108 Sign installation, maintenance, alteration and removal**

#### **A. *Sign installation.***

1. Where possible, signs shall be mounted so that the mounting brackets and associated mounting hardware are concealed.
2. Projecting signs shall be mounted so they generally align with others in the block.
3. The Town may inspect any sign governed by this Section and shall have the authority to order the repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

#### **B. *Sign maintenance.***

1. All signs and all components thereof, including sign structures and sign faces, shall be maintained in compliance with all building and electrical codes in force at the time of installation.
2. The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign, including any illumination sources in neat and orderly condition, and in a good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign.
3. The owner of any sign regulated by this Section shall be required to keep signs and supporting hardware, including temporary signs and time/temperature signs structurally safe, clean, free of visible defects and functioning properly at all times. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

#### **C. *Sign alteration.***

1. Any alteration to an existing sign, other than for a change of copy or for maintenance, shall require a new sign permit pursuant to Section 30-7-102 *Sign permits*.
2. Sign alterations shall include, without limitation:
  - a. Changing the size of the sign.
  - b. Changing the shape of the sign.
  - c. Changing the material of which the sign is constructed.
  - d. Changing or adding lighting to the sign.
  - e. Changing the location of the sign.
  - f. Changing the height of the sign.

#### **D. *Sign removal***

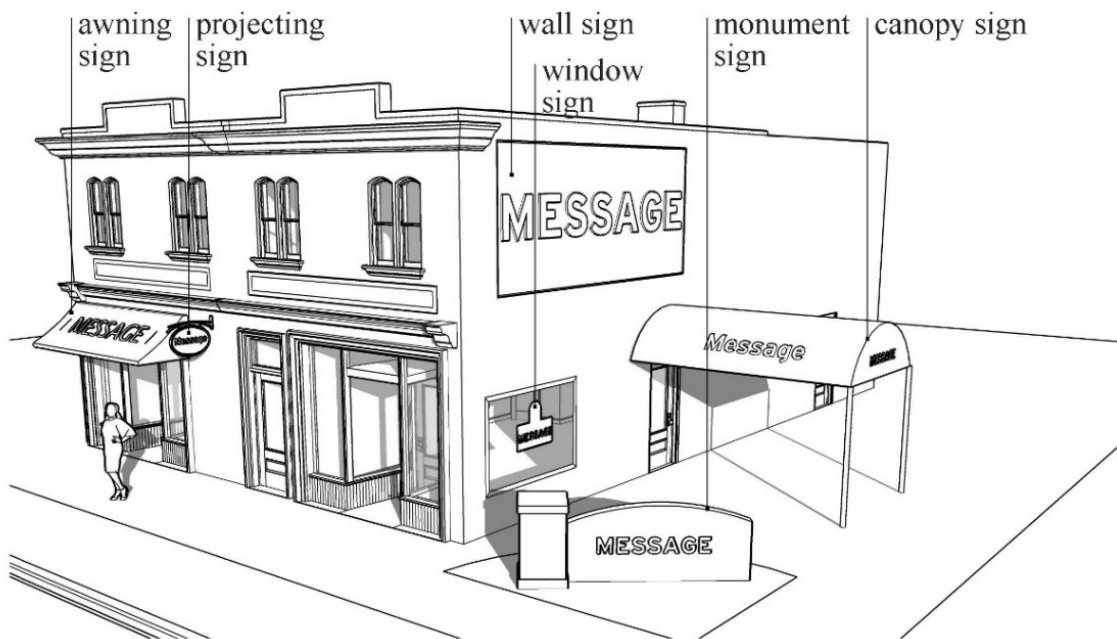
1. *Discontinued establishments.* Whenever a business, industry, service or other use is discontinued, the sign(s) pertaining to the use shall be removed or obscured by the person or entity owning or having possession over the property within 60 days after the discontinuance of such use.
2. *Removal of illegal signs in the public right-of-way.* The Town may cause the removal of any sign within the public right-of-way or on property that is otherwise abandoned that has been placed there without first complying with the requirements of this Section.
3. *Repair and removal of abandoned signs/signs in violation of Code.* The Town may cause the repair or removal of any sign that has become a hazard to public safety. Signs in violation of any other provision of this Code may also be removed by the Town.

- 
4. *Storage of removed signs.* Signs removed in compliance with this Section shall be stored by the Town for 30 days, during which they may be recovered by the owner only upon payment to the Town for costs of removal and storage. If not recovered within the 30-day period, the sign and supporting structure shall be declared abandoned and title shall vest with the Town. The costs of removal and storage (up to 30 days) may be billed to the property owner.
  5. *Inspection.* The Town may inspect any sign governed by this Section and shall have the authority to order the repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.
  6. *Penalties.* Signs which are not permitted by this Code shall be subject to administrative remedies contained herein.

### 30-7-109 Permanent sign standards

- A. *Permitted permanent sign types.* The illustration in Figure 7.5 identifies the types of permanent signs permitted per this Section.
  1. All permanent signs shall be located off the street right-of-way, unless otherwise granted permission for such location by the Town or the Colorado Department of Transportation (CDOT).

**Figure 7.5: Permanent Sign Types**



- B. *Sign allowance.*
    1. *Non-residential signs.* All businesses and other non-residential properties within the Town are allowed permanent signage of any type (monument, wall, projecting, canopy, awning, etc.) within the square footage totals identified below and other limitations of this Section:
-

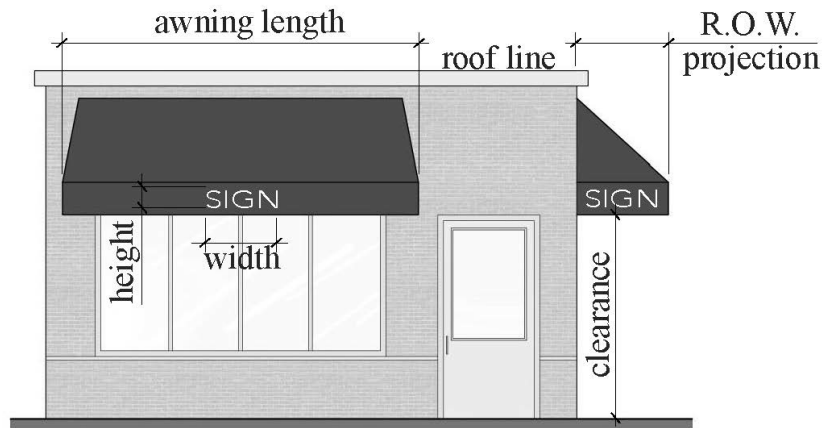


- 
- a. Two square feet for each linear foot of building up to 200 linear feet of building frontage and an additional one square foot for each linear foot of building frontage over 200 feet. Unless specifically stated otherwise in this Section, the maximum size of any single sign is 288 square feet (12 feet by 24 feet). Any request for a larger single sign will be reviewed by the Planning Commission as a variance to this Section, in accordance with Section 30-3-108 *Board of Adjustment*.
  - b. Where the linear frontage of all buildings is less than 30 percent of the total lot frontage, allowable sign sizes are two square feet of sign for each linear foot of building and an additional one square foot of sign for each linear foot of property frontage (less the linear building frontage).
  - c. Accessory wall signs count toward the total sign allowance and are limited to no more than 20% of the total wall sign allowance each.
2. *Residential signs.* All residential properties within the Town are allowed permanent signage of any type (monument, wall, projecting, canopy, awning, etc.) within the square footage totals identified below and other limitations of this Section:
    - a. The sign allowance for multi-family residential or mixed-use development shall be within the same limits as non-residential signage; see subsection B 1. above, with the following exception: all home-based business signs are limited to no more than two square feet in size.
    - b. All home-based business signs or other signs on lots with single-family or two-family dwellings are limited to no more than two square feet in size.
- C. *Awning signs.*
1. *General standards.* The following standards apply to all awning signs:
    - a. Signs may be placed only on awnings that are located on first- and second-story building frontages, including those fronting a parking lot or pedestrian way.
    - b. No awning sign shall project outside the face of an awning.
  2. *Awning sign specifications.* Specifications regulating awning signs are shown on Table 7.1:

**Table 7.1 Awning sign standards**

|                        |                                         |
|------------------------|-----------------------------------------|
| Zones Allowed          | R4, C1, C2, M1, M2, SC, UC, PUD         |
| Sign Permit Required   | Yes                                     |
| Maximum Number         | One per window                          |
| Maximum Area           | Within sign allowance                   |
| Maximum Width          | Width of window                         |
| Maximum Letter Height  | Variable                                |
| Maximum Valance Height | 12 inches                               |
| Maximum Projection     | Seven feet                              |
| Minimum Clearance      | Eight feet                              |
| Illumination Allowed   | Yes; under awning and directed downward |

**Figure 7.6 Awning sign detail**



**Figure 7.7 Awning sign example**



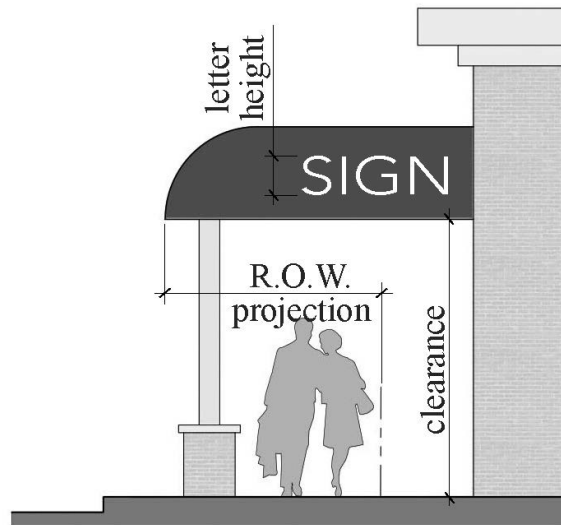
**D. Canopy signs.**

1. *General standards.* The following standards apply to all canopy signs:
  - a. No canopy, with or without signage, shall extend above the roof line of any building.
  - b. No canopy sign shall project above the top of the canopy upon which it is mounted.
  - c. Under-canopy signs which are perpendicular to the face of the building shall be deemed to be projecting signs.
  - d. Under-canopy signs which are parallel to the face of the building shall be a minimum of eight feet above finished grade and shall be deemed to be wall signs.
2. *Canopy sign specifications.* Specifications regulating canopy signs are shown on Table 7.2:

**Table 7.2 Canopy sign standards**

|                                                                                                                                                  |                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| Zones Allowed*                                                                                                                                   | R4, C1, C2, M1, M2, SC, UC, PUD         |
| Sign Permit Required                                                                                                                             | Yes                                     |
| Maximum Number                                                                                                                                   | One per canopy face                     |
| Maximum Area                                                                                                                                     | 38 square feet                          |
| Maximum Width                                                                                                                                    | 25 feet                                 |
| Maximum Height                                                                                                                                   | 18 inches                               |
| Letter Height                                                                                                                                    | Min. five inches/max. 12 inches         |
| Maximum Valance Height                                                                                                                           | 12 inches                               |
| Maximum Projection                                                                                                                               | 20 feet from face of building           |
| Minimum Clearance                                                                                                                                | 12 feet from finished grade             |
| Illumination Allowed                                                                                                                             | Yes; under canopy and directed downward |
| *Canopy signs are not permitted in the Residential Conversion or Downtown Commercial character areas within the Mountain Avenue Overlay District |                                         |

**Figure 7.8 Canopy sign detail**



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**Figure 7.9 Canopy sign example**



E. *Monument signs.*

1. *General standards.* The following standards apply to all monument signs:

a. *Location.*

- i. A monument sign may be located only on a site frontage adjoining a public street.
- ii. No monument sign in any zoning district can be erected closer than eight feet from any curbline, nor closer than four feet to any building.
- iii. No monument signs in any business or industrial district may be located less than 25 feet from any property line adjacent to a residential zoning district line.

b. *Sign mounting.* The sign shall be mounted on a solid monument-type base. The sign base shall not be greater than 50% of the sign area.

c. *Monument sign design.* The design of a monument sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct traffic safety sight distance areas.

d. *Monument sign landscaping requirements.*

- i. Monument signs shall be landscaped at their base in a way harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer. A landscape plan for the sign base shall be provided.
- ii. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 20 square feet of sign area equals 40 square feet of landscaped area.
- iii. The Planning Commission may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

2. *Monument sign specifications.* Specifications regulating monument signs are shown on Table 7.3 and Table 7.4:

**Table 7.3 Monument sign standards**

|                                                                     |                                                                                            |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| Zones Allowed                                                       | All, except Downtown Commercial character area within the Mountain Avenue Overlay District |
| Sign Permit Required                                                | Yes                                                                                        |
| Maximum Number                                                      | One per project entrance                                                                   |
| Maximum Area: Residential Use* (height x width)                     | 35 square feet                                                                             |
| Maximum Area: Non – Residential Use* (height x width)               | 100 sq. ft.                                                                                |
| Maximum Height *                                                    | 12 feet                                                                                    |
| Illumination Allowed                                                | Yes; indirect only                                                                         |
| *See Table 7.4 for Mountain Avenue Overlay District character areas |                                                                                            |

**Table 7.4 Monument sign area, height and setbacks– Mountain Avenue Overlay District**

|                                                                                                   | Berthoud West   | Residential Conversion | Berthoud East   | Agriculture     | New Berthoud    |
|---------------------------------------------------------------------------------------------------|-----------------|------------------------|-----------------|-----------------|-----------------|
| Maximum Area                                                                                      | 100 square feet | 35 square feet         | 100 square feet | 100 square feet | 135 square feet |
| Maximum Height                                                                                    | 10 feet         | 5 feet                 | 10 feet         | 10 feet         | 12 feet         |
| Mountain Ave/Highway 56 Setback                                                                   | 5 feet          | 5 feet                 | 5 feet          | 10 feet         | 12 feet         |
| Note: Monument signs are prohibited in the Mountain Avenue Downtown Commercial character district |                 |                        |                 |                 |                 |

Figure 7.10 Monument sign detail

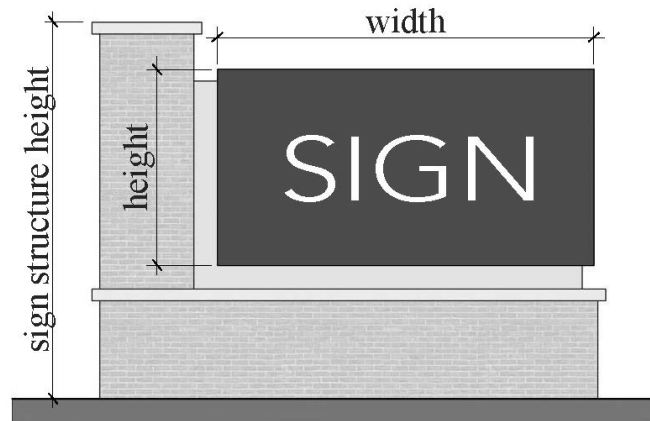


Figure 7.11 Monument sign example: Residential Use

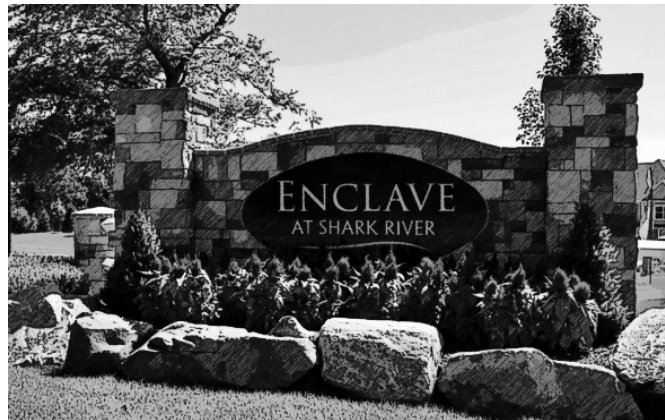


Figure 7.12 Monument sign example: Non-Residential Use



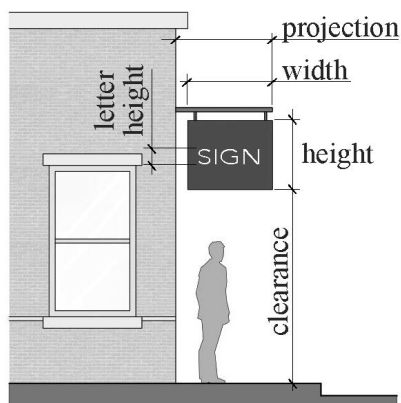
F. *Projecting signs.*

1. *General standards.* The following standards apply to all projecting signs:
  - a. Projecting signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.
  - b. Projecting signs shall be no higher than wall that it projects from or no higher than bottom of second story window framing
  - c. Mount projecting signs so that they align with others in the block and fit with architectural details of the structure.
  - d. Sign supports and brackets shall be compatible with the design and scale of the sign.
2. *Projecting sign specifications.* Specifications regulating projecting signs are shown on Table 7.5:

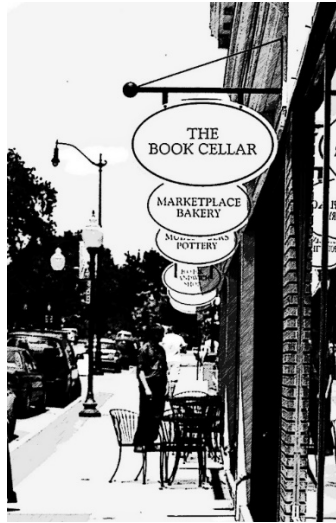
**Table 7.5 Projecting sign standards**

|                                  |                                 |
|----------------------------------|---------------------------------|
| Zones Allowed                    | R4, C1, C2, SC, UC, M1, M2      |
| Sign Permit Required             | Yes                             |
| Maximum Number                   | One per façade; two max.        |
| Maximum Area<br>(height x width) | Six square feet                 |
| Maximum Letter Height            | 10 inches                       |
| Maximum Projection               | Four feet from face of building |
| Minimum Clearance                | Eight feet from finished grade  |
| Illumination Allowed             | Yes; indirect only              |

**Figure 7.13 Projecting sign detail**



**Figure 7.14 Projecting sign example**



**G. Wall signs.**

1. **General standards.** The following standards apply to all wall signs:
  - a. The sign shall not be placed to obstruct any portion of a window, doorway or other architectural detail.
  - b. Wall signs on buildings at the first-floor level are allowed for businesses on higher floors that have a principal entrance on the first floor.
  - c. Wall signs plus accessory wall signs shall be in accordance with Section 30-7-109.B *Sign allowance*.
2. **Wall sign specifications.** Specifications regulating wall signs are shown on Table 7.6 and Table 7.7:

**Table 7.6 Wall sign standards**

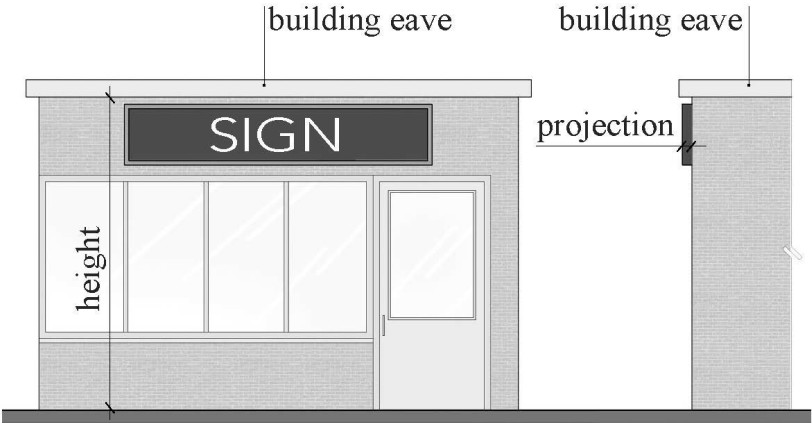
|                                                                     |                                                                   |
|---------------------------------------------------------------------|-------------------------------------------------------------------|
| Zones Allowed                                                       | R4, C1, C2, SC, UC, M1, M2                                        |
| Sign Permit Required                                                | Yes                                                               |
| Maximum Number                                                      | One per street frontage per unit, plus three accessory wall signs |
| Maximum Area*                                                       | Within sign allowance                                             |
| Maximum Height                                                      | No higher than building eave or 25 feet above grade               |
| Maximum Projection                                                  | 12 inches from face of building                                   |
| Illumination Allowed                                                | Yes; indirect only                                                |
| *See Table 7.7 for Mountain Avenue Overlay District character areas |                                                                   |



**Table 7.7 Wall sign area – Mountain Avenue Overlay District**

|              | Berthoud West   | Residential Conversion | Downtown Commercial | Berthoud East   | Agriculture     | New Berthoud    |
|--------------|-----------------|------------------------|---------------------|-----------------|-----------------|-----------------|
| Maximum Area | 100 square feet | 35 square feet         | 60 square feet      | 100 square feet | 100 square feet | 135 square feet |

**Figure 7.15 Wall sign detail**



**Figure 7.16 Wall sign example**



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H. *Window signs.*

1. *General standards.* The following standards apply to all permanent window signs:
  - a. Permanent window signs shall be located only in those windows of the unit or space occupied by a business.
  - b. Permanent window signs shall not be displayed in windows above the ground floor level.
  - c. Permanent window signs shall not be animated.
  - d. When determining the maximum permitted number and the maximum permitted area of permanent signs, temporary window signs shall not be taken into account unless otherwise specified or regulated in this Development Code. However, in no case shall a permanent, temporary, or combination of such window signs cover more than 25 percent of any individual window area.
2. *Window sign specifications.* Specifications regulating window signs are shown on Table 7.8:

**Table 7.8 Window sign standards**

|                      |                                          |
|----------------------|------------------------------------------|
| Zones Allowed        | C1, C2, SC, UC, M1, M2                   |
| Sign Permit Required | Yes                                      |
| Maximum Number       | Unlimited, within maximum area           |
| Maximum Area         | 25 percent of any individual window area |
| Maximum Height       | Top of ground floor window               |
| Illumination Allowed | Neon only                                |

**Figure 7.17 Window sign detail**

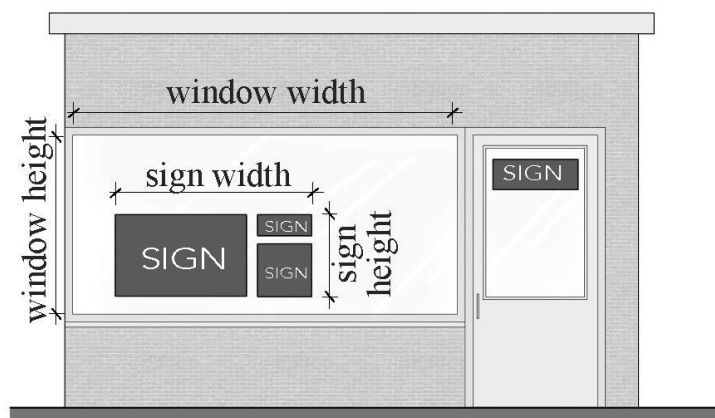


Figure 7.18 Window sign example



### 30-7-110 Temporary sign standards

- A. *Permitted temporary sign types.* The illustrations in Figure 7.19 identify the types of temporary signs permitted per this Section.
1. All temporary signs shall be located off the street right-of-way, unless otherwise granted permission for such location by the Town or the Colorado Department of Transportation (CDOT). In no case may any such sign impede the view or travel of any motorists or pedestrians or be attached to any structure within the right-of-way (i.e., may not be attached to a government sign, telephone pole, etc.).
- B. *Duration.* The purpose of temporary signs is to display messages for a temporary duration. Temporary signs shall not be used to circumvent the regulations that apply to permanent signs or to add permanent signage to a property in addition to that which is allowed by these regulations. In general, a temporary sign shall be removed as of the date that:
1. It becomes an abandoned sign;
  2. It falls into disrepair; or
  3. The expiration of the number of days in the tables below.

Figure 7.19: Temporary Sign Types



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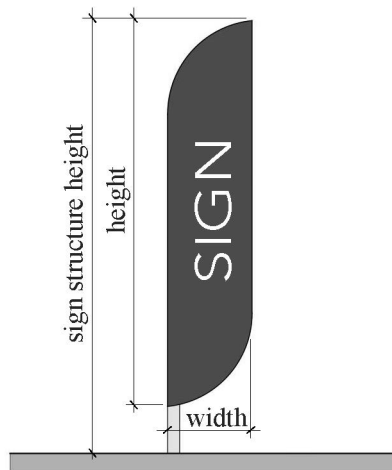
C. *Banner signs.*

1. *Special event limitation.* Temporary banner signs are limited to special events as defined in Sec. 30-1-116 Definitions. This limitation also extends to portable signs, promotional tents or other signs not permanently affixed or attached to the ground or to any structure, with the exception of site signs, yard signs and sidewalk signs as regulated in this Section.
2. *General standards.* The following standards apply to all banner signs:
  - a. Banner signs shall be erected no sooner than 30 days prior and removed no later than five days after the event.
  - b. Banner signs shall be securely attached to the wall of the establishment or light poles on private property.
  - c. Wind banner signs shall be securely attached to the ground on private property.
3. *Banner sign specifications.* Specifications regulating banner signs are shown on Table 7.9:

**Table 7.9 Banner sign standards**

|                                  |                                                      |
|----------------------------------|------------------------------------------------------|
| Zones Allowed                    | All                                                  |
| Sign Permit Required             | Yes                                                  |
| Maximum Number                   | One per street frontage                              |
| Maximum Area<br>(height x width) | 60 square feet                                       |
| Illumination Allowed             | No                                                   |
| Maximum Time Permitted           | 30 days; no more than two times per<br>calendar year |

**Figure 7.20 Banner sign detail – ground mount**



**Figure 7.21 Banner sign example – ground mount**



**Figure 7.22 Banner sign example – wall mount**



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D. *Sidewalk signs.*

1. General standards. The following standards apply to all sidewalk signs:
  - a. A sidewalk sign shall be placed only on the property of the business displaying such sign, or on the adjacent sidewalk. See Section 30-7-111 Off-premise sign standards regarding sign permits issued prior to \_\_\_\_\_, 2024 for off-premise sidewalk signs.
  - b. All such signs shall be located off the street right-of-way, unless otherwise granted permission for such location by the Town or the Colorado Department of Transportation (CDOT).
  - c. Sidewalk signs must be removed upon close of business each day and may be replaced the following day.
  - d. Plastic sidewalk sign frames are not allowed.
  - e. A sidewalk sign shall not obstruct pedestrian or vehicular circulation. Any sidewalk sign that is deemed unsafe for pedestrians or motorists may be removed by the Town.
  - f. Sidewalk signs must be anchored to the ground or weighted sufficiently to prevent movement by wind.
2. Sidewalk sign specifications. Specifications regulating sidewalk signs are shown on Table 7.10:

**Table 7.10 Sidewalk sign standards**

|                                  |                                 |
|----------------------------------|---------------------------------|
| Zones Allowed                    | C1, C2, SC, UC                  |
| Sign Permit Required             | Yes                             |
| Maximum Number                   | One                             |
| Maximum Area<br>(height x width) | Eight square feet               |
| Maximum Height                   | 48 inches                       |
| Maximum Width                    | 24 inches                       |
| Min. Pedestrian Clearance        | Four feet                       |
| Illumination Allowed             | No                              |
| Maximum Time Permitted           | Daily; subject to C. 1.c. above |

Figure 7.23 Sidewalk sign detail

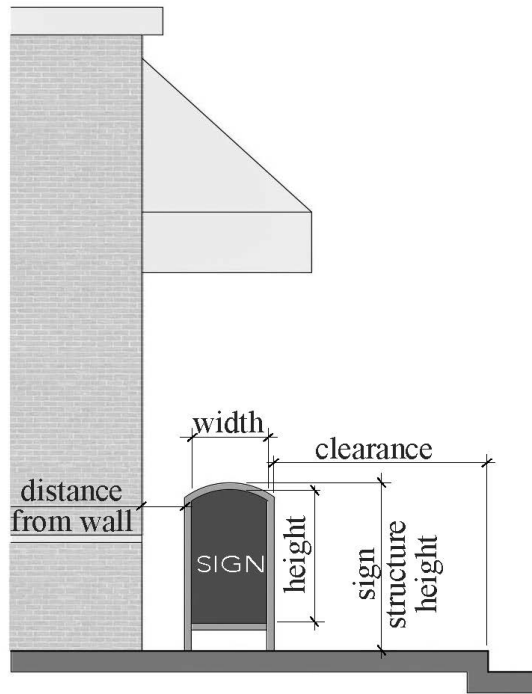


Figure 7.24 Sidewalk sign example



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E. *Site Signs.*

1. *General standards.* The following standards apply to all site signs:
  - a. Site signs are only allowed on properties with active listings for sale or for rent, or on lots under construction with active building permits, and are not permitted on parcels with existing or built-out residential or non-residential uses.
  - b. Only one such sign oriented per street front per premises shall be erected. Any two such signs located on the same premises shall be located at least 100 feet apart as measured using a straight line.
  - c. See Sec. 30-5-102 J *Signage* for construction rules and regulations associated with site signs.
2. *Site sign specifications.* Specifications regulating site signs are shown on Table 7.11:

**Table 7.11 Site sign standards**

|                                      |                                                                 |
|--------------------------------------|-----------------------------------------------------------------|
| Zones Allowed                        | All                                                             |
| Sign Permit Required                 | No                                                              |
| Maximum Number                       | One per street frontage                                         |
| Maximum Area: Residential Zone       | Eight square feet, unless otherwise specified in E. 1. c above  |
| Maximum Area: Non – Residential Zone | 32 square feet                                                  |
| Illumination Allowed                 | No                                                              |
| Maximum Time Permitted               | Seven days after active listing or building permit has expired. |

**Figure 7.25 Site sign example**





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F. *Yard signs.*

1. *General standards.* The following standards apply to all yard signs:
  - a. Yard signs shall not be erected or placed in parks, alleys or in a street or other public right-of way or place.
  - b. Unless otherwise specified herein, yard signs shall be displayed not more than twice per year per dwelling unit.
  - c. An unlimited number of yard signs are permitted within 60 days before and five days after any general or special election.
2. *Yard sign specifications.* Specifications regulating yard signs are shown on Table 7.12:

**Table 7.12 Yard sign standards**

|                                     |                                                                                                         |
|-------------------------------------|---------------------------------------------------------------------------------------------------------|
| Zones Allowed                       | All                                                                                                     |
| Sign Permit Required                | No                                                                                                      |
| Maximum Number                      | One per street frontage, unless otherwise specified in F. 1 above                                       |
| Maximum Area: Residential Use       | Eight square feet                                                                                       |
| Maximum Area: Non – Residential Use | 32 square feet                                                                                          |
| Illumination Allowed                | No                                                                                                      |
| Maximum Time Permitted              | Five days, or seven days after an active listing has expired, unless otherwise specified in F. 1. above |

**Figure 7.26 Yard sign examples**



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### **30-7-111 Off-Premise sign standards**

A. *General requirements.*

1. Off-premises signs, also known as off-site signs, are permitted with a Use by Special Review permit.
2. Off-premises signs shall not:
  - a. Interfere with pedestrian or vehicular safety;
  - b. Detract from the pedestrian quality of the surrounding area;
  - c. Add to an over-proliferation of signs on one property or in an area; or
  - d. Measure more than 4 square feet in area, except for sidewalk signs.

B. *Billboard signs.* No new billboard signs are allowed within the Town of Berthoud after May 3, 2012. Billboard signs in existence on May 3, 2012 are considered legal and non-conforming, subject to the requirements of this Code with respect to non-conforming uses.

C. *Off-premise sidewalk signs.* Sign permits issued prior to \_\_\_\_\_, 2024 remain in effect for existing off-premise sidewalk signs associated with businesses located further than one block north or south of Mountain Avenue between 2nd Street and 5th Street, or within the one block dimension but outside of the normal line-of-sight of motorists on Mountain Avenue. After \_\_\_\_\_, 2024 no additional sign permits for off-premise sidewalk signs will be issued. No new off-premise sidewalk signs are allowed.

### 30-1-116 Definitions

A. The words and phrases used in this Code shall have the meanings defined below unless otherwise specifically provided or unless clearly required by the context. Questions of definition or wording usage shall be interpreted by the Town Administrator based on the context of their usage and the intention of the section of this Code in which they occur.

1. *Access drive* means a street or right-of-way providing ingress and egress to properties adjacent to a regional thoroughfare, arterial street, collector street, or local street.
2. *Accessory building or structure* means a detached subordinate and smaller building which is:
  - a. Integrally related to the principal use on the lot;
  - b. Subordinate and clearly incidental to the principal building or use of the lot;
  - c. Customarily incidental to the principal building or use of the lot;
  - d. Located on the same lot as the principal building;
  - e. Used only at the same time as the principal building is active and operational;
  - f. Not detrimental or an alteration of the character of the area in which the building is located; and
  - g. Not used for living or sleeping quarters

An accessory building or structure shall include, but not be limited to, storage sheds and detached garages in residential and non-residential zoning districts. Microwave dishes, antennas and similar devices which have a surface area of six square feet or larger shall also be considered accessory structures and shall comply with requirements for accessory buildings and structures, including height and setback requirements of Section 3 of this Chapter.

3. *Accessory dwelling* means an apartment integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as a single-family dwelling. Accessory dwellings shall be limited to 850 square feet in floor area. For purposes of calculating residential density, each accessory dwelling shall count as one-third of a dwelling unit. There shall not be more than one accessory dwelling located on a lot in addition to the principal single-family dwelling.
4. *Accessory use* means a use of land or structure incidental to or subordinate to the principal use of a lot which is:
  - a. Integrally related to the principal use on the lot;
  - b. Subordinate and clearly incidental to the principal use of the lot;
  - c. Customarily incidental to the principal use of the lot;
  - d. Located on the same lot as the principal use;
  - e. Used only at the same time as the principal use is active and operational; and
  - f. Not detrimental nor an alteration of the character of the area in which the use is located.
5. *Adjacent* means meeting or touching at some point, or separated from a lot or parcel by one of the following: a street, alley, or other right-of-way, lake, stream or open space.
6. *Adjacent property owner* means an owner of record of any estate, right or interest in real property abutting the subject property.
7. *Affordable housing development or project* means a development or project in which: (1) at least 75 percent of the gross acreage to be developed under the plan is to be developed as residential dwelling units or mobile home park spaces; (2) at least ten percent of said dwelling units or spaces (the

"affordable housing units") are to be available for rent or purchase on the terms described in the definitions of affordable housing unit for rent or affordable housing unit for sale (as applicable); (3) the construction of the dwelling units or spaces is to occur as part of the initial phase of the project and (i) prior to the construction of the market rate units or (ii) on a proportional basis, according to the same ratio as the number of affordable units bears to the number of the market rate units; and (4) the units will be required by binding legal instrument acceptable to the Town and duly recorded with that County's Clerk and Recorder, to be occupied by and affordable to low-income households for at least 20 years.

8. *Affordable housing unit for rent* means a dwelling unit which is available for rent on terms that would be affordable to households earning 80 percent or less of the median income of that County's residents, as adjusted for family size, and paying less than 30 percent of their gross income for housing, including rent and utilities. The unit must be occupied by and be affordable to such low-income household(s) for a period of at least 20 years.
9. *Affordable housing unit for sale* means a dwelling unit which is available for purchase on terms that would be affordable to households earning 80 percent or less of the median income of Larimer or Weld County residents, as adjusted for family size and paying less than 38 percent of their gross income for housing, including principal, interest, taxes, insurance, utilities and homeowners' association fees. The unit must be occupied by and affordable to such low-income household(s) for a period of at least 20 years or more.
10. *Agricultural activity* means farming, including plowing, tillage, cropping, seeding, cultivating or harvesting for the production of food and fiber products; horticulture, the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise. Agricultural activity shall not include the cultivation of marijuana.
11. *Agricultural land* means land that is being used for agricultural activities.
12. *Alley* means a public or private minor or secondary way which is used primarily for vehicular service access to the back or side of properties that otherwise abut a street, as described in Section 30-2-105.
13. *Alteration* means any change, addition or modification in construction, occupancy or use.
14. *Alternative power generation facilities* means any use of land in which alternative energies are produced. Alternative energies are those energy sources that are an alternative to fossil fuels, including but not limited to: solar, wind, biofuel, and hydrogen.
15. *Amusement center* means an establishment providing primarily enclosed recreation activities including, but not limited to bowling, roller skating or ice skating, billiards, swimming pools, motion picture theaters, and related amusements. Accessory uses may include the preparation, serving and sale of food and/or sale or rental of equipment related to the uses.
16. *Amusement park* means an outdoor enterprise whose main purpose is to provide the general public with entertaining activity, where tickets are sold or fees collected at the activity. Commercial amusements include miniature golf courses, outdoor arcades, Ferris wheels, children's rides, roller coasters, skateboard parks, go-cart tracks, water parks and similar uses.
17. *Animal boarding* means the operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.
18. *Animals, domestic* means common household pets, such as dogs and cats, kept for amusement, companionship, decoration or interest.
19. *Animals, food* means fish, fowl, cattle, swine, sheep and others raised for the purpose of food consumption.

20. *Animals, wild* means animals, such as wolves, tigers, lions and snakes that are not normally a domestic animal or farm animal and would ordinarily be confined in a zoo or found in the wild.
21. *Animated sign* means a sign having an intermittent or continuing variation in the illumination or physical position of any part of the device, except such variations necessary for displaying time-of-day information or temperature information.
22. *Annexation* means the act of attaching, adding, joining, or uniting a parcel of land to the legal entity known as the Town of Berthoud.
23. *Appeal* means a request by an applicant to the Board of Adjustment or Town Board for a review of an administrative interpretation of any provision of this Chapter or a request for a variance.
24. *Applicant* means the owner of land; the owner's authorized representative, or the optionee of the land, as well as mineral owners and lessees; or the Developer applying for an approval by the Town pursuant to this Chapter.
25. *Appurtenances* mean the visible, functional, or ornamental objects accessory to and part of a building.
26. *Aquifer recharge area* means an area where water is absorbed into a natural aquifer adding to the zone of saturation.
27. *Arcade* means a series of arches supported on piers or columns.
28. *Area light* means a light that produces over 2,050 lumens. Area lights include, but are not limited to, street lights, parking lot lights and yard lights.
29. *Area of lot* means the total horizontal area within the lot line boundaries of a lot.
30. *Area of special flood hazard* means the area covered by the floodwaters of the base flood, and are typically delineated on National Flood Insurance Program (NFIP) maps.
31. *Automatic timing device* means a device that automatically controls the operation of a light fixture or fixtures, circuit or circuits. Photocells and light and or motion sensors should be considered automatic-timing devices
32. *Automotive repair, (major)* means an establishment primarily engaged in the repair or maintenance of commercial and heavy truck motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, provided it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.
33. *Automotive repair, (minor)* means an establishment primarily engaged in the repair or maintenance of passenger and light truck motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, car washing, detailing, polishing or the like, provided it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.
34. *Average footcandle* means the level of light measured at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at four to five feet above the ground.
35. *Awning* means a fixed or movable roof-like cover of canvas or other material extending in front of a doorway or window, or over a deck, to provide protection from the sun or rain.
- ~~36. *Awning sign* means a sign which is painted, stitched, sewn or stained onto the exterior of an awning.~~
- ~~37. *Banner* means any sign intended to be hung either with or without frames, possessing characters, letter, illustrations or ornamentations applied to paper, plastic, vinyl or fabric of any kind.~~

38. *Bar or tavern* means an establishment providing or dispensing fermented malt beverages, and/or malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.
39. *Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood, and is a standard used by the National Flood Insurance Program (NFIP).
40. *Beacon, revolving* means a rotating or blinking source of light or electronic simulation of a revolving source of light.
- 40.1. *Bed and breakfast* means an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.
- 40.2. *Berm* means an earthen barrier of compacted soils preventing the passage of liquid materials, or providing screening from adjacent uses.
- 40.3. *Bicycle parking, enclosed* shall mean bicycle storage in lockers, a room or other space within a parking structure or other building, including a shed or carport. All types of enclosed bicycle storage must be easily accessible to entrances and walkways, secure, lighted and protected from the weather. Each storage space shall provide a minimum of six square feet in area. The storage space shall not impede fire exits or be located so that parked bicycles interfere with public access.
- 40.4. *Bicycle parking, fixed* shall mean bicycle parking that allows the bicycle frame and both wheels to be securely locked to the parking structure. The structure shall be of permanent construction such as heavy gauge tubular steel with angle bars permanently attached to the pavement foundation. Fixed bicycle parking facilities shall be at least two feet in width and five and one-half feet in length, with additional back-out or maneuvering space of at least five feet.
- 40.5. *Bikeway* means a path designed for use by bicyclists, which may be used by pedestrians.
- 40.6. *Bike lane* means a dedicated lane of a street intended for use by bicycles.
- 40.7. *Billboard* means a sign advertising products not made, sold, used, or served on the premise displaying the sign.
- 40.8. *Blank wall* means an exterior building wall with no openings and a single material and uniform texture on a single wall plane.
- 40.9. *Block* means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands, or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.
- 40.10. *Board* means the governing body of the Town of Berthoud; also known as the Town of Berthoud Board of Trustees.
- 40.11. *Board of Adjustment* means the Town of Berthoud Planning Commission acting as the Board of Adjustment.
- 40.12. *Boarding and rooming house* means a building or portion of which is used to accommodate, for compensation, four or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word compensation shall include compensation in money, services or other things of value.
41. *Bollard* means a pole used to protect a building from impact or to close a road or path to vehicles above a certain width.
42. *Building* means any permanent or temporary structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:

- a. Is permanently affixed to the land, or
  - b. Has one or more floors and a roof.
43. *Building code(s)* means the set of standards that must be followed in the construction and remodeling of buildings and structures.
44. *Building envelope* means the two dimensional (horizontal) space within which a building or structure is permitted to be built on a lot. The size of a building envelope is typically defined by setbacks, easements, and floor-area ratio.
45. *Building frontage* means the horizontal, linear dimension of that side of a building, which abuts a street, a parking area, a mall, or other circulation area open to the public and has either a main window display or a public entrance to the building.
46. *Building height* is measured from the average of finished grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the average distance between the highest ridge and its eave of a gable, hip, or gambrel roof.
47. *Building Official* means a person or persons charged with implementing and enforcing provisions of the Building Code.
48. *Bulb* means the source of electric light — to be distinguished from the whole assembly (See Luminaire).
49. *Business* means any lawful commercial endeavor to engage in the manufacturing, purchase, sale, lease or exchange of goods and/or the provision of services.
50. *CBT Unit* means a Unit of the Colorado Big Thompson Project. A CBT Unit shall be defined to have a firm yield of 0.6 acre feet.
51. *Caliper* means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six inches above the ground for trees up to and including four-inch caliper size, and as measured at 12 inches above the ground for larger sizes.
52. *Candela (cd)* means a unit of luminous intensity.
53. *Canopy* means an ornamental or functional roof-like structure which is supported from the façade of a building. It may or may not be supported by columns.
- ~~54. *Canopy sign* means a sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.~~
55. *Cantilever* means an architectural element which projects from a structure and is supported at only one end.
56. *Cash in lieu of water dedication* means a separate and distinct fee from water taps, as required in Section 30-1-105 hereof, which fee shall be utilized primarily to acquire water rights and necessary facilities for all beneficial uses within the Town. The Town shall issue a Certification of Water Dedication Credits for cash in lieu of water dedication payments for future development of the Town.
57. *Cash-in-lieu* (also known as "fee-in-lieu") for all purposes except water dedication means that the applicant, at the discretion of Town staff with final approval by the Town Administrator, shall pay the Town money instead of dedicating land in those cases where such delivery or dedication is required.
58. *Cemetery* means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with, and within the boundaries of, such cemetery.
59. *Center line* means a line running midway between the bounding right-of-way lines of a street or alley. Where the bounding lines are irregular, the center line shall be determined by the Town Planner or Town Engineer.

60. *Certificate of occupancy* means a certificate issued by the Town only for the benefit of the Town after final inspection and upon a finding that the building, structure, site and/or development complies with all provisions of the applicable Town codes, permits, requirements and approved plans.
61. *Change in use or Change in Land Use* means a change in the purpose or activity for which a particular piece of land or its buildings is designed, arranged or intended or for which it is occupied or maintained as provided in the zoning regulations for the zone district in which the land is located.
62. *Chapter* means Chapter 30 of the Berthoud Municipal Code, also referred to as the Berthoud Development Code, both also referred to as this Code.
63. *Character* means those attributes, qualities and features that make up and distinguish a building or development and give it a sense of purpose, function, definition and uniqueness.
64. *Child care center* shall have the same definition as C.R.S. §26-6-102 (1.5) in effect at the time of interpretation.
65. *Child care home* means a residential home providing care to no more than six children.
66. *Child care home, large* means a family child care home that provides care for seven to 12 children.
67. *Church or place of worship and assembly* means a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. Church or place of worship and assembly shall include churches, synagogues or the like, but shall not include buildings used for commercial endeavors, including, but not limited to, commercial motion picture houses or stage productions.
68. *Clerestory* means a portion of an interior rising above adjacent rooftops and having windows admitting daylight to the interior.
69. *Clinic* means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.
70. *Clubs and lodges* means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.
71. *Commercial mineral deposits* mean oil, gas, gravel and other natural deposits that may be extracted from a property for economic benefit.
72. *Common area* means an area of land and buildings within a residential development which is developed for the use and enjoyment of all residents of the project, as distinguished from land designated for their individual, private use.
73. *Common equestrian stabling and grazing* means shared pastures and/or common barns for horses in a conservation subdivision and which is owned and maintained by a homeowner's association.
74. *Community Design Standards* means the standards set forth in Chapter 30, Section 2: Design Standards.
75. *Community facility* means a publicly owned facility or office building which is primarily intended to serve the recreational, educational, cultural, and administrative or entertainment needs of the community as a whole.
76. *Community influence area (CIA)* means the area extending three miles or more beyond the Town's municipal boundaries, for which the Town may be statutorily required to undertake general land use planning activities.
77. *Compatibility* means the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include



height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals to nearby existing and proposed development.

78. *Comprehensive Plan* means the adopted Town of Berthoud Comprehensive Plan, as amended.
79. *Compressed gravel* means gravel that has 95 percent compaction at standard proctor densities at two percent  $\pm$  optimum moisture content.
80. *Condominium* means a single dwelling unit in a multiple unit structure or a commercial/industrial building which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.
81. *Conservation easement* means a right to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space, or historical importance.
82. *Construction documents* means the written specifications and drawings showing the specific location and design of improvements to be installed for the subdivision or development project in accordance with all applicable requirements and land uses.
83. *Container* (also known as cargo or shipping container) means a truck trailer body or a shipping container that can be detached from the chassis for loading into a vessel, a rail car or stacked in a container depot. Containers may be ventilated, insulated, refrigerated, flat rack, vehicle rack, open top, bulk liquid or equipped with interior devices. Containers are intended for the temporary and mobile transport of goods, and may not be permitted for permanent use as storage, or as a permanent building.
84. *Convenience retail store* means a retail store containing less than 5,000 square feet of gross floor area which sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs and sundries.
85. *Convenience shopping center* means a shopping and service center located in a complex which is planned, developed and managed as a single unit, and located within and intended to primarily serve the consumer demands of adjacent employment areas and residences.
86. *Cooperative Planning Area (CPA)* means the broader region within which land use activities are deemed to potentially impact the Town. While the Town may not have land use jurisdiction over much of this area, it is considered to be an area of significant planning influence.
87. *Cornice* means a continuous, molded projection that crowns a wall or other construction, or divides it horizontally.
88. *Covenant* means a private written agreement outlining regulations specific to a development. It is not enforced by the Town. No covenant shall be construed to be a waiver or modification of a requirement of this Code.
89. *Critical feature of Flood Control System Critical feature* means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
90. *Critical plant community* means vegetation which is essential to the conservation of threatened or endangered species and which may require special management considerations or protection.
91. *Crosswalk* means a designated area for pedestrians to cross a street or other right-of-way.
92. *Cul-de-sac* means a local street with only one outlet and having the other end for the reversal of traffic movement.

93. *Cultural assets* means buildings, locations and other features considered historically or socially significant to the community.
94. *Dedicated land* means land transferred to the Town by platting, title, deed or other legal method approved by the Town Attorney.
95. *Dedication* means any grant to a public entity by a landowner of a right to use that land for public purposes. It involves a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.
96. *Density (gross)* means the overall average number of dwelling units located in a development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of residential units by the total acreage contained within a development.
97. *Density (net)* means the number of dwelling units located in a development divided by the developable area. Developable area includes the entire residential portion of the development, except land dedicated for public and private streets, detention ponds, third-party easements, rights-of-way, parks, open space, and other land areas open to the public.
98. *Design standards* mean the standards that set forth specific requirements for buildings and infrastructure.
99. *Detached structure* means any structure having no party wall or common wall with another structure. Bridges, tunnels and other similar means of connecting one structure to another shall not be considered to constitute a party wall or a common wall.
100. *Detention basin* means a man-made or natural water collection facility designed to collect surface and sub-surface water in order to impede its flow and to release the water into natural or manmade outlets at a rate that is not greater than the rate of flow prior to the development of the property.
101. *Developer* means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.
102. *Development* means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two or more parcels. When appropriate in context, development shall also mean the act of developing or the result of development.
  - a. Development shall also include:
    - i. Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
    - ii. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
    - iii. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
    - iv. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;
    - v. The demolition of a structure;
    - vi. The clearing of land as an adjunct of construction;
    - vii. The deposit of refuse, solid or liquid waste, or fill on a parcel of land;
    - viii. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property;

- ix. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area; and
  - x. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- b. Development shall not include:
- i. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
  - ii. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing on established rights-of-way any mains, pipes, cables, utility tunnels, power lines, towers, poles, or other infrastructure. This exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity;
  - iii. The maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;
  - iv. The use of any land for an agricultural activity;
  - v. A change in the ownership or form of ownership of any parcel or structure; or
  - vi. The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.
103. *Development agreement* means an agreement by a developer with the Town which clearly establishes the developer's responsibility regarding project phasing, the provision of public and private facilities and improvements and any other mutually agreed to terms and requirements.
104. *Development plan* means the written and graphical documents that detail the provisions for development of a Planned Unit Development (PUD). These provisions may include, and need not be limited to, easements, covenants and restrictions relating to: use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrians, areas, and parking facilities; common open space, and other public facilities.
105. *Developmental disability* means a disability that is manifested before the person reaches 22 years of age; constitutes a substantial handicap to the affected individual; and is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a mentally retarded person.
106. *Distillery* means any establishment where spirituous liquors are manufactured. Distilleries may include a tasting room and retail sales where such manufactured liquors may be sold and consumed on-site. Distilleries are regulated and licensed in accordance with the Colorado Department of Revenue Liquor Enforcement Division.
107. *Dormer* means a projecting structure built out from a sloping roof, usually with a vertical window or vent.
108. *Downtown* means the central business district of the Town. The boundary of downtown may change as the Town grows.
109. *Drive aisle* means the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term drive aisle does not include lanes used only, or primarily for, drive-in customer service.

110. *Drive-through use* means an establishment which by design, physical facilities, service, product or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.
111. *Driveway* means a constructed vehicular access serving one or more properties and abutting a public or private road.
112. *Dwelling* means a building used primarily for residential occupancy, including single-family dwellings, two-family dwellings and multi-family dwellings. Dwellings may include home occupations as defined by this Code.
113. *Dwelling, multi-family* means a dwelling containing three or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.
114. *Dwelling, single-family* means a building designed exclusively for occupancy by one family, but not including mobile homes, except as otherwise provided herein.
115. *Dwelling, single-family attached* means a residential building containing dwelling units, each of which primary ground floor has access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.
116. *Dwelling, single-family detached* means a single-family dwelling which is not attached to any other dwelling or building by any means, excluding mobile homes.
117. *Dwelling, two-family* means a building designed for occupancy by two families living independently of each other.
118. *Dwelling unit* means any building or a portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by the International Building Code or the International Residential Code, as locally amended.
119. *Easement* means a right generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.
120. *Eave* means the overhanging lower edge of a roof.
121. *Eighty-five-degree full cut-off type fixtures* means fixtures that do not allow light to escape above an 85-degree angle measured from a vertical line from the center of the lamp extended to the ground.
122. *Elevation* means the external vertical plane of a building.
123. *Employment campus* means an area characterized by single and multi-tenant uses commonly including corporate headquarters, research and development facilities, laboratories, offices and light industrial uses.
124. *Engineer* means a professional engineer licensed by the State of Colorado.
125. *Entertainment facilities and theaters* mean a building or part of a building devoted to showing live performances.
126. *Environmentally sensitive areas* mean aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, and ridge lines.
127. *Equipment (small) rental establishments without outdoor sales* means the display of equipment entirely within a building for sale or rent, and outdoor storage or display of equipment is not permitted. Equipment allowed through this definition are typically hand-operated, intended to be stored indoors, and geared to the general public and not the construction industry, such as ladders, blowers, mowers, saws, generators, etc.
128. *Equipment rental (heavy) establishments with outdoor sales* means the display of heavy equipment outside of a building for sale or rental purposes. Examples of such equipment includes, but is not limited to tractors, dozers, cranes, harvesters, etc.

129. *Exhaust pipe* means a pipe used to guide waste exhaust gases away from a controlled combustion inside an engine or stove.
130. *Exhaust vent* means a continuous open passageway from the flue collar or draft hood of the appliance to the outside atmosphere for the purpose of removing flue gases.
131. *Exotic animals* means all animals raised or boarded that are not commonly classified as household pets or livestock, but are wild in nature and may have the ability to inflict bodily harm on humans, including snakes in excess of four feet in length.
132. *Extension of water service* means any extension of the Town water service for which a tapping charge is assessed or any increase in Town water service resulting from a Change in Land Use.
133. *Exterior lighting* means temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting.
134. *Façade* means the elevation or exterior face of a building.
135. *Family* means an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:
- a. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or
  - b. Any unrelated group of persons consisting of:
    - i. Not more than three persons; or
    - ii. Not more than two unrelated adults and their children, if any; or
    - iii. Not more than eight developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single, housekeeping unit; or
  - c. Not more than one individual related by blood, marriage or adoption who is required to register as a sexual offender under the provisions of Colorado law.
136. *Farm animals* means animals commonly raised or kept in an agricultural, rather than urban, environment including but not limited to, chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules.
137. *Feedlot* means any tract of land or structure, pen or corral, wherein cattle, sheep, goats, emus, ostriches or swine are maintained in close quarters for the purpose of raising such livestock.
138. *FEMA* means Federal Emergency Management Agency.
139. *Fence* means any structure that is comprised of posts, boards, wire, stakes, rails or any combination of similar elements that provides a physical barrier, enclosure or boundary.
- ~~140. *Fence sign* means a sign affixed in any way to or painted on any part of a fence.~~
141. *FHA* means Federal Housing Administration.
142. *Final acceptance* means the acknowledgement by the Town that the guaranty or warranty period for public improvements has expired and there are no outstanding items to be corrected under the provisions of the guaranty or warranty.
143. *Final Development Plan (FDP)* means a development review process under previous versions of the Land Development Code.
144. *Final plat* means a completed map of a subdivision setting forth fully and accurately all legal information, survey certification and any accompanying materials as required by this Code.

145. *Fixture* means the assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control; such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.
146. *Flood* or *flooding* means a temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff or surface waters from any source.
147. *Floodplain* or *flood hazard area* means areas which have been designated by the Board, the Colorado Water Conservation Board or FEMA as susceptible to flooding.
148. *Floodprone* means areas subject to flooding which have not been designated as a floodplain or flood hazard area by the Board, the Colorado Water Conservancy Board or FEMA.
149. *Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.5 foot.
150. *Flood Insurance Rate Map (FIRM)* means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
151. *Flood Insurance Study* means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
152. *Flood light* means light that produces up to 1,800 lumens and is designed to "flood" a well-defined area with light. Generally, floodlights produce from 1,000 to 1,800 lumens.
153. *Floor area*, also called *gross floor area*, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas, and not including one-half of all storage and display areas for durable goods.
154. *Floor Area Ratio (FAR)* means the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.
155. *Flow line* means the low point within a street section wherein water collects and flows, typically the gutters along each edge of the pavement.
156. *Footprint*, also called *ground level footprint*, means the outline of a building's perimeter at ground level.
157. *Foot-candle* means the illumination produced on a surface one foot from a uniform point source of one candela. Foot-candles will be measured by a light meter.
158. *Foster care home* shall have the same meaning as §26-6-102(4.5) of the Colorado Revised Statutes applicable at the time of interpretation.
159. ~~*Freestanding sign* means a sign includes only a sign which is supported by one or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground and shall also include a monument sign, and pole signs but does not include a sign attached to a structure.~~
160. *Frontage* means the length of property along one side of a street between property or lease boundary lines.
161. *Full cutoff fixture* means a fixture which, as installed, gives no emission of light above a horizontal plane.

162. *Functional open space* means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat or preservation of areas of agricultural, archeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.
163. *Funeral home* means a building used for the preparation of deceased persons for burial or cremation, for the display of deceased persons and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies.
164. *Gable* means the triangular portion of wall enclosing the end of a pitched roof from cornice or eaves to ridge.
165. *Garage* means a building or part of a building wherein motor vehicles are housed or stored.
166. *Gasoline station* means any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold and in which light maintenance activities such as engine tune-ups, lubrication and minor repairs may be conducted. Gasoline stations shall not include premises where heavy automobile maintenance activities such as engine overhaul, automobile painting and body and fender work are conducted.
167. *Geologic hazards* mean unstable or potentially unstable slopes, undermining, faulting, landslides, rock falls, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.
168. *Glare* means intense light that results in discomfort and/or a reduction of visual performance and visibility.
169. *Grade* means the degree of rise or descent of a sloping surface.
170. *Grade, finished* means the final elevation of the ground surface after development.
171. *Grade, natural* means the elevation of the ground surface in its natural state, before man-made alterations.
172. *Grocery store, large* means a retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies a space greater than 25,000 square feet. The term large grocery store is synonymous with supermarket.
173. *Grocery store, small* means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not more than 25,000 square feet.
174. *Gross square footage (GSF)* means the total floor area designed for occupancy and use, including basements, mezzanines, stairways and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.
175. *Group home, developmentally disabled* means a group home, licensed by the state, for the exclusive use of not more than eight developmentally disabled persons and the appropriate staff.
176. *Group home, elderly* means an owner-occupied or nonprofit group home for the exclusive use of not more than eight persons 60 years of age or older and the appropriate staff.
- a. "Nonprofit group home" means a group home for the elderly which is owned and operated by a person or organization as provided by 31-23-303, C.R.S., 1973.
  - b. "Owner-occupied group home" means a group home for the elderly which is owned and operated by an individual or individuals who actually reside at and maintain their primary place of residence in the group home.
177. *Group home, mentally ill* means a group home, licensed by the state, for the exclusive use of not more than eight mentally ill persons and the appropriate staff.

178. *Growth Management Area (GMA)* means the existing incorporated area of the Town as well as additional areas outside of the current Town limits determined to be feasible for development at greater than county densities within the next 20 years.
179. *Guaranty* means any form of security in an appropriate amount and form satisfactory to the Town. "Guaranty" shall cover construction performance and warranty term provisions.
180. *Guest house* means an accessory structure which is physically detached from a single-family dwelling unit, is serviced through the same utility meters or connections as the principal use, and is intended for temporary occupancy by visitors to the family residing in the single-family dwelling.
181. *Health club* means a facility that provides physical fitness services and/or equipment to its members.
182. *Highway, corridor* means the area within and adjacent to the rights-of-way of Colorado Highway 56, Colorado Highway 287 and Interstate 25.
183. *High intensity activity node* means a land use that caters to the needs of local residents and visitors alike and may contain a wide palette of uses that include commercial, office, residential, civic and transit amenities.
184. *Hip roof* means a roof having sloping ends and sides meeting at an inclined projecting angle.
185. *Historic district* means an area related by historical events or themes by visual continuity or character or by some other special feature that helps give it a unique historical identity. Such area may be designated a historic district by local, state, or federal government and given official status and protection.
186. *Historic site* means a structure or place of historical significance. Such structure or place may be designated a historic site by local, state, or federal government and given official status.
187. *Holiday lighting* means festoon type lights, limited to small individual bulbs on a string, where the output per bulb is no greater than 15 lumens.
188. *Home occupation* means an occupation or business activity conducted by the resident which results in a product or service and which is actively conducted by a person on the same lot on which the person resides.
189. *Homeowners association* means the association set up to enforce the covenants and to maintain all common areas and buildings for a development. Also known as an "Owners Association."
190. *Horticulture* means the growing of turf, fruits, vegetables, herbs, flowers or ornamental plants.
191. *Hospital* means an institution providing health services for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training and central services facilities and staff offices.
192. *Hotel/motel/lodging establishment* means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are 12 or more guest rooms.
193. *Household pet* means any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter, not including animals defined as livestock, exotic animals or animals capable of inflicting substantial physical harm to humans. Includes dogs, domestic cats, canaries, parrots, pygmy goats, hamsters, ferrets, potbellied pigs, guinea pigs and similar rodents, fish, reptiles, rabbits and such other species as would normally be sold at a pet shop.
194. *Human scale (pedestrian scale)* means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.



195. *I-25 corridor/Hwy. 56 gateways* means the land near this intersection that may include bridge enhancements, entrance monumentation and special landscape treatments designed to announce entrance into the community.
196. *Illuminance* means the amount of light that covers a surface, measured by foot-candle or lux.
197. *Illuminating device* means the following:
1. *Light fixture types*
    - a. *Full cutoff fixture types* — A fixture which, as installed, gives no emission of light above a horizontal plane.
    - b. *Floodlights and spotlights* — Fixtures defined as having a full beam width or beam spread of less than 110 degrees.
  2. *Lamp types*
    - a. *Incandescent lamps* — Lamps which produce light via an electrically heated metallic filament.
    - b. *Fluorescent lamps* — Lamps that use fluorescence of a phosphor to produce visible light.
198. *High intensity discharge (HID) lamps* mean lamps, which produce visible light directly by the electrical heating or excitation of a gas. Examples of such lighting include, but are not limited to, Metal Halide, High Pressure Sodium, Low Pressure Sodium and Mercury Vapor. Fluorescent lights are not considered HID lighting.
199. *Illumination, concealed* means an artificial light source either internal to a sign structure or shielded from public view and from the surrounding properties used to illuminate only the face of a sign and not any area beyond the face.
200. *Illumination, direct* means lighting by means of an unshielded light source (including neon tubing) which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.
201. *Illumination, [external or](#) indirect* means lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination; e.g., parking lot lights, or lights inside a building that may silhouette a window sign but are primarily installed to serve as inside illumination.
202. *Illumination, internal* means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are made of a translucent material.
203. *Industrial, Heavy* means uses engaged in the processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. Heavy industrial also means those uses engaged in the cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, truck terminals, public works yards, and container storage.
204. *Industrial, light* means uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare and vibration resulting from the manufacturing activity are contained entirely within the building. Light industrial shall also mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like. Light industrial shall not

include uses such as mining and extracting industries, petrochemical industries, rubber refining, and primary metal or related industries.

205. ~~*Informational sign* means a noncommercial sign the sole purpose of which is to convey information or directions with respect to the premises on which it is maintained.~~
206. *Infrastructure* means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.
207. *Initial acceptance* means an acknowledgment by the Town that to the best of the Town's knowledge, all work has been completed in accordance with the plans and specifications.
208. *Inn* means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are less than 12 guest rooms. *Integrate* means to combine or coordinate separate elements (such as housing, recreation, jobs, and shopping) to provide a harmonious, interrelated whole; organized or structured so that constituent parts function cooperatively.
209. *Intra-neighborhood connections* mean connections (such as trails and roads) within the same neighborhood.
210. *Inter-neighborhood connections* mean connections (such as trails and roads) between neighborhoods.
211. *Irrigation ditch* or *canal* means a channel designed to transport irrigation water.
212. *Junk* means scrap brass, iron, lead, tin, zinc; all other scrap metals and the alloys; bones; rags; used cloth, rope, rubber, tinfoil, bottles; old or used machinery of any type; used tools; used appliances; used lumber or crates; building materials; industrial equipment, fabrication of any material; used pipe or pipe fittings; used conduit or conduit fittings; used automobile parts; derelict vehicles, farm and heavy equipment construction vehicles; used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.
213. *Junkyard* means a building, structure or parcel of land, or portion thereof, used for collecting, displaying, storing, selling or reselling junk. Junkyards shall not include a recycling facility.
214. *Kenel* means a facility licensed to house dogs, cats or other household pets and/or where grooming, breeding, boarding or training or selling of animals is conducted as business.
215. *Laboratory* and/or *research facility* means a facility primarily engaged in scientific research, analysis, production, and/or experimentation of a product.
216. *Lamp* or *bulb* means the light-producing source installed in the socket portion of a luminaire.
217. *Landowner* means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assigns of such ownership interests.
218. *Landscaping* means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools or fountains. Landscaping shall also include irrigation systems, mulches, topsoil and soil preparation, re-vegetation and the preservation, protection and replacement of existing trees.
219. *Land improvements* means physical changes made to land and/or structure placed on or under the land surface in order to change the natural or preexisting conditions of the land.
220. *Lane* means a private street, portion of a roadway delineated for a single line of vehicles; or a secondary means of access to the lots abutting a street and not intended for general traffic circulation.

221. *Laundry and dry-cleaning retail outlet* means a laundry or dry-cleaning business which consists primarily of serving retail customers, provided that any laundry and dry-cleaning processing that occurs on the premises is limited to items which are brought directly to the premises by the retail customer.
222. *Legal building site* means a lot that can be developed within the provisions of this Code and within other rules and regulations adopted by the Town.
223. *Levee* means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
224. *Levee system* means a flood protection system which consists of a levee or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
225. *Light pollution* means any adverse effect of manmade light including, but not limited to, light trespass, up-lighting, the uncomfortable distraction to the eye, or any man made light that diminishes the ability to view the night sky. Often used to denote urban sky glow.
226. *Light trespass* means any light emitted by a luminaire falls where it is not wanted or needed or shines beyond the property on which the luminaire is installed.
227. *Lighting* means any or all parts of a luminaire that function to produce light.
228. *Lighting, indirect* when applied to the lighting of signs, shall mean reflected light only from a concealed light source outside the sign face which reflects from the sign face only or from the sign face and sign copy.
229. *Limited indoor recreation facility* means a place where recreation activities occur completely within an enclosed structure including but not limited to bowling alleys, skating rinks, pool halls, and video and pinball parlors.
230. *Limited outdoor recreation facility* means a place with outdoor activities including but not limited to miniature golf, batting cages, water slides, skateboard parks, driving ranges, and go-cart tracks.
231. *Livestock* means cows, horses, swine, goats, donkeys, mules, sheep or chickens.
232. *Long-term care facility* means any of the following:
- a. *Convalescent center* means a health care institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.
  - b. *Nursing care facility* means a health care institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients that require regular medical care and 24-hour per day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State of Colorado. The nursing services shall be organized and maintained to provide 24-hour per day nursing services under the direction of a registered professional nurse employed full time.
  - c. *Intermediate health care facility* means a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and 24-hour per day nursing services are required.
233. *Lot* means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area, and to

provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.

- 234. *Lot, corner* means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees. All corner lots shall have one front yard, one back or rear yard and two side yards. The Town Planner and Building Official shall designate these yards and will base their decision on the orientation of the structure on the lot and the street to which the structure is addressed to.
- 235. *Lot depth* means the average distance between the front lot line and the rear lot line.
- 236. *Lot, flag* means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes a narrow access strip connecting the main building site with the frontage street.
- 237. *Lot line, front* means the property line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.
- 238. *Lot line, rear* means the line opposite the front lot line.
- 239. *Lot, reverse corner* means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.
- 240. *Lot line, side* means any lot lines other than the front lot line or rear lot line.
- 241. *Lot size* means the total horizontal area within the lot lines of a lot; synonymous with area of lot.
- 242. *Lot width* means the distance parallel to the front lot line, measured at the front building setback line. Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.
- 243. *Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.
- 244. *Lumen* means a unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One foot-candle is one lumen per square foot. One lux is one lumen per square meter.
- 245. *Luminaire* means the complete lighting unit, including the lamp, the fixture, and other parts.
- 246. *Luminance* means at a point and in a given direction, the luminous intensity in the given direction produced by an element of the surface surrounding the point divided by the area of the projection of the element on a plane perpendicular to the given direction. Units: candelas per unit area. The luminance is the perceived brightness that can be seen, the visual effect of the illuminance, reflected, emitted or transmitted from a surface.
- 247. *Machine shop* means a workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts.
- 248. *Management Agency* means the agency in charge of the "208 Water Quality Plan" in the Berthoud area.
- 249. *Manager* means the Town Manager or Administrator of the Town of Berthoud.
- 250. *Manufactured home* means a single-family dwelling which:
  - a. Is partially or entirely manufactured in a factory;

- b. Is at least 24 feet wide and 36 feet long;
  - c. Is permanently affixed to and installed on an engineered permanent foundation at the entire perimeter of the dwelling.
  - d. Has a pitched or cosmetically equivalent roof of at least 4/12 pitch, and brick, or cosmetically equivalent wood exterior siding; and
  - e. Is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. 5401, et seq., as amended.
251. *Manufacturing* means a business which makes products by hand or by machinery.
252. *Massing* means the distribution of the volume of a structure or landscape and the visual weight relationships of the various forms of a structure or landscape to one another and to the structure or landscaping as a whole.
253. *Master plan* means a development plan that shows how an entire site is proposed for development in a general fashion including a delineation of proposed construction phases.
254. *Mean sea level* means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
255. *Measurement of luminance* means a lamp output with the following characteristics:
- a. *Total output*: Measurement of total output is in lumens. This should be understood to be the initial lumen value for the lamp.
  - b. *Illuminance*: Measurements of illuminance are expressed in initial lumens per square foot. (A desktop illuminance of 20 initial lumens per square foot is adequate for most purposes.)
- In measuring illuminance, the light detector or meter should be pointed directly at the light source or sources. The intervening light path should be free of obstruction.
256. *Median* means an area in the approximate center of a street or highway which is used to separate the directional flow of traffic.
257. *Medical and dental office or clinic* means an establishment operated by one or more duly licensed members of the human health care professions including, but not limited to, physicians, dentists, chiropractors, psychiatrists and osteopaths, where patients are not lodged overnight but are admitted for outpatient examination and/or treatment.
258. *Medical marijuana center* means a person licensed pursuant to C.R.S. Title 12, Article 43.3, to operate a business as described in C.R.S. 12-43.3-402 that sells medical marijuana to registered patients or primary caregivers as defined in section 14 of article XVIII of the state constitution, but is not a primary caregiver.
259. *Medical marijuana-infused products manufacturer* means a person licensed pursuant to C.R.S. Title 12, Article 43.3 to operate a business as described in C.R.S. 12-43.3-404.
260. *Medical Marijuana Optional premises cultivation operation* means a person licensed pursuant to C.R.S. Title 12, Article 43.3 to operate a business as described in C.R.S. 12-43.3-403.
261. *Meeting place and place for public assembly* means a hall, auditorium or other suitable room or rooms used for the purpose of conducting meetings of the membership and guests of the owner of such structure. The same shall not include commercial endeavors such as commercial movie picture houses, stage productions or the like.
262. *Micro-brewery* means any establishment that manufactures malt liquors or fermented malt beverages on-site, including the sale and consumption of such beverages on-site. Micro-brewery can also mean brew pub, where food is permitted to be served for consumption on-site. Breweries and brew pubs are

regulated and licensed in accordance with the Colorado Department of Revenue Liquor Enforcement Division.

- 263. *Mini-storage warehouse* means a building or a group of buildings, not consisting of containers as defined herein, comprised of separate, individual self-storage units divided from the floor to ceiling by walls, each with an independent entrance from the exterior of the building and that are designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.
- 264. *Mixed use* shall mean the development of a lot tract or parcel of land, building or structure with two or more different uses including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
- 265. *Mixed use building* means a building designed, planned and constructed as a unit, used partially for residential use and partly for commercial uses including, but not limited to, office, retail, public uses, personal service or entertainment uses.
- 266. *Mixed use dwelling unit* means the dwelling unit in a mixed use building. For purposes of calculating residential density, each dwelling unit shall count as one-half dwelling unit.
- 267. *Mobile home* means a unit partially or entirely manufactured in a factory, built on a permanent chassis, and which is designed to be transported on streets to the place where it is to be occupied as a dwelling unit, is at least eight feet wide and 32 feet long; and is designed to be used as a dwelling without permanent foundation when connected to required utilities. A mobile home does not include a factory built home, manufactured home, or a recreational vehicle (RV).
- 268. *Model home* means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer or contractor). The dwelling may be furnished but not occupied as a residence while being used as a "model home."
- 269. *Model plans* means a set of standard plans for a home.
- 270. *Modified grid pattern* means a grid pattern of streets and blocks adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas.
- 271. *Mullion* means a slender vertical member dividing the opening for a pair of double doors, sometimes removable to permit the passage of large objects, or also, a vertical member between the lights of a window.
- 272. *Municipality* means an incorporated city or town.
- 273. *Muntin* means a strip of wood or metal that separates and holds panes of glass in a window.
- 274. *Native Seed Area* means an area that is planted using broadcast native or drought-tolerant seed mix, resulting in a drought-tolerant turf. These areas have a water dedication requirement of 0.8 acre-feet per acre.
- 275. *Natural Area* means an area that (a) is appropriately vegetated and free of weeds; (b) is capable of maintaining the existing vegetation without irrigation; (c) has been dedicated to and accepted by the Town; and (d) is a wetland under the criteria in the Wetlands Delineation Manual utilized by the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency in effect at the time of dedication to the Town. All Natural Areas shall be encumbered by a conservation easement. Natural Areas do not require any irrigation. In order to qualify as a Natural Area, the Developer must pay the Town's fees and expenses incurred in determining whether the area is a wetland and appropriately vegetated, and the Natural Area must be accepted by the Town at the Town's sole discretion by and through the Town Administrator.
- 276. *Natural preserve/open lands* means areas identified on the Town Comprehensive Plan Preferred Land Use map or related maps including but not limited to: parks, bodies of water, the Hwy. 287 buffer area,

trail corridors, conservation easements, irrigation ditches, floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features, remnant native prairie habitat, plains cottonwood galleries, and any wetland greater than one-quarter acre in size.

277. *Neighborhood* means a geographical area, the focus of which are residential uses, but also may include a mixture of activities that people need to live. A neighborhood may include a diversity of housing types, schools, parks, shopping and jobs (frequently service-type), and civic buildings.
278. *Neighborhood commercial center* means a shopping center which contains businesses that are intended to provide goods and services to the immediate neighborhood (within a one-quarter mile radius).
279. *New construction* means structures for which the start of construction or remodeling commenced on or after the effective date of this Code.
280. *Nightclub* means a bar or tavern containing more than 100 square feet of dance floor area.
- ~~281. *Noncommercial sign* means a sign that does not commercially advertise and which references any noncommercial activity or event.~~
282. *Nonconforming building* means a building or structure, or portion thereof, that does not conform to the regulations of this Code, but that was lawfully constructed under the regulations in force at the time of construction.
283. *Nonconforming sign* means a sign which does not conform to the regulations within this Code but was lawfully erected under the regulations in force at the time it was erected.
284. *Nonconforming use* means a use that does not conform to the use regulations of this Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.
285. *Noxious weeds* means plants that are determined by the State of Colorado, Larimer or Weld County, or the Town as a noxious weed or an alien plant that is aggressively invasive including but not limited to Leafy Spurge, Russian Knapweed, Spotted Knapweed, Diffuse Knapweed, Canada Thistle, Musk Thistle, Field Bindweed, Volunteer Rye, and Jointed Goatgrass.
286. *Nursing facility* means a facility, or a distinct part of a facility, which meets the state nursing home licensing standards, is maintained primarily for the care and treatment of inpatients under the direction of a physician, and meets the requirements in federal regulations for certification as a qualified provider of nursing facility services. "Nursing facility" includes private, nonprofit, or proprietary intermediate nursing facilities for the mentally retarded or developmentally disabled.
287. *Off-site improvement* means any improvement on property wholly or partly located outside the area of the property being subdivided, whether or not in the same ownership of the entity doing the subdivision.
288. *Oil and gas operation* means any structure, facility or activity which is constructed on or disturbs land in association with oil or gas drilling, production or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress and pipelines.
289. *Oil or gas well* means a well that produces oil or gas.
290. *Open space* means any land or water area with its surface open to the sky, which serves specific uses of providing park and recreation opportunities, conserving natural areas and environmental resources and protecting areas of agricultural, archeological or historical significance. Open space shall not be considered synonymous with vacant or unused land. Usable open space shall exclude areas used for off-street parking, off-street loading, service driveways, setbacks from oil and gas wells and their

appurtenances, or other hazards to the public, native open areas on steep slopes, floodways, or easements for utilities.

291. *Open space, common* means a parcel of land, an area of water, or a combination of land and water within a development designed and intended primarily for the use or enjoyment of residents, occupants and owners of that development.
292. *Open space, public* means an open space area conveyed or otherwise dedicated to the Town for public recreational or conservation uses. Public opens spaces are to be unencumbered by oil and gas wells, their appurtenances or other hazards to the public.
293. *Open Water* means a body of water, such as a pond or reservoir, whether existing or created and whether for purposes of water storage, aesthetic, or recreation, that has an adequate physical and legal water supply to maintain the open water condition year round, and that has been accepted by the Town for Open Water land use.
294. *Outdoor light fixture* means when an outdoor illuminating device, outdoor lighting or reflective surface, luminous tube, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices include, but are not limited to, lights used for:
  - a. parking lot lighting;
  - b. roadway lighting;
  - c. buildings and structures;
  - d. recreational areas;
  - e. landscape lighting;
  - f. billboards and other signs (advertising or other);
  - g. product display area lighting;
  - h. building or structure decoration; or
  - i. building overhangs and open canopies.
295. *Outdoor storage* means the keeping, in an unenclosed area, of any equipment, goods, junk, material, merchandise or vehicles, including boats, RV's and trailers, in the same place for more than 24 hours. Containers may not be permitted for use as permanent storage or building purposes without site plan and/or building permit approval.
296. *Outlot* means a measured piece of land contained within subdivided land that is not a building lot. An outlot may be conveyed to the public for open space or other public purposes, be retained by the developer for merger with a later subdivision, or be conveyed to an owners association.
297. *Overall Development Plan (ODP)* means a development plan that shows how an entire site is proposed for development and which may be processed as a Planned Unit Development in accordance with the previous Land Development Code.
298. *Owner* means any person who alone, jointly or severally with others, or as an agent, trustee, executor or other representative capacity, has legal or equitable title to any property.
299. *Parapet* means a low, protective wall at the edge of a terrace, balcony or roof, especially that part of an exterior wall, fire wall, or party wall that rises above the roof.
300. *Parcel* means a tract or plot of land.
301. *Park* means an area open to the general public and reserved and usable for recreational, educational or scenic purposes.



302. *Park, pocket* means an approximately one-half acre park including playground equipment that is developed, owned and maintained by persons other than the Town of Berthoud.
303. *Parking area (off-street)* means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a "recreational vehicle, boat or truck storage" use, storage areas for landscaping and other bulk items or public streets and rights-of-way.
304. *Parking garage* means an off-street parking area within a building.
305. *Parking lot* means an outdoor off-street parking area or vehicular use area.
306. *Parking space* means an area of at least 200 square feet with dimensions of ten feet by 20 feet exclusive of driveways, aisles or maneuvering areas. All parking spaces shall have direct unobstructed access to a street, drive aisle or alley.
307. *Parkway* means that portion of the public right-of-way between the curb line and the adjoining property line.
308. *Partially shielded light* means when the bulb of the fixture is shielded by a translucent siding and the bulb is not visible at all. Light may be emitted at the horizontal level of the bulb.
309. *Pergola* is a structure of parallel colonnades supporting an open roof of beams and crossing rafters or trellis work.
310. *Permanent monument* means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.
311. *Person* means a natural person, joint venture, stock company, partnership, association, club, company, corporation, business, trust or organization or the manager, lessee, agent, representative, officer or employee of any of the foregoing entities, acting as a unit.
312. *Personal and business service shops* means shops primarily engaged in providing services generally involving the care of the person or such person's appearance or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing and copy shops.
313. *Phase* means a portion of property that is being platted and engineered for development at one time.
314. *Pilaster* means a rectangular support or pier treated architecturally as a column, with a base shaft and capital.
315. *Planned Unit Development (PUD) Overlay* means an overlay zone that may be used to modify permitted or conditional land uses and specific standards including lot size, building bulk, gross density, and lot coverage or floor area ratios. A PUD overlay may only be used to modify the existing zoning of a parcel.
316. *Plant nursery and greenhouse* means any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting.
317. *Plat* means a map of certain described land showing property and lot boundaries, location of public utilities, easements and other information prepared in accordance with the requirements of this Code, approved by the Town and recorded in the records of the respective County Clerk and Recorder.
318. *Preliminary Development Plan (PDP)* means a development review process under previous versions of the Land Development Code.
319. *Prime farmland* means land that has the best combination of physical, water supply and chemical characteristics for producing food, feed, forage, fiber and oilseed crops, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor and without intolerable soil erosion, as

determined by the Secretary of Agriculture. Prime farmland includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage.

- 320. *Principal use* means the main use of land or of a structure as distinguished from a subordinate or accessory use.
- 321. *Private school* means a school that does not derive its support, in whole or in part, from moneys raised by a city, town, state, county or school district tax.
- 322. *Professional office* means an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.
- 323. *Program deficiency* means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the National Flood Insurance Program standards.
- 324. *Proof of ownership* means ownership as specified in a current title insurance commitment, title policy, certification of title issued by a title insurance company licensed by the State of Colorado or recorded deed or copy of current property taxes.
- 325. *Property* means all real property subject to development regulation by the Town.
- 326. *Property line* means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel or tract abuts.
- 327. *Public areas* means streets, parks, open spaces and other property designated or described for public use on a map or plat approved by the Town and for which fee title is vested in the Town or other public entity.
- 328. *Public facilities* means those constructed facilities, including but not limited to, transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.
- 329. *Public hearing* means a meeting called by the Board of Trustees, Planning Commission, or the Board of Adjustment for which public notice has been given and which is held in a place at which interested parties may attend to hear issues and to express their opinions.
- 330. *Public improvement* means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement or other facility which benefits the public.
- 331. *Public school* means a school that derives all or a portion of its support from moneys raised by a general state, county or school district tax and is controlled and operated by the Thompson R2J or Weld County School District.
- 332. *Public utility* means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same; or wireless telecommunication facilities.
- 333. *Push cart* means a mobile vending cart, pushcart or trailer that is not motorized or attached to a vehicle for towing and that does not exceed ten feet in length, four feet in width or eight feet in height. A pushcart may be used to cook and prepare food for vending or to serve commissary prepared, ready-to-eat or packaged food in individual servings.

334. *Raw water* means water rights acceptable to the Town for domestic purposes after treatment, or water rights acceptable to the Town that may be used for irrigation of public facilities.
335. *Raw Water Credit* means the number of S.F.E.s for which dedication credits are certified by the Town in exchange for cash in lieu of water dedication payments or water rights dedications to the Town.
336. *Recessed light* means when a light is built into a structure or portion of a structure such that the light is fully cut-off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.
337. *Recreational vehicle (RV)* means a vehicle primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is drawn by another vehicle. The following shall be considered a recreational vehicle:
- a. *Camping trailer or tent trailer* means a folding structure, constructed of canvas, plastic or similar water repellent material designed to be mounted on wheels and designed for travel and recreation.
  - b. *Motorized camper, motor home, recreational conversion van or bus* means a recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.
  - c. *Pick-up camper* means an enclosure designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary dwelling for travel and recreation.
  - d. *A tent*, meaning a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic or similar materials.
  - e. *A travel trailer*, meaning a towed vehicle designed as a temporary dwelling for travel and recreation. Travel trailer, self-contained, means a trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.
338. *Recreational vehicle park* means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.
339. *Recreational vehicle site* means a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent or other individual camping unit on a temporary basis.
340. *Recycling facility* means a building or lot used for the collection and/or processing of recyclable material. Processing shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.
341. *Religious assembly (neighborhood scale)* means any structure or place wherein religious worship, ceremonies, rituals, and education are held for a congregation, and one that is not considered a community scale religious assembly.
342. *Religious assembly (community scale)* means any structure or building larger than 25,000 square feet in size wherein religious worship, ceremonies, rituals, and education are held.
343. *Resource extraction, processing and sales* means removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged.
344. *Restaurant, drive-through* means any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served

directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

345. *Restaurant, fast food* means any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes the following characteristics:
- a. Food and beverages are usually served in paper, plastic or other disposable containers;
  - b. The consumption of food and beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building; or the food and beverages are available for carry-out or pick up from drive-through facilities.
346. *Restaurant, standard* means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages, and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one or both of the following characteristics:
- a. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
  - b. Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.
347. *Resubdivision* means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the Larimer or Weld County Clerk and Recorder.
348. *Retail establishment, large* means a retail establishment, or any combination of retail establishments in a single building, occupying a total of more than 50,000 gross square feet of floor area, except that no supermarket shall be deemed to be a large retail establishment.
349. *Retail establishment, small* means a retail establishment, or any combination of retail establishments in a single building, occupying a less than 50,000 gross square feet of floor area.
350. *Retail and supply yard establishments with outdoor storage* means any use where building supply products such as lumber or landscape materials are offered for sale, and are displayed and stored in an unenclosed area.
351. *Retention basin* means a pond, pool or basin used for permanent storage of water runoff.
352. *Right-of-way* means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, irrigation ditch or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to that public use on the plat on which such right-of-way is established.
353. *Roof, gable* means a roof sloping downward in two parts from a central ridge, so as to form a gable at each end.
354. *Roof, hip* means a roof having sloping ends and sides meeting at an inclined projecting angle.
355. ~~*Roof sign* means a sign erected above the highest point of the coping of a flat roof; or to the deck line of a mansard roof; or to the average height of a gable, pitched or hipped roof. Also, any sign mounted on a pitched or sloping wall and extending higher than the lowest portion of the adjoining roof shall constitute a roof sign.~~

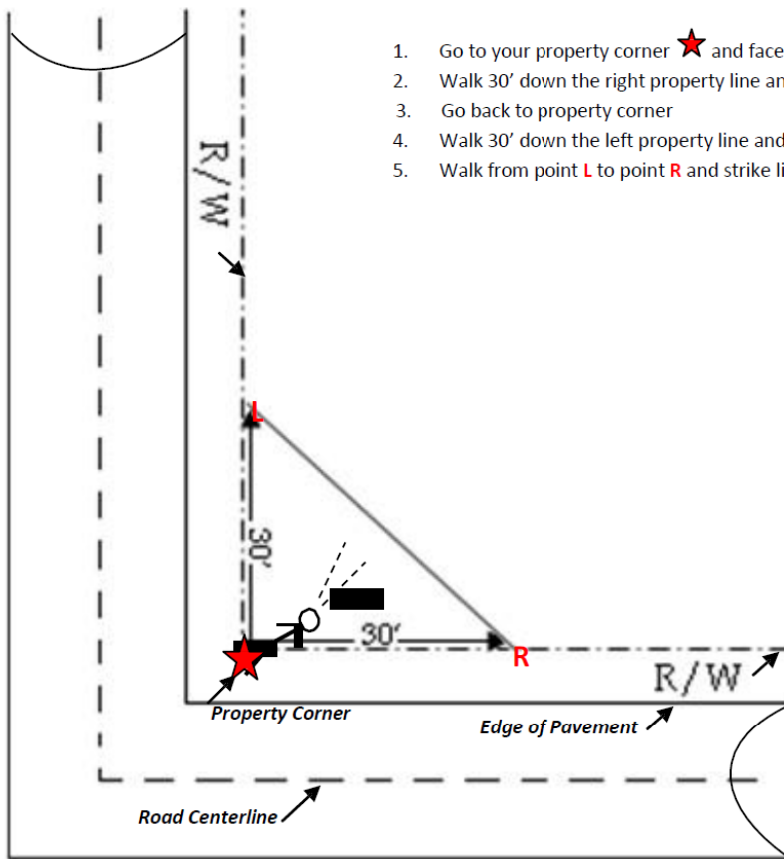
356. *Salvage or wrecking yard* means a place where motor vehicles and parts are wrecked, disassembled, repaired and resold, a place where secondhand goods including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be stored and a place where used lumber and used building materials are stored for sale or resale.
357. *Sanitary facilities* mean toilets, urinals, lavatories, showers, utility sinks and drinking fountains, and the service buildings containing these units.
358. *Sanitary waste station* means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.
359. *Senior housing* means multifamily residential structures that provide housing for an elderly population, and typically include minimum age restrictions.
360. *Searchlight* means an apparatus used to project a beam of light.
361. *Service building* means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.
362. *Setback* means the required unoccupied space between the nearest projection of a structure and the property line of the lot on which the structure is located.
363. *Setback, front yard* means the distance a building or structure must be placed from the front lot line.
364. *Setback, rear yard* means the distance a building or structure must be placed from the rear lot line.
365. *Setback, side yard* means the distance a building or structure must be placed from the side lot line.
366. *Sexually-oriented or adult-oriented use* means a use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to "specified sexual activities" or "specified anatomical areas" as the primary attraction to the premises, including, but not limited to:
- a. *Adult arcade* means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
  - b. *Adult bookstore, adult novelty store or adult video* means a commercial establishment which devotes a significant or substantial portion of its stock-in-trade or interior floor space to, or has as one of its principal business purposes, the sale, rental or viewing, for any form of consideration, of (a) any books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, or (b) any instruments, devices or items which are designed or intended for use with or in specified sexual activities.
  - c. *Adult cabaret* means a nightclub, bar, restaurant, concert hall, auditorium or similar commercial establishment which features:
    - i. Persons who appear in a state of nudity;
    - ii. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
    - iii. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

- d. *Adult motel* means a hotel, motel or similar commercial establishment which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from a public right-of-way which advertises the availability of this adult type of photographic reproductions.
- e. *Adult motion picture theater* means a commercial establishment which is distinguished or characterized by showing of films, motion pictures, videocassettes, slides or similar photographic reproductions with an emphasis on depicting or describing specified sexual activities or specified anatomical areas which are regularly shown for any form of consideration.
- f. *Adult theater* means a theater, concert hall, auditorium or similar business which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- g. *Adult photo studio* means any establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing "specified anatomical areas."
- h. *Commercial establishment with respect to the regulation of sexually oriented businesses* may have other principal business purposes that do not involve the depicting or describing of specified sexual activities or specified anatomical areas and still be categorized as a sexually oriented business. Such other business purposes will not serve to exempt such commercial establishments from being categorized as a sexually oriented business so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas. The term commercial establishment includes clubs, fraternal organizations, social organizations, civic organizations or other similar organizations with paid memberships.
- i. *Nude model studio* means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons.
- j. *Nudity or state of nudity* means:
  - i. The appearance of human bare buttock, anus, male genitals, female genitals or the areola or nipple of the female breast; or
  - ii. A state of dress which fails to opaquely and fully cover human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.
- k. *Peep booth* means a viewing room, other than a private room, of less than 150 square feet of floor space upon the premises of a sexually oriented business where there are exhibited photographs, films, motion pictures, video cassettes or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.
- l. *Private room* means a room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging
- m. *Sexual encounter establishment* means a business or commercial establishment which, as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one or more of the persons exposes any specified anatomical area.

- n. *Sexually oriented business* means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, sexual encounter establishment or other similar business and includes:
    - i. The opening or commencement of any sexually oriented business as a new business;
    - ii. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;
    - iii. The addition of any sexually oriented business to any other existing sexually oriented business;
    - iv. The relocation of any sexually oriented business; or
    - v. The continuation of a sexually oriented business in existence on the effective date of the initial ordinance codified herein.
  - o. *Specified anatomical areas* means:
    - i. Less than completely and opaquely covered: human genitals, pubic region, buttocks, and female breast below a point above the top of the areola.
    - ii. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
  - p. *Specified sexual activities* means acts, simulated acts, exhibitions, representation, depictions or descriptions of:
    - i. Human genitals in a state of sexual stimulation or arousal.
    - ii. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
    - iii. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.
    - iv. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function.
    - v. Flagellation, mutilation or torture for purposes of sexual arousal, gratification or abuse.
  - q. *Stage* means a raised floor or platform at least three feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least 36 square feet in area.
367. *Shielded light* means when the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. Also considered a full cut-off fixture.
368. *Shopping center* means a group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.
- 368.5. *Side loaded garage* means a garage that is oriented so that the garage doors are perpendicular to the front street.
369. *Sidewalk* means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.
370. *Sight distance triangle* means the area defined by the intersection of any two right-of-way lines of streets or railroads and a straight line intersecting those two right-of-way lines at points 30 feet from the intersection, no obstruction to vision between a height of two and one-half feet and 12 feet above the imaginary plane defined by those three points of intersection permitted, at the plane of the street.

This includes structures, walls, fences, shrubbery or trees except that shade trees will be permitted where all branches are not less than eight feet above the street level.

Simple directions to find sight triangle:



1. Go to your property corner ★ and face your property
2. Walk 30' down the right property line and mark point **R** for right
3. Go back to property corner
4. Walk 30' down the left property line and mark point **L** for left
5. Walk from point **L** to point **R** and strike line, this area is the sight triangle

371. *Sign* means any device that is sufficiently visible to persons not located on the lot where the device is located, affixed or placed on a structure, land, or produced by printing on, painting on or posting or placing any printed, painted, lettered, pictured, figured or colored material on any building structure or surface to accomplish either of the following objectives: (a) is designed to attract the attention of such persons; or (b) communicate information to them.
372. *Sign, abandoned* means a sign, including sign face and supporting structure which is unsafe, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or obsolescence and/or is not kept in good repair; or which contains no sign copy on all sign faces for a continuous period of three months.
373. *Sign, awning* means a sign which is printed, painted, stitched, sewn or stained onto the exterior of an awning.
374. *Sign, banner* means any sign intended to be hung either with or without frames, possessing characters, letter, illustrations or ornamentalions applied to paper, plastic, vinyl or fabric of any kind.
54. ~~Canopy sign~~ *Sign, canopy* means a sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.
373. *Sign, directional* means any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.



374. Sign, handheld means a temporary sign held, suspended or supported by a person. Handheld signs do not include handheld signs used for traffic control or safety purposes. Also known as a human directional, sign spinner, sign twirler or sign twister sign.
374. Sign, incidental means a small sign affixed to a residential or non-residential building or structure, machine, equipment, fence, gate, wall, gasoline pump, public telephone, or utility cabinet.
375. Sign, freestanding means a sign which is supported by one or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground ~~and shall also include a monument sign and pole signs but does not include a sign attached to a structure.~~
375. Sign, monument means a permanent freestanding sign supported by, or integrated into, a base or pedestal at least two-thirds the dimension of the width and thickness of the sign it supports.
376. Sign, off-premise means a sign advertising a business, person, activity, goods, products or services not provided on the ~~site~~ property upon which the sign is located, or that directs persons to any location not on that site.
- xxx. Sign, permanent means any sign constructed of durable materials and affixed, lettered, attached to or placed upon a fixed, non-movable, non-portable supporting structure.
377. Sign, projecting means ~~any~~ a sign supported by a building wall and projecting more than 12 inches from that wall. Also known as a blade sign.
377. Sign, public means a sign erected by the Town or by any federal, state, or county government agency, including but not limited to traffic control and safety signs.
378. Sign, roof means a sign erected above the highest point of the coping of a flat roof; or to the deck line of a mansard roof; or to the average height of a gable, pitched or hipped roof. Also, any sign mounted on a pitched or sloping wall and extending higher than the lowest portion of the adjoining roof shall constitute a roof sign.
377. Sign, sandwich-board sidewalk means a ~~non-wheeled~~ movable advertising or business ground side constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top, with each angular face held at an appropriate distance by a supporting member.
378. Sign, site means a temporary freestanding sign constructed of vinyl, plastic, wood or metal and designed or intended to be displayed for a limited period of time on a site with an active listing for sale or for rent, or on properties with active building permits, e.g., a construction site.
379. Sign, special event means a temporary sign directing attention to an activity of limited duration.
- xxx. Sign, temporary means any sign based upon its materials, location and/or means of construction, e.g., light fabric, cardboard, wallboard, plywood, paper or other light materials, with or without a frame, intended or designed to be displayed for a limited period of time.
379. Sign, time and/or temperature means a sign displaying the time and/or temperature, ~~intended to be displayed for a limited period of time~~ and capable of being viewed from any public right-of-way, parking area or neighboring property.
380. Sign, vehicular means a sign displayed on a truck, bus, trailer or other vehicle which is being operated or stored in the normal course of a business, such as signs which are located on moving vans, delivery trucks, rental trucks and trailers and the like, provided the primary purpose of such vehicles is not for the display of signs and provided they are parked or stored in areas appropriate to their use as vehicles.
379. Sign, projecting means any sign supported by a building wall and projecting from that wall.
380. Sign, wall means any sign printed on, painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the sign other than the building wall itself.

xxx. *Sign, wall accessory* means a sign that has less importance and prominence than the main sign on the wall in size, location, and design emphasis.

381. *Sign, window* ~~is~~ means a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way.

382. *Sign, yard* means a temporary freestanding sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time on a lot containing one or more existing permanent structures.

383. *Significant wildlife habitat and migration corridors* are areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source ([www.ndis.nrel.colostate.edu](http://www.ndis.nrel.colostate.edu)) as areas of landscape that provide food, cover and water sufficient to meet the needs of a given species to survive and reproduce.

384. *Single Family Equivalent Unit ("SFE" or S.F.E.)* means a number related to the volume of water necessary to meet the demand and use requirements including systems losses and consumptive use requirements, of an average single family dwelling unit which is defined herein as 0.4 acre feet. An S.F.E. shall be defined as 0.4 acre feet for all purposes. The S.F.E. unit value assigned to such average dwelling unit is 1.0.

385. *Single room occupancy boarding house* means a housing type consisting of one room, often with cooking facilities and with private or shared bathroom facilities.

386. *Site plan* means a scale drawing of a lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.

387. *Site specific development plan* shall mean and be limited to the Final Plat of a subdivision, Conveyance Plat, a Final Development Plan of a PUD, or a Site Plan when approved as a site specific development plan by the Planning Commission or Board.

~~388. *Special event sign* means a temporary sign directing attention to an activity of limited duration.~~

389. *Split garages* means having at least two separate garages that are oriented in different directions.

390. *Spotlight* or *floodlight* means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction (see definition for floodlight).

391. *Staff* means a full or part-time employee of the Town. Staff may also include professional firms and/or persons designated by the Town to act within a certain capacity including legal, engineering, planning, code enforcement, inspection and other professional fields.

392. *Start of construction* includes substantial improvement, and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

393. *Street* means a public thoroughfare which affords the principal means of vehicular access to abutting property. The term includes public or private streets.

394. *Street, arterial* means a street as described in Section 30-2-105.

395. *Street, collector* means a street as described in Section 30-2-105.

396. *Street, local* means a street as described in Section 30-2-105.

397. *Street, rural* means a street as described in Section 30-2-105.

398. *Street furniture* means constructed objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas and other outdoor spaces open to and used by the public.

399. *Streetscape* means the distinguishing character of a particular street, within the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street including landscaping, sidewalks, medians, lighting, street furniture, and signage.

400. *Structure* means a combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.

401. *Subdivider or developer* means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

402. *Subdivision* means the platting of a lot or the division of a lot, tract or parcel of land into two or more lots, plots or sites.

403. *Subsidence* means a local mass movement that involves the downward settling or sinking of the solid Earth's surface. Subsidence may be due to natural geologic processes or man's activity such as coal mining.

404. *Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would be equal to, or exceed, 50 percent of the market value of the structure before it was damaged.

405. *Substantial improvement* means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- a. Before the improvement or repair is started; or
- b. If the structure has been damaged and is being restored, before the damage occurred.
- c. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. Substantial improvements shall be calculated cumulatively over a period of the previous ten years.

The term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- b. Any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

406. *Supplemental Irrigation Water* means additional potable water which will be required for irrigation at times when water is not available through a non-potable irrigation system.

407. *Swing-in garage* means a garage that is oriented so that the garage doors are perpendicular to the street.

408. *Tandem garage* means a garage that allows for the parking of one car in front of another.

409. *Tandem parking* means parking two cars in a driveway or parking space so that one car is right in front of the other and the front car cannot move until the back car is moved.

410. *Tavern* see "Bar or tavern".
411. *Technical Review Committee (TRC)* means the committee established to review development proposals and subdivision applications on behalf of the Town.
412. *Temporary business* means a business commonly recognized as being conducted for regularly scheduled or occurring portions of a year — not to exceed four consecutive months. Examples of a temporary business include, but are not limited to, Christmas tree sale lots, farmer's markets, circuses, carnivals, new home sales operations, etc.
413. *Temporary directional sign* means a free-standing sign giving direction to an open house, house for sale, garage sale or a temporary business.
414. *Temporary lighting* means lighting that is intended to be used for a special event for seven days or less.
415. *Temporary use* means a prospective use intended for limited duration, is to be located in a zoning district not permitting such use, and shall not include continuing a nonconforming use or building.
416. *Title commitment* means formal documentation from a title insurance company licensed by the State of Colorado listing the name of the owner of the property under consideration, the legal description of the property and any encumbrances of the property such as easements, rights-of-way, liens or mineral interests.
417. *Tourist facility* means an establishment set up to primarily provide local tourist information to visitors.
418. *Town* means the Town of Berthoud, a municipal corporation of the State of Colorado. The Town may act through the Board or an official of the Town specifically authorized to perform the act.
419. *Town Administrator* means the Town Administrator of the Town of Berthoud, Colorado.
420. *Tract* means a parcel platted in a subdivision set aside as unsuitable for development or for a public or community-wide purpose which shall be shown on the plat. A public or community-wide purpose may include a drainage area, stormwater detention or retention areas, areas for signs, parks, open space, utilities, or land areas reserved for other public facilities. Except for restricted tracts, a tract is further defined as having been dedicated to the Town or a quasi-public agency having an easement to the Town or quasi-public agency, or as being owned by a homeowners' association for the subdivision in which the tract is located.
421. *Tree lawn* means a strip of landscaping within the right-of-way, generally between the street and an adjacent sidewalk.
422. *Truck depot* means an establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers or restaurant facilities primarily for the use of truck crews.
423. *Undermining* means land that has been mined under the surface of the ground.
424. *Uplighting* means lighting that is directed in such a manner as to shine light rays above the horizontal plane.
425. *Use by right* means a use that is permitted by the zoning district regulations
426. *USGS datum* means United States Geological Survey basis of elevations.
427. *Vacant land* means land that does not have structures or other development on it.
428. *Variance* means a grant of relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited by this Code.
429. *Vegetation* means plants growing in a place, including, but not limited to trees, shrubs, vines, grasses and groundcover.

430. *Vehicle trip* means a single or one-way vehicle movement to or from a property or study area. Vehicle trips can be added together to calculate the total number of vehicles expected to enter and leave a specific development or site over a designated period of time.

431. *Vested property right* means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan approved as provided in this Code.

432. *Veterinary hospital* means any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases.

433. *Veterinary facilities, small animal clinic* means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

434. *Walkable* means a distance of one-fourth mile or within a five to ten minute walk.

435. *Walkway* means:

- a. A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path; or
- b. Any portion of a parking area restricted to the exclusive use of pedestrian travel.

436. *Walkway, connecting* means:

- a. Any street sidewalk; or
- b. Any walkway that directly connects a building entrance(s) to a sidewalk adjoining a street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places and transit stops, without requiring pedestrians to walk across parking lots or driveways, around buildings or following parking lot outlines which are not aligned to a logical route.

437. *Warehouse and distribution* means storage, wholesale, and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

438. *Warehousing* means a business which stores or stocks merchandise or commodities.

439. *Water right* means a decreed right to use in accordance with its priority a certain portion of the waters of the State by reason of the appropriation of the same. It shall include both direct flow and storage rights. Water right shall also be used in the context of water right dedications to include allotment contracts with the Northern Colorado Water Conservancy District and its Municipal Subdistrict.

440. *Water surface elevation* means the height, in relation to the NGVD of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

441. *Wetland* means lands as defined by Federal standards where there is a transition between terrestrial and aquatic systems, where the water table is usually at or near the surface, or the land is covered by shallow water.

442. *Wireless telecommunication equipment* means any equipment used to provide wireless telecommunication service which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. Wireless telecommunication equipment also includes a ground mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

443. *Wireless telecommunication facility* means any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

444. *Wireless telecommunication services* means services providing for the transmission of wireless communications utilizing frequencies authorized by the Federal Communications Commission for paging systems, enhanced specialized wireless telecommunication, television, personal communication services or cellular telephone.

445. *Workshop and custom small industry* means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, restoration of antiques and other art objects, or other similar uses.

446. *Yard* means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.

447. *Yard, front* means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

448. *Yard, rear* means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

449. *Yard, side* means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

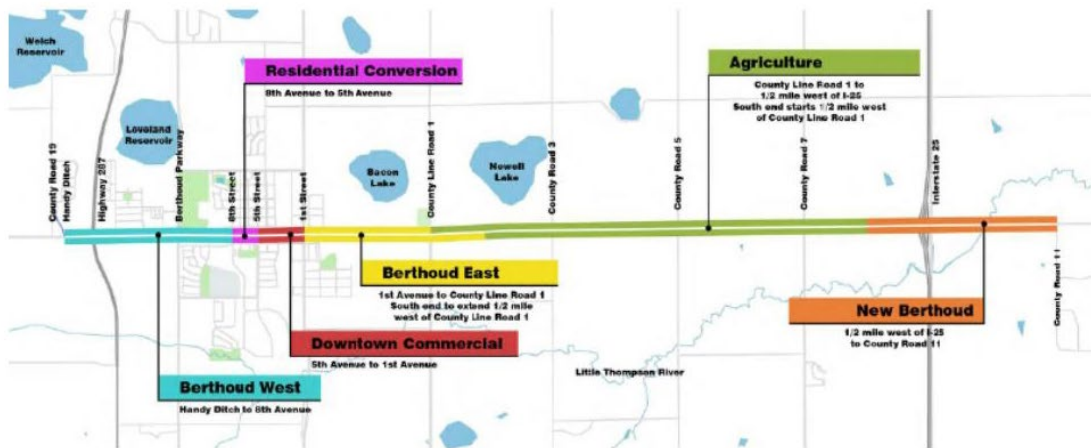
450. *Zone district* means a zone district of the Town as established in Section 3 of this Chapter, unless the term is used in a context that clearly indicates that the term is meant to include both the zone district(s) of the Town and the zone district(s) of an adjoining governmental jurisdiction. Also referred to as "zoning district."

451. *Zoning map* means the official zoning map adopted by the Town by ordinance, as amended.

( Ord. No. 1299 , § 1(Exh. A), 12-14-2021)

### 30-3-114 Mountain Avenue Overlay District

1. *Intent:* The Mountain Avenue Overlay Corridor focuses on protecting and enhancing the existing historical districts and directing the general character of new development along Mountain Avenue/Hwy 56. The overlay district defines and emphasizes unique character districts along the corridor and sets specific guidelines as to architecture, site planning, parking, urban design and streetscapes within this area. The underlying zoning remains, but specific design, architecture and setback requirements are governed by the overlay district.
2. *Applicability/Boundaries:*
  - a. *Boundary of Mountain Avenue Overlay District.* The boundary of this Mountain Avenue Overlay district (herein referred to as the "Mountain Avenue Overlay District") shall be the area so labeled and depicted in the map below, and as approved in the official zoning map, which is incorporated herein by reference; which generally extends along HWY 56 and is applicable to all properties within 150 feet of the centerline of Hwy 56, Larimer County Road 8, and Weld County Road 44 within Town Limits.



- b. *Applicability.* All of the regulations and requirements of this Section shall fully apply when any of the following occur (the property must be brought into full compliance with this Article when any of the following occur):
  1. Construction of any new Structure.
  2. Parking area reconfiguration (repair and restriping of existing parking lot is exempt).
  3. Structural Alterations. Any structural alteration shall follow the Mountain Avenue Overlay District regulations as follows:
    - i. *Exterior Walls.* When any change is made to the façade or an exterior wall of an existing structure, all of the façade visible from Mountain Avenue, shall be brought into full compliance with the Mountain Avenue Overlay District found herein.
    - ii. *Addition(s):* Any addition must be in full compliance with the Mountain Avenue Overlay.
  4. ~~Signs-Permits. When a Sign Permit is required within the boundary, apart from refacing the face of existing signs, the Mountain Avenue Overlay District~~ See Section 7 Signs.
  5. Change of Use. Any change of use will require compliance with applicable standards of the Mountain Avenue Overlay.



c. *Exemptions:*

1. General property maintenance and/or general property repair, such as roof repairs, interior remodels and repair, paint, and any other non-structural repair, or;
2. The maintenance, repair, upgrading or replacement of any water, sewer, HVAC, or electrical facilities will not trigger a requirement that such property or structure be brought into compliance with the Mountain Avenue Overlay District.
3. Existing single-family homes are exempt from the requirements of this overlay and shall follow the development standards of the underlying zoning district.

d. *Legal Non-conformities.*

1. Except as provided in this District to the contrary; all nonconforming uses, nonconforming structures and nonconforming lots, shall be governed by Section 30-3-107.
3. *Overlay Requirements—Character Districts.* The 7.75-mile corridor passes through several distinct environments, each with a unique and definable character that separate them from other places along the corridor. These districts are often defined by architecture, land uses, scale, density, streetscapes, and landscaping. This Overlay protects and enhances the character of each district.
- A. *Berthoud West Character District.* This is a largely undeveloped district with views of the Rocky Mountains, and in close proximity to downtown and Highway 287. This area is envisioned as a vibrant walkable commercial district with opportunities for shopping, employment and other services. Though this district is in close proximity to the town core, it will build on the unique characteristics of downtown, but not replicate it.
1. *District Extent:* This district extends approximately 800 feet west of Hwy 287 and east to 8th Street. The parcels that are located within this district are highlighted in the map below.



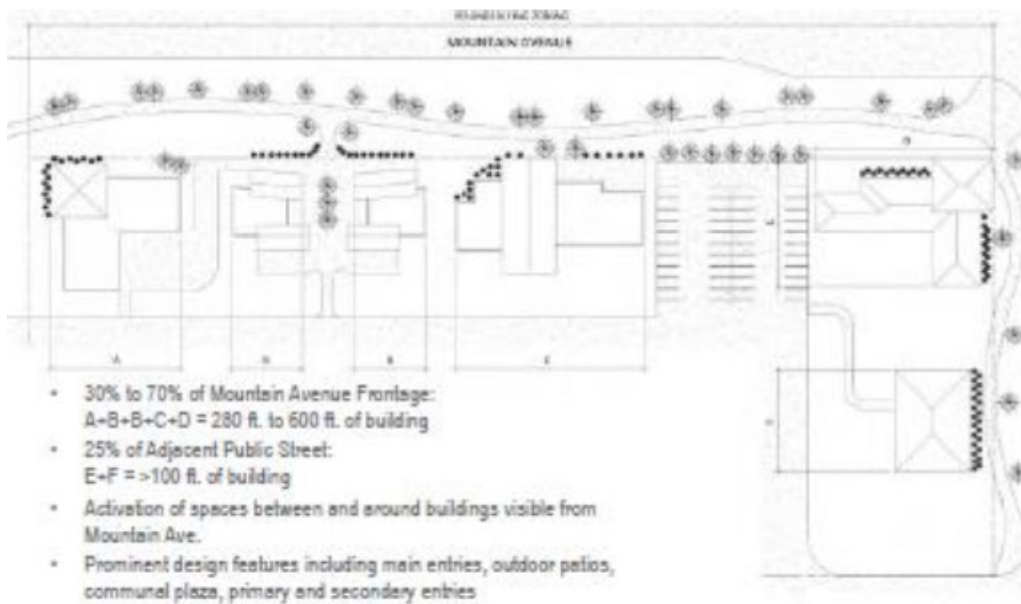
2. *Architecture:*

*Intent:* As primarily a commuter route with limited business access, high vehicular speeds have been the norm, but are expected to be reduced with development to encourage pedestrians and cyclists. Building location and entry orientation will also play a key role in enhancing the patron's experience.

- a. *Building ~~Facades~~ Facades.* Buildings' ~~façades~~ ~~facades~~ along Mountain Avenue shall extend along a minimum of 35 percent but not more than 75 percent of the total property frontage and be built to the required setback line with minor variations for ~~façade~~ ~~façade~~ articulation.



**Figure 3.8: Building Frontage Requirements**



**b. Overall Building Location and Placement of Key Features.**

- i. **Configuration:** Configuration and placement of buildings shall give intentional shape and layout to adjacent exterior gathering spaces and pedestrian/bicycle connections, while being site-specific in response to landscape and hardscape features. "Cookie-cutter" flat-~~façade~~ buildings that lack articulation and site-specific features will not be allowed. Building placement should follow the principles in Figure 3.9 below.
- ii. **Site Planning:** Modern site planning principles include efforts to combine the infrastructure required to develop from building to building or lot to lot. Sharing infrastructure such as detention, parking, internal pedestrian spaces are strongly encouraged.
- iii. **Staggered Setbacks and Heights:** A variation in building placement by staggering setbacks as well a variation in building heights is required for any multi-tenant site plan or Master Plan.
- iv. **Limited Access:** Limited access directly from Mountain Avenue allows for long stretches of uninterrupted streetscapes, improves traffic flow on Mountain Ave, and increases the need for automobile access to developments from cross-streets and back streets.

**Figure 3.9: Building Placement Example**



c. *Exterior Activation.*

- i. *Requirement for Exterior Activation:* Each building/~~site plan~~property must possess at least one of the following locating the features so they are readily-visible to and from Mountain Avenue to ensure a strong visual connection: outdoor patios, primary and secondary entries, canopies and other features help "activate" a development.
- ii. *Screening:* Three-dimensional building elements to act as screening for service type accessories including roof- and ground-mounted HVAC equipment, electrical/gas meters, loading docks/service entries, etc. These service equipment components shall not be visible from the public R.O.W. or from adjacent properties/uses.

d. *Massing and Articulation.*

- i. *Compatibility and Configuration:* A building's three-dimensional configuration plays a significant role in determining the impact it will have on the surrounding environment. The proposed building shall be designed to be compatible with other structures in the surrounding vicinity in size, scale and character. Building mass shall be well-

proportioned and organized to define various horizontal and vertical elements while clearly expressing the internal function of the building. See Figure 3.10.

- ii. *Multiple Buildings:* Multiple buildings in a common commercial development shall be consistent in architectural form/detailing, materials, roof styles and colors to achieve a harmonious design vocabulary and continuity within itself.
- iii. *Multi-tenant buildings/Buildings over 60 Feet Long:* Large retail buildings shall be broken down into a series of complementary forms with a clearly defined pattern. Blend larger flat roof areas with smaller pitched roof elements that denote key functions such as entries or primary window groupings. Horizontal step backs of the ~~façade~~façade shall be significant in relation to the overall length and scale of the building. For instance, a 60 feet long building should have two to three primary massing elements with at least four feet to six feet of grade plane changes (i.e. eight to ten percent of the overall length). Screening elements for items such as ground-mounted or roof-mounted mechanical equipment shall be integrated into the building design and not appear as an after-thought. Creating large expanses of windows with a branded display wall in close proximity to the glass so that it is readily visible from the exterior is not permitted.

**Figure 3.10: Four-Sided Architecture Example**



e. *Materials and Colors.*

- i. *Exterior Materials:* ~~façade~~façade materials shall be high-quality, durable products such as brick, stone or decorative precast concrete. The primary building skin shall be a high-quality, aesthetically pleasing, durable material such as brick, natural stone, manufactured stone, especially at the base of the building that is susceptible to damage by maintenance equipment such as plows, shovels, mowers, etc.
- ii. *Primary Material:* The primary material shall constitute at least 65 percent of the total wall area for the front and side ~~façades~~façades visible from Mountain Avenue and at least 50 percent for the rear ~~façade~~façade; excluding the glazing area of the façade.
- iii. *Glazing:* Exterior glazing shall be high-performance clear glass (not tinted or reflective) with a low-E coating and visible light transmittance (Tvis) of

60 percent or higher. Use of opaque/spandrel glass to simulate ground-level vision windows is discouraged. Creating large expanses of windows with a branded display wall in close proximity to the glass so that it is readily visible from the exterior is not permitted.

- iv. *Secondary ~~façade~~ materials:* may include cement-based stucco, hardboard siding or decorative metal panels with concealed fasteners and low-gloss finish.

**Figure 3.11: Façade Examples**

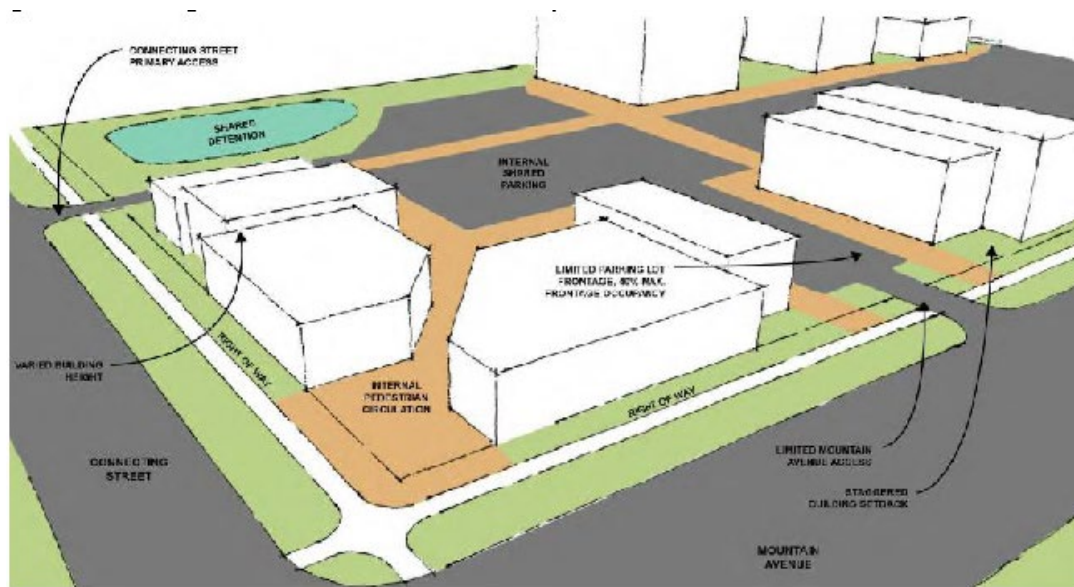


- v. *Screening elements:* such as site walls for parking lots and trash enclosures shall be of the same high-quality durable material as the primary building skin.
- vi. *Primary Façade Colors:* Primary building ~~façade~~ colors shall be non-reflective, muted neutral or earth tones with only small "pops" of bright, higher intensity colors. High-gloss, metallic finishes or fluorescent colors are not allowed. ~~Trademark colors specific to a corporate brand shall only be permitted on building signage subject to the sign code.~~

### 3. *Parking:*

- a. *Parking:* On-street diagonal parking is proposed on Gateway Park Blvd within the proposed village center. To reduce its visual presence on Mountain Avenue, required parking shall be located behind and between buildings. Required parking areas shall not occupy more than 40 percent of the Mountain Avenue frontage and must not be forward of any building or structure. In addition, such parking areas shall be screened by a landscape hedge, wrought iron fence, or wall as detailed in Table 3.4.
- b. *Drive ~~Thru~~-Through Areas:* Restaurant and bank drive-~~thrus~~-through areas shall be oriented away from Mountain Avenue and shall only be accessed by a rear access drive, with no visible drive ~~thru~~-through areas fronting Mountain Avenue, as described in Table 3.4.
- c. *Shared Parking:* New off-street parking lots should be shared to reduce the overall footprint of paved parking areas and be tucked behind and between buildings to minimize their visual presence.

Figure 3.12: Parking and Pedestrian Circulation Examples



4. *Signage:*

- a. Ground-mounted freestanding Monument signs with horizontal massing are preferred; pole signs are not permitted.
- b. Internally illuminated signs are permitted but the entire sign panel may not be illuminated. Text and logos may be illuminated, but the sign panel and cabinet shall be opaque.
- c. See Table 3.9 Section 7 Signs for specific signage requirements.

Table 3.4 Berthoud West Character District Dimensional Standards

| Mountain Avenue Development Criteria     |                                          |                                                                        |
|------------------------------------------|------------------------------------------|------------------------------------------------------------------------|
| Description                              |                                          | Berthoud West                                                          |
|                                          | Density and Lot Coverage                 | Per Underlying Zoning                                                  |
| A                                        | Building Height <sup>5</sup>             | Maximum: 3 Stories (40 feet)                                           |
| B                                        | Minimum Lot Width                        | Per Underlying Zoning                                                  |
|                                          | Building Orientation                     | Parallel to Front lot line                                             |
| Building Setbacks                        |                                          |                                                                        |
| C                                        | Mountain Ave / Highway 56 <sup>6,7</sup> | 14 ft. min, 20 ft. max                                                 |
| D                                        | Secondary or side street                 | 20 ft. min <sup>8</sup>                                                |
| E                                        | Side yard (3 stories)                    | 10 ft. min                                                             |
| E                                        | Side yard (2 Stories)                    | Per Underlying Zoning                                                  |
| E                                        | Side yard (1 Story)                      | Per Underlying Zoning                                                  |
| F                                        | Rear                                     | Per Underlying Zoning                                                  |
| G                                        | Rear Alley                               | Per Underlying Zoning                                                  |
| Off-Street Parking and Driveway Setbacks |                                          |                                                                        |
| H                                        | Mountain Ave / Highway 56 <sup>9</sup>   | 20 ft min. or 5 ft greater than building setback, whichever is greater |

|                                   |                                                |                           |
|-----------------------------------|------------------------------------------------|---------------------------|
| I                                 | Secondary or side street                       | 20 ft. min                |
| J                                 | Side yard                                      | 5 ft. min 0 ft. if shared |
| K                                 | Rear                                           | 5 ft. min 0 ft. if shared |
|                                   | Max parking and driveway frontage <sup>4</sup> | 40% of lot frontage       |
| Mountain Avenue ROW Encroachments |                                                |                           |
|                                   | Outdoor dining areas and display areas         | 0 ft.                     |
|                                   | Awnings                                        | 0 ft.                     |
|                                   | Balconies                                      | 0 ft.                     |
|                                   | Bay windows and building projections           | 0 ft.                     |
|                                   | Building eaves                                 | 0 ft.                     |
|                                   | Patio cover roof                               | 0 ft.                     |

Notes:

1. The ground floor front façade may be recessed/setback to accommodate outdoor dining and or display areas, and such areas shall have a zero-foot setback.
2. A six-foot minimum unobstructed clear zone shall be provided within the ROW around outdoor dining areas for pedestrian circulation.
3. Balconies, bay windows, and other building projections extending in and to the public ROW shall provide a ten-foot minimum vertical clearance above the sidewalk elevation or finished grade.
4. Off street parking areas and driveways fronting Mtn Avenue/Hwy 56 and/or secondary side streets shall be screened from view from the Public ROW. Screening shall be three feet min. in height and shall be accomplished with berms, low walls, plantings, etc. Wall materials shall match materials used on the associated building. Wood fences are not allowed.
5. Small tower elements and roof forms/parapet walls associated with primary building areas may exceed the maximum building height by 15 percent.
6. Permanent features such as steps, ramps, landings, and uncovered porches shall not extend more than 40 percent into the required setback.
7. Front setbacks abutting Mountain Avenue/HWY 56 shall be measured from the edge of the ROW.
8. Zero-foot setbacks are allowed for buildings fronting Gateway Park Blvd located at the proposed village center.
9. Drive ~~thru~~-through windows shall not be oriented towards Mountain Avenue and shall be located only at the rear of the building, and not fronting Mountain Avenue/HWY 56.

B. *Residential Conversion District.* This district is characterized by charming older homes occupied by businesses and commercial uses. Majestic street trees create a seemingly continuous canopy over Mountain Avenue, and expanded green spaces surrounding the homes and detached walks with tree lawns create a walkable neighborhood.

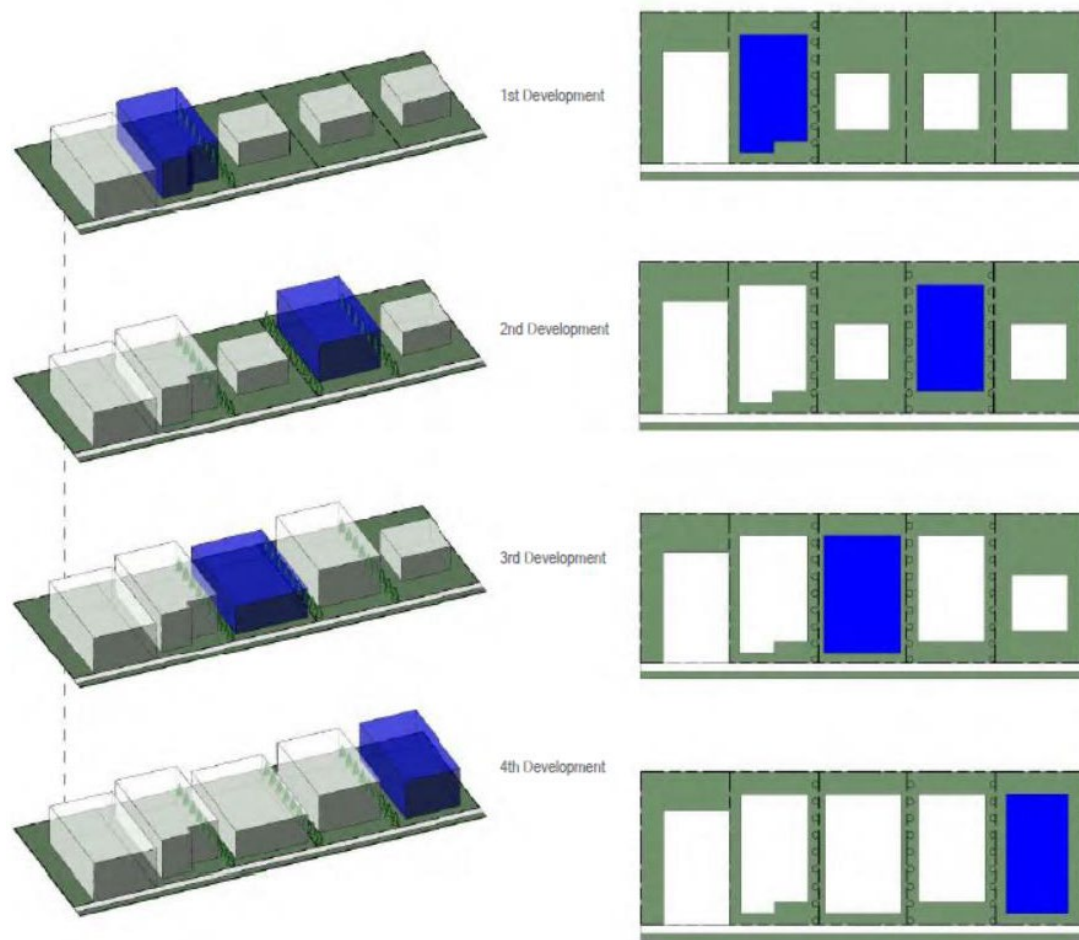
1. *District Extents:* The Residential Conversion character district extends along Mountain Avenue between 8<sup>th</sup> Street and 5<sup>th</sup> Street in the downtown area. The parcels that are located within this district are highlighted in the map below.





2. *Preservation of Historic Homes and Context:*
  - i. Additions should be located to the side and/or rear of the house and should be consistent with the scale of the original home. Side additions should be setback from the front face enough to allow the profile of the original structure to be clear and obvious.
  - ii. When converting a single-family house to a new use, original location and character of the front porch/ stoop shall be maintained.
  - iii. Providing handicapped accessibility to existing historic homes that typically have elevated stoops and porches must maintain the integrity of the original historic structure.
3. *Building Setbacks:* Building setbacks within the Residential Conversion District will need to maintain a portion of the typically large front lawn space of original historic homes, while allowing for the transition to smaller front and side yard lot line necessary for newer developments. Building Setbacks must follow Figure 3.13 below.

**Figure 3.13: Special Residential Conversion District Infill Setback Examples**



The diagram above shows the progression of new development adjacent to existing residential structures and how, over time, the block can infill with a higher density while respecting the residential character that currently exists.

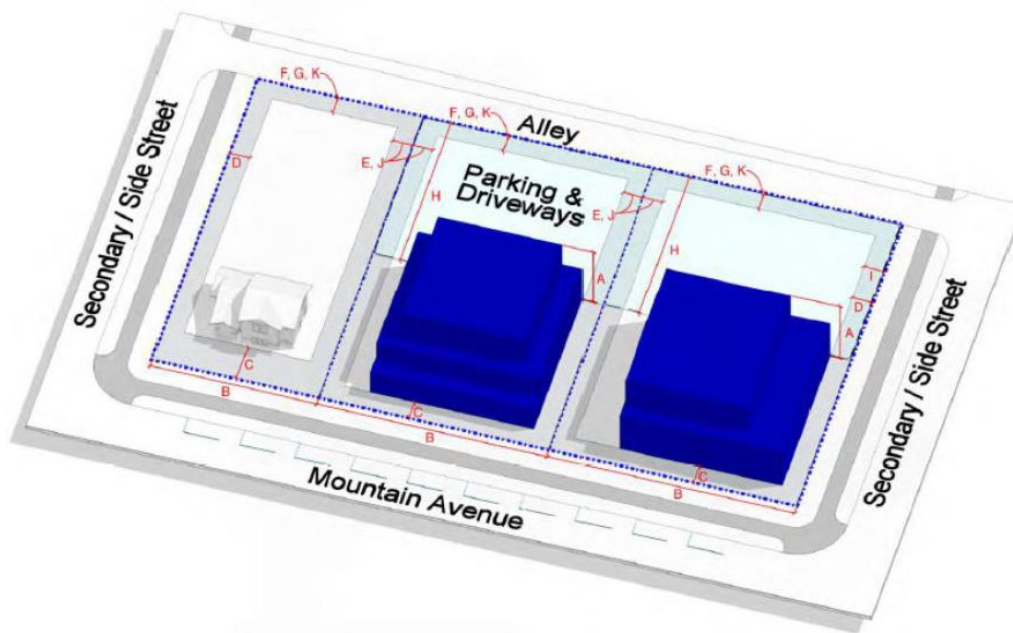
**4. Architectural Guidelines For New Construction:**

- i. General proportions should be consistent with adjacent structures, including similar floor-to-floor heights and solid-to-void ratios.
- ii. Divide larger structures into smaller components that more closely mimic the traditional single-family home dimensions. These series of smaller components should not be more than 25 feet to 30 feet wide and be expressed in wall panel changes of at least eight feet; as well as material changes.
- iii. Although plate-lines/roofs on new construction will be taller, they should be consistent in form and character. This can be accomplished by blending predominately flat roof areas over larger expanses with sloped roof elements at key accent locations such as entries and highly-visible corners.
- iv. Step down stories and rooflines from back to front and from side to side.



- v. The diversity of architectural styles that currently exists shall be retained to the greatest extent possible.
  - vi. New buildings shall be oriented parallel to their lot lines with the primary entry integrated into a porch or portico design element facing Mountain Avenue.
5. **Parking:**
- a. **Parking:** Required parking shall be located behind and between buildings. Only 40 percent of required on-site parking may be allowed along Mountain Avenue frontage and shall not be forward of any building or structure. In addition, such parking areas shall be screened by a landscape hedge, wrought iron fence, or wall as detailed in Table 3.5.
  - b. **Drive ~~-through~~ Areas:** Restaurant and bank drive through areas ~~thrus~~ are not permitted.
  - c. **Shared Parking:** New off-street parking lots should be shared to reduce the overall footprint of paved parking areas and be tucked behind and between buildings to minimize their visual presence.

**Figure 3.14: Parking Location**



6. **Signage:** The type, scale and style of signage should be designed to complement the residential character of this district.
- a. ~~Internally Lit Signs Prohibited: The use of internally illuminated signs is prohibited, should be restricted. If signs are illuminated, external down lighting should be provided.~~
  - b. Building mounted, and ~~freestanding ground-mounted monument~~ signs are preferred; pole signs are prohibited.
  - c. See Table 3.9 Section 7 Signs for additional signage requirements.

Table 3.5 Residential Conversion Character District Dimensional Standards

| Mountain Avenue Development Criteria     |                                                |                                                           |
|------------------------------------------|------------------------------------------------|-----------------------------------------------------------|
| Description                              |                                                | Residential Conversion                                    |
| Density and Lot Coverage                 |                                                | Per Underlying Zoning                                     |
| A                                        | Building Height <sup>5</sup>                   | Maximum: 3 Stories (40 feet) Minimum: 2 Stories (20 feet) |
| B                                        | Minimum Lot Width                              | Per Underlying Zoning                                     |
|                                          | Building Orientation                           | Parallel to Front lot line                                |
| Building Setbacks                        |                                                |                                                           |
| C                                        | Mountain Ave / Highway 56 <sup>6,7</sup>       | 10 ft. min, 20' max                                       |
| D                                        | Secondary or side street                       | 10 ft min, 15 ft. max                                     |
| E                                        | Side yard (3 stories)                          | 10' ft. min                                               |
| E                                        | Side yard (2 Stories)                          | 5 ft. min                                                 |
| E                                        | Side yard (1 Story)                            | 5 ft. min                                                 |
| F                                        | Rear                                           | Per Underlying Zoning                                     |
| G                                        | Rear Alley                                     | Per Underlying Zoning                                     |
| Off-Street Parking and Driveway Setbacks |                                                |                                                           |
| H                                        | Mountain Ave / Highway 56 <sup>9</sup>         | Behind building, accessed from alley where possible       |
| I                                        | Secondary or side street                       | 5 ft. min                                                 |
| J                                        | Side yard                                      | 0 ft. min                                                 |
| K                                        | Rear                                           | 0 ft. min                                                 |
|                                          | Max parking and driveway frontage <sup>4</sup> | 0%                                                        |
| Mountain Avenue ROW Encroachments        |                                                |                                                           |
|                                          | Outdoor dining areas and display areas         | 8 ft. max. <sup>2</sup>                                   |
|                                          | Awnings                                        | 6 ft. max                                                 |
|                                          | Balconies                                      | 4 ft. max <sup>3</sup>                                    |
|                                          | Bay windows and building projections           | 2 ft. max                                                 |
|                                          | Building eaves                                 | 2 ft. max                                                 |
|                                          | Patio cover roof                               | 2 ft. max.                                                |

## Notes:

1. The ground floor front façade may be recessed/setback to accommodate outdoor dining and or display areas, and such areas shall have a zero-foot setback.
2. A six-foot minimum unobstructed clear zone shall be provided within the ROW around outdoor dining areas for pedestrian circulation.
3. Balconies, bay windows, and other building projections extending in and to the public ROW shall provide a ten-foot minimum vertical clearance above the sidewalk elevation or finished grade.
4. Off street parking areas and driveways fronting Mtn Avenue/Hwy 56 and/or secondary side streets shall be screened from view from the Public ROW. Screening shall be three feet min. in height and shall be accomplished with berms, low walls, plantings, etc. Wall materials shall match materials used on the associated building. Wood fences are not allowed.
5. Small tower elements and roof forms/parapet walls associated with primary building areas may exceed the maximum building height by 15 percent.
6. Permanent features such as steps, ramps, landings, and uncovered porches shall not extend more than 40 percent into the required setback.
7. Front setbacks abutting Mountain Avenue/HWY 56 shall be measured from the edge of the ROW.
8. Zero-foot setbacks are allowed for buildings fronting Gateway Park Blvd located at the proposed village center.

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9. Drive ~~-through~~ windows shall not be oriented towards Mountain Avenue and shall be located only at the rear of the building, and not fronting Mountain Avenue/HWY 56.

C. *Downtown Commercial Character District.* Berthoud's Downtown District represents a concentration of character and personality, and shapes much of the Town's identity. Its buildings give a sense of history, its businesses and restaurants show the liveliness of the town, and its quirks set it apart from other towns in Northern Colorado.

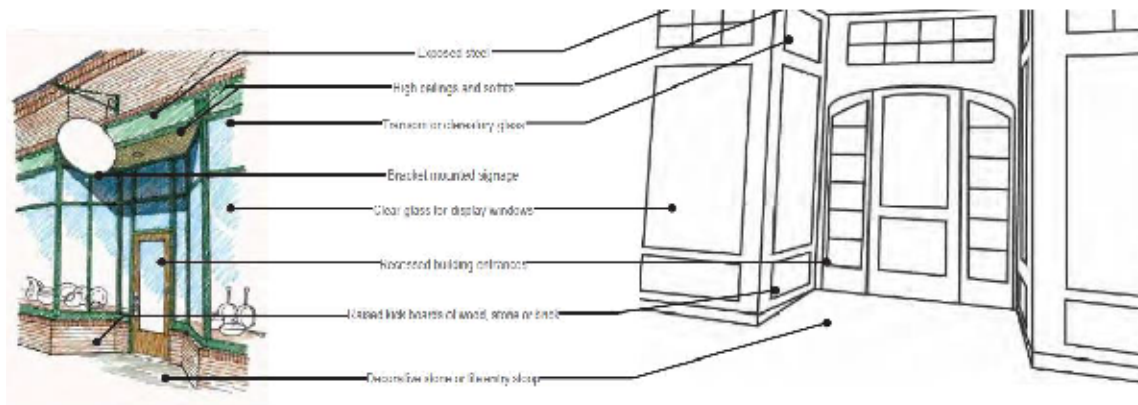
1. *District Extent:* The Downtown Commercial character district extends along Mountain Avenue between 5th Street and 1st Street in the downtown area.



2. *Architectural Guidelines:*

- a. *Ground level storefronts:* Ground level retail storefronts are indicative of the mercantile economy of historic downtowns of the late 19th and early 20th centuries. They often feature formal, symmetrical ~~façades~~façades, large expanses of display windows flush with the building front walls, recessed entrances and decorative glass transoms. Such storefronts should possess the following characteristics as depicted in Figure 3.16-15 and as described below:
- Retail storefronts create an intimate, pedestrian scale along the street, encouraging residents to slow down, interact and window shop.
  - Primarily glazed, ground level storefronts create a distinction between the public retail ~~façade~~façade and the more private areas of the upper levels, often expressed by individual punched window openings.
  - The higher ceilings of historic, ground level retail storefronts have a character not often found in more modern construction.

**Figure 3.15: Ground Level Storefront Example**



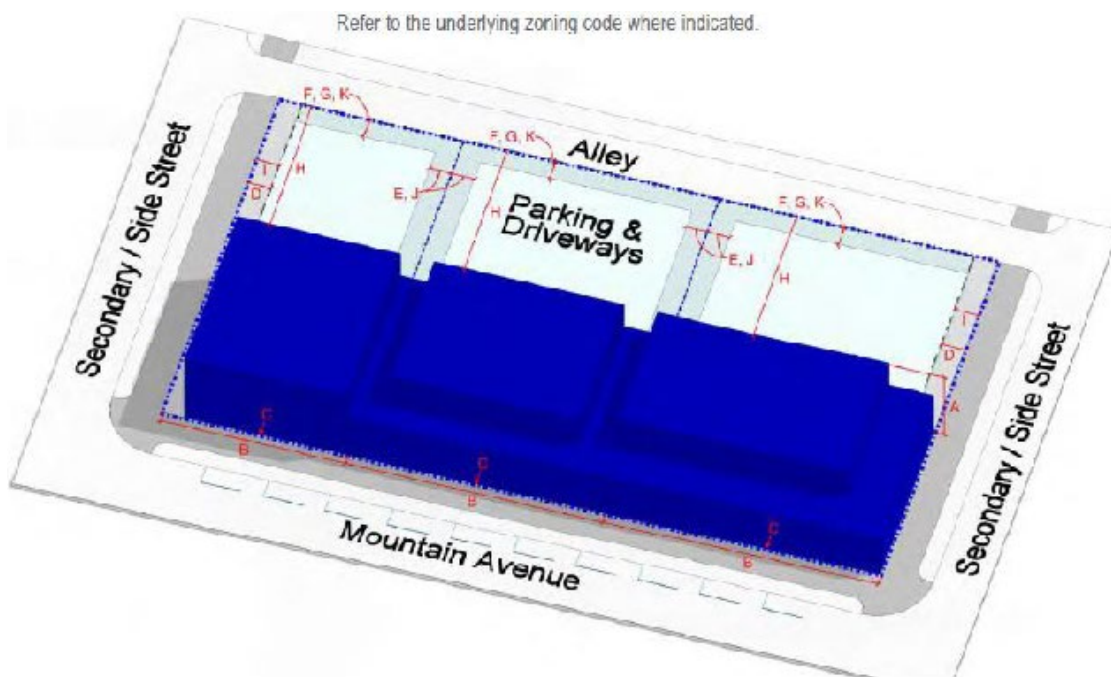
- b. *Infill development/Design:* Communities are encouraging infill development of vacant downtown properties and redevelopment of inappropriate or underutilized buildings to revitalize their historic downtowns. Designed properly, new construction can blend seamlessly with original, historic buildings to create a vibrant downtown environment.
- Maintain natural materials and colors that often utilize local materials and represent the workmanship of local craftsmen. Modern metal siding and other industrial materials are inappropriate as primary ~~façadefacade~~ materials in the historic downtown area.
  - New infill development shall not mimic the exact historic designs and details of existing structures but pick up on the rhythm and spacing of elements to be compatible with and complementary to them.
  - Orient building parallel to street and align front ~~façadefacade~~ with established sidewalk edge.
  - If a portion of the building must be set back, use traditional urban site features to maintain defined sidewalk edge noted above
  - Create a clearly defined front entry recessed at least three feet so out-swinging doors do not project into the perpendicular circulation path
  - Predominate massing at the front property line should be one- or two-stories with setbacks for additional stories
  - Floor-to-floor heights shall appear to be consistent with heights traditionally seen in older adjacent buildings
  - Building Materials: Utilize similar high-quality, durable materials such as brick or stone with only accents of more modern materials
- c. *Building Awnings:* Awnings have been used for centuries to shade the ~~façadesfaçades~~ and display windows of buildings and provide residents with protection from the elements. Awnings also provide a unifying design element to enhance the downtown streetscape and provide opportunities for colorful accents and signage.
- Awnings Encouraged: Awnings are encouraged on all development.

- ii. Awnings should be consistent with primary building, and color should accent the primary building. On-Street Parking:

3. *Parking and Access:*

- a. On-site parking areas shall be located at the rear of any building as depicted on Figure 3.1516.
- b. Curb Cuts: No new curb cuts from Mountain Avenue shall be allowed.
- c. Drive ~~-through~~Thru Areas: Restaurant and bank drive ~~-through areas~~thrus are not permitted.
- d. Shared Parking: New off-street parking lots should be shared to reduce the overall footprint of paved parking areas and be tucked behind and between buildings to minimize their visual presence.

Figure 3.16: Parking and Access Examples



4. *Signage:*

- a. In general, building mounted signs are recommended in this district. This includes wall mounted signs, window signs, and awning signs. The type, scale and style of the signage should be designed to complement the character of this district and the building that the sign is associated with.
- ~~b. Internally Lit Signs Prohibited. The use of internally illuminated signs and awnings are prohibited, should be restricted. If signs are illuminated, external down-lighting should be provided.~~
- ~~c. Sandwich Board Sidewalk Signs: Please see Section 30-7-109110.HD.4. Plastic signs are not allowed. A yearly sign permit is required and must be renewed on an annual basis.~~

dc. Free-standing Monument signs are prohibited in this district.

ed. See Table 3.9 Section 7 Signs for additional signage requirements.

Table 3.6 Downtown Commercial Character District Dimensional Standards

| Mountain Avenue Development Criteria     |                                                |                                                           |
|------------------------------------------|------------------------------------------------|-----------------------------------------------------------|
| Description                              |                                                | Downtown Commercial                                       |
|                                          | Density and Lot Coverage                       | Per Underlying Zoning                                     |
| A                                        | Building Height <sup>5</sup>                   | Maximum: 3 Stories (40 feet) Minimum: 2 Stories (20 feet) |
| B                                        | Minimum Lot Width                              | Per Underlying Zoning                                     |
|                                          | Building Orientation                           | Parallel to Front lot line                                |
| Building Setbacks                        |                                                |                                                           |
| C                                        | Mountain Ave / Highway 56 <sup>6,7</sup>       | 0 ft. min, 10 ft. max <sup>1</sup>                        |
| D                                        | Secondary or side street                       | 0 ft. min, 10 ft. max <sup>1</sup>                        |
| E                                        | Side yard (3 Stories)                          | 0 ft.                                                     |
| E                                        | Side yard (2 Stories)                          | 0 ft.                                                     |
| E                                        | Side yard (1 Story)                            | 0 ft.                                                     |
| F                                        | Rear                                           | Per Underlying Zoning                                     |
| G                                        | Rear Alley                                     | Per Underlying Zoning                                     |
| Off-Street Parking and Driveway Setbacks |                                                |                                                           |
| H                                        | Mountain Ave / Highway 56 <sup>9</sup>         | Behind building, not accessed from Mountain Avenue        |
| I                                        | Secondary or side street                       | 5 ft. min                                                 |
| J                                        | Side yard                                      | 0 ft. min                                                 |
| K                                        | Rear                                           | 0 ft. min                                                 |
|                                          | Max parking and driveway frontage <sup>4</sup> | 0%                                                        |
| Mountain Avenue ROW Encroachments        |                                                |                                                           |
|                                          | Outdoor dining areas and display areas         | 8 ft. max <sup>2</sup>                                    |
|                                          | Awnings                                        | 6 ft. max                                                 |
|                                          | Balconies                                      | 4 ft. max <sup>3</sup>                                    |
|                                          | Bay windows and building projections           | 2 ft. max                                                 |
|                                          | Building eaves                                 | 2 ft. max                                                 |
|                                          | Patio cover roof                               | 2 ft. max.                                                |

Notes:

1. The ground floor front façade may be recessed/setback to accommodate outdoor dining and or display areas, and such areas shall have a zero-foot setback.
2. A six-foot minimum unobstructed clear zone shall be provided within the ROW around outdoor dining areas for pedestrian circulation.
3. Balconies, bay windows, and other building projections extending in and to the public ROW shall provide a ten-foot minimum vertical clearance above the sidewalk elevation or finished grade.
4. Off street parking areas and driveways fronting Mtn Avenue/Hwy 56 and/or secondary side streets shall be screened from view from the Public ROW. Screening shall be three feet min. in height and shall be accomplished with berms, low walls, plantings, etc. Wall materials shall match materials used on the associated building. Wood fences are not allowed.
5. Small tower elements and roof forms/parapet walls associated with primary building areas may exceed the maximum building height by 15 percent.
6. Permanent features such as steps, ramps, landings, and uncovered porches shall not extend more than 40 percent into the required setback.

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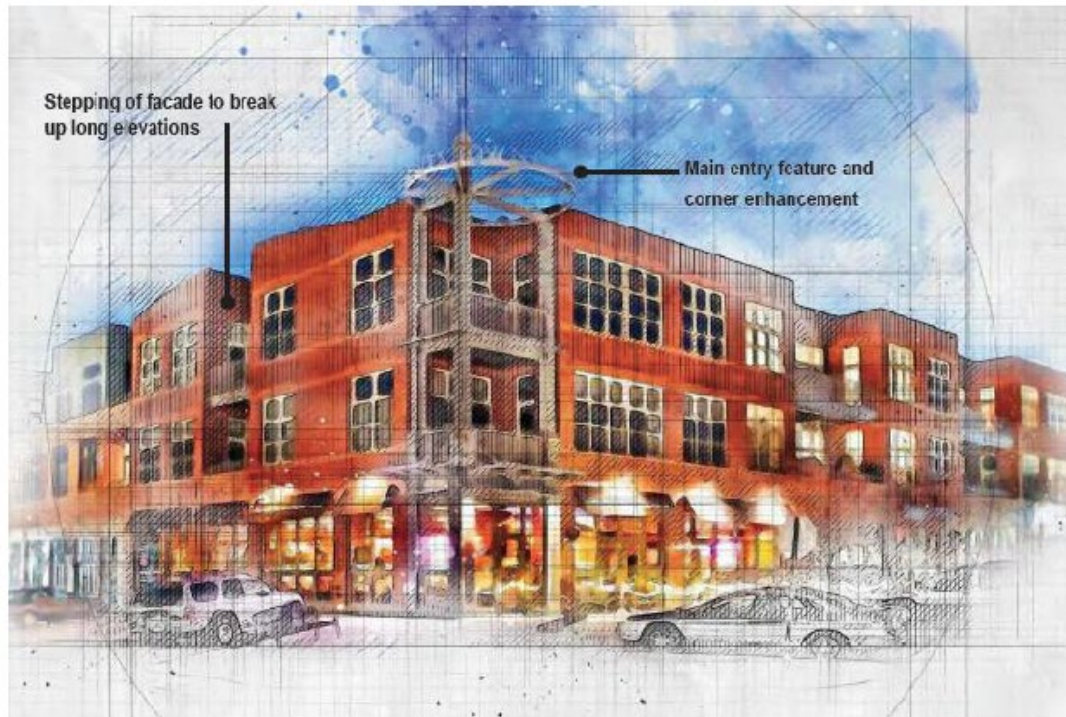
7. Front setbacks abutting Mountain Avenue/HWY 56 shall be measured from the edge of the ROW.
  8. Zero-foot setbacks are allowed for buildings fronting Gateway Park Blvd located at the proposed village center.
  9. Drive ~~-through~~ windows shall not be oriented towards Mountain Avenue and shall be located only at the rear of the building, and not fronting Mountain Avenue/HWY 56.
- D. *Berthoud East Character District.* A transition district from the rural agrarian areas to the downtown core. The undeveloped land on the south side of Hwy 56 is envisioned as a vibrant walkable residential district with a mixed-use area near the intersection of County Line Road 1 providing opportunities for shopping, dining, employment and other services. Appropriate land use, scale and density transitions from existing residential neighborhoods are critical.
1. *District Extents:* The parcels that are located within this district are highlighted in the map below.  
North side of Hwy 56 — 1<sup>st</sup> Street to County Line Road 1.  
South side of Hwy 56 — 1<sup>st</sup> Street to one-half mile east of County Line Road 1.



2. *Architectural Guidelines for Berthoud East District:* Similar to the Berthoud West District, the ~~“East District”~~ focuses on building massing and articulation, and to carefully balance economic interests with the public good by ensuring strong pedestrian and bicycle connectivity with the downtown and residential districts to the west.
  - a. *Scale and Density Focus.*
    - i. Multi-story, mixed use buildings will be encouraged in the denser mixed-use areas immediately adjacent to Mountain Avenue and then taper off in height, size and intensity of use as development extends further away from the overlay district.
    - ii. Long ~~façades~~ shall be broken down into smaller architectural expression through stepping. Stepping can be accomplished in both building elevation and in plan. Third story step-backs provide a gradual scale transition between building heights and opportunities for rooftop patio space.



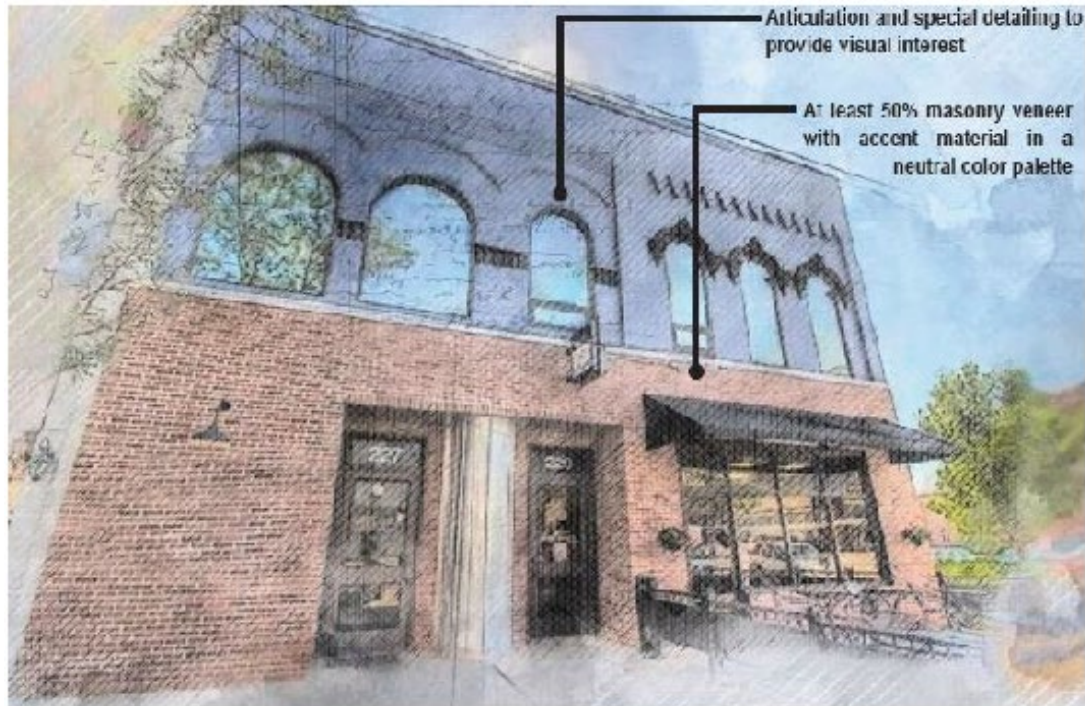
**Figure 3.17: Stepping Examples**



- b. *Building Materiality.* Buildings are meant to convey a sense of permanence and vitality with the use of appropriate materials reinforcing this goal. Materials should be predominantly brick, stone and architectural concrete with accents of wood, stucco or metal wall panels. Variation in materiality is encouraged but should be limited to a maximum of four materiality changes over the total building ~~façade~~façade.
- i. Recommended percentage of material variation is as follows:  
50 percent to 60 percent — Masonry veneer (brick or stone), architectural concrete
  - ii. Up to three accent materials required:  
15 percent to 20 percent — Accent material 'A' (wood, stucco or metal wall panel)  
15 percent to 20 percent — Accent material 'B' (wood, stucco or metal wall panel)  
15 percent to 20 percent — Accent material 'C' (wood, stucco or metal wall panel)
  - iii. Articulation and special detailing that provides visual interest and breaks up large expanses of a single building material is supported.
  - iv. Color: Color palettes should be primarily of neutral tones with pops of accent color. Accent color and location are to be reviewed and approved with the Site Plan approval process.

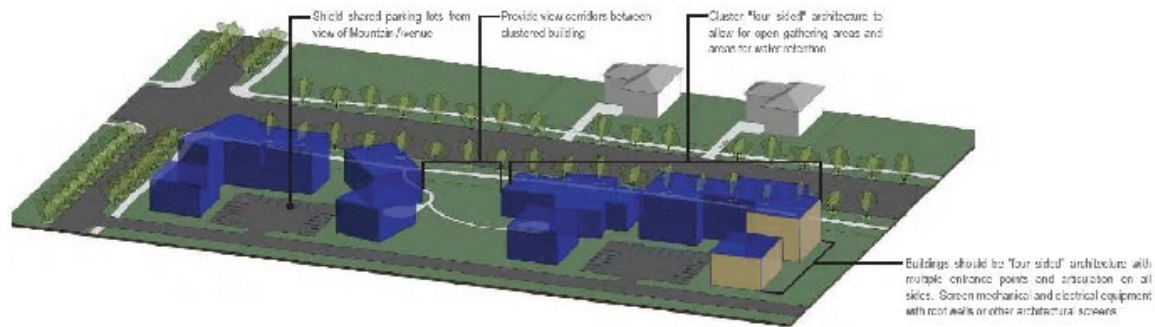


**Figure 3.18: Materiality Examples**



- c. *Balancing Developed Spaces:* Shaping multiple buildings into dense clusters of development, formed around pedestrian and bicycle pathways while leaving reasonable expanses of open areas, will provide view corridors from Mountain Avenue and allow space for water retention.
  - i. Buildings shall define a strong street edge with upper floor step back and architectural embellishments at corners and main entry features.
  - ii. Buildings shall be oriented on front edge of setback to Mountain Avenue to allow parking in the rear. This provides for a more aesthetic streetscape by screening parking from Mountain Avenue.
  - iii. Provide "four-sided" architecture with multiple entrance points or articulation and mechanical and electrical equipment screening. All mechanical equipment is to be screened from views from across the street and/or middle of intersections or adjacent properties, whichever is further.

**Figure 3.19: Four-Sided Architecture**



d. *Materials and Colors.*

- i. Exterior ~~façade~~ materials shall be high-quality, durable products such as brick, stone or decorative precast concrete.
- ii. The primary building ~~façade~~ shall be of high-quality durable materials such as brick/stone veneer or decorative precast concrete, especially at the base of the building that is susceptible to damage by maintenance equipment such as plows, shovels, mowers, etc.
- iii. The primary material shall constitute at least 70 percent of the total wall area for the front and side ~~façades~~ visible from Mountain Avenue and at least 50 percent for the rear ~~façade~~; excluding glass.
- iv. Exterior glazing shall be high-performance clear glass (not tinted or reflective) with a low-E coating and visible light transmittance (Tvis) of 60 percent or higher. Use of opaque/spandrel glass to simulate ground-level vision windows is discouraged. Creating large expanses of windows with a branded display wall in close proximity to the glass so that it is readily visible from the exterior is not permitted.
- v. Secondary ~~façade~~ materials can include cement-based stucco, hardboard siding or decorative metal panels with concealed fasteners.
- vi. Screening elements such as site walls for parking lots and trash enclosures shall be of the same high-quality durable material as the primary building skin.
- vii. Primary building ~~façade~~ colors shall be non-reflective, muted neutral or earth tones with only small "pops" of bright, higher intensity colors. Metallic or fluorescent colors are not allowed. ~~Trademark colors specific to a corporate brand shall only be permitted on building signage subject to the sign code.~~

3. *Parking:*

- a. *Parking:* Required parking shall be located behind and between buildings. Only 40 percent of required on-site parking may be allowed along Mountain Avenue frontage and shall not be forward of any building or structure. In addition, such parking areas shall be screened by a landscape hedge, wrought iron fence, or wall as detailed in Table 3.5.
- b. *Drive ~~through~~ Thru-Areas:* Restaurant and bank drive-~~through areas~~thrus are not permitted.

- c. *Shared Parking:* New off-street parking lots should be shared to reduce the overall footprint of paved parking areas and be tucked behind and between buildings to minimize their visual presence.

4. *Signage:*

- a. Building mounted signs and ground mounted ~~monument~~freestanding signs with horizontal massing are preferred.
- ~~b. Internally illuminated signs are permitted but the entire sign panel may not be illuminated.~~
- ~~c. Text and logos may be illuminated, but the sign panel and cabinet shall be opaque.~~
- ~~db.~~ See Table 3.9 Section 7 Signs for additional signage requirements.

- E. *Agricultural Character District.* Farms, big skies, distant views, and scattered farmsteads provide a pleasant separation between Interstate 25 and the Town which adds to Berthoud's small-town appeal. The primary goal of this district is to retain the rural and agrarian character and to protect the iconic views to the Rocky Mountains.

1. *District Extents:* The Agriculture Character District extents vary on the north and south frontages.
  - North side of Hwy 56 — County Line Road 1 to one-half mile west of I-25
  - South side of Hwy 56 — One-half mile east of County Line Road 1 to one-half mile west of I-25.



2. *Agricultural Character District Architectural Guidelines:* The architectural style of this area is of an agricultural or farmstead nature. It is recommended that all new development compliment this agricultural/farmstead nature.
  - a. Building materials should be of residential grade and include cement-based stucco, hardboard siding, brick, stone, or decorative metal panels with concealed fasteners.
  - b. Roof lines should be of gable end, hip, and valley styles, with dormers, and shed roofs. Clay and concrete tiles are not encouraged.
  - c. Primary Building Façade Colors shall be non-reflective, muted neutral or earth tones, with limited accent colors. Metallic or fluorescent colors are prohibited.

**Figure 3.20: Examples of Agricultural Style Development**



3. *Signage:*

- a. Building mounted signs and ground mounted ~~monument~~freestanding signs with horizontal massing are preferred.
- ~~b. Internally illuminated signs are permitted but the entire sign panel may not be illuminated. Text and logos may be illuminated, but the sign panel and cabinet shall be opaque.~~
- ~~c~~b. Please see Table 3.9 Section 7 Signs for additional signage requirements.

**Figure 3.21: Agricultural Character Setback Graphic**

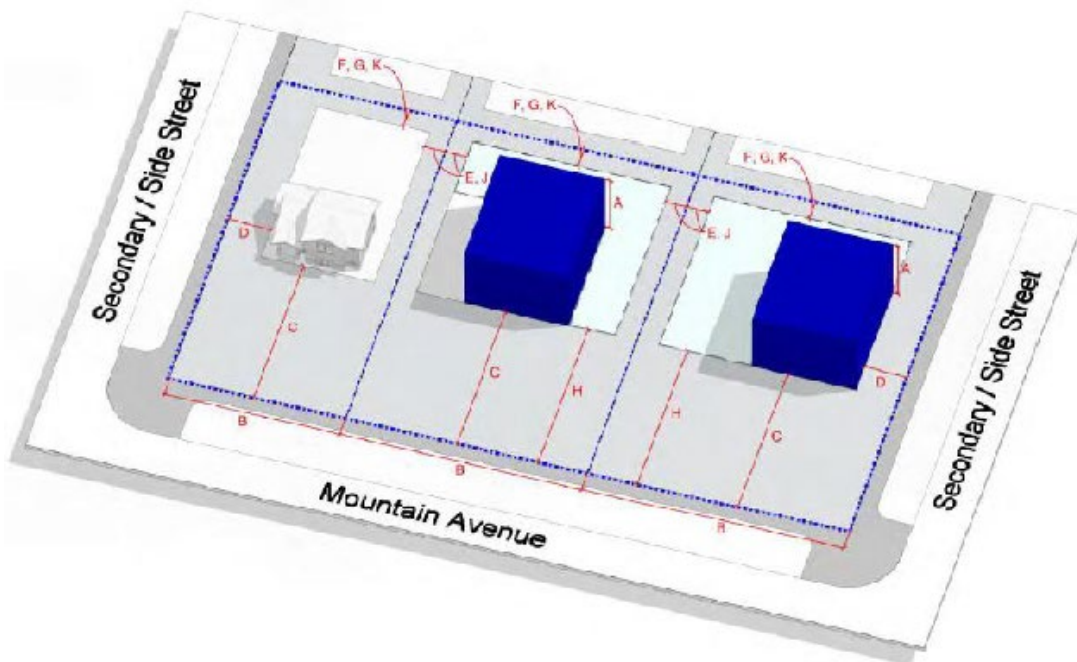


Table. 3.7 Agricultural Character District Dimensional Standards

| Mountain Avenue Development Criteria |                       |  |
|--------------------------------------|-----------------------|--|
| Description                          | Agriculture           |  |
| Density and Lot Coverage             | Per Underlying Zoning |  |



|                                          |                                                |                              |
|------------------------------------------|------------------------------------------------|------------------------------|
| A                                        | Building Height <sup>5</sup>                   | Maximum: 2 Stories (35 feet) |
| B                                        | Minimum Lot Width                              | Per Underlying Zoning        |
|                                          | Building Orientation                           | Parallel to Front lot line   |
| Building Setbacks                        |                                                |                              |
| C                                        | Mountain Ave / Highway 56 <sup>6,7</sup>       | 80 ft. min                   |
| D                                        | Secondary or side street                       | 20 ft. min                   |
| E                                        | Side yard (3 Stories)                          | NA                           |
| E                                        | Side yard (2 Stories)                          | Per Underlying Zoning        |
| E                                        | Side yard (1 Story)                            | Per Underlying Zoning        |
| F                                        | Rear                                           | Per Underlying Zoning        |
| G                                        | Rear Alley                                     | Per Underlying Zoning        |
| Off-Street Parking and Driveway Setbacks |                                                |                              |
| H                                        | Mountain Ave / Highway 56 <sup>9</sup>         | 80 ft. min                   |
| I                                        | Secondary or side street                       |                              |
| J                                        | Side yard                                      | 5 ft. min, 0 ft. if shared   |
| K                                        | Rear                                           | 5 ft. min, 0 ft. if shared   |
|                                          | Max parking and driveway frontage <sup>4</sup> | 40% lot frontage             |
| Mountain Avenue ROW Encroachments        |                                                |                              |
|                                          | Outdoor dining areas and display areas         | 0 ft.                        |
|                                          | Awnings                                        | 0 ft.                        |
|                                          | Balconies                                      | 0 ft.                        |
|                                          | Bay windows and building projections           | 0 ft.                        |
|                                          | Building eaves                                 | 0 ft.                        |
|                                          | Patio cover roof                               | 0 ft.                        |

Notes:

1. The ground floor front façade may be recessed/setback to accommodate outdoor dining and or display areas, and such areas shall have a zero-foot setback.
2. A six-foot minimum unobstructed clear zone shall be provided within the ROW around outdoor dining areas for pedestrian circulation.
3. Balconies, bay windows, and other building projections extending in and to the public ROW shall provide a ten-foot minimum vertical clearance above the sidewalk elevation or finished grade.
4. Off street parking areas and driveways fronting Mtn Avenue/Hwy 56 and/or secondary side streets shall be screened from view from the Public ROW. Screening shall be three feet min. in height and shall be accomplished with berms, low walls, plantings, etc. Wall materials shall match materials used on the associated building. Wood fences are not allowed.
5. Small tower elements and roof forms/parapet walls associated with primary building areas may exceed the maximum building height by 15 percent.
6. Permanent features such as steps, ramps, landings, and uncovered porches shall not extend more than 40 percent into the required setback.
7. Front setbacks abutting Mountain Avenue/HWY 56 shall be measured from the edge of the ROW.
8. Zero-foot setbacks are allowed for buildings fronting Gateway Park Blvd located at the proposed village center.
9. Drive ~~-through~~ windows shall not be oriented towards Mountain Avenue, and shall be located only at the rear of the building, and not fronting Mountain Avenue/HWY 56.

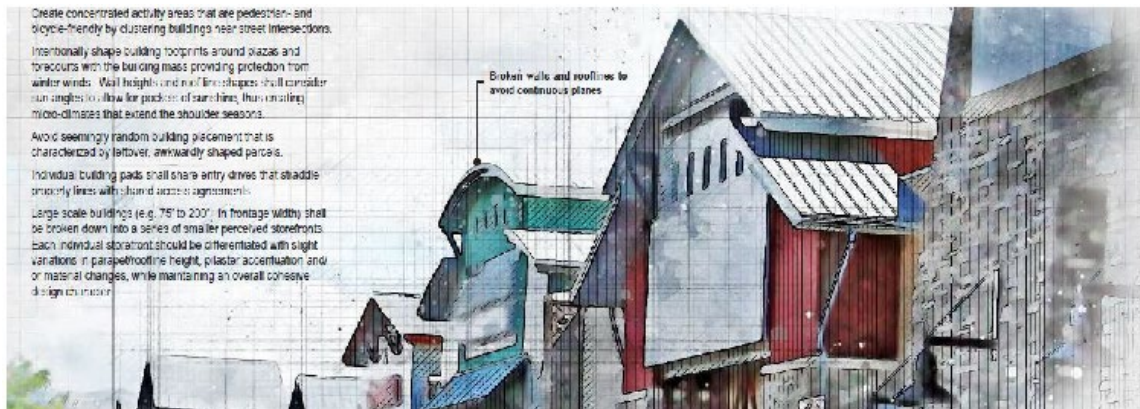
F. *New Berthoud Character District.* New Berthoud straddles the I-25/Hwy 56 interchange and is the gateway into Town. The lasting impression should relate to "Berthoud Proper" and offer a fresh new twist.

1. *District Extent:* The New Berthoud Character District extends one-half mile west of I-25 to County Road 11. Parcels located within this district are highlighted in the map below.



2. *Architectural Guidelines for New Berthoud District:* Expansive master planned developments are anticipated in the New Berthoud District with large scale retail/lifestyle uses near the I-25/Mountain Avenue interchange, then transitioning to mixed-use and residential developments further away.
  - a. *Massing and Form.*
    - i. The configuration and massing of these large buildings should give the appearance of individual buildings in the manner of traditional town centers.
    - ii. Wall and rooflines should be broken to avoid continuous planes, giving the appearance of individual buildings being built over an extended period of time but with a consistent architectural vocabulary.
    - iii. Pedestrian approaches should be well-defined with large overhangs or dynamic canopy elements provided for weather protection.
    - iv. Buildings should be clustered near street intersections to create concentrated activity areas that are pedestrian- and bicycle-friendly.
    - v. Building footprints around plazas and forecourts with the building mass providing protection from winter winds. Wall heights and roofline shapes shall consider sun angles to allow for pockets of sunshine, thus creating micro-climates that extend the shoulder seasons.

**Figure 3.22: Massing New Berthoud Character District**



**b. Massing and Form for Buildings over 75 feet in length.**

- i. Individual building pads shall share entry drives that straddle property lines with shared access agreements.
- ii. Large scale buildings (e.g. 75 feet to 200 feet or more in frontage width) shall be broken down into a series of smaller perceived storefronts. Each individual storefront should be differentiated with slight variations in parapet/roofline height, pilaster accentuation and/or material changes, while maintaining an overall cohesive design character.
- iii. Large scale buildings (e.g. 75 feet to 200 feet or more in frontage width) shall be designed to have scale-defining elements that reduce the perceived size.
- iv. Provide cornice details that terminate in the main field wall while more prominent overhangs cap the defining architectural wall elements.
- v. Provide transom windows to direct natural light deeper into space.
- vi. Pedestrian-scale canopy elements are encouraged to provide shelter from adverse weather conditions, while defining the break between the base and the body of the building.
- vii. First floor storefront base with large expanses of vertically oriented glass (more than 50 percent of ~~façade~~~~façade~~ area) are encouraged for commercial development.

Figure 3.23: Massing for Buildings 75' in width or larger



### 3. Parking:

- a. **Parking:** On-street diagonal parking is proposed on Gateway Park Blvd within the proposed village center. To reduce its visual presence on Mountain Avenue, required parking shall be located behind and between buildings. Required parking areas shall not occupy more than 40 percent of the Mountain Avenue frontage and must not be forward of any building or structure. In addition, such parking areas shall be screened by a landscape hedge, wrought iron fence, or wall as detailed in Table 3.4.
- b. **Drive-through Areas:** Restaurant and bank drive-through areas shall be oriented away from Mountain Avenue and shall only be accessed by a rear access drive, with no visible drive-through areas fronting Mountain Avenue, as described in Table 3.4.
- c. **Shared Parking:** New off-street parking lots should be shared to reduce the overall footprint of paved parking areas and be tucked behind and between buildings to minimize their visual presence.

### 4. Signage:

- a. Building mounted signs and ground mounted **monument freestanding** signs with horizontal massing are preferred.
- ~~b. Internally illuminated signs are permitted but the entire sign panel may not be illuminated.~~
- ~~c. Text and logos may be illuminated, but the sign panel and cabinet shall be opaque.~~
- d. See **Table 3.9 Section 7 Signs** for additional signage requirements.

Table 6.8 New Berthoud Character District Dimensional Standards

| Mountain Avenue Development Criteria |
|--------------------------------------|
|--------------------------------------|



| Description                              |                                                | New Berthoud                 |
|------------------------------------------|------------------------------------------------|------------------------------|
|                                          | Density and Lot Coverage                       | Per Underlying Zoning        |
| A                                        | Building Height <sup>5</sup>                   | Maximum: 3 Stories (40 feet) |
| B                                        | Minimum Lot Width                              | Per Underlying Zoning        |
|                                          | Building Orientation                           | Parallel to Front lot line   |
| Building Setbacks                        |                                                |                              |
| C                                        | Mountain Ave / Highway 56 <sup>6,7</sup>       | 80 ft. min                   |
| D                                        | Secondary or side street                       | 20 ft. min                   |
| E                                        | Side yard (3 Stories)                          | Per Underlying Zoning        |
| E                                        | Side yard (2 Stories)                          | Per Underlying Zoning        |
| E                                        | Side yard (1 Story)                            | Per Underlying Zoning        |
| F                                        | Rear                                           | Per Underlying Zoning        |
| G                                        | Rear Alley                                     | Per Underlying Zoning        |
| Off-Street Parking and Driveway Setbacks |                                                |                              |
| H                                        | Mountain Ave / Highway 56 <sup>9</sup>         | 80 ft. min                   |
| I                                        | Secondary or side street                       |                              |
| J                                        | Side yard                                      | 5 ft. min, 0 ft. if shared   |
| K                                        | Rear                                           | 5 ft. min, 0 ft. if shared   |
|                                          | Max parking and driveway frontage <sup>4</sup> | 40% lot frontage             |
| Mountain Avenue ROW Encroachments        |                                                |                              |
|                                          | Outdoor dining areas and display areas         | 0 ft.                        |
|                                          | Awnings                                        | 0 ft.                        |
|                                          | Balconies                                      | 0 ft.                        |
|                                          | Bay windows and building projections           | 0 ft.                        |
|                                          | Building eaves                                 | 0 ft.                        |
|                                          | Patio cover roof                               | 0 ft.                        |

Notes:

1. The ground floor front façade may be recessed/setback to accommodate outdoor dining and or display areas, and such areas shall have a zero-foot setback.
2. A six-foot minimum unobstructed clear zone shall be provided within the ROW around outdoor dining areas for pedestrian circulation.
3. Balconies, bay windows, and other building projections extending in and to the public ROW shall provide a ten-foot minimum vertical clearance above the sidewalk elevation or finished grade.
4. Off street parking areas and driveways fronting Mtn Avenue/Hwy 56 and/or secondary side streets shall be screened from view from the Public ROW. Screening shall be three feet min. in height and shall be accomplished with berms, low walls, plantings, etc. Wall materials shall match materials used on the associated building. Wood fences are not allowed.
5. Small tower elements and roof forms/parapet walls associated with primary building areas may exceed the maximum building height by 15 percent.
6. Permanent features such as steps, ramps, landings, and uncovered porches shall not extend more than 40 percent into the required setback.
7. Front setbacks abutting Mountain Avenue/HWY 56 shall be measured from the edge of the ROW.
8. Zero-foot setbacks are allowed for buildings fronting Gateway Park Blvd located at the proposed village center.
9. Drive ~~through~~ windows shall not be oriented towards Mountain Avenue and shall be located only at the rear of the building, and not fronting Mountain Avenue/HWY 56.

~~4. Signage.~~

a. All Signage must satisfy the requirements in Table 3.9 below.

Table 3.9 Signage Requirements By Character District

| Description                        | Berthoud West                                                                                                          | Residential Conversion                                                                                               | Downtown Commercial      | Berthoud East                                                                                                          | Agriculture                                                                                                            | New Berthoud                                                                                                           |
|------------------------------------|------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Maximum size of a single sign      | 100 sf                                                                                                                 | 35 sf                                                                                                                | 60 sf                    | 100 sf max                                                                                                             | 100 sf                                                                                                                 | 135 sf                                                                                                                 |
| Freestanding pole sign             | Prohibited                                                                                                             | Prohibited                                                                                                           | Prohibited               | Prohibited                                                                                                             | Prohibited                                                                                                             | Prohibited                                                                                                             |
| Freestanding monument sign         | 10 feet or less in height, sign area is 135 sf max, area of the sign base may not be greater than 50% of the sign area | 5 feet or less in height, sign area is 32 sf max, area of the sign base may not be greater than 50% of the sign area | Prohibited               | 10 feet or less in height, sign area is 135 sf max, area of the sign base may not be greater than 50% of the sign area | 10 feet or less in height, sign area is 135 sf max, area of the sign base may not be greater than 50% of the sign area | 12 feet or less in height, sign area is 155 sf max, area of the sign base may not be greater than 50% of the sign area |
| Wall signs (max per building face) | 120 sf max                                                                                                             | 35 sf max                                                                                                            | 80 sf max                | 120 sf max                                                                                                             | 100 sf max                                                                                                             | 105 sf max                                                                                                             |
| Canopy signs                       | 38 sf max, 18-inch max height                                                                                          | Prohibited                                                                                                           | Prohibited               | 38 sf max, 18-inch max height                                                                                          | 38 sf max, 18-inch max height                                                                                          | 38 sf max, 18-inch max height                                                                                          |
| Projecting signs                   | Allowable, per sign code                                                                                               | Allowable, per sign code                                                                                             | Allowable, per sign code | Allowable, per sign code                                                                                               | Allowable, per sign code                                                                                               | Allowable, per sign code                                                                                               |
| Awning signs                       | Allowable, per sign code                                                                                               | Allowable, per sign code                                                                                             | Allowable, per sign code | Allowable, per sign code                                                                                               | Allowable, per sign code                                                                                               | Allowable, per sign code                                                                                               |
| Window signs                       | Allowable, per sign code                                                                                               | Allowable, per sign code                                                                                             | Allowable, per sign code | Allowable, per sign code                                                                                               | Allowable, per sign code                                                                                               | Allowable, per sign code                                                                                               |

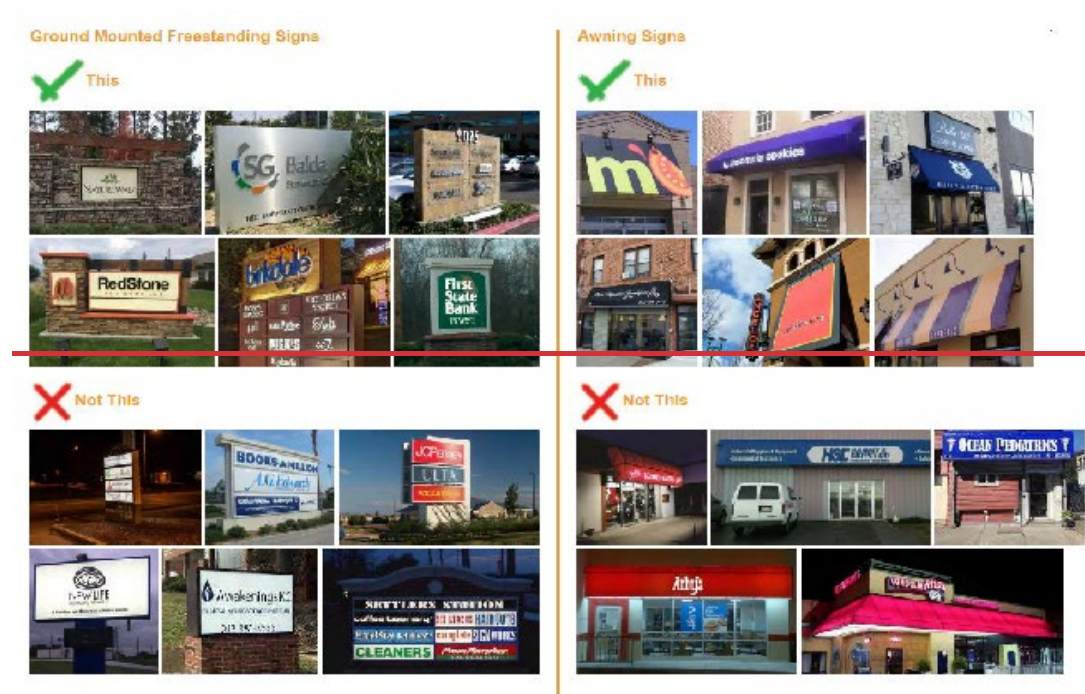
|                              |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                     |                                         |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sandwich board signs         | Prohibited                                                                                                                                                                                                                                                                                                                                                          | Prohibited                                                                                                                                                                                                                                                                                                                                                          | Allowable, per sign code                | Prohibited                                                                                                                                                                                                                                                                                                                                                          | Prohibited                                                                                                                                                                                                                                                                                                                                                          | Prohibited                                                                                                                                                                                                                                                                                                                                                          |
| Billboard signs              | Prohibited                                                                                                                                                                                                                                                                                                                                                          | Prohibited                                                                                                                                                                                                                                                                                                                                                          | Prohibited                              | Prohibited                                                                                                                                                                                                                                                                                                                                                          | Prohibited                                                                                                                                                                                                                                                                                                                                                          | Prohibited                                                                                                                                                                                                                                                                                                                                                          |
| Electronic signs             | Per sign code                                                                                                                                                                                                                                                                                                                                                       | Prohibited                                                                                                                                                                                                                                                                                                                                                          | Prohibited                              | Per sign code                                                                                                                                                                                                                                                                                                                                                       | Per sign code                                                                                                                                                                                                                                                                                                                                                       | Per sign code                                                                                                                                                                                                                                                                                                                                                       |
| Off-premises signs           | Prohibited                                                                                                                                                                                                                                                                                                                                                          | Prohibited                                                                                                                                                                                                                                                                                                                                                          | Prohibited, except sandwich board signs | Prohibited                                                                                                                                                                                                                                                                                                                                                          | Prohibited                                                                                                                                                                                                                                                                                                                                                          | Prohibited                                                                                                                                                                                                                                                                                                                                                          |
| Sign and awning illumination | <p><u>Internal or external illumination is allowed with the following stipulations:</u></p> <p><u>Internal illumination:</u> Letters and logo(s) may be internally illuminated, surrounding sign panel and supporting structure may not be illuminated. Awnings may not be internally illuminated.</p> <p><u>External illumination:</u> Entire sign and support</p> | <p><u>Internal or external illumination is allowed with the following stipulations:</u></p> <p><u>Internal illumination:</u> Letters and logo(s) may be internally illuminated, surrounding sign panel and supporting structure may not be illuminated. Awnings may not be internally illuminated.</p> <p><u>External illumination:</u> Entire sign and support</p> | External illumination only              | <p><u>Internal or external illumination is allowed with the following stipulations:</u></p> <p><u>Internal illumination:</u> Letters and logo(s) may be internally illuminated, surrounding sign panel and supporting structure may not be illuminated. Awnings may not be internally illuminated.</p> <p><u>External illumination:</u> Entire sign and support</p> | <p><u>Internal or external illumination is allowed with the following stipulations:</u></p> <p><u>Internal illumination:</u> Letters and logo(s) may be internally illuminated, surrounding sign panel and supporting structure may not be illuminated. Awnings may not be internally illuminated.</p> <p><u>External illumination:</u> Entire sign and support</p> | <p><u>Internal or external illumination is allowed with the following stipulations:</u></p> <p><u>Internal illumination:</u> Letters and logo(s) may be internally illuminated, surrounding sign panel and supporting structure may not be illuminated. Awnings may not be internally illuminated.</p> <p><u>External illumination:</u> Entire sign and support</p> |

|                                            |                                                                                                  |                                                                                                  |                                                                                                                                      |                                                                                                  |                                                                                                  |                                                                                                  |
|--------------------------------------------|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
|                                            | structure may be illuminated with cut-off style fixtures. Awnings may be externally illuminated. | structure may be illuminated with cut-off style fixtures. Awnings may be externally illuminated. |                                                                                                                                      | structure may be illuminated with cut-off style fixtures. Awnings may be externally illuminated. | structure may be illuminated with cut-off style fixtures. Awnings may be externally illuminated. | structure may be illuminated with cut-off style fixtures. Awnings may be externally illuminated. |
| Sign setbacks from Mountain Ave/Highway 56 | 5-foot min                                                                                       | 5-foot min                                                                                       | Zero-foot min, except sandwich board signs, which can be placed on corners in Mountain Ave. right-of-way between 2nd and 5th Streets | 5-foot min                                                                                       | 10-foot min                                                                                      | 10-foot min                                                                                      |

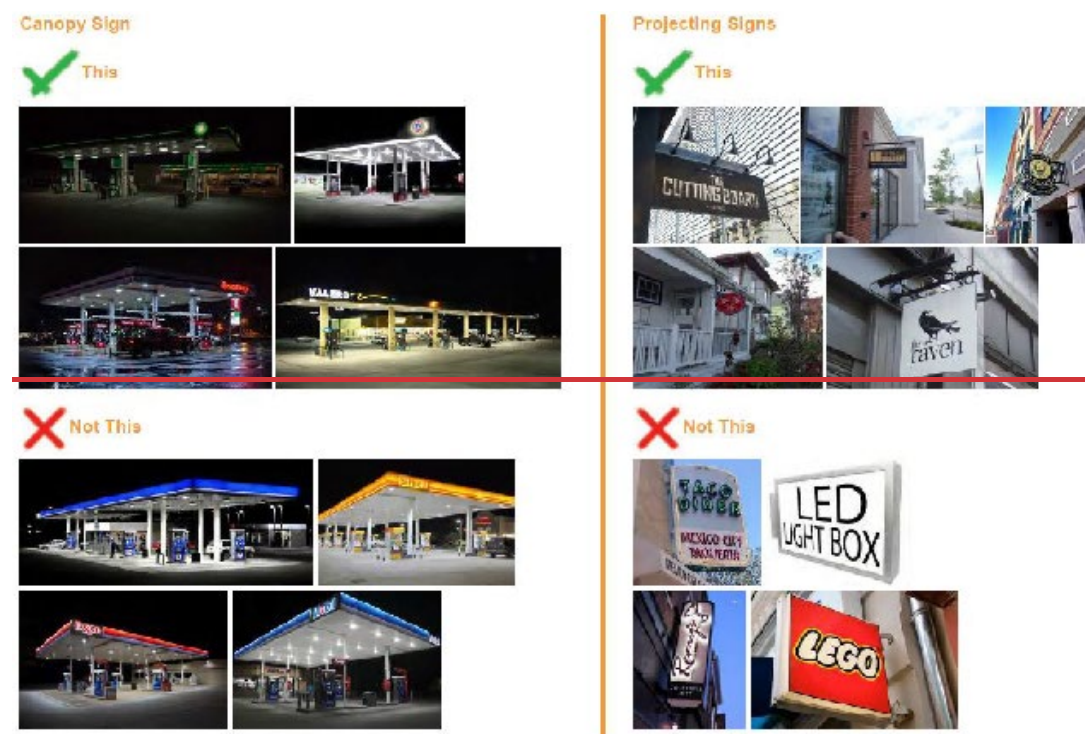
Notes:

1. ~~Corporate colors and other colors used behind or around a sign to differentiate it from the building façade shall be included in the sign area.~~
2. ~~The following signs, banners, flags, and special event signage, defined and found in the Exempt Signage of Section 30-107-3, shall be allowed in the Mountain Avenue Overlay under the following conditions:~~
  - a. ~~Banners, flags and other special event signage is allowed for one continuous two-week period associated with a grand opening of any business.~~
  - b. ~~Banners, flags, and other special event signage is allowed for a continuous two-week period one time per calendar year.~~
  - c. ~~Two flags per the criteria of the authorized time periods in a and b above. Such flags must be placed outside of the Public ROW and be no more than eight feet in height.~~
  - d. ~~One Banner 32 square feet in size or less, shall be erected under the conditions of a and b of the aforementioned criteria in this code.~~
  - e. ~~Any other special event signage not specifically defined by this code that satisfy the conditions of a and b above, shall be 32 square feet in size or less, and located out of the ROW, shall be reviewed by Staff for approval for compliance with the criteria stated in this section.~~

**Figure 3.23: Examples of Freestanding and Awning Signs**



**Figure 3.24: Examples of Canopy and Projecting Signs**



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( Ord. No. 1280 , § 1(Exh. A), 1-28-2020; Ord. No. 1299 , § 1(Exh. A), 12-14-2021)

**30-5-102 Construction Rules and Regulations**

- J. *Signage.* At least one temporary ~~construction site~~ sign, a minimum of 12 square feet and a maximum of 32 square feet in size, shall be located within the Site boundary and shall be easily visible and readable from the adjacent roadway or entry to the Site. The sign must the information shown below.

PROJECT LOGO AND/OR NAME

Developer/Owner: [Name and Phone #]

Contractor: [Name and Phone #]

Builder: [Name and Phone #]

# TOWN BOARD INFORMATION



## COMMUNITY DEVELOPMENT DEPARTMENT

|                              |                                                                                                                                                                                                                               |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>         | <b>March 12, 2024</b>                                                                                                                                                                                                         |
| <b>Agenda Title/Subject:</b> | <b>Ordinance 1335 (Series 2024) Public Hearing to present proposed amendments to the Berthoud Development Code specifically, adopting Section 3 of Chapter 30, 2<sup>nd</sup> Reading</b>                                     |
| <b>Type of Item:</b>         | <b>Public Hearing</b>                                                                                                                                                                                                         |
| <b>Purpose:</b>              | <b>Amending the Land Use Code to adopt Section 3, Chapter 30 of the Municipal Code to recognize the adoption of the Innovation District Standards by the Town Board of Trustees on April 25, 2023, 2<sup>nd</sup> Reading</b> |
| <b>Presented by:</b>         | <b>Anne Johnson, Community Development Director</b>                                                                                                                                                                           |

### ATTACHMENTS:

- Planning Commission Minutes, Draft form
- Public Notice
- Ordinance 1335 (Series 2024)
- Ordinance 1335 (Series 2024) Appendix A
- First Street Master Plan, April 25, 2023

### BACKGROUND:

It is necessary to update the Berthoud Land Development Code to recognize the Innovation District/1<sup>st</sup> Street Overlay District Standards adopted by the Town Board of Trustees on April 25, 2023.

### UPDATE/NEXT STEPS:

The Planning Commission's recommendation of approval from their February 8, 2024 public hearing are presented as an introduction at the Town Board of Trustee's meeting on February 20, 2024 and the public hearing on March 12, 2024.

### FISCAL IMPACT AND FUND SOURCE:

There is no negative fiscal impact to the Town in clarifying the Town Development Code, Chapter 30 of the Municipal Code

### COMMUNITY TOUCHSTONES:

Consideration of the amendment requests does not negatively impact community touchstones. Consideration of approval of the request does provide support for enhancing community identity, provides for support to strengthen the Town's sustainability and resiliency goals and affords the development community with a transparent set of standards to know what the expectations are for developing in the Town of Berthoud.



**RECOMMENDED ACTION(S):**

Planning Commission recommends the Town Board of Trustees approve Ordinance 1335 (series 2024) with the attached Ordinance Appendix A on second reading to be held on March 12, 2024.



## **Planning Commission Minutes – February 8, 2024, at 6:00 p.m.**

**1. Call to Order** – The Planning Commission convened a regular meeting on. Commissioner Anderson called the meeting to order at 6:00 p.m.

### **2. Pledge of Allegiance**

**3. Roll Call** – Members present:

|                 |                    |
|-----------------|--------------------|
| Karen Anderson  | (Chairperson)      |
| Abigail Smith   | (Vice Chairperson) |
| Jon Van Benthem | (Secretary)        |
| Joe Donnelly    | (Commissioner)     |
| Marc Hofmans    | (Commissioner)     |
| Nick Semedallas | (Commissioner)     |
| Brett Wing      | (Commissioner)     |

|                |                |                                  |
|----------------|----------------|----------------------------------|
| Staff present: | Anne Johnson   | (Community Development Director) |
|                | Teri Reger     | (Planning Technician)            |
|                | Jeremy Olinger | (Deputy Town Administrator)      |

|              |                           |
|--------------|---------------------------|
| Consultants: | Gerald Dahl               |
|              | Martin Landers            |
|              | Erin Smith, Town Attorney |

**4. Approval of Minutes** – Minutes from January 11, 2024, Planning Commission Meeting.

**MOTION made by Commissioner Wing to APPROVE the Minutes for January 11, 2024.**

**SECONDED by Commissioner Van Benthem.**

**With those all-in favor, THE MOTION CARRIED.**

### **5. Update on Town Projects in 2023 and 2024**

Presented by: Jeremy Olinger, Deputy Town Administrator

### **6. Public Hearing: Sign Code**

Community Development Director Anne Johnson introduced a recommendation to the Planning Commission regarding amendments to Section 7, Chapter 30, the Berthoud Sign Code, Ordinance 1334.

***Public Comment was opened at 7:24 p.m.***

***Public Comment was closed at 7:25 p.m.***

**MOTION made by Commissioner Wing to forward our recommendation of approval of the amendments contained in Ordinance 1334 (Series 2024) with Appendices A, B, C and D to the Town Board of Trustees. The rationale for approval is that the proposed guidelines provide transparent expectations for future development in the Town of Berthoud, supports the Town's community identity outlined in the 2021 update to the Comprehensive Plan, and aligns the**

**Town's Sign Code with current findings of the U.S. Supreme Court.**

**SECONDED by Vice Chairperson Smith. With all in favor, THE MOTION CARRIED.**

**7. Public Hearing: Amendments to the Berthoud Development Code specifically, adopting Section 3 of Chapter 30, Ordinance 1335**

Community Development Director Anne Johnson introduced a recommendation to the Planning Commission regarding adopting Section 3, Chapter 30 of the Municipal Code to recognize the adoption of the Innovation District Standards by the Town Board of Trustees on April 25, 2023

***Public Comment was opened at 7:48 p.m.***

***Public Comment was closed at 7:48 p.m.***

**MOTION made by Commission Hofmans to *forward our recommendation of approval of the amendments contained in Ordinance 1335 (Series 2024) with Appendix A to the Town Board of Trustees. The rationale for approval is that the guidelines for the Berthoud Innovation District/1<sup>st</sup> Street Corridor were approved by the Town Board of Trustees on April 25, 2023. Inclusion of these standards by reference in the Town Development Code provides transparent expectations for future development in the Town of Berthoud and supports the Town's community identity outlined in 2023 Guidelines for the 1<sup>st</sup> Street Corridor.***

**SECONDED by Commissioner Semedalas. With all in favor, THE MOTION CARRIED.**

**8. Reports by Staff**

Planning Commission Field Trip is scheduled for March 16, 2024.

Planning Commission Meeting on February 25, 2024, has been cancelled the next meeting will be March 14, 2024.

**Board of Trustees Update:**

Commissioner Wing commended Deputy Town Administrator Olinger for his presentation and information he shared regarding Town Projects.

Commissioner Wing also asked, spurred by the upcoming field trip, how leaders can influence affordable housing.

Chairperson Anderson suggested that perhaps the Director for Habitat for Humanity could come and talk to the Commission.

**9. Adjourn –**

The meeting was adjourned at 7:58 p.m.

---

CHAIRPERSON

---

SECRETARY

**TOWN OF BERTHOUD, COLORADO**

**NOTICE OF PUBLIC HEARING  
Amendments to the Berthoud Development Code**

PUBLIC NOTICE IS HEREBY GIVEN of public hearings before the Berthoud Planning Commission on Thursday, February 8, 2024 at 6:00 p.m. and before the Town Board on Tuesday, February 20, 2024 and Tuesday, March 12, 2024 at 6:30 pm to consider amendments to Chapter 30, Section 3 of the Berthoud Municipal Code, specifically adding language recognizing the First Street Overlay District standards previously adopted by the Town Board of Trustees. The public hearings will be held at Town Hall 807 Mountain Avenue Berthoud 80513.

Given and Posted on this \_\_\_\_ day of January, 2024.

Published: Loveland Reporter Herald January 20, 2024-2029777

**Prairie Mountain Media, LLC**

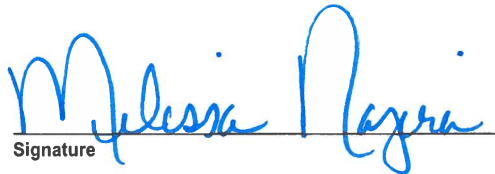
**PUBLISHER'S AFFIDAVIT**

**County of Larimer  
State of Colorado**

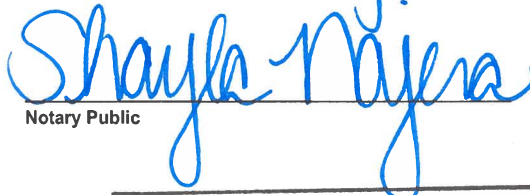
The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Loveland Reporter Herald*.
2. The *Loveland Reporter Herald* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Larimer County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Loveland Reporter Herald* in Larimer County on the following date(s):

Jan 20, 2024

  
Signature

Subscribed and sworn to me before me this  
2nd day of January 2024.

  
Notary Public

(SEAL)

SHAYLA NAJERA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20174031965  
MY COMMISSION EXPIRES July 31, 2025

Account: 1051549  
Ad Number: 2029777  
Fee: \$18.56

**TOWN OF BERTHOUD ORDINANCE  
NUMBER 1335  
(SERIES 2024)**

**AN ORDINANCE ADDING SECTION 3 TO THE BERTHOUD MUNICIPAL CODE CHAPTER  
30, TO SUPPORT THE 2023 ADOPTION OF THE INNOVATION DISTRICT/1<sup>ST</sup> STREET  
COORDOR GUIDELINES**

**WHEREAS**, the Town of Berthoud is a municipal corporation possessing all powers granted to a statutory town by Title 31 of the Colorado Revised Statutes; and

**WHEREAS**, the Town wishes to implement the vision and values expressed in the 2021 update to the Comprehensive Plan, including strengthening the Town's sense of place, enhancing community identity, supporting community resilience and sustainability touchstones; and

**WHEREAS**, the Town Board of Trustees adopted the 1<sup>st</sup> Street Corridor/Innovation District Guidelines at their public hearing on April 25, 2023 and wishes to reference these guidelines in the Land Development Code; and

**WHEREAS**, the Planning Commission, after proper notice, has held a public hearing on February 8, 2024 on this ordinance providing for a recommendation of approval from the Town Board of Trustees; and

**WHEREAS**, the Board of Trustees, after proper notice introduced this Ordinance at their meeting on February 20, 2024 and heard the proposal at a public hearing on March 12, 2024 on this ordinance providing for the adoption of said code amendments pursuant to C.R.S. Section 31-16-203; and

**WHEREAS**, the Development Code and amendments thereto have been submitted to the Board of Trustees in writing and the Board of Trustees has determined that such code and amendments thereto should be adopted as herein set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. The attached Ordinance 1335 (Series 2024) shall be amended as presented in Appendix A and adopted into Chapter 30 of the Berthoud Municipal Code.

Section 2. Interpretation: This Ordinance shall be so interpreted and construed to effectuate its general purpose.

Section 3. Effective Date: The provisions of this Ordinance shall take effect thirty (30) days following the date of public hearing.

[INTENTIONALLY LEFT BLANK]

INTRODUCED on this 20<sup>th</sup> day of February, 2024.

**TOWN OF BERTHOUD**

By \_\_\_\_\_  
**William Karspeck, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**Christian Samora, Town Clerk**

READ, ADOPTED, AND APPROVED on this 12<sup>th</sup> day of March, 2024.

**TOWN OF BERTHOUD**

By \_\_\_\_\_  
**William Karspeck, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**Christian Samora, Town Clerk**

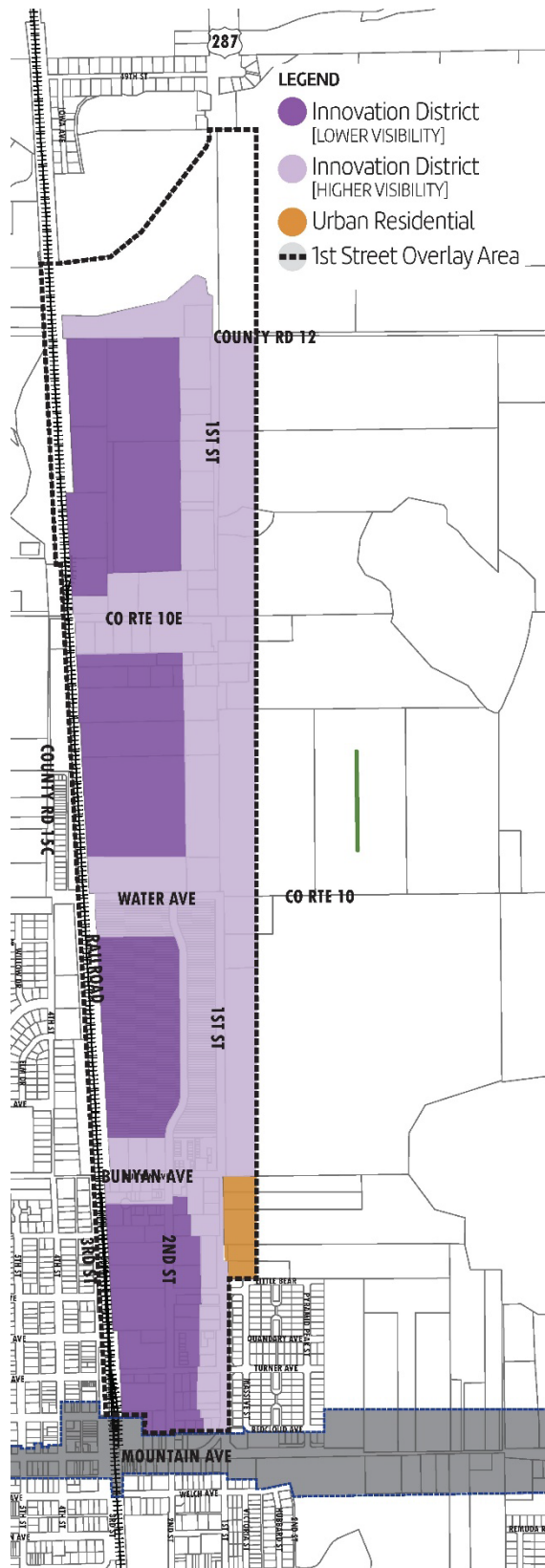
**Berthoud 1<sup>st</sup> Street Corridor Overlay District**

**Section 30-3-115 1<sup>st</sup> Street Corridor Overlay District**

1. *Intent.* The 1<sup>st</sup> Street Corridor Overlay District focuses on directing the general character of new development and redevelopment within the 1<sup>st</sup> Street corridor, in accordance with the 1<sup>st</sup> Street Corridor Plan adopted by Resolution 2023-09.
2. *Boundaries.*
  - A. *General.* The boundary of this 1<sup>st</sup> Street Corridor Overlay District (herein referred to as the 1<sup>st</sup> Street Overlay) shall be the area so labeled and depicted in Figure 3.24, and as approved in the official zoning map, which is incorporated herein by reference. The 1<sup>st</sup> Street Overlay is applicable to all properties within the 1<sup>st</sup> Street corridor within Town Limits.
  - B. *Districts.* As depicted in Figure 3.24, the 1st Street Overlay is comprised of two Character Districts: The Innovation District and the Urban Residential District. The Innovation District is a distinct business district encompassing a majority of the 1st Street Overlay area. The Urban Residential District supports potential commercial and employment opportunities in the Innovation District.
  - C. *Visibility Areas.* As depicted in Figure 3.24, the Innovation District is comprised of a Higher Visibility Area and a Lower Visibility Area.
    - a. Higher Visibility Areas are defined within 300 feet of the centerline of 1st Street, Bunyan Avenue, Water Avenue, CR10, CR10E, and CR12.
    - b. Lower Visibility Areas are the remaining areas outside the Higher Visibility Areas.

**Figure 3.24: 1<sup>st</sup> Street Overlay Boundaries**

## Berthoud 1<sup>st</sup> Street Corridor Overlay District





## **Berthoud 1<sup>st</sup> Street Corridor Overlay District**

3. *Applicability.* All of the regulations and requirements of this Section shall fully apply when any of the following occur on property within the 1st Street Overlay:
  - A. Construction of any new principal structure.
  - B. Parking area reconfiguration.
  - C. Structural Alterations. Any structural alteration shall follow the 1st Street Overlay regulations as follows:
    - a. Exterior Walls. When any change is made to the façade or an exterior wall of an existing structure within a Higher Visibility Area, all of the façade shall be brought into full compliance with the 1st Street Overlay found herein.
    - b. Addition(s): Any addition to an existing structure within a Higher Visibility Area must be in full compliance with this 1st Street Overlay.
  - D. Sign Permits. Any expansion, change, or removal of any existing signage shall be brought into compliance with Section 7 Signs.
  - E. Change of Use. Any change of use will necessitate land development review and require compliance with applicable standards of this Code and the 1st Street Overlay regulations.
4. *Exemptions.* The following exemptions to the regulations and requirements of this Section are applicable to property within the 1st Street Overlay:
  - A. General property maintenance and/or general property repair, such as roof repairs, interior remodels and repair, exterior painting, parking lot repair/restriping, and any other non-structural repair, or;
  - B. The maintenance, repair, upgrading or replacement of any water, sewer, HVAC, or electrical facilities will not trigger a requirement that such property or structure be brought into compliance with this 1st Street Overlay.
  - C. Existing single-family residential uses are exempt from the requirements of this 1st Street Overlay and shall follow the development standards of the underlying zoning district.
5. *Legal Nonconformities.* Except as provided in this 1st Street Overlay to the contrary; all nonconforming uses, nonconforming structures and nonconforming lots, shall be governed by Section 30-3-107 *Nonconforming use/buildings*.
6. *Architectural Standards/Guidelines.* All applicable development within the 1st Street Overlay shall be in accordance with the architectural standards of this Code and the Architectural Design Guidelines.
  - A. All applicable development within the Urban Residential District shall be in compliance with Section 30-2-116 *Residential design standards*.
    - a. During the land development approval process, and specifically Section 30-6-112 *Site plan* and Section 30-3-106 *Use by Special Review* as applicable, an applicant proposing development within the Urban Residential District shall illustrate how the development will comply with the requirements set forth in the Architectural Design Guidelines for the Urban Residential Character District.
  - B. All applicable development within the Innovation District shall be in compliance with Section 30-2-117 *Commercial and industrial standards*.

## Berthoud 1<sup>st</sup> Street Corridor Overlay District

- a. During the land development approval process, and specifically Section 30-6-112 *Site plan* and Section 30-3-106 *Use by Special Review* as applicable, an applicant proposing development within a Higher Visibility area shall illustrate how the development will comply with the requirements set forth in the Architectural Design Guidelines for the Urban Industrial Character District.
  - b. During the land development approval process, and specifically Section 30-6-112 *Site plan* and Section 30-3-106 *Use by Special Review* as applicable, an applicant proposing mixed use development shall illustrate how the development will comply with the requirements set forth in the Architectural Design Guidelines for the Urban Downtown Character District.
7. *Use and Dimensional Standards.* All applicable development within the 1st Street Overlay shall be in accordance with the land use and dimensional standards in Table 3.9:

**Table 3.9: 1<sup>st</sup> Street Corridor Overlay District Use and Dimensional Standards**

|                                                     |                            |
|-----------------------------------------------------|----------------------------|
| Uses Allowed                                        | Per Underlying Zoning      |
| Mixed-Use Standards                                 | Per R-4 Zoning             |
| Maximum Density                                     | Per Underlying Zoning      |
| Maximum Building Height: Innovation District        | 3 Stories (40 feet)        |
| Maximum Building Height: Urban Residential District | Per Underlying Zoning      |
| Minimum Lot Size                                    | Per Underlying Zoning      |
| Minimum Lot Width                                   | Per Underlying Zoning      |
| Building Setbacks                                   | Per Underlying Zoning      |
| Building Orientation                                | Parallel to Front lot line |
| Maximum Parking and Driveway Frontage               | 40% of lot frontage        |



TOWN OF BERTHOUD, COLORADO

# 1<sup>st</sup> Street Corridor Plan

Approved by Berthoud Town Board on April 25, 2023



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CHAPTER 1

# Overview

The Town of Berthoud continues to plan for managed growth and sustainable development, and 1<sup>st</sup> Street is an attractive location for future development for various reasons: adjacent properties are highly visible to drivers; there is convenient access to US 287 and Mountain Avenue; and Town infrastructure is in close proximity. In addition, the Comprehensive Plan and Zoning Code allow unique land uses that aren't permitted in most areas within the Town. The 1<sup>st</sup> Street Corridor Plan (Plan) sets the stage for 1<sup>st</sup> Street to serve as a central spine for one of the Town's growth areas east of the railroad.

## Purpose of the Plan

The Plan provides a vision and set of goals for guiding the growth, development, redevelopment and design of the 1<sup>st</sup> Street corridor. More specifically, the Plan addresses architecture, scale, form, character and intensity of development, connectivity, multi-modal transportation, streetscapes, and landscaping within the 1<sup>st</sup> Street Corridor Study Area.

Town staff coordinated with a multidisciplinary consultant team to guide the planning effort. Input for the 1<sup>st</sup> Street Corridor Plan was sought from local residents, businesses, property owners, and community leaders, particularly through a series of three community meetings.

*The 1<sup>st</sup> Street Corridor Plan provides Berthoud with a roadmap for accomplishing community planning objectives along the 1<sup>st</sup> Street corridor for many years to come.*

## PROJECT GOALS

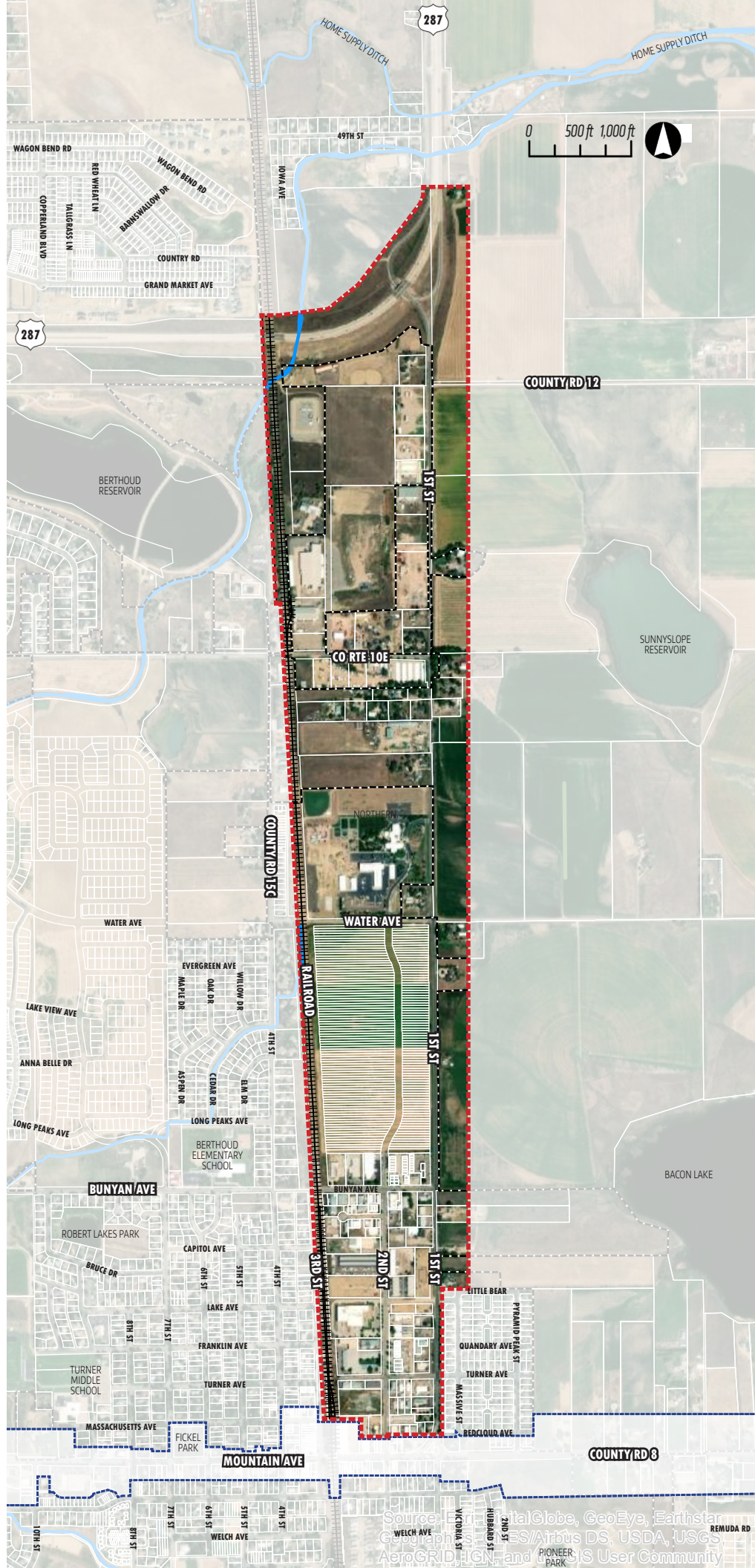
- Identify and enhance the character of 1<sup>st</sup> Street
- Protect existing neighborhoods
- Envision distinct and memorable spaces and places that add to Berthoud's charm and boost the concept of an Innovation District along 1<sup>st</sup> Street, per the 2021 Comprehensive Plan
- Improve the experience for pedestrians, bicyclists, transit users, and motorists in a safe environment
- Create conditions and a collaborative environment where business and innovation can thrive





## Study Area

The 1<sup>st</sup> Street Corridor Study Area generally covers the area with US 287 on the north (including the interchange), the railroad on the west, Mountain Avenue on the south, and approximately 300 feet east of 1<sup>st</sup> Street. The corridor stretches about 2 miles from north to south.





## Relationship to the Comprehensive Plan

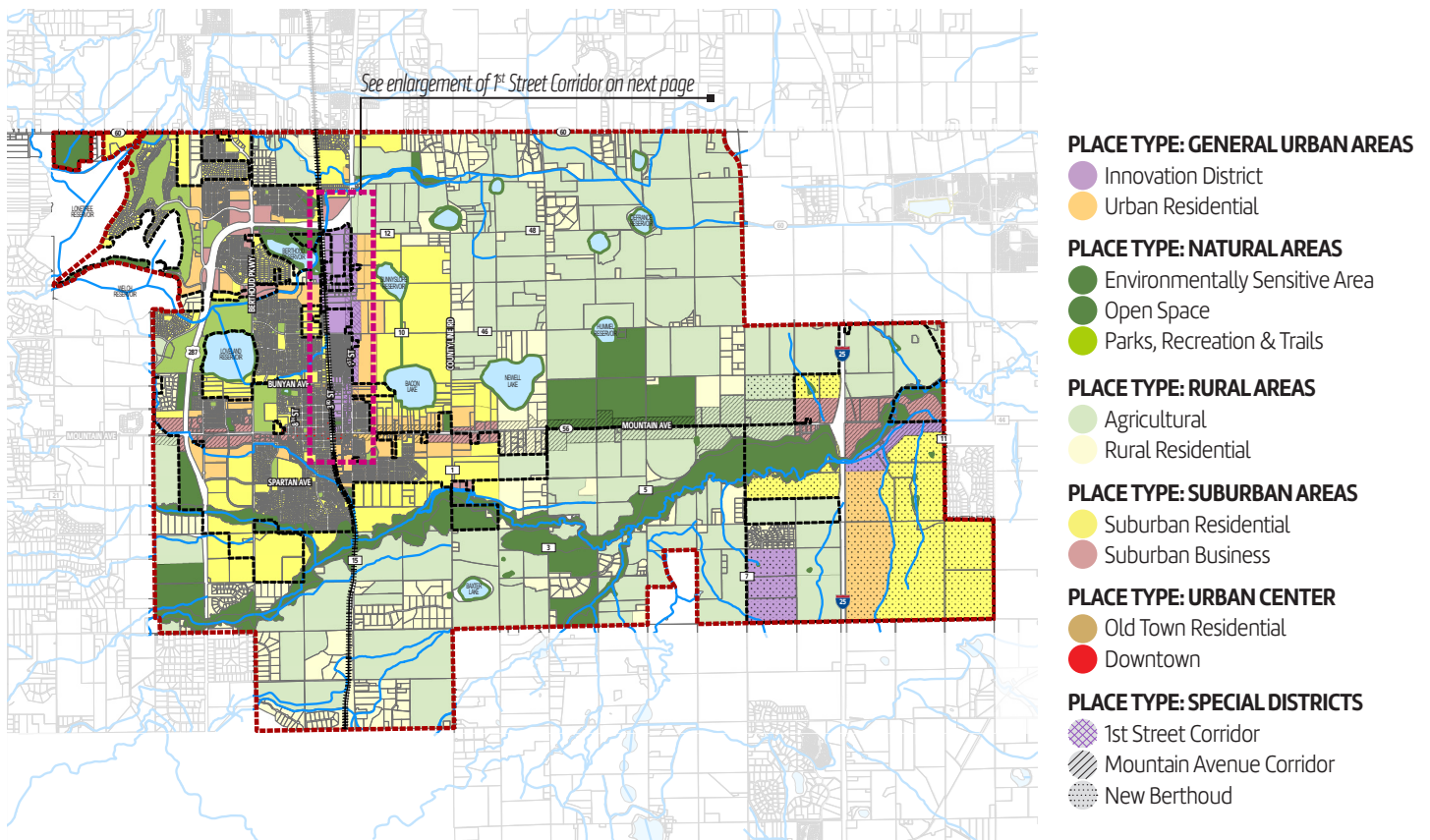
As illustrated in the map below, the Future Land Use Plan in the Town of Berthoud's 2021 Comprehensive Plan was built around a set of Character Districts that defined the land use, urban design, and character traits of Berthoud's districts and corridors.

The 1<sup>st</sup> Street Corridor is primarily characterized by two of those Character Districts, which are described in more detail on page 5. One is an **Innovation District** intended to be a distinct business district strategically designed to attract, retain, and cultivate talent in a variety of industries, from creativity, makers, and startups to technology, research, and development. **Urban Residential** uses to the east of 1<sup>st</sup> Street are also intended to support potential commercial and employment opportunities in the Innovation District.

This Plan will further articulate the desired character and function of the Study Area.



### **FUTURE LAND USE PLAN** | 2021 BERTHOUD COMPREHENSIVE PLAN



# Future Land Use Map

The Future Land Use Map from the 2021 Berthoud Comprehensive Plan is categorized by six Place Types, which each has its own set of Character Districts that define the land use character of the various neighborhoods, corridors, and districts that comprise Berthoud. One of the Character Districts is the Innovation District, which encompasses a majority of the 1<sup>st</sup> Street Corridor Study Area. Urban Residential is another prominent Character District east of 1<sup>st</sup> Street. Preferred land uses are summarized on the next page.

## PLACE TYPE: GENERAL URBAN AREAS

- Innovation District
- Urban Residential

## PLACE TYPE: NATURAL AREAS

- Environmentally Sensitive Area
- Open Space
- Parks, Recreation & Trails

## PLACE TYPE: RURAL AREAS

- Agricultural
- Rural Residential

## PLACE TYPE: SUBURBAN AREAS

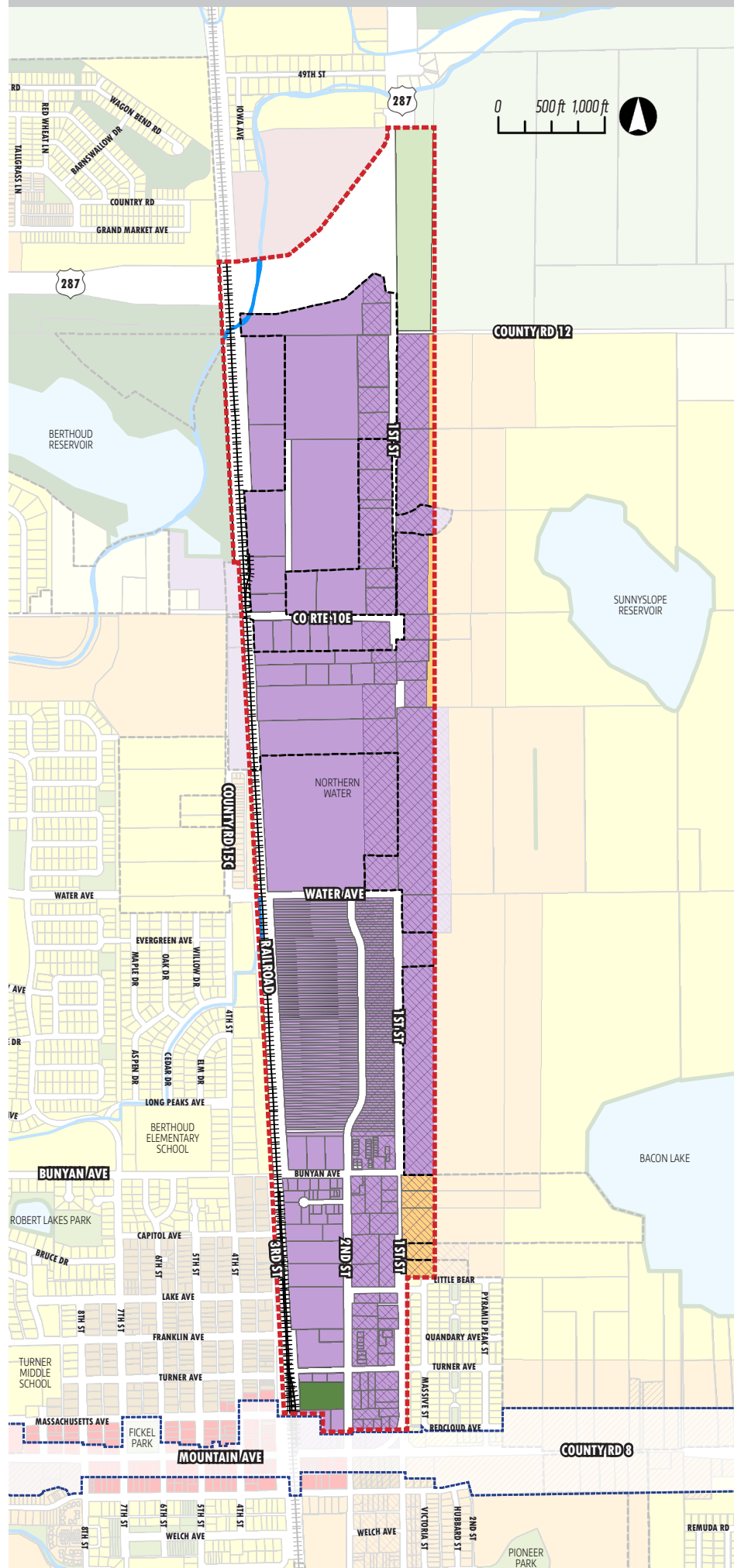
- Suburban Residential
- Suburban Business

## PLACE TYPE: URBAN CENTER

- Old Town Residential
- Downtown

## PLACE TYPE: SPECIAL DISTRICTS

- 1<sup>st</sup> Street Corridor
- Mountain Avenue Corridor





# Character Districts

Per the 2021 Comprehensive Plan, the 1<sup>st</sup> Street Corridor provides, “optimal opportunities for mixed use development and creation of new sub-districts...”, which assumes Town annexation of unincorporated properties over time to guide future land use. As summarized below, the 1<sup>st</sup> Street Corridor is comprised of two Character Districts: the Innovation District and the Urban Residential District.

## GUIDING PRINCIPLE

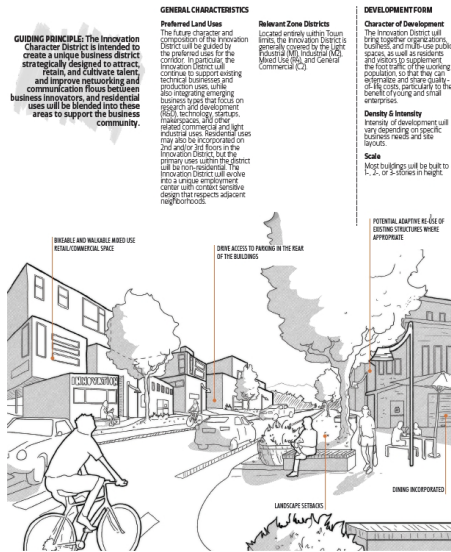
The 1<sup>st</sup> Street Corridor is intended to evolve into a modern innovation hub designed as a green and connected campus that provides for a range of employment and business uses catering to creatives, artisans, makers, startups, and other innovators. Residential uses can be blended into these areas to support the business community.

### Innovation District | CHARACTER DISTRICT

**Guiding Principle:** The Innovation Character District is intended to create a unique business district strategically designed to attract, retain, and cultivate talent, and improve networking and communication flows between business innovators, and residential uses will be blended into these areas to support the business community.

**Preferred Land Use:** The future character and composition of the Innovation District will be guided by the preferred uses for the corridor. In particular, the Innovation District will continue to support existing technical businesses and production uses, while also integrating emerging business types that focus on research and development (R&D), technology, startups, makerspaces, and other related commercial and light industrial uses. Residential uses may also be incorporated on 2nd and/or 3rd floors in the Innovation District, but the primary uses within the district will be non-residential. The Innovation District will evolve into a unique employment center with context sensitive design that respects adjacent neighborhoods.

**Scale:** Most buildings will be built to 1, 2, or 3-stories in height.



#### GENERAL CHARACTERISTICS

**Preferred Land Use**  
The future character and composition of the Innovation District will be guided by the preferred uses for the corridor. In particular, the Innovation District will continue to support existing technical businesses and production uses, while also integrating emerging business types that focus on research and development (R&D), technology, startups, makerspaces, and other related commercial and light industrial uses. Residential uses may also be incorporated on 2nd and/or 3rd floors in the Innovation District, but the primary uses within the district will be non-residential. The Innovation District will evolve into a unique employment center with context sensitive design that respects adjacent neighborhoods.

**Relevant Zone Districts**  
Located entirely within Town limits, the Innovation District is generally covered by the 2021 Master Use Map, and General Commercial (GC-2).

#### DEVELOPMENT FORM

**Character of Development**  
The Innovation District will bring together organizations, business, and multi-use public spaces, as well as to represent the front face of the working population, so that the can represent and share quality, as well as contribute to the development of the district.

**Density & Intensity**  
Intensity of development will vary depending on specific business needs and the district.

**Scale**  
Most buildings will be built to 1, 2, or 3-stories in height.

#### URBAN DESIGN

**Architecture**  
Architecture will complement the Town's small-town charm and reflect a progressive sense of design. When used in a predominantly commercial area, architectural style will be modern and blend with neighboring commercial buildings.

**Streetscape**  
Streets will be designed to walk along with detached sidewalks, and four-sided architecture will create an attractive appearance from each side.

**Public Spaces**  
Public, recreational, and cultural spaces can be located adjacent to the district, and the district will also be well connected to trails and bikeways.

**Private Spaces**  
Private outdoor spaces will enable people to work and demonstrate their company's culture and technology.

#### BLOCK & FRONTAGE TYPES

**Block Types**  
Buildings will be used to define a strong street edge with upper floors designed back with architectural articulation at corners and mid-block features.

**Frontage Types**  
Primary building facades will be oriented towards public streets, and four-sided architecture will create an attractive appearance from each side.

**Public Spaces**  
Public, recreational, and cultural spaces can be located adjacent to the district, and the district will also be well connected to trails and bikeways.

**Private Spaces**  
Private outdoor spaces will enable people to work and demonstrate their company's culture and technology.

#### MOBILITY & CONNECTIONS

**Structure Characteristics**  
Streets that accommodate higher traffic volumes and larger vehicles will be common. The Innovation District will have a mix of street types, including streets with dedicated pedestrian sidewalks and dedicated bicycle facilities.

**Access & Connectivity**  
Arterial and collector streets will provide primary access for these areas. Local streets may be used to access small business located within the district.

**Vehicle Speeds**  
Vehicle speeds should be low to moderate in these areas.

**Parking**  
Where possible, off-street parking lots should be shared to reduce the overall footprint of paved parking areas.

**Parking lots** should be located behind buildings to minimize the footprint of parking lots. Parking lots will be limited in some areas.

**Pedestrian Facilities**  
Streets will have dedicated sidewalks on both sides and paths will provide access to each business. Where possible, connections to adjacent employment and residential areas should be provided in close proximity to each business.

**Bicycle Facilities**  
Dedicated bike facilities will be provided for collection and arterial streets. Bike parking will also be provided.

**Trails**  
Where possible, trails should be connected to the Innovation District to enable and encourage walking and biking.

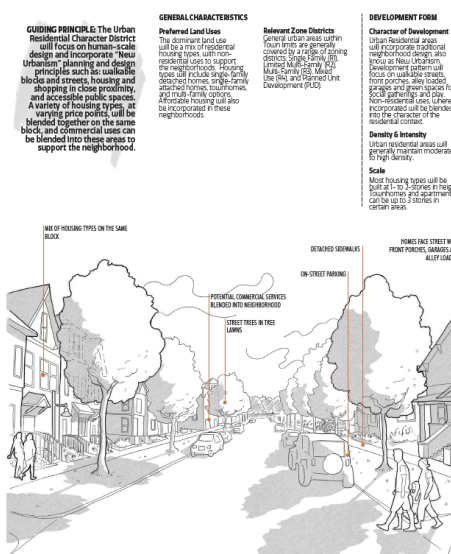


### Urban Residential | CHARACTER DISTRICT

**Guiding Principle:** The Urban Residential Character District will focus on human-scale design and incorporate “New Urbanism” planning and design principles such as: walkable blocks and streets, housing and shopping in close proximity, and accessible public spaces. A variety of housing types, at varying price points, will be blended together on the same block, and commercial uses can be blended into these areas to support the neighborhood.

**Preferred Land Use:** The dominant land use will be a mix of residential housing types, with non-residential uses to support the neighborhoods. Housing types will include single-family detached homes, single-family attached homes, townhomes, and multi-family options. Affordable housing will also be incorporated in these neighborhoods.

**Scale:** Most housing types will be built at 1 to 2-stories in height. Townhomes and apartments can be up to 3 stories in certain areas.



#### GENERAL CHARACTERISTICS

**Preferred Land Use**  
The dominant land use will be a mix of residential housing types, with non-residential uses to support the neighborhoods. Housing types will include single-family detached homes, single-family attached homes, townhomes, and multi-family options. Affordable housing will also be incorporated in these neighborhoods.

**Relevant Zone Districts**  
Covered by a range of zoning districts, including the 2021 Master Use Map, and General Commercial (GC-2), Medium Density Residential (MD-2), and the 2021 Master Use Map, and General Commercial (GC-2).

#### DEVELOPMENT FORM

**Character of Development**  
Urban Residential area will incorporate traditional neighborhood design, also known as New Urbanism. Development pattern will focus on walkable streets for local shopping and services. Non-residential uses will be located in the rear of the residential lot.

**Density & Intensity**  
Urban residential areas will generally maintain moderate density.

**Scale**  
Most housing types will be built at 1 to 2-stories in height. Townhomes and apartments can be up to 3 stories in certain areas.

#### URBAN DESIGN

**Architecture**  
Character of development will be defined by a mix of traditional and modern architecture. In general, architecture will be defined by a mix of traditional and modern architecture. In general, architecture will be defined by a mix of traditional and modern architecture.

**Streetscape**  
Neighborhood streets will be designed to walk along with detached sidewalks, and four-sided architecture will create an attractive appearance from each side.

**Public Spaces**  
Public, recreational, and cultural spaces can be located adjacent to the district, and the district will also be well connected to trails and bikeways.

**Private Spaces**  
Private outdoor spaces will enable people to work and demonstrate their company's culture and technology.

#### COMMUNITY SPACES

**Public Spaces**  
Public, recreational, and cultural spaces can be located adjacent to the district, and the district will also be well connected to trails and bikeways.

**Private Spaces**  
Private outdoor spaces will enable people to work and demonstrate their company's culture and technology.

**Public Spaces**  
Public, recreational, and cultural spaces can be located adjacent to the district, and the district will also be well connected to trails and bikeways.

**Private Spaces**  
Private outdoor spaces will enable people to work and demonstrate their company's culture and technology.

#### MOBILITY & CONNECTIONS

**Structure Characteristics**  
Local streets will serve most urban residential areas, along with some higher volume streets. Connectivity to trails and bikeways will be encouraged.

**Access & Connectivity**  
Local streets and collector streets will provide moderate level connectivity to arterial streets and major highways.

**Vehicle Speeds**  
Lower vehicle speeds will be expected on 25 mph or less on local streets and 30 to 35 mph on collector streets, as defined by the Town's street standards.

**Parking**  
Private parking will be provided in rear, side, or on-street parking lots. Public on-street parking will be accommodated on local and major collector streets.

**Pedestrian Facilities**  
Streets will have dedicated sidewalks on both sides and paths will provide access to each business. Where possible, connections to adjacent employment and residential areas should be provided in close proximity to each business.

**Bicycle Facilities**  
Dedicated bike facilities will be provided for collection and arterial streets. Bike parking will also be provided.

**Trails**  
Where possible, trails should be connected to the Urban Residential District to enable and encourage walking and biking.



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## CHAPTER 2

# Planning Process

## Overview

The Project Timeline on the right shows how the Plan was developed across three project phases:

### 1/ DISCOVERY

Including data collection, analysis, and Public Workshop #1 to gather community input

### 2/ CONCEPTS

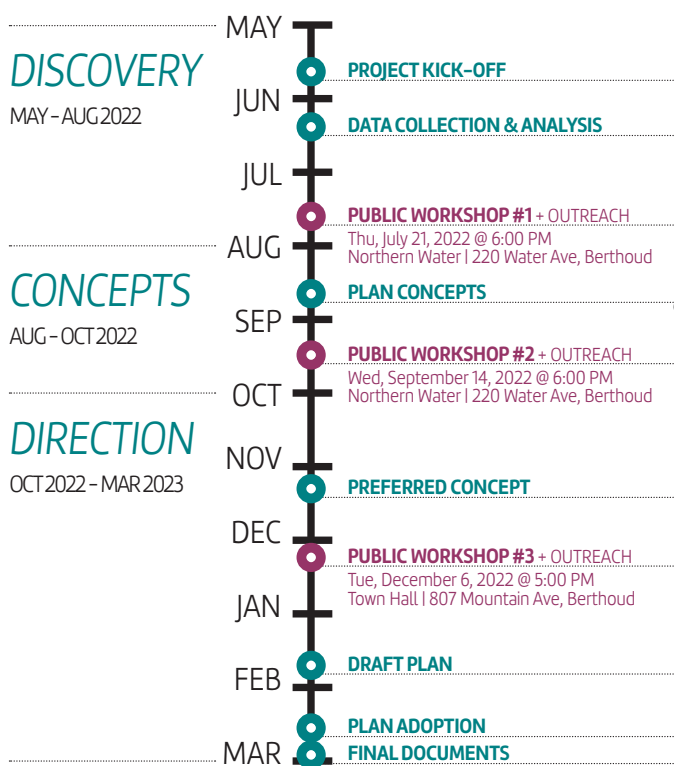
Including Public Workshop #2 to share preliminary corridor plan concepts

### 3/ DIRECTION

Including Public Workshop #3 to share more detailed corridor concepts

The key takeaways and general details of the three Public Workshops are provided in this chapter. In addition, the consultant team coordinated with Town staff every other week throughout the planning and design process to discuss draft concepts, outreach elements, and other deliverables to ensure the plan reflects the direction and intents envisioned by Town leaders and community members.

## PROJECT TIMELINE





## Public Participation

The 1<sup>st</sup> Street Corridor Plan was built upon community feedback collected from a public participation process that included a set of three Public Workshops, which are summarized on the next page. The findings from each workshop contributed to an iterative process that helped prepare and refine draft plan concepts for the corridor. Periodic updates were also provided to Town officials.

The third Public Workshop was coordinated with a meeting with the Town Board and Planning Commission to present the draft plan concepts and gather feedback from Town officials. The outcome from this step provided direction for the final plan concepts.

A complete set of exhibits, findings, and results from the three Public Workshops is provided in the Appendix.

In addition to the public workshops, the project was promoted in the community through a project website, in the Berthoud InFocus monthly newsletter (see right), and a traveling exhibit board with project information that was stationed at key locations in town.



**BERTHOUD INFOCUS**  
JULY 2022  
ISSUE NO. 92



**Community Calendar**  
As dates approach for the monthly meetings, please check the Town of Berthoud website at [www.Berthoud.org](http://www.Berthoud.org) where we will post updated information and changes. There will also be information about how to "digitally attend" and provide public comments.



**GUIDING GROWTH**

**1st Street Corridor**  
The Town is preparing a plan for Berthoud's 1st Street Corridor, which extends between Mountain Avenue and Hwy 287. The purpose of the project is to identify current and future needs of the 1st Street corridor and establish preferences and priorities based on those needs. The plan will provide a vision and a set of goals for guiding growth, development, redevelopment and design of the 1st Street corridor. More specifically, the plan will address architecture, scale, form, character of development, development density/intensity, connectivity, multi-modal transportation, streetscapes, landscaping and signage within the 1st Street corridor planning area.

Town staff and a local consulting team will guide the planning effort. Input for the 1st Street Corridor Plan will be sought from local residents, businesses, property owners, and community leaders. The final product - the 2022 1st Street Corridor Plan - will provide the Town with a roadmap for accomplishing community planning objectives along the corridor for many years to come.

**Save the Date**  
A public workshop for the 1st Street Corridor Plan will be held July 21, 2022 from 6 - 7:30pm at Northern Water, 220 Water Avenue in Berthoud. This open house event will introduce the project, identify key planning issues, and provide feedback opportunity regarding corridor planning and design priorities.

For more information, please contact Curt Freese, Berthoud Community Development Director, at (970) 344-5818 or visit the project website: [www.plan-tools.com/Projects/PlanBerthoud](http://www.plan-tools.com/Projects/PlanBerthoud).

For questions, please call the Town of Berthoud at 970.532.2643.

**Stay informed!**

Please use the link below or QR code on the right to access the project website. There you can obtain additional project information, find out about upcoming meetings, access meeting summaries, and review draft documents as they become available. We encourage you to use the "Contact Us" page to get in touch with a member of the project team should you have any questions, comments, or suggestions or require more information concerning the project.

**PROJECT WEBSITE** [www.plan-tools.com/Projects/PlanBerthoud](http://www.plan-tools.com/Projects/PlanBerthoud)



Meeting  
6:00 pm





# Public Workshop #1 | JULY 21, 2022

**Intent:** The first Public Workshop served as an opportunity for community members to share their thoughts on the 1<sup>st</sup> Street Corridor today. They also interacted with visual preference boards showing a variety of design and development elements to be considered for the corridor. In particular, workshop participants used dot stickers to indicate their preferences for the style of architecture and design for different land uses and a variety of corridor elements, as listed on the right.

**Outcomes:** Workshop findings informed the draft concepts relating to how the built environment is designed, including buildings, roadways, and streetscape.

## LAND USE TYPES

- Commercial
- Industrial
- Residential
- Mixed Use

## CORRIDOR ELEMENTS

- Intersection treatments
- Bike lanes
- Pedestrian crossings
- Streetscape
- Linear parks
- Green infrastructure
- Gathering spaces
- Signage and murals
- Off-street parking

*NOTE: Workshop exhibits in Appendix*



# Public Workshop #2 | SEPTEMBER 14, 2022

**Intent:** The second Public Workshop enabled participants to share their comments on a series of exhibits (listed on the right) that encapsulate a general framework of how the built environment is designed, including buildings, roadways, and streetscape.

**Outcomes:** Workshop findings provided guidance to prepare more refined detail and finalize the draft concepts, including the preparation of 3D renderings and other graphics to illustrate the proposed look and feel of the 1<sup>st</sup> Street Corridor.

## CORRIDOR CONCEPTS

Existing and modified corridor trends regarding:

- Land use
- Access and mobility
- Innovation District
- Urban Residential
- Architectural attributes
- Street right-of-way design

*NOTE: Workshop exhibits in Appendix*



# Public Workshop #3 | DECEMBER 6, 2022

**Intent:** The third Public Workshop shared a gallery of 3D renderings and graphics that illustrated the overall design and character of the 1<sup>st</sup> Street Corridor.

**Outcomes:** Workshop findings provided feedback to finalize the graphics for inclusion in the 1<sup>st</sup> Street Corridor Plan.

## GRAPHICS

- Perspectives: 1<sup>st</sup> St
- Perspectives: Bunyan Ave
- Linear Park
- Roundabout
- Jackson Parcel

*NOTE: Workshop exhibits in Chapter 7*



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CHAPTER 3

# Opportunities & Constraints

## Overview

This chapter focuses on the existing conditions of the 1<sup>st</sup> Street Corridor, including opportunities and constraints related to access, safety, connectivity, streetscape, architecture, site design, and zoning recommendations. These existing conditions are summarized on a series of maps to depict how their layouts and other physical attributes influence planning for the corridor. A series of exhibits depicting these opportunities and constraints were shared at Public Workshop #1 to collect community feedback.

Collectively, the opportunities and constraints provide a framework upon which corridor concepts are developed and proposed in Chapters 4, 5, and 6.





# Existing Trends Map

## TOWN ZONING DISTRICTS

PER THE 2020 BERTHOUD ZONING MAP

- R1: Single Family Residential
- R2: Limited Multi Family Residential
- R3: Multi Family Residential
- R4: Mixed Use\*
- R5: Manufactured Home
- PUD: Planned Unit Development
- C1: Neighborhood Commercial
- C2: General Commercial
- M1: Light Industrial
- M2: Industrial
- T: Transition
- Ag: Agriculture

\*There are presently no R4: Mixed Use Districts in and around the Study Area.

## COUNTY ZONING DISTRICTS

PER THE 2019 LARIMER COUNTY ZONING MAP

- FA: Farming
- FA1: Farming
- E1: Estate Residential
- R1: Residential
- M: Multi-Family Residential
- C: Commercial
- I: Industrial

## GENERAL MAP ELEMENTS

- Corridor Study Area Boundary
- Mountain Avenue Corridor

## TRANSPORTATION ELEMENTS

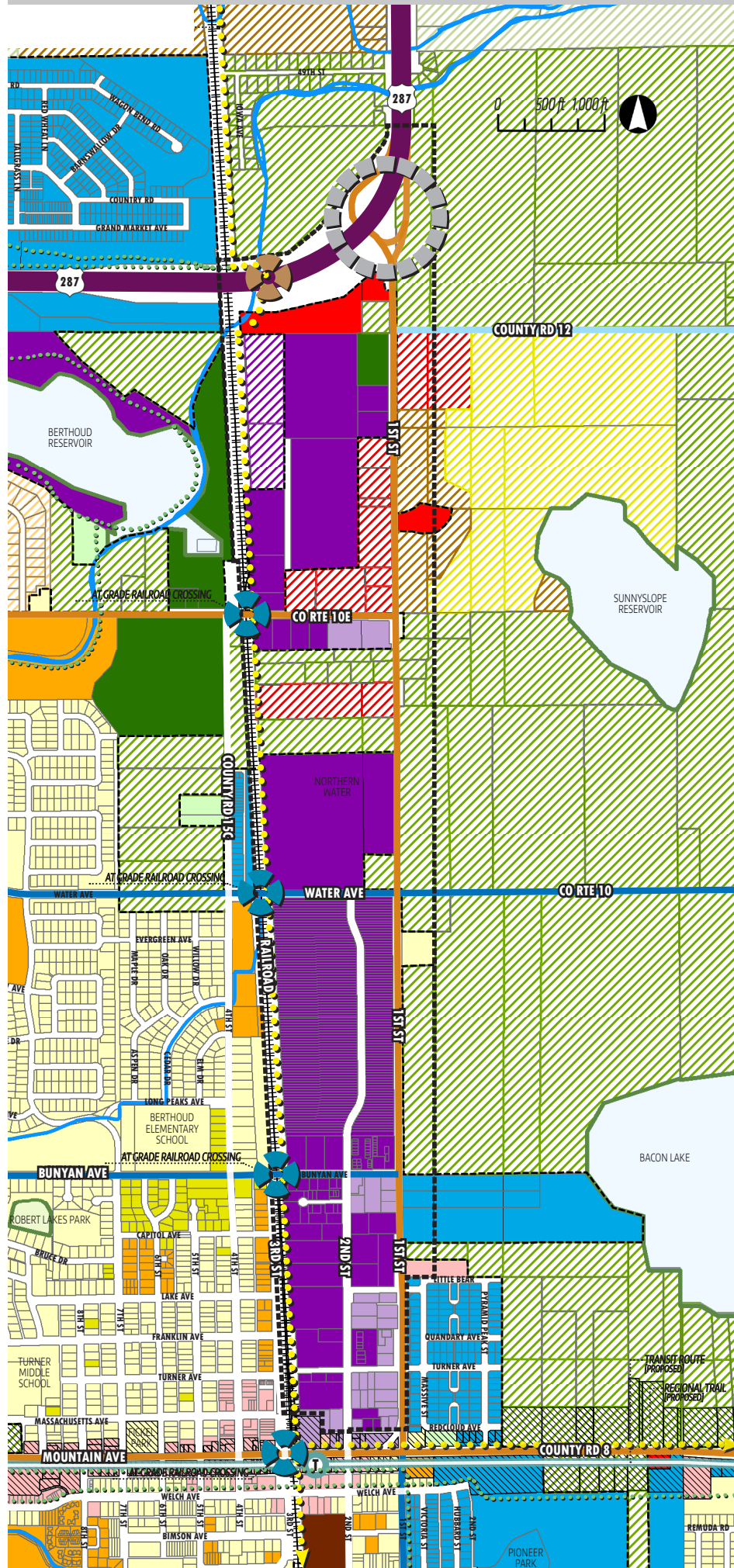
- Existing At-Grade Railroad Crossing
- Potential Trail Underpass
- Existing US 287 Partial Interchange
- Potential Local Trail
- Potential Regional Trail
- Potential Transit Route

## ROADWAY CLASSIFICATION HIERARCHY

PER THE 2021 BERTHOUD COMPREHENSIVE PLAN

- Highway
- 4-Lane Arterial Road\*
- 2-Lane Arterial Road
- Major Collector Road
- Minor Collector Road

\*The closest 4-lane arterial road is the northern end of Berthoud Parkway, which is located beyond the immediate Study Area to the west.





# Opportunities Map

## CHARACTER SUBAREAS

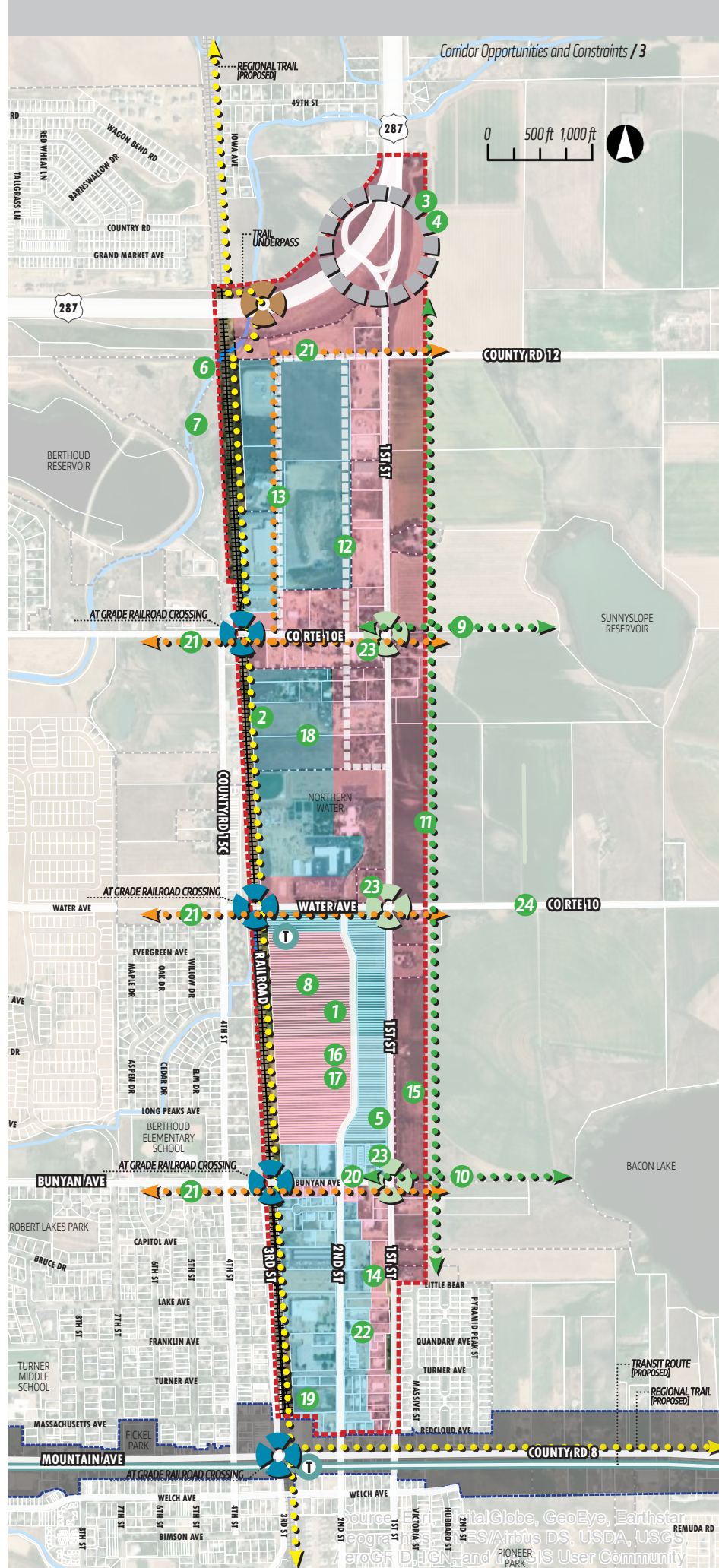
- Lower Visibility, Lesser Architectural Standards
- Higher Visibility, Higher Standards

## TRANSPORTATION ELEMENTS

- Existing At-Grade Railroad Crossing
- Potential Trail Underpass
- Existing US 287 Partial Interchange
- Potential for Enhanced Pedestrian Experience
- Potential for Improved Connectivity
- Potential Green Connection to Lake/Reservoir
- Potential Regional Trail
- Potential Transit Route
- Potential Transit Station

## OPPORTUNITIES

- Mixed use or workforce housing w/ attainable rents
- Regional trail parallel to railroad
- Full interchange at US 287
- Town gateway
- Buffered on-street bike lanes on 1<sup>st</sup> St
- Potential trail crossing across railroad
- Town trail connecting to residential area
- Potential for master planned live/work campus
- Green connections to Sunnyslope Reservoir
- Green connections to Bacon Lake
- Greenway/linear park to serve as a method of transition between higher density urban residential and lower density suburban residential neighborhoods
- 2<sup>nd</sup> St extension
- North/south connector using existing access road
- Exemplar architecture along corridor (ex: Agile RF)
- Landscaping to buffer future residential from roadway
- Delineation of on- and off-street parking patterns
- Design of consistent outdoor storage fencing standards
- Incubator for light manufacturing w/ limited retail
- Use of regional detention area for passive open space, which can be replicated on similar sites
- Bunyan Ave as key east/west connector
- Improvements along east/west connections
- Use of industrial external building walls for public art
- Enhanced pedestrian experience, transportation improvements, and building street orientation at major intersections along 1<sup>st</sup> St
- LCR 10/WCR 46 could provide regional eastern connectivity and function as a parallel route to SH 56



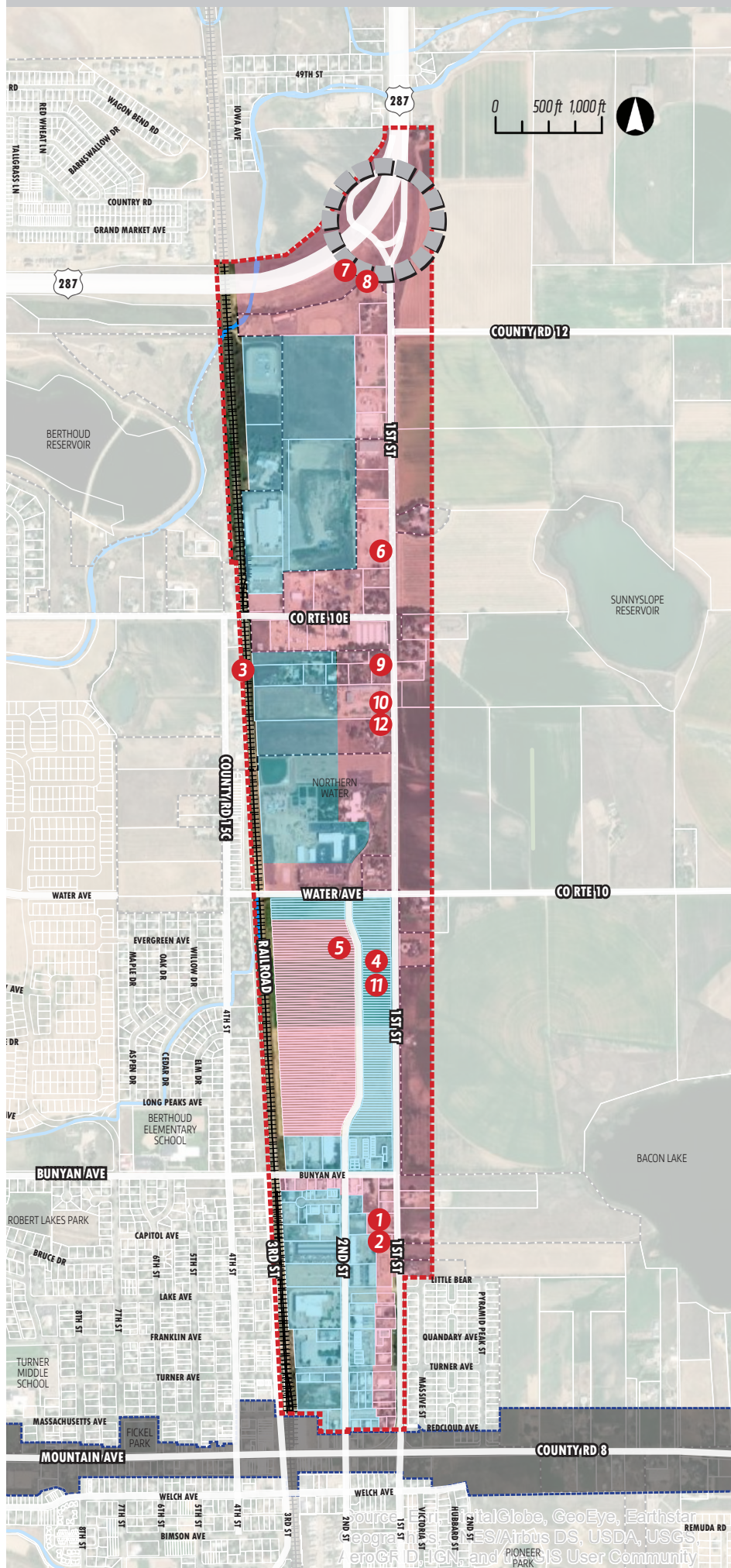


- Lower Visibility, Lesser Architectural Standards
- Higher Visibility, Higher Standards



Existing US 287 Partial Interchange

- 1 Inconsistent multimodal infrastructure along 1<sup>st</sup> St
- 2 Inconsistent parking orientation along 1<sup>st</sup> St
- 3 Limited railroad crossings impact east/west circulation
- 4 Sewer line at max capacity and need of upgrade
- 5 Limited north/south connectivity
- 6 Incomplete bike/pedestrian facilities
- 7 Partial interchange limits access
- 8 Large berms and challenging topography at US 287
- 9 Overhead power lines
- 10 Existing 80 ft ROW
- 11 Limited ADA accessible infrastructure
- 12 Frequent access points without turn lanes can create safety conflicts and make access management a challenge





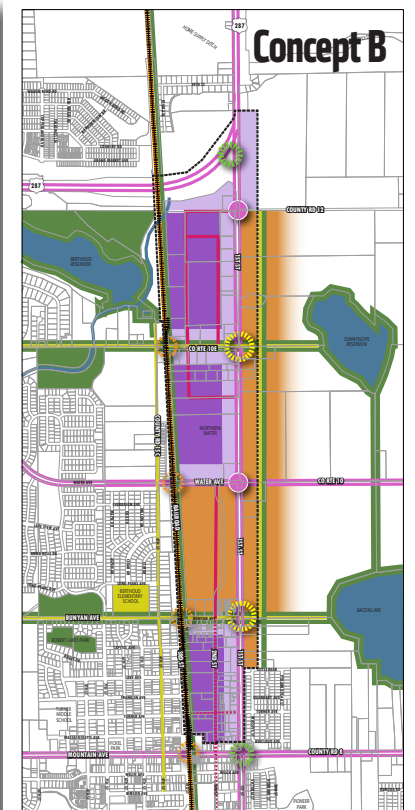
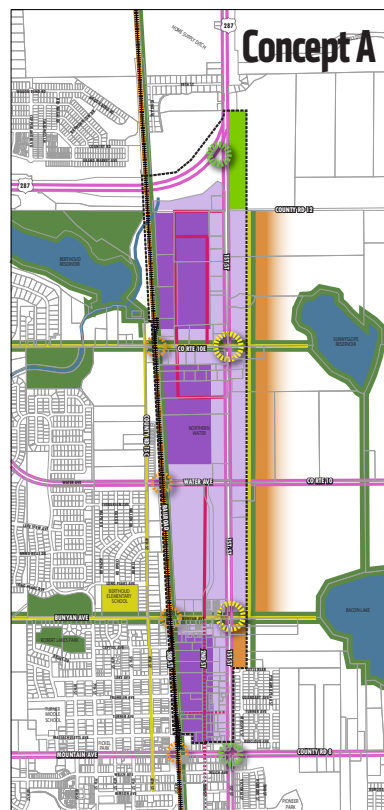


## Alternative Plan Concepts

Based on community feedback from Public Workshop #1, two Modified Trends Concept Maps were created to translate the opportunities, constraints, and other existing trends. Concept A maximized the characterization of the 1<sup>st</sup> Street Corridor as an Innovation District, with industrial and mixed use emphasized as the central development trend. Concept B provided for a balanced development trend that builds upon Concept A by providing an increased secondary focus on urban residential uses to advance the corridor's housing component.

Concepts A and B and other related exhibits were shared at Public Workshop #2 to collect community feedback. The outcome from the workshop findings was a Preferred Concept Plan, including land use and transportation concepts, which are the focus of this chapter.

**Concepts A and B are shown on the right, with full-page versions of both maps provided in the Appendix.**



# Preferred Corridor Plan

## MODIFIED TREND ELEMENTS

-  Town Gateway
-  Enhanced Multimodal Intersection
-  Railroad Crossing with Enhanced Multimodal Crossings
-  Green Edge/Park/Open Space
-  Roadway with Vehicular Priority
-  Roadway with Multimodal Priority
-  Existing Local Street
-  Potential Local Street
-  Railroad
-  Potential Local Trail
-  Potential Regional Trail
-  Potential Transit Route
-  Innovation District [LOWER VISIBILITY]
-  Innovation District [HIGHER VISIBILITY]
-  Urban Residential
-  Agriculture

## GENERAL MAP ELEMENTS

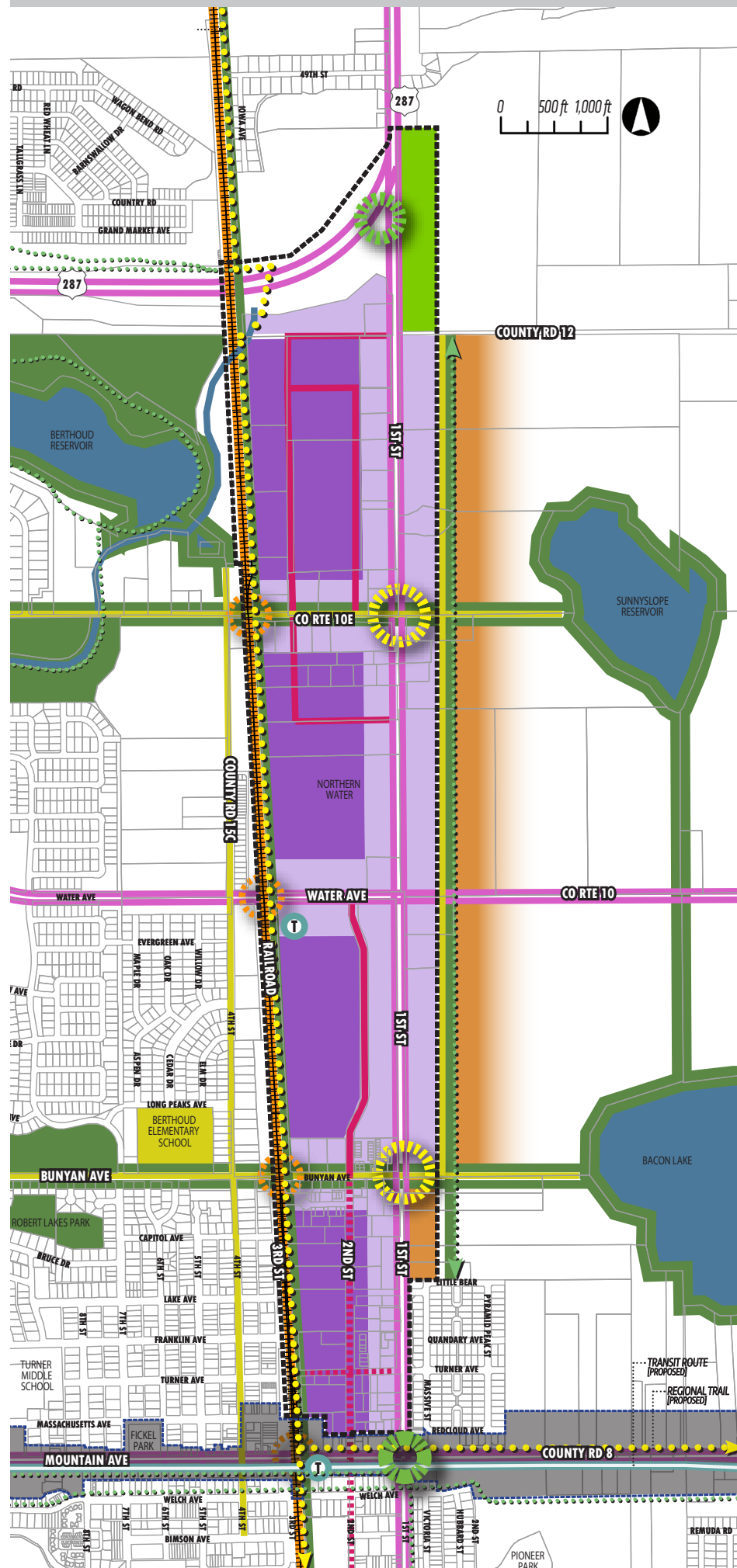
-  Corridor Study Area Boundary
-  Mountain Avenue Corridor

## HIGHER & LOWER VISIBILITY AREAS

Higher and Lower Visibility Areas will have differing design standards. They will be designated within the approved corridor plan and determine the standards and requirements of the built environment.

**Higher Visibility Areas** are defined within 300 feet of the centerline of 1st Street, Bunyan Avenue, Water Avenue, CR10, CR10E, and CR12. Architectural Design Guidelines for Higher Visibility Areas generally intend to preserve areas of the corridor to meet a higher standard of design details and material selection. They also allow for better quality design product along visible corridors where built environment most affects pedestrian and vehicular traffic.

**Lower Visibility Areas** preserve the ability for small businesses to enter the market and compete at lower cost. Architectural Design Guidelines for Lower Visibility Areas generally intend to preserve areas of existing uses and promote development of future affordability within the corridor. Architecture in this area will have less stringent requirements for design and materials.





## LAND USE CONCEPTS

## Higher Visibility Areas

As shown on the Preferred Corridor Plan, higher visibility areas are generally located along the east and west sides of 1<sup>st</sup> Street (only the west side south of Bunyan Avenue), as well as along major east/west streets like Route 10E, Water Avenue, and Bunyan Avenue.

The preferred land uses for the Innovation District are described in detail on the Future Land Use Map on page 4. In general, the Innovation District will support existing technical businesses and production uses and incorporate emerging commercial and light industrial uses that focus on research and development (R&D), technology, startups, makerspaces, and other related uses.

In terms of architecture and form, the built environment within the higher visibility innovation areas of the 1<sup>st</sup> Street Corridor should provide opportunities for craftsmanship, ornament, proportions, and decoration that are consistent with the local industrial vernacular of the corridor area. Architecture should follow the approved Berthoud Architectural Design Guidelines for the Urban Industrial/Innovation Character District (see page 21 for details).

The precedent images below are representative of the architecture and site design anticipated for the higher visibility innovation areas.

## PRECEDENT IMAGES: HIGHER VISIBILITY NON-RESIDENTIAL USES



## LAND USE CONCEPTS

# Lower Visibility Areas

As shown on the Preferred Corridor Plan, lower visibility areas are generally located along the western edge of the corridor, particularly along the railroad and away from major streets like 1<sup>st</sup> Street, Bunyan Avenue, and Water Avenue. Specific areas marked for lower visibility areas are located north and south of Route 10E and north and south of Bunyan Avenue.

The preferred land uses for the Innovation District are described in detail on the Future Land Use Map on page 4. In general, the Innovation District will support existing technical businesses and production uses and incorporate emerging commercial and light industrial uses that focus on research and development (R&D), technology, startups, makerspaces, and other related uses.

Regarding architecture and form, the built environment within the lower visibility innovation areas should provide economic and creative opportunities for ornament and decoration. Architecture should follow the approved Berthoud Architectural Design Guidelines for the Urban Industrial/Innovation Character District (see page 21 for details). However, leniency may be granted to properties with requirements affecting the ability to preserve existing and future affordability within the corridor.

The precedent images below are representative of the architecture and site design anticipated for the lower visibility innovation areas.

## PRECEDENT IMAGES: LOWER VISIBILITY NON-RESIDENTIAL USES





## LAND USE CONCEPTS

## Mixed Use Areas

As shown on the Preferred Corridor Plan, mixed use areas may generally be located within both the higher and lower visibility areas of the Innovation District, which encompasses a majority of the 1<sup>st</sup> Street Corridor.

In addition to supporting existing technical businesses and production uses and integrating emerging commercial and light industrial uses, the Innovation District may also include residential uses on upper levels and other elements like parks and open space. This mixed use character would further enhance the attraction of the Innovation District as a place for residents, workers, students, creators, and others seeking a unique spot in town.

Mixed use building types should follow the approved Berthoud Architectural Design Guidelines for the Urban Downtown Character District (see page 21 for details). However, leniency may be granted for properties with requirements affecting the ability to preserve existing and future affordability within the corridor.

The precedent images below are representative of the architecture and site design anticipated for mixed use areas.

## PRECEDENT IMAGES: MIXED USE AREAS



## LAND USE CONCEPTS

## Residential Areas

As shown on the Preferred Corridor Plan Map, residential areas may occur in either mixed use areas or neighborhoods with a mix of housing types. Mixed use areas may be located within both the higher and lower visibility areas of the Innovation District. Neighborhoods characterized as Urban Residential, which are located primarily east of 1<sup>st</sup> Street, may offer a diverse housing stock, including detached and attached single-family homes, townhomes, multi-family options, and affordable housing units.

Residential units may be provided on upper levels in mixed use buildings in the Innovation District. Urban Residential areas may include a mix of housing types, including single-family detached and attached homes, townhomes, and multifamily options. These neighborhoods will also incorporate affordable housing options where possible.

Residential architecture should follow the approved Berthoud Architectural Design Guidelines for the Urban Residential Character District (see page 21 for details).

The precedent images below are representative of the architecture and site design anticipated for residential areas.

## PRECEDENT IMAGES: URBAN RESIDENTIAL AREAS





# Architectural & Site Design Concepts

Based on guidance from Berthoud's 2021 Comprehensive Plan, the **2021 Architectural Design Guidelines** summarize specific design standards for architecture in the Town's various Character Districts, including the Innovation District and Urban Residential that define the 1<sup>st</sup> Street Corridor. As developers and builders propose new development along 1<sup>st</sup> Street, they are encouraged to consult the 2021 Architectural Design Guidelines for standards regarding the elements listed on the right.

Excerpts from the Architectural Design Guidelines are provided below for the Innovation District and Urban Residential Character Districts.

 **PDF Link:** 2021 Architectural Design Guidelines

## PLACE TYPE General Urban Areas

### URBAN INDUSTRIAL

#### ARCHITECTURAL DESIGN GUIDELINES



#### DESIGN ELEMENTS

- Site Design
- Landscaping and Screening
- Building Design

## PLACE TYPE Urban Center

### URBAN DOWNTOWN

#### ARCHITECTURAL DESIGN GUIDELINES



#### DESIGN ELEMENTS

- Site Planning
- Pedestrian Areas and Parking
- Scale and Massing
- Architectural Detail
- Screening
- Landscaping
- Signage
- Lighting

## PLACE TYPE General Urban Areas

### URBAN RESIDENTIAL

#### ARCHITECTURAL DESIGN GUIDELINES



#### DESIGN ELEMENTS

- Site Design
- Scale and Massing
- Architecture Character
- Materials and Color
- Parking and Circulation
- Roof Design
- Façade and Fenestration
- Fencing and Landscaping



# Transportation Concepts

## STREET TYPES & MODAL PRIORITIES

-  Enhanced Multimodal Intersection
-  Railroad Crossing with Enhanced Multimodal Crossings
-  Roadway with Vehicular Priority
-  Roadway with Multimodal Priority
-  Existing Local Street
-  Potential Local Street

The 1<sup>st</sup> Street Corridor is intended to provide a multimodal environment that enables pedestrians, bicyclists, transit riders, and motorists to safely move to, from, and around the corridor. While the overall transportation network provides access and facilities for all modes of transport, modal priority varies as categorized below.

- **Vehicle Modal Priority:** US 287, 1<sup>st</sup> Street, Water Avenue/Route 10
- **Pedestrian & Bike Modal Priority:** Route 10E, Bunyan Avenue, potential linear park along east side of 1<sup>st</sup> Street

A set of local commercial streets are proposed west of 1<sup>st</sup> Street, including a few existing streets like 2<sup>nd</sup> Street, Turner Avenue, and Clayton Place.

## TRAILS

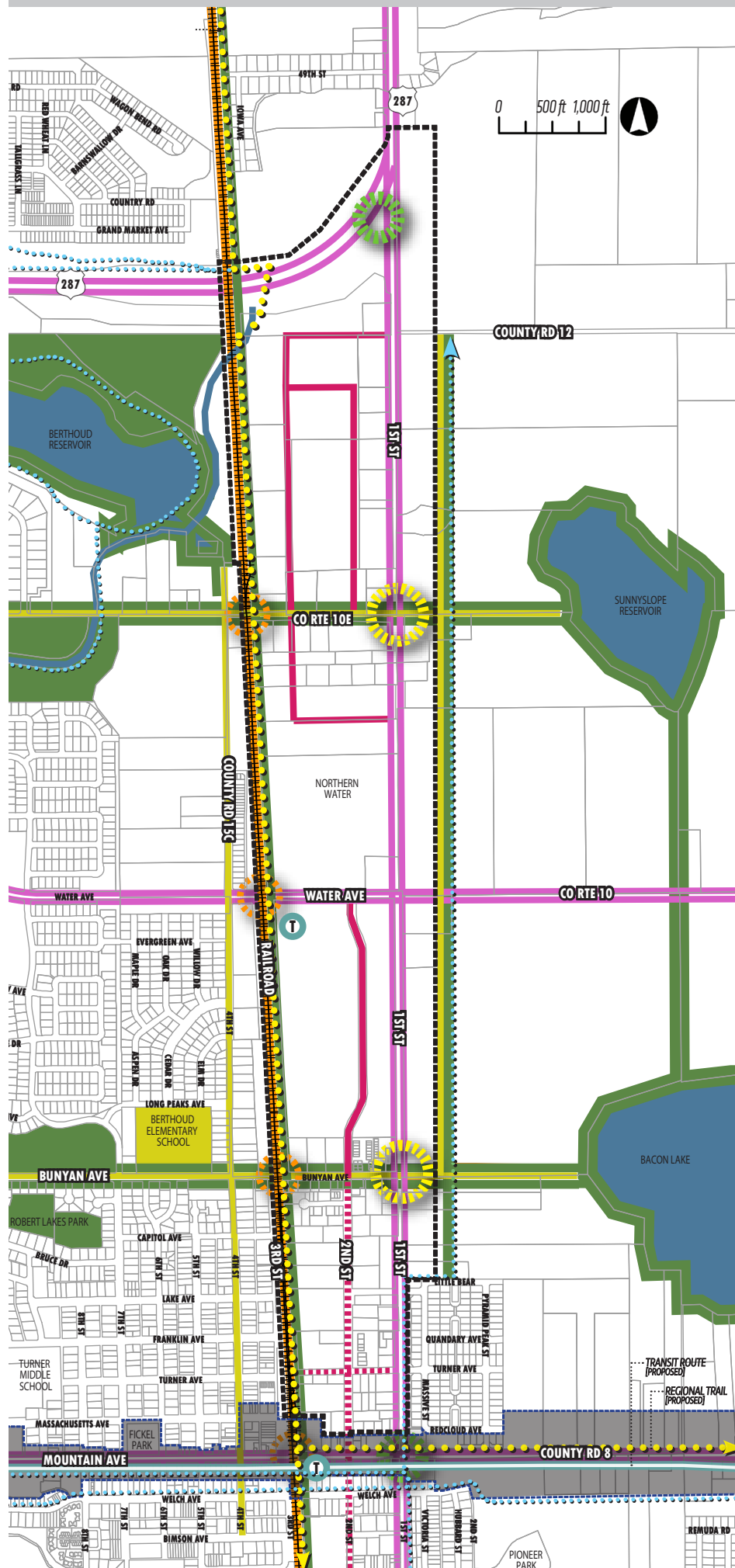
-  Potential Local Trail
-  Potential Regional Trail

One of the primary transportation action items from the 2021 Comprehensive Plan is to complete regional trail connections, as promoted in NFRMPO's 2021 Regional Active Transportation Plan. Potential regional trails are recommended along the railroad and Mountain Avenue/SH 56. The Regional Active Transportation (RATC) Network recommends a north/south trail along the BNSF railroad connecting Berthoud to Fort Collins (through Loveland). This regional trail would provide connections to the Little Thompson River trail, proposed to follow the Little Thompson River south of Mountain Avenue. Potential local trails are suggested in new developments, along Mountain Avenue, and around reservoirs. The recommended linear park on the east side of 1<sup>st</sup> Street may also provide trail-like access and mobility for pedestrians and bicyclists.

## TRANSIT

-  Potential Transit Route
-  Potential Transit Station

The 2021 Comprehensive Plan carries forward the North I-25 Environmental Impact Statement (EIS) recommendation for a transit route along Mountain Avenue (SH 56). This route is intended to connect the Mobility Hub at I-25 to downtown Berthoud and the potential/future Passenger Rail Station. The Town is currently exploring transit service options, such as micromobility, to best meet the Town's mobility needs. Current BATS service is available along 1<sup>st</sup> Street and in the Innovation District. Any new service would also be available to this area.





# Transportation Concepts

## KEY EAST/WEST CONNECTORS

### Bunyan Ave, Water Ave (CR10), CR10E, CR 12

Key east/west streets connect neighborhoods, community destinations, and the Innovation District. These streets should include one vehicular travel lane in each direction and prioritize the movement of bicyclists and pedestrians via enhanced multimodal facilities. Special consideration should be given to railroad crossings and the intersections of 1<sup>st</sup> Street. Intersections are focal points of crossing activity and are a critical part of the corridor. The intersections of 1<sup>st</sup> Street and CR 10E and Bunyan Avenue should be designed to prioritize the safe movement of pedestrians and bicyclists. These intersections should facilitate visibility and predictability for all users, creating an environment in which crossings feel safe, easy, and intuitive.

## TRUCK ROUTES

Public feedback indicates the need to maintain and/or enhance truck and freight access to/from industrial properties. A preferred truck route and truck specific improvements (e.g., wider turning lanes) may be recommended.

## PARKING

**Private Parking:** Private parking should be tucked behind or between buildings to minimize the visibility from public streets. Residential parking spaces should be accessed from alleyways.

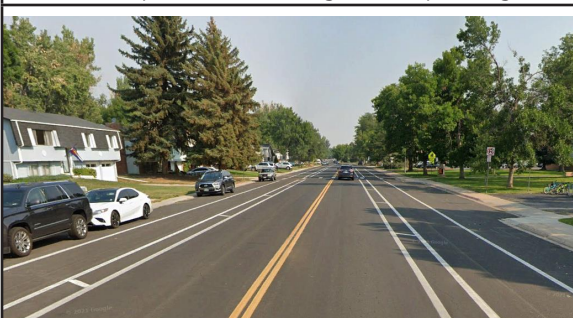
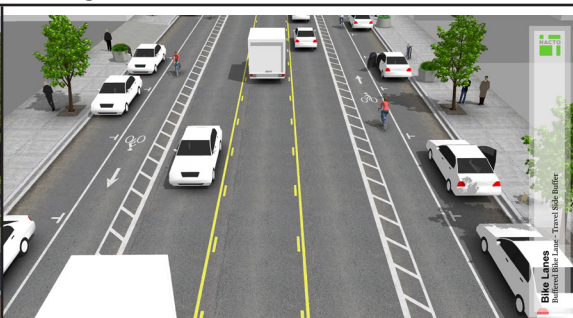
**On-Street Public Parking:** Parking is not recommended on 1<sup>st</sup> Street. However, public on-street parallel parking is permissible on local and collector streets, and is recommended to support adjacent commercial and mixed use land uses, such as in the Innovation District.

**Local Streets:** Where possible, unmetered parallel parking should be provided on both sides of local streets. The existing informal pull-in parking area should be formalized as parallel parking for consistency.

**Truck Parking:** There may be potential opportunities for truck parking within the Innovation District.

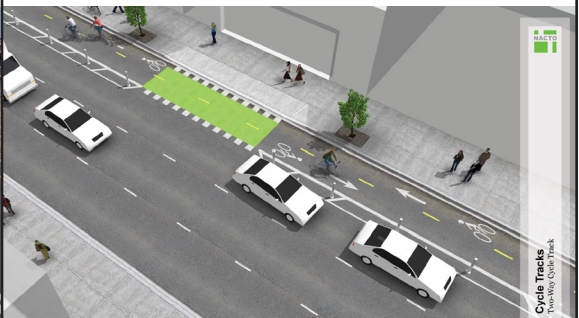
## BIKE FACILITIES CONSIDERATIONS

Bicycle facilities are recommended on 1<sup>st</sup> Street, 4<sup>th</sup> Street, Bunyan Avenue, and CR 10E as these streets are key local and regional connectors to neighborhoods, community destinations, and the Innovation District. Bike lanes designate an exclusive space for bicyclists using a combination of pavement markings, signage, and/or separation. The appropriate bicycle facility type varies based on factors such as the average daily traffic (ADT) and the anticipated type(s) of cyclists using the facility. The table below informed the recommended facility type for the streets within the 1<sup>st</sup> Street Corridor Study Area.

| Type                                                                                                                                                                                                                                                                                                                                             | Typical Applications                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Conventional Bike Lanes</b><br>Conventional bike lanes designate an exclusive space for bicyclists using pavement markings and signage. Bike lanes enable bicyclists to ride at their preferred speed without interference from vehicular traffic. Bike lanes facilitate predictable behavior and movements between bicyclists and motorists. | <p>Conventional bike lanes are typically on the right side of the street, between the adjacent travel lane and curb, road edge, or parking lane. Most helpful on streets with <math>\geq 3,000</math> motor vehicle average daily traffic (ADT) and on streets with a posted speed <math>\geq 25</math> mph.</p> <div>   </div> <p>Source: Google Earth<br/>Location: Gate Way Park Blvd, Berthoud</p> <p>Source: NACTO; <a href="https://nacto.org/publication/urban-bikeway-design-guide/bike-lanes/conventional-bike-lanes/">https://nacto.org/publication/urban-bikeway-design-guide/bike-lanes/conventional-bike-lanes/</a></p> |
| <b>Buffered Bike Lanes</b><br>Buffered bike lanes are conventional bicycle lanes paired with a designated buffer space separating the bicycle lane from the adjacent motor vehicle travel lane and/or parking lane. Buffered bike lanes provide greater separation between motor vehicles and bicyclists.                                        | <p>Buffered bike lanes can be considered anywhere a standard bike lane is being considered and on streets with extra lanes or extra lane width. Most helpful on streets with higher travel speeds, higher ADT, and/or high amounts of truck traffic.</p> <div>   </div> <p>Source: Google Earth<br/>Location: Meadowlark Ave, Fort Collins</p> <p>Source: NACTO; <a href="https://nacto.org/publication/urban-bikeway-design-guide/bike-lanes/buffered-bike-lanes/">https://nacto.org/publication/urban-bikeway-design-guide/bike-lanes/buffered-bike-lanes/</a></p>                                                                 |

# Transportation Concepts

## BIKE FACILITIES CONSIDERATIONS [CONTINUED]

| Type                                                                                                                                                                                                                                                                                                                                                                         | Typical Applications                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Cycle Tracks</b><br>A cycle track is an exclusive bike facility that combines the user experience of a separated path with the on-street infrastructure of a conventional bike lane.                                                                                                                                                                                      | <p>Most helpful on streets with parking lanes and on streets which bike lanes would cause many bicyclists to feel stress because of factors such as multiple lanes, high traffic volumes, high speed traffic, high demand for double parking, and high parking turnover.</p> <p>Features: A cycle track is physically separated from motor traffic and distinct from the sidewalk. Cycle tracks have different forms but all share common elements—they provide space that is intended to be exclusively or primarily used for bicycles, and are separated from motor vehicle travel lanes, parking lanes, and sidewalks. Cycle tracks may be one-way or two-way, and may be at street level, at sidewalk level, or at an intermediate level.</p>                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>One Way Protected Cycle Tracks</b><br>One-way protected cycle tracks are bikeways physically separated from the roadway allowing bicycle movement in one direction, typically the same direction as vehicular traffic.                                                                                                                                                    | <p>Most applicable on streets with parking lanes and streets on which bike lanes would cause many bicyclists to feel stress because of factors such as multiple lanes, high traffic volumes, high speed traffic, high demand for double parking, and high parking turnover. Most helpful on streets with high bicycle volumes and streets with high ADT and speeds.</p> <div>  <p>Source: Streetsblog Denver; <a href="https://denver.streetsblog.org/2017/08/31/eyes-on-the-street-the-14th-street-bike-lane-is-immediately-denvers-best/">https://denver.streetsblog.org/2017/08/31/eyes-on-the-street-the-14th-street-bike-lane-is-immediately-denvers-best/</a><br/>           Location: 14th St, Denver</p> </div> <div>  <p>Source: NACTO; <a href="https://nacto.org/publication/urban-bikeway-design-guide/cycle-tracks/one-way-protected-cycle-tracks/">https://nacto.org/publication/urban-bikeway-design-guide/cycle-tracks/one-way-protected-cycle-tracks/</a></p> </div> |
| <b>Two Way Cycle Tracks</b><br>Two-way cycle tracks (also known as on-street bike paths) are physically separated cycle tracks that allow bicycle movement in both directions on one side of the road. Two-way cycle tracks share some of the same design characteristics as one-way tracks but may require additional considerations at driveway and side-street crossings. | <p>Most helpful on streets with few conflicts such as driveways or cross-streets on one side of the street. Also helpful on streets where more destinations are on one side thereby reducing the need to cross the street.</p> <div>  <p>Source: BikeWalkKC; <a href="https://bikewalkkc.org/advocacy/gillham-corridor-complete-street-projects/">https://bikewalkkc.org/advocacy/gillham-corridor-complete-street-projects/</a><br/>           Location: Gillham Rd, Kansas City</p> </div> <div>  <p>Source: NACTO; <a href="https://nacto.org/publication/urban-bikeway-design-guide/cycle-tracks/one-way-protected-cycle-tracks/">https://nacto.org/publication/urban-bikeway-design-guide/cycle-tracks/one-way-protected-cycle-tracks/</a></p> </div>                                                                                                                                                                                                                        |





CHAPTER 5

# Corridor Character Transitions

## Overview

Spanning approximately 2 miles, the 1<sup>st</sup> Street Corridor extends from the urbanized portions of Berthoud on the south to more rural areas northward. Even as the corridor manages development over time, the development expectations and supporting design guidelines seek to honor Berthoud's small town heritage and rural aesthetic.

Three specific corridor character transition areas are summarized below and described in this chapter.

### 1/ URBAN CHARACTER

Extending from Mountain Ave to Bunyan Ave

### 2/ TRANSITIONAL CHARACTER

Extending from Bunyan Ave to Water Ave

### 3/ RURAL CHARACTER

Extending from Water Ave to CR12/US 287





# Urban Character

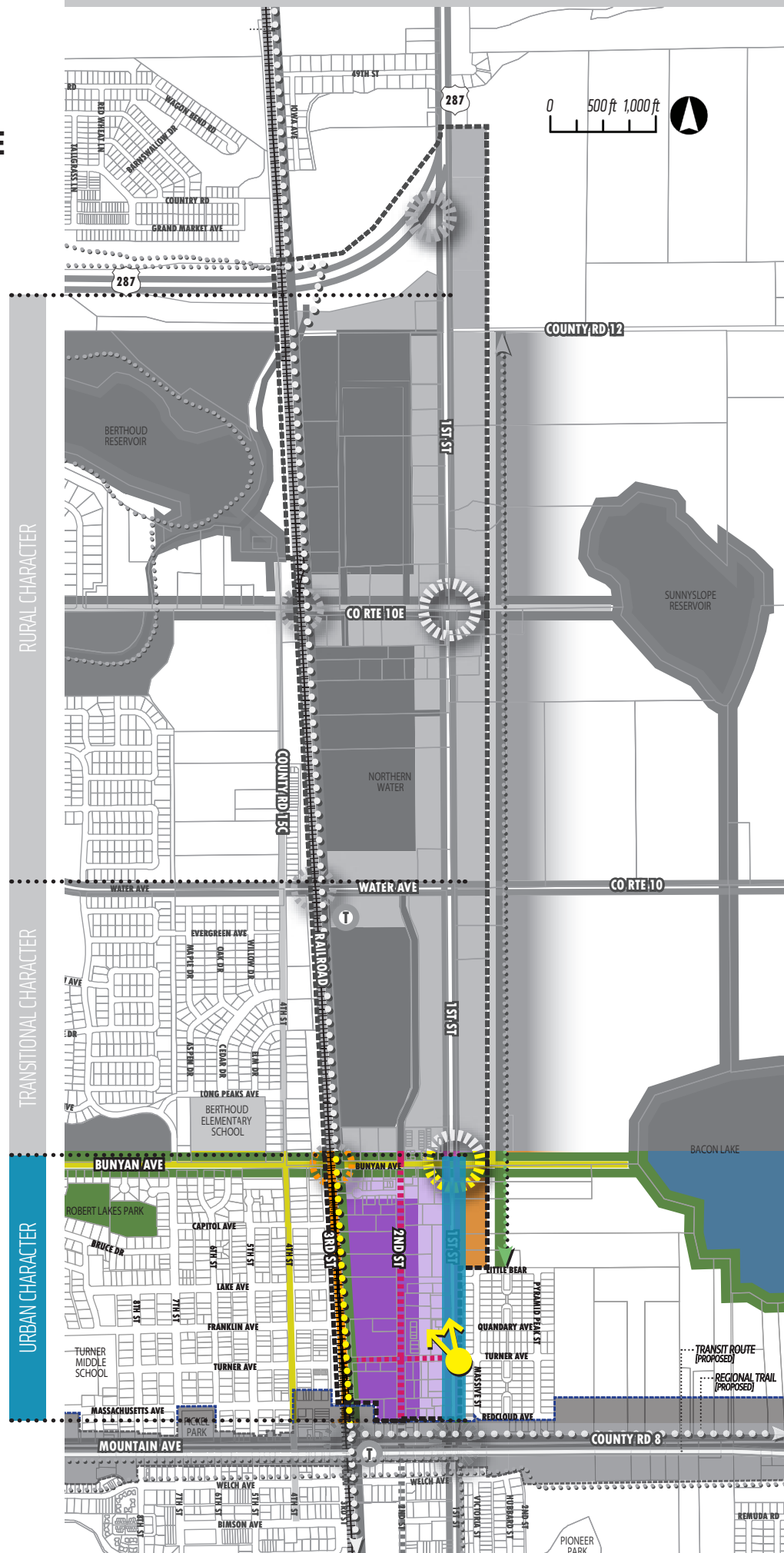
## MOUNTAIN AVENUE TO BUNYAN AVENUE

### CORRIDOR CHARACTER TRANSITION

This stretch of 1<sup>st</sup> Street transitions from a major arterial (Mountain Avenue) to a major collector (Bunyan Avenue). It also includes a range of uses on both sides of the corridor. A variety of existing technical businesses and production uses occupy the west side of 1<sup>st</sup> Street, while Peakview Meadows neighborhood is located on the east side.

### KEY CONCEPTS

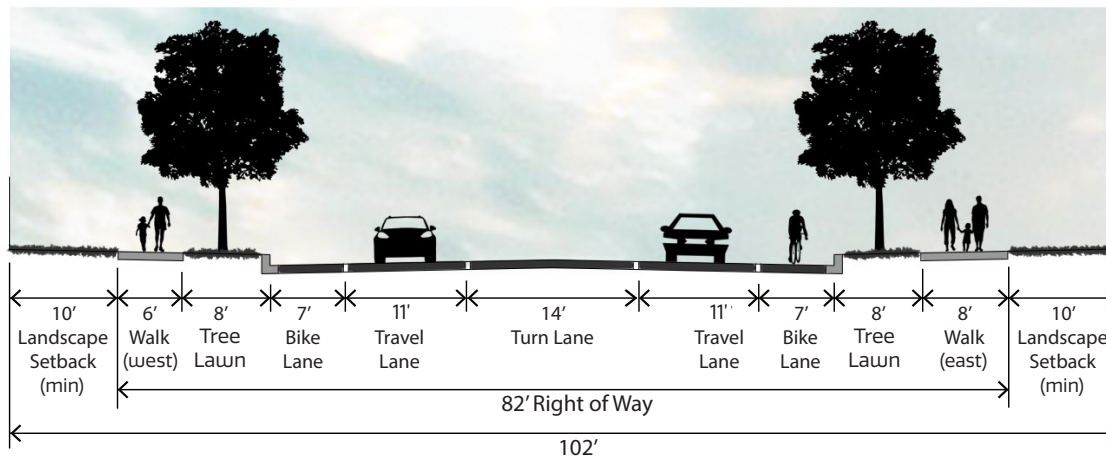
- Street, sidewalk, and right of way widths are reduced to limit impacts to existing adjacent developments and promote a more pedestrian-scale environment
- Left turn lanes maintain existing access (no raised medians)
- Buffered bike lanes on both sides of the street
- Detached sidewalks and street trees in tree lawns on both sides of the street
- Water saving landscape treatments are encouraged, where appropriate
- Increased architectural standards required when development occurs along higher visibility parcels adjacent to 1<sup>st</sup> Street
- Trees with seasonal interest are encouraged in medians and tree lawns to reinforce the Town's image as the Garden Spot. Trees with seasonal interest include flowering trees, trees with interesting leaf colors, and trees with vibrant fall color.
- Curb and gutter on both sides of the street



# Urban Character

## MOUNTAIN AVENUE TO BUNYAN AVENUE

### CORRIDOR CHARACTER TRANSITION



NORTHWARD VIEW, PEDESTRIAN PERSPECTIVE





# Transitional Character

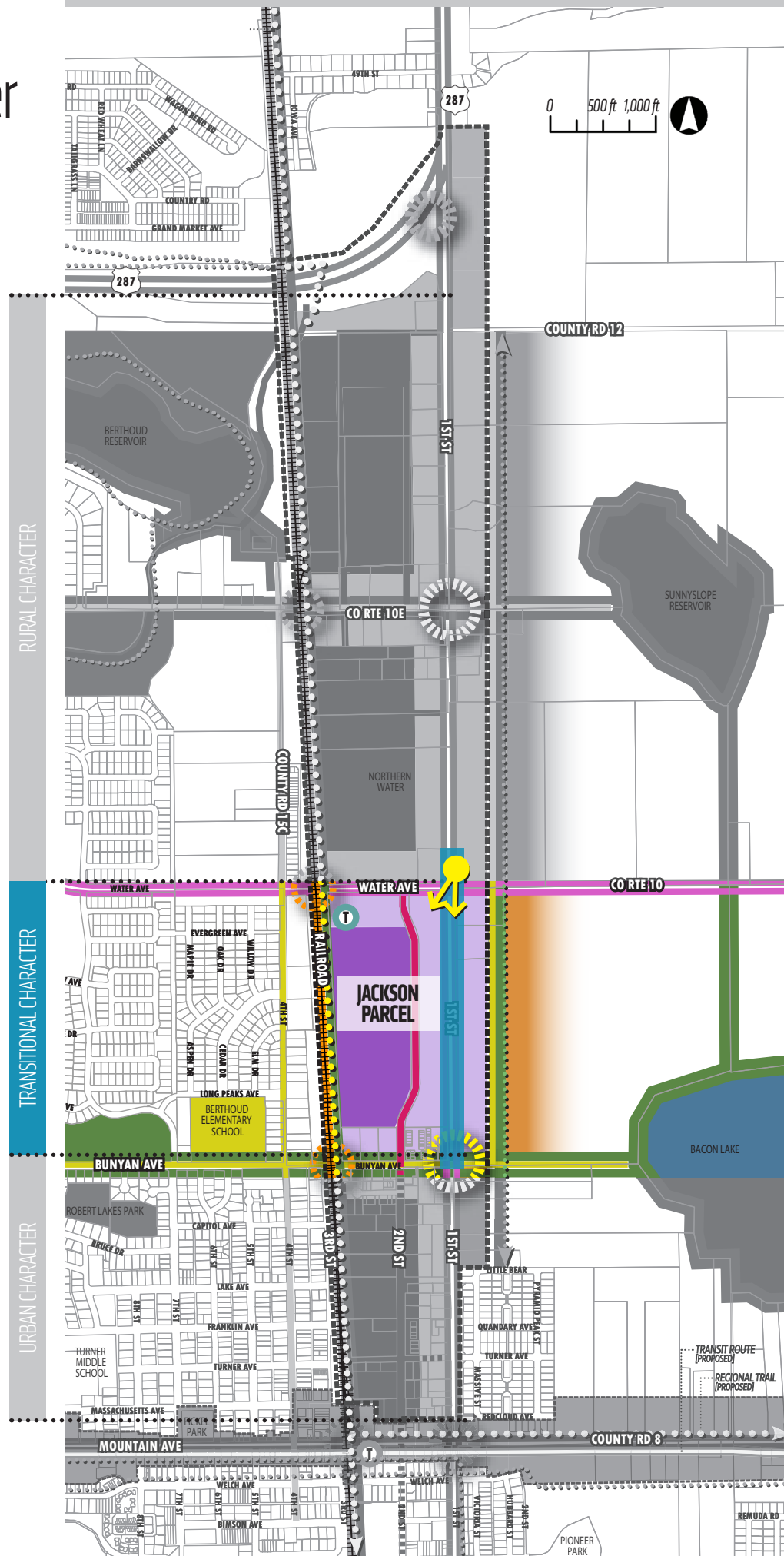
## BUNYAN AVENUE TO WATER AVENUE

### CORRIDOR CHARACTER TRANSITION

This stretch of 1<sup>st</sup> Street transitions from one major collector (Bunyan Avenue) to another (Water Avenue), which enables the segment to serve as transitional zone between an urban character to the south and a rural character to the north. The 80-acre Jackson Parcel, which is described in more detail on page 36, occupies a significant portion of this transitional zone. There are a few existing technical businesses and production uses along the north side of Bunyan Avenue.

### KEY CONCEPTS

- Raised median with landscaping
- Buffered bike lanes on both sides of the street
- Detached sidewalks on both sides of the street
- Street trees in tree lawns on both sides of the street
- Water saving landscape concepts are encouraged, where appropriate
- Increased architectural standards required when development occurs along higher visibility parcels adjacent to 1<sup>st</sup> Street
- Trees with seasonal interest are encouraged in medians and tree lawns to reinforce the Town's image as the Garden Spot. Trees with seasonal interest include flowering trees, trees with interesting leaf colors, and trees with vibrant fall color.
- Curb and gutter and/or rural ditches
- Multimodal enhancements to facilitate safe pedestrian and bicyclist crossings at the intersection of 1<sup>st</sup> Street and Bunyan Avenue

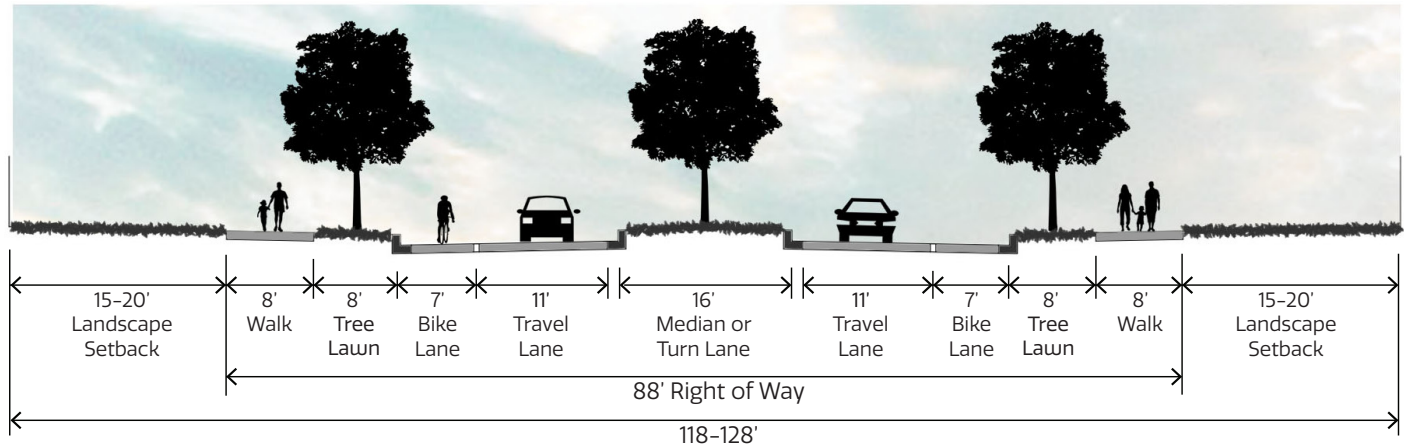




# Transitional Character

## BUNYAN AVENUE TO WATER AVENUE

### CORRIDOR CHARACTER TRANSITION



SOUTHWARD VIEW, PEDESTRIAN PERSPECTIVE



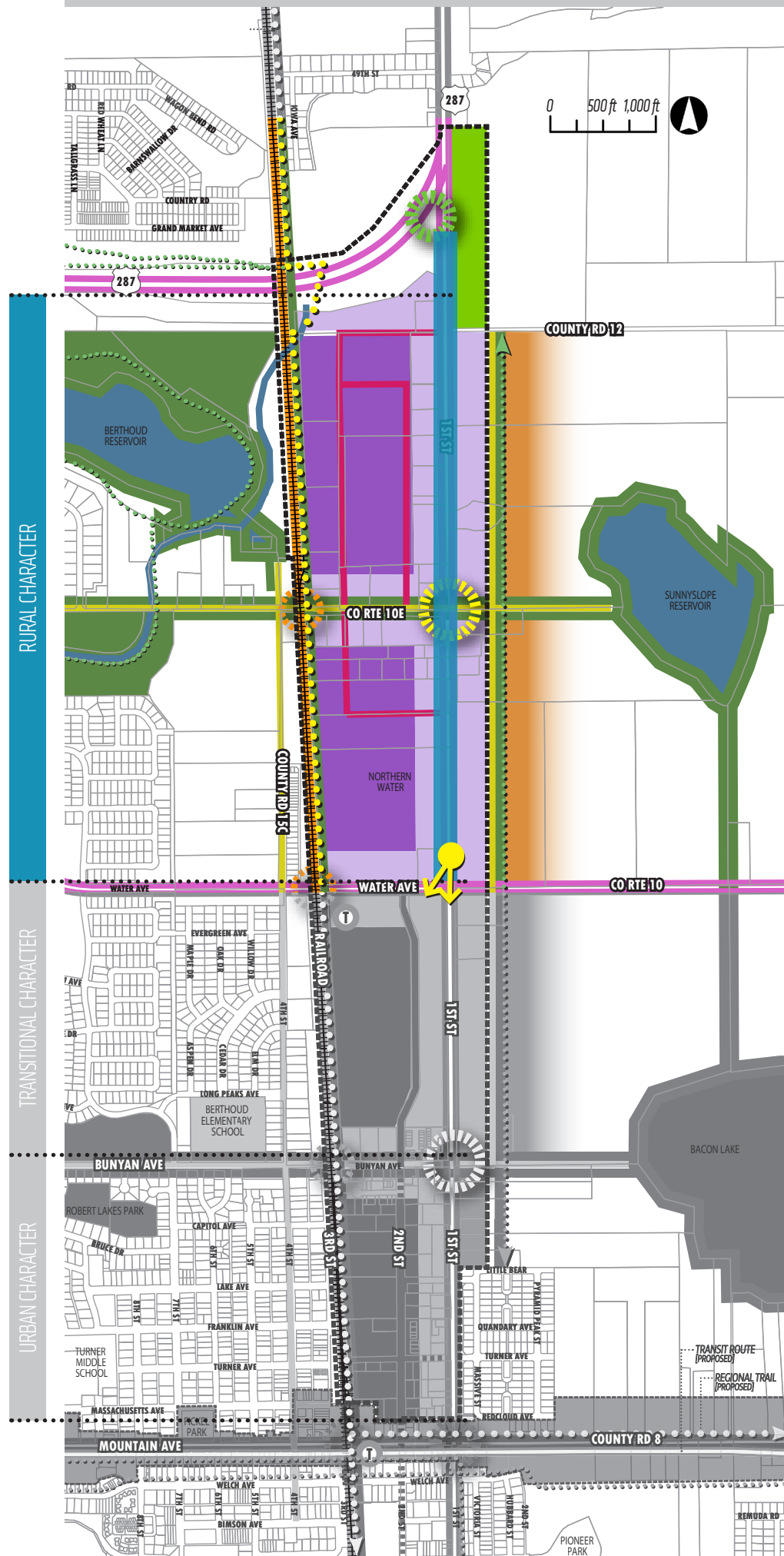
# Rural Character

## WATER AVENUE TO CR12/US 287 CORRIDOR CHARACTER TRANSITION

This stretch of 1<sup>st</sup> Street transitions from major collector (Water Avenue) to a minor collector (CR12) towards the US 287 interchange. The current character of this segment is predominantly rural in nature, particularly east of 1<sup>st</sup> Street. The west side includes a mix of existing technical businesses and production uses, including Northern Water's campus headquarters. A rural character is proposed for this segment, even as the corridor experiences new development.

### KEY CONCEPTS

- Sparsely landscaped depressed median is more rural in character, as compared to raised median
- Buffered bike lanes on both sides of the street
- Detached sidewalks on both sides of the street
- Street trees in tree lawns on both sides of the street
- Water saving landscape concepts are encouraged, where appropriate
- Increased architectural standards when development occurs along the higher visibility parcels adjacent 1<sup>st</sup> Street and Bunyan Avenue
- Portions of tree lawn can be landscaped with water saving plants instead of bluegrass to build on Garden Spot image
- Trees with seasonal interest are encouraged in medians and tree lawns to reinforce the Town's image as the Garden Spot. Trees with seasonal interest include flowering trees, trees with interesting leaf colors, and trees with vibrant fall color.

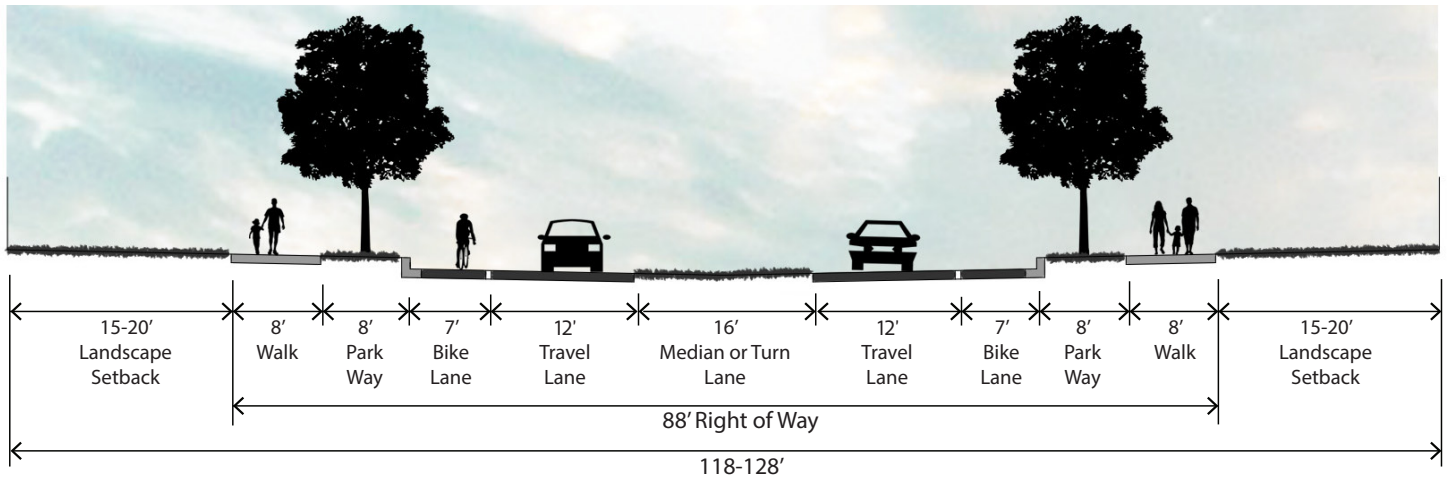




# Rural Character

## WATER AVENUE TO CR12/US 287

### CORRIDOR CHARACTER TRANSITION



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CHAPTER 6

# Focus Areas

## Overview

The land use, transportation, and urban design concepts cover the entirety of the 1<sup>st</sup> Street Corridor. This chapter highlights focus areas that will play significant roles in defining the character and development of the corridor:

### 1/ LINEAR PARK

A potential linear park that provides modal priority to pedestrians and bicyclists east of 1<sup>st</sup> Street.

### 2/ JACKSON PARCEL

The largest cohesive portion of land that will be integral to building up the Innovation District envisioned for the corridor.

### 3/ BUNYAN AVENUE

Major east/west connector that links the corridor to the rest of Berthoud to the west.

### 4/ INTERSECTIONS

Traditional and roundabout intersection treatments.

### 5/ US 287 INTERCHANGE

Potential conversion of the north end into a full interchange.





# Focus Areas

The focus areas are shown on the map on the right. Bunyan Avenue intersects with the potential linear park and serves as the southern boundary of the Jackson parcel, which illustrates how the focus areas can influence each other.

## LINEAR PARK

Potential park spans approximately 2 miles on the east side of 1<sup>st</sup> Street to provide modal priority to pedestrians and bicyclists parallel to the main corridor.

See page 35 for details

## JACKSON PARCEL

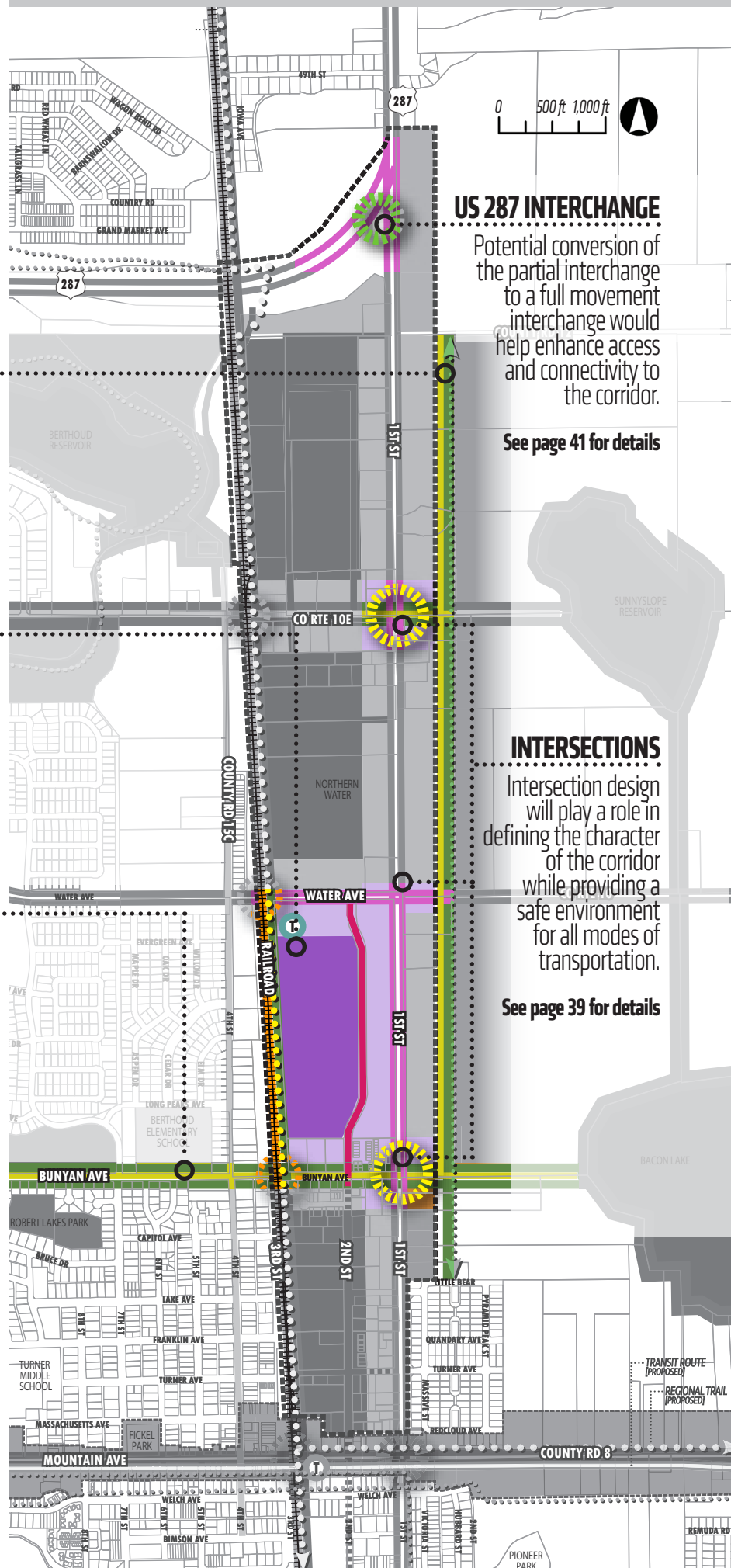
An approximately 80 acre property on the west side of 1<sup>st</sup> Street provides a unique opportunity to create a unified industrial/commercial mixed use district with options for housing, entertainment, and recreation.

See page 36 for details

## BUNYAN AVE

Key east/west corridor serves as a parallel route to Mountain Avenue, linking the 1<sup>st</sup> Street Corridor to Berthoud's historic core, community destinations such as Berthoud Elementary School, Berthoud Recreation Center, Waggener Farm Park, and the Town's western growth area. A future eastern extension of Bunyan Avenue would also connect to Bacon Lake.

See page 37 for details



## US 287 INTERCHANGE

Potential conversion of the partial interchange to a full movement interchange would help enhance access and connectivity to the corridor.

See page 41 for details

## INTERSECTIONS

Intersection design will play a role in defining the character of the corridor while providing a safe environment for all modes of transportation.

See page 39 for details

# Linear Park

## KEY CONCEPTS

- Linear park and trail extend from Peakview Meadows to CR12
- 120-foot wide park serves recreational and stormwater needs
- Uses in linear park will vary along its length
- Urban residential uses on east side front onto the park with parking behind
- Water saving landscape concepts are encouraged, where appropriate
- Increased architectural standards when development occurs along the higher visibility parcels adjacent Bunyan Avenue and the park
- Linear park will be bordered by higher visibility innovation uses on the west and urban residential on the east



NORTHWARD VIEW, AERIAL PERSPECTIVE



PRECEDENT IMAGES



# Jackson Parcel

The Jackson Parcel is zoned industrial and proposed uses will include industrial innovation uses. Increased architectural standards are required for parcels with higher visibility, i.e., adjacent to 1<sup>st</sup> Street, Water Avenue, and Bunyan Avenue. Lesser architectural standards will be required for parcels with lower visibility, including those on the western side of the property by the railroad.

## KEY CONCEPTS

- Green edge and streetscape are important around perimeter of parcel
- Buildings front along 1<sup>st</sup> Street, 2<sup>nd</sup> Street, Water Avenue, and Bunyan Avenue to create a more pedestrian-friendly streetscape
- Increased level of walkability and bikeability
- Green space serves dual purpose (detention and gathering space)
- 1 to 2 story buildings adjacent to 1<sup>st</sup> Street, Water Avenue, and Bunyan Avenue
- Up to 3 story buildings in internal parcels
- Architectural character will be similar to the precedent images
- Parking areas are tucked behind and between buildings

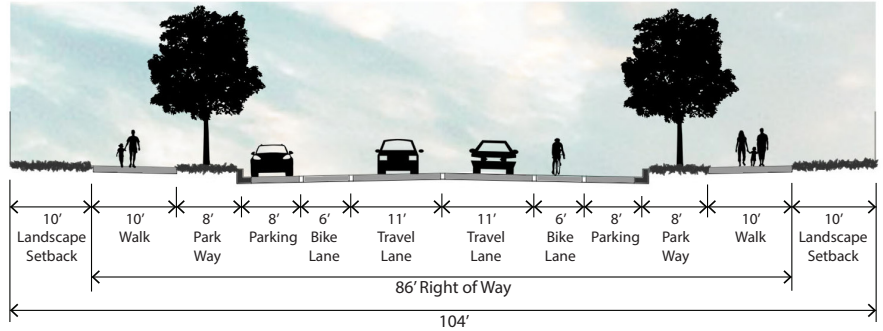




# Bunyan Avenue | WEST OF 1<sup>ST</sup> STREET

## KEY CONCEPTS

- Buffered bike lanes on both sides of the street
- Parallel parking on both sides of the street
- Detached sidewalks on both sides of the street
- Street trees in tree lawns on both sides of the street
- Water saving landscape concepts are encouraged, where appropriate
- Increased architectural standards required when development occurs along higher visibility parcels adjacent to Bunyan Avenue



WESTWARD VIEW, PEDESTRIAN PERSPECTIVE



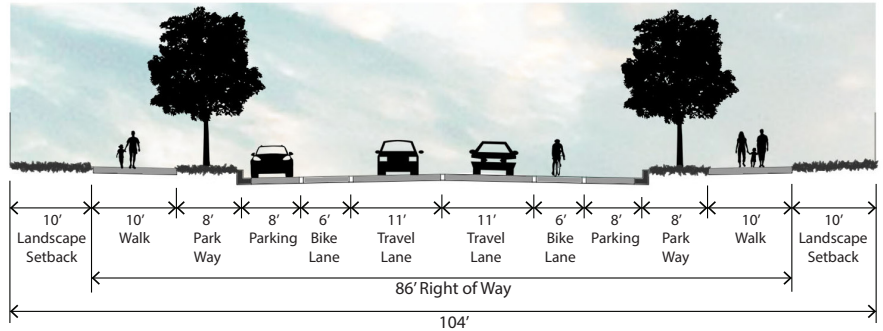
PRECEDENT IMAGES



# Bunyan Avenue | EAST OF 1<sup>ST</sup> STREET

## KEY CONCEPTS

- Strong visual and physical connection to Bacon Lake
- Buffered bike lanes on both sides of the street
- Parallel parking on both sides of the street
- Detached sidewalks on both sides of the street
- Street trees in tree lawns on both sides of the street
- Water saving landscape concepts are encouraged, where appropriate
- Increased architectural standards required when development occurs along higher visibility parcels adjacent to Bunyan Avenue and the park
- Linear park in the midground is bordered by higher visibility innovation uses on the west and urban residential on the east



EASTWARD VIEW, AERIAL PERSPECTIVE



PRECEDENT IMAGES



# Intersections

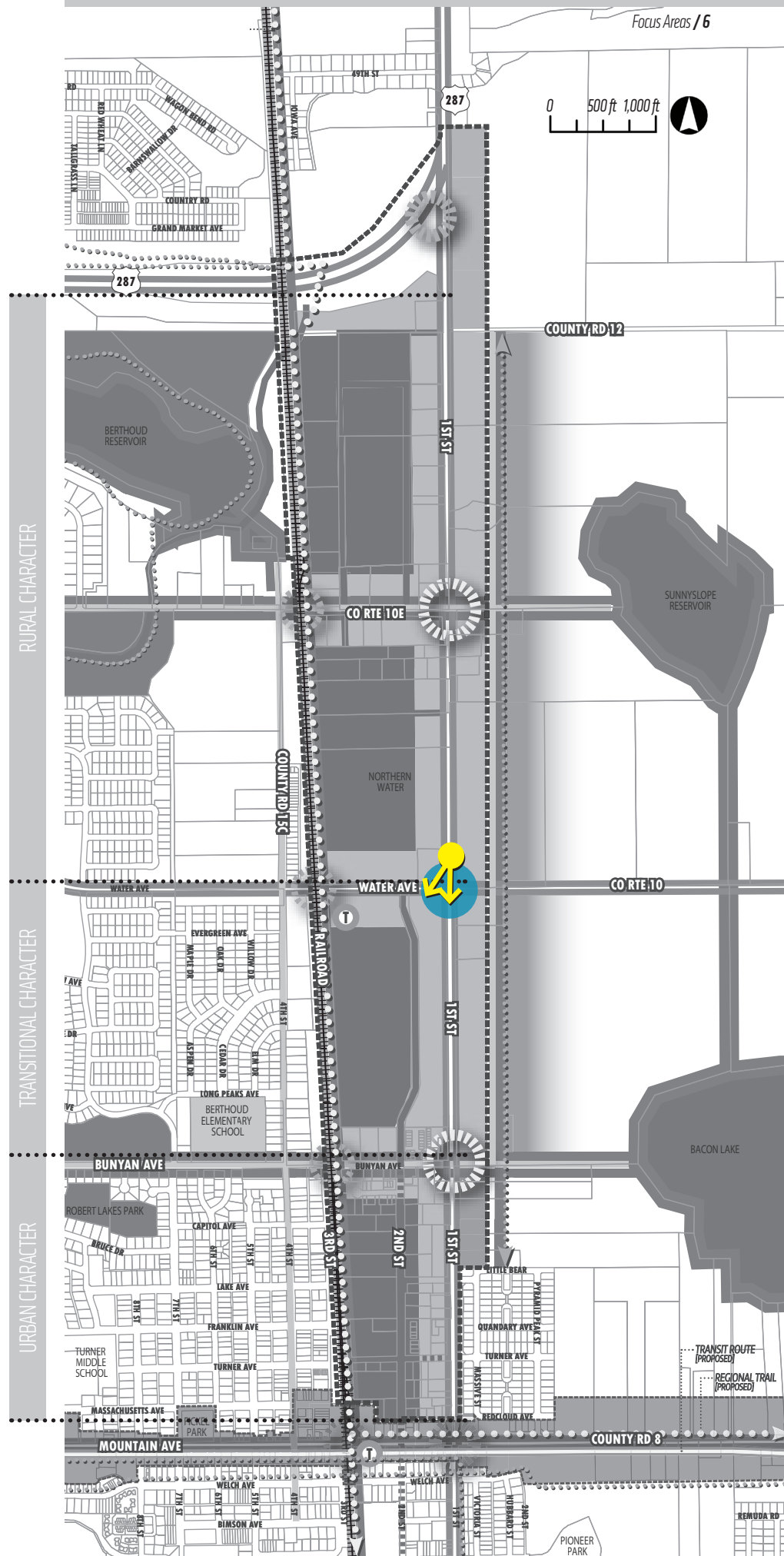
## TRADITIONAL VS ROUNDABOUTS

Intersection treatments can add character to the 1<sup>st</sup> Street Corridor while also providing modal priority in a safe and appropriate manner. For example, a roundabout may be the more appropriate intersection treatment to transition from one district to another, to create a gateway, and to slow vehicular traffic.

Even though it is just outside the Study Area, the 1<sup>st</sup> Street intersection at Mountain Avenue presently has a roundabout. All other intersections along 1<sup>st</sup> Street each currently have a traditional design. However, a roundabout could be introduced at certain intersections along 1<sup>st</sup> Street, such as the Water Avenue intersection as marked on the map on the right.

### KEY CONCEPTS

- Roundabouts could be used at intersections with higher vehicular priority
- At the roundabout, bikes have the option to merge on to sidewalks or share travel lanes with cars
- Center island could be a gateway and reinforce the Town's garden spot image
- Water saving landscape concepts are encouraged, where appropriate
- Roundabout will be sized appropriately to accommodate truck traffic
- Roundabouts require more space than traditional intersections and is anticipated to have a greater impact on adjacent properties





# Intersections

## TRADITIONAL VS ROUNDABOUTS

TRADITIONAL INTERSECTION: SOUTHWARD VIEW, PEDESTRIAN PERSPECTIVE

ROUNDBOUT INTERSECTION: SOUTHWARD VIEW, PEDESTRIAN PERSPECTIVE

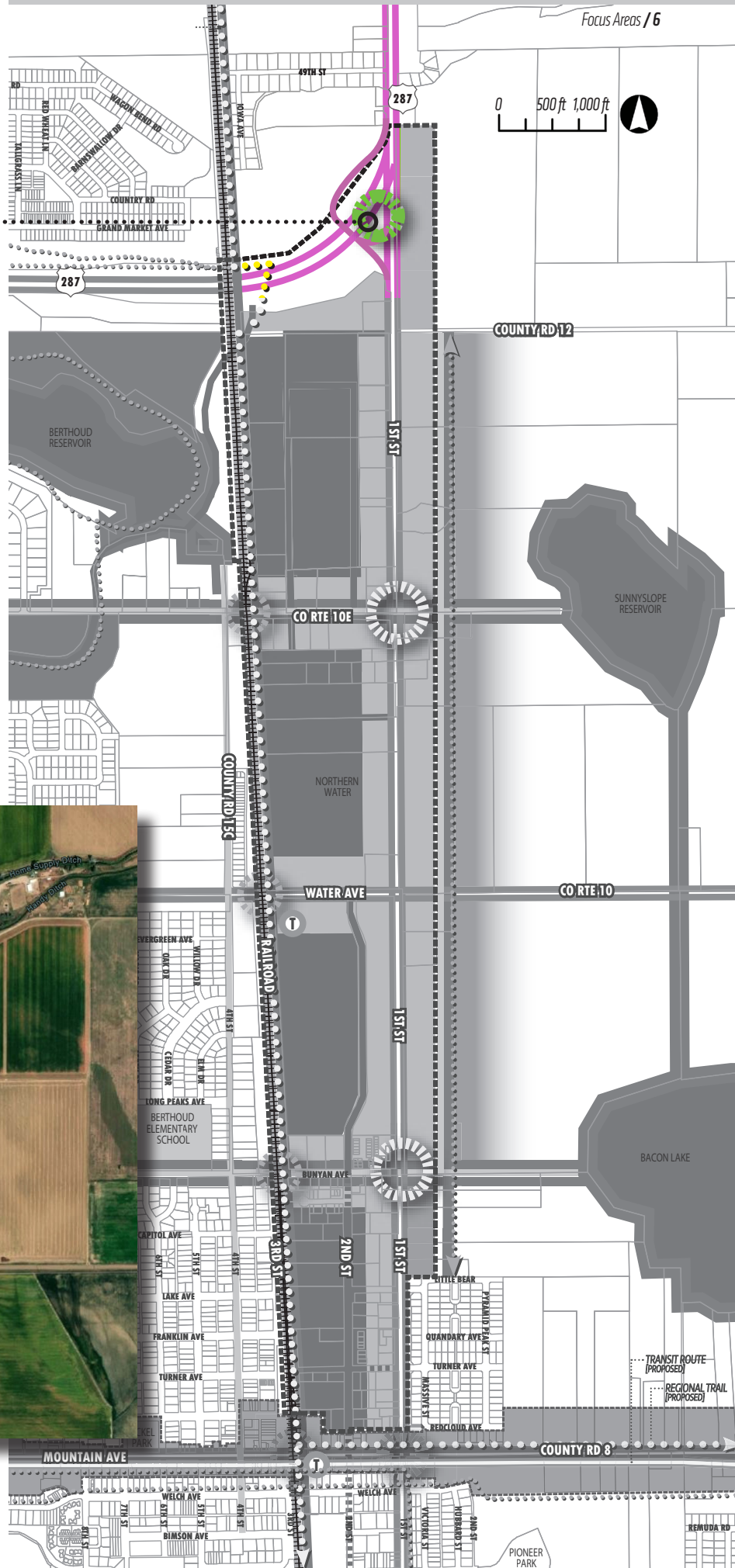




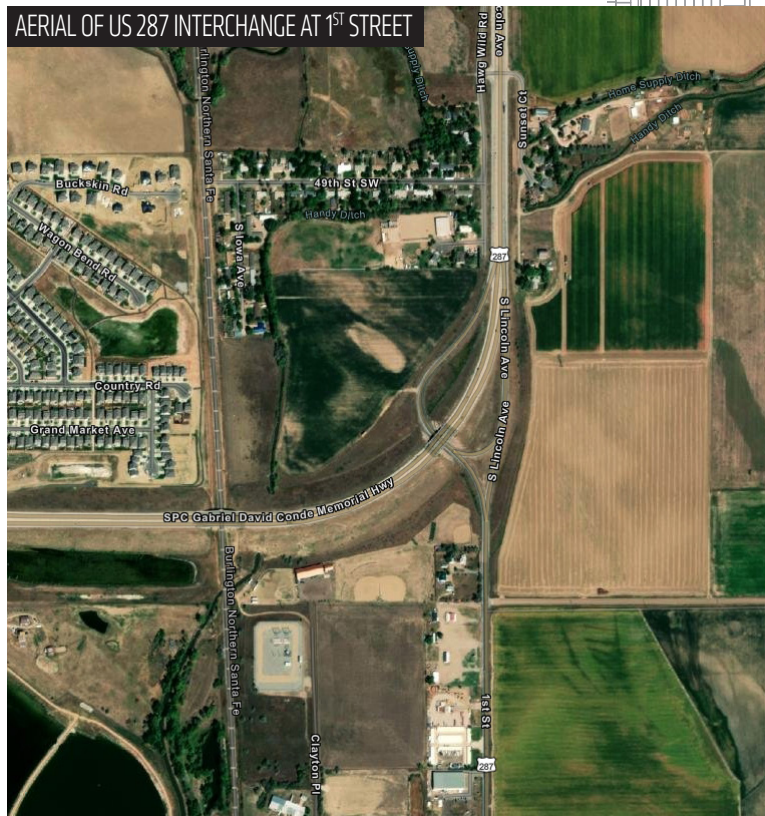
# US 287 Interchange

## INTERCHANGE

The US 287 interchange is currently a partial interchange; travelers northbound on 1<sup>st</sup> Street can only access northbound US 287 and southbound 1<sup>st</sup> Street can only be accessed from southbound US 287. ***It is recommended that the Town coordinate with the Colorado Department of Transportation (CDOT), the owner of US 287, to evaluate the potential impacts of converting this partial interchange to a full movement interchange.*** A full movement interchange would improve access and connectivity to the residents and businesses along 1<sup>st</sup> Street, and to the Innovation District. The full movement interchange may potentially alleviate some of the traffic and freight congestion at the other US 287 and Berthoud Parkway intersection. A full movement interchange would also likely increase the vehicular traffic of 1<sup>st</sup> Street. The US 287 and 1<sup>st</sup> Street interchange is an opportune location to create a northern gateway into Berthoud.



AERIAL OF US 287 INTERCHANGE AT 1<sup>ST</sup> STREET



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CHAPTER 7

# Next Steps

Achieving the vision for the 1<sup>st</sup> Street Corridor as defined in this plan will require coordination of Town initiatives, partnerships, and resources that move projects from the drawing table to town approval meetings to groundbreakings. These projects may run a diverse range from development projects, property consolidation, and utility infrastructure improvements to streetscape enhancements, trail connections, and transit coordination.

The Implementation Matrix on the following page identifies action items by achievable goal, with each action item assigned a priority level and timeframe for completion, an estimated cost range, and one or more agencies to serve as resources and potential Town partners (listed on the right).

## TOWN PARTNERS

|               |                                                                 |
|---------------|-----------------------------------------------------------------|
| <b>BACC</b>   | Berthoud Area Chamber of Commerce                               |
| <b>BFPD</b>   | Berthoud Fire Protection District                               |
| <b>BHS</b>    | Berthoud Historical Society                                     |
| <b>BRC</b>    | Berthoud Rotary Club                                            |
| <b>CCCD</b>   | Colorado Center for Community Development                       |
| <b>CCI</b>    | Colorado Creative Industries                                    |
| <b>CDOT</b>   | Colorado Department of Transportation                           |
| <b>CHAFA</b>  | Colorado Housing and Finance Authority                          |
| <b>COEDIT</b> | Colorado Office of Economic Development and International Trade |
| <b>CPW</b>    | Colorado Parks and Wildlife                                     |
| <b>CWCB</b>   | Colorado Water Conservation Board                               |
| <b>DCI</b>    | Downtown Colorado, Inc.                                         |
| <b>DOLA</b>   | Colorado Department of Local Affairs                            |
| <b>FHA</b>    | Federal Highway Administration                                  |
| <b>LC</b>     | Larimer County                                                  |
| <b>LTWD</b>   | Little Thompson Water District                                  |
| <b>NCWCD</b>  | Northern Colorado Water Conservancy District (Northern Water)   |
| <b>NFRMPO</b> | North Front Range Metropolitan Planning Organization            |
| <b>RAFT</b>   | Berthoud Rural Alternative for Transportation                   |
| <b>REDI</b>   | Northern Colorado Regional Economic Development Initiative      |
| <b>TFORT</b>  | Transfort                                                       |
| <b>UC</b>     | Upstate Colorado                                                |
| <b>WC</b>     | Weld County                                                     |



## Implementation Matrix

| Action Items                                                                                                                                                                                                | Priority | Timeframe | Cost   | Town Partners                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------|--------|----------------------------------------|
| <b>MANAGED GROWTH</b>                                                                                                                                                                                       |          |           |        |                                        |
| Update the Town's Three Mile Area Plan to identify and coordinate potential annexation of properties in the corridor                                                                                        | 2        | ST        | \$     | LC, property owners                    |
| Update the Town's Development Code as needed to support the types of development, architecture, and site features proposed for the corridor                                                                 | 2        | ST        | \$     | TBD                                    |
| Coordinate projects and policies that impact both 1st Street and Mountain Avenue given the proximity of the two corridors                                                                                   | 2        | ON        | \$     | Development community                  |
| Maintain communication with corridor property owners to be transparent with potential development proposals and corridor improvements                                                                       | 2        | ON        | \$     | TBD                                    |
| Develop a formalized landscape concept plan for the tree lawns and medians to guide future development and create a cohesive look throughout the 1st Street corridor.                                       | 2        | ST        | \$     | TBD                                    |
| <b>TRANSPORTATION ENHANCEMENTS</b>                                                                                                                                                                          |          |           |        |                                        |
| Coordinate multimodal transportation elements such as sidewalks, bike facilities, local and regional trails, transit stops and stations, intersection treatments, truck routes, etc. with relevant agencies | 2        | ON        | \$     | CDOT, LC, NFRMPO, TFORT                |
| Accommodate ride share, local transit, regional transit (e.g., potential future passenger rail), and other emerging mobility technologies into the Innovation District                                      | 2        | ST        | \$     | TBD                                    |
| Apply Complete Streets principles to 1st Street and other corridors to ensure multimodal connectivity and accessibility is prioritized along the corridor                                                   | 2        | MT        | \$\$   | TBD                                    |
| Coordinate with CDOT to evaluate the feasibility and impact of upgrading the US 287 partial interchange into a full movement interchange                                                                    | 3        | LT        | \$\$   | CDOT                                   |
| Coordinate wayfinding and signage with a community branding campaign and Town-wide wayfinding signage plan                                                                                                  | 2        | ON        | \$     | TBD, development community             |
| Identify preferred truck routing and access within the Innovation District                                                                                                                                  | 3        | ST        | \$     | LC, TBD                                |
| <b>INFRASTRUCTURE IMPROVEMENTS</b>                                                                                                                                                                          |          |           |        |                                        |
| Work with utility companies to identify, preserve, and/or modify utility easements in the corridor                                                                                                          | 2        | ON        | \$     | TBD                                    |
| Identify and build new or extended water, sewer, and stormwater utility infrastructure                                                                                                                      | 1        | ON        | \$\$\$ | TBD                                    |
| <b>ENVIRONMENTAL SUSTAINABILITY</b>                                                                                                                                                                         |          |           |        |                                        |
| Work with property owners to identify and preserve conservation easements in the corridor                                                                                                                   | 3        | ON        | \$     | Property owners, development community |
| <b>HOUSING DIVERSITY</b>                                                                                                                                                                                    |          |           |        |                                        |
| Use findings from a housing survey to identify how the corridor can help diversify Berthoud's housing stock                                                                                                 | 2        | ST        | \$     | CCI, CHAFA, DOLA                       |
| <b>ECONOMIC RESILIENCY</b>                                                                                                                                                                                  |          |           |        |                                        |
| Use findings from a business survey to identify business retention and attraction opportunities along the corridor                                                                                          | 2        | ST        | \$     | BACC, COEDIT, REDI, UC                 |

### MATRIX KEY

#### Priority Level

1: Critical  
2: Vital  
3: Desirable

#### Timeframe

ST: Short Term (1-3 years)  
MT: Mid Term (3-5 years)  
LT: Long Term (5+ years)  
ON: Ongoing (as needed)

#### Cost

\$: \$0 - \$100,000  
\$\$: \$100,000 - \$500,000  
\$\$\$: \$500,000+



# Appendix

|                               |     |
|-------------------------------|-----|
| Public Workshop #1 Exhibits   | A2  |
| Public Workshop #2 Exhibits   | A9  |
| Public Workshop #3 Exhibits   | A14 |
| Modified Trends Map Concept A | A18 |
| Modified Trends Map Concept B | A19 |



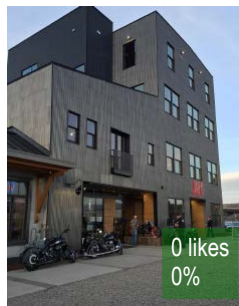


# Public Workshop #1 | JULY 21, 2022 | VISUAL PREFERENCE BOARDS

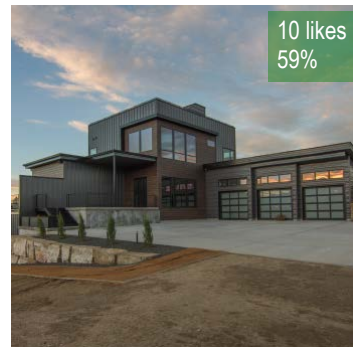
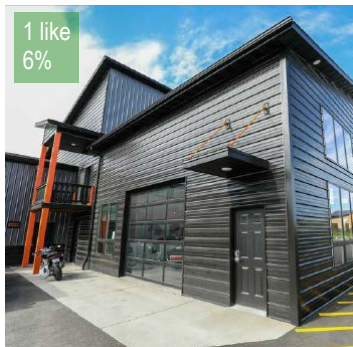
## 1st STREET CORRIDOR PLAN TOWN OF BERTHOUD, COLORADO



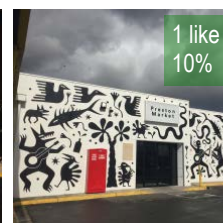
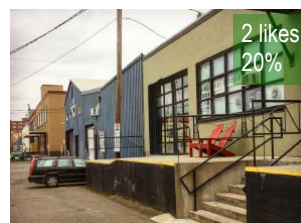
### Commercial



### Industrial (High Visibility)



### Industrial (Low Visibility)





# Public Workshop #1 | JULY 21, 2022 | VISUAL PREFERENCE BOARDS

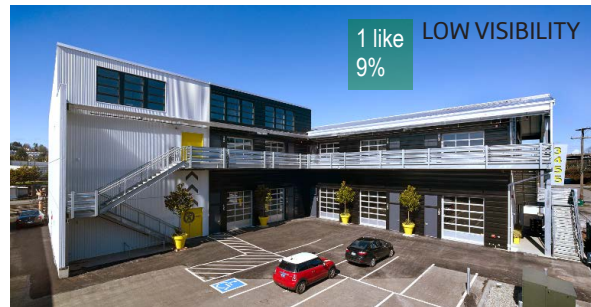
## 1st STREET CORRIDOR PLAN TOWN OF BERTHOUD, COLORADO



### Mixed use



### Residential



### Live-Work





# Public Workshop #1 | JULY 21, 2022 | VISUAL PREFERENCE BOARDS

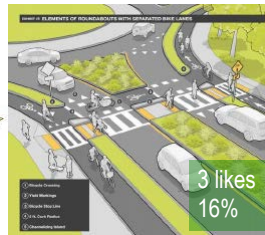
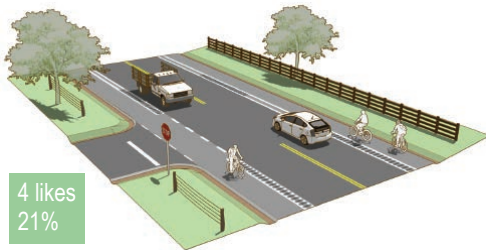
## 1st STREET CORRIDOR PLAN TOWN OF BERTHOUD, COLORADO



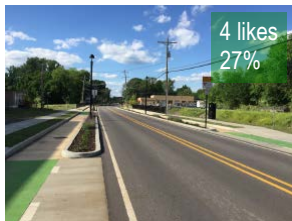
### Local Street Intersections



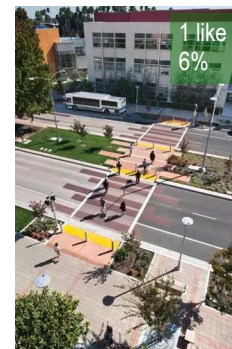
### Arterial Intersections



### Bike Lanes



### Pedestrian Crossings



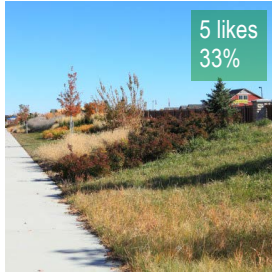


# Public Workshop #1 | JULY 21, 2022 | VISUAL PREFERENCE BOARDS

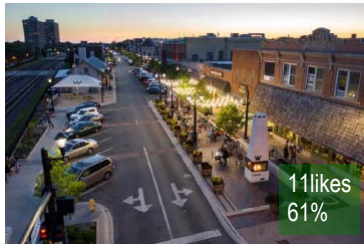
## 1st STREET CORRIDOR PLAN TOWN OF BERTHOUD, COLORADO



### Arterial Streetscapes



### Local Streetscapes



### Linear Parks



### Green Infrastructure



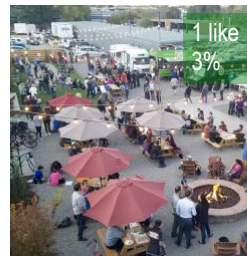


# Public Workshop #1 | JULY 21, 2022 | VISUAL PREFERENCE BOARDS

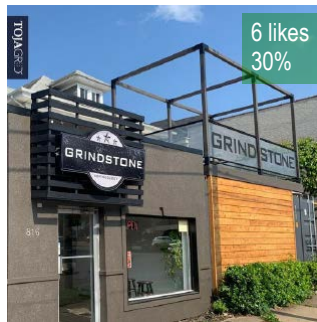
## 1st STREET CORRIDOR PLAN TOWN OF BERTHOUD, COLORADO



### Gathering Spaces & Amenities



### Signage & Murals

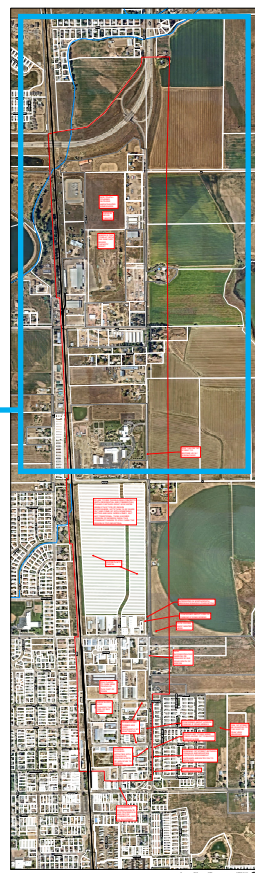
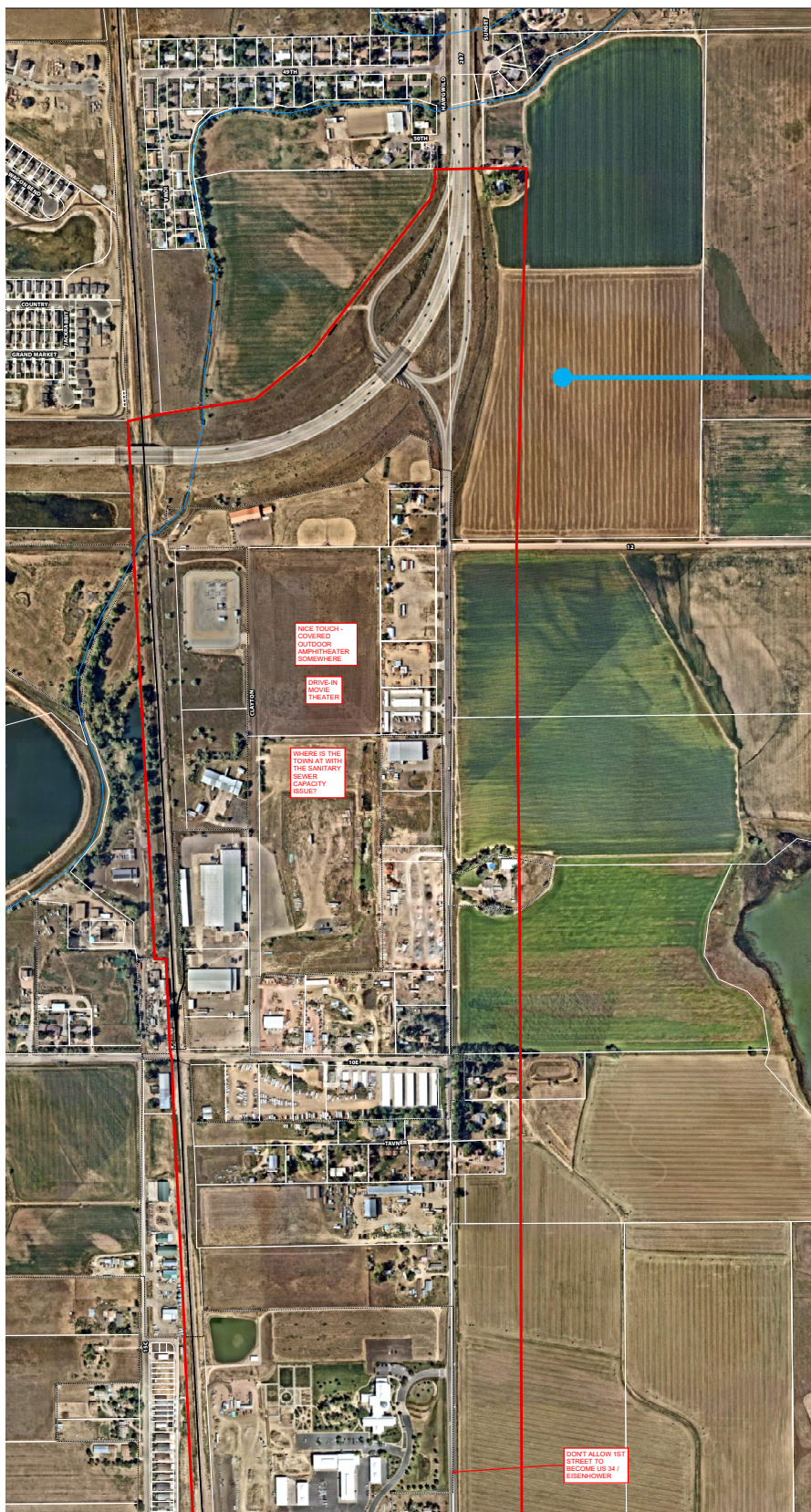


### Off-Street Parking



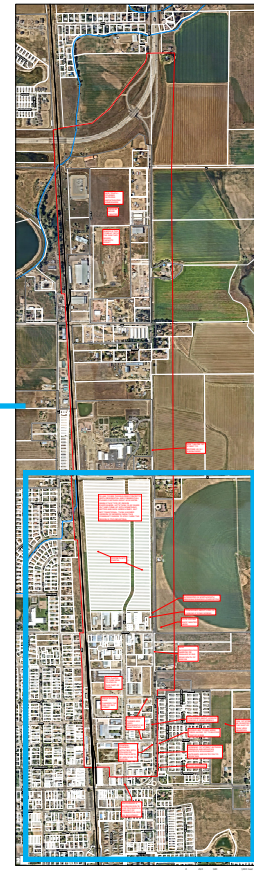
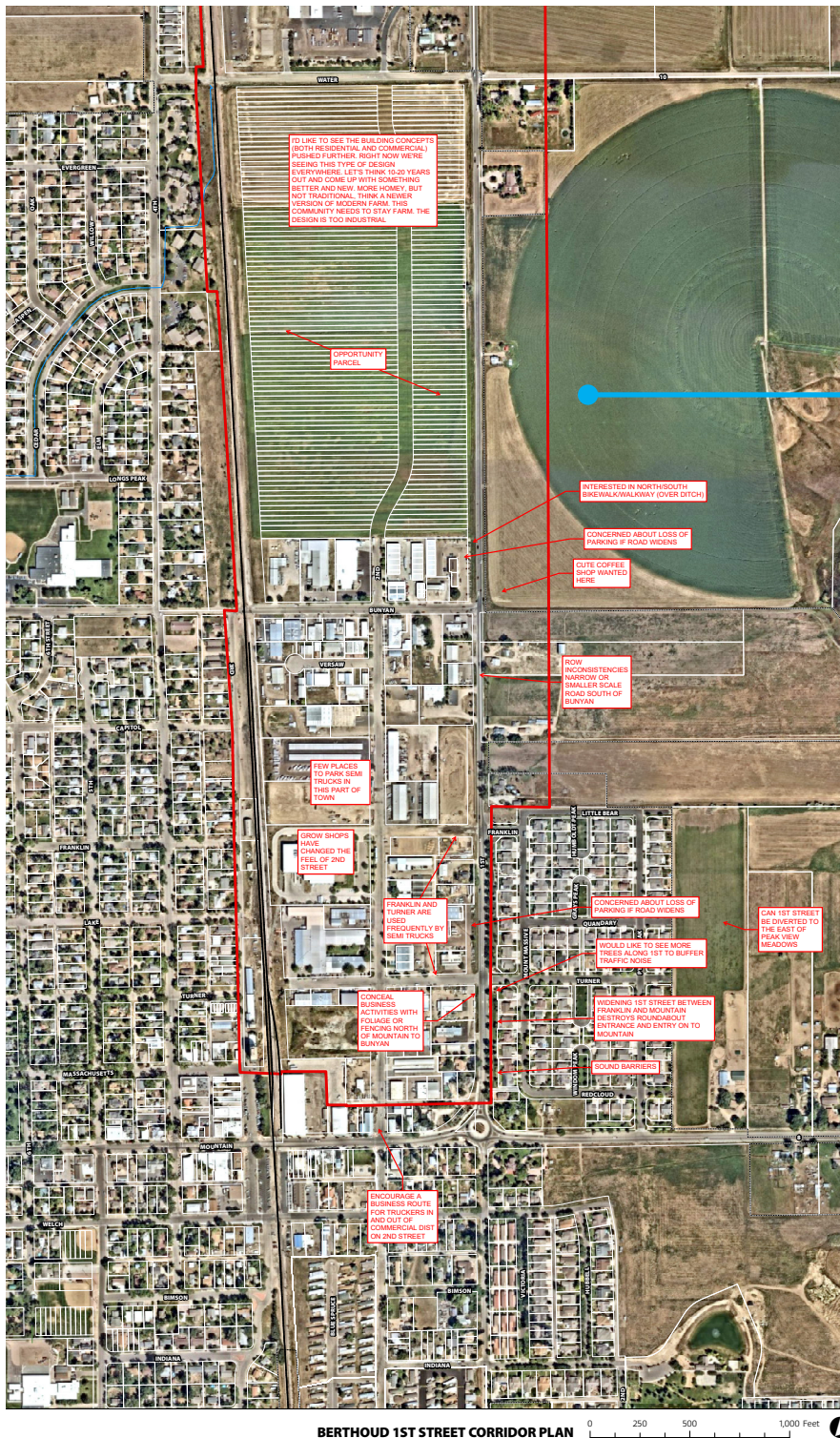


# Public Workshop #1 | JULY 21, 2022 | AERIAL STRIP COMMENT MAP



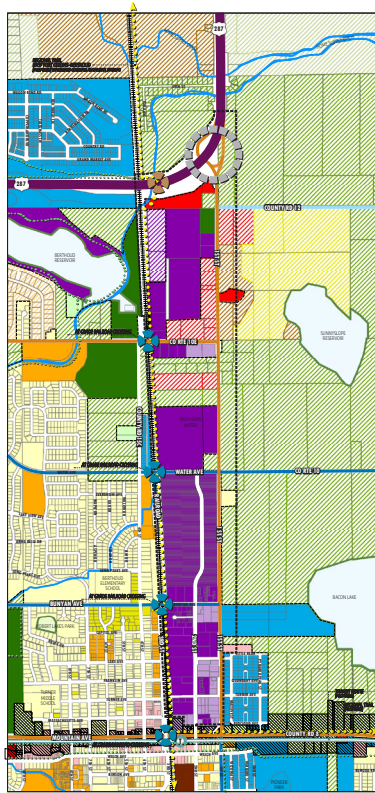


# Public Workshop #1 | JULY 21, 2022 | AERIAL STRIP COMMENT MAP





# Public Workshop #2 | SEPTEMBER 14, 2022 | EXHIBITS



## EXISTING TRENDS MAP

1ST STREET CORRIDOR PLAN | BERTHOUD, CO

**INSTRUCTIONS:** To share comments about this map, please use the post-it notes and/or the note pad next to this map.

### TOWN ZONING DISTRICTS

PER THE SUPERSEDED ZONING MAP

- R1 Single Family Residential
- R2 Limited Multi-Family Residential
- R3 Multi-Family Residential
- R4 Mixed Use
- R5 Manufactured Home
- P1 Planned Unit Development
- C2 General Commercial
- M1 Light Industrial
- M2 Industrial
- T Transition
- Ag Agriculture

\*There are presently no R4 Mixed Use Districts in and around the Study Area.

### COUNTY ZONING DISTRICTS

PER THE 2019 LARIMER COUNTY ZONING MAP

- FA Farming
- FAH Farming
- E1 Estate Residential
- R1 Residential
- M1 Multi-Family Residential
- C Commercial
- I Industrial

### GENERAL MAP ELEMENTS

- Corridor Study Area Boundary
- Mountain Avenue Corridor

### TRANSPORTATION ELEMENTS

- Existing At-Grade Railroad Crossing
- Potential Trail Underpass
- Existing US 287 Partial Interchange
- Potential Local Trail
- Potential Regional Trail
- Potential Transit Route

### ROADWAY CLASSIFICATION HIERARCHY

PER THE 2021 BERTHOUD COMPREHENSIVE PLAN

- Highway
- 4-Lane Arterial Road\*
- 2-Lane Arterial Road
- Major Collector Road
- Minor Collector Road

\*Highway 4-Lane Arterial Road is shown on the map for the corridor study area, which is shown in the map for the corridor study area.

**Town Zoning:** Based on the 2020 Berthoud Zoning Map, the majority of the Study Area is zoned for industrial use (M1, M2), with some pockets of other zoning uses on both sides of 1st Street. This includes some areas zoned for planned unit development (PUD), which may become an increasingly viable way to build a mix of uses that make up the Innovation District envisioned for the corridor. Each of the Town's zoning districts has its own set of site standards to guide potential development and corridor improvements.

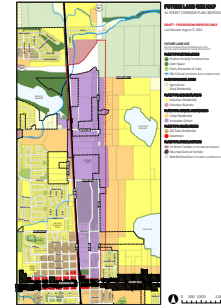
**County Zoning:** Based on the 2019 Larimer County Zoning Map, County zoning districts are illustrated on the map for the same reason as Town zoning. The Town may eventually annex certain properties into Berthoud, at which point the Town's zoning classifications would supersede. However, there is also the potential that some properties remain unincorporated in the County, which accentuates the significance of understanding the underlying zoning districts at the County level.

**Roadway Classifications:** Based on the 2021 Comprehensive Plan, the Existing Trends Map illustrates the hierarchy of road classifications in and around the 1st Street Corridor, including:

- Highway: US 287
- Two-Lane Arterials: 1st St, County Rd 10E, Mountain Ave
- Major Collectors: Water Ave/County Rd 10, Bunyan Ave
- Minor Collectors: County Road 12

### ANNEXATION

Annexation of any property would place zoning jurisdiction in the Town's purview, which is beneficial to ensure any proposed developments or site improvements are consistent with the community's vision, eligible for Town services and in conformance with the Town's design and development standards. Properties that remain unincorporated are subject to County zoning regulations and services. The intermixing of incorporated and unincorporated properties is most notable in the area north of Water Avenue/County Road 10 and US 287.

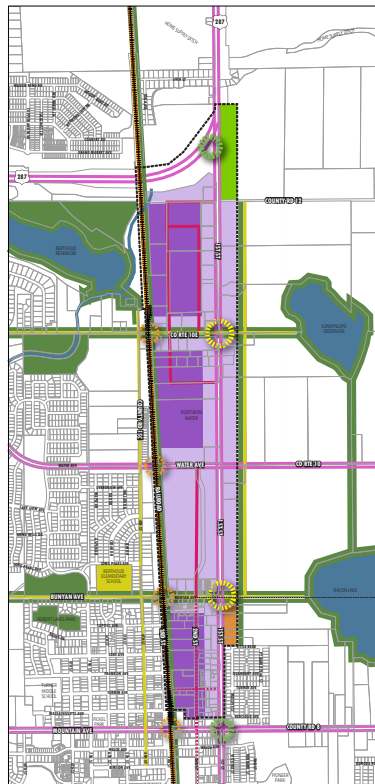


### FUTURE LAND USE PLAN

As a supplemental map to the Existing Trends Map, the Future Land Use Plan Map (above) illustrates the underlying future land use categories identified in the 2021 Berthoud Comprehensive Plan.

Much of the 1st Street Corridor Study Area is characterized by the Innovation District Character District (shown in light purple on the map). While the focus of the Innovation District is primarily employment and business uses, residential uses may be integrated into development sites to support the business community.

A small portion of the Study Area north of the Peakview Meadows neighborhood is characterized by the Urban Residential Character District (shown in orange on the map).



## MODIFIED TRENDS MAP - CONCEPT A

1ST STREET CORRIDOR PLAN | BERTHOUD, CO

**INSTRUCTIONS:** To share comments about this map, please write your feedback in the **COMMENTS** area below. You may also share comments using the post-it notes and/or the note pad next to this map.

- Town Gateway
- Green Edge / Park / Open Space
- Roadway with Vehicle Modal Priority
- Roadway with Pedestrian and Bike Modal Priority
- Pedestrian-focused Road crossing
- Proposed Local Commercial Street
- Existing Local Commercial Street
- Railroad crossing
- Innovation District (Lower Visibility)
- Innovation District (Higher Visibility)
- Urban Residential
- Agriculture

### 1ST STREET, NORTH OF BUNYAN AVENUE

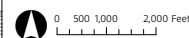
Urban character

### BLOCK & FRONTAGE TYPES

### 1ST STREET, SOUTH OF BUNYAN AVENUE

Transition to downtown, more urban character, building used to define strong urban edge, narrow building setbacks, detached walks, street trees, more manicured landscape

Primarily buildings will front on public streets. Some building may side on to 1st Street. No buildings backing to public streets. In cases where lots are more than a public street, buildings will front on the street with the highest classification or greatest public visibility.



### DESCRIPTION

Concept A maximizes the characterization of the 1st Street Corridor as an Innovation District, with industrial and mixed use emphasized as the central development trend.

### LAND USE

#### Focused Innovation District

#### MIXED USE/INDUSTRIAL EMPHASIS

The majority of the 1st Street Corridor is characterized by a mixed use/industrial corridor, including technical business/production, R&D, startups, makerspaces, and other commercial/light industrial with live/work housing.

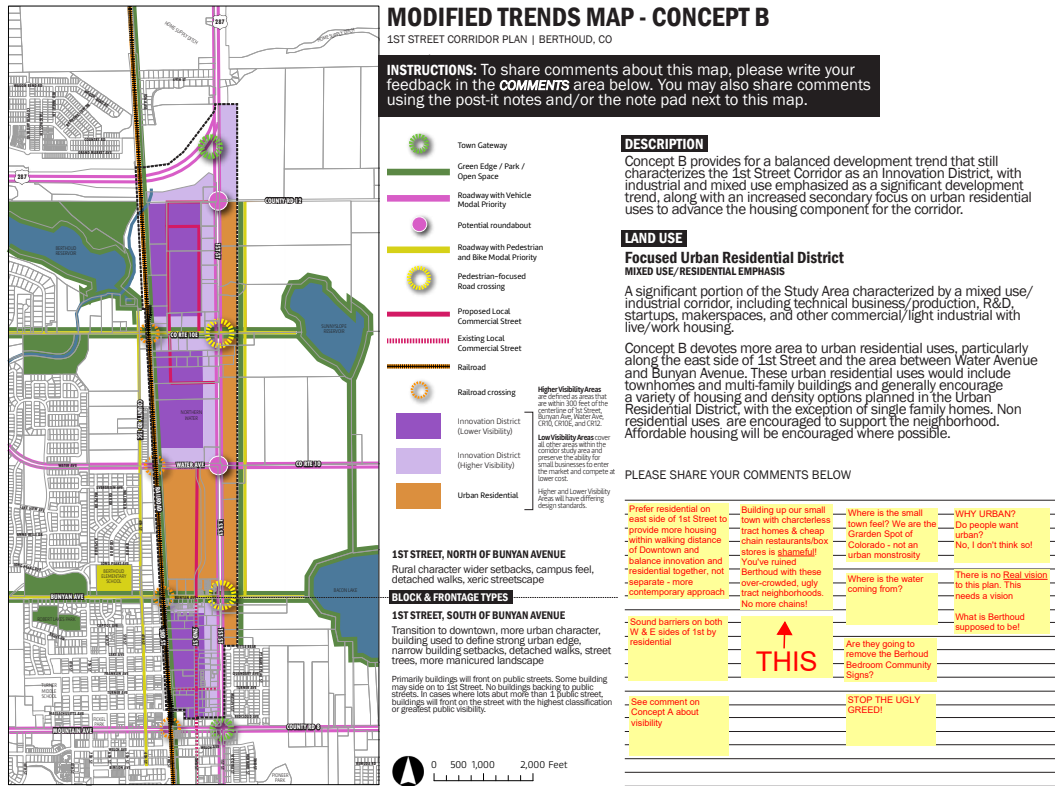
East side of 1st Street will be a continuation of the higher visibility mixed use industrial corridor on the west side of corridor (live/work units, mixed use buildings) with a buffered transition into urban residential to the east (townhomes and multi-family options). Affordable housing will be encouraged where possible.

### PLEASE SHARE YOUR COMMENTS BELOW

|                                                                                                  |                                                     |                                                                                                                                                    |                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Love this plan!<br>Prefer a mix of mixed use and housing. Hybrid of the 2 plans.                 | Sound barrier for residential along 1st             | I like the Concept B personally but from a tax income generating perspective. If the revenue projected was high enough I would change to Concept A | Please provide notice of next meeting. Do not use confusing name "First Street", use "1st Street"                                                           |
| This is a great plan. Use the mixed-use ideas of more business in town.                          | NO truck traffic along 28th Street (big rigs, etc.) | High Vis, Low Vis Areas shouldn't be segregated as they are but the entire area should be one visibility to invite ALL biz types                   | After talking more I switched from preferring Concept B to Concept A - if it can be truly innovative & cutting edge, art, mixed use, business support, etc. |
| We need more sidewalks and bike paths                                                            |                                                     |                                                                                                                                                    |                                                                                                                                                             |
| No more roundabouts                                                                              |                                                     |                                                                                                                                                    |                                                                                                                                                             |
| Thumbs up on more roundabouts on 1st Street to slow traffic down and make it easier to turn left | More roundabouts UGH!                               | XERISCAPES !!!                                                                                                                                     | Selling the natives & locals out to the highest corporate bidders. Shameful                                                                                 |
|                                                                                                  | I - sad face                                        |                                                                                                                                                    |                                                                                                                                                             |
|                                                                                                  | I second this                                       |                                                                                                                                                    |                                                                                                                                                             |



# Public Workshop #2 | SEPTEMBER 14, 2022 | EXHIBITS



## MODIFIED TRENDS: GENERAL OVERVIEW

1ST STREET CORRIDOR PLAN | BERTHOUD, CO

### DESCRIPTION

The 1st Street Corridor provides, "optimal opportunities for mixed use development and creation of new sub-districts..." (Pg. 3-7 of 2022 Comprehensive Plan)

Assumes Town annexation of unincorporated properties over time to guide future land use. Annexation requires a willing property owner and a willing Town.

As summarized on the right, the First Street Corridor is comprised of two Character Districts: the Innovation District and the Urban Residential District.

### GUIDING PRINCIPLE

The 1st Street Corridor is intended to evolve into a modern innovation hub designed as a green and connected campus that provides for a range of employment and business uses catering to creatives, artisans, makers, startups, and other innovators. Residential uses can be blended into these areas to support the business community.

I moved to Berthoud because there was a small downtown. I would like to see this town grow in a way that keeps the small town feel & community.

This plan for 1st Street corridor lacks an overall vision. Who is Berthoud? What kind of town does it want to be? How should it feel when we are there?

There is not character in this plan, no sense of anything but things we've seen before.

Start with the emotion of how it should feel, what do we want to do here, experience?

There is too much urban influence. This is not an urban place. No one wants that. Most people here are blue collar workers.

I believe this town has its roots in farming. It will not stay that way, but the overall vision could be that. People love it.

Berthoud could be a destination for farm products, goods, experience. It's popular now & will always be that.

Mountain Ave needs help too. That plan, whatever it is, needs to integrate & be part of whatever this becomes.

### Innovation District | CHARACTER DISTRICT

**Guiding Principle:** The Innovation Character District is intended to create a unique business district strategically designed to attract, retain, and cultivate talent, and improve networking and communication flow between business innovators, and residential uses will be blended into these areas to support the business community.

**Preferred Land Use:** The future character and composition of the Innovation District will be guided by the preferred uses for the corridor. In particular, the Innovation District will continue to support existing technical businesses and production uses, while also integrating emerging business types that focus on research and development (R&D), technology, startups, makerspaces, and other related commercial and light industrial uses. Residential uses may also be incorporated on 2nd and/or 3rd floors in the Innovation District, but the primary uses within the district will be non-residential. The Innovation District will evolve into a unique employment center with context sensitive design that respects adjacent neighborhoods.

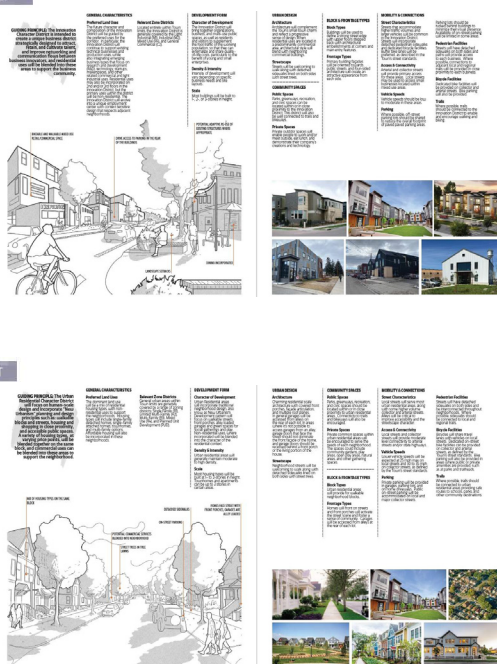
**Scale:** Most buildings will be built to 1, 2, or 3-stories in height.

### Urban Residential | CHARACTER DISTRICT

**Guiding Principle:** The Urban Residential Character District will focus on human-scale design and incorporate "New Urbanism" planning and design principles such as walkable blocks and streets, housing and shopping in close proximity, and accessible public spaces. A variety of housing types, at varying price points, will be blended together on the same block, and commercial uses can be blended into these areas to support the neighborhood.

**Preferred Land Use:** The dominant land use will be a mix of residential housing types with non-residential uses to support the neighborhood. Housing types will include single-family detached homes, single-family attached homes, townhomes, and multi-family options. Affordable housing will also be incorporated in these neighborhoods.

**Scale:** Most housing types will be built at 1 to 2-stories in height. Townhomes and apartments can be up to 3 stories in certain areas.





# Public Workshop #2 | SEPTEMBER 14, 2022 | EXHIBITS

## MODIFIED TRENDS: CONCEPTS A & B SHARED ATTRIBUTES

1ST STREET CORRIDOR PLAN | BERTHOUD, CO

### ARCHITECTURE

**HIGHER VISIBILITY AREAS** are defined as areas that are within 300 feet of the centerline of 1st Street, Bunyan Ave, Water Ave, CR10, CR10E, and CR12.

**LOW VISIBILITY AREAS** cover all other areas within the corridor study area and preserve the ability for small businesses to enter the market and compete at lower cost.

Higher and Lower Visibility Areas will have differing design standards.

**HIGHER/LOWER VISIBILITY AREAS** – Higher visibility and Lower Visibility areas will be designated within the approved corridor plan and determine the standards and requirements of the built environment.

**HIGHER VISIBILITY ARCHITECTURE** – Preserves areas of the corridor to meet a higher standard of design details and material selection. Allows for better quality design product along visible corridors where built environment most affects pedestrian and vehicular traffic.

**LOWER VISIBILITY ARCHITECTURE** – Preserves areas of existing affordable uses and promotes the development of future affordability within the corridor. Architecture in this area will have less stringent requirements for design and materials.

INSTRUCTIONS: To share comments about this exhibit, please use the post-it notes and/or the note pad.

None of these say "The Garden Spot" or pay homage to this once "beautiful farming town. The "Preston Market" screams pot shop and tattoos. "Where is any sense of rural/farming architecture? Horrible & does not fit Berthoud or honor its history."

Does anyone on this committee care to honor the "heritage of Berthoud"? Or is it more important to service the almighty dollar & make this town ugly, full of chains & beige box homes? Does no one have the foresight to make the town charming? Leave the chains in Loveland and Longmont. Demand the builders bring beauty/character to these "horrible developments. We want Berthoud small, special, unique. This is not "generational, there is a younger populace that want to honor Berthoud. Removing the population cap was a horrible decision. Said, sad, sad.

None of these fit into the character that Berthoud is. I'm w/ classic lines and modern use. Go back to drawing board.

Hideously ugly! Looks like an old Motel 6

Back to the drawing table on this project

Where is the water coming from? Does it exist?

### RESIDENTIAL

#### HIGHER VISIBILITY: ARCHITECTURE & FORM

The built environment within the high visibility 1st Street corridor should provide opportunities for craftsmanship, ornament, proportions, and decoration that are consistent with the historic industrial or agricultural vernacular of the area.

Architecture should follow the approved Berthoud Architectural Design Guidelines for the Urban Residential Character District (see excerpts below).



#### LOWER VISIBILITY: ARCHITECTURE & FORM

Architecture should provide opportunities for craftsmanship, ornament, proportions, and decoration that are consistent with the historic industrial or agricultural vernacular of the area.

Architecture should follow the approved Berthoud Architectural Design Guidelines for the Urban Residential Character District, however, will be granted leniency with requirements affecting the ability to preserve affordability in the corridor area (see excerpts below).



Excerpts from Berthoud Architectural Design Guidelines



### NON-RESIDENTIAL

#### HIGHER VISIBILITY: ARCHITECTURE & FORM

The built environment within the high visibility 1st Street corridor should provide opportunities for craftsmanship, ornament, proportions, and decoration that are consistent with the historic industrial vernacular of the corridor area.

Architecture should follow the approved Berthoud Architectural Design Guidelines for the Urban Industrial/Innovation Character District (see excerpts below).



#### LOWER VISIBILITY: ARCHITECTURE & FORM

The built environment within the low visibility nonresidential areas should provide economic and creative opportunities for ornament and decoration.

Architecture should follow the approved Berthoud Architectural Design Guidelines for the Urban Industrial/Innovation Character District, however, may be granted leniency with requirements affecting the ability to preserve existing and future affordability within the corridor (see excerpts below).



Excerpts from Berthoud Architectural Design Guidelines



### MIXED USE

#### HIGHER VISIBILITY: ARCHITECTURE & FORM

Architecture should provide opportunities for craftsmanship, ornament, proportions, and decoration that are consistent with the historic industrial or agricultural vernacular of the area.

Mixed use building types in the High Visibility areas of the 1st Street Corridor should follow the approved Berthoud Architectural Design Guidelines for the Urban Downtown Character District (see excerpts below).



#### LOWER VISIBILITY: ARCHITECTURE & FORM

The built environment within the low visibility mixed use corridor areas should provide economic and creative opportunities for ornament and decoration.

Architecture should follow the approved Berthoud Architectural Design Guidelines for the Urban Downtown Character District, however, may be granted leniency with requirements affecting the ability to preserve existing and future affordability within the corridor (see excerpts below).



Excerpts from Berthoud Architectural Design Guidelines



## MODIFIED TRENDS: TRANSPORTATION ELEMENTS

1ST STREET CORRIDOR PLAN | BERTHOUD, CO

INSTRUCTIONS: To share comments about this map, please write your feedback in the **COMMENTS** area below. You may also share comments using the post-it notes and/or the note pad next to this map.

### TRANSPORTATION ELEMENTS

- Existing At-Grade Railroad Crossing
- Potential Trail Railroad Crossing
- Potential Trail Underpass
- Existing US 287 Partial Interchange
- Potential for Enhanced Pedestrian Experience
- Potential for Improved Connectivity
- Potential Green Connection to Lake Reservoir
- Potential Regional Trail
- Potential Transit Route

### KEY EAST/WEST CONNECTORS

Bunyan Ave, Water Ave (CR10), CR10E, CR 12

Key east/west thoroughfares connecting neighborhoods, community destinations, and the Innovation District.

These streets should include one vehicular travel lane in each direction and prioritize the movement of bicyclists and pedestrians by providing enhanced multimodal facilities.

Special consideration should be given to the railroad crossings and the intersections of 1st Street.

### TRUCK ROUTES

Public feedback indicates the need to maintain and/or enhance truck and freight access to/from industrial properties.

A preferred truck route and truck specific improvements (e.g., wider turning lanes) may be recommended as part of this study.

### PARKING

#### Private Parking

Private parking should be tucked behind and/or between buildings to minimize the visual presence from public streets. Residential parking spaces should be accessed from alleyways.

#### On-Street Public Parking

1st Street: None

Collectors: Minimal, only in support of adjacent commercial and mixed use land uses, such as the Innovation District.

Local Streets: Where possible, unmetered parallel parking should be provided on both sides of local streets. The existing and informal pull-in parking area should be formalized as parallel parking, for consistency.

#### Semi-Truck Parking

Community comment – identify opportunities/locations for semi-truck parking within the Innovation District.

### PLEASE SHARE YOUR COMMENTS BELOW

Bicyclists shouldn't have bike lanes on 1st Street, but use the trail. As a bicyclist, put us on the trail to transit N&S, not on a main road which 1st Street is.

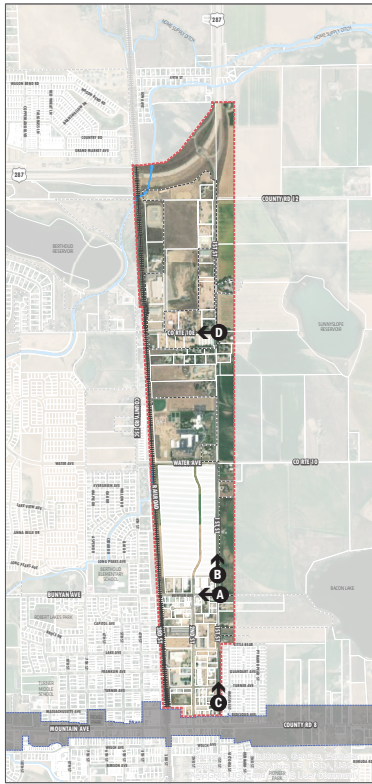
CR 10E & 1st Street intersection is dangerous. Probably one or more accidents per month. Maybe needs a traffic light.

Develop truck routes & parking. Bring businesses and safety

I live in the Peakview subdivision with my backyard against 1st St and it is rare the 30 MPH zone is followed and plenty of times where I would estimate some vehicles (all types) traveling at rates of 45-60 MPH based on noise generated and sight of vision. This occurs in both directions and not just vehicles exiting from the traffic circle heading north. In fact, I have witnessed large commercial trucks flying by my house towards the traffic circle at rates of at least 45-60 MPH and waiting for the day when a loud crash occurs at the circle area. While I can understand development will lead to higher volumes of traffic, it would be helpful to plan for speed control along 1st Street should that be more circles, speed cameras, speed bumps, etc.



# Public Workshop #2 | SEPTEMBER 14, 2022 | EXHIBITS

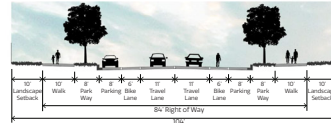


## MODIFIED TRENDS: STREET CONCEPTS

1ST STREET CORRIDOR PLAN | BERTHOUD, CO

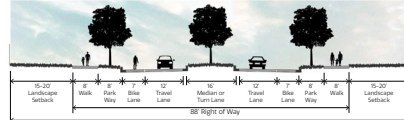
**INSTRUCTIONS:** To share comments about this map, please write your feedback in the **COMMENTS** area below. You may also share comments using the post-it notes and/or the note pad next to this map.

### A Key Pedestrian Routes [Example: Bunyan Avenue]



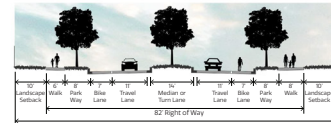
**B 1st Street, North of Bunyan Avenue**  
Speed Limit: 30 - 35 mph

Speed Limit: 30 - 35 mph



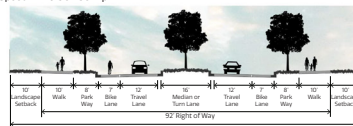
© 1st Street, South of Bunyan Avenue

Speed Limit: 25 - 30 mph



**D Two Lane Arterial w/ Pedestrian Focus** [Example: CO10]

Speed Limit: 30 - 35 mph



PLEASE SHARE YOUR COMMENTS BELOW

- I am very concerned about the on-ramp from 1st to 287 headed north.
- It is Not Safe in snow, ice, or heavy rain.

Add street light at intersection of C and 1st.

Semi trucks have trouble turning at CR 10E

No median south of Bunyan - would constrict turning vehicles!

- No cement median - particularly on 1st Street. There are 2 homes just NW of roundabout at 1st Street & Mountain. Need access to turn either way.

I'm not okay with this.  
The road in B is not wide enough. I don't want a sidewalk in my yard. I chose to live in the country - not in the city!

We do not want you coming onto our properties with roadway easements! Quit taking our land, quit ruining our beautiful landscape with tract home & chains!

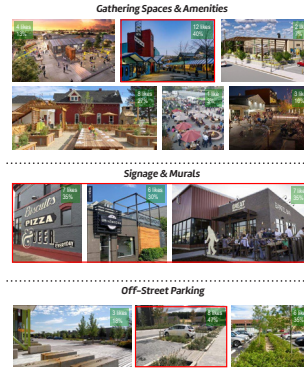
A center median is a horrible idea. Section A makes the most sense

- No bike lanes on 1st Street.
- Bicyclists can use the trail by the railroad
- Make travel lanes wide w/ left & right turn lanes as required.
- As a bicyclist myself, put us off the main road, but all us to go N & S on a trail

- corridor to divert truck traffic and other traffic from residential areas

**1st STREET CORRIDOR PLAN**  
TOWN OF BERTHOUD, COLORADO

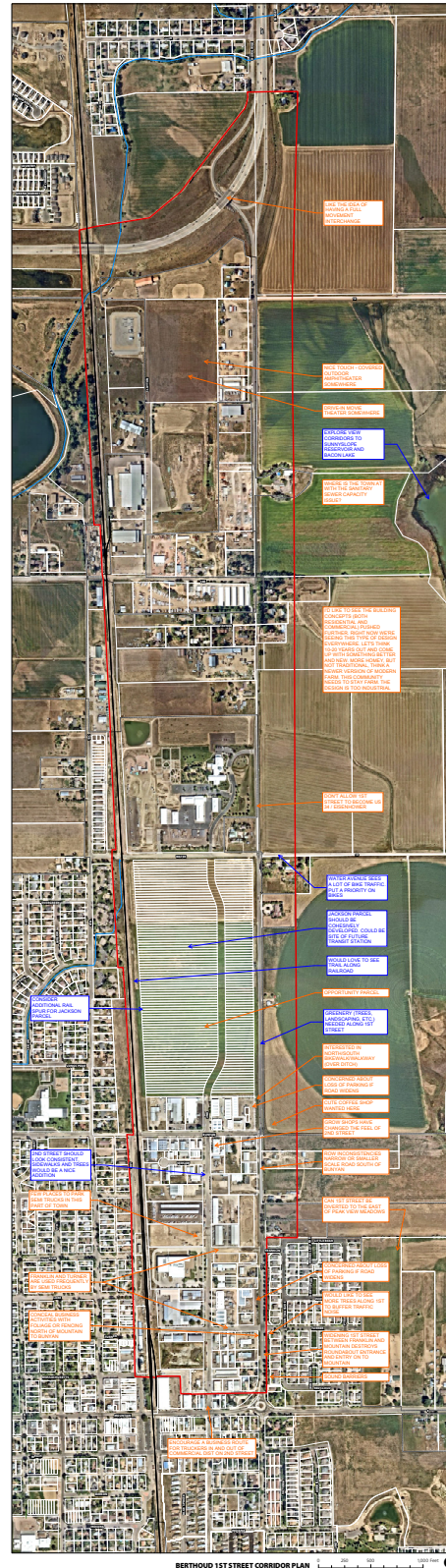
## VISUAL PREFERENCE RESULTS





# Public Workshop #2 | SEPTEMBER 14, 2022 | EXHIBITS

## 1st STREET CORRIDOR PLAN TOWN OF BERTHOUD, COLORADO





# Public Workshop #3 | DECEMBER 6, 2022 | EXHIBITS

## JACKSON PARCEL CONCEPTUAL SITE PLAN

1ST STREET CORRIDOR PLAN | BERTHOUD, CO

### KEY CONCEPTS:

This land is zoned industrial and proposed uses will include industrial innovation uses. Increased architectural standards are required for parcels with higher visibility, i.e., adjacent to 1<sup>st</sup> Street, Water Avenue, and Bunyan Avenue. Lesser architectural standards will be required for parcels with lower visibility.

- Green edge and streetscape are important around perimeter of parcel
- Increased level of walkability and bikeability
- Green space serves dual purpose (detention and gathering space)
- 1 to 2 story buildings adjacent to 1<sup>st</sup> Street, Water Avenue, and Bunyan Avenue
- Up to 3 story buildings in internal parcels
- Architectural character will be similar to the precedent images
- Parking areas are tucked behind and between buildings

### PRECEDENT IMAGES: LOW VISIBILITY INDUSTRIAL



### PRECEDENT IMAGES: HIGH VISIBILITY INDUSTRIAL



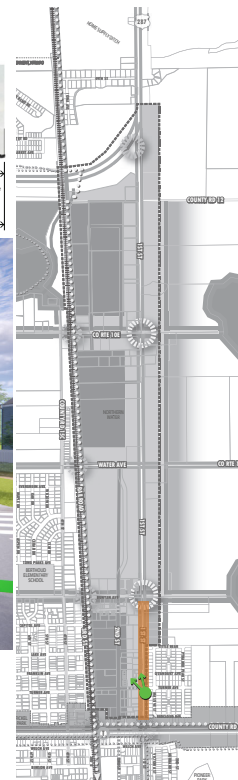
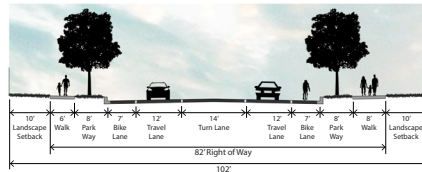
## CORRIDOR PERSPECTIVE RENDERING

VIEW OF 1<sup>ST</sup> STREET LOOKING NORTH NEAR TURNER AVENUE [BETWEEN MOUNTAIN AVENUE AND BUNYAN AVENUE]

1ST STREET CORRIDOR PLAN | BERTHOUD, CO

### KEY CONCEPTS:

- Street, sidewalk, and right of way widths are reduced to limit impacts to existing adjacent developments
- Left turn lane accommodates existing driveways (no raised median)
- Buffered bike lanes on both sides of the street
- Detached sidewalks and street trees on both sides of the street
- Street trees in tree lawns on both sides of the street
- Water saving landscape concepts are encouraged, where appropriate
- Increased architectural standards required when development occurs along higher visibility parcels adjacent to 1<sup>st</sup> Street



# Public Workshop #3 | DECEMBER 6, 2022 | EXHIBITS

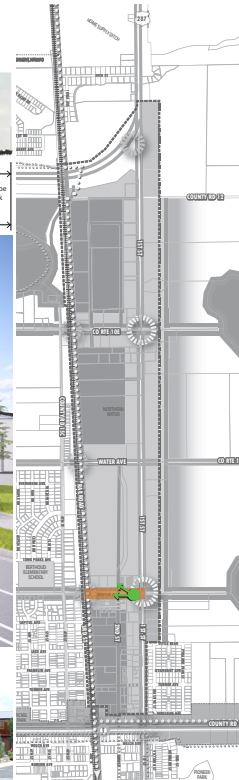
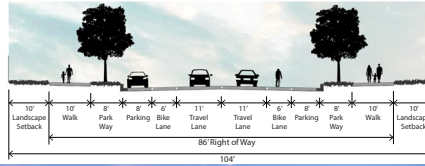
## CORRIDOR PERSPECTIVE RENDERING

VIEW OF BUNYAN AVENUE LOOKING WEST AWAY FROM 1<sup>ST</sup> STREET [PEDESTRIAN VIEW]

1ST STREET CORRIDOR PLAN | BERTHOUD, CO

### KEY CONCEPTS:

- Buffered bike lanes on both sides of the street
- Parallel parking on both sides of the street
- Detached sidewalks on both sides of the street
- Street trees in tree lawns on both sides of the street
- Water saving landscape concepts are encouraged, where appropriate
- Increased architectural standards required when development occurs along higher visibility parcels adjacent to Bunyan Avenue



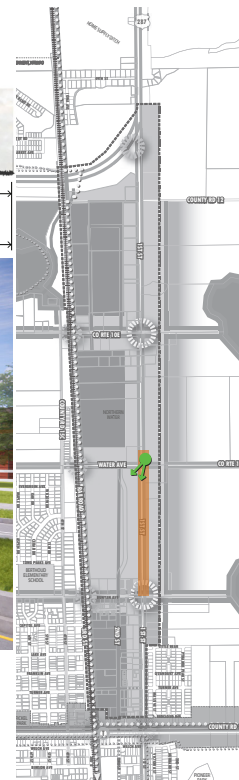
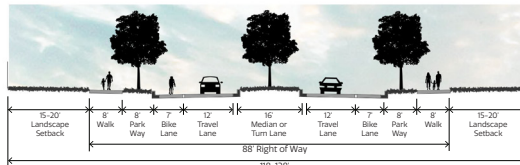
## CORRIDOR PERSPECTIVE RENDERING

VIEW OF 1<sup>ST</sup> STREET LOOKING SOUTH NEAR WATER AVENUE [BETWEEN BUNYAN AVENUE AND WATER AVENUE]

1ST STREET CORRIDOR PLAN | BERTHOUD, CO

### KEY CONCEPTS:

- Raised median with landscaping
- Buffered bike lanes on both sides of the street
- Detached sidewalks on both sides of the street
- Street trees in tree lawns on both sides of the street
- 50% of tree plantings will be flowering trees to reinforce garden spot; trees with showy fall color will also be encouraged
- Water saving landscape concepts are encouraged, where appropriate
- Increased architectural standards required when development occurs along higher visibility parcels adjacent to 1<sup>st</sup> Street





# Public Workshop #3 | DECEMBER 6, 2022 | EXHIBITS

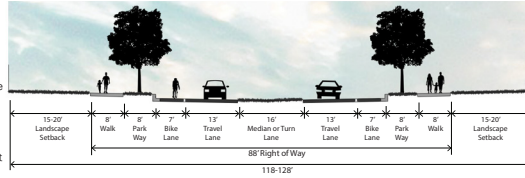
## CORRIDOR PERSPECTIVE RENDERING

VIEW OF 1<sup>ST</sup> STREET LOOKING SOUTH NEAR WATER AVENUE [BETWEEN BUNYAN AVENUE AND WATER AVENUE]

1<sup>ST</sup> STREET CORRIDOR PLAN | BERTHOUD, CO

### KEY CONCEPTS:

- Sparsely landscaped depressed median is more rural in character, as compared to raised median
- Buffered bike lanes on both sides of the street
- Detached sidewalks on both sides of the street
- Street trees in tree lawns on both sides of the street
- Water saving landscape concepts are encouraged, where appropriate
- Increased architectural standards when development occurs along the higher visibility parcels adjacent 1<sup>st</sup> Street and Bunyan Avenue
- Portions of tree lawn can be landscaped with water saving plants instead of bluegrass to build on garden spot image



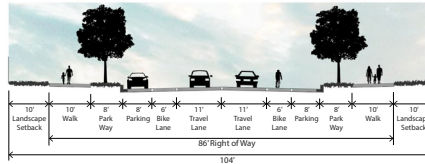
## CORRIDOR PERSPECTIVE RENDERING

VIEW OF BUNYAN AVENUE (EXTENDED) LOOKING EAST TOWARDS BACON LAKE [BIRDSEYE VIEW]

1<sup>ST</sup> STREET CORRIDOR PLAN | BERTHOUD, CO

### KEY CONCEPTS:

- Strong visual and physical connection to Bacon Lake
- Buffered bike lanes on both sides of the street
- Parallel parking on both sides of the street
- Detached sidewalks on both sides of the street
- Street trees in tree lawns on both sides of the street
- Water saving landscape concepts are encouraged, where appropriate
- Increased architectural standards required when development occurs along higher visibility parcels adjacent to Bunyan Avenue and the park
- Linear park in the midground is bordered by higher visibility innovation uses on the west and urban residential on the east





# Public Workshop #3 | DECEMBER 6, 2022 | EXHIBITS

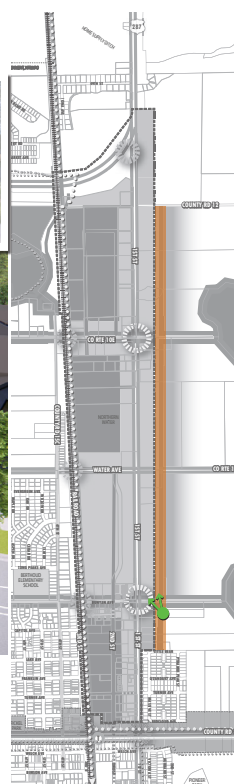
## CORRIDOR PERSPECTIVE RENDERING

VIEW OF CONCEPTUAL LINEAR PARK LOOKING NORTH FROM BUNYAN AVENUE [BIRDSYE VIEW]

1ST STREET CORRIDOR PLAN | BERTHOUD, CO

### KEY CONCEPTS:

- Linear park and trail extend from Peakview Meadows to CR12
- 120-foot wide park serves recreational and stormwater needs
- Uses in linear park will vary along its length
- Urban residential uses on east side front onto the park with parking behind
- Water saving landscape concepts are encouraged, where appropriate
- Increased architectural standards when development occurs along the higher visibility parcels adjacent Bunyan Avenue and the park
- Linear park will be bordered by higher visibility innovation uses on the west and urban residential on the east



## CORRIDOR PERSPECTIVE RENDERING

VIEW OF CONCEPTUAL ROUNDABOUT LOOKING SOUTH AT 1<sup>ST</sup> STREET/WATER AVENUE [BIRDSYE VIEW]

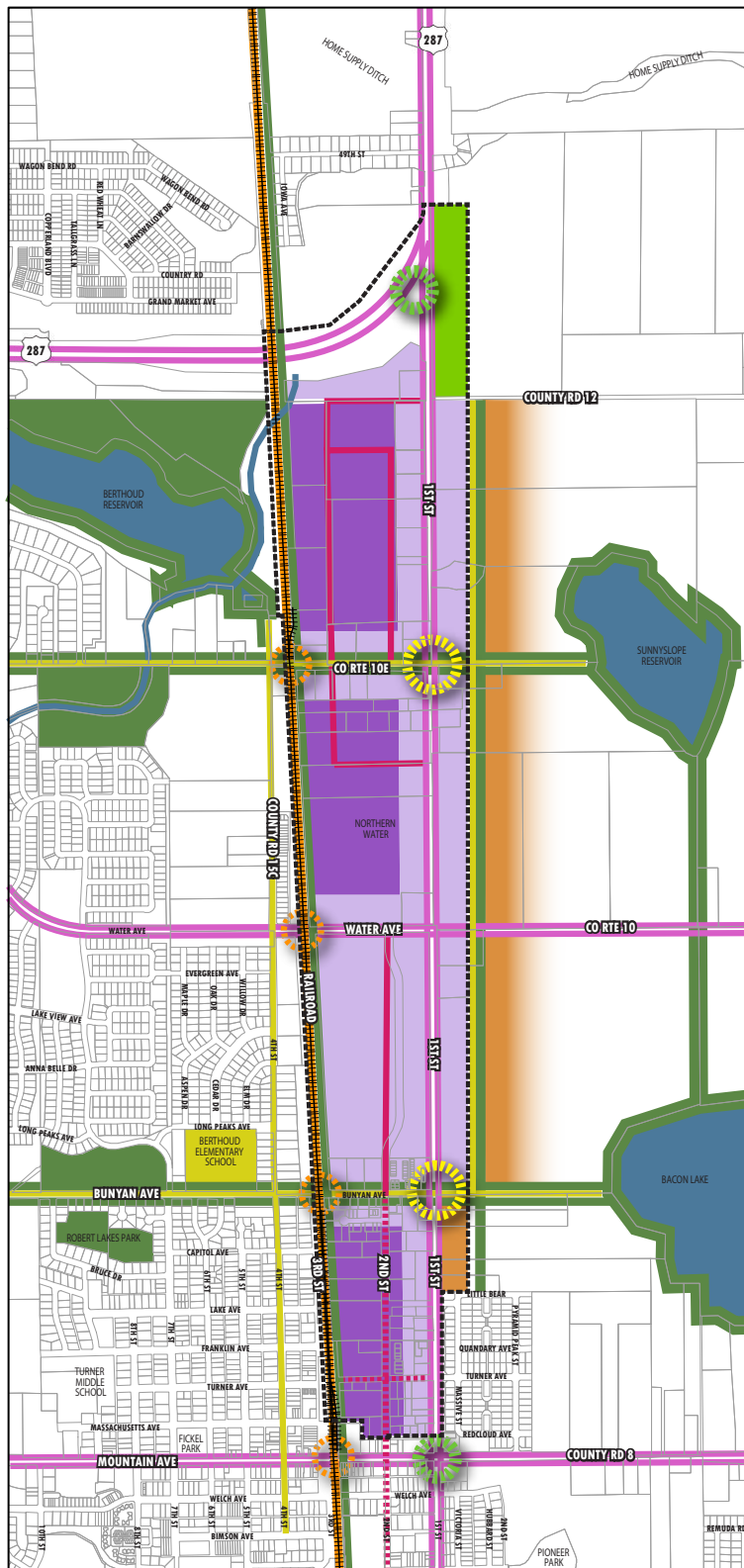
1ST STREET CORRIDOR PLAN | BERTHOUD, CO

### KEY CONCEPTS:

- Roundabouts could be used at intersections with higher vehicular priority
- At the roundabout, bikes have the option to merge on to sidewalks or share travel lanes with cars
- Center island could reinforce town's garden spot image
- Water saving landscape concepts are encouraged, where appropriate
- Roundabout will be sized appropriately for truck traffic
- Roundabouts require more space than traditional intersections and would have a greater impact on adjacent properties



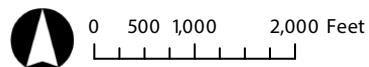
# Modified Trends Map Concept A



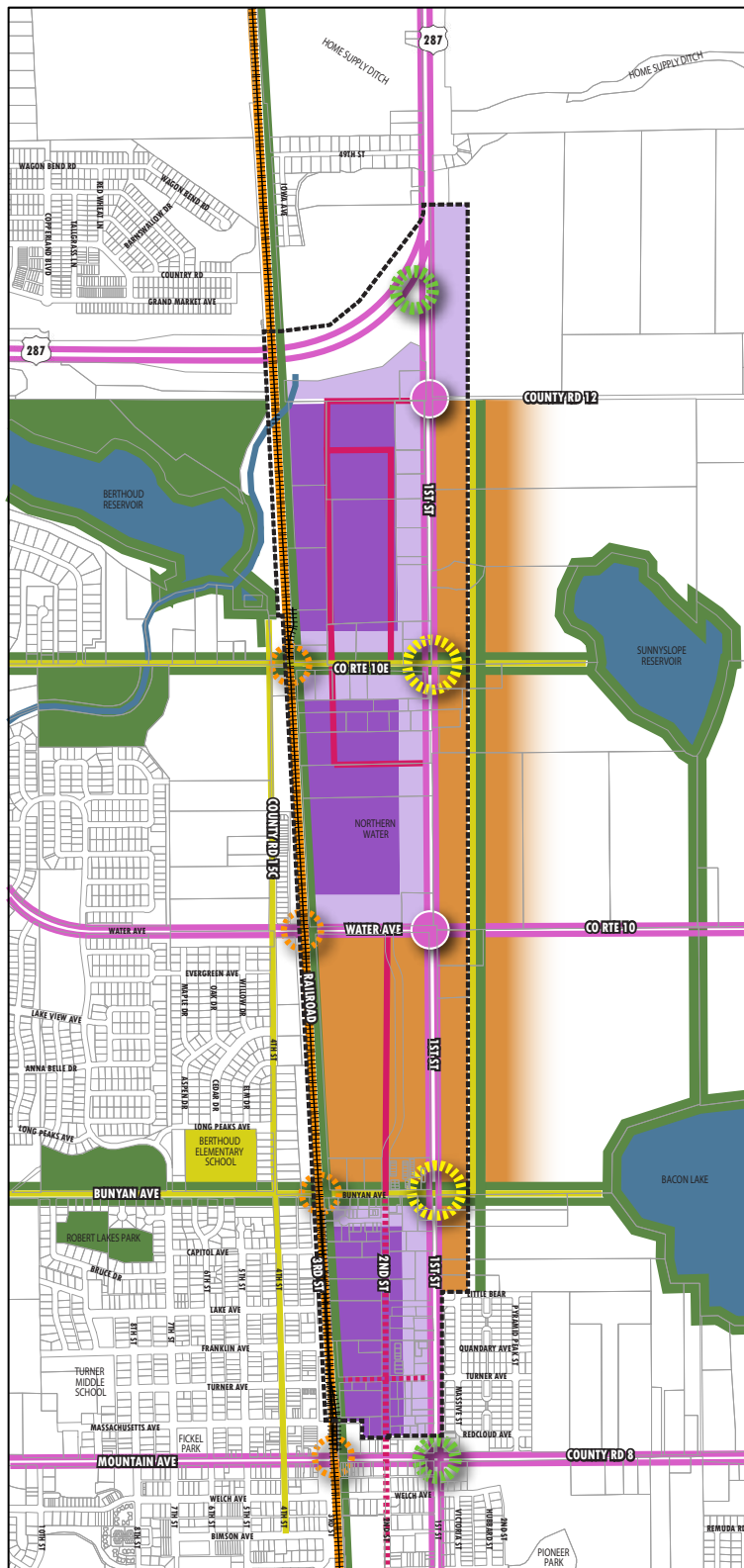
## MODIFIED TREND - CONCEPT A 1st STREET CORRIDOR PLAN | BERTHOUD, CO

### Legend

-  Town Gateway
-  Green Edge / Park / Open Space
-  Roadway with Vehicle Modal Priority
-  Roadway with Pedestrian and Bike Modal Priority
-  Pedestrian-focused Road crossing
-  Proposed Local Commercial Street
-  Existing Local Commercial Street
-  Railroad
-  Railroad crossing
-  Innovation District (Low Visibility)
-  Innovation District (High Visibility)
-  Urban Residential
-  Agriculture



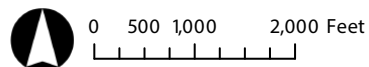
# Modified Trends Map Concept B



## MODIFIED TREND - CONCEPT B 1st STREET CORRIDOR PLAN | BERTHOUD, CO

### Legend

-  Town Gateway
-  Green Edge / Park / Open Space
-  Roadway with Vehicle Modal Priority
-  Potential roundabout
-  Roadway with Pedestrian and Bike Modal Priority
-  Pedestrian-focused Road crossing
-  Proposed Local Commercial Street
-  Existing Local Commercial Street
-  Railroad
-  Railroad crossing
-  Innovation District (Low Visibility)
-  Innovation District (High Visibility)
-  Urban Residential



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# Acknowledgements

## **Berthoud Town Board**

William Karspeck, Mayor  
Mike Grace, Mayor Pro Tem  
Karl Ayers  
Jeff Butler  
Tim Hardy  
Sean Murphy  
May Soricelli

## **Berthoud Planning Commission**

Jan Dowker, Chair  
Karen Anderson, Vice Chair  
Chris Kurtz, Secretary  
Jon van Benthem  
Melissa Feldbush  
Abigail Smith  
Brett Wing

## **Town Staff**

Chris Kirk, Town Administrator  
Brian Dubois, Assistant to the Town Manager  
Anne Best Johnson, Community Development Director (current)  
Curt Freese, Community Development Director (former)  
Adam Olinger, Planner II (former)  
Walt Elish, Business Development Manager  
Paul Furnas, Town Forester and Open Space Supervisor  
Ken Matthews, Director of Water Utilities

## **Consultant Team**

Plan Tools LLC  
BHA Design  
Sopher Sparr Architects  
Egret & Ox Planning  
Felsburg Holt & Ullevig





# TOWN BOARD INFORMATION

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## COMMUNITY DEVELOPMENT DEPARTMENT

|                              |                                                                                                                                                                                                                                  |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>         | <b>March 12, 2024</b>                                                                                                                                                                                                            |
| <b>Agenda Title/Subject:</b> | <b>Ordinance 1336 (Series 2024) Introduction of the proposed updated Oil and Gas Regulations to Section 11 in Chapter 30 of the Berthoud Development Code, Introduction</b>                                                      |
| <b>Type of Item:</b>         | <b>Regular Item</b>                                                                                                                                                                                                              |
| <b>Purpose:</b>              | <b>Introduction of Ordinance 1336 (Series 2024) regarding amending the Berthoud Municipal Code, Section 11 to update the Town's Oil and Gas regulations in the Land Use Chapter of the Berthoud Municipal Code, Introduction</b> |
| <b>Presented by:</b>         | <b>Chris Kirk, Town Administrator<br/>Mike Foote, Counsel for the Town Board of Trustees</b>                                                                                                                                     |

### ATTACHMENTS:

- Ordinance 1336 (Series 2024)
- Attachment to Ordinance 1336 (Series 2024)

### BACKGROUND:

The Town Board of Trustees seek to update the Municipal Code to regulate oil and gas development to lessen impacts of oil and gas development on public health, safety, welfare, the environment and wildlife.

### UPDATE/NEXT STEPS:

As part of its deliberations, the Board considered informational memoranda from September 21, 2022, November 1, 2022, and March 23, 2023, presentations and public comments at Board meetings on June 8, 2022, September 27, 2022, January 24, 2023, March 28, 2023, July 11, 2023, and January 9, 2024. The Town Trustees will be presented an introduction to the Ordinance on March 12, 2024 followed by the formal public hearing on March 26, 2024.

Notice of the March 26, 2024 public hearing was published in the *Berthoud Surveyor* on March 7, 2024.

### FISCAL IMPACT AND FUND SOURCE:

There is no negative fiscal impact to the Town in clarifying the expectations for oil and gas development within the Town of Berthoud.

**COMMUNITY TOUCHSTONES:**

Consideration of the amendment requests does not negatively impact community touchstones. Consideration of approval of the request does provide support for enhancing community identity, provides for support to strengthen the Town's sustainability and resiliency goals and affords the development community with a transparent set of standards to know what the expectations are for developing in the Town of Berthoud.

**RECOMMENDED ACTION(S):**

Mr. Foote has prepared Ordinance 1336 (Series 2024) and the Attachment outlining the direction the Town Board of Trustees has chosen.

The Town Board of Trustees may direct Mr. Foote to present the public hearing on March 26, 2024.

**TOWN OF BERTHOUD ORDINANCE  
NUMBER 1336  
(SERIES 2024)**

**AN ORDINANCE AMENDING THE TOWN OF BERTHOUD'S OIL AND GAS  
REGULATIONS, MUNICIPAL CODE CHAPTER 30, SECTION 11**

**WHEREAS**, the Town of Berthoud is a municipal corporation possessing all powers granted to a statutory town by Title 31 of the Colorado Revised Statutes; and

**WHEREAS**, the Board of Trustees possesses the authority to adopt this Ordinance pursuant to: the Local Government Land Use Control Enabling Act, Section 29-20-101 *et seq.*, C.R.S.; municipal zoning powers under Section 31-23-301 *et seq.*, C.R.S.; areas and activities of state interest under Section 24-65.1-101 *et seq.*; municipal police powers under Sections 31-15-103, 31-15-401, and 31-15-501, C.R.S.; and local government control over oil and gas operations pursuant to Sections 34-60-103, 34-60-106 and 34-60-131, C.R.S. Applicable legal authority confers considerable discretion to local governments to protect against adverse impacts of oil and gas development, and enact regulations that avoid, minimize, or mitigate adverse impacts of oil and development if that development is approved by the local government.

**WHEREAS**, the impacts of oil and gas development on public health, safety, welfare, the environment and wildlife can be significant. Categories of negative impacts include, but are not necessarily limited to, air quality, water quality, water supply, noise, vibrations, odors, visual impacts, transportation and infrastructure impacts, waste management, land use restrictions, wildlife degradation, and incidents causing bodily injury or death;

**WHEREAS**, the Town of Berthoud is located in the Denver Metro / North Front Range Ozone Non-Attainment Area and the Town's ground-level ozone levels exceed healthy limits during intermittent periods of time between May and September of each year. Oil and gas development is a significant contributor of ozone precursor chemicals in the Denver Metro / North Front Range Ozone Non-Attainment Area;

**WHEREAS**, the Board has consulted recently revised regulations from the state and other local jurisdictions in its effort to promulgate its own regulations that are sufficiently protective of public health, safety, welfare, the environment and wildlife resources while also allowing for the consideration of new oil and gas development and adequately regulating existing development. In particular, the Board studied regulations and justifications for those regulations from the Colorado Energy and Carbon Management Commission, Larimer County, the Towns of Erie and Superior, and the City and County of Broomfield. The Board additionally consulted oil and gas related ordinances from the Counties of Adams, Arapahoe, Boulder, and Weld as those counties are similarly situated in location and circumstances as the Town of Berthoud. As part of its deliberations, the Board considered and hereby incorporates by reference written feedback from stakeholders and constituents; informational memoranda from September 21, 2022, November 1, 2022, and March 23, 2023; and presentations and public comments at

Board meetings on June 28, 2022, September 27, 2022, January 24, 2023, March 28, 2023, July 11, 2023, January 9, 2024, March 12, 2024, and March 26, 2024;

**WHEREAS**, the Board intends for its revised oil and gas regulations to apply to pre-existing oil and gas facilities within the Town and have incorporated a compliance date for pre-existing facilities. Retroactive application of oil and gas regulations is consistent with state law and practice in other local jurisdictions. Highly regulated industries like the oil and gas industry are aware of the possibility of further regulations when related to improving public health, safety, and welfare protections. *See e.g., Colorado Dep't of Pub. Health and Env't v. Bethell*, 60 P.3d 779, 785 (Colo. App. 2002). The Board determines it is necessary to apply updated regulations to existing oil and gas facilities to adequately protect public health, safety, welfare, the environment and wildlife resources within the Town;

**WHEREAS**, the Board believes the adoption of the revised oil and gas regulations in Exhibit A is necessary and reasonable for the protection of public health, safety, welfare, the environment, and wildlife resources within the Town; and

**WHEREAS**, the adoption of revised Section 11 to Chapter 30 of the Berthoud Municipal Code meets state and federal requirements, and will improve safety for persons and property in the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:**

Section 1. The attached Section 11 to Chapter 30 shall be effective immediately and included in the Town Municipal Code.

Section 2. Interpretation: This Resolution shall be so interpreted and construed to effectuate its general purpose.

Section 3. Effective Date: The provisions of this Resolution shall take effect immediately and shall apply to all development and construction permitted after such date.

[INTENTIONALLY LEFT BLANK]



INTRODUCED, READ, ADOPTED, AND APPROVED on this 26<sup>th</sup> day of March,  
2024.

**TOWN OF BERTHOUD**

By \_\_\_\_\_

**William Karspeck, Mayor**

**ATTEST:**

By: \_\_\_\_\_

**Christian Samora, Town Clerk**

## **EXHIBIT A: ORDINANCE NUMBER 1336 (SERIES 2024)**

Repeal and replace Berthoud Municipal Code Sections § 30-11-101 *et seq.* as follows:

### **§ 30-11-101: Purpose, authorities, and application to existing facilities**

- A. **Intent.** The intent of this section of the Berthoud Municipal Code is to protect public health, safety, welfare, the environment, and wildlife resources within the Town of Berthoud by establishing a regulatory framework for new and existing oil and gas operations that are located in the Town. The Town hereby declares the adoption of the regulations in this section to be necessary and reasonable for the protection of public health, safety, welfare, the environment, and wildlife resources.
- B. **Criteria for approval or denial.** The Town will approve oil and gas operations only in locations and in a manner that does not adversely impact the health, safety and welfare of the Town's residents in their workplaces, their homes, their schools, and public places in order to protect the public's health, safety, and welfare, and to safeguard the environment and wildlife resources. The Town will deny applications where the proposed oil and gas operations cannot be conducted in a manner that protects and minimizes adverse impacts to public health, safety, and welfare, and the environment and wildlife.
- C. **Authority.** These regulations are authorized by C.R.S. § 25-8-101 *et seq.*, 29-20-101 *et seq.*, § 30-28-101 *et seq.*, § 34-60- 101 *et seq.*, § 25-7-101 *et seq.*, § 30-15-401, Colorado common law related to public nuisances, and other authority as applicable.
- D. **Severability.** If any section, clause, provision, or portion of these regulations should be found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remainder of the regulations in this section shall not be affected thereby and the continued adoption of the remainder of the regulations is hereby declared to be necessary for the public health, safety, and welfare, and for the protection of the environment and wildlife resources.
- E. **Preexisting facilities.** Oil and gas operations that were approved prior to the effective date of this section may continue operating at their established locations but will be subject to the public health, safety, welfare, and environmental requirements as specified in this section within one year of the effective date of this section.
  - 1. **Modifications of existing facilities.** Any modification of oil and gas operations or facilities that the Town determines to be substantial requires a separate Use by Special Review permit pursuant to Section 30-3-106 and approval criteria as outlined in Section 30-11-101.B. A substantial modification is any physical change not required by law that substantially increases the site footprint, air emissions, traffic, noise, or risk of spills, or will significantly change the operations of the oil and gas facility. Use of a drilling rig or hydraulic fracturing equipment to re-enter, deepen, or recompleat an existing well into a new geologic formation is a substantial modification. Maintenance activities, the replacement of existing equipment,

installation of emission control equipment, and the addition of equipment to fulfill mandated regulatory requirements are not substantial modifications.

2. **Annual Operator Registration.** Operators with existing oil and gas operations in the Town prior to the effective date of this section will submit the Annual Operator Registration submittal requirements within 90 days after the effective date of this section; or, if not already operating wells in the Town, within 60 days after assuming responsibility for operating existing oil and gas facilities. Operator registration must be updated and renewed annually by July 1. Annual Operator Registration submittal requirements shall include:
  - a. An updated Emergency Response Plans as required by Section 30-11-105(E)(4);
  - b. An updated Leak Detection and Repair Plan as required by Section 30-11-105(E)(10);
  - c. A list of all wells and production information within the Town within the past three years;
  - d. A list of any reportable safety events at the Operator's facilities within the Town over the past three years as defined by ECMC Rule 602(g) or successor rules. The Operator shall also list any root cause analyses conducted and corrective actions taken in response to the incidents, including internal changes to corporate practices or procedures;
  - e. A list of any spills or releases at the Operator's facilities within the Town over the previous three years; and
  - f. A list of any notices of alleged violations issued by the ECMC or CDPHE related to the Operator's facilities within the Town over the previous three years.

### **§ 30-11-102: Definitions**

Abandonment: the permanent decommissioning of an oil and gas facility, including any single well or portion of pipeline.

Applicant: an Operator submitting an application for a new oil and gas operation pursuant to Use by Special Review processes.

APCD: the Air Pollution Control Division within the Colorado Department of Public Health and Environment.

AQCC: the Air Quality Control Commission within the Colorado Department of Public Health and Environment.

Best Management Practices (“BMPs”): practices that are designed to prevent or reduce impacts caused by oil and gas operations to air, water, soil, or biological resources, and to minimize adverse impacts to public health, safety and welfare, including the environment and wildlife resources.

CDPHE: the Colorado Department of Public Health and Environment.

Child care center: a child care center as defined in § 26-6-903(5), C.R.S. A child care center will include any associated outdoor play areas adjacent to or directly accessible from the center and is fenced or has natural barriers, such as hedges or stationary walls, at least four (4) feet high demarcating its boundary.

Class II water disposal wells: wells that inject fluids which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection.

Completions or completion phase: the period of hydraulic fracturing, coiling, re-fracturing, installation of tubing and flowback of one or more wells.

Crude oil transfer line: a piping system that is not regulated or subject to regulation by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to 49 C.F.R. § 195 Subpart A, and that transfers crude oil, crude oil emulsion or condensate from more than one well site or production facility to a production facility with permanent storage capacity greater than 25,000 barrels of crude oil or condensate or a PHMSA gathering system.

Cumulative impacts: the impact on public health, safety, welfare, the environment, and wildlife resources which results from the incremental impact of the proposed oil and gas facility when added to other past, present, and reasonably foreseeable future actions regardless of what person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Development Agreement has the same definition as Berthoud Municipal Code Section 30-1-116(103).

Drilling or drilling phase: the period in which a drilling rig is utilized to penetrate the surface of the earth with a drill bit and the installation of well casing and cement at one or more wells.

Dwelling Unit has the same definition as Berthoud Municipal Code Section 30-1-116(118).

ECMC: the Colorado Energy and Carbon Management Commission (formerly the Colorado Oil and Gas Conservation Commission).

EPA: the United States Environmental Protection Agency.

Flaring: the combustion of natural gas during upstream oil and gas operations, excluding gas that is intentionally used for onsite processes.

Flowback: the process of allowing fluids and entrained solids to flow from a well following stimulation, either in preparation for a subsequent phase of treatment or in preparation for cleanup and placing the well into production. The term Flowback also means the fluids and entrained solids that emerge from a well during the Flowback process.

Flowline: a segment of pipe transferring oil, gas, or condensate between a wellhead and processing equipment to the load point or point of delivery to a U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration or Colorado Public Utilities Commission regulated gathering line or a segment of pipe transferring produced water between a wellhead and the point of disposal, discharge, or loading. This definition of flowline does not include a gathering line or crude oil transfer line but does include on-location flowlines such as wellhead lines, production piping, peripheral piping, produced water flowlines and off-location flowlines as defined by the Colorado Energy and Carbon Management Commission, 2 C.C.R. 404-1, 100 Series Definitions and successor regulations.

Gathering line: a gathering pipeline or system as defined by the Colorado Utilities Commission in the Colorado Code of Regulations or a pipeline regulated by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration pursuant to 49 C.F.R. §§ 195.2 or 192.8 and successor regulations.

Groundwater: subsurface waters in a zone of saturation.

Historical or Cultural Resources has the same definition as Berthoud Municipal Code Section 30-1-116(186).

Oil and gas location: a definable area where an Operator has disturbed or intends to disturb the land surface to locate an oil and gas facility.

Oil and gas facility: equipment, buildings, structures, or improvements associated with or required for the operation of oil and gas operations.

Oil and gas operations: exploration for oil and gas and the drilling of test bores; the siting, drilling, redrilling, deepening, completion, recompletion, reworking, fracturing, refracturing, temporary abandonment, shutting-in, or abandonment of a well; production operations related to any such well including the installation of pipelines; the generation, transportation, storage and treatment of oil and gas, and exploration and production wastes; any construction, site preparation, maintenance, repair, or reclamation activities associated with such operations; and any oil and gas facility, oil and gas well site or location, production site or other facility, site or location upon or within which any of the foregoing are conducted, operated, installed, constructed, generated, treated or located within Town limits.

Open Space: Open Space has the same definition as Berthoud Municipal Code Sections 30-1-116(290) – (292).



Operator: Any individual, company, trust, foundation, or entity who exercises the right to control the conduct of oil and gas operations.

Park: Park has the same definition as Berthoud Municipal Code Section 30-1-116(301).

Permit: Town of Berthoud Oil and Gas Use by Special Review Permit issued pursuant to the provisions of this Section.

Pipeline: a flowline, crude oil transfer line, gathering line or any type of water or wastewater transfer line used for oil and gas operations.

Production or production phase: the operational phase of a well transporting hydrocarbons and other liquids or materials from the subsurface to the surface.

Root cause analysis: an analysis of the prime reasons, such as failures of management systems, faulty design, inadequate training, negligence, or improper changes, which led to an unsafe act or condition, and resulted in an incident. If root causes were removed, the particular incident would not have occurred.

Plugging: oil and gas well plugging activities consistent with ECMC Rule 434 or any successor rules.

Reclamation: the process of returning or restoring the surface of disturbed land to its condition prior to the commencement of oil and gas operations.

Safety Data Sheets: documentation required by the United States Occupational Safety and Health Administration that includes information such as the properties of each chemical; the physical, health, and environmental health hazards; protective measures; and safety precautions for handling, storing, and transporting the chemical.

School: any operating Public School as defined in § 22-7-703(4), C.R.S., including any Charter School as defined in § 22-30.5-103(2), C.R.S., or § 22-30.5-502(6), C.R.S., or Private School as defined in § 22-30.5-103(6.5), C.R.S.

School facility: any discrete facility or area, whether indoor or outdoor, associated with a school, that students commonly use as part of their curriculum or extracurricular activities. A school facility is either adjacent to or owned by the school or school governing body, and the school or school governing body has the legal right to use the school facility at its discretion.

Seismic operation: all activities associated with acquisition of seismic data including but not limited to surveying, shothole drilling, recording, vibroseis, shothole plugging and reclamation.

Surface owner: any person owning all or part of the surface of land upon which oil and gas operations are conducted, as shown by the tax records of the county in which the tract of land is situated, or any person with such rights under a recorded contract to purchase.

Town: the Town of Berthoud, Colorado.

Town Administrator: the Town Administrator or designee of the Town of Berthoud, Colorado.

Venting: allowing natural gas to escape into the atmosphere but does not include:

- a. The emission of gas from devices, such as pneumatic devices and pneumatic pumps, that are designed to emit as part of normal operations if such emissions are not prohibited by AQCC Regulation No. 7;
- b. Unintentional leaks that are not the result of inadequate equipment design; and
- c. Natural gas escaping from, or downstream of, a Tank unless: 1) there is no separation occurring at equipment upstream of the Tank; 2) the separation equipment is not sufficiently sized to capture the entrained gas; or 3) the natural gas is sent to the Tank during circumstances when the gas cannot be sent to the Gathering Line or the combustion equipment used to Flare the gas is not operating.

Water source: water bodies that supply domestic, agricultural or municipal uses, water wells that are registered with Colorado Division of Water Resources, including household, domestic, livestock, irrigation, municipal/public and commercial wells, permitted or adjudicated springs, and monitoring wells other than monitoring wells that are drilled for the purpose of monitoring water quality changes that are not associated with oil and gas operations.

Well / Wellhead: an oil or gas well, a hole drilled for the purpose of producing oil or gas, a well into which fluids are injected, a stratigraphic well, a gas storage well, or a well used for the purpose of monitoring or observing a reservoir.

Wetlands: Wetlands has the same definition as Berthoud Municipal Code Section 30-1-116(433).

Wildlife resources: fish, wildlife, and their aquatic and terrestrial habitats used for all life stages, including reproduction, rearing of young and foraging, and the migration corridors and seasonal ranges necessary to sustain robust wildlife populations.

### **§ 30-11-103: Location restrictions for new facilities**

- A. Oil and gas operations will be located to avoid or sufficiently minimize and mitigate adverse impacts to surrounding land uses and protect public health, safety, and welfare, the environment, and wildlife resources. The Town may deny a Use by Special Review permit if it determines the proposed location is not consistent with the protection of public health, safety, welfare, the environment, and wildlife resources as referenced in the criteria for approval in Section 30-11-101.B even if the Applicant meets other requirements as set forth in Sections 30-11-105 through 30-11-107.
- B. Oil and gas operations are allowed only in the following zoning districts as set forth in Berthoud Municipal Code Section 30-3-101 *et al.*: Agricultural District (AG), Light Industrial (M1), and Industrial (M2).
- C. Within zoning districts where oil and gas operations are allowed, oil and gas locations must be located 2,000 (two thousand) feet from the property line of a parcel containing any of the following uses: an existing or platted Dwelling Unit; a School, School Facility,

or licensed Child Care Center; athletic fields, auditoriums, amphitheaters, hospitals, event centers, recreational facilities, nursing homes and life care institutions; parks, trails, and open spaces as defined by Berthoud Municipal Code Section 30-2-109; trails and trailheads open to the public; and workplaces located in the Agricultural, Light Industrial, and Industrial zoning districts.

- D. Within zoning districts where oil and gas operations are allowed, oil and gas locations must be located 2,000 (two thousand) feet from public water supply wells and the center line of water sources including rivers, streams, and reservoirs.
- E. Within zoning districts where oil and gas operations are allowed, flowlines and crude oil transfer lines shall be sited to avoid areas containing existing or proposed residential, commercial, and industrial buildings; places of public assembly; water sources; and Town open space and parks.
  - 1. Flowlines and crude oil transfer lines shall be located a minimum of 150 (one hundred and fifty) feet from residential, commercial, and industrial buildings and the high-water mark of any water source. This distance shall be measured from the nearest edge of the flowline or crude oil transfer line.

F. Locating oil and gas facilities within a Federal Emergency Management Agency (FEMA) designated flood zone shall not be allowed.

G. For the purposes of this section, the setback measurement shall occur from the boundary of the oil and gas location.

H. Class II Water Disposal Wells shall only be allowed in Industrial (M2) zones and are subject to the permit application processes and provisions as outlined in this section.

#### **§ 30-11-104: Location restrictions for existing facilities**

- A. For permitted or existing oil and gas operations where all permitted wells have not entered completions, no new residential, commercial, or mixed-use building units shall be constructed within 2,000 (two thousand) feet of such oil and gas location.
- B. No new residential, commercial, or mixed-use building units shall be allowed to be constructed within 2,000 (two thousand) feet of a permitted or existing oil and gas location for one year after the final well permitted for the location has been put into production.
- C. For permitted oil and gas operations where all permitted wells have been in production for more than one year, or the permit has otherwise lapsed, been revoked, or forfeited, and is not subject to renewal or reissuance, no new residential, commercial, or mixed-use building units may be constructed within 500 (five hundred) feet of the oil and gas location.

1. The setbacks in subsection (C) shall not apply to the following occurring prior to the effective date of this section:
  - a. Constructed residential units;
  - b. Platted residential lots;
  - c. Residential lots / units planned within a site development plan such as a Neighborhood Master Plan; and
  - d. Residential lots / units within a planned unit development plan.
2. For oil and gas facilities that have been plugged, and locations that have been abandoned or reclaimed, no residential, commercial, or mixed-use building unit may be placed within 250 (two hundred and fifty) feet of the oil and gas facility.
3. The setback from any existing pipelines shall be a minimum of 150 (one hundred and fifty) feet from the edge of the pipeline easement closest to the flowline or gathering line. Pipelines removed prior to the construction of a residential, commercial, or mixed-use building unit as part of the oil and gas location's plugging, abandonment, and reclamation shall be excepted from this requirement.
4. For the purposes of this section, the setback measurement shall occur from the boundary of the oil and gas location.

**§ 30-11-105: New oil and gas operation applications and Use by Special Review permit**

- A. An Application for a Use by Special Review permit shall be submitted pursuant to the processes and requirements of Section 30-3-106 and subject to the criteria for approval outlined in Section 30-11-101.B. In addition to the standard application materials required for a Use by Special Review application, the additional materials and procedures outlined in this section are required to be submitted or followed for any application for a new oil and gas operation.
- B. It shall be unlawful for any Operator to conduct oil and gas operations that has not been previously permitted under this Section unless a Use by Special Review permit has first been granted by the Town in accordance with the procedures defined in this Section.
- C. **ECMC Oil and Gas Development Plan.** Applicant shall submit a copy of any and all materials submitted to the ECMC in support of its Oil and Gas Development Plan (OGDP), if the OGDP has been or was concurrently submitted to the ECMC at the time of the Applicant's application to the Town. ECMC OGDP materials shall be labeled distinctly and separately from those materials submitted pursuant to the Town's Use by Special Review Permit application.

- D. The Applicant will follow the procedural steps for the Town's consideration of the application outlined in the Use by Special Review process in Section 30-3-106. In addition to the procedural steps for the application outlined in Section 30-3-106, the Applicant shall request a pre-application meeting with the Town and conduct that meeting before submitting its application. The purpose of the pre-application meeting is for the Applicant to discuss how its application will meet the provisions of this Section and to assist the Town in comprehensive planning. Prior to the pre-application meeting, the Applicant shall submit to the Town a summary of its application, a map of the proposed oil and gas location and surrounding area, preferred transportation routes to and from the proposed oil and gas location, and the surface owner's name, address, contact information, and date of the signed surface use agreement, if available.
- E. The following reports shall accompany any application for a Use by Special Review Permit for a new Oil and Gas Operation. The reports and plans shall indicate how the Applicant / Operator plans to comply with the Town's regulations and protect health, safety, welfare, the environment, and wildlife resources. The reports will include measures outlined in the Town's regulations. An approved application may require additional industry recognized Best Management Practices, or compliance with state or federal rules, whichever is most protective of public health, safety, welfare, the environment and wildlife resources.
1. **Alternative Location Analysis.** Applicant shall submit with its application an analysis of no fewer than two (2) alternative locations from which relevant minerals can be accessed. The analysis shall include information related to the following:
    - a. A single map listing the alternative sites and the preferred site;
    - b. Zoning of the alternative sites and preferred site;
    - c. The proposed area of mineral development;
    - d. Natural and manmade features of each site;
    - e. All proximate existing and permitted oil and gas operations within one mile (5,280 feet);
    - f. Distance of the alternative sites and preferred site to the following within 1 mile (5,280 feet): residences, occupied buildings, parks, trails and open space areas; water bodies; irrigation infrastructure; flood overlay districts including floodways and floodplains; and roadways;
    - g. Justification(s) for the preferred site; and
    - h. Reason(s) why a site is not proposed as a viable alternative.



**2. Air Quality.** Operator shall comply with the Air Quality Protection Plan and Well Liquids Unloading Plan as outlined in this Section and all applicable state and federal laws. In addition:

a. A third-party consultant approved by the Town shall conduct baseline and continuous air sampling and monitoring for thirty days at the Operator's cost.

b. Reduced Emission (Green) Completions, as defined in ECMC Rule 903.c.(1), or a successor rule, shall be used for all completions.

c. *Venting and flaring.* Venting and flaring shall be eliminated other than during emergencies, upset conditions, leak repair, or maintenance activities. Operator shall report all venting and flaring to the Town and the reason(s) for its necessity within 24 hours. To the extent used, all flares, thermal oxidizers, or combustion devices shall be designed and operated as follows:

i. Any flaring or combustion shall utilize a flare that has a manufacturer specification of 98% destruction removal efficiency or better;

ii. The flare and/or combustor shall be designed and operated in a manner that will ensure no visible emissions during normal operation. Visible emissions means observations of smoke for any period or periods of duration greater than or equal to one minute in any fifteen-minute period during normal operation, pursuant to EPA Method 22. Visible emissions do not include radiant energy or water vapor;

iii. The flare and or combustor shall be operated with a flame present at all times when emissions are vented to it;

iv. All combustion devices shall be equipped with an operating auto-igniter;

v. If using a pilot flame ignition system, the presence of a pilot flame shall be monitored using a thermocouple or other equivalent device to detect the presence of a flame. A pilot flame shall be maintained in the flare's pilot light burner at all times when emissions are routed to the flare. A surveillance system shall be in place to monitor the pilot flame and shall activate a visible and audible alarm in the case that the pilot goes out;

vi. If using an electric arc ignition system, the arcing of the electric arc ignition system shall pulse continually and a device shall be

installed and used to continuously monitor the electric arc ignition system; and

vii. Any flare, auto ignition system, recorder, vapor recovery device or other equipment used to meet the hydrocarbon destruction or control efficiency requirement shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's recommendations, instructions, and operating manuals.

d. *Electrification.* All facilities shall be equipped with electric-powered engines for motors, compressors, drilling and production equipment, and pumping systems unless no adequate electricity source is available, available during the necessary operation periods, or confirmation from the electrical utility cannot be obtained by the application hearing.

e. *Air Quality Action Advisory Days.* Facilities may be subject to timing restrictions to reduce emissions on Air Quality Action Advisory Days as designated by the CDPHE in the Denver Metro / North Front Range Ozone Non-Attainment Area. Operators shall include provisions in Air Quality Plans to avoid operations during Air Quality Action Advisory Days, or, if technically infeasible or will create a safety concern, incorporate the following measures to minimize pollution on those days:

- i. Minimizing vehicle traffic and engine idling;
- ii. Reducing truck and worker traffic;
- iii. Delaying vehicle refueling;
- iv. Suspending or delaying use of fossil fuel powered equipment;
- v. Postponing construction and maintenance activities unless repairing identified leaks or releases;
- vi. Postponing well maintenance and liquid unloading that would result in emission releases to the atmosphere; and
- vii. Postponing or reducing operations with high potential to emit Volatile Organic Compounds (VOCs) and/or Oxides of Nitrogen (NO<sub>x</sub>).

f. *Air Quality Protection Plan.* An Air Quality Protection Plan shall be submitted with all applications to demonstrate how the development and operation of the facility will avoid, or minimize and mitigate adverse impacts to air quality if those adverse effects cannot be avoided, and will

demonstrate compliance with and implementation of standards this section. Unless more protective measures are required by the EPA and/or APCD, the Air Quality Protection Plan shall include, but not necessarily be limited to, the following:

i. Modeling to be conducted by a third-party consultant approved by the Town that provides for facility emissions inventories and air quality impact studies for drilling, completions and operations based upon proposed equipment use and operational phases, and any emissions reductions associated with plugging and abandonment; and

ii. A section on air quality monitoring that describes how the Operator will conduct baseline monitoring prior to construction of the facility and continuous air sampling and monitoring during all phases of the operation.

A. Baseline monitoring shall be conducted within 500 feet of a proposed oil and gas facility at select building(s) likely to be occupied by one or more individuals during the course of the oil and gas operation within 1 kilometer (3,280 feet) as required by the Town over a 30-day period. Baseline monitoring shall track levels and changes in monitored air pollutant concentrations during that time period.

B. The Plan shall describe how the Operator will conduct high frequency monitoring and collect periodic canister samples (or equivalent method capable of speciating air samples) during the drilling, completion, and production phases of development.

C. In the event a speciated sample is triggered, the Plan shall describe Town and CDPHE notification processes. The third-party monitor consultant must report any exceedance of the National Ambient Air Quality Standards to the Town and CDPHE. Depending on the circumstances, expedited lab analyses may be required by the Town at the expense of the operator.

D. The Plan shall include provisions for continuous monitoring up to 1 kilometer (3,280 feet) from the location for all potential emissions, including but not necessarily limited to, Volatile Organic Compounds (VOCs), Hazardous Air Pollutants (HAPs), Benzene, Toluene, Ethylbenzene, and Xylene (BTEX), Hydrogen

Sulfide, Oxides of Nitrogen (NO<sub>x</sub>), Particulate Matter (PM), Fine Particulate Matter (PM 2.5), Carbon Monoxide (CO) and methane (CH<sub>4</sub>), carbon dioxide (CO<sub>2</sub>).

E. The Plan shall include provisions for high frequency monitoring for hydrocarbons at frequencies of no less than once per hour during drilling and completion activities. Each hydrocarbon monitor shall include a sampling device to automatically collect a speciated air sample when the monitor levels reach a threshold concentration level defined by the third-party consultant or in response to a request by the Town. Meteorological monitoring is also required during the time period that air quality monitoring is conducted. High frequency monitoring of production operations will continue until three years have passed from the date the last well goes into production, unless the Town Administrator directs otherwise in response to the detection of repeated emissions at threshold concentrations or repeated odor violations.

F. The Plan shall meet the minimum requirements of AQCC Regulation 7, part B, section VI.C., and any successor sections, and receive approval from the Air Pollution Control Division (APCD) prior to beginning air quality monitoring at the permitted site of the location. When submitting the air quality monitoring plan to APCD, the Operator shall submit at least 90 days in advance of the pre-drilling monitoring to account for the Town's 30-days of pre-drilling air quality monitoring requirement.

G. In addition to all federal and state laws, rules and regulations, applications for new oil and gas operations shall demonstrate how exploration, construction, and standard operations of the facilities will comply with the rules and regulations of the AQCC. Information to be provided shall include all appropriate applications of notifications and permits for sources of emissions.

H. The Plan must evaluate the cumulative impacts to existing air quality including ambient air quality standards for ground-level ozone, meeting oil and gas sector greenhouse gas reduction targets, and the cumulative impacts of all approved and existing oil and gas operations and any other significant emissions sources within the Town.

I. The following Best Management Practices shall be required and included in the Plan unless a more protective system exists and is required by the EPA and/or the APCD:

I. Zero emission desiccant dehydrators;

II. Emission controls of 98% or better for glycol dehydrators;

III. Pressure-suitable separator and vapor recovery units;

IV. Zero emission pneumatic devices;

V. Automated tank gauging;

VI. Require dry seals on centrifugal compressors;

VII. Routing of emissions from rod-packing and other components on reciprocating compressors to vapor collection systems;

VII. Control emissions by 98% during storage tank hydrocarbon liquids loadout (i.e. loading out liquids from storage tanks to trucks); and

IX. Reduction or elimination of emissions from flowline maintenance activities such as pigging, including routing emissions to a vapor collection system, with at least 98% control of emissions from pigging operations.

J. The Town retains the ability to require more protective Best Management Practices as a condition of the Town's Development Agreement if technologically feasible.

g. *Well Liquids Unloading Plan.* The Applicant shall submit a plan for well liquids unloading, if applicable. The Plan shall include Best Management Practices, including artificial lift, automated plunger lifts and at least 98% emission reductions when utilizing combustion to control venting shall be employed unless technically infeasible. The Plan shall also include a provision to avoid well liquids unloading during CDPHE ozone alert days unless required for safety reasons.

### **3. Chemical and Hazardous Materials Use, Disclosure, and Handling.**

- a. Applicant shall submit a Chemical and Hazardous Materials Plan to demonstrate how the Applicant will comply with reporting and handling requirements outlined in this section and applicable state and federal laws. The plan shall disclose all the hazardous and non-hazardous materials and chemicals that will be used on the site of the proposed facility, including chemicals to be used in fracking fluid, and how of the chemicals used on the facility will be handled to prevent spills.
- b. Operator shall disclose its expected use of all chemicals during all phases of the oil and gas operation.
- c. The Town may limit or prohibit toxic chemicals in hydraulic fracturing fluids. To prevent harm to human health and prevent odors, Operators shall be prohibited from using any toxic chemical additives in hydraulic fracturing fluids including but not limited to, the following:
  - i. All chemicals listed in ECMC Table 437-1 or any successor regulation;
  - ii. Polysorbate 80; and
  - iii. Perfluoroalkyl and polyfluoroalkyl substances or "PFAS chemicals," defined as a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
- d. Drilling and completion chemicals shall be removed from the site within sixty (60) days of the drilling completion.

**4. Emergency Response.** Applicant shall submit and comply with an Emergency Response Plan. In its preparation of the Emergency Response Plan, the Applicant shall engage with emergency responders and prepare a plan that includes, but not necessarily be limited to documentation of the communications and coordination with the Town and plans for the evacuation of buildings and any person within a 1kilometer (3,280 feet) radius from the oil and gas operation. The Emergency Response Plan must detail all criteria for persons to be notified in the event of an emergency and training and necessary equipment for first responders. The Emergency Response Plan shall also include:

- a. The names, addresses and phone numbers, including 24-hour numbers for at least two persons responsible for field operations, at least one of which can be on the site of any emergency within 15 minutes, as well as the contact information for any subcontractor of the Applicant engaged for well-control emergencies, which shall be updated with the Town if the names of responsible personnel change;



- b. A process by which the Operator will notify neighboring residents and businesses within 1 kilometer (3,280 feet) to inform them about the on-site operations and emergencies and to provide sufficient contact information for surrounding neighbors to communicate with the Applicant;
- c. An emergency evacuation plan for the oil and gas facility and a plan to evacuate any person up to 1 kilometer (3,280 feet) of the oil and gas location;
- d. Emergency shutdown protocols and procedures to promptly notify the Town Administrator of any shutdowns that would have an impact to any area beyond the confines of the oil and gas location;
- e. A process by which the Applicant will notify the Town Administrator and the Berthoud Fire Protection District as soon as practicable but no later than 24 hours after the incident;
- f. Detailed information addressing each category of emergency that has a reasonable potential to occur at the operation and to be severe enough to present an immediate danger to public health, safety or welfare, including but not necessarily limited to: explosions; fires; gas; oil or water pipeline leaks or ruptures; well integrity issues, hydrogen sulfide or other toxic gas emissions; hazardous material vehicle accidents or spills; vandalism, and natural disasters. Examples of the most likely and worst-case scenarios should be provided, including information on the potential response scenarios;
- g. A provision that any spill outside of the containment area, that has the potential to leave the facility or to threaten waters of the state, or as required by the Town-approved plan shall be reported to the local dispatch and the ECMC Director in accordance with ECMC regulations;
- h. Detailed information identifying emergency access, transportation routes to and from oil and gas locations for emergency response, and health care facilities anticipated to be used if necessary;
- i. A project-specific plan for any project that involves drilling or penetrating through known zones of hydrogen sulfide gas;
- j. A provision obligating the Operator to reimburse the appropriate agencies for their expenses incurred in connection to any emergency response in connection to an oil and gas facility;

k. A statement and detailed information indicating that the Operator has adequate personnel, supplies, and training to implement the plan immediately at all times during construction and operations;

l. A process by which the community can submit concerns and complaints and be assured of timely responses;

m. Details regarding coordination methods and training between the Applicant and the first responders within or outside of the Town; and

n. Provisions for cooperation with first-responder agencies in training, drills, exercises, and development of after-action reports.

o. *Emergency Response Updates.* Applicant shall include provisions in its Emergency Response Plan for periodic review and updates. The provisions shall include, at a minimum:

- i. An annual review of the plan and filing of any updates with the Town Administrator and the applicable fire district. If no updates to the Plan are made then Operator shall provide notice of "No Change" in the filing required under this subsection;
- ii. Within 60 days of the start of production, Operator will provide an as-built facilities map in a format suitable for input into the Town's GIS system depicting the locations and type of above and below ground facilities, including sizes and depths below grade of all oil and gas flow lines and associated equipment, isolation valves, surface operations and their functions. The information concerning flowlines and isolation valves shall be marked and treated as confidential and shall only be disclosed in the event of an emergency or to emergency responders or for the training of emergency responders; and
- iii. The Operator shall have current Safety Data Sheets (SDS) for all chemicals used or stored on an oil and gas location. The SDS sheets shall be provided immediately upon request to Town officials, a public safety officer, or a health professional as required by ECMC Rules.

**5. Flood Mitigation.** The site shall remain in compliance with the approved permit for disturbance in the flood hazard overlay zone in conformance with Section 12, Chapter 30 of the Berthoud Municipal Code.

**6. Pipelines.** Operator must comply with the Pipeline Plan as outlined in this section and all applicable state and federal laws. All flowlines and crude oil transfer lines shall be sited to avoid areas containing existing or proposed

residential, commercial, and industrial buildings; places of public assembly; water source; and designated open spaces. All pipelines shall require crossing agreements, as needed. All pipelines shall be documented with the Use by Special Review Permit application. Any newly constructed or substantially modified flowlines or crude oil transfer lines shall meet the following requirements:

- a. The use of pipelines to transport liquid production wastes and product is required unless technically infeasible;
- b. All flowlines and crude oil transfer lines transporting process materials, production wastes, product, and any other items used or generated by an oil and gas facility shall be located to avoid existing or proposed residential, commercial, and industrial buildings, places of assembly, water source and designated open spaces. Buried flowlines and crude oil transfer lines shall be a minimum of four (4)-feet deep and shall be of detectable material which could include the addition of tracer wire to ensure detection during buried utility locating;
- c. All flowlines and crude oil transfer lines shall be sited at a minimum of 150 (one hundred fifty) feet away from residential and other occupied buildings, as well as the highwater mark of any water source. This distance shall be measured from the nearest edge of the line. Increased flowline and crude oil transfer line setbacks may be required on a case-by-case basis taking into account the size, pressure, and type of line being proposed;
- d. Flowlines and crude oil transfer lines shall be aligned with established roads to minimize surface impacts and reduce habitat fragmentation and disturbance unless technically infeasible;
- e. Operators shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize surface impacts unless technically infeasible;
- f. Operators shall use boring technology when crossing streams, rivers, irrigation ditches or wetlands with a pipeline to minimize negative impacts to the channel, bank, and riparian areas, except that open cuts may be used across irrigation ditches if the affected ditch company approves the technique;
- g. As-built reporting, including the location (with GPS coordinates), materials and operating pressures of all pipelines and depicting the locations of other subsurface features or improvements crossed by such lines shall be provided to the Town in a format suitable to the Town and subject to the Town's public safety disclosure guidelines; and

h. Temporary water lines, or other means rather than truck, will be used to transport water to the site for hydraulic fracturing and other purposes unless technically infeasible. Temporary water lines shall be buried at all existing driveway and road crossings, or utilize existing culverts, if available.

i. *Pipeline plan.* Applicant shall submit a Pipeline Plan with its application detailing how it will comply with the pipeline safety provisions in this section. The Pipeline Plan must include:

i. A map that shows the location and route of each pipeline necessary for the oil and gas operations, through the lifetime of the oil and gas operations, and their approximate distances from: existing or proposed residential, commercial, or industrial buildings; places of public assembly; water sources; geologic hazards, agricultural lands; trails and open space; and public or private roads;

ii. A general description of the size of the pipelines and the materials the pipelines will carry;

iii. Whether pipelines will be co-located with proposed or existing lines;

iv. Identification of all pipeline segments that will be constructed by boring and the location of the boring operation;

v. Description of how the Applicant intends to adhere to the integrity management procedures for flowlines and crude oil transfer lines listed in ECMC Rule 1104.c-f, or any successor rules;

vi. A copy of the leak protection and monitoring plan for flowlines and crude oil transfer lines required by ECMC Rule 1104.g, or any successor rules; and

vii. Description of the measures planned to minimize land disturbance and impacts to vegetation.

**7. Fugitive Dust.** The Operator must comply with its Fugitive Dust Control Plan as outlined in this section and all applicable state and federal laws. All fugitive dust shall be contained to the maximum extent practicable and Operators must prevent dust from leaving their property. In addition:

- a. No produced water or other process fluids shall be used for dust suppression. Safety Data Sheets (SDS) for any chemical-based dust suppressant shall be submitted to the Town prior to use.
- b. The Operator will avoid creating dust or dust suppression activities within 300 feet of the ordinary high-water mark of any water body, unless the dust suppressant is water.
- c. Sand, silica and similar materials must be properly stored to prevent fugitive particulates. Measures shall be used to control particulates, including proof of compliance with State-required dust control measures and imposition of an opacity requirement as tested using EPA Method 9.
- d. Operations shall be conducted in such a manner that dust does not constitute a nuisance pursuant to Chapter 17, Section 21 of the Berthoud Municipal Code or hazard to public health, safety, welfare the environment, or wildlife resources.
  - i. If there is a complaint of dust by a nearby resident, business, or agricultural operation that is made directly to the Operator, to the ECMC, or the Town, the Operator shall determine whether the dust is caused by Operator's operations. Operator will provide a complete description to the Town of all activities occurring at the oil and facility at the time of the complaint. Operator shall report its conclusions, including the factual basis for the conclusions, to the Town and the complainant within 48 hours of the complaint. If the Operator or Town determines that the dust is caused by the Operator's actions, Operator shall resolve the dust concern to the maximum extent practicable within 24 hours.
- e. *Fugitive Dust Control Plan.* A Fugitive Dust Control Plan submitted with the application shall disclose techniques and methods to be utilized at the proposed location to prevent or mitigate fugitive dust generated by the construction and operations of the proposed facility and the traffic associated therewith. The plan shall demonstrate compliance with and implementation of standards in this section.

**8. Historical and Cultural Resources.** Operator shall assess historical and cultural resources in and around the proposed oil and gas location and share such information and proposed mitigation measures with the Town for advance approval prior to start of site construction. If a significant surface or sub-surface archeological site is discovered during construction, the operator shall be responsible for immediately contacting the Town to report the discovery. If any disturbance of a site deemed by the State Historic Preservation Office to be a historical or cultural resource occurs, the operator shall be responsible for mitigating the disturbance to the cultural or historical property through a data

recovery plan in consultation with the Town's Historic Preservation Commission and the State Historic Preservation Office.

**9. Incident and Accident Reporting.** In addition to following the emergency response provisions outlined in Section 30-11-105(E)(3), the Operator shall take all reasonable and necessary steps to avoid adverse incidents or accidents. In addition:

a. *Emergency reporting.* If public health, safety, welfare, the environment, or wildlife resources are threatened, the Operator responsible for the operation causing such threat will immediately notify the appropriate emergency responders, the Town, the ECMC, and the surface owner orally.

b. *Safety Event reporting.* Within 24 hours of the cessation of any reportable safety event, as defined by the ECMC in Rule 602(g), or any successor rules, or any accident or natural event involving a fire, explosion or detonation requiring emergency services or completion of a ECMC Form 22, Operator shall submit a report to the Town Administrator that includes at least the following information, to the extent available: fuel source, location, proximity to residences and other occupied buildings, cause, duration, intensity, volume, specifics and degree of damage to properties, if any beyond the oil and gas location, injuries to persons, emergency response, and remedial and preventative measures to be taken within a specified amount of time.

c. The Town may require the Operator to conduct a root cause analysis of any reportable safety events or Grade 1 gas leaks, each as defined by the ECMC. The root cause analysis shall be prepared and submitted to the Town no later than 30 days of the request.

d. Any spill or release of unrefined and refined petroleum products, hazardous substances, fracking fluids, E&P waste, or produced fluids of greater than 25 gallons outside of secondary containment areas on a facility, including those thresholds reportable to the ECMC and CDPHE, shall upon discovery, be immediately reported to the National Response Center, ECMC, and CDPHE as well as the Larimer County Sheriff, Larimer County Department of Health and Environment, and the Berthoud Fire Protection District.

**10. Leak Detection and Repair.** Operator shall conduct leak detection and repair inspections at every facility monthly or at greater frequencies if required by the APCD for any emission source using best available leak detection technologies and equipment, such as infrared cameras and hydrocarbon analyzers.



a. If an infrared camera is used, Operator shall retain an infrared image or video of all leaking components before and after repair. Records and results of those inspections, including all corrective actions taken, shall be maintained for three years and shall be made available to the Town upon request. Operator shall also retain a copy of all reports submitted to the APCD, including monthly downtime reports and semi-annual control equipment status reports for production facilities, and make those reports available to the Town upon request.

b. Operator shall report to the Town Administrator any leaks discovered by the Operator, including any leaks that are reported to the Operator by a member of the public, within 12 (twelve) hours of the discovery and / or report.

c. Repair of leaks shall occur within 48 hours of detection if feasible. If it is anticipated that a repair will take longer than 48 hours, the Operator shall provide a written explanation to the Town as to why more time is required and how the leak will be contained.

d. If the Town determines that the leak presents an imminent threat to public health, safety, welfare, the environment or wildlife resources, the Operator shall notify residents within 1 kilometer (3,280 feet) of the leak and may not operate the affected facility, component, equipment or flowline segment until the Operator has corrected the problem and the Town agrees that the affected component, equipment or flowline segment no longer poses a hazard to public health, safety, welfare, the environment or wildlife resources.

e. *Leak Detection and Repair Plan.* A Leak Detection and Repair Plan shall disclose techniques, methods and protocols that will be utilized at the proposed oil and gas facility to identify, prevent, contain, document, repair, and report leaks, and shall demonstrate how it will comply with and implement the standards in this section.

**11. Lighting and Visual Impacts.** The Operator's lighting and visual impacts mitigation measures must comply with the Town's Outdoor Lighting and Dark Sky Standards found in Chapter 30 of the Berthoud Municipal Code, the Visual Impacts Plan as outlined in this section, and all applicable state and federal laws. In addition:

a. Oil and gas operations will avoid or sufficiently minimize and mitigate adverse impacts associated with lighting on public health, safety, and welfare, the environment and wildlife resources. Lighting associated with oil and gas operations will be designed to protect surrounding properties, roadways, livestock, and wildlife resources from light pollution and glare. All permanent lighting or lighting higher than a perimeter wall must be downward facing.

- b. Lighting at a facility must include:
- i. the use of timers or motion sensing lighting;
  - ii. the use of full cut-off lighting; and
  - iii. the use of reduced light intensity colors and low-glare or no-glare lighting.
- c. The location of all outdoor lighting shall be designed to minimize off-site light spillage and glare using best practices recognized by the International Dark-Sky Association.
- d. For all phases of the development of the site, the application shall demonstrate compliance with the visual and aesthetic rules of ECMC and the Berthoud Municipal Code for landscaping, fencing, and lighting.
- e. All facilities shall be painted with colors that are matched to or slightly darker than the surrounding landscape, and shall utilize paint with uniform, non-contrasting, nonreflective color tones based upon the Munsell Soil Color Coding System.
- f. For all phases of site development, fencing shall be installed for security and visual aesthetics of the use.
- g. Oil and gas operations shall minimize removal of trees and vegetation on the site.
- h. Landscaping and/or fencing for screening and visual quality as viewed from public rights-of-way and neighboring residential areas shall be required within 6 months from the time of well completion and in accordance with requirements for the zoning district.
- i. Facility applications shall demonstrate compliance with weed control requirements of Chapter 16 of the Berthoud Municipal Code and Forestry Department, including for access roads serving the facility.
- j. *Lighting and Visual Impacts Plan.* The Applicant shall complete a plan in its application that includes the location of all outdoor lighting on the site and structures, including cut sheets (manufacturer's specifications with picture or diagram) of all proposed fixtures. The plan should also include the location and type of any emergency lighting and description of situations in which it will be used. A photometric study conducted by an independent consultant approved by the Town to measure the lumens emitted by the oil and gas facilities or operations and evaluate lighting impact on surrounding properties must also be included as part of the plan.

## 12. Noise and Vibrations.

a. Operator shall comply with the Noise and Vibration Mitigation Plan as outlined in this section and all applicable state and federal laws. Noise and vibration mitigation measures shall include the following:

i. Oil and gas operations may not exceed the ambient noise level by more than five decibels during daytime hours (7:00 a.m. through 7:00 p.m.) and more than three decibels during nighttime hours (7:00 p.m. through 7:00 a.m.);

ii. Oil and gas operations may not exceed the ambient noise level by more than ten decibels over the daytime average ambient noise level during fracturing operations during daytime hours. No fracturing shall be allowed during nighttime hours except for flowback operations related to fracturing as provided in subsection (iii).

iii. Oil and gas operations may not exceed the ambient noise level by more than three decibels during flowback operations during nighttime hours;

iv. Adjustments to the noise standards as set forth above in subsections (1), (2), and (3) of this section may be permitted intermittently in accordance with the following:

**Table 30-11-105.E.12: Noise Standards**

| <b>Permitted Increase (dBA)</b>          | <b>Duration of Increase (minutes)*</b> |
|------------------------------------------|----------------------------------------|
| 10                                       | 5                                      |
| 15                                       | 1                                      |
| 20                                       | Less than 1                            |
| * Cumulative minutes during any one hour |                                        |

v. The point of compliance for noise shall be the property line of the protected use or no less than 25 feet from the exterior wall of any protected use structure closest to the oil and gas facility.

vi. In no instance may an oil and gas operation produce dBA or dBC noise exceeding limits set by the ECMC Rule 423 or any successor rule.

vii. During construction, drilling, and completion activities, the Operator must conduct continuous noise monitoring by a third-party consultant approved by the Town for all oil and gas facilities located within 1 kilometer (3,280 feet) of any residential or occupied building.

viii. To reasonably ensure the Operator controls noise to the allowable levels set forth above, one or more of the following may be required by the Town based on the location, nature, and size of the facility and technical feasibility:

A. Quiet design mufflers (i.e., hospital grade or dual dissipative) or equal to or better than noise mitigation technologies shall be utilized for non-electrically operated equipment;

B. Motors, generators, and engines shall be enclosed in acoustically insulated housings or covers;

C. Obtain all power from utility line power or renewable sources;

D. Utilize best management practices to minimize noise impact during drilling, completions, and all phases of operation including the use of "quiet fleet" noise mitigation measures for completions;

E. Acoustical blankets, sound walls, mufflers or other alternative methods around well drilling and completion activities to mitigate noise impacts;

F. Restrictions on workover operations and/or the unloading of pipe or other tubular goods between 7:00 p.m. and 7:00 a.m.;

G. The use of electric drill rigs; and

H. The use of Tier 4 or better diesel engines, diesel and natural gas co-fired Tier 2 or Tier 3 engines, natural gas fired spark ignition engines, or electric line power for hydraulic fracturing pumps.

ix. If the Operator is in compliance with the approved noise mitigation and monitoring plan and a violation still occurs, the operator shall be notified of noncompliance and given 24 hours to correct the violation. Additional extensions of the 24-hour period

may be granted in the event that the source of the violation cannot be identified after reasonable diligence by the Operator.

x. In response to a noise complaint, the Town may at any time require additional continuous noise monitoring, conducted by an approved third-party consultant, until noise concerns are abated.

xi. *Vibrations.*

A. No vibration shall be transmitted through the ground that is discernible without the aid of instruments measured at 500 feet from the abutting residential or commercial development.

B. No vibration shall exceed 0.002g peak at up to 50 cps frequency measured at 500 feet from the abutting residential or commercial development. Vibrations recurring at higher than 50 cps frequency or a periodic vibrator shall not induce accelerations exceeding 0.001g.

C. Single impulse period vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding .01g.

D. Operator shall conduct continuous seismic monitoring during fracking operations.

E. Seismic events greater than 2.0 on Richter scale shall be reported to the Town Administrator and to ECMC.

F. If a seismic event occurs, the Town may order the cessation of operations immediately and operator can only resume work once the town is satisfied with the actions taken to reduce the likelihood of further seismicity.

G. Operations shall be immediately suspended for any seismic event measuring 4.0 or above on the Richter scale. Operator may only resume work once the town is satisfied with the actions taken to reduce the likelihood of further seismicity.

b. *Noise and Vibration Mitigation Plan.* A Noise and Vibration Mitigation Plan shall be submitted with the application to demonstrate how the facility will mitigate noise and vibration impacts to comply with the noise standards contained in this section. The plan shall include the following:

i. A minimum one-week (168 consecutive hours) baseline ambient noise analysis. The baseline analysis must include wind speed, direction, rainfall data, season conducted, and any other relevant conditions;

ii. *Noise Modeling*. Using industry-recognized noise modeling software, modeling of expected dBA and dBC noise levels from the proposed oil and gas facilities and oil and gas operations during all phases of development and operation, assuming use of and identifying all noise-mitigating equipment and measures intended for use at the proposed oil and gas facilities or oil and gas operations. All Noise Modeling must include a list of all noise sources, reference noise data used in the model for each source, noise attenuation specifications for any proposed noise walls, and a scaled map showing predicted noise levels;

iii. Modeled maximum A- and C-weighted decibel levels for all phases of development shall be presented using contour maps from the facility (combining noise sources) at 350 feet, 500 feet, 1,000 feet, 2,000 feet, and to the property line of the adjacent properties. Contour maps shall be provided that demonstrate both unmitigated and mitigated decibel levels; and

iv. A plan of proposed mitigation measures to be implemented by the facility during each phase of development shall be provided to ensure compliance with the maximum permissible noise levels as listed in this section.

**13. Odor.** The Operator's odor mitigation measures must comply with the Odor Mitigation Plan as outlined in this section and all applicable state and federal laws. In addition, the Operator shall implement the following measures:

a. Oil and gas facilities must not emit odor detectable after dilution with one or more volumes of odor free air to four volumes of clean air at any dwelling unit.

b. If a resident within 1 kilometer (3,280 feet) of a facility complains of odor (either directly to the Operator, to the ECMC, or to the Town) the Operator shall determine whether the odor is caused by Operator's actions, by, at a minimum, conducting two odor measurements within a period of one hour – these measurements being separated by at least fifteen (15) minutes and taken 25 feet from the exterior wall of the residence. Operator will also provide a complete description of all activities occurring at the oil and gas location at the time of the complaint to the Town. Operator shall report its conclusions, including the factual basis for the conclusions, to the Town and the complainant within 48 hours of the complaint. If the



Operator or Town determines that the odor is caused by Operator's operations, the Operator shall resolve the odor concern within 24 hours of receiving the complaint.

c. If it is determined that the operator caused odors in violation of the odor requirements outlined in this Code, the operator may be required to cease or change operations, notify affected residents, and/or temporarily relocate residents until the facility is no longer causing a violation.

d. If odor persists after an Operator complies with this Code, and there are reasonable grounds to believe the location continues to cause the odor, the Town may require the Operator to conduct additional investigation, which may include audio, visual, and olfactory inspections or instrument-based leak inspections, and take appropriate corrective action based on the results of investigation and the severity of the odor.

e. In response to odor complaints the Town may require an Operator to collect and analyze a speciated air sample to measure for volatile organic compounds or hazardous air pollutants known to cause potential health risks and have acute health guideline values identified by the Agency for Toxic Substances and Disease Registry and/or CDPHE to further evaluate the risk of the odor. Speciated air sample collection shall be done utilizing a third-party vendor approved by the Town.

f. *Odor Mitigation Plan.* The Applicant shall submit an Odor Mitigation Plan with its application indicating how its operations will prevent odors from adversely impacting the public and wildlife resources and further demonstrating compliance with the standards in this Code. The Odor Mitigation Plan shall include investigation and control strategies which shall be implemented upon receipt of odor complaint(s), the determination that the facility is causing the odor, or as required by the Town. These odor control strategies shall include at least the following:

i. Odorants, that are not a masking agent, shall be added to chillers and/or mud systems;

ii. Additives to minimize odors from drilling and fracturing fluids except that Operators shall not mask odors by using masking fragrances;

iii. The utilization of filtration systems and/or additives to minimize, not mask, odors from drilling and fracturing fluids in the drilling and flowback processes;

- iv. Increasing additive concentration during peak hours provided additive does not create a separate odor. Additives must be used per the manufacturer's recommended level;
- v. The utilization of enclosed shale shakers to contain fumes from exposed mud where safe and feasible;
- vi. Drilling activities shall utilize minimum low odor Category IV or better drilling fluid or non-diesel-based drilling muds that do not contain benzene, toluene, ethylbenzene, or xylene (BTEX). Operator will employ the use of drilling fluid with low to negligible aromatic content during drilling operations after surface casing is set;
- vii. Removing drilling mud from drill pipe each time it is removed from the well and wiping down drill pipes as they exit the well bore each time;
- viii. Drill cuttings shall be covered to prevent odor while being transported by truck; and
- ix. A prohibition of the use of D-822 drilling mud unless its use is required by ECMC.

**14. Reclamation.** Reclamation of the oil and gas operation must comply with the Reclamation Plans as outlined in this section and all applicable state and federal laws.

a. *Interim Reclamation.* In addition to following the ECMC rules related to interim reclamation, the Operator shall comply with the following provisions:

- i. There shall be no permanent storage of equipment (i.e., vehicles, trailers, commercial products, chemicals, drums, totes, containers, materials, and all supplies not necessary for uses on an oil and gas location) on the site of an oil and gas location.
- i. When not in use, or if no longer needed for on-site operations, all equipment not being used on the site shall be removed from the site within thirty (30) days of completion of the work, weather conditions permitting.

b. *Final Reclamation.* In addition to following the ECMC rules related to final reclamation, the Operator shall:

i. Give notice to the Town Administrator of the commencement and completion of final reclamation activity;

ii. Provide coordinates for the location of the decommissioned well(s), and any associated pipelines in a format suitable for input into the Town's GIS system; and

iii. Permanently mark the plugged and abandoned well with a brass plaque set in concrete similar to a permanent bench-mark to monument its existence and location. Such plaque shall contain all information required on a dry hole marker by the ECMC. The exact location will be recorded with the Larimer County clerk and recorder.

c. Plugging and Abandonment notice is required to ensure adequate public notice and traffic management, and review of final reclamation plans. At least 72 hours prior to commencing plugging and abandonment operations, Operator will provide to the Town:

i. A timeline for work to be accomplished;

ii. Notice that has been submitted to the surface owner and all residents within 1 kilometer (3,280 feet);

iii. The Form 4 Sundry Notice supplied to the ECMC to notify state of the plugging and abandonment; and

iv. A Final Reclamation Plan in accordance this section and approved by the surface owner.

d. *Reclamation Plans.* The Applicant shall submit an Interim Reclamation Plan and a Final Reclamation Plan with its application. Both plans shall outline how the Applicant will comply with Berthoud Municipal Code and ECMC rules related to site reclamation.

i. The Interim Reclamation Plan shall also, at a minimum, include:

A. A site plan that defines the "working pad surface" limited to those areas necessary for production;

B. A written description of existing vegetation in the area; and

C. A plan for revegetation and any landscaping outside of working pad surface, or for reclaiming to the final land

use as designated by the surface owner, and how it will be watered and maintained.

ii. The Final Reclamation Plan shall also, at a minimum, include:

A. A timeline for the removal of all equipment from the location; and

B. A detailed demonstration of how the Operator will restore the site surface area to the condition it was prior to the oil and gas operation.

**15. Spill Prevention, Containment, and Reporting.** The Operator must comply with the provisions in its Spill Prevention and Containment Plan as outlined in this section and all applicable state and federal laws. In addition:

a. Unloading areas shall be designed to contain potential spills or direct spills into other secondary containment areas;

b. Containment systems constructed of steel rimmed berms, or similar impervious surfaces that are equal to or better, shall be used for all secondary containment areas. Berms or other secondary containment devices around crude oil, condensate, and produced water storage tanks enclosing an area sufficient to contain and provide secondary containment for 150% of the largest single tank. Berms or other secondary containment devices shall be sufficiently impervious to contain any spilled or released material. Inspection of all berms and containment devices shall occur at regular intervals, but not less than monthly. Maintenance of all berms and containment devices must remain in good condition;

c. All spills or releases, whether reportable or not, shall be cleaned up immediately and to the satisfaction of the local emergency response authorities, in accordance with the Operator's Spill Prevention and Containment Plan. Any leak, release, or spill will be cleaned up according to applicable Town, county, state and federal laws. Operators will notify the Town immediately upon completion of clean-up activities.

d. A root cause analysis of any spill, leak, or release of any substance other than fresh water that resulted in serious bodily injury or fatality, serious environmental harm, was a Grade 1 gas leak as defined by the ECOM, or is otherwise requested by the Town must be submitted to the Town within 30 days of the leak, spill, or release.

e. *Spill Prevention and Containment Plan.* The Applicant shall submit a Spill Prevention and Containment Plan with all facility applications. The

plan shall outline techniques, methods, and protocols to be utilized at the proposed facility to prevent, contain, clean up, document, and report any spills or releases, and shall demonstrate compliance with and implementation of the standards in this section.

**16. Transportation Impacts.** The Applicant will be required to enter into a long-term road maintenance and improvements agreement, and a Development Agreement with the Town. These Agreements shall be presented with the Use by Special Review application at the public hearing. Additionally, Operator shall adhere to the provisions in the Traffic Impact Analysis and Routing Plan as detailed in this section and the following the provisions:

a. All private roads used to maintain access to the tank batteries or the well site shall be improved and maintained according to the following standards:

i. *Tank battery access roads.* Access roads to tank batteries shall be subject to review by the Town Engineer in accordance with the following minimum standards:

A. A graded gravel roadway having a prepared subgrade and an aggregate base course surface a minimum of six inches thick compacted to a minimum density of 95 percent of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures. The aggregate material, at a minimum, shall meet the requirements for Class 3, Aggregate Base Course as specified for aggregate base course materials in the Colorado Department of Transportation's "Standard Specifications for Road and Bridge Construction," latest edition.

B. Graded so as to provide drainage from the roadway surface and constructed to allow for cross-drainage of waterways (such as roadside swales, gulches, rivers, creeks and the like) by means of an adequate culvert pipe. Adequacy of the pipe is subject to approval of the Town Engineer.

C. Maintained so as to provide a passable roadway free of ruts at all times.

ii. *Location access roads.* Access roads to the oil and gas location shall be subject to review by the Town Engineer in accordance with the following minimum standards:

A. A graded, dirt roadway compacted to a minimum density of 95 percent of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures and approved by the Town Engineer.

B. Graded so as to provide drainage from the roadway surface and constructed to allow for cross-drainage of waterways by means of an adequate culvert pipe. Adequacy of the pipe shall be subject to approval by the Town Engineer.

C. Maintained so as to provide a passable roadway generally free of ruts.

iii. *Public access roads.* An extra-legal vehicle or load permit shall be required for all extralegal vehicles or loads as defined in Sections 42-4-401 through 42-4-414, C.R.S., as amended, which use Town streets. Said permit, if required, shall be obtained from the Town Engineer prior to such use. The Operator shall comply with all Town and state regulations regarding weight limitations on streets within the Town, and the Operator shall minimize extralegal truck traffic on streets within the Town.

b. Every permit issued by the Town shall require the Applicant to pay a fee that is sufficient to pay the estimated cost for all impacts which the proposed operation may cause to facilities owned or operated by the Town or used by the general public, including, but not limited to:

i. Repair and maintenance of roads;

ii. Bridges and other transportation infrastructure;

iii. Improvements made or to be made by the Town to accommodate the operations and to protect public health, safety and welfare; and

iv. Costs incurred to process and analyze the application, including the reasonable expenses paid to independent experts or consultants.

c. The Town shall establish a mechanism to assess and obtain payment of such fees, subject to the right of the Town to request additional funds if the fees prove to be insufficient, or to refund surplus funds to the Operator if the fees paid exceed the true cost of the impacts.

d. The Town may further require that the Applicant post a bond in an amount to be set during the Use by Special Review, as security in the



event additional damages occur to facilities owned or operated by the Town or used by the general public.

e. As a condition of issuance of the permit and on an as-needed basis, the Town may require that additional site-specific measures be undertaken by the Operator in order to protect and preserve facilities owned or operated by the Town or used by the general public.

f. *Traffic Impact Analysis and Routing Plan.* A Traffic Impact Analysis and Routing Plan shall be submitted with all applications. The plan shall disclose routing alternatives and transportation infrastructure improvements proposed for the proposed operation to mitigate projected transportation impacts and demonstrate compliance with and implementation of the standards in this section. The Traffic Impact Analysis and Routing Plan shall be prepared by a third-party vendor approved by the Town. The Traffic Impact Analysis and Routing Plan shall include:

- i. The proposed haul routes to and from the site, and public and private roads that traverse or provide access to the proposed operation;
- ii. The estimated number of vehicle trips per day for each type of vehicle, estimated weights of vehicles when loaded, a description of the vehicles, including the number of wheels and axles of such vehicles and trips per day;
- iii. The identification of impacts to Town roads and bridges related to facility construction, operations, and ongoing new traffic generation;
- iv. A plan to mitigate transportation impacts that will typically include, but not be limited to, a plan for traffic control, ongoing roadway maintenance, and improving or reconstructing Town roads;
- v. Detail of access locations for each well site including sight distance, turning radius of vehicles and a template indicating this is feasible, sight distance, turning volumes in and out of each site for an average day and what to expect during the peak hours;
- vi. Truck routing map and truck turning radius templates with a listing of required improvements are necessary at intersections along the route;
- vii. Restriction of non-essential traffic and prohibition of any class 7 vehicles and above to and from any oil and gas location to

periods outside of peak morning and afternoon traffic periods during weekdays (7:00-8:00 a.m. and 3:00-6:00 p.m.); and

vii. Identification of need for any additional traffic lanes, which would be subject to the final approval of the Town.

**17. Water quality protection.** Water quality protection and sampling shall comply with the Water Quality Control Plan as outlined in this section and all applicable state and federal laws. To avoid or minimize adverse impacts to surface and sub-surface water bodies from oil and gas facilities, the following measures will be required:

a. *Water source sampling and testing.* Using records of the Colorado Division of Water Resources, the Applicant will be required to identify and offer to sample all available water sources located within one-half mile of the projected track of the borehole of a proposed well and within one-half mile of the radius of the proposed location. All sampling must be conducted by a third-party consultant approved by the Town. The Applicant / Operator shall provide all water source test results to the Town and maintain records of such results. Sampling requirements include:

i. Initial baseline samples and subsequent monitoring samples shall be collected from all available water sources within one-half mile of the projected track of the borehole of a proposed well and one-half mile radius of the oil and gas location;

ii. Initial collection and testing of baseline samples from available water sources shall occur within twelve months prior to the commencement of drilling a well, or within twelve months prior to the re-stimulation of an existing well for which no samples were collected and tested during the previous twelve months;

iii. Post-stimulation samples of available water sources shall be collected and tested pursuant to the following time frame:

A. One sample within six months after completion;

B. One sample between twelve and eighteen months after completion; and

C. One sample between sixty and seventy-two months after completion.

b. For multi-well pads, collection shall occur annually during active drilling and completions.

c. Operator shall collect a sample from at least one up-gradient and two down-gradient water sources within a one-half mile radius of the oil and gas location. If no such water sources are available, operator shall collect samples from additional water sources within a radius of up to one mile from the location until samples from a total of at least one up-gradient and two down-gradient water sources are collected. Operators should give priority to the selection of water sources closest to the location.

d. An Operator may rely on existing groundwater sampling data collected from any water source within the radii described above, provided the data was collected within the twelve months preceding the commencement of drilling the well, the data includes measurement of all the constituents measured in Table 2, and there has been no significant oil and gas activity within a one-mile radius in the time period between the original sampling and the commencement of drilling the well.

e. Operator shall make reasonable efforts to obtain the consent of the owner of the water source to be sampled. If the Operator is unable to locate and obtain permission from the surface owner of the water source, the Operator shall advise the Town Administrator that the Operator could not obtain access to the water source from the surface owner.

f. Operator shall test for the analytes listed in Table 2, and subsequent testing as necessary or appropriate as determined by the Town.

g. Operator shall follow standard industry procedures in collecting samples, consistent with the ECMC model Sampling and Analysis Plan.

h. Operator shall report the location of the water source using a GPS with sub-meter resolution.

i. Operator shall report on damaged or unsanitary well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence.

j. Operator shall provide copies of all test results described above to the Town Administrator, the ECMC, and the water source owners within three months after collecting the samples.

k. *Subsequent sampling.* If sampling shows water contamination, the Town may require additional measures, including but not limited to the following:

i. If free gas or a dissolved methane concentration level greater than one milligram per liter (mg/l) is detected in a water source, determination of the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen);

- ii. If the test results indicate thermogenic or a mixture of thermogenic and biogenic gas, an action plan to determine the source of the gas;
  - iii. Immediate notification to the Town Administrator, the ECMC, and the owner of the water source if the methane concentration increases by more than five mg/l between sampling periods, or increases to more than ten mg/l;
  - iv. Immediate notification to the Town Administrator, the ECMC and the owner of the water source if BTEX and/or TPH are detected as a result of testing. Such detections may result in required subsequent sampling for additional analytes;
  - v. Further water source sampling in response to complaints from water source owners; and
  - vi. Timely production and distribution of test results, well location, and analytical data in electronic deliverable format to the Town Administrator, the ECMC and the water source owners.
1. All water source testing shall be conducted by a qualified independent professional consultant approved by the Town at the Operator's expense.

**Table 30-11-105.E.17: Water Quality Analytes**

|                       |                                                                                                                             |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------|
| GENERAL WATER QUALITY | Alkalinity<br>Conductivity & TDS<br>Ph<br>Dissolved Organic Carbon<br>(or Total Organic Carbon)Bacteria<br>Hydrogen Sulfide |
| MAJOR IONS            | Bromide<br>Chloride<br>Fluoride<br>Magnesium<br>Potassium<br>Sodium<br>Sulfate<br>Nitrate + Nitrite as N (total)            |
| METALS                | Arsenic<br>Barium<br>Boron<br>Chromium<br>Copper<br>Iron<br>Lead<br>Manganese                                               |

|                                                      |                                                                                                                             |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
|                                                      | Selenium<br>Strontium                                                                                                       |
| DISSOLVED GASES AND<br>VOLATILE ORGANIC<br>COMPOUNDS | Methane<br>Ethane<br>Propane<br>BTEX as<br>Benzene, Toluene, Ethylbenzene,<br>Xylenes<br>Total Petroleum Hydrocarbons (TPH) |
| OTHER                                                | Water Level<br>Stable isotopes of water (Oxygen,<br>Hydrogen, Carbon)<br>Phosphorus                                         |

m. *Water Quality Control Plan.* Applicant shall submit a Water Quality Control Plan that details practices that will avoid impacts to water quality, comply with this section and all applicable state and federal water quality rules. The Plan shall include, but not necessarily be limited to plans for water quality testing, the prevention of illicit or inadvertent discharges and containment of pollutants in case of a discharge, and stormwater discharge management.

**18. Water supply.** The Applicant / Operator's acquisition and use of water must comply with Berthoud Municipal Code Section 30-2-120, the Water Supply Plan as outlined in this section, and all applicable state and federal laws. In addition:

- a. The water supply used must be the least detrimental to the environment among the available sources and adequate to meet the needs of the oil and gas operation.
- b. The water supply shall be legally and physically available, dependable, and sustainable. Operator will implement reuse and recycling to the greatest extent practicable.
- c. The operation shall not use water from the town's municipal water supply unless approved by the Board of Trustees.
- d. Any necessary water agreements must be secured prior to any oil and gas operations commencing.
- e. *Water Supply Plan.* Applicant shall submit a Water Supply Plan prepared by a certified professional engineer that demonstrates compliance with the applicable standards in this section and includes:

- i. A description of the physical source of the water that the Operator proposes to use to serve each phase of the operation;
- ii. A list of all available physical sources of water other than the Town's municipal water for the operation, and if multiple sources are available, analysis to determine which source is least detrimental to the environment;
- iii. The amount of water needed for each phase of the operation;
- iv. Proof that the source of water supply is physically and legally available and dependable for each phase of the operation;
- v. A description of how water will be delivered to the site for each phase of the operation;
- vi. A description of water efficiency methods;
- vii. The amount of produced water expected to be recycled or reused; and
- viii. The amount of wastewater produced, and disposal plans for wastewater.

**19. Waste Management.** Applicant must submit a Waste Management Plan for the disposal of all waste generated by the oil and gas facilities or oil and gas operations, including use of truck or pipeline transport with details of anticipated truck trips. The plan shall include provisions for the recycling of drilling, completion, and flowback fluids unless technically infeasible. The plan will identify whether waste materials will be stored on site and, if so, how such storage will avoid adverse impacts to the oil and gas facility parcel(s), surrounding lands, water, natural resources, wildlife resources, air quality, and public health, safety, and welfare. The plan must specify whether on-site storage of drilling mud is contemplated and, if so, how the applicant will eliminate odors leaving the site. The plan must also include a description of any sources of technically enhanced naturally occurring radioactive material used in or generated by the oil and gas operations and how those materials will be disposed. The Operator shall adhere to its Plan and all applicable state and federal laws related to waste management during its operations.

**20. Wildlife.** Operators must comply with Berthoud Municipal Code Section 30-2-119, all applicable state and federal laws related to wildlife resources and the Applicant's Wildlife Conservation Plan as outlined in this section.

a. *Wildlife Conservation Plan.* The Applicant shall submit a Wildlife Conservation Plan that contains a map of ecologically important areas including critical wildlife habitat areas, riparian areas, rivers, water bodies, wetlands, potential conservation areas as identified by the Colorado Natural Heritage Program Species of Concern listing, Tier 1



and Tier 2 species as identified by the Colorado Parks and Wildlife, and of federally-designated threatened or endangered species, as mapped by other applicable federal and state governmental agencies or discovered upon inspection, on and within one mile of the parcel(s) on which the oil and gas facilities are proposed to be located. It shall also include, at a minimum, the following information:

- i. A description of the ownership, location, type, size, and other attributes of the wildlife habitat on the site;
- ii. A description of the populations of wildlife species that inhabit or use the site including a qualitative description of their spatial distribution and abundance;
- iii. An analysis of the potential adverse impacts of the proposed development on wildlife and wildlife habitat on or off-site;
- iv. A list of proposed mitigation measures and an analysis of the probability of success of such measures;
- v. A plan for implementation, maintenance, and monitoring of mitigation measures;
- vi. A plan for any relevant enhancement or restoration measures; and
- vii. A demonstration of fiscal, administrative, and technical competence of the applicant or other relevant entity to successfully execute the plan.

#### **§ 30-11-106: Application Outcome and Development Standards**

- A. **Application Outcome.** An application for a Use by Special Review will either be approved, approved with conditions or denied. Denial shall occur if the proposed oil and gas facilities or operations cannot be conducted in a manner that protects public health, safety, and welfare, the environment and wildlife resources. Applications approved will be subject to any conditions placed on approval to ensure compliance with the standards listed in this Section 30-11-106 and Section 30-3-106. An approved application will incorporate the plans submitted by the Applicant pursuant to Section 30-11-105, unless the Town requires additional industry recognized Best Management Practices or compliance with ECMC, CDPHE, and / or EPA rules, whichever is most protective of public health, safety, welfare, the environment and wildlife resources.
- B. **Development Standards.** The following Development Standards establish minimum standards of operation at sites in the Town:

1. Air quality standards, the Air Quality Protection Plan, and the Well Liquids Unloading Plan as outlined in Section 30-11-105(E)(2);
2. Chemical and Hazardous Materials Use, Disclosure, and Handling provisions and the Chemical and Hazardous Materials Plan as outlined in Section 30-11-105(E)(3);
3. Emergency Response standards and the Emergency Response Plan as outlined in Section 30-11-105(E)(4);
4. Flood mitigation measures as outlined in Section 30-11-105(E)(5);
5. Flowlines and crude oil transfer lines provisions and the Pipelines Plan as outlined in Section 30-11-105(E)(6);
6. Fugitive Dust standards and the Fugitive Dust Control Plan as outlined in Section 30-11-105(E)(7);
7. Historic and Cultural Resources protections as outlined in Section 30-11-105(E)(8);
8. Incident and Accident Reporting provisions as outlined in Section 30-11-105(E)(9);
9. Leak Detection and Repair provisions and the Leak Detection and Repair Plan as outlined in Section 30-11-105(E)(10);
10. Lighting and visual impacts provisions and the Lighting and Visual Impacts Plan as outlined in Section 30-11-105(E)(11);
11. Noise and vibration provisions and the Noise and Vibration Mitigation Plan as outlined in Section 30-11-105(E)(12);
12. Odor mitigation provisions and the Odor Mitigation Plan as outlined in Section 30-11-105(E)(13);
13. Reclamation provisions and the Reclamation Plans as outlined in Section 30-11-105(E)(14);
14. Spill prevention, containment, and reporting and the Spill Prevention and Containment Plan as outlined in Section 30-11-105(E)(15);
15. Transportation impacts and the Traffic Impact Analysis and Routing Plan as outlined in Section 30-11-105(E)(16);

16. Water quality protection and the Water Quality Control Plan as outlined in Section 30-11-105(E)(17);
  17. Water supply provisions and the Water Supply Plan as outlined in Section 30-11-105(E)(18);
  18. Waste Management provisions as outlined in Section 30-11-105(E)(19); and
  19. Wildlife protection and the Wildlife Conservation Plan as outlined in Section 30-11-105(E)(20).
- C. **Variances.** Any request for a variance from the Development Standards outlined in this section shall indicate how the proposed variance would be similarly protective of public health, safety, welfare, the environment, and wildlife resources and follow the variance procedures outlined in Berthoud Municipal Code Section 30-3-108.
- D. **Annual Operator Registration.** Operators of any new oil and gas facilities approved after the effective date of this section shall submit an Annual Operator Registration to the Town within 60 days of approval of any new facility. Operator registration must be updated and renewed annually by July 1. Annual Operator Registration submittal requirements shall include:
1. A list of all wells and production within the Town within the previous three years;
  2. List of any reportable safety events from its facilities within the Town over the previous three years as defined by ECMC Rule 602(g) or successor rules. Operator shall also list any root cause analyses conducted and corrective actions taken in response to the incidents, including internal changes to corporate practices or procedures;
  3. List of any spills or releases from its facilities within the Town over the previous three years; and
  4. List of any notices of alleged violations issued by the ECMC or CDPHE related to its facilities over the previous three years.
- E. **Memorandum of Understanding.** A condition of approval for any new oil and gas operation application is a signed Memorandum of Understanding (MOU) between the Operator and the Town. The MOU shall include, but not necessarily be limited to, the following conditions:
1. The Operator agrees to abide by all Town, state, and federal regulations applicable to the oil and gas facility, and the imposition of penalties for noncompliance pursuant to Berthoud Municipal Code Section 30-11-108;

2. The Operator agrees to cover any costs to repair the Town's transportation infrastructure necessitated by a proposed new oil and gas operation; and
  3. The Operator shall reimburse the Town for all inspection costs necessary to inspect well sites approved under this section to determine compliance with this section and any permits issued by the Town. Such fees shall include actual costs incurred by the Town, including but not limited to employee or contractor time, employee or contractor supervision, legal and consulting fees, necessary equipment rental, mileage, and overhead. Costs may also include necessary personnel and time to analyze operator-submitted inspection and spill reports.
- F. **Application fee.** An application for approval of a new oil and gas facility shall be accompanied by an application fee set by the Town. The applicant is also responsible for all costs of reviewing and processing the permit application, including but not limited to the costs of legal, consultant, and referral agency review of the permit application, the pre-application conference, completeness determination, and all hearings and meetings on the permit application. All additional costs must be paid in full prior to final action by the Town on the permit application. A Memorandum of Understanding regarding payment of fees is an application requirement.

#### **§ 30-11-107: Insurance and financial assurances**

**A. Risk Management Plan.** The Applicant shall submit a Risk Management Plan with its application. The plan shall include risk identification, frequency, responsibilities, assessment, response, planning mitigation, and methods of risk avoidance and control that implement techniques to prevent the accident/loss and reduce the impact after an accident/loss occurs. It shall also include a summary of how the Applicant will comply with the insurance and financial assurance requirements in this section. Operators shall periodically update and revise the plan, but at least every three years and after any incident listed in Section 30-11-105(E)(9).

**B. Insurance.** Operator shall maintain or cause to be maintained, with insurers authorized by the state of Colorado and carrying a financial strength rating from A.M. Best of no less than A-VII (or a similar rating from an equivalent recognized ratings agency), at a minimum, the following types of insurance with limits no less than the amounts indicated:

1. Commercial general liability insurance on an occurrence form including coverage for bodily injury and property damage for operations and products and completed operations with limits of not less than \$1,000,000 for each occurrence, \$2,000,000 General Aggregate and \$2,000,000 Products/Completed Operations Aggregate. The Town requires the Products/Completed Operations coverage to be provided three years after completion of construction. An endorsement must be included with the certificate;

2. Automobile liability insurance with limits of not less than \$1,000,000 each accident covering owned, hired and non-owned vehicles;
3. Workers' compensation and Employer's Liability insurance must be maintained for all employees, providing statutory coverage and Employer's Liability insurance with minimum limits of \$100,000 each accident, \$100,000.00 disease-each employee and \$500,000 disease policy limit;
4. Control of well/operators extra expense insurance with limits of not less than \$25,000,000 covering the cost of controlling a well that is out of control or experiences a blowout. Coverage shall include re-drilling or restoration expenses, legal liability for pollution-related bodily injury or property damage resulting from an out of control well event, loss of equipment and evacuation expense;
5. Umbrella/excess liability insurance in excess of general liability, employer's liability, and automobile liability with limits no less than \$25,000,000 per occurrence; provided, however, that for so long as all pre-production phases are ongoing at the oil and gas location, Operator will maintain such insurance with limits no less than \$100,000,000 per occurrence; and
6. Environmental liability/pollution legal liability insurance for gradual pollution events, providing coverage for bodily injury, property damage or environmental damage with limits no less than with limits of not less than \$25,000,000 per pollution incident. Coverage shall include claims arising during transportation and at non-owned waste disposal sites. Should this insurance be on a claims-made basis the retroactive date must precede the date field activities were initiated.
7. *Contractors.* Operator shall require adequate insurance of its contractors and subcontractors. Operator agrees that it shall be responsible for any damage or loss suffered as a result of negligence by Operator or any subcontractor with these requirements.
8. Operator shall waive and cause its insurers to waive for the benefit of the Town any right of recovery or subrogation which the insurer may have or acquire against the Town or any of its affiliates, or its or their employees, officers or directors for payments made or to be made under such policies.
9. Operator is required to add the Town and its elected and appointed officials and employees as additional insureds under general liability (including operations and completed operations), auto liability, Environmental/Pollution Liability and umbrella liability policies.
10. Operator shall ensure that each of the policies are endorsed to provide that they are primary without right of contribution from the Town or any insurance or self-insurance otherwise maintained by the Town, and not in excess of any insurance issued to the Town.

11. Operator shall ensure that each of the policies above (excluding workers' compensation and control of well/operator's extra expense) are endorsed to state that the inclusion of more than one insured under such insurance policy shall not operate to impair the rights of one insured against another insured and that the coverage afforded by each insurance policy shall apply as though a separate policy had been issued to each insured.

12. All policies shall be endorsed such that they cannot be canceled or non-renewed without at least thirty days' advanced written notice to the Operator and the Town, evidenced by return receipt via United States mail, except when such policy is being canceled for nonpayment of premium, in which case ten days advance written notice is required. Language relating to cancellation requirements stating that the insurer's notice obligations are limited to "endeavor to" are not acceptable.

13. Operator shall, prior to permit issuance, and at least annually, deliver certificates of insurance reasonably acceptable to the Town confirming all required minimum insurance is in full force and effect.

14. Deductibles or retentions shall be the responsibility of Operator. Deductibles or retentions must be listed on the certificate of insurance required herein and are subject to the reasonable approval of the Town.

15. Operator shall require any of its subcontractors to carry the types of coverage and in the minimum amounts in accordance with the requirements this section. Operator agrees that it shall be responsible for any damage or loss suffered by the Town as a result of non-compliance by Operator or any subcontractor with these requirements.

16. If Operator's coverage lapses, is cancelled or otherwise not in force, the Town reserves the right to obtain insurance required herein and charge all costs and associated expenses to Operator, which shall become due and payable immediately.

**C. Financial Assurance.** A surety bond or other financial assurance deemed acceptable by the Town is required from the Operator to ensure performance of all obligations of the Operator in compliance with all rules, regulations, and laws imposed by the Town, including the obligation to properly plug, abandon and reclaim all wells, well sites and pipelines. Upon the commencement of any work on the oil and gas operation, the Operator shall procure and deposit with the Town a surety bond issued by an insurer authorized by the state of Colorado and carrying a financial strength rating from A. M. Best of no less than A- VII. The amount of financial assurance required is \$100,000 for an oil and gas location, but if the location includes more than one well, the assurance must include \$100,000 for each additional well. The applicable bond amount shall be released when all oil and gas wells subject to the Application approval have been plugged and abandoned, and the site reclaimed, as determined by the Town.



## **§ 30-11-108: Inspections, enforcement, and fines**

**A. Operator Inspections.** Operators are required to inspect their oil and gas facilities to ensure compliance with all federal, state, county, and Town rules.

1. *Applicability.* This section applies to Operators of pre-existing oil and gas operations on property previously annexed by the Town or annexed subsequent to the effective date of this section, and to Operators who have obtained a Use by Special Review permit after the effective date of this section.

2. *Operator Inspections.* All Operators must inspect all oil and gas facilities, including shut-in and temporarily abandoned facilities, and all oil and gas operations as follows:

- a. Conduct soil sampling for contamination within the boundaries of oil and gas facility pads and along pipeline routes annually;
- b. Use equipment-assisted inspection for emissions or releases, including use of best available technology (such as infrared cameras), at least every 90 days; and
- c. Conduct visual inspections for liquid leaks within the boundaries of oil and gas facility pads and along pipeline routes at least every 90 days.

3. *Inspection Reporting.* Operators will report the date, methodology, subject, and results of all inspections to the Town no later than the last day of each month.

4. *Spills, Leaks and Releases.* Spills, leaks, and releases of any substance other than fresh water, including spills of produced water, oil, condensate, natural gas liquids, all spills outside of secondary containment, gas leaks, other fugitive emissions, and exploration and production waste, shall be reported to the Town immediately upon discovery and no later than 8 hours thereafter. When leaks, spills, or releases are discovered by Town, Operator, or any other type of inspection, the enforcement mechanisms and penalty provisions in this section applies.

5. *Reporting.* For spills or other releases meeting the Colorado reporting requirements pursuant to Section 25-8-601(2), C.R.S. or ECMC Rule 912, or any successor statute or rule, Operators will adhere to all state reporting requirements.

6. *Clean-up.* Any leak, release, or spill shall be stopped and cleaned up according to applicable Town, county, state and federal laws, including Colorado Water Quality Control Commission regulations, the Colorado Oil and Gas Act, the federal Clean Air Act, and the federal Clean Water Act. Operators will notify the Town immediately upon completion of clean-up activities.

7. *Root Cause Analysis.* A root cause analysis of any spill, leak, or release of any substance other than fresh water that resulted in bodily injury or fatality, serious environmental harm, was a Grade 1 gas leak as defined by the ECMC, or is

otherwise requested by the Town shall be submitted to the Town within 30 days of the leak, spill, or release.

**B. Town Inspections.** To monitor compliance with permit conditions or if the Town determines at any time that there is a violation of the provisions of this section, the Town may inspect oil and gas facilities and commence enforcement if necessary to ensure compliance with the provisions of this section.

1. *Right to Enter.* Any oil and gas facility may be inspected by the Town, or the Town's designee, at any time to ensure compliance with the requirements of Town permits or the provisions of this section. Unless urgent circumstances exist, the Town will use best efforts to ensure that 1 hour of prior notice is given to the Operator's contact person at the telephone number on file. Town inspections will be coordinated with the Operator to ensure Operator presence onsite to the extent possible and to ensure the site visit is conducted in accordance with all applicable operator safety requirements. Inspections in response to odor complaints will occur as soon as feasible upon receipt of the complaint.

2. *Records.* Operators will disclose any and all information regarding operations or activities of the oil and gas operation to the Town. This includes, but is not necessarily limited to, daily drilling logs, air quality monitoring data, noise monitoring data or logs, water analysis reports, environmental assessments, daily activity logs or reports, and records or reports required by the CDPHE, the ECMC, the Colorado Public Utilities Commission, the Occupational Safety and Health Administration, and the Pipeline and Hazardous Materials Safety Administration. Operators shall submit all reports required by this rule to the Town electronically.

3. *Inspection fees.* The Town may require the Operator to pay reasonable inspection fees for inspections conducted by the Town or a third party approved by the Town as detailed in a Development Agreement.

**C. Violations.** Violations of any condition of approval or any provisions of this section may be subject fines, penalties, and other corrective actions.

1. *Process initiation.* If the Town Administrator has reasonable cause to believe that a violation has occurred, the Town Administrator will issue a notice of violation to the Operator. Each violation of an individual condition or Code provision will be considered a separate infraction. Each day a violation occurred will be considered a separate infraction. The Notice of Violation shall include:
  - a. Provisions of this Code or conditions imposed on a permit that were violated;
  - b. A short and plain statement of the facts alleged to constitute each violation;

c. A statement of the fines the Operator will be subject to as specified in this section; and

d. A demand that the violation that the violation be remedied and fines paid.

2. *Operator Response.* The Operator will have the time specified by the Town Administrator in the notice to respond to the notice of violation, unless an extension is requested in writing and granted by the Town Administrator. The response must address each violation, including the cause of the violation and any corrective actions taken, and identify any other relevant facts.

3. *Assessment of Penalty.* Based on the Operator's response, if any is provided, and any other competent evidence, the Town Administrator will determine if a violation has occurred and, if so, the appropriate penalty to assess. Any fine imposed after consideration of the response will be measured with respect to the first date of discovery of the violation or the date the violation first occurred and continues until the violation has been remedied to the satisfaction of the Town Administrator.

4. *Penalty Calculation.* The Town Administrator may assess a civil penalty up to \$15,000 per violation per day, depending on the nature and severity of the violation, statutory authority, and application of the additional factors listed below.

a. To evaluate the severity of the violation, the Town Administrator will consider the following:

- i. Degree of threatened or actual impact to public health, safety, welfare, the environment or wildlife;
- ii. Existence, size, and proximity of potentially impacted livestock, wildlife, fish, soil, crops, water, and all other environmental resources;
- iii. Degree of threatened or actual damage to agricultural lands, public lands, private property, freshwater sources, public drinking water, natural resources, environmental features, or wildlife;
- iv. The size of any leak, release, or spill;
- v. Whether the violation resulted in a significant waste of oil and gas resources;
- vi. The toxicity of a leak, release, or spill;
- vii. Whether the violation led to death or injury of persons or wildlife; and
- vii. The duration of the violation.

b. In addition to considering the severity of the violation, the Town Administrator will consider the following:

- i. Whether the same or similar violations have occurred at the location;
- ii. Whether other violations have occurred at the location in the previous 24 months;
- iii. The Operator's history of violations of any applicable rules, of similar or different types, at the location or others;
- iv. The timeliness and adequacy of the Operator's corrective actions;
- v. The degree the violation was outside of the Operator's reasonable control and responsibility;
- vi. Whether the Operator acted with gross negligence, or knowing and willful misconduct;
- vii. Whether the Operator self-reported; and
- viii. Whether the Operator was cooperative with all agencies and jurisdictions involved in working to mitigate the impacts of the violation.

c. The Town may impose a penalty for violations of its Code and / or Conditions of Approval. The Town may impose its own penalty if the ECMC finds a violation of a similar requirement in its rules and imposes its own penalty; however, the Town Administrator shall consider the amount of the penalty imposed by the ECMC for its similar violation when calculating the Town's penalty.

5. *Suit to Enjoin ECMC Rule Violation.* If the Town discovers a violation or threatened violation of Title 34, Article 60 of the Colorado Revised Statutes or any rule, regulation, or order made under that Article, the Town will notify the ECMC in writing. If the ECMC fails to file a Notice of Alleged Violation against the Operator in a timely manner, the Town Attorney may file an action on behalf of the Town seeking injunctive relief.
6. *Other Penalties.* In addition to or in lieu of civil fines, the Town may exercise remedies for Operator violations including the following:
  - a. Increased Operator or Town inspection frequency at the Operator's expense;
  - b. Mandatory equipment upgrades;
  - c. A requirement to conduct an audit of the systems or equipment involved in the violation(s); and / or
  - d. A requirement for increased reporting to the Town.

7. **Written Order Suspending the Approval.** As a result of either (i) emergency conditions, or (ii) 3 or more fines imposed for violations within 12 months, the Town may issue a written order to the Operator. Upon receipt, the Operator shall cease all activities and operations immediately until the violation is remedied or appeal the order suspending approval to the Board of Trustees within 14 days.

8. **Other Enforcement Remedies.** In addition to the foregoing enforcement measures, the Town has the right to any and all other enforcement measures and remedies provided by law, including but not limited to injunctive or other relief through the courts to enforce any conditions of the Development Agreement or to stop or abate any oil and gas operations occurring or about to occur without the requisite special use, required permits, or other Town approvals. Nothing in this section shall limit the remedies available to the Town for a violation of this section.

### **§ 30-11-109: Seismic Operations**

A. An Operator seeking to conduct any seismic operations within the Town must obtain a Seismic Operations Permit. As part of the Town's Seismic Operations Permit, the Operator shall submit an application fee and development review deposit as specified in the Town's Fee Schedule. Additionally, the Operator shall submit the following information to the Town as part of the Seismic Operations Permit:

1. A timeline for the seismic operation;
2. A map of any existing mines underlying the project area, and within 1-kilometer (3,280 feet) of the seismic operation boundary;
3. A map of any water sources within 1-kilometer (3,280 feet) of the seismic operation boundary;
4. A map of any occupied buildings and / or dwelling units within 1-kilometer (3,280 feet) of the seismic operation;
5. A list of equipment to be used during the seismic operation;
6. Plans to monitor and control the seismic operation to prevent any damage to any infrastructure;
7. A public notification plan for buildings along any vibration truck routes;
8. An assessment by a certified engineer demonstrating the roads to be used in the project are able to endure the vibrations generated by the seismic operation;
9. Proof of adequate insurance for any potential damage caused by the seismic operation;
10. Copies of written permission from any landowner whose land will be utilized for the seismic operation;
11. The company or companies responsible for performing the seismic operation and contact information of those companies;
12. A traffic control plan; and
13. Any other information the Town deems reasonable and necessary to protect public health, safety, welfare, the environment and wildlife.

- B. The Town will approve, deny, or place conditions of approval on Seismic Operations Permit in accordance with the criteria outlined in Section 30-11-101.B.
- C. The Operator shall notify building occupants and property owners as outlined in its Seismic Operations Permit within thirty (30) days after approval of the Permit or within fourteen (14) days of conducting the operation, whichever is closer to the Seismic Operation.

### **§ 30-11-110: Judicial Review**

- A. Decisions by the Board of Trustees shall be subject to judicial review as applicable pursuant to C.R.C.P. 106(a)(4).

## **MODIFICATIONS TO EXISTING TOWN ORDINANCES**

### **Section 30-2-118**

#### **D. *Applicability.***

- 1. The lighting standards of this Chapter shall be applicable to all exterior lighting within the Town. All exterior lighting installed after the effective date of this ordinance codified herein shall conform to the standards established by this Chapter. All exterior lighting for oil and gas operations installed after March 26, 2024 shall conform to the standards established by this Chapter.

### **Section 30-3-106.B.**

#### **B. *Use by Special Review process.***

- 4. *Use by Special Review application submittal.* The applicant shall submit the complete application package to the Town and shall request that the application be reviewed by the Planning Commission and Board.  
Items a – g remain unchanged.  
h. For an oil and gas operations application, the applicant shall follow the application requirements of Section 30-11-101 et seq.

### **Section 30-3-106.C.**

*Use by Special Review criteria.* The Town may approve a conditional use application if it finds that each of the following criteria are satisfied:

Items 1 – 7 remain unchanged

- 8. For an oil and gas operation application, the conditional use will not adversely impact the health, safety and welfare of the Town's residents in their workplaces, their homes, their schools, and public places in order to protect the public's health, safety, and welfare, and to safeguard the environment and wildlife resources.



**TOWN OF BERTHOUD, COLORADO**

**NOTICE OF PUBLIC HEARING**

Amendments to the Berthoud Development Code

PUBLIC NOTICE IS HEREBY GIVEN of a public hearing before the Town Board on Tuesday, March 26, 2024 at 6:30 pm to consider amendments to Chapter 30, Section 11 of the Berthoud Municipal Code, specifically the Oil and Gas regulations of the Land Development Code. The public hearings will be held at Town Hall 807 Mountain Avenue Berthoud 80513.

Given and Posted on this 7<sup>th</sup> day of March, 2024.



## **MEMORANDUM**

TO: Mayor Karspeck, Mayor Pro-Tem Grace, Trustees Albrecht, Ayers, Hardy, Kurtz, and Murphy

C.C.: Town Administrator Kirk and Town Attorney Smith

FROM: Michael Foote, outside oil and gas counsel

RE: Summary of stakeholder feedback

DATE: March 6, 2024

This memorandum includes a brief summary of comments and revisions proposed by the American Petroleum Institute - Colorado (API) to the January 2024 draft of the Berthoud oil and gas ordinance revisions. API's entire February 22, 2024 letter is attached.

API suggested revisions in the following subject matter areas:

- Definitions of Best Management Practices, Child Care Center, Completions, Cumulative Impacts, Oil and Gas Location, Oil and Gas Operation, and Venting;
- Location restrictions;
- Air quality monitoring and air quality reduction measures;
- Chemical disclosure;
- Emergency response;
- Pipelines;
- Leak detection and repair; and
- Noise reduction.

Outside Counsel and Town staff have considered the API feedback in the context of previous Board discussions and direction during this ordinance revision process, and made several changes to the draft as a result. In particular, the newest draft reflects the following amendments:

- (1) The definitions of Best Management Practices, Completions, Oil and Gas Location, and Venting were adjusted to reflect API feedback. The API letter did not suggest specific language changes to the definition of cumulative impacts, but a revision was made to account for jurisdictional concerns raised by the API letter. The definition of Oil and Gas Operations was revised to account for API concerns but not with the same language suggested by API. The definition of Child Care Center was not amended.
- (2) Related to air quality monitoring and emissions reduction measures, clarifications were made to provisions related to baseline monitoring, green completions, operations electrification, and air quality monitor placement requirements. Revisions were made to venting and flaring rules, air quality action advisory day requirements, and specific emissions control requirements.

- (3) One clarification was amended into the emergency response section as requested by API.
- (4) The language related to pipelines was considerably revised. Given the federal, state, and local jurisdictional issues related to pipelines raised in the API letter and otherwise known by Outside Counsel, the current draft reflects Town Use by Special Review consideration of only flowline and crude oil transfer line locations. Gathering line locations will not be considered by the Town during the Use by Special Review process. All as-built pipeline locations will still need to be disclosed to the Town subject to protective measures created by Staff.
- (5) Some leak detection and repair provisions were clarified by amendment at API's request.



American Petroleum Institute  
Colorado

Alejandra Major  
Associate Director  
API Colorado  
202-682-8020  
majora@api.org

February 22, 2024

Board of Trustees  
Town of Berthoud  
807 Mountain Avenue  
P.O. Box 1229  
Berthoud, CO 80513

Submitted via: CKirk@berthoud.org

Dear Board of Trustees,

The American Petroleum Institute Colorado (API Colorado) appreciates this opportunity to comment on the Town of Berthoud's (the Town) draft regulations addressing oil and gas development. The American Petroleum Institute (API) represents all segments of America's oil and natural gas industry. API was formed in 1919 as a standards-setting organization and has developed more than 800 standards to enhance operational and environmental safety, efficiency and sustainability. Its nearly 600 members produce, process, and distribute most of the nation's energy.

These comments address the proposed regulations item-by-item. However, we have overarching comments regarding this process. Primarily, our concern with the Town's development of these amendments. We note that at the time of submitting these comments, stakeholders have yet to see a complete draft of the proposed regulations. The most recent draft, released in January, still lacks important definitions, and, during their January 9, 2024 meeting, Trustees directed several changes. We feel that without robust stakeholder feedback and subsequent iterations, this process has not been conducive to a careful, complete, and thorough review of highly technical materials.

Colorado continues to boast some of the most robust regulations in the oil and natural gas industry. Following the passage of Senate Bill 19-181, the Colorado Energy and Carbon Management Commission (ECMC), and multiple other state agencies, continue to undertake a myriad of rulemakings to protect public health, safety, welfare, the environment and wildlife resources. We note many of the recommendations set forth by the Town remain duplicative of regulations at the state level. API Colorado encourages alignment with ECMC rules, including consistent definitions, standards, and practices. The ECMC's process provides multiple opportunities for local governments to collaborate with the ECMC, and we encourage the Town to participate in those opportunities.

API Colorado notes that while Senate Bill 19-181 granted local governments substantial authority to regulate surface impacts of oil and gas operations, the Act also imposed a significant qualifier. Regulation, whether adopted at the local or state level, must be reasonable and necessary. As the courts have stated, for an action to be reasonably necessary it must be absolutely needed. *See Mook. v. Board of County Commissioners of Summit County*, 457 P.3d 579 (2020). Just as important, actions must be supported by substantial evidence. The evidence to support an agency's decision must be probative and there must be enough evidence to support a decision. However, many of the Town's proposed regulations differ materially from ECMC, the Colorado Department of Health and Environment (CDPHE),



and federal requirements, calling into question the utility of the proposed regulations. For these reasons, API Colorado suggests the following revisions.

**§ 30-11-101: Purpose, authorities, and application to existing facilities**

*a. Intent.* While the Town states the adoption of these regulations are necessary and reasonable, we note there is no basis for this claim.

**§30-11-102: Definitions**

To align with the ECMC, API Colorado proposes the following language change for greater clarity or to address typographical errors:

Best Management Practices (“BMPs”) ~~means~~ are practices that are designed to prevent or reduce impacts caused by oil and gas ~~facilities or~~ operations to air, water, soil, or biological resources, and to ~~avoid or~~ minimize adverse impacts to public health, safety and welfare, including the environment and wildlife resources.

Child care center means a child care center as defined in § 26-6-903(5), C.R.S. ~~that is in operation at the time of the pre-application notice pursuant to ECMC Rule 305.a.(4).~~ A child care center will include any associated outdoor play areas adjacent to or directly accessible from the center and is fenced or has natural barriers, such as hedges or stationary walls, at least four (4) feet high demarcating its boundary.

Oil and gas location means a definable area where an Operator has disturbed or intends to disturb the land surface to locate an oil and gas facility, ~~including but not limited to well sites, production facilities, production sites, treatment facilities, access roads, well pads, tank batteries, pits, flowlines, and gathering lines.~~

Root ~~cause~~ analysis means an analysis of the prime reasons, such as failures of management systems, faulty design, inadequate training, negligence, or improper changes, which led to an unsafe act or condition, and resulted in an incident. If root causes were removed, the particular incident would not have occurred.

In addition to requesting alignment with the ECMC, API Colorado seeks the consideration of other applicable factors. We request removing the term “workover” from the definition of completion since workovers are not a type of completion, but rather part of maintenance work.

Completions or completion phase means the period of hydraulic fracturing, coiling, ~~workover re-~~ fracturing, installation of tubing and flowback of one or more wells.

We also note the proposed definition of cumulative impacts does not account for the current efforts to address cumulative impacts at the ECMC nor does it acknowledge the direction given for addressable impacts in the HB23-1294 signing statement from Governor Polis on June 6, 2023. What the Town ultimately adopts could conflict with the state following the ECMC’s decision.

Cumulative impacts means the impact on public health, safety, welfare, the environment, and wildlife resources which results from the incremental impact of the proposed oil and gas facility



when added to other past, present, and reasonably foreseeable future actions regardless of what person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

API Colorado notes that any construction, site preparation, maintenance, repair, or reclamation activities associated with such operations may happen outside the Town. As written, Berthoud seeks to extend its jurisdiction beyond town boundaries by including sites associated with certain operations. This definition also includes gathering lines, which the Town has no jurisdiction over.

Oil and gas operations means exploration for oil and gas, including **conducting** seismic operations and the drilling of test bores; the siting, drilling, **redrilling**, deepening, **completion**, recompletion, reworking, **fracturing, refracturing, temporary abandonment, shutting-in,** or abandonment of an **oil and gas well or gas storage well**; production operations related to any such well including the installation of flowlines **and gathering lines**; the generation, transportation, storage and treatment **of oil and gas, and or disposing** exploration and production wastes; any construction, site preparation, maintenance, repair, or reclamation activities associated with such operations; **and any oil and gas facility, oil and gas well site or location, production site or other facility, site or location upon or within which any of the foregoing are conducted, operated, installed, constructed, generated, treated or located.**

While the Town has yet to establish a definition for pipelines, API Colorado would like to remind Trustees that local governments do not have jurisdiction over subsurface matters. The Public Utilities Commission (PUC) regulates gathering lines and intrastate pipelines. The Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates interstate pipelines. These authorities cannot be delegated to the Town.

Pipelines: ~~off location flowlines or crude oil transfer lines as defined by the ECMC. [all types of pipelines ?]~~ means a flowline, crude oil transfer line or gathering line as defined in ECMC Rules.

The current definition of venting is broad. We recommend the Town utilize the definition provided by the ECMC. As written, the Town's definition may prohibit sources that are designed to emit for safety purposes.

Venting means allowing natural gas to escape into the atmosphere, **but does not include:**

- a. The emission of gas from devices, such as pneumatic devices and pneumatic pumps, that are designed to emit as part of normal operations if such emissions are not prohibited by AQCC Regulation No. 7, as incorporated by reference in Rule 901.b;
- b. Unintentional leaks that are not the result of inadequate equipment design; and
- c. Natural gas escaping from, or downstream of, a Tank unless: 1) there is no separation occurring at equipment upstream of the Tank; 2) the separation equipment is not sufficiently sized to capture the entrained gas; or 3) the natural gas is sent to the Tank during circumstances when the gas cannot be sent to the Gathering Line or the combustion equipment used to Flare the gas is not operating.





**§ 30-11-103: Location restrictions for new facilities**

C. Requiring oil and gas operations be located 2,000 feet from a parcel line with occupiable buildings, including workplaces in agricultural and industrial zoning districts, may eliminate many potential locations from consideration. We ask that the Town reconsider these requirements to allow operators to most effectively identify sites that minimize impact on public health and the environment.

*E. 1. and 3.* The Town notes that gathering lines shall be located a minimum of 150 feet from specific buildings. We note, however, that jurisdiction of gathering lines solely resides with the PUC. Additionally, while this section addresses flowlines and gathering lines off-site from oil and gas facilities, it utilizes setback measurements from the boundary of an oil and gas facility.

**§30-11-105: New oil and gas operation applications and Use by Special Review permit**

*E.1. Air Quality.* API Colorado emphasizes that the Air Quality Control Commission (AQCC), within the CDPHE, has adopted air quality regulations that are among the most stringent in the nation and are frequently updated, often on an annual basis. In many respects, what the Town is proposing is materially different from the state's air quality regulations, effectively creating a second, and different regulatory regime that will complicate and potentially confuse both operators and staff. The state rules on monitoring are detailed, specific, clear, and comprehensive. Operators now have experience implementing the state rules and the Town has provided no explanation for why a substitute needs to be developed to meet its requirements nor has it addressed if it has the expertise and resources to manage its own air quality regulatory program.

*E.1.a.* This provision requests a third-party consultant to conduct baseline and continuous air sampling and monitoring at the operator's cost. API Colorado seeks clarification on the amount of time baseline monitoring is to be conducted.

*E.1.b.* We note that ECMC Rule 903c.(1). referred to in the draft provision does not refer to well workovers and the proposed amendment does. API Colorado seeks to clarify if the Town meant re-fracturing since the term is not applicable to workovers.

*E.1.c. Venting and flaring.* The Town proposes limiting venting and flaring with exceptions during emergencies or upset conditions. API Colorado notes venting may still be needed to repair leaks or conduct maintenance. For this reason, we request that the Town include this as a consideration.

*E.1.d. Electrification.* The Town proposes electrifying sites with an exception when it is technically infeasible. We ask that "technically infeasible" be defined and include instances when power cannot be provided, provided within a certain time period, or instances when operators have received no confirmation from a utility.

*E.1.e. Air Quality Action Advisory Days.* The Town proposes to subject operators to timing restrictions on Air Quality Action Advisory Days. We question the feasibility of this, particularly as it relates to the safety of operators. Shutting down drilling on high ozone days could introduce serious risk to well control. As such, we recommend the following language:



Air Quality Action Advisory Days. Facilities may be subject to timing restrictions to reduce emissions on Air Quality Action Advisory Days as designated by the CDPHE in the Denver Metro / North Front Range Ozone Non-Attainment Area. Operators shall include provisions in Air Quality Plans to avoid operations during Air Quality Action Advisory Days, or, if technically infeasible **or will create a safety concern**, incorporate the following measures to minimize pollution on those days.

*E.1.f.(1)* As part of the Air Quality Protection Plan, the Town requests modeling conducted by a third-party consultant. However, the Town does not specify the modeling requirements. We seek clarification on this point.

*E.1.f.(2)* The Town proposes asking operators to submit an air quality plan that mirrors requirements in place by the Air Pollution Control Division (APCD). The Town's duplicative request does not meet the requirements under Senate Bill 19-181 of being both necessary and reasonable. If the Town anticipates requesting information that is different from the state's requirements, we ask that the Town explicitly list those requirements in its proposed regulations. API believes the state's monitoring requirements are state-of-the-art and recommends reliance on those plans.

*E.1.f.(2)a.-f.* API Colorado seeks clarification as to whether the Town seeks monitors at each occupied dwelling at 3,280 feet or at one dwelling at that distance. We also seek to understand if the Town will have the capacity to attribute the chemical at issue to an oil and gas location. If the Town is unable to do so, it would be unfair to attribute the monitored result to the oil and gas location. Ozone is well mixed in the atmosphere, and it is extremely unlikely a monitor could detect a single or even a collection of sources responsible for an exceedance at any one point. API Colorado also requests the Town consider a lower monitoring period for low emission designed facilities.

*E.1.f.(2)h.* Additionally, as the state considers cumulative impacts in oil and gas operations, we ask the Town to defer to the analysis and direction of the ECMC in order to provide operators with clarity. API Colorado also seeks the basis behind the Town's request that cumulative impacts be considered within a ten-mile radius of a facility.

*E.1.f.(2)i.IX.* API notes that in some cases, the Environmental Protection Agency (EPA) and APCD have established more specific, and often more stringent requirements for emissions controls from devices identified in this section. It would be simpler, clearer, and less confusing if the Town simply required compliance with the EPA New Source Performance Standards (NSPS) OOOOb rules. This would provide greater air quality protection than the controls proposed in this section.



*E.2. Chemical and Hazardous Materials Use, Disclosure, and Handling.*

In the Town's request that operators list chemicals included in hydraulic fracturing fluid, it prohibits those chemicals that are orally toxic. We note that even water, in large amounts, can be orally toxic. The Town must be more specific in defining prohibited chemicals so that operators are on notice as to what is permitted and what is not. Senate Bill 19-181 limited local government regulation to land use issues and reserved authority over downhole operations to the ECMC. Should the Town seek to further information on the chemicals in fracturing fluid, it may access those through public sites such as Frac Focus or the state database that will soon be created. API Colorado also emphasizes that the ECMC has specialized experience and expertise to manage and oversee downhole activities, including the use of chemicals. There is no evidence in the record that Berthoud has or is planning to gain such experience and expertise and lacks a reasonable basis for this proposed regulation.

*E.3. Emergency Response.*

*E.3.e.* This provision requests that the Applicant will notify the Town and any other applicable governing bodies of emergencies as soon as practicable. API Colorado requests that the language specify the Town staff member who operators should contact.

*E.5. Flow lines, Transfer Lines, Gathering Lines, and other pipelines.*

The Town requests that records be submitted to PHMSA or the PUC. However, we note this creates a security issue as certain pipeline information is considered to be confidential and sensitive information. Requesting this information also falls outside the jurisdiction of local governments as it is not applicable to siting and surface impacts. The Town is requesting highly sensitive information such as mapping at a 1:200 scale, GPS coordinates, size, operating pressure, material, which may jeopardize the safe operation of pipelines. This information could be used by bad actors to cause significant public health and environmental risk. As such, the Town should establish measures to limit access to these details. API Colorado reiterates that the Town lacks jurisdiction over subsurface impacts and authority over gathering lines expressly sits with the PUC. We also note that the Town is requesting operators submit planned measures to minimize land disturbance and impacts to vegetation. A similar, but more detailed measure, is already required by the ECMC. We recommend the Town instead incorporate those regulations.

*E.9. Leak Detection and Repair.*

Many of our comments respecting air quality monitoring apply equally to the Town's proposal for leak detection and repair. The state has a nation-leading program for leak detection and repair. While the Town aims to set leak detection and repair inspections requirements, API Colorado notes that the EPA, in its OOOOb regulations, and APCD specify detailed leak detection and repair (LDAR) requirements by type of equipment. Those regulations are detailed and specific and provide clear direction to operators and agencies. The Town's proposal lacks specificity and clarity. API Colorado strongly urges Berthoud to incorporate state and federal requirements by reference.

*E.9.a.* Should the Town seek copies of all reports submitted to the APCD, including monthly downtime reports and semi-annual control equipment status reports for production facilities, we recommend this language be included with the air quality provisions rather than leak detection and repair.



*E.9.b.* The Town requests that operators immediately notify the Town of any leaks. API Colorado asks for a specified timeframe in order to help operators comply in a clear manner with this request.

*E.9.c.-e.* We also note a leak may be on a component such as a wellhead where ceasing operations may not stop the leak. We ask that the language be updated to reflect that. Furthermore, the Town proposes requiring leak repairs within 48 hours of detection. We note that this provision is at odds with both state and federal regulations on leak repair. The Town's proposal fails to distinguish among various types of leaks and imposes a repair timeline that is far more stringent than state and federal requirements without any basis in the record of which API Colorado is aware. Similarly, there are numerous instances where it is impossible to repair every leak, no matter how small, in 48 hours. While many leaks can be repaired by the technician who conducts the LDAR survey, at times an expert is needed to perform the repair. Other times, the equipment may not be readily available and must be ordered. It is not reasonable to require an operator to shut down a facility when a leak does not endanger the public yet a specific piece of equipment must be ordered. Such a requirement is unworkable and operators in Colorado have established a strong record of detecting and repairing leaks. The Town's proposal is unnecessary and unreasonable. Here again, both the state and the EPA have detailed regulatory requirements for LDAR surveys, including timeframes for repairs. It is unclear why the Town has developed its own, parallel but different proposal.

*E.11. Noise and Vibrations.*

The Town proposes limiting stimulation activities to daylight hours, which will extend the length of such operations by a factor of two or more. Prolonging this period may be counter to public interest. It is also unclear where the noise monitoring device should be installed, or whether the Town believes a monitoring device must be placed at each occupied dwelling.

API Colorado once again appreciates the opportunity to submit these comments and looks forward to addressing the issues in a collaborative and thoughtful manner. We understand the Town's desire to protect public health and the environment and we share in those goals. Thank you.

Sincerely,

A handwritten signature in cursive script that reads 'Alejandra Major'.

Alejandra Major  
Associate Director  
majora@api.org