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SECTION 3

PARCEL B

3.1 INTRODUCTION

Parcel B is approximately 883 acres in size and includes the east portion of Parcel D of the Millennium Addition, northwest region of the Millennium Addition, the Twin Peaks Addition, the Range View Addition, the Myers Group Partnership #949 Addition, portions of the Savanna Addition, portions of the McWhinney Addition and the West Parcel and Cloverleaf East Parcel of the Grange Addition.

Parcel B is generally located east and south of the Houts Reservoir and Equalizer Lake, south of Crossroads Boulevard, west of I-25 and north of US 34, with one Subparcel located south of US 34. Refer to Map 1 and Map 5 in Section 11 for the location of Parcel B.

3.2 LAND USE INFORMATION

3.2.1 Existing Land Uses

The historical uses within Parcel B were primarily agricultural activities. There are currently two existing office buildings in Parcel B-4, one office building in Parcel B-1, a mixed used building in Parcel B-6, a regional hospital in Parcel B-11, several buildings in Parcel B-12, a dog track on Parcel B-14 and a parking lot on a portion of Parcel B-7. The existing agricultural uses shall be allowed to continue as legal non-conforming uses within Parcel B until development occurs.

3.2.2 Proposed Land Uses

The land use categories for Parcel B include: Institutional / Civic / Public Uses, Light Commercial Uses, Heavy Commercial Uses, Light Industrial Uses, Heavy Industrial Uses (a maximum of 9,608,000 sf gross square feet of commercial / industrial uses), Business Park Uses and Parks and Open Space Uses, Mixed Use Village Center, Residential Uses (not in an MUN) allowed in Parcels B-1, B-4 and B-14, and Residential MUN uses also allowed in Parcel B-13. The number of Dwelling Units permitted within all of Parcel B is 3,357.

Refer to Section 1.3 for a list of the specific uses within each land use category, and the Land Use Legend on Map 5 in Section 11 for the identification of each land use category as either a Use-by-Right or a Special Review Use. Section 12 contains the review processes applicable to such uses.

3.2.3 Airport Influence Area

Any Special Conditions applicable to development in Parcel B because of its proximity to the Airport are included in the Special Conditions attached as Appendix 3-1 attached to this Section 3.

3.3 CIRCULATION

3.3.1 Site Access

Subject to City approval of specific Development Projects, primary access to the Subparcels of Parcel B will be from Rocky Mountain Avenue, Crossroads Boulevard, McWhinney Boulevard, Kendall Parkway and from US 34.

3.3.2 Internal Circulation

An integrated network and hierarchy of transportation ways will be provided for automobiles, pedestrians, bicyclists, and public transportation.
Refer to Section 7 for detailed information on access, circulation, and parking.

The Conceptual Amenity Map (Map 2 in Section 11) illustrates a proposed, conceptual trail system. Although not all buffer/ open space areas have trails shown on this map, they will be allowed if determined appropriate in the applicable ESAR.

Details on any proposed trail system shall be provided with applications for Preliminary Plats and /or Final Plat review or applications for a building permit.

3.3.3 Standards

All streets shall comply with LCUASS as described in Section 7 and General Condition No. 21.

3.4 PUBLIC AND PRIVATE UTILITIES

The following subsections indicate the utility providers currently available to serve Parcel B. The provision of services by other utility providers will be determined at the time of development.

3.4.1 Water and Sewer

The City will provide water and sewer service. A water line has been located along Boyd Lake Avenue and extended along the north property line to the Union Pacific Railroad, then to the water line in Rocky Mountain Avenue to serve Parcel B. In addition, a waterline has been extended east from Rocky Mountain Avenue along the Union Pacific Railroad to serve Parcel B. A sewer main has been located along Rocky Mountain Avenue to serve this property.

A water line is to be extended from Boyd Lake Avenue east along the south side of US 34 to serve Parcel B-13. This water line will be looped into the water line in Rocky Mountain Avenue. Sanitary sewer service will be facilitated by new a lift station and force mains from the lift station to the gravity sewer in Boyd Lake Avenue.

Details of services will be worked out at time of preliminary and/or final development plan, or at the time of application for a building permit.

3.4.2 Storm Drainage

Detention shall either be provided on-site or within the Houts Reservoir / Equalizer Lake system in accordance with the City's storm drainage master plan. On-site water quality treatment will be encouraged prior to on-site drainage entering Houts Reservoir or Equalizer Lake in designated Environmentally Sensitive Areas.

3.4.3 Electric

The City's Water and Power Department will provide electricity. A 600 amp overhead feeder is located along Rocky Mountain Avenue.

3.4.4 Natural Gas

It is presently anticipated that Xcel Energy Company will provide natural gas.

3.4.5 Telephone

It is presently anticipated that Qwest Communications will provide telephone and telecommunications services.

3.4.6 Irrigation Ditches

The existing Greeley and Loveland Irrigation Canal will remain in place. If any realignment or physical change is proposed to the ditch, or any improvement is proposed to any portion of this irrigation ditch, The Greeley and Loveland Irrigation Company will be contacted for approval. A copy of a letter from the ditch company shall be submitted to the City prior to any approval, which directly impacts the ditch. Irrigation ditches may be used as a raw water

supply for irrigation of open space areas so long as all Municipal Code requirements are met. See Section 19.06.030 – Irrigation with raw water.

3.4.7 Railroads

The Great Western Railroad tracks are adjacent to the southern boundary of Parcel B-13 (see Map 5 in Section 11). In order to mitigate railroad noise and vibration, the Applicant shall provide a bufferyard between Buildings for residential occupancy on lots in Parcel B-13 and the edge of the railroad right-of-way in accordance with the requirements set forth in Section 15, Appendix A of the GDP. See also Special Condition No. 47 in Appendix 3-1.

3.5 NATURAL AREAS

Any Environmentally Sensitive Areas within Parcel B have been identified in an ESAR. The ESARs applicable to Parcel B are provided in Section 14 of the GDP.

The ESAR prepared by Cedar Creek Associates (dated January, 1999 and revised May, 1999) and a subsequent ESAR prepared by Ecological Resource consultants (dated July 18, 2003) recommended certain buffer areas on the east side of the Houts Reservoir and Equalizer Lake. All required buffers have been preserved by conveyance to the HPF, therefore, no additional buffers shall be required for the development of Parcels B-1, B-2 or B-4.

For Parcel B-3, please refer to the ESAR prepared by Ecological Resource Consultants dated June 8, 2004.

For Parcel B-6, please refer to the ESAR prepared by ESNR Corporation dated January, 2000.

For Parcels B-10 and B-11, please refer to the ESAR prepared by Cedar Creek Associates dated August 17, 2000 and the ESAR prepared by Wildland Consultants dated January, 2000.

For Parcel B-12, please refer to the ESAR prepared by Ecological Resource Consultants dated February 4, 2005.

For Parcel B-13, please refer to the ESAR prepared by FlyWater Consulting, Inc. dated October 11, 2007.

For Parcel B-14, please refer to the ESAR prepared by FlyWater Consulting, Inc. dated February 12, 2008.

3.6 LANDFORM MODIFICATION

Parcel B is relatively flat. Landform modification will occur in order to create visual interest and to provide screening as necessary, and/or to provide for proper management of drainage.

Refer to the Conceptual Utility/Grading Map, (Map 3 in Section 11), as well as Sections 6.11 and 6.17 for additional grading information and the anticipated amounts of cut and fill.

3.7 DEVELOPMENT CONDITIONS

Development within Parcel B shall be subject to the applicable General Conditions in Appendix 1-1 to Section 1 and the applicable Performance Standards in Sections 6 through 10.

Development within Parcel B shall also be subject to the applicable Special Conditions in Appendix 3-1 attached to this Section 3 and incorporated herein by this reference.

APPENDIX 3-1

SPECIAL CONDITIONS FOR PARCEL B

AIRPORT

Special Condition No.1 (Parcel B):

No structures located within those portions of Parcel B that are located within the Airport Influence Area as shown on Map 5 in Section 11 of the GDP shall extend into restricted air space as defined by FAA Regulation, Part 77, and the Applicant shall comply with all applicable notice requirements of such FAA Regulation.

Special Condition No. 2 (Parcel B-1):

Each Building constructed in Parcel B-1 for a Residential Use as defined in Section 1.3.2 of this GDP which is also located within the 55dB/65dB noise contour for the Airport, as shown on Map 10 in Section 11 of the GDP, shall be subject to the "Noise Attenuation Construction Performance Standards" attached hereto as Attachment No. 1, which ensures the compatibility of such Residential Uses with airport operations.

Special Condition No. 3 (Parcels B-1 through B-4, B-7, B-13 and B-14):

The owners of those portions of Parcels B-1 through B-4, Parcel B-7, Parcel B-13 and Parcel B-14 that are located within the boundaries of the Airport Influence Area as depicted on Map 5 in Section 11 of the GDP shall execute and deliver to the City for recording concurrently with the Final Plat for such property, an Avigation Easement in the form attached hereto as Attachment No. 2.

Special Condition No. 4 (Parcels B-1 through B-4, B-7, B-13 and B-14):

Those portions of Parcels B-1 through B-4, Parcel B-7, Parcel B-13 and Parcel B-14 that are located within the Airport Influence Area may experience noise from low-flying aircraft as a result of 24 hour per day aircraft operations, therefore, all subdivision plats for property that is located within Parcels B-1 through B-4, Parcel B-7, Parcel B-13 and Parcel B-14 which are also wholly or partially located within the boundaries of the Airport Influence Area as depicted on Map 5 in Section 11 of the GDP shall contain the following language: "All or a portion of the property being subdivided may be located within the Airport Influence Area of the Fort Collins-Loveland Municipal Airport. Such property may experience noise from low-flying aircraft as a result of 24 hour per day aircraft operations."

Special Condition No. 5 (Parcels B-1 through B-4, B-7, B-13 and B-14):

Except to the extent otherwise required by applicable Federal law, all new bodies of water within Parcels B-1 through B-4, Parcel B-7, Parcel B-13 and Parcel B-14 which are also located within the Airport Influence Area as depicted on Map 5 in Section 11 of the GDP and within a radius of 10,000 feet from the end of any runway of the Airport, shall be prohibited provided that: (1) they are larger than one-quarter acre in size; (2) they are installed after July 11, 2006; (3) they are designed to hold or retain water permanently or over extended periods of time; and (4) they are bird attractants. To the extent permitted by Federal law, this prohibition shall not apply to a relocation or expansion of any existing water body or to detention ponds that have outlet structures designed to prevent the permanent containment of water.

Special Condition No. 6 (Parcels B-1 through B-4, B-7, B-13 and B-14):

No exterior lighting, reflective material, smoke emissions or electronic emissions shall be permitted in within Parcel B-1 through B-4, Parcel B-7, Parcel B-13 and Parcel B-14 which are also located within the Airport Influence Area as depicted on Map 5 in Section 11 of the GDP which would materially lower pilots' visibility or cause material interference with the Airport's navigation and communication systems. For purposes of this condition, "reflective material" is defined as glazing with a reflectivity of 65% or greater.

Special Condition No. 7 (Parcels B-1 through B-4, B-7 and Parcel B-14):

Residential Uses are not permitted in those portions of Parcels B-1 through B-4, Parcel B-7 and Parcel B-14 of the GDP which are also located within the Airport's critical zone as depicted on Map 5 of Section 11 of the GDP ("Critical Zone"). In the event that the Critical Zone is reduced in area pursuant to an amendment of the Airport Master Plan, such new Critical Zone boundary shall be used to determine the applicability of this condition.

Special Condition No. 8 (Parcels B-1 through B-4, B-7, B-13 and B-14):

The Developer shall include the following disclosure statement in all of its contracts for the sale of any of the property located within Parcels B-1 through B-4, Parcel B-7, Parcel B-13 and Parcel B-14 of the GDP which is also within the Airport Influence Area as shown on Map 5 in Section 11 and further, shall include a provision in such sales contracts that the purchaser thereof shall include the following disclosure statement in all of its subsequent contracts for sale of such property: "The property subject to this contract may be located within the Airport Influence Area of the Fort Collins-Loveland Municipal Airport. Such property may experience noise from low-flying aircraft as a result of 24 hour per day aircraft operations." Each such contract subject to this Special Condition shall expressly provide that the disclosure provision survives closing and is enforceable at law or in equity by the City as a third party beneficiary of such contract.

Special Condition No. 9 (Parcels B-9, B-10 and B-11):

Parcels B-9, B-10 and B-11 are subject to that Avigation and Hazard Easement recorded in the Larimer County Records on May 10, 2004 at Reception No. 2004-0044058.

Special Condition No. 10 (Parcels B-9, B-10 and B-11):

Except to the extent otherwise required by applicable Federal law, all new bodies of water within Parcels B-9, B-10 and B-11 and within a radius of 10,000 feet from the end of any runway, shall be prohibited provided that: (1) they are larger than one-quarter acre in size; (2) they are installed after June 3, 2003; (3) they are designed to hold or retain water permanently or over extended periods of time; and (4) they are bird attractants. To the extent permitted by Federal law, this prohibition shall not apply to a relocation or expansion of any existing water body.

Special Condition No.11 (Parcels B-9, B-10 and B-11):

No exterior lighting, reflective material, smoke emissions or electronic emissions shall be permitted in Parcels B-9, B-10 and B-11 which would materially lower pilots' visibility or cause material inter-

ference with the Airport's navigation and communication systems.

Special Condition No. 12 (Parcels B-9, B-10, B-11 and B-14):

All helicopter activities conducted within Parcels B-9, B-10, B-11 or B-14 shall be coordinated with the management of the Airport and the FAA for development of procedures to ensure that such activities will not adversely affect Airport operations.

Special Condition No. 13 (Parcel B-12):

Each subdivision application for property within Parcel B-12 shall be reviewed by the manager of the Airport and comments sent to the City Planning Division prior to final approval.

Special Condition No. 14 (Parcel B-12):

Attached hereto as Attachment No. 3 is a depiction of Parcel B-12 referred to herein as the "Parcel B-12 Airport Depiction**",** which provides all of the following specific information:

a. The existing runway protection zone, Critical Zone, noise contours, flight pattern areas and the Airport Influence Area;

b. A Land Use table; and

c. An overlay of the FAA FAR 77, the approximate finished floor elevations for the contemplated structures within Parcel B-12 and the maximum building height for each structure based on the FAA FAR 77, to be used as a reference to determine maximum building heights per site with each subdivision application.

Special Condition No. 15 (Parcel B-12):

Uses allowed within Parcel B-12 shall include the Business Park Uses listed in Section 1.3.8 of the GDP.

No other uses shall be allowed within Parcel B-12 unless the Current Planning Manager approves a use which is:

(i) permitted in the I District – Developing Industrial District (currently Section 18.36 of the Municipal Code); and

(ii) is not a use denoted "I" on the Land Use table of the Parcel B-12 Airport Depiction; and

(iii) which he or she deems to be substantially similar in impact to the uses allowed within Parcel B-12 including, but not limited to, its compatibility with the Airport.

Every use within Parcel B-12 shall be consistent with the Land Use table and height restrictions shown on the Parcel B-12 Airport Depiction attached hereto as Attachment No. 3. Application of such Land Use table to uses within Parcel B-12 shall be in accordance with the Examples of Applications of Use Table attached hereto as Attachment No. 4.

Special Condition No. 16 (Parcel B-12):

Each subdivision plat within Parcel B-12 shall also contain the following language: "All or a portion of the property being subdivided may be located within the Fort Collins/Loveland Municipal Airport's influence zone, critical zone and/or the 65db noise curve and as a result, such property may be subjected to low flying aircraft which at times may exceed the 65db noise levels and further such property may have restrictions on uses and heights of structures."

Special Condition No. 17 (Parcel B-12):

Adequate profile information shall be submitted for each site plan within Parcel B-12 to verify that FAA Part 77 is not violated by any building, tower or any other man-made structures and trees.

Special Condition No. 18 (Parcel B-12):

Except to the extent otherwise required by applicable Federal law, new bodies of water within Parcel B-12 shall be prohibited within a radius of 10,000 feet from the end of any runway, provided that: (a) they are larger than one-quarter acre in size; (b) they are installed after July 20, 2004; (c) they are designed to hold or retain water permanently or over extended periods of time; and (d) in the reasonable determination of the manager of the Airport, they are bird attractants. To the extent permitted by Federal law, this prohibition shall not apply to a relocation or expansion of any existing water body.

Special Condition No. 19 (Parcel B-12):

No exterior lighting, reflective material, smoke emissions or electronic emissions shall be permitted within Parcel B-12 which would materially lower pilots' visibility or cause material interference with the Airport's navigation and communication systems, as reasonably determined by the manager of the Airport.

Special Condition No. 20 (Parcel B-12):

Parcel B-12 is subject to the Avigation Easement recorded in the Larimer County Records on August 17, 2004 at Reception No. 2004-0080755.

ENVIRONMENTAL

Special Condition No. 21 (Parcels B-13 and B-14):

The first application for a subdivision plat within Parcel B-13 and Parcel B-14 shall be accompanied by a Phase II Environmental Assessment of such parcel.

Special Condition No. 22 (Parcels B-13 and B-14):

Prior to the approval of the first application for a subdivision plat within Parcel B-13 and B-14, a plan for mitigation of the environmental conditions identified in the Phase II Environmental Assessment for such parcel shall be prepared by an environmental consultant and approved by the City.

Special Condition No. 23 (Parcels B-13 and B-14):

Prior to the issuance of the first building permit within each approved Development Project within Parcel B-13 and Parcel B-14, the Developer shall mitigate, in compliance with the approved mitigation plan for such parcel and all applicable federal, state, and local regulations and requirements, any environmental conditions within such Development Project that are identified in the applicable Phase II Environmental Assessment**,** or, in the alternative, the Developer shall demonstrate, to the City's satisfaction, that the Development Project is not within the area affected by the environmental conditions identified in the applicable Phase II Environmental Assessment.

Special Condition No. 24 (Parcel B-13):

1. Decommissioning of Well. The Developer does not currently own or control the oil and gas well and associated storage tanks located on Parcel B-13 ("Well"). In the event that the Developer acquires ownership or control thereof, it shall take all necessary steps to decommission the Well in accordance with applicable State statutes. Any damage to any

public improvements caused by plugging and de-commissioning activities associated with the Well shall be promptly repaired by the Developer to the satisfaction of the City.

2. Interim Requirements. Unless and until such decommissioning has occurred, the following requirements shall apply: (i) a 350 foot buffer area**,** measured from the center of the wellhead**,** shall be required around the wellhead of the Well ("Buffer") and, for purposes of this Special Condition, "wellhead" shall mean that area, 75 feet by 75 feet square centered over the Well ("Wellhead"); (ii) no development which requires a building permit shall be permitted within the Buffer, but parking lots and landscaping shall specifically be permitted therein whether a building permit is required or not, provided that, in the event a building permit is required for any such improvement, it shall meet all building permit requirements therefore; (iii) no impermeable surface construction such as paving shall be allowed over the Wellhead; (iv) the area above the Wellhead shall be maintained in such a manner as to allow venting of the Wellhead to the surface; and (v) any final subdivision application which includes the Wellhead shall locate it in an Outlot.

ENVIRONMENTAL FEES

Special Condition No. 25 (Parcels B-1, B-4 and B-13):

Each residential building permit issued for a new Dwelling Unit in Parcels B-1, B-4 and B-13 through December 31, 2040, shall require the payment of a Residential Environmental Fee of Forty-three Cents ($0.43) per finished and unfinished square foot of habitable space within the Dwelling Unit including basements, but excluding garages, carports, porches and decks. Each Residential Environmental Fee shall be delivered to the City in the form of a check made payable to the HPF.

Special Condition No. 26 (Parcel B):

Pursuant to the Agreement Regarding Environmental Fees among the City, Developer and the Environmental Entities dated June 27, 2006 and all amendments thereto, prior to fifty percent (50%) build-out of both Parcels B and C, an environmental center shall be constructed near the Houts and Equalizer Reservoirs by or on behalf of the Environmental Entities. “Build-out”, as used herein in connection with both residential and non-residential development, shall mean the construction of all principal Buildings for the total number of residential Dwelling Units and the total amount of non-residential square footage permitted within both Parcels B and C.

Special Condition No. 27 (Parcels B-1, B-2, B-4, B-6, B-7, B-10, B-11, and B-13):

Each building permit issued for a new non-residential Building within Parcels B-1, B-2, B-4, B-6, B-7, B-10, B-11 (north of East 29th Street), and B-13 through December 31, 2040 shall require the payment of a Non-Residential Environmental Fee of One Dollar ($1.00) for each gross square foot of the non-residential Building. Each Non-Residential Environmental Fee shall be delivered to the City in the form of a check made payable to the HPF.

Special Condition No. 28 (Parcels B-1, B-2, B-4, B-6, B-7, B-10, B-11, and B-13):

Each building permit issued for an addition to an existing non-residential Building within Parcels B-1, B-2, B-4, B-6, B-7, B-10, B-11 (north of East 29th Street), and B-13 through December 31, 2040,

which addition results in an increase of the Building's gross square footage, shall be assessed a Non-Residential Environmental Fee of One Dollar ($1.00) per square foot based on the gross square footage of the addition to the Building. Each Non-Residential Environmental Fee shall be delivered to the City in the form of a check made payable to the HPF.

Special Condition No. 29 (Parcels B-3 and B-12):

Each building permit issued for a new non-residential Building within Parcel B-3 and Parcel B-12 through December 31, 2040 shall require the payment of a Non-Residential Environmental Fee of Fifty Cents ($0.50) for each gross square foot of the non-residential Building. Each Non-Residential Environmental Fee shall be delivered to the City in the form of a check made payable to the HPF.

Special Condition No. 30 (Parcels B-3 and B-12):

Each building permit issued for an addition to an existing non-residential Building within Parcel B-3 and Parcel B-12 through December 31, 2040, which addition results in an increase of the Building's gross square footage, shall be assessed a Non-Residential Environmental Fee of Fifty Cents ($0.50) per square foot based on the gross square footage of the addition to the Building. Each Non-Residential Environmental Fee shall be delivered to the City in the form of a check made payable to the HPF.

Special Condition No. 31 (Parcels B-9**,** B-11 and B-14):

Each building permit issued for a new non-residential Building within Parcel B-9**,** Parcel B-11 (south of East 29th Street) and Parcel B-14 through December 31, 2040 shall require the payment of a Non-Residential Environmental Fee of Seventy-five Cents ($0.75) for each gross square foot of the non-residential Building. Each Non-Residential Environmental Fee shall be delivered to the City in the form of a check made payable to the HPF.

Special Condition No. 32 (Parcels B-9**,** B-11 and B-14):

Each building permit issued for an addition to an existing non-residential Building within Parcel B-9**,** Parcel B-11 (south of East 29th Street) and Parcel B-14 through December 31, 2040, which addition results in an increase of the Building's gross square footage, shall be assessed a Non-Residential Environmental Fee of Seventy-five Cents ($0.75) per square foot based on the gross square footage of the addition to the Building. Each Non-Residential Environmental Fee shall be delivered to the City in the form of a check made payable to the HPF.

Special Condition No. 33 (Parcels B-1, B-2, B-3, B-4, B-6, B-7, B-9, B-10, B-11, B-12 and B-14):

The written consent of the Environmental Entities is required prior to the City's final approval of a rezoning of any of the following Parcels: B-1, B-2, B-3, B-4, B-6, B-7, B-9, B-10, B-11, B-12 and B-14, if such rezoning would result in the removal of the Parcel from the Millennium GDP.

FEES/CREDITS/REIMBURSEMENTS

Special Condition No. 34 (Parcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-11):

A City reimbursement agreement dated January 23, 2003 obligates the City to attempt to collect reim-

bursements from the applicants of specified properties in connection with certain water improvements installed within the right-of-way for Rocky Mountain Avenue. The City has waived its right to collect a reimbursement under such agreement from non-residential development within Parcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-11. Refer to Section 5.2.5 of the PVH Agreement for specific terms.

Special Condition No. 35 (Parcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-12):

In connection with water and sewer improvements which the City has constructed pursuant to the PVH Agreement, every building permit for a non-residential use within Parcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-12 shall be assessed a cost equal to its proportionate share of the actual cost of the local portion of any oversized water or sanitary sewer line and any water or sewer improvement which solely benefits the proposed non-residential use. Refer to Section 5.2.3 of the PVH Agreement for specific terms.

Special Condition No. 36 (B-1, B-2, B-4, B-6, B-7 and B-9 through B-12):

Pursuant to the MFA, projects within Parcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-12 (MFA Commercial Area) shall not be eligible to receive reimbursement from the City to which they might otherwise be entitled pursuant to City Regulations, as defined by the MFA, for the design and construction of public improvements therein, with the exception of the following reimbursements:

1. The City's obligation to reimburse Centerra Properties West, LLC for certain costs incurred for a preliminary design of the Arterial Street Improvements. Refer to Section 6.5 of the PVH Agreement for specific terms.

2. Reimbursements for public improvements which were completed prior to January 20, 2004. Refer to Sections 12.3 and 13.5 of the MFA for specific terms.

3. Reimbursements for the design and construction of all or a portion of the Arterial Street Improvements completed by Applicants of non-residential projects within Parcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-12 (PVH Commercial Area) to serve such projects, in the event of the City's failure to appropriate money for such improvements. Refer to Section 6.1.5 of the PVH Agreement for specific terms.

4. Reimbursements for public improvements completed in connection with Development Projects not within the MFA Commercial Area, unless such public improvements are not eligible for reimbursement pursuant to the MFA, Section 12.3.

Special Condition No. 37 (Parcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-12):

Centerra Properties West, LLC and its affiliates are entitled to receive certain credits against City water system impact fees and City capital expansion fees for streets in connection with Development Projects within Parcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-12 (MFA Commercial Area) pursuant to the terms of the MFA. Refer to Section 12.1 of the MFA for the specific terms.

Special Condition No. 38 (Parcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-12):

Except as provided in Special Conditions No. 34 and 35 above, the Applicant of every project within Parcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-12 (MFA Commercial Area) shall be responsible for payment of all applicable City development fees and

use taxes and for satisfaction of all raw water requirements. Refer to Section 12.3 of the MFA for the specific terms.

Special Condition No. 39 (Parcels B-2 and B-4):

Parcels B-2 and B-4 are adjacent to and are benefitted by improvements to Rocky Mountain Avenue constructed by Developer. Any development of such Parcels will be subject to a third-party reimbursement obligation to Developer for its proportionate share of the costs of improvements. No later than September 9, 2006, Developer shall provide the City with the documentation required by LCUASS (currently Section 1.9.3.B.1.f. and g.). After execution and recording of the reimbursement agreement, the City shall attempt to provide notice on future plats of the obligated properties (currently Section 1.9.3.B.1.h.). The parties acknowledge however, that no notice as required by LCUASS needs to be given. To the extent this condition may be inconsistent with the applicable provisions of LCUASS, the terms hereof shall prevail.

Special Condition No. 40 (Parcels B-9 and B-11):

The PVH Project (located in Parcels B-9 and that portion of Parcel B-11 south of East 29th Street) is entitled to a waiver of twenty-five percent (25%) of certain City development fees and/or use taxes pursuant to the PVH Agreement. Refer to Section 4 of the PVH Agreement for specific terms.

NOTIFICATION OF MINERAL ESTATE OWNERS

Special Condition No. 41 (Parcel B-13 and B-14):

The first application for a subdivision plat which includes any portion of Parcel B-13 or Parcel B-14 shall require a public hearing before the Planning Commission at least thirty (30) days prior to the administrative approval of such subdivision plat, for the limited purpose of hearing objections of mineral estate owners, as such owners are defined by C.R.S. §24-65.5-102(5). Such public hearing shall constitute the "initial public hearing" for the subdivision plat application; notice thereof shall be given in accordance with the requirements of C.R.S. §24-65.5-103 and, except as required by C.R.S. §24-65.5-103(1.5), no further notice to mineral estate owners within such subdivision plat shall be given. Prior to final approval of the subdivision plat for which notice was given pursuant to this Special Condition, the Applicant shall provide the City with a written certification in accordance with the requirements of C.R.S. §24-65.5-103.3.

PARKS AND RECREATION

Special Condition No. 42 (Parcel B-13):

No additional vehicular or pedestrian connections are proposed within the Loveland Sports Park due to existing drainage systems and private drives within the park. The location and type of vehicular and pedestrian connections between Parcel B-13 and the Loveland Sports Park shall be determined during review and approval of future Development Projects within Parcel B-13. Each such connection shall be designed to accommodate the existing drainage system and private street network within the Loveland Sports Park and may require the installation of additional lighting, sidewalks, accessible walkways, culvert crossings or other safety measures for the benefit of Loveland Sports Park users. The design and construction of any such connections and the ancillary improvements shall be done at no cost to the City.

Special Condition No. 43 (Parcel B-13):

Due to the current sports field design and storm drainage system within the Loveland Sports Park, Developer acknowledges that the City may not agree to grant any additional easements or Rights-of-Way to accommodate future streets or utilities proposed by any future Development Project within Parcel B-13. Any proposed utilities, including a forced wastewater mainline, may be allowed within the existing 40' utility easement on the north side of the Loveland Sports Park, and shall be determined at time of preliminary design and plat. If allowed, all design, demolition, construction and repair shall be paid for by the Developer at no cost to the City.

Special Condition No. 44 (Parcel B-13):

Loading and delivery areas for non-residential uses in Parcel B-13 shall be adequately screened from the Loveland Sports Park.

Special Condition No. 45 (Parcel B-13):

Solid fencing between the boundaries of Parcel B-13 and the Loveland Sports Park shall not exceed 48 inches in height. Any fencing along such boundary that exceeds 48 inches in height shall be of an open style that allows for views into the Loveland Sports Park. The design of any such fencing shall be determined during review and approval of future Development Projects within Parcel B-13 that are adjacent to the Loveland Sports Park.

Special Condition No. 46 (Parcel B-13):

Final subdivision plats that include property within Parcel B-13 that is adjacent to the Loveland Sports Park shall contain a disclosure regarding the existence and proximity of the Loveland Sports Park, uses that may occur within the park, the park's hours of operation and the use of lighted facilities, all of which are regulated by the City, together with an acknowledgement that the operation of the Loveland Sports Park is based on the Municipal Code and will not be changed because of subsequent development of properties adjacent thereto.

PLANNING

Special Condition No. 47 (Parcel B-13):

Prior to the approval of the first subdivision plat within Parcel B-13, the Applicant shall deliver to the City any required ditch or irrigation company easements, as determined by the City Attorney, and a crossing agreement, if a crossing of the ditch is needed for development of the subdivision.

Special Condition No. 48 (Parcel B-3):

Development of any portion of Parcel B-3 that is located within Tract D, Savanna Second Subdivision is prohibited until final approval of a replat of Tract D which results in any new lots or tracts created therein being located entirely within the boundaries of the GDP.

RAILROAD

Special Condition No. 49 (Parcel B-13):

For the purpose of mitigating general railroad noise and vibration, the Applicant shall provide a buffer-yard between Buildings for residential occupancy on lots in Parcel B-13 and the Great Western Railroad right-of-way in accordance with the requirements set forth in Section 15, Appendix A of the GDP.

Special Condition No. 50 (Parcel B-13):

The Great Western Railroad tracks are adjacent to the southern boundary of Parcel B-13. Residents adjacent to such railroad tracks may experience noise and vibration effects resulting from the passage of trains on such tracks in close proximity to adjacent Lots. A notice reciting the above-stated potential impacts from such railroad tracks shall be placed on each subdivision plat which includes any portion of Parcel B-13 within 500 feet of the railroad right-of-way.

TRANSPORTATION

Special Condition No. 51 (Parcel B):

To the extent that street and/or trail crossings of the existing railroads are required as a condition of a Development Project within Parcel B to meet the ACF Regulations and any approved exceptions thereto or other applicable Municipal Code requirements, acquisition of the necessary Public Utilities Commission approval for such crossing shall be governed by the terms of the PVH Agreement.

Special Condition No. 52 (Parcels B-1 and B-2):

Unless designed and constructed by others or by the City pursuant to the PVH Agreement, or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcels B-1 and B-2.

(a) Rocky Mountain Avenue from north of the Union Pacific Railroad crossing to Crossroads Boulevard.

(b) Kendall Parkway from Boyd Lake Avenue to Rocky Mountain Avenue.

(c) CR 24 (East 29th Street) from Rocky Mountain Avenue under I-25 to the north/south major arterial roadway in Parcel A.

(d) Boyd Lake Avenue from CR 20C (East 5th Street) to CR 24E (East 37th Street).

(e) CR 20C (East 5th Street) from Boyd Lake Avenue to CR 9E (Sculptor Drive).

(f) CR 9E (Sculptor Drive) from US 34 to State Highway 402.

Special Condition No. 53 (Parcels B-1 and B-2):

The Applicant shall obtain, at no cost to the City (except as may be reimbursable consistent with the City's then-current adopted Capital Improvements Program), all FAA approvals required for the proposed extension of CR 26 (Crossroads Boulevard) from Rocky Mountain Avenue to North Boyd Lake Avenue, if such extension is required as a condition of development in Parcels B-1 or B-2 to meet ACF Regulations and any approved exceptions thereto. Written documentation of such approvals shall be provided to the City by the Applicant prior to the approval of any Final Plat that includes such future street extension.

Special Condition No. 54(Parcels B-1, B-2, B-4, B-6, B-7, B-9 through B-12, and B-14):

The following roadways shall be exempt from compliance with the ACF Regulations in connection with the development of non-residential uses in Parcels B-1, B-2, B-4, B-6, B-7, B-9 through B-12, and B-14:

(a) Rocky Mountain Avenue from, but not including, its intersection with County Road 24 (29th Street), north to and including its intersection with

Crossroads Boulevard and that portion of Crossroads Boulevard from its intersection with Rocky Mountain Avenue east to and including its intersection with the west I-25 frontage road;

(b) Existing portions of County Road 24E (37th Street) or any extension thereof west through its intersection with Boyd Lake Avenue;

(c) Existing portions of Rocky Mountain Avenue from County Road 24 (29th Street) south through its intersection with Hahn's Peak Drive; and

(d) Boyd Lake Avenue.

Special Condition No. 55 (Parcels B-1, B-2, B-4, B-6, B-7, B-9 through B-12, and B-14):

Except for those streets for which there is an approved exception from the ACF Regulations, Applicants of non-residential projects within Parcels B-1, B-2, B-4, B-6, B-7, B-9 through B-12, and B-14 shall be required to improve public street intersections adjacent to such projects to City standards to the extent necessary to comply with the ACF Regulations in the operation of such intersections and, in addition, shall be responsible for designing and installing all private street improvements necessary to adequately serve such projects. Refer to Section 6.4 of the PVH Agreement for specific terms.

Special Condition No. 56 (Parcels B-1, B-2, B-4, B-6, B-7, B-10, B-11, B-12 and B-14):

In accordance with Section 6.4 of the PVH Agreement, prior to the issuance of any building permit for the last twenty-five (25) acres of undeveloped non-residentially zoned property within Parcels B-1, B-2, B-4, B-6, B-7, B-10, that portion of B-11 north of East 29th Street, B-12, B-14 and that portion of Parcel C-1 located east of a line 2625 feet east of the centerline of Boyd Lake Avenue (which properties exclude the PVH Property), all applicable ACF Regulations must be met for all public streets within the PVH Commercial Area with the exception of I-25 and its interchanges and US 34 and its intersections.

Special Condition No. 57 (Parcel B-3):

Prior to or concurrent with the approval of any development application or final plat within Parcel B-3, or as otherwise approved by the City Engineer, the owner shall dedicate, at no cost to the City, the right-of-way necessary for all street improvements either within or adjacent to said Development Project or Final Plat that are shown on the Transportation Plan.

Special Condition No. 58 (Parcel B-3):

Unless designed and constructed by others or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcel B-3.

(a) High Plains Boulevard from the north boundary of Parcel A-5 to US 34.

(b) Boyd Lake Avenue adjacent to Parcel C-4.

(c) Kendall Parkway from Boyd Lake Avenue to Rocky Mountain Avenue.

Special Condition No. 59 (Parcel B-4):

To the extent consistent with any approved access control plan, no signalized access will be permitted to Parcel B-4 from Rocky Mountain Avenue except at the intersection of CR 24 (29th Street), unless otherwise determined by the City Engineer. If unsignalized accesses meet any signal warrant in the future, the turning movements shall be eliminated as necessary to eliminate the signal warrant or, to the extent consistent with any approved access control plan, a roundabout shall be installed at the access point by the Applicant at no cost to the City.

Special Condition No. 60 (Parcel B-9):

Unless constructed by others or otherwise approved by the City Engineer, the sidewalk along the east side of Rocky Mountain Avenue from McWhinney Boulevard to the Greeley and Loveland Irrigation Canal shall be constructed, or cause to be constructed, by the Applicant of Parcel B-9 at no cost to the City prior to the issuance of a building permit withn Parcel B-9.

Special Condition No. 61 (Parcels B-9, B-10, B-11 and B-14):

In any Traffic Study for a Development Project within Parcels B-9, B-10, B-11 and B-14, the applicant shall not be required to count any of the vested gateway trips as background traffic, excluding those trips which are attributable to any site specific development plan within Parcels B-9, B-10, B-11 or B-14 approved after July 11, 2006. For purposes of this condition, the total number of "vested gateway trips" means the fifteen thousand six hundred and ninety (15,690) total daily trips, the three hundred and thirty-seven (337) A.M. peak hour daily trips and the one thousand, four hundred and fifty-two (1,452) P.M. peak hour daily trips previously vested for such Parcel as part of the approved Gateway GDP.

Special Condition No. 62 (Parcels B-9, B-10, B-11 and B-14):

Unless designed and constructed by others or by the City pursuant to the PVH Agreement, or otherwise approved by the City Engineer and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City the following street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope, and phasing of such construction shall be determined during review and approval of future Development Projects within Parcels B-9, B-10, B-11 and B-14.

(1) Rocky Mountain Avenue from the existing terminus of the 4-lane section to Crossroads Boulevard;

(2) Kendall Parkway from Rocky Mountain Avenue to Boyd Lake Avenue;

(3) Crossroads Boulevard from Rocky Mountain Avenue to the west frontage road of I-25; and

(4) CR 24 (29th Street) from Rocky Mountain Avenue to the west side of I-25.

Special Condition No. 63 (Parcel B-11):

In accordance with the Transportation Plan, each Final Plat for a Development Project within Parcel B-11 which is adjacent to the Union Pacific Railroad ("Railroad") shall dedicate right-of-way twenty-five (25) feet in width adjacent to the existing Railroad right-of-way. In the event that the Transportation Plan is amended to remove such requirement, the requirements of this condition shall become of no effect as to Final Plats approved thereafter and the City Manager shall be authorized, notwithstanding any provision of the Municipal Code to the contrary, to administratively approve the va-

cation of any right-of-way dedications made pursuant to this condition. Such vacations shall be promptly recorded by the City in the Larimer County Records.

Special Condition No. 64 (Parcel B-12):

A minimum of two (2) points of access shall be provided to all Lots in Parcel B-12. This access may be provided via easements through other Lots.

Special Condition No. 65 (Parcel B-12):

Unless designed and constructed by others or by the City pursuant to the PVH Agreement, or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcel B-12.

(a) Install a traffic signal and necessary auxiliary lanes at the intersection of Byrd Drive and Crossroads Boulevard;

(b) Rocky Mountain Avenue adjacent to Parcel B-12, excluding the sidewalk on the west side;

(c) A median within Rocky Mountain Avenue to accommodate a channelized "T" movement at Tahosa Creek Drive and to limit turning movements at the proposed right-in/right-out access points;

(d) Crossroads Boulevard to adjacent to Parcel B-12, excluding the sidewalk on the north side; and

(e) A median within Crossroads Boulevard to limit the Mount Massive intersection movement to right-in, right-out, left-in.

Special Condition No. 66 (Parcel B-13):

Unless designed and constructed by others, or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following street improvements to the standards required by the Transportation Plan and LCUASS. The necessity, timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcel B-13.

(a) Hahns Peak Drive within Parcel B-13 to US 34.

(b) Rocky Mountain Avenue within Parcel B-13 to US 34.

(c) An east-west collector street within Parcel B-13.

(d) The design and construction or proportionate, pro-rata share contribution to the future design and construction of the extension and connection of Rocky Mountain Ave. to County Road 20E pending approval by the PUC to cross the GWRR. Proportionate contribution not to exceed the stated amount agreed upon in the Centerra South MFA for this improvement after the third bond issuance. Should the PUC deny approval for the railroad crossing, the City shall retain the proportionate contribution and use it toward other mitigation improvements as deemed acceptable and useful by both the City Engineer and a professional traffic

engineer engaged by the Applicant to ensure the improvements mitigate the US34 traffic issues related to Parcel B-13 of the GDP.

(e) A proportionate, pro-rata share contribution for the additional 2277 residential units toward future intersection improvements after Phase 1 improvements are constructed, timing to be determined through future SDP submittals, on US-34 at Rocky Mountain Avenue and at Hahn's Peak Drive. The timing and amount of this contribution to be determined by the City Engineer and a professional traffic engineer engaged by the Applicant with future Site Development Plan applications within Parcel B-13.

UTILITIES

Special Condition No. 67 (Parcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-14):

With the exception of those improvements which are the responsibility of the City pursuant to the PVH Agreement, any existing utilities that must be redesigned, rearranged, relocated, upgraded or extended in connection with the development of Parcels B-1, B-2, B-4, B-6, B-7 and B-9 through B-14 shall be done at the Applicant's expense unless otherwise agreed upon by the utility in question.

Special Condition No. 68 (B-4):

With the exception of those improvements which are the City's responsibility pursuant to the PVH Agreement, the Applicant of Parcel B-4 shall be responsible for staking underground power lines per the requirements of the City's Electric Division, including cut and fill stakes as required, and for any costs associated with the relocation, raising, or lowering of the underground electrical three phase electric power lines which are necessitated by incorrect staking, changes in road design, installation of other utilities, or any other construction caused by the Applicant.

Special Condition No. 69 (Parcels B-9, B-10 and B-11):

Prior to the approval of any Final Plat within Parcels B-9, B-10 or B-11, the Applicant shall provide a final engineering design acceptable to the City Stormwater Utility Department for all storm drainage discharges directly into the Greeley & Loveland Irrigation Canal, provided that storm drainage into the Greeley & Loveland Irrigation Canal is prohibited except for existing development or as agreed to by Greeley & Loveland Irrigation Company. Developed and detained storm drainage discharges releasing directly into the Greeley & Loveland Irrigation Canal shall be limited to the two-year historic release rate per Table SO-1, Urban Drainage and Flood Control Document, Volume 2, for all storm events up to and including the one hundred-year developed storm event.

WATER AND WASTEWATER

Special Condition No. 70 (Parcel B-13):

Unless designed and constructed by others or otherwise approved by the Director of the Water and Power Department, the Developer shall design and construct, or cause to be designed and constructed at no cost to the City, the following water and sanitary sewer improvements to City standards. The exact size, location and capacity of each improvement and the timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcel B-13.

(a) A water main on the south side of US 34 from Boyd Lake Avenue to the east boundary of Parcel B-13.

(b) A water main through Parcel B-13 with two points of connection to the water main described in subparagraph (a) above.

(c) A connection between the water main described in subparagraph (a) above and the existing water main on the north side of US 34 at Rocky Mountain Avenue.

d) An on-site wastewater collection system for Parcel B-13 and a lift station and force main connection to the existing gravity flow system. The lift station shall be designed with sufficient capacity for future wastewater flows from Parcel B-13 and for expansion to accommodate future wastewater flows from those portions of the Northwest Quarter of Section 15, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado which lie north of the Great Western Railroad tracks. Design of the lift station and force main shall be coordinated with the City's Water and Power Department and approved by the regional 208 Wastewater Authority.

Special Condition No. 71 (Parcel B-13):

Any reimbursement for the East Side Lift Station shall be in accordance with that Reimbursement Agreement by and between the Developer and the City of Loveland Water Department dated September 7, 2004.

RESIDENTIAL DEVELOPMENT

Special Condition No. 72 (Parcel B-13)

Developer acknowledges the need for diverse housing in the City. To that end, Developer agrees to use commercially reasonable best efforts to include multiple types of for-sale residential units and workforce housing south of Mountain Lion Drive (subject to name change by the City) within Parcel B-13. Developer agrees to include one affordable housing project within Parcel B-13 with units available for-sale or for-rent by households earning 80% of the area median income or lower ("qualifying household"). No certificate of occupancy shall be issued unless a deed restriction is recorded against the subject affordable property. The deed restriction on for-sale units must prohibit the sale of the unit to any person or entity other than a qualifying household, require owner occupation, prohibit rental of for-sale units, and have a duration as set forth in Title 17 of the Municipal Code. The deed restriction on for-rent units must prohibit the rental of units to any person or entity other than a qualifying household, prohibit conversion of units from "rental" to "for-sale" without the prior written approval of the City, and have a duration as set forth in Title 17 of the Municipal Code.

At least 5.0% of the total units within Parcel B-13 at full build-out will be deed-restricted housing.

After residential development has commenced within Parcel B-13, and as the City Council's schedule permits, Developer shall report back to City Council not less than once a year on the status of residential development within Parcel B-13, including the number of for-sale residential homes and affordable housing units developed in the previous year.

Attachment No. 1
To Appendix 3-1
Special Conditions for Parcel B

Noise Attenuation Construction Performance Standards

A. Application. Each Building constructed for a Residential Use as defined in Section 1.3.2 of this GDP which is located in Parcel B-1 and within the 55dB/65dB noise contour for the Airport, as shown on Map 10 in Section 11 of the GDP, shall comply with the following requirements.

B. Design methods. It is intended that these requirements provide flexibility to permit the use of innovative approaches, techniques, and materials to achieve effective sound insulation.

C. Use of qualified acoustical consultant. In cases where materials included in a design do not have listed sound transmission class (STC) ratings acceptable to the building official, in order to verify compliance the building plans and specifications accompanying the application for a building permit shall be certified by a qualified acoustical consultant as meeting the required noise level reduction standards. Qualified consultants shall include members of the National Council of Acoustical Consultants and others who are approved by the building official, such approval being based on the demonstration of competence and credentials in the area of architectural acoustics.

D. This section contains both performance standards and prescriptive standards. All structures subject to these requirements shall comply with the following performance standards and all prescriptive standards, unless with respect to prescriptive standards only, it can be shown by documented tests, or other appropriate information acceptable to the building official, that equivalent performance can be accomplished by other means or methods.

1. Exterior walls.
    a. Performance standard. Exterior walls shall have a laboratory STC rating of at least thirty (30).
    b. Prescriptive standard.
        (1) Masonry walls having a weight of at least twenty-five (25) pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be of one-half (½) inch gypsum board or plastered, unless fire-rated assemblies are required by the City of Loveland International Residential Code (IRC).
        (2) Exterior stud walls shall be at least four (4) inches in nominal depth and shall be finished on the outside with siding-on-sheathing, stucco, or brick.
        (3) Interior surface of the exterior walls shall be of gypsum board or plaster at least one-half (½) inch thick, installed on the studs.
        (4) In addition to exterior wall covering, continuous composition board, plywood or gypsum board sheathing at least seven-sixteenths (7/16) inch thick shall cover the exterior side of the wall studs.
        (5) Sheathing panels shall be covered on the exterior with overlapping building paper.

(6) Insulation material of at least R-thirteen (13) shall be installed throughout the cavity space behind the exterior sheathing and between all studs.

2. Windows.
   a. Performance standard. Windows shall have a laboratory STC rating of at least twenty-eight (28).
   b. Prescriptive standard.
      (1) Windows shall have double-paned glass with each pane having a minimum thickness of one-eighth (1/8) inch and a minimum space between panes of one-half (1/2) inch.
      (2) All operable windows shall be weather-stripped.
      (3) Glass of fixed-sash windows shall be sealed with a non-hardening sealant or a soft elastomer gasket tape.
      (4) The perimeter of window frames shall be sealed to the exterior wall construction with a weather-resistant sealant.
3. Doors.
   a. Performance standard. Doors shall have a laboratory STC rating of at least twenty-six (26).
   b. Prescriptive standard.
      (1) All exterior side-hinged doors shall be solid core wood or insulated hollow metal at least one and three-fourths (1 ¾) inches thick and shall be weatherstripped.
      (2) Exterior sliding doors shall be weatherstripped and have double-paned glass with each pane having a minimum thickness of one-eighth (1/8) inch and a minimum space between panes of one-half (1/2) inch.
      (3) Glass in doors shall be sealed in an airtight nonhardening sealant or in soft elastomer gasket or glazing tape.
      (4) The perimeter of door frames shall be sealed to the exterior wall construction with a weather-resistant sealant.
5. Roofs.
   a. Performance standard.
      (1) Combined roof and ceiling construction other than described in this section and Section F (Ceilings) shall have the following Roofs shall have a laboratory STC rating of at least thirty-nine (39).
      (2) Skylights shall have a laboratory STC rating of at least twenty-eight (29).
   b. Prescriptive standard.
      (1) With a rafter or attic space at least six (6) inches deep, with member twenty-four (24) inch on center, and with a ceiling below, the roof shall consist on seven-sixteenths (7/16) inch composition board, plywood or gypsum board sheathing topped by roofing as required.
      (2) Open beam roof construction shall meet the prescriptive standard of R-thirty (30) insulation.
6. Ceilings.
   a. Prescriptive standard.
      (1) Gypsum board or plaster ceilings at least one-half (½) inch thick shall be provided, unless fire rated assemblies are required by IRC..
      (2) Insulation of at least R-19 shall be provided above the ceiling between joists.
7. Floors.

a. Prescriptive standard. Openings to any crawl space below the floor of the lowest occupied rooms shall be a minimum size of eighteen (18) inches by twenty-four (24) inches or as prescribed in the IRC and City of Loveland International mechanical Code, but shall not exceed two percent of the floor area of the occupied rooms.

8. Ventilation.

a. Prescriptive standard.

Attachment No. 2
To Appendix 3-1
Special Conditions for Parcel B

"Avigation Easement Form"

AVIGATION EASEMENT

WHEREAS, (insert name of owner/owners) (hereinafter jointly called the "**Grantors**"), are the owners in fee or contract purchasers of those certain parcels of land situated in the County of Larimer, State of Colorado, more particularly described and depicted on Exhibit "A" attached hereto, herein called ("**Grantors' Property**");

WHEREAS, the CITY OF FORT COLLINS, COLORADO, a municipal corporation, and the CITY OF LOVELAND, COLORADO, a municipal corporation, hereinafter called the "**Grantees**", are owners of the FORT COLLINS-LOVELAND MUNICIPAL AIRPORT, the legal description of which is set forth on Exhibit "B" attached hereto and incorporated herein by reference (the "**Airport**").

NOW THEREFORE, in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantors, for themselves, their heirs, administrators, executors, successors and assigns, do hereby grant, bargain, sell, and convey unto the **Grantees**, their successors and assigns for the use and benefit of the public, as easement and right-of-way, appurtenant to the Airport for the unobstructed use and passage of all Aircraft (as hereinafter defined) in and through the airspace above Grantors' Property beginning at a height consistent with the Runway 33 Approach Profile described in the Airport Master Plan Update, Fort Collins-Loveland Municipal Airport, May, 1993 (the "**Airport Master Plan")**, and as further defined by FAA Regulation, Part 77. The restricted airspace as defined above is depicted on Exhibit "C" ("Runway 33 Approach Plan View") and Exhibit "D" ("FAA Regulation, Part 77, Runway 33R Approach Profile"), said exhibits being attached hereto and incorporated herein by reference.

Said easement and right-of-way shall be appurtenant to the Airport and for the benefit of the Grantees and their successors and assigns, guests, and invitees, including any and all persons, firms or corporations operating Aircraft to or from the Airport.

Said easement and burden shall include all things which may be alleged to be incident to or resulting from the use and enjoyment of said easement, including, but not limited to the right to cause in all air space above or in the vicinity of the surface of Grantors' Property such noise, vibrations, fume, deposits of dust or other particulate matter, fuel particles (which are incidental to the normal operation of said Aircraft), fear, interference with sleep and communication and any and all other effects that may be alleged to be incident to or caused by the operation of Aircraft over or in the vicinity of Grantors' Property or in landing at or taking off from, or operation at or on the Airport; and

Grantors do hereby fully waive, remise, and release any right or cause of action which they may now have or which they may have in the future against Grantees, their successor and assigns, due to such noise vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the usual and customary operation of Aircraft landing at, or taking off from, or operating at or on the Airport, or by Aircraft landing at, taking off from or operating on the Airport as part of an airshow conducted as a special event authorized by Grantees provided that, in connection with any such airshow, the Grantees have developed and implemented a traffic control plan so as to avoid a material disruption to uses in place on the Grantors' Property, and provided further that no aerobatic flights involved in such an airshow shall operate within the airspace over the Grantors' Property unless the owner thereof or said owner's agent, consents to such aerobatic flights, which consent may be withheld in said owner's sole discretion. For purposes of this Avigation Easement, "aerobatic flight" means an intentional maneuver involving an abrupt change in an aircraft's attitude, an abnormal attitude, or abnormal acceleration, not necessary for normal flight.

The easement and right-of-way hereby granted includes the continuing right in the Grantees to prevent the erection or growth upon Grantors' Property of any building, structure, tree, or other object within the air space easement granted hereby, and to remove from said air space, or at the sole option of the Grantees, as an alternative, to mark and light as obstructions to air navigation, any such building, structure, tree or other objects on upon, or which in the future may be upon Grantors' Property, together with the right of ingress to, egress from, and passage over Grantors' Property for the above purpose.

The provisions of said easement shall apply to the following:

(1) The current Airport facilities and the present operation of the Airport therein; and

(2) Any expansion of, or change to, the Airport facilities or operation of the Airport therein which is consistent and in accordance with the City of Loveland Comprehensive Master Plan dated October 18, 1994, as currently amended, including the latest amendment thereto dated February 18, 2003 (the "Comprehensive Plan") and the Airport Master Plan. "Comprehensive Plan" as used herein shall specifically not include any amendments thereto adopted by the City after February 18, 2003, and "Airport Master Plan" as used herein shall specifically not include any amendments thereto adopted by the Grantees after May, 1993.

As used herein, and to the extent consistent with the Airport Master Plan, the term "Aircraft" shall mean any and all types of aircraft, whether now in existence or hereafter manufactured and developed, to include, but not be limited to, jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all types of aircraft or vehicles now in existence or hereinafter developed, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air, by whomsoever owned or operated.

TO HAVE AND TO HOLD said easement and right-of-way, and all rights appertaining thereto unto the Grantees, their successors and assigns, until said Airport shall be abandoned or shall

cease to be used for public airport purposes, at which time the easement and right-of-way hereby granted shall automatically revert to Grantors, their successors and assigns.

AND for the consideration hereinabove set forth, the Grantors, for themselves, their heirs, administrators, executors, successors, and assigns, do hereby agree that for and during the life of said easement and right-of-way, they will not hereafter erect, authorize the erection or growth of, or authorize to remain upon Grantors' Property any building, structure, tree or other object extending into the aforesaid prohibited air space, and that they shall not hereafter use or authorize the use of Grantors' Property in such a manner as to create electrical interference with radio communication between any installation upon the Airport and Aircraft, or as to make it difficult for flyers to distinguish between airport lights and others, or to authorize any use of the Grantors' Property that causes a discharge of fumes, dust or smoke so as to impair visibility in the vicinity of the Airport or as otherwise to endanger the landing, taking off or maneuvering of Aircraft. Grantors furthermore waive all damages and claims for damages caused or alleged to be caused by or incidental to the prohibition of such activities.

It being understood and agreed that the aforesaid covenants and agreements shall run with the Grantors' Property and shall be forever binding upon the heirs, administrators, executors, successors and assigns of the Grantors.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals this _____day of _____, 20____.

GRANTORS:

Insert signature blocks and acknowledgements for owner/owners

Exhibit “A”

Grantors’ Property

(Insert legal description)

* * * * *

Exhibit “B”

Airport Legal Description

“All of the Barnstorm Second Addition to the City of Loveland, Colorado.”

* * * * *

Exhibit “C”

Runway 33 Approach Plan View

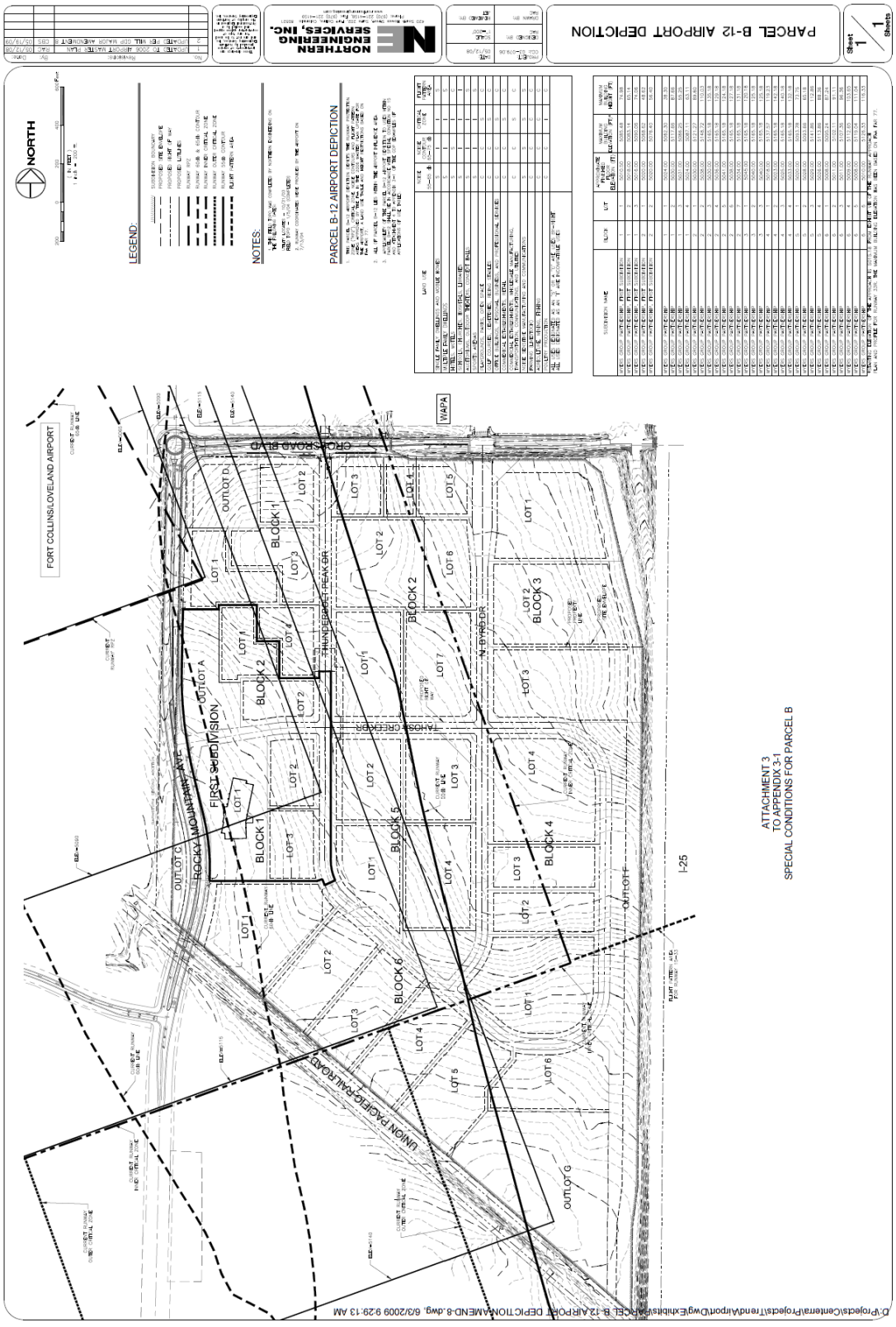
* * * * *

Exhibit “D”

FAA Regulation, Part 77, Runway 33R Approach Profile

Attachment 3
To Appendix 3-1
Special Conditions for Parcel B

Parcel B-12 Airport Depiction


PARCEL B-12 AIRPORT DEPICTION
NORTHERN ENGINEERING SERVICES, INC.
LEGEND:
NOTES:
PARCEL B-12 AIRPORT DEPICTION
FORT COLLINS/LOVELAND AIRPORT
CROSSROAD BLVD
WAPA
ROCKY MOUNTAIN AVE
FIRST SUBDIVISION
OUTLOT A
OUTLOT D
OUTLOT C
THUNDERBOLT PEAK DR
TAHOSE CREEK DR
N BYRD DR
UNION PACIFIC RAILROAD
OUTLOT G
I-25
BLOCK 1
BLOCK 2
BLOCK 3
BLOCK 4
BLOCK 5
BLOCK 6
ATTACHMENT 3
TO APPENDIX 3-1
SPECIAL CONDITIONS FOR PARCEL B

Attachment 4
To Appendix 3-1
Special Conditions for Parcel B

Examples of Applications of Use Table

PARCEL	Airport Depictions' Designation	Applicable Area Type	PERMITTED USES
1. 5-acre site with one principal use in a 45-acre subdivision.	Assume Potential Future Airport Depictions apply. In that depiction, Parcel 1 is located entirely within the "Critical Zone".	The only applicable area type is "Critical Zone".	Parcel 1 is limited to the six "S" Land Use categories and the two "C" Land Use categories listed under "Critical Zone".
2. 5-acre site with one principal use in a 45-acre subdivision.	Same assumption as above. In that depiction, 2 acres of Parcel 2 is within the "Noise Contour 65-75 db" and 3 acres is within the "Flight Pattern Area".	The two applicable area types are "Flight Pattern Area" and "Critical Zone".	The 2-acre site within Parcel 2 is limited to the two "S" Land Use categories and the eight "C" Land Use categories under "Noise Contour 65-75 db" and the 3-acre site would be limited to the five "S" Land Use categories and the nine "C" Land Use categories under "Flight Pattern Area".
3. 5-acre site with one principal use in a 45-acre subdivision.	Same assumption as above. In that depiction, all of Parcel 3 is within both the "Critical Zone" and the "Noise Contour 65-75 db".	The two applicable area types are "Critical Zone" and "Noise Contour 65-75 db".	Uses on Parcel 3 are limited to the eight Land Use categories which are either "C" or "S" under <u>both</u> "Critical Zone" and "Noise Contour 65-75 db".
4. 25-acre site with multiple uses in a 45-acre subdivision.	Same assumption as above. In that depiction, 15 acres of Parcel 4 are within the "Noise Contour 55-65 db", 8 acres are within the "Noise Contour 65-75 db" and 2 acres are within the "Flight Pattern Area".	The four applicable area types are "Noise Contour 55-65 db", "Critical Zone", "Noise Contour 65-75 db" and "Flight Pattern Area".	Uses on Parcel 4 are limited to: (1) 15-acre site – all Land Use categories under "Noise Contour 55-65 db"; (2) 8-acre site – eight Land Use categories which are either "C" or "S" under <u>both</u> "Critical Zone" and "Noise Contour 65-75 db"; and (3) 2-acre site – fourteen Land Use categories under "Flight Pattern Area" which are "C" or "S".