



## Town of Erie, Colorado Development Referral

Town of Erie Community Development

Town of Erie Engineering

Town of Erie Parks & Recreation

Town of Erie OSTAB

St. Vrain Valley School District

XCEL Energy

Anadarko Petroleum Corp/Land Corp

EnCana Oil & Gas (USA) Inc.

Kerr-McGee Oil & Gas Onshore LP

Kerr-McGee Gathering LLC

**Planner: Deborah Bachelder**

**Date: February 1, 2016**

**Project: Erie Highlands**

**Applicant: Oakwood Homes**

**Description: Preliminary Plat #2**

**Location: SW Corner of WCR 5 and Erie Parkway**

**Legal Description: See Attached Materials**

This application is submitted to you for review and comment. Please reply by **Tuesday, March 15, 2016**, so that we may give full consideration to your comments. Any response not received by this date may be deemed to be a positive response to the Town of Erie. Email responses can be sent to [dbach@erieco.gov](mailto:dbach@erieco.gov). If you have any questions about this application, please call 303-926-2775.

We have reviewed this application and find no conflicts with our interests

We have reviewed this application and find conflicts with our interests.

See comments below or attached letter.

**Comments:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Name (Please Print) \_\_\_\_\_



March 15, 2016

***VIA E-MAIL***

Town of Erie - Planning and Building  
Deborah Bachelder, Planner  
645 Holbrook  
Erie, CO 80516  
[dbach@erieco.gov](mailto:dbach@erieco.gov)

**NOTICE OF OIL AND GAS LEASEHOLD INTERESTS OWNED BY KERR-McGEE  
OIL & GAS ONSHORE LP, PIPELINE EASEMENTS OWNED BY KERR-McGEE  
GATHERING LLC AND OBJECTION**

Re: Erie Highlands – Preliminary Plat #2  
Oakwood Homes – Property Owner or “Applicant”  
Township 1 North, Range 68 West, 6th P.M.  
Section 20: Part of the N/2 (“Application Property”)  
Weld County, Colorado

Ms. Bachelder:

This letter is being sent by Anadarko Petroleum Corporation on behalf of its subsidiaries Kerr-McGee Oil & Gas Onshore LP (“KMOGO” or the “Company”) and Kerr-McGee Gathering LLC (“KMG”) to inform you KMOGO is the owner of valid oil and gas leases underlying all or parts of Section 20, Township 1 North, Range 68 West (“Leased Lands”), for which the Town of Erie (the “Town”) is reviewing a preliminary plat for property located in the N/2 of Section 20 (“Application”). KMOGO and KMG are submitting this comment and objection timely, in accordance with State of Colorado and the Town’s procedural requirements.

KMOGO’s recorded oil and gas leases are real property interests entitling it to produce oil and gas from the Leased Lands (and, as may be applicable, adjacent lands). The Company has the right to utilize the Application Property to produce from existing wells, to maintain, rework, recomplete, and fracture those existing wells to enhance production, and to drill new wells to produce oil and gas, in accordance with applicable Colorado Oil and Gas Conservation Commission regulations and Colorado Statutes. KMOGO’s oil and gas assets have significant value, and the Company is consequently concerned about any development, surface use, plan of use, PUD, zoning or rezoning, or other action by the Town that would impair or preclude its ability to develop its oil and gas interests.

KMOGO and KMG object to the approval of the subject Application because the Applicant is not in compliance with the terms of the Surface Use Agreement made effective on

August 1<sup>st</sup>, 2013, and recorded on August 1<sup>st</sup>, 2013 with the Weld County Clerk and Recorder at reception number 3952706. KMG is the owner of valid pipeline easements that are not properly identified and/or labeled on the applicant's preliminary plat. At a minimum, the Applicant and Town should acknowledge these valid easements.

Please contact me at 970-515-1186 if you have any questions or comments about this matter. KMOGO and KMG hope to promptly resolve this matter with the Applicant, and we look forward to working with the Town to accomplish its land use planning goals.

Sincerely,  
KERR-MCGEE OIL & GAS ONSHORE LP

A handwritten signature in black ink, appearing to read "Paul Ratliff". The signature is fluid and cursive, with the first name "Paul" being the most prominent.

Paul Ratliff  
Landman

cc: Jeff Fiske, Counsel  
Ron Olsen  
Travis Book  
Don Jobe



April 13, 2016

**VIA E-MAIL**

Town of Erie - Planning and Building  
Deborah Bachelder, Planner  
645 Holbrook  
Erie, CO 80516  
[dbach@erieco.gov](mailto:dbach@erieco.gov)

**KERR-McGEE OIL & GAS ONSHORE LP OBJECTION WITHDRAWAL**

Re: Erie Highlands – Preliminary Plat #2  
Oakwood Homes – Property Owner or “Applicant”  
Township 1 North, Range 68 West, 6th P.M.  
Section 20: Part of the N/2 (“Application Property”)  
Weld County, Colorado

Ms. Bachelder:

Anadarko Petroleum Corporation (“APC”) filed an objection letter on behalf of its subsidiary Kerr-McGee Oil & Gas Onshore LP (“KMG”), dated March 15, 2016, with the Town of Erie. KMG is the owner of valid oil and gas leases underlying all or parts of Section 20, Township 1 North, Range 68 West (“Leased Lands”), for which the Town is reviewing a Land Use Application.

Since submitting the letter, KMG has had the opportunity to discuss the matter with the Applicant; therefore, APC wishes to withdraw the objection. Please note that although APC and KMG do not object to this process, we continue to assert our rights to make reasonable use of the surface of the property to develop the oil and gas leasehold.

Please contact me at 970-515-1186 if you have any questions or comments about this matter.

Sincerely,  
KERR-McGEE OIL & GAS ONSHORE LP

A handwritten signature in black ink, appearing to read 'Paul Ratliff'.

Paul Ratliff  
Landman

cc: Jeff Fiske, Lead Counsel  
Ron Olsen  
Travis Book  
Don Jobe

# COLORADO GEOLOGICAL SURVEY

1801 19<sup>th</sup> Street  
Golden, Colorado 80401



Karen Berry  
State Geologist

January 6, 2016

Deborah Bachelder  
Community Development Services  
Town of Erie  
P.O. Box 750  
Erie, CO 80516

**Location:**  
N½ Section 20,  
T1N, R68W of the 6<sup>th</sup> P.M.  
40.0384, -105.0281

**Subject: Erie Highlands Preliminary Plat #2**  
**Town of Erie, Weld County, CO; CGS Unique No. WE-16-0016**

Dear Deb:

Colorado Geological Survey has reviewed the Erie Highlands Preliminary Plat #2 referral. I understand this plat is for 232 single family lots and an 86-acre future development tract on approximately 212 acres in the southern and eastern portions of the overall Erie Highlands (formerly Dearmin) property.

With this referral, I received a Development Referral requesting CGS's review (November 19, 2015), a Preliminary Plat Narrative (October 9, 2015), a set of six Preliminary Plat No. 2 sheets (AzTec Consultants, November 2, 2015), an ALTA/ACSM Land Title Survey (AzTec, September 23, 2015), a set of nine Utility and Grading Plans (Core Consultants, October 9, 2015), a Grading Plan Review, Erie Highlands, Park/School Site, Planning Area 5, Planning Area 6 (CTL|Thompson, September 1, 2015), a Geologic and Preliminary Geotechnical Investigation, Horst Property (CTL|Thompson, June 1, 2000), and the following environmental, geotechnical, and subsidence investigations previously reviewed by CGS: a Limited Subsurface Investigation Report (A.G. Wassenaar, January 2, 2013), a Subsidence Investigation (CTL|Thompson, August 25, 2005, updated July 9, 2013), and a Preliminary Geotechnical Study (A.G. Wassenaar, December 30, 2004).

CGS previously reviewed the overall Erie Highlands site at the Rezoning/PUD Rezoning/Preliminary Plat phase. Our comments were discussed in letters dated December 2, 2005, May 30, 2013, and August 15, 2013.

**Undermined by Boulder Valley #1 coal mine.** Most of the Erie Highlands preliminary plat no. 2 area is undermined by the Boulder Valley #1 mine at depths of approximately 200 to 325 feet below the ground surface. CGS agrees with CTL that the probability is low that a void collapse would propagate to the surface, or to a height that could cause distress to structures, from a depth greater than 200 feet. However, a plat note should clearly state that all proposed lots within Erie Highlands Preliminary Plat No. 2 are undermined, and that the homes within this development are not eligible for participation in the Mine Subsidence Protection Program.

CTL's grading plan review states that sub-excavation has been performed beneath "all the lots to a depth of around 19 feet below final grades" to mitigate the site's very highly expansive claystone bedrock. CTL's Grading Plan Review satisfactorily addresses the concerns discussed in CGS's previous review letters regarding grading, sub-excavation, maintaining adequate bedrock thickness over undermined areas, and subsidence hazard.

**No known mine shafts within Preliminary Plat No. 2 area.** A hoist shaft and an air shaft are located offsite,

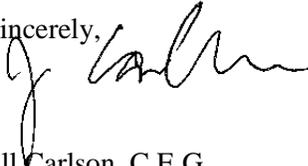
Deborah Bachelder  
January 6, 2016  
Page 2 of 2

near the southeastern corner of the property. It appears that the closest proposed lots are greater than 450 feet from the shafts. The shafts are therefore not considered a hazard to the development as currently proposed.

CGS's concerns regarding undermining, subsidence hazard, the presence of mine shafts, expansive and collapsible soils, and expansive claystone bedrock have been satisfactorily addressed. **CGS therefore has no objection to approval of Erie Highlands Preliminary Plat No. 2.**

Thank you for the continued opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Carlson". The signature is fluid and cursive, with a large initial "J" and "C".

Jill Carlson, C.E.G.  
Engineering Geologist



# COLORADO

## Parks and Wildlife

Department of Natural Resources

Northeast Region

6060 Broadway

Denver, Colorado 80216

D 303-291-7227 | F 303-291-7114

December 3, 2015

Deborah Bachelder  
Town of Erie, Community Development Services  
P.O. Box 750  
Erie, CO 80516  
303-926-2770  
303-926-2706, fax

Re. Erie Highlands, Preliminary Plat #2

Ms. Bachelder,

Thank you for providing Colorado Parks and Wildlife (CPW) the opportunity to comment on the Erie Highlands project located to the southwest of Erie Parkway and Weld County Road 5. The applicant, Oakwood Homes, seeks to develop 212 acres into 232 homes, one one-acre pocket park, and 32.76 acres of public open space. The subdivision is Phase 2 of Erie Highlands. CPW commented on phase 1 in a letter dated June 4, 2013 under the project name Dearmin/Oakwood Homes Preliminary Plat.

The site is largely open, undeveloped land that was previously farmed. It is bordered by Erie Parkway and ongoing housing development on the north, Weld County Road 5 and additional undeveloped property on the east, open space and Green Mill Sportsman's Club (a shooting range) on the south, and the residential development of phase 1 on the west. There are no mature trees on site. There are multiple prairie dog colonies on the property.

An Ecological Site Assessment was prepared in September 2015 for the project by Wildland Consultants, Inc. They identified two small remnant native grassland communities associated with two small drainage basins. The report also details that much of the remaining vegetation is non-native or noxious weeds. Wildland Consultants did not identify any wetland areas on the site or other potential habitat for threatened or endangered species.

The Green Mill Sportman's Club operates the Green Mill shooting range to the south of the property. Green Mill is a well planned and safely operated recreational shooting facility, which also serves as a training site for local law enforcement agencies. Recreational shooting ranges are much sought after along the Front Range metropolitan area. Future residents of this subdivision should expect the continued use of this range and allow for the associated noise.

Wildlife species including red fox, coyote, raccoon, deer, striped skunk, black tailed prairie dog, cottontail rabbit, bald eagle, other raptors, and ground nesting birds currently use this site for forage and travel and may continue to do so, especially in the designated open space and adjacent properties, after construction is complete. As land continues to be developed



in Erie at a busy pace wildlife habitat diminishes and disappears and opportunities for human-wildlife conflict increase. The following is recommended in order to mitigate this impact to wildlife:

#### Human-Wildlife Conflict

Residents moving into this subdivision should be made aware that some wildlife will likely continue to inhabit and move through the suitable portions of this site. Conflicts can occur when people and pets share the same space with wildlife. Foxes and coyotes may prey on unattended pets, deer may eat ornamental shrubs and flowers, raccoons may get into unsecured garbage and open garages, and skunks may burrow under decks. While uncontrolled pets are at risk from animals such as coyotes, pets can also have a negative impact on wildlife. Cats kill birds and rodents, while dogs often chase and harass wildlife. For the safety of pets and wildlife, dogs should be contained in appropriate enclosures when unattended and it is recommended that cats remain indoors. Residents should be provided with information about how to avoid and minimize wildlife conflicts, and should take responsibility for co-existing with wildlife. Information, brochures, and tips for co-existing with wildlife can be provided by Colorado Parks and Wildlife, and are available on our website at [www.cpw.state.co.us](http://www.cpw.state.co.us). The local District Wildlife Manager is also available to give presentations or act as a resource for new residents.

#### Landscaping

Landscaping and plantings on the property should utilize native plants that provide quality habitat for wildlife. Fencing, in general, should be wildlife-friendly, minimize risk of entanglement, and allow unrestricted movement by deer and other wildlife. Neighborhoods in Erie have experienced high levels of human-coyote conflict in the past. Any Home Owner's Association created by this project should allow in their covenants the ability for residents to fence their yards appropriately to exclude coyotes if they choose to in order to limit future conflict. Fencing meant to exclude coyotes should be at least six feet high and obscure views into yards.

#### Noxious/Invasive Weeds

There are invasive weeds considered to be noxious on this parcel. Invasive weeds diminish habitat quality and are costly to control. The developer should work with your town's invasive/noxious weed coordinator or other parties responsible for controlling invasive and noxious weeds in Weld County to create and implement a management plan for this site to provide ongoing weed control during and after construction. To avoid spreading these weed species to other sites and to prevent new species from being introduced it is recommended that all construction equipment be thoroughly cleaned prior to arriving on site and after construction is completed before the equipment is removed.

#### Black-Tailed Prairie Dogs

The prairie dogs on site should either be moved to another location alive or humanely euthanized before onset of construction. A permit from CPW is required before any prairie dogs may be transported from the site alive and there are reporting requirements for any euthanized prairie dog that is donated to a raptor rehabilitation center or other such facility. If poisoning or gassing in the burrows is done it is recommended that the U.S. Fish and Wildlife Service be contacted at 303-275-2370 to determine if a black footed ferret survey is required for the site location. Burrowing owl surveys are recommended if destruction or poisoning of prairie dog burrows will occur between March 15<sup>th</sup> and October 31<sup>st</sup> of any year.

Recommended "Survey Protocol and Actions to Protect Nesting Burrowing Owls" is available through CPW.

Migratory Birds

No trees are currently on site and there were no migratory bird nests observed on the property. Ground nests may be present however and any destruction of nests or eggs should be avoided. Scheduling initial dirt work between July 30 and April 1 would avoid the primary nesting season for ground nesting birds and would therefore be recommended. Any poison applied to prairie dog burrow should be applied by a licensed applicator within labeling guidelines to avoid impacts to bald eagles or other birds of prey.

Native Grasslands

If at all possible the two stands of native grasslands on the site should be preserved as designated open space and human use of these areas should be limited to mitigate impacts to wildlife of the proposed construction.

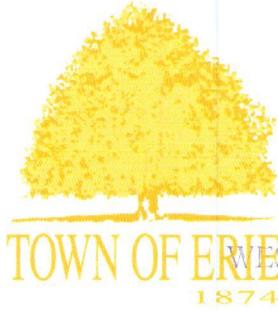
Thank you again for the opportunity to comment on this project. If you have any questions please do not hesitate to call the local District Wildlife Manager, Kristin Cannon, at 303-291-7117.

Sincerely,

A handwritten signature in black ink, appearing to read 'Larry Rogstad', with a stylized flourish extending to the right.

Larry Rogstad  
Area Wildlife Manager

CC: S Yamashita, T Kroening, L Rogstad, K Cannon



RECEIVED

DEC 01 2015

Community Development Services  
Planning and Building

**Town of Erie, Colorado  
Development Referral**

WESTERN OPERATIONS LAND

- Town of Erie Community Development
- Town of Erie Parks & Recreation
- Town of Erie OSTAB
- Colorado Division of Wildlife
- St. Vrain Valley School District
- Century Link Communications
- United Power Company
- USDOE Western Area Power Administration
- NCWCD & Subdistrict
- Green Mill Sportsman's Club
- GrandView HOA
- EnCana Oil & Gas (USA) Inc.
- Kerr-McGee Gathering LLC

- Town of Erie Engineering
- Town of Erie Airport Manager
- Mountain View Fire Protection District
- Colorado Geologic Survey
- Felsburg Holt & Ullevig
- Comcast Commercial & Residential
- XCEL Energy
- Vranesh & Raisch, LLC
- High Plains Library District
- State Historic Preservation Officer
- Anadarko Petroleum Corp/Land Corp
- Kerr-McGee Oil & Gas Onshore LP

**Planner: Deborah Bachelder**

**Date: November 19, 2015**

**Project: Erie Highlands**

**Applicant: Oakwood Homes**

**Description: Preliminary Plat #2**

**Location: SW Corner of WCR 5 and Erie Parkway**

**Legal Description: See Attached Materials**

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We have reviewed this application and find no conflicts with our interests

We have reviewed this application and find conflicts with our interests.

See comments below or attached letter.

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature:**  **Date:** 12/21/15

Name (Please Print) Robert Bresnahan



## Town of Erie, Colorado Development Referral

- Town of Erie Community Development
- Town of Erie Parks & Recreation
- Town of Erie OSTAB
- Colorado Division of Wildlife
- St. Vrain Valley School District
- Century Link Communications
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See comments below or attached letter.

### Comments

This development is within five (5) miles of the airport. Airport Management recommends an Avigation Agreement and other disclaimers be put in place for this community as has been done with other communities surrounding the airport.

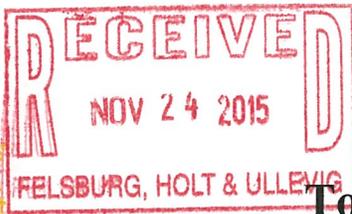
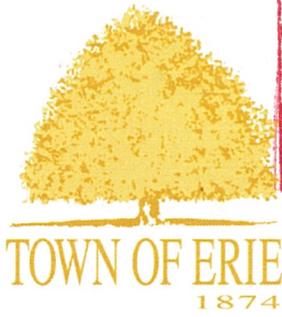
**Signature:**

**Date:**

Dec. 21, 2015

Name (Please Print)

JASON HURD



Community Development Services  
Planning and Building

## Town of Erie, Colorado Development Referral

- |  |   |
|--|---|
| <input type="checkbox"/> Town of Erie Community Development      | <input type="checkbox"/> Town of Erie Engineering               |
| <input type="checkbox"/> Town of Erie Parks & Recreation         | <input type="checkbox"/> Town of Erie Airport Manager           |
| <input type="checkbox"/> Town of Erie OSTAB                      | <input type="checkbox"/> Mountain View Fire Protection District |
| <input type="checkbox"/> Colorado Division of Wildlife           | <input type="checkbox"/> Colorado Geologic Survey               |
| <input type="checkbox"/> St. Vrain Valley School District        | <input checked="" type="checkbox"/> Felsburg Holt & Ullevig     |
| <input type="checkbox"/> Century Link Communications             | <input type="checkbox"/> Comcast Commercial & Residential       |
| <input type="checkbox"/> United Power Company                    | <input type="checkbox"/> XCEL Energy                            |
| <input type="checkbox"/> USDOE Western Area Power Administration | <input type="checkbox"/> Vranesh & Raisch, LLC                  |
| <input type="checkbox"/> NCWCD & Subdistrict                     | <input type="checkbox"/> High Plains Library District           |
| <input type="checkbox"/> Green Mill Sportsman's Club             | <input type="checkbox"/> State Historic Preservation Officer    |
| <input type="checkbox"/> GrandView HOA                           | <input type="checkbox"/> Anadarko Petroleum Corp/Land Corp      |
| <input type="checkbox"/> EnCana Oil & Gas (USA) Inc.             | <input type="checkbox"/> Kerr-McGee Oil & Gas Onshore LP        |
| <input type="checkbox"/> Kerr-McGee Gathering LLC                |   |

**Planner: Deborah Bachelder**

**Date: November 19, 2015**

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We have reviewed this application and find no conflicts with our interests

We have reviewed this application and find conflicts with our interests.

See comments below or attached letter.

**Comments:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
**Signature:** 

**Date:** 11/25/2015

Name (Please Print) CHARLES M. BUCK



November 25, 2015

**MEMORANDUM**

TO: Deborah Bachelder

FROM: Charles M. Buck, PE, PTOE

SUBJECT: Traffic and Transportation Review

PROJECT: Erie Highlands Preliminary Plat #2  
FHU # 95-190

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I have reviewed the materials provided for Erie Highlands Preliminary Plat #2. The materials include the Land Use Application, Preliminary Plat Narrative, ALTA/ACSM Land Title Survey, Preliminary Transportation Engineering Plan (TEP), and Traffic Impact Study (TIS). The TEP was prepared by Core Consultants and the TIS was prepared by Aldridge Transportation Consultants.

Erie Highlands is located on the south side of Erie Parkway between WCR 3 and WCR 5. The Preliminary Plat #2 generally occupies the southern half of the Erie Highlands PUD (south of Indian Peaks Drive and Highlands Circle). I have reviewed the submittal materials from the perspective of traffic engineering and transportation planning but not general civil or utility engineering. The following are my review comments, which pertain to the TEP and TIS:

- The Traffic Impact Study for Erie Highlands has been reviewed and accepted previously. The report addresses the entire Erie Highlands development, including Preliminary Plat #2. The land uses, site layout, and roadway system depicted on the TEP are in general conformance with the site plan analyzed in the TIS.
- The TEP specifies roadway rights-of-way and cross sections for site internal streets. Indian Peaks Drive (east of Highlands Circle), Highlands Circle, and Twin Peaks Drive are shown as 70 foot residential collectors, consistent with Town standards. These roadways coincide with collectors as identified in the TIS.
- All other internal streets are shown as 60 foot local streets, also consistent with Town standards and the TIS.

Please call if you have any questions or need additional information.



## MOUNTAIN VIEW FIRE RESCUE

3561 North Stagecoach Road, Unit 200 • Longmont, CO 80504  
(303) 772-0710 • FAX (303) 651-7702

December 22, 2015

Ms. Deborah Bachelder  
Town of Erie, Community Development  
P.O. Box 750  
Erie, CO 80516

Dear Ms. Bachelder:

I have reviewed the submitted material pertaining to the Erie Highlands Preliminary Plat #2 located at the southwest corner of Weld County Road 5 and Erie Parkway in Erie and shall make the following comments:

- Fire apparatus access is satisfactory as shown on the plans submitted. All roads must be completed with at least one layer of asphalt and street intersections signed before building permits may be issued.
- Fire hydrant locations are satisfactory as shown on the plans submitted. Fire hydrants must be approved by public works prior to the issuance of building permits.

We appreciate being involved in the planning process and should you have any questions, please contact me at 303-772-0710 x 1121.

Sincerely,

LuAnn Penfold  
Fire Marshal

cc: project file

lp12.08.15



## Town of Erie, Colorado Development Referral

- |  |   |
|--|---|
| <input type="checkbox"/> Town of Erie Community Development      | <input type="checkbox"/> Town of Erie Engineering               |
| <input type="checkbox"/> Town of Erie Parks & Recreation         | <input type="checkbox"/> Town of Erie Airport Manager           |
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| <input type="checkbox"/> Colorado Division of Wildlife           | <input type="checkbox"/> Colorado Geologic Survey               |
| <input type="checkbox"/> St. Vrain Valley School District        | <input type="checkbox"/> Felsburg Holt & Ullevig                |
| <input type="checkbox"/> Century Link Communications             | <input type="checkbox"/> Comcast Commercial & Residential       |
| <input type="checkbox"/> United Power Company                    | <input type="checkbox"/> XCEL Energy                            |
| <input type="checkbox"/> USDOE Western Area Power Administration | <input type="checkbox"/> Vranesh & Raisch, LLC                  |
| <input checked="" type="checkbox"/> NCWCD & Subdistrict          | <input type="checkbox"/> High Plains Library District           |
| <input type="checkbox"/> Green Mill Sportsman's Club             | <input type="checkbox"/> State Historic Preservation Officer    |
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**Planner:** Deborah Bachelder

**Date:** November 19, 2015

**Project:** Erie Highlands

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We have reviewed this application and find no conflicts with our interests

We have reviewed this application and find conflicts with our interests.

See comments below or attached letter.

**Comments:** This parcel is within both the Northern Colorado Water Conservancy District and Municipal Subdistrict, Northern Colorado Water Conservancy District boundaries.

**Signature:** Marilyn Conley **Date:** December 1, 2015

Name (Please Print) Marilyn Conley



## Town of Erie Open Space and Trails Advisory Board

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From: Town of Erie Open Space and Trails Advisory Board (OSTAB)  
To: Deborah Bachelder, Senior Planner, Community Development  
Date: March 15, 2016

**Subject: Erie Highlands Preliminary Plat #2**  
**Location: SW corner of Erie Parkway and WCR 5**

OSTAB has reviewed the package materials, compared them to Town planning documents, and has prepared the following comments, questions, and recommendations for consideration in evaluating this project.

### **The Natural Areas Inventory (NAI) and Open Space:**

Discussion: In 2008, the Town engaged Walsh Environmental Scientists and Engineers of Boulder, Colorado, to identify and evaluate the natural areas within the Town's planning area. Over 125 areas were evaluated. Based upon a variety of characteristics, a numerical "summary rating" was calculated, and the habitat quality of each site was categorized as high, medium, or low.

This application contains a response, dated January 29, 2016, to earlier staff comments. Items 2 and 3 from Community Development discuss 2 NAI sites that are located within this application, and future actions by the applicant:

1. The northeast portion of NAI site #75, which contains rolling hills and swales, is on the bottom (south) of Grading Plan Sheet 6. That sheet indicates that that portion of the NAI site will be graded. Utmost care must be taken when this done to ensure that the portion of this NAI site that is immediately south is not impacted;
2. NAI site #76 is on the southwestern portion of this Plat. It contains a prairie dog colony which may contain nesting sites for burrowing owls. Virtually all of Tract D, the open space Tract, is located within this NAI site. The applicant will be responsible for restoring this tract to native vegetation, which will require removal of the prairie dog colony. All protocols must be followed to ensure that potential nesting owls are not impacted.

The PUD Zoning Map, dated September 13, 2013, indicates on Sheet 2 that the required public open space is 47.15 acres, and the acres to be provided is 32.65 plus fee-in-lieu. The Tract Summary Chart for this Plat (Sheet 1) indicates that all the public open space is in Tract D, which is 30.51 acres. In our previous response, we were unable to reconcile the difference between the dedicated open space in this Plat and the requirement in the PUD. The applicant responded that there are also 2.896 acres of dedicated open space as part of PA-2 (Filing 5).

In our previous response, we stated:

"The Town of Erie is experiencing very rapid growth. Open space is disappearing as land is developed for housing. The Town has an active program of purchasing important parcels for permanent open space, but there will never be sufficient funds to provide open space tracts near all residents. A recent PROST survey (2014) of residents showed that trails are very important to 87% , and open space is very important to 77%. Thus we are very strong proponents of the open space requirements in the UDC (see Chapter 10.6.3), which require open space in every development. We disagree with previous boards that approved this development with roughly 30% less open space than required in that document. This omission is magnified by the fact that a substantial portion of the approved open space is narrower than the requirements in the UDC."

Thus we recommended that the open space be expanded so that all open space requirements in the UDC are fulfilled. However, we understand that the applicant is not obligated to do that. The applicant responded that "open space dedication will, at a minimum, meet the PUD numbers".

**Recommendations:**

1. Ensure that the grading of the small section of NAI site #75 that is within this application does not impact the portion of the NAI site that is due south of this Plat. See the discussion section above for more details;
2. Ensure that all protocols are followed when Open Space Tract D is restored to native vegetation. See discussion section above for more details.

**Trails:**

Discussion: The sheets in the Landscape Plan state that the composition of Spine Trail will be 8' concrete and 4' soft. In our previous response, we recommended that this trail should meet the requirements in the Parks Recreation Open Space and Trails (PROST) Master Plan: a minimum 2' shoulder on each side of the 12' combined concrete (8') and soft trail (4') that is clear of obstructions. In the applicant's response, it stated "Spine Trail to have a minimum 2' shoulder on each side. Details will be provided with final landscape plans." We believe that the application should specifically include the shoulder. That can easily be accomplished by noting on each sheet "Spine Trail to be constructed per PROST Master Plan".

Recommendation: Add the following note on each sheet in the Landscape Plan that contains the Spine Trail: "Spine Trail to be constructed per PROST Master Plan".

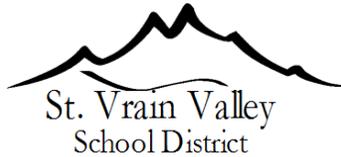
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Please pass this referral letter to the Applicant, and appropriate town departments, boards, and commissions. Thank you for your attention to these matters. OSTAB is available to discuss any of the above in more detail as needed.

Sincerely,

**Open Space and Trails Advisory Board**

Denise Brady  
Kevin Chard  
Dawn Fraser  
Monica Kash  
Nicole Littmann  
Ken Martin (Chair)  
Joe Martinez



February 29, 2016

Deborah Bachelder  
Town of Erie  
645 Holbrook  
Erie CO 80516

RE: Erie Highlands Preliminary Plat #2

Dear Deborah:

Thank you for referring the Erie Highlands referral to the School District. We have also received the developer response letter dated 2/22/2016. The SVVSD appreciates the developer removing the view corridor easement. As stated earlier in an email, the SVVSD will take the view corridor request into consideration when planning a future school on the Erie Highlands site.

We support Oakwood homes moving forward with their development but must reiterate that Black Rock elementary and Erie Middle School will exceed the 125% capacity benchmark within the next 5 years.

- The Highlands preliminary plat causes the capacity of Black Rock Elementary to exceed the 125% benchmark in 2018/19 school year. Erie Middle is projected to exceed the capacity benchmark in 2017. Options for mitigating capacity could include adding mobile classrooms, alternating schedules or donating to the voluntary per unit payment, voluntary mitigation. See our comment on the next page.
- The preliminary plat indicates 231 homes will be built. These homes are covered by the CIL housing credits.

Should this development be approved, the options for managing the short and long term overcrowding in these schools may include adding modular classrooms and implementing split or staggered schedules as needed. Other options may include, but not be limited to, implementing year-round schools or asking voters to approve new bonds for additional school facilities or a mill levy for additional operating funds. It should be noted that a lack of operating funds may be a factor in delaying construction and occupancy of new school facilities in this area.

Detailed information on the specific capacity issues, the land dedication requirements and transportation impacts for this proposal follow in Attachment A. A land dedication is required with this project and there are comments on pedestrian access included in the attachment. The recommendation of the District noted above applies to the attendance boundaries current as of the date of this letter. These attendance boundaries may change in the future as new facilities are constructed and opened. If you have any further questions or concerns regarding this referral, please feel free to contact me via e-mail at [kragerud\\_ryan@svvsd.org](mailto:kragerud_ryan@svvsd.org) or at the number below.

Sincerely,

Ryan Kragerud, AICP  
Planning/GIS

Enc.: Attachment A – Specific Project Analysis  
Cash-in-lieu chart

## ATTACHMENT A - Specific Project Analysis

### PROJECT: Dearmin Annexation

#### (1) SCHOOL CAPACITY

The Board of Education has established a District-wide policy of reviewing new development projects in terms of the impact on existing and approved school facilities within the applicable feeder system. Any residential project within the applicable feeder that causes the 125% school benchmark capacity to be exceeded within 5 years would not be supported. This determination includes both existing facilities and planned facilities from a voter-approved bond. The building capacity, including existing and new facilities, along with the impact of this proposal and all other approved development projects for this feeder is noted in the chart below.

### BLACK ROCK ELEMENTARY

CAPACITY INFORMATION				CAPACITY BENCHMARK*									
				(includes projected students, plus development's student impact)									
School Level	Building Capacity	Stdts. Oct-14	Std. Impact	2015-16		2016-17		2017-18		2018-19		2019-20	
				Stdts	Cap.	Stdts	Cap.	Stdts	Cap.	Stdts	Cap.	Stdts	Cap.
Elementary	637	694	51	714	112%	755	119%	783	123%	816	128%	841	132%
Middle (EMS)	720	833	23	870	121%	891	124%	913	127%	940	131%	975	135%
High (EHS)	896	799	25	876	98%	911	102%	944	105%	970	108%	1007	112%
Total	2496		99	2460		2558		2639		2726		2823	

Specific comments concerning this proposal regarding School Capacity are as follows:

- *Specific Impact* - This application will add 231 single family dwelling units and 99 additional students in the **Black Rock Elementary, Erie Middle and Erie High School Feeder.**
- *Benchmark Determination* – Black Rock elementary and Erie middle school are projected to exceed 125% of capacity in 5 years with students from this development. The School District continue to monitor capacity but the developer should be aware both schools will exceed the capacity benchmark. To avoid this please see the voluntary mitigation options below. The Board of Education has not voted on whether to seek a bond for capital improvements to mitigate capacity issues at the time of this application.
- *Mitigation Options* - The Town of Erie and the developer should also be aware that the School Board has developed a mitigation policy that would assist in providing capacity for the new students in this subdivision. Under the policy, should an applicant wish to begin construction on a residential development prior to the District's ability to provide additional capacity, the applicant may mitigate the development's impact on the feeder by agreeing to a voluntary, per-unit payment. Funds would be used to provide permanent or temporary capacity within the impacted feeder. The Planning Department would be happy to discuss this type of mitigation for the proposal with either the town or developer.
- *Phasing Plan* – The District would appreciate a phasing plan from the applicant at the time of final plat to more accurately calculate the impacts of this development.

#### (2) LAND DEDICATIONS AND CASH IN-LIEU FEES

The implementation of the Intergovernmental Agreement (IGA) Concerning Fair Contributions for Public School Sites by the town of Erie requires that the applicant either dedicate land directly to the School District along with provision of the adjacent infrastructure and/or pay cash-in-lieu (CIL) fees based on the student yield of the development. CIL fees provide funds for land acquisition and water rights acquisition, which is only a small component of providing additional school capacity for a feeder. Specific comments regarding land dedications and CIL fees for this referral are as follows:

- *Dedication and/or Cash-in-lieu Requirements* – **As noted in the annexation review:** The dedication requirement for the Dearmin Annexation is 10.085 acres. The current plan shows an elementary school site that meets this 10 acre requirement for an Elementary School. The District's preference would be to move forward with the conveyance as soon as possible.
- *Number of Units covered by dedication/cash-in-lieu* – The land dedication requirement for this development is 10 acres all 1017 units will be covered.

- *Dedication/Cash-in-lieu Procedures – Receipts for dwelling unit credits may be obtained at the time of building permit in the St. Vrain Valley School District Business Office – 395 S. Pratt Parkway, Longmont, CO.*

### 3) TRANSPORTATION/ACCESS

Transportation considerations for a project deal with bussing and pedestrian access to and from the subdivision. Pedestrian access, in particular, is an important goal of the School District in order to facilitate community connection to schools and to minimize transportation costs. Specific comments for this application are as follows:

- *Provision of Busing* - Busing for this project, under the current boundaries, would most likely be provided at the elementary and middle school levels.
- *Pedestrian/Access Issues* – The planned layout of this neighborhood will allow for sufficient access to the elementary school shown. There is a trail connection paralleling Erie Parkway that provides sufficient access to Erie High School a grade separated crossing of Erie Parkway would be preferred to provide adequate safety for pedestrians.

Deb Bachelder

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**From:** Marisa Dale <mdale@UnitedPower.com>  
**Sent:** Monday, December 07, 2015 2:52 PM  
**To:** Deb Bachelder  
**Subject:** Erie Highlands Preliminary Plat #2 - Oakwood Homes referral  
**Attachments:** Marisa Dale.vcf

Hi Deborah,

Thank you for allowing United Power, Inc. the opportunity to review and comment on the Erie Highlands Preliminary Plat #2 - Oakwood Homes referral.

United Power, Inc. appreciates the planned utility easements on each lot and tracts.

Developer must contact United Power for new service installation or modification of existing facilities. Additional easements may need to be acquired by separate document depending on design for this development.

Thank you,  
Marisa

**Marisa Dale**  
United Power, Inc.  
Right of Way Specialist  
  
(303) 637-1387 Work  
(720) 334-5282 Mobile  
mdale@UnitedPower.com  
500 Cooperative Way  
Brighton, CO 80603



1720 14th Street, Suite 200 Boulder, Colorado 80302  
Telephone: 303.443.6151 Fax: 303.443.9586  
www.vrlaw.com

January 8, 2016

Deborah Bachelder, Town of Erie  
Community Development Dept.  
P.O. Box 750  
Erie, CO 80516

Re: Erie Highlands Preliminary Plat

Dear Deb:

You asked for comments regarding the Preliminary Plat #2 for Erie Highlands at the southwest corner of WCR5 and Erie Parkway. The Town should assure that the property has been included into the Northern Colorado Water Conservancy District and its Municipal Subdistrict prior to providing any water service. It should also be confirmed that the land has been excluded from the Left Hand Water District and the St. Vrain Sanitation District, if necessary.

From a water rights standpoint, water demands should be determined, in order to determine cash in lieu of water dedication and/or water dedication requirements. This should include water demands for irrigated common areas.

It should also be determined whether there are any appurtenant surface water rights which should be conveyed to the Town. If so, the Applicant should comply with Town Municipal Code Section 8-1-9 regarding dedication of water rights.

Finally, all ground water rights, including tributary, non-tributary, and not non-tributary rights should be dedicated to Erie. I apologize for the delay sending these comments and please call me with any questions or comments.

Sincerely,

VRANESH AND RAISCH, LLP

Paul J. Zilis  
Paul J. Zilis, Esq.

PJZ:clm



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: **303.571.3306**  
Facsimile: 303. 571.3284  
donna.l.george@xcelenergy.com

March 10, 2016

Town of Erie Community Development Services  
645 Holbrook PO Box 750  
Erie, CO 80516

Attn: Deborah Bachelder

**Re: Erie Highlands Preliminary Plat No. 2 – 2<sup>nd</sup> referral**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the second referral documentation for **Erie Highlands Preliminary Plat No. 2**, and acknowledges developer comments as well as the additional 6-foot utility easements granted within Tracts A and B along the rights-of-way for connectivity throughout the development.

PSCo respectfully requests the following statement be added to the preliminary and final plats for the subdivision:

***Permanent structures, improvements, objects, buildings, wells, water meters and other objects that may interfere with the utility facilities or use thereof (Interfering Objects) shall not be permitted within said utility easements and the utility providers, as grantees, may remove any Interfering Objects at no cost to such grantees, including, without limitation, vegetation. Public Service Company of Colorado (PSCo) and its successors reserve the right to require additional easements and to require the property owner to grant PSCo an easement on its standard form.***

If you have any questions about this referral response, please contact me at (303) 571-3306.

Donna George  
Contract Right-of-Way Referral Processor  
Public Service Company of Colorado