



Town of Erie, Colorado Development Referral

- Town of Erie Community Development
- Town of Erie OSTAB
- Public Review
- CGS
- Crestone Peak Resources
- Felsburg Holt & Ullevig
- RTD
- New Consolidated Lower Boulder Ditch

- Town of Erie Engineering
- Town of Erie Parks & Recreation
- Stone Landscape Architects, LLC
- NCWCD & Subdistrict
- Kerr-McGee Oil & Gas Onshore, LP
- RTD
- XCEL Energy
- Extraction Oil & Gas, LLC

Planner: Hannah Hippely

Date: January 4, 2017

Project: Wise Farms

Applicant: Jasper Land Investments, LLC

Description: Rezoning, Planned Unit Development Overlay & Preliminary Plat

Location: West of the Intersection of N. 119th Street & Jasper Road on the south

Legal Description: See Attached

This application is submitted to you for review and comment. Please reply by **Thursday, January 26, 2017**, 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 hhippely@erieco.gov. If you have any questions about this application, please call 303-926-2774.

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: *Darren L. Champion*

Date: January 26th 2017.

Name (Please Print) DARREN L. CHAMPION



Internal Memo

To: Hannah Hippely, Community Development Planner

From: Darren Champion, Parks and Open Space Project Coordinator

Date: January 26, 2017

Subject: Wise Farms, Rezoning, Planned Unit Development Overlay & Preliminary Plat

Cc: Farrell Buller, Director of Parks and Recreation

Rob Crabb, Parks and Open Space Division Manager

Parks & Open Space Division staff has reviewed the subject plans and offers these comments:

- As noted in the applicant's response #2, the irrigation plan is still to be provided at final plat.
- Please correct EDGING under Landscape Material Specifications to read "EDGING SHALL BE THREE SIXTEENTHS BY SIX (3/16TH X 6") INCH GREEN PAINTED STEEL.
- In addition to applicant's response #20, which states the ultimate future trail alignment being provided at final plat. Parks staff request discussion with the applicant and relevant parties, in relation to the future spine/regional trail locations, size of trails and associated access points to be located within Tracts I and J.
- Page L5, in the bubble area that shows large mature cottonwoods to be retained: shift the sidewalk to the south so that the sidewalk placement is a minimum of 30' from the trunks of these trees slated for retention.
- Add general note: Prior to commencement of any site work, the Contractor, in conjunction with the Town Arborist, shall identify all designated vegetation (or remnant native areas) suitable for preservation located on Town owned properties. Vegetation that is to be preserved on the site shall be protected by creating adequate Vegetation and Tree Protection Zones. Protective fencing and signage shall be placed along the perimeter of designated Vegetation and Tree Protection Zones.
- Page L10 – The previous response to note #29 was not fully corrected. Please change first sentence to read "Prior to the commencement of any site work, the contractor, in conjunction with the Town Arborist or designee, shall.."



Internal Memo

To: Hannah Hippely, Community Development Planner

From: Darren Champion, Parks and Open Space Project Coordinator

Date: February 8, 2017

Subject: Addendum - Wise Farms, Rezoning, Planned Unit Development Overlay & Preliminary Plat

Cc: Farrell Buller, Director of Parks and Recreation

Rob Crabb, Parks and Open Space Division Manager

Parks & Open Space Division staff has reviewed the subject plans and offers these comments:

- Town desires a third party study of wetlands and their boundaries and a discussion of the impacts of the subdivision on the health and ecology of the area. This assessment, performed by a restoration ecologist or similar and paid for by the developer, shall provide recommendations regarding how best to achieve the most favorable outcome for the ecology of the area when balanced with the desires of the development".



STONE
LANDSCAPE
ARCHITECTS

TO: TOWN OF ERIE
Rob Crabb, Parks & Open Space

FROM: Stone Landscape Architects, LLC
Terry Stone

DATE: January 26, 2017

RE: Wise Farms Preliminary Plat – Resubmittal Review

Below are the Parks-related review comments for this project.

Preliminary Landscape Plan Set Comments:

(Note: numbers shown in brackets indicate the previous September comment number for reference.)

1. [#2] General: A beneficial pedestrian bridge was added across the ditch to connect the trails in Tracts J and I, however the intent was for this to be in addition to the other smaller ditch crossing (connecting west end of Tract I to Street I), which appears to have been removed. Consider adding that crossing back in for a well-connected trail system within the Wise Farms community.
2. [#10] L1: The landscape plan was revised and appears to meet the required quantity, but the 119th Street quantities in summary chart on L12 is different from the response and needs to be rectified.
3. [#20] L4: We recognize your grading challenge, and the importance of a trail connection between Tract J and Street L. The City slope requirement (5% max) could be achieved with switchbacks, or you could consider shifting the trail connection to Tract K.
4. L6: Consider shifted bench area and access to west side of playground to receive shade from canopy trees.
5. L6/L7: Play area access ramp should not overlap with fall/safety zone; conflict occurs in 2 of the 3 play locations. Adjust layout to accommodate. Also, note #1 should be modified or deleted since equipment was selected and shown.
6. L7: Ensure that a crosswalk is provided at Street A for trail connection, and that a curb

ramp is provided on the north side of the street.

7. L7: Three of the pears are not labeled on the plan. Also, pear should be moved to the Ornamental Trees category, and would not count as "Deciduous" in the Materials Summary. The intent for the Ornamental Tree requirement for playgrounds is different from Deciduous, i.e. canopy shade tree. Plan & Summary should be revised to include 10 deciduous canopy trees.
8. L7: A detail should be provided for steel edging in planting beds to ensure edging is not raised, especially near walks and play areas.
9. L8: Enlargement 2 shows low landscape berms. Are these intended for screening? Consider adding or moving some trees to the berms.
10. L12: Due to vigorous suckering it is recommended that Narrowleaf Cottonwood be replaced by Lanceleaf Cottonwood; unless colonies are the intent for natural areas.

END OF COMMENTS



Town of Erie Open Space and Trails Advisory Board

From: Town of Erie Open Space and Trails Advisory Board (OSTAB)
To: Hannah Hippely, Senior Planner, Community Development
Date: January 25, 2017

Subject: Wise Farms Referral – Preliminary Plat

Location: West of Intersection of N. 119th Street and Jasper Road, on the south

Date of Documents:

1. Preliminary Plat: June 15, 2016;
2. Landscape Plans: December 22, 2016;
3. Preliminary Development Plan, December, 2016;
4. Concept Plan: December 22, 2016;
5. Response to Town and Referral Agency Comments: December 22, 2016.

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

Open Space and the Natural Areas Inventory (NAI):

Discussion: The Town's Unified Development Code (UDC) contains a formula that requires slightly less than 5 acres of dedicated open space for the proposed 102 dwelling units. Several tract charts and narratives state that there will be 2 tracts of dedicated open space; both will be owned and maintained by the town:

1. Tract J, 11.438 acres, located in the NE quadrant, between Jasper Rd and Lower Boulder Ditch (LBD);
2. Tract I, 15.641 acres, located south of LBD and due south of Tract J.

In 2007, 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, each area was categorized as high, medium, or low quality. One of these areas exist on this property: Site #42 ("Wetlands near Wise Woods", 18 acres, medium quality). The site includes a large wetlands near Jasper Road, a shrub thicket adjacent to LBD, and an agricultural field between those 2 areas. Sheet L1 has an arrow pointing to the above described thicket which states that "existing trees and thicket to remain in place". In our opinion, Tract J contains all the important components of that NAI site.

Recommendations: None

Spine Trail:

Discussion: The Town's Parks, Recreation, Open Space, and Trails (PROST) Master Plan

includes Resource Map C: Parks and Recreational Trails Recommendations. That map has a Spine Trail following the RTD ROW from County Line Rd. to the west of US 287. A small section immediately west of County Line Road has already been built; the remainder is proposed. The Master Plan also defines the structure of the Spine Trail:

"It includes an 8-foot wide concrete section suitable for wheeled vehicles including strollers, bikes, and skates. An attached 4-foot soft surface of crusher fines provides a place for runners and pedestrians who want to stay out of the path of faster-moving cyclists or skater/bladers. A mower width shoulder on both sides should be kept clear of obstructions to provide a safety zone."

A segment of the RTD ROW bisects this application. The response letter, dated December 22, 2016, states that "the trail will be built by the applicant to the town's specifications in the proposed regional trail easement immediately south of the RTD ROW". Sheet 4 of the Preliminary Plat has a "30' regional trail easement" due south of the RTD ROW. Sheet L10 of the Landscape Plan has an "8' concrete trail" in Tract A, which is due south of the RTD ROW. However, we were unable to find any sheet that specifically identifies a "spine trail".

Recommendation:

1. All sheets that contain the Spine Trail should label it as "Spine Trail constructed per PROST Master Plan".

-label spine trail

Neighborhood Trails

Discussion: We are a strong believer that a robust network of neighborhood trails that enable residents to safely access neighbors, parks, open space, and the Town's Spine Trail network, is a valuable asset that enhances life in Erie, and improves the development's marketability. Neighborhood trails in this development will be particularly important, since there are no nearby trails or sidewalks that connect to existing Erie trails.

The most important trails in this development are located within the two dedicated open space tracts, I and J. Both have circular trails. Tract J, the northern tract, has a circumferential trail around the wetlands. Tract I, the southern tract, has a circular trail that encompasses most of that tract. Those tracts are adjacent, but separated, by the LBD. We previously recommended that a new crossing of LBD be built to connect those tracts. This application contains that new crossing. Thank you! We did notice on multiple sheets that the portion of the trail in Tract I that is west of the north/south crossing of the RTD ROW is within that ROW. That must be corrected

We found it difficult to evaluate the other trails in this development, since there is not a sheet specifically devoted to trails. We used a combination of the following sheets to perform our assessment:

1. Concept Plan Exhibit;
2. PUD Zoning Map, sheet 2;
3. Preliminary Landscape Plan, sheets L1, L10 and L11.

The northern section only contains the 2 above described trails in the dedicated open space, and one connector at the end of the eastern cul-de-sac. It appears that the sidewalk along Jasper Rd is 8' concrete, meandering, and in a landscaped buffer. We agree with that design. The previous application had a perimeter trail around the western half of this section. The trail has been eliminated in this version. Our experience with perimeter trails in other subdivisions is that they are very popular, much safer for children than sidewalks near roads, and quieter and more "natural" than sidewalks near roads. That perimeter trail should

be retained. We suggest that the eastern end should be where the unnamed road dips southward close to LBD. The northern end should intersect the sidewalk on Jasper Rd., through the emergency access way in Tract N (see sheet L11). There should be a connector to the roadway in the SW corner in Tract O.

The southern section has trails around the entire perimeter. On the south and west there is a trail behind the building lots in Tracts D and B. On the north will be the above described spine trail. On the east is N. 119th St.; the sidewalk appears to be similar to the sidewalk along Jasper Rd. i.e. 8' wide concrete, meandering, and in a landscaped buffer. There is also a north/south trail that more or less bisects the entire section.

There are inconsistencies in multiple sheets describing the width of the neighborhood trails. Some have 6', some have 5', and some are unmarked. We believe that some multi-use trails should be 8' wide, particularly if used by children on bicycles. We previously recommended that the trails in open space tracts I and J be soft surfaced i.e. crusher fines. A soft surface will provide young children with a unique trail experience within their neighborhood. The response letter states that "additional details, including material specifications will be finalized at the time of the final plat as we work with the Town on designing the trails to meet their programming for the open space areas". We agree with that concept. However, the preliminary plat must contain tracts that are sufficiently wide to accommodate some 8' wide trails.

Recommendations:

1. Provide one sheet that is specifically devoted to clearing show all trails;
2. Relocated the portion of the trail in Tract I that is incorrectly shown as within the RTD ROW;
3. Build a perimeter trail around a portion of the northern section as described above;
4. Assuming that the detailed format of the trails will be defined in the final plat, remove all references to trail widths, particularly where multiple sheets have differing widths for the same trail. This recommendation does NOT apply to the spine trail nor sidewalks along Jasper Rd and N. 119th St.

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

Phil Brink
Bob Braudes
Monica Kash
Dawn Fraser
Nicole Littmann
Ken Martin (Chair)
Joe Martinez



Town of Erie, Colorado Development Referral



- | | |
|---|---|
| <input type="checkbox"/> Town of Erie Community Development | <input type="checkbox"/> Town of Erie Engineering |
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Planner: Hannah Hippely

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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:** 01/19/2017

Name (Please Print) CHARLES M. BUCK



FELSBURG
HOLT &
ULLEVIG

connecting and enhancing communities

January 19, 2017

MEMORANDUM

TO: Hannah Hippely

FROM: Charles M. Buck, PE, PTOE

SUBJECT: Traffic and Transportation Review

PROJECT: Wise Farms Rezoning, Planned Unit Development Overlay and Preliminary Plat
FHU # 95-190

I have reviewed the materials provided for Wise Farms, including the comment response letter (12/22/2016, PCS), PUD Zoning Narrative (12/2016, PCS), PUD Zoning Map (12/22/2016, CVL), Concept Plan (12/2016, CVL), Wise Farms Zoning Map (12/21/2016, CVL), Preliminary Plat (6/15/2016, CVL), Preliminary Development Plan (12/2016, CVL), and Preliminary Landscape Plan (12/22/2016, PCS). I have reviewed these materials from the perspective of traffic engineering and transportation planning but not general civil or utility engineering. The following are my review comments:

Comment Response Letter

I reviewed the previous submittal for this project, with comments as documented in my memorandum dated September 22, 2016. The response letter from John Prestwick of PCS generally addresses my comments. Of note are the following:

- The eastbound right-turn lane and westbound left-turn lane at the site access on Jasper Road have been removed.
- The northbound left-turn lane at the site access on 119th Street has been revised to meet Town of Erie standards.
- An updated Traffic Impact Analysis will be provided in a future submittal. Potential improvements at the intersection of 109th Street/Jasper Road will be evaluated with the updated report.

January 19, 2017
Memorandum to Hannah Hippely
Page 2

Preliminary Development Plan (PDP)

Relative to the above applicant response letter, the following are noted:

- Sheet E1 of the PDP still has a note about the eastbound right-turn deceleration lane at the Jasper Road access. The cross-section D-D also shows the lane. This sheet also still notes the westbound left-turn lane at the Jasper Road access, and depicts it in cross-section H-H. These lanes are no longer proposed and should be omitted.
- The above comments also apply to sheet E2.
- Sheet E4 shows the northbound left-turn lane at the 119th Street access with the corrected decel and taper lengths.

Preliminary Landscape Plan

Sheets L3 and L9 address sight-line requirements at the site accesses on Jasper Road and 119th Street.

Summary

My comments of September 22, 2016 have generally been addressed with this latest submittal. Some references to auxiliary lane improvements at the site access on Jasper Road are still contained the PDP and need to be omitted.

The above comments constitute my review. Please call if you have any questions or need additional information.

COLORADO GEOLOGICAL SURVEY

1801 19th Street
Golden, Colorado 80401



Karen Berry
State Geologist

February 3, 2017

Hannah Hippely
Community Development Services
Town of Erie
P.O. Box 750
Erie, CO 80516

Location:
Section 14,
T1N, R69W of the 6th P.M.
40.0535, -105.0797

**Subject: Wise Farms – Rezoning, PUD Overlay, and Preliminary Plat – Resubmittal
Town of Erie, Weld County, CO; CGS Unique No. BO-17-0003 2**

Dear Hannah:

Colorado Geological Survey has reviewed the Wise Farms Rezoning, PUD Overlay, and Preliminary Plat resubmittal and response to CGS's September 8, 2016 review comments. The currently proposed density and lot layout are similar to what CGS previously reviewed. The applicant, Jasper Land Investments, LLC, proposes 102 single family lots on 169 acres located between Jasper Road and Brownsville Block 1 (north of Billings Avenue), west of 119th Street. The abandoned mining town of Canfield is located just east of the northeastern corner of the site. With this referral, I received:

- Development Referral requesting CGS's review (January 4, 2017),
- Letter response to CGS's September 8, 2016 review comments (PCS Group, Inc., December 22, 2016),
- Wise Farms PUD Zoning Narrative (PCS Group, Inc., December 2016),
- Set of two PUD Zoning Map sheets (December 22, 2016),
- Concept Plan Exhibit (PCS Group, December 2016),
- Set of 13 Preliminary Plat sheets (CVL Consultants, June 15, 2016),
- Set of 15 Preliminary Development Plans (CVL Consultants, December 2016), and
- Set of 16 Preliminary Landscape Plan sheets (PCS Group, Inc., December 22, 2016 and June 10, 2016).

CGS has previously reviewed:

- Supplemental Mine Subsidence Risk Investigation (CTL|Thompson, October 25, 2013),
- Wise Property Mine Subsidence Investigation (Western Environment and Ecology [WEE], May 31, 2005), with a letter review confirming the 2005 report conclusions (WEE, July 21, 2012), and
- Preliminary Geotechnical Investigation (CTL|Thompson, December 9, 2005), with a letter confirming the validity of the 2005 characterization and recommendations (CTL|Thompson, December 5, 2012)

Mine subsidence hazard. Hatched areas corresponding to CTL|Thompson's restricted development area due to mine subsidence hazard are correctly shown on the plat within Tracts A, I and D, but are not identified as non-buildable or restricted. A 20 ft. subsidence setback is correctly identified on lots adjacent to the restricted areas.

- CTL's hatched areas shown on the plat should be clearly identified as non-buildable, and the plat should reference Western Environment's and CTL's subsidence hazard reports (see bullets above).

As discussed in our September 8, 2016 review letter and acknowledged by the applicant:

- The eastern lots in the southern parcel (Block 1, Lots 1 and 2; Block 3, Lot 1; and Block 4, Lot 1) are *probably* located beyond the limits of undermining, but the mine maps in this area are known to have significant errors, and should not be considered accurate. CGS recommends additional lot-specific subsidence hazard evaluation on these lots, once building locations are known and prior to building permit application.
- The eastern portion of Street A in the southern parcel appears to correspond to the cross-hatched area identified by CTL (page 7 of CTL's 10/25/2013 Supplemental Mine Subsidence Risk Investigation) as an acceptable location for a road. However, CGS continues to recommend that utilities along this segment be designed to withstand potential ground movement.
- It is possible that mislocated or unknown mine workings, unmapped shafts, or other mining-related features exist within proposed development areas. All grading activities should be carefully observed to identify any unmapped shafts or other mining features. The developer, engineer, builder, earthmoving contractors and field inspection staff should be made aware that adjacent properties to the east are undermined, unmapped shafts may be present, and there is a potential risk of sinkholes and other subsidence-related features developing. If subsidence feature(s) or shaft(s) are observed, mitigation and/or possible development reconfiguration would be required.

Shallow groundwater. Very shallow groundwater was observed in many of CTL's and WEE's borings, at depths that may preclude full-depth basements in some areas. CTL's Supplemental Mine Subsidence Risk Investigation report references a more detailed evaluation of groundwater elevations (July 16, 2013.) This report has not been included with Wise Farm referral documents provided to CGS.

- Full-depth basements should not be considered feasible unless the shallow groundwater condition is mitigated through one or more of the usual methods (fill placement to raise grade, construction of an area underdrain system, etc.)

Other geotechnical constraints. CTL's 2005 geotechnical report contains appropriate *preliminary* recommendations (pages 6-10) regarding overlot grading, subgrade preparation, fill placement, surface and subsurface drainage, and foundation design to mitigate the site's soft, wet, compressible and expansive soils, and shallow groundwater condition. Additional, lot-specific investigations are needed to confirm or refine these recommendations.

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,



Jill Carlson, C.E.G.
Engineering Geologist



January 26, 2017

Hannah Hippely
Town of Erie
Community Development Services
PO Box 750
Erie, CO 80516

Via email
hhippely@erieco.gov

Jeffrey J. Kahn
John Wade Gaddis
Bradley A. Hall
Steven P. Jeffers
Anton V. Dworak
Adele L. Reester
Catherine A. Tallerico
Scott E. Holwick
Cameron A. Grant
Matthew Machado

Re: *Application of Jasper Land Investments, LLC
Comments on behalf of Lower Boulder Ditch Company*

Dear Hannah:

The New Consolidated Lower Boulder Reservoir and Ditch Company ("Lower Boulder") has authorized our firm to provide comments on its behalf regarding the land use application of Jasper Land Investments, LLC in the above referenced planning case.

Madoline Wallace-Gross
Chad A. Kupper
Elizabeth M. Joyce
John Chmil
Drew L. Lyman

Along with Northern Colorado Water Conservancy District ("Northern Water"), Lower Boulder operates and has an easement for the Lower Boulder Ditch, also known as the South Platte Supply Canal (the "Canal"), which goes through the subject property. Lower Boulder has the following comments in response to this application:

SPECIAL COUNSEL
Wallace H. Grant
Suzan D. Fritchel
Eve I. Canfield

1. The Applicant may not modify or impact Lower Boulder's easement or the Ditch without a license agreement with Lower Boulder. Lower Boulder and Northern Water generally jointly enter to these agreements allowing crossings of the Canal. The Applicant has contacted Lower Boulder regarding possible crossings for utilities and a pedestrian bridge; however, no agreements are in place yet. Lower Boulder will review Applicant's plans as they become available.

SENIOR COUNSEL
Richard N. Lyons, II

2. The Applicant may not cause drainage to enter the Canal either through increased runoff or from drainage from the proposed retention ponds. Lower Boulder has requested and will review Applicant's revised drainage plans to further evaluate the impact of drainage into the Ditch.

Daniel F. Bernard
(1942-2011)

3. Lower Boulder and the Applicant are negotiating an operating agreement for maintenance of the Ditch on the subject property. This agreement is necessary to offset the increased costs which Lower Boulder and Northern Water will incur when the property is developed as the Town will not allow Lower Boulder to control weeds and other vegetation by burning that vegetation. As a result, Lower Boulder will have to utilize other more expensive methods to maintain the easement

LYONS GADDIS KAHN HALL JEFFERS DWORAK & GRANT, PC

515 Kimbark Street 2nd Floor PO Box 978 Longmont, CO 80502-0978
Longmont 303 776 9900 | Louisville 720 726 3670 | Web www.lyonsgaddis.com



LYONS GADDIS
ATTORNEYS & COUNSELORS

January 26, 2017
Page 2

Lower Boulder may submit additional comments if it becomes necessary in the future.

Thank you for notifying Lower Boulder of this application and for keeping Lower Boulder informed of all similar applications that have the potential to impact Lower Boulder's interests.

Feel free to contact me or Jeff Kahn in this office with any questions.

Sincerely,

LYONS GADDIS

By


Elizabeth M. Joyce
ejoyce@lyonsgaddis.com

Cc: Eric Doering, Lower Boulder President
Mark Monger, Lower Boulder Superintendent
Jim Struble, Northern Water
Brian Flockhart, Northern Water
Jim Dullea, Jasper Land Investments, LLC
John Prestwich, Applicant Consultant
Karl Knapp, Applicant Engineer



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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: Clint Hebert **Date:** 1/25/2017

Name (Please Print) _____



January 25, 2017

VIA E-MAIL

Town of Erie Community Development Services
Planning and Building
Hannah Hippely, Planner
645 Holbrook, P.O. Box 750
Erie, CO 80516

**NOTICE OF OIL AND GAS LEASEHOLD INTERESTS OWNED BY KERR-McGEE
OIL & GAS ONSHORE LP AND OBJECTION**

Re: Wise Farms
Jasper Land Investments, LLC – “Applicant”
Township 1 North, Range 69 West, 6th P.M.
Section 14 (“Application Property”)
Boulder County, Colorado

Ms. Hippely:

This letter is being sent by Anadarko Petroleum Corporation on behalf of its subsidiary Kerr-McGee Oil & Gas Onshore LP (“KMG” or the “Company”) to inform you KMG is the owner of valid oil and gas leases underlying all or parts of Section 14, Township 1 North, Range 69 West (“Leased Lands”), for which the Town of Erie is reviewing an application for Rezoning, Planned Unit Development Overlay and Preliminary Plat. KMG is submitting this comment and objection timely, in accordance with State of Colorado and the Town’s procedural requirements.

KMG’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. KMG’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.

KMG’s preferred practice is to meet with surface owners and attempt to conclude a mutually acceptable agreement. KMG must object to any approval by the Town for the Applicant’s plans that fail to fully accommodate KMG’s right to explore for, develop and produce oil and gas from its leasehold interests or the Leased Lands. KMG requests that the Town withhold approval until such time as the Applicant and KMG have concluded an agreement. Any future surface development plans on the Application Property should

incorporate and designate lands to be set aside for mineral development and expressly provide protection for KMG's current and future wells, pipelines, gathering lines and related oil and gas facilities and equipment. The Town of Erie has a statutory obligation to ensure that the property rights of mineral interest owners are accommodated in its land use planning process. Approval of any surface development plan that forecloses the rights of mineral and leasehold owners may be a compensable taking.

Please contact me at 720-929-6023 if you have any questions or comments about this matter. KMG hopes to conclude a mutually acceptable agreement with the surface owner of the property, 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 "Clint Hebert".

on behalf of
Clint Hebert
Landman

cc: Jeff Fiske, Lead Counsel
Ron Olsen
Justin Shoulders
Paul Ratliff
Jake Billadeau



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 OSTAB | <input type="checkbox"/> Town of Erie Parks & Recreation |
| <input type="checkbox"/> Public Review | <input type="checkbox"/> Stone Landscape Architects, LLC |
| <input type="checkbox"/> CGS | <input type="checkbox"/> NCWCD & Subdistrict |
| <input checked="" type="checkbox"/> Crestone Peak Resources | <input type="checkbox"/> Kerr-McGee Oil & Gas Onshore, LP |
| <input type="checkbox"/> Felsburg Holt & Ullevig | <input type="checkbox"/> RTD |
| <input type="checkbox"/> RTD | <input type="checkbox"/> XCEL Energy |
| <input type="checkbox"/> New Consolidated Lower Boulder Ditch | <input type="checkbox"/> Extraction Oil & Gas, LLC |

Planner: Hannah Hippely

Date: January 4, 2017

Project: Wise Farms

Applicant: Jasper Land Investments, LLC

Description: Rezoning, Planned Unit Development Overlay & Preliminary Plat

Location: West of the Intersection of N. 119th Street & Jasper Road on the south

Legal Description: See Attached

This application is submitted to you for review and comment. Please reply by **Thursday, January 26, 2017**, 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 hhippely@erieco.gov. If you have any questions about this application, please call 303-926-2774.

- 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:** 1/24/17
Name (Please Print) Robert Bernahan



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.571.3306
Facsimile: 303. 571.3524
donna.l.george@xcelenergy.com

January 25, 2017

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

Attn: Hannah Hippely

Re: Wise Farms – 6th referral

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the documentation for **Wise Farms – 6th referral**, acknowledges the changes that were made to the plat, and reminds the property owner/developer/contractor that additional easements may need to be acquired by separate document for new facilities.

PSCo also advises the continued coordination with all Xcel Energy representatives involved with this project: 1) the Designer for natural gas and electric distribution facilities, 2) the Right-of-Way Agent for distribution easement issues, and 3) the Right-of-Way Agent for gas transmission easement encroachment issues.

Should you have any questions with this referral response, please contact me at 303-571-3306.

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



RECEIVED/SCANNED
NCWCD

JAN - 9 2017
167077
ORIGINAL FILE COPY

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 OSTAB | <input type="checkbox"/> Town of Erie Parks & Recreation |
| <input type="checkbox"/> Public Review | <input type="checkbox"/> Stone Landscape Architects, LLC |
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| <input type="checkbox"/> RTD | <input type="checkbox"/> XCEL Energy |
| <input type="checkbox"/> New Consolidated Lower Boulder Ditch | <input type="checkbox"/> Extraction Oil & Gas, LLC |

Planner: Hannah Hippely

Date: January 4, 2017

Project: Wise Farms

Applicant: Jasper Land Investments, LLC

Description: Rezoning, Planned Unit Development Overlay & Preliminary Plat

Location: West of the Intersection of N. 119th Street & Jasper Road on the south

Legal Description: See Attached

This application is submitted to you for review and comment. Please reply by **Thursday, January 26, 2017**, 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 hhippely@erieco.gov. If you have any questions about this application, please call 303-926-2774.

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: Brian Flockhart **Date:** 1-10-17

Name (Please Print) Brian Flockhart



Town of Erie, Colorado Development Referral

- | | |
|--|---|
| <input checked="" type="checkbox"/> Town of Erie Community Development | <input type="checkbox"/> Town of Erie Engineering |
| <input type="checkbox"/> Town of Erie OSTAB | <input type="checkbox"/> Town of Erie Parks & Recreation |
| <input type="checkbox"/> Public Review | <input type="checkbox"/> Stone Landscape Architects, LLC |
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| <input type="checkbox"/> Crestone Peak Resources | <input type="checkbox"/> Kerr-McGee Oil & Gas Onshore, LP |
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| <input type="checkbox"/> New Consolidated Lower Boulder Ditch | <input type="checkbox"/> Extraction Oil & Gas, LLC |

Planner: Hannah Hippely

Date: January 4, 2017

Project: Wise Farms

Applicant: Jasper Land Investments, LLC

Description: Rezoning, Planned Unit Development Overlay & Preliminary Plat

Location: West of the Intersection of N. 119th Street & Jasper Road on the south

Legal Description: See Attached

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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:** _____

Name (Please Print) _____



Town of Erie, Colorado Development Referral

- Town of Erie Community Development
- Town of Erie OSTAB
- Public Review
- High Plains Library District
- Mountain View Fire Protection District
- Division of Wildlife
- NCWCD & Subdistrict
- Crestone Peak Resources
- Noble Energy
- Felsburg Holt & Ullevig
- Century Link Communications
- DOE WAPA – Barb O'Rourke
- XCEL Energy
- New Consolidated Lower Boulder Ditch

- Town of Erie Engineering
- Town of Erie Parks & Recreation
- Vranesh & Raisch, LLC
- Urban Drainage
- CGS
- NCWCD & Subdistrict
- NRCS
- Kerr-McGee Oil & Gas Onshore, LP
- St. Vrain Valley School District
- RTD
- Comcast Commercial & Residential
- DOE WAPA – Barb O'Rourke
- New Consolidated Lower Boulder Ditch
- Leyner Cottonwood Ditch

Planner: Hannah Hippely/Deborah Bachelder

Date: August 25, 2016

Project: Wise Farms

Applicant: Jasper Land Investments, LLC

Description: Rezoning, Planned Unit Development Overlay & Preliminary Plat

Location: West of the Intersection of N. 119th Street & Jasper Road on the south

Legal Description: See Attached

This application is submitted to you for review and comment. Please reply by **Tuesday, September 27, 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 hhippely@erieco.gov or dbach@erieco.gov. If you have any questions about this application, please call 303-926-2774 or 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: A letter will follow from Jeff Kahn of Lyons Gaddis that will outline Northern waters & Lower Boulders agreements for Wise Farms.

Signature: Brian Flockhart **Date:** 9-8-16

Name (Please Print) Brian Flockhart

BV



Town of Erie, Colorado Development Referral

8-29-16

- Town of Erie Community Development
- Town of Erie OSTAB
- Public Review
- High Plains Library District
- Mountain View Fire Protection District
- Division of Wildlife
- NCWCD & Subdistrict
- Crestone Peak Resources
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- St. Vrain Valley School District
- RTD
- Comcast Commercial & Residential
- DOE WAPA – Barb O'Rourke
- New Consolidated Lower Boulder Ditch
- Leyner Cottonwood Ditch

Planner: Hannah Hippely/Deborah Bachelder

Date: December 19, 2013

Project: Wise Farms

Applicant: Jasper Land Investments, LLC

Description: Rezoning, Planned Unit Development Overlay & Preliminary Plat

Location: West of the Intersection of N. 119th Street & Jasper Road on the south

Legal Description: See Attached

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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: Keith Bateman **Date:** 9-12-16

Name (Please Print) Keith Bateman



Boulder Valley Conservation District

9595 Nelson Road, Box D – Longmont, Colorado 80501 – Phone (720) 378-5533

Site Review Memo

To: Boulder Valley CD Board

From: Nancy McIntyre

Subject: (List site name, location, Permit#, Purpose, etc.)

Wise Farm, west of the intersection of N. 119th Street & Jasper Road on the south, Town of Erie. Rezoning, planned unit development overlay and preliminary plat.

Prime Farmland:

Land is prime if irrigated

Water Quality:

Protect the Lower Boulder Ditch from landscaping and make sure residents know that the water is not for their use. If basements are to be in the houses they should be protected from water seepage

Noxious Weed Control:

Make sure to control weeds before, during and after construction

Soils Limitations:

N/A

Other concerns:

Summary comments:



Boulder Valley Conservation District

9595 Nelson Road, Box D – Longmont, Colorado 80501 – Phone (720) 378-5533

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To: Boulder Valley CD Board

From: Nancy McIntyre

Subject: (List site name, location, Permit#, Purpose, etc.)

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Make sure to control weeds before, during and after construction

Soils Limitations:

N/A

Other concerns:

Summary comments:

COLORADO GEOLOGICAL SURVEY

1801 19th Street
Golden, Colorado 80401



Karen Berry
State Geologist

September 8, 2016

Ms. Hannah Hippely
Community Development Services
Town of Erie
PO Box 750
Erie, CO 80516

Location:
Section 14,
T1N, R69W of the 6th PM
40.0535°, -105.0797°

**Subject: Wise Farms - Rezoning, PUD Overlay & Preliminary Plat
Town of Erie, Boulder County, CO; CGS Unique No. BO-17-0003**

Dear Ms. Hippely:

The Colorado Geological Survey has reviewed the Wise Farms referral. The applicant proposes to develop 173 acres to include 102 single family residential lots and about 92 acres of open space on the south side of Jasper Road west of N. 119th Street. This site was initially reviewed by CGS in 2014 (CGS Unique No. BO-14-0004).

Included in the referral documents were: the preliminary plat narrative (June 2016), preliminary drainage report (CVL Consultants of Colorado, Inc., June 2016), stormwater management plan (CVL Consultants of Colorado, Inc., 6/15/16), preliminary geotechnical investigation (CTL/Thompson, 12/5/12), mine subsidence investigation (Western Environment and Ecology, Inc., 5/31/05 & 7/12/12), supplemental mine subsidence risk investigation (CTL/Thompson, 10/25/13), preliminary development plan, 15 sheets (CVL Consultants of Colorado, Inc., June 2016), and plat, PUD, and zoning exhibit, 14 sheets (CVL Consultants of Colorado, Inc., June 2016).

Since the 2014 submittal to CGS, the number of proposed lots has been reduced. The current plans indicate 45 proposed lots on the north parcel (including two lots with existing buildings) and 57 proposed lots on the south parcel. The site also includes several proposed oil and gas facilities in both parcels.

Mine subsidence. CGS generally agrees with Western Environment and Ecology's and CTL/Thompson's interpretation of the mine maps, boring results, and subsidence hazard on this site. No additional subsidence-related information has been provided for review since the 2014 submittal. The Standard Mine is located beneath the southeastern corner of the North Parcel and the northeastern corner of the South Parcel. CVL correctly shows CTL's restricted development areas and access road locations on the preliminary plat drawings. The "Low Risk Subsidence Area" shown on CTL's Hazard Map (Figure 3) is located within proposed Tracts A and O on the eastern portion of the property. Development plans indicate that the majority of the proposed lots are not within a potential subsidence hazard area. The eastern lots in the southern parcel (lots 1 and 2 on sheet 6 of the plat, lot 1 north of Street G and lot 1 south of Street G on sheet 7 of the plat) are *likely* located beyond the mine limits; however the mine maps in this area are known to have

significant errors, and should not be considered to be accurate. It may be prudent for these eastern most lots to have additional mine evaluation on a lot-specific basis once building locations are determined and prior to building.

The access road to the southern parcel (Street A) from 119th Street will cross areas known to be undermined, and may have some risk of subsidence in the eastern portion of the site. Utility alignments along this segment should be designed to withstand potential movement, or a localized grouting program may be used to stabilize the ground along the street alignment.

Several publications indicate that a portion of the Standard Mine or an unnamed mine and shaft may be present beneath the central portion of the site. Only two borings were drilled in this area and neither encountered mine workings; however, this area is within Tract W (open space) and lots are not proposed in the vicinity.

It is always possible that mis-located mine workings, unmapped shafts, or other mining-related features exist within proposed development areas. All grading activities should be carefully observed to identify any unmapped shafts or other mining features. The developer, engineer, builder, earthmoving contractors and field inspection staff should be made aware that adjacent properties to the east are undermined, unmapped shafts may be present, and there is a potential risk of sinkholes and other subsidence-related features developing. If subsidence feature(s) or shaft(s) are observed, mitigation and/or possible development reconfiguration would be required.

Shallow groundwater. Very shallow groundwater was observed in many of CTL's and WEE's borings, at depths that may preclude full-depth basements in some areas. Full-depth basements should not be considered feasible unless the shallow groundwater condition is mitigated through one or more of the usual methods (fill placement to raise grade, construction of an area underdrain system, etc.)

Other geotechnical constraints. CTL's 2012 geotechnical report contains appropriate *preliminary* recommendations (pages 6-10) regarding overlot grading, subgrade preparation, fill placement, surface and subsurface drainage, and foundation design to mitigate the site's soft, wet, compressible and expansive soils, and shallow groundwater condition. Additional investigations, based on the currently proposed development plans, are needed to confirm or refine these recommendations.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at 303-384-2655, or e-mail tcwait@mines.edu.

Sincerely,

TC Wait

TC Wait
Engineering Geologist

Cc: File



COLORADO

Parks and Wildlife

Department of Natural Resources

Area 2
4207 West County Road 16E
Loveland, CO 80537
P 970.472.4460 | F 970.472.4468

September 8, 2016

Hannah Hippely
Town of Erie Community Development Services
P.O. Box 750
Erie, CO 80516
303-926-2770
303-926-2706

Re. Wise Farms

Ms. Hippely,

Thank you for the opportunity to provide comment on the proposed Wise Farms development southwest of the intersection of Jay Road and 119th Street. Colorado Parks and Wildlife originally commented on this project in a letter dated January 7, 2014. The applicant, Jasper Land Investments, LLC now wishes to develop the property into 100 housing units down from 166. ERO Resources Corporation updated their environmental assessment in April of 2014 with no major changes.

The comments CPW provided in 2014 are still relevant to the amended proposal. Please refer to that letter for our comments on this project.

This proposed development is a part of considerable growth in the Town of Erie and resulting significant loss to overall wildlife habitat in the area. As Erie continues to develop and grow we recommend that land be set aside with wildlife habitat as a priority if Erie desires to maintain healthy wildlife population for the future.

If you have any questions please contact District Wildlife Manager, Kristin Cannon, at 303-291-7117.

Sincerely,

Larry Rogstad
Area Wildlife Manager





COLORADO PARKS & WILDLIFE

4207 West County Road 16E • Loveland, Colorado 80537
Phone 970-472-4460 • FAX 970-472-4468
cpw.state.co.us

January 7, 2014

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

Re: Wise Farms Rezoning, Planned Unit Development Overlay and Preliminary Plat

Dear Ms. Bachelder:

Thank you for the opportunity to comment on the proposed rezoning of the Wise Farms Property located southwest of the intersection of north 119th and Jasper Road. The applicant, Jasper Land Investments, LLC is requesting to rezone 71.10 acres of an 86.82 acre property from Rural Residential to Low Density Residential. Ultimately, the applicant would like to develop the property and build up to 127 dwelling units.

The property is currently used for agriculture and there are some existing buildings. The Lower Boulder Ditch crosses the property and there are two depressional wetlands on the property. Additionally there are several trees on the property including some mature trees. ERO Resources did an environmental assessment of the property in September 2013. ERO did not identify suitable habitat for any threatened or endangered species nor did they find any migratory bird nests on the property. The property is surrounded by agricultural land and low density residential properties.

This parcel is currently used by a variety of wildlife, including but not limited to red foxes, raccoons, striped skunks, coyotes, mule deer, white-tailed deer, red-tailed hawks, and great horned owls. Residents moving onto this property should be aware that wildlife will continue to use this site after development is completed. Conflicts can occur when people and pets share the same living space with wildlife. Foxes and coyotes may prey on unattended pets, deer may eat ornamental shrubs and flowers, raccoons may get into trash containers and open garages, and skunks may burrow under decks. While uncontrolled pets are at risk from animals such as coyotes, foxes and raccoons, pets can also have a negative impact on wildlife. Cats kill many birds and rodents, while dogs often chase and harass wildlife such as deer. For the safety of both pets and wildlife, dogs should be contained in appropriate enclosures and cats should remain in homes. Residents should be provided with information about how to avoid and minimize wildlife

STATE OF COLORADO

John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources
Bob D. Broscheid, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Robert W. Bray • Chris Castilian, Secretary • Jeanne Home
Bill Kane, Chair • Gaspar Perricone • James Pribyl • John Singletary
Mark Smith, Vice-Chair • James Vigil • Dean Wingfield • Michelle Zimmerman
Ex Officio Members: Mike King and John Salazar

conflicts, and should take responsibility for peacefully co-existing with local 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.

Fencing, in general, should be wildlife-friendly, minimize risk, and allow unrestricted movement by deer and other wildlife. Residents or the builder may choose to construct fencing to exclude coyotes from residential yards. Fencing meant to exclude coyotes should be at least six feet high and obscure views into yards.

If at all possible removal of mature trees should be avoided. If trees are to be removed between the months of March and August they should be carefully examined to insure that they do not support raptor or songbird nests. If an active raptor nest is located during construction, destruction of the nest tree should be delayed until the nest is no longer active and recommended buffer zones should be established to minimize the chance that the nest is abandoned due to construction activity at the site. To avoid delays in construction due to nesting raptors, trees targeted for removal should be identified and dropped in mid winter before onset of construction to avoid the nesting season. Guidelines and recommended buffer zone distances for raptors may be found in "Spatial and Temporal Buffers for Raptors in Colorado: A Review of Relevant Literature and Applicable Laws" which is available from Colorado Parks and Wildlife.

There may be noxious weeds considered to be invasive on this parcel. Invasive weeds diminish habitat quality and are costly to control. We recommend working with your town's invasive/noxious weed coordinator or other parties responsible for invasive and noxious weed management in Boulder County to create and implement a weed management plan on the site. This will provide for ongoing weed control during and after construction. To avoid spreading these weed species to other sites and to prevent new species from being introduced we recommend that all construction equipment be thoroughly cleaned prior to arriving on site and after construction is completed.

Residents should also be aware that hunting has historically occurred in the vicinity. There may be activities such as small game, upland bird, waterfowl, and deer hunting that occur in areas adjacent to Wise Farms.

Finally, there are some wetlands present on the property. Wetlands comprise less than two percent of Colorado's landscape but provide benefits to over 75% of the species in the state, including waterfowl and several declining species. Since the beginning of major settlement activities, Colorado has lost half of its wetlands. By virtue of their position in the landscape, wetlands perform several functions valuable to wildlife and society, including feeding, resting and rearing habitat, movement corridors, groundwater recharge, flood flow alteration, stream bank stabilization, and sediment and nutrient removal. Included in the plans was communications with the Army Corps of Engineers.

The Army Corps of Engineers regulates how wetlands may be filled and impacts mitigated.

If you have any questions please contact District Wildlife Manager Kristin Cannon at 303-291-7117.

Sincerely,

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

Larry Rogstad
Area Wildlife Manager

CC: S. Yamashita, T. Kroening, M. Taylor, L. Rogstad, K. Cannon



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 OSTAB | <input checked="" type="checkbox"/> Town of Erie Parks & Recreation |
| <input type="checkbox"/> Public Review | <input type="checkbox"/> Vranesh & Raisch, LLC |
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| <input type="checkbox"/> Noble Energy | <input type="checkbox"/> St. Vrain Valley School District |
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| <input type="checkbox"/> XCEL Energy | <input type="checkbox"/> New Consolidated Lower Boulder Ditch |
| <input type="checkbox"/> New Consolidated Lower Boulder Ditch | <input type="checkbox"/> Leyner Cottonwood Ditch |

Planner: Hannah Hippely/Deborah Bachelder **Date:** August 25, 2016
Project: Wise Farms **Applicant:** Jasper Land Investments, LLC
Description: Rezoning, Planned Unit Development Overlay & Preliminary Plat
Location: West of the Intersection of N. 119th Street & Jasper Road on the south
Legal Description: See Attached

This application is submitted to you for review and comment. Please reply by **Tuesday, September 27, 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 hhippely@erieco.gov or dbach@erieco.gov. If you have any questions about this application, please call 303-926-2774 or 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: These comments generated by TOE staff are in addition to the comments provided by Terry Stone, Stone Landscape Architects.

Signature: Rob Crabb **Date:** Sept. 28, 2016
Name (Please Print) Rob Crabb



Internal Memo

To: Hannah Hippely, Community Development Planner

From: Rob Crabb, Parks & Open Space Division Manager

Date: September 28, 2016

Subject: Wise Farms Preliminary landscape Plan

Cc: Farrell Buller, Director of Parks & Recreation

Parks & Open Space Division staff has reviewed the subject plans and offers these comments in addition to the comments provided by Stone Landscape Architects:

1. Somewhere on a cover page or in General Notes, please include the Town's accepted definition of "Maintenance".
2. No irrigation plan was provided.
3. Show as perforated line all sight triangles at all intersections.
4. Any future Town-owned AND maintained areas shall be inspected and approved by Town staff through the Town of Erie's inspection/approval processes, per Town of Erie Standards & Specifications.
5. Add to Landscape Notes: "All HOA/District maintained landscaping to be inspected by a Colorado landscape architect in good standing and paid for by the developer. All Town of Erie landscape acceptance procedures shall be followed."
6. Add to Landscape Notes: "All street tree species and their locations shall be approved by Parks & Recreation Director or designee for trees planted adjacent to residential homes whether they are installed by the developer/contractor or individual homeowner. Ash trees shall not be planted under any circumstances."
7. Include on a cover page or somewhere prominent a Tract Summary Chart: listing, at minimum: Tract, Tract size, Owner, maintenance responsibility.
8. Please widen all public right-of-ways (area between sidewalk and street) to a minimum of 8' width.
9. L2, Legend, what is "Thermal Blue Blend"? Please be more specific.
10. L2, Legend, steel edging shall be per TOE standards & specifications.
11. L2, far left-hand side of page, trail connections shown (at access drive and closer to Jasper road) are not very accurate. Please re-draw.
12. L2, did not see a Plant Schedule/list. Is one provided?
13. L3, #1 enlargement, please show edger in drawing that should separate plant material from rock mulch, top of page central island on Street B and SW corner of Street B and Jasper Rd.

14. Any trail abutting any native/moist swale seed mix areas should also have Short Grass Prairie Native seed mix planted within 15 feet either side of trail. This request applies to the entire plan.
15. On entire plan, do not plant material directly next to sidewalks/trails. Must maintain an adequate distance so no damage occurs during snow removal. An adequate distance is generally 12" or more depending on the mature size of the material.
16. L4, substitute (UV) with either Accolade and/or Triumph Elm, preferably some combination.
17. Move (PS) farther away from all lots due to this species being weak-wooded and aggressive root growth.
18. L4, substitute (VP) with Austrian, Ponderosa, Rocky Mountain juniper or Pinon Pine in some combination.
19. L4, substitute (WKH) with thornless cockspur hawthorn. No thorned species shall be planted next to sidewalks/trails.
20. L4, reroute sidewalk/trail either north or south of the mature native trees to be retained. These trees have probably never received any historical maintenance. To route the sidewalk/trail through these trees brings into play an elevated hazard risk that did not exist previous. The retaining of native habitat is a key concern for Town staff.
21. L6, playground area says multiple times to refer to details, sheet L6. Where?
22. L6, what type of mulch is to be used? Drawing does not indicate this.
23. L6, grade elevations are unclear.
24. L6, Multi-level play structure is called out. Age 2-5? Age 5-12? Both? Please identify.
25. L9, substitute (UV) with either Accolade or Triumph Elm.
26. L9, ensure that all evergreens are planted far enough away from edge of sidewalk/trail so that size at maturity does not encroach these walkways.
27. L9, substitute (PP) in median for smaller species due to (PP) mature width being too wide.
28. L9, (TIL LEG) performs poorly in native areas. Please substitute with hackberry, catalpa, Kentucky coffee, bur or chinkapin oak, in some combination.
29. L10, Existing Vegetation Protection Notes #4, change first sentence to read: " Prior to the commencement of any site work, the contractor, in conjunction with the Town Arborist or designee, shall.."
30. L11, please provide additional information/rationale for the cross-hatched area with note that reads: " 31,33,36 anticipated to remain subject to final design. 32,34,35 to be removed." Town desires to preserve as many mature trees on property as possible as the Town has received feedback from surrounding neighbors supporting this desire. Original tree inventory showed recommendations of protect in place.
31. L14, the ornamental iron fence is not conducive to keeping wildlife corridors intact. The intent of preserving native trees was to serve as protecting wildlife corridors and habitat in Tract X. An iron fence divides Tract X and Tract W which then connects Tract A. This same fence then transects large grouping of trees (#39) that has high wildlife value. Please remove or reroute iron fence from this area of open space.



MEMO

To: Hannah Hippely
From: Matt Wiederspahn, P.E., CFM, Development Engineer
Date: October 10, 2016
Subject: **Wise Farms Preliminary Plat**
CC: Russell Pennington
Wendi Palmer

Comments on Preliminary Plat:

1. On sheets E8 to E4, all pavement and base thicknesses need to be removed. Pavement sections will be determined with a Pavement Design Report.
2. On sheet E2, the future oil and gas access and the emergency access off of Jasper Road need to be combined into one access point.
3. On sheet E7, the Street C connection to property to the west needs to be perpendicular to the property line.
4. On sheet E11, a 16"x30" cross is needed in the water line at Jasper Road and 119th Street for future water connections.



Town of Erie, Colorado Development Referral



- Town of Erie Community Development
- Town of Erie OSTAB
- Public Review
- High Plains Library District
- Mountain View Fire Protection District
- Division of Wildlife
- NCWCD & Subdistrict
- Crestone Peak Resources
- Noble Energy
- Felsburg Holt & Ullevig
- Century Link Communications
- DOE WAPA – Barb O'Rourke
- XCEL Energy
- New Consolidated Lower Boulder Ditch

- Town of Erie Engineering
- Town of Erie Parks & Recreation
- Vranesh & Raisch, LLC
- Urban Drainage
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- Kerr-McGee Oil & Gas Onshore, LP
- St. Vrain Valley School District
- RTD
- Comcast Commercial & Residential
- DOE WAPA – Barb O'Rourke
- New Consolidated Lower Boulder Ditch
- Leyner Cottonwood Ditch

Planner: Hannah Hippely/Deborah Bachelder

Date: August 25, 2016

Project: Wise Farms

Applicant: Jasper Land Investments, LLC

Description: Rezoning, Planned Unit Development Overlay & Preliminary Plat

Location: West of the Intersection of N. 119th Street & Jasper Road on the south

Legal Description: See Attached

This application is submitted to you for review and comment. Please reply by **Tuesday, September 27, 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 hhippely@erieco.gov or dbach@erieco.gov. If you have any questions about this application, please call 303-926-2774 or 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: Charles M. Buck **Date:** 09/22/2016

Name (Please Print) CHARLES M. BUCK

September 22, 2016

MEMORANDUM

TO: Hannah Hippley
Deborah Bachelder

FROM: Charles M. Buck, PE, PTOE

SUBJECT: Traffic and Transportation Review

PROJECT: Wise Farms Rezoning, Planned Unit Development Overlay and Preliminary Plat
FHU # 95-190

I have reviewed the materials provided for Wise Farms, including the Applicant's Narrative, Land Use Application, Alta Survey, Preliminary Plat, Preliminary Development Plan, and Traffic Impact Analysis report. The Traffic Impact Analysis report was prepared by LSC Transportation Consultants, Inc., dated July 31, 2014. I have reviewed these materials from the perspective of traffic engineering and transportation planning but not general civil or utility engineering. The following are my review comments:

Traffic Impact Analysis

The LSC report, now more than two years old, was previously reviewed and accepted. It considered the impacts of 166 single family homes at Wise Farms. Subsequently, the number of units at Wise farms has been reduced, and the number of accesses has changed:

- The current development proposal is for a maximum of 102 single family residential units, which is an approximate 40 percent reduction in density from the 166 units evaluated in the LSC report. A 40 percent reduction in traffic volumes and consequent impacts would also be expected. The report shows a trip generation of 1,580 trips per day, with peak hours at 124 trips (AM) and 166 trips (PM). The current potential is about 970 daily trips, 76 trips (AM) and 102 trips (PM).
- The LSC report also considered two site accesses on Jasper Road and one site access on 119th Street (not including emergency-only connections). The current concept now shows only one site access on Jasper Road.
- The LSC report recommendations include dimensional requirements calculated using CDOT *State Highway Access Code (SHAC)* criteria, which differ from Town of Erie standards.
- Because of the above changes in density and access, and because of the discrepancy in design criteria, some modification to the findings and recommendations of the 2014 LSC report would be expected.

The Erie Comprehensive Plan indicates that 119th Street is classified as a Minor Arterial and Jasper Road is classified as a Collector in the Buildout Network. By applying Town of Erie standards to a preliminary reassessment of the current traffic generation potential of Wise Farms, the following modifications to the 2014 LSC recommendations are noted:

- LSC recommended an eastbound deceleration lane at the westernmost site access to Jasper Road. The current plan now shows only one access, which is to be located within the 35 MPH speed zone on Jasper Road. The current estimated right-turn volume would be insufficient to warrant the deceleration lane given the posted speed limit.
- LSC recommended a northbound left-turn lane on 119th Street at the site access. Based on the current estimated traffic volumes, this recommendation would still stand. Per Town standards, the lane should consist of 25 feet of storage plus 144 feet of taper (at 12:1 ratio for Minor Arterials). A redirect taper of 360 feet (30:1 at the posted speed limit per CDOT standards) would be needed.
- LSC recommended a westbound left-turn lane at Jasper Road/109th Street. This intersection is about one-half mile west of the Wise Farms site. The current estimated volumes would remain sufficient to require this improvement. Per Town standards for Collectors, this lane should consist of 40 feet of storage and 310 feet of combined deceleration and taper (taper at 10:1). At 50 MPH, a redirect taper of 600 feet (50:1) is indicated by CDOT standards.

Note that the above taper dimensions are calculated using Town standard taper ratios and assuming a typical lane width of 12 feet. The Town does not provide standards for redirect tapers, so I have used CDOT criteria based on the posted speed limits (40 MPH on 119th Street, 35 MPH on Jasper Road at the proposed site access, and 50 MPH on Jasper Road at 109th Street).

Preliminary Development Plan (PDP)

Page E4 of the PDP shows the roadway improvements currently proposed for Wise Farms. Relative to the above evaluation of the improvement requirements, the following are noted:

- The PDP shows an eastbound right-turn deceleration lane at the Jasper Road access. Although it is not required (see comments above), I have no objections to this lane. The deceleration length is shown as 320 feet with an additional 247 feet of taper. Per Town of Erie standards for Collector roadways, the deceleration length could be shortened to 310 feet, which would include the taper of 120 feet.
- The PDP also shows a westbound left-turn lane at the Jasper Road access. This lane is not required based on Town standards; however, I have no objections to it. The storage length is shown as 25 feet, which meets Town standards. The taper, however, is only about 80 feet as scaled from the drawing, which is less than the 120 feet required. Redirect tapers are shown as 272 feet (west side) and 293 feet east side. These redirect tapers exceed the CDOT standard of 240 feet, based on the 35 MPH posted speed.
- The PDP shows a northbound left-turn lane at the 119th Street access. This lane is required. The storage is shown as 215 feet, the taper as 95 feet, and redirect tapers as 195 feet. The storage dimension exceeds the requirements of Town standards, but the taper of 95 feet is

below the Town standard of 144 feet, and the redirects are below the 360 feet as defined above.

- The PDP does not show the intersection of Jasper Road/109th Street or the corresponding westbound left-turn lane as identified in the LSC report. Note that the report does not specify if this lane is to be constructed as a part of the Wise Farms development or by others at some future date.

Summary

The current development proposal for Wise Farms includes modifications to density and site access that affect the site traffic volumes and resultant roadway improvement requirements as identified in the LSC report dated July 31, 2014. Because the LSC report is more than two years old, an update to the report is appropriate to address the subsequent changes.

The auxiliary lane improvements depicted in the PDP do not conform to Town of Erie standards. An update to Sheet No. E4, which depicts the proposed improvements, is required.

Clarification on who is responsible for the westbound left-turn lane at Jasper Road/109th Street, as recommended in the LSC report, should be provided.

The above comments constitute my review. Please call if you have any questions or need additional information.



STONE
LANDSCAPE
ARCHITECTS

TO: TOWN OF ERIE
Rob Crabb, Parks & Open Space

FROM: Stone Landscape Architects, LLC
Terry Stone

DATE: September 26, 2016

RE: Wise Farms Preliminary Plat

Below are the Parks-related review comments for this project.

Preliminary Landscape Plan Set Comments:

1. General: Provide crosswalks where trails cross streets and walks cross primary intersections
2. General: Contiguous open space is preferred when dedicated to the Town, and a bridge connecting the trails in Tracts X and W across the ditch would be ideal
3. General: Label Tracts, utilities, easements, etc. on all sheets
4. General: Show all curb ramps where sidewalks intersect streets
5. General: As lots are further defined, ensure single-family lots will have landscaping to meet front, side and rear yard requirements, in addition to ROW requirements
6. General: Ensure that trees meet Town spacing requirements. For instance: 30' min. spacing between large evergreen trees, and large deciduous trees (>45' ht) require 8' wide tree lawn.
7. General: Provide planting details meeting Town of Erie requirements
8. General: Ensure plant quality will meet Town requirements
9. General: Ensure irrigation notes and details will meet Town requirements
10. L1: Additional trees are required for street frontages. On Jasper Road: 76 trees required, 50 provided; on N. 119th Street: 33 trees required, 30 provided.
11. L1: Label perimeter streets
12. L1: Note how the existing wetlands and drainage ditch will be protected during

construction

13. L1: Where trail crosses RTD ROW consider shifting connections to better link Tract B pocket park
14. L1: Pocket parks should be centrally located. Consider relocating the Tract U pocket park to the south side of Block 13 or 12 to make it more convenient to the trail from the south
15. L2: Fix scale conflict on Enlargement 1
16. L3: Consider a detached sidewalk west of the entry
17. L3: Fix hatch north of entry median. Fix hatches and tree between medians
18. L3: Sight line label is blocking tree label
19. L4: Add 2 trees where street meets Tract.
20. L4: Trail connection from street must meet ADA requirements
21. L5: Fix scale conflict
22. L6: Tract U Pocket Park
 - a. Fix plant schedule, as it is very different from the plan. The double quantity of plant materials will then need to be confirmed [summary chart appears to be correct]
 - b. All details refer to sheet L6, which is incorrect
 - c. Show safety zone overlay for all play features
 - d. Pavement edges northwest of play area are unclear/incomplete
 - e. Identify borders of play area and concrete pad
 - f. Identify the proposed surface surrounding the boulder play border
 - g. Space bike racks appropriately to allow the required space on all sides
 - h. Consider increasing height of the berm and slope to 3:1 for maximum effect
22. L7: Tract B Pocket Park
 - a. The two play components should ideally match in age range category
 - b. Show the play structure in the plan view play area
 - c. Show safety zone overlay for all play features
 - d. Space bike racks appropriately to allow the required space on all sides
 - e. Consider providing shade for the bench at play area
 - f. Label BBQ grills
 - g. Consider relocating identification sign closer to the street
 - h. All details refer to sheet L6, which is incorrect
 - i. Consider moving or respacing evergreen trees to increase visibility within the park
 - j. Maximum slope on play berm should be 3:1 for maintenance purposes
23. L8: On Enlargement 1 street trees should be spaced at 40' o.c.
24. L8: On Enlargement 2 show Tract I and any other gate access
25. L8: Show/label the seed mix for Tract K

26. L12: Ulmus species is susceptible to scale; consider an alternative
27. L13: Park identification sign must include the contact number for maintenance and other concerns
28. L14: Identify approximate locations of the ornamental iron fence gates
29. L14: Perimeter fencing at street frontage must include columns at 50' o.c., and max length of continuous fence plane is 150'



Town of Erie, Colorado Development Referral

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- New Consolidated Lower Boulder Ditch
- Leyner Cottonwood Ditch

Planner: Hannah Hippely/Deborah Bachelder

Date: August 25, 2016

Project: Wise Farms

Applicant: Jasper Land Investments, LLC

Description: Rezoning, Planned Unit Development Overlay & Preliminary Plat

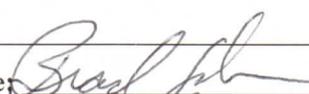
Location: West of the Intersection of N. 119th Street & Jasper Road on the south

Legal Description: See Attached

This application is submitted to you for review and comment. Please reply by **Tuesday, September 27, 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 hhippely@erieco.gov or dbach@erieco.gov. If you have any questions about this application, please call 303-926-2774 or 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:** 9/16/2016
Name (Please Print): BRAD JOHNSON

Leyner Cottonwood Consolidated Ditch Company
10504 Isabelle Rd
Lafayette, Colo. 80026

To the Town of Erie , Community Development services
Planning and Building

After reviewing documents sent to us in regard to the development of the Wise Property preliminary plat. It comes to my attention that the Leyner Cottonwood ditch passes through the boundaries of the future development. I would like for it to be understood that the Leyner Cottonwood Ditch is not or will not be part of the development of this property and that the conveyance of water through the ditch shall be the same as historical records would indicate.

This being said it is also the standing that the Leyner Cottonwood ditch shall continue to maintain its ditch as it has in the past, which includes the need to clean and maintain the ditch by whatever means needed to keep water flowing through the ditch. The Town of Erie or any of its entities will have no jurisdiction as to how the Leyner Cottonwood Ditch is maintained. The maintenance of the ditch falls under the Jurisdiction of the County of Boulder and the State of Colorado.

As for any crossings of any ditch Easements and or the drilling of any utilities under the said ditch we will hold all parties responsible and will require a signed crossing agreement before any or all work will be allowed to commence.

It is also understood that any fences or sidewalks, or any other type of improvement, that will be placed close to the boundaries of the ditch will be surveyed and a copy of the survey will be sent to the Leyner Cottonwood Ditch Company showing the fences, sidewalks or any other improvements and the boundaries of the ditch before any work can be done.

Since the Leyner Cottonwood Ditch will be within the boundaries of this development it is understood that the Ditch Company cannot be held Liable for anyone who Trespasses along or in the ditch itself who is not a shareholder of the ditch, or maintenance persons taking care of the ditch. State of Colorado Law shall have precedence as to any Liability as to the Leyner Cottonwood Ditch or its shareholders.

Brad Johnson President
Leyner Cottonwood Consolidated DitchCompany



September 27, 2016

VIA E-MAIL

Town of Erie Community Development Services
Planning and Building
Deborah Bachelder, Planner
645 Holbrook, P.O. Box 750
Erie, CO 80516

**NOTICE OF OIL AND GAS LEASEHOLD INTERESTS OWNED BY KERR-McGEE
OIL & GAS ONSHORE LP AND OBJECTION**

Re: Wise Farms
Jasper Land Investments, LLC – “Applicant”
Township 1 North, Range 69 West, 6th P.M.
Section 14 (“Application Property”)
Boulder County, Colorado

Ms. Bachelder:

This letter is being sent by Anadarko Petroleum Corporation on behalf of its subsidiary Kerr-McGee Oil & Gas Onshore LP (“KMG” or the “Company”) to inform you KMG is the owner of valid oil and gas leases underlying all or parts of Section 14, Township 1 North, Range 69 West (“Leased Lands”), for which the Town of Erie is reviewing an application for Rezoning, Planned Unit Development Overlay and Preliminary Plat. KMG is submitting this comment and objection timely, in accordance with State of Colorado and the Town’s procedural requirements.

KMG’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. KMG’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.

KMG’s preferred practice is to meet with surface owners and attempt to conclude a mutually acceptable agreement. KMG must object to any approval by the Town for the Applicant’s plans that fail to fully accommodate KMG’s right to explore for, develop and produce oil and gas from its leasehold interests or the Leased Lands. KMG requests that the Town withhold approval until such time as the Applicant and KMG have concluded an agreement. Any future surface development plans on the Application Property should

incorporate and designate lands to be set aside for mineral development and expressly provide protection for KMG's current and future wells, pipelines, gathering lines and related oil and gas facilities and equipment. The Town of Erie has a statutory obligation to ensure that the property rights of mineral interest owners are accommodated in its land use planning process. Approval of any surface development plan that forecloses the rights of mineral and leasehold owners may be a compensable taking.

Please contact me at 720-929-3013 if you have any questions or comments about this matter. KMG hopes to conclude a mutually acceptable agreement with the surface owner of the property, 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, Lead Counsel
Ron Olsen
Travis Book
Justin Shoulders
Don Jobe
Jim Dullea (j.dullea@comcast.net)



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 OSTAB | <input type="checkbox"/> Town of Erie Parks & Recreation |
| <input type="checkbox"/> Public Review | <input type="checkbox"/> Vranesh & Raisch, LLC |
| <input type="checkbox"/> High Plains Library District | <input type="checkbox"/> Urban Drainage |
| <input type="checkbox"/> Mountain View Fire Protection District | <input type="checkbox"/> CGS |
| <input type="checkbox"/> Division of Wildlife | <input type="checkbox"/> NCWCD & Subdistrict |
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| <input type="checkbox"/> Century Link Communications | <input type="checkbox"/> Comcast Commercial & Residential |
| <input type="checkbox"/> DOE WAPA – Barb O'Rourke | <input type="checkbox"/> DOE WAPA – Barb O'Rourke |
| <input type="checkbox"/> XCEL Energy | <input checked="" type="checkbox"/> New Consolidated Lower Boulder Ditch |
| <input type="checkbox"/> New Consolidated Lower Boulder Ditch | <input type="checkbox"/> Leyner Cottonwood Ditch |

Planner: Hannah Hippely/Deborah Bachelder **Date:** August 25, 2016
Project: Wise Farms **Applicant:** Jasper Land Investments, LLC
Description: Rezoning, Planned Unit Development Overlay & Preliminary Plat
Location: West of the Intersection of N. 119th Street & Jasper Road on the south
Legal Description: See Attached

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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~~ attached letter.

Comments: _____

Signature: _____ **Date:** 9/21/16
Name (Please Print) Jeff Kahn



September 21, 2016

Hannah Hippely
Deborah Bachelder
Town of Erie

Via email:
hhippely@erieco.gov
dbach@erieco.gov

Jeffrey J. Kahn
John Wade Gaddis
Bradley A. Hall
Steven P. Jeffers
Anton V. Dworak
Adele L. Reester
Catherine A. Tallerico
Scott E. Holwick
Cameron A. Grant
Matthew Machado

Re: Project: Wise Farms/Applicant: Jasper Land Investments, LLC

I am writing on behalf of the New Consolidated Lower Boulder Ditch and Reservoir Company (the "Lower Boulder Company"). I am providing this letter in response to the most recent proposed re-zoning, planned unit development overlay, and preliminary plat for the above referenced project. Attached to this letter are two previous letters regarding this project.

Madoline Wallace-Gross
Chad A. Kupper
Elizabeth M. Joyce
John Chmil
Drew L. Lyman

The Lower Boulder Ditch, also referred to as the South Platte Supply Canal (the "Canal"), is owned by the Lower Boulder Company and the Northern Colorado Water Conservancy District ("Northern Water"). No crossing of the Canal or its associated easement is allowed without a written agreement. The materials provided most recently indicate that a number of utility crossings and storm drainage pipelines are proposed to go under the Canal and the easement. Evidently the previously proposed road crossings have been eliminated. Before any crossing is allowed, an agreement must be entered into between the Applicant, and the Lower Boulder Company and Northern Water. Prior to negotiating such an agreement, the Applicant must execute a reimbursement letter providing that it will reimburse the Lower Boulder Company and Northern Water for their out of pocket costs, as well as pay the standard license fees charged by each entity for each crossing.

SPECIAL COUNSEL
Wallace H. Grant
Suzan D. Fritchel
Eve I. Canfield

SENIOR COUNSEL
Richard N. Lyons, II
Daniel F. Bernard
(1942-2011)

In addition, the preliminary drainage report dated June 2016, on page 8, third paragraph, first sentence states, "Emergency overflow from the future, southern detention pond (Pond 340) will follow the historic route northerly to the Lower Boulder Ditch South Platte Supply Canal." This indicates that some storm drainage will be directed into the Canal. Under current circumstances, it is very unlikely that any storm drainage will be allowed to enter the Canal. The Applicant needs to devise a different plan for that portion of the drainage.

Finally, the issue concerning the maintenance of the canal raised in the May 21, 2014 letter and repeated in the June 5, 2014 letter has not been addressed by the

LYONS GADDIS KAHN HALL JEFFERS DWORAK & GRANT, PC

515 Kimbark Street 2nd Floor PO Box 978 Longmont, CO 80502-0978
Longmont 303 776 9900 | Louisville 720 726 3670 | Web www.lyonsgaddis.com



Hannah Hippely
Deborah Bachelder
Town of Erie
September 21, 2016
Page 2

Town. It is unlikely that the Lower Boulder Company will enter into any license agreement for a crossing of the canal until the maintenance issue is addressed.

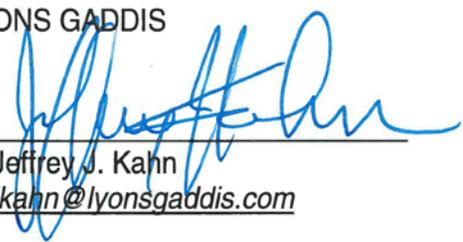
The Lower Boulder Company and Northern Water reserve the right to provide additional comments once the Applicant's proposal is fully analyzed, and as this process proceeds through the Town of Erie's process.

Please contact the undersigned if you have any questions or comments.

Sincerely yours,

LYONS GADDIS

By


Jeffrey J. Kahn

jkahn@lyonsgaddis.com

cc: Board of Directors
Mark Monger, Superintendent
Angie Swanson, Secretary
Dan Grant, Assistant Secretary
Jim Struble, Northern Water
Brian Flockhart, Northern Water
Jim Dullea, Jasper Land Investments, LLC

NEW CONSOLIDATED LOWER BOULDER RESERVOIR AND DITCH COMPANY

P.O. Box 1826
Longmont, CO 80501

May 21, 2014

A.J. Krieger
Erie Town Manager

VIA E-MAIL townadministrator@erieco.gov

Gary Behlen
Public Works Director

VIA E-MAIL gbehlen@erieco.gov

RE: Burning/Cleaning of the Lower Boulder Ditch

Dear Mr. Krieger and Mr. Behlen:

I am the President of the Company. The Company is the owner of the Lower Boulder Ditch and water rights adjudicated to that structure. Among the water rights adjudicated to the Lower Boulder Ditch is an 1859 water right for diversion of 25 cubic feet per second from Boulder Creek. This is the oldest and most senior water right in the South Platte River Basin. The Company has for years diverted water and delivered that water for beneficial use across land now being annexed and developed in the Town of Erie. The Company has no objection to such development provided its ability to operate and maintain the ditch is not impaired. However, the Town of Erie has adopted an ordinance which prohibits the burning of irrigation ditches within Town limits without a permit. The Company's experience has been that the Town refuses to issue such permits, at least to the Company. If the Company cannot burn within Town limits, it will have to resort to more labor intensive and costly procedures to clean the ditch. The Company does not believe it is fair that it should be burdened by such additional expenses as the result of developments. The Company has cleaned sections by burning the ditch likely for a period of 150 years.

The Company has attempted to discuss this issue with the Town of Erie on a number of occasions but without success and without even the opportunity to have meaningful dialogue. As a result, the Company at this time is unwilling to work with the Town in permitting crossings or other activities within the ditch easement that are part of proposed developments within the Town. These developments include proposals on the property formerly owned by the Wise Family and the proposed Andalusia project.

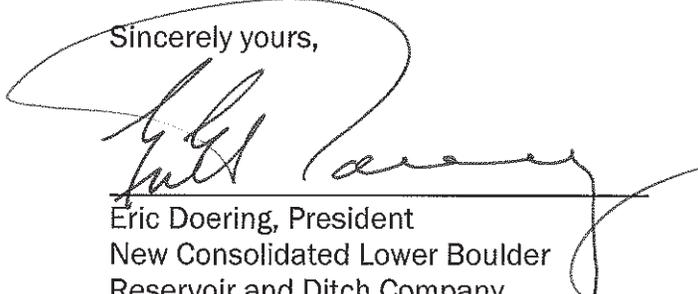
There may be ways to resolve this including issuing the Company permits to burn the ditch in a safe manner, compensating the Company for cleaning the ditch or paying a third party contractor to clean the ditch.

In some fashion, this issue must be addressed.

Please address your response which, may be sent via e-mail, to the following:

Eric Doering, President, EDoe@Knoll9025.com
Famuer Rasmussen, vice president, sanuer1342@comcast.net
Dan Grant, Secretary, drnglg@msn.com
Jeff Kahn, counsel for the Company, jkahn@lgkhlaw.com.

Sincerely yours,



Eric Doering, President
New Consolidated Lower Boulder
Reservoir and Ditch Company

cc: Board of Directors
Dan Grant, Secretary
Jeff Kahn, Counsel for the Company
Jim Struble, Real Estate Manager, Northern Water

Jeffrey J. Kahn
John Wade Gaddis
Bradley A. Hall
Steven P. Jeffers
Anton V. Dworak
Adele L. Reester
Catherine A. Tallerico
Scott E. Holwick
Cameron A. Grant

**Lyons Gaddis Kahn Hall
Jeffers Dworak & Grant**
A Professional Corporation  Attorneys and Counselors

Eve I. Canfield
Matthew Machado
Madoline Wallace-Gross
Chad A. Kupper
Blair M. Dickhoner
Suzan D. Fritchel
Special Counsel
Wallace H. Grant
Of Counsel
Daniel F. Bernard
(1942-2011)

Richard N. Lyons, II
Senior Counsel

June 5, 2014

Deborah Bachelder, Senior Planner
Town of Erie

VIA E-MAIL: dbachelder@erieco.gov

Re: Proposed Wise Farm Development (Applicant, Jasper Land Investments, LLC)

Dear Ms. Bachelder:

I am responding to your development referral dated May 5, 2014 concerning the above referenced proposed development on behalf of the New Consolidated Lower Boulder Reservoir and Ditch Company ("the Company"). The Company is the owner of an easement for the Lower Boulder Ditch which goes through the north part of the above referenced proposed development, generally in a southwest to northeasterly direction. The Company shares ownership of the Lower Boulder Ditch with the Northern Colorado Water Conservancy District ("Northern Water") which identifies the ditch as the "South Platte Supply Canal." Northern Water's ownership of the easement for the canal is by the deeds referenced in Jim Struble's letter to you dated January 10, 2014. The Company's easement results from use or prescription dating back approximately 150 years.

A review of the proposed preliminary plat indicates that the proposed development includes at least two roads that will cross the easements for the canal. There will, in addition, likely be many utility crossings proposed across, or in, the easement for the canal. The proposed plat shows an easement for the canal. One question that needs to be answered is whether the canal is centered within the easement depicted on the plat. It is not unusual for ditch structures, such as this canal, to migrate over time with the result that at least the Company's easement may be somewhat different from the deeded easement to Northern Water.

In the past, development within the Town of Erie has impaired the Company's ability to operate and maintain the canal. As a result, the Company sent a letter dated May 21, 2014 to the Town of Erie. A copy of that letter is attached to this response.

As a result, before the Company is willing to work on the agreements necessary for this development to proceed, it must be assured that this development will not impair its ability to operate and maintain the canal.

If the Company can be assured that its ability to operate and maintain the canal is not impaired as a result of this proposed development, the Company is willing to sit down and negotiate the various agreements necessary to allow the road utility crossings of its easement.

Lyons Gaddis Kahn Hall
Jeffers Dworak & Grant

A Professional Corporation  Attorneys and Counselors

Deborah Bachelder, Senior Planner
June 5, 2014
Page 2

Please direct future communications on this matter to me as well as Dan Grant, Secretary, at drgnlg@msn.com. You are welcome, also, to include the President of the Company, Eric Doering, at eric@stsan.com.

Sincerely,

LYONS GADDIS KAHN HALL
JEFFERS DWORAK & GRANT, PC

By


Jeffrey J. Kahn
jkahn@lgkhlaw.com

Enclosure

cc: Board of Directors
Dan Grant, Secretary
Jim Struble, Real Estate Manager, Northern Water



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 OSTAB | <input type="checkbox"/> Town of Erie Parks & Recreation |
| <input type="checkbox"/> Public Review | <input type="checkbox"/> Vranesh & Raisch, LLC |
| <input type="checkbox"/> High Plains Library District | <input type="checkbox"/> Urban Drainage |
| <input type="checkbox"/> Mountain View Fire Protection District | <input type="checkbox"/> CGS |
| <input type="checkbox"/> Division of Wildlife | <input type="checkbox"/> NCWCD & Subdistrict |
| <input type="checkbox"/> NCWCD & Subdistrict | <input type="checkbox"/> NRCS |
| <input type="checkbox"/> Crestone Peak Resources | <input type="checkbox"/> Kerr-McGee Oil & Gas Onshore, LP |
| <input type="checkbox"/> Noble Energy | <input type="checkbox"/> St. Vrain Valley School District |
| <input type="checkbox"/> Felsburg Holt & Ullevig | <input type="checkbox"/> RTD |
| <input type="checkbox"/> Century Link Communications | <input type="checkbox"/> Comcast Commercial & Residential |
| <input type="checkbox"/> DOE WAPA – Barb O'Rourke | <input type="checkbox"/> DOE WAPA – Barb O'Rourke |
| <input type="checkbox"/> XCEL Energy | <input type="checkbox"/> New Consolidated Lower Boulder Ditch |
| <input type="checkbox"/> New Consolidated Lower Boulder Ditch | <input type="checkbox"/> Leyner Cottonwood Ditch |
| <input type="checkbox"/> Extraction Oil & Gas, LLC | |

Planner: Hannah Hippely/Deborah Bachelder **Date:** August 25, 2016

Project: Wise Farms **Applicant:** Jasper Land Investments, LLC

Description: Rezoning, Planned Unit Development Overlay & Preliminary Plat

Location: West of the Intersection of N. 119th Street & Jasper Road on the south

Legal Description: See Attached

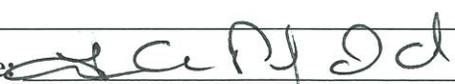
This application is submitted to you for review and comment. Please reply by **Tuesday, September 27, 2016**, so that we may give full consideration to your comments. Any response not received by this date may be deemed to be a positive response to the Town of Erie. Email responses can be sent to hhippely@erieco.gov or dbach@erieco.gov. If you have any questions about this application, please call 303-926-2774 or 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:** 9/22/16

Name (Please Print) _____
LuAnn Penfold



MOUNTAIN VIEW FIRE RESCUE

3561 North Stagecoach Road, Unit 200 • Longmont, CO 80504

(303) 772-0710 • FAX (303) 651-7702

September 21, 2016

Ms. Hannah Hippley
Town of Erie
P.O. Box 750
Erie, CO 80516

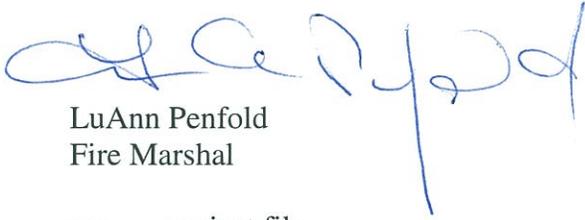
Dear Ms. Hippley:

I have reviewed the submitted material pertaining to the Wise Farms Ranch, located southwest of the intersection of North 119th Street and Jasper Road in Erie. The Fire District does not object to the proposed plan and subsequent development, provided the development is able to meet the requirements of the Fire District. All applicable codes must be met as they pertain to water supply, fire hydrant locations, and street designs. Based on my review, I have the following comments:

- Fire access appears to be satisfactory as indicated on the plans. Fire apparatus access roads must be designed and maintained to support the imposed loads of fire apparatus (75,000 pounds) and must have a surface that provides all-weather driving capabilities, this shall include the emergency access road. All access roads will need to be constructed and approved before building permits are issued.
- A minimum fire flow of 1,000 gallons per minute, measured at a residual pressure of 20 pounds per square inch, is required for one- and two-family dwellings not exceeding 3,600 gross square feet. All other buildings (including larger one- and two-family dwellings) require a minimum fire flow of 1,750 gallons per minute and may require more depending on the building size and type of construction as per Appendix B of the International Fire Code.
- Fire hydrants shall be spaced along fire apparatus access ways so that spacing between hydrants does not exceed 500 feet and a hydrant is located within 250 feet of the front property line of all lots. Construction plans for the utilities must be submitted to the Fire District for review and approval.
- The Fire District reserves the right to make further comments as development proceeds. Should the project be phased, phasing plans will need to be approved by the Fire District.

Nothing in this review is intended to authorize or approve of any aspect of this project that does not comply with all applicable codes and standards. We appreciate being involved in the planning process, should you have any questions please contact me at 303-772-0710 x 1121.

Sincerely,



LuAnn Penfold
Fire Marshal

cc: project file

lp09.14.16



Town of Erie Open Space and Trails Advisory Board

From: Town of Erie Open Space and Trails Advisory Board (OSTAB)
To: Deb Bachelder, Senior Planner, Community Development
Date: September 23, 2016

Subject: Wise Farms Referral – Preliminary Plat

Location: West of Intersection of N. 119th Street and Jasper Road, on the south

Date of Documents: Plat: June 15, 2016; Landscape Plans: June 10, 2016

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

Open Space and the Natural Areas Inventory (NAI):

Discussion: The Town's Unified Development Code (UDC) contains a formula that requires 4.84 acres of dedicated open space for the proposed 102 dwelling units in this application. The Preliminary Plat narrative states that "we are proposing to dedicate approximately 9 acres of open space...". However, the sheet entitled "Plat, PUD, and Zoning Exhibit" indicates that PA-4 (11.43 acres) and PA-5 (15.64 acres) are dedicated open space. Likewise, the Tract Summary Chart (Sheet 1 of the Plat) shows 2 identical tracts (X and W) with the same acreage as being owned and maintained by the Town. Therefore, we are assuming that both tracts will be dedicated open space. This inconsistency must be corrected.

In 2007, 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, each area was categorized as high, medium, or low quality. One of these areas exist on this property: Site #42 ("Wetlands near Wise Woods", 18 acres, medium quality). The site includes a large wetlands near Jasper Road, a shrub thicket adjacent to Lower Boulder Ditch (LBD), and an agricultural field between those 2 areas. In our opinion, Tract X contains all the important components of that NAI site.

Recommendations:

1. Confirm which tracts will be dedicated open space;
2. Correct the inconsistencies, as described above, concerning the acreage of dedicated open space.

Spine Trail:

Discussion: The Town's Parks, Recreation, Open Space, and Trails (PROST) Master Plan includes Resource Map C: Parks and Recreational Trails Recommendations. That map has a Spine Trail following the RTD ROW from County Line Rd. to the west of US 287. A small section immediately west of County Line Road has already been built; the remainder is

proposed. The Master Plan also defines the structure of the Spine Trail:

“It includes an 8-foot wide concrete section suitable for wheeled vehicles including strollers, bikes, and skates. An attached 4-foot soft surface of crusher fines provides a place for runners and pedestrians who want to stay out of the path of faster-moving cyclists or skater/bladers. A mower width shoulder on both sides should be kept clear of obstructions to provide a safety zone.”

A segment of the RTD ROW bisects this application. This application has a trail immediately south of that ROW. However, this application is inconsistent in identifying the format of this trail. Landscape Plan Sheet L8, which contains a short segment, labels it as “8’ concrete trail w/ 4’ crusher fines trail attached to north side.” whereas L10, which contains the entire trail, labels it as “6’ concrete trail”. All sheets that contain this trail should label it as “Spine Trail constructed per PROST Master Plan”.

Recommendation:

1. Correct the inconsistencies, as described above, identifying the location and format of the Spine Trail, which will be south of the RTD ROW.

Neighborhood Trails

Discussion: We are a strong believer that a robust network of neighborhood trails which enables residents to safely access neighbors within the sub division, parks, and the Town’s Spine Trail network, is a valuable asset that enhances life in Erie, and improves the development’s marketability.

There are material inconsistencies in the application documents concerning the trails in Tract W, the open space tract south of LBD and north of the ROW. The Concept Plan Exhibit and the Plat PUD, and Zoning Exhibit sheets have a linear trail paralleling LBD, and a trail crossing the ROW and LBD that connects the northern and southern segments of the development. However, both Sheets L1 and L11 have a loop trail in that Tract. That is a superior design. All 4 sheets have a trail that crosses both the ROW and LBD. A portion of that trail is perpendicular to the ROW: another portion is parallel to, and lies within, the ROW. There should not be a trail section that is parallel to, and within, the ROW.

We believe there are several changes that would materially improve the trail system. Most importantly, the 2 dedicated open space tracts (X and W) should be connected by a bridge that crosses LBD. The ideal location would be roughly midway between the eastern property border and the rear of the 2 eastern most proposed lots that are between Jasper Road and LBD. We estimate that that location is roughly 200 feet from that property border and those lots. The eastern end of the loop trail should be moved further east to connect to the new bridge. We do not see a reason to have a linear trail along LBD that extends beyond the proposed new bridge to the eastern property line. Ideally, the LBD company would give permission to both build a new crossing and retain the existing crossing. If it only permits 1 crossing, then the proposed new bridge is superior.

The expanded loop trail in open space Tract W should be soft surfaced i.e. crusher fines. Likewise, the trail around the wetlands in open space Tract X should also be crusher fines. That surface will provide young children with a unique trail experience within their neighborhood. Of course, the sidewalk between Jasper Road and the wetlands will be concrete.

There are walkways around the entire perimeter of the southern segment of this application i.e.

the segment south of the ROW. The Spine Trail is on the north, a sidewalk along N 119th St is on the east, and a neighborhood trail is on the south and west. The neighborhood trail lies between the property line and the rear of the proposed lots, which will have a split rail fence separating the lots and the trail area.

There will be walkways around the entire perimeter of the northern segment of the application only if both the existing and proposed new crossings of LBD exist. If there is only a single crossing, then changes will be needed to complete the perimeter trail system. The situation is complicated by the LBD - it partially bisects that segment, and we understand that the LBD Company requires a 5 foot high fence along LBD. A sidewalk along Jasper Road is on the north; there are trails within both dedicated open space tracts on the east, and neighborhood trails on the west, and on the south between the rear of the lots and LBD, west of the existing crossing. However, there would not be trail from open space tracts to the mid-block connector near the existing crossing of the LBD if that crossing were eliminated. If there is only one crossing, then we recommend a neighborhood trail between the lots and the LBD for the entire length of that Ditch.

The neighborhood trails on both the far NW and far SE corners do not terminate on Jasper Road or on N 119th St. respectively. Instead, both terminate on emergency access ways that extend to those Town roads. That situation is acceptable if trail users can use that access way to reach the sidewalk. An alternative design will be needed if town regulations restrict using the access way.

Trail systems should have future access to adjacent properties that are not yet developed. In the northern segment, there should be a stub trail to the undeveloped property to the west; it should be located in the SW corner, on the northern side of LBD. In the southern segment, future access to the undeveloped property to the west is included in the design - there is a road stub in the NW corner, and an emergency access way in the SW corner.

There is a roughly 9.7 acre tract (R) that is reserved for future oil and gas operations in the NW corner. We recommend that a temporary natural surfaced loop trail be in that tract.

Recommendations:

1. Build a new bridge across the ROW that would connect dedicated open space Tracts X and W;
2. Correct the inconsistencies (details above) between multiple sheets concerning the loop trail in Tract W;
3. Modify the loop trail in Tract W as described above;
4. The loop trails in both open space Tracts X and W should be soft surfaced;
5. Modify the section of the trail that lies within the ROW as described above;
6. If there are not 2 crossings of LBD, build a neighborhood trail in the northern segment between the lots and the LBD for the entire length;
7. Confirm whether or not Town regulations permit trail users to use the short emergency access ways to reach sidewalks along Town roads. An alternative design will be needed if town regulations restrict using the access ways.
8. Build a stub trail in the SW corner of the northern segment, north of LBD;
9. Build a temporary natural surfaced loop trail in Tract R.

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

Phil Brink
Bob Braudes
Monica Kash
Dawn Fraser
Nicole Littmann
Ken Martin (Chair)
Joe Martinez



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 OSTAB | <input checked="" type="checkbox"/> Town of Erie Parks & Recreation |
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| <input type="checkbox"/> DOE WAPA – Barb O'Rourke | <input type="checkbox"/> DOE WAPA – Barb O'Rourke |
| <input type="checkbox"/> XCEL Energy | <input type="checkbox"/> New Consolidated Lower Boulder Ditch |
| <input type="checkbox"/> New Consolidated Lower Boulder Ditch | <input type="checkbox"/> Leyner Cottonwood Ditch |

Planner: Hannah Hippely/Deborah Bachelder **Date:** August 25, 2016
Project: Wise Farms **Applicant:** Jasper Land Investments, LLC
Description: Rezoning, Planned Unit Development Overlay & Preliminary Plat
Location: West of the Intersection of N. 119th Street & Jasper Road on the south
Legal Description: See Attached

This application is submitted to you for review and comment. Please reply by **Tuesday, September 27, 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 hhippely@erieco.gov or dbach@erieco.gov. If you have any questions about this application, please call 303-926-2774 or 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: These comments generated by TOE staff are in addition to the comments provided by Terry Stone, Stone Landscape Architects.

Signature: Terry Stone **Date:** Sept. 28, 2016
Name (Please Print) Rob Crabb



Internal Memo

To: Hannah Hippely, Community Development Planner

From: Rob Crabb, Parks & Open Space Division Manager

Date: September 28, 2016

Subject: Wise Farms Preliminary landscape Plan

Cc: Farrell Buller, Director of Parks & Recreation

Parks & Open Space Division staff has reviewed the subject plans and offers these comments in addition to the comments provided by Stone Landscape Architects:

1. Somewhere on a cover page or in General Notes, please include the Town's accepted definition of "Maintenance".
2. No irrigation plan was provided.
3. Show as perforated line all sight triangles at all intersections.
4. Any future Town-owned AND maintained areas shall be inspected and approved by Town staff through the Town of Erie's inspection/approval processes, per Town of Erie Standards & Specifications.
5. Add to Landscape Notes: "All HOA/District maintained landscaping to be inspected by a Colorado landscape architect in good standing and paid for by the developer. All Town of Erie landscape acceptance procedures shall be followed."
6. Add to Landscape Notes: "All street tree species and their locations shall be approved by Parks & Recreation Director or designee for trees planted adjacent to residential homes whether they are installed by the developer/contractor or individual homeowner. Ash trees shall not be planted under any circumstances."
7. Include on a cover page or somewhere prominent a Tract Summary Chart: listing, at minimum: Tract, Tract size, Owner, maintenance responsibility.
8. Please widen all public right-of-ways (area between sidewalk and street) to a minimum of 8' width.
9. L2, Legend, what is "Thermal Blue Blend"? Please be more specific.
10. L2, Legend, steel edging shall be per TOE standards & specifications.
11. L2, far left-hand side of page, trail connections shown (at access drive and closer to Jasper road) are not very accurate. Please re-draw.
12. L2, did not see a Plant Schedule/list. Is one provided?
13. L3, #1 enlargement, please show edger in drawing that should separate plant material from rock mulch, top of page central island on Street B and SW corner of Street B and Jasper Rd.

14. Any trail abutting any native/moist swale seed mix areas should also have Short Grass Prairie Native seed mix planted within 15 feet either side of trail. This request applies to the entire plan.
15. On entire plan, do not plant material directly next to sidewalks/trails. Must maintain an adequate distance so no damage occurs during snow removal. An adequate distance is generally 12" or more depending on the mature size of the material.
16. L4, substitute (UV) with either Accolade and/or Triumph Elm, preferably some combination.
17. Move (PS) farther away from all lots due to this species being weak-wooded and aggressive root growth.
18. L4, substitute (VP) with Austrian, Ponderosa, Rocky Mountain juniper or Pinon Pine in some combination.
19. L4, substitute (WKH) with thornless cockspur hawthorn. No thorned species shall be planted next to sidewalks/trails.
20. L4, reroute sidewalk/trail either north or south of the mature native trees to be retained. These trees have probably never received any historical maintenance. To route the sidewalk/trail through these trees brings into play an elevated hazard risk that did not exist previous. The retaining of native habitat is a key concern for Town staff.
21. L6, playground area says multiple times to refer to details, sheet L6. Where?
22. L6, what type of mulch is to be used? Drawing does not indicate this.
23. L6, grade elevations are unclear.
24. L6, Multi-level play structure is called out. Age 2-5? Age 5-12? Both? Please identify.
25. L9, substitute (UV) with either Accolade or Triumph Elm.
26. L9, ensure that all evergreens are planted far enough away from edge of sidewalk/trail so that size at maturity does not encroach these walkways.
27. L9, substitute (PP) in median for smaller species due to (PP) mature width being too wide.
28. L9, (TIL LEG) performs poorly in native areas. Please substitute with hackberry, catalpa, Kentucky coffee, bur or chinkapin oak, in some combination.
29. L10, Existing Vegetation Protection Notes #4, change first sentence to read: " Prior to the commencement of any site work, the contractor, in conjunction with the Town Arborist or designee, shall.."
30. L11, please provide additional information/rationale for the cross-hatched area with note that reads: " 31,33,36 anticipated to remain subject to final design. 32,34,35 to be removed." Town desires to preserve as many mature trees on property as possible as the Town has received feedback from surrounding neighbors supporting this desire. Original tree inventory showed recommendations of protect in place.
31. L14, the ornamental iron fence is not conducive to keeping wildlife corridors intact. The intent of preserving native trees was to serve as protecting wildlife corridors and habitat in Tract X. An iron fence divides Tract X and Tract W which then connects Tract A. This same fence then transects large grouping of trees (#39) that has high wildlife value. Please remove or reroute iron fence from this area of open space.

School Planning Standards And Calculation of In Lieu Fees

Single Family							
<u>School Planning Standards</u>							
	Number Of Units	Projected Student Yield	Student Facility Standard	Site Size Standard Acres	Acres of Land Contribution	Developed Land Value	Cash-in-lieu Contribution
Elementary	102	0.22 22.44	525	10	0.43	\$80,117	
Middle Level	102	0.1 10.2	750	25	0.34	\$80,117	
High School	102	0.11 11.22	1200	50	0.47	\$80,117	
Total		43.86			1.23	\$80,117	\$98,939
Single Family Student Yield is		0.43					\$970 Per Unit

School Planning Standards And Calculation of In Lieu Fees

Duplex/Triplex							
		School Planning Standards					
	Number Of Units	Projected Student Yield	Student Facility Standard	Site Size Standard Acres	Acres of Land Contribution	Developed Land Value	Cash-in-lieu Contribution
Elementary	0	0.2 0	525	10	0.00	\$80,117	
Middle Level	0	0.09 0	750	25	0.00	\$80,117	
High School	0	0.09 0	1200	50	0.00	\$80,117	
Total		0			0.00	\$80,117	\$0
Duplex/Triplex Student Yield is		0.38					#DIV/0! Per Unit

School Planning Standards And Calculation of In Lieu Fees

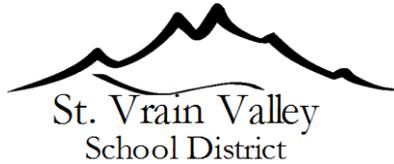
Multi-Family							
<u>School Planning Standards</u>							
	Number Of Units	Projected Student Yield	Student Facility Standard	Site Size Standard Acres	Acres of Land Contribution	Developed Land Value	Cash-in-lieu Contribution
Elementary	0	0.15 0	525	10	0.00	\$80,117	
Middle Level	0	0.06 0	750	25	0.00	\$80,117	
High School	0	0.06 0	1200	50	0.00	\$80,117	
Total		0			0.00	\$80,117	\$0
							#DIV/0! Per Unit
Multi-Family Student Yield is		0.27					

School Planning
Standards And
Calculation of
In Lieu Fees

Condo/Townhouse							
<u>School Planning Standards</u>							
	Number Of Units	Projected Student Yield	Student Facility Standard	Site Size Standard Acres	Acres of Land Contribution	Developed Land Value	Cash-in-lieu Contribution
Elementary	0	0.07 0	525	10	0.00	\$80,117	
Middle Level	0	0.04 0	750	25	0.00	\$80,117	
High School	0	0.04 0	1200	50	0.00	\$80,117	
Total		0			0.00	\$80,117	\$0
Condo/Townhouse Student Yield is		0.15					#DIV/0! Per Unit

School Planning Standards And Calculation of In Lieu Fees

Mobile Home							
School Planning Standards							
	Number Of Units	Projected Student Yield	Student Facility Standard	Site Size Standard Acres	Acres of Land Contribution	Developed Land Value	Cash-in-lieu Contribution
Elementary	0	0.16 0	525	10	0.00	\$80,117	
Middle Level	0	0.09 0	750	25	0.00	\$80,117	
High School	0	0.09 0	1200	50	0.00	\$80,117	
Total		0			0.00	\$80,117	\$0
Mobile Home Student Yield is		0.34					#DIV/0! Per Unit



September 14, 2016

Deborah Bachelder
Town of Erie
645 Holbrook
Erie CO 80516

RE: Wise Farm, Rezoning, PUD Overlay & Preliminary Plat

Dear Deborah,

Thank you for referring the Wise Farm, Rezoning, Planned Unit Development Overlay & Preliminary Plat to the School District. The District supports this development proposal and has reviewed the application in terms of (1) available school capacity, (2) required land dedications and/or cash-in-lieu fees. After reviewing the above proposal, **the School District finds Erie MS and HS are currently projected to exceed 125% of their capacities in the next 5 years.**

The SVVSD school board recently voted to pursue a school bond that will add a K8 school and an addition to Erie HS. These projects, if approved, will help to mitigate the projected overcrowding at the MS and HS levels.

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 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: Wise Farm, Rezoning, Planned Unit Development Overlay & Preliminary Plat

(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.

ERIE ELEMENTARY													
CAPACITY INFORMATION				CAPACITY BENCHMARK*									
				<small>(includes projected students, plus development's student impact)</small>									
School	Building	Stdts.	Std.	2016-17		2017-18		2018-19		2019-20		2020-21	
Level	Capacity	Oct-15	Impact	Stdts	Cap.	Stdts	Cap.	Stdts	Cap.	Stdts	Cap.	Stdts	Cap.
Elementary	539	454	22	483	90%	515	96%	545	101%	584	108%	621	115%
Middle (EMS)	720	929	10	996	138%	1019	142%	1036	144%	1058	147%	1095	152%
High (EHS)	896	938	11	1038	116%	1074	120%	1094	122%	1114	124%	1148	128%
Total	2496		43	2518		2608		2675		2755		2864	

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

- *Specific Impact* - This application will add 102 dwelling units and a potential impact of 43 additional students in the **Erie Elementary, Erie Middle and Erie High School Feeder**.
- *Benchmark Determination* – The middle school and high school are expected to exceed 125% of their capacities in the next 5 years. The SVVSD board of education will seek a bond in November 2016 that if approved will alleviate the over crowding projected at the MS & HS levels.
- *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* – a land dedication is not required for this development therefore, CIL fees will be required.
- *Number of Units covered by dedication/cash-in-lieu* – n/a
- *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 all levels.
- *Pedestrian/Access Issues* – n/a



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

October 5, 2016

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

Re: Wise Farms Rezoning and Preliminary Plat

Dear Deb:

You asked for comments regarding the Rezoning and Preliminary Plat for Wise Farms, west of the intersection of N 119th Street and Jasper Road submitted by Jasper Land Investments, LLC. These comments are the same as those submitted on June 5, 2014 to the previous preliminary plat.

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 for the homes and the proposed parks.

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.

In addition, the Town's agreements with Boulder County should be reviewed to be sure that the development is in compliance with any of those agreements as they pertain to property purchased for open space. My records indicate that an agreement with Boulder County applied to Wise property located north of Jasper Road, but it should be confirmed that there are no restrictions on the property subject to this preliminary plat.

Deborah Bachelder

October 5, 2016

Page 2

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



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 OSTAB | <input type="checkbox"/> Town of Erie Parks & Recreation |
| <input type="checkbox"/> Public Review | <input type="checkbox"/> Vranesh & Raisch, LLC |
| <input type="checkbox"/> High Plains Library District | <input type="checkbox"/> Urban Drainage |
| <input type="checkbox"/> Mountain View Fire Protection District | <input type="checkbox"/> CGS |
| <input type="checkbox"/> Division of Wildlife | <input type="checkbox"/> NCWCD & Subdistrict |
| <input type="checkbox"/> NCWCD & Subdistrict | <input type="checkbox"/> NRCS |
| <input type="checkbox"/> Crestone Peak Resources | <input type="checkbox"/> Kerr-McGee Oil & Gas Onshore, LP |
| <input type="checkbox"/> Noble Energy | <input type="checkbox"/> St. Vrain Valley School District |
| <input type="checkbox"/> Felsburg Holt & Ullevig | <input type="checkbox"/> RTD |
| <input type="checkbox"/> Century Link Communications | <input type="checkbox"/> Comcast Commercial & Residential |
| <input checked="" type="checkbox"/> DOE WAPA – Barb O'Rourke | <input type="checkbox"/> DOE WAPA – Barb O'Rourke |
| <input type="checkbox"/> XCEL Energy | <input type="checkbox"/> New Consolidated Lower Boulder Ditch |
| <input type="checkbox"/> New Consolidated Lower Boulder Ditch | <input type="checkbox"/> Leyner Cottonwood Ditch |

Planner: Hannah Hippely/Deborah Bachelder **Date:** August 25, 2016
Project: Wise Farms **Applicant:** Jasper Land Investments, LLC
Description: Rezoning, Planned Unit Development Overlay & Preliminary Plat
Location: West of the Intersection of N. 119th Street & Jasper Road on the south
Legal Description: See Attached

This application is submitted to you for review and comment. Please reply by **Tuesday, September 27, 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 hhippely@erieco.gov or dbach@erieco.gov. If you have any questions about this application, please call 303-926-2774 or 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: Please see Western Area Power Administration comment Letter attached..

Signature: B. Pederson **Date:** September 7, 2016

Name (Please Print) Brian Pederson, Realty Specialist



Department of Energy
Western Area Power Administration
Rocky Mountain Customer Service Region
P.O. Box 3700
Loveland, CO 80539-3003

September 6, 2016

Hannah Hippely
Town of Erie
P.O. Box 750
Erie, CO 80516

RE: Preliminary Plat Wise Farms located within Section 14, T. 1N, R.69W.
Erie-Terry Ranch 115-kV Transmission Line.

Dear Ms. Hippely:

With regard to the above referenced preliminary plat, Western Area Power Administration (WAPA) offers the following comments:

1. All construction activities within Western's overhead electric transmission line easement should be coordinated with this office.
2. The plat should provide for appropriate setbacks from Western's transmission line.
3. Western's transmission line easement should be shown on the plat. Note: Western maintains a 75 foot wide right of way, being 37 1/2 feet on each side of the center line.
4. The following language should also be included on the plat:
 - a) The United States electric transmission line easements are restricted areas and all construction activities within said easements should be coordinated with WESTERN AREA POWER ADMINISTRATION, P.O. Box 3700, Loveland, Colorado 80539-3003 (970-461-7200).
 - b) No trees and no vegetation that exceeds 10 feet in height at maturity is allowed within the easement.
 - c) No buildings or other structures are allowed within the transmission line easement areas.
 - d) A minimum overhead clearance of 20 feet from the transmission line conductors must be maintained at all times.

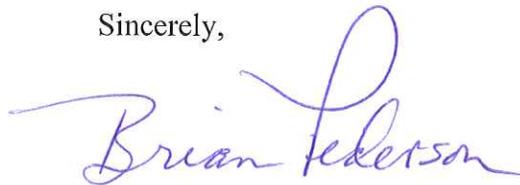
e.) Induced voltages and currents may occur on the facility constructed or placed under or near high voltage transmission lines. The owner shall be responsible for the protection of personnel and equipment in their design, construction, operation and maintenance of the facility.

f.) Any changes in existing topography must be coordinated and approved by Western. Excavation is not permitted within 50 feet of any transmission line structure.

g.) Owner shall not erect or install fences or gates on or across the easement area without first submitting the fence / gate plans for review and approval by WAPA.

Within these parameters, WAPA has no objections with the proposed subdivision. Thank you for the opportunity to comment on this project, if you have any questions, please contact Joel Ford at (970) 461-7265 or ford@wapa.gov

Sincerely,



Brian Pederson
Realty Specialist



Town of Erie, Colorado Development Referral

- Town of Erie Community Development
- Town of Erie OSTAB
- Public Review
- High Plains Library District
- Mountain View Fire Protection District
- Division of Wildlife
- NCWCD & Subdistrict
- Crestone Peak Resources
- Noble Energy
- Felsburg Holt & Ullevig
- Century Link Communications
- DOE WAPA – Barb O'Rourke
- XCEL Energy
- New Consolidated Lower Boulder Ditch
- Extraction Oil & Gas, LLC

- Town of Erie Engineering
- Town of Erie Parks & Recreation
- Vranesh & Raisch, LLC
- Urban Drainage
- CGS
- NCWCD & Subdistrict
- NRCS
- Kerr-McGee Oil & Gas Onshore, LP
- St. Vrain Valley School District
- RTD
- Comcast Commercial & Residential
- DOE WAPA – Barb O'Rourke
- New Consolidated Lower Boulder Ditch
- Leyner Cottonwood Ditch
- Crestone Peak Resources

Planner: Hannah Hippely/Deborah Bachelder

Date: August 25, 2016

Project: Wise Farms

Applicant: Jasper Land Investments, LLC

Description: Rezoning, Planned Unit Development Overlay & Preliminary Plat

Location: West of the Intersection of N. 119th Street & Jasper Road on the south

Legal Description: See Attached

This application is submitted to you for review and comment. Please reply by **Friday, September 30, 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 hhippely@erieco.gov or dbach@erieco.gov. If you have any questions about this application, please call 303-926-2774 or 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:** 9/29/16



Town of Erie, Colorado Development Referral

- Town of Erie Community Development
- Town of Erie OSTAB
- Public Review
- High Plains Library District
- Mountain View Fire Protection District
- Division of Wildlife
- NCWCD & Subdistrict
- Crestone Peak Resources
- Noble Energy
- Felsburg Holt & Ullevig
- Century Link Communications
- DOE WAPA – Barb O'Rourke
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- Town of Erie Engineering
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- Leyner Cottonwood Ditch

Planner: Hannah Hippely/Deborah Bachelder

Date: August 25, 2016

Project: Wise Farms

Applicant: Jasper Land Investments, LLC

Description: Rezoning, Planned Unit Development Overlay & Preliminary Plat

Location: West of the Intersection of N. 119th Street & Jasper Road on the south

Legal Description: See Attached

This application is submitted to you for review and comment. Please reply by **Tuesday, September 27, 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 hhippely@erieco.gov or dbach@erieco.gov. If you have any questions about this application, please call 303-926-2774 or 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.

Jasper Lands has worked well with us and has our support

Comments: _____

Signature:  **Date:** 8/30/2016

Name (Please Print) Robert Bresnahan

September 26, 2016

Ms. Hannah Hippely
Town of Erie
645 Holbrook
PO Box 750
Erie, CO 80516

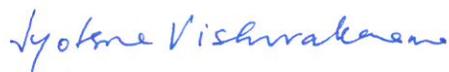
RE: Town of Erie Development Referral for Wise Farms
Boulder Industrial lead
119th and Jasper Road

Dear Ms. Hippely,

Thank you for referring the above plans to RTD. Our comments are attached. Please feel free to have the developers contact the individual reviewers to resolve comments.

It is essential that RTD's ability to build and operate the railroad be preserved. Please contact me if you have any questions.

Sincerely,



Jyotsna Vishwakarma, PE. LEED AP
Jyotsna.Vishwakarma@RTD-Denver.com
Acting Chief Engineer
303.299.2889

Enclosures:
Development Review Summary
Exhibits regarding ROW ownership



Regional Transportation District
 1560 Broadway, Suite 700 |
 Denver, CO 80202
Engineering@RTD-Denver.com

Date: September 27, 2016

Development Review Summary

Title: Wise Farms

Referring Agency: Town of Erie

Location/Address:
 near 119th and Jasper Road

Project Stage:

- Conceptual
- Preliminary
- Final

Response:

- Can live with it
- Let us discuss
- Unacceptable

Project Contact:
 Hannah Hippely
hhippely@erieco.gov
 303-926-2774

Project Description:
 Residential subdivision on both sides of BIL

Project Timing and Duration:
 TBD

Project affects:

- Light Rail
- Commuter Rail
- Boulder Industrial Lead

- Bus Stop
- Park-n-ride
- Building
- Other

Real Property: Impacted Potential Impact No Impact

RTD Engineering does not administer Real Property matters for RTD.
 Contact: Susan.Altas@RTD-Denver.com or 303-299-2440

Elements constructed shall be maintained by:

RTD

Others – Need to know who this will be

Need Inter-governmental Agreements? Yes No TBD

Materials Submitted:

- None
- Rezoning Materials
- Concept Plans

- Preliminary Plans
- Final Plans
- Reports / Calculations

- Plat
- Easement
- Agreement

Review Comments by Element Impacted:

Future Service Impact

No Impact

TBD

Impacts known

Karen.Stanley@RTD-Denver.com 303-299-6947

1. Please clarify what kinds of activities and build out are allowed within an Oil and Gas Operations setback zone. There is concern over the proximity of oil or gas wells next to the ROW and the buffer zone for these wells infringing into RTD ROW. Our concern is that future rail operations not be compromised.
2. A trail crossing is planned at a location approximately 600 feet east of the northwest corner of the South Parcel (Tract C). Based upon the topography shown on the drainage plan, there is an existing access across RTD ROW which is not depicted on the ALTA Survey. The zoning exhibit appears to maintain this access as a trail connection and further depicts a trail which parallels and is within RTD ROW for approximately 300 feet. Trails in and across the RTD ROW are not acceptable and should be relocated out of RTD ROW.
3. Plans show several lots immediately adjacent to Railroad ROW. Has development anticipated future noise and vibration issues? Please provide notes on the plat to make buyers aware.
4. Please provide a fence on both sides of the Railroad ROW to control access.

Property Boundary / Plat

Impacted

Potential Impact

No Impact

Wayne.Cochran@rtd-denver.com Cell 303-519-8931:

1. Please see attached exhibit for what we believe is RTD's Right-of-way (ROW) through this area, which we call Boulder Industrial Lead (BIL). The Boulder County Assessor's Office web site indicates that the RTD BIL ROW is not continuous through the development area. A land locked parcel of the BIL ROW is recorded as owned by the City of Erie. The Land Title Survey Sheets 22,23, and 24 of the Preliminary Development refer to the subject parcel as Area of Concern #4. Please provide documentation as to why you believe this area is owned by the City of Erie.
2. RTD does not grant easements. Please contact Susan Altes, RTD's Senior Manager of Real Property Susan.Altres@RTD-Denver.com 303-299-2440.

Construction Phasing, Duration, and Impact

To be determined

Impacts known

Drainage

Impacted

Potential Impact

No Impact

Yong K. Song, PE, CFM, Yong.Song@RTD-Denver.com 303-299-2172

1. The developer shall submit an application to obtain a RTD Utility Agreement to cross RTD's track right-of-way (ROW) for the proposed storm drain (SD) culvert crossing. The method of construction for the proposed SD crossing under the RTD trackway shall be clearly defined.

2. The proposed SD pipe culvert within the RTD ROW shall be Class V, gasketed, RCP with a minimum pipe diameter of 15 inches. The SD pipe shall be placed with a minimum clearance of 5 feet from bottom of rail (BOR) to top of pipe unless otherwise approved by RTD.
3. The SD pipe under the trackway shall cross at a 90-degree angle to the track and have a maximum headwater to depth ratio of 1.5. The 100-year energy grade line (EGL) in the storm drainage system shall be below the top of track subgrade. The Design Engineer shall include EGLs/HGLs and design flow rates on all storm drainage system profiles.
4. The emergency spillway for the proposed Pond 340 shall be designed to prevent erosion of the RTD's track ROW.
5. It appears that the proposed project will increase impervious areas (wells access road and facility pad for oil and gas operations, Street A, trails, etc.) for Sub-basin 130. However, no improvements are proposed to mitigate the increased flows and water quality impacts for Sub-basin 130. Please explain how the flow and water quality impacts will be mitigated prior to flows entering RTD's ROW.
6. Please provide existing and proposed conditions hydrologic computations and contours for Sub-basin 130 to demonstrate that the project will not increase the flow quantities and change the flow type (sheet vs. concentrated) reaching the RTD ROW.

Erosion concerns	<input type="checkbox"/> Impacted	<input checked="" type="checkbox"/> Potential Impact	<input type="checkbox"/> No Impact
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Utilities	<input checked="" type="checkbox"/> Impacted	<input type="checkbox"/> Potential Impact	<input type="checkbox"/> No Impact
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Jim Kelley (James.Kelley@RTD-Denver.com) (303) 299-6975

RTD has a process to evaluate requests to cross RTD's right of way and facilities with an OH (overhead) or UG (underground) utility. Please see <http://www.rtd-denver.com/UtilityAgreements.shtml> for information about this process, and technical requirements. Approval is not guaranteed and is not granted until an Executed License is issued by RTD Real Property. The comments below are high level comments, and the applicant needs to work through the Utility Agreement process.

1. 36-inch storm sewer – The discharge pipe from Detention Pond 340 located approximately 300 feet east of the northwest corner of the South Parcel (Tract C). The pipe is shown to be bored under RTD ROW. Based upon the topography shown on the drainage plan, the existing ground (RTD ROW) is at an elevation of 5039 and the proposed Pond 340 pond bottom is at 5032. A proposed profile is necessary to confirm the cover over the proposed pipe is not just 4 feet.
2. 8-inch Water – A water crossing is proposed at a location approximately 1000 feet east of the northwest corner of the South Parcel (Tract C). A proposed profile is necessary to confirm the proposed depth at the crossing.
3. 8-inch Sanitary Sewer- – A sanitary crossing is proposed at a location approximately 1020 feet east of the northwest corner of the South Parcel (Tract C). A proposed profile is necessary to confirm the proposed depth at the crossing.

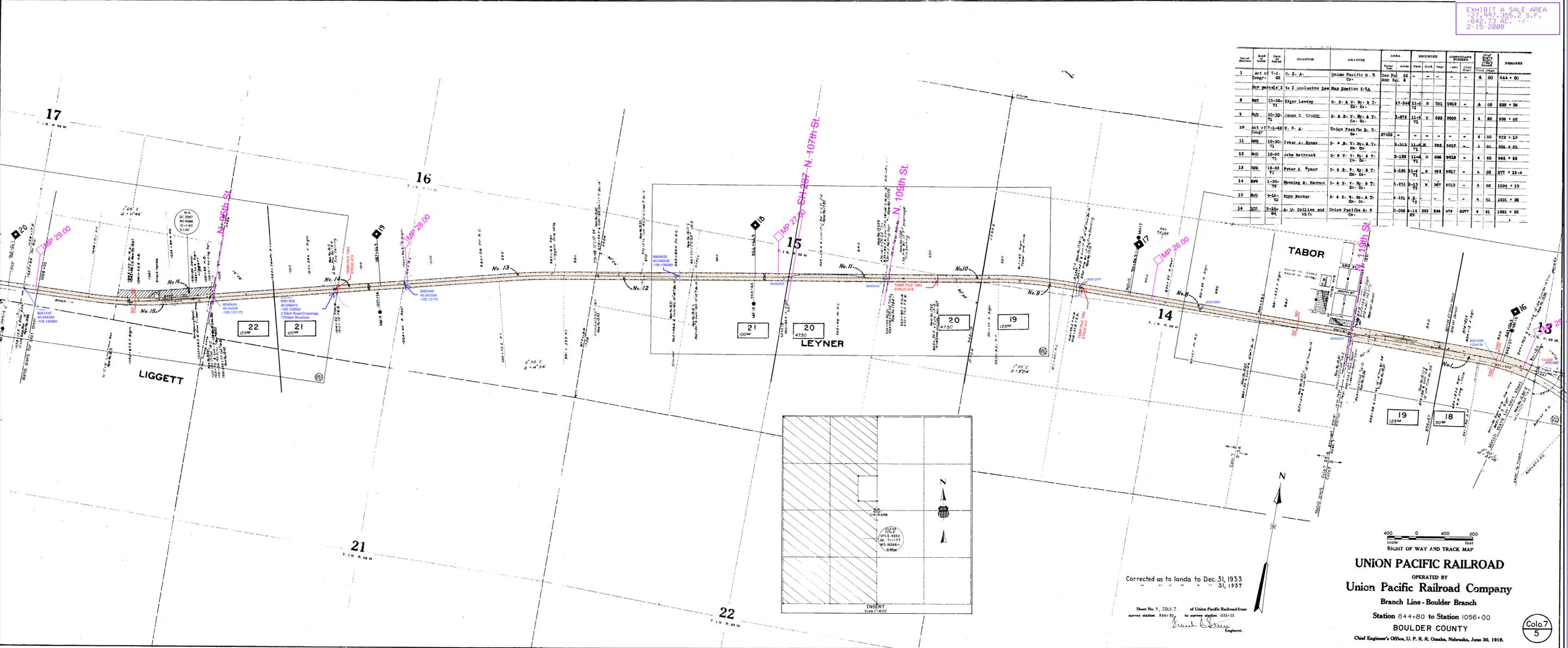
<p>4. 30-foot Pipeline Easement – The ALTA surveys included in the submittal do not identify the pipeline easement. There is neither line work nor labels to identify its location.</p> <p>5. Pipes must be 5 feet below top of rail and pressurized lines must be encased.</p>	
Landscaping	<input checked="" type="checkbox"/> Impacted <input type="checkbox"/> Potential Impact <input type="checkbox"/> No Impact
<p>thomas.papadinoff@rtd-denver.com 303-299-2295</p> <ol style="list-style-type: none"> 1. Sheet L1 - Identify all easement ownerships, widths and use on Preliminary Landscape Plan. 2. Sheet L1 – Remove existing dirt road connection across RTD land. 3. Sheet L7 – Concerned about safety of play area users adjacent to existing fencing along RTD easement. Provide playground compatible fencing acceptable to RTD or vegetative buffering adjacent to play area (approx. 100’). 4. Sheet L10 – Verify that 30’ gas and drainage easements are correctly depicted. 5. Sheet L10 – Explain 60’ future easement. 6. 	
Lighting	<input type="checkbox"/> Impacted <input type="checkbox"/> Potential Impact <input checked="" type="checkbox"/> No Impact
Fencing and gates	<input checked="" type="checkbox"/> Impacted <input type="checkbox"/> Potential Impact <input type="checkbox"/> No Impact
General Notes:	<p>Please have the developer team work through our processes and provide us updated documents.</p>
RTD Permits and Training Required	<input checked="" type="checkbox"/> To be determined <input type="checkbox"/> Maintenance-of-Way (MOW) light rail permit http://www.rtd-denver.com/Reports.shtml <input type="checkbox"/> RTD On Track Safety Training <input type="checkbox"/> Building and Grounds Access Policy http://www.rtd-denver.com/Reports.shtml

Disclaimer:

RTD engineering review is performed solely to benefit RTD, and solely for the limited purposes of checking by RTD for impact of the project to (1) existing and proposed RTD physical infrastructure, (2) RTD service plans, and (3) RTD customer travel. RTD’s limited-purpose review (1) does NOT constitute engineering review of the project submitted, (2) does not create any duties by RTD, its employees and agents to, or rights against any of them for, the submitter and any third party, and (3) does not constitute approval of safety precautions, dimensions, quantities, construction means, methods, techniques, sequences, or procedures.

K:\Engineering Projects\FasTracks Engineering Projects\upr_infocurr_exh_2009\fromUPPR\builder branch_ROW.dgn 11:43:50 AM 8/13/2013 USER: RTD User

EXHIBIT A SALE AREA
 +27,937,355.2 S.F.
 +642.73 AC. ± S.F.
 2-15-2008



Parcel Number	Acres	Grantor	Grantee	Area	Recorded	Original	Current	Remarks
1	4.60	U. S. A.	Union Pacific R. R. Co.	See Plat MAP No. 4	22	-	-	844 + 80
8	4.59	Edgar Levey	D. & V. Ry. & T. Co.	37-544	11-11-71	N	591	9412
9	4.60	James S. Crosby	D. & B. V. Ry. & T. Co.	2-875	11-11-71	V	608	9091
10	4.60	U. S. A.	Union Pacific R. R. Co.	29950	-	-	-	844 + 80
11	4.60	Peter A. Syner	D. & B. V. Ry. & T. Co.	3-543	11-11-71	N	592	9012
12	4.60	John Matheson	D. & B. V. Ry. & T. Co.	3-129	11-11-71	N	606	9010
13	4.60	Peter A. Syner	D. & B. V. Ry. & T. Co.	3-286	11-11-71	N	593	9017
14	4.60	William A. Harmon	D. & B. V. Ry. & T. Co.	3-253	11-11-71	V	587	9013
15	4.60	Ryan Barker	D. & B. V. Ry. & T. Co.	4-351	11-11-71	N	585	9011
16	4.61	A. W. Collins and W. C.	Union Pacific R. R. Co.	3-058	11-11-71	N	283	284

NO.	REVISIONS	BY	DATE

DESIGNED BY:	DATE:	CHECKED BY:	DATE:
DRAWN BY:	DATE:	APPROVED BY:	DATE:
JUNE 23rd 2009 N.T.S.			

LEGEND

UPRR PROPERTY TRANSFER



RTD FasTracks
 1560 BROADWAY, SUITE 700
 DENVER, COLORADO 80202
 (303) 299-6990

ADDENDUM A
 EXHIBIT A

BOULDER INDUSTRIAL LEAD
 NORTH METRO LINE

SHEET REFERENCE NUMBER:
 T - 8
 SHEET 8 OF 11



Right of Way & Permits

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

September 27, 2016

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

Attn: Hannah Hippely / Deborah Bachelder

Re: Wise Farms – 5th referral

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the fifth referral plat and plans for **Wise Farms**, and advises the continued coordination with all Xcel Energy representatives involved with this project: the Designer for natural gas and electric distribution facilities, the Right-of-Way Agent for distribution easement issues, and the Right-of-Way Agent for gas transmission easement encroachment issues.

For continuity throughout the development, PSCo requests the front-lot easements be continued in the following manners:

- within Tracts around all cul de sacs between lots, including those at the ends of Streets B, C, D, E, and G
- the 6-foot utility easements within Tracts along all Streets be increased to 8-foot wide to accommodate potentially all dry utilities traveling through these Tracts

PSCo requests that the dashed easement lines be darkened on the plat as they are difficult to discern or recognize in many areas. Darkened easement lines will help to make the above requests more clear if they are, in fact, present.

PSCo also requests that the following language or plat note be placed on the preliminary and final plats for the subdivision:

Utility easements are dedicated to the Town of Erie for the installation, maintenance, and replacement of electric, gas, television, cable, and telecommunications facilities (Dry Utilities). Utility easements shall also be granted within any access easements and private streets in 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.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center at 1 800-922-1987 for utility locates prior to construction.

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