

Erie Town Center Conditions Survey

Town of Erie Urban Renewal Authority

December 4, 2024



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Town of Erie, Colorado

Dear Board of Commissioners,

This Conditions Survey report is intended to assist the Town of Erie Urban Renewal Authority (TOEURA) with identifying and cataloguing conditions that are arresting sound development throughout a defined survey area. This area is named the "Erie Town Center Urban Renewal Plan" (The Plan).

The proposed Plan area includes a single parcel. This parcel is owned by the Town of Erie and is approximately 20.32 acres. The area is characterized by vacant land that prior to Town ownership was assessed as Agricultural. The property lacks infrastructure, including an internal street network, ingress and egress points, and central water and sewer extensions. The Leyner Cottonwood Ditch 1 transects the property as well, creating a unique development obstacle through the bottom third of the Plan area. The most pressing challenge, however, is the historic undermining within the Plan area. Lithos Engineering performed a coal mine subsidence evaluation on this site in 2022 and determined that a significant area presents severe hazards to future development. The hazardous condition is caused by historic undermining within the property, specifically the Garfield 1 and 2 mines and the Lister Mines. Future development will have to contend with and mitigate these hazards.

The conditions impacting this property help explain why it remains undeveloped relative to its location. The property is bounded by Erie Parkway and East County Line Road, and is encompassed by new development. Erie's primary commercial center is located caddy-corner to this property, and construction for the Town's mixed-use Town Center is currently underway to the south across Erie Parkway. Residential neighborhoods and parks also surround the site, further underscoring the site's vacancy and underutilization. The Town of Erie and its community are seeking to change this fact, as demonstrated by their adopted plans. The Town has adopted future land use designations that supports new development at this site, and its current zoning is Business (B). The site is also within the Erie Town Center Planned Development (PD) District. Evergreen Development Company has recently approached the town, offering to develop the site in a manner aligned with this community vision and economic needs. However, the undermining and lack of infrastructure present development challenges which explain the Plan area's historic underutilization and questionable development feasibility.

These reasons are why TOEURA is evaluating the proposed Plan area to determine its eligibility for Urban Renewal treatment. Forming a public private partnership via an Urban Renewal Plan requires identifying conditions throughout the site that complicate its redevelopment. These conditions are known as blighted area factors, or blighting factors. TOEURA has commissioned this study to determine if the proposed Urban Renewal Plan area exhibits the necessary number of blighted area factors to make it eligible for urban renewal treatment.

The Conditions Survey locates, identifies, and describes each statutorily defined blighting factor found to exist within the proposed plan area. Based upon field observations and analysis, this report finds that the surveyed area meets the minimum number of blighting factors required to make the proposed urban renewal project eligible for urban renewal activities.

Sincerely, Andrew Arnold Founder | Principal Pioneer Development Company Durango, Colorado

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Executive Summary

Erie Town Center Urban Renewal Plan Conditions Survey:

The Town of Erie Urban Renewal Authority (TOEURA) is evaluating a specific area for Urban Renewal projects and activities. This area is tentatively named, "Erie Town Center Urban Renewal Plan" (The Plan). The Plan encompasses a ~20.32 acre parcel owned by the Town and located within the Town of Erie's municipal limits. The Plan area is project-driven, meaning the Town has been approached by a developer proposing a commercial mixed-use development on this site. This proposal aligns with the Town of Erie's Future Land Use designations and zoning on the property. Despite this alignment and new market demand, the development's feasibility is hindered by a lack of public infrastructure and coal mine subsidence hazards. This property's underutilization, relative to the rapid development surrounding the site, underscores the presence of factors arresting sound development from taking place. That is why TOEURA is evaluating this parcel for Urban Renewal eligibility.

The subject area is centrally located within the Town of Erie's municipal limits. The area is bounded by Erie Parkway to its south and East County Line Road to its east. A larger, privately owned vacant property envelopes the site's northern and western boundary, which is then ringed by newly constructed residential neighborhoods. The Plan's boundary has been strategically drawn to encompass only the Town owned parcels boundaries, as this is the area experiencing renewed development interest.

The survey area includes all 20.32 acres of the Town-owned parcel. 100% of this area is zoned "Business (B)" and is also located within Erie's Town Center PD district. The subject area's features are characterized by vacant land, public missing infrastructure, missing road networks, mining subsidence hazards and underutilization. A 2022 environmental study discovered abandoned mines located 50-feet to 100-feet below the site, making approximately 30% of the Plan area fall within severe to high environmental and geological hazards. Mitigating these coal mine subsidence risks are expected to costs approximately \$400,000 per acre, a factor that would need public private partnerships to overcome.

For an Urban Renewal Plan to be established, a specific geographic area within the community must be found to exhibit certain conditions. These are conditions that, in general, arrest the sound growth of a municipality. This may include conditions that impair a municipality's growth, retards housing development and accommodations, or constitutes a liability for economic or community development. Statute describes these conditions using language associated with the police power, as a "menace to public health, safety, morals, and welfare" and defines these conditions as eleven separate factors in C.R.S. 31-25-103.2. These factors must be cataloged before urban renewal projects and activities can commence.

A conditions survey does not create a new Urban Renewal Plan or Urban Renewal Project. The conditions survey is merely a starting point for that process, one that is required before TOEURA can establish Erie Town Center Urban Renewal Plan. The conditions survey's purpose is to evaluate the proposed Plan area

and determine if it meets the statutorily required threshold of blighted area factors. Four (4) of these factors must be identified before an Urban Renewal Plan can be established and adopted¹.

The proposed Urban Renewal Plan area was carefully surveyed using a holistic analysis. Observations were taken during a field visit that identified the presence of statutorily defined blighting factors throughout the area. These observations were supplemented with background research on the site and market characteristics throughout the region.

The conditions survey's conclusion is that the proposed Urban Renewal Plan area exhibits the necessary number of blighting factors to make it eligible as an Urban Renewal Plan according to state statute. This conditions survey identified six (6) blighting factors within the area, listed in the table below:

Conditions Survey – Blighting Factors Catalogued					
Blighted Area Factor # (C.R.S. 31-25-103.2 List Label)	Definition				
Factor 2 (b)	Predominance of Defective or Inadequate Street Layout				
Factor 3 (c)	Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness				
Factor 4 (d)	Unsanitary or Unsafe Conditions				
Factor 6 (f)	Unusual Topography or Inadequate Public Improvements or Utilities				
Factor 10 (j)	Environmental Contamination				
Factor 11 (k.5)	The Existence of Health, Safety, or Welfare Factors Requiring High Levels of Municipal Services or Substantial Physical Underutilization or Vacancy of Sites, Buildings, or Other Improvements				

¹ Per C.R.S. 31-25-103(2)(I) only one blighting factor is necessary if all property owners and tenants' consent to inclusion. Since the Town of Erie is the only property owner/tenant, only 1 factor need be identified for the area to be declared blighted. Five factors are necessary if the Board and the Town wishes to pursue eminent domain within the Plan area.

Conditions Survey Summary

Erie Town Center Urban Renewal Plan Erie Town Center Urban Renewal Plan Boulder County Parcels 287 Boulder County, City and County Louisville Broomfield, Esri Erie Pkwy TomTom Gatmin -SafeGraph, FAO, METI, NASA, USGS, EPA, NPS Erie Pkwy USFWS, Esn, NASA NGA, USGS, FEMA ONEER 250 500 1,000 Feet EVELOPMEN

Survey Area

The survey area evaluates ~20 acres and 1 parcel within the Town of Erie's municipal boundaries. This survey used Boulder County GIS and Town of Erie GIS Open Data to create GIS maps for the analysis.

The Conditions Survey area is centrally located within the Town's municipal limits. The Plan is surrounded by new developments, with commercial, mixed-use development to the southeast and residential development to the northwest. The Plan is bounded by Erie Parkway to the south and East County Line Road to the east. A privately-owned vacant parcel encompasses the property's northern and western boundaries. The Boundary has been strategically drawn to encompass areas exhibiting blighting conditions and that are experiencing renewed development interest.

Area Description

Property within the survey boundary is characterized by underutilization, vacancy, and a lack of infrastructure. A large irrigation ditch transects the property. The most notable characteristics impacting the site are historic undermining. Lithos Engineering completed a coal mine subsidence evaluation in 2022 that found severe and high hazards associated with undermining throughout the site.

The Survey Area's statistics are described in the table below:

Conditions Survey Land Use Summary					
Area Statistics					
Total Acreage			20.3		
Total Parcel Acreage			20.3		
Number of Parcels in Area			1		
Assessment Type	Parcel Count	Acreage	Percent Total Acreage		
Tax Exempt	1	20.3	100%		
Zoning Type ²	Parcel Count	Acreage	Percent Total Acreage		
Business (B)	1	20.3	100%		
Assessed Value			Value		
Total Actual Value			\$ 3,361,034		
Total Assessed Value			\$ 937,728		
Total Taxable Value			\$0		

² Zoning Districts may overlap parcel boundaries.

Current Assessment of Plan Area

The Plan area includes one (1) parcel. The total equalized assessed value of this parcel according to the Boulder County Assessor's database 2024 valuations, is \$937,728. The total actual value of these parcels, according to the County Assessor's database 2024 valuations are \$3,361,034. Because the property is owned by the Town of Erie, its taxable value is zero.



Methodology

This Conditions Survey utilized a holistic methodology in determining whether blighting factors exist within the proposed Urban Renewal survey boundary. This methodology included a detailed literature review of adopted plans and reports, an analysis of County Assessor records and GIS databases, and a field visit. Field work was supplemented by GIS technology that geolocated and recorded potential blighting factors throughout the survey area. Maps were created for each blighting factor identified within the survey area, illustrating which parcels contain, or are in proximity to, statutorily defined blighting factors. These maps represent the layered information gathering approach used in this report to ensure that each blighting factor was thoroughly analyzed.



Evaluation of Blighting Factors

Defining Blighting Conditions

Colorado Revised Statutes 31-25-103 states that for an Urban Renewal Plan area to be established, there must exist certain conditions known as "blighted area factors" (Blighting Factors). State statute defines eleven separate factors for blight. The law indicates that if four or more of these factors are found in an area of the municipality, that area may be declared blighted and qualify for urban renewal treatment³.

Blighted Area Factors Defined:

- a) Slum, deteriorated, or deteriorating structures
- b) Predominance of defective or inadequate street layout
- c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
- d) Unsanitary or unsafe conditions
- e) Deterioration of site or other improvements
- f) Unusual topography or inadequate public improvements or utilities
- g) Defective or unusual conditions of title rendering the title nonmarketable;
- h) The existence of conditions that endanger life or property by fire or other causes
- Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities
- j) Environmental contamination of buildings or property
- k) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements

These eleven factors define the "conditions" that arrest a municipality's sound development. Per statute, these factors give "reason" to declare an area "blighted," provided that a specific number of factors are identified. The presence of at least four of these conditions in a specific area exceeds the state statute threshold defining an area blighted.

This Conditions Survey will unpack each blighting factor to describe various real world "conditions" that provide evidence for the factor's presence. Only one factor must be identified for a municipality to declare the need to establish an urban renewal authority. An Urban Renewal Plan requires at least four factors to be identified within its boundaries. It is the culmination of four or more blighting factors which indicate that renewal activities should be applied within the proposed project area.

Blighting Factors were identified based on an objective analysis and urban renewal best practices. The following sections outline the blighting factors found to exist within the survey area. Blighting factors that were not identified are excluded from this report.

³ In addition to this list, C.R.S. 31-25-103(2) lists a twelfth condition. This final condition only applies when there is unanimous agreement among affected property owners that their properties can be included in an Urban Renewal Area. In this occurrence, only one blighting factor from the list of eleven needs to be identified to declare the area blighted.

Factor (b) – Predominance of Defective or Inadequate Street Layout

Description:

This factor refers to surface transportation conditions throughout the survey area. Surface transportation conditions may include road surface quality, the location or existence of streets and sidewalks, multi-modal improvements, traffic safety infrastructure, ingress/egress locations, and emergency access considerations. If surface transportation conditions exist that negatively impact sound development, redevelopment, or threaten safety, the survey includes this factor in its catalogue. Examples of this factor include:

- Inadequate street widths
- Lack of streets, dead ends
- Overall faulty layouts that impede vehicular access and internal circulation
- Inadequate Traffic Safety facilities
- Streets that exhibit high degrees of traffic or accidents
- Streets that are in need of repair or reconstruction
- Poor emergency access or active transportation infrastructure

Findings

The survey area encompasses a large vacant parcel centrally located within the Town of Erie. Currently, the property is owned by the Town and being positioned for redevelopment. The existing zoning and new development proposal envisions a commercial, mixed-use project on this site. However, the site's hazardous undermining, large irrigation ditch, and lack of infrastructure are complicating this redevelopment effort.

When viewed through this lens, the survey area exhibits conditions that warrant the inclusion of this blighting factor. There are no internal streets or parking lots within the site. In fact, the property lacks ingress and egress points. There is an existing multi-modal, concrete bike path lining Erie Parkway, creating a barrier to adding right-in, right-out options. A new traffic light is likely to be required along Erie Parkway if access is to be gained from the site onto that arterial. The irrigation ditch may also complicate internal circulation and may require bridges or culverts to facilitate a road network through the parcel's interior. These road network improvements represent extraordinary costs highlighting the types of development challenges subsumed by this blighting factor.

The southern boundary of the property, adjacent to Erie Parkway, features active transportation facilities. However, at the parcel's southeast corner, these facilities terminate. The Plan area's eastern border will require new active transportation infrastructure to mitigate pedestrian traffic hazards along East County Line Road. There are also a series of informal trails within the site that should be upgraded or redeveloped once construction begins.

The survey area represents a future development area that will require significant road and street improvements to become feasible. The overall lack of street networks and traffic safety facilities signals this factor's presence.



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Factor (c) – Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness

Description:

This factor refers to shapes, layout and sizes of lots that complicate sound development and the usefulness of the property. Common conditions that indicate this factors presence in a survey area includes:

- Impractical Lot Layouts
- Narrow, Irregular, or Oddly Shaped Parcels
- Parcels Too Large or Too Small to Facilitate Development

- Lot Configurations that Yield Unproductive Conditions on the Land as Exhibited by Misuse or Nonuse
- Easements or Setbacks that Yield Unproductive Conditions on the Land as Exhibited by Misuse or Nonuse.

Findings

Multiple examples of this blighting factor were identified throughout the survey area. The 20.3 acres analyzed are located within the Town of Erie's fastest growing corridor. Newly constructed homes, parks and commercial amenities seem to encroach on this vacant property, causing the parcel to feel like a gap within the Town's built environment. Land non-use and underutilization often underscores this factor's presence.

More specifically, the parcel is impacted by undermining shafts and an irrigation ditch. The undermining shafts and coal subsidence hazards lining Erie Parkway limit new construction to the parcels northwest corner unless significant mitigation occurs. The Leyner Cottonwood irrigation ditch further constrains this parcel by transecting the property. The irrigation is large and would require significant engineering and construction to be undergrounded. This will also require negotiations with the Ditch Company, which controls the easement across the property. The current lot configuration yields unproductive conditions, as evidenced by the land's non-use.

The parcel's impractical lot layout and unproductive conditions as exhibited by nonuse on the land support the inclusion of this blighting factor.





Factor (d) - Unsanitary or Unsafe Conditions

Description:

This factor refers to a multitude of unsanitary, unsafe or hazardous conditions. The commonality is that these conditions contribute to hazards that could have an adverse effect on the health, safety or wellbeing of the public. This factor shares similarities to conditions one (1), five (5), eight (8), nine (9) and ten (10). Conditions that would justify the inclusion of this factor in an area may include:

- Floodplain or flood prone areas
- Poor storm water drainage areas
- Cracked or uneven sidewalks
- Hazardous materials
- Hazardous geology or soil conditions
- Dangerous traffic or pedestrian conditions
- High crime statistics

- Facilities are prone to fire dangers
- Environmental contamination
- Inadequate utility systems
- Water scarcity and lack of water and sewer infrastructure
- Evidence of vandalism or homelessness
- Steep topography
- Trash, debris and noxious weeds

Findings

Blighting factor four exhibits many conditions that were identified within the survey area. The survey area lacks sewer and water infrastructure, requires upgrades to the stormwater drainage infrastructure, is transected by an irrigation ditch, and exhibits traffic safety concerns along its eastern boundary. These conditions create circumstances that lead to the inclusion of this factor.

The most notable unsafe condition identified within the Plan area is the historic undermining. Lithos Engineering completed a Coal Mine Subsidence Study on this property in 2022, which found severe hazards associated with these historic extraction processes. The Plan area is located within the Boulder-Weld Coal Field, and was part of the now abandoned Garfield No. 1 Mine, and the Lister, Garfield No. 2, and Marfel/Pinnacle Mines. The Mines present unique risks to future development, and significant geotechnical challenges. The Lithos study found that nearly 30% of the site falls within severe to high subsidence hazards, and that there exist three abandoned shafts within the Plan boundary. There may also exist "dangerous gases" within the now abandoned mine network. The Lithos study recommended additional subsidence analysis throughout the Plan area, and specifically recommended that no development occurs within 100 feet of the located mine shafts. These findings highlight a unique, hazardous conditions that meets this blighting factor's threshold for inclusion.

While the coal mine subsidence hazards represents the primary concern facing future development, the Plan area's eastern boundary also exhibited dangerous pedestrian traffic conditions. The property adjacent to East County Line Road lacks sidewalks or bike lanes. These facilities abruptly end at the East County Line Road and Erie Parkway intersection. These missing active transportation facilities represent another unsafe condition within the Plan area.

The combination of these conditions justifies the inclusion of blighting factor four within the survey area.









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Factor (f) – Unusual Topography or Inadequate Public Improvements or Utilities

Description:

This factor refers to unusual topography or lack of public infrastructure that have the effect of arresting sound development in a study area. Areas that exhibit steep grades which cause development to be incompatible or unprofitable would fall under this factor. Properties that are lacking public infrastructure, or are served by deteriorating public infrastructure, would also fall under this factor. This factor shares aspects of factors two (2), four (4) and five (5). Conditions that justify the inclusion of this factor in an area may include:

- Steep slopes or unusual terrain
- Overhead utilities in need of repair
- Deteriorating parking lots, street surfaces, sidewalks
- Poor storm water drainage facilities
- Lack of central sewer or water
- Lack of internal street network
- Broken or inadequate street lighting

Findings

Blighting factors two (2) and four (4) identified conditions that also underscore the presence of blighting factor six (6) within the survey area. Inadequate public improvements or infrastructure, such as the missing road networks identified in factor two (2), and the missing active transportation facilities and central services identified in factor four (4), are both examples of blighting factor six (6).

The site visit found an overall lack of infrastructure throughout the survey area that made it inadequate to facilitate new development as-is. The survey area lacked internal road networks, stormwater drainage facilities, central water and sewer services, and street lighting. The irrigation ditch cannot provide stormwater drainage, meaning that future development will need to carefully engineer runoff to new stormwater facilities. The Business zoning designation would mandate the provision of public infrastructure extended throughout the Plan area. Its absence represents a challenge to sound development and justifies the inclusion of this factor.









Factor (j) – Environmental Contamination of Buildings or Property

Description:

This factor refers specifically to the environmental contamination of buildings or property. In this regard, it shares many similarities with factors four (4) and eight (8). Conditions that would justify the inclusion of this factor in an area may include:

• The presence of hazardous materials in buildings or property

Findings

As explained in Factor 4 (d), this site exhibits environmentally hazardous conditions. The 2022 Lithos Engineering report found historic undermining present throughout the Plan area. According to that study, 70% of the site is undermined by the abandoned Garfield No. 1 Coal Mine, and ~30% of the site falls within severe to high subsidence hazards. The site is also impacted by secondary mines including the Lister Mine, Garfield No. 2, and Marfel/Pinnacle Mines. These mines were operated during the late 1800's, and have been abandoned for nearly a century. The study found evidence of three shafts within the Plan boundary, and undermining between 50 and 100 feet below the surface.

These historic uses present a severe environmental and geotechnical hazard. Future development must contend with these subsidence hazards, and potentially mitigate these issues. The Lithos report estimated that subsidence mitigation could cost as much as \$400,000 per acre. The presence of this unique environmental hazard, and its exorbitant cost, are conditions that support this blighting factor inclusion.

Environmental contamination could also present challenges due to the historic undermining within the Plan area. There is a propensity for abandoned coal mines to exhibit environmentally hazardous conditions, such as dangerous gases. These gases would need to be considered during mitigation and future development. Additional Environmental Site Assessments may be required as this property is mitigated and developed.

The presence of hazardous materials throughout the survey area justify the inclusion of this factor in this conditions survey.







Factor (k.5) – The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements

Description:

This factor references a broad category of health, safety and welfare factors. The common conditions for this factor to be present are instances where high levels of municipal service are required, substantial physical underutilization of property is exhibited, or high levels of vacancy are common. Vacancy can include land, buildings, or tenancy. This factor shares similarities with many of the factors on this list. Conditions that would justify the inclusion of this factor in an area include:

- Numerous vacant buildings or property throughout the area
- Evidence of underutilized buildings
- Underutilized or vacant sites
- Missing or broken public infrastructure

Findings

The survey area is characterized by vacancy and underutilization. This vacancy and underutilization are conditions that fall under Blighting Factor k.5.

The survey area's underutilization and vacancy warranted the inclusion of blighting factor 11, as it specifically is triggered when vacancy is abundant within a Plan area. It is important, however, to evaluate site vacancy in the context of its surroundings. Obviously, vacant land could be utilized productively as agricultural land. In that example, the land should not be characterized as underutilized. However, when vacant land is also being positioned for redevelopment, its current condition can be described as underutilized. This property exemplifies underutilization when compared to its surroundings. The neighboring parcels have already undergone dense or intense residential and commercial development. The development pressure within Erie is fever-pitched, and yet this site has remained vacant. It is currently owned by the Town, being studied by the Town's economic development department for redevelopment and zoned as Business (B).

This context reveals that the parcel is underutilized relative its location, community planning initiatives and market forces. This underutilization is evidence for blighting factor eleven (11), and represents an additional condition for Urban Renewal treatment. The level of vacancy and underutilization is direct evidence for the inclusion of this blighting factor.







Conclusion

This Conditions Survey catalogs the presence of statutorily defined blighting factors within the proposed Erie Town Center Urban Renewal Plan. This report was designed to assist the Town of Erie Urban Renewal Authority (TOEURA) in determining whether this area is 1) eligible for urban renewal projects and activities, and 2) that the proposed boundary is drawn as narrowly as possible.

This Conditions Survey identified six (6) blighted area factors as defined by Colorado's Urban Renewal Law, within the Town's municipal limits. The presence of six blighting factors meets the requirements outlined in (C.R.S. 31-25-104), in which at least four blighting factors must be present for that area to be declared "blighted" and therefore eligible to be designated as an Urban Renewal Plan area.

The proposed boundary also meets the statutory recommendation of "being drawn as narrowly as possible". The boundary encompasses a single parcel that is owned by the Town of Erie. This parcel is encompassed by new development but remains underutilized. The factors identified by this conditions survey highlight the conditions arresting the property's sound development. The blighting factors identified are also dispersed throughout the survey area, meaning that all parcels included exhibit multiple blighting factors.

This Conditions Survey finds that the proposed Erie Town Center Urban Renewal Plan area can be declared a "blighted area" as defined by Colorado's Urban Renewal Law and therefore qualifies for urban renewal treatment.

Appendix

Conditions Survey Maps

Conditions Survey Area - Blighting Factors Map



- BF2 Defective Streets
- BF3 Faulty Lots
- BF4 Unsafe Conditions
- BF6 Topography and Infrastructure
- **BF10** Environmental Contamination
- BF11 Underutilization and Vacancy
 Erie Town Center Urban Renewal Plan
 Boulder County Parcels





