

MEETING NOTES

Project:	Colliers Hill No. 2	Date:	February 9 th , 2016
Subject:	Preliminary Plat Neighborhood Meeting	Time:	6:00pm-7:30pm
Minutes by:	Samantha Crowder	Location:	The Overlook @ Colliers Hill

Company	Attendees	Email
Norris Design (Host)	Brad Haigh, Eva Mather, Sam Crowder	
Daybreak Recovery Acquisition, LLC	Jerry Richmond	

Notes:

- Introduction by Jerry Richmond
 - Introduction of team members
 - History and background of the project (Phase I and Phase II)
 - Briefly went over future expected process dates
- Overview of Site Plan (Phase II) by Eva Mather
 - Discussion of north-south "Spine Road"- connection between all phases of development
 - Discussion of 48 acre future park
 - Discussion of a future private amenity to be located in future phases
 - Brief overview of pocket park locations
 - More in-depth overview of the Town of Erie approval process
 - Expected to present plans to the Planning Commission early April 2016
 - Expected to present plant to the Board late April 2016
 - Expected to close with builders in June of 2016
 - Expected to begin construction as early as July 2016
- Overview of Landscape Amenities (Phase II) by Brad Haigh
 - Overview of monumentation elements
 - Discussion of the pocket parks versus landscape buffers (landscape amenities) within the plan
- Discussion of additional site elements (Phase II and Future phases) by Jerry Richmond
 - Dedication of school site in January 2016
 - Expected future school location along WCR 5 (north of existing high school)
 - Discussion of the proposed irrigation pond on site
 - Other potential future park amenities
 - Discussion of the paving of WCR 10 (2-lane paved road with ditch) as a part of Phase II development
- Opened the floor to attendees for questions. Some comments/questions included:
 - What the potential timeline for Phase III development would be
 - It was determined that initial plans and concepts have been discussed but ultimately the

- progress of the development for phase III would be market driven
- How would the phasing of development occur for Phase II?
 - Phasing for development has not yet been determined, but most likely would occur in a general south to north movement.
- Announcement of graphic boards presented at the meeting along with more information about the proposed plans would be made available on the Colliers Hill Marketing Website.
www.livecolliershill.com

MEETING NOTES

Project:	Colliers Hill No. 2	Date:	March 24, 2016
Subject:	Preliminary Plat Neighborhood Meeting No.2	Time:	6:00pm-7:30pm
Minutes by:	Samantha Crowder	Location:	The Overlook @ Colliers Hill

Company	Attendees	Email
Norris Design (Host)	Brad Haigh, Eva Mather, Sam Crowder	
Daybreak Recovery Acquisition, LLC	Jerry Richmond	
Advanced Management, LLC	Katie Bikshaeva	

Notes:

- Introduction by Jerry Richmond
 - Introduction of team members
 - History and background of the project (Phase I and Phase II)
- Overview of Site Plan (Phase II) by Eva Mather
 - Phase 2 Highlights
 - Maintaining and enhancing community elements
 - Continuation of natural stone into Phase II
 - Large open spaces
 - Accessible pocket parks
 - Trails
 - 4.2 miles of trails in Phase I
 - 4.5 miles of trails in Phase II
 - Additional trails to come in Phase III
 - General locations and phasing
 - General description of the Phase II boundaries
 - Proposed spine road / boulevard
 - Helps move traffic through the area rather than the internal neighborhoods
 - Creates a sense of place with the help of low check walls and large sweeping landscaping
 - Land Plan
 - Similar lot sizes and home types as Phase I
 - Same builders along with the addition of Tri-Point and another custom builder on the west side
 - Inclusion of paired homes
 - Phase III
 - Phase III proposed area
 - PUD document allows for 2,880 units, but it is doubtful that that many units would be

- proposed
 - Future areas will incorporate areas of single-family attached and multi-family residents
- Overview of Landscape Amenities (Phase II) by Brad Haigh
 - Recently completed a PUD amendment to relocate the school to a more central location
 - Land has been dedicated to the St. Vrain Valley School District
 - With the first phase, over 100 acres of open space was dedicated to the Town
 - Continuation of regional trails
 - Phase II includes a community park which is being discussed with the Town regarding future design and timeline
 - Proposed private amenity for Phase III that is separate from the community park. This facility will also serve different needs than the Overlook (ex. Larger weight room, another pool)
 - 3 pocket parks and considerable open space is proposed
 - Overview of the various parks and gathering spaces
- Opened the floor to attendees for questions. Some comments/questions included:
 - Can you better describe what "dedication" means?
 - Jerry- This land is now owned by the school district and available to them to begin design and development.
 - What are the plans for the school?
 - Jerry- This area will be a planned elementary school. There are also plans to build a new middle school to the north of the existing high school.
 - Are HOA fees going to increase with the addition of future phases?
 - Jerry- No. Budgets have already been set for the future. HOA fees will not be increased. Any additional monies needed for development will be funded by investors.
 - What kind of housing products will be introduced in phase II?
 - Jerry- Similar housing types will be used in phase II as in phase I because of the use of the same builders. Another builder, Tri-Point, plans to build on lots in the northeast portion of the site, and a custom builder plans to build homes on the western side of the phase II.
 - Who will be handling snow removal?
 - Jerry and Katie- A new company was just hired to handle snow removal.
 - Who will be handling landscape maintenance?
 - Jerry and Katie- We will continue to work with the existing landscape company through the end of warranty and once the warranty is complete we will be utilizing a new company.
 - What amenities/programming can be expected for the Phase III amenity/clubhouse?
 - Jerry- Specific programming for the Phase III clubhouse/amenity will be determined later on in development as we begin to see what the demands from residents are.
 - What will the construction phasing look like for the Phase II?
 - Jerry- It is most likely that constructions will continue in a south to north direction.
 - Announcement of graphic boards presented at the meeting along with more information about the proposed plans would be made available on the Colliers Hill Marketing Website.
www.livecolliershill.com

April 7th, 2016

Mr. Todd Bjerkaas
645 Holbrosk St.
P.O. Box 750
Erie, CO 80516
(303) 926.2773

Re: PP-00707-2015 Colliers Hill Preliminary Plat No. 2 (2nd Review) – Response to Community Development Review Comments

Dear Mr. Bjerkaas,

Thank you for your set of review comments which we received on March 9, 2016. We have reviewed all of the comments and have addressed them in the following pages. Additionally, the Preliminary Plat resubmittal contains the following:

- 11x17 sheets of the revised plans (CD, PW, P&R, Public) and response letters to the Town (4)
- Full size sheets of the revised plans (CD, PW) (2)
- Electronic version of the complete submittal

Please feel free to contact me directly should you have any other comments, questions and/or special requests for additional information. Again, we are happy to be working with you to make this project a success.

Sincerely
Norris Design



Eva Mather
Principal

PLANNING DEPARTMENT COMMENTS: Todd Bjerkaas, Senior Planner

Notebook Section 14-ALTA Survey

1. General Comments

- a. The updated Title Commitment shows that property within the limits of the preliminary plat is owned by Daybreak Recovery Acquisition LLC for which the development application is signed. However, Daybreak Metropolitan District No. 2 and Daybreak Metropolitan District No. 3 are also listed as owners (for those parcels surrounding O&G operation areas and buffers. Provide Letters of Authorization from the Metro Districts authorizing Mr. Jerry Richmond to act on their behalf for these applications.

Response: Additional letters of authorization will be provided by the other metro districts listed above with this submittal.

Notebook Section 12-Preliminary Plat

2. General Comments

- b. *Condition of Approval:* New Surface Use Agreement(s) to allow full use of the surface as shown in the Preliminary Plat prior shall be required to Final Plat recordation.
Response: Updated surface use agreements will be provided at time of final plat.
- c. *Condition of Approval:* All existing encumbrances on proposed lots shall be vacated, removed, and/or relocated prior to Final Plat recordation.
Response: Comment noted. All existing encumbrances will be vacated, removed, or relocated at time of final plat.
- d. *Condition of Approval:* Improvements, landscaping, and trails within existing easements to remain shall be acceptable to the easement owner in accordance with the existing easement agreements prior to Final Plat recordation.
Response: Coordination with various easement owners, such as PSCo and Endarco have been notified of proposed plans and coordination/agreed to prior to final plat recordation.
- e. *Condition of Approval:* Easements for off-site infrastructure improvements shall be required prior to Final Plat recordation.
Response: Acknowledged
- f. Staff has requested that the PUD's Neighborhood Park acreage of 8.02 acres be merged with the Community Park's active area acreage of 25 acres for a total of 33.02 acres. Tract HH is called out as the Community Park tract but is only 27.28 acres in size. Move the north property to the north so that Tract HH is at least 33.02 acres in size. Please coordinate with staff.
Response: Per discussions with staff, Tract HH is identified as the Community Park Active Area and will be 25.0 acres in size. Tract GG is 22.12-acres and satisfies the balance of the PUD Community Park requirement. The neighborhood park is identified with this preliminary plat and includes a 1.02 acre private amenity with a 7.0 acre dedicated neighborhood park.
- g. Revise Title Block to call out updated number of lots and tracts as necessary.
Response: Block has been updated
- h. Revise Street Names (redline to be provided).
Response: Street names have been updated.
- i. Update the sheet that overlays the PUD Map on the proposed preliminary plat.

- Response:** The PUD Overlay map is revised with this submission.
- j. Update the Parks and Open Space exhibit (see redlines).
Response: The Parks and Open Space exhibit has been revised and updated to reflect any changes made in the plans.
 - k. See redlines for technical adjustments and additional comments.
Response: Responses to redline comments are noted directly on the sheets. Please see redline sheets attached.
3. Sheet 1
- a. Delete the utility easement note.
Response: Note deleted.
 - b. Update the Parks and Open Space Summary Chart.
Response: The Parks and Open Space Summary Chart has been updated to reflect any changes made in the plans.
 - c. Revise Note 4 to state "(4) – Tract HH is the Community Park and is 33.02 acres in size, consisting of the 25 acres of Active Area required in the PUD and 8.02 acres of reallocated Neighborhood Park."
Response: Per conversations with Staff, the neighborhood park is no longer reallocated to the Community Park. The notes on the preliminary plat have been revised to reflect the latest layout.
 - d. Revise Note 5 to state "(5) Open Space provided is comprised of Tracts A, E, and JJ. Tracts F and GG are identified as 53.64 acres, however only XX.XX acres are credited as Open Space as X.XX acres within the Open Space areas accommodate the drainage channel, detention areas, and oil and gas buffers.
Response: Note has been changed per latest layout. Tract GG is identified as community park to satisfy PUD requirements.
 - e. Update the Tract Summary Chart and Land Summary Chart as affected by Town and referral agency comments.
Response: Charts have been updated
 - f. Revise the Tract Summary Chart. Tract B's use to be Landscaping/Trails. Tracts R, S, AA, and BB ownership to be Town of Erie. Tract EE's Use to be Landscape Buffer. Tract GG's use to be Open Space/Drainage and to be Maintained by the HOA/Metro District. Tract JJ's use to be Open Space, owned by the Town of Erie, and maintained by the HOA/Metro District.
Response: Charts have been updated. Tract GG is identified as community park to satisfy PUD requirements.
4. Sheet 3
- a. Separate out Tract JJ from the landscape buffer along Colliers Boulevard. Spine Trail is located in Tract JJ adjacent to WCR 10 and is to be owned by the Town of Erie.
Response: New Tract MM has been added
5. Sheet 7
- a. Show the O&G SUA areas in the open space to the west of Block 1 (referenced in Utility Plan set Sheet 3).
Response: O&G areas are now shown

- b. Adjust the Quarry Court cul-de-sac and Lot 1 of Block 6 to the north. The 10' utility easement at ROW and the utility easements at lots are to be fully accommodated within the boundaries of the Preliminary Plat.

Response: Quarry Court has been adjusted

- c. Separate out Tract E from the landscape buffer between the rear of lots and Colliers Boulevard. The Town of Erie will own and maintain the southern portion of Tract E that is adjacent to platted Open Space.

Response: New Tract LL has been added for buffer

6. Sheet 16

- a. Move the north edge of Tract HH to the north. Tract HH to be 33.02 acres in size.

Response: Tract HH has been adjusted to be 25.00 acres; Tract OO has been added for the neighborhood park

- b. Move the 30' utility easement proposed in Tract HH to the western edge of the tract to not encumber future development of the Community Park.

Response: Easement has been adjusted.

Notebook Section 10

7. Preliminary Street Plans, WCR 3, WCR 10

- a. An existing gas facility exists west of Block 1 in open space. The existing access road is located at the WCR 10 and Colliers Boulevard intersection. Show the required O&G road improvements (10.6.14.A.3.c).

Response: The O&G access road is shown.

- b. Move the portions of the WCR 10 sidewalk improvements that run directly underneath the PSCo lines further to the south.

Response: The portions of the WCR 10 sidewalk improvements that run directly underneath the PSCo lines have been adjusted to the south.

Notebook Section 4 - Preliminary Utility Plan

8. General Comments

- a. Provide a key map on each sheet.

Response: Key map has been provided.

9. Sheet 5

- a. Show the approximate location of the relocated gas line in Tract FF.

Response: Potential gas line relocation is shown.

- b. Show the access road to the OGOAs in Tract FF (10.6.14.A.3).

Response: The access road to the OGOAs has been added.

10. Sheet 7

- a. Move the 8" sanitary sewer main to the west edge of the Tract HH so as to not encumber the future design of the Community Park.

Response: The sewer main and easement is located outside of Tract HH.

Notebook Section 11 - Preliminary Grading Plan

11. Sheet 2

- a. The cemetery fence shown is the old fence. The new cemetery fence closely follows the limits of the cemetery parcels. Adjust the open space trail to stay outside of the existing fence.

Response: The open space trail has been adjusted, detailed grading and alignment will be provided with final plat.

12. Sheet 3

- a. There is considerable grading in the steep slope of Tract A adjacent to the mine shaft that appears to be avoidable. Refine the trail alignment and passive park area to limit grading at the steeper slopes and eliminate disturbance of existing openspace.

Response: The area has been regraded to lessen impact to open space.

- b. Provide a sidewalk connection from the Bear Peak Road cul-de-sac sidewalk to the Colliers Boulevard sidewalk. This connection will necessitate moving the Colliers Boulevard sidewalk to the east and to the base of the slope below Colliers Boulevard.

Response: A sidewalk connection from the Bear Peak Road cul-de-sac sidewalk to the Colliers Boulevard sidewalk was put in the set. We recommend stairs in this location. Without the stairs, the connection would be 9.4%, which would be a very steep ramp. The ultimate design will be included at time of Final Plat.

- c. The Colliers Boulevard grading does not align with the roadway limits.

Response: The graphic has been corrected

13. Sheet 6

- a. Show the pedestrian bridge that crosses the drainage way just north of Tract II to provide connections between the school, community park, and future residential development in Tract FF.

Response: Per discussions with staff, the pedestrian bridge will remain in its current location. A low water crossing has been added to connect the future residential development in Tract FF to the future community park at this time. An additional pedestrian bridge has been discussed for this location, but details of this bridge will be decided in the final plat.

Since review is a cumulative process and dependent on various criteria, we reserve the right to provide further comment(s) and request additional information upon receipt of this requested information. Please do not hesitate to contact me at 303.926.2773 for further clarification or with any questions or concerns that you may have.

ENGINEERING COMMENTS: Matt Wiederspahn, P.E., CFM, Development Engineer

Previous Comments for the Preliminary Plat:

1. All 90 degree turns need to match the Town Standard Detail ST13.

Former Response: We will request a variance as granted in the Colliers Hill previous filings.

- a. No variance request was provided. However, given this is a new and separate preliminary plat it is unlikely a variance will be granted from our Town standard detail unless a hardship is provided.

Response: Per our meeting a request for a variance for some of the 90° turns has been submitted.

2. On sheet 14: Summit Set Circle needs to be a minimum 60 foot right-of-way.

Former Response: We are proposing a private drive and a variance to the city street standard.

- b. One of the Town's conditions for considering this variance was to provide a separate exhibit to show vision clearance (sight distance) at the two intersections. This was not provided with the submittal.

Response: We have requested a one way street for Twin Sisters Circle to eliminate the sight distance concerns.

Previous Comments on Preliminary Street Plans:

1. On sheet 13 (& now 14), Horizon Boulevard needs to meet the Towns collector design standards with a design speed of 30 MPH. Several K values are too low for a collector.

Former Response: K values have been adjusted.

- c. There are still curves with K values below 20 for crest curve and 40 for sag curves.

Response: We have adjusted K values, the vertical may change with final design. All curves will meet town standards.

2. On sheet 33, there is a roadway grade change with no vertical curve.
3. On sheet 41, there is a roadway grade change with no vertical curve.

Former Response: Vertical curve added.

- d. Vertical curves have not been added on these sheets.

Response: Per our meeting vertical curves are not required for sheets 33 & 41.

Comments for Offsite Sanitary Sewer Preliminary Plans:

This set of plans ends at and refers to the Morgan Hill Sanitary Sewer plans. Those plans have not been accepted by the Town and obviously the line has not been constructed. It was the Town's understanding that this project was not going to be dependent on the Morgan Hill development. If that is still the case, these plans must include the sanitary line all the way to where it connects into the Town's sewer interceptor.

Response: Colliers Hill Metropolitan District will construct this line if Morgan Hill Metro District hasn't constructed line.

1. On sheet 3, the crossing of the drainage culvert is not shown on the profile.

Response: Will be provided with final design.

2. On sheet 6, no existing easements or rights-of-way are shown for the existing gas line or RTD railroad. Agreement with both will be need to cross them and be executed prior to recordation of Final Plats.

Response: Acknowledged.

New Comments for WCR 3 Preliminary Construction Plans:

1. The plan title and all references to WCR 3 need to be change to Colliers Boulevard.

Response: Reference changed.

2. On sheet 2, the street lights and inlet on the east side of Colliers Blvd south of Pinecliff Drive need to be shifted east with the addition of the right-turnlane.
Response: Lights and inlet revised.
3. On sheet 3, the northbound through and turn lanes must intersect at WCR 10 at a 90 degree angle. The through lane must also have a minimum 300' straight approach tangent before it can taper or shift.
Response: Alignment has been modified.

REFERRAL AGENCIES COMMENTS:

VALLEYCREST DESIGN GROUP- Terry Stone, Senior Associate

Colliers Hill Preliminary Plat Loose Leaf Binder
No Comment

Colliers Hill Alta Survey Plans
No Comment

Colliers Hill Civil Plans
No Comment

Colliers Hill Preliminary Plat Plans
No Comment

Colliers Hill Landscape Plans
General Comments

1. The large "plus" Seeding hatch is not identified. It appears to be the "Moist Swale" Seed Mixture and should be added to Legend.
Response: The large "plus" seeding hatch is now identified in the legend as the "Moist Swale" Seed mixture.
2. The spine trail through the adjacent properties is outside the plot boundaries (L14 & L19). Confirm the Developer's rights to work off-property.
Response: Comment noted. Trail is located per the request of Town Staff and details will be resolved at time of final plat.

Sheet L5 of 42

1. Proposed box culvert is shown underneath existing Overhead Utility Tower and O&G Production Facility (to be abandoned). Coordinate box culvert location with Tower, and confirm all surface equipment will be removed and remediated from O&G Production Facility.
Response: Culvert has been moved to avoid conflict with tower.

Sheet L11 of 42

1. All Trails to have 3' minimum flare at intersections per PRC Sec1083.04.

Response: All trails have been revised to have a 3' minimum flare at intersections.

Sheet 14 of 42

1. Lots bordering Tract E and Colliers Blvd/CR 3 are missing perimeter fencing.

Response: Perimeter fencing has been added on the lots bordering Tract E and Colliers Blvd/CR 3.

Sheet 15 & 16 of 42

1. Verify O&G access road is improved a minimum of 200' from point of connection to street per 10.6.14.A.3.c. First 100' to be concrete or asphalt – second 100' may be stabilized, crushed surface.

Response: Access road first 100' to be asphalt, second 100' to be crushed surface.

2. Additionally, ensure that intersecting crusher fines walk is engineered to withstand maintenance vehicle weight load requirements and access road be paved 100' past intersection with walk per 10.6.14.A.3.e.

Response: Acknowledged

Sheet 16 of 42

1. All Trails to have 3' minimum flare at intersections per PRC Sec1083.04

Response: All trails have been revised to have a 3' minimum flare at intersections

Sheet 30 of 42

1. 3' flare at sidewalk intersections.

Response: All trails have been revised to have a 3' minimum flare at intersections

2. It is preferred that the bike racks be placed on a concrete pad or crusher fines instead of in the turf.

Response: Bike racks have been located on crusher fiens or concrete with this submission.

Sheet 31 of 42

1. 3' minimum flare at intersections.

Response: All trails have been revised to have a 3' minimum flare at intersections

2. Concrete pad is not allowed under playground equipment. Should be a resilient or soft surface. Surface(s) should be clarified with labels.

Response: The playground equipment will not have a concrete pad underneath it. Ther surface will be a soft surface playground approved material such as wood fibar mulch.

3. Freeze off background behind legend for better legibility.

Response: Background will be frozen behind legend for better legibility.

4. As this Park plan develops, we suggest small pass-throughs between the benches on the DG walk and the open turf lawn to better protect the display garden.

Response: Comment noted.

Sheet 32 of 42

1. 3' minimum flare at intersections

Response: All trails have been revised to have a 3' minimum flare at intersections

Sheet 33 of 42

1. Minor planting coordination in Tract Z
Response: Planting has been updated in Tract Z.

Sheet 34 of 42

1. Tract A - 3' minimum flare at intersections.
Response: All trails have been revised to have a 3' minimum flare at intersections

Sheet 39 of 42

1. Detail 5 – Callout #4 used twice to identify 2 different elements of detail. Please clarify.
Response: Callouts have been updated in Detail 5.

Sheet 40 of 42

1. Add notes specifying that details are for character only and that all bridges and culverts will need to be structurally engineered.
Response: A note has been added specifying that the details are for character only and that the bridges and culverts will need to be engineered.

TOWN OF ERIE OPEN SPACE AND TRAILS ADVISORY BOARD:

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: There are no NAI sites in this phase.

In our previous response, we requested additional information concerning the open space in the entire development. Thus we are very pleased to see a new sheet, titled "Parks and Open Space Requirements". This page contains a Tract Chart, a calculation of parks and open space requirements, and map of the entire area (bounded by Erie Parkway, WCR 5, WCR 10, and Colliers Boulevard/WCR 3). This map show all open space and parks, with various markings to further clarify Purpose and ownership.

Using the information on this sheet, the required open space is 68.5 acres; total town owned open space will be approximately 141 acres. Thus we are comfortable that if the Tracts that will be developed in the future (FF and II) are both residential housing, the planned open space is adequate in both size and location to meet the requirements in the UDC.

Response: Comment acknowledged.

We did notice a number of differences between the map, the Tract Chart, and the Landscape Plan (LP). The table below identifies all differences:

Tract	Map Description	Map Ownership	Chart or LP Description	Chart or LP Ownership

A	Open Space	Town	Pocket Park?	HOA?
B	Open Space	Town	Pocket Park?	HOA?
JJ	Open Space	Town	Landscape Buffer	HOA
3D-B	Open Space	HOA	Open Space	Town
1A-C	Open Space	Town	Pocket Park	Town
1A-D	Open Space	Town	Pocket Park	Town

Response: The above inconsistencies have been adjusted accordingly.

Paragraph C of Section 10.6.3 of the Unified Development Code (UDC) defines the standard.

criteria for open space, and areas not eligible:

1. "A minimum of 10 contiguous acres";
2. "A parcel that is no less than 300 feet wide at the narrowest width, unless the Town approves a lesser amount for a trail";
3. "Typically, open space shall be owned and maintained by the Town. The Town may consider a conservation easement as an alternative".

Areas not eligible include:

1. "Oil and gas well sites and required buffers";
2. "Storm water channels, detention and water quality ponds greater than 5 feet deep with slopes greater than 5:1."

Response: All areas that are not eligible have been taken out of calculations. Tract acreage will differ slightly from the Plat for the calculation of these areas.

We had previously identified two confusing situations in open space Tract F; neither has been resolved:

1. Sheet 11 of the Landscape Plan and Sheet 8 of the Preliminary Plat (PP) both show an oil and gas operation (O&G) in the SW quadrant, with the required setback shown in the Plat. It appears that the O&G setback is included in the stated open space acreage. The UDC does not permit such setbacks to be included in qualified open space

Response: Adjustments have been made to reflect that these areas within oil and gas setbacks are NOT included in the overall open space calculations.

2. There is also a discrepancy between Sheet 4 of the PP and Sheet L5 of the Landscape Plan (LP). The former and Google satellite imagery show an O&G operation in the NW quadrant, while the latter has a detention pond. Those situations are not compatible. If there is an O&G operation there, there is a required buffer that is not qualified open space.

Response: The O&G tanks will be removed in this area. The detention pond is not calculated in the open space calculations.

Recommendations:

1. Correct the discrepancies described above on the new Sheet titled "Parks and Open Space Requirements;

Response: Discrepancies have been addressed.

2. Correct the discrepancies described above between the PP and the LP;
Response: Discrepancies have been addressed.
3. Remove O&G setbacks and detention basins from the dedicated open space acreage as defined by the UDC.
Response: The O & G setbacks and detention basins acreage has been removed from the open space acreage.

Spine Trail:

Discussion:

In our previous comments for Phase 3, we stated that it would be highly beneficial if a Spine Trail were created from the proposed underpass of Colliers Parkway to the northwest corner of this development (i.e. the intersection of Colliers Blvd (aka WCR 3) and WCR 10. The PROST Master Plan has a future spine trail along the abandoned rail line just north of WCR 10, and there will also be a spine trail in the new Morgan Hill development, the SE corner of which is the intersection of WCR 3 and WCR 10 ½. This application contains this Spine Trail in Tracts 3D-B, GG, F JJ and 1A-A. Tracts 3D-B and JJ are included in the above table that identifies differences between the Tract Chart and the map. In our opinion, Tract 3D-B is an open space tract that should be owned by the Town. Tract JJ is landscaped buffer that should be owned by the HOA. The other 3 tracts are consistently identified as Town owned open space.

Response: Tracts 3D-B, GG, F, JJ and 1A-A are all either open space tracts or community park tracts all of which are owned by the Town of Erie. Because the spine trail falls within these tracts, the ownership of these areas should be under the Town of Erie and not the HOA. Tract JJ has been split per the Town's request.

Recommendation: Correct the discrepancies described above involving tracts that contain the Spine Trail.

Response: These discrepancies have been correct.

Neighborhood Trails and Sidewalks:

Discussion: We strongly believe that sidewalks on primary roads should be 8 feet wide to enable children to walk/bike safely to schools, parks and neighbors. Using sheet L35 as our source, we understand that the following sidewalks are 8 feet wide:

1. East side of Colliers Boulevard;
2. West side of Horizon Boulevard.

However, the following sidewalk is only 5 feet wide: South side of WCR 10 through landscape Tract CC and open space Tract EE.

Response: All sidewalks along WCR 10 are 8' wide through landscape Tract CC.

We are not familiar with the widths of the sidewalks along Colliers Parkway. The sidewalk on one side should be 8 feet wide.

Response: The trail / sidewalk along the southside of WCR 10 is 8' wide.

Recommendations: Widen the sidewalk on WCR 10 from 5 feet to 8 feet.

Response: All sidewalks along WCR 10 are 8' wide through landscape Tract CC.

FELSBURG HOLT & ULLEVIG - Charles M. Buck, P.E., Ptoe

I have reviewed the materials provided for the above referenced project, located generally between Erie Parkway and WCR 10 and between WCR 3 (Colliers Boulevard) and WCR 5. Per the project narrative, the land uses proposed with this application include 724 single family detached homes. This development is part of a larger development now known as Colliers Hill, but previously known as Bridgewater and Tall Grass. We have reviewed a number of prior submittals dating back to 2004. The overall traffic impacts of the Colliers Hill development were addressed in the report entitled *BRIDGEWATER TRAFFIC IMPACT ANALYSIS*, LSC Transportation Consultants, January 4, 2007; this previous report was accepted by the Town of Erie and has formed the basis for all subsequent traffic reports for this development. Our most recent submittal review for Colliers Hill is documented in our memorandum dated November 16, 2015.

The materials for the current Phase II submittal consist of the applicant's project narrative (Norris Design, dated February 5, 2016), and Preliminary Plat #2 (Hurst & Associates, Inc., dated February 3, 2016). I have looked at this information specifically from the perspective of traffic engineering and transportation planning but not general civil or utility engineering. I have the following observations regarding these materials:

Preliminary Plat #2

Our concerns, as expressed in our previous memorandum (November 16, 2015) remain as follows:

- The plat shows only 80 feet of ROW along WCR 10 adjacent to the site (indicating a Collector status). A portion of this road west of CR 5 is specified as a Minor Arterial in the Buildout Network, which would require 120 feet of ROW. Note that WCR 10 is a potential I-25 interchange location in the future.
Response: Roads are per the requirements and agreements in the PUD.
- Colliers Boulevard is also shown with only 80 feet of ROW; WCR 3 is designated a Minor Arterial in the Buildout Network and would require 120 feet of ROW.
Response: Roads are per the requirements and agreements in the PUD.

The above constitutes our review of the materials provided. Please call if you have any questions or need additional information.

MOUNTAIN VIEW FIRE RESCUE – LuAnn Penfold, (303) 772.0710 x 1121

I have reviewed the submitted material pertaining to the Colliers Hill preliminary plat 2 in Erie and shall make the following comments:

- Fire apparatus access appears to be adequate as shown on the plans submitted. All roads must be completed with at least one layer of asphalt and street intersections signed before building permits may be issued. Roads shall be designed to support the imposed loads of fire apparatus (75,000 pounds).
Response: Acknowledged

- Fire hydrant spacing is acceptable as shown on the plans submitted. Fire hydrants must be approved by public works prior to the issuance of building permits.

Response: Acknowledged

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

UNITED POWER, INC. – Marisa Dale, (303) 637.1387, mdale@unitedpower.com

Thank you for allowing United Power, Inc. the opportunity to review and comment on the Colliers Hill Preliminary Plat No. 2 project.

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

Developer must contact United Power for new service installation or modification of existing facilities. Additional 5' wide side lot easements may need to be acquired by separate document depending on streetlight design/placement for this development.

Response: Coordination with United Power will be made for new service installation prior to construction. If additional easements are needed for streetlights those will be acquired prior to construction as well.

REDLINE COMMENTS:

Redline Comment from Preliminary Plat No. 2 Sheet 1

Update Note 4.

Update Tract Summary Chart.

Update tract numbers in legal description as necessary.

Remove Note at bottom of page.

Response: Acknowledged

Redline Comment from Preliminary Plat No. 2 Sheet 3

Deliniate between Town Owned and HOA Owned tracts.

Response: Tracts have been added for buffer (HOW owned)

Redline Comment from Preliminary Plat No. 2 Sheet 7

Show O&G Buffers and OGOA.

Show easements entirely within Preliminary Plat boundaries.

Separate Town Owned and HOA Owned tracts.

Response: Requested items shown

Redline Comment from Preliminary Plat No. 2 Sheet 16

Change community park acreage.

Move easement to west edge.

Response: Acreage updated and easement relocated

Redline Comment from WCR 10 Plan and Profile Sheet 2 and 4

Update lines.

Response: Walks have been updated

Redline Comment from Master Utility Plan Sheet 7

Move S.S. to edge of park.

Response: S.S. has been moved to outside of Tract HH

Redline Comment from Overall Grading Plan Sheet 2

Update existing fence.

Move trail to outside of current fence.

Response: Existing fence has been updated and trail moved to outside of the fence.

Redline Comment from Master Grading Plan Sheet 2

Eliminate grading within open space.

Limit grading within preliminary plat boundary.

Response: The area has been regraded to lessen the impact to open space

Redline Comment from Master Grading Plan Sheet 6

Add pedestrian bridge.

Response: Per discussions with staff, the pedestrian bridge will remain in its current location. A low water crossing has been added to connect the future residential development in Tract FF to the future community park at this time. An additional pedestrian bridge has been discussed for this location, but details of this bridge will be decided in the final plat.

Redline Comment from Preliminary Plat No. 2 Landscape Plan Sheet 1

Update hatches.

Update Parks & Open Space Requirements table.

Update Parks & Open Space Area tables.

Response: Updates have been made to the Parks and Open Space exhibit.



Town of Erie Open Space and Trails Advisory Board

From: Town of Erie Open Space and Trails Advisory Board (OSTAB)
 To: Todd Bjerkaas, Senior Planner, Community Development
 Date: March 1, 2016

Subject: Colliers Hill Referral – Preliminary Plat No 2

Date of Application Documents: Plat and Landscape Plan 02/03/2016

Location: East half of the NE quarter of Section 18 and Section 17, north of Colliers Parkway

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: There are no NAI sites in this phase.

In our previous response, we requested additional information concerning the open space in the entire development. Thus we are very pleased to see a new sheet, titled "Parks and Open Space Requirements". This page contains a Tract Chart, a calculation of parks and open space requirements, and map of the entire area (bounded by Erie Parkway, WCR 5, WCR 10, and Colliers Boulevard/WCR 3). This map show all open space and parks, with various markings to further clarify Purpose and ownership.

Using the information on this sheet, the required open space is 68.5 acres; total town owned open space will be approximately 141 acres. Thus we are comfortable that if the Tracts that will be developed in the future (FF and II) are both residential housing, the planned open space is adequate in both size and location to meet the requirements in the UDC.

We did notice a number of differences between the map, the Tract Chart, and the Landscape Plan (LP). The table below identifies all differences:

Tract	Map Description	Map Ownership	Chart or LP Description	Chart or LP Ownership
A	Open Space	Town	Pocket Park?	HOA?
B	Open Space	Town	Pocket Park?	HOA?
JJ	Open Space	Town	Landscape Buffer	HOA
3D-B	Open Space	HOA	Open Space	Town
1A-C	Open Space	Town	Pocket Park	Town
1A-D	Open Space	Town	Pocket Park	Town

Paragraph C of Section 10.6.3 of the Unified Development Code (UDC) defines the standard

criteria for open space, and areas not eligible:

1. "A minimum of 10 contiguous acres";
2. "A parcel that is no less than 300 feet wide at the narrowest width, unless the Town approves a lesser amount for a trail";
3. "Typically, open space shall be owned and maintained by the Town. The Town may consider a conservation easement as an alternative".

Areas not eligible include:

1. "Oil and gas well sites and required buffers";
2. "Storm water channels, detention and water quality ponds greater than 5 feet deep with slopes greater than 5:1."

We had previously identified two confusing situations in open space Tract F; neither has been resolved:

1. Sheet 11 of the Landscape Plan and Sheet 8 of the Preliminary Plat (PP) both show an oil and gas operation (O&G) in the SW quadrant, with the required setback shown in the Plat. It appears that the O&G setback is included in the stated open space acreage. The UDC does not permit such setbacks to be included in qualified open space
2. There is also a discrepancy between Sheet 4 of the PP and Sheet L5 of the Landscape Plan (LP). The former and Google satellite imagery show an O&G operation in the NW quadrant, while the latter has a detention pond. Those situations are not compatible. If there is an O&G operation there, there is a required buffer that is not qualified open space.

Recommendations:

1. Correct the discrepancies described above on the new Sheet titled "Parks and Open Space Requirements";
2. Correct the discrepancies described above between the PP and the LP;
3. Remove O&G setbacks and detention basins from the dedicated open space acreage as defined by the UDC;

Trails:

Spine Trail:

Discussion:

In our previous comments for Phase 3, we stated that it would be highly beneficial if a Spine Trail were created from the proposed underpass of Colliers Parkway to the northwest corner of this development (i.e. the intersection of Colliers Blvd (aka WCR 3) and WCR 10. The PROST Master Plan has a future spine trail along the abandoned rail line just north of WCR 10, and there will also be a spine trail in the new Morgan Hill development, the SE corner of which is the intersection of WCR 3 and WCR 10 ½. This application contains this Spine Trail in Tracts 3D-B, GG, F JJ and 1A-A. Tracts 3D-B and JJ are included in the above table that identifies differences between the Tract Chart and the map. In our opinion, Tract 3D-B is an open space tract that should be owned by the Town. Tract JJ is landscaped buffer that should be owned by the HOA. The other 3 tracts are consistently identified as Town owned open space.

Recommendation: Correct the discrepancies described above involving tracts that contain the Spine Trail.

Neighborhood Trails and Sidewalks:

Discussion: We strongly believe that sidewalks on primary roads should be 8 feet wide to enable children to walk/bike safely to schools, parks and neighbors. Using sheet L35 as our source, we understand that the following sidewalks are 8 feet wide:

1. East side of Colliers Boulevard;
2. West side of Horizon Boulevard.

However, the following sidewalk is only 5 feet wide: South side of WCR 10 through landscape Tract CC and open space Tract EE.

We are not familiar with the widths of the sidewalks along Colliers Parkway. The sidewalk on one side should be 8 feet wide.

Recommendations: Widen the sidewalk on WCR 10 from 5 feet to 8 feet.

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

Sincerely,

Open Space and Trails Advisory Board

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

COLORADO GEOLOGICAL SURVEY

1801 19th St.
Golden, Colorado 80401
303.384.2655



Karen Berry
State Geologist

February 26, 2016

Todd Bjerkaas
Community Development Services
Town of Erie
P.O. Box 750
Erie, CO 80516

Location:
Section 17 and NE¼ Section 18,
T1N, R68W of the 6th P.M.
40.0489, -105.0368

**Subject: Colliers Hill Preliminary Plat No. 2 (formerly Daybreak/Bridgewater/Tallgrass)
Town of Erie, Weld County, CO; CGS Unique No. WE-16-0013 2**

Dear Todd:

Colorado Geological Survey has reviewed the revised Colliers Hill Preliminary Plat No. 2 referral. I understand the current application is for 724 SF detached homes and a tract for paired homes on 400.74 acres located immediately north of the under-construction Colliers Hill Phase 1. With this referral, I received a Development Referral requesting CGS's review (February 11, 2016), a project description (Norris Design, February 5, 2016), a set of 18 Colliers Hill Preliminary Plat No. 2 sheets (Hurst, February 3, 2016), a set of seven Colliers Hill Preliminary Plat No. 2 Preliminary Grading Plans (Hurst, February 2, 2016), and a set of eight ALTA/ACSM Land Title Survey drawings (Hurst, January 20, 2016).

The currently proposed plat contains no lots within the "Severe Subsidence Potential/No Development" zone identified in CTL|Thompson's October 14, 2010 Subsidence Investigation. **CGS therefore has no objection to approval of the Colliers Hill Preliminary Plat No. 2.**

The comments in our previous Colliers Hill Preliminary Plat No. 2 review letter (November 18, 2015) remain valid:

Low Subsidence Potential. Available mine mapping (Map of the State Mine, April 24, 1946) indicates that approximately the eastern third of the Colliers Hill Preliminary Plat No. 2 area is undermined at depths of approximately 150-300 feet. Based on the depth of mining and thickness of bedrock over the undermined zone, CTL|Thompson interprets the subsidence hazard in this portion of Colliers Hill as low, with no restrictions on foundation length or other mitigation recommendations (page 11 of CTL's Subsidence Investigation, October 14, 2010). CGS agrees that "Typical building code requirements for foundation walls to be reinforced to simply span a minimum of 15 feet should apply."

Unmapped shafts. No entry or air shafts are identified within the Preliminary Plat No. 2 area. However, it is possible that unmapped air shaft(s) or other mining-related feature(s) exist within the subject site. **All grading activities should be carefully observed** to identify any unmapped shafts or other mining features. The developer, architect, engineer, builder, earthmoving contractors and field inspection staff should be made aware that portions of the Colliers property 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.

Highly expansive soils and bedrock, and collapsible soils. CTL/Thompson's Due Diligence Geotechnical Review (October 6, 2010) summarizes several previous geotechnical investigations consisting of widely spaced borings and laboratory testing. **Colliers Hill is underlain by some of the most moisture-sensitive soils encountered in Weld County.** Extremely high swell values of up to 14.7% (when wetted under an applied load of 1000 psf) were observed in several borings, and swell values representing a high or very high risk of damage to roads, slabs and foundations were observed in about half of the 20 borings evaluated. Low density, compressible soils, exhibiting compaction under loading and wetting, were also observed; several borings yielded samples of both expansive and compressible soils.

A comprehensive, site-specific geotechnical investigation, including drilling, sampling, lab testing and analysis, will be needed to characterize subsurface conditions such as depths to groundwater and bedrock, characterize soil and bedrock engineering properties such as density, strength, water content and swell-consolidation potential, identify overexcavation areas and depths, and design foundations, floor systems, subsurface drainage systems, pavements, etc.

Thank you for the continued opportunity to review and comment on this complex 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



March 1, 2016

VIA E-MAIL

Town of Erie – Planning
Todd Bjerkaas, Planner
645 Holbrook Street
Erie, CO 80601
tbjerkaas@erieco.gov

**NOTICE OF MINERAL INTERESTS OWNED BY ANADARKO E&P ONSHORE LLC
AND OBJECTION**

Re: Colliers Hill Preliminary Plat No. 2
Daybreak Recovery Acquisition LLC – “Applicant”
Township 1 North, Range 68 West
Section 17: N/2 and N/2S/2
And
Section 18: E/2 of the NE/4
Weld County, Colorado

Mr. Bjerkaas:

This objection and notice letter is submitted to the Town of Erie (the “Town”) on behalf of Anadarko E&P Onshore LLC (“Anadarko”) with respect to the Colliers Hill Preliminary Plat No. 2 that has been submitted for approval to the Town by Daybreak Recovery Acquisition, LLC (“Applicant”) for the property referenced above in Weld County in Section 17 and the E/2NE/4 of Section 18, Township 1 North, Range 68 West (“Property”).

The following are comments in support of this Notice and Objection:

1. Ownership of the Oil and Gas Interests.

Anadarko owns the oil and gas interests that underlies the Property.

2. There is Clear Statutory Authority and Direction for the Town to Take Into Account the Rights of Mineral Interest Owners in Its Consideration of Applications for Development.

The State of Colorado recognizes the important rights of mineral owners and lessees in C.R.S. § 30-28-133(10) which states and acknowledges that both the mineral estate and the surface estate are interests in land and that the two interests are “separate and distinct.” The subsection specifically recognizes that the owners of subsurface mineral interests and their lessees have “the same rights and privileges as surface owners.”

3. Owners of Split Estates Must Exercise Their Rights in a Way that Gives Due Regard to the Rights of the Other.

Colorado law provides that the mineral owner has the right of reasonable access to and use of the surface estate to extract minerals and that the mineral estate owner and the surface estate owner are to give due regard to the rights of the other and reasonably accommodate each other's rights.

The mineral interests of Anadarko have significant value and consequently Anadarko is concerned that the approval by the Town of a final application for development and the subsequent build-out of the Property will impair the ability of Anadarko to develop its oil and gas interests.

4. Anadarko Objects to the Application.

Anadarko has extensive mineral and oil and gas interests throughout the State of Colorado and has successfully worked with many parties in order to assure the compatible development of the surface estate and the oil and gas estate.

In order to protect mineral interests and private property rights, Anadarko objects to the subject Preliminary Plat No. 2 for failure of the Applicant to conform to the Surface Use Agreement dated October 10th, 2011, recorded on November 14th, 2011 with the Weld County Clerk and Recorder at reception number 3805168. Anadarko is currently in negotiations with the applicant, but has yet to reach an agreement. Anadarko requests that the Town make any approval of the application conditioned upon a final agreement between Anadarko and the Applicant.

Please contact me at 720-929-6848 if you have any questions or comments about this matter.

Sincerely,
ANADARKO PETROLEUM CORPORATION



Travis Book
Sr. Landman

cc: Susan Aldridge, Sr. Counsel
Ron Olsen
Don Jobe
Paul Ratliff



Right of Way & Permits

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

February 29, 2016

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

Attn: Todd Bjerkaas

Re: Colliers Hill Preliminary Plat No. 2 – 2nd referral

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the second referral preliminary plat for **Colliers Hill Preliminary Plat No. 2**. It is understood that the application has been submitted for the electric transmission line encroachment, and the property owner/developer/contractor must continue working with the Siting and Land Rights Department agent that has been assigned to this part of the project for development plan review and execution of a License Agreement.

All requested platted easements are acknowledged, with these additional easements being also requested:

- Between Lot 1 Block 32 and Lot 4 Block 28 through Tract F on Sheet 8
- Between Lot 1 Block 46 and Lot 14 Block 37 through Tract GG on Sheet 13

In addition, 31-23-214 (3), C.R.S., requires the subdivider, at the time of subdivision platting, to provide for major utility facilities such as electric substation sites, gas or electric transmission line easements and gas regulator/meter station sites as deemed necessary by PSCo. While this provision will not be required on every plat, when necessary, PSCo will work with the subdivider to identify appropriate locations. This statute also requires the subdivider to submit a letter of agreement to the municipal/county commission that adequate provision of electrical and/or gas service has been provided to the subdivisions.

Natural gas is served throughout this development. Please note that Weld County Road 3 (WCR 3) splits the electric service territory for this development between Xcel Energy (west of WCR 3) and United Power (east of WCR 3). The developer must contact the **Builder's Call Line at 1-800-628-2121** and complete the application process for any new gas and electric service, respectively. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the **Utility Notification Center, at 1-800-922-1987** to have all utilities located prior to any construction.

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



Town of Erie, Colorado Development Referral

- Town of Erie Community Development
- Town of Erie Parks & Recreation
- Public Review
- NRCS – Boulder
- Colorado Geologic Survey
- United Power Company
- Parkland Estates

- Town of Erie Engineering
- Town of Erie OSTAB
- Mountain View Fire Protection District
- Colorado Division of Wildlife
- Felsburg Holt & Ullevig
- XCEL Energy
- Anadarko Petroleum Corp/Land Corp

Planner: Todd Bjerkaas

Date: February 11, 2016

Project: Colliers Hill

Applicant: Daybreak Recovery Acquisition LLC

Description: Preliminary Plat No. 2

Location: The East Half of the NE Quarter of Section 18 and Section 17 North of Colliers Parkway

Legal Description: See Attached Materials

This application is submitted to you for review and comment. Please reply by **Tuesday, March 1, 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 tbjerkaas@erieco.gov. If you have any questions about this application, please call 303-926-2773.

- 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: Our letter is attached.

Signature: Laura Noel **Date:** 3-1-2016
Name (Please Print) Laura Noel, Parkland BOD President

March 1, 2016

Re: Colliers Hill Preliminary Plat No 2 comments , with attachments of aviation easement agreements and Part 77 Airpark footprint

Dear Town of Erie Community Development Services,

Parkland Estates Airpark has a vested interest in the developments around our more than 30 year old neighborhood airport. We are only 1/2 mile north of the proposed Colliers Hill Plat No 2 development. On page three of the letter from Norris Design in the paragraph mentioning "other notable land uses"...there is NO mention of our airport/airpark. This information should be given to all prospective buyers in the development because our flight pattern is on the south side of our airfield and directly over head the development as it is proposed. In fact, a popular entry to the flight pattern will be at 1000 feet above the ground, directly over Colliers Hill.

Although the "no build zone" technically extends only 1000' to the south of our north/south runway, it should be noted that if an aircraft departs to the south, or lands to the north it will fly directly over homes on the Plat map as it has been presented. Although the aircraft will be climbing out of, or descending into the the airpark, this may make some residents uncomfortable with low-flying aircraft overhead. The North/South runway isn't used much, but this is a consideration.

We have secured deed restrictive aviation easement agreements in the past, and it is imperative that prospective buyers are aware there is an airport only 1/2 mile to the north of their new neighborhood. In our opinion, this information needs to be communicated in advance to all prospective buyers, and of course as an aviation easement agreement.

It is critical to traffic management that County Road 10 be paved through between CR 3 and CR5 as soon as possible. Our Rue de Trust is a 25 mph neighborhood street. Children wait for the school bus on this road, ride bicycles, people walk down the street...and there are no sidewalks. Our main concern is the increased traffic on our street used as a "throughway" (not it's intended use) caused by the increased traffic from new developments.

In the documentation, there is a mention of "no known floodplains", however, the SW corner of Parkland Estates is an area that *has been significantly affected by flooding conditions*. The most recent flood episode was the Fall of 2013. We have concerns that the increased asphalt, concrete, curbs, sidewalks, etc. in the proposed development will negatively impact the flood potential for this area. We are concerned about how drainage from all the development will impact our area since it is downhill/downstream from the Colliers Hill development. Water will not be soaking into the land as it does on open and agricultural land. Does it expand the flood plains and / or create new ones?

2

It is our opinion that the Town of Erie has a vested interest in educating prospective new residents, specifically of this Colliers Hill development (and Morgan Hill). The Town of Erie will be the ones fielding complaints about aircraft flying overhead and aircraft noise. It is imperative that the town works to educate all prospective buyers and future residents about the airport they are buying next to.

Thank you for giving us the opportunity to respond, we love this area! It's our home, and we hope that everyone enjoys seeing the airplanes as much as we love flying.

Kind Regards,

A handwritten signature in black ink, appearing to read "Laura Noel", written over a circular stamp or seal.

Laura Noel, Parkland BOD, President

Parkland BOD, on behalf of the Parkland Estates Airpark HOA



PARKLAND HOMEOWNERS ASSOCIATION INC.

P.O. Box 387

Erie, Colorado 80516

February 5, 2007

Mike Burns
Community Development Group of Erie, Inc
2500 Arapahoe Ave
Suite 200
Boulder, CO 80302

Dear Mr. Burns,

In response to your letter of 5 December 2006:

This letter is to indicate the support of the Board of Directors of Parkland Estates Homeowners Association for the Community Development Group, LLC project currently known as Morgan Hill. Our support is contingent upon the Community Development Group, LLC putting in place the following:

A Deed Restrictive Avigation Easement to be put in place upon annexation into the Town of Erie, or before approval of the master plan.

A Disclosure Statement to be signed by each purchaser of lots and/or homes within the Morgan Hill project. The Disclosure Statement shall be notarized and recorded as part of the closing documents. These documents shall be in addition to the avigation easement that the Town of Erie requires as part of their annexation agreement.

This letter represents the feelings of the Board Members of the Parkland Estates Homeowners Association and does not prohibit individual homeowners from voicing their opinion regarding this project. We believe that Parkland Estates and the Morgan Hill development can co-exist so long as the above commitments are met.

Sincerely,

Jon Sandberg
President, Parkland Homeowners Association

ELECTRONIC CODE OF FEDERAL REGULATIONS

e-CFR data is current as of February 25, 2016

Title 14 → Chapter I → Subchapter E → Part 77

Title 14: Aeronautics and Space

PART 77—SAFE, EFFICIENT USE, AND PRESERVATION OF THE NAVIGABLE AIRSPACE

Contents**Subpart A—General**

- §77.1 Purpose.
- §77.3 Definitions.

Subpart B—Notice Requirements

- §77.5 Applicability.
- §77.7 Form and time of notice.
- §77.9 Construction or alteration requiring notice.
- §77.11 Supplemental notice requirements.

Subpart C—Standards for Determining Obstructions to Air Navigation or Navigational Aids or Facilities

- §77.13 Applicability.
- §77.15 Scope.
- §77.17 Obstruction standards.
- §77.19 Civil airport imaginary surfaces.
- §77.21 Department of Defense (DOD) airport imaginary surfaces.
- §77.23 Heliport imaginary surfaces.

Subpart D—Aeronautical Studies and Determinations

- §77.25 Applicability.
- §77.27 Initiation of studies.
- §77.29 Evaluating aeronautical effect.
- §77.31 Determinations.
- §77.33 Effective period of determinations.
- §77.35 Extensions, terminations, revisions and corrections.

Subpart E—Petitions for Discretionary Review

- §77.37 General.
- §77.39 Contents of a petition.
- §77.41 Discretionary review results.

AUTHORITY: 49 U.S.C. 106 (g), 40103, 40113-40114, 44502, 44701, 44718, 46101-46102, 46104.

SOURCE: Docket No. FAA-2006-25002, 75 FR 42303, July 21, 2010, unless otherwise noted.

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Subpart A—General

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§77.1 Purpose.

This part establishes:

- (a) The requirements to provide notice to the FAA of certain proposed construction, or the alteration of existing structures;
- (b) The standards used to determine obstructions to air navigation, and navigational and communication facilities;
- (c) The process for aeronautical studies of obstructions to air navigation or navigational facilities to determine the effect on the safe and efficient use of navigable airspace, air navigation facilities or equipment; and
- (d) The process to petition the FAA for discretionary review of determinations, revisions, and extensions of determinations.

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§77.3 Definitions.

For the purpose of this part:

Non-precision instrument runway means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are *planned, or indicated on an FAA planning document or military service military airport planning document.*

Planned or proposed airport is an airport that is the subject of at least one of the following documents received by the FAA:

- (1) Airport proposals submitted under 14 CFR part 157.
- (2) Airport Improvement Program requests for aid.
- (3) Notices of existing airports where prior notice of the airport construction or alteration was not provided as required by 14 CFR part 157.
- (4) Airport layout plans.
- (5) DOD proposals for airports used only by the U.S. Armed Forces.
- (6) DOD proposals on joint-use (civil-military) airports.
- (7) Completed airport site selection feasibility study.

Precision instrument runway means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan; a military service approved military airport layout plan; any other FAA planning document, or military service military airport planning document.

Public use airport is an airport available for use by the general public without a requirement for prior approval of the airport owner or operator.

Seaplane base is considered to be an airport only if its sea lanes are outlined by visual markers.

Utility runway means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

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Subpart B—Notice Requirements

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§77.5 Applicability.

(a) If you propose any construction or alteration described in §77.9, you must provide adequate notice to the FAA of that construction or alteration.

(b) If requested by the FAA, you must also file supplemental notice before the start date and upon completion of certain construction or alterations that are described in §77.9.

(c) Notice received by the FAA under this subpart is used to:

(1) Evaluate the effect of the proposed construction or alteration on safety in air commerce and the efficient use and preservation of the navigable airspace and of airport traffic capacity at public use airports;

(2) Determine whether the effect of proposed construction or alteration is a hazard to air navigation;

(3) Determine appropriate marking and lighting recommendations, using FAA Advisory Circular 70/7460-1, Obstruction Marking and Lighting;

(4) Determine other appropriate measures to be applied for continued safety of air navigation; and

(5) Notify the aviation community of the construction or alteration of objects that affect the navigable airspace, including the revision of charts, when necessary.

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§77.7 Form and time of notice.

(a) If you are required to file notice under §77.9, you must submit to the FAA a completed FAA Form 7460-1, Notice of Proposed Construction or Alteration. FAA Form 7460-1 is available at FAA regional offices and on the Internet.

(b) You must submit this form at least 45 days before the start date of the proposed construction or alteration or the date an application for a construction permit is filed, whichever is earliest.

(c) If you propose construction or alteration that is also subject to the licensing requirements of the Federal Communications Commission (FCC), you must submit notice to the FAA on or before the date that the application is filed with the FCC.

(d) If you propose construction or alteration to an existing structure that exceeds 2,000 ft. in height above ground level (AGL), the FAA presumes it to be a hazard to air navigation that results in an inefficient use of airspace. You must include details explaining both why the proposal would not constitute a hazard to air navigation and why it would not cause an inefficient use of airspace.

(e) The 45-day advance notice requirement is waived if immediate construction or alteration is required because of an emergency involving essential public services, public health, or public safety. You may provide notice to the FAA by any available, expeditious means. You must file a completed FAA Form 7460-1 within 5 days of the initial notice to the FAA. Outside normal business hours, the nearest flight service station will accept emergency notices.

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§77.9 Construction or alteration requiring notice.

If requested by the FAA, or if you propose any of the following types of construction or alteration, you must file notice with the FAA of:

(a) Any construction or alteration that is more than 200 ft. AGL at its site.

(b) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:

(1) 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway more than 3,200 ft. in actual length, excluding heliports.

(2) 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway no more than 3,200 ft. in actual length, excluding heliports.

(3) 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport described in paragraph (d) of this section.

(c) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) or (b) of this section.

(d) Any construction or alteration on any of the following airports and heliports:

(1) A public use airport listed in the Airport/Facility Directory, Alaska Supplement, or Pacific Chart Supplement of the U.S. Government Flight Information Publications;

(2) A military airport under construction, or an airport under construction that will be available for public use;

(3) An airport operated by a Federal agency or the DOD.

(4) An airport or heliport with at least one FAA-approved instrument approach procedure.

(e) You do not need to file notice for construction or alteration of:

(1) Any object that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, and will be located in the congested area of a city, town, or settlement where the shielded structure will not adversely affect safety in air navigation;

(2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device meeting FAA-approved siting criteria or an appropriate military service siting criteria on military airports, the location and height of which are fixed by its functional purpose;

(3) Any construction or alteration for which notice is required by any other FAA regulation.

(4) Any antenna structure of 20 feet or less in height, except one that would increase the height of another antenna structure.

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§77.11 Supplemental notice requirements.

(a) You must file supplemental notice with the FAA when:

(1) The construction or alteration is more than 200 feet in height AGL at its site; or

(2) Requested by the FAA.

(b) You must file supplemental notice on a prescribed FAA form to be received within the time limits specified in the FAA determination. If no time limit has been specified, you must submit supplemental notice of construction to the FAA within 5 days after the structure reaches its greatest height.

(c) If you abandon a construction or alteration proposal that requires supplemental notice, you must submit notice to the FAA within 5 days after the project is abandoned.

(d) If the construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

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Subpart C—Standards for Determining Obstructions to Air Navigation or Navigational Aids or Facilities

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§77.13 Applicability.

This subpart describes the standards used for determining obstructions to air navigation, navigational aids, or navigational facilities. These standards apply to the following:

(a) Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or

materials used and any permanent or temporary apparatus.

(b) The alteration of any permanent or temporary existing structure by a change in its height, including appurtenances, or lateral dimensions, including equipment or material used therein.

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§77.15 Scope.

(a) This subpart describes standards used to determine obstructions to air navigation that may affect the safe and efficient use of navigable airspace and the operation of planned or existing air navigation and communication facilities. Such facilities include air navigation aids, communication equipment, airports, Federal airways, instrument approach or departure procedures, and approved off-airway routes.

(b) Objects that are considered obstructions under the standards described in this subpart are presumed hazards to air navigation unless further aeronautical study concludes that the object is not a hazard. Once further aeronautical study has been initiated, the FAA will use the standards in this subpart, along with FAA policy and guidance material, to determine if the object is a hazard to air navigation.

(c) The FAA will apply these standards with reference to an existing airport facility, and airport proposals received by the FAA, or the appropriate military service, before it issues a final determination.

(d) For airports having defined runways with specially prepared hard surfaces, the primary surface for each runway extends 200 feet beyond each end of the runway. For airports having defined strips or pathways used regularly for aircraft takeoffs and landings, and designated runways, without specially prepared hard surfaces, each end of the primary surface for each such runway shall coincide with the corresponding end of the runway. At airports, excluding seaplane bases, having a defined landing and takeoff area with no defined pathways for aircraft takeoffs and landings, a determination must be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those determined pathways must be considered runways, and an appropriate primary surface as defined in §77.19 will be considered as longitudinally centered on each such runway. Each end of that primary surface must coincide with the corresponding end of that runway.

(e) The standards in this subpart apply to construction or alteration proposals on an airport (including heliports and seaplane bases with marked lanes) if that airport is one of the following before the issuance of the final determination:

(1) Available for public use and is listed in the Airport/Facility Directory, Supplement Alaska, or Supplement Pacific of the U.S. Government Flight Information Publications; or

(2) A planned or proposed airport or an airport under construction of which the FAA has received actual notice, except DOD airports, where there is a clear indication the airport will be available for public use; or,

(3) An airport operated by a Federal agency or the DOD; or,

(4) An airport that has at least one FAA-approved instrument approach.

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§77.17 Obstruction standards.

(a) An existing object, including a mobile object, is, and a future object would be an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:

(1) A height of 499 feet AGL at the site of the object.

(2) A height that is 200 feet AGL, or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile from the airport up to a maximum of 499 feet.

(3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

(4) A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the minimum obstacle clearance altitude.

(5) The surface of a takeoff and landing area of an airport or any imaginary surface established under §77.19, 77.21, or 77.23. However, no part of the takeoff or landing area itself will be considered an obstruction.

(b) Except for traverse ways on or near an airport with an operative ground traffic control service furnished by an airport traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:

(1) 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.

(2) 15 feet for any other public roadway.

(3) 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.

(4) 23 feet for a railroad.

(5) For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

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§77.19 Civil airport imaginary surfaces.

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach procedure existing or planned for that runway end.

(a) *Horizontal surface.* A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by SW.inging arcs of a specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

(1) 5,000 feet for all runways designated as utility or visual;

(2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(b) *Conical surface.* A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

(c) *Primary surface.* A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

(1) 250 feet for utility runways having only visual approaches.

(2) 500 feet for utility runways having non-precision instrument approaches.

(3) For other than utility runways, the width is:

(i) 500 feet for visual runways having only visual approaches.

(ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile.

(iii) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

(iv) The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

(d) *Approach surface.* A surface longitudinally centered on the extended runway centerline and extending outward

and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

(1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

(i) 1,250 feet for that end of a utility runway with only visual approaches;

(ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;

(iii) 2,000 feet for that end of a utility runway with a non-precision instrument approach;

(iv) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;

(v) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and

(vi) 16,000 feet for precision instrument runways.

(2) The approach surface extends for a horizontal distance of:

(i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;

(ii) 10,000 feet at a slope of 34 to 1 for all non-precision instrument runways other than utility; and

(iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

(3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(e) *Transitional surface.* These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

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§77.21 Department of Defense (DOD) airport imaginary surfaces.

(a) *Related to airport reference points.* These surfaces apply to all military airports. For the purposes of this section, a military airport is any airport operated by the DOD.

(1) *Inner horizontal surface.* A plane that is oval in shape at a height of 150 feet above the established airfield elevation. The plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.

(2) *Conical surface.* A surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.

(3) *Outer horizontal surface.* A plane, located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.

(b) *Related to runways.* These surfaces apply to all military airports.

(1) *Primary surface.* A surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000-foot width may be reduced to the former criteria.

(2) *Clear zone surface.* A surface located on the ground or water at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.

(3) *Approach clearance surface.* An inclined plane, symmetrical about the runway centerline extended, beginning 200

feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for 50,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 is 16,000 feet.

(4) *Transitional surfaces.* These surfaces connect the primary surfaces, the first 200 feet of the clear zone surfaces, and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway centerline.

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§77.23 Heliport imaginary surfaces.

(a) *Primary surface.* The area of the primary surface coincides in size and shape with the designated take-off and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

(b) *Approach surface.* The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.

(c) *Transitional surfaces.* These surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

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Subpart D—Aeronautical Studies and Determinations

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§77.25 Applicability.

(a) This subpart applies to any aeronautical study of a proposed construction or alteration for which notice to the FAA is required under §77.9.

(b) *The purpose of an aeronautical study is to determine whether the aeronautical effects of the specific proposal and, where appropriate, the cumulative impact resulting from the proposed construction or alteration when combined with the effects of other existing or proposed structures, would constitute a hazard to air navigation.*

(c) The obstruction standards in subpart C of this part are supplemented by other manuals and directives used in determining the effect on the navigable airspace of a proposed construction or alteration. When the FAA needs additional information, it may circulate a study to interested parties for comment.

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§77.27 Initiation of studies.

The FAA will conduct an aeronautical study when:

- (a) Requested by the sponsor of any proposed construction or alteration for which a notice is submitted; or
- (b) The FAA determines a study is necessary.

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§77.29 Evaluating aeronautical effect.

(a) The FAA conducts an aeronautical study to determine the impact of a proposed structure, an existing structure that has not yet been studied by the FAA, or an alteration of an existing structure on aeronautical operations, procedures, and the safety of flight. These studies include evaluating:

- (1) The impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules;
- (2) The impact on arrival, departure, and en route procedures for aircraft operating under instrument flight rules;

(3) The impact on existing and planned public use airports;

(4) Airport traffic capacity of existing public use airports and public use airport development plans received before the issuance of the final determination;

(5) Minimum obstacle clearance altitudes, minimum instrument flight rules altitudes, approved or planned instrument approach procedures, and departure procedures;

(6) The potential effect on ATC radar, direction finders, ATC tower line-of-sight visibility, and physical or electromagnetic effects on air navigation, communication facilities, and other surveillance systems;

(7) The aeronautical effects resulting from the cumulative impact of a proposed construction or alteration of a structure when combined with the effects of other existing or proposed structures.

(b) If you withdraw the proposed construction or alteration or revise it so that it is no longer identified as an obstruction, or if no further aeronautical study is necessary, the FAA may terminate the study.

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§77.31 Determinations.

(a) The FAA will issue a determination stating whether the proposed construction or alteration would be a hazard to air navigation, and will advise all known interested persons.

(b) The FAA will make determinations based on the aeronautical study findings and will identify the following:

(1) The effects on VFR/IFR aeronautical departure/arrival operations, air traffic procedures, minimum flight altitudes, and existing, planned, or proposed airports listed in §77.15(e) of which the FAA has received actual notice prior to issuance of a final determination.

(2) The extent of the physical and/or electromagnetic effect on the operation of existing or proposed air navigation facilities, communication aids, or surveillance systems.

(c) The FAA will issue a Determination of Hazard to Air Navigation when the aeronautical study concludes that the proposed construction or alteration will exceed an obstruction standard and would have a substantial aeronautical impact.

(d) A Determination of No Hazard to Air Navigation will be issued when the aeronautical study concludes that the proposed construction or alteration will exceed an obstruction standard but would not have a substantial aeronautical impact to air navigation. A Determination of No Hazard to Air Navigation may include the following:

(1) Conditional provisions of a determination.

(2) Limitations necessary to minimize potential problems, such as the use of temporary construction equipment.

(3) Supplemental notice requirements, when required.

(4) Marking and lighting recommendations, as appropriate.

(e) The FAA will issue a Determination of No Hazard to Air Navigation when a proposed structure does not exceed any of the obstruction standards and would not be a hazard to air navigation.

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§77.33 Effective period of determinations.

(a) The effective date of a determination not subject to discretionary review under 77.37(b) is the date of issuance. The effective date of all other determinations for a proposed or existing structure is 40 days from the date of issuance, provided a valid petition for review has not been received by the FAA. If a valid petition for review is filed, the determination will not become final, pending disposition of the petition.

(b) Unless extended, revised, or terminated, each Determination of No Hazard to Air Navigation issued under this subpart expires 18 months after the effective date of the determination, or on the date the proposed construction or alteration is abandoned, whichever is earlier.

(c) A Determination of Hazard to Air Navigation has no expiration date.

[Doc. No. FAA-2006-25002, 75 FR 42303, July 21, 2010, as amended by Amdt. 77-13-A, 76 FR 2802, Jan. 18, 2011]

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§77.35 Extensions, terminations, revisions and corrections.

(a) You may petition the FAA official that issued the Determination of No Hazard to Air Navigation to revise or reconsider the determination based on new facts or to extend the effective period of the determination, provided that:

(1) Actual structural work of the proposed construction or alteration, such as the laying of a foundation, but not including excavation, has not been started; and

(2) The petition is submitted at least 15 days before the expiration date of the Determination of No Hazard to Air Navigation.

(b) A Determination of No Hazard to Air Navigation issued for those construction or alteration proposals not requiring an FCC construction permit may be extended by the FAA one time for a period not to exceed 18 months.

(c) A Determination of No Hazard to Air Navigation issued for a proposal requiring an FCC construction permit may be granted extensions for up to 18 months, provided that:

(1) You submit evidence that an application for a construction permit/license was filed with the FCC for the associated site within 6 months of issuance of the determination; and

(2) You submit evidence that additional time is warranted because of FCC requirements; and

(3) Where the FCC issues a construction permit, a final Determination of No Hazard to Air Navigation is effective until the date prescribed by the FCC for completion of the construction. If an extension of the original FCC completion date is needed, an extension of the FAA determination must be requested from the Obstruction Evaluation Service (OES).

(4) If the Commission refuses to issue a construction permit, the final determination expires on the date of its refusal.

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Subpart E—Petitions for Discretionary Review

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§77.37 General.

(a) If you are the sponsor, provided a substantive aeronautical comment on a proposal in an aeronautical study, or have a substantive aeronautical comment on the proposal but were not given an opportunity to state it, you may petition the FAA for a discretionary review of a determination, revision, or extension of a determination issued by the FAA.

(b) You may not file a petition for discretionary review for a Determination of No Hazard that is issued for a temporary structure, marking and lighting recommendation, or when a proposed structure or alteration does not exceed obstruction standards contained in subpart C of this part.

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§77.39 Contents of a petition.

(a) You must file a petition for discretionary review in writing and it must be received by the FAA within 30 days after the issuance of a determination under §77.31, or a revision or extension of the determination under §77.35.

(b) The petition must contain a full statement of the aeronautical basis on which the petition is made, and must include new information or facts not previously considered or presented during the aeronautical study, including valid aeronautical reasons why the determination, revisions, or extension made by the FAA should be reviewed.

(c) In the event that the last day of the 30-day filing period falls on a weekend or a day the Federal government is closed, the last day of the filing period is the next day that the government is open.

(d) The FAA will inform the petitioner or sponsor (if other than the petitioner) and the FCC (whenever an FCC-related proposal is involved) of the filing of the petition and that the determination is not final pending disposition of the petition.

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§77.41 Discretionary review results.

(a) If discretionary review is granted, the FAA will inform the petitioner and the sponsor (if other than the petitioner) of the issues to be studied and reviewed. The review may include a request for comments and a review of all records from the initial aeronautical study.

(b) If discretionary review is denied, the FAA will notify the petitioner and the sponsor (if other than the petitioner), and the FCC, whenever a FCC-related proposal is involved, of the basis for the denial along with a statement that the determination is final.

(c) After concluding the discretionary review process, the FAA will revise, affirm, or reverse the determination.

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Need assistance?

Community Development Group, LLC

January 19, 2001

Parkland Estates Homeowners Association
Board of Directors
c/o Pat Bundy, Secretary
4743 Sylvia Lane
Erie, Colorado 80516

Dear Homeowners,

This letter agreement is intended to set forth the agreement of Community Development Group and its affiliates ("CDG") and Parkland Estates Homeowners Association (the "HOA"), collectively referred to herein as the "Parties," as set forth below.

The Parties hereby acknowledges the following:

1. That the Parties desire to attach an avigational disclosure and deed restriction ("Deed Restriction") to land owned by CDG in Sections 4, 8, 17, 18, 19 located in Weld County, Colorado (the "Property"), which are adjacent to the Parkland Estates community and more particularly described in Exhibit A attached hereto. Said Deed Restriction shall be attached to the Property at such time as the Property is annexed into the Town of Erie ("Town") in the case of Sections 8, 17, 18 and 19 or, in the case of Section 4, the approval of a subdivision by Weld County, Colorado ("County"). The Deed Restriction is intended to notify all future homeowners within the proposed development of the existence of the Deed Restriction and to require the acknowledgement of the future homeowners to respect the continued use and enforcement of the avigational uses set forth in the Deed Restriction. The proposed Deed Restriction is attached hereto as Exhibit B.
2. That CDG plans to develop one or more residential communities on the Property.
3. That CDG is required by the Town to attach its standard avigation easement to the Property at such time as it is annexed into the Town. However, a more restrictive Deed Restriction may be used in place of the Town's standard avigation easement.
4. That the County currently does not require an avigation easement to be attached to the Property if it is developed in the County and not annexed to the Town.
5. The Parties have had numerous discussions regarding the compatibility of CDG's proposed development of the Property and the continuation of Parkland Estates' avigational uses over the Property and have created the Deed Restriction based on these discussions.
6. The Parties have stated their willingness to cooperate and support the proposed development of the Property by CDG.

In consideration of the foregoing, CDG hereby agrees as follows:

1. Upon annexation by the Town and/or subdivision approval by the County, as outlined above, CDG shall record the Deed Restriction against that portion of the Property that has been annexed and/or approved.

2. CDG shall incorporate a program to require the avigational disclosure regarding the Deed Restriction to be executed by each new landowner at any time that any portion of the Property is sold or transferred.

In consideration of the foregoing, the HOA hereby agrees as follows:

1. The Board of Directors agrees to execute and deliver a letter of support for CDG's proposed development plans, a draft of which is attached as Exhibit C, to the Town and/or County upon submittal of development plans by CDG.

2. The Board of Directors' agreements with CDG are not construed or intended to replace the individual homeowners' opinions and/or actions.

In the event a majority of the homeowners within Parkland Estates object to the Town's or County's annexation and/or subdivision of the proposed CDG development, either party to this Agreement reserves the right to withdraw from this Agreement, at which time both Parties are released from all obligations set forth herein.

The Parties hereby agree to the terms and conditions of this Agreement.

COMMUNITY DEVELOPMENT GROUP
WELD COUNTY LAND COMPANY, LLC

By: [Signature]
Its: Manager

PARKLAND ESTATES HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS

By: _____

By: Pat Bundy, Secretary

By: [Signature]

By: David Hawkins

By: Nancy K. Clenton, Treas.

EXHIBIT B

DEED PROVISION

Grantee agrees that the Property is located adjacent to or in the vicinity of the Erie Municipal Tri-County Airport and/or the Parkland Estates Airpark (collectively the Airports), both of which are general aviation airports. The Airports are operated and maintained by third parties who are not affiliated with Grantor. Grantee recognizes and assumes the risk of purchasing residential property adjacent to or in the vicinity of the Airports and agrees that each portion of the Property described in Exhibit A shall be subject to an aviation easement in favor of the Town of Erie and Parkland Estates (a private Airpark) and the right of the operators of the Airports to cause, in the air space above the Property described in Exhibit A, such noise as may be inherent in the operation of aircraft using said air space for landing at, taking off from, or operating at the Airports. Said easement also grants and conveys to the Town of Erie, its agents, servants and employees, & the Parkland Estates Homeowners Association, Inc., a continuing right and easement to take any action to prevent the erection or growth of any structure, tree or other object into said air space above fifty (50) feet from the surface of the Property or to mark or light, as obstructions to air navigation, any and all structures, trees or other objects that may interfere with the use of the Airports including that no tree or structure will be allowed within a strip of land one hundred (100) feet wide (centered on the runway center line) extending twenty five hundred (2500) from the approach end of any runway currently platted as specifically shown on Exhibit B attached hereto, together with the right of ingress to, egress from and passage over the land of Grantor above five hundred (500) feet (except when necessary for takeoff and landings consistent with FAR 91.79 or in the event of an in-flight emergency consistent with FAR 91.3) above the surface thereof for such purposes. Grantee, by the acceptance of this Deed, acknowledges and recognizes the existence of the aforescribed easement and understands that the same may affect the Property.

Further, Grantee, by its acceptance hereof, agrees that it will not allow the Property to be hereinafter used in such a manner as to create electrical interference with navigational signals or radio communication at the Airports or used in any manner which mimics airport lights or results in glare affecting aircraft using the Airports or which otherwise endangers the landing, takeoff or passage of aircraft in the vicinity of the Property.

EXHIBIT B (continued)

Grantee, in addition to the foregoing, acknowledges that Grantor has no control over the Airports or the construction, operation, management or use of the Airports. Grantee agrees to deliver, prior to the time of execution of any sales contract to sell any lot or other portion of the Property or any dwelling unit constructed thereon to a third party, a copy of the avigation easement described above and to incorporate the deed conveying such portion of the Property to any third party, a written disclosure of the existence of the Airports and easement similar to the one hereinabove set forth and to require any purchaser of any portion of the Property from Grantee or its successors and assigns to make a similar disclosure to such purchasers' grantee.

The undersigned has/have executed this Deed Provision this _____ day of _____, _____.

Grantee

Grantee

STATE OF COLORADO)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____ by _____.

WITNESS my hand and official seal.

My commission expires: _____

Notary Public

STATE OF COLORADO)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____ by _____.

WITNESS my hand and official seal.

My commission expires: _____

Notary Public

DISCLOSURE STATEMENT REGARDING
PARKLAND ESTATES AIRPARK
ERIE TRI-COUNTY MUNICIPAL AIRPORT

The Purchaser of the property described as Lot____,Block____,within_____
_____(The "Property") acknowledges and agrees that due to the proximity of the
Property to Parkland Estates Airpark, and the Erie Tri-County Municipal Airport there will be
aircraft periodically passing above the Lot and Residence. The frequency of aircraft passing
over the Property will vary from time to time.

Parkland Estates Airpark is located at Road 12 and continues for ½ mile south. The runway runs
east and west between Road 3 and 5. Parkland Estates is a Weld County approved Airpark. Our
Airport Influence Area map is on file with the Town of Erie and on record at Weld County.

Erie Tri-County Municipal Airport is located north of CO Highway 7, between County-Line
Road and Weld County Road 3 and is owned and operated by the Town of Erie and is a public
airport.

The Property is subject to State of Colorado Revised Statutes, Section 41-1-107 and FAA rules
and regulations regarding the use of the airspace over the Lot and Residence. This disclosure
applies to all successors and assigns of Purchaser so long as Parkland Estates Airpark and/or Erie
Tri-County Municipal Airport continues in operation.

Purchaser understands that this Disclosure will be recorded along with other closing documents
at the time of closing.

Purchaser Date

Purchaser Date

Salesperson/Broker

STATE OF _____)

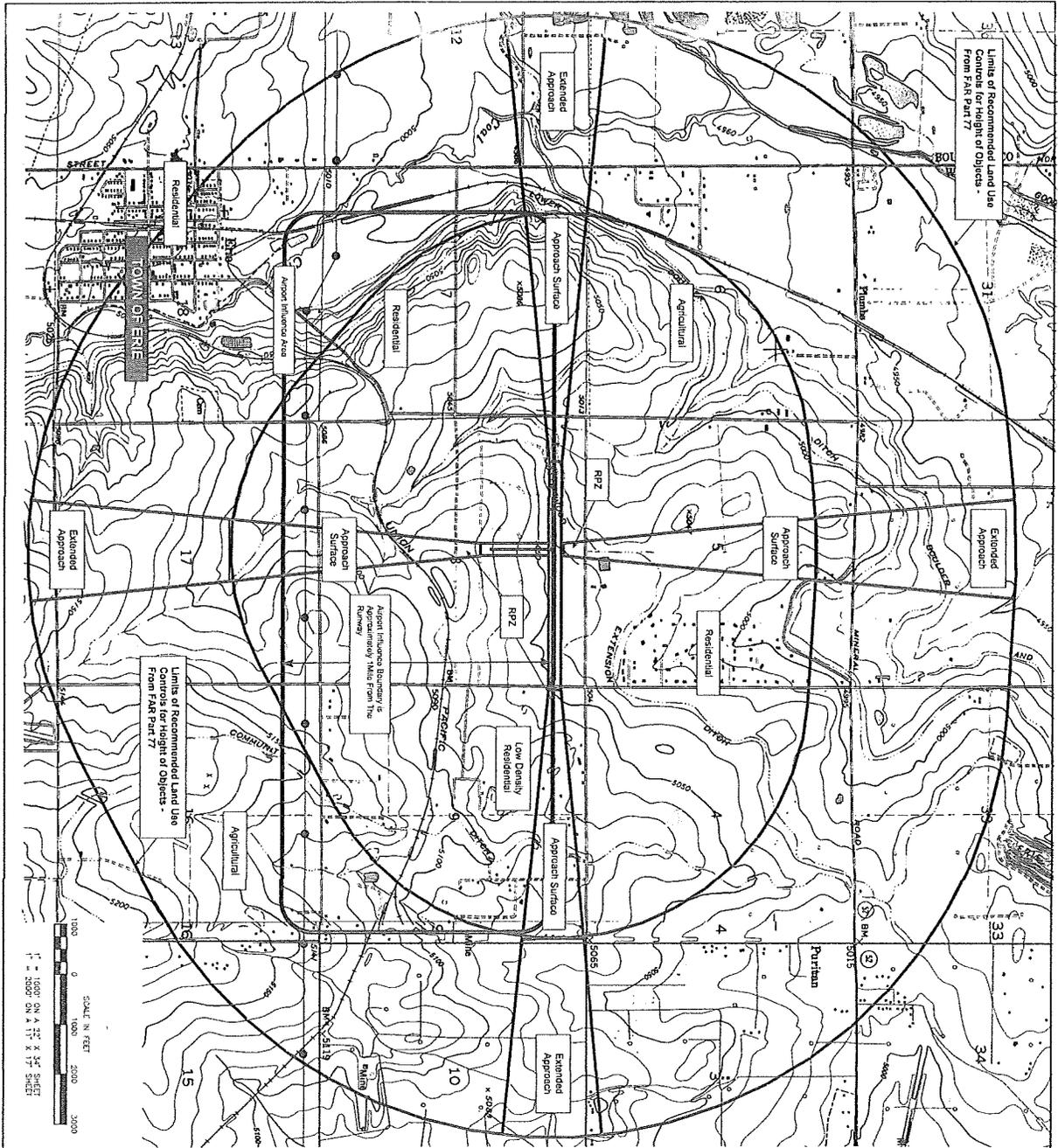
COUNTY OF _____)ss.

The foregoing instrument was acknowledged before me this ____ of _____, 20____,
by _____

My commission expires _____

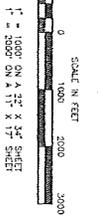
Witness my hand and official seal.

Notary



Limits of Recommended Land Use Controls for Height of Objects - From FAR Part 77

Limits of Recommended Land Use Controls for Height of Objects - From FAR Part 77



AIRPORT INFLUENCE AREA
 REVIEW DEVELOPMENT PROJECTS FOR SAFETY, NOISE AND AIRSPACE CONCERNS.
 REQUIRE A NOTE ON ALL NEW PLATS REGARDING AIRPORT ACTIVITY.
 REQUIRE RECORDING OF AN AVIGATION EASEMENT WITH ANY NEW LAND USE REQUEST.
 ATTEMPT TO EXTEND CONSISTENT LAND USE CONTROLS OVER ENTIRE AIRPORT INFLUENCE AREA.

RUNWAY APPROACH SURFACES
 GIVE SPECIAL REVIEW TO PROPOSED DEVELOPMENT PROJECTS FOR SAFETY, NOISE AND AIRSPACE CONCERNS.
 PROHIBIT NEW RESIDENTIAL LAND USES WITHIN FAR PART 77 DEFINED APPROACH SURFACES.
 RESTRICT BUILDING, STRUCTURES AND/OR NATURAL OBJECTS (TREES) HEIGHTS TO PREVENT PENETRATION OF THE APPROACH SURFACES.
 PROHIBIT NEW INSTALLATION OF OVERHEAD UTILITY LINES AND/OR TOWERS.

EXTENDED APPROACH ZONES
 GIVE SPECIAL REVIEW TO PROPOSED DEVELOPMENT FOR SAFETY, NOISE AND AIRSPACE CONCERNS.
 RESTRICT BUILDING, STRUCTURES AND/OR NATURAL OBJECTS (TREES) HEIGHTS TO PREVENT PENETRATION OF THE APPROACH SURFACES.
 DISCOURAGE MAJOR RESIDENTIAL AND OTHER NOISE SENSITIVE LAND USES.

FAR PART 77 AIRSPACE
 REQUIRE COMPLIANCE FOR NEW CONSTRUCTION (HEIGHT AND OBSTRUCTION CRITERIA).
 REQUIRE PROPER SUBMISSION OF FAA FORM 7460-1 NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION FOR STRUCTURES WITHIN 20,000 FEET OF A RUNWAY WHICH ARE TALLER THAN A 100:1 SLOPE FROM THE NEAREST RUNWAY BEFORE ACTING ON ANY LAND USE PROPOSAL. REQUIRE RECEIPT OF FAA FORM 7540-9, DETERMINATION OF NO HAZARD, FOR ANY STRUCTURE BEFORE ISSUING THE BUILDING PERMIT.
 UTILIZE CURRENT APPROVED PART 77 AIRSPACE PLAN WITHIN THE PARK LAND ESTATES AIRPARK LAYOUT PLAN SET.

HORIZONTAL SURFACE, TRANSITIONAL SURFACE
 UTILIZE CURRENT APPROVED PART 77 AIRSPACE PLAN WITHIN THE PARK LAND ESTATES AIRPARK LAYOUT PLAN SET.

RUNWAY PROTECTION ZONES
 PROHIBIT ANY STRUCTURE OR DEVELOPMENT.

PARK LAND ESTATES		REVISIONS / DATE	
ENGINE: CORCORADO			
LAND USE PLAN			
DATE: JAN 1997	DRAWN BY: LEB/DWG	CHECKED BY: EEB/REV	SHEET 4 OF 4