Erie Board of Trustees Meeting May 12, 2020

The following items are in response to the comments of the BOT on February 11, 2020

1. Environmental Concern

Greg Sherman, P.G. - President

Western Environment and Ecology, Inc.

Mr. Sherman has more than 45 years of professional experience. Mr. Sherman is recognized in the region as one of the leading experts in underground storage tank management, soil and groundwater remediation and mine subsidence. He is a published author of over twenty peer reviewed papers, and a frequent public speaker.

Exhibit I outlines the reports, Mr. Sherman will summarize the information in the reports and be available for questions at the hearing. The site reports are located in the Applicant materials page 977 to 1445 of the Staff Report.

From the conclusion of the Western Environment Phase I report: This assessment has revealed no evidence of recognized environmental conditions in connection with the subject property.

An additional Phase I was completed in January 2020 by ERO Resources Corporation for Lenar Homes. Mr. Sherman will summarize for the Board.

2. Neighborhood meeting

A neighborhood meeting was scheduled on March 12, 2020 at the Erie Library; given the recent COVID-19 restrictions that meeting was postponed. A meeting is now scheduled for April 30th, if we are unable to meet in person at that time a virtual meeting will be held. A summary of the meeting will be submitted following the meeting.

Sunset has modified the site plan to provide single family homes directly south of the Erie Highlands homes. Block 4 has been revised to 7 single family home sites that are 55 feet in width and 120 feet in depth. Erie Highlands neighborhood lots are typically 45 feet in width and 110 feet in depth. The previous plan showed 10 paired homes in Block 4. A 60 foot landscape buffer as required by the UDC will be located between the Erie Highlands rear lot lines and the Sunset rear lot lines, 30 feet of landscape buffer is provided by each development. **Exhibit II** illustrates the landscaping and neighborhood trail location provided within the buffer.

Exhibit III illustrates the change in the lot sizes in Block 4. The new plan includes 7 single family detached home sites replacing the 10 paired home sites shown on the original plan. The 10 paired homes have been relocated to Block 1.

3. Traffic on WCR 5

The 2018 Erie Transportation Master Plan designates WCR 5 ultimate build out as a minor arterial. The development of Sunset will provide almost 2000 feet of the west side of WCR 5 ultimate build out consisting of two 12 foot south bound travel lanes, an 18-foot center median and 1 north bound lane. In addition WCR 5 will include a 3 foot bike lane, 2 foot curb and gutter, 24 foot landscape and sidewalk corridor and a 30 foot minimum utility and landscape buffer.

Exhibit IV illustrates the street cross section of WCR 5 with an 18-foot center median, 24 feet of paved travel lanes, and 24 feet of right of way for landscaping and sidewalk. From the street right of way there will be a minimum 30 foot landscape/utility easement to the back of the lots. The required rear setback in the LR zoning district is 20 feet. The street cross section provides a minimum of 77 feet between the travel lanes and the proposed homes.

In addition Sunset is providing lots that are 120 feet in depth which allows the home to have a larger rear setback. Lot sizes in adjacent neighborhoods are typically 110' in depth, thus Sunset has additional rear setback built into the lot sizes to provide larger rear yards thus a larger separation to the WCR 5 Minor Arterial.

On the north end of the Sunset property adjacent to Block 1 and part of Block 2 Sunset has provided an additional 10' to the landscape and utility area for a total of 40 feet where 30 feet is required for a Minor Arterial. In this area a five foot privacy fence will run on the rear property line for 150 feet then a stretch of 50 feet of open rail fence as required for perimeter fencing by the UDC Section 10.6.4.9.b.vii. (See page 62 and 69 for fence location, and 70 for the fence details, of the Applicant Materials) This fencing will help mitigate the view and noise from WCR 5. At the south end of Block 1, WCR 5 is separated from the development by 8 to 16 feet of grade change as shown in **Exhibit IV** WCR 5 Cross sections the grade separation will block a substantial amount of noise and block the line of site to WCR 5 from the homes.

The relationship of the homes and WCR 5 is illustrated on **Exhibit V** the Sunset overall site plan.

4. Oil and Gas well site

The Preliminary Plan was submitted prior to May 4, 2018 thus Sunset meets the setbacks of 150 feet defined in the UDC.

Understanding the Town Board's concerns about the Oil and Gas site, Sunset has approached Crestone Peak Resources about Plugging and Abandoning the remaining wells.

Discussions are underway with Crestone to Plug and Abandon the remaining 3 producing wells on the property and are in the process of crafting an agreement with Crestone Peak. The proposed agreement will clear the site of all Oil and Gas above ground facilities. The removal of the facilities will create a 4.91 acre parcel of land which can be utilized as lots and open space. **Exhibit VI** shows the revised layout with the removal of the Oil and Gas Facilities. The road has been revised with additional median and 11 lots have been added in the site. An additional 2.04 acres of open space will be added to the pump track site. The new layout is in conformance with Erie UDC Chapter 6 Section 10.6.1.C Abandoned Oil and Gas Wells and Production Facilities.

Exhibit VII is a letter from Crestone Peak regarding the agreement status and timing.

5. Gas Line Relocation

Discussions continue with KM to relocate the gathering lines within the property to the North edge of the Sunset Open Space/ South edge of Sunset Neighborhood. The easement for this relocation was part of the conditions of sale of the Sunset Open Space Parcel.

Sunset has also been working with OXY/ KM to find a resolution to the relocation of the 10"gas line within WCR 5. Sunset has provided a 30-foot easement on the west side of WCR 5 ROW for the 10" pipeline relocation.

Exhibit IV illustrates the 30-foot Utility easement on the west side of the WCR 5 ROW.

6. Trail in Open Space

Sunset believes the owners and citizens of Erie should enjoy the 20+ acres of open space within the central draw. To provide for that access Sunset is providing access points to the open space at 5 locations as depicted on **Exhibit VII.** These access points will allow the residents to enter the 20 acre open space and follow their desired paths. Sunset has deliberately left land partially without paths, waiting to see what desired paths are created. Over time preferred

paths will be established in the natural habitat. This will allow the natural terrain to be preserved and the trails to be located where the users naturally walk. Trails will appear similar to the Sunset Open space bike paths and provide a more natural undisturbed experience for the users. This trail systems goal is to provide a more natural experience and foot traffic will be low. The opens space will be maintained by the Special District.

In summary Sunset has modified the following items:

- 1. Proposed removal of Oil and Gas site, in exchange for the addition of 2.04 acres of open space and 11 single family lots.
- 2. Exchanged 10 duplex lots in Block 4 for 7 Single family lots Exchanged 7 Single family lots in Block 1 for 10 paired lots

Sunset Lot Summary

65' Lots 95 55' lots 130 Paired lots 24

Total lots 249

These issues have been clarified:

Environmental questions
Neighborhood meeting
Traffic buffering concerns
Fencing along WCR 5
Utility easement along WCR 5
Access to Open Space

WESTERN ENVIRONMENT AND ECOLOGY, INC

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WESTERN ENVIRONMENT AND ECOLOGY, INC ENVIRONMENTAL INVESTIGATIONS AND REPORTS ERIE ESTATES, 103.832 ACRES IN SECTION 20, TOWNSHIP 1 NORTH RANGE 68 WEST

Phase I Environmental Site Assessment, dated December 19, 2005

Conclusions: "Potential contamination of soil and groundwater from reported

releases associated with the petroleum production facility on the

property"

"Potential groundwater and/or methane contamination resulting from

Adjacent landfills"

Limited Phase II Environmental Site Assessment, dated January 30, 2006

Conclusions: "Three shallow (less than 20 foot) groundwater wells completed in

the southern drainage adjacent to the landfill. All these wells were dry which confirmed a January 4th, 2006 Terracon report that stated

no shallow groundwater occurs on the property"

Soil Vapor Investigation, dated February 23, 2006

Conclusions: "Thirteen soil vapor probes installed along the southern and

southwest border of the property indicated no measurable levels of

methane"

Phase I Environmental Site Assessment, dated January 8, 2013

Conclusions "This assessment has revealed no evidence of recognized

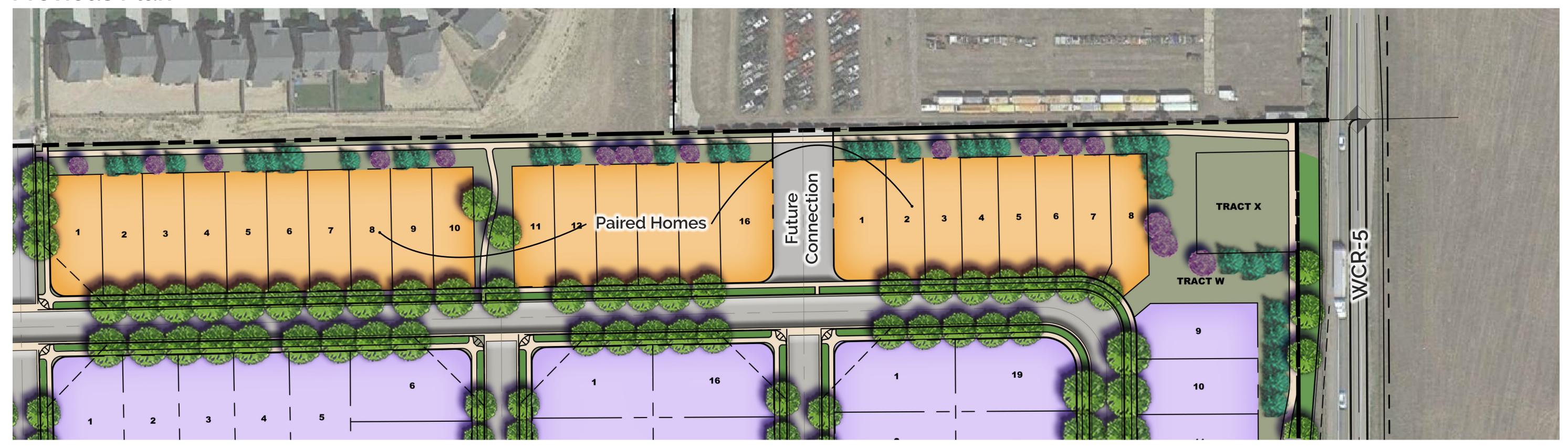
environmental conditions in connection with the subject property.":

2217 WEST POWERS AVENUE * LITTLETON, COLORADO 80120 PHONE (303)730-3452 * FAX (303)730-3461 WWW.WESTERNENVIRONMENT.COM

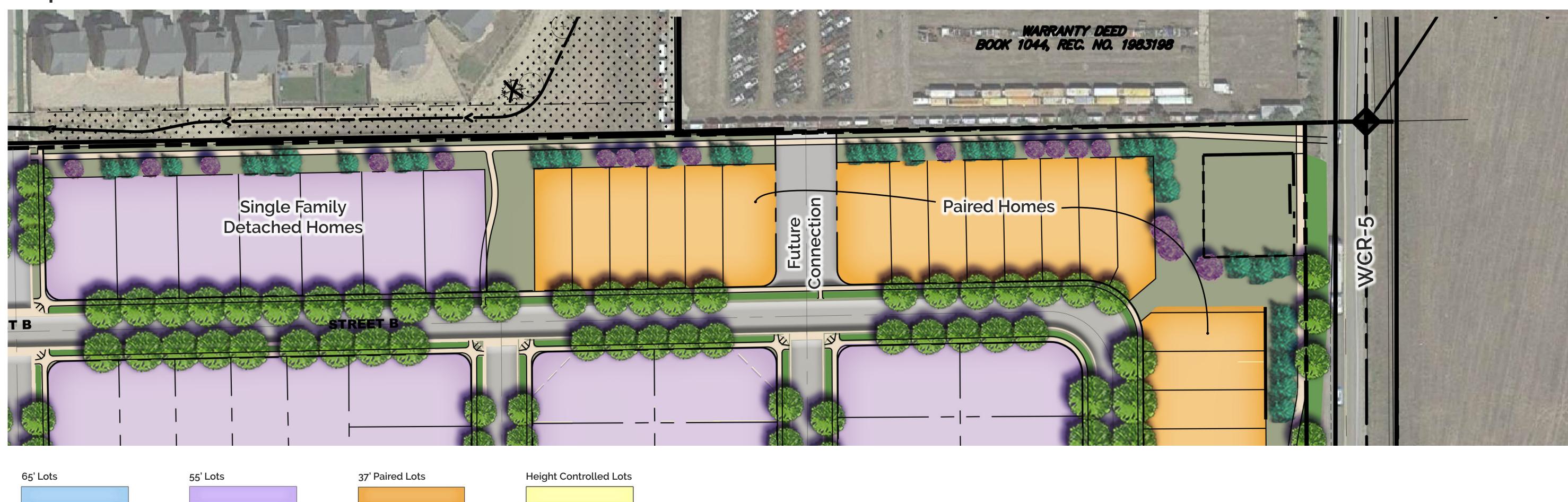




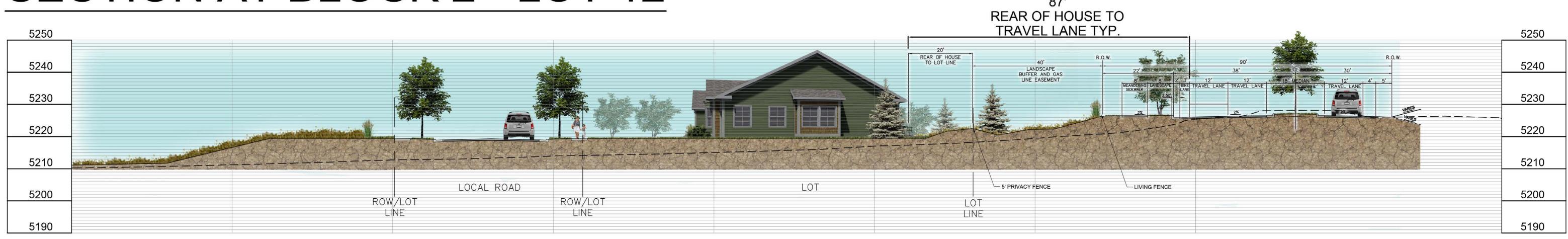
Previous Plan

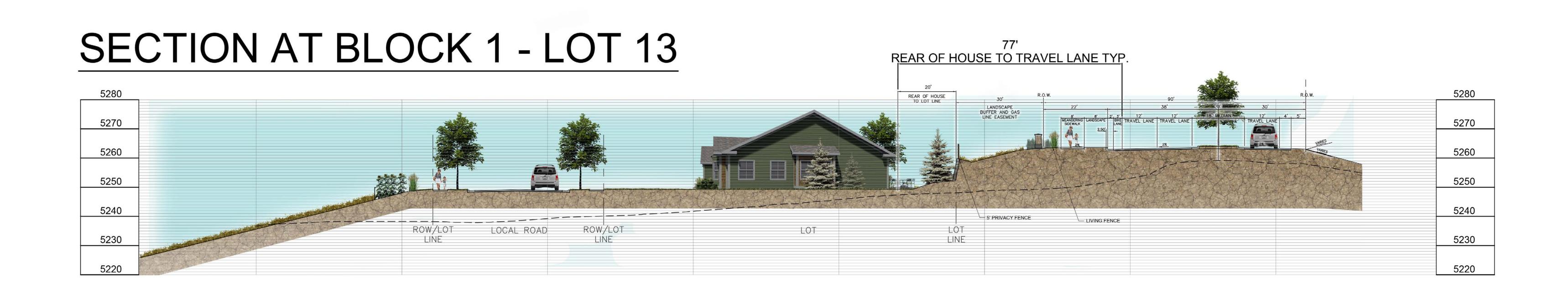


Proposed Plan



SECTION AT BLOCK 2 - LOT 12

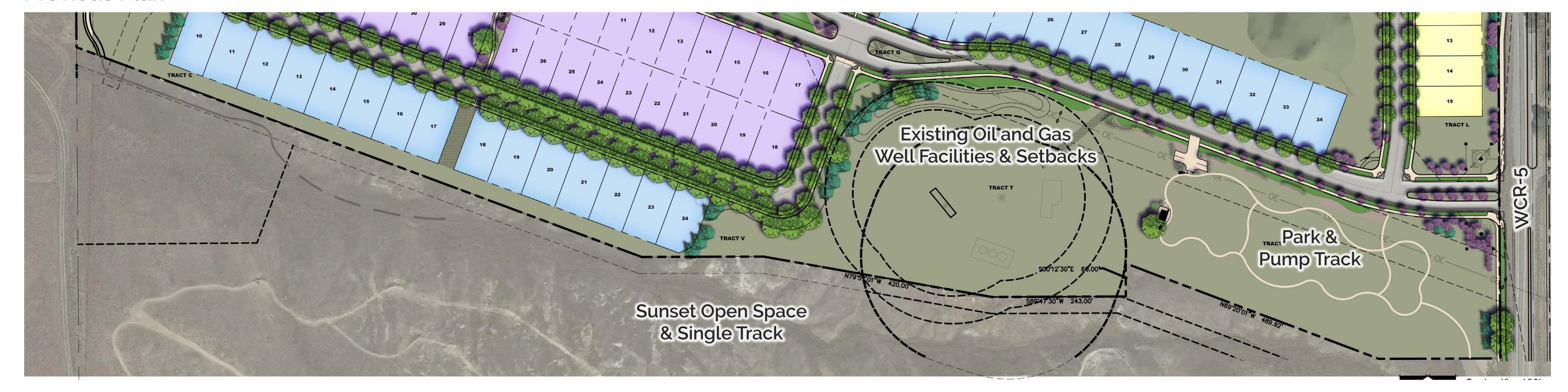




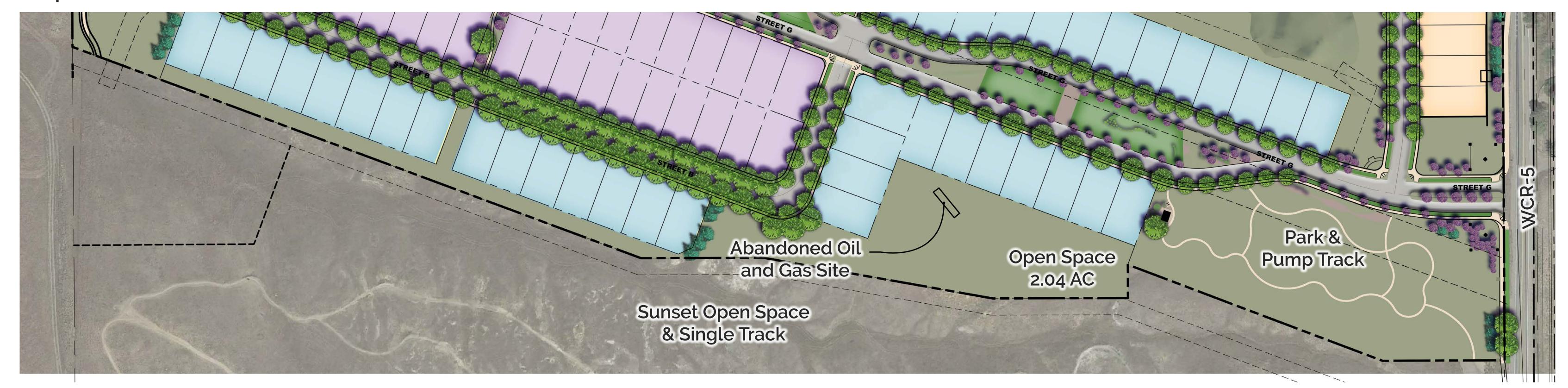
Sunset • Erie, Colorado

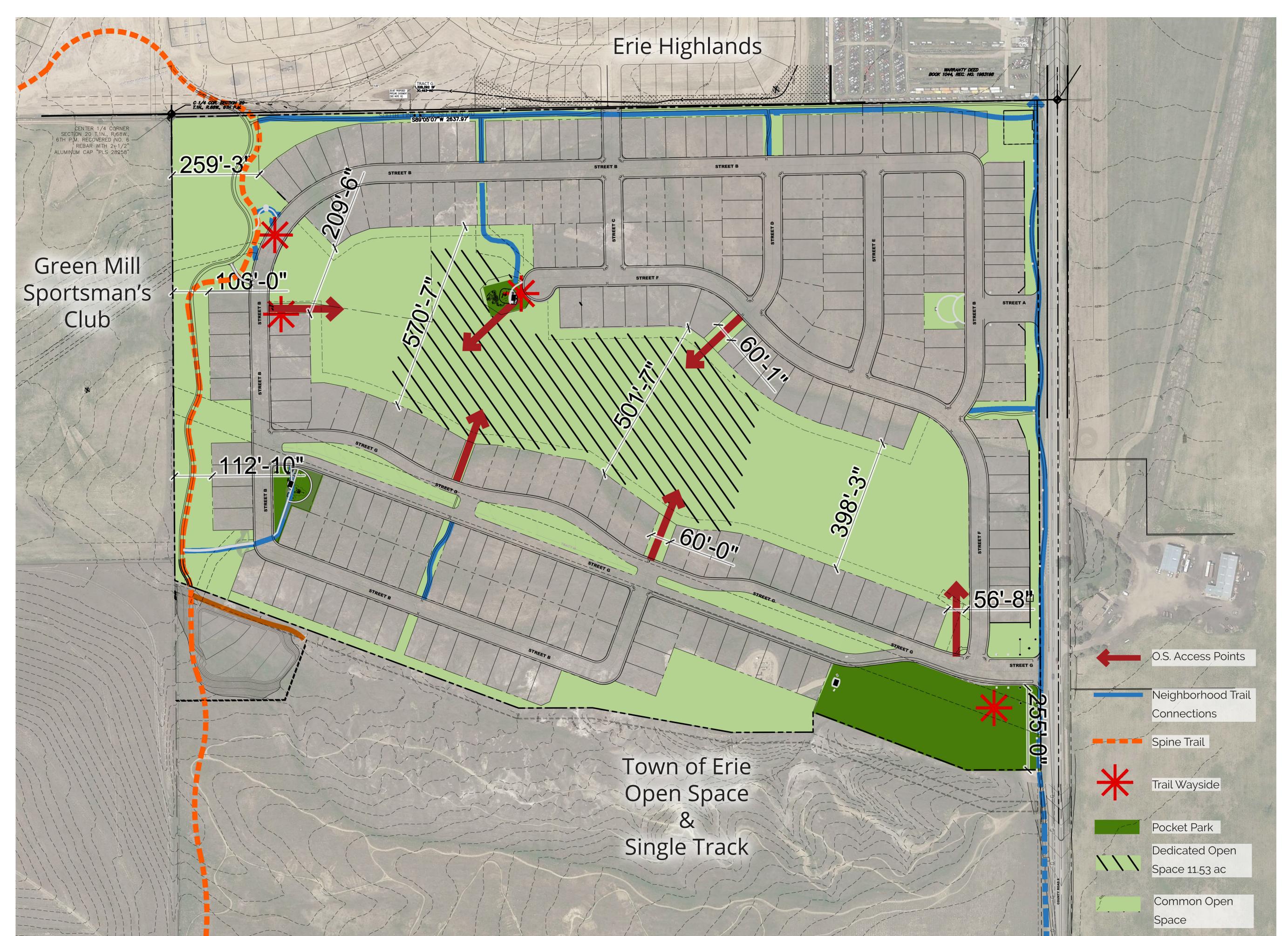


Previous Plan



Proposed Plan







Town of Erie Board of Trustees 645 Holbrook Street PO BOX 750 Erie, CO 80516

April 13, 2020

Dear Erie Board of Trustees

Crestone Peak Resources ("Crestone") and the Sunset Development ("Sunset") teams are in the process of negotiating an agreement ('the Agreement") to plug and abandon and conduct reclamation on the locations of the remaining three producing Wells ("the Wells") located on the Sunset Development site in the SE/4SE/4, Section 20, Township 1 North, Range 68 West, 6th P.M.

The Wells are specifically identified below:

- Costigan 8-8-20 (API #: 05-123-31717)
- Costigan 8-6-20 (API #: 05-123-30790)
- Costigan 33-20 (API #: 05-123-23057)

Crestone and Sunset are in the process of drafting an agreement that includes, among other things, the following essential items:

- The Wells will be plugged and abandoned within 18 months of recording the final plat, the well location on site will be reclaimed per Colorado Oil and Gas Conservation Commission rules and regulations.
- Crestone will provide a release of all environmental liability for the reclaimed portions of the Sunset site.
- Crestone will remove all Wells, equipment and facilities which Crestone owns from the Sunset site.



- 4. Prior to the beginning of plugging and abandonment operations the developer will pay all costs and expenses associated with the plugging and abandonment of the Wells and the reclamation of their respective area as agreed upon between Sunset and Crestone.
- The Agreement will be effective as of recordation of the Final Plat for the Sunset Development.

As support for item number four above, estimates for costs to plug and abandon and reclaim the Wells and all three locations on the site have been provided to Sunset for their review.

This letter is not meant to be a binding contract, merely a written expression of mutual interests that outlines some of the terms and conditions that will be drafted into the final Agreement.

In the interim, please do not hesitate to contact us with any questions or concerns.

Sincerely,

Bob Bresnahan

Surface Land Advisor, RPL

Crestone Peak Resources

Stephen J Foley

Managing Member

FS Erie Estates, LLC

TOWN OF ERIE AFFIDAVIT OF NOTICE POSTING

Sunset Preliminary Plat Neighborhood Meeting



I, YVONNE SEAMAN, ATTEST THAT NOTICE WAS POSTED IN ACCORDANCE WITH THE ERIE MUNICIPAL CODE, TITLE 10, – "UNIFIED DEVELOPMENT CODE AND DESIGN GUIDELINES," AT LEAST 15 DAYS BEFORE THE SCHEDULED <u>NEIGHBORHOOOD MEETING</u> TO BE HELD ON THE 30TH DAY OF APRIL, 2020 A.D. THE PHOTO, ABOVE, IS A TRUE AND CORRECT PHOTO OF THE NOTICE SO POSTED.

(SIGNATURE OF PERSON LISTED ABOVE)

STATE OF COLORADO

COUNTY OF Dough

) ss.

ACKNOWLEDGED BEFORE ME THIS 16th DAY OF april, 2020 BY Vonne Seaman AS PROPERTY REPRESENTATIVE

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: 2/26/2024

NOTARY PUBLIC

JESSICA HAYS

Notary Public
State of Colorado
Notary ID: 20164003158
My Commission Expires 2/26/2024

Neighborhood Meeting Notice

DATE: Thursday April 30, 2020

TIME: 6:30 PM to 7:30 PM

PLACE: Erie Community Library Meeting Room

400 Powers Street, Erie CO 80516

If we are not allowed to meet on this date please attend ZOOM

meeting: Meeting ID: 751 6039 5697 Password: 6xDHEs

Sunset development is holding a neighborhood meeting to present the Sunset Neighborhood development that is located near property you own.

Project Description: The proposed Preliminary Plat is to establish 225 single family detached home sites and 24 paired home sites. The neighborhood also includes open space, trails and pocket parks.

Sunset Subdivision Preliminary Plat was reviewed at a public hearing before the Planning Commission on Feb 5, 2020 and received a recommendation to approve the plat.

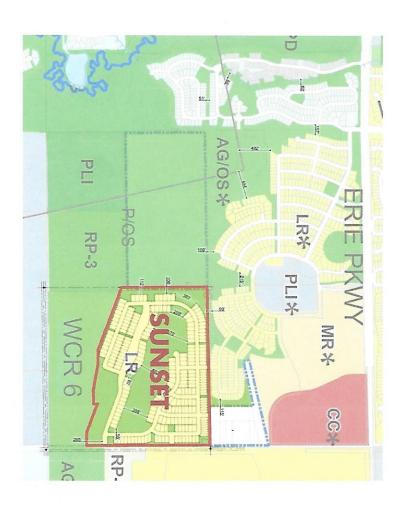
The Sunset Subdivision Preliminary Plat was reviewed by the Erie Board of Trustees on Feb 11, 2020 at a public hearing. The hearing was continued for various reasons, one being the awareness of the Erie Highlands Neighborhood of the development of the Sunset Neighborhood.

Representatives from the Sunset development will give a short presentation and be available to answer any questions about the proposed development.

Application Type: Preliminary Plat

Project Name: Sunset

Project Location: The West side of WCR 5 South of Erie Highlands Neighborhood and north of Sunset Open Space.



A Public Copy of the application is available for viewing in the Community Development office at Erie Town Hall at 645 Holbrook Street, Erie CO. Phone 303-926-2770

For additional information contact:

Yvonne Seaman Sunset FS Land

seamanyvonne@gmail.com or call 303-947-8831



Block 4. A 60 foot landscape buffer as required by the UDC will be located between buffer is provided by each development. Exhibit II illustrates the landscaping and the Erie Highlands rear lot lines and the Sunset rear lot lines, 30 feet of landscape neighborhood trail location provided within the buffer. 45 feet in width and 110 feet in depth. The previous plan showed 10 paired homes in 55 feet in width and 120 feet in depth. Erie Highlands neighborhood lots are typically Erie Highlands homes. Block 4 has been revised to 7 single family home sites that are

2 · SUNSET

Exhibit II-B

North Property Buffer

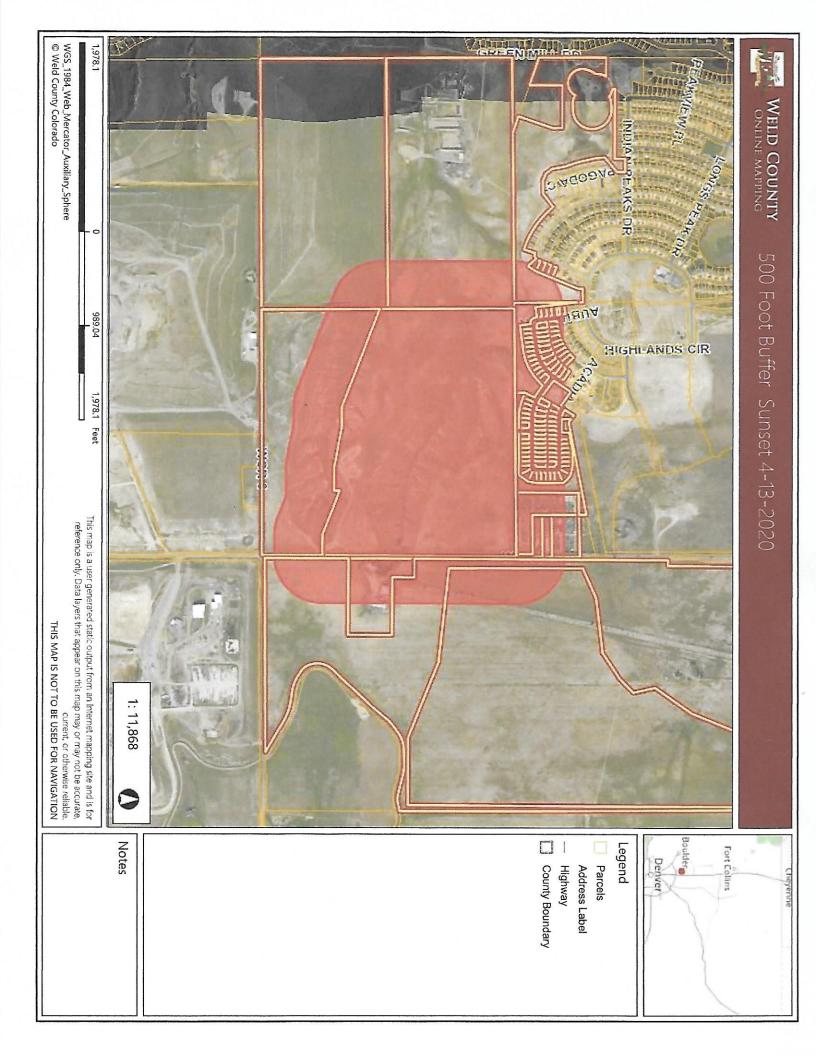


1 · SUNSET

illustrates the landscaping and neighborhood trail location provided within the buffer.

Sunset rear lot lines, 30 feet of landscape buffer is provided by each development. Exhibit II buffer as required by the UDC will be located between the Erie Highlands rear lot lines and the 110 feet in depth. The previous plan showed 10 paired homes in Block 4. A 60 foot landscape

Exhibit II-A
North Property Buffer



Owner	Mail Address 1	Mail Address 2	Mail City	State	Mail Zipcode
R RL NORTH INC		18500 N ALLIED WAY	PHOENIX	AZ	850546164
GREEN MILL SPORTSMANS CLUEC,	CLUEC/O MEL HEAPS	PO BOX 350506	WESTMINSTER	60	800350506
BLAKE DANIEL RAYMOND		2559 COUNTY ROAD 5	ERIE	60	805168318
LEE LUANNE L REVOCABLE TRUS		922 AUBURN DR	ERIE	00	805162669
BAIDUC RACHAEL R		928 AUBURN DR	ERIE	6	805162669
HOUTCHENS TAWNIE		934 AUBURN DR	ERIE	60	805162669
MORIWAKI HERITAGE TRUST		940 AUBURN DR	ERIE	00	805162669
HAMILTON PAUL L		946 AUBURN DR	ERIE	60	805162669
KANTHA LAKSHMI		958 AUBURN DR	ERIE	00	805162672
FAWKES MICHAEL M		964 AUBURN DR	ERIE	8	805162672
CHILDS SAGE D	×	→ 970 AUBURN DR	ERIE	6	805162672
CARLTON MEREDITH F	たく	- 976 AUBURN DR	ERIE	8	805162672
MCKEON DEBRA	Cy les	- 982 AUBURN DR	ERIE	00	805162672
KANIA JOHN Q	C	- 988 AUBURN DR	ERIE	00	805162672
MALLA SHILA K		994 AUBURN DR	ERIE	00	805162672
RAKES JEFFERY S		1000 AUBURN DR	ERIE	00	805162673
ROMERO ANDREW J		1006 AUBURN DR	ERIE	СО	805162673
BENSON JONATHAN N		1012 AUBURN DR	ERIE	00	805162673
STOLL MATTHEW P		1018 AUBURN DR	ERIE	00	805162673
CROSS ZACHARY		1024 AUBURN DR	ERIE	6	805162673
BIRD RICHARD J		1030 AUBURN DR	ERIE	60	805162673
ERIE HIGHLANDS METRO DISTRI C/O ICENOGLE SEAVER POGUE 4725 S MONACO ST	O ICENOGLE SEAVE	ER POGUE 4725 S MONACO ST STE 225	DENVER	60	802373482
DOWNS MATTHEW C		434 ALTONA WAY	ERIE	СО	805162667
GURAK MOLLY K		430 ALTONA WAY	ERIE	00	805162667
CLOUD SCOTT P		426 ALTONA WAY	ERIE	00	805162667
BARRIGA MIGUEL C		422 ALTONA WAY	ERIE	60	805162667
JOHNSON JACOB BENJAMIN		418 ALTONA WAY	ERIE	60	80516
BELLIN DEREK		414 ALTONA WAY	ERIE	6	80516
ROZOFF CHRISTOPHER M		410 ALTONA WAY	ERIE	6	805162667
PABST KATHERINE L		406 ALTONA WAY	ERIE	6	80516
BEMIS RYAN		402 ALTONA WAY	ERIE	8	805162667
BLAKE TYLER C		1021 AUBURN DR	ERIE	8	80516
LEE JAMES R		1015 AUBURN DR	ERIE	8	80516
HELLWIG EMILY M		1009 AUBURN DR	ERIE	60	80516
DUNFORD WILLIAM J		1003 AUBURN DR	ERIE	60	805162673
PALMER JAMES J		997 AUBURN DR	ERIE	6	805162672



805162697	6	ERIE	1052 ACADIA CIR	TUCKER BRITTNEY L
805162697	00	ERIE	1050 ACADIA CIR	ZHANG YING YING
805162697	00	ERIE	1048 ACADIA CIR	MATERO JOHN R
805162697	8	ERIE	1046 ACADIA CIR	KLIMOWICZ JENNIFER L
805162697	СО	ERIE	1044 ACADIA CIR	NEELY MELISSA ANNE
805162698	60	ERIE	— 1149 ACADIA CIR	HARDWICKE KIMBERLY A
805162698	СО	ERIE	1145 ACADIA CIR	LOWE RACHEL A
805162698	СО	ERIE	— 1141 ACADIA CIR	CHAVARRIA JENNIFER M MONA
805162698	00	ERIE	1137 ACADIA CIR	RHODES MATTHEW M
805162698	60	ERIE	1133 ACADIA CIR	PRYOR RACHEL
805162698	00	ERIE	1129 ACADIA CIR	CHRISTIANSON RICK L
805162698	60	ERIE	✓ 1125 ACADIA CIR	COLE JANELLE N
805162698	00	ERIE	1121 ACADIA CIR	RIDDERBOS NATALIE N
805162698	8	ERIE	1117 ACADIA CIR	BAHRANI HAITHEM H
805162698	60	ERIE	1113 ACADIA CIR	ALLEN KATHERINE J
805162698	60	ERIE	1109 ACADIA CIR	LAMA TIKA R TAMANG
805162698	00	ERIE	1105 ACADIA CIR	PRUNK CHRISTIAN D
805162698	CO	ERIE	1101 ACADIA CIR	WEBER DAWN L
805162671	СО	ERIE	1097 ACADIA CIR	MAYTON LYNN
805162671	60	ERIE	1093 ACADIA CIR	MATYUS SHARON
805162671	00	ERIE	1089 ACADIA CIR	HOUSTON JUSTIN D
80516	CO	ERIE	1085 ACADIA CIR	KUKURA KELLY K
805162671	СО	ERIE	1081 ACADIA CIR	HANCOCK NICHOLAS J
805162671	CO	ERIE	1077 ACADIA CIR	FORSCHMIEDT ALICE I
805162671	СО	ERIE	1073 ACADIA CIR	GUYER ERICA E
805162671	00	ERIE	1069 ACADIA CIR	HOOSER RANDEL P
805162671	00	ERIE	1065 ACADIA CIR	PORTER ERNEST D
805162671	00	ERIE	1061 ACADIA CIR	BARNHOLT AARON E
805162671	СО	ERIE	1057 ACADIA CIR	YAROCH COURTNEY M
80516	CO	ERIE	1049 ACADIA CIR	PARADISO WILLIAM S
80516	СО	ERIE	955 AUBURN DR	QUIROZ JORGE ALBERTO
805162672	СО	ERIE	961 AUBURN DR	LUBBE JACQUES
805162672	CO	ERIE	967 AUBURN DR	MEHARZI RAMI J
805162672	CO	ERIE	973 AUBURN DR	JONES SHERYL DAWN
80516	00	ERIE	979 AUBURN DR	FLOWERS JON
80516	co	ERIE	985 AUBURN DR	GRAHAM JASON S
80516	CO	ERIE	991 AUBURN DR	FAISON CHRISTOPHER LANE

