

## Walker, Samuel

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**From:** Christine Chicago <christine.chicago@gmail.com>  
**Sent:** Monday, January 16, 2023 3:04 PM  
**To:** LU Land Use Planner  
**Subject:** [EXTERNAL] Hackett Comments to Docket RE-21-0001: Horst Estate NUPUD Replat

Hello Sam Walker,

Thank you for your work effort in creating the Planning Commission's Staff Report for the Horst Estate NUPUD Replat. I especially appreciate the links to the 1980's documents that led to the Boulder County Grant creating the Conservation Easement.

I read through pages 1 - 17 of the staff recommendation and have the following comments / questions:

1. Given that the very first standard / criteria for approval of a PUD on page 10 is not met, I support DENIAL of this application rather than an Approval with Restrictive Conditions. Once legally protected conservation land is removed, it is lost forever.

My concern with Approval with Restrictive Conditions is two-fold:

- a. it just opens the door to negotiations in which some or all of the restrictive conditions are stripped from the new NUPUD agreement, and
- b. once the NUPUD is annexed by the Town of Erie, whatever agreed-upon restrictive conditions could be contested legally and potentially become moot.

2. The grant to create the Conservation Easement and the original NUPUD of 1-acre residential lots as a donut hole was clearly designed to PREVENT exactly what the applicants are seeking to do, namely to remove 8+ acres of nationally significant agricultural land from protection and provide the means for it to be annexed by the Town of Erie and developed for increased residential density (1 residence for every 2 acres.) The applicants are very clear in their intentions to create residential land use out of what is legally granted conservation easement land that is codified to remain as agricultural land of national importance. This is a HARD NO.

3. Also, regarding criteria 13 on page 16: IF the 8+ acres remained in the CE Lot 1 rather than becoming NUPUD Lot 3, then they would retain the "significant historical, cultural, recreational or aesthetic value" as CE. It is ONLY through the allowing of residential use of these lands via the NUPUD that the "significant historical, cultural, recreation or aesthetic value" of the land is lost. Further it is stated in criteria 4 page 12 that "The entirety of the NUPUD lands are designated in the Comprehensive Plan as being national significant agricultural lands." Therefore, your argument that criteria 13, as conditioned, is being met is INVALID.

4. ALL the other standards / criteria that are supposed to be met, that are NOT BEING MET, unless conditioned, further supports my position to request that the application be DENIED.

### RESPONSE TO THE APPLICANTS' STATED BENEFITS OF THE NUPUD REPLAT:

1. Applicants' state that the new NUPUD would "create a new, modern conservation easement." The only unmodern aspect of the current conservation easement is the location of a 3500 SF residence within the conservation easement. **Correcting this does not require losing 8+ acres of conservation land.**

2. Applicants' state that the new NUPUD would "fix the donut hole." **The donut hole was created by the Horst Estate to specifically PROHIBIT what the new owners seek to achieve**, namely remove agricultural land of national significance for residential development.
3. Applicants' state that the new NUPUD would "eliminate a residence in the conservation easement." Again, correcting this does not require losing 8+ acres of conservation land.
4. Applicants' state that the new NUPUD would create "development managed by Erie." **Development managed by Erie is EXACTLY what the CE and NUPUD was designed and created by law to PREVENT**. This isn't just agricultural-zoned land. It's a CONSERVATION EASEMENT.
5. Applicants' state that the new NUPUD provides a "modern wastewater system." The application indicates NO CHANGE to the proposed water supply and proposed sewage disposal method. Further, Boulder County Public Health expressed concerns regarding the ability of the soil to adequately dispose of sewage.
6. Applicants' state that the new NUPUD "creates a transitional buffer." **No transitional buffer is needed**. The Conservation Easement is designed to remain intact forever.
7. Applicants' state that the new NUPUD "sets a precedent for neighboring land." The idea that **losing 8+ acres of Conservation Easement land in order to "incentivize" neighboring agricultural land owners to apply for annexation by the Town of Erie in order to facilitate residential development rather than remain agricultural use is completely counter to the goals of creating Conservation Easements**.

I intend to participate in the Public Hearing and provide testimony as noted above.

Thank you,

Christine Hackett

798 Limestone Drive, Erie, CO 80516

## Walker, Samuel

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**From:** Maxine Hecht <maxine.hecht@gmail.com>  
**Sent:** Tuesday, January 17, 2023 1:41 PM  
**To:** LU Land Use Planner  
**Subject:** [EXTERNAL] Docket RE-21-0001: Horst Estates NUPUD Replat

My name is Maxine Hecht. This email is my testimony that I would like added to the record.

I oppose even entertaining changing a conservation easement.

Below are my reasons.

I am not sure why this replat is even being discussed. The heirs to the property put the property in a Conservation Easement. It is stated the land is of 'national importance'. Why would you even entertain changing a conservation easement? The heirs are probably rolling in the graves. For the original property owners to go to the extent to setup a conservation easement means they wanted the land to remain as is. The donut hole was probably created so there is no access to streets to make it possible to develop the land. I cannot even believe we are entertaining changes to what was granted by law as a conservation easement with land of national importance. Why just why would you even consider changing that?

I cannot help but feel the true intentions of this request is to get access to 111th street. Then the next step because of the rezoning they will develop most/all of the land. If not all, they will develop a significant portion of the conservation easement.

You talk about a transitional buffer. A transitional buffer is not needed. The entire area is a beautiful conservation easement. The bordering land is agricultural. In reading the docket it appears they are trying to set a precedent to make it easier to develop the neighboring land rather than remain agricultural zoned.

There seems to be a motive to get contiguous access from 111th street that is not being communicated in what looks like an innocent request. This seems to be the first step in developing a large portion of the conservation easement. This is not in alignment with the spirit of a conservation easement.

On the surface this appears to be an innocent request. However when digging into the details (most are vague details), it appears the motive is to significantly reduce the size of the conservation easement and make it easier to develop that land and neighboring land. Do not change zoning. Do not destroy the conservation easement that was intended to be left as is forever. Do not use the 'donut' story to destroy the conservation easement. That donut was probably very intentional to prevent exactly what is being attempted.

Please do not approve changing anything that was created by law to protect the conservation easement.

Thank you.

Maxine Hecht

## Walker, Samuel

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**From:** Jon Walton <waltonconstructionco@yahoo.com>  
**Sent:** Monday, January 16, 2023 6:36 PM  
**To:** LU Land Use Planner  
**Subject:** [EXTERNAL] Docket RE-21-001: Horst Estate NUPUD Replat

Dear Mr. Walker,

I am writing on behalf of my husband and myself regarding the Docket RE-21-0001: Horst Estate NUPUD Replat. We are local Erie small business owners located in Flat Iron Meadows.

We are completely against this request to replat this proposed area and we ask you to DENY the Application, as drawn and submitted. The area was granted as a conservation easement. We have witnessed great amounts of wildlife (and farm life) in the area that adds to the beauty of the mountains, and we feel strongly that this request should be denied as it is merely a move to destroy the wildlife in the easement and eventually expand residential development. We built our home on Limestone Drive with the understanding that the land west of 111th had this conservation easement in place and we ask that it be maintained.

We further serve notice to the Town of Erie that we strongly oppose the annexation of the residential lots within the NUPUD by the Town of Erie. This area is already very heavy with residential development, so further expansion is not needed, and would disrupt the conservation efforts of the past 40 years.

We cannot attend the hearing this Wednesday, so we are emailing you directly to accept our input/testimony.

Thank you,

Monica Walton and Jon Walton

Walton Construction  
856 Limestone Dr  
Erie, CO 80516

Jon - 614-946-7743  
Monica - 740-972-6418

## Walker, Samuel

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**From:** GMAIL <nettiewalsh@gmail.com>  
**Sent:** Monday, January 16, 2023 5:04 PM  
**To:** LU Land Use Planner  
**Subject:** [EXTERNAL] Docket RE-21-0001: Horst Estate NUPUD Replat

**Categories:** Bonnie's emails

To whom it may concern,

Both my husband and I would like to submit testimony on the above mentioned docket item; Shaun and Annette Walsh.

We wish Boulder County Planning Commission to DENY the application, Docket RE-21-0001: Horst Estate NUPUD Replat as drawn and submitted.

We further serve notice to the Town of Erie that we strongly oppose the annexation of the residential lots within the NUPUD by the Town of Erie.

Most of the residents were told when they purchased their homes, that the Horst lot was under NUPUD and was under conservation. The land is deemed to be "nationally significant agricultural land". And this would not change. You not only want to change it, you want to remove it from CONSERVATION EASEMENT, and place homes in its place.

We know you are not responsible for what a builder states to their customers, BUT it was already under CE, and we felt that was a safe statement from them.

Regards,  
Shaun and Annette Walsh  
Nettiewalsh@gmail.com