Edwards RiverPark 1041 Permit Application

Matters of State Interest:
Sanitary Sewer and Water Main Extension

Submitted to Eagle County:
April 2019

Mauriello Planning Group

Table of Contents

I. Consultant Directory 3

II. Project, PUD, Water, and Wastewater Descriptions 5

III. Submittal Requirements (6.03.06) 11

IV. Approval Criteria for Matters of State Interest (6.04.01) 21

V. Additional Criteria Applicable to Municipal and Industrial Water Projects (6.04.02) 26

VI. Additional Criteria Applicable to Major New Domestic Water and Wastewater Treatment Systems and Major Extensions of Existing Domestic Water and Wastewater Treatment Systems (6.04.03) 27

X. Waiver of Special Use Permit 28

Appendix A: Submittal Requirements 29

I. Consultant Directory

Developer/Owner
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303-884-1041
don.mackenzie10@gmail.com

Planning and Entitlements
Mauriello Planning Group
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970-376-3318
dominic@mpgvail.com

Architect
ESG Architects
500 Washington Ave South Suite 1080
Minneapolis, MN 55412
gretchen.camp@esgarch.com
612-940-4156

Traffic Engineering
McDowell Engineering
PO Box 4259
Eagle, CO 81631
www.mcdowelleng.com
kari@mcdowelleng.com

Fiscal/Economic
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amy.bernstein.greer@gmail.com
970-390-9162

Water Attorney
Beattie, Chadwick, and Houpt, LLP
970-945-8659
jhoupt@beattiechadwick.com

Metro District Attorney
Spencer Fane LLP
1700 Lincoln Street
Suite 2000
Denver, CO 80203
T 303.839.3800
F 303.839.3838

Civil Engineering
Alpine Engineering
Unit A-9 Edwards Business Center
Edwards, CO 81632
brooks@alpinecivil.com
970-926-3373

GeoTech
Cesare, Inc.
7108 S Alton Way, Building B
Centennial, CO 80112
303-220-0300

Surveying
Peak Surveying
1000 Lionsridge Loop Suite 1D
Vail, CO 81657
brent@peakland.net
970-476-8644

Environmental
Western Ecological Resource Inc.
711 Walnut Street
Boulder, CO 80302
david@westerneco.com
303-449-9009

Water Engineering
Bishop-Brogden Associates, Inc.
Water Engineer
303-806-8952
cstanzione@bbawater.com

Landscape Architecture
Dennis Anderson Assoc., Inc.
P.O. Box 1387
Edwards, CO 81632
(970) 390-3745

Metro District Advisors
George K Baum & Company
George K. Baum & Company
1400 Wewatta Street, Suite 800
Denver, CO 80202
816-474-1100

Project Manager/Owner's Representative
Goulding Development Advisors
PO Box 2308
Edwards, CO 81632
907-331-1732

Legal
Otten Johnson Robinson Neff and Ragonetti, PC
950 17th Street
Suite 1600
Denver, CO 80202
303.825.8400

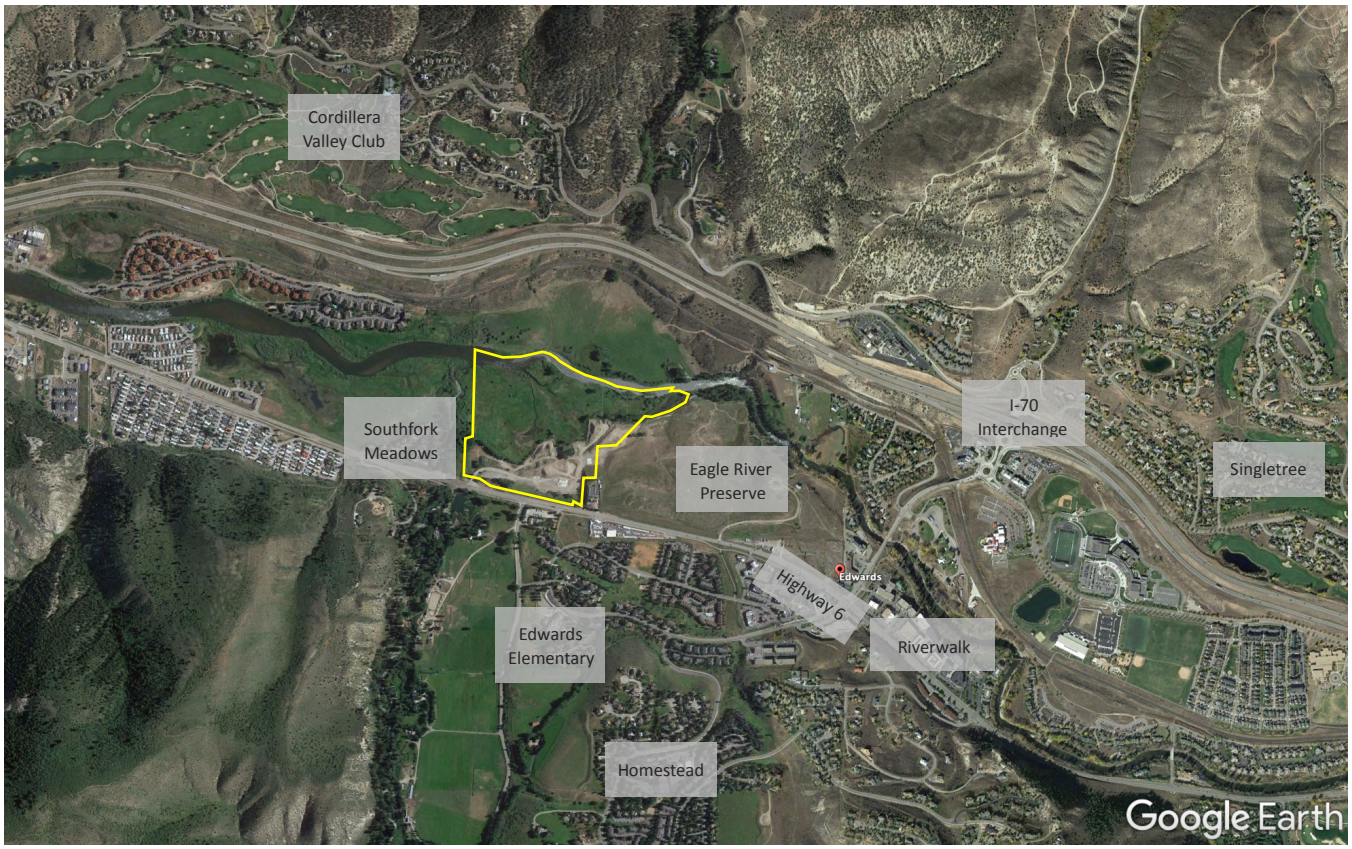
Wildlife
Wildlife Specialties, L.L.C.
P.O. Box 1231
Lyons, CO 80540
303-710-1286
jerry.powell@wildlifespecialtiesllc.com

Community Relations
Commfluent
PO Box 3402
Vail CO 81658
970 390-0062
kristin@commfluent.com

II. Project, PUD, Water, and Wastewater Descriptions

The application is for approval of a 1041 Permit for the extension of the existing wastewater collection system and water distribution system along Highway 6 in west Edwards to allow water and wastewater service to the proposed Edwards RiverPark PUD.

The property is within unincorporated Eagle County and within the service boundaries of the Eagle River Water & Sanitation District (Wastewater) and the Upper Eagle Regional Water Authority (Water). The property is owned by Sierra Trail Investments LLC. The overall vicinity map is provided below:



The following map shows the property in its current state:

The proposed development project includes realigning the existing regional sewer trunk line and installing an 8" waterline throughout the project. The existing sewer in this area consists of 18, 20, and 24" PVC piping. The proposed realignment of the sewer includes installing approximately 2,620 linear feet of 24" PVC and 15 sanitary sewer manholes of various depth. The line will run under the main road except for the beginning and end where the line will go behind proposed homes to connect into existing manholes. Connection points are at the northeast end at existing manhole 040 and the northwest end of the site at existing manhole 080. There are a few areas in the site that cannot be serviced by the mainline and homes will be served by 8" PVC service lines totaling 760 linear feet. The proposed waterline includes a mainline of 2,681 linear feet 8" DIP running within the main road of the site connecting to the existing waterline at the west end of the property. In order to loop the water main, 1,213 linear foot of 8" DIP will be installed in the main access road running north and south into the property connecting into the existing waterline at Lake Creek Road. Also, 320 linear feet of 8" DIP will provide water to homes on the northwest side of the site.

All water and sewer mains and services will be installed in compliance and conformance with ERWSD rules and regulations. The project will go through the ERWSD Construction Review process to receive final approval of the water and sewer system prior to construction.

A 1041 permit for the water and wastewater plants was previously issued for the entire service area of the Eagle River Water & Sanitation District and the Upper Eagle Regional Water Authority. The Edwards RiverPark PUD is located in the service areas of both entities.

The Authority provides water for areas in Eagle County including Avon, Arrowhead, Beaver Creek, Berry Creek, Eagle-Vail, and Edwards, and additional areas by contract with these Authority members. The District operates the primary sources of water for these areas which include the Avon Drinking Water Facility (Avon DWF) and Edwards Drinking Water Facility (Edwards DWF), and wells in Berry Creek, Edwards and Cordillera. The District also operates three wastewater treatment facilities located in Vail, Avon, and Edwards.

The District and Authority are authorized by the State of Colorado to provide water and wastewater service to approved development within their service areas.

The proposed Edwards RiverPark PUD is located within the Authority's service boundaries. Water and wastewater service is not currently provided to the property, but if the development is approved, these services would be provided to the property from mains located on or adjacent to the property. The water supply will be provided primarily by the Edwards DWF, and wastewater service will be provided by the Edwards Wastewater Treatment Facility (Edwards WWTF).

Water quantity impacts associated with the Authority system under currently projected future build-out demands were addressed in the 1041 Permit Applications for the Edwards DWF, Edwards WWTF, Edwards WWTF ATAD system, and Avon DWF. The Edwards DWF Hydrology Report provides a thorough analysis of impacts on stream flows in the Eagle River associated with the development and operation of the Edwards DWF under future water demands within the Authority service area.

Under current demands in the Authority service area, the Edwards DWF intake diverts approximately 1,100 acre-feet of water per year from the Eagle River. The previously approved Edwards DWF 1041 permit allows for a design capacity of 5 million gallons per day, and an expansion up to 10 million gallons per day. Under future build-out conditions, diversions for the Edwards DWF will increase to over 2,200 acre-feet per year. As new development occurs in the Authority service area, water and wastewater facilities will need to be expanded to add treatment capacity as anticipated and approved by Eagle County with the above referenced 1041 Permits.

The project will result in increased diversions at the Edwards DWF, and effects on stream flows will be dependent on water operations. As described above, streamflow depletion impacts were already considered and approved in previous 1041 permit authorizations, and the impacts described below are considered to be consistent with those anticipated impacts.

At times when project depletions are in priority (i.e. free river or junior call), the result of serving this project will be a net decrease in flow in the Eagle River from the Edwards DWF intake location to the Edwards wastewater treatment facility equal to the diverted amount, and a decrease below the Edwards WWTF equal to the consumed portion of the diversion (depletion).

At times when project depletions are out-of-priority (junior to the calling water right), and there is an in-basin call (usually for instream flows), diversions will be augmented using instream historical irrigation rights and/or in-basin storage rights from Eagle Park Reservoir, Homestake Reservoir, Black Lakes, or other in-basin supplies. This will result in a net increase in stream flows from the point of augmentation to the diversion location, as well as below the Edwards WWTF, and no change in streamflow between the diversion location and the Edwards WWTF return location.

At times when diversions are out-of-priority and there is an out-of-basin call, diversions may be augmented using out-of-basin supplies located above the calling water right, which include Green Mountain Reservoir, Wolford Mountain Reservoir, and Ruedi Reservoir. This will result in a net decrease in stream flows from the diversion location to the augmentation replacement location. A net streamflow increase or no change in stream flows will occur from the point of augmentation to the calling water right, and no change to stream flows will occur below the calling water right. In-basin supplies could also be used in this scenario, as described above.

The Project complies with the pertinent policy provisions of the NWCCOG Regional Water Quality Management 208 Plan by providing mitigation and restoration of all areas of the site being disturbed by construction activity. The primary document defining 208 Plan compliance is the State Stormwater Discharge Permit and associated Stormwater Management \Best Management Practices Plan.

The Edwards RiverPark PUD is being developed on a 53.27 acre parcel of land with the following legal description:

A Parcel of land located in Sections 5 and 6, Township 5 South, Range 82 West of the Sixth Principal Meridian, County of Eagle, State of Colorado with the Bearings shown hereon based on a bearing of S89°02'33' E between the Northwest Corner for said Section 5 and the North Quarter Corner for said Section 5, both being 3 1/4 Inch BLM brass caps, found In place, said parcel being more particularly described as follows;

Beginning at a point on the boundary of a parcel of land described at Reception No. 686181 at the Eagle County Clerk and Recorder's Office, Eagle, Colorado also being a point on the southerly right-of-way of the Union Pacific Railroad;

Thence along said boundary and right-of-way the following seven (7) courses:

1) along a non-tangent curve to the left having a length of 336.66 feet, a radius of 5779.70 feet, a delta of 03°20'15" and a chord of 336.62 feet that bears N79°07’15”E;

2) S01°24'29"W, 51.79 feet;

3) along a non-tangent curve to the left having a length of 125.92 feet, a radius of 5829.70 feet, a delta of 1°14'15" and a chord of 125.91 feet that bears N77°00'12"E;

4) along a non-tangent curve to the left having a length of 227.41 feet, a radius of 2010.00 feet, a delta of 06°28’57” and a chord of 227.29 feet that bears N73°08'37"E;

5) N69°54'08"E, 517.90 feet;

6) along a curve to the right having a length of 239.09 feet, a radius of 537.30 feet, a delta of 25°29'45" and a chord of 237.12 feet that bears N82°39'01'E;

7) along a non-tangent curve to the right having a length of 297.87 feet, a radius of 3025.40 feet, a delta of 5°38'28" and a chord of 297.75 feet that bears S81°46'50"E, to the northeastern corner of said parcel also being the northwesterly corner of a parcel of land described at Reception No. 661197 at said Clerk and Recorders Office and a point on said right-of-way;

Thence along said parcel and right-of-way the following four (4) courses:

1) along a tangent curve to the right having a length of 75.00 feet, a radius of 3025.40 feet, a delta of 1°25'13” and a chord of 75.00 feet that bears S78°14'59'E;

2) along a non-tangent curve to the right having a length of 228.80 feet, a radius of 473.70 feet, a delta of 27°40’26”and a chord of 226.58 feet that bears S63°42'09"E;

3) S49°51'56"E, 173.77 feet;

4) along a curve to the left having a length of 124.32 feet, a radius of 2964.93 feet, a delta of 2°24'09" and a chord of 124.31 feet that bears S51°04'00"E, to the southeastern corner of said parcel and a point on the North boundary of a parcel of land described In Book 520 at Page 620 at said Clerk and Recorder's Office also being a point on said right-of-way;

Thence continuing along said right-of-way and the boundary of said parcel the following two (2) courses:

1) along a tangent curve to the left having a length of 283.61 feet, a radius of 2964.93 feet, a delta of 05°28'50” and a chord of 283.50 feet that bears S55°00'30"E;

2) along a non-tangent curve to the left having a length of 455.05 feet, a radius of 5829.65 feet, a delta of 4°28'20" and a chord of 454.93 feet that bears S59°58'14"E, to the northeasterly corner of said parcel also being the northerly corner of Eaton Ranch as described on the Amended Final Plat recorded at said Clerk and Recorder's Office at Reception No. 927914;

Thence along the common line between said Eaton Ranch and said parcel described in said Book 520 at Page 620 the following THREE (3) courses:

1) S17°24'07"W, 427.11 feet;

2) S18°59'07"W, 205.36 feet;

3) S12°08'19"W, 32.23 feet to the True Point of Beginning;

Thence continuing along the common line between said Eaton Ranch and said parcel described in said Book 520 at Page 620 the following eight (8) courses:

1) S12°08'19"W, 6.90 feet;

2) S18°46'24"W, 88.58 feet;

3) S61°59'16"W, 193.66 feet;

4) S72°45'36"W, 204.29 feet;

5) S88°38'49"W, 89.79 feet;

6) S43°46'37"W, 427.68 feet;

7) S86°52'18"W, 207.92 feet;

8) S01°47'26"W, 344.91 feet to the northeast corner of the Edwards Nursery PUD as described on the Final Plat thereof, recorded at Reception No. 644681 at said Clerk and Recorder's Office;

Thence along the boundary of said Edwards Nursery PUD the following two (2) courses:

1) N87°43'30"W, 134.38 feet;

2) S04°07'28"W, 306.67 feet to a point on the North right-of-way of U.S. Highway 6;

Thence along said right-of-way the following five (5) courses:

1) N76°42'26"W, 89.03 feet;

2) S59°36'01"W, 13.88 feet;

3) N76°43'12"W, 905.74 feet;

4) N59°42'43"W, 132.86 feet;

5) N75°14'49"W, 95.73 feet to the southeastern corner of a parcel of land described In Book 629 at Page 404 at said Clerk and Recorder's Office;

Thence along the boundary of said parcel and said right-of-way N75°14'49"W, 84.15 feet to the southwestern corner of said parcel also being the southeastern corner of Brett Ranch PUD as recorded at Reception No. 657151 at said Clerk and Recorder's Office;

Thence departing said right-of-way and along the line common to said Brett Ranch PUD and said parcel the following two (2) courses:

1) N02°28'15"E, 397.55 feet;

2) N76°46'01"E, 78.92 feet to the northeastern corner of said parcel also being a point on the West line of said parcel described at said Book 520 at Page 620 and the easterly line of said Brett Ranch PUD;

Thence along said common line between said parcel and said East line of Brett Ranch PUD N01°38'56"E, 934.88 feet to approximate centerline of the Eagle River;

Thence along said approximate centerline of the Eagle River the following eleven (11) courses:

1) S75°13’47”E, 297.75 feet;

2) S86°22’48”E, 176.53 feet;

3) N74°24'15"E, 235.27 feet;

4) S89°18'32"E, 75.47 feet;

5) S64°46'46"E, 96.61 feet;

6) S49°06'54"E, 167.54 feet;

7) S60°03'50"E, 153.80 feet;

8) S75°23’02“E, 152.74 feet;

9) S70°55'45"E, 293.24 feet;

10) S79°48'22"E, 264.80 feet;

11) N85°31'34"E, 334.86 feet

Thence departing said approximate centerline of the Eagle River, S18°58’55”W, 39.19 feet;

Thence N81°02’14”E, 37.18 feet;

Thence N87°22’53”E, 46.42 feet;

Thence S65°50’02”E, 31.19 feet;

Thence S70°57’20”E, 71.84 feet to the True Point of Beginning.

Said parcel containing 53.270 Acres, more or less.

The property is currently vacant and is the site of a prior gravel mining and batch plant operation which was approved by Eagle County. The remediation of the site was sign-off by the State.

The existing zoning of the property is Resource.

The Edwards RiverPark PUD was approved at Sketch Plan for a mixed use residential and commercial project with 594 dwelling units and a variety of commercial uses including lodging on December 19, 1017.

An application for PUD and Subdivision Preliminary Plan and a rezoning application has been filed for the Edwards RiverPark PUD as a companion file. That application should be referenced for detailed information on the proposed PUD.

The Edwards RiverPark PUD is proposed as a sustainable mixed-use development, focused on serving the local community. The project includes the following:

Residential Uses: 594 dwelling and hotel units, deed-restricted with the Resident Occupied restriction. These units are required to be rented or sold to a local, Eagle County full-time resident. If any for-sale units are sold to a non-qualifying buyer, there is a 1% transfer fee with the funds going to the Eagle County Housing and Development Authority (ECHDA). This transfer fee is in perpetuity for every subsequent sale to a non-qualifying buyer.

Short-term Accommodation Uses: 182 hotel units within a Condo-Hotel, included in the 594 dwelling unit count. The Condo-Hotel includes full amenities, including conference space with the ability to serve up to 300 attendees, a spa, restaurant and retail services. The concept is similar to the Westin Hotel in Avon. All condo-hotel units will include the 1% transfer fee to help fund Eagle County housing efforts.

Commercial Uses: 80,000 sq. ft. of commercial uses, including retail, restaurant, and service and hotel commercial. The concept includes a suitable location for a Farmers Market, along with an event center that includes an amphitheater with 250 fixed seats, open area areas for seating, and a gazebo for outdoor weddings or other events.

Open Space: Over 31 acres of the site are being set aside as open space. These areas are largely wetland areas.

The property is accessed from Highway 6 from a new two-lane roundabout proposed to be funded by the project itself with a secondary right-in/right-out access on the west end of the property.

The 75-stream setback is being honored by the development. No encroachments into wetland area, other than elevated trails, decks, and amphitheater are being proposed as detailed in the Environmental Impact Report included with this and the PUD submittal.

This application addresses all of the 1041 Permit criteria for approval and includes all relevant required submittal information.

A pre-application meeting was held with Eagle County staff on January 22, 2019.

III. Submittal Requirements (6.03.06)

(1) Information describing the applicant.

(a) The names, addresses, including email addresses and fax number, organizational form, and business of the applicant and, if different, the owner of the project.

Sierra Trail Investments LLC
1740 Sierra Trail
Vail, CO 81657
303-884-1041
don.mackenzie10@gmail.com

(b) The names, addresses and qualifications, including those areas of expertise and experience with projects directly related or similar to that proposed in the application package, of individuals who are or will be responsible for the constructing and operating the project.

Civil Engineer:
Gary Brooks, P.E.
Alpine Engineering, Inc.
P.O. Box 97
Edwards, CO 81632
Phone: (970) 926-3373
Email: brooks@alpinecivil.com

Vegetation & Wetlands Consultant (Ecologist):
Heather Houston

Birch Ecology, LLC
P.O. Box 170
429 Main Street
Lyons, CO 80540
Phone: (720) 350-2530
Email: HEATHER@BIRCHECOLOGY.COM

Environmental Consultant:
David Johnson
Western Ecological Resource, Inc.
711 Walnut Street
Boulder, CO 80302
Phone: (303) 449-9009
Email: david@westerneco.com

Planner:
Dominic Mauriello
Mauriello Planning Group
PO Box 4777
Eagle, CO 81631
970.376.3318
dominic@mpgvail.com

(c) Authorization of the application package by the Project owner, if different than the applicant.

The Project owner and the applicant are the same.

(d) Documentation of the applicant's financial and technical capability to develop and operate the Project, including a description of the applicant's experience developing and operating similar projects

The owner, Sierra Trail Investments LLC, along with the funding of a Metropolitan District to be established on the property, will fund and construct all infrastructure improvements related water and sewer. All such improvements will be dedicated to ERWSD for operation and future maintenance. The owner will also pay all tap fees and fees-in-lieu of water rights for use of the system and the water to serve the project. Please see developer resume for experience.

(e) Written qualifications of report preparers.

See qualifications attached.

(2) Information describing the Project.

(a) Plans and specifications of the Project in sufficient detail to evaluate the application against the Permit Application Approval Criteria in Section 6.04.

Plans are attached.

(b) Descriptions of alternatives to the Project considered by the applicant.

No alternatives were considered.

(c) Schedules for designing, permitting, constructing and operating the Project, including the estimated life of the Project.

The Edwards RiverPark PUD will be reviewed as a companion file to this 1041 permit application. This PUD application is for a Preliminary Plan. The design will then proceed through the Eagle County Final Plat process. This process is anticipated to be completed in fall 2019. Final construction plan development and application for site improvements and building permits are anticipated in spring of 2019. The estimated life of the Project, including the water and sewer main relocation and extension is 50-75 years.

(d) The need for the Project, including a discussion of alternatives to the Project that were considered and rejected; existing/proposed facilities that perform the same or related function; and population projections or growth trends that form the basis of demand projections justifying the Project.

The property is identified by the Edwards Area Community Plan as part of the Edwards Center; the urban core of the Edwards Area. It is identified as Mixed Use Residential and Commercial. The Plan recommends higher densities and commercial growth for properties. This project implements the Plan by adhering to the guidance of this plan. The Edwards RiverPark PUD was approved at Sketch Plan on December 19, 2017 and the proposed Preliminary Plan is consistent with the Sketch Plan approval. The water and sewer facilities that exist to serve development within this service area have demonstrated the anticipated population growth and there is capacity within the system to serve this project at the proposed densities.

(e) Description of all conservation techniques to be used in the construction and operation of the Project.

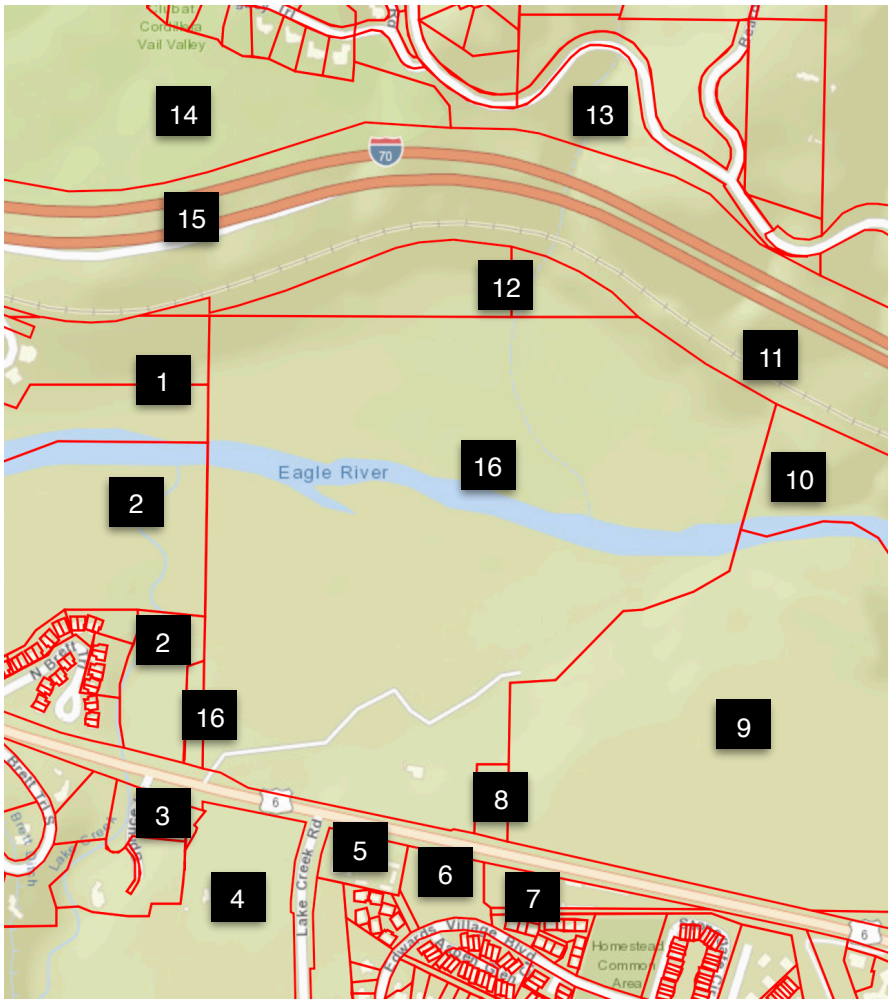
The extension or relocation of the water and sanitary sewer main lines itself has little opportunity for conservation. The overall project is being designed with conservation opportunities in mind. The new construction will utilize conservation measures in the selection of durable materials, low water flow fixtures and water efficient landscape design. The residences and associated landscaping will be in compliance with the Eagle River Water & Sanitation District Water Conservation Plan.

(f) List of Adjacent property owners and their mailing addresses.

The Eagle County Land Use Regulations define “Adjacent Property” as follows:

ADJACENT PROPERTY, as used for the purposes of meeting public notice requirements as set forth in these regulations, means the property touching any part of the property which is the subject of the application. If an adjacent property is a public road, trail, or right-of-way, railroad right-of-way, stream, or river, the adjacent property shall also be the property on the opposite side of it.

The map and the list indicate the properties that meet the definition of “adjacent property” and the addresses are from the current (March 2019) Eagle County Assessor’s owner information for each property.



1. THE VILLAS AT BRETT RANCH HOMEOWNERS ASSOCIATION, INC.
McNeill Property Management
2077 N Frontage Rd, Suite D
Vail, CO 81657

2. SOUTHFORK MEADOWS HOMEOWNERS ASSOCIATION INC
PO BOX 978
AVON, CO 81620-0978

3. BRETT RANCH HOMEOWNERS ASSOCIATION
PO BOX 1077
EDWARDS, CO 81632-1077

4. CALHOUN RANCH LTD
17050 OPAL HILL DR
PARKER, CO 80134-9158

5. GRACIOUS SAVIOR LUTHERAN CHURCH
PO BOX 250

EDWARDS, CO 81632-0250

6. HOMESTEAD OWNERS ASSOC INC
PO BOX 808
EDWARDS, CO 81632-0808

7. B & D LP
MCVICKERS DEVELOPMENT
2150 E LAKE COOK RD STE 320
BUFFALO GROVE, IL 60089-1875

8. 33601 HIGHWAY 6 LLC
90 HUDSON ST FL 8
JERSEY CITY, NJ 07302-3900

9. EAGLE COUNTY
PO BOX 850
EAGLE, CO 81631-0850

10. MICHAEL B. EATON 2012 IRREVOCABLE TRUST - ETAL
PO BOX 871
EDWARDS, CO 81632-0871

11. UNION PACIFIC RAILROAD CO
1400 DOUGLAS ST STOP 1640
OMAHA, NE 68179-1640

12. SIERRA TRAIL INVESTMENTS LLC
KEITH A. NOVICK
122 W TIMBER DRAW
EDWARDS, CO 81632-6009

13. CORDILLERA VALLEY CLUB PROPERTY OWNERS ASSOCIATION INC
PO BOX 2787
EDWARDS, CO 81632-2787

14. WIND ROSE PROPERTIES LLC
655 CLUBHOUSE DR
EDWARDS, CO 81632-6422

15. COLORADO DEPT OF TRANSPORTATION
4201 E ARKANSAS AVE
DENVER, CO 80222-3406

16. SIERRA TRAIL INVESTMENTS LLC
KEITH A. NOVICK
122 W TIMBER DRAW
EDWARDS, CO 81632-6009

These are not required under the definition of “Adjacent Property” but have been included:

BARACCHINI, FERNANDO CONDOMINIO
1 PE ROXO AV LUIS EDUARDO DE TOLEDO PRADO
2800 CASA 64 RIBEIRAO PRETO SP 14110-000
IL BRAZIL

ANGELA K. FRITZ REVOCABLE TRUST
6529 WALNUT GROVE LN N
MAPLE GROVE MN 553111007

RANIERI, RICHARD
PO BOX 122
WOLCOTT, CO 81655-0122

JOHNSON, TIMOTHY A.
4350 S HIGH ST
ENGLEWOOD CO 80113-6034

LAVA RIGHT LLC
3150 W TEAL RD
JACKSON, WY 83001-9417

GRESHKO, JUSTIN A.
PO BOX 331
EDWARDS CO 816320

YUNKER, PAULA G. & ERIC R.
PO BOX 2811
AVON CO 81620-2811

SCOTT, WHITNEY MOTT
2332 N CLAY ST APT 2
DENVER CO 802114857

DAVIS, ANNI K.
PO BOX 329
EDWARDS CO 81632-0329

SOUTHFORK MEADOWS HOMEOWNERS ASSOCIATION INC
2077 N FRONTAGE RD W STE D
VAIL CO 81657-3908

MAKOVSKY, EVAN & EVELYN BACHRACH
225 S GLENCOE ST
DENVER CO 802461154

PERLUS, JON
39 PLEASANT BLV TORONTO
ONTARIO M4T 1K2
CANADA

JASON P. HEERINGA TRUST, JASON P. HEERINGA TRUSTEE
PO BOX 724
EDWARDS CO 816320724

HUDSMITH, STUEART L. & PAM
90 N GROVE PARK RD
MEMPHIS TN 381172440

WALLACE, KERRY
PO BOX 2673
EDWARDS CO 816322673

RED WOLF CREEK LLC
1855 S PEARL ST STE 20
DENVER CO 80210-3181

KESSLER, LAWRENCE W. & FRANCESCA A.
430 BLUE ASH DR
BUFFALO GROVE IL 600896310

GETTO, FERN M.
35 ALSUN DR
HOLLIS NH 03049-6212

GUY, ANDREW P.
PO BOX 1071
EDWARDS CO 81632-1071

BRIGHT, BARBARA
PO BOX 2133
EDWARDS CO 816322133

POPE, SCOTT E. & SHARON M.
PO BOX 9261
AVON CO 81620-9202

KLEINSTEIN, JARED, SHANE & MITCHELL - ETAL
333 S MONROE ST STE 404
DENVER CO 80209-3725

GRAUL, LELAND E. & MARIE MEISENBACH
1987 SELKIRK CT
BARRINGTON IL 600105504

DIAMANT, ELI
9738 E FAIR LN
ENGLEWOOD CO 801115626

SHARON F. DENTON TRUST
2524 BRET AVE
SALINA KS 674017781

LAURA B. PRADO REVOCABLE TRUST
5000 N OCEAN BLVD APT 508
LAUDERDALE BY THE SEA FL 33308-2923

MAF SOUTHFORK MEADOWS LLC
7400 E CRESTLINE CR STE 250
GREENWOOD VILLAGE CO 801113655

TERESA S. BEACHY REVOCABLE TRUST - ETAL
526 E POLO DR
SAINT LOUIS MO 631052628

SMITH, CRAIG R. & D. LENEE
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AVON CO 81620-1323

JUDGE, NICOLE M.
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EDWARDS CO 816320934

HEIDE, KARA
PO BOX 3991
VAIL, CO 81658-3991

TYLER, TRACY JON
97 MAIN ST UNIT W-106
EDWARDS, CO 81632-8150

BURROWS, ANDREA
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O DONNELL, TIM
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POWERS, FREDERIC R. & MICHELLE P.
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HERVERT, JAMES WILLIAM & SUSAN LYNN
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YEN, HUNG-JEN
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EDWARDS, CO 81632-8117

TRUMPOWER, EVE NICOLE - SEARS, CHRISTOPHER GLENN
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POSS, THOMAS RICHARD & CAROL ANN
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SIMMONS, WILLIAM W. & SHELLEY ELI
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AVON, CO 81620-0768

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PARRA, HUGO R. - VASQUEZ, CARMEN D.
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EDWARDS, CO 81632-4810

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AVON, CO 81620-5800

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PINELA, MARICELA - GARCIA, MIGUEL ARMENTA
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AVON, CO 81620-1965

PUGLIESE, ELIZABETH
PO BOX 2885
EDWARDS CO 81632-2885

MASTERS, JOSEPH
PO BOX 2053
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3330 LIZARD HEAD LN
SEDONA AZ 86336-3026

BEHLER, DAVID E. & JANET K. - ETAL
10503 NORTH SKY DR
LONE TREE CO 80124-9640

(3) Property rights, other permits and approvals.

(a) A list of all other federal, state and local permits and approvals that will be required for the Project, together with any proposal for coordinating these approvals with the County permitting process. Copies of any permits or approvals that have been granted.

Construction Dewatering (Colorado Dept. of Health & Environment)
Stormwater Discharge Associated with Construction Activities
Eagle County Combined Preliminary PUD
Eagle County Final Plat
CDOT State Highway Access Permit
CDOT Special Use Permit for Utilities with the right-of-way
Army Corps of Engineers Wetland Delineation Approval

(b) Copies of all official federal and state consultation correspondence prepared for the Project; a description of all mitigation required by federal, state and local authorities; and copies of any draft or final environmental assessments or impact statements required for the Project.

A USFWS Eagle Take Permit is included in the Compendium of Technical Reports.

(c) Description of the water to be used by the Project and alternatives, including: the source, amount, the quality of such water; the applicant's right to use the water, including adjudicated decrees, applications for decrees; proposed points of diversion and changes in the points of diversion; and the existing uses of the water. If an augmentation plan for the Project has been decreed or an application for such plan has been filed in the court, the applicant must submit a copy of that plan.

The Project will receive water service from the Upper Eagle Regional Water Authority. The project is within the Authority service boundary. The Authority has sufficient legal and physical water rights to serve the Project. The Project will be served from the Edwards Drinking water facility which was constructed in 2001 and has an expansion capacity up to 10 million gallons per day.

(d) Description of property rights that are necessary for or that will be affected by the Project.

The existing water main line is located within easements within the Highway 6 right-of-way. New easements will be provided for any extension into the property. The existing sewer line is within an easement running through the property. A new easement for the proposed relocated sewer line will be provided. Proposed utilities within the State Highway right-of-way will require a CDOT Special Use Permit. No other property rights are being affected by the Project.

(4) Description of the technical and financial feasibility of the Project.

The Owner or related Metropolitan District will pay for and construct the proposed improvements. The Project consists of the extension and relocation of water and sanitary sewer mains into and within the proposed PUD development site. There will be no revenues associated with the line extension or relocations and no contracts associated with the extension of lines. The Owner has significant development experience and the relocation and extension of water and sewer mains to serve a development project is minor piece of the overall development project. The Owner will have funding in place to complete the water and sewer infrastructure required.

(5) Socioeconomic impacts

A comprehensive socioeconomic impact analysis that addresses the manner in which the applicant will comply with the relevant Permit Application Approval Criteria in sections 6.04.01, 6.04.02, and 6.04.03. The impact analysis shall be limited to the impact area and shall include the following information:

(a) Land Use

The existing property is a former gravel mine and batch plant fronting Highway 6 and the Eagle River. It is zoned R. The project proposes 594 dwelling units and commercial mixed use as described more thoroughly in the PUD application. Adjacent properties are generally residential, agricultural, commercial, and Eagle County open space. The Edwards Area Community Plan was originally written in 2003 and a thorough update of the plan was adopted in February of 2017. A detailed review of the land use application and compliance with adopted comprehensive plan documents is included in the PUD Application.

(b) Local Government Services

The property is located within unincorporated Eagle County and within the service district boundaries of the Upper Eagle Regional Water Authority, Eagle River Water & Sanitation District, Edwards Metropolitan District, Western Eagle County Recreation Metropolitan District, Eagle River Fire Protection District, Eagle County Paramedic Services District and Eagle County School District RE-50J. The property accesses directly onto Highway 6. These agencies all provide service to the property. Upper Eagle has sufficient water capacity and Eagle River has wastewater capacity to serve the project. Eagle River Fire has reviewed the PUD plans and will serve the project. The school aged children that will reside in the PUD will place additional demand upon the school district. The school district long term growth analysis, the Long Term Facility Demand and Property Analysis prepared by Strategic West, Inc. indicates that the school district has the capacity to serve the demand for the impacts generated by this PUD. The PUD will require a State Highway Access permit. This will determine if any road improvements are necessary to meet the required level of service for the roadway. The applicant is proposing to improve the overall performance of Highway 6 by funding constructing a two-lane roundabout at the Lake Creek intersection. More detail related to local government services is provided in the PUD application.

(c) Housing

There are no existing seasonal or permanent housing on the property. There is no impact to housing on the property during construction. Details related to proposed housing are included in the PUD application.

(d) Financial Burden on County Residents

The Project will not create any burden on county residents. The extension of the water and sewer mains will be paid for by the Owner or Metropolitan District. As an infill/re-development project within an area of main Edwards that is already served by all utility and emergency services providers there will be very little incremental cost to the service providers. Significant revenues will be generated by the PUD to all taxing entities. The property will be a significant contributor to the county tax base including proposed funding for the housing authority in perpetuity. For revenue and tax impacts, refer to the PUD application.

(e) Local Economy

The extension and relation of water and sewer mains will have little impact upon the local economy. The PUD will have significant positive impact upon the local economy. For detailed information on the economic impact, refer to the PUD application.

(f) Recreational Opportunities

The extension and relation of water and sewer mains will have little impact upon recreational opportunities. The PUD will have positive impact upon recreational opportunities. For detailed information on recreational opportunities, refer to the PUD application.

(g) Areas of Paleontological, Historic or Archaeological Importance

The project is located on land previously permitted for a gravel mine that has been significantly disturbed by industrial uses. There are no portions of the site that have paleontological, historic or archaeological importance.

(h) Nuisance

Refer to the Environmental Impact Report for nuisance related impacts of the PUD.

(6) Environmental impacts.

Description of the existing natural environment and an analysis of the impacts of the Project to the natural environment. Descriptions in this section shall be limited to the impact area, and shall include an analysis of existing conditions, supported with data, and a projection of the impacts of the Project in comparison to existing conditions. The analysis shall include a description of how the applicant will comply with the applicable Permit Application Approval Criteria in sections 6.04.01, 6.04.02 and 6.04.03.

Refer to the Environmental Impact Report for issues related to this submittal requirement. The relocation and extension of water and sewer lines will have little impact upon the environment.

(7) Hazardous materials description.

There will be no hazardous materials in use related to the Project.

(8) Monitoring and Mitigation Plan.

Refer to the Environmental Impact Report related to the PUD application. The only mitigation that may be required by the PUD relates to wetland impacts that are unavoidable due to the condition of the property as a results of 30 years of gravel mining and related activities. No monitoring or mitigation will be required for the extension or relocation of the water and sewer lines.

(9) Additional Information may be necessary. The Director may request that the applicant supply additional information related to the Project if the Permit Authority will not be able to make a determination on one of the Permit Application Approval Criteria in Section 6.04 without the additional information.

None requested.

IV. Approval Criteria for Matters of State Interest (6.04.01)

A 1041 permit for the water and wastewater plants was previously issued for the entire service area of the Eagle River Water & Sanitation District and the Upper Eagle Regional Water Authority. The Edwards RiverPark PUD is located in the service areas of both entities. When 1041 Permits were approved by Eagle County for these plants, they were found to be consistent with these criteria. The applicant further addresses the criteria herein.

(1) Documentation that prior to site disturbance for the Project the applicant will have obtained all necessary property rights, permits and approvals. The Board may, at its discretion, defer making a final decision on the application until outstanding property rights, permits and approvals are obtained.

Prior to site disturbance the project will obtain all necessary Eagle County, ERWSD, UERWA, Army Corps of Engineers, and CDOT permits to allow for the legal and physical connection to the existing main lines.

(2) The Project will not impair property rights held by others.

The Project will not impair the property rights of other parties.

(3) The Project is consistent with relevant provisions of applicable land use and water quality plans.

The Project and water and sewer line extension and relocation are consistent with the applicable policy provisions of the NWCCOG Regional Water Quality Management 208 Plan by providing mitigation and restoration of all areas of the site being disturbed by construction activity. The primary document defining 208 Plan compliance is the State Stormwater Discharge Permit and associated Stormwater Management \Best Management Practices Plan. Further compliance with the 208 Plan is defined in the Riparian Management Plan (RMP). The Project Homeowner's association will also adhere to the applicable sections of the RMP to utilize landscape best practices related to usage of pesticides, fertilizers and chemicals. As shown on the civil plans the Colorado Discharge Permit System (CPDS), Stormwater Discharges Associated with Construction Activity Permit and the Stormwater Management/ Best Management Practices Plan will ensure that sediment control measures for both the temporary construction impacts and for the permanent completed project will be in place to prevent sediment from leaving the site.

(4) The applicant has the necessary expertise and financial capability to develop and operate the Project consistent with all requirements and conditions.

The water and sewer infrastructure does not require a significant investment. The water and sewer system does not require special debt to construct and does not generate revenue. The water and sewer improvements, once installed, do not require ongoing operating expenses. The project will be paid for by the developer. The Owner has extensive development background in and outside of Colorado.

(5) The Project is technically and financially feasible.

The technical feasibility of the project is the installation of water and wastewater lines to connect to the existing mains located on the property and to relocate an existing sewer line. The project is technically and financially feasible.

(6) The Project is not subject to significant risk from natural hazards.

The Project is not within any mapped hazard zones. The Eagle River Floodplain does not affect the areas where development is occurring on the property. No habitable structures are proposed within the floodplain hazard zone. Refer to the Environmental Impact Report provided with this application.

(7) The Project will not have a significant adverse effect on land use patterns.

The project will be reviewed through the Eagle County PUD process which will ensure that any approval is consistent with the goals and objectives of the Eagle County and Edwards area master plan documents. The PUD application documents compliance with this criterion.

(8) The Project will not have a significant adverse effect on the capability of local governments affected by the Project to provide services, or exceed the capacity of service delivery systems.

The project is an infill project within an area described by the Edwards Area Community Plan as appropriate for development as mixed use commercial and residential. The project will not have an adverse effect upon service provision from Eagle County. The Eagle River Water and Sanitation District, theUpper Eagle Regional Water Authority and all utility service providers have stated that they have the capacity to serve the proposed project.

(9) The Project will not create an undue financial burden on existing or future residents of the County.

There is no financial burden being placed on the residents for this project as the water and sewer facilities are already in place and no debt is being sought to fund such improvements. Plant investment fees, water reservation fees, and water rights fees will be collected for this project from the developer.

(10) The Project will not significantly degrade any current or foreseeable future sector of the local economy.

The extension and relocation of water and sewer mains will have little impact upon the local economy. The PUD will have significant positive impact upon the local economy. The fiscal analysis provided as part of the PUD application demonstrates significant benefits to the local economy of the PUD.

(11) The Project will not have a significant adverse effect on the quality or quantity of recreational opportunities and experience.

The extension and relation of water and sewer mains will have little impact upon recreational opportunities. The PUD will have positive impact upon recreational opportunities.

(12) The planning, design and operation of the Project shall reflect principals of resource conservation, energy efficiency and recycling or reuse.

The extension and relocation of water and sewer mains will have little impact upon these elements. The PUD application demonstrates that the development will reflect these elements. The PUD is a blighted brownfield site that has been identified by Eagle County as an opportunity for high density mixed use residential and commercial development as outlined in the Edwards Area Community Plan. Additionally the PUD conserves more than 58% of the site as wetland areas. The buildings developed here will meet building codes that require energy efficiency.

(13) The Project will not significantly degrade air quality.

Air quality is further described in the Environmental Impact Report provided with the PUD application. As the Environmental Impact Report summarizes, no signifiant sources of air pollution are proposed by the development or the water and sewer infrastructure improvements. The project will have temporary

impacts on air quality during construction. Impacts will be minimized to the greatest extent practical by implementing Best Management Practices for dust suppression techniques during construction.

(14) The Project will not significantly degrade existing visual quality.

Visual quality is further addressed in the Environmental Impact Report provided with the PUD application. The site was an industrial mining complex for the last 30 years. The PUD will redevelop this blighted site with quality buildings and architecture. The water and sewer infrastructure will have no impact upon visual quality as they will be located below grade. Based on the topography left by the mining activities buildings will have little negative impact upon the community. The project will not degrade existing visual quality.

(15) The Project will not significantly degrade surface water quality.

Visual quality is further addressed in the Environmental Impact Report provided with the PUD application. Water demands placed on the UERWA are well within the permit capacity of the water treatment facilities and therefore the project does not degrade the Eagle River with the majority of water returning to the river as return flows. As documented within the report, the project will be developed with best management practices and the project has a compliant stormwater management system to ensure appropriate filtration of storm water.

A Best Management Practices Plan will be in place to protect surface water quality (from pollutants and sediment) prior to site excavation. Sediment control measures will be implemented during construction to minimize erosion of soils from the site as it is being constructed. Eagle County's Erosion Control Standards will be adhered to. Silt fence and erosion logs will be constructed to minimize soils from leaving the site as it is being developed. The proposed project will have negligible if any impact on the salinity or total dissolved solids in the Eagle River.

As shown on the civil plans the Colorado Discharge Permit System (CPDS), Stormwater Discharges Associated with Construction Activity Permit and the Stormwater Management/Best Management Practices Plan will ensure that sediment control measures for both the temporary construction impacts and for the permanent completed project will be in place to prevent sediment from leaving the site and will result in protecting surface water quality.

Once constructed, the project would have beneficial effect on surface water quality when compared to the pre-project condition.

(16) The Project will not significantly degrade groundwater quality.

Groundwater quality is further described in the Environmental Impact Report included with the PUD application. The Project and the PUD will utilize domestic water and sewer facilities provided by ERWSD and UERWA. If groundwater is encountered during excavation, a Construction Dewatering Permit and Plan would be implemented. This would include construction of a temporary dewatering basin or a mobile filter system to protect groundwater quality. Once constructed, no impacts to groundwater quality are anticipated. The PUD will have no adverse impact on groundwater or aquifers.

(17) The Project will not significantly degrade wetlands, and riparian areas.

The approximately 53.27 acre project site is characterized by 27.60 acres of wetlands and 3.54 acres of aquatic habitats which are classified as wetlands. Ninety-nine percent of the 31.14 acre wetlands/ aquatic habitats are located north of the existing gravel mine disturbance, the area of the proposed

development. The gravel mine disturbance created two wetlands including a 0.22 acre pond, used as a concrete wash-out and water source, and its surrounding 0.10 acre wetland, and a 0.03 acre spring dug by the gravel mine operation used as a source of water for dust control. However, it should be noted that the two wetlands within the gravel mine disturbance have been determined by the Arn Corps of Engineers to be non-jurisdictional and not regulated by the U.S. Army Corps of Engineers (Corps). There are 2.23 acres of riparian trees and shrubs located within the gravel mine disturbance and along the north edge of the gravel mine disturbance.

The proposed project would impact the two non-jurisdictional wetlands amid the gravel mine disturbance to create an impact of 0.35 acres. There would be temporary impacts to the wetlands during the construction process to create retaining walls, the elevated boardwalk, and the pilings for the amphitheater. Following construction, any physical disturbance to these wetlands would be restored. Approximately one acre of riparian shrubs and trees, primarily within the area of the gravel mine, would be eliminated.

Thus, the project would not significantly degrade wetland and riparian areas.

(18) The Project will not significantly degrade terrestrial or aquatic animal life or its habitats.

The proposed project would impact approximately 18 acres of the existing gravel mine disturbance, including 12.00 acres of a gravel mined landscape, 1.54 acres of asphalt/concrete paving, and 4.45 acres of gravel mine disturbance dominated by introduced pasture grasses. It would also impact the 0.22 acre man-made pond and the 0.03 acre spring. There would be no impact to the aquatic habitat of the Eagle River or the aquatic habitats within the herbaceous wetland between the development and the Eagle River. With regard to native habitats, the project would also impact approximately one half acre of big sagebrush and one acre of rabbitbrush shrubland.

There would be no impact to any federally listed species, Migratory Birds of Conservation Concern, State of Colorado listed species, or raptors. The large area of terrestrial and aquatic habitat north of the proposed development on the gravel mine disturbance would be preserved as a natural area and provide habitat for wildlife.

Thus, the proposed project would not significantly degrade terrestrial or aquatic life or its habitat.

(19) The Project will not significantly deteriorate terrestrial plant life or plant habitat.

As documented above, the proposed project would be located on approximately 18 acres of the existing gravel mine disturbance as described above. The impact to native vegetation would include one half acre of big sagebrush habitat, one acre of rabbitbrush shrubland, and one acre of riparian trees and shrubs. The 30.79 acres of wetlands and aquatic habitats north of the project site would be preserved and managed as open space. There would be no impact to any federally listed plants or Bureau of Land Management Sensitive plants such as Harrington penstemon (Penstemon harringtonii).

Thus, the proposed project would have a minimal impact on native vegetation (plant habitat) and there would be no significant deterioration of terrestrial plant life.

(20) The Project will not significantly deteriorate soils and geologic conditions.

Best Management Practices will be used during construction to ensure minimal erosion and sedimentation of soil. Cesare, Inc. has provided a Geologic Hazards Study, which has been provided to supplement this application. In addition, the Environmental Impact Report is also included in the

appendix. As these reports indicate, the site is significantly disturbed currently due to prior gravel mining operations. The project will not deteriorate soils and geologic conditions.

(21) The Project will not cause a nuisance.

Refer to the Environmental Impact Report for nuisance related impacts of the PUD. The Environmental Impact Report provides an overview of potential noise, glare, dust, fumes, vibration, and order levels caused by the project. The project will only have typical residential and commercial impacts post development which would be normally anticipated with this type of development and consistent with the land use designations of the Edwards Area Community Plan. The environmental report documents that Best Management Practices will be used during construct to reduce impacts typical during construction. All roof materials will be non-reflective as to reduce glare. The Project will not cause a nuisance.

(22) The Project will not significantly degrade areas of paleontological, historic, or archaeological importance.

The project is located on land previously permitted for a gravel mine that has been significantly disturbed by industrial uses. There are no portions of the site that have paleontological, historic or archaeological importance.

(23) The Project will not result in unreasonable risk of releases of hazardous materials.

No hazardous, toxic or explosive substances will be a permanent part of this project. However, it is possible that during construction some fueling and maintenance of necessary construction equipment may take place. These temporary hazards will ultimately be the responsibility of the contractor that is awarded the bid for construction of the project. The contractor is required to have contingency and mitigation plans in place as part of the Best Management Practices Plan.

(24) The benefits accruing to the County and its citizens from the Project outweigh the losses of any natural, agricultural, recreational, grazing, commercial or industrial resources within the County, or the losses of opportunities to develop such resources.

The water and sewer infrastructure will not cause any losses as described above. Development will occur on areas of the property that have been previously disturbed and impacted by industrial activities and mining. The restoration of this property from a blighted site to a project that is consistent with the Edwards Area Community Plan is a benefit to the County and its citizens that outweigh any impacts. The industrial resources have already been exhausted on the property, so there is no loss of industrial resource. There is no agriculture, recreational, grazing, or commercial resources on the areas to be developed. The natural areas of the property are being significantly protected by the PUD as demonstrated further in the Environmental Impact Report. There will be significant positive housing and revenue impacts to the County and related taxing districts as well as to the Eagle County Housing and Development Authority as evidenced in the fiscal analysis provided with the PUD application.

V. Additional Criteria Applicable to Municipal and Industrial Water Projects (6.04.02)

In addition to the general criteria set forth in section 6.04.01, the following additional criteria apply to municipal and industrial water projects:

(1) The Project shall emphasize the most efficient use of water, including the recycling, reuse and conservation of water.

The Project consists of the extension of water and sewer main lines or relocation of a sewer trunk line from the street into the property and also within the property itself to serve a mixed use project. The actual extension or relocation of the lines presents no opportunity to recycle, reuse or conserve water. The project will be designed with water conservation principles and standards. There is no opportunity to recycle or reuse water within the project and the within the water law regime that exists today. Conservation design will include the landscape design both within and outside of the riparian enhancement area. The landscape plan will specify appropriate plantings that are drought resistant and demand lower water requirements to the degree feasible. Interior fixtures will be specified to the low flow water standards that are permissible by building code.

(2) The Project will not result in excess capacity in existing water or wastewater treatment services or create duplicate services.

The Project is a line extension/relocation only and will not create or result in any excess capacity or create a duplication of services.

(3) The Project shall be necessary to meet community development and population demands in the areas to be served by the Project.

The Project is necessary to serve the proposed PUD. The prior 1041 Permits issued to the District and the Authority have already justified the need present to be served. The proposed PUD implements the Edwards Area Community Plan already developed by the community.

(4) Urban development, population densities, and site layout and design of storm water and sanitation systems shall be accomplished in a manner that will prevent the pollution of aquifer recharge areas.

The extension and relocation of lines to serve the PUD has been designed in a manner that will prevent the pollution of aquifer recharge areas. The line extension and the stormwater drainage system associated with the PUD have been designed with best management practices and will represent an improvement from the existing storm drainage system on the property.

VI. Additional Criteria Applicable to Major New Domestic Water and Wastewater Treatment Systems and Major Extensions of Existing Domestic Water and Wastewater Treatment Systems (6.04.03)

In addition to the general criteria set forth in section 6.04.01, the following additional criteria apply to any development of major new domestic water and wastewater treatment systems or major extensions of existing domestic water and wastewater treatment systems:

(1) The Project shall be reasonably necessary to meet projected community development and population demands in the areas to be served by the Project, or to comply with regulatory or technological requirements.

The Project site being served by the proposed extension is already served by water and sanitary sewer service and is considered an "infill" parcel. The prior 1041 Permits issued to the District and the Authority have already justified the need present to be served.

(2) To the extent feasible, wastewater and water treatment facilities shall be consolidated with existing facilities within the area.

The property is located within the ERWSD and UERWA service boundaries therefore the proposed extensions will tie into the existing water distribution system and wastewater treatment system.

(3) New domestic water and sewage treatment systems shall be constructed in areas which will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities.

The extension of lines will tie into existing water and wastewater systems and as an infill project is in complete compliance with this criterion.

(4) The Project shall be permitted in those areas in which the anticipated growth and development that may occur as a result of such extension can be accommodated within the financial and environmental capacity of the area to sustain such growth and development.

The extension and relocation of lines will tie into existing water and wastewater systems and as an infill project is in complete compliance with this criterion. The overall project is supported by the updated Edwards Area Community Plan. The proposed density may be served by the existing facilities.

X. Waiver of Special Use Permit

Table 3-300 of the Eagle County Land Use Regulations list “Water or Wastewater Treatment Facility” as a Special Review use, as indicated on the table below:

TABLE 3-300
RESIDENTIAL AND AGRICULTURAL ZONE DISTRICTS USE SCHEDULE *(am. 05/15/07)*

Uses: R= Use By Right ; L= Allowed by Limited Review; S = Allowed by Special Review; N = Not Allowed	FH[1]	RMF	RSM	RSL	RR	AL	AR	RL	R	RP	BC[2]	Standards
Residential Uses												
Accessory Dwelling	N	N	N	L[3]	L[3]	L[3]	L	L	R	N	N	Sec. 3-310 A
Conservation Subdivision	N	N	N	N	N	S	S	S	S	N	N	Sec. 3-310 B
Customary Accessory Residential Uses	R	R	R	R	R	R	R	R	R	R	R	
Duplex Dwelling	N	R	R	R	N	N	N	N	N	N	N	
Mobile Home Park	N	S	S	S	N	N	N	N	N	N	N	Sec. 3-310 Y
Multi-Family Dwelling	N	R	R	R	N	N	N	N	N	N	N	
Multi-Housekeeping Dwelling	N	L	L	L	N	N	N	N	N	N	N	See 3-310 Z
Single-Family Dwelling	R	R	R	R	R	R	R	R	R	S	S	
Time Share and Fractional Fee Estates	N	S	S	N	N	N	N	N	N	N	N	
Home Uses												
Bed and Breakfast	N	S	S	S	S	S	S	S	L	N	N	Sec. 3-310 C
Day Care Center	N	S	S	S	S	S	S	S	S	N	N	Sec. 3-310 D
Day Care Home	R	R	R	R	R	R	R	R	R	N	N	
Group Home	N	S	S	S	S	S	S	S	S	N	N	Sec. 3-310 E
Home Business	N	S	S	S	S	S	S	S	S	N	N	Sec. 3-310 F
Home Occupation	R	R	R	R	R	R	R	R	R	R	N	Sec. 3-310F
Public Facilities, Utilities and Institutional Uses												
Airport, Landing Strip, Utility or Air Carrier	N	N	N	N	N	N	N	N	S	N	N	Sec. 3-310 G
Cemetery	N	N	N	N	N	S	S	S	S	N	N	
Church	L	L	L	S	S	S	S	S	S	N	N	
Community or Public Building	S	S	S	S	S	S	S	S	S	N	N	
Educational Facility	S	S	S	S	S	S	S	S	S	N	N	
Electric Power Generation Facility	N	S	S	S	S	S	S	S	S	S	N	Sec. 3-310 H
Electric Power Transmission Line	S	S	S	S	S	S	S	S	S	S	N	Sec. 3-310 H
Fire Station	S	S	S	S	S	S	S	S	S	S	N	
Helistop	N	N	N	N	N	N	S	S	S	N	N	
Library	N	R	R	R	R	R	R	R	R	N	N	
Water or Wastewater Projects *(am 02/11/03)*	S	S	S	S	S	S	S	S	S	S	S	Sec. 3-310 I
Natural Gas Transmission Line	S	S	S	S	S	S	S	S	S	S	S	Sec. 3-310 H
Park, Open Space or Greenbelt	R	R	R	R	R	R	R	R	R	S	S	Sec. 3-310 J

The table then refers to Section 3-310 I. This section then provides a waiver provision that allows the Board of County Commissioners to waive the requirement for a Special Use Permit upon request by the applicant if the following has been met:

a. A permit application pursuant to Chapter 6, sections one though five of the Eagle County Guidelines and Regulations for Matters of State Interest has been submitted to the Eagle County Permit Authority relative to this land use which would be the subject of a special use permit application.

b. Compliance with the Special Review Use permit requirements would be unreasonably burdensome for the applicant.

Such a waiver may be granted upon a determination by the Board of County Commissioners that requiring a Special Review Use permit in addition to the permits(s) required under the Eagle County Guidelines and Regulations for Matters of State Interest would serve no further legitimate planning, zoning or other land use objective.

As part of this 1041 Application, the applicant is formally requesting that the requirement of the Special Use Permit for a Water or Wastewater Treatment Plan be waived by the Board of County Commissioners as the applicant has demonstrated that:

- A permit application pursuant to Chapter 6, sections one though five of the Eagle County Guidelines and Regulations for Matters of State Interest has been submitted to the Eagle County Permit Authority relative to this land use which would be the subject of a special use permit application.
- Compliance with the Special Review Use permit requirements would be unreasonably burdensome for the applicant.
- Requiring a Special Review Use permit in addition to the permits(s) required under the Eagle County Guidelines and Regulations for Matters of State Interest would serve no further legitimate planning, zoning or other land use objective.

Appendix A: Submittal Requirements

Section 6.03.06 of the Eagle County Land Use Regulations provides the list of the submittal requirements. The Director may waive the requirements when the information is not relevant to whether the project complies with the approval criteria. The following table outlines the submittal requirements included with this 1041 Application and those items which the applicant is requesting a waiver from:

Submittal Items	Submitted	Request for Waiver
Information describing the applicant.	x	
The names, addresses, including email address and fax number, organizational form, and business of the applicant and, if different, the owner of the Project.	x	
The names, addresses and qualifications, including those areas of expertise and experience with projects directly related or similar to that proposed in the application package, of individuals who are or will be responsible for constructing and operating the Project.	x	
Authorization of the application package by the Project owner, if different than the applicant.	x	
Documentation of the applicant's financial and technical capability to develop and operate the Project, including a description of the applicant's experience developing and operating similar projects.	x	
Written qualifications of report preparers.	x	
Information describing the Project.	x	
Plans and specifications of the Project in sufficient detail to evaluate the application against the Permit Application Approval Criteria in Section 6.04.	x	
Descriptions of alternatives to the Project considered by the applicant.		x
Schedules for designing, permitting, constructing and operating the Project, including the estimated life of the Project.		x
The need for the Project, including a discussion of alternatives to the Project that were considered and rejected; existing/proposed facilities that perform the same or related function; and population projections or growth trends that form the basis of demand projections justifying the Project.	x	

Submittal Items	Submitted	Request for Waiver
Description of all conservation techniques to be used in the construction and operation of the Project.	x	
List of Adjacent property owners and their mailing addresses.	x	
Property rights, other permits and approvals.	x	
A list of all other federal, state and local permits and approvals that will be required for the Project, together with any proposal for coordinating these approvals with the County permitting process. Copies of any permits or approvals that have been granted.	x	
Copies of all official federal and state consultation correspondence prepared for the Project; a description of all mitigation required by federal, state and local authorities; and copies of any draft or final environmental assessments or impact statements required for the Project.	x	
Description of the water to be used by the Project and alternatives, including: the source, amount, the quality of such water; the applicant's right to use the water, including adjudicated decrees, applications for decrees; proposed points of diversion and changes in the points of diversion; and the existing uses of the water. If an augmentation plan for the Project has been decreed or an application for such plan has been filed in the court, the applicant must submit a copy of that plan.	x	
Description of property rights that are necessary for or that will be affected by the Project.	x	
The estimated construction costs and period of construction for each development component and the total mitigation costs for the Project.		x
Revenues and operating expenses for the Project.		x
The amount of any proposed debt and the method and estimated cost of debt service.		x
Details of any contract or agreement for revenues or services in connection with the Project.		x
Description of the persons or entity(ies) who will pay for or use the Project and/or services produced by the development and those who will benefit from any and all revenues generated by it.		x
Description of the technical and financial feasibility of the Project.		x
Socioeconomic impacts	x	
Land Use	x	
Local Government Services	x	
Housing	x	
Financial Burden on County Residents	x	
Local Economy	x	
Recreational Opportunities	x	

Submittal Items	Submitted	Request for Waiver
Areas of Paleontological, Historic or Archaeological Importance	x	
Nuisance	x	
Environmental impacts.	x	
Air Quality	x	
Visual Quality	x	
Surface Water Quality	x	
Groundwater Quality	x	
Water Quantity	x	
Floodplains,Wetlands and RiparianAreas	x	
Terrestrial and Aquatic Animals and Habitat	x	
Terrestrial and Aquatic Plant Life	x	
Soils, Geologic Conditions and Natural Hazards	x	
Hazardous materials description.		
Description of all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed or produced in connection with the Project, including the type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.		x
Location of storage areas designated for equipment, fuel, lubricants, and chemical and waste storage with an explanation of spill containment structures.		x
Monitoring and Mitigation Plan.		x
Description of all mitigation that is proposed to avoid, minimize or compensate for adverse impacts of the Project and to maximize positive impacts of the Project.		x
Description of methodology used to measure impacts of the Project and effectiveness of proposed mitigation measures.		x
Description, location and intervals of proposed monitoring to ensure that mitigation will be effective.		x

Attachments: Statement of Qualifications
Other supporting documents provided in the Compendium of Technical Reports

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PROFILE

Don MacKenzie's entire career has been in the housing business, primarily multifamily and condominiums, in aggregate developing over 15,000 apartments and acquiring and managing over 30,000 housing units in his 30+ year career. Most recently he was President of Forum Real Estate, in charge of both acquisitions and development of multifamily properties in 10+ states, including the development of large communities in Minneapolis, Tempe and the Denver metro area. Prior to that he spent five years at the public REIT, UDR, Inc., as head of West Coast Development where he produced $1 billion of class A multifamily/mixed use in eight assets. Between 1999-2009, he led MacKenzie House, LLC where he was Founder and CEO. He served as Managing Partner of Greystar West and as SVP and head of development at EQR, the largest public apartment company. In the late eighties and early nineties, Don spent just under a decade at Wellsford Residential in NYC and Denver, where he performed a series of roles including leading development as well as acquisitions, asset and property management.

MacKenzie's non-profit activities have been extensive, having recently stepped down after 18 years as the Chair of the Board of Directors of the Center for Work Education and Employment (CWEE), a welfare-to-work job and career training organization in Denver. He is a long-time board member of CLIMB, Inc. (Colorado Leaders Interns Mentors in Business) an organization that provides a marketplace of summer internships in Denver for current undergraduates from nine universities. He has twice served as President of the Board of Directors of the Arapahoe Tennis Club. Don is a member of the Burns Society at the University of Denver graduate school of Real Estate and Construction Management. He is a member of the Silver Multifamily Council of the Urban Land Institute and is active in efforts to increase the supply and availability of affordable housing in Colorado as well as the manufacture and supply of modular housing.

EXPERIENCE

President & CEO, Upstream, LLC. Denver, CO (September 2018 - Present)

Developing multifamily, condominiums, retail, hotel and affordable housing in Colorado. MacKenzie also serves as Co-Manager of Sierra Trails Investments, LLC. He is a member of the Burns Society at the University of Denver graduate school of Real Estate and Construction Management.

President, Forum Real Estate, LLC. Denver, CO (July 2016 - September 2018)

Spent 2+ years leading development, acquisitions and corporate management at Forum, a significant real estate company in Denver, with large developments in Tempe, AZ, Minneapolis, MN, Golden, CO and Castle Rock, CO. Originated a new brand of 55+ targeted luxury rental housing called Epoque. In Tempe, AZ, built the Local, a nine-story high-rise with 300 apartments and a 40,000 s.f. Whole Foods on the ground floor. Executed over 15 acquisitions of stabilized communities in nine states. Closed just over $600,000,000 in equity and debt financings. Led staff of 33 professionals.

Vice President, Head of Development, UDR, Inc. Denver, CO (September 2011 - January 2016)

Established and led a development group for UDR, Inc., the 4th largest US multifamily REIT. Over a 5-year period, entitled, developed and built over $1 billion of luxury multifamily rental in 8 communities in California and Washington state including award winning 399 Fremont in San Francisco, Wilshire La Jolla and 3033 Wilshire in Los Angeles. Each of the developments was executed on-time and on-budget, and each exceeded proforma in absorption, lease up and revenues establishing new high rent levels for each sub-market. The majority of these properties required complicated entitlements, with multiple environmental, density, inclusionary and other issues. Leading a team of 17 professionals as well as multiple third-party JV relationships, the group produced over $500,000,000 of profit for UDR and Met Life. Conducted over $3mm of R&D in modular, solar, proprietary mechanical and other technological innovations.

Vice President, MBH Enterprises, LLC. Denver, CO (2009-2011)
Operational responsibility for two MBH portfolio companies: AFG, LLC, a hard-money lender where MacKenzie restructured 9 loans from REO through liquidation after the 2009 implosion of the RE capital markets. Assets included Daufuskie Island Resort off the coast of Hilton Head, NC, including two championship golf courses, equestrian center, tennis center, waterfront restaurant and pool as well as 178 lots and boat slips. Secondary responsibilities for start-up CBO and mortgage-backed securities investment in Ventras, LLC.

Founder, President & CEO, MacKenzie House, LLC. Denver, CO (1999-2009)
Founded and led for ten years a housing development company based in Denver, with operations along the Front Range and in St. Louis and Kansas City, Missouri. MacKenzie House operated through multiple real estate cycles including the 2001 technology downturn and 9/11 as well as the Great Recession and bankruptcy of Lehman Brothers in 2008. The Company developed over $500,000,000 of luxury single family, rental multifamily, condominiums and senior housing, including originating two market leading brands: Morningstar assisted living and

MacKenzie Place independent living communities. During this period, MacKenzie House was the leading housing developer in Country Club Plaza, Kansas City, completing seven projects in five years. In July 2007, the Denver Business Journal named MacKenzie House the fastest growing company in Denver. For the period from August 2000 to 2003, the company operated under the name Greystar Real Estate Partners West, for which MacKenzie was Managing Partner and led the development of The Manhattan in Downtown Denver, Swallow Hill Condominiums in Uptown and The Summit in Broomfield, CO. During that period, MacKenzie served on the Board of the Riverfront Park Metropolitan District.

Senior Vice President, Equity Residential Properties Trust ("EQR"). Denver, CO (1997-1999)
Founded and led the development group that produced new communities at the largest multifamily REIT, including market responsibilities for Denver, Portland, Seattle, and four cities in California. Primary responsibilities for the $1 billion development joint ventures with Legacy Partners and Lincoln Property Company.

Executive Vice President, Wellsford Residential Property Trust ("WRP"). Denver, CO and New York, NY (1989-1997)

The fifth employee at what became a 700+ employee public REIT. Spent a total of nine years, in New York and Denver, leading acquisitions, asset management, property management and development. Moved corporate operations HQ from NYC to Denver after the company went public in October, 1993. Integrally involved in the 5X growth of the company over the period leading up to the merger with EQR in June 1997 9at a $1 billion valuation). Acquired and operated 72 individual communities in 8 western states. MacKenzie originated the development effort at WRP which resulted in award winning communities such as Palomino Park (1,880 apartments in five phases, including a 30 acre park, and metro district in Highlands Ranch, CO) and Bear Creek Run (620 apartments in Lakewood, CO). Reported to the Chairman of the Board and led the investment committee for 7 years.

Associate, Wallace Associates Consulting Group, Inc. Salt Lake City, UT (1987-1989)

Team member among six individuals who advised the FSLIC and FADA on the asset management and disposition of eight Savings & Loan institutions in receivership on the West Coast with over $6 billion of real estate assets in 19 states.

Financial Analyst, Paine Webber Capital Markets, New York, NY

Worked in M&A group of investment bank with an emphasis on financial institutions and Savings & Loans. (1985-1987)

SELECT EARLY EXPERIENCE

Intern, Bilateral Relations, Office of Soviet Union Affairs, Department of State. Washington, D.C. (Summer, 1984)
Was one of four Soviet desk summer interns with top secret clearance during the Reagan Administration, handling daily correspondence and analysis on issues such as arms control and Sakharov. (1984)

Owner and Operator, CITRUS, Inc. Darien, CT (1977-1979)
Founded and operated a small orange and grapefruit mail order company in Fairfield County Connecticut, with monthly shipments from Texas and Florida and over 500 customers.

EDUCATION

Middlebury College, Middlebury, VT, B.A. Political Science, 1985
Phillips Academy, Andover, MA, PG English, 1981
Principia High School, St. Louis, MO, Diploma, 1980

AWARDS

Don is the recipient of the APTA Volunteer of the Month and the Rhondda Grant Distinguished Service Award for his efforts in workforce development. He designed and developed numerous communities which have won individual awards, such as the 2016 TecHome Brilliance Award for 399 Fremont and the 53rd Annual PCBC Golden Nugget Award: Best Mixed Use for the Wilshire and La Jolla Tower.

PERSONAL

Age: 55
Married to Suzanne Grant MacKenzie. Reside in Cherry Hills Village and Minturn, CO.
Children: Phoebe (21), Sarah (19) and Margot (17).

Mauriello Planning Group

Company Profile

The land planning and development process is complex and Mauriello Planning Group works with clients to navigate these challenges. Mauriello Planning Group works closely with developers, market and marketing experts, community interests, local government officials, architects, biologists, ecologists, geologists, and engineers to ensure a successful and feasible project. Mauriello Planning Group provides expertise in facilitating, managing, and overseeing a diverse range of activities and components necessary for a successful entitlement and development project. Mauriello Planning Group is a Vail Valley-based land entitlement and land planning firm with over 51 years of combined experience and a 99% success rate.

Local Experience

Mauriello Planning Group brings together knowledge and experience, having worked with Eagle County property owners, business owners, property managers, and local merchants. Our local experience translates into knowing the right people to ask the right questions, and knowing how to find the right answers. Mauriello Planning Group has expertise in drafting technical documents with the assistance of other experts and documentation. Mauriello Planning Group has prepared reports necessary for 1041 permits in Eagle County that have ultimately been approved by Eagle County.

Staff Biographies

Dominic F. Mauriello, AICP, is the Principal of Mauriello Planning Group. Dominic brings 11 years of experience working in the public sector, having served as a town planner in Vail, Colorado, and Melbourne, Florida. He has spent the last 19 years in the private sector, and primarily focuses on entitlement process management and facilitation of projects. Dominic has also appeared as an an expert witness in La Plata County & Eagle County district courts. Dominic holds a Master of Arts degree in Urban and Regional Planning from the University of Florida and a Bachelor of Arts degree in Geography from Virginia Polytechnic Institute and State University. Dominic has over 30 years of planning experience.

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Allison O. Kent, AICP, is a Senior Associate of Mauriello Planning Group. Allison has over 21 years of planning experience, with 8 of those years in the public sector. Allison worked as a town planner in Vail, as a planner for the Cordillera Metro District, and as a long-range planner for Eagle County, Colorado. Allison provides project management and facilitates the government regulatory process. Allison holds Master of Arts degree in Community and Regional Planning from Iowa State University and a Bachelor of Arts degree from Miami University

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AEI FIRM QUALIFICATIONS

Alpine Engineering, Inc., is a Civil Engineering firm located in Edwards Colorado. We have completed numerous road, trail, site, and land development projects throughout Eagle and Summit Counties. Some of the services that Alpine Engineering, Inc. provides includes: road design, recreational path design, storm drainage study and design, conceptual engineering to study constructability, constraints and associated costs, sewer and water system analysis and design, utility layout, road layout and design specializing in mountainous terrain, bid document preparation, project coordination, contract administration, and construction management, project team coordination and preparing various federal, state and local permit applications.

The Principals of AEI, Matt Wadey, PE; Gary Brooks, and Tim Leininger have 80 years of combined engineering, surveying and project management experience within Colorado. The AEI staff of eight (8) is rounded out with Professional Engineers, Professional Licensed Surveyors, Design Engineers and Technicians with specific expertise in land and site development. AEI has been located in Edwards for 37 years. The Principals and staff have worked in the area since 1979. In this time, Alpine has become familiar with local agency requirements. We have also had the opportunity to perform design services for various world-class developments that have become internationally recognized for their quality and unification with the stunning surroundings that we live in. AEI has become proficient at overcoming the unique challenges that mountain design poses.

AEI specializes in land and site development and utility infrastructure projects. These areas of expertise encompass a larger field of experience including road design, floodplain mapping, and drainage studies. The range of these services are primarily conducted in the mountain resort communities of Colorado. AEI is very familiar with engineering and construction practices within the resort areas. We are familiar with most of the utility agencies and contractors, and knowledgeable about pricing. More importantly, we are aware of the tourist and commercial enterprises which will be impacted by our work and of the very sensitive environmental concerns in this area.

WESTERN
ECOLOGICAL
RESOURCE. INC.

COMPANY & PERSONNEL QUALIFICATIONS

WER is an ecology consulting firm that offers a full range of ecological services from an interdisciplinary team of specialists.

Our wetland expertise includes delineation, permitting, mitigation design, creation, and monitoring.

Western Ecological Resource is an ecology consulting firm serving Colorado and the western United States. Established in 1978, our ecologists and associated natural resource scientists are dedicated to helping our clients achieve their project goals in a timely and cost effective manner. We provide expertise in the areas of vegetation, wetlands, weed management, forest health, wildfire hazards, threatened, endangered, and rare species, soil science, ecological restoration, stream restoration, NEPA compliance, permitting and project approvals, and project management. Our natural resource studies incorporate the latest technologies including GPS, CAD, GIS, and high-resolution aerial imagery, and we have in-house capabilities for the production of reports with presentation quality graphics.

Western Ecological Resource ecologists are experienced wetland delineators with a thorough understanding of the U.S. Army Corps of Engineers Wetland Delineation Manual and the regional supplements and guidelines. Our expertise includes wetland delineation, permitting, mitigation design, creation, and monitoring. Our wetland services include delineations and vegetation descriptions; identification and mapping of hydric soils and Histosols; wetland hydrology analysis; groundwater hydrology monitoring studies; assessment of wetland functions and values; preparation of Wetland Permit Applications; coordination and negotiation with regulatory agencies; wetland mitigation design; wetland creation, maintenance and monitoring; stream restoration; creation and enhancement of riparian habitats; preparation of annual monitoring reports; restoration of Clean Water Act violations; and purchase of wetland credits from mitigation banks.

David Johnson, Senior Ecologist

David Johnson, the founder and president of Western Ecological Resource, Inc., has a Master of Science degree in Environmental Toxicology from the University of Utah, a Master of Science degree in Biology from the University of Colorado, and 40 years of experience as a professional ecologist and project manager. Mr. Johnson has conducted and/or managed hundreds of projects throughout Colorado and the western United States. He is well known for his expertise in ecology, wetland permitting, design and creation, the creation and restoration of native ecosystems, forest health, and the preparation of NEPA documents including Environmental Impact Statements, Environmental Assessments and Biological Assessments and Evaluations.

Heather Houston, Ecologist

Heather Houston, president and senior ecologist of Birch Ecology and formerly with Western Ecological Resource, holds a Master of Arts degree in Environmental, Population and Organismic Biology from the University of Colorado at Boulder and has been a professional ecologist since 2001. Her expertise includes wetland ecology, ecological restoration, NEPA compliance, vegetation monitoring, threatened and endangered species surveys, and project management. She has completed more than 150 wetland delineations and prepared more than 50 wetland reservoir improvements, stream restorations, and transportation and utility projects. In addition, Heather has a strong background in horticulture and ecological restoration, and has used this expertise to develop revegetation plans for a variety of native plant communities. She has considerable experience with the restoration and creation of wetlands, riparian habitats, prairies and native shrublands. Heather organizes and manages interdisciplinary teams of biologists, hydrologists, and engineers to produce ecological restoration plans and environmental impact studies. She has considerable experience with NEPA compliance and has been a significant contributor to several complex Environmental Assessments and an Environmental Impact Statement. Heather is the current president of the Society of Wetland Scientists Rocky Mountain Chapter and is a member of the Society for Ecological Restoration, Colorado Riparian Association and the Colorado Native Plant Society.