



Land Use Department

Courthouse Annex

2045 13th Street ♦ 13th & Spruce Streets ♦ Boulder, Colorado 80302 ♦ (303) 441-3930
<http://www.bouldercounty.org/lu/>

Charles Gee
Executive Vice President
Director of Acquisitions
MacKenzie House LLC
7887 East Belleview Ave., Suite 800
Englewood, CO 80111

June 2, 2008

Dear Charles:

I appreciate the meeting we had on May 28th along with Tom Finley to discuss the activities that have occurred and which are planned for the property formerly known as Hogan-Pancost. This letter is my recollection of what we discussed and agreed to. Please let me know if you or Tom have any additions, corrections, or questions as soon as possible.

- 1) The work completed on CD Bodam's lateral ditch, which the county has determined to be "...normal grading activity associated with agriculture..." (Article 3-100 B. 1. f. Boulder County Land Use Code), did not need a grading permit and was conducted legally.
- 2) The earlier work involving Dry Creek Ditch, for which a Stop Work order was issued by the county, may not be restarted without first consulting the Land Use Department about the processes and permits that will be needed.
- 3) Reclamation of the disturbance caused by the earlier work on Dry Creek Ditch will commence immediately and will include using the gravel material on-site for filling ruts and other excavation associated with that work. Soil amendments will be applied to the gravel and reseeded will be required if pre-disturbance revegetation does not substantially reappear within 30 days. Noxious weeds shall be removed and controlled on the entire property (please contact Molly Molter or Walter Stelzer of this office for more information on weeds if you need assistance).
- 4) Per your E-Mail to Charles Ferro at the City of Boulder Planning Department dated June 2, 2008 the property will be cleaned up and maintained as open land. Environmental testing and monitoring may continue throughout the summer but will involve field personnel and not any grading, excavation or other mechanical disturbances. If a fence is to be installed along the lateral, be advised that it will need a building permit from this department if it is to be more than six feet in height.
- 5) MacKenzie House will contact the county about any proposed activity on the property, either internally developed or at the direction of the city, before commencing the activity as long as the property remains under county jurisdiction, so that a determination can be made about what processes or permits may be required and to insure that effective and timely communication can be established between all three principle parties and adjacent property owners.

I believe this covers the substance of our conversation. Again please let me know if there are changes or additions you believe are necessary to more accurately capture the results of the meeting.

Regards,

Peter Fogg
Senior Planner

cc: Charles Ferro, City of Boulder Planning Department
Carrie Haverfield, County Commissioners