

**TOWN OF ERIE
TOWN COUNCIL MEETING
October 28, 2025**

SUBJECT: **Public Hearing: Resolution 25-164**
A Resolution of the Town Council of the Town of Erie Approving the Canyon Creek Filing No. 11 Preliminary Plat with Conditions

PURPOSE: Review of the proposed 9.401-acres Preliminary Plat, which includes 81 townhome units and 16 private tracts for various garden court, landscape, utilities, private park, and private drive alleys.

CODE REVIEW: Erie Municipal Code, Title 10

DEPARTMENT: Planning and Development

PRESENTER: Aly Burkhalter, Senior Planner

STAFF RECOMMENDATION:

Canyon Creek Filing No. 11 Preliminary Plat – Resolution 25-164

Staff find the Canyon Creek Filing No. 11 Preliminary Plat in compliance with the Preliminary Plat Approval Criteria and recommend the Town Council approve Resolution No. 25-164 with the following conditions of approval:

1. At the time of Final Plat, Applicant shall execute a detailed Development Agreement, in the form provided by the Town.
2. Applicant shall make technical corrections to the Preliminary Plat and related documents as directed by the Town.
3. Applicant shall make corrections to the maintenance access to the detention pond, related to comments by the Town's Engineering Division.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Owner/Applicant: Stratus Canyon Creek, LLC
1842 Montane Dr E, Golden, CO 80401

Existing Conditions:

Comprehensive Plan

Future Land Use

Designation: Residential - Low

Zoning: PD – Planned Development
Canyon Creek PD Amendment No. 10

Project Size: 9.401 acres

Existing Use: Vacant/under construction for Filing No. 8

Location:

The Canyon Creek Filing No. 11 Preliminary Plat site lies within the larger Canyon Creek subdivision. The project covers 9.4 acres of the previously platted Canyon Creek Filing No. 8 site. The property sits south of Jay Road, west of County Line Road, north of Telleen Avenue, and east of Jasper Road/Lombardi Road. The Canyon Creek Filing No. 11 area is outlined below in blue:



Figure 1: Location of Site

Adjacent Land-Use/Zoning:

	ZONING	EXISTING LAND USE
NORTH	None	RTD right-of-way
SOUTH	LR / Canyon Creek PD	Single-Family Development
EAST	Canyon Creek PD	Drainage/Open Space
WEST	LR / Canyon Creek PD	Single-Family Development

Site Specific Development Information:

This proposal follows the standards of the Canyon Creek Planned Development-Development Plan (PD-DP). The following history outlines the various reviews and approvals for the Canyon Creek site:

1. **Annexation:** The Town annexed the subject site in September 1970 and originally called it "Homestake."
2. **Zoning**
 - a. In 1975, the Town zoned the subject site and surrounding area as Homestake PUD.
 - b. In May 2001, the Town amended the Homestake PUD and renamed it the Canyon Creek Planned Development (PD) Plan. Since 2001, the subject site has belonged to Filing No. 8, with a maximum of 275 townhome units.
 - c. In 2008, PD Amendment #5 updated the Land Use Designation for Filing No. 8 from Townhome to Medium Density Residential, which allowed a broader mix of housing types, including duplex, triplex, and manor homes, and removed the maximum lot coverage for Medium Density Residential.
 - d. In 2021, PD Amendment #8 revised rear yard setbacks for alley-loaded homes.
3. **Plats:**
 - a. The Town did not require a Sketch Plan for Filing No. 11, a replat of Filing No. 8, since it was recently platted. A Sketch Plan serves as an optional, informal evaluation before detailed planning and engineering work begins and does not result in any approval or denial.
 - b. On May 28, 2019, Planning Commission and Board of Trustees reviewed a Sketch Plan for Canyon Creek Filing No. 7 & 8. The Sketch Plan illustrated 109 single-family lots and 88 duplex lots south of the RTD railroad right-of-way and north of where Jasper Road dead ends.
 - c. On August 10, 2021, the Town Council approved the Canyon Creek Filing No. 7 & 8 preliminary plat. It included 106 single-family detached home lots (Filing No. 7) and 88 paired home lots (Filing No. 8), with 26 tracts for landscaping, trails, parks, open space, alleys/private streets, utilities, and future development. The area for Preliminary Plat No. 11 lay within designated future development tracts on the original Preliminary Plat.
 - d. On November 14, 2023, the Town Council approved the Canyon Creek Filing No. 8 Final Plat and Development Agreement (DA). Filing No. 8 created 88 duplex lots and 16 tracts for landscaping, drainage, utilities, alleys, and a pocket park. Some of these areas are under construction now. The Filing No. 8 Final Plat identified future development tracts that now make up Filing No. 11.

The Canyon Creek Filing No. 11 Preliminary Plat area consists of Tracts L, N, and P of Canyon Creek Filing No. 8 Final Plat. This area is comprised of 9.401 acres of vacant PD zoned land. There are no existing buildings on the property. The property is bordered by RTD right-of-way and a regional detention basin. The property contains multiple plugged and abandoned wells.

Preliminary Plat Development Data:

The Canyon Creek Filing No. 11 Preliminary Plat proposes the following:

- Size: 9.401 acres
- Residential Development:
 - 81 townhome lots (8.6 gross dwelling units per acre)
- Parks & Opens Space Dedication
 - Pocket Park: 0.12 acres required, provided within adjacent filings
 - Neighborhood Park: 0.73 acres required, provided within adjacent filings and fee-in-lieu
 - Community Park: provided with impact fees at building permit
 - Open Space: 4.12 AC required, provided with adjacent filings and fee-in-lieu
 - Private Park: 0.097 acres
- Other Elements
 - Public ROW: provided extension of Bluebird Street and Wagon Drive
 - Private Alleys: (5) private drive tracts

Compliance with Town of Erie Comprehensive Plan:

The Comprehensive Plan designates most of the Canyon Creek development as Residential-Low (2 to 8 du/ac). Residential-Low areas feature primarily suburban-style developments, with a range of single-family detached and attached homes, townhomes, and patio homes. This designation typically serves as a transition between lower-density and higher-density neighborhoods or commercial uses. The project's dwelling units per acre (8.6) slightly exceed the Comprehensive Plan designation but remain consistent with the overall intent.

The 2021 amendment to the Canyon Creek Planned Development-Development Plan (PD-DP) and last year's adoption of the Comprehensive Plan align with the site's established zoning. The next section of this report will review the Preliminary Plat's conformance to the PD-DP. Since the plat generally conforms to the PD, the application complies with the current Comprehensive Plan Land Use Map.

Below is the future land use map with the Canyon Creek Filing No. 11 Preliminary Plat area labeled:

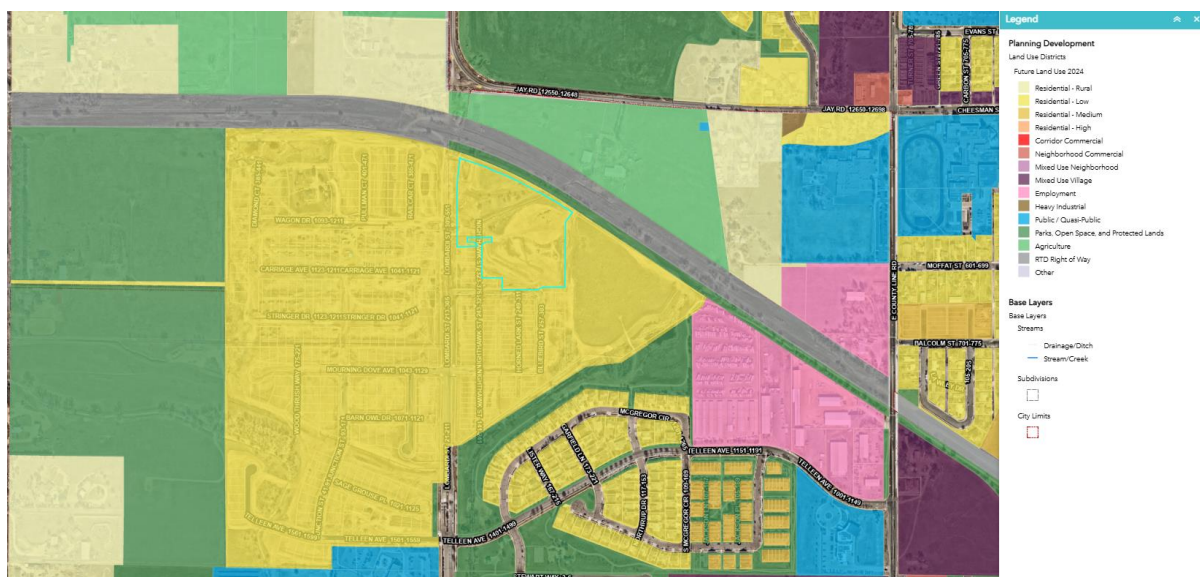


Figure 2: Future Land Use Designation

Compliance with Town of Erie Zoning:

The Town annexed and zoned the property under the Homestake Planned Unit Development (PUD) in 1975. The Town later amended the Homestake PUD and renamed it the Canyon Creek Planned Development (PD).

The site belongs to Filing No. 8, as indicated on the Canyon Creek PD Amendment No. 10. The PD designates Filing No. 8 as medium-density residential and permits a maximum of 275 units. Filing No. 8 will have 88 paired homes. Filing No. 11 will have 81 townhomes. Together, these filings total 169 dwelling units, consistent with the Planned Development-Development Plan.

Filing No. 8 permits a variety of housing, including paired homes, townhomes, and manor homes. Filing No. 11 will have townhomes. The Preliminary Plat's lots meet PD setbacks and other dimensional requirements and stay below the maximum permitted densities.

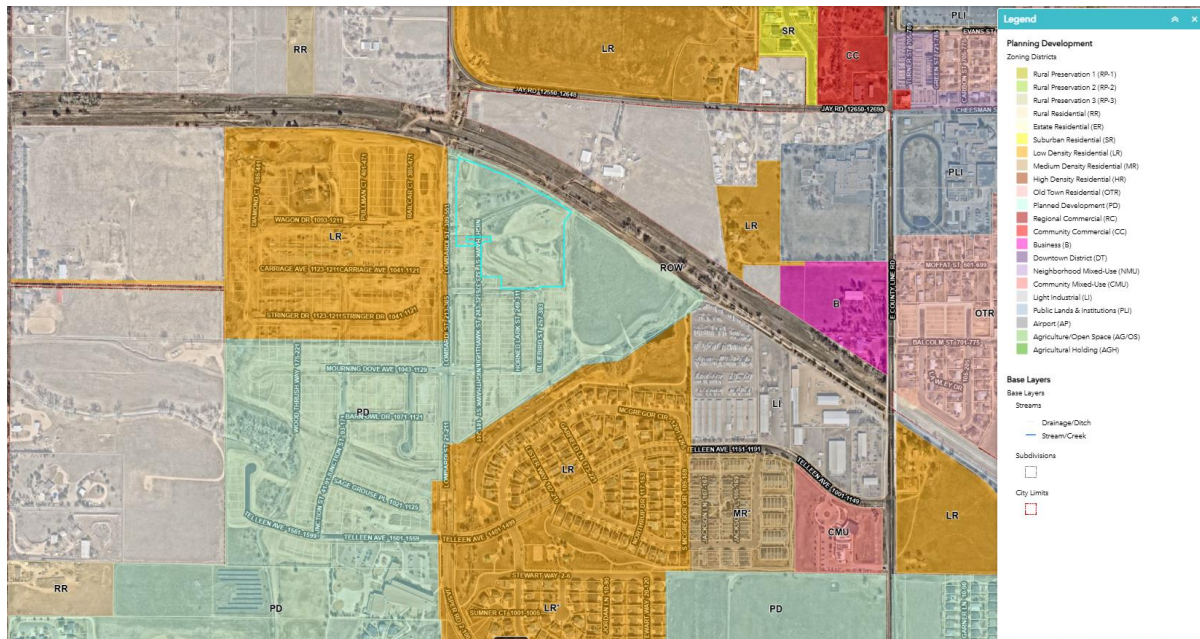


Figure 3: Zoning Map

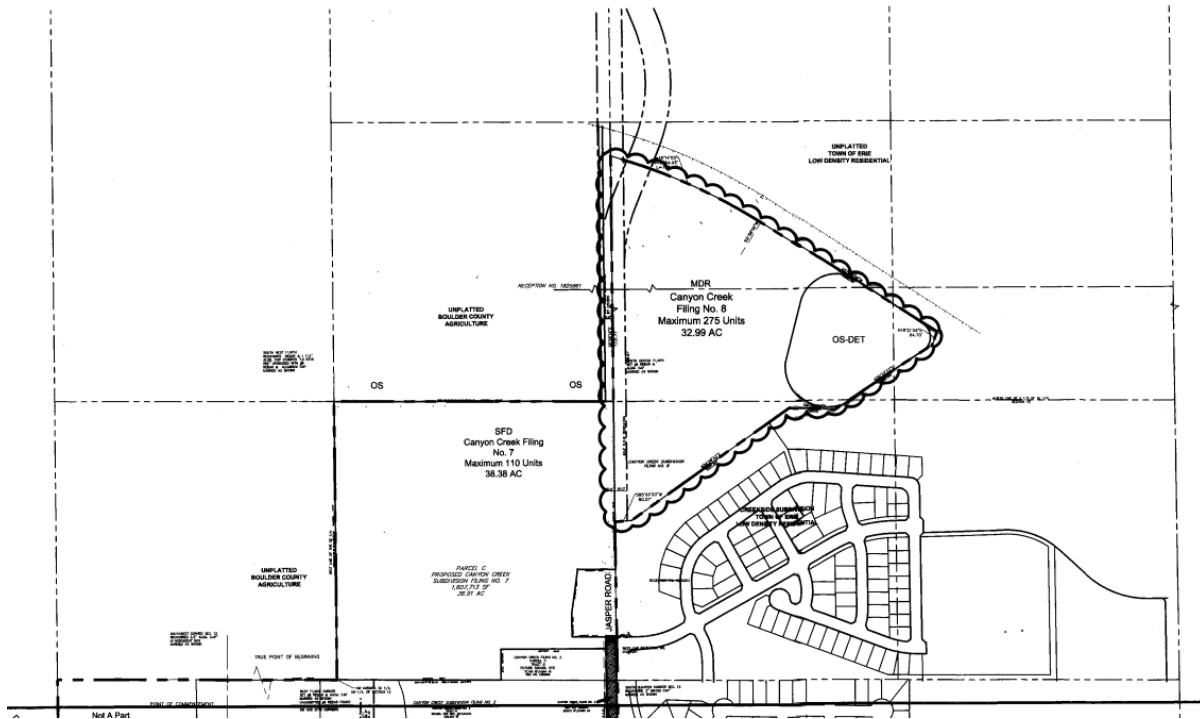


Figure 4: Canyon Creek PD Amendment No. 10, Development Plan

Access/Streets:

Galloway prepared a Traffic Conformance Letter with the Preliminary Plat application materials. In line with the Town Standard and Specifications, Galloway also prepared a Transportation Assessment to identify any additional needs or impacts to the approved site layout from Filings 7 & 8. The Transportation Assessment is the correct study, since the Institute of Transportation Engineers (ITE) trip generation for 81 townhomes falls below the 100-peak threshold noted in the Town Standards and Specifications. The assessment concludes that these additional trips will have little to no impact on the proposed roadway infrastructure.

The Preliminary Plat extends two internal public local streets, with alleys under private ownership and maintenance. The townhomes are private alley-loaded and face either garden courts or streets. The north-south extension of Bluebird Street matches Filing No. 8 Final Plat. The east-west extension of Wagon Drive matches the Lafferty at Canyon Creek Final Plat. The intersection of Wagon Drive and Lombardi Street will allow full movement with two-way stop control.

The property benefits from improvements previously approved and under construction by others, including Lafferty at Canyon Creek, Canyon Creek Filing No. 7, and Canyon Creek Filing No. 8. The Traffic Impact Analysis (TIA) for these sites, conducted by LSC in June 2021, still applies to current construction. The TIA identifies the following improvements for completion by the developers of Lafferty and Filings 7 & 8:

- Continue aligning Lombardi Street from Jay Road to Telleen Ave, building the roadway out to Major Collector cross-section as per the Town Transportation Mobility Plan (TMP)
- Add auxiliary turn lanes as identified in the TIA

- Include bike lanes as per the TMP
- Provide a pedestrian crossing of the existing RTD rail tracks
- Build a roundabout at Jay Rd and Lombardi Street
- Establish a 4-way stop at Telleen Ave and Lombardi Street. The TIA notes that this intersection does not meet the warrant for traffic signalization.

The proposed streets and improvements comply with the Town Standards and Specifications. Future final plats will assess and finalize access through the property and to the surrounding street network.

Parks and Open Space:

The Town bases the required dedications for public parks and open space on the Erie Municipal Code. The PD and adjacent filings satisfy the required dedications for neighborhood parks, pocket parks, and open space. The table below details how this Preliminary Plat application meets these requirements, based on 2.99 residents per unit and 81 townhome units:

Table 1: Park and Open Space Dedication Requirements

Canyon Creek Filing 11 Park & Open Space Dedication Requirements			
Park Type	Acres Required per 1,000 residents	Required Acres	Provided Acres
Community Park	5	1.21	Impact fee at Building Permit
Neighborhood Park	3	0.73	18.15-acres provided with Filing 1 and fee-in-lieu
Pocket Park	0.5	0.12	0.351-acres provided in adjacent Filing No. 7; 0.595-acres provided in adjacent Filing No. 8
Open Space	17	4.12	9.678-acres provided in adjacent Filing No. 7

Trails/Pedestrian Connections

This project will add a series of sidewalks and connections to a spine trail. These features connect different parts of the neighborhood to one another and to future adjacent development. Construction of Filing No. 8 included a Spine Trail along the north boundary of Filing No. 11, parallel to the RTD right-of-way. The plan proposes various trails and sidewalks along streets and open space tracts to ensure connectivity throughout the development.

Drainage:

The Town Engineering Division reviewed the submitted Preliminary Drainage Report and raised no concerns. The design and calculations for Phase II drainage concepts follow the Erie Standards and Specifications, Mile High Flood District, and the Erie Outfall System Plan. The storm sewer system will collect stormwater runoff and channel it into Water

Quality and Detention Pond 1045, east of Filing No. 11. Water Quality and Detention Pond 1045 – Pond B provides extra volume to accommodate this project's water quality needs. Overall, the flow to Water Quality and Detention Pond 1045 will increase by only 0.13%. At the Operations & Maintenance Division's direction, Engineering Staff requested that the applicant revise water quality pond access for closer access. The applicant will address this at Final Plan and the Town has listed it as a condition for Preliminary Plat approval. Final drainage plans will undergo review with the Final Plat.

Lafferty at Canyon Creek, Canyon Creek Filing No. 7, and a portion of Canyon Creek Filing No. 8 belong to a different drainage basin and do not flow to Water Quality and Detention Pond 1045, which serves Filing No. 11.

Utilities:

The Town of Erie will provide water and wastewater services to the property. The Preliminary Plat proposes water and sewer mains within rights-of-way or public easements. Filing No. 11 lies in the Town's Water Zone 2. This development will connect to the existing water mains in Filing No. 8 and Jasper/Lombardi Road. The project falls under the West Side Basin for sanitary sewer and will connect to the system through Filing 8 and Jasper/Lombardi Road.

Xcel Energy will provide gas and electricity. Century Link Communications will provide telephone services, and Comcast will provide cable television. Allo Fiber does not yet offer services in the area, but the developer is in communication with Allo to provide service if it becomes available. The Town will establish utility easements for these providers at the time of Final Plat.

Schools:

The St. Vrain Valley School District serves this proposed subdivision. The applicant must pay appropriate impact fees. Red Hawk Elementary school sits near the site. Previous Canyon Creek filings satisfied all required school dedications. The school district expressed no concerns about capacity.

Fire Protection:

The Mountain View Fire Protection District will provide fire and emergency medical services.

Police Service:

The Erie Police Department will serve the property.

Oil/Gas Facilities:

Plugged and abandoned wells lie within Filing No. 11. All eight such wells are in a separate Tract C and have met the Town's requirements for a reduced setback to 50 feet by 100 feet, which the Plat shows.

Soils and Geology:

Western Environment and Ecology, Inc. prepared a Mine Subsidence Assessment for the site. After completing three additional borings (B1, 2, and 3) on the Filing 11 project and correlating the “Main Seam” between the Chase, Northrop, and Longs Peak Mines, Western Environment and Ecology, Inc. determined that no mine workings exist beneath Filing 8, as shown on the JLA Surveying Preliminary Plat of Filing 11, dated November 22, 2024 (misdated 2023). Jill Carlson, Engineering Geologist with Colorado Geological Survey (CGS), reviewed the updated Mine Subsidence Evaluation and accepted Western’s conclusion that mine workings do not exist beneath Canyon Creek Filing 11 (per letter dated January 21, 2025). Based on Western’s conclusion and CGS’s review, staff do not recommend additional borings or a revised Subsidence Report.

Natural Resources:

ERO Resources Corporation (ERO) prepared a Natural Resources Assessment for Filings No. 7 & 8, including this property, in 2018. The assessment examined potential wetlands and waters of the U.S., federally threatened, endangered, candidate and sensitive species habitat, raptors and migratory bird habitat, and general wildlife. General findings for the Filing No. 11 site are as follows:

- Wetlands and Other Waters of the U.S.: Four water-conveyance irrigation ditches cross Filings No. 7 & 8. The applicant does not plan any work within the ditches or canals, so no further action is necessary.
- Federally Threatened and Endangered Species: The project area lacks suitable habitat for most federally listed threatened or endangered species in Boulder County.
- Migratory Bird: ERO observed one inactive raptor nest in the western cottonwood stand on the property. Although ERO saw no other nests in the project area, croplands and trees in the area could serve as nesting habitat for ground-nesting and tree-nesting migratory birds. ERO recommends that the team conduct a nest survey within one week before construction to determine if active nests exist in the area, so the team can avoid them. If the survey finds active nests, the team cannot do any work that would destroy the nests until the birds vacate them. If the work must proceed without disturbing an active nest, the Colorado Department of Wildlife (CPW) recommends a 1/3-mile buffer zone from the nesting site.

Ecosystem Services, LLC (Ecos) prepared a Threatened and Endangered Species, Habitat & Wetlands Report for Filings No. 7 & 8, including this property, in 2019. This assessment aligns with the findings above.

Ecos also prepared a Native and Specimen Tree and Vegetation Protection Report for Filings No. 7 & 8, including this property, in 2019. The southern portion of the subject property contains Medium Priority prairie dog and burrowing owl habitat. Tall, young cottonwoods (4” diameter at breast height) at the northwest corner of the site were mitigated during construction of the Filing No. 8 spine trail. The report’s recommendations did not affect this property.

Environmental Hazards:

ERO Resources Corporation (ERO) conducted a Phase I Environmental Site Assessment (ESA) for Canyon Creek Filings No. 7 and 8, including this property. The assessment found no evidence of recognized environmental conditions (RECs) at the property, except for historical coal mining activity that may have caused coal deposition from operations on the property that are not currently visible. A separate report determined that no mine workings exist under the subject property and the application does not raise subsidence concerns. Since the assessments, the producing oil and gas facilities have been plugged and abandoned, and the Town has reviewed extensive data reports. Staff do not recommend or require a Phase II Environmental Site Assessment, as they found no evidence of RECs.

APPROVAL CRITERIA - STAFF ANALYSIS:

The proposed Preliminary Plat was reviewed for conformance with Municipal Code, Title 10, UDC Section 10.7.7.D.2. Approval Criteria. Staff finds the Preliminary Plat in compliance with the Preliminary Plat Approval Criteria as listed below.

- a. The subdivision is generally consistent with the Town's Comprehensive Master Plan.

Staff: The proposed subdivision is generally consistent with the current 2024 Comprehensive Plan Future Land Use Map, which designates the property as Residential-Low. The Canyon Creek Planned Development-Development Plan ("PD-DP") was adopted in 2001 and was amended in 2008 to update medium density residential for Filing No. 11 in conformity with the previous 2005 Comprehensive Plan, which designated MDR for the subject property. As the plat is in general conformance with the PD, the application is in general compliance with the Comprehensive Plan Land Use Map.

- b. The subdivision is generally consistent with and implements the intent of the specific zoning district in which it is located.

Staff: The proposed subdivision is consistent with and implements the Canyon Creek PD – Planned Development zoning district.

- c. The general layout of lots, streets, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed to meet the Town's standards related to health and safety and in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this UDC.

Staff: The proposed subdivision meets the Town's UDC and standards.

- d. The subdivision complies with all applicable use, development, and design standards set forth in Chapters 3, 5 and 6 of this UDC that have not otherwise been modified or waived pursuant to this Chapter or this UDC. Applicants shall refer to the Development Standards in Chapter 5 of this UDC and shall consider them in the layout of the subdivision in order to avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible.

Staff: The proposed subdivision meets the Town's UDC standards, including as modified in the Canyon Creek PD.

- e. The subdivision complies with all applicable regulations, standards, requirements, or plans of the Federal or State governments and other relevant jurisdictions, including but not limited to wetlands, water quality, erosion control, and wastewater regulations.

Staff: *The proposed subdivision meets applicable Federal and State standards.*

- f. The subdivision will not result in significant adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated.

Staff: *No significant adverse impacts are anticipated with the proposed subdivision.*

- g. The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features.

Staff: *The proposed subdivision will be integrated into the existing road and pedestrian network, and the currently under construction road and network of Filing No. 7 & 8.*

- h. The subdivision will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated.

Staff: *No significant adverse impacts are anticipated with the proposed subdivision.*

- i. Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development.

Staff: *Adequate facilities are available to serve the proposed subdivision, shall be constructed with the development, or shall be mitigated through the payment of fees.*

- j. As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

Staff: *Adequate infrastructure is proposed and will be available to serve the proposed subdivision. A Development Agreement including a phasing plan will be reviewed as part of future Final Plats.*

NEIGHBORHOOD MEETING:

As required by the Municipal Code a Neighborhood Meeting was held virtually on Microsoft Teams on June 12, 2025, at 6:00 p.m. The required notice for the Neighborhood Meeting was provided. There were 3 public attendees at the meeting. Questions and concerns included Lombardi Street naming, project timeline, drainage, park dedication, spine trail to Boulder, dark sky ordinance, and mine shafts. A summary of the neighborhood meeting was provided by the applicant.

PLANNING COMMISSION MEETING:

As required by the Municipal Code, a publicly noticed public hearing before the Planning Commission was held on September 17, 2025. Primary concerns included stormwater management, transportation, environmental concerns, and diversity/density of housing. Commissioner Sawusch requested an updated Transportation Impact Study and revised Subsidence Report as a condition of approval. Staff addressed these concerns in the staff report above.

During public comment, there was comment regarding drainage concerns related to the Lafferty at Canyon Creek development. Staff later met with the concerned property owner and came to the conclusion that because Lafferty stormwater drains to a different basin, it is a separate matter from Canyon Creek Filing No. 11.

PUBLIC NOTICE:

Notice of this Public Hearing has been provided as follows and affidavits provided in the agenda package:

Published in the Colorado Hometown Weekly:	10/08/25
Property Posted as required:	by 10/10/25
Letters to Adjacent Property Owners:	by 10/10/25