

RESOLUTION NO. P17- 07

**A RESOLUTION REGARDING THE PRELIMINARY PLAT FOR WISE FARMS
PRELIMINARY PLAT, ADOPTING CERTAIN FINDINGS OF FACT AND
CONCLUSIONS FAVORABLE TO THE PRELIMINARY PLAT.**

WHEREAS, the Planning Commission of the Town of Erie, Colorado, considered the Preliminary Plat of Wise Farms Preliminary Plat on Wednesday, March 15, 2017 on the application of Elizabeth W. Kissell, and Wise Homestead, LLC, 11497 Jasper Road, Lafayette, CO, such Preliminary Plat being a plat of the following real property; to wit:

See Exhibit "A," attached hereto and incorporated herein, and

WHEREAS, the application for Preliminary Plat is detailed on the attached Exhibit "B" Wise Farms Preliminary Plat, dated February 21, 2017.

WHEREAS, said Wise Farms Preliminary Plat is incorporated herein and made part hereof by this reference.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE
TOWN OF ERIE, COLORADO, as follows:**

Section 1. Findings of Fact.

1. The applicant's application and supporting documents are in substantial compliance with Section 7.7.C of Title 10, Town of Erie Municipal Code.
2. The Town of Erie Municipal Code shall be followed in the development of the property.
3. A Detailed Development Agreement (DA) will be required at such time as the property is approved for a final plat.
4. The Preliminary Plat as proposed, subject to the following conditions, will preserve the health, safety, welfare and interest of the citizens of the Town of Erie, Colorado.
 - a. Executed Surface Use Agreements, with all mineral owners or leaseholders, shall be in place before a Wise Farms Final Plat is approved by the Town.
 - b. All existing encumbrances on proposed lots shall be vacated, removed, and/or relocated prior to Final Plat recordation.
 - c. Within the applicant's Environmental Site Assessment Report (Phase I), the existing Noble Energy oil and gas well and associated tank battery was recognized as an environmental condition. The well site was identified due to the age of the well and the concrete tank used to store the condensate. The applicant is required to submit a Phase II Environmental Assessment Report of this well site with the Final Plat application proposing to plat this area of Wise Farms.
 - d. Any abandoned oil and gas well, within a Wise Farms Final Plat for development, shall be located, monumented and identified on the final plat, as specified in the Municipal Code.
 - e. Easements, licenses and/or crossing agreements for off-site infrastructure improvements shall be required prior to recording any final plat allowing development.

- f. All necessary license and/or crossing agreements for the ditch crossings, RTD crossing, WAPA power line crossings, etc., shall be in place prior to recording any final plat allowing development. At the final plat application submittal, the applicant shall detail what agreements are required and the status of those agreements.
- g. The preservation of a hydrologically functional wetland which is an accessible public open space, to retain, to the extent possible, the existing vegetation including the large trees along Jasper Road, and location of the Town spine trail as well as potential neighborhood trails within and around these resources require additional information to be provided at the time of final plat in order to be achieved as desired. A restoration ecologist or similar expert acceptable to the Town shall be retained to explore these issues holistically and provide a report, mapping, and recommendations regarding how best to achieve and balance the stated goals. A more in depth investigation of the wetland hydrology and the current boundaries, the impacts of the subdivision on the area hydrology, health, and ecology of the area, a tree survey, and coordination with Parks and Recreation Department regarding trail location is necessary. The required report shall be included as part of any final plat application allowing development.
- h. If site development and disturbance of trees occurs between April 1 and August 15, a survey for active nests should be conducted. Trees with an active nest shall not be removed until the nest is abandoned for the season.
- i. Within the proposed development, the historic mill and two associated sheds, along Jasper Road, are located in existing Jasper Road right of way, in the future Jasper Road right of way dedication, and adjacent to future open space dedication to the Town of Erie. The owner and developer have agreed to either move or remove the structures from the right of way and open space. The proposed timing for moving or removing the structures shall be included as part of any final plat application allowing development.
- j. The existing farm complex on the west end of the property south of Jasper Road has an accessory building that encroaches into the future Jasper Road right of way which must be removed from the future right of way. The proposed timing for removing the structure shall be included as part of any final plat application allowing development.
- k. The property shall be brought into full compliance with the Town Municipal Code, specifically, but not limited to the clean-up of outdoor storage and the removal of stored/junk vehicles prior to approval of any final plat allowing development.
- l. The existing eastern residential complex, adjacent to Jasper Road, shall be removed and the property brought into compliance with Town Municipal Code requirements prior to any final plat allowing development.
- m. The approval of the Wise Farms Preliminary Plat shall not come into effect until the Wise Farms Zoning Map and Wise Farms PUD Zoning Map is approved and recorded for the property.

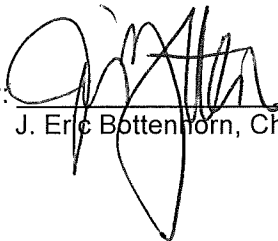
- n. Technical corrections to Wise Preliminary Plat shall be made to the Town's satisfaction.

**Section 2. Conclusions and Order Recommending Approval of the Preliminary Plat of
Wise Farms Preliminary Plat to the Board of Trustees.**

1. Based on the above Findings of Fact, the Planning Commission hereby forwards the Wise Farms Preliminary Plat application to the Board of Trustees with the Planning Commission's recommendation for approval with the conditions of approval listed above.

INTRODUCED, READ, SIGNED AND APPROVED this 15th day of March, 2017.

TOWN OF ERIE, PLANNING COMMISSION

By: 
J. Eric Bottenhorn, Chair

ATTEST:

By: 
Planning Commission Secretary

EXHIBIT A

(Wise Farms Legal Description)

NORTH PARCEL:

A PARCEL OF LAND BEING A PART OF THE NORTH HALF OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 14, FROM WHICH THE EAST-SOUTH ONE SIXTEENTH CORNER OF SAID SECTION 14 BEARS S00°04'01"E, A DISTANCE OF 1,316.88 FEET SAID LINE FORMING THE BASIS OF BEARINGS WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO;

THENCE S88°24'34"W, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 30.01 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF NORTH 119TH STREET;

THENCE S88°24'34"W ALONG SAID SOUTH LINE, A DISTANCE OF 627.28 FEET; TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14;

THENCE CONTINUING S88°24'34"W ALONG SAID SOUTH LINE , A DISTANCE OF 3.19 FEET;

THENCE NORTH 00°09'24"W, A DISTANCE OF 114.08 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE PREVIOUS UNION PACIFIC RAILROAD RIGHT-OF-WAY, SAID RIGHT-OF-WAY LINE BEING 50 FEET, BY PERPENDICULAR MEASUREMENT NORTHERLY OF THE CENTERLINE OF THE EXISTING TRACK, SAID POINT BEING THE POINT OF BEGINNING;

THENCE S89°42'11"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 653.74 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14;

THENCE CONTINUING S89°42'11"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1,314.16 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14;

THENCE CONTINUING S89°42'11"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1,309.61 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 14;

THENCE N00°29'33"W ALONG SAID WEST LINE, A DISTANCE OF 1,119.88 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF JASPER ROAD;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

1. N88°21'52"E, A DISTANCE OF 1,314.39 FEET
2. N88°17'28"E, A DISTANCE OF 1,317.03 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14;
3. CONTINUING N88°17'28"E, A DISTANCE OF 599.53 FEET TO THE NORTHWESTERLY CORNER OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 1555, AT RECEPTION NO. 953348;

THENCE S00°09'21"E ALONG THE WESTERLY LINE OF SAID TRACT OF LAND, A DISTANCE OF 397.57 FEET TO THE MOST SOUTHERLY CORNER THEREOF;

THENCE N50°52'13"E ALONG THE SOUTHEASTERLY LINE OF SAID TRACT OF LAND, A DISTANCE OF 70.21 FEET;

THENCE S00°09'21"E, A DISTANCE OF 843.98 FEET TO THE POINT OF BEGINNING.

SOUTH PARCEL:

A PARCEL OF LAND BEING A PART OF THE NORTH HALF AND A PART OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 14, FROM WHICH THE EAST-SOUTH ONE SIXTEENTH CORNER OF SAID SECTION 14 BEARS SOUTH 00°04'01" EAST, A DISTANCE OF 1316.88 FEET, SAID LINE FORMING THE BASIS OF BEARINGS WITH ALL BEARINGS CONTAINED HEREWITH BEING RELATIVE THERETO;

THENCE SOUTH 88°24'34" WEST, A DISTANCE OF 30.01 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF NORTH 119TH STREET, SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH 00°04'10" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1316.93 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14;

THENCE SOUTH 88°18'16" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 1282.45 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14;

THENCE CONTINUING SOUTH 88°18'16" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 1312.40 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14;

THENCE SOUTH 88°16'21" WEST ALONG THE SOUTH LINE OF THE NORTHEAST

QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14, A DISTANCE OF 60.98 FEET TO THE SOUTHEASTERLY CORNER OF THAT TRACT OF LAND CONVEYED TO RONALD SCOTT JASPER, RONALD LEE JASPER AND VEE ANN JASPER AS DESCRIBED IN WARRANTY DEED RECORDED MAY 3, 1976, ON FILM 922 AS RECEPTION NO. 175271, OF THE RECORDS OF BOULDER COUNTY, COLORADO;

THENCE NORTH 00°19'00" WEST ALONG THE EASTERLY LINE OF SAID TRACT OF LAND, A DISTANCE OF 1381.63 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE PREVIOUS UNION PACIFIC RAILROAD RIGHT-OF-WAY, SAID RIGHT-OF-WAY LINE BEING 50 FEET, BY PERPENDICULAR MEASUREMENT, SOUTHERLY OF THE EXISTING TRACK;

THENCE NORTH 89°42'11" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 62.45 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14;

THENCE CONTINUING NORTH 89°42'11" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1314.28 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14;

THENCE CONTINUING NORTH 89°42'11" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 653.74 FEET;

THENCE SOUTH 00°09'21" EAST, A DISTANCE OF 14.08 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14;

THENCE NORTH 88°24'34" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 3.19 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 14;

THENCE CONTINUING NORTH 88°24'34" EAST ALONG SAID SOUTH LINE, A DISTANCE OF 627.28 FEET TO THE POINT OF BEGINNING.

SAID NORTH, SOUTH AND JASPER ROAD RIGHT-OF-WAY PARCELS CONTAINING A CALCULATED AREA OF 7,576,344 SQUARE FEET, OR 173.929 ACRES, MORE OR LESS.

EXHIBIT B

(Wise Farms Preliminary Plat)

TOWN OF ERIE

*645 Holbrook Street
Erie, CO 80516*



Meeting Minutes

Wednesday, March 15, 2017

6:30 PM

Council Chambers

Planning Commission

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO FLAG

Chairman Bottenhorn called the March 15, 2017 Planning Commission Meeting to order at 6:32pm.

II. ROLL CALL

Roll Call:

Commissioner Gippe - present
Commissioner Zuniga - present
Commissioner Harrison - absent
Commissioner Fraser - present
Commissioner Campbell - present
Commissioner Hedahl - present
Chairman Bottenhorn - present

III. APPROVAL OF THE AGENDA

Commissioner Campbell moved to approve the agenda of the March 15, 2017 Planning Commission Meeting. The motion, seconded by Commissioner Gippe, carried with all voting in favor thereof.

IV. APPROVAL OF MINUTES

[17-119](#) Minutes of the March 1, 2017 Planning Commission Meeting

Attachments: [3-1-2017 PC Draft Meeting Minutes](#)

Commissioner Gippe moved to approve the minutes of the March 1, 2017 Planning Commission Meeting. The motion, seconded by Commissioner Campbell, carried with all voting in favor thereof.

V. PUBLIC COMMENTS

There were no Public Comments taken.

VI. PROCLAMATIONS AND PRESENTATIONS

There were no Proclamations or Presentations scheduled.

VII. RESOLUTIONS

[17-123](#) PUBLIC HEARING: Wise Farms Zoning Map, Rezoning

Attachments: [17-123 Staff Memo Wise Farms Rezoning](#)
[17-123 Resolution Wise Farms Rezoning](#)
[17-123 Application Materials Wise Farms Rezoning](#)

[17-124](#) PUBLIC HEARING: Wise Farms PUD Zoning

Attachments: [17-124 Staff Memo Wise Farms PUD](#)
[17-124 Resolution Wise Farms PUD](#)
[17-124 Application Materials Wise Farms PUD](#)

17-125 PUBLIC HEARING: Wise Farms Preliminary Plat

Attachments: [17-125 Staff Memo Wise Farms Preliminary Plat](#)
[17-125 Resolution Wise Farms Preliminary Plat](#)
[17-125 Application Materials Wise Farms Preliminary Plat](#)
[17-125 Development Reports](#)
[17-125 Referrals Wise Farms Preliminary Plat](#)
[17-125 Public Comment Wise Farms Preliminary Plat](#)

Chairman Bottenhorn opened the Public Hearing for Agenda Item No. 17-123, Agenda Item No. 17-124 and Agenda Item No. 17-125 at 6:33pm.

Hannah Hippely, Senior Planner, presented the Wise Farms Zoning Map and Rezoning, PUD Zoning and Preliminary Plat.

Chairman Bottenhorn asked that all those wishing to give testimony on tonight's Public Hearing raise their hand to be sworn in at 6:51pm.

The applicant, Jim Dullea, also gave a presentation and provided follow up information regarding the Wise Property.

Chairman Bottenhorn opened up the meeting to Public Comment at 7:07pm.

Public Comment was taken from the following:

Kit Wagner - 11810 & 11826 Jasper Road, Erie
Jerry Heim - 11711 Billings Avenue, Lafayette
Rebecca Waugh - 515 Front Street, Louisville
Brian Carlson - 4100 N. 119th Street, Lafayette
Carl Volz - 11587 Jasper Road, Erie
Mary Volz - 11587 Jasper Road, Erie
Nancy Pugh - 12234 Jay Road, Erie
Rex Meeker - 11375 Jasper Road, Erie
Dennis Nowak - 11577 Billings Avenue, Lafayette
David Brown - 11848 Billings Avenue, Lafayette
Elizabeth Landen - 4113 N. 109th Street, Erie
James Elke - 4038 N. 119th Street, Lafayette
Aaron Levey - 906 Weston Circle, Erie
Robin Phillips - 11843 Billings Avenue, Lafayette
Jenny Elke - 4038 N. 119th Street, Lafayette
Tanya Dollhouse - 11775 Billings Avenue, Lafayette

Public comments consisted of concern for the rezoning and maintaining consistency of the area, adverse impact on other properties, historical resources, traffic issues, water concerns, and maintaining quality and longevity. Several individuals mentioned that they are not against development but they would like to see the area remain rural.

As public comment ended, Commissioner Bottenhorn called for a break at 7:48pm.

Commissioner Bottenhorn reconvened the meeting at 7:54pm.

Once questions/comments were answered and heard from the Commissioners, Chairman Bottenhorn closed the Public Hearing at 8:57pm.

Agenda Item No. 17-123 PUBLIC HEARING: Wise Farms Zoning Map, Rezoning
Commissioner Fraser moved to approve Agenda Item No. 17-123, Resolution P17-05. The motion, seconded by Commissioner Campbell, carried with all voting in favor with the exception of Commissioners Gippe and Hedahl who voted no.

Agenda Item No. 17-124 PUBLIC HEARING: Wise Farms PUD Zoning
Commissioner Fraser moved to approve Agenda Item No. 17-124, Resolution P17-06. The motion, seconded by Commissioner Campbell, carried with all voting in favor with the exception of Commissioners Gippe and Hedahl who voted no.

Agenda Item No. 17-125 PUBLIC HEARING: Wise Farms Preliminary Plat
Commissioner Fraser moved to approve Agenda Item No. 17-125, Resolution P17-07. The motion, seconded by Commissioner Campbell, carried with all voting in favor with the exception of Commissioners Gippe and Hedahl who voted no.

VIII. GENERAL BUSINESS

There were no General Business items scheduled.

IX. STAFF REPORTS

Staff has nothing new to report tonight.

X. COMMISSIONER REPORTS AND DISCUSSION ITEMS

There are no Commissioner reports or discussion items.

XI. ADJOURNMENT

Chairman Bottenhorn adjourned the March 15, 2017 Planning Commission meeting at 9:09pm.