

RESOLUTION NO. P13-09

A RESOLUTION REGARDING THE FINAL PLAT OF LOST CREEK FARM ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE FINAL PLAT.

WHEREAS, the Planning and Zoning Commission of the Town of Erie, Colorado, considered the Final Plat of Lost Creek Farm on Tuesday, March 20, 2013, on the application of G&S Development, LLLP, Pat Fisher, 1326 Graham Circle, Erie, Colorado being the Final Plat of the following real property; to wit:

See attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING 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 the "*Subdivision Regulations of the Town of Erie, Colorado, Revised 1995 Edition*".
2. A Development Agreement is required to be recorded with the Final Plat.
3. The Final 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. Before the Final Plat and Development Agreement is signed by the Town and recorded with the County, the applicant must supply current title work confirming Taylor Morrison of Colorado, Inc. as owner of the property. If Taylor Morrison of Colorado, Inc. is not the fee simple owner of the property than a Mortgagees Consent Certificate shall be added to the Final Plat and signed by the appropriate agency.
 - b. Before the Final Plat is signed by the Town and recorded with the County, the New Lower Boulder Reservoir & Ditch Company shall sign the Acceptance Certificate on the Final Plat.
 - c. Before the Final Plat is signed by the Town and recorded with the County, the applicant shall provide recorded Homeowners Association documents and the Homeowners Association shall sign the Acceptance Certificate on the Final Plat.
 - d. Construction Plans shall be submitted and approved before building permits are issued.

Section 2. Conclusions and Order Recommending Approval of the Final Plat of Lost Creek Farm.

1. The applicant's application and supporting documents are in substantial compliance with the "*Subdivision Regulations of the Town of Erie, Colorado, Revised 1995 Edition*".
2. A Development Agreement is required to be recorded with the Final Plat.
3. The Final 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. Before the Final Plat and Development Agreement is signed by the Town and recorded with the County, the applicant must supply current title work confirming Taylor Morrison of Colorado, Inc. as owner of the property. If Taylor Morrison of Colorado, Inc. is not the fee simple owner of the property than a Mortgagees Consent Certificate shall be added to the Final Plat and signed by the appropriate agency.
- b. Before the Final Plat is signed by the Town and recorded with the County, the New Lower Boulder Reservoir & Ditch Company shall sign the Acceptance Certificate on the Final Plat.
- c. Before the Final Plat is signed by the Town and recorded with the County, the applicant shall provide recorded Homeowners Association documents and the Homeowners Association shall sign the Acceptance Certificate on the Final Plat.
- d. Construction Plans shall be submitted and approved before building permits are issued.

INTRODUCED, READ, SIGNED AND APPROVED this 20th day of March, 2013.

TOWN OF ERIE, PLANNING COMMISSION

By: 
Brent Bell, Chair

ATTEST:

By: 
Hallie S. Sawyer, Secretary

Exhibit A

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE A PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN, BOULDER COUNTY, COLORADO:
COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 13 FROM WHENCE THE NORTHEAST CORNER BEARS N00°08'00"W, 2652.53 FEET; THENCE N00°08'00"W ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, 138.57 FEET TO A POINT ON THE NORTH LINE OF JAY ROAD AS IT IS PRESENTLY MONUMENTED, EXTENDED EASTERLY; THENCE N 89°20'07" W ALONG SAID NORTH LINE OF JAY ROAD, AND SAID NORTH LINE EXTENDED EASTERLY, 666.03 FEET TO THE SOUTHWEST CORNER OF THE CARBERRY PROPERTY AS DESCRIBED IN DEED RECORDED ON FILM 1644 AT RECEPTION NO. 01064372, BOULDER COUNTY, COLORADO RECORDS, AS IT IS PRESENTLY MONUMENTED AND THE TRUE POINT OF BEGINNING; THENCE N00°04'52"E ALONG THE WEST LINE OF SAID CARBERRY PROPERTY, 135.81 FEET TO THE NORTHWEST CORNER OF SAID CARBERRY PROPERTY, AS IT IS PRESENTLY MONUMENTED; THENCE N61°07'29"W, ALONG THE SOUTHERLY LINE OF THE WIGGETT PROPERTY AS DESCRIBED IN DEED, RECORDED ON FILM 1413 AT RECEPTION NUMBER 00768715, BOULDER COUNTY, COLORADO RECORDS, 159.55 FEET TO THE SOUTHWEST CORNER OF SAID WIGGETT PROPERTY, AS IT IS PRESENTLY MONUMENTED, THENCE N00°04'40"W, 75.50 FEET ALONG THE WEST LINE OF WIGGETT PROPERTY; THENCE S89°55'08"E, 0.66 FEET ALONG THE WEST LINE OF WIGGETT PROPERTY TO A POINT ON THE EAST LINE OF A PARCEL OF LAND RECORDED ON FILM 1330 AT RECEPTION NUMBER 0658296 OF SAID BOULDER COUNTY, COLORADO RECORDS; THENCE ALONG THE EAST LINE OF SAID PARCEL OF LAND RECORDED ON FILM 1330 AT RECEPTION NUMBER 0658296 THE FOLLOWING (12) TWELVE COURSES; THENCE N00°04'40"W, 273.40 FEET; THENCE N01°58'12"W, 209.10 FEET; THENCE N08°24'09"W, 67.96 FEET; THENCE N21°15'21"W, 133.69 FEET; THENCE N27°30'41"W, 237.04 FEET; THENCE N30°41'14"W, 187.12 FEET; THENCE N36°17'15"W, 48.95 FEET; THENCE N55°06'25"W, 37.79 FEET; THENCE N88°11'49"W, 96.53 FEET; THENCE N00°09'33"W, 17.93 FEET; THENCE S89°10'25"W, 104.39 FEET TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE N00°09'32"W, 847.55 FEET ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 13 TO A POINT ON THE NORTH LINE OF THE LOWER BOULDER CANAL (SOUTH PLATTE SUPPLY CANAL) AS RECORDED ON BOOK 986 AT PAGES 266-271 OF THE SAID BOULDER COUNTY, COLORADO RECORDS; THENCE ALONG THE NORTH LINE OF SAID CANAL THE FOLLOWING (6) SIX COURSES; THENCE N68°49'00"E, 46.50 FEET; THENCE S78°35'00"E, 122.17 FEET; THENCE N86°28'00"E, 535.90 FEET; THENCE S82°58'00"E, 212.90 FEET; THENCE S79°03'00"E, 287.50 FEET; THENCE N79°49'00"E, 114.53 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF COUNTY LINE ROAD; THENCE S00°08'00"E, 95.92 FEET ALONG THE WEST RIGHT OF WAY OF SAID COUNTY LINE ROAD TO THE NORTHEAST CORNER OF THAT TRACT OF LAND RECORDED IN BOOK 532 AT RECEPTION NO. 781936; THENCE ALONG THE EXTERIOR BOUNDARY OF SAID TRACT OF LAND RECORDED IN BOOK 532 AT RECEPTION NO. 781936 THE FOLLOWING (4) FOUR COURSES; THENCE S79°47'24"W, 115.43 FEET; THENCE N79°04'36"W, 309.48 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S00°12'36"E, 208.37 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE S89°27'36"E, 417.13 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE S00°08'00"E, 208.47 FEET ALONG THE WEST RIGHT OF WAY OF SAID COUNTY LINE ROAD TO THE NORTHEAST CORNER OF THAT TRACT OF LAND RECORDED ON FILM 932 AT RECEPTION NO. 185132 OF SAID BOULDER COUNTY, COLORADO RECORDS; THENCE N89°27'36"W, 417.42 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S00°11'20"E, 208.58 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND RECORDED ON FILM 737 AT RECEPTION NO. 983109 OF SAID BOULDER COUNTY, COLORADO RECORDS; THENCE N89°28'38"W, 208.71 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S00°04'47"E, 270.16 FEET ALONG THE WEST LINE OF SAID TRACT AND ALONG THE WEST LINE OF THAT TRACT OF LAND RECORDED ON FILM 740 AT RECEPTION NO. 985643 OF THE SAID BOULDER COUNTY, COLORADO RECORDS TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND RECORDED ON FILM AT RECEPTION NO. 985643; THENCE S89°28'38"E, 208.71 FEET ALONG THE SOUTH LINE OF SAID TRACT TO THE NORTHWEST CORNER OF THAT TRACT OF LAND RECORDED ON FILM 1558 AT RECEPTION NO. 00957500 OF SAID BOULDER COUNTY, COLORADO RECORDS; THENCE S00°10'32"E, 417.30 FEET TO THE SOUTHWEST CORNER OF SAID TRACT AND THE NORTHWEST CORNER OF THAT TRACT OF LAND RECORDED AT RECEPTION NO. 1718744 OF SAID BOULDER COUNTY, COLORADO RECORDS; THENCE S00°06'19"E, 437.26 FEET TO THE SOUTHWEST CORNER OF SAID TRACT AND THE NORTHWEST CORNER OF THAT TRACT OF LAND RECORDED AT RECEPTION NO. 1917200 OF THE SAID BOULDER COUNTY, COLORADO RECORDS; THENCE S00°08'00"E, 417.40 FEET ALONG THE WEST LINE OF SAID TRACT TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID JAY ROAD; THENCE N89°20'07"W, 218.82 FEET ALONG THE NORTH RIGHT OF WAY LINE OF SAID JAY ROAD TO THE TRUE POINT OF BEGINNING;

EXCEPTING THEREFROM A TRACT OF LAND DESCRIBED AS FOLLOWS:

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, BOULDER COUNTY, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 13 FROM WHENCE THE NORTHEAST CORNER OF SAID SECTION 13 BEARS N00°08'00"W, 2652.53 FEET; THENCE N00°08'00"W ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13, 138.57 FEET TO A POINT ON THE NORTH LINE OF JAY ROAD AS IT IS PRESENTLY MONUMENTED EXTENDED EASTERLY; THENCE N89°20'07"W ALONG SAID NORTH LINE OF JAY ROAD AND SAID NORTH LINE EXTENDED EASTERLY, 666.03 FEET TO THE SOUTHWEST CORNER OF THE CARBERRY PROPERTY AS DESCRIBED IN DEED, RECORDED ON FILM 1644 AT RECEPTION NO. 01064372, BOULDER COUNTY, COLORADO RECORDS AS IT IS PRESENTLY MONUMENTED, AND THE TRUE POINT OF BEGINNING; THENCE N00°04'52"E ALONG THE WEST LINE OF THE SAID CARBERRY PROPERTY, 135.81 FEET TO THE NORTHWEST CORNER OF SAID CARBERRY PROPERTY AS IT IS PRESENTLY MONUMENTED; THENCE N61°07'29"W ALONG THE SOUTHERLY LINE OF THE WIGGETT PROPERTY AS DESCRIBED IN DEED AND RECORDED ON FILM 1413 AT RECEPTION NUMBER 00768715 BOULDER COUNTY, COLORADO RECORDS, 159.55 FEET TO THE SOUTHWEST CORNER OF SAID WIGGETT PROPERTY AS IT IS PRESENTLY MONUMENTED; THENCE N00°04'40"W, ALONG THE WEST LINE OF SAID WIGGETT PROPERTY, 75.50 FEET; THENCE S 89°55'08" E, 286.27 FEET; THENCE S00°04'53"W, 225.43 FEET TO THE NORTHEAST CORNER OF SAID CARBERRY PROPERTY; THENCE CONTINUING S00°04'53"W, ALONG THE EAST LINE OF SAID CARBERRY PROPERTY, 64.22 FEET TO THE SOUTHEAST CORNER OF SAID CARBERRY PROPERTY, BEING A POINT ON THE SAID NORTH LINE OF JAY ROAD; THENCE N89°20'07"W ALONG THE SOUTH LINE OF SAID CARBERRY PROPERTY AND ALONG THE SAID NORTH LINE OF SAID JAY ROAD, 146.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 30.81 ACRES MORE OR LESS.

Town of Erie
Planning Commission Regular Meeting
Wednesday, March 20, 2013
6:30 p.m.
Board Room, Erie Town Hall, 645 Holbrook, Erie, Co 80516

I. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE

Chairman Bell called the Regular Meeting of the Erie Planning Commission to order at 6:30 p.m.

II. ROLL CALL

Commissioner Bell - Present	Commissioner Mahe - Present
Commissioner Bottenhorn - Present	Commissioner Mazzocco - Present
Commissioner Burgard - Present	Commissioner Trujillo - Present
Commissioner Woog - Present	

Staff Present: R. Martin Ostholthoff, Community Development Director;
Deborah Bachelder, Senior Planner; and
Hallie Sawyer, Secretary to the Commission

III. APPROVAL OF THE AGENDA

Commissioner Mazzocco moved to approve the March 20, 2013, Regular Meeting Agenda as submitted. The motion, seconded by Commissioner Bottenhorn, carried with all voting in favor thereof.

IV. APPROVAL OF MINUTES

a. Minutes from the January 30, 2013, Special Meeting.

Commissioner Mazzocco moved to approve the January 30, 2013, Minutes as submitted. The motion, seconded by Commissioner Trujillo, carried with all voting in favor thereof.

V. PUBLIC COMMENTS (This agenda item provides the public an opportunity to discuss items other than items that are on the agenda. The Planning Commission is not prepared to decide on matters brought up at this time, but it warranted, will place them on a future agenda.)

Sandalphon, 325 Conrad Drive, representative of the Sunwest Home Owners Association, listed the following objections from a letter to the Town from the HOA's attorney:

1. Sunwest North developers are omitting "North" on their signs
2. If a footbridge over the Leyner Cottonwood Ditch is installed, anyone using it will be prosecuted for trespassing.
3. Demand to know how dust mitigation will be handled during the over-loting process.

VI. RESOLUTIONS (This agenda item is for all matters that should be decided by resolutions.)

1. Public Hearing – Sunwest North PUD Overlay

Purpose: Consideration PUD Overlay.

Project File #: PUD-13-00005

Request: Consideration of Resolution P13-08, A Resolution Regarding The Sunwest North PUD Overlay Map, Adopting Certain Findings Of Fact And Conclusions Favorable To The Sunwest North PUD Overlay Map With A Condition.

Location: Between the Sunwest and Creekside Subdivisions East of Meller Street

Zoning: LR – Low Density Residential

Applicants: Cornerstone Homes - Jim Cobb
DR Horton – Eric Simpson

(Staff Planner: Marty Ostholthoff)

Chairman Bell opened the Public Hearing at 6:35 p.m. Mr. Ostholthoff presented the background of the request, reviewed the criteria for approval of the proposed Sunwest North Planned Unit Development Overlay, entered all of the documents into the record, recommending approval of Resolution P13-08 for the PUD Overlay.

Eric Sampson, DR Horton, gave an overview of the specific 16 lots that will be affected by the side yard setback reduction and their reasoning behind the request.

Public Comment was taken from Michael Lorenzo, 1313 Stockton Drive, president of the Sunwest Home Owners Association. His questions covered whether or not Sunwest and Sunwest North are two applications or one; were both subdivisions a joint venture; the HOA's efforts to establish a clear delineation to separate the properties.

Commissioner questions and comments covered clarification of whether or not these were two separate subdivisions; reason for the footbridge; clarification of the number of lots affected by the side yard setback amendment; whether or not new lots would be added.

Chairman Bell closed the public hearing at 6:49 p.m.

Commissioner comments covered agreement with the request ; and appreciation for the three car garages.

Commissioner Bottenhorn moved approval of Resolution P13-08, A Resolution Regarding The Sunwest North PUD Overlay Map, Adopting Certain Findings Of Fact And Conclusions Favorable To The Sunwest North PUD Overlay Map With A Condition. The motion, seconded by Commissioner Trujillo, carried with all voting in favor thereof.

2. Lost Creek Farm – Final Plat

Purpose: Consideration of the Final Plat

Project File #: FP-07-003

Request: Consideration of Resolution P13-09, A Resolution Regarding The Final Plat Of Lost Creek Farm, Adopting Certain Findings Of Fact And Conclusions Favorable To The Final Plat.

Location: West of County Line Road, North of Jay Road

Zoning: SR – Suburban Residential

Applicants: Gallery Homes - Pat Fisher
(Staff Planner: Deborah Bachelder)

Mrs. Bachelder presented the background and history of the request, reviewed the criteria for approval of the proposed Lost Creek Farm Final Plat, entered all of the documents into the record, and recommended approval of Resolution P13-09.

Pat Fisher, 1326 Graham Circle, Erie, gave a presentation exhibiting the highlights of the proposal and the plan to construct move up housing in Erie that will be built by Taylor Morrison.

Commissioner questions and comments included the differences in the ALTA & Plat Legal Descriptions that need to be corrected before any sales take place; plans for the ditch on the north side of the property; the oil and gas setbacks; and overall approval of the project with thanks for the view preservation.

Commissioner Bottenhorn moved approval of Resolution P13-09, A Resolution Regarding The Final Plat Of Lost Creek Farm, Adopting Certain Findings Of Fact And Conclusions Favorable To The Final Plat. The motion, seconded by Commissioner Woog, carried with all voting in favor thereof.

VII. GENERAL BUSINESS (This agenda item is reserved for matters that are ready for Commission action, and do not fit into other categories, i.e. resolutions)

3. Dearmin West Property Sketch Plan

Purpose: Consideration of the proposed sketch plan

Project File #: SK-12-00055

Request: Consider and comment on the proposed sketch plan

Location: South of Erie Parkway between Bonanza Drive (WCR 3) & WCR 5

Zoning: RP-3 – Rural Preservation

Applicants: Oakwood Homes

Chad Ellington, Authorized Representative
(Staff Planner: Deborah Bachelder)

Mrs. Bachelder presented the Sketch Plan for Dearmin West, reviewing the process for consideration and describing the review action to be taken.

Chad Ellington, Oakwood Homes, and Layla Rosales, Vogel & Associates, presented their concept, describing the processes they had followed to design the proposed layout.

Commissioner comments covered street access alignment to BridgeWater; sideyard setback encroachments; undermining locations; open space location; price points; locations of specific lots sizes; fencing on Erie Parkway; GrandView home distances from Green Mills Gun Club; how would determination be made for apartments or townhomes; parks and open space decision; how fees-in-lieu are calculated; community park clarification; oil and gas access on the west; oil & gas entrances from Erie Parkway & review of designs for that entry; possibility to coordinate fencing with BridgeWater; natural grasses in the open space; encouragement to work with staff for Erie Parkway design cooperation with BridgeWater; unique design that looks good; and appreciation for placing school site in the center of the property.

VIII. STAFF REPORTS (This agenda items is reserved for specific items from Staff requiring Commission direction or just relaying important information.)

Mrs. Bachelder announced the open house for the Coal Creek Park redesign that will be held on Wednesday, March 27th from 6 to 8 p.m. and the Erie Rec Center. The public is invited and encouraged to attend and give their input.

IX. COMMISSIONER REPORTS AND DISCUSSION ITEMS (This agenda item is for all Planning Commission reports and items of information as well as Commission discussion items, not listed on the agenda)

Commissioner Burgard announced that the Erie High School Cheerleaders had taken 2nd Place in the Colorado State competition, and took 3rd place in the National competition! Congratulations Erie Cheerleaders!

Commissioner Trujillo complimented the Town Staff for the great job last Saturday at the Skate Park Dedication.

X. ADJOURNMENT

There being no further business to come before the Commission, Chairman Bell adjourned the March 20, 2013, Regular Meeting of the Planning Commission at 8:20 p.m.

Respectfully Submitted,

Town of Erie Planning Commission

By: 
Hallie S. Sawyer, Secretary

By: 
Brent Bell, Chair

RESOLUTION NO. 08-30

A RESOLUTION APPROVING THE APPLICATION TO AMEND RESOLUTION NO. 07-92, A RESOLUTION THAT AMENDED THE ORIGINAL RESOLUTION NO. 2002-05 APPROVING THE PRELIMINARY PLAT OF THE WIGGETT SUBDIVISION.

WHEREAS, Resolution No. 2002-05 regarding the Preliminary Plat of the Wiggett Subdivision was approved by the Board of Trustees on February 12, 2002; and,

WHEREAS, Resolution No. 07-92, amending Resolution No. 2002-05, was approved by the Board of Trustees on July 24, 2007; and,

WHEREAS, the owner has requested to amend Resolution No. 07-92 (and thereby the original Resolution No. 2002-05) by reducing the minimum setback requirement from oil and gas separators to Lots 1 and 2, Block 2, from 230 feet to 200 feet, and by reducing the minimum setback from oil and water tanks to adjacent residential lot lines from 230 feet to 200 feet, while still maintaining a 230 feet minimum setback from well heads to adjacent residential lot lines.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO AS FOLLOWS:

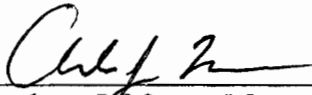
Section 1. That Resolution No. 07-92 is hereby amended by deleting the Condition Number 3, of Section 2., of the Ordinance in its entirety, and replacing it with the following new Condition Number 3, of Section 2., to read as follows:

3. The Final Plat Application shall be processed and evaluated for conformance with the Erie Municipal Code Subdivision Regulations as they existed at the time of Preliminary Plat approval, with the exception of those new Chapter 10, "Unified Development Code with Design Guidelines" requirements as specifically set forth herein. The Final Plat Application and plat application materials shall comply with all applicable oil and gas well facility, associated equipment and gas line regulations as contained in the new Chapter 10, "Unified Development Code with Design Guidelines;" provided, however, that in the event the subsurface owner consolidates all oil and gas drilling to that portion of the Preliminary Plat encompassed by Elzi Court and the lots immediately adjacent thereto (also referred to as Tract K), then the setback requirements of such oil and gas wells and production facilities shall be reduced, in accordance with Section 6.15.E.4 of Chapter 10, "Unified Development Code with Design Guidelines" of the Erie Town Code, as follows: 1) to a minimum of 200 feet from adjacent residential lot lines to gas separators only on Lots 1 and 2, Block 2; 2) to a minimum of 230 feet from adjacent residential lot lines to gas separators except on Lots 1 and 2, Block 2; 3) to a minimum of 200 feet from adjacent residential lot lines to oil and water tanks, and, 4) to a minimum of 230 feet from adjacent residential lot lines to well heads on all other lots.


Section 2. That the remaining terms, findings of fact, conclusions and conditions of Resolution No. 2002-05 and Resolution No. 07-92 not amended herein shall remain in full force and effect.

INTRODUCED, APPROVED AND ADOPTED THIS 26th **DAY OF** January **2008.**

TOWN OF ERIE,
a Colorado municipal corporation

By: 
Andrew J. Moore, Mayor

ATTEST:

By: 
Nancy J. Parker, Town Clerk



RESOLUTION NO. 07-92

A RESOLUTION APPROVING, WITH CONDITIONS, THE APPLICATION TO AMEND RESOLUTION NO. 2002-05, A RESOLUTION APPROVING THE PRELIMINARY PLAT OF THE WIGGETT SUBDIVISION.

WHEREAS, Resolution No. 2002-05 regarding the Preliminary Plat of the Wiggett Subdivision was approved by the Board of Trustees on February 12, 2002; and

WHEREAS, Resolution No. 2002-05 made certain specific findings of fact, certain specific conclusions and contained certain specific conditions to be met as conditions of approval of the Preliminary Plat; and

WHEREAS, Resolution No. 2002-05, Section 1.3.f and g. and Section 2.4.f. and g. set forth findings of fact, conclusions and conditions as follows:

Section 1. Findings of Fact.

3. 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.
 - f. Without the removal and abandonment of the existing well site in the Wiggett Subdivision the plat proposal does not work. With the Final Plat submittal, the applicant will submit a letter from the well company stating their cooperation in abandonment of the well and associated apparatus (tanks, distribution lines, existing easements and right-of-ways). If the applicant is unable to purchase the rights associated with the well to abandon it, then an alternative Preliminary Plat will need to be submitted to the Town for review.
 - g. The Wiggett Subdivision Final Plat and Development Agreement should not be recorded until the Town receives a copy of the acceptance of the work from Vessels Oil ensuring the plugging and reclamation work has been properly completed. The capped well should be identified by a concrete and brass monument that will be recorded and noted on the Final Plat. Additionally, the developer shall identify on the plat a building envelope that would be a minimum of ten feet from the wellhead. Additionally, the Town shall require appropriate easement and right-of-way vacation recording information, associated with the well facilities, be recorded on the Final Plat.

Section 2. Conclusions and Order Approving the Preliminary Plat of the Wiggett Subdivision

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.
 - f. Without the removal and abandonment of the existing well site in the Wiggett Subdivision the plat proposal does not work. With the Final Plat submittal, the applicant will submit a letter from the well company stating their cooperation in abandonment of the well and associated apparatus (tanks, distribution lines, existing easements and right-of-ways). If the applicant is unable to purchase the rights

associated with the well to abandon it, then an alternative Preliminary Plat will need to be submitted to the Town for review.

- g. The Wiggett Subdivision Final Plat and Development Agreement should not be recorded until the Town receives a copy of the acceptance of the work from Vessels Oil ensuring the plugging and reclamation work has been properly completed. The capped well should be identified by a concrete and brass monument that will be recorded and noted on the Final Plat. Additionally, the developer shall identify on the plat a building envelope that would be a minimum of ten feet from the wellhead. Additionally, the Town shall require appropriate easement and right-of-way vacation recording information, associated with the well facilities, be recorded on the Final Plat.

and;

WHEREAS, the owner has requested to amend Resolution 2002-05 by deleting Sections 1.3.f. and g. and Sections 2.4.f. and g., and replacing both deleted sections with a new Section f. which does not require the removal and abandonment of the existing well site; and

WHEREAS, the owner has agreed, upon adoption of this resolution, to enter into a Surface Use Agreement with the subsurface owner, which agreement specifically provides that any oil/gas wells intended for the Wiggett Subdivision shall be “twinned or co-located” upon the lot on which the current oil/gas well is located if certain setback allowances are made from adjoining proposed residential lots; and,

WHEREAS, the owner has agreed to comply with conditions set forth herein that require changes to the Preliminary Plat approved in Resolution 2002-05 sufficient to address the elements of the plat that are affected by allowing the existing gas/oil well facility, associated equipment and gas lines to remain on the property; and,

WHEREAS, modification of the Preliminary Plat and oil/gas well setbacks as provided herein is in the best interest of Town of Erie and the health, safety and welfare of its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO AS FOLLOWS:

Section 1. That Resolution No. 2002-05 is hereby amended by deleting Sections 1.3.f. and g. and Sections 2.4.f. and g., and by replacing both of those deleted Sections with the following new Section f., contingent upon owner’s compliance with the conditions set forth in Section 2., below:

- f. Without the removal and abandonment of the existing well site in the Wiggett Subdivision that portion of the Preliminary Plat encompassed by Elzi Court and adjoining lots does not work. The applicant may proceed with the final platting of the balance of the subdivision in general conformance with the approved Preliminary Plat. If and when an agreement to abandon the well has been reached after final platting of the balance of the subdivision, then an alternative Preliminary Plat for the Elzi Court area will need to be submitted to the Town for review.

Section 2. That owner's compliance with the following requirements are made a condition of the approval to amend Resolution No. 2002-05 contained in Section 1.:

1. The owner shall submit a complete, updated Final Plat Application and plat application materials, consistent with the requirements of former Chapter 11 of the Erie Municipal Code (prior to adoption of the new Chapter 10, "Unified Development Code with Design Guidelines") Section 11-3-3, "Final Plat," to the Town within thirty (30) days of approval of this Resolution. Staff shall review and notify the owner in writing as to the completeness of the submittal. If staff determines additional materials are needed to complete the application, owner shall submit the additional materials within fifteen (15) of receipt of such written notification. No extension of the time limits set forth herein shall be allowed; provided, however, the Town shall grant a reasonable extension in the event (i) the additional requests cannot with reasonable diligence be accomplished within the 15 day time period, or (ii) the ability to comply with the request within the 15 day time period is not within the reasonable control of the Applicant, and (iii) a reasonable extension to comply would be granted to other applicants under the same or similar circumstances. If an extension is granted, Applicant shall be required to proceed with all due diligence to complete the additional requests as soon as reasonably practicable.

2. The Final Plat Application and plat application materials shall address the following elements of the plat that are affected by allowing the existing gas/oil well facility, associated equipment and gas lines to remain on the property:

- A. Configuration of tracts that need to be created to accommodate the facilities.
- B. Aesthetics associated with the well facility remaining.
- C. Configuration of lots affected by the well facilities.
- D. Setback issues related to residential homes and new streets proposed.
- E. How routing of the gas line will be accommodated through Tract G for future development on Elzi Court.
- F. Configuration of the pedestrian trail system with the addition of Tracts I and J for the gas line.
- G. Desirability of park site adjacent to a well facility.
- H. Feasibility of a dedicated park site with the proposed reduced number of residents vs. a fee-in-lieu option.

3. The Final Plat Application shall be processed and evaluated for conformance with the Erie Municipal Code Subdivision Regulations as they existed at the time of Preliminary Plat approval, with the exception of those new Chapter 10, "Unified Development Code with Design Guidelines" requirements as specifically set forth herein. The Final Plat Application and plat application materials shall comply with all applicable oil and gas well facility, associated equipment and gas line regulations as contained in the new Chapter 10, "Unified Development Code with Design Guidelines"; provided, however, that in the event the subsurface owner consolidates all oil and gas drilling to that portion of the Preliminary Plat encompassed by Elzi Court and the lots immediately

adjacent thereto (also referred to as Tract K), then the setback requirements of such oil and gas wells and production facilities shall be reduced to a minimum of 230 feet from adjacent residential lot lines under Section 6.15.E.4 of Chapter 10, "Unified Development Code with Design Guidelines" of the Erie Town Code.

4. The Final Plat Application and plat application materials shall comply with all applicable oil and gas well facility, associated equipment and gas line regulations as contained in the new Chapter 10, "Unified Development Code with Design Guidelines". The Final Plat Application shall be processed and evaluated for conformance with the Erie Municipal Code Subdivision Regulations as they existed at the time of Preliminary Plat approval, with the exception of those new Chapter 10, "Unified Development Code with Design Guidelines" requirements as specifically set forth herein.

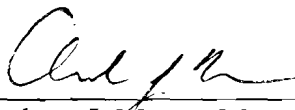
5. If the owner does not submit a complete, updated Final Plat Application and plat application materials to the Town within the time limits as set forth in condition 1, above, that addresses all of the elements listed in condition 2, above, then, in that event, the approval for the amendment of Resolution No. 2002-05 as granted herein in this Resolution shall be null and void without further action of the Board of Trustees, and there shall be no amendment to Resolution No. 2002-05.

6. In order to proceed with the development in the event the approval for the amendment of Resolution No. 2002-05 shall become null and void, owner shall be required to submit a new Preliminary Plat in conformance with the current Town Code and new Chapter 10, "Unified Development Code with Design Guidelines" regulations.


Section 3. That the remaining terms, findings of fact, conclusions and conditions of Resolution 2002-05 not amended herein shall remain in full force and effect.

INTRODUCED, APPROVED AND ADOPTED THIS 24TH DAY OF JULY, 2007.

TOWN OF ERIE, a Colorado municipal corporation

By: 
Andrew J. Moore, Mayor

ATTEST:

By: 
Nancy J. Parker, Town Clerk



RESOLUTION NO. 2002- 05

**A RESOLUTION REGARDING THE PRELIMINARY PLAT OF THE WIGGETT
SUBDIVISION, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS
FAVORABLE TO THE PRELIMINARY PLAT.**

WHEREAS, the Board of Trustees of the Town of Erie, Colorado, considered the Preliminary Plat of the **Wiggett Subdivision** on **February 12, 2002**, on the application of **Thomas H. and Frankie L. Wiggett**, authorized representative **Pat Fisher, 2255 Evening Star Lane, Lafayette, Colorado 80026** for the Preliminary Plat of the following real property; to wit:

See attached Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES 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 the "*Subdivision Regulations of the Town of Erie, Colorado, Revised 1995 Edition*" and the "*Town of Erie Zoning Code Ordinance No. 602*".
2. A Development Agreement (DA) is required.
3. 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. The applicant should meet with appropriate adjacent property owners to finalize future drive easement locations for the final plat submittal. Additionally staff and the applicant should work on median design at the entry off of County Line Road, as this may need to be altered somewhat to accommodate full turning movements for the future drive accesses.
 - b. The pedestrian bridge crossing of the Lower Boulder Canal is an important neighborhood trail link feature and permitting for this crossing should be pursued with the ditch company. Partial reimbursement language should be included in the development agreement for recoveries from other developments that may benefit from the crossing.
 - c. The extension of the proposed pedestrian trail from the pedestrian bridge crossing of the Lower Boulder Canal to Erie Village requires an easement for crossing the Schmidt property. As this is an important neighborhood link, the off-site easement for the trail should be pursued and may be combined with the utility easement that the Wiggett Subdivision will need in the same location.
 - d. The applicant shall dedicate an open space tract that is a minimum of 75 feet from centerline of the Lower Boulder Canal. Additionally, the Town and applicant should meet with the ditch company to discuss the type of fencing necessary near the ditch and where it should be placed.

- e. If any changes to the ditch occur, due to construction of the Wiggett Subdivision, the Management Recommendation, in the Class III Cultural Resource Survey of the Wiggett Subdivision (8/27/01), for a level II photographic study shall be followed.
- f. Without the removal and abandonment of the existing well site in the Wiggett Subdivision the plat proposal does not work. With the Final Plat submittal, the applicant will submit a letter from the well company stating their cooperation in abandonment of the well and associated apparatus (tanks, distribution lines, existing easements and right-of-ways). If the applicant is unable to purchase the rights associated with the well to abandon it, then an alternative Preliminary Plat will need to be submitted to the Town for review.
- g. The Wiggett Subdivision Final Plat and Development Agreement should not be recorded until the Town receives a copy of the acceptance of the work from Vessels Oil ensuring the plugging and reclamation work has been properly completed. The capped well should be identified by a concrete and brass monument that will be recorded and noted on the Final Plat. Additionally, the developer shall identify on the plat a building envelope that would be a minimum of ten feet from the wellhead. Additionally, the Town shall require appropriate easement and right-of-way vacation recording information, associated with the well facilities, be recorded on the Final Plat.
- h. Routing and size of the sanitary sewer should be finalized at final plat. The Town is in the process of developing a new Water/Wastewater Facility Plan anticipated to be completed in May that will help staff finalize the needs for this area.
- i. The applicant has agreed to look at alternative storm drainage routing from what is shown in the submittal. The numbers and locations of crossings of the ditch should be minimized. The routing of the storm drainage will be finalized with final plat submittal.
- j. Due to potential changes to the utility plans with the final plat, the easements and tracts for these utilities may change location.
- k. Off site easements will be needed to accommodate many of the utilities. Once the size and location is finalized the applicant needs to obtain the easements before the hearings for the final plat are held.
- l. The applicant shall finalize the language and documents for subdivision design commitments with their final plat submittal. The Development Agreement should include any necessary language to enforce these requirements and note that any design guidelines that are adopted by the Town associated with this type of development shall be applicable as well.
- m. The applicant should meet with the St. Vrain Valley school district to discuss mitigation of the impact they will have on the district.

Section 2. Conclusions and Order Approving the Preliminary Plat of the Wiggett Subdivision.

1. The applicant's application and supporting documents are in substantial compliance with the "*Subdivision Regulations of the Town of Erie, Colorado, Revised 1995 Edition*" and the "*Town of Erie Zoning Code Ordinance No. 602*".
2. A Development Agreement (DA) is required.
3. The appropriate Town Officials are hereby authorized to sign and bind the Town to all documents necessary to finish the Preliminary Plat.
4. That the proposed Preliminary Plat of the Wiggett Subdivision should be granted approval by the Board of Trustees subject to the following conditions:
 - a. The applicant should meet with appropriate adjacent property owners to finalize future drive easement locations for the final plat submittal. Additionally staff and the applicant should work on median design at the entry off of County Line Road, as this may need to be altered somewhat to accommodate full turning movements for the future drive accesses.
 - b. The pedestrian bridge crossing of the Lower Boulder Canal is an important neighborhood trail link feature and permitting for this crossing should be pursued with the ditch company. Partial reimbursement language should be included in the development agreement for recoveries from other developments that may benefit from the crossing.
 - c. The extension of the proposed pedestrian trail from the pedestrian bridge crossing of the Lower Boulder Canal to Erie Village requires an easement for crossing the Schmidt property. As this is an important neighborhood link, the off-site easement for the trail should be pursued and may be combined with the utility easement that the Wiggett Subdivision will need in the same location.
 - d. The applicant shall dedicate an open space tract that is a minimum of 75 feet from centerline of the Lower Boulder Canal. Additionally, the Town and applicant should meet with the ditch company to discuss the type of fencing necessary near the ditch and where it should be placed.
 - e. If any changes to the ditch occur, due to construction of the Wiggett Subdivision, the Management Recommendation, in the Class III Cultural Resource Survey of the Wiggett Subdivision (8/27/01), for a level II photographic study shall be followed.
 - f. Without the removal and abandonment of the existing well site in the Wiggett Subdivision the plat proposal does not work. With the Final Plat submittal, the applicant will submit a letter from the well company stating their cooperation in abandonment of the well and associated apparatus (tanks, distribution lines, existing easements and right-of-ways). If the applicant is unable to purchase the rights associated with the well to abandon it, then an alternative Preliminary Plat will need to be submitted to the Town for review.
 - g. The Wiggett Subdivision Final Plat and Development Agreement should not be recorded until the Town receives a copy of the acceptance of the work from Vessels Oil ensuring the plugging and reclamation work has been properly completed. The

capped well should be identified by a concrete and brass monument that will be recorded and noted on the Final Plat. Additionally, the developer shall identify on the plat a building envelope that would be a minimum of ten feet from the wellhead. Additionally, the Town shall require appropriate easement and right-of-way vacation recording information, associated with the well facilities, be recorded on the Final Plat.

- h. Routing and size of the sanitary sewer should be finalized at final plat. The Town is in the process of developing a new Water/Wastewater Facility Plan anticipated to be completed in May that will help staff finalize the needs for this area.
- i. The applicant has agreed to look at alternative storm drainage routing from what is shown in the submittal. The numbers and locations of crossings of the ditch should be minimized. The routing of the storm drainage will be finalized with final plat submittal.
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- k. Off site easements will be needed to accommodate many of the utilities. Once the size and location is finalized the applicant needs to obtain the easements before the hearings for the final plat are held.
- l. The applicant shall finalize the language and documents for subdivision design commitments with their final plat submittal. The Development Agreement should include any necessary language to enforce these requirements and note that any design guidelines that are adopted by the Town associated with this type of development shall be applicable as well.
- m. The applicant should meet with the St. Vrain Valley school district to discuss mitigation of the impact they will have on the district.

INTRODUCED, READ, SIGNED AND APPROVED this 12th day of February 2002.



Tom Van Lone, Mayor

ATTEST:



Linda N. Salas, Town Clerk