

TOWN OF ERIE
BOARD OF TRUSTEES AGENDA ITEM
January 28, 2020

SUBJECT: 1. Findings Of Fact: A Resolution Of The Board Of Trustees Of The Town Of Erie Making Certain Findings Of Fact Regarding The Annexation To The Town Of A Parcel Of Land Located In Unincorporated Weld County (Swink Annexation)

2. Annexation: An Ordinance Of The Board Of Trustees Of The Town Of Erie Annexing To The Town A Parcel Of Land Located In Unincorporated Weld County And Comprised Of Approximately 150.287 Acres, Identified As A Portion Of The East One-Half Of Section 21, Township 1 North, Range 68 West (Swink Annexation) and Approving The Swink Annexation And Dearmin East Agreement

3. Initial Zoning: An Ordinance Of The Board Of Trustees Of The Town Of Erie Zoning Certain Recently Annexed Property To Low Density Residential (LR), Medium Density Residential (MR), Agriculture/Open Space (AG/OS), Public Lands And Institutional (PLI)

PURPOSE: The applicant requests annexation to the Town of Erie for 150.287 acres of property and initial zoning to Low Density Residential (LR), Medium Density Residential (MR), Agriculture/Open Space (AG/OS), Public Lands And Institutional (PLI)

CODE REVIEW: Erie Municipal Code, Title 10

DEPARTMENT: Planning and Development

PRESENTER: Hannah L. Hippely, Senior Planner

STAFF RECOMMENDATION:

1. Findings of Fact
Staff finds the Swink Annexation application in compliance with Section 7.3, Annexations, of Title 10 of the Municipal Code and with C.R.S. 31-12-108. Staff recommends the Town Board of Trustees adopt the resolution, making certain findings of fact in favor of the proposed annexation.

2. Annexation
Staff finds the Swink Annexation application in compliance with Section 7.3, Annexations, of Title 10 of the Municipal Code and with C.R.S. 31-12-108. Staff recommends the Town Board of Trustees adopt the ordinance, annexing the property into the Town of Erie and approving the Swink Annexation And Dearmin East Agreement between the Town and property owner.

3. Initial Zoning

Staff finds the Swink Initial Zoning application in compliance with Section 7.4, Initial Zoning, of the Town of Erie Municipal Code and recommends the Town Board of Trustees adopt the ordinance, zoning the property to Low Density Residential (LR), Medium Density Residential (MR), Agriculture/Open Space (AG/OS), Public Lands And Institutional (PLI).

PLANNING COMMISSION RECOMMENDATION:

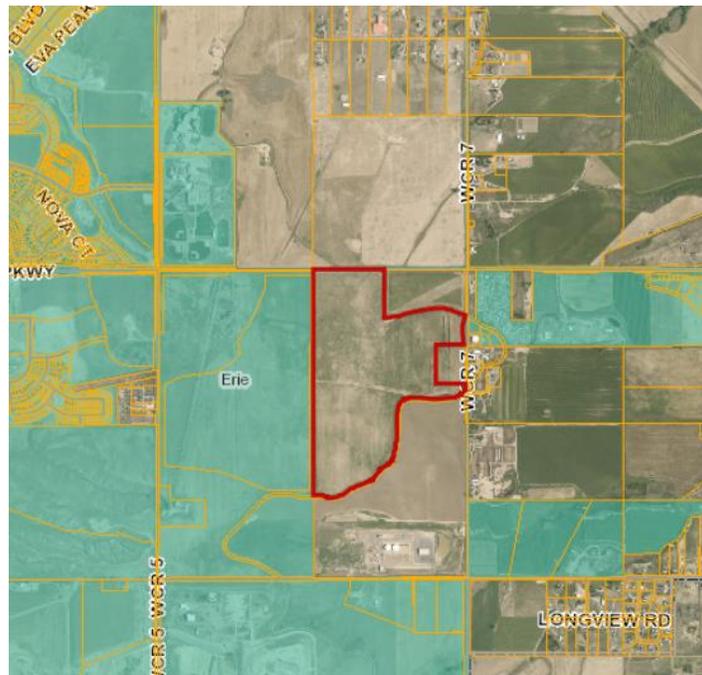
Not applicable.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Owner: Erie Land Company, LLC
1225 17th Street, 2420
Denver, CO 80202

Location: The subject property is located south of Erie Parkway and west of County Road 7, and is generally described as a portion of the East One-Half Of Section 21, Township 1 North, Range 68 West

The site is highlighted in red in the vicinity map below:



Existing Zoning: A – Agricultural (Weld County)
Comprehensive Plan: LDR-Low Density Residential, MDR-Medium Density Residential
Existing Land Use: Agriculture, oil and gas extraction
Annexation Acreage: 150.287 Acres
Zoning Acreage: 151.5421 Acres

Proposed Zoning: Low Density Residential (LR), Medium Density Residential (MR), Agriculture/Open Space (AG/OS), Public Lands And Institutional (PLI)

Adjacent Zoning and Comprehensive Plan Land Use Designation:

	CURRENT ZONING	COMPREHENSIVE PLAN – LAND USE MAP DESIGNATION
NORTH	Weld County - Agricultural	HDR-High Density Residential & CC – Community Commercial
SOUTH	Weld County - Agricultural	LDR-Low Density Residential
EAST	Weld County – Agricultural PD – Planned Development	RC – Regional Commercial B- Business
WEST	LR-Low Density Residential AG/OS-Agriculture/Open Space	LDR-Low Density Residential MU – Mixed Use

BACKGROUND INFORMATION:

The owner of a certain property generally identified as a portion of the east one-half of Section 21, Township 1 North, Range 68 West, has submitted a Petition for Annexation for approximately 150.287 Acres of unincorporated Weld County property into the Town of Erie. The application has been processed in accordance with C.R.S. 31-12-101, et seq., as amended, and Section 7.3, of the Town of Erie Unified Development Code.

On December 10, 2019 the Board of Trustees accepted the Annexation Petition for Annexation, found it to be in Substantial Compliance with the applicable requirements of C.R.S. 31-12-101 et seq., and established October 22, 2019 as the Public Hearing date for the Annexation for adopting Findings of Fact in favor of the proposed annexation.

The applicant has also submitted an Initial Zoning application to the Town of Erie for 151.5421 Acres. The Initial Zoning application has been processed in accordance with Section 7.4, of the Town of Erie Unified Development Code. The applicant has requested that the property be zoned to Low Density Residential (LR), Medium Density Residential (MR), Agriculture/Open Space (AG/OS), Public Lands and Institutional (PLI).

The property is currently undeveloped however oil and gas activities and agricultural activities take place on the property. The property is within the Town of Erie’s growth boundary, and is identified on the Comprehensive Plan as LDR-Low Density Residential and MDR-Medium Density Residential.

STAFF ANALYSIS AND FINDINGS

1. Findings of Fact

Compliance with Town Standards:

Staff finds the application in compliance with Section 7.3, Annexations, of Title 10 of the Municipal Code and with C.R.S. 31-12-108.

1. **THE ANNEXATION IS IN COMPLIANCE WITH THE MUNICIPAL ANNEXATION ACT OF 1965 (C.R.S. 31-12-101, ET SEQ., AS AMENDED).**

Staff Comment: The application has been found to be in compliance with C.R.S. 31-12-101.

2. Annexation

Compliance with Town Standards:

Staff finds the application in compliance with Section 7.3, Annexations, of Title 10 of the Municipal Code and with C.R.S. 31-12-108.

2. **THE ANNEXATION IS IN COMPLIANCE WITH THE MUNICIPAL ANNEXATION ACT OF 1965 (C.R.S. 31-12-101, ET SEQ., AS AMENDED).**

Staff Comment: The application has been found to be in compliance with C.R.S. 31-12-101.

The proposed Swink Annexation And Dearmin East Agreement has been negotiated between Town staff and the property owner.

3. Initial Zoning

Compliance with Town Standards:

Staff finds the application is consistent with the approval criteria of Section 7.4, Initial Zoning, of the Town of Erie Municipal Code:

1. The initial zoning will promote the public health, safety, and general welfare;
Staff Comment: The application will promote the health, safety and welfare of the general public by zoning the property.
2. The initial zoning is consistent with the town's comprehensive master plan and the purposes of this code;
Staff Comment: The proposed zoning is consistent with the Town of Erie Comprehensive Plan; The Comprehensive Plan designates this area as LDR-Low Density Residential and MDR-Medium Density Residential and the proposed zone districts are consistent with these designations.
3. The initial zoning is consistent with the stated purpose of the proposed zoning district;
Staff Comment: The proposed zoning is consistent with the stated purpose of the zone districts, residential uses.
4. Adequate facilities and services (including roads and transportation, water, gas, electric, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;

Staff Comment: The annexation agreement addresses how municipal services (water, waste water, stormwater) will be provided. Police services will be provided by the Town of Erie. Mountain View Fire District provides fire protection services in the area. Gas and electric services are provided by Xcel Energy and United Power respectively. Comcast and Century Link provide internet and cable services to the area.

5. The initial zoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be significantly mitigated;

Staff Comment: No significant adverse impacts to the above referenced qualities/conditions are anticipated.

6. The initial zoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and

Staff Comment: No significant adverse impacts are anticipated to properties in the vicinity of the subject property.

7. Future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract.

Staff Comment: The surrounding undeveloped properties are zoned A-Agricultural (Weld County). The subject property is compatible in scale and use with the anticipated and ongoing development of the surrounding properties.

8. The initial zoning is generally consistent with the towns' economic development goals and objectives in bringing positive growth and sustainable revenues to the town.

Staff Comment: The initial zoning proposal reflects the Town's positive growth objectives in the zoning for residential development in accordance with the Comprehensive Plan, additionally the zoning proposal includes an area where the St. Vrain Valley School District may develop a school and a portion of the property including the Town's natural geographic high point are zoned AG/OS.

Annexation Public Notice:

The Annexation is in compliance with the required noticing requirements of C.R.S. 31-12-108; with published notice in the Colorado Hometown Weekly, on December 18, 2019, December 25, 2019, January 1, 2020, January 8, 2020 and January 15, 2020.

Initial Zoning Public Notice:

The required notice for this Initial Zoning application is in compliance with Section 10.7.4 of the Municipal Code as follows:

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| Published in the Colorado Hometown News: | January 8, 2020 |
| Property Posted as required: | January 6, 2020 |
| Letters to Adjacent Property Owners: | December 27, 2019 |