

**TOWN OF ERIE**  
**TOWN COUNCIL**  
*March 11, 2025*

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**SUBJECT:**            Annexation: An Ordinance of the Town Council of the Town of Erie Annexing to the Town the Real Property Known as the Erie West Annexation and Zoning the Property as Agricultural Holding

**CODE REVIEW:**    Erie Municipal Code, Title 10

**PURPOSE:**        The applicants request annexation to the Town of Erie for 86.65 acres of property and initial zoning as Agricultural Holding (AGH)

**DEPARTMENT:**    Planning and Development

**PRESENTER:**      Kelly Driscoll, Planning Manager; Harry Brennan, Senior Planner

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**STAFF RECOMMENDATION:**

Annexation and Initial Zoning – Ordinance No. 006-2025

Staff find the Erie West Annexation application in compliance with UDC Section 10-7-4, Initial Zoning. The Council found at its February 25, 2025 meeting that the Annexation met criteria and passed Resolution No. 25-019. Staff recommend adoption of Ordinance No. 006-2025, annexing and zoning the properties.

**PLANNING COMMISSION RECOMMENDATION:**

Annexations and Initial Zonings do not go to Planning Commission for consideration.

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

**Applicants:** Robert & Traci Jensen (11964 Kenosha Road); Robert & Sindy Lindow (11975 Kenosha Road); Michael & Jana Nickle (5075 N 119th Street); Douglas & Kathleen Spurgin (11818 Kenosha Road); Kendra Carberry & Chris Davidson (11780 Kenosha Road); Adam & Megan Micheli (11724 Kenosha Road); Tyler & Annie Tatro (11692 Kenosha Road); Gregory & Lisa Langer (11638 Kenosha Road)

**Existing Conditions:**

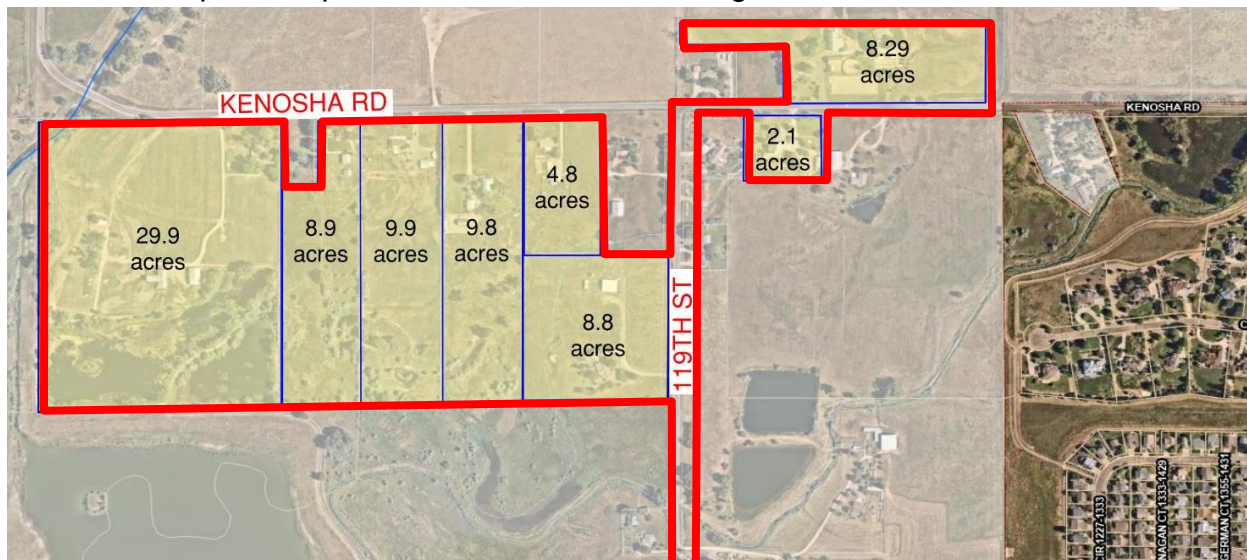
Zoning: Agricultural (Boulder County)  
 Project Size: 86.65 Acres  
 Existing Use: Single-Family detached homes on agricultural property  
 Future Land Use: Agricultural

**Adjacent Land-Use/Zoning:**

	ZONING	LAND USE
<b>NORTH</b>	Boulder County - Agricultural	Agriculture / SFD
<b>SOUTH</b>	Boulder County - Agricultural	Agriculture / SFD
<b>EAST</b>	Boulder County - Agricultural	Agriculture / SFD
<b>WEST</b>	Boulder County - Agricultural	Agriculture / SFD

**Location:**

Below is a map that depicts the sites and surrounding area:



## **BACKGROUND INFORMATION:**

The Town of Erie and the applicants jointly initiated the Erie West Annexation effort in 2021 in response to a proposal by Boulder County to locate a composting facility on a nearby site. The Town was not in favor of the composting facility due to concerns about offsite impacts and truck traffic. The private property owners who are now applicants also opposed the composting facility for similar reasons. Boulder County abandoned the plans for the composting facility in this area, but the property owners' desire to annex remains.

The applicants originally submitted a petition in February 2022, and an updated petition in November 2024 for Annexation for approximately 86.65 acres of land that is currently in unincorporated Boulder County. The application was 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. As permitted by the annexation statute, the annexation is a series of five separate and sequential annexations, to be approved simultaneously, to meet the contiguity requirements under State law. On December 10, 2024, the Town Council accepted the Erie West Annexation petitions, found them to be in Substantial Compliance with the applicable requirements of C.R.S. 31-12-101 et seq., and established January 28, 2025, as the Public Hearing date to consider whether to make findings that the subject property is eligible for annexation.

Town Council decided to continue the hearing to February 25, 2025, for the Annexation and Annexation Agreement, and March 11, 2025, for the Annexation and Initial Zoning. On January 28, 2025, the Town Council opened the hearing and continued the annexation to the February 25, 2025, agenda. Staff republished the notice of the hearing on the Initial Zoning of the Property for March 11, 2025.

Town Council heard testimony at its February 25, 2025, meeting regarding the eligibility of the properties to be annexed, ultimately adopting Resolution No. 25-019 determining the properties eligible for annexation. The case under consideration for March 11, 2025, is an ordinance taking action to annex and zone the properties as Agricultural Holding (AGH) district.

### **Future Development**

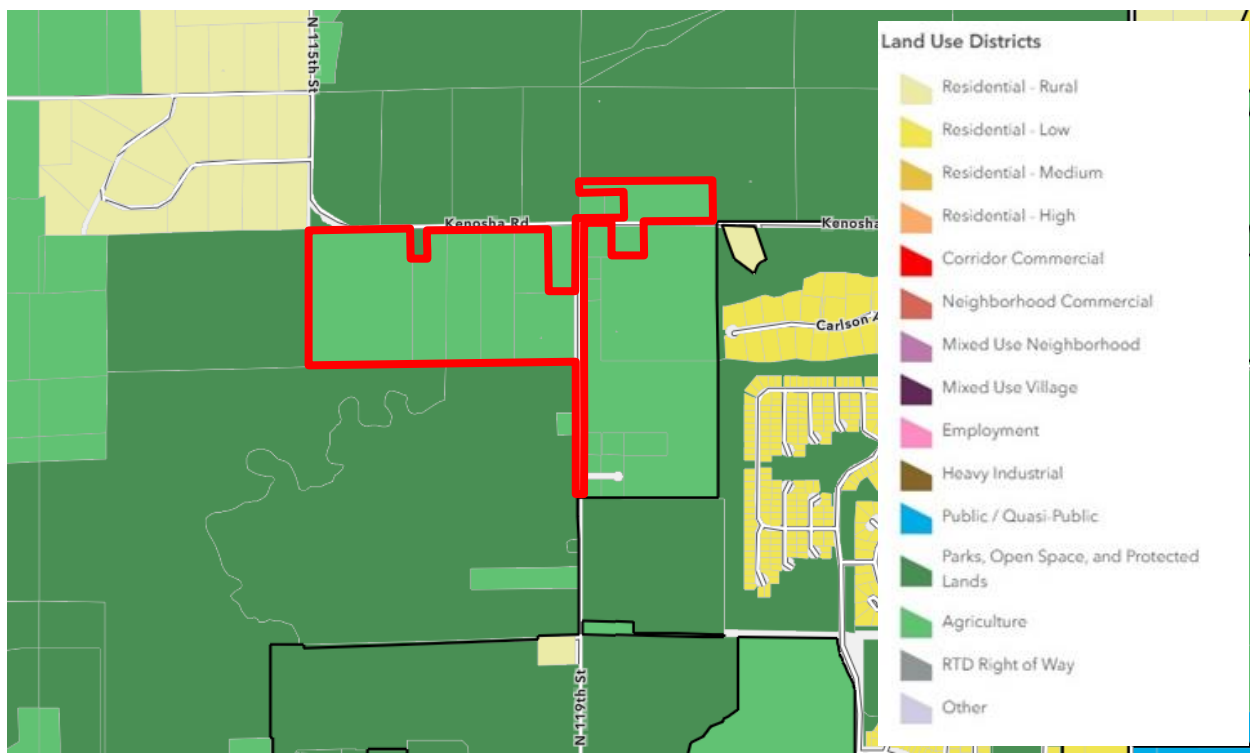
Any future development different from the existing uses would require rezoning, as well as Subdivision Plat(s), and possibly Site Plans. These would follow the public hearing process and be considered by both Planning Commission and Town Council.

## Comprehensive Plan

The Town's Future Land Use Map in the Comprehensive Plan designates this area as Agricultural. The existing uses of these properties are consistent with this designation. The Comprehensive Plan also establishes community goals that include:

- **C.4.2 Ensure Erie retains a mix of built and rural environments that reflect the Town's history and geography.**

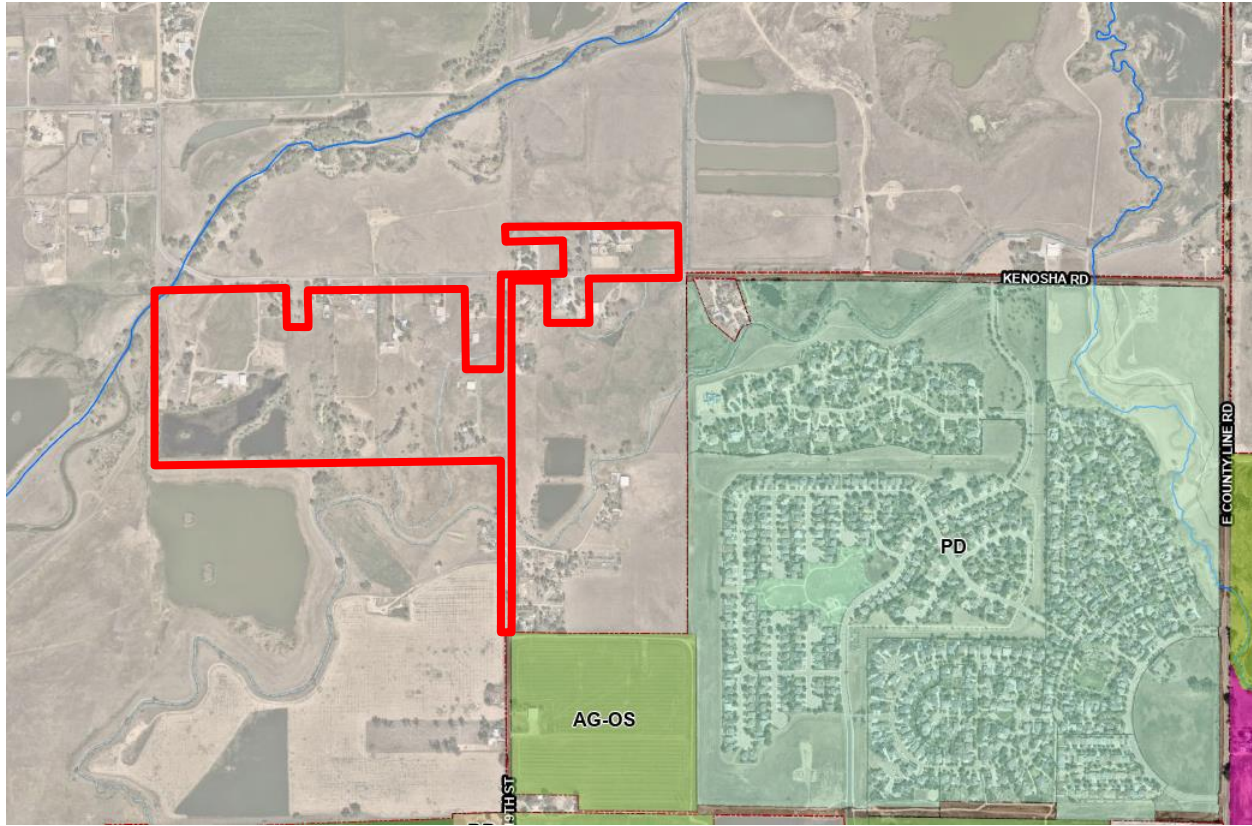
The property at 11975 Kenosha Road has a historically significant structure (barn), identified by Boulder County Historical Society, and noted in Erie's Historic Preservation Plan. This structure could be Landmarked with the owners' permission, if annexed into the Town. The area of proposed annexation contributes to Erie's agricultural history. With few similar agricultural/rural properties in the Town that have not been sold for redevelopment. These eight properties offer an opportunity to add to the rural character of Erie.



*Town of Erie Comprehensive Plan Land Use Map, subject property shown with red outline*

## Existing Zoning

The properties are currently in unincorporated Boulder County and are zoned by Boulder County as Agricultural. Nearby incorporated properties are zoned Planned Development and Agriculture/Open Space.



*Town of Erie Zoning Map, subject property shown with red outline*

## Proposed Initial Zoning

Each of the eight properties in this annexation are single family residences with agricultural uses, such as keeping of livestock animals and crop cultivation. Currently, and in the near future, the property owners desire to keep these uses and do not propose new development or different land uses. According to the Town's Unified Development Code (UDC), the purpose of the AGH zone district is to provide for the continuance of existing agricultural-related uses on land annexed to the Town until such time the annexed are redeveloped. Thus, maintaining the current use of the properties is consistent with the AGH zoning.

### *Permitted Uses and General Standards*

The permitted uses and dimensional standards will follow the UDC for the AGH zone district. AGH allows single-family residential and associated agricultural uses including the keeping of animals/livestock, crop cultivation, agricultural event centers, equestrian activities, and other similar uses.

## Utilities

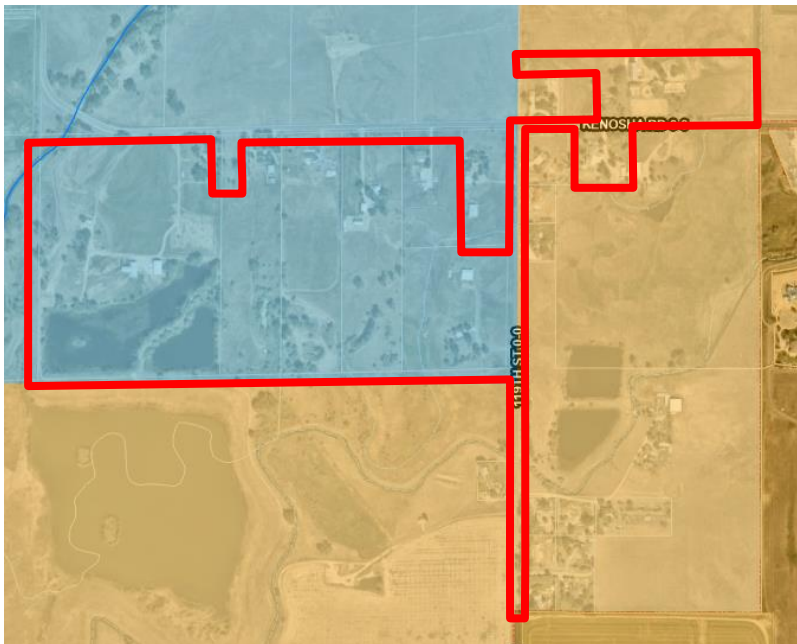
Currently, the properties are provided water service by Left Hand Water District (LHWD) and use septic systems for wastewater treatment. The annexation will not require the extension of water or wastewater services to the properties at this time, but the Town reserves the right to compel service in accordance with applicable laws and regulations in the future. Title 8 of the Town Municipal Code allows the Town to compel connection to its sanitary sewer system when such sewer infrastructure is located within 100 feet of a property line. If, in the future, water service is required or desired, it would be the responsibility of the property owner(s) to extend the infrastructure needed to receive Town water service and to pay applicable tap fees; water rights/water dedication would be transferred from LHWD to the Town, and the Town would assess if those rights were adequate at that time. Otherwise, existing water and wastewater utilities systems can remain in place until, or if, any redevelopment occurs. Generally, the Town does not serve water if it is not also providing wastewater service, and vice versa.

## Transportation

The annexation includes approximately 2,000 feet (four-tenths of a mile) of North 119<sup>th</sup> Street and 1,300 feet (one-quarter of a mile) of Kenosha Road, from Boulder County. If Council approves this annexation, the Town will assume ownership and maintenance for these roadways, including snow plowing.

## Schools and Libraries

The area proposed for annexation spans two school districts – Boulder Valley (shaded in blue) and St Vrain Valley (shaded in orange). No changes to these existing taxing entities are proposed or will occur with the annexation.



*School District Boundaries, subject properties shown with red outline*

High Plains Library District (HPLD) is a Special District under State statutes. The properties proposed for annexation are not currently included in the HPLD service boundaries. To receive HPLD services the property owners would need to petition the HPLD Board for inclusion in the taxing district.

### **Emergency Services**

The properties are served by Mountain View Fire Protection District (MVFPD) and pay property taxes to MVFPD. This emergency service remains the same if the annexation is approved.

In terms of police service, Boulder County Sheriff's Office currently serves these eight properties. After annexation, the Erie Police Department would assume responsibility for police response to the properties. Boulder County Sheriff's Office substations are located in Niwot and Lafayette, approximately 6.3 miles and 5.9 miles away, respectively. The Erie PD Station is closer to these properties, approximately 2.9 miles away.

### **Fiscal Impacts**

The fiscal impact of the annexation was evaluated and includes maintenance of the rights-of-way in the annexation area. Maintenance and operations efforts include plowing, sweeping, and ongoing road maintenance. The Town's Street Maintenance team evaluated the sections of Kenosha Road and N 119th Street and found them to be in fair condition. This evaluation suggested that these sections will need road re-surfacing treatment after five years, with an approximate cost of \$150,000. A mill and overlay treatment would extend the service life of the road by 10 to 15 years, if also maintained with other routine maintenance such as crack sealing or isolated crack repairs, and pothole repairs.

The Fiscal Impact Analysis, conducted for the 2024 Comprehensive Plan, revealed an average of \$841 per household per year in internet sales tax revenue. This includes subscription services such as streaming television and online purchases of goods. According to Boulder County Assessor's assessed values for these properties, if annexed, the properties would generate about \$4,000 in property tax revenue annually for the Town. The estimated tax revenue over 15 years (\$134,300) will almost cover the cost of maintaining the new roads added to the Town's street inventory, with a deficit of \$15,700.

## STAFF ANALYSIS AND FINDINGS

### Annexation and Initial Zoning

#### **Compliance with Town Standards - Annexation:**

Town Council found the application in compliance with Section 7.3, Annexations, of Title 10 of the Municipal Code and with C.R.S. 31-12-108 and passed Resolution No. 25-019 on February 25, 2025, determining the properties to be eligible to annex.

#### **Compliance with Town Standards – Initial Zoning:**

Staff find the application is consistent with the approval criteria of UDC Section 10-7-4, Initial Zoning:

a. 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 to match existing compatible land uses.*

b. The initial zoning is consistent with the Town’s comprehensive master plan and the purposes of this code;

**Staff Comment:** *The AGH zoning is consistent with the Comprehensive Plan’s land use designation of Agricultural in this area. The Agricultural designation contemplates farms, agricultural operations, and large lot residential uses.*

c. 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 development – continued use of the properties as rural/agricultural.*

d. 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 properties will continue to utilize their existing Left Hand water service and on-site septic systems. If required or desired, in the future, the property owners will be responsible for the cost to extend/connect to Town water and utilities.*

e. 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:** *There are no adverse impacts associated with the above criteria. No new development is proposed with this application.*

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

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



g. 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:** *No new development is proposed with this application.*

h. 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:** *This annexation and zoning will add a small amount of property and internet sales tax revenue to the Town.*

**Initial Zoning Public Notice:**

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

Published in the Colorado Hometown News:	February 12, 2025
Property Posted as required:	February 21, 2025
Letters to Adjacent Property Owners:	February 21, 2025