

**TOWN OF ERIE
BOARD OF TRUSTEES
June 22, 2021**

**SUBJECT: PUBLIC HEARING: Approval of Legislative Documents
Related to the Proposed Hammer Annexation**

1. Findings of Fact: A Resolution of the Board of Trustees of the Town of Erie Making Certain Findings of Fact Regarding the Proposed Hammer Annexation of the Real Property to the Town

2. Annexation: An Ordinance of the Board of Trustees of the Town of Erie Annexing to the Town the Real Property Known as the Hammer Annexation

3. Initial Zoning: An Ordinance of the Board of Trustees of the Town of Erie Zoning Certain Recently Annexed Property, also Known as Hammer Annexation, to Heavy Industrial

PURPOSE: The applicant requests annexation to the Town of Erie for ~45 acres of property and initial zoning to HI - Heavy Industrial.

CODE REVIEW: Erie Municipal Code, Title 10

DEPARTMENT: Planning and Development

PRESENTER: Audem Gonzales, Senior Planner

STAFF RECOMMENDATION:

1. Findings of Fact

Staff finds the Hammer 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 Hammer 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.

3. Initial Zoning

Staff finds the Hammer Annexation 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 HI – Heavy Industrial.

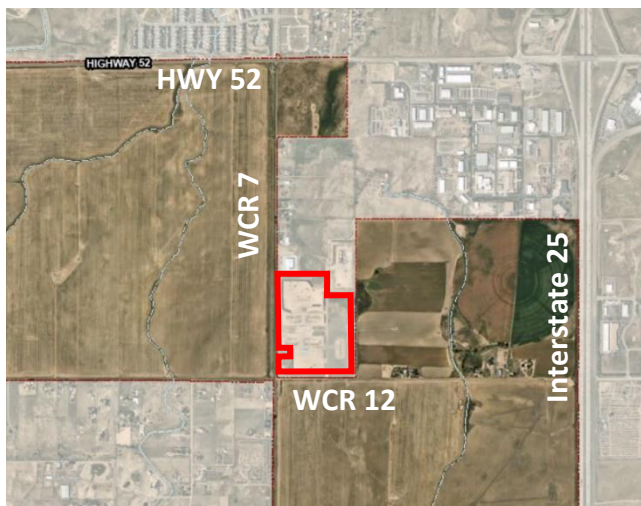
PLANNING COMMISSION RECOMMENDATION:

Not applicable.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Owner: Anadarko E&P Company LP
1099 18th St., Suite 1800
Denver, CO 80202

Location: The subject property is generally located southwest of the Highway 52 and Interstate 25 intersection. Specifically, it is located at the NE corner of the WCR 7 and WCR 12 intersection. The annexation area is approximately 45 acres in size. The site is highlighted in red below.



Existing Zoning: AG – Agricultural (Weld County)
Comprehensive Plan: RR - Rural Residential and B - Business
Existing Land Use: Oil and gas facilities
Annexation Acreage: 45.10 acres
Zoning Acreage: 45.10 acres
Proposed Zoning: HI – Heavy Industrial
Adjacent Zoning and Comprehensive Plan Land Use Designation:

	CURRENT ZONING	COMPREHENSIVE PLAN – LAND USE MAP DESIGNATION
NORTH	Weld County AG - Agricultural	RR – Rural Residential and B - Business
SOUTH	Town of Erie – PD – Planned Development	LDR – Low Density Residential
EAST	Weld County AG - Agricultural	B - Business
WEST	Town of Erie – PD – Planned Development	RR – Rural Residential

BACKGROUND INFORMATION:

The owner has submitted a Petition for Annexation for approximately 45 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 May 11, 2021 the Board of Trustees accepted the Hammer Annexation Petition, found it to be in Substantial Compliance with the applicable requirements of C.R.S. 31-12-101 *et seq.*, and established June 22, 2021 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 approximately 45 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 HI – Heavy Industrial.

In January of 2019, Anadarko E&P Onshore LLC entered into an Annexation Agreement with the Town of Erie. The agreement requires the applicant to file an annexation petition within 30 days after 23 new oil and gas wells have been drilled and completed. The annexation agreement also states:

- The property shall be located within a Town of Erie Urban Renewal Area.
- The property shall be initially zoned to an industrial zone district.
- The owner shall convey 40' of right-of-way along WCR 7 within 30 days of the effective date of the annexation.
- The Town and Owner shall enter into a Master Encroachment License Agreement.

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.

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 to match the existing land use and enable the Town to more effectively monitor and regulate the existing uses.

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 not consistent with the Town of Erie Comprehensive Plan; The Comprehensive Plan designates this area as RR – Rural Residential and B - Business. The Initial Zoning request is for HI – Heavy Industrial, which allows for oil and gas facilities. The zoning reflects the existing development on the property.

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 HI zone district, heavy industrial 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 property will require the extension of water and sewer services into the site at the time of development. It will be the responsibility of the developer to extend Town services into the property proposed for annexation at the time of development.

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: Because the wells already exist, the Town's interests are better served by annexing the property as this will enable the Town to more effectively monitor and regulate the existing uses. No significant additional adverse impacts that don't already exist are anticipated. No change in use is anticipated by the proposed zone district.

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: Because the wells already exist, the Town's interests are better served by annexing the property as this will enable the Town to more effectively monitor and regulate the existing uses. No significant additional adverse impacts that don't already exist 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 subject property is compatible in scale and use with surrounding properties. Property to the west and south are undeveloped at this time. Property to the north and east is developed with similar uses as the subject property.

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 only zoning compatible with the existing use is Heavy Industrial. Because the wells already exist, the Town's interests are better served by annexing the property as this will enable the Town to more effectively monitor and regulate the existing uses. Additionally, initial zoning of this property to Heavy Industrial will bring tax revenue to the Town that would otherwise not occur.

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 May 19, 2021, May 26, 2021, June 2, 2021, June 9, 2021, and June 16, 2021.

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:

Published in the Colorado Hometown News:	June 2, 2021
Property Posted as required:	June 4, 2021
Letters to Adjacent Property Owners:	June 4, 2021