

**TOWN OF ERIE
RESOLUTION NO. 20-__**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
ERIE APPROVING WITH CONDITIONS THE PRELIMINARY PLAT FOR
THE WESTERLY SUBDIVISION**

WHEREAS, Erie Land Company, LLC ("Applicant") owns the real property more particularly described as A Portion of West ½ of Section 21, Township 1 North, Range 68 West of the 6th Principle Meridian, Town of Erie, County of Weld, State of Colorado (the "Property");

WHEREAS, February 6, 2019 Applicant filed an application for approval of a Preliminary Plat for the Property (the "Application");

WHEREAS, on July 1, 2020, the Planning Commission conducted a properly-noticed public hearing on the Application and recommended the Board of Trustees approve the Preliminary Plat with conditions; and

WHEREAS, on July 28, 2020, the Board of Trustees conducted a properly-noticed public hearing on the Application.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE
TOWN OF ERIE, COLORADO, THAT:**

Section 1. Findings of Fact. The Board of Trustees, upon reviewing the recommendation of the Planning Commission, hearing the statements of staff and the public, and giving due consideration to the matter, finds and determines as follows:

- a. The Application complies with Title 10 of the Erie Municipal Code (the "UDC") and other applicable law and is consistent with the Town's Comprehensive Plan;
- b. The subdivision is consistent with and implements the intent of the zone districts in which it is located;
- c. The general layout of lots, streets, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed to meet the Town's standards related to health and safety and in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of the UDC;
- d. The subdivision complies with all applicable use, development, and design standards set forth in Chapters 3, 5 and 6 of the UDC that have not otherwise been modified or waived pursuant to this Chapter or the UDC;
- e. The subdivision complies with all applicable regulations, standards, requirements, or plans of the Federal or State governments and other relevant jurisdictions, including but not limited to wetlands, water quality, erosion control, and wastewater regulations;

- f. The subdivision will not result in significant adverse impacts on the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- g. The subdivision will be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features;
- h. The subdivision will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated;
- i. Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the Property, while maintaining sufficient levels of service to existing development; and
- j. Any proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

Section 2. Decision. Based on the foregoing findings of fact, the Application is hereby approved with the following conditions:

- a. The Westerly Zoning Map that adjusted the zoning boundary between the NMU-Neighborhood Mixed Use zone district and the LR-Low Density Residential zone district shall be recorded for approval of the Preliminary Plat to be effective.
- b. The Westerly PUD Overlay District that modifies the NMU-Neighborhood Mixed Use zone district and the LR-Low Density Residential zone district shall be recorded for approval of the Preliminary Plat to be effective.
- c. The Screening Report for Federal-State Listed Threatened and Endangered Species and General Wildlife for Erie Site, Weld County, Colorado dated July 27, 2018 shall be followed by the owner/developer of the property to protect the species identified in the report. The protection measures identified focused on raptor nests, migratory birds, and western burrowing owls.
- d. The Final Plat Landscape Construction Plans shall include a tree replacement plan that is in conformance with the Existing Vegetation sheet in the Preliminary Landscape Plans, that identifies existing trees to be removed and where required replacement trees (MC 10.6.2) are to be placed.
- e. Existing monitoring wells on the property shall be abandoned through the CDPHE process. Documentation of the approval from CDPHE shall be submitted to the Town prior to approval of a Final Plat.
- f. The Mine Subsidence Investigation dated December 15, 2018 shall be followed for development of the property. The report identifies development restrictions for areas that are undermined and within the greater than 0% strain areas. A Final Plat application submittal for lots and development within these restricted areas shall include notes on the

plat that list the restrictions for the specific lots. The Final Plat shall be reviewed by Colorado Geological Survey (CGS) for verification that recommendations in the report and from CGS referral comments have been adequately addressed.

g. Existing structures and facilities shall be removed during the first phase of construction.

h. Existing easements that conflict with proposed development in a Final Plat shall be vacated or relinquished prior to a Final Plat submittal to the Town. The recorded vacation of relinquishment of the easement and current title with the document acknowledged shall be required with the Final Plat submittal.

i. A Final Plat that includes the proposed lots on the east side of the property that back to the permanent oil and gas pipeline shall not be submitted to the Town until the associated 20-foot temporary construction easement no longer impacts these lots. Documentation that the temporary construction easement is no longer impacting the lots shall be submitted with a Final Plat that includes these lots.

j. The Final Plat Landscape Construction Plans submitted to the Town shall address all requirements in the referral memo from Parks and Open Space dated June 4, 2020. Landscape Construction Plan acceptance is required for Final Plat approval to be granted.

k. The Final Plat Construction Plans submitted to the Town shall address all requirements in the referral memo from Engineering dated June 3, 2020. Construction Plan acceptance is required for Final Plat approval to be granted.

l. Final Plats shall meet the Town User Guide requirements for all lots and tracts to be prepared at a scale so that all survey data for a single lot or tract is located on a single sheet.

m. Adequate easements shall be provided on the Final Plat submittal to address utility provider referral comments.

ADOPTED this 28th day of July, 2020.

Jennifer Carroll, Mayor

ATTEST:

Jessica Koenig, Town Clerk