

**TOWN OF ERIE  
PLANNING COMMISSION  
RESOLUTION NO. P21-09**

**A Resolution Of The Planning Commission Of The Town Of Erie  
Recommending The Board Of Trustees Approve The Canyon Creek  
Filing No. 7 And 8 Preliminary Plat With Conditions**

**WHEREAS**, Land Perspective, LLC, 4663 South Fountain Circle, Littleton, CO 80127 ("Applicant") filed an application (the "Application") for approval of a preliminary plat (the "Canyon Creek Filing No. 7 and 8 Preliminary Plat ") for the real property legally described as Tract "O", Creekside Subdivision and A Portion of the South One-Half of Section 13, Township 1 North, Range 69 West of the 6<sup>th</sup> Principle Meridian, Town of Erie, County of Boulder, State of Colorado (the "Property");

**WHEREAS**, on June 2, 2021, the Planning Commission held a properly-noticed public hearing on the Application; and

**WHEREAS**, upon consideration of the Application and supporting documentation, the recommendation of Town staff and any public comment received at the public hearing, the Planning Commission wishes to recommend that the Board of Trustees approve the Canyon Creek Filing No. 7 and 8 Preliminary Plat with conditions.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF ERIE, COLORADO, THAT:**

Section 1. Findings of Fact.

- a. The Canyon Creek Filing No. 7 and 8 Preliminary Plat is in substantial compliance with Title 10 of the Erie Municipal Code (the "UDC").
- b. Specifically, the Application satisfies the following criteria set forth in Section 10.7.7(C)(10) of the UDC:
  - i. The subdivision is generally consistent with the Town's Comprehensive Plan;
  - ii. The subdivision is generally consistent with and implements the intent of the specific zoning district in which it is located;
  - iii. 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;

- iv. 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;
  - v. The subdivision complies with all applicable federal and state regulations, standards, requirements and plans, including without limitation wetlands, water quality, erosion control, and wastewater regulations;
  - vi. 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;
  - vii. The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features;
  - viii. The subdivision will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated;
  - ix. Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development; and
  - x. The proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.
- c. The Canyon Creek Filing No. 7 and 8 Preliminary Plat 2 will preserve the public health, safety and welfare.

Section 2. Decision. Based on the foregoing Findings of Fact, the Planning Commission recommends approval to the Board of Trustees for the Canyon Creek Filing No. 7 and 8 Preliminary Plat, subject to the following conditions:

- a. The oil and gas pipeline infrastructure shall have new easements dedicated, and be relocated, prior to final plat acceptance and approval of the DA.
- b. At time of final plat submittal, a copy of the executed RTD rail crossing agreement shall be submitted to the Town.
- c. Offsite right-of-way for the Jasper Road improvements shall be annexed and initially zoned prior the final plat submittal. The annexed area shall be platted as right-of-way with the Canyon Creek Filing No. 7 and 8 Final Plat.

- d. At the time of Final Plat submittal copies of the agreements for the undergrounding and maintenance of the ditch laterals shall be provided to the Town.
- e. With the Final Plat submittal, a copy of the WAPA power line agreement application shall be provided. The agreement shall be finalized prior to the final acceptance of the final plat and approval of the DA.
- f. Comments in the Parks and Recreation comments of the referral comment memo dated March 9, 2021 shall be addressed with the Final Plat submittal.
- g. Per CGS comments dated 4/2/21:
  - 1. At the time of construction, the applicant or developer shall contract with a consultant qualified in the mitigation of mine subsidence hazards to oversee placement of the structural cap on the Chase mine shaft with sufficient compaction effort or other stabilization prior to cap placement to ensure that long term settlement will not exceed about 1 inch.
  - 2. At the time of Final Plat submittal final strain isolation trench designs shall be submitted for review and approval by CGS.
- h. At the time of final plat, Applicant shall execute a detailed Development Agreement, in the form provided by the Town. The following items shall be addressed in the DA:
  - 1. The mine subsidence investigation recommendations in Western Environment and Ecology, Mine Subsidence Investigation, Canyon Creek Subdivision Filings 7 and 8, (July 8, 2020) are valid and should be strictly adhered to.
  - 2. Grading activities should be carefully observed by a qualified inspector to identify evidence of mine subsidence, any unmapped shafts, or other mining features. The developer, architect, engineer, builder, earthmoving contractors and field inspection staff should be made aware that portions of Canyon Creek Filings 7 and 8 are undermined, unmapped shafts may be present, and there is a risk of sinkholes and other subsidence-related features developing. If subsidence feature(s) or shaft(s) are observed, mitigation and/or possible development reconfiguration would be required.
  - 3. Western Environment or another qualified consultant should provide input to the architect/engineer of homes within Canyon Creek Filings 7 and 8 regarding the need for, intent, and final design of strain isolation trenches within WEE's Subsidence Zones A and B, and should review the plans submitted at building permit application and provided to the builder for consistency with WEE's final Strain Isolation Trench designs.
  - 4. The geotechnical recommendations in Cole Garner Geotechnical's Preliminary Geotechnical Engineering Report, Proposed Residential Development, Canyon Creek Subdivision Filing Nos. 7 & 8, Jasper Road and Telleen Avenue (February 23, 2018) are valid and should be strictly adhered to.

5. Any land clearing should be completed between September and January, which is outside of the nesting season for most birds. If construction were to occur in any vegetated areas between April and August vegetation should be mowed beginning in April and kept below six inches in height to keep birds from nesting. A nesting bird inventory should be conducted within at least one week prior to construction to identify any new nests within the site or within the CPW recommended buffers of the Site.

**ADOPTED this 2<sup>nd</sup> day of June, 2021.**

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Kelly Zuniga, Chair

ATTEST:

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Melinda Helmer, Secretary