

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

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**SUBJECT:**           **Public Hearing**

**Preliminary Plat**

Resolution 21-087: A Resolution Of The Board of Trustees Of The Town Of Erie Approving The Canyon Creek Filing No. 7 And 8 Preliminary Plat With Conditions

**PURPOSE:**           Review of the proposed 70.626 acres Preliminary Plat for Canyon Creek Filing No. 7 and 8, which includes 106 single-family lots, 88 alley loaded paired homes, and 26 tracts for, landscaping, pocket parks, utilities, trail connections, open area, and drainage.

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

**DEPARTMENT:**    Planning and Development

**PRESENTER:**       Christopher C. LaRue, Senior Planner

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**STAFF RECOMMENDATION:**

**1. Canyon Creek Filing No. 7 and 8 Preliminary Plat – Resolution 21-087**

Staff finds the Canyon Creek Filing No. 7 and 8 Preliminary Plat in compliance with the Preliminary Plat Approval Criteria and recommends the Board of Trustees approve Resolution 21-087 with the following conditions of approval:

- a. Applicant shall obtain necessary easements for the oil and gas pipeline infrastructure.
- b. Applicant shall submit an executed rail crossing agreement with the Regional Transportation District.
- c. Applicant shall submit executed agreements for the undergrounding and maintenance of all ditch laterals on the Property.
- d. Applicant shall submit an executed power line agreement with WAPA.
- e. Applicant shall address all comments in the Parks and Recreation memorandum dated March 9, 2021.
- f. Applicant shall submit an executed agreement 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.

- g. Final strain isolation trench designs shall be submitted to the Town for review and approval.
- h. Applicant shall execute a detailed Development Agreement, in the form provided by the Town.

#### **PLANNING COMMISSION RECOMMENDATION:**

On June 2, 2021 the Planning Commission unanimously recommended the Board of Trustees approve the Canyon Creek Filing No. 7 and 8 Preliminary Plat. The conditions contained within the BOT resolution reflect those as recommend by the PC. The Planning Commission discussion at the public hearing included the following:

- Mines and undermining;
- Tree removal;
- Fencing;
- Roads and connectivity; Jasper Road buildout;
- Trail connectivity;

One member of the public provided testimony during the hearing. The testimony expressed concerns about setbacks, the ditch, tree removal, and trails.

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#### **SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

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**Applicant:** Land Perspectives LLC (Roger Hollard)  
4663 South Fountain Circle  
Littleton, CO 80127

#### **Existing Conditions:**

Future Land Use: Filing No. 7 – Low Density Residential / Filing No. 8 – Medium Density Residential

Zoning: Canyon Creek Planned Development (PD)

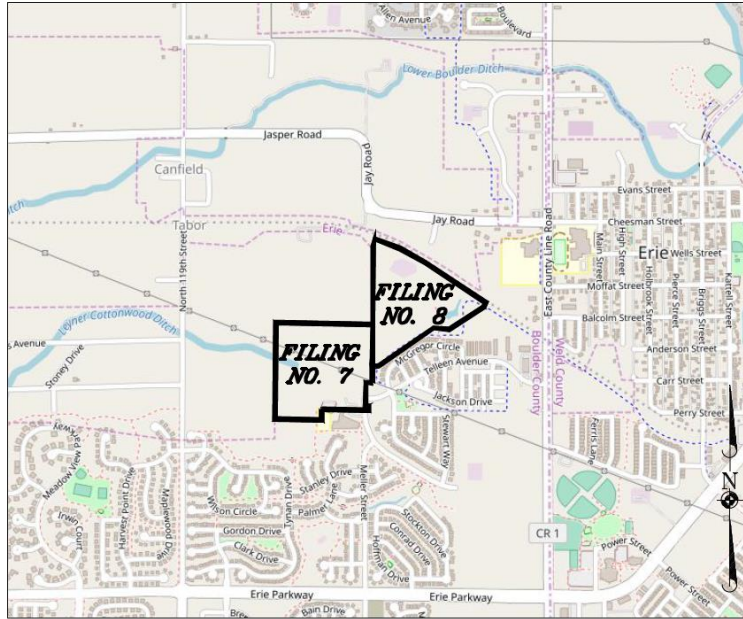
- Filing 7 is designated as with a maximum of 110 single-family detached units.
- Filing No. 8 is designated with a maximum of 275 units of medium density units (townhome or duplex).

Project Size: 70.626 Acres

Existing Use: Vacant Property

#### **Location:**

Filing No. 7 is located northwest of Jasper Road and Telleen Ave, while Filing No. 8 is located northeast of those streets. Below is a map which depicts the site and surrounding area:



### Adjacent Land-Use/Zoning:

	ZONING	LAND USE
<b>NORTH</b>	Low Density Residential	Rural Single-Family (Lafferty Property) / RTD tracks
<b>SOUTH</b>	Canyon Creek PD-Planned Development	Red Hawk Elementary School
<b>EAST</b>	Low Density Residential	Single Family (Creekside Subdivision)
<b>WEST</b>	Unincorporated Boulder County-Agricultural	Rural Single-Family

### Site History and Specific Development Information:

The subject site, and surrounding Canyon Creek area was annexed by the Town in September of 1970, and was originally known as “Homestake”. The properties and surrounding area were zoned as the Homestake PUD in 1975. In May 2001 the Homestake PUD was amended and renamed the Canyon Creek Planned Development (PD) Plan. Since 2001 both Filings have been designated as 110 units of Single Family Detached (Filing No. 7) and 275 units of townhomes (Filing No. 8). Filing 8 was changed to single-family attached (paired homes) and multi-family through PD Amendment No. 4 in 2008. The areas for Filing No. 7 and 8 were never previously platted. A Sketch Plan was presented to the Planning Commission and Board of

Trustees in 2019 for this project. The Canyon Creek PD was subject to a minor amendment this year which allowed alley loaded products for Filing No. 8.

The subject properties are currently vacant with the exception of WAPA power lines and the Leyner Cottonwood Ditch with the Filing No. 7 area, and an oil and gas well area and a detention pond within the Filing No. 8 area. The preliminary plat proposes 106 single-family lots, 88 alley loaded paired homes, and 26 tracts for, landscaping, pocket parks, utilities, trail connections, open area, and drainage. Single-family Lot sizes would range from approximately 5,300 to approximately 10,000 square feet. Access to all lots would be provided through new public streets which connect to the overall development. In addition, the paired homes in Filing No. 8 would also be accessed by private alleys. The development will incorporate tow new pocket parks and trail connections that would tie into the overall development.

### **Preliminary Plat Development Data:**

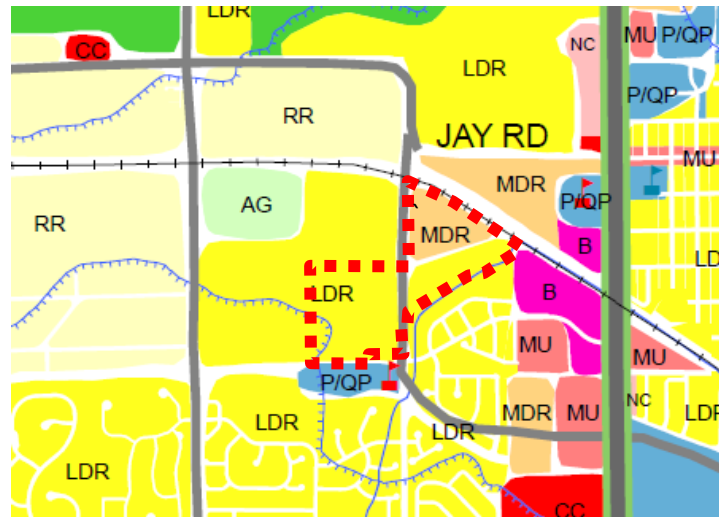
#### **Development Information:**

- Preliminary Plat Size: 70.626 acres
- Residential Development:
  - Single-Family Detached (Filing No. 7): 106 lots (2.72 du/ac)
  - Paired Homes (Filing No. 8): 88 lots (7.3 du/ac – excluding the oil & gas and detention area)
  - **Total** **194 lots**
- Amenities:
  - Pocket Parks: 1.643 acres (2 pocket parks)
- Other Elements:
  - Tracts: 26 tracts
  - Public ROW: 10.48 acres
  - Oil and Gas well: 9.168 acres
  - Open Space: 10 acres

### **Compliance with Town of Erie Comprehensive Plan:**

The Preliminary Plat application is in general compliance with the Land Use designations on the 2005 Comprehensive Plan, Land Use Map. The majority of the property is designated as LDR – Low Density Residential (2-6 du/ac) on the Comprehensive Plan, Land Use Plan Map. An area of Filing 8 is also designated as MDR – Medium Density Residential (6-12 du/ac). LDR areas will primarily be suburban-style developments; however, the designation allows for a range of single-family detached and attached homes, townhomes, patio homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, commercial, and office uses in a neighborhood setting. MDR areas should incorporate a mix of housing types and recognizable community centers such as park, recreation, and neighborhood or community commercial areas in a neighborhood setting. The submitted Preliminary Plat meets the intent of LDR and MDR per the characteristics, as the plat proposes developing

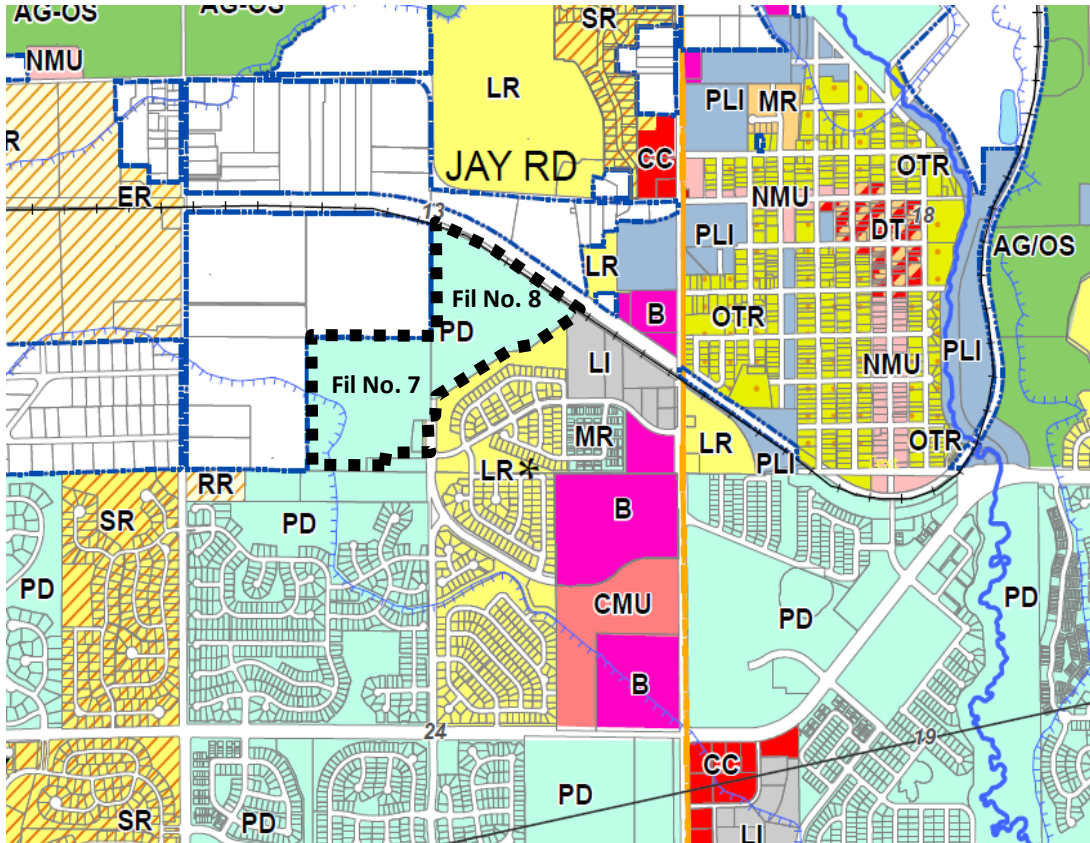
the site as single-family residential in Filing 7 (2.72 du/ac) and paired home residential in Filing 8 (7.3 du/ac). Highlighted in a dashed red line below is the Canyon Creek Filing No. 7 and 8 site on the Comprehensive Plan Map:



#### **Compliance with Canyon Creek PD:**

The PD designates the Filing No. 7 area as single-family detached, and permits a maximum of 110 units. Filing No. 7 is proposed to be developed with 108 single-family detached homes. The PD designates Filing No. 8 as medium density residential, and permits a maximum of 275 units. Also, Filing No. 8 permits a variety of housing that includes paired homes, townhomes, and manor homes. Filing No. 8 is proposed to be developed with 88 paired homes. Lots within both filings have shown an ability to meet the PD setbacks and other dimensional requirements and are under the maximum permitted densities.

Below the site is outlined in a black dashed line:



### **Housing Diversity:**

The Town of Erie's housing diversity requirement is based on the acres of residentially zoned property. The regulations intend to ensure that as the Town grows, a variation in housing choices are available. The total development area for all of Canyon Creek is 553 acres, which would require 5 housing types, or 4 housing types and 1 housing type variation. Overall, Canyon Creek (including the future Filing No. 10) is meeting the housing diversity requirement by providing four housing types and two variations. Filing No. 7 will not add to the housing diversity, however, Filing 8 would by providing paired homes.

### **Access / Roadways:**

A Traffic Impact Study was submitted with the Preliminary Plat application materials. Primary access into both sites is proposed from multiple access points along a central extension of Jasper Road. Also, Jasper Road would be extended to the north and transition into a round-about where it intersects with Jay Road. Additional off site right-of-way will be required to be annexed, zoned, and platted (within the final plat) for the Jay Road extension. The applicant's proposed plats include public roads for Filing No. 7 and public roads and privately owned and maintained alleys for Filing No. 8. The streets and improvements proposed are in compliance with the Town's Standards and Specifications.

Every dwelling unit in Filing No. 8 is proposed as rear loaded with frontage onto a street or garden court.

### **Parks, Open Space, and Trails:**

Open space, trails, and pocket park plans were submitted with the application. A pocket park within a ¼ mile of the residents would be required and an appropriate park in each filing is depicted on the plat. The pocket parks comply with all Town Standards and Specifications.

The required dedications for public parks and open space dedications are based on the Town of Erie Municipal Code. The tables below detail how these requirements are met with this preliminary plat application:

	<u>Filing No. 7</u> – Required by UDC (Acres)	Proposed for Preliminary Plat (Acres)
Pocket Park	0.157 (.25 minimum required)	0.3 acres
Neighborhood Park	0.945	Met with previous filings
Community Park	1.575	Met with previous filings
Open Space	3.675	10 acres proposed in Filing No. 7

	<u>Filing No. 8</u> – Required by UDC (Acres)	Proposed for Preliminary Plat (Acres)
Pocket Park	0.762 (.25 minimum required)	1.3 acres
Neighborhood Park	0.762	Met with previous filings
Community Park	1.27	Met with previous filings
Open Space	2.64	10 acres proposed in Filing No. 7

Parks and trail connections are being made to the existing trail infrastructure. The project proposed a series of sidewalks, internal trails, and a spine trail which parallels the RTD right-of-way and connects to an existing trail to the east. The sidewalks are placed in proposed Town right-of-way while internal trails are placed in private tracts.

### **Drainage:**

A Phase II Drainage Study was submitted and reviewed with the Preliminary Plat, with no concerns noted by engineering. Final drainage plans will be reviewed with the final plat.

**Utilities:**

The Town of Erie will provide both water and wastewater services to the property. The preliminary plat proposes a series of water and sewer mains, all within right-of-way or public easements.

Utility service provider for the property is Xcel Energy for gas and electric, Century Link Communications for telephone services and Comcast for cable television. Utility easements for these providers will be established at the time of final plat.

WAPA power lines currently run through the Filing No. 7 area. No changes to these lines are being proposed. With the final plat application, the applicant will need to provide the final WAPA power line agreement.

**Schools:**

The proposed subdivision is located in the St. Vrain Valley School District. The applicant will be required to provide appropriate impact fees. The Red Hawk Elementary school is located directly south of the site, and all required school dedications were made in previous Canyon Creek filings. The school district stated no concerns from a capacity standpoint.

**Fire Protection:**

The Mountain View Fire Protection District will provide fire and emergency medical services.

**Police Services:**

The Erie Police Department will provide service to the property.

**Open Space and Trails Advisory Board (OSTAB):**

OSTAB has reviewed the application materials and provided referral comments in the attachments.

**Trash Service:**

Individual units will contract for local pickup service.

**Oil/Gas Facilities:****Existing Wells:**

There is one existing oil and gas well within Filing No. 8 and just west of Filing No. 7 on the neighboring property. The preliminary plat adequately depicts the required 350 foot oil and gas well setbacks.

**Future Wells:**

No future oil and gas facilities are identified.

**Gas pipeline:**



An existing gas pipeline runs west to east diagonally through the Filing No. 7 area. This pipeline will be relocated and the easement vacated. The oil and gas pipeline infrastructure shall have new easements dedicated, and be relocated, prior to final plat acceptance and approval of the DA.

### **Soils and Geology:**

A Geotechnical Investigation was performed for the site and concluded that expansive clay is present in small quantities on-site, and that low expansive soils were encountered on a majority of the site. In areas where expansive soils are present drilled pier foundations and structural floors could be utilized, or deep sub-excavation and re-compaction can be used to create engineered fill. CGS stated no concerns provided the applicant provided best practices as previously recommended regarding low subsidence potential, unmapped shafts, expansive soils.

### **Undermining**

A mine subsidence report was prepared for the site. Abandoned coal mines occur beneath the proposed subdivision. The depth to the top of the mined interval ranges from 103 to 178 feet beneath the surface. There is a mine shaft within Filing No. 7 that is depicted within the proposed street right-of-way. The plat appropriately depicts a 50 foot no build setback. The no setback is entirely contained within the right-of-way and a tract and does not impact proposed lots. CGS has provided a review and has indicated the mine shaft was appropriately field located. It was also noted by CGS the mine will need to be appropriately capped and compacted to limit long term settlement. CGS also indicated they would like to review the final plat to ensure conformance with their recommendations, and those offered in the reports.

### **Natural Areas Inventory**

The Town of Erie Natural Areas Inventory does identify two natural areas within the proposed project area. These include site #49 and # 54. Site # 49 would be preserved by this plan, and includes the Leyner Cottonwood Ditch and woodland. Site # 54 includes a ditch lateral, pasture and marginal habitat for wildlife. The plat proposes piping the lateral and developing most of this area as residential.

### **Threatened and Endangered Species and Significant Habitat:**

A site specific Threatened and Endangered Species/Wetland Report, completed by ECOS – ecosystem services, was submitted to the Town for review. The likelihood of impact to any federally-listed species is none to very low, and in fact no federally listed species are expected to be present within the project area. There is low to moderate potential for impacts to some State listed species, however, there are no state level protections for these species. ECOS determined some migratory birds may utilize the site and recommend 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.

## **Environmental Hazards**

A Phase 1 Environmental Site Assessment Report was performed by ERO Resources Corporation. The report revealed no evidence of Recognized Environmental Concerns (RECs) in connection with the property except for the historical coal mining activity that occurred on and around the property. ERO did not observe visual evidence of significant staining or leakage associated with the oil and gas well infrastructure.

## **STAFF REVIEW AND ANALYSIS**

Staff finds the application is consistent with the Preliminary Plat approval criteria in Municipal Code, Section 10.7.7.C.10, as outlined below:

- a. The subdivision is generally consistent with the Town's Comprehensive Master Plan.

*Staff: The Preliminary Plat application is in general compliance with the Land Use designations on the 2005 Comprehensive Plan, Land Use Map. The majority of the property is designated as LDR – Low Density Residential (2-6 du/ac) on the Comprehensive Plan, Land Use Plan Map. An area of Filing 8 is also designated as MDR – Medium Density Residential (6-12 du/ac). The submitted Preliminary Plat meets the intent of LDR and MDR per the characteristics, as the plat proposes developing the site as single-family residential in Fling 7 (2.72 du/ac) and paired home residential in Filing 8 (7.3 du/ac)*

- b. The subdivision is generally consistent with and implements the intent of the specific zoning district in which it is located.

*Staff: The subdivision is in compliance with the Canyon Creek Planned Development (PD). The proposed lots meet the minimum zoning requirements and are consistent with the residential intent of the zone.*

- 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 this UDC.

*Staff: The proposed subdivision meets the applicable Town standards. Trails will provide linkages to the overall community. The proposed grading will preserve existing vegetation and views from adjacent subdivisions to the maximum extent practicable.*

- d. The subdivision complies with all applicable use, development, and design standards set forth in Chapters 3, 5 and 6 of this UDC that have not otherwise

been modified or waived pursuant to this Chapter or this UDC. Applicants shall refer to the Development Standards in Chapter 5 of this UDC and shall consider them in the layout of the subdivision in order to avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible.

*Staff: The design of the Preliminary Plat takes into account applicable use, development and design standards of Chapters 3, 5, and 6 of the Code. Layout and design of the proposed subdivision is appropriate and consistent with the general provisions of the UDC and the PD. Proposed streets and connections are appropriate and will benefit the future residents. Utility easements are provided on the proposed plat. Appropriate provisions are in place for storm water and water and wastewater lines. Appropriate land dedications and fees-in-lieu are provided for within the development.*

- 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.

*Staff: Significant adverse impacts are not anticipated. The site is not impacted by a designated floodplain. Provisions are in place to protect water quality, erosion control, and wastewater. Appropriate studies were reviewed during the review of the preliminary plat and no concerns are outstanding. Construction documents as part of the Final Plat process will require Best Management Practices (BMP's) for water quality, stormwater management and erosion control in accordance with the Town of Erie - Standards and Specifications for Design and Construction of Public Improvements*

- 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.

*Staff: Significant adverse impacts are not anticipated. Appropriate studies were reviewed during the review of the preliminary plat and no concerns are outstanding.*

- g. The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features.

*Staff: Pedestrian and vehicular accesses are adequately provided throughout the subdivision. Trail connections are provided at key locations. In addition, open areas and buffers are integrated into the subdivision.*

- h. The subdivision will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated.

*Staff: Significant adverse impacts are not anticipated. As part of the Preliminary Plat review, drainage and erosion, traffic impact, environmental, and cultural studies were reviewed. No concerns are outstanding.*

- i. 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.

*Staff: Adequate services and facilities currently exist or will be enhanced (transportation, school impact fee, fire facility site, open space, parks and trails) by the Preliminary Plat that will provide service to the proposed development, adjacent neighborhoods and the community at large.*

- j. As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

*Staff: A phasing plan is not proposed for the Preliminary Plat, though one may be developed with the Final Plat. A Development Agreement between the applicant and the Town will be reviewed by the Board of Trustees as part of Final Plat approvals.*

### **NEIGHBORHOOD MEETING**

As required by the Municipal Code a Neighborhood Meeting was held on February 13, 2020 (see attached summary). The required notice for the Neighborhood Meeting was provided.

### **PUBLIC NOTICE**

Notice of this Public Hearing has been provided as follows:

Published in the Colorado Hometown Weekly:	June 2, 2021
Property Posted:	May 31, 2021
Letters to adjacent property owners:	June 4, 2021