

**Town of Erie
Resolution No. 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**

Whereas, Johnson Development Company ("Applicant") owns the real property more particularly 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 6th Principal Meridian, Town of Erie, County of Boulder, State of Colorado (the "Property");

Whereas, October 15, 2019 Applicant filed an application for approval of a Preliminary Plat for the Property (the "Application");

Whereas, on June 2, 2021 the Planning Commission held a properly-noticed public hearing on the Application and recommended that the Board of Trustees approve the Application; and

Whereas, on June 22, 2021, 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 Preliminary Plat is consistent with and implements the intent of the zone district in which it is located;
- c. The Preliminary Plat 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;
- d. The Preliminary Plat will not result in significant adverse impacts on adjacent properties; and
- e. 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.

Section 2. Decision. Based on the foregoing findings of fact, the Application is hereby approved with the following conditions, all of which shall be satisfied prior to approval of the Final Plat for the Property:

- 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.
- i. Applicant shall execute a detailed Development Agreement, in the form provided by the Town.

Adopted this 22nd day of June, 2021.

Jennifer Carroll, Mayor

Attest:

Heidi Leatherwood, Town Clerk