

**Town of Erie  
Resolution No. 21-147**

**A Resolution of the Board of Trustees of the Town of Erie Approving  
the Westerly Filing No. 1, Amendment No. 1 Final Plat and the First  
Amendment to the Westerly Filing No. 1 Development Agreement  
and Accepting Dedications as Shown on the Final Plat**

**Whereas**, Erie Land Company, LLC, 1225 17th Street, Suite 2420, Denver, CO 80202 (the "Applicant") owns the real property more particularly described as Lots 1-24, Block 11, Lots 1-7, Block 2, Together with Tracts D, E, J, L, W and Z, Westerly Filing No. 1, Located in the West Half of Section 21, Township 1 North, Range 68 West, 6<sup>th</sup> P.M., Town of Erie, County of Weld, State of Colorado (the "Property");

**Whereas**, on March 16, 2021, the Applicant filed an application (the "Application") for approval of a Final Plat, known as Westerly Filing No. 1, Amendment No. 1 (the "Final Plat"), for the Property;

**Whereas**, pursuant to Section 10.7.7.D.8.b of the Erie Municipal Code, the Final Plat differs from the approved Westerly Preliminary Plat and as such, requires review and approval in the same manner as the Preliminary Plat;

**Whereas**, on October 6, 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 November 9, 2021, the Board of Trustees conducted a properly-noticed public hearing on the Application, and also considered the First Amendment to the Westerly Filing No. 1 Development Agreement and the acceptance of the dedications as shown on the Final Plat.

**Now Therefore be it Resolved by the Board of Trustees of the Town of Erie, Colorado, that:**

Section 1. Final Plat 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 is in substantial compliance with Title 10 of the Erie Municipal Code (the "UDC").
- b. The Application meets the criteria set forth in Section 10.7.7 of the UDC, specifically:
  - 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 Final Plat will preserve the public health, safety and welfare.

Section 2. Final Plat Decision. Based on the foregoing findings of fact, the Application is hereby approved.

Section 3. Development Agreement Amendment. The Board of Trustees hereby approves the First Amendment to the Westerly Filing No. 1 Development Agreement, in substantially the form attached hereto, subject to final approval by the

Town Attorney. Upon such approval, the Mayor is authorized to execute the development agreement on behalf of the Town.

Section 4. Dedications. The Board of Trustees hereby accepts the dedications shown on the Final Plat for the Westerly Filing No. 1, Amendment No. 1 Subdivision.

**Adopted this 9<sup>th</sup> day of November, 2021.**

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Jennifer Carroll, Mayor

**Attest:**

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Heidi Leatherwood, Town Clerk