Town Of Erie
Planning Commission Regular Meeting
Wednesday, May 6, 2015
6:30 P.M.
Board Room, Erie Town Hall, 645 Holbrook, Erie, CO 80516

I. **CALL TO ORDER & PLEDGE OF ALLEGIANCE TO THE FLAG**

II. **ROLL CALL**

III. **APPROVAL OF THE AGENDA**

IV. **APPROVAL OF MINUTES**

Approval of the April 15, 2015, Planning Commission Regular Meeting Minutes

V. **PUBLIC COMMENTS** (This agenda item provides the public an opportunity to discuss items other than items that are on the agenda. The Planning Commission is not prepared to decide on matters brought up at this time, but it warranted, will place them on a future agenda.)

VI. **RESOLUTIONS** (This agenda item is for all matters that should be decided by resolutions.)

1. **Public Hearing – 3792 N. 119th Street Special Review Use**

Purpose: Consider Special Review Use To Allow Three (3) Large Animals
Project File #: SRU-000272-2015
Request: Consideration of Resolution P15-12, A Resolution Recommending Approval Of The Special Review Use Application To Allow The Keeping Of Three (3) Large Animals At 3792 N. 119th Street.
Location: 3792 N. 119th Street
Applicants: Alexis Benz
(Staff Planner: Marty Ostholthoff)

2. **Public Hearing – 2105 Pinon Drive Special Review Use**

Purpose: Consider Special Review Use To Allow An In Home Child/Day Care Business
Project File #: SRU-000337-2015
Request: Consideration of Resolution P15-13, A Resolution Recommending Approval Of The Special Review Use Application For An In-Home Child/Day Care Business At 2105 Pinon Drive, Vista Ridge Subdivision, Town Of Erie, Adopting Certain Findings Of Fact And Conclusions Favorable To The Special Review Use, And Setting Forth Conditions.
Location: 2105 Pinon Drive, Vista Ridge Filing 1R
Applicants: Dayna Bly
(Staff Planner: Marty Ostholthoff)

VII. **STAFF REPORTS** (This agenda items is reserved for specific items from Staff requiring Commission direction or just relaying important information.)

VIII. **COMMISSIONER REPORTS AND DISCUSSION ITEMS** (This agenda item is for all Planning Commission reports and items of information as well as Commission discussion items, not listed on the agenda.)

IX. **ADJOURNMENT**

FOR MORE INFORMATION ON THE AGENDA ITEMS LISTED, PLEASE CONTACT THE COMMUNITY DEVELOPMENT OFFICE AT 645 HOLBROOK STREET, 303-926-2770

Town of Erie
Planning Commission Regular Meeting
Wednesday, April 15, 2015
6:30 p.m.
Board Room, Erie Town Hall, 645 Holbrook, Erie, Co 80516

I. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE

Chairman Bottenhorn called the Regular Meeting of the Erie Planning Commission to order at 6:30 p.m.

II. ROLL CALL

Commissioner Bottenhorn - Present
Commissioner Burgard – Excused
Commissioner Campbell - Present
Commissioner Fraser - Present
Commissioner Gippe - Present
Commissioner Harrison - Present
Commissioner Kemp - Present

Staff Present: R. Martin Ostholthoff, Community Development Director;
Mark Shapiro, Town Attorney;
Gary Behlen, Public Works Director; and
Hallie Sawyer, Secretary to the Commission

III. APPROVAL OF THE AGENDA

Commissioner Kemp moved to approve the April 15, 2015, Regular Meeting Agenda as submitted. The motion, seconded by Commissioner Fraser, carried with all voting in favor thereof.

IV. APPROVAL OF MINUTES

a. Minutes from the April 1, 2015, Regular Meeting.

Commissioner Fraser moved to approve the April 1, 2015, Minutes as submitted. The motion, seconded by Commissioner Campbell, carried with all voting in favor thereof.

V. PUBLIC COMMENTS (This agenda item provides the public an opportunity to discuss items other than items that are on the agenda. The Planning Commission is not prepared to decide on matters brought up at this time, but it warranted, will place them on a future agenda.)

None.

VI. RESOLUTIONS (This agenda item is for all matters that should be decided by resolutions.)

1. Public Hearing – Front Range Landfill PD Amendment

Purpose: Amend PD to allow a Liquid Waste Bulking Facility
Project File #: PDA-14-00024
Request: Consideration of Resolution P15-11, A Resolution Recommending Approval Of The Front Range Landfill Planned Development Amendment, Adopting Certain Findings Of Fact And Conclusions Favorable To The Planned Development Amendment.
Location: 1801 CR 5
Zoning: PD – Planned Development
Applicants: Waste Connections
(Staff Planner: Marty Ostholthoff)

Chairman Bottenhorn opened the public hearing at 6:32 p.m. Mr. Ostholthoff presented the application for the Front Range Landfill Planned Development Amendment to allow a liquid waste solidification facility, reviewed the background of the request and entered the documents into evidence.

Dan Gudgel, District Manager of Front Range Landfill, and Matt Crockett, Engineer for Front Range Landfill represented the applicant and presented an overview of current activities and practices at the landfill, including the request to solidify liquids on site.

Commissioner questions covered: volume predictions; maximum volume capacity; chain of custody documentation; clarification of oil & gas drill cuttings and drill lubricants; location of other landfills that have solidification facilities; how much of current in-coming waste is solidified; recommendation that bathtub basin liners extend aggregates 25% higher; what components are considered hazardous; what components are tested for radiation; leak remediation and how would that area be handled; clarification of proposed traffic numbers; what if more trucks than those proposed come in each day; was truck noise assessed; does Waste Management have other solidification facilities in Colorado; how is the site selected for the process; will operating hours be changed or altered to accommodate this process; plans for lighting and noise abatement; stink test; what would happen if two loads were combined and produced noxious odors; number of landfills and the number of leaks throughout the United States; will on site solidification be safer; are fracking materials being accepted currently; what is fly ash; difference in oil and gas waste disposal and landfill disposal practices; are waste generators with an expiration date regularly checked and monitored; how does this promote the general health, safety and welfare of Erie; current date for capping landfill; what will happen to the solidification facility when the landfill is closed; what percentage of material will be from oil and gas rigs; where in Weld County is your alternative site; where in the process is the relocation of the entrance; what is being done to prevent dirt being tracked onto Road 5; and why was solidification not accepted in 2005.

Public comment was taken from Joe Zintel, 1761 Crestview Lane; Kyle Roth, 2829 Prince Circle; Liz Fisher, 635 Moffat; Scott Laurent, 1827 Primrose Place; Pat Reed, 722 Reliance Drive; Ed Taylor, 167 Baker Lane; Trista Rucks, 554 Holbrook; Aron Arnold, 554 Holbrook; Molly Orlando, 239 Dogwood Circle; Sheri Danz, 2431 Azalea Way, and Steve Strater, 2689 Forsythia Place.

Public comments covered: consideration of the health safety and welfare of the residents; bad idea; all waste streams need to be reviewed; don't deal with the devil – the oil and gas industry is the Lance Armstrong of landfills; did not know how much monitoring goes on; landfill has been an acceptable neighbor; why wasn't solidification approved in 2005; how close are landfills to residential areas in other locations; Erie does not need any additional heavy industrial businesses; Erie is already an industrial community – we don't want more; discussion of how Erie is viewed by outsiders; high rate of children's health issues in Erie – study should be done as to why; more data and information is needed; moving to Erie was a big mistake.

Additional Commissioner questions covered: is accepting fracking fluids too expensive or are you bowing to the concerns of people by refusing to add them; is there more data available on drill cuttings and fluids; why did you come to Erie first instead of just using your Weld County property; will you be accepting out of state materials; how close is the proposed facility to the town water tanks and will the Weld County site be even closer to the water tanks; will the automobile fluff be transported from the landfill to the Weld County solidification site; if the site moves to Weld County, what oversight will Erie have; and if solids are safe to bury, why are they buried like toxic waste.

Chairman Bottenhorn closed the public hearing at 9:06 p.m.

Commissioner comments covered the larger picture of our community; marketing to other users; no net benefit; the challenge is control – the solid materials wind up here anyway, so we are considering control versus no control or oversight – which is better; oversight is better than not; concern over the big picture; this is a slippery slope; appreciation for Waste Connections neighborhood outreach, good neighbor policy and their being good stewards; general agreement that approval criteria b) Health Safety and Welfare; e) impact on town roads and f) impact on the environment were not being met.

Commissioner Kemp moved to deny the application citing approval criteria b) Health Safety and Welfare not being met; e) the adverse impact on town roads; and f) the negative impact on the environment. The motion, seconded by Commissioner Harrison, carried 4-2 with Commissioners Campbell and Gippe voting against.

VII. STAFF REPORTS (This agenda items is reserved for specific items from Staff requiring Commission direction or just relaying important information.)

None.

VIII. COMMISSIONER REPORTS AND DISCUSSION ITEMS (This agenda item is for all Planning Commission reports and items of information as well as Commission discussion items, not listed on the agenda)

None.

IX. ADJOURNMENT

There being no further business to come before the Commission, Chairman Bottenhorn adjourned the April 15, 2015, Regular Meeting of the Planning Commission at 9:19 p.m.

Respectfully Submitted,

Town of Erie Planning Commission

By: _____
Hallie S. Sawyer, Secretary

By: _____
J. Eric Bottenhorn, Chair

TOWN OF ERIE
PLANNING COMMISSION MEETING
Wednesday, May 6, 2015

SUBJECT: Public Hearing - Special Review Use
Keeping of Large Animals

PROJECT FILE NO: SRU-000272-2015

LOCATION: 3792 North 119th Street

APPLICANT: Alexis Benz
3792 North 119th Street
Lafayette, CO 80026

CODE REVIEW: Town of Erie Municipal Code, Title 10 ("Code")

DEPARTMENT: Community Development
R. Martin Ostholthoff, Community Development Director

ACTION REQUESTED: Consideration of Resolution P15-12, a resolution recommending approval of the Special Review Use application to allow the keeping of three (3) large animals at 3792 North 119th Street.

STAFF RECOMMENDATION:

Staff supports the Special Review Use application for the keeping of three (3) large animals at 3792 North 119th Street and recommends the Planning Commission approve Resolution P15-12, with the following condition:

1. The Special Review Use permit shall only remain valid provided the applicant maintains the pasture acreage requirements of Title 10 of the Municipal Code.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The applicant is requesting Special Review Use Approval to allow the keeping of three (3) large animals at 3792 North 119th Street. The "Keeping of Large Animals" is addressed by Section 3.3.G.7 of the Code, and states:

7. **Keeping of Large Animals**
   Horses, donkeys, mules, and llamas for non-commercial use may only be kept as a permitted accessory use in the Agricultural, Open Space, Rural Preservation and Rural Residential Districts, provided at least two acres of pasture area is available for the first animal and 1 additional acre of pasture is available for each additional animal.

In addition, Table 3.2 (Table of Accessory Uses) of the Code requires Special Review Use approval for the keeping of large animals in the RR-Rural Residential zone district.

The applicant has demonstrated that sufficient land area exists to meet the pasture requirements for three large animals.

Existing Conditions:

Existing Zoning:	RR-Rural Residential
Existing Use:	Single Family Residence and accessory structures
Lot:	4.7 acres
Building Size:	House sq. ft. = approximately 2,400 finished sq. ft.

Adjacent Land-Use/Zoning:

	ZONING	LAND USE
NORTH	A-Agricultural (Boulder County)	Single-family residential
SOUTH	PD (Canyon Creek Planned Development)	Park/open space and single-family residential
EAST	PD (Canyon Creek Planned Development)	Park
WEST	SR-Suburban Residential (Melody at Meadow Sweet Farm)	Open Space and single-family residential

Location:

ANALYSIS:
The Special Review Use Application for the keeping of large animals at 3792 North 119th Street was reviewed for conformance with the Approval Criteria of Section 7.13.C.9 of the Code. Staff makes the following findings.

a. The proposed use is consistent with the Comprehensive Plan and all applicable provisions of this Code and applicable State and Federal regulations;
Staff: *Criteria met.*

b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;
Staff: *The RR-Rural Residential zoning of the property allows for keeping of large animals as a Special Review Use.*

c. The proposed use is consistent with any applicable use-specific standards set forth in Section 3.2;
Staff: *The applicant has demonstrated the ability to meet the pasture acreage requirements of the Code.*

d. The proposed is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
Staff: *The proposed use is compatible with adjacent agricultural and residential uses.*

e. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
Staff: *No adverse impacts are anticipated from the proposed use.*

f. Facilities and services (including sewage and waste disposal, water, gas, election, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;
Staff: *All services are readily available and no additional impact is anticipated from the proposed use.*

g. Adequate assurances of continuing maintenance have been provided; and
Staff: *The property is maintained by the applicant/owner.*

h. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent practicable.
Staff: *No adverse impacts to the natural environment are anticipated.*

Public Notice:
Notice of this Public Hearing has been provided as follows:

- Published in the Colorado Hometown News: April 15, 2015
- Property Posted as required: April 17, 2015
- Letters to Adjacent Property Owners: April 17, 2015

Staff Recommendation:
Staff supports the Special Review Use application for the keeping of three (3) large animals at 3792 North 119th Street and recommends the Planning Commission approve Resolution P15-12, with the following condition:

1. The Special Review Use permit shall only remain valid provided the applicant maintains the pasture acreage requirements of Title 10 of the Municipal Code.

Attachments:

A. Applicants Submittal
B. Resolution P15-12

Approved by:

R. Martin Ostholthoff
Community Development Director

ATTACHMENT A

Print Form

TOWN OF ERIE
Community Development Department – Planning Division
645 Holbrook Street – PO Box 750 – Erie, CO 80516
Tel: 303.926.2770 – Fax: 303.926.2706 – Web: www.erieco.gov

LAND USE APPLICATION

Please fill in this form completely. Incomplete applications will not be processed.

STAFF USE ONLY

FILE NAME: 3792 N. 119th Street
FILE NO: SRU-000272-2015 DATE SUBMITTED: 2/17/15 FEES PAID: $200-

PROJECT/BUSINESS NAME: Self
PROJECT ADDRESS: 3792 N. 119th St, Lafayette CO 80026
PROJECT DESCRIPTION: Special permit for the keeping & stabling of animals.

LEGAL DESCRIPTION *(attach legal description if Metes & Bounds)*
Subdivision Name:
Filing #: Lot #: Block #: Section: Township: Range:

OWNER *(attach separate sheets if multiple)*
Name/Company: Alexis Benz & Daniel Winterhalter
Contact Person: Alexis Benz
Address: 3792 N. 119th St
City/State/Zip: Lafayette, CO 80026
Phone: 734-255-7549 Fax:
E-mail:

AUTHORIZED REPRESENTATIVE
Company/Firm:
Contact Person:
Address:
City/State/Zip:
Phone: Fax:
E-mail:

MINERAL RIGHTS OWNER *(attach separate sheets if multiple)*
Name/Company:
Address:
City/State/Zip:

MINERAL LEASE HOLDER *(attach separate sheets if multiple)*
Name/Company:
Address:
City/State/Zip:

LAND-USE & SUMMARY INFORMATION
Present Zoning: Rural Residental
Proposed Zoning: same
Gross Acreage: 4.702
Gross Site Density (du/ac):
Lots/Units Proposed:
Gross Floor Area:

SERVICE PROVIDERS
Electric:
Gas:
Metro District:
Fire District:
Water *(if other than Town)*:
Sewer *(if other than Town)*:

PAGE TWO MUST BE SIGNED AND NOTARIZED

DEVELOPMENT REVIEW FEES			
ANNEXATION		**SUBDIVISION**	
☐ Major (10+ acres)	$ 4000.00	☐ Sketch Plan	$ 1000.00 + 10.00 per lot
☐ Minor (less than 10 acres)	$ 2000.00	☐ Preliminary Plat	$ 2000.00 + 40.00 per lot
☐ Deannexation	$ 1000.00	☐ Final Plat	$ 2000.00 + 20.00 per lot
COMPREHENSIVE PLAN AMENDMENT		☐ Minor Subdivision Plat	$ 2000.00
☐ Major	$ 3000.00	☐ Minor Amendment Plat	$ 1000.00 + 10.00 per lot
☐ Minor	$ 1200.00	☐ Road Vacation (constructed)	$ 1000.00
ZONING/REZONING		☐ Road Vacation (paper)	$ 100.00
☐ Rezoning	$ 1700.00 + 10.00 per acre	**SITE PLAN**	
☐ PUD Rezoning	$ 1700.00 + 10.00 per acre	☐ Residential	$ 1400.00 + 10.00 per unit
☐ PUD Amendment	$ 1700.00 + 10.00 per acre	☐ Non-Resi. (>10,000 sq. ft.)	$ 2200.00
☐ Major PD Amendment	$ 3700.00 + 10.00 per acre	☐ Non-Resi. (>2,000 sq. ft.)	$ 1000.00
☐ Minor PD Amendment	$ 500.00	☐ Non-Resi. (<2,000 sq. ft.)	$ 200.00
SPECIAL REVIEW USE		☐ Amendment (major)	$ 1100.00
☐ Major	$ 1000.00	☐ Amendment (minor)	$ 350.00
☐ Minor	$ 400.00	**VARIANCE**	$ 600.00
☐ Oil & Gas	$ 1200.00	**SERVICE PLAN**	$ 10,000.00

*All fees **include** both Town of Erie Planning & Engineering review. These fees **do not include** referral agency review fees, outside consultant review fees, or review fees incurred by consultants acting on behalf of staff. See Town of Erie Municipal Code, Title 2-10-5 for all COMMUNITY DEVELOPMENT FEES.*

The undersigned is fully aware of the request/proposal being made and the actions being initiated on the referenced property. The undersigned understand that the application must be found to be complete by the Town of Erie before the request can officially be accepted and the development review process initiated. The undersigned is aware that the applicant is fully responsible for all reasonable costs associated with the review of the application/request being made to the Town of Erie. Pursuant to Chapter 7 (Section 7.2.B.5) of the Unified Development Code (UDC) of the Town of Erie, applicants shall pay all costs billed by the Town for legal, engineering and planning costs incurred by staff, including consultants acting on behalf of staff, necessary for project review. By this acknowledgement, the undersigned hereby certify that the above information is true and correct.

Owner: Alexis Benz — Date: ~~2/11/15~~ 2/11/15

Owner: [signature] — Date: 2/11/15

Applicant: Alexis Benz — Date: 2/11/15

STATE OF COLORADO)
) ss.
County of Boulder)

The foregoing instrument was acknowledged before me this 11th day of February, 2015, by Daniel Winterhalter and Alexis Benz.

My commission expires: 04/05/2016.
Witness my hand and official seal.

Stephanie M. Fischer
Notary Public

STEPHANIE M. FISCHER NOTARY PUBLIC STATE OF COLORADO

Benz & Winterhalter Land Use Application

1. Completed Land Use Application. Is atttached.

2. Application Fee. $200 approved by Martin Ostholthoff. Check is attached.

3. Proof of Ownership. Copy of deed is attached.

4. A notarized letter of Authorization is not applicable.

5. Copies of any special agreements. There are none.

6. Proof Of Written Narrative

   a) Application for a permit to keep and stable 3 large animals.

   b) Additional fencing to be completed before introduction of animals.

   c) The proposed use of the property is compatible with Rural Residential (RR) zoning and the requirements for Keeping of Animals and Stabling by special permit as per the Unified Development Code.

   Adjacent properties to the North are zoned Agricultural. To the West 119th street and open space zoned Suburban Residential beyond. To the East there is a park to the South is an area of walking paths and the Country Fields Subdivision both of which are zoned Planned Development.

   Conflict points could include a fear of smells or the use of an electric fence. The application is for only three animals. The barn is located 15 feet from the northern edge of the property - over 350 feet (the recognized sphere of influence), from the closest non Agricultural zoned house. There will be minimal to no influence from the animals themselves. The charge of electric fences does not pose a danger to humans young or old. The shock is meant to be a safe deterrent to animals. Signs will be posted stating "Shock Warning Electric Fence" or "Warning Electric Fence" with a pictorial representation to ensure people who might try to wander onto the property are aware what the fence does.

   d) The master plan for this area is to make it all denser residential. However, investigations into subdividing indicate that the flatness of the land and the distance to utilities will be cost prohibitive unless utilities are extended. Unless animals are allowed there is little residential use for a nearly 5 acre parcel. The primary appeal of such a residential property, especially one containing a barn, is as a horse property. Should the land be subdivided in the future the acreage requirements stipulated in the Unified Development code will no longer permit 3 animals.

   e) This application is not proposing a subdivision.

7. Management/Operational Plan

   a) Up to 3 animals are to be kept or stabled.

   b) Hours of operation are non-applicable. Use is to be permitted year round.

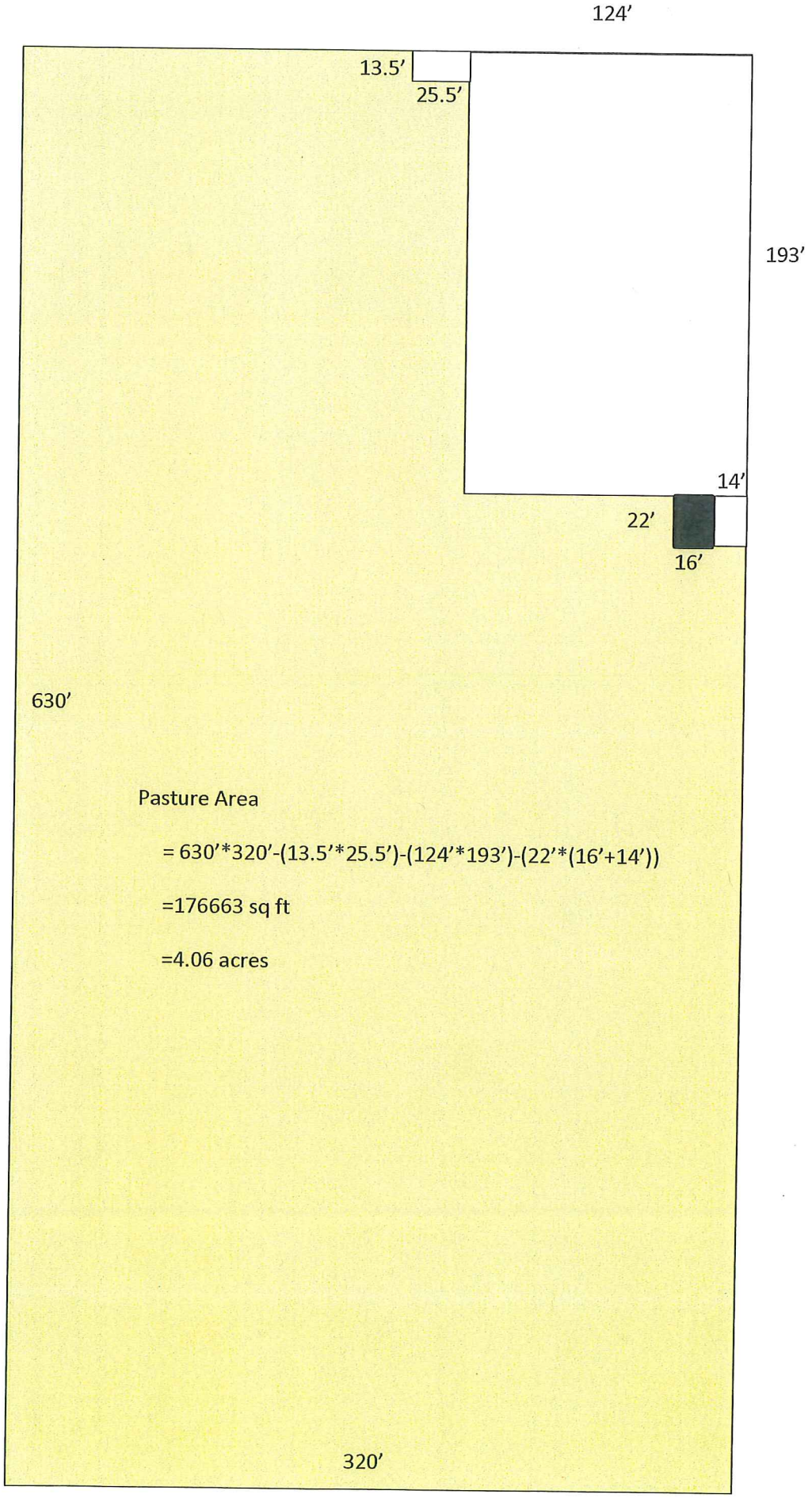
   c) No employees

   d) One parking space for 1 or 2 stalls.

   e) The Keeping of Large Animals requires that "at least two acres of pasture area is available for the first animal and 1 additional acre of pasture is available for each additional animal." Land owner will be responsible for fencing at least 4 of the 4.702 acre lot.

   Horse Stables on residential property requires off-street parking located within 200 feet of the primary building entrance of the primary building. Therefore one parking space shall be provided within 200 feet of the barn entrance.

8. Site Plan Exhibits attached.

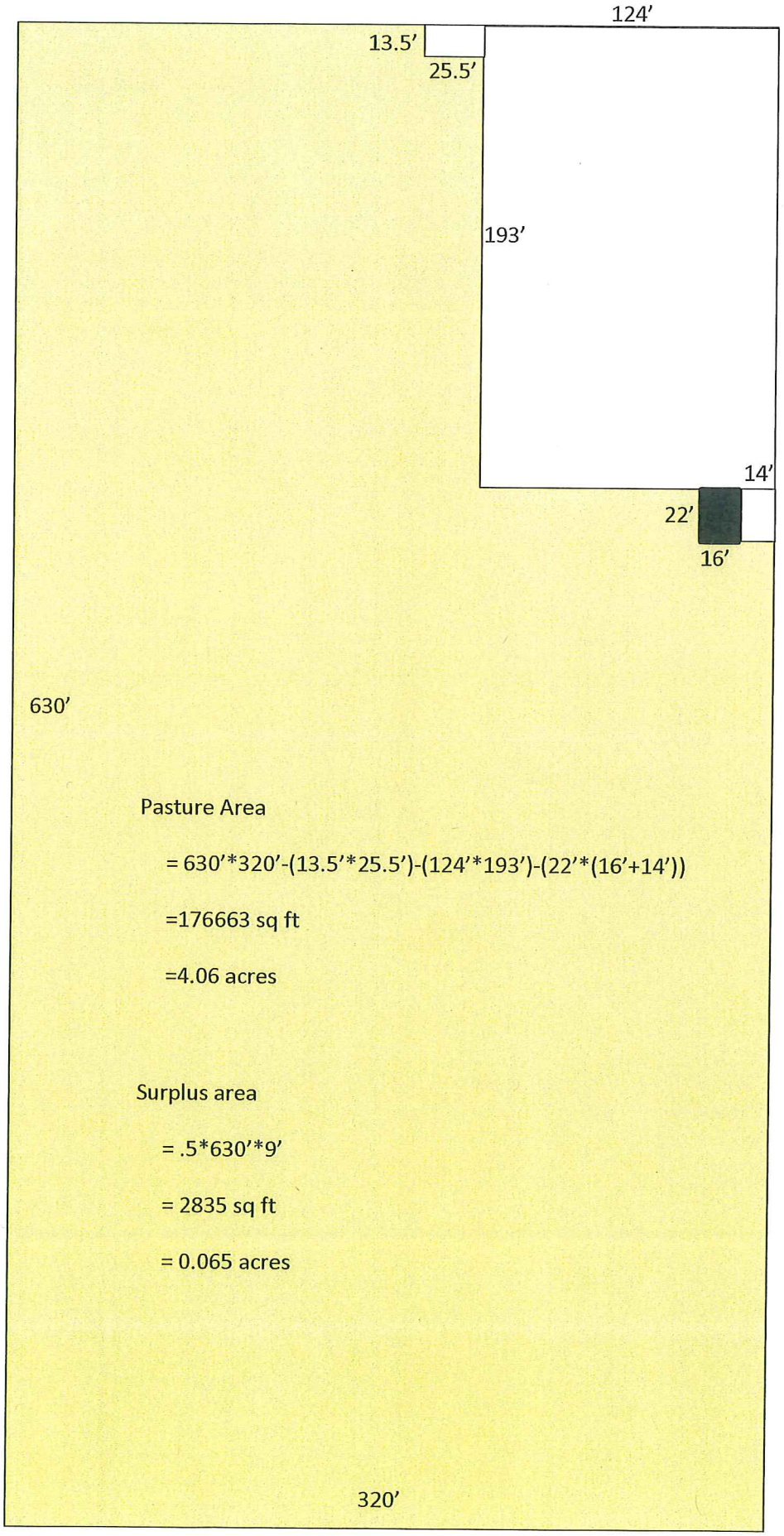


Pasture Area

= 630'*320'-(13.5'*25.5')-(124'*193')-(22'*(16'+14'))

=176663 sq ft

=4.06 acres



Pasture Area

= 630'*320'-(13.5'*25.5')-(124'*193')-(22'*(16'+14'))

=176663 sq ft

=4.06 acres

Surplus area

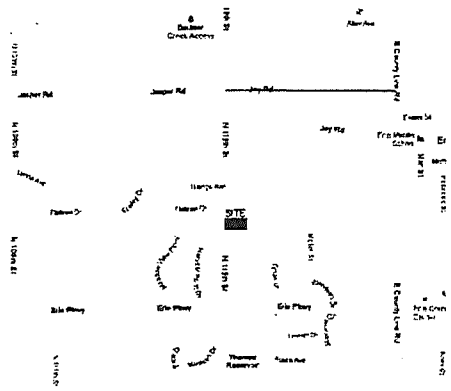
= .5*630'*9'

= 2835 sq ft

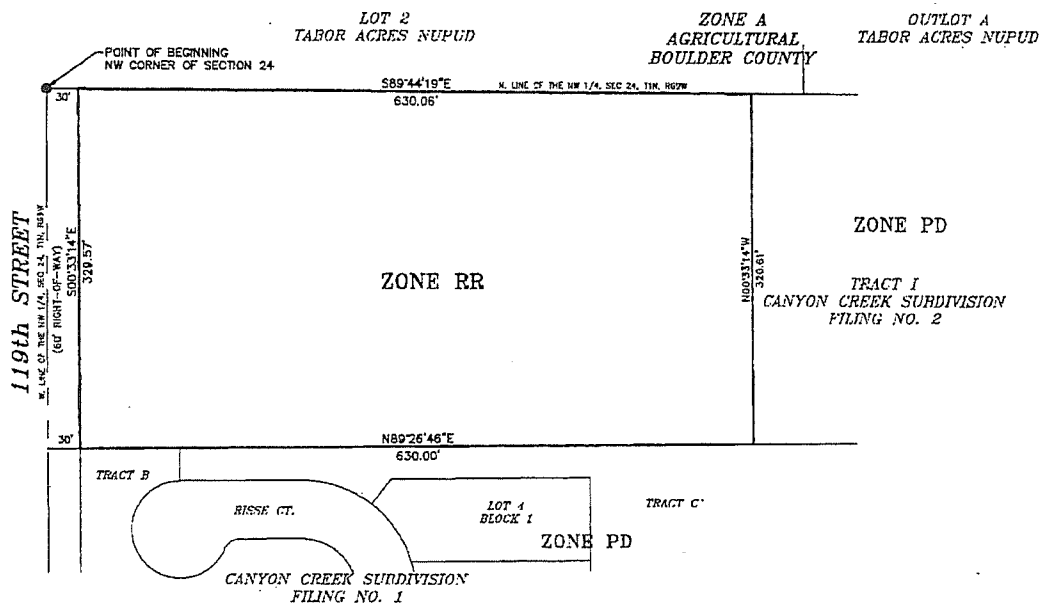
= 0.065 acres

SAMARCHUK PROPERTY
ZONING MAP

A PORTION OF THE NORTHWEST QUARTER OF SECTION 24, T1N, R69W OF THE 6TH PRINCIPAL MERIDIAN, TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO
4.702 ACRES
RZ-11-00041



VICINITY MAP
1" = 2000'



ZONING DESCRIPTION

(PER LAND TITLE GUARANTEE COMPANY, COMMITMENT NUMBER K70317803-3, DATED NOVEMBER 16, 2011)

A PARCEL OF LAND LYING AND BEING SITUATE IN THE NORTHWEST 1/4 SECTION 24, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 24; THENCE SOUTHERLY ALONG THE WEST SECTION LINE 330.00 FEET; THENCE EAST AT RIGHT ANGLES 660.00 FEET; THENCE NORTH PARALLEL TO THE WEST SECTION LINE 330.00 FEET TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 24; THENCE WEST AT RIGHT ANGLES ALONG SAID NORTH LINE 660.00 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT ANY PORTION LYING IN NORTH 119TH STREET, COUNTY OF BOULDER, STATE OF COLORADO.

CONTAINING 204,807 SQUARE FEET OR 4.702 ACRES MORE OR LESS, TOGETHER WITH AND SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY EXISTING AND/OR OF PUBLIC RECORD.

NOTES:

1) LAND TITLE GUARANTEE COMPANY, COMMITMENT NUMBER K70317803-3, DATED NOVEMBER 16, 2011, WAS ENTIRELY RELIED UPON FOR RECORDED INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY. THE PROPERTY SHOWN AND DESCRIBED HEREON IS ALL OF THE PROPERTY DESCRIBED IN SAID TITLE COMMITMENT.

2) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT SHOWN HEREON.

3) BASIS OF BEARINGS: N89°19'35"W ALONG THE SOUTH LINE OF PARCEL B, RE-173 A DISTANCE OF 1288.40', MONUMENTED AS SHOWN HEREON.

4) THIS ZONING MAP IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT". BOUNDARY DETERMINATIONS ARE NOT A PART OF THE SURVEYOR'S STATEMENT HEREON.

NORTH
SCALE: 1" = 60'
0 30 60 120

SURVEYING CERTIFICATE

I, JOHN P. EHRHART, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STAT OF COLORADO, DO HEREBY CERTIFY THAT THIS ZONING MAP TRULY AND CORRECTLY REPRESENTS THE ABOVE DESCRIBED LEGAL DESCRIPTIONS FOR EACH ZONE DISTRICT.

I ATTEST THE ABOVE ON THIS 10th DAY OF January, 2012

JOHN P. EHRHART
COLORADO P.L.S. #29414
PRESIDENT, INTEGRAL SURVEYING, INC.
P.O. BOX 930, ERIE COLORADO 80516
(303) 828-3340 - INTEGRALSURVEYING.COM

COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR 29414

BOARD OF TRUSTEES APPROVAL CERTIFICATE

THIS ZONING MAP IS TO BE KNOWN AS "SAMARCHUK PROPERTY" ZONING TO THE TOWN OF ERIE AND IS APPROVED AND ACCEPTED BY ORDINANCE No. 02-2012

PASSED AND ADOPTED AT THE REGULAR (SPECIAL) MEETING OF THE BOARD OF TRUSTEES OF ERIE, COLORADO, HELD ON January 10 2012.

MAYOR

ATTEST: Nancy J. Parker
TOWN CLERK

TOWN OF ERIE CORPORATE SEAL

CLERK & RECORDER'S CERTIFICATE

STATE OF COLORADO }
COUNTY OF BOULDER } ss

I HEREBY CERTIFY THAT THIS ANNEXATION MAP WAS FILED IN MY OFFICE ON THIS 24th DAY OF January, 2012 A.D. AND WAS RECORDED AT RECEPTION NUMBER 3198004 Fees Paid $11.00

Hillary Hall
COUNTY CLERK AND RECORDER
BOULDER

Naomi Ackerman
DEPUTY

Integral Surveying
Mapping the Future
P.O. Box 930 • Erie, Colorado 80516

PAGE NO.	1
DATE:	12/
DRAWN BY:	

03236039 07/12/2012 09:57 AM
RF: $16.00 DF: $0.00 Page: 1 of 2
Electronically recorded in Boulder County Colorado.
Recorded as received.

CONFIRMATION DEED

(CRS §38-38-502)

Public Trustee's Foreclosure Sale No. 11-25412

THIS DEED is made July 11, 2012 between Richard G. Gebhardt as the Public Trustee in and for the County of Boulder, State of Colorado, grantor and Daniel Winterhalter and Alexis Benz, grantee, the holder of the certificate of purchase whose legal address is 12205 Perry Street #285, Broomfield, CO 80020.

WHEREAS, the Grantor(s) described below did convey to the public trustee, in trust, the property hereinafter described to secure the payment of the indebtedness provided in said deed of trust:

Original Grantor(s)	Jeffrey Michael Samarchuk and Tanya J. Samarchuk
Original Beneficiary(ies)	The D.W. Perry Corporation
Current Holder of Evidence of Debt	EverBank
Date of Deed of Trust	February 13, 2004
County of Recording	Boulder
Recording Date of Deed of Trust	February 06, 2004
Recording Information (Reception and/or Book & Page)	2557748

WHEREAS, a violation was made in certain of the terms and covenants of said deed of trust as shown by the notice of election and demand for sale filed with the Public Trustee; the said property was advertised for public sale at the place and in the manner provided by law and by said deed of trust; combined notice of sale and right to cure and redeem was given as required by law; said property was sold according to said combined notice; and a certificate of purchase thereof was made and recorded in the office of said county Clerk and Recorder; and

WHEREAS, all periods of redemption have expired.

NOW, THEREFORE, the Public Trustee, pursuant to the power and authority vested by law and by the said deed of trust, confirms the foreclosure sale and sells and conveys to grantee the following described property located in the County of Boulder, State of Colorado, to wit:

PLEASE SEE ATTACHED LEGAL DESCRIPTION

Also known by street and number as: 3792 North 119th Street, Lafayette, CO 80026

THE PROPERTY DESCRIBED HEREIN IS ALL OF THE PROPERTY CURRENTLY ENCUMBERED BY THE LIEN OF THE DEED OF TRUST.

To have and to hold the same, with all appurtenances, forever.

Executed on: July 11, 2012

Richard G. Gebhardt, Public Trustee in and for the County of Boulder, State of Colorado

By: Christine Marsh, Deputy for Public Trustee

When Recorded Return to: Boulder County Public Trustee

© Public Trustees' Association of Colorado Revised 6/2011

LEGAL DESCRIPTION

11-25412

A PARCEL OF LAND LYING AND BEING SITUATE IN THE NW1/4 OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NW1/4 OF SECTION 24; THENCE SOUTHERLY ALONG THE WEST SECTION LINE 330.00 FEET; THENCE EAST AT RIGHT ANGLES 660.00 FEET; THENCE NORTH PARALLEL TO THE WEST SECTION LINE 330.00 FEET TO THE NORTH LINE OF THE NW1/4 OF SAID SECTION 24; THENCE WEST AT RIGHT ANGLES ALONG SAID NORTH LINE 660.00 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT ANY PORTION LYING IN NORTH 119TH STREET, COUNTY OF BOULDER, STATE OF COLORADO.

ATTACHMENT B

RESOLUTION NO. P15-12

A RESOLUTION RECOMMENDING APPROVAL OF THE SPECIAL REVIEW USE APPLICATION TO ALLOW THE KEEPING OF THREE LARGE ANIMALS AT 3792 NORTH 119TH STREET, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE SPECIAL REVIEW USE, AND SETTING FORTH CONDITIONS.

WHEREAS, the Planning Commission of the Town of Erie, Colorado, has received and considered the Special Review Use application to allow the keeping of three large animals on Wednesday, May 6, 2015, on the application of Owner Alexis Benz, for the property at 3792 North 119th Street, Lafayette, CO 80026, being the address of the following real property; to wit:

A PARCEL OF LAND LYING AND BEING SITUATED IN THE NW1/4 OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 69 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NW1/4 OF SECTION 24;
THENCE SOUTHERLY ALONG THE WEST SECTION LINE 330.00 FEET;
THENCE EAST AT RIGHT ANGLES 660.00 FEET;
THENCE NORTH PARALLEL TO THE WEST SECTION LINE 330.00 FEET TO THE NORTH LINE OF THE NW1/4 OF SAID SECTION 24;
THENCE WEST AT RIGHT ANGLES ALONG SAID NORTH LINE 660.00 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PORTION LYING IN NORTH 119TH STREET, TOWN OF ERIE, COUNTY OF BOULDER, STATE OF COLORADO.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF ERIE, COLORADO, as follows:

Section 1. Findings of Fact.

1. The applicant's application and supporting documents are in substantial compliance with the Town of Erie Municipal Code, Title 10.

2. The Special Review Use has met Town of Erie Municipal Code, Title 10 Section 7.13.C.9 Approval Criteria:
   a. The proposed use is consistent with the Comprehensive Plan and all applicable provisions of this Code and applicable State and Federal regulations;
   b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;
   c. The proposed use is consistent with any applicable use-specific standards set forth in Section 3.2;

d. The proposed is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
e. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
f. Facilities and services (including sewage and waste disposal, water, gas, election, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;
g. Adequate assurances of continuing maintenance have been provided; and
h. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent practicable.

Section 2. Conclusions and Order Recommending Approval to the Board of Trustees of the Special Review Use to allow the keeping of three large animals at 3792 North 119th Street.

1. The Planning Commission recommends approval of the Special Review Use application to allow the keeping of three large animals at 3792 North 119th Street, contingent upon the following conditions:

   a. The Special Review Use permit shall only remain valid provided the applicant maintains the pasture acreage requirements of Title 10 of the Municipal Code.

INTRODUCED, READ, SIGNED AND APPROVED this 6th day of May, 2015.

TOWN OF ERIE, PLANNING COMMISSION

_____
J. Eric Bottenhorn, Chairman

ATTEST:

_____
Hallie S. Sawyer, Secretary

TOWN OF ERIE
PLANNING COMMISSION MEETING
Wednesday, May 6, 2015

SUBJECT: Public Hearing - Special Review Use
In-home Child/Day Care business

PROJECT FILE NO: SRU-000337-2015

LOCATION: 2105 Pinon Drive
Block 1, Lot 10, Vista Ridge Filing 1R

APPLICANT: Dayna Bly
2105 Pinon Drive
Erie, CO 80516

CODE REVIEW: Town of Erie Municipal Code, Title 10

DEPARTMENT: Community Development
R. Martin Ostholthoff, Community Development Director

ACTION REQUESTED: Consideration of Resolution P15-13, a resolution recommending approval of the Special Review Use application for an in-home child/day care business at 2105 Pinon Drive.

STAFF RECOMMENDATION:
Staff supports the Special Review Use application for an in-home child/day care business at 2105 Pinon Drive Street and recommends the Planning Commission approve Resolution P15-13, with the following conditions:

1. The Special Review Use permit shall only remain valid provided the applicant maintains a State of Colorado Division of Childcare License.

2. A Town of Erie business license is issued for the use, contingent upon issuance of the Special Review Use permit.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:
The applicant is requesting approval to operate a Child/Day Care business, for a maximum of six children, out of her home in Vista Ridge. Article V, Section A-3(b) of the Vista Ridge Development Guide requires Special Review Use approval for nursery schools and day/child care businesses in all Residential Planning Areas of Vista Ridge.

The applicant will use the driveway and garage to satisfy parking requirements. There are no employees other than the owner (the applicant) of the business.

Existing Conditions:

Existing Zoning:	Planned Development – Low-Medium Density Single Family Detached Residential
Existing Use:	Single Family Residence
Lot:	7,491 sq. ft.
Building Size:	House sq. ft. = approximately 3,233 finished sq. ft.
Parking:	4 off-street spaces

Adjacent Land-Use/Zoning:

	ZONING	LAND USE
NORTH	PD (Vista Ridge Planned Development)	Golf Course
SOUTH	PD (Vista Ridge Planned Development)	Single-family residential
EAST	PD (Vista Ridge Planned Development)	Single-family residential
WEST	PD (Vista Ridge Planned Development)	Single-family residential

Location:

Business Operational Outline:

- Anticipated Start Date: Upon approval of the Special Review Use. The applicant is concurrently seeking approval from the State of Colorado, Division of Childcare.
- Days / Hours of Operation: Weekdays 7:00 a.m. to 5:30 p.m.
- Number of Employees: 1 (owner/resident)
- Number of children: 6 maximum.
- The subject property is located on a low-volume local residential street.

ANALYSIS:
The Special Review Use Application for the In-Home Child/Day Care Business at 2105 Pinon Drive was reviewed for conformance with Erie Municipal Code, Title 10, Section 7.13.C.9 Approval Criteria. Staff makes the following findings.

a. The proposed use is consistent with the Comprehensive Plan and all applicable provisions of this Code and applicable State and Federal regulations;
Staff: *The applicant is currently in the process of obtaining their State license.*

b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;
Staff: *The Vista Ridge Development Plan requires Special Review Use approval for child/day care facilities within residential planning areas.*

c. The proposed use is consistent with any applicable use-specific standards set forth in Section 3.2;
Staff: *Criteria met.*

d. The proposed is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
Staff: *The proposed use is compatible with adjacent single family residential uses.*

e. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
Staff: *No adverse impacts are anticipated from the proposed use.*

f. Facilities and services (including sewage and waste disposal, water, gas, election, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;
Staff: *All services are readily available and no additional impact is anticipated from the proposed use.*

g. Adequate assurances of continuing maintenance have been provided; and
Staff: *The property is maintained by the applicant/owner.*

h. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent practicable.
Staff: *No adverse impacts to the natural environment are anticipated.*

Public Notice:
Notice of this Public Hearing has been provided as follows:

- Published in the Colorado Hometown News: April 15, 2015
- Property Posted as required: April 17, 2015
- Letters to Adjacent Property Owners: April 17, 2015

Staff Recommendation:
Staff supports the Special Review Use application for an in-home child/day care business at 2105 Pinon Drive Street and recommends the Planning Commission approve Resolution P15-13, with the following conditions:

1. The Special Review Use permit shall only remain valid provided the applicant maintains a State of Colorado Division of Childcare License.

2. A Town of Erie business license is issued for the use, contingent upon issuance of the Special Review Use permit.

Attachments:

A. Applicants Submittal
B. Resolution P15-13

Approved by:

R. Martin Ostholthoff
Community Development Director

ATTACHMENT A

Print Form

TOWN OF ERIE
Community Development Department – Planning Division
645 Holbrook Street – PO Box 750 – Erie, CO 80516
Tel: 303.926.2770 – Fax: 303.926.2706 – Web: www.erieco.gov

LAND USE APPLICATION

Please fill in this form completely. Incomplete applications will not be processed.

STAFF USE ONLY

FILE NAME: 2105 Pinon Dr. Day Care
FILE NO: SRU-000337-2015 DATE SUBMITTED: 3/12/15 FEES PAID: $400

PROJECT/BUSINESS NAME: Dayna Bly
PROJECT ADDRESS: 2105 Pinon Dr Erie CO 80516
PROJECT DESCRIPTION:
in home daycare

LEGAL DESCRIPTION *(attach legal description if Metes & Bounds)*
Subdivision Name: Vista Ridge
Filing #: 1R Lot #: 10 Block #: 1 Section: Township: Range:

OWNER *(attach separate sheets if multiple)*
Name/Company: Dayna Bly
Contact Person:
Address: 2105 Pinon Dr
City/State/Zip: Erie CO 80516
Phone: 3036689989 Fax:
E-mail: blygd@aol.com

AUTHORIZED REPRESENTATIVE
Company/Firm:
Contact Person:
Address:
City/State/Zip:
Phone: Fax:
E-mail:

MINERAL RIGHTS OWNER *(attach separate sheets if multiple)*
Name/Company:
Address:
City/State/Zip:

MINERAL LEASE HOLDER *(attach separate sheets if multiple)*
Name/Company:
Address:
City/State/Zip:

N/A

LAND-USE & SUMMARY INFORMATION
Present Zoning:
Proposed Zoning:
Gross Acreage:
Gross Site Density (du/ac):
Lots/Units Proposed:
Gross Floor Area:

N/A

SERVICE PROVIDERS
Electric: United Power
Metro District: Vista ridge
Water *(if other than Town)*:
Gas: Xcel
Fire District: North metro
Sewer *(if other than Town)*:

PAGE TWO MUST BE SIGNED AND NOTARIZED

DEVELOPMENT REVIEW FEES			
ANNEXATION		**SUBDIVISION**	
☐ Major (10+ acres)	$ 4000.00	☐ Sketch Plan	$ 1000.00 + 10.00 per lot
☐ Minor (less than 10 acres)	$ 2000.00	☐ Preliminary Plat	$ 2000.00 + 40.00 per lot
☐ Deannexation	$ 1000.00	☐ Final Plat	$ 2000.00 + 20.00 per lot
COMPREHENSIVE PLAN AMENDMENT		☐ Minor Subdivision Plat	$ 2000.00
☐ Major	$ 3000.00	☐ Minor Amendment Plat	$ 1000.00 + 10.00 per lot
☐ Minor	$ 1200.00	☐ Road Vacation (constructed)	$ 1000.00
ZONING/REZONING		☐ Road Vacation (paper)	$ 100.00
☐ Rezoning	$ 1700.00 + 10.00 per acre	**SITE PLAN**	
☐ PUD Rezoning	$ 1700.00 + 10.00 per acre	☐ Residential	$ 1400.00 + 10.00 per unit
☐ PUD Amendment	$ 1700.00 + 10.00 per acre	☐ Non-Resi. (>10,000 sq. ft.)	$ 2200.00
☐ Major PD Amendment	$ 3700.00 + 10.00 per acre	☐ Non-Resi. (>2,000 sq. ft.)	$ 1000.00
☐ Minor PD Amendment	$ 500.00	☐ Non-Resi. (<2,000 sq. ft.)	$ 200.00
SPECIAL REVIEW USE		☐ Amendment (major)	$ 1100.00
☐ Major	$ 1000.00	☐ Amendment (minor)	$ 350.00
☒ Minor	$ 400.00	**VARIANCE**	$ 600.00
☐ Oil & Gas	$ 1200.00	**SERVICE PLAN**	$ 10,000.00

*All fees **include** both Town of Erie Planning & Engineering review. These fees **do not include** referral agency review fees, outside consultant review fees, or review fees incurred by consultants acting on behalf of staff. See Town of Erie Municipal Code, Title 2-10-5 for all COMMUNITY DEVELOPMENT FEES.*

The undersigned is fully aware of the request/proposal being made and the actions being initiated on the referenced property. The undersigned understand that the application must be found to be complete by the Town of Erie before the request can officially be accepted and the development review process initiated. The undersigned is aware that the applicant is fully responsible for all reasonable costs associated with the review of the application/request being made to the Town of Erie. Pursuant to Chapter 7 (Section 7.2.B.5) of the Unified Development Code (UDC) of the Town of Erie, applicants shall pay all costs billed by the Town for legal, engineering and planning costs incurred by staff, including consultants acting on behalf of staff, necessary for project review. By this acknowledgement, the undersigned hereby certify that the above information is true and correct.

Owner: _____ Date: _____

Owner: [signature] Date: 3/12/15

Applicant: _____ Date: _____

STATE OF COLORADO)
) ss.
County of Adams)

The foregoing instrument was acknowledged before me this 12 day of March, 2015, by Dayna Bly.

My commission expires: March 14 2018
Witness my hand and official seal.

JENNIFER ZAMORA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144011909
MY COMMISSION EXPIRES MARCH 14, 2018

[signature]
Notary Public

Proposed Licensed In-Home Day Care
2105 Pinon Drive, Erie, Colorado

This development is for a proposed licensed day care facility. While this is technically a commercial use, the location is in an established residential area. As such, many of the Special Review considerations are not applicable, and will be addressed individually per the submittal format.

6a. *General project concept and purpose:* The purpose of this development is to provide the much needed service of an in home daycare. Because this an existing residence, there will be no new construction or design. Certain amenities and fixtures will be made "child safe" per state guidelines. This will include window well covers, baby gates, drawer locks just to name a few.

6b *Proposed development timeline*: The timeline will be determined by the Town of Erie based upon the typical process. All home preparation has been completed.

6c. *How the proposed relates to the existing land-use of the subject property and the zoning and land-use of adjacent properties, including statements describing areas of compatibility and conflict and the mitigation measures utilized*: The existing land-use is residential. Because of the benign nature of the business, there will be absolutely no conflict to the surrounding area.

6d. *How the proposal complies the the Town's Comprehensive Master Plan and approval critera of the Municipal Code Title 10 - UDC:* Not applicable

6e. *A description regarding the status of mineral rights and the substance of any existing or proposed covenants, special conditions, grants of easement, or other restrictions applying to the proposed subdivision:* Not applicable

7a. *The number of clients, boarders, parishioners, animals etc.:* Approximate 6 clients

7b. The hours of operation, whether the use is seasonal and the number of days per week: Hours of operation - 7:00 AM- 5:30 PM.

7c. *Number of employees:* 1

7d. *The required outside storage, parking and loading area:* Not applicable

7e. *The permit requirements from County, State, or Federal Agencies:* Colorado State Regulation No. 615-82-14-0119

8. *If applicable, site plan exhibits and other Site Plan submittal requirements shall be prepared in accordance with the Site Plan User's Guide:* Improvement Survey Plat dated 11.5.2005.

We recognize and appreciate that the typical review process is necessary and prudent in order to regulate the use of property and activities in our town. However, we feel that

this process is quite onerous in our particular case, and ask for relief in terms of timeline and review. It is our opinion that the referral process could be streamlined in order to provide approval of this submittal. As such, we respectfully ask for this consideration.

Thank you,
Dayna Bly

SPECIAL WARRANTY DEED

THIS DEED, Made effective as of the 29TH DAY OF MARCH, 2006, between D.R. HORTON, INC., A DELAWARE CORPORATION, a corporation duly organized and existing under and by virtue of the laws of the State of Delaware, Grantor, and GREGORY G. BLY AND DAYNA K. BLY, as JOINT TENANTS WITH RIGHT OF SURVIVORSHIP whose legal address is

2105 PINON DRIVE, ERIE, CO. 80516
of the County of WELD, and State of Colorado Grantee(s):

State Documentary Fee
Date
$ 44.00

WITNESS, that the Grantor, for and in consideration of the sum of $440,000.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee(s) their heirs, successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of WELD and State of Colorado, described as follows:

LOT 10, BLOCK 1, VISTA RIDGE FILING NO. 1R, COUNTY OF WELD, STATE OF COLORADO

also known by street and number as: 2105 PINON DRIVE, ERIE, CO. 80516

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title interest, claim and demand whatsoever of the Grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the Grantee(s), their heirs, successors and assigns forever. The Grantor, for itself, its successors and assigns does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee(s), their heirs, successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor, but not otherwise, SUBJECT TO GENERAL TAXES FOR THE TAX YEAR OF THIS CONVEYANCE; AND EASEMENTS, RESERVATIONS, RESTRICTIONS, COVENANTS AND RIGHTS OF WAY OF RECORD, IF ANY; AND DISTRIBUTION UTILITY EASEMENTS; AND MATTERS NOT SHOWN BY THE PUBLIC RECORDS BUT OF WHICH GRANTEE HAS ACTUAL KNOWLEDGE; AND INCLUSION OF THE PROPERTY WITHIN ANY SPECIAL TAXING DISTRICT; AND THE BENEFITS AND BURDENS OF ANY DECLARATION AND PARTY WALL AGREEMENTS, IF ANY.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by its Vice President Denver Division and its corporate seal to be hereunto affixed, attested by its Assistant Secretary the day and year first above written.

Attest:

Assistant Secretary

MELODY HOMES, INC. CORPORATE SEAL DELAWARE CORPORATION

D.R. HORTON, INC., A DELAWARE CORPORATION

By: Carla J. Collinge — Vice President Denver Division

STATE OF COLORADO)
)ss.
County of Jefferson)

The foregoing instrument was acknowledged before me this 29TH DAY OF MARCH, 2006,, by Carla J. Collinge as Vice President Denver Division of D.R. HORTON, INC., A DELAWARE CORPORATION

Witness my hand and official seal.
My commission expires:

MARGARET MYERS NOTARY PUBLIC STATE OF COLORADO

Margaret Myers
Notary Public

My Commission Expires 01/20/2009

Name and Address of Person Creating Newly Created Legal Description (§38-35-106.5, C.R.S.)

LAND TITLE #01385511

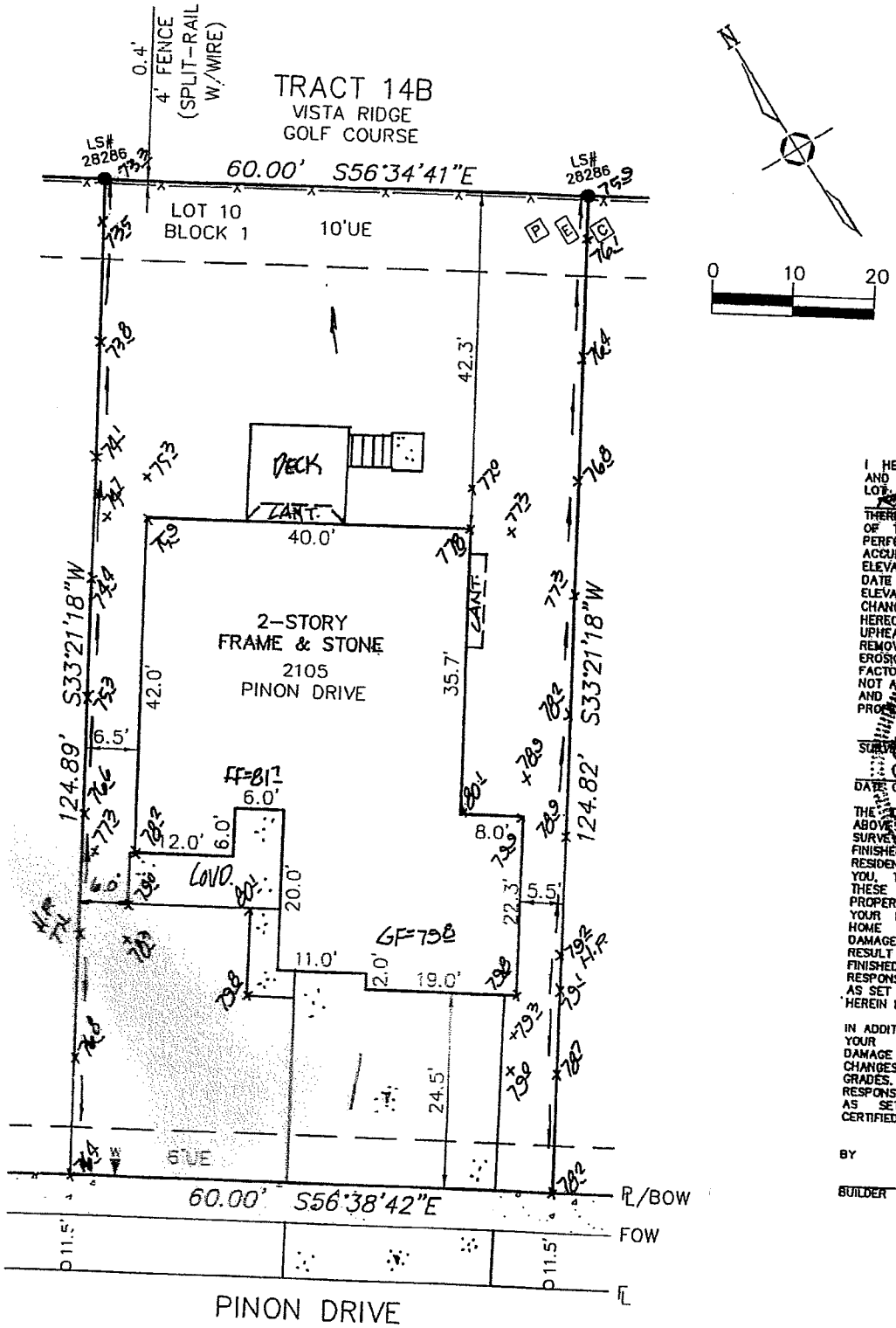
IMPROVEMENT SURVEY PLAT
AND
DRAINAGE CERTIFICATE

Carroll & Lange inc
Professional Engineers & Land Surveyors
165 South Union Blvd., Suite 156
Lakewood, Colorado 80228
(303) 980-0200
FAX (303) 980-0917

SCALE: 1" = 20'
JOB NO: 2625
DRAWN BY: PEB
DATE DRAWN: 11-07-05
REVISED ISP:
REVISED ISP:
REGRADE:

LEGEND
● =FOUND #5 REBAR WITH PLASTIC CAP
O =FOUND NAIL & DISK
PL=PROPERTY LINE
BOW=BACK OF WALK
FOW=FRONT OF WALK
FL=FLOW LINE
[X] =PEDESTAL
X =SERVICE

PROPOSED TGB= 80.3
AS-BUILT TGB= 80.6



I HEREBY CERTIFY THAT THE ELEVATIONS AND DRAINAGE PATTERN SHOWN ON LOT 10 BLOCK 1 OF VISTA RIDGE FILE NO. [illegible] THEREON WERE DEVELOPED FROM A SURVEY OF THE ABOVE DESCRIBED PROPERTY, PERFORMED ON THE DATE SHOWN, AND ACCURATELY AND TRULY DEPICT THE ELEVATIONS AS THEY EXISTED ON THE DATE OF SAID SURVEY. THE RELATIVE ELEVATIONS AS DEPICTED HEREON MAY CHANGE SUBSEQUENT TO THE DATE HEREOF DUE TO THE SUBSIDENCE OR UPHEAVAL OF [illegible] OR REMOVAL [illegible] EROSION [illegible] FACTORS [illegible] NOT A[illegible] AND [illegible] PROPERTY [illegible] DATE OF SURVEY.

SURVEYOR

DATE OF SURVEY

THE ELEVATIONS AND DRAINAGE PATTERN ABOVE SHOWN ARE THE REGISTERED SURVEYOR'S [illegible] FINISHED GRADES [illegible] RESIDENCE [illegible] YOU, THE HOMEOWNER, MUST MAINTAIN THESE ELEVATIONS AND GRADES TO PROPERLY DRAIN THE WATER AWAY FROM YOUR HOUSE. THE BUILDER OF YOUR HOME WILL NOT COVER STRUCTURAL DAMAGE TO YOUR HOME CAUSED AS A RESULT OF CHANGES MADE IN THE FINISHED GRADES. THEREFORE, IT IS YOUR RESPONSIBILITY TO MAINTAIN THE GRADES AS SET BY THE BUILDER AND AS CERTIFIED HEREIN BY THE SURVEYOR.

IN ADDITION, THE H.O.W. PROTECTIONS ON YOUR RESIDENCE PROVIDED BY YOUR DAMAGE CAUSED AS A RESULT OF CHANGES MADE IN THE FINISHED DRAINAGE GRADES. THEREFORE, IT IS YOUR RESPONSIBILITY TO MAINTAIN THE GRADES AS SET BY THE BUILDER AND AS CERTIFIED BY THE SURVEYOR

BY

BUILDER

BEARINGS ARE BASED ON THE [illegible]

ATTACHMENT B

RESOLUTION NO. P15-13

A RESOLUTION RECOMMENDING APPROVAL OF THE SPECIAL REVIEW USE APPLICATION FOR AN IN-HOME CHILD/DAY CARE BUSINESS AT 2105 PINON DRIVE, VISTA RIDGE SUBDIVISION, TOWN OF ERIE, ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE SPECIAL REVIEW USE, AND SETTING FORTH CONDITIONS.

WHEREAS, the Planning Commission of the Town of Erie, Colorado, has received and considered the Special Review Use application for an In-home Child/Day Care Business on Wednesday, May 6, 2015, on the application of Owners Dayna Bly, for the property at 2105 Pinon Drive, Erie, CO 80516, being the address of the following real property; to wit:

BLOCK 1 LOT 10, VISTA RIDGE, FILING NO. 1R, TOWN OF ERIE, COUNTY OF WELD, STATE OF COLORADO.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF ERIE, COLORADO, as follows:

Section 1. Findings of Fact.

1. The applicant's application and supporting documents are in substantial compliance with the Town of Erie Municipal Code, Title 10.

2. The Special Review Use has met Town of Erie Municipal Code, Title 10 Section 7.13.C.9 Approval Criteria:
   a. The proposed use is consistent with the Comprehensive Plan and all applicable provisions of this Code and applicable State and Federal regulations;
   b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located;
   c. The proposed use is consistent with any applicable use-specific standards set forth in Section 3.2;
   d. The proposed is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
   e. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
   f. Facilities and services (including sewage and waste disposal, water, gas, election, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development;

g. Adequate assurances of continuing maintenance have been provided; and

h. Any significant adverse impacts on the natural environment will be mitigated to the maximum extent practicable.

Section 2. Conclusions and Order Recommending Approval to the Board of Trustees of the Special Review Use for an In-Home Child/Day Care Business at 2105 Pinon Drive.

1. The Planning Commission recommends approval of the Special Review Use application in whole for 2105 Pinon Drive, Erie, CO 80516, contingent upon the following conditions:

   a. The Special Review Use permit shall only remain valid provided the applicant maintains a State of Colorado Division of Childcare License; and

   b. A Town of Erie business license is issued for the use, contingent upon issuance of the Special Review Use permit.

INTRODUCED, READ, SIGNED AND APPROVED this 6th day of May, 2015.

TOWN OF ERIE, PLANNING COMMISSION

_____

J. Eric Bottenhorn, Chairman

ATTEST:

_____

Hallie S. Sawyer, Secretary