TOWN OF ERIE
BOARD OF TRUSTEES REGULAR MEETING 1
Tuesday, June 10, 2014
6:30 p.m.
Board Room, Erie Town Hall, 645 Holbrook, Erie, CO 80516

I. CALL MEETING TO ORDER

Mayor Harris called the June 10, 2014 Regular Meeting of the Board of Trustees to order at 6:30 p.m.

II. PLEDGE OF ALLEGIANCE AND ROLL CALL

Roll Call:	**Trustee Kramer**	**Present**
	Trustee Schutt	**Present**
	Mayor Pro Tem Gruber	**Present**
	Trustee Moore	**Present**
	Trustee Charles	**Present**
	Trustee Woog	**Present**
	Mayor Harris	**Present**

III. APPROVAL OF THE AGENDA

Action: Trustee Moore moved to approve the June 10, 2014 Agenda; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

IV. CONSENT AGENDA

a. Approval of the May 27, 2014 Meeting Minutes

Action: Trustee Schutt moved to approve the June 10, 2014 Consent Agenda; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

V. PUBLIC COMMENT

Darrell E. Rankin, 460 Pierce St., Erie, CO. provided an updated the Arts Coalition of Erie activities.
Tim Piowaty, 255, Baker Lane, Erie, CO. asked the Board to look into further safety measures for the streets in Northridge Subdivision.
Jeff Wilkes, 1116 Fletcher Drive, Erie, CO., thanked the Board for their considerations for the connection of Northridge to Morgan Hill.
Adam Haid, Erie Single Track, 1376 Lawson Ave., Erie, CO. gave an update on the Erie Single Track and stated they would like to have a Memorandum of Understanding with the Town.

VI. RESOLUTIONS

a. **Resolution 14-68; A Resolution of the Town Of Erie, Awarding a Design Contract to Loris and Associates, for the Coal Creek Trail Access Connection in the Amount of $52,285.00 and, Setting Forth Details In Relation Thereto.**

Farrell Buller, Director of Parks and Recreation, presented staff recommendations for the approval of Resolution 14-68. The 2014 Capital Budget includes funds to design and construct a Coal Creek Trail Access Connection at Bonnell Avenue. This trail connection includes a pedestrian bridge crossing of Coal Creek and will connect the trail system on the east side of Coal Creek to the trail system in Erie Commons and the sidewalks on Bonnell Avenue. The new Parking lot at the Leon A. Wurl Service Center, that will begin construction soon, will provide parking and act as a trail head for this important trail connection. Staff is recommending awarding Loris and Associates this project based on their qualifications, approach to the project, and design cost. Loris and Associates has experience with this type of project design and successfully completed two ARRA Funded projects for the Town, Erie Parkway and County Line Road, and a Safe Routes To School Project for the Town, the County Line Road sidewalk from Telleen Ave. north to the railroad tracks.

Action: **Mayor Pro Tem Gruber moved to approve Resolution 14-68; the motion was seconded by Trustee Schutt. The motion carried with the following roll call vote:**

Roll Call:	**Trustee Moore**	**Yes**
	Mayor Pro Tem Gruber	**Yes**
	Trustee Schutt	**Yes**
	Trustee Kramer	**Yes**
	Trustee Woog	**Yes**
	Trustee Charles	**Yes**
	Mayor Harris	**Yes**

VII. ORDINANCES

a. **Ordinance No. 20-210; An Ordinance Of The Town Of Erie, Colorado Amending Ordinance 30-2013 Adopted On October 8, 2013, Which Annexed The Golden Run Property; Setting Forth Details In Relation Thereto; And, Declaring An Emergency Therefore.**

A.J. Krieger, Town Administrator, presented staff recommendations for the approval of Ordinance 20-2014. Approval of this ordinance will amend Ordinance 30-2013; the original Golden Run annexation. Ordinance 30-2013 included a provision that the Town would not zone the subject property until both parties had executed an annexation agreement. At its January 28, 2014, regular meeting the Board of Trustees approved Resolution # 14-26 entering into an annexation agreement with Golden Run. However that agreement has neither been executed nor recorded. At that same meeting the Board of Trustees approved Ordinance 07-2014 which established the initial zoning of the subject property as PD. That ordinance has not been published or recorded. As such Town staff is recommending approval of Ordinance 20-2014. This will allow the zoning ordinance to be published and recorded. Representatives of Golden Run have made it clear that they do not intend to execute the previously approved annexation agreement. Therefore the Town is best served by amending Ordinance 30-2013, completing the zoning process, and ensuring that any future development is subject to the Town's UDC and required process.

ORDINANCES (continued)

Action: Trustee Schutt moved to suspend Resolution 02-44 to allow passage of Ordinance 12-2014 on the First Reading; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

Action: Trustee Schutt moved to approve Ordinance 20-2014; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with a six (6) for and one (1) against with Trustee Moore voting no.

VIII. LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES- MORGAN HILL

CONTINUATION OF THE MAY 27, 2014 PUBLIC HEARING

a. **Ordinance 21-2014; An Ordinance Of The Town Of Erie, Colorado, Rezoning A Portion Of The Morgan Hill Property Pursuant To The Petition Of The Owner Thereof, From SR – Suburban Residential To LR - Low Density Residential; And, Providing For The Effective Date Of This Ordinance; And, Setting Forth Details In Relation Thereto.**

Todd Bjerkaas, Community Development Planner presented. Staff finds the application in compliance with the Rezoning approval criteria and recommends the Board of Trustees approve the Morgan Hill Rezoning application by approving Ordinance 21-2014 at the Second Reading on Tuesday, June 10, 2014. The Planning Commission held a public hearing for the Rezoning request on May 7, 2014. The Planning Commission recommended approval of the Rezoning by approving Resolution P14-07, with the following conditions: 1)The approval of the Morgan Hill Zoning Map, Rezoning shall not come into effect until the Morgan Hill PUD Zoning Map is approved and recorded for the property. 2) Technical corrections to the Morgan Hill Zoning Map shall be made to the Town's satisfaction. The applicant is requesting to rezone a portion of Morgan Hill from SR – Suburban Residential to LR – Low Density Residential.
Staff finds the application is consistent with the Approval Criteria of Title 10, Section 7.5 Rezoning:

a. The Rezoning will promote the public health, safety, and general welfare;
b. The Rezoning is generally consistent with the Town's Comprehensive Master Plan and the purposes of this UDC;
c. Adequate facilities and services (including streets and transportation, water, gas, electric, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;
d. The Rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
e. The Rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject property;
f. Future uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject property; and
g. The Zoning is generally consistent with the Towns' economic development goals and objectives in bring positive growth and sustainable revenues to the Town.

Public Notice of the this hearing was published in the Colorado Hometown Weekly on April 16, 2014; the property was posted on April 18, 2014 and letter were sent to property owners within 300 feet on April 18, 2014. As required by the Municipal Code a Neighborhood Meeting was held on December 12, 2013. The required posted and mailed notice of the Neighborhood Meeting was provided as required. Staff finds the application in compliance with the Rezoning approval criteria and recommends the Board

LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES- MORGAN HILL (continued)

of Trustees approve the Morgan Hill Rezoning application by approving Ordinance 21-2014 at the second reading on Tuesday, June 10, 2014 with the following conditions: 1) The approval of the Morgan Hill Zoning Map, Rezoning shall not come into effect until the Morgan Hill PUD Zoning Map is approved and recorded for the property. 2) Technical corrections to the Morgan Hill Zoning Map shall be made to the Town's satisfaction.

b. Ordinance 22-2014; An Ordinance Regarding The Morgan Hill PUD Zoning Map Overlay Rezoning, Adopting Certain Findings Of Fact And Conclusions Favorable To The Planned Unit Development Overlay Rezoning.

Todd Bjerkaas, Community Development Planner presented. Staff recommended the Board of Trustees approve Ordinance 22-2014, an ordinance approving the Morgan Hill PUD Zoning Map at the Second Reading on Tuesday, June 10, 2014. The Planning Commission held a Public Hearing to consider the Morgan Hill PUD Zoning Map request on May 7, 2014. The Planning Commission recommended approval of the PUD Rezoning by approving Resolution P14-08, with the following conditions: 1) The approval of the Morgan Hill PUD Zoning Map shall not come into effect until the Morgan Hill Zoning Map is approved and recorded for the property. The PUD Zoning Map shall not be recorded until after the Morgan Hill Zoning Map is recorded. 2) The approval of the Morgan Hill PUD Zoning Map shall not come into effect until a Final Plat is approved and recorded for the property. The PUD Zoning Map shall not be recorded until after a Final Plat is recorded. Technical corrections to the Morgan Hill PUD Zoning Map shall be made to the Town's satisfaction. The PUD Overlay District is generally used when there is special public interest that doesn't coincide with the traditional zoning in a geographic area. The PUD Overlay District may only be used when an application is not able to meet the requirements of a standard zone classification. The PUD is a mapped area with restrictions in addition to, or less than, those in the underlying traditional zone. Rather than attempt to create a new zoning category, an overlay zone is superimposed over the traditional zone and establishes additional regulations, or reduces or extends the existing uses. The underlying zoning identifies permitted land uses; the overlay zone may provide design restrictions, additional setbacks, or other exceptions to the base district regulations. General purposes of a PUD are as follows:

a. Establish a procedure for the development of larger parcels of land in order to reduce or eliminate the rigidity, delays, and inequities that otherwise would result from application of zoning standards and procedures designed primarily for small parcels.
b. Ensure orderly and thorough planning and review procedures that will result in high-quality urban design.
c. Encourage variety and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenity.
d. Provide a mechanism for considering mixes of uses that can be made compatible by application of careful and imaginative treatment of interrelationships of activity.
e. Encourage allocation and improvement of common open space in residential areas, and provide for maintenance of the open space at the expense of those who will directly benefit from it.
f. To convert land so poorly developed as to be a public liability.
g. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.
h. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES- MORGAN HILL (continued)

i. To simplify processing of development proposals for developers and the Planning Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations. The Morgan Hill PUD Overlay Map (PUD) sets the maximum number of dwelling units at 490. The applicant is committing to dedicate public pocket parks and a neighborhood park to meet the Town requirements. The applicant will pay a fee in lieu for their required community park dedication; and they will be credited 21.07 acres of open space within the Tract N conservation easement and will pay a fee in lieu for the remainder of the open space dedication requirement.

Single Family Lot/Setback Modifications:

Modification of the UDC requirements for single family dimensional standards for lots is being requested in the PUD.

Staff finds the application consistent with the Approval Criteria of Title 10, Section 7.6 D.9 PUD Overlay Rezoning:

a. The PUD Rezoning is consistent with the Purpose of the PUD Overlay District in Section 2.7.D.1;
b. The PUD Rezoning will promote the public health, safety, and general welfare;
c. The PUD Rezoning is consistent with the Town's Comprehensive Master Plan and the purposes of this UDC;
d. The PUD Rezoning is generally consistent with the PUD standards in Subsection 2.7.D.2;
e. Adequate facilities and services (including roads and transportation, water, gas, electric, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;
f. The PUD Rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
g. The PUD Rezoning is not likely to result in significant adverse impacts to significant scenic and historic features as identified in plans adopted by the Town;
h. The PUD Rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject property;
i. Proposed uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject property;
j. The proposed phasing of the development is appropriate and the development can be substantially completed within the time period specified in the schedule of the development or Development Agreement submitted by the applicant; and
k. The PUD Plan provides public benefit(s).

Public Notice of the this hearing was published in the Colorado Hometown Weekly on May 7, 2014; the property was posted on May 9, 2014 and letter were sent to property owners within 300 feet on May 9, 2014. As required by the Municipal Code a Neighborhood Meeting was held on December 12, 2013. The required posted and mailed notice of the Neighborhood Meeting was provided as required. Staff recommends the Board of Trustees approve Ordinance 22-2014, an Ordinance approving the Morgan Hill PUD Zoning Map with the following conditions: 1) The approval of the Morgan Hill PUD Zoning Map shall not come into effect until the Morgan Hill Zoning Map is approved and recorded for the property. The PUD Zoning Map shall not be recorded until after the Morgan Hill Zoning Map is recorded. 2)The approval of the Morgan Hill PUD Zoning Map shall not come into effect until a Final Plat is approved and recorded for the property. The PUD Zoning Map shall not be recorded until after a Final Plat is recorded. 3) Technical corrections to the Morgan Hill PUD Zoning Map shall be made to the Town's satisfaction.

LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES- MORGAN HILL (continued)

c. Resolution 14-74; A Resolution Making Certain Findings Of Fact And Conclusions Favorable To The Morgan Hill Preliminary Plat; Imposing Conditions Of Approval; Approving The Morgan Hill Preliminary Plat With Conditions; And Setting Forth Details In Relation Thereto

Todd Bjerkaas, Community Development Planner presented. The applicant proposes to plat approximately 215 acres into 490 single-family lots, and 16 tracts for various park, open space, landscaping, drainage, and utility purposes. Staff finds the application consistent with the Preliminary Plat approval criteria in Municipal Code, Section 10.7.7.C.10, and recommends approval of the Morgan Hill Preliminary Plat application. Staff has provided Resolution 14-74, for Board of Trustee consideration, approving the application with the following conditions:

a. An agreement with Erie Coal Creek Ditch Company to relocate and pipe a portion of the ditch shall be required prior to final plat approval.
b. Surface Use Agreements with K. P. Kaufmann and Encana shall be required prior to final plat approval.
c. Relocation of oil and gas pipelines and production facilities and recordation of the vacation of associated easements shall be completed prior to final plat approval.
d. Abandoned oil and gas wells, within a final plat for development, shall be located, monumented and identified on the final plat, as specified in the Municipal Code.
e. Future oil and gas wells shall be drilled and facilities installed prior to final plat approval of any lots shown within 350' of wells and facilities.
f. An agreement with Mary Alice Billings and Mary Alice Billings Trust and dedication of an easement thereof for location of the proposed water line, sanitary sewer line, and drainage improvements within and across its property shall be required prior to final plat approval.
g. An agreement with the owners of Andalusia and dedication of an easement thereof for location of the sanitary sewer line within and across its property will be required prior to final plat approval.
h. The developer will make traffic calming improvements to Fletcher Drive. These improvements may include, among several other options, the narrowing of the southbound entrance from WCR 10.5, the installation of drain pans at agreed locations, and signage. The developer will work with staff to identify and finalize the design and frequency of traffic calming during final plat.
i. Final park and open space dedications shall be determined at the time of each final plat filing.
j. At final plat and building permit, the applicant shall follow recommendations made by Western Environment and Ecology, Inc. and A.G. Wassenaar in the soils, geotechnical, and geological subsidence reports and the Colorado Geological Survey (CGS) recommendations.

Technical corrections to Morgan Hill Preliminary Plat shall be made to the Town's satisfaction.

The Planning Commission held a public hearing for the Morgan Hill Preliminary Plat application on May 7, 2014. The Planning Commission, by approving Resolution P14-09, recommended denial to the Board of Trustees for the Morgan Hill Preliminary Plat based upon failure to meet the following approval criteria in Section 7.7.C of Title 10, Town of Erie Municipal Code:

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

LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES- MORGAN HILL (continued)

The Morgan Hill Preliminary Plat proposes development of single family lots throughout the property. The applicant is preserving a large open space area along the western edge of the development with views to the mountains and the incorporation of a Town spine trail. A neighborhood park is shown in the center of the property. There are large setbacks along the WCR 10.5 street frontage consisting of a landscape tract. Oil and gas wells and facilities are scattered throughout the property and the Parkland Estates subdivision and private airstrip are directly to the east. The Morgan Hill annexation agreement approved in 2008 allows for a maximum of 490 dwelling units to be built in the subdivision. The Morgan Hill Preliminary Plat proposes platting the entire property with 490 lots single family lots located within the Morgan Hill PUD.

The developer intends to break the proposed 490 single family lots into multiple final plat applications. The Preliminary Plat application is in general compliance with the Land Use designations on the 2005 Comprehensive Plan, Land Use Plan Map; as illustrated below. The proposed single family residential development has gross a density of 2.28 dwelling units per acre which falls within the Low Density Residential density range of 2 to 6 dwelling units per acre. The property is currently zoned LR – Low Density Residential in the center and SR – Suburban Residential at the edges. The applicant has submitted a rezoning application, concurrent with this Preliminary Plat application and PUD application, to rezone the portion of the property currently zoned SR to LR. If the rezoning is approved, the applicant's proposed single family lot development in the Morgan Hill Preliminary Plat meets the zoning requirements of the LR – Low Density Residential zoning district with the PUD overlay. The Morgan Hill PUD Overlay Map modifies the underlying zoning of the property and dimensional standards. The proposed PUD is consistent with PUDs for Colliers Hill and Erie Highlands. The single family residential lots, pocket parks, Neighborhood Park, and private open space tracts are in general conformance with the Morgan Hill PUD Overlay Map. The Annexation Agreement for Morgan Hill specifies the maximum density and the diversification standards for the development. Section XI.C.1 of the agreement requires the developer to provide not more than one (1) housing type and (2) housing type variations within the development. The proposed Morgan Hill Preliminary Plat contains one (1) housing type (Single Family Detached) with two (2) housing type variations by providing lots in the 5,000 to 9,999 square foot range and lots in the 10,000 to 39,999 square foot range. The Morgan Hill proposed development is located in the St. Vrain Valley School District ("SVVSD"). A school site is not proposed on the site. However, the Andalusia subdivision immediately to the north has an executed agreement with SVVSD to provide a 10 acre elementary school site. The developer will be responsible for paying a fee-in-lieu of land dedication to satisfy the requirements of the Town's Intergovernmental Agreement with SVVSD. The Mountain View Fire Protection District will provide fire and emergency medical services. A fire station is located 1½ miles away on the southwest corner of Erie Parkway and Colliers Boulevard in the Grandview Subdivision. The Erie Police Department will provide service to the property. A Traffic Report was submitted for the Morgan Hill Preliminary Plat. All of the streets proposed are public roads and are in compliance with the Towns Standards and Specifications. As a part of the Preliminary Plat, the applicant proposes to provide two (2) new street connections to Weld County Road (WCR) 10½ and one (1) new street connection to Weld County Road 3. The applicant also shows a vehicular access to the property to the north (Andalusia subdivision). No internal vehicular connection is shown stubbed to the western property as that area is anticipated in the comprehensive plan and zoning map to be open space and/or agriculture. The applicant will make improvements to WCR 3 and WCR 10½ per the annexation agreement. Staff has instructed the applicant to also make improvements to the County Line Road and Weld County Road 10½ intersection. The applicant will be required to participate in the cost of signalization of the intersection of WCR 10½ and WCR 3 and the intersection of WCR 12 and WCR 3.

LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES- MORGAN HILL (continued)

Northridge Subdivision Concerns

Staff has received several letters, e-mails, phone calls, and a petition from residents in the Northridge neighborhood with concerns about the Morgan Hill Development. These letters, e-mails, and petition are included in the packet for your reference. The principal concern of the communications pertaining to roadways is the location of an entrance for Morgan Hill from WCR 10½ that is aligned with the entrance to the Northridge subdivision at Fletcher Drive.

Fletcher Drive does not meet the Town's current standards for a local street. Town as-builts show Fletcher Drive was designed and built as a part of two Filings in 1995 and 1997. It is approximately 32 feet in width with roadside ditches in 54 feet of right-of-way. It does not include curb, gutter, underground storm sewer, or sidewalks for the majority of its length south to its intersection with WCR 1½. Residents' concerns relate to an increase of traffic along Fletcher Drive from the Morgan Hill subdivision, the adequacy of Fletcher Drive to handle existing traffic, speeds of vehicles along the road, and the safety of pedestrians on Fletcher Drive. Residents have requested that Town staff, the developer, and the traffic consultants look at alternatives for Morgan Hill's entrance including offsetting it from Fletcher Drive or making Morgan Hill's entrance a right-in, right-out turning movement, and having the developer install traffic calming devices on Fletcher Drive.

Compliance with the Town's Codes and Plans

Staff has reviewed the preliminary civil plans, traffic reports, Northridge residents' letters and petition, Fletcher Drive, probable destinations for through traffic, speeds along Fletcher and alternative entrance locations all in the context of the Town's Unified Development Code, Standards and Specifications, Comprehensive Plan, and Transportation Plan. Staff also forwarded the plans, traffic report, and Northridge letters and petition to the Town's traffic consultant for review.

The Town's code and plans specify requirements for connectivity between subdivisions. In the Approval Criteria used for review by the Board of Trustees for Preliminary Plats, criteria (g) states that "The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features." There are several sections of the Code that address connectivity and require the alignment of street right-of-ways with adjoining subdivisions (10.5.4.D), provide neighborhood connections to existing neighborhoods and streets (10.5.4.G.2; 10.6.1.A.8; 10.6.5.A), and create a transportation network to offer drivers connections to and between local destinations (10.6.5.A; 10.6.5.D.2.a).

The Code also addresses cut-through traffic and discourages it on local neighborhood streets. The Code manages cut-through traffic not through unaligned streets but through the implementation of traffic calming techniques and the configuration of internal streets (10.5.4.G.7.a; 10.6.5.D.2.f). The applicant has proposed several off-site traffic calming improvements along Fletcher Drive that they would construct to discourage cut-through traffic that is nonlocal in nature. Some examples include the narrowing of the existing wide entrances, the integration of drain pans, and the implementation of signage. Town staff anticipates that other traffic calming devices may be of benefit to Fletcher Drive.

Included as Attachment D for reference are excerpts from the Town code and planning documents related to connectivity and local traffic that staff has reviewed for compliance.

Staff has found that the proposed configuration of the Morgan Hill entrance aligned with Fletcher Drive meets the requirements of the Unified Development Code and Standards and Specifications and meets the objectives of the Comprehensive Plan and Transportation Master Plan particularly in the requirements of connectivity. The traffic engineer, staff, and the Town's transportation consultant have found that the implementation of traffic calming along Fletcher Drive by the developer is warranted and will minimize cut-through traffic impact by the Morgan Hill subdivision.

LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES- MORGAN HILL (continued)

The Parkland Estates air strip is located directly to the east of the Morgan Hill subdivision. The Parkland Estates HOA received a application referral and their response is attached. The applicant has worked closely with the HOA through a private agreement to allowed continued operations of aircraft out of the neighborhood. There exists a 100' wide "No Build Zone" within the Morgan Hill development at the western terminus of the air strip as identified in a private agreement. The Town of Erie Natural Areas Inventory identifies a natural area within the Morgan Hill Preliminary Plat. Natural Area 15 covers a small portion of the Morgan Hill property along its western edge adjacent to the Erie-Coal Creek Ditch. The report states that the area has water present and serves as a migration or movement corridor for wildlife. The portion of Natural Area 15 located within the property is shown as open space (Tract N) in the preliminary plat. A site specific Ecological Resources Survey report was submitted for the Morgan Hill Preliminary Plat to assess threatened and endangered species and significant habitats. No threatened or endangered species were observed on the property. The public parks and open space dedication requirements for the Morgan Hill property are based on the proposed residential build-out of 490 dwelling units. The required dedications for parks and open space can be found on the table below and are approximate. Depending on the number of lots final platted, actual dedication requirements may change. The developer is showing two (2) pocket parks in the subdivision totaling 0.90 acres that will be owned and maintained by the Homeowners Association (HOA).

The development is required to dedicate less than seven (7) acres of neighborhood park land. The Town in its discretion may require the developer to pay cash-in-lieu of land dedication; however, a neighborhood park is shown in the Parks, Recreation, Open Space, and Trails (PROST) Master Plan map in this approximate location. Staff has determined that a neighborhood park in this location is appropriate and consistent with the master plan. The applicant anticipates paying a fee-in-lieu for the remaining community park dedication requirements at Morgan Hill. Tract N is credited towards the open space requirement of 23.24 acres for Morgan Hill. Only 21.07 acres of Tract N count towards the open space requirement because of the exclusion of oil and gas buffers. The applicant will pay a fee-in-lieu of the remaining dedication requirement of 2.17 acres. Public parks and open space dedications will occur in phased manners as the applicant anticipates Final Platting the property in several phases. A spine trail to be owned and maintained by the Town will be located in Tract N along the western property line of the development. This spine trail will provide a connection from Northridge on the south to a future spine trail in Andalusia open space on the north.

In addition, the Morgan Hill Preliminary Plat will provide pedestrian connections throughout and around the development, tying into anticipated trails in future development to the north. The property will be served by the Town of Erie for water and wastewater services; however, the Town does not currently have all utilities adjacent to the property to serve the development. In order to provide water and wastewater services, on-site and off-site improvements are required to be built by the developer. This includes constructing a second water line extension from WCR 10½ to the southwest in conjunction with a booster pump to provide redundancy in the water system. Also, the developer will be required to construct two off-site sanitary sewer mains, one to the west towards the Town's interceptor and one to the north along WCR 3 and through the Andalusia subdivision again to the Town's interceptor. The applicant will need to obtain the off-site easements necessary for sewer and water line extensions prior to final plat approval.

At the time of building permit, raw water fees are collected that allow the Town to purchase water rights ensuring an adequate water supply for potable water and wastewater services. In addition, raw water fees are collected at final plat approval for parks and open space areas.

Utility service providers for the property are United Power for electric, Source Gas for gas, and 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.

LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES- MORGAN HILL (continued)

A Drainage Study was submitted and reviewed. The primary detention pond location will be in Tract B with a small secondary pond in Tract N. An outfall to the northwest will require the applicant to obtain an off-site easement prior to final plat approval for the affected lots. The applicant is proposing to bury the segment of the Cottonwood Extension Ditch that traverses the eastern portion of the subdivision. The previous agreement that allowed this piping has expired; however, the applicant is currently negotiating a new agreement with the ditch company. The applicant has not yet executed a Surface Use Agreement (SUA) with the two oil and gas operators on the site, Encana and K P Kaufman. The Morgan Hill Preliminary Plat identifies the anticipated SUA setback requirements on the plat. It is the applicant's responsibility to ensure that existing well facilities, access roads and fencing meet the Municipal Code requirements at the time of final plat. All setbacks to existing and future wells and facilities will need to meet the Municipal Code requirements at final plat and are identified in this preliminary plat. There are eleven (11) producing oil and gas wells distributed throughout the property as shown in the Morgan Hill Preliminary Plat. The applicant shows 150' setbacks from the existing wells and facilities per the Town requirement. There is one (1) plugged and abandoned well on the site shown with a 25' setback. At the time of Final Plat, the applicant will be required to monument the well in the field and tie its location to the plat. There are two (2) future wells and facilities sites located in the northeast and the northwest portions of the property by Encana. The applicant is showing the northwest future well site located at least 350 feet away from the proposed lots within Morgan Hill and at least 150 feet away from future street right-of-ways per the Town's code. However at the northeast corner, the applicant has proposed a small number of lots located within 350 feet of the future well and facility sites. These affected lots may not be final platted until the wells are drilled and facilities installed. There are several oil and gas lines and right of way easements located within the Morgan Hill property that encumber proposed residential lots within the preliminary plat. The existing oil and gas pipelines and the associated easements will need to be removed and vacated and new easements for pipelines shown before a final plat can be approved within the area encumbered by the easements. The applicant is also showing relocation of existing gas tanks and equipment in close proximity to the proposed neighborhood park. This equipment will be relocated further east in Tract F so the setback and buffers do not encumber the neighborhood park. The Colorado Geological Survey (CGS) reviewed various technical/engineering documents and studies provided by the applicant that address subsidence risks, soil conditions and ground water levels for the property. The site is not undermined. CGS primary concern was in relation to the Erie-Coal Creek Ditch and shallow groundwater. Because the ditch is being piped and buried, there will be no issues with shallow groundwater resulting from the ditch. The piping will be located in right-of-way and tracts. Staff finds the application is consistent with the Preliminary Plat approval criteria in Municipal Code, Section 10.7.7.C.10, as outline below:

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

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

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.

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.

LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES- MORGAN HILL (continued)

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.
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.
g. The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features.
h. The subdivision will not result in significant adverse impacts on adjacent properties, or such impacts will be substantially mitigated.
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.
j. As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.
Public Notice of the this hearing was published in the Colorado Hometown Weekly on May 7, 2014; the property was posted on May 9, 2014 and letter were sent to property owners within 300 feet on May 9, 2014. As required by the Municipal Code a Neighborhood Meeting was held on December 12, 2013. The required posted and mailed notice of the Neighborhood Meeting was provided as required. Staff finds the application consistent with the Preliminary Plat approval criteria in Municipal Code, Section 10.7.7.C.10, and recommends approval of the Morgan Hill Preliminary Plat application. Staff has provided Resolution 14-74, for Board of Trustee consideration, approving the application with the following conditions:
a. An agreement with Erie Coal Creek Ditch Company to relocate and pipe a portion of the ditch shall be require prior to final plat approval.
b. Surface Use Agreements with K. P. Kaufmann and Encana shall be required prior to final plat approval.
c. Relocation of oil and gas pipelines and production facilities and recordation of the vacation of associated easements shall be completed prior to final plat approval.
d. Abandoned oil and gas wells, within a final plat for development, shall be located, monumented and identified on the final plat, as specified in the Municipal Code.
e. Future oil and gas wells shall be drilled and facilities installed prior to final plat approval of any lots shown within 350' of wells and facilities.
f. An agreement with Mary Alice Billings and Mary Alice Billings Trust and dedication of an easement thereof for location of the proposed water line, sanitary sewer line, and drainage improvements within and across its property shall be required prior to final plat approval.
g. An agreement with the owners of Andalusia and dedication of an easement thereof for location of the sanitary sewer line within and across its property will be required prior to final plat approval.
h. The developer will install traffic mitigation devices at the intersection of WCR 10½ and Fletcher Drive consistent with the concept shown in Exhibit C prior to issuance of the first building permit. The developer will work with staff to finalize the design during final plat.
i. Final park and open space dedications shall be determined at the time of each final plat filing.
j. At final plat and building permit, the applicant shall follow recommendations made by Western Environment and Ecology, Inc. and A.G. Wassenaar in the soils, geotechnical, and geological subsidence reports and the Colorado Geological Survey (CGS) recommendations.
k. Technical corrections to Morgan Hill Preliminary Plat shall be made to the Town's satisfaction.

LAND DEVELOPMENT RESOLUTIONS AND ORDINANCES- MORGAN HILL (continued)

Public Comment

Jon Lee, Community Development Group of Erie presented information as the applicant for this project and answered questions from the Board of Trustees.

The Following Citizens provided public comment on behalf of the Northridge Subdivisions issues with the connection on Fletcher Drive and the proposed Morgan Hill Subdivision:

Jim Hoffmeyer, 1168, Fletcher Drive, Erie, CO.

Action: Mayor Harris closed the Public Hearing for Ordinance 21-2014; Ordinance 22-2014 and Resolution 74-2014 at 7:10 p.m.

Action: Mayor Pro Tem Gruber moved to approve Ordinance 21-2014; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

Action: Trustee Schutt moved to approve Ordinance 22-2014; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

Action: Mayor Pro Tem Gruber moved to approve Resolution 14-74; the motion was seconded by Trustee Moore. The motion carried with all present voting in favor thereof.

d. Resolution 14-75; A Resolution Approving the Morgan Hill First Amended and Restated Annexation Agreement, Authorizing and Directing Appropriate Town Officers to Sign Said First Amended and Restated Agreement, and, Setting Forth Details in Relation Thereto.

Marty Ostholthoff, Director of Community Development presented. Staff recommends the Board of Trustees approve the Morgan Hill First Amended and Restated Annexation Agreement Amendment by approving Resolution No. 14-75:The Morgan Hill Annexation Agreement was entered into and by the Town of Erie and Mary Alice Billings, The Mary Alice Billings Trust and the Woolley Family Trust, on June 18, 2008 and recorded on August 14, 2008 in the records of Weld County, Colorado. The First Amendment to Morgan Hill Annexation Agreement was entered into by the Town of Erie and Mary Alice Billings, The Mary Alice Billings Trust, and The Woolley Family Trust, on December 2, 2009 and recorded on December 28, 2009 in the records of Weld County, Colorado. The Agreements provides a basic framework for the development of the Morgan Hill property, including, among other things, density, phasing of development, land dedications, utility services, and various on-site and off-site public improvements. Through the Morgan Hill First Amended and Restated Annexation Agreement, the Town and applicant are proposing modifications to the aforementioned agreements that reflect the current and more detailed development plan (Morgan Hill preliminary plat) that is being reviewed versus a minimal concept plan submitted as part of the original annexation application.

Action: Mayor Pro Tem Gruber moved to approve Resolution 14-75; the motion was seconded by Trustee Schutt; the motion was carried with all present voting in favor thereof.

Action: Mayor Harris called for a break at 7:55 p.m. and reconvened the meeting at 8:07 p.m.

LAND DEVELOPMENT ORDINANCES (continued)

SPALLONE NO. 5 ANNEXATION

a. Ordinance 23-2014; An Ordinance of the Town of Erie, Annexing the Spallone No. 5 Annexation to the Town of Erie, Providing for the Effective Date of this Ordinance; and Setting Forth Details in Relation Thereto.

Todd Bjerkaas, Senior Planner presented staff recommendations for the approval of Ordinance 23-2014. The Spallone No. 5 Annexation Application requests annexation to the Town of Erie of an approximate 4.589 acre parcel, and requests an initial zoning of property of 'PLI' – Public Lands & Institutions. The Town of Erie has submitted an Annexation application for a 4.589 acre unincorporated Weld County property to the Town of Erie. The application has been processed in accordance with C.R.S. 31-12-106(3), and Section 7.3, of the Town of Erie Unified Development Code. Staff finds the application to be in compliance with C.R.S. 31-12-106 and Section 7.3, Annexations, of Title 10 of the Municipal Code. Per C.R.S. 31-12-106(3), the Town of Erie may annex municipally owned land without notice and hearing provided that the area proposed to be annexed is not solely a public street or right-of-way. Staff recommends approval of Ordinance 23-2014; an Ordinance Annexing the Spallone No. 5 property to the Town of Erie.

Action: This was the first reading of Ordinance 23-2014 and it will be brought back for Board action at the June 24, 2014 Regular Meeting.

PUBLIC HEARING

b. Ordinance 24-2014; An Ordinance of the Town of Erie; Approving the Initial Zoning of Spallone No 5 Annexation Public Lands and Institutions; and Setting Forth Details in Relation Thereto. (FIRST READING)

Todd Bjerkaas, Senior Planner presented staff recommendations for the approval of Ordinance 24-2014. The Spallone No. 5 Annexation Application requests annexation to the Town of Erie of an approximate 4.589 acre parcel, and requests an initial zoning of property of 'PLI' – Public Lands & Institutions. Staff finds the application in compliance with Section 7.4, Initial Zoning, of Title 10 of the Municipal Code. The required notice for this Initial Zoning application is in compliance with Section 10.7.4 of the Municipal Code; with published notice in the Colorado Hometown Weekly, on May 21, 2014; and posted notice occurring on May 23, 2014. Staff recommends approval of Ordinance 24-2014; an Ordinance Zoning the Spallone No. 5 property to PLI – Public Lands & Institutions zone district.

Action: Mayor Harris opened the Public Hearing for Ordinance 24-2014 at 8:13 p.m.; hearing no one wishing to make public comment closed the Public Hearing for Ordinance 24-2014 at 8:14 p.m.

Action: This was the first reading of Ordinance 24-2014 and it will be brought back for Board action at the June 24, 2014 Regular Meeting.

IX. BOARD OF TRUSTEES REPORTS & APPOINTMENTS

Trustee Charles provided an update on the Historic Preservation Board and reported on a recent Erie Chamber of Commerce meeting he attended with Mayor Pro Tem Gruber and Trustee Schutt.
Trustee Moore commented on the success of the recent Relay for Life event.
Trustee Schutt will be attending an upcoming Erie Economic Development meeting next week and asked for information regarding the timing and location for mosquito spraying in Town.
Trustee Woog also commented on the success of the Relay for Life event.
Trustee Kramer also commented on the success of the Relay for Life event and noted that there is an opening on the Tree Board.
Mayor Pro Tem Gruber alerted the Parks Department that there was an invasive species of "Cheat Grass" in an open space area.
Mayor Harris noted that in addition to the Tree Board that there was an opening on Historic Preservation. Trustee Harris also had questions regarding trail maintenance and commented on the success of the Relay for Life event. She also attended a recent Metro Mayors Caucasus meeting.

X. EXECUTIVE SESSION

a. **For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); specifically, to receive legal advice concerning the Simmons litigation Appeal.**

Action: **Trustee Charles moved to go into executive session with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); specifically, to receive legal advice concerning the Simmons litigation Appeal; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.**

Present at this executive session were the following persons:

Mayor Tina Harris; Mayor Pro Tem Mark Gruber; Trustees Janice Moore, Dan Woog, Scott Charles, Jennifer Kramer, and Waylon Schutt; Town Administrator A.J. Krieger; Public Works Director Gary Behlen; and, Town Attorney Mark Shapiro.

This is an executive session for the following purpose:

For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); specifically, to receive legal advice concerning the Simmons litigation Appeal.

The executive session was concluded at 8:53 p.m.. The participants in the executive session were:

Mayor Tina Harris; Mayor Pro Tem Mark Gruber; Trustees Janice Moore, Dan Woog, Scott Charles, Jennifer Kramer, and Waylon Schutt; Town Administrator A.J. Krieger; Public Works Director Gary Behlen; and, Town Attorney Mark Shapiro.

EXECUTIVE SESSION (continued)

Action: Mayor Harris stated for the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. Seeing none, Mayor Harris moved onto the next agenda item.

XI. ADJOURNMENT

Action: Trustee Woog moved to adjourn the June 10, 2014 Regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

Action: Mayor Harris adjourned the June 10, 2014 Regular Meeting of the Town of Erie Board of Trustees at 8:54 p.m.

Respectfully Submitted,

Nancy J. Parker, CMC, Town Clerk

Tina Harris, Mayor

TOWN OF ERIE CORPORATE SEAL COLORADO