

RESOLUTION NO. 6

(Series of 2021)

A RESOLUTION OF THE BOARD OF SELECTMEN FOR THE TOWN OF GEORGETOWN, COLORADO APPROVING THE FINAL SUBDIVISION PLAT FOR THE WASHINGTON MILL SUBDIVISION AND IN CONNECTION THEREWITH APPROVING A SUBDIVISION IMPROVEMENTS AGREEMENT

WHEREAS, the Town of Georgetown is a Colorado municipal corporation operating under a Territorial Charter and governed by its Board of Selectmen; and

WHEREAS, the Board is authorized to adopt such rules, regulations and restrictions for the protection of the public health, safety and welfare; and

WHEREAS, having conducted the required public hearing on the application, the Board of Selectmen makes the following findings and decision:

FINDINGS

1. The Town has received an application from Marvin Geisness for subdivision of an approximate .94-acre (40,841.97 square-foot) parcel of land located in the 900 block of Main Street and Biddle Street (the subject property).

2. The applicant requests subdivision of the parcel into six lots for the construction of a single-family detached home on each lot. The six lots are identified as Lot 3, 4, 5, 6, 7 and 8 on the plat included in the application. As noted in the application narrative, the subdivision will create three lots fronting Main Street (Lots 3, 4 and 5), two lots fronting Biddle Street (Lots 7 and 8), and one lot which will front both Biddle and Main (Lot 6).

3. The application was submitted and reviewed pursuant to the Town's land use code and received sketch and preliminary plat approval. On April 13, 2021 as required by the land use code, the Board of Selectmen conducted a public hearing on the final subdivision plat application. Notice of the hearing in satisfaction of the land use code requirements was published in the Clear Creek Current on March 10, 2021, mailed to property owners within 300 feet of the subject property on March 12, 2021, and posted for the Board of Selectmen public hearing, also on March 12, 2021.

4. At the April 13, 2021 hearing, the following materials were accepted into the record:

- meeting agenda action/discussion item (staff report) prepared by Martin Landers, the Town's contract planner.
- Colorado Department of Public Health and Environment referral response
- Colorado Geologic Survey referral response
- Colorado Department of Transportation referral response

- Clear Creek County Special Projects referral response
 - Xcel Energy referral response
 - Engineering plan review comments from Bob Orsatti, PE
 - Final subdivision plat application for the Washington Mill site
5. At the public hearing, the Board of Selectmen heard testimony from:
- Martin Landers, Town contract planner
 - Marvin Geisness, owner and applicant
 - Craig Abrahamson, project engineer

6. Martin Landers, the Town's contract planner, presented the staff report which was introduced as an exhibit in the record.

7. Mr. Geisness testified to the history of his ownership of the property and his desire for subdivision of the property for the purpose of construction of single-family residences.

8. Mr. Abrahamson reviewed the technical aspects of the proposed subdivision plat, including, among other things, the manner of mitigation of mine waste presently located on proposed Lot 8 and the installation of water and sewer lines to serve the project. Mr. Abrahamson also testified with respect to proposed improvements to Biddle Street as it borders the property on the east and the dedicated easements for water, sewer, and natural gas lines to serve individual residences.

9. Members of the Board of Selectmen raised questions for the applicant and the Town planner, including questions to clarify the proposed improvements to Biddle Street and the process whereby the materials management plan for mine waste on proposed Lot 8 would be implemented and supervised.

10. Following the completion of the public testimony portion of the hearing, the Board of Selectmen discussed the application and adopted the following motion:

Motion to approve the Washington Mills Subdivision Plat with the following conditions:

- a. That the following Plat Note be revised as follows: "Mine waste rock located on Lot 8 shall be mitigated in accordance with the Materials Management Plan, in the form approved as an element of the final plat approval by the Board of Selectmen. Compliance with the mine waste rock mitigation requirements of that Management Plan, as approved by the Town Administrator, and, if necessary, the Chief Building Official, shall be a precondition to the issuance of any Certificate of Occupancy for any structures erected on Lots 3 through 8. Prior to sale of any lot within the subdivision, the buyer must be provided with a separate copy of this plat note."
- b. That all engineering plan comments be addressed to the satisfaction of the Town Administrator prior to the recordation of the final plat.

- c. Execution of the Subdivision Improvements Agreement (SIA), including exhibits, in form approved by the Town Attorney and Town Administrator.

DECISION

A. Based upon the foregoing findings, the Board of Selectmen (the "Board") hereby ratifies and confirms its action on April 13, 2021, approving the Washington Mill final plat subdivision, with conditions as noted in findings paragraph 10 above.

B. The Board further approves the Subdivision Improvements Agreement for the Washington Mill Subdivision for the purpose of requiring and securing the construction of public improvements to serve the subdivision, including water and sewer mains and improvements to Biddle Street.

C. The Board authorizes and directs the Police Judge and Town Clerk to execute the Plat and Subdivision Improvements Agreement in a form approved by the Town Attorney and Town Administrator.

PASSED, APPROVED and ADOPTED this 27th day of April 2021 at a regular meeting of the Board of Selectmen of the Town of Georgetown, Colorado.

TOWN OF GEORGETOWN



Lynette Kelsey, Police Judge

ATTEST:



Jennifer Yobski, Town Clerk



