



**ELBERT COUNTY COMMISSIONER MEETING
FEBRUARY 11, 2009**

The Board of Elbert County Commissioners met in a regular scheduled meeting on the 11th day of February 2009, with the roll call of members as follows:

Chairperson Hope Goetz	Present
Vice Chair Del Schwab	Present
Commissioner John Shipper	Present

The Board of Elbert County Commissioners convened at 9:00 a.m., and Chairperson Hope Goetz called the meeting to order. The meeting began with a Prayer led by Pastor Brian Janes from Majestic View Church and the Pledge of Allegiance.

AGENDA:

Additions: Policy Advisement under New Business Item B. Commissioner Shipper made a motion to accept the Agenda as amended. Commissioner Schwab seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

CORRESPONDENCE:

Notification from Division of Wildlife regarding the Coyote Symposium today at Jefferson County Fairgrounds.

Information from Division of Wildlife regarding revenue from wildlife watching, hunting/fishing.

Received a telephone call from a resident in the eastern portion of the County thanking the Board for seeing a deputy patrolling in the area.

CONSENT AGENDA:

Consent Agenda Items are:

- A. Approval of Minutes of Prior Meeting
- B. Vouchers/Warrants
- C. Signing of Mylars

Commissioner Schwab made a motion to accept the items on the Consent Agenda today. Commissioner Shipper seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.



AWARDS & RECOGNITION:

The Board of County Commissioners recognized and handed out Achievement Certificates to Garrett Liss, Wyatt Taylor, Dan Sewald and Curtis Dubet, from the Elbert County Livestock Judging Team for their outstanding achievement in winning Champion Livestock Judging Team. This team will compete in Scotland this June.

ELECTED OFFICIAL & DEPARTMENT HEAD COMMENTS:

Assessor P.J. Trostel came before the Board and stated that tax notices were sent out in January and if anyone has any questions on their property valuation/mill levies to call the Assessor's Office for more information.

PUBLIC COMMENT:

None.

NEW BUSINESS:

Treasurer Report: Treasurer Billie Mills stated that she submitted the Treasurer Report to the Board of Commissioners yesterday. Billie also reported on foreclosure sales and collection of taxes.

Kiowa Road & Bridge Department: Kiowa Road & Bridge Foreman Rick Manyik came before the Board to update the Commissioners on road and equipment repairs.

Simla Road & Bridge Department: Simla Road & Bridge Foreman Tim Sheridan came before the Board and submitted a breakdown for the past month regarding ongoing maintenance/equipment repairs.

Assessor: Assessor P.J. Trostel came before the Board to report that the Assessor's Office is getting ready for the Notices of Determination Protest Appeals and are planning on a high protest year. Property values have dropped some, but the sales data collection period is for January 1, 2007 through June 30, 2008.

Policy Advisement: Commissioner Schwab made a motion to amend Policy Advisement 2000-87 and replace it with the one dated 01/28/09, that purchases \$2,000.00 and over will need one Commissioner and the Budget Officer signature before purchasing any item and anything \$5,000 and over will need to be approved for bid/advertisement. Commissioner Shipper seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Land Use Hearings: Planning Director Richard Miller came before the Board to request a continuance of the Elbert County Zoning, Subdivision & 1041 Regulations regarding removal of the reference to the Elbert County Master Plan to April 22, 2009. Commissioner Schwab made a motion to continue the Zoning, Subdivision & 1041



Regulation Amendments to April 22, 2009, at 9:00 a.m., or as soon as possible thereafter. Commissioner Shipper seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Recessed at 9:40 a.m.

Reconvened at 1:30 p.m.

AGATE MOTOR SPORT SPECIAL USE PERMIT EXTENSION REQUEST:

Tom Maroney came before the Board to request a one year extension on the special use permit for the Agate Motor Sport Special Use that was approved in 2007. The purpose for the extension request is to allow the applicant more time to negotiate financing, etc.

Commissioner Shipper made a motion to extend the Agate Motor Sport Special Use Permit for one year from 02-11-09. Commissioner Schwab seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

PUBLIC COMMENT:

John Metli came before the Board to support the Agate Motor Sport Special Use and its approved extension.

Charles Groesbeck came before the Board to support the Agate Motor Sport Special Use.

COUNTY ATTORNEY:

Attorney Ben Greiving came before the Board to discuss the following items:

Ben reviewed the Property Lease Agreement between Elbert County Commissioners/Elbert County Road & Bridge Department and M&M Land Co., which will allow the County to park, store, locate up to three pieces of equipment, a 1,000 gallon above-ground fuel tank and an appropriate shed on the leased premises for \$200.00 per month. Ben reported that County Attorney Mark Scheffel has reviewed the agreement and it is appropriate for approval as to form. Commissioner Schwab made a motion for the Chairperson to sign the Property Lease Agreement between the Elbert County Board of Commissioners and M&M Land Co., for the rental. Commissioner Shipper seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Ben reviewed the Annual Peopleware Agreement between CIC and Elbert County in the amount of \$2,891.00 for support of the operating systems and application systems for the time period of February 1, 2009 through January 31, 2010. Ben reported that County Attorney Mark Scheffel reviewed the agreement and found it appropriate for approval as to form. Commissioner Schwab made a motion for the Chairperson to sign the Annual Peopleware Agreement between Elbert County and CIC, Inc. Commissioner Shipper



seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Recessed at 1:55 p.m.

Reconvened at 7:00 p.m., at the Elbert County Fairgrounds Ag Building

Commissioner John Shipper was absent from this public hearing.

**BANDERA EAST & BANDERA WEST PLANNED UNIT DEVELOPMENT,
PRELIMINARY PLAT & 1041 PERMIT:**

Planning Director Richard Miller came before the Board to present the request of Timber Ridge LLC, to rezone and subdivide 1,011.13 acres and obtain a 1041 Permit. The proposed project is located in a portion of Section 14 and Section 15, Township 7 South, Range 65 West, more specifically, located on the north side of County Road 158 (Hilltop Road) adjacent to and east of the Elbert County/Douglas County line. The existing zoning is A (Agriculture) and the proposed zoning is PUD (Planned Unit Development).

The Bandera East and Bandera West properties encompass 1011.93 acres, formerly known as the Bentley Ranch. The applicant has split the original Bandera project in Bandera East and Bandera West to increase density through application of the adjacency clause in the Elbert County Master Plan. Bandera East is located in the southeast portion of the total property and contains approximately 235.31 acres. Bandera West is located in the western and northern portions of the total property and contains approximately 776.36 acres. This PUD and Preliminary Plat proposes a base density of 1 dwelling unit per 1.10 acres. Bandera East contains 124.62 acres of open space. Bandera West contains 300.49 acres of open space. A portion of this open space includes the waste water treatment plant and the effluent storage pond area included in the open space acreage (Tract E – 28.64 acres). After subtracting this acreage, Bandera East has 40.78% open space based upon the gross acreage. Within the entire Bandera development, the PUD standards indicate that a minimum of 120 units will be for housing types other than single-family detached units.

Bandera East and Bandera West is to be accessed off on County Road 158 (Hilltop Road). This entry is one of two access points planned from County Road 158 for the entire Bandera development. This entry is also the primary entrance into the development. The main road through the Bandera development is labeled “Delbert Road” and aligns with County Road 5, the main entrance to the Coyote Hills Subdivision to the south.

Both Bandera East and Bandera West are proposed to be served by the Running Rivers Water & Sanitation District. The district is also planning to serve the proposed Serenity Pointe development and approximately 1,000 acres owned by the Miller family, as those properties are developed. According to the Division of Water Resources, there is a sufficient water supply for Bandera East and Bandera West. Compliance with HIB 08-1141 will be required prior to submittal of the Final Plat application, which requires,



among other items, that the water supply report is to be prepared by a registered professional engineer or water supply expert acceptable to and approved by the County Engineer.

Bandera East gets its adjacency from Hilltop Landing (30 lots ranging in size from 1.6 acres to 2.5 acres). Bandera West gets its adjacency from Bandera East. The base density, through application of the 1/6th adjacency requirement, is 1 lot per 3.01 acres (235.31 acres/3.01 = 78.17 lots). Under the existing Master Plan, the applicant is requesting density bonuses for having central water/sewer systems (100%), water reuse for irrigation (25%) and irrigation for each lot (50%). When the 175% increase in density through application of the density bonuses is applied, the total number of lots allowed for Bandera East is 214 lots (78.17 lots x 175% = 214.96 lots).

The applicant is proposing 124.62 acres of open space within Bandera East and 300.49 acres of open space within Bandera West. A portion of this open space includes the waste water treatment plant and the effluent storage pond area included in the open space acreage. The overall Bandera development is proposing pedestrian trails throughout the open space that will be open for general public use. A meandering all-weather walking/bike path will be provided along the collector roads and connecting the various open space parcels throughout the development. A recreation center is planned for the development, along with other passive and active recreational facilities. The original farm house and several outbuildings are being preserved as a historic park near the main entry to the proposed development. The natural drainages located on site have been preserved as open space.

On January 8, 2009, the Planning Commission on a vote of 5 to 0, forwarded an approval recommendation for both Bandera East and Bandera West with stipulated conditions of approval for the Board of County Commissioners consideration.

Public Comment Speakers: Applicant's Representative Tom Maroney and Axel Bishop, Lisa Lewis.

Commissioner Schwab made a motion to accept PD-08-0033, Bandera East Planned Unit Development with the 9 conditions of approval. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Commissioner Schwab made a motion to accept PP-08-0035, Bandera East Preliminary Plat with the 27 conditions of approval. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Commissioner Schwab made a motion to accept 1041 10-08-0037, Bandera East 1041 Permit with the 7 conditions of approval. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.



**RESOLUTION 09-13
APPROVAL OF BANDERA EAST PLANNED UNIT DEVELOPMENT,
PRELIMINARY PLAT & 1041 PERMIT**

Commissioner Schwab made a motion to accept PD 08-0034, Bandera West Planned Unit Development with the 9 conditions of approval. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Commissioner Schwab made a motion to accept PP 08-0036, Bandera West Preliminary Plat with the 27 conditions of approval and amend condition #25. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

Commissioner Schwab made a motion to accept 1041 10-08-0038, Bandera West 1041 Permit with the 7 conditions of approval. Commissioner Goetz seconded the motion. The roll having been called, the Chair declared the motion unanimously carried and so ordered.

**RESOLUTION 09-14
APPROVAL OF BANDERA WEST PLANNED UNIT DEVELOPMENT,
PRELIMINARY PLAT & 1041 PERMIT**

No further business coming before the Board, the meeting was adjourned at 9:00 p.m., with the next scheduled meeting to commence on February 18, 2009.

**BOARD OF COUNTY COMMISSIONERS
ELBERT COUNTY, COLORADO**

HOPE GOETZ, CHAIRPERSON

Del Schwab

DEL SCHWAB, VICE CHAIR

John Shipper

JOHN SHIPPER, COMMISSIONER

**ATTEST: AMY L. FORDYCE
COUNTY CLERK**

**BY: *Devi Scheidt*
DEPUTY, CLERK TO THE BOARD**

