



COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICES

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165
cds@elbertcounty-co.gov



ELBERT COUNTY PLANNING COMMISSION HEARING Meeting Minutes BOCC Hearing Room - 215 Comanche St., Kiowa, CO 80117

Note: These meeting minutes are only a summary of the meeting. Duplication of the audio recording is available, for a fee, by contacting Community & Development Services.

The Planning Commission Meeting was called to order at 7:00 p.m. by Chairman, Daniel Rosales.

PLEDGE OF ALLEGIANCE

ROLL CALL

Commission members present: Dan Rosales, Ron Turner, Brian Harris, Bob Ware, Chris Richardson, Paula Wilderman, Mike Kellison, Dan Michalak, Bob Lewis.

Staff present: Kyle Fenner, Director CDS; Ethan Watel, Baseline.

STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS ACTION(S)

- a. None to report

CONSENT CALENDAR - APPROVAL OF MINUTES

Following general discussion, the Board upon motion of Commissioner Richardson, seconded by Commissioner Michalak and by unanimous vote approved the minutes of:

- a. September 15, 2015.
- b. March 8, 2016.
- c. April 28th, 2016.
- d. May 3, 2016.

COMMUNITY INPUT:

PUBLIC SPEAKERS: Eric Gingrich, Stacis Falce (Sp), Don Charobee, Pat Collis, Todd Thalimer, G. Bough, Victoria Thalimer, Chris Schereak, Ann Dues.

Eric Gingrich handed out a complaint against the “building department” and staff for not enforcing code to his satisfaction.

A number of people got up to speak specifically about the possible Independence (AKA Bandera) project. The citizens expressed feelings against the project citing their perceptions and concerns over water, lifestyle, lighting, school impacts, road quality & maintenance, public services, traffic and public safety.

CLOSE GENERAL PUBLIC COMMENT

PUBLIC HEARINGS / WORKSHOPS

A. RZ-16-0007 QUAIL HILLS REZONE and,

B. MD-16-0008 QUAIL HILLS MINOR RESIDENTIAL DEVELOPMENT;

- a. Ethan Watel, Baseline, gave Elbert County’s PowerPoint presentation of the application to the board.
- b. Applicant representative was CJ Kirst/7400 E. Arapahoe Rd., Centennial CO 80112. RE: request to rezone an 81.26 acre property in Elbert County from agriculture (A), to agriculture residential (AR), and a request to create a minor development in Elbert County of seven lots on 81.26 acres. Mr. Kirst stated that this application has no exceptions to the conditions set forth in the presentation, the applicant is willing to pay the money to offset the impact as set forth in the conditions approval, and the applicant wants a good development.

PUBLIC COMMENT OPENED

PUBLIC SPEAKERS: Kevin Diviness, Victoria Thalimer, Paula Collis.

Comments included mention that a neighboring development had 100 acres of open space. There was a question about the traffic study. There was a question about a neighboring property that is not a part of the application being heard,

PUBLIC COMMENTS ON APPLICATIONS CLOSED

PLANNING COMMISSION BOARD DISCUSSION/QUESTIONS OF STAFF:

A discussion was had about fire suppression and safety. It was discussed that the development had been approved by the fire district and that fire safety was the authority of the Fire District. It was discussed that two neighboring developments had firefighting cisterns.

There was a commissioner question regarding the cash-in-lieu payments for open space; where does the money that is collected go? Staff responded that open space fees are governed by the resolution that was approved when they were adopted. The CDS department has no authority over it. The CDS department deposits them in the Open Space account.

Questions were posted regarding roads, road building responsibility. Staff and the applicant addressed the questions and stated that roads would be discussed in the subdivision improvement agreement (SIA) and that any roads for the subdivision itself would be built by the developer and roads accessing other parcels would be built by that owner/developer. The right of way dedication to the edge of the proposed development did not mean that the road to the edge needed to be built. Staff and the Commission discussed the 2-year road warranty program for county acceptance of roads.

A commissioner identified a calculation error and asked staff to correct it.

A Commissioner asked about an existing well, capping it or using it. Another commissioner mentioned that water was the authority of the Dept. of Natural Resources and wasn't being contemplated in this application. The DNR had approved the application.

Discussion was had regarding the name changes/differences on various versions of maps as various points of submittal. The applicant stated that the initial road name was not approved by the fire district and had to be changed and confirmed the road name.

Discussion was had regarding grazing, covenants, large animals, and pasture management. Applicant stated that there would be covenants restricting lots to four large animals.

Discussion was had regarding the number of "no response" from referral agencies. This was the first Baseline application and that response has improved now that the referral agencies are more familiar with their working relationship with the County.

Discussion was had about the timeline. It was submitted in March of 2016. A commissioner thought that was a long time for a "small application". Staff responded to the commissioner that it was not an unusual length of time for a minor subdivision and that this was one of our first contract applications with the new contracted planning firm.

Questions were asked of the application regarding the application process and whether or not all the required steps had been taken and what they had learned in the community meeting. The applicant answered yes all the steps had been taken and the community meeting caused them to relocate some driveways.

Questions were asked about architecture and size of proposed homes. Applicants stated there was a minimum square footage requirement and that they will be ranch style or 2-story and stick built.

BOARD MOTION AND VOTE

Motion was made by Commissioner Chris Richardson to approve RZ-16-0007, QUAIL HILLS REZONE.

Motion was seconded by Commissioner Dan Michalak

The board voted to unanimously approve the application

Motion was made by Commissioner Chris Richardson to approve MD-16-0008, QUAIL HILLS MINOR DEVELOPMENT.

Motion was seconded by Commissioner Paula Wilderman

The board voted to unanimously approve the application

BOARD CALLS FOR 15 MINUTE BREAK

Agenda Item: DISCUSSION AND DECISIONS REGARDING POSSIBLE COMMISSIONER RECUSAL AND/OR RESIGNATION.

Discussion of Planning Commissioner Chris Richardson as a County Commissioner Candidate and Conflicts:

The board opens up discussion regarding County Commissioner candidate Chris Richardson and when he might need to recuse himself or step down from the Planning Commission.

The board asked staff to create a list/calendar of upcoming Planning Commission related items so the board could determine which of any of the items Commissioner Richardson might have to recuse himself from.

The board decided that after the election, if elected, Richardson may consider then that it would be the proper time to step down.

Based on the current Planning Commission calendar, there was no potential foreseen that would create a conflict for Commissioner Richardson to be involved in.

Discussion of Planning Commissioner Bob Ware as Chair of Water Advisory Committee (WAC) and its conflicts with his role as a Planning Commissioner and his recent public conflicts:

Dan Rosales opens up the discussion regarding recent WAC meeting on September 7, 2016. In this meeting Planning Commissioner Bob Ware openly discussed a number of things that created serious conflict with his impartial role as a planning commissioner.

The board allowed Bob Ware to stay on the board and recuse himself from the Independence application in the future.

ANNOUNCEMENTS: None

Meeting adjourned at 9:30 PM