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 7:24 pm by Bob Lewis.

PRAYER: Led by Jim Keen

PLEDGE OF ALLEGIANCE: Led by Peter Hoogendyk

ROLL CALL

Commission members present: Peter Hoogendyk; Dan Michalak; Bob Lewis; Linda Krauser; Jim Keen.

Staff present: Sam Albrecht, County Manager; Christina Stanton, CDS Director; Tracey Aaron, CDS Administration; Vince Harris (Baseline); Ethan Watel (Baseline); Vince Hooper (Baseline).

It is announced Bob Meyer has resigned from Planning Commission.

STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS ACTION(S)

Christina Stanton had no items other than the forthcoming presentation. However, she did mention they had a meeting with a couple Commissioner Members and BOCC to go over Subdivision Regulations to bring a clean, smaller version of the power point sent out previously.

CITIZEN COMMENTS ON GENERAL ITEMS – None

CONSENT CALENDAR

A. No items
APPROVAL OF MEETING MINUTES:

- 3-05-2018: Approved as written
- 3-20-2018: Approved as written
- 4-03-2018: Approved as written
- 4-24-2018: Approved as written
- 5-01-2018: Approved as written
- 7-17-2018: Approved as written
- 7-24-2018: Approved as written
- 9-04-2018: Approved as written
- 10-16-2018: Approved as written

Bob Lewis asks staff about March 5th meeting minutes.

Tracey explains those were handed out at previous hearing for review. Tracey leaves to make more copies of March 5th meeting minutes to give to PC.

Bob Lewis explains at the advice of the County Attorney, it is perfectly fine the current PC approve the previous meeting minutes even though they were not in attendance during that time.

There is a question regarding the meeting minutes for April 10, 2018, as they were not on the agenda. Tracey said she will double check to ensure those minutes were approved at a previous hearing and if not, they will be reviewed for approval and put on the agenda for the next Planning Commission hearing. All parties are in agreement.

Bob Lewis thanks Staff. Explains the PC appreciates all their hard work and understands all the changes and issues that have occurred in the CDS Department over the past several months.

Trish Kruse was acknowledged by Staff as having been an integral part of getting all the meeting minutes up to date and ready for review and approval. The CDS Department worked together as a team to achieve the goal. PC again expressed their appreciation to Staff and applauded their accomplishments.

WORK SESSION: PRESENTATION BY ETHAN WATEL (Baseline)

Christina Stanton: Overview of meeting with BOCC regarding the clean up of the following regulations. Will be meeting again with BOCC next Wednesday from 11-3pm to do a work session for Zoning Regulations. Current presentation will be for Subdivision Regulations as currently drafted.

Amendments to Elbert County Zoning Regulations, Amendments to Elbert County Subdivision Regulations, and Amendments to Elbert County Guidelines and Regulations for Areas and Activities of State Interest (1041).

BEGIN PRESENTATION: ETHAN WATEL (Baseline)

Goals:
Ethan Watel begins Power Point presentation:

- ECZR is Elbert County Zoning Regulations
- ECSR is Elbert County Subdivision Regulations

Article I: Enacting Clauses
- Blue text = Existing reg & Red text = New reg
- Most text comes from ECSR Section I Enacting Clauses.
- Article I.C (Approval Criteria) was added. There are no specific approval criteria for subdivisions in the current ECSR.
- Section I.I is expanded in new Article I.H with more power on variations at time of plat.

Article II: General Subdivision Requirements and Procedures:
- This is a new section, but it pulls existing text that exists in each process chapter of the current ECSR.
- The intent is to have one article for all procedures and processes that are common to all subdivision applications.
- A new table of all possible submittal items is included. This matches the proposed ECZR tables.
- Standardize the referral and notice process, are new. They match the proposed ECZR referral and notice sections.
- Article II.C. General Responsibilities comes from current ECSR Section II.C.
- Article II.F. Submittal Process comes from current ECSR Section IV. Revisions were made to account for new Administrative Decisions.
  - Similar to a “one stop shop”

Article III: Pre-Application Conference:
- Expanded from current ECSR Section VI to match proposed Pre-Application process in ECZR.

Article IV: Concept Plan
- Article IV mostly matches current Section VII.
- Applicability is modified so that it is applicable only to a proposed subdivision of 26 or more lots for single family detached homes.
- Community meetings are still required.
- Discussion: – Should referral be needed? – Can the Community Meeting be waived?

Article V: Preliminary Plat:
- Article V mostly matches current Section VIII

- Simplify regulations
- Make consistent and cohesive throughout
- Clarify conflicting and overlapping regulations
- Streamlining
- Reducing notice periods from 35 to 14 days
- Referral periods from 35 to 14 days
- Bring items to hearing quicker
- Ensure developers know what they are really getting into
  - Workmanship and design
  - Expectations of the County
- Increasing communication for citizens
- Applicability added to clarify when needed: Only for subdivisions proposing four or more lots
- CDS Director able to waive Prelim Plat, upon request
- Required referral agencies clean up – Removed Water Advisory Board and Open Space Committee
- Cleaned up the requirements for the plat exhibit and separated out items that are to be included as separate documents
- Cleaned up the submittal items list, these will be listed in the table in Article II

Article VI: Final Plat
- Article VI mostly matches current Section IX
- Applicability added to clarify when needed: Only for subdivisions proposing four or more lots
- Required referral agencies added (previously none listed)
- Cleaned up Final Plat formatting requirements
- Cleaned up the submittal items list, these will be listed in the table in Article II
- New requirement:
  - Article VI. F.2 “The Final Plat shall contain all adjacent land under the ownership of the Subdivider, to the extent the land is considered a separate parcel by the Elbert County Assessors’ office. Remaining land shall be included in the Final Plat and reserved in tracts for future development or phases. At no time shall a Final Plat propose to leave remnants of existing parcels.”

Article VII: Minor Subdivision
- The Minor Subdivision process is a new process
- It replaces the Minor Residential Development (Section X) and Minor Business/ Commercial/ Lt. Industrial Development (Section XI) processes
- Discuss: Should Minor Subs have to adjoin a public road, or is a private road with a public easement sufficient (see Coyote Meadows/Ranch Road case history)
- Current Minor Residential Developments
  - For “1 to 7 residential lots, parcels, or tracts”
  - Reviewed by PC and approved by BOCC
- Current Minor Business/Commercial/Lt. Industrial Developments
  - Reviewed by PC and approved by BOCC
  - Criteria: 1 lot, less than 2 ½ acres, 1 use
  - Not allowed with PUD (despite many instances to the contrary)
  - If more than 200 vehicle trips per day, or building larger than 10,000 SF, then must do concept, prelim, final plat
- Proposed Minor Subdivision process is for:
  - Creation of 1 to 3 lots
  - Single family residential homes or non-residential uses
  - One (1) principal use on each lot
  - Any number of non-buildable tracts. Current regs seem to only allow 7 lots and/or tracts
- Review and Approval
  - Delegated to a new administrative review and approval process
  - Approved or denied by CDS Director, with notice of decision
  - can appeal decision to the PC with justification that plat does not meet regulations

Article VIII: Amendments to Approved Plats
- Article VIII contains elements from Section XII
• Current regs are unclear what is applicable for the different types of plat amendments:
  o BOCC or administrative approval? What is the threshold?
  o Plat Amendment/Replat/Lot Line Adjustment
  o Administrative Lot Line Adjustment/Plat Amendment
  o Administrative Lot Line Adjustment for A/A-1 parcels (Found in the ECZR in the Rezoning Section)
  o Administrative Parcels Consolidation (ECSR Section XVIII)
  o The goal is to simplify the plat amendments processes to one common process, approved or denied by the CDS Director instead of BOCC or Administrative Hearing Officer

• Present language for Plat Amendments:
  o “When minor changes are proposed for finally approved and/or platted developments, inclusive of, but not limited to: Property splits, replats of lots in recorded subdivisions, adjustments of lot lines, and configuration of dedicated land, streets, and/or easements”
  o Except that “Minor amendments and adjustments shall not include revisions or modifications to approved plans or plats, which significantly alter the intended land use, density, number of lots, transportation system, dedicated land, or encompasses modification to more than 25% of the overall site.”
  o These statements make it a undiscernible judgement call as to which process a ‘plat amendment’ must go through
  o These amendments currently go to the BOCC for review and approval (no PC hearing). If minor, why to BOCC?

• Present language for Administrative Lot Line Adjustment/Plat Amendment:
  o “The following administrative process will be used for a lot line adjustment/plat amendment where both of the property owners are agreeable to the lot line adjustment affecting both of their properties, and where no change in zoning will take place.”
    ▪ [Delegated from BOCC to CDS]
    ▪ Both property owners are agreeable
    ▪ No change in zoning
    ▪ Where applicable, HOA “indicates that they do not have a problem”
    ▪ Reviewed by the Administrative Hearing Officer (AHO)

• Proposed Article VIII. New process approved or denied by CDS Director for any of the following:
  o a) Adjustments to property lines and the elimination of interior property lines involving any combination of lots, parcels or tracts, which does not increase the number of existing legal building sites and does not increase the number of lots, parcels or tracts.
  o b) Adjustments to any approved and legal subdivision plat, as enumerated above, to correct errors.
  o c) Adjustments or eliminations of previously established building envelopes regarding location and configuration.
  o d) Adjustments to previously established non-buildable areas and no disturbance areas regarding size, location and configuration.
  o e) Creation of non-buildable tracts.
  o f) Changes to or elimination of notes, restrictions and certificates which do not adversely affect traffic safety, visual impact, wildlife, drainage, soil erosion, wildfire hazard, noise, or the provision of open space.

Article IX: Exemptions
• In the current ECSR, Subdivision Exemptions are buried in the Plat Amendment Section XII
• Exemptions should be in their own Article
Exemptions are allowed by state statute and the county can define what is exempt

Current ECSR Section XII.E only allows for one type of Exemption:
- Legalization of an illegal division of land/illegal transfer

Proposed Article IX contains the following types of exemptions:
- 1. Improper division of land / illegal transfer
  - Applies to private party who swears they were unaware of the unlawfulness of the division OR
  - Applies to land that is being used for public or quasi-public purposes including but not limited to: utility facility, park, open space, fire station, sheriff substation, library, metro district office, water/sewage facility, cemetery, and school district facilities.
    - Applies to at least 38 parcels
- 2. A boundary line adjustment between unplatted parcels
  - Only for unplatted A-zoned parcels
  - This section is moved from the Admin Lot Line Adjustment process that is presently in the Zoning Regs.
- 3. Pre-1972 Parcel Ownership: The division of residential property, subject to limitations.
  - Legalizes existing residential properties that were created before the state adopted subdivision regulations

Article X: Vacation of Right-of-Way, Public Easements, and Plats
- The current Vacation regulations are buried in Section XIII. Design Standards
- Creates standards for the content of the Vacation Exhibit
- Process is unchanged except for standardizing notice periods
- Creates approval review criteria (as opposed to “conditions”)
- Clarifies vesting of property per State Statute

Article XI: Design Standards and Studies
- Article XI contains elements from Section XIII.
- Modified allowed lengths of cul-de-sacs
- Removed some standards that are more appropriate for Public Works (curves, drainage)
- Discuss: should alleys be prohibited?
- Previous CDS Directors have enforced rules relating lot sizes to well & septic. These were not regulations but were in the previous ‘Master Plan’.
- Should all new residential lots adhere to this?
  - Discussion point:
    - 1 dwelling unit per 10 Acres – Well and OWTS (Onsite Wastewater Treatment System – aka. septic system)
    - 1 dwelling unit per 5 acres – Central Water and OWTS
    - 1 dwelling unit per 1 acre – Central Water and Sewer
- Discussion: “300-year” water requirements are currently in the 1041 Regulations. They could be memorialized in the ECSR. This rule is referred to often and the State Division of Water Resources references the 1041 Regulations.
- New Article XI. F.
  - “In order to assure a long-term water supply, and given the concern with dependence on bedrock ground water, and the difficulty in supplying future surface sources outside the urbanized areas, the following additional criteria apply:
  - a) Total water supply for full project build out has been demonstrated, to the satisfaction of the Board of County Commissioners, based on the following factors: Such supply shall be based on a factor of .4 acre feet for residential, and the single family equivalent for nonresidential. The
factor of .4 acre feet for residential, applies to the residential portion of use of a residence, and
does not include domestic or agricultural stock watering and other associated uses of rural
residential uses. An additional appropriate factor would be required for such uses.
  o b) If greater than 50% of the water supply is a renewable source of water, then a 100 aquifer year
    life will be applied.
  o c) If less than 50% of the water supply, but greater than 25% of the water supply, is a renewable
    source of water, then a 200 year life will be applied.
  o d) If less than 25% of the water supply is a renewable source of water, then a 300 year life will
    be applied.”

- **Article XI.I (Landscaping)**
  o All text is existing except new addition of:
    o “2. All subdivisions proposing 26 or more residential lots shall provide perimeter landscaping, in
    accordance with an approved landscape plan.”

- **Article XI.K (Open Space)**
  o All text is existing except new addition of:
    o “2. Subdivisions less than 80 acres in size must provide cash-in lieu of open space dedication,
    unless specific circumstances warrant the expansion of an existing public land or protection of a
    unique natural feature.”
    o This does not mean, however, that subdivision greater than 80 cannot provide cash-in-lieu, if
    County agrees or desires such.

Article XII: Improvements
- **Article XII** contains elements from Section XIV.
- Highlighted text re: A. Surface Improvements should be discussed. It is existing text. Perhaps it best left
  to Public Works Specs?
- B. Utilities
  o Underground utilities **required** instead of **encouraged**.

Article XIII: Vested Property Rights
- Text comes from ECSR Section XVI.
- No changes.

Appendices: The following current ECSR Sections will be placed in appendices
- Section XV Map Requirements
- Section III Definitions
- Section V Certification, Dedications and Acknowledgements

END PRESENTATION

Vince Harris: Recaps: There was consensus today, during the previous meeting, in regards to the process
of major changes for a Minor Subdivision creation. It was tightened up. If you have any questions, comments, or
changes, please send “redlines” to Vince and Ethan.

Ethan Watel updates the PC on the schedule: The Zoning Regulations still require 30 day newspaper notice.
There is a Planning Commission Hearing set for Nov. 27th and a BOCC scheduled for Dec. 19th. Notice has
been given in the Ranchland News.
BEGIN QUESTIONS AND DISCUSSION:

Christina Stanton requests all “redline” changes be directed to her and she will send them to Baseline. Any questions PC may have, they may ask tonight.

Bob Lewis addresses the PC to direct any questions to the Staff, but to keep them brief.

- States he sees how the old regulations are very confusing
- Looking forward to the streamlining of the new regulations

Dan Michalak: Slightly confused; Article II when talked of tables. Thinks it needs more clarity. Expressed what a wonderful job the team has done.

Ethan Watel: Moving forward, all changes will be made from the current draft.

Bob Lewis addresses Sam Albrecht and Christina Stanton: How will public notices be handled for 3 lots or under which will be completed administratively?

Christina Stanton: There is an administrative notification process currently. Ethan can give more details.

Sam Albrecht: If it’s a zoning change, it still gets public notice.

Ethan Watel: There is a notification process. CDS Director will determine. He asks Bob Lewis for further information about the concerns the public may have regarding notices.

Bob Lewis: Feels we need to make sure we notify the public when it comes to a minor subdivision of 3 lots or less. Also ensure the surrounding properties know before equipment is out there. They need to know in advance and be informed. Thinks it should be the same notification of surrounding properties (1320 ft) as is for larger developments.

Vince Harris states the notice process will be a little different now. There will be notification, but the citizens will also have a chance to submit an appeal within a certain amount of time. There must be a legitimate reason for the appeal. The County Attorney will be the one to review the appeals.

Ethan Watel explains there is an entire regulation process regarding zoning and subdivisions.

Bob Lewis thanks Ethan for all his hard work.

END DISCUSSION AND WORK SESSION

BEGIN PUBLIC HEARING

AMENDMENT TO ELBERT COUNTY ZONING REGULATIONS:
Part II Section 28 – Economic Development Zone (EDZ) Overlay and Part I Section 9 – Referral Process for Land Use Applications and the official Zoning Map of Elbert County to Delineate the Economic Development Zone (EDZ) Overlay District.
Three items on the agenda for this proposal:
1. Revision to the EDZ
2. Amendment to the official Zoning Map for the EDZ Overlay District
3. Amendment to Part I, Sections 9 & 10 – the Referral and Public Notice requirements for applications

Overview:
- The PC had two previous recommended conditions of approval in July:
  1. Adjoining property owners shall be notified when a property owner chooses to utilize the EDZ Overlay.
  2. Upon approval of the EDZ Map Amendment, the County shall notify, via mail or otherwise, all property owners with lands within the EDZ that they have two options:
     - Remain as zoned;
     - Take advantage of the EDZ Overlay District. Requesting the adjoining property owners be notified if a property chooses to utilize the EDZ
- At their August 8th, 2018, the BOCC voted to deny the proposed EDZ Overlay Zoning Map Amendment. Further, the BOCC directed CDS staff to make changes to the proposed Map Amendment, as well as, directed CDS staff to propose amendments to the EDZ regulations.
- The EDZ regulations amendment and the Zoning Map Amendment 4 that is now being proposed, is a direct result of the direction provided to CDS staff by the BOCC.
- In August, the BOCC denied the proposed EDZ Map Amendment and requested modifications by the staff.

Proposed Amendments requested by the BOCC:
- EDZ regulations are primarily focused on removing the written description of the corridors onto which the EDZ Overlay zoning would be applied
- The main outcome of this change will be that most uses within the EDZ Overlay will now be required to go through the Use Permitted by Special Review approval process
- The Use Permitted by Special Review process requires review and recommendation by the Planning Commission and final action by the BOCC in public hearings
- Additional, minor changes to the EDZ regulations are also proposed. A fully “redlined” version of the EDZ regulation amendments is attached to the Staff Report
- The proposed map amendment delineates which properties the EDZ will be applied to, based upon the criteria set forth in Part II, Section 28 Economic Development Zone (EDZ) Overlay Section C. applicability
- High traffic corridors form the foundation of the EDZ corridors
- The portions of properties located within 1,320 feet (1/4 mile) of the centerline of identified roadways for the EDZ corridors are generally included within the EDZ Overlay District
- The EDZ is applied to property on both sides of the roads, forming a 2,640 foot (1/2 mile) wide corridor
- The EDZ regulations define the following criteria for lands to be excluded from the EDZ:
  1. Platted residential subdivisions
  2. Residential Planned Unit Developments
  3. Properties within municipal boundaries (Kiowa, Elizabeth, Simla)
- Properties within the above exclusions do not qualify for EDZ designation or the opportunity to utilize it
- Similar to standard zone districts, the EDZ defines a list of additional Uses by Right and Uses Permitted by Special Review that can be implemented on a property
- A Site Plan is replaced with a Site Development Plan (SDP)
• The SDP process is an administrative review and approval process. A requirement to notify adjacent property owners as part of the administrative review process is part of the proposed amendments to be added to the Referral Process for Site Development Plans.
• Uses Permitted by Special Review within the EDZ District are required to obtain approval of the BOCC, after first receiving a recommendation from the Elbert County Planning Commission. All Uses Permitted by Special Review are subject to referral and public notification requirements.
• Part II, Section 28 Economic Development Zone (EDZ) Overlay Section C. provides for the possibility of future inclusions of additional properties if requested by property owners.
• The EDZ is an overlay zone, as a result, the original underlying zoning remains in place and valid.
• Land within the EDZ retains the rights associated with its underlying zoning district.
• The property owner will have the choice of which zoning district uses (original vs. EDZ) to undertake on the property.
• The chosen uses would be required to conform to the zoning standards that are associated with the chosen use.

Vince Hooper discussed the maps which were cleaned up due to additional research and minor adjustments. It designated whether the property needed to be included or excluded from the EDZ.

• Certain parcels in and around the Town of Elizabeth will be excluded for one year following the date of adoption, at the request of the Town of Elizabeth.
• The corridor was extended all the way down I-70.
• County initiated rezoning is made more consistent and easier to process.
• Site Development Plans will require notifying property owners within 500 ft.

Referrals Amendment:
• Referral periods may be more than 14 days if specified and required by written agreement with a referral agency.

Referrals were sent out to the required agencies and only six written responses were received:

• Town of Elizabeth:
  o We continue to encourage Elbert County to avoid cluster development and be mindful of the internal and external impacts from allowing certain uses in unincorporated Elbert County.
  o Likewise, we ask the County to work with the Town to limit increases to freight traffic on Highway 86 per the regional study on freight corridors.
• Town of Kiowa:
  o No objections.
• Elbert County Building Department:
  o Is it possible to add a definition of “care taker residence” for clarification; min – max size, multi or single-family, full kitchen or kitchenette?
  o For our own understanding: are the care taker and multi-family residences that are allowable in the EDZ, to be permitted in conjunction with the uses allowable by right in the underlying district? Ex: Can a parcel that is zoned “A” have their primary and second residences (that are already allowable by right in their zone district), along with a multi-family rental in the overlay area?
• Elizabeth Fire Protection District:
  o All new commercial and residential structures that utilize the EDZ zoning will be subject to fire department requirements and impact fees.
• Arapahoe County Planning Department:
  o Planning Division staff has reviewed the proposed EDZ overlay zone district regulation. While we have no objections, in general, to the proposal, we are concerned about the application of the
zone to the corridor along East County Line Road, adjacent to Arapahoe County. Allowing commercial uses by right in this corridor would be inconsistent with the Arapahoe County Comprehensive Plan, where we are assuming non-urban activities. This is especially true in the section adjacent to the Kiowa Creek South Open Space Park where commercial uses might interfere with the functioning of that park.

- This change might also affect the traffic on East County Line Road. That facility is not expected to receive more than shoulder improvements before 2035 in the Arapahoe County Transportation Plan.
- We would encourage Elbert County to remove the EDZ designation from the East County Line Road segments. If that is not possible, any of the EDZ uses should be changed to Use Permitted by Special Review in this section of the County.

- Arapahoe County Engineering Department:
  - ESD has the following comments regarding the referral at this time based on the information submitted: A Master Drainage Plan for Kiowa Creek was recently completed. The County requests that all new development, specifically in the Kiowa Creek drainage basin, be required to provide detention and water quality.

Vince Hooper briefs the Planning Commissioners of their roles and recommendations:

- The Planning Commission shall review the request, staff report, other evidence and public testimony.
- The Planning Commission shall recommend approval, conditional approval or denial of the rezoning to the Board of County Commissioners.
- The Planning Commission may continue a request for a period of time not to exceed two (2) months from the completion of the presentation by the applicant at a public hearing.

Criteria for Impact and Staff Analysis:

- Goals and policies of the Elbert County Master Plan; in compliance
- The EDZ is an implementation of those goals and policies
- The EDZ would enhance the public services
- An evaluation of compatibility and potential mitigations for each property within the EDZ will be conducted at the time of Site Development Plan application, or if applicable, in the review of a Use Permitted by Special Review. Site Development Plans will be reviewed and acted upon administratively.
- Impacts of the individually proposed development within the EDZ upon public services will be evaluated at the time of Site Development Plan application, or if applicable, in the review of a Use Permitted by Special Review.
- Impacts upon environmental factors of the individually proposed development within the EDZ will be evaluated at the time of Site Development Plan application, or if applicable, in the review of a Use Permitted by Special Review.
- The EDZ is founded on utilization of the high traffic corridors identified in the West Elbert County Transportation Master Plan of 2008. These high traffic corridors provide the greatest capacity for increased traffic in the future.
- Part of the intent of the EDZ is to promote economic activity and expansion of goods and services to Elbert County residents. This will directly enhance the health, safety and welfare of the residents.

FINDINGS AND RECOMMENDATIONS

Amendment to Part II, Section 28 - Economic Development Zone (EDZ) Overlay; Staff recommends that the Planning Commission find that:

1. The proposed amendment complies with the goals and policies of the Elbert County Comprehensive Plan Update.
The proposed amendment will allow the CDS staff to adequately evaluate the compatibility of surrounding land uses on a case by case basis at the time of application.

The proposed amendment will allow the CDS staff to adequately evaluate the impact upon the provision of public services on a case by case basis at the time of Site Development Plan application.

The proposed amendment will allow the CDS staff to adequately evaluate the impact to environmental factors to be evaluated on a case by case basis at the time of Site Development Plan application.

The proposed amendment will allow the CDS staff to adequately evaluate the impact to traffic to be evaluated on a case by case basis at the time of Site Development Plan application. Further, the EDZ is founded on utilization of the 12 high traffic corridors identified in the West Elbert County Transportation Master Plan of 2008. These high traffic corridors provide the greatest capacity for increased traffic in the future.

The proposed amendment is intended to promote economic activity and expansion of goods and services to Elbert County residents and will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of Elbert County.

**Therefore**

The Community and Development Services staff recommends that the Planning Commission recommend that the Board of County Commissioners **APPROVE** the proposed **AMENDMENT TO THE ELBERT COUNTY ZONING REGULATIONS PART II, SECTION 28 - ECONOMIC DEVELOPMENT ZONE (EDZ) OVERLAY**.

**ALSO**

**Amendment to Part I, Section 9 Referral Process for Land Use Applications**

Staff recommends that the Planning Commission find that:

1. The proposed amendment complies with the goals and policies of the Elbert County Comprehensive Plan Update.

2. The proposed amendment will allow the compatibility of surrounding land uses to be evaluated on a case by case basis at the time of application.

3. The proposed amendment will allow the impact upon provision of public services to be evaluated on a case by case basis at the time of application.

4. The proposed amendment will allow the impact to environmental factors to be evaluated on a case by case basis at the time of application.

5. The proposed amendment will allow the impact to transportation to be evaluated on a case by case basis at the time of application. 6. The proposed amendment will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of Elbert County.

**Therefore**

The Community and Development Services staff recommends that the Planning Commission recommend that the Board of County Commissioners **APPROVE** the proposed **AMENDMENT TO THE ELBERT COUNTY ZONING REGULATIONS PART I, SECTION 9 REFERRAL PROCESS FOR LAND USE APPLICATIONS**.
ALSO
Amendment to the Official Zoning Map of Elbert County to Delineate the Economic Development Zone (EDZ) Overlay District.
Staff recommends that the Planning Commission find that:
  1. The proposed amendment complies with the goals and policies of the Elbert County Comprehensive Plan Update.
  2. The proposed amendment will allow the compatibility of surrounding land uses to be evaluated on a case by case basis at the time of application.
  3. The proposed amendment will allow the impact to the provision of public services to be evaluated on a case by case basis at the time of application.
  4. The proposed amendment will allow the impact to environmental factors to be evaluated on a case by case basis at the time of application.
  5. The proposed amendment will allow the impact to transportation to be evaluated on a case by case basis at the time of application. Further, the EDZ is founded on utilization of the high traffic corridors identified in the West Elbert County Transportation Master Plan of 2008. These high traffic corridors provide the greatest capacity for increased traffic in the future.
  6. The proposed amendment is intended to promote economic activity and expansion of goods and services to Elbert County residents and will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of Elbert County.

Therefore
The Community and Development Services staff recommends that the Planning Commission recommend that the Board of County Commissioners APPROVE the proposed AMENDMENT TO THE OFFICIAL ZONING MAP OF ELBERT COUNTY TO DELINEATE THE ECONOMIC DEVELOPMENT ZONE (EDZ) OVERLAY DISTRICT.

PRESENTATION CONCLUDED

BREAK: 9:00 – 9:10PM

BEGIN PUBLIC COMMENT – NONE

PLANNING COMMISSION DISCUSSION & QUESTIONS:
Linda Krausert: No questions. Very impressed with presentation.

Peter Hoogendyk: Agrees with Linda. Feels the elimination of some Uses by Right made it more powerful and easier for the residents to accept. Adds a lot more input from the public. Questions Christina about the redline on #28: removed “Club” but added it back in under a Use by Special Review?

Vince Hooper explains they wanted it as a Use by Special Review rather than by “Right”.

APPROVED
Jim Keen: The EDZ is going to be the most significant thing the PC has done.

Dan Michalak: Page 6, #5: Traffic congestion not enough “meat” to it. All others refer to SDP and will be evaluated on individual basis. Thinks it should be added to #5 as well. Also, spoke about the edge of the Right-of-Way and setbacks. There was an inconsistency. Will need to add a condition to change wording.

Vince Hooper states the wording was slightly different, but meaning is still the same. Will make consistent.

Bob Lewis: Would like to know the process an applicant must take for a Special Use by Review?

Vince Hooper: Uses by Right in EDZ would only be required to have an Administrative Review of their Site Development Plan. That review would be done by Planning Director with a single notice to adjacent property owners within 500 ft. If a Use by Special Review, they would follow the same SUR process any other zone district would require, including the 3 notifications, PC hearing, and BOCC.

Bob Lewis: The wording on the “edge” of right-of-way in reference to I-70, where does the EDZ begin?

Vince Hooper: From the centerline.

Vince Harris: It’s narrower private land due to the right-of-way being wider.

Bob Lewis: Questions the ability to do something right near I-70.

Vince Hooper explains no one will be able to do businesses directly off of I-70, there will need to be a frontage road or an interchange. It’s going to have limited effectiveness along I-70. It’s a little less impactful than on a CR. But it’s still important as a potential opportunity as well.

Vince Harris clarifies the Right-of-Way from I-70 is probably around 300 ft. which still leaves approximately 1,000 ft.

Bob Lewis: Is it included in here letting the county know their property is part of this?

Vince Hooper: It is not included.

PC discuss among themselves that they talked about having a press release to notify the county previously. Christina concurs.

Dan Michalak: Page 8. Setbacks #6, Front setback wording differs from b. #1 Front setback. Would like to remove the word “edge” from the latter. Also, would like to let news channels know of what Elbert County has implemented in hopes it would catch the eyes of businesses as well as accolades for the county.

Bob Lewis asks for a motion.

Dan Michalak questions the staff in regard to the Building Departments request to have a definition added of a “care takers residence”.

Vince Hooper: Currently there is a definition of what a “care-takers’ residence” is.
Vince Harris explains people want to add an additional kitchen to a single-family home. We are dealing with this through the new regulations to help the Building Department. They deal with this issue on a weekly basis.

Tracey Aaron whispers it’s a daily basis.

Vince Hooper explains the first motion Dan Michalak wanted to make.

*Dan Michalak makes a recommendation to approve the Amendment Part II, Section 28, Economic Development Zone overlay with Findings and Recommendations items 1-6. Second by Linda Krausert.*

**ROLL CALL VOTE:**
The motion carried 5–1 with one commissioner absent. All in favor

*Peter Hoogendyk makes a motion to modify Uses by Special Review, G-4-E, to remove “country club” from list as it’s under Uses by Right already. Second by Dan Michalak.*

**ROLL CALL VOTE:**
The motion carried 5–1 with one commissioner absent. All in favor.

*Peter Hoogendyk makes a motion to APPROVE amendments to Part I, Section 9 Referral Process and Part 10 Public Notice Process for Land Use Applications subject to Conditions 1-6. Second by Jim Keen.*

**ROLL CALL VOTE:**
The motion carried 5–1 with one commissioner absent. All in favor.

*Peter Hoogendyk makes a motion to APPROVE the official Zoning Map to delineate the EDZ including Findings 1-6 with additional provision to amend G-6, B-I to remove “the edge”. Second by Dan Michalak.*

**ROLL CALL VOTE:**
The motion carried 5–1 with one commissioner absent. All in favor.

Vince Harris responds to Bob Lewis’ question; this will go to BOCC November 14, 2018.

Bob Lewis reminds everyone to sign their votes.

MEETING ADJOURNED AT 9:44 PM