Date: July 12, 2018
For the Elbert County Planning Commission meeting:
Date: July 24, 2018

TO: ELBERT COUNTY PLANNING COMMISSION

FROM: VINCE HOOPER, PMP (BASELINE CORPORATION)
APPROVED: VINCE HARRIS, AICP, INTERIM DIRECTOR OF CDS

RE: AMENDMENT TO THE OFFICIAL ZONING MAP OF ELBERT COUNTY TO DELINEATE THE ECONOMIC DEVELOPMENT ZONE (EDZ) OVERLAY DISTRICT.

APPLICANTS: ELBERT COUNTY BOARD OF COUNTY COMMISSIONERS

REPRESENTATIVE: Vince Harris, AICP, Interim Director of CDS

SUMMARY OF REQUEST
The Elbert County Board of County Commissioners (BOCC) directed Community and Development Services (CDS) Staff to propose an Official Zoning Map Amendment to implement the Economic Development Zone Overlay District (EDZ). The EDZ was approved as an amendment to the text of the Elbert County Zoning Regulations (ECZR) on March 28, 2018 as part of Resolution 2018-15.

The intent of this overlay district is to facilitate the implementation of goals and policies of the Elbert County Master Plan and to promote economic activity and mixed uses along select Elbert County roadway corridors. The EDZ is linked to the Economic Development goals identified in the 2018 Elbert County Master Plan, to Elbert County’s higher traffic corridors as defined by the West Elbert County Transportation Master Plan of 2008 and other corridors identified by the BOCC.

AMENDMENT TO THE OFFICIAL ZONING MAP OF ELBERT COUNTY

Part 1, Section 1.K. Zoning Map of the ECZR sets forth that locations of zoning districts (such as the newly established EDZ) are to be shown on the map entitled Official Zoning Map of Elbert County.
POWERS OF THE PLANNING COMMISSION

As part of its formal responsibilities defined in ECZR Part 1, Section 2: Planning Commission, the Planning Commission has the power to:

C. Generally, the Planning Commission shall have the following power and duties, except as otherwise provided by law:
   2. To review and make recommendation to the BOCC on the following:
      b. amendments to the Elbert County Zoning Regulations.
      c. rezoning of land. (Res. 15-12)

Part 1 Section 6 C. of the ECZR, as amended by Resolution 2018-15 (effective as of March 28, 2018) establishes procedures for County Initiated Rezoning requests. Section 6 C.1.f. states:

   f. Planning Commission Public Hearing – 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.

DESCRIPTION OF PROPOSED AMENDMENT

At the direction of the BOCC, CDS staff has drafted a proposed amendment to the Official Zoning Map of Elbert County for the purpose of implementing the Economic Development Zone (EDZ) Overlay District. 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. 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. Certain properties are excluded from the EDZ Overlay District. The EDZ regulations defined 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 these exclusions do not qualify for EDZ designation or the opportunities to utilize it.

Similar to standard zone districts, the EDZ defines a list of additional uses by right and uses by special review that can be implemented on a property. See attached Resolution 2018-15 for a complete list of EDZ uses. A Site Development Plan (SDP) application and approval is required prior to commencement of any EDZ use or development. The SDP process is an administrative review and approval process. 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.

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 zone district. The property owner will have the choice of which zone 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.
FIGURE 1
PROPOSED EDZ OVERLAY DISTRICT
CRITERIA FOR REVIEW

Part 1 Section 6 C. of the ECZR, as amended by Resolution 2018-15, does not contain standards or criteria for the Planning Commission to use in evaluating County Initiated Rezoning requests. In that absence, the General Rezoning Approval Standards contained in Part 1, Section 6 B.2. ECZR can be used as a general guide for the Planning Commission’s review of this Official Zoning Map of Elbert County amendment.

The General Rezoning Approval Standards are listed below. The staff analysis will address those that apply as follows:

1. Whether the proposed rezoning complies with the goals and policies of the Elbert County Master Plan.
   **Staff comment:** See Master Plan Compliance analysis below.

2. Whether the proposed rezoning is compatible with surrounding land uses.
   **Staff comment:** An evaluation of compatibility 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 by Special Review. Site Development Plans will be reviewed and acted upon administratively.

3. Whether the proposed rezoning would adversely impact the provision of public services.
   **Staff comment:** 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 by Special Review.

4. Whether the proposed rezoning would adversely impact the environment.
   **Staff comment:** Impacts of the individually proposed development within the EDZ upon environmental factors will be evaluated at the time of Site Development Plan application, or if applicable, in the review of a Special Use by Review.

5. Whether the proposed rezoning would create traffic congestion or burden the existing road system.
   **Staff comment:** 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. Whether the proposed rezoning will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of Elbert County.
   **Staff comment:** 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.
MASTER PLAN COMPLIANCE

The 2018 Elbert County Comprehensive Plan Update contains goals and policies relating to economic development. The following is a listing of the goals and policies which staff believes most directly relate to the Economic Development Zone Overlay.

VISION STATEMENT

Elbert County, being rich in heritage, has a vision where property rights are respected and agriculture, commerce, industry and residential growth are encouraged, thereby creating a path to economic prosperity.

LAND USE

GOALS

COMMERCIAL DEVELOPMENT (CD)
Elbert County supports growth of commercial uses to provide residents with goods, services and employment.

POLICIES

CD1
Elbert County supports growth of commercial uses to provide residents with goods, services and employment.

CD2
Commercial development should be encouraged where arterial road access, water and sewer service, and suitable topography exist or are included as part of an overall development plan.

CD3
Commercial development should be integrated with the open space from adjacent residential development.

GOALS

INDUSTRIAL DEVELOPMENT (ID)
Elbert County supports the growth of industrial enterprises.

POLICIES

ID1
The County should create an economic development overlay to identify potential centers of industrial activity and services.

ID2
The County should identify employment centers that utilize existing
transportation facilities and infrastructure and are located where traffic, noise, and air pollution conflicts with residential, commercial and agricultural uses can be mitigated.

ID3
The County should encourage the development of industrial uses in eastern Elbert County, particularly along the I-70 and railroad corridors.

ID4
Elbert County should encourage nodal-type development.

GOALS  TRANSPORTATION (TR)
Elbert County strives to create and maintain a safe and functional transportation system.

POLICIES  TR1
New development is encouraged to locate proximate to improved arterial roads or such roads should be provided by the developer.

GOALS  ECONOMIC GROWTH (EG)
Elbert County promotes strong, diverse economic development.

POLICIES  EG2
Elbert County should encourage economic development that provides a balance between commercial and residential tax assessments.

EG3
Elbert County should encourage the recruitment, expansion and diversification of the industrial economic base to achieve a well-balanced economy.

EG4
Elbert County should support designated locations for economic development districts.

EG5
The County should encourage economic development that minimizes impacts on surrounding lands.

EG6
The County should support the development of agriculture, commerce,
industry, education, health care, natural resources development, tourism and residential growth.

STAFF FINDINGS OF MASTER PLAN COMPLIANCE

The goals and policies identified above present a wide spectrum of guidance for economic development in Elbert County. The EDZ is intended to be one component of the County’s strategy to promote economic development into the future. As such, it implements the above goals and policies. Staff finds that the proposed EDZ is in compliance with the Master Plan goals and policies.

REFERRAL

Referrals for the EDZ amendment to the Official Zoning Map of Elbert County were sent to the following agencies:

<table>
<thead>
<tr>
<th>Arapahoe County Planning Dept.</th>
<th>Agate School District #300</th>
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<tr>
<td>Douglas County Planning</td>
<td>Big Sandy School District #100-J</td>
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<tr>
<td>El Paso County Development Services Dept.</td>
<td>Calhan School District #RJ-1</td>
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<tr>
<td>Lincoln County Planning Dept.</td>
<td>Douglas County School District RE-1 - Director of Planning</td>
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<tr>
<td>Agate Volunteer Fire Department</td>
<td>Elbert School District #200</td>
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<tr>
<td>Calhan Fire District</td>
<td>Elizabeth Consolidated School District #C-1</td>
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<tr>
<td>Elbert Fire District</td>
<td>Kiowa School District #C-2</td>
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<tr>
<td>Elizabeth Fire District</td>
<td>Limon School District</td>
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<tr>
<td>Kiowa Fire Protection District</td>
<td>Peyton School District #23-JT</td>
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<tr>
<td>Limon Area Fire Protection District</td>
<td>City of Aurora, Planning</td>
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<td>North Central Fire Protection District</td>
<td>City of Limon</td>
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<td>Rattlesnake Fire District</td>
<td>Town of Elizabeth</td>
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<tr>
<td>Big Sandy/Simla Volunteer Fire Department</td>
<td>Town of Kiowa</td>
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<tr>
<td>Tri County Fire Department / District</td>
<td>Town of Simla</td>
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<tr>
<td>Elbert County Assessor</td>
<td>Elbert County Clerk and Recorder</td>
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<td>Elbert County Mapper</td>
<td>Elbert County Office of Emergency Management</td>
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<td>Elbert County Building Dept.</td>
<td>Elbert County Public Works</td>
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<td>Elbert County Engineer</td>
<td>Elbert County Environmental Health</td>
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<td>Elbert County Treasurer</td>
<td>Elbert County Sheriff</td>
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Responses were received from two agencies, Elizabeth Fire Protection District and the Town of Elizabeth. Please see attached for specific responses.

Elizabeth Fire Protection District commented that all new commercial and residential structures that utilize the EDZ Zoning will be subject to fire department requirements and fees.

The Town of Elizabeth provided separate comments from Grace Erickson, Community Development Director; Mike Pesicka Safebuilt Studio; and Mike DeVol, Public Works Director. To summarize their comments: the Town of Elizabeth is opposed to the implementation of the EDZ Overlay District. For a detailed explanation of their reasons please see their response letter that is attached.

PUBLIC WORKSHOP/OPEN HOUSE

As part of a public education process Elbert County staff and consultants conducted a public workshop/open house on December 14, 2017 in which the concept of the EDZ was presented to the public and feedback sought. Approximately 30 people attended. While not all of the attendees commented on the proposed EDZ, those that did had positive responses. The most common response was that this was a very beneficial concept for the County to pursue. None of the comments that we received at the Open House were opposed to the concept.

PUBLIC HEARING DATES

Public hearing dates are set for
- Planning Commission: July 24, 2018
- Board of County Commissioners: August 8, 2018

RECOMMENDATION

Community and Development Services staff recommends that the Planning Commission recommend that the Board of County Commissioners approve the proposed EDZ amendment to the Official Zoning Map of Elbert County.

Respectfully submitted to and on behalf of Elbert County,

Vince Hooper, PMP
Senior Planner
Baseline Corporation
Contract Planner for Elbert County
CC. Vincent Harris, AICP, Interim Director of Community and Development Services
    Sam Albrecht, Elbert County Manager
    Bart Greer, Elbert County Attorney

Attachment A – EDZ Amendment to Official Zoning Map of Elbert County
Attachment B – Referral Comments