REFERRAL REQUEST

DATE: May 18, 2018

COMMENTS DUE BY: June 4, 2018

RE: PROJECT NAME: Elbert County Economic Development Zone Overlay Zoning Map Amendment

PROJECT NUMBER: RZ-18-0028

PROJECT TYPE: Zoning Map Amendment

Dear Referral Organization:

Information on the proposal in Elbert County referenced above is enclosed for your review and comments. Please check one of the following:

☐ We have no objections to this proposal.

☑ Please note the following concerns this organization has with this proposal:
All new commercial and residential structures that utilize the EDZ Zoning with be subject to fire department requirements and impact fees.

☐ See the attached letter for detailed comments regarding this proposal.

Date: 3-29-2018

Agency Name: Elizabeth Fire Protection District

Your name (Please Print Clearly): Kara Gerczynski - Fire Marshal

Signature: Kara Gerczynski

We invite you to attend the meeting/hearing, if you wish, to express your specific comments/concerns regarding this project. Hearing dates may be obtained by calling the Elbert County Planning Department at 303-621-3136. If you are unable to submit written comments by the above date or need additional materials of information, please contact this office as soon as possible.

Please note that the Planning Department considers failure to respond as approval of the proposal by all identified agencies. This consideration is based upon the language in the Colorado Revised Statutes 30-28-136(2).

Sincerely,

Project Planner
TO: Elbert County Community Development Services Department  
Attn: Vince Hooper  
FROM: Grace Erickson, Community Development Director  
DATE: June 1, 2018  
SUBJECT: Elbert County Economic Development Zone Overlay

Dear Mr. Hooper:

This letter serves as a response to the referral request regarding the Elbert County Economic Development Zone Overlay (EDZ) Zoning Map Amendment. We have reviewed the proposed project and request that you consider our comments outlined below and enclosed.

The inclusion of the proposed EDZ zoning is inconsistent with the Town of Elizabeth’s Master Plan as well as the IGA between the Town of Elizabeth and Elbert County. The EDZ does not take into account the Town of Elizabeth’s preferred land use plan or utility plans. We do not concur with the proposed inclusion of the EDZ to the extent that it exists within the Town’s 3-mile planning area.

We request that you take the comments noted above and enclosed into consideration. We also request any modifications to the zoning inclusion to be submitted to the Town for review.

Sincerely,

Grace K. Erickson  
Community Development Director

Enclosed: Supplemental response letters

cc: Matt Cohrs, Town Administrator  
    Michael DeVol, Public Works Director  
    Town of Elizabeth Planning Commission  
    Town of Elizabeth Board of Trustees
SAFEbuilt Studio staff provides the following comments for review of the Elbert County Economic Development Overlay Zone District (EDZ) and potential impacts to the Town of Elizabeth’s existing and future development and growth.

- **EDZ Zoning Overlay:**
  - The policies of the County’s Comprehensive Plan recommend that new development should utilize existing transportation facilities and infrastructure. How is that accomplished by the new EDZ Overlay? Allowing intensification of uses along corridors that likely do not have the existing infrastructure places a burden on utilities and transportation departments to extend services further away from areas containing more concentrated population such as Elizabeth and Kiowa. This could result in an unfair burden on tax payers by allowing development to sprawl and leapfrog along designated corridors where infrastructure and services are not in place. Coordination between Elbert County and the Town will be imperative to protect the Town’s existing development and future growth boundaries.
  - Per the EDZ Overlay, development is allowed in corridors located within 1,320 feet of the centerline of identified roads and properties that have street frontage onto the subject roads. There are no assurances in the EDZ Overlay that future rezoning applications will not extend the zoning further and further away from the designated corridors and contribute to urban sprawl.

- **Impacts to Existing and Proposed Residential Development:**
  - Although existing residential subdivisions cannot apply for inclusion in the EDZ zone district, there exists the potential for incompatible or undesirable uses to be located next to existing less intense land uses. The EDZ Overlay permits a wide range of permitted and special uses that should not be located next to residential uses, regardless of buffering, landscaping and spacing requirements. It is difficult for the Town to support the EDZ Overlay when light industrial and commercial uses could be permitted next to existing residential developments.

- **General Community Resources/Special Districts**
  - The County Comp Plan contains policies that encourage new development to pay for or finance required capital improvements, and coordinate with municipalities and special districts to determine the need for such facilities. The plan recommends that the County work with towns and agencies during the development review process on proposals that fall within designated service and/or influence areas. The Town’s Master Plan requires that special districts have realistic growth expectations and a solid economic base and discourages the creation of new special districts over the expansion of existing ones.
  - Both the County and Town realize that proliferation of Metropolitan Districts, [often referred to as Title 32 Districts] within the Town’s defined Urban Growth Area will result in costly and
inefficient service delivery. To that end, the County and Town should develop parameters for the establishment of any metropolitan district. The EDZ Overlay lays the groundwork for potentially costly sprawling development requiring the creation of new service districts along the designated road corridors.

- Parks & Open Space Impacts:
  - By proposing such a wide array of uses in the EDZ Overlay, the County may permit incompatible land uses next to existing or future Town parks and trails. There are insufficient assurances in the EDC Overlay to prevent this from happening.

- Economic Development Impacts:
  - The EDZ Overlay could draw commercial and industrial uses away from the Town and negatively impact its tax base. In addition, taxpayers may be on the hook to pay for or contribute to the expansion or extension of public services to new development farther and farther away from population centers.
  - The Town’s Master Plan includes to promote and identify Elizabeth as a progressive growth and commercial center for western Elbert County. Encourage higher intensity land uses, such as new employment centers, to locate within municipal boundaries where adequate services are available and near housing for potential future employees. The EDZ Overlay does little to help promote these policies.

- Urban Growth Area:
  - The Elizabeth Urban Growth Area represents lands the Town is willing to annex within the next ten years. Most recent growth management initiatives to curb sprawl have required localities to establish urban growth boundaries within which new development is to be targeted and accommodated. It should be noted that the delineation of an Urban Growth Area does not guarantee the Town of Elizabeth will be able to service this entire area with its current facilities and capabilities. The intent of this Urban Growth Area boundary is to contain leapfrog development, preserve outlying areas for very large home sites, agricultural, and other less intensive uses until centralized services are available, and provide greater market predictability for developments that have already been approved. The EDZ Overlay conflicts with the Urban Growth Area by encouraging development to grow outside of and away from municipalities that may have more existing capacity to serve new development and control the expansion of metro districts and services.
TO: Grace Erickson  
FROM: Mike DeVol, Public Works Director  
DATE: June 1, 2018  
SUBJECT: Water/Sewer Review – Elbert County Economic Development Zone Overlay District

The Town of Elizabeth Public Works Department has reviewed the provided Elbert County Economic Zone Overlay District (ECEDZOD) documents with the updated full inclusion map. Public Works wishes to inform the ECEDZOD that the Town of Elizabeth has Master Planned the Town of Elizabeth Community to provide Water and Sewer Services well beyond our current Town Limits/Boundaries. Public Works Opposes the Zoning Amendment within the Town’s 3 mile planning area and believes that any addition of Wells and Septic Systems along the Highway 86 corridor or within the close proximity of the Town’s Master Planned Boundaries should be kept to a minimum. Water Adequacy Studies need to be conducted and approved by Colorado Division of Water Resources in the amended zoning map area to confirm the impact of water rights and uses to ensure that individual wells within these areas are sustainable long term without impacting further economic growth within these boundaries. The further addition of Single/Small Septic Wastewater package plants can have adverse effects on downstream surface water augmentation rights of individual properties as well as increase the possibility for contamination to our surrounding Surface and Ground Waters. Public Works believes that by using the Town of Elizabeth Water and Sewer infrastructure and facilities this will ultimately help ensure less impact upon Surface/Ground Water contamination as well as environmental and economic impacts for the future.

Regards,

Mike DeVol  
Town of Elizabeth  
Public Works Director  
GCWWTP Operations  
303-419-5631  
mdevol@ci.elizabeth.co.us
June 1, 2018

Ms. Grace Erickson  
Community Development Director  
Town of Elizabeth  
151 South Banner Street  
P.O. Box 159  
Elizabeth, CO 80107

RE: Referral/Water & Sewer Review  
Elbert County Economic Development Overlay Zone District (EDZ)

Dear Grace:

We have reviewed the proposed Elbert County Economic Overlay Zone District (EDZ). In Elizabeth the EDZ is a 0.5-mile swath along HWY 86 and County Rd. 13. The proposed overlay will not change current zoning but provide additive County development stipulations. This change in zoning is not necessary for areas within the Town of Elizabeth 3-mile planning boundary. As a water and wastewater consultant for the Town of Elizabeth we have the following comments:

1.) The Town of Elizabeth operates and maintains a centralized water and sewer system, and intends to modify and expand the facilities to accommodate growth within the 3-mile planning boundary.
2.) Developable Elbert County parcels, within the Town planning boundary, are proposed to be annexed to the Town and served with the Town water and sewer centralized systems.
3.) If the EDZ restricts potential annexation to the Town of Elizabeth, these County parcels could see less desirable development utilizing on-site water and sewer systems, impacting the water quality and the environment in and around the Town.
4.) The Town of Elizabeth has an established Master Plan for the community (due to be updated later this year) with a documented Urban Growth Boundary. The proposed County EDZ should be excluded from the Town planning boundary to allow for planned, controlled and environmentally sensitive growth by the Town of Elizabeth.

We are not in favor of the County creating additional Zoning within the Town of Elizabeth 3-mile planning boundary. The Town of Elizabeth is actively planning for responsible growth within their planning boundary, and additional stipulations of the EDZ are not required.

Thank you.

Sincerely,

Robert J. Anderson, PE  
Project Manager