Slade County Initiated Rezoning  
RZ-18-0052  

PLANNING COMMISSION HEARING  
September 4, 2018  

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SECTION 1:
STAFF REPORT
STAFF REPORT DATE: August 20, 2018
PC HEARING DATE: September 4, 2018
TO: Elbert County Planning Commission
FROM: Jessie Stonberg, Associate Planner (Baseline Corporation)
APPROVED: Vince Harris, AICP, Interim Director of Community and Development Services

RE: Slade County Initiated Rezoning – RZ-18-0052
Application for rezoning from the XX Zoning Map designation to the zone district of Residential Agriculture One (RA-1) for the property at 14018 SH 86, Kiowa, CO 80117 owned by Mary C. Slade.

APPLICANT: Elbert County CDS
PO Box 7, Kiowa, CO 80117

REPRESENTATIVE: Elbert County CDS

SUMMARY OF REQUEST
The applicant, Elbert County Board of County Commissioners, has submitted an application to rezone from the “XX” Zoning map designation to Residential Agriculture One (RA-1) for an existing 5 acre property. Mary C. Slade owns and lives at the property located at 14018 State Highway 86, Kiowa, CO 80117, located in Section 25, Township 8 South, Range 63 West, of the Sixth Principal Meridian.

The Board of County Commissioners directed CDS to process a County initiated rezoning of this property, per the terms of Part I, Section 6, C of the Elbert County Zoning Regulations.

The parcel in its current configuration was created outside the subdivision process, resulting in an illegal subdivision, and thus the “XX” zoning designation in the Assessor records. On July 6, 2016 the Board of County Commissioners approved a Subdivision Exemption for the Mary Slade property (Resolution 16-22) making the Lot a legal lot.

BACKGROUND ON “XX” ZONING
The subject property has long been designated “XX” in the zoning records of the County Assessor. The XX zoning designation is not a true zone district in the traditional sense. There is no XX zone district defined or described in the Zoning Regulations. The XX designation was historically placed on the Assessor records for parcels that were created outside the formal subdivision process and against state and county regulations, what is commonly known as an “illegal subdivision” of land. The XX designation was placed on many properties throughout the County to indicate that the parcel was created illegally, and likely did not meet the dimensional standards of the original zone district.
County and state regulations dictate that the zoning of a property can only be changed by a resolution of the local governing body, in this case the Board of County Commissioners. Any change of the zoning designation on the Assessor records was purely for record keeping, but over time the XX designation grew to be accepted as a zone category of its own on the adopted Zoning Maps of 2006 and 2010, and this property is shown on the official zoning maps of the county as such.

*Project Location – Elbert County*
PERTINENT DATA:

Site Description: The subject property is 5 acres in size. There is an existing home and garage on the property accessed by a driveway from State Highway 86. The site is served by a water well and an individual septic sewage disposal system.

Topography: The site is generally flat, and slopes down to the south.

Floodplain: There are no designated flood-prone areas on the property.

Existing Zoning: Existing zoning designation on the Assessor records and 2010 Zoning Map is "XX."

Proposed Zoning: Proposed zoning designation to Residential Agriculture One (RA-1).

Surrounding Zoning / Land Use:
North: A & AR Zoning / Residential & Agriculture use
South: A Zoning / Residential & Agriculture use
East: A Zoning / Residential & Agriculture use
West: A Zoning / Residential & Agriculture use

REASON FOR REQUEST: The landowner’s desire to designate an official zoning to the property in line with the property’s size and use.

APPLICATION SUBMITTAL: Formal submittal of the County initiated rezoning application was made on August 1, 2018.
COMPLETENESS REVIEW: CDS prepared the application and reviewed the application to ensure that all required submittal items were included, and considered the application to be complete.

REFERRAL PROCESS: The application was sent to referral agencies per Elbert County regulations. The referral period began on August 1, 2018.

Referral Sent To:
- Kiowa Fire Protection District
- Colorado Division of Water Resources
- Colorado Parks and Wildlife
- Kiowa School District #C-2
- Kiowa Conservation District
- Town of Kiowa
- Intermountain Rural Electric Assn.
- Mountain View Electric Assn., Inc.
- Elbert County Assessors
- Elbert County Mapper
- Elbert County Clerk and Recorder
- Elbert County Building Department
- Elbert County Building Department Inspector
- Elbert County Office of Emergency Management
- Elbert County Manager
- Elbert County Engineer
- Elbert County Public Works
- Elbert County Survey
- Elbert County Department of Health and Human Services
- Elbert County Treasurer
- Elbert County Sheriff

Referral Comments Received From:
- Colorado Division of Water Resources – no information on water demands or proposed water supplies
- Intermountain Rural Electric Assn. – no comments
- Town of Kiowa – no comment or objection
- Kiowa Fire Protection District – no objections
- Colorado Parks and Wildlife – impacts to the wildlife resource would be negligible
- Elbert County CDS Surveyor (Baseline) – minor comments on survey matters

EVALUATION:
The Planning Commission and Board of County Commissioners shall evaluate the application and consider the following criteria prior to making a motion to approve or deny the request.

Zoning Regulations, Part I, Section 6.C outline the County initiated rezoning procedure. There are no specific criteria for reviewing a County initiated rezoning. The landowner’s surveyor suggested the RA-1 zone district. Given the size of the site (5 acre) and current and anticipated future land use (single family residential), the RA-1 zone district is the appropriate zone district for the Slade property.
COMMUNITY & DEVELOPMENT SERVICES REVIEW: CDS staff prepared the required application materials in compliance with the Elbert County Zoning Regulations, Part I, Section 6.C, County Initiated Rezoning Review Procedure.

CDS staff reviewed the property’s deed and the rezone exhibit prepared by the landowner’s surveyor. The property as shown on the exhibit is the correct boundary. The Elbert County Assessor parcel records show the parcel in a different shape and size. CDS staff and the county’s survey review agree with the rezoning exhibit’s depiction of the property.

HEARING DATES CONFIRMED: Once referral agency and CDS comments were satisfactorily addressed, the case was confirmed for hearings on the September 4, 2018 Planning Commission meeting and the September 12, 2018 Board of County Commissioners meeting.

PUBLIC NOTICE: A notice of the hearing was given per Elbert County regulations including publishing a notice in the Ranchland News once weekly for three consecutive weeks. There are no sign posting or mailing requirement for County initiated rezoning applications.

FINDINGS & RECOMMENDATION
Staff recommends that the Planning Commission find that:

1. The proposal is in general conformance with the Elbert County Master Plan; and
2. The proposal meets all the criteria for approval in the Elbert County Zoning Regulations; and
3. The Elbert County Subdivision Regulations are not applicable to this project; and
4. The proposal is compatible with existing and allowable land uses in the surrounding area; and
5. The proposal will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area.

AND

Because this application has met the criteria set forth in the Elbert County Regulations and as we understand it that there are no objections from other governing bodies, the recommendation of Community & Development Services is that the Planning Commission recommend APPROVAL of RZ-18-0052 SLADE PROPERTY REZONING on a 5 acre property at 14018 State Highway 86, Kiowa, CO 80117 SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Rezoning shall not become effective until conditions of approval are met and the Rezoning Exhibit is recorded.

2. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners’ approval.

Respectfully submitted to and on behalf of Elbert County,

Jessie Stonberg
Associate Planner
Baseline Corporation

CC: Vince Harris, AICP, Interim Director of Community and Development Services
Christina Stanton, Director of Community and Development Services
SECTION 2:
Application Materials
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Complete All Boxes

<table>
<thead>
<tr>
<th>Applicant/Authorized Representative: Elbert County CDS</th>
<th>Address &amp; Zip Code: PO Box 7, Kiowa, CO 80117</th>
<th>Phone: 303-621-3185</th>
<th>Email: <a href="mailto:jessie.stonberg@baselinecorp.com">jessie.stonberg@baselinecorp.com</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner: Mary C. Slade</td>
<td>Address &amp; Zip Code: 14018 St HWY 86, Kiowa, CO 80117</td>
<td>Phone: 303-621-2153</td>
<td>Email:</td>
</tr>
<tr>
<td>Project Address/Location: 14018 St HWY 86, Kiowa, CO 80117</td>
<td>Project Name: Slade Rezone (County Initiated)</td>
<td>Project Description: Rezoning Slade property from XX to RA-1</td>
<td></td>
</tr>
<tr>
<td>Parcel Number: 8328300116</td>
<td>Water Rights Owner: Mary Slade</td>
<td>Mineral Rights Owner:</td>
<td></td>
</tr>
<tr>
<td>Existing Zoning &amp; Use: XX</td>
<td>Proposed Zoning: RA-1</td>
<td>Section/Township/Range: Section 25, Twp 8S, Range 63W</td>
<td>Subdivision/Lot/Block: N/A</td>
</tr>
<tr>
<td>Source of Water: Well</td>
<td>Source of Electricity: MVEA</td>
<td>Source of Sanitation: Septic</td>
<td>Source of Natural Gas:</td>
</tr>
</tbody>
</table>

Application Agreement: Review of this application and supportive documentation will not begin until the Community & Development Services Department deems the application complete. No application or pre-application submittal will be considered complete until all required pieces are submitted in both hard-copy and as an individually labeled, digital collection on a single CD/DVD or thumb drive. Applicant acknowledges that there is no mutually agreed upon time between the County and the applicant during which this application will be approved, conditionally approved or denied. In addition to the standard Land Use Fees, the applicant is responsible for all Public Notice Costs including but not limited to signs, legal notices, and certified mail.

Fees & Notices Agreement: The applicant agrees to pay for reasonable additional engineering and/or consultation when requested by the Community & Development Services Department, Planning Commission or Board of County Commissioners when, in their opinion, additional information, studies, or investigations are needed to help clarify the proposal made. The applicant also agrees to remove any Public Notice Sign for hearing notification within 7 days after the final hearing, and acknowledges that this must be completed as a condition of approval prior to the recording of Mylars or Final Plats.

Applicant’s Signature: Jessica Stonberg Date: 08/01/2018

If property owner is represented by a third party, fill out the Property Owner Disclosure below.

Property Owner Disclosure: I/We, ___________________________ do hereby acknowledge my/our full awareness of the application/request being presented to Elbert County by ___________________________ for the parcel of land indicated, and for the reason(s) noted on this completed application. I/We hereby acknowledge the person(s) noted is/are my/our authorized representative(s) in the matter. I/We hereby grant permission for the Elbert County Community & Development Services Department, or any referral agency they require, to access the parcel of land indicated for reasons of reviewing and evaluating the land use application.

Owner Name Printed: ___________________________ Owner Signature ___________________________ Date: __________

Owner Name Printed: ___________________________ Owner Signature ___________________________ Date: __________

State of ___________________________ County ___________________________ §: The above and foregoing instrument was subscribed and sworn to before me, in my presence, a Notary Public in and for the County of ________________, State of ________________, this ________________ day of ________________, 20__.

(SEAL)

Notary Signature ___________________________
QUIT CLAIM DEED

THIS DEED, Made this 8th day of November, 1984, between Charles E. Reese and Donna L. Reese

of the County of Elbert and State of Colorado, grantor(s), and

Houston H. Slade and Mary C. Slade, husband and wife, as joint tenants

whose legal address is 620 Nucla Way, Aurora, Colorado

of the County of Arapahoe and State of Colorado, grantee(s).

WITNESSETH, That the grantor(s), for and in consideration of the sum of Ten ($10.00) DOLLARS, receipt and sufficiency of which is hereby acknowledged, have remised, released, sold, conveyed and QUIT CLAIMED, and by these presents do remise, release, sell, convey and QUIT CLAIM unto the grantee(s), their heirs, successors and assigns, forever, all the right, title, interest, claim and demand which the grantor(s) have in and to the real property, together with improvements, if any, situate, lying and being in the County of Elbert and State of Colorado, described as follows: A parcel of land in the SW ¼ of the NW ¼ of Sec. 25, T85S, R63W, of the 6th Principal Meridian, in Elbert County, Colorado, said parcel being more particularly described as follows:

Beginning at a point on the West line of said Sec. 25, the same being on the existing southerly right-of-way line of State Highway 86 (Nov. 1984), from which the NW corner of the SW ¼ of the NW ¼ of Sec. 25 bears N 00° 10' 30" E, a distance of 27.9 feet;

1) Thence S 00° 10' 30" W, along the West line of said Sec. 25, a distance of 861.7 feet;

2) Thence S 89° 49' 30" E, a distance of 272.6 feet;

3) Thence N 00° 10' 30" E, a distance of 736.4 feet, to a point on the existing southerly right-of-way of State Highway 86;

4) Thence N 65° 08' W, along said right-of-way line, a distance of 300.0 feet, more or less, to the point of beginning.

The above-described parcel contains 5.000 acres, more or less.

also known by street and number as: vacant land

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges therunto belonging or in anywise therunto appertaining, and all the estate, right, title, interest and claim whatsoever, of the grantor(s), either in law or equity, to the only proper use, benefit and behoof of the grantee(s), their heirs and assigns forever.

IN WITNESS WHEREOF, The grantor(s) have executed this deed on the date set forth above.

Charles E. Reese

Donna L. Reese

STATE OF COLORADO.

The foregoing instrument was acknowledged before me in the County of Elbert, this 8th day of November, 1984, by Charles E. Reese and Donna L. Reese, My commission expires 12-2-87.

Betty J. Names

Notary Public

State of Colorado

*If in Denver, use Betty J. Names

NO. 933. Rev. 1-84. QUIT CLAIM DEED. Bradiford Publishing, 5625 W. 6th Ave., Lakewood, CO 80214 — (303) 233-6000

State Documentary Fee

Date: NOV 8-1984

Book 374 Page 275

Quincy, Ill.
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SECTION 3: Referral Comments
Ms. Stonberg:

This referral contained no information on water demands or proposed water supplies. We therefore do not see the reason for its being referred to our office and have no comments. If there is a water supply related issue the county wants our office to provide comments on, please have the county provide further explanation and sufficient information for our review of the water supply issues.

Keith Vander Horst  
Chief of Water Supply, Basins

P 303-866-3581 ext. 8266  
1313 Sherman St., Room 821, Denver, CO 80203  
keith.vanderhorst@state.co.us | water.state.co.us

On Fri, Aug 3, 2018 at 3:59 PM, Jessie Stonberg <jessie.stonberg@baselinecorp.com> wrote:

Dear referral agency:

On behalf of Elbert County Community & Development Services, please accept this request for referral comments for a land use application. Please review the documentation attached and provide a referral response by 5 PM Friday August 17, 2018.

The proposal is a county initiated rezoning from XX to Residential Agriculture 1 (RA-1). For the property at 14018 ST HWY 86, Kiowa, CO 80117 owned by Mary C. Slade.

Please let me know if you have any questions.

Thank you.

**We have moved** Please note our new corporate HQ address
Ms. Stonberg;

The Association has reviewed the contents in the above-referenced referral response packet. We reviewed the project for maintaining our existing facilities, utility easements, electric loading, service requirements and environmental impact.

The Association has no comments at this time.

Respectfully

Brooks Kaufman
Lands and Rights of Way Director
5496 N. US Hwy 85
Sedalia, CO 80135
Direct : 720.733.5493
Cell : 303.912.0765
bkaufman@irea.coop

From: Jessie Stonberg [mailto:jessie.stonberg@baselinecorp.com]
Sent: Friday, August 3, 2018 4:00 PM
To: Vince Harris; Christina.Stanton@elbertcounty-co.gov
Cc: Ethan Watel; Tracey.Aaron@elbertcounty-co.gov; Jessie Stonberg
Subject: Land use referral: Slade Rezone (Elbert County)

Dear referral agency:

On behalf of Elbert County Community & Development Services, please accept this request for referral comments for a land use application. Please review the documentation attached and provide a referral response by 5 PM Friday August 17, 2018.

The proposal is a county initiated rezoning from XX to Residential Agriculture 1 (RA-1). For the property at 14018 ST HWY 86, Kiowa, CO 80117 owned by Mary C. Slade.

Please let me know if you have any questions.
Thank you.

**We have moved** Please note our new corporate HQ address
Hey Ethan,

I’ve looked up the property location and zoning maps of Elbert County...in representing the Town of Kiowa, RGA has no comment or objection to this rezoning request. Thanks for the opportunity to review.

Ross Culbertson  
Senior Planning Project Manager  
Desk: (303) 468-8486  
Wk Cell: (720) 899-6270

---

Dear Jen,

FYI – this is the project I called you about last week. Give me a call if you need to discuss it.

Thanks!

**We have moved** Please note our new corporate HQ address below:  
**ETHAN WATEL, AICP | Senior Planner, Project Manager | Baseline Engineering, Planning, & Surveying |**  

Baseline Engineering - Civil Engineers | Land Survey ...
From: Ethan Watel  
Sent: Monday, August 06, 2018 8:44 AM  
To: 'townadministrator@townofkiowa.com'; Jessie Stonberg  
Cc: Vince Harris; Tracey.Aaron@elbertcounty-co.gov; Christina.Stanton@elbertcounty-co.gov  
Subject: RE: Land use referral: Slade Rezone (Elbert County)

Good morning Michelle,

The Mary Slade property is within three miles of the boundaries of the Town of Kiowa. Per the intergovernmental agreement between the Town and the County, the County is obligated to send referrals to you for comment, with a 21-day review period.

Baseline is the contract planner for Elbert County CDS. We represent the county. The County has filed an application to rezone the Slade property from XX to RA-1 through our County initiated rezoning process.

Please let Jessie or me know if you have any other questions. Thanks!

**We have moved** Please note our new corporate HQ address below:

ETHAN WATEL, AICP | Senior Planner, Project Manager | Baseline Engineering, Planning, & Surveying | 112 N. Rubey Drive, Suite 210 | Golden, CO 80403 | Phone: 303.202.5010x218 | Fax: 303.940.9959 | Cell: 720.239.2835 | www.baselinecorp.com

From: townadministrator@townofkiowa.com [mailto:townadministrator@townofkiowa.com]  
Sent: Monday, August 06, 2018 8:19 AM  
To: Jessie Stonberg  
Cc: Vince Harris; Ethan Watel; Tracey.Aaron@elbertcounty-co.gov; Christina.Stanton@elbertcounty-co.gov  
Subject: Re: Land use referral: Slade Rezone (Elbert County)

Good morning, Jessie.

Mary Slade's property is outside the Town of Kiowa city limits. Please send this to the Elbert County Planning Department. Their phone number is 303-621-3136. Thank you.

Michelle Campbell, Bookkeeper  
Town of Kiowa  
303-621-2366

On 2018-08-03 18:03, Jessie Stonberg wrote:
Dear referral agency:

On behalf of Elbert County Community & Development Services, please accept this request for referral comments for a land use application. Please review the documentation attached and provide a referral response by 5 PM Friday August 24, 2018 (21 days per intergovernmental agreement).

The proposal is a county initiated rezoning from XX to Residential Agriculture 1 (RA-1). For the property at 14018 ST HWY 86, Kiowa, CO 80117 owned by Mary C. Slade.

Please let me know if you have any questions.
Thank you.

**We have moved** Please note our new corporate HQ address
112 N. Rubey Drive, Suite 210, Golden, CO 80403

JESSIE STONBERG | Associate Planner | Baseline Engineering, Planning, & Surveying | 112 N. Rubey Drive, Suite 210 | Golden, CO 80403 | Phone: 303.202.5010x221 | Fax: 303.940.9959 | www.baselinecorp.com
REFERRAL REQUEST

DATE: 8/3/2018  COMMENTS DUE BY: Friday, August 17, 2018

RE: PROJECT NAME: Slade Rezone (XX to RA-1)
PROJECT NUMBER: RZ-18-0052
PROJECT TYPE: Rezone

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:

_________________________________________________________________________________

[ ] See the attached letter for detailed comments regarding this proposal.

Date: 08-15-18
Agency Name: Kiowa Fire Protection District
Your name (Please Print Clearly): GERALD L. LAMANSKY
Signature: _____________________________ FIRE CHIEF

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 Statues 30-28-136(2).

Sincerely,

Project Planner
Baseline Engineering, Planning, and Surveying  
ATTN: Jessie Stonberg  
112 N. Rubey Drive, Suite 210  
Golden, CO 80403  

Re: Proposed Slade Rezone (XX to RA-1); Project number RZ-18-0052  

Dear Mr. Stonberg,  

Colorado Parks and Wildlife (CPW) has reviewed the plans for the proposed Slade Rezoning from XX to RA-1, in Elbert County, Colorado. Colorado Parks and Wildlife (CPW) is in receipt of the above referenced permit application and is familiar with the site. Based both on the location and type of action that has been taken CPW anticipates that the impacts to the wildlife resource from this project would be negligible.

We appreciate being given the opportunity to comment. Please feel free to contact District Wildlife Manager, Aaron Berscheid, should you have any questions or require additional information at 719-439-9601 or via email at aaron.berscheid@state.co.us

Sincerely,

Frank McGee  
Area Wildlife Manager

Cc: SE Regional Files  
    Area 14 Files  
    Aaron Berscheid, DWM