COUNTY OF ELBERT

COMMUNITY & DEVELOPMENT SERVICES OFFICE
P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3185 FAX: 303-621-3165

STAFF REPORT DATE:
PC HEARING DATE:
TO: Elbert County Planning Commission
FROM: Andrew Baker, Associate Planner (Baseline Corporation)
APPROVED: Vince Harris, AICP, Planning Director (Baseline Corporation)
Christina Stanton, Director of Community and Development Services

RE: **ELBERT FIRE COUNTY INITIATED REZONING – RZ-18-0063 & RZ-18-0065**
County initiated rezoning for two fire department facilities on a 2.3 acre property at 23990 County Road 69, and a 3 acre property at 700 County Road 98.

APPLICANT: Elbert County Board of County Commissioners

REPRESENTATIVE: Elbert County CDS

DRAFT

SUMMARY OF REQUEST

The applicant, Elbert County Board of County Commissioners, has submitted an application requesting a rezone from the "XX" zoning map designation to "R-1" (Residential One) on the 2.3 acre property, and to "RA-2" (Residential Agriculture-Two) on the 3 acre property. The Elbert Fire Protection District owns the property located at 23990 County Road 69, Elbert, CO, 80106, as well as the property addressed at 700 County Road 98, Elbert, CO, 80106. These properties are located in Section 4, Township 10 South, Range 62 West and Section 3, Township 10 South, Range 65 West, respectively.

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 September 12th, 2018 the Board of County Commissioners passed Resolution 18-31 directing CDS to rezone these properties in order for the Elbert Fire Protection District to eventually construct a facility on each.

BACKGROUND ON "XX" ZONING

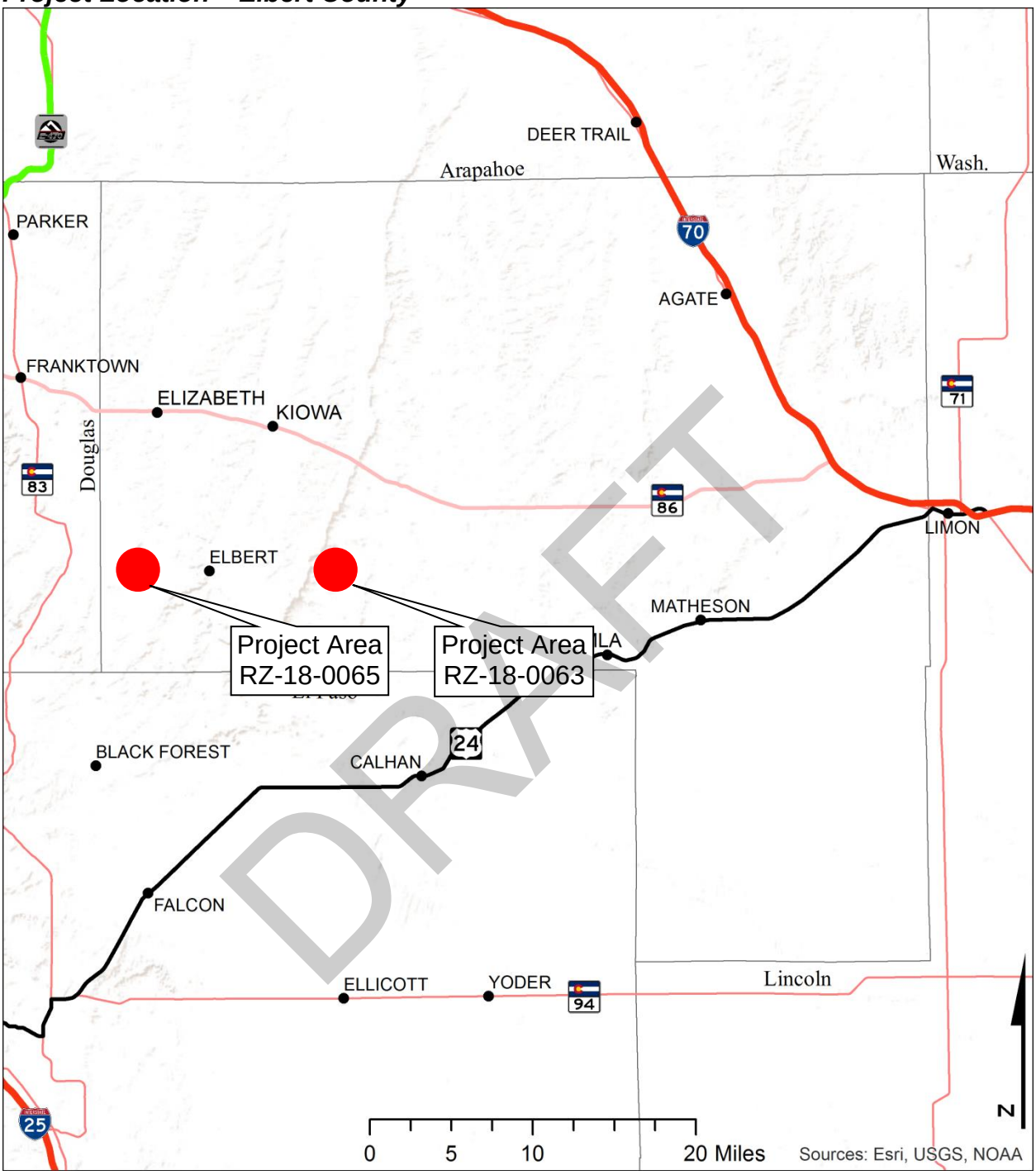
The subject property has long been designated "XX" in the zoning records of the County Assessor. The XX zoning designation is not a true zone district in the traditional sense. There is no XX zone district defined or described in the Zoning Regulations. The XX designation was historically placed on the 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.

DRAFT

Project Location – Elbert County

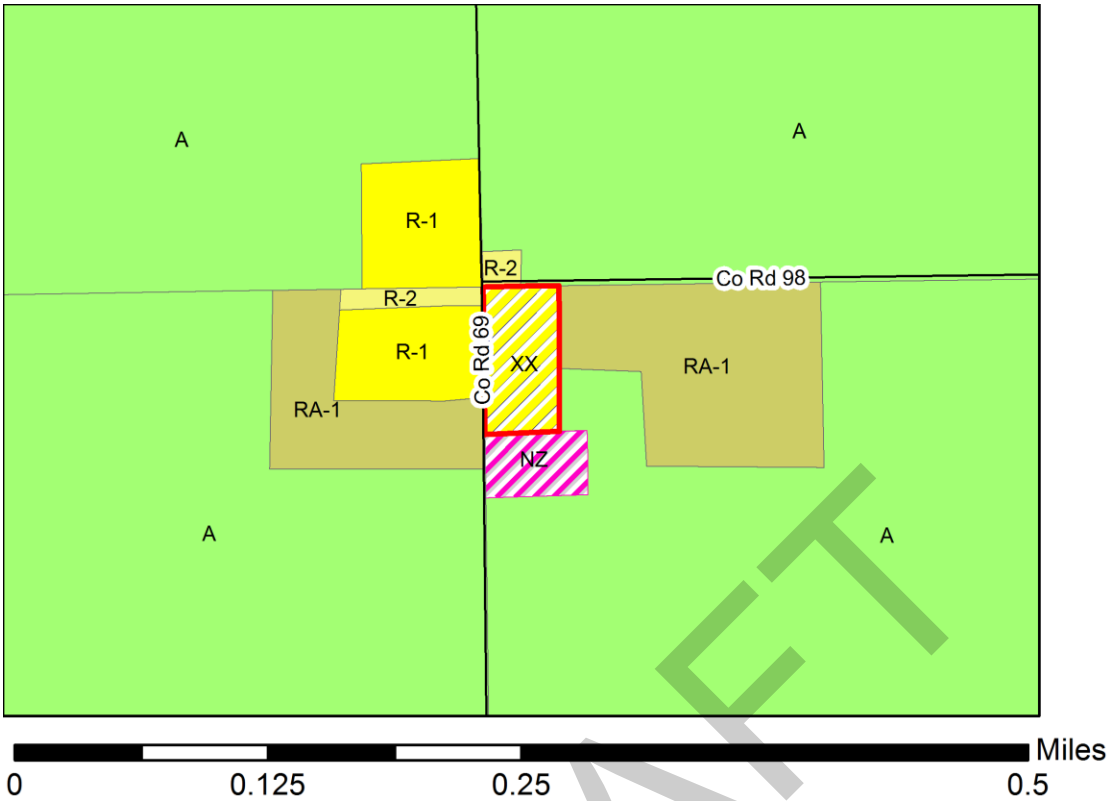


RZ-18-0063

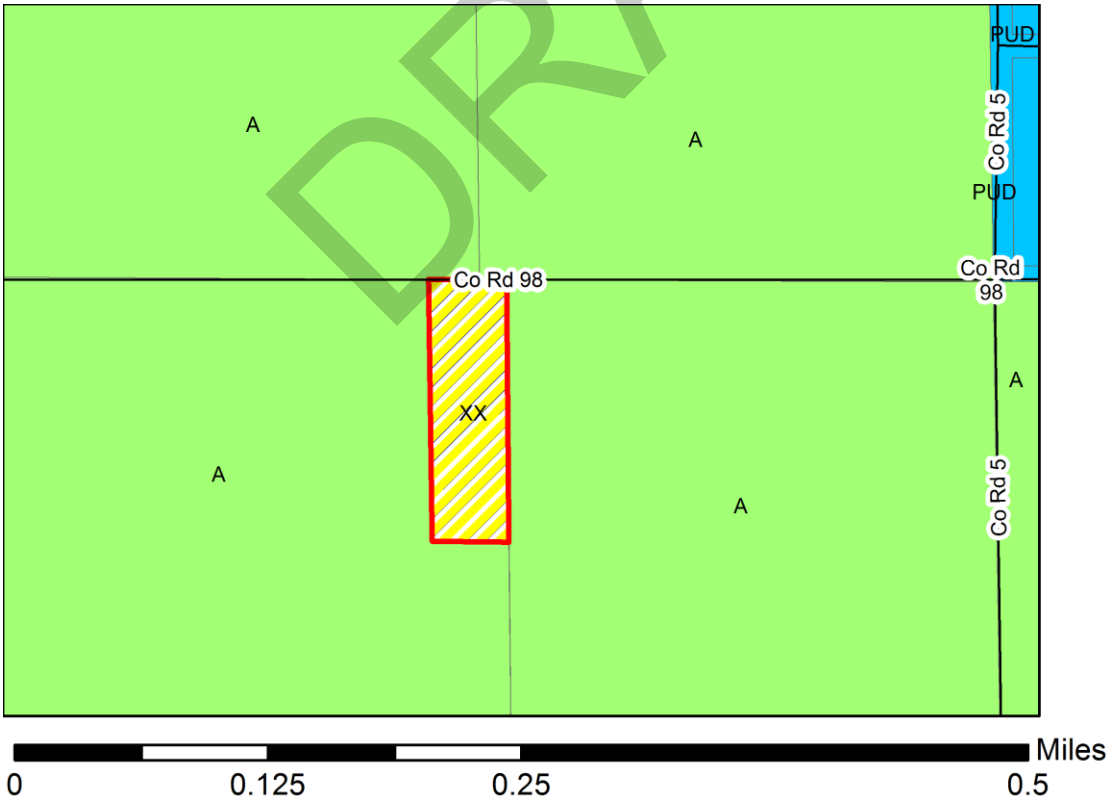
RZ-18-0065

DRAFT

RZ-18-0063



RZ-18-0065



DRAFT

PERTINENT DATA RZ-18-0063:

Site Description: A 2.3 acre property of vacant land served by a water well and individual septic sewage disposal system.

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

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

Existing Zoning: Designated XX

Proposed Zoning: R-1

Surrounding Zoning / Land Use:
North: R-2, A / Residential & Agricultural Uses
South: NZ / Residential & Agricultural Uses
East: RA-1, A / Residential & Agricultural Uses
West: R-1, R-2, RA-1, A / Residential & Agricultural Uses

PERTINENT DATA RZ-18-0065:

Site Description: A 3 acre property of vacant land served by a water well and individual septic sewage disposal system.

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

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

Existing Zoning: Designated XX

Proposed Zoning: RA-2

Surrounding Zoning / Land Use:
North: A / Residential & Agricultural Uses
South: A / Residential & Agricultural Uses
East: A / Residential & Agricultural Uses
West: A / Residential & Agricultural Uses

REASON FOR REQUEST: On September 12th, the Board of County Commissioners directed CDS to process a rezoning for these properties by approving Resolution 18-31. The applicant's desire is to rezone these properties in order to designate them with an official zoning district prior to constructing new fire department facilities.

APPLICATION SUBMITTAL: Formal submittal of the rezone application was made on August 30, 2018.

COMPLETENESS REVIEW: CDS 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 September 28, 2018.

DRAFT

Referral Sent To:

- Colorado Division of Parks and Wildlife
- Colorado Division of Water Resources
- Elbert School District #200
- Kiowa Conservation District
- 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
- Elbert Fire District
- Agate Mutual Telephone
- FairPoint Communication
- Bijou Telephone Company
- Black Hills Energy
- Comcast
- Eastern Slope Rural Telephone Assoc.
- CenturyLink
- Mountain View Electric Assn., Inc.
- TDS Telecom Network Services
- XCEL Energy of Colorado
- Elizabeth Park and Recreation District

DRAFT

Referral Comments Received From:

- Black Hills Energy – No comment
- Mountain View Electric – No objection
- Xcel Energy – No objection
- Elbert Fire – No objection

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 size of the property and surrounding residential and agricultural uses have been found to be consistent with the proposed R-1 and RA-2 zone districts.

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.

HEARING DATES CONFIRMED: Once referral agency and CDS comments were satisfactorily addressed, the case was confirmed for hearings on the October 16th, 2018 Planning Commission meeting and the October 24th, 2018 Board of County Commissioners meeting.

PUBLIC NOTICE: Proper notice of the hearing was given per Elbert County regulations including publishing a notice in the Ranchland News on September 28th, October 4th, and October 11th, 2018.

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-18-0064 & RZ 18-0065 ELBERT FIRE – COUNTY INITIATED REZONE** on a 2.3 acre property at 23990 CR 69 and a 3 acre property at 700 CR 98 **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,

Andrew Baker
Associate Planner
Baseline Corporation

CC. Vince Harris, AICP, Baseline Planning Director
Christina Stanton, Director of Community and Development Services

DRAFT