ELBERT COUNTY
Meeting Minutes
PLANNING COMMISSION HEARING
BOCC HEARING ROOM
215 COMANCHE ST
KIOWA 80117
MARCH 5, 2018

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 7:00 pm by Bob Lewis.

PRAYER: None

PLEDGE OF ALLEGIANCE: Led by Kipp Parker

ROLL CALL

Commission members present: Dan Rosales, Ron Turner, Dan Michalak, Kipp Parker, Linda Krausert, and Jim Keen

Staff present: Vince Hooper (Baseline), Jaxon Fagan (Baseline), Tracey Aaron, CDS Administration

STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS ACTION(S)

A. No items

CITIZEN COMMENTS ON GENERAL ITEMS: None

CONSENT CALENDAR

A. No items

APPROVAL OF MEETING MINUTES: None
Dan Rosales summarizes contents / applications which are to be heard tonight.

- 5 applications:
  - Prairie Ridge: RZ-17-0010 & MD-17-0041
  - Bijou Hills Wind Met Tower: Hertnecky SU-17-0055
  - Bijou Hills Wind Met Tower: Mitchell SU-17-0056
  - Bijou Hills Wind Met Tower: Cedar Ridge SU-17-0058

JAXON FAGAN (Baseline) – PRESENTATION OF STAFF REPORT: PRAIRIE RIDGE

Overview of Prairie Ridge: RZ-17-0010 and MD-17-0041:
- Pre-application: March 21, 2017
- Application: October 16, 2017
- Rezone from A to AR
- Minor Residential Development: Subdividing 81.7 acres into 7 single family residential lots and 1 tract
- Southeast of intersection CR 5 and CR 158, North of existing subdivision
- Agriculture use on site right now
- Near Quail Hills subdivision
- Access would be through Sage Circle Road
- Public Works request that the cul-de-sac be vacated and be made a 60 ft. right of way, built to county standards
- Parks & Rec. had no objections
- Public Works: comments about proof of ownership, access (previously discussed), drainage, and formatting of exhibits
- Public Health: no objections, septic permits
- CDS: Exhibit, ROW dedication, access, and driveway
- Notification: mail sent to all residents 1320 feet within project, 2 signs, and printed in Ranchland News

FINDINGS & RECOMMENDATIONS:
- Proposal was in compliance with new Elbert County Comprehensive Plan
- Rezone is compatible with land use
- Setback are low impact on neighbors
- Surrounding areas are developing generally as single family area; similar density
- Minimal impact on road system; traffic study
- Septic system will need county approval
- Public safety: Fire Dept. found access acceptable
- Not in flood plain
- Minimal impact on natural environment
- Meets approval in zoning regulations
- No objections from other governmental agencies
• Staff recommends approval with the following conditions:
  o Removal of Public Hearing sign within 7 days
  o Rezone not effective until all fees are paid including impact fees, cash-in-lieu of land dedications, conditions of approval are met, and the Rezone Exhibit is recorded
  o Recordation of documentation within 180 days of BOCC approval
  o Applicant comply with all the requirements of the Elizabeth Fire District
  o Prior to obtaining a grading permit: Right of Way for Sage Circle be re-platted/vacation as a 60 ft. right of way as required by Elbert County Public Works

END JAXON FAGAN PRESENTATION

APPLICANT REPRESENTATIVE: CJ KIRST
• Summarizes it as a simple subdivision
• One row, ends in a cul-de-sac
• No problems with county requirements. Will discuss with Public Works and Elizabeth Fire on vacating the previous cul-de-sac and it’s timing to create a right of way instead. Need more clarity to satisfy
• All on well and septic with similar size houses
• Will have open space maintained by HOA
• Willing to comply with all the conditions of approval

END CJ KIRST

BEGIN PUBLIC COMMENT – PERSONS WHO SPOKE:

Earnest McKinnon: Where is water resource coming from? Which aquifer?
CJ: Upper Dawson.

Terry Belton: Wondering if CR 5 which loops around and connects with CR 154 is part of this project?
CJ: Believes the road in question is further west, therefore not a part of this project.

END PUBLIC COMMENT

PLANNING COMMISSION DISCUSSION, REVIEW, & QUESTIONS:

Linda Krausert: Only concern was about water and where it was coming from, which was already answered.

Ron Turner: Typo on final plat, Miller property is actually CR 158 not CR 157. Also wondered if it was the final plat; it will need the cul-de-sac worked in with Public Works and County. Advises to work with Road and
Bridge to ensure the cul-de-sac will allow for a firetruck to turn around in as well as a grader.

Ron Turner: Finds a second letter of questions from Enertia dated 1/7/2018 but no response was included.

CJ: A response was made on 1/24/2018.
Jaxon: It was mistakenly not included in packet.

CJ & Ron: Discuss the agreement to vacate the circle, make it Sage Road, and tie it into the road which runs into Quail Hills subdivision. Fire Department is ok with a single entrance and single exit.

Dan Michalak: Will an HOA agreement express to the landowners the usage of water, animal allowance, etc.? Owners need to know homestead use water and its limit and what their water situation is.

CJ: Referring to the decree: complying with the county requirements.

Dan Michalak: Reiterates that the owners must understand this is not an “ag” property and what the water situation is.

CJ: It is stated in the CC & R and any time the purchaser closes they will have a right to drill one well. That well will have usage allowances for what they can use the well for. In addition, the CC & R’s do talk about the limitations on animals.

Dan Michalak: Weed management plan? Does not want to see noxious weeds come up due to overgrazing; looking for management practices to keep the land from being destroyed.

CJ: Will make sure the document from Conservation District be included in closing. Feels this is a good start and is very familiar with the vegetation.

Jaxon: Applicant provided response made from Conservation District in regards to weed management.

Kipp Parker: Would like to confirm legal description in Section 23?
CJ: Yes.

Dan Rosales: What is the reason why the old cul-de-sac going to be vacated?

CJ: It was always contemplated. When Prairie Ridge came in, Public Works recommended that the arc circle, Sage Circle be vacated.

Dan Rosales: Is there a common space which will be open?

CJ: Yes. Developer plans on planting more trees.

Dan Michalak: Speaks to CJ about being a representative to Quail Hills.
END PC QUESTIONS

PC POLL:

Applicant Representative, CJ Kirst accepts all findings and conditions.

ROLL CALL VOTES:

RZ-17-0010 – Motion to recommend for approval to include conditions and findings by Jim Keen, second by Kipp Parker. The motion carried 6-0 with two commissioners absent.

MD-17-0041 – Recommend approval with 5 conditions and findings. Motion recommended by Ron Turner, second Jim Keen. The motion carried 6-0 with two commissioner absent.

CORY MILLER (Baseline) PRESENTATION: BIJOU HILLS MET. TOWERS – HERTNECKY, MITCHELL, & CEDAR RIDGE

Overview of all three sites: SU-17-0055, SU-17-0056, SU-17-0058
• Three requests for three separate Special Use by Reviews, for installation of three separate Meteorological Towers, on three separate site properties in Eastern Colorado
• Same regulations and restrictions
• Nature and design of towers are all identical
• Submitted as one staff report and one presentation
• Due to being on three separate parcels, they require three separate permits
• Purpose of towers: used to collect meteorological data across different areas of eastern Elbert County
• Each tower named after property ownership
• Approximately 196.85 feet or 60 meters
• Each tower is spaced 9 – 10 miles apart
• All towers located on large, agricultural parcels
• Built to collect wind data. It is designed to determine what can or cannot be built in Elbert County
• They do not broadcast signals
• Not permanent structures; removed after 2 – 3 years
• Solar powered
• Setbacks exceed towers’ height
• No water sources required; tower only
• One solar aviation light
• No security fencing or landscaping due to temporary use
• Notices did go out to ½ mile surrounding properties
• Three notice signs were installed
• Ranchland News publication done as well
FINDINGS & RECOMMENDATIONS:
- Proposal was in compliance with new Elbert County Master Plan
- Specific to Elbert County Regulations
- Very little impact on environment; few impervious materials used
- No materials or chemicals which could wash into county’s water supply
- Sits on a 5 x 5 platform
- Rezone is compatible with land use
- Setbacks are low impact on neighbors
- Compatible with surrounding uses
- Public safety
- No impact on local roads
- Self-powered; no need to connect to grid
- Simla Fire Protection had no referral comments
- Safety: have large setbacks to ensure public safety should it fall over
- Did not receive any referrals back except from Big Sandy School District requesting monetary impact fees for future use
- Staff recommends approval

CONDITIONS OF APPROVAL: 2 additional
- Staff recommends approval with the following conditions:
  - Removal of Public Hearing sign within 7 days
  - Rezone not effective until all fees are paid including impact fees, cash-in-lieu of land dedications, conditions of approval are met, and the Rezone Exhibit is recorded
  - Recordation of documentation within 180 days of BOCC approval
  - Comply with all FAA and FCC regulations and recommendations shall be adhered to for the life of the three towers – building dept. has a checklist as well
  - All SUR entitlements shall be removed from the property upon removal of towers

END CORY MILLER’S PRESENTATION

APPLICANT PRESENTATION: SCOTT CALDWELL, VP of Development
- Speaks of towers being standard for this type of data collecting
- Sites were selected by meteorologist
- Measuring the extents of the project to make sure we have a good model
- Lease arrangements with private owners for 10 years
- Once the towers are erected they may only be up for three years

END SCOTT CALDWELL PRESENTATION

BEGIN PUBLIC COMMENT:
- Ernest Makita: Concerns about future wind farm development; is there a plan? And what would happen if windmills were to be built?
- Scott: The project is still in pretty early days. The effect of turbines on neighboring properties is premature to talk about since they don’t have a layout yet. There are setbacks from property lines and roads. This project
will help determine what impacts there might be. They are not aware of any detrimental impacts.

END PUBLIC COMMENT

PLANNING COMMISSION DISCUSSION, REVIEW, & QUESTIONS:

Linda Krausert: How quickly could you get your data….12, 18, 24 months?

Scott Caldwell: This is an area where more data is better. They definitely look to keep the towers up for at least 18-24 months. Hope is to build this project by end of 2020.

Kipp Parker: Value of neighboring properties existing near wind projects in other areas in Colorado? Successful chances for such projects?

Scott Caldwell: Common question that comes up. Cannot give specifics. Property owners understand the community benefits and increase tax bases once projects are up. Extremely competitive and hard to tell which projects will be selected by Excel.

Kipp Parker: Land leases lined up with owners?

Scott Caldwell: No, still looking and talking with larger land owners.

As a side note, Kipp (?) mentioned he had a Met Tower on his property and once it was completed and no longer needed, they took the tower down and left no remnants. He was able to immediately go and farm right over the area.

Ron Turner: Staff Report page 7 – regarding Health & Human Services response…no objections.

Scott Caldwell: The one response was applicable for all 3 sites.

Ron Turner: How do the people scale the towers for yearly maintenance?

Scott Caldwell: These are tilt up towers….there is no scaling involved. They are able to tilt at an angle for the workers to do what is needed.

Dan Rosales: Conditions of approval – restore area back to previous condition prior to tower. Would like to enter into notes, when entering into wind farm contract to recommend radar lights be installed.

END PLANNING COMMISSION QUESTIONS

ROLL CALL VOTES:

SU-17-0055 – BIJOU HILLS MET TOWER / HERTNECKY: Motion to recommend for approval with conditions made by Dan Michalak, a second by Linda Krausert. The motion carried 6-0 with two commissioners absent.
SU-17-0056 – BIJOU HILLS MET TOWER / MITCHELL: Motion recommended for approval subject to findings and conditions made by Dan Michalak, second by Linda Krausert. The motion carried 6–0 with two commissioners absent.

SU-17-0058 – BIJOU HILLS MET TOWER / CEDAR RIDGE: Motion recommended for approval subject to findings and conditions and recommendations made by Dan Michalak, second by Linda Krausert. The motion carried 6 – 0 with two absent.

MEETING ADJOURNED AT 8:37 PM