ELBERT COUNTY
Meeting Minutes
PLANNING COMMISSION HEARING
BOCC HEARING ROOM
215 COMANCHE ST
KIOWA CO 80117
FEBRUARY 19, 2019

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 7:01 pm.

PRAYER: Led by Jim Keen

PLEDGE OF ALLEGIANCE: All

ROLL CALL

Commission members present: Peter Hoogendyk, Danny Willcox, Anthony Hartsook, Linda Krausert, Jim Keen, and David Lenio.

Staff present: Christina Stanton, CDS Director; Tracey Aaron, CDS Administration; Andrew Baker, Baseline.

STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS ACTION(S)

Christina Stanton reminds PC of next week’s training on February 26, 2019.

CITIZEN COMMENTS ON GENERAL ITEMS

• None

END PUBLIC COMMENTS
CONSENT CALENDAR
   A. No items

APPROVAL OF MEETING MINUTES:
   A. January 15, 2019 – Approved as written

PUBLIC HEARING BEGINS

Danny Willcox reviews the Public Hearing process:

This matter requires this body to conduct a quasi-judicial hearing, which means the body must find facts and base its decision upon the application of the adopted regulation standards/criteria and the competent, substantial and material evidence received during this hearing. All testimony must be competent, on topic and not repetitious.

ANDREW BAKER (Baseline): PRESENTATION OF ELBERT COUNTY GRAVEL PIT – SU-18-0042

Andrew Baker briefly introduces himself to the new Planning Commissioners.

Overview of ELBERT COUNTY GRAVEL PIT - Application SU-18-0042:
- A request to approve a Special Use Review for a gravel extraction business on a 68.46 acre parcel
- Applicant is Robert Christian
- Baseline received the application on November 5, 2018
- Referral process began a few days after
- Located on 25295 N. Elbert Rd.
- Notice of Public Hearing was posted per Elbert County Regulations
  - Mailer to all property owners within 1,320 feet from property boundaries
  - Sign on property
  - Elbert County Newspaper
- Property is north of the town of Elbert
  - Located on corner of North Elbert Rd. and CR 102
- Gravel place has been in existence previously but never permitted
- Zoned Agriculture
- Mostly surrounded by Agriculture
- Gravel is allowed in the Agriculture zone as a Special Use
- Applications were sent to the following referral agencies per Regulations:
  - Elbert County
    - Assessor
    - Building Dept.
    - Building Inspector
    - Clerk and Recorder
    - Engineer
    - Health and Human Services
    - Office of Emergency Management
    - Public Works
• Sheriff
• Treasurer

♂ Other Agencies
  ■ Colorado Division of Water Resources
  ■ Colorado Parks and Wildlife
  ■ Elbert County Fire District
  ■ Kiowa Conservation District
  ■ Elbert County School District #200
  ■ Public Service Company

♂ Comments Received:
  ■ Colorado Division of Water Resources: No objections
  ■ Public Service Company: No objections
  ■ Elbert County Building Dept.: Accessory structures will be reviewed as a commercial structure and appropriate building permit fees will apply
  ■ Elbert County CDS: See Staff Report

♂ Applicant is requesting a reduction in required setbacks from 500ft. to 75ft
♂ New Elbert County Zoning Regulations approved on Feb. 1, 2019, reduced the setback distance to 200ft. and gave the BOCC power to amend this setback if they wish
♂ It is up to PC and BOCC to approve their requested setback in order to do their operations at 75ft from property line

♂ SUR Evaluation:
  ▪ Consistent with Elbert County Zoning Regulations Part II, Section 17
    ▪ Comprehensive Plan
    ▪ Zoning and Subdivision Regulations
  ▪ Impacts to consider:
    ▪ No significant concerns to any of the following:
      • Public Health and Safety
      • Compatibility with surrounded Uses
      • Provision of Public Service: Minimal impact
      • Natural Environment: Land will be returned to natural looking state after operations are complete
      • Local Road System: Existing building therefore the road system won’t have any additional strain
      • Adequate landscaping and buffering: Will be part of decision making and 75ft. setback

SUR FINDINGS AND RECOMMENDATION:
1. It is in general conformance with the Elbert County Comprehensive Plan
2. Meets criteria in the Elbert County Zoning Regulations
3. Is compatible with existing and allowable land uses in the surrounding area (with conditions)
4. Will not impact the provision of the public services or impact the environment
5. Will not burden the local road system
6. Will not result in significant impact to health, safety, and welfare of the residents and landowners of the surrounding area

Staff recommends the Planning Commission recommend Approval of SU-18-0042 to the BOCC, subject to the following conditions:
1. Gravel mining operations will be required to meet all State regulations at all times
2. Gravel mining operations must adhere to the setback distance as established by the BOCC
3. The applicant will be required to remove the Public Hearing sign(s) within seven (7) days of a decision by the Board of County Commissioners
4. The Special Use request shall not become effective until all fees are paid, conditions of approval are met, and the Use by Special Review is recorded
5. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners’ approval

PRESENTATION CONCLUDED

NO PUBLIC COMMENT

PLANNING COMMISSION DISCUSSION

Danny Willcox states the 75ft. setback does not apply to any of the codes at this time; not previous or current.
- The Planning Commission can only look at the code we have and apply it to the application
- PC can apply the 200ft setback per current regulation
- PC can only give input to the BOCC regarding the 75ft. setback
- Only the BOCC can grant the right to change it to 75ft

Andrew Baker states that due to the application being submitted under the old regulation codes, they may have to keep it at 500ft until it reaches the BOCC.

Danny Willcox explains he is comfortable with applying the new code.

Jim Keen asks how far the CR 102 is the distance from what they have there now.

Andrew Baker responds the distance is approximately 1,700ft.

Samantha Christian answers Danny Willcox’s question regarding where they are currently mining. She states they have only been mining where the regulations currently allow them to.

Anthony Hartsook is in favor and has no objection at this point. He also states the applicant is trying to do the right thing.

Peter Hoogendyk has concerns over the 75ft setback due to neighboring lands. He refers to an engineer report.

Samantha Christian explains the process required by the State of Colorado and their setbacks.
- They don’t want to go below the grade and utilizing a 75ft setback would allow them the room to expand
- It will also make it look better due to the hills on the land
- They are held to a bond by the state, therefore they must return the land back to its original use or the state will take the money from them to reclaim it
Planning Commissioners continue to discuss among themselves the setbacks, the State’s regulations, and conditions of approvals.

END PLANNING COMMISSION DISCUSSION

Danny Willcox requests a motion to amend the current conditions.

Anthony Hartsook makes a motion to approve the Special Use by Review, SU-18-0042, Elbert County Pit. An amendment to the Conditions of Approval is made on the roll call vote-They must comply with all State Regulations and are subject to BOCC approval of the setbacks and striking all previous setback requirements. Second by Linda Krausert. ALL IN FAVOR. Motion carries 6-0 with 2 absent.

Linda Krausert makes a motion to adjourn. All in favor.

MEETING ADJOURNED AT 7:31 PM