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 by Bob Lewis.

**PRAYER:** Led by Rev. Smith

**PLEDGE OF ALLEGIANCE:** Led by Dan Michalak

**ROLL CALL**

Commission members present: Bob Meyer, Peter Hoogendyk, Dan Michalak, Bob Lewis, Linda Krauser

Staff present: Christina Stanton, CDS Director, Vince Hooper (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:**

**A. 2/6/2018:** Approved as written
B. 2/20/2018: Approved as written

Bob Lewis statement regarding meeting minutes: recommends to keep minutes current. Do most recent minutes first and continue with older minutes until all caught up.

VINCE HOOPER (Baseline) – PRESENTATION OF STAFF REPORT

Overview of Atkinson Rezone and Minor Development Application RZ-17-0047 and MD-17-0048:

- The proposed location for this project is the intersection of CR 17/21 and CR 106. Address: 25676 CR 21
- Subdividing 40 acre lots to 4, 10 acre lots. Going from zone A to AR
- Surrounding properties are “A” zoned lots
- Mountain View Electric would serve new lots. Requested additional utility easements
- Elbert School District #200 requested a single driveway access off of CR 106 due to traffic concerns. Also requested land dedication in form of cash-in-lieu at a rate of $1,040 per lot, totaling $3,120. Expressed concerns with density and Master Plan compliance
- Elbert Fire District – no objections
- Elbert County Environmental Health – septic systems must meet setback requirements
- Public Works – Mineral rights owners must be notified, prescriptive easements must be converted to dedicated ROW, redline comments on plat, driveways must meet Elbert County requirements
- Elbert County Building – no objections
- School District concerns – traffic study was not required, one driveway access from CR 21, other 3 have driveway access from CR 106. Sean O’Hearn, County Engineer determined the proposed accesses meet code requirements
- Dedication of ROW creates lots slightly less than 10 acres each. Vince Harris approved and granted a variance

FINDINGS & RECOMMENDATIONS:

- Proposal was in compliance with new Elbert County Comprehensive Plan
- Rezone is compatible with land use
- Will not burden the road system
- Will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area
- 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

END VINCE HOOPER PRESENTATION

BOB LEWIS: Asked Vince the process of an Administrative Variance. Vince spoke about the circumstances which may allow a 15% variance and following the standard set of criteria which has been met.

APPLICANT REPRESENTATIVE: TOM MARONEY
- 85 - 90% of roads are not dedicated to Elbert County
- Spoke of Prescriptive Rights and how they are settled by the courts
- Responded to School District referral comments and how the county does not want to have to maintain more roads
- Received recommendation from Sean, Seth, and Rory regarding the roads. Presented the recommendations to the applicant who had no objections

END TOM MARONEY COMMENTS

BEGIN PUBLIC COMMENT – PERSONS WHO SPOKE:

Slade Dingman, Holly Shearer, Justin Shearer, Michael Buck, Maureen Buck, Jeff Olson, Susan Thome, Jennifer Little, Art Raun, Suzy Henderson, Colin Thomas, Glenn Weissel, Brad Butterfield, Ruth Raun, Patricia Dingman

GENERAL CONCERNS:

Opposition: The rezone would set a precedence for others to create new neighborhoods and subdivisions. Not congruent to the surrounding area. Believes it goes against the county’s Master Plan; does not support preserving esthetics, historical, and natural surroundings. Lower property value. Would cause more traffic accidents and issues. Encourages “urban sprawl” and water/low aquifer issues. Cultural integration does not work when different value systems collide. Concerns of impact on dirt road and runoff. Moved out to “A” zoned property so not to be close to neighbors. Health and welfare of animals due to residential properties using chemicals on their lawn and washing down onto others’ ag property. Ruin the quality of life in agriculture area.

SHORT BREAK: 8:06 – 8:13pm

END PUBLIC COMMENT

APPLICANT REPRESENTATIVE (TOM MARONEY) RESPONSE:

The applicant representative asked the PC if they had any questions he may answer:
Peter Hoogendyk: Asked about drainage issues and what will be done?
Tom Maroney: Per current state law, you cannot change the runoff of your property. You must obtain and/or have a Storm Water Management Plan per county regulations to acquire permit.

Dan Michalak: Can you answer some of the citizens’ questions?
Tom Maroney: “I don’t know how to reply to ‘I don’t like it’.”
Tom addressed a question regarding water resources. His response explained it is run by the State of Colorado. Applicants have done an adjudication and augmentation plan of their water rights under their land.

PLANNING COMMISSION DISCUSSION & QUESTIONS:

Dan Michalak: Asks about traffic concerns and location of driveways. Also, would the applicant be open to Elbert School District’s request to have a single access?
Tom Maroney: He relies on county Road and Bridge as well as the county engineer to make referrals and comments. A traffic study was not requested. The applicant is not open to a single road access.

Linda Krausert: Requests clarity on drainage and why wasn’t a traffic done?

Vince Hooper: Addressing second question: The county has standards requiring a traffic study and this proposal did not meet them; therefore it was not required. Regarding drainage: county engineer did not raise it as an issue. Must rely on the experts. State law states you can’t impact the historic drainage flow; you cannot detain it or increase it. There are Storm Water Management Plans which must be submitted to get a permit to build.

Dan Michalak: Spoke of heavy commercial truck traffic on CR 17/21 and the importance of keeping the school buses/children and citizens safe; it’s well within our purview.

Bob Meyer: Questions the condition of CR 106.

Bob Lewis: We are charged with reviewing the applications based on the input of Public Works, Road and Bridge. They did not have any comment or issues.

Dan Michalak: Health and safety is the paramount charge. We have to look at safety first, it’s most important.

Peter Hoogendyk: There are yield signs in the intersection. Feels a traffic study is needed and an increase in signage. Need to make the intersection safer.

Vince Hooper: There could be a condition requiring a traffic study prior to BOCC hearing.
Bob Lewis: Recapped citizen comments. Expressed how change is constant. CDS will be updating the website to add current applications for public to view.

Vince Hooper explained the math of the school fees questioned by the public. The reason why it was $3,120 is because only 3 lots will be charged rather than 4, as there already was one lot in existence.

END PC QUESTIONS AND QUESTIONS

PC POLL:
Bob Meyer & Peter Hoogendyk: Ask a traffic study be done prior to BOCC meeting.

Dan Machalak: Would like a single access point and agrees a traffic study is needed.

Linda Krausert: Supports Bob and Peter for an additional traffic study.

Applicant Representative Tom Maroney has no problem providing a traffic opinion study completed by a traffic engineer. He will discuss with applicant the idea of a single access point. If the traffic study shows a single access point is needed, it will be done. Traffic study will be done by Sean O’Hearn from Enertia.

Discussion regarding this application resulted in an additional condition, requiring of a traffic study of a condition of approval for RZ-17-0047. Total of 4 conditions of approval.

Roll Call Votes:

RZ-17-0047 – Motion to recommend for approval with three Conditions made by Bob Meyer, a second by Linda Krausert. The motion carried 5-0 with two commissioners absent.

MD-17-0048 – Recommend approval with conditions 1-4 and an additional 5th to do a traffic study/opinion detailing the effects of multiple driveways on CR 106 & CR 17/21 and to also include signage and historical accidents at intersection of CR 106 & CR 17/21. Motion recommended by Dan Michalak, second by Peter Hoogendyk. The motion carried 5-0 with two commissioner absent.

RZ-17-0047- Recommend to approve amendment to original motion. Remove “traffic study” and the “traffic opinion” must be completed by an independent third party engineer. Motion recommended by Bob Meyer, second by Linda Krausert. The motion carried 5 – 0 with two absent.
Meeting adjourned at 9:15 PM