

COMMUNITY & DEVELOPMENT SERVICES

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MEETING MINUTES

PLANNING COMMISSION

BOCC Hearing Room, 215 Comanche St., Kiowa, CO 80117

DATE: January 16, 2024 TIME: 7:00 PM

1. **CALL TO ORDER:** 7:01 PM - Chair Willcox
2. **PRAYER:** 7:01 PM – Commissioner Buck
3. **PLEDGE OF ALLEGIANCE:** 7:02 PM – Led by Chair Willcox
4. **ROLL CALL:** 7:02 PM
Commissioners Present: Chair Danny Willcox, Vice Chair Kevin Kirkwood, Van Sands, Mike Buck, Robert Poletiek, John Gresham.
Commissioners Absent: Eric Carlson, DeDe Schott-Grace.
Commissioner Vacancy: One.
Staff Present: Marc Dettenrieder, Director of Community and Economic Development; Wendy Doyle, PC Recording Secretary.
5. **REMINDER TO TURN OFF CELL PHONES:** 7:03 PM - Chair Willcox
6. **STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS' ACTION(S) PERTAINING TO MATTERS OF THIS BOARD:** 7:03 PM
Marc Dettenrieder presented. 12/27/2023 meeting, Sterling Crossing (Elora) PUD Amendment - Approved. 1/10/2024 meeting, John Gresham was appointed to Elbert County's Planning Commission; Charnobragan Acres Dog Breeding SUR – Approved; and EC West Service Plans – Approved.
7. **CONSENT AGENDA ITEMS:** 7:04 PM None – Chair Willcox
8. **CITIZEN COMMENTS:** 7:04 PM (unrelated to public hearings) None - Chair Willcox. *Meeting proceeded to Agenda Item #9.*
CITIZEN COMMENTS (2): 7:19 PM* (unrelated to public hearings) A meeting attendee misunderstood Agenda Item #8 CITIZEN COMMENTS (7:04 PM); thus, approached the podium during the Spring Valley Ranch Filing 10 Final Plat PUBLIC HEARING, PUBLIC TESTIMONY.
***CHAIR WILLCOX RECESSED PUBLIC HEARING, PUBLIC TESTIMONY, AND OPENED Agenda Item #8 CITIZEN COMMENTS (2):**
7:19 PM. Peggy Patskelsky, 950 County Road 133, Elbert County, CO, presented her objection to Xcel's (Colorado Power Pathway) preliminary plans involving her property; negative impacts; and alternate route options.
CITIZEN COMMENTS (2) CLOSED: 7:22 PM
CHAIR WILLCOX RESUMED PUBLIC HEARING, PUBLIC TESTIMONY WITH PUBLIC TESTIMONY (2): 7:22 PM
9. **APPROVAL OF MEETING MINUTES:** 7:04 PM
Approval of November 14, 2023, Planning Commission Meeting Minutes.

MOTION: 7:04 PM
Commissioner Robert Poletiek made the motion: Approve the November 14, 2023, meeting minutes as presented.
Commissioner Kevin Kirkwood seconded the motion.
Motion Passed 6 – 0.

10. PUBLIC HEARING PROCESS: 7:05 PM - Chair Willcox presented:

The Planning Commission is a volunteer board appointed by the Board of County Commissioners (BOCC), a quasi-judicial commission that essentially takes the application at hand and references the regulations and ordinances in place and compares them with the application. Following the public hearing, the commission may vote three ways: 1. Vote to recommend approval; 2. Vote to recommend denial; 3. Recommend approval with conditions. Recommendations are forwarded to the BOCC holding the authority to approve the application. All testimony must be competent, on topic and not repetitious. The Chair's statement concluded with the order of business for public hearings.

11. PUBLIC HEARING: 7:06 PM

Spring Valley Ranch Filing 10 (Case No. FP-22-0063)

STAFF PRESENTATION: 7:06 PM

Marc Dettenrieder, Director of Community and Economic Development. CJ Kirst-Tahoe Consulting LLC, Applicant; Spring Valley Land Investments LLC, Property Owner. A Final Plat for Spring Valley Ranch Filing 10 to subdivide a 186-acre parcel into 323 single-family (60' x 120') lots. Location: Section 30, Eastern half of Planning Area M, adjacent and immediately East of Spring Valley Filing 5, North of County Road 174. Surrounding properties: North-PUD, single-family Residential; South-Agriculture, 83-acre parcel w/residence; East-Agriculture, open land; West-PUD, single-family residential/open space. The community meeting was held July 11, 2022; formal application was submitted October 6, 2022; noticing was completed in accordance with Elbert County Subdivision Regulations; applicant has acknowledged and/or resolved all comments raised during the referral process. Vicinity and Final Plat map slides were presented and reviewed along with the five (5) review criteria in the Elbert County Subdivision Regulations, Article I.C, a – e.

Planning Department Findings:

- The proposal is in general conformance with the Elbert County Comprehensive Plan.
- The proposal meets all the criteria for approval in the Elbert County Subdivision Regulations.
- The proposal is in conformance with the approved preliminary plat.
- The proposal meets the requirements of the Elbert County Zoning Regulations for a PUD.
- The proposal will not result in significant impact to the health, safety, and welfare of the residents, and landowners in the surrounding area.

The Planning Department recommends the Planning Commission recommend APPROVAL for the requested Spring Valley Ranch Filing No. 10 Final Plat (Case No. FP-22-0063) to the Board of County Commissioners subject to the following conditions of approval:

Conditions of Approval:

1. The applicant will be required to remove the Public Hearing sign within seven (7) days of a decision by the Board of County Commissioners.
2. The Rezoning shall not become effective until all fees are paid, conditions of approval are met, and the Final Plat exhibit is recorded.
3. Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval.
4. A final Development Agreement, Subdivision Improvement Agreement with surety is signed, executed, and recorded.

STAFF PRESENTATION CLOSED: 7:14 PM

APPLICANT PRESENTATION: 7:14 PM

CJ Kirst provided background on the overall Spring Valley Ranch project and details of Filing 10, the last filing for the project.

APPLICANT PRESENTATION CLOSED: 7:18 PM

PUBLIC TESTIMONY: 7:19 PM

A meeting attendee misunderstood Agenda Item #8 CITIZEN COMMENTS (7:04 PM); thus, approached the podium with comments "unrelated to the public hearing."

CHAIR WILLCOX RECESSED PUBLIC TESTIMONY AND OPENED Agenda Item #8 CITIZEN COMMENTS (2): 7:19 PM
CHAIR WILLCOX CLOSED CITIZEN COMMENTS (2) AND RESUMED THE PUBLIC HEARING, PUBLIC TESTIMONY WITH
PUBLIC TESTIMONY (2): 7:22 PM None – Chair Willcox

APPLICANT REBUTTAL: 7:23 PM None – Chair Willcox

BOARD ONLY DISCUSSION: 7:23 PM

Brief discussions ensued between Planning Commissioners, Staff and Applicant including:

- Wells – current/anticipated, pulled/expiring permits, drilling plans/processes;
- Water – resources, level declines, storage, uses, re-use plan (including wells vs ponds), demand vs. dry periods;
- Water Tanks – current capacity, capability of additional tanks;
- Division of Water Resources and Water Conservation Plan;
- Kimley Horn traffic study - trip generation comparison data omitted from report provided in public hearing agenda packet. Marc Dettenrieder stated County staff will review and remedy the matter.

BOARD ONLY DISCUSSION CLOSED: 7:41 PM

MOTION: 7:42 PM

Commissioner Van Sands made the motion: Recommend approval of Spring Valley Ranch Filing 10 (Case No. FP-22-0063) to the Board of County Commissioners with the Conditions of Approval outlined in the Staff Presentation.

Commissioner Robert Poletiek seconded the motion.

ROLL CALL VOTE - Commissioners:

Chair Danny Willcox – Aye. Commissioners have no control over water and the water was approved by the Division of Water Resources (DWR); almost every filing for the Spring Valley Ranches has been approved; managing water supply, infrastructure and building has enabled them to remain economically solvent and active in Elbert County for a long period of time.

Vice Chair Kevin Kirkwood – Nay. In final plat stage, doesn't believe adequate water is available or a viable solution found; concerned the right wells were not drilled/not enough wells drilled; questions sustainability.

Van Sands – Aye. Water is available with the additional wells; overall concept was approved in the past; this is an additional approval of the specific piece of it.

Mike Buck – Aye. It is compatible with surrounding land uses; was approved previously - this is just a Final Plat.

Robert Poletiek – Aye. Meets all the criteria so far that have been established by County rules and recommendations.

John Gresham – Aye. Did not see anything that was against policy.

Motion Passed 5 – 1.

PUBLIC HEARING CLOSED: 7:46 PM

12. ADJOURNMENT: 7:46 PM

MOTION: 7:47 PM

Commissioner Mike Buck made the motion: Move to adjourn the meeting of the Planning Commission.

Commissioner Robert Poletiek seconded the motion.

Motion Passed 6 - 0.

Minutes approved by Planning Commission 04/16/2024

Wendy Doyle, Recording Secretary

