

COMMUNITY & DEVELOPMENT SERVICES

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MEETING MINUTES
PLANNING COMMISSION

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

DATE: February 6, 2024 TIME: 7:00 PM

Note for the Record: Technical difficulties occurred resulting in live stream video without audio*

1. **CALL TO ORDER:** 7:08 PM - Chair Willcox
2. **PRAYER:** 7:08 PM - Chair Willcox
3. **PLEDGE OF ALLEGIANCE:** 7:09 PM - Led by Chair Willcox
4. **ROLL CALL:** 7:10 PM
Commissioners Present: Chair Danny Willcox, Vice Chair Kevin Kirkwood, Van Sands, Dede Schott-Grace, John Gresham.
Commissioners Absent: Eric Carlson, Mike Buck, Robert Poletiek, 1 Vacant Seat.
Staff Present: Marc Dettenrieder, Director of Community & Economic Development Department; Danny Klibaner, Land Use Planner; Wendy Doyle, PC Recording Secretary.
Staff Contract Planner - Remote: Sandra Hoffman AICP, Logan Simpson Design, Senior Associate.
5. **REMINDER TO TURN OFF CELL PHONES:** 7:11 PM - Chair Willcox
6. **STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS' ACTION(S) PERTAINING TO MATTERS OF THIS BOARD:**
7:11 PM – Marc Dettenrieder reported: January 24, 2024, Sterling Crossing (Elora) Service Plans – Approved.
7. ***CHAIR COMMENT FOR THE RECORD:** 7:15 PM
7:12 PM – 7:15 PM Meeting paused for staff to assess technical difficulties. Live streaming meetings is a courtesy. Approved minutes of Planning Commission meetings are the official record of meetings.
8. **CONSENT AGENDA ITEMS:** 7:16 PM None – Marc Dettenrieder
9. **CITIZEN COMMENTS:** 7:16 PM (unrelated to public hearings)
Danny Willcox, 5372 Timber Ridge Dr., Elizabeth, CO, asked if there has been any consideration of any county-wide metro district considering water and the monitoring of water presented to the Board of County Commissioners. No comments were made by Staff or Planning Commissioners. Mr. Willcox is hopeful the inquiry, now on record, will receive the attention of the Board of County Commissioners for a response indicating if the matter had been presented to them.
10. **APPROVAL OF MEETING MINUTES:** 7:18 PM
Approval of December 5, 2023, Planning Commission Meeting Minutes.

MOTION: 7:18 PM
Commissioner Van Sands made the motion: Approve the December 5, 2023, Planning Commission meeting minutes as presented.
Commissioner Dede Schott-Grace seconded the motion.
Motion Passed 5 – 0.

11. PUBLIC HEARING PROCESS: 7:19 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.

12. PUBLIC HEARINGS: 7:20 PM

- 1. Barkin' Barn Special Use by Review (Case SUR-23-3984)**
- 2. CORE Minor 1041 System Improvement Project (Case 1041-2023-0174)**
- 3. CORE Special Use by Review (Case SU-2023-0174)**

PUBLIC HEARING #1 OPENED: 7:20 PM

1. Barkin' Barn Special Use by Review (Case SUR-23-3984)

STAFF PRESENTATION: 7:20 PM

Danny Klibaner, Land Use Planner. CeCe Garza, Applicant. CeCe Garza and Marcus Garza, Property Owners. Location: 39841 Swift Creek Circle, Elizabeth, CO, 80107. The Applicant is requesting approval of a Special Use by Review (SUR) for a 0.63-acre area to establish a dog boarding and kennel business. The SUR includes a 40' x 60' building structure with approx. 20 dog kennels; a 25' x 40' fenced, outdoor play area; and 10 parking spaces (including one handicap) abutting the structure. Owners live on site and the business will be open year-round, seven days a week, with two people managing the dogs during business hours. Surrounding properties: North – Mobile Home, Residential, 5-acres and 6.9-acres, Cross Diamond Acres Subdivision; South and East, Agriculture, 227-acres, parcel with two residences and agricultural ranchlands; West – Agriculture Residential, Residential, 11-acres, parcel with residence. The application was submitted October 3, 2023; noticing was completed in accordance with the Zoning Regulations; and no objections are outstanding from the contacted referral agencies.

All eight (8) criteria listed in the Elbert County Zoning Regulations, Article 111.E.5, (a) – (h), for special use by review were presented and reviewed by Danny Klibaner. The Planning Commission is to consider the criteria in its review of this application.

Planning Department recommends the Planning Commission find the special use request:

- In general conformance with the Elbert County Comprehensive Plan.
- Generally compatible with existing and allowable land uses in the surrounding area.
- Will not have an undue burden on available infrastructure.
- Will not unduly increase traffic congestion or burden the existing road system.
- Will not cause significant forms of pollution.
- Will meet all sanitation requirements.
- Will be buffered.
- Will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area.
- Will conform to supplemental standards applicable for the proposed uses.

Planning Department recommends the Planning Commission recommend APPROVAL of the Barkin' Barn Special Use by Review (Case No. SU-23-3984) to the Board of County Commissioners, subject to the following conditions:

Conditions of Approval:

- The applicant will be required to remove the Public Hearing sign within seven (7) days of a decision by the Board of County Commissioners.
- The Special Use by Review shall not become effective until all fees are paid, conditions of approval are met, and the Special Use by Review Exhibit is recorded.
- Recordation of all appropriate documentation to occur within 180 days of Board of County Commissioners' approval.
- The structure must be permitted by the building and fire departments.

- Impact fees must be paid before issuance of a building permit.
- The applicant must retain records and receipts of bulk water purchases.
- The applicant must be licensed through Pet Animal Care and Facilities Act (PACFA) prior to opening.

STAFF PRESENTATION CLOSED: 7:27 PM

APPLICANT PRESENTATION: 7:27 PM

CeCe Garza, Applicant. Anticipated time to open is Fall, 2024.

APPLICANT PRESENTATION CLOSED: 7:28 PM

PUBLIC TESTIMONY: 7:28 PM None – Chair Willcox

APPLICANT REBUTTAL: 7:29 PM None – Chair Willcox

BOARD ONLY DISCUSSION: 7:29 PM

Brief discussions between Staff, Planning Commissioners and Applicant included:

Emergency vehicle turnaround; kennel sanitation/water source and supply; septic; no plans for retail.

BOARD ONLY DISCUSSION CLOSED: 7:32 PM

MOTION: 7:32 PM

Commissioner Dede Schott-Grace made the motion: Recommend approval of Barkin’ Barn Special Use by Review (Case No. SU-23-3984) to the Board of County Commissioners with the Conditions of Approval outlined in the Staff Presentation.

Commissioner Van Sands seconded the motion. **Motion Passed 5 – 0.**

PUBLIC HEARING #1 CLOSED: 7:33 PM

PUBLIC HEARING #2 OPENED: 7:33 PM

2. CORE Electric Cooperative – Minor 1041 System Improvement Project (Case No. 1041-2023-0174)

STAFF PRESENTATION: 7:33 PM

Marc Dettenrieder, Director of Community and Economic Development introduced Presenter (Staff Contract Planner) Sandra Hoffman AICP, Logan Simpson Design. Application was filed to construct a System Improvement Project (SIP) that includes proposed new 5.7-mile double circuit 115k V transmission line (overhead) located along County Road 174 between Kiowa-Bennett Road and County Road 21 with two new substations (Spring Valley and Outback) at either end of the transmission line. The new electric infrastructure to serve an Elbert County area anticipating development; existing CORE facilities in the area currently operating at near maximum capacity, increasing risk of service interruptions. The two new substations have been sited to take electric loading off the three existing substations in the area to provide infrastructure to support planned development. S. Hoffman discussed topics including a Minor 1041 Siting and Routing Study that included extensive analysis/coordination with adjacent and affected property owners; a variance approved by the Board of County Commissioners (Resolution 23-38, Case No. P-2023-00045) with conditions of approval including submission of formal applications for Minor 1041, Special Use by Review, Minor Plat, and Site Development Plan prior to full project approval and construction; a waiver from Elbert County Community and Economic Development Director per Article 11.B.3 of the Elbert County Zoning Regulations to move forward with the Minor 1041 permit application after good faith efforts to obtain property owner signatures from landowners affected by the application – five of nine property owners’ signatures were obtained. The existing zoning and land uses are primarily residential and agriculturally related uses, in proximity to residential developments. The formal application was originally submitted September 28, 2023 and resubmitted November 29, 2023; all comments provided during the referral process were addressed; and noticing was completed in accordance with Zoning and Subdivision Regulations. The CORE Minor 1041 Permit Application meets the vision, goals, and policies of the Elbert County Comprehensive Plan and the Minor 1041 Submittal Requirements and Approval Criteria in Zoning Regulations, Article XVII.J. Application Process. Slides were presented and reviewed including the Comprehensive Plan; Zoning Regulations (Minor 1041) XVII.M and Article XVII.P, Appendix A (General and Environmental Considerations).

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 1041 Regulations.
- The proposal is generally compatible with existing and allowable land uses in the surrounding area.
- 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 of the requested CORE Electric Cooperative, Minor 1041, System Improvement Project (Case No. 1041-2023-0174) to the Board of County Commissioners, subject to the following conditions:

Conditions of Approval:

- The applicant will be required to remove the Public Hearing signs within seven (7) days of a decision by the Board of County Commissioners.
- The Minor 1041 Permit shall not become effective until all fees are paid, and the resolution recorded.
- The Special Use by Review (SUR) application must be approved by the Board of County Commissioners and recorded.
- Applicant shall file with the County, a financial security such as a bond or irrevocable letter of credit deemed adequate for the County for the entire duration of the lifespan of the facility (per EC Zoning Regulation Article XVII.N) within 180-days of the Board of County Commissioners' decision.
- Applicant must submit formal applications to Elbert County for a Site Development Plan and a Minor Plat for each of the two substations (Outback and Spring Valley) within 180-days of the Board of County Commissioners' decision.

STAFF PRESENTATION CLOSED: 7:50 PM

MEETING RECESSED – Applicant visual presentation setup: 7:51 PM - Chair Willcox

MEETING RESUMED: 7:59 PM - Chair Willcox

APPLICANT PRESENTATION: 8:00 PM

Brooke Hines, Project Manager/Senior Wildlife Biologist, Burns McDonnell, Presented for Applicant along with *Brooks Kaufman*, CORE: CORE, the largest rural cooperative in Colorado, is a nonprofit cooperative serving eleven (11) Colorado counties with 175,000 member homes and 300,000 total members. CORE's territory covers 5,000 sq. miles and serves the Northwest portion of Elbert County. The Elbert County System Improvement Project will interconnect the existing Core Kiowa Brook Center 115k V transmission line. Topics such as right-of-way, pole heights, distances between poles, dead-end and tangent structures, current substation loading, transferring loading to avoid interruptions in services, power capacities, anticipated development and population growth, and proposed loading with approval of this project were presented. Routing and siting considerations, staff requests, timeline of project stages, and CORE public outreach efforts were reviewed.

APPLICANT PRESENTATION CLOSED: 8:08 PM

PUBLIC TESTIMONY: 8:08 PM None – Chair Willcox

APPLICANT REBUTTAL: 8:08 PM None – Chair Willcox

BOARD ONLY DISCUSSION: 8:09 PM

Brief discussions between Planning Commissioners, Staff and Applicant Team included:

Waiver clarification - Elbert County Zoning Regulations, Article II.B.3. General Requirements, pertaining to CDS Director waiving submittal requirements – S. Hoffman; *public notification and comments* - S. Hoffman; *State demographics* - predict Elbert County will be one of the fastest growing counties over the next five years and experience higher annual rates of population change (EC CP, Pg. 13). Current population projection 36,000 by 2050 – M. Dettenrieder; *75' right-of-way; new transmission line* - placement/poles/consideration of burying lines; *County Rd. 174* – North side distribution line/South side transmission line – B. Hines; *renewable energy* – substations, wind towers – B. Kaufman; *Landowners/Public input Considerations* – easements/setbacks/variance/design adjustments/direct benefits – B. Kaufman.

BOARD ONLY DISCUSSION CLOSED: 8:23 PM

MOTION: 8:23 PM

Commissioner Kevin Kirkwood made the motion: Recommend approval of CORE Minor 1041 System Improvement Project (Case No. 1041-2023-0174) to the Board of County Commissioners with the Conditions of Approval presented in the Staff Presentation.

Commissioner Van Sands seconded the motion. **Motion Passed 5 – 0.**

PUBLIC HEARING #2 CLOSED: 8:24 PM

PUBLIC HEARING #3 OPENED: 8:24 PM

3. CORE Electric Cooperative – Special Use by Review (Case No. SU-2023-0174)

STAFF PRESENTATION: 8:25 PM

Staff Contract Planner, Sandra Hoffman AICP, Logan Simpson Design Presented:

Application was filed to construct a System Improvement Project (SIP) that includes proposed new 5.7-mile double circuit 115k V transmission line (overhead) located along County Road 174 between Kiowa-Bennett Road and County Road 21 with two new substations (Spring Valley and Outback) at either end of the transmission line. The new electric infrastructure to serve an Elbert County area anticipating development; existing CORE facilities in the area currently operating at near maximum capacity, increasing risk of service interruptions. The two new substations have been sited to take electric loading off the three existing substations in the area to provide infrastructure to support planned development. The existing zoning and land uses are primarily residential and agriculturally related uses, in proximity to residential developments. The formal application was submitted September 28, 2023; all comments provided during the referral process were addressed; and noticing was completed in accordance with Zoning and Subdivision Regulations. The CORE SUR application meets the vision, goals, and policies of the Elbert County Comprehensive Plan; submittal requirements identified in Zoning Regulations, Article II.B. and Article III.E Specific Processes, Special Use by Review; and Supplemental Standards in Article V., Section E.25 (a) Transmission Lines and Section E.25 (b) Substations have been met or variance approval granted. Slides of the Comprehensive Plan and the eight (8) Elbert County Article III Section E.5 SUR Approval Criteria (a) through (h) were reviewed. S. Hoffman highlighted criteria (h) *Supplemental Standards are met for specific uses, as applicable: Article V.E.25(a) and (b) Supplemental Standards Utility Service Facilities for Transmission Lines and Substations through approval by the Board of Adjustment for a Variance to allow the Project within ¼ mile of a residential development (Resolution 23-28, Case #P-2023-00045).*

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 Zoning Regulations.
- The proposal is generally compatible with existing and allowable land uses in the surrounding area.
- The proposal will not result in significant impact to the health, safety, and welfare of the residents and landowners in the surrounding area.

Planning Department recommends the Planning Commission recommend APPROVAL of the requested CORE Electric Cooperative, Special Use by Review (Case No. SU-2023-0174) to the Board of County Commissioners, subject to the following conditions:

Conditions of Approval:

- The applicant will be required to remove the Public Hearing signs within seven (7) days of a decision by the Board of County Commissioners.
- The Special Use must commence within 2 years of the Board of County Commissioners' approval.
- The Special Use by Review Permit must be reviewed annually by the Community and Economic Development Department for the first 4 years of construction and operation to verify compliance with stipulations and code requirements.
- Applicant must submit formal applications to Elbert County for a Site Development Plan and a Minor Plat for each of the two substations (Outback and Spring Valley) within 180-days of the Board of County Commissioners' decision.

STAFF PRESENTATION CLOSED: 8:31 PM

APPLICANT PRESENTATION: 8:31 PM

Brooke Hines, Project Manager/Senior Wildlife Biologist, Burns McDonnell, Presented for Applicant CORE: CORE, the largest rural cooperative in Colorado, is a nonprofit cooperative serving eleven (11) Colorado counties, covering 5,000 sq. miles, and serving the Northwest portion of Elbert County. The System Improvement Project will interconnect the existing Core Kiowa Brook Center 115k V transmission line. Current substations are over 50% capacity in the area and the

new transmission line, and two substations will help to offset that loading and provide additional power for existing and future development. B. Hines stated the differences between the Minor 1041 application and this SUR application fall within the Approval Criteria presented and reviewed in the Staff Presentation. Slides presented included an aerial view of the projects 5.7-mile transmission line and substations, pole heights, maps of current and proposed loading, timeline of project stages, and public outreach efforts.

APPLICANT PRESENTATION CLOSED: 8:35 PM

PUBLIC TESTIMONY: 8:35 PM None – Chair Willcox

APPLICANT REBUTTAL: 8:35 PM None – Chair Willcox

BOARD ONLY DISCUSSION: 8:35 PM

Brief discussions between County Staff, Planning Commissioners and Applicant Team included:

Substation and landowner properties/easements/turnarounds; access and paving requirements; granted variance; Public Utilities Commission approval not required - B. Kaufman.

Zoning Regulations: Use Permitted by Right vs. Special Use by Review for 1041 applications - SURs are case-by-case basis and, due to infrastructure and substations, SUR would be required. SURs are subject to Elbert County staff review for the first 4 years of construction and operation to verify compliance with stipulations and code requirements as well as investigations warranted by public complaints. - Marc Dettenrieder.

BOARD ONLY DISCUSSION CLOSED: 8:39 PM

MOTION: 8:39 PM

Commissioner Kevin Kirkwood made the motion: Recommend approval of CORE Electric Cooperative Special Use by Review (Case No. SU-2023-0174) to the Board of County Commissioners with the Conditions of Approval outlined in the Staff Presentation.

Commissioner Dede Schott-Grace seconded the motion.

Motion Passed 5 – 0.

PUBLIC HEARING #3 CLOSED: 8:40 PM

13. ADJOURNMENT: 8:40 PM

MOTION: 8:41 PM

Commissioner Dede Schott-Grace made the motion: Move to adjourn the meeting of the Planning Commission.

Commissioner Kevin Kirkwood seconded the motion.

Motion Passed 5 - 0.

Minutes approved by Planning Commission 04/16/2024

Wendy Doyle, Recording Secretary