

COMMUNITY & DEVELOPMENT SERVICES

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3185 FAX: 303-621-3165
cds@elbertcounty-co.gov



MEETING MINUTES
PLANNING COMMISSION

Agriculture Building, 95 Ute Avenue, Kiowa, CO 80117

DATE: August 22, 2024 TIME: 6:00 PM

(August 20, 2024, 7:00 PM – 11:00 PM, MEETING CONTINUANCE)

1. **CALL TO ORDER:** 6:12 PM - Chair Willcox
2. **PRAYER:** 6:12 PM - Chair Willcox
3. **PLEDGE OF ALLEGIANCE:** 6:13 PM - Led by Chair Willcox
4. **ROLL CALL:** 6:14 PM – Recording Secretary
Commissioners Present: Chair Danny Willcox, Vice Chair Kevin Kirkwood, Van Sands, Mike Buck, John Gresham, Dede Schott-Grace, Robert Poletiek.
Commissioners Absent: Eric Carlson, 1 Vacant Seat.
Meeting Staff: Marc Dettenrieder, Director of Community and Economic Development; Wendy Doyle, PC Recording Secretary; Carrie Seubert, Planning Technician.
Elbert County Staff Consultants: Sandra Hoffman AICP, Senior Associate, Logan Simpson Design; Graham Anderson, Senior Analyst, Anderson Analytics, LLC.
5. **REMINDER TO TURN OFF CELL PHONES:** 6:14 PM - Chair Willcox
6. **MEETING CONTINUANCE (August 20, 2024) PUBLIC HEARING:** 6:15 PM - Chair Willcox

PUBLIC HEARING #3 EC EAST PLANNED UNIT DEVELOPMENT (PUD) REZONING, CASE NO. PD-2023-6327 AND PUBLIC HEARING #4 EC EAST PRELIMINARY PLAT, CASE NO. PP-2024-6327.

PUBLIC TESTIMONY: 6:16 PM

EC East Planned Unit Development (PUD) Rezoning and EC East Preliminary Plat:

Nic Meyer, 27510 Richards Cir; Jeff Edwards, 41650 County Rd 53; Elisabeth Buck, 10933 County Rd 120, Kiowa; Shannon Sprague, 42024 County Rd 53, Kiowa, CO; Trena Smith, 12243 County Rd 154, Kiowa; Mark Zenker, 13281 Antelope Pasture Pt, Kiowa; Chrisy Howell, 7131 S. Shenandoah Dr; Debby Ullum, 11195 Copper Canyon Cr, Kiowa; Betsy Edwards, 41650 County Rd 53; Bill Howell, 7131 S. Shenandoah Dr; Dan Rosales, 3672 Deer Creek Dr; Suni Mills, 27310 Forest Ridge Dr, Kiowa; Leslie Smith, 12243 County Rd 154.

Inquiries: Without increasing taxes of Elbert County citizens outside of this and other new tract home developments, what and where (1) are detailed plans to ensure the infrastructure, roads, intersections, schools, septic, etc., outside the development are maintained; (2) are the plans to financially accommodate the increased need for additional first responders, fire and sheriff deputies; (3) are the detailed plans to ensure that the additional developments do not affect the County's water table as the State no longer guarantees that water will be available for 100 years - does and will the County accept the risk and liability that comes along with the

increased demand for water for this development – when the water table is diminished to the point of having to drill new wells or truck water in? Topics not presented during September 20, 2024, public testimony: Capital Improvement Projects; Mill Levies; Endangered/Protected Species; Eco-system; Complete current developments, assess need; Preserve rural character/lifestyle; County select experts, applicant fund independent studies vs applicant selected experts; Lighting; Population/Census; Crime/Personal Safety; Open space/Natural scaping; Home Values; Property/School taxes; Economic impact, Use of local workers; Qualities of developer/development; Water fund to support future Dawson drilling; Elbert County Transportation Master Plan-bridges; Elbert County Comprehensive Plan; Value of County agriculture.

PUBLIC COMMENT, Public Hearings #3 and #4 – Concurrent, CLOSED: 7:07 PM

PUBLIC HEARING RECESS: 7:07 PM - PUBLIC HEARING RESUMED: 7:18 PM

APPLICANT REBUTTAL: 7:27 PM

Jim Yates and Project Team. Roads/Traffic Flow Impacts – applicant’s traffic consultant performs a study provided to Kimley-Horn (Elbert County Engineering Consultant) for evaluation without direct contact, at applicant’s expense. Applicant will fund, construct and maintain all of the development’s internal roads; fund and construct all off-site (County-owned) road improvements required to accommodate the development; and pay impact fees to the County for County regional road improvements. Public Services - development will help ensure that property taxes of existing Elbert County residents would not increase to accommodate the needs of the school district. As homes get built, the total valuation within the district increases, additional property taxes for third party district services (including school and fire) are generated. There is an increase in overall revenue as opposed to contemplating a tax rate increase. Water - residents outside the development will not see changes in their mill or rate as a result of the development. Development will not affect the Dawson, upper or lower; designing into their water treatment system the ability to go into Laramie Fox Hills and are not intending to go any shallower than the Denver. Local Contractors/Businesses – students, internships, small county contractors, local integration important. Dark Sky Compliance – balance safety issues and use requirements/restrictions. Wildlife – environment engineer makes recommendations for open spaces, corridors, trails, plantings, etc. Compatibility and Location – Elbert County Comprehensive Plan prefers conservation communities over large lot subdivisions, and for the majority of growth to occur in the County’s Northwest corner including (long term) a cluster of commercial and industrial uses along Kiowa-Bennett Road.

APPLICANT REBUTTAL, Public Hearings #3 and #4 – Concurrent, CLOSED: 7:58 PM

BOARD ONLY DISCUSSION: 7:28 PM

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

Comprehensive Plan is a non-regulatory guiding document for long term vision planning. By State statute, counties with less than 100,000 population are not required to have a comprehensive plan. Elbert County believes it is important because part of the planning and execution of a plan involves a fair amount of public engagement and community input, a vital part of that plan. The Comprehensive Plan, formerly known as a Master Plan, was last updated in 2018. Currently, a Request for Proposal (RFP) seeking bids for a contractor to assist the County in an update which should commence later this year with the process continuing into the middle of next year – M. Dettenrieder. In statute, it is recommended the Comprehensive Plan not be regulatory to avoid conflicts with codes and ordinances – Chair Willcox.

Topics: Wildlife - corridors present/full wildlife study performed/no trees-no nesting birds, no endangered or watchlist species on property; State maintains Hwy 86, section along property is County road; Road improvements; Referrals-no response interpreted as no concerns, no objections-internal responsibility; Housing needs/assessment; Comprehensive Plan; Strategic Plan Survey; Minimum lot width; Landscaping; Auxiliary dwelling units; Fire Department response time/staff/volunteers; Commercial businesses; Financial revenue impact-increments/projections/impact fees/School fee in lieu; Water – availability/use/reuse/rural wells; Recreation and Tourism; Dark sky lighting compliance; Subdivision Regulations; County building permits.

BOARD ONLY DISCUSSION, Public Hearings #3 and #4 - Concurrent, CLOSED: 8:17 PM

MOTION: 8:18 PM

Commissioner Van Sands made the motion: Recommend APPROVAL of **EC East Planned Unit Development (PUD) Rezoning, Case No. PD-2023-6327**, to the Board of County Commissioners with the Conditions of Approval outlined in the Staff Presentation.

Commissioner Robert Poletiek seconded the motion.

Commissioners - Voted AYE: *Van Sands, John Gresham, Robert Poletiek, Danny Willcox.*

Commissioners - Voted NAY: *Mike Buck, Kevin Kirkwood, DeDe Schott-Grace.*

Motion Passed 4 – 3.

MOTION: 8:20 PM

Commissioner Van Sands made the motion: Recommend APPROVAL of **EC East Preliminary Plat, Case No. PP-2024-6327**, to the Board of County Commissioners with the Conditions of Approval outlined in the Staff Presentation.

Commissioner John Gresham seconded the motion.

Commissioners - Voted AYE: *Van Sands, John Gresham, Robert Poletiek, Danny Willcox.*

Commissioners - Voted NAY: *Mike Buck, Kevin Kirkwood, DeDe Schott-Grace.*

Motion Passed 4 – 3.

PUBLIC HEARING #3 EC EAST PLANNED UNIT DEVELOPMENT (PUD) REZONING, CASE NO. PD-2023-6327 AND PUBLIC HEARING #4 EC EAST PRELIMINARY PLAT, CASE No. PP-2024-6327 - Concurrent, CLOSED: 8:22 PM

PUBLIC HEARING RECESS: 8:22 PM - PUBLIC HEARING RESUMED: 9:04 PM

PUBLIC HEARING #5, EC EAST METROPOLITAN DISTRICT SERVICE PLANS: 7:31 PM

5. EC East Service Plans for New Metropolitan Districts (9)

STAFF PRESENTATION, Public Hearing #5: 9:22 PM

Marc Dettenrieder, Director of Community and Economic Development. Applicant/Representative Tim Craft on behalf of Colorado Ranch and Land Holdings, LLC; Property Owner Colorado Ranch and Land Holdings, LLC. Located East of Kiowa-Bennett Road and North of County Road 166. Applicant requests to create Metropolitan Districts 1 – 5, a Commercial District, an Industrial District, an Overlay District, and a Water and Sanitation District. Currently zoned Agriculture (A) with a Planned Unit Development (PUD) application in process. Two referrals utilized - Elbert County Consultants: Butler Snow, LLP, for legal analysis/statutory requirements, and Anderson Analytics for financial review of the application and standards. M. Dettenrieder reviewed criteria (a thru d) required in Article XVI.D of the Elbert County Zoning Regulations that states all service plan applications shall be reviewed using criteria established in ss32-1-203(2), C.R.S. An additional five (5) criteria (a thru e) were reviewed according to ss32-1-203(2.5), C.R.S., stating the Board of County Commissioners may disapprove the service plan if evidence satisfactory to the Board of any of the five (5) criteria is not presented.

Planning Department recommends the Planning Commission find:

- There is sufficient existing and projected need for organized service in the area to be serviced by the Districts;
- The existing service in the area to be served by the Districts is inadequate for present and projected needs;
- The Districts are capable of providing economical and sufficient service to the area within their proposed boundaries;

- The proposal is compatible with existing and allowable land uses in the surrounding area;
- The area to be included in the Districts does have or will have the financial ability to discharge the proposed indebtedness on a reasonable basis;
- Adequate service is not or will not be available to the area through the County or other existing municipal or quasi-municipal corporations, including special districts, within a reasonable time and on a comparable basis;
- The facility and service standards of the Districts are compatible with the facility and service standards of the County within which the Districts are located and each municipality which is an interested party under Section 32-1-204(1), C.R.S.;
- The proposal is in compliance with the Master Plan adopted pursuant to Section 30-28-106, C.R.S.;
- The proposal is in compliance with any duly adopted County, Regional, or State long-range water quality management plan for the area; and
- The creation of the Districts will be in the best interests of the area proposed to be served.

In consideration of the criteria set forth in the Elbert County Zoning Regulations, the recommendation of the Planning Department is the Planning Commission recommend APPROVAL to the Board of County Commissioners for the nine (9) new Metropolitan Districts for EC East.

M. Dettenrieder introduced Graham Anderson, Senior Analyst with Anderson Analytics, LLC, serving as an Elbert County Staff Consultant. G. Anderson presented a very dense bond plan Summary and Review of Proposed Service Plans and Financial Plans for: EC East Metro. District Nos. 1-5, Commercial, and Industrial; EC East Overlay Metro. District; and EC East Water and Sanitation District. Additional slides included a Vicinity Map and District Buildout Summary; Estimated and Anticipated - Public Improvement Costs, Mill Levy, Residential and Commercial Property Tax/Buildout Schedules/Property Values; Summaries of Infrastructure and Water and Sanitation Districts' Financial Plans; and Appendix – Bond Summaries and Bond Repayment Models.

STAFF PRESENTATION, Public Hearing #5, EC East Metropolitan District Service Plans, CLOSED: 10:11 PM

APPLICANT PRESENTATION: 10:11 PM

Dianne Miller, Miller Law pllc, presented the benefits of Metropolitan Districts; Estimated cost of public improvements; Debt limit of the Districts with remainder of public improvement costs the responsibility of the developer; Elbert County is not responsible for costs of Public Improvements funded by the Districts, for any debt issued by the Districts, or developer's development costs. D. Miller reviewed financial safeguards for Districts that are in place, clarifying neither the developer nor the District have unfettered access to bond funds; Disclosure Notice to Purchaser; Website Disclosures; Colorado Sunshine Laws. Slides and explanations provided details on District matters including Capital Improvements; District Powers; Financing the Improvements; Ownership and Maintenance.

APPLICANT PRESENTATION, Public Hearing #5, EC East Metropolitan District Service Plans, CLOSED: 10:21 PM

PUBLIC TESTIMONY: 10:22 PM None - Chair Willcox

APPLICANT REBUTTAL: 10:23 PM None – Chair Willcox

BOARD QUESTIONS AND DISCUSSION: 10:23 PM

Brief discussions ensued between Staff, Planning Commissioners, and Applicant Representative/Team:

Included Financial Plan - bond payments through 2068, assumes issuance in 2028, 40 year period; Mill Levy; Bonds; Tap Fees; Water and Sanitation District Service Plan Language; Trustee of Bonds, Management; Elbert County Review Criteria.

BOARD QUESTIONS AND DISCUSSION, Public Hearing #5, EC East Metropolitan District Service Plans, CLOSED:
10:26 PM

MOTION: 10:27 PM

Commissioner Van Sands made the motion: Recommend APPROVAL for the **Nine (9) New Metropolitan Districts for EC East** to the Board of County Commissioners.

Commissioner Robert Poletiek seconded the motion.

Commissioners - Voted AYE: *Danny Willcox, Kevin Kirkwood, Van Sands, John Gresham, Robert Poletiek.*

Commissioner - Voted NAY: *Mike Buck, Dede Schott-Grace.*

Motion Passed 5 – 2.

7. ADJOURNMENT: 10:29 PM

MOTION: 10:29 PM

Commissioner Kevin Kirkwood made the motion: Move to adjourn the August 22, 2024, meeting of the Planning Commission.

Commissioner Dede Schott-Grace seconded the motion.

Motion Passed 7 - 0.