

COMMUNITY & DEVELOPMENT SERVICES

P.O. BOX 7
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AGENDA PLANNING COMMISSION MEETING BOCC Hearing Room 215 Comanche St. Kiowa DATE: January 19, 2021 - - TIME: 7:00 PM

1. CALL TO ORDER

The meeting was called to order at 7:07 p.m. Four were initially present. Chair Danny Willcox stated that Kipp Parker resigned from the Planning Commission the day before, which means that there are currently seven appointed Planning Commissioners and the quorum is four. Justin Klassen joined on Zoom at 7:23 p.m.

2. PRAYER: Peter Hoogendyk

3. PLEDGE OF ALLEGIANCE: All

4. ROLL CALL

Planning Commissioners present: Danny Willcox, Van Sands, Peter Hoogendyk, Daniel Michalak Jr (Zoom), and Justin Klassen (Zoom) were present.

Staff present: Christina Stanton, CDS Director; Greg Laudenslager, CDS Planner.

5. REMINDER TO TURN OFF CELL PHONES

6. STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS ACTION(S) PERTAINING TO MATTERS OF THIS BOARD

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7. CONSENT AGENDA ITEMS ARE RESERVED FOR ITEMS that are deemed to be non-controversial. This allows the Planning Commission to spend more of its meeting time for issues in which there is a need for a more significant discussion. If anyone desires to address the Commissioners regarding an item from this day's consent agenda, please ask that the item be removed from the consent agenda for further discussion.

A. Spring Valley Ranch Subdivision Improvement Agreement (SIA)

Motion: To remove Spring Valley Ranch Subdivision Improvement Agreement (SIA) from Consent Agenda.

Planning Commissioner Peter Hoogendyk made a motion to remove Spring Valley Ranch Subdivision Improvement Agreement (SIA) from Consent Agenda. Planning Commissioner Van Sands seconded the motion.

Yes - Danny Willcox, Daniel Michalak Jr, Van Sands, Peter Hoogendyk, Justin Klassen

No - None

8. CITIZEN COMMENTS

9. APPROVAL OF MEETING MINUTES

A. January 5, 2021

Motion: Approval of January 5, 2021 Minutes

Planning Commissioner Van Sands made a motion to Approve the Minutes as presented. Planning Commissioner Peter Hoogendyk seconded the motion.

Yes - Danny Willcox, Daniel Michalak Jr, Van Sands, Peter Hoogendyk, Justin Klassen

No - None

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10. ELECTION OF OFFICERS

This item was moved to the February 16, 2021, Planning Commission Agenda.

11. PUBLIC HEARING PROCESS Chairperson Statement: 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.

Chairperson - The order of business for Public Hearings will be as follows:

1. Open Public Hearing
2. Staff Presentation
3. Applicant Presentation (if any)
4. Public Testimony
5. Public Comment Closed
6. Applicant Rebuttal
7. Board Only Discussion
8. Board Motion and Roll Call Vote
9. Close Public Hearing

Note: Once the Public Hearing has been closed, no further testimony will be taken.

12. PUBLIC HEARINGS

- A. Spring Valley Ranch DGA Amendment #3 (DG-20-0073)--An Amendment to the Spring Valley Ranch Development Guide Agreement

Motion: To open a public hearing on Spring Valley Ranch DGA Amendment #3 (DGA).

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Peter Hoogendyk made a motion to open a public hearing on Spring Valley Ranch DGA Amendment #3 (DGA). Van Sands seconded the motion.

Yes - Danny Willcox, Daniel Michalak Jr, Van Sands, Peter Hoogendyk, Justin Klassen

No - None

Christina Stanton, CDS Director began staff presentation which summarized the application request, notification, the referral process, changes within Amendment #3, and staff's recommendation.

The applicant, Jim Marshall, presented an overview of the requested amendment. He began his presentation by discussing the Spring Valley Ranch PUD and then discussed how the Spring Valley Vistas PUD affected the requirements of DGA Amendment #2. Mr. Marshall stated that circumstances have changed dramatically to Spring Valley Ranch and Spring Valley Vistas from the 2nd Amendment. He further stated that constructing infrastructure before it is needed is not only cost prohibitive but it deteriorates much faster than that which is used. Mr. Marshall provided a brief history of the Spring Valley Ranch development and the water and wells for that development. He further discussed that the Filing 6 Plat for Spring Valley Ranch was designed with purple pipe. He also stated that SVR (Spring Valley Ranch) plans to deliver reuse water to the golf course and to the future residential neighborhoods. Mr. Marshall discussed the conditions of the roads within the development and plans for maintenance and improvements. Mr. Marshall stated Spring Valley Vistas was approved in January of 2007, he provided further detail on what that development consisted of (including 3,000 residential lots). Mr. Marshall discussed the Traffic Impact Analysis prepared for the Spring Valley Vistas development and stated that this development did not occur due to the economic down-turn. Mr. Marshall discussed traffic improvements recommended by a more recent Traffic Impact Analysis study (completed by LSC Traffic Consultants and reviewed by Kimley-Horn) that takes into account current and anticipated development based upon approved projects that are underway and what is existing. Mr. Marshall stated that there is no right-of-way for County Road 182. Then, Mr. Marshall discussed the Delbert Hill project that was previously approved by the Board of County Commissioners and stated that the recorded plat of that development dedicated the western 1/2 mile of County Road 178 to the County. Mr. Marshall stated that the previous DGA #3 was a valid and binding document until July 2020, when a judgement was issued against it. He stated that the Court required DGA #3 to be re-noticed, but it did not object to the content.

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Mr. Marshall continued by discussing further the proposed changes from DGA Amendment #2 to Amendment #3. Including a re-assertment of the commitment to water conservation measures and the reuse system. Additionally, this amendment includes the deletion of approximately 10 miles of roadway that were previously needed to serve the combined traffic impact from both the Spring Valley Ranch and Spring Valley Vistas projects. Next, Mr. Marshall displayed a map that showed the Spring Valley Vistas project hatched in red. Mr. Marshall continued to describe changes in the roadways. Mr. Marshall stated that the County is getting 58% of the roads for only about 37% of the development. Mr. Marshall stated that with the elimination of Spring Valley Vistas six miles of roads are no longer warranted. Mr. Marshall stated that there is approximately 10 sections of undeveloped ranchland that abut the areas where these roads were intended to be constructed. He further stated that these roads would be required if and when development occurs.

Chris McGranahan, traffic consultant with LSC Transportation Consultants, identified himself as a professional engineer in the State of Colorado--a professional traffic operations engineer, which is a national certification. Stated LSC has been doing traffic studies since the 1970s and he has been involved since the early 2000s. Further stated that his firm typically does about 100 traffic studies per year. Explained the purpose and process for performing a traffic study. Start with traffic counts first, then looked at other developments in the area that are at various stages of approval, looked at growth rates in the County (excluding the larger developments that they had already considered) to determine the natural growth rate of the County. Analyzed the impact of all the data collected and summarized in their traffic impact analysis study.

Mr. Marshall summarized financial benefits to the County. Stated he would be available for questions after public testimony and asked if the Planning Commission had any questions.

Danny stated that we would move into public comment next, and make note of the comments, then when public comment is completed he would have Mr. Marshall address the comments and concerns brought up. Danny stated that he did have some folks ask to have a little additional time and he had agreed they could have up to four (4) minutes. He asked that folks state their name and address before they began their testimony, and clarified that doing so would not be counted against their time to speak.

Candace Head-Dylla, 446 Meadow Station Circle--Stated the proposal does not support the safety and welfare of the Elbert County citizens. Stated that the proposal shifts tax burdens that are currently and

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contractually on the developer onto tax payers. Further stated that the proposal violates or inadequately addresses at least five (5) Elbert County Zoning Regulations (stated that she provided in an attached document for their convenience in folders). Said the proposal fails in terms of Article 7.F.1, that it does not conform to or is not consistent with the Elbert County Comprehensive Plan goals or policies. Stated it also fails in terms of Article 7.F.6 since the proposal will in fact be detrimental to the health, safety, or welfare of the present or future inhabitants of Elbert County. Further stated the proposal is asking for three changes: 1) the roads that the developer is obligated to build or pave, 2) the water irrigation system, and 3) the development's impact fees. Discussed the density bonus that allowed for an additional 678 homes previously approved for certain road obligations (specifically County Road 17/21). Stated that the developer has failed to meet that contractual obligation and called for a higher level of scrutiny from the County officials.

Layne Dylla, 446 Meadow Station Circle--Compared and contrasted County Road 178 versus County Road 182. Stated the same and additional sections of the County Zoning Regulations that the proposed amendment fails to meet with respect to roads. Discussed the water system and the density bonus approved with Amendment #1 in 2006. Stated that the water reuse system has still not been installed.

Steven W. Dylla, 446 Meadow Station Circle--Discussed the impact fees. Discussed the recent impact fee study that was commissioned by the County. Stated Mr. Marshall's impact fees tie back to 2006 and are probably much less than they should be. Stated the proposal fails to provide evidence for its impact fees based upon the recent impact fee study. Stated that there is no legal, factual, basis for the impact fees Mr. Marshall is requesting to have memorialized. Stated that this disadvantages Elbert County citizens and taxpayers in every instance. Asked that the proposal be rejected.

Patty McKernan, 97 Meadow Station Road--Discussed traffic concerns. Stated Mr. Marshall has already breeched his contract with the County. Also stated that the roads were not built before the 400th permit and that the County did nothing to enforce the contract. Then, she stated that CORA records indicate that there were concerns with the selection of County Road 178 and a lack of analysis comparing this selection with the originally approved County Road 182. Asked who made the selection of County Road 178. Asked for the proposal to be rejected.

Tom Rudman, 24 Meadow Station Road--Stated that the roads should have already been constructed, but that the developer spent the time building the smaller and shorter roads. Stated he has not seen a contract letter relieving the developer of constructing these roads. Stated the developer's entire

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justification for the proposed amendment is that the roads are no longer needed and the County doesn't want them. States there is no change in the number of homes in Spring Valley Ranch and there is no mention of Spring Valley Vistas. Stated that there is no traffic analysis showing that County Road 178 is safer or better. Discusses the 2008 Master Transportation Plan and states that the only development specifically mentioned in there was Spring Valley Ranch. Stated that the traffic analysis shows that County Road 178 will have more cars on day one than Delbert Road has now. Stated that County Road 178 probably should be a four lane road. Stated that the analysis shows that the intersection of County Road 178 and Delbert Road is anticipated to be a level of service (LOS) of D-F. Stated that is two levels below what CDOT recommends for rural roads. Stated that they feel it is an unsafe road. Stated he is not a traffic engineer or a planner, but he has been an engineer for 40 years and has taught engineering for 5 years. Stated that none of his students would try to push three pipes of flow into one pipe with a restriction on the end--that pipe won't flush. Asked the Planning Commissioners to "flush" the proposal.

Scott Marx, 371 Fox Gate Court, Parker--Discussed pros and cons of 178 and 182. Stated that 182 is the "natural, logical place to go". States that 182 lines up with a main corridor going into Parker. States it is much safer due to greater visibility and would have a smoother traffic flow. States there are no pros to 178 if compared to 182. States 178 will increase congestion. States that it will have poor visibility from the north since it is a hilltop intersection. States folks will have about 1.5 seconds of wiggle room to avoid hitting a car in front of them if they weren't paying attention. States that 178 is a known dangerous intersection and asks why would we do this. Asked why the Board of County Commissioners refuse to do an objective comparison between 182 and 178.

Chris Hatton, 1483 Carlson Road--Stated that one of their concerns with the proposed County Road 178 is drainage. Stated that they had an opportunity to meet with the engineers with the County earlier today. Stated that it was very collaborative and productive for most of the meeting. Stated that their voice hasn't been heard for the last three years and there is an opportunity for their voice to be heard now. Asked for the Planning Commission to reject the proposal so that they could have an opportunity to go through their concerns. Stated that as the road adjoins the properties to the south there is an embankment or dam with a conduit in the middle of it. Stated that this will cause water to be ponded on the adjoining lands and raise the surface water elevations on these lands. Stated that by ponding water on the adjoining land, it is considered a taking (trespass or reverse or inverse taking) and is not allowed. Stated that the proposal is not in compliance with Section 600 of the Design Standards or with the Zoning Regulations and asked for the Planning Commission to reject the proposal on that basis. This would provide additional opportunity for them to talk and work with the engineers to attempt to further address their concerns.

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John Smith, 43766 Buckskin Road--Stated he is a licensed professional engineer, with a Masters of Science Degree in Electrical Engineering, a second Masters of Science Degree in Biomechanics, and a Degree in Engineering from the Colorado School of Mines. Stated he spent over 30 years in the U.S. Army Corp of Engineers. Stated he held every engineering classification including those of civil engineering, facility engineering, topographic engineering, and combat engineering. Stated he has done construction throughout the United States and in a lot of the world, including building roads. Gave an example from when he was an engineer in Battalion Commander in Bagdad, stated they had to repair the highway that ran in front of their fort operating base. Stated that their highways are built to the same standards as ours and they had to bring it up to that standard. Stated that in his civilian career he has analyzed over 3,500 motor vehicle collisions to understand why they occur. Stated he has been recognized as an expert in the fields of accident reconstruction and biomechanics in at least 29 states, numerous federal courts, and virtually every district court in Colorado. Stated that it is his professional opinion that County Road 178 is a "clear and present danger" to the citizens of Douglas and Elbert County. Stated that there has been at least five (5) traffic studies, most of which are contradictory, and some are clearly in error. Stated four (4) engineers, who are citizens of Elbert County and have a combined experience of over 150 years, met with Mr. Hale and Mr. O'Hearn and other engineers. Stated that as a group they agreed that their primary concern was the safety of the citizens of Elbert County. Asked what is best for our County. Stated that the County engineers acknowledged their concerns and stated that the safety aspects were not something they had not evaluated. Stated that they agreed they had not performed a comparative analysis of CR 178, CR 182, or any of the other roads Mr. Marshall had asked to be relieved from. Stated he was not criticizing the County, merely stating how it works. Stated that Mr. Marshall comes to the County with a "wish list" and the County evaluates what is proposed. Stated that the Planning Commission doesn't have to recommend approval. Stated that Mr. Hale and Mr. O'Hearn suggested a series of meetings between the County's engineers and the citizen engineers with Mr. Marshall's engineers and they have agreed. Stated Mr. Marshall was asked whether he would be willing to post-pone tonight's meeting to allow the time to address all the issues and determine what is best for our County. His answer was no. Asked the Planning Commission to reject the application and allow them to continue to work with the County and the other engineers. Stated he counted no less than 25 mistakes in Mr. Marshall's presentation--things that were either not true, or not exactly representative of reality.

Kellan Johnson, lives in Spring Valley Ranch--Stated it was his understanding that the developer is still under obligation from DGA #1 to design and install a dual reuse irrigation system for each lot in the development. Stated that DGA #1 was agreed upon 17 years ago and there does not appear to be a dual reuse system installed on each lot. Stated that the language in DGA #3 appears to relieve the developer of this obligation. Stated that without the reuse system the aquifer would take a hit and that it will only

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get worse as more and more development occur in the area. Stated that DGA #3 should not be approved as it is currently written.

Wayne Ordakowski, 910 Newman Drive--Stated that DGA #3 is about a developer who wants to be relieved of his contractual obligations to the County, thereby enriching himself by 38-50 million dollars. Discussed the water reuse system that was part of DGA #2. Stated that there has been no construction effort made toward that commitment. States that DGA #3 relieves the developer of the responsibility to construct the greywater system. Stated that DGA #3 impacts that aquifer that everyone in northwest Elbert County uses. Stated that DGA #3 caps the impact fees and they are much lower than the "industry standard". Estimated to be about 1/2 of what was recommended in the recent impact fee study commissioned by the Board of County Commissioners. Discussed road construction obligations, specifically those associated with the 400th building permit. Stated if the developer doesn't want to pave the roads he is obligated to pave he shouldn't get to construct the homes that were allowed as part of the density bonus for paving those roads. Stated that the roads that have been constructed in Spring Valley Ranch are a mess. Stated that "the County Road 178 short-cut" is not a safe road. Stated it will be undersized, have no acceleration lane, and a four foot shoulder. Stated the Planning Commission should reject the proposal, Elbert County citizens deserve the original agreement.

Kahl Forington, 536 Meadow Station Circle--Discussed the legal action against Spring Valley Vistas brought by the citizens. Stated that the developer chose to create a new roadway called 178, "instead of the safer 182". Discussed the legal action by the citizens regarding the original DGA #3. Stated that the judge ruled the County "over-reached their authority". Stated that there are professionals coming to the County, at no cost to the County, stating that Mr. Marshall's figures are wrong or his maps are deceiving. Stated, "You say Elbert County needs more roads, then why in the world would you give back 16 miles of roads for only 3 miles".

Tom Silchia, 323 Meadow Station Circle--Requested the Planning Commission reject the proposal in front of them. Discussed reduction of roads the developer would be obligated to construct and stated it only benefits the developer. Stated that the road obligations in DGA #2 are based, in part, on the density bonuses granted to the developer for the Spring Valley Ranch development. Stated that the developer claims that the road obligations from DGA #2 are based upon the Spring Valley Ranch development as well as the defunct Spring Valley Vistas development, then stated he was unable to find any documentation to confirm this statement. Requested the Planning Commission to reject the proposed DGA #3; and if they approved, he requested the Planning Commission to provide a public summary informing the citizens of Elbert County how this DGA #3 is more advantageous than DGA #2.

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Jordan Long, 45388 and 45390 Coal Creek Road, 2272 Pronghorn Circle, Lot AB3 in Pronghorn Estates and 45590 Coal Creek Drive--Stated that they believe that CR 178 is an easier, faster route for the Spring Valley Ranch citizens to go back and forth. States that there is already a north-south corridor and this seems logical. Saves the County money in maintenance in the long-term. Discussed the number of miles of roadway in the County and the number of those miles that are dirt roads and require constant maintenance. Stated that putting in extra roads that aren't needed does not make sense. Asked where the man-power or tax revenue was going to come from. Restated that he thinks it makes sense.

Byron McDaniel (Chris Hatten for), 5530 Bear Creek Loop--Concerns about the roads in the Spring Valley Ranch development. Warranty period with County, County unwilling to plow or maintain, maintenance concerns, cracks up to six (6) inches wide.

John Davis, 41690 Valley View Court--Stated he is not an engineer. Asked the County to look at the past obligations, contracts. Stated he hates Delbert Road and Singing Hills Road. Stated you have to do whatever the County can legally do and have to do whatever the County can afford. Stated nobody likes a road behind their house, he understands that. Stated he suspects that if the road wasn't by their houses they wouldn't be complaining tonight. Stated he didn't see a reason that the Planning Commission could deny the requested proposal unless there was a legal reason they had to deny it. Stated he was for the proposal as Jim presented it.

Mary Stein, address not provided--Stated if the road is placed where the developer is proposing to place it, it will not be safe because it would be right in the floodplain. Flooding concerns.

David Dennis, 2845 Cherry Way--Traffic concerns. Stated Singing Hills has a two (2) hour back-up every night and every morning. Stated 178 is only about 1/2 south of East Parker Road. Stated that East Parker Road is a bad intersection itself and now we are going to put in another one. Stated there would be a back-up for a mile every night. Stated common sense says we need more roads. Asked whether this was a "done deal".

Susan Rudman, 24 Meadow Station Road--Discussed County organization chart and how the citizens are shown at the top. Stated she didn't see "developer" on the organizational chart. Stated that there are at least 151 individuals in the packets against DGA #3, 85% against. Stated the developer is

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contractually obligated to DGA #2 and asked where the justification is for allowing him to change his contract. Stated that relieving the developer of the roads puts the costs directly on the taxpayers. Discussed history of the Spring Valley Ranch development. Questioned reuse system and whether it is still part of the agreement. Discussed impact fees. Asked for someone to explain why 178 is a better road than all the other roads being deleted.

Patty Madison, 2516 Eileen Way--Stated that she also owns land near CR 174 and 13. Stated she supports DGA #3.

Dusty Madison, 2516 Eileen Way--Stated he also has land at CR 174 and 13. Stated he is not an engineer either. Stated he was a land surveyor long ago, but if you wanted him to go out and survey land he recommended that you call a company who does it currently. He stated, there might be a lot of engineers but you have the advice of someone who designs roads for a living for a company that has been around for a long time. Asked the Planning Commission to approve, again, DGA #3.

Dan Rosales, 3672 Deer Creek Drive, Parker--Stated he was here today to show his support for CR 178. Stated he was the Planning Commission Chairman when DGA #3 was approved in 2018. Stated numerous factors had to be considered before they could arrive at a decision and each factor does not stand alone. Stated he wanted to focus on three main points: 1) they took into account the 15.5 miles that was originally designed to support the Spring Valley Vistas development, a community that was to have 3,000 homes along with an elementary school, fire station, parks, and commercial entities--when fully developed this was to generate over 34,000 vehicle trips per day, however, this development was eliminated due to the down-turn of the housing industry in 2008. The land has been divided into 35 acre lots, this forever takes away the justification for paving the roads that were developed to support this community. Conditions change, especially after 14 years. Stated that they made a legal and fair decision to relieve the developer of the obligation to construct those roads. 2) The new CR 178. 3) The County does not have the money to build new roads now.

***Recessed at 9:42 p.m. Came out of recess at 10:07 p.m.

Danny stated we would continue with the public comments till we were closer to 11:00 p.m., then we would recess until 7:00 p.m. the next evening and pick-up where ever we leave off tonight.

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Rick Madison, 5724 Limon Street, land owner at the corner of the proposed County Road 178 and 13-- Stated we can all agree that we do need more roads. Do have to adapt, the development plan from 15 years ago has changed--everything has changed. So why do we keep the same roads? We have to have the ability to change with the changes in the development. Would rather have new roads now that make sense. Not forcing the developer to stick to the old plans which don't make as much sense these days because things have changed. Hears a lot of "not in my back yard" when it comes to 178 versus 182. Discussed congestion concerns with 178 and asked why it wouldn't be the same thing with 182. Likes the improved access to his undeveloped property. Asked the Planning Commission to approve DGA #3 just like they did in 2018.

Susan DeSylvia, 42493 Pearson Ranch Loop--Discussed personal loss associated with bad car accidents. Stated she has been living off Delbert Road for 19 years. Stated she talked to Douglas County regarding the turn lane and how many cars it can handle. Asked what happens when it is a school bus, trash truck, horse trailer. States you can't slam on your breaks when you are hauling a horse trailer. Stated 182 doesn't send people up and down Delbert Road as much, it would send people into Parker. Stated 178 makes no sense. Asked developer if he has ever pulled a horse trailer. Stated they are already used to 182 being an area where they stop. Asked how many years 182 has been in the plan. Thanked the Planning Commission for listening to the community.

Ilse Wheeler, 3106 Green Mountain Circle--Stated that the majority of the traffic to building the homes in Spring Valley Ranches is going down County Road 186, and it is a dangerous road. Stated that she has been waiting for a new road to be constructed for Spring Valley Ranch since 2001. Stated she sat in front of her house and watched 50 dirt trucks go by in one day. Asked how many trucks it takes to build one house. Concerned they may have to wait longer for new roads to be built.

Ralph Martin, 43175 London Drive--Against the proposal. Spent 35 years as a Colorado State Patrol Officer, seen a lot of crashes and investigated a lot of crashes. Has been living in Elbert County for seven (7) years. Stated he thinks Delbert Road is very unsafe already. Talked about people passing in no-passing zones and tailgating. Stated that the Federal Highway Association claims 1/4 of all fatalities occur at intersections, and 1/2 of all traffic injuries. Concerned about grading and line-of-sight. Concerned that the Manual on Uniform Traffic Control Devices (MUTCD) won't be followed. Concerned about back-ups and road-rage. Stated that 182 makes more sense to him, better place for traffic controls. Discussed turn lanes and lights.

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Dwayne DeSylvia, 42493 Pearson Ranch Loop--Stated he is not against the development or the need for roads. Discussed teenager's death at Pearson Ranch Loop and that it remains a no left turns to this day. Stated that this intersection is on a "blind hill". Stated that if the Planning Commission votes to approve this proposal they may be potentially creating another situation like that. Stated that people are used to the slowing of traffic at the intersection of Delbert and 182.

Deborah Unknown on Zoom--Stated several people claimed 182 would be safer than 178. She doesn't have anything to say about 178, but stated that 182 would not be safe. It is also on a blind hill and is only one (1) mile from County Road 186. County Road 186 has a lot of traffic going both towards Aurora and a lot of folks live on 186. Stated that if 182 is built traffic would be backed-up way past 186. No one would be able to turn on to Delbert at rush hour. Additionally, 40+ homes would be impacted by 182. She estimated that 178 would only impact about 12 homes. She also stated that several people have their driveways right on the property line where 182 would be constructed and it would negatively impact their property values. Referenced Resolution 06-16 and stated that the 1041 plat was approved but did not meet all the conditions of approval. Stated County Road 182 was supposed to have been constructed for the 600+ density bonus. Asked if the conditions were not met whether the density should have been approved, then stated that County Road 182 shouldn't be approved either.

Brandon Matty, 34995 County Road 17--Discussed process his father-in-law went through to rezone and split his property. Stated water is a concern for him. Stated that the developer should be held to the water reuse system. Also stated that paved roads are important. Stated that safety is important. Disagreed with previous speaker, he thinks 182 would be safer.

Danny asked about the safety of the intersection. He asked to hear about the design process and traffic study. Danny closed the public comment portion of the meeting.

Jim Marshall stated they are here tonight to discuss the Amendment to the DGA, which is not design related, it is about the obligation to build and the location. Stated that they were prepared to talk about the design process and how they went through it. Stated they submitted their plans to the County almost two (2) years ago, went through several rounds of review with the County's independent third party consulting civil engineer, who has road design experience. Stated that Erin Tuin of 2N Engineering is his civil engineer, he has designed roads and drainage plans for twenty something years and has designed hundreds of miles of roads. The roads are designed to meet all the standards, codes, and meet best management practices. Discussed how the road designs were reviewed by Elbert County's

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Engineer and Douglas County's Engineer. Stated that there is accel/decel turning lanes. Stated his traffic engineer, Chris McGranahan, could elaborate of the design further. Refuted the claim that there would be back-up of traffic during the peak, or rush hour, traffic times. Stated that Spring Valley Ranch has 1,786 lots, over 400 are currently developed. Stated that one comment that was brought up numerous times was their obligations. Stated that DGA #3 was approved and it was a binding agreement until July of last year. The commitment to building County Road 17/21 and 186 was removed, that obligation didn't exist again until DGA #3 was ruled invalid because of the notice requirements. Stated 178 is the most direct way to get to Delbert Road, further stated that 182 was not going to line up perfectly. Stated that, in 1963, the County Commissioners passed a resolution that abandoned all of the section line roadways in Elbert County. Stated they had to go find right-of-way, had to go and acquire third party right-of-way. Stated this route impact the least amount of people. Stated that 178 moves 800 feet to the north. Stated there is a lot of grading work, a lot of cut and fill.

Danny--Asked about the design and review process.

Jim--Stated that it was reviewed by Enertia (Elbert County's consulting civil engineering firm) and Elbert County Road & Bridge. Stated it was also reviewed by the Douglas County engineers due to the maintenance issues with Delbert Road between Elbert and Douglas Counties. Stated that the design plans are approved and have been approved. Stated they had several discussions with the engineers from Douglas County, Matt Williams and Chris Martin. Asked Eric to discuss the process of designing the road and his qualifications. Stated that Eric was a professional engineer and he seals and signs his work.

Eric Tuin--Stated that he has been doing this work for over 24 years. Stated he designs highways and intersections and estimated that he has designed 100 miles or more of roadways. Stated they have to meet ASHTO standards. Stated that they were going to rebuild about 1/4 mile of Delbert Road to address sight distance concerns.

Van--Asked how many fatal accidents since the young man was killed?

Eric--Stated he didn't know.

Van--None. Asked to confirm that they were taking care of the hill.

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Peter--Asked about the design of the roadway.

Eric--Stated 178 was designed with two 12-foot lands and 8-foot shoulders. Stated that they are widening the intersection on Delbert Road to allow for a southbound left turn lane. Stated that the intersection will have to have additional improvements in the future.

Jim--Stated Spring Valley Ranch is less than 25% built out. Chris has taken into account the full build out as well as other nearby developments.

Chris--Stated that the traffic study was for Filing M, Filing 5, which included appendix figures that included existing traffic and those not yet built. Looked at 2025, just through Filing M. In the 2040 scenario they had the full build out of 1,786 units. Stated that the intersection that Eric designed included a left turn lane and stated that almost no one from Spring Valley Ranch will be utilizing this. Stated that southbound Delbert Road has a several hundred foot decel lane with stacking. Stated that the E/F LOS is for the westbound to southbound turn lane that isn't like to get much use. Stated that the right turn lane to go north functions at level C/D depending on the time of the day. Stated they didn't recommend the acceleration lane since the speed limit is 40, not 45 or greater. Stated it might be warranted with future development in the area. Stated they will have to rebuild a 1/4 of Delbert Hill Road--cut down hills and raise valleys--otherwise, the sight distance would not work.

Danny--Did it account for Independence?

Chris--Yes. Stated Independence was covered in one of the appendices to their traffic study. Discussed the appendices and explained that they show what the background data to their traffic study is.

Van--Motioned to recess at 11:00 p.m. till 7:00 p.m. tomorrow evening. Peter seconded the motion.

*****January 20, 2021*****

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Danny--Called the meeting to order at 7:09 p.m., coming back from recess from last night. Stated they would do a prayer, pledge, roll call, and then pick up with questions from the Planning Commission.

Prayer: Peter Hoogendyk

Pledge: All

Roll Call: Danny Willcox (Chair), Van Sands, Peter Hoogendyk, Dan Michalak (Zoom), Justin Klassen (Zoom).

Danny--Stated that public comment has been closed, and the Planning Commission is asking questions tonight and then they will take a vote. Stated that they talked about the road construction last night. Wanted information on the traffic study, traffic control and traffic design.

Jim--Stated that Chris is his traffic engineer with LSC and he did the traffic study.

Danny--Asked for someone to go over the study and discuss what came out of the study--the timeline, the growth potential, the increase in traffic numbers, what that means to that intersection, what that means to that road.

Chris McGranahan, LSC Traffic Consultants--Stated that the traffic study included Spring Valley Ranch--existing, approved but not yet built, Filing M, and planned but not approved; Independence, existing + 2%/year (excluding Spring Valley Ranch and Independence). Stated that the 2040 analysis assumed full build out of Spring Valley Ranch (1,786 homes). They looked at the short-term and long-term total traffic. Stated that the south bound turn lane was over 400-feet. Separate left and right turn lanes. Stated that the intersection may need a signal at some point in the future--development in between Spring Valley Ranch may warrant right turn lane. Discussed with Douglas County, Elbert County, and Curtis Rowe with Kimley Horn (Elbert County's traffic consultant).

Danny--Asked who is Tuin?

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Chris--Eric Tuin designed the road based off my study. Discussed process of creating the plan study, vetting the study, and then designing the road. Stated that roughly 1/4 mile, more or less 1/2 mile on each side, (a little more on the north side) of Delbert Road would be re-graded, reconstructed, and widened.

Danny--Asked how close it is to requiring an all-way stop?

Chris--Stated they preferred to do two-way stops; trying to avoid all-way stops. All-way stops are typically used as an interim before installing a traffic signal. Stated it can sometimes take a year to a year and a half to get a signal installed.

Danny--Asked about traffic coming off Singing Hills Road.

Chris--Stated this was another item that was looked at in the traffic study. Stated they looked at existing traffic and traffic volumes 4-5 years later and stated that the traffic volume for Delbert and Singing Hills actually went down. Stated that about 1/2 of the traffic from Spring Valley Ranch will take 178. Stated that it would add capacity faster than traffic is added.

Dan--Stated that cleared up his questions on all-way stops--when it would be needed and how.

Justin--Stated he didn't have any questions. Stated he would listen for other people's questions and this is an interesting topic.

Peter--Stated he received a letter that was worried about increased traffic going north on 13 to 178, and they were worried about the speed going through there. Discussed wanting to get some stop signs on 13, before you get to 178.

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Chris--Stated the the question appeared to be whether folks would speed north of 178 on 13. Stated they contemplated stop signs. Stated that as you get to 13, 178 is more of a curve, and then it transitions to wide open roadway close to Delbert Hill.

Peter--Stated they were worried about the existing development along 13, people speeding through that area because they could go up and around.

Chris--Stated that part of DGA 3 is that it would be paved to County Road 13. Stated that he thinks County Road 13 is a collector/arterial and that the County would need to monitor speed and stop signs.

Justin--Asked for clarification on whether the north bound traffic will not have a turn lane but the south bound traffic will have a turn lane.

Chris--Stated he explained this the night before, but it was near the end of the evening so he could explain why there isn't a right turn lane.

Justin--Stated he was good, he just wanted to make sure he understood what they're considering.

Van--Stated he was assuming that they had all the easements and right-of-ways for 178, is that correct.

Chris--Yes sir, we do. I don't, Jim does.

Jim--Stated the first 1/2 mile runs east from Delbert Road was dedicated by plat, the Delbert Hill plat. That plat has been recorded and that right-of-way has been dedicated to the County as part of that plat. The rest of it we acquired through acquisition through private property owners. Stated they have all the construction easements, temporary and permanent. Also stated that Douglas County and Elbert County are spending \$850,000 to overlay Delbert Road in 2021.

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Danny--Asked if Jim could explain how they are not constructing the road on the section line, it is actually going to be constructed just to the north.

Jim--Stated that the County Commissioners recently rescinded a resolution that was passed in 1963, that abandoned all section line right-of-ways in Elbert County. Stated that this resolution meant that there was no right-of-ways available, you had to go acquire right-of-ways from private property owners.

Danny--Asked Jim to give him an idea how far off the parcel line the right-of-way is located.

Jim--Stated that the right-of-way is 120-feet wide, with 12-foot travel lanes. Stated they pushed it as far from the section line as they could. Stated that the original alignment was straight across to Delbert. Stated that when the Delbert Hill subdivision was being designed they met with the Delbert Hill property owner and he thought the intersection would be better if it were moved further north. Stated they ended up moving it north about 800-feet. Stated that this also created more separation from the Meadow Station intersection.

Danny--Asked if there was a plan to tie Carlson Road into it.

Jim--Stated that would not work. Stated they looked at the alternatives over the years (2013-14). Didn't want to go through a condemnation process. Looked at shortest distance. Stated they looked at every possible connection and this was the one that made the most sense.

Candace Head-Dylla--Asked if they could ask questions.

Danny--Stated no, public comment is closed. That was yesterday, we have a list of the questions.

Dan--Asked what triggers the start of the building of County Road 178. Then, asked when Jim thought that might occur.

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Jim--Stated that the trigger is the seventh permit in Filing 5, which happened over a year ago. When the court determined DGA #3 was improperly noticed we had to start over. Will start construction as soon as possible. Stated that everybody agrees we need more roads, just don't agree on which ones. Stated that it is being funded by the developer, not paid by tax payer dollars.

Danny--Asked about the water reclamation systems.

Jim--Stated that the 1st Development Guide Amendment, which was processed in 2004, in Section 6.6 is the section that deals with reuse. Stated they are amending this section to include the golf course. Estimated it would be installed in about 1 1/2 years. Stated that the golf course uses 50-60 million gallons of water each year. Discussed that they are just now getting enough homes to be able to support a reuse water system.

Van--Stated he has experience with reuse systems and they are not cheap.

Jim--Discussed the cost of the reuse system, stated that it is approximately \$2,500/house for purple pipe. Stated that their water was all adjudicated in 2001; they want to preserve as much as possible.

Peter--Asked about the impact fees.

Jim--Discussed impact fees from when they started developing Spring Valley Ranch. Stated that this amendment brings their impact fees up to \$2,453/lot. Stated they have been paying \$2,803/lot since February, 2018, which includes the impact fee and an Economic Development fee. Stated that the road impact fees are being paid by the construction of 7.5 miles of roads.

Danny--Asked about the cost to build the road--\$11 million. Stated he spoke with the County Engineer, Sean O'Hearn about the process. Stated that Jim is required to go through inspections throughout this process; for example, after you install the underlay. Stated that if the costs increase at any time the developer is the one who is responsible.

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Jim--Stated that the road is designed to meet the County standards, ASHTO, and best management practices. Discussed that they were doing two things that aren't required by code: 1) Doing composite road sections, which are considerably more expensive but provide a better subgrade; and 2) armoring our slopes. Stated that they have already posted a surety bond for the construction of those roads at 150% of the budgeted amount.

Danny--Stated that he was trying to confirm that any expected cost increase due to design issues would be covered.

Jim--Stated that based off the preliminary geotechnical report he doesn't think there are many issues, but contingencies were built into the budget. Also stated that they will have geo techs on-site constantly.

Danny--Asked Jim to speak to that.

CJ Kirst--Stated that they do have a separate consulting company that they hire to be on-site full-time, constantly checking for compaction, moisture, and swelling in the soils. Explained that there are certain levels they try to stay within, if it is not dense enough they compact it more. If there is too much clay in the soil you typically pull it out and add moisture to it. Stated that the geo techs are on-site for the entire process monitoring the road base materials to make sure it meets specifications. Stated that sometimes they drill cores to be able to show the County. Stated that another step, that Sean is adamant about, is that at the end of the day this consulting company has to provide a stamped and sealed letter to the County stating that all specifications are met.

Danny--Stated he wanted to verify that everything that is being done is based on County standards.

CJ--Absolutely. Stated that when the County doesn't specify a specific standard they have to follow CDOT standards.

Peter--Discussed heavy snow storms and drift that occur on east/west roads. Discussed installation of snow fences along County Line Road. Asked if they had considered installing a snow fence.

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Jim--Stated they had not contemplated that at this time, but there is a lot of cut and fill--this is not a flat piece of ground. Stated that if there are problems it sounds like a reasonable solution.

Peter and Jim discuss snow fences further.

Justin--Asks Peter whether he is bringing this up as a condition or is it just a recommendation.

Peter--Up in the air on whether it should be a recommendation.

Jim--Stated he didn't have a problem with it being a condition of approval.

Danny--Asked about Spring Valley Vistas and why it was combined with Spring Valley Ranch back then.

Jim--Stated that they were owned by the same company. Everything was being funded through the same entity. Stated that the original submittal of Spring Valley Vistas was made in 2005/2006, and planned to be approximately 5,400 lots and it was scaled back to 3,000 units. Stated that Spring Valley Ranch was the active project at that time and they were actively working to get right-of-way. Stated that they were looked at together because it was common ownership and the same investment capital. Also stated that the County wanted to know they were committed to the roads before Spring Valley Vistas went forward.

Danny--Asked for confirmation that Spring Valley Vistas went away completely.

Jim--Answered yes. Stated that the lawsuit for that development was filed in 2007. Discussed legal action at the various court levels. Stated that the final decision from the Court of Appeals was that the County Commissioners had breached their authority by utilizing 100 years for aquifer life. This meant they could still build the 3,000 units but they would have to have 300 years' worth of water. However, from 2008-2012 the financial markets crashed and they decided not to move forward with that project.

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Stated they went from 4,786 lots to 1,786 lots. Started working on figuring out how they were going to meet their road obligations with the density they had left in 2016. Stated they are still building 58% of the obligated roads from 2006 with only 37% of the density.

Danny--Sounds like Spring Valley Vistas went away because of an inappropriate approval.

Jim--Stated that on their end it meant they had to either buy more water, build less density, or a combination of the two. Confirmed that the Spring Valley Vistas project was approved and had recorded documents.

Justin--Asked whether they were adding the snow fence as a condition.

Danny and Peter discussed. Peter stated he would like to make it a condition that a snow fence, where appropriate, is put in. Danny reiterated that Peter would like to make it a condition of approval.

Justin--Asked whether the word "permanent" needs to be included.

Danny--Asked Justin if he was interested in wording the condition.

Justin--Stated he is not sure he is 100% supportive of the condition. Wanted to discuss the topic and wanted clarification on whether it was going to be a condition or a recommendation.

Jim--Stated he is not opposed to exploring it. Would like the language to state that they will explore the possibility of a permanent snow fence mitigation with the County since they will have to maintain it.

Danny and Peter discuss the wording further. Peter states the condition could be that the County's input decides where the need is. Peter attempted the wording of the condition: permanent snow fencing to be installed in conjunction with County's decision making as to where it ought to be.

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Dan--Stated Mr. Marshall had better wording.

Jim--Stated they'd work with County staff to explore snow fence mitigation measures and implement where appropriate.

Dan and Justin state that they like that wording of the condition.

Peter made a motion to add it as a condition of approval. Van seconded the motion.

Justin--One discussion point, this will become the obligation of the County's at some point in time.

Peter--Agreed and stated that the County already maintains other snow fences that they have installed.

Voted on adding the condition of approval. Passed 5-0.

Danny--Discussed conversation he had with the County Engineer, Mr. O'Hearn. Stated he talked to him in great length about the construction of the road and requirements. Stated Mr. O'Hearn told him about conversations between citizen engineers and County engineers. Stated Mr. O'Hearn wanted to continue the discussions to the point that there was a good understanding of how the road is constructed and what the process is. Stated he was considering a condition that staff works in between now and when this item goes to the BOCC to set-up additional meetings to further discuss and research different views regarding the construction of that road.

Van--Stated he is not sure that they can do that. Stated if they approve it now that is it. Stated it can't change the decision.

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Danny--Stated it won't change the decision. It is an effort to keep that line of communication open. Stated that they (the citizen engineers) have some questions. Stated Mr. O'Hearn has an extreme amount of knowledge that would be beneficial.

Van--Stated that the discussion needs to be with these folks.

John Smith--Inaudible.

Danny--Discussed further potential meetings to keep the communication open. Reiterated that this would have no bearing on their vote, it is just an opportunity to meet and discuss to keep the line of communication open.

Van--Stated if the County Engineer is agreeable, then do it. But it shouldn't be a condition. It needs to be a suggestion.

Peter--Stated it's not going to be a condition of approval, it is actually an invitation to open communication.

Danny--Stated the suggestion is to keep the line of communication open.

Peter--Asked who contacts who.

Danny--Stated that he believes they have Mr. O'Hearn's contact information.

John Smith--Stated they had significant issues from an engineering standpoint. Further stated that what he was hearing was that this would have nothing to do with what they are going to do. Stated if it is going to be approved tonight it doesn't matter.

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Danny--Stated he was trying to present this as an opportunity to keep having discussions. Stated he would like for the lines of communication to stay open. Stated there is time. Stated Sean would like to continue conversations.

Van--Stated what comes out is a better project.

Danny--Stated that ultimately we are all looking for the same thing and that is the safety of that road and that intersection.

Peter--Recommended that they forward to the Board of County Commissioners for approval Spring Valley Ranch DGA Amendment #3 (DG-20-0073) subject to the two conditions listed and the condition on the snow fence as already stated.

Dan and Van both seconded the motion. Motioned passed 5-0.

13. ANNOUNCEMENTS

14. ADJOURNMENT (NO LATER THAN 11:00 PM PER RESOLUTION 00-01)

Meeting was adjourned at 8:26 p.m.