

COMMUNITY & DEVELOPMENT SERVICES

P.O. BOX 7
215 COMANCHE STREET
KIOWA, COLORADO 80117
303-621-3136 FAX: 303-621-3165
cds@elbertcounty-co.gov



AGENDA PLANNING COMMISSION MEETING BOCC Hearing Room 215 Comanche St. Kiowa DATE: June 15, 2021 - - TIME: 7:00 PM

1. CALL TO ORDER

The meeting was called to order at 7:08 P.M.

2. PRAYER: Peter Hoogendyk

3. PLEDGE OF ALLEGIANCE: All

4. ROLL CALL

Planning Commissioners: Danny Willcox, Duane Owens, Roger Burton, Van Sands, Peter Hoogendyk, Jason Vermillion

5. REMINDER TO TURN OFF CELL PHONES

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

Introduction of new Community & Development Services Department staff Cody Spaid and Allie McGahee.

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.

8. CITIZEN COMMENTS

None.

9. APPROVAL OF MEETING MINUTES

A. Amendment of April 20, 2021, Planning Commission meeting minutes

Motion: Approval of the April 20, 2021 Minutes

Van made a motion to approve the Minutes as presented. Duane seconded the motion.

Yes - All

No - None

Motion passed: 6-0.

10. 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.

11. PUBLIC HEARINGS

A. Janes Rezone (RZ-19-0052)--A request to Rezone approximately 24.96-acres from Agriculture (A) to Agriculture-Two (A-2) on property located at 29495 County Road 93, Ramah

The public hearing for Janes Rezone (RZ-19-0052) was opened and Christina Stanton, CDS Director, began her presentation. After Christina's overview of the application the applicant's representative, Tom Maroney, thanked Christina for her hard work and welcomed the new CDS staff members. Tom proceeded to present on behalf of the applicants sharing that they:

- Are long-standing residents of Elbert County, faced by medical challenges that caused financial setbacks and had to sell a portion (35 acres) of their property. They intend to bring the remaining portion (25 acres) of property into compliance and build a new house.
- Talked to Fire Department and have approval for access using shared driveway.
- Have not been formally approved by the State for water - have had challenges with meeting due to COVID-19 restrictions at the State level. Have received a well permit.

Danny proceeded by opening comments from the public -- no one was physically present in the building, one citizen in attendance via Zoom.

Public comment from Diana Edstrom (26060 County Road 41, Elbert) expressed concerns regarding:

- Documentation from the assessor records for property ownership, legal property description, deeds, and how these updates will be reflected on the records.

Tom resolved citizen concerns by addressing:

- The process requirements observed by the county and the timeframes of issuing addresses and recording subdivisions.
- Existing recorded easement allows for same property access, approved by the Fire Protection District.
- Deed recording processes and the legal transfer process related to the legal description vs. the property address/parcel number.

Public comment was closed.

Planning Commission questions and discussions:

- Subdivision details.
- Historical context surrounding the 35-acre parcel and the legal bounds. Clarification of why there was an illegal parcel created and the previous knowledge of the applicant based on their situation.
- Clarification surrounding discrepancy between the proposed water use of 1.5-acre feet allowed by the State vs. the decree statement of ownership citing an annual amount of 9.55-acre feet a year. The well will be metered, and that the replacement plan required by the State is in process.

Roger made a motion to approve the proposal with conditions presented by staff and an added condition that a letter, permit or additional documentation from State of Colorado be in hand before being presented to Board of County Commissioners. Peter seconded the motion.

Yes - All

No - None

Motion passed: 6-0.

Tom Maroney accepted the conditions of approval on behalf of the applicants.

12. ANNOUNCEMENTS

None.

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

Motion: To Adjourn

Peter made a motion to Adjourn. Roger seconded the motion.

Yes - All

No - None

Motion passed: 6-0.

The meeting Adjourned at 7:50 P.M.

APPROVED 7-6-2021