

STATE OF COLORADO }
 } ss
 COUNTY OF ELBERT }

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the 22nd day of May, 2019, there were present:

- | | |
|------------------------|--------------------|
| Christopher Richardson | Chair |
| Grant Thayer | Vice Chair |
| Rick Pettitt | Commissioner |
| Amanda Moore | Clerk to the Board |

When the following proceedings, among others were had and done, to wit:

APPROVE
RESOLUTION 19-25

RZ-18-0085 GAMBEL HILLS REZONE. A REQUEST TO REZONE AN APPROXIMATELY 53.6-ACRE PROPERTY FROM AGRICULTURE (A) TO AGRICULTURE RESIDENTIAL (AR)

MD-18-0086 GAMBEL HILLS MINOR RESIDENTIAL DEVELOPMENT. A REQUEST TO CREATE A MINOR RESIDENTIAL DEVELOPMENT OF FIVE LOTS ON APPROXIMATELY 53.6 ACRES

WHEREAS, the applicant, CJ Kirst on behalf of property owner Gambel Hills LLC, has submitted an application (Case No. RZ-18-0085) requesting approval to rezone approximately 53.6 acres from Agriculture (A) to Agriculture Residential (AR) zoning district; and

WHEREAS, the applicant, CJ Kirst on behalf of property owner 44 Delbert LLC, has submitted an application (Case No. MD-18-0095) requesting approval of a Minor Residential Development for five lots of at least 10 acres; and

WHEREAS, the proposed project is located in the South 1/2 of Section 22, Township 7 South, Range 65 West of the 6th Principal Meridian in Elbert County; and

WHEREAS, the Community and Development Services Department and the Planning Commission made the following Findings related to the applications:

RZ-18-0085 GAMBEL HILLS REZONE

1. The proposal is in general conformance with the Elbert County Comprehensive Plan; and
2. The proposal meets all the criteria for approval in the Elbert County Zoning Regulations; and
3. The Elbert County Subdivision Regulations are not applicable to the rezoning application; and
4. The proposal is compatible with existing and allowed land uses in the surrounding area; and

5. The proposal will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area.

MD-18-0086 GAMBEL HILLS MINOR RESIDENTIAL DEVELOPMENT

1. The proposal is in general conformance with the Elbert County Comprehensive Plan; and
2. The proposal meets the criteria for approval in the Elbert County Subdivision Regulations; and
3. The proposal is in general conformance with the standards of the Agriculture Residential zone district, should it be approved; and
4. The proposed land use is compatible with existing and allowable land uses in the surrounding area; and
5. The proposed land uses will not result in significant impact to the health, safety, and welfare of the residents and landowners of the surrounding area,

WHEREAS, on April 16, 2019, the Planning Commission held a public hearing on these applications. At the hearing there were presentations by CDS staff and the applicant, and public comment was solicited. The applications were continued to a date certain of May 7, 2019. Additional testimony was provided and public comment was solicited. On votes of 6 to 0 for RZ-18-0085 and 6 to 0 for MD-18-0086, the Planning Commission is forwarding their recommendations to the Board of County Commissioners for their consideration; and

WHEREAS, the Board of County Commissioners, having found that this hearing was properly noticed, and having reviewed the recommendations of the Planning Commission, and having reviewed the documentation of the applicant, and having listened to all public comment, and being fully advised in the premise.

BE IT THEREFORE RESOLVED, the Board of County Commissioners does hereby approve RZ-18-0085 GAMBEL HILLS REZONE with conditions of approval to include:

1. The applicant shall remove the public hearing sign(s) within seven (7) days of a decision by the Board of County Commissioners.
2. The rezone shall not become effective until all fees are paid, conditions of approval are met, and the Rezone Exhibit is recorded.
3. Recordation of all appropriate documentation to occur within 180 days of approval by the Board of County Commissioners.

AND BE IT FURTHER RESOLVED, the Board of County Commissioners does hereby approve MD-18-0086 GAMBEL HILLS MINOR RESIDENTIAL DEVELOPMENT with conditions of approval to include:

1. The applicant shall remove the Public Hearing sign within seven (7) days of a decision by the Board of County Commissioners.
2. The minor residential development will not become effective until all fees are paid, conditions of approval are met, and the required documents are recorded.
3. Recordation of all required documents shall occur within 180 days of approval by the Board of County Commissioners.
4. The subdivision plat shall comply with the submittal requirements in the Elbert County Subdivision Regulations and the applicant shall submit two copies on mylar to Community



and Development Services for County signatures and recordation by the Elbert County Clerk and Recorder.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

Absent

CHRISTOPHER RICHARDSON
[Signature]

GRANT THAYER
[Signature]

RICK PETTITT



ATTEST: AMANDA MOORE COUNTY CLERK BY: Amanda Moore
Clerk to the Board