

Rachel Bacon

From: Solomon - CDOT, Richard [richard.solomon@state.co.us]
Sent: Monday, March 14, 2016 3:27 PM
To: Loeffler - CDOT, Steven
Cc: Rachel Bacon
Subject: Re: PLN2016-00005, The District Plan

There is limited on-line information provided regarding roadway and transportation related matters to view.

However, regarding the Adams County website posting, "Plan Recommendations / Next Steps" Item 2, 5th bullet item:

County & City staff would be advised to discuss with CDOT Region 1 Permit office, matters pertaining to access request from both highways and interstates.

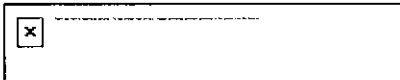
All state highways are limited access and do not lend themselves very well to temporary farm stands and similar ancillary agricultural uses.

Issues and problems of utilizing CDOT ROW could be avoided by keeping such uses on local streets which feed these major highways.

Please ensure the States' Rules for Outdoor Advertising is adhered to, especially when off-premise advertising is considered.

Rick Solomon

Region One Permit Unit Supervisor



P 303.757.9356 | C 720 670-7068 | F 303.757.9886
2000 South Holly Street
Denver, CO 80222
richard.solomon@state.co.us

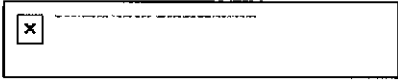
On Fri, Mar 11, 2016 at 2:24 PM, Loeffler - CDOT, Steven <steven.loeffler@state.co.us> wrote:
Rachel,

My supervisor, Rick Solomon, wants to provide comments on this referral, but was out of the office this entire week. He is returning to the office on Monday and would like to still send comments. Please let us know if this is okay.

Thanks,

Thanks,

Steve Loeffler
Permits Unit



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MEMO

COMMUNITY DEVELOPMENT
DEPARTMENT

To: Rachel Bacon, Case Manager

From: Robin Kerns, City Planner

Subject: PLN2016-00005

Date: March 14, 2016

Thank you for allowing the City of Commerce City the opportunity to comment on land use cases in Adams County.

Staff has reviewed the proposal and has the following comments:

- Staff understands that the City of Brighton has a goal of creating a stand-alone city, which the District Plan is intended to complement. Staff notes that there are multiple DRCOG Urban Centers in Brighton's jurisdiction which would appear to conflict with this goal.
- Planning which affects transportation should include continuity with Commerce City infrastructure as well as the Northeast Area Transit Evaluation (NATE).
- Please include Commerce City for representation on any applicable Technical Advisory Committee (TAC).

Please contact me with any questions at rkerns@c3gov.com or 303-289-3693.

Rachel Bacon

From: Tibbs, Aja [ATibbs@brightonco.gov]
Sent: Thursday, March 24, 2016 10:40 AM
To: Rachel Bacon
Cc: Lori Wisner; Abel Montoya
Subject: FW: Brighton Planning Commission -- The District Plan -- Support Letter

One of the letters of support...

From: Prather, Holly
Sent: Tuesday, March 22, 2016 8:40 AM
To: Tibbs, Aja <ATibbs@brightonco.gov>
Cc: Bradford, Jason <jbradford@brightonco.gov>; Holmes, Jennifer <JHolmes@brightonco.gov>; Ballard, Casey <CBallard@brightonco.gov>
Subject: Fwd: Brighton Planning Commission -- The District Plan -- Support Letter

Another letter of support for tonight's hearing...

Sent from my iPhone

Begin forwarded message:

From: Robert Brown <rvbrown22@gmail.com>
Date: March 21, 2016 at 5:46:19 PM MDT
To: <hprather@brightonco.gov>, <dphin@brightonco.gov>, <nhoel@brightonco.gov>, <gwardle@brightonco.gov>, <jbradford@brightonco.gov>, <nmosley@adcogov.org>, <SMcDowell@adcogov.org>
Subject: Brighton Planning Commission -- The District Plan -- Support Letter

Dear Brighton Planning Commission:

I strongly support The District Plan!

The District Plan is outstanding and visionary. It will ensure Brighton's agricultural character forever; while at the same time promoting balanced growth.

Brighton has a unique opportunity (backed by Adams County Open Space dollars) to capitalize on what is essentially FREE MONEY to preserve farmland. Yes, our tax dollars did go into this fund, so let's bring them back to Brighton. Let's spend that money. If we don't, Aurora, Thornton, Northglenn, and others will be standing in line with their own projects. Please re-invest this money in Brighton's future.

We only have one opportunity to get this right. Once developed, we will never get this chance again. Never.

So, again, thank you for your foresight on this issue, and I look forward to your unanimous vote to approve The District Plan's most aggressive option to buy farmland.

Sincerely,

Robert Brown
151 Terra Vista Street
Brighton, CO 80601

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DistrictPlan.org Comment

I have visited Napa and find the combination of Ag business and the other business makes for a small town feel. The mesa in Pueblo as well as Palisade and the California Central Valley all have this feel, where people are tied to the growth of their food there is a peace of community. this peace was here in Brighton where we would visit every year to pick cherries, and visit the farmers markets in search of the best of food and people. It is a real joy to know that my family of 5 live and farm in a community of people that value the earth's bounty.

Christopher Gomez (not verified)
Tue, 03/15/2016 - 4:55pm



March 17, 2016

Rachel Bacon
Adams County
Office of Strategic Planning
4430 S Adams County Pkwy, Suite W2000A
Brighton, CO 80601

RE: The District Plan, PLN2016-00005
TCHD Case #3808

Dear Ms. Bacon:

Thank you for the opportunity to review and comment on The District Plan. Tri-County Health Department (TCHD) staff has reviewed the plan for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the plan, TCHD has the following comments.

General Comments:

Local food systems have an enormous impact on people's access to healthy, affordable foods. TCHD commends Adams County and the City of Brighton for considering options to enhance the local food system and preserve invaluable farmland. These goals will improve access to healthy foods in the area and has the potential to open up additional markets to local farmers. TCHD also commends the County and City for identifying potential funding mechanisms in the action plan and considering additional staff to implement the plan. Both funding and capacity are key to achieving the goals set out in the plan.

To further strengthen the plan, policies related to food access could also address equity in the area. Lower income populations have an even harder time with food access because even if they can physically access healthy food, they may not be able to afford it. This is especially an issue because of the high percentage of the population in the area that is Hispanic. The Hispanic population in Adams County experiences higher levels of both poverty and overweight/obesity than the White, non-Hispanic population. The disparity in overweight/obesity rates is especially concerning in children because overweight/obese children are much more likely to continue to be overweight/obese into adulthood. In Colorado, according to the 2011/12 National Survey of Children's Health, Hispanic children are nearly twice as likely to be overweight or obese compared to White, non-Hispanic children (35.2% compared to 19.6%, respectively). These higher rates of overweight and obesity lead to disproportionately high rates of chronic conditions in the Hispanic population.

The following are TCHD's comments as they relate to sections of the draft District Plan.

Chapter 3: Recommendations

Clearly stating the recommendations of each section in bullet point form would make it easier for readers to understand the section objectives and highlight the important initiatives.

Expanding Landowner Options (page 35)

TCHD commends the County and City for considering water conservation and clustered development along with agricultural land conservation and the local food system. These considerations will help to promote the overarching goals of the plan as well as other environmental and resource efficiency goals that influence the health of the population.

County Future Land Use (page 37)

TCHD supports the creation of the Local District Mixed Use land use category and commends the County and City for including considerations of pedestrian environments, transportation access, and mix of uses in the purpose and criteria for designation. Since preventable chronic diseases related to physical inactivity and obesity now rank among the nation's greatest public health risks, health is becoming an essential consideration in the way we build our communities. A growing body of research shows that thoughtful community design can promote people walking and biking as part of their daily routine. TCHD strongly supports communities to consider the health benefits of street design that promotes daily physical activity. Including these elements in the land use category will promote improvements of the pedestrian environment, improving access to transit and providing destinations for people to walk to. These improvements will encourage physical activity in residents and visitors of Local District Mixed Use areas.

Agricultural Land and Water Conservation Recommendations (page 40)

TCHD commends the County and City for including these recommendations. Because of Colorado's arid climate, water resources can be scarce. TCHD supports water conservation policies and incentives to ensure a sustainable supply for essential uses such as drinking and hygiene. Water conservation strategies are well represented in the plan and TCHD especially supports the inclusion of the recommendation to commit to water efficiency measures in both agricultural and urban applications on page 43 as well as the Land and Water Conservation Criteria listed on page 44.

Please feel free to contact me at (720) 200-1585 or lbroten@tchd.org if you have any questions regarding TCHD's comments. Let us know if we can provide any additional resources or data that may be helpful to your process. We would also be happy to sit down and meet with you to discuss our comments.

Sincerely,



Laurel Broten, MPH
Land Use and Built Environment Specialist
Tri-County Health Department

CC: Sheila Lynch, Monte Deatrich, TCHD

March 21, 2016

Todd Gilchrist
Commander, U.S. Navy (Retired)
2045 Donna Street
Brighton, CO 80601

Dear Brighton Planning Commission:

Congratulations! I want to applaud Brighton [and Adams County] for creating an amazing vision and future for Brighton – **The District Plan**.

I enthusiastically support The District Plan!

The true beauty of The District Plan...

1. It's already funded (perhaps \$1.5 million or more per year) from existing open space sales tax revenue. Tax monies that Brighton residents have already paid. Tax monies that, if Brighton does not use, will go to other cities and help them expand **their** parks, buy **their** trails, and build **their** desirable communities.
2. It recognizes the tremendous economic potential of agricultural preservation efforts in this unique and special area we call home

As a Brighton resident, business owner, and undeveloped landowner, I fervently believe that The District Plan is a critical cornerstone in building an economically diverse, high quality-of-life, and desirable community.

What does The District Plan mean to my family, my neighbors, and me?

Economic Diversity – As you know, a strong community demands a diverse economy.

The City of Brighton has done an amazing job of supporting the construction industry by setting aside more than 20,000 acres for future neighbors and shopping centers (i.e., Prairie Center, Brighton Pavilions, Adams Crossing, Bromley Park, & others). With the Energy Corridor, the City has made a strong commitment to the energy industry. Small manufactures and industrial services have gained your support though the Bromley Interstate Business Park, I-76 Corridor, and other initiatives.

Your backing of The District Plan clearly shows your commitment to our “first” industry – agricultural. Furthermore, The District Plan impacts more than just farming. The District Plan grows our tourism economy, ensuring our hotels, restaurants, and small boutiques remain full and vibrant.

Because of The District Plan, farms and ranches will open their doors to travelers looking for genuine experiences that can include a range of activities from cheese-making to picking veggies, butchery classes to group picnics and shoeing horses to just a (delicious!) bed-and-breakfast stay.

March 21, 2016

The District Plan expands and strengthens our economy because people first find “**The District**” and then they discover beautiful **Brighton**.

Higher Quality-of-Life – Parks, open space, and trails are clearly important to our community – places to gather, to walk, to play. Survey after survey reaffirms that “participating in outdoor recreation or enjoying nature” is a key Quality of Life component. [Sources: <http://www.districtplan.org> and Adams County Open Space, Parks and Trails Master Plan]

- Open space, parks and trail systems was cited most often as one of the five most important services for maintaining and improving the quality of life.
- The overwhelming majority (90% of those you surveyed) support agritourism.
- 82% of respondents agreeing that there is not enough open space protected.

By the way, higher quality-of-life equals higher property values which equals higher property tax revenues.

Desirable Community

With Baby Boomers and Millennials embracing high-density living, we are demanding that our community provide more parks, open space, and trails – all interwoven together. The District Plan is our tool for making this happen.

Bottom Line

This plan strikes a balance between the multitude of urban and rural community values and adapts The District Plan to the present and future needs of the changing population.

Like all great American city plans, **The District** is a vision – a vision of what can be, a vision of tomorrow, a vision beyond the current generation. The District is not only a gift to our children, but also to the 60,000 residents who will call Brighton home in 2050. Vision!

Thank you for your continued support of The District Plan,

Todd Gilchrist
Commander, U.S. Navy (Retired)
2045 Donna Street
Brighton, CO 80601

LAW OFFICES OF

FOWLER, SCHIMBERG & FLANAGAN

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¹ ALSO ADMITTED IN WY. & MONT.
² ALSO ADMITTED IN WYOMING AND MONTANA
³ ALSO ADMITTED IN NEBRASKA

March 24, 2016

Via Email:

Adams County Office of Long Range
Strategic Planning
Attn: Rachel Bacon, AICP
4430 South Adams County Parkway
3rd Floor, Suite W3000
Brighton, CO 80601
rbacon@adcogov.org

City of Brighton Community Development
500 S. 4th Avenue
Brighton, CO 80601

Re: Case Name: The District Plan
Case No. PLN2016-00005

Dear Ms. Bacon:

I'm writing you in response to your "Request for Comments & Public Hearing Notice" which contemplates a hearing before the planning commission on March 24, 2016 at 6:00 p.m. as well as a Board of County Commissioner Hearing on April 5, 2016 at 10:00 a.m. I understand we are a bit late in submitting our comments, but my clients have been attending several of the Neighborhood Meetings and are concerned that their questions and comments have not been heeded.

CLIENTS

These comments are made on behalf of the following clients:

1. Debora Palizzi, Palizzi Farms and Palizzi and Sons, Inc., which operates a 54 acre farm immediately south of Bromley Lane and runs from 3rd to 8th Street, as well as a parcel in Country Hills located of approximately 80 acres.
2. Anna Maria Taylor and her son, Rick Taylor, who operate Colorado Turf, Inc. located at 13210 Sable Boulevard as Anna Maria Taylor limited partnership, which is an irrigated farm operation of about 45 acres.

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3. Craig Ritchey, Grant Ritchey and Becky Scott, 13821 Sable Blvd., Brighton, Colorado 80601. The Ritchey family owns and operates a farming operation on 240 acres at 136th and Sable through a family company, Ritchey Investments.

4. Elaine Schaefer and her family at 13295 E. 136th Avenue, Brighton, Colorado 80601, own and operate a farming operation of 70 acres in between State Highway 85 and west of Sable Boulevard.

5. Morimitsu Family Farm located at 14201 Sable Blvd, Brighton, Colorado 80601, own 80 acres on southwest corner of Sable and 142nd Avenue which is currently being tenant-farmed by Petrocco Farms.

CONCERNS

While my clients appreciate the preservation of farm land and agree with the goals of a “local food system,” they take strong exception to the government’s attempts to impose this vision upon their property and destroy by downzoning and amending the Comprehensive Plan the highest economic and most profitable use of their property. If the government wants to impose open space or conservation easements, it should pay for that and not take it indirectly through land use regulation.

1. Palizzi: I assume the Board is generally familiar with the Palizzi Farm and produce market immediately south of and adjacent to Bromley Lane. This farming operation was begun by my client’s grandfather in the 1920’s and is served by the Fulton Ditch. Over the years the farm has now been reduced from 75 to approximately 55 acres, but appears to be an example of a “local food system” that the District plan is supposed to promote. We are concerned with the “bullseye” of annexation that appears on the District plan. We have never sought such, but when the City condemned approximately 1 acre in 2005 to widen Bromley Lane, Brighton’s attorneys took the position that the only way one could accomplish the “highest and best use” of the property to be taken would be to annex it into the City and since the City would require a roadway dedication as part of any annexation they didn’t want to pay my client fair compensation. When we were able to get an adequate award from a Brighton jury, the City of Brighton appealed and convinced the Colorado Court of Appeals based on some California cases of a new legal standard employing this annexation argument, *see City of Brighton v. Palizzi*, 214 P.3d 470, 479 (Colo. App. 2008). Fortunately we were able to get the Colorado Supreme Court to reverse and reinstate the traditional Colorado valuation, but it shows the mischief that can be achieved when the government starts changing land use plans or zoning regulations which are then used to reduce property values, *see Palizzi v. City of Brighton*, 228 P.3d 957, 965 (Colo. 2010).

On the other hand, the District plan shows “annex or cluster” for the Country Hills property which is likely not only the highest and best use of the property, but is consistent with current development and that part of the plan might be reasonable if the landowner wanted annexation. A residential subdivision doesn’t require annexation nor a new District Plan.

2. Taylor: The Taylors operate an irrigated turf business at the northeast corner of 132th and Sable Boulevard and were not consulted about a “cluster” designation on the new Plan and no one will advise them what impact this will have on current and future uses of the property.

3. Ritchey, Schaefer and Morimitsu: The Ritchey, Schaefer and Morimitsu families share the concern of their neighbors that their private property rights are being taken by this proposed governmental action¹. In addition their properties are marked for TDR or transfer of development rights. If this means they will receive fair compensation from ADCO or whoever is to receive those developments, then the damage to them might not be as severe. However, those parcels are also marked as open space or agricultural – which is it? The Palizzi’s Country Hills parcel is in the same quandary.

REMEDY

If the county or the city wants to acquire control over the property of its citizens it should pay reasonable and fair compensation for the landowners’ losses. Likely you are aware of the fact that several years ago the City of Boulder and Boulder County attempted to impose open space or a buffer zone around that municipality. After a large public outcry they eventually came around to the traditional method of purchasing the buffer properties or acquiring conservation easements. Much more recently, the City of Aurora decided that in order to protect the Buckley Air Force Base it would enter into cooperative arrangements with the Buckley Base and the Trust for Public Land to acquire through the free market system a buffer zone which included trails and open space for its citizens. According to an article in the Denver Post, Aurora intends to acquire in this fashion approximately 1,078 acres. We suggest that the City and County seriously consider the more traditional methods of gaining control of their citizen’s property and avoid years of litigation over “inverse condemnations.”

QUESTIONS

1. Will ADCO or City compensate my clients for any conservation or recreational easements?

2. Will ADCO or City compensate my clients for the loss of development rights if Plan is adopted?

3. Will ADCO compensate my clients for the loss or acquisition of transferrable development rights?

¹ Ironically, this land use regulation is being pursued by the County at the same time these agricultural families are feeling the economic pinch of the County’s oil and gas mortium, which is only making it harder to continue their family farming operations.

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My clients asked these questions at various “neighborhood meetings,” but couldn’t get an answer.

We would appreciate it if this letter was made a part of the official record before the Planning Commission and we do intend to appear and testify in person before the Board of County Commissioners.

Thanks for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Timothy J. Flanagan', with a long horizontal flourish extending to the right.

Timothy J. Flanagan

t_flanagan@fsf-law.com

TJF/clm

cc: Debora Palizzi
Anna Maria and Rick Taylor
Craig Ritchey
Grant Ritchey
Becky Scott
Elaine Schaefer
Amy Bokn