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Board of County Commissioners

Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 6/27/2024
RE: MS232; Falcon Self Storage & U-Haul Subdivision

Project Description

A request by Oliver Watts Consulting for approval of a 5.00-acre Minor Subdivision creating 1 industrial lot in the I-2 (Industrial) zoning district.

Notation

Please see the Planning Commission Minutes from June 6, 2024, for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Fuller moved / Moraes seconded to recommend approval of item MS232 utilizing the resolution attached to the staff report with nine (9) conditions, two (2) notations, and a recommended finding of water sufficiency with regard to quality, quantity, and dependability. The motion was **approved (9-0)**. The item was heard as a consent item at the 6/6/2024 Planning Commission hearing.

Discussion

There was no discussion on this project. This item was recommended for approval without questions or additional discussion from the Planning Commission.

Attachments

1. Planning Commission Minutes from 6/6/2024.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting

Thursday, June 6, 2024

El Paso County Planning and Community Development Department

2880 International Circle – Second Floor Hearing Room

Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: THOMAS BAILEY, SARAH BRITTAIN JACK, JIM BYERS, JAY CARLSON, BECKY FULLER, ERIC MORAES, BRYCE SCHUETTELPELZ, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: JEFFREY MARKEWICH AND WAYNE SMITH.

PC MEMBERS ABSENT: BRANDY MERRIAM.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, JOE LETKE, ASHLYN MATHY, KYLIE BAGLEY, DANIEL TORRES, HAO VO, ELIZABETH NIJKAMP, VICTORIA CHAVEZ, MINDY SCHULZ, MIRANDA BENSON, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: CHRISTOPHER MACIEJEWSKI AND STEVEN PHILLIPS.

1. REPORT ITEMS

Ms. Herington reminded the board that there will be a presentation provided by the consultant assisting with the LDC update process, Clarion Associates.

Mr. Kilgore advised the board that the next PC Hearing is Thursday, June 20, 2024, at 9:00 A.M. There will not be a hearing on July 4, 2024.

2. ANNUAL ELECTION OF OFFICERS

PC ACTION: BRITTAIN JACK MOVED / CARLSON SECONDED TO NOMINATE BAILEY TO SERVE AS CHAIR OF THE PLANNING COMMISSION. THE MOTION PASSED BY UNANIMOUS CONSENT (12-0).

PC ACTION: TROWBRIDGE MOVED / MORAES SECONDED TO NOMINATE CARLSON TO SERVE AS VICE-CHAIR OF THE PLANNING COMMISSION. THE MOTION PASSED BY UNANIMOUS CONSENT (12-0).

3. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA (NONE)

4. CONSENT ITEMS

A. Adoption of Minutes for meeting held May 16, 2024.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT.

B. MS232

MATHY

**FINAL PLAT
FALCON SELF STORAGE AND U-HAUL SUBDIVISION**

A request by Oliver Watts Consulting for approval of a 5.00-acre Final Plat creating one (1) lot. The property is zoned I-2 (Limited Industrial) and is located roughly one-half of a mile north of the intersection of Woodmen Road and Bent Grass Drive. (Parcel No. 5301002005) (Commissioner District No. 2)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: MS. FULLER MOVED / MR. MORAES SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 4B, FILE NUMBER MS232 FOR A FINAL PLAT, FALCON SELF STORAGE AND U-HAUL SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH NINE (9) CONDITIONS, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

5. CALLED-UP CONSENT ITEMS (NONE)

6. REGULAR ITEMS

PC ACTION: Mr. Bailey moved agenda item 6B to be heard before agenda item 6A.

B. U232

LETKE

**APPROVAL OF LOCATION
PEYTON FIRE PROTECTION DISTRICT UNMANNED STATION**

A request by Bennett Cullers Family Partnership LLP for Approval of Location to allow an unmanned fire station. Should the Planning Commission approve the location of the unmanned fire station, the applicant will be required to obtain Site Development Plan approval. The site is located approximately halfway between Bradshaw Road and Peyton Highway on the south side of Sweet Road. (Parcel No. 3100000255) (Commissioner District 2)

STAFF & APPLICANT PRESENTATIONS

Mr. Trowbridge asked for clarification concerning ownership and the applicant. There is a discrepancy between the executive summary in the Staff Report and the Letter of Intent regarding whom the application was submitted on behalf of. He further asked Ms. Seago if a public utility could be established by a private party.

Mr. Letke replied that a law firm had been retained by the Fire Protection District to navigate the entitlement process. There is a condition of sale related to approval by the Planning Commission.

Mr. Trowbridge understood. He remarked that the way the proposal has been submitted seems backwards. Instead of the Fire Protection District (under contract to buy the property) acting as the applicant, the family is proposing the location of a fire station.

Ms. Seago stated that there is no requirement in the C.R.S. or the Land Development Code that the applicant must be the entity that owns or operates the public facility. She does not have legal concerns with the proposal.

Mr. Bailey asked if an applicant needed to have ownership interest in the project to begin with.

Ms. Seago answered that if the applicant is not the owner, there is a document (or section of the application) that allows the owner to sign a statement of authority to authorize another entity or individual to act on their behalf.

Mr. Letke confirmed. He concluded his presentation. The applicant's representative then presented.

Mr. Markewich verified that the proposal will not replace the existing station; this will be an additional location able to be used by the Fire Protection District.

Mr. Jack Reutzel, with Fairfield and Woods P.C., confirmed.

Mr. Whitney asked if the existing station was a manned station.

Mr. Reutzel confirmed. They plan for the unmanned station to be a pole barn-style building with a firetruck parked inside. When volunteers are called, they will not need to travel all the way to the existing station before responding.

NO PUBLIC COMMENTS

NO FURTHER DISCUSSION

PC ACTION: MR. CARLSON MOVED / MR. SCHUETTELZ SECONDED TO APPROVE REGULAR ITEM 6B, FILE NUMBER U232, FOR APPROVAL OF LOCATION FOR THE PEYTON FIRE PROTECTION DISTRICT UNMANNED STATION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND ONE (1) NOTATION. THE MOTION TO APPROVE PASSED (9-0).

A. AL2321

MATHY

SPECIAL USE MONUMENT GLAMPING 1 - SPECIAL USE MODIFICATION

A request by Chris Jeub for approval of a Special Use to allow a recreational camp for 12 sites. The property is 6.44 acres and located at 16315 Rickenbacker Avenue, approximately one-quarter of a mile south from the intersection of Rickenbacker Avenue and Doolittle Road. (Parcel No. 7127001011) (Commissioner District No. 3)

STAFF & APPLICANT PRESENTATIONS

Mr. Whitney asked for more information on the previous approval being found compatible with the Large Lot Residential placetype.

Ms. Mathy explained that AL223 was found compatible with the placetype because it consisted of tents and yurts. She clarified that the initial Special Use approval was for 8 sites that allow tents and yurts while the current proposal is for 12 sites that allow shipping containers and RVs.

Mr. Whitney further clarified that the proposal had been found consistent due to the size of the lot and the use of tents and yurts.

Ms. Mathy agreed. She then continued her presentation.

Mr. Bailey pointed out to the audience that if the Special Use modification is approved, there will be a future, required Site Development Plan to address specific details. There will be future opportunities for the neighbors to work with the developer. During multi-level projects such as this one, different stages have different levels of specificity within the criteria of approval. The presentation continued.

Mr. Trowbridge asked for clarification on shipping containers. Are they treated as temporary or permanent structures?

Ms. Mathy answered that shipping containers are classified as a hard-sided structure and are included in the request. The applicant is requesting that they be allowed to move the shipping containers throughout the sites, if needed. Shipping containers do not require a building permit from Pikes Peak Regional Building Department (PPRBD).

Mr. Trowbridge asked if the shipping containers would be like storage containers or if they would be modified to be habitable structures.

Ms. Mathy answered that the shipping containers would be modified to use as glamping.

Mr. Bailey asked if the red structure in one of the slideshow photos was the shipping container.

Ms. Mathy clarified that the red structure is the RV.

Ms. Fuller asked to see the photo again. She mentioned that the RV looks like a tiny house.

Mr. Bailey asked what the other structure in the photo was.

Ms. Mathy answered that the other visible structure was the primary residence. She further explained that the photos are from a couple years ago and some things have been moved. The shipping container is not visible in the photos.

Mr. Smith asked for more information regarding PPRBD not requiring building permits for shipping containers.

Ms. Mathy explained that PPRBD does not require building permits for structures less than 200 square feet.

Mr. Smith asked if the shipping container could be modified to include a kitchen.

Ms. Herington clarified that PPRBD does not require building permits for shipping containers. PCD does not regulate what would be allowed to go inside a shipping container. She stated they can put whatever type of equipment inside the trailer needed for recreational camping. The applicant may provide further clarification, but PPRBD does not need to complete an inspection because it is not considered a permitted structure.

Ms. Fuller asked if a person could have multiple structures under the 200 square-foot threshold and not trigger an inspection for any of them.

Ms. Herington replied that multiple structures under 200 square feet would not trigger inspection. PPRBD does not inspect shipping containers regardless of the type of use. PPRBD does not consider it a permanent structure.

Mr. Markewich asked if a person were to purchase multiple shipping containers, cut off the sides and put them together as one, resulting in a structure larger than 200 square feet, would that still be considered temporary?

Ms. Herington replied that PPRBD would need to answer that question. Once the shipping containers are being modified and tied together, PPRBD may have different requirements.

Mr. Markewich asked if it would be a County Code Enforcement issue or a PPRBD issue if a person were to combine shipping containers to create a permanent structure.

Ms. Herington answered that PPRBD would need to determine what they consider the structure to be. If shipping containers are stacked, modified, or combined to create a permanent structure, it becomes a different classification of structure type. It would no longer be just a shipping container. She stated that she is unsure where PPRBD draws the line between those classifications.

Mr. Markewich asked if the Land Development Code had a definition that differentiates the two or identifies what the trigger may be. He commented that both tiny homes and modified shipping containers are becoming more popular to meet housing needs.

Ms. Seago stated that further discussion on that topic could be held another time. She added that if the board is concerned about the use of shipping containers, options to proceed include disapproval of the application or further conditions of approval that restrict uses. For example, a condition of approval could state that one shipping container cannot be joined to another.

Mr. Bailey added that the Site Development Plan will identify the size and location of structures.

Ms. Seago clarified that the Site Development Plan is an administrative process and will not appear before the board or be subject to public comment and input.

Mr. Markewich referred to the slideshow image to remark that 12 yurts would have a very different impact than 12 RVs like the large one already on site. He suspects that the neighbors' concerns are that the Special Use will balloon into something extremely intensive on the property.

Ms. Mathy confirmed that neighbors have voiced that concern. She stated that the LDC does have a definition for Recreational Camp that does not limit the number of structures or RVs on site. There is, however, a zoning type called RVP (Recreational Vehicle Park) that specifically includes "2 or more" RVs. Staff's conditions of approval are intended to reduce potential impacts to neighbors. She stated that she would need to defer to the applicant to clarify how many RVs or shipping containers would be on the site because that information has not been provided to County staff.

Mr. Markewich asked if all RVs on the property would be owned by the applicant. He stated that if the sites act as locations that visitors can pull their personal RVs onto and use hook-ups for electricity, water, sewage, etc., it becomes more like an RV park.

Ms. Mathy deferred to the applicant to address that question because that information is not known to County staff.

Mr. Kilgore reiterated that the applicant could address Mr. Markewich's questions. He added that he does not believe the structures will be permanently affixed to the ground, have concrete foundations, plumbing, etc.

Mr. Bailey added that because the proposal doesn't fit neatly into an existing definition, they are discussing the various other definitions in the LDC.

Mr. Whitney stated that he is concerned by the blurring of definitional lines between Recreational Camp and RV Park. He clarified that the applicant's request remains defined as a Recreational Camp. He looks forward to the applicant's presentation.

Mr. Smith asked if setbacks only apply to permanent structures.

Ms. Mathy answered that the setback applied to all structures. All sites defined by the applicant's current proposal are located beyond the minimum setback of 25 feet.

Mr. Smith asked to see the aerial view of the site again. He asked about the structures in the southwestern corner of the property.

Ms. Mathy identified one as the shipping container that received a Code Enforcement complaint. It is currently located within the setback. The applicant will be required to move it, potentially to one of the compliant sites after BoCC action. The staff presentation continued.

Mr. Smith asked for clarification regarding condition of approval number 5, that all sites must be connected to an individual or community on-site septic system. He asked if that truly meant all (12) sites, or if that meant all outhouses.

Ms. Mathy replied that because certain details are not yet known, staff included this condition of approval to provide clarification and mitigation for the applicant and neighbors. The condition was also added because there is no commercial septic permit approved for the property. The Site

Development Plan will incorporate the Public Health Department to ensure all health and safety requirements are met for the proposal. There are currently 4 shared bathrooms on the property. This process is being deferred to the Site Development Plan stage, so if more sites are added, staff wanted to ensure that the Public Health Department is involved.

Mr. Markewich pointed out that condition number 3, all lighting shall be turned off, implies that interior lighting is included. He suggested the condition be revised to include “exterior” lighting.

Ms. Mathy stated the condition could be revised for clarity. The presentation concluded.

APPLICANT PRESENTATION

Mr. Craig Dossey, with Vertex Consulting, clarified that Mr. & Mrs. Jeub will own every RV on the site and will not allow people to park their personal RVs on the property. His presentation continued.

Mr. Markewich clarified that the sites closest to the creek (sites 8, 9, and 10) are described as only being tents/yurts. He then asked what the other sites would look like. He pointed out that there is a significant difference between tents, yurts, the small shipping container, and the large 5th wheel RV.

Mr. Dossey stated that tents are hard to maintain, and in his opinion, hard-sided structures are more visually appealing.

Mr. Markewich clarified that he is asking about the size, regardless of whether it is a tent or structure.

Mr. Dossey remarked that he knows of tents bigger than 5th wheel trailers. He then stated that the sites will need to be specifically defined at the Site Development Plan stage. He added that if multiple shipping containers were connected, PPRBD would define it as a permanent dwelling. The site plan included in the current proposal defines general site locations and defines the minimum setbacks for each one. The site plan and Site Development Plan (which will identify sites to scale) are enforceable by Code Enforcement.

Mr. Markewich asked about parking for each location. He further asked if the limitation on the number of guests was part of the site plan, conditions of approval, or the Site Development Plan. If not, he suggested that it be added. He mentioned the potential that families using the site may have a boat trailer, for example, if they are coming to vacation. He expressed concern regarding the impact and number of vehicles on the property.

Mr. Dossey replied that he could discuss that point with the Jeubs. He stated that it would be easier for the County to enforce the number of vehicles than to enforce the number of families. He added that there is space on the property that perhaps overflow parking could be provided, but he doesn't think the situation is typical.

Ms. Brittain Jack stated that it appears the existing RV has been on the property for a while. She asked if it was part of the original approval.

Mr. Dossey confirmed Ms. Brittain Jack's remarks and added that the County considered it as a tiny home at the time, not an RV.

Mr. Moraes asked about the historic occupancy rate of the business.

Mr. Dossey verified with Mr. Jeub that it remains about 50% occupied.

Mr. Moraes asked about the current breakdown (type) of the 8 allowed glamping sites.

Mr. Chris Jeub explained that 2 of the 8 glamping sites are not tents right now. He stated that 3 sites will be required to remain tents because of their proximity to the creek. Those are currently 2 bell tents and 1 wall tent. He then described having an additional 3 premium wall tents, which are large outfitters tents with walls and floors. Two of those have private bathroom facilities. Of the 2 non-tent accommodations, they have an RV (red) that he thought he had permission to have, and a 10x20' container home (black) that was converted into a modular.

Mr. Moraes asked what the additional 4 sites would consist of, if approved.

Mr. Jeub answered that 3 of the additional sites would be located on the west side of the property and he anticipates them being container homes. He added that container homes do very well in the glamping market. He discussed the evolving glamping market and mentioned an annual trade show. He stated that he wanted to keep the designations general until the Site Development Plan because of the many options available. He reiterated that their glamping sites accommodate 2-4 people with one queen-sized bed and an inflatable mattress for any kids. The 4th additional site would be located by the existing safari tents and shipping container. He would like to see a walled structure or container home in that location.

Mr. Moraes asked if overall, 3 of 4 additional sites would be container homes with the 4th being a safari tent.

Mr. Jeub replied that the 4th location could possibly be a safari tent, a dome, or a container home.

Mr. Moraes asked if the discussed number of each type (tents, RV, container homes) would change after approval of the Special Use modification. For example, would any of the existing tents be changed to container homes?

Mr. Jeub replied that they could change. He stated the safari tents deteriorate after several years. If they can swap it out for a container home, they may do that. The three tents by the creek are required to remain tents.

Mr. Moraes reiterated that ultimately, there could be 9 container homes and 3 tents.

Mr. Jeub confirmed.

Mr. Moraes then asked if changes would be made to the site plan or Site Development Plan.

Mr. Dossey remarked that it's hard to anticipate the future market. He stated that it's important that they show pad sites that could be for either a tent or container home. Tents could fall apart, or containers could become cost prohibitive. He made a comparison with a KOA by stating that someone wouldn't be restricted from putting a tent in the same spot an RV could go. The

restriction is to the location, not type, and the applicant is requesting that flexibility. The drainage, traffic, lighting, etc., of the Site Development Plan will remain the same.

Mr. Moraes mentioned a past application where the location of tents, structures, and RVs had to be specifically defined.

Mr. Dossey reiterated that the applicant is agreeable to defining the locations of sites. He mentioned the cost to maintain tents.

Mr. Moraes replied that maintenance is included in the cost of business. He then asked Mr. Jeub about the structure in the southwest corner of the property.

Mr. Jeub explained that the structure is the existing container home and he recognized that it is currently within the 25' setback. It will be moved in the future.

Mr. Moraes asked why it hadn't been moved yet.

Mr. Dossey stated that Mr. Jeub will move it to a location approved by the site plan/Site Development Plan.

Mr. Jeub added that he has been working with Code Enforcement regarding its location. He was told that (if the Special Use is approved) PCD would review and approve the Site Development Plan. The property owner to the south didn't care about its location, so it hasn't been moved since being placed there 4 years ago.

Mr. Moraes reiterated that it's known to be in the setback and hasn't been moved.

Mr. Jeub confirmed and stated that he hasn't seen any impact by its location.

Mr. Byers stated the impact is the encroachment into the setback.

Mr. Dossey explained that as they're going through this application process, they would like to make sure they are moving it to the correct location.

Mr. Jeub added that he had a previous arrangement with the owner to south, but she has since passed away. She was going to be a business partner and two container homes were going to be located on her property. The existing shipping container was placed in its location with her permission. There were originally 3 shipping containers on the south side of the property; 2 have been moved. They are waiting on a definitive agreement on how they will move forward before relocating the final shipping container.

Mr. Moraes verified that Mr. Jeub has no opposition to the condition that generators must be 200' away from all property lines.

Mr. Jeub confirmed and added that there are no generators there currently.

Mr. Moraes remarked that Mr. Dossey's comment during the presentation that since Monument is adjacent to the property and that they could put 17 single-family residential units on the

property was disingenuous. He stated that while they could apply to rezone the property and do that, the configuration of the subject property makes it unlikely to be compatible.

Mr. Dossey replied that properties more difficult than this one are currently being developed because of the inability to extend centralized services. There are infill projects with creeks that need to be channelized, bridges built, etc., because that's the property that's left.

Mr. Carlson asked if the background information from the staff report, which explained that the RV and hard-sided structure were part of a Code Enforcement violation and not permitted with the original Special Use approval, is disputed by the applicant based on previous remarks.

Mr. Dossey clarified that he was not involved during that stage of the project, but the confusion may have stemmed from the LDC definition of Recreational Camp, which includes additional structure types. However, the site plan that was approved with the Special Use only identified tents.

Mr. Jeub added that the RV replaced an existing safari tent. He stated that he looked at the approved site plan with 8 sites and had a discussion with County staff, so he installed it thinking that he had permission. He then received a letter of violation, which resulted in tense discussions because he had already installed it by that point. The RV then became a violation when he thought he was correcting the previous one, which led them to the subject application. The RV has a queen bed and couch which can accommodate 2-4 guests. It's a beautiful unit, so he'd like to keep it. After walking around the property with Mr. Dossey and Ms. Ruiz, evaluating the cost screening, representation, etc., it was discussed that increasing the number of allowed sites could be requested to offset the additional cost of the entire process. He doesn't know of the reason restricting the number to 8 sites was chosen – he remarked that it could have been 20.

Mr. Dossey added that the project has been treated like a Variance of Use, which does try to tack down all details because what is being requested is outside of what is normally allowed in the zoning district. A Special Use is different in that the zoning type generally allows the use and the County makes sure that certain impacts are mitigated. He doesn't think the level of detail being asked of Mr. Jeub is typical of a Special Use.

Mr. Carlson asked if hard-sided structures are specifically being called out in the application or if it's falling back on the general definition of Recreational Camp.

Mr. Dossey said they are requesting a Special Use to allow a Recreational Camp as defined in the LDC with no exemptions.

Ms. Fuller clarified that ultimately, what was approved on the residential property allowed 8 tent sites with shared bathrooms. It did not include hard-sided structures. The current request is not "just 4 more sites". There are now [6] tents and 2 other structures that each have their own bathrooms. She asked how many sites had their own electricity.

Mr. Jeub confirmed. Of the 8 sites, 6 have their own electricity.

Ms. Fuller commented that the neighbors who retracted their opposition may have done so thinking that tents wouldn't be that bad and would only be used in the summer. She believes the original approval specifying tents was intentional. She thinks the current request is very different

from what is already approved. She pointed out that with 3 tent sites located near the creek, guests may be tempted to use “the glorious outdoors”, which becomes municipal water, rather than a shared bathroom. Overall, she doesn’t see the compatibility of year-round accommodations versus short-term summer camping. She then pointed out that the original Special Use was established after a Code Enforcement violation, which resulted in approval of 8 tent sites. Then there was another violation. She expressed a dislike for asking forgiveness rather than permission. She asked what would stop them from adding more sites after this is potentially approved. What would protect the neighbors from that happening? It seems as if they are proving that they don’t honor their agreements.

Mr. Jeub answered that the nature of glamping is going to be difficult. He is present to try and fit into the County’s definition of Recreation Camp. The structure is attempting to provide an outdoor or semi-outdoor experience for the guests. By providing the history of the previous Code Enforcement violations, he believes they are very close to full compliance.

Ms. Fuller replied that the Special Use is within a residential neighborhood, so they are asking for special rights that the neighbors don’t have. She wants to ensure sensitivity to the neighbors.

Mr. Byers asked if Mr. Dossey was Director of PCD when the Special Use initially came through.

Mr. Dossey stated that approval of the Special Use was rendered by a different person.

Mr. Byers asked when the original Special Use was applied for.

Mr. Jeub stated he believes that it was January of 2022.

Mr. Byers asked about the criteria that was used for administrative approval at that time. He mentioned that he is unsure if the public had much, if any, input during that process.

Mr. Dossey explained that the public would have been given notice of the application, and if they objected to the request, it could have been elevated to a public hearing. He added that when that was written into the LDC, there had been a high number of Special Uses going to public hearings that perhaps didn’t need to.

Mr. Byers asked for an example of a similar use nearby.

Mr. Dossey stated that he hopes there isn’t one nearby because that would be competition.

Mr. Byers clarified that he asked for an example to show compatibility. If it’s compatible, it would stand to reason that there would be a similar use nearby. Where could they find a similar use?

Mr. Dossey stated he’s unsure because he doesn’t live in the area. He mentioned Mr. Jeub’s other property that provides glamping. He then mentioned National Forest campgrounds and added that people can camp on their own properties.

Mr. Byers pointed out that, besides Mr. Jeub’s property, those aren’t really glamping.

Mr. Dossey then said that there are overnight accommodations in the Town of Monument.

Mr. Byers replied that those accommodations are likely on properties zoned for that use.

Mr. Dossey stated there could be examples because many hotels are approved as Special Use.

Mr. Byers asked if there is a reason that this application is being presented as it is instead of a rezone to completely legitimize the use.

Mr. Dossey stated that if the property were to be rezoned as commercial, then that would bring with it an entire set of allowed uses that would certainly not be compatible with the neighborhood.

Mr. Jeub added that they did discuss rezone options, but that's not the outcome they wanted for their property. As a glamping operation, they maintain ownership of the units.

Mr. Byers stated that when he looks at the site plan, it looks like a campground.

Mr. Jeub agreed.

Mr. Byers asked if they're trying to build a campground.

Mr. Jeub replied that it may feel like it, but he doesn't feel like they need to rezone – it can be a Recreation Camp.

Mr. Byers asked if the electricity for the existing structures was hardwired. (It is.) He then asked if it was built to code.

Mr. Jeub answered that a professional electrician installed the wiring.

Mr. Byers asked if it was done through PPRBD.

Mr. Jeub replied that the electrician was certified.

Mr. Byers clarified that he asked because he worries about introducing a fire hazard.

Mr. Jeub agreed and stated that the electrician installed something on his property and dug trenches.

Mr. Dossey added that PPRBD will permit a connection but does not permit the inside.

Mr. Smith wondered about the semantics of the words RV and tiny home being used interchangeably.

Mr. Dossey agreed that they are similar. They are interchangeable in the current discussion.

Mr. Bailey clarified that while electricity is involved, it's not part of the Special Use request. Overall, the board is considering the request for a certain number of sites.

Mr. Whitney remarked that Mr. Jeub's comment about not understanding why it was limited to 8 sites and presuming that it could have been 20 is at the heart of why they're dealing with their current situation. Ultimately, 8 tent sites were approved. He disagrees with the assumption that 20 could have been for the reasons that have been mentioned.

Mr. Dossey supplied that perhaps Mr. Jeub was referring to how the definition for a Recreational Camp doesn't apply a limit to the number of sites.

Mr. Whitney replied that while that may be the case, the request was approved administratively having found that 8 tent sites would be compatible with the surrounding area. A request for 20 sites may have had a completely different result.

Mr. Markewich reiterated that the currently approved Special Use is for 8 tent sites.

Mr. Dossey stated that is the interpretation of County staff.

Mr. Markewich further clarified that openly allowing hard-sided structures like RVs and shipping containers (excluding the 3 creek sites) is a modification from the original approval, in addition to an increase to the number of sites. If he were a neighbor, he would be concerned that 9 RVs the size of the existing one could one day be on that property. A 45' long trailer with all the popouts and extensions would have a significantly greater impact than a 10x20' shipping container. He asked if the applicant would be open to a condition of approval limiting the length to 20' like the shipping container conversion. He believes that would be a reasonable, neighborly compromise.

Mr. Jeub stated he would need to think about it, but anything is on the table. He stated that he could meet with neighbors to determine if that is an acceptable compromise, regardless of the PC recommendation.

Mr. Dossey agreed that it's a great recommendation. He further stated that it would limit the type of thing allowed on the site.

Mr. Jeub stated that for the record, he is open to that kind of limitation. How it is defined can be decided later. The heart of the request is adding 4 additional sites to help pay the cost of required mitigation for the neighbors. He is open to discussion to fine tune that recommendation. The applicant's presentation concluded.

Mr. Carlson asked County staff for more information regarding the decision to administratively review the initial application for Special Use.

Ms. Mathy explained that the application was approved administratively and specifically showed 8 tent sites with 4 shared bathrooms. Opposition had been received and there had been a neighborhood meeting. She wasn't present at the neighborhood meeting, but the opposition was withdrawn afterwards. For that reason, previous staff made the decision to move forward administratively.

Mr. Carlson reiterated that the decision to move forward administratively was based on the site plan with 8 tent sites. (Ms. Mathy confirmed.) He then asked Ms. Seago if approval then is tied to what is depicted on the approved site plan or if the applicant then is allowed to have whatever is allowed under the general Recreational Camp definition.

Ms. Seago asked for time to review the approved Special Use.

Ms. Herington added that generally in Land Use Planning, there is a definition of a use. That use may be a permitted use in some zoning districts and a Special Use in others. The Special Use process is meant to determine if the proposed use is compatible with and works in a specific location. This is why there are notes on the site plan, notes on the Site Development Plan, and conditions of approval imposed either administratively or through PC recommendation. For that reason, she can't imagine that the County staff which approved this administratively were thinking that while they were specifically labeling it only one thing, tents, they didn't really mean just tents. She added that limiting it to 8 sites was identified because it was evaluated that that was the number appropriate for the specific location.

Mr. Whitney expressed gratitude for Ms. Herington's explanation because he was troubled by Mr. Dossey's response that 8 tent sites was only staff's interpretation. He's sure that County staff was not pulling that from nowhere. It's not a matter of interpretation; that is what the application was approved for.

Mr. Bailey noted that dialogue between staff and applicants takes place during the process and judgement is applied throughout. County staff's job is to apply their judgement until at a certain point it is passed along to the Planning Commission, where additional judgment is applied, then to the Board of County Commissioners, and so on.

Ms. Seago stated that she pulled up the file for the past Special Use approval. She read directly from the letter of approval that a condition of approval specifically states, "Approval is limited to the recreation camp, as discussed and depicted in the applicant's letter of intent and site plan drawings." She further stated that the site plan identifies all 8 locations as tent sites. Therefore, in her opinion, the approval was for 8 tents.

Ms. Herington stated that that aligns with what she has gathered from the interim Director, who was in place during the initial Special Use approval, as well as staff that was present during the time. There were conversations with neighbors and County staff regarding what was compatible in the subject location. The result was the compatible type of sites and number of sites that were agreed upon at the time.

Mr. Trowbridge stated that upon review of the LDC, it does say that Special Use approvals are limited to what is depicted in the approval. That reiterates that the approval was for 8 tent sites.

Mr. Bailey commented that it ties back to what was specifically requested by the applicant at the time. The current request will identify that not all sites are tents, some can be hard-sided structures.

PUBLIC COMMENTS

Mr. Christopher Maciejewski, Attorney with Robinson and Henry, P.C., representing several neighbors, spoke in opposition. He stated that he represented 20 or so neighbors surrounding the subject property. Topics included: forgiveness versus permission, Code Enforcement history, potential occupancy totals, the increased impact from 8 tent sites, the lack of compatibility with the surrounding character, and the neighborhood's covenants.

The initial proposal was presented to neighbors as being unobtrusive to the neighborhood, but that is not what they've experienced. He stated that Mr. Jeub's remorseful attitude during this

hearing towards the Code Enforcement violations is a stark contrast from what neighbors have experienced in-person and from Mr. Jeub's social media and YouTube comments/videos. He read a response to County staff's request for more information regarding the types of proposed structures, "the type of structures will not be included as the nature of a recreational camp is that the structures are temporary, and a note has been added to reflect this." He believes the intention is to remain vague so that things can slip between the cracks. He further mentioned the difficulty with enforcement, especially with the applicant's past behavior.

He mentioned that Mr. Jeub has not stopped renting the RV or container home even after being notified of the violation(s) or while applying for permission/forgiveness. While Mr. Jeub stated occupancy is 2-4, one of the sites is advertised to accommodate up to 6. If all sites are rented (at an average 3.5 guests per site), the resulting guest count would be 28. Increasing the number of sites by 4 could increase the total count to 44 guests. He reiterated that the current request, which could result in 9 hard-sided structures and 3 tents, would open the site to year-round use instead of seasonal, and Mr. Jeub's estimation of 50% occupancy could increase greatly. He also mentioned that the intention discussed by Mr. Jeub (to expand onto the neighbor's property) does not appear to have been a request that was ever submitted to the County.

Regarding transitional businesses, the neighborhood is made up of large lots. Many residents have small businesses on their property. He listed two farms, one with pumpkin patch, petting zoo, and fruit orchards. Those home businesses are not year-round, nor are they 24/7 like the subject proposal. He disagreed with Mr. Dossey's opinion that the proposal is compatible because it serves as a transition between high density to the east and the larger lots to the west. If the neighborhood is turned into a transitional neighborhood, he asked where the line will be drawn. The creek provides an adequate natural buffer. He disagreed with the implication that a commercial campground is necessary to provide a transition between homes on small lots to homes on large lots.

While approving a Special Use request is allowed, approval is discretionary and can also be revoked. He again mentioned the Code Enforcement history. He pointed to the neighbors and stated that they have the "fool me once" mentality and are not withdrawing their opposition this time around. He stated that some neighbors dispute having withdrawn their initial opposition.

He then spoke about the subdivision's covenants and restrictions to highlight the intended character of the neighborhood. The original covenants require that all occupied structures should be a minimum of 1,100 square feet and prohibits temporary structures for occupancy. The intention of the neighborhood was for single-family use. While the recorded covenant is not considered binding on the PC or BoCC, it is a contractual obligation Mr. Jeub should be bound to but hasn't abided by. He spoke about the increased traffic 12 year-round sites will generate. The only permitted access to the site is off Rickenbacker Avenue. The question regarding guests with trailers is not unreasonable. He brought up that while boats may be less popular, dirt bikes and ATVs are common among campgrounds in Colorado. He mentioned that he brings a motorcycle when he goes camping, but his campsites are not located in a residential neighborhood.

Mr. Jeub's website advertises that the creekside campsites are equipped with "Cabela commodes" which are a 5-gallon bucket with a plastic bag liner and a chair over the top of it. He reiterated the legitimate concerns of using the creek instead. He discussed the hard-sided structures typically requiring additional heating/cooling, which can generate noise. Regarding water rights, he is concerned about the water consumption that 9 hard-sided structures will generate. He listed the features (dishwasher, flushing toilets, sinks, etc.) advertised with the existing 2. Surrounding residents are concerned about how this level of use will affect their own wells.

He concluded by suggesting that perhaps approval of the Special Use modification should not be granted because they have violated the terms of the initial request since the start. While many of the surrounding neighbors would like to see the operation either curtailed or shut down, they would at least like it to be brought into compliance. They believe strict requirements are necessary to ensure enforceability and accountability.

Mr. Steven Phillips spoke in opposition. He spoke about his experience with Mr. Jeub during the initial proposal. He was told that it would only be 5-6 tents. Neighbors were all told similar things. He told Mr. Jeub that while he didn't think it was good for the community, he wouldn't oppose or support the request. He later discovered that 8 tents were requested. He read the documents and disagreed with the suggestion that there was any ambiguity in what was approved with the initial request. With the second application, he mentioned that he has submitted opposition. He stated that in a December video of Mr. Jeub "addressing the neighborhood", which only included 2 neighbors, Mr. Jeub specifically addressed that letter of opposition to 12 sites. Mr. Jeub looked directly into the camera and said, "Steve, you're wrong. There's not going to be any more than 8 sites." Because of past experiences and the pattern of behavior, neighbors are concerned. He then brought up the past and current Code Enforcement situations on the subject property and 2 others. There are additional Notices of Violation where he claims ignorance.

He concluded by stating that he called PPRBD to ask if there were any issues and he was told, "oh yeah, there's been lots of issues of violations and [non-]compliance." He believes the pattern will continue. Even with the posted notice for the public hearings, the poster was damaged but not replaced as required. In discussions with the neighbors, he has heard that Mr. Jeub isn't concerned about the current request being approved because he has allegedly told people that he is friends with a County Commissioner, and that they will approve what he is requesting.

Mr. Dossey provided rebuttal. He began by stating that the comments regarding Mr. Jeub's character are likely hurtful to hear. He presented part of an email chain dated March 30-31, 2023. After approval of the initial application, Mr. Jeub reached out to County staff to inquire about modifying one of the tent sites to an RV site. The response was, "Please add those changes to you[r] letter of intent and the site development plan." He asserts that Mr. Jeub tried to do the right thing. He brings it up because Mr. Maciejewski suggested that past behavior should be used against the applicant as if it were part of the criteria for approval.

Ms. Fuller clarified that Mr. Jeub asked to replace one tent site with the RV and was told to add it to the letter of intent and site development plan. This email occurred after the initial Special Use approval. She asked if the email was sent before or after the Code Enforcement complaint and further asked if he ever acted upon making that requested change.

Mr. Dossey stated that the email led into further conversation which led Mr. Jeub to the current request. He stated that his point in presenting this part of the email was to say that it created confusion. He stated that Mr. Jeub was relying on staff to guide him, and based on the presented response, he thought it would be ok after adding it to his already approved site development plan.

Ms. Fuller stated that she doesn't see where the email states that the change is approved.

Mr. Dossey suggested that County staff should have replied with, "you can't do that under your Special Use, you need to amend your Special Use." Instead, what was implied was that he could

just add the request to his already administratively approved site development plan. Moving on, he addressed the remarks of forgiveness and permission. The Jeubs are not seeking forgiveness regarding the number of sites. There are only 8 now; he's seeking permission to increase that to 12. They are seeking forgiveness for the types of structures. His understanding of Mr. Jeub's past conversations with neighbors was that they would have preferred hand-sided structures for both appearance and noise. Mr. Jeub had also received comments that tents reminded people of the homeless, hence the push towards the hard-sided structures.

Regarding the comment that there's a disrespect for County government, the presented email shows that Mr. Jeub did attempt to reach out for approval and guidance. He disputed that a unit with a queen bed and two bunk beds could accommodate 6 people. Regarding the total number at maximum occupancy, while 44 may be accurate, enforcement can be managed by the number of cars. The other non-residential uses that are happening in the neighborhood may also be identified as Special Uses. While many of them are likely grandfathered in, many other home-based businesses require approval by the County because they can expand beyond what was initially planned. He disagreed that the proposal is far different from other home-based businesses because they all start small and then they grow. At what point the business needs to relocate has been a discussion for years.

Public notices were sent out under a previous Director and no letters of opposition were received. If people were opposed, he asked why opposition wasn't submitted. He stated that he couldn't find the mailed notice in EDARP. He further stated that a notice mailed out by Mr. Jeub did not mention tents. That notice only mentioned a recreation camp. He stated that an assumption that the sites would only include tents was not part of a notice sent to neighbors. He recognized, however, that the Special Use site plan does specify tents.

It was implied that 9 hard-sided structures could not be rural in nature, but he asked if that would be the case if they were cabins. He believes the proposal is an improvement from a cabin and will last longer. The LDC states that the only zoning districts that can allow a recreation camp through Special Use are Forestry, both Agricultural districts, Residential Topographic, and RR-5 (Residential Rural) which applies to the subject property. He stated that this supports a recreational camp serving as a transition between urban and rural per the LDC. The heaters on site are radiant heaters, so no noise is produced. If the structures are used more in the winter following the Special Use modification, he thinks it could also be assumed that people will be spending more time indoors and make less noise.

Regarding the past experience between Mr. Jeub and Mr. Phillips, he recognized that Mr. Jeub had told him that it would only be 8 tents. He stated that only changed after the County wanted to see additional mitigation that Mr. Jeub realized he couldn't afford. The additional 4 sites were suggested as a way to generate more revenue. Perhaps he should have reached out to the neighbors, but that's the way business works. Mr. Phillips mentioned a conversation with PPRBD, but he did not provide documentation or the name of whom he spoke to. He stated that it may not have even happened; it's hearsay.

The notice of public hearing posters were placed on the property per County instructions. Mr. Jeub was out of town when they folded in half. The poster is made of flimsy cardboard. There was no intent to deceive or hide the notice.

In regard to the comments of being friends with the County Commissioners, Mr. Dossey stated that he purposefully tried to focus on the review criteria. He stated that it doesn't matter

who your friends are if the application is not found to be in favor of the criteria. He believes that he's made a compelling case that it meets every one of the criteria.

Mr. Jeub also spoke in rebuttal. He stated that the application speaks for itself. He thanked his neighbors for keeping his feet in the fire since the beginning. He also recognized that he did say 8 tents in the video, but 3 months later, further discussion took place. He stated that he honestly is trying to be compliant with the new and unique idea called glamping. He'd like to continue serving the community by doing it.

Mr. Moraes asked if the single-family residence on the property is where Mr. Jeub lives. (It is.)

DISCUSSION

Ms. Fuller asked for more information about the neighborhood's covenants. She expressed understanding that the County does not *enforce* HOA covenants, but she asked if the County could approve a Special Use that is not allowed by covenant restriction. Could the neighbors override what the County decides?

Ms. Seago answered that the County does not consider covenants when denying or approving land use applications. Something could be approved by the County even if it violates the covenants. County approval, however, does not negate the covenants. The neighbors have the opportunity to enforce any violation of the covenants that they see fit.

Mr. Moraes asked for clarification regarding LDC section 5.3.2(G), which states, "Any land on which a special use permit is approved shall be limited to those uses and structures enumerated within the special use permit and no more than one principal allowed use." Most Special Use requests are an accessory use, but recreation camp is listed in the principal use table. He asked if approval would result in the subject property having 2 principal uses? (A single-family home and a recreational camp.)

Ms. Seago responded that she would investigate the question and provide an answer later.

Mr. Carlson summarized his opinion of the request. The original request approved 8 tent sites, confirmed by Ms. Herington and Ms. Seago. He views the current request as drastically different type of business request in the neighborhood.

Mr. Markewich requested that a definition of permanent structure be addressed in the LDC update. He also suggested differentiation between RVs and tiny homes. He then suggested a condition of approval be added that limited the size of the hard-sided structures.

Mr. Trowbridge thanked the public for their participation. He stated that he didn't see anything in the letter of intent (as Special Use approval is tied to) that limited the sites to either tents or hard-sided structures. The only thing he found was that *TWO* sites on the site plan are explicitly shown for tents, not 3 as discussed. In his mind, approval could result in a single-family dwelling and as many as 10 other small home-like structures on less than 6 acres of buildable land (due to the creek). The resulting density exceeds what is supposed to be in that area. He mentioned that the subdivision's covenant enforcement would be a civil matter dealt with separately. Regarding

revocation of the existing Special Use, that's not something the Planning Commission can do. That is addressed under LDC 5.3.2(L) and is accomplished through the BoCC. Overall, he does not believe the application is compatible with the neighborhood. While he understands the idea behind the initial administrative process, he doesn't think it should have been done that way.

Ms. Fuller agreed with Mr. Trowbridge's remarks and added that needing to afford mitigation to come into compliance when you're in violation of the Code is not a persuasive reason to approve the request. She stated that seasonal use of 8 tent sites is more reasonable than tiny homes or permanent-like structures, which is entirely different. She does not think the proposal is compatible with the neighborhood.

Mr. Moraes brought up that the Large-Lot Residential placetype is defined in the Master Plan as consisting of 1 dwelling unit per 2.5 acres. Considering that the subject parcel is 6.44 acres, he estimates that 2.5 dwellings could be compatible. It was previously stated that the occupancy rate is approximately 50%. Of the proposed 12 units, if 6 were occupied in addition to the primary residence, that results in 7 dwelling units being occupied at any given point. For that reason, he believes the proposal exceeds what the Large-Lot Residential placetype should look like.

Mr. Whitney stated that he realized that tourism and economic development are both important, but they have nothing to do with whether or not it is appropriate to allow a Special Use approval which permits up to 9 hard-sided dwellings [and 3 tents] on the subject property which was previously only approved to have 8 tent sites. He is not in support of the application because he does not think it is compatible. He added that it's not really a modification, but a brand-new request.

Mr. Schuettpelz agreed with previous comments. He added that the email presented during the applicant's rebuttal was sent March 30, 2023. He referenced the background section of the staff report, which explains that Code Enforcement responded to complaints about an RV on the property. The email shows that he wasn't asking permission but was again asking for forgiveness because he had already received another Code violation. He mentioned the difference between hard-sided sites and tent sites. He doesn't think the request is compatible.

Ms. Seago stated that after further discussion with Ms. Herington, she interprets the Code as allowing for a principle allowed use and, in the case where a Special Use permit has been granted, a Special Use on the same parcel of property. While both a recreational camp and a single-family residence are principal uses, one is an allowed use and one is a Special Use. Those two types of uses are distinguished throughout the Code as being different.

Mr. Bailey expressed disappointment that the testimony was very speculative and accusatory. Motives were implied that may not be in evidence. While he appreciates the opinions expressed by other board members, he disagrees. He recognized that there are other chapters of the Master Plan which encourage economic development and tourism, which he believes the application provides. He stated that he is persuaded by the location of the subject parcel and that the topography allows for harmony with the neighborhood. He believes the past Special Use is compatible and he believes that the expanded request is still compatible.

Ms. Brittain Jack agreed with Mr. Bailey.

PC ACTION: MR. TROWBRIDGE MOVED / MR. WHITNEY SECONDED TO RECOMMEND DISAPPROVAL OF REGULAR ITEM 6A, FILE NUMBER AL2321, FOR A SPECIAL USE, MONUMENT GLAMPING 1 SPECIAL USE MODIFICATION, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND DISAPPROVAL PASSED (7-2).

IN FAVOR: BYERS, CARLSON, FULLER, MORAES, SCHUETTELZ, TROWBRIDGE, AND WHITNEY.

IN OPPOSITION: BAILEY AND BRITAIN JACK.

COMMENTS: In addition to previous remarks, Ms. Fuller added that if the BoCC approves the request, a revision of the condition of approval regarding *outdoor* lighting should be considered. Additionally, she would recommend a condition that all 12 sites should be for tents only.

7. NON-ACTION ITEMS

A. MP241

CHAVEZ

MASTER PLAN MAJOR TRANSPORTATION CORRIDOR PLAN MP 2024

The El Paso County Department of Public Works requests adoption of the Major Transportation Corridors Plan (MTCP) into the Your El Paso County Master Plan. With adoption, this Plan will become the principal plan for further planning and development of roads within unincorporated El Paso County. The MTCP is a critical step in creating an effective and efficient transportation infrastructure that meets future needs. The Plan will provide an updated vision for future transportation, a list of transportation improvements, and a long-term right-of-way preservation plan for each major roadway. (All Commissioner Districts)

B. Informal Presentation. A presentation by Clarion Associates, LLC regarding the Land Development Code Update process.

MEETING ADJOURNED at 2:53 P.M.

Minutes Prepared By: Miranda Benson

FINAL PLAT (RECOMMEND APPROVAL)

Fuller moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. MS232

FALCON SELF STORAGE & U-HAUL SUBDIVISION

WHEREAS, Oliver Watts Consulting did file an application with the El Paso County Planning and Community Development Department for approval of a Minor Subdivision Final Plat for the Falcon Storage Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on June 6, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed Minor Subdivision Final Plat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Minor Subdivision Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the following criteria outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code ("Code") (as amended):

1. The proposed Subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The Subdivision is consistent with the purposes of the Code;
3. The Subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials.
4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of Subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code.
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of the Code.
6. All areas of the proposed Subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed Subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)].
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design.
8. The location and design of the public improvements proposed in connection with the Subdivision are adequate to serve the needs and mitigate the effects of the development.
9. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement acceptable to the County and in compliance with the Code and the ECM.
10. The proposed Subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces

considering the type and intensity of the Subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the Subdivision to provide a transition between the Subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed Subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.

11. Necessary services, including police and fire protection, recreation, utilities, open space, and transportation systems, are or will be available to serve the proposed Subdivision.
12. The Subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
13. The proposed Subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
14. Off-site impacts were evaluated, and related off-site improvements are roughly proportional and will mitigate the impacts of the Subdivision in accordance with applicable requirements of Chapter 8 of the Code.
15. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed Subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the Subdivision will be adequately mitigated.

WHEREAS, a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of Subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Oliver Watts Consulting for a Minor Subdivision Final Plat for the Falcon Storage Subdivision be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such

subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Drainage fees in the amount of \$6,859.22 shall be paid for the Falcon Storage Subdivision at the time of plat recordation.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 2/22/2024, as provided by the County Attorney's Office.

NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community

Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

MORAES seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	<u>aye</u> / no / non-voting / recused / absent
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / <u>non-voting</u> / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	aye / no / <u>non-voting</u> / recused / absent
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 6th day of June 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Chair

EXHIBIT A

A parcel of land being a portion of the West one-half of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, situate in El Paso County, Colorado, described as follows: Beginning at the Northwest corner of Latigo Business Center Filing No. 1 (Reception No. 205075726, El Paso County, Colorado records) (all bearings in this description are relative to the West line of the Southwest one-quarter of said Section 1, which bears North 00 degrees 16 minutes 02 seconds East "assumed"); Thence North 00 degrees 16 minutes 02 seconds East along said Section 1's Southwest one-quarter's West line, said line also being coincident with the Northerly extension of the Westerly line of said Filing, 501.15 feet; Thence South 89 degrees 43 minutes 58 seconds East, 493.97 feet to a point on the Westerly right-of-way line of the proposed extension of Bent Grass Meadows Drive (80' r.o.w.), as platted in said Filing; The following three (3) courses are along said Drive's Westerly right-of-way line: 1.) South 24 degrees 14 minutes 14 seconds West, 53.65 feet; 2.) On a curve to the left, said curve having a central angle of 23 degrees 58 minutes 12 seconds, a radius of 605.00 feet, an arc length of 253.11 feet; 3.) South 00 degrees 16 minutes 02 seconds West, 206.48 feet to the Northeast corner of Lot 1, said Filing; Thence North 89 degrees 42 minutes 50 seconds West along the Northerly line of said Lot 1, 420.00 feet to the Point of Beginning, County of El Paso, State of Colorado.
And containing 5.004 acres

EL PASO COUNTY



COMMISSIONERS:
CAMI BREMER (CHAIR)
CARRIE GEITNER (VICE-CHAIR)

COLORADO

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Ashlyn Mathy, Planner II
Daniel Torres, P.E., Senior Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Number: MS232
Project Name: Falcon Self Storage & U-Haul Minor Subdivision
Parcel Number: 5301000018

OWNER:	REPRESENTATIVE:
FALCON STORAGE PARTNERS LLLP grahaminvestments@gmail.com	Oliver Watts Consulting olliewatts@aol.com (719) 593-0173

Commissioner District: 2

Planning Commission Hearing Date:	6/6/2024
Board of County Commissioners Hearing Date:	6/27/2024

EXECUTIVE SUMMARY

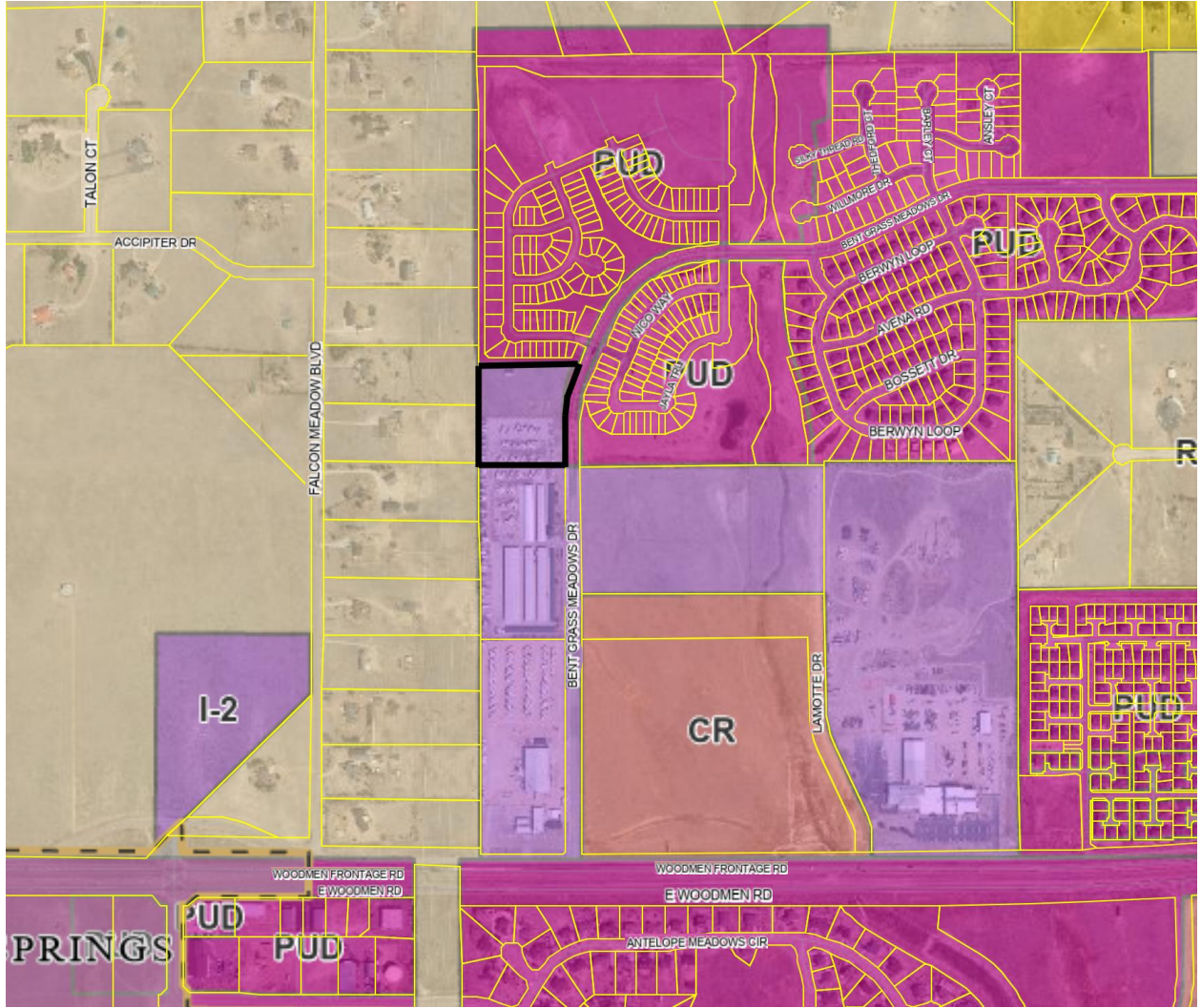
A request by Falcon Storage Partners LLLP for approval of a 5.00-acre Final Plat creating one (1) industrial lot. The purpose of the Final Plat is to rectify illegal subdivision which occurred in 2006. The property is zoned I-2, Limited Industrial, and is located roughly one-half of a mile north of the intersection of Woodmen Road and Bent Grass Drive. The use will be RV Storage, and this use at the subject property is required to go through the Site Development Plan process. The applicant is currently working on the Site Development Plan portion under file number PPR2232.

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Zoning Context Map



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A. WAIVERS AND AUTHORIZATION

Waiver(s):

There are no waivers associated with this request.

Authorization to Sign: Final Plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. APPROVAL CRITERIA

In approving a Final Plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (as amended):

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code (this finding may not be deferred to final plat if the applicant intends to seek administrative final plat approval);
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;



- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;
- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. § 34-1-302(1), et seq.]



C. LOCATION

North:	PUD (Planned Unit Development)	Single Family Residential
South:	I-2 (Limited Industrial)	Warehouse/Storage
East:	PUD (Planned Unit Development)	Single Family Residential
West:	RR-5 (Residential Rural)	Single Family Residential

D. BACKGROUND

This parcel of land, with the current legal description, has a creation date of October 13, 2006. The subject property was split from parcel 5300000520 (40 acres), split again into parcel 5300000570 (35 acres), and finally split off as parcel 5300000571 (5 acres). The subject property is zoned I-2. This zoning was put into place on September 20, 1965.

An Early Assistance meeting under file number EA2097, was held in 2020 for the legalization of the subject parcel and then subsequent site development plan process for RV Storage. In order for the parcel to be recognized as a legal lot, it must go through the Subdivision process. Additionally, the use on the property is allowed but requires a Site Development Plan application process with the County. The applicant has applied for the Site Development Plan, the application is under PPR2232 and is being reviewed by staff. However, the Final Plat must be approved before any other approvals at the subject property.

E. ANALYSIS

1. Land Development Code and Zoning Analysis

The Final Plat application meets the Final Plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (as amended).

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Suburban Residential

Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally



supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.

Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.

Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.

Recommended Land Uses:

Primary

- *Single-family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre*

Supporting

- *Single-family Attached*
- *Multifamily Residential*
- *Parks/Open Space*
- *Commercial Retail*
- *Commercial Service*
- *Institutional*

Analysis:

The Masterplan placetype for this area is Suburban residential, which is largely consistent with the uses in the area. This specific property was zoned I-2 before the implementation of the Master Plan. While Suburban Residential does not acknowledge limited commercial services within this placetype, it has existed prior to the placetype and surrounding uses. RV storage is consistent within the Master Plan's supporting uses and can provide a service for the neighboring communities as they continue to grow.

b. Area of Change Designation: New Development

These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas.

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Undeveloped portions of the County that are adjacent to a built out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.

Analysis:

The New Development area of change supports businesses in the area and adjacent to urban neighborhoods. The proposed project would take the current illegal lot and make it legal. This will give the Site Development Plan application the ability to be approved, to allow for RV storage at the property. The use will be a new development to the area.

c. Key Area Influences: Potential Areas for Annexation

A significant portion of the County's expected population growth will locate in one of the eight incorporated municipalities. As the largest municipality in El Paso County, Colorado Springs is expected to grow in population over the next several decades. As a result of this growth, Colorado Springs, and other municipalities including Fountain and Monument, will need to annex parts of unincorporated County to plan for and accommodate new development. This will either occur through new development within existing municipal limits or the annexation of subdivisions in unincorporated parts of the County.

This Key Area outlines the portions of the County that are anticipated to be annexed as development occurs. It is imperative that the County continue to coordinate with the individual cities and towns as they plan for growth. Collaboration with the individual communities will prevent the unnecessary duplication of efforts, overextension of resources, and spending of funds. The County should coordinate with each of the municipalities experiencing substantial growth the development of an intergovernmental agreement similar to that developed with Colorado Springs.

Analysis:

The subject property is within the annexation area for the City of Colorado Springs. This project went through review by various agencies which includes the City of Colorado Springs's Planning Department and Public Works Department. The City of Colorado Springs did not have any comments on the project.



d. Other Implications (Priority Development, Housing, etc.)

There are no other implications associated with this property.

2. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

Goal 3.1 – *Promote cooperation among water providers to achieve increased efficiencies on infrastructure.*

Goal 4.2 – *Support the efficient use of water supplies.*

Goal 4.6 – *Promote collaboration among the County, municipalities, water and wastewater service providers and regional and State agencies through the use of Memoranda of Understanding or similar arrangements.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 3 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 3 for central water providers:

The Plan identifies the current demand for Region 3 to be 4,494 acre-feet per year (AFY) (Figure 5.1) with a current supply of 7,164 AFY (Figure 5.2). The projected demand in 2040 for Region 3 is at 6,403 AFY (Figure 5.1) with a projected supply of 7,921 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 3 is at 8,307 AFY (Figure 5.1) with a projected supply of 8,284 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 32 AFY is anticipated for Region 3.

See the Water section below for a summary of the water findings and recommendations for the proposed subdivision.



3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. EPC Parks Department and El Paso County Conservation District were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Colorado Geologic Survey reviewed this project and found there are high ground water levels at the site accompanied by compressible soils. CGS staff recommended these items be depicted via a plat note. The applicant has followed this request with plat note 24.

2. Floodplain

The property is not located within a defined floodplain as determined by the review of the FEMA Flood Insurance Rate Map panel number 08041C0553G, dated December 7, 2018.

3. Drainage and Erosion

The property is located within the Falcon Drainage basin (CHWS1400) which is a studied drainage basin with associated drainage and bridge fees. Drainage fees in the amount of \$86,503.07, and bridge fees in the amount of \$11,883.26 will be due at the time of plat recordation.

Stormwater runoff from the site will be routed via sheet flow and internal drive aisles to a proposed sand filter basin that will provide stormwater quality treatment for the development. The sand filter basin will be privately owned and maintained. Stormwater from the pond is ultimately conveyed to the west tributary of Black Squirrel Creek and subsequently to Regional Detention Pond WU.



4. Transportation

The subdivision is accessed via Bent Grass Meadows Drive which is a Non-Residential Collector roadway owned and maintained by El Paso County. Per the submitted traffic study, the site is anticipated to generate 12 average daily trips. Due to the low projected trip generation, the traffic analysis has determined that no off-site roadway improvements are required.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict any roadway improvements in the immediate vicinity of the site.

The development is subject to the El Paso County Road Impact Fee Program (Resolution 19-471, as amended) as applicable for property located within the Woodmen Road Metropolitan District.

H. SERVICES

1. Water

Water will be provided by Woodmen Hills Metropolitan District. Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed Minor Subdivision has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality.

2. Sanitation

Wastewater is provided by Woodmen Hills Metropolitan District.

3. Emergency Services

The property is within the Falcon Fire Protection District.

4. Utilities

The City of Colorado Springs Utilities and Mountain View Electric Association are the associated Utilities for water, gas, and electric service. These utilities were notified and had no outstanding comments.

5. Metropolitan Districts

Woodmen Hills Metropolitan District is a HOA and Utility company that offers utility services, such as electric gas, and water to properties within their area of coverage.



Woodmen Road Metropolitan District is a quasi-judicial and political subdivision of the State of Colorado (approved in 2001) that provides the acquisition, construction, installation, operation, and maintenance of certain public improvements, that consist mainly of safety and street protection improvements as Woodmen Road widens within the County limits. The subject property is 0.37 miles from Woodmen Road.

5. Parks/Trails

Fees in lieu of park land dedication for regional fees and for urban park fees are not collected with commercial or industrial development and are not due at the time of recording the Final Plat.

6. Schools

Fees in lieu of school land dedication are not required to be collected with commercial or industrial development and are not due at the time of recording the Final Plat.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no major issues associated with this project.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (as amended) staff recommends the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat,



a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at time of site development plan approval. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Drainage fees in the amount of \$86,503.07 and bridge fees in the amount of \$11,883.26 shall be paid for the Falcon Drainage Basin at the time of plat recordation.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 2/22/2024, as provided by the County Attorney's Office.

NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.

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2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with the Department of Public Works Development Services Inspections and a Construction Permit is issued.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 20 adjoining property owners on May 23, 2024, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

Map Series

Letter of Intent

Plat Drawing

County Attorney's Letter

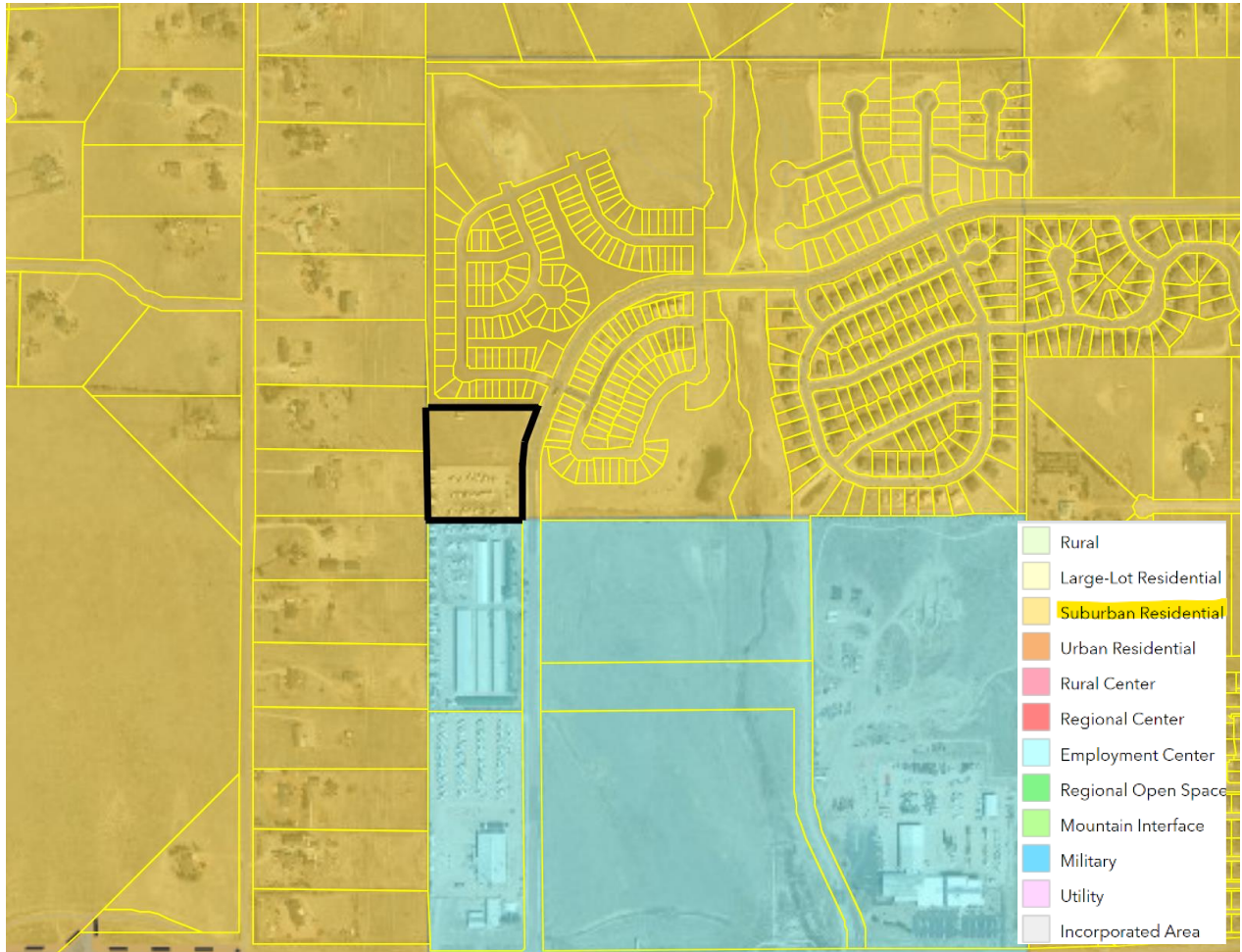
Draft Resolution



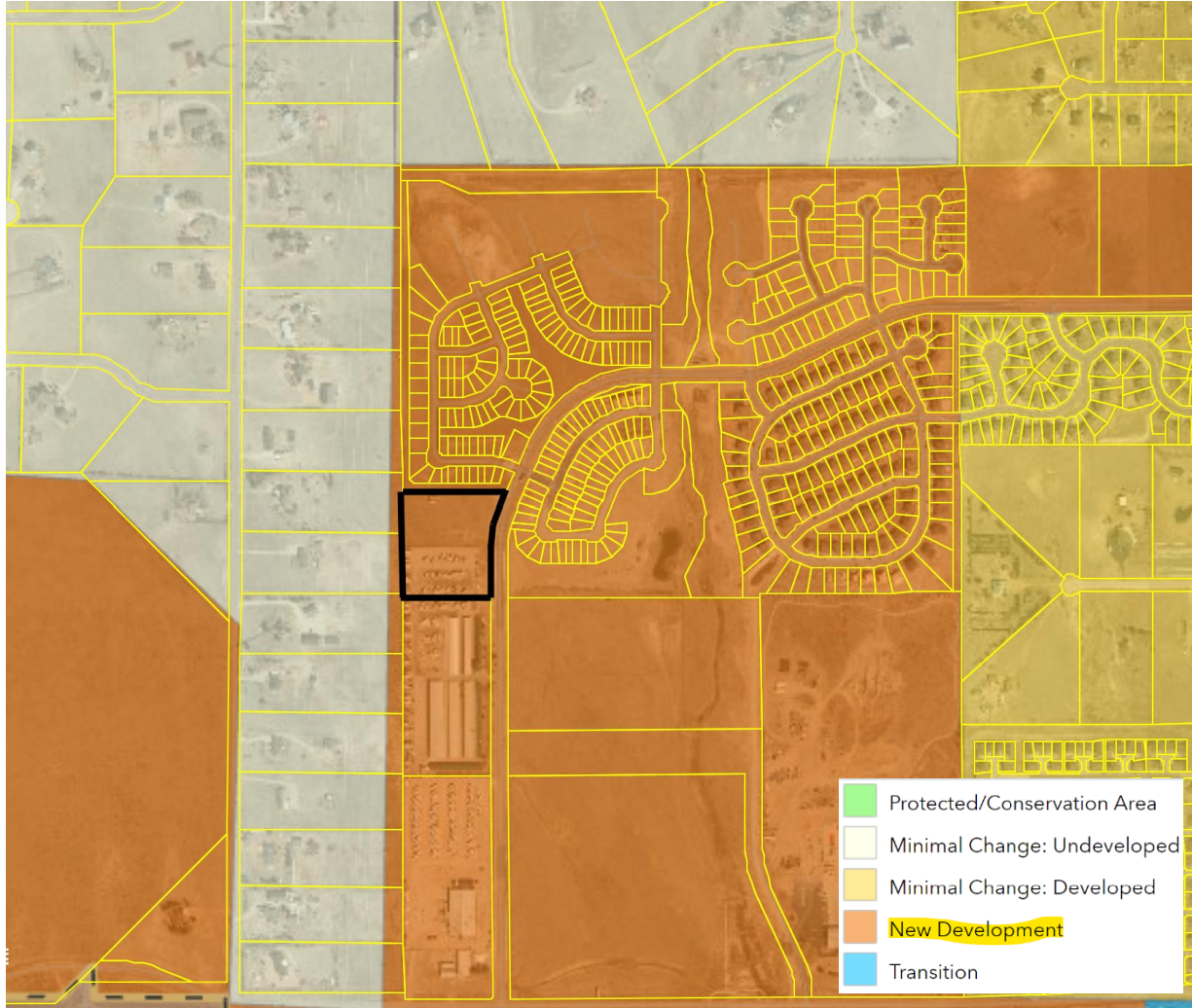
Map Series

MS232

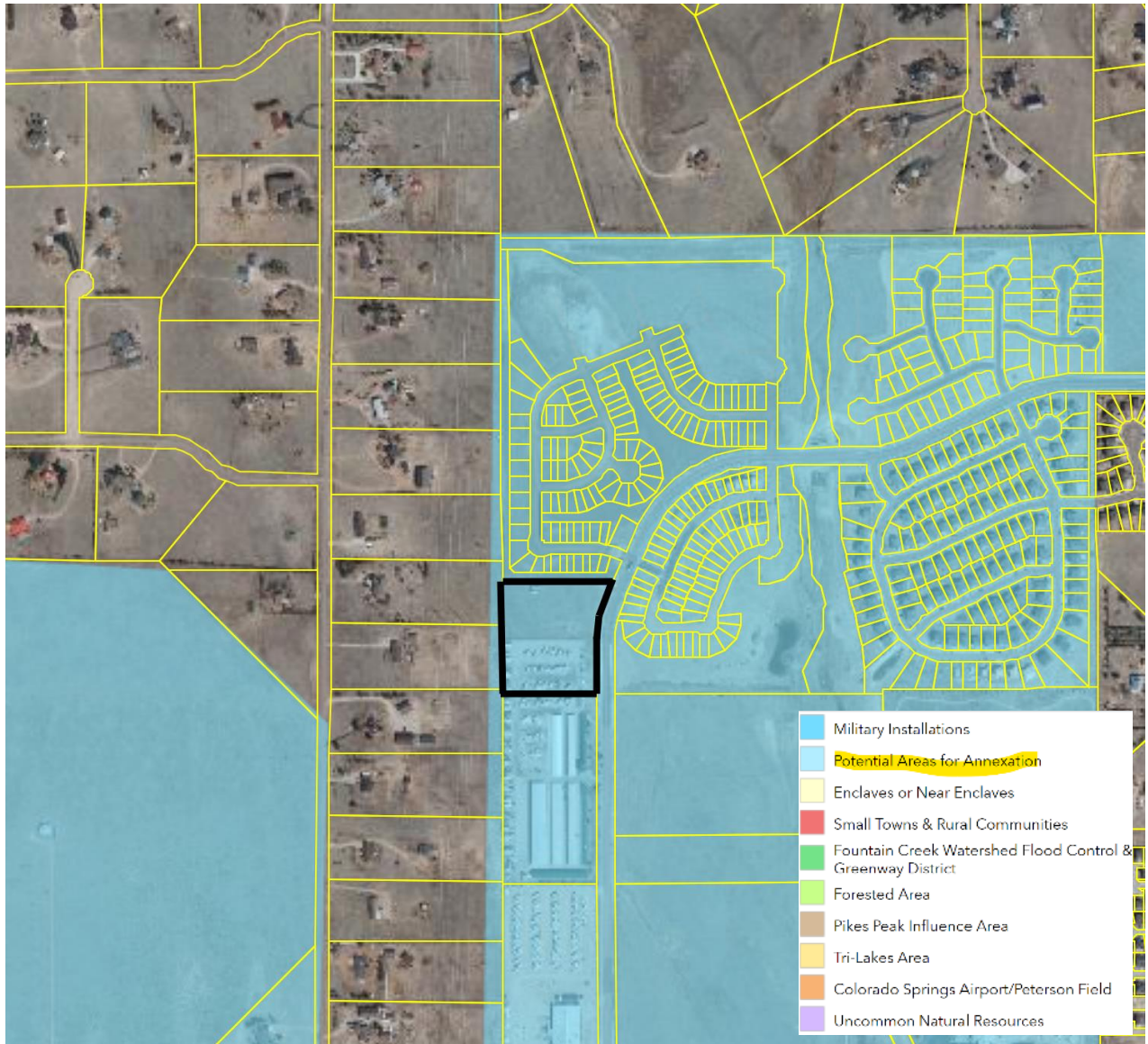
Placetype Map:



Area of Change Map:



Key Area Map:



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OLIVER E. WATTS, CONSULTING ENGINEER, INC.
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CELL (719) 964-0733
olliewatts@aol.com

Celebrating over 43 years in business

May 23, 2023

El Paso County Development Services
2880 International Circle
suite 110
Colorado Springs, CO 80910

SUBJECT: Justification Letter for Final Plat, Falcon Storage Subdivision

We propose to subdivide this site located in the West one-half of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, situate in El Paso County, Colorado to allow for a RV storage lot to be constructed on the site.

Owner information:

Assessor's Parcel No.: 5301000018
Existing zone: I2 (Industrial)

History:

This site is currently being used as an RV storage lot. It is a 5-acre unplatted portion of the West one-half of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, situated in El Paso County, Colorado. The site is adjacent to / contiguous with Falcon Storage, which was platted as Lot 1, Latigo Business Center Filing No. 1 on May 25th, 2005. The lot is being entered from an existing (platted) road, Bent Grass Meadows Drive.

Request and Justification:

The property is currently being used as an RV storage lot. We are requesting to subdivide the site to comply with County requirements and criteria. The county is requiring that if the lot is to remain in its current use as a RV parking storage lot, it must be platted.

Utilities:

The site sits within the following utility service areas: City of Colorado Springs gas; Mountain View Electric, and Woodmen Metropolitan District for water and sewer. There are existing detention facilities across Bent Grass Meadows Drive that handle stormwater.

Traffic Generation:

Based on a traffic study done by LSC, the site has a current average daily trip count of 11 in and 7 out during peak hours. They estimate in the future, this trip generation will be 10 in and 13 out during the peak hour for an average of 136 per average weekday. This site is located within the

Woodmen Road Metropolitan District, and as such will be required to pay applicable Woodmen Road District fees in lieu of participation in the El Paso County Road Improvement Fee Program.

FEMA Floodplain:

Per FEMA Panel 08041CO535G, this site is not within the limits of a 100yr floodplain.

Request of Subdivision Applicability per LDC Chapters 7&8:

To comply with County regulations and requirements, we will be platting this 5 acre site as it is currently unplatted. The site will remain within requirements and regulations for zone I2 (industrial).

- CH 7:
 - A Preliminary plan is not required as this is a “minor subdivision”.
 - The subdivision is consistent with all design standards and regulations.
 - There will be a water stub run into the site for irrigation and landscaping purposes only. There is no need for water or sewer hookups into the storage site.
 - There are no geological hazards present on the site or special precautions relevant to the site.
 - A water quality pond will be installed in the southeast corner as a drainage improvement. Please see drainage plans for details.
 - The site already falls under the jurisdiction of EPSO and is within the Falcon Fire Protection District.
 - The site complies with methods of fire protection as outlined in Chapter 6. A Letter will be included to show evidence of this.
 - There will be no offsite impacts as a result of this subdivision.
 - There are no required public facilities for this subdivision.

- CH 8:
 - The land is suitable for development as there is an existing storage facility already adjacent to the site. The site is currently being used as RV storage as part of the adjacent storage facility. There are no physical constraints that would deem this unsuitable for development. Parr Engineering’s soils report completed in 2013 does not list any soils hazards present on the contiguous site to the south.
 - The land is safe for the intended purposes of RV Storage.
 - There are no slopes over 30% on the proposed lots.
 - Regarding roads and access, there is already access to the site from the existing storage site. There are driveways cut in between the aisles of the parking rows and a private drive will be cut out into Bent Grass Meadows Dr.
 - There are no major plans to alter the landscape of the new lot. The only improvement is a private road to be cut out into Bent Grass Meadows Dr.
 - As far as we are aware, there are no structures or other areas located on the site that would qualify as archeological or historical.
 - As far as we are aware, there are no plans for differing land use on these lots.
 - As far as we are aware, these lots are not in the way of any major airways or airports and thus should not affect them.
 - As far as we are aware, there are no endangered species affected by these proposed changes.

- As stated previously, this site is not within the limits of a 100yr floodplain per FEMA Panel 08041CO535G.
- The current lot does not sit alongside any major arterial, thus do not need to worry about noise mitigation.
- The current and proposed lots are not situated anywhere near a railroad.
- This site is not located near enough to any major military outpost or installation and thus does not fall under any constraints detailed in LDC chapter 8.

Constraint's/Hazards:

As far as we are aware, there are no special features to this site that would result in constraints or hazards preventing the platting of this lot.

Proposed Improvements:

The overall goal of this subdivision is to plat a currently unplatted lot to comply with County requirements. The existing lot is already in use as an RV storage facility and is owned by the storage facility to its south. The only improvement proposed for the unplatted site is a road to be cut from the site into Bent Grass Meadows Dr. Maintenance and repair of this driveway will be the responsibility of the owners.

County Road Impact Fees:

County road impact fees will be due at the time of subdivision per county requirements.

Neighbor Notification:

Notification was mailed to each of the neighbors per County Requirement and receipts were provided with the initial submittal.

We ask that El Paso County grant the subdivision request to I2 (Industrial). This will allow the current unplatted site to be platted per County regulations and requirements.

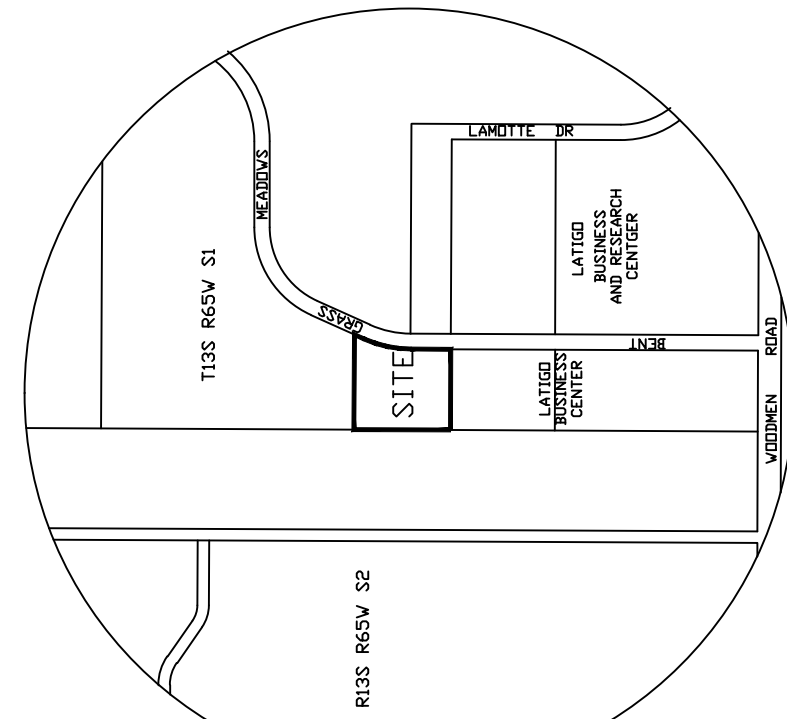
Please contact our office with any questions, thank you

Oliver E. Watts, Consulting Engineer, Inc.

By: _____
Dylan J Watts, Authorized Representative

FALCON STORAGE

A SUBDIVISION OF PART OF THE W 1/2 SECTION 1, T.13S., R.65W., OF THE 6TH P.M. EL PASO COUNTY, COLORADO



VICINITY MAP
1"=1000'

Know all men by these presents that Falcon Storage Partners, L.L.P., a Colorado limited liability limited partnership being the plaintiff, Falcon Storage Partners, L.L.P., a Colorado limited liability limited partnership being the defendant, and Richard Graham, Jr., a Colorado resident, do hereby certify that the following is a true and correct copy of the plat of a subdivision of a parcel of land being a portion of the West one-half of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, situate in El Paso County, Colorado, described as follows:

Beginning at the Northwest corner of Latigo Business Center Filing No. 1 (Reception No. 205075726, El Paso County, Colorado records) (all bearings in this description are relative to the West line of the Southwest one-quarter of said Section 1, which bears North 00 degrees 16 minutes 02 seconds East (assumed)); Thence North 00 degrees 16 minutes 02 seconds East along said Section 1's Southwest one-quarter's West line, said line also being coincident with the West line of the Bent Grass Meadows at Bent Grass Filing No. 1 (Reception No. 205075726, El Paso County, Colorado records) (all bearings in this description are relative to the West line of the proposed extension of Bent Grass Meadows Drive (80' r.o.w.), as platted in said Filing); The following three (3) courses are along said Drive's Westery right-of-way line: 1) South 24 degrees 14 minutes 14 seconds West, 53.65 feet; 2) On a curve to the left, said curve having a central angle of 23 degrees 58 minutes 12 seconds, a radius of 605.00 feet, an arc length of 253.11 feet; 3) South 00 degrees 16 minutes 02 seconds West, 206.48 feet to the Northeast corner of Lot 1, said Filing; Thence North 89 degrees 42 minutes 50 seconds West along the Northerly line of said Lot 1, 420.00 feet to the Point of Beginning, said Point of Beginning being on the West line of the Bent Grass Meadows at Bent Grass, Colorado, and containing 5.004 acres.

The undersigned, Falcon Storage Partners, L.L.P. being all the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests in the land described herein, have laid out, subdivided, and platted said lands into a lot, and easements as shown hereon under the name and subdivision of Falcon Storage. All public improvements as shown hereon hereby dedicated to public use and said owner does hereby covenant and agree that the drainage and erosion control for some of the improvements shown hereon shall be the responsibility of the Board of County Commissioners of El Paso County, Colorado. Upon satisfaction of the Board of County Commissioners of El Paso County, Colorado, upon approval by resolution, all public improvements so dedicated will become matters of maintenance by El Paso County, Colorado. The utility easements shown hereon are hereby dedicated for public utilities and communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

Owners/Mortgagee (Signature) _____
By: Richard Graham, Jr.,
Title: General Partner

STATE OF COLORADO)
COUNTY OF _____)
Acknowledged before me, this _____ day of _____, 20____ by
Richard Graham, Jr., as General Partner.

My commission expires: _____
Witness my hand and official seal _____, Notary Public

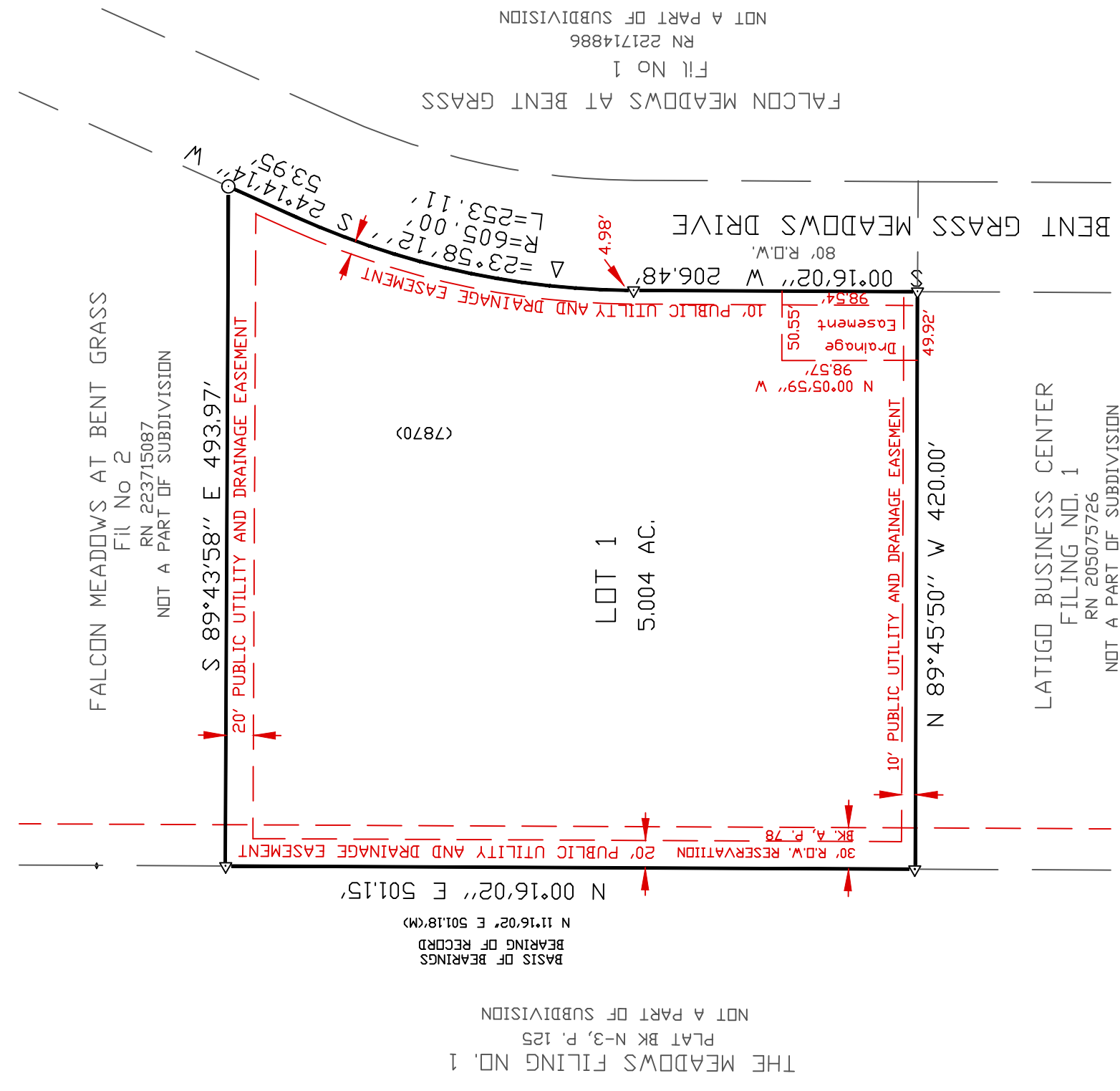
This plat for Falcon Storage Subdivision was approved for filing by the El Paso County, Colorado Board of County Commissioners on the _____ day of _____, 20____, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land to the public easements are accepted, but public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual.

Chair, Board of County Commissioners _____ Date _____
Planning and Community Development Director _____ Date _____

Surveyors Certificate
I, Oliver E. Watts, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on 10-6-20____ by me or under my direct supervision and that no monuments exist or have been prepared in full compliance with the laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and all applicable provisions of the El Paso County Land Development Code.

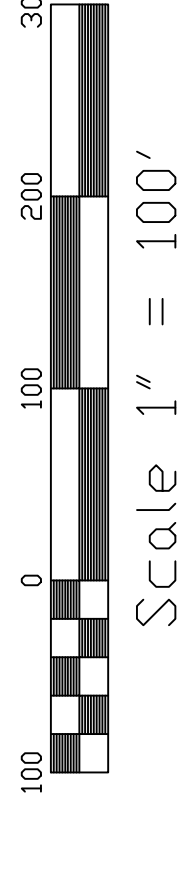
I attest the above on this _____ day of _____, 20____.

Oliver E. Watts, Colorado PE-LS No. 9853
For and On Behalf of: Oliver E. Watts, Consulting Engineer, Inc.



LEGEND:
O SET 2" AL. CAP. #9853 DN #5 REBAR
▽ FOUND RED LDC CAP DN #4 REBAR
() ADDRESS

Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory corner class No (2) monument pursuant to C.R.S. § 18-4-308



NOTES:

- Bearings are based on the record bearing of N00°16'02"E. For the west line of the lot, monumented on each end by a 1" red plastic cap on a # 4 rebar, marked LDC PLS# 20681 as shown on the plat. Said monuments were at ground level as of the date of the fieldwork.
- Survey monuments found or set are at ground level unless otherwise noted on the plat.
- Title information was provided by the client as follows:
Title Company: First American Title Insurance Company
Commitment no: NCS-1055842-CD
- Effective date: March 12, 2021 at 5:00 PM
- This survey does not constitute a title search or opinion.
- You are advised that you may not be aware of any legal action based upon any defect in the survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
- Flood plain.
- According to the current effective Federal Emergency Management Agency Flood Insurance Rate Map, the subject property is located outside the boundary of the 100 Year Floodplain, as identified on FEMA Mapping Panel No. 0804100535 G, dated December 7, 2018.
- Units of measurement: US Survey Feet
- The following reports have been submitted in association with the Preliminary Plan or Final Plat for this subdivision and are on file at the County Department of Planning and Transportation Impact Study/ Drainage Report/ Water Resources Report, Water Resources Report, Wetland Delineation Report, and other reports.
- All property owners are responsible for maintaining proper storm water drainage in and through their property. Public drainage easements as specifically noted on the plat shall be maintained by the individual lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.
- Easements:
Unless otherwise indicated, all side, front, and rear lot lines are hereby platted on either side with a 10 foot public utility and drainage easement unless otherwise indicated. All exterior subdivision boundaries are hereby platted with a 20 foot public utility and drainage easement. The sole responsibility for maintenance of these easements is hereby vested with the individual property owners.
- Beleaves: El Paso County Wildland and State Laws, Regulations, Ordinances, Rules, and Administrative Code, and other agency rules, regulations, and orders, including but not limited to the Department of Wildlife, Game and Parks, and the Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the listed species (e.g., Preble's Meadow Jumping Mouse).
- Addresses: The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.
- Mailboxes:
Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.
- No driveway shall be established unless an access permit has been granted by El Paso County.
- Street and utility conduits shall be located and designed by a Professional Engineer, currently registered in the State of Colorado.
- Woodmen Road District.
- All property within this subdivision is within the boundaries of the Woodmen Road Metropolitan District and, as such, is subject to a mill levy, plating fees and building permit fees for the purpose of financing construction of specified improvements to Woodmen Road, per instrument recorded at Reception No. 204016142, 1-29-04.
- Brent Grass Metropolitan District Note
All property within this subdivision is within the boundaries of the Brent Grass Metropolitan District and, as such, is subject to a mill levy, plating fees and building permit fees for the purpose of financing construction of specified improvements per instrument recorded at Reception No. 207074524, 6-4-07.
- Openly recorded subdivision within the boundaries of the Woodmen Hills Metropolitan District, per Deeds recorded under RN's: 203286252, 2019055421, and 2019055421, is subject to the District's rules, regulations and specifications as recorded at Reception No. 205075724 and Bylaws of the District.
- All property within this subdivision is subject to a declaration of covenants as recorded at Reception No. 205075724 and Bylaws of Latigo Business Center Owners Association recorded at Reception No. 205075725 of the records of the El Paso County Clerk and Recorder.
- Water in the Denver Basin aquifers is allocated based upon 100-year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin aquifers is evaluated on a 300-year aquifer life. Applicants and all future owners in the subdivision should be aware that the economic life of a water supply based upon wells in a given Denver Basin aquifer may be less than either the 100-years or 300-years indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that meets the needs of the subdivision.
- The property owners, its successors and assigns, and all future lot owners in this development are hereby on Notice that they may be required to comply with applicable rules, if any, of the Colorado Ground Water Commission, which compliance may result in a reduction of well withdrawal limits and thus reduction in water availability.
- A Private Detention Basin / Stormwater Quality BMP Maintenance Agreement and Easement is recorded under RN. 205075723 of the records of El Paso County, Colorado.
- A Stormwater Quality BMP Maintenance Agreement and Easement is recorded under RN. _____ of the records of El Paso County, Colorado.
- The subdivision developer is responsible for extending utilities to each tract or building site.
- Gas for this subdivision is provided by Colorado Springs Utilities.
- Electric is provided by Mountain View Electric.
- Water and wastewater is provided by Woodmen Hills Metropolitan District.
- Fire Protections is provided by Falcon Fire Protection District.
- Provided service is subject to the respective rules, regulations and specifications of the provider.
- SOIL AND GEOLOGICAL CONDITIONS:
A Soil and Geology Study of the site was conducted by RMG engineers, dated June 23, 2023 a copy of which is available for review under County File No. MS-23-002 at the El Paso County Planning and Community Development Department. The following potential geologic constraints may exist and mitigation procedures employed, based on test borings performed on the site. No buildings are proposed at the site.
Compressible Soils: Sand with variable amount of silt and clay underlay the entire site and may be encountered within building excavations, which might require removal and replacement of up to 2 to 3 feet of soil and use of low ground pressure equipment.
Springs and Groundwater: Conditions may be encountered requiring in excavations requiring perimeter drains around structures or storage spaces.
- Uncontrolled / Undocumented Fill Placement: Stockpiles of soil exist on the site requiring removal and replacement with newly placed and compacted structural fill.
Seismicity: The site should be classified and Site Class B, with shear wave velocities from 2500 to 5000 fps for materials in the upper 100 feet.
Radon: Elevated levels of radon from naturally occurring sources are not anticipated.

Clerk and Recorder

STATE OF COLORADO
COUNTY OF EL PASO

I hereby certify that this instrument was filed in my office on this _____ day of _____, 20____, and was recorded at Reception Number _____ of the records of El Paso County

Steve Schleiher, El Paso County Clerk and Recorder

Fee: _____
Surcharge: _____
School fees: _____ Park fees: _____
Drainage fees: _____ Bridge fees: _____

PREPARED BY THE OFFICE OF:
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County Attorney

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Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

February 22, 2024

MS-23-2 Falcon Storage
Minor Subdivision

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
April Willie, Paralegal

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a minor subdivision proposal by Falcon Storage Partners LLLP (“Applicant”), to plat a 5.004 +/- acre tract of land (the “Property”). The property is zoned I-2 (Limited Industrial).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the subdivision demand is 0.108 acre-feet per year for irrigation of 5 acres.¹ The Applicant must therefore be able to provide a supply of 32.4 acre-feet of water (0.108 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Woodmen Hills Metropolitan District (“District”). The Water Resource Report dated January 2024 states that District has a current total water supply of 1,457.6 annual acre-feet and supplied an average of 845.15 acre-feet per year from 2020-2022.

¹ Appendix F of the Water Resource Report dated January 2024 based the estimated demand, however, on irrigation of 5,545 sq. ft. Applicant will be required to correct the WSIS to reflect this area.

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY
TERRY A. SAMPLE

LORI L. SEAGO
DOREY L. SPOTTS

BRYAN E. SCHMID
STEVEN W. MARTYN

MERI GERINGER

4. The District provided a letter of commitment for Falcon Storage dated January 22, 2024, in which the District stated that it is committed to providing water for Falcon Storage. The District states the water committed is 0.1085 acre-feet of water per year.

State Engineer's Office Opinion

5. In a letter dated February 21, 2024, the State Engineer reviewed the proposal to plat a 5-acre tract of land to be used for RV storage facilities. The State Engineer stated that the proposed supply of water is to be served by Woodmen Hills Metropolitan District. Further, the State Engineer's Office stated that ". . . pursuant to section 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to water rights."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Falcon Storage is 0.1085 acre-feet per year to be supplied by the Woodmen Hills Metropolitan District. **Based on the water demand of 0.1085 acre-feet/year for the plat and the District's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Falcon Storage.**

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Code must be satisfied. Section 8.4.7.B.10.g. of the Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the *Water Supply Information Summary*, the *Water Resources Report* dated January 2024, the *Woodmen Hills Metropolitan District letter* dated January 22, 2024, and the *State Engineer Office's Opinion* dated February 21, 2024. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.

B. Prior to recording the final plat, Applicant must upload an updated WSIS to identify that an estimate 5,545 square feet will be irrigated.

cc. Ashlyn Mathy, Project Manager, Planner

RESOLUTION NO. 24-

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVE MINOR SUBDIVISION FINAL PLAT
FALCON SELF STORAGE & U-HAUL SUBDIVISION

WHEREAS, Oliver Watts Consulting did file an application with the El Paso County Planning and Community Development Department for the approval of a Final Plat for the Falcon Storage Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on June 6, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the Final Plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on June 27, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is consistent with the purposes of the Land Development Code ("Code").

7. The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials.
8. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code.
9. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of the Code.
10. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)].
11. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design.
12. The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.
13. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County and in compliance with the Code and the ECM.
14. The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
15. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.

16. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
17. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
18. Off-site impacts were evaluated, and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code.
19. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.
20. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

WHEREAS, a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code; and

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, hereby approves the minor subdivision Final Plat application for the Falcon Storage Subdivision;

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.

5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at time of site development plan approval. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Drainage fees in the amount of \$86,503.07 and bridge fees in the amount of \$11,883.26 shall be paid for the Falcon Drainage Basin at the time of plat recordation.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 2/22/2024, as provided by the County Attorney's Office.

NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with the Department of Public Works Development Services Inspections and a Construction Permit is issued.

BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 27th day of June 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

A parcel of land being a portion of the West one-half of Section 1, Township 13 South, Range 65 West of the 6th Principal Meridian, situate in El Paso County, Colorado, described as follows: Beginning at the Northwest corner of Latigo Business Center Filing No. 1 (Reception No. 205075726, El Paso County, Colorado records) (all bearings in this description are relative to the West line of the Southwest one-quarter of said Section 1, which bears North 00 degrees 16 minutes 02 seconds East "assumed"); Thence North 00 degrees 16 minutes 02 seconds East along said Section 1's Southwest one-quarter's West line, said line also being coincident with the Northerly extension of the Westerly line of said Filing, 501.15 feet; Thence South 89 degrees 43 minutes 58 seconds East, 493.97 feet to a point on the Westerly right-of-way line of the proposed extension of Bent Grass Meadows Drive (80' r.o.w.), as platted in said Filing; The following three (3) courses are along said Drive's Westerly right-of-way line: 1.) South 24 degrees 14 minutes 14 seconds West, 53.65 feet; 2.) On a curve to the left, said curve having a central angle of 23 degrees 58 minutes 12 seconds, a radius of 605.00 feet, an arc length of 253.11 feet; 3.) South 00 degrees 16 minutes 02 seconds West, 206.48 feet to the Northeast corner of Lot 1, said Filing; Thence North 89 degrees 42 minutes 50 seconds West along the Northerly line of said Lot 1, 420.00 feet to the Point of Beginning, County of El Paso, State of Colorado.
And containing 5.004 acres