

BOCC  
Chuck Broerman  
09/09/2020 08:49:26 AM  
Doc \$0.00 4  
Rec \$0.00 Pages

El Paso County, CO



220139220

## RESOLUTION NO. 20-326

### EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

#### APPROVAL OF A SPECIAL USE TO ALLOW FOR AGRITAINMENT WITHIN THE RR-5 (Residential Rural) ZONING DISTRICT (AL-19-028)

WHEREAS, Randal Childers did file an application with the El Paso County Planning and Community Development Department for approval of a special use to allow for agritainment within the RR-5 (Residential Rural) zoning district 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 August 20, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the application with conditions and notations; and

**WHEREAS**, a public hearing was held by this Board on September 8, 2020; 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 was provided as required by law for the hearing before the Planning Commission.
3. That the hearings before the Planning Commission and 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 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.

WHEREAS, pursuant to Section 5.3.2 of the El Paso County Land Development Code, as amended, in approving this special use, this Board considered one or more of the following criteria:

1. The special use is generally consistent with the applicable Master Plan;
2. The special use will generally be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;
3. The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;
4. The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;
5. The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
6. The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County; and/or
7. The special use conforms or will conform to all other applicable County rules, regulations or ordinances.
8. That for the above-stated and other reasons, the proposed special use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED, that the El Paso County Board of County Commissioners, Colorado, hereby approves the application for a special use to allow for agritainment within the RR-5 (Residential Rural) zoning district.

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

**CONDITIONS**

1. The special use shall be limited to Agritainment as described in the applicants' letter of intent and as shown on the site plan. Any subsequent addition or modification to the operation or facility beyond that described in the applicants' letter of intent and as shown on the site plan shall be subject to administrative review, and if it is the opinion of the Planning and Community Development

Department Director that it constitutes a substantial increase, then such addition or modification shall be subject to a new special use application.

2. No structure on the property shall be used for employees or the general public unless a building permit has been granted and the structure is shown on the site development plan.
3. The applicants shall provide the Planning and Community Development Department a copy of either the well permit or provide the county with a legal source of water.
4. There should be no more than 50 participants at any time except for from September 1 through November 1 where 100 persons may be allowed.
5. There shall be no more than 2 scheduled events to occur on the same date.

#### NOTATIONS

1. Special use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or special use conditions/standards are being violated, preceded by notice and public hearing.
3. If the special use is discontinued or abandoned for two (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 8<sup>th</sup> day of September, 2020, at Colorado Springs, Colorado.

ATTEST:

By:

County Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS  
EL PASO COUNTY, COLORADO

By:

Chair

EXHIBIT A

Legal Description of property located at 16810 S Peyton Hwy, Colorado Springs, CO 80928

Beginning at the Northeast corner of Section 8, Township 17 South, Range 63 West; thence West for 495 feet; thence South for 2,640 feet; thence East for 495 feet; thence North for 2,640 feet to the point of beginning.

Legal Description copied directly from original deed dated Sep 15, 1986.