

Bill

RESOLUTION NO. 20- 129

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF A SPECIAL USE TO ALLOW CONTINUOUS OCCUPANCY OF ACCESSORY LIVING QUARTERS WITHIN THE A-35 (Agricultural) ZONING DISTRICT (AL-19-026)

WHEREAS, Mark and Angelina Hyatt did file an application with the El Paso County Planning and Community Development Department for approval of a special use to allow continuous occupancy of accessory living quarters within the A-35 (Agricultural) 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 February 18, 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 March 24, 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.

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El Paso County, CO



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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 continuous occupancy of accessory living quarters within the A-35 (Agricultural) zoning district.

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

CONDITIONS

- 1. Approval is limited to the extended family dwelling as discussed and depicted in the applicants' letter of intent and the approved residential site plan drawing.**
- 2. Any subsequent site plan to add a third dwelling unit on this parcel shall not be approved unless documentation demonstrating that a major variance has been**

approved by the Upper Black Squirrel Groundwater Management District to permit the third dwelling unit to utilize the existing well.

3. The detached accessory living quarters for permanent occupancy shall be removed within three (3) months after the need no longer exists or 3 months after the date of the expiration of the special use approved, if one is specified, unless an application to legalize the use is submitted or an application to subdivide the property is submitted.

NOTATIONS

1. Special use approval includes conditions of approval and the accompanying site plan. 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 31st day of March, 2020, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

ATTEST:

By:



By:

A handwritten signature is written over a horizontal line. Below the line, the word "Chair" is printed.

Chair

EXHIBIT A

**Legal Description: SE4SW4 SEC 33-12-64
Southeast Quarter of Southwest Quarter
Section 33 Township 12S Range 64W of 6th PM El Paso County**