PUBLIC COMMENT IN OPPOSITION

Special Use Permit Application AL269

5415 Old Stage Road – "Yakalo Ranch" – Recreation Camp

To: Jen Uhler, Project Manager

El Paso County Planning & Community Development

El Paso County Board of County Commissioners (for the hearing record)

From: Laurie Zickefoose

36 Highland St, Colorado Springs CO 80906

(Resident within approximately one mile of the subject parcel)

Date: May 18, 2026

File: AL269 (Project ID 206839); EA2561; Parcel 7500000275; Applicant: Angela Gregg

Position: **OPPOSE**

Project Manager Uhler and Members of the Board:

I am Laurie Zickefoose, a resident of Old Stage Road within approximately one mile of the subject parcel. I write on my own behalf and on behalf of the neighbors whose names appear on the signature page attached to this comment. We respectfully and unanimously oppose the Special Use Permit (SUP) sought by Angela Gregg under File AL269, which would authorize an additional principal use of "Recreation Camp" at 5415 Old Stage Road. We ask that El Paso County DENY this application.

Our opposition rests on four independent grounds: (I) the controlling statutory and code framework; (II) wildfire and single-egress public-safety concerns already documented by reviewing agencies; (III) water-supply and watershed impacts on a parcel the El Paso County Conservation District has expressly identified as drainage-sensitive; and (IV) the applicant's documented pre-application conduct, which directly bears on her likelihood of complying with any conditions the County might attach to an approval.

I. Controlling Statutory and Code Framework

A Special Use Permit is a discretionary land-use approval. It is governed by, among other authorities:

- C.R.S. § 30-28-115 (Public welfare to be promoted; legislative declaration), which requires that county zoning powers be exercised to lessen congestion, secure safety from fire, and promote health and the general welfare.
- C.R.S. § 30-28-111 (Zoning plan) and the El Paso County Land Development Code ("LDC"), Chapter 5 (Use and Dimensional Standards) and Chapter 6 (General Development Standards), which establish that uses requiring a SUP carry a presumption of incompatibility unless and until the applicant affirmatively demonstrates that statutory and code criteria are satisfied.
- C.R.S. § 24-33.5-1237 (Application of wildfire resiliency codes) and C.R.S. § 30-15-401 (County powers, including fire mitigation), which obligate the County to weigh wildfire risk in land-use decisions in the Wildland-Urban Interface ("WUI").
- El Paso County Ordinance No. 22-001 and predecessor Ordinance No. 19-001 (Fire restrictions), enforceable under C.R.S. § 30-15-402 as Class 2 Petty Offenses, and which categorically prohibit open burning during Red Flag Warnings regardless of the current restriction stage.
- C.R.S. § 25-7-123 (Open burning – penalties), under Colorado's Air Quality Control statutes.

The applicable rules apply uniformly to every property owner in El Paso County. They are not optional, and they are not waived because the applicant has now chosen to seek permission for a use she previously conducted without it.

II. Wildfire Risk and Single-Egress Safety

The reviewing agencies have already placed substantial wildfire-safety concerns in the record. We adopt and incorporate them by reference:

- The El Paso County Conservation District ("EPCCD"), in its review comment dated May 6, 2026, found that the site is "located in a heavily forested and overgrown area that carries an elevated wildfire risk, particularly given the single road for ingress and egress (which is a safety concern)." EPCCD requested vegetation management consistent with Firewise principles, including 35-foot clearance around buildings/campsites, 15-foot road-centerline clearance, thinning to 40–60 trees per acre in the 35–100 foot zone beyond that, and clearance within 15 feet of Old Stage Road.
- The Colorado Springs Fire Department, in its review comment dated April 30, 2026, expressly objected to the applicant's proposed gating of Old Stage Road, stating that CSFD "does not support gating off Old Stage Road being that Old Stage is a public access road" and requested that all gate references be removed from the plans.

A Recreation Camp materially increases the transient occupant load on a parcel whose only evacuation route is a single, narrow, forested rural road. Increasing the number of persons who must self-evacuate, while simultaneously proposing physical impediments (gates) along the only available emergency route, is the precise type of cumulative risk the County's wildfire-resiliency obligations are designed to prevent. The application does not adequately address either issue,

and approval on the present record would be inconsistent with C.R.S. § 30-28-115 and C.R.S. § 24-33.5-1237.

III. Water Supply, Drainage, and Watershed Impacts

EPCCD found that the parcel sits on "steep topography and a major drainage running through the site," with a "high potential for erosion." EPCCD further found that no erosion control or revegetation plan was provided with the submittal.

A Recreation Camp will impose meaningful additional demand on potable water (well), wastewater (septic), and stormwater management on a parcel already classified as drainage-sensitive. We ask the County to require, before any approval:

- A documented, adequate, and dependable water supply analysis for the proposed maximum occupancy, consistent with C.R.S. Title 37 and the LDC's subdivision-and-development water-sufficiency standards.
- A septic capacity review by El Paso County Public Health for the proposed maximum occupancy.
- A full erosion and revegetation plan adopting EPCCD's May 6, 2026 recommendations, including silt fencing during construction, native-grass revegetation within 45 days of disturbance, and appropriate cover (mulch, wood chips, or crushed rock) on all disturbed surfaces.

Absent these submittals, the applicant has not carried her burden under the LDC, and the application cannot be found consistent with C.R.S. § 30-28-115's public-welfare requirement.

IV. Applicant's Pre-Application Conduct and Compliance History

The County's discretion in a SUP proceeding includes the authority to weigh whether the applicant is likely to comply with the conditions of an approval. Two categories of conduct directly inform that judgment:

A. Operation of an unpermitted camping use prior to filing for the SUP.

Based on the personal observations of neighbors, the applicant was operating a camping/recreation-camp use at 5415 Old Stage Road prior to submitting the present application for the required Special Use Permit. This use was conducted without the SUP that the present application now seeks, and therefore in apparent violation of the El Paso County Land Development Code, which requires SUP approval before a "Recreation Camp" may be operated as a principal use on the parcel. The County has independent authority under C.R.S. § 30-28-124 and the LDC enforcement provisions to address such violations. Specific dates and observations are available from undersigned neighbors and can be supplied at the hearing.

B. Open fires during Red Flag Warnings and active County burn bans.

Neighbors have personally observed open fires being conducted on the subject property on days when (i) the National Weather Service had issued a Red Flag Warning for the area, and/or (ii) El Paso County was operating under Stage I or Stage II fire restrictions issued by the El Paso County Sheriff. Open burning under either circumstance is categorically prohibited and constitutes a Class 2 Petty Offense under El Paso County Ordinance No. 22-001 (and predecessor Ordinance No. 19-001), enforceable under C.R.S. § 30-15-402, and is independently regulated under C.R.S. § 25-7-123 (open burning – penalties). Any person who causes a fire in violation of these ordinances may further be liable for all reasonable costs of fire suppression and emergency response.

These are not technical or formal complaints. Open burning during Red Flag conditions in a heavily forested WUI parcel with a single egress route is precisely the conduct most likely to produce a catastrophic ignition. That this conduct allegedly occurred while the applicant was simultaneously operating an unpermitted recreation use on the same parcel speaks directly to whether any future conditions the County might impose will, in practice, be observed.

We respectfully submit that an applicant who has not complied with the laws that govern all of us in the absence of a permit cannot be presumed to comply with the additional conditions that would attach to one. The County should treat the pre-application enforcement record as a material factor under C.R.S. § 30-28-115's public-welfare standard.

V. Requested Action

For the foregoing reasons, the undersigned respectfully request that the El Paso County Planning Commission and the Board of County Commissioners:

- DENY Special Use Permit Application AL269; or
- In the alternative, DEFER any action until the applicant has (a) resolved all open or referred Code Enforcement matters concerning the prior operation of the parcel; (b) submitted a revised application that adopts EPCCD's May 6, 2026 erosion-control, Firewise, and cultural-resource recommendations in full; (c) removed all gate references from the site plan per CSFD; (d) submitted a documented adequate water supply and septic capacity analysis for the proposed maximum occupancy; and (e) accepted a hard, enforceable annual occupancy cap with mandatory reporting and automatic permit revocation upon any open-burning violation.

We further request notice of, and the opportunity to be heard at, every public hearing concerning this application.

Respectfully submitted,

Laurie Zickefoose

36 Highland St, Colorado Springs CO 80906

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***Attachment**: Signature Page (additional opposing neighbors).*

Everyone listed is affected and are willing to sign whatever is needed to oppose:

John Zickefoose	Piper Oosting	Skylar Stratton
Kaylee Zickefoose	Kaitlyn Uhl	Kaitlin Miera
Jennifer Lehn	Nicholas Kibler	R. Finsterwald
William Lehn	Ava Mayes	Carol Finsterwald
Heather Johnson	Katherine Lorck	Gretchen McGee
Hagar Gerber	JP Clune	Mike McGee
Wyatt Johnson	David Ibanez	Trey Spiller
Londynn Johnson	Giada Rotondo	Megan Spiller
Jon Serio	Ella Shatz	Jim Voige
Martin Johnson	Elizabeth McHolm	Peter Pintler
Laura Hicinbothem	Emmaline Adams	Robin Pintler
Karisa Garcia	McKenna Rawson	Mary Ann Trabandt
Bonnie Fredrickson	Zia Oelig	Eric Trabandt
Jay Fredrickson	Monika Garcia	Gillian Murphy
Keith Roy	Tarrah Dickinson	Lew Bristow
Jessica Roy	Torri Dickinson	Cynthia Crater
Alfred Ramirez	Justin Alverez	Stephen McGee
Carley Scopis	Adam Brierly	Melody Mitchell