

EL PASO COUNTY PLANNING COMMISSION

APRIL 1, 2008

MINUTES

PRESENT
DURING PART OR
ALL OF THE MEETING

Bob Roulier
Ray Schanel
Verlin Dickman
Eddie Bracken
Bob Null
Lowell Bell
John Vohland
David Powell
Steve Hicks
David Kunstle
Steve Immel
Steve Sery

COUNTY STAFF
PRESENT DURING
PART OR ALL OF
THE MEETING

Mike Hrebenar, Development Services Department
Carl Schueler, Development Services Department
Elaine Kleckner, Development Services Department
Mike Garrott, Development Services Department
Mark Gebhart, Development Services Department
Carol Weber, Development Services Department
Tony Deconinck, Development Services Department
Raimere Fitzpatrick, Development Services Department
Kari Parsons, Development Services Department
Gary Hamacher, Development Services Department
Tara McGowan, Development Services Department
Robert Wolf, Development Services Department
Lori Seago, County Attorney's Office

NOTE: The Planning Division Comment Agenda is automatically incorporated as part of the record.
The digital recording is the official record of the meeting.

Mr. Sery called the regular meeting of the Planning Commission to order in the Hearing Room at the Pikes Peak Regional Development Center at 9:00 A.M. and appointed the following voting members:

Mr. Roulier	Mr. Null	Mr. Schanel
Mr. Vohland	Mr. Bracken	Mr. Bell
Mr. Powell	Mr. Dickman	Mr. Sery

1. **Report Items** – Ms. Kleckner reported on the following:

- A. Actions taken by the Board of County Commissioners on projects previously heard by the Planning Commission.
- B. Workload
- C. Update on the Procedures Manual. Stakeholder meetings have been held on issues related to collateral. There is an April 2nd and April 9th (if needed) meeting(s) for public involvement, including notification (distance to notify owners from the property lines, when to require a neighborhood meeting, etc.)

There will be a combined stakeholder meeting on April 23rd which is open to the public. Planning Commission members are encouraged to attend, if interested. A Work Session with the Board of County Commissioners is scheduled for May 20th.

Concurrently, revisions to the Land Development Code are being processed. These should be on the May 6th Planning Commission agenda and presented to the Board of County Commissioners at the May 20th Work Session.

Responding to Mr. Bracken, Ms. Kleckner said the time/ location of the April 23rd meeting has not yet been determined.

Answering Mr. Vohland's inquiry about advertisement of the stakeholder meetings and solicitation of public input, Ms. Kleckner said staff has involved directly interested stakeholders and will be discussing the amount of publicity desired for the April 23rd meeting where the public would be welcome.

Mr. Vohland requested advanced review time on the proposed revisions to the Land Development Code. Ms. Kleckner explained the format will be similar to that used for the revisions to the Engineering Criteria Manual and said many are minor changes, but acknowledged there are some substantive modifications. She added that the summary of changes would be provided for review prior to the meeting.

Mr. Null asked about the role of the Code Committee in the proposed changes. He said he is a member of that group and has not been involved in these revisions. Ms. Kleckner said the current schedule does not include specific input from that Committee but they will be kept in the loop and invited to the April 23rd meeting.

- D. Mr. Schueler will report on the status of the update to the *Falcon/ Peyton Comprehensive Plan*.
- E. The April 15th Planning Commission meeting has been canceled due to a lack of agenda items.
- F. Training materials for Planning Commissioners ("Introduction to the Planning Commission" by the American Planning Association) are available for check-out from the Development Services Department.

Mr. Sery announced staff had requested a full hearing on item #C, the Preliminary Plan for Armonia Ranch.

Mr. Bracken asked about water supply, traffic, etc. on item #B, saying this Commission was told at the rezoning stage that these matters would be addressed with the final plat. He requested a full hearing.

2. Consent Items

A. Minutes of the Regular Meeting held March 4, 2008

D. U-07-011

APPROVAL OF LOCATION MOUNTAIN VIEW ELECTRIC ASSOCIATION

Request by Mountain View Electric Association (owner) and LKA Partners (applicant) for Approval of Location pursuant to C.R.S. 30-28-110 for the addition to and renovation of their Falcon facility in the I-2 (Limited Industrial) Zone District. The 40-acre site is addressed as 11140 East Woodmen Road and is located approximately ¾ mile west of its intersection with Highway 24. (Schedule No. 53000-00-202)

Mr. Vohland inquired about the difference in responses from the Division of Wildlife on items B. and C. when they are adjoining properties. Ms. Kleckner said that agency does not always respond to every referral and staff does not presume that issues are the same on different properties. When the County database indicates high impact potential, staff may follow up with the agency in a case where no comments were received.

Responding to Mr. Vohland, Mr. Garrott said it was not necessary to include the request of the Upper Black Squirrel Groundwater Management District as a condition inasmuch as the standard condition regarding satisfaction of the County Attorney's requirements is sufficient. He pointed out not all of the District's requirements are regulated by the State. Mr. Vohland expressed concern that future land purchasers have access to the County Attorney's letter.

Mr. Sery announced a full hearing would be held on items B and C. He then inquired whether there were any changes/ modifications to the March 4, 2008, Minutes.

Mr. Roulier made a motion for approval of consent items A and D, seconded by Mr. Bell and unanimously (9-0) approved, subject to the proposed conditions and notations where applicable. This Resolution can be found in Book ____, Page 08-028 (item D), Resolutions of the El Paso County Planning Commission.

B. SF-06-027

FINAL PLAT SECLUSION SUBDIVISION

Request by David Jenkins for Final Plat approval of 314.15 acres to allow for the development of 60 residential lots – Seclusion Subdivision. The property is located ½ mile north of Burgess Road and west of Goodson Road, within the Black Forest Planning Area. (Schedule No. 52110-00-002, 52140-00-011)

DEVELOPMENT SERVICES DEPARTMENT commented.

Mr. Bracken asked that the developer address why two different aquifers are being utilized and that information be provided on the trail system.

Mr. Wolf addressed traffic and responded to Mr. Bracken's inquiries. There was discussion regarding conflicting dates in the traffic data.

Mr. Kunstle asked for clarification on the Goodson/ Burgess intersection, pointing out this area is also impacted by the following request. He said it is his understanding Armonia Ranch is responsible for temporary improvements, and this subdivision is not responsible for any improvements. During the discussion which followed, Mr. Bracken pointed out designs originally in the 2030 Transportation Plan were not approved by the Board of County Commissioners and, therefore, cannot be considered.

Mr. Hicks asked for clarification and whether a condition should be included on the comment in the County Attorney's letter regarding flow meters. Ms. Seago pointed out Notes A through D in that letter are not conditions and are not enforced by the County but rather by the State Engineer's Office or the Upper Black Squirrel Groundwater Management District. She asked they not be included as conditions.

SPEAKING FOR: Kyle Campbell, with Classic Consulting Engineers & Surveyors, representing David Jenkins, applicant, addressed items which had been raised using several drawings.

He described the trail easement which will be dedicated to the Parks Department. Answering Mr. Bracken, he explained the easement which will be shown on the plat and said the ownership will be in the name of the homeowners' association. He outlined their negotiations between the applicant and the Parks Department.

Mr. Bell inquired about a plat note on the individual lots to put future property owners on notice about the existence of the trail. Mr. Campbell displayed a drawing illustrating the corridors. Discussion followed.

Responding to Mr. Bracken, Mr. Campbell said the trail will connect to the one in Sanctuary in the Pines.

Mr. Campbell also addressed comments from the Division of Wildlife, as well as traffic at the intersection of Ayer/ Goodson. He displayed a drawing and explained improvements to correct existing deficiencies at this intersection.

In response to Mr. Immel, Mr. Campbell explained there will be no additional tree removal until construction of homes is started. Thinning for the health of the forest has already been done.

Responding to Mr. Bracken, Mr. Campbell said they are proposing the water supply from two different aquifers in an effort to be sensitive to the Denver aquifer. The Covenants will include a provision encouraging homeowner to drill deeper wells.

SPEAKING AGAINST: None

Mr. Vohland made a motion for approval of Resolution No. SF-06-027 (utilizing the Standard Resolution on page 1) regarding the final plat for Seclusion Subdivision, more particularly described in Book _____, Page 9602, Resolutions of the El Paso County Planning Commission, and that this matter be forwarded to the Board of County Commissioners for their consideration. Mr. Powell seconded the motion and, upon voting, it was approved by a unanimous vote of 9 to 0, subject to the following:

CONDITIONS OF APPROVAL

1. A driveway access permit will be required from the El Paso County Development Services Department for any access to a county maintained roadway.
2. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.
3. The final plat shall be subject to all applicable conditions of approval of the associated PUD development plan and preliminary plan.
4. Except as otherwise modified by this action, all other terms, limitations and conditions as identified in Board of County Commissioner's Resolution No. 07-158 shall remain valid and in effect.

5. 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.
6. 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, for 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 Development Services 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.
7. 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.
8. The subdivision improvements agreement, including the estimate of guaranteed funds as approved by the El Paso County Development Services Department shall be filed at the time of the recording of the final plat.
9. Collateral sufficient to ensure that the public improvements as listed in the approved estimate of guaranteed funds shall be provided when the final plat is recorded.
10. The applicant shall submit the mylar to Enumerations for addressing.

NOTATIONS

1. Final plats not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

A finding of sufficiency regarding water quantity, quality and dependability.

C. SP-07-009

PRELIMINARY PLAN ARMONIA RANCH

Request by Matt and Joy Russell for Preliminary Plan approval of the Armonia Ranch Subdivision, an 80 acre subdivision in the RR-5 (Residential Rural) formerly RR-3 (Rural Residential) Zone District. The subdivision includes 14 residential lots ranging with lot areas from 5.0 to 5.87 acres. The property is located at the northwest corner of Burgess and Goodson Roads within the Black Forest Preservation Comprehensive Planning Area.

WAIVERS: The applicant is also requesting waivers of the El Paso County Land Development Code Section 8.4.3, (C), 3 prohibiting double frontage and reverse frontage lots and Sections 8.4.8, 2, d, ii of, requiring connection into a waste water service system within one mile of proposed development. (Schedule No. 52140-00-013)

DEVELOPMENT SERVICES DEPARTMENT commented.

Responding to Mr. Bracken, Ms. McGowan explained the reference to future right-of-way for possible expansion of Burgess and Goodson in the Executive Summary of the staff report.

SPEAKING FOR: Jerry Hannigan, with Hannigan & Associates, representing the applicants who were also present. He said there will be no individual lot access to Ayer, Burgess or Goodson.

He described the cistern and easement they will be providing for the area. A cistern will also be provided in the Seclusion Subdivision.

He also described the Ayer/ Goodson intersection and improvements that will be made. He outlined right-of-way they will be dedicating.

Answering Mr. Null, Mr. Hannigan said they will be participating in the voluntary school and fire district contributions.

SPEAKING: Carl Gottbehuet, area resident, said he is not in opposition to the subdivision but has concerns regarding a large tree on his property and is asking it, as well as his fence, be protected. He also expressed concern about the possibility of a road coming through his property from this development. He has unsuccessfully requested a site visit by staff.

Mr. Gottbehuet said he intends to put his property in a conservation trust rather than developing it.

Mr. Sery said, in his opinion, concerns expressed by Mr. Gottbehuet should be addressed by the developer rather than staff and suggested a meeting prior to proceeding.

Ms. McGowan explained the potential road connection is shown to satisfy requirements of the Land Development Code. If his property is never developed, it will not be used. Discussion followed.

SPEAKING: Gary Reals, with the Black Forest Trails Association, asked about provision for non-motorized trail(s) in this subdivision. Mr. Fitzpatrick explained the Parks Department did not comment or request a trail. The developer has considered internal trails so children in the subdivision could walk through it to the bus stop.

SPEAKING FOR: Mr. Hannigan said there is no trail to which a connection could be made so the Parks Department has requested fees.

He said he does not know about the impact this development will have on Mr. Gottbehuet's tree, but this is the preliminary plan and not the final step in the process. He said they will do everything reasonably possible to preserve the tree.

Regarding the fence, he said, if horses are allowed in this proposed subdivision, an enclosure will be required. Since Mr. Gottbehuet's fence is inside his property line, it would be protected. He said this will be addressed in the Covenants.

SPEAKING AGAINST: None

Mr. Bracken made a motion for approval of Resolution No. SP-07-009 (utilizing the Standard Resolution on page 25) regarding the preliminary plan for Armonia Ranch, as well as the requested waivers, more particularly described in Book ____, Page 08-027, Resolutions of the El Paso County Planning Commission, and that this matter be forwarded to the Board of County Commissioners for their consideration. Mr. Bell seconded the motion and, upon voting, it was approved by a unanimous vote of 9 to 0, subject to the following:

CONDITIONS OF APPROVAL

1. Applicable Park and School fees shall be paid with any final plats.
2. 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 threatened species.
3. A driveway access permit will be required from the El Paso County Development Services Department for any access to a county maintained roadway.
4. Compliance with all Falcon Fire Protection District requirements shall be met by the developer, all homebuilders, and all homeowners.
5. The applicant shall evaluate the impacts of reducing the high point of the hill on Goodson Road to facilitate improved sight distance at the intersection of Burgess Road and Goodson Road. The applicant shall provide the easements to construct needed improvements with the final plat. In addition the applicant shall provide temporary signing measures to mitigate potential safety issues at the intersection.
6. Offsite easements may be required to address required offsite drainage improvements. Easement requirements will be reviewed with detailed construction drawings for the necessary drainage improvements. Offsite easements if necessary shall be secured prior to final plat approval.
7. Access to lots 11, 12, 13, and 14 are via a connection Ayer Road which will be constructed with the Seclusion Subdivision currently under review by staff. The final plat for those lots shall not be approved until the Seclusion Subdivision plat with all necessary documentation is approved, or a revised preliminary plan shall be submitted and approved by the Board of County Commissioners providing alternate public frontage and access to these lots.
8. Septic fields shall not be located in dry gulches and drainage ways.
9. The applicant agrees to address tree retention and replacement for wildlife habitat further at the final plat stage.

NOTATIONS

1. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
2. The final location and size of road culverts will be determined with the final drainage report.
3. The applicants' engineer analyzed the site and downstream facilities. At the final plat stage, existing undersized culverts identified in the study will be replaced with properly sized facilities per the *El Paso County Drainage Criteria Manual*.

A finding of insufficiency regarding water quantity, quality and dependability.

Prior to voting Mr. Kunstle asked whether condition 7 requiring access to specific lots is sufficient. Ms. McGowan said improvements to Ayer Road will be collateralized. Ms. Seago said building permits cannot be issued without adequate access.

Mr. Vohland asked about the damage caused by the utility provider in the corridor.

Joy Russell, applicant, explained their contact/ negotiations with the Excel Energy and said negotiations have been cooperative and the utility provider has restored any damaged areas. She said they are satisfied with the outcome.

Matt Russell agreed and said Excel has been easy to deal with, partly because the Russells have been cooperative.

REGULAR ITEMS:

3. MP-08-001

AMENDMENT TO COUNTY MASTER PLAN GIECK RANCH DRAINAGE BASIN PLANNING STUDY

Request by the El Paso County Department of Transportation and Drexel, Barrell and Company for adoption of the Gieck Ranch Drainage Basin Planning Study as an amendment to and component of the El Paso County Master Plan. The basin originates northeast of Falcon, and drains southeast nearly to Ellicott.

DEVELOPMENT SERVICES DEPARTMENT commented., pointing out this is the first of two hearings required for a Master Plan amendment.

SPEAKING FOR: Michael Cartwell, El Paso County Department of Transportation, said this Study was approved by the City/ County Drainage Board in October 2007.

SPEAKING FOR: Robert Bennett, with Drexel, Barrell and Company, used a PowerPoint presentation to explain the Study.

SPEAKING FOR: Jennifer Irvine, Department of Transportation, during discussion explained how impervious acres are determined in a proposed development.

Responding to Mr. Bracken, Ms. Irvine explained the trust funds for drainage fees and how those funds are administered.

There was further discussion/ explanation of impervious surfaces, fees, etc.

Mr. Bennett described responses received from review agencies.

In response to Mr. Null's inquiry, Mr. Bennett explained how Highway 24 was factored into the Study.

Answering Mr. Vohland, Mr. Schueler explained the proposed notations and said this document will not determine decisions made by the Board of County Commissioners.

Mr. Vohland made a motion to continue the advertised April 15th meeting for a second hearing on the Gieck Ranch Drainage Basin Planning Study to May 6, 2008. Mr. Bracken seconded the motion and, upon voting, it was approved by a unanimous vote of 9 to 0.

Responding to Mr. Bracken, Mr. Gebhart explained the impact of wildfire prevention studies.

4. Update on Falcon/Peyton Small Area Master Plan

Mr. Schueler explained the April 2nd meeting and said one of the topics to be considered will be whether to allow urban-density developments. He described the number of remaining committee members. He displayed a drawing and explained alternatives and described updates which have been made to the text.

Mr. Bracken asked about the land that formerly was included in the *Black Forest Preservation Plan*. Mr. Schueler explained working with Amy Phillips and Judy von Ahlefeldt and the language which has been agreed upon.

Mr. Null asked about a master plan for the Corral Bluffs area. Mr. Schueler said it has been determined an approval of location will be needed. He explained other processes which will be required for surrounding parcels and said Ms. Weber is the Project Manager.

There being no further business to come before the Planning Commission, the meeting was adjourned at 12:30 P.M.

Elaine Nelson, Recording Secretary

Adopted: _____