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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: 9/26/2024
RE: VR2324; Ponderosa Pine Estates Vacation and Replat

Project Description

A request by Clifford A Joyner for approval of a 3.07-acre Vacation and Replat creating 4 single-family residential lots from 2 single-family residential lots, resulting in a net increase of 2 single-family residential lots. The item was heard on the consent agenda at the September 5, 2024, Planning Commission meeting, and was recommended for approval with a vote of 8-0. The property is zoned RR-0.5 (Residential Rural), and is located at 18810 Cloven Hoof Drive, Palmer Lake, CO, 80133. (Parcel No. 7109002018 and 7109002019) (Commissioner District No. 3)

Notation

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

Planning Commission Recommendation and Vote

Carlson moved / Trowbridge seconded for approval, for the Vacation and Replat, utilizing the resolution attached to the staff report, with 2 conditions, 2 notations, and a finding of water sufficiency with regards to quality, quantity, and dependability that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (8-0)**. The item was heard as a consent agenda item.

Discussion

The item was heard as a consent agenda item and as such, there was no discussion.

Attachments

1. Planning Commission Minutes from 9/5/2024.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Public Comment.
5. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, September 5th, 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, JAY CARLSON, JEFFREY MARKEWICH, BRYCE SCHUETTEL, WAYNE SMITH, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: JIM BYERS AND BECKY FULLER.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, MINDY SCHULZ, KARI PARSONS, RYAN HOWSER, ASHLYN MATHY, SCOTT WEEKS, ED SCHOENHEIT, CHARLENE DURHAM, ERIKA KEECH, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: CLEMENT 'BUD' SILVERS JR, CHARLES MANLY JR, PAELEIGH REED, DAVE ELLIOTT, DANIEL JACQUOT, AND MICHAEL BARR.

1. REPORT ITEMS

Ms. Herington advised the board that there would be a non-action item at the end of the hearing. This is a presentation regarding the Your El Paso Master Plan's 3-year implementation report. Additionally, she mentioned that the Land Development Code (LDC) Update's website is now live. There is a link to the that webpage, which includes the consultant's LDC assessment, on the County's Planning and Community Development (PCD) homepage. Commission members and the public are all welcome to submit comments on that LDC Update website. The next PC Hearing is Thursday, September 19th, at 9:00 A.M.

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

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held August 15th, 2024.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (8-0).

B. MS235

MATHY

**FINAL PLAT
DOUBLE SPUR RANCH FINAL PLAT**

A request by Daniel Kupferer for approval of a 40-acre Final Plat creating 3 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 12420 North Meridian Road, one-tenth of a mile south of the Latigo Boulevard and North Meridian Road intersection. (Parcel No. 5213000007) (Commissioner District No. 1)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: SCHUETTPELZ MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER MS235 FOR A FINAL PLAT, DOUBLE SPUR RANCH FINAL PLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TEN (10) CONDITIONS, ONE (1) NOTATION, ONE (1) WAIVER, 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 (8-0).

IN FAVOR: BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.
IN OPPOSITION: NONE.

C. VA245

PARSONS

**VARIANCE OF USE
8304 & 8308 CESSNA DRIVE VARIANCE OF USE**

A request by Sund Estate Management Corporation for approval of a Variance of Use to allow a commercial vehicle repair garage in the R-4 (Planned Development) Zoning District. The property is located within Meadow Lake Airport, is within the GA-O (General Aviation Overlay District) and is south of Judge Orr Road and east of Highway 24. (Parcel Nos. 4304002058 and 4304002087) (Commissioner District No. 2)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER CITIZEN REQUEST.

D. SP217

HOWSER

**PRELIMINARY PLAN
PEERLESS FARMS**

A request by Robert and Wendy Williams for approval of a 40.01-acre Preliminary Plan depicting 7 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 16975 Falcon Highway. (Parcel No. 4313000001) (Commissioner District No. 2)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: MARKEWICH MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3D, FILE NUMBER SP217 FOR A PRELIMINARY PLAN, PEERLESS FARMS, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FIVE (5) CONDITIONS, THREE (3) NOTATIONS, ONE (1) WAIVER, 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 (8-0).

IN FAVOR: BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.
IN OPPOSITION: NONE.

E. CS243

HOWSER

**MAP AMENDMENT (REZONING)
UDON**

A request by Thani Holdings, LLC, for approval of a Map Amendment (Rezoning) of 15.75 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 12150 State Highway 94. (Parcel No. 4400000185) (Commissioner District No. 4)

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: TROWBRIDGE MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3E, FILE NUMBER CS243 FOR A MAP AMENDMENT (REZONING), UDON, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

IN FAVOR: BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.
IN OPPOSITION: NONE.

F. VR2324

HOWSER

**VACATION AND REPLAT
PONDEROSA PINES ESTATES**

A request by Clifford A Joyner for approval of a 3.07-acre Vacation and Replat creating 4 single-family residential lots from 2 single-family residential lots, resulting in a net increase of 2 single-family residential lots. The property is zoned RR-0.5 (Residential Rural), and is located at 18810 Cloven Hoof Drive, Palmer Lake, CO, 80133. (Parcel Nos. 7109002018 & 7109002019) (Commissioner District No. 3)

Mr. Trowbridge mentioned that Mr. Howser had indicated a member of the public wanted to be called in to speak on the item.

Mr. Bailey acknowledged that Mr. Kilgore was speaking with the Audio/Video staff regarding the call-in. While that was taking place, item 3G was discussed. They returned to agenda item 3F afterward. The members of the public were called, but both attempts went to voicemail.

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: CARLSON MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3F, FILE NUMBER VR2324 FOR A VACATION AND REPLAT, PONDEROSA PINES ESTATES, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITION, 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 (8-0).

IN FAVOR: BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.
IN OPPOSITION: NONE.

G. VA243

WEEKS

**VARIANCE OF USE
5935 TEMPLETON GAP ROAD VARIANCE OF USE**

A request by Great West Construction for approval of a Variance of Use to allow an office use in the A-5 (Agricultural) and CAD-O (Commercial Airport Overlay) Zoning Districts. The property is located south of Templeton Gap Road, northeast of the intersection of Templeton Gap Road and Corinth Drive. (Parcel No. 631300009) (Commissioner District No. 2)

NO PUBLIC COMMENTS

DISCUSSION

Mr. Carlson suggested adding a condition of approval that stipulates the owner of the property must reside on the property, which he acknowledged is the current situation. He further believes that it would be best to have the approval tied to ownership instead of running with the land.

Mr. Bailey remarked that he had a similar concern regarding duration of approval for a later agenda item.

Mr. Trowbridge expressed his understanding that approval for a Variance of Use application typically runs with the land.

Ms. Herington confirmed. A standard Variance of Use approval does not include either a condition that approval is tied to current ownership or for a specific amount of time. A condition of approval could be added to include information detailed in the applicant's Letter of Intent. The applicant has declared their intention to reside on the property. She suggested the applicant could address whether they would be agreeable to adding that condition.

Mr. Trowbridge asked if the first condition, *"Approval is limited to the use of a contractor's equipment yard, as discussed and depicted in the applicant's Letter of Intent, and Variance of Use Site Plan. Any subsequent addition or modification to the use beyond that described in the applicant's Letter of Intent shall be subject to approval of a new Variance of Use request."*, would be sufficient to tie approval to the current owner or owner occupation.

Mr. Bailey asked if adding a condition of occupation by the owner strays from the intent of the rules as they're written.

Ms. Herington added that it would be very difficult for future County planning staff to review the Letter of Intent 10 years post approval to interpret conditions of approval. It would be much easier for future to staff to reference a clearly written condition of approval on the adopted resolution.

Ms. Seago asked Mr. Carlson if his intent for adding a condition of approval was to require the *property owner* or the *business owner* to reside on the property.

Mr. Carlson clarified that he meant for it to apply to the property owner.

Ms. Seago clarified that if the property owner lives on the property, it wouldn't matter to Mr. Carlson that a different entity operated the contractor's equipment yard.

Mr. Carlson confirmed. He explained that he wants to avoid the residence being demolished in the future and the only remaining use of the land being a contractor's equipment yard.

Ms. Seago then asked if it would be acceptable that the residence be occupied by anyone so long as it continues to exist. The occupant of the house may not be the property owner in that scenario.

Mr. Carlson stated he would prefer that the property owner be the occupant.

Ms. Seago proposed that she could assist with crafting a condition of approval to meet that request. She suggested that instead of crafting the condition to require that the property owner live on the property, phrasing it in a way that approval of the variance would expire upon the residence no longer being occupied by the property owner.

Mr. Bailey asked if that would be restricted to the current owner or apply to any future owner.

Ms. Seago clarified that it could applied either way.

Mr. Carlson stated that he agreed with her suggestion.

Mr. Whitney clarified his understanding that if the property owner moved away, approval of the variance would lapse. (This was confirmed.)

PC ACTION: THIS ITEM WAS THEN PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. BAILEY.

H. MS239

LETKE

MINOR SUBDIVISION

3275 CENTER ICE VIEW – MINOR SUBDIVISION TO LEGALIZE LOT

A request by Andrew C Alm for approval of a Minor Subdivision creating two (2) single-family residential lots. The 12.72-acre property is zoned RR-5 (Residential Rural) and is one-quarter of a mile north of Hay Creek Road. (Parcel No. 7133007024) (Commissioner District No. 3)

PUBLIC COMMENT

Mr. Charles Manly Jr. spoke in opposition. He expressed a concern about adding a well in the location. He discussed his current rate of water flow.

Mr. Bailey stated that the water report was included in the packet, and he did not believe pulling the item to hear a full presentation would be necessary.

Mr. Trowbridge explained that all water in Colorado is owned and managed by the State Engineer. Property owners have the right to access the water via well, but ownership remains with the State. He mentioned that the County Attorney's Office also reviews water rights, which is provided in the full water report for each applicable project. If the State Engineer says that someone has the right to sufficient water, the Planning Commission cannot naysay them. He further mentioned that El Paso County has a more stringent, 300-year water requirement, where the state mandates a 100-year finding.

NO FURTHER DISCUSSION

PC ACTION: SCHUETTELZ MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3H, FILE NUMBER MS239 FOR A MINOR SUBDIVISION, 3275 CENTER ICE VIEW - MINOR SUBDIVISION TO LEGALIZE LOT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWELVE (12) CONDITIONS, TWO (2) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED CONDITIONAL 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 (8-0).

IN FAVOR: BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTELZ, SMITH, TROWBRIDGE, AND WHITNEY.
IN OPPOSITION: NONE.

4. CALLED-UP CONSENT ITEMS

3C. VA245

PARSONS

VARIANCE OF USE 8304 & 8308 CESSNA DRIVE VARIANCE OF USE

A request by Sund Estate Management Corporation for approval of a Variance of Use to allow a commercial vehicle repair garage in the R-4 (Planned Development) Zoning District. The property is located within Meadow Lake Airport, is within the GA-O (General Aviation Overlay District) and is south of Judge Orr Road and east of Highway 24. (Parcel Nos. 4304002058 and 4304002087) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Mr. Carlson asked if the underlying R-4 zoning would have allowed for the current request.

Ms. Parsons stated that information would be included later in the presentation. She then resumed.

Mr. Trowbridge asked if the roadway and taxiway were clearly separated (i.e., berm).

Ms. Parsons answered that there is no berm because planes and cars travel across both.

Mr. Trowbridge clarified that he is asking if they are identified as being separate from each other so that drivers are aware when they are crossing the taxiway.

Ms. Parsons stated that County staff was able to determine where roadways were different from taxiways, but she doesn't know if the public would be able to make that determination. She stated

she would defer to airport officials regarding an accident log. The applicant may also provide clarification. Her presentation then continued.

Mr. Carlson asked if the repair garage would also work on aircraft.

Ms. Parsons stated the applicant would be able to answer that question.

Mr. Markewich asked what property the Variance would include.

Ms. Parsons explained that the Variance of Use would apply to Lots 7 and 9 as depicted in the Site Development Plan. She reiterated that approval would be tied to the Site Development Plan instead of a Letter of Intent.

Mr. Markewich asked if approval would run with the land, regardless of current owner.

Ms. Parsons confirmed.

Mr. Markewich verified that the restricted uses in the subject approval would apply regardless of a change in business owner.

Ms. Parsons confirmed. The allowed uses are depicted in the Site Development Plan. Her presentation concluded and the applicant's representative began their presentation.

Ms. Nina Ruiz, with Vertex Consulting Services, presented for the applicant.

Ms. Esther Sund, the owner and applicant, addressed Mr. Carlson's earlier question regarding whether the repair shop would work on aircraft. Their company does and will provide services to aircraft when requested and when they are capable. They have worked on airplanes in the past and have done custom painting on airplane parts. There is a current project being delivered to the site which includes custom work on an experimental aircraft being brought in piece-by-piece. She stated that they have also assisted Springs Aviation with tool loans. Overall, she stated that her business does not exclude aviation.

Mr. Smith asked for a visual explanation of the road versus taxiway on an aerial image.

Ms. Sund explained that there are taxi easements on the property. Easements are typically utilized by the hangars that store aircraft, like the buildings south of the subject property. She used the image to point out what that taxiway would look like if it existed. There are no taxiways paved on her property because there are no planes stored there or anywhere on her block. She stated that aircraft is not driven within the easement in front of her property, but the easement does still exist.

Mr. Markewich clarified that there is a taxi easement.

Ms. Sund confirmed and stated it is not utilized.

Mr. Markewich asked if the easement was marked.

Ms. Sund answered that it is not marked.

Mr. Markewich asked if taxiways within easements that are in front of hangars (like the property south of the subject area) are marked.

Ms. Sund replied that those *are* marked. The identification of a taxiway dead-ends at her property line.

Mr. Markewich asked if the taxiway identification began again on the other side of her property.

Ms. Sund referred to the aerial image to identify a property 3 lots north of hers that likely has an identified taxiway. The 3 lots north of her property are vacant and there is no taxiway.

Mr. Markewich asked which direction the airplanes would taxi once they are on Cessna Drive.

Ms. Sund replied that it would depend on where the planes enter. The property located 3 lots north does not have direct access onto Cessna Drive, so once the aircraft uses the taxiway easement on that property, they enter the road perpendicular to Cessna Drive. Those airplanes do not cross in front of her property. Regarding the hangars south of her property, the aircraft will use the taxi easement to enter Cessna Drive and will then taxi along Cessna Drive in front of her property. They do not use the taxi easement on her property.

Mr. Bailey asked for explanation of how vehicles access her property.

Ms. Sund used the aerial image on the screen to indicate that vehicles on Judge Orr Road will turn south onto Cessna Drive, proceed south, and then turn west directly into the subject property. Cessna Drive is the same shared taxiway/road used by any vehicle that enters Meadow Lake Airport ("MLA") to access any hangar. She mentioned that members of the public attending an airport event would also use the same road.

Mr. Bailey asked for clarification of the private road ownership.

Ms. Sund replied that she knows MLA owns most of the road, but she's unsure of the entirety. She suggested that Dave [Elliott] may have more information.

Mr. Bailey clarified that the application is for the subject parcels only and the applicant does not have ownership or maintenance responsibility for the roads leading up to her property.

Ms. Sund confirmed.

Ms. Ruiz added that the applicant has the legal right to access.

Mr. Bailey then compared the situation to anyone leaving their private property and entering a public roadway. Any traffic concerns become the burden of the right-of-way owner, in this case, MLA. He asked if that would be a fair assessment.

Ms. Ruiz stated the property owners pay associate dues to MLA, which provides the maintenance.

Mr. Bailey further stated that the private property owners do not have the authority to implement signage warning vehicle drivers to watch out for aircraft. (The presentation resumed.)

Mr. Whitney asked if there was anything restricting the applicant from providing general services such as oil changes. (In response to Ms. Ruiz' description of the custom work provided by Sund.) The presentation has described the average customer as a Governmental entity, but could that change?

Ms. Ruiz stated that nothing precludes that type of use in the application as it has been presented. She stated that County staff recommended applying for a Variance to allow for vehicle repair, which is what has been requested. She further stated that the applicant would be agreeable to adding a condition of approval to restrict the type of use to reflect that identified in the letter of intent.

Mr. Markewich discussed the various other commercial businesses listed on the presentation slideshow. He mentioned that there are several that don't appear to be aviation-related but are in the immediate area. He asked if those business owners would need to apply for Variance of Use approval as well.

Ms. Ruiz replied that Ms. Parsons addressed that subject in her staff report. She identified that it is possible some of the existing uses may not have gone through the proper application process.

Ms. Herington added that there are 23-27 open Code Enforcement complaints/violations in the vicinity. How each will be resolved is uncertain.

Mr. Markewich clarified that before the current owner purchased the property, it was being used as a diesel mechanic shop and battery shop. He asked if it had been non-conforming for 20 years.

Ms. Ruiz stated that the property had not been used as an airplane hangar for 20 years.

Mr. Markewich asked if the current owner was aware of the restrictions when purchasing. He asked if they assumed a vehicle repair shop was okay because of the past uses.

Ms. Sund confirmed and further stated the building no longer has hangar doors, but garage doors. The financier of their business loan didn't have any questions due to the R-4 zoning and because the building is no longer considered a hangar. It was her assumption that she could do what she wanted on her private property since the land is not owned by the airport. She further mentioned that she rented the property for her business for 2 years before buying the land. The previous owner who rented and sold the property to her was an aviation-related individual.

Mr. Bailey asked if Ms. Sund was required to be a member of the airport's association.

Ms. Sund replied that she is not required to be a member and there are no covenants on her property. She does, however, pay dues to MLA.

Mr. Bailey compared the situation to that of an HOA. If covenants applied to the subject parcel, that information should have been disclosed to the buyer at the time of the sale.

Mr. Carlson pointed out that the application is a request for approval of a vehicle repair shop, but it appears that the current business operates more like a customization shop.

Ms. Ruiz agreed. Typically, when requesting a Variance of Use, County staff will advise an applicant to choose a closely related use. The definition for vehicle repair shop includes a broader list than

what the applicant is providing, but that was deemed to be the closest related option. The applicant's Letter of Intent details the exact use, which is mainly customization of emergency response vehicle. She reiterated that they would work on aircraft when necessary or requested. The applicant is not opposed to adding a condition of approval that limits the uses to those identified in the Letter of Intent.

Ms. Parsons explained that the LDC does not define a use for aircraft maintenance. It does, however, define a repair garage. She pulled up the LDC.

Mr. Trowbridge noted that what the applicant has experienced in this situation is a result of broad language that references separate documentation. There are flaws in attempting to interpret what the intention was from the early 1980's. This is the scenario that Ms. Herington mentioned preferring to avoid. He pointed out that the more specific the board can be in the resolution, the better.

Mr. Bailey brought up that leaving things open to interpretation also causes issues when enforcing the terms of approval. He stated he is concerned that non-conforming uses have been occurring for so long and that there are now a significant number of Code Enforcement complaints.

Ms. Parsons presented the LDC definition for a vehicle repair garage. County staff did not recommend limiting the uses within the definition because the applicant had mentioned in a preliminary meeting that they have provided a variety of those related services in the past. Staff did not want to take that ability away. Perhaps that has changed and they are now willing to limit those allowed uses. A restriction was placed on the site plan that identified heavy trucks, recreational vehicles, and trailers are repaired only for governmental contracts. This was done to avoid the customization of RVs, etc., for the typical public, and was placed on the site plan to avoid referencing a Letter of Intent for future interpretation. The underlying R-4 zoning did come with a Letter of Intent, but it also included a development plan that described specific allowed uses, which is what led staff to the conclusion that a Variance of Use was the best solution.

Mr. Carlson asked for clarification regarding what notes trump others. The 1980s development plan, Letter of Intent, zoning regulations, etc., all seem to have differing recommendations.

Ms. Parsons explained that staff from Planning, Code Enforcement, and the County Attorney's Office collaborated to determine that the underlying zoning and development guidelines permit commercial uses that support the airport. Regardless of what was highlighted by the applicant in their Letter of Intent, the County staff's interpretation of the 1981 R-4 zoning was that PVP (now CC) zoning uses *if* they support the airport. If the commercial use does not support the airport, a Variance of Use is required. She then reminded the board that Code Enforcement is complaint driven, so County staff was not driving through the airport looking for violations.

Mr. Bailey asked if the "Vehicle Repair Garage, Commercial" definition on the presentation slideshow was pulled directly from the LDC. (It was.) He then asked Ms. Parsons if there was any other definition that may better define the applicant's business of a customization shop.

Ms. Parsons verified there is no other definition that would be more precise to the subject request.

Mr. Markewich asked if anything would prevent the current owner from selling the property after Variance approval, and new owners establishing a Jiffy Lube, for example.

Ms. Parsons requested to consult with Ms. Seago before answering.

Mr. Bailey mentioned during that time that Mr. Markewich's question relates to his concern of the duration of the approval. He mentioned that the MLA letter of support specified that their support only extends to the current use and current owner. He suggested that they could add language in a condition of approval.

Mr. Whitney further stated that it seemed like the applicant would be agreeable to a condition of approval that restricted the Variance to the current use.

Ms. Parsons returned to answer the earlier question regarding limits to the approval after future sale of the property. A condition could be implemented that states approval of the variance expires upon sale of the property. That could be enforced with sales history. There could also be a condition that limits the type of work the business owner is allowed to provide. However, it would be difficult for Code Enforcement to visually identify unmarked government vehicles.

Ms. Herington confirmed that the business operates as a body shop, which is not defined in the LDC. She suggested that a condition of approval could specify that major/minor work such as paint, body, and fender work be allowed. They would exclude most engine/transmission work, preventing the possibility of a Jiffy Lube-type business. She confirmed that Ms. Ruiz gave a thumbs up to that suggestion from the audience.

Mr. Markewich stated defining allowed uses would probably be a better solution than restricting approval to the current owner. For example, the current owner could one day decide they wanted to establish their own Jiffy Lube.

Ms. Parsons stated she would present the applicant's site plan. She suggested modifying the notes on that item to be more specific. That way, when the Variance of Use approval resolution refers to the site plan, there is no room for interpretation.

Ms. Herington suggested having the public speak while County staff works on recommended language for conditions of approval.

Mr. Markewich expressed concerns over "opening a can of worms". If the current application is allowed, he wonders how that will impact the surrounding non-compliant uses.

Ms. Herington stated that there would not be a way to prevent that from happening. She stated that every variance is evaluated independently to determine if they meet the criteria. Each variance could be proposing a completely different use in a unique location. Approving one does not necessarily set a precedent.

Mr. Carlson expressed a desire to condition approval of the variance to the current owner as well as the types of allowed uses.

PUBLIC COMMENTS

Mr. Clement 'Bud' Silvers Jr spoke in opposition (before the item was pulled to the called-up agenda). He is a longtime pilot. He and his wife own a hangar in the Meadow Lake Airport. He advised that Cessna Drive is not a road, but a taxiway [for aircraft]. Airplanes have the right of way. He discussed different types of airplanes and how one type, the taildragger, has a blocked view of the road ahead. This type of plane can only be safely taxied by making s-turns. As the general public does not understand that necessity, they could drive their car into a blind spot and be hit by a taxiing plane. His concern is for the general safety of the public driving on Cessna Drive.

Mr. Whitney mentioned that the subject parcel is involved in a Code Enforcement case in which they have been operating the vehicle repair shop in the existing hangar. He asked Mr. Silvers Jr if he had observed any issues with vehicle drivers on Cessna Drive. (This was answered later by Mr. Elliott.)

Ms. Paeleigh Reed spoke in opposition (before the applicant's presentation). She owns and operates Metal Bird Hangars at Meadow Lake Airport. She stated that the location is within the airport. She does not agree with a variance for something that does not support the airport. She stated there are several businesses that are operating under the guise of supporting the airport, but it needs to be brought under control. She stated that there are 76 aircraft on a waitlist for hangar space. While on the waitlist, the aircraft is left outside or stored elsewhere. She asked the Planning Commission to support restricting uses to aircraft related uses only.

Mr. Dave Elliott serves as President of the Board for the Meadow Lake Airport Association serves as the Airport Manager. He acknowledged the letter of no objection he wrote on behalf of the MLA Association. He stated the Sunds are great members and are in good standing with the Association. The deeds for the properties within MLA make no mention of the MLA Association because it did not exist when the airport was established. The bylaws for the Association apply to the individuals, not the private property. It is not an HOA and has no authority over the property. Neither does the FAA. The private hangar complex at MLA is considered a "through the fence" operation. The only authority the Association has in the event an individual does not want to pay the dues is to deny their access to the runway complex.

He acknowledged that there are many non-aeronautical activities taking place at the airport. He discussed three examples. Overall, the Association has taken the stance that as long as the activities occurring inside the private hangar are legal, the Association will not submit complaints. If those activities have a negative impact on airport operations, however, then the Association will get involved. He reiterated that there is an extensive aircraft waitlist for hangar space. While he does not condone using hangar space for non-airplane uses, the Sunds have been good members of the Association and have assisted with airport security. They also assist when people are building airplanes, painting parts, lending tools, etc.

He stated that Cessna Drive is technically a roadway. There are taxiway easements platted on both sides of Cessna Drive, but they have not been improved contiguously. Therefore, Cessna Drive is used for both vehicles and aircraft. The road is maintained by the Association. The Association owns half of the runway and owns the pavement on the taxiway easements.

Mr. Markewich asked for a description of the signage or delineation between roadway and taxiway.

Mr. Elliott answered that when a person leaves Judge Orr Road and travels south on Cessna Drive, there is immediately a fence. During the day, the gate is lifted. It remains open from 7:00 a.m. – 7:00 p.m. but after that time, a code is required. Most people will see the open gate, realize there is an airport on the other side, and turn around. He further explained that there is a sign by the gate that identifies aircraft have the right-of-way. Beyond that point, there are speed limit signs. There are three taxiways that cross Cessna Drive. At the end of Cessna Drive, there is a runway. On that runway, there is aeronautical signage that the public would not understand. He acknowledged that there is an issue with speeding on Cessna Drive. When that happens, there would be little reaction time when a vehicle encounters an airplane. He further stated that there has only been one accident he is aware of, which occurred on a taxiway, not Cessna Drive.

Mr. Whitney summarized that portions of Cessna Drive are both road and taxiway.

Mr. Elliott clarified that Cessna Drive is not officially a taxiway, but it is used that way.

Mr. Whitney asked if there was signage to warn drivers that the road is used as a taxiway in addition to the “aircraft has the right-of-way” sign.

Mr. Elliott answered that there is not.

Mr. Whitney concluded that drivers would be surprised to come nose-to-nose with an airplane.

Mr. Elliott replied that they shouldn’t be surprised because it’s an airport.

Mr. Daniel Jacquot spoke in opposition. He is also a board member on the Association. He stated that at their board meeting, he thought it was unusual that the Sunds were in attendance because people might not want to express concerns in front of an applicant. He stated that he voted against supporting the variance at that meeting, but he did not express his reasoning why afterwards. They voted once. He questioned other members’ votes. He stated that if the Sunds (AccuFix) left the airport, there is another paint shop on the airport property that could still provide services. He stated that most existing businesses that opened on their properties didn’t first declare their intentions. He stated that there have been complaints of cars parked in taxiways at a different transmission shop. He detailed conflicts he’s had with another business (not the Sunds). He further stated that he has not observed body shops operating at other airports like COS, APA, or DEN. He concluded by stating that the Sunds are excellent neighbors and that if any variance were granted, he would be okay with keeping them as neighbors, but he generally does not support non-aviation related businesses being allowed to operate at the airport.

Mr. Michael Barr spoke in opposition. He is also a board member on the Association. He also voted against the variance at their board meeting. He stated he is not worried about AccuFix now, but is worried about the use in the future. He stated that non-aviation related uses got out of control. He expressed the hope that if the Planning Commission approves the variance request for the Sunds, that there be a caveat that approval expires upon the sale of the property.

Ms. Parsons stated that someone contact the downtown office requesting to speak on the item. She is attempting to get their contact info so that they can be called in.

Ms. Herington advised the board that the member of the public did not provide their full phone number, so they were not able to be called in. They will be asked to provide their comments for the BOCC hearing which will take place on 9/26/2024.

DISCUSSION

Ms. Parsons pulled up the note on the site plan, *"Repair of vehicles is limited to the following: electrical work, structural work, paint, body and fender work be permitted in association with a governmental contract and Meadowlake Airport Association Members on the site."* She further explained that the applicant would like to maintain the ability to service vehicles for MLA property owners. A second note did not change from how it was previously presented on the site plan.

Mr. Bailey read the condition of approval currently listed on the drafted resolution; *"Additional aviation-related repair is allowed on the subject properties pursuant to the General Aviation Overlay District and the 1982 R-4 (Planned Development) Zoning District."* He noted that the condition doesn't mention approval is tied to a site plan or Letter of Intent. He asked if a condition was missing.

Ms. Parsons explained that the coinciding site plan defines the allowed uses, and the applicant would not be able to expand beyond what is defined on that approved document.

Mr. Bailey mentioned that on past variance approvals, language that tied in the site plan or Letter of Intent was typically present in some way.

Ms. Parsons reminded the board that the County would prefer to identify restrictions on plat notes instead of referring to Letters of Intent that are open to interpretation.

Mr. Bailey asked for Ms. Seago's recommendation.

Ms. Seago replied that the board can add a condition referring to the site plan if they so choose. She referenced the drafted resolution for another Variance of Use application, which does include language that makes that reference.

Ms. Parsons asked that the board not impose a condition that references the applicant's Letter of Intent because that document references the confusing 1981 R-4 language. The condition of approval and the site plan notes do not remove the underlying allowed uses. If a future owner of this property wanted to create an airplane repair shop, they would be allowed to do so by right.

Mr. Whitney clarified that Mr. Bailey would prefer to have a condition of approval that ties to or matches what is found on the site plan.

Mr. Bailey acknowledged that it would be his personal preference for consistency and to draw attention to the additional restrictions.

Ms. Herington suggested that a condition of approval be added to the drafted resolution that refers to the site plan. She further suggested that the board can have a conversation with staff later to discuss moving away from referencing applicants' Letters of Intent. She advised that the board should evaluate the language Ms. Parsons presented on the site plan because that would be the condition that future staff looks at when determining compliance.

Mr. Schuettpelz agreed with the request to add a condition of approval on the resolution. He further requested that approval be tied to ownership of the property rather than running with the land. If there is a new property owner in the future, they should be required to submit a new variance request if their intention is to pursue non-aviation related uses.

Mr. Bailey explained that the site plan note would address the acceptable use issue, but the other topic which they discussed was limiting approval to current ownership. That was requested for the other variance request on the agenda as well.

Mr. Markewich asked if that limitation should be on the site plan or the resolution.

Ms. Seago answered that it should be on the resolution.

Mr. Ruiz provided rebuttal to the public comments and discussion. The applicant is agreeable to the condition/note that was presented on the site plan by Ms. Parsons. The applicant is concerned about adding a condition of approval that ties the variance to current ownership. If the business thrives, she may want to expand to another location. If she were to do that, she wouldn't be able to sell the business she built up at the current location. Adding that condition of approval may cause a financial burden if she is only allowed to market the property as a vacant building. However, any future owner of the business would be restricted by the site plan note.

Mr. Bailey asked if it would be enough that the underlying zoning permits aviation related uses.

Ms. Ruiz mentioned that there is a previous plat note that restricts the uses to airport hangars and does not allow for maintenance. She then addressed the public comments. She reiterated that AccuFix is a good neighbor and is well liked among Association members. Examples of business owners that have contributed to problems are separate from Ms. Sund. She believes that the opposition is more concerned about setting a precedent than in allowing Ms. Sund's business to continue.

Mr. Markewich stated that the note on the site plan seemed reasonable, and he did not see a need to add an additional condition tying approval to the current ownership. He expressed support of the application with the language Ms. Parsons added to the site plan.

Mr. Trowbridge agreed with Mr. Markewich's comments. He agreed with the applicant's remarks that if they were to sell the business, there shouldn't be an issue with the same type of business continuing in that location (under the same site plan restrictions). He further stated that although the property is within the confines of Meadow Lake Airport, it remains private property. He believes the language added to the site plan is sufficient.

Mr. Whitney agreed with both Mr. Markewich and Mr. Trowbridge.

Mr. Carlson agreed with the site plan note but disagreed with dismissing a condition restricting approval to current ownership. He believes there is a problem at the airport and that there is a mess. He stated that conditioning approval to the current owner for this project would help clean up that mess.

Mr. Schuettpelz agreed with Mr. Carlson's remarks. He reiterated that property and hangars were sold in the past without discretion. To attempt now at reeling that back in for airport uses only will be difficult.

Ms. Brittain Jack stated that the Planning Commission's responsibility is to evaluate the request for a variance, not to clean up what has been going on for 20 years.

Mr. Bailey agreed with Ms. Brittain Jack. He doesn't believe cleaning up the mess should fall on the current applicant. He reiterated that the current proposal is one of many. He is concerned about limiting the current applicant (with a conditional approval) when other situations are in existence. He doesn't think they should be looking so broadly outside the subject request. He believes the use is compatible because it's been there for a long time and there are other uses like it. He agreed that the hardship falls within the limitations of the LDC. Fixing the situation with a variance seems appropriate.

Mr. Smith agreed with Mr. Bailey's remarks.

Mr. Trowbridge requested a second condition of approval to tie the resolution to the site plan.

Ms. Parsons read the added second condition into the record: *"Uses are limited to the Site Plan submitted in support of the Variance of Use."*

PC ACTION: TROWBRIDGE MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3C, FILE NUMBER VA245 FOR A VARIANCE OF USE, 8304 & 8308 CESSNA DRIVE VARIANCE OF USE, AMMENDING THE RESOLUTION ATTACHED TO THE STAFF REPORT TO REFLECT TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-2).

IN FAVOR: BAILEY, BRITTAIN JACK, MARKEWICH, SMITH, TROWBRIDGE, AND WHITNEY.

IN OPPOSITION: CARLSON AND SCHUETTPELZ.

ADDITIONAL COMMENTS

Mr. Carlson disagreed that it's not the Planning Commission's job to clean up the existing mess. Where else would that take place? This application process is where issues happening in the community should be brought.

Mr. Schuettpelz added that when the applicant purchased the property, they should have done their due diligence in researching if their intended use was allowed instead of assuming.

3G. VA243

WEEKS

**VARIANCE OF USE
5935 TEMPLETON GAP ROAD VARIANCE OF USE**

A request by Great West Construction for approval of a Variance of Use to allow an office use in the A-5 (Agricultural) and CAD-O (Commercial Airport Overlay) Zoning Districts. The property is located south of Templeton Gap Road, northeast of the intersection of Templeton Gap Road and Corinth Drive. (Parcel No. 631300009) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Mr. Weeks presented a fourth condition of approval proposed due to previous discussion. This was drafted by Ms. Seago and has been reviewed and agreed upon by the applicant. He read the condition into the record: *"Approval of the Variance of Use shall remain in effect only so long as the existing or any future property owner resides on the property. If the property owner is not a natural person, the owner or an employee of the entity that owns the property shall reside on the property to fulfill this requirement."*

Mr. Chuck Crum, representing the applicant with M.V.E., Inc., confirmed that the applicant is agreeable to the added condition of approval.

NO PUBLIC COMMENTS

NO FURTHER DISCUSSION

PC ACTION: CARLSON MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3G, FILE NUMBER VA243 FOR A VARIANCE OF USE, 5935 TEMPLETON GAP ROAD VARIANCE OF USE, AMENDING THE RESOLUTION ATTACHED TO THE STAFF REPORT TO REFLECT FOUR (4) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

IN FAVOR: BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.
IN OPPOSITION: NONE.

5. REGULAR ITEMS

A. ID244

PARSONS

SPECIAL DISTRICT SERVICE PLAN SOUTHERN COLORADO RAIL PARK METROPOLITAN DISTRICT NOS. 1-3

A request from Edw. C. Levy Company, and White Bear Ankele Tanaka and Waldron, for approval of a Colorado Revised Statutes Title 32 Special District Service Plan for the Southern Colorado Rail Park Metropolitan District Nos. 1-3. The 3,108-acre area included within the request is zoned A-5 (Agricultural) and RR-5 (Residential Rural) and is located south of Charter Oak Road and east of the Fort Carson Military Installation. The service plan includes the following: a maximum debt authorization of \$430,000,000.00, a debt service mill levy of 50 mills for commercial, and an operations and maintenance mill levy of 15 mills, for a total maximum combined mill levy of 65 mills. The statutory purposes of the districts include the provision of the following:

- 1) street improvements, transportation, safety protection;
- 2) design, construction, and maintenance of drainage facilities;
- 3) design, land acquisition, construction, and maintenance of recreation facilities;
- 4) mosquito control;
- 5) solid waste disposal;
- 6) design, construction, and maintenance of water systems including fire hydrants;
- 7) sanitation systems; and
- 8) security services.

(Parcel Nos. 6600000030, 6600000040, 6600000041, 6600000046, 6600000047, 6600000048, 6600000004, 6600000008, 6600000009, 6600000010, 6600000011, 6600000012, and 6600000014) (Commissioner District No. 4)

STAFF & APPLICANT PRESENTATIONS

Mr. Markewich reiterate that the City of Colorado Springs finds the application acceptable. He asked for verification that the language about eminent domain is transferable to the City.

Ms. Parsons confirmed and read condition of approval number one: *"If any portion of the land within the Southern Colorado Rail Park Metropolitan District Nos. 1-3 annexes into a municipality, City Council or the appropriate body within the municipality shall be the authorizing entity in regard to: eminent domain powers, increase to the maximum mill levy or debt, and modification of the Service Plan as described in Conditions of Approval Nos. 2-6 of the Southern Colorado Rail Park Board of County Commissioners Resolution approving the subject Service Plan (ID244)."* She confirmed that that City is agreeable to that condition.

Ms. Brittain Jack asked if the Ray Nixon power plant was located in unincorporated County.

Ms. Parsons confirmed but added that it is owned and operated by the City of Colorado Springs. Most of the City's utilities are in the County, including the WSEO's that will come before the Board.

Mr. Steve Mulliken, attorney representing the applicant, introduced the proposal and gave a brief presentation.

Mr. Sean Allen, attorney representing the applicant, explained that there is approximately 5.6 million square feet of commercial space to support the \$430 million maximum debt authorization. The estimated value of that commercial square footage is taken, and that value is extrapolated out to approximately \$410 million in PAR. In the three series of debts, the first will be all new money (first issuance), the second series will occur 5 years later (to refund the first series and issue new money), and the third series will occur 5 years later (to refund again and issue the final phase of new money). At that point, the total project funds, total PAR, will be issued. That is the method used to estimate what money is needed. He then reiterated the points covered by Ms. Parsons regarding mandatory criteria of approval.

Mr. Carlson asked how phase one, specifically the railroad, was paid for.

Mr. Mulliken answered that the Metro District will not pay for the railroad. That will either be paid for privately by the applicant or through grants.

Mr. Carlson expressed his understanding of how the first 3 phases of development would help pay for their own infrastructure, but he asked if any infrastructure would be completed in phase 4 prior to development in that area.

Mr. Mulliken answered that the location of the last phase includes where the mining operation currently exists and is already approximately 70% completed. The bluff will not serve the railroad and will be industrial only. When it comes time to finish development of that area, there will be 2 different Metro Districts providing issuance.

Mr. Trowbridge asked for more information about the repayment plan along with build-out of all phases of development.

Mr. Mulliken explained that the subject proposal differs from the typical residential Metro District in that there are no homeowners. He had considered including a small area of affordable housing within the vicinity, but that was decided against due to proximity to the industrial rail park, Ft. Carson, etc. He stated that when the financial projections were done, they estimated \$225/sq ft for the value of the industrial properties. He stated they are usually estimated at a higher value than that. He believes their estimates produced a conservative number. As the first manufacturer is brought in, the value of the property will increase. Property owners will pay taxes on the current assessed values. He anticipates that after the first property user moves in, the cost of phase 1's development will nearly be paid for.

Mr. Carlson clarified that the estimated value of \$225/sq ft was for the improvements, not the land.

Mr. Mulliken confirmed.

Ms. Brittain Jack asked if annexation to the City of Colorado Springs would result in a flagpole.

Mr. Mulliken replied that the annexation statute states that contiguity cannot be disrupted or prevented due to an intervening governmental or public land, which occurs with Fort Carson in this case. He further stated that they are currently working with the City.

NO PUBLIC COMMENTS

NO FURTHER DISCUSSION

PC ACTION: BRITAIN JACK MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER ID244 FOR A SPECIAL DISTRICT SERVICE PLAN, SOUTHERN COLORADO RAIL PARK METROPOLITAN DISTRICT NOS. 1-3, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS AND ONE (1) NOTATION, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

IN FAVOR: BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.
IN OPPOSITION: NONE.

6. NON-ACTION ITEMS

A. A Presentation regarding the implementation action matrix in the Master Plan (3-year update).

PC ACTION: THIS ITEM WAS POSTPONED TO THE PLANNING COMMISSION HEARING ON 9/19/2024.

MEETING ADJOURNED at 12:16 p.m.

Minutes Prepared By: Miranda Benson

VACATION AND REPLAT (RECOMMEND APPROVAL)

CARLSON moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR2324
PONDEROSA PINE ESTATES

WHEREAS, Clifford A. Joyner did file an application with the El Paso County Planning and Community Development Department for approval of a Vacation and Replat request to creating 4 single-family residential lots from 2 single-family residential lots, resulting in a net increase of 2 single-family residential lots within the RR-0.5 (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 this Commission on September 5, 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 Vacation and Replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, in approving a Vacation and Replat of a Subdivision, the El Paso County Planning Commission and Board of County Commissioners shall find that the application meets the criteria of approval listed in Section 7.2.3(C)(4) of the Land Development Code ("Code") (as amended):

1. The Replat complies with the Code and the original conditions of approval associated with the recorded Plat;
2. No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
3. The Replat is in keeping with the purpose and intent of the Code;
4. The Replat conforms to the required findings for a Minor or Major Subdivision, whichever is applicable;
5. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement acceptable to the County in compliance with the Code and the Engineering Criteria Manual ("ECM");
6. The approval will not adversely affect the public health, safety, and welfare; and
7. Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the Replat has been resolved.

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 Clifford A. Joyner for approval of a Vacation and Replat to allow the creation of 4 single-family residential lots from 2 single-family residential lots, resulting in a net increase of 2 single-family residential lots within the RR-0.5 (Residential Rural) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
2. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/15/2024, 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. Applicant shall be required to pay all applicable park, school, drainage, and bridge fees upon plat recordation.

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.

Trowbridge 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	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / <u>absent</u>
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	<u>aye</u> / no / non-voting / 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 8 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 5th day of September 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

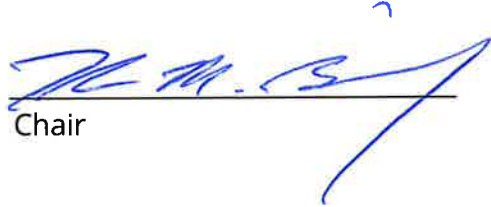
By: 
Chair

EXHIBIT A

Lots 1 and 2, Morgan Subdivision No. 1, County of El Paso, State of Colorado.
And containing 3.07 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: Ryan Howser, AICP, Senior Planner
 Bret Dilts, PE, Senior Engineer
 Meggan Herington, AICP, Executive Director

RE: Project File Number: VR2324
 Project Name: Ponderosa Pine Estates
 Parcel Numbers: 7109002018 and 7109002019

OWNER:	REPRESENTATIVE:
Clifford A Joyner 1270 Fawnwood Road Monument, CO, 80132	Oliver E. Watts Consulting Engineer, Inc. 614 Elkton Drive Colorado Springs, CO 80907

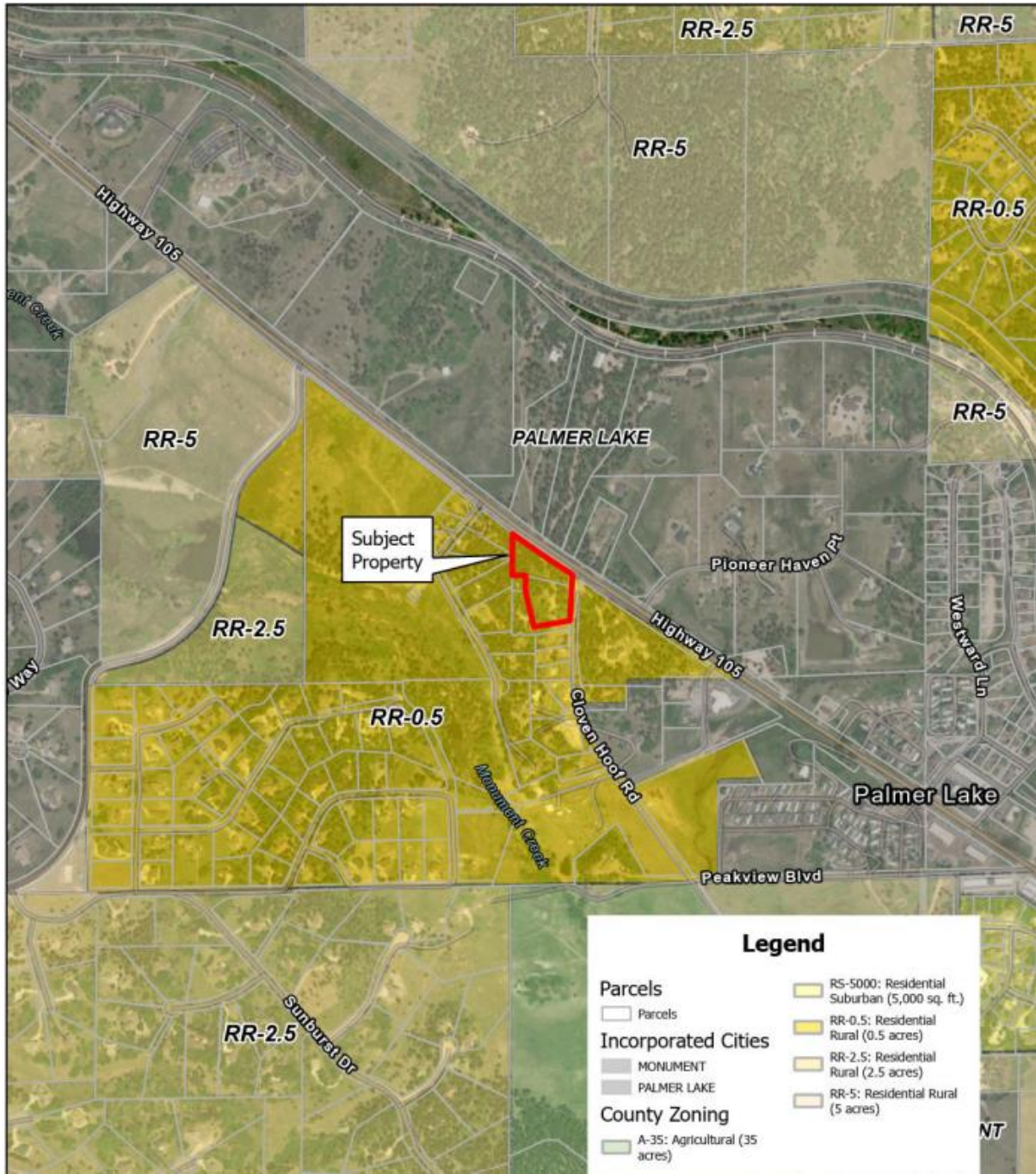
Commissioner District: 3

Planning Commission Hearing Date:	9/5/2024
Board of County Commissioners Hearing Date:	9/26/2024

EXECUTIVE SUMMARY

A request by Clifford A Joyner for approval of a 3.07-acre Vacation and Replat creating 4 single-family residential lots from 2 single-family residential lots, resulting in a net increase of 2 single-family residential lots. The property is zoned RR-0.5 (Residential Rural), and is located at 18810 Cloven Hoof Drive, Palmer Lake, CO, 80133.





Zoning Map

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

A. AUTHORIZATION TO SIGN: Final Plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. APPROVAL CRITERIA

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (as amended) states that a replat, “involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat.” The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified or additional lots are created. In approving a replat, the following findings shall be made:

- *The replat complies with this Code, and the original conditions of approval associated with the recorded plat;*
- *No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;*
- *The replat is in keeping with the purpose and intent of this Code;*
- *The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;*
- *Legal and physical access is 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 approval will not adversely affect the public health, safety, and welfare; and*
- *Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved.*

C. BACKGROUND

The property was originally platted as Lots 1 and 2 of the Morgan Subdivision No. 1 on March 13th, 1975 (Plat No. 4446). The current proposal for a Vacation and Replat would result in a net increase of 2 lots for a total of 4 single-family residential lots.

D. ANALYSIS

1. Land Development Code Analysis

The application meets the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code (as amended). Please see the below sections of this report for an analysis of the requirements of the Land Development Code.



2. Zoning Analysis

The lots, as proposed, will conform to the standards of the RR-0.5 (Residential Rural) zoning district. The RR-0.5 zoning district density and dimensional standards are as follows:

- *Minimum lot size: 21,780 square feet*
- *Minimum width at the front setback line: 100 feet*
- *Minimum setback requirement: front 25 feet, rear 25 feet (5 feet for accessory structures), side 10 feet*
- *Maximum height: 30 feet*

The proposed lots will meet the density and dimensional standards of the RR-0.5 zoning district. In order to initiate any new residential uses on the property, the applicant will need to obtain Site Plan approval. The Site Plan will be required to comply with the Dimensional Standards included in Chapter 5 as well as the Development Standards of Chapter 6 of the Code.

E. 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*

b. Area of Change Designation: Minimal Change: Developed

These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.

c. Key Area Influences: Tri-Lakes Area

Tri-Lakes is the northern gateway into the County along Interstate 25 and Highway 83. It is situated between Pike National Forest, the United States Air Force Academy, and Black Forest. With significant suburban development and some mixed-use development, this Key Area supports the commercial needs of many of the residents in northern El Paso County. Tri-Lakes also serves as a place of residence for many who commute to work in the Denver Metropolitan Area. It is also an activity and entertainment center with the three lakes (Monument Lake, Wood-moor Lake, and Palmer Lake) that comprise its namesake and direct access to the national forest. Tri-Lakes is the most well-established community in the northern part of the County with a mixture of housing options, easy access to necessary commercial goods and



services, and a variety of entertainment opportunities. Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.

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

The property is located within the Highway 105 & Interstate 25 Suburban Residential Priority Development Area.

The area is located between Monument, Woodmoor, and Palmer Lake. Due to its proximity to these communities, this area has largely developed to match that community's style of suburban residential and should continue to do so without impediment. It would also be supported by commercial and public services, both of which are important factors when considering denser development. Furthermore, increased density at the northern end of the County would help support residents who commute north for work every day.

- ***New and infill development should be encouraged within the significant area of available vacant or underutilized agricultural, land across Interstate 25 to continue the expansion of existing Suburban Residential areas.***
- ***Single-family attached and detached housing units should be developed in a cohesive manner that establishes a seamless transition between different housing types, as opposed to large, isolated clusters or blocks of a single type of housing. Maintaining this mixed development pattern should be prioritized by the County to preserve the existing residential character of this area.***

e. Analysis

The proposed lot sizes are greater than the minimum recommended lot sizes in the Suburban Residential Placetype and are consistent with the RR-0.5 zoning district. Due to the similarity in lot sizes to the surrounding developed area, the proposal can be considered similar in character to those existing surrounding developments and other existing subdivisions in the Tri-Lakes Area. The proposed development is consistent with the development pattern within the Highway 105 & Interstate 25 Suburban Residential Priority Development Area. Relevant goals and policies from the Master Plan are as follows:



Objective LU3-1 – Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.

Objective LU3-3 – The Suburban Residential placetype should be characterized by predominantly residential areas with mostly single-family detached housing.

Goal LU3 Specific Strategy – Future development in the Tri-Lakes Area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.

Goal LU3 Specific Strategy – The Minimal Change: Developed areas are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character should be maintained.

Objective HC1-5 – Focus detached housing development in Large-Lot Residential and Suburban Residential areas given the increasing infrastructure and environmental constraints associated with such development to help maintain the established character of rural communities.

Objective HC2-6 – Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.

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 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.



Policy 1.1.1 – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency, and conservation.

Goal 1.2 – Integrate water and land use planning.

Goal 4.3 – Collaborate with the State and other stakeholders to extend the economic life of the Denver Basin aquifers.

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 2 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 2 for central water providers:

The Plan identifies the current demand for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 for Region 2 is at 11,713 AFY (Figure 5.1) with a projected supply of 20,516 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 2 is at 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

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

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. Colorado Parks and Wildlife and El Paso County Community Services, Environmental Division were each sent a referral and have no outstanding comments. This area is primarily developed and it is not anticipated that the addition of 2 additional lots will significantly impact the wildlife in the area.

The Master Plan for Mineral Extraction (1996) identifies coal 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.



F. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Portions of the property are encumbered by steep slopes. Expansive soils were identified on the property; however, no geologic hazards were discovered during the review of the Vacation and Replat that would preclude development of the site. The Colorado Geological Survey was sent a referral and does not have any outstanding comments or concerns.

2. Floodplain

This site is not located within a defined floodplain as determined by the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map (FIRM) number 08041C0257G, effective December 7, 2018.

3. Drainage and Erosion

This site lies in the Palmer Lake Drainage Basin (FOMO5400). Drainage fees will be assessed with this application based on additional impervious area being added. There are no bridge fees associated with this drainage basin. Due to the elevated condition of the site, there is no drainage runoff entering the subdivision area. Runoff generated from the site generally flows from northwest to southeast, eventually entering Monument Creek. Drainage fees in the amount of \$4,350.69 shall be paid to the Palmer Lake drainage basin at the time of plat recordation. There are no bridge fees associated with this drainage basin.

4. Transportation

A traffic study was not required as the proposed Vacation and Replat is not expected to generate 100 or more daily vehicle trips. Access is proposed via Cloven Hoof Drive which is owned and maintained by the County. Offsite improvements are not required. Lots 1 and 2 shall take access from a shared driveway via the flagpole and private access easement shown on Lot 1. Lots 3 and 4 shall take access from the existing private driveway that ties into the existing easement as shown on the plat. Cost and maintenance of the private accesses shall be the sole responsibility of the respective lot owners.

The Road Impact Fee as approved by Resolution 19-471 will be assessed at the last land-use approval.



G. SERVICES

1. Water

The Forest View Acres Water District has provided a commitment to provide water service to the proposed Vacation and Replat. 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 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

Sanitation is provided by the Forest View Acres Water District; the District has provided a commitment to provide wastewater services to the property.

3. Emergency Services

The property is within the Tri-Lakes Monument Fire Protection District, which is committed to providing fire protection services to the proposed development. The District was sent a referral and has provided a comment requesting an exhibit illustrating the driveway locations, but has no additional outstanding comments. The applicant has provided a Fire Protection Report and a Wildfire Hazard Mitigation Report that meet the requirements for fire protection pursuant to Chapter 6 of the Land Development Code.

4. Utilities

Mountain View Electrical Association (MVEA) currently provides electrical services to properties in the Meridian Ranch development. Black Hills Energy provides natural gas service to properties in Meridian Ranch. MVEA and Black Hills Energy were each sent referrals; MVEA has no outstanding comments and Black Hills Energy did not respond.

5. Metropolitan Districts

The property is not located within the boundaries of a metropolitan district.

6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$2,020.00 for regional fees (Area 1) and \$1,212.00 for urban park fees (Area 1) will be due at the time of plat recordation.



7. Schools

Fees in lieu of school land dedication in the amount of \$1,232.00 for the Lewis Palmer School District No. 38 will be due at the time of plat recordation.

H. APPLICABLE RESOLUTIONS

See attached resolution.

I. STATUS OF MAJOR ISSUES

There are no major issues.

J. 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 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (as amended) staff recommends the following conditions and notations:

CONDITIONS

1. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
2. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/15/2024, 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. Applicant shall be required to pay all applicable park, school, drainage, and bridge fees upon plat recordation.

K. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 30 adjoining property owners on August 23, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.



L. ATTACHMENTS

Map Series

Letter of Intent

Plat Drawing

County Attorney's Letter

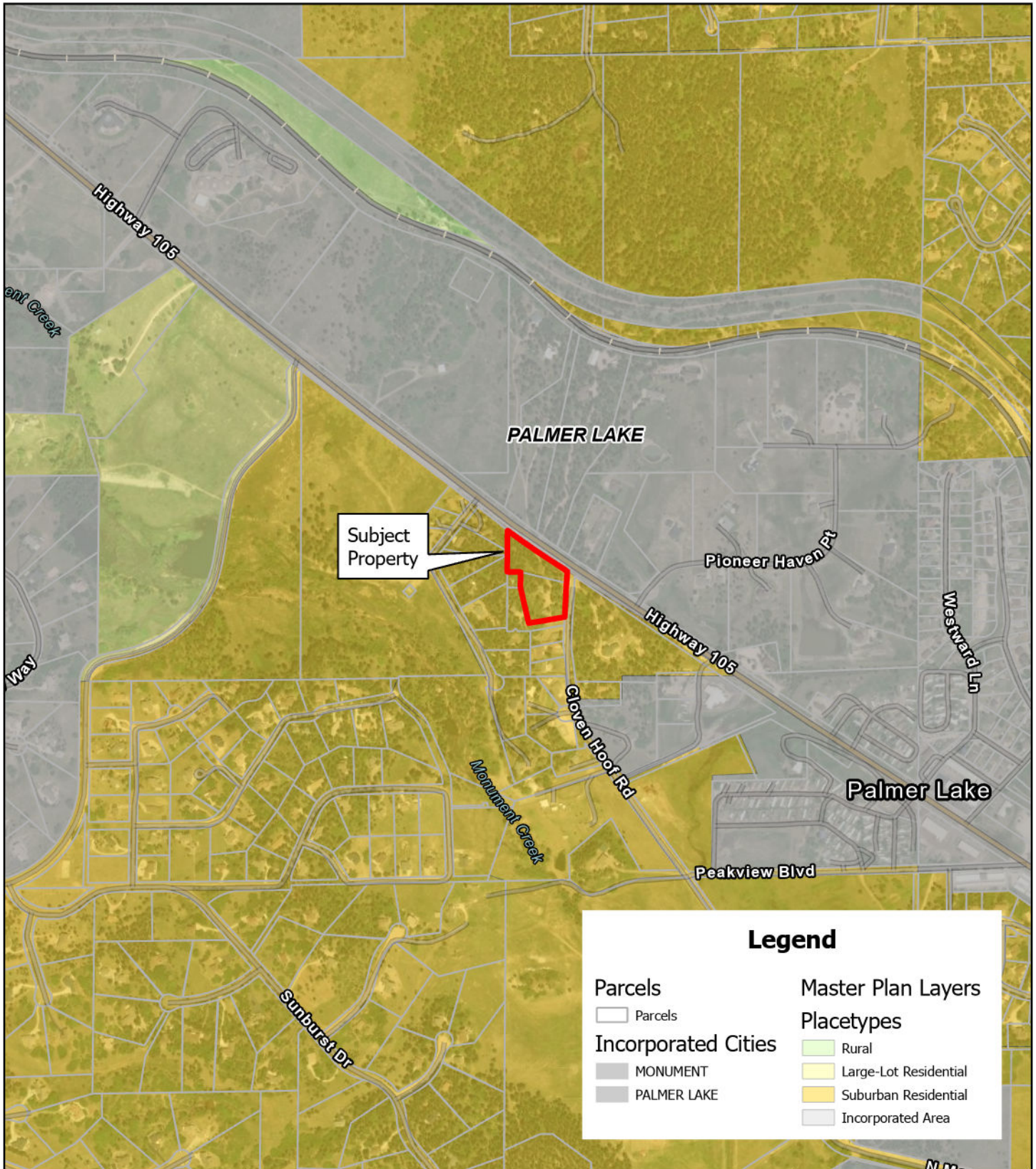
Draft Resolution

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

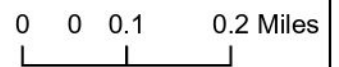
WWW.ELPASOCO.COM

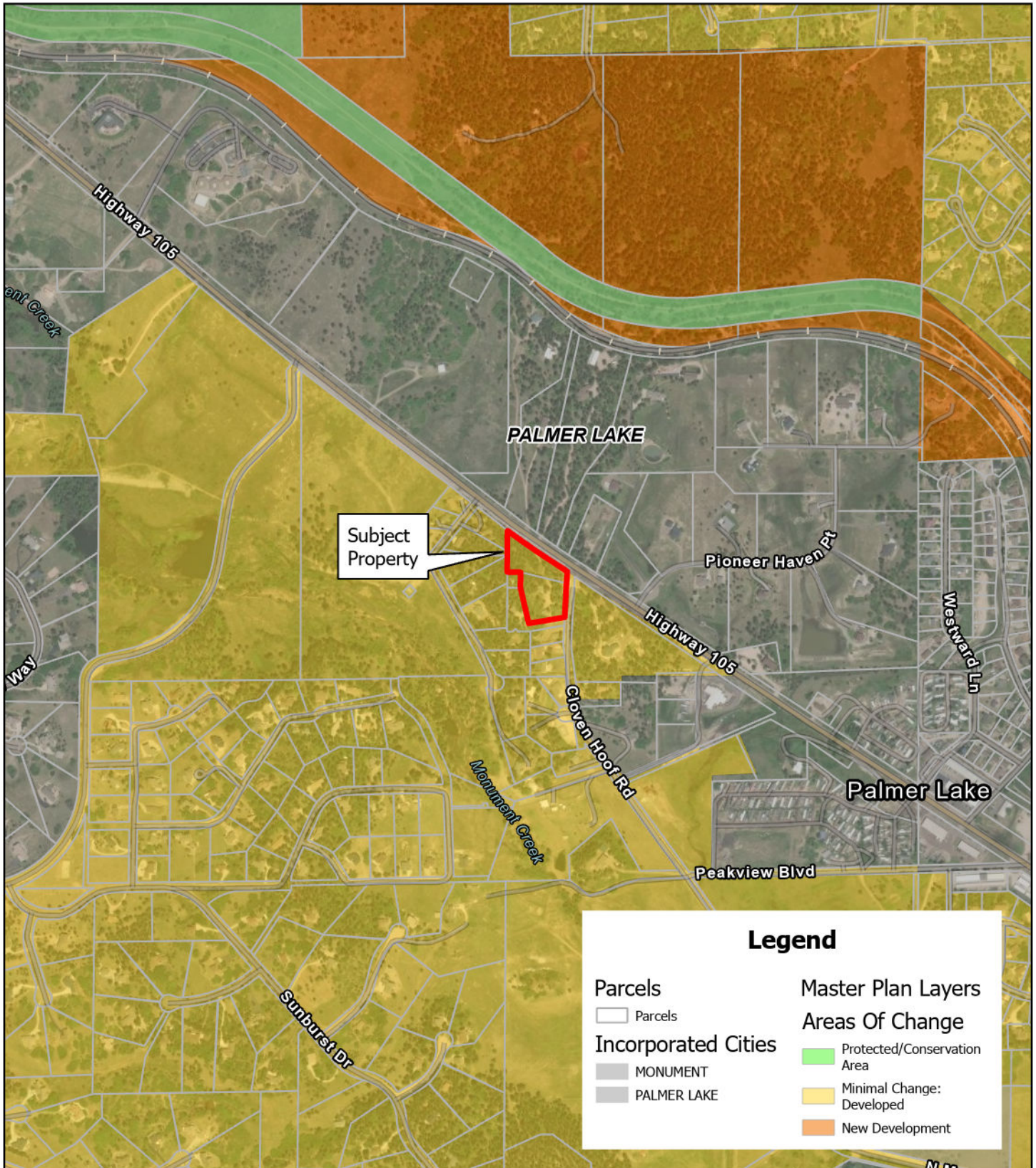


Placetype Map

File No. VR2324

Map Series No. 1

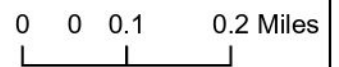




Area of Change Map

File No. VR2324

Map Series No. 2



Clifford Joyner

Joyner Construction Company, INC.
1270 Fawnwood Rd
Monument, CO 80132
(719) 481-6169-0173
CELL (719) 491-6411
joynercon@msn.com

February 1, 2024

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

SUBJECT: PONDEROSA PINE ESTATES. A SUBDIVISION OF LOTS 1 AND 2, MORGAN SUBDIVISION NO. 1 SECTION 9, T.11S., R.67W. OF THE 6TH P.M. EL PASO COUNTY, COLORADO

Owner information:

Clifford A. Joyner
1270 Fawnwood Rd.
Monument, Co. 80132
(719) 290-7665
joynercon@msn.com

Assessor's Parcel No.'s: 7109002019 and 7109002018

Existing zone: RR-0.5

Placetype:

Suburban Residential

Land Uses:

The site will be used for residential purposes

History:

Assessor's parcel number 7109002019 (18810 and 18820 Cloven Hoof Dr., Palmer Lake, Co.) Currently has two homes on one parcel.

Assessor's parcel number 7109002018 Currently is one large building lot with no home on it.

Request and Justification:

Parcel 7109002019 (18810 and 18820 Cloven Hoof Dr., Palmer Lake, Co.): Our intent is to subdivide this existing property into two single family lots. The proposed subdivision is compatible with the surrounding properties. This is one lot with two single family homes built on it. The subdivision will allow two homes to be sold individually as a substantially lower cost. Each lot will contain over 31000 sf. The required square footage in zoning RR-0.5 is 21780 sf.

The current road access for both houses is an active driveway that has serviced lot 1 and 2 since the 1940es. This subdivision abandons the active driveway accessing RT. 105. And installs a driveway to Cloven Hoof Rd.

Assessor's Parcel No.: 7109002018 Justification: This lot contains 60984 sf. The required square footage in zoning RR-0.5 is 21780 sf. This subdivision will allow the best use of the land with sizes of each lot well in excess of minimum size requirements.

There is an additional 463' of frontage on RT. 105. There is also an active driveway that has serviced lot 1 and 2 since the 1940es. This subdivision/administrative relief removes frontage requirements from Rt 105 and abandons the active driveway accessing RT. 105.

Water and Sewer:

Water is currently supplied to parcel 7109002019 (18810 and 18820 Cloven Hoof Dr., Palmer Lake, Co.) by Forest View Acres Water District. There will be no change to water each house

Water to the, proposed, two lots on parcel 710900201 will be supplied by Forest View Acres Water District.

Sewer is currently supplied to parcel 7109002019 (18810 and 18820 Cloven Hoof Dr., Palmer Lake, Co.) by Palmer Lake Sanitation District. There will be no change to the sewer service for each home.

Sewer to the, proposed, two lots on parcel 710900201 will be supplied by Palmer Lake Sanitation District.

Electric:

Electric is currently supplied to parcel 7109002019 (18810 and 18820 Cloven Hoof Dr., Palmer Lake, Co.) by Core Electric Cooperative. There will be no change to electric for each house

Electric to the, proposed, two lots on parcel 710900201 will be supplied by Core Electric Cooperative.

Traffic Generation:

Traffic generated from parcel 7109002019 (18810 and 18820 Cloven Hoof Dr., Palmer Lake, Co.) will be unchanged

Traffic generated from the, proposed, two lots on parcel 710900201 will be 18.88 trips per day based on 9.44 trips per unit for Single Family Detached Housing (according to Trip Generation, 10th Edition, 2017 by the Institute of Transportation Engineers). This number of trips is below the County threshold of 100 trips per day or 10 trips during the peak hour. Therefore, a Transportation Impact Study (TIS) is not required for the project. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19- 471. Traffic Impact Fees will be paid at time of building permit.

FEMA Floodplain:

Per FEMA Panel 08041CO780G, this site is not within the limits of a 100yr floodplain.

Request of Subdivision Applicability per LDC Chapters 7&8:

Parcel 7109002019 (18810 and 18820 Cloven Hoof Dr., Palmer Lake, Co.). This proposed subdivision will be dividing the current 1 lot with two homes on it into 2 single family lots compatible with zoning RR-5. The homes will be sold on the open market

two lots on parcel 710900201. This proposed subdivision will be dividing the current 1 lot into 2 single family lots compatible with zoning RR-5. New homes will be built and the homes will be sold on the open market

▪ CH 7:

- A Preliminary plan is not required as this is a “minor subdivision”.
- The subdivision is consistent with all design standards and regulations.
- Parcel 7109002019 (18810 and 18820 Cloven Hoof Dr., Palmer Lake, Co.). The existing two homes will use the existing sewer, water, gas and electric after subdivision.
- Parcel 710900201 The existing lot will require new electric service from Core Electric, Water service from Forest View Acres Water District, and sewer from Palmer Lake Sanitation District
- Summary of geological hazards report:

SUMMARY OF CONCLUSIONS

1. We did not identify geotechnical or geologic constraints at this site we believe preclude construction of single-family residences. The primary geotechnical concern is the presence of sporadic lenses of expansive claystone bedrock. We believe these concerns can be mitigated with proper planning, engineering, design, and construction.

2. Strata encountered in our exploratory borings consisted of 4 to 5 feet of silty, clayey sand soils underlain by predominantly sandstone bed- rock with localized layers of claystone bedrock to the maximum depths explored of 30 feet. Testing and our experience indicate the near-sur- face soils and sandstone are generally non-expansive to low swelling. Claystone layers are intermittently present within the bedrock and may exhibit variable swell potential.

3. Groundwater was not encountered during drilling and the borings were found to be dry 17 days after exploration was completed. Groundwater elevations can be altered by development and will vary with seasonal precipitation and landscaping irrigation.

4. The presence of expansive soils and bedrock on the site constitutes a geologic hazard. There is risk that these materials may heave and damage slabs-on-grade and foundations. We believe the risk of dam- age can be mitigated through typical engineering practices employed in the region. Slabs-on-grade and, in some instances, foundations, may be damaged. Where claystone is encountered within foundation excavations, sub-excavation may be appropriate.

5. We believe spread footings designed and constructed to apply a mini- mum deadload will be appropriate if underlain by natural sand, sand- stone bedrock, or new, moisture conditioned and densely compacted fill. Claystone bedrock was encountered in one boring at a depth of 12 feet. The presence of claystone should be evaluated by excavation of test pits at the time of the excavation observation for each of the structures.

6. Control of surface drainage will be critical to the performance of foundations and slabs-on-grade. Overall surface drainage should be de- signed to provide rapid removal of surface runoff away from the pro- posed residences. Conservative irrigation practices should be followed to avoid excessive wetting.

The site already falls under the jurisdiction of EPSO and is within the **MONUMENT FIRE 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 are several residences on Cloven Hoof Rd. There are no physical constraints that would deem this unsuitable for development. CTL/Thompson geohazard report (that accompanies this submittal) does list a couple of items; see above. The report lists mitigations for both of these.
 - The land is safe for the intended purposes of single family housing. There are no major geological hazards that affect this site.
 - There are slopes over 30% on the proposed lots and these have been listed as no build areas on the proposed subdivision plan. There are no other extreme geological hazards affecting this site.
 - Regarding roads and access; a shared driveway will be installed to service parcel 7109002019 (18810 and 18820 Cloven Hoof Dr., Palmer Lake, Co. A shared driveway will be installed to service two lots on parcel 710900201 There are no major plans to alter the landscape of the new lots with the exceptions of installing the private driveway and the residences themselves.
 - 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 08041CO780G.
 - The current lot and proposed lots do not sit alongside any major highway (Rt 105 is on one side), 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.

The area does not fall within or near any area designated for park use, trails, or any other park related activity.

Pg 143 of the El Paso County Master Plan:

- *Is the proposed use located within a Key Area? If so, how will the proposed use affect the unique identity or character of the Key Area?*
 - The Site is located within the Tri-Lakes Key Area. As this development is for residential housing, it is in keeping with the current use of the area.

- *Does the proposed use promote the level of change identified in the Areas of Change map?*
 - According to the Areas of Change Map, the site falls within the Minimal Change: Developed area. Per page 21 of the El Paso County Master Plan, this site would be classified as “Minimal Change: Developed”. The area falls within a natural but developed area. The proposed subdivision would only build adjacent or near to the existing structure. This would maintain the rural nature of the site while allowing for development of an as of yet, undeveloped portion of the site.
- *Does the use fall within the primary or supporting land uses within the identified Placetype? Is the proposed use consistent with the character and objectives of the Placetype?*
 - According to the chart on page 23, the site, both proposed and existing fall within the primary land use for a suburban residential place type. The proposed use is consistent with the character and objectives of the suburban residential placetype because the proposed use is residential housing. Each lot of the subdivision will be between 0.5 and 2.5 Acres which is in keeping with suburban residential placetype.
- *Is the use located within a Priority Annexation Area? If so, how does the nearby municipality plan for or otherwise address the subject property and does the proposed use align with the municipality’s plan(s)?*
 - The site is in the Monument area; therefore, it is not within a Priority Annexation area.
- *Is the use located within a Housing Priority Development Area? If so, is the proposed use one of the identified housing types for the area?*
 - The use is located within a Suburban Residential Priority Development Area.
- *Is the use located within a Commercial Priority Development Area? If so, is the proposed use one of the identified commercial uses for the area?*
 - The use is not located within a Commercial Priority Development Area.
- *Is the use located within an Employment Priority Development Area? If so, is the proposed use one of the identified employment-focused uses for the area?*
 - The use is not located within an Employment Priority Development Area.
- *Is there existing infrastructure to which the proposed development can connect? If so, is connection proposed and how will it be accomplished? If not, is there a plan for future extension of infrastructure to the property?*
 - A proposed private drive is to be put in place for the proposed lots to connect to the existing public road. Commitment letters for Gas and Electricity have been submitted to the County for the proposed lots. The proposed sites will be serviced by public sewer system and city water installed once they have been built.
- *Does the development trigger the need for pedestrian or multimodal connections and are such connections being proposed?*
 - No. The development does not trigger the need for pedestrian or multimodal connections.

- *Does the proposed use/development incorporate appropriate conservation design principles as identified in the Master Plan?*
 - The proposed use will allow for two additional houses to be built on the two new lots. There will be no major development requiring any form of conservation.
- *Will the proposed use/development further the County's objective of meeting the Vision, Principles, Goals, and Objectives of the Master Plan?*
 - Yes. Per the El Paso County Master Plan, this subdivision will fulfill the Land Use Goals 1.1 and 1.2, as well as Housing and Community Goals 2.2 and 2.3. It will achieve the Land Use Goals by being in keeping with the established uses for the area, specifically Suburban residential while also increasing development for the area. It will achieve the Housing and Community Goals by building two more single-family houses on an existing site while keeping with the rural aesthetic of the area
- *Does the proposed use/development support the Implementation Objectives and Specific Strategies of the Master Plan?*
 - Yes, it does. It provides affordable housing to family members of the existing land owners.

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 development of the proposed new 4 lots.

Proposed Improvements:

The overall goal of this subdivision is to split the existing two lot site into 4 lots. Two homes are currently built and will remain largely unchanged. Two new homes will be built. All homes will be sold on the open market. There are two proposed private driveway that will be built Cloven Hoof Rd. Maintenance and repair of this driveway and any new residences will be the responsibility of the owners.

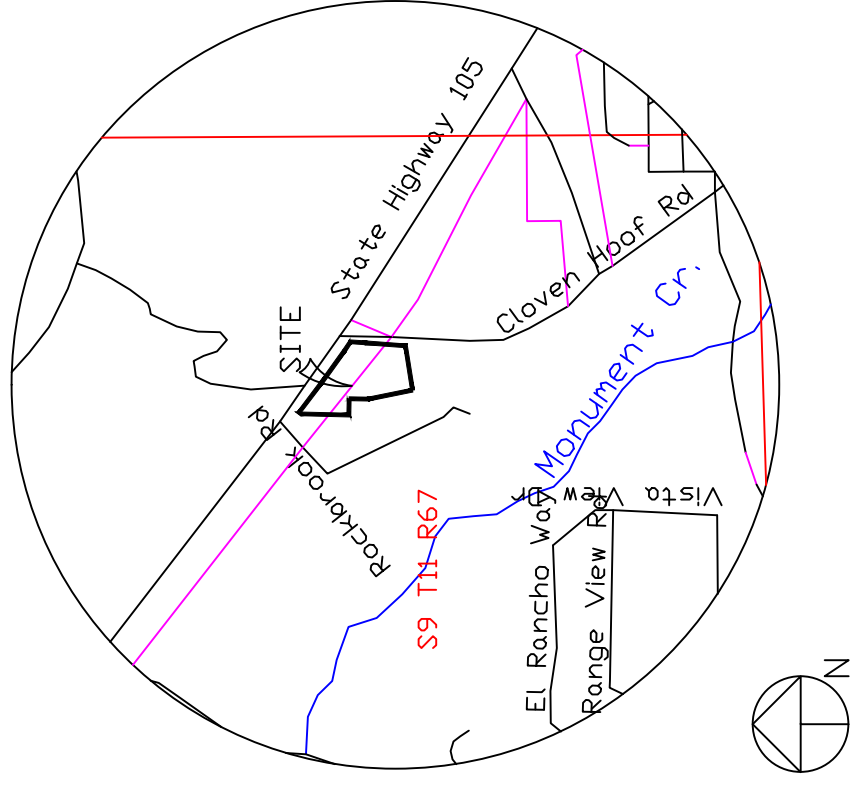
We ask that El Paso County grant the subdivision request.

Please contact the owner with any questions, thank you

Clifford A. Joyner

PONDEROSA PINE ESTATES

A SUBDIVISION OF LOTS 1 AND 2, MORGAN SUBDIVISION NO. 1 SECTION 9, T.11S., R.67W. OF THE 6TH P.M. EL PASO COUNTY, COLORADO



VICINITY MAP
1"=1000'

Know all men by these presents That Clifford A. Joyner being the owner of the following described tract of land, to wit: Lots 1 and 2, Morgan Subdivision No. 1, County of El Paso, State of Colorado, And containing 307 acres

Dwases Certificate
The undersigned 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 lots, and easements as shown hereon under the name and subdivision of Ponderosa Pine Estates. All public improvements so platted are hereby dedicated to public use and said owner does hereby covenant and agree that the public improvements will be constructed to El Paso County standards and that proper drainage and erosion control for same will be provided at said owner's expense, all to the satisfaction of the Board of County Commissioners of El Paso County, Colorado. Upon acceptance 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. In providing the services on which the easements and dedications 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.

By: Clifford A. Joyner
Title: owner
1270 FAWNWOOD ROAD
MONUMENT, CO 80132

STATE OF COLORADO)
COUNTY OF EL PASO) SS

Acknowledged before me this _____ day of _____, 20____ by Clifford A. Joyner as owner.
My commission expires _____

Witness my hand and official seal _____
Notary Public

Mortgagee
By: Integrity Bank & Trust
Title: Deed of Trust holder

STATE OF COLORADO)
COUNTY OF EL PASO) SS

Acknowledged before me this _____ day of _____, 20____ by _____ as _____
My commission expires _____

Witness my hand and official seal _____
Notary Public

For: Replats requiring BoCC action:

This plat for Ponderosa Pine Estates was approved for filing by the El Paso County, Colorado Board of County Commissioners on the _____ day of _____, 202____, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land to the public easements and improvements shown hereon are hereby dedicated to the public use and shall remain the property 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.

The Morgan Subdivision No. 1 in entirety is vacated and amended for the areas described by this replat subject to all covenants, conditions, and restrictions recorded against and appurtenant to the original plat recorded in the Office of the El Paso County Clerk and Recorder, Reception # 140957, 4-1-75.

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 7-24-23, by me or under my direct supervision and that all monuments exist as shown hereon and are in accordance with the provisions of the State of Colorado, and that said plat is a true and correct copy of the original plat on file in the Office of the El Paso County Clerk and Recorder, Reception # 140957, 4-1-75, and that said 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 _____, 202____.

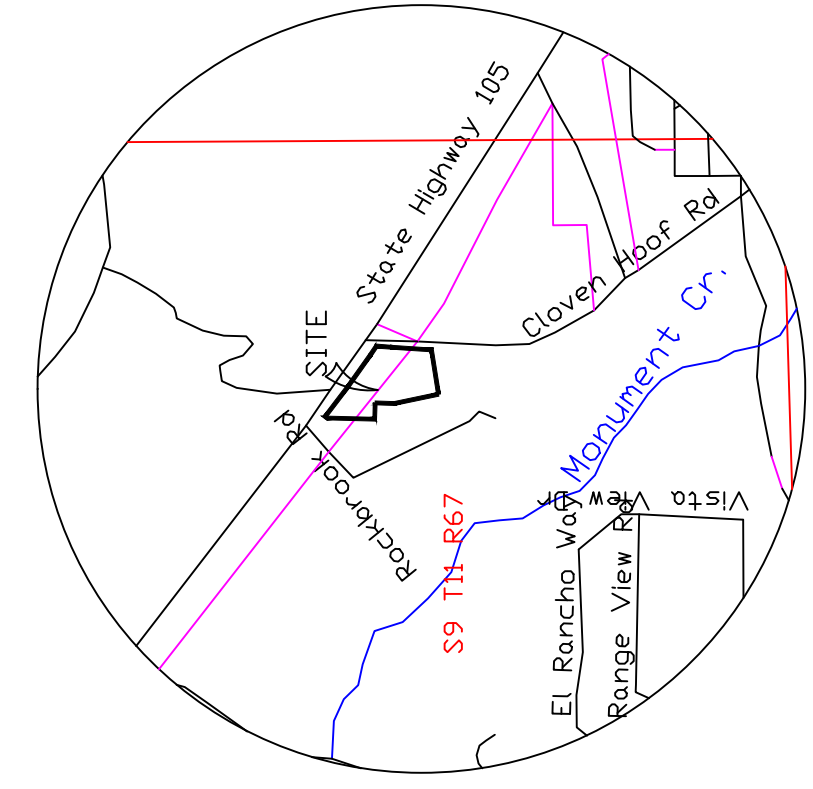
Oliver E. Watts, Colorado PE-LS No. 9853
For and On Behalf of: Oliver E. Watts, Consulting Engineer, Inc.

Clerk and Recorder
State of Colorado
County of El Paso) SS

I hereby certify that this instrument was filed for record in my office at _____ o'clock ____M. This _____ day of _____, A.D., and is duly recorded under Reception Number _____ of the records of El Paso County, Colorado.
Steve Schlieker, recorder

By: _____ Deputy
Fee: _____ Surcharge _____
Drainage fee: _____ Bridge fee: _____
School fee: _____ Park fee: _____

PREPARED BY: THE DEUCE, DE_
OLIVER E. WATTS PE-LS
CONSULTING ENGINEER
1270 FAWNWOOD ROAD
MONUMENT, COLORADO
EL PASO COUNTY, COLORADO
CHILDRAD SPRINGS, CO 80907
(719) 593-0773
oliewatts@aol.com
Celebrating over 45 years in business



VICINITY MAP

1"=1000'

AS CURRENTLY PLATTED

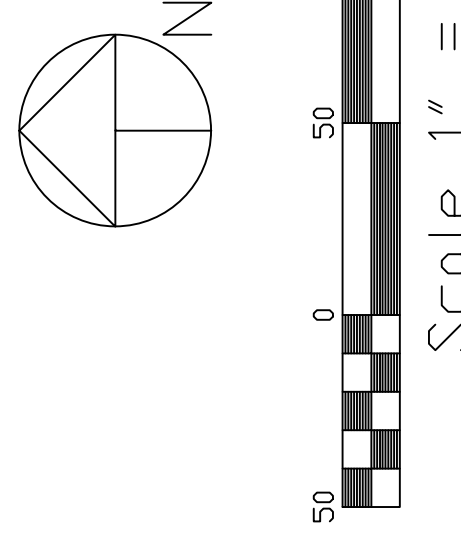
1"=100'

NOTES:

1. Bearings are based on the computed bearing of S32°17'19"E, for a line between the northwest corner of Lot 1, monumented by a 1/2" iron pipe at ground level, and the southeast corner of Lot 2, monumented by a bare # 4 rebar at ground level as shown on the plat.
2. Survey monuments found or set are at ground level unless otherwise noted on the plat.
3. Title information was provided by the client as follows:
Title: Core Title Group LLC
File No: 28507P
Effective date: November 27, 2023, at 7:30 am
This survey does not constitute a title search or opinion.
4. Notice, according to Colorado law, you must commence 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.
5. 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. 08041C0257, dated December 7, 2018.
6. Units of measurement: US Survey Feet
7. The approval of the replat vacates all prior plats for the area described by this replat.
8. Individual lot purchasers are responsible for constructing driveways including necessary drainage culverts from Cloven Hoof Drive per Land Development Code Section 6.33.C.2 and 6.33.C.3 Prior to the establishment of any driveway onto a county road, an access permit must be granted by the El Paso County Planning and Community Development.
9. 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 Planning and Community Development Department: Drainage Report; Water Resources Report; Geology and Soils Report; Fire Protection Report; Wildfire Hazard Report; Wastewater Report.
10. All property owners are responsible for maintaining proper storm water drainage in and through their property. Public easements specifically noted on the replat include: (a) easements for utility lines and (b) easements for other otherwise indicated structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.
11. 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.
12. The Subdivider(s) agree(s) on behalf of himself/herself and any developer or builder successor and assigns that Subdivider and/or successor 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.
13. 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 listed species (e.g., Preble's Meadow Jumping Mouse).
14. The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.
15. Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.
16. Soil and Geology Conditions:
Geologic Hazard Note-Final Plat:
The following information is being provided to be inspected by geologic hazards. Mitigation measures and a map of the hazard area can be found in the report Geologic Hazard Evaluation and Soils and Foundation Investigation Cloven Hoof Lots 1 and 2 Morgan Subdivision Filing 1 Cloven Hoof Drive El Paso County, Colorado by CTL Thompson Incorporated August 30, 2023 in File_VR2324. Information available at the El Paso County Planning and Community Development Department: Geologic hazards we identified at the site include expansive and hard bedrock. No geologic hazards were noted that we believe preclude the proposed construction. We believe potential hazards can be mitigated with proper engineering, design, and construction practices, as discussed in this report.
Expansive Soils and Bedrock located on the site; all lots
17. All structural foundations shall be located and designed by a Professional Engineer, currently registered in the State of Colorado.
18. Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory commits a Class Two (2) misdemeanor pursuant to C.R.S. § 18-4-508
19. There shall be no direct lot access to State Highway 105.
20. Utility providers:
Palmer Water District = water
Palmer Lake Sanitation District = sewer
Black Hills Energy = gas
CORE Electric Cooperative = electric
21. As a condition of approval of this plat by the Board of County Commissioners, no conveyance, sale or transfer of title of lots 1, 2, 3, and 4 identified hereon, shall be made, nor any building permit or certificate of occupancy be issued by El Paso County until such time as the following has been accomplished by the owner:
a. The site shall be inspected by the El Paso County Fire Marshal or other qualified professional staining practices designed to reduce wildfire hazards have been completed in accordance with the Wildland Fire and Hazard Mitigation Plan. Such work may include, but is not necessarily limited to the following:
Forest-wide thinning
Fuelbreak thinning
Prunings
Blow disposal (alternative-surety and surety estimate sufficient to accomplish the work may be required in place of a plat restriction)

PONDEROSA PINE ESTATES

A SUBDIVISION OF LOTS 1 AND 2, MORGAN SUBDIVISION NO. 1 SECTION 9, T.11S., R.67W. OF THE 6TH P.M. EL PASO COUNTY, COLORADO

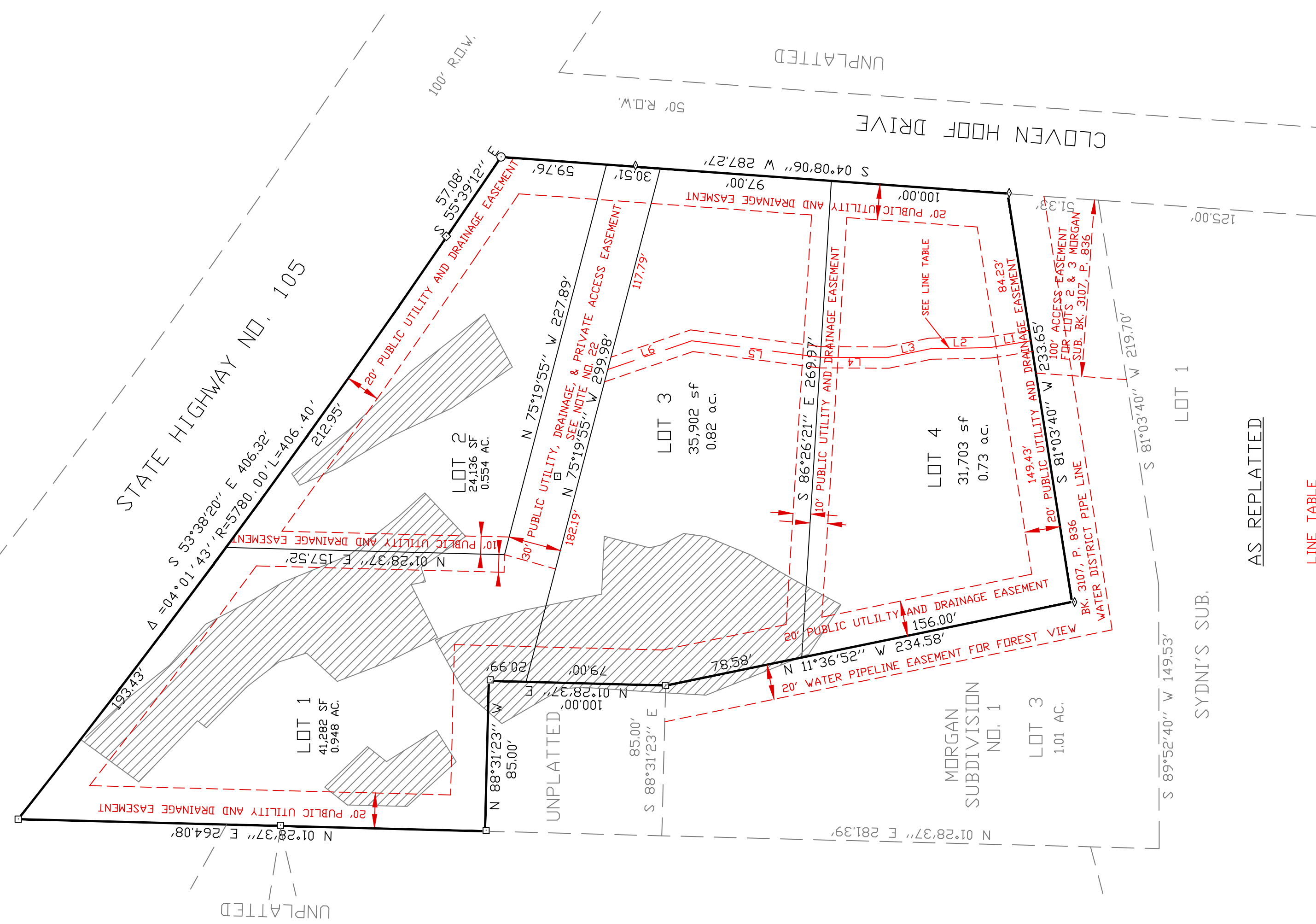


LEGEND:

- SET YELLOW #9853 CAP DN #4 REBAR
- FOUND 1/2" IRON PIN
- ◊ FOUND #4 REBAR
- ◇ FOUND 3-1/4" AL. CAP CDDT RDL.W. MARKER



NO BUILD AREA - SLOPES OF DYER 30%



LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N 09°14'25" W	23.41'
L2	N 01°07'53" W	33.81'
L3	N 11°48'43" W	24.61'
L4	N 09°17'57" E	36.03'
L5	N 18°53'52" W	50.20'

AS REPLATTED

PREPARED BY THE OFFICE OF:
OLIVER E. WATTS
CONSULTING ENGINEER
614 ELKTON DRIVE
COLORADO SPRINGS, CO 80907
(719) 593-0173
oliewatts@aol.com
Celebrating over 45 years in business

22. Lots 1 and 2 shall take access via the flagpole stem and private access easement located on Lot 1, as shown on the plat. Shared cost and maintenance of the shared private access for Lots 1 and 2 shall be the sole responsibility of the lot owners of Lots 1 and 2.
Lots 3 and 4 shall take access via the private access easement that runs south and ties into the existing easement recorded in the 2018 replat. Shared cost and maintenance of the shared private access for Lots 3 and 4 shall be the sole responsibility of the lot owners of Lots 3 and 4.

County Attorney

Kenneth R. Hodges, County Attorney
719-520-6485
Centennial Hall
200 S. Cascade, Suite 150
Colorado Springs, CO 80903
www.ElPasoCo.com

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

August 15, 2024

VR-23-24 Ponderosa Pine Estates

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Clifford Joyner (“Applicant”), to subdivide two adjoining parcels of approximately 3.07 acres into 4 lots (the “Property”). The property is zoned RR-0.5 (Residential Rural).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the subdivision demand is 0.94 acre-feet per year, comprised of 0.235 acre-feet/lot for household use. The Applicant must therefore be able to provide a supply of 282 acre-feet of water (0.94 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 Forest View Acres Water District. As detailed in the Water Resources Report (“Report”), the estimated average daily use for the subdivision will be 1.0 acre-feet per year. The Report states that the District has a total annual firm water supply of 85 acre-feet per year from their Arapahoe well supply. The District reported that their average annual water demand is 80 acre-feet per year. The addition of .94 acre-feet per year to supply Ponderosa Pine Estates leaving an excess of 4.06 acre-feet.

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
ERIKA KEECH

4. The District provided a letter of commitment for Ponderosa Pine Estates dated August 8, 2024, in which the District commits to providing water service for this subdivision for up to 4 lots with an estimated commitment of 0.235 acre-feet per lot, for a total of 0.94 annual acre-feet for residential uses. The letter was not signed, however; submission of a signed letter will be required prior to final plat recording.

State Engineer's Office Opinion

5. In a letter dated December 28, 2023, the State Engineer reviewed the proposal to subdivide 3.07 acres into 4 residential lots and cited information provided by Applicant that estimated a total demand of 1.0 acre-feet per year. The State Engineer stated that the proposed supply of water is to be served by the District. The State Engineer advises the information within their office indicates that the District has approximately 11.65 annual acre-feet of Denver Basin groundwater available for additional commitments and thus appears to have sufficient water resources to supply the proposed subdivision.

Further, the State Engineer offers their opinion that “. . . pursuant to Sections 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Ponderosa Pine Estates is 0.94 acre-feet per year to be supplied by the Forest View Acres Water District. **Based on the water demand of 0.94 acre-feet/year for the subdivision and the District's availability of water sources, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Ponderosa Pine Estates.**

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 December 12, 2023, the Forest View Acres Water District letter dated August 8, 2024, and the State Engineer Office's Opinion dated December 28, 2023. 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. Prior to recording the final plat:

1. Applicant must amend Section 3.1 on p. 3 and Section 4.3 on p. 4 of the Water Resource Report to reflect the same water demand as the Water Supply Information Summary. Applicant must also remove pp. 7 and 9 (the WSIS and Commitment Letter) as they conflict with the more current documents in the project file.
2. Applicant must upload a signed pdf of the water provider Commitment Letter.

B. 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.

cc. Ryan Howser, Project Manager, Planner

Miranda Benson

From: PCD Hearings
Sent: Tuesday, September 10, 2024 12:23 PM
To: PCD Hearings
Subject: FW: Heydlauff

From: Kimberly Hale <halekimberly@rocketmail.com>
Sent: Tuesday, September 3, 2024 6:32 PM
To: Ryan Howser <RyanHowser@elpasoco.com>
Subject: Re: Heydlauff

Hey Ryan. Yes, I will continue to fight the access to his property off of my driveway. He doesn't even have legal access to intended lots 3 and 4 off of Cloven Hoof Rd, which I believe is a requirement of yours to approve plating and even if the easement would stand up in court, it only covers 1 dwelling, the dwelling on what would be lot 2. You can't just assume that it would cover another lot, with another dwelling, that your going to create thru plating, ie lot 1. The supposed deed doesnt cover anything about creating new lots or new dwellings and having access to them thru it. This warranty deed he has is 50 years old and does not follow the chain of title, for everytime the house was sold or even any time the house was sold. I will also argue adverse possession, you have to have owned the property for at least 7 years, believed it to be yours and paid the taxes and maintained it. All of which we have done. That Colorado law allows me to simply say there is no eavesment on my driveway, which would mean he has no legal access off of Cloven Hoof Rd. to any of the properties you intend to plat there, so your board should not agree to the replating until he has a way to access the properties. I have retained an attorney about this matter. He has someone living in 1 of the properties already and that gentleman uses the driveway access off of highway 105, which is on the county accessors website as Mr.Joyners access to his properties. There is also a posted sign at the entrance off of highway 105 with his dwellings address numbers. I do have the pictures for all of this. The driveway is now in horrible disrepair because of the foundation construction he did on the house closest to my driveway. I have ample photos and videos to prove such. I believe it should be your boards decision to reschedule the plating, until this matter can be settled and Mr. Joyner can show you his legal access to all 4 intended properties off of Cloven Hoof Rd. I believe it should be Mr. Joyners responsibility to prove why he is allowed to use my driveway, for his 4 vacation rental properties, which will have a large amount of traffic, and random people that we don't know, more than it is my responsibility to prove why he cant. These homes are off of a dirt road and we are using a dirt driveway that is only wide enough for 1 vehicle. I've reached out to talk about this with Mr. Joyner, to set a meeting and he never called me back. Who will be maintaining this driveway and access to his properties? I believe there's more to be figured out before you can approve the replat. Thank you for your consideration on this matter. Sincerely, Kimberly Heydlauff

On Tuesday, September 3, 2024 at 01:27:41 PM MDT, Ryan Howser <ryanhowser@elpasoco.com> wrote:

Kim,

Thanks for sending this over – this confirms my suspicion that the ordinance you are quoting is only applicable to the City of Colorado Springs; it would not also apply to unincorporated El Paso County. El Paso County does not regulate short term rentals.

That being said, this wouldn't have an impact on his ability to subdivide the lots – the plat doesn't automatically approve or designate the properties as short term rentals. It's not relevant to the review criteria for a plat.

I am assuming you will still want to bring up the access in the hearing – please confirm, and also if you are comfortable, can you let me know in writing what your specific concerns are regarding the access? That way, we can easily print out your email to me and forward it to the Planning Commission members so they can be more prepared to take your questions.

Thanks,

Ryan

From: Kimberly Hale <halekimberly@rocketmail.com>
Sent: Tuesday, September 3, 2024 12:50 PM
To: Ryan Howser <RyanHowser@elpasoco.com>
Subject: Heydlauff

This is a county ordinance for El Paso County, Palmer Lake is considered El Paso County. I have the phone number for the Attorney for the title company and my personal attorney as well. We are hoping to hear from the title company regarding this by tomorrow evening at the latest. Please let me know if I can send anything else. Thank you so much! Kim Heydlauff

RESOLUTION NO. 24-

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVAL OF A VACATION AND REPLAT
PONDEROSA PINE ESTATES (VR2324)

WHEREAS, Clifford A Joyner did file an application with the Planning and Community Development Department of El Paso County for approval of a Vacation and Replat of Ponderosa Pine Estates 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 September 5, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the Vacation and Replat; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on September 26, 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 of El Paso County.
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. That the Vacation and Replat complies with the El Paso County Land Development Code and the original conditions of approval associated with the recorded plat.

6. No nonconforming lots are created and, in the case of existing nonconforming lots, the degree of nonconformity is not increased.
7. That the Vacation and Replat conforms to the required findings for a Minor or Major Subdivision, whichever is applicable.
8. That 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. Where the lots or parcels are subject to any Covenants, Conditions and Restrictions (CC&Rs) or other restrictions, the Vacation and Replat will not result in a conflict with the CC&Rs or other restrictions unless specifically approved by the Homeowners Association or controlling authority.
10. The Vacation and Replat is in general conformance with the goals, objectives, and policies of the Master Plan.
11. 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.
12. The proposed Replat of land conforms to the El Paso County Zoning Resolutions.
13. For the above-stated and other reasons, the proposed Vacation and Replat 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 the Board of County Commissioners of El Paso County, Colorado, hereby approves the Vacation and Replat of Ponderosa Pine Estates;

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

CONDITIONS

1. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
2. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/15/2024, 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. The following fees are required to be paid to El Paso County at the time of plat recordation:
 - a. Drainage Fees in the amount of \$4,350.69 shall be paid for the Palmer Lake Drainage Basin. There are no bridge fees associated with this drainage basin.
 - b. Park fees shall be paid in lieu of land dedication for regional parks in the amount of \$2,020.00 (Area 1) and urban park fees shall be paid in the amount of \$1,212.00 (Area 1).
 - c. Fees in lieu of school land dedication in the amount of \$1,232.00 shall be paid for the benefit of the Lewis Palmer School District No. 38.

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

DONE THIS 26th day of September 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

Lots 1 and 2, Morgan Subdivision No. 1, County of El Paso, State of Colorado.
And containing 3.07 acres