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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

TO: El Paso County Board of County Commissioners
Stan VanderWerf, Chair

FROM: Kylie Bagley, Planner II
Carlos Hernandez, Engineer I
Kevin Mastin, Interim Executive Director

RE: Project File #: VA-22-003
Project Name: 11925 Milam Rd Second Dwelling
Parcel No.: 62130-00-060

OWNER:	REPRESENTATIVE:
Dan and Beth Balch 11925 Milam Rd Colorado Springs, CO 80908	Runge Architecture Chuck Runge 5315 Germaine Court Colorado Springs, CO 80919

Commissioner District: 1

Planning Commission Hearing Date: 7/7/2022
 Board of County Commissioners Hearing Date 7/19/2022

EXECUTIVE SUMMARY

A request by Chuck Runge, with Runge Architecture, for approval of a variance of use for a second dwelling in the RR-5 (Residential Rural) district. The 60.01-acre property is zoned RR-5 (Residential Rural) and is located east of the intersection of Shady Lane and Milam Road and 0.3 miles north of Burgess Road and is within Section 13, Township 12 South, Range 66 West of the 6th P.M. (Parcel No. 6213000060) (Commissioner District No. 1)



A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Chuck Runge, with Runge Architecture, for approval of a variance of use for a second dwelling in the RR-5 (Residential Rural) district.

Waiver(s)/Deviation(s): There are no waivers or deviations associated with this request

Authorization to Sign: There are no documents associated with this application that require signing.

B. PLANNING COMMISSION SUMMARY

Request Heard: As a consent item on July 7, 2022

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 8 to 0

Vote Rationale: N/A

Summary of Hearing: The applicant was represented at the hearing. Planning Commission minutes are attached.

Legal Notice: N/A

C. APPROVAL CRITERIA

Pursuant to Section 5.3.4 of the Land Development Code, the Planning Commission and Board of County Commissioners may consider the following criteria in approving a variance of use:

- The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship.
- The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County;
- The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project;
- The proposed use will comply with all applicable requirements of this Code and all applicable County, State and federal regulations except those portions varied by this action;
- The proposed use will not adversely affect wildlife or wetlands;
- The applicant has addressed all off-site impacts;



- The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
- Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

D. LOCATION

North:	RR-5 (Residential Rural)	Single Family Residential
South:	RR-5 (Residential Rural)	Single Family Residential
East:	RR-5 (Residential Rural)	Single Family Residential
West:	RR-5 (Residential Rural)	Single Family Residential

E. BACKGROUND

The parcel was zoned A-5 (Farming District) on January 3, 1955, when zoning was first initiated for this portion of El Paso County (BoCC Resolution No. 94669). Due to changes in the nomenclature of the Land Development Code, the A-5 zoning district was renamed as the RR-5 (Residential Rural) zoning district.

The property currently has one 7,096 square foot single-family dwelling. The applicant is proposing a 3,000 square foot second dwelling for permanent residence of extended family. The proposed second residence is proposed to be located approximately 200 feet from the main house and will be over 600 feet west of Milam Road.

The total land coverage of all structures including the proposed extended family residence is 12,286 square feet. The total proposed lot coverage is only 0.43% and is significantly less than the 25% lot coverage permitted by the Land Development Code.

Kettle Creek runs through the middle of the property, spanning the length of the parcel, making it difficult to develop property. The US Fish and Wildlife Service did comment on the proposed variance of use and noted that the site of the proposed home would not adversely affect wildlife or wetland. The letter states, “if the scope of your project should change such that direct or indirect impacts to Kettle Creek and its riparian vegetation could result, you would need to contact us again for consultation.”



Should the variance of use be approved, a site plan will also need to be approved. County review and administrative approval of a site plan will help ensure compliance with all applicable aspects of the Land Development Code and the Engineering Criteria Manual.

F. ANALYSIS

1. Land Development Code Analysis

2. Zoning Compliance

The RR-5 (Residential Rural) zoning district density and dimensional standards are as follows:

- Minimum zoning district area: 5 acres
- Minimum front, side, and rear yard setback: 25 feet
- Maximum lot coverage: 25%
- Maximum height: 30 feet

The applicant has provided a site plan indicating the locations of the structures associated with a second dwelling. The proposed site plan complies with the RR-5 zoning district density and dimensional standards. The applicant is not proposing any setback encroachments or dimensional variances.

Should the variance of use request be approved, approval of a site development plan will be required prior to initiating the use. The site development plan review will include confirmation that all site improvements (existing and proposed) will comply with the dimensional standards included in Chapter 5 as well as the Development Standards of Chapter 6 of the Code.

3. Policy Plan Analysis

Consistency with Your El Paso County Master Plan (2021) is not a required review criterion under the current (2021) version of the Land Development Code for a variance of use request. However, for informational purposes, the following is an analysis of the Plan as it applies to the application being considered with a specific focus on Chapter 3, Land Use, including identifying Key Area influences and the applicable Areas of Change and Placetype designations as well as the applicable Core Principles, Goals, Objectives, and Specific Strategies of the Action Matrix included in Chapter 14, which is the Implementation chapter of the Plan.



a. **Placetype: Large-Lot Residential**

Placetype Character:

“The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and wastewater utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.

Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.”

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

- Parks/Open Space
- Commercial Retail (Limited)
- Commercial Service (Limited)



- Agriculture

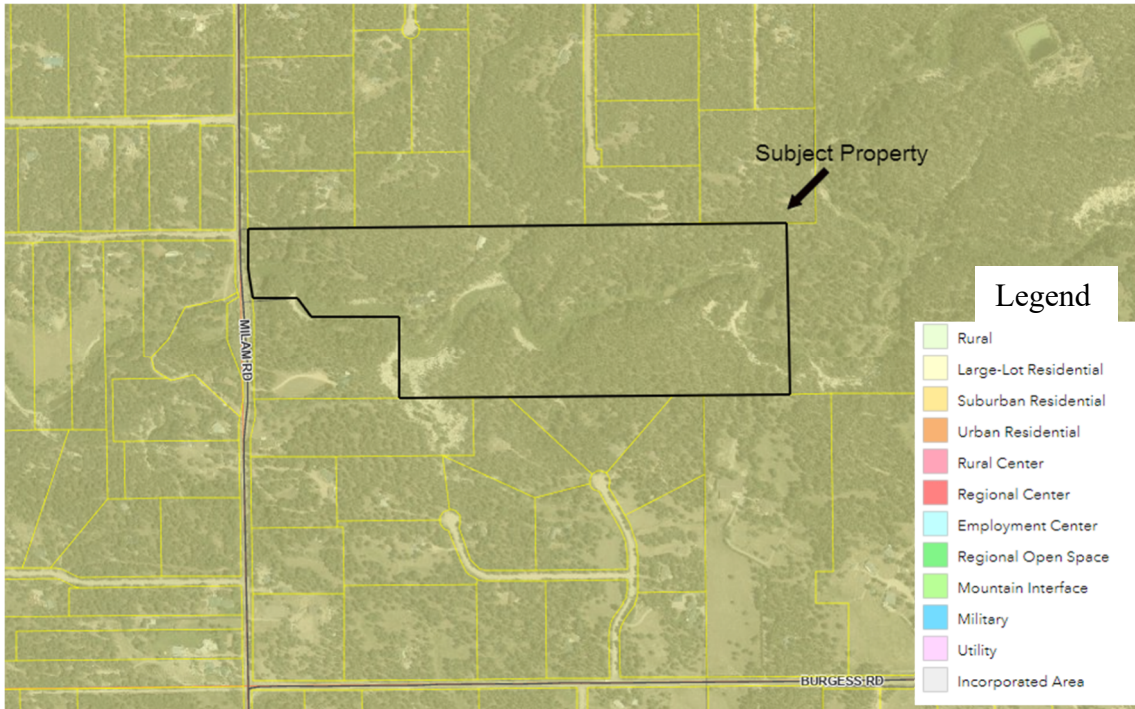


Figure G.1: Placetype Map

Analysis:

The property is located within the Large-Lot Residential placetype. The Large-Lot Residential placetype supports the rural character of the County while providing for unique and desirable neighborhoods.

Goal LU1: *“Encourage compatibility with established character and infrastructure capacity.”*

Objective LU1-1: *“Some areas of the County should be planned for new development, while other areas should be preserved, protected or see little new development.”*

Specific Strategy: *“Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features.”*

Specific Strategy: *“All new development and redevelopment in the Forested Area should strictly adhere to the transportation and infrastructure, stormwater requirements, built form, and transition guidelines outlined in their appropriate placetypes. Each development proposal should also be reviewed on a case-by-case basis to determine its specific impact on the Forested Area and the established character of the individual community.”*

The proposed variance of use would allow for a second dwelling while maximizing the preservation of Kettle Creek and the forested area that is prevalent in this area. The property owners intend to disturb as little natural features as possible for the second dwelling, while adding density to the 60-acre property. With the addition of a second dwelling, the property would be well under the maximum lot coverage allowed in the RR-5 zoning district. The site plan will be required to meet the development standards of the Land Development Code.

- b. Area of Change Designation:** Minimal Change: Undeveloped
“The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments.”



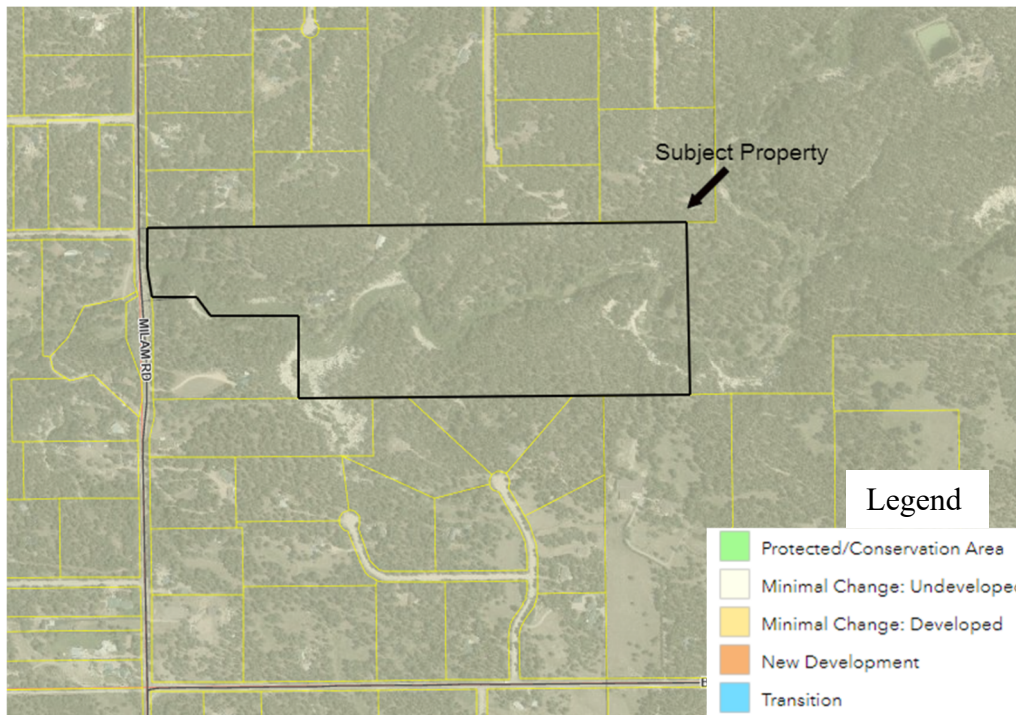


Figure G.2: Area of Change Map

c. Key Area Influences: Forested Area

“This Key Area includes parts of the County where natural forests are the predominant feature such as Black Forest, areas north of Peyton, and areas along Highway 115 as well as lands within Pike National Forest. Pike National Forest is one of the County’s largest natural amenities and tourist destinations. Continued coordination with the U.S. Forest Service is critical to ensuring future development in areas adjacent to the Forest do not negatively impact the natural environment. There are also many established communities within Pike National Forest particularly in Ute Pass and along Highway 115. New development and any redevelopment in these locations should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.

Managed residential growth, along with supportive commercial uses, have helped the other forested areas preserve their natural amenities while supporting the daily needs of a thriving local community. The seamless connection between the natural environment and small-scale, low intensity development is critical to their identity. All new development and redevelopment in this Key Area should strictly adhere to the transportation and infrastructure, stormwater requirements, built form, and transition guidelines outlined in their appropriate placetypes. Each development proposal should also be reviewed on a case-by-case basis to determine its specific impact on the forested area and the established character of the individual community.”

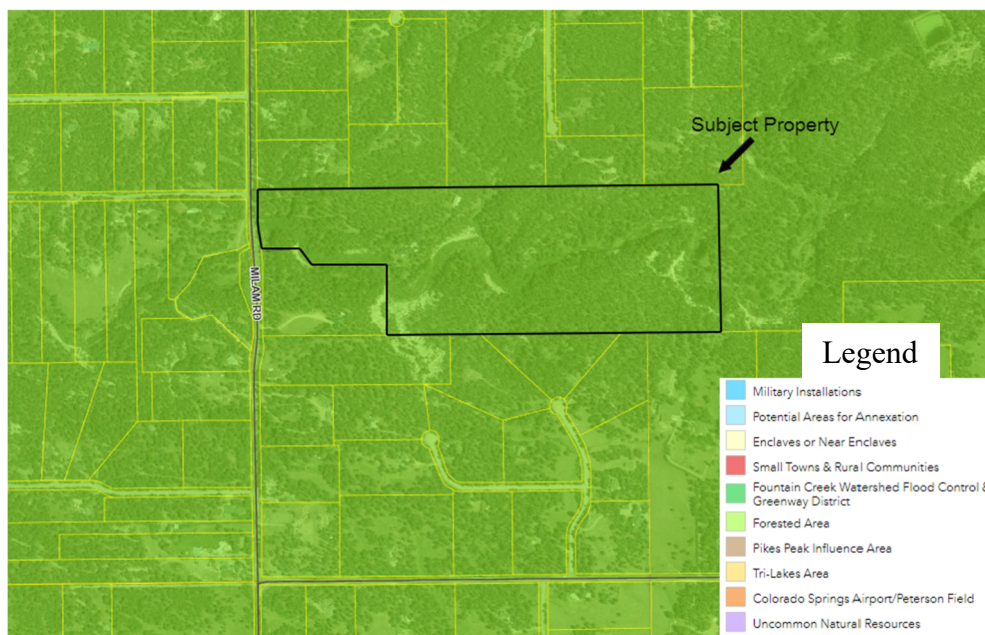


Figure G.3: Key Area Map

4. Water Master Plan Analysis

Consistency with the El Paso County Water Master Plan (2018) is not a required review criterion for a variance of use request. For background, the Water Master Plan 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.

Policy 4.3.6 – Encourage well monitoring throughout the County, with an emphasis on the Denver Basin aquifer fringe areas.

The subject parcel is in Region 2 of the El Paso County Water Master Plan. Region 2 has a current central water supply of 13,607-acre feet per year and a current demand of 7,532-acre feet per year. The 2040 water supply is projected to be 20,516-acre feet per year and the projected demand is 11,713-acre feet. The 2060 water supply is projected to be 20,756-acre feet per year, whereas the demand is anticipated to be 13,254-acre feet per year; therefore, there is projected to be a sufficient supply of water for central water providers in this region of the County.

Water sufficiency is not required for a variance of use application. Water is proposed to be provided through a well permit.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Environmental Services were each sent a referral and have no outstanding comments.

Kettle Creek runs through the subject property, which could be occupied by the Preble's mouse, listed as threatened under the Endangered Species Act. Based on the site being elevated well above Kettle creek and located among the pine trees, the US Fish and Wildlife Service has no concerns with this project resulting in impacts to species listed as candidate, proposed, threatened, or endangered.

The Master Plan for Mineral Extraction (1996) does not identify aggregate resources 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.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation Section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the variance of use application which would restrict continued use or expansion of the facility.

2. Floodplain

The site is located near a defined floodplain, Flood Zone AE, as determined by staff following a review of the FEMA Flood Insurance Rate Map Panel No. 08041C0315G, effective on December 7th, 2018.

3. Drainage and Erosion

The property is located within the Kettle Creek drainage basin (FOMO3000). Drainage basin and bridge fees are not applicable in this case due to no new platting or subdivision action. A drainage letter was submitted under the Variance of Use application, PCD File # VA-22-003.

4. Transportation

The property is accessed from Milam Road currently classified as a County maintained urban collector. Milam Road is identified in the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) for future road improvements.

No Traffic Impact Study (TIS) is required pursuant to Section B.1.2.D of the El Paso County Engineer Criteria Manual. The parcel has a driveway access permit on file, AP22470. The two dwellings shall share one common driveway. The County Road Impact fees are applicable for new construction or land use approvals, and will be due at the time of building permit.



H. SERVICES

1. Water

Water is provided by well permit number 214750. The use of groundwater from this well is limited to domestic: irrigation of lawn, garden, and greenhouse; agricultural; commercial replacement; firefighting; the watering of domestic animals and stock; and fish and wildlife. If the Variance of Use is approved the applicant may need to work with the state of Colorado to receive an updated well permit.

2. Sanitation

Wastewater is provided by an existing onsite wastewater treatment system (OWTS) (Permit No. 18948). Any modifications to the existing OWTS shall be coordinated with El Paso County Public Health and any such modifications will need to be installed prior to the County authorizing issuance of the certificate of occupancy.

3. Emergency Services

The property is within the Black Forest Fire Protection District. The District was sent a referral and has no outstanding comments.

4. Utilities

Electrical service is provided by Mountain View Electric Association. Mountain View Electric Association was sent a referral and have no outstanding comments.

5. Metropolitan Districts

The parcel is not located within any Metropolitan District.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication is not required for a variance of use application. The El Paso County Parks Master Plan does not identify any County parks or trails in the immediate vicinity of the property.

7. Schools

Land dedication and fees in lieu of school land dedication is not required for a variance of use application.



I. APPLICABLE RESOLUTIONS

Approval Page 51

Disapproval Page 52

J. STATUS OF MAJOR ISSUES

There are no major issues

K. 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 5.3.4 of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations:

CONDITIONS

1. Approval is limited to the use of a second dwelling, as discussed, and depicted in the applicant's letter of intent and site plan drawings. Any subsequent addition or modification to the use beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to approval of a new variance of use request.
2. A site development plan shall be applied for and approved on the site within six (6) months of the date of variance of use approval by the Board of County Commissioners. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval

NOTATIONS

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



L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified fifteen adjoining property owners on June 27, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Site Plan

PC Draft Minutes

PC Resolution

BoCC Resolution



El Paso County Parcel Information

PARCEL	NAME
621300060	BALCH FAMILY TRUST

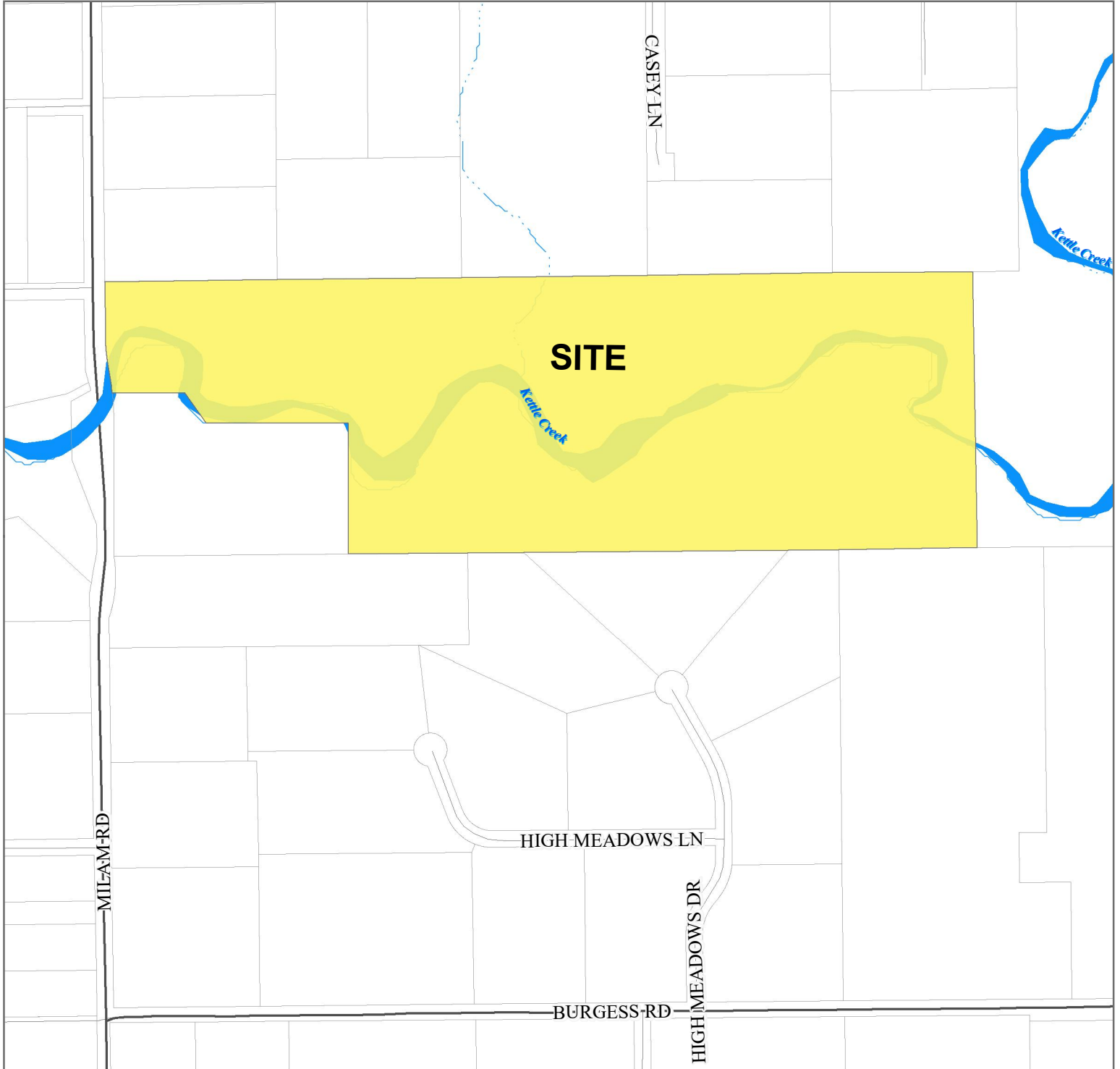
File Name: VA-22-003

Zone Map No.: --

ADDRESS	CITY	STATE
11925 MILAM RD	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80908	3871

Date: June 21, 2022



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
(719) 520-6600



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Letter of Intent

Owner:

Dan and Beth Balch
11925 Milam Road
Colorado Springs, CO 80908
(719) 495-5862

Applicant:

Chuck Runge
Runge Architecture
5315 Germaine Ct.
Colorado Springs, CO 80919
(719) 260-0039

Site Location

11925 Milam Road
Colorado Springs, CO 80908

Size: 60 acres

Zoning: RR-5 (no change)

Tax Schedule Number: 62130-00-060

Legal Description: TR IN S2 SEC 13-12-66 DESC AS FOLS: COM AT W4 COR OF SD SEC 13; TH N 89<18'00" E ALG N LN OF S2 OF SD SEC 13 30.00 FT FOR POB, TH CONT N 89<18'00" E 3107.43 FT, S 01<00'54" E 992.56 FT, S 89<26'53" W 489.85 FT, N 01<00'54" W 3.97 FT, S 89<18'00" W 2586.96 FT, TH ALG ARC OF CUR TO L HAVING RAD OF 455.71 FT A C/A OF 00<12'23" AN ARC DIST OF 1.65 FT WHICH CHORD BEARS N 00<56'21" W A DIST OF 1.65 FT, N 01<02'35" W 494.24 FT, TH ALG ARC OF CUR TO L HAVING A RAD OF 764.20 FT A C/A OF 08<37'36" AN ARC DIST OF 112.35 FT WHICH CHORD BEARS N 05<21'22" W A DIST OF 112.24 FT, N 09<40'10" W 91.97 FT, TH ALG ARC OF CUR TO R HAVING A RAD OF 686.20 FT A C/A OF 08<37'36" AN ARC DIST OF 103.32 FT WHICH CHORD BEARS N 05<21'22" W A DIST OF 103.22 FT, N 01<25'35" W 185.85 FT TO POB, EX THAT PART PLATTED TO PLUMBLINE SUB FIL NO 1 (62130-04-001) & 62130-00-060

Existing use: There is an existing single family 2 story residence (3,062 s.f. main floor, 1,132 s.f. second floor, 2,902 s.f. basement, 989 s.f. attached garage). Existing detached garage/shop 2,400 s.f., existing driveway, well septic.

Proposed use: New construction of Second Residence (approximately 3,000 s.f. main level, 750 s.f. garage). The intent of the second residence is for permanent residence of extended family.

Waiver Request

To permit a second residence on the property.

Description:

The existing property is 60 acres of forested land. The existing main house is a two story

structure with a total finished space of 4,194 s.f. above grade and a finished basement that is 2,902 s.f. The existing house has an attached garage that is 989 s.f. Also on the property is an existing detached garage/shop building that is 2,400 s.f. The proposed new structure will be a residence for extended family members. The structure will be a single level on a crawl space with approximately 3,000 s.f. of living space. The residence will have an attached 2 stall garage.

Justification:

The proposed second residence will be located approximately 200 feet from the main house and will be over 600 feet to the west of Milam Road. It is a ranch style plan with a proposed calculated height of approximately 17'-3" which is well under the 30'-0" maximum. The relatively low height of the ranch style plan lessens the visual impact of the structure. The proposed residence has 2,979 sf living space (located all on the main level), 772 sf 2 Car Garage, 96 sf entry porch, 335 s.f. covered walkway and 690 sf covered rear patio/deck. The lot coverage of the house including living space, garage space, covered entry, and covered and uncovered decks is 4,872 sf which is 0.17% lot coverage. The total coverage of all structures including the proposed extended family residence is 12,286 s.f. The total proposed lot coverage is only 0.43% and is significantly less than the 25% lot coverage permitted by the Land Development Code.

Satisfaction of Review Criteria:

1. The strict application of any of the provisions of this Code would result in peculiar and exceptional practical difficulties or undue hardship:

All of the adjacent properties are zoned RR-5 except for the property across Milam Road at the northwest corner of the lot which is zone RR-2.5. The latter property is 2.89 acres in size. The other adjacent residential use properties range in size from 4.69 acres to 35.97 acres with the majority of lots being approximately 5 acres in size. The lot immediately adjacent to the east is a conference center and is 359.85 acres in size. The 11925 Milam Road lot is 60 acres and is larger than all of the residential lots and is 12 times the size of the minimum lot requirement for the RR-5 zone and 24 times the size of the minimum listed in the Master Plan for Large-Lot Residential Placetypes.

The size, shape and dimension of the lot is unusual for the development and qualifies as extraordinary and exceptional conditions. The physical conditions of the property are not conditions that are general to the neighborhood or surrounding properties. Applying the requirements of RR-5 zone to this 60 acre parcel would result in peculiar and exceptional practical difficulties and undue hardship.

2. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and County:

The granting of the request for variance will not have an adverse impact on the surrounding properties. The proposed house will be in keeping with the scale of the existing and proposed homes in the immediate neighborhood. The entire structure is within all of the setbacks. The Land Development Code permits the construction of a detached or attached Extended Family Residence so the additional residence is in

keeping with the Code. The proposed second residence will be used as an extended family residence. The majority of the lots that surround the property are residential use therefore the proposed residential use is compatible with the surrounding area.

3. The proposed use will be able to meet air, water, odor or noise standards established by County, State or federal regulations during construction and upon completion of the project:

The request for Variance is for the construction of a second single family residence which will be used as the permanent residence for extended family. The code already permits this condition (single family residence with an extended family residence). The residential use is the principal permitted use for the RR-5 zone. The plans for the residence will be in compliance with all of the adopted building codes and regulations. All other aspects of the Zoning Code remain unaffected and in force. The proposed construction and final residential use will meet all air, water, odor or noise standards established by local, State and Federal regulations.

4. The proposed use will not adversely affect wildlife or wetlands:

As part of the review process for the variance, the US Fish and Wildlife Department was sent the site plans for the proposed second residence. Mr. George L. San Miguel, Wildlife Biologist for the USF&W, stated "the Service has no concerns with this project resulting in impacts to species listed as candidate, proposed, threatened, or endangered". Mr. San Miguel noted that the proposed placement of the house was "elevated well above Kettle Creek and located among the pines". The proposed location of the residence will not adversely affect wildlife or wetlands. The site was also physically observed by Kraig Jashinsky, Regulatory Specialist for the Southern Colorado Branch of the US Army Corps of Engineers during a site visit on March 18. Mr. Jashinsky likewise noted that the site for the proposed house was well above the drainage basin and would not involve the discharge of dredged or fill materials into federal waters. Mr Jashinsky provided contact resources should any of the conditions change. The summary of the review stated that a Nationwide Permit verification letter would not be required prior to starting any work.

5. The applicant has addressed all off-site impacts:

The request for Variance is for the construction of a second single family residence which will be used as the permanent residence for extended family. The code already permits this condition (single family residence with an extended family residence). The residential use is the principal permitted use for the RR-5 zone. The plans for the residence will be in compliance with all of the adopted building codes and regulations. All other aspects of the Zoning Code remain unaffected and in force. The proposed construction and final residential use will meet all air, water, odor or noise standards established by local, State and Federal regulations. As stated in item 4 above, a representative from the US Fish and Wildlife Department as well as an in person visit from a representative from the US Army Corps of Engineers found no off-site impacts.

6. The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping:

The existing driveway and access from Milam Road will remain in use and unaffected. The proposed second residence will not require modification to the existing driveway entrance from Milam Road. The proposed second residence will include an attached 2 car garage as well as an apron off of the driveway for proper vehicular maneuvering and guest parking. The proposed residence and associated parking area will not be visible from Milam Road or the adjacent residences. The existing paved driveway and entrance are located from Milam Road to the west and continues past the proposed site for the extended family residence and terminates at the main house. A gravel drive leads from the existing house to a detached shop/garage to the norther east of the house. The proposed residence will have a paved driveway that joins the existing driveway at a right angle. The driveway will slope at a 3.3% grade to the attached garage of the proposed residence. A culvert will be installed at the intersection of the driveways to maintain the existing drainage pattern. Because all of the following criteria is satisfied a Traffic Impact Study (TIS) will not be required: the proposed Daily Vehicle Trip-end generation is less than 100 and the Peak Hour trip generation is less than 10; there are no additional proposed minor or major roadway intersections on major collectors, arterials, or State Highways; the increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends; the change in the type of traffic to be generated does not adversely affect the traffic currently planned for an accommodated within, and adjacent to, the property; the existing driveway, access and ingress/egress on Milam Road has been maintained and will continue to be maintained; no roadway or intersection in the immediate vicinity has a history of safety or accident problems; there is no change of land use with access to a State Highway. The driveway is original to the construction of the main residence in 1999. An application for a driveway permit for the existing driveway has been filed. Milam Road is planned to be widened in 2040. The existing gate and driveway access are outside of the proposed right-of-way expansion and will the widening of the right-of-way will affect neither the access or the roadway.

7. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed:

The existing well has been determined to be adequate to provide the domestic water service for both residences. A new and separate on site wastewater treatment system (septic) will be installed to service the new residence. The septic system will be designed by a Colorado licensed geotechnical engineer and the system will be installed per the requirements of the El Paso County Health Department. Permits and inspections will be required and conformity will be mandatory. The existing driveway will be used to provide access to the second residence. A new drive will branch from the existing to the apron in front of the attached garage. A culvert will be installed where the new section of driveway meets the existing. This culvert is entirely within the setbacks of the site and is for private use to insure the continuation of any historic drainage patterns. Access to fire and police protection will not be affected by the construction of the second residence.

8. The variance of use will comply with all applicable requirements of the Land Development Code and all applicable County, State and federal regulations except those portions varied by this action. The variance is generally consistent with the applicable Master Plan:

The property placetype is listed in the Master Plan as a Large Lot Residential. It is located in Black Forest and according to the Master Plan is a community with one of the strongest and most well-established characters in El Paso County. The area is built around protecting the forest and preserving its rural quality. The proposed use of the property will remain as residential use. A goal of the Master Plan is to “promote the health of the natural areas, especially the forest, while accommodating new development for future residents”. The Master Plan states the objective that the County “should maintain existing and expand the Large-Lot Residential placetypes in this area”. The Land Development Code permits the construction of a detached or attached Extended Family Residence. The proposed second residence will be used as an extended family residence. It has been established that the subject property meets extraordinary circumstances and is unusual to the development, therefore the intent of the Master Plan is preserved.

The proposed residence will be constructed under the current versions of the International Residential Code, The El Paso County Land Development Code, The Pikes Peak Regional Building Code and the International Energy Conservation Code. The plans will be reviewed and Construction Inspections will be conducted by all of the various departments having authority and jurisdiction.

Overlay Zoning: There are no overlay zoning districts that impose additional requirements or standards that would modify the standards associated with the requirements of the RR-5 zone as applied to this property.

Land Development Code: The proposed project will be Compliant with the applicable requirements of the Land Development Code.

Compliance with requirements of the Land Development Code: The proposed use as a residence is a permitted use in the RR-5 zone. The proposed 2nd residence will meet all of the applicable requirements of the Land Development Code including but not limited to: Lot Coverage, Structural Height, Setbacks, Use.

Traffic: The proposed residence meets the criteria exempting it from a traffic impact study as set forth below: the proposed Daily Vehicle Trip-end generation is less than 100 and the Peak Hour trip generation is less than 10; there are no additional proposed minor or major roadway intersections on major collectors, arterials, or State Highways; the increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends; the change in the type of traffic to be generated does not adversely affect the traffic currently planned for an accommodated within, and adjacent to, the property; the existing driveway, access and ingress/egress on Milam Road has been maintained and will continue to be maintained; no roadway or intersection in the immediate vicinity has a history of safety or accident problems; there is no change of land use with access to a State Highway. Additional information regarding traffic is provided in Criteria item 6 above.

Anticipated schedule of development: Construction is scheduled to begin June 1, 2022.

Utilities: The existing well that services the property has been deemed sufficient to provide the domestic water for the existing buildings on site as well as the proposed second single-family residence. The water service will be routed underground from the well head which is

at the northeast corner of the existing residence. The electrical service will be routed from the existing 400 amp panel from the existing main house. A sub-panel will be added and dedicated for the proposed extended family residence. The existing site is served with natural gas. A dedicated gas meter will be connected to the existing service line and the gas meter will be located adjacent to the proposed extended family residence. The proposed residence will have a dedicated septic tank and a new leach field.

Landscaping: The existing site is populated with Ponderosa Pines and low height bushes. The site for the proposed residence is integrated with the topography and sited along the upper bank of the Kettle Creek drainage basin. The grade along the west, south and east elevations of the house will remain close to the existing natural grade and will have minimal impact to the Kettle Creek Drainage Basin. The landscaping will be an extension of the existing surrounding plants. The front of the house will be built up to provide pedestrian access from the apron of the garage to the front door. The grade will be terraced and landscaped with low water required plantings. The construction and the constructed residence will not have an adverse impact on wildlife or wetlands.

Kevin Mastin, Interim Executive Director
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2880 International Circle, Suite 110
Colorado Springs, CO 80910

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

Planning Commission Meeting
Thursday, July 7, 2022
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING
9:00 a.m.

PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, ERIC MORAES, JAY CARLSON, TIM TROWBRIDGE, CHRISTOPHER WHITNEY, SARA BRITTAIN JACK, JOAN LUCIA-TREESE

PRESENT AND NOT VOTING: JOSHUA PATTERSON

ABSENT: BRANDY MERRIAM, BRYCE SCHUETTPELZ, BECKY FULLER

STAFF PRESENT: KARI PARSONS, RYAN HOWSER, JEFF RICE, KYLIE BAGLEY, CHARLENE DURHAM, DANIEL TORRES, PETRA RANGEL, MARCELLA MAES, AND EL PASO COUNTY ATTORNEY LORI SEAGO

OTHERS SPEAKING AT THE HEARING:

- 1. Report Items**
 - a. Planning and Community Development Department – Ms. Parsons**

Ms. Parsons – Gave a summary of the PC items.

Ms. Parsons – Commissioner Merriam and Schuettpelz' associate terms have expired as of yesterday. If they the two members would like to remain on the planning commission they must reapply and go through a reappointment. Additionally it has come to PCD's attention that that the BoCC adopted a new resolution regarding the volunteer commissions and boards within El Paso County. The board has divided the boards based on a statutory group such as the planning commission and board of

adjustment which are both tier 1 groups and the resolution that was recently adopted by the board there are some significant changes . Re-look at bylaws. Please let us know if you would like to review the resolution today.

Mr. Risley – Ms. Seago, can you give us guidance. Do we have time to mull over it?

Ms. Seago – I recommend that you have time. It is not on your agenda. I recommend adding it to the next PC agenda. I can make a presentation to help recommend.

Mr. Risley – I agree. Can we schedule an informal discussion that may help inform us.

Ms. Seago – Yes. We can then have staff add the item to the next agenda.

I believe they would both like to be reappointed. I know there were some issues with.

Ms. Parsons –

Both would like to be reappointed. Please have staff follow the proper procedures.

They will need to reach out to Commissioner Geitner to do so.

Mr. Moraes – 426 sub paragraph A. I have some concerns. Can we have that discussion with the staff. I want to talk about certain sub points.

Ms. Parsons – I am not clear what you want to go over. Are you wanting to go over the PUD code or approval criteria.

Mr. Moraes – I want to have a discussion. I want to talk about the purpose.

Ms. Parsons – Is this more of a work session or in an agenda item.

Ms. Seago – Either way.

Ms. Parsons – Do we need a vote on it.

Mr. Risley – I do not see any harm in discussing this item

Ms. Parsons - Staff will add to the agenda 426 sub paragraph A for the next hearing.

b. **Public Comment** – None.

c. The next scheduled Planning Commission meeting is for **Thursday, July 21, 2022, at 9:00 a.m.**

2. **CONSENT ITEMS**

A. **Approval of the Minutes – June 16, 2022**

Bailey - Minor error on Minutes. Staff will repair
Trowbridge – Reflect who nay vote was in two items.
Parsons – I have a correction. Schuettpelz was approved by Geitner.

Merriam

Should we wait and adopt the minutes or do

You can continue the item or you ca

My opinion is to continue the item to the next hearing.
Does it cause an issue with the votes.

Brittain Jack – Can you let us know what is missing?

Bailey – It is hard to tell. Toward the end of the discussion on the Dist 49 discussion. The sentence ends in the middle of Merriam and then it goes into my discussion. I want to make sure they review it. I just don't know for sure what Ms. Merriam was trying to discuss. I think it is an administrative change. It is easy enough to cut out items. I suggest we approve it. Have staff send it back to us.

Risley – I would feel better ifwe get the revisions. We need a vote?

Seago – That is correct.

Motion to Lucia-Treese moved and Bailey seconded to move the minutes to the next meeting. All voted (8-0). For final review

B. V-22-003

BAGLEY

**VARIANCE OF USE
11925 Milam Rd Additional Dwelling unit**

A request by Chuck Runge, with Runge Architecture, for approval of a variance of use for a second dwelling in the RR-5 (Residential Rural) district. The 60.01-acre property is zoned RR-5 (Residential Rural) and is located east of the intersection of Shady Lane and Milam Road and 0.3 miles north of Burgess Road and is within Section 13, Township 12 South, Range 66 West of the 6th P.M. (Parcel No. 6213000060) (Commissioner District No. 1)

PC ACTION: LUCIA-TREESE MOVED/BAILEY SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, VA-22-003 FOR A VARIANCE OF USE FOR A SECOND DWELLING AT 11925 MILAM RD, UTILIZING RESOLUTION PAGE NO. 51, CITING 22-023, WITH TWO (2) CONDITIONS AND THREE (3) NOTATION AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).

Carlson – I have a few questions for staff.

Chuck Runge – I am the principal architect for the second dwelling. The owners have come down with Covid.

Carlson – The staff report says it is for extended family dwelling.

Mr. Runge – We thought it was going to be an extended family. We needed a variance for it to be over the 1500 sq ft. Their intention is to have it for family.

Carlson –

By definition it is not an extended family. It is a second dwelling.

The applicant didn't change their goal to have family stay in this dwelling?

Carlson – Can we add additional conditions to this property. I am worried how large the second house is. I am concerned that they will want to subdivide. Can we set it up to not be subdivided later?

Lucia Treese – I wonder if we are micromanaging this project as it is 60 acres. I don't feel comfortable telling these folks not to subdivide later.

I respectfully disagree. I want to protect the people around that area. They want to have this property in the future.

Trowbridge - I understand that the variance down the road. As long as the family is there, the condition applies

Seago – To offer a couple of options. I do not think that we can add a condition to not allow for subdivision– We can restrict the use to family by condition. Your other option is to deny the application. You can approve as presented, or you can add more specificity.

Whitney – If I heard correctly from staff. The reason this has come to the PC. We are punishing them for building a bigger house. I don't get that.

Seago – Due to the nature of this debate should be add this to the regular items?

Carlson – I am not going to propose any changes.

Brittain Jack – Do we vote to even have this discussion.

Carlson – I do not propose this be

Patterson – I live on this road. I think there is no reason to impose the additional skepticism. The applicant is proposing to have a larger home.

Risley –

Moraes – Their intent is for extended family.

Risley – A subdivision would cause a lot of other items. I appreciate Mr. Carlson's point.

C. P-20-006

PARSONS

**MAP AMENDMENT (REZONING)
MOSE**

A request by Perry and Jeanette Mose, for approval of a map amendment (rezoning) of 5.3 acres from A-5 (Agricultural) to RR-2.5 (Residential Rural). The parcel is located south of the intersection of Pawnee Trail Court and Halleluiah Trail and is within Section 8, Township 12 South, Range 64 West of the 6th P.M. (Parcel No.42080-00-013) (Commissioner District No. 2).

PC ACTION: TROWBRIDGE MOVED/MORAES SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, P-20-006 FOR AN APPROVAL OF A REZONE FROM A-5 (AGRICULTURAL) TO RR-2.5 (RURAL RESIDENTIAL, UTILIZING RESOLUTION PAGE NO. 31, CITING 22-022, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).

D. MS-20-005

PARSONS

**MINOR SUBDIVISION
MOSE**

A request by Perry and Jeanette Mose for approval of a minor subdivision to create two single-family residential lots. The 6.11-acre property is zoned A-5 (Agricultural) and RR-2.5 (Residential Rural), and is located south of the intersection of Pawnee Trail Court and Halleluiah Trail and is within Section 8, Township 12 South, Range 64 West of the 6th P.M. (Parcel No.42080-00-013) (Commissioner District No. 2)

PC ACTION: LUCIA-TREESE MOVED/MORAES SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2D, MS-20-005 FOR AN APPROVAL OF A MINOR SUBDIVISION TO CREATE TWO RESIDENTIAL LOTS, UTILIZING RESOLUTION PAGE NO. 19, WITH TEN (10) CONDITIONS AND ONE (1) NOTATION, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).

Mr. Risley – There may be an opportunity.

Mr. Trowbridge – I would be happy to take up. There might be a couple of changes. I would be happy to work with staff on the bylaw changes.

Mr. Risley – I think that makes sense. Can our bylaws supercede?

Mr. Moraes – Unless otherwise provided by law. The shalls or the musts.

Ms Seago – Can I have the overhead? I understand that you did not review the resolution that was adopted in March. I would like to point you to the top of the third page in the last sentence unless otherwise reported by law... To answer your question, no we cannot supercede what the BoCC has directed. We will work with Mr. Trowbridge. I will recommend to delete the two term limit. I would delete If there are no term limits, you can We can look at the rest of the bylaws. I think that is the only change.

Ms. Jack – When our term is up, would we have to apply. If there are no terms.

There are still terms. There are 3 year terms, but the amount of times is unlimited.

Whitney – If your term expires at the 3 year. You would reapply.

Seago – It is up to the BoCC to extend the terms

Whitney – My concern is to have the same committee for 50 years

Trowbridge – You will need to reapply after your term. It is up to the BoCC to approve you.

Seago – We will add to the agenda next time.

Risley – Staff will work with Mr. Trowbridge and bring up the item in the next PC hearing for approval.

No Regular Items

NOTE: For information regarding the agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

The name to the right of the title indicates the Planner processing the request.

VARIANCE OF USE (Approved)

Commissioner Lucia-Treese moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF EL PASO
STATE OF COLORADO
RESOLUTION NO. VA-22-003
11925 MILAM RD ADDITIONAL DWELLING UNIT

WHEREAS, Chuck Runge, with Runge Architecture did file an application with the Planning and Community Development Department of El Paso County for approval of a variance of use for a second dwelling in the RR-5 (Residential Rural) district. The 60.01-acre property is zoned RR-5 (Residential Rural) and is located east of the intersection of Shady Lane and Milam Road and 0.3 miles north of Burgess Road and is within Section 13, Township 12 South, Range 66 West of the 6th P.M. (Parcel No. 6213000060) (Commissioner District No. 1)

WHEREAS, a public hearing was held by this Commission on July 7, 2022; and

WHEREAS, based on the evidence, testimony, exhibits, 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 Planning Commission Members during the hearing, this Commission finds as follows:

1. That the application was properly submitted for consideration by the Planning Commission.
2. That proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. That 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. That all exhibits were received into evidence.
5. That the proposed land use does not permit the use of any 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. That the proposed variance of use conforms to Chapter 5, Use and Dimensional Standards, Section 5.3.4, Variance of Use, of the El Paso County Zoning Resolutions.
7. That for the above-stated and other reasons, the proposed variance of use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County, and

WHEREAS, pursuant to Section 5.3.4 of the El Paso County Land Development Code, as amended, in approving this variance of use, the Planning Commission considered one or more of the following criteria:

1. The strict application of any of the provisions of the Land Development Code would result in peculiar and exceptional practical difficulties or undue hardship on either the owner or the contract purchaser of the property;
2. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County;
3. The proposed use will be able to meet air, water, odor or noise standards established by County, State or Federal regulations during construction and upon completion of the project;
4. The proposed use will comply with all applicable requirements of the Land Development Code and all applicable County, State and Federal regulations except those portions varied by this action;
5. The proposed use will not adversely affect wildlife or wetlands;
6. The applicant has addressed all off-site impacts;
7. The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
8. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and proposed.

NOW, THEREFORE, BE IT RESOLVED that the application of Chuck Runge, with Runge Architecture for a variance of use to allow for a second dwelling in the RR-5 (Residential Rural) district, as described in Exhibit A, which is attached hereto and incorporated herein by this reference;

AND BE IT FURTHER RESOLVED that the Planning Commission recommends the following condition(s) and notation(s) shall be placed upon this recommendation:

CONDITIONS

- 1. Approval is limited to the use of a second dwelling, as discussed, and depicted in the applicant’s letter of intent and site plan drawings. Any subsequent addition or modification to the use beyond that described in the applicant’s letter of intent and as shown on the site plan shall be subject to approval of a new variance of use request.
- 2. A site development plan shall be applied for and approved on the site within six (6) months of the date of variance of use approval by the Board of County Commissioners. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval

NOTATIONS

- 1. Variance of Use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
- 2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or Variance of Use conditions/standards are being violated, preceded by notice and public hearing.

If the Variance of Use is discontinued or abandoned for two (2) years or longer, the Variance of Use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED that this Resolution and recommendations be forwarded to the El Paso County Board of County Commissioners for its consideration.

Commissioner Bailey seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Lucia-Treese	aye
Commissioner Brittain Jack	aye
Commissioner Carlson	aye
Commissioner Trowbridge	aye
Commissioner Moraes	aye
Commissioner Whitney	aye

The Resolution was adopted by a vote of 8 f to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DATED: July 7, 2022

Brian Risley, Chair

EXHIBIT A

Legal Description for 11925 Milam Road, Colorado Springs, CO 80908

Legal Description: TR IN S2 SEC 13-12-66 DESC AS FOLS: COM AT W4 COR OF SD SEC 13; TH N 89<18'00" E ALG N LN OF S2 OF SD SEC 13 30.00 FT FOR POB, TH CONT N 89<18'00" E 3107.43 FT, S 01<00'54" E 992.56 FT, S 89<26'53" W 489.85 FT, N 01<00'54" W 3.97 FT, S 89<18'00" W 2586.96 FT, TH ALG ARC OF CUR TO L HAVING RAD OF 455.71 FT A C/A OF 00<12'23" AN ARC DIST OF 1.65 FT WHICH CHORD BEARS N 00<56'21" W A DIST OF 1.65 FT, N 01<02'35" W 494.24 FT, TH ALG ARC OF CUR TO L HAVING A RAD OF 764.20 FT A C/A OF 08<37'36" AN ARC DIST OF 112.35 FT WHICH CHORD BEARS N 05<21'22" W A DIST OF 112.24 FT, N 09<40'10" W 91.97 FT, TH ALG ARC OF CUR TO R HAVING A RAD OF 686.20 FT A C/A OF 08<37'36" AN ARC DIST OF 103.32 FT WHICH CHORD BEARS N 05<21'22" W A DIST OF 103.22 FT, N 01<25'35" W 185.85 FT TO POB, EX THAT PART PLATTED TO PLUMBLINE SUB FIL NO 1 (62130-04-001) & 62130-00-060

RESOLUTION NO. 22-

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF OLORADO**

**APPROVE VARIANCE OF USE FOR A SECOND DWELLING
VA-22-003 – 11925 MILAM RD ADDITIONAL DWELLING UNIT**

WHEREAS, Chuck Runge, with Runge Architecture, did file an application with the Planning and Community Development Department of El Paso County for approval of a variance of use for a second dwelling for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by this reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 7, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the subject variance of use; and

WHEREAS, a public hearing was held by this Board on July 19, 2022; and

WHEREAS, based on the evidence, testimony, exhibits, recommendations of the El Paso County Planning Commission, 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 County Commissioners during the hearing, this Board finds as follows:

1. That the application for the variance of use was properly submitted for consideration by the Board of County Commissioners.
2. That 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.
3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted, and that all interested persons and the general public were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed land use does permit the use of any 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. That for the above-stated and other reasons, the proposed variance of use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

WHEREAS, pursuant to Section 5.3.4 of the El Paso County Land Development Code, as amended, in approving this variance of use, the Board of County Commissioners considered one or more of the following criteria:

1. The strict application of any of the provisions of the Land Development Code would result in peculiar and exceptional practical difficulties or undue hardship on either the owner or the contract purchaser of the property;
2. The proposed use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the surrounding area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County;
3. The proposed use will be able to meet air, water, odor or noise standards established by County, State or Federal regulations during construction and upon completion of the project;
4. The proposed use will comply with all applicable requirements of the Land Development Code and all applicable County, State, and Federal regulations except those portions varied by this action;
5. The proposed use will not adversely affect wildlife or wetlands;
6. The applicant has addressed all off-site impacts;
7. The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping; and/or
8. Sewer, water, storm water drainage, fire protection, police protection, and roads will be available and adequate to serve the needs of the proposed Variance of Use as designed and proposed.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the application by Chuck Runge, with Runge Architecture, for a variance of use to allow a second dwelling in the RR-5 (Residential Rural) district, where such is not a permitted use for the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by this reference;

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

CONDITIONS

1. Approval is limited to the use of a second dwelling, as discussed, and depicted in the applicant's letter of intent and site plan drawings. Any subsequent addition or modification to the use beyond that described in the applicant's letter of intent and as shown on the site plan shall be subject to approval of a new variance of use request.
2. A site development plan shall be applied for and approved on the site within six (6) months of the date of variance of use approval by the Board of County Commissioners. The deadline may be extended by the PCD Director, at his or her discretion, if the Director finds that the applicant has made a good faith effort to secure such approval

NOTATIONS

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

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

DONE THIS 19th day of July 2022, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

Legal Description: TR IN S2 SEC 13-12-66 DESC AS FOLS: COM AT W4 COR OF SD SEC 13; TH N 89<18'00" E ALG N LN OF S2 OF SD SEC 13 30.00 FT FOR POB, TH CONT N 89<18'00" E 3107.43 FT, S 01<00'54" E 992.56 FT, S 89<26'53" W 489.85 FT, N 01<00'54" W 3.97 FT, S 89<18'00" W 2586.96 FT, TH ALG ARC OF CUR TO L HAVING RAD OF 455.71 FT A C/A OF 00<12'23" AN ARC DIST OF 1.65 FT WHICH CHORD BEARS N 00<56'21" W A DIST OF 1.65 FT, N 01<02'35" W 494.24 FT, TH ALG ARC OF CUR TO L HAVING A RAD OF 764.20 FT A C/A OF 08<37'36" AN ARC DIST OF 112.35 FT WHICH CHORD BEARS N 05<21'22" W A DIST OF 112.24 FT, N 09<40'10" W 91.97 FT, TH ALG ARC OF CUR TO R HAVING A RAD OF 686.20 FT A C/A OF 08<37'36" AN ARC DIST OF 103.32 FT WHICH CHORD BEARS N 05<21'22" W A DIST OF 103.22 FT, N 01<25'35" W 185.85 FT TO POB, EX THAT PART PLATTED TO PLUMBLINE SUB FIL NO 1 (62130-04-001) & 62130-00-060