



**RESOLUTION NO. 22-269**

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

**APPROVAL OF A SPECIAL USE TO ALLOW MINERAL AND NATURAL RESOURCE  
EXTRACTION OPERATION WITHIN THE A-35 (Agricultural) ZONING DISTRICT  
(AL-20-014)**

**WHEREAS, Schubert Ranches, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a special use to allow use for a mineral and natural resource extraction operation. within the A-35 (Agricultural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and**

**WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 21, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the application with conditions and notations; and**

**WHEREAS, a public hearing was held by this Board on August 2, 2022; and**

**WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:**

- 1. The application was properly submitted for consideration by the Planning Commission.**
- 2. Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.**
- 3. That the hearings before the Planning Commission and Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.**
- 4. All exhibits were received into evidence.**
- 5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.**

**WHEREAS**, pursuant to Section 5.3.2 of the El Paso County Land Development Code, as amended, in approving this special use, this Board considered one or more of the following criteria:

1. The special use is generally consistent with the applicable Master Plan;
2. The special use will generally be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area;
3. The impact of the special use does not overburden or exceed the capacity of public facilities and services, or, in the alternative, the special use application demonstrates that it will provide adequate public facilities in a timely and efficient manner;
4. The special use will not create unmitigated traffic congestion or traffic hazards in the surrounding area, and has adequate, legal access;
5. The special use will comply with all applicable local, state, and federal laws and regulations regarding air, water, light, or noise pollution;
6. The special use will not otherwise be detrimental to the public health, safety and welfare of the present or future residents of El Paso County; and/or
7. The special use conforms or will conform to all other applicable County rules, regulations or ordinances.
8. That for the above-stated and other reasons, the proposed special use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

**NOW, THEREFORE, BE IT RESOLVED**, that the El Paso County Board of County Commissioners, Colorado, hereby approves the application for a special use to allow for a mineral and natural resource extraction operation within the A-35 (Agricultural) zoning district.

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

**CONDITIONS**

- 1. The special use shall be limited to the mineral and natural resource extraction operation as described in the applicants' letter of intent and as shown on the site plan. Any subsequent addition or modification to the mineral and natural resource extraction operation beyond that described in the applicants' letter of intent and as shown on the site plan shall be subject to administrative review, and if it is the opinion of the Planning and Community Development Department Director that it constitutes a substantial increase, then such addition or modification shall be subject to a new special use application.**
- 2. Approval of a site development plan by the Planning and Community Development Department is required prior to the initiation of the use a mineral and natural resource extraction operation on the property.**
- 3. Prior to the approval of the site development plan, the applicant shall enter into a haul route agreement with El Paso County for the special use. The haul route agreement shall identify the impacts on the County roads for this special use that will cause extraordinary damage or accelerated deterioration to County roads in accordance with the EPC ECM. The haul route agreement shall include requirements to address the following:**
  - a. Structural impacts to County roads from the proposed use;**
  - b. An annual payment amount (with possible initial impact payment) baes on impacts to County roads from the proposed use and based upon actual annual site traffic counts;**
  - c. Annual payments adjustments for applicable construction costs;**
  - d. Provisions for the method and timing of payments;**
  - e. An allowance for the required annual payment to be administratively adjusted by the County Engineer upon the adoption of a countywide haul route fee program by the El Paso County Board of County Commissioners.**

**NOTATIONS**

1. Special 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 special use conditions/standards are being violated, preceded by notice and public hearing.
3. If the special use is discontinued or abandoned for two (2) years longer, the special use shall be deemed abandoned and 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 2<sup>nd</sup> day of August, 2022, at Colorado Springs, Colorado.**

**BOARD OF COUNTY COMMISSIONERS  
EL PASO COUNTY, COLORADO**

ATTEST:

By:



By:

*Stan T. VanderWal*  
Chair

**EXHIBIT A**

**Part of the S1/2N1/2SE1/4, S1/2SE1/4, and SE1/4SW1/4 of Section 20, and  
The E1/2E1/2 and NW1/4NE1/4 and parts of the SW1/4NE1/4, SW1/4SE1/4, and  
NW1/4SE1/4 of Section 29 and**

**The E1/2NE1/4, SW1/4NE1/4, & SE1/4NW1/4, and parts of the NW1/4NE1/4 &  
NE1/4NW1/4, Section 32, Township 14 South, Range 62 West, 6<sup>th</sup> P.M. El Paso  
County, Colorado**

**Containing 733.7 acres more or less.**

**Entrance location Stage I: 38° 47' 43.5875"N, 104° 21' 17.6006"W**

# El Paso County Parcel Information

File Name:

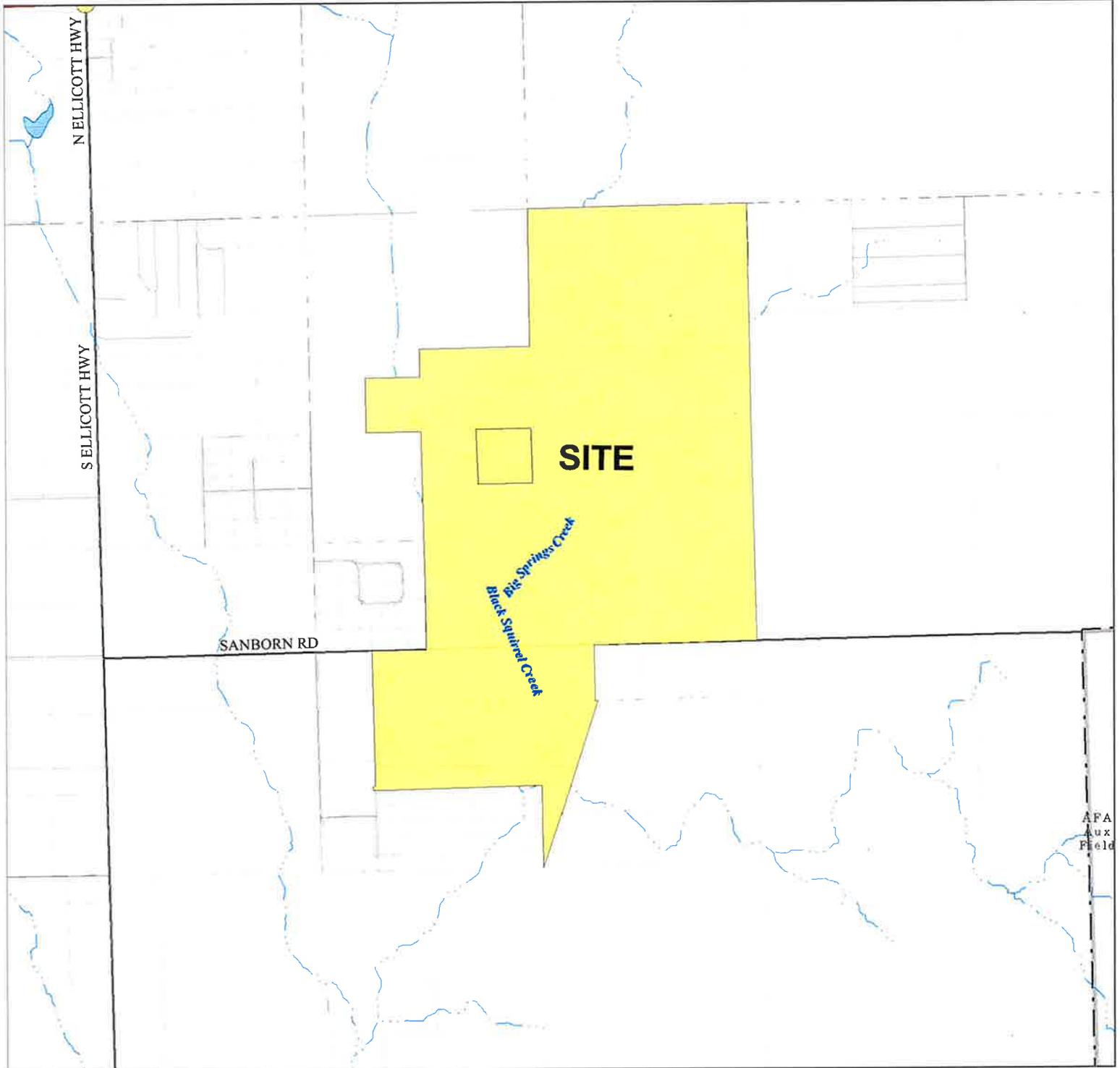
Zone Map No.:

PARCEL	NAME
2400000276	SCHUBERT RANCHES INC
2400000275	SCHUBERT GEORGE H

ADDRESS	CITY	STATE
1555 S BAGGETT RD	CALHAN	CO
1550 S BAGGETT RD	CALHAN	CO

ZIP	ZIPLUS
80808	7808
80808	7808

Date:



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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