

BOCC

RESOLUTION NO. 20- 393

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO
D. Johnson Subdivision Waiver (WV-20-001)

WHEREAS, Delroy and Janet Johnson did file an application with the El Paso County Planning and Community Development Department for the approval of a waiver of specific requirements of Sections 8.4.3(B)(2)(e) and 8.4.4(E)(2-3) of the El Paso County Land Development Code (2019) in advance of the subdivision application for a proposed four lot minor subdivision; and

WHEREAS, a public hearing was held by this Board on November 10, 2020; 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 Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Board of County Commissioners.
3. The hearing before the Board of County Commissioners was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons were heard at that hearing.
4. The waiver does not have the effect of nullifying the intent and purpose of Land Development Code.
5. The waiver will not result in the need for additional subsequent waivers.
6. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property.
7. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property.
8. A particular non-economical hardship to the owner would result from a strict application of this Code.
9. The waiver will not in any manner vary the zoning provisions of this Land Development Code.
10. The proposed waiver is not contrary to any provision of the Master Plan.

11. For the above-stated and other reasons, the proposed waiver 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 Board of County Commissioners of El Paso County, Colorado, hereby approves the application for a waiver of Section 5.2.1.F of the Land Development Code; and

BE IT FURTHER RESOLVED that the following condition shall be placed upon this approval:

CONDITION

1. The applicant shall submit an application for a minor subdivision within one (1) year of the date of approval for the waivers specified above. Failure to submit such application within one-year shall render approval of the waivers void. The PCD Executive Director, in his or her sole discretion, may administratively approve an extension of the due date for submittal of the minor subdivision application for up to one (1) additional year if the applicant is able to produce documented evidence that a good faith effort has been made to submit the application prior to the one (1) year deadline.

NOTATION

1. Waiver requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action shall be deemed withdrawn and will need to be resubmitted in their entirety as a new application with the Planning and Community Development Department.

Waiver(s)/Deviation(s): The applicant is requesting a waiver of the following sections of the El Paso County Land Development Code (2019):

- Section 8.4.3(B)(3)(e): Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved but the BoCC pursuant to waiver granted under Section 8.4.4(E).
- Section 8.4.4(E)(2): The use of private roads is limited and allowed only by waiver. In granting a waiver to allow private roads, the BoCC shall make written findings supporting the use of private roads and may require the owner to enter into a Private Road Maintenance Agreement or create covenants whereby the lot owners are required to maintain the private roads.
- Section 8.4.4(E)(3): Generally, private roads shall be constructed and maintained to ECM standards except as may be otherwise determined in the waiver. Private road waivers may only include design standards for the following:
 - Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;
 - Design speed where it is unlikely the road will be needed for use by the general public;

- Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;
- Maximum and minimum block lengths; and
- Maximum grade.

DONE THIS 10th day of November, 2020, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

By:  _____
Chair