

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

June 2, 2020

Danielle Weibers
Pete Lien & Sons, LLC
3401 Universal Drive, PO Box 440
Rapid City, SD 57709

RE: Pete Lien and Sons, LLC Batch Plant – Variance of Use - (VA-19-002)

This is to inform you that the above-reference request for approval of a variance of use for a permanent concrete batch plant was heard by El Paso County Planning Commission on June 2, 2020, at which time a recommendation for approval was made. The property is zoned A-35 (Agricultural) and is located at the northeast corner of the Stapleton Road and Judge Orr Road intersection. The 92.47-acre parcel is located within Section 34, Township 12 South, Range 65 West of the 6th P.M. The subject parcel is located within the boundaries of the Falcon/Peyton Small Area Master Plan (2006). (Parcel No. 42000-00-405)

This recommendation for approval is subject to the following:

CONDITIONS

1. Approval of a site development plan by the Planning and Community Development Department shall be required to establish the proposed use on the subject parcel.
2. Screening and landscaping shall be installed prior to the initiation of the use and be in general conformance with the landscape plan submitted with the variance of use request.
3. Prior to approval of the site development plan, documentation shall be submitted identifying that an Air Pollution Emissions Notice (APEN) has been reviewed and approved by the Colorado Department of Public Health and Environment Air Pollution Control Division.

4. Prior to approval of a site development plan proposing any land disturbing activities, documentation from the United States Fish and Wildlife Services (USFWS) authorizing such activity shall be received.
5. An on-site wastewater treatment (OWTS) is required for this project and shall be obtained from El Paso County Public Health.
6. The project is subject to the El Paso County Road Impact Fee Program (Resolution 19-471), as amended. Traffic impact fees shall be paid in full at the time of site development plan
7. Prior to the approval of the site development plan, the applicant shall enter into a haul route agreement with the El Paso County for the variance of use. The Board of County Commissioners has authorized that the haul route agreement be approved administratively by the ECM Administrator. The haul route agreement shall identify the impacts on the County roads for this variance of 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 pavement/structure impacts to County Roads, provide for an annual fee to be paid to the El Paso County Road and Bridge Fund, provide for annual adjustments for applicable construction costs, provide for a fee structure that is based upon actual annual site traffic counts, include provisions for payment requirements, and include an allowance for the required annual fee to be administratively adjusted by the County Engineer upon the adoption of a (countywide) haul route fee by the El Paso County Board of County Commissioners.
8. The submitted Traffic Impact Study assumes an average vehicle trip and related trip distribution that will be generated by each land use for the proposed variance of use. The applicant shall install a traffic counter at its access/driveway to Stapleton Road which shall at a minimum record the actual trip distribution, daily trips and peak hour volumes by vehicle type. The traffic counts shall be provided annually as outlined in the proposed haul route agreement or within 15 business days when requested by El Paso County. The actual traffic counts will be utilized to determine: the annual haul route fee, required amendments to the County driveway/access permit in accordance with the EPC ECM, any obligations to the El Paso County Road Impact Fee Program as a result of amendments to the El Paso County driveway/access permit, and required to amendments by the applicant to the County access permits with CDOT. Note that amendments to

the County and CDOT driveway/access permits could trigger the need for updated traffic impact studies and related roadway improvements in accordance with the EPC ECM and/or CDOT driveway/access permit criteria.

9. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
10. The applicant shall complete two Colorado Department of Transportation access permits for the intersections of State Highway 24 and Stapleton Drive, and State Highway 24 and Judge Orr prior to site development plan approval.
11. The applicant shall complete an escrow agreement with the Colorado Department of Transportation in the amount of \$70,833.00 to be applied towards the construction of a traffic signal at State Highway 24 and Stapleton Drive prior to site development plan approval.
12. Vertical structures greater than 35 feet in height shall require Federal Aviation Administration (FAA) Form 7460-1 Notice of Proposed Construction for Obstruction Evaluation.

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 applicant shall coordinate with CDOT to determine the fair share contribution and/or construction necessary to bring the intersection of Highway 24 and Stapleton Road to a satisfactory level of service with the site development plan application.
3. 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.

4. 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.

The Planning Commission is advisory to the Board of County Commissioners.

Should you have any questions, or if I can be of further assistance, please contact me at 719-520-6300.

Sincerely,

A handwritten signature in cursive script, reading "Lindsay Darden".

Lindsay Darden, Planner II
File No. VA-19-002