

**EL PASO**  **COUNTY**  
**COLORADO**

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO:** El Paso County Planning Commission  
Brian Risley, Chair

**FROM:** Nina Ruiz, Planning Manager  
Jeff Rice, PE, Senior Engineer  
Craig Dossey, Executive Director

**RE:** Project File #: VA-20-004  
Project Name: Western Mining Museum  
Parcel No.: 62072-00-017

OWNER:	REPRESENTATIVE:
Western Museum of Mining & Industry 225 North Gate Boulevard Colorado Springs, CO 80921	

**Commissioner District: 1**

Planning Commission Hearing Date:	11/2/2021
Board of County Commissioners Hearing Date	11/16/2021

**EXECUTIVE SUMMARY**

A request by the Western Museum of Mining & Industry for approval of a variance of use to allow a business event center. The 28.39-acre parcel is zoned RR-5 (Rural Residential) and is located at the southeast corner of the Interstate 25 and North Gate Boulevard Interchange and is within Section 7, Township 12 South, Range 66 West of the 6<sup>th</sup> P.M. The subject parcel is located within the Black Forest Preservation Plan (1987).

**A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION**

**Request:** A request by the Western Museum of Mining & Industry for approval of a variance of use to allow a business event center.

2880 INTERNATIONAL CIRCLE, SUITE 110  
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127  
FAX: (719) 520-6695

**Waiver(s)/Deviation(s):** There are no waivers or deviations requested in association with the variance of use request.

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

## **B. PLANNING COMMISSION SUMMARY**

**Request Heard:**

**Recommendation:**

**Waiver Recommendation:**

**Vote:**

**Vote Rationale:**

**Summary of Hearing:**

**Legal Notice:**

## **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:	CS (Commercial Service)	Commercial
South:	City of Colorado Springs	Commercial
East:	City of Colorado Springs	Vacant
West:	RR-5 (Residential Rural)	Interstate 25/U.S. Air Force Academy

#### **E. BACKGROUND**

The 20-acre parcel was legally created by deed on April 26, 1965 (Bk. 2070, Pg. 727). The parcel was zoned A-4 (Agricultural) when zoning was first initiated for this area of unincorporated El Paso County on September 20, 1965, (BoCC Resolution No. 434870). A rezoning of the property from A-4 (Agricultural) to A-5 (Agricultural), as well as an approval of location for a museum was approved on May 1, 1975 (reference attached File No. P75002Z and File No. AL-75-3). The Land Development Code in 1975 defined a museum as “a building in which works of artistic, historical and scientific value are cared for and exhibited”. Due to nomenclature changes to the Code, the A-5 zoning district was renamed as the RR-5 (Rural Residential) zoning district. A museum, as a new use, would no longer be an allowed use in the RR-5 zoning district.

On August 7, 2019, Code Enforcement staff received information from the County Engineer that the WMMI had continued to advertise and hold events on the property that were unrelated to the museum activities, such as an Indie Festival, Oktober Fest, farmer’s markets, and other similar events. On August 14, 2019, a notice of violation was issued for violations of Table 5-1, Principal Uses, and Table 5-2, Accessory Uses, of the Land Development Code (LDC). Specifically, the violations were for operating outdoor concerts, outdoor amusement centers, flea markets, and agritainment activities in the RR-5 zoning district. On August 20, 2019, Code Enforcement staff was contacted by Grant Dewey, Executive Director of the WMMI, who believed the WMMI had an exemption to hold events on the property and said that the WMMI had been holding events for more than a decade. The events being held at the WMMI are unrelated to the museum activities and the WMMI does not have a legal non-conforming use that would authorize holding such events.

An Early Assistance meeting was held with Planning and Community Development Department staff and representative(s) from the WMMI on October 10, 2019. The events, not including those events related to the museum, which were being held at the WMMI were classified as a “business event center” which is not an allowed use in the RR-5 zoning district. A business event center would be allowed in commercial zoning districts and as a special use in the forestry and agricultural

zoning districts. An application for a variance of use was not made by the WMMI, which ultimately resulted in a new notice of violation being issued by Code Enforcement on April 4, 2020, to include a violation for operating a business event center.

An executive determination was issued on June 10, 2020, as a result of the WMMI failing to submit a complete variance of use application. A request by the WMMI to appeal the executive determination was received on June 19, 2020. The appeal was heard by the Board of County Commissioners on August 25, 2020 where the Board of County Commissioners upheld the Executive Director's determination but requested that staff continue to work with the applicant to allow a hearing to be scheduled for the event center as well as permitting temporary uses to occur for certain events as the WMMI worked through the variance of use process. Several temporary use permits have been issued to allow the applicant to continue hosting events while completing the variance of use application.

If the variance of use is approved, the applicant will be required to submit and receive approval of a site development plan to initiate the use. The site development plan will need to be substantially consistent with the site plan provided with the variance of use application and will need to provide a more detailed depiction of the proposed use, including landscaping, on-site and off-site parking, and lighting.

## **F. ANALYSIS**

### **1. Land Development Code Analysis**

The applicant is proposing to legalize the existing business event center and to repurpose the existing structures on the property to be used for these events. The subject property is bordered by commercial properties within the City of Colorado Springs to the south and east, commercial and multi-family residential development to the north, as well as Interstate 25 and the United States Air Force Academy to the west. The proposed use is categorized as a "Business Event Center" pursuant to Section 1.15 of the El Paso County Land Development Code (2019). A Business Event Center is defined as:

"A for-profit business whose purpose is to provide a place for people to assemble for events in the nature of, but not limited to, recreational, social, cultural, political, or educational purposes."

The proposed business event center is not a permitted principle use in the RR-5 (Rural Residential) zoning district pursuant to Table 5-1 of the El Paso County Land Development Code (2019).

The applicant has requested that the proposed Business Event Center also include the following as accessory uses to the event center:

- Library
- Store
- Farmers Market
- Agritainment
- Music
- Concerts
- Recreation
- Carnival
- Ranch
- Theater

Per the applicant's letter of intent, without the additional revenue generated from the Business Event Center and associated uses, the Museum would not be able to continue to operate. The letter of intent includes the following statement:

“WMMI also desires to utilize its assets for business center type activities to achieve long term sustainability, to continue servicing our community and to carry on our educational mission. Without the requested variance, the WMMI campus will continue to be underutilized, which will limit our vision and mission; or worse, insure our demise within a few years.”

There are several other zoning districts within the County that would allow for the proposed use without the need for approval of a variance of use. The F-5, A-5, and A-35 zoning districts allow for a business event center as a special use while the CC, CR, and CS zoning districts allow for a business event center as a permitted use. The applicant could have chosen to rezone the parcel to a commercial zoning district instead of applying for a variance of use. However, not all of the other accessory uses being requested by the Museum (as listed above) would not be allowed within a commercial zoning district. By comparison, the variance of use application affords applicants the ability to specifically request any combination or variety of land uses for a specific property. Additionally, rezoning the parcel to a commercial zoning district would permit uses with greater potential for impacts to the adjacent roadways than have already been experienced and are further anticipated with the proposed Business Event Center.

The primary potential off-site impacts related to the proposed use include noise and traffic. The property is immediately adjacent to commercial parcels within the jurisdictional boundaries of the City of Colorado Springs to the south and east as well as commercial development within unincorporated El Paso County to the north. Potential noise impacts related to the event center will be of a similar nature to those uses allowed with commercial development. Property zoned RM-30 (Residential Multi-Dwelling) is located adjacent to the property, across North Gate Boulevard to the northeast. The closest residential dwelling unit to the northeast is located approximately 350 feet from the property line of the subject parcel and approximately 750 feet from the nearest structure associated with the business event center. This additional setback is anticipated to help mitigate the additional noise that may be generated as part of the business event center.

The applicant has submitted a traffic study in support of the variance of use request. Please see the Transportation section of this report for information regarding the findings of the traffic study.

The proposed use is compatible and consistent with those commercial uses surrounding the subject parcel and is not inconsistent with the multi-family residential development to the north with the additional setback and buffering.

Should the variance of use be approved, a site development plan will also need to be submitted and approved in order to legalize the use. County review and administrative approval of a site development plan will help ensure that adequate buffers, setbacks, and screening are implemented to further mitigate any potential impacts to the surrounding area. The site development plan review will also include compliance with all applicable aspects of the Land Development Code and the Engineering Criteria Manual, including but not limited to grading and erosion control, water quality, parking, and lighting standards.

## **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 height: 30 feet
- Maximum lot coverage: 25 percent

The existing structures meet the 25-foot setback from all property lines, the maximum height, and lot coverage limitations as required in the RR-5 zoning

district. Should the variance of use request be approved, approval of a site development plan will be required prior to building permit issuance and initiation of the use. Review of the site development plan 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 in Chapter 6 of the Code.

### **3. Policy Plan Analysis**

Consistency with the El Paso County Policy Plan (1998) is not a required review criterion for a variance of use request. For background, the El Paso County Policy Plan has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County master plan. Relevant policies are as follows:

**Policy 6.1.8** - *Encourage incorporating buffers or transitions between areas of varying use or density where possible.*

**Policy 6.1.11** - *Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.*

**Policy 6.1.15** - *Recognize the need for new development and redevelopment to respond to changes in demographic, market and technological conditions.*

**Policy 6.2.12** - *Ensure that proposed zone changes and/or use variances in established neighborhoods are of compatible scale and physical character.*

The applicant is proposing to legalize the existing business event center and to repurpose the existing structures on the property to be used for these events. The subject property is bordered by commercial properties within the City of Colorado Springs to the south and east, commercial and multi-family residential development to the north, as well as Interstate 25 and the United States Air Force Academy to the west. The aesthetic nature of the property and scale of development will be consistent with the commercial scale of development on the surrounding properties.

Potential adverse impacts generated by the development include noise and traffic impacts. Please see the Transportation section below for information regarding anticipated traffic impacts. As discussed in the Land Development

Code Analysis section above, potential noise is similar to what would be associated with the surrounding commercial parcels. Additionally, the business event center is approximately 750 feet from the closest multi-family dwelling. Additionally, the applicant's site plan shows that the buildings associated with the use are located primarily on the southwestern portion of the parcel, opposite from the nearby multi-family residential use. That distance provides a buffer between the activities associated with the use and the adjacent residential property. Should the variance of use to allow the business event center be approved, a site development plan must be reviewed and approved prior to issuance of any building permits and continued operation of the use on the parcel. Compliance with the applicable development standards, such as landscaping, parking, and ADA compliance, will be reviewed with the site development plan application.

#### **4. Small Area Plan Analysis**

Consistency with the small area plan is not listed as an applicable review criteria for a variance of use. However, for background purposes, the parcel is located within the boundaries of the Black Forest Preservation Plan (1987) and is specifically identified as being within the Northgate Cooperative Area. The Northgate Cooperative area recommends (Executive Summary Page 1):

“Any development should be coordinated with the City of Colorado Springs, since these areas may be subject to annexation.”

The City of Colorado Springs Planning and Development and Public Works Departments were each sent a referral for the variance of use request. City of Colorado Springs Public Works met with both the Planning and Community Development Engineering Division as well as the applicant to discuss potential traffic impacts related to the use. The City of Colorado Springs is not requesting annexation of the property at this time and has no outstanding concerns.

The Northgate Cooperative Area includes the following recommendations regarding urban development (page 92):

“Higher density and higher profile uses should be located between the Powers Boulevard alignment and Interstate 25.”

“It is anticipated that development within this unit will ultimately include a mix of urban density uses and significant open space.”

The Plan recommends urban density in this area of El Paso County. Urban Density Development is defined in the Plan as (page 71):

“Development which typically requires services of an urban nature. For the planning area this ordinarily includes residential parcels less than two- and one-half acres in area, and all but extremely small scale commercial, office and industrial uses.”

Based on the above definition, the business event center and associated uses could be considered urban development. The proposed variance of use is consistent with the Black Forest Preservation Plan.

## **5. 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 1.2** – *Integrate water and land use planning.*

**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.*

The subject parcel is in Region 1 of the El Paso County Water Master Plan and is served by an individual domestic well (permit no. 99064). Should the parcel be annexed into the City of Colorado Springs in the future, the owner may negotiate an extension of Colorado Springs infrastructure, to include water, with the annexation agreement.

The Plan does not include information for individual wells and instead focuses on centralized water providers. For informational purposes, Region 1 has a current water supply for central water providers of 99,001-acre feet per year and a current demand of 83,622-acre feet per year. The 2040 water supply is projected to be 119,001-acre feet per year and the projected demand is 111,086-acre feet. The 2060 water supply is projected to be 139,001-acre feet per year, whereas the demand is anticipated to be 138,453-acre feet per year; therefore, there is projected to be a surplus supply of water for central water providers in this region

of the County. A finding of water sufficiency is not required with a variance of use application.

## **6. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. There is known habitat on the subject property for the Preble's mouse, an endangered species. The applicant received a clearance letter from the United States Fish and Wildlife Service identifying that the development will not result in an impact to the Preble's habitat provided the applicant utilizes temporary fencing to restrict event activities from entering the areas adjacent to Smith Creek.

The Master Plan for Mineral Extraction (1996) identifies potential stream terrace and upland deposits 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.

The El Paso County Parks Master Plan (2013) does not identify any parks or trails on the subject parcel.

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**

The property is encumbered by floodplain. Please see the Floodplain section below for additional information.

### **2. Wildlife**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential.

### **3. Floodplain**

As shown on FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0290G, effective December 7, 2018, a portion of the subject property is located within Zone A 100-year floodplain, without studied base flood elevations. The floodplain follows the Smith Creek drainageway, which flows through the site from east to west.

#### **4. Drainage and Erosion**

The subject parcel is located mostly within the Smith Creek drainage basin, which was studied in 1996. A small portion of the parcel, along the south edge, is in the Monument Branch drainage basin. Drainage and bridge fees are not required with variance of use applications. Site runoff drains into Smith Creek, which outfalls into Monument Creek and ultimately into Fountain Creek.

No drainage report was submitted with the variance of use application since no site disturbance or construction is currently proposed. A drainage report will be required along with a site development plan prior to construction of any significant improvements requiring those documents in the future.

The Letter of Intent submitted for the variance of use states that no permanent structures will be placed in the floodplain or wetlands, and temporary fencing and barriers will be used during events to protect these areas.

An erosion and stormwater quality control permit (ESQCP), a grading and erosion control plan, a financial assurance estimate (FAE), and a stormwater management plan (SWMP) will be required, according to County criteria, prior to any significant site disturbances in the future.

#### **5. Transportation**

The Western Museum of Mining and Industry is located immediately southeast of the I-25 and North Gate Boulevard interchange. A single access drive to the site exists directly from North Gate Boulevard, classified as a Principal Arterial County road at the time of staff report preparation. El Paso County Department of Public Works (DPW) is in the process of transferring North Gate Boulevard right-of-way ownership (and maintenance responsibility) to the City of Colorado Springs pending closing of the real estate transaction.

A traffic impact study (TIS), dated August 13, 2021, was provided with the variance of use submittal. The TIS evaluates trip generation and identifies traffic mitigation strategies for various sizes of events, based on the number of visitors. The TIS categorizes events as small, medium, and large, corresponding to increasing levels of mitigation. Small events have 125 to 250 daily visitors, medium events have 251 to 1,250 visitors, and large events have 1,250 to 1,750 visitors in the TIS analysis. Parking management, including off-site parking, and traffic control, including turn-movement restrictions are addressed for each event size.

Conformance with the MTCP is not a concern with this proposed variance of use, as addressed in the TIS. Traffic generation (for events up to the large size described in the TIS) does not raise concerns regarding the capacity of roads impacted by the traffic from uses allowed by the proposed variance; however, operations of the access drive and intersections adjacent to the site are of concern with events medium and larger in size, as reflected in the recommended conditions of approval below. No offsite improvements requiring financial contribution or construction by WMMI have been identified by the TIS consultant, City of Colorado Springs, Colorado Department of Transportation (CDOT), or County staff.

The City, CDOT, and County staffs have collaborated to provide several recommended conditions of approval, provided below, working with WMMI's staff and consultants to identify acceptable allowances and limitations of the variance of use for events of various sizes. In general, daily operations of the museum are not of concern; small events are of minor concern regarding onsite traffic control and parking; medium-size events are of some concern regarding left turns to and from North Gate Boulevard, traffic control, and parking; and large events raise those concerns previously stated as well as concerns about additional potential offsite traffic impacts. Submittals of certain items to the City, CDOT, and the County for medium and large events are required in the proposed conditions of approval; however, the intent of the variance of use approval is to limit submittals and reviews to event sizes that have been identified as causing concerns, utilizing the TIS baselines provided.

## **H. SERVICES**

### **1. Water**

Water is provided by an individual permitted domestic well.

### **2. Sanitation**

Wastewater is provided by a permitted onsite wastewater treatment system (OWTS) (permit no. 109029-A). The proposed business event center anticipates primarily utilizing portable toilets during events.

### **3. Emergency Services**

The property is within the Donald Wescott Fire Northern Subdistrict Fire Protection District. The District was sent a referral and did not provide a response.

#### **4. Utilities**

Colorado Springs Utilities provides natural gas and electrical service to the subject property.

#### **5. Metropolitan Districts**

The subject parcel is not located within a metropolitan district.

#### **6. Parks/Trails**

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

#### **7. Schools**

Land dedication and fees in lieu of school land dedication are 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 outstanding issues.

### **K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission 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. The applicant shall apply for and receive approval of a commercial site development plan within six (6) months 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. The site development plan application shall include, but may not be limited to the following information:
  - a. Site development plan drawings;
  - b. Lighting plans and detailed specifications, including plans and specifications for temporary lighting, as applicable; and
  - c. Sign plans, if signage is proposed.
2. Any signage must be approved by the El Paso County Planning and Community Development Department in accordance with Chapter 6 of the El Paso County

Land Development Code pursuant to submittal of a separate application for a sign permit.

3. Site lighting, including temporary lighting, will be limited to that shown on the site development plan. All light fixtures shall be directional and positioned so that the light sources are concealed and fully shielded from adjacent properties and public roadways.
4. Operations shall comply with the County Noise Ordinance. If complaints occur, the County may require that the Applicant conduct additional testing to determine noise levels associated with site activities. If noise complaints are received by the County and it is determined that the noise generated from the site is in violation of the County Noise Ordinance, then the County may require changes to the hours of operation and/or require installation of noise controls to achieve acceptable levels as defined in the County Noise Ordinance.
5. The applicant shall comply with federal and state laws, regulations, ordinances, review and permit requirements of applicable agencies including, but not limited to: Colorado Parks and Wildlife, Colorado Department of Transportation (CDOT), Colorado Department of Public Health and Environment, State Water Engineer's Office, United States Army Corps of Engineers (USACOE), Environmental Protection Agency, FEMA, and the United States Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
6. Any coordination and/or action required by the United States Fish and Wildlife Service or Colorado Parks and Wildlife which may be necessary to address the avoidance or mitigation of impacts of any current or future federally listed or locally sensitive species shall be considered binding. Copies and/or written notice of all documented coordination and/or required action shall be provided to the Planning and Community Development Department within 30 days of receipt by the applicant.
7. Hours of operation shall be limited to the following times, unless otherwise approved on a specific event basis by the Executive Director of the Planning and Community Development Department: WMMI daily operations 9:00am to 4:00pm, Monday to Saturday; business event center events 8:00am to 10:00pm, Friday to Sunday.
8. For any event anticipated to have more than 250 daily visitors, traffic control shall be provided to temporarily close the westbound to southbound left turn lane at the site access during the event. This will require CDOT approval by way of a Special Use Permit for each such event. The State Patrol shall be notified via a Special Event application. The event information shall be submitted to the City of Colorado Springs and CDOT no later than 28 days prior to the proposed event.\*\*

9. For any event anticipated to have more than 1,250 daily visitors or more than 250 vehicles onsite at one time, the previous condition applies, and the applicant shall provide event information to the El Paso County Planning and Community Development Department, the City of Colorado Springs Public Works Department, and CDOT for determination of any required mitigation. The event information shall be submitted no later than 28 days prior to the proposed event.\*\* Event traffic control and parking management may be required, generally based on the recommendations in the WMMI Variance of Use Transportation Memorandum dated August 13, 2021, as amended and accepted by the El Paso County ECM Administrator.
10. A traffic management plan may be required by El Paso County, the City of Colorado Springs, and/or CDOT for any event anticipated to have more than 1,500 daily visitors or more than 250 vehicles onsite, based upon the event information provided pursuant to Condition No. 9. If a traffic management plan is required, off-site parking and shuttle requirements and traffic control on North Gate Boulevard shall be addressed. The event information for this size of event shall be submitted to the El Paso County Planning and Community Development Department for review and distribution no later than 42 days prior to the proposed event.\*\*
11. Temporary Use approval may be required for any event anticipated to have more than 1,750 visitors. A supplementary Transportation Memorandum may be required for an event of this size. Event information shall be submitted to the El Paso County Planning and Community Development Department for review and distribution no later than 60 days prior to the proposed event.\*\*
12. An updated Transportation Memorandum may be required for any large event (1,250 or more visitors) occurring more than three years after the date of approval of this Variance of Use application, and additional updates may be required in the future per El Paso County Engineering Criteria Manual (ECM) requirements, as amended.

\* - If applicable for construction activities

\*\* - The required review timelines identified in these conditions of approval are provided based on typical review turnaround times. El Paso County is not responsible for events that may be cancelled or delayed due to the length of review and resubmittal timelines. The applicant is encouraged to begin coordination with each of the applicable review and permitting agencies several months in advance of the identified review timelines in order to avoid cancellation or delay of events.

## **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.
4. The City of Colorado Springs recommends that WMMI dedicate the 55 feet of right-of-way reserved on the Mining Museum Subdivision No. 1 plat to the City.

#### **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified nine (9) adjoining property owners on October 14, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Site Plan  
US Fish & Wildlife Clearance Letter  
Well Permit

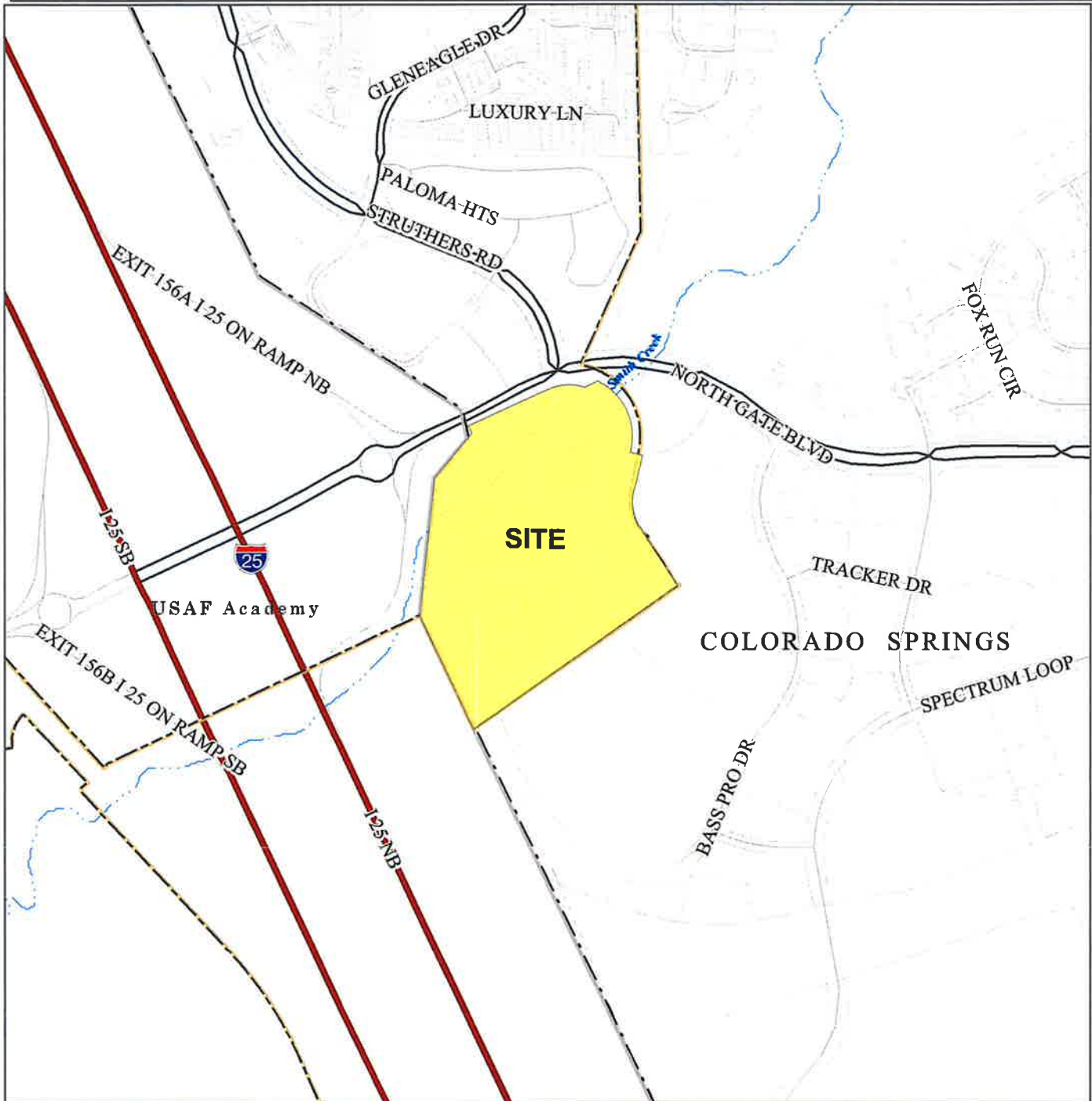
# El Paso County Parcel Information

PA	NAME
620	WESTERN MU

File Name: VA-20-004

Zone Map No. --

Date: October 14, 2021



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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August 21, 2020

Revised: November 20, 2020

Revised: February 16, 2021

Revised: May 14, 2021

**Revised: August 16, 2021**

El Paso County Planning and Community Development  
2880 International Circle  
Colorado Springs, CO 80910

RE: Letter of Intent – Variance of Use Application for a Proposed Business Event Center\* at  
225 North Gate Blvd., Colorado Springs, CO 80921  
Parcel No. 6207200017 (plat no. 4835)  
Variance of Use (VA204)

The Western Museum of Mining & Industry (WMMI) owns the property at the referenced address. This site consists of 28.39 acres and is zoned RR-5 (Residential Rural). On behalf of WMMI, a 501c3 nonprofit, I respectfully request your consideration to allow WMMI to hold business center activities on the referenced site, in other words, grant WMMI a Variance of Use. Please refer to the information below.

The structures existing on the site are listed on the site map key; there is a dirt/gravel driveway providing access from North Gate Blvd. These structures lie within the 28.39 acre parcel. WMMI intends to use the campus for activities such as: community events, museum events, rental spaces, educational tours, serving clubs, private parties, and other activities allowed as a business event center.

We also request that the following, pre-existing “principal uses” be included in this variance: **museum, theater, library, store, seasonal produce, agritainment, music concerts, recreation, carnivals and ranch.** \*Please see Table 5.1, Principal Uses, from the EPC Land Development Code.

Per El Paso County Use and Dimensional Standards Section 5.3.4c the following criteria may be considered for approving 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 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;
- 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 El Paso County, Colorado Land Development Code Use and Dimensional Standards.
- Sewer, water, storm water drainage fire protection, and roads will be available and adequate to serve the needs of the proposed variance of use as designed and existing.

These criteria are addressed as follows:

- Since WMMI is currently zoned RR5, the strict application of the code would result in significant reduction in beneficial community activities and undue financial hardship due to loss of revenue for operations. For example, **if WMMI were not allowed to continue long standing operations/activities such as our museum, theater, library, gift shop, seasonal produce, agritainment, music concerts, and ranch, then we would be headed for closure. Therefore, we need these “principal uses” included in our variance.** WMMI also desires to utilize its assets for business center type activities to achieve long term sustainability, to continue servicing our community and to carry on our educational mission. Without the requested variance, the WMMI campus will continue to be underutilized, which will limit our vision and mission; or worse, insure our demise within a few years.
- The proposed use is compatible with the surrounding area and harmonious with the character of the setting and situation. In fact, WMMI contributes to the thriving tourist industry in El Paso County, and by extension, helps support the many local hotels, restaurants, and small business in our area. WMMI events rarely have any noise producing activities such as band concerts. Other event organizers orient their layout to direct the noise to be harmonious with neighbors and they measure the sound/noise level to comply with County ordinance.
- There will not be any activities within or around the venue that would result in air or water contamination or odor. Any music or noise from within or around the venue will be monitored and during a limited timeframe so not to be bothersome to surrounding neighbors.
- The proposed use will comply with all applicable requirements within this code as well as state and federal regulations that apply. Since Smith Creek traverses our property, the WMMI campus contains a floodplain and has suspected Preble Mouse habitat; however, these areas have been “pre-disturbed” since the 1880’s by the Reynolds Ranch / Farm and other operations consistently during those 130 years. Our activities are very low impact (no digging) and usually very temporary (4 to 72 hours). Any activity in the floodplain or the possible habitat is usually light pedestrian traffic, specifically on our existing dirt roads or paths.
- The proposed use will not adversely affect wildlife or wetlands. The venue will be on the Owner’s parcel, which is inclusive of over 28 acres. The Owner’s will ensure that all trash and debris resulting from any event are collected and disposed of properly.
- There are no known off-site impacts. As discussed above, due to the commercial nature of the area surrounding neighbors will not be impacted. The nearest residential housing is more than 1000ft from our main event field/area. In addition, those apartments are separated from the venue by a thick hedge of tall trees and by the “noise” on North Gate Blvd.
- The site plan includes adequate parking and traffic circulation. Our parking lot (M) provides 2 handicap accessible spaces as well as 36 regular spaces. The proposed parking areas will be more than adequate to accommodate the facility’s needs most of the time. In general, the attendance at WMMI events is 125-600 people per day or less than 100 people per hour which translates to approx. 250 people on site at the same time. A few events have about 600 to 1250

people per day or approx. 150 people per hour. At peak times, the attendance could be 400-500 people on site at once. When we (WMMI & event organizer) predict large attendance numbers (>1250 per day), then the event organizer arranges off-site parking and perhaps a shuttle system as appropriate. WMMI and Organizers have existing relationships and parking arrangements with several neighboring businesses. For most events, especially larger events, we set up “one way” traffic through the property (enter from North Gate, loop around the property, then make a right turn “only” onto North Gate). Please see the attached table for a list of parking areas and capacities. Special note: most calculations use a factor of 2.5 people per vehicle, however, our family type events average 3.0 people per vehicle which equates to fewer vehicles.

- An onsite wastewater system (OTWS) exists to accommodate the wastewater demand resulting from the activities and will be supplemented by portable toilets as needed. Our operations use water from our well (permit #109029-A). The events do not require WMMI water, or the event organizers bring their own water sources. Existing storm water management practices and systems will be utilized to prevent erosion or sediment issues. First responders have clear access to the campus and the existing structures on site.

#### Additional Information:

- A site map has been included which shows the creek and floodplain boundaries. Smith Creek and two small ponds are shown on the map, plus the FEMA floodplain boundaries are outlined as determined by FWS.
- The dimensions, general shape and capacity of the event parking areas are included as individual sketches and also shown on the site map. The car capacity of each parking area was determined using the El Paso County Land Development Code (effective 12/12/17).
- Our septic tanks and leach field are located east of the main museum building and have been shown and labelled on a site map which is included in the documents. No building, parking or disturbance occurs in the leach field area as described by the Health Department. FYI, our leach field lays on a gentle slope which is not conducive for parking.
- We spoke with the Water Division 2, District 10 commissioner (Doug Hollister) and deputy commissioner (Jacob Olson) about our situation. Both confirmed that no change is needed for our events and operations. Our well permit allows for our residential and commercial buildings and limited irrigation as well. WMMI water rights have been adjudicated appropriately.
- Our properly permitted well is already regulated by Colorado Department of Public Health and Environment (CDPHE) and is tested weekly and is treated as necessary by a licensed commercial contractor. As confirmed by the Water District 10 Deputy Commissioner, our water service is appropriate and properly operated.
- Our onsite wastewater treatment system (OWTS) is inspected and cleaned annually by a local commercial contractor. In 2020 the main pump was replaced, by a professional contractor, with a properly sized new pump unit.
- The leach field or soil treatment area for the OWTS is located East South East of the main museum building. We do not allow parking or building on the soil treatment area which is shown on one of the uploaded site maps.
- We will continue to contact and work with the El Paso County Health Department for our special event permits and food service permits/licenses for our events or activities. We require any visiting food vendors to be permitted and/or licensed by the County/City.

#### General/LOI/Site Plan -Notes on Comments

1. Resolved
2. a. We no longer have access (ingress/egress) to the East since the Scholl property is under contract. The new owner, developer, Continental Properties may or may not allow WMMI access, therefore, at this time we will not plan on having access to the East (as we did before El Paso County changed the ROW of North Gate Blvd. which eliminated our East entry/exit.)
2. b. Resolved
2. c. Resolved at this time, no additional construction is occurring.
- 2.d. The floodplain and potential wetlands will be shown on a site map. No permanent structures will be placed or built in those areas. Temporary fencing or barriers will be used during events to protect and minimize activity in these areas of the property.
- 2.e. Regarding “one way” options for vehicle traffic, WMMI sets up a one-way loop on the campus to minimize car conflicts and maximize safety for visitors and staff. We will not plan to use our former East Exit since that option is currently unavailable. Perhaps in the future, the new adjacent owner to the East will allow that option.

#### Transportation/Traffic Impact Study (TIS)

1. Resolved
  2. The level of TIS was discussed with the County traffic engineer and PCD.
  2. a. CDOT has no concern or interest in the WMMI existing access. Over the years and several CDOT projects adjacent to our property (entry), CDOT has not approached WMMI or expressed concern about our pre-existing driveway.
  2. b. During events the proposed traffic is managed by a parking team which directs the one-way loop and sets up a “right turn only” exit onto North Gate Blvd. This arrangement has been successful and safe for our visitors and local drivers.
  3. Resolved
  4. TIS was discussed with County and other interested parties.
  5. Reference provided was utilized for parking, planning, managing, and discussing traffic.
- Please see the TIS memorandum from LSC Transportation which is uploaded into the EDARP system.

#### **End of criteria for the Variance of Use application**

What follows are possible future requirements prior to site development or construction, which would be included in a typical Site Development Plan. WMMI has no current plans for new construction or site development since WMMI does not have the financial resources for these requirements nor the costs of construction.

#### Drainage/Grading and Erosion Control/Stormwater Management

1. NA (no construction)
2. NA (no construction)
3. NA (no construction)

#### Recommended (Draft) Conditions of Approval

WMMI has no intention or resources for site development, therefore, our answers reflect that position.

1. a. OK when the time comes, TBD
1. b. NA (no construction)
1. c. OK when the time comes, TBD
1. d. NA (no construction)
1. e. NA (no construction)
1. f. NA (no construction)
1. g. NA (no construction)
1. h. OK when the time comes, TBD
1. i. OK when the time comes, TBD
1. j. NA (no construction)
1. k. OK when the time comes, TBD
1. l. NA (no construction)
1. m. NA (no construction)
2. OK
3. OK
4. OK
5. OK
6. OK
7. Hours of Operation - WMMI 9:00 am to 4:00 pm Monday to Saturday (currently)
8. Hours of Operation - Events 8:00 am to 10:00 pm Friday to Sunday (usually)
9. Traffic Management Plan – Detailed plan is uploaded in the system. In general, when we (WMMI & event organizer) predict large attendance numbers, then the event organizer arranges off-site parking and perhaps a shuttle system as appropriate. For most events we set up “one way” traffic through the property (enter from North Gate, loop around the property, then make a right turn “only” onto North Gate).
10. Traffic Impact Study – modified intermediate level TIS. Study was done by LSC Transportation and is provided as part of the application. In response to a conversation between the County, City and CDOT traffic engineers regarding the Traffic Impact Study (TIS) level and components we will submit comments in our application and/or letter of intent (LOI). While there were not requirements, we are striving to predict and answer their questions.

Thank you for your consideration and please do not hesitate to contact me with questions. We look forward to an approval of our application for a Variance of Use (VA204). Kind regards,

Grant Dewey  
Executive Director  
Western Museum of Mining & Industry  
501.c.3



## Western Museum of Mining & Industry (WMMI)

### WMMI parking and traffic management plans (3.1)

Please read these comments about our packet of information (Summary table and KEY; plus site map overlays) about our **campus parking** locations and capacities. Our parking areas are dirt (road base) surfaces or open fields (pre-disturbed by 120 years of activity). While we use a combination of temporary “barriers” and “permanent” fences to define the parking lots, they also have natural limits like hill sides. The packet includes a series of overlays to show general location and shape of the areas, dimensions and capacities, and orientation within our natural & man-made surroundings. The site maps show our many out-buildings, few roadways and natural features. The summary table (3.1) lists the buildings and parking areas with information about them such as: dimensions, names, labels and more. We trust this packet will provide sufficient information to meet your needs to recommend approval.

#### Packet includes:

Vicinity Map / General location (showing boundaries, neighbors, roads, etc.)

Explanation of parking and traffic management plan

Satellite plan view of site; floodplain, creek, septic, parking (with scale)

Summary Table 3.1 of WMMI Campus Layout (buildings, lots)

Sketch 1 – Campus layout

Sketch 2 – Dimensions and capacity of parking areas (M & O)

Sketch 3 – Dimensions and capacity of parking areas (Q & L)

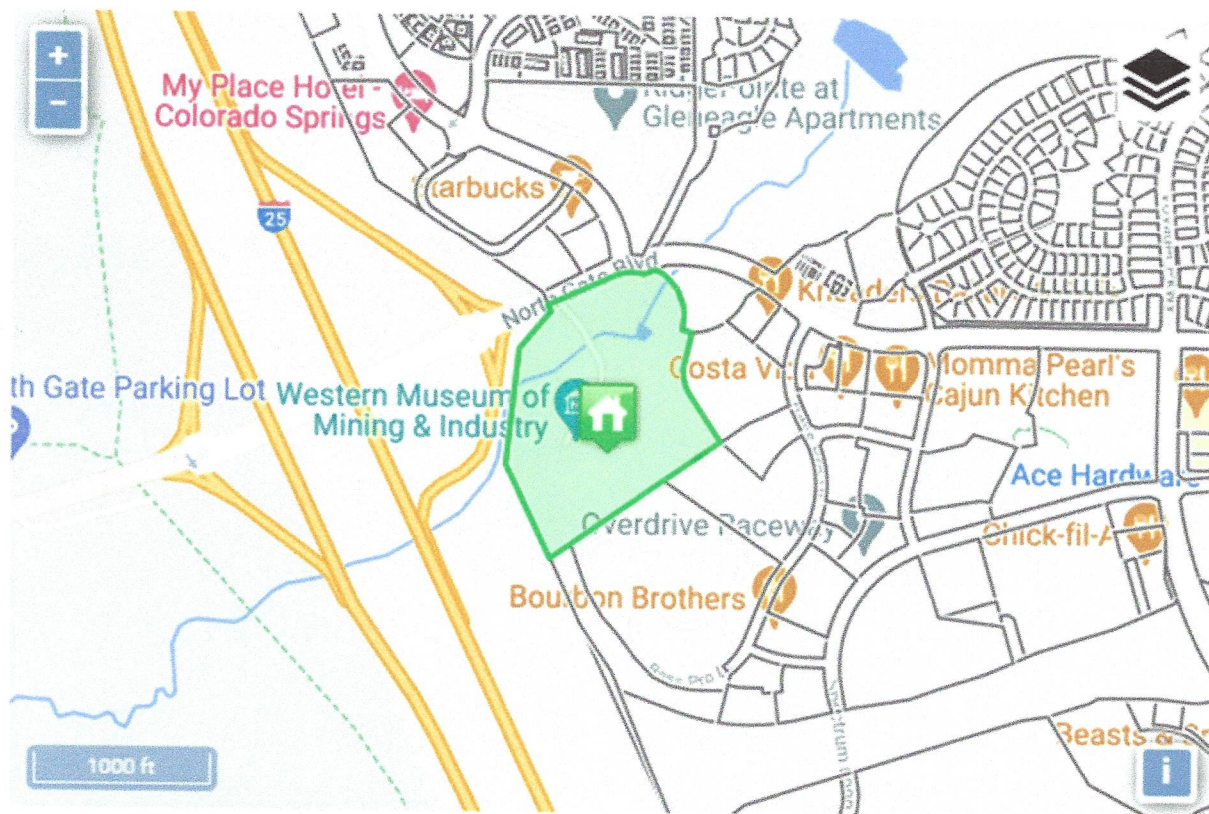
Sketch 4 – Dimensions and capacity of parking areas (P & N)

Sketch 5 – General event traffic flow on campus

Sketch 6 – Existing entry and exit traffic plan

Sketch 7 – Enlarged/Detailed entry & exit plan

# Western Museum of Mining & Industry (WMMI) - Vicinity Map



### WMMI parking and traffic management plans (3.1)

The WMMI campus has 6 parking areas (lots) listed as "L, M, N, O, P, Q" on the master key or summary table. In a crude or rough sense, we have upper and lower portions of our campus. The upper portion, be it, parking or buildings, is rarely active or available to the public. For daily operations of the Museum and Reynolds Ranch House, parking areas L and M are utilized and easily handle our small daily volume of staff and visitors. For events of various sizes, we employ the parking areas in a rough sequence or grouping depending on the number of vehicles. Phase one (A) of parking would be areas L, M and Q which have a total capacity of 108 spots. Phase two (B) of parking would be area O which has a capacity of 60 spots. Phase three (C) of parking would be areas N and P which have a total capacity of 102 spots. Therefore, all 6 parking areas have a combined capacity of 270 spots.

For our routine operations, which includes school groups, local visitors and tourists, WMMI uses phase one (A) of parking plans. This first phase also handles the vast majority of our private events, such as weddings, business parties, space rentals, etc. Phase one (A) and phase two (B) accommodate our own public activities and events such as Family Days, Demo Days or Miners' Pumpkin Patch. Only a few events, usually outside vendor events, require all 3 phases of parking (A, B, C). A couple of examples of these public, vendor/renter organized events include: Celtic Fest and Oktober Fest. These event names and examples are provided ONLY as samples, in no way, do they represent all activities or possible future events, since it would be pointless to attempt predicting the future, especially with Covid 19.

Our parking plans and phases are managed by a group of parking attendants, signs & cones, portable barriers and temporary fencing. For the majority of the events/activities (especially phase two (B)), we conduct a one-way loop traffic pattern around the lower campus. We also encourage right turn only entry and exit on North Gate Blvd. This is accomplished using attendants, signs and cones at critical points along the path of travel.

If an event's attendance, vehicle volume, is predicted to exceed the campus parking capacity (or for other reasons), then off-site parking will be arranged with other nearby locations such as Bass Pro Shop, Boot Barn or Discovery Canyon Campus. WMMI and/or vendor (organizer) will have a written arrangement/agreements with these businesses/organizations. Depending on the location, customers may be able to walk (without crossing a roadway) or a shuttle service will be arranged/provided. WMMI and most event organizers already have connections, experience and resources to accomplish parking arrangements as needed.

#### Special notes:

Public School Districts already design and suggest "right turn only or limited left turn" routes of travel for their buses. WMMI will encourage school vehicles, tour buses and shuttles to use "right turn" entry and exit for their visits.

Without placing limitations, WMMI intends to hold events which may utilize parking phases one (A) and phase two (B) of vehicle volumes (less than 249 spots) usually over the course of the event time period. As mentioned before, we predict that most activities will only need phase one (A) for parking and the vehicle traffic will be insignificant to local roadways (background noise in traffic volume).

Regarding number and frequency of activities, we hope to be available to the public year-round, however, most likely the warmer months of May to October will be requested. Whether private or public, most activities will be on weekends (Fri, Sat, Sun) and will be "smaller" with a few dozen vehicles and perhaps a couple hundred people on property over the course of several hours.

## WMMI Campus – Parking Areas – Green shaded areas



Lot	Length (ft)	# of Cars
L	169	24
M	196	38
N	254	50
O	NA	60
P	260	52
Q	228	46

**WMMI Campus Layout - Summary Table 3.1 — Variance for Business Event Center**

**Key**

Item	Name	Dimension – Area	Notes	Setback
A +	Reynolds Ranch House	2000 sf	Historic site, under renovation (RRH)	110 ft
B +	Bunk Houses (2)	200 sf	Historic, education, tour	225 ft
C +	Hay Barn	2280 sf (60x38)	Education, rental space	320 ft
D +	Milk Barn	2730 sf (72x38)	Maintenance, storage	240 ft
E +	Ore Mill	864 sf (24x36)	Storage, rental space	280 ft
F +	Air Shed	300 sf (20x15)	Storage, maintenance	430 ft
G +	Museum	12000 sf	Education, Museum	350 ft
H +	Blacksmith shop	400 sf	Education	115 ft
I +	Hoist house	400 sf	Education	105 ft
J +	Burro Barn	500 sf	Storage	110 ft
K +	Stamp Mill	3000 sf	Education	255 ft
X +	Cell, Hoist Bldg.	900 sf	Storage, cell tower equipment	40 ft
L	Parking Area, NW	63x169 ft	Gravel, for RRH and events, T posts	24
M	Parking Area, central	196x63 ft	Gravel, for Museum, stop blocks	38
N	Parking Area, SE	254x75 ft	Grass, upper SE corner, T posts	50
O	Parking Area, central	210x75 & 120x75 ft	Grass, main field, lower, T posts	60
P	Parking Area, south	260x69 ft	Grass, upper south ridge, T posts	52
Q	Parking Area, south	228x72 ft	Grass, south field, lower, T posts	46
R				
S				
T				
U				

+ Existing building

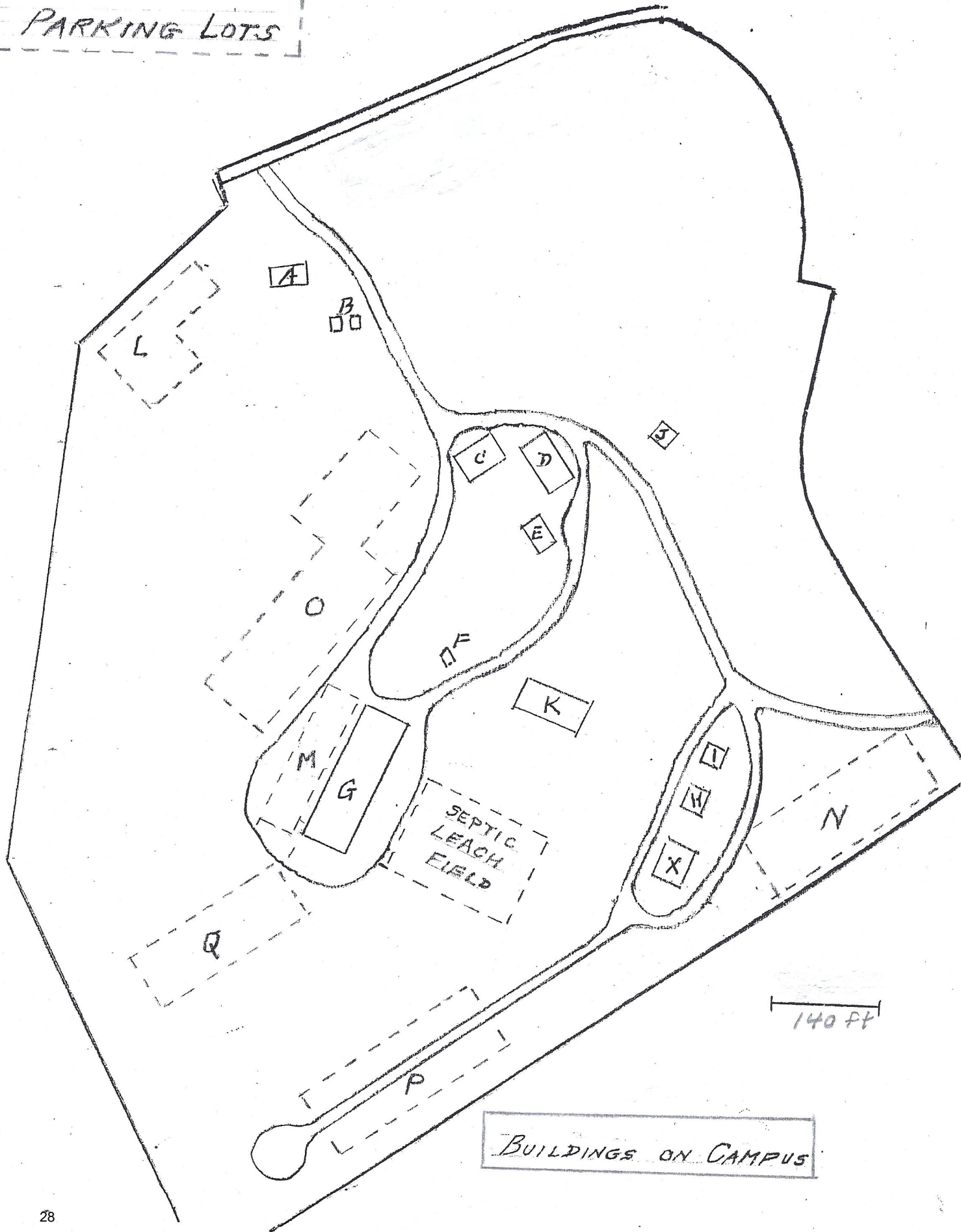
45 Parking area car capacity

\_\_\_\_\_ Building outline (and dirt roads)

— — — — — Parking area outline

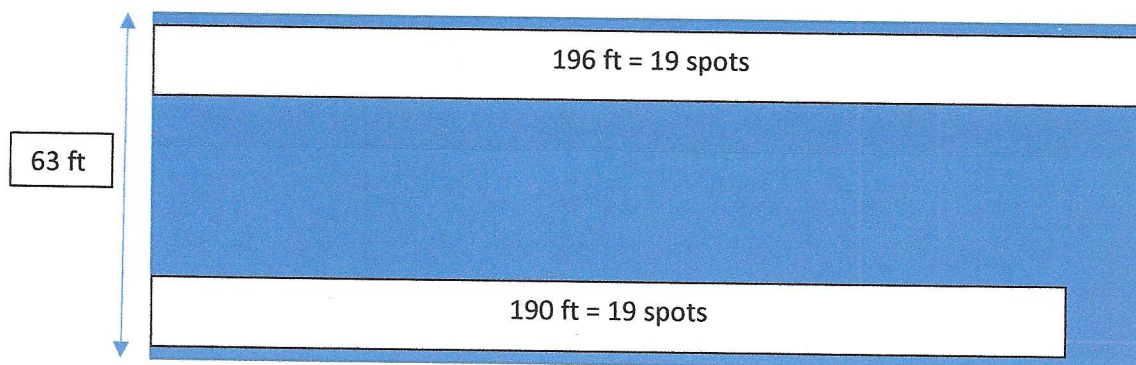
# LUMMI CAMPUS 2020

## PARKING LOTS

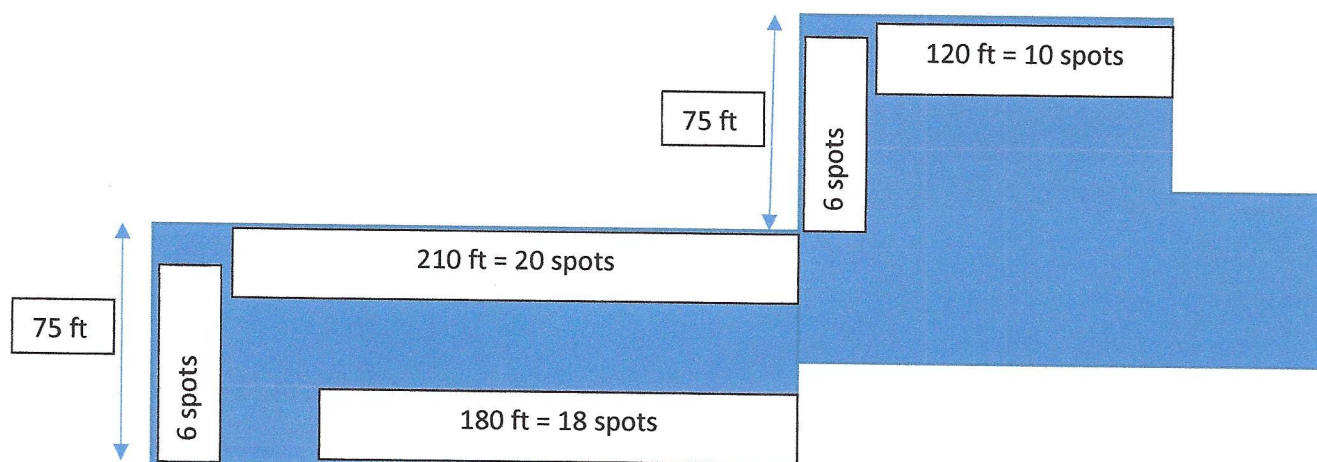


# WMMI parking lots – Lower Campus

**Lot M – Museum Parking Lot (2 way and 2 rows) – (38 parking spots)**

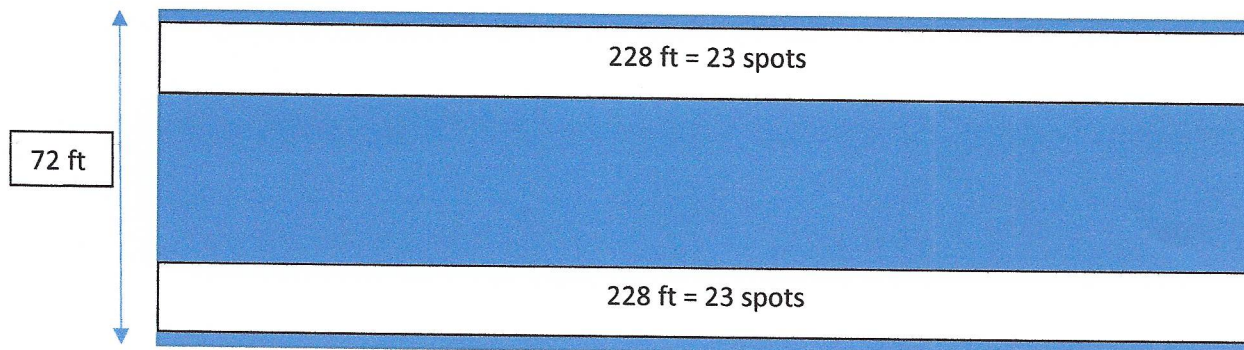


**Lot O – Main Field Lot (1 way and partial 2 rows) – (60 parking spots)**

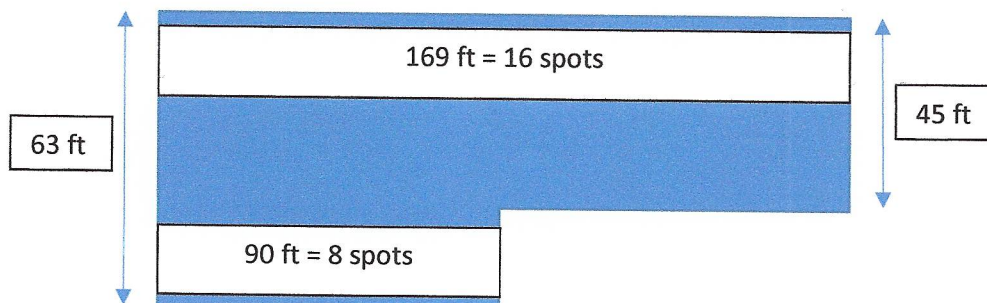


WMMI parking lots – Lower Campus

**Lot Q** – South Field Lot (2 way and 2 rows) – (46 parking spots)

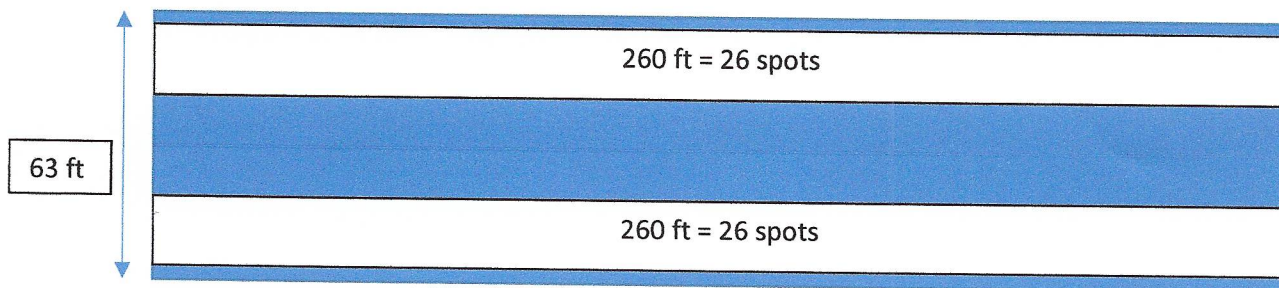


**Lot L** – Reynolds Ranch House Lot (2 way and partial 2 rows) – (24 parking spots)

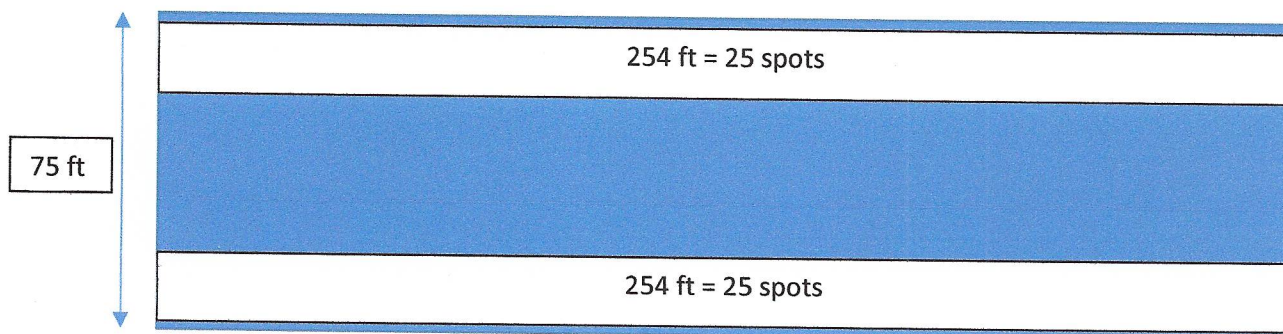


WMMI parking lots – UPPER Campus

Lot P – South Ridge Lot (2 way and 2 rows) – (52 parking spots)



Lot N – South East Field Lot (2 way and 2 rows) – (50 parking spots)



~~Lot ? – X Field Lot (2 way and 2 rows) – (xx parking spots)~~

End

Western Museum of Mining & Industry (WMMI)  
Event traffic flow – Medium / Large Events



# WMMI Entry Traffic Flow and Control Plan

For Events of More than 100 vehicles



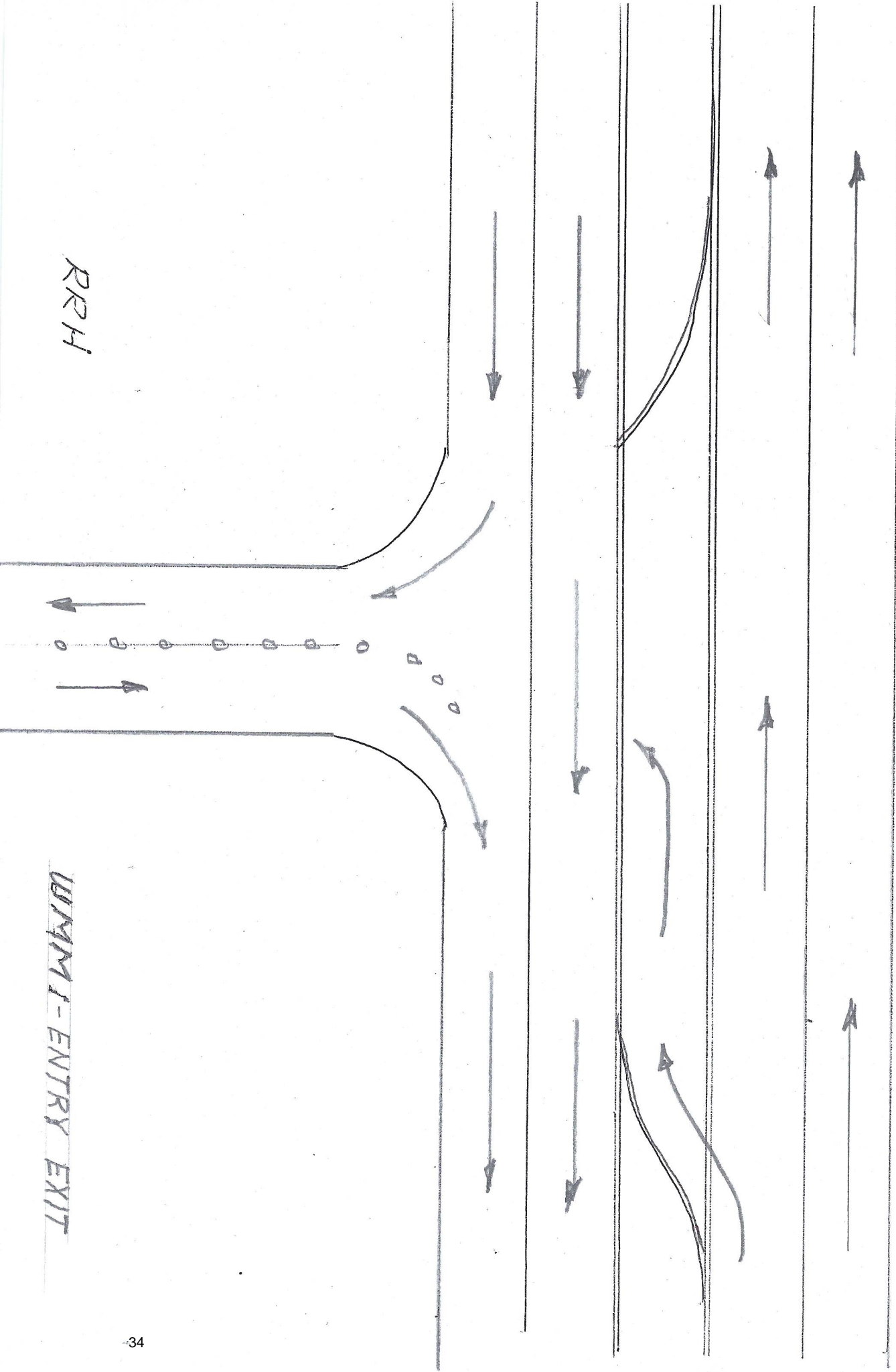
Traffic Flow Direction 

Traffic Control Cones 

Traffic Direction Signs 

Traffic Control Personnel 

NORTH GATE BLVD.





## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
134 Union Boulevard, Suite 670  
Lakewood, Colorado 80228



In Reply Refer to:  
FWS/IR05/IR07/COFO

TAILS: 06E24000-2020-TA-0084

November 10, 2020

Mr. Grant Dewey  
Executive Director  
Western Museum of Mining and Industry  
225 North Gate Boulevard  
Colorado Springs, Colorado 80921

Subject: ESA Consultation for Museum Events at the Western Museum of Mining and Industry,  
El Paso County, Colorado

Dear Mr. Dewey:

The U.S. Fish and Wildlife Service (Service) received your email on October 23, 2020, for the Western Museum of Mining and Industry's proposed events on their property in El Paso County, Colorado. Your email requested concurrence with your determination that the proposed project would not result in incidental take of the federally threatened Preble's meadow jumping mouse (*Zapus hudsonius preblei*) and its critical habitat. These comments have been prepared under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C 1531 *et. seq.*).

The proposed action involves the continued hosting of museum events on the 28-acre campus at the Western Museum of Mining and Industry. Outdoor events will use the existing roads and picnic areas that are present on the site. The proposed project will not result in additional ground disturbances, and no roads or structures will be constructed. Temporary fencing will be used to restrict event activities from entering the adjacent areas along Smith Creek, which contains habitat for the Preble's mouse.

Based on the information provided in your email and the site maps that you provided, the Service agrees with your determination that the proposed project would not result in incidental take of the Preble's mouse and its critical habitat.

### INTERIOR REGION 5 MISSOURI BASIN

KANSAS, MONTANA\*, NEBRASKA, NORTH DAKOTA,  
SOUTH DAKOTA

\*PARTIAL

### INTERIOR REGION 7 UPPER COLORADO RIVER BASIN

COLORADO, NEW MEXICO, UTAH, WYOMING

We appreciate your efforts to ensure the conservation of threatened and endangered species. If you have questions or comments related to this project, please contact Leslie Ellwood of this office at 303-236-4747.

Sincerely,

A handwritten signature in blue ink, appearing to read "Liisa M. Schmoele".

Liisa Schmoele  
Assistant Field Supervisor  
Colorado Field Office – Lakewood

Reference: Projects\Western Museum of Mining\_Clearance Letter\_FWS concur

THIS FORM MUST BE SUBMITTED  
WITHIN 60 DAYS OF COMPLETION  
OF THE WORK DESCRIBED HERE  
ON, TYPE OR PRINT IN BLACK  
INK.

COLORADO DIVISION OF WATER RESOURCES

1313 Sherman Street Room 818  
Denver, Colorado 80203

7 21 78  
JAN 01 1979  
WATER RESOURCES  
STATE OF COLORADO

WELL COMPLETION AND PUMP INSTALLATION REPORT

PERMIT NUMBER 109029-A

WELL OWNER Western Museum of Mining & Industry NW 1/4 of the NW 1/4 of Sec. 7  
1025 Northgate Rd.

ADDRESS Colorado Springs, Colo. 80908 T. 12 S. R. 66 W. 6th P.M.

DATE COMPLETED October 2, 1978 HOLE DIAMETER

10 in. from 0 to 45 ft.

7 in. from 45 to 200 ft.

in. from to ft.

DRILLING METHOD Cable tool

CASING RECORD: Plain Casing

Size 3" & kind steel from 0 to 48 ft.

Size 5" & kind PVC from 30 to 100 ft.

Size 5" & kind PVC from 190 to 200 ft.

Perforated Casing

Size 5" & kind PVC from 100 to 190 ft.

Size & kind from to ft.

Size & kind from to ft.

GROUTING RECORD

Material Cement

Intervals 6-47 ft.

Placement Method poured from the top.

GRAVEL PACK: Size none

Interval

TEST DATA

Date Tested October 8, 1978

Static Water Level Prior to Test 50 ft.

Type of Test Pump Submersible

Length of Test two hours

Sustained Yield (Metered) 30 gpm

Final Pumping Water Level 125 ft.

WELL LOG

From	To	Type and Color of Material	Water Loc.
0	1	top soil	
1	45	sand & clay in layers with water	
45	100	hardpacked sand & clay	
100	200	sandstone & clay in layers x	
TOTAL DEPTH 200 ft.			

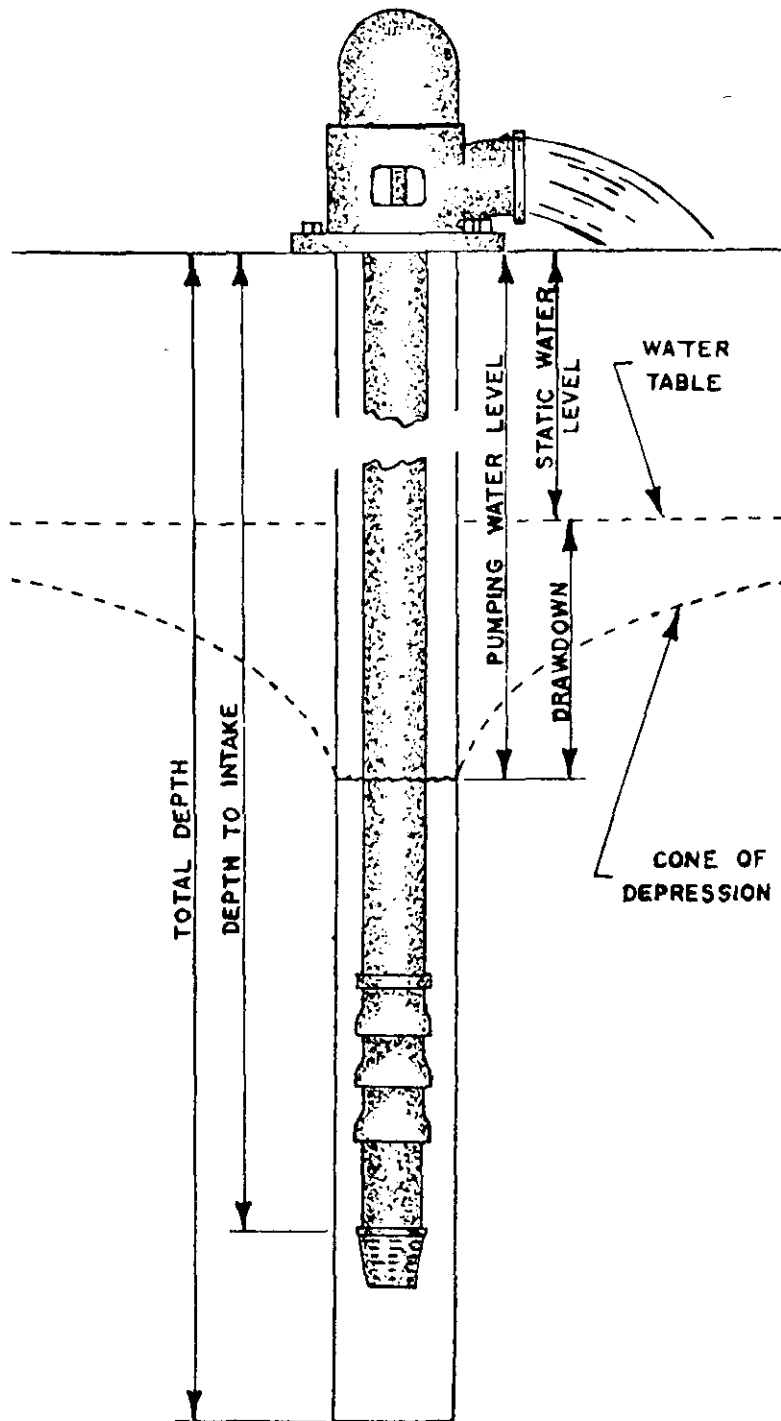
Use additional pages necessary to complete log.

# PUMP INSTALLATION REPORT

Pump Make Sta-Rite  
 Type Submersible  
 Powered by Electricity HP 2  
 Pump Serial No. 20P4  
 Motor Serial No. G02S  
 Date Installed October 8, 1978  
 Pump Intake Depth 185 ft.  
 Remarks \_\_\_\_\_

## WELL TEST DATA WITH PERMANENT PUMP

Date Tested October 8, 1978  
 Static Water Level Prior to Test 50 ft.  
 Length of Test two Hours  
 Sustained yield (Metered) 30 GPM  
 Pumping Water Level 125 ft.  
 Remarks \_\_\_\_\_



## CONTRACTORS STATEMENT

The undersigned, being duly sworn upon oath, deposes and says that he is the contractor of the well or pump installation described hereon; that he has read the statement made hereon; knows the content thereof, and that the same is true of his own knowledge.

Signature [Signature] License No. 150  
 State of Colorado, County of El Paso SS  
 Subscribed and sworn to before me this 7 day of Jan, 1980.  
 My Commission expires: 10-12, 1981.  
 Notary Public [Signature]

FORM TO BE MADE OUT IN QUADRUPLICATE: WHITE FORM must be an original copy on both sides and signed. WHITE AND GREEN copies must be filed with the State Engineer. PINK COPY is for the Owner and YELLOW COPY is for the Driller.

COLORADO DIVISION OF WATER RESOURCES  
818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203

**RECEIVED**

**RECEIVED**  
A1002  
SEP 29 1978

**PERMIT APPLICATION FORM**

OCT 11 1978

WATER RESOURCES  
STATE ENGINEER  
COLORADO

Application must be complete where applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initialed.

FOR: ☒ A PERMIT TO USE GROUND WATER  
☒ A PERMIT TO CONSTRUCT A WELL  
☒ A PERMIT TO INSTALL A PUMP

☒ REPLACEMENT FOR NO. UnRegistered  
☐ OTHER \_\_\_\_\_

WATER COURT CASE NO. \_\_\_\_\_

**(1) APPLICANT** - mailing address

NAME Western Museum of Mining & Industry

STREET 1025 Northgate Rd.

CITY Colorado Springs, Colorado 80908  
(State) (Zip)

TELEPHONE NO 495-2182

**(2) LOCATION OF PROPOSED WELL**

County El Paso

NW 1/4 of the NW 1/4, Section 7  
Twp. 12 S, Rng. 66 W, 6th P.M.  
(T.S.) (E.W.)

**(3) WATER USE AND WELL DATA**

Proposed maximum pumping rate (gpm) 15

Average annual amount of ground water to be appropriated (acre-feet): 1

Number of acres to be irrigated: none

Proposed total depth (feet): 200 ft.

Aquifer ground water is to be obtained from:

Dawson

Owner's well designation Not Only well

**GROUND WATER TO BE USED FOR:**

☐ HOUSEHOLD USE ONLY - no irrigation (0)  
☒ DOMESTIC (1) ☐ INDUSTRIAL (5)  
☐ LIVESTOCK (2) ☐ IRRIGATION (6)  
☐ COMMERCIAL (4) ☐ MUNICIPAL (8)  
☐ OTHER (9) \_\_\_\_\_

DETAIL THE USE ON BACK IN (11)

**(4) DRILLER**

Name W.V. Harding & Sons

Street 1409 Bates Dr.

City Colorado Springs, Colorado 80909  
(State) (Zip)

Telephone No 633-9775 Lic. No. 150

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 99064

Basin \_\_\_\_\_ Dist. \_\_\_\_\_

**CONDITIONS OF APPROVAL**

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

APPROVED AS A REPLACEMENT FOR WELL NO. 109029 FOR DOMESTIC USE, INCLUDING THE IRRIGATION OF NOT OVER ONE ACRE OF LAWNS AND GARDENS AND FOR DRINKING AND SANITARY FACILITIES IN A MUSEUM. THE EXISTING WELL MUST BE PLUGGED AND ABANDONED ACCORDING TO THE REVISED AND AMENDED RULES AND REGULATIONS FOR WATER WELL AND PUMP INSTALLATION CONTRACTORS. THE ENCLOSED AFFIDAVIT MUST BE SUBMITTED WITHIN SIXTY (60) DAYS AFTER THE CONSTRUCTION OF THE NEW WELL, AFFIRMING THAT WELL NO. 109029 WAS PLUGGED AND ABANDONED.

**APPLICATION APPROVED**

PERMIT NUMBER 109029 - A

DATE ISSUED JUL 27 1979

EXPIRATION DATE JUL 27 1981

Bruce E. DeBrine  
(STATE ENGINEER)  
DEPUTY

BY Deputy R. Schowen

I.D. 2-10 COUNTY 21

(5) **THE LOCATION OF THE PROPOSED WELL** and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.

(6) **THE WELL MUST BE LOCATED BELOW** by distances from section lines.

150 ft. from north sec. line  
(north or south)

725 ft. from west sec. line  
(east or west)

LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ FILING # \_\_\_\_\_

SUBDIVISION \_\_\_\_\_

(7) **TRACT ON WHICH WELL WILL BE LOCATED** Owner: Western Museum of Mining & Industry  
No. of acres 70 Will this be the only well on this tract? No

(8) **PROPOSED CASING PROGRAM**

Plain Casing

5 in. from 0 ft. to 150 ft.

\_\_\_\_\_ in. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Perforated casing

5 in. from 150 ft. to 200 ft.

\_\_\_\_\_ in. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

(9) **FOR REPLACEMENT WELLS** give distance and direction from old well and plans for plugging it:

100 ft. Northwest of old well.

Old Well to be filled & plugged

The scale of the diagram is 2 inches = 1 mile  
Each small square represents 40 acres.

**WATER EQUIVALENTS TABLE (Rounded Figures)**

An acre-foot covers 1 acre of land 1 foot deep  
1 cubic foot per second (cfs) ... 449 gallons per minute (gpm)  
A family of 5 will require approximately 1 acre-foot of water per year.  
1 acre-foot ... 43,560 cubic feet ... 325,900 gallons.  
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(10) **LAND ON WHICH GROUND WATER WILL BE USED:**

Owner(s): Western Museum of Mining & Industry

No. of acres: 70

Legal description: NW 1/4 NW 1/4 Sec 7 T 12 S R 66 W 6th PM

(11) **DETAILED DESCRIPTION** of the use of ground water: Household use and domestic wells must indicate type of disposal system to be used.

Water to be used for Domestic purposes, a replacement of Farm Well.

Septic System meets County specifications, WATER WILL ALSO BE USED

FOR A SMALL MUSEUM RESTROOM AND FOR RIVER PROTECTION FOR THE FARMHOUSE, BARN, MUSEUM BLDG

(12) **OTHER WATER RIGHTS** used on this land, including wells. Give Registration and Water Court Case Numbers.

Type or right

Used for (purpose)

Description of land on which used

none

(13) **THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.**

Frank M. Fano, Chairman  
SIGNATURE OF APPLICANT(S)

SUPPLEMENTAL INFORMATION

Div II

Initial Permit No.	REQUEST FOR VERBAL APPROVAL		Date verbal approval given:
Final Permit No.	Driller: <u>TREO HARDING</u>		<u>7-25-78</u>
Owner: <u>WESTERN MUSEUM</u> <u>MINING &amp; IND.</u>	Lic. No.	Phone	Location: <u>EL PASO</u>
Address:	New <input type="checkbox"/> Repl. <input checked="" type="checkbox"/> <u>DOM</u>		County: <u>EL PASO</u>
Phone:	Alt. Pt. Div. <input type="checkbox"/> T.H. <input type="checkbox"/>		Sec. <u>7</u> Twp. <u>12S</u> Rng. <u>66W</u>
Approved Yes <input type="checkbox"/> No <input type="checkbox"/>	Proposed Depth:		Distances from Sec. Lines
By:	Date of Construction		Casing: Plain: _____
ID _____ County _____	Subdivision		Perf: _____

Date	Initial	Contact and Number	REMARKS
			<u>LR &amp; REPL. at well house</u>
			<u>they have rented</u>
			<u>C-9-29-78</u>
			<u>* AR 10-11-78</u>
			<u>C-11-3-78</u>
			<u>C-11-3-78</u>
			<u>C-12-1-78</u>
			<u>C-12-25-78</u>
			<u>C-1-8-79</u>
			<u>(checked w/ DeWayne) C-1-13-79</u>
			<u>C-3-14-79</u>
			<u>* C-4-14-79</u>
			<u>AR-10-11-78</u>
			<u>C-4-28-79</u>
			<u>C-5-30-79</u>
			<u>C-6-22-79</u>
			<u>(checked w/ DeWayne) C-7-7-79</u>
			<u>7-3-79 C-7-24-79</u>
			<u>Per # 108029-A ISS. 7-27-79</u>