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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, November 2, 2023
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: THOMAS BAILEY, SARAH BRITTAIN JACK, JIM BYERS, JAY CARLSON, BECKY FULLER, KARA OFFNER, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

PC MEMBERS REMOTE AND VOTING: ERIC MORAES.

PC MEMBERS PRESENT AND NOT VOTING: BRYCE SCHUETTPELZ AND WAYNE SMITH.

PC MEMBERS ABSENT: JEFFREY MARKEWICH AND BRANDY MERRIAM.

COUNTY STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, ASHLYN MATHY, JEFF RICE (REMOTE), JOSHUA PALMER, VICTORIA CHAVEZ, HOWARD SCHWARTZ, MIRANDA BENSON, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: STEPHEN JACOBS SR., CATHY LANE, JOHN OGREN, RICHARD HEADRICK, DANA KING, PAM MCMANUS, AARON HORN, CHRISTINE MOHR, MARK STRUB, RANDY NEGAARD, SUSAN SANDERS, STEPHEN JACOBS JR. (REMOTE), BRIAN FRANK (REMOTE).

1. REPORT ITEMS

A. Planning Department. The next PC Hearing is Thursday, November 16, 2023, at 9:00 A.M. There are three items to be heard. The two informal code amendments were pulled to be revised.

2. Call for public comment for items not on the hearing agenda. (NONE)

3. CONSENT ITEMS

A. Adoption of Minutes of meeting held October 19, 2023.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (9-0).

B. CS232

MATHY

**MAP AMENDMENT (REZONE)
ABTR STORAGE CS REZONE**

A request by Jim Hawkins for approval of a Map Amendment (Rezone) modifying 38.9 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 415 North Franceville Coal Mine Road, at the intersection of North Franceville Road and Highway 94 (Parcel No. 440000565) (Commissioner District No. 4).

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: MS. FULLER MOVED / MS. BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3B, FILE NUMBER CS232 FOR A MAP AMENDMENT (REZONE), ABTR STORAGE CS REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

4. CALLED-UP CONSENT ITEMS (NONE)

5. REGULAR ITEMS

A. MP231

SCHWARTZ

**MASTER PLAN
BRIARGATE / STAPLETON CORRIDOR PRESERVATION PLAN
AND ACCESS CONTROL PLAN**

The El Paso County Department of Public Works requests adoption of the Briargate Parkway/Stapleton Road Corridor Preservation Plan and Access Control Plan (“Plan”) into the El Paso County Master Plan. With adoption, this Plan will become the principal Plan for further planning and development of the Briargate Parkway/Stapleton Road corridor within unincorporated El Paso County. The Plan area begins at Black Forest Road, which is the eastern boundary of the Wolf Ranch subdivision and coincides with the eastern boundary of the City of Colorado Springs. The terminus of the Plan area is along Stapleton Road at Meridian Road (All Commissioner Districts).

APPLICANT PRESENTATION

Ms. Fuller asked if it is fair to state there were missteps in the early stage of public communication.

Ms. Maureen Paz de Araujo, with Wilson & Co., disagreed. She described that there was extensive outreach using stakeholder focus groups, the website, and advertising at every stage of the project. She stated there is a perception they were not transparent because of the delays in the project. The project was first delayed by pursuit of the IGA. There was a second delay in early 2023 but comments were replied to in June 2023 and August 2023.

Ms. Fuller asked what caused the 2023 delay.

Ms. Paz de Araujo replied that the delay was caused by the review and finalization of the revisions to the document.

Ms. Fuller stated that her concern was that the public had access to the plans, had the ability to be heard, and understood what was going on. She wants to make sure it was a fair process.

Ms. Paz de Araujo further stated that due to COVID, the website was full-service and packed with as much information as possible. The County PIO advertised. However, when there were delays, she stated they did not tell people a delay was happening.

Mr. Carlson asked if notifications were sent to any surrounding property owners. He asked if the website was the only advertisement.

Ms. Paz de Araujo answered that individual notification is not sent at conceptual plan stage.

Mr. Carlson reiterated that in the beginning stage of this process, COVID prevented people from going anywhere. He described what happened as putting out a website that no one would find. He stated that he understands they're telling people private property will not be taken right now, but the width that is being discussed could eventually lead to that outcome. He doesn't think there was enough notification to surrounding property owners.

Ms. Paz de Araujo deferred to County staff to explain how the website was advertised. She stated that people's land being taken due to the width would only be true in areas where it's not platted. She stated nothing is proposed to change in areas that are platted.

Mr. Whitney asked for clarification on exactly how wide the proposed corridor will be. He has seen references to 120', 168', 180', some areas with easements, and some without.

Ms. Paz de Araujo answered that they're looking at a width of less than 120' for the roadway infrastructure. It will be a phased implementation. The anticipated, platted right-of-way is for urban criteria sections. Until they have those built, there would need to be drainage easements for swales, which is why there is reference to 168' width.

Mr. Bailey asked to be shown a previous slideshow image of the width progression. He stated that Ms. Paz de Araujo earlier stated the width could vary along the stretch of road depending on platting and other conditions.

Ms. Paz de Araujo pulled up an image of three road width examples. The bottom image, titled "Ultimate Section", is of an urban section, which is 105' from the edge of pavement to the edge of the sidewalk. With no buffer or sidewalk, it would be 92'. She added that the bike trail, currently shown in the easement, could be moved to the edge of pavement, and would still fit within 120'.

Mr. Bailey further explained that the illustrated sections they are referencing are idealized guidelines. There may be sections where the median is 20' rather than 28', for example.

Ms. Paz de Araujo agreed. She added that the wider median is in areas where turning lanes are anticipated.

Mr. Whitney reiterated the concerns of the members of the public. He understands their concerns to be how wide the road will ultimately become, how much of that width is in the form of land acquisition and/or easement, and if eminent domain will be an issue.

Ms. Paz de Araujo stated she would defer to the County Engineer.

Mr. Bailey recapped that the "Ultimate Section" example showing sidewalk to curb will fit within the 120' right-of-way that is currently platted in many areas. When they start to include ditches, drainage, and a potential bike corridor, the width becomes 168' that people become concerned about. He stated that the owners within those plats know the right-of-way exists.

Ms. Paz de Araujo agreed and added that there is no plan to build a 6-lane road or expand beyond 120' even though the County's new standard is 130'. They plan to work within what was promised.

Mr. Schuettpelz began asking for clarification regarding a previous slide which compares road types.

Ms. Paz de Araujo explained that the slide shows examples of adopted roadway types according to City and County Master Plans that their planning team used when coming up with the illustrative Corridor design. They wanted to make a hybrid option that conformed with both.

Mr. Bailey stated his understanding is that if there is an area where the width has been platted and limited to a width of 120', but circumstances call for a wider roadway section, they would need to adjust the buffer or do something to ensure they remain within that 120' limit. (Ms. Paz de Araujo confirmed.)

Mr. Joshua Palmer, County Engineer, further explained that Wilson & Co. used the Engineering Criteria Manual (ECM) as a baseline design guide for a recommended proposed alignment. Implementation generally works within what has been set aside. As seen, the proposal may not always fit [in the established right-of-way]. The interim plan may require drainage or utility easements, but the road itself will generally fit within the platted 120' right-of-way area. If it doesn't fit, changes to the ECM criteria are often made for a variety of reasons. The County avoids using eminent domain and strives to work with what it has. The Plan that has been created will be used when budgeting, planning, preliminary design, etc.

Mr. Carlson asked if there was anything to show the width of the corridor as it goes west to east. He asked for details about how wide the corridor is anticipated through areas that are already platted. For example, in one area, it may have 120' platted, then 180' in another subdivision.

Mr. Palmer stated he doesn't think there is an image showing that overall alignment and width is in the presentation. It will generally be 120'. He further stated that easement widths may vary. As properties are developed and platted, those easement widths may also change. The 120' right-of-way will accommodate the roadway, but what happens beyond the roadway may change as it progresses along the corridor.

Ms. Paz de Araujo added that if PC members would like to see that image, she has it available in the CAD drawing because that information was used as part of the constraints.

Mr. Bailey stated that information being uploaded to the file would be helpful.

Mr. Trowbridge noted that there may be confusion caused by the term "right-of-way". He referenced the slideshow image to further explain that the roadway will fit into the 120' of platted public right-of-way. Beyond that, the drainage is in the designated easements. The image, however, indicates 180' right-of-way. He stated that overall, there may be 180' to work within, but the roadway does not take up the entire area.

Mr. Palmer expanded upon that statement and stated the entire cross-section, from ditch to ditch, 180' of property would be needed. For this corridor, that includes 20-30' easements on the north and south sides as well as 120' of platted right-of-way.

Mr. Trowbridge asked if the 120' right-of-way and 20-30' easements were all already in place.

Mr. Bailey stated that the requested graphic would help identify where that is true and where it is not. He noted that part of the proposed roadway goes through unplatted land.

Mr. Trowbridge cautioned about being clear when talking about what's on the drawing and what's already platted versus what's planned.

Mr. Bailey further noted that the term right-of-way is different for land-use matters versus what is referenced when the road is constructed.

Mr. Carlson mentioned that the phrase "corridor width" was used to avoid confusion. (Mr. Palmer agreed.) Mr. Carlson clarified that the use of the term corridor width includes the entire area with ditches, roadway, etc. (Mr. Palmer confirmed.)

Mr. Moraes (online) mentioned that page 12 of the Access Plan Report, Figure 4 (Access Locations and Intersection Access Restrictions) has a red note, "TO BE REPLACED", at the bottom corner of the page. What will it be replaced with and when will that happen?

Ms. Paz de Araujo answered that she must not have replaced that page with the final version. As the access control plan was developed, there was back-and-forth with the County's development review team.

Mr. Moraes pointed out that Figure 4 matches the data table on page 11 of the Plan. He then brought up the discussion regarding platted and unplatted land. For people who purchased platted land, it's obvious, but he wonders how the people on unplatted land were supposed to know that a roadway was proposed in that area. Were those property owners brought into the initial stake-holder meetings? He stated that Ms. Paz de Araujo indicated earlier that they did not include property owners that were not part of active development in the area at that time.

Mr. Palmer stated he believes recent public comments of opposition were submitted by property owners that did not have active development during the initial stage of the Corridor Plan process.

Ms. Paz de Araujo added that those comments were regarding a specific property. That property was not in active development during this process but was active in 2013. It was not filed (finalized), but their preliminary final plat acknowledged that the roadway was there.

Mr. Moraes reiterated that if surrounding or adjacent property owners were not involved in active development at the time of the initial stakeholder meetings, they were not included.

Mr. Palmer stated he believes that is correct.

Mr. Bailey compared the situation with what occurred during adoption of the You El Paso Master Plan (land-use). Arguably, every resident was a stakeholder but the number of people who participated was small. For this Master Plan, the question is not "Were they involved?", but "Were they given the opportunity?". He asked hypothetically if the County was supposed to send notices to each person individually to advise them of the Master Plan. He stated the County relied on the legally established process of announcing the meetings. He mentioned that PCD has expanded its notification procedure and noted that perhaps when this Master Plan was in its initial stages, the notification range [for DPW] was not as wide.

Ms. Fuller repeated the question of how the people on unplatted land are made aware a roadway will be coming through their property.

Ms. Victoria Chavez, DPW Transportation Planning Manager, answered that the subject road has been planned in the Major Transportation Corridor Plan (MTCP) since 1987 and has been shown on every plan since that time.

Mr. Palmer supplemented that by saying the road has been shown since that time, but this process will narrow down where the road will be built. As mentioned earlier, they previously thought the road would be established where a church has since been built. As they get more detailed, they work more with those that will be impacted. At this point, it is still a plan. Changes may still be made to location as determined by the best fit and scope of impacts.

Mr. Smith asked for clarification regarding the difference between easement and right-of-way as it relates to the plat and what would be shown on the County Assessor's website. When he thinks about the term easement, he imagines the private land he owns that he is paying taxes on. When he thinks about the term right-of-way, he imagines public land owned by the County.

Mr. Palmer agreed with that assessment. He added that there are different types of easements.

Ms. Seago stated that right-of-way is legally a type of easement and is not fee simple ownership of the property. She isn't sure how it's addressed on the Assessor's website; she doesn't think easements are typically mapped.

Mr. Palmer explained that in this scenario, 120' of right-of-way is needed for the public road. There will be additional drainage, utility, and (temporary) construction easements. Those easements would be land still owned by the property owner with an agreement that the County or utility company could access that land to make improvements or complete maintenance.

Mr. Smith mentioned that one public comment mentioned an individual's septic system. Their leach field may extend into the right-of-way or easement. He asked if there were restrictions to building in easements.

Mr. Palmer answered that there are constraints to what type of improvements can be made in different types of easements. (Ms. Seago agreed.)

Mr. Jeff Rice, remote, with DPW Engineering, added to Ms. Chavez' earlier comment regarding how people would know about the future road. During Early Assistance (EA) meetings, which are held for proposed developments that go through PCD, developers/applicants are advised of the MTCP and of any roadways or requirements that apply to their subject property.

Mr. Bailey reiterated that developers would know about the proposed road, but property owners not proposing developments would rely on notification from the County.

Mr. Carlson asked how the process works if the County needs to establish an easement where it might not already be included within the plat.

Ms. Seago answered that the County has a right-of-way acquisition process, and a consultant is used to contact property owners if additional property is needed. For the example Mr. Carlson mentioned, if an additional 10' were needed beyond what was already dedicated, the consultant would contact the property owner in the hopes of voluntarily purchasing the land at market rates.

Mr. Carlson asked how that differs from eminent domain.

Ms. Seago answered that it is a voluntary process. The BoCC reserves the right to begin an Eminent Domain process to override a property owner's objection. That right is rarely exercised because the Commissioners strongly value private property rights. The County does its best to acquire needed property voluntarily at an agreed upon price.

Mr. Carlson asked if that process was the same for acquiring easements. (Ms. Seago confirmed.)

Mr. Byers agreed that the requested "proposed width map" would be helpful to show what has already been established, platted, and what the future need is. He also thinks understanding the right-of-way/land acquisition process is helpful to the public. He asked how the road would be developed in the gap areas that are not being improved by developers. He asked what the land acquisition process looks like in those situations.

Mr. Palmer answered that the County addresses those problems in the planning process. If the County used what was proposed in the MTCP 40 years ago to begin building the road, there would be issues and gaps. When additional property is needed, it is fairly negotiated. The BoCC is averse to unnecessary government interaction. Since he has been with the County, they have not exercised Eminent Domain. They follow all laws, policies, and best practices established by the State. Adjustments are made if there are potential gaps. He acknowledged that developers do contribute to the design and construction of roadways as they pass through their development. He mentioned that there is a PPTRA 3 A-List project for the subject corridor, but only extends from Black Forest Road to Vollmer. Currently, that is the only part of the corridor that has dedicated public funding. Developers pay a Road Impact Fee to contribute to future development of roads.

Mr. Bailey noted that there has been significant focus on the most extreme, worst-case scenario.

Ms. Brittain Jack asked why the City of Colorado Springs did not agree to the proposed IGA.

Ms. Paz de Araujo stated she believes the City felt a lot of pressure from development and proposed annexation. She thinks they wanted more flexibility relative to the Access Control Plan.

Ms. Brittain Jack pointed out that part of this corridor is included in the PPRTA project, which the City is also a part of. She asked if the City opposes the funding.

Ms. Paz de Araujo explained that she was hesitant to speak about the City's reasons for not agreeing to an IGA because she doesn't think they're *against* the Access Control Plan. She stated the City has been in support of the project for many years. She thinks they just wanted flexibility. She mentioned a past situation with Woodmen Rd, east of Powers Blvd, where access for Tutt Blvd was approved, which was not in conformance with the County's Access Control Plan.

Mr. Bailey further explained that instead of waiting to negotiate small details or politics, this Master Plan is moving forward to give citizens an idea of what to expect and the County a baseline to work from. (BREAK)

[Discussion and reference to aerial imagery. Topics discussed during this time were also discussed earlier.]

Mr. Trowbridge asked for clarification regarding the easements within the specific plat of Highland Park Filing No. 3.

Ms. Seago pulled up the recorded plat image for Highland Park Filing No. 3 from EDARP. There is a 40' easement north of the platted Briargate Parkway right-of-way and a 30' easement south.

PUBLIC COMMENTS

Mr. Steve Jacobs Sr. spoke in opposition. He believes taking, condemnation, eminent domain, sale, and easement are all the same to the property owners. He believes the report lacks information regarding the corridor area between Black Forest Road and the Jaynes subdivision. He would like the County to honor the platted 120' right-of-way without using the utility easements for a bike path, sidewalk, or a wall. He stated those uses were not granted. He stated the report is inaccurate because some easements along Briargate, within Highland Park, are only 20' wide until Filing No. 3. He stated there is no right-of-way or easement set aside in Eagle Rising. He stated Ms. Seago presented the recorded plat of Highland Park Filing No. 3, but there is an unsigned copy in the PC Packet. He also stated the Eagle Wing Estates plat in the PC Packet is not the signed plat. He pointed out that the date on the Eagle Rising plat is 2018, so he believes they should have been included as stakeholders. He asked where a sound wall is going to be built and stated bids for the construction of a wall are already circulating. When property owners bought and built their homes on both sides of the proposed corridor, they did not anticipate having a wall, sidewalk, or trail built within their easements. Overall, he requests the western portion of the proposed corridor be revised and that the County be reimbursed the cost paid to the consultant.

Ms. Cathy Lane spoke in opposition. She stated her land is unplatted 70 acres for which they had an EA meeting to develop over a decade ago. She stated she is not uninformed. She stated that her submittal isn't being processed until after the PC adopts this corridor plan. She is concerned for her own land but also Highland Park Filings 1 & 2 as well as Eagle Wing Estates. She stated their plat notes have 20' easements with details regarding what is allowed within. She stated the easements are only for utilities and drainage, and within Eagle Rising, there is also an equestrian easement. She further added that the property owners are responsible for maintaining the easements. She doesn't believe the discussion she has heard thus far honors what is in place regarding easements. She requests the plan be rejected until more facts are presented. It was mentioned that any further requirements would be established as proposals get more detailed. She mentioned that she owns the Cottonwood Creek drainage area, and she wants to know if the County is going to require land beyond what they've stated is the ultimate width.

Mr. John Ogren spoke in opposition. He lives within Highland Park Filing No. 1. He asked the PC to reject the proposed plan because he believes it is based on incorrect planning data. He stated the plan mentions in multiple places that there is sufficient room for improvements because of the 120' platted right-of-way along with 30' of easements on both sides (he then referenced page 149 of the Plan). His plat shows that his lot has a utility easement of 20'. He then stated that he has never been notified by the County of any change. His septic field was built just short of the 20' easement (but not within). He wonders how accurate the entire Plan can be if there are inconsistencies regarding the easement widths mentioned throughout the Plan. The plan should be revised before adoption and the County should be reimbursed the cost paid to the consultant.

Mr. Richard Headrick spoke in opposition. He lives within Highland Park Filing No. 1. He understands that right-of-way is public, and easements are on private land. He is concerned that the Corridor Plan uses both but doesn't make that clear. He understands that his 20' easement will be used for drainage, but potentially something else. He thinks attorneys may need to assist in determining what is allowed to be established within the easements. He has a problem with the proposed Plan assuming all easements are going to be used. He is concerned about what is being done in the name of "public good". He would like to know why the improvements can't be contained within the established 120' right-of-way. He wants to know why the easement rights are going to be used at the cost of the private landowners. It was mentioned earlier that the road has

been shown since 1987, but to him, the road is not shown until it's actually built. He believes that regular people would see that established right-of-way and assume that the road will be contained within that area and would not use the surrounding public utility easements on private property. He understands that legally, that may not be correct, but he thinks the PC should balance the greater good with the negative impacts to those most affected. He mentioned that his septic system needs to be replaced and for various reasons, will need to be in the northwestern corner of his property (adjacent to the proposed corridor). Because the soil is poor, he will need to build a mound. He has a drainage ditch in the front of his property that he stated isn't maintained well by the County. He's concerned that he may now have a drainage ditch in the back, where the soil is already unable to tolerate the septic field, and it may not be well maintained by the County. He anticipated utilities (water, electric, fiber) being run within that easement, not a drainage ditch. He mentioned that he has noticed several neighbors move away within the last year. He noted that other roads in the area are two-lane roads; he did not anticipate a four-lane road to go through the neighborhood and through people's backyards.

Mr. Dana King spoke in opposition. He stated he represents the HOA for both Highland Park Filing Nos. 1 and 2. Regarding the lack of notification completed by DPW or their consultant, he believes it could have been very simple to at least notify the HOA. No email or letter was received by the HOA. He stated it was as if they didn't want input during the initial stages. He reiterated that there are not 30' easements in his neighborhood, but 20'. If everything was proposed to be contained within the 120' right-of-way, he doesn't think there would be as much opposition. He stated that he doesn't know why the consultant didn't show an image from their report when asked to show the proposal alongside the existing right-of-way and easements. He stated there is no easement around the pond which he called the Black Forest Fire Protection Pond. He believes the easements are being misused by the Wilson report. He doesn't think there should be a 28' median. He stated that was unprecedented and further compared this area to other areas of the County. He doesn't believe the hybrid City/County corridor blends well in their area. If there is going to be a wall, it should be depicted on the drawing. If there is no wall in the proposal, he believes there should be. Overall, he doesn't think the plan should use 168' for the entire proposal when that may not be available everywhere. He also doesn't think bike paths and sidewalks belong in utility easements. He thinks the full project should be contained within 120'.

Ms. Pam McManus spoke in opposition. She stated she researched the future plans for the corridor when purchasing her property and believed it would be a similar size to Black Forest Road. She mentioned that she was one member of the public that submitted a comment to the corridor website but did not receive a response for a very long time. She tried to be active and share her thoughts. She spoke about her home and family. She struggles with not knowing what to expect with the proposed plan. She did not anticipate having trails, paths, or sidewalks in the easements. She asks that the plan adoption be postponed until more information is given. She requests the corridor be a two-lane road like she was expecting.

Mr. Aaron Horn spoke in opposition. He stated he served on the Highland Park HOA board from 2018 through 2022 and confirmed they were not notified of the proposed corridor plan. He agreed that it was known that Briargate would expand and be built in the area. However, he is uncomfortable with the proposal and believes more details are needed before adoption, namely traffic lights, roundabouts, and overall width. Overall, he doesn't think there is enough detail, there was insufficient notification to neighbors, and he thinks adoption should be postponed.

Ms. Christine Mohr spoke in opposition. She agrees with many of the previous comments. She mentioned that last-minute public comment is happening because the corridor website was the

first chance people had to see what the corridor would look like. People knew there would be a road and she doesn't think anyone would have a problem if the entire project were contained within the 120'. She believes there is deception involving the width and use of easements. She stated that she did ask questions about the corridor when purchasing her home, but she doesn't believe the corridor website was accessible. She doesn't understand how the plan is conceptual if development is already beginning. She doesn't think the plan should be adopted until more information is provided. She indicated she would prefer a roundabout over a traffic light. She thinks there should be more research completed on how wildlife will be impacted.

Mr. Mark Strub spoke in opposition. He referenced the zoning map and noted that the area northeast of his home has a platted 120' right-of-way while the area northwest has yet to be platted. His property has a 20' easement. He is requesting that the corridor plan be postponed until the owners of the unplatted property complete their application process. Without that land being platted, the corridor would not fit within the currently available right-of-way in the area.

Mr. Randy Negaard spoke in opposition. He had concerns regarding traffic and safety with the additional development in the area. He is especially concerned about the Forestgate Drive to Loch Linneh Place cut-through effecting his family's safety and the peaceful nature of the neighborhood.

Ms. Susan Sanders spoke in opposition. She did not anticipate a sidewalk or trail at the back of her property. They purchased their home because of the space and wildlife. She asks that adoption of the plan be postponed and modified to include a two-lane road. She would also like a wall to be included. She is curious about the timeframe for completion.

Mr. Steve Jacobs Jr. (remote) spoke in opposition. He thinks adoption of the plan should be postponed because he believes there was a lack of public process, a lack of transparency, and there are inaccuracies. He stated he posted questions to the corridor website in September 2022 but did not receive a response until his subsequent requests immediately prior to the Planning Commission hearing in October 2023. He stated this was the case for 40%, or 27 comments, also on the corridor website. He was part of the joint HOA letter submitted to the Commissioners in September 2022, but stated he did not receive a proper response. He stated it was not until after the October Planning Commission hearing that a partial response to the letter was provided via EDARP. He noted inconsistency in the signature page of the HOA letter. He stated there is a lack of transparency regarding the changes made between the October hearing and November hearing. The Staff Report packet indicates all PC comments were addressed and changes were made. He requested a list of changes but did not receive a response. He asked how the public or the PC is supposed to know what changes were made. He accused Wilson & Co. of "cherry-picking" information from plats to include in their presentation to support their claim that the County can use 30' easements for other purposes. He stated only one subdivision shows a 30' easement, three others show a 20' easement, one area is unplatted, and the plat documents in the report are inaccurate. He noted the Wilson report was not used to show the easements along the corridor and he believed that is because it is inaccurate. Overall, he asks that adoption of the plan be postponed due to inaccuracies and lack of transparency.

Mr. Brian Frank (remote) spoke in opposition. He stated there would be negative impacts to the character of his neighborhood caused by the corridor plan. He moved to the area for the quiet, not knowing there was a roadway planned. He stated he does not feel protected by the plan or the discussion that took place earlier in the hearing. He stated constraints for wildlife and the environment were mentioned, but not residential conditions. He stated the existing residents are the most impacted. He reiterated points made earlier. He asks that plan be denied as it is currently.

Mr. Palmer answered public questions and concerns. The County is not currently seeking bids for a sound wall. Any shopping around for wall design or construction would happen later in the environmental review process. It will be decided during that later stage if a wall is feasible or required. He addressed the comments of the expense this plan has cost the County. The plan has been completed well under budget and did not cost \$1 million. Regarding the claims that a land-use proposal is being purposefully delayed by the County until adoption of this corridor plan is adopted, that plan is still in the review process. He stated the only reason there is a hold-up for the proposal is to make sure all comments are addressed. He repeated his earlier comments that the road could fit into the existing 120' right-of-way but other ECM off-road improvements (i.e., sidewalk, trail, shoulder) may require use of existing or acquired easements. Regarding the inconsistency in the HOA letter signature page/response, there were two letters received back-to-back and while the body of the letter did not change, the signature page had additional HOA representatives added to the second letter. Only one of the two letters were used in the response attachment. The HOA letter was addressed along with other public comments received during the same time. He stated the residents are the primary constraint and consideration during the planning of this corridor. Addressing the comments of the pond(s) in the area, that consideration as well as specifics of the road, traffic lights, etc., will all be addressed at a later stage, during the design process. The Corridor Plan is meant to provide a "big picture" and they do not want to put the cart before the horse.

He noted that most of the public comments are from the already developed area on the western part of the proposed corridor. The concerns mainly include what width is ultimately required. He asked the PC if staff could make a revision to the Corridor Study in the subdivisions where there is public concern to remove the language that suggests an interim cross-section that uses the 168' width (typically used prior to the final installation of curb and gutter). The Study can be revised to say the County will only design and construct an urban cross-section in that area and won't require the exterior drainage easements be used prior to installation of curb and gutter. Everything would then fit in the 120' right-of-way that already exists. He would like to make that change to the Plan before adoption and believes that would alleviate the public concerns regarding the unknown details about the ultimate width and easement use.

Mr. Bailey asked for the displayed map to be zoomed out to show the full width of the subject corridor. He asked if Mr. Palmer is suggesting making that change to the entire corridor. He is concerned that that change may not be appropriate in all areas along the corridor. He stated that making this accommodation for those on the far western end may make it more restrictive for people on the far eastern end. He isn't sure a change is required. This stage/plan is flexible.

Mr. Palmer agreed that the high-level study will allow flexibility. His suggestion to reconsider and revise the study was only to address the public concerns in the western portion. The area is mostly platted and 120' of designated right-of-way is in place for most of the area. If the PC is agreeable, County staff can revise the final study before it is published to modify the recommendation for that western portion so development of that area of the corridor skips the 168' interim stage and goes straight to an urban cross-section, which does not impact easements and is completely contained within the 120' right-of-way. He reiterated that he is only making this suggestion for the western portion, eliminating the need to use the easements in the already developed area.

Mr. Bailey expressed his concern about an uneven application of the standard and how that impacts anyone already developing an interim rural cross-section in the eastern area.

Mr. Palmer understood that concern. He stated he's not sure the modification is necessary but is agreeable to make the change if it would help the PC in deciding during this hearing. The specific language of that change would need to be identified and discussed further to ensure the County is not contradictory, biased, or unfair to other developers. Ultimately, however, he believes making that change will alleviate the public concerns people have regarding the use of their easements.

Mr. Carlson stated he was surprised people from the eastern portion didn't express concerns. He asked if the platted eastern portions identify a 120' right-of-way.

Mr. Palmer believes it does identify a 120' right-of-way. He clarified that any development approved within the last several decades should include 120' right-of-way because that ECM width standard hasn't changed during that time. It only recently changed to 130'.

Ms. Fuller asked if her understanding was correct. With Mr. Palmer's suggested revision, the easements would not be used to construct the corridor in the western area.

Mr. Palmer stated that would be correct. He reiterated what would typically happen during the construction of a rural cross-section. He is suggesting going straight to an urban cross-section in that western, already developed area.

Ms. Fuller asked if the road would be two or four lanes at initial construction.

Mr. Palmer answered that ideally it would be constructed with four lanes but that could vary due to funding and surrounding development. The County would prefer to have four lanes initially because it is more cost-effective in the long run.

Ms. Fuller clarified that with Mr. Palmer's suggested revision, the property owners on the western portion of the corridor would not have trails, sidewalks, or bike lanes outside of the already existing 120' right-of-way.

Mr. Palmer confirmed that would be the intent. The road, curb, gutter, sidewalk, etc. would be entirely contained within that 120' right-of-way. He further clarified that he's not meaning to say a situation where an aesthetic improvement or equestrian trail, for example, would never be recommended. If that were to happen, the County would work with the easement holders. With his suggested revision, he is talking about the road and all roadway improvements.

Mr. Whitney clarified that the utility easements would still be in place. (Mr. Palmer confirmed.)

Mr. Moraes stated his questions were answered during the discussion.

Mr. Bailey asked if Mr. Palmer was officially requesting a delay in adoption.

Ms. Seago stated that Mr. Palmer may be suggesting the County would be agreeable if the PC recommended a condition of approval to include the discussed revision if they feel it's necessary.

DISCUSSION

Mr. Trowbridge stated he appreciated the changes made after the first PC hearing. He thanked the public for their comments. He reiterated that this is a concept plan not an implementation plan. He noted that all details are subject to change as further planning continues. He doesn't appreciate *ad hominem* attacks on people, questioning their motives. He thinks many comments, while valid, are premature (i.e., drainage impacts, traffic, noise, and wildlife). Those concerns will

be addressed at the appropriate time. He reiterated that it was known a road would be built in the area. He added that the timeline will vary. He mentioned that PC has the final approving authority for this Master Plan. Overall, even though it wasn't a perfect process, he thinks the consultant did a good job. A plan is needed in this area. What is being proposed currently is different than what they would have proposed 10 years ago, which is when a plan probably should have been implemented. He is in favor of the Plan.

Mr. Carlson mentioned that at the first hearing of this plan, there was no public present. At this second hearing, there is a significant increase in attendance. To him, that means there wasn't enough information circulating that allowed people to know about the Plan. He doesn't think there's a rush to adopt the plan at this hearing. He thinks there still needs to be a presented image of exactly where and how the road will fit in the existing right-of-way. He thinks once that image is available, they should send notices to everyone along the corridor. He doesn't think public notification was done correctly in the beginning of this process. While he understands this is a concept plan, later projects refer to the Master Plan as a reference of what is allowed. If there are recommendations in an approved concept plan of a 168' corridor where there is currently only 120' available, there will be conflict in the future. He appreciated Mr. Palmer's suggested revision of going straight to an urban cross-section in the western, already platted areas. He thinks Mr. Palmer should make the changes he discussed, then notify the public, and return to the PC after that is complete. He is not in favor of adopting the Plan.

Mr. Whitney agreed with Mr. Carlson's comments. While he understands this is a concept plan, once approved, everything within is fair game. He further understands that this is not the time for exact details, but if the concept approves a width of 168' in this area (which the residents are concerned about) then that could potentially be implemented. If it's unacceptable as a concept, it will be unacceptable as a later detail. He is not in favor of adopting the Plan as it is.

Ms. Fuller asked Mr. Carlson and Mr. Whitney if they would like to see the revised document before adoption. She mentioned there was previous discussion about adding a condition of approval. She isn't sure additional time for the public would change anything. She stated that a road needs to go through this area and it's clear that this is where it goes. She understands the concern regarding the use of easements. Mr. Palmer has addressed that concern and she trusts that the change will be implemented in the final document.

Mr. Carlson expressed that he would like to see the change and see the recommendation to implement urban cross-sections in the platted areas. He further stated that he thinks there should be additional notification for more public input. This Corridor Plan is different from a County-wide Master Plan. He believes every adjacent property owner should be notified.

Ms. Fuller noted that there are hundreds of pages of comments and they all have similar concerns. She doesn't think sending more public notice will gather any new feedback, though she does believe they should be made aware.

Mr. Carlson responded that public comment received at this hearing impacted Mr. Palmer's suggested revision. He is concerned that no one from the eastern part of the corridor has spoken. He wants to make sure those people have the opportunity.

Mr. Bailey noted that many of the comments in the packet are from years ago. The comments were received, considered, and addressed at a high level. The consultant and County Engineer have said they can put the roadway improvements within the 120' right-of-way available. This concept plan, as part of the Master Plan, is advisory only. When specifics come, they will be

informed by this Plan but not dictated by it. For that reason, he disagrees with Mr. Whitney's comment that this makes everything possible. The Plan mentions everything possible but specifically says they won't use all things possible in the areas where there are constraints. He believes the Plan, as written, gives the County the flexibility to design an urban cross-section in the western part. He thinks there is no public input from the eastern portion of the corridor because the Sketch Plans in that area have already taken the corridor into account. The residents along the western portion, whether correct or not, believed all improvement would be contained within the right-of-way. He understood Mr. Palmer's intent is to honor that as much as they can. He believes the current plan is adequate to set the conditions for more detailed planning.

Mr. Carlson reiterated that he would like to see the change before approving the Plan. He added that he thinks the change made to the western portion also needs to be made to the eastern portion because there are just as many lots in that area.

Mr. Moraes agreed that because the PC is the final approving body, he would like to see the change before voting to adopt. He added that while he believes the process could have been improved, it was followed. He stated his interpretation of "stakeholder" is anyone with interest or concern in something, especially financial. He stated anyone who had property touching the width of this project could be impacted financially and really should have been notified. He doesn't think stakeholders should be limited to developers with plans in the area or school/special districts. Overall, he thinks the changes should be made before final adoption.

Ms. Offner agreed with Mr. Moraes' comments. She would be in support of the Plan after seeing the revisions discussed.

Mr. Bailey asked County staff what is possible regarding public notification. He mentioned the cost of the notices and the cost of extending the contract with the consultant.

Ms. Herington asked that the PC be very clear with County (DPW) staff what the recommendation will be regarding public notification. She asked for details on what information they would like included. She asked if they are requesting another public meeting. Those details will impact the time needed between this and the next presentation.

Mr. Palmer asked for further information regarding the range for notification.

Mr. Carlson requested notification be sent to neighboring HOAs and to the owners of adjacent properties. He asked how much time PCD usually gives between sending notices and hearings.

Ms. Herington answered that the timing for notifications varies between 10 and 15 days. She offered PCDs assistance in sending notifications.

Mr. Carlson stated that regarding what subject matter is to be sent, he thinks the discussed changes should be included. He thinks the change should be made throughout the eastern part.

Mr. Palmer stated he would need to discuss that suggestion with other staff members. He offered that suggestion for the western portion because that was the main area of public comment. He isn't sure it would be appropriate to establish urban cross-sections in the undeveloped areas.

Mr. Carlson stated he didn't intend to include the entire corridor, just all platted areas in the east.

Mr. Palmer explained that the eastern part of the corridor is mixed with platted and unplatted areas. He wouldn't be able to do rural cross-section, then urban, then rural again, etc. He

suggested the change for the western part because it is a continuous, platted region with similar concerns. He tried to think of how he could word the language in the revision. Ultimately, he would like to discuss that suggestion with other staff members.

Mr. Carlson stated he thinks every resident along the corridor should know exactly how wide it will be in their specific areas.

Mr. Howard Schwartz, Engineer with DPW, stated that along the corridor, heading east, there are only subdivisions on the north side of the proposed roadway. When the land on the south side of the anticipated roadway is proposed for development, the County would then address the width.

Mr. Carlson asked specifically about the lots on the south side of the proposed corridor, south of Falcon Middle School. (The Meadows Fil. No. 3)

Mr. Palmer answered that he's not sure the discussed revisions would apply to that area. Ultimately, he meant that he did not want mixed cross-sections and would prefer consistency.

Mr. Carlson asked if the entire corridor could be outlined to show the ultimate width.

Mr. Palmer confirmed. He mentioned that one of the earlier suggestions was to provide a map to show the ultimate width throughout the corridor. He believes they will be able to put together a map that shows the various options and how they would impact right-of-way and easements. He stated he could work with staff members to add language that recommends starting with an urban cross-section in areas that are already developed.

Mr. Bailey noted that those details may go beyond what is required for a Master Plan.

Mr. Carlson reiterated that all future plans will reference the Master Plan.

Ms. Fuller circled back to the discussion regarding notification. She stated that the residents most impacted are aware because either they or their HOA are present. The vacant land to the east will be developed by professionals who deal with this more often. She thinks they've received enough public comment, but she would be interested in seeing the revisions before making a final adoption.

Mr. Carlson repeated that he would like to see the final changes and would like the public to be notified of those changes.

Ms. Herington stated that 2 weeks would not be sufficient time to complete that task. She suggested reconvening January 4, 2024, to complete revisions and notification.

Mr. Byers added that he is concerned about adding another comment period. He stated that the alignment of the corridor works. The details being discussed may only be predictions in the format currently being provided, but seeing the image of the CAD drawings over the map imagery really sets it in stone to the average person. He thinks that's where the issue arose. He agrees that an urban cross-section in the western portion makes sense. He thinks it is appropriate to limit that revision to the western portion. He thinks the issues were predictable and there may be deficiencies in the report, but to reintroduce the Plan to the public for open comments and discussion of alignment would potentially be problematic to the process.

Mr. Trowbridge doesn't think additional notification is necessary. He doesn't think they'll hear anything new. He reiterated that he thinks the plan is fine as it stands. However, if changes are recommended, he would be happy to review once again on December 7, 2023.

Mr. Whitney agreed with Mr. Trowbridge's comments. He isn't sure another notification process is necessary because the initial notification met the legal requirement. He worries about what impact a recommended re-notification would have on future proposals that have a high public turn-out. He also agreed with the suggested urban cross-section in the western part of the corridor. He commended Mr. Palmer and the County staff. He would like to see the Plan again on December 7, 2023, to see the completed revisions.

Mr. Bailey agreed with Mr. Whitney's comment about deviating from the standard notification procedure. There have now been two public hearings, there was an extensive period where the corridor website was available, and public meetings have already occurred. He agreed with Mr. Trowbridge that he believes the Plan is sufficient as it has been presented and should allow the flexibility required.

PC ACTION: MS. FULLER MOVED / MS. OFFNER SECONDED TO POSTPONE ADOPTION OF THE PROPOSED MASTER PLAN, MP231, THE BRIARGATE / STAPLETON CORRIDOR PRESERVATION PLAN AND ACCESS CONTROL PLAN, TO A DATE CERTAIN OF DECEMBER 7, 2023, TO ALLOW FOR THE DISCUSSED REVISIONS TO BE MADE AND OBSERVED. THE MOTION WAS APPROVED (8-1).

IN FAVOR: MS. BRITTAIN JACK, MR. BYERS, MR. CARLSON, MS. FULLER, MR. MORAES, MS. OFFNER, MR. TROWBRIDGE, AND MR. WHITNEY.

IN OPPOSITION: MR. BAILEY.

COMMENTS: MR. BAILEY STATED HE DOESN'T THINK IT'S NECESSARY TO REVIEW THE REVISIONS.

6. NON-ACTION ITEMS. (NONE)

MEETING ADJOURNED at 1:14 P.M.

Minutes Prepared By: Miranda Benson