

SPECIAL USE (Recommend Approval)

Commissioner Trowbridge moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION**

**OF THE COUNTY OF EL PASO**

**STATE OF COLORADO**

**RESOLUTION NO. AL-19-035**

**McDermott Accessory Living Quarters**

WHEREAS, Craig McDermott did file an application with the El Paso County Planning and Community Development Department for approval of a special use to allow for a “detached Accessory Living Quarters for Permanent Occupancy” of 1,773 square feet where 1,500 square feet is the maximum size allowed without Board of County Commissioners approval within the RR-5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on September 17, 2020; and

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

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

6. For the above-stated and other reasons, the proposed special use is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County; and

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

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends approval of the special use to allow a detached Accessory Living Quarters for Permanent Occupancy” of 1,773 square feet where 1,500 square feet is the maximum size allowed without Board of County Commissioners approval within the RR-5 (Residential Rural) zoning district.

AND BE IT FURTHER RESOLVED that the El Paso County Planning Commission recommends the following waiver, condition, and notations be placed upon this approval:

**CONDITIONS**

1. Approval is limited to the accessory living quarters, as discussed and depicted in the applicant’s letter of intent and site plan drawings.
2. Prior to building permit authorization, the accessory living quarters affidavit stating that the accessory living quarters shall not be rented or leased must be completed,

3. Prior to building permit authorization, the applicant shall apply for and receive approval of a residential site plan.

**NOTATIONS**

1. Special use approval includes conditions of approval and the accompanying site plan and elevation drawings. No substantial expansion, enlargement, intensification or modification shall be allowed except upon reevaluation and public hearing as specified in the El Paso County Land Development Code.
2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or special use conditions/standards are being violated, preceded by notice and public hearing.
3. If the special use is discontinued or abandoned for two (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED that this Resolution and recommendations be forwarded to the El Paso County Board of County Commissioners for its consideration.

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Lucia-Treese	aye
Commissioner Brittain Jack	aye
Commissioner Fuller	aye
Commissioner Trowbridge	aye
Commissioner Moraes	aye
Commissioner Fuller	aye
Commissioner Greer	aye

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission, State of Colorado.

DATED: September 17, 2020



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Brian Risley, Chair

## EXHIBIT A

N 990FT OF NE 4SE4 EX E 30 FT SEC 8-12-65

The north three-fourths of the northeast quarter of the southeast quarter of Section 8,  
Township 12 South, Ra  
nge 65 of the 6<sup>th</sup> P.M., County of El Paso, State of Colorado