

September 21, 2020

Petra Rangel
El Paso County Planning
2880 International Circle, Suite 110
Colorado Springs, CO 80910

**RE: Response Letter
Meridian Service Metropolitan District
Interim Storage Area
Commercial Over-the-Counter Permit Request**

Dear Ms. Rangel:

The purpose of this letter is to respond to comments provided on 10/19/20 which are as follows:

PCD Project Manager

Official landscape plan with landscape detail is required.

Per our subsequent phone conversation, it was stated County approval could be considered if evidence can be provided affirming Chapter 6 of the Land Development Code is still being met with existing landscaping in place. We can attest the existing landscaping does not comply with Chapter 6 in its entirety and therefore, we are requesting consideration for partial landscaping exemption based on the following justification.

1. Reiteration of the 2007 tank build-out approval of the site must be made, despite the fact landscaping was not installed per the original drawing plan. The utility, a municipal Tract serving roughly 7,500 residents can be defined as governmental service infrastructure.

Existing landscaping to-date consists of buffer zones along the site's east, south, and west sides. These buffer zones contain established Ponderosa Pine landscaping, totaling roughly 72 trees which are spaced 15'–20' apart. As previously stated, as well as depicted, the north side of the proposed storage area will be concealed by natural grade (9' +/- tall ridge). It will also be painted to match the existing tanks.

2. It has been proven that excess landscaping deters access and maintenance for utility infrastructure.

Due to the nature of this facility (serving public health and safety) and due to requirements from other permitting agencies, the site cannot adhere to EPC regulations for landscaping. Additional reasons include:

- No obstructions can impede access to critical equipment (i.e. backup generator, emergency storage tanks, building access, bypass pumping locations, etc.)

- No permanent structures can be placed over utility facilities (i.e. piping, valves, storage tanks, etc.)

The District is proposing that the landscaping shown on the “Existing Landscaping Plan” be sufficient as an alternative to satisfying requirements.

3. The Tract site was platted and then exempted in 2006 and is classified as an Exempt Political Subdivision. It is surrounded by 48.21 acres of the District’s own property which is also a Tract. The northeasterly water tank was approved in 2002, as was the tank located on the southwest portion of the Tract. The third tank to southeast was approved in 2007 as earlier indicated. Furthermore, *Rules Governing Division of Land, Chapter 7 or the Land Development Code, Section 7.2.2., (C) Exemption Lot and Parcel Design Standards (1) Comply with LDC* states:

The resulting lots or parcels shall comply with the LDC unless: (1) a waiver or variance of one or more of the provisions of the LDC has been approved; or (2) the lots or parcels are for community facilities including utilities.

Part (2) of the aforementioned Section applies to the site, including the existing tanks and specifically, the proposed detached accessory temporary storage area.

4. Security is always at the forefront of design consideration for a municipal District. As of June 2002, the municipal Districts must comply with the Federal Government’s Vulnerability Assessment Act, also known as the Bioterrorism Act. The Homeland Security recommends that no object should obstruct a utility facility’s view, in order to facilitate security. Therefore, the previously approved 2007 tank site landscaping was reconsidered and not installed per plan. Additionally, the Federal requirement does not allow the Homeland Security’s constraints to be made public.

To reiterate, no object should impinge upon a utility facility’s view and thus the planting of additional landscaping surrounding the site per *LDC Chapter 6*, which could obstruct security’s view of the site from the street, is not recommended. As previously mentioned, the District has, however, utilized landscaping where possible without compromising security requirements. The north side of the site was specifically left open (and approved) in order to reduce obstructions.

If you have any questions, please do not hesitate to contact us.

Sincerely,

JDS-HYDRO CONSULTANTS, INC. on behalf of Meridian Service Metropolitan District