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**Board of County Commissioners**  
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## **PLANNING COMMISSION**

### **MEETING RESULTS (UNOFFICIAL RESULTS)**

Planning Commission (PC) Meeting  
Thursday, April 20, 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:** BRIAN RISLEY, TOM BAILEY, SARAH BRITTAIN JACK, JAY CARLSON, TIM TROWBRIDGE, BECKY FULLER, BRANDY MERRIAM, AND CHRISTOPHER WHITNEY.

**PC MEMBERS VIRTUAL AND VOTING:** KARA OFFNER.

**PC MEMBERS PRESENT AND NOT VOTING:** NONE.

**PC MEMBERS ABSENT:** ERIC MORAES, JOSHUA PATTERSON, AND BRYCE SCHUETTPELZ.

**STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, KARI PARSONS, JEFF RICE, ED SCHOENHEIT, SCOTT SHEVOCK, RYAN HOWSER, LUPE PACKMAN, MINDY MADDEN, MIRANDA BENSON, AND EL PASO COUNTY ATTORNEY LORI SEAGO.

**OTHERS PRESENT OR VIRTUAL AND SPEAKING:** PATTI BENNETT, CHAVA KIRK, STASIA ERICKSON, AND DON GROVEN.

#### **1. REPORT ITEMS**

**A. Planning Department. Next PC Hearing is Thursday, May 4, 2023, at 9:00 A.M.**

**Ms. Herington** advised the board that the annual meeting on 5/18/2023 will include presentations completed by Ms. Seago. She advised the board that there are 2 non-action items to be heard at the

end of this agenda. These items will go to a BOCC work session, so PCD would like the board's input before then. She also recognized Mr. Risley because this will be his last meeting on the PC after 9 years.

**Mr. Risley** thanked PCD staff, Ms. Seago, the County Commissioners, and his fellow board members.

**B. Call for public comment for items not on hearing agenda. NONE.**

**2. CONSENT ITEMS**

**A. Adoption of Minutes of meeting held April 6, 2023.**

**Mr. Bailey** noted that the minutes are not the official record of the meeting. The audio is the official record of the hearing.

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (8-0).**

**B. SP221**

**HOWSER**

**PRELIMINARY PLAN  
CATHEDRAL ROCK COMMONS COMMERCIAL**

A request by Store Master Funding VIII, LLC for approval of a preliminary plan to create three (3) commercial lots and one (1) tract. The 10.23-acre property is zoned CC (Commercial Community) and is located at the northeast corner of Struthers Road and Spanish Bit Drive. If the request for a preliminary plan is approved, the applicant will be required to obtain final plat approval, as well as site development plan approval prior to the initiation of any uses or the issuance of any building permits on the property. (Parcel No. 71360-02-035) (Commissioner District No. 1).

**NO DISCUSSION.**

**PC ACTION: BAILEY MOVED / TROWBRIDGE SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, FILE NUMBER SP-22-001 FOR A PRELIMINARY PLAN, CATHEDRAL ROCK COMMONS COMMERCIAL, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH FOUR (4) CONDITIONS AND FOUR (4) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).**

**3. CALLED-UP CONSENT ITEMS. NONE.**

**4. REGULAR ITEMS**

**A. P2213**

**PARSONS**

**MAP AMENDMENT (REZONE)  
STERLING RANCH SOUTHEAST REZONE**

A request by Classic SRJ Land, LLC, for approval of a map amendment rezoning 35 acres from RR-5 (Residential Rural) to RR-0.5 (Residential Rural). The applicant intends to develop one-half acre lots for single-family detached homes as a transition to the rural properties adjacent to the south pursuant to the approved Sterling Ranch Sketch Plan. The property is located east of Vollmer Road at the southern portion of the Sterling Ranch Sketch Plan area. A concurrent preliminary plan is also requested. A combined staff report has been provided. (Parcel Nos. 52330-00-017, 52330-00-018, 52000-00-552, and 52000-00-553) (Commissioner District No. 2).

**ITEMS 4A, 4B, AND 4C WERE PRESENTED TOGETHER AND HAD SHARED DISCUSSION (SEE BELOW).**

**B. P2212**

**PARSONS**

**MAP AMENDMENT (REZONE)  
STERLING RANCH EAST REZONE**

A request by Classic SRJ Land , LLC for approval of a map amendment rezoning 301 acres from RR-5 (Residential Rural) to RS-5000 (Residential Suburban). The applicant intends to develop single-family detached homes in four phases. The property is located east of Vollmer Road and adjacent to the north and south of the future Briargate Parkway/Stapleton Road extension. A concurrent preliminary plan is also requested. A combined staff report has been provided. (Parcel Nos. 52270-00-008, 52000-00-552, 52000-00-553, 52000-00-554, 52280-00-037, 52280-00-038, 52330-00-015, 52330-00-016, 52330-00-017, and 52330-00-018) (Commissioner District No. 2).

**ITEMS 4A, 4B, AND 4C WERE PRESENTED TOGETHER AND HAD SHARED DISCUSSION (SEE BELOW).**

**C. SP224**

**PARSONS**

**PRELIMINARY PLAN  
STERLING RANCH EAST PRELIMINARY PLAN**

A request by Classic SRJ Land, LLC, for approval of a preliminary plan to create 761 single-family residential lots in four phases. The 320-acre property is zoned RR-5 (Residential Rural) and is located east of Vollmer Road and adjacent to the north and south of the future Briargate Parkway/Stapleton Road extension. Two concurrent rezones are also requested. A combined staff report has been provided. The preliminary plan is within the approved Sterling Ranch Sketch Plan area. If the request for a preliminary plan is approved, the applicant will be required to obtain final plat approval, prior to the issuance of any building permits on the property. (Parcel Nos.52270-00-008, 52000-00-552, 52000-00-553, 52000-00-554, 52280-00-037, 52280-00-038, 52330-00-015, 52330-00-016, 52330-00-017, and 52330-00-018) (Commissioner District No. 2).

**STAFF PRESENTATION**

**APPLICANT PRESENTATION**

**Mr. Carlson** asked for clarification of the southern boundary's setback and buffer.

**Ms. Jennifer Shagin**, with NES, answered that the 30-foot easement and trail are within the 50-foot buffer tract south of the proposed lots. The lots have a 100-foot building setback from the lot lines.

## **PUBLIC COMMENT**

**Ms. Patti Bennett** (online) stated she is opposed to all 3 projects due to a lack of information on the projects. Before the hearings, she had a hard time determining the locations of the proposed rezones within the preliminary plan, but thought the presentations did a better job of providing clarity. She requested to see a plan with more clarity of the rezone areas, the defined open spaces, and the description of the easements and trails system. She requested that the parcels adjacent to Pawnee Rancheros (southeastern boundary) be modified to provide a better transition. She suggested 1-acre or 2.5-acre parcels along the southern border. Overall, she opposes all projects because of the impact they will have on her neighborhood.

**Ms. Chava Kirk** stated she is opposed to all 3 projects. She thinks the rezone will change the environment in the area. The homes in her area are on well and septic, livestock is in the area, and there is wildlife. There is a neighborhood dog. People take care of the land and don't use pesticides. She believes people who are going to move into the new development area will be irritated by the farm animals. How will 750 new homes and 2 schools respond when a cow gets out? She compared this proposal to the movie *Up* and stated the idealized parks and trails would kill the natural resources and wildlife. She asked for more of a buffer on the southern border.

**Ms. Stasia Erickson** is opposed to all 3 projects. She is requesting a modification to include 1 or 2.5-acre lots adjacent to the Pawnee Rancheros neighborhood. She is also requesting an 8-foot wall to separate her 5-acre neighborhood from the new development. The high-density proposal, which includes a school next to her property, concerns her because of her animals. She raises alpacas. She has had problems with a previous developer concerning a road in the area that caused flooding on her land. She is requesting mitigation of the noise and dust during construction. Over the past 13 years, she has had people approaching her animals to feed or pet them, loose dogs attacking her alpacas, and people leaving trash out. She is concerned about an increase in crime, traffic, and trespassing.

**Mr. Don Groven** is opposed to all 3 projects. He is concerned about where the development will get water and how long that water supply will last. He stated that 50 years ago, there was a 300-year supply when the land was scarcely populated. Now that the population has exploded, how will the water last?

**Ms. Shagin** addressed the concerns about the transition at the southern border. The developer is following the guidelines set by the 2008 sketch plan, which did not change with the 2022 sketch plan amendment. She stated it is unfortunate people have trespassed on other people's property. She stated construction has not begun within this planned area. She reiterated that there will be a buffer tract and a 100-foot building setback between the 5-acre lots' property lines and the buildable areas of the proposed RR-0.5 lots. There will also be a fence at the rear of the proposed

lot lines to promote that buffer. There is a small trail in the buffer tract to promote pedestrian connectivity throughout the Sterling Ranch development.

## **DISCUSSION**

**Mr. Carlson** stated that the sketch plan showed 3-5 dwelling units per acre in most of the residential areas, but the proposed zoning would allow as many as 9. Under the waiver section of the staff report, it states the PCD Director could approve the subsequent final plat so long that it is consistent with the preliminary plan. If the developer wanted to put 9 dwellings per acre in that area because now it's zoned that way, could they do that? Will the applicant have to come back before PC if they want to increase the density stated in the sketch plan?

**Ms. Parsons** answered that approval of the preliminary plan is approval of the actual layout of the roads, sidewalks, and size of the lots. To change the preliminary plan, the applicant would have to start over. Each project file in EDARP has its own specific maps and files. The preliminary plan drawing in EDARP shows the specific details of the lots, roadways, trails, sidewalks, and pedestrian ramps. The southern boundary, adjacent to Pawnee Rancheros, consists of a property line, split-rail fence then a 50-foot buffer tract, with a meandering trail. The paved roads will have adjacent sidewalks that will carry the majority of the pedestrian traffic from the school sites to the homes. The children going to schools or parks within this development would likely use the internal sidewalks as opposed to the peripheral trail.

**Mr. Risley** clarified that the proposed preliminary plan shows lot lines and the next stage will be the final plat, which could be approved administratively by the Department Director.

**Ms. Parsons** stated that is correct. If the PC recommends approval and the BOCC approves this application with a water finding, the applicant can submit an administrative final plat if no changes have been made. An administrative final plat would appear as the preliminary plan design as proposed during this hearing.

**Mr. Risley** reiterated that this appearance before the commission could be this development's final stop (for this specific development as proposed).

**Ms. Parsons** stated that is correct.

**Mr. Trowbridge** asked Ms. Parsons to pull up the zoning map from the presentation. He asked to see the southern boundary. He is concerned with the transition and is not happy with only one row of 0.5-acre lots and then having RS-5000 so close to the 5-acre lots. He doesn't think that's a good enough transition and he thinks it should be more gradual. He has a problem with everything south of the proposed Sterling Ranch Road.

**Ms. Parsons** clarified the area Mr. Trowbridge was referring to on a map. She stated that the sketch plan with designated buffers and transitions was already approved at the time of PCD staff's review of these requests. She was not able to compel the applicant to provide a greater buffer when they are following the approved sketch plan from 2008.

**Mr. Trowbridge** stated he understood that, but added PC was able to address concerns of adequate transition during review of Jaynes Sketch Plan and the applicant made changes.

**Mr. Risley** checked in with Ms. Offner to see if she had any questions. She did not.

**PC ACTION: BRITAIN JACK MOVED / MERRIAM SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4A, FILE NUMBER P-22-013 FOR A MAP AMENDMENT (REZONE), STERLING RANCH SOUTHEAST 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 (5-3).**

**IN FAVOR:** RISLEY, BAILEY, BRITAIN JACK, FULLER, AND MERRIAM.

**IN OPPOSITION:** CARLSON, TROWBRIDGE, AND WHITNEY.

**COMMENT: MR. TROWBRIDGE** did not think the density transition was adequate. **MR. CARLSON** stated it has been mentioned in the past that a sketch plan isn't as important in the process, but the sketch plan stage was what determined this developer's plans to move forward. Things are harder to change now that the sketch plan has been approved. He agreed with Mr. Trowbridge's assessment that the transition is inadequate; having ½-acre properties adjacent to 5-acre lots is not acceptable. **MR. WHITNEY** agreed that there should be a greater transition between 5-acre lots and higher densities.

**PC ACTION: BAILEY MOVED / MERRIAM SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4B, FILE NUMBER P-22-012 FOR A MAP AMENDMENT (REZONE), STERLING RANCH EAST 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 (8-0).**

**PC ACTION: FULLER MOVED / BRITAIN JACK SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4C, FILE NUMBER SP-22-004 FOR A PRELIMINARY PLAN, STERLING RANCH EAST PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH FIVE (5) CONDITIONS AND FOUR (4) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (6-2).**

**IN FAVOR:** RISLEY, BAILEY, BRITAIN JACK, CARLSON, FULLER, AND MERRIAM.

**IN OPPOSITION:** TROWBRIDGE AND WHITNEY.

**COMMENT: MR. WHITNEY** stated that he could not recommend approval of this preliminary plan when he voted against the earlier rezone (P-22-013).

**D. ID231**

**PARSONS**

**SPECIAL DISTRICT SERVICE PLAN  
STERLING RANCH METROPOLITAN DISTRICT NOS. 4 & 5**

A request by Classic SRJ, LLC, and Spencer Fane P.C. for approval of a Colorado Revised Statutes Title 32 Special District service plan for the Sterling Ranch Metropolitan District Nos. 4 and 5. The 576-acre area included within the request is zoned RR-5 (Residential Rural) and is located south of Arroya Lane, and

east of Vollmer Road. The proposed service plan includes the following: a maximum debt authorization of \$150 million, a debt service mill levy of 50 mills for residential, and an operations and maintenance mill levy of 15 mills, for a total maximum combined residential mill levy of 65 mills. The statutory purposes of the district include the provision of the following: 1) street improvements, safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) design, acquisition, construction, installation, and operation and maintenance of television relay and translation facilities; 6) covenant enforcement; and 7) design, construction, and maintenance of public water including fire hydrant systems, and sanitation systems. (Parcel Nos. 52000-00-553, 52270-00-005, 52270-00-006, 52270-00-007, 52270-00-008, 52270-05-001, 52280-00-038, 52330-00-015, and 52340-02-001) (Commissioner District No. 2).

## **STAFF PRESENTATION**

**Mr. Carlson** asked Ms. Parsons for clarification regarding the district's water rights being given to FAWWA. Will there be any wells on the future developments in this area?

**Ms. Parsons** stated she could not answer that question. The only application received so far is Foursquare, which will use existing infrastructure. She asked if Mr. Campbell could give more info.

**Mr. Kyle Campbell**, with Classic Consulting Engineers & Surveyors, stated he is not aware of any need for additional wells as the water will be serviced by FAWWA.

**Mr. Whitney** asked Ms. Parsons to clarify if the boards for metro districts 1-3 could also run the board for the proposed metro districts 4 & 5 as opposed to the developer running the district.

**Ms. Parsons** stated that by not including the future development (the eastern half of Sterling Ranch) in districts 1-3, the existing owners in the western part of Sterling Ranch will be able to take over the district boards of 1-3 as a more active membership. This means the developer won't have as much say in the district boards. If the developers didn't create this, the existing residents would not be able to occupy as many board seats because there is so much future development. This creates balance.

**Mr. Trowbridge** stated this is typical for HOAs as well. When a developer initially creates this type of organization, they are the majority owner and they are in control. Once properties are sold, their influence is less and less.

**Mr. Whitney** thanked both for the clarification.

**Mr. Bailey** asked if the extension of Briargate Parkway is among the road and transportation improvements these metro districts would fund. He asked if there was any restriction as to what roads get improved.

**Ms. Parsons** answered that Briargate Parkway could be part of those improvements. She stated there are no restrictions.

## **APPLICANT PRESENTATION**

**Ms. Merriam** stated that when she thinks of the creation of new districts, she thinks of them collaborating with existing districts.

**Mr. Dykstra** stated FAWWA would be that coordinating entity. These districts will be responsible for building the sewer and water lines themselves, then after they're completed, they will be turned over to FAWWA for operation and maintenance.

**Ms. Merriam** asked for further clarification regarding the report stating the area will consist of lots over 35 acres that are serviced by individual wells using the Denver Basin. Is that part of Sterling or part of the Falcon water?

**Mr. Dykstra** answered that Mr. Campbell stated there was no plan to drill additional wells within this district. FAWWA has several other well fields in other areas that will produce water.

**Ms. Merriam** asked what would happen if one didn't go down as far as it should have. She asked about discharging the debt and going back to residents in the area. She asked if the older areas that are more surface-related, which don't have as deep wells, will run out because this is a larger district.

**Mr. Dykstra** clarified if Ms. Merriam was asking if the existing residential domestic wells run out.

**Ms. Merriam** stated that was correct.

**Mr. Dykstra** stated that was above his knowledge or expertise. He stated most domestic wells are shallower than the deeper Arapahoe or Denver wells. He stated he has not seen that in his experience, but he's not qualified to answer fully.

**Mr. Risley** added that while Ms. Merriam's concern is important, FAWWA is a municipal water system, so he does not believe that discussion is germane to the background financial structure.

**Ms. Merriam** stated she was focusing her question as it pertains to the proposed Sterling district.

**Mr. Risley** commented that the State of Colorado has very low property taxes compared to others. He stated that as a result, creative funding mechanisms to provide public utilities and infrastructure are used. He believes metro districts are very important. Some additional cost is added to residents who live in that metro district, but it's important that the cost is placed where appropriate instead of putting that burden on the County in general. The development pays its own way, which is a philosophy that El Paso County and other parts of Colorado have adopted.

**PC ACTION: CARLSON MOVED / BRITAIN JACK SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4D, FILE NUMBER ID-23-001 FOR A SPECIAL DISTRICT SERVICE PLAN, STERLING RANCH METROPOLITAN DISTRICT NOS. 4 AND 5, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH EIGHT (8) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0).**

## **5. NON-ACTION ITEMS**

## A. POTENTIAL CODE AMENDMENT RE: GREENHOUSES

### PRESENTATION & DISCUSSION

**Mr. Risley** asked how the Regional Building Department (PPRBD) arrived at the 1,000 ft<sup>2</sup> limit.

**Ms. Madden** stated they made the recommendation of 1,000 ft<sup>2</sup> but are open to larger structures with a special-use application. She mentioned the construction of hoop houses and stated snow-load may be part of their recommendation.

**Mr. Risley** requested detailed justification of the recommended square footage when this comes before PC again as a proposed amendment.

**Ms. Madden** stated that someone from PPRBD will be available at the hearings to give more information and feedback. She stated she doesn't know why they decided on 1,000 ft<sup>2</sup>.

**Mr. Risley** explained his reasoning behind the request for that information is because there are several pre-engineered greenhouse systems that come in a variety of sizes that he thinks PPRBD may want to keep in mind when making the square footage recommendation.

**Ms. Madden** added that this proposed amendment would bypass the building code and these structures would be reviewed by PCD staff. With the agricultural exemption, the use of the structure would be regulated to meet the requirements of state statute for agricultural use only. She also added that this amendment is for personal greenhouses, not commercial, so they don't want to get into the larger sizes.

**Mr. Trowbridge** asked if there would be a limit to how many greenhouses a person could have.

**Ms. Madden** answered that PCD staff would still look at the lot coverage standards of their zoning district.

**Mr. Trowbridge** asked if a person had 20 acres, could they build a 10,000 ft<sup>2</sup> greenhouse?

**Ms. Madden** answered that they could and added that the current code requires anything more than an acre must be a special-use process. She stated this amendment was intended for mom-and-pop backyard gardens.

**Mr. Trowbridge** understood but added there are always people who want to push the envelope. The presentation continued.

## B. POTENTIAL CODE AMENDMENT RE: CARPORTS

### PRESENTATION & DISCUSSION

**Ms. Herington** added that it was controversial when the City of Colorado Springs and the City of Fountain amended their carport codes. She wanted to make sure they are considering that the proposed change would allow a driveway to be covered by a carport where it is currently not

allowed. Proposed changes to greenhouses are easy. Changes to carports are not as easy.

**Mr. Carlson** asked if the structure would need to be off any utility easement as well.

**Mr. Schoenheit** confirmed and stated that the property owner would need to get permission from the easement holder/utility provider, especially for the front area. He stated he does not foresee a utility company approving a structure built on top of their utility easement.

**Mr. Carlson** clarified that the property owner could build right up to the utility easement.

**Mr. Schoenheit** agreed so long as the easement is within the 5-foot requirement from the right-of-way. The 5-foot setback should allow clearance from the utility easement.

**Mr. Carlson** asked if there is no sidewalk and no right-of-way, just a utility easement, could the property owner build right up to the easement.

**Mr. Schoenheit** stated the property owner would just need to get permission from the easement holder. That could be El Paso County or a private utility company.

**Ms. Brittain Jack** asked about existing carports that are not in compliance with code. Would they need a variance?

**Ms. Madden** answered that if a property owner doesn't meet the proposed requirements, then they likely don't meet the existing code. There will not be any legal non-conforming uses. The owner would need to bring their carport into compliance. Because PCD is proposing a setback of 5 feet, that will not allow additional administrative relief or BOA. The carport cannot be any closer to the road.

**Mr. Risley** added that the County is not going to go out and look for these violations unless there is a Code Enforcement (CE) complaint.

**Ms. Madden** confirmed the CE is complaint based and stated most of these complaints are from the Security/Widefield area where they receive a lot of hail damage.

**Ms. Fuller** asked if there would be a maximum size for the carports.

**Ms. Madden** answered with 500 ft<sup>2</sup>.

**Mr. Trowbridge** stated that the example diagram in the presentation appears to show an attached carport to the house. Do the carports need to be attached?

**Ms. Madden** answered that they would need to be free-standing. If they are attached, they are an addition to the house and would be processed through PPRBD.

**Ms. Fuller** asked if an HOA could still restrict a front yard carport with the proposed setback even when the County allows it.

**Ms. Madden** stated that is correct. The presentation continued.

**Mr. Risley** commented that the typical parking space is 9x18 feet while a typical carport is 10x20 feet. He suggested considering a larger allowable footprint because he thinks the 200 ft<sup>2</sup> condition will kick most carports into requiring a building permit.

**Ms. Madden** thanked Mr. Risley for the feedback and addressed one of Mr. Carlson's earlier comments. She stated that the current code allows temporary carports to be within setbacks and easements with permission of the easement holders. She asked for the PC's opinion on whether that should continue to be allowed if carports are no longer considered temporary, but permanent.

**Mr. Carlson** stated he thinks if the property owner received permission from the easement holder, then it should be allowed.

**Mr. Bailey** agreed and added that he doesn't think the code should limit that allowance if they have received permission from the easement holder. He thinks the easement holder should establish their own standards on whether that can be allowed or not.

**Ms. Merriam** agreed and stated that some carports may not be sheltering a car, but utility vehicles and lawnmowers, etc., and may be on the side of the house instead of the front.

**Ms. Madden** clarified that carports are defined by the code as being for the protection of vehicles. Any use other than that would be a CE violation.

**Mr. Trowbridge** added that it would be used as a storage shed at that point.

**Ms. Madden** agreed.

**Mr. Whitney** stated that if the carport meets the proposed code criteria and the landowner has received permission from the easement holder, he sees no problem.

**Mr. Risley** agreed and added that things are built within utility easements all the time. If the utility company needs to dig up a pipe or something, they will remove what is in their way at the homeowner's expense. He doesn't think the County should get involved in that process. He asked when this would come before the PC as a hearing item.

**Ms. Madden** answered it would come before the board on May 4<sup>th</sup> as a regular item with a more detailed presentation.

**Ms. Herington** asked the board if would need additional time for their consideration and if this was a concept they wished to pursue. She suggested Ms. Madden follow up with the City of Colorado Springs and City of Fountain to see how many carport permits they are seeing now that their codes have been in place. That information might be useful to determine how many carport requests the County might receive. Overall, she stated she does not hear any objection to moving forward with this proposed code amendment.

**Mr. Carlson** stated that he agreed with Mr. Risley's suggestion that the size allowed before requirement of a building permit should be larger.

**Ms. Madden** stated that is a PPRBD requirement so she doesn't think there is flexibility with that.

**Mr. Risley** added that the County would need to be aware then that these carports will generate additional building permits. He thought the purpose of these amendments was to make it easier for the property owners, but this seems to create an additional barrier. He thinks if there are regulations making it harder for the property owners, they will just do it without a building permit. He thinks it will be the same situation with the greenhouse proposal if they are tied to the building permit process. The intent may be good, but the outcome may not be. He thinks if it were an option between making these code amendments with unintended consequences or leaving it the way it is, he thinks it should stay the same.

**Ms. Madden** clarified that the current code would require a building permit with a BOA hearing. Amending the code to increase the front yard setback for a carport would remove that BOA requirement and would make it easier for the property owner.

**Ms. Herington** added that PCD will ask someone from PPRBD to attend the next hearing when these items are next discussed. She mentioned that even a shed over 200 ft<sup>2</sup> would need a building permit but she's not sure what makes 200 that magic number. Same scenario for why 1,000 ft<sup>2</sup> was decided as the magic number for greenhouses.

**Mr. Risley** reiterated that if it is too difficult to obtain the proper approval, most people are going to just put it up without the proper permitting until they get caught.

**Mr. Trowbridge** stated that the more information gathered regarding comparisons between the County, Colorado Springs, and Fountain, the better. Specifically, sizes and issues that followed the code amendments.

**Ms. Fuller** asked for a briefing on when Colorado Springs adopted their code amendment and what the arguments against were. She doesn't like the aesthetic of carports.

**Mr. Whitney** also requested more information on when and why anything over 200 ft<sup>2</sup> requires a building permit.

**Ms. Madden** stated the requirement used to be anything over 120 ft<sup>2</sup> required building permit, but it changed around 2016 or 2017.

**Ms. Herington** commented on Ms. Fuller's request. She stated the discussion within Colorado Springs was about the aesthetic and issues that come along with carports. She stated that this amendment would allow both prefabricated and metal carports. Colorado Springs had discussion on whether they should require carports to be stick-built. It was also discussed that there would be nothing preventing the construction of front yard carports once the amendment was adopted unless an HOA specifically prevented it. Colorado Springs was also more proactive regarding Code Enforcement, so how these structures were going to be tracked was also discussed. Colorado

Springs adopted a front yard carport permit (separate from a building permit and with its own fee), but the County is not proposing that. Fountain has something similar.

**Mr. Carlson** stated that so long as they receive the full staff reports on time before the next hearing, that should be sufficient time to review the information.

**Ms. Madden** stated they would receive her staff reports at the same time as the other hearing items for the next agenda.

**Ms. Herington** added that after PCD has made their next presentation, if the PC wants more time to decide, they can continue the item or request additional information. There is no burning need to do this. If the hearing happens and the PC wants more time, they can ask for that.

**Ms. Merriam** mentioned that she lives in the eastern part of the County. The wind can be so strong that a carport would blow three houses down if it were made of light materials. Are the materials the carports are made of part of the consideration?

**Ms. Madden** stated that the code amendment only addresses the front yard setback for a carport on parcels less than 1/2 an acre. The setback on any other lot would be whatever is allowed for an accessory structure.

**Mr. Risley** asked the board if a pre-hearing briefing of proposed code amendments was appreciated. The consensus was that it was appreciated.

**Mr. Bailey** likes the opportunity to provide feedback after having the time to think it over.

**Ms. Herington** thanked the board for that feedback and added that if anyone on the commission has follow-up ideas or questions, to please reach out to herself, Mr. Kilgore, or Ms. Madden so they can research the topic and discuss it in the future. She stated that these proposed changes were advertised on this agenda, will be discussed at a BOCC work session, will appear again before the PC as a regular item, and finally appear before the BOCC as a regular item. There will be plenty of time for the PC to provide review and to advise the public of upcoming changes. She thanked the board for their time on this.

**MEETING ADJOURNED** at 11:37 A.M.

**Minutes Prepared By:** Miranda Benson