

Statement for Project File

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Jessica Merriam

From: PLNWEB
Sent: Wednesday, July 15, 2026 1:48 PM
To: Jessica Merriam
Subject: FW: Objection to the Buc-ee's Administrative Determination and Demand for a Public Hearing — C-1 Zone, I-25 & County Line Road



Gayle Jackson

Administrative Assistant

El Paso County | Planning and Community Development

2880 International Circle Suite 110

Colorado Springs, CO 80910

Phone: 719-520-6300

<https://planningdevelopment.elpasoco.com/>

www.epcdevplanreview.com

From: Angie Marie <angiemarie150@yahoo.com>
Sent: Wednesday, July 15, 2026 11:39 AM
To: PLNWEB <PLNWEB@elpasoco.com>
Subject: Fw: Objection to the Buc-ee's Administrative Determination and Demand for a Public Hearing — C-1 Zone, I-25 & County Line Road

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----- Forwarded Message -----

From: "Matthew Beverly" <matt.beverly99@gmail.com>

To: "Dana Duggan" <danaannduggan@gmail.com>

Cc: "Angie Marie" <angiemarie150@yahoo.com>, "Sean Saw" <nobuccees@gmail.com>, "Daren Fike" <darenfike@gmail.com>, "Mary Scott" <tpitreasurer1@gmail.com>, "Secretary TPI" <secretary@trilakespreservation.org>

Sent: Wed, Jul 1, 2026 at 8:10 PM

Subject: Re: Objection to the Buc-ee's Administrative Determination and Demand for a Public Hearing – C-1 Zone, I-25 & County Line Road

We shall see how much of a rush they are in and whether they appeal or just go for a full package.

On Jul 1, 2026, at 21:15, Dana Duggan <danaannduggan@gmail.com> wrote:

She's sending this to everyone.

Vanderbilt, B.A.
SMU, M.B.A.
719-964-7421

On Wed, Jul 1, 2026, 7:10 PM Angie Marie <angiemarie150@yahoo.com> wrote:

This is the response I received from Holly tonight regarding my letter....

[Yahoo Mail: Search, Organize, Conquer](#)

----- Forwarded Message -----

From: "Holly Williams" <HollyWilliams@elpasoco.com>

To: "Angie Marie" <angiemarie150@yahoo.com>

Cc:

Sent: Wed, Jul 1, 2026 at 6:20 PM

Subject: Re: Objection to the Buc-ee's Administrative Determination and Demand for a Public Hearing – C-1 Zone, I-25 & County Line Road

El Paso County received a request for an administrative determination regarding whether the proposed Buc-ee's use should be classified as a "Convenience Store" under the Land Development Code.

Following review of the applicant's materials, applicable Land Development Code definitions, historical approvals, and comparative analysis, the Planning and Community Development Director was unable to make a determination. Because it is unclear whether the proposed use meets the Land Development Code definition of a "Convenience Store," the Director was

unable to determine whether the proposed use is sufficiently similar to allowed uses within the C-1 zoning district.

The administrative determination is a limited code interpretation that addresses only how the proposed use is classified under the Land Development Code.

In accordance with LDC Section 5.3.6(F), an aggrieved party may appeal an administrative determination on use within 30 days of the date of this determination. Appeals must follow the procedures adopted by the Board of County Commissioners (BoCC) or the Executive Director. The BoCC is the ultimate interpreter of the meaning and application of this Code as to the type, nature and rights of uses.

“Aggrieved” is defined in LDC Section 1.15 as the owner of the property that is the subject of the request and, when notice to adjacent property owners is required, those adjacent owners entitled to such notice.

Until the appeal period has expired, or an appeal has been filed, the County cannot determine what the next procedural step will be. At this time, the County does not know whether an appeal or another land use application will be submitted.

If an appeal or another application is submitted, it will be reviewed in accordance with the applicable provisions of the Land Development Code and the County’s established review process.

<https://planningdevelopment.elpasoco.com/buc-ees/>

Holly Williams

Commissioner District 1

719-520-6411 (office)

719-374-0856 (cell)

hollywilliams@elpasoco.com

From: Angie Marie <angiemarie150@yahoo.com>

Sent: Monday, June 29, 2026 12:26 PM

To: Meggan Herington <MegganHerington@elpasoco.com>; Holly Williams

<HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong

<BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson

<LaurenNelson@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>

Cc: natasha_hutson@bennet.senate.gov <natasha_hutson@bennet.senate.gov>;

jess_cohen@hickenlooper.senate.gov <jess_cohen@hickenlooper.senate.gov>;

jarvis.caldwell.house@coleg.gov <jarvis.caldwell.house@coleg.gov>; matthew.smith1@mail.house.gov

<matthew.smith1@mail.house.gov>; integritymatterscos@gmail.com

<integritymatterscos@gmail.com>; contact@trilakespreservation.org

<contact@trilakespreservation.org>; savannah.eller@gazette.com <savannah.eller@gazette.com>;

tony.keith@koaa.com <tony.keith@koaa.com>; noah.caplan@koaa.com <noah.caplan@koaa.com>;

EXTERNAL KOAA News <News@KOAA.com>; sam.page@krdo.com <sam.page@krdo.com>;

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jim.carlton@wsj.com <jim.carlton@wsj.com>; news-tips@nytimes.com <news-tips@nytimes.com>;
tips@cnn.com <tips@cnn.com>; tips@nbcuni.com <tips@nbcuni.com>; news.tips@abc.com
<news.tips@abc.com>; lbergman@newsnationnow.com <lbergman@newsnationnow.com>;
tips@thefp.com <tips@thefp.com>; talkshow@aol.com <talkshow@aol.com>; mlakind@tomgov.org
<mlakind@tomgov.org>; sking@tomgov.org <sking@tomgov.org>; sabbott@tomgov.org
<sabbott@tomgov.org>; csmith@tomgov.org <csmith@tomgov.org>; lkronick@tomgov.org
<lkronick@tomgov.org>; kkimple@tomgov.org <kkimple@tomgov.org>; mfiorito@tomgov.org
<mfiorito@tomgov.org>; eharris@palmer-lake.org <eharris@palmer-lake.org>; rroseley@palmer-lake.org
<rroseley@palmer-lake.org>; jmarble@palmer-lake.org <jmarble@palmer-lake.org>;
mbeeson@palmer-lake.org <mbeeson@palmer-lake.org>; ajurka@palmer-lake.org <ajurka@palmer-lake.org>;
governorpoliis@state.co.us <governorpoliis@state.co.us>

Subject: Re: Objection to the Buc-ee's Administrative Determination and Demand for a Public Hearing
— C-1 Zone, I-25 & County Line Road

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TO WHOM IT MAY CONCERN:

First of all, I am requesting that this information/email and materials be added to the official ADM264 file. I would like confirmation that it has been added/submitted to said file.

I FORMALLY object to any administrative determination classifying the proposed Buc-ee's as a permitted use in the C-1 zoning district, and I ask that this matter be referred to the Board of County Commissioners for a public hearing. The application asks the County to allow, by a closed-door administrative determination, a use the Land Development Code does not permit in C-1.

1. A gas station is not a permitted use in C-1. Table 5-1 lists "Gas Station" as an allowed use in the CC, CR, CS, C-2, and M districts — but **not in C-1**. Under § 1.6.6 and § 5.3.6(C)(2), listing a use in some districts "shall be deemed to be an exclusion of the use from any other zoning district in which the use is not listed." A facility with 60 dispensers and 120 fueling positions is a gas station. "Convenience Store" and "Gas Station" are separately defined and separately listed uses; the convenience-store definition's "may include retail sale of gasoline" covers incidental fuel and cannot be used to place into C-1 a use the Code deliberately excluded from it. Read literally, as § 1.6.1 requires, this use is prohibited in C-1.

The application tries to escape this prohibition by **misreading the Gas Station definition — three ways, all on page 5**. First, it argues Buc-ee's is not a gas station because it "will not provide vehicle repairs, oil changes, accessory

installation, [or] car washing." But § 1.15 does not require any of those services; it lists them as things a gas station "may include, **as an incidental use.**" Their absence is irrelevant. Second, the application asserts the Code defines a gas station as a use "primarily oriented toward the petroleum fueling and servicing of motor vehicles" — a "primary orientation" requirement that appears nowhere in § 1.15. Third, it claims the definition "expressly limits retail activity to the incidental sale of vehicle accessories," which it does not. What actually defines a gas station under § 1.15 is the retail sale of gasoline and diesel for vehicles — which Buc-ee's plainly does, at 120 fueling positions. Read as the Code is written, this is a gas station, and gas stations are not allowed in C-1.

2. The use does not meet the Code's "Convenience Store" definition. That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas." Buc-ee's represents that the store will serve the surrounding neighborhood (pages 2 and 4). It will not. This project is a regional tourist destination, not a neighborhood store — and the company says so itself:

- At the grand opening of the company's recently opened Goodyear, Arizona travel center — a store identical to the one proposed here (74,000 square feet, 120 fueling positions) — Buc-ee's own store-opening manager called it "a destination," comparing it to Disney World (*Arizona Daily Star*, June 22, 2026).
- At the meeting where another identical new Buc-ee's in Manfield OH was recently approved, Angela Janik, Buc-ee's own Project Coordinator, stated, "We are not a truck stop. We like to be known as a family-friendly oriented **travel center**," Janik said when introducing the plan. Janik also said "most of Buc-ee's customers are travelers from up to 100 miles away". ([10tv.com](https://www.10tv.com), WBNS, June 3, 2026)
- The *Arizona Republic* reported that hotels nearest that store sold out for opening weekend, and the *Arizona Daily Star* documented customers driving in from Oregon, Minnesota, and other states, with Nevada and California plates filling the lot.
- According to figures Buc-ee's provided to the City of Springfield, Missouri, the company estimates roughly **six million customers a year, with 88% traveling more than 20 miles** to reach the store (*City of Springfield official website*; *Springfield Daily Citizen*).

A store the company itself markets as a multi-state destination, drawing customers who travel hundreds of miles and book hotels, does not serve "the neighborhood in which it is located." It cannot be shoehorned into the one C-1 use the application relies on.

3. This decision belongs at a public hearing, not behind closed doors.

Deciding the permitted uses of a specific parcel by applying the Code's definitions to specific facts is a discretionary judgment — the Code's own § 5.3.6(B) describes it as an "analysis and comparison of various code provisions ... as opposed to a nondiscretionary review." A decision of this consequence, affecting the whole region, requires public notice and a hearing — and the County itself stated in February 2026 that "a public hearing is required to determine the use classification" for a project like this. A no-notice administrative determination, issued with no opportunity for the public to be heard, is the wrong vehicle.

4. The application is also unreliable on its face. Beyond the violations above, it repeatedly misstates the Code and the facts — including a "full list of allowed C-1 uses" (page 8) that omits Convenience Store, the very use it claims is permitted;

fuel-footprint percentages calculated on shifting denominators (pages 2 and 6); and a landscaping requirement misstated as 5% when the Code requires more (page 2). A record this flawed is one more reason the determination must be tested at a public hearing rather than accepted on paper.

I respectfully request that the County:

1. **Decline** to issue any administrative determination on the paper record;
2. **Refer** this matter to the Board of County Commissioners for a full, noticed public hearing;
3. **Recognize** that a 120-position fuel facility is a gas station, which the Code excludes from C-1; and
4. **Require** the applicant to use the proper public process — a rezoning to C-2, or special-use/PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in by administrative determination. Please make this decision in public, on the record.

Respectfully,

Angela Fike
[1222 Greenland Forest Drive](#)
[Monument, CO 80132](#)

Jessica Merriam

From: PLNWEB
Sent: Tuesday, July 21, 2026 9:11 AM
To: Jessica Merriam
Subject: FW: Procedures for the Buc-ee's Appeal Hearing



Gayle Jackson

Administrative Assistant
El Paso County | Planning and Community Development
2880 International Circle Suite 110
Colorado Springs, CO 80910
Phone: 719-520-6300
<https://planningdevelopment.elpasoco.com/>
www.epcdevplanreview.com

From: Britt Christensen <b.a.christensen85@gmail.com>
Sent: Monday, July 20, 2026 4:27 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; CARCTB <carctb@elpasoco.com>
Cc: PLNWEB <PLNWEB@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Bret Waters <BretWaters@elpasoco.com>; michaela.snow@state.co.us; cdphe.commentswqcd@state.co.us; Jason.Ullmann@state.co.us; Tracy.Kosloff@state.co.us; ColoradoES@fws.gov; mlakind@tomgov.org; Steve King <sking@tomgov.org>; sabbott@tomgov.org; csmith@tomgov.org; lkronick@tomgov.org; kkimple@tomgov.org; mfiorito@tomgov.org; Integrity Matters <integritymatterscos@gmail.com>; governorpolis@state.co.us; natasha_hutson@bennet.senate.gov; jess_cohen@hickenlooper.senate.gov; Elizabeth Harris <eharris@palmer-lake.org>; rmoseley@palmer-lake.org; jmarble@palmer-lake.org; mbeeson@palmer-lake.org; Jurka Atis <ajurka@palmer-lake.org>; savannah.eller@gazette.com; tony.keith@koa.com; sam.page@krdo.com; Noah.Caplan@koa.com; Austin Sack <asack@kxrm.com>; Karin.Brulliard@washpost.com; Jim Carlton <jim.carlton@wsj.com>; Jessica Alvarado Gamez <jalvarado@denverpost.com>; Olivia Prentzel <oliviaprentzel@coloradosun.com>; Andrea Chalfin <achalfin@krcc.org>; talkshow@aol.com; EXTERNAL KKTv News <news@kktv.com>; spencer.soicher@9news.com; news@cpr.org; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; EXTERNAL KRCC News <news@krcc.org>; newsroom@coloradosun.com; tips@kdvr.com; tips@thefp.com; tips@cnn.com; newstips@9news.com; EXTERNAL News TipsDenver <newstips@thedenverchannel.com>; newstips@denver7.com; news-tips@nytimes.com; tips@nbcuni.com; news.tips@abc.com; LBergman@newsnationnow.com; wia@woodmoor.org; Opinion@gazette.com; jarvis.caldwell.house@coleg.gov
Subject: Procedures for the Buc-ee's Appeal Hearing

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Report

El Paso County Digital, Strategy & Technology (DST)

Commissioners,

With executive session scheduled for Tuesday concerning Buc-ee's, I respectfully urge you to ensure that the appeal hearing is conducted with fairness, balance, and transparency.

To that end, I ask that an organized Tri-Lakes citizens' group be granted the same amount of presentation time as the applicant, that the community be permitted a closing statement following the applicant's rebuttal, that the relevant Palmer Lake proceedings and the County's administrative determination be included in the record, and that any time limits be clearly stated in advance and applied equally to both sides.

I also ask that this hearing be held where it will most directly serve the people affected. Please consider locating it in the Tri-Lakes area, in the evening, at a time and place that makes it accessible to working residents and other community members.

Those who will live with the outcome of this decision should have a real opportunity to be heard, to respond, and to participate meaningfully before the County makes its final determination.

Thank you for your consideration.

Respectfully,

Britt Weir
Monument, CO

Jessica Merriam

From: PLNWEB
Sent: Friday, July 17, 2026 10:00 AM
To: Jessica Merriam
Subject: FW: Submission of Position Paper for Official Record – Buc-ee's EPCO, LLC Appeal (C-1 Zoning Classification)
Attachments: Buc-ees_Appeal_Support_Letter_and_Position_Paper.pdf

From: Jackie Allred <JackieAllred@elpasoco.com>
Sent: Friday, July 17, 2026 7:51 AM
To: PLNWEB <PLNWEB@elpasoco.com>
Subject: FW: Submission of Position Paper for Official Record – Buc-ee's EPCO, LLC Appeal (C-1 Zoning Classification)

Jackie Allred, CMC
Clerk to the Board Manager
El Paso County - Clerk and Recorder's Office
1675 W. Garden of the Gods Road, Suite 2201
Colorado Springs, CO 80907
Office: 719.520.6432 | Cell: 719.352.9495
jackieallred@elpasoco.com

From: Chris Nicoll <chris@chrisnicoll.us>
Sent: Wednesday, July 15, 2026 2:04 AM
To: CARCTB <carctb@elpasoco.com>
Subject: Fwd: Submission of Position Paper for Official Record – Buc-ee's EPCO, LLC Appeal (C-1 Zoning Classification)

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Clerk to the El Paso County BOCC:

Please submit my letter and position paper as testimony and information to be considered by the County Commissioners.

I tried to email this to each member and i'm not sure if they all went through. If you could please forward to each member and enter my input the record with respect to the Buc-ee's zoning appeal hearing. If you could also CC the county manager and County Attorney, i believe they may find my input useful in this matter.

Please let me know if you received this message.

Thanks,
Chris Nicoll

Chris Nicoll
chris@chrisnicoll.us

Respectfully,

Christopher A. Nicoll Falcon / Meridian Ranch – Precinct 450 Former Pueblo City Council
President Founder, Buc-ee's Boosters – El Paso County
chris@chrisnicoll.us (719) 684-4622

===== Forwarded message =====

From: Chris Nicoll <chris@chrisnicoll.us>
To: "hollywilliams" <hollywilliams@elpasoco.com>, "carriegeitner" <carriegeitner@elpasoco.com>, "billwysong" <billwysong@elpasoco.com>, "coryapplegate" <coryapplegate@elpasoco.com>, "laurennelson" <laurennelson@elpasoco.com>
Cc: "bocc" <bocc@elpasoco.com>, "countyattorney" <countyattorney@elpasoco.com>
Date: Wed, 15 Jul 2026 00:51:27 -0700
Subject: Submission of Position Paper for Official Record – Buc-ee's EPCO, LLC Appeal (C-1 Zoning Classification)

===== Forwarded message =====

Dear Chair Geitner, Vice Chair Nelson, and Commissioners Williams, Wysong, and Applegate,

Please accept the attached **Position Paper in Support of Buc-ee's EPCO, LLC Appeal – Land Use Classification as Convenience Store (C-1 Zoning, I-25 & County Line Road)** for inclusion in the **official county record**. I respectfully request that this document be entered as **public testimony** for consideration in your upcoming hearing and decision

on the Buc-ee's appeal. I believe you may find my unique perspective useful in making your determination.

As outlined in the attached paper, I am submitting my analysis and perspective as an El Paso County resident and former Pueblo City Council President, with experience in land use, zoning, CDOT coordination, and public safety considerations. My testimony reflects both my professional background and the substantial public support expressed by residents across El Paso County that i have collected on Social Media as the organization: Buc-ee's Boosters - Southern Colorado / El Paso County

Thank you for your attention to this matter and for your service to our community. Please feel free to contact me if any additional information is needed.

Respectfully,

Christopher A. Nicoll Falcon / Meridian Ranch – Precinct 450 Former Pueblo City Council President Founder, Buc-ee's Boosters – El Paso County
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Christopher A. Nicoll
10658 Pictured Rocks Dr
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Precinct 450
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July 15, 2026

Honorable Board of County Commissioners

El Paso County
200 S. Cascade Avenue
Colorado Springs, CO 80903

Re: Support for Buc-ee's EPCO, LLC Appeal – Land Use Classification as Convenience Store (C-1 Zoning, I-25 & County Line Road)

CC: El Paso County Attorney and Clerk of the County Commission

Dear Chair Geitner, Vice Chair Nelson, and Commissioners Williams, Wysong, and Applegate:

My name is Chris Nicoll, an El Paso County resident of Falcon/Meridian Ranch (Precinct 450). I served eight years on the Pueblo City Council (2012–2019), including as Council President, where I gained extensive experience reviewing planning and zoning matters, CDOT projects, and economic development initiatives. I am writing today to introduce myself and express strong support for approving the Buc-ee's appeal regarding classification of their proposed travel center as a permitted Convenience Store (or similar use) in the C-1 zoning district.

I wish to enter this paper into the official county record as public testimony to be considered in your upcoming decision for Buc-ee's EPCO, LLC Appeal – Land Use Classification as Convenience Store (C-1 Zoning, I-25 & County Line Road)

As the founder of **Buc-ee's Boosters – El Paso County**, I have helped build a rapidly growing grassroots coalition of residents who strongly support this project. In just a few days, our Facebook community has grown to more than **500 followers**, reflecting broad enthusiasm across El Paso County and southern Colorado. Supporters consistently highlight the clear economic benefits Buc-ee's would bring to our region, including **approximately 200 new jobs** and **millions in future sales-tax revenue and economic activity**.

This surge of public engagement demonstrates that, while some opposition exists in Monument, there is **substantial countywide support** for a modern travel center at the County Line Road location. Residents who regularly travel the I-25 corridor understand

the importance of reliable, safe, and well-managed facilities. They also recognize that Buc-ee's would provide a significant boost to northern El Paso County **without straining existing infrastructure**, as shown by the successful performance of the Johnstown location in northern Colorado.

The arguments raised against the project are either readily manageable through standard site plan, traffic, drainage, and operational reviews — or simply do not hold water when weighed against the substantial public safety and economic advantages that the project will bring.

The proposed site at exit 163 County Line Road serves both the linear I-25 traveler corridor through our county and nearby residential neighborhoods on both sides of the interstate, fitting the intent of the Convenience Store definition proposed in Buc-ees zoning application, while addressing the documented shortage of safe rest facilities along I-25 (These concerns were exacerbated by closed CDOT rest areas such as the Piñon facilities north of Pueblo and the former Greenland Rest Area near Castle Rock).

I have attached a detailed position paper outlining the legal, safety, and practical justifications for approving the appeal. As the ultimate interpreter of the Land Development Code, the Board has the authority and responsibility to adopt a reasonable, context-sensitive classification that promotes public safety and welfare.

I respectfully urge you to approve the appeal so this important project can move forward through the normal development review process. I would welcome the opportunity to speak at the upcoming public meeting or answer any questions you may have. Please feel free to contact me. Thank you for your service to El Paso County and for considering the long-term benefits this development will bring to our community.

Sincerely,



Christopher A. Nicoll
Former Pueblo City Council President
Founder, Buc-ee's Boosters – El Paso County

Attachment: Position Paper in Support of Buc-ee's Appeal



Position Paper

Supporting the Board of County Commissioners' Approval of Buc-ee's EPCO, LLC Appeal for Classification as a Permitted "Convenience Store" (or Similar Use) in C-1 Zoning – El Paso County, Colorado

Submitted to: El Paso County Board of County Commissioners to be entered into official county record as public testimony to be considered in your upcoming decision for Buc-ee's EPCO, LLC Appeal – Land Use Classification as Convenience Store (C-1 Zoning, I-25 & County Line Road)

Regarding: Appeal of Planning and Community Development Director's Administrative Determination on Land Use Classification for Proposed Buc-ee's Travel Center near I-25 and County Line Road

Date: July 14, 2026

Submitted by: Chris Nicoll

Former Pueblo City Council President (8 years of service, 2012–2019)

Founder, Buc-ee's Boosters – El Paso County

Executive Summary

El Paso County should approve the appeal and classify the proposed Buc-ee's facility as a "Convenience Store" (or a sufficiently similar permitted use under the C-1 zoning district). This classification aligns with the purpose and intent of the Land Development Code when properly interpreted in the context of the I-25 corridor.

The site lies along a major interstate "linear neighborhood" serving travelers, in addition to a traditional residential enclave. More importantly, the project directly advances **public safety** by providing high-quality rest, fuel, food, and restroom facilities on a corridor with limited public rest areas. Colorado law authorizes — and in fact requires —

zoning interpretations that promote public health, safety, and welfare. Denying this classification would frustrate that core statutory purpose.

Background

Buc-ee's EPCO, LLC seeks to develop a travel center on approximately 30 acres in unincorporated El Paso County near I-25 and County Line Road. The parcel is zoned C-1.

The county's Land Development Code defines a **Convenience Store** as "an establishment for the purpose of offering for sale to the neighborhood in which it is located such items as groceries, ready-to-eat food, over-the-counter drugs, and sundries." The definition was amended in 2007 to expressly include "the retail sale of gasoline and other petroleum products."

The Planning Director was unable to make a determination following a review of the applicant's materials, applicable Land Development Code definitions, historical approvals, and comparative analysis, the Director concluded it was unclear whether the proposed use meets the definition of a Convenience Store or is sufficiently similar to allowed uses in the C-1 district. This administrative determination was limited to use classification and did not approve or deny the project itself. Buc-ee's appealed, and the Board of County Commissioners is the ultimate interpreter of the Code's meaning and application regarding use classifications.

The Johnstown Buc-ee's located in Northern Colorado (opened March 2024) provides a proven model: it serves a broad regional and traveling public with minimal long-term disruption to traffic flow once initial novelty subsides, thanks to modern infrastructure improvements. Similar improvements have been invested into the proposed southern Colorado location as well known as the southern I-25 gap project.

The I-25 Corridor as a "Linear Neighborhood"

The phrase "the neighborhood in which it is located" in the Convenience Store definition must be read in context. Along Interstate 25 — a primary north-south artery carrying tens of thousands of vehicles daily — the relevant "neighborhood" is the **linear corridor of interstate travelers, commuters, and nearby residents who rely on safe, convenient highway services. They are at the behest of the services that are available along the I-25 corridor that runs through El Paso County.** Many of the services that are currently available in Monument are dated and do not scale for today's traffic volume in alignment with the recent improvements that have been completed in this area of the I-25 corridor.

The proposed site is located such that it directly serves established neighborhoods **on both sides of the interstate**, including residential areas to the east of I-25. This dual role — local convenience for nearby residents **and** essential services for corridor

travelers — fits squarely within the Code's definition and the C-1 zone's intent for general commercial uses.

Major infrastructure investments have already been made by the Colorado Department of Transportation to prepare this corridor for long-term growth. The I-25 South Gap project expanded the highway from two to three lanes in each direction between Monument and Castle Rock specifically to accommodate higher traffic volumes and future commercial development. This work included full reconstruction of critical structures such as the Exit 163 (County Line Road) ramps and bridges (upgraded during 2021 CDOT project), delivering modern capacity and improved access that directly supports safe, high-volume commercial activity—including a project like the proposed Buc-ee's.

Given these upgrades, claims by opposition groups that the area “cannot support additional traffic” are not an accurate representation of the current transportation infrastructure or its intended design.

This region and adjacent interstate highway interchange is not a quiet residential subdivision. It is a high-volume transportation corridor where commercial traveler services have long been appropriate and necessary. C-1 zoning already permits a wide range of commercial uses (shopping centers, bars, etc.). A modern, high-volume convenience/travel facility that includes fuel sales is consistent with the corridor's character and the 2007 amendment that explicitly added petroleum sales to the definition.

CDOT has closed key public rest areas along this corridor

CDOT has already closed key public rest areas along this corridor, most notably the Piñon Rest Areas north of Pueblo, which have been shut down since 2020 due to water-supply and wastewater system failures. In addition, the Greenland Rest Area near Castle Rock was closed many years ago and never replaced. CDOT has not maintained or supported public rest areas along I-25 for a long time, leaving travelers with few safe, reliable options for essential stops.

In this environment, private convenience-store travel centers such as Buc-ee's effectively become critical infrastructure. They provide fuel, food, beverages, and basic travel necessities—exactly the goods and services identified in the County's Convenience Store definition. Without facilities like these, drivers face greater risks from fatigue, unsafe roadside stopping, and the lack of dependable places to rest and resupply.

Public Safety: Addressing the Critical Shortage of Safe Rest Facilities

Driver fatigue is a well-documented cause of serious highway crashes. Colorado's public rest areas on I-25 are limited in number, capacity, and amenities compared to traffic volumes, especially in stretches between major population centers. Private

facilities that offer clean, well-lit, 24/7 restrooms, fuel, food, and safe parking fill an essential gap.

Buc-ee's is nationally recognized for exceptionally clean and abundant restroom facilities — often described as “the world's cleanest bathrooms.” This directly reduces the incentive for fatigued drivers to continue driving or pull over in unsafe locations. By providing convenient, high-quality stops, the facility promotes safer travel for Colorado residents and the millions of visitors who use I-25.

Public safety is not a peripheral concern — it is a core justification for zoning authority. Approving this use advances that interest by mitigating a known highway safety deficiency.

Legal Authority: Colorado Statutes Support Special Consideration for Public Safety

Colorado law explicitly ties zoning authority to the protection of public health, safety, and welfare.

C.R.S. § 30-28-115 provides that zoning regulations “must bear a real and substantial relationship to the public health, safety, morals, or welfare.” Courts and commentators consistently recognize that zoning is an exercise of the police power whose fundamental purpose is to protect public safety and welfare of the community.

This statute authorizes — and in practical effect requires — reasonable, context-sensitive interpretations of land use definitions when a proposed use demonstrably advances public safety. The Board's role as the ultimate interpreter of the Land Development Code empowers it to conclude that a Buc-ee's facility, with its scale, amenities, and location on a major interstate corridor, functions as (or is sufficiently similar to) a Convenience Store serving the traveling “neighborhood” along I-25, as well as nearby residential areas off the interstate corridor.

Additionally, Colorado recognizes that local governments may make exceptions or exercise flexibility when necessary for the immediate preservation of public health and safety. Interpreting the Code to allow this safety-enhancing use is fully consistent with that principle and avoids an overly rigid application that could undermine the very purposes zoning is meant to serve.

Practical Considerations and Precedent

- The northern Colorado Johnstown location has operated successfully since March 2024 with manageable traffic impacts after the initial opening period, supported by existing and improved infrastructure that is similar to the proposed Exit 163 location in El Paso County.

- The proposed site benefits from proximity to I-25 interchanges and recent corridor improvements, including the I-25 South Gap widening and Exit 163 improvements for ramps and bridges.
- The project will generate significant local tax revenue, jobs, and economic activity without requiring rezoning if properly classified.
- Buc-ee's maintains high operational standards that minimize typical concerns associated with large travel centers (cleanliness, security, waste management).
- The facility would create substantial employment opportunities and produce ongoing sales-tax revenue that strengthens county services and reduces reliance on residential property taxes.
- The I-25 corridor, as part of the Interstate Highway System, has a long-standing precedent of supporting travel centers near interchanges to serve interstate travelers. Convenience stores and travel plazas of this type are common along major national thoroughfares and are an expected component of interstate-oriented infrastructure to support travel across the United State of America.
- Colorado zoning statutes do not authorize approval of a project solely for economic gain; however, economic benefits such as job creation and increased tax revenue may be considered as part of the “public welfare” analysis. When a project advances public welfare while aligning with existing zoning classifications, it supports approval under C.R.S. §§ 30-28-111 and 30-28-115.

Conclusion and Recommendation

The Board of County Commissioners should grant the appeal and determine that the proposed Buc-ee's use qualifies as a permitted Convenience Store (or a sufficiently similar use) within the C-1 zoning district. This decision is supported by:

- A contextual reading of the “neighborhood” served along the I-25 **linear corridor** and including residential areas on both sides of the interstate
- Compelling public safety benefits from expanded, high-quality rest facilities due to lack of state owned rest areas
- Clear Colorado statutory authority (C.R.S. §§ 30-28-115 et seq.) directing zoning interpretations to promote public health, safety, and welfare.

Approving the classification allows this project to proceed through normal site plan, traffic, drainage, and other reviews while fulfilling the County's responsibility to support safe travel on one of Colorado's most important highways.

My perspective is informed by eight years of service on the Pueblo City Council (including as Council President), where I made numerous decisions involving CDOT matters, planning, and zoning — experience that underscores the importance of balanced, safety-focused land use decisions that serve both local residents and the traveling public. As founder of **Buc-ee's Boosters – El Paso County**, I am committed to responsible economic growth that benefits our entire community.

Respectfully submitted,



Christopher A. Nicoll

El Paso County Resident
Falcon / Meridian Ranch Resident | Precinct 450
Former Pueblo City Council President
Founder, Buc-ee's Boosters – El Paso County

Jessica Merriam

From: PLNWEB
Sent: Monday, July 20, 2026 4:06 PM
To: Jessica Merriam
Subject: FW: Fair Procedures for the Buc-ee's Appeal Hearing ADM264



Marcella Maes
Associate Planning Services
Coordinator

E.P.C. Planning & Community Development
2880 International Circle
Colorado Springs, CO. 80910
719.520.6318
<https://planningdevelopment.elpasoco.com/>

From: Christie Beverly <christiebeverly1@gmail.com>
Sent: Monday, July 20, 2026 3:24 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; CARCTB <carctb@elpasoco.com>; PLNWEB <PLNWEB@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; Meggan Herington <MegganHerington@elpasoco.com>
Subject: Fair Procedures for the Buc-ee's Appeal Hearing ADM264

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Report

El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners,

Before Tuesday's executive session, I ask that you establish fair procedures for the pending Buc-ee's appeal hearing, ADM264. Please:

- Give Tri-Lakes citizens time equal to the applicant's
- Allow a community closing statement after the applicant's rebuttal (see why below)
- Enter the full relevant records from Palmer Lake and the County's administrative determination
- Establish reasonable, disclosed time limits that apply equally to the applicant and the community

Vertex Consulting has a history of providing the County with misinformation during its rebuttal, and the public has no say afterwards. I watched this happen during the Monument Ridge East Planning Commission meeting on November 21, 2024, when Craig Dossey provided Google aerial images of Misty Acres Blvd from 2014 while it was under construction, but told the Planning Commissioners these images were what it looks like "right now." When the audience tried to call it out, the public was told to be quiet when those of us who live there knew he was purposely providing incorrect information, yet we had no way to tell the Commissioners. Vertex got the last word, and it was misinformation. I don't expect the Planning Commissioners nor Board of County Commissioners to know what every section of the county looks like all the time, so you must reply on the information provided. Please allow the citizens to rebut misinformation from applicants and maintain integrity in the system.

I also ask you to bring this hearing to us. Hold it in the Tri-Lakes, in the evening, at a time and place when our community can actually attend.

The people who will live with the consequences of this decision deserve a meaningful opportunity to present their case and respond to the applicant.

Respectfully,

Christie Beverly
Unincorporated El Paso County off County Line Rd

Jessica Merriam

From: PLNWEB
Sent: Wednesday, July 15, 2026 1:09 PM
To: Jessica Merriam
Subject: FW: Concern Regarding Active Grading at ADM264 Site Prior to Use Determination

Marcella Maes
Associate Planning Services Coordinator
E.P.C. Planning & Community Development
2880 International Circle
Colorado Springs, CO. 80910
719.520.6318
<https://planningdevelopment.elpasoco.com/>

-----Original Message-----

From: David Kern <drkern88@comcast.net>
Sent: Wednesday, July 15, 2026 12:53 PM
To: PLNWEB <PLNWEB@elpasoco.com>
Subject: Re: Concern Regarding Active Grading at ADM264 Site Prior to Use Determination

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Hello,

I am following up on my previous email. The site of the proposed Buc-ee's location has been undergoing heavy construction work including site grading. It is my understanding that this is not allowed without any permits. Has grading permits been issued? If unpermitted work is occurring I ask that the county take appropriate action.

Thank you

David Kern

Sent from my iPhone

> On Jul 2, 2026, at 12:48 PM, David Kern <drkern88@comcast.net> wrote:

>

> Dear El Paso County Planning and Community Development,

>

> I am a resident writing regarding the Buc-ee's administrative determination case ADM264, located at the southeast corner of Beacon Lite Road and County Line Road.

>

> I understand that on July 1, 2026, the PCD Director issued a determination that the proposed Buc-ee's use cannot be classified as an allowed use within the C-1 zoning district. I am concerned that significant earthwork and grading activity

appears to be substantially underway at this site — work that appears to have progressed well beyond preliminary stages.

>

> Could you please clarify whether valid grading or site disturbance permits have been issued for this property given that no use determination or site development plan approval is in place? If unpermitted work is occurring, I would ask that the County investigate and take appropriate enforcement action.

>

> Thank you for your time and for your attention to this matter.

>

> David Kern

> 1575 Longview Cir

> Monument CO 80132

>

> Sent from my iPhone

Jessica Merriam

From: Meggan Herington
Sent: Tuesday, July 14, 2026 10:56 AM
To: Jessica Merriam
Subject: FW: Appeal File number APP261



Meggan Herington, AICP
Executive Director
El Paso County Planning and Community Development
719-520-7941
<https://planningdevelopment.elpasoco.com>

From: Denise Hammond <mdenisehammond@gmail.com>
Sent: Tuesday, July 14, 2026 10:56 AM
To: Meggan Herington <MegganHerington@elpasoco.com>
Cc: Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; PDChearings@elpasoco.com; PLNWEB <PLNWEB@elpasoco.com>; CARCTB <carctb@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; governorpolis@state.co.us; natasha_hutson@bennet.senate.gov; jess_cohen@hickenlooper.senate.gove; matthew.smith1@gmail.com; integritymatterscos@gmail.com; savannah.eller@gazette.com; tony.keith@koaa.com; noah.caplan@koaa.com; EXTERNAL KOAA News <News@KOAA.com>; news@fox21.com; EXTERNAL KKTU News <news@kktv.com>; EXTERNAL KRCC News <news@krcc.org>
Subject: Re: Appeal File number APP261

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Hello,

My name is Mary Hammond and I am a resident of El Paso County Colorado. I write in opposition to the appeal submitted by the Buc-ee's corporation regarding the denial of their request to be recognized as a convenience store with regards to building and zoning regulations (File APP261). I stand with the Planning Commission's findings that the designation and definition of a convenience store excludes a large travel center business meant to draw customers from far outside of the neighborhood in which it resides.

You will undoubtedly receive a plethora of impassioned pleas to turn Buc-ees away from the intended site and I will not waste your time reiterating these. I will say:

- 1) El Paso County Board of County Commissioners is in place to reflect the desires of their constituents within the legal guidelines. Clearly, the people do not want this land use to be approved as it does not fit codes.
- 2) You know that Buc-ees is not a neighborhood convenience store
- 3) The people know that Buc-ees is not a neighborhood convenience store
- 4) Buc-ee's officials know that Buc-ees is not a neighborhood convenience store

Buc-ee's does not fit the criteria and does not belong on the proposed site at County Line Road in northern El Paso County.

Do the right thing. Deny this appeal.

With hope that the elected officials will uphold their oath of office,
Mary Hammond
629 Burke Hollow Dr.
Monument, CO 80132

On Tue, Jul 14, 2026 at 10:53 AM Denise Hammond <mdenisehammond@gmail.com> wrote:

Hello,

My name is Mary Hammond and I am a resident of El Paso County Colorado. I write in opposition to the appeal submitted by the Buc-ee's corporation regarding the denial of their request to be recognized as a convenience store with regards to building and zoning regulations (File APP261). I stand with the Planning Commission's findings that the designation and definition of a convenience store excludes a large travel center business meant to draw customers from far outside of the neighborhood in which it resides.

You will undoubtedly receive a plethora of impassioned pleas to turn Buc-ees away from the intended site and I will not waste your time reiterating these. I will say:

- 1) El Paso County Board of County Commissioners is in place to reflect the desires of their constituents within the legal guidelines. Clearly, the people do not want this land use to be approved as it does not fit codes.
- 2) You know that Buc-ees is not a neighborhood convenience store
- 3) The people know that Buc-ees is not a neighborhood convenience store
- 4) Buc-ee's officials know that Buc-ees is not a neighborhood convenience store

Buc-ee's does not fit the criteria and does not belong on the proposed site at County Line Road in northern El Paso County.

Do the right thing. Deny this appeal.

With hope that the elected officials will uphold their oath of office,

Mary Hammond

629 Burke Hollow Dr.

Monument, CO 80132

Jessica Merriam

From: J D <JDug2022@outlook.com>
Sent: Saturday, July 18, 2026 12:30 PM
To: Holly Williams; Carrie Geitner; Bill Wysong; Cory Applegate; Lauren Nelson
Cc: PCD Hearings; PLNWEB; CARCTB; Meggan Herington; Kenny Hodges; Kylie Bagley; governopolis@state.co.us; natasha_hutson@bennet.senate.gov; jess_cohen@hickenlooper.senate.gov; jarvis.caldwell.house@coleg.gov; matthew.smith1@mail.house.gov; integritymatterscos@gmail.com; contact@trilakespreservation.org; savannah.eller@gazette.com; Tony.Keith@koa.com; Noah.Caplan@koa.com; EXTERNAL KOAA News; ASack@kxrm.com; EXTERNAL Fox News; EXTERNAL KKTU News; achalfin@krcc.org; EXTERNAL KRCC News; newstips@denver7.com; newstips@9news.com; tips@kdvr.com; jalvarado@denverpost.com; EXTERNAL Newsroom Denver; oliviaprentzel@coloradosun.com; newsroom@coloradosun.com; Karin.Brulliard@washpost.com; jim.carlton@wsj.com; news-tips@nytimes.com; tips@cnn.com; tips@nbcuni.com; news.tips@abc.com; LBergman@newsnationnow.com; tips@thefp.com; talkshow@aol.com; 13investigates@krdo.com
Subject: Request-- File APP261

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Report

El Paso County Digital, Strategy & Technology (DST)

Ladies and gentlemen -- We live near County Line Road and I-25, Monument Hill.

In response to Bucee's appeal to obtain a "Convenience Store" status, we oppose. This entity is not a "Convenience Store" under the Land Development Code. Based on its interstate travelers' focus, square footage and more than one hundred gas pumps, Bucees defies the Code's "Convenience Store" classification.

We request the Board of County Commissioners deny Bucee's appeal and uphold the Planning and Community Development Director's administrative determination. The report defines "Convenience Store" in part as "An establishment for the purpose of offering for sale to the neighborhood in which it is located..." By its own representative's public statements, Bucees caters to thousands of interstate

travelers, not the surrounding neighborhood nor the El Paso County community as a whole; it is a destination location for cross-country/interstate travelers, which negates its claim to a "Convenience Store" classification.

Due to our perception of Bucees' consistent efforts to keep its progress on Monument Hill off the record, we further request the Board hold them to a standard of full transparency and public involvement on all future activities.

Thank you to Ms. Herington, who advised that staff is creating documents of all e-mails for this file and the BoCC.

Respectfully,
Jean and Terry Duggan

Jessica Merriam

From: PLNWEB
Sent: Monday, July 20, 2026 12:53 PM
To: Jessica Merriam
Subject: FW: Opposition to Appeal of proposed Buc-ee's site - File APP261

From: Joleen Schnake <joleen.schnake@gmail.com>
Sent: Monday, July 20, 2026 12:12 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; CARCTB <carctb@elpasoco.com>
Cc: PLNWEB <PLNWEB@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Bret Waters <BretWaters@elpasoco.com>; michaela.snow@state.co.us; cdphe.commentswqcd@state.co.us; Jason.Ullmann@state.co.us; Tracy.Kosloff@state.co.us; ColoradoES@fws.gov; mlakind@tomgov.org; Steve King <sking@tomgov.org>; sabbott@tomgov.org; csmith@tomgov.org; lkronick@tomgov.org; kkimple@tomgov.org; mfiorito@tomgov.org; Integrity Matters <integritymatterscos@gmail.com>; governorpolis@state.co.us; natasha_hutson@bennet.senate.gov; jess_cohen@hickenlooper.senate.gov; Elizabeth Harris <eharris@palmer-lake.org>; rmoseley@palmer-lake.org; jmarble@palmer-lake.org; mbeeson@palmer-lake.org; Atis Jurka <ajurka@palmer-lake.org>; savannah.eller@gazette.com; Tony.Keith@koa.com; sam.page@krdo.com; Noah.Caplan@koa.com; Austin Sack <ASack@kxrm.com>; Karin.Brulliard@washpost.com; Jim Carlton <jim.carlton@wsj.com>; Jessica Alvarado Gamez <jalvarado@denverpost.com>; Olivia Prentzel <oliviaprentzel@coloradosun.com>; Andrea Chalfin <achalfin@krcc.org>; talkshow@aol.com; EXTERNAL KKTv News <news@kktv.com>; spencer.soicher@9news.com; news@cpr.org; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; EXTERNAL KRCC News <news@krcc.org>; newsroom@coloradosun.com; tips@kdvr.com; tips@thefp.com; tips@cnn.com; newstips@9news.com; EXTERNAL News TipsDenver <newstips@thedenverchannel.com>; newstips@denver7.com; news-tips@nytimes.com; tips@nbcuni.com; news.tips@abc.com; LBergman@newsnationnow.com; wia@woodmoor.org; Opinion@gazette.com; jarvis.caldwell.house@coleg.gov; Inc. <trilakespreservation@gmail.com>
Subject: Opposition to Appeal of proposed Buc-ee's site - File APP261

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Report

El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners:

My name is **Joleen Schnake**. I live near the intersection of Bricker Road and Beacon Lite Road in the residential neighborhood directly across from the proposed Buc-ee's development. I respectfully oppose Buc-ee's appeal seeking to classify its proposed development as a permitted use within a C-1 zoning district. This project does not meet the definition of a neighborhood convenience store.

1. The proposed Buc-ee's does not meet the Land Development Code definition of a convenience store.

The El Paso County Land Development Code defines a convenience store as a use intended to serve the neighborhood in which it is located. The proposed Buc-ee's is not a neighborhood-serving business. It is a regional interstate travel center designed primarily to serve interstate travelers rather than nearby residents.

As a resident of the surrounding neighborhood, I am particularly concerned about the traffic plan submitted by Buc-ee's. According to its traffic studies, access to the site would rely heavily on a "right-in, right-out" design that reroutes local residents away from the business. This contradicts the 2021 El Paso County Master Plan, which states that development compatible with the area's character should provide residents with "easy access to necessary commercial goods."

Under the proposed design, residents, including those attending the church across the street, would be prohibited from making left turns onto Beacon Lite Road to their neighborhood access off County Line Road. Neighborhood residents would be forced into longer routes, increasing commute times and reducing accessibility. This is not a convenience for the surrounding community and does not provide the "easy access" envisioned by the Master Plan.

The proposal also raises serious safety concerns. In addition to an anticipated increase of approximately 20,000 vehicle trips, the traffic design could complicate emergency evacuation procedures for residents living in the forested neighborhoods along Beacon Lite Road. Many of these neighborhoods have limited access routes, and restricting connections to County Line Road from Beacon Lite could affect emergency response and evacuation options.

Furthermore, Palmer Ridge High School is located approximately 0.26 miles from the proposed site. Despite this proximity, the traffic plans appear focused almost exclusively on moving vehicles between Interstate 25 and the development. The plans provide no meaningful multimodal access for pedestrians or bicyclists. Students, cyclists, and other community members would face limited opportunities to safely cross I-25 to access the "commercial goods." The plans include no pedestrian crossings and no dedicated bike lanes, as shoulders are proposed to be used for additional traffic lanes and no further

bridge widening to accommodate the extra traffic. The proposed plans will be using the \$15 million County Line Road Bridge project to accommodate interstate travelers and not the safety and accessibility of the surrounding residential neighborhood. The 2021 El Paso County Master Plan states that development should "align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor." Increasing traffic on residential streets while reducing neighborhood accessibility does not meet that standard.

Additionally, a comprehensive traffic study evaluating impacts on the immediately surrounding neighborhoods has not been completed. Studies have focused primarily on impacts to Palmer Lake. As a resident of Beacon Lite Road, I can attest that traffic volumes are currently very low. The proposed influx of approximately 20,000 daily vehicle trips represents a dramatic and unprecedented change to the area.

According to figures Buc-ee's provided during discussions in Springfield, Missouri, and at public meetings in Palmer Lake regarding this project, the company estimates approximately six million customers annually, with roughly 88% traveling more than 20 miles to reach the store (*City of Springfield official website; Springfield Daily Citizen*). This means that out of the 20,000 daily trips, they are expecting the neighborhood, who they will serve to make up less than 15% of their business. These figures demonstrate that the facility is intended to serve regional and interstate travelers rather than the local neighborhood.

As such, Buc-ee's has failed to demonstrate that its primary purpose is to serve the surrounding community. Therefore, it does not meet the Land Development Code's definition of a convenience store and should not qualify as a permitted use in a C-1 zoning district.

2. The proposed Buc-ee's functions as a gas station, which is not a permitted use in C-1 zoning.

Buc-ee's is fundamentally a gas station and travel center. The proposed facility includes 60 fuel dispensers and approximately 120 fueling positions. This is not a small-scale neighborhood business. It is a large-scale regional fueling destination.

This scale of development conflicts with the vision outlined in the 2021 El Paso County Master Plan, which states that "seamless connection of the natural environment and small-scale, low-intensity development is critical to their identity."

The application attempts to distinguish itself from a gas station by stating that it will not provide vehicle repairs, oil changes, accessory installation, or car washes. However, these services are not what define a gas station. The defining feature of a gas station is the sale of fuel to vehicles. Fuel sales or Gas Stations of this magnitude are more related to a truck stop travel center than a convenience store, and should be labeled as such.

With 120 fueling positions, the proposed Buc-ee's dwarfs nearby fueling stations. It would have approximately thirty times as many fueling positions as some nearby convenience stores, such as the 7-Eleven on CO Highway 105 and 10 times the number of the neighborhood grocery store that is 2 miles from the proposed site, as well as the capacity of all existing gas stations serving the area. The project is

clearly designed to sell gasoline and diesel fuel on a massive scale. As such, it operates as a gas station, a use that is not permitted within a C-1 zoning district.

3. Preserving the Character of the Northern Gateway

The 2021 El Paso County Master Plan describes the “Tri-Lakes area as the northern gateway into El Paso County along Interstate 25 and Highway 83.” The Plan further identifies Pikes Peak as the area's defining visual characteristic and a major attraction for visitors.

The question before the County is what first impression visitors should receive when entering our community. Should the northern gateway showcase views of Pikes Peak, forested landscapes, and the unique character of the Tri-Lakes area, or should it be dominated by a large-scale Texas interstate travel center?

Although not classified as forested area in the Master Plan, the majority of the Tri-Lakes area is forested. Already the proposed plot has been deforested by hundreds of trees for a commercial facility in a residential area that it is not zoned for at that unprecedented scale. Beyond the traffic impacts cited, this raises concerns regarding wildlife habitat, lighting, environmental impacts, and compatibility with the “surrounding natural landscape.” They are replacing El Paso County’s northern gateway with a Texas Travel Center.

Conclusion

This decision should not be made without meaningful public input. The residents living around the proposed Buc-ee's site and in the Tri-Lakes area will experience significant and lasting impacts to their daily lives, safety, property enjoyment and value, and community character.

Those residents deserve representation. They deserve a voice in decisions that will shape the future of their neighborhoods. A development that fundamentally alters the character of the area while primarily serving out-of-state and regional travelers cannot reasonably be described as a convenience store that “strengthens the surrounding community.”

The hundreds of trees already removed from the site and the continual daily stock piling on more than an acre of the plot of land stand as visible reminders of the changes this project would bring. For many residents, those changes do not represent community enhancement. Instead, they represent the loss of the very character and environment that make this area special.

For these reasons, I respectfully urge the Commission to deny Buc-ee's appeal and uphold the intent of the C-1 zoning, as well as the goals of the 2021 El Paso County Master Plan.

Respectfully,

Joleen Schnake

5 year Resident, Beacon Lite Road Area, Monument, CO

41 year Resident of El Paso County, Colorado

Jessica Merriam

From: PLNWEB
Sent: Tuesday, July 14, 2026 2:53 PM
To: Jessica Merriam
Subject: FW: Buc-ee's



Gayle Jackson

Administrative Assistant

El Paso County | Planning and Community Development

2880 International Circle Suite 110

Colorado Springs, CO 80910

Phone: 719-520-6300

<https://planningdevelopment.elpasoco.com/>

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From: Josh Pedersen <dodge1998neon@hotmail.com>
Sent: Tuesday, July 14, 2026 2:05 PM
To: PLNWEB <PLNWEB@elpasoco.com>
Subject: Buc-ee's

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Buc-ee's would be a strong addition to Palmer Lake, Colorado, by bringing significant economic and community benefits while serving the growing number of travelers along the I-25 corridor. Its location between Denver and Colorado Springs makes Palmer Lake an ideal stop for tourists, commuters, and residents seeking convenient access to fuel, food, and clean facilities.

A Buc-ee's location would create hundreds of jobs during construction and operation, providing stable employment opportunities and boosting the local economy. It would also generate substantial sales and property tax revenue that could help fund roads, parks, public safety, and other community services without placing additional tax burdens on residents.

In addition to its economic impact, Buc-ee's is known for maintaining clean, well-managed facilities and offering a unique travel experience that attracts visitors from across the country. Those visitors would likely spend money at nearby restaurants, shops, and attractions, increasing business for local merchants and encouraging further investment in the area.

With thoughtful planning for traffic, infrastructure, and environmental considerations, a Buc-ee's could complement Palmer Lake's existing character while strengthening its economy. Rather than replacing the town's identity, it has the potential to introduce new visitors to the community, support local businesses, and provide long-term financial benefits that help Palmer Lake continue to grow and thrive.

Thank you.

Joshua Pedersen

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Jessica Merriam

From: PLNWEB
Sent: Tuesday, July 21, 2026 9:01 AM
To: Jessica Merriam
Subject: FW: Requesting Fair and Accessible Procedures for the Buc-ee's Appeal Hearing



Gayle Jackson

Administrative Assistant
El Paso County | Planning and Community Development
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From: drljubica@aol.com <drljubica@aol.com>
Sent: Monday, July 20, 2026 11:35 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; CARCTB <carctb@elpasoco.com>
Cc: PLNWEB <PLNWEB@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Bret Waters <BretWaters@elpasoco.com>; michaela.snow@state.co.us; cdphe.commentswqcd@state.co.us; Jason.Ullmann@state.co.us; Tracy.Kosloff@state.co.us; ColoradoES@fws.gov; mlakind@tomgov.org; Steve King <sking@tomgov.org>; sabbott@tomgov.org; csmith@tomgov.org; lkronick@tomgov.org; kkimple@tomgov.org; mfiorito@tomgov.org; Integrity Matters <integritymatterscos@gmail.com>; governorpolis@state.co.us; natasha_hutson@bennet.senate.gov; jess_cohen@hickenlooper.senate.gov; Elizabeth Harris <eharris@palmer-lake.org>; rmoseley@palmer-lake.org; jmarble@palmer-lake.org; mbeeson@palmer-lake.org; Atis Jurka <ajurka@palmer-lake.org>; savannah.eller@gazette.com; Tony.Keith@koa.com; sam.page@krdo.com; Noah.Caplan@koa.com; Austin Sack <ASack@kxrm.com>; Karin.Brulliard@washpost.com; Jim Carlton <jim.carlton@wsj.com>; Jessica Alvarado Gamez <jalvarado@denverpost.com>; Olivia Prentzel <oliviaprentzel@coloradosun.com>; Andrea Chalfin <achalfin@krcc.org>; talkshow@aol.com; EXTERNAL KKTv News <news@kktv.com>; spencer.soicher@9news.com; news@cpr.org; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; EXTERNAL KRCC News <news@krcc.org>; newsroom@coloradosun.com; tips@kdvr.com; tips@thefp.com; tips@cnn.com; newstips@9news.com; EXTERNAL News TipsDenver <newstips@thedenverchannel.com>; newstips@denver7.com; news-tips@nytimes.com; tips@nbcuni.com; news.tips@abc.com; LBergman@newsnationnow.com; wia@woodmoor.org; Opinion@gazette.com; jarvis.caldwell.house@coleg.gov; trilakespreservation@gmail.com
Subject: Requesting Fair and Accessible Procedures for the Buc-ee's Appeal Hearing

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Report

El Paso County Digital, Strategy & Technology (DST)

Commissioners,

In advance of Tuesday's executive session, I respectfully request that fair guidelines be established for the Buc-ee's appeal hearing.

For the process to be genuinely fair, the community needs:

- **Equal Time:** Grant an organized Tri-Lakes citizen group the same amount of presentation time provided to the applicant.
- **Community Closing:** Allow the community to deliver a final closing statement following the applicant's rebuttal.
- **Complete Records:** Formally include all official records from Palmer Lake alongside the County's administrative determination.
- **Transparent Limits:** Clear, publicly disclosed time limits enforced equally for both the applicant and the public.

Additionally, please host this hearing locally within the Tri-Lakes area during the evening so working residents can actually attend.

Our community will bear the long-term impact of this decision, and we deserve a clear, accessible platform and a meaningful, equal voice in the process to share our case and respond to the proposal.

Respectfully,

Ljubica Horvat
North Woodmoor, Monument

Directly Affected Resident, Local Taxpayer, and Registered Voter

Jessica Merriam

From: PLNWEB
Sent: Monday, July 20, 2026 7:58 AM
To: Jessica Merriam
Subject: FW: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

From: jacqueline percy <jackiepercy@hotmail.com>
Sent: Sunday, July 19, 2026 1:14 PM
To: Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; PLNWEB <PLNWEB@elpasoco.com>
Cc: Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; governorpolis@state.co.us; natasha_hutson@bennet.senate.gov; jess_cohen@hickenlooper.senate.gov; jarvis.caldwell.house@coleg.gov; matthew.smith1@mail.house.gov; integritymatterscos@gmail.com; contact@trilakespreservation.org; governorpolis@state.co.us; natasha_hutson@bennet.senate.gov; jess_cohen@hickenlooper.senate.gov; jarvis.caldwell.house@coleg.gov; matthew.smith1@mail.house.gov; integritymatterscos@gmail.com; contact@trilakespreservation.org; savannah.eller@gazette.com; Tony.Keith@koaa.com; Noah.Caplan@koaa.com; EXTERNAL KOAA News <News@KOAA.com>; ASack@kxrm.com; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTv News <news@kktv.com>; achalfin@krcc.org; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com; newstips@9news.com; tips@kdvr.com; jalvarado@denverpost.com; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com; newsroom@coloradosun.com; Karin.Brulliard@washpost.com; jim.carlton@wsj.com; news-tips@nytimes.com; tips@cnn.com; tips@nbcuni.com; news.tips@abc.com; LBergman@newsnationnow.com; tips@thefp.com; talkshow@aol.com; editor@monumentindependent.com
Subject: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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Report

El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners:

On July 1, 2026, the Planning and Community Development Director declined to classify the proposed Buc-ee's — a 30-plus-acre interstate travel center — as a permitted "Convenience Store" in the C-1 zoning district, concluding that the use could not be determined to qualify under the Land Development Code. Buc-ee's has now appealed that determination to you. I ask you to deny the appeal and uphold the Director's determination.

A convenience store is a small retail business that stocks everyday essentials like snacks, beverages, groceries, toiletries, and over-the-counter medicines. These stores are designed for quick, "grab-and-go" shopping, typically feature extended hours (often 24/7), and are located in easily accessible, high-traffic areas. They are usually under 5000 square feet, which makes them easier to get into and out of.

A convenience store is not: a travel center, a gas station, a large shopping center. These locations are not convenient, and tend to bog down the local traffic and be more complicated to access. A convenience store is not a gas station nor a travel center. These tend to cater to those driving through the area, no living within it.

Buc-ees proposes a store in this location with up to 75,000 square feet, as well as up to 120 gas station pumps and over 800 parking spaces. This is not a convenience store, rather a large gas station or travel center. For many, this would be a destination in itself rather than a convenience store for locals.

A build of this type in this location would be, by no means, a convenience to the local community. I have owned a house in Woodmoor for nearly 20 years. Having a Buc-ees at this location would be a hindrance, a nuisance, and a disruption to traffic, causing noise, air, light, and tangible pollution. A build of this size does not belong here, nor would it be a convenience to those who live nearby.

One might argue that having gas stations closer would be more convenient. However, the current population of Monument is estimated between 11,000 and 14,500 people. A population of 11-15 thousand people generally requires 24-40 individual gas pumps split across 3 to 5 stations. This assumes an average of 6 to 8 pumps per station, balancing the national ratio of about 1 fueling station for every 2,000 to 2,500 residents. Monument currently has at least 10 gas stations with over 40 individual gas pumps. This far exceeds our local need.

Aside from my assertions that this build is not appropriate for this location, a robust independent evaluation done by TPI backs up this viewpoint. It shows that Buc-ees does not meet the neighborhood scale definition of a convenience store, the food preparation services exceed the scope of a convenience store, and 120 gas station pumps exceeds the extent of a convenience store. Its findings show that Buc-ees is inconsistent with C-1 zoning, which is an obsolete commercial zone that was intended to prohibit fuel sales.

In summary, there is no good argument to reclassify Buc-ees as a convenience store for this location. Please deny the appeal and uphold the Director's determination.

Thank you for your time.
Jacqueline Percy

Jessica Merriam

From: PLNWEB
Sent: Monday, July 20, 2026 4:20 PM
To: Jessica Merriam
Subject: FW: Fair Procedures for the Buc-ee's Appeal Hearing



Marcella Maes
Associate Planning Services
Coordinator

E.P.C. Planning & Community Development
2880 International Circle
Colorado Springs, CO. 80910
719.520.6318
<https://planningdevelopment.elpasoco.com/>

From: Kathy Allen <kallen75@aol.com>
Sent: Monday, July 20, 2026 2:20 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; CARCTB <carctb@elpasoco.com>
Cc: PLNWEB <PLNWEB@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Bret Waters <BretWaters@elpasoco.com>; michaela.snow@state.co.us; cdphe.commentswqcd@state.co.us; Jason.Ullmann@state.co.us; Tracy.Kosloff@state.co.us; ColoradoES@fws.gov; mlakind@tomgov.org; Steve King <sking@tomgov.org>; sabbott@tomgov.org; csmith@tomgov.org; lkronick@tomgov.org; kkimple@tomgov.org; mfiorito@tomgov.org; Integrity Matters <integritymatterscos@gmail.com>; governorpolis@state.co.us; natasha_hutson@bennet.senate.gov; jess_cohen@hickenlooper.senate.gov; Elizabeth Harris <eharris@palmer-lake.org>; rmoseley@palmer-lake.org; jmarble@palmer-lake.org; mbeeson@palmer-lake.org; Atis Jurka <ajurka@palmer-lake.org>; savannah.eller@gazette.com; Tony.Keith@koa.com; sam.page@krdo.com; Noah.Caplan@koa.com; Austin Sack <ASack@kxrm.com>; Karin.Brulliard@washpost.com; Jim Carlton <jim.carlton@wsj.com>; Jessica Alvarado Gamez <jalvarado@denverpost.com>; Olivia Prentzel <oliviaprentzel@coloradosun.com>; Andrea Chalfin <achalfin@krcc.org>; talkshow@aol.com; EXTERNAL KKTU News <news@kktv.com>; spencer.soicher@9news.com; news@cpr.org; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; EXTERNAL KRCC News <news@krcc.org>; newsroom@coloradosun.com; tips@kdvr.com; tips@thefp.com; tips@cnn.com; newstips@9news.com; EXTERNAL News TipsDenver <newstips@thedenverchannel.com>; newstips@denver7.com; news-tips@nytimes.com; tips@nbcuni.com; news.tips@abc.com; LBergman@newsnationnow.com; wia@woodmoor.org; Opinion@gazette.com; jarvis.caldwell.house@coleg.gov; trilakespreservation@gmail.com
Subject: Fair Procedures for the Buc-ee's Appeal Hearing

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Report

El Paso County Digital, Strategy & Technology (DST)

I am once again writing to you in opposition of the Buc-ee's proposal at the corner of County Line Road and I-25. There are so many valid reasons they should not be allowed to build in this location. I know that Buc-ee's has filed an appeal on the zoning question of whether or not they can be classified as a convenience store. Under their own admission they refer to themselves as a travel center and they say they are not a convenience store. The representative from Buc-ees stated this several times in his presentation to the Town of Palmer Lake. This may be the only statement they have made that I agree with. The response that Meggan Herrington provided to Buc-ee's in response to their request to be allowed to be a "convenience store" under the current zoning included many examples of true convenience stores that El Paso County has approved. It seemed clear enough to me but Buc-ee's will do anything to get this approved without the blessing of the people that live here. I followed the whole ordeal in Palmer Lake and I do not trust their representatives at all. They will tell you what you want to hear, whether it is true or not, just to get a yes. The proposed Buc-ee's cannot and should not be considered a convenience store. Look at the total SF of the project, 120 gas pumps, the restaurant/food service and merchandise store. Then refer to the El Paso County Master Plan. Buc-ee's serves highway travelers, not the neighborhood as the convenience store definition requires. Even though it is not proposed to be a truck stop, there are lots of trucks that will pull into Buc-ees. Gas, store and food deliveries, buses with full loads of travelers, large RVs and service trucks. The characteristics and community impact of a Buc-ee's would far outweigh those of a convenience store or anything else in a C-1 Zone for that matter. Buc-ee's should be required to go through the re-zoning process with all the required steps, including public input and verification of the 300 year water availability rule. Before your executive session, I respectfully ask you to establish fair procedures for the pending Buc-ee's appeal hearing. Please give an organized Tri-Lakes citizen group presentation time equal to the applicant's; allow a community closing statement after the applicant's rebuttal; enter the full relevant records from Palmer Lake and the County's administrative determination; and establish reasonable, disclosed time limits that apply equally to the applicant and the community. I also ask you to bring this hearing to us. Hold it in the Tri-Lakes, in the evening, at a time and place when our community can actually attend. The people who will live with the consequences of this decision deserve a meaningful opportunity to present their case and respond to the applicant. Respectfully,

Kathy Allen
560 Fort Collins Drive
Palmer Lake, CO 80133

Jessica Merriam

From: PLNWEB
Sent: Monday, July 20, 2026 11:47 AM
To: Jessica Merriam
Subject: FW: Procedures for Buc-ee's hearing

From: Kevin Christensen <fineline-design@comcast.net>
Sent: Monday, July 20, 2026 10:45 AM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; CARCTB <carctb@elpasoco.com>
Cc: PLNWEB <PLNWEB@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Bret Waters <BretWaters@elpasoco.com>; michaela.snow@state.co.us; cdphe.commentswqcd@state.co.us; Jason.Ullmann@state.co.us; Tracy.Kosloff@state.co.us; ColoradoES@fws.gov; mlakind@tomgov.org; 'Steve King' <sking@tomgov.org>; sabbott@tomgov.org; csmith@tomgov.org; lkronick@tomgov.org; kkimple@tomgov.org; mfiorito@tomgov.org; 'Integrity Matters' <integritymatterscos@gmail.com>; governorpolis@state.co.us; natasha_hutson@bennet.senate.gov; jess_cohen@hickenlooper.senate.gov; 'Elizabeth Harris' <eharris@palmer-lake.org>; rmoseley@palmer-lake.org; jmarble@palmer-lake.org; mbeeson@palmer-lake.org; 'Jurka Atis' <ajurka@palmer-lake.org>; savannah.eller@gazette.com; tony.keith@koa.com; sam.page@krdo.com; Noah.Caplan@koa.com; 'Austin Sack' <asack@kxrm.com>; Karin.Brulliard@washpost.com; 'Jim Carlton' <jim.carlton@wsj.com>; 'Jessica Alvarado Gamez' <jalvarado@denverpost.com>; 'Olivia Prentzel' <oliviaprentzel@coloradosun.com>; 'Andrea Chalfin' <achalfin@krcc.org>; talkshow@aol.com; EXTERNAL KKTv News <news@kktv.com>; spencer.soicher@9news.com; news@cpr.org; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; EXTERNAL KRCC News <news@krcc.org>; newsroom@coloradosun.com; tips@kdvr.com; tips@thefp.com; tips@cnn.com; newstips@9news.com; EXTERNAL News TipsDenver <newstips@thedenverchannel.com>; newstips@denver7.com; news-tips@nytimes.com; tips@nbcuni.com; news.tips@abc.com; LBergman@newsnationnow.com; wia@woodmoor.org; Opinion@gazette.com; jarvis.caldwell.house@coleg.gov
Subject: Procedures for Buc-ee's hearing

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Report

El Paso County Digital, Strategy & Technology (DST)

Commissioners,

As you prepare for the executive session on Tuesday concerning Buc-ee's, I respectfully request that you establish fair and transparent procedures for the upcoming Buc-ee's appeal hearing.

Specifically, I ask that you:

Provide an organized Tri-Lakes citizens' group with presentation time equal to that of the applicant. • Allow the community to offer a closing statement after the applicant's rebuttal. • Include in the record the relevant Palmer Lake proceedings and the County's administrative determination. • Establish reasonable, clearly disclosed time limits that apply equally to both the applicant and the community.

I also respectfully request that you bring this hearing to the people most directly affected. Please hold it in the Tri-Lakes area, during the evening, at a time and location that allows working residents and other community members to participate.

The citizens who will live with the consequences of this decision deserve a meaningful opportunity to present their case, respond to the applicant, and be heard before this important decision is made.

Thank you for your consideration.

Respectfully,

Kevin Christensen
4580 Sandstone Dr.
Monument, CO 80132



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Jessica Merriam

From: PLNWEB
Sent: Thursday, July 16, 2026 9:59 AM
To: Jessica Merriam
Subject: FW: Deny Buc-ee's Appeal of Administrative Determination



Gayle Jackson

Administrative Assistant
El Paso County | Planning and Community Development
2880 International Circle Suite 110
Colorado Springs, CO 80910
Phone: 719-520-6300
<https://planningdevelopment.elpasoco.com/>
www.epcdevplanreview.com

From: Kimberlee Gresham <kimberlee.gresham@gmail.com>
Sent: Thursday, July 16, 2026 8:43 AM
To: Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; PLNWEB <PLNWEB@elpasoco.com>
Cc: Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; integritymatterscos@gmail.com; contact@trilakespreservation.org
Subject: Deny Buc-ee's Appeal of Administrative Determination

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Report

El Paso County Digital, Strategy & Technology (DST)

Dear Commissioners,

Buc-ee's has appealed the Planning and Community Development Director's decision of July 1, 2026 to decline classification as a permitted "Convenience Store" for the C-1 zoning district at I-25 and County Line Rd. I request that you deny the appeal and uphold the Director's determination.

While Buc-ee's claims it will serve the surrounding community, it is clear by their actions that their primary objective is to be a highway tourist destination and stop for those traveling through the area from great distances. This is especially demonstrated by the Buc-ee's billboards found on highways throughout the United States advertising their locations hundreds of miles away. For example, there is a billboard at I-25 exit 451 in New Mexico advertising the Johnstown, Colorado location 262 miles away. A store advertising at those distances clearly does not intend for its primary audience to be the local neighborhood. The use does not meet the Code's "Convenience Store" definition. That definition (§ 1.15) requires an establishment serving "the neighborhood in which it is located," and the Code defines a neighborhood as "primarily residential areas."

I respectfully request that the Board:

1. Deny Buc-ee's appeal and uphold the Director's July 1 determination;
2. Decide the appeal in public, on a full evidentiary record, with the community heard; and
3. Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

A project of this scale and intention does not belong in C-1 zoning and should proceed through the appropriate rezoning process.

Thank you,
Kimberlee Gresham

Jessica Merriam

From: PLNWEB
Sent: Tuesday, July 21, 2026 9:05 AM
To: Jessica Merriam
Subject: FW: Fair Procedures for the Pending Buc-ee's Appeal Hearing
Attachments: El Paso County BoCC Rules and Procedures.pdf



Gayle Jackson

Administrative Assistant

El Paso County | Planning and Community Development

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From: Laurel Schow <ljschow@gmail.com>

Sent: Monday, July 20, 2026 5:04 PM

To: Carrie Geitner <CarrieGeitner@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; CARCTB <carctb@elpasoco.com>

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Subject: Fair Procedures for the Pending Buc-ee's Appeal Hearing

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Report

El Paso County Digital, Strategy & Technology (DST)

July 20, 2026

El Paso Board of County Commissioners
Centennial Hall
200 S. Cascade Avenue
Colorado Springs, Colorado

Commissioners,

I am writing before Tuesday's executive session concerning the pending Buc-ee's appeal and the "legal options for hearing protocols, procedures, and presentations" identified on your agenda.

My central request is that you not treat a series of individual three-minute comments as a meaningful substitute for an organized community presentation.

At a quasi-judicial hearing, residents' testimony becomes part of the record on which the Board makes its decision. Yet each resident is expected to identify herself, establish the basis for her concerns, address technical evidence and applicable County standards, speak respectfully and coherently, and complete the argument before the three-minute buzzer sounds. When that buzzer sounds, the resident is finished.

The applicant operates under no comparable constraint. Its team arrives with attorneys, consultants, experts, visual presentations, and a staff report developed over months. It presents its case, listens to every public comment, takes notes, and then returns to answer, reframe, or dismiss residents' testimony point by point. The applicant receives the rebuttal. The community cannot answer what is said last.

A clock may keep a meeting moving. It does not create a fair evidentiary record. Three minutes rewards compression rather than accuracy and confidence rather than substance. In a matter as complex and consequential as the Buc-ee's appeal, that format fragments the community's evidence and prevents residents from presenting a coherent case.

I am not asking the Board to eliminate individual public comments. I am asking you to supplement them with a process that recognizes the Tri-Lakes community as a serious participant in a decision whose consequences we will live with every day.

Your own published hearing procedures expressly contemplate allowing opposition comments after an applicant's rebuttal. Tuesday's agenda confirms that the Board has legal options concerning the hearing's protocols, procedures, and presentations. I respectfully ask you to use those options to establish the following:

- Organized Tri-Lakes community presentation time equal to the applicant's
- A community closing statement after the applicant's rebuttal
- Inclusion of the complete relevant records from Palmer Lake and the County's administrative determination
- Reasonable, disclosed presentation limits that apply equally to the applicant and the community
- Procedures announced sufficiently in advance for the community to prepare

I also respectfully ask you to bring the hearing to the Tri-Lakes and hold it in the evening, at a time and place when the people most affected can actually attend. This appeal concerns a proposed development at Monument Hill. The hearing should be held in the community that will bear its traffic, environmental, safety, and quality-of-life consequences.

A hearing can satisfy minimum procedural requirements and remain fundamentally unbalanced. If the Board expects the community to trust its eventual decision, the community must be able to trust the process that creates the record.

Please establish a hearing process that allows both the applicant **and the Tri-Lakes community** to present complete, organized cases before the Board decides.

Respectfully,

Laurel Schow
Tri-Lakes resident

BOCC

Steve Schleiker
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El Paso County, CO



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RESOLUTION NO. 25-147

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**

**RESOLUTION TO AMEND THE LEGISLATIVE AND PARLIAMENTARY
RULES AND PROCEDURES OF THE BOARD OF COUNTY
COMMISSIONERS OF EL PASO COUNTY, COLORADO**

WHEREAS, C.R.S. § 30-10-302, as amended, provides that the Board of County Commissioners of the County of El Paso ("Board"), has the general statutory authority to establish rules and regulations to govern the transaction of its business; and

WHEREAS, the Board adopted Resolution No. 00-5 on January 10, 2000, which initially established Legislative and Parliamentary Rules and Procedures to formalize and clarify its deliberative process, and incorporated related policy and organizational resolutions to enable ready access for reference purposes; and

WHEREAS, said Rules and Procedures have been subsequently amended from time to time by the Board, most recently at Resolution No. 25-2, recorded in the records of the El Paso County Clerk and Recorder at Reception No. 225003861 on January 14, 2025; and

WHEREAS, the Board desires to amend the Legislative and Parliamentary Rules and Procedures, Section VIII.D.1., Summer Schedule in accord with C.R.S. § 30-10-304(1), as attached herein as Exhibit A; and

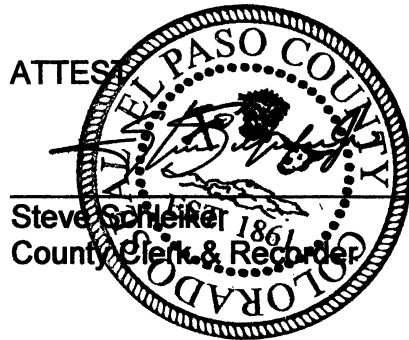
WHEREAS, the Board finds said Rules and Procedures provide efficient, effective, and responsive operation of El Paso County government for the citizens of the County; and

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, hereby adopts the Legislative and Parliamentary Rules and Procedures, more particularly described in Exhibit A, which is attached hereto and incorporated by reference.

BE IT FURTHER RESOLVED that all formerly adopted Legislative and Parliamentary Rules and Procedures of the Board are hereby repealed to the extent that they are inconsistent with this Resolution.

DONE THIS 27th day of May, 2025, at Colorado Springs, Colorado.

ATTEST



Steve Schleifer
County Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: Caring Yb
Chair

**Resolution No. 25-147
Exhibit A**

**LEGISLATIVE AND PARLIAMENTARY RULES AND PROCEDURES
TABLE OF CONTENTS**

I. ELECTIONS AND OATHS OF COUNTY ELECTED OFFICIALS	2
II. CRIME INSURANCE POLICY COVERAGE FOR COUNTY ELECTED OFFICIALS	2
III. APPOINTMENTS AND POWERS OF THE CHAIR AND VICE CHAIR.....	3
IV. LIAISON RESPONSIBILITIES	3
V. ORGANIZATIONAL STRUCTURE OF OFFICES	4
VI. OFFICIAL MEETING INFORMATION	4
VII. LEGAL ENTITIES OF THE COMMISSIONERS AND RELATED MEETINGS	4
VIII. OFFICIAL MEETINGS, SCHEDULES, AND CLOSURES	5
IX. SCHEDULING AGENDA AND ADDENDUM MATTERS FOR OFFICIAL MEETINGS	7
X. ORDER OF BUSINESS	12
XI. QUORUMS AND ABSENCES.....	16
XII. MOTIONS AND VOTING.....	17
XIII. OFFICIAL PUBLIC HEARING PROCEDURES (LEGISLATIVE AND QUASI-JUDICIAL MATTERS).....	22
XIV. RECORD OF PROCEEDINGS/CUSTODIAN OF RECORDS	26
XV. INFORMAL MEETINGS	27
XVI. REFERRED MEASURES.....	28
XVII. ETHICS IN GOVERNMENT	28
ORGANIZATIONAL STRUCTURE (ATTACHMENT A)	29

LEGISLATIVE AND PARLIAMENTARY RULES AND PROCEDURES

I. ELECTIONS AND OATHS OF COUNTY ELECTED OFFICIALS

- A. The County's Elected Officials are elected per General Election or as otherwise prescribed by the Constitution and/or statutes of the State of Colorado.
- B. The County's Elected Officials are sworn into their respective offices in accordance with Article 10 of Title 30, C.R.S., as amended. (Per Colorado Constitution and Section 30-10-702, C.R.S., as amended, the Treasurer-elect shall be sworn into office prior to December 31).
- C. The oaths for the County's Elected Officials shall be prepared and recorded by the El Paso County Clerk & Recorder (hereinafter "County Clerk").

II. CRIME INSURANCE POLICY COVERAGE FOR COUNTY ELECTED OFFICIALS

- A. The necessary crime insurance policy coverage for the County's Elected Officials shall be secured and paid for by the Chief Human Resource Officer from the self-insurance fund in an amount prescribed by Article 10, Title 30, C.R.S., as amended.
- B. Pursuant to Section 24-13-105, C.R.S., as amended, on the first day of each term, the Board shall examine and inquire into the sufficiency of the crime insurance policy coverage of the County Treasurer, Sheriff, Coroner, Assessor, County Clerk, and Surveyor, and all other County officers (County Commissioners).
- C. The Resolution, Finding Sufficiency of Crime Insurance Policy Coverage for County Elected Officials, prepared by the County Attorney in coordination with the Chief Human Resource Officer, shall be considered for adoption at the Board's Organizational Meeting. Upon adoption, the resolution shall be recorded in the office of the County Clerk pursuant to Section 24-13-117, C.R.S., as amended. The County Attorney, in coordination with the Chief Human Resource Officer, shall schedule the Board's consideration and approval of the Treasurer's crime insurance policy coverage in December prior to the swearing in of the Treasurer.
- D. If a County Commissioner or County Clerk as Registrar of Titles executes a bond in lieu of crime insurance the bond shall be filed with the District Court in accordance with Sections 30-10-313, 30-10-314 and 38-36-110, C.R.S., as amended.
- E. All statutory insurance shall be recorded in the office of the County Clerk and shall remain on file, (Sections 30-10-314, -501, -601, -701, -801, -901, C.R.S., as amended) with the exception of the County Clerk's crime insurance policy coverage, which shall be filed in the office of the El Paso County Treasurer (Section 30-10-401, C.R.S., as amended).
- F. The County Clerk shall file his crime insurance policy coverage as Registrar of Titles (Torrens Title Registration Act, C.R.S. 38-36-110, as amended) with the Secretary of State.

III. APPOINTMENTS AND POWERS OF CHAIR AND VICE CHAIR

A. APPOINTMENT OF CHAIR:

1. The Board shall choose one of its members as Chair pursuant to Section 30-10-307, C.R.S., as amended.
2. The Board has appointed Carrie Geitner as Chair to serve as Chair so long as it pleases the majority of the Board.
3. Pursuant to Sections 30-10-307 and 30-10-308, C.R.S., as amended, the Chair shall preside at all meetings of the Board, administer oaths to any person concerning any matter submitted to the Board or connected with its powers and duties, and shall sign all County orders and documents related to matters acted upon by the Board. These powers are automatic and do not require separate or additional Board action. The Chair may authorize the County Attorney or designee to administer oaths. By this reference, the Board automatically renews, approves, and authorizes the Chair to execute County warrants per calendar year.
4. The Chair or Vice Chair is authorized to sign Grant Applications without scheduling on the Board's Agenda unless public funds are being committed to by El Paso County for fulfillment of a grant if awarded and if the County match is not already budgeted in the current budget or designated in fund balance for stated purpose. This does not include the authority to sign Grant Agreements which are required to be heard in an open and public meeting by the Board before they become a valid and binding Agreement.
5. Pursuant to authority granted to the County's principal executive officer under Section 24-33.5-709, C.R.S., the Chair, or in the Chair's absence, the Vice Chair, is authorized to declare a disaster, as that term is defined in Section 24-33.5-703, C.R.S. The Chair's or Vice Chair's disaster declaration shall remain in place for seven days unless rescinded. The declaration may be continued beyond seven days by resolution of the Board.

B. APPOINTMENT OF VICE CHAIR:

1. Pursuant to Section 30-10-307, C.R.S., as amended, the Board shall choose one of its members as Vice Chair. The Board has appointed Commissioner Holly Williams as Vice Chair to act in the absence of the Chair for whatever actions or events that may require the presence of or execution by the Chair, so long as it pleases the majority of the Board. This authorization is automatic and does not require separate or additional Board action.

C. OTHER:

1. No other powers may be assumed without concurrence of the Board.

IV. LIAISON RESPONSIBILITIES

- #### **A.**
- By separate resolution, the Board adopts liaison responsibilities for the purpose of providing and receiving policy guidance and generally assisting in communication and cooperation between the County's Elected Officials, directors, and agencies. Such liaison responsibilities shall remain in effect so

long as it pleases a majority of the Board, upon Commissioners entering into office, or the appointment of a new Chair or Vice Chair.

V. ORGANIZATIONAL STRUCTURE OF OFFICES

- A. The County's Organizational Structure is attached as Attachment A and remains in effect so long as it pleases a majority of the Board. Amendment(s) shall be determined by separate resolution.

VI. OFFICIAL MEETING INFORMATION

- A. Effective September 1, 2023, all Official Board Meetings shall be held on Tuesday at 9:00 a.m. for regular Board Meetings, and the second and fourth Thursday of the month at 9:00 a.m. for land use matters; or as soon as a quorum is present thereafter, in the auditorium of Centennial Hall located at 200 South Cascade Avenue, Colorado Springs, Colorado. Official Board Meetings may be held with some or all members appearing virtually as circumstances may dictate and as directed by the Chair. Informal Meetings will be scheduled on the first and third Tuesday of the month, immediately following the regular Board Meeting, or as soon thereafter at the Chair's discretion.
- B. All meetings are open to the public except as otherwise provided by law. Accommodations for public appearance and/or comment will be made for all meetings and public instructions therefor will appear on the agenda.
- C. By previously adopted resolution, a meeting may be scheduled and held on a day, and at a time and location, other than those described herein, to consider matter(s) of unusually high public interest. Said meeting is subject to the posting and public notice requirements described herein and availability of a recording device to enable proper record retention.
- D. Pursuant to Section 30-10-405, C.R.S., as amended, the County Clerk shall attend the sessions of the Board either in person or by deputy, keep the County seal, records, and papers of the Board, and keep the Record of Proceedings of the Board in a visual text format that may be transmitted electronically, as required by law, under the direction of the Board.

VII. LEGAL ENTITIES OF THE COMMISSIONERS AND RELATED MEETINGS

- A. BOARD OF COUNTY COMMISSIONERS (Constitutional officers under the Colorado Constitution Article XIV, Section 6, with executive, legislative and quasi-judicial responsibilities.) Regular Board meetings shall be conducted as described in Official Meetings. Land use matters shall be scheduled on the second and fourth Thursday of each month with the first Thursday optional of each month as needed.
- B. LOCAL LICENSING AUTHORITY (Sections 44-3-103(27) and 44-4-103(4), C.R.S., as amended, Colorado Beer and Liquor Code matters, and Section 44-10-103(28) Medical Marijuana matters). Local Licensing Authority matters for unincorporated El Paso County shall be scheduled on regular Official Board Meeting Agendas.
- C. SOCIAL SERVICES A/K/A HUMAN SERVICES BOARD (Section 26-1-116, and Section 26-1-116(3) C.R.S., as amended by SB 04-035). Human Services agenda items shall be scheduled on regular Official Board Meeting Agendas.

- D. COUNTY BOARD OF EQUALIZATION ("CBOE") (Colorado Constitution Article X, Section 15). The Board of County Commissioners is not constitutionally or statutorily required to review the decisions of the CBOE. Colorado statutes provide an appeal process for citizens that do not agree with decisions of the CBOE.
1. In accordance with Section 39-8-107(2)(b), C.R.S., as amended, the Board of County Commissioners authorizes a petitioner or petitioner's agent to elect to receive the decisions rendered by the CBOE by electronic mail.
 2. By submitting an appeal through the County Assessor's online appeal system, the petitioner, or petitioner's agent, is agreeing to receive future electronic transmissions concerning CBOE matters, instead of through U.S. Mail. To opt-out of the electronic list and receive notices via U.S. Mail, petitioners may contact the Assessor's Office. Section 39-5-121(1.7), C.R.S., as amended.
- E. PUBLIC IMPROVEMENT DISTRICT (Section 30-20-501, C.R.S. *et seq.*)
Public Improvement District items shall be scheduled on Public Improvement District Meeting Agendas.

VIII. OFFICIAL MEETINGS, SCHEDULES, AND CLOSURES

- A. ORGANIZATIONAL MEETING:
1. Upon commencement of the terms of office and administration of Oaths of Office for the County's newly Elected Officials, on the second Tuesday in January following the election, the Board has determined to hold its Organizational Meeting to consider matters which include, but are not limited to, resolutions for the crime insurance policy coverage for the County's newly elected officials, the Commissioners' liaison responsibilities, to designate the posting location and the custodian of the Minutes, and changes to the Board's Official Meeting and/or Summer Schedules.
- B. OFFICIAL MEETINGS:
1. In accordance with Section 30-10-304(1), C.R.S., as amended, the Board shall hold at least two meetings in each week of the year commencing at 9:00 a.m. on Tuesday, an additional meeting commencing at 9:00 a.m. on the second and fourth Thursday of the month for land use matters, and an Informal Meeting on the first and third Tuesday of the month immediately following the regular Board Meeting or as soon thereafter at the Chair's discretion (except during the months of July and August). (See Section VIII.D. for additional information.)
 2. In accordance with Section 30-10-304(2), C.R.S., the Board may hold fewer than two meetings in each week of each year on the basis of, without limitation, the following circumstances:
 - a) A lack of a quorum caused by illness;
 - b) Scheduling conflicts with meetings of professional organizations whose membership includes County Commissioners;
 - c) Inclement weather;

- d) Natural disasters or emergency conditions;
 - e) Special events; or
 - f) Any other circumstance that a majority of the Board deems reasonable justification for not holding the meeting in the majority's sole discretion.
3. The Board Chair may cancel a regularly scheduled meeting of the Board pursuant to subsection two (2) above or applicable provisions of the law or these rules. If the decision to cancel a meeting is made more than twenty-four hours in advance of the meeting, the Board shall promptly provide notice to the public of the cancellation in the same manner in which it customarily provides the public notice of its meetings.
 4. Amendments to this regular meeting schedule shall be determined by resolution pursuant to Section 30-10-303(1), C.R.S., as amended.
 5. Any commissioner(s) participating virtually, by means of telephone or other electronic method, shall be deemed present and counted toward a quorum for voting purposes.
 6. When Official Board Meetings are held where a quorum of the Board is participating by telephone or other electronic method, the County shall follow the following procedures:
 - a) Publish a conference call dial-in number, and any associated access code, with the agenda for the purpose of inviting public participation; or
 - b) Publish the electronic medium and access method to the platform the Board may utilize, with instructions to members of the public on how to listen and participate.
 - c) The County Communications Department shall inform the public through customary means of any such telephonic or electronic meeting.
 - d) The County shall audio-record any telephonic or electronic meetings of the Board and said recording shall constitute the official record of the meeting. In the event audio-recording is not feasible, then the Clerk to Board, or designee, or a County staff person assigned by the Board, shall take written minutes of the meeting, and the written minutes shall constitute the official record of the meeting.
 - e) When the Board holds a meeting by other electronic means, the County shall video and audio record the meeting if feasible; and if not feasible, written minutes shall be taken as set forth in the preceding paragraph.

C. SPECIAL AND EMERGENCY MEETINGS:

1. The Board may hold Special and Emergency Meetings pursuant to Section 30-10-303(2), C.R.S., as amended.
2. Special Meetings shall be held at such time and place as stated on the published Agenda. Upon receiving a request the Chair and Vice Chair or three Board members eligible to vote on said matter, the Chair or Vice Chair shall schedule a Special Meeting of the Board upon proper public

notice unless emergency circumstances warrant the Special Meeting. The County Administrator and the County Attorney shall have discretion to call an Emergency Meeting.

3. Should proper public notification not be attainable, the Board's action(s) at the Special or Emergency Meeting shall be scheduled for ratification as a Consent Calendar item on the Board's next regular Agenda to provide proper public notice. In the event the County Clerk has already posted the Agenda of the next Official Meeting, the special or emergency matter shall be scheduled for ratification on the next available Agenda.

D. SUMMER SCHEDULE:

1. Pursuant to Section 30-10-304(1), C.R.S., as amended, the Board may meet in regular session twice monthly during the months of July and August.

E. COUNTY CLOSURES:

1. When County Offices are closed due to inclement weather or for an act of emergency; and where a virtual meeting is not possible, the Board hearing and scheduled agenda shall be automatically postponed and continued to the next scheduled Board hearing date. No further action shall be required of the Board, the County Administrator, County Attorney or Clerk to the Board.

F. SOCIAL GATHERINGS:

1. Chance meetings of public officials, or social gatherings, for which discussion of public business is not the central purpose for such gatherings, are not subject to the provisions of the Open Meetings Law.

IX. SCHEDULING AGENDA AND ADDENDUM MATTERS FOR OFFICIAL MEETINGS

A. GENERAL REFERENCE INFORMATION:

1. GRANTS – Resolution No. 17-152 or any amendment thereto.
 - a) The Chair and Vice Chair are authorized to sign grant applications on behalf of the Board pursuant to Section III.A. 4.
 - b) The Chair and Vice Chair are not provided the authority to sign Grant Agreements, which are required to be heard in an open and public meeting by the Board before they become a valid and binding Agreement.
2. The Board desires to ensure prior fiscal, legal, and administrative review and to provide uniform submittal and processing of all matters scheduled. All agenda submittals shall be processed through the automated process. Items submitted outside of the Workflow process will not be accepted.
3. The following Agenda Requests do not require review by Financial Services:

Deputy District Attorney Appointments;
BOCC Minutes;

Committee Appointments/Reappointments;
 Tax Abatement Petitions;
 Fireworks Display Permits;
 Liquor License matters;
 Medical Marijuana License matters;
 Secure Transportation License matters
 Ceremonial Resolutions;
 Land Development Code, Engineering Criteria Manual, and Ordinance
 Violation matters;
 Animal Control;
 Committee Bylaws;
 Regional Building Code matters;
 Special District Service Plans;
 Treasurer's Tax Sale Certificates, Delete Uncollectible Taxes and
 Designate Depositories;
 Department of Human Services Program Plans;
 Fire Code matters;
 Land Use matters;
 Road Project Management Plans;
 Road Closures and Acceptances;
 Environmental Assessments; and
 Storm Water Permits.

4. The following Agenda Requests do not require review by the County Attorney's Office:

Deputy District Attorney Appointments;
 Budget Requests to Recognize Revenue and Appropriate Expenditures;
 BOCC Minutes;
 Committee Appointments/Reappointments;
 Procurement and Contract matters;
 Tax Abatement Petitions;
 Fireworks Display Permits;
 Liquor License matters (unless otherwise prescribed by adopted Policy);
 Medical Marijuana License matters (unless otherwise prescribed by
 adopted Policy or Law);
 Secure Transportation License matters (unless otherwise prescribed by
 adopted Policy or Law);
 Ceremonial Resolutions;
 Land Use matters (except Contracts, Development Agreements, Escrow
 Agreements, and Real Estate Transfers);
 Treasurer's Tax Sale Certificates, Delete Uncollectible Taxes and
 Designate Depositories;
 Department of Human Services Program Plans; and
 Road Closures and Acceptances.

5. Ceremonial Resolutions (proclamations, acknowledgements, recognitions, retirements, etc.) must be coordinated with the Government Affairs Department, in accordance with Resolution 21-18.
6. Second and Fourth Thursdays at 9:00 a.m. are reserved for land use matters. The Board may, in its discretion, hear land use and other matters on any day it deems fit.
7. The County Clerk is responsible for scheduling all applicable tax abatement petition hearings, and liquor, medical marijuana, and secure

transportation license matters, Board of Equalization meetings, fireworks display permits, and Minutes for approval.

8. The County Administrator shall schedule Agenda items requested by the Commissioners upon the consent of the Chair and Vice Chair or at least three (3) Commissioners eligible to vote on said requests **preferably** one (1) week before the hearing on the request.
9. It is the Chair's or Vice Chair's discretion to approve the final agenda for publication, including the ability to remove any Agenda item requests prior to final agenda publication except any items requested by at least three (3) other Commissioners.
10. The agenda will only be posted and distributed by the Clerk's Office after review by the County Administrator.

B. SUBMITTALS AND ROUTING (EARLY SUBMITTAL IS ENCOURAGED; DO NOT WAIT UNTIL THE DEADLINE TO INITIATE A REQUEST):

1. Agenda items shall be appropriately placed on the Consent Calendar, as a Regular Item, or a Non-Action item by the originator:
 - a) The Consent Calendar may contain all ministerial matters necessary for the management of routine tasks/internal affairs of business by County departments, which require Board action, that are neither statutorily required to be formally advertised/published in a newspaper or to hold a public hearing thereon, nor are policy matters, conveyances, or acceptances of real estate.
 - b) Regular Consent Calendar Inclusions:

Matters determined by the County Attorney;
BOCC Minutes;
Committee appointments/re-appointments;
Petty cash and donation Resolutions, and any other matters at the discretion of the Chief Financial Officer;
Leases;
Approved tax abatement petitions;
Denied and partially approved tax abatement petitions (unless the petitioner is present at the meeting and requires a public hearing);
Procurement and Contract Regular and Renewal matters unless otherwise determined by the Contracts Manager;
Local Licensing Authority matters unless otherwise determined by the County Clerk;
Clerk and Recorder polling place changes/additions;
Fireworks Display Permits;
Engineering Criteria Manual;
Ceremonial Resolutions
 - c) Land Use Consent Calendar Inclusions:

Items unanimously approved by the Planning Commission;

Items either approved by the Planning Commission or which no Planning Commission action is required, where all conditions precedent to approval have been resolved and which there is no significant public opposition; Land Development Code and Code or Ordinance violation matters

- d) Non-Action items are reports and presentations which require no BOCC action. Community Service Organization reports should be approved by County Administration prior to placing the reports on the agenda.

2. CONTRACT MATTERS:

- a) Contracts/agreements including all real estate matters must be pre-coordinated with the County Attorney or designee, County Administrator or designee and Chief Financial Officer or designee utilizing a standard County contract when applicable.
- b) Any Resolutions relating to contracts, policies and real estate transactions must be pre-coordinated with the County Administrator or designee, County Attorney or designee and Chief Financial Officer or designee.
- c) Contracts/agreements requiring disbursement of funds must be pre-coordinated with the Chief Financial Officer as applicable.

3. FINANCIAL MATTERS:

- a) All fiscal matters must be pre-coordinated with the Chief Financial Officer or designee.
- b) Any Resolutions to recognize revenue and/or appropriate expenditures must be pre-coordinated with the Chief Financial Officer or designee.

C. DEADLINES:

1. AGENDA REQUESTS:

- a) The cutoff for initiating (processed through the appropriate review process) an Agenda request is 12:00 noon Monday of the week prior to the BOCC meeting. If the Monday deadline falls on a County holiday, the deadline will be 12:00 noon on the Friday before the Monday holiday.
- b) The County Clerk is responsible to prepare Agendas:

Thursday morning of the week prior to the meeting.
- c) The County Clerk is responsible to post and distribute Agendas no later than 5:00 p.m. on the Thursday prior to the next week's meetings. In the event the County is closed due to weather or emergency, the agenda will be posted immediately upon return to office.

2. ADDENDUM (POST DEADLINE) REQUESTS:

- a) Due to reduced public notice, Addendum submittals should be avoided unless exigent circumstances warrant the request and require approval from the Chair and the County Administrator.
- b) The cutoff for initiating Addendum requests:

12:00 noon on the Friday prior to the Tuesday meeting
12:00 noon on the Tuesday prior to the Thursday meeting
- c) The County Clerk is responsible to post and distribute Addendum matters no later than:

5:00 p.m. on the Friday prior to the Tuesday meeting
5:00 p.m. on the Tuesday prior to the Thursday meeting
- d) Addendum matters shall be distributed and posted on the web in the same manner as Agendas.
- e) Any exigent matter which arises after the Addendum deadline may be brought before the BOCC as an Emergency Item. Any action will be scheduled for ratification by the County Clerk on the next available Agenda to enable proper public notice. (See Section X.B.3. for additional information.)

D. POSTINGS:

- 1. Pursuant to Section 24-6-401, *et seq.*, C.R.S., as amended, Colorado Sunshine Act, Open Meetings Law, the Board shall designate/reaffirm by resolution the posting location(s) of the Board's public meetings requiring public notice, and the official custodian of the Minutes of the Board's public meetings requiring the same at its first regular Official Meeting of each calendar year, or as soon thereafter as reasonably possible.
- 2. Unless otherwise determined by the Board, the posting location of the Board's public meetings requiring prior public notice shall be the Agenda Management Site located on the El Paso County Clerk to the Board website at <https://clerkandrecorder.elpasoco.com/clerk-to-the-board/>.
- 3. The County Clerk shall be responsible for preparing, posting, and certifying the regular Agendas for Official Board Meetings.
- 4. Posted Agendas may be accessed at <https://clerkandrecorder.elpasoco.com/clerk-to-the-board/>
- 5. Posted Meeting Location Changes:
 - a) County Office Building:
 - (1) If the posted meeting location is changed at least 24 business hours prior to any Official Meeting, the County Clerk shall be notified to enable posting of a revised Agenda. If the posted meeting location is changed less

than 24 business hours prior to any meeting, County Administration shall post the new meeting location.

E. CONTINUED ITEMS:

1. The County Clerk shall reschedule any matters continued to a date formally continued by the Board.

X. ORDER OF BUSINESS

- A. The Chair shall request comments from members of the public on all matters. It is the Chair's discretion to determine, announce and enforce the time allotted to speakers in a fair manner. (The Order of Business may be altered by the Chair or by a majority consensus of the Board as circumstances arise).

- B. ORDER OF ITEMS FOR REGULAR BOARD MEETINGS (unless otherwise determined):

CALL TO ORDER. (The Chair includes the date of the meeting for audio record indexing purposes.)

1. INVOCATION.
2. PLEDGE OF ALLEGIANCE.
3. STAFF EMERGENCY ITEMS.
 - a) Departmental comments shall be restricted to the Report section of the Agenda unless there are emergency circumstances requiring immediate Board action such as supplemental appropriations or legally prescribed declarations. In such a situation, any official Board action shall include, as part of any proffered substantive motion, a statement that the attendant circumstance constitutes a matter that is under a time restriction or is otherwise an emergency, as well as the basis for such statement. Said action shall be scheduled for ratification on the next available Agenda Consent Calendar.
4. DEPUTY DISTRICT ATTORNEY APPOINTMENTS.
5. CHANGES/POSTPONEMENTS/NOTICE OF NEXT SCHEDULED MEETING.
6. REGULAR CONSENT CALENDAR AND ENGINEERING CRITERIA MANUAL CONSENT CALENDAR ITEMS:
 - a) The Consent Calendars may contain all ministerial matters necessary for the management of routine tasks/internal affairs of business by County departments, which require Board action, that are neither statutorily required to be formally advertised/published in a newspaper or to hold a public hearing thereon, nor are policy matters, conveyances, or acceptances of real estate.
 - b) Regular Consent Calendar Inclusions:

Matters determined by the County Attorney;

**BOCC Minutes;
Committee appointments/reappointments;
Petty cash and donation resolutions and any other
matters at the discretion of the Chief Financial Officer;
Leases;
Approved tax abatement petitions;
Denied and partially approved tax abatement petitions
(unless the petitioner is present at the meeting and
requires a public hearing);
Procurement and Contract Regular and Renewal
matters unless otherwise determined by the Contracts
Manager;
Local Licensing Authority matters unless otherwise
scheduled as Regular items by the County Clerk;
Clerk and Recorder polling place changes/additions;
Fireworks Display Permits;
Ceremonial Resolutions**

- c) Any Commissioner or staff member desiring to inquire as to any item may do so. The Chair or Vice Chair has discretion concerning the amount of time that the Board shall allow for the inquiry.
 - d) If there is no discussion requested on any matter, the Board may vote to approve the Consent Calendar in one cumulative motion.
- 7. **CEREMONIAL RESOLUTIONS (proclamations, acknowledgements/recognitions, retirements, etc.).**
- 8. **COMMENTS BY ELECTED OFFICIALS AND COMMISSIONER LIAISON REPORT(S).**
 - a) A majority vote of the Board may cause the scheduling of a regular item on a future Agenda if the subject comments, information obtained there from, or request submitted during the item so necessitate Board action and/or public notice.
 - b) Elected Officials have the discretion to make comments during the meeting or schedule an item on the agenda for public notice.
- 9. **COMMUNITY SERVICE ORGANIZATION REPORTS.**
 - a) Community Service Organization Reports shall be scheduled on the agenda whenever possible.
- 10. **PUBLIC COMMENT ON ITEMS NOT SCHEDULED ON THE AGENDA**
 - a) Public comments may be limited to a total maximum of 3 minutes. The Chair shall have the discretion to determine and enforce the time allotted to speakers in a fair manner.
- 11. **CALLED-UP CONSENT CALENDAR.**
- 12. **LEGISLATIVE AND EXECUTIVE MATTERS.**
- 13. **LOCAL LICENSING AUTHORITY HEARINGS.**

14. DEPARTMENT AND COMMITTEE REPORTS/NON-ACTION ITEMS:

- a) Reports/Non-Action items shall be scheduled on the agenda whenever possible.

15. ADDENDUM (POST AGENDA DEADLINE).

16. EXECUTIVE SESSION.

ADJOURNMENT.

C. ORDER OF ITEMS FOR LAND USE MEETINGS (unless otherwise determined):

CALL TO ORDER. (The Chair includes the date of the meeting for audio record indexing purposes.)

1. STAFF EMERGENCY ITEMS.

- a) Departmental comments shall be restricted to the Report section of the Agenda unless there are emergency circumstances requiring immediate Board action such as supplemental appropriations or legally prescribed declarations. In such a situation, any official Board action shall include, as part of any proffered substantive motion, a statement that the attendant circumstance constitutes a matter that is under a time restriction or is otherwise an emergency, as well as the basis for such statement. Said action shall be scheduled for ratification on the next available Agenda Consent Calendar.

2. CHANGES/POSTPONEMENTS/NOTICE OF NEXT SCHEDULED MEETING.

3. PUBLIC COMMENT ON ITEMS NOT SCHEDULED ON THE AGENDA

- a) Public comments may be limited to a total maximum of 3 minutes. The Chair shall have the discretion to determine and enforce the time allotted to speakers in a fair manner.

4. LAND USE CONSENT CALENDAR, LAND DEVELOPMENT CODE, CODE OR ORDINANCE VIOLATION MATTERS CONSENT CALENDAR:

- a) The Consent Calendars may contain all ministerial matters necessary for the management of routine tasks/internal affairs of business by County departments, which require Board action, that are neither statutorily required to be formally advertised/published in a newspaper or to hold a public hearing thereon, nor are policy matters, conveyances, or acceptances of real estate.

- b) Land Use Consent Calendar Inclusions:

Items unanimously approved by the Planning Commission;

Items either approved by the Planning Commission for which no Planning Commission action is required, where all conditions

precedent to approval have been resolved and which there is no significant public opposition.

- c) Any Commissioner or staff member desiring to inquire as to any item may do so. The Chair or Vice Chair has discretion concerning the amount of time that the Board shall allow for the inquiry.
- d) If there is no discussion requested on any matter, the Board may vote to approve the Consent Calendar in one cumulative motion.

5. CALLED-UP CONSENT CALENDAR.

6. LAND USE LEGISLATIVE AND EXECUTIVE MATTERS AND OTHER QUASI-JUDICIAL HEARINGS.

- a) Land Development Code, Engineering Criteria Manual, Code or Ordinance violation matters.
- b) All other land use items.

7. DEPARTMENT AND COMMITTEE REPORTS/NON-ACTION ITEMS:

- a) Land Use Reports/Non-Action Items shall be scheduled on the agenda whenever possible.

8. ADDENDUM.

9. EXECUTIVE SESSION.

ADJOURNMENT.

D. RECESSES AND ADJOURNMENTS:

- 1. The Chair may call a recess of the Board at any time and may announce an approximate time for the Board to reconvene.
- 2. If multiple Official Meetings have been scheduled on an Agenda, the Chair or his/her designee shall announce the adjournment, or recess thereof, and convene the subsequent meeting.

E. EXECUTIVE SESSIONS AND ATTORNEY CLIENT PRIVILEGED MATTERS:

- 1. The Board shall hold any Executive Session prior to adjournment of an Official Meeting. Executive Sessions shall be recorded, consistent with adopted Board policy and the applicable provisions of the Colorado Open Records Act, C.R.S. §24-6-402, *et seq.*, as amended. The custodian for Executive Session records is the County Attorney. Without prior public notice, the Chair may call for a vote of the Board to recess into Executive Session at any time during a regularly scheduled meeting as circumstances arise. The Chair may schedule and announce a time for the Board to reconvene.
- 2. Prior to convening in Executive Session, the County Attorney, Chair, or Clerk to the Board shall announce the topic(s) to be discussed, including the specific statutory citation(s), and identify the particular matter to be discussed in as much detail as possible without compromising the

purpose for which the Executive Session is authorized. The purpose of calling an Executive Session is merely to deliberate on sensitive matters that could be compromised by premature public disclosure, and no formal or final action may be taken in Executive Session. If formal action is required, the matter shall be either immediately voted upon in open session or ratified at a subsequent properly noticed public meeting. The discussion on the record at the open meeting must indicate what policy considerations and motivations led to the final decision.

3. To hold an Executive Session there must be an affirmative vote of two-thirds of the quorum present. If any two or more Commissioners present do not agree to the Executive Session, the item may be discussed during the formal meeting or withdrawn from consideration.

5 COMMISSIONERS ELIGIBLE TO VOTE REQUIRES 4 AFFIRMATIVE VOTES.

4 COMMISSIONERS ELIGIBLE TO VOTE REQUIRES 3 AFFIRMATIVE VOTES.

3 COMMISSIONERS ELIGIBLE TO VOTE REQUIRES 2 AFFIRMATIVE VOTES.

4. Privileged attorney-client communication, regardless whether received in Executive Session or otherwise, shall be released only upon the passage of an affirmative simple majority vote of those Commissioners eligible to vote on the matter disclosed. Thus, the attorney-client privilege belongs to the Board as a whole, in all attorney-client communications directed by the Board. In all written or electronic attorney-client communications the County Attorney's Office shall strive to label such communications as confidential.

F. ADJOURNMENT:

1. Upon determining all matters have come before the Board, the Chair shall declare the Official Meeting adjourned without the necessity of calling for a motion.

XI. QUORUMS AND ABSENCES

A. QUORUM:

1. A quorum for any Board meeting shall be at least three (3) of the five (5) Commissioners.

B. LACK OF A QUORUM:

1. No Agenda item shall begin in the absence of a quorum during an Official Meeting. However, if a quorum existed at the start of an Agenda item, then the remaining Commissioners may permit testimony to be entered into the record. The County Clerk shall record the comments. Absent Commissioners shall review the audio record of such presentations prior to voting on such matters.
2. When a lack of quorum occurs after preparation and posting of the Agenda requiring a meeting to be cancelled, an announcement of the cancellation shall be made by the Chair at the regular meeting preceding

the meeting to be cancelled if possible. Should a cancellation become necessary more than 24 hours prior to the published start time, the County Communications Department shall post a cancellation notice on the homepage of the Board's website. The Clerk to the Board shall post a cancellation notice on the Agenda Management Site located on the El Paso County Clerk to the Board website at <https://clerkandrecorder.elpasoco.com/clerk-to-the-board/>. If a lack of quorum occurs or becomes known less than 24 hours prior to the published start time of any noticed meeting, a Commissioner, the County Administrator, County Attorney, or County Clerk (or designee) shall be present at the posted meeting location at 9:00 a.m. to announce the lack of quorum on the record and to provide public notice for continuance or postponement of the Board's matters scheduled on the Agenda. Such announcement shall be recorded for the record.

3. The scheduled matters shall automatically be continued to the Board's next regularly scheduled Official Meeting unless the Agenda item specifies otherwise.
4. When County Offices are closed due to inclement weather or for an act of emergency; the Board hearing and scheduled agenda shall be automatically postponed and continued to the next scheduled Board hearing date. No further action shall be required of the Board, the County Administrator, County Attorney or Clerk to the Board.

C. ABSENCE OF COMMISSIONER:

1. **ENTIRE DAY:**
Pursuant to C.R.S. 30-10-305, as amended, if any Commissioner is absent from any regular meeting thereof without being excused by a majority of the Board, ten dollars (\$10.00) shall be forfeited to the County, which sum shall be deducted from the absentee's next salary to be paid. By this reference, the absent Commissioner shall be excused from all Official Meetings held on the date of absence upon passage of an affirmative vote of a majority of the Board.
2. **DURING THE MEETING:**
The absent Commissioner(s) shall automatically be recorded as absent by the County Clerk on all matters considered by the Board until the return of the Commissioner to the meeting. A Commissioner absent from the Hearing Room, but who still heard the testimony given, shall state such on the record upon his/her return to the meeting. By this reference, any absent Commissioner is automatically excused until his/her return or from the remainder of the meeting. (See Section XIV.C.1. for additional information.)

XII. MOTIONS AND VOTING

When an item is before the Board, no motion shall be entertained except as listed or as provided by *Robert's Rules of Order Newly Revised*:

A. MAIN MOTION:

1. A Main Motion is a legislative, executive, or quasi-judicial matter on the Board of County Commissioners' regular or Consent Calendar Agenda. The general policy of the Board of County Commissioners is that a

legislative, executive, or quasi-judicial matter requires at least three (3) affirmative votes in order to pass. The matters below set forth the effect of less than three (3) affirmative votes on a legislative or executive matter.

2. Requires a second, is debatable and amendable, and requires a majority vote of the entire Board:

2-2 VOTE FAILS AND IS AUTOMATICALLY CONTINUED FOR A NEW MOTION.

2-1 VOTE FAILS AND IS AUTOMATICALLY CONTINUED FOR A NEW MOTION.

3. For automatically continued matters:
 - a) The County Clerk shall automatically prepare an audio duplication of the record and provide any Exhibits submitted during the meeting to enable the absent Commissioner(s) to review the Record of Proceedings.
 - b) The County Clerk shall reschedule the matter.
 - c) Commissioners present at the rescheduled meeting may ask questions of applicants and staff prior to making a new motion.
4. A new motion is required for any failed motion for resolution matters.
5. Ceremonial resolutions (proclamations, acknowledgements/recognitions, retirements, etc.):

2-1 VOTE PASSES

6. Exigent Circumstances or Matters Under Statutory Time Restrictions: A 2-1 vote passes, provided that at least two of the three members present voted to declare the item to be an exigent circumstance or a matter for approval that is under statutory time restrictions.
7. A Main Motion may be combined with a procedural motion provided that a motion requiring a two-thirds majority is not combined with a motion requiring a simple majority of those eligible to vote thereon.

B. MOTION TO AMEND (FORMAL AND INFORMAL):

1. A Motion to Amend may substitute language, insert language, or strike language or any combination thereof.
2. Requires a second, is debatable, is amendable, and requires a simple majority of those eligible to vote thereon:

2-2 VOTE FAILS

2-1 VOTE PASSES

3. An Informal Motion is a suggested change to a motion made or accepted by the Commissioner who made the motion with the consent of the second prior to the call on the vote of the Board. An Informal Motion does not require a motion, a second, or a vote thereon.

C. MOTION TO POSTPONE DEFINITELY OR TO A CERTAIN TIME:

1. Requires a second, is debatable and amendable as to reasons for postponement and date/time of reconsideration, and requires a simple majority of those eligible to vote thereon:

2-2 VOTE FAILS

2-1 VOTE PASSES

D. MOTION TO RECONSIDER AND RESCIND:

1. Can be made only by a Board member who previously voted with the prevailing side. Requires a second, is debatable, is not amendable, and requires a majority vote of the entire Board. This motion can be made at the same meeting or at a meeting other than the meeting at which the action was taken. If at a meeting other than the meeting at which the action was taken, all Commissioners must be given at least six (6) days written notice that Commissioner (Name) is going to move to reconsider Item No. ____ of the formal Agenda of (Date). If the motion to reconsider is voted upon and approved, no action shall be taken on the item reconsidered until the next regular Meeting of the Board of County Commissioners.

2-2 VOTE RESULTS IN CONTINUANCE

2-1 VOTE RESULTS IN CONTINUANCE

2. If exigent circumstances warrant, the Board may take action on a non-published matter, and the Board's action shall be scheduled on the Consent Calendar of the next available Agenda for public notice and ratification. In the event that the County Clerk has already posted the Agenda of the next Official Meeting, the special or emergency matter shall be scheduled for ratification on the Agenda for the next available meeting thereafter.

E. MOTION TO CONTINUE INDEFINITELY:

1. Requires a second, is debatable, is not amendable, and requires a simple majority of those eligible to vote thereon:

2-2 VOTE FAILS

2-1 VOTE PASSES

2. The motion is not applicable to quasi-judicial items.

F. MOTION TO LIMIT DEBATE/MOTION TO EXTEND THE LIMITS OF DEBATE:

1. Requires a second, is amendable, and requires an affirmative vote of two-thirds of an eligible majority of the Board:

5 COMMISSIONERS ELIGIBLE TO VOTE REQUIRES 4 AFFIRMATIVE VOTES.

4 COMMISSIONERS ELIGIBLE TO VOTE REQUIRES 3 AFFIRMATIVE VOTES.

3 COMMISSIONERS ELIGIBLE TO VOTE REQUIRES 2 AFFIRMATIVE VOTES.

G. MOTION TO APPEAL THE DECISION OF THE Chair:

1. Requires a second, is debatable, and requires a simple majority of those eligible to vote thereon:

2-2 VOTE FAILS
2-1 VOTE PASSES

H. DIVISION OF A QUESTION:

1. Requires a second, is amendable, and requires a simple majority of those eligible to vote thereon:

2-2 VOTE FAILS
2-1 VOTE PASSES

I. MOTION TO CALL THE QUESTION:

1. Requires a second, is not amendable, and requires an affirmative vote of two-thirds of an eligible majority of the Board:

5 COMMISSIONERS ELIGIBLE TO VOTE REQUIRES 4 AFFIRMATIVE VOTES.

4 COMMISSIONERS ELIGIBLE TO VOTE REQUIRES 3 AFFIRMATIVE VOTES.

3 COMMISSIONERS ELIGIBLE TO VOTE REQUIRES 2 AFFIRMATIVE VOTES.

J. MOTION TO WITHDRAW:

1. The motion maker may withdraw the motion, as a matter of right, so long as the consent of the second is obtained prior to the call on the vote of the Board.

K. LIMITS ON VOTING:

1. A conflict of interest includes any circumstance wherein a Commissioner has a direct personal interest, other than the diligent performance of his/her official duties, in the result or outcome of any governmental action, in which the Commissioner has, in whole or in part, any discretionary authority or responsibility. It is not limited to financial interests, but may, in the individual judgment of the voting Commissioner, include other interests such as personal friendships, family relations, or other associations with groups or persons. A Commissioner should always avoid even the appearance of such conflict by full, public disclosure of such interests when appropriate and, where possible, by abstaining from participation in any form in the performance or exercise of the official, discretionary actions.
2. Commissioners with a conflict of interest who choose to abstain from voting on the item may leave the Hearing Room until the matter has concluded.

3. Unless the situation described in K.1. exists, a Commissioner should refrain from voting on any matter when that Commissioner has not been present to hear or observe all evidence presented and accepted into the record by the parties and all other individuals who offer testimony or evidence.

L. CALLING THE ROLL:

1. The Chair shall call the question on the motion by conducting an individual voice roll call vote. The Chair shall then announce the passage or defeat of the proposed action, noting any votes cast in opposition or abstention and any absences, and state any question that is then before the Board.

M. OTHER:

1. Motions on land use matters:
 - a) Planning Commission findings, actions, conclusions, conditions, notations, and waivers shall be automatically incorporated into the record as set forth in the respective Comment Agenda.
 - b) The Planning and Community Development Department recommended conditions, notations, waivers, and contracts shall be automatically incorporated into the record as set forth in the respective Comment Agenda.
 - c) Motions shall contain or reference any desired additional findings, conditions, notations and waivers, and any alterations thereto.
2. Any presenter may withdraw his/her scheduled Agenda item prior to or during consideration of the item, and it does not require Board approval; however, the Board may override staff members' determination by motion, second and simple majority of those eligible to vote thereon. A tie vote shall be deemed a failure, and the item shall be withdrawn.

N. MOTION TO SUSPEND RULES:

1. The purpose of this Rule is to enable the Board to set aside one or more of its procedural Rules that would otherwise prevent consideration of a certain action. A Motion to Suspend Rules suspends only those Rules, which specifically interfere with the consideration of the particular action involved. The Rules are suspended only temporarily and are automatically reactivated when the proposed action has been considered. A Motion to Suspend Rules requires three affirmative votes.

O. ROBERT'S RULES OF ORDER:

1. In all other cases not governed by the foregoing provisions, *Robert's Rules of Order Newly Revised* shall govern unless otherwise provided herein.

XIII. OFFICIAL PUBLIC HEARING PROCEDURES (LEGISLATIVE AND QUASI-JUDICIAL MATTERS)

A. AGENDA:

1. Copies of the Official Meeting Agenda shall be available for the public near the entrance to the designated Hearing Room, and online at <https://clerkandrecorder.elpasoco.com/clerk-to-the-board/>

B. REGISTRATION OF SPEAKERS:

1. It is the Chair's discretion to determine the order of speakers in favor of and in opposition to a request by any of the following:

- a) Upon completion of presentations by personnel and the applicant(s):
 - (1) The Chair shall first call each person providing testimony/evidence in support of the request, then each person providing testimony/evidence in opposition.
 - (2) Speakers will be requested to sign the register prior to speaking.
 - (3) Each speaker will be requested to verbally identify himself/herself for the record when at the podium, and shall submit to the County Clerk any charts, maps, or other demonstrative evidence he/she presents at the hearing.

-or-

- b) Before the hearing:
 - (1) Speakers may be requested to provide the following information on the register.
 - (2) Two types of registration forms may be provided, one each for those persons wishing to speak in favor of and in opposition to a request or one registration form for all those persons wishing to speak.
 - (3) Each speaker will be requested to verbally identify him/herself for the record when at the podium, and shall submit to the County Clerk any charts, maps, or other demonstrative evidence he/she presents at the hearing.
 - (4) Any person shall be allowed to address the Board upon being called by the Chair after presentations by staff and the applicant(s); however, except for liquor licensing or medical marijuana hearings, only parties in interest or the Board of County Commissioners or its representatives may question witnesses.

C. HEARING RULES:

1. The Clerk to the Board shall read each regular Agenda item into the record. (The Order of Business may be altered by the Chair or by a majority consensus of the Board as circumstances arise).
2. When deemed appropriate, the County Attorney or County Clerk shall administer the following oath to all parties desiring to testify: "Do you solemnly swear or affirm that the testimony that you are about to give before this Board shall be the truth, the whole truth, and nothing but the truth?"
3. The Chair may request comments from members of the public on all matters where public comment is not legally mandated, and determine, announce, and enforce the time allotted to speakers in a fair manner.
4. The Chair may request speakers to confine comments to the issue(s) under consideration, offer factual information, and to refrain from repetitive and cumulative evidence.
5. The Chair or other assigned representative shall direct large crowds or gatherings as necessary to avoid over-crowding of the Hearing Room and violation of fire code provisions. Groups of citizens may be asked to select a representative who will be admitted to the main Hearing Room, with other members of the group being seated in an adjacent room with the audio to be broadcast from the hearing.
6. In order to maintain decorum and a businesslike atmosphere, and out of respect for our fellow citizens, the Chair shall establish what types of language and comments will not be considered acceptable. Speakers are requested to refrain from disruptive behavior. Speakers shall remove headwear out of respect unless the headwear is worn for religious reasons. Clapping, shouting and/or other outbursts will not be tolerated, and picket signs are prohibited. Unfair tactics intended to monopolize the press coverage of the meeting will not be allowed. The Chair or otherwise presiding Commissioner is responsible for enforcing the Hearing Rules. If the Rules are not followed, the speaker will be interrupted, reminded of the Rules, and requested to cooperate. The Chair may also call a recess and/or have the offending party escorted from the hearing if disruptive behavior persists.
7. The Chair shall decide all questions of order, subject to the Board's right to overrule the decision of the Chair. In case of an appeal from a ruling of the Chair, the question shall be: "Shall the decision of the Chair stand as the decision of the Board?" If a Commissioner violates the Rules, the Chair shall call such member to order, in which case the member shall be silent unless permitted to explain.

D. COMMISSIONER DISCLOSURE OF *EX PARTE* CONTACT:

1. All members of the public, Elected Officials and County employees are invited to contact any or all Commissioners to provide input regarding any administrative or legislative matters that may come before the Board.
2. With respect to *quasi-judicial* matters and other matters where the Board is restricted to making findings of fact on evidence presented, no Board member should receive or solicit evidence or comments from any person

regarding the matter pending before the Board prior to the hearing at which the matter is presented.

3. If a written *ex parte* communication is received, the Commissioner shall immediately forward the communication to the appropriate staff Director to be included in the information provided to all Commissioners.
4. If an oral *ex parte* contact occurs, a Board member shall: (1) inform the County Administrator or County Attorney; (2) disclose the contact to the BoCC and public at the beginning of the hearing; (3) describe its content as completely as possible; and (4) be able to state that he or she has not made any decision on the matter, can consider the evidence objectively and make a fair and impartial decision solely on the evidence that is presented at the hearing.
5. If the Board member has committed to a position or cannot weigh the evidence at the hearing fairly and impartially, the Board member must also comply with all other applicable constitutional and statutory ethics provisions.

E. ORDER OF SPEAKERS:

1. The Chair shall ensure that a full and fair due process hearing is provided to all participants in the hearing. The following rules for conducting the hearing are intended to enable the Chair to ensure such due process hearing, yet at the same time, ensure an orderly and efficient public hearing. The Chair shall first call for staff to introduce the item and identify the relevant decision-making criteria that will be used by the Commissioners during the hearing to evaluate the subject legislative or quasi-judicial matter.
2. The Chair shall then call for the applicant(s) presentation of evidence with questions by the Commissioners upon completion of the presentation. The Chair shall emphasize to the applicant that the presentation should be focused on addressing how the applicant meets the relevant review criteria applicable to the subject legislative or quasi-judicial matter.
3. The Chair shall then call for the staff presentation with questions by the Commissioners of staff.
4. The Chair shall then call for those members of the public, one at a time, who desire to address the Board in favor of the item.
5. When called by the Chair, each speaker may speak one time, and shall address the Board from the podium, and begin his/her presentation by identifying himself or herself by stating his/her name and address or title, as applicable, and the name of the group represented, if any. Each speaker must sign in on the log provided at the podium.
6. When called by the Chair, Commissioners may address or ask questions of each speaker upon completion of their presentation. (Persons in the audience shall not be allowed to address any speaker at the podium.)
7. The Chair shall then call for those members of the public, one at a time, who desire to address the Board in opposition to the item.

8. The applicant will then be afforded the opportunity to provide rebuttal.
9. If comments by the opposition are allowed after the rebuttal, then a final rebuttal shall be afforded to the applicant.

F. CLOSING THE HEARING, BOARD DECISION(S) AND APPEAL(S):

1. Upon hearing from all speakers, the Chair shall declare the hearing closed and request discussion or questions from the Commissioners.
2. Upon receipt of a motion and second, the Chair shall summarize the motion and call for discussion from the Board members.
3. Any Commissioner shall have the right to express dissent from or protest against any Board action, and have the reason therefore entered into the record.
4. The Chair or presiding Commissioner shall then call the question on the motion and announce the passage of the action noting any votes cast in opposition or abstention and any absences. Any Commissioner, staff member or member of the public may receive clarification of a motion.
5. The Chair shall be automatically authorized to execute all necessary documents and orders disclosed during the meeting by personnel to effectuate the intent of the Board. Such action need not be a part of the motion.
6. Staff direction may be provided by Board majority consensus. The Board's direction shall be stated on the record and shall not be binding upon the Board in future matters.

G. ABBREVIATED HEARING PROCESS:

1. The Board may dispense with a formal hearing process for Show Cause hearings, liquor licensing and Ordinance violation matters if it determines previously established criteria enforced by policy, regulation and/or applicable statutes have been met including the lack of any opposition, unless otherwise determined by the Board.

H. AGENDA MATERIALS AND EXHIBITS:

1. All Agenda Materials submitted shall be automatically incorporated as part of the record unless specific objections are raised at the hearing.
2. All documents referenced and/or tendered at the hearing shall be automatically admitted and accepted as Exhibits unless specific objections are raised, or Board direction is given at the hearing.
3. The County Clerk shall mark and retain all Exhibits. Persons providing Exhibits may submit a request to the County Clerk to release such Exhibits after a period of 30 days from the date of the Board's action. Such Exhibits shall be first scanned or copied for the record. Exhibits shall be permanently retained.

XIV. RECORD OF PROCEEDINGS/CUSTODIAN OF RECORDS

- A. The audio/video recording of the Board's proceedings shall be the official record of the Board and the responsibility of the County Clerk. The audio/video may be accessed at <https://clerkandrecorder.elpasoco.com/clerk-to-the-board/>. Audio/video duplications are available at the County Clerk's Office for a fee.
- B. The Unofficial Minutes, which reflects the Board's unofficial votes, outcomes, adopted Resolution/Contract/Ordinance numbers, and Commissioners present, is posted following each meeting by the County Clerk and may be accessed at <https://clerkandrecorder.elpasoco.com/clerk-to-the-board/>.
- C. MINUTES:

 - 1. The County Clerk shall prepare the Minutes in action form, including Commissioners present, absent and present later, Agenda Items, all main votes and outcomes (scheduled and emergency), direction by consensus and from the Chair, and purposes for holding Executive Sessions. Any absence and subsequent return to a meeting shall be noted when: 1) The Board loses its quorum; 2) A Commissioner is absent for a vote; and 3) A Commissioner is absent for a quasi-judicial matter for more than five minutes.
 - 2. The Minutes for the Public Comment and Report portions of the Board meetings shall reflect the presenters, topics, and any direction/consensus.
 - 3. The Minutes shall be scheduled on the Consent Calendar for the Board's consideration and approval.
 - 4. If a Commissioner or the Board requests the Minutes to be set aside for amendment, the County Clerk shall review the Record of Proceedings, consult the County Attorney as necessary, and schedule any amended Minutes on a future Consent Calendar.
 - 5. The Unofficial Minutes shall be replaced by the approved Minutes on the County's Agenda Management website at <https://clerkandrecorder.elpasoco.com/clerk-to-the-board/>.
- D. Ordinances, Resolutions, and Contracts shall be written or revised to reflect the Board's action(s). The County Clerk, as Custodian of Records, shall retain these records, as well as the Minutes, with the exception of procurement contracts. By this reference, staff is authorized to make all typographical corrections and any other corrections necessary to conform the resolution to accurately reflect the Board's action. Corrections resulting in any potential legal and/or financial ramifications shall be reviewed by the County Attorney's Office and/or Administration and Financial Services and rescheduled for consideration as deemed appropriate.
- E. Any interested persons are welcome to contact the County Clerk, as the Custodian of Records for the Board of County Commissioners, for meeting information relating to agendas and backup materials, adopted resolutions, contracts, and ordinances, changes made to items by the Board, speakers, and comments on items not scheduled on the agenda.

- F. By this reference, the Board of County Commissioners hereby approves the use of electronic records and signatures, as well as E-Recording, for its official records in accordance with C.R.S. §30-11-107(1)(gg) and Article 71.3 of Title 24, C.R.S., the Uniform Electronic Transactions Act. Official records include agendas and backup materials, minutes, audio/video of official meetings, resolutions, contracts, ordinances, and exhibits. Records may be accepted by the County Clerk for E-Recording pursuant to C.R.S. §30-10-405.5.

XV. INFORMAL MEETINGS

- A. The Board may meet informally in Informal Meetings, to include, but not limited to, Work Sessions/Work Shops, Elected Officials and Department Heads Meetings, Joint County/City Meetings, Interviews, and any other type of meeting in which official action cannot be undertaken. Informal Meetings will be scheduled on the first and third Tuesday of the month, immediately following the regularly scheduled board meeting or as soon thereafter at the Chair's discretion.
- B. The County Administrator is responsible for scheduling, ensuring the agenda is prepared, and ensuring proper public notice for Informal Meetings.
1. Work Sessions shall be scheduled as needed.
 2. Elected Officials and Department Heads Meetings shall be scheduled as needed.
 3. Joint County/City Meetings, Interviews and other Informal Meetings as determined by the Board.
- C. The deadline for submittal of items to Administration is 12:00 noon Monday of the week prior to the scheduled meeting. If the Monday deadline falls on a County holiday, the deadline will be 12:00 noon on the Friday before the Monday holiday,
- D. The County Clerk shall cause Informal Meetings for Work Sessions, Elected Officials and Department Heads Meetings, and Joint County/City Meetings to be recorded regardless of whether a quorum of the Board is present and only if adequate recording equipment is available. Where feasible, the County Administrator shall schedule these meetings in one of the locations that has recording capability as listed below.
- E. No Minutes or Recording of other types of Informal Meetings need be made or kept; however:
1. Informal Meetings held at the following locations may be recorded:

Centennial Hall Auditorium
200 South Cascade Avenue, Colorado Springs, Colorado.

Pikes Peak Regional Development Center Hearing Room
2880 International Circle, Colorado Springs, Colorado.

Citizens Service Center
Room 1017
1675 Garden of the Gods Road, Colorado Springs, Colorado
 2. Informal Meetings held at other locations will not be recorded unless the Board so desires, and adequate recording equipment is available.

3. Recording of other Informal Meetings shall be at the discretion of the Board, or at the request of the Chair, and shall be the responsibility of Administration.

XVI. REFERRED MEASURES

- A. A ballot issue, question, or other legislative measure which may be referred to the voters of El Paso County, shall include at least two public hearings held at least one week apart. If the proposed issue, question, or measure is withdrawn or not affirmatively approved, a second hearing will not be required. Prior to the first such meeting, a news release shall be issued to local media indicating the date, time, and location of the first meeting and describing the proposed issue, question, or measure.

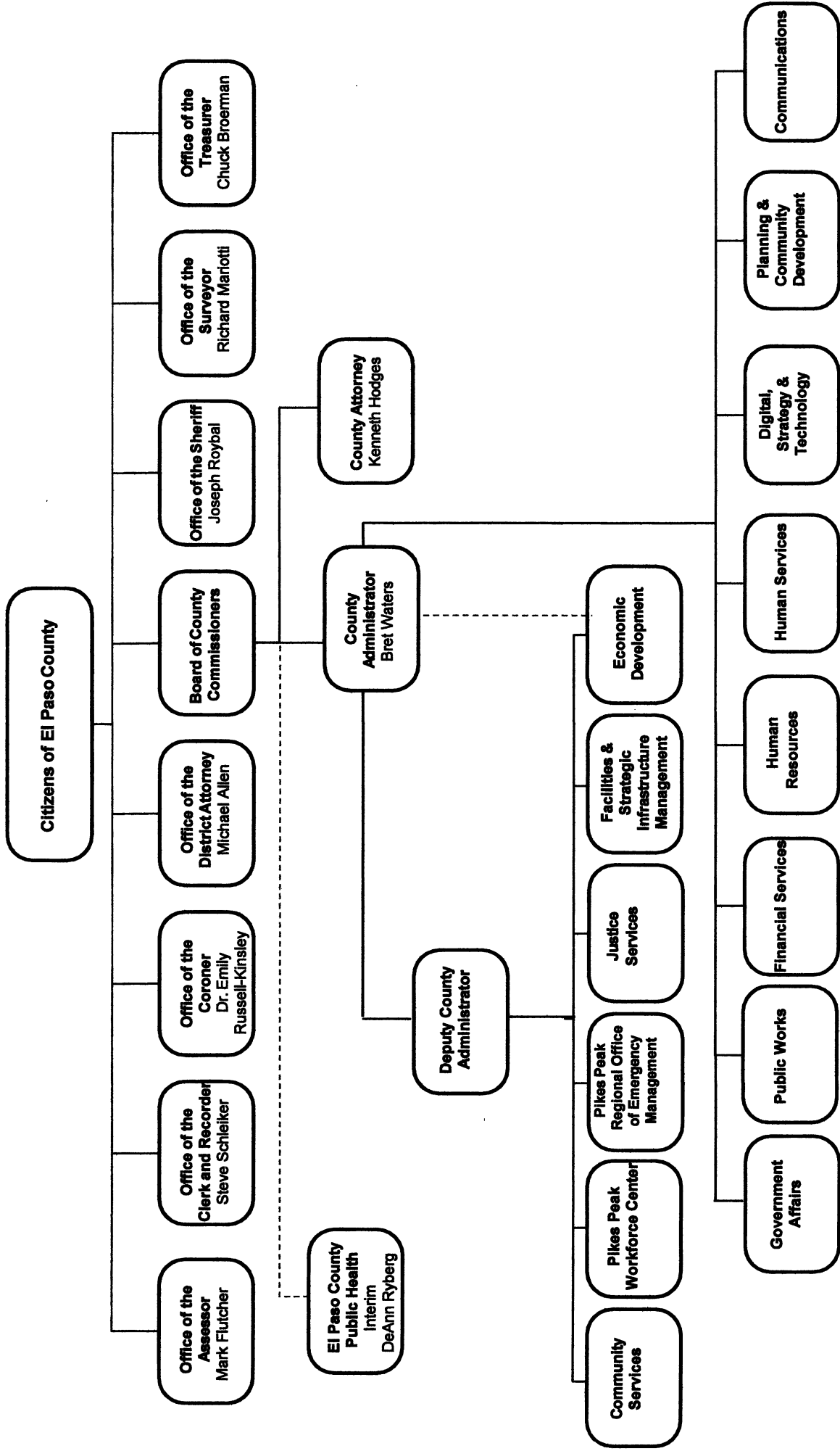
XVII. ETHICS IN GOVERNMENT

- A. *Constitutional and statutory requirements.* The Board is committed to serving the citizens of El Paso County while upholding the highest standards of ethics in government. The Board hereby incorporates by reference all and commits adherence to all Constitutional and statutory ethics requirements, including but not limited to Article XXIX of the Colorado Constitution ("Amendment 41"), C.R.S. 24-18-101, *et seq.*, and the Colorado Open Meetings laws.
- B. *Confidential Information.* Commissioners shall respect the confidentiality appropriate to issues of a sensitive or legal nature. Any Commissioner who discusses or distributes confidential information publicly, including, but not limited to, attorney-client privileged materials as set forth in Section X(E) of the Board's Legislative and Parliamentary Rules and Procedures, may be subject to censure by the majority of the Board of County Commissioners.
- C. *Applicability of El Paso County Personnel Policy Manual.* The standards of conduct for County employees are generally set forth in the El Paso County Personnel Manual. The County's elected officials and certain other employees are generally exempt from disciplinary provisions of the Manual due to their status as elected officials and not employees. However, all of the County's elected officials and employees are subject to the provisions pertaining to Sexual Harassment, Discrimination and Workplace Conduct.

{End of Document}



El Paso County Organizational Chart



Lines of Control
Lines of Coordination

Jessica Merriam

From: Jackie Allred
Sent: Monday, July 20, 2026 12:53 PM
To: Jessica Merriam
Subject: FW: Buc-ee's Travel Center (Exit 163)
Attachments: Environmental Impact Overview Buc-ee's Tri-Lakes.pdf

Jackie Allred, CMC
Clerk to the Board Manager
El Paso County - Clerk and Recorder's Office
1675 W. Garden of the Gods Road, Suite 2201 Colorado Springs, CO 80907
Office: 719.520.6432 | Cell: 719.352.9495
jackieallred@elpasoco.com

-----Original Message-----

From: ADMBOCCCom <ADMBOCCCom@elpasoco.com>
Sent: Thursday, July 2, 2026 9:36 AM
To: Jackie Allred <JackieAllred@elpasoco.com>
Subject: FW: Buc-ee's Travel Center (Exit 163)

Jeni Smith
Principal Executive Assistant
El Paso County | Administrative Services
Office: 719.520.6923
JeniSmith@elpasoco.com

-----Original Message-----

From: Liliana Reynoso <lilyrey16@icloud.com>
Sent: Thursday, July 2, 2026 8:34 AM
To: ADMBOCCCom <ADMBOCCCom@elpasoco.com>
Subject: Buc-ee's Travel Center (Exit 163)

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Good morning,
Please find my public comment and the attached Environmental Impact Overview regarding the proposed Buc-ee's Travel Center near County Line Road.
I encourage you all to review the environmental impacts that this development will cause within the Trilakes community. Johnstown ensured that there were effective environmental evaluations done before allowing the development. I have provided a document that I have written myself. I am a senior at Colorado State University studying Human Dimensions

of Natural Resources within the Warner College of Natural Resources. My parents live in this area, and I have seen the wildlife within the area flourish.

I am asking you to please consider the environmental impacts of this before allowing Buc-ee's to build on this land.

Regards,

Liliana Reynoso

Warner College of Natural Resources

ENVIRONMENTAL IMPACT OVERVIEW

PROJECT: Proposed Buc-ee's Travel Center (Tri-Lakes / El Paso County)

BY: Liliana Reynoso

June 2026

SUBJECT: Environmental Impact Overview and Mitigation Recommendations

1.0 Executive Summary

1.1 Project Overview

The proposed Buc-ee's travel center is located near County Line Road Exit 163 off I-25 in northern El Paso County, Colorado. The project involves the construction of a 74,000-square-foot facility designed to operate on a 24/7 basis. The large-scale complex features 120 vehicle fueling positions (60 total pumps), approximately 20 electric vehicle charging stations, and roughly 790 surface parking spaces (Buc-ee's EPCO, LLC, 2026).

1.2 Statement of Purpose

The purpose of this overview is to evaluate the environmental impacts and assess the impact on local natural resources of Buc-ee's proposal to build on Monument Hill.

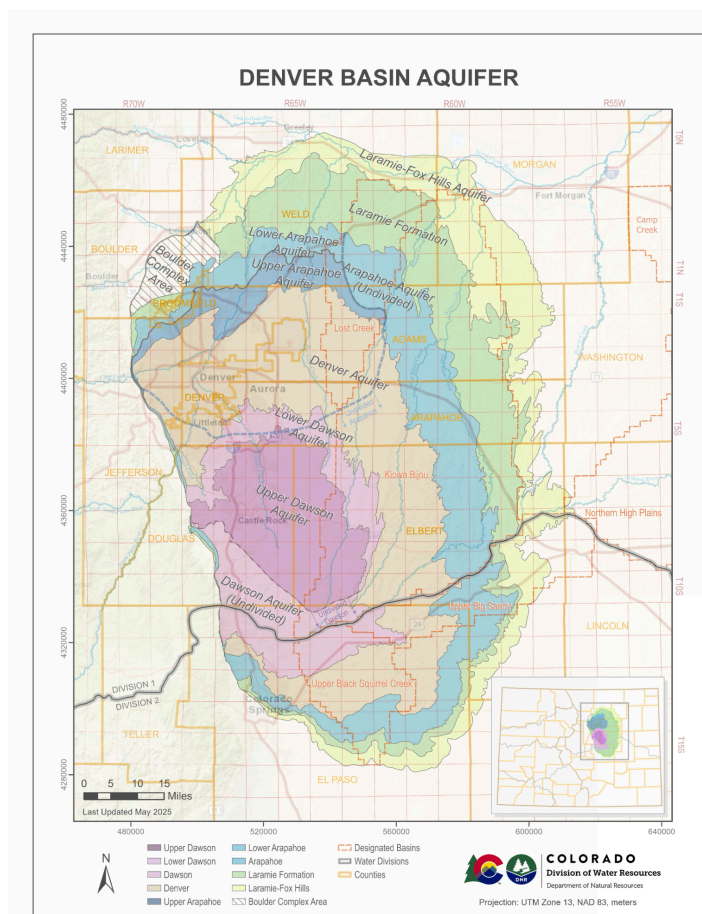
1.3 Summary of Findings

The overview has shown that this development could cause serious, permanent damage to the local water supply, nearby roads, and local plants and animals.

2.0 Project Description & Baseline Conditions

2.1 Existing Site

The project site involves a rural parcel located in northern El Paso County, located about 1.5 miles from the Greenland Ranch Conservation Area and 2 miles from the I-25 Greenland Wildlife Overpass. The property is currently being prepped for building, as trees have been cleared, sand has been hauled in, and pipes have been laid. Hydrogeologically, this parcel is directly above the Arapahoe Aquifer, a sub-basin of the heavily allocated and finite Denver Basin aquifer system (Lewis, 2026).



Map of Denver Basin Aquifer.

Colorado Division of Water Resources

2.2 Proposed Action

Buc-ee's plans to build a massive, 74,000-square-foot travel center that stays open 24/7. To handle the 10,000 vehicles expected every weekday, they will pave a parking lot with about 790 spaces and 120 fuel positions (Buc-ee's EPCO, LLC, 2026). The facility is projected to demand approximately 37,300 gallons of water daily, resulting in a cumulative consumption of over 13.6 million gallons of water annually (GMS, 2025). The additional groundwater demand could place pressure on finite groundwater resources within the Denver Basin aquifer system.

3.0 Summary Matrix of Impacts

Environmental Factor	Impact Level	Proposed Mitigation
Hydrology & Water Supply	Potentially Significant	Restrict daily groundwater pumping
Biological Resources	Unavoidable	Establish dark-sky lighting cutoffs
Geology, Soil, & Impermeable Runoff	Potentially Significant	Construct multi-level retention ponds, mandate native prairie revegetation on all unpaved slopes
Traffic & Circulation	Unavoidable	Require developer-funded expansion of County Line Road and major I-25 interchange modifications
Air Quality & Emissions	Potentially Significant	Install Stage II vapor recovery systems on all 60 dual-sided fuel dispensers (120 positions), enforce a strict anti-idling zone
Noise & Light Pollution	Significant	Enforce downward-direct light shields, construct earthen berms to buffer Greenland Ranch boundary

4.0 Detailed Environmental Impact Analysis

4.1 Biological Resources & Wildlife Corridors

The parcel is located in a critical migratory corridor, used by various species, that connects the Rocky Mountain foothills to the eastern plains (Colorado Parks and Wildlife, 2024). Building a 24/7 business here with bright lights and constant traffic could push wildlife away from the nearby I-25 Greenland Wildlife Overpass, which is located just 2 miles north. Buc-ee's could potentially reduce the effectiveness of this overpass by discouraging species from approaching the crossing. This overpass was engineered with wide, open sightlines to accommodate these skittish big game animals such as elk, mule deer, and many other species. The activity created by Buc-ee's may alter their movement patterns. This could increase the likelihood of wildlife attempting to cross at different highway segments, thus potentially reducing the effectiveness of state efforts to lower wildlife-vehicle collisions. Greenland Ranch Conservation Area, located just 1.5 miles away, is likely to experience noise and light bleed due to Buc-ee's. These factors will degrade critical habitat quality for sensitive local species like the federally threatened Preble's meadow jumping mouse, *Zapus hudsonius preblei*.

4.2 Geology, Soils, and Impermeable Runoff

The site work that is already underway has cleared native prairie species, permanently removed the local topsoil crust, and has allowed an increase in wind and water erosion within the Monument Hill corridor. If Buc-ee's is built, it will replace 30+ acres of rural, porous ground with impermeable concrete and asphalt surfaces. Thus reducing the replenishment of the Arapahoe Aquifer by limiting the infiltration of precipitation into underlying soils. Instead,

precipitation will wash over 790 parking spaces, picking up toxic motor oils, heavy metals, gasoline residues, etc. This runoff has the potential to transport these oils and residues into nearby tributaries, which could result in severe downstream water quality degradation.

4.3 Air Quality & Microclimate Alterations

With the operation of 120 vehicle fueling positions, there will be a continuous release of substantial amounts of Volatile Organic Compounds during refueling (Boynerian, 2024). This contributes to regional air emissions adjacent to the heavily restricted Denver Metro/North Front Range severe EPA non-attainment area. (U.S. Environmental Protection Agency, 2015). Additionally, replacing dark, grassy open space with extensive paved surfaces introduces a “heat island” effect (U.S. Environmental Protection Agency, 2026). The pavement will absorb heat during the day and then radiate it back into the atmosphere at night, disrupting the microclimate and altering the behavioral cycles of local nocturnal pollinators and migratory birds (Giavi et al., 2021).



Map of Migratory Bird Flyways

U.S. Fish and Wildlife Services

References:

Boynerian, A. (2024, May 30). *Volatile organic compounds in gas stations AP for WE*. ArcGIS

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Colorado Parks and Wildlife. (2024). *Front Range wildlife connectivity and regional migratory corridor mapping infrastructure (Habitat Conservation Section Technical Briefing)*.

Colorado Region Division of Water Resources. (n.d.). *Denver Basin*.

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Giavi, S., Fontaine, C., & Knop, E. (2021). *Impact of artificial light at night on diurnal plant-pollinator interactions*. *Nature Communications*, 12(1), Article 1690.

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GMS, Inc. (2025). *Preliminary engineering report: Town of Palmer Lake water system improvements for proposed Buc-ee's Travel Center*. Town of Palmer Lake.

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Lewis, S. (2026, April 2). State approves two well permits at the site of a potential new BUC-EE's travel center in northern El Paso County. Colorado Public Radio.

<https://www.cpr.org/2026/04/02/state-approves-well-permits-potential-buc-ees-el-paso-county/>

U.S. Environmental Protection Agency. (2026, March 12). Learn about heat island effects.

<https://www.epa.gov/heatislands/learn-about-heat-island-effects>

U.S. Environmental Protection Agency. (n.d.). 8-hour ozone (2015) designated area state/area/county report. Green Book. <https://www3.epa.gov/airquality/greenbook/jbcs.html#CO>

Jessica Merriam

From: PLNWEB
Sent: Monday, July 20, 2026 8:00 AM
To: Jessica Merriam
Subject: FW: Fair Procedures for the Buc-ee's Appeal Hearing

From: Nolene <nolenemetzger@aol.com>
Sent: Sunday, July 19, 2026 5:17 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; CARCTB <carctb@elpasoco.com>
Cc: PLNWEB <PLNWEB@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Bret Waters <BretWaters@elpasoco.com>; michaela.snow@state.co.us; cdphe.commentswqcd@state.co.us; Jason.Ullmann@state.co.us; Tracy.Kosloff@state.co.us; ColoradoES@fws.gov; mlakind@tomgov.org; Steve King <sking@tomgov.org>; sabbott@tomgov.org; csmith@tomgov.org; lkronick@tomgov.org; kkimple@tomgov.org; mfiorito@tomgov.org; Integrity Matters <integritymatterscos@gmail.com>
Subject: Fair Procedures for the Buc-ee's Appeal Hearing

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Report

El Paso County Digital, Strategy & Technology (DST)

Commissioners Geitner, Nelson, Williams, Applegate and Wysong -

Before Tuesday's executive session, I respectfully ask you to establish fair procedures for the pending Buc-ee's appeal hearing.

Please give an organized Tri-Lakes citizen group presentation time equal to the applicant's; allow a community closing statement after the applicant's rebuttal; enter the full relevant

records from Palmer Lake and the County's administrative determination; and establish reasonable, disclosed time limits that apply equally to the applicant and the community.

I also ask you to bring this hearing to us. Hold it in the Tri-Lakes, in the evening, at a time and place when our community can actually attend.

The people who will live with the consequences of this decision deserve a meaningful opportunity to present their case and respond to the applicant.

Respectfully,
Nolene Metzger
Tri-Lakes Citizen
Monument CO

Jessica Merriam

From: PLNWEB
Sent: Wednesday, July 15, 2026 10:56 AM
To: Jessica Merriam
Subject: FW: Submission of Planning Based Review for Buc-ee's EPCO, LLC Appeal
Attachments: Entire letter.pdf



Gayle Jackson

Administrative Assistant

El Paso County | Planning and Community Development

2880 International Circle Suite 110

Colorado Springs, CO 80910

Phone: 719-520-6300

<https://planningdevelopment.elpasoco.com/>

www.epcdevplanreview.com

From: Planner Concerned Citizen <planner.concerned.citizen@gmail.com>
Sent: Wednesday, July 15, 2026 10:16 AM
To: PLNWEB <PLNWEB@elpasoco.com>
Subject: Submission of Planning Based Review for Buc-ee's EPCO, LLC Appeal

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Hello,

I am submitting a planning-based review of procedural and zoning issues related to the Buc-ee's EPCO, LLC appeal. This document focuses solely on El Paso County's administrative actions, including the Boundary Line Adjustment approval, zoning interpretation, and the designation request. It is written in a neutral, professional format grounded in adopted County documents, APA definitions, and ITE criteria.

Please include the attached document in the appropriate internal routing for staff review ahead of the scheduled public hearing.

Respectfully,

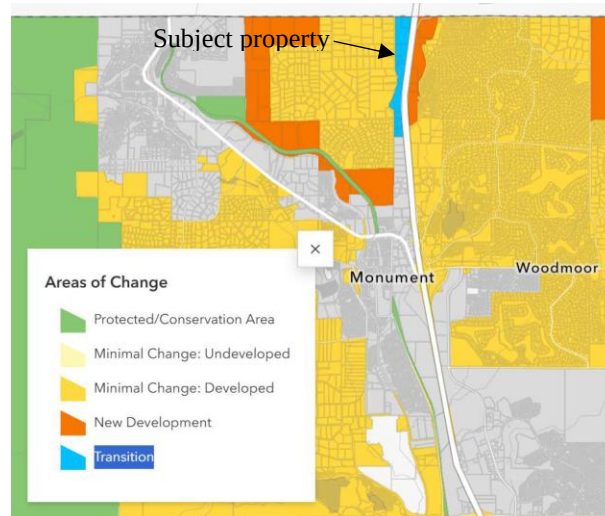
A concerned citizen and land use planner

Executive Summary:

Request to Designate Buc-ee's as a Convenience Store

The applicant has requested that Buc-ee's be designated as a convenience store to fit the C-1 zoning district, but C-1 is an obsolete commercial district that cannot legally be expanded or applied to new parcels. In a previous administrative request, Buc-ee's sought a Boundary Line Adjustment to incorporate a portion of the property zoned C-5, but the County rezoned the existing C-5 parcel to C-1—despite Section 4.4.1(I) prohibiting any rezoning to C-1 after May 1, 1991—making the administrative parcel combination procedurally improper.

This request must be evaluated using the County's adopted land use map, the Your El Paso Master Plan (<https://storymaps.arcgis.com/stories/106f5e4e02d647dbaa14e893e6db572c?utm>) A Planner's Dictionary, and established planning and transportation engineering terminology. The parcel is designated Transition, a category intended for moderate-intensity, context-sensitive uses that buffer incompatible land-use types. Buc-ee's is a high-intensity regional commercial special generator, as confirmed by Institute of Transportation Engineers (ITE) criteria and Buc-ee's own Windsor marketing, and is therefore incompatible with the Transition designation and Master Plan Goal 1.1.



Your El Paso Master Plan (Houseal Lavigne, ESRI Map Gallery, May 17, 2021)

Development Services has already issued a negative determination, concluding that the use cannot be classified as a convenience store, and professional definitions across multiple jurisdictions confirm that Buc-ee's does not meet any accepted criteria for that category.

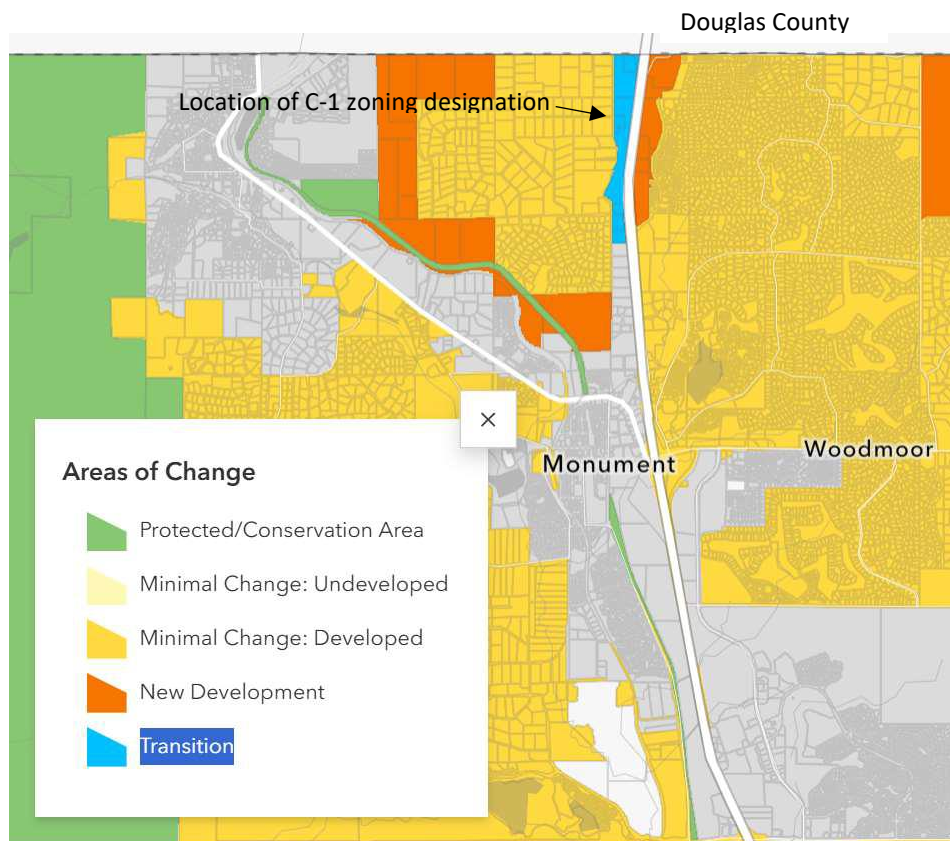
Taken together, these factors demonstrate that the request is not compatible with the County's adopted land-use framework, established planning terminology, regulatory standards governing zoning and use classification, or the character and intended function of the surrounding area.

To the El Paso County Commissioners:

I am writing to provide a policy-based perspective on the proposed designation of Buc-ee's as a convenience store. My comments rely solely on adopted County land-use documents, *A Planner's Dictionary*, and widely accepted planning definitions used across the United States.

1. County Land-Use Map: The Parcel Is Designated “Transition”

The County's land-use map identifies the Buc-ee's parcel as a Transition (blue) area. According to *A Planner's Dictionary* (American Planning Association, Planning Advisory Service Report No. 521/522), a transitional zone is defined as “land that acts as a buffer between uses of different density or intensity” and “an area in the process of change from one use to another.” Transitional areas are intended to provide moderate-intensity, context-sensitive uses that soften the edge between incompatible land-use types. They are not intended for regional commercial destinations, special generators, or high-intensity highway-oriented facilities. A Buc-ee's is not a buffer. It is not transitional. It is the incompatible use.



Your El Paso Master Plan (Houseal Lavigne, ESRI Map Gallery, May 17, 2021)

Buc-ee's is a high-intensity regional commercial use and cannot be considered a transitional buffer under the County's adopted land use map.

2. County Master Plan: Compatibility Is Required

The *Your El Paso Master Plan* (Houseal Lavigne, ESRI Map Gallery, May 17, 2021) establishes compatibility as a foundational requirement for all land-use decisions.

Goal 1.1 directs the County to:

“Ensure compatibility with established character and infrastructure capacity.”

The Buc-ee’s parcel is adjacent to rural and natural character areas and is served by rural roadways that are not planned for **high-intensity** commercial traffic. A regional travel center of this scale is incompatible with both the established character and the transportation capacity of the area, directly conflicting with Goal 1.1.

Goal 1.2 further requires **context-sensitive** growth coordination with municipalities, which is not reflected in the current proposal.

Goal 1.4 emphasizes that development must pay for its own impacts, yet a regional travel center would necessitate roadway, safety, and infrastructure improvements far beyond what is planned for this area.

The proposed Buc-ee’s directly conflicts with Master Plan Goal 1.1 and cannot be considered compatible with established character or infrastructure capacity.

3. Land-Use Classification: High-Intensity Regional Commercial & ITE Special Generator

Buc-ee’s self-identifies its facilities as “Travel Centers,” a highway-oriented regional commercial use, not a convenience store. Because “travel center” is a marketing term rather than a defined land use category in *A Planner’s Dictionary* (American Planning Association, Planning Advisory Service Report No. 521/522), the proposed Buc-ee’s must be evaluated using established planning and transportation engineering terminology. The Institute of Transportation Engineers (ITE) classifies land uses with extraordinary or atypical trip-generation characteristics as “special generators,” defined as facilities whose traffic volumes cannot be captured by standard trip-generation codes (University of Florida Transportation Research Center, Florida Department of Transportation, *Trip Generation Characteristics of Special Generators*, Report TRC-FDOT-76173-2009). Buc-ee’s own marketing for its Windsor, Colorado location describes the facility as a regional destination with a 74,000-square-foot building and extensive fueling infrastructure, confirming that it functions as a high-intensity regional commercial use and a highway-oriented special generator. These characteristics are incompatible with the County’s designated Transition area and with Goal 1.1 of the *Your El Paso Master Plan*.

ITE’s Trip Generation Manual does not classify large-format travel centers or special generators under convenience-store codes, because their trip volumes and operating characteristics are fundamentally different.

4. Development Services: The Determination Was Negative, Not Absent

There is widespread misunderstanding about the determination issued by El Paso County Development Services. Many residents interpreted the letter as stating that Development Services “could not make any kind of determination.” In reality, the letter communicated a negative determination: Development Services could **not** classify Buc-ee’s as a convenience store.

The cautious legal phrasing created room for misinterpretation, but the professional meaning is straightforward. When an agency states that a use “cannot be determined to be a convenience store,” it is concluding that the use does not meet the criteria for that category. This is a rejection of the classification, not an absence of determination.

Development Services issued a negative determination, confirming Buc-ee’s cannot be classified as a convenience store under County standards.

5. Professional Definitions: Buc-ee's Cannot Be Classified as a Convenience Store

Multiple jurisdictions define “convenience store” consistently:

Durham, NC: “A retail store with a floor area of less than 2,500 square feet...”

Boulder, CO: “A limited line of groceries and household items intended for the convenience of the neighborhood.”

Renton, WA: “A small retail establishment... offering convenience goods.”

Santa Rosa, CA: “A small-scale food store usually less than 15,000 square feet...”

Rock Hall, MD: “A retail store generally containing less than 2,500 square feet... designed to attract stop-and-go traffic.”

A Planner's Dictionary notes that convenience stores are regulated differently because their operating characteristics — traffic generation, hours, noise, litter, lighting — are intrusive to neighborhoods even at small scale.

- Across all definitions:
- small
- neighborhood-serving
- low-intensity
- limited in size (2,500–7,500 sq ft typical upper threshold)
- stop-and-go retail

A Buc-ee's is:

- 70,000+ sq ft
- regional
- highway-oriented
- a special generator

Buc-ee's does not meet any accepted definition of a convenience store in planning practice or municipal code.

6. Conclusion

Based on the County's adopted land-use map, *A Planner's Dictionary*, the *Your El Paso Master Plan*, and the professional definitions of convenience stores, the proposed Buc-ee's is an incompatible use for a designated Transition area and does not meet the criteria for the convenience-store classification.

I respectfully request that the El Paso County Commissioners evaluate the proposal using the County's adopted land-use framework, APA definitions, and the professional standards referenced above.

The Buc-ee's proposal is incompatible with the County's land use map, Master Plan, ITE classification, and professional planning definitions, and cannot be designated as a convenience store.

Thank you for your consideration.

Appendix A — Buc-ee’s Corporate Marketing & Travel Center Characteristics

Source: Buc-ee’s Corporate Website — Frequently Asked Questions

<https://buc-ees.com/about/frequently-asked-questions/>

Buc-ee’s Self-Identifies as a Travel Center

- Buc-ee’s corporate FAQ uses the term “**Travel Centers**” to describe its facilities.
- “Travel Center” is a highway-oriented, regional commercial term, not a convenience-store classification.
- This branding aligns with **ITE special generator** characteristics and contradicts convenience-store definitions.

24/7 High-Volume Food Service

Buc-ee’s advertises continuous, large-scale food operations:

- BBQ sandwiches from 11:30 AM until after midnight
- Breakfast from 4:00 AM to 10:30 AM
- Transition period between breakfast and lunch
- Available 24/7
- Fresh hot food
- Cold sandwiches
- Fruit cups, wraps, salads, protein packs
- Jerky bar
- Homemade fudge

These offerings are restaurant-scale, not convenience-store scale.

Jessica Merriam

From: PLNWEB
Sent: Monday, July 20, 2026 7:56 AM
To: Jessica Merriam
Subject: FW: I-25 Exit 163

From: Rich Klinger <rich.klinger@gmail.com>
Sent: Saturday, July 18, 2026 10:24 AM
To: PLNWEB <PLNWEB@elpasoco.com>
Subject: I-25 Exit 163

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Report

El Paso County Digital, Strategy & Technology (DST)

To Whom It May Concern,

In regard to the potential for allowing a Buc-ee's to be built at Exit 163 on I-25, this location is more valuable to the public as open space due to the nature of it being at the top of Monument Hill and within sight of the Greenland Ranch.

As you know, the next exit south from Exit 163 at County Line Rd. is the town of Monument with multiple restaurants, both fast food and sit down, also a gas station, a grocery store, etc. There's also a

better place for the Buc-ee's south of Monument next to the new putt-putt golf and entertainment site being built. Or near the Baptist Rd. exit. Buc-ee's does not want to be a truck stop, so it won't compete for that business with the other 2 truck stops there.

Best Regards,

Rich Klinger

19170 Langtree Ct, Monument, CO 80132

Jessica Merriam

From: PLNWEB
Sent: Monday, July 20, 2026 7:55 AM
To: Jessica Merriam
Subject: FW: Buc-ee's EPCO, LLC appeal

From: shellie mills <millssa28@yahoo.com>
Sent: Friday, July 17, 2026 6:53 PM
To: PLNWEB <PLNWEB@elpasoco.com>
Subject: Buc-ee's EPCO, LLC appeal

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Report

El Paso County Digital, Strategy & Technology (DST)

Good evening,

Since I last provided my concerns about a Buc-ee's being constructed on Monument Hill, I continue to protest this construction.

Earlier this year, Governor Polis addressed severe drought conditions and water security by escalating the state's Drought Response Plan to Phase 3 and declaring a statewide drought emergency.

I continue to be extremely concerned about the El Paso commission approving or reversing any decision on the naming convention of what Buc-ee's is when considering water along.

It is unbelievable any commission would allow this construction.

Thank for your time.

Shellie Murphy
Monument Resident

Jessica Merriam

From: PLNWEB
Sent: Wednesday, July 15, 2026 7:20 AM
To: Jessica Merriam
Subject: FW: Bucee's hearing July 23rd
Attachments: Bucees.1docx.docx



Gayle Jackson

Administrative Assistant

El Paso County | Planning and Community Development

2880 International Circle Suite 110

Colorado Springs, CO 80910

Phone: 719-520-6300

<https://planningdevelopment.elpasoco.com/>

www.epcdevplanreview.com

From: MIKE CIMINO <macimino@comcast.net>

Sent: Tuesday, July 14, 2026 4:04 PM

To: Carrie Geitner <CarrieGeitner@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Laura Nelson <LauraNelson@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>

Cc: PLNWEB <PLNWEB@elpasoco.com>

Subject: Bucee's hearing July 23rd

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Report

El Paso County Digital, Strategy & Technology (DST)

To: El Paso Board of County Commissioners

From: Michael Cimino

718 Lavelett Ln., Monument CO 80132

Re: July hearing concerning Bucees appeal to the ruling considering them as a convenience store.

Dear Board of County Commissioners,

I have lived in El Paso County since 1980. We moved to the Monument area in 1988 because of the scenic beauty, serenity, closeness to nature, and safety for our family. We had previously been with Woodmoor Water but as of 1999, we rely on our own well for our water supply.

Here are my main concerns and why we should not allow Bucees to build and operate on the site they have chosen on top of Monument Hill.

1. There is already a water shortage in the area. Allowing them to tap into and utilize the amount of water projected puts the entire community and surrounding area who rely on the same aquifer in jeopardy of running out.
2. Traffic on I 25 on top of Monument hill is already getting congested. County line road will not be able to handle the increased load if this project is allowed. Who pays for the huge improvement need and maintained? I also fear for our high school drivers who use County Line Road to get to any of the 3 high schools, from the West to the East, considering the increased traffic and congestion, even in good weather conditions.
3. A natural wildlife crossing was placed very close to the proposed site. This and the open space needed for our wildlife are essential for their safety. Having lights on 24/7 alters not only their natural habitat, but the serenity and beauty we have enjoyed over the years, and the ability to see the night sky.
4. To consider them as a "convenient store" is like calling Costco a Ma and Pa grocery. That idea is preposterous and insulting. I feel Bucees would be better situated in an area that is less residential and safer for everyone and the wildlife.

I strongly ask that you consider these concerns before making your decision.

Thank you for your time and attention.

Sincerely

Michael A. Cimino

Jessica Merriam

From: PLNWEB
Sent: Monday, July 20, 2026 8:00 AM
To: Jessica Merriam
Subject: FW: Fair Procedures for the Buc-ee's Appeal Hearing

-----Original Message-----

From: terreswim77@gmail.com <terreswim77@gmail.com>
Sent: Sunday, July 19, 2026 9:05 PM
To: Carrie Geitner <CarrieGeitner@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; CARCTB <carctb@elpasoco.com>
Cc: PLNWEB <PLNWEB@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Bret Waters <BretWaters@elpasoco.com>; michaela.snow@state.co.us; cdphe.commentswqcd@state.co.us; Jason.Ullmann@state.co.us; Tracy.Kosloff@state.co.us; ColoradoES@fws.gov; mlakind@tomgov.org; Steve King <sking@tomgov.org>; sabbott@tomgov.org; csmith@tomgov.org; lkronick@tomgov.org; kkimple@tomgov.org; mfiorito@tomgov.org; Integrity Matters <integritymatterscos@gmail.com>; governorpolis@state.co.us; natasha_hutson@bennet.senate.gov; jess_cohen@hickenlooper.senate.gov; Elizabeth Harris <eharris@palmer-lake.org>; rmoseley@palmer-lake.org; jmarble@palmer-lake.org; mbeeson@palmer-lake.org; Jurka Atis <ajurka@palmer-lake.org>; savannah.eller@gazette.com; tony.keith@koa.com; sam.page@krdo.com; Noah.Caplan@koa.com; Austin Sack <asack@kxrm.com>; Karin.Brulliard@washpost.com; Jim Carlton <jim.carlton@wsj.com>; Jessica Alvarado Gamez <jalvarado@denverpost.com>; Olivia Prentzel <oliviaprentzel@coloradosun.com>; Andrea Chalfin <achalfin@krcc.org>; talkshow@aol.com; EXTERNAL KKTv News <news@kktv.com>; spencer.soicher@9news.com; news@cpr.org; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; EXTERNAL KRCC News <news@krcc.org>; newsroom@coloradosun.com; tips@kdvr.com; tips@thefp.com; tips@cnn.com; newstips@9news.com; EXTERNAL News TipsDenver <newstips@thedenverchannel.com>; newstips@denver7.com; news-tips@nytimes.com; tips@nbcuni.com; news.tips@abc.com; LBergman@newsnationnow.com; wia@woodmoor.org; Opinion@gazette.com; jarvis.caldwell.house@coleg.gov
Subject: Fair Procedures for the Buc-ee's Appeal Hearing

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Commissioners,

As you have planned executive session on Tuesday concerning Buc-ees, I respectfully ask that you establish fair and transparent procedures for the upcoming Buc-ee's appeal hearing.

Specifically, I ask that you provide an organized Tri-Lakes citizens' group with presentation time equal to that of the applicant; allow the community to offer a closing statement after the applicant's rebuttal; include in the record the relevant Palmer Lake proceedings and the County's administrative determination; and establish reasonable, clearly disclosed time limits that apply equally to both the applicant and the community.

I also respectfully request that you bring this hearing to the people most directly affected. Please hold it in the Tri-Lakes area, during the evening, at a time and location that allows working residents and other community members to participate.

The citizens who will live with the consequences of this decision deserve a meaningful opportunity to present their case, respond to the applicant, and be heard before this important decision is made.

Thank you for your consideration.

Respectfully,

Terre Christensen
Monument

Jessica Merriam

From: PLNWEB
Sent: Thursday, July 16, 2026 9:57 AM
To: Jessica Merriam
Subject: FW: Buc-ee's Appeal of Administrative Determination ADM264--PLEASE DENY



Gayle Jackson

Administrative Assistant
El Paso County | Planning and Community Development
2880 International Circle Suite 110
Colorado Springs, CO 80910
Phone: 719-520-6300
<https://planningdevelopment.elpasoco.com/>
www.epcdevplanreview.com

From: Terry McCarthy <terry_m_91042@hushmail.com>
Sent: Thursday, July 16, 2026 9:34 AM
To: Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; PLNWEB <PLNWEB@elpasoco.com>
Cc: Meggan Herington <MegganHerington@elpasoco.com>; Kenny Hodges <KennyHodges@elpasoco.com>; Kylie Bagley <KylieBagley@elpasoco.com>; governorpolis@state.co.us; natasha_hutson@bennet.senate.gov; jess_cohen@hickenlooper.senate.gov; jarvis.caldwell.house@coleg.gov; matthew.smith1@mail.house.gov; integritymatterscos@gmail.com; contact@trilakespreservation.org; governorpolis@state.co.us; natasha_hutson@bennet.senate.gov; jess_cohen@hickenlooper.senate.gov; jarvis.caldwell.house@coleg.gov; matthew.smith1@mail.house.gov; integritymatterscos@gmail.com; contact@trilakespreservation.org; savannah.eller@gazette.com; tony.keith@koa.com; noah.caplan@koa.com; EXTERNAL KOAA News <News@KOAA.com>; asack@kxrm.com; EXTERNAL Fox News <EXTERNALFoxNews@elpasoco.com>; EXTERNAL KKTV News <news@kktv.com>; achalfin@krcc.org; EXTERNAL KRCC News <news@krcc.org>; newstips@denver7.com; newstips@9news.com; tips@kdvr.com; jalvarado@denverpost.com; EXTERNAL Newsroom Denver <newsroom@denverpost.com>; oliviaprentzel@coloradosun.com; newsroom@coloradosun.com; karin.brulliard@washpost.com; jim.carlton@wsj.com; news-tips@nytimes.com; tips@cnn.com; tips@nbcuni.com; news.tips@abc.com; lbergman@newsnationnow.com; tips@thefp.com; talkshow@aol.com; editor@monumentindependent.com
Subject: Buc-ee's Appeal of Administrative Determination ADM264--PLEASE DENY

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Report

El Paso County Digital, Strategy & Technology (DST)

Dear El Paso Commissioners:

Please deny Buc-ee's appeal of Administrative Determination ADM264 and uphold the Director's July 1 Determination (C-1 Zone, I-25 and County Line Road / Beacon Lite Road) for the following reasons:

1. **A gas station is not a permitted use in Zone C-1.** Buc-ee's is clearly a gas station with a proposed installation of 120 fueling positions for gasoline and diesel fuel pumps.
2. **The use does not meet the Code's "Convenience Store" definition.** The proposed development is not directed primarily at residents of the Monument and Palmer Lake areas, but is instead a regional destination for commuters, tourists, and trucks passing through on I-25. The massive influx of these vehicles on small town side streets as well as I-25 on-and-off ramps that were built for local community traffic will create additional safety hazards, noise and light pollution, and rapid deterioration of the recently improved overpass infrastructure at County Line Road.
3. **The appeal should be decided in a proper public process with a full evidentiary record to determine the use classification for this project.** Buc-ee's should be required to use the proper public process with full notice and hearing. The public is entitled to be heard.

Respectfully,

Terry McCarthy
1193 Greenland Forest Drive
Monument, CO 80132

Jessica Merriam

From: PLNWEB
Sent: Monday, July 20, 2026 7:59 AM
To: Jessica Merriam
Subject: FW: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

-----Original Message-----

From: Tom Robbins <thomas.r.robins@gmail.com>
Sent: Sunday, July 19, 2026 2:39 PM
To: Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>; Cory Applegate <CoryApplegate@elpasoco.com>; Lauren Nelson <LaurenNelson@elpasoco.com>; PLNWEB <PLNWEB@elpasoco.com>
Subject: Re: Buc-ee's Appeal of Administrative Determination ADM264 — Please DENY the Appeal and Uphold the Director's July 1 Determination (C-1 Zone, I-25 & County Line Road / Beacon Lite Road)

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Dear Commissioners:

It is beyond my imagination that a the commissioners could consider the proposed Buc-ee's a convenience store. All of their literature calls the stores "Travel Centers". The a proposed size of 74,000 sqft, consider Monument's current convenience stores (this data is from the El Paso County Assessor web site).

7-Eleven - Use: Convenience Store, 283 W Highway 105 - 2,400 sqft 7-Eleven - Use: Convenience Store, 990 W Baptist Rd - 3,049 sqft Cicle K - Use: Convenience Store, 1190 W Baptist Rd - 3,681 sqft Maverik - Use: Convenience Store, 17970 Knollwood Dr - 4,951 sqft

Two truck stops:

QuikTrip - Use: Convenience Store, 1525 W Baptist Rd - 7,628 sqft Pilot Travel Center - Use: Convenience Store, 15455 Terrazzo Dr - 13,479 sqft

For comparison, the local grocery store, Safeway - Use: Market, 624 W HIGHWAY 105 - 55,83 sqft

I respectfully request that the Board:

Deny Buc-ee's appeal and uphold the Director's July 1 determination; Recognize that a 120-position fuel facility is a gas station, which the Code excludes from C-1; Decide the appeal in public, on a full evidentiary record, with the community heard; and Require the applicant to use the proper public process — a rezoning to C-2, or special-use / PUD review — with full notice and hearing.

The public is entitled to be heard before a use the Code excludes from C-1 is allowed in through the back door of an administrative determination. Please deny the appeal.

Respectfully

Tom Robbins
20035 Lofty Pine Ln
Monument, CO 80132

Resident of North Woodmoor since 1998

Jessica Merriam

From: Jackie Allred
Sent: Monday, July 20, 2026 12:04 PM
To: Jessica Merriam
Subject: FW: Opposition to Bucees Appeal
Attachments: BOCC Public Hearing signed for 7-21-26.pdf

I sent one of these to plnweb, but I think you want me to send them directly to you? Let me know if I should do something different.

Thank you!

Jackie Allred, CMC
Clerk to the Board Manager
El Paso County - Clerk and Recorder's Office
1675 W. Garden of the Gods Road, Suite 2201
Colorado Springs, CO 80907
Office: 719.520.6432 | Cell: 719.352.9495
jackieallred@elpasoco.com

From: ADMBOCCCom <ADMBOCCCom@elpasoco.com>
Sent: Monday, July 20, 2026 10:45 AM
To: Jackie Allred <JackieAllred@elpasoco.com>
Subject: FW: Opposition to Bucees Appeal



Jeni Smith

Principal Executive Assistant
El Paso County | Administrative Services
Office: 719.520.6923
JeniSmith@elpasoco.com

From: tracy john <twonome@msn.com>
Sent: Thursday, July 16, 2026 7:12 PM
To: ADMBOCCCom <ADMBOCCCom@elpasoco.com>; Holly Williams <HollyWilliams@elpasoco.com>; Carrie Geitner <CarrieGeitner@elpasoco.com>; Bill Wysong <BillWysong@elpasoco.com>
Cc: Katherine <katlaw065@gmail.com>; Kelley Kopycinski <kkopy@comcast.net>; TPI Secretary <secretary@trilakespreservation.org>
Subject: Opposition to Bucees Appeal

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Report

El Paso County Digital, Strategy & Technology (DST)

Dear Board of County Commissioners,

Attached is a signed letter that I would like entered into the record as opposition to the appeal by Buc-ee's regarding the rezoning of a parcel of land in Monument.

I understand that the Board will be meeting to consider this matter, and I respectfully request that the attached letter be considered as part of the public record and included as opposition to the appeal.

Thank you for your time and consideration.

Sincerely,

Tracy John

Public Opposition Comment to the El Paso County Board of County Commissioners Regarding Buc-ee's

July 16, 2026

El Paso County Board of County Commissioners
200 South Cascade Avenue
Colorado Springs, CO 80903

Re: Public Comment in Opposition to Buc-ee's Applications

Dear Chair and Commissioners:

I respectfully urge you to vote no on the Buc-ee's rezoning appeal and halt this proposed development in northern El Paso County. This is not a routine zoning matter. It is a decision about whether to permit a massive, high-intensity travel center in an area already burdened by traffic congestion, unsafe road conditions, public safety demands, and limited groundwater.

At approximately 74,000 square feet with about 120 fueling positions, Buc-ee's is far beyond the scale of a neighborhood convenience store. Its size and operations would bring substantially more vehicle trips, turning conflicts, heavy traffic, noise, lighting, emergency response demands, and pressure on roads that are already inadequate. Approving this project under C-1 zoning would ignore the purpose of that zoning: to ensure commercial uses remain compatible with nearby residential areas and surrounding properties.

- **Not community-serving:** Buc-ee's is designed for regional highway traffic, not local neighborhood needs.
- **Not compatible:** Its scale, traffic, fuel operations, and round-the-clock impacts conflict with nearby land uses.

C-1 zoning should protect community character and prevent incompatible commercial impacts. A Buc-ee's Travel Center at this location would do the opposite. Its scale and intensity would harm nearby residents, strain public infrastructure, and set a troubling precedent for development that exceeds what the zoning allows.

These impacts should not be minimized or deferred. They should stop this proposal from moving forward.

The review process also raises serious concerns. The March 10, 2026 administrative boundary line adjustment appears to have enabled a project of regional scale to advance

Public Opposition Comment to the El Paso County Board of County Commissioners Regarding Buc-ee's

without the level of public scrutiny it deserves. Even if that process was technically allowed, it should not determine the outcome now. The Board has both the authority and responsibility to apply independent judgment, protect the public interest, and reject a development that is incompatible with this location.

Tri-Lakes Preservation, Inc. has also provided an independent analysis showing that Buc-ee's should not be classified as a convenience store under the El Paso County Land Development Code. The County's code does not define travel centers, and Buc-ee's is attempting to proceed by fitting a 31-acre, highway-oriented travel center into an obsolete C-1 zoning category intended for much smaller, more compatible uses.

The analysis makes clear that Buc-ee's is not a convenience store because:

- It is not neighborhood-scale.
- Its 120 fueling positions far exceed incidental fuel sales.
- Its restaurant and food preparation operations exceed convenience-store use.
- Its traffic, parking, lighting, fuel storage, and 24-hour operations create impacts far beyond C-1 zoning.
- Its function and impacts are far closer to a truck stop than a convenience store.

Buc-ee's own materials do not support treating this proposal as a convenience store. Instead, they show a large regional travel center with impacts that require a more rigorous review. Labeling it as a convenience store would sidestep the scrutiny appropriate for a project of this size and intensity.

The more accurate comparison is to a truck stop: a large-scale highway facility offering fuel, retail, food service, extensive parking, and continuous operations. That classification would require the County to evaluate the project through a more appropriate process focused on location, impacts, and mitigation.

For these reasons, I urge the Board to vote no, deny the rezoning appeal, and stop this incompatible development from moving forward. The burden should not fall on residents, local roads, emergency services, and scarce groundwater resources to absorb the impacts of a project that does not belong at this location.

Public Opposition Comment to the El Paso County Board of County Commissioners Regarding Buc-ee's

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Tracy John". The signature is stylized with a large, looped "T" and a cursive "John".

Tracy John
18810 Spring Valley Rd
Monument, CO 80132

Jessica Merriam

From: Tri-Lakes Preservation (TPI) <contact@trilakespreservation.org>
Sent: Wednesday, July 15, 2026 8:55 AM
To: Holly Williams; Carrie Geitner; Bill Wysong; Cory Applegate; Lauren Nelson; Meggan Herington; Kylie Bagley; PCD Hearings; PLNWEB
Subject: Evidence Submission for Buc-ee's Use Determination Appeal - APP261
Attachments: Use Determination - Independent Analysis_Final_07-14-2026.pdf

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Report

El Paso County Digital, Strategy & Technology (DST)

To the El Paso County Commissioners and Planning and Community Development Staff,

Please find attached the enclosed report regarding Buc-ee's appeal of the Planning and Community Development Director's July 1, 2026 determination concerning the proposed use classification for the Buc-ee's travel center project. Please include this report in APP261 and consider it as evidence when making a determination.

The purpose of this report is to provide additional analysis of the Land Development Code, the proposed project's characteristics and impacts, and the applicable standards governing use classifications and "similar use" determinations under the Code.

As outlined in the report, we believe the proposed Buc-ee's development is fundamentally inconsistent with the definition of a neighborhood-serving convenience store and with the intent and permitted uses of the C-1 zoning district. The scale, intensity, traffic generation, fuel operations, lighting, and 24-hour nature of the proposed development more closely resemble a travel center or truck stop than any use contemplated within C-1 zoning.

The report further concludes that, while a travel center does not perfectly align with the County's existing truck stop definition, it satisfies the Land Development Code's "similar use" criteria for classification as a truck stop within the Commercial Services (CS) zoning district and should therefore be subject to the public review and scrutiny associated with that process.

This appeal presents an important policy question extending beyond a single project: whether the County's existing zoning framework and use classifications will be applied consistently and predictably, or whether large-scale regional travel centers may be administratively classified as neighborhood convenience stores despite substantial differences in scale, impacts, and function.

We respectfully request that the Board consider the attached analysis when evaluating Buc-ee's appeal and uphold the Director's determination that the proposed development does not qualify as a permitted convenience store use within the C-1 zoning district.

Thank you for your time, consideration, and service to the residents of El Paso County.

Very Respectfully,

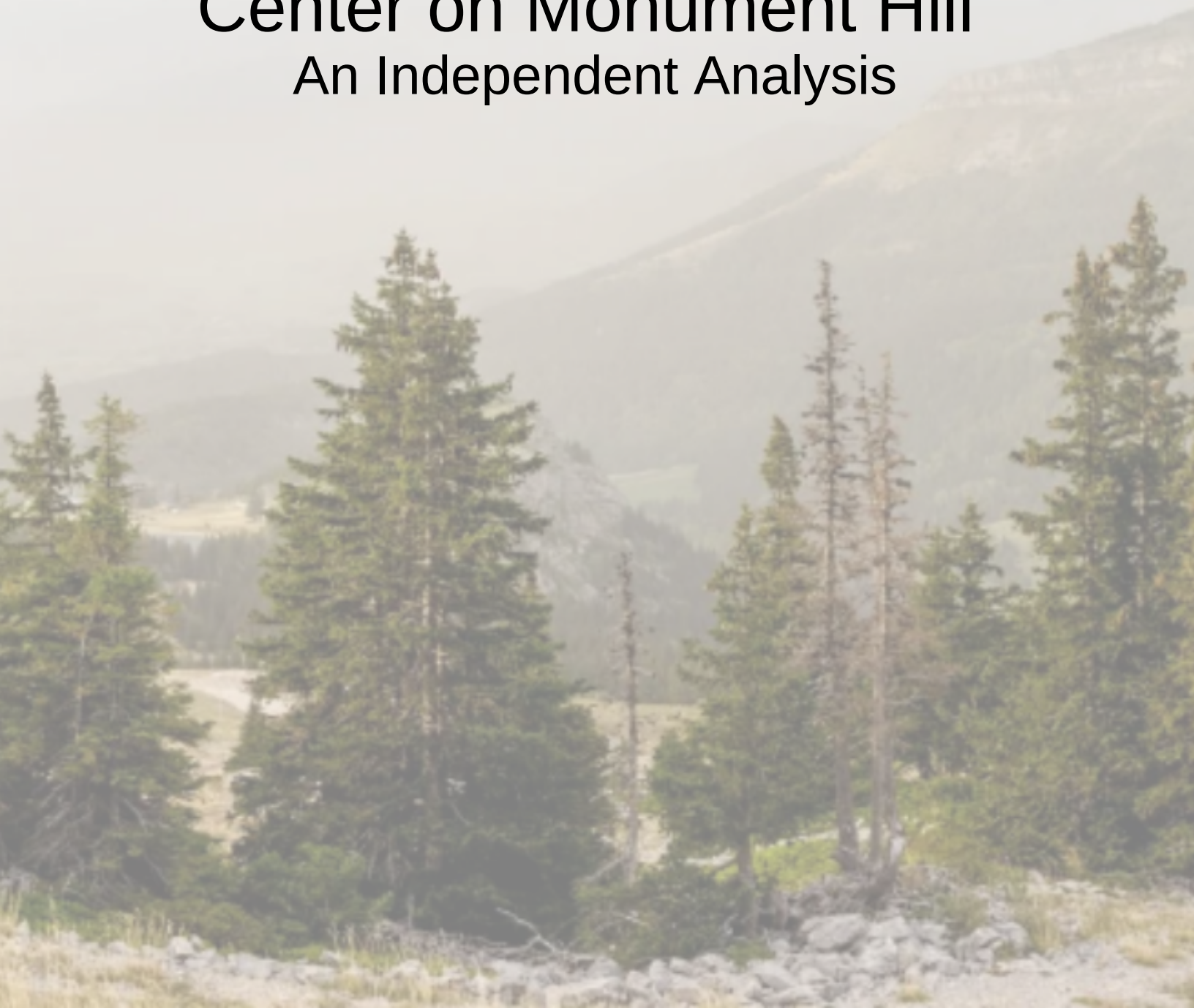
The Tri-Lakes Preservation, Inc Board



Tri-Lakes Preservation, Inc. (TPI)



Use Determination For Travel Center on Monument Hill An Independent Analysis



Executive Summary

This executive summary gives a brief, high-level overview of the main findings documented in this report. The full report begins on page three.

Determination Request Appealed After Planning Staff Declines Convenience Store Label. Buc-ee's EPCO LLC (applicant) is asking the County to classify as a convenience store a proposed 31-acre travel center, with a 74,000 square foot retail and restaurant building, 120 fuel pumps, 20 electric vehicle (EV) charging stations, and 812 parking spaces (791 standard spaces and 21 accessible spaces). Specifically, the applicant is seeking a determination on whether the travel center meets the County's definition of a convenience store or is similar to one for purposes of being allowed in the obsolete C-1 commercial zone.

The County's Planning and Community Development (PCD) Director initially evaluated this request and declined to classify the travel center as a convenience store. The response to the determination request notes that the "facility includes a combination of characteristics, impacts, and design elements that are mixed and uncommon within unincorporated El Paso County." The applicant has appealed to the Board of County Commissioners (BoCC) for the Board to make a final determination.

Buc-ee's Does Not Meet the Definition of a Convenience Store. On the question of whether the proposed travel center meets the County's definition of a convenience store, the answer is clear. The travel center does not meet the County's definition. In the Land Development Code (LDC), a convenience store is defined as having a primary purpose of serving the surrounding neighborhood. The Buc-ee's travel center on the other hand would primarily serve highway travelers. The proposed travel center also includes functions beyond the scope of a convenience store with restaurant space, food preparation, and large-scale fuel sales. The applicant's attempts to claim they intend to serve the neighborhood are flawed and contradictory and should be rejected.

Buc-ee's Does Not Meet "Similar Use" Criteria for a C-1 Zone. If the travel center does not meet the definition of a convenience store, the second question is whether it meets the criteria to be considered similar to one for purposes of being allowed in a C-1 zone. The answer to this second question is also clear. The travel center does not meet the County's criteria to be considered similar to a convenience store or allowable in a C-1 zone. The travel center is not consistent with the purpose of the C-1 zone and would have characteristics and impacts of a far greater scale than a convenience store or any other allowable uses in a C-1 zone. The applicant relies on a flawed analysis by comparing the traffic impacts of the travel center to three scenarios of high-intensity uses. However, the uses they have chosen as comparisons are not

convenience stores and are not even allowed uses in a C-1 zone. Thus, the applicant's comparison is invalid. In fact, the applicant's own information on the characteristics of the project show that the project would be a better fit in a different commercial zone that allows for large-scale, high-intensity development.

Figure 1: Truck Stop, Not Convenience Store, Meets County's "Similar Use" Determination Criteria	
Criteria 1: <u>Consistent with Purpose of Zone</u>	Criteria 2: <u>Similar Characteristics as Allowed Uses in the Zone</u>
Convenience Store in C-1 Zone	
 Fails to meet criteria. C-1 zone is the more restrictive of the obsolete zones and the original intent was to prohibit all fuel sales in C-1 zone.	 Fails to meet criteria. A travel center would have impacts such as traffic, noise, light pollution, and health impacts of a much greater scale than anything allowed in C-1 zone.
Truck Stop in CS Zone as a Special Use	
 Meets criteria. CS zone is intended for commercial retail and commercial services that serve the general public. Truck stops and other high-intensity uses are allowed.	 Meets criteria. While on the higher end of intensity for CS uses, the traffic, noise, light pollution, and health impacts are within the scope of other allowed uses, especially with a truck stop being a special use which would allow for greater evaluation of impacts to ensure consistency with the zone.

Travel Center Should be Classified as a Truck Stop. While the proposed travel center fails to meet the criteria to be considered a convenience store, it does meet the "similar use" criteria in Section 5.3.6 of the LDC to be considered a truck stop. Figure 1 summarizes the results of the analysis for a travel center as similar to either a convenience store or truck stop. As the Figure shows, a truck stop meets the County's criteria for making an administrative determination, while a convenience store fails to meet the criteria. (The detailed analysis of how each option fails or meets the criteria is provided in this report.) Accordingly, the BoCC should determine that the applicant's travel center is similar to a truck stop and should be classified as such for purposes of pursuing future development of the project.

Background

Buc-ee's EPCO LLC (applicant) has submitted a request for an administrative determination to El Paso County to have a proposed travel center classified as a convenience store for purposes of being an allowable use in the County's Land Development Code (LDC). The administrative determination request first went to the Director of the Planning and Community Development (PCD) Department. The PCD Director did not approve the request to classify the travel center as a convenience store. In response, the applicant filed an appeal of the decision and is requesting that the Board of County Commissioners (BoCC) determine how to classify the travel center.

Large Travel Center Proposed for Site in Residential Tri-Lakes Neighborhood

Buc-ee's is proposing to build a 31-acre travel center, with 74,000 square feet of retail and restaurant space, 120 fuel pumps, 20 electric vehicle (EV) charging stations, and 812 parking spaces (791 standard spaces and 21 accessible spaces).¹ (A fuel pump is counted as a single fueling position, typically there is one position on either side of a fuel dispensing unit.)

The proposed site for the project is on parcels primarily zoned C-1. The C-1 zone is obsolete, because its use was phased out in 1991, but land previously designated as C-1 retains that zoning designation until rezoned.² The LDC specifies allowable primary and accessory uses for all zones, including the obsolete ones. In addition to C-1 zoning, the applicant owns an adjacent parcel zoned commercial community (CC), which is the current zoning designation for small-scale commercial development intended to serve the surrounding neighborhood.

The proposed Buc-ee's travel center would be located on Monument Hill in the established Tri-Lakes area of northern El Paso County. The area surrounding the proposed site is primarily single-family homes on large lots along with protected open space. The area is classified as the suburban residential "placetype" in the County's Master Plan³, and is actually surrounded by even larger lot residential development and more protected open space than the placetype would suggest. The population of the three Tri-Lakes communities (Monument, Palmer Lake, and Woodmoor) totals about 22,600, which includes 8,750 households⁴.

Applicant Told in 2024 To Rezone and Adhere to 300-Year Water Rule

The applicant's team of developers first approached El Paso County in May 2024⁵ about building a large travel center on the site on Monument Hill. At that time, the applicant initiated an early assistance process with the County to discuss land use, zoning, water, traffic, and the approval process in general. As part of this process, the applicant was advised to rezone the parcels and adhere to the County's 300-year water rule—a finding that the water rights and aquifer levels could support the project for 300 years.

Ultimately, the applicant attempted a flagpole annexation with the Town of Palmer Lake a couple of miles to the west in order to get water and have the use approved through Palmer Lake instead of the County's process. However, after much controversy, the annexation request was withdrawn. After the failed annexation, and with full awareness of the zoning restrictions, Master Plan, and community opposition, the applicant purchased the parcels on Monument Hill in early 2026.

Use Determination as a Convenience Store Circumvents Original Requirements

Now that the annexation to Palmer Lake has failed, the applicant has come back to El Paso County in another attempt to have the travel center project approved at the same site on Monument Hill. However, the applicant is not proposing to rezone the site and meet the 300-year water rule, which was the process initially specified by the County. Instead, the applicant has initiated a series of piecemeal actions—also known as segmentation—in an apparent attempt to avoid the requirements initially specified by the County's PCD Department. Part of this piecemeal process relies on maintaining the parcel's obsolete C-1 zoning designation, which in turn leads to the applicant's request to have the proposed travel center classified as a convenience store.

The LDC identifies three types of developments that allow for the retail sale of fuel. These include gas stations, truck stops, and convenience stores. According to Table 5.1 in the LDC, gas stations and truck stops are not allowable uses on C-1 zoned land. As such, the applicant is asserting that the project should be classified as a convenience store. This is because that is the only type of land use that allows for any retail sale of fuel in a C-1 zone.

PCD Director Unable to Say Travel Center is Similar to a Convenience Store

In response to the request for an administrative determination, the PCD Director declined to classify the travel center as a convenience store or similar to one under the Section 5.3.6 "similar use" criteria in the LDC. The Director and PCD staff reviewed 26 existing convenience stores in El Paso County and other allowed uses in a C-1 zone as part of making this determination. The response issued states that "the proposed facility includes a combination of characteristics, impacts, and design elements that are mixed and uncommon within unincorporated El Paso County."¹

The existing convenience stores reviewed by the PCD staff range in size from 676 square feet to 5,550 square feet. Some of these stores have no retail fueling. Of the stores with retail fuel sales, the largest such gas station has 18 fuel pumps. It is noted by the PCD Director that none of these existing convenience stores are located in a C-1 zone. The PCD Director's focus on comparing the travel center primarily to existing convenience stores adheres to the language and intent of the LDC. While the "similar use" criteria, described later in this report, references

comparing an unlisted use to other allowable uses in a zone, it is reasonable for the determination to tie back to the overall form, function, and concept of a convenience store.

With the applicant's appeal of this determination, the BoCC must now consider the questions of whether the travel center meets the definition of a convenience store, meets the "similar use" criteria to be classified as a convenience store, or meets the criteria to be classified as another use type. The analysis in this report answers all three of these questions and provides the documentation to support these findings.

Does a Travel Center Fit the Definition of a Convenience Store?

The current version of the LDC does not include a definition of a travel center nor does it specify in which zone types a travel center would be an allowable use. The applicant asserts in their appeal that the proposed travel center should be classified as a convenience store. However, this analysis finds that the project does not meet the LDC's definition of a convenience store in a number of ways.

A Convenience Store Must Be a Neighborhood Market

Code Establishes Convenience Stores as Neighborhood Markets

The LDC defines a convenience store as:

"An establishment for the purpose of offering for sale to the neighborhood in which it is located such items as groceries, ready-to-eat food, over-the-counter drugs, and sundries. A convenience store may include retail sale of gasoline and other petroleum products."

A key part of the definition is that a convenience store's *purpose* must be to offer products for sale "to the neighborhood in which it is located". This definition describes a neighborhood market serving the surrounding community.

Master Plan Supports Neighborhood-Scale Definition

The County's Master Plan identifies the project site on Monument Hill as being in the "suburban residential placetype." The land uses for the suburban residential placetype are described in the plan and clearly state that single family detached homes are the primary land use. Commercial retail and commercial services are listed as supporting land uses with the plan stating these must be "less prevalent and serve to support the primary land use". Furthermore, the plan states "Few commercial uses may be appropriate in Suburban Residential. Those allowed ***must be small-scale standalone businesses that serve a neighborhood population*** (emphasis

added).”⁶ The Master Plan clearly requires commercial development in a suburban residential placetype to be small-scale, serve a neighborhood population, and be supportive of the primary land use of single-family homes. Thus, the definition of a convenience store as serving the surrounding neighborhood is not only clear in the LDC, but is specifically supported by the Master Plan for the proposed site on Monument Hill.

Applicant’s Documentation Fails to Demonstrate a Primary Intent to Serve the Neighborhood

The applicant’s request for a determination as to whether the travel center project meets the definition of a convenience store fails to demonstrate that the establishment’s purpose would be serving the neighborhood in which it is located.

Applicant Wrongly Asserts that Tying into Roadways Equates to Serving the Neighborhood.

The applicant asserts that the adjacent Interstate 25, County Line Road, and Beacon Lite Road are part of the neighborhood. Further, the applicant states that the “proposed Buc-ee’s will be physically connected to and functionally integrated with the existing roadway network and surrounding land uses...” The applicant incorrectly asserts that by virtue of connecting their project to the existing roadway network this means the project is therefore serving the neighborhood. All developments connect to the roadway network in one way or another. Connecting to roadways in general, or to the specific roadways noted by the applicant, does not define the function or characteristics of a development.

Furthermore, the applicant appears to conflate the highway itself with the people traveling on it. The highway itself would not be served by the travel center due to the increased traffic and likely congestion. The people traveling on the highway, while potentially served by the travel center, would not identify themselves as part of the neighborhood unless they happened to actually live there. Under the applicant’s faulty logic, anyone traveling through a community would be part of that neighborhood simply by virtue of driving through. This stands in contrast to the County’s definition of a neighborhood as “primarily residential areas unified by shared characteristics, functional connections, and spatial perceptions.” Highway travelers who would pass through the Tri-Lakes area are not residents, and are not unified with the community through shared characteristics or connections.

Applicant Fails to Address Other Elements of Neighborhood Definition. The County’s definition of a neighborhood specifies that neighborhoods are places with shared characteristics and spatial perceptions, as well as common design themes. The applicant does not address this part of the definition of neighborhood. In fact, the size, scope, and site plan elevating the proposed travel center 30-feet above the natural grade is inconsistent with the existing character, spatial perceptions, and design themes of the neighborhood. People who live in the community have

expressed concerns that the proposed travel center is fundamentally out of character with the neighborhood. The PCD Director's findings similarly note that the proposed travel center includes characteristics and design elements that are mixed and uncommon, not only in the surrounding neighborhood, but within unincorporated El Paso County more broadly.

Applicant Asserts that Convenience Stores Should Serve General Public in Contrast to County Definition. The applicant asserts that "the Code does not limit convenience stores to serving only immediately adjacent residences." The unrealistically strict definition (only immediately adjacent residences) used in this comparison has no basis in the LDC and appears to have been concocted by the applicant in an effort to undermine and confuse the County's actual definition of a convenience store. The applicant then makes a leap to conclude that the lack of such an unrealistically strict definition of the intended community served should be interpreted as meaning the LDC intends for convenience stores to serve "people living, working, and traveling nearby"—meaning the general public. The applicant's assertion that the general public is the target customer base is in direct conflict with the County's definition of a convenience store as an establishment for the purpose of serving the neighborhood.

Applicant Wrongly Asserts that Location by the Interstate Makes it a Convenience Store. The applicant asserts that the LDC does not prohibit convenience stores along major transportation corridors. This is correct, but is irrelevant as the County's definition of a convenience store does not include criteria on the proximity to transportation corridors. The applicant then goes on to state that because some convenience stores currently exist along major transportation corridors within the County that this establishes a siting pattern of convenience stores being located near transportation corridors. While this may be true, this fact again does not speak to how the applicant's proposed travel center meets the definition of a convenience store. Simply choosing a site along a highway does not make the travel center a convenience store and has no nexus to the County's definition. By the applicant's logic, the location of a project, rather than its function and characteristics would determine how a use is defined. This illogical conclusion would undermine the very purpose of the LDC and must not be considered relevant.

Additionally, the examples the applicant gives of convenience stores located near transportation corridors highlights the massive difference in scale and scope of the travel center with actual convenience stores. Specifically, the size of the proposed Buc-ee's is 14 to 21 times as large as the referenced convenience stores (according to the El Paso County Assessor's Office):

- Falcon Circle K is 5198 square feet. The retail portion of the proposed Buc-ee's would be more than **14 times as large**.
- Charlie's Convenience Store is 5040 square feet. The retail portion of the proposed Buc-ee's would be more that **14-and-a-half times as large**.

- Meadowbrook Parkway Circle K is 4480 square feet. The retail portion of the proposed Buc-ee's would be more than **16-and-a-half times as large**.
- Fuel B's Convenience Store is 3500 square feet. The retail portion of the proposed Buc-ee's would be more than **21 times as large**.
- Space Village Loaf N Jug is 3621 square feet. The retail portion of the proposed Buc-ee's would be more than **20 times as large**.

Applicant Wrongly Asserts that Unrelated Features Make the Travel Center a Convenience Store. The applicant claims that it intends to serve the community with certain proposed features of the travel center including: EV charging facilities, enhanced landscaping and open space, wildlife mitigation measures, 24-hour backup power, emergency response staging area, and fire-water supply improvements. However, most of these features are actually mitigation measures for negative impacts that would be caused by the project. Prior to site work, the parcels were in a natural state with old growth ponderosa pine trees and a seasonal stream. Landscaping, leaving part of the site as open space, and wildlife mitigation are all mitigation measures that will reduce the harms caused to the community rather than bring a net benefit.

Furthermore, these purported ancillary benefits of the travel center do not fall within the scope of the LDC's definition of a convenience store. Specifically, the LDC defines offerings of a convenience store as "groceries, ready-to-eat food, over-the-counter drugs, and sundries." Emergency staging, back up power supplies and the other such features do not align with the purpose and products referenced in the County's convenience store definition. In fact, these purported benefits (such as emergency staging) point to the scale of the proposed travel center as being fundamentally different than that of a convenience store.

Buc-ee's Primary Purpose is to Serve Travelers

Rather than being an establishment for the purpose of serving the surrounding neighborhood, the proposed Buc-ee's travel center has a primary business purpose of selling products and fuel to regional travelers. The applicant previously reported to the Town of Palmer Lake that 90-95 percent of their sales are to customers outside the zip code in which a travel center is located.⁷ Thus, the intent of the business is not to be a neighborhood store. The very business model of the Buc-ee's company is in conflict with the County's definition of a convenience store.

Buc-ee's even refers to itself as a travel center and touts its regional scale business model. Notable examples of this include:

- **Buc-ee's Told El Paso County in 2024 This Project Was a Travel Center.** In 2024, as part of the early assistance with El Paso County, the applicant called the proposed project on Monument Hill a "travel center".

- **Company Website Calls Larger Locations Travel Centers.** As of July 2026, the Buc-ee's official website references its supersized locations as "travel centers" contrasting these travel centers and their offerings with the older Buc-ee's locations that are more typically sized gas stations with convenience stores.
- **Buc-ee's Refers to its Locations as Travel Centers in the Press.** When speaking to the press, Buc-ee's refers to its locations as travel centers. For example, in an article dated April 3, 2026 about the first Buc-ee's to open in Ohio, company spokesman Randy Pauly said "We don't want to be just another gas station. We are a family travel center..."⁸ This quote highlights the gas station as a core part of their business and the travel center description reflects their customer base as being travelers rather than local residents.
- **Buc-ee's Refers to its Locations as Travel Centers in Planning Documents.** In planning documents and project proposals across the country, Buc-ee's refers to its locations as travel centers. For example, in the proposal submitted to Johnstown, Colorado for the state's only existing Buc-ee's, the company described the location as "a large travel center". Similarly, in North Carolina a project was called "Buc-ee's Travel Center at Effland Station" in the official documents proposed by the company.

Proposed Travel Center Too Big to Serve the Surrounding Neighborhood

Applicant Wrongly Asserts that Lack of Size Limit in Code Means Unlimited Size. The applicant asserts that the lack of specific size limits in the LDC means that a convenience store can be any size. While the applicant is correct that there is no specific size limit in the County's definition of a convenience store, that does not erase the requirement that a convenience store must intend to serve the local neighborhood. The lack of a size limit gives flexibility to have somewhat larger or smaller convenience stores based on the size and needs of individual communities, rather than unlimited size.

Size of Buc-ee's Too Big to Serve Tri-Lakes Community. The retail component of the proposed Buc-ee's travel center at 74,000 square feet would be 30 times larger than the average convenience store in the country and 15 times the maximum allowable size for a convenience store in the neighboring Town of Monument.^{9, 10} It would be roughly four times as large as all the other existing convenience stores in the Tri-Lakes area combined. In fact, it would be larger than almost all of the nearby grocery stores and drug stores in the Town of Monument and it approaches the size of nearby large-scale retail businesses. Figure 2 (next page) shows the size of the proposed Buc-ee's retail store compared to other local stores.

A 74,000 square foot convenience store could not be supported by the population in the surrounding community. As discussed later in this report, Buc-ee's expects 22,150 vehicle trips daily to this location. This is a typical level for a Buc-ee's travel center and reflects the tens of thousands of customers expected each day to support the large-scale travel center.

In order for the expected trips and customers to come from the surrounding community, each of the 8,750 households in the Tri-Lakes area would need to visit the travel center more than

two and a half times each day—an unrealistic assumption. Thus, it is clear from the large scale of the proposed Buc-ee's that it is not intended to serve the population of the surrounding residential neighborhood or even the Tri-Lakes area more generally.

Project Does Not Align with Type of Development the Community Says It Wants

Another way in which the project is not intended to serve the surrounding neighborhoods (as the definition of a convenience store requires) is because the proposed project is inconsistent with preferences and priorities for future development expressed by the community.

Monument Town Survey. In 2021, the Town of Monument conducted a survey of its citizens and found that concerns about over-development and growth at too large of a scale was a key concern. In particular, residents expressed concerns over large scale growth eroding the charm and character of their small town.¹¹

Figure 2: Size of Commercial Developments in the Tri-Lakes Area

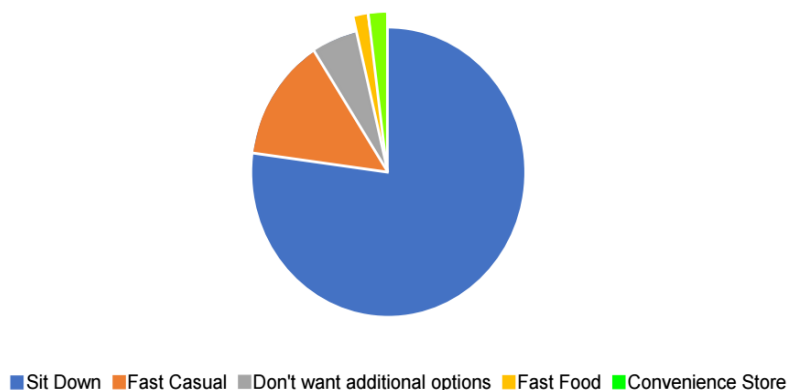
Establishment	Estimated Retail Size (Sq ft)
Gas Stations with Convenience Stores	
7-Eleven (Baptist Rd)	2,400
7-Eleven (Hwy 105)	3,049
Phillips 66 Food Mart ^a	4,300
Valero	4,099
Maverik	4,951
Travel Centers (Truck Stops)	
QuickTrip	7,628
Pilot Travel Center	13,478
Grocery and Drug Stores	
Walgreens	14,408
Goodwill	22,378
Safeway	55,183
Proposed Travel Center	
Buc-ee's	74,000
Large-Scale Retail	
Kohl's ^a	85,000
King Soopers	86,779
Home Depot ^a	110,000
Walmart	222,850
(a) All square foot amounts are from El Paso County Assessor's website, except these. These square foot amounts are estimates using measurement tools from Google Earth due to the information not being accessible on the Assessor's website.	

Dining Options Polling. In recent social media polling, residents of the Tri-Lakes area were asked what type of dining options they would like to see added in the area. The results are in Figure 3 and show that 77 percent of respondents to the poll wanted additional sit-down style

restaurants. In contrast, only 2.1 percent of respondents would like to see more convenience store foods available and 1.6 percent would like additional fast-food options.¹²

In addition, the long and contentious history of this project shows that there is significant opposition from the community. Given all this information, it is hard to argue that a community so generally opposed to this type of development, and to this project in particular, would somehow be served by it.

Figure 3: Poll of Tri-Lakes Residents Preferences for New Dining Options



Incidental Fuel Sales Do Not Allow for a Travel Center

The County's definition of a convenience store is one of a neighborhood market that *may* include the retail sale of fuel. While the definition does not specify the number of allowable fuel pumps, it must still meet the requirement of providing a service on a neighborhood scale. In fact, the definition of a convenience store before the C-1 zone was made obsolete, explicitly excluded the sale of fuel.¹³ When combined with the fact that gas stations and truck stops are not allowed in a C-1 zone, this clearly shows the intent to prohibit all fuel sales before the zone was made obsolete. Therefore, it is reasonable to interpret the inclusion of fuel sales by convenience stores in the current version of the LDC as optional and small-scale, or somewhat incidental to the overall purpose of the convenience store. This is because while no specific size limit is specified in the LDC, it is implied with the definition of a convenience store as a neighborhood market, and by the specific exclusion of gas stations and truck stops as allowable uses in a C-1 zone.

A 120-pump gas station cannot reasonably fit into the definition of a convenience store. This number of fuel pumps would nearly double the number of passenger vehicle gas pumps that currently exist in the entire Tri-Lakes area.

Figure 4 shows the proposed travel center would have 30 times the number of fuel pumps as the smallest existing facility in the area (a 7 Eleven convenience store with four gas pumps). The proposed travel center would have four times as many fuel pumps as the largest facility in the area, the Pilot Travel

Center, when accounting for both the Pilot's passenger and commercial vehicle fueling.

The scale of the proposed gas station component of the travel center can in no way be viewed as small-scale, serving the neighborhood, or incidental. The gas station part of the proposed travel center fails to meet the County's definition of a convenience store.

**Figure 4: Size of Buc-ee's Gas Station
Would Dwarf Others in Tri-Lakes**

Name	Passenger Pumps	Truck Pumps	Total Pumps	How Many Times Larger is Buc-ee's
Gas Stations				
7-Eleven (Hwy 105)	4	0	4	30
Sinclair	8	0	8	15
7-Eleven (Baptist Rd)	10	0	10	12
Circle K	12	0	12	10
Safeway	12	0	12	10
Murphy Express	16	0	16	7.5
Maverik	20	0	20	6
Phillips 66	12	10	22	5.5
Valero	8	16	24	5
Subtotal	102	26	128	
Truck Stops				
QuickTrip	11	14	25	4.8
Pilot	12	18	30	4
Subtotal	23	32	55	
Total	125	58	183	

Restaurant and Food Preparation Inconsistent with Convenience Store Definition

The proposed travel center includes food preparation services—essentially a large fast-food restaurant inside the Buc-ee's store that prepares and packages food for sale inside the store. While the applicant has not specified how much space food service comprises of the proposed project, the Johnstown, CO Buc-ee's includes an estimated 8,700 square feet of food service space.¹⁴ At roughly 8,700 square feet, the food service area would be more than twice the size of most fast-food restaurants. Buc-ee's is known for serving barbeque-style dishes that are smoked offsite, but prepared onsite. In addition, Buc-ee's serves burritos, sandwiches, baked goods and other foods, many of which are prepared onsite to some degree.

However, the County's definition of a convenience store does not include having a restaurant or onsite food preparation. Rather the definition for a convenience store only includes ready-to-eat foods. In addition, the LDC specifically identifies restaurants and food processing as separate uses. Thus, a large part of the travel center would be dedicated to uses that exceed the scope of the County's definition of a convenience store.

Is a Travel Center Similar to a Convenience Store?

The applicant's request for a use determination asks that if the project does not meet the definition of a convenience store (which this analysis finds it does not), that the BoCC consider whether the travel center is similar to a convenience store or other allowed uses in a C-1 zone. The LDC establishes criteria for making such a determination.



When evaluated against these criteria, it is clear that a travel center is not similar to a convenience store or other allowed uses in a C-1 zone. The ways in which the proposed travel center fails to meet the criteria are described in the section below. The size of the travel center underlies many of the reasons why a travel center is not similar to a convenience store as size determines many of the impacts and characteristics of a development. Figure 5 gives a visual comparison of the size

of the travel center compared to a typical convenience store using the same scale. The figure illustrates the significant differences in size between a travel center and a convenience store.

Code Specifies Process and Criteria for Classifying Unlisted Uses

Section 5.3.6 of the LDC describes the process for the County to evaluate whether a proposed development is similar to an existing defined type of development. The process requires the County to evaluate the proposed project against certain criteria to determine if (1) the function, performance, and location requirements are consistent with the purpose of the zoning district and, (2) the use is compatible with other allowed uses and similar in characteristics such as traffic, parking and noise. The LDC specifically states:

“When a use is not specifically identified as allowed in a zoning district or overlay zoning district, it shall not be allowed in the zoning district or overlay zoning district unless it meets the following criteria in determining the use is a similar use: The function, performance characteristics, and location requirements of the unlisted use shall be consistent with the purpose and description of the zoning district where it is proposed; The unlisted use is compatible with the uses specifically allowed in the district, and similar in characteristics such as traffic and parking generation, noise, glare, vibration, and dust.”

This analysis finds that the proposed Buc-ee’s travel center fails to meet both criteria established in the LDC for evaluating whether it is similar to a convenience store or other allowable uses in a C-1 zone.

Fails Criteria 1: Not Consistent with Purpose of the C-1 Zone

Purpose of C-1 District is More Restrictive and Did Not Allow Fuel Sales Before Becoming Obsolete

The first criteria considers whether the project is consistent with the purpose and description of the C-1 zone. The current version of the LDC does not contain a robust definition of the C-1 zone, because this zone has been obsolete since 1991. However, the description of the obsolete zones in the current LDC states that C-1 zoning was for providing commercial activities while another obsolete commercial zone still retained in the LDC, C-2 zoning, was for the purpose of providing for *large* commercial activities. All of the principal uses allowed in C-1 are also allowed in C-2, but there are several larger-scale and more intensive uses listed for C-2 that are not allowed in C-1 zoning. Meaning that the C-1 zone was the more restrictive commercial zoning type before coming obsolete. In terms of function, gas stations, food processing, and fuel sales and storage are not allowed in C-1 zones, but are allowed in C-2 zones. In addition, before the C-1 zone became obsolete, the County’s definition of a convenience store specifically excluded the

sale of fuel.¹³ This means that before becoming obsolete, the sale of fuel was prohibited in the C-1 zone because gas stations, truck stops, and fuel sales and storage were not allowed and convenience stores at the time also did not allow the sale of fuel.

Travel Center is Large and Would Have Significant Retail Fuel Sales

The proposed travel center is a large-scale development and would serve regional travelers, with 120 fuel pumps. Given that the C-1 zone expressly prohibited fuel sales before becoming obsolete and was the more restrictive of the obsolete commercial zones, it is clear that a travel center is not consistent with the purpose or description of the zone. In contrast, the C-2 zone allowed for large commercial development and some fuel sales.

Applicant Mischaracterizes Purpose of C-1 Zoning

The applicant relies on a single phrase that the zoning district “is established for the purpose of providing commercial activities” for determining the purpose of the C-1 zone. The applicant then incorrectly asserts that “this is a broad, unqualified statement of purpose that imposes no limitation on the scale, type, or customer base of commercial uses.” The applicant fails to acknowledge the obsolete C-1 zone’s description in relation to the obsolete C-2 zone, the latter of which is for *large* commercial activities. The parts of the LDC cannot be viewed in isolation, and the purpose of the zoning districts must be viewed in the context of the descriptions of the other zones. Thus, the applicant’s assertion that the zone imposes no limitation on scale is incorrect. The applicant also fails to acknowledge the true intent of the C-1 zone based on how it was described and what uses were allowed before the zone was made obsolete. As stated above, the C-1 zone clearly allowed only for more restrictive commercial activity (as opposed to large commercial in a C-2 zone) and expressly prohibited all fuel sales.

Fails Criteria 2: Project Not Compatible and Has Much Larger Impacts

The second criteria asks two questions, whether a proposed project “is compatible with the uses specifically allowed in the district, and similar in characteristics such as traffic and parking generation, noise, glare, vibration, and dust.” The proposed travel center fails to meet these criteria in several ways.

Travel Center Not Compatible with Allowed Uses

Applicant Fails to Demonstrate Compatibility. The applicant asserts that the proposed Buc-ee’s is compatible with a broad range of uses expressly permitted in the C-1 zoning district. However, the applicant provides no analysis or attempts to describe or quantify support for this statement.

Travel Center Incompatible with Residential Area and Certain C-1 Uses. In fact, a large travel center is not a compatible use with an established residential neighborhood. This is supported by the Master Plan's description of suburban residential neighborhoods as having a primary purpose of supporting single family homes and that commercial development in these areas must be small-scale. In addition, the proposed travel center is incompatible with some of the other allowed uses in a C-1 zone (a criteria that must be considered under Section 5.3.6). Specifically, C-1 zones allow for schools, childcare centers, and public parks. These community-oriented uses that serve children are incompatible with a large travel center. This is because the traffic, pollution, and transient nature of travel center customers pose health and safety risks to children.^{15,16, 17}

Travel Center Does Not Have Similar Characteristics to Convenience Stores or Other Allowed Uses

Applicant's Conclusions on Criteria 2 Rely on Disallowed Uses in C-1 Zone. The applicant includes a lengthy analysis in their submittal comparing the traffic characteristics of the proposed travel center with three other development scenarios they claim are allowed in a C-1 zone. However, the applicant's scenario analysis is seriously flawed because they rely on scenarios that are not actually allowed in C-1 zones, and they fail to quantify any characteristics beyond traffic impacts.

In the traffic analysis, the applicant states that the proposed Buc-ee's travel center would have 22,150 daily trips to the site. The applicant created three scenarios in an attempt to show the traffic generated by the Buc-ee's travel center would be of a similar magnitude to other developments. These scenarios are:

- **General Retail Shopping Center.** This scenario is a large shopping center with a total of 304,500 square feet of commercial space, including a 120,000 square foot super-sized grocery store, eight fast-casual and fast-food restaurants totaling 24,000 square feet, five high-turnover sit-down restaurants totaling 30,000 square feet, and 27 additional retail and/or service developments totaling 130,500 square feet. Under this large shopping center scenario, the applicant estimates 35,934 daily trips.
- **Supercenter Shopping Center.** This scenario is a large shopping center with a total of 245,000 square feet of commercial space, including a 200,000 square foot superstore, two high-turnover sit-down restaurants totaling 12,000 square feet, four fast-food restaurants totaling 12,000 square feet, a convenience store with gas station totaling 5,000 square feet and 16 fuel pumps, and an additional 16,000 square feet of strip retail space. Under this shopping center scenario, the applicant estimates 20,812 daily trips.
- **Theater/Concert Venue.** This scenario is modeled after a scaled-up version of the Ford Amphitheater in Colorado Springs. The scaled-up scenario includes a 9,000 seat, 336,000

square foot theater and concert venue. Although the applicant models this scenario after an amphitheater and shows an amphitheater in their concept drawings, the description of the scenario contains a footnote stating this scenario assumes the theater is indoors. Under this scenario, the applicant estimates 10,364 daily trips.

Shopping Centers Not Allowed in C-1. The first two scenarios are very clearly shopping centers. However, shopping centers are not an allowable use in a C-1 zone. They are not listed on the principal or accessory use tables for the C-1 zone. In contrast, shopping centers are allowed in Commercial Service (CS) and Commercial Regional (CR) zones as these zones are intended for larger scale developments. Section 5.3.6 (C)(2) of the LDC states relative to making similar use determinations that:

“The listing of any use as being allowed in any particular zoning district or overlay zoning district shall be deemed to be an exclusion of the use from any other zoning district, in which the use is not specifically listed.”

Since shopping centers are allowed in other zones, the absence of a shopping center listed as an allowed use in the C-1 zone not only means it isn’t allowed, but shopping centers are specifically excluded as a use.

The C-1 zone allows for commercial or retail *as part of* an overall shopping center, but does not allow for the development of a shopping center itself. While one specific use identified in the shopping center scenarios might be allowable in a C-1 zone (such as the 5,000 square foot convenience store), building a full shopping center, as the scenarios assume, is not allowed. Thus, the applicant’s first two scenarios must not be viewed as providing evidence of comparable characteristics to other allowed uses in a C-1 zone. Instead, the first two scenarios are merely an insightful illustration of how far outside the scope of C-1 zoning and the concept of a convenience store the applicant must reach to find uses having traffic of a comparable scale to their proposed travel center.

Concert Arena Not Allowable in C-1 Zone. The third scenario is a large indoor theater or concert arena, modeled on a larger, indoor version of the Ford Amphitheater. The applicant asserts that such a venue would be allowable under C-1 zoning as a “theater.” In addition to the Ford Amphitheater, the applicant lists the Broadmoor World Arena as an example of a theater that would be allowed in a C-1 zone. While a theater is an allowable use in C-1 zone, it does not appear that a 9,000-seat arena meets the spirit and intent of a “theater” in the LDC. Neither the Ford Amphitheater nor the Broadmoor World Arena are located in C-1 zones. Both are located in the City of Colorado Springs and neither is in a commercial zoning district. The applicant has presented no information to suggest that the large arena described in their scenario would be an allowable use in a C-1 zone.

In fact, the dimensional use standards for the C-1 zone, as specified in Table 5.4 of the LDC, limit the height of buildings to 30 feet, which is not tall enough to accommodate a 9,000-seat arena. For example, the interior height of the Broadmoor World Arena is 79 feet from floor to ceiling, with the totally building height therefore being even taller.¹⁸ The height of the Ford Amphitheater's stage canopy alone is 70 feet from the stage to the canopy.¹⁹ Thus, while a small theater, such as a small movie theater, or small community theater (with a maximum height of 30 feet) could be allowed in a C-1 zone, the applicant has presented no information on an allowable version of a theater to make the case that the characteristics and community impacts would be of a similar scale to the proposed travel center.

Applicant's Own Analysis Shows Traffic of a Much Greater Scale. The applicant estimates there would be 22,150 daily trips to the travel center. In addition, the travel center would receive frequent supply deliveries from commercial trucks. The applicant's own documents estimate a typically-sized convenience store and gas station would have 3,212 daily trips. This means that according to the applicant's traffic analysis, the travel center would have nearly seven times the amount of traffic as a convenience store with a gas station. Thus, the applicant's own traffic analysis documents how the travel center is not similar to a convenience store and would have a much higher-intensity of use and impacts.

In terms of other allowed uses in a C-1 zone, the applicant's traffic analysis finds that a fast-food restaurant with drive-thru would have 1,345 daily trips, and a high-turn-over sit-down restaurant would have 623 daily trips.

Applicant Fails to Comprehensively Quantify Other Characteristics. The information the applicant presents on criteria number two is heavily focused on the traffic scenarios described above and contains little analysis on other characteristics or impacts of the project compared to convenience stores or other allowable C-1 zone uses. The applicant mentions noise characteristics and asserts that other allowable uses are capable of generating noise equal to or greater than the proposed travel center. However, the applicant presents no data or analysis to quantify these noise levels. Similarly, the applicant asserts that the travel center will not generate excessive vibration, smoke, fumes, or dust. However, the applicant provides no quantifiable assessment of these characteristics or how they compare to allowed uses in a C-1 zone district. The burden of showing similarity of characteristics is on the applicant and they have failed to quantify these other characteristics.

Other Characteristics Would Have Impacts of a Much Greater Scale. While the applicant has failed to quantify other characteristics and community impacts, the available information points to the travel center as having much greater impacts than anything allowed in a C-1 zone. This is because convenience stores and other allowable uses would not generate traffic, noise and light

pollution anywhere close to the scale of the impacts the proposed travel center would generate based on its size, purpose of serving regional travelers, and 24/7 operations. Specifically:

- **Vehicular-Related Noise and Air Pollution.** Based on the applicant's own traffic analysis, the traffic generated by the proposed travel center would be seven times greater than an actual convenience store and gas station. This means the corresponding traffic-noise and air pollution from vehicles would also be at least seven times higher than an actual convenience store (more if the travel center results in traffic backups). In addition, the vehicular-related noise and air pollution is likely to be even higher because Buc-ee's does not provide seating in their restaurant area so customers tend to sit in their vehicles with engines idling in the parking lot while eating their purchased food items.
- **Health Risks of Much Greater Scale.** The travel center would also pose health risks not associated with other allowable uses in a C-1 zone. This is because the travel center would have 120 gas pumps and large fuel holding tanks. Small leaks and spills are common in all gas stations. In addition, gas stations are known to increase air pollution and the release of volatile organic compounds. While these health risks might be minimal from the type of small-scale fueling associated with actual convenience stores, when scaled up many times larger than a typical convenience store with a gas station, the health risks to nearby properties will be of a much greater scale. The amount of fuel spills that would wash off the site would not be incidental, and could cause significant damage to water and soil quality on surrounding properties, including neighboring wells, and nearby protected open space. No other allowable use in a C-1 zone would pose health risks associated with fuel pumps and tanks.²³
- **Light Pollution of Much Greater Scale.** The proposed travel center would have 260 exterior lights. The existing development in C-1 zones tend to be small-scale with minimal exterior lighting. Nothing comparable to a travel center has been identified in a C-1 zone by the applicant, or in this analysis. In fact, the exterior lighting for the travel center would be of a much larger scale than even the exterior lighting for a large commercial development in a CR zone. For example, the lighting plans for the King Soopers in the Falcon Marketplace (zoned CR) shows 80 exterior lights.²⁰ The proposed Buc-ee's travel center would have more than three times the number of exterior lights as the Falcon King Soopers. This indicates that not only would the light pollution from the Buc-ee's travel center be far greater than any existing C-1 uses, but it would be several times greater than large commercial developments in a CR zone.
- **Other Noise Pollution of Much Greater Scale.** Noise pollution would similarly be of a much greater scale with a travel center than a convenience store other allowable C-1 uses. One type of noise impact is reflected highway noise caused by the size of the proposed travel center. Because the site of the proposed travel center is sloped, it would

sit atop an over 30-foot-high retaining wall built to create a level construction pad. The actual building would rise another 30 feet in the air. In total, the retaining wall plus the walls of the building would create an over sixty-foot-high structure parallel to I-25. The size of this structure would bounce a significant amount of the highway noise off the retaining wall and building and over to the residential Woodmoor community on the east side of the highway. This is likely to necessitate the construction of sound walls. The applicant fails to identify this serious noise issue and includes no discussion of how it would be mitigated. It is unclear from the applicant's proposal if noise mitigation can be achieved in a reasonable way given the large -scale of the proposed project. It also appears from the lack of this issue being addressed in the application that the County would likely be required to pay for soundwalls needed to mitigate the noise. In contrast, a typically sized convenience store would not require a building site built up 30 feet above the natural grade because it would not require such a large construction pad. In addition, an actual convenience store would have a smaller building overall, thus generating much smaller-scale noise impacts and likely not requiring sound walls or other noise mitigation.

- **More Blocked Views Than a Convenience Store.** The C-1 zone limits the height of a structure to 30 feet tall. However, as described above, the proposed Buc-ee's would sit atop an over 30-foot-high retaining wall used to build up a large construction pad creating an over 60-foot-high structure. The 30-foot-high retaining wall is only necessary due to the large size of the travel center. It is unlikely that a convenience store other C-1 uses would need to build a construction pad over 30 feet high, because the other C-1 uses are not nearly as large as the proposed travel center. Thus, the Buc-ee's would block mountain views 30 feet higher than would otherwise be expected for this site. The loss of views will have serious negative impacts on property values for the homes on the east side of I-25.

How Should a Travel Center Be Classified?

This report establishes that the proposed travel center does not meet the definition of a convenience store, nor is it similar to a convenience store for purposes of being considered an allowable use for a C-1 zoned site. However, the County should still answer the question of how to define or categorize a travel center based on what type of development it is most similar to.

Closest Definition is a Truck Stop

Gas stations and truck stops are the two other uses defined in the LDC that allow for the retail sale of fuel (aside from convenience stores). The County's definition of a truck stop allows for

the sale of fuel, restaurant facilities, and other sales and services. The definition of a gas station focuses on the sale of fuel and vehicle-related services such as car washes. In comparing the proposed travel center to the definitions of a gas station and a truck stop neither definition fully meets the characteristics of a Buc-ee's. Although the definition for a truck stop comes close.

The characteristics of the proposed travel center are: being a large-scale facility, serving highway travelers, selling fuel, selling other retail items, and providing food services. Figure 6 shows the degree to which the elements of the proposed travel center aligns with the definitions and characteristics of a gas station and a truck stop.

Figure 6: Travel Center is Closest to Definition of a Truck Stop

	Large-Scale Size	Serve highway travelers	Fuel Sales Allowed	Retail Allowed	Food Services Allowed	Serve Passenger & Commercial Drivers
Truck Stop	✓	✓	✓	✓	✓	Only commercial drivers
Gas Station	Not Typical	General Public	✓	Limited	✗	✓

More than a Gas Station. The applicant asserts that the proposed travel center does not meet the County's definition of a gas station. While this is correct, it is not because the travel center does not contain a gas station, but rather because it is more than a gas station. It is a large-scale gas station combined with large-scale retail, restaurant and food services, and large bathroom facilities.

Truck Stop Definition Comes Closest. As the figure shows, truck stops, like travel centers are large-scale facilities that serve highway travelers. The County's definition of a truck stop allows for fuel sales, retail sales, and food services. The primary way in which the proposed travel center does not fit the County's definition of a truck stop is that truck stops are defined as serving commercial vehicles and their drivers. While the County's definition is narrowly focused on commercial drivers, most truck stops actually serve both commercial and passenger vehicle drivers. Similarly, the proposed Buc-ee's travel center intends to serve primarily passenger vehicle and small commercial vehicles, but not large commercial vehicles.

Buc-ee's has a company policy banning fuel sales and parking of 18-wheeler commercial trucks at most, but not all, of its locations. The large travel centers look and function similarly enough

to truck stop travel centers that the company typically needs to place signs at the entrances to its travel centers specifying certain larger commercial trucks are not allowed. Smaller commercial vehicles that can fit at a typical fuel pump—such as utility-style trucks, commercially-operated pickup trucks, and commercial vans— are typically not banned. Buc-ee’s sells diesel fuel, which supports these smaller commercial vehicles. Drivers of 18-wheeler commercial vehicles wishing to use the retail and food services offered by the travel center would be required to park offsite, but may still use the facilities and purchase items. (The County’s definition of a truck stop includes additional optional allowable features to serve commercial drivers that are not part of the proposed travel center, but these additional features are permissible and not required for a development to be considered a truck stop.)

The applicant claims they should not be considered a truck stop because the travel center will not accommodate 18-wheeler commercial vehicles, however, the applicant does not address the extent to which they plan to serve the drivers of smaller commercial vehicles. The County’s definition references commercial drivers, not 18-wheeler trucks specifically. In addition, the applicant claims the travel center should not be considered a truck stop because it will not include showers, truck washes, and other optional elements of a truck stop. The lack of these optional features does not make the proposed travel center inconsistent with the definition of a truck stop.

Is a Travel Center Similar to a Truck Stop?

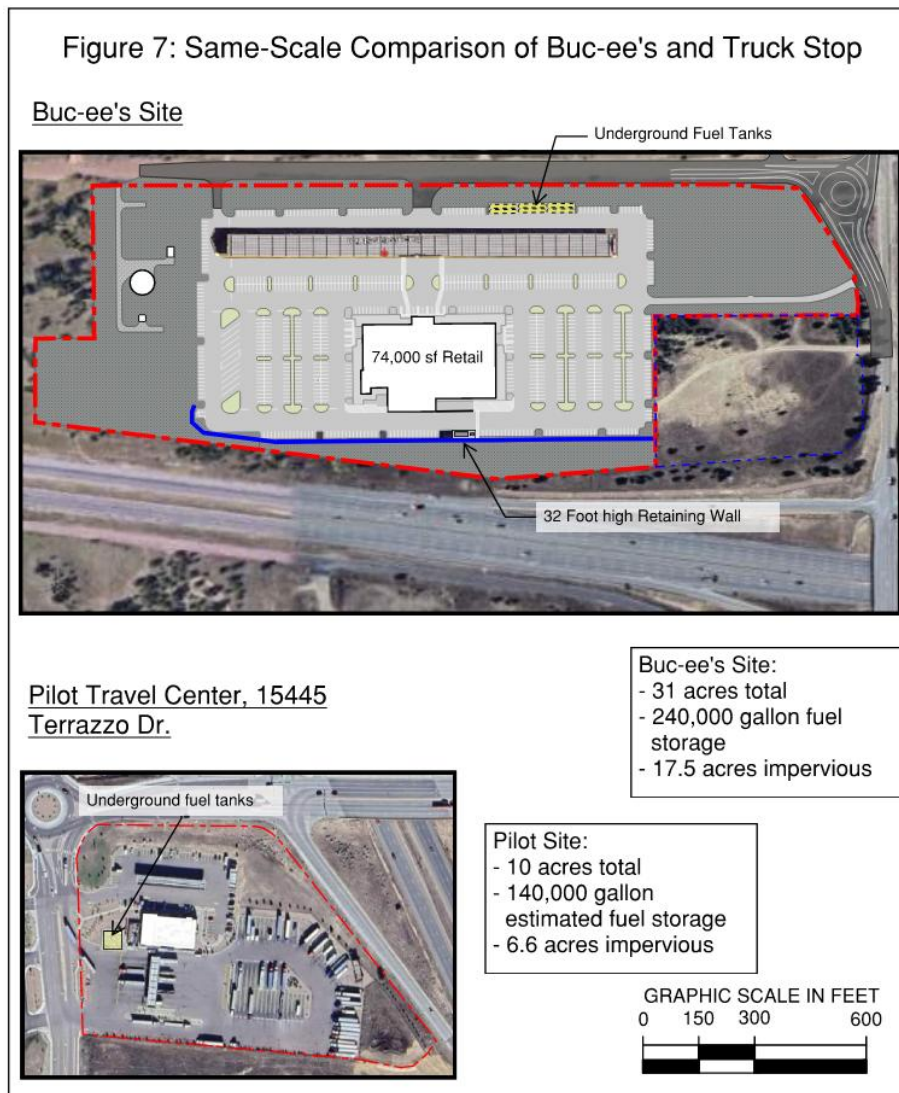
While the proposed travel center does not fully meet the definition of a truck stop, it does appear to meet the criteria in section 5.3.6 of the LDC to be considered similar to a truck stop in a Commercial Services (CS) zone.

Because the section 5.3.6 criteria requires comparing an unlisted use (in this case the travel center) to the allowable uses in a particular zone, it is necessary to determine both the potential similar use and the most relevant zone. Truck stops are allowed as a special use in three zones, one of which is the CS zone. When the proposed travel center is evaluated against the section 5.3.6 criteria to determine if it qualifies as a similar use as a truck stop in a CS zone, it meets both criteria, as described in the section below.

Figure 7 (next page) visually compares the proposed travel center with the Pilot truck stop in Monument using the same scale. As the figure shows, the Buc-ee’s travel center site would be about three times the size of the Pilot truck stop. While the Buc-ee’s is much larger than the Pilot, it is much closer in scale than when compared to a convenience store. Both the Buc-ee’s and the Pilot have 50-60 percent of the total site as impervious surfaces. Each facility also has large-scale fuel storage.

Meets Criteria 1: Consistent with Purpose of the Zone

The LDC defines the CS zoning district as intended to accommodate retail, wholesale or service commercial uses that serve the general public. A travel center contains retail and service components. In addition, a travel center is intended to serve primarily highway travelers, which would be considered part of the general public. The CS zone allows for a broad range of commercial uses, including large-scale commercial developments, such as truck stops.



Meets Criteria 2: Similar Impacts as Allowed Uses with Special Use Consideration

Consistent with Other Uses in CS Zone. The second criteria is whether the proposed use would be consistent with allowable uses in the CS zone and have similar community impacts as those allowable uses. Other allowable uses in a CS zone including a truck stop, freight terminal, heavy equipment rental, home improvement center, light industry or light manufacturing, mini

warehouse, and shopping centers, are all large-scale developments. In terms of consistency, siting a travel center in the same zone as a truck stop does not raise consistency concerns.

Similar Characteristics and Impacts as a Truck Stop. A travel center would have similar characteristics as a truck stop, including significant traffic impacts, large parking areas, significant exterior lighting, and 24-hour operations. In addition, truck stops have very large fuel

tanks and sell a high volume of fuel similar to a travel center. Other allowed uses in a CS zone, which include some large-scale developments, could also have similar characteristics or community impacts.

Special Use Designation is Important. It is likely that the Buc-ee's travel center would be on the high end of intensity compared to other truck stops or other allowable uses in a CS zone. As Figure 7 illustrates, the proposed Buc-ee's would be three times as large as the Pilot truck stop in Monument. While the Buc-ee's would be much larger and possibly a more intensive use than a typical truck stop, this difference in scale could be accounted for under the use designation as a truck stop. This is because a truck stop is considered a special use in the LDC requiring a greater level of evaluation and scrutiny of a proposed project. This additional evaluation required for special uses takes into account location and community specific issues as to whether a truck stop (or travel center) fits at any given proposed site. For example, the special use process is intended to ensure there will be no unmitigated traffic issues, the use is in harmony with the surrounding neighborhood, and would not pose health risks. This additional layer of oversight from the special use designation would be highly beneficial when applied to travel centers considering the significant traffic levels, unique community impacts, health risks, and other concerns that surround these types of developments.

Similar Use Analysis Adheres Closely to Compared Use. It is worth noting that this evaluation of the "similar use" criteria for a truck stop classification focuses on the impacts of truck stops (the similar use being compared to), rather than other potential uses allowed in the same zones as truck stops. This distinction is important. The applicant's analysis relies on high-intensity uses that are unrelated to a convenience store in the inaccurate attempt to show how a travel center meets the "similar use" criteria. Whereas the similar use analysis comparing a travel center to a truck stop does not need to reach far outside the concept of a truck stop to show the similarities.

Travel Center is a Single Integrated Use Like a Truck Stop

The applicant states that the travel center is a single principal use, not multiple principal uses. This is because the travel center functions as a single unified establishment and the various parts of the travel center operate in an integrated fashion. Viewing the travel center as a single principal use, rather than multiple principal uses, does appear to fit well with the overall characteristics and function. This is because the travel center functions as a single large-scale development and the size, scope, and impacts may not be adequately addressed if the functions of the travel center were considered as separate principal uses. For example, a separate gas station, retail store, and restaurant are unlikely to generate the same level of traffic and impacts as is seen when these functions are merged together into a large travel center.

Furthermore, the scale and operations of the travel center appear integrated and inseparable. Buc-ee's does not have large travel centers that do not include a gas station. Part of the business model of the travel center is to attract highway travelers with the large-scale gas station. The customers of the gas station part of the travel center then support the retail and restaurant operations. The business model is one of high-turnover and high-traffic that relies on the various functions of the travel center supporting each other. The applicant's own assertion that the travel center is a single, integrated, principal use further supports a travel center being similar to a truck stop. This is because a truck stop is the County's only defined use that allows for such a multi-function integrated development with gas station, retail, and restaurant components.

BoCC Should Categorize Travel Centers as Truck Stops

In order to provide clarity on the use type and associated zoning requirements, the BoCC should classify the proposed travel center as a truck stop. While the travel center does not fully meet the definition of a truck stop, it does meet the LDC's "similar use" criteria to be considered similar to a truck stop and therefore fulfills the decision-making criteria the BoCC must consider. If the BoCC chooses not to classify the travel center as a truck stop, it should initiate a process to add a definition to the LDC for travel centers. This definition should identify the appropriate large-scale commercial zoning required for travel centers, such as CS or CR zones. Given the high-intensity nature and significant impacts a travel center would have, the BoCC should make travel centers a special use in the LDC, similar to truck stops.

Conclusion

The proposed Buc-ee's travel center would be a large-scale, high-intensity development that is inconsistent with the definition of a convenience store and allowable uses in a C-1 zone in general. The applicant has failed to demonstrate that their project meets the criteria established for the BoCC to approve an administrative determination as a convenience store or other allowable use in a C-1 zone. However, analysis of the project, its impacts, and the "similar use" criteria in the LDC, point to a clear answer in terms of how to define the proposed travel center. Specifically, travel centers should be categorized as truck stops. Of the three defined uses in the LDC that allow for the sale of fuel, a travel center most closely matches the definition of a truck stop. While the definition of a truck stop is not a perfect fit, it meets the "similar use" criteria that the BoCC has been asked to evaluate for this project. This analysis finds that the BoCC should make a determination that travel centers are similar to truck stops. Doing so would provide clarity to the applicant on the zoning requirements and process for pursuing the development of a Buc-ee's travel center in El Paso County.

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