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RESOLUTION NO. 20-327

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF A SPECIAL USE TO ALLOW FIREWOOD SALES WITHIN THE A-5 (AGRICULTURAL) ZONING DISTRICT (AL-19-019) (URBAN FIREWOOD)

WHEREAS, Joseph Yost did file an application with the El Paso County Planning and Community Development Department for approval of a special use to allow firewood sales within the A-5 (Agricultural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on August 20, 2020, upon which date the Planning Commission did by formal resolution recommend approval of the application with conditions and notations; and

WHEREAS, a public hearing was held by this Board on September 8, 2020; and

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the El Paso County Board of County Commissioners, Colorado, hereby approves the application for a special use to allow firewood sales within the A-5 (Agricultural) zoning district.

**BE IT FURTHER RESOLVED** the following conditions and notations shall be placed upon this approval:

**CONDITIONS**

1. Approval is limited to the firewood sales use as discussed and depicted in the applicant's letter of intent and the attached site plan exhibit.
2. Approval of a site plan shall be required prior to initiating the use.

3. A cistern shall be shown on the site development plan and installed on-site prior to establishment of the firewood sales use. The size of the cistern shall be determined during the site development plan review process based on discussions from the Planning and Community Development Department and the Ellicott Fire Protection District.
4. Burning on-site shall be limited to days when outside temperatures are 32 degrees Fahrenheit or colder.
5. Production and sale of topsoil amendments produced by burning wood products (ash) are not permitted.
6. The special use shall comply with the following requirements based on guidelines provided to Applicant by the Ellicott Fire Protection District below:
  - a. The unimproved portion of the driveway shall be no less than 10 feet wide with no less than 5 feet of unobstructed (unimproved) shoulder on each side of the driveway.
  - b. The address shall be posted near the roadway (Hwy 94) and visible from both directions. The address numbers shall be a minimum size of 5 inches in height and ½ inch wide.
  - c. Provisions shall be made for a systematic and thorough cleaning at sufficient intervals to prevent accumulation of combustible dust, sawdust, and shavings.
  - d. A minimum of 1 – 10lb LBS ABC with a rating of 4A, 40B; C, fire extinguisher shall be located within 30 feet of the area where the cutting and splitting of wood will be conducted. Additional air pressurized water (APW) 2.5 gallon water extinguishers shall be located in conspicuous areas no further than 100 feet apart. The APW fire extinguishers shall be located within 50 feet of the log storage, split wood storage, and the processing area (wood cutting and splitting area). A minimum of 3 - EA-2.5 Gallon APW fire extinguishers are required on site.
  - e. Log storage areas shall not exceed 500 feet in length, 300 feet in width, and 20 feet in height. The split wood storage piles shall not exceed 25 feet in height, 150 feet in width, and 250 feet in length. The wood storage areas and processing area shall be separated from adjacent log storage, split wood storage, and any additional processing area (wood cutting and splitting area) or other exposures by no less than 50 feet.
  - f. Permanent storage areas shall be surrounded with an approved fence. Fences shall be no less than 6 feet in height.

#### **NOTATIONS**

1. The special use approval includes conditions of approval and the accompanying site plan. No substantial expansion, enlargement, intensification or modification shall be allowed except upon re-evaluation and public hearing as specified in the El Paso County Land Development Code.

2. The Board of County Commissioners may consider revocation and/or suspension if zoning regulations and/or special use conditions/standards are being violated, preceded by notice and public hearing.
3. If the special use is discontinued or abandoned for two (2) years or longer, the special use shall be deemed abandoned and of no further force and effect.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 8<sup>th</sup> day of September, 2020, at Colorado Springs, Colorado.

ATTEST:  
By: Charles D. Broerman  
County Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS  
EL PASO COUNTY, COLORADO

By: [Signature]  
Chair

EXHIBIT A

LEGAL DESCRIPTION

for

11556 Hwy-94, Colorado Springs, CO 80929

**This is the original legal description from Empire Title Company:**

That portion of the Southeast quarter of Section 12, Township 14 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, more particularly described as follows:

Commencing at the Southeast corner of Section 12, Township 14 South, Range 65 West of the 6th P.M., as shown on plat recorded in Book H-2 at Page 10 of the El Paso County records, thence North 89°56'40" West along the South line of said Section 12, 1593.82 feet to the Point of Beginning; thence North 00°17'50" West, 1,291.25 feet; thence South 88°42'06" East, 371.11 feet; thence South 00°24'18" East 1,283.22 feet to the South line of said Section 12; thence North 89°56'40" West on said South line, 373.39 feet to the Point of Beginning, Except any portion lying within Highway 94, County of El Paso, State of Colorado.

**This is the legal description from the El Paso County Assessor's office:**

TRACT IN SE4 SEC 12-14-65 AS FOLS, COM AT SE COR OF SEC 12, TH N 89<56'40" W ALG S SEC LN 1593.82 FT FOR POB, N 0<17'50" W 1291.25 FT, S 88<42'06" E 371.11 FT, S 0<24'18" E 1283.22 FT TO S LN OF SEC, TH N 89<56'40" W ON SD S LN 373.39 FT TO POB EX SLY 50.00 FT TO RD

Ensure what you have submitted above is consistent with this.

**These descriptions are one and the same.**