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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Thursday, December 2, 2021
El Paso County Planning and Community Development Department
2880 International Circle, Colorado Springs, Colorado 80910

REGULAR HEARING
9:00 a.m.

PRESENT AND VOTING: BRIAN RISLEY, BECKY FULLER, JOAN LUCIA-TREESE, JAY CARLSON, BRANDY MERRIAM, SARAH BRITTAIN JACK, TIM TROWBRIDGE, AND BRYCE SCHUETTELZ

PRESENT VIA ELECTRONIC MEANS AND VOTING: ERIC MORAES

PRESENT AND NOT VOTING: CHRISTOPHER WHITNEY

ABSENT: TOM BAILEY AND GRACE BLEA-NUNEZ

STAFF PRESENT: CRAIG DOSSEY, NINA RUIZ, ELIZABETH NIJKAMPT (VIA REMOTE ACCESS), LUPE PACKMAN, JEFF RICE, DANIEL TORRES, RYAN HOWSER, MERCEDES RIVAS, KARI PARSONS, ELENA KREBS, AND EL PASO COUNTY ATTORNEY MARY RITCHIE

OTHERS SPEAKING AT THE HEARING: SEAN ALLEN AND GREG PHILLIPS

Report Items

- 1. A. Report Items -- Planning and Community Development Department – Ms. Ruiz -- The following information was discussed:**

- a) The next scheduled Planning Commission meeting is for **Thursday, December 16, 2021 at 9:00 a.m.**
- b) **Ms. Ruiz** provided an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting.

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

www.ELPASOCO.COM

B. Public Input on Items Not Listed on the Agenda – NONE

2. CONSENT ITEMS

A. Approval of the Minutes – November 18, 2021

The minutes were unanimously approved as presented. (9-0)

B. MS-21-005

RIVAS

**MINOR SUBDIVISION
CROWE SUBDIVISION FILING NO. 1**

A request by Michael Crowe, Ruth Griffith-Crowe, and Robert Crowe for approval of a minor subdivision to create three (3) single-family residential lots. The 20-acre property is zoned RR-5 (Residential Rural) and is located along the west side of Roller Coaster Road, approximately one-half (1/2) mile south of the Baptist Road and Roller Coaster Road intersection, and is within Section 28, Township 11 South, Range 66 West of the 6th P.M. (Parcel No. 61280-00-001) (Commissioner District No. 1)

PC ACTION: FULLER MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2B, MS-21-005, FOR A MINOR SUBDIVISION FOR CROWE SUBDIVISION, UTILIZING RESOLUTION PAGE NO. 19, CITING, 21-070, WITH 12 CONDITIONS, TWO (2) NOTATIONS, AND ONE (1) WAIVER, WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

C. PUDSP-21-006

PARSONS

**PLANNED UNIT DEVELOPMENT/ PRELIMINARY PLAN
THE RIDGE AT LORSON RANCH**

A request by Lorson, LLC, Love In Action, Lorson, and LLC Nominee for Lorson Conservation Invest 2 LLP, for approval of a map amendment (rezoning) from PUD (Planned Unit Development) to a site specific PUD (Planned Unit Development) and approval of a preliminary plan for 994 single-family residential lots. The applicant is also requesting vesting with the PUD rezoning pursuant to Section 4.2.6.G.3 of the Land Development Code (2021). The seven (7) parcels, totaling 206.47 acres, are located immediately north of Lorson Boulevard, along the north and south side of Fontaine Boulevard, approximately 3,000 feet east of the East Tributary of Jimmy Camp Creek and are within Sections 13 and 24, Township 15 South, Range 65, West of the 6th P.M. (Parcel Nos. 55000-00-371,

55000-00-367, 55000-00-368, 55000-00-369, 55000-00-370, 55000-00-274 and 55000-00-275) (Commissioner District No. 4)

PC ACTION: LUCIA-TREESE MOVED/ BRITTAIN JACK SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2C, PUDSP-21-006, FOR A PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAN FOR RIDGE AT LORSON RANCH, UTILIZING RESOLUTION PAGE NOS. 29 AND 25, CITING, 21-071, WITH EIGHT (8) CONDITIONS AND SEVEN (7) NOTATIONS, WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9 - 0).

Regular Items

REGULAR ITEM CONTINUED FROM THE 11/18/2021 HEARING

3. U-21-002

HOWSER

APPROVAL OF LOCATION MOUNTAIN VIEW FIBER PROJECT

A request by Mountain View Electric Association (MVEA) for an approval of location to allow for the construction of infrastructure related to a new fiber optic service for residents of El Paso County within the entirety of the MVEA service area. The project is comprised of installation of underground fiber optic lines to be contained within easements and public rights-of-way as well as the construction of structures to house equipment and maintenance materials. (Commissioner District Nos. 1-4) (Identification of the applicable parcels is on file with the El Paso County Planning and Community Development Department)

Mr. Howser gave a brief overview of the continued item. The applicant did not have anything additional to add to their presentation from the last hearing

Mr. Trowbridge – I was able to review the video from the last hearing, and I thought the intention was to pass one authorization for all installation of the structures? However, I am disappointed that the language in the letter of intent or the staff report did not capture what was discussed. While the applicant did add the addendum of the nineteen, I am concerned that they still haven't captured what their intent is. I am wondering if we can add another condition that actually mentions the restriction of the 19

Ms. Ruiz – When we continue items we do not typically adjust the staff report, so that is why you do not see the staff report updated, we do provide that to the hearing bodies and the EDARP website. Staff has no concern or objection with adding a condition.

Mr. Risley – I agree with **Mr. Trowbridge**. I certainly understand not going back to revise documents but I think we need to be clear...

Mr. Trowbridge- I would also like to point out that we are the final approval here. I understand **Ms. Ruiz's** ...did staff review the 19 sites for hazards and wildlife...

Ms. Ruiz- We did not review since these are existing structures...

Mr. Trowbridge – I think we need to add a location condition in here.

Note for the record – A five-minute break was taken to allow staff to craft the requested condition. (see below)

1. The Approval of Location shall be limited to the installation of fiber optic infrastructure and a maximum of nineteen (19) fiber optic huts.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION:

Mr. Risley – I just wanted to underscore the importance of what the applicant is doing.

PC ACTION: LUCIA-TREESE MOVED/ CARLSON SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 3, U-21-002, FOR AN APPROVAL OF LOCATION FOR MOUNTAIN VIEW FIBER PROJECT, UTILIZING RESOLUTION PAGE NO. 11, CITING, 21-069, WITH SIX (6) CONDITIONS AND ONE (1) NOTATION. THE MOTION WAS APPROVED (9-0).

4. ID-21-002

PARSONS

SPECIAL DISTRICT SERVICE PLAN MODIFICATION WATERVIEW II METROPOLITAN DISTRICT

A request by COLA, LLC, and Waterview II Metropolitan District for approval of a Colorado Revised Statutes Title 32 Special District service plan modification for the Waterview II Metropolitan District. The 298.2-acre area included within the request is zoned PUD (Planned Unit Development), RS -5000 (Residential Suburban) and A-5 (Agricultural) and is located at the southeast corner of the Powers Boulevard and Bradley Road intersection and along the west side of Powers Boulevard at the Bradley Road intersection, and is within Sections 8 and 9, Township 15 South, Range 65 West of the 6th P.M. The proposed service plan modification includes the following: a maximum debt authorization of \$50 million, a debt service mill levy of 50 mills for residential, a debt service mill levy of 5 mills for special purpose, and an operations and maintenance mill levy of 10 mills, for a total maximum combined residential mill levy of 65 mills. The statutory purposes of the district include the provision of the following: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) design, acquisition, construction,

installation, and operation and maintenance of television relay and translation facilities; 6) covenant enforcement; and 7) design, construction, and maintenance of public water and sanitation systems. (Multiple parcel numbers – see PCD File No. ID-21-002) (Commissioner District No. 4)

Ms. Parsons gave a brief overview of the project and then asked **Ms. Ritchie** to go over the mandatory criteria and discretionary disapproval for a disapproval of a Special District Service Plan, **Ms. Parsons** then introduced the applicant's representative, **Sean Allen** on behalf of **White Bear Ankele Tanaka & Waldron** to give their presentation.

Ms. Parsons gave her full presentation to the Planning Commission. Her presentation is part of the permanent record.

Ms. Fuller – The current plan is 40 mills and you are going to 65 mills? How are you paying for the infrastructure now? **Mr. Allen** -**Ms. Fuller** – Do the houses that are currently built have to approve this or will it be forced upon them? **Mr. Allen** -annual disclosure requirement, it has to be done for all districts. ...they will know that they service plan today is ...**Ms. Fuller** – I believe I heard you say there are houses closing now. **Mr. Allen** - ...they will have the opportunity to go to that hearing, and if they have closed, they will have the opportunity to speak...the mill levy that will be opposed to the i.....amending to is imposed by the mill levy...BoCC wont have this in front of them until January 4, 2022. **Ms. Fuller** – Most people are buying on payment. How many homes are on the 40 mills right now? **Mr. Allen** – 5 or 6 out of 860.

Ms. Merriam – In the notes you have that it was amended on...did this impact your water district as far as you are accumulating.....**review this**

Ms. Merriam – 185 a year...do you know what they are now....the residents whether they are coming in or existing they don't really vote.

Ms. Ruiz- Staff wants to verify the proper process.

Mr. Allen – The tabor...2006 when the original property owner...the tabor authorization was done then. ...they approved an unlimited mill levys..that election...35 mill for water..parks ad rc...unlimited....the only true limitation is what does the service plan allow

Ms. Merriam – I don't understand how the interest rate would be lower?

Mr. Allen – Any future refinancingall districts evaluate what the interest rate are at that time, the financing plan doesn't mandate ...but when you issue that initial debt...issue only what we can afford. That may be your only

Ms. Lucia-Treese – What are the number of board of directors? And are any residents on the Board?

Mr. Allen – 5 and no there are not.

Mr. Trowbridge- This was issued in 2006 and you didn't issue any debt?

Mr. Allen – Because economic reasons due to recessions that delayed most projects.

Mr. Trowbridge – so none of this new debt will go to pay any old debt? You aren't collecting any revenues?

Mr. Allen – No. Our tax base is still very small.

Mr. Trowbridge – Are your taxed only on the developed land?

Mr. Allen – We're taxed on the assed land....

Mr. Trowbridge - Are you collecting taxes on that undeveloped land in your existing plan?

Mr. Trowbridge – So is there an escrow fund?

Mr. Allen -nothing happened until the current owner got the property....

Mr. Carlson- So there has been no development in this district up to this point, correct?

Mr. Allen – Correct.

Note for the Record – The Chair recessed Regular Item #4 to hear the COS airport Master Plan while issues are worked out for ID-21-002. Hearing for this item was resumed after the airport's presentation. Quorum is still in place.

Ms. Ritchie – Based on the results of the elections after the original plan, we agreed that an election will not be needed to increase the mill levy.

Ms. Parsons – pg 164 of the staff report you should have a list of all the parcels of ...current folks that have sold.....we currently have ...review ...the previous debt was 35 million dollars, the board's district at the time could pull 35 mill uncapped. Other words the district could raise their debt without having to go the people.the district doesn't have to ask the landowners, they should have a board meeting and invite folks in there. ...buy those bonds that will exceed the 35 mill...if they truly wanted to

Ms. Merriam – review statement/question

Ms. Parsons- Correct.

Ms. Fuller- I hear they are currently at 40 mills with a 35 mill cap...

Ms. Parsons – It was before the county adopted the maximum cap of 65 mills....they cant increase their debt without the vote of the people. They cant do that until they amend their service plan to allow them to do that and because they are coming to us todaynow we're telling them we are maximizing your mill at 65 and you cant exceed the physical debt of 50 mill...btw the landowners have to agree on that....essentially by subjecting themselves to todays policies ...

Ms. Fuller – But you said the board....

Ms. Parsons- The districts board....if the bocc should approve this service plan they don't have to go to the people to increase, but they do need to have voters physical

Ms. Fuller -

Mr. Dossey – The state statue changed because at a certain time prior to policies...they cant increase their debt, but they can increase the mill levy and what that does it puts the debt on the few owners...economic slowdown and half the homes get built, they aren't passing the burden...true they can increase the debt....it I challenging to the staff ...is this adequate....and our policy 65 mils is allowable. this is no different than any other special district we've worked om.....I would suggest putting those guard rails in place, protect the home buyer.

Ms. Merriam- Is there anything in conditions that residences

Ms. Lucia-Treese –

Mr. Dossey – Notices are provided at closing, but we can't make them read it. ...

Mr. Allen – State law did change this summer, district after 2000 you have to have a website by January 2023.

Mr. Schuettpelz – For clarification, as a homeowner I would care about the mills, right? Because there is no cap?

Ms. Parsons – Currently there is no cap, correct.

Mr. Schuettpelz - In essence with....

Ms. Parsons- They do not need to vote to increase the mill, they need to increase the physical debt.

Ms. Fuller – So they are requesting a bigger...

Ms. Parsons – No, the plan is only for the 860 homes..the financial analysis does into include, estimated 2026

Ms. Ritchie – the special district as it sits is an autonomous entity, so it is not our responsibility to have them comply to the law.

Ms. Fuller – There is inconsistency

Ms. Parsons – The current debt of 35 million dollars ..undefined mill levy of 40..what they are asking for today is to go from 35 million dollars to 50 million dollars in debt, 40 mills to our maximum of 65 mills

Mr. Dossey – Does the proposal for a cap make sense? ...

Ms. Brittain Jack – We are basically bringing this into compliance with the county.

Mr. Dossey – What they are proposing is in consistency with what other district have in this area.

IN FAVOR: NONE
IN OPPOSITION: NONE
DISCUSSION:

Mr. Trowbridge – We've seen several of these recently, I'm not overly concerned.

Ms. Fuller – My concern is the homeowners there now and the ones under contract. I believe that those homeowners....as a decisioning body you have to protect people against themselves. If nothing was nothing built, I wouldn't have an issue.

Ms. Fuller – If a mill levy is increased is that a board decision?

Ms. Allen - ...

Ms. Fuller – But the board is pretty much developers, right?

Mr. Allen- Right.

Mr. Dossey – some of them have already purchased....

Mr. Risley – I think a lot of the issues today were due to the applicant not having well developed presentation, staff was put in an awkward position.

Ms. Lucia-Treese - The applicants' presentation was very muddy and brought up issues that shouldn't have and the burden to explain was placed on the staff. Staff is not required to defend you, it is your job as counsel to present the plan on behalf of your client. It was woefully inadequate.

PC ACTION: TROWBRIDGE MOVED/BRITTAIN JACK SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4, ID-21-002, FOR APPROVAL OF A SPECIAL DISTRICT SERVICE PLAN MODIFICATION FOR WATERVIEW II METROPOLITAN DISTRICT, UTILIZING RESOLUTION PAGE NO. 37, CITING, 21-072, WITH 12 CONDITIONS, AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

5. LDCPM-21-002 - CHECKLISTS - NON-ACTION ITEM

6. COS AIRPORT MASTER PLAN – NON-ACTION ITEM

Ms. Merriam – I was curious if any of the south boundary lines would be altered due to the growth of the County?

Greg – The boundaries will not change.

Mr. Carlson – Do you have things in mind that you are wanting to do?

Greg – We want to keep an open mind in the process, but we don't see any additional runways. We did build a deicing station, it would be nice to have the option at the other end of the runway, so that's one thing. We have our maintenance facility on one side and are thinking about moving that to the other side. We did the remodel after the fire in 2018 of the public side, but the concourse has not been remodeled. We want to make sure we are maximizing the space we already have. We want to do all of this without impacting what we call rates and charges. Our goal is to continue to keep our fees low.

Mr. Carlson- We considered a rezoning right up to the airport property? Or does that go through the FAA?

Greg- It is both. The developer goes through the FAA (7460) they review that through the different necessary divisions. Then the planning department sends us the information, then that is taken to the airport advisory commission. The ACC has no authority to deny or approve but they do make recommendations.

Mr. Carlson- My concern is that we are rezoning property right up against your accident zone.

Greg – Generally in our review we have a number of conditions that we put on there, in a legal standing then we say no objection with the following conditions.

Ms. Ruiz- They are referencing Waterview North.

Mr. Carlson – Do you have any thoughts on that? It seems like we aren't doing anybody any favors by putting people by the airport.

Greg - The City does not allow residential development, whereas the County does, and that residential does concern us

Mr. Carlson - I think it is important that the airport speak up.

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.)

The Minutes were approved as presented at the December 16, 2021 hearing.