

EL PASO COUNTY PLANNING COMMISSION

June 2, 2009

MINUTES

PRESENT
DURING PART OR
ALL OF THE MEETING

Steve Hicks
Steve Sery
David Powell
Ed Bracken
Steve Immel
John Vohland

COUNTY STAFF
PRESENT DURING
PART OR ALL OF
MEETING

Elaine Kleckner, Development Services
Mark Gebhart, Development Services

Mr. Sery called the regular meeting of the Planning Commission to order in the Hearing Room at the Pikes Peak Regional Development Center at 9:00 A.M. and appointed the following voting members:

Mr. Immel	Mr. Bracken
Mr. Powell	Mr. Hicks
Mr. Vohland	Mr. Sery

NOTE: The Comment Agenda is automatically incorporated as part of the record. The digital recording is the official record of the meeting.

1. **Report Items** - Ms. Kleckner reported:
 - A. Staffing and workload. Ms. Kleckner stated that the information pertaining to the building permit activity will be provided on the next Planning Commission meeting scheduled for June 16, 2009 along with the executive summary.
 - B. The Procedures Manual. Ms. Kleckner stated that, adjustments are being made to reflect the administrative authority that the Board of County Commissioners approved. The County Attorney is reviewing and is nearing completion.
 - C. The Land Development Code: Ms. Kleckner stated that today will be the first work session on Version 2 revision. The next meeting will be a hearing where a recommendation will be made to the Board of County Commissioners. Ms. Kleckner stated that the sign revision is waiting on executive management scheduling of a work session with the Board of County Commissioners, which would focus on recommendations from the stakeholders and staff.
 - D. Ms. Kleckner stated that the resolution regarding the study of groundwater contamination issues, and future Land Development Code (LDC) Revisions relating to water reuse was presented last meeting, the Board of County Commissioners authorized Development Services to coordinate the study. Development Services has released a press release inviting participation. The Board of County Commissioners is expecting a report back in mid June.
 - E. The next Planning Commission Meeting is scheduled for June 16, 2009.
 - E. The Board of County Commissioners' meeting was cancelled on May 28, 2009, there were no report items.

Mr. Sery explained the procedures for the hearing.

2. **Consent Items**
 - A. **Minutes of the Regular Meeting held May 19, 2009.**

REGULAR ITEMS:
3. LDC-09-001

Land Development Code Revision, Version 2

Request by Development Services to revise the Land Development Code (adopted October 12, 2006, implemented April 2, 2007, amended December 18, 2008) including typographical corrections, clarifications, and other changes and to make any conforming amendments to the Land Development Code. The Land Development Code (LDC) includes the Zoning Resolution and Subdivision Regulations of El Paso County.

Mr. Mark Gebhart presented the work session before the Planning Commission and answered any and all questions.

Mr. Gebhart stated that the item for modification to the Land Development Code is not an action item, but that it is to introduce those issues in a work session.

Mr. Gebhart stated that the mailing list to this work session was two hundred names long and in the audience were only two, Mr. Bob Croft with Regional Building Department, noting that Development Services coordinates closely to make sure that the language between building code and zoning code do not conflict with each other. The second individual in attendance was interested in the proposed changes to the wind power generation regulations.

Mr. Gebhart explained that the approach is to provide notice of the Planning Commission work session. The public is notified of the hearing with legal advertisement, which was done on June 3, 2009. This revision has been expedited to go to the Board of County Commissioners meeting on June 25, 2009. Issues that don't make it through this second revision will be put into the third bucket of revisions.

Mr. Bracken questioned why the flagpole issue wasn't in this second revision when the Board of County Commissioners had unanimously expressed opinion to change the land development code. Could it be addressed in revision two?

Mr. Bracken stated that the American Flag, which is our heritage, has become a political issue because they now need a sign permit to fly the flag.

Mr. Gebhart stated that the flagpole issue if agreed by the Board of County Commissioners could be reviewed in the second revision, through the process of legal review which would cause a delay.

Mr. Sery suggested that the flagpole issue be left as is for the third revision.

Mr. Immel had several questions; if through the process of notification were there any responses, and how were the Home Builders Association contacted.

Mr. Gebhart stated that he did receive some response, and through the Home Builders Association Land Use Meeting, which is held once a month, information was given to members of the Home Builders Association.

In response to a question regarding land use which are not identified in the code, Mr. Gebhart explained that with a new business that the Land Development Code has not yet addressed, such as oil and gas companies, they would have to submit an application for a variance or wait for a revision to the code.

Mr. Gebhart stated that Development Services is committed to maintaining the Land Development Code as a living document, with updates at least annually, which are posted on the following web address: http://adm.com/Development_Services.

Mr. Gebhart explained the proposed revised code for the Wind Power Generator that included; maximum height, number of generators allowed, setback from property lines and additional generators may be approved through a special use approval. Reference code section 5.2.56. Mr. Gebhart defined the difference between private and wind farm generators.

Maria Jindra from Eastern El Paso County has recently proposed to erect two (2) wind generators. She was informed that only one generator per lot was permitted. She supports of the proposed revised code to reflect the increase number of generators allowed in A-35 zoning,

Ms. Jindra stated that the reasons for installing two units as opposed to one are cost, noise control, pleasing to the eye, and that four different electrical providers have a one time grant given on the first of July as a lottery style drawing that will help off set the cost.

Bob Croft commented, only as an observation, in reference to the verbiage on setting some limitation for multiple units, that there be adequate space between them.

Mr. Bracken stated that the provider of wind generators should be the one who determines what the distance should be between the units.

Mr. Gebhart shared comments received;

- The first one in the section where building permits are required was to clarify language regarding accessory building and structure in the A-35 district.
- The second comment received was from Terry Stokka, president of the Black Forest Land Use Committee, in reference to trailer signs; with a second part suggestion that within the PUD and the five acre lot size, the open space requirement of 10% be increased to 30%.
- The third comment relates to animal refuge and location, in section 1.15.

Mr. Bracken suggested that the open space issue will be set for a later discussion.

Mr. Croft suggested clarification on verbiage in section 1.13,5.2.3.

Mr. Gebhart stated that at the next Planning Commission meeting the final language will have to clarify the verbiage for section 1.13,5.2.3.

Mr. Gebhart's solution was to create a definition for Wildlife Rehabilitation, but the proposed language was not satisfactory for the proponent and further discussion is necessary.

Mr. Bracken suggested that verbiage be added in code section 1.15 in reference to the definition of Auction and Auction Facility.

Mr. Gebhart stated that the more discussion is conducted during today's work session the less that would need to be discussed at the hearing.

Topics:

- Garbage Service Companies - in the past there were no provisions or code, and now it is being defined and put in the use tables.
- Guest Houses background - prior code allowed servants and guest houses in one zone district (RS-2000), which was the Broodmoor area before it was annexed.
- Code was revised in 2006 and implemented in 2007, to include guest houses as an allowed use.
- Standards included: maximum size of (850 sq ft), a second kitchen if an affidavit was signed stating that it wouldn't be used for rental.
- Guest house as an accessory use;
 - Detached
 - Temporary stay
 - Density provision and traffic impact
- Mother-in-law-Apartment is connected within the unit and limited to 50% of total square footage of principal structure.
- Airport uses correction
- Provisions on mixed use involving residential and industrial.
- Home Occupation reference in the code- if a site plan is optional, that it can't be a requirement. It is suggested to eliminate verbiage.
- Provision for temporary carport structure in reference to set back in the front and side.
- Deck setbacks to be clarified.

Mr. Gebhart stated the Board of County Commissioners are concerned about the size of the guest house. The variance applications have typically included family members, longer duration and larger in size than allowed. They are almost becoming extended family units.

Discussion

- If size standard isn't increased, a Special Use would be required to accommodate
- Complaints from denied customers for increase size and from neighbors
- It is a good compromise as stated in code regarding Mother-in-law Apartments and Guest Houses in reference to size.
- Two kitchens should not automatically equal a Mother-in-law Apartment.
- Language for utilization for the entire basement requires some clarification.

The Regional Building Department is to work closely with the county for confirmation on approvals of mother-in-law apartments.

There being no further business to come before the Planning Commission, the meeting was adjourned at 12:20 p.m.

Beverly Gonzales, Recording Secretary

Adopted: