

EL PASO COUNTY PLANNING COMMISSION

June 16, 2009

MINUTES

PRESENT Steve Hicks
DURING PART OR Steve Sery
ALL OF THE MEETING Ray Schanel
Ed Bracken
Verlin Dickman
Steve Immel
John Vohland

COUNTY STAFF Mike Hrebenar, Development Services
PRESENT DURING Elaine Kleckner, Development Services
PART OR ALL OF Andre Brackin, Department of Transportation
THE MEETING Tony Deconinck, Development Services
Kevin Diekelman, Development Services
Max Rothschild, Development Services
Mark Gebhart, Development Services
Drew Gorgey, County Attorney's Office

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. Dickman
Mr. Schanel	Mr. Hicks	
Mr. Sery	Mr. Vohland	

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 –

- A. Ms. Elaine Kleckner introduced Mr. Max Rothschild as the Interim Manager with Development Services. Mr. Rothschild stated that he has been retired from the County since 1994 and his tenure this period will be short, a couple of months. Mr. Rothschild stated that his door is always open and welcomed the Planning Commission.
- B. Staffing and workload. Ms. Kleckner reviewed building permit activity and the Development Services Executive Summary stating there was an increase in overall submittal activity for the month of June. Ms. Kleckner stated the C and D project submittals for the current month have increased. Ms. Kleckner stated the project managers, and planners as well as engineering staff are still carrying a significant workload. Ms. Kleckner stated that Development Services is still recruiting for a Project Manager.

Mr. Vohland asked regarding the active projects how can the Project Manager carry this type of workload with respect to providing customer service to the public?

Ms. Kleckner explained that one project may entail several applications. Ms. Kleckner stated it is a dynamic situation and all the projects are not being worked on at the same time. She added that staffing levels do affect the Divisions ability to meet customer service goals.

- C. The Procedures Manual. Ms. Kleckner stated adjustments are being made to reflect the recently authorized administrative authority. County Attorney review is nearing completion.
- D. The Land Development Code: Is scheduled for today on Version 2 revisions for the Planning Commission recommendation to the Board of County Commissioners. The hearing is scheduled for June 25, 2009. Sign revisions – staff is waiting for direction from executive management on scheduling a Board of County Commissioners work session.
- E. 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 approved at the May 14, 2009 Board of County Commissioners meeting. The Board authorized Development Services to invite individuals to participate and to return to the Board with recommendations regarding process. She thanked Commissioner Bracken for his willingness to participate.
- F. Ms. Kleckner provided information on the Noxious Weed Tour sponsored by the Public Services Department.
- G. The next Planning Commission Meeting is scheduled for July 7, 2009.
- H. Reported on Board of County Commissioners’ action on items previously heard by the Planning Commission.

Mr. Sery explained the procedures for the hearing.

2. Consent Items

A. Minutes of the Regular Meeting held June 2, 2009.

B. AL-08-013

Deconinck

**Special Use
Western Museum of Mining-CMRS Renewal**

Request by Western Museum of Mining for a special use for an existing stealth telecommunications tower at this site. The tower is 70 feet tall and is disguised to look like a mining apparatus. The 27-acre site is in the RR-5 (Residential Rural) zone district and is located at 125 North Gate Boulevard approximately one quarter mile southeast of North Gate Boulevard and Struthers Road.

DEVELOPMENT SERVICES RECOMMENDATION: Approval, subject to:

CONDITIONS OF APPROVAL

1. Any subsequent co-location, additional equipment shelter or additional antenna on the stealth CMRS site other than that shown on the site plan may be subject to review and approval by the Development Services Department.
2. Approval is limited to one (1) commercial tower and associated antennae as depicted on the applicant’s letter of intent, site plan and elevation drawing, with a maximum facility height of seventy (70) feet above the natural ground surface.
3. Any subsequent co-location, additional equipment shelter or additional antenna on the tower site other than that shown on the site plan shall be subject to administrative review and approval by the Development Services Department.
4. The applicant shall provide financial surety sufficient to cover the cost of removal by the County in the event of abandonment.

5. No subsequent enlargement, expansion or modification of the use shall be allowed unless the proposal is reevaluated and goes through the public hearing process in accordance with the requirements of the El Paso County Land Development Code.
6. Any changes in the owner of the tower shall be followed by notification to Development Services within 15 days of the change in ownership. Notification shall include the name and business address of the new owners with verification that the new owner has fully reviewed all applicable development permits, understands applicable conditions of approval, and shall ensure the transfer of all financial assurances.

NOTATIONS

1. 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.
2. 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.
3. Special use requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

Mr. Vohland made a motion to approve Consent items 2a and 2b, with a correction to the minutes Mr. Bracken seconded the motion. The vote was a unanimous vote (7-0) for approval, subject to the proposed conditions and notations, and that these items are forwarded to the Board of County Commissioners for consideration. The Resolution can be found on Page 09-032, Resolutions of the El Paso County Planning Commission.

REGULAR ITEMS:

3. **ECM-09-001**

Gebhart

Engineering Criteria Manual, Version 3 (ECM)

Request by El Paso County Public Services Department, Transportation Division, for approval of proposed changes to the Engineering Criteria Manual (ECM). The ECM was completed in 2004 and changes were made in 2006 and 2007. Staff is recommending 89 changes in this revision. The changes pertain to general provisions, transportation facilities, drainage, utilities and other right-of-way uses, permits and inspections, and appendices to the manual. The changes are characterized as major, minor and typographic.

Mr. Andre Brackin stated there are several administrative changes that are currently recommended to help clarify the manual or develop consistency within the manual.

Mr. John Clack stated that recommended changes to the ECM were collected over several months. Changes were recommended by the Transportation Division, Development Services Division, members of the Housing and Building Association, and consulting engineers. Teams of two to four people were assigned to each chapter. Each team consisted of members from both the Development Services Division and the Transportation Division. Team members were chosen based on their experience and expertise with each chapter. The team members for each chapter worked together to review each proposed change. The teams accepted the proposed changes, denied the proposed changes or modified the proposed changes. The proposed changes have been presented to the Housing and Building Association (HBA) Land Use Committee and endorsed by the HBA in a letter dated April 20, 2009. The changes were also presented to the Highway Advisory Commission. The Highway Advisory Commission voted and approved the changes on May 20, 2009. These changes will be presented to the Board of County Commissioners. Mr. Clack stated that there are a total of 89 changes to the ECM which consists of eighteen (18) typographic, fifty four (54) minor and seventeen (17) major.

Mr. Immel asked what public input was received.

Mr. Clack stated that the information came from various individuals and organizations.

Mr. Vohland asked if Mr. Clack and Mr. Brackin could give more detail information regarding the major changes made in the ECM to better understand the changes.

Mr. Clack stated in Chapter 5:

- 5 5.5.7.A.3 The incentive/disincentive was designed to maintain the performance of the contractors.
- 5 5.5.7.C.3 the removal of Section 3 computation of mapping fees was due to choosing a different type of system and adding computation of incentive/disincentive in place of deleted Section 3, based on a points system.
- 5.8.8.A Permit fees are collected at permit issuance, not with the application. Oversize/overweight permit fees to be set by resolution of the Board of County Commissioners.
- Appendix D Table D-3 Strength Coefficients (This is a significant issue) – Modify strength coefficient for Hot Mix Asphalt (currently 0.40 recommend using 0.44), provide for allowance of usage of Cement stabilized subgrade, provided for the usage of geogrids (e.g. Tensar geogrid materials) as a structural layer component in the overall pavement section, review accuracy of Strength Coefficients for various payment structure components in table, the thickness of asphalt.

Mr. Brackin stated that the one major change to the ECM would be the mailbox kiosks. The mailbox kiosks need to be planned in the early stages of planning rather than trying to fit in to the subdivision stage.

Mr. Bracken asked if the contractor were to provide a mailbox kiosk would additional right of way would need to be provided.

Mr. Brackin stated that was correct and would apply to rural and urban applications. He stated that in the past there was no direction for subdivider to meet roadway standards, safety standards and comply with the postal regulations.

Mr. Clack stated the County is making changes to what is considered the best management practices (BMP's) as the means for providing adequate drainage and stormwater runoff control and to meet requirements of the County's MS4 permit, and to provide for operating, cleaning maintaining and repairing such detention basin/BMP's.

Mr. Andre Brackin stated that there is no specific guideline for an engineer or a subdivder to follow regarding the federal requirements for stormwater. Mr. Andre Brackin stated the ECM is being more specific on the guideline pertaining to detention basin/BMPs .

Mr. Bracken made a motion for approval of Resolution No. ECM-09-001 regarding the Engineering Criteria Manual (ECM), more particularly described on Page 09-033, Resolutions of the El Paso County Planning Commission, and that this matter would be forwarded to the Board of County Commissioners for their consideration. Mr. Hicks seconded the motion and upon voting it was approved by a unanimous vote of 7 to 0 subject to the following conditions and notation.

Discussion

Mr. Hicks stated he was appointed to the Highway Advisory Committee in January 2009, the first six (6) months were a huge learning curve, Mr. Hicks believes the citizens on the hac did diligent and hard work for El Paso County.

REVISIONS TO THE LAND DEVELOPMENT CODE

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 and subdivision regulations of El Paso County.

Mr. Gebhart stated that the El Paso County Land Development Code was approved in October 2006, and implemented by the Board of County Commissioners in April 2007. Mr. Gebhart stated that on April 28, 2009 the Board of County Commissioners authorized full implementation and utilization of the Land Development Code, including the administrative authorities. Mr. Gebhart stated that these changes were considered on June 2, 2009 in a work session with the Planning Commission. This is a hearing for the Planning Commission recommendation to the Board of County Commissioners, with a hearing scheduled for June 25, 2009.

Mr. Bracken had asked questions regarding the sketch plan requirements with respect to water supply findings.

Mr. Gebhart stated that per the Land Development Code in the sketch plan, and preliminary plan stage proof of water sufficiency is not required, but is required in the final plat stage.

Mr. Hicks asked with the revised revision will wind generators be allowed on A-35?

Mr. Gebhart stated that the proposed modification would allow no more than three freestanding generators on a lot or parcel in the A-35 district which is 35 acres or larger. Additional generators or multiple generators in other districts may be approved through a special use approval.

Mr. Gebhart reviewed the changes made from the Proposed New/Revised Code list with the Planning Commissioners. Mr. Gebhart stated that there were no changes to the first page, the second page 1.15 add as identified in 5.2.5.4.

Mr. Vohland asked if the wildlife rehabilitation representative would like to speak before Mr. Gebhart continues with the changes made on the Land Development Code issues.

Ms. Jane Fredman with the wildlife rehabilitation community, stated the proposed changes to the Land Development Code would bring the licensed rehabilitator's into compliance, when applying for a license with the Division of Wildlife you are certifying that the property is in compliance with the Land Development Code zoning. Ms. Fredman stated that there are three different rehabilitation categories; the first would be the urban and rural home rehabilitation, the second would be the home based which consist of large acres this is highly regulated by the Division of Wildlife; and the third would be Wild Forever which has their own center with large animals. Changes to the Code will accommodate all three types. Ms. Fredman stated that there is a limit to the number of animals that the rehabilitator is allow to keep, if the animals can not be returned to the wild within six (6) months the animals are euthanized. Ms. Fredman stated there are restriction to the licensing with the Division of Wildlife which would limit the number and types of animals that are kept in a certain area.

Mr. Hicks asked who would supervise the release of the animals.

Ms. Fredman stated that the licensed rehabilitators are highly regulated by the Division of Wildlife; there are specific areas that the animals are released.

Ms. Fredman stated there are different types of licenses that are tailored to the location by the Division of Wildlife.

Ms. Fredman presented to the Planning Commission her proposed definition of animal rehabilitation and wildlife refuge.

Mr. Gebhart reviewed the differences between the proposed wordings .

Ms. Fredman will provide the proposed changes in the wording to the definition of Wildlife Rehabilitators and Wildlife Refuge prior to the Board of County Commissioners hearing.

Mr. Bracken made a motion for approval of Resolution No. LCD-08-(09)-001 regarding the Land Development Code, with the changes discussed by Mr. Gebhart and a final print document presented prior to the Board of County Commissioners meeting, to endorse Ms. Jane Fredman's comments on the Wildlife Rehabilitation to incorporate the changes and definition of Wildlife Rehabilitation and Animal Refuge. Ms. Fredman removed the verbiage that included 20 or fewer wild animals at any time from 5.2.54 and Animal Refuge 1.15 removed or wildlife rehabilitation not qualifying as an accessory use pursuant to the use specific development standards in Chapter 5 of the Land Development Code. Mr. Bracken stated he would like to have 5.2.1 (A) regarding carports be removed for the Land Development Code revision. Mr. Bracken would like to add one condition that a representative of the Division of Wildlife is present at the Board of County Commissioners meeting scheduled for June 25, 2009 to answer any questions regarding the licensing requirement, and that this matter be forwarded to the Board of County Commissioners for their consideration. Mr. Immel seconded the motion.

Discussion:

Mr. Vohland asked to have the Wildlife Rehabilitation pulled from the agenda and reviewed at a different time due to the potential impact to neighbors.

Mr. Dickman stated that he concurs.

Upon a vote the motion was approved by a vote of 4 to 3 with Mr. Vohland, Mr. Dickman and Mr. Immel in opposition, the motion passes.

Mr. Gebhart asked if the no votes were based on the Wildlife Rehabilitation changes and the Planning Commission member concerns.

Mr. Dickman stated that there was no public input regarding the Wildlife Rehabilitation; had this item been removed it would have passed unanimous.

Mr. Bracken stated that his observation on the neighbor comment is that there is a definition in the Land Development Code, the Division of Wildlife would protect our interest through their process of licensing.

Mr. Hicks stated that the Division of Wildlife has different types of licensing in place which would restrict individuals from receiving a license when not qualified.

Mr. Vohland stated he believes that the Division of Wildlife does not receive public input regarding the placement of licensing; the only input would be type of licensing.

There being no further business to come before the Planning Commission, the meeting was adjourned at 12:15 p.m.

Terry Lowderman, Recording Secretary

Adopted: