

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting
Tuesday, August 20, 2019
El Paso County Planning and Community Development Department
2880 International Circle, Hearing Room
Colorado Springs, Colorado 80910

REGULAR HEARING

9:00 a.m.

**PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, TIM TROWBRIDGE,
ALLAN CREELY, SARAH BRITTAIN JACK, AND BECKY FULLER**

PRESENT AND NOT VOTING: NONE

ABSENT: JANE DILLON, JOAN LUCIA-TREESE, GRACE BLEA-NUNEZ

**STAFF PRESENT: CRAIG DOSSEY, KARI PARSONS, JEFF RICE, AND EL PASO
COUNTY ATTORNEY LORI SEAGO**

**OTHERS SPEAKING AT THE HEARING: JUDY VON AHELFELDT AND PATRICK
HRBACEK**

Report Items

1. A. Report Items -- Planning and Community Development Department – Mr. Dossey

- a) The next scheduled Planning Commission meeting is for **Tuesday, September 17, 2019**. **There will be no meeting for Tuesday, September 3, 2019.**
- b) Three PCD staff have resigned. Two planners have been hired; one from Florida and one from Texas. Other vacancies will be posted soon.

- c) **Mr. Dossey** gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting as well as a Planning and Community Development progress report of permits and projects in process.
- d) The Colorado Water Congress will hold a session today (August 20) that **Mr. Gebhart** and **Mr. Will Koger** from Forsgren Associates will present the County's Water Master Plan.
- e) **Mr. Dossey** gave an update on the Master Plan process during report items instead of at the end of the hearing. He indicated that the small area plans are continuing to be reviewed. Ellicott and South Central Plans have been completed. The Ute Pass, Falcon/Peyton Plan, and Highway 115 Plans are next to be reviewed.
- f) **Mr. Creely** inquired as to the possibility of a joint PC and BoCC hearing. **Mr. Dossey** stated he would reach out to the Commissioners.

B. Public Input on Items Not Listed on the Agenda

Ms. Judy Von Ahelfeldt requested a time to be on a PC agenda in September to discuss her Prairie Necklace plan.

2. Consent Items

A. Approval of the Minutes – August 6, 2019

The minutes were approved as presented. (6-0)

B. Master Plan Advisory Committee Appointment

PC ACTION: CREELY NOMINATED/BAILEY SECONDED TO APPROVE MR. TROWBRIDGE AS THE FINAL REPRESENTATIVE FROM THE PLANNING COMMISSION TO BE ON THE MASTER PLAN ADVISORY COMMITTEE. MR. TROWBRIDGE ACCEPTED THE NOMINATION AND THE MOTION WAS APPROVED (6-0). THERE ARE NOW FOUR (4) PLANNING COMMISSION REPRESENTATIVES ON THE MASTER PLAN ADVISORY COMMITTEE.

REGULAR ITEMS

3. ID-17-002

PARSONS

**SPECIAL DISTRICT SERVICE PLAN
RETREAT METROPOLITAN DISTRICTS NOS. 1 AND 2**

A request by TimberRidge Development Group, LLC, and TimberRidge Estates, LLC, for approval of a Colorado Revised Statutes Title 32 Special District service plan for the Retreat Metropolitan Districts Nos. 1 and 2. The proposed Districts are located north of the proposed Briargate-Stapleton Corridor, east of Vollmer Road, adjacent to Arroya Lane and within Sections 21, 22, 27, and 28, Township 12 South, Range 65 West of the 6th Principal Meridian. The applicant is proposing the following: a maximum debt authorization of \$14.5 million, a debt mill levy of 50 mills with a maximum of 65 mills and an operations and maintenance mill levy of 10 mills, and 5 mills for covenant enforcement. The statutory purposes of the proposed Districts include: 1) street improvements and safety protection; 2) design, construction, financing, and maintenance of drainage facilities; 3) design, acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; and 5) covenant enforcement, 6) design, construction, financing, and maintenance of public water and sanitation systems, and 7) television relay and translation, and security services. Properties within the boundaries of the proposed Districts are included within the Black Forest Preservation Plan (1987). (Parcel Nos. 52000-00-398, 52270-00-001, 52270-00-003, 52270-00-004, 52280-00-019 & 52220-00-023) (Commissioner District No. 2) **Type of Hearing: Quasi-Judicial**

Ms. Parsons gave an overview of service plans in general and then asked **Ms. Seago** to go over the mandatory and discretionary criteria for approval and disapproval of a service plan.

Ms. Parsons asked the applicants' representative **Mr. Patrick Hrbacek** to give their presentation.

Mr. Creely – Over what period of time will the infrastructure be built? **Mr. Hrbacek** – Over about a 1-2 year period. The public infrastructure such as roads etc. need to go in first. The bond issuance happens after several years once we satisfy underwriters that there is sufficient financial stability. The assessed property generates the mill levy. Obviously, built and occupied homes provide more of that expected mill levy.

Ms. Fuller – Is it that we could correctly assume that the bond underwriters would be assessing the projection of build out and their assessment of the projections would determine if bonds would be sold? **Mr. Hrbacek** – That is

correct. If the build out is slow, it is the bond holders who are at risk for getting repaid.

Ms. Parsons gave her full presentation to the Planning Commission.

Ms. Fuller – What would a tax bill be on a home assessed at \$650,000? **Ms. Parsons** – We will get you that information over break. **Mr. Rice** did some math over the break and a \$650,000 home would have a total tax of around \$3,300 without a district. With a district it would be about \$6,900.

Mr. Risley – The larger parcels above 2.5 acres would have septic systems and dwells. The smaller lots would rely on central services. If I live on one of those larger lots and I'm required to pay those fees regardless, how does that work?

Ms. Parsons – The home values are assessed with or without a septic system.

Mr. Bailey – I would equate that to a school tax, you pay it whether or not you have children.

Mr. Trowbridge – Aside from street maintenance or common areas, they wouldn't use the other services of the metro district. **Mr. Hrbacek** – There is no differentiating assessments. There is an annual disclosure report done each year and is provided to the homeowners.

Mr. Dossey – I think when you consider the cost of extending infrastructure to all the lots, it is a lot pricier to extend that infrastructure even beyond and through those bigger lots than there are to the smaller lots.

Mr. Risley – So the bigger lots could get those central services even though they have the option of not using them if they have 2.5 acres lots or bigger.

Mr. Trowbridge – Would the district bear the cost of taking on those central services or would the homeowner be responsible? **Mr. Dossey** – The homeowner would most likely be responsible.

Mr. Trowbridge – Who is the water provider? **Mr. Hrbacek** – Sterling Ranch will be the provider.

Ms. Fuller – There's going to be a Phase I group that won't benefit from all the services that will be provided and yet they are paying for them up front.

Mr. Hrbacek -- The developer has to put in all of the infrastructure, that's a fixed cost. Everyone pays for access to those services. All homeowners are made available to that information. **Mr. Bailey** – When they put in the sewer and water lines under the roads, they are there if they are needed for even the larger lots later on and just extensions are made to the services.

Ms. Brittain Jack – Do these changes come back to the Planning Commission?

Ms. Parsons – The Executive Director has the authority to administratively approve any changes. **Ms. Seago** – Once they are created, we have no further jurisdiction. **Mr. Dossey** – The oversight is at the DOLA level once the district has been informed. We are only involved if they ask for a change, such as a material modification.

Mr. Trowbridge – I'm hung up on the fact that they have to borrow from another district. **Ms. Parsons** – Sterling Ranch encompasses about 1400 acres and has a larger amount of debt mill levy. **Mr. Dossey** – When we look at the criteria, are you creating a new wastewater treatment plant or water plant? The format by which they are providing the services is something we want to encourage, but what we don't want is a plethora of wastewater treatment or water plants out there. If we can focus on minimizing those kinds of facilities, that's what we want to do at the County level. From a regional standpoint, its preferable to extend into other areas without having to burden those services onto a new district. It's extremely difficult to permit a wastewater system.

Mr. Trowbridge – I totally agree with that, and I'm happy to see that they aren't creating those things. Forming this district when services are available elsewhere is more of my question. With regard to fairness to everyone, can't you create multiple districts with different mill levies within those districts to be more fair to all homeowners? **Mr. Dossey** – Yes you can; but the same applies to drainage and roads. It will be disproportionate to all homeowners with regard to infrastructure. One of the other challenges is representation. The district board is controlled by homeowners. There may not be any representation from the 193 homes, and Sterling Ranch would have representation from 1400 homes. So to have their own district is a good thing.

IN FAVOR: NONE

IN OPPOSITION:

Ms. Von Ahlefeldt gave information regarding the Retreat at TimberRidge. Her 15 page report is on permanent file.

Mr. Hrbacek – We provided the five-mile radius map just for context. Most of the concerns raised were non land use things that we don't believe need addressed.

DISCUSSION: NONE

PC ACTION: BAILEY MADE A MOTION/FULLER SECONDED TO APPROVE REGULAR ITEM #3 FOR THE RETREAT SERVICE PLAN WITH EIGHT (8) CONDITIONS AND TWO (2) NOTATIONS UTILIZING RESOLUTION PAGE 37, MORE PARTICULARLY DESCRIBED ON PAGE 19-054 AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED. (6-0)

Mr. Risley – This maybe could have gone more quickly had you had more information about how it relates to the review criteria.

**EL PASO COUNTY LAND DEVELOPMENT CODE AMENDMENT
MISCELLANEOUS AMENDMENTS**

A request by the El Paso County Planning and Community Development Department to amend Chapters 1, 4, 5, 6, 7, 8, 10, and 11 of the El Paso County Land Development Code (2019) to remove errors and discrepancies, and modify language to resolve recurring issues. The proposed amendments, in their entirety, are on file with the El Paso County Planning and Community Development Department. **Type of Hearing: Legislative**

Ms. Parsons asked **Ms. Seago** to go over the review criteria for land development code amendments.

Ms. Parsons gave her full presentation to the Planning Commission.

IN FAVOR: NONE

IN OPPOSITION: NONE

DISCUSSION:

Mr. Risley – Thank you for organizing and summarizing all this information in such a succinct way.

Mr. Dossey – With regard to administrative approval of final plats, this is something that the City of Colorado Springs already does. One of the goals in the County's strategic plan is to try to create a more uniform set of development regulations across jurisdictional boundaries; so this is in keeping with what is happening in other jurisdictions. They were able to do it because of home rule with the City, and because we are a statutory County, it required statutory change. Our goal in the strategic plan is to keep our regulations updated and modernized to address concerns. Issues with consistency and other regulatory agencies like our health department and the regulations they have, as well as CGS and their regulations, our Code was simply outdated. This is an effort by our department to hold up our end of the strategic plan for the overall County.

Mr. Trowbridge – I would like to hear a brief discussion on what typically changes between a preliminary plan and a final plat? **Ms. Parsons** – With the preliminary plan, we are statutorily required to send out the project on review and get comments back from review agencies. It is common to have three or four

review cycles to get everything worked out. The final plat is solidifying cost amounts and providing development agreements and how the projects are collateralized.

Mr. Dossey – The level of the Board’s discretion dwindles as the process goes along. The finer details are engineering and surveying details. Basically, I’ve never seen a final plat denied. We establish at the preliminary plan if the development can work. The final plat has to be consistent with the preliminary plan.

Mr. Risley – The Executive Director has the latitude to decide if the project needs to go to hearing or if it can be handled administratively, is that correct?

Mr. Dossey – That’s correct. The water sufficiency has to happen at the preliminary plan stage or it will not and cannot be handled administratively. The Board will be very aware of what the development includes when we presents a preliminary plan.

PC ACTION: TROWBRIDGE MADE A MOTION/CREELY SECONDED TO APPROVE REGULAR ITEM #4 FOR LAND DEVELOPMENT CODE AMENDMENS FOR SUBDIVISION REGULATIONS UTILIZING RESOLUTION PAGE 7, MORE PARTICULARLY DESCRIBED ON PAGE 19-055 AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED. (6-0)

5. El Paso County Master Plan – Informational Update – No Action Needed

Mr. Dossey gave an update during report items.

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.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

The minutes were approved as presented at the September 17, 2019 hearing.