



## BOARD OF COUNTY COMMISSIONERS

Terry A. Hart, District 1  
Garrison M. Ortiz, District 2  
Chris Wiseman, District 3

**THURSDAY, JUNE 13, 2019  
9:00 A.M.  
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE  
215 WEST 10<sup>TH</sup> STREET**

### **LAND USE AGENDA**

*(Notice to Readers: This agenda is for informational purposes only and is subject to change. Please be advised that this meeting is streaming live over social media. Accommodations for individuals with sight or hearing impairment may be made by contacting Patsy Cresswell at 583-0500 or TDD at 583-6550 at least two days in advance of the meeting.)*

#### **9:00 A.M.      CALL TO ORDER**

- Pledge of Allegiance
- Attendance/Excused
- Approve the Land Use Minutes from May 9, 2019 *(Note: The Zoning Board of Appeals, at its May 9, 2019 hearing, continued Zoning Variance No. 2019-002 to its May 16, 2019 hearing. The minutes of the May 16, 2019 hearing were approved by the Board on May 21, 2019.)*
- Approve Agenda of June 13, 2019

#### **9:05 A.M.      PUBLIC COMMENTS**

1. Citizen Comments **(Comments limited to 5 minutes per speaker)**
2. Commissioners' Comments

*(The Record: The Planning Department staff report and the application submitted by the applicant for each agenda item and any supplemental information distributed by staff at the meeting are automatically incorporated as part of the Record unless specific objections are raised and sustained at the public hearing. Any additional materials used by the applicant or others in support of or in opposition to a particular agenda item may, at the discretion of the person or entity using the materials, be submitted for inclusion in the Record. Such materials for which a request for inclusion in the Record is made shall, at the discretion of the administrative body, be made a part of the Record. Note: Any materials including documents and/or instruments submitted for inclusion in the Record and admitted by the administrative body must be left with the Clerk.)*

#### **9:15 A.M.      BOARD OF COUNTY COMMISSIONERS' CONSENT ITEMS**

*The Consent Agenda contains items for which staff is recommending approval and as of the publication of the agenda, there was no known opposition and the applicant(s) are in agreement with staff's recommended conditions of approval. Staff will present the Consent Agenda in a summary format. If any member of the Board of County Commissioners or a member of the audience wants to remove an item from the Consent Agenda to facilitate an individual, full public hearing regarding that item, they must*

**request the item be removed from the Consent Agenda following the summary presentation of the Consent items. The item will be removed from the Consent Agenda and placed on the Regular Agenda at a position being at the sole discretion of the Board. Upon completion of the summary of the Consent Agenda items and the removal of any items requested for individual, full public hearing, the Board will take action regarding the remaining items on the Consent Agenda in the form of a single vote.**

1. [ROAD/ALLEY VACATION NO. 2019-002](#) - Acme & Grace, LLC  
(IF REMOVED, **PUBLIC HEARING**) (Applicant and Owner Abutting Road/Alley Vacation)  
Leanora Gagliano, Tom's Landscape Supply,  
Francis Sanchez, Alfred Mixon et al.  
(Additional Owners Abutting Road/Alley Vacation)  
Amella Surveying, c/o Gary Amella (Representative)



The applicant requests a road/alley vacation to vacate all of the alley within Block 365, all of the alley within Block 355, a portion of Fir Street (south of Block 345), a portion of Grenadillo Street (south of Block 355), and a portion of Hickory Street (south of Block 365), all lying east of Reading Avenue (platted as Lawrence Street) as platted in Wiley and Chamberlin's Subdivision. Fir Street, Grenadillo Street, and Hickory Street are non-maintained Pueblo County roads. Fir Street, Grenadillo Street, and Hickory Street are located east of South Reading Avenue and southeast of Evergreen Street. **(1 minute)**

**\*(In order to allow the Planning Commission to make a recommendation at its June 19, 2019 meeting to the Board, staff requests the Board continue the road/alley vacation to its July 11, 2019 public hearing.)**

2. [ROAD/ALLEY VACATION NO. 2019-001](#) - Pamela DePue  
(IF REMOVED, **PUBLIC HEARING**) (Applicant and Owner Abutting Road/Alley Vacation)  
United States of America, c/o Denver Federal Center,  
GSA/PSC  
(Additional Owner Abutting Road/Alley Vacation)  
Wachob & Wachob, Inc., c/o Dan Wachob  
(Representative)



The applicant is requesting a road/alley vacation to vacate a portion of North Circle Road lying southwest of State Highway No. 165 within San Isabel Mountain Park. North Circle Road is a non-maintained Pueblo County road. North Circle Road is located southwest of State Highway No. 165 and south of Lake Site Road. **(1 minute)**

3. [JORDAN SUBDIVISION](#) - Renee Jordan (Owner/Applicant)  
[FINAL PLAT NO. 2019-002](#) Amella Surveying, c/o Gary Amella (Representative)  
(IF REMOVED, **PUBLIC HEARING**) 1232 21<sup>st</sup> Lane



Applicant requests final plat approval to subdivide 4.19± acres into four (4) lots, including right-of-way dedication, as follows: Lot 1 will contain 1.00± acre, Lot 2 is proposed at 1.09± acres in size, Lot 3 will contain 1.03± acres, Lot 4 will contain 1.03± acres, and 0.04± acre right-of-way dedication for 21<sup>st</sup> Lane (10-foot dedication). The property is currently within an A-4 Zone District and is located approximately 435 feet north of the intersection of 21<sup>st</sup> Lane and Iris Road on the east side of 21<sup>st</sup> Lane. **(1 minute)**

4. MIMI SUBDIVISION - Mimi Morgan (Owner/Applicant)  
PRELIMINARY PLAN NO. 2019-003 c/o NorthStar Engineering & Surveying, Inc.  
(IF REMOVED, **PUBLIC HEARING**) James B. Pioreschi, Project Manager (Representative)  
30368 Everett Road



The owner/applicant is requesting preliminary plan approval to subdivide 3.0± acres into two (2) lots consisting of 1.0± acre (Lot 1) and 1.96± acres (Lot 2) in an A-3 Zone District. A ten (10) foot road right-of-way dedication (consisting of 0.04± acre) and a ten (10) foot roadway easement are also proposed along the north property line for Everett Road. The property is located on the south side of Everett Road between Lane 30 and Lane 30½ in the St. Charles Mesa. **(1 minute)**

5. SPECIAL USE PERMIT NO. 2019-001 - Ecumenical Church of Pueblo West (Applicant)  
APPLICATION FEE WAIVER REQUEST 400 South Conquistador Avenue  
(IF REMOVED, **PUBLIC MEETING**)



The applicant is requesting the Board of County Commissioners waive the application fee in the amount of \$735. **(1 minute)**

## **RECESS AS BOARD OF COUNTY COMMISSIONERS AND CONVENE AS ZONING BOARD OF APPEALS**

### **9:20 A.M. ZONING BOARD OF APPEALS' CONSENT ITEMS**

1. ZONING VARIANCE NO. 2019-003 - Mimi Morgan (Owner/Applicant)  
(IF REMOVED, **PUBLIC HEARING**) c/o NorthStar Engineering & Surveying, Inc.  
James B. Pioreschi, Project Manager  
(Representative)  
30368 Everett Road



The owner/applicant is requesting a zoning variance from Title 17, LAND USE, Division I. ZONING, Chapter 17.16, *Agricultural Three (A-3) and Four (A-4) Districts*, specifically Section 100 (*Side yard setback*) of the Pueblo County Code to recognize an existing accessory structure (shed) with a side yard setback (west side) of 1.8 feet AND an existing accessory structure (barn) with a side yard setback (west side) of 3.9 feet both in lieu of the minimum required 5 feet on a parcel of land (proposed Lot 1, Mimi Subdivision) within an A-3, Agricultural (minimum 1 acre) Zone District. The property is physically addressed as 30368 Everett Road and is located on the south side of Everett Road between Lane 30 and Lane 30½ in the St. Charles Mesa. **(1 minute)**

## **RECESS AS ZONING BOARD OF APPEALS AND CONVENE AS BOARD OF COUNTY COMMISSIONERS**

**9:21 A.M. BOARD OF COUNTY COMMISSIONERS' REGULAR ITEMS**

**1. PUBLIC HEARING**

[HOUSE BILL 1041 PERMIT NO. 1041 2019-001](#) - Kip Peterson, Donala Water & Sanitation District (Applicant)  
Donala Water & Sanitation District (Owner)  
Petrock & Fendel, c/o Frederick A. Fendel III (Representative)



**DESCRIPTION**

The Donala Water & Sanitation District (the “Donala District” or “Applicant”) has submitted an application to Pueblo County under its Regulations for Areas and Activities of State and Local Interest, commonly referred to House Bill 1041 Regulations or simply 1041 Regulations. More specifically, the Application is intended to address Title 17, Chapter 17.168 “Site Selection and Construction of Major Facilities of Public Utilities,” Title 17, Chapter 17.172 “Regulations for Efficient Utilization of Municipal and Industrial Water Projects” and Title 17, Chapter 17.164 “Local Regulations of Site Selection and Construction of Major New Domestic Water and Sewage Treatment Systems and Major Extensions of Existing Domestic Water and Sewage Treatment Systems of the Pueblo County Code.

The Donala District is located north of the City of Colorado Springs and east of Interstate I-25 in unincorporated El Paso County. The Donala District is located within the Upper Monument Creek watershed, a tributary of Fountain Creek that flows downstream through Pueblo County to its confluence with the Arkansas River. The primary land use within the Donala District is residential, with a current population of approximately 8,200 people. It has 2,139 single-family homes, 377 apartments, and 45 commercial accounts. Applicant may also be asked to serve two adjacent developments, totaling 30 additional acres outside the Donala District that are already developed.

Applicant’s current water supply relies in large part on approximately 15 deep wells that pump non-tributary groundwater from the Denver Basin aquifer. The purpose of Applicant’s Project is to serve existing development by replacing non-tributary well water with imported renewable surface water delivered to through the Southern Delivery System (“SDS”) Pipeline located in Pueblo County. Condition 5.2 in Pueblo County’s 1041 Permit for the SDS Project, Resolution No. P&D 09-22, "Carriage of Water to Entities that are not SDS Project Participants", requires that non-SDS applicants contractually accept certain terms and conditions for delivery of water through the SDS Project

Under Applicant’s Project, it will store water in Pueblo Reservoir via a long-term storage contract with the Bureau of Reclamation, Contract No. 18XX650003, for delivery through the SDS Project in trade for up to 1,000 acre-feet of treated water per year supplied by Colorado Springs. The current application is for a portion of the Project consisting of delivery via SDS of Applicant’s Willow Creek Ranch water rights (280 af. /yr. average delivery, 692 af. /yr. maximum delivery) and leased water from the Pueblo Board of Water Works (156 af. /yr. average delivery, 201 af. /yr. maximum delivery). Applicant’s Project does not include recapturing any of its reusable credits discharged into Fountain Creek by exchange on the Arkansas River through Pueblo to Pueblo Reservoir. **(30 minutes)**

2. **PUBLIC MEETING**

RESOLUTION -  
[MA NO. 2019-002](#)  
APPLICATION FEE  
WAIVER REQUEST

Pueblo County, c/o Cynthia Mitchell, Pueblo County Attorney  
and Gary Raso, Attorney (Applicant)  
El Pueblo Boys + Girls Ranch, Inc. (Owner)  
Cardinal Points Surveying, Inc./ c/o Randy Reeves (Representative)



A Resolution Approving a Request for Waiver of the Application Fee for Map Amendment No. 2019-002 in the Amount of \$1,058, Pueblo County, Colorado. **(1 minute)**

3. **PUBLIC HEARING**

[MAP AMENDMENT NO. 2019-002](#) -

Pueblo County, c/o Cynthia Mitchell, Pueblo County Attorney  
and Gary Raso, Attorney (Applicant)  
El Pueblo Boys + Girls Ranch, Inc. (Owner)  
Cardinal Points Surveying, Inc., c/o Randy Reeves  
(Representative)



Applicant requests a map amendment to rezone 10.4± acres from an A-2, Agricultural (minimum 5 acre) Zone District to a S-1, Public Use Zone District. The 10.4± acres are a portion of proposed Parcel A of Subdivision Exemption No. 2019-001 with said Parcel A containing a total area of 18.31 acres to be owned by Pueblo County. Applicant is requesting waiver of the application fee in the amount of \$1,058. **(15 minutes)**

4. **PUBLIC MEETING**

RESOLUTION -  
[SDE NO. 2019-001](#)  
APPLICATION FEE  
WAIVER REQUEST

Pueblo County, c/o Cynthia Mitchell, Pueblo County Attorney  
and Gary Raso, Attorney (Applicant)  
El Pueblo Boys + Girls Ranch, Inc. (Owner)  
Cardinal Points Surveying, Inc./ c/o Randy Reeves (Representative)



A Resolution Approving a Request for Waiver of the Application Fee for Subdivision Exemption No. 2019-001 in the Amount of \$525, Pueblo County, Colorado. **(1 minute)**

5. **PUBLIC MEETING**

[SUBDIVISION EXEMPTION NO. 2019-001](#) -

Pueblo County, c/o Cynthia Mitchell, Pueblo  
County Attorney and Gary Raso, Attorney  
(Applicant)  
El Pueblo Boys + Girls Ranch, Inc. (Owner)  
Cardinal Points Surveying, Inc., c/o Randy  
Reeves (Representative)



Applicant requests approval of Subdivision Exemption No. 2019-001 to re-subdivide a 53.43-acre parcel of land into Parcel A - 18.31 acres, Parcel B - 11.49 acres, and Parcel C - 23.63 acres. Parcels A, B, and C contain improvements of the former El Pueblo Boys and Girls Ranch. Parcel A is to be owned by Pueblo County; Parcels B and C are to be owned by Health Solutions. The

properties are in the S-1, Public Use Zone District and A-2, Agricultural Zone District. Map Amendment No. 2019-002 proposes to rezone Parcel A from the A-2 Zone District to the S-1 Zone District. Rezoning Parcels B and C to a Planned Unit Development is forthcoming. Applicant is requesting waiver of the application fee in the amount of \$525. **(20 minutes)**

**10:28 A.M.**     **ZONING BOARD OF APPEALS' REGULAR ITEMS (NONE)**

**10:28 A.M.**     **DISCUSSION**

1. [1041 2019-002](#), Black Hills Energy, FONSI Request. **(5 minutes)**
2. Pueblo County Planning Commission Appointment. **(10 minutes)**
3. [Pueblo Chemical Agent-Destruction Pilot-Plant](#) (PCAPP) Permit Modifications (Irene Kornelly, Kornelly and Associates). **(20 minutes)**

**11:03 A.M.**     **ADJOURN**

The next BOCC Land Use Meeting will be held on **July 11, 2019 at 9:00 A.M.**

\*Any items that cannot be addressed within the allotted time will be heard at the next BOCC Land Use meeting on **July 11, 2019.**