

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR

PLANNING AND COMMUNITY DEVELOPMENT

EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting

Thursday, December 18th, 2025, El Paso County Planning and Community Development Department
2880 International Circle, Colorado Springs, Colorado – Second Floor Hearing Room

REGULAR HEARING at 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: BLAINE BREW, SARAH BRITTAIN JACK, JIM BYERS, JAY CARLSON, BECKY FULLER, BRYCE SCHUETTELZ, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: ERIC MORAES.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, ERIKA KEECH, JOE LETKE, LISA ELGIN, CHARLENE DURHAM, JOE SANDSTROM, DANIEL TORRES, ED SCHOENHEIT, GILBERT LAFORCE, ROLAND PETERSON, AND JESSICA MERRIAM.

OTHERS PRESENT AND SPEAKING: CRAIG DOSSEY, HARMON ZUCKERMAN, ED BEHR, LISA MULLINS, RICHARD SMITH, TRISH BURNS, RENEE BEHR, KIRSTEN CURRAN, DON HUNSUCK, JANEL TIMMINS, MARK BENNETT, GERARD TIMMINS, AND JAMES HULL.

1. REPORT ITEMS

Mr. Kilgore advised the board that the next PC Hearing is Thursday, January 15th, 2025, at 9:00 A.M.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA

NONE.

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held on December 4th, 2025.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED (8 - 0)

IN FAVOR: (8) Brew, Brittain Jack, Byers, Carlson, Fuller, Schuettpelz, Trowbridge, and Whitney.

IN OPPOSITION: (0) None.

B. SF2511

ELGIN

FINAL PLAT

JJ RANCH SUBDIVISION

A request by the Jay and Jane Ohmes Trust for approval of a subdivision of a 19.35-acre Final Plat creating three single-family lots. The property is zoned RR-5 (Residential Rural) and is located at 10155 Hardy Road. (Parcel No. 5114000009) (Commissioner District No. 1)

NO STAFF OR APPLICANT PRESENTATION OR DISCUSSION

PC ACTION: SCHUETTPELZ MOVED / BYERS SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER SF2511 FOR A FINAL PLAT, JJ RANCH SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FIVE (5) CONDITIONS, FIVE (5) NOTATIONS, ONE (1) WAIVER AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8 - 0).

IN FAVOR: (8) Brew, Brittain Jack, Byers, Carlson, Fuller, Schuettpelz, Trowbridge, and Whitney.

IN OPPOSITION: (0) None.

FINAL PLAT

GLENEAGLE VIEW FINAL PLAT

A request by TKA Properties LLP for approval of a 12.37-acre Final Plat to plat three tracts into commercial lots. The properties are within the CS (Commercial Services) zoning district and located off Struthers Road and Gleneagle Gate View. (Parcel Nos. 6206306003, 6206306005, and 7201402022) (Commissioner District No. 1)

NO STAFF OR APPLICANT PRESENTATION OR DISCUSSION

PC ACTION: TROWBRIDGE MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER SF2510 FOR A FINAL PLAT, GLENEAGLE VIEW FINAL PLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, FOUR (4) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8 - 0).

IN FAVOR: (8) Brew, Brittain Jack, Byers, Carlson, Fuller, Schuettpelz, Trowbridge, and Whitney.

IN OPPOSITION: (0) None.

4. CALLED-UP CONSENT ITEMS:

NONE.

5. REGULAR ITEMS

A. P2413

LETKE

MAP AMENDMENT (REZONING)

HIDDEN CREEK ESTATES REZONE

A request by 3405 Hay Creek for approval of a Map Amendment (Rezoning) of a portion of a parcel totaling 3.54 acres from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The property is located on

Hay Creek Road and approximately 1.5 miles west of the intersection of Hay Creek Road and Baptist Road. (Parcel No. 7133007025) (Commissioner District No. 3)

STAFF & APPLICANT PRESENTATIONS

DISCUSSION: **Mr. Carlson** asked about the no-build area shown on the map. **Mr. Letke** explained that the area is designated for open space/preservation purposes. **Mr. Carlson** then asked about lot size and structure coverage in the RR-2.5 zoning district, noting that while there appears to be no maximum lot coverage, there is a 5,000-square-foot home size limit unless the structure is fire-sprinkled. He questioned whether unlimited coverage would allow extensive buildings such as sheds and barns. **Mr. Letke** stated that the zoning technically does not impose a maximum structure coverage for smaller zoning districts, but clarified that the 5,000-square-foot limitation is a condition of approval tied specifically to fire protection, based on Monument Fire District water delivery and suppression calculations.

Ms. Fuller asked whether it is common to construct roads across a floodplain. **Mr. Torres** responded that while it is not common due to cost, it does occur in development. **Ms. Fuller** asked whether the road would be dirt or gravel and if there is a risk of washout during flood events, potentially limiting access or egress. **Mr. Torres** explained that the road would be gravel, extending to a cul-de-sac, and that culvert crossings were engineered to accommodate anticipated flood flows. **Mr. Trowbridge** asked whether private driveway access would run through the floodplain and whether gravel or dirt driveways would be vulnerable during a 100-year flood. **Mr. Torres** clarified that while part of the access easement crosses the floodplain, the cul-de-sac itself extends largely outside the floodplain, and it is anticipated that homeowners would construct driveways outside the floodplain area. **Mr. Torres** also noted that the currently mapped floodplain is based on an unstudied floodplain, which tends to be conservatively large. He referenced a Colorado Water Conservation Board (CWCB) study and an updated floodplain map that has completed FEMA quality review but is not yet published. Once adopted, the floodplain is expected to be significantly reduced.

Mr. Whitney asked how staff interprets the Land Development Code provisions regarding a dead-end road serving 25 lots within the project. **Mr. Letke** responded that staff is reviewing the subdivision as a whole, noting that Lot 2 is a corner lot with separate access, while Lots 3–6 take access from a private road, not directly from Hay Creek Road. **Mr. Trowbridge** raised concerns about the broader neighborhood context, including cumulative impacts of development along Hay Creek Road and Baptist

Road, and asked how the fire department interprets the 25-lot limitation. **Mr. Letke** stated that staff is applying the letter of the Land Development Code and confirmed that Monument Fire District initially provided comments, which were resolved during the year-long review process. He noted that Monument Fire now has no objections or outstanding comments on this project. **Mr. Trowbridge** confirmed that Monument Fire is the responsible authority and has no further concerns, which Mr. Letke affirmed. **Ms. Fuller** asked whether Monument Fire's review considered only this development or the entire surrounding area, given ongoing concerns about a single egress serving more than 25 lots. **Mr. Letke** explained that agency reviews are conducted on a project-by-project basis, and he could not speak to how Monument Fire evaluates cumulative development beyond this application. **Mr. Whitney** expressed concern that reviewing projects individually could allow incremental development to exceed safe thresholds without broader evaluation. **Ms. Herington** clarified that Monument Fire is the fire protection district for the area and reviews applications under its adopted International Fire Code, while Planning reviews under the Land Development Code. She noted that staff relies on written comments from Monument Fire and cannot speculate beyond what is on record. **Ms. Fuller** asked how the 25-lot threshold was originally established. **Ms. Herington** explained that the 25-lot provision appears in the Subdivision Design Standards (Chapter 8) of the Land Development Code, not in the fire or wildfire mitigation sections. Staff cannot identify the original rationale for the number but applies it strictly as a subdivision design criterion, which is the subject of the current hearing.

Ms. Fuller asked whether County Engineering supports the requested waiver. **Mr. Torres** clarified that the requested waivers are from the Land Development Code, which falls under Planning, but noted that a deviation was approved related to private road characteristics. The private road waiver allows limited deviations from standard road cross-sections, as outlined in the request. **Mr. Craig Dossey**, with Vertex Consulting, explained that without the waiver, the proposed lot configuration would not be feasible. Each lot would require direct frontage across Hay Creek, potentially resulting in multiple creek crossings, which is undesirable. He stated that consolidating access into one crossing minimizes environmental and floodplain impacts, which is the primary rationale for the waiver. **Ms. Fuller** sought clarification on whether the distinction is between a private road versus a public road, and whether a public road would be required without the waiver. **Mr. Dossey** responded that the waiver allows the road to be constructed as a private road with a narrower cross-section, reducing land disturbance and floodplain impacts. Without the waiver, either a county-standard public road would be required, or

each lot would need its own driveway crossing Hay Creek, increasing impacts. **Ms. Fuller** noted the policy and cost considerations, questioning whether constructing a public road to county standards would be preferable given the floodplain crossing and associated expenses, and whether staff find the private-road approach acceptable. **Mr. Letke** concluded that, in his review, the waiver meets the applicable criteria but emphasized that final approval authority rests with the Board.

Mr. Byers asked for clarification on the right-of-way dedication, noting that the parcel would have met the 30-acre threshold if not for a previously dedicated 10-foot right-of-way, and questioned whether an additional 15-foot right-of-way preservation shown on the plat would further reduce lot sizes if dedicated. **Mr. Dossey** explained that the 15-foot area is not dedicated, and that the County would need to negotiate or condemn it if dedication were pursued. He stated it is shown as preserved on the plat at staff's request. **Mr. Byers** then focused on Lot 2, questioning the justification for rezoning to RR-2.5 instead of creating four slightly larger lots, and noted that the property owner voluntarily gave land to the County. **Mr. Dossey** responded that but for the right-of-way dedication, the property would have remained 30 acres and not required rezoning. He acknowledged the dedication was voluntary but stated it resulted in the current configuration. **Mr. Byers** further expressed concern that a private road bisecting Lot 2 makes the lot feel smaller and questioned whether similar lots in the area include private roads. **Mr. Dossey** stated he could not confirm whether comparable lots have private or public roads but emphasized that, despite the plat appearing constrained, significant areas are being conserved due to floodplain and steep slope limitations. He argued that the buildable area remains substantial, with Lot 2 being over 3 acres, and that the development will visually appear consistent with larger-lot (4–5 acre) properties once built, maintaining compatibility with the surrounding valley.

Mr. Dossey added clarification in response to Mr. Byers' questions regarding private roads versus dedicated county roads in the surrounding area. He explained that in the adjacent planned development, there is a private road accessed via easement that bisects multiple lots, in some cases nearly splitting them in half. He noted that while it may be difficult to see on the plat due to line work, the road alignment clearly runs through the middle of those lots, demonstrating that this configuration is not unique within the immediate vicinity. Mr. Dossey stated that this example is directly relevant to the compatibility analysis, and he appreciated the question as it helped clarify how the proposed layout aligns with existing development patterns nearby.

PUBLIC COMMENTS: Mr. Harmon Zuckerman, representing nearby residents Ed and Renée Behr, opposed the Hidden Creek Estates rezoning and subdivision, arguing the proposed RR-2.5 zoning is incompatible with surrounding larger-lot zoning (RR-5 and above) and constitutes impermissible spot zoning that benefits a single property owner without a demonstrated public benefit. He stated that right-of-way dedication does not justify rezoning, as it would be required for any subdivision. He asserted that denial of the rezoning would require redesign of the subdivision and referenced prior court cases addressing dead-end road access and evacuation, noting courts have acknowledged public safety concerns even when constrained by the letter of the code. He emphasized the Commission's authority to rely on master plan policies, including wildfire and public safety, rather than solely code technicalities. Mr. Zuckerman further stated the project lacks adequate off-site hazard mitigation, increases flood risk, and seeks a private road waiver primarily to reduce development costs rather than address hardship, resulting in increased risk without public benefit. He urged the Commission to recommend denial.

Mr. Ed Behr, a resident of Green Mountain Ranch Estates, spoke in opposition, raising concerns about flood risk, density, access, and wildfire safety. He cautioned that flood impacts are uncertain and that recent extreme weather events demonstrate that past mitigation assumptions may no longer be reliable. He noted that while nearby developments include some smaller lots, they maintain an average density of five acres, which he said is a key distinction. He added that the same developer previously proposed higher-density lots in his neighborhood, but those plans were withdrawn after community opposition, resulting in preservation of the five-acre average density. Mr. Behr also emphasized that nearby higher-density developments cited by the applicant have multiple access points, unlike his neighborhood, which he described as a box canyon with only one way in and out, heightening evacuation and fire safety concerns. He suggested it may be prudent to delay approval until updated wildfire mitigation standards are adopted, given recent catastrophic fire events in Colorado. Finally, he referenced an existing bridge in his neighborhood that was designed to accommodate significant water flow, questioning why the current proposal appears to rely on less robust infrastructure rather than similar proven designs.

Ms. Lisa Mullins, a resident near Tapadero Drive, spoke in opposition, stating that the Hidden Creek development was originally planned with five-acre-plus lots, and that rezoning to allow a smaller lot

undermines that planning. She argued that the issue is not just one lot, but the precedent it sets for the valley, potentially enabling future rezonings and higher density development both within Hidden Creek and on nearby properties. Ms. Mullins urged the Commission to consider the long-term implications of approving the request, emphasizing that approving a single lot could change the character of the entire valley.

Mr. Richard Smith, a resident of Green Mountain Ranch Estates, spoke in opposition to the rezoning, stating it appears intended solely to add an extra lot to a parcel too small to support the proposed subdivision under existing standards. He described the request as setting a dangerous precedent that could lead to denser development throughout the valley. He emphasized that the area has a single egress route, Hay Creek Road, which serves Hidden Creek and surrounding neighborhoods, and noted that approximately 80 occupied lots already rely on this road, far exceeding the 25-lot threshold discussed in the Land Development Code. Mr. Smith argued that distinguishing between lots that front on the road versus those that merely access it is meaningless in an emergency, since all residents must evacuate using the same route. He concluded that additional development in an area with limited evacuation capacity is unreasonable and inconsistent with the intent of the Code to protect public safety.

Ms. Trish Burns, a resident of Tapadero Drive, spoke in opposition, emphasizing wildfire evacuation and public safety concerns. She shared personal experience losing her home in the Black Forest Fire and described a later fire incident in which Hay Creek Road, the sole egress, became severely congested, taking 25 minutes to reach her home amid emergency vehicles and media traffic. She noted that over 90 households rely on this same route. Ms. Burns highlighted the area's narrow, one-lane country roads, steep ditches, fencing, and high-wind conditions that exacerbate fire behavior, creating what she described as a weather vortex along the foothills. She warned that increasing density would further strain evacuation capacity, potentially trapping residents during a wildfire, and urged the Commission to prioritize life safety when considering additional development.

Ms. Renée Behr, a resident of Green Mountain Ranch Estates, spoke in opposition, citing wildfire evacuation and public safety concerns. She stated the area is a box canyon with single dead-end access, Hay Creek Road, currently serving 92 homes, with 20 additional homes approved, potentially increasing total reliance to 112 homes. She noted this far exceeds the County's intended 25-lot limit for dead-end or cul-de-sac roads. Ms. Behr explained the valley is geographically constrained by the Air Force Academy and conservation easements, making secondary access impractical. She referenced court

acknowledgment that cumulative safety impacts in areas with single-access roads warrant scrutiny and stated that current code language focusing on frontage rather than roadway access has allowed approvals despite evacuation risks. She urged the Commission to pause further approvals along Hay Creek Road and recommend a formal review and clarification of regulations governing dead-end road access, particularly in box canyons, emphasizing alignment with evolving wildfire resilience standards. She clarified her request is not anti-development but focused on ensuring growth does not exceed safe infrastructure and access capacity.

Ms. Kirsten Curran, a neighboring resident to the development, emphasized that “metrics and wording matter,” noting concern with reliance on uncertain terms like “expect” and “anticipate” instead of clear enforceable commitments. She questioned why rezoning to RR-2.5 is necessary if a 5-acre configuration could be achieved. Ms. Curran also expressed concerns about potential impacts including fire safety, water, road maintenance, noise, and light pollution, stating she moved to the area for its rural character and natural setting. She requested that decision-makers ensure appropriate experts (including Monument Fire) directly address key questions and that the project be evaluated holistically, rather than relying on secondary interpretations.

Mr. Don Hunsuck, a resident at Hay Creek and Tapadero Drive, spoke with appreciation for the discussion and education provided. He emphasized that the primary concern he hears is wildfire safety and the lack of secondary egress. Mr. Hunsuck acknowledged reasons developers may seek rezoning, including taxes and profit, but noted that rezoning has clearly upset many residents. He proposed alternative solutions, including combining Lots 2 and 3 into a single larger lot (approximately 8.5 acres), which would avoid the need for rezoning while maintaining lower density and potentially allowing an additional dwelling unit. He also suggested exploring the possibility of a firebreak or emergency access route along the Air Force Academy boundary, which could provide secondary access for emergency responders and potential evacuation relief for residents near the western and northern edges of the valley. Mr. Hunsuck concluded by urging adherence to existing land-use boundaries and regulations, stating that maintaining established limits would reduce conflict and preserve community trust.

Ms. Janel Timmins, who lives directly adjacent to the applicant’s property, spoke in opposition, emphasizing concerns about ingress and egress, particularly during wildfire evacuations. She described past evacuation experiences during major fires, noting that residents were warned they might not be

allowed to re-enter once evacuated, even to retrieve pets or livestock, highlighting the seriousness of access limitations on a single, narrow road with no shoulders. She stressed that the area's rural character, including homes with livestock, makes evacuation especially difficult and dangerous. Ms. Timmins argued that rezoning to RR-2.5 is unnecessary, as the development could comply with RR-5 standards, and stated the primary motivation appears to be creating an additional lot for profit. While acknowledging capitalism, she warned that repeated exceptions would "swallow the rule," undermining the expectations of residents who bought property based on five-acre zoning. Ms. Timmins urged the Commission to consider cumulative impacts, not isolated projects, referencing prior testimony that wildfire risk and evacuation capacity must be evaluated collectively with existing and future development in the valley. She asked the Commission to deny the rezoning due to its broader neighborhood and safety implications.

Mr. Mark Bennett, a nearby resident, spoke briefly in opposition, urging the developer to act as a good neighbor and work collaboratively with Hay Creek residents. He encouraged the applicant to follow existing zoning standards rather than seek exceptions to create an additional lot, stating that doing so would preserve goodwill within the community.

Mr. Gerard Timmins, an adjacent property owner, spoke in opposition, questioning the need for a 2.5-acre lot when the layout could be adjusted to maintain five-acre (or larger) lots and comply with code. He expressed confusion about Lot 2, noting it appears largely designated as no-build on the map, yet a home is proposed there. Mr. Timmins raised concerns about the private access road crossing the creek, stating the creek has nearly overtopped its banks in the past and that a gravel crossing could wash out, eliminating access during emergencies. He warned that dense brush along the creek could carry fire directly to the crossing, further compromising evacuation. He recounted prior fire incidents and pre-evacuations, emphasizing the valley's limited access and safety risks. Mr. Timmins stated he does not oppose development generally but strongly opposes introducing smaller lots (2.5–3.5 acres) in this location, urging the Commission to require larger lots or a revised layout to address safety and compatibility concerns.

APPLICANT REBUTTAL: Mr. Dossey thanked residents for their participation and acknowledged the recurring concerns about wildfire risk and evacuation, noting these issues are present throughout the Hay Creek area. He stated that Monument Fire District, Tri-Lakes Fire, and El Paso County staff have

reviewed the project and have no outstanding objections regarding access, fire suppression, water supply, or road design. Addressing claims about precedent, Mr. Dossey stated that land-use decisions do not set legal precedent and are evaluated individually. He argued that compatibility exists because adjacent lots to the east are already under five acres, including one approximately 3.4 acres, making the proposed lot consistent with nearby development. He clarified that the property does not directly border or share a property line with the Air Force Academy, and that proposals for an Academy-based firebreak or access route are outside the scope of this project. He emphasized that the applicant will implement wildfire mitigation measures on-site and encouraged neighboring landowners to do the same. Mr. Dossey reiterated that the County Master Plan explicitly supports 2.5-acre lots in this area, a policy adopted by the Planning Commission and Board. He stressed that, but for the voluntary right-of-way dedication to the County, the lots would exceed five acres, and that dedication benefited the broader community. He disputed claims that Lot 2 is entirely no-build, explaining that the buildable area lies outside the floodplain and conservation areas and is approximately one acre, sufficient for a 5,000-square-foot home. Regarding the creek crossing, he stated that the box culvert design has been reviewed and approved by the applicant's engineer, County engineering staff, and the FEMA floodplain administrator, and that a bridge is not required based on modeled flows. He added that a single crossing at the narrowest point minimizes floodplain impacts compared to multiple crossings that would be required without the requested waivers. In response to questions, he confirmed that one adjacent lot to the east is approximately 3.4 acres, and stated he could provide additional details on nearby lot sizes to the west if requested.

Mr. James Hull, the property owner, thanked the Commission and neighbors for their time and stated that he and his wife live on the property and plan to remain there long-term, making them directly affected by the outcome. He emphasized their history of careful land stewardship, conservation-oriented values, and long-term residency in the valley (approximately 25 years), noting they consider many neighbors friends and intend to maintain positive relationships. Mr. Hull stated he does not view himself as a developer and described prior collaborative property efforts with neighbors, including a multi-family ownership arrangement. He explained that while a 2.5-acre concept was previously explored in the area, it was ultimately abandoned in favor of five-acre lots, which he supports. He clarified that nearby developments include lots under five acres, yet are treated as five-acre average developments, and expressed confusion as to why a similar approach was not permitted here. He

explained that the right-of-way dedication to the County was not entirely voluntary but requested as part of the process and historically has not reduced a property's ability to maintain a five-acre average density, which he believes still applies to this proposal. In his view, the overall parcel remains approximately 30 acres in County records, and the overall density is consistent with a five-acre average, aligning with surrounding development patterns. Mr. Hull concluded by reiterating that there is no ill intent, that the applicants sought professional guidance throughout the process, and that they remain open to continued dialogue with neighbors, emphasizing a desire to "do things right" and preserve community goodwill.

Mr. Dossey addressed prior comments regarding spot zoning, stating that characterizing the request as spot zoning is inaccurate under Colorado case law. He explained that spot zoning typically involves rezoning to an adverse or incompatible use (e.g., commercial within a residential area) or actions that conflict with the comprehensive/master plan. He stated neither applies here, as the County Master Plan expressly allows 2.5-acre lots in this location. He noted that while only a court can make a final determination, existing case law does not support the spot-zoning claim in this instance. He also provided clarification on adjacent lot sizes, citing parcels from west to east at approximately 4.82, 4.95, 4.94, and 4.98 acres, and explained that a smaller area shown is affected by County right-of-way, effectively dividing what was one parcel. He noted that while the Land Development Code allows 4.75-acre lots under certain circumstances (e.g., along section-line roads), that specific provision does not apply here; however, it demonstrates that densities below five acres can still be considered compatible with RR-5 zoning. Mr. Dossey concluded that the project's average lot size is approximately 4.75–4.76 acres, which he stated meets or exceeds compatibility thresholds recognized in the Code for areas adjacent to RR-5 zoning.

PLANNING COMMISSION DISCUSSION: **Ms. Fuller** asked staff for a summary of a prior lawsuit related to the 25-house access issue, recalling that the Board of County Commissioners had approved a project and that neighbors subsequently filed suit. **Ms. Herington** explained that the Board of County Commissioners approved the subdivision, after which a neighbor filed a lawsuit against the County. The court found no error in the County's process and upheld the Board's approval.

Mr. Trowbridge stated he struggled with the proposal throughout his review and the hearing, expressing concern about the smaller lot size compared to others in the area. He noted he had gone back and forth on the issue and would decide his position at the conclusion of deliberations.

Mr. Schuettpelz acknowledged similar hesitation but reasoned that if the applicant had pursued a Planned Unit Development (PUD), the lot configuration could have been accommodated with fewer issues. He stated that, given this context, he was inclined to vote in favor of the request.

Ms. Fuller said she also struggled with the decision. While recognizing that 2.5-acre and 5-acre lots are not the same, she noted that County land-use policy treats them similarly in some contexts. She referenced the prior 25-house access ruling and acknowledged that residents' evacuation concerns are understandable. However, she emphasized that Monument Fire Department has not objected, and that without approval, the property could still yield five lots, making the request essentially one additional lot. She indicated she would vote in favor.

Mr. Carlson agreed with Ms. Fuller, stating that while evacuation concerns are valid, the fire department approved the project, as it has with other nearby developments. He emphasized that this proposal results in one additional home beyond what could already occur and stated he would vote in favor.

Mr. Byers stated that he did not hear a sufficient justification for the reduced lot size and therefore planned to vote against the request.

PC ACTION: BRITTAIN JACK MOVED / BREW SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER P2413 FOR A MAP AMENDMENT (REZONING), HIDDEN CREEK ESTATES REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7 - 1).

IN FAVOR: (7) Brew, Brittain Jack, Carlson, Fuller, Schuettpelz, Trowbridge, and Whitney.

IN OPPOSITION: (1) Byers.

FINAL PLAT**HIDDEN CREEK ESTATES FINAL PLAT**

A request by 3405 Hay Creek for approval of a Final Plat to create six single-family residential lots. The property is located on Hay Creek Road and approximately 1.5 miles west of the intersection of Hay Creek Road and Baptist Road. (Parcel No. 7133007025) (Commissioner District No. 3)

PRESENTATIONS AND DISCUSSION IN COMBINATION WITH ITEM 5A FILE NUMBER P2413

PC ACTION: FULLER MOVED / BRITTAIN JACK SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5B, FILE NUMBER SF253 FOR A FINAL PLAT, HIDDEN CREEK ESTATES FINAL PLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SIX (6) CONDITIONS, FOUR (4) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (7 - 1).

IN FAVOR: (7) Brew, Brittain Jack, Carlson, Fuller, Schuettpelz, Trowbridge, and Whitney.

IN OPPOSITION: (1) Byers.

6. NON-ACTION ITEMS

NONE.

MEETING ADJOURNED at 11:30 A.M.

Minutes Prepared By: Jessica Merriam