

a half-mile east of the intersection of Vessey Road and Neva Lane. A final plat application has also been submitted to create two lots from the parcel. This is under review and has not yet been scheduled for a public hearing.

The application was heard as a consent item. Commissioner Christopher Whitney asked why the county's report to the commission stated that the property was surrounded by "smaller lots, some 2.5 acres in size" when one of the included maps showed RR-5 zoning around it. Ashlyn Mathy, planner II, Planning and Community Development Department, explained that some lots were created before zoning was put in place and therefore do not meet the lot size set by the zoning. She added that there is RR-2.5 zoning east and west of

the property. Bailey said, "I think this is an issue we see often, especially in this area. A lot of legal non-conforming lots. Perfectly legitimate but the zoning is different." Whitney said, "I can't say I'm happy, but I understand the answer."

The vote to recommend the application for approval was 8-1. Whitney was the nay vote. He said, "The zoning should mean something, otherwise why put a number on it? Just call it large-lot residential and whatever it is, it is." Offering an alternative view, Bailey asked, "I wonder though if the decision to zone this area RR-5 back when it was done, despite the fact that there were several 2.5-acre lots in that area, whether that was the right decision or not?"

It is now scheduled to be heard at the BOCC

land use meeting on April 11.

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The El Paso County Planning Commission normally meets the first and (as required) the third Thursday of each month at the Regional Development Center, 2880 International Circle, Colo. Springs. Meetings are live-streamed on the El Paso County News and Information Channel at <https://www.elpasoco.com/news-information-channel>. Information is available at 719-520-6300 and <https://planningdevelopment.elpasoco.com/planning-community-development/2024-hearings-schedule/>.

Helen Walklett can be reached at [helenwalklett@ocn.me](mailto:helenwalklett@ocn.me).

El Paso County Board of County Commissioners, March 28

## Minor subdivisions in Black Forest and Gleneagle approved

By Helen Walklett

In March, the El Paso County Board of County Commissioners (BOCC) considered minor subdivision requests for properties in Black Forest and Gleneagle.

### Forest Heights Estates

At their March 28 land use meeting, the commissioners heard a request by the Jon Diddleaux and Phyllis Diddleau Revocable Trust for approval of a 32.168-acre minor subdivision to create four single-family lots and two tracts. The property is zoned RR-5 (residential rural) and is located at 8250 Forest Heights Circle east of Herring Road and north of Shoup Road. The subdivision will be known as Forest Heights Estates.

The application came to the BOCC with a unanimous recommendation for approval from the March 7 El Paso County Planning Commission meeting. At that meeting, four citizens spoke in opposition, focusing on trail access, dedication of land for trail easements, the requested waivers (pertaining to allowing a private rather than public road and not establishing an HOA), and the maintenance agreement for the private road. The com-

missioners at that meeting felt the concerns were either not directly relevant to the review criteria or were not legally enforceable.

In conformity with the zoning, all four proposed lots will be a minimum of 5 acres. Two are proposed to be larger at 7.6 acres and 12.10 acres and these will be located on the property's south side near neighboring larger properties. The two smaller lots will be located adjacent to smaller lots to the property's north and west. Access to the lots is proposed via the existing private gravel road, Forest Heights Circle, which extends east from Herring Road and serves six existing family homes. The applicant will be responsible for improving the road and the cul-de-sac at its end. The maintenance of the road will be undertaken by the residents under a formal agreement, although the commissioners heard that not all the neighbors have signed this.

At the BOCC meeting, Ryan Howser, planner III, Planning and Community Development, said that since the Planning Commission hearing the applicant has proposed to work with the community to provide the requested trail easements. This would include a northern easement for a trail along

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