



Above: (L to R) At the Aug. 15 meeting of the Monument Board of Trustees are Trustees Redmond Ramos, Mitch LaKind, and Ron Stephens; Mayor Don Wilson; and Trustees Jim Romanello and Darcy Schoening. *Screenshot by Chris Jeub of the YouTube video.*

Board discusses and votes on ordinance

The board passed Ordinance 15-2022 updating the Land Development Code (LDC). This came following a presentation by Planning Director Nina Ruiz and lengthy discussions over whether to amend the ordinance to bring sketch plans to the board and the Planning Commission (PC).

Background: The proposed ordinance started July 5 when the board provided direction to town staff to seek alternative measures that would allow for sufficient hearings to help ensure all rules and regulations of developments were followed. On Aug. 1, the board approved the first part of that plan, to provide notice to adjacent property owners before any submissions to the town. This would allow staff and the hearing bodies to be aware of any controversial items on the agenda to see if concerns could be worked out before coming to a public hearing. This proposal was sent out to the public and the industry for comments, and supportive letters from both were included in the public record.

Modifications: On Aug. 10, the PC made four modifications to the proposed amendment:

- The PC will have final approval over sketch plans, and the BOT will not hear sketch plan applications.
- Approval of sketch plans does not obligate the board to approve them.
- Adding a review criterion requiring phased plans will not impede the orderly growth of public services and the entire land area.
- Additional modifications will be made throughout to give more importance and significance of the PC as a hearing body.

Some trustees expressed concern over the modifications in that sketch plans for larger developments were being kept from the board. Trustee Mitch LaKind asked whether it was legal for them to do so. Interim town attorney Joseph Rivera said that all plans are placed in the record and are still available, but the BOT could refuse the PC modification. Trustee Ron Stephens expressed that he is not opposed to the PC modification because of the existing clause that keeps a developer from being bound by the sketch plan. He said it cut down on bureaucracy and made the process more expeditious.

Wilson asked if the board would be liable if an approved sketch plan from the PC ends up not being approved by the board. Rivera explained the difference between “expectations” and “vested property rights,” and Ruiz clarified it further. Liability comes when owners have vested property rights, not expectations, and rights would not be given until the board gives final approval.

Proposed amendments: Ruiz summarized the three proposed amendments to the ordinance in preparation for the vote. The first proposed amendment was to combine the Preliminary PUD and the Final PUD into one. Procedurally there would be no difference, but one single zoning action would instead be provided. Ruiz explained what is necessary for a PUD submission and gave a list of requirements for all applications. Trustee Stephens expressed concern that this would limit a developer in phasing their development to adjust to market demands. Ruiz explained that in such cases developers would need to go through a process of amending their PUD, but the process would allow for more flexibility and be less restrictive.

The second proposed amendment

was to require a site plan for all PUDs. Currently a site plan is only required for non-PUDs. This would take away the ability for developers to ask for modifications of the PUD, but so far all the developers are OK with that. The site plan would be reviewed to make sure all developments would comply with the Land Development Code.

The third proposed amendment was to combine the Preliminary Plat and the Final Plat. Ruiz provided a graphic that showed how little difference there currently is between the preliminary and final plats. There were no questions from the board on this request.

Public comment came from Steve King, who generally approved of the ordinance, explaining it will make developments clearer and easier to understand. However, King expressed concerns over sketch plans, calling them a “dog-and-pony show” and “marketing pieces.” He claimed problems occur when the presented sketch plans differ from the final plans, creating misunderstandings. He also expressed concerns over the wording of “general” versus “substantial” compliance with the code. King called for more detail in sketch plans so that the board can make more intelligible decisions.

King’s comments were referenced in the discussion asking for board approval of the sketch plans, but the amendment ultimately failed on a 3-3 vote. However, the ordinance Amending Title 18 Regarding Planned Unit Development Zoning District Subdivision Regulations passed by a vote of 6-0.

Monument Academy school resource officer

By a vote of 6-0, the board passed Resolution No. 63-2022: a resolution approving an intergovernmental agreement between the Town of Monument and Monument Academy (MA) for one school resource officer for the 2022-23 school year. Hemingway spoke of how the Police Department has been working with MA in coming up with tactics and strategies to help take care of students. He proposed a school resource officer (SRO) at MA. Total cost is \$85,685.

Hemingway responded to several comments from trustees: Trustee LaKind asked for clarification of the funding metric, Wilson inquired about the work schedule of the SRO, Stephens expressed affirmation on how an active SRO helps improve mental health, and Trustee Darcy Schoening asked for clarification on the visibility of the SRO. A D38 substitute teacher asked if the same service could be provided to other schools in the district. MA board President Ryan Graham responded on how MA operates independently from D38, but Hemingway explained how D38 has great SROs through the El Paso County Sheriff’s Office that they do not want to change.

Overnight camping

Ruiz explained that there is no term within the land development code for overnight camping. The most closely related uses that may be allowed are places that are designated recreational vehicle parks or truck yards. If someone is overnight camping in a zone that is not allowed, law and code enforcement officers would be able to work with property owners to bring them into compliance.

Hemingway expressed approval of a narrower definition of overnight camping to help guide officers in handling overnight camping within Monument. Stephens raised concerns that people would move just outside the town boundaries and continue vagrancy problems, and Hemingway claimed the refining of the

code would help enforcement properly move overnight campers to more appropriate locations. Wilson asked Ruiz if any direction was needed at this time, and Ruiz replied that this was simply informational for the board.

Future well sites

Monument Public Works Director Tom Tharnish provided background concerning the original plans to dig an Arapahoe Aquifer well with water treatment plants to accompany them. Since that plan was made, the more recent Loop Project—a county project that will bring reused water back into Monument—has changed the mind of Public Works. Tharnish now says that a better plan for the town would be to drill two smaller Denver Basin wells rather than one larger Arapahoe Aquifer well. The cost is about the same, but the change would be easier to maintain, would not require treatment plants (a \$5.7 million future cost), and the town would be able to return water back to Monument’s creek system when the Loop Project finishes. Tharnish will be working with the town manager to clarify costs. The new wells could be drilled this fall and be ready for use next year.

LaKind asked if the town was still moving forward with the Loop Project, and Tharnish said the town is working out details of costs, funding, and infrastructure. Since the Loop Project involves the entire county, there are several entities involved that require many agreements. LaKind followed up, asking if drilling the smaller wells would change current projects, and Tharnish said that it would not. Schoening asked why Public Works switched to investigating this change, and Tharnish explained that it started with re-evaluating the need for the water treatment for the deeper Arapahoe Aquifer. Stephens asked for average use of water in Monument and how it has changed, and Tharnish explained cu-

bic footage usages and projections. The board approved the direction of Public Works.

Board comments

Schoening requested PUD clarification with a workshop to help get better control of zoning and development standards, with Trustee Redmond Ramos expressing support. Wilson shared concern of being “over-workshopped” this year and asked for more clarification before creating a workshop. He asked town staff for direction, and Ruiz suggested looking at amending checklists rather than revising codes. Ramos referenced public comment from King to call into question sketch plans and their lack of details.

Ruiz then agreed that a workshop or at least a discussion item may be needed if the board agreed that it was needed. Wilson claimed that “a sketch plan is what it’s supposed to be: a sketch, an idea,” and “restricting it, why not make it a final PUD?” Instead, Wilson called for board members to look at the checklists, make recommendations for changes, then add them to future discussions and clarifications with the board if necessary.

The meeting was adjourned at the conclusion of the executive session.

The Monument Board of Trustees usually meets at 6:30 p.m. on the first and third Mondays of each month at Monument Town Hall, 645 Beacon Lite Road. The next two regular meetings are scheduled for Monday, Sept. 5 and Monday, Sept. 19. Call 719-884-8014 or see www.townofmonument.org for information. To see upcoming agendas and complete board packets for BOT or to download audio recordings of past meetings, see <http://monumenttownco.minutesonline.com> and click on Board of Trustees.

Chris Jeub can be contacted at chrisjeub@ocn.me



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