



## BOARD OF COUNTY COMMISSIONERS

Epimenio Griego, District 1  
Garrison M. Ortiz, District 2  
Zachary Swearingen, District 3

**THURSDAY, APRIL 13, 2023**  
**9:00 A.M.**

**SANGRE DE CRISTO ARTS CENTER**  
**210 NORTH SANTA FE AVENUE**

### 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 Brandon Mathews at 583-6548 or TDD at 583-6550.)*

#### **9:00 A.M.**      **CALL TO ORDER**

- Continue Agenda Items to 1:00 p.m. in the Commissioner's Chambers on April 13, 2023.

#### **9:05 A.M.**      **ADJOURN**

The April 13, 2023 BOCC Land Use Meeting has been continued to 1:00 p.m., in the Commissioners' Chambers at the Pueblo County Courthouse, Room 137, 215 West 10<sup>th</sup> Street, Pueblo, Colorado.

**THURSDAY, APRIL 13, 2023**  
**1:00 P.M.**

**PUEBLO COUNTY COURTHOUSE**  
**COMMISSIONERS' CHAMBERS, ROOM 137**  
**215 WEST 10<sup>TH</sup> STREET**

### LAND USE AGENDA

**NOTICE:** The public may provide comments by 5:00 p.m., on Tuesday, April 11, 2023, to the Department of Planning and Development or via e-mail to [planning@pueblounty.us](mailto:planning@pueblounty.us). The hearing will be streamed live on the County's Facebook Page <https://www.facebook.com/PuebloCounty/>; however, public comments will not be accepted if provided on Facebook.

#### **1:00 P.M.**      **CALL TO ORDER**

- Pledge of Allegiance
- Attendance/Excused
- Approve Land Use Minutes of February 9, 2023  
(The March 9, 2023 Meeting was cancelled.)
- Approve Agenda of April 13, 2023

**1:05 P.M.      BOARD OF COUNTY COMMISSIONERS' CONSENT ITEMS**

1. [SUBDIVISION VARIANCE NO. 162](#)  
(ALSO KNOWN AS SDV 1978-006 FOR  
FILING PURPOSES ONLY)  
**RECORDATION OF PLAT-LIKE DRAWING**  
(IF REMOVED, **PUBLIC HEARING**)  
William L. and Jimmy W. Mihelich (Original  
Owners/Applicants)  
Derek and Krysta Stickler  
(Current Owner/Applicant - Parcel B)  
c/o Edward-James Surveying, Inc.  
Randy Nelson (Representative)

The current owner/applicant is requesting authorization to record a plat-like drawing reflecting the general intent of a three (3) lot subdivision, which was approved by the Board of County Commissioners on January 26, 1978. The properties are located on the west side of Lane 32, approximately 1,850 feet north of its intersection with South Road. **(1 minute)**

2. [MAP AMENDMENT MA-23-2](#)  
(aka MA 2023-002)  
IF REMOVED, **PUBLIC HEARING**  
Mangini & Associates Inc., c/o Rocky Mangini  
(Applicant/Representative)  
Triview Metropolitan District (Owner)  
East State Highway 96/U.S. Highway 50

Applicant requests a map amendment to rezone a proposed 9.64-acre parcel of land from A-1, Agricultural (minimum 35 acres) to A-2, Agricultural (minimum 5 acres) in order to apply a conforming zone district to a proposed parcel of land in conjunction with proposed Subdivision Exemption No. 2023-001. This property will be conveyed to the Southeastern Colorado Water Conservancy District for use as a staging area for the construction of the Arkansas Valley Conduit. Located south of and adjacent to East State Highway 96/U.S. Highway 50, west of 46th Lane and east of Nyberg Road.

3. [SUBDIVISION EXEMPTION SDE-23-1](#)  
(aka SDE 2023-001)  
IF REMOVED, **PUBLIC HEARING**  
Mangini & Associates Inc., c/o Rocky Mangini  
(Applicant/Representative)  
Triview Metropolitan District (Owner)  
East State Highway 96/U.S. Highway 50

The applicant/representative requests approval of a subdivision exemption to create a new 9.64-acre parcel of land from a 797.46-acre parcel of land (**Exhibits 1 and 2**) in an A-1, Agricultural (minimum 35 acre) Zone District designation. This property will be conveyed to the Southeastern Colorado Water Conservancy District for use as a staging area for the construction of the Arkansas Valley Conduit.

4. [MAP AMENDMENT MA-23-3](#)  
(aka MA 2023-003)  
(IF REMOVED, **PUBLIC HEARING**)  
Rachel R. Cory (Owner/Applicant)  
Sierra Vista Subdivision  
Mount Baldy Drive, Rye

The owner/applicant requests a map amendment to rezone one (1) parcel of land totaling .69 acres from a B-4, Community Business (minimum 5000 sq. ft.) Zone District to an A-4, Agricultural (minimum .5 acre) Zone District. The intent of this request is to apply a conforming zone district designation to the property so residential uses can be pursued. The property is located on the north side of Mount Baldy Road approximately 100 feet east of its intersection with State Highway 165 in the Rye area.

5. [WALKER-BAIRD SUBDIVISION](#)  
[PRELIM 2022-004](#)  
(IF REMOVED, **PUBLIC HEARING**)
- Alan W. Walker and Jane S. Baird  
Owners/Applicants)  
Daley Land Surveying, Inc., c/o Rob Daley  
(Representative  
299 Lane 30

The owners/applicants request preliminary plan approval to subdivide 35.49± acres into two (2) lots, containing 6.71± acres and 27.17± acres within an A-2, Agricultural (minimum 5 acre) Zone District. A thirty (30) foot road right-of-way dedication for both Lane 30 and Clair Road (containing 1.61± acres total) is also proposed. The property is located at the NE corner of the intersection of Lane 30 and Clair Road, approximately ¼ mile south of State Highway 96/US Highway 50 East, in the Baxter area.

6. [FINAL PLAT FINL-22-2](#)  
[\(aka ANDENUCIO FARM SUBDIVISION](#)  
[FINAL 2022-002\)](#)  
(IF REMOVED, **PUBLIC HEARING**)
- Anthony and Virginia A. Andenucio  
(Owners/Applicants)  
Mangini & Associates, Inc., c/o Rocky Mangini  
(Representative)  
25950 Gale Road

The owners/applicants request final plat approval to subdivide a 5.49± acre parcel into four (4) lots, varying between 1.0± acres and 1.71± acres in size, within an A-4, Agricultural (minimum ½ acre) Zone District. The lots are proposed to be accessed via a forty (40) foot private ingress-egress and public utility easement (tentatively named Nuch Lane). The property is located on the south side of Gale Road between Lanes 25 and 27 in the St. Charles Mesa area.

**\*(The Owners/Applicants have requested the final plat be continued by the Board to its May 11, 2023 public hearing.)**

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

### **1:11 P.M. ZONING BOARD OF APPEALS' CONSENT ITEMS**

1. [ZONING VARIANCE ZV-23-1](#)  
(aka ZV 2023-001)  
(IF REMOVED, **PUBLIC HEARING**)
- Veltri Contracting LLC (Applicant)  
Douglas Veltri (Representative)  
Darrell Woods, Rebekah Woods, and Stephen Woods (Owners)  
29650 Gale Road

The applicant, with the owners' consent, requests 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 17.16.050 (*Lot dimensions*) of the Pueblo County Code to allow a lot width of 138.3 feet, at the proposed front building setback line, in lieu of the minimum required lot width of 140 feet. This property is located on the south side of Gale Road in the St. Charles Mesa area.

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

**1:12 P.M. BOARD OF COUNTY COMMISSIONERS' REGULAR ITEMS**

1. [HOUSE BILL 1041 PERMIT NO. 1041 2022-004](#) - Nathan Keiser, Project Manager Elderberry Solar, LLC (NextEra Energy) (Applicant)  
Di Santi Land & Cattle, LLC (Owner)  
Michael Romero (Owner)

The applicant is requesting approval of a permit by the Pueblo Board of County Commissioners as the designated Permit Authority, for construction of a Utility Scale Solar Facility consisting of a 200 MW photovoltaic solar energy generation facility with additional battery storage of up to 200 MW. The project will interconnect to a future switchyard on the existing Public Service Company of Colorado 230 kV Boone-Midway transmission line. The project is also known as Elderberry Solar Project and is located approximately four miles southeast of the town of Boone. **(30 minutes)**

2. [HOUSE BILL 1041 PERMIT NO. 1041 2022-005](#) - Nathan Keiser, Project Manager.  
Thunder Wolf II, LLC (NextEra Energy) (Applicant)  
Velma and Michael Rinks (Owners)  
41901 Bush Road

The applicant is requesting approval of a permit by the Pueblo Board of County Commissioners as the designated Permit Authority, for construction of a Utility Scale Solar Facility consisting of a 200 MW photovoltaic solar energy generation facility with additional battery storage of up to 200 MW. The project will interconnect to the existing Public Service Company of Colorado Mirasol Switchyard by utilizing a new 230 kV gen-tie transmission line. The project is also known as Thunder Wolf II and is located approximately 10 miles southwest of the town of Avondale and adjacent to the south end of the existing Thunder Wolf Solar Project. **(30 minutes)**

3. [HOUSE BILL 1041 PERMIT NO. 1041 2022-006](#) - Nathan Keiser, Project Manager,  
Mirasol Energy Center, LLC (NextEra) (Applicant)  
Randall Louis Hund and Kasey Lynn Hund  
(Owners)  
State of Colorado (Owner)

The applicant is requesting approval of a permit by the Pueblo Board of County Commissioners as the designated Permit Authority, for construction of a Utility Scale Solar Facility consisting of a 200 MW photovoltaic solar energy generation facility with additional battery storage of up to 200 MW. The project will interconnect to the existing Public Service Company of Colorado Mirasol Switchyard by a new 230 kV transmission line. The project is also known as Mirasol Energy Center Project and is located approximately 5 miles south of the town of Avondale. **(30 minutes)**

4. [HOUSE BILL 1041 PERMIT NO. 1041 2022-007](#) - Nathan Keiser, Project Manager,  
Highland Solar, LLC (NextEra) (Applicant)  
Thatcher Land & Cattle Co., LLC (Owner)  
State of Colorado (Owner)  
Sand Rat, LLC (Owner)

The applicant is requesting approval of a permit by the Pueblo Board of County Commissioners as the designated Permit Authority, for construction of a Utility Scale Solar Facility consisting of up to 500 MW photovoltaic solar energy generation facility with additional battery storage of up to 500 MW. The project will interconnect to the existing Public Service Company of Colorado planned switchyard on the existing 230kV Boone-Midway transmission line. The project is also known as

Highland Solar 1 Project and is located approximately one mile east of the Transportation Technology Center and three miles northeast of the Pueblo Chemical Depot. **(30 minutes)**

5. [HOUSE BILL 1041 PERMIT NO. 1041 2022-008](#) - Nathan Keiser, Project Manager,  
Neptune II, LLC (NextEra) (Applicant)  
Thatcher Land & Cattle Co., LLC (Owner)  
Sand Rat, LLC (Owner)

The applicant is requesting approval of a permit by the Pueblo Board of County Commissioners as the designated Permit Authority, for construction of a Utility Scale Solar Facility consisting of a 200 MW photovoltaic solar energy generation facility with additional battery storage of up to 200 MW. The project will interconnect to the existing Public Service Company of Colorado Tundra Switchyard by a 245-kV transmission line. The project is also known as Neptune II Project and is located approximately two miles east of the Pueblo Memorial Airport, west of the US Army Pueblo Chemical Depot, and adjacent to the Neptune Solar plus Storage Project. **(30 minutes)**

**3:43 P.M.**      **DISCUSSION**

**3:48 P.M.**      **CITIZEN COMMENTS** *(limited to 3 minutes per speaker, total of 7 speakers)*

**4:09 P.M.**      **COMMISSIONERS' COMMENTS** *(5 minutes)*

**4:14 P.M.**      **ADJOURN**

The next regular BOCC Land Use Meeting will be held on **May 11, 2023, 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 **May 11, 2023**. The meeting will be held at 9:00 a.m., in the Commissioners' Chambers at the Pueblo County Courthouse, 215 West 10<sup>th</sup> Street, Pueblo, Colorado.

*(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.)*