

\$20 increase for the average residential bill, or about a \$16.50 increase on about 4,000 gallons. After the NDS begins delivering the district's water, a cost to service study will reveal if a rate re-evaluation is needed. Inflation will be a major factor going forward for the district, he said.

Director Jason Gross said the district successfully secured renewable water, and realtors should be advertising that benefit for homebuyers in TMD.

Treasurer/Secretary James Barnhart said the rate increases are part of the cost of transitioning to a renewable water system.

Melville said that regionally, TMD is the first district to transition to a renewable water system, and at some point other districts will need to catch up. Without the NDS, the district would need to drill new wells at a cost of about \$2.5 million to meet demand. The NDS will lower the cost of well maintenance.

Water Attorney Chris Cummins said that if every district moved to renewable water sources, the wells could be saved for the future.

Melville closed the public hearing at the end of the board discussion after hearing no comments from the public for or against the proposal.

The board approved Resolution 2024-04, in a 4-0 vote.

Residential user rates and fee increases are as follows:

- The base water rate (Renewable Water Fee) per month will increase from \$31.50 to \$40.
- Metering and billing charges will remain \$5 per month.
- Tier 1 0 to 8,000 gallons will increase to \$9 (up from \$6.82 per 1,000 gallons)
- Tier 2 8,001 to 20,000 will increase to \$13.50 (up from \$10.49 per 1,000 gallons)
- Tier 3 20,001 to 30,000 will increase to \$20 (up from \$18.59 per 1,000 gallons)
- Tier 4 30,001 to 40,000 will increase to \$30 (up from \$24.28 per 1,000 gallons)
- Tier 5 Over 40,000 will increase to \$40 (up from \$35.97 per 1,000 gallons)
- The sewer base rate will increase to \$57.68 (was \$52.44)
- The average November-February volume use uniform rate will increase to \$5.69 (was \$5.17)

The full rate and fee scales for all categories and users can be found at [www.triviewmetro.com](http://www.triviewmetro.com).

#### Website accessibility update

District lawyer George Rowley said the state Legislature had extended website accessibility compliance until July 1, 2025. See [www.ocn.me.v24n5.htm#tmd](http://www.ocn.me.v24n5.htm#tmd).

McGrady said the site had been checked and was already about 96% in compliance with the accessibility requirements. He recommended the district allow GroundFloor Media Inc. to continue managing the district's site and correcting the remaining issues.

In a 4-0 vote, the board approved Resolution 2024-05, adopting a digital accessibility policy and designating a compliance officer.

#### Water sold and wastewater discrepancy

Assistant Manager Steve Sheffield said the new District Administrator Sara Lamb had done an awesome job closing the numbers on water pumped and sold. The process had led staff to believe that more water was being treated at the Upper Monument Creek Regional Waste Water Treatment Facility (UMCRW-WTF) than had been sold to its customers, he said.

McGrady said the district cannot afford to have discrepancies in the water pumped and processed through the UMCRWTF if the Northern Monument Creek Interceptor (NMCI) project moves ahead. The AmCobi reports differ, and the district staff now know how much water is going through the flow meters, and the discrepancy is about 2%. A meeting to hash out the discrepancy with AmCobi is scheduled. The fluctuating amounts had been perplexing the board for several years and throughout his tenure as district manager. Thankfully, Lamb's experience finally found the issue with the billing and procedures are now in place, McGrady said. The investigation revealed that some commercial customers were being undercharged, he said.

#### NMCI update

McGrady said the cost for the development of the NMCI is expected to be revealed by early August or September, and CSU will decide whether to pursue the pipeline. The design engineer has recommended a timely decision be made to ensure the implementation team is available to see the project through. If the project proceeds, the pipeline could be built by early 2027.

Cummins said a change of water rights decree will be needed if the district stops releasing treated wastewater into Monument Creek and uses the NMCI to send wastewater 10 miles down-stream through the pipeline to the JD Phillips Water Resource Recovery Facility, Colorado Springs.

#### Northern Delivery System update

McGrady said the construction of the NDS pump-house is going well, and completion is expected about July 15. The project is two weeks behind schedule due to the electrical crew needing to be increased from three persons to a six-person crew. The Town of Monument's (TOM) potential tie-in to the TMD water delivery system agreement had progressed to the town's attorney, he said.

#### Operational updates

Sheffield said:

- The conceptual building drawings for the district office space were complete.
- The Sanctuary Pointe Park reservation site is behind schedule due to liability issues.
- The design phase for the Higby Road widening project was complete and the design plans have been submitted to the TOM. The design includes a 100-foot right of way instead of 120 feet, and those cost savings will be used for retaining walls.
- The Creekside Drive turn lane requested by School District 38 was budgeted for \$150,000 but is a little over budget and bid for \$185,000.

#### Public works and parks and open space update

Superintendent Matt Rayno said the May 6 windstorm destroyed seven street signs and uprooted about 27 trees throughout the district. Cleanup is completed and crews will take care of the damage in due time. Some projects had to be pushed back due the manpower needed to address the uprooted large pines in Sanctuary Pointe.

Note: This reporter thanked the crews for replanting a tall spruce on the south Agate Creek Drive trail system on May 23. See accompanying photos.

Rayno also said:

- Paving work began in Promontory Pointe, and crews will begin the mill work and overlay of Sanctuary Pointe in mid-June.
- A production specialist was hired to check the power and lighting capabilities of the band structure at the Sanctuary Pointe Athletic Field. The structure was a little under-powered and an additional breaker was installed to give bands more power. A ribbon-cutting event with a live band and six food trucks was scheduled for May 31.
- The district is fully staffed for the summer.
- Staff attended a defensive driver training class to ensure safety in inclement weather.
- The dated landscape beds along Leather Chaps Drive are scheduled for updating in June.



**Above:** District crews work to replant a toppled spruce tree on the south Agate Creek trail system on May 23. About 27 trees were uprooted by wind gusts up to 70 miles per hour on May 6. *Photo by Natalie Barszcz.*

#### Executive session

The board moved into an executive session at 7:47 p.m. pursuant to Colorado Revised Statutes sections 24-6-402(4)(a) for the purpose of acquisition of water/land and 24-6-402(4)(b) for the purpose of determining the positions relative to matters that may be subject to negotiations, developing strategies for negotiations, and instructing negotiators as it relates to potential development incentives.

Sheffield confirmed that after the meeting re-entered the regular session at 8:58 p.m., the board publicly supported Director Jason Gross attending the next TOM meeting to voice support for the Higby Road improvement project, and to speak on the TMD board's behalf.

The meeting adjourned at 9 p.m.

\*\*\*\*\*

Meetings are usually held on the third Thursday of the month at the district office at 16055 Old Forest Point, Suite 302. The next regular board meeting is scheduled for June 20 at 5:30 p.m. For meeting agendas, minutes, and updates, visit <https://triviewmetro.com>.

Natalie Barszcz can be reached at [nataliebarszcz@ocn.me](mailto:nataliebarszcz@ocn.me).

### El Paso County Planning Commission, May 2

## Variance for Black Forest property would allow short-term rental to continue

By Helen Walklett

At the El Paso County Planning Commission meeting on May 2, the commissioners heard a request from owners Drew and Tarah MacAlmon for approval of a variance of use to allow an ancillary building to continue to be used as an occasional short-term rental. The 4.78-acre property is located on South Holmes Road, south of its intersection with Burgess Road, and is zoned RR-5 (residential rural).

The MacAlmons received approval in 2018 for an ancillary building to provide a home office and additional living space. It passed all inspections in 2019, and the bedrooms in the basement of the building have been rented out on a short-term basis since that time with the owners not knowing this was not an allowed use.

In 2022 an anonymous complaint about the rental was made to the county's code enforcement officers, and a violation notice followed. The MacAlmons then met with county staff and were advised not to submit a variance of use application at that time, which would bring the rental activity into compliance, because the county was exploring code amendments that would allow accessory dwelling units.

Meggan Herington, executive director, Planning and Community Development, said, "I gave them the ability to hold off. We received the complaint about what we deemed a second dwelling. However, at the time we had been instructed to work on potential code revisions to allow accessory dwelling units and since we were working on that, I did say hold off." She explained that when the amendment was put on hold waiting for the state Legislature, the applicants were asked to submit a variance of use application. This was done in August 2023.

Ashlyn Mathy, planner II, Planning and Community Development Department, explained that because the 2018 site plan showed no kitchen, the applicants were not required to sign an affidavit acknowledging they could not rent or lease the structure as a separate living unit. Renting the space was never discussed. She said 15 neighbors had been notified and no opposition had been received but a common theme from neighbors was the suggestion that the

variance be tied to the owners rather than the property so that it would not be automatically transferred were the property to be sold.

The applicants represented themselves at the hearing. Speaking about the rental activity, Drew MacAlmon said, "We feel this is a way we can recoup some of the cost of rising property taxes as well as the investment we made into the structure." He said there was no mention of short-term rental in county's land development code in 2018.

Tarah MacAlmon told the commissioners their primary intent had always been to have a place to work from home and their focus was on completing the office space first. She said that over time they realized there might be a way for the other space in the building to be profitable.

Commissioner Tim Trowbridge commented that the staff report stated a kitchen is present. Drew MacAlmon responded that they had installed an oven without realizing it would be such an issue but had removed it when told it was not allowed. Trowbridge commented, "I'm troubled by what I see as a backdoor attempt at getting this approved." Commissioner Becky Fuller said, "I would feel better if you said 'We snook it in and got nailed' because that's what I feel like happened."

Drew MacAlmon said, "In our eyes, we went through the process there of inspections, plans, engineering, building that structure and that was all approved." Tarah MacAlmon commented, "Our willingness and desire is to be fully in compliance and be able to rent this space out that we indeed have invested in."

Mathy said there had been a unique situation with this project and that there had been some confusion with the process. Justin Kilgore, planning manager, Planning and Community Development, told the commissioners, "This application is the remedy to fix the miscommunications or perceived issues with the project."

Fuller stated, "To me it's all about the review criteria. I think the applicant has not shown this in their application. I don't think that what we have been presented here today meets the appropriate criteria."

She encouraged them to work with department staff and to focus on the criteria to prepare for the El Paso Board of County Commissioners' (BOCC) land use hearing.

Commissioner Bryce Schuettpelez said, "One of the criteria about the financial hardship is a hard argument to make because if you truly built it to be an office, you weren't planning on income coming in."

Trowbridge said, "Short-term rentals are a commercial enterprise. It's not a guest house and it's not compatible."

Chair Tom Bailey stated, "I am in favor of this because I believe the variance is the appropriate vehicle for addressing a shortcoming in our current code and in our current process."

A motion to approve without further conditions was amended by a vote of 6-2 to include a condition that the variance only apply while the MacAlmons own the property, becoming void upon its sale. The amended motion to recommend approval then succeeded by a vote of 5-3. The nay votes were Fuller, Trowbridge, and Commissioner Christopher Whitney.

Whitney advised the applicants to really look at the approval criteria ahead of the BOCC hearing. To the undue hardship criterium, he suggested the hardship may be that the process is confusing. Speaking to his nay vote, Trowbridge said, "I don't think this is compatible with the neighborhood. I don't think short-term rentals belong here."

The application is now scheduled to be heard at the BOCC land use meeting on June 13.

\*\*\*\*\*

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://planning-development.elpasoco.com/planning-community-development/2024-hearings-schedule/>. [HelenWalklett@ocn.me](mailto:HelenWalklett@ocn.me)