EL PASO COUNTY
COLORADO

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HOLLY WILLIAMS
BILL WYSONG
CORY APPLEGATE

EL PASO BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Date:	Tuesday, September 29, 2026	Item No. 11.
To:	Board of County Commissioners	
From:	Jackie Allred, Clerk to the Board Manager	
Agenda Wording:	Hearing on the application by GPB, Inc., d/b/a Goat Patch Brewing Co., for a brew pub liquor license on the premises located at 1756 Lake Woodmoor Dr., El Paso County (Commissioner District 1).	

SUMMARY (including information on budgeted matters)
The Findings and Order Resolution has been finalized based on the determinations of the El Paso County Board of County Commissioners, as the Local (Liquor) Licensing Authority (the "Board"), relating to: (1) If the Applicant adequately demonstrates that the reasonable requirements of the neighborhood establish a need for issuance of a Brew Pub liquor license; (2) If the desires of the adult inhabitants favor the issuance and approval of this license application; (3) The number, type and availability of beer or liquor outlets located in or near the neighborhood; (4) Any pertinent matters affecting the qualifications of the applicant for conducting the proposed business; and (5) The Applicant has satisfactorily complied with all applicable requirements of the Colorado Liquor Code.
If approved: (1) The State Licensing Authority will be informed of the Board's recommendation that the license be issued to the Applicant; (2) The Resolution will be provided to the State Licensing Authority to fulfill reporting requirements in accordance with State Department of Revenue Regulation No. 47-310.A., as amended; and (3) State and County licenses will be released to the Applicant upon a favorable inspection by the Clerk to the Board who compares the drawing with the actual premises.
On September 21, 2026 the completed survey was filed, the Clerk to the Board's office received the neighborhood survey, including (1) completed petitions; (2) a recapitulation of the signatures collected and a written tally of the residents who were not home or ineligible to sign the petition; (3) vacant landowner mail survey; (4) affidavits of circulators verifying completion of a door-to-door canvass of the residences and businesses within the survey boundaries, and personally witnessing the signing of said petitions by all participating individuals. The survey recap information is attached as backup. In accordance with statute, the applicant was then informed of the findings of County staff described herein.

El Paso County Beer and Liquor Policy (Relevant Portion of Resolution No. 23-73 Amended)

V. Hearings on Applications for Initial License, Transfer, and Renewal

V. **Matters Applicable to All Hearings.**

1. **Prerequisites to Hearing.**

a. Prior to any hearing, the County Clerk shall prepare a public notice of hearing and affidavit of posting, and the applicant shall post said notice in a conspicuous place on the premises for which the application has been made as further described in the instructions provided by the County Clerk not less than ten (10) days prior to the hearing. The completed affidavit of posting shall be provided by the applicant to the County Clerk by the indicated deadline to avoid continuance. Failure by the applicant to comply with the prerequisites shall be grounds for denial, suspension or revocation of the subject liquor license or permit.

b. The County Clerk shall publish notice of any scheduled public hearing required by statute in a newspaper of general circulation in El Paso County at least ten (10) days before the hearing, in the form prescribed by C.R.S. 44-3-311(2), (3), and (4).

c. At least five (5) days before the public hearing for an initial license/permit, the County Clerk shall provide notice of the hearing and the written findings of the investigation conducted by the County to the applicant and other interested parties and their counsel (C.R.S. 44-3-312(1).

2. **Criminal History.** In the event the Board considers information concerning the applicant's criminal history record, the Board shall, pursuant to C.R.S. 24-5-101, also consider any information provided by the applicant regarding such criminal history record, including, but not limited to, evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of his/her application for a license.

3. **Board's Consideration of Evidence.** The decision of the Board must be based solely upon competent evidence presented at the public hearing, and a proper weighing thereof.

4. **Notification of Board's Decision.** Any decision of the Board denying an application and the reasons therefore shall be set forth in writing within thirty (30) days after the date of the public hearing. Board decisions on initial licenses, renewal hearings, bed & breakfast permits, and art gallery permits shall be by resolution. The County Clerk shall send a certified copy of the decision by certified mail (44-3-312(3))to the applicant or licensee at the mailing address shown in the application and via email at the applicant's request. For the purposes of compliance with Liquor Regulation 47-310(A), the County Clerk shall provide a copy of the Board's approval resolution with the application for an initial license to the State Liquor Enforcement Division.

VI. **Initial License Application Hearings**.

1. **Purpose of Hearing.** The Board must determine whether the applicant has complied with the requirements of the Liquor Code and must determine the "desires of the inhabitants" and the "needs of the neighborhood" as required by the Liquor Code.

2. **Abbreviated Hearing Process.** At the discretion of the Board, an abbreviated hearing process may be utilized if the following criteria are met:

   a. Applicant has fulfilled all state and local requirements;
   b. The neighborhood survey, if required, supports the needs and desires of the local community for the requested license;
   c. No opposition has been voiced against the issuance of the requested license;
   d. No party in interest is present at the Board hearing to formally oppose the issuance of the requested license.
   e. The Sheriff's investigation revealed no criminal history relevant to the issuance of a liquor license.

   If all of the foregoing is adequately established, the Board may, upon passage of a motion, dispense with a formal hearing process, and allow comments or testimony of the applicant, including the recapitulation of the neighborhood survey and the needs and desires of the local community for the requested license. Based thereon, the Board may take formal action approving the liquor license/permit application.

3. **Formal Hearing Process**.

   a. The Chair or Chair's designee shall swear in all parties interested in testifying with the following oath:

      (1) "Do you solemnly swear or affirm that the testimony that you are about to give before this Board shall be the truth, the whole truth, and nothing but the truth?"

   b. Only parties in interest may present evidence and cross-examine. A "party in interest" means any of the following: the applicant; an adult resident of the neighborhood under consideration; the owner or manager of a business located in the neighborhood under consideration; or the principal or representative of any school located within five hundred feet of the premises for which the license is under consideration. A representative of an organized neighborhood group that encompasses part of the entire neighborhood under consideration may present evidence. Such representative shall reside within the neighborhood group's geographic boundaries and shall be a member of the neighborhood group. Such representative shall not be entitled to cross-examine witnesses. The Board may also accept petitions signed by patrons of the proposed establishment.
   c. All parties in interest presenting evidence shall sign in at the podium and state their name and residence or business address for the record prior to their presentation. The Board reserves the right to limit repetitive and cumulative evidence and cross-examination.
   d. The Sheriff or other County staff shall have the opportunity to present a summary of the results (including any exhibits tendered for admission into the record) of the County's investigation of both the applicant and the location of the proposed licensed premises, including violation of any building and land use requirements.

e. Applicants shall then have the opportunity to present testimony and/or evidence in support of the license application. Initially, the applicant has the burden of making a *prima facie* case showing that:

(1) The reasonable requirements of the neighborhood establish a need for the issuance of the particular license. The primary factor is whether the needs of the neighborhood with respect to the type of beverage proposed to be sold are being met by existing licenses. If there are a number of licensed outlets in the area, then the applicant must show their inadequacy, if any, to serve the needs of the neighborhood. Signatures by residents of the affected neighborhood on petitions for or against the application represent some evidence of the requirements of the neighborhood, although the number of persons signing is not determinative of the issue. Other types of evidence to show the needs of the neighborhood might include neighborhood population, traffic counts on nearby streets, and number of similar outlets in the neighborhood.

(2) The desires of the inhabitants dictate issuance of the license. A majority of the people in a locality is not required to favor issuance of the license, and the fact that more signatures on a petition favor issuance of the license than oppose it is not dispositive. The number of persons signing for or against a license is not wholly determinative of the desires of the inhabitants. Finally, testimony or arguments against the issuance of a license that are rooted solely in a basic abhorrence to fermented malt/alcoholic beverages and opposition to granting any beer or liquor license are irrelevant and shall not be considered by the Board.

f. The Board and parties in interest may then ask questions of the applicant.

g. Parties in interest supporting the application may then present testimony and/or evidence.

h. The Board, applicant, and other parties in interest may then ask questions of the supporting parties.

i. Parties in interest who oppose the application may then present testimony and/or evidence.

j. The Board, applicant, and other parties in interest may then ask questions of the opposing parties.

k. The Applicant then has the opportunity to present rebuttal evidence.

l. The taking of testimony and evidence will then be concluded. The Board, by and through the Chair or Chair's designee, may rule on matters concerning the admission of exhibits into the record, taking into consideration any noted objections. The strict application of the Colorado Rules of Evidence shall not apply.

m. The public hearing shall then be closed.

4. **Decision of the Board**.

a. Before entering any decision approving or denying the application, the Board must consider the following:

1. The reasonable requirements of the neighborhood for the type of license for which application has been made, unless the application is for a club liquor license;
2. The desires of the adult inhabitants, as evidenced by petitions, protests, or otherwise;
3. The number, type, and availability of beer or liquor outlets located in or near the neighborhood under consideration;
4. Whether the application meets or complies with all provisions of the Liquor Code;
5. Any other pertinent matters affecting the qualifications of the applicant for conducting the proposed business.
6. For any applicant who currently holds a hotel and restaurant liquor license, what effect granting a new license would have on competition.

b. Decisions of the Board to deny an application shall only be made for "good cause," as defined by C.R.S. 44-3-103(19).

c. An Art Gallery shall not be denied an Art Gallery Permit based solely on the Art Gallery's proximity to any public or private school or the principal campus of a college, university, or seminary C.R.S. 44-3-424(3).

5. **Appeal of Board's Decision.** Pursuant to C.R.S. 44-3-312(1), the decision of the Board is subject to judicial review.

BACKGROUND (including information on budgeted matters)

On August 11, 2026, the Clerk to the Board's Office received an application for the Board's consideration and concurrent review by the State of Colorado, Liquor Enforcement Division (the "State Licensing Authority").
The following comments have been submitted by El Paso County Planning and Community Development:

1. The proposed premises are located within the C-2 (Commercial) Zone District which permits the sale of for consumption on the premises and the sale of malt liquors manufactured by the licensee to independent wholesalers, to the public in sealed containers for off-premises consumption, and to licensed retailers as provided by law.

The El Paso County Sheriff's Investigator conducted a background check on the owners of GPB, Inc., and the investigation revealed no criminal history relevant to the operation of the business.
In addition, the Clerk to the Board Department has determined:

1. The nearest outlet with the same class of license, Black Forest Brewing Company, at 11590 Black Forest Road, Suite 40 & 50, Colorado Springs, CO 80908, is 14.8 miles from the proposed site.
2. The nearest similar outlet, Tequila Village Mexican Restaurant, with a Hotel and Restaurant Liquor License, at 1749 Lake Woodmoor Drive, Monument, CO 80132-9074, is 0.2 miles from the proposed site.
3. There are no locations within 500 feet of the proposed site which were denied for the same class of license due to lack of needs and desires within the preceding two years.

Notice of the hearing before the Board was published on September 10, 2026, in the Colorado Springs Gazette, and the site was posted on September 11, 2026.
As of this date, no objections for the license have been filed with the Clerk to the Board's Office.

ESTIMATED TIME FOR PRESENTATION
___ minutes/hours

FINANCIAL IMPLICATIONS

Business Year:	2026	Subject to TABOR? NO
Fund:		
Funding Amount:	$0.00	
Increase to original adopted Budget	$0.00	
Net Cost to County:	$0.00	
Total Project Cost:	$0.00	
Vendor Information		

ATTACHMENTS

Redacted Application
Survey Recap
Proposed Resolution