

EL PASO



COUNTY

COMMISSIONERS:
DARRYL GLENN (PRESIDENT)
MARK WALLER (PRESIDENT PRO TEMPORE)

STAN VANDERWERF
LONGINOS GONZALEZ
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: Board of County Commissioners
Darryl Glenn, President**

FROM: Nina Ruiz, PM/Planner II *NR*
Tommy Hoff, Engineer I
Craig Dossey, Executive Director

RE: Project File #: P-17-003
Project Name: Albrecht Rezone
Parcel Nos.: 32000-00-705, 32000-00-721, 32000-00-715, 32000-00-717, 32000-00-718, 32000-00-719 and 32000-00-720

OWNER:	REPRESENTATIVE:
Multiple, please see attached application	Cynthia Jensen PO Box 88257 Colorado Springs, CO 80908

Commissioner District: 2

Planning Commission Hearing Date:	9/5/2017
Board of County Commissioners Hearing Date:	10/10/2017

EXECUTIVE SUMMARY

A request by Cynthia Jensen on behalf of multiple owners (see attached application form), for approval of a map amendment (rezoning) for seven (7) metes and bounds parcels from the PUD (Planned Unit Development) to the A-35 (Agricultural) zoning district. The seven (7) parcels, totaling 308.78 acres, are located north of Judge Orr Road and east of McClelland Road and are within Section 36, Township 12 South, Range 63 West of the 6th P.M. The property is in the Falcon/Peyton Small Area Plan (2008).

The Albrecht Estates Planned Unit Development was approved by the Board of County Commissioners on September 23, 2004, and recorded on June 29, 2007. The PUD allowed for a maximum of 67 residential lots with a minimum lot size of 2.5 acres and

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

10/10/13 (R)
Bocc 16946

allowed for those land uses identified within the RR-2.5 (Residential Rural) zoning district. Subsequent to the approval of the PUD, the combined 308.78 acres was divided outside the subdivision process into 35+ acre parcels and sold to individual owners. The owners have not followed the PUD or preliminary and final plat, do not plan to finalize the subdivision as anticipated into 2.5 acre lots, and now request that the property be rezoned back to the A-35 (Agricultural) zoning district.

A. REQUEST/WAIVERS/MODIFICATIONS/AUTHORIZATION

Request: A request for map amendment (rezone) approval from the PUD (Planned Unit Development) zoning district to the A-35 (Agricultural) zoning district.

Waiver(s)/Modification(s): There are no waivers or modifications associated with the request.

Authorization to Sign: There are no associated documents requiring a signature by the Board of County Commissioners President.

B. Planning Commission Summary

Request Heard: September 5, 2017, as a regular item

Recommendation: Approval, subject to the conditions and notations. A copy of the Planning Commission Resolution is included as an attachment.

Waiver Recommendation: N/A

Vote: 7 to 0

Vote Rationale: N/A

Summary of Hearing: See minutes attached

Legal Notice: *Published in Shopper Press September 20, 2017*

C. APPROVAL CRITERIA

In approving a Map Amendment (rezoning), the following findings shall be made:

- The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
- The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S §30-28-111 §30-28-113, and §30-28-116;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

D. LOCATION

North: A-35 (Agricultural)	Agricultural
South: A-35 (Agricultural)	Agricultural
East: A-35 (Agricultural)	Agricultural
West: A-5 (Agricultural)	Residential

E. BACKGROUND

Zoning for this portion of El Paso County was initiated in March of 1999 when the eastern portion of the County was zoned A-35 (Agricultural). The Albrecht Estates Planned Unit Development was approved by the Board of County Commissioners on September 23, 2004, to rezone 308.78 acres from the A-35 (Agricultural) zoning district. The PUD was recorded on June 29, 2007 (PUD-03-011). The PUD allowed for a maximum of 67 residential lots with a minimum lot size of 2.5 acres and allowed for those uses identified within the RR-2.5 (Residential Rural) zoning district.

Since approval of the PUD and associated preliminary plan and final plat, the 308.78 acres was divided outside the subdivision process into 35+ acre parcels and sold to individual owners. Division of the land into the 35+ acre parcels has not followed the approved PUD, preliminary plan, or final plat. The owners do not plan to finalize the subdivision into 2.5 acre lots pursuant to the PUD, preliminary plan, and final plat, and, as such, are now requesting that the property be rezoned back to the A-35 (Agricultural) zoning district, which is how the property was zoned prior to the 2004 PUD map amendment (rezoning) approval.

Many of the current owners purchased their property under the misconception that the respective properties were zoned A-35 (Agricultural). Two (2) of the seven (7) parcels have been improved with single family homes. One of the parcels has been cited for a zoning violation for having inoperable vehicles onsite. Should this rezoning application be approved, storage of inoperable vehicles would be made an allowed use pursuant to the new A-35 (Agricultural) zoning and the property would thereby be brought into zoning compliance.

F. ANALYSIS

1. Land Development Code Analysis

The subject property is currently zoned Planned Unit Development (PUD) which allows for a minimum lot size of 2.5 acres. After the PUD was approved, the land has been divided and sold as 35+ acre unplatted parcels, which are now under separate ownership. The current owners do not intend to subdivide the land and requesting that it to be rezoned back to the A-35 (Agricultural) zoning district. The Code criteria for approval of a map amendment (rezoning) requires a finding that the

proposed land use or zone district is compatible with all existing and permitted land uses and zone districts in all directions. The property is surrounded by agriculturally zoned parcels used for either residential or agricultural purposes. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions.

2. Zoning Compliance

The applicant is requesting to rezone the subject property to the A-35 (Agricultural) zoning district. The A-35 (Agricultural) zoning district is intended to accommodate rural communities and lifestyles, including the conservation of farming, ranching, and agricultural resources. The density and dimensional standards for the A-35 zoning district are as follows:

- Minimum lot size – 35 acres
- Setbacks – 25 feet on all sides
- Maximum building height – 30 feet
- Maximum lot coverage – none
- Minimum width at front setback- 500 feet

All of the parcels included in the map amendment (rezoning) application are greater than 35 acres in size and all existing structures meet the A-35 zoning district setback requirements.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County Master Plan.

Relevant policies are as follows:

Policy 6.2.2 Discourage the location of small discontinuous land development projects where these might not develop the critical land area and density necessary to be effectively provided with services or remain viable in the face of competing land uses.

Policy 6.1.11 Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

The Albrecht Estates Planned Unit Development was approved by the Board of County Commissioners on September 23, 2004 to rezone 308.78 acres from the A-35 (Agricultural) zoning district. The PUD was then recorded on June 29, 2007 (PUD-

03-011). The PUD was designed and approved during a time of economic growth; growth was anticipated to be rapid and spread east of Highway 24. The surrounding area is agricultural with many of the parcels being over 35 acres in size. The closest platted subdivision with lot sizes of 2.5 acres in size is over 5 miles away to the southwest. Developing the PUD would result in a discontinuous land development project that would likely not effectively provide services. Although the Planned Unit Development was previously approved to allow for more dense development, those individuals that have purchased these parcels have indicated that they do not want to subdivide their perspective properties into lots with smaller acreages. The proposed map amendment (rezone) is consistent with the Policy Plan.

4. Small Area Plan Analysis

The property is located outside of a small area plan but is on the easternmost boundary of the Falcon/Peyton Small Area Plan (2008), specifically the Future Rural Area which recommends lot sizes of no less than five (5) acres.

5. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the property as having a moderate to low wildlife impact potential. El Paso County Community Services Department, Environmental Division was sent a referral and has no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies potential alluvial fan and eolian deposits in the area of the subject property. A mineral rights certification was prepared by the applicant indicating that, upon researching the records with El Paso County, a one-half interest was reserved to the State of Colorado. Both the applicant and the Planning and Community Development Department have sent notifications to the State Land Board of the public hearing date. No response has been received to date.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified in the review of the rezone application.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the property as having a moderate to low wildlife impact potential. El Paso County Community Services Department, Environmental Division was sent a referral and had no comments.

3. Floodplain

FEMA Flood Insurance Rate Maps (FIRM) panel number 08041C0600F shows that the 100-year floodplain (Zone A) of Black Squirrel Creek flows through the eastern portion of the eastern most properties.

4. Drainage and Erosion

The parcels are located within the La Vega Ranch (CHBR0400) drainage basin which is an unstudied basin. No drainage or bridge fees are assessed with map amendment (rezoning) actions.

5. Transportation

The existing and proposed use of the parcels included in this request is single family residential. No traffic impact fees will be required with approval of this map amendment (rezoning) request. A traffic impact study is not required because the parcel is not expected to generate 100 daily vehicle trips more than the parcel would be expected to generate without approval of the rezoning request.

H. SERVICES

1. Water

Findings with regards to water sufficiency are not required with rezoning requests.

2. Sanitation

The existing single family residential dwellings within the PUD are served by onsite wastewater treatment systems (OWTS). Future development and construction of OWTS on the individual vacant parcels will require issuance of a permit by El Paso County Public Health.

3. Emergency Services

The site is located within the boundaries of the Peyton Fire Protection District. The District was sent a referral and has no outstanding comments.

4. Utilities

Black Hills Energy will provide natural gas service and Mountain View Electric Association will provide electrical service to the property.

5. Metropolitan Districts

The property is not located within a metropolitan district.

6. Parks/Trails

Land dedication or fees in lieu of park land dedication are not required for a rezoning action. There are no planned parks or trails on the subject property.

7. Schools

Land dedication or fees in lieu of school land dedication are not required for a rezone application.

I. APPLICABLE RESOLUTIONS: See attached

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. CONDITIONS AND NOTATIONS

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2016), staff recommends the following conditions and notations.

CONDITIONS

1. The property owners shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include, but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the A-35 (Agricultural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual. Approval of this rezoning request has the effect of nullifying the previously approved PUD zoning as identified in BoCC resolution 04-406, which, therefore, also nullifies any previously approved preliminary plan or final plat as referenced by BoCC Resolutions 04-407 and 09-136, respectively.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time

limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified nine (9) adjoining property owners on August 16, 2017, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Rezone Map

Application Signed by all Parcel Owners

Planning Commission Minutes 9-05-17

Planning Commission Resolution

Board of County Commissioners Resolution

El Paso County Parcel Information

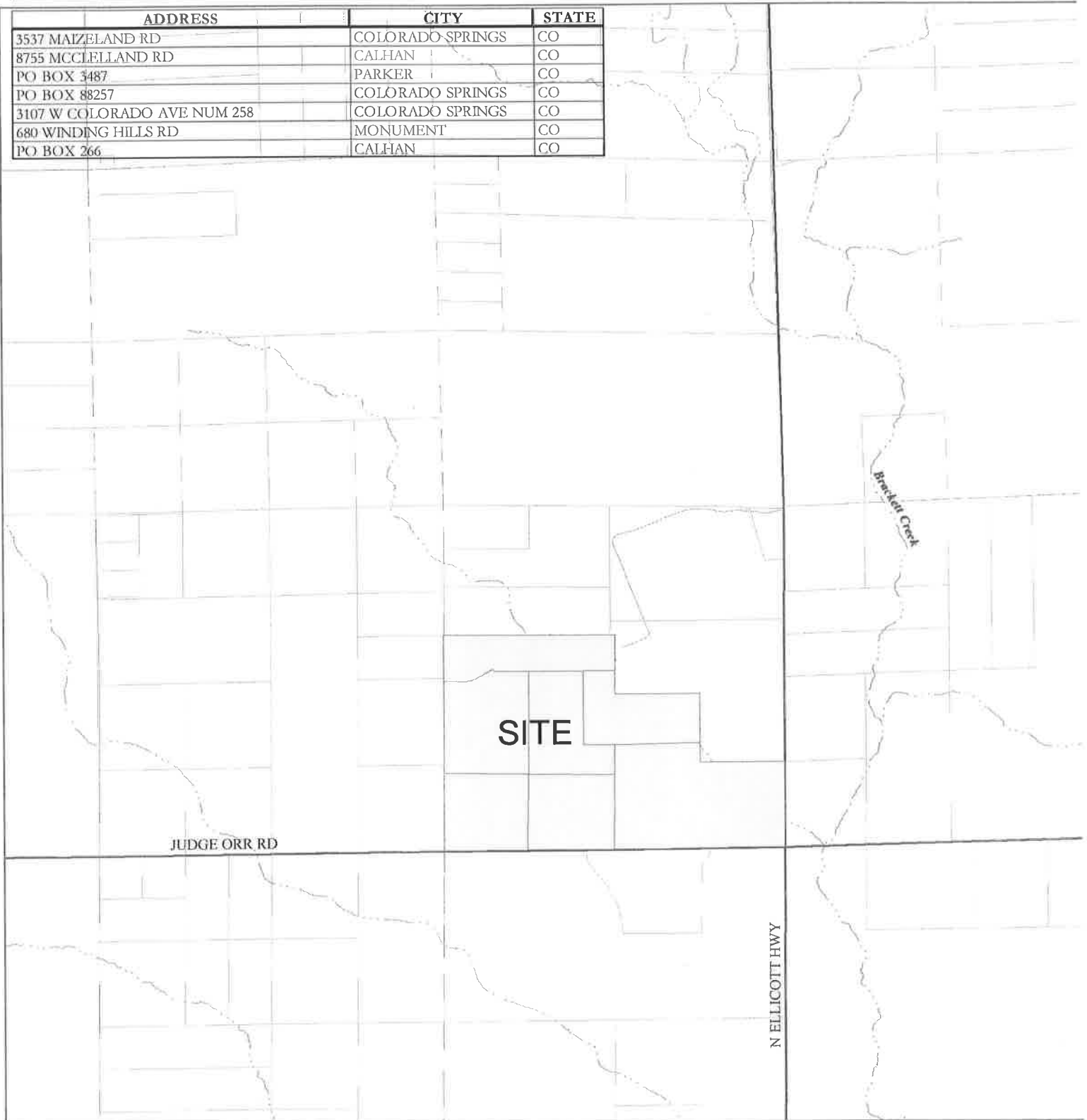
File Name: P-17-003

Zone Map No.: --

Date: August 16, 2017

PARCEL	NAME
3200000705	TREES CLYDE
3200000721	CLARK LISA JANE
3200000719	FARLIN JARRAD NELSON
3200000717	JENSEN BRAD N JR
3200000720	JUDGE ORR PROPERTIES LLC
3200000718	HOOPS MICHAEL DALE JR
3200000715	ALBERTSON AMBER

ADDRESS	CITY	STATE
3537 MAIZELAND RD	COLORADO SPRINGS	CO
8755 MCCLELLAND RD	CALHAN	CO
PO BOX 3487	PARKER	CO
PO BOX 88257	COLORADO SPRINGS	CO
3107 W COLORADO AVE NUM 258	COLORADO SPRINGS	CO
680 WINDING HILLS RD	MONUMENT	CO
PO BOX 266	CALHAN	CO



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (719) 520-6600



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Letter of Intent

Date: March.1, 2017

To: El Paso County Planning Commission

From: The current owners inside PUD zone (see attached document)

Location:

Location, size and current zoning;
Northwest corner of Judge Orr RD and N. Ellicott Hwy
308 acres
PUD (Planned Unit Development)

Subject:

We are requesting to be rezoned to A-35, because the PUD zoning makes our land undevelopable due to it being chunked into 35 acre tracts.

Summary:

The purpose of the proposed zone change to A-35 is so the land owners of Judge Orr Properties may live a rural community lifestyle. Judge Orr Properties consists of 308 acres, sectioned off into 8, 35 acre tracts. Our proposal is consistent with the surrounding agricultural district.

BACKGROUND:

The subject property was zoned PUD (Planned Unit Development) September 23, 2004, but it was still used for agricultural purposes (irrigated land, dry farm land and grazing land). Prior to the PUD zoning the property was zoned A-35 and the surrounding properties are zoned A-5 and A-35.

Discussion:

Judge Orr Properties is surrounded by agricultural zoning districts A-5 and A-35, we would like to return to a A-35 zoning district. Thus establishing a rural community, this is consistent with the surrounding area. In the existing and proposed zone districts to

support a finding of conformity with the El Paso County Master Plan, specifically, the following policies cited from the El Paso County Policy Plan (1998):

Policy 6.4.1

Protect and sustain established viable rural residential areas where possible.

Policy 6.5.5

Support statutory changes which will allow for the development of limited regulations concerning facility and services provision for parcels of 35 acres or greater.

PUBLIC COMMENT AND NOTICE:

A notified was sent out to eleven (11) adjacent property owners on March 1, 2017 informing them of the zone change request.

Responses will be provided at the hearing.

Attachments:

Land Owners

Sincerely,

Cynthia Jensen

Land owner

PO Box 88257

Colorado Springs, CO 80908

719-661-6531

The Current Owners Inside PUD Zone

Timothy & Amber Albertson
8650 Bremmer Rose PT
Calhan, CO 80808
PO BOX 266
Calhan, CO 80808
Amber Albertson 940-399-9659
Amb6289er@yahoo.com

David Strine
8650 Bremmer Rose PT
Calhan, CO 80808
PO Box 268
Calhan, CO 80808
David Strine 940-399-7557
David468@yahoo.com

Brad & Cynthia Jensen
8750 Bremmer Rose PT
Calhan, CO 80808
PO Box 88257
Colorado Springs, CO 80908
Cynthia Jensen 719-661-6531
Jensencustomcuts@msn.com

Clyde Trees
9055 McClelland RD
Calhan, CO 80808
3537 Maizeland RD
Colorado Springs, CO 80909
Clyde Trees 719-686-3433

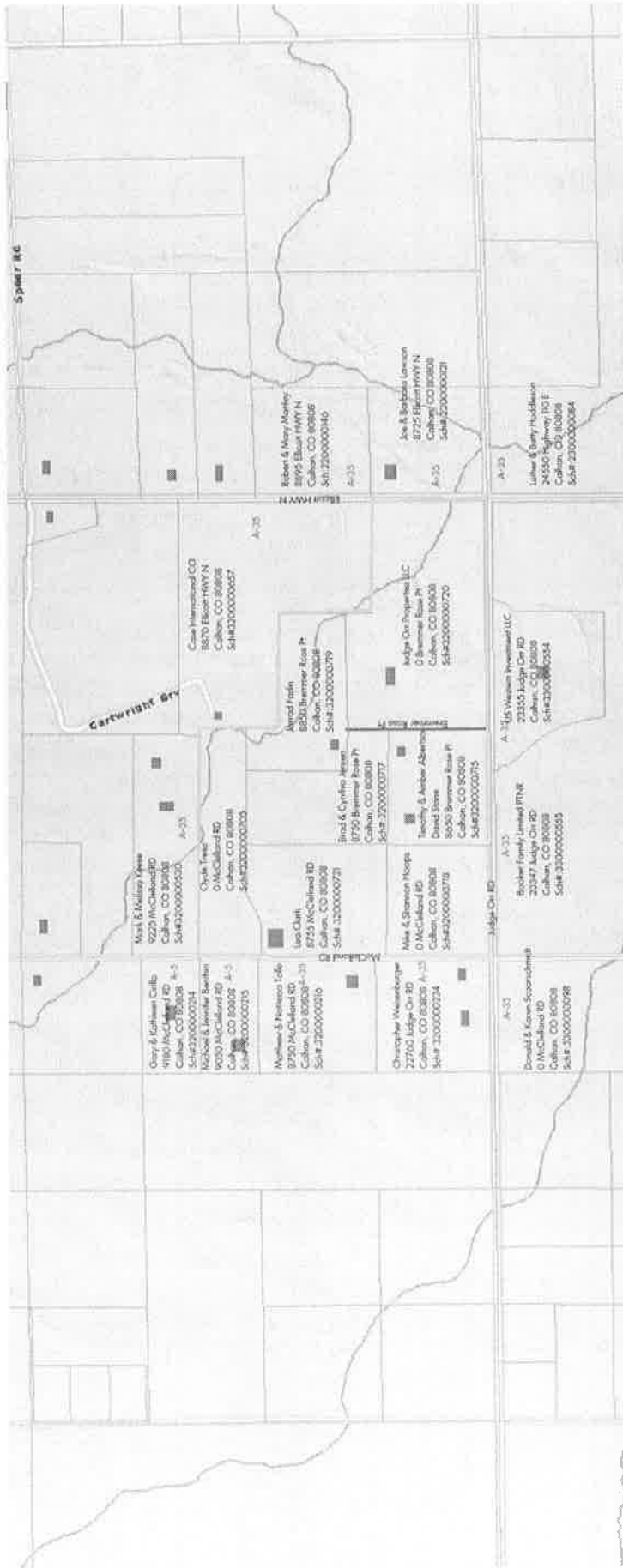
Lisa Clark
8755 McClelland RD
Calhan, CO 80808
Lisa Clark 719-238-3909
Lisaj.clark50@gmail.com

Michael & Shannon Hoops
680 Winding Hills RD
Monument, CO 80132
Shannon Hoops 719-235-1021
Mike.shannon0509@gmail.com

Jarrad Farlin
8850 Bremmer Rose PT
Calhan, CO 80808
PO Box 3487
Parker, CO
Jarrad Farlin 309-361-2299
jarradfarlin@yahoo.com

Judge Orr Properties LLC
Mitch Albrecht
3107 W Colorado Ave #258
Colorado Springs, CO 80904
Mitch Albrecht 719-499-5694
Mitch.a@roadrunner.com

Rezone Map for Judge Orr Properties



El Paso County Development Services Department
 2880 International Circle, Suite 110
 Colorado Springs, CO 80910
 PHONE 719-520-6300
 FAX 719-520-6695



Petition/Application Form

Public Hearing Items:

- | | | |
|---|---|--|
| <input type="checkbox"/> Amended Plat | <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Vacation of Existing Plat |
| <input type="checkbox"/> Appeals | <input type="checkbox"/> PUD | <input type="checkbox"/> Vacation of Interior Lot Line |
| <input type="checkbox"/> Board of Adjustment | <input checked="" type="checkbox"/> Rezone | <input type="checkbox"/> Vacation of Right-of-Way |
| <input type="checkbox"/> Certificate of Designation | <input type="checkbox"/> Site Specific Development Plan/Development Agreement | <input type="checkbox"/> Variance of Use |
| <input type="checkbox"/> Expansion of Legal Nonconforming Use | <input type="checkbox"/> Sketch Plan | <input type="checkbox"/> Vested Property Rights |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Special Use Review | <input type="checkbox"/> Waiver of Regulations |
| <input type="checkbox"/> Location Approval | <input type="checkbox"/> Subdivision Exemption | 1. _____ |
| <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Vacation/Replat | 2. _____ |
| <input type="checkbox"/> Others | | 3. _____ |
| 1. _____ | | |
| 2. _____ | | |
| 3. _____ | | |

Administrative Items:

- | | |
|---|--|
| <input type="checkbox"/> Billboard Credit | <input type="checkbox"/> Temporary Mobile Home Permit |
| <input type="checkbox"/> Care Facility | <input type="checkbox"/> Temporary Use Permit (check one below)* |
| <input type="checkbox"/> Determination of Nonconforming Use | <input type="checkbox"/> Carnival/Circus |
| <input type="checkbox"/> Home Occupation Permit (check one below) | <input type="checkbox"/> Christmas Tree Sales |
| <input type="checkbox"/> Rural | <input type="checkbox"/> Construction Office/Trailer |
| <input type="checkbox"/> Urban | <input type="checkbox"/> Fireworks Stand |
| <input type="checkbox"/> Merger by Contiguity | <input type="checkbox"/> Mobile Home/Subdivision Sales Office |
| <input type="checkbox"/> Plot Plan* | <input type="checkbox"/> Seasonal Produce Sales |
| <input type="checkbox"/> Relief Determination by Director | <input type="checkbox"/> Vacation of Interior Lot Line/Easement(s) |
| <input type="checkbox"/> Sign Review* | <input type="checkbox"/> Other _____ |

*Owner's signature not required on these items.

(Please provide a separate application form for each proposal)

Project Name Judge Orr Properties

Describe proposal S2S2NW4 + SW4 + NW4SE4, E & N 260.00 FT
THERE OF + S2SE4 ALL IN SEC. 36-12-63 DESC AS FOLS:
BEG AT SE COR SD SEC 36, TH S 895 25' 08" W E 231.51 FT, N

Tax Schedule No. (s) 3200000712, 3200000715, 3200000717, 3200000720

Property Address (s) 3200000705, 3200000713, 3200000718, 3200000719
8650 Bremner Rose PT, 8750 Bremner Rose PT, 9055 McClelland RD,
0 McClelland RD, 0 Judge Orr RD, 8850 Bremner Rose PT,

Acreage 308 No. of Proposed Lots 8

Existing Zone PUD Proposed Zone A-35

Property Owner Name(s) Tia + Amber Albrecht, Brad Cynthia Jensen, Clyde Trees, Lisa Clark, Mike + Shannon Hoops, David Strine, Jarrad Farlin, Mitch Albrecht

Address _____

Office Phone Please see the following page for Property Owners Contact Information Zip Code _____

Alternate Phone _____

Mobile Phone _____ Fax _____

Email Address _____

Applicant Name _____

Address _____

Zip Code _____

Office Phone _____ Alternate Phone _____

Mobile Phone _____ Fax _____

Email Address _____

Contact / Consultant Name _____

Address _____

Zip Code _____

Office Phone _____ Alternate Phone _____

Mobile Phone _____ Fax _____

Email Address _____

Owner/Applicant Authorization:

The signature(s) hereby certify that the statements made by myself and constituting part of this application are true and correct. I(we) am(are) fully aware that any misrepresentation of any information on this application may be grounds for denial of this application. I(we) have familiarized myself(ourselves) with the rules, regulations and procedures with respect to preparing and filing this application. I(we) also understand that an incorrect submittal will be cause to have the project removed from the agenda of the Planning Commission, Board of County Commissioners and/or Board of Adjustment or delay review, and that approval of this application is based on the representations made in the application and may be revoked on any breach of representation or condition(s) of approval. Submission of this application and signature of the owner(s) below authorizes the Planning Department, and applicable review agencies, right of entry onto the property for purposes of processing this request.

Owner(s) Signature _____ Date _____

Owner(s) Signature _____ Date _____

Applicant Signature _____ Date _____

AUTHORIZATION TO SUBMIT APPLICATION (Office Use Only)

Submittal Requirements Matrix
Project Manager Signature _____

Application Accepted

Reference Files _____

Timothy & Amber Albertson
8650 Bremmer Rose PT
Calhan, CO 80808
PO BOX 266
Calhan, CO 80808
Amber Albertson 940-399-9659
Amb6289er@yahoo.com

David Strine
8650 Bremmer Rose PT
Calhan, CO 80808
PO Box 268
Calhan, CO 80808
David Strine 940-399-7557
David468@yahoo.com

Brad & Cynthia Jensen
8750 Bremmer Rose PT
Calhan, CO 80808
PO Box 88257
Colorado Springs, CO 80908
Cynthia Jensen 719-661-6531
Jensencustomcuts@msn.com

Clyde Trees
9055 McClelland RD
Calhan, CO 80808
3537 Maizeland RD
Colorado Springs, CO 80909
Clyde Trees 719-686-3433

Lisa Clark
8755 McClelland RD
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Lisa Clark 719-238-3909
Lisaj.clark50@gmail.com

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680 Winding Hills RD
Monument, CO 80132
Shannon Hoops 719-235-1021
Mike.shannon0509@gmail.com

Jarrad Farlin
8850 Bremmer Rose PT
Calhan, CO 80808
PO Box 3487
Parker, CO
Jarrad Farlin 309-361-2299
jarradfarlin@yahoo.com

Judge Orr Properties LLC
Mitch Albrecht
3107 W Colorado Ave #258
Colorado Springs, CO 80904
Mitch Albrecht 719-499-5694
Mitch.a@roadrunner.com

Tim + Amber

I agree to be rezoned to A-35

Project Name: Judge Orr Properties

Describe proposal: S2S2NW4 & SW4 & NW4SE4, EX N 260.00 FT THERE OF & S2SE4
ALL IN SEC 36-12-63 DESC AS FOLS: BEG AT SE COR SD SEC 36, TH S 89<25'08"W 5231.51 FT, N
00<04'34"E 3319.39 FT, S 89<59'14"E 2612.81 FT, S 00<01'40"W 918.40 FT, N 89<53'15"E
1307.19 FT, S 00<01'25"E 1051.52 FT, N 89<39'40"E 1307.73 FT, S 00<00'00"W 1306.13 FT TO
POB, EX THAT PT DESC BY REC #210128483 & #214068812

Tax Schedule No. 3200000712

Property Address: 0 Judge Orr Rd

Acreage: 308 No. of Proposed Lots: 8

Existing Zone: PUD Proposed Zone: A-35

Property Owner Name(s): Tim + Amber Albertson

Schedule No. 3200000715

Property Address: 8650 Brenner Rose Pt

Mailing Address: P.O. Box 21010 Malhan ID 80808

Phone(s): (940) 399 91059

Email: Amber289er@uphoo.com

Sign: Amber Strine Albertson Date: 2/13/17

Sign: [Signature] Date: 2/13/17

I agree to be rezoned to A-35

Project Name: Judge Orr Properties

Describe proposal: S2S2NW4 & SW4 & NW4SE4, EX N 260.00 FT THERE OF & S2SE4
ALL IN SEC 36-12-63 DESC AS FOLS: BEG AT SE COR SD SEC 36, TH S 89<25'08"W 5231.51 FT, N
00<04'34"E 3319.39 FT, S 89<59'14"E 2612.81 FT, S 00<01'40"W 918.40 FT, N 89<53'15"E
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POB, EX THAT PT DESC BY REC #210128483 & #214068812

Tax Schedule No. 3200000712

Property Address: 0 Judge Orr Rd

Acreage: 308 No. of Proposed Lots: 8

Existing Zone: PUD Proposed Zone: A-35

Property Owner Name(s): David Steine

Schedule No. 3200000715

Property Address: 8650 Bremner Rose Pt

Mailing Address: Po Box 268 Calhan Co. 80808

Phone(s): 940-399-7557

Email: David468@yahoo.com

Sign: David Steine Date: 2-12-2017

Sign: _____ Date: _____

Brad + Cynthia Jensen

I agree to be rezoned to A-35

Project Name: Judge Orr Properties

Describe proposal: S2S2NW4 & SW4 & NW4SE4, EX N 260.00 FT THERE OF & S2SE4
ALL IN SEC 36-12-63 DESC AS FOLS: BEG AT SE COR SD SEC 36, TH S 89<25'08"W 5231.51 FT, N
00<04'34"E 3319.39 FT, S 89<59'14"E 2612.81 FT, S 00<01'40"W 918.40 FT, N 89<53'15"E
1307.19 FT, S 00<01'25"E 1051.52 FT, N 89<39'40"E 1307.73 FT, S 00<00'00"W 1306.13 FT TO
POB, EX THAT PT DESC BY REC #210128483 & #214068812

Tax Schedule No. 3200000712

Property Address: 0 Judge Orr Rd

Acreage: 308 No. of Proposed Lots: 8

Existing Zone: PUD Proposed Zone: A-35

Property Owner Name(s): Brad + Cynthia Jensen

Schedule No. 3200000717

Property Address: 8750 Bremner Rose PT

Mailing Address: PO Box 88257, Colorado Springs, CO 80908

Phone(s): 719-661-6531

Email: jensencustomcuts@msn.com

Sign: Brad Jensen Date: 2/12/2017

Sign: Cynthia Jensen Date: 2/12/2017

Clyde Trees

I agree to be rezoned to A-35

Project Name: Judge Orr Properties

Describe proposal: S2S2NW4 & SW4 & NW4SE4, EX N 260.00 FT THERE OF & S2SE4
ALL IN SEC 36-12-63 DESC AS FOLS: BEG AT SE COR SD SEC 36, TH S 89<25'08"W 5231.51 FT, N
00<04'34"E 3319.39 FT, S 89<59'14"E 2612.81 FT, S 00<01'40"W 918.40 FT, N 89<53'15"E
1307.19 FT, S 00<01'25"E 1051.52 FT, N 89<39'40"E 1307.73 FT, S 00<00'00"W 1306.13 FT TO
POB, EX THAT PT DESC BY REC #210128483 & #214068812

Tax Schedule No. 3200000712

Property Address: 0 Judge Orr Rd

Acreage: 308 No. of Proposed Lots: 8

Existing Zone: PUD Proposed Zone: A-35

Property Owner Name(s): Clyde Trees

Schedule No. 3200000705

Property Address: 9055 McClelland Rd.

Mailing Address: 3537 MaizeLand Rd.

Phone(s): 719-686-3433

Email: N/A

Sign: *Clyde Trees* Date: 2-15-17

Sign: _____ Date: _____

I agree to be rezoned to A-35

Project Name: Judge Orr Properties

Describe Proposal:

A parcel of land being a portion of the West Half of Section 36, Township 12 South, Range 63 West of the 6th P.M., County of El Paso, State of Colorado, more particularly described as follows:

Commencing at the West Quarter Corner of said Section 36; thence $S00^{\circ}54'39''W$. coincident with the West line of the SW1/4 of Section 36, a distance of 45.51 feet to the POINT OF BEGINNING of a parcel of land described herein; thence $S.89^{\circ}05'31''E.$, a distance of 314.27 feet to a point of curve to the left having a radius of 330.00 feet and a central angle of $27^{\circ}49'08''$; thence Easterly along the arc a distance of 160.23 feet; thence $N.63^{\circ}05'24''E.$, a distance of 286.99 feet to a point of curve to the right having a radius of 270.00 feet and a central angle of $06^{\circ}10'35''$; thence Northeasterly along the arc a distance of 29.11 feet; thence $S.20^{\circ}44'01''E.$, a distance of 32.68 feet; thence $S.89^{\circ}17'03''E.$, a distance of 528.65 feet; thence $S.00^{\circ}50'31''W.$, a distance of 1,569.44 feet; thence $N.89^{\circ}09'29''W.$, a distance of 1,291.10 feet; thence $N.00^{\circ}54'39''E.$ coincident with the West line of the SW1/4, a distance of 1,415.29 feet to the POINT OF BEGINNING.
Containing 1,942,289.24 square feet or 44.5888 acres, more or less.

Tax Schedule No. 3200000712

Property Address: 8755 McClelland Rd., Calhan, CO 80808

Acreage: 308 No. of Proposed Lots: 8

Existing Zone: PUD Proposed Zone: A-35

Property Owner Name(s): Lisa Jane Clark

Schedule No: 32000-00-721

Property Address: 8755 McClelland Rd., Calhan, CO 80808

Phone(s): 719-238-3909

Email: lisaj.clark50@gmail.com

Sign: Lisa Jane Clark Date: 6/1/17

Mike + Shannon Hoops

I agree to be rezoned to A-35

Project Name: Judge Orr Properties

Describe proposal: S2S2NW4 & SW4 & NW4SE4, EX N 260.00 FT THERE OF & S2SE4
ALL IN SEC 36-12-63 DESC AS FOLLS BEG AT SE COR SD SEC 36, TH S 89<25'08" □ 5231.51 FT, N
00<04'34" E 3319.39 FT, S 89<59'14" E 2612.81 FT, S 00<01'40" □ 918.40 FT, N 89<53'15" E
1307.19 FT, S 00<01'25" E 1051.52 FT, N 89<39'40" E 1307.73 FT, S 00<00'00" □ 1306.13 FT TO
POB, EX THAT PT DESC BY REC # 210128483 & # 214068812

Tax Schedule No. 3200000712

Property Address: 0 Judge Orr Rd

Acreage: 308 No. of Proposed Lots: 8

Existing Zone: PUD Proposed Zone: A-35

Property Owner Name(s): Michael Dale Hoops & Shannon Kathleen Hoops

Schedule No. 3200000718

Property Address: _____

Mailing Address: 680 Winding Hills Rd Monument, Co 80132

Phone(s): 719-235-1021

Email: mike.shannon25229@gmail.com

Sgn: Michael Dale Hoops by Sam Hoops P.O.A Date: 13 Feb 17

Sgn: Shannon Kathleen Hoops Date: 13 Feb 17

FARLIN
Jarrad Farlin

I agree to be rezoned to A-35

Project Name: Judge Orr Properties

Describe proposal: S2S2NW4 & SW4 & NW4SE4, EX N 260.00 FT THERE OF & S2SE4
ALL IN SEC 36-12-63 DESC AS FOLS: BEG AT SE COR SD SEC 36, TH S 89<25'08"W 5231.51 FT, N
00<04'34"E 3319.39 FT, S 89<59'14"E 2612.81 FT, S 00<01'40"W 918.40 FT, N 89<53'15"E
1307.19 FT, S 00<01'25"E 1051.52 FT, N 89<39'40"E 1307.73 FT, S 00<00'00"W 1306.13 FT TO
POB, EX THAT PT DESC BY REC #210128483 & #214068812

Tax Schedule No. 3200000712

Property Address: 0 Judge Orr Rd

Acreage: 308 No. of Proposed Lots: 8

Existing Zone: PUD Proposed Zone: A-35

Property Owner Name(s): Jarrad Farlin

Schedule No. 3200000719

Property Address: 3850 Brenner Rose Pt

Mailing Address: P.O. Box 3487 Parker, CO

Phone(s): 309-361-2299

Email: jarradfarlin@yahoo.com

Sign: Jarrad Farlin Date: 2/19/17

Sign: _____ Date: _____

Mitch Albrecht

I agree to be rezoned to A-35

Project Name: Judge Orr Properties

Describe proposal: S2S2NW4 & SW4 & NW4SE4, EX N 260.00 FT THERE OF & S2SE4
ALL IN SEC 36-12-63 DESC AS FOLS: BEG AT SE COR SD SEC 36, TH S 89<25'08"W 5231.51 FT, N
00<04'34"E 3319.39 FT, S 89<59'14"E 2612.81 FT, S 00<01'40"W 918.40 FT, N 89<53'15"E
1307.19 FT, S 00<01'25"E 1051.52 FT, N 89<39'40"E 1307.73 FT, S 00<00'00"W 1306.13 FT TO
POB, EX THAT PT DESC BY REC #210128483 & #214068812

Tax Schedule No. 3200000712

Property Address: 0 Judge Orr Rd

Acreage: 308 No. of Proposed Lots: 8

Existing Zone: PUD Proposed Zone: A-35

Property Owner Name(s): Judge Orr Properties, LLC

Schedule No. 3200000720

Property Address: _____

Mailing Address: 3107 W. Cde Ave. #258 Colo Spgs. 80904

Phone(s): 719-499-5694

Email: mitch.a@roadrunner.com

Sign: [Signature] Date: 2-16-17

Sign: _____ Date: _____

EL PASO



COUNTY

COMMISSIONERS:
DARRYL GLENN (PRESIDENT)
MARK WALLER (PRESIDENT PRO TEMPORE)

STAN VANDERWERF
LONGINOS GONZALEZ
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission (PC) Meeting
Tuesday, September 5, 2017
El Paso County Planning and Community Development Department
2880 International Circle, Hearing Room
Colorado Springs, Colorado 80910

PRESENT AND VOTING: JIM EGBERT, ALLAN CREELY, KEVIN CURRY, TONY GIOIA, LAWRENCE WOOD, KEVIN MASTIN AND JOAN LUCIA-TREESE

ABSENT: SABRINA RAINEY, BRIAN RISLEY, AND MITCHELL SMITH

P-17-003

RUIZ

**MAP AMENDMENT (REZONE)
ALBRECHT REZONE**

A request by the representative, Cynthia Jensen, for approval of a map amendment (rezoning) of seven (7) parcels totaling 308.78 acres from PUD (Planned Unit Development) to A-35 (Agricultural). The parcels are located north of Judge Orr Road and west of North Ellicott Highway. (Parcel Nos. 32000-00-705, 32000-00-715, 32000-00-717, 32000-00-718, 32000-00-719, 32000-00-720, and 32000-00-721)

Ms. Nina Ruiz gave a brief overview of the request and asked **Mr. Cole Emmons** to go over the Approval Criteria for a map amendment (rezone).

Ms. Ruiz introduced the representative **Ms. Cynthia Jensen** to give their presentation to the Planning Commission. She represents seven adjacent property owners, herself being one of them.

Ms. Ruiz then gave her presentation to the Planning Commission and answered questions.

Mr. Curry – Were there any specific conditions or notations from the previous application? Answer from **Ms. Ruiz** – There aren't any that affect this request.

Mr. Gioia – Just for clarification again, are all seven of the property owners a part of this request? Answer from **Ms. Ruiz** – yes, that's correct.

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

Mr. Egbert – Are any of the existing structures located within the 100-year floodplain?
Answer from **Mr. Hoff** – No, they are not.

Mr. Tommy Hoff gave an overview of the engineering findings. His report is on permanent file.

IN FAVOR: None

IN OPPOSITION: Cherokee Water representative, Curt Schlegel – The Albrecht well(water rights) has been acquired recently and we are asking for a condition of approval. We want to make sure well spacing and location are addressed as well as obtaining any easements that we need if we need access to those well heads.

Mr. Mastin – There won't be a need to redrill existing wells, it's for new wells, is that correct? Answer from **Mr. Schlegel** – Yes, that's correct. There is no burden to current homeowners.

Mr. Emmons – This is a rezoning action and we do not get into water issues at the rezoning stage. The State statutes give the County the ability to look into water supplies at the subdivision stage. Therefore, it's my opinion, that you do not have the authority to add a condition to the rezone that deals with the water supply. With that said, you are a recommending body. This will go to the Board of County Commissioners. This morning is the first that many of us have heard of this concern; and therefore, I would encourage Cherokee as well as the applicant to have some serious discussions between now and the Board of County Commissioners' meeting to see what concerns there are and what precautions that Cherokee would like to see the applicants make and if the applicants are willing to do so.

Ms. Ruiz – I have spoken with both **Mr. Schlegel** and **Ms. Jensen**, and we believe we can come together and meet to come to an agreement prior to the Board of County Commissioners meeting. We will plan to give an update of the status at the BoCC hearing.

PC ACTION: GIOIA MOVED/CREELY SECONDED TO APPROVE REGULAR ITEM NO. 3, P-17-003 FOR APPROVAL OF A MAP AMENDMENT (REZONE) FOR ALBRECHT UTILIZING RESOLUTION PAGE 27 (MORE PARTICULARY DESCRIBED ON PAGE 17-029) WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY (7-0).

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Gioia moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-17-003

WHEREAS, Timothy and Amber Albertson, Lisa Clark, David Strine, Michael and Shannon Hoops, Brad and Cynthia Jensen, Jarrad Farlin, Clyde Trees and Judge Orr Properties, LLC did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference from the PUD (Planned Unit Development) zoning district to the A-35 (Agricultural) zoning district; and

WHEREAS, a public hearing was held by this Commission on September 5, 2017; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

The application was properly submitted for consideration by the Planning Commission.

Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.

The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons were heard at that hearing.

The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned.

The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.

The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district

The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor.

For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the petition of Timothy and Amber Albertson, Lisa Clark, David Strine, Michael and Shannon Hoops, Brad and Cynthia Jensen, Jarrad Farlin, Clyde Trees and Judge Orr Properties, LLC for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the PUD (Planned Unit Development) zoning district to the A-35 (Agricultural) zoning district be approved by the Board of County Commissioners:

BE IT FURTHER RESOLVED that the Planning Commisison recommends the following conditions and notations shall be placed upon this approval:

CONDITIONS

The property owners shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include, but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the A-35 (Agricultural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual. Approval of this rezoning request has the effect of nullifying the previously approved PUD zoning as identified in BoCC resolution 04-406, which, therefore, also nullifies any previously approved preliminary plan or final plat as referenced by BoCC Resolutions 04-407 and 09-136, respectively.

NOTATIONS

If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the Board of County Commissioners for its consideration.

Commissioner Creely seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows:

Commissioner Egbert	aye
Commissioner Creely	aye
Commissioner Curry	aye
Commissioner Gioia	aye
Commissioner Wood	aye
Commissioner Mastin	aye
Commissioner Lucia-Treese	aye

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

EXHIBIT A

Parcel No. 32000-00-705

Legal Description: Tract 1

A tract of land being a portion of the West Half of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows: Beginning at the W1/4 corner of said Section 36, said point being the POINT OF BEGINNING of a tract of land described herein; thence N.00°54'17"E. coincident with the West line of the NW1/4 of said Section 36, a distance of 663.88 feet; thence S.89°09'25"E., a distance of 2,611.94 feet; thence S.00°46'58"W. coincident with the North-South centerline of said Section 36, a distance of 552.24 feet; thence N.89°17'07"W., a distance of 488.73 feet; thence N.89°17'10"W., a distance of 835.16 feet; thence N.89°17'03"W., a distance of 528.65 feet; thence N.20°44'01"W., a distance of 32.68 feet to the point of curve of a non tangent curve to the left, of which the radius point lies S.20°44'01"E., a radial distance of 270.00 feet; thence southwesterly along the arc, through a central angle of 06°10'35", a distance of 29.11 feet; thence S.63°05'24"W., a distance of 286.99 feet to the point of curve of a non tangent curve to the right, of which the radius point lies N.26°54'39"W., a radial distance of 330.00 feet; thence westerly along the arc, through a central angle of 27°49'08", a distance of 160.23 feet; thence N.89°05'31"W., a distance of 254.27 feet; thence N.89°05'28"W., a distance of 60.00 feet; thence N.00°54'39"E. coincident with the West line of the SW1/4 of said Section 36, a distance of 45.51 feet to the POINT OF BEGINNING.

Containing 1,531,106.01 square feet or 35.1494 acres, more or less.

Parcel No. 32000-00-721

Legal Description: Tract 2

A parcel of land being a portion of the West Half of Section 36, Township 12 South, Range 63 West of the 6th P.M., County of El Paso, State of Colorado, more particularly described as follows:

Commencing at the West Quarter Corner of said Section 36; thence S00°54'39"W. coincident with the West line of the SW1/4 of Section 36, a distance of 45.51 feet to the POINT OF BEGINNING of a parcel of land described herein; thence S.89°05'31"E., a distance of 314.27 feet to a point of curve to the left having a radius of 330.00 feet and a central angle of 27°49'08"; thence Easterly along the arc, a distance of 160.23 feet; thence N.63°05'24"E., a distance of 286.99 feet to a point of curve to the right having a radius of 270.00 feet and a central angle of 06°10'35"; thence Northeasterly along the arc a distance of 29.11 feet; thence S.20°44'01"E., a distance of 32.68 feet; thence S.89°17'03"E., a distance of 528.65 feet; thence S.00°50'31"W., a distance of 1,569.44 feet; thence N.89°09'29"W., a distance of 1,291.10 feet; thence N.00°54'39"E. coincident with the West line of the SW1/4, a distance of 1,415.29 feet to the POINT OF BEGINNING, County of El Paso, State of Colorado.

Parcel No. 32000-00-718

Legal Description: Tract 3

A tract of land being a portion of the Southwest Quarter of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Beginning at the SW corner of said Section 36, said point being the POINT OF BEGINNING of a tract of land described herein; thence N.00°54'39"E. coincident with the West line of the SW1/4 of said Section 36, a distance of 1,194.83 feet; thence S.89°09'29"E., a distance of 1,291.10 feet; thence S.00°50'31"W., a distance of 1,181.45 feet; thence N.89°45'04"W. coincident with the South line of said SW1/4 , a distance of 1,292.61 feet to the POINT OF BEGINNING.

Containing 1,534,855.69 square feet or 35.2354 acres, more or less.

Parcel No. 32000-00-717

Legal Description: Tract 4

A tract of land being a portion of the West Half of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Commencing at the SW corner of said Section 36; thence N.00°54'39"E. coincident with the West line of said SW1/4, a distance of 1,194.83 feet; thence S.89°09'29"E., a distance of 1,291.10 feet to the POINT OF BEGINNING of a tract of land described herein; thence N.00°50'31"E., a distance of 1,569.44 feet; thence S.89°17'10"E., a distance of 835.16 feet; thence S.00°34'59"W., a distance of 1,119.79 feet; thence S.89°25'01"E., a distance of 482.27 feet; thence S.00°48'51"W. coincident with the North-South centerline of said Section 36, a distance of 453.72 feet; thence N.89°09'29"W., a distance of 1,322.70 feet to the POINT OF BEGINNING. Containing 1,534,975.67 square feet or 35.2382 acres, more or less.

Subject to a 10 ft. for Ingress Egress Access Easement along the East line of Tract

Parcel No. 32000-00-715

Legal Description: Tract 5

A tract of land being a portion of the Southwest Quarter of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Beginning at the South Quarter corner of said Section 36, said point being the POINT OF BEGINNING of a tract of land described herein; thence N.89°45'04"W. coincident with the

South line of the SW1/4, a distance of 1,323.34 feet; thence N.00°50'31"E., a distance of 1,181.45 feet; thence S.89°09'29"E., a distance of 1,322.70 feet; the following (2) courses are coincident with the Northsouth centerline of said Section 36; (1) thence S.00°48'51"W., a distance of 280.78 feet; (2) thence continue southerly along said line, a distance of 886.97 feet to the POINT OF BEGINNING. Containing 1,553,979.63 square feet or 35.6745 acres, more or less.

Subject to a 10 ft. Ingress Egress Access Easement along the East side of Tract 5.

Parcel No. 32000-00-719

Legal Description: Tract 6

A tract of land being a portion of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Beginning at the Center Quarter of said Section 36, said point being the POINT OF BEGINNING of a tract of land described herein; thence S.00°52'31"W. coincident with the Northsouth centerline of said Section 36, a distance of 260.01 feet; thence S.89°16'39"E., a distance of 1,307.19 feet; thence S.00°50'01"W., a distance of 755.38 feet; thence N.89°09'29"W., a distance of 1,308.67 feet; thence N.89°25'01"W., a distance of 482.27 feet; thence N.00°34'59"E., a distance of 1,119.79 feet; thence S.89°17'07"E., a distance of 488.73 feet; thence S.00°46'58"W. coincident with the Northsouth centerline of said Section 36, a distance of 106.02 feet to the POINT OF BEGINNING. Containing 1,529,849.28 square feet or 35.1205 acres, more or less.

Parcel No. 32000-00-720

Legal Description: Tract 7

Tract 7A tract of land being a portion of the Southeast Quarter of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Commencing at the Southeast Corner of said Section 36; thence N.00°49'31"E. coincident with the East line of the SE1/4 of said Section 36, a distance of 860.57 feet to the POINT OF BEGINNING of a tract of land described herein; thence N.89°10'29"W., a distance of 2,615.96 feet; the following (2) courses are coincident with the Northsouth centerline of said Section 36; (1) thence N.00°48'51"E., a distance of 280.78 feet; (2) thence continue northerly along said line, a distance of 453.72 feet; thence S.89°09'29"E., a distance of 1,308.67 feet; thence S.00°49'33"W., a distance of 296.31 feet; thence S.89°31'08"E., a distance of 1,307.46 feet; thence S.00°49'30"W. coincident with the East line of the SE1/4 of said Section 36, a distance of 445.66 feet to the POINT OF BEGINNING.

Containing 1,538,457.37 square feet or 35.3181 acres, more or less.

Subject to a 30 ft. Ingress Egress Access Easement along the West line of said Tract 7, Also

see attached Access and Well Easement.

Parcel No. 32000-00-720

Legal Description: Tract 8

A tract of land being a portion of the Southeast Quarter of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Beginning at the Southeast corner of said Section 36, said point being the POINT OF BEGINNING of a tract of land described herein; thence N.89°45'11"W. coincident with the South line of said SE1/4, a distance of 2,615.93 feet; thence N.00°48'51"E. coincident with the Northsouth centerline of said Section 36, a distance of 886.97 feet; thence S.89°10'29"E., a distance of 2,615.96 feet; thence S.00°49'31"W. coincident with the East line of the said SE1/4, a distance of 860.57 feet to the POINT OF BEGINNING.

Containing 2,285,667.83 square feet or 52.4717 acres, more or less.

Subject to a 30 ft. Ingress Egress Access Easement along the West line of said Tract 8.

RESOLUTION NO. 17-

**EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF
COLORADO**

**APPROVAL OF THE ALBRECHT REZONE MAP AMENDMENT (REZONING)
(P-17-003)**

WHEREAS Timothy and Amber Albertson, Lisa Clark, David Strine, Michael and Shannon Hoops, Brad and Cynthia Jensen, Jarrad Farling, Clyde Trees and Judge Orr Properties, LLC did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the PUD (Planned Unit Development) zoning district to the A-35 (Agricultural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on September 5, 2017, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by this Board on October 10, 2017; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

The application was properly submitted for consideration by the Board of County Commissioners.

Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.

The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.

The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

The proposed land use will be compatible with existing and permitted land uses in the area.

The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.

For the above-stated and other reasons, the proposed Amendment to the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

Changing conditions clearly require amendment to the Zoning Resolutions.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Timothy and Amber Albertson, Lisa Clark, David Strine, Michael and Shannon Hoops, Brad and Cynthia Jensen, Jarrad Farling, Clyde Trees and Judge Orr Properties, LLC to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the PUD (Planned Unit Development) zoning district to the A-35 (Agricultural) zoning district ;

BE IT FURTHER RESOLVED the following conditions and notations shall be placed upon this approval:

CONDITIONS OF APPROVAL

The property owners shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include, but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the A-35 (Agricultural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual. Approval of this rezoning request has the effect of nullifying the previously approved PUD zoning as identified in BoCC resolution 04-406, which, therefore, also nullifies any previously approved preliminary plan or final plat as referenced by BoCC Resolutions 04-407 and 09-136, respectively.

NOTATIONS

If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 10th day of October, 2017, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____ President

By: _____
County Clerk & Recorder

EXHIBIT A

Parcel No. 32000-00-705

Legal Description: Tract 1

A tract of land being a portion of the West Half of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Beginning at the W1/4 corner of said Section 36, said point being the POINT OF BEGINNING of a tract of land described herein; thence N.00°54'17"E. coincident with the West line of the NW1/4 of said Section 36, a distance of 663.88 feet; thence S.89°09'25"E., a distance of 2,611.94 feet; thence S.00°46'58"W. coincident with the North-South centerline of said Section 36, a distance of 552.24 feet; thence N.89°17'07"W., a distance of 488.73 feet; thence N.89°17'10"W., a distance of 835.16 feet; thence N.89°17'03"W., a distance of 528.65 feet; thence N.20°44'01"W., a distance of 32.68 feet to the point of curve of a non tangent curve to the left, of which the radius point lies S.20°44'01"E., a radial distance of 270.00 feet; thence southwesterly along the arc, through a central angle of 06°10'35", a distance of 29.11 feet; thence S.63°05'24"W., a distance of 286.99 feet to the point of curve of a non tangent curve to the right, of which the radius point lies N.26°54'39"W., a radial distance of 330.00 feet; thence westerly along the arc, through a central angle of 27°49'08", a distance of 160.23 feet; thence N.89°05'31"W., a distance of 254.27 feet; thence N.89°05'28"W., a distance of 60.00 feet; thence N.00°54'39"E. coincident with the West line of the SW1/4 of said Section 36, a distance of 45.51 feet to the POINT OF BEGINNING. Containing 1,531,106.01 square feet or 35.1494 acres, more or less.

Parcel No. 32000-00-721

Legal Description: Tract 2

A parcel of land being a portion of the West Half of Section 36, Township 12 South, Range 63 West of the 6th P.M., County of El Paso, State of Colorado, more particularly described as follows:

Commencing at the West Quarter Corner of said Section 36; thence S00°54'39"W. coincident with the West line of the SW1/4 of Section 36, a distance of 45.51 feet to the POINT OF BEGINNING of a parcel of land described herein; thence S.89°05'31"E., a distance of 314.27 feet to a point of curve to the left having a radius of 330.00 feet and a central angle of 27°49'08"; thence Easterly along the arc, a distance of 160.23 feet; thence N.63°05'24"E., a distance of 286.99 feet to a point of curve to the right having a radius of 270.00 feet and a

central angle of $06^{\circ}10'35''$; thence Northeasterly along the arc a distance of 29.11 feet; thence $S.20^{\circ}44'01''E.$, a distance of 32.68 feet; thence $S.89^{\circ}17'03''E.$, a distance of 528.65 feet; thence $S.00^{\circ}50'31''W.$, a distance of 1,569.44 feet; thence $N.89^{\circ}09'29''W.$, a distance of 1,291.10 feet; thence $N.00^{\circ}54'39''E.$ coincident with the West line of the SW1/4, a distance of 1,415.29 feet to the POINT OF BEGINNING, County of El Paso, State of Colorado.

Parcel No. 32000-00-718

Legal Description: Tract 3

A tract of land being a portion of the Southwest Quarter of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Beginning at the SW corner of said Section 36, said point being the POINT OF BEGINNING of a tract of land described herein; thence $N.00^{\circ}54'39''E.$ coincident with the West line of the SW1/4 of said Section 36, a distance of 1,194.83 feet; thence $S.89^{\circ}09'29''E.$, a distance of 1,291.10 feet; thence $S.00^{\circ}50'31''W.$, a distance of 1,181.45 feet; thence $N.89^{\circ}45'04''W.$ coincident with the South line of said SW1/4, a distance of 1,292.61 feet to the POINT OF BEGINNING.

Containing 1,534,855.69 square feet or 35.2354 acres, more or less.

Parcel No. 32000-00-717

Legal Description: Tract 4

A tract of land being a portion of the West Half of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Commencing at the SW corner of said Section 36; thence $N.00^{\circ}54'39''E.$ coincident with the West line of said SW1/4, a distance of 1,194.83 feet; thence $S.89^{\circ}09'29''E.$, a distance of 1,291.10 feet to the POINT OF BEGINNING of a tract of land described herein; thence $N.00^{\circ}50'31''E.$, a distance of 1,569.44 feet; thence $S.89^{\circ}17'10''E.$, a distance of 835.16 feet; thence $S.00^{\circ}34'59''W.$, a distance of 1,119.79 feet; thence $S.89^{\circ}25'01''E.$, a distance of 482.27 feet; thence $S.00^{\circ}48'51''W.$ coincident with the North-South centerline of said Section 36, a distance of 453.72 feet; thence $N.89^{\circ}09'29''W.$, a distance of 1,322.70 feet to the POINT OF BEGINNING. Containing 1,534,975.67 square feet or 35.2382 acres, more or less.

Subject to a 10 ft. for Ingress Egress Access Easement along the East line of Tract

Parcel No. 32000-00-715

Legal Description: Tract 5

A tract of land being a portion of the Southwest Quarter of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Beginning at the South Quarter corner of said Section 36, said point being the POINT OF BEGINNING of a tract of land described herein; thence N.89°45'04"W. coincident with the South line of the SW1/4, a distance of 1,323.34 feet; thence N.00°50'31"E., a distance of 1,181.45 feet; thence S.89°09'29"E., a distance of 1,322.70 feet; the following (2) courses are coincident with the Northsouth centerline of said Section 36; (1) thence S.00°48'51"W., a distance of 280.78 feet; (2) thence continue southerly along said line, a distance of 886.97 feet to the POINT OF BEGINNING. Containing 1,553,979.63 square feet or 35.6745 acres, more or less.

Subject to a 10 ft. Ingress Egress Access Easement along the East side of Tract 5.

Parcel No. 32000-00-719

Legal Description: Tract 6

A tract of land being a portion of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Beginning at the Center Quarter of said Section 36, said point being the POINT OF BEGINNING of a tract of land described herein; thence S.00°52'31"W. coincident with the Northsouth centerline of said Section 36, a distance of 260.01 feet; thence S.89°16'39"E., a distance of 1,307.19 feet; thence S.00°50'01"W., a distance of 755.38 feet; thence N.89°09'29"W., a distance of 1,308.67 feet; thence N.89°25'01"W., a distance of 482.27 feet; thence N.00°34'59"E., a distance of 1,119.79 feet; thence S.89°17'07"E., a distance of 488.73 feet; thence S.00°46'58"W. coincident with the Northsouth centerline of said Section 36, a distance of 106.02 feet to the POINT OF BEGINNING.

Containing 1,529,849.28 square feet or 35.1205 acres, more or less.

Parcel No. 32000-00-720

Legal Description: Tract 7

Tract 7A tract of land being a portion of the Southeast Quarter of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Commencing at the Southeast Corner of said Section 36; thence N.00°49'31"E. coincident with the East line of the SE1/4 of said Section 36, a distance of 860.57 feet to the POINT OF BEGINNING of a tract of land described herein; thence N.89°10'29"W., a distance of 2,615.96 feet; the following (2) courses are coincident with the Northsouth centerline of said Section 36; (1) thence N.00°48'51"E., a distance of 280.78 feet; (2) thence continue northerly along said line, a distance of 453.72 feet; thence S.89°09'29"E., a distance of 1,308.67 feet; thence S.00°49'33"W., a distance of 296.31 feet; thence S.89°31'08"E., a distance of 1,307.46 feet; thence S.00°49'30"W. coincident with the East line of the SE1/4 of said Section 36, a distance of 445.66 feet to the POINT OF BEGINNING.

Containing 1,538,457.37 square feet or 35.3181 acres, more or less.

Subject to a 30 ft. Ingress Egress Access Easement along the West line of said Tract 7, Also see attached Access and Well Easement.

Parcel No. 32000-00-720

Legal Description: Tract 8

A tract of land being a portion of the Southeast Quarter of Section 36, Township 12 South, Range 63 West, 6th P.M., El Paso County, State of Colorado, more particularly described as follows:

Beginning at the Southeast corner of said Section 36, said point being the POINT OF BEGINNING of a tract of land described herein; thence N.89°45'11"W. coincident with the South line of said SE1/4, a distance of 2,615.93 feet; thence N.00°48'51"E. coincident with the Northsouth centerline of said Section 36, a distance of 886.97 feet; thence S.89°10'29"E., a distance of 2,615.96 feet; thence S.00°49'31"W. coincident with the East line of the said SE1/4, a distance of 860.57 feet to the POINT OF BEGINNING.

Containing 2,285,667.83 square feet or 52.4717 acres, more or less.

Subject to a 30 ft. Ingress Egress Access Easement along the West line of said Tract 8.