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RESOLUTION NO. 22-311

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF Terra Ridge North (REZONING) (P-22-007)

WHEREAS A request by Phillip S. and Jennifer Miles for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The 39.72-acre property is located approximately three quarters of a mile south of the intersection of Black Forest Road and Hodgen Road and within Section 29, Township 11 South, Range 65 West of the 6th P.M. (Parcel No. 51293-00-002) (Commissioner District No.1)

WHEREAS, a public hearing was held by the El Paso County Planning Commission on August 18, 2022, 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 September 6, 2022; 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:

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. 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.
3. 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.
4. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

5. The proposed land use will be compatible with existing and permitted land uses in the area.
6. 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.
7. 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.
8. Changing conditions clearly require amendment to the Zoning Resolutions.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves request by Phillip S. and Jennifer Miles for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The 39.72-acre property is located approximately three quarters of a mile south of the intersection of Black Forest Road and Hodgen Road and within Section 29, Township 11 South, Range 65 West of the 6th P.M. (Parcel No. 51293-00-002) (Commissioner District No.1)

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

CONDITIONS

1. The developer 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 RR-2.5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

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.

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

DONE THIS 6th day of September, 2022 at Colorado Springs, Colorado.

ATTEST:

By:



BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By:

Stan VanderWerf
Stan VanderWerf - Chair

EXHIBIT A

A portion of the Southwest Quarter of Section 29, Township 11 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, more particularly described as follows:

Beginning at the Northwest corner of the Southwest Quarter of said Southwest Quarter;
thence S89°46'29"E along the South line of Whispering Hills Estates as recorded in Plat Book Z-2
at Page 2 of said county records, 1407.75 feet to the Southeast corner thereof;
thence
N00°58'34"E, 1327.96 feet to the Northeast corner thereof; thence S89°47'26"E,
1245.16
feet to the Northeast corner of said Southwest Quarter, said Northeast corner
also being
on the West line of Wildwood Village Unit 3 as recorded in Plat Book H-3 at Page
57 of
said county records; thence S00°59'16"W along the East line of said Southwest
Quarter
and the West Line of said Wildwood Village Unit 3 and Wildwood Village Unit 4
as recorded
in Plat Book M-3 at Page 46 of said county records, 1366.91 feet; thence
N89°46'29"W,
945.48 feet; thence N00°58'34"E, 8.50 feet; thence N89°46'29"W, 1708.14 feet
to a point
on the west line of said Southwest Quarter; thence N00°58'34"E, 30.00 feet to
the point of
beginning.