


EL PASO COUNTY
COLORADO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners
 Stan VanderWerf, Chair**

**FROM: Mercedes Rivas, Planner II
 Lupe Packman, Engineer I
 Craig Dossey, Executive Director**

**RE: Project File #: P-21-003
 Project Name: Seclusion Rezone
 Parcel Nos.: 52110-00-002 and 52140-00-011**

OWNER:	REPRESENTATIVE:
Norwood Foundation 111 South Tejon Street, Suite 222 Colorado Springs, CO 80903	NES, Inc. 619 North Cascade Avenue, Suite 200 Colorado Springs, CO 80919

Commissioner District: 1 and 2

Planning Commission Hearing Date:	8/19/2021
Board of County Commissioners Hearing Date:	8/24/2021

EXECUTIVE SUMMARY

A request by Norwood Foundation for approval of a map amendment (rezoning) of 313.774 acres from PUD (Planned Unit Development District) to RR-5 (Residential Rural). The two (2) parcels are located west of Goodson Road and 1.1 miles northwest of the Meridian Road and Ayer Road intersection and are within Sections 11 and 14, Township 12 South, Range 65 West of the 6th P.M.

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by Norwood Foundation for approval of a map amendment (rezoning) of two (2) parcels totaling 313.774 acres from PUD (Planned Unit Development) to RR-5 (Residential Rural).

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



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

Waiver(s)/Deviation(s): There are no waivers associated with the map amendment (rezone) request.

Authorization to Sign: There are no documents associated with this application that require signing.

B. Planning Commission Summary-

Request Heard: As a Consent item at the August 19, 2021 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 8 - 0

Vote Rationale: N/A

Summary of Hearing: The applicant was represented at the hearing.

Legal Notice: Published in the Shopper's Press on August 25, 2021

C. APPROVAL CRITERIA

In approving a map amendment (rezoning), the Planning Commission and the Board of County Commissioners shall 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 (2021):

- 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:	PUD (Planned Unit Development)	Vacant
South:	RR-5 (Residential Rural)	Single-Family Dwelling
East:	RR-5 (Residential Rural)	Single-Family Dwelling
West:	RR-5 (Residential Rural)	Single-Family Dwelling

E. BACKGROUND

Both parcels were zoned A-4 (Agricultural) on September 20, 1965, (BoCC Resolution No. 434870) when zoning was first initiated for this area of unincorporated El Paso County. Due to nomenclature changes to the Code, the A-4 zoning district was renamed as the RR-5 (Rural Residential) zoning district.

The property was then rezoned from RR-5 to the Seclusion PUD on April 27, 2006 (PCD File No PUD-05-014, BoCC Resolution No. 06-119). A concurrent request was approved for a preliminary plan and final plat to create 60 residential lots with lot sizes ranging from 3.5 to 6 acres (PCD file nos. SP-05-003, SF-06-027). Both parcels burned in the Black Forest Fire, which resulted in much of the treed area being lost. The BoCC granted a two (2) year extension to record the final plat on October 8, 2019. The final plat has not been recorded to date. Per the applicant's letter of intent, no subsequent subdivision action is proposed at this time and the applicant intends to divide the property into 35-acre parcels if the map amendment (rezoning) is approved. The approval of the map amendment (rezoning) to the RR-5 zoning district would allow for further subdivision by either the developer or future parcel owners.

The map amendment (rezoning) request includes two (2) parcels. The northern parcel is 158.19 acres in size (parcel no. 52110-00-002) and the southern parcel is 154.72 acres in size (parcel no. 52140-00-011). A five (5) acre parcel, which contains an electric substation for the Mountain View Electric Association (MVEA), is adjacent to but excluded from the southern parcel. Both parcels exceed 35 acres in size and are considered legal divisions of land pursuant to C.R.S. §§ 30-28-101.

F. ANALYSIS

1. Land Development Code Analysis

The two (2) parcels, totaling 313.774 acres, included in the proposed map amendment (rezoning) are currently zoned PUD (Planned Unit Development District) pursuant to the Seclusion PUD. The PUD includes a cluster development of 60 single-family residential lots ranging in size from 3.5 to 6 acres. As discussed in the Background section above, the PUD has not been implemented. Per the applicant's letter of intent, the market indicates that 35+ acre parcels will be more desirable for parcels affected by the Black Forest Fire.

The map amendment area is surrounded by properties zoned RR-5 (Residential Rural) to the east, west, and south. The Porcupine and Black Squirrel Creek Park subdivisions are located directly to the west of the subject parcels and have been

developed with densities of approximately one (1) dwelling unit per five (5) acres. To the east is the Sylvan Meadows subdivision which has an average density of one (1) dwelling unit per five (5) acres. The Armonia Ranch subdivision is located immediately to the south and also includes an average density of one (1) dwelling unit per five (5) acres. Also located to the south is a 40-acre parcel of land that has not yet been subdivided but is presently being utilized for rural residential purposes.

To the north is the Sanctuary in the Pines PUD, which allows for the development of residential lots at a minimum lot size of 2.5 acres. The Sanctuary in the Pines PUD depicts the area immediately adjacent to the subject parcels as being a large planned open space and park area without any planned residential lots within one-quarter (1/4) of a mile of the subject parcels.

Although the applicant is proposing 35+ acre parcels, the proposed map amendment (rezoning) would allow for the development of five (5) acre residential lots. The proposed map amendment is compatible in terms of density and land use with the surrounding planned and developed parcels.

2. Zoning Compliance

The applicant is requesting approval of a map amendment (rezoning) of 313.8 acres to the RR-5 (Residential Rural) zoning district. The RR-5 (Residential Rural) zoning district is intended to accommodate single-family residential development. The density and dimensional standards for the RR-5 (Residential Rural) zoning district are as follows:

- Minimum lot size: 5 acres *
- Minimum width at the front setback line: 200 feet
- Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet *
- Maximum lot coverage: 25%
- Maximum height: 30 feet

* In the event that the land to be partitioned, platted, sold or zoned abuts a section line County road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.

*Agricultural stands shall be setback a minimum of 35 feet from all property lines.

If the map amendment (rezoning) application is approved, approval of a residential site plan for each dwelling will be required prior to construction. The

site plans will need to provide a detailed depiction of the proposed residential use and compliance with all standards for the district.

3. Analysis of Your El Paso Master Plan

Your El Paso Master Plan (2021) establishes the vision for the County's future based on the needs of the current population and anticipated growth and provides strategies needed to achieve that vision as growth and change occur. The Plan is comprehensive both in scale and scope, influencing the entire County with recommendations related to a range of topics. In addition, Your El Paso Master Plan is intended to promote the community's vision, goals, objectives, and policies; establish a process for orderly growth and development; address both current and long-term needs; and provide for a balance between the natural and built environment.

The following is an analysis of the Plan as it applies to the application being considered with a specific focus on Chapter 3, Land Use, including identifying Key Area influences and the applicable Areas of Change and Placetype designations as well as the applicable Core Principles, Goals, Objectives, and Specific Strategies of the Action Matrix included in Chapter 14, which is the Implementation chapter of the Plan.

i. Key Area Influences: Forested Areas

A description of the Forested Areas states:

“New development and any redevelopment in these locations should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.”

“The seamless connection between the natural environment and small-scale, low intensity development is critical to their identity. All new development and redevelopment in this Key Area should strictly adhere to the transportation and infrastructure, stormwater, requirements, built form, and transition guidelines outlined in their appropriate placetypes.”

“Each development proposal should also be reviewed on a case-by-case basis to determine its specific impact on the forested area and the established character of the individual community.”

Analysis:

The property included within this map amendment (rezoning) request is located within the Forested Areas Key Area. As discussed in the placetype analysis below, the proposed map amendment (rezoning) complies with the character attributes and recommended land use for the Large-Lot Residential placetype. The Land Development Code analysis section of the report discusses compliance with the established rural residential character of the surrounding development to include both land use as well as densities. The proposed map amendment (rezoning) to the RR-5 zoning district will result in low intensity residential development consistent with those recommendations for the Forested Areas Key Area. The previously approved PUD (PUD-05-014 Seclusion Subdivision) for this property contained lots averaging 3.8-acres in size, whereas the RR-5 zoning district has an increased minimum lot size requirement of five (5) acres, thus resulting in a decrease in density from the previously approved density of the PUD. A preliminary plan and final plat will be required should the parcels be subdivided further in the future. An analysis of the transportation and infrastructure, stormwater, and transitions would be analyzed with these subsequent subdivision applications and not with the proposed map amendment (rezoning). The request is consistent with the description of the Forested Areas Key Area.

ii. Area of Change Designation: Minimal Change: Undeveloped

A description of the Minimal Change: Undeveloped area states:

“The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other buildout sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments.”

Analysis:

The previously approved PUD (PUD-05-014 Seclusion Subdivision) for this property contained lots averaging 3.8-acres in size while the RR-5 zoning district has a minimum lot size requirement of five (5) acres, thus resulting in a decrease in density from the previously approved density. As discussed in the Land Development Code Analysis section of the report above, the proposed map amendment (rezoning) is in conformance with the character of the

surrounding existing and planned development. Therefore, the character of this rural area will be preserved. The request is consistent with the character of the Minimal Change: Undeveloped Area of Change.

iii. Placetype Designation: Large-Lot Residential

The Character description for the Large-Lot Residential placetype states:

“The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.

Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.”

Recommended Land Uses:

Primary

- Single-family Detached Residential (typically 2.5-acre lots or larger)

Supporting

- Parks/Open Space
- Commercial Retail (Limited)
- Commercial Service (Limited)
- Agriculture

Analysis:

The parcels are designated as being within the Large-Lot Residential placetype. Centralized water and wastewater services are not available in this area of the County at this time, therefore, lot sizes less than 2.5 acres in size are not recommended. The RR-5 zoning district would allow for single-family detached residential as a principle use, which supports the land use recommendations for this placetype. The request is consistent with the Character and Recommended Land Uses of the Large-Lot Residential placetype.

iv. Core Principles, Goals, Objectives, and Specific Strategies

Land Use (LU) Core Principle: “Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.”

- *Goal LU1:* “Ensure compatibility with established character and infrastructure capacity.”
- *Objective LU3-1:* “Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.”
- *Specific Strategy:* “The Minimal Change: Undeveloped areas should experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character.”

Housing and Communities (HC) Core Principle: “Preserve and develop neighborhoods with a mix of housing types.”

- *Objective HC1-5:* “Focus detached housing development in Large-Lot Residential and Suburban Residential areas given the increasing infrastructure and environmental constraints associated with such development to help maintain the established character of rural communities.”
- *Goal HC2:* “Preserve the character of rural and environmentally sensitive areas.”

- *Objective HC2-1:* “While large expanses of undeveloped land exist throughout the County, particularly in the Rural placetype, development should be prioritized elsewhere to efficiently utilize and extend existing infrastructure, conserve water resources, and strengthen established neighborhoods.”

As noted in the Land Development Code Analysis section of this report, the proposed map amendment may be found to be compatible with the established character of the surrounding neighborhood. The applicant intends to divide the property into eight (8) 35-acre parcels, should the map amendment (rezoning) be approved. However, the map amendment (rezoning) would allow for rural residential lots as small as five (5) acres to be created in the future. The proposed density allowed within the RR-5 (Rural Residential) zoning district of one (1) dwelling unit per five (5) acres is in compliance with the densities recommended in the Master Plan, as well as being consistent with those goals and objectives pertaining to the preservation of rural residential character and development.

The subject parcels and proposed 35+ acre parcels are to be served by well and septic, which is a specific characteristic identified for the Large-Lot Residential placetype. There is not presently a paved roadway immediately adjacent to the subject parcels, but Shoup Road is located to the east. Shoup Road may need to be extended and constructed to the subject parcels should subdivision be proposed in the future for these parcels in order to create a division of land having densities greater than the one dwelling unit per 35 acres

4. Water Master Plan Analysis

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

Policy 1.1.1 – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

Goal 1.2 – *Integrate water and land use planning.*

The subject parcels are in Region 4C of the El Paso County Water Master Plan and is within the Upper Black Squirrel Creek Groundwater Management District. Region 4C has a current central water supply of 2,970 acre-feet per year and a current demand of 2,970 acre-feet per year. The 2040 water supply is projected to be 3,027 acre-feet per year and the projected demand is 3,967 acre-feet. The 2060 central water supply is projected to be 3,027 acre-feet per year, whereas the demand is anticipated to be 4,826 acre-feet per year; therefore, there is projected to be an insufficient supply of water for central water providers in this region of the County.

It is important to note that the Water Master Plan provides an analysis of centralized water providers and not an analysis if water is to be provided by individual onsite wells. The development is proposed to be served by individual onsite wells. The map amendment will result in a decreased density from that allowed within the previously approved PUD. Additionally, the applicant is proposing to create 35+ acre parcels reducing the density further which could help improve the condition of the groundwater aquifers in this area of the County.

5. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) identifies no potential for aggregate resources in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified in the review of the proposed map amendment (rezoning).

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low and moderate wildlife impact potential.

3. Floodplain

The property is not located within a defined floodplain as determined from review of the FEMA Flood insurance Rate Map panel number 08041C0315G, dated December 7, 2018.

4. Drainage and Erosion

The property is located within the Upper Black Squirrel drainage basin, which is not included in the El Paso County Drainage Basin Fee program. No public improvements are required for this project. Water quality and detention facilities are not required with the map amendment (rezoning) request.

5. Transportation

The parcels obtain access from Shoup Road to the west and Goodson Road to the east.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvements in the vicinity.

The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended). Road impact fees shall be paid in full at the time of subsequent land use approval.

H. SERVICES

1. Water

The applicant has indicated that future water supply service will be provided via individual onsite groundwater well(s).

2. Sanitation

The applicant has indicated that future wastewater service will be provided via onsite wastewater treatment system(s).

3. Emergency Services

The property is within the Black Forest Fire Protection District. The District was sent a referral and has the following comment:

“Once development of lots begin, all access must meet current LDC and NFPA/WUI code.”

4. Utilities

Natural gas service is provided by Black Hills Energy and electrical service is provided by Mountain View Electric Association.

5. Metropolitan Districts

The subject parcels are not included within a metropolitan district.

6. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) application. The 2013 El Paso County Parks Master Plan does not show any proposed or existing parks or trails within the area of the subject property.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application.

I. APPLICABLE RESOLUTIONS

Approval Page 27

Disapproval Page 28

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. RECOMMENDED 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 (2021), staff recommends the following conditions and notations.

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-5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

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 thirty (30) adjoining property owners on August 4, 2021, for the Board of County Commissioners meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Rezone Map
Planning Commission Resolution
Board of County Commissioners' Resolution

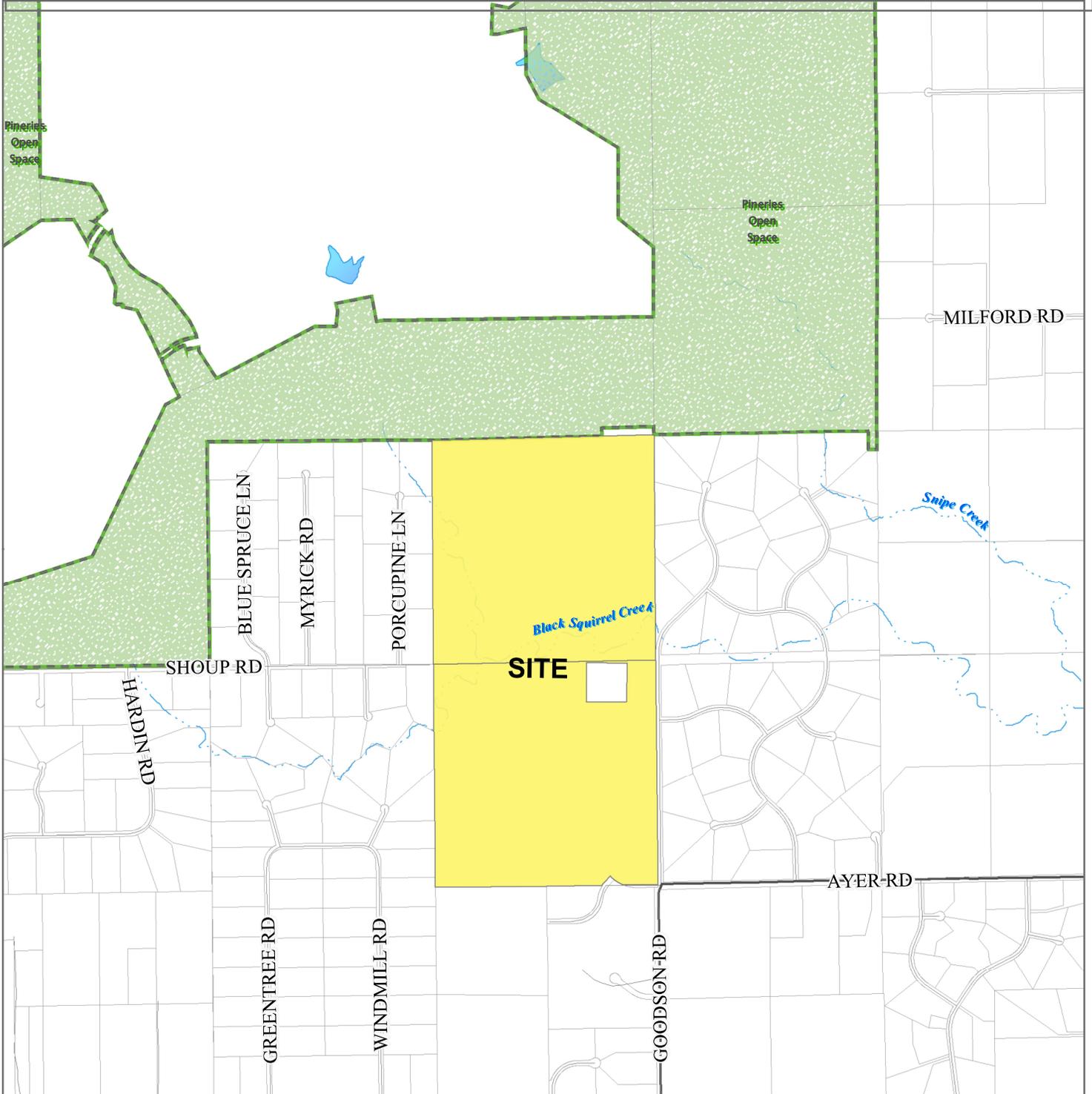
El Paso County Parcel Information

PARCEL	NAME
5211000002	NORWOOD FOUNDATION
5214000011	NORWOOD FOUNDATION

File Name: P-21-003

Zone Map No. --

Date: August 4, 2021



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 14 (719) 520-6600



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SECLUSION ZONE CHANGE

LETTER OF INTENT

MAY 2021, REVISED JULY 2021

PROPERTY TAX ID: 5211000002, 5214000011

OWNER:

Norwood Foundation
111 S. Tejon Street, Suite 222
Colorado Springs, CO 80903

APPLICANT

G3 Investments Inc.
9540 Federal Drive
Colorado Springs, CO 80921

CONSULTANT:

N.E.S. Inc.
619 N. Cascade Ave. Suite 200
Colorado Springs, CO 80903

REQUEST

N.E.S. Inc. and G3 Investments Inc., on behalf of Norwood Foundation, request approval of a Zone Change from PUD to RR-5 for the Seclusion property.

LOCATION

Seclusion comprises two parcels, totaling 313.773 acres. The site is in northern El Paso County, northwest of the intersection of Goodson Road and Ayer Road. Shoup Road terminates at the western boundary of the site. The property is currently vacant/agricultural grazing land. An MVEA electric substation is located on the east side of the property and is excluded from the property and rezone request. Black Squirrel Creek runs through the northern half of the property.



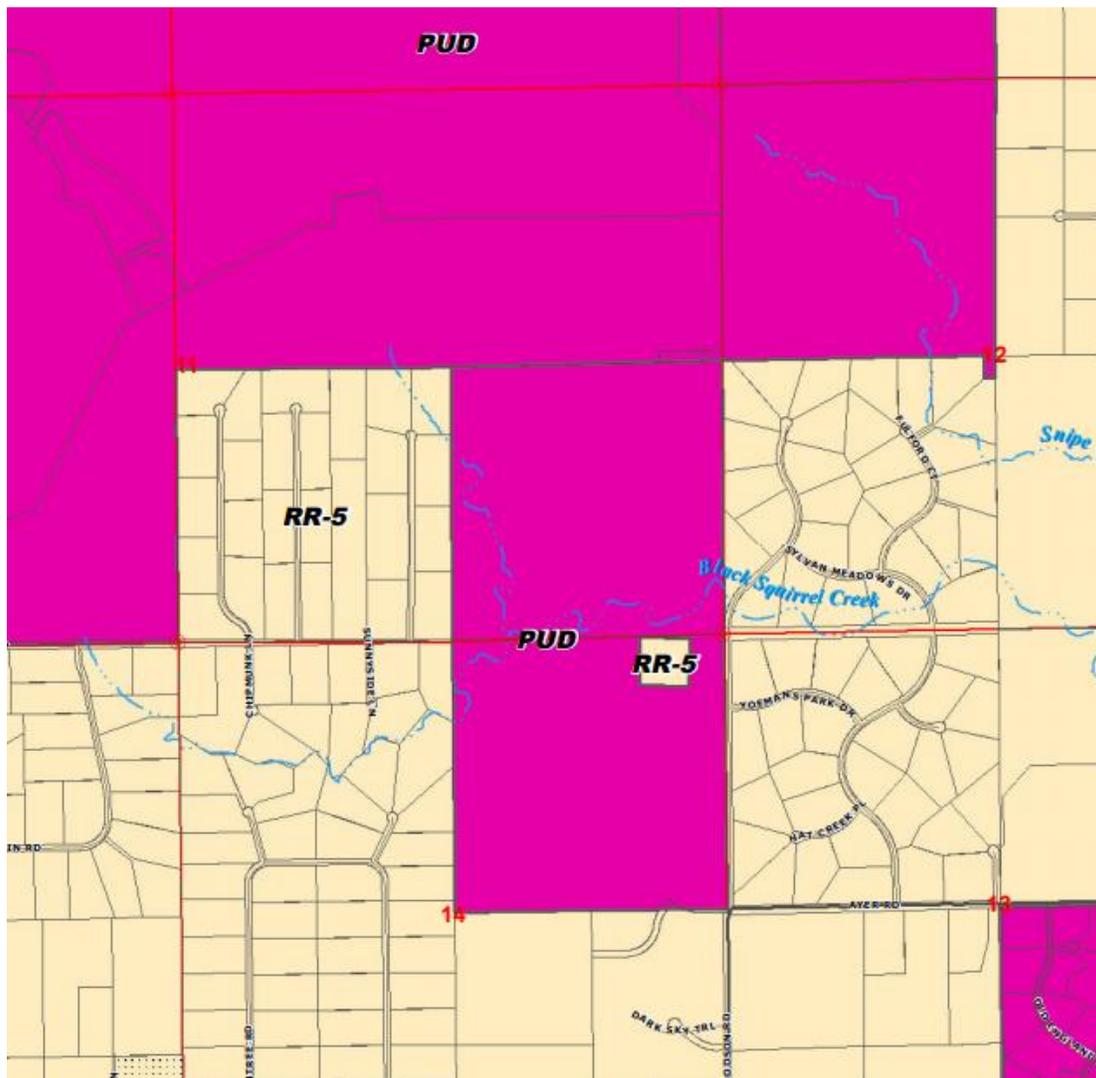
File #: _____

Unresolved. Please
add the PCD File No.
"P-21-003".

PROJECT DESCRIPTION

The Seclusion property was zoned to Planned Unit Development (PUD) in 2006, with an accompanying Preliminary Plan and Final Plat to subdivide the property into 60 residential lots ranging in size from approximately 3.5 to 6 acres. Resolution No. 19-382 dated October 8th 2019, granted a 2-year extension of time for recording the Final Plat for Seclusion. However, current analysis indicates that this plan is not economically feasible due in part to significant tree loss from the Black Forest fire, the cost of crossing the floodplain and new stormwater requirements. For this reason, a rezone of the property to RR-5 is requested to facilitate dividing the property into eight 35-acre parcels for residential use, which is a permitted use in the RR-5 zone. Dividing a parcel into 35-acres or greater does not constitute a subdivision of land and, therefore, does not trigger the El Paso County subdivision regulations and no Preliminary Plan or Final Plat is required.

The proposed rezone to RR-5 is compatible with the surrounding zoning. To the west and east of the property is RR-5 zoning and existing 5-acre residential lot subdivisions. To the south are 40-acre parcels that have been platted into 5-acre lots but not yet developed. To the north is The Sanctuary in the Pines Planned Unit Development, which is planned for 2 ½ acre or larger residential lots.



Access: The proposed 35-acre parcels in the northern portion of the property will be accessed via a private road that will connect to the terminus of Shoup Road on the west boundary of the property. The home sites on the south parcel will have individual driveways off Goodson Road.

The approved PUD is for 60 lots, which would generate approximately 600 daily trips. The current plan for eight 35-acre parcels would generate around 80 trips. The approved plan only proposed access to the site from the east, so all 600 trips would access the site from Goodson Road. The current plan evenly divides the access, with half the trips to the east and half to the west.

Road Impact Fee: Per the Road Impact Fee ordinance, the fee is payable if the rezone of a property results in development that generates at least 100 more daily trips than would have been generated under the previous zoning. As this proposed rezone from a PUD for 60 lots to RR-5 for eight 35-acre parcels is a downzoning and will significantly reduce the number of trips from the current PUD zoning, the road impact fee would not be triggered.

Utilities: The proposed residential lots will be served by well and septic for water and wastewater. Electric service will be provided by Mountain View Electric Association and gas service will be provided by Black Hills Energy.

Floodplain and Wetlands: A Wetland Delineation Report and an Ecological Resources Report were prepared by Walsh Environmental Scientists and Engineers, LLC in 2005 in association with the approved PUD zoning. The floodplain and wetlands on the site have not changed since 2005.

The site is traversed by the mainstem of Black Squirrel Creek (east-draining), which splits into two forks (north and south) near the western edge of the site. The site also contains several smaller tributaries and swales that enter the main channel from the north and south and the two headwater forks from the west. The main channel is designated as Floodplain.

The previous Wetland Delineation was accepted by the US Army Corps of Engineers. This identified the main creek as an ephemeral stream channel (mostly barren) and delineated as waters of the US, seasonally moist upland swales (one considered to be wetlands), dry upland swales and a perennial pond (considered a wetland).

The current proposal to divide the property into eight 35-acre parcels for residential use will not involve any home construction within the floodplain of the main channel, two headwater forks, and southwestern tributary. The building envelopes will be sited to avoid impacts to the upland swales to avoid seasonally shallow groundwater.

One private road crossing of the creek is required to serve the home sites in the north portion of the property. The loss of riparian habitat from this one stream crossing would be minor because most of length of the incised channels is either bare alluvium or vegetated with upland species. The Applicant is currently evaluating the wetland impact of this road crossing and will be seeking a determination from the US Army Corps of Engineer regarding any permitting requirements.

Wildlife: The 2005 Ecological Resources Report included an analysis of wildlife habit and no federally listed, proposed, or candidate threatened or endangered wildlife species are considered likely to occur onsite. A clearance letter from the US Fish and Wildlife serves was obtained with regard to the absence of Preble’s Meadow Jumping Mouse habitat on the site.

The Seclusion site is not known to support wildlife species that require large, unbroken tracts of forest or grassland habitats. The species observed onsite or likely to occur consist of species that are commonly found in small woodlots and in forests fragmented by residential development. The proposed 35-acre parcel and construction of internal private driveways is not likely to preclude movement into or through the area by wildlife species currently known or likely to use the site.

The 2005 report notes that a potentially significant impact to wildlife movement could occur if multiple crossings of the mainstem of Black Squirrel Creek and its tributary forks are designed in a way that does not accommodate wildlife passage. The current proposal will require only one crossing of the creek to serve the northern home sites and this will be a private road.

Community Outreach: The Applicant has discussed the proposed rezone with the property owner to the south and the President of the Sylvan Meadows Homeowners Association to the east. Neither party expressed any concern regarding the proposed rezone from PUD to RR-5.

PROJECT JUSTIFICATION

The criteria for assessing Map Amendments (Rezoning) is set out in Chapter 5.2.5.B of the El Paso County Land Development Code. The requested rezoning from PUD to RR-5 is justified against these criteria as follows:

- 1. 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;**

County Master Plan: A new Master Plan for El Paso County was accepted by the County Planning Commission on May 26, 2021. This new Master Plan replaces all previously approved Small Area Plans. The Place Types map in the Maste Plan classifies this property and the surrounding area as “Large-Lot Residential”, where the primary land use is single-family detached residential, typically 2.5 acre lots or larger. The proposed rezone from PUD to RR-5 is consistent with the Master Plan in this regard.

Water Master Plan: The subject property lies within the El Paso County Water Master Planning area, Region 4c and within the Upper Black Squirrel Creek designated groundwater basin. The area in which this property lies is identified as an expected growth area by 2060.

Individual domestic wells will be used to provide water to the eight 35-acre parcels. State law allows the drilling of wells on 35-acre parcel.

According to the Water Report prepared for the PUD Plan for 60 lots, the Determination of Water Rights Numbers 461-BD and 462-BD allow the withdrawal of 134 acre-feet from the Arapahoe

Aquifer, which underlies the entire property, and 88.6 acre-feet from the non-tributary Denver aquifer, which underlies all property in SE ¼ of Section 11 Township 12 South, Range 65 West. When adjusted to address the County's more stringent 300-year rule, this equates to 44.7 acre-feet from the Arapahoe Aquifer and 29.5 acre-feet from the non-tributary Denver aquifer. This is more than adequate to serve the needs of the proposed 35-acre parcels.

The previous Water Report also concluded that the water quality in both the Denver and Arapahoe Aquifers will meet or exceed the potable water standards for public safety per the State's water quality standards.

Parks Master Plan: The site lies directly south of the Pineries Open Space as depicted on the Parks Master Plan. The Trails Master Plan identifies a proposed secondary regional trail that appears to follow the alignment of Black Squirrel Creek through the property. This proposed trail also goes through the adjacent Sylvan Meadows subdivision to the east and ultimately to Meridian Road at Latigo. There is no existing trail or trails easement through the Silver Meadows subdivision nor any connection of the proposed trail to the west. Consequently, there appears to be no practical manner in which this secondary regional trail could be achieved. The proposed division of the site into 35-acre parcels would not preclude the trail but, as there is no subdivision process, the County has no means by which to require it.

2. 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;

As the proposed rezoning is consistent with the County Master Plan and is a compatible with adjacent land uses, it therefore complies with the statutory provisions that allow County's to establish limit, regulate, or amend zoning within the unincorporated parts of El Paso County in the interests of public health, safety and welfare.

3. THE PROPOSED LAND USE OR ZONE DISTRICT IS COMPATIBLE WITH THE EXISTING AND PERMITTED LAND USES AND ZONE DISTRICTS IN ALL DIRECTIONS; AND

As noted above, the proposed RR-5 zoning is compatible with adjacent zoning and land uses. The proposed "down-zoning" will increase minimum allowable lot size from that proposed under the current PUD zone.

4. 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.

It is proposed to divide the property into eight 35-acre parcels for residential use, which is a permitted use in the RR-5 zone and, given the size of the parcels, there will be adequate space to meet the dimensional standards of the zone. A parcel of 35-acres or greater does not constitute a subdivision of land and, therefore, does not trigger the El Paso County subdivision regulations.

SECLUSION

EL PASO COUNTY, COLORADO

ZONE CHANGE

LEGAL DESCRIPTION

PARCEL A:
THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO

PARCEL B:
THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EXCEPTING THAT PROPERTY CONVEYED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC., IN WARRANTY DEED RECORDED JANUARY 24, 2001 AT RECEPTION NO. 201008294, AND EXCEPTING THAT PORTION CONVEYED TO MATTHEW T. RUSSELL AND JOY MARIE RUSSELL IN SPECIAL WARRANTY DEED RECORDED MARCH 23, 2007 UNDER RECEPTION NO. 207039933, COUNTY OF EL PASO, STATE OF COLORADO.

CONTAINING A TOTAL CALCULATED AREA OF APPROXIMATELY 313.774 ACRES.

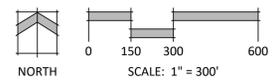
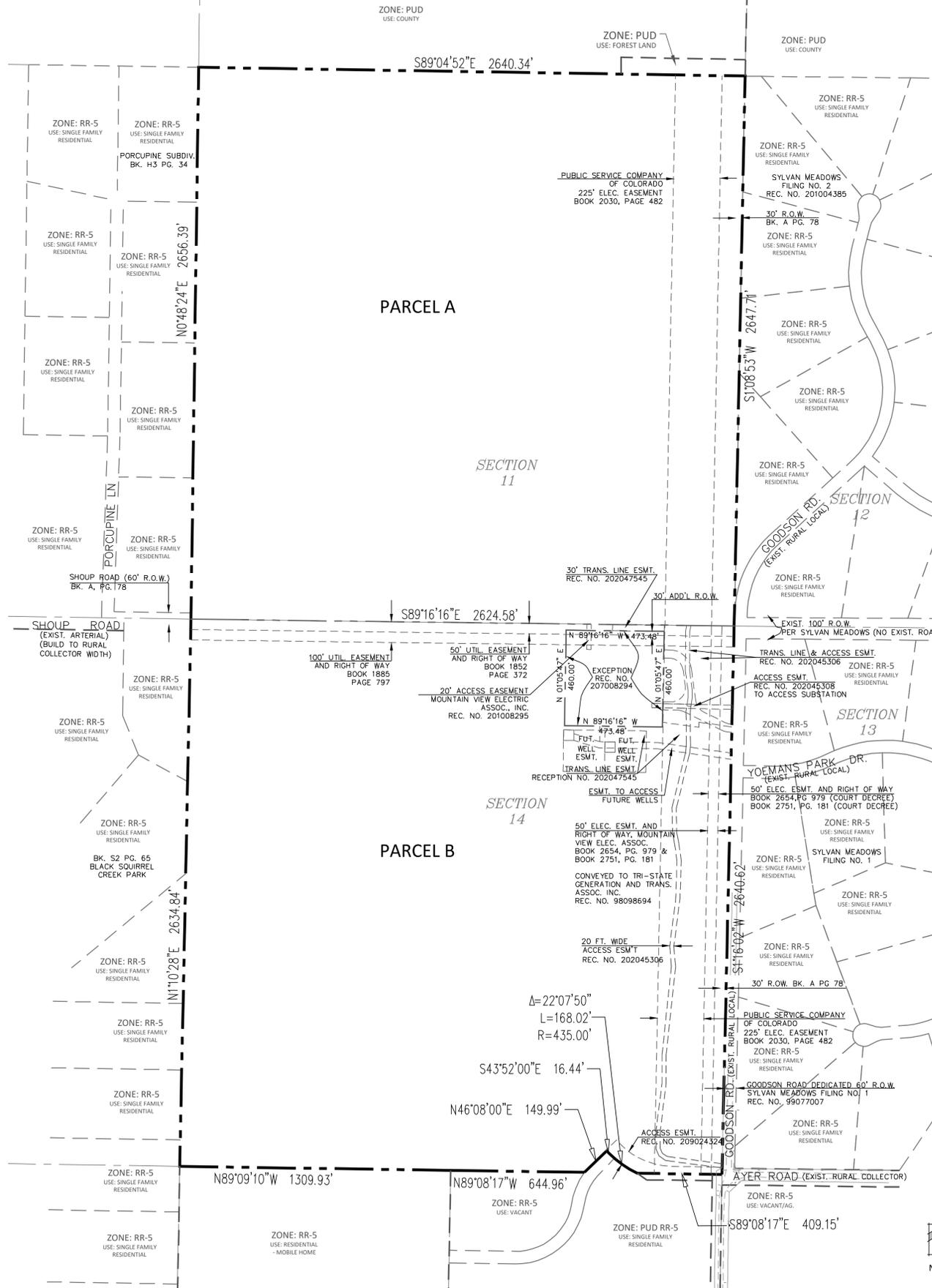
SITE DATA

PROPERTY OWNER: NORWOOD FOUNDATION
111 S TEJON, STE 222
COLORADO SPRINGS, CO 80903

DEVELOPER: SPRINGS LAND VENTURES
PO BOX 908
COLORADO SPRINGS, CO 80901

APPLICANT: N.E.S. INC.
619 N CASCADE AVE, STE 200
COLORADO SPRINGS, CO 80903

EXISTING ZONING: PUD
PROPOSED ZONING: RR-5



N.E.S. Inc.
619 N. Cascade Avenue, Suite 200
Colorado Springs, CO 80903
Tel. 719.471.0073
Fax 719.471.0267
www.nescolorado.com

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SECLUSION

REZONE MAP

GOODSON ROAD

DATE: 05/12/2021
PROJECT MGR: A. BARLOW
PREPARED BY: K. MARSHALL

REZONE

DATE:	BY:	DESCRIPTION:
07.01.21	KMM	PER COUNTY REVIEW COMMENTS

REZONE MAP

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Carlson moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

**RESOLUTION NO. P-21-003
SECLUSION**

WHEREAS, Norwood Foundation, 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 RR-5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on August 19, 2021; 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:

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice was provided as required by law for the hearing before the Planning Commission.
3. 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.
4. 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.
5. The proposed land use or zone district is compatible with existing and permitted land uses and zone districts in all directions.
6. 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

7. 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.
8. 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 Norwood Foundation 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 RR-5 (Residential Rural) 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

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 RM-30 (Residential Multi-Dwelling) 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 that this Resolution and the recommendations contained herein be forwarded to the Board of County Commissioners for its consideration.

Commissioner Brittain Jack seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Trowbridge	aye
Commissioner Lucia-Treese	aye
Commissioner Blea-Nunez	aye
Commissioner Moraes	aye
Commissioner Carlson	aye
Commissioner Brittain Jack	aye

The Resolution was adopted by a vote of 8 to 0 by the El Paso County Planning Commission, State of Colorado.

Dated: August 19, 2021

Brian Risley, Chair

SECLUSION: LEGAL DESCRIPTIONS

PARCEL A – LEGAL DESCRIPTION FROM WARRANTY DEED RECEPTION # 219050325

PARCEL A:

THE SOUTHEAST ¼ OF SECTION 11, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO

PARCEL B – LEGAL DESCRIPTION FROM WARRANTY DEED RECEPTION # 219050325

PARCEL B:

THE NORTHEAST ¼ OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M., EXCEPTING THAT PROPERTY CONVEYED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, IN., IN WARRANTY DEED RECORDED JANUARY 24, 2001 AT RECEPTION NO. 201008294, AND EXCEPTING THAT PORTION CONVEYED TO MATTHEW T. RUSSELL AND JOY MARIE RUSSELL IN SPECIAL WARRANTY DEED RECORDED MARCH 23, 2007 UNDER RECEPTION NO. 207039933, COUNTY OF EL PASO, STATE OF COLORADO

FOR A TOTAL AREA OF 313.774 ACRES

RESOLUTION NO. 21-

EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO

APPROVAL OF THE SECLUSION MAP AMENDMENT (REZONING) (P-21-003)

WHEREAS Norwood Foundation, 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 RR-5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on August 19, 2021, upon which date the Planning Commission did by formal resolution recommend denial of the subject map amendment application; and

WHEREAS, a public hearing was held by this Board on August 24, 2021; 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 the petition of Norwood Foundation 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 RR-5 (Residential Rural) zoning district;

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-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 24th day of August, 2021 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

SECLUSION: LEGAL DESCRIPTIONS

PARCEL A – LEGAL DESCRIPTION FROM WARRANTY DEED RECEPTION # 219050325

PARCEL A:

THE SOUTHEAST ¼ OF SECTION 11, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,
COUNTY OF EL PASO, STATE OF COLORADO

PARCEL B – LEGAL DESCRIPTION FROM WARRANTY DEED RECEPTION # 219050325

PARCEL B:

THE NORTHEAST ¼ OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M.,
EXCEPTING THAT PROPERTY CONVEYED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION,
IN., IN WARRANTY DEED RECORDED JANUARY 24, 2001 AT RECEPTION NO. 201008294, AND
EXCEPTING THAT PORTION CONVEYED TO MATTHEW T. RUSSELL AND JOY MARIE
RUSSELL IN SPECIAL WARRANTY DEED RECORDED MARCH 23, 2007 UNDER RECEPTION
NO. 207039933, COUNTY OF EL PASO, STATE OF COLORADO

FOR A TOTAL AREA OF 313.774 ACRES