


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: Ryan Howser, Planner II
 Lupe Packman, Engineer I
 Craig Dossey, Executive Director**

**RE: Project File #: P-20-007
 Project Name: Shiloh Pines Rezone
 Parcel No.: 71000-00-413**

OWNER:	REPRESENTATIVE:
Thomas J. Puskas PO Box 1112 Monument, CO 80312	Jerry Hannigan & Associates, Inc 19360 Spring Valley Road Monument, CO 80132

Commissioner District: 3

Planning Commission Hearing Date:	9/2/2021
Board of County Commissioners Hearing Date:	9/28/2021

EXECUTIVE SUMMARY

A request by John Puskas for approval of a map amendment (rezoning) of 3.94 acres of a 74.46-acre parcel from RR-5 (Residential Rural) to RR-2.5 (Residential Rural) and the remaining 70.52 acres of the parcel from RR-5 to A-35 (Agricultural). The property is located at the southwest corner of the Monument Lake Road and Peakview Boulevard intersection, approximately one-quarter (1/4) of a mile west of Highway 105, and is within Sections 15 and 16, Township 11 South, Range 67 West of the 6th P.M. The property is located within the Tri-Lakes Comprehensive Plan (2000).

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



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

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by John Puskas for approval of a map amendment (rezoning) of 3.94 acres of a 77.66-acre parcel from RR-5 (Residential Rural) to RR-2.5 (Residential Rural) and the remaining 70.52 acres of the parcel from RR-5 to A-35 (Agricultural).

Waiver(s)/Deviation(s): There are no waivers or deviations associated with this application.

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

B. Planning Commission Summary

Request Heard: As a Consent item at the September 2, 2021 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 9 - 0

Vote Rationale: N/A

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

Legal Notice: Published in the Shopper’s Press on September 8, 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 (2019):

- 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:	RR-0.5 (Residential Rural)	Single-Family Residential
South:	RR-2.5 (Residential Rural)	Single-Family Residential
East:	RR-5 (Residential Rural)	Single-Family Residential
West:	RR-2.5 (Residential Rural)	Single-Family Residential

E. BACKGROUND

The 74.46-acre parcel was zoned A-5 (Agricultural) at the time of initial zoning for this portion of El Paso County on January 3, 1955. In 2007, changes in the nomenclature of the Code resulted in the A-5 zoning district being renamed as the RR-5 (Residential Rural) zoning district.

The applicant is requesting approval of a map amendment (rezoning) of a 3.94-acre portion of the subject property from RR-5 (Residential Rural) to RR-2.5 (Residential Rural) and to rezone the remaining 70.52 acres from RR-5 to A-35 (Agricultural). The intent of the map amendment is for the applicant to subdivide the 74.46-acre parcel into one (1) 3.94-acre lot zoned RR-2.5 and one (1) 70.52-acre lot zoned A-35. The applicant will need to demonstrate compliance with the RR-2.5 zoning district for all existing structures as a part of the subdivision review process. A subdivision application has not been submitted to date.

F. ANALYSIS

1. Land Development Code Analysis

The applicant is requesting approval of a map amendment (rezoning) of a 3.94-acre portion of the subject property from RR-5 to RR-2.5. The subject parcels are adjacent to properties zoned RR-2.5 to the south and west. The area proposed to be rezoned to RR-2.5 is immediately adjacent to single-family residential dwellings within the RR-2.5 zoning district to the west and south and would serve as a logical extension of the existing rural residential development.

The applicant is also requesting to rezone the remaining 70.52 acres from RR-5 to A-35. The area proposed to be rezoned to A-35 is adjacent to properties zoned RR-2.5 to the south and west, RR-5 to the east, and RR-0.5 (Residential Rural) to the north. Platted rural residential lots ranging in size from 10.02 acres to 20.62 acres are located to the east. Two unplatted RR-0.5 (Residential Rural)-zoned residential lots, one having 3.45 acres and the other 27.66 acres, are located to the north.

Section 3.2.2(B) of the Code states the following as the intent of the RR-2.5 zoning district:

“To accommodate low-density, rural, single family residential development.”

Section 3.2.1(B) of the Code states the following as the intent of the A-35 zoning district:

“A 35 acre district primarily intended to accommodate rural communities and lifestyles, including the conservation of farming, ranching and agricultural resources.”

Existing uses surrounding the subject property are primarily used for rural residential purposes and comprised of lot sizes over 2.5 acres. While a map amendment (rezoning) to A-35 would limit the potential to further subdivide the subject property, it would also allow additional rural uses that would not be allowed in the current RR-5 zoning. A complete list of permitted uses within the A-35 zoning district can be found in Table 5-1 of the Land Development Code.

The property is currently being used for agricultural purposes and contains several uses allowed within the A-35 zoning district. There are two (2) dwelling units on the property, which were constructed in 1888 and 1952 and are considered nonconforming for the RR-5 zoning district. Additionally, there are several buildings on the property that are being used for the keeping of livestock as part of the ranch. A ranch is an allowed use in the RR-5 zoning district; however, a rezone to A-35 would remove the aforementioned nonconformity. The applicant is not proposing any changes to the existing uses on the property at this time.

2. Zoning Compliance

The applicant is requesting approval of a map amendment (rezoning) of 3.94-acre portion of the subject property from RR-5 zoning district to RR-2.5. The RR-2.5 zoning district is intended to accommodate low-density, rural, single family residential development. The density and dimensional standards for the RR-2.5 zoning district are as follows:

- Minimum lot size – 2.5 acres
- Minimum lot width – 200 feet
- Setbacks – front 25 feet, sides 15 feet, and rear 25 feet
- Maximum building height – 30 feet

The map amendment (rezoning) request also includes rezoning 70.52 acres from tRR-5 to A-35. The A-35 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
- Minimum lot width – 500 feet
- Setbacks – front 25 feet, sides 25 feet, and rear 25 feet
- Maximum building height – 30 feet

Any subsequent subdivision applications or site plans will be required to demonstrate compliance with the applicable dimensional standards of the Code. All existing structures will be required to demonstrate compliance with the applicable dimensional standards of the Code as a part of the subdivision review process. All of the existing structures on the property currently meet the setback and dimensional standards of the RR-5 zoning district; should the map amendment (rezoning) request be approved, the structures will meet the setback and dimensional standards of the A-35 zoning district.

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 6.1.3 – Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access.

Policy 6.2.1 – Fully consider the potential impact of proposed zone changes and development on the integrity of existing neighborhoods.

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 subject parcel is currently zoned RR-5 (Residential Rural) and is surrounded by multiple zoning districts and variable lot sizes. The subject parcel is adjacent to single-family residential dwellings within the RR-2.5 zoning district to the west

and south. To the east are located residential lots zoned RR-5 ranging in size from 10.02 acres to 20.62 acres. To the north are located two unplatted residential lots zoned RR-0.5, one of which is 3.45 acres and the other is 27.66 acres. The rezone to RR-2.5 for the 3.94-acre portion of the property would allow the creation of a lot which would be compatible with the 2.5-acre lots to the west and south.

The current use of the property is inconsistent with the RR-5 zoning district. The two (2) dwelling units currently located on the property have existed prior to the initiation of zoning and are considered legal nonconforming. Additionally, according to the applicant's letter of intent, the use of the property as a ranch has been established since the construction of the homes. While the use of the property as a ranch is allowed within the RR-5 zoning district, it may be more suited in the A-35 zoning district. Two (2) dwelling units on one (1) property are not allowed in the RR-5 zoning district but would be allowed in the A-35 zoning district. The rezone to A-35 for the 70.52-acre portion of the property will help to provide a buffer between the smaller 2.5-acre lots to the south and the larger properties to the east and north of the subject property, while bringing the legally nonconforming use into compliance with zoning regulations.

4. Small Area Plan Analysis

The property is located within the Tri-Lakes Comprehensive Plan (2000). Relevant policies are as follows:

***Objective 1.1.1** – Encourage good stewardship of the natural environment.*

***Proposed Action 4.1.8** – Discourage modification of floodplains.*

***Objective 7.1.14** – Encourage carefully-planned residential development that is consistent with adjacent developments in the unincorporated Planning Area.*

***Objective 10.2.3** – Consider large undeveloped parcels of land as potential open space opportunities.*

The property is located within Sub-Area 3 of the Plan: West Monument Creek. According to the Plan:

“This area should remain primarily rural residential in nature. Overall residential densities should be similar to adjacent densities. Consider cluster options to retain open space.”

By clustering the proposed 3.94-acre portion of the subject property with similarly zoned properties to the south, the majority of the property is proposed to remain as agricultural land. The rezone will legalize the existing nonconforming multiple dwelling units. Rezoning the remaining 70.52 acres to A-35 may help to preserve the natural features of the property by limiting the future development potential of the property and potentially limiting impacts to the floodplain located on the property. The applicant’s letter of intent states that there is no intent to develop the property at this time or change any of the existing uses on the property. Instead, the intent is to preserve the natural features on the property and incorporate them as open space.

The proposed map amendment (rezone) can be found to be in general conformance with the 2000 Tri-Lakes Comprehensive Plan.

5. 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:

***Goal 1.1** – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

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

***Goal 5.1** – Identify the potential water supply gap at projected full development build-out (2060).*

The property is located within Planning Region 2 (Monument Area) of the Water Master Plan and is not located within an estimated area of development. The Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The lots to the south of the subject property are served by the Forest View Acres Water District. The portion of the property proposed to be rezoned to RR-2.5 is expected to be served by an onsite well but may have an opportunity to annex into the District at a later date. The

remainder of the property proposed to be rezoned to A-35 is not served by a central water provider and will be served by a well. The following has been included as it pertains to water demands and supplies in Region 2 for central water providers:

The property is located within Planning Region 2 of the Plan, which is an area anticipated to experience growth by 2040. The Plan identifies the current demands for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 is at 11,713 AFY with a projected supply of 20,516 AFY (Figure 5.2). The projected demand at build-out in 2060 is 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

Water sufficiency analysis is not required as part of a map amendment (rezoning). In order to establish the 3.94-acre portion of the property as a platted lot, the applicant will be required to subdivide the property through the El Paso County subdivision process, which will require a finding of sufficiency for water quality, quantity, and dependability.

6. Other Master Plan Elements

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

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

Please see the Parks section below for information regarding The El Paso County Parks Master Plan (2013).

Please see the Transportation section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

There are no hazards identified with this project at time of rezone request.

2. Wildlife

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

3. Floodplain

The FEMA Flood Insurance Rate Map panel number 08041C0257G, dated December 7, 2018, shows that a 100-year floodplain (Zone AE) flows through the eastern portion of the parcel. This drainageway will be assessed with the required drainage report to be submitted with the subsequent subdivision application.

4. Drainage and Erosion

The property is located within the Palmer Lake (FOMO5400) and Raspberry Mountain (FOMO5600) drainage basins, which are studied drainage basins with drainage and bridge fees. Drainage and bridge fees are not assessed with map amendment (rezoning) requests but will be due at the subdivision stage of development. Drainage reports providing hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development will also be required at the subdivision stage.

5. Transportation

The property is located southwest of the intersection of Peak View Boulevard and North Monument Lake Road. Peak View Boulevard is classified as a rural local road that intersects Highway 105, a Colorado Department of Transportation (CDOT) state highway.

The El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) depicts roadway improvement projects in the immediate vicinity of the development. North Monument Lake Road, according to the 2040 MTCP, will be classified as a major collector roadway. El Paso County will request right-of-way dedication at time of subdivision. The development will be subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.

H. SERVICES

1. Water

The subject property is currently served by a well. The portion of the property proposed to be rezoned to A-35 will continue to be served by well. The portion of the property proposed to be rezoned to RR-2.5 and subdivided to create a single lot is proposed to be served by the Forest View Acres Water District.

2. Sanitation

Wastewater for the portion of the property proposed to be rezoned to RR-2.5 and subdivided will be provided by an onsite wastewater treatment system (OWTS). Wastewater for the property proposed to be rezoned to A-35 is currently being provided by an existing onsite wastewater treatment system (Permit No. 8678).

3. Emergency Services

The property is within the Tri-Lakes Monument Fire Protection District. The District was sent a referral and has no outstanding comments.

4. Utilities

Mountain View Electric Association (MVEA) will provide electrical service and Black Hills Energy will provide natural gas service to the property. MVEA was sent a referral and has no outstanding comments.

5. Metropolitan Districts

The subject parcel is not located 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 El Paso County Parks Master Plan (2013) does not identify any park lands or trails on or in the immediate vicinity of the 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 outstanding major 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 (2019), 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-2.5 (Rural Residential) and A-35 (Agricultural) zoning districts, as appropriate, 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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 18 adjoining property owners on August 18, 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

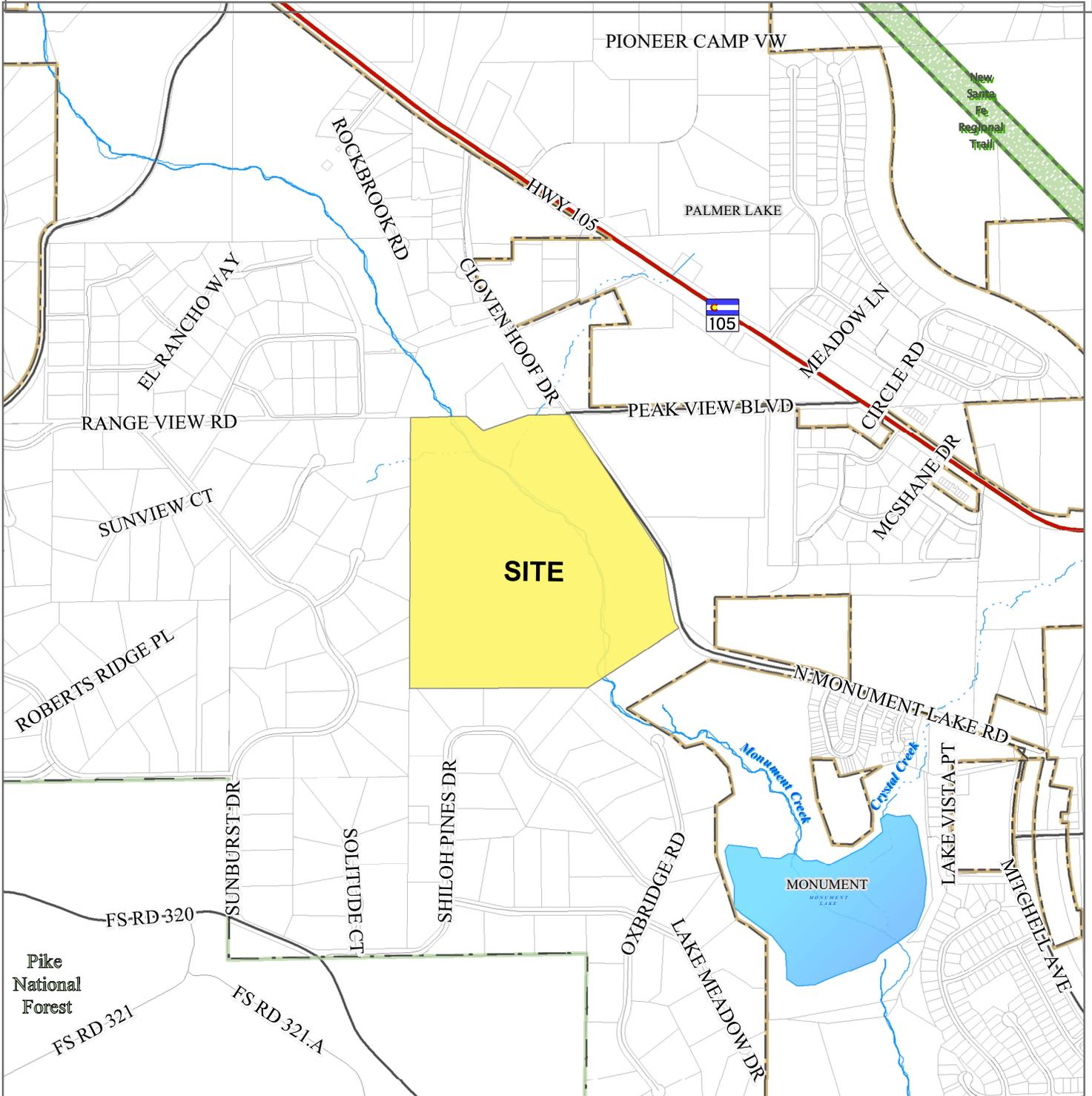
El Paso County Parcel Information

PARCEL	NAME
7100000413	PUSKAS THOMAS

File Name: P-20-007

Zone Map No. --

Date: August 17, 2021



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 13 (719) 520-6600



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Letter of Intent - Re-zone and Replat Application

Attn: El Paso County Land Development Department

Jun 2021

Owners/Applicants:

Brian and Tibby Peterson
17390 Shiloh Pines Dr
Monument, CO 80132
(719) 244-7391

Thomas J Puskas
PO Box 1112
Monument, CO 80132
(719) 963-3339

John M. Hershey, Melissa M. Hershey
17410 Shiloh Pines Dr
Monument, CO 80132
(719) 650-8514

Project Consultants:

Jerome W Hannigan & Associates Inc
19360 Spring Valley Rd
Monument, CO 80132
(719) 481-8292

Glenn Brooke
PO Box 77162
Colorado Springs, CO 80970
(719) 637-0522

Site Locations and Size:

<u>Parcel ID</u>	<u>Address</u>	<u>Size (acres)</u>	<u>Zoning</u>
7116101001	17390 Shiloh Pines Dr, Monument, CO 80132	2.5	RR-2.5
7116101002	17410 Shiloh Pines Dr, Monument, CO 80132	2.5	RR-2.5
7100000413	3125 Monument Lake Rd, Monument, CO 80132	74.42	RR-5

Existing Improvements:

17390 Shiloh Pines Dr

Residential – Ranch Home (1)

17410 Shiloh Pines Dr

Residential – Two Story Home (1)

3125 Monument Lake Rd

Residential – Ranch (1)

Residential – Two Story (1)

Commercial - Utility Building (1)

Commercial - Utility Building (2)

Commercial - Cattle Shed (3)

Commercial - Equipment Shed (4)

Commercial - Utility Building (5)

Commercial - Cattle Shed (6)

Commercial - Cattle Shed (7)

Commercial - Cattle Shed (8)

Commercial - Barn (9)

Commercial - Stable (10)

Commercial - Grain Bin (11)

Commercial - Cattle Shed (12)

Commercial - Cattle Shed (13)

Commercial - Stable (14)

Commercial - Stable (15)

Proposed Facilities, Structures, Roads:

None

Brian and Tibby Peterson own and reside on Lot 27, Block 1, Shiloh Pines Subdivision which is located in the northern part of the County, just northwest of Monument Lake. Adjoining Peterson to the east is Lot 28, Block 1, which belongs to Mike Hershey. Their adjoining neighbor to the north is Mr. Tom Puskas who owns and resides on a tract of 74.42 acres located in Sections 15 and 16, Township 11 South, Range 67 West of the 6th Principal Meridian. The Puskas tract is unplatted, used

for grazing and zoned RR-5 (County original zoning) and the Peterson and Hershey Lots in Shiloh Pines are 2.50 acres and zoned RR 2.5.

Peterson has purchased a parcel from Puskas via quit claim deed adjoining Peterson that is 3.94 acres in area. The parcel has no access to a public road. This would reduce the Puskas tract to 70.48 acres. The 3.94 acre parcel has topography and vegetation similar to the Shiloh Pines lots in that it is higher elevation and forested while the remainder of the Puskas tract is lower and mostly grass. Monument Creek traverses the Puskas tract draining southeasterly into Monument Lake.

The Petersons envision one day possibly building another house on the acquired parcel. This would require public road access and appropriate zoning. The logical location for an access is a flag that runs southeasterly in the approximate location of the current common Peterson/Hershey property line to Shiloh Pines Drive. This involves the Hershey lot which will be replatted as part of the application. Note that there are no current plans to build and this does not include approval for any structures.

There appear to be three tasks to be accomplished: First, split off 3.94 acres from the Puskas tract. It is proposed that the remainder parcel will remain unplatted. Second, rezoning that 3.94 acre tract from RR-5 to RR-2.5 while also rezoning the remaining Puskas tract from the current RR-5 to A-35. And third, platting and replatting three parcels into three newly configured lots which maintain the existing lot access points and create one new access for the proposed new lot.

Regarding the 70.48 acre remaining Puskas tract, this property has been operated as a boarding facility for horses for a significant number of years (1 residence was constructed in 1885, the other in 1952). The applicant continues to operate as such with no intentions of doing otherwise. The quantity of existing residences and outbuildings on the Puskas lot is not in character with the traditional understanding of how RR-5 parcels are developed in El Paso County.

Further, the existence of Monument Creek meandering through the Puskas property creates a constraint to development as residential property due to a floodplain designation. There have been anecdotal references to a previous owner pursuing development of this parcel into 5 acre properties. As told to the current owner a development of this type was strongly discouraged due to the existence of Monument Creek and the respective floodplain.

The RR-5 designation causes the potential of future hardship on the parcel. As has been explained to Puskas by EPC zoning, a special use permit could be issued with limitations imposed on the use of the property which may not be consistent with the current use. In addition, one residence would be required to be designated the primary residence, the other designated as existing non-conforming. The primary would be allowed to have building permits issued to it for repair or addition, the existing non-conforming would not. The existing RR-5 zoning allows for the subdivision of this parcel by a future owner to a number of 5 acre parcels which is not something Puskas considers acceptable and he wishes to have the historical and appropriate agricultural use of the property maintained.

As the Puskas parcel has existed as an agricultural entity, a compatible zone designation of A-35 is requested. No waivers are expected to be needed for the rezoning.

The newly created 3.94 acre lot will be provided with water from an individual well. Sufficient water has been transferred from Puskas to Peterson for that purpose. An ISDS will handle waste. Other utilities are already onsite. Both the original lots 27 & 28 are in the Forest View Acres Water District and will remain so. An access flag is requested for the new 3.94 acre lot. The Puskas tract is not in the District therefore the new lot is not proposed to be annexed into the District. To comport with the new lot arrangement, the District Boundary will be amended.

As no facilities, structures, or changes in the ground are requested, no landscaping or open space or construction is required.

In accordance with the El Paso County Policy plan, this rezone and subsequent replat protects and enhance the unique and individual qualities that exist by repurposing the land to fit with the use of adjacent wooded properties with similar geography. The applicants also facilitated communication by personally visiting most of the adjacent neighbors to explain the plan.

In accordance with the 2000 Tri-Lakes Comprehensive Plan, this request protects and enhances the natural systems and unique landscape features by creating a desirable residential lot where forest and aesthetics are valued. Further, It also encourages the ongoing health of the area's natural vegetation while reducing fire risk by rezoning the new lot to residential RR 2.5 which motivates the continued care and fire mitigation associated with developed neighborhoods.

Additionally, it abides by the El Paso County Water Master Plan by retaining existing, historical water use for Puskas' agricultural use while transferring water rights to the newly formed lot. Additionally, that lot may later opt to join the Forest View Acres Water if approved and based on the best options when and if the new lot is developed. Additionally, this action will not disrupt the existing natural drainage and floodplain on the remaining Puskas farm but encourages erosion mitigation on the higher elevation lot and slopes between the two areas.

Please direct questions to Brian Peterson (719-244-7391) or Jerry Hannigan (719-481-8292).

REZONING MAP for PETERSON'S REPLAT

A Rezoning of Parcels in Sections 15 and 16, T 11 S, R 67 W of the 6th P.M., El Paso County, Colorado.

PROPERTY DESCRIPTION: Puskas Parcel

Book 6270 at Page 382

The West One Half of the Northwest Quarter and the West One Half of the Southwest Quarter of Section 15 and the East One Half of the Northeast Quarter and the Northeast Quarter of the of the Southeast Quarter in Section 16, all in Township 11 South, Range 67 West of the 6th P.M., County of El Paso, State of Colorado, EXCEPTING therefrom the following portions thereof:

- A.) That portion of Section 15 conveyed to the people of the State of Colorado by Warranty Deed recorded July 12, 1892 in Book 129 at Page 586;
 - B.) That portion conveyed to El Paso County for road purposes by Quitclaim Deed recorded June 22, 1902 in Book 331 at Page 163;
 - C.) That portion lying within the North 10 feet of the Northwest Quarter of the Northwest Quarter of Section 15, conveyed to J. L. Freeman by Warranty Deed recorded November 15, 1923 in Book 706 at Page 505;
 - D.) That portion conveyed to Norman C. Foote and Alice B. Foote by Warranty Deed recorded June 25, 1971 in Book 2417 at Page 843;
 - E.) That portion conveyed to Panther Properties, Inc. by Warranty Deed recorded June 19, 1979 in Book 3190 at Page 39;
 - F.) That portion conveyed to Leigh C. Wilde by Quit Claim Deed recorded December 01, 2004 under Reception Number 204196943 of the El Paso County records.
- Containing 74.46 Acres, more or less.
Address is 3125 Monument Lake Rd., Monument, Co., 80132
Schedule # 71000-00-413

PROPERTY DESCRIPTION: Rezone to RR 2.5

PARCEL A

A Parcel of land located within that tract deeded to Thomas Puskas and recorded September 29, 1993 in Book 6270 at Page 382 of the El Paso County, Colorado records that is more particularly described as follows:
Beginning at the southwest corner of said tract and considering the west line thereof to bear North 00° 20' 04" East with all bearings contained herein relative thereto;
Thence North 00° 20' 04" East along the west line of said tract a distance of 268.00 feet;
Thence departing said west tract line, North 65° 23' 47" East a distance of 252.87 feet;
Thence North 89° 10' 49" East a distance of 80.57 feet;
Thence South 53° 43' 37" East a distance of 305.58 feet;
Thence South 00° 20' 04" West a distance of 185.67 feet, more or less, to a point on the south line of said tract;
Thence South 89° 10' 51" West along the south line of said tract a distance of 557.37 feet, more or less, to the Point of Beginning. Containing 3.94 acres, more or less.

PROPERTY DESCRIPTION: Rezone to A-35

The West One Half of the Northwest Quarter and the West One Half of the Southwest Quarter of Section 15 and the East One Half of the Northeast Quarter and the Northeast Quarter of the of the Southeast Quarter in Section 16, all in Township 11 South, Range 67 West of the 6th P.M., County of El Paso, State of Colorado, EXCEPTING therefrom the following portions thereof:
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- E.) That portion conveyed to Panther Properties, Inc. by Warranty Deed recorded June 19, 1979 in Book 3190 at Page 39;
- F.) That portion conveyed to Leigh C. Wilde by Quit Claim Deed recorded December 01, 2004 under Reception Number 204196943 of the El Paso County records.
- G.) Parcel A described hereon.

Containing 70.52 acres, more or less.

OWNERS:

Lot 27, Block 1, Shiloh Pines Subdivision, Schedule #71161-01-001
Brian S. Peterson, Tibby K. Peterson
17390 Shiloh Pines Drive
Monument, Co. 80132

Metes & Bounds Tract in Sections 15 & 16, T11S, R67W, 6th P.M.
Schedule #71000-00-413
Thomas J. Puskas
3125 Monument Lake Road
P.O. Box 1112
Monument, Co. 80132

APPLICANTS:

Brian S. Peterson, Tibby K. Peterson
17390 Shiloh Pines Drive
Monument, Co. 80132

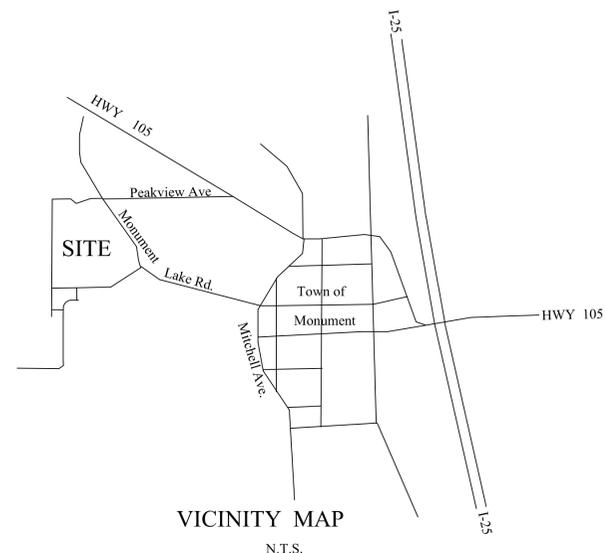
Thomas J. Puskas
3125 Monument Lake Road
P.O. Box 1112
Monument, Co. 80132

PREPARED BY:

Jerome W. Hannigan
Colorado PLS 25629

NOTE:

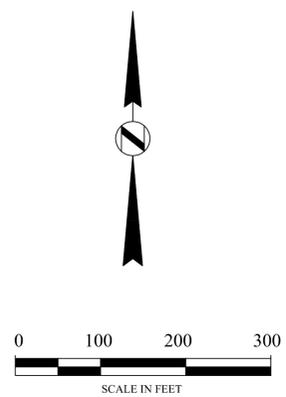
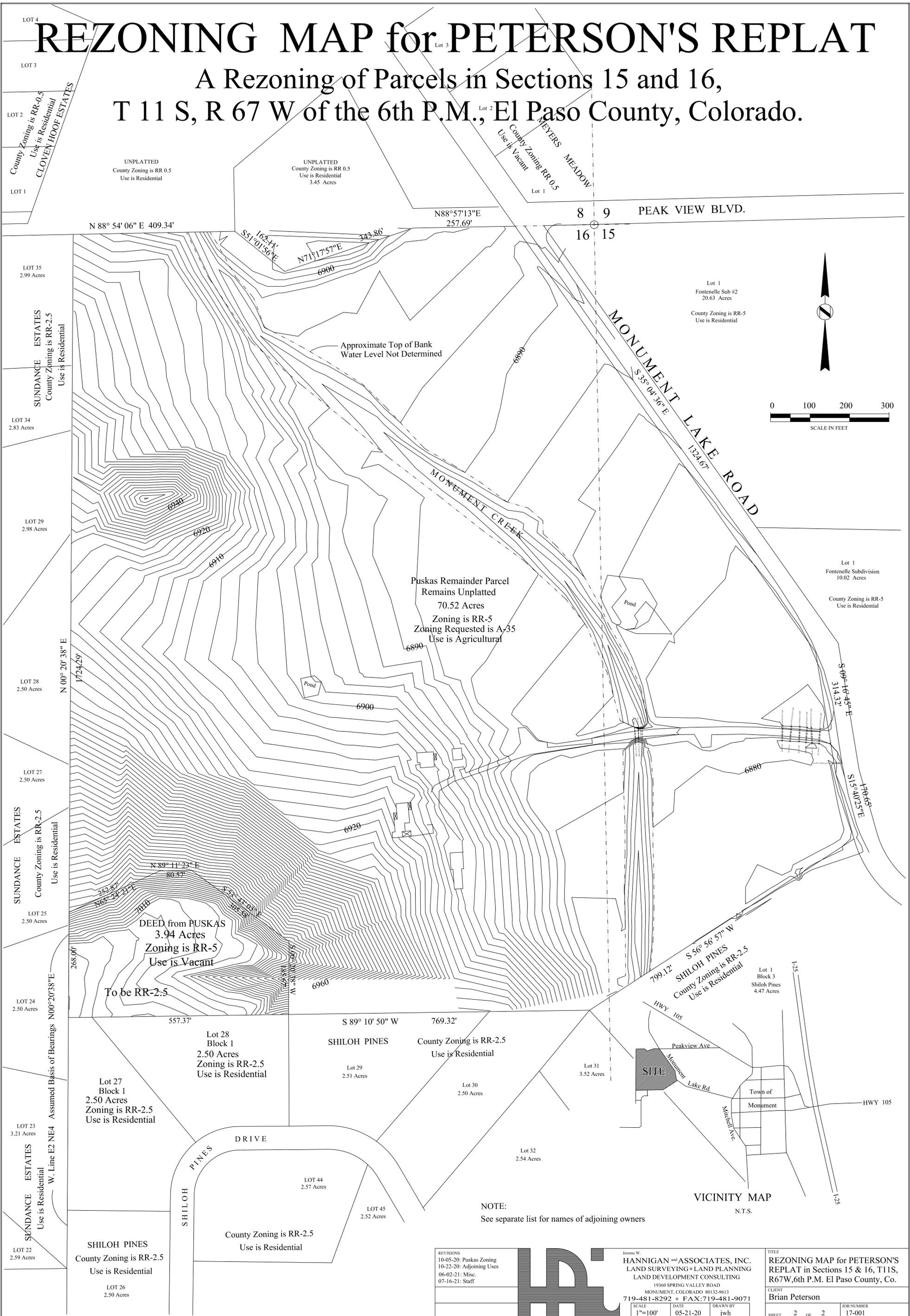
- 1.) 2' Contour Interval Topography was Field determined January 06, 2020.



REVISIONS 10-05-20: Puskas Zoning 10-22-20: Adjoining Uses 06-02-21: Misc. 07-16-21: Staff		Jerome W. HANNIGAN and ASSOCIATES, INC. LAND SURVEYING • LAND PLANNING LAND DEVELOPMENT CONSULTING 19360 SPRING VALLEY ROAD MONUMENT, COLORADO 80132-9613 719-481-8292 • FAX: 719-481-9071	TITLE REZONING MAP for PETERSON'S REPLAT in Sections 15 & 16, T11S, R67W, 6th P.M. El Paso County, Co.
SCALE 1"=100'		DATE 05-21-20	DRAWN BY jwh
SHEET 1 OF 2			JOB NUMBER 17-001

REZONING MAP for PETERSON'S REPLAT

A Rezoning of Parcels in Sections 15 and 16,
T 11 S, R 67 W of the 6th P.M., El Paso County, Colorado.



Puskas Remainder Parcel
Remains Unplatted
70.52 Acres
Zoning is RR-5
Zoning Requested is A-35
Use is Agricultural

DEED from PUSKAS
3.94 Acres
Zoning is RR-5
Use is Vacant

To be RR-2.5

Lot 28
Block 1
2.50 Acres
Zoning is RR-2.5
Use is Residential

Lot 27
Block 1
2.50 Acres
Zoning is RR-2.5
Use is Residential

SHILOH PINES
County Zoning is RR-2.5
Use is Residential

SHILOH PINES
County Zoning is RR-2.5
Use is Residential

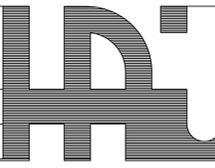
SHILOH PINES
County Zoning is RR-2.5
Use is Residential

Lot 1
Block 3
Shiloh Pines
4.47 Acres

NOTE:
See separate list for names of adjoining owners

VICINITY MAP
N.T.S.

REVISIONS
10-05-20: Puskas Zoning
10-22-20: Adjoining Uses
06-02-21: Misc.
07-16-21: Staff



Jerome W.
HANNIGAN & ASSOCIATES, INC.
LAND SURVEYING • LAND PLANNING
LAND DEVELOPMENT CONSULTING
19360 SPRING VALLEY ROAD
MONUMENT, COLORADO 80132-9613
719-481-8292 • FAX: 719-481-9071

TITLE REZONING MAP for PETERSON'S REPLAT in Sections 15 & 16, T11S, R67W, 6th P.M. El Paso County, Co.	
CLIENT Brian Peterson	
SCALE 1"=100'	DATE 05-21-20
DRAWN BY jwh	JOB NUMBER 17-001
SHEET <u>2</u> OF <u>2</u>	

MAP AMENDMENT (REZONING) (RECOMMEND APPROVAL)

Commissioner Lucia-Treese moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

**RESOLUTION NO. P-20-007
SHILOH PINES REZONE**

WHEREAS, John Puskas 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 RR-5 (Residential Rural) zoning district to RR-2.5 (Residential Rural) zoning district and RR-5 (Residential Rural) to A-35 (Agricultural); and

WHEREAS, a public hearing was held by this Commission on September 2, 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 John Puskas for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) zoning district and RR-5 (Residential Rural) 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

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 (Rural Residential) and A-35 (Agricultural) zoning districts, as appropriate, 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 Moraes seconded the adoption of the foregoing Resolution.

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

Commissioner Risley	aye
Commissioner Bailey	aye
Commissioner Fuller	aye
Commissioner Trowbridge	aye
Commissioner Lucia-Treese	aye
Commissioner Blea-Nunez	aye
Commissioner Merriam	aye
Commissioner Moraes	aye
Commissioner Carlson	aye

The Resolution was adopted by a vote of 9 to 0 by the El Paso County Planning Commission, State of Colorado.

Dated: September 2, 2021

Brian Risley, Chair

EXHIBIT A

**A Rezoning of Parcels in Sections 15 and 16,
T 11 S, R 67 W of the 6th P.M., El Paso County, Colorado.**

PROPERTY DESCRIPTION: Puskas Parcel

Book 6270 at Page 382

The West One Half of the Northwest Quarter and the West One Half of the Southwest Quarter of Section 15 and the East One Half of the Northeast Quarter and the Northeast Quarter of the of the Southeast Quarter in Section 16, all in Township 11 South, Range 67 West of the 6th P .M., County of El Paso, State of Colorado,

EXCEPTING therefrom the following portions thereof:

A.) That portion of Section 15 conveyed to the people of the State of Colorado by Warranty Deed recorded July 12, 1892 in Book 129 at Page 586;

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F.) That portion conveyed to Leigh C. Wilde by Quit Claim Deed recorded December 01, 2004 under Reception Number 204196943 of the El Paso County records.

Containing 74.46 Acres, more or less.

Address is 3125 Monument Lake Rd., Monument, Co., 80132

Schedule #71000-00-413

PROPERTY DESCRIPTION: Peterson Parcel

Reception No. 212101237

Lot 27, Block 1, Shiloh Pines Subdivision, El Paso County, Colorado. Address is 17390 Shiloh Pines Drive, Monument, Co., 80132

Schedule #71161-01-001

PROPERTY DESCRIPTION: Hershey Parcel

Reception No. 212018872

Lot 28, Block 1, Shiloh Pines Subdivision, El Paso County, Colorado. Address is 17410 Shiloh Pines Drive, Monument, Co., 80132 Schedule #71161-01-002

PROPERTY DESCRIPTION: Rezone to RR 2.5

PARCEL A

A Parcel of land located within that tract deeded to Thomas Puskas and recorded September 29, 1993 in Book 6270 at Page 382 of the El Paso County, Colorado records that is more particularly described as follows:

Beginning at the southwest corner of said tract and considering the west line thereof to bear North 00° 20' 04" East with all bearings contained herein relative thereto;
Thence North 00° 20' 04" East along the west line of said tract a distance of 268.00 feet;
Thence departing said west tract line, North 65° 23' 47" East a distance of 252.87 feet;
Thence North 89° 10' 49" East a distance of 80.57 feet;
Thence South 53° 43' 37" East a distance of 305.58 feet;
Thence South 00° 20' 04" West a distance of 185.67 feet, more or less, to a point on the south line of said tract;
Thence South 89° 10' 51" West along the south line of said tract a distance of 557.37 feet, more or less, to the Point of Beginning. Containing 3.94 acres, more or less.

PROPERTY DESCRIPTION: Rezone to A-35

The West One Half of the Northwest Quarter and the West One Half of the Southwest Quarter of Section 15 and the East One Half of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter in Section 16, all in Township 11 South, Range 67 West of the 6th P.M., County of El Paso, State of Colorado,

EXCEPTING therefrom the following portions thereof:

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- F.) That portion conveyed to Leigh C. Wilde by Quit Claim Deed recorded December 01, 2004 under Reception Number 204196943 of the El Paso County records.
- G.) Parcel A described hereon.

Containing 70.52 acres, more or less.

OWNERS:

Lot 27, Block 1, Shiloh Pines Subdivision, Schedule #71161-01-001

Brian S. Peterson , Tibby K. Peterson

17390 Shiloh Pines Drive

Monument, Co. 80132

Lot 28, Block 1, Shiloh Pines Subdivision, Schedule #71161-01-002

John M. Hershey, Melissa M. Hershey

17410 Shiloh Pines Drive

Monument, Co. 80132

Metes & Bounds Tract in Sections 15 & 16, T11S, R67W, 6th P.M. Schedule #71000-00-413

Thomas J. Puskas

3125 Monument Lake Road

P.O. Box 1112

Monument, Co. 80132

APPLICANTS:

Brian S. Peterson , Tibby K. Peterson

17390 Shiloh Pines Drive

Monument, Co. 80132

Thomas J. Puskas

3125 Monument Lake Road

P.O. Box 1112

Monument, Co. 80132

John M. Hershey, Melissa M. Hershey

17410 Shiloh Pines Drive

Monument, Co. 80132

PREPARED BY:

Jerome W. Hannigan Colorado PLS 25629

RESOLUTION NO. 21-

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

**APPROVAL OF THE SHILOH PINES REZONE MAP AMENDMENT
(REZONING) (P-20-007)**

WHEREAS John Puskas 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 RR-5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) zoning district and the RR-5 Residential Rural 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 2, 2021, 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 28, 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 John Puskas 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 RR-2.5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) zoning district and RR-5 (Residential Rural) zoning district to A-35 (Agricultural) zoning district and;

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 (Rural Residential) and A-35 (Agricultural) zoning districts, as appropriate, 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 28th day of September, 2021 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
County Clerk & Recorder

By: _____
Chair

EXHIBIT A

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T 11 S, R 67 W of the 6th P.M., El Paso County, Colorado.**

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Book 6270 at Page 382

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Schedule #71000-00-413

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Schedule #71161-01-001

PROPERTY DESCRIPTION: Hershey Parcel

Reception No. 212018872

Lot 28, Block 1, Shiloh Pines Subdivision, El Paso County, Colorado. Address is 17410 Shiloh Pines Drive, Monument, Co., 80132 Schedule #71161-01-002

PROPERTY DESCRIPTION: Rezone to RR 2.5

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PREPARED BY:

Jerome W. Hannigan Colorado PLS 25629

