


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
Mark Waller, Chair

FROM: Kari Parsons, Planner III
Steve Kuehster, PE Engineer III
Craig Dossey, Executive Director

RE: Project File #: PUDSP-19-002
Project Name: Sanctuary of Peace Residential Community
Parcel Nos.: 61270-00-063

OWNER:	REPRESENTATIVE:
Benet Hill Monastery of Colorado Springs, Inc. 3190 Benet Lane Colorado Springs, CO 80921	M.V.E., Inc. 1903 Lelaray Street, Suite 200 Colorado Springs, CO 80910

Commissioner District: 1

Planning Commission Hearing Date:	11/19/2020
Board of County Commissioners Hearing Date	12/8/2020

EXECUTIVE SUMMARY

A request by Benet Hill Monastery of Colorado Springs, Inc., for approval of a map amendment (rezoning) of 49.58 acres from RR-5 (Residential Rural) and A-5 (Agricultural) to PUD (Planned Unit Development) pursuant to a site specific PUD development plan to allow for the development of 26 attached single-family residential lots, one (1) lot for the purpose of a private business event center with four (4) guest rooms, private rights-of-way, drainage, open space, and utility tracts. The request also



includes approval of the PUD development plan as a preliminary plan with a finding of water sufficiency for water quality, quantity, and dependability.

The applicant is proposing to construct a community water system and four (4) shared on-site wastewater systems. Approval by the Board of County Commissioners of the preliminary plan with a finding of sufficiency for water quality, quantity, and dependability authorizes the Planning and Community Development Department Director to administratively approve all subsequent final plat(s). The applicant is also requesting approval to perform pre-development site grading. The parcel is located north of Stagecoach Road, south of Benet Lane, east of Roller Coaster Road, and west of Highway 83 and is within Section 27, Township 11 South, Range 66 West of the 6th P.M. The subject property is located within the boundaries of the Tri-Lakes Comprehensive Plan (2000) area.

A. REQUEST/MODIFICATIONS/AUTHORIZATION

Request: Approval of a map amendment (rezoning) from RR-5 (Residential Rural) and A-5 (Agricultural) to PUD (Planned Unit Development) to develop 26 residential lots, one (1) lot for a business event center, and twelve (12) tracts within a 49.58 acre development area. In accordance with Section 4.2.6.E of the El Paso County Land Development Code (2019), a PUD Development Plan May be Approved as a Preliminary Plan; the applicant is also requesting the PUD development plan be approved as a preliminary plan. The applicant is also requesting approval to perform pre-development site grading. In addition, a finding of water sufficiency for water quality, quantity, and dependability is being requested.

Modification of Existing Land Development Code (LDC) or Engineering Criteria Manual (ECM) Standard:

For approval of a modification of a general development standard in the LDC or standard of the ECM, the BoCC shall find that the proposal provides for the general health, safety, and welfare of the citizens and at least one of the following benefits:

- Preservation of natural features;
- Provision of a more livable environment, such as the installment of street furniture, decorative street lighting or decorative paving materials;
- Provision of a more efficient pedestrian system;
- Provision of additional open space;
- Provision of other public amenities not otherwise required by the Code; or
- The proposed modification is granted in exchange for the open space and/or amenity designs provided in the PUD development plan and/or development guide.

The applicant requests the following modification(s) of the Code:

1. Section 8.4.4.C, *Public Roads Required*, of the Code states:
“Divisions of land, lots and tracts shall be served by public roads.”
2. Section 8.4.4.E.3, *Private Road Allowances*, of the Code states:
“Generally, private roads shall be constructed and maintained to ECM standards except as may be otherwise determined in the waiver. Private road waivers may include design standards for the following:
 - Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;
 - Design speed where it is unlikely the road will be needed for use by the general public;
 - Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;
 - Maximum and minimum block lengths; and
 - Maximum grade.

PCD Executive Director Recommendation:

The applicant proposes for those lots included within the development area to obtain access from Promise Point, a private roadway. Additionally, the applicant proposes those private roadways not be built to EPC standards.

The PCD Executive Director recommends approval of the requested PUD modifications. Per the proposed PUD/Preliminary Plan, adequate lot accessibility can be provided via the proposed private roadway. The applicant has depicted a striped asphalt walkway design and layout that accommodates pedestrians throughout the Proposed PUD/Preliminary plan and allows for connections to the proposed open space. As summarized in the applicant’s letter of intent, reducing the requirement of constructing private roads to public road standards to a lesser standard is proposed to provide for a more livable environment, and allow for the provision of additional open space. The applicant is proposing the maintenance of the private roads be provided by a homeowners’ association.

3. Section 8.4.3.B.2.f, *Lots Using OWTS*, of the Code states:
 - (i) “Lots which will utilize an OWTS shall have a minimum area of 2.5 acres.

(ii) "Minimum of 1 acre of buildable area is required for lots proposed to utilize an OWTS."

4. Section 8.4.8.C.2, *Two OWTS Sites Required for All Lots or Parcels*, of the Code states:

"All lots shall be designed to ensure that each lot has a minimum of 2 sites appropriate for OWTS which do not fall in the restricted areas identified on the preliminary plan; soils and geology report delineated wetland or floodplain maps; or other reports required under this Code."

PCD Executive Director Recommendation:

The applicant proposes a minimum lot size of 3,900 square feet and for those lots to be served by four (4) shared Onsite Wastewater Treatment System (OWTS), which is below the required minimum lot size.

Per the proposed PUD/Preliminary Plan wastewater treatment report, adequate on-site wastewater treatment can be provided via the proposed four (4) shared OWTS. There are no geologically constrained areas or areas unsuitable for an OWTS depicted on the preliminary plan or within the soils and geology report. There is no delineated wetland or floodplain area within the subject property. The applicant's wastewater engineer, 285 Engineering, has provided the design drawings for the proposed four (4) OWTS to PCD, Colorado Department of Health and Environment (CDPHE), and El Paso County Public Health for review and comment. EPC Public Health has provided comments stating that the radius for the wells must be a minimum of 140-feet from the zone of influence from the OWTS area. CDPHE has not provided comments to PCD to date.

The clustering of the substandard sized lots proposes to concentrate the development area into approximately 5.14 acres (10.4 percent) of the 49.58-acre site, thereby retaining approximately 44.3 acres (89.6 percent) of the site as open space. As summarized in the applicant's letter of intent, reducing the number of individual OWTS systems is proposed to provide for a more livable environment and additional open space.

Modifications from the Engineering Criteria Manual (ECM) (2019) which do not qualify as a PUD modification as identified in Section 4.2.6.F.2 of the Land Development Code are required to be requested as deviations of the ECM.

The applicant is requesting the following deviation(s) of the ECM:

1. A deviation to Section 2.3.2, Table 2-7, of the ECM which specifies the centerline radius criterion for Local (low volume) roads to allow for reduced centerline radii of 50 feet where 100 feet is required on a Local (low volume) road.
2. A deviation to Section 2.3.2, Table 2-7, of the ECM which specifies the minimum lane width for Local (low volume) roads to allow for reduced road width of 10-feet where 12-feet is required on a Local (low volume) road.

ECM Administrator Recommendation:

The ECM Administrator recommends approval of the requested deviation in conjunction with the overall design requiring slow vehicle speeds on the proposed private roads. The applicant proposes to construct a 10-foot lane width where 12-foot is required for Promise Point, a private asphalt roadway. Turning templates were analyzed for the typical fire truck and trash truck that are anticipated to serve the subdivision showing that these vehicles can make the turns within the proposed road layout, and the Donald Wescott Fire Protection District has no objections to the design.

3. Section 2.5.2.B.3, *Sidewalks on Both Sides of Roadway*, of the ECM states: "Sidewalks shall be installed on both sides of the road."
4. Section 2.5.2.B 6 *Concrete Thickness*, of the ECM states: "Developments within a Planned Unit Development (PUD) zoning district shall be required to design and construct sidewalks to a thickness of five inches (5") for all sidewalks along the entire length of any roadway from which temporary or permanent access will be provided unless an alternative thickness is approved by the Board of County Commissioners as an element of the associated PUD development standards. Under no circumstances shall any sidewalk be designed and constructed to a thickness of less than four inches (4"). All other sidewalks within a PUD zoning district (e.g., sidewalks in common areas, sidewalks along identified school parcels, sidewalks in open space, etc.) may be designed and constructed to a thickness of five inches (5") but may, at the developer's discretion, be reduced to a thickness no less than four inches (4")."

ECM Administrator Recommendation: The ECM Administrator recommends approval of the requested deviations. The applicant does not propose to construct concrete sidewalks on both sides of the asphalt roadway. Alternatively, the applicant proposes to paint stripe a pedestrian walkway on one side of the asphalt outside of the 10-foot drivable lane to be owned and maintained by the HOA. Per the proposed PUD/Preliminary Plan, adequate lot accessibility can be provided via the proposed private roads. The applicant has depicted a striping design and layout that

accommodates pedestrians throughout the proposed PUD/preliminary plan and allows for connections to the proposed open space. The applicant has obtained written endorsement from the Donald Wescott Fire Protection District for the design of the private road. (Please see attached letter from Donald Wescott Fire Protection District).

Staff recommends that the deviation requests associated with the PUD (Planned Unit Development) Modifications from the ECM as prepared are acceptable contingent upon the approval of the PUD Modifications by the Board of County Commissioners.

Authorization to Sign: PUD Development Plan and any other documents required to finalize the approval. Approval by the Board of the preliminary plan with a finding of sufficiency for water quality, quantity, and dependability authorizes the Planning and Community Development Department Director to administratively approve all subsequent final plat(s) consistent with the preliminary plan as well as the associated Subdivision Improvements Agreements, Detention Pond Maintenance Agreements and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Regular item at the November 19, 2020 hearing.

Recommendation: Approval based on recommended conditions, notations, modifications, and waivers, as well as approval for pre-development site grading.

Waiver Recommendation: Approval

Vote: 7 to 1

Vote Rationale: Nay vote was over concern of open space being owned by the Monastery and not by the HOA.

Summary of Hearing: The applicant was represented at the hearing. Draft PC minutes are attached.

Legal Notice: Advertised in Shopper's Press on November 25, 2020.

C. APPROVAL CRITERIA

The BOCC shall determine that the following the criteria for approval outlined in Section 4.2.6, and Section 7.2.1 of the El Paso County Land Development Code (2019), have been met to approve a PUD zoning district:

- The proposed PUD district zoning advances the stated purposes set forth in this section.
- The application is in general conformity with the Master Plan;
- The proposed development is in compliance with the requirements of this Code and all applicable statutory provisions and will not otherwise be

detrimental to the health, safety, or welfare of the present or future inhabitants of El Paso County;

- The subject property is suitable for the intended uses and the use is compatible with both the existing and allowed land uses on the neighboring properties, will be in harmony and responsive with the character of the surrounding area and natural environment, and will not have a negative impact upon the existing and future development of the surrounding area;
- The proposed development provides adequate consideration for any potentially detrimental use to use relationships (e.g. commercial use adjacent to single family use) and provides an appropriate transition or buffering between uses of differing intensities both on-site and off-site which may include innovative treatments of use to use relationships;
- The allowed uses, bulk requirements and landscaping and buffering are appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community;
- Areas with unique or significant historical, cultural, recreational, aesthetic or natural features are preserved and incorporated into the design of the project;
- Open spaces and trails are integrated into the development plan to serve as amenities to residents and provide reasonable walking and biking opportunities;
- The proposed development will not overburden the capacities of existing or planned roads, utilities and other public facilities (e.g. fire protection, police protection, emergency services, and water and sanitation), and the required public services and facilities will be provided to support the development when needed;
- The proposed development would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and energy efficient site design;
- The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner which would unreasonably interfere with the present or future extraction of such deposit unless acknowledged by the mineral rights owner;
- Any proposed exception or deviation from the requirements if the zoning resolution or the subdivision regulation is warranted by virtue of the design and amenities incorporated in the development plan and development guide; and
- The owner has authorized the application.

The applicant has requested the proposed PUD also be reviewed and considered as a preliminary plan. Compliance with the requirements identified in Chapter 7 and

Chapter 8 of the El Paso County Land Development Code (2019) for a preliminary plan requires the Planning Commission and the BoCC shall find that the additional criteria for a preliminary plan have also been met:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is in conformance with the subdivision design standards and any approved sketch plan;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to,

wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

- Necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.

D. LOCATION

North: RR-5 (Residential Rural)	Benet Hill Monastery
South: RR-5 (Residential Rural)	Single-family Residential
East: PUD (Planned Unit Development)	Single-family/High Forest Ranch
West: RR-5 (Residential Rural)	Single-family Residential

E. BACKGROUND

The property was initially zoned A-4 (Agricultural) on January 3, 1955, when zoning was first initiated for this portion of the County. The eastern portion of the subject property was then rezoned from A-4 to A-2 (Farming) in 1966. Subsequent nomenclature changes to the El Paso County Land Development Code renamed the A-4 zoning district to the RR-5 (Residential Rural) zoning district and the A-2 zoning district to the A-5 (Agricultural) zoning district.

The 49.53 acre parcel is unplatted and vacant. The Benet Hill Monastery of Colorado Springs, a religious institution, retreat and retirement home, purchased the subject property in 2016. The Benet Hill Monastery is located on three (3) parcels, totaling 42.86 acres located immediately to the north of the subject parcel.

The applicant is requesting approval of a site-specific PUD and a preliminary plan to include 26 attached single-family residential units and another lot to be used for a private business event center to include four (4) guestrooms to be served by a private road. The private road is anticipated to be named Promise Point. Promise Point is proposed to be constructed from the existing Benet Lane, which serves the existing Monastery located north of the subject parcel. Benet Lane is a permitted access off of Highway 83 (CDOT permit no. 220060). CDOT does not object to the proposed applications.

The applicant held two neighborhood meetings prior to submitting the proposed PUD and preliminary plan. In response to the concerns of the community, the applicant has depicted an emergency access on the plan and has proposed to reduce the number of wells that would be required for development by proposing a community water system to serve the 27 lots. The applicant has obtained emergency access easements through the Monastery property and the residential property to the west, which would ultimately provide an emergency access for the residents in the area from Highway 83 to Roller Coaster Road.

If the Sanctuary of Peace Residential Community PUD Development Plan and preliminary plan are approved, and a finding of water sufficiency for water quality, quantity, and dependability is made by the Board of County Commissioners, it is anticipated that the applicant will request administrative approval of subsequent final plats by the Planning and Community Development Department Director.

F. ANALYSIS

1. Land Development Code Analysis

With the exception of the PUD Modifications and Deviations listed above, this application meets the preliminary plan submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 as well as the Planned Unit Development (PUD) requirements outlined in Chapter 4 of the El Paso County Land Development Code (2019).

Section 4.2.6.F.8 of the Land Development Code requires a minimum of ten (10) percent of the overall residential PUD be set aside as open space area, and the Code requires no less than 25% of the gross land area of open space to be contiguous and usable. The PUD area is 49.58 acres in size, which would require a total of 4.98 acres of open space area. The applicant is providing 44.3 acres of undeveloped area, leaving approximately 89.6-percent of the land in open space. The open space area is anticipated to be accessible to the future residents for pedestrian activities and wildlife viewing.

2. Zoning Compliance

The PUD Development Plan identifies allowed and permitted uses; use, density, and dimensional standards such as setbacks, maximum lot coverage, and maximum building height; and overall landscaping requirements. The PUD Development Plan is consistent with the proposed PUD development guidelines and with the submittal and processing requirements of the Land Development Code.

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

Policy 8.3.1- Encourage development plans which appropriately incorporate parks, trails, and open space into their design.

Policy 12.1.3-Approve new urban and rural residential development only if structural fire protection is available.

Goal 13.1- Encourage an adequate supply of housing types to meet the needs of County residents.

The subject property is zoned A-5 (Agricultural) and RR-5 (Residential Rural) and is predominately surrounded by rural residential land uses except for the northern adjacent property where the Benet Hill Monastery is located. The Benet Hill Monastery of Colorado Springs, a religious institution, retreat and retirement home received a variance of use approval from the Board of County Commissioners on May 10, 2007, for religious housing in the RR-5 zoning district (PCD file no. VA-06-007).

Single-family residential uses are the predominate land use to the south and west of the subject property and are zoned RR-5. The RR-5 zoning requires a minimum lot size of five (5) acres. The properties to the west were platted in 1926 and are legally non-conforming with regard to lot size. The smallest lot size to the west is 1.35 acres and the largest is 2.5 acres. The unplatted parcels to the south range in size from 8.35 acres up to 20 acres. The properties to the east, (High Forest Ranch Filing No. 1 Subdivision) across State Highway 83, are zoned PUD and have an average lot size of 4.5 acres.

The plan proposes to utilize conservation design techniques, to cluster the development on 5.14 acres, which represents 10.4 percent of the subject property. Approximately 44.3 acres of the property will be left undeveloped, thereby leaving 89.6 percent of the land as open space. The proposed

development will be located in the center of the 49.58 acre site, which will allow for large buffers from the adjacent rural residential properties to the south, west and east. The plan proposes a density of one (1) dwelling unit per 1.84 acres. The proposed lot sizes are 3,900 square feet, which would be significantly smaller than the surrounding residential developments. However, the abundance of timbered area open space provides a transition and buffer from the adjacent properties. Without buffering and clustering the attached single-family residential development, as depicted on the PUD development plan and preliminary plan, compatibility with the surrounding residential land use could not be found.

The property is located within the Donald Wescott Fire Protection District. The District requested a two-way emergency access route through the property, the Benet Hill Monastery, and the private landowners to the west ultimately making a connection via Benet Lane from Highway 83 to Fools Gold Lane, to Evergreen Road, and then to Roller Coaster Road. The applicant has provided the requested access and associated easements. Additionally, the District has required a 15,000 gallon cistern, which the applicant has depicted on the plan.

4. Small Area Plan Analysis

The proposed Sanctuary of Peace Residential Community PUD Development Plan and Preliminary Plan is within the boundaries of the Tri-Lakes Comprehensive Plan (2000) area and more specifically within the Ponderosa Breaks sub-area of the Plan. The Plan recommends the sub-area be developed as low density residential (2.5 acre to 5 acre lot sizes).

The Ponderosa Breaks sub-area includes the following land use scenarios:

- Development emphasis should be on low density residential uses which focus on the timbered areas rather than the open portions of this unit. Overall densities should be consistent with adjacent existing subdivisions.
- Commercial developments should be discouraged. If they are to occur, they should only serve the needs of the local community, be located at designated intersections have limited hours of operation and be consistent with their surroundings.
- Manage, preserve, protect and enhance the vegetation to ensure the long-term health of the ponderosa forest.

Page 129 of the Plan also includes:

“It is recommended that future zoning size to be at least 2.5 acres on unplatted properties. That lot size will help maintain the existing rural density. Preserve open space along drainage basins originating along the Divide. This will limit erosion, provide for wildlife habitat, and create a visual screen.”

As discussed in the Policy Plan section above, the proposed map PUD/Preliminary plan proposes to utilize conservation design techniques to limit the development to the center of the property in an effort to preserve 89.6-percent of the land as open space. The applicant has completed the fire hazard mitigation on the property which is anticipated to manage, protect, and preserve the remaining vegetation on the subject parcel within the proposed open space area. The proposed overall density is one (1) dwelling units per 1.84 acres (includes the lot for the private business event center and four (4) guestrooms), which exceeds the Plan's recommendation of one (1) dwelling unit per 2.5 acres. The commercial use proposed to be included is limited per the proposed PUD development guidelines depicted on the plan. The PUD development guidelines limit the use to a business event center and associated guest lodging to the residents within the proposed community and the visitors of the Benet Hill Monastery. The limited scope of the private business event center and associated guest lodging supports the adjacent Monastery. Because the commercial development is limited to only serving the Monastery and future residents, a finding of consistency with the above Plan recommendation regarding commercial development could be made.

The applicant is proposing to preserve 44.3 acres as open space. The proposed 5.14 acre development area is located 38 feet from the northern property line (nearest to the Benet Hill Monastery). The open space proposed within the PUD separates the proposed lots by a minimum of 162 feet from the southern property line; 1,792 feet from the western property line; and 1,332 feet from the eastern property line (State Highway 83). A topographical feature (knoll) rises in the open space area from the west and southwestern boundaries approximately 115 feet in elevation creating a visual barrier to the proposed lots within the development. In addition, the dense, mature evergreen forest provides a significant amount of visual screening from the proposed development to all property boundaries.

The abundance of timbered area open space proposed in comparison to the actual development area provides a transition, visual buffer, and allows the

proposed uses to be more compatible with the surrounding rural residential properties located to the south, west and east. The open space is anticipated to provide for wildlife habitat. Although the overall density exceeds the recommendations of the Plan, the Planning Commission and Board of County Commissioners could still make a finding of general conformance based upon the use of a clustered development design, the preservation of open space, and the type of low-intensity commercial development being proposed.

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.

Policy 6.0.11 – Continue to limit urban level development to those areas served by centralized utilities.

The subject property is located within Region 2, Monument Area, which is anticipated to experience significant growth through 2060. Specifically, the Plan states:

“Substantial growth is projected along Highway 83 in northwestern El Paso County. Planned growth areas are expected to be low density and would currently rely on well and septic systems, as no centralized well or sewer systems are available. Region 2 bordering Douglas County also has projected growth by 2060 between Furrow Road and Roller Coaster Road.”

The subject parcel is located within one of the areas specified as being anticipated to experience growth.

Region 2 has a current water supply of 13,607-acre feet per year and a current demand of 7,532-acre feet per year. The 2040 water supply is projected to be 20,516-acre feet per year and the projected demand is 11,713-acre feet. The 2060 water supply is projected to be 20,756-acre feet per year whereas the

demand is anticipated to be 8.37-acre feet per year, therefore, there is anticipated to be a surplus supply of water for this region of the County.

Although there is anticipated to be adequate water supply, the Plan identifies that the majority of the water for this region comes from non-renewable water sources:

“Denver Basin water comprises a large share of future supplies for Regions 2, 3, 4a, 4b, 4c, 5, 6, and 8. As previously discussed, heavy use of Denver Basin supplies is not expected to be economically sustainable over the long term. Water supplies in these regions may need to be diversified in the years ahead, depending on local aquifer conditions.”
(Page 68)

The applicant’s water resource report indicates that 1.3 acre feet of water per year or 26,000 square feet of landscape irrigation is allowed pursuant to their water decree. However, the applicant has stated in their letter of intent that the development intends to incorporate water conservation techniques, such as limiting the amount of irrigation. The applicant is proposing an augmentation plan which has been submitted and reviewed by the County Attorney’s Office. A finding of sufficiency in regard to water quantity, quality, and dependability is requested with this PUD/preliminary plan. Please see the Water section below for a summary of the water findings and recommendations for the proposed development.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Community Services, Environmental Division, and Colorado Parks and Wildlife (CPW) were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies no mapped 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.

The El Paso County Parks Master Plan (2016) does not identify a park or trail within the subject property.

The El Paso County Major Transportation Corridors Plan (2016) is discussed below in Transportation of this report.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the combined PUD and preliminary plan application that would impede development.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. The Sanctuary of Peace Natural Features and Wildlife Report dated December 20, 2018 report indicates that Colorado Parks and Wildlife (CPW) was sent a request for review and comment. The CPW did provide the following comment regarding impacts to wildlife:

“CPW is concerned about the trees that will be removed for the development because trees may be currently occupied or historic bird nesting sites. Please take care to avoid removal of trees with occupied nesting birds. We recommend leaving as many native healthy trees on site and replacing trees that are removed with comparable native species on a 3:1 basis. Dead trees, or snags, provide valuable perching areas for native birds and should be left standing where possible.”

3. Floodplain

As indicated on FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0295G, the property is located entirely outside of the 100-year regulatory floodplain.

4. Drainage and Erosion

The proposed development is in both Black Squirrel Creek and Smith Creek Drainage Basin. Both basins have been studied. Drainage from the site generally flows from northeast to southwest. Three full spectrum sand filter basin facilities are proposed and depicted on the PUD development plan and preliminary plan. The Sanctuary of Peace Residential Community Homeowners Association is anticipated to be created in conjunction with the subsequent final plat(s) and is proposed to be the entity responsible for maintaining the detention/water quality facilities.

Black Squirrel Creek and Smith Creek drainage and bridge fees are required to be paid at the time of the subsequent final plat(s) recordation.

The Sanctuary of Peace Residential Community Preliminary and Final Drainage Report concludes that stormwater runoff from this project will not “negatively impact the adjacent properties and downstream drainage facilities.”

5. Transportation

The existing Benet Hill Monastery, north of the subject development, takes access from State Highway 83 via a private paved road, Benet Lane. The Sanctuary of Peace Residential Community development proposes a private internal road, Promise Point, as depicted in the plan, which is proposed to connect to Benet Lane at the eastern and northern boundary of the subject property creating a looped turnaround. Benet Lane connects to an emergency fire access easement beginning at the western property boundary of the Benet Hill Monastery. The proposed development has acquired emergency access easements to utilize the emergency access through the Benet Hill Monastery and private roadway, Fools Gold Lane, to the west meeting the second access requirements of the Code. Fools Gold Lane connects to Evergreen Road, which connects to Roller Coaster Road, which is a public right-of-way. The applicant has provided a letter of support from the Donald Wescott Fire Protection District.

Traffic generated from this development will be approximately 245 average daily trips (ADT). This development is subject to the El Paso County Road Impact Fee Program (Resolution 18-471), as amended.

The El Paso County Major Transportation Corridors Plan (2016) does not identify any roads ways within the subject property. State Highway 83 is identified as an expressway, which is owned and maintained by Colorado department of Transportation. The development of Sanctuary of Peace will not add any roads to the County road system.

H. SERVICES

1. Water

Sufficiency: Sufficient

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Summary: The applicant is proposing a community water system. The applicant has depicted a single well site on the plan to serve the 27 lots within the proposed subdivision. The applicant has obtained preliminary approval of the community water system design (acknowledgment letter) from the Colorado Department of Public Health and Environment (CDPHE). The CDPHE

acknowledgment letter is included within the applicant's letter of intent. The County Attorney's Office has made a favorable recommendation for a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality. The applicant is requesting the Board of County Commissioners make a finding for water sufficiency, including quality, quantity, and dependability, with approval of the preliminary plan.

2. Sanitation

A shared onsite wastewater treatment system (OWTS), which will include four (4) onsite systems, is proposed to serve the property. The applicant's wastewater engineer, 285 Engineering, has provided the design drawings to PCD, Colorado Department of Health and Environment (CDPHE), and the El Paso County Public Health Department for review and comment. CDPHE has not provided comments to PCD regarding the shared onsite wastewater system. El Paso County Public Health has reviewed the wastewater report and shared system design submitted with this application and has provided comment that the radius for the wells must be a minimum of 140-feet from the zone of influence from the OWTS area. Additionally, the wastewater system is required to meet the Water Quality Standards Act, Regulations (6) and 11. The El Paso County Public Health comments are attached to this report.

3. Emergency Services

The property is within the Donald Wescott Fire Protection District. The District was sent a referral of the application and provided recommendations regarding the emergency access route, which the applicant has incorporated into the PUD development plan and preliminary plan design.

4. Utilities

Mountain View Electric Association will provide electrical service and Black Hills Energy will provide natural gas service to the development. Public utility easements have been depicted on the PUD plan and preliminary plan.

5. Metropolitan Districts

The site 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) or preliminary plan application. Fees in lieu of park land dedication will be due at the time of recording the final plat.

7. Schools

Land dedication and fees in lieu of school land dedication are not required for a rezone or preliminary plan application. Fees in lieu of school land dedication will be due at the time of recording the final plat. Lewis-Palmer School District No. 38 was sent a request for review and comment, and did provide the following comment:

“At their monthly meeting on April 8, 2019, the Lewis-Palmer School District Board of Education voted to request cash in-lieu-of land funding for homes permitted in this development. Additionally, the Board does wish to inform the El Paso County Planning Commission of the following:

Lewis-Palmer School District is nearing capacity at all schools in the district for grades K-8. The Ray Kilmer Elementary School and the Lewis-Palmer Middle School, which will house the students from this development, are projected to be at or exceeding program capacity for the upcoming school year. The school district is in the process of planning additional schools. Such planning will result in a ballot issue, which must pass to allow for relief. Whereas the Board of Education’s role is to ensure all students in Lewis-Palmer School District receive a quality education, we must advise the Planning Commission that continued housing growth without additional schools will ultimately impact the quality education for which Lewis-Palmer School District is known.”

I. APPLICABLE RESOLUTIONS

See attached Resolution.

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 4.2.6, and Section 7.2.1 of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations:

CONDITIONS

1. Development of the property shall be in accordance with this PUD development plan. Minor changes in the PUD development plan, including a reduction in residential density, may be approved administratively by the Director of the

Planning and Community Development Department consistent with the Land Development Code. Any substantial change will require submittal of a formal PUD development plan amendment application.

2. Approved land uses are those defined in the PUD development plan and development guide.
3. All owners of record must sign the PUD development plan.
4. The PUD development plan shall be recorded in the office of the El Paso County Clerk & Recorder prior to scheduling any final plats for hearing by the Planning Commission. The development guide shall be recorded in conjunction with the PUD development plan.
5. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but 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.
6. Applicable park, school, drainage, bridge, and traffic fee shall be paid to the El Paso County Planning and Community Development Department at the time of final plat(s) recordation.
7. The El Paso County Attorney's Office conditions of approval, as identified in their recommended water sufficiency finding letter shall be adhered to in conjunction with the completion of the final plat application.
8. Prior to final plat(s) recording, the following must occur:
 - a) A professional engineer must certify that the water system infrastructure has been built in accordance with the design, which was the subject of the CDPHE acknowledgement letter, and that the system is functional/operational.
 - b) Defect warranty collateral for the water system must be posted for two years.
 - c) The developer must identify and describe a proposed water operator acceptable to the County, which may have already occurred as part of the Technical, Managerial, and Financial (TMF) submission.

9. No more than 15 building permits and associated Certificate of Occupancy's will be authorized until proof of Colorado Department of Public Health and Environment approval of the Technical, Managerial, and Financial (TMF) has been received by the County. At that time, the conditional finding of sufficiency as to dependability will convert to a full finding.
10. The developer must submit and receive acceptance of a private detention Best Management Practices (BMP) Maintenance Agreement that provides easements or tracts for the three (3) storm water quality sand filter basins.
11. The developer shall receive Colorado Department of Transportation review and acceptance of their Traffic Impact Study and associated access permits necessary for their State Highway 83/Benet Hill access point prior to subsequent final plat(s) approval.

NOTATIONS

1. Subsequent final plat filings may be approved administratively by the Planning and Community Development Director.
2. 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.
3. 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.
4. Preliminary plans not forwarded to the Board of County Commissioners within 12 months of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.
5. Approval of the preliminary plan will expire after two (2) years unless a final plat has been approved and recorded or a time extension has been granted.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department 16 adjoining property owners on October 30, 2020, for the Board of County Commissioners meeting. Responses received to date are attached, others may be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent (includes CDPHE Community Water System Acknowledgement Letter and Donald Wescott Fire Protection Letter)

Development Plan/Preliminary Plan

State Engineers Letter

County Attorney's Letter

El Paso County Public Health Comments

Adjacent Property Owner Responses

Planning Commission Draft Minutes

Planning Commission Resolution

Board of County Commissioners Resolution

TMF Capacity Assessment Form Letter