

# Rezone Responses to Comments

- **Black Forest Fire Protection District:** No comments at this time regarding the rezoning from RR-5 to RR-2.5. **Ok.**
- **County Attorney – Development Review:** No comments. **Ok.**
- **El Paso County Conservation District:** The El Paso County Conservation District Board of Supervisors recommendations are as follows: where ground is disturbed, it should be mulched or re-vegetated within 45 days of disturbance. Information about the EPCCD eight-seed native “Shotgun” grass seed mix is included below. This drought tolerant, low grow mix has been curated especially for use in the Pikes Peak Front Range area; every seed in the mix is native to the area. Please make sure any native grasses already in place are truly native to the area. If there is no noxious weed control plan in place, we recommend that an integrated weed management program be reviewed and approved by the El Paso County Weed advisory board, the CSU extension agent, NRCS, or a qualified weed management professional prior to land use authority approval. **Ok.**
- **Academy SD 20 Building Fund:** The District is requesting fees in lieu of land dedication per the existing El Paso County Code for all new residential units permitted by the requested rezone. **Ok.**
- **EPC Parks Department:** The Park Advisory Board recommends that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving the Ivilo Minor Subdivision and Rezone: (1) designate and provide to El Paso County a 25-foot-wide public trail easement along the south side of the dedicated right-of-way for Vessey Road that allows for the construction and maintenance by El Paso County of the Palmer Divide Regional Trail, and dedicate the easement to El Paso County prior to the recording of the Final Plat (2) require fees in lieu of land dedication for regional park purposes in the amount of \$1,380.00. **25’ trail easement has been added to final plat along with the park fees of \$1,380.00.**
- **US Postal Service:** Please contact Rita Minnard directly to review this development for mail service. To establish mail delivery and kiosk locations an appointment will be required with USPS to determine final locations. Information required for this establishment include proposed locations, type of mail receptacle, final plat with addresses, type of development and date of first occupancy. **Noted. Developer will contact USPS to coordinate.**
- **Colorado State Forest Service:** The Colorado State Forest Service recommends that all forested acres be mitigated to reduce the risk of wildfire and that defensible space be created for each dwelling using the standards in the CSFS “Home Ignition Zone Guide”. In addition, we recommend that all wildfire mitigation be completed before or during dwelling construction. **Noted. Home Ignition Zone Guide will be provided to developer.**
- **EPC Environmental Services:** A completed U.S. Army Corps of Engineers (USCOE) permit shall be provided to the Planning and Community Development Department prior to project commencement if ground-disturbing activities will occur in wetland

areas. Alternatively, a letter from a qualified wetland scientist indicating why such a permit is not required for this project will be acceptable. The applicant is hereby on notice that the USOCE has regulatory jurisdiction over wetlands. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including, but not limited to, the Clean Water Act. **USCOE has been contacted to get a wetlands determination and determine if a USCOE permit is applicable.**

- **Black Forest Land Use Committee:** The Black Forest Land Use Committee is opposed to the Ivilo Rezone and recommends DENIAL of the request. This area along Vessey Road has a mixture of different lot sizes, some of them as small as 1-acre more or less, but the predominant lot sizes are 5-acres and larger. The very small lots were platted before the county instituted county-wide zoning in 1965. Recent development in this area has been on lots 5-acres or larger. This 14-acre parcel should only be subdivided into 2 lots under the 5-acre rule but would have a potential of 5 lots of 2.5-acres under a rezone. While the El Paso County Master Plan permits zoning of RR-2.5, there are overriding considerations in this case.
  - Page 54 of the master plan, under Black Forest/North Central Area, states, “Black Forest is a community with one of the strongest and most well-established characters in El Paso County...The county should maintain existing and expand the Large-Lot Residential placetype in this area in a development pattern that matches the existing character of the developed Black Forest Community.” The goal of this statement is to maintain and even reduce densities (from the minimum of 2.5-acres per lot) in the Black Forest to preserve the trees, wildlife and natural environment. **Proposed rezone fits within the large lot residential placetype as defined in the master plan.**
  - Page 54, same section, says, “Careful planning is required to promote the health of natural areas, especially the forest...”. Increasing the density in this area will result in more roads and driveways and result in more trees and natural habitat being destroyed to build homes. The zoning needs to remain at RR-5. **Applicant intends to preserve as many existing trees on the property as possible. Master plan allows for RR-2.5 in this area of Black Forest.**
  - Page 19 under “Forested Areas” says, “New development and any redevelopment in these locations (forested areas) should be of lower density to mitigate any impacts on the Forest”. This statement also is contrary to rezoning to a greater density as proposed in the Ivilo Rezone. **Applicant intends to preserve as many existing trees on the property as possible. Master plan allows for RR-2.5 in this area of Black Forest.**
  - Page 26 in the paragraph entitled “Character” says that 2.5-acre densities are permissible but says that such density must be. “...compatible with the character of existing developed areas”. **Proposed rezone fits with the surrounding character of the area as there are many adjacent lots that are 2.5 acres or less.**
  - Page 149, under Goal LU3, specific strategy, first priority, “Undeveloped portions of the county that are adjacent to a built out area should be developed to match the character of that adjacent development”. The Ivilo Rezone parcel is surrounded by larger parcels so any development with

smaller lots on this parcel should conform to a larger density. **Proposed rezone fits with the surrounding character of the area as there are many adjacent lots that are 2.5 acres or less.**

Clearly, rezoning of this parcel to RR-2.5 would not be consistent with the surrounding area or with the county master plan and the proposal should be denied. As an alternative, the Land Use Committee would support a plan to allow the applicant to divide the parcel into no more than 3 lots. This would result in a density of 4.73 acres/lot which is very close to the desired 5-acre average. This would not set a precedent on lot size but seems to be reasonable in light of the unusual parcel size in this case. Under this option, no rezoning would be required. **The applicant is proposing to subdivide into 3 lots. However, in order to do this, the property must be rezoned to RR-2.5. Lot sizes less than 5 acres are not allowed under the county's land development code for RR-5 zoning. Therefore the rezone is required.**

- Letter of intent:
  - Please add PCD file #P2219. **Added.**
  - State the size of the property in acreage and the number of lots to be created. **Added to letter of intent.**
  - Delete the last sentence or upload the referenced traffic memo for review. **Traffic memo submitted.**
  - Include bullet points on how this application meets the requirements in the parks and water master plan. **Added.**
  - Include more detail on each of these if you have them. **More detail added.**
- Rezone Map:
  - Add Vessey Right of Way 60 ft. Rec. **Added to rezone map.**
  - Please correct line work and provide a callout detail. **Line work corrected. Call out detail not necessary.**
  - 30.00 ft ROW Rec. #200050280. **Updated.**
  - This should be Reception #200050280. **Updated.**
  - These 15 ft. east and west dedications should be denoted as easements not ROW. **Updated.**
  - Update the Zoning Map to show R<sup>2</sup>. **R<sup>2</sup> callout removed from legend.**
  - Add the information for R<sup>4</sup>. **Added.**
  - 410' according to the assessor's drawing – confirm it is correct. **Confirmed dimension shown is correct.**
  - Confirm that this point is correct. The assessor's site (above) shows a jog in this location. **Updated to match Assessor's site. However, does not match plat. Due to the metes and bounds descriptions of this property and the adjacent properties, and the starting points of those descriptions, there is overlap in the parcels and their descriptions. The final plat represents the new property boundary to clean up the overlaps that exist. Quitclaim deeds to clean up these areas of overlap have also been included with this application.**
  - List all existing easements and include existing structures. **Added.**
- Rezone Application:

- The assessor's site states it is 14 acres. Confirm this is correct. If it is, please contact the assessor to update. I measured the size in GIS and it came up with 13.4 acres. **Updated to 14 acres.**
- Indicate from RR-5 to RR-2.5. **Updated.**
- Fill out please. **Not sure what is wanted here. The owner is the applicant.**
- **EPC Code Enforcement: No Comment. Ok.**
- **EPC Health Department:**
  - **No immediate public health issues noted with the rezone request. Ok.**
  - **Water will be provided by individual wells. Yes.**
  - **Wastewater services will be provided by onsite wastewater treatment systems (OWTS). El Paso County Public Health does not have a record of the existing structure OWTS on file; therefore, the location of the system components is unknown. Make sure the entire existing OWTS is located on the same lot as the structure it serves. Noted.**