

EL PASO



COUNTY

COMMISSIONERS:
DARRYL GLENN (PRESIDENT)
MARK WALLER (PRESIDENT PRO TEMPORE)

STAN VANDERWERF
LONGINOS GONZALEZ
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Board of County Commissioners
Darryl Glenn, President**

**FROM: Raimere Fitzpatrick, AICP PM/Planner II
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director**

**RE: Project File #: P-17-008
Project Name: County Initiated Map Amendment (Rezoning) of Santa Fe Springs PUD 1
Parcel Nos.: 43000-00-534, 43000-00-537, 43000-00-538, 42000-00-364, 43000-00-543, 43000-00-544, 43000-00-556, 43000-00-557, 43000-00-561, 43000-00-562, and 43000-00-564**

OWNER:	REPRESENTATIVE:
Multiple	El Paso County Planning and Community Development

Commissioner District: 2

Planning Commission Hearing Date:	11/7/2017
Board of County Commissioners Hearing Date:	12/12/2017

EXECUTIVE SUMMARY

The El Paso County Planning and Community Development Department is requesting approval of a County Initiated Map Amendment (Rezoning) of properties in the Santa Fe Springs PUD 1 from the PUD (Planned Unit Development) zoning district to the A-35 (Agricultural) zoning district.

The properties are located northeast of the intersections of Curtis Road and Falcon Highway and are within Sections 1 and 2, Township 13 South, Range 64 West of the 6th P.M. The properties are also located within the boundaries of the Falcon/Peyton Comprehensive Plan (2008).

The Board of County Commissioners approved the Santa Fe Springs PUD1 (PCD File No. PUD-04-002) on November 18, 2004 which included 1,018.72 acres of property and authorized the following land uses:

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



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

- 2,039 single-family residential lots on 435 acres
- 78 multi-family units on 12.65 acres
- 39.46 acres of commercial land
- 422.39 acres of open space, which includes trails, parks and open space, preservation easements, and detention facilities

The Santa Fe Springs PUD 1 was approved with the following condition which has not been met:

Rezoning requests for property within this project may be considered by the Planning Commission and /or Board of County Commissioners. If, however, the requisite level of urban services has not been provided within five years of such rezonings, applicant agrees the County, after the required public hearing process, may reinstate the zoning districts in effect on the date of such approval or otherwise zoning it to an Agricultural classification.

Pursuant to C.R.S §30-28-116, the Board may amend the number, shape, boundaries, or area of any [zoning] district. Pursuant to Section 5.3.5.E, County Initiated Zoning, of the Land Development Code, the County “may initiate the rezoning of any property within the unincorporated area of the County”.

Justification in support of rezoning properties from the Santa Fe Springs PUD 1 includes:

- Recognition of unmet conditions of approval regarding the provision of water and wastewater service to property within the PUD;
- Reduction of land use uncertainties when reviewing land use applications for development on adjoining properties for compatibility with adjacent and surrounding land uses;
- Providing greater development certainty for adjacent properties outside the PUD boundaries; and
- Providing greater certainty for staff in addressing inquiries from the public concerning development within the Santa Fe Springs PUD and in the surrounding area.

A. REQUEST/WAIVERS/MODIFICATIONS/AUTHORIZATION

Request: A request for approval of a County Initiated Map Amendment (Rezoning) of 1,018.72 acres from the PUD (Planned Unit Development) zoning district to the A-35 (Agricultural) zoning district.

Waiver(s)/Modification(s): No waivers are associated with this request.

Authorization to Sign: N/A

B. Planning Commission Summary

Request Heard: November 7, 2017, as a regular item

Recommendation: Approval, subject to the conditions and notations. A copy of the Planning Commission Resolution is included as an attachment.

Waiver Recommendation: N/A

Vote: 9 to 0

Vote Rationale: N/A

Summary of Hearing: See attached minutes

Legal Notice: *Published in Shopper Press November 22, 2017*

C. APPROVAL CRITERIA

Pursuant to Section 5.3.5, Amendment (Rezoning), of the El Paso County Land Development Code (2017), in approving a map amendment (rezoning), the following findings shall be made:

- 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: A-35 (Agricultural), RR-5 (Residential Rural), and RR-2.5 (Residential Rural)/the subject properties adjacent to agricultural, vacant, and single-family residential land uses

South: A-35 (Agricultural), RR-5 (Residential Rural), and RR-2.5 (Residential Rural)/agricultural and single-family residential

East: PUD (Planned Unit Development)/vacant

West: PUD (Planned Unit Development)/vacant

E. BACKGROUND

Santa Fe Springs Land Use History

Santa Fe Springs is a 6,420 acre urban density development that consists of seven (7) PUD (Planned Unit Development) zoning districts. The various PUDs authorize a mixture of urban density single-family residential, multi-family residential, rural residential, commercial, institutional, public utility, and park, recreational, and open space land uses, and include 39 large lot (35 acre) residential parcels. The development area is currently comprised of 62 parcels controlled by 25 separate property owners. Each PUD zoning district was approved with a condition requiring the provision of central water and wastewater to property within its boundaries within five (5) years from the date of approval, which is an issue that is discussed in greater

detail below. A summary of the overall Santa Fe Springs land use approvals is provided also below.

The Board of County Commissioners approved a 5,620 acre sketch plan (PCD File No. SKP-89-003) for Santa Fe Springs on December 28, 1989 (Resolution No. 89-369). The sketch plan included 2,658 acres of residential land uses with densities ranging from 0.4 to 12 dwelling units per acre with a density cap of 5,300 dwelling units. The sketch plan also included 693 acres of commercial land uses and 2,269 acres of open space.

The sketch plan was approved with the following condition regarding the phased development of Santa Fe Springs:

Rezoning of the site shall take place by phases, such phase not to exceed the area identified within the phasing plan submitted as a part of the Sketch Plan. This condition would not affect rezoning the property to A-4 (Agricultural) or A-35 (Agricultural) Districts for purposes of a holding zone.” (Note: the A-4 zoning district was the precursor to the RR-5 (Residential Rural) zoning district)

The Board approved the subsequent rezoning of 920 acres of properties in the Santa Fe Springs Sketch Plan from unzoned to the PUD (Planned Unit Development) zoning district (PCD File No. PUD-90-002) on June 28, 1990 (Resolution No. 90-168). The Board also approved (Resolution No. 90-187) a concurrent rezoning (PCD File No. P-90-004) of an additional 4,693 acres of properties in the sketch plan from unzoned to the RR-5 (Residential Rural) zoning district. Approval of the PUD zoning was subject to the following condition of approval that required central services, specifically water and sewer services, to be provided to properties within Santa Fe Springs within five (5) years of the date of approval:

Rezoning requests for property within this project may be considered by the Planning Commission and /or Board of County Commissioners. If, however, the requisite level of urban services has not been provided within five years of such rezonings, applicant agrees the County, after the required public hearing process, may reinstate the zoning districts in effect on the date of such approval or otherwise zoning it to an Agricultural classification.

Pursuant to the terms of the condition, water and sewer services were required to be provided by June 28, 1995. The provision of services is not merely a commitment from a provider to provide service; rather, it is the construction of necessary infrastructure to actually deliver the services. Required infrastructure improvements include but are not limited to wells, water treatment facilities, water lines, storage tanks, wastewater treatment facilities, lift stations, force mains, sewer lines, etc. The developer failed to provide the required services with appurtenant infrastructure within the designated time which expired on June 28, 2000.

Because the condition had not been met, in 2001 the County initiated a rezoning of the properties from the PUD and RR-5 zoning districts to the A-35 zoning district (PCD File No. P-01-009). On January 2, 2002, the Board decided to stay the action based on the commitment of a prospective purchaser to implement the PUD and provision of the required water and wastewater services in five (5) years. The Board denied the action to remove the Santa Fe Springs PUD and extended the time limit to provide urban services to January 10, 2007.

Following the action in 2002, the Board approved a sketch plan amendment (PCD File No. SKP-04-003) on August 26, 2004 (Resolution No. 04-354). The amendment added an additional 800 acres of property to the sketch plan area, increased the density cap from 5,300 to 5,370 dwelling units, reduced the commercial acreage from 693 acres to 288 acres, and increased the amount of open space from 2,269 acres to 2,739 acres.

The sketch plan amendment was approved with the following condition regarding phasing:

The Phasing Plan as shown and approved on this amended sketch plan by the Board of County Commissioners shall be adhered to unless otherwise altered by Board approval.

The Board of County Commissioners approved a service plan in support of the formation of Santa Fe Springs Metropolitan Districts Nos. 1 – 3 (ID-04-003) on September 2, 2004 (Board Resolution 04-369). The initial plan was a skeletal plan, which means it did not contain an infrastructure analysis or financial plan necessary to evaluate the proposed district's capability to adequately incur and/or discharge debt. The Districts were formed by the Court on November 8, 2004. The Board approved an amended "complete" service plan (ID-05-007) on January 12, 2006 (Resolution No. 06-019), which included the necessary infrastructure and financial analysis. One of the overall purposes of the Districts includes financing, design, and construction of water and wastewater lines as well as the provision of water and wastewater services necessary to support urban development within the Santa Fe Springs development. Additional discussion regarding District responsibilities and status is provided in the Metropolitan District section of this report below.

The Board subsequently approved Santa Fe Springs PUD 1 as an amendment to the original Santa Fe Springs PUD on November 18, 2004, which rezoned 1,018.72 acres from the PUD and RR-5 (Residential Rural) zoning districts to the PUD zoning district. The Board later approved the Santa Fe Springs PUDs 2-7 on January 6, 2005, which rezoned 5,411.18 acres of property from the RR-5 and PUD zoning districts to the PUD zoning district. A summary of the PUD approvals is provided below.

Santa Fe Springs	PCD File #	Approval Date	Board Resolution No.	Acreage
PUD 1 (Amended PUD-90-002)	PUD 04-002	November 8, 2004	04-498	1,018.72
PUD 2	PUD-04-003	January 5, 2005	05-025	286.15
PUD 3	PUD-04-004	January 5, 2005	05-026	512.4
PUD 4	PUD-04-005	January 5, 2005	05-027	163.7
SFS PUD 5	PUD-04-006	January 5, 2005	05-028	1,000.8
SFS PUD 6	PUD-04-007	January 5, 2005	05-029	499
SFS PUD 7	PUD-04-017	January 5, 2005	05-030	2938.61

Approved land uses include a mixture of urban density single-family residential, multi-family residential, rural residential, commercial, institutional, public utility, and park, recreational, and open space land uses, and includes 39 large lot (35 acre) residential parcels. Santa Fe Springs PUDs 2-6 were approved with the following condition, which has not been met:

In the event urban services have not been extended to any part of the overall Santa Fe Springs property within five (5) years of Board of County Commissioners' approval of this request, the Board may consider rezoning back to the original [RR-5] (Residential Rural) classification.

It should be noted that Santa Fe Springs PUD 1 is an amendment to the original Santa Fe Springs PUD (PCD File No. PUD-90-002). Santa Fe Springs PUD 1 did not contain a specific condition of approval regarding the timing of available services. However, the intent of the original condition of approval of the 1989 Santa Fe Springs PUD (PCD File No. PUD-90-002) was preserved for the approval of PUD 1 and remained in effect for all future zoning actions within the proposed original development area.

Since approval of the Santa Fe Springs PUDs 1-7 in 2004 and 2005, control of the development has fragmented into 62 parcels which are controlled by 25 different property owners. Due to the inability to provide the required urban services, specifically central water and wastewater, to support the urban densities and land uses, staff recommends that the proposed rezone be considered and approved in order to remove the zoning associated with the various Santa Fe Springs PUDs. These specific zoning actions are proposed via seven (7) separate County Initiated Map Amendment (Rezoning) requests.

Preliminary plans were submitted for Santa Fe Springs PUD 1 (PCD File No. SP-06-001), Santa Fe Springs PUD 2 (SP-06-002), and Santa Fe Springs PUD 4 (PCD File No. SP-06-019). The applications were not completed by the applicant; therefore, no action was taken by the Planning Commission or Board of County Commissioners to approve or deny the preliminary plan applications. No final plats have been submitted by any of the existing or prior land owners for review or consideration by the County.

Santa Fe Springs PUD 1 Land Use History

The following is a summary of the Santa Fe Springs PUD 1 land use approvals, which includes a summary of the approved land uses and relevant conditions of approval:

The Board approved an amendment to the Santa Fe Springs PUD (PCD File No. PUD-04-002) to include an additional 98.72 acres of property. Santa Fe Springs PUD 1 is comprised of 11 parcels totaling 1,018.72 acres and the following land uses:

- 2,039 single-family residential lots on 435 acres
- 78 multi-family units on 12.65 acres
- 39.46 acres of commercial land
- 422.39 acres of open space, which includes trails, parks and open space, preservation easements, and detention facilities

This approval did not contain a specific condition of approval regarding the timing of available services or the Board's authority to rezone. Although not specifically stated, the original condition requiring urban services remains binding the current approval of Santa Fe Springs PUD 1.

Required services have not been provided to the property located within the specific Santa Fe Springs PUD 1 zoning district.

F. ANALYSIS

1. Land Development Code Analysis

C.R.S §30-28-111 and §30-28-113 establishes the authority of the Board to establish zoning in the unincorporated County. C.R.S §30-28-116 authorizes the Board to amend the number, shape, boundaries, or area of any [zoning] district. Pursuant to Section 5.3.5.E, County Initiated Zoning, of the El Paso County Land Development Code (2017), the County "may initiate the rezoning of any property within the unincorporated area of the County". This County initiated rezoning is being conducted in accordance with the statutory and Land Development Code authorities granted to the Board.

Findings of general conformity with the El Paso County master plan were made with the approvals of each Santa Fe Springs PUD zoning district. Those findings were contingent upon the provision of necessary urban services in support of the approved zoning. Because that condition has not been met, the Board may consider rezoning the properties out of the PUD to the A-35 zoning district. Since the original findings were made based on the condition that the Board may consider rezoning the subject properties away from the PUD zoning district and that this action is being initiated in accordance with that condition, this action is also in general conformance with the master plan.

Justification in support of rezoning the properties from the Santa Fe Springs PUD 1 include:

- Recognition of unmet conditions of approval regarding the provision of water and wastewater service to property within the PUD;
- Reduction of land use uncertainties when reviewing land use applications for development on adjoining properties for compatibility with adjacent and surrounding land uses Provide greater development certainty for adjacent properties outside the PUD boundaries; and
- Provide greater certainty for staff in addressing inquiries from the public concerning development within the Santa Fe Springs PUD and in the area.

2. Zoning Compliance

As previously discussed, the condition of approval which requires urban services (water and wastewater) to be extended to properties within the PUD have not been met. Therefore, the properties are not in compliance with the zoning requirements of the PUD. The Board may consider rezoning property in the Santa Fe Springs 1 PUD zoning district to A-35 zoning district. If the County initiated map rezoning is approved, the PUD zoning would be replaced by the A-35 zoning and the uses authorized by the PUD would no longer be applicable. Permitted and allowed uses would be those identified for the A-35 zoning district in Table 5-1 Principal Uses and Table 5-2 Accessory Uses in Chapter 5 of the Code. The density and dimensional standards would be those identified in Table 5-4, Density and Dimensional Standards for Agricultural, Residential, and Special Purpose Districts.

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. The following policies are cited for consideration:

Policy 6.1.4

Encourage the logical timing and phasing of development to allow for the efficient and economical provision of facilities and services.

Policy 6.1.6

Direct development toward areas where the necessary urban-level supporting facilities and services are available or will be developed concurrently.

Policy 6.1.10

Ensure that new development will not create a disproportionately high demand on public services and facilities by virtue of its location, design or timing.

The Board recommended condition regarding urban services (water and wastewater) is consistent with the referenced policies and was intended to

discourage approval of major developments in advance of the extension of services and provide a mechanism to prevent speculative zoning from encumbering the zoning map. Approval of land uses in the absence of requisite services creates a burden on future property owners within the development who individually may not have the financial ability to make necessary major infrastructure improvements in support of urban development. Removal of the PUD zoning from the subject properties in accordance with the condition to provide required urban services is consistent with these policies. Future development of properties affected by this action will require an analysis of required water and wastewater service to support the proposed development and a review of the feasibility of providing those services.

4. Small Area Plan Analysis

The properties are included in the boundaries of the Falcon/Peyton Comprehensive Plan (2008). The Plan was adopted after approval of the Santa Fe Springs 1 PUD. Although the Plan supports the land uses and densities within Santa Fe Springs, the Plan is advisory and does not mandate development in accordance with the approved PUD.

The following are cited from Section 4.3.2, Future Land Use, Approved Development Patterns, of the Plan:

One of the foundational assumptions of this plan is that currently approved land uses should be treated as fixed, even though the plan recognizes that some of these approved but not-yet-developed plans may in fact undergo changes and adaptations over time. In other words, this plan will not offer recommendations that would contradict Sketch Plan and other zoning and subdivision approvals that have already been granted by the Board of County Commissioners at the time of the plan's adoption.

Note that these graphics [Plan or Future Land Use Map] are meant to show the current plans for these parcels for planning purposes. This Master Plan recognizes that development plans can change after approval, and these graphics are not meant to limit the ability of landowners to re-evaluate their plans.

The Falcon/Peyton Plan recognizes the approved Santa Fe Springs zonings, but does not assume these land use approvals to be static or immutable. The condition, which was agreed upon by the developer, to provide urban services to the development within five (5) years with a clause for reconsideration and removal of the PUD zoning is demonstrative of the mutual understanding by the developer and County that the Santa Fe Springs PUDs may not be permanent. Although Santa Fe Springs was identified on the Plan, the depiction does not prohibit modification of the PUD on the Zoning Map, or by extension, removal from the Zoning Map in its entirety. The Plan specifically recognizes the non-binding nature of certain development plan approvals. The exercise of the

Board's authority to remove the Santa Fe Springs PUD zoning district from the County Zoning Map is consistent with the intent of the Plan which specifically recognizes the changeable nature of plans within its boundaries.

5. Other Master Plan Elements

Approval of the request to rezone properties within the existing PUD to the A-35, zoning district is consistent with or does not create negative impacts to elements depicted on the El Paso County Wildlife Habitat Descriptors Map (1996), the El Paso County Community Services Parks Master Plan (2014), the Master Plan for Mineral Extraction (1996), or the El Paso County Major Transportation Corridors Plan (2011).

A previous finding was made that the PUD rezoning would not interfere with any present or future extraction of any commercial mineral deposit. The current request for a map amendment (rezoning) remains consistent with the previous finding.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No specific hazards were identified in the original map amendment (rezoning) of the property to the PUD zoning district.

Should the proposed County initiated rezoning be approved, future subdivision applications will be required to provide geology and soils reports as required by Section 8.4.9 of the Code, which include an analysis of hazards which may impede development or require site specific mitigation.

2. Wildlife

The impact of development to wildlife habitat is generally low as depicted on the Wildlife Habitat Descriptors Map.

The initial Santa Fe Springs PUDs were sent to what is now known as Colorado Parks and Wildlife and the U.S. Fish and Wildlife Service for review and comment regarding potential impacts to wildlife. No responses from the agencies were received. At that time, El Paso County Environmental Services recommended the applicant obtain documentation from the U.S. Fish and Wildlife Service regarding impacts to threatened and endangered species. Should the proposed County initiated rezoning be approved, future development applications, including, but not limited to, preliminary plans and final plats, will be required to include the appropriate reports, plans, and/or studies to demonstrate compliance with local, State, and Federal wildlife policies and regulations.

3. Floodplain

Portions of properties within Santa Fe Springs are impacted by the 100 year floodplain. Should the proposed County initiated rezoning be approved, future development applications, including, but not limited to, preliminary plans and final

plats, will be required to include the appropriate reports, plans, and/or studies to demonstrate compliance with local, State, and Federal floodplain requirements.

4. Drainage and Erosion

Should the proposed County initiated rezoning be approved, future development applications, including, but not limited to, preliminary plans and final plats, will be required to include the appropriate reports, plans, and/or studies to demonstrate compliance with local, State, and Federal drainage and erosion control requirements

5. Transportation

Projected traffic generated by the development of Santa Fe Springs has been anticipated to create impacts to adjacent transportation corridors depicted on the El Paso County Major Transportation Corridors Plan (2016) (MTCP). Specific corridors include the intersection of Woodmen Road and Meridian Road, Judge Orr Road, Falcon Highway, Curtis Road, and Peyton Highway.

The north/south alignment of Peyton Highway is configured as an offset intersection at Falcon Highway. Peyton Highway was anticipated to be realigned through Santa Fe Springs PUD 7 to eliminate the offset intersection condition. Property within PUD 7 has been conveyed to 11 separate property owners in the form of 35 acre parcels which impedes the ability to obtain the required right-of-way and required improvements through the subdivision process. Should the County desire to proceed with the realignment project, the burden of acquiring the necessary right-of-way and constructing the realignment will be the responsibility of the County unless future subdivision of those parcels is proposed, whereby the County could require right-of-way dedication. More details have been included in the discussions provided in the staff report for the proposed County initiated rezoning of Santa Fe Springs PUD 7 (PCD File No. P-17-014).

Should the proposed County initiated rezoning be approved, future development applications, including, but not limited to, rezonings, preliminary plans, and final plats, will be required to include traffic impact studies to analyze the impacts of proposed development on the surrounding transportation network. These reports will identify necessary on-site or off-site transportation improvements in accordance with local, State, and Federal transportation and safety standards.

H. SERVICES

1. Water

Water service for Santa Fe Springs was proposed to be provided by Sunset Metropolitan District. The District proposed to construct a water distribution system with a network of water supply wells, treatment facilities, storage tanks and distribution pipelines (see the attached Sunset Metropolitan District Overall Water System Master Plan Map for details regarding the wells site and transmission line locations). The necessary water system infrastructure to

provide the required central water service is not available to support development within the PUD zoning district boundaries.

Should the County initiated rezoning be approved, future development applications, including, but not limited to, preliminary plans and final plats, will be required to include the appropriate reports, determinations, decrees, permits, or other documents necessary to demonstrate compliance with the water supply standards of the Code.

Findings regarding water sufficiency are not required with map amendment (rezoning) requests.

2. Sanitation

Wastewater service for Santa Fe Springs was proposed to be provided by Sunset Metropolitan District. The District proposed to construct a gravity-fed outfall sewer system from Santa Fe Springs to the existing Sunset Metropolitan District Wastewater Treatment Plant. The necessary wastewater infrastructure needed to provide central wastewater service is not available within the PUD zoning district boundaries.

Should the proposed County initiated rezoning be approved, future development applications, including, but not limited to, preliminary plans and final plats, will be required to include the appropriate reports, determinations, decrees, permits, or other documents necessary to demonstrate compliance with the wastewater disposal standards of the Code.

A finding regarding the adequacy of the proposed method of wastewater disposal is not required with map amendment (rezoning) requests.

3. Emergency Services

Fire and emergency services are provided by Falcon Fire Protection District.

4. Utilities

These properties are within the Mountain View Electric Association (MVEA) service area.

5. Metropolitan Districts

The properties are located in the service boundaries of Santa Fe Springs Metropolitan District Nos. 1-3. The Board of County Commissioners approved the Santa Fe Springs Metropolitan District Service Plan (ID-04-003) on September 2, 2004 (Board Resolution 04-369). The Districts were formed by the Court on November 8, 2004. The initial plan was a skeletal plan, which means it did not contain an infrastructure analysis or financial plan necessary to evaluate the proposed district's capability to adequately incur and/or discharge debt.

The Board approved an amended “complete” service plan (ID-05-007) on January 12, 2006 (Resolution No. 06-019), which included the necessary infrastructure and financial analysis.

The purpose of District No. 1, the control district, is to manage the design, construction, installation, operation, and maintenance of public improvements within the development area, with the exception of public roads which would be dedicated to the County. Construction of necessary water and wastewater infrastructure and provision of those services was planned in coordination with the Sunset Metropolitan District.

The purpose of Santa Fe Springs District No. 2 is to provide financing for the purpose of debt service to District 1 to pay its obligations to District 1 for the construction of infrastructure in support of development and for public facilities, services, and programs benefitting residential properties and landowners in Santa Fe Springs.

The purpose of Santa Fe Springs Metropolitan District No. 3 is to provide financing for the purpose of debt service to District 1 to pay its obligations to District 1 for the construction of infrastructure in support of development and for public facilities, public facilities, services, and programs benefitting commercial properties and landowners in Santa Fe Springs.

The overall purposes of the Districts include the design, construction, and financing and potentially the ongoing maintenance and ownership of: 1) water and wastewater lines as well as the provision of water and wastewater services; 2) street improvements and safety protection; 3) drainage facilities; 4) design, acquisition, construction, and maintenance of recreation facilities; 5) mosquito control; 6) covenant enforcement; 7) fire protection facilities (i.e. hydrants and related improvements installed as part of the overall water system); 8) television relay and translation services; and 9) security services.

The Districts have a maximum debt authorization of \$85 million with a maximum debt mill levy of 50 mills and an operations and maintenance mill levy of 10 mills. District No. 2 (residential) has a maximum mill levy of 30 mills. District No. 3 (commercial) has a maximum mill levy of 20 mills. Platting fees for properties within the district include a \$2,500 fee per single-family residential lot, \$1,000 fee per multi-family residential lot, and \$0.25 fee per square foot of commercial retail space. No debt has been issued by the Districts to date.

The Colorado Department of Local Affairs filed a Petition for Order and Certification of Dissolution of Special District, through the Colorado Attorney General to dissolve District No.1 due to inactivity of the District and non-compliance with statutory and service responsibilities. Santa Fe Springs Metropolitan District No. 1 was dissolved on October 6, 2016. A copy of the order has been included for reference.

Since District No. 1 has been dissolved and the properties are under fragmented ownership, there is no single entity with the authority to undertake the financing and to oversee the construction of required infrastructure necessary to support development in Santa Fe Springs. Districts Nos. 2 and 3 are still operational; however, it would require a material modification of the service plan to authorize Districts Nos. 2 and/or 3 to perform the duties and powers granted to District No. 1.

6. Parks/Trails

Park lands dedication or fees in lieu of dedication are not required for a map amendment (rezoning). The El Paso County Trails Master Plan Map (2013) depicts proposed trails and bicycle routes adjacent to and traversing portions of the Santa Fe Springs development.

Should the County initiated rezoning be approved, future development applications, including, but not limited to, preliminary plans and final plats, will be required to meet the park land dedication requirements, which may include payment of fees in lieu of land dedication, of the Code. The approval of future development applications will include a review of trail locations and general conformity with the recommendations of the Trails Master Plan.

7. Schools

These properties are located in Falcon School District No. 49. Land dedication or fees in lieu of dedication are not required for a map amendment (rezoning). Should the County initiated rezoning be approved, future development applications, including, but not limited to, preliminary plans and final plats, will be required to meet the school land dedication requirements, which may include payment of fees in lieu of land dedication, of the Code.

I. APPLICABLE RESOLUTIONS: See attached

J. STATUS OF MAJOR ISSUES

The approved Santa Fe Springs Sketch Plan (PCD File No. SKP-05-007) included a phasing plan that required sequential development of the identified phases and prohibited development out of the prescribed sequence. For example, owners of property in Phase 5, which corresponds to Santa Fe Springs PUD 6 and is located adjacent to Curtis Road, could not develop their property until development had occurred in Phases 1, 2, 3, and 4. In order to develop in advance of the approved sequential phasing plan, an individual property owner would be required to request an amendment to the phasing plan and secure central water and wastewater service to their portion of the PUD.

The 35 acre large lot parcels authorized in Phase 6, which corresponds to Santa Fe Springs PUD 7, have been sold out of order of the approved phasing plan which

constitutes a violation of the sketch plan, creating a zoning violation scenario that can be resolved with approval of the proposed County initiated rezoning..

Additionally, PUD 7 was approved with the following condition:

Platting is not required for property transfer of any Ag-35 designated parcels as long as the parcel is a minimum of 35 acres. A copy of a master parcel layout shall be provided to the County for review and comment should one be created.

No master parcel layout was provided prior to conveyance of the 35 acre parcels located within PUD 7. As previously discussed in the TRANSPORTATION Section of this report, the realignment of Peyton Highway to eliminate the offset intersection at Falcon Highway was planned within PUD 7. PUD 7 identified this realignment on the plan with the following note:

PROPOSED FUTURE PEYTON HWY REALIGNMENT

RIGHT OF WAY WILL BE DEDICATED CONSISTENT WITH ARTERIAL STANDARDS IN ACCORDANCE WITH DEPARTMENT OF TRANSPORTAION REQUIREMENTS. LOCATION SUBJECT TO APPROVAL OF DOT AND THE DEVELOPER.

The parcels were conveyed outside of the prescribed process and no provision was made in the configuration of these 35 acre parcels for the preservation and dedication of right-of-way and the realignment of Peyton Highway (see attached PUD 7 exhibit identifying the Peyton Highway realignment and associated note).

The proposed water supply system required the construction of approximately 24 miles of distribution lines to deliver raw water from the Norris Ranch Well Sites to Santa Fe Springs. Additionally, in order to provide the required central wastewater service, approximately 15 miles of sanitary sewer lines would need to be constructed from Santa Fe Springs to the Sunset Metropolitan District Wastewater Treatment Plant. Without the necessary financing from the Santa Fe Springs Metropolitan District, such an endeavor may be beyond the financial capabilities of an individual property owner within the development area (see attached Sunset Metropolitan District Overall Water System Master Plan Map).

The conveyance of the 35 acre parcels outside of the required phasing plan, the configuration of the 35 acre parcels contrary to the approved realignment of Peyton Highway, and the failure to provide the required urban services constitutes a violation of the approved Santa Fe Springs Sketch Plan and PUDs.

Property owners within the PUD were notified of the County's intent and proposal to remove the existing PUD and to rezone their properties to the A-35 zoning district. All properties within the PUD are proposed to be rezoned to the A-35 zoning district.

Requests to rezone their properties to any other zoning district, including to any new PUD zoning district, will require the property owners to follow standard Planning and Community Development procedures for map amendment (rezoning) requests, beginning with the Early Assistance process.

K. 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 Code, staff recommends the following conditions and notations.

CONDITIONS

1. Any requests to rezone property to any zoning district other than what is approved by this action will require submittal of an application for a map amendment (rezoning) to the Planning and Community Development Department.
2. Future land use applications, which may include but not necessarily be limited to, map amendments (rezonings), preliminary plans, and/or final plats, shall include reports, plans, and other documentation as determined by the Planning and Community Development Director necessary to analyze impacts to the surrounding transportation network, on and off-site drainage and stormwater impact, soils and geology and related hazards, wildlife impacts, floodplain impacts, water and wastewater resources, and the feasibility of central/urban services.
3. Approval of the County initiated rezoning of the Santa Fe Springs PUD 1 shall render the Santa Fe Springs Sketch Plan (PCD File No. SKP-04-003) as invalid and no longer binding upon future development of the affected properties.

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 136 adjoining property owners on November 27, 2017, for the Planning Commission meeting and the Board of County Commissioner hearing. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map

Letter of Intent

Rezone Map

SKP-89-003 - Santa Fe Springs Sketch Plan Map

SKP-89-003 - Board Resolution No. 89-369

PUD-09-002 - Santa Fe Springs PUD Vicinity Map

PUD-09-002 - Santa Fe Springs PUD Development Plan

PUD-09-002 - Santa Fe Springs PUD Board Resolution No. 90-168

P-90-004 - Santa Fe Springs Rezone Vicinity Map

P-90-004 - Board Resolution No. 90-187

P-01-009 Notice of Intent of County Initiated Rezone

P-01-009 - County Initiated Rezone Vicinity Map

P-01-009 - County Initiated Rezone Board Action Letter

P-01-009 - County Initiated Rezone: Board Resolution 02-015

SKP-04-003 -Santa Fe Spring Sketch Plan Amendment

SKP-04-003 - Board Resolution No. 04-354

PUD-04-002 -Santa Fe Springs PUD 1 Approval Board Resolution No. 04-498

Sunset Metropolitan District Overall Water System Master Plan Map

ID-04-003 - Santa Fe Springs Metropolitan District Service Plan Board Resolution 04-369

ID-04-003 - Santa Fe Springs Metropolitan District Service Plan (service plan only)

ID-05-007 - Amended Santa Fe Springs Metropolitan District Service Plan Board Resolution 06-019

ID-05-007 - Santa Fe Springs Metropolitan District Service Plan (service plan only)

Petition for Order and Certification of Dissolution of Special District

PUD 7 Peyton Highway Realignment Exhibits

Planning Commission Minutes 11-07-17

Planning Commission Resolution

Board of County Commissioners Resolution