


**EL PASO COUNTY**  
**COLORADO**

**COMMISSIONERS:**  
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission**  
**Brian Risley, Chair**

**FROM: Gabe Sevigny, Planner II**  
**Gilbert LaForce, PE Engineer II**  
**Craig Dossey, Executive Director**

**RE: Project File #: P-19-002**  
**Project Name: Pine View Estates Rezoning**  
**Parcel No.: 41000-00-428**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Alice Jolene Owens 277 Turf Trail Place Fountain, CO 80817	

**Commissioner District: 2**

Planning Commission Hearing Date:	3/3/2020
Board of County Commissioners Hearing Date:	3/24/2020

**EXECUTIVE SUMMARY**

A request by Alice Jolene Owens for approval of a map amendment (rezone) of 38.8 acres from the A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district. The subject property is located approximately 3,000 feet northwest of the Hopper Road and Ranch Hand Road intersection and is within Section 13, Township 11 South, Range 64 West of the 6<sup>th</sup> P.M. The property is located within the Falcon/Peyton Small Area Master Plan (2008).



If the rezone request is approved, the applicant is proposing to subdivide the property into seven (7) residential lots. The applicant would be required to submit a preliminary plan application and final plat application, receive approval of the same from the Board of County Commissioners, and record an approved final plat prior to ground disturbance.

**A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION**

**Request:** A request by Alice Jolene Owens for approval of a map amendment (rezoning) of 38.8 acres from A-35 (Agricultural) to RR-5 (Residential Rural).

**Waiver(s)/Deviation(s):** No waivers are requested with this application

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

**B. Planning Commission Summary**

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

**C. APPROVAL CRITERIA**

In approving a map amendment (rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019):

- The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
- The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S §30-28-111 §30-28-113, and §30-28-116;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

## D. LOCATION

North:	A-35 (Agricultural)	Residential
South:	RR-5 (Residential Rural)	Residential
East:	RR-5 (Residential Rural)	Residential
West:	A-35 (Agricultural)	Residential

## E. BACKGROUND

The 38.8 acre property was zoned A-35 (Agricultural) on March 25, 1999, when zoning was initially established for this area of the County. If the map amendment (rezone) application is approved, then the applicant would also propose to subdivide the property into seven (7) residential lots, with each lot consisting of a minimum of 5 acres. Approval of a preliminary plan and final plat will be required to subdivide the parcel, and the recording of the final plat will be required prior to land disturbance or authorization of issuance of building permits by El Paso County. The applicant may request approval of pre-development site grading. Such approval may only be granted by the Board of County Commissioners at the preliminary plan stage or by approval of a separate preceding request. Approval of early grading would allow land disturbance to occur prior to approval and recording of the final plat, but would not authorize vertical construction or issuance of a building permit.

The final plat for the Peyton Pines Filing No. 4 subdivision, which is located directly to the east of the subject parcel, was recorded on July 7, 1981. Within this adjacent recorded plat is a platted right-of-way, currently named Red Barn Road. This right-of-way is designated to serve future development to the west of Peyton Pines. The subject parcel of this application will be required to extend that right-of-way to help ensure access to future lots.

## F. ANALYSIS

### 1. Land Development Code Analysis

This application for a map amendment (rezone) complies with Section 5.3.5.B of the Land Development Code (2019).

### 2. Zoning Compliance

The applicant is requesting to rezone 38.8 acres to the RR-5 (Residential Rural) zoning district. The RR-5 (Residential Rural) zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the RR-5 (Residential Rural) zoning district are as follows:

- Minimum lot size – 5 acres
- Setbacks – 25 feet from all property lines

- Maximum lot coverage –25 percent
- Maximum building height – 30 feet

Any future development will require site plan approval from El Paso County to verify compliance with the above standards.

### 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 6.1.1-** Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.*

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

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

The applicant is proposing to rezone the subject property to the RR-5 zoning district, which would be generally compatible with adjacent properties. The adjacent properties are zoned RR-5 to the south and east. The properties to the west and north are zoned A-35.

As the population of El Paso County continues to grow, rural residential development continues to creep further to the north and east. The development of these parcels as RR-5 (Residential Rural) is a logical extension and density transition from the existing development in this area and is generally compatible in terms of uses and densities. The proposed subdivision is contiguous to and compatible with the previously developed areas. Staff has no outstanding concerns regarding the map amendment (rezone) application.

### 4. Small Area Plan Analysis

The property is located within the Falcon/Peyton Small Area Master Plan (2008). The Plan states “The primary purpose of this plan is to set forth a framework within which

proposed new land uses may be analyzed. This document describes the characteristics and features which are unique to this planning area. The plan is intended to serve as an advisory planning tool to guide future land use decisions.” (Page 1)

Figure 4-5 – Recommendations Plan, shows this area as being recommended for rural density development. The Plan defines “Rural Density” as:

“Parcel sizes greater than 10 acres, and typically greater than 35 acres, because this acreage is the threshold above which the subdivision process is not normally required. Rural areas are most often residential or agricultural in nature, and are typically developed at low densities.”

Section 4.3.3 of the Plan indicates the proposed area for a map amendment to be reserved for rural uses and any rezoning with a density greater than A-35 (Agricultural) is discouraged. However, under Section 4.5 General Policies of the Plan has the following sub notes:

*4.5.1.6 - Avoid hard-line boundaries between designated areas for particular uses and densities unless there are sub-area characteristics that support these boundaries.*

*4.5.3.4 – Encourage the use of design standards that enable new development to fit the surrounding natural, historical, and built context.*

The properties to the south and east (Peyton Pines Subdivision) were rezoned to RR-5 (Residential Rural) in 1973. The average density of Peyton Pines Subdivision is one dwelling per five (5) acres. The proposed map amendment would allow for the same density and, therefore, could be found to be generally compatible with the zoning in the area. Although the Plan shows that the proposed area is to remain A-35, the Plan specifically addresses avoiding hard-line boundaries in which a proposed application may still be compatible with adjacent uses and densities. The current boundary is separated by the property lines on the south and east of the subject property. Staff recommends that the proposed map amendment can be found to be compatible with the historically zoned RR-5 properties to the south and east.

## **5. Water Master Plan Analysis**

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management

through the comprehensive planning and development review processes. Relevant policies are as follows:

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

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

**Goal 6.0.11**- *Continue to limit urban level development to those areas served by centralized services.*

A request for a finding of water sufficiency in regard to quantity, dependability, and quality is not being requested and is not required with the proposed map amendment application, but will need occur at the subdivision stage of development.

## **6. Other Master Plan Elements**

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

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

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

A soils and geology report is not required with a map amendment application. No other known hazards were found that would prevent approval of the map amendment application. A soils and geology report will be required with any future preliminary plan and final plat applications in order to identify any possible hazards that would preclude development.

### **2. Wildlife**

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

### **3. Floodplain**

The property is in FEMA Zone X, areas determined to be outside the 500-year floodplain per Flood Insurance Rate Map No. 08041C0350G, which has an effective date of December 7, 2018.

### **4. Drainage and Erosion**

The property is located within the Bijou Creek drainage basin (BIBI0200), which is an unstudied drainage basin with no drainage or bridge fees. Subsequent preliminary plan and final plat applications will require a preliminary and final drainage report, respectively.

### **5. Transportation**

Access to the property is taken from Red Barn Road. If the map amendment (rezone) is approved, any subsequent subdivision applications will be required to extend Red Bard Road into the proposed development for lot access. Right-of-ways may be required to the west and to the north for future access connections. The 2016 Major Transportation Corridors Plan Update does not identify roadway improvement projects in the vicinity of the property.

Pineview Estates is subject to the El Paso County Road Impact Fee Program (Resolution 19-471). Obligation to pay Road Impact Fee is triggered with the final required land use approval.

## **H. SERVICES**

### **1. Water**

Water is anticipated to be provided by wells.

### **2. Sanitation**

Wastewater service is anticipated to be provided via individual onsite wastewater treatment systems (OWTS). El Paso County Public Health was sent a referral and has no outstanding comments with this request.

### **3. Emergency Services**

The property is within the Peyton Fire Protection District. The District was sent a referral and has not provided comments in response.

### **4. Utilities**

Black Hills Energy will provide natural gas service and Mountain View Electric Association will provide electrical service to the property.

## **5. Metropolitan Districts**

The property is not located within a metropolitan district.

## **6. Parks/Trails**

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

## **7. Schools**

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

## **I. APPLICABLE RESOLUTIONS**

Approval        Page 27

Disapproval    Page 28

## **J. STATUS OF MAJOR ISSUES**

There are no major outstanding issues.

## **K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2019), staff recommends the following conditions and notations.

### **CONDITIONS**

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

### **NOTATIONS**

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for



a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

#### **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified twelve (12) adjoining property owners on February 12, 2020, for the Planning Commission hearing. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

Vicinity Map

Letter of Intent

Rezone Map

# El Paso County Parcel Information

File Name: P-19-002

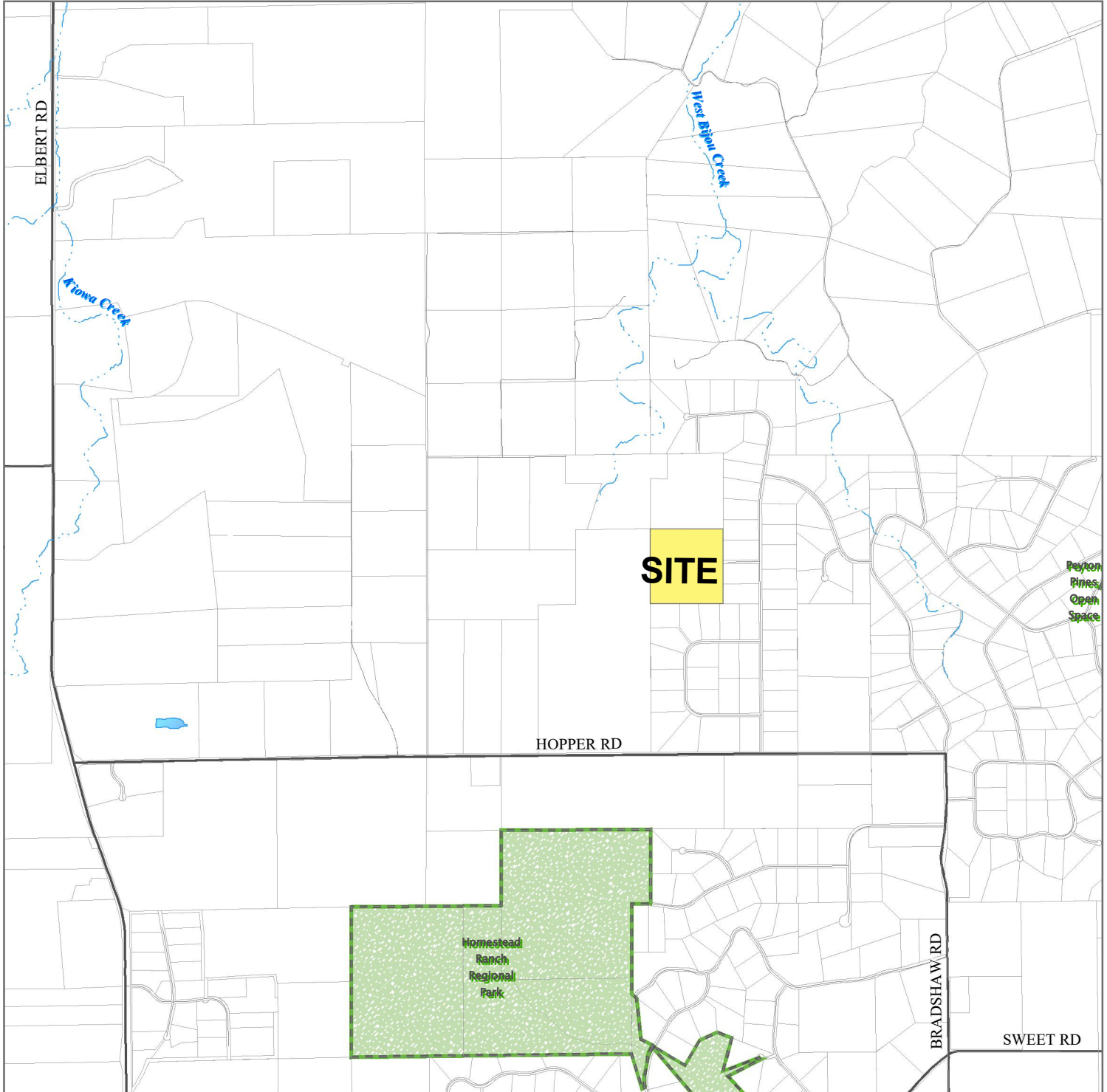
PARCEL	NAME
4100000428	OWENS ALICE

Zone Map No. --

ADDRESS	CITY	STATE
18430 LOST RANGER RD	PEYTON	CO

ZIP	ZIPLUS
80831	7650

Date: February 10, 2020



Please report any parcel discrepancies to:  
 El Paso County Assessor  
 1675 W. Garden of the Gods Rd.  
 Colorado Springs, CO 80907  
 910 520-6600



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## Letter of Intent to Rezone, Pine View Estates 12/26/2019

### 1. Owner Information:

a. Owner Name: Alice Jolene Owens

Address: 277 Turf Trail Pl., Fountain, Co. 80817

Phone: 719-596-7447 E-mail: joleneowens@hotmail.com

b. Owner Consultant: David Mijares, Catamount Engineering

Address: 321 W. Henrietta Ave., Woodland Park, Co. 80866

Phone: 719-426-2124

### 2. Site Location:

Legal Description: SW4 NW4 Sec. 12-11-64

Location: Approximately 8 miles north of Peyton, Co. and just west of Red Barn Road in Peyton Pines Subdivision (41000-00-428)

3. Request and Justification: This is a request to rezone from A-35 (Agricultural) to RR-5 (Residential Rural). This rezone request would be consistent with the surrounding area. The Peyton Pines subdivision (5 acre parcels), borders Pine View Estatesw (EA-18-241) on the east side and the south side.

4. Existing and Proposed Facilities, Structures, Roads, Etc.: There are no existing facilities on the property to be rezoned. The proposed facilities would be consistent with the requirements of El Paso County. A road built to county specifications would be constructed by the owner and then dedicated to El Paso County for maintenance. The unimproved subdivision

lots would be sold for single family homes, which would also allow for construction of barns, corrals, fencing, etc. Electric service would be provided by Mountain View Electric. There are companies in the area that would provide natural gas and each parcel would need to provide their own septic system. Water would be by individual well to be drilled by individuals purchasing each 5 acre parcel.

5. Waiver Requests:

There are no waiver requests at this time

6. Purpose and need for the change in zone classification:

The need to change the zone classification from A-35 to RR-5 is in keeping with the requirements of El Paso County.

7. Total number of acres in the requested area: 38.8 acres

8. The total number of residential units and densities for each dwelling unit type: Seven (7) 5 acre parcels with 1 dwelling per 5 acres

9. The number of industrial or commercial sites proposed: NA

10. Approximate floor area ratio of industrial and/or commercial uses:

NA

11. The number of mobile home units and densities: None

12. Typical lot sizes: length and width: 311.74 ft. wide by 706.20 ft. length

13. Type of proposed recreational facilities: None

14. If phased construction is proposed, how will it be phased in? NA

15. Anticipated schedule of development: Once final approval is given by the county; the 5 acre parcels will be listed for sale.

16. How water and sewer will be provided: Water will be by individual wells and sewer will be by individual septic system.

17. Proposed uses, relationship between uses and densities: The 5 acre parcels would be used for single family dwellings and could include ; a barn, corrals, outbuildings and fences. This would be in keeping with the surrounding properties in Peyton Pines Subdivision.

18. Areas of required landscaping: None required

19. Proposed access locations: Access to Pineview Estatesw would be off of Red Barn Rd. in Peyton Pines. This is a county dirt/gravel road . A new road, built to county specifications, would be built, and this would join on to Red Barn Rd.

20. Approximate acres and percent of land to be set aside as open space,

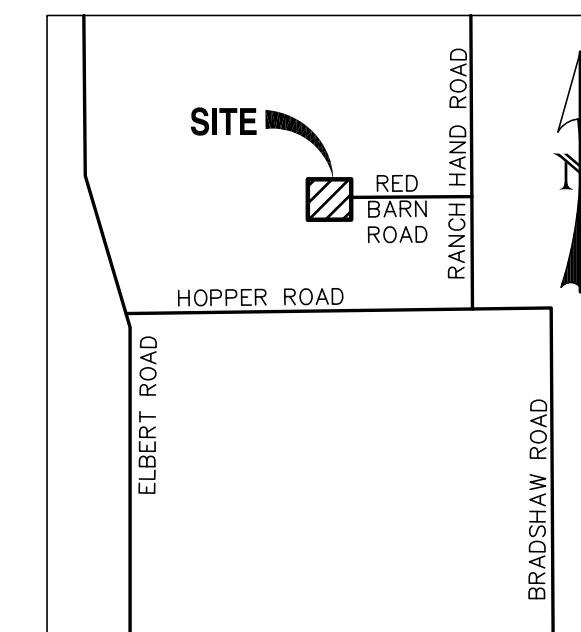
not to include parking, drive and access roads: None

# PINE VIEW ESTATES FILING NO. 1

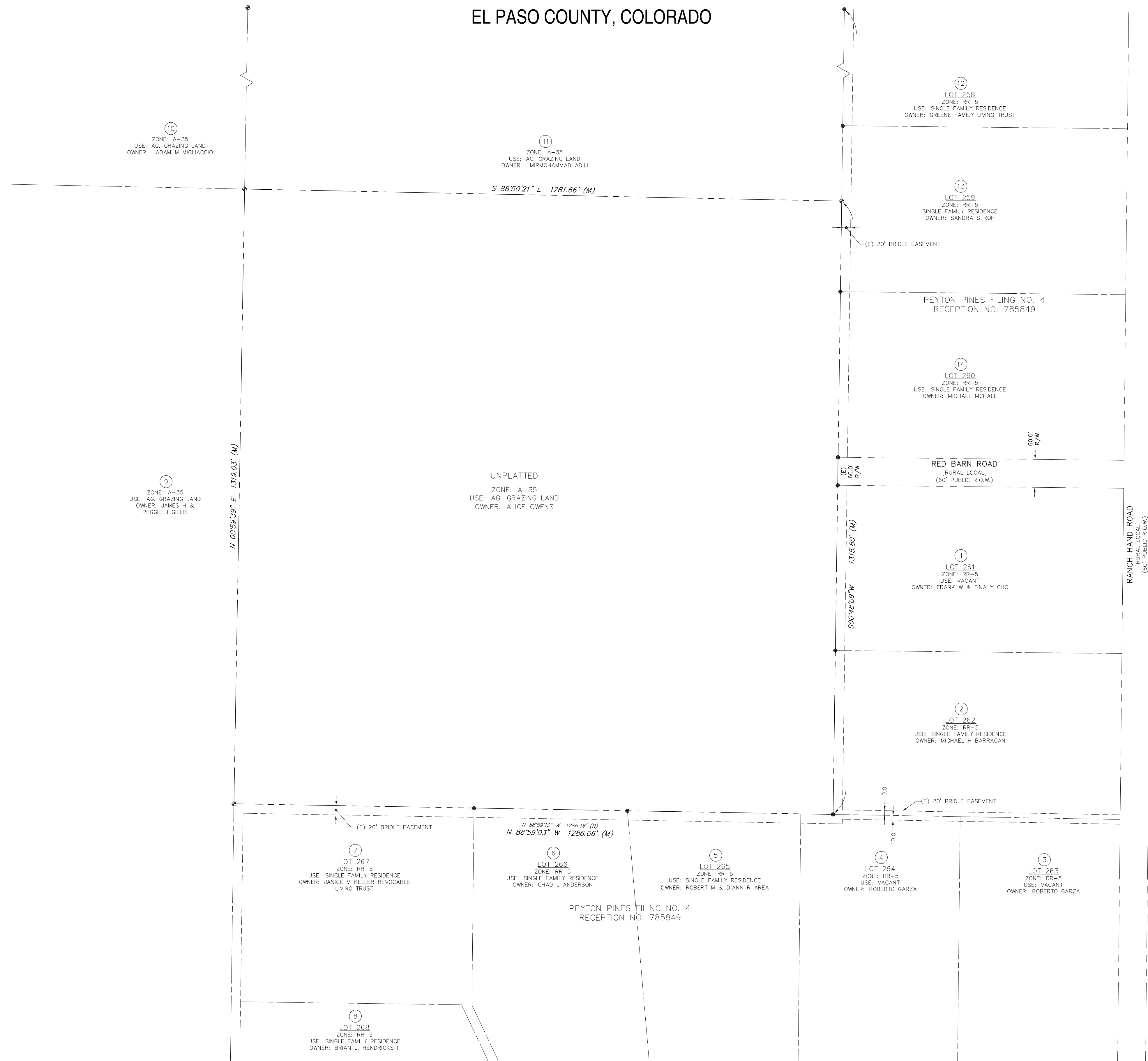
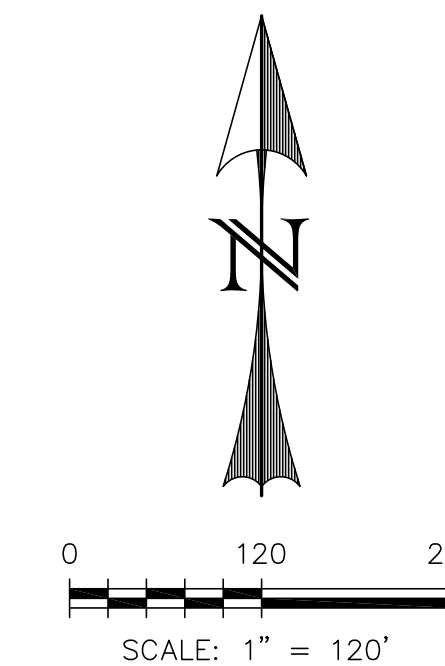
## ZONE CHANGE EXHIBIT

SECTION 13, TWP 11, RANGE 64 WEST OF 6TH PRINCIPLE MERIDIAN

EL PASO COUNTY, COLORADO



VICINITY MAP  
SCALE: N.T.S.



**LEGAL DESCRIPTION:**

THAT PORTION OF THE WEST ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN AS DESCRIBED AS FOLLOWS: THE WEST ONE-HALF OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 64 WEST OF THE 6TH PRINCIPAL MERIDIAN, EL PASO COUNTY, STATE OF COLORADO - EXCLUDING THAT PORTION OF SAID SECTION 13 AS BEING DESCRIBED IN BOOK 6715 AT PAGE 96 THRU PAGE 102 AT RECEPTION NO. 95090782 AND AS DESCRIBED AT RECEPTION NO. 218065457, AS RECORDED IN EL PASO COUNTY, COLORADO. SAID PARCEL DESCRIBED AS COMMENCING AT THE SURVEY MONUMENTED NORTHWEST CORNER OF SECTION 13, TOWNSHIP 11 SOUTH, RANGE 64 WEST 6TH PRINCIPAL MERIDIAN, SAID SECTION CORNER BEING THE SOUTHWEST CORNER OF PEYTON PINES SUBDIVISION - FILING #4 AS RECORDED IN PLAT BOOK N3 AT PAGE 120, SHEET 7, EL PASO COUNTY; THENCE S 89°02'04" EAST ON A TRUE NORTH-NORTHWEST BEARING AS DETERMINED BY SOLAR OBSERVATION 300.00' ALONG THE SECTIONLINE COMMON TO SECTIONS 12 AND 13 TO THE NORTHEAST CORNER OF THAT PORTION (SECTION 13) OF THE PARCEL DESCRIBED IN SAID BOOK 6715 AT PAGE 96, SAID POINT BEING THE TRUE POINT-OF-BEGINNING FOR THE FOLLOWING DESCRIBED REMAINING PORTION OF SAID WEST ONE-HALF OF THE NORTHWEST QUARTER OF SAID SECTION 13; THENCE S 0°39'33" W, 435.60' TO A POINT; THENCE N 89°02'04" W, 300.00' TO A POINT ON THE SECTIONLINE COMMON TO SECTIONS 13 AND 14; THENCE S 0°39'33" W, 2202.71' ALONG SAID SECTIONLINE TO THE SURVEY MONUMENTED WEST QUARTER CORNER OF SAID SECTION 13; THENCE EASTERLY ALONG THE EAST/WEST CENTERLINE OF SAID SECTION 13 AND BEING COMMON TO THE NORTHERLY BOUNDARY OF "PEYTON PINES SUBDIVISION" APPROXIMATELY 1286.16' TO THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF SAID NORTHWEST QUARTER; THENCE NORTHERLY APPROXIMATELY 2631.43' ALONG THE EASTERLY LINE OF SAID WEST ONE-HALF OF THE NORTHWEST QUARTER OF SAID SECTION 13 AND COMMON TO THE WESTERLY LINE OF SAID "PEYTON PINES SUBDIVISION" TO THE NORTHEAST CORNER OF THE WEST ONE-HALF OF SAID NORTHWEST QUARTER; THENCE WESTERLY APPROXIMATELY 977.34' ALONG THE SECTIONLINE COMMON TO SECTIONS 12 AND 13 AND ALSO COMMON TO THE SOUTHERLY BOUNDARY OF SAID "PEYTON PINES SUBDIVISION" TO THE TRUE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.

**NOTES:**

1. THIS PARCEL IS INCLUDED IN AN EASEMENT AREA GRANTED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC AND RECORDED AT RECEPTION NUMBER 205040861 DATED 03/23/2005.
2. SEWAGE DISPOSAL MEANS:  
INDIVIDUAL SEWAGE DISPOSAL SYSTEMS
3. WATER SOURCE:  
INDIVIDUAL WELLS

**PROJECT DATA:**

1. OWNER/PETITIONER:  
ALICE OWENS  
18430 LOST RANGER ROAD  
PEYTON, CO 80831-7650
2. OWNERS OF INTERESTS IN PROPERTY:  
MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC.  
11140 E. WOODMEN ROAD  
PEYTON, CO 80831
3. PREPARER:  
CATAMOUNT ENGINEERING  
P.O. BOX 221  
WOODLAND PARK, CO 80866

PCD FILE NO: P-19-002

REV.	DESCRIPTION	DATE

**811** Know what's below.  
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For more details visit:  
www.call811.com

PREPARED FOR:  
ALICE OWENS  
18430 LOST RANGER ROAD  
PEYTON, CO 80831-7650  
PHONE: (719) 596-7447

PINE VIEW ESTATES  
FILING NO. 1  
ZONE CHANGE EXHIBIT

DESIGNED BY:	DLM	DRAWN BY:	DBM
SCALE:	1"=120'	DATE:	01/13/20
JOB NUMBER	18-158	SHEET	1 OF 1