

COMMISSIONERS: STAN VANDERWERF (CHAIR) CAMI BREMER (VICE-CHAIR) LONGINOS GONZALEZ, JR. HOLLY WILLIAMS CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission Meeting Thursday, September 2, 2021 El Paso County Planning and Community Development Department 2880 International Circle, Colorado Springs, Colorado 80910

REGULAR HEARING 9:00 a.m.

PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, BECKY FULLER, JOAN LUCIA-TREESE, JAY CARLSON, ERIC MORAES, BRANDY MERRIAM AND TIM TROWBRIDGE

PRESENT VIA ELECTRONIC MEANS AND VOTING: GRACE BLEA-NUNEZ

PRESENT AND NOT VOTING: NONE

ABSENT: BRYCE SCHUETTPELZ AND SARAH BRITTAIN JACK

STAFF PRESENT: CRAIG DOSSEY, MARK GEBHART, NINA RUIZ, DANIEL TORRES, ELIZABETH NIJKAMP (VIA REMOTE ACCESS), JEFF RICE, CARLOS HERNANDEZ, LUPE PACKMAN, GILBERT LAFORCE, JOHN GREEN, RYAN HOWSER, KARI PARSONS, ELENA KREBS, AND EL PASO COUNTY ATTORNEY LORI SEAGO

OTHERS SPEAKING AT THE HEARING: RUSS DYKSTRA, INGRID RICHTER, JEFF HODSEN, CHRISTOPHER AMENSON, ELIZABETH LONNQUIST, MARTHA BRODZIK, TIM BENNET, TOM NICKELSON, DAVE PHETEPLACE, NANCY WILKINS, ROGER MOSLEY, AMY ROBINSON, RICHARD CADIS, SUSAN PERMUT, ROSALIA MCKEAN, KEITH ALLEN, SKIP CHANG, ALLISON CUNDITH AND LINDSEY RAY

Report Items

A. Report Items -- Planning and Community Development Department Ms. Ruiz -- The following information was discussed:



- a) The next scheduled Planning Commission meeting is for Thursday, October 7, 2021 at 9:00 a.m.
- **Ms.** Ruiz gave an update on the year-to-date building permits and also provided an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting.
- **Mr. Gebhart** announced that he will be retiring this month and that today's hearing will be the last hearing that he will attend.
- B. Public Input on Items Not Listed on the Agenda NONE

2. CONSENT ITEMS

- A. Approval of the Minutes August 19, 2021
 The minutes were unanimously approved as presented. (9-0)
- B. SF-20-012 HOWSER

FINAL PLAT THE RESERVE AT CORRAL BLUFFS FILING NO. 5

A request by Corral Ranches Development Company for approval of a final plat to create eight (8) single-family residential lots and one (1) tract. The 60.98-acre property is zoned RR-5 (Residential Rural) and is located on the south side of Solberg Court, approximately one-half (1/2) mile east of the Meridian Road and Blaney Road intersection and is within Section 31, Township 13 South, Range 64 West of the 6th P.M. (Parcel Nos. 43310-00-026, 43310-00-017, and 43310-00-025) (Commissioner District No. 2)

PC ACTION: TROWBRIDGE MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2B, SF-20-012, FOR A FINAL PLAT FOR THE RESERVE AT CORRAL BLUFFS FILING NO. 5, UTILIZING RESOLUTION PAGE NO. 19, CITING, 21-051, WITH THIRTEEN (13) CONDITIONS AND TWO (2) NOTATIONS, WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

C. P-20-007 HOWSER

A request by John Puskas for approval of a map amendment (rezoning) of 3.94 acres of a 74.46-acre parcel from the RR-5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) zoning district and the remaining 70.52 acres of the parcel from the RR-5 zoning district to the A-35 (Agricultural) zoning district. The property is located at the southwest corner of the N Monument Lake Road and Peakview Boulevard intersection and is within Sections 15 and 16, Township 11 South, Range 67 West of the 6th P.M. (Parcel No.71000-00-413) (Commissioner District No. 3)

PC ACTION: LUCIA-TREESE MOVED/ MORAES SECONDED FOR RECOMMENDED APPROVAL OF CONSENT ITEM NUMBER 2C, P-20-007, FOR A MAP AMENDMENT (REZONE) FOR SHILOH PINES, UTILIZING RESOLUTION PAGE NO. 27, CITING, 21-050, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

Regular Items 3. ID-21-001

PARSONS

SPECIAL DISTRICT SERVICE PLAN GRANDVIEW RESERVE METROPOLITAN DISTRICT NOS. 1-4

A request by 4 Site Investments, LLC, Linda Johnson-Conne, Tracy Lee, Debbie Elliot, and Peter Martz for approval of a Colorado Revised Statutes Title 32 Special District service plan for the Grandview Reserve Metropolitan District Nos. 1-4. The two (2) parcels, totaling 767 acres, proposed for inclusion into the district are zoned RR-2.5 (Residential Rural), and are located immediately east of Eastonville Road and west of Highway 24, and are within Sections 21 and 28, Township 12 South, Range 64 West of the 6th P.M. The proposed service plan includes the following: a maximum debt authorization of \$295 million, a debt service mill levy of 50 mills for residential, a debt service mill levy of 5 mills for special purpose, and an operations and maintenance mill levy of 10 mills, for a total maximum combined residential mill levy of 65 mills, and 35 mills for commercial, and an operations and maintenance mill levy of 10 mills, for a total maximum combined commercial mill levy of 45 mills. The statutory purposes of the districts include the provision of the following: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) design, acquisition, construction, installation, and operation and maintenance of television relay and translation facilities; 6) covenant enforcement; and 7) design, construction, and maintenance of public water and sanitation systems. The property is included within the boundaries of the Falcon Peyton Small Area Plan (2008). (Parcel Nos. 42000-00-396 and 42000-00-328) (Commissioner District No. 2)

Note for the record: Prior to presenting the item, **Ms. Parsons** provided clarification on the added condition of approval to the commission. She informed the commission that

on Tuesday at the Board of County Commissioner's hearing, senate bill 21-256 was discussed. The bill allows a Special District to essentially nullify a citizen's right to a conceal carry permit and physically carry a weapon within their district boundaries. To avoid any issues the added condition was recommended by staff.

- **Ms. Parsons** gave a brief overview of the project and then asked **Ms. Seago** to go over the review criteria for a Special District Service Plan. **Ms. Parsons** then introduced the applicant's representative, **Russ Dykstra** to give their presentation.
- **Ms. Parsons** gave a brief presentation to the Planning Commission. Her report is on the permanent file.
- **Mr. Bailey** As I recall the discussion by the BoCC when we last considered this application was that there was not enough effort to find another district that could provide the service. Now, with the extra, year they've gone through the process and reaffirmed that there is not anyone else that can provide this. So, the creation of a new district is the only way to get this done. Is that accurate?
- **Ms. Parsons** Yes. More specifically it was 4 Way Ranch District that the commissioners were concerned that there may have been a possibility of them providing the services but after the applicant worked with them, it was determined it was not feasible.
- **Ms. Merriam** Does this take in consideration of the new bill that Governor Polis signed in May of this year regarding residential property taxes?
- **Ms. Seago** We will defer that question to the applicant.
- **Mr. Dykstra** No it does not because the implications of that were not clear at the time we had this financial plan performed. I am not sure if the treasurer's office accounted for it in their numbers that Kari is presenting.
- **Ms.** Merriam The specific one is SB21-293 property tax classification assessment rates. It seems relevant as a question.
- **Mr. Dykstra** It is on our minds because it dropped the effective assessment rate from 7.5 to 6.95 for the next two years. We are still working on what that means.
- **Mr. Bailey** I would like this slide to be put into better context. We seem to be balancing paying the districts' debt and revenue for the County. What are we saying here; that by going forward we the county will lose money? I'm more concerned about the tax burden on the property owners. What does this analysis tell us?
- **Ms. Parsons** What I understand is that we have one tax in the short-term going down (SOT). We have the property tax of the homeowners in the proposed service

area going up. Ultimately at the time of build out the revenue will be more than what we would have had in just the SOT tax.

Mr. Dossey – This slide is a result of one commissioner having concerns with loss of ownership tax to the County, which is the \$14,000 number. I think it's also trying to get an understanding of the increase in the property tax. That is sort of why this slide was created to begin with. They wanted the public to know that the \$14,000 wasn't going to be collected by the County. So they can see what the impact of creating the District is.

Mr. Bailey - Ultimately, the property owners are still going to pay a significant amount and the County will probably do just fine even with the loss in the short term.

Mr. Risley – In the past we see not the necessity of the Special District but the financial implications of the Special District. There will be implications for the County and for the property owners however the property owners will be well aware of that prior to purchasing a home in that area. **Mr. Dossey** – I think that commissioner was not aware that we incur a loss in specific ownership tax so we just decided to put that in the presentation.

Mr. Carlson - The mills are going up to 123 but the assessment rate is quadrupling, is that correct? **Ms. Parsons** – I can't answer that, I got the quotation from our Assessor. It is a calculation they utilize to establish the mills.

Mr. Dykstra – When a lot is bought by a home builder, for a period of time between when it is purchased and from when it is being built it is assessed as commercial property. Once it is sold to a homebuyer it then goes back to the residential rate. **Mr. Carlson** – So that isn't a permanent number. **Mr. Dykstra** – Correct.

IN FAVOR: NONE IN OPPOSITION: NONE

DISCUSSION:

Ms. Fuller – There was a discussion about the assessed rate going from 7.15 to 6.9. That would change the financial compacity to repay, wouldn't it?

Mr. Dykstra – Our financial plan was done prior to that being signed by the Governor. That change in the assessment rate will be for two years and we believe our financial plan is conservative. We don't know what is going to happen with the initiative on the ballad this year, it may off set it. **Ms. Fuller** – So we're talking a two year plan? **Mr. Dykstra** – Correct.

Ms. Lucia-Treese – I am pleased to see written disclosure. We have had issues in the past with metropolitan districts. Folks move in and they don't realize what it is

because nobody has told them. I am very please to see that the written disclosure is now required.

Mr. Risley – I would just like to thank the applicant for putting together a very thorough packet. It was very easy to understand. It makes our job easier.

PC ACTION: MORAES MOVED/LUCIA-TREESE SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 3, ID-21-001, FOR A SPECIAL DISTRICT SERVICE PLAN FOR GRANDVIEW RESERVE METROPOLITAN DISTRICT NOS. 1-4, UTILIZING RESOLUTION PAGE NO. 37, CITING, 21-049, WITH TWELVE (12) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-1). MS. MERRIAM WAS THE ONLY NO VOTE.

Ms. Merriam – I believe we don't have an adequate understanding of the costs with the new legislation and even the applicant said he wasn't sure.

4. P-20-010 GREEN

MAP AMENDMENT (REZONE) RED ROCK ACRES

A request by JZS Land Development, LLC, for approval of a map amendment (rezoning) of 5.37 acres from RR-5 (Rural Residential) to the RR-0.5 (Rural Residential) and 15.51 acres from the RR-5 (Rural Residential) to RR-2.5 (Rural Residential). The 20.88-acre parcel is located at the intersection of Highway 105 and Red Rock Ranch Drive, approximately one (1) mile southeast of the incorporate boundaries of the Town of Palmer Lake. The parcel is located within Section 9, Township 11 South, Range 67 West of the 6th P.M. (Parcel No. 71090-00-024) (Commissioner District No. 3)

Note for the record - Ms. Ruiz provided an overview of the process of the hearing due to the large amount of opposition in attendance for the next item.

Mr. Risley- We absolutely value public input. We as a group of commissioners are very diligent in doing our homework. We understand the concerns and the applicable review criteria.

Mr. Bailey – This is the first step in a long process. The first step to simply rezone is straight forward and limited. Most of the concerns we saw in the opposition correspondence don't apply at this point. The applicant and developer will need to develop a plan that will address those things. There are multiple steps in the process. You just saw an application that was a year in the making. The public input is vital. Not only informs us but tells the applicant the kind of things they will need to

work on. The hardest part of our job is balancing the rights of property owners who may have different interests.

Ms. Fuller – I would like to have staff explain the review criteria and when it needs to be met. I think that it could be overwhelming if you don't handle this daily. If a rezone is approved it doesn't mean the houses will be built tomorrow.

Mr. Green – The rezone is the first step in the process for the proposed development. The next step will be a preliminary plan application and at that stage most concerns regarding traffic impact studies, environmental concerns, wildlife concerns, and lot design/layout will be addressed and would not go in front of the board until the results satisfied staff. Should the prelim plan be approved there would then be a final plat application which would be addressing any outstanding items.

Mr. Carlson- The land would have been rezoned prior to that? **Mr. Green** – That is correct.

Mr. Green gave a brief overview of the project and then asked **Ms. Seago** to go over the review criteria for a map amendment (rezone). **Mr. Green** then introduced the applicant's representative, **Ingrid Richter** to give their presentation. Her report is on the permanent file.

Jeff Hodsen with LSC Transportation Consultants provided his traffic impact study findings. His report is on the permanent file.

Mr. Trowbridge – (Referring to the map on file) The rezone application is covering the left side of the red line, correct? I'm not talking about the traffic study per se. **Ms. Richter** – Yes sir, everything to the left is included in the rezone application. **Mr. Trowbridge** – Ok, I just wanted to make sure everyone was aware of what we were talking about today, since you are presenting a broader context of the project.

Mr. Carlson – Page two of the letter of intent talks about the number of homes that are allowed versus the number of homes you intend on building. Will you talk about that?

Ms. Richter - The current zoning would allow for one lot. What we are proposing is that these five acres be rezoned RR-.05 and our preliminary layouts appear we could fit approximately six to seven lots on the northern five acres. On the southern area, there is a 15 acre parcel, which is currently zoned for five acre lots and we are asking for 2.5 acre lots. With the current zoning you could fit three homes and we are asking for about seven to eight lots.

Jim Stiltner - The right side of the property that is not part of the rezone, will have fewer lots. South of Monument Creek will be 2.5 acre lots not .5 acre lots. In all actuality the density is less overall than what it could have been.

Ms. Richter – The adjacent 33 acre parcel is zoned .5 acre lots. The existing zoning would allow for 67 lots. We are proposing 27 lots on that 33 acre parcel.

Mr. Carlson – By my math the current zoning would allow four houses and with what you are asking for would be 13 to 15 houses. **Ms. Richter** – No, the rezoned parcel can currently accommodate four lots. We are asking for a total of six to the north and two and half lots to the south.

Ms. Fuller – I thought I read that Palmer lake isn't allowing any newer sewer taps?

Mr. Stiltner - Palmer Lake has contracted and raised the funds to start the process for the expansion of their line. At this point we could only pull about three or four taps. They will be able to accommodate me at that point in time and I made that clear that we understand that. **Ms. Fuller** – So they are increasing capacity? **Mr. Stiltner** – Correct.

Ms. Richter – They have given us an intent to serve letter.

Mr. Moraes – What do you perceive as the build out time?

Ms. Richter – Potentially anywhere from six months to eighteen months or longer. A portion of the property is not in Palmer Lake Sanitation District so there is a petition that will need to go through. **Mr.** Moraes – How long would it take from turning dirt to seeing however many houses in the end get built out? **Ms.** Richter and Mr. Stiltner – I would say two years.

Mr. Carlson – Water, are you convinced you will have it? **Ms. Richter** – We have enough water to serve the property that we own. To build an infrastructure and to create a water district for this project is not financially feasible. So our water rights will be dedicated to Forest View Acres Water District and we'll add to their supply.

Mr. Green gave his full presentation to the Planning Commission. His report is on the permanent file. He then introduced **Daniel Torres** on behalf of PCD Engineering to provide his traffic and drainage findings. His report is on the permanent file.

IN FAVOR: NONE

IN OPPOSITION:

Mr. Amenson – His presentation is part of the public record. I live on the west side. I would like to correct **Ms. Richter**. She stated that 64 percent of the letters received are from .5 acre lots. I submitted one letter that represented 32 homeowners. I know Forest View Acres sent in a letter and they represented about 64 homeowners. We are all on 2.5 acres. The Miller property is zoned 5 acres. They didn't mention the

north or west because they are inconsistent with what the developer wants to do. Their plan is not in conformity with the Tri-Lakes plan. Half acre lots are not rural. 31 of the 34 indicated the proposal would harm safety and density of the local area. The developer himself developed Pioneer Preserve which is five acre lots. Our other contention is that the site is part of a water shed used by wildlife. The Forest View Water District has leaks and financial challenges. The Directors have not agreed to provide the water. This land is not in Palmer Lake in order for it to provide the sewer. This will put an undo burden of Palmer Lake because we will need to pay the taxes for the water line increase. The developers want to maximize.

Ms. Lonnquist – Her presentation is part of the public record. I live in an RR1 area and it is now administratively changed to RR-0.5. Red Rocks Ranch does not fit the exception. Red Rock Ranch is already at capacity and there are no improvements planned until 2024. Area is prone to flooding. We need to accommodate growth that is compatible to the natural environment. Five-acre parcels would be more compatible to the surrounding area.

Ms. Brodzik – Her presentation is part of the public record. I have spent hundreds of hours researching this project and I was made aware in April by **Mr. Dossey** that our letters would not be read. **Mr. Risley** – I personally take offense to that because I spend a lot of my time reading the submissions. **Ms. Brodzik** – I am just relaying what I heard. I was very concerned that you may not read them. Not that you wouldn't. **Mr. Risley** – **Mr. Dossey** is fully aware of how much time we invest personally.

Mr. Dossey – I was asked if there was a guarantee that you all read everything that is sent to you and there is no way I can guarantee that.

Ms. Brodzik – To find out there was a possibility that our voice may not be heard I thought it was important that I come speak here. Then I was informed that the speaking time was three minutes. I want to make a few clarifications from the applicant. The community letter was signed by multiple residents. There was no mention of the three letters from the Millers had submitted. Monument Creek floodplain would prohibit anything more than the maximum of two five acre lots. I find the staff report misleading. Why is criteria three non-compliant? We live on five acres or greater on the north side. The rezone application is not compliant. The density of the south and east were developed to one acre in the 1970's. The zoning nomenclature and definitions changed. Changed from R1 to RR-.5 in 2007. The letter of intent talks to buffers on the south side which is the natural buffer of Monument Creek and not on the north, west or east. Curbs and gutters are urban attributes, this is not an urban area. I spent a lot of time reviewing state statues, traffic studies and I am disappointed in how the county's report comes off biased to the applicant. There are several errors and omissions. I request this be denied for noncompliance of criteria three and one.

Ms. Seago – As a reminder the newly adopted Master Plan does not apply to this application.

Mr. Bennet – I just listened to the briefing I received and took sixteen pages of notes. Everyone is not going to be turning left on 105. You can't make a statement a fact without evidence. To say that adding another 37 homes is not going to have an impact is not germane to the community. I feel safe having my son walking around the neighborhood. All you're doing is increasing density. It just doesn't make sense to me. If I could look at the staff report, I would read through it and take notes on it. There is no place in Palmer that have the type of development they are looking at putting in.

Mr. Risley – The documents are available on EDARP.

Mr. Nickelson – I was struck that I heard about this a couple days ago. This would be ten times the density that we currently have. Once you approve the new density that is in perpetuity. This is the critical decision. It does seem to be inconsistent with the lots around them. More importantly I ask that you consider the ecological impact, the school impact and the fire impact. Look at the flush situation for fire. If you all are traveling the same, you're not going to get out. There is a problem with adding 36-40 houses.

Note for the record: The board recessed at noon for a thirty-minute lunch and reconvened at 12:30. Quorum is still in place.

Mr. Trowbridge – There was a question about the materials being available. I was wondering if Ms. Ruiz can talk about EDARP.

Ms. Ruiz showed the audience how to access EDARP and how to view projects.

Mr. Pheteplace – I agree with what the other presenters have had to say about conformity. I ask that you consider wildfires and exiting when you consider the increase in density.

Ms. Wilkins- What I say is not necessarily represented of all our board members. There is an error with the map. It is missing the Forest View Acres well. I want to make sure they are recognizing our well. I would suggest that you consider this property as an open space for El Paso County. It would improve the way of life for residents. The water district needs access to this well. They can't just bury it under a road. If JZS would sell this land to El Paso County it would open up states, parks and meadows. More than ever we need open space. It is my understanding that the board of directors from forest view has a statutory compliance to show that they have water. I suggest you deny this until JZS shows you water rights that they can supply.

Ms. Seago - Water is not one of your criteria at the rezone stage. If the rezone is approved, it absolutely will be at the preliminary plan and final plat stage. **Mr. Risley** - Nor is fire mitigation, correct? **Ms. Seago** - That is correct.

Mr. Mosely- This isn't in compliance with the Master Plan. It is not compatible with the surrounding development. I do not believe that anybody in county government knows anything factual about the zoning of the 33 acres to R-0.5 I want to know when the resolution was made by BoCC. I think the rezone process is a little backwards. The rezoning of the 33 acre parcel without any input from this area is a problem that needs to be resolved. Mr. Mosely's presentation is part of the official record.

Ms. Seago – Issues about traffic improvements, issues relating to floodplain, and endangered species are all addressed at the preliminary plan. Not that they are not legitimate concerns.

Ms. Ruiz – Several people have spoken on the zone district change over time and if you find it appropriate **Mr.** Gebhart is prepared to speak on that.

Mr. Gebhart – Previously I was a land development code administrator, and I was in charge of rewriting the land development code. Some of this land was platted and zoned in Palmer Lake and was de-annexed including some of the subdivisions in this area. We have received a CORA request from **Mr. Mosley** but I will give you a little background about the prior zoning and reference to RR-1 and one acre. In 1963 the zoning in most of this area was A-1. A-1 zoning allowed half acre lots. A1 carried until the 1985 time period. In 1991 A-1 was converted into RR-1. RR-1 allowed .5 acres, one acre if you had horses or stables. In 2007 we went through a code committee process. We changed the zoning RR-1 to RR-.5. It was a change in nomenclature. The basic standard did not change from that time period when we adopted a revised code in 2007.

Ms. Fuller – The zoning was original Palmer Lake purview and when it got deannexed it just stuck with it? **Mr. Gebhart**- I'm talking about a generalization of the area. Some of this area was all zoned to A-1 in 1963. **Ms. Fuller** – So if someone went through the effort to replat then they could have the higher density use and if they didn't they remained that prior zoning.

Ms. Merriam – Is there a premise or consistency of continuity that this area should be rural versus urban? Is that part of the code changes that happen now? **Mr. Gebhart** - I'm not sure of the road standards for 2.5 acres or less with curb and gutter. They can say they no longer can serve that area and then there is a process to zone the area into the county.

Ms. Permut – I have lived here for 15 years and we love the rural look and feel of Red Rock Ranch (RRR). It seems to me that there are very few places close by that

are less than one acre lots. We are a small community. I am not in favor of the rezone.

Ms. Robinson – Please take into consideration of the pictures you've seen and how rural they are. When you drive in you have a sense of peace. We have found a piece of heaven and when you pull in now and you have a high density in the front. If we allow the zoning to be changed we can never go back. Consider how rural it is and how narrow the roads are. I don't understand how we can't take into account of these things that are big concerns to our neighbors at the rezoning stage since we can never go back.

Mr. Cadis – If you take a look at the neighborhood, its kind of like a wonderland. The property that is being proposed for the rezone used to have horses on it and everything was beautiful. 105 has got really busy, it's a five-minute wait. Palmer Lake is a beautiful little area. I'm not against development but to put precedent on .5 acre lots is bad. I'm against it.

Ms. Mckean – There comes a greater danger if you do approve this rezone. The density will be great. The new build will tear up that beautiful land where animals go to graze. You can see how far the homes are spread out. When we talk about rezoning, we are talking about small lots. It is not compliant. Ms. Mckean's presentation is part of the public record. If you were from the area, you would never do this.

Mr. Allen- According to the county attorney we can't address water, the floodplain and this seems to me indicative of how the process itself is flawed. The developer gets to lock in his profit because he has the rezone. Externalizing costs and internalizing profits mentality that's all over this country. The water, sewage, the wildlife, they're all important. It seems pointless if we can't address those issues here and now. I don't think the citizens are getting justice here. I am opposed to the rezone.

Mr. Chang – We purchased four lots to maintain the rural feel of the area. We merged the lots and built just one home. I just want to address the fact that it isn't compatible. If you drive down HWY 105 you don't see any density that the developer is proposing.

Ms. Ray – I'd like to echo the disappointment. I'd like to address the access points. This a rural road. Has horse trailers, needs to be maintained as a rural road. This is not in compliance and that's evident of the deviations they are planning on submitting.

Ms. Cundith- We are opposed based on the fact that it doesn't maintain the character of the established area. I think there are too many uncertainties to approve

the rezoning at this time. You do have rubber stamp zoning. we are not opposed to development following the current zoning.

REBUTTAL:

Ms. Richter – I want to first address the zoning to the north and south of this parcel. We have two major transportation buffers. Compatibility with the adjacent parcels is what we are trying to meet. We have had discussion with staff and those are considered buffers and density should be what is immediately adjacent. Red Rock Ranch Drive on left and state HWY 105 on the north side. Certainly we acknowledge that the Millers property is five acres and the northern areas are zoned five acres. I mentioned Mr. Stiltner lived in this area for decades. He actually has been a homebuilder for thirty years. He is invested in the area. He did not develop Pioneer Reserve. ProTerra developed that area. I do want to mention that a homeowner approached Mr. Stiltner during the break that felt compelled to voice her disparagement to his face which I do think is inappropriate. Forest View Water District issues are not applicable to this rezone but I will put the summary of our petition into the EDARP file.

DISCUSSION:

Ms. Lucia-Treese – I have issues with both sides. I am concerned about the compatibility. I do understand and appreciate the neighbors wanting to keep their rural lifestyle. We are all volunteers and my colleagues and I take this seriously. There is a list of criteria. For some of you the rezone may seem backwards but unfortunately that isn't today. This is merely one step in the process. When you go to the preliminary plan stage, you will be able to address all your concerns. I would encourage you to work together.

Mr. Moraes – All these tangential issues are important. To include emergency services, water, traffic, if they don't get solved then the process stops and the land remains vacant. It does sound backward but that is the way the process works. Developer comes up with a way and these government agencies say ok and it's an iterative process and it isn't a rubber stamp. There are many entities involved just to get a property rezoned. It is not a process that happens overnight. When you start looking at the criteria, general conformance with the master plan or a substantial change in the character since last zoned. Nomenclature changes back in 1955. There has been a lot of these changes since the land was zoned. Next, compatibility and permitted land uses in all directions. We do have these natural breaks that create transitions and man-made breaks that create transitions. In this case we see both. We see monument creek to the south and they're using that buffer in there. If were to negate the natural breaks or man-made breaks, nothing would ever get rezoned. Someone mentioned rubberstamping and that bothers me. If you go back into the last few months, there has been a lot of rezoning and we don't vote 8 to 0. We look at the criteria and take the data and that's how we come up with our position. If this is passed, I would encourage the citizens to stay involved and

engaged. The next process is really where the rubber meets the road if this zoning goes through.

Ms. Merriam – I have 2.5 acres, we're losing rural land and what are you going to do? You have to protect it. I don't know the process and I am learning. I do think that we need to look at the entire area. At the last hearing I learned that I can't move an acre of dirt without permission. All your passion and organization is commendable. People don't usually gather and having the developer look at land for opportunity. We want opportunities. I see your point.

Ms. Fuller – This is a recommendation body. You will see that BoCC has the same criteria. We do spend a lot of time here. I think the people against this your shot is at the preliminary plan. Water and wastewater will be a big deal. They obviously feel they can mee the criteria. The compatibility is always a concern. I'm going to be in favor of this. That Tri Lakes plan is 20 years old. I think this does meet the criteria.

Mr. Trowbridge – I appreciate everyone coming here today. I appreciate your passion and particularly those that did your research. Unfortunately, a lot of your concerns are not something we can address today. They are more appropriate for the preliminary plan stage. The reason it may appear we rubber stamp things is because when we get to this point, the applicant has met all the requirements the staff has asked them to. By the time it gets to us all those boxes have been checked. Like **Ms. Fuller** I believe this is in compliance and I will be in favor.

Mr. Carlson – It's a few extra houses if you're a neighbor. In my mind it doesn't make a difference in either direction. Again our job is to follow that criteria. I don't like to see five acre parcels go away either. I don't think there has been substantial change in the character of the neighborhood at all recently. It says it has to be compatible in all areas and I don't think of rural roads as a buffer. I don't think the applicant met those criteria. I will not be in favor.

Mr. Bailey – I would like to echo most of what has been said. I'm frustrated and concerned about the presumption that the process and staff is wrong and that the government is somehow broken. That couldn't be further from the truth. The reason you think it's a rubber stamp is that you don't see the applications that don't get to us. The character of the neighborhood has changed. We see this happening everywhere. This kind of engagement is great but the frustrating thing is that we only see this kind of engagement when citizens want to stop something. How many of you are showing up at the Water District and saying fix these problems? It is easy to say no, it is a lot harder to fix the things you want fixed. Mr. Chang recognized that in order to have the lifestyle he wanted he had to buy the land. In Monument a bunch of homeowners got together and bought the land to guarantee that open space.

Note for the record: Ms. Nunez left the meeting at 2:10. Quorum is still in place.

PC ACTION: FULLER MOVED/TROWBRIDGE SECONDED FOR RECOMMENDED APPROVAL OF REGULAR ITEM NUMBER 4, P-20-010, FOR A MAP AMENDMENT (REZONE) FOR RED ROCK ACRES, UTILIZING RESOLUTION PAGE NO. 27, CITING, 21-052, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (5-3). CARLSON, LUCIA-TREESE AND MERRIAM WERE THE NO VOTES.

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at www.elpasoco.com to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.)

The minutes were approved as presented at the October 7, 2021 Planning Commission hearing.