

Zone Map Change Staff Report

Date: May 28, 2025
To: Douglas County Board of County Commissioners
Through: Douglas J. DeBord, County Manager
From: Terence T. Quinn, AICP, Director of Community Development *TQ*
CC: Trevor Bedford, AICP, Senior Planner
Curtis J. Weitkunat, AICP, Long Range Planning Manager
Steven E. Koster, AICP, Assistant Director of Planning Services
Subject: **Cross Mountain Zone Map Change**
Project File: **DR2025-001**

Planning Commission Hearing:	June 2, 2025 @ 6:00 p.m.
Board of County Commissioners Hearing:	June 10, 2025 @ 2:30 p.m.

I. EXECUTIVE SUMMARY

The request is for approval of a zone map change to rezone approximately 17.9 acres of a 55.2-acre parcel from Agricultural One (A-1) zone district to the Open Space Conservation (OS) zone district in accordance with the Douglas County Zoning Resolution (DCZR) Section 112 – Zone Map Changes, under the procedure for “Rezoning of land to Open Space Conservation District.”

The proposed zone map change is located on the east side of Furrow Road in the southeast portion of the County and is intended to preserve the top of a butte, known by the property owners as Cross Mountain, from future development.

The Planning Commission is scheduled to hear the application at its June 2, 2025 public hearing. Staff will provide an update on the outcome of the Planning Commission hearing at the Board of County Commissioners’ public hearing.

II. APPLICATION INFORMATION

A. Applicants

Lee Anne Davis and Andrew Frederick Clarke
590 Bow Mountain Road
Boulder, CO 80304

B. Applicant’s Representative

Kim Davis
590 Bow Mountain Road
Boulder, CO 80304

C. Request

The applicants request approval of a zone map change consisting of approximately 17.9 acres to preserve the top of Cross Mountain from future development.

D. Process

A zone map change application is processed pursuant to Section 112 of the DCZR.

Per Section 112.06 of the DCZR, “The Board shall evaluate the proposed amendment, staff report, referral agency comments, public testimony, and the Planning Commission recommendation, and shall approve, approve with conditions, table for further study, remand to the Planning Commission or deny the map amendment.”

E. Location

The subject property is located on the east side of Furrow Road, approximately 1,650 feet south of its intersection with Lorraine Road. The northeast portion of the property is proposed to be rezoned. The attached vicinity map, zoning map, and aerial map highlight site location and existing conditions.

F. Project Description

This zone map change application is to rezone approximately 17.9 acres of a 55.2-acre property from A-1 to OS. The intent is to preserve the top of Cross Mountain from any development in the event that the property is sold in the future. The applicants have identified an area that includes the top of the butte and steep slopes to preserve as open space. If the zone map change is approved, the parcel would contain approximately 17.9 acres zoned OS and approximately 37.3 acres zoned A-1.

III. CONTEXT

A. Background

The applicants own three agriculturally-zoned parcels adjacent to each other. The subject property is approximately 55.2 acres and contains Cross Mountain. The owners wish to preserve the top of the butte from development in the event that the property is sold in the future.

B. Adjacent Land Uses and Zoning

The zone map change request is adjacent to agricultural and residential properties.

Zoning and Land Use

Direction	Zoning	Land Use
North	Agricultural One	Residential and Vacant Land
South	Agricultural One	Agricultural
East	Agricultural One	Agricultural
West	Estate Residential	Residential

IV. ZONE MAP CHANGE ELIGIBILITY

Section 112 of the DCZR allows for changes to the zoning map. The procedure is utilized for the following:

- Zoning of land disconnected from an incorporated area.
- Rezoning of land purchased with open space funds or dedicated to the County for open space.
- Correction of zoning map errors.
- Rezone of land to Open Space Conservation district.
- Rezoning of land, when requested by the landowner, to bring it into compliance with the Master Plan.

In this case, the property owners requested to rezone a portion of the property to the Open Space Conservation District. The subject property is within the Cherry Valley Subarea of the CMP. The CMP includes the following goals and policies that support the zone map change request.

- Goal 3-1: Project and conserve the natural and rural character of the nonurban area.
- Policy 3-1A.2: Preserve open space through the purchase of land or conservation easements, donations, acquisitions, partnerships, or other appropriate land conservation tools.
- Objective 3-1E: Preserve and provide for the stewardship of open space and natural areas.
- Goal 3-2: Ensure land use and design is compatible with the natural and rural character of the nonurban area.
- Objective 3-2C: Preserve the visual integrity of significant ridgelines, road viewsheds, horizon lines, views of the mountain backdrop, and other important natural features.
- Policy 3-2C.1: Locate houses, utilities, and other structures away from important ridgelines and horizon lines.
- Goal 3-3: Maintain the unique rural character of the Chatfield Valley (nonurban area), Cherry Valley, High Plateau, Indian Creek, Northeast, West Plum Creek, and Pike National Forest and Foothills Subareas.
- Policy 3-3B.6: Development in the Cherry Valley Subarea should minimize visual impacts within major viewsheds.

V. REFERRALS

This zone map change was distributed to applicable referral agencies. Larkspur Fire Protection District responded with concerns that tax revenue will decrease with this rezoning, while the private owners will still expect the same level of fire protection services from the district. If the rezoning is approved, the owners will continue to owe taxes on the property.

El Paso County Planning Division provided comments regarding landscaping requirements for developments. As no development is planned, these comments are not applicable to this project.

No other concerns were received from referral agencies. One nearby property owner submitted written support for the change.

VI. PLANNING COMMISSION

The Planning Commission is scheduled to hear the application at its June 2, 2025 public hearing. Staff will provide an update on the outcome of the Planning Commission hearing at the Board of County Commissioners’ public hearing.

VII. STAFF ASSESSMENT

Staff has evaluated the zone map change request. The map change rezones property to Open Space Conservation to protect viewsheds and environmentally sensitive areas from future development. In staff’s assessment, the request meets the eligibility criteria. After consideration, the Board of County Commissioners may approve of the zone map change and sign the resolution.

<u>ATTACHMENTS</u>	<u>PAGE</u>
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LAND USE APPLICATION

Please fill in this application form completely. An incomplete application will not be processed.

Note: Neither the Planning Commission nor the Board of County Commissioners should be contacted regarding an open application.

OFFICE USE ONLY		PROJECT FILE #:
PROJECT NAME: _____	_____	
PROJECT TYPE: <u>DUAL ZONING TO CREATE AN OSCD</u>	PLANNING FEES: _____	
MARKETING NAME: _____	ENGINEERING FEES: _____	
SITE ADDRESS: <u>PARCEL # 277330200002</u>	TOTAL FEES: _____	
OWNER(S):	RELATED PROJECTS: _____	
Name(s): <u>LEE ANNE DAVIS & ANDREW FREDERICK CLARKE</u>	_____	
Address: <u>590 BOW MOUNTAIN RD. BOULDER, CO. 80304</u>	_____	
Phone: <u>303-588-1956</u>	_____	
Email: <u>KIMDAVISPE@COMCAST.NET</u>	_____	
AUTHORIZED REPRESENTATIVE (requires notarized letter of authorization if other than owner)		
Name: <u>KIM DAVIS</u>	_____	
Address: <u>590 BOW MOUNTAIN RD. BOULDER, CO. 80304</u>	_____	
Phone: <u>303-588-1956</u>	_____	
Email: <u>KIMDAVISPE@COMCAST.NET</u>	_____	

LEGAL DESCRIPTION:

Subdivision Name: CROSS MOUNTAIN ESTATES
 Filing #: _____ Lot #: _____ Block #: _____ Section #: 30 Township: 10 Range: 66
 STATE PARCEL NUMBER(S): 277330200002

ZONING:

Present Zoning: RURAL RESIDENTIAL Proposed Zoning: RR / OSCD Gross Acreage: 55.2
 Gross Site Density (DU per AC): N/A # of Lots or Units Proposed: N/A

SERVICE PROVIDERS:

Fire District: LARKSPUR FPD Metro District: — Gas: BLACK HILLS
 Water: — Sewer: — Electric: MVEA
 Roads: ☒ Public ☐ Private (please explain): _____

To the best of my knowledge, the information contained on this application is true and correct. *I have received the County's information sheet regarding the Preble's Meadow Jumping Mouse.*

Kim Davis
 Applicant Signature

1-4-2025
 Date

Zone Map Change Request

To: Douglas County Planners

From: Kim Davis – Representative for Lee Anne Davis and Andrew Frederick Clarke
kimdavispe@comcast.net
303-588-1956

Parcel Number: 277330200002

Legal Description: TRACT IN NW1/4 & W1/2NE1/4 30-10-66 55.20 AM/L LSP 10006273 PARCEL A

Subdivision: Cross Mountain Estates, Parcel A

Summary of Change: The size of Parcel A is approximately 55 acres including the top of the butte which is central to the three parcels of Cross Mountain Estates. The purpose of this request is to create a dual zoning to allow the creation of an Open Space Conservation District approximately 18 acres in size on the top of the butte. Doing so will preserve the butte by not allowing the construction of any structures on its upper portion.

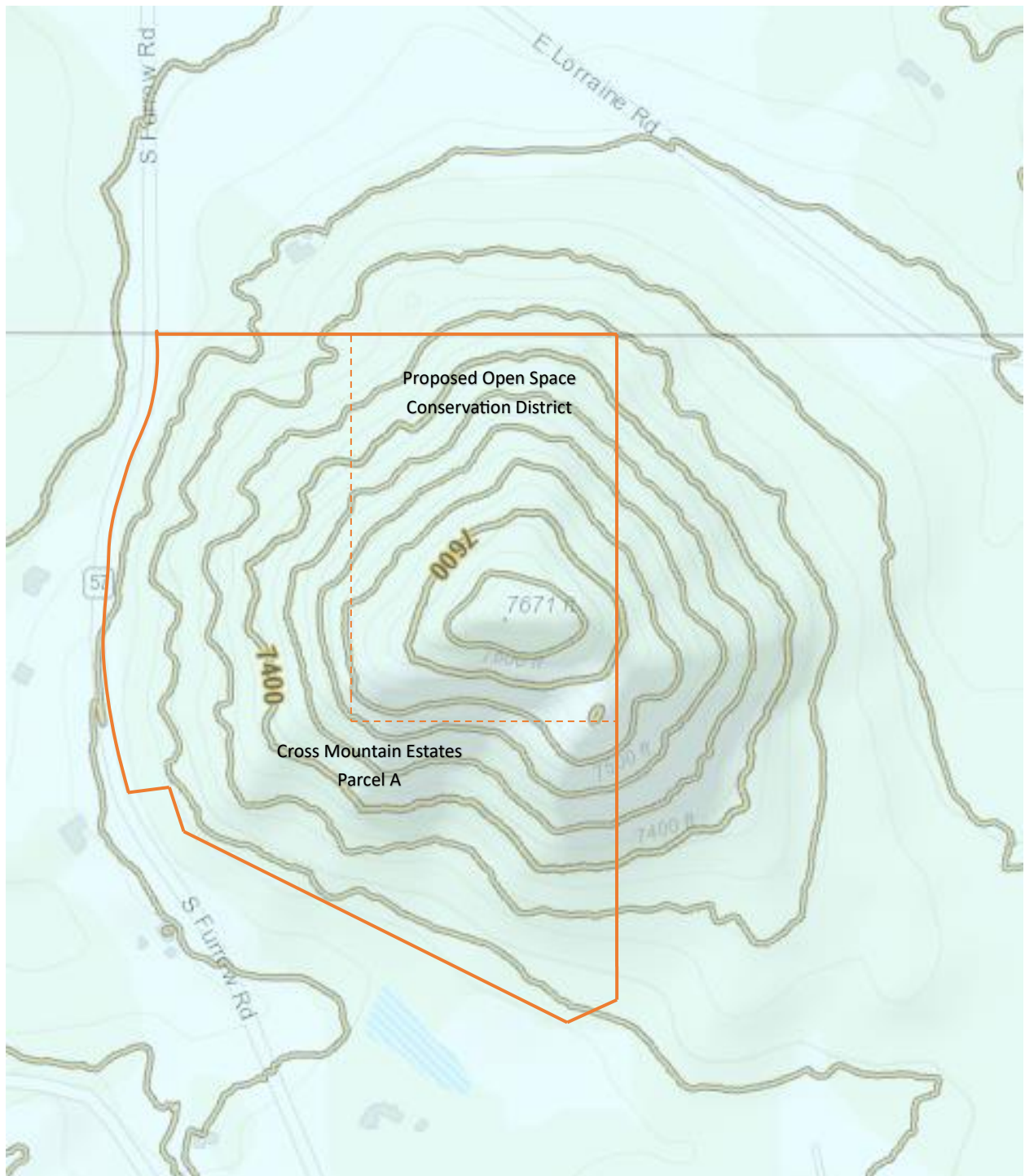
Justification of Change: Cross Mountain (as the locals have called it for several decades) has been in the possession of the Clarke/Davis Family for over 25 years. During that time we have embraced the wild nature of the property and have done our best to preserve its pristine quality. The butte and the surrounding property is stunningly beautiful and it is our intent to do everything in our power to keep it that way, not only for our neighbors, but for anyone who visits the area.

Compliance with Comprehensive Master Plan: The overarching theme of Section 3 – NONURBAN LAND USE, is to enhance the quality of life for residents by protecting the natural landscape, wildlife habitat, and viewsheds, and the conservation of the natural character of nonurban areas. This request fully supports these goals and objectives.

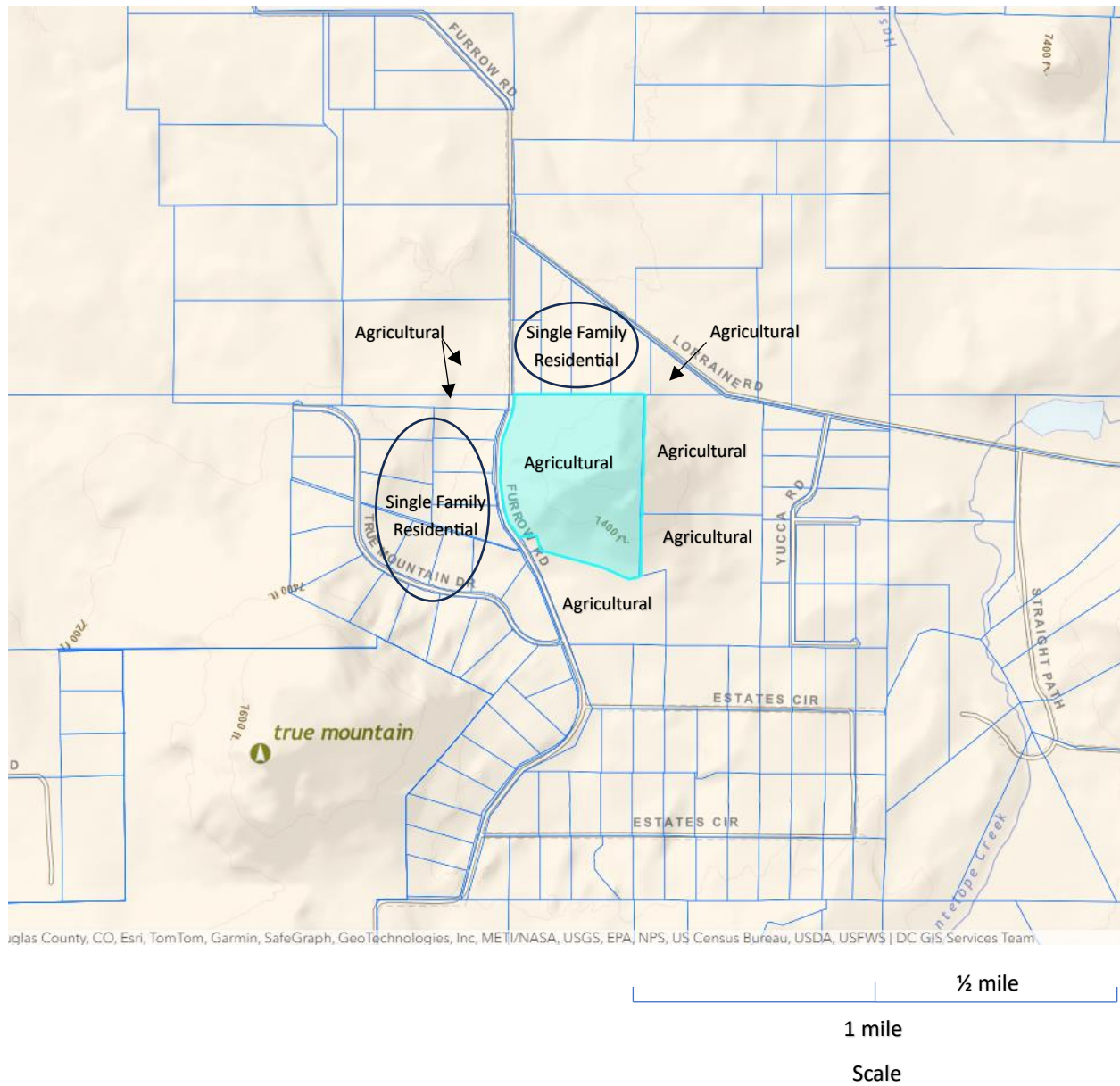
Specific areas of Section 3 which this request supports: There are two areas to be highlighted, both referencing ridgeline/viewscapes.

- Goal 3-2, Objective 3-2C, Policy 3-2C.1 – “Locate houses, utilities, and other structures away from important ridgelines and horizon lines.” Cross Mountain is a very prominent butte in the area which can easily be seen from I-25 and the Greenland Open Space. By creating this conservation district, the natural ridgeline will be preserved.
- Goal 3-3, Objective 3-3B (Cherry Valley Subarea), Policy 3-3B.6 – “Development in the Cherry Valley Subarea should minimize visual impacts within major viewsheds.”

Cross Mountain Contour Map











Cross Mountain Estates Parcel A Vicinity Map and Adjacent Zoning







Comprehensive Master Plan Land Use Reference Map

Comprehensive Master Plan Areas

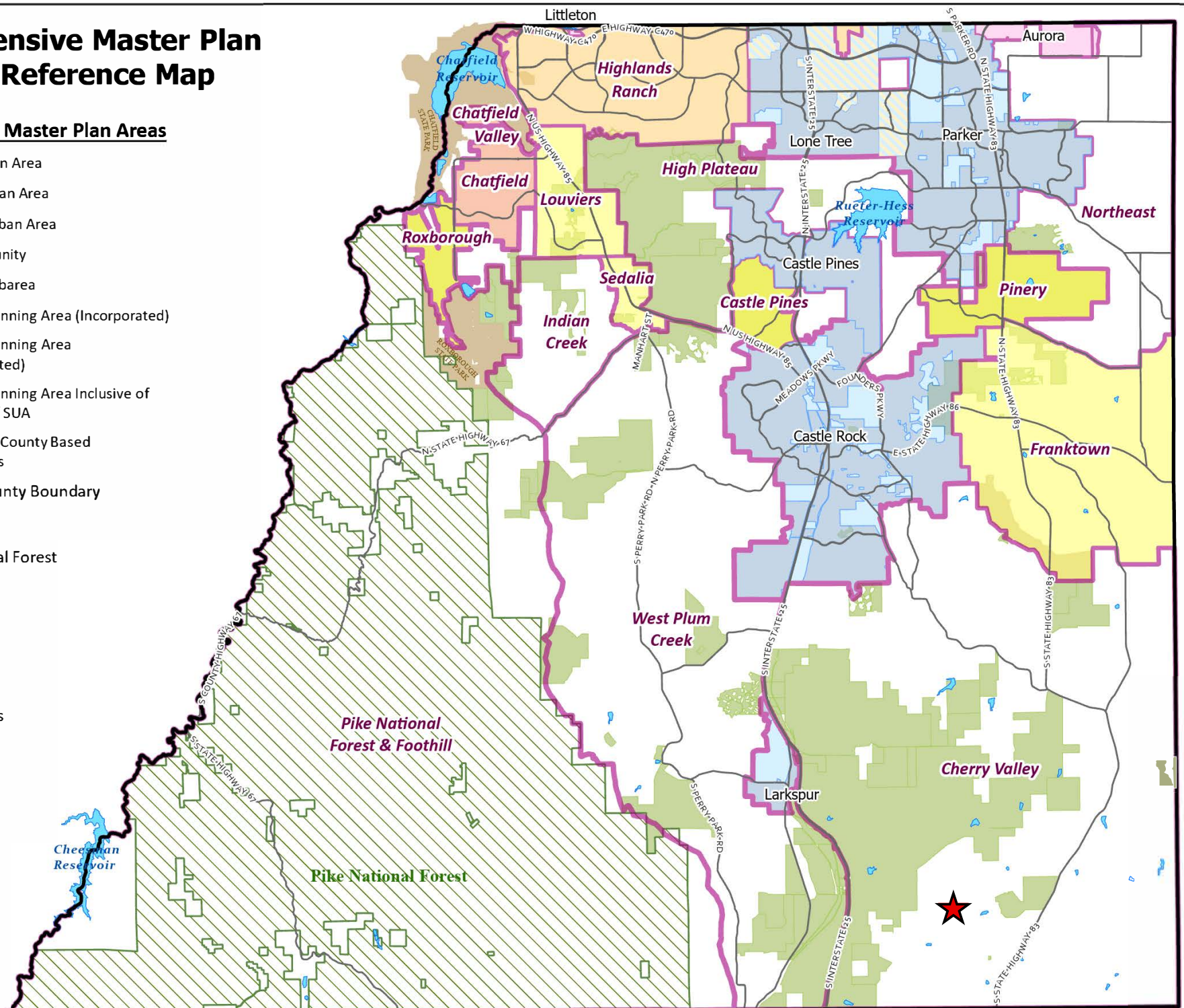
-  Primary Urban Area
-  Chatfield Urban Area
-  Separated Urban Area
-  Rural Community
-  Nonurban Subarea
-  Municipal Planning Area (Incorporated)
-  Municipal Planning Area (Unincorporated)
-  Municipal Planning Area Inclusive of County PUA / SUA
-  Non-Douglas County Based Municipalities
-  Douglas County Boundary

Parks

-  Pike National Forest
-  State Parks
-  Open Space
-  Lakes

Roadways

-  Major Roads

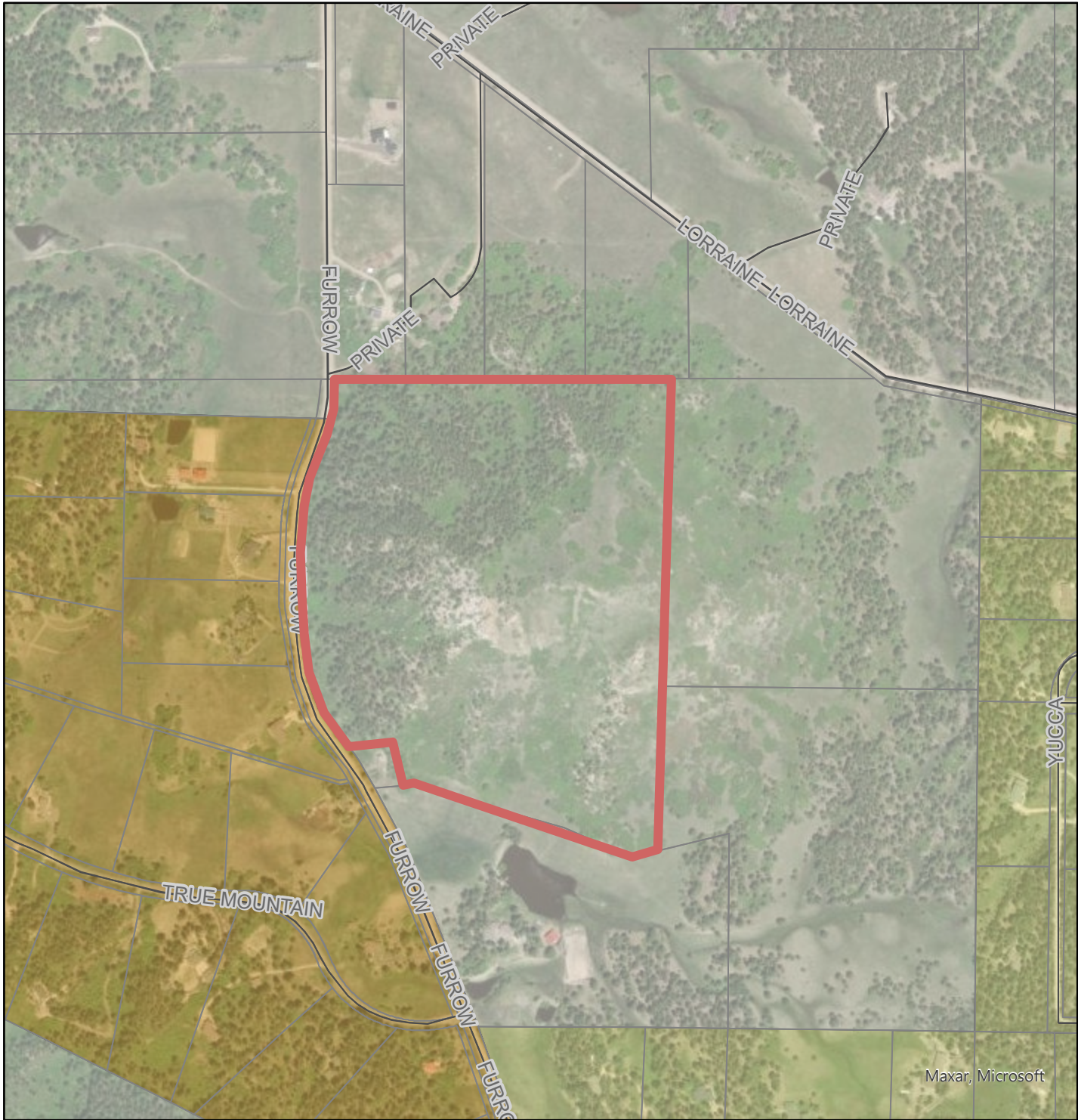


Cross Mountain

DR2025-001 Zoning Map



- LEGEND
- Roads
 - Major Roads
 - ▭ Parcels - PARCELS
 - ▭ A1 - AGRICULTURAL ONE
 - ▭ RR - RURAL RESIDENTIAL
 - ▭ ER - ESTATE RESIDENTIAL



Cross Mountain

DR2025-001
Aerial Map



- LEGEND
- Roads
 - Major Roads
 - ▭ Parcels - PARCELS



Referral Agency Response Report**Page 1 of 1****Project Name:** Cross Mountain**Project File #:** DR2025-001**Date Sent:** 04/04/2025**Date Due:** 04/25/2025

Agency	Date Received	Agency Response	Response Resolution
Addressing Analyst	04/17/2025	No Comment:	No response necessary
Assessor	04/21/2025	No Comment:	No response necessary
Building Services	04/04/2025	No Comment:	No response necessary
Douglas County Conservation District		No Response Received:	No response necessary
El Paso County Planning and Community Development Department	04/30/2025	Received: See attached letter Summary: Provided information regarding landscaping requirements for El Paso County developments	No response necessary
Engineering Services	04/11/2025	Received: The engineering review fee of \$300.00 will need to be paid prior to approval of this Zone Map Change Update 05/19/2025: No fee for a zone map change.	No response necessary
Forest Park Master Association		No Response Received:	No response necessary
Larkspur FD	04/17/2025	Received: Because the property will remain private property, it should still be subject to continued property tax assessment. The property owners would expect fire protection services for the property and should still be subject to paying for said services through annual tax assessment. For this reason, the Larkspur Fire Protection District opposes this zoning change.	Tax revenue is not considered an approval criterion for a rezoning. The property will continue to be assessed taxes if the rezoning is approved.
Office of Emergency Management	04/10/2025	Received: OEM has no issues with this project	No response necessary
Open Space and Natural Resources		No Response Received:	No response necessary
Sheriff's Office	04/14/2025	Received: Deputy Jeff Pelle reviewed this regarding security with Crime Prevention Through Environmental Design (CEPTD) concepts in mind. No comments or concerns at this time for this request from DCSO.	No response necessary
Sheriff's Office E911		No Response Received:	No response necessary
Wildfire Mitigation		No Response Received:	No response necessary

REFERRAL RESPONSE REQUESTDate Sent: April 4, 2025Comments due by: **April 25, 2025****Project Name:** Cross Mountain**Project File #:** DR2025-001**Project Summary:** The applicant is requesting a Zone Map Change from Agricultural One (A-1) to Open Space Conservation (OS) for approximately 17.87 acres in order to protect the top of the butte known as Cross Mountain from future development.

Information on the identified development proposal located in Douglas County is enclosed. Please review and comment in the space provided.

<input type="checkbox"/> No Comment	
<input checked="" type="checkbox"/> Please be advised of the following concerns: <u>The Engineering Review fee \$300.00 will need to be paid prior to our approval of this Zone Map Change</u>	
<input type="checkbox"/> See letter attached for detail.	
Agency: DC Engineering	Phone #: 303-660-7490
Your Name: Chuck Smith (please print)	Your Signature: <i>Chuck Smith</i>
	Date: 4/11/2025

Agencies should be advised that failure to submit written comments prior to the due date, or to obtain the applicant's written approval of an extension, will result in written comments being accepted for informational purposes only.

Sincerely,

Trevor Bedford, AICP, Project Planner

Enclosure

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR

PLANNING AND COMMUNITY DEVELOPMENT

April 18, 2025

County File: OAR254

Re: OAR : DR2025-001 Cross Mountain

To: [Douglas County Planning](#)
C Boyd (cboyd@douglas.co.us)

Planning Division

Note that El Paso County does not have land use authority over property within the City of Colorado Springs; however, it is recommended that the development follow these regulations for this site to ensure that proper measures are taken to ensure compatibility between the proposed use within Douglas County and the existing neighborhood and surrounding properties in the County.

Below are items to keep in mind when rezoning and being within a certain vicinity the EPC jurisdiction.

Section 6.2.2.B Landscape Requirements:

(B)Roadway Landscaping Requirements. Roadway landscaping areas are required. A roadway landscaping area is located along the lot, parcel or tract frontage between the road right-of-way, easement, or tract boundary lines and any building or use.

(1)Minimum Depth of Roadway Landscaping Area.

Table 6-1 lists the depth and number of trees required to be provided along any road in roadway landscaping area. Where the required setback is narrower than the depth of the required landscape area, the roadway landscaping area depth shall control. Unless otherwise approved by the ECM Administrator, the depth of roadway landscaping shall be measured from the property line. Where a roadway easement has been provided, the measurement shall be from the ROW or roadway easement. Where future ROW has been identified, the measurement should begin at the future ROW line in order avoid subsequent impairment of the landscaping.

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



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

Table 6-1. Roadway Landscaping Required by Roadway Classification

Road Classification	Depth of Roadway Landscaping Area	Required Trees (Trees/ Linear Foot of Frontage)
Expressway, Principal Arterial	25 feet	1 per 20 feet
Urban Interchange/Intersection	25 feet	NA
Minor Arterial	20 feet	1 per 25 feet
Non-Arterial ¹	10 feet	1 per 30 feet

¹ The required depth of the roadway landscape area shall be increased to 15 feet along a non-arterial road or public alley where the road or alley separates a non-residential use from a residential zoning district. The number of required trees shall be increased to 1 per 15 feet of linear frontage. A minimum of 1/3 of the trees shall be evergreen trees.

1 The required depth of the roadway landscape area shall be increased to 15 feet along a non-arterial road or public alley where the road or alley separates a non-residential use from a residential zoning district. The number of required trees shall be increased to 1 per 15 feet of linear frontage. A minimum of 1/3 of the trees shall be evergreen trees.

(2) Location and Type of Trees in Roadway Landscaping Area.

(a)Clustering Allowed. The roadway landscaping trees may be clustered along a road frontage. The clustering of evergreens may not be advisable in areas where the winter shade will cause unsafe conditions on an adjacent road.

(b)Type of Tree Limited. The types of roadway landscaping trees utilized shall be commonly known to grow in the Colorado Springs area and listed in the Landscape and Water Conservation.

(c)Exceeding Minimum Depth of Roadway Landscaping. The roadway landscaping trees shall be located within 50 feet of the road right-of-way, easement or tract boundary line and any building or use.

(d)Allowed in Right-of-Way if Approved. The roadway landscaping trees may be placed in a right-of-way if the right-of-way owner approves the placement and no conflicts exist, or will exist, with utility easements or any provider of utilities. Generally, trees are not allowed to be placed within any County right-of-way. Placing of the required roadway landscaping trees within the right-of-way shall not negate the requirement for the required roadway landscape area.

(e)Single-Family PUD Roadway Landscaping. Roadway landscaping is not required along local residential roadways (non-arterials) within a residential PUD.

(3)Walls and Fences in Roadway Landscape Area. Walls and fences which are 25% or more opaque shall not exceed 3 feet in height when located within a required roadway

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landscaping area. Opaque walls and fences higher than 3 feet (such as noise barriers) shall be located outside of the roadway landscaping area to maintain a landscaped appearance along the road.

Section 6.2.2.E

(E) Internal Landscaping.

The following internal landscaping is required: (1) Requirements for Multifamily Uses. The following internal landscaping is required for multifamily uses:

(a) Minimum Required Internal Landscaped Area. A minimum of 15% of the lot or parcel shall be landscaped.

(b) Minimum Number of Trees in Landscaped Area. A minimum of 1 tree shall be provided for every 500 square feet of required internal landscape area.

(2) Requirements for Non-Residential Uses. The following internal landscaping is required for non-residential uses.

(a) Minimum Required Internal Landscaped Area. A minimum of 5% of the lot or parcel shall be landscaped.

(b) Minimum Number of Trees in Landscaped Area. A minimum of 1 tree shall be provided for every 500 square feet of required internal landscape area.

(c) Trees Replaced by Shrubs. A maximum of ½ of the required trees may be substituted with shrubs adjacent to retail store fronts where the view of wall signs may be obstructed. At least 10 shrubs with a minimum container size of 5 gallons shall be provided for each tree that is replaced.

Reviewed by: Ashlyn Mathy, Planner
Ashlynmathy2@elpasoco.com

Engineering Division

EPC Engineering has no comments.

Reviewed by:

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



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FAX: (719) 520-6695

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Charlene Durham, PE

charlenedurham@elpasoco.com

County Engineer (Public Works)

Additional comments may be provided by the County Engineer.

Ashlyn Mathy, Planner
El Paso County Development Services
2880 International Circle, Colorado Springs, CO, 80910
(719) 520-6447

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Trevor Bedford

From: JAMES SUSAN JONES <jimsuejones@msn.com>
Sent: Tuesday, April 15, 2025 12:52 PM
To: Trevor Bedford
Subject: Cross Mountain (OS)Project

Regarding the Cross Mountain Project file #DR2025-001.

I support the request of zoning change from Agricultural One (A-1) to Open Space Conservation (OS). This seems like a reasonable and admirable use of the land. It preserves the skyline and provides space for nature.

Thanks for the information on this project.

Sincerely,

James Jones
Property Owner
14439 Yucca Rd
Larkspur, CO 80118

CROSS MOUNTAIN ZONING PLAN

A PART OF THE NORTHEAST AND NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 10 SOUTH,
RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DOUGLAS, STATE OF COLORADO.

17.87 Acres± / DR2025-001

