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LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for a minor subdivision final plat includes Parcel No. 3315000001. The proposed rezoning is located near the southeast corner of the intersection of Falcon Highway and J D Johnson Road (see vicinity map insert and map exhibit for details). The total acreage of the proposed rezone is ±40.01ac. Currently Zoned: Agricultural 35acres (A-35) to Rural Residential 5 acres (RR-5).



REQUEST

The application is to submit a minor subdivision final plat application of 40.01 acres to be submitted with a rezone to be processed concurrently from A-35 zone to the RR-5 zone. The application includes the following request:

- Approval to rezone Parcel No. 3315000001.
- The Rezone process is projected to be approved concurrently with the final plat of said parcel to four (4), ten acre lots.

JUSTIFICATION

The applicant requests approval of the rezoning based on findings of compliance with the following Goals:

- Goal 1.1 - Ensure compatibility with established character and infrastructure capacity.
- Goal 1.3 - Encourage a range of development types to support a variety of land uses.
- Goal 1.4 - Continue to encourage policies that ensure “development pays for itself”.

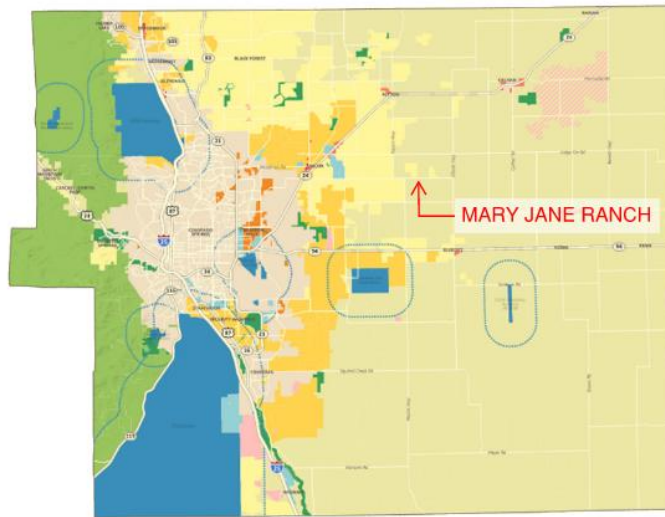
The Minor subdivision final plat will provide an opportunity for the developer to include additional residential uses to the expanding need for residential use. The proposed RR-5 district and current plan to subdivide the parcel into four (4) 10 acre, more or less, lots.

Residential lots allow the developer to maintain compliance with adjacent zoning to the northwest (Oasis Subdivision) and match the size of parcels to the south, zoned A-35, parceled off, less than 10 acres. In addition, the subject parcels directly abut Falcon Highway which is a Major Arterial, access will be provided off of J D Johnson Road.

Furthermore, zoning ordinance, with any buffering and code compliant landscaping, will help buffer future and planned residential developments with adjacent surrounding areas.

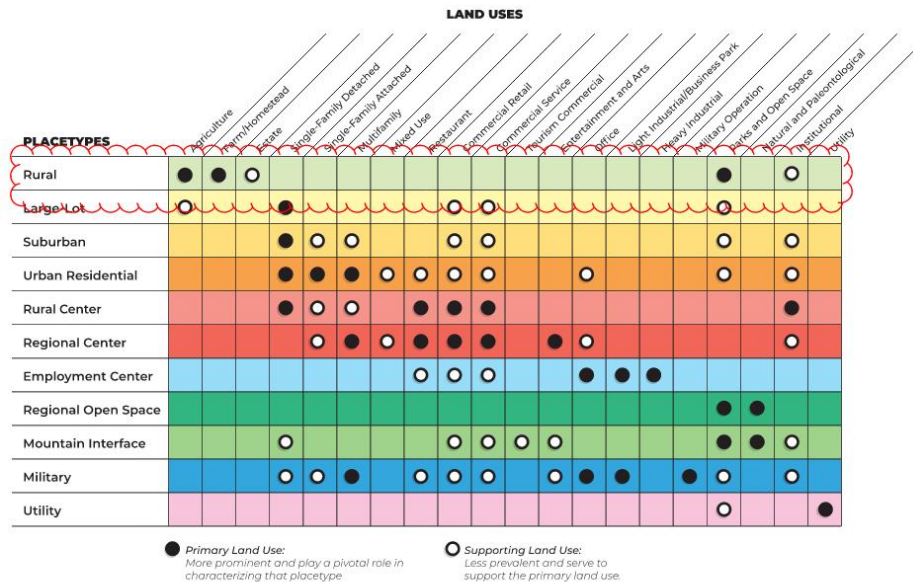
Rural and Remote Areas: In rural and remote areas landscaping, screening and erosion control measures shall be tailored to the nature and character of the area and the type of facility or structure contemplated. Site-specific landscaping shall, at a minimum, include revegetation of disturbed areas with materials Indigenous to the site or otherwise adaptable.

Placetypes



Placetypes





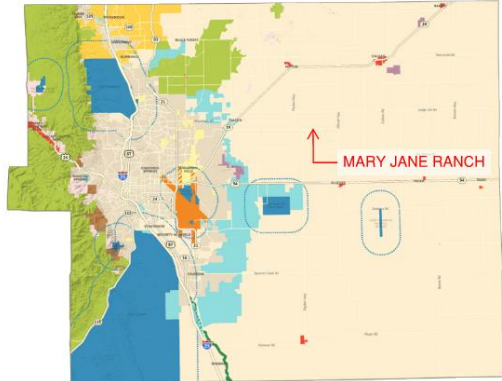
Rural Character

The Rural placetype comprises ranchland, farms, and other agricultural uses. The primary land use in this placetype is agriculture however residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot development within the Rural placetype range from a minimum of 2.5 acres to 35 acres. The Rural place-type covers most of the eastern half of El Paso County.

Rural areas typically rely on well and septic and parcels for residential development tend to be substantial in size. Rural areas are remotely located and distant from high activity areas or dense suburban or urban places, making access to regional transportation routes, such as Highway 24 and Highway 94, vital to the quality of life for rural community residents.

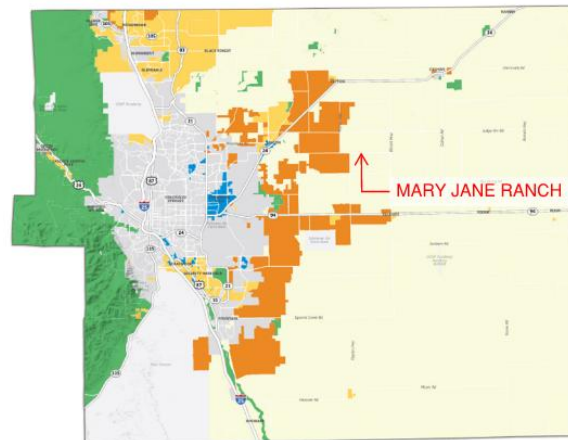
- **The rezone would be consistent with this placetype**
 - **Minimal lot area will be larger than 5-acres per unit**
- **The rezone and the code would protect the intent of the Placetype, by the procedures and standards intended to promote safe and orderly development.**
- **The proposal would provide for the land uses in relation to existing and predicted patterns of growth in the area.**
- **The proposal is consistent with available and necessary services.**
- **The rezone would have no impact on any currently approved sketch plans.**

Key Areas:



The property is not located within the ten (10) classifications of key areas.

Areas of Change:



Areas of Change

- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition

Mary Jane Ranch is located in the area expected for “Minimal Change Undeveloped”. It is understood that the character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments.

The site contains one residential building with a detached garage that will have its own private drive (existing). The remaining three (3) lots will have shared access, it will not adjust initial access provided from J D Johnson Road. Adjacent parcels/lots are built out North, East, south and Northwest. Directly west is owned by the State of Colorado and is under the care of the Division of Purchasing.

Sec. 7.2.D.f Final Plat Approval

Criteria for Approval. In approving a final plat, the approving authority shall find that:

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;

It is noted that the subdivision is in conformance with the goals, objectives, and policies of Your El Paso Master Plan

- The subdivision is in substantial conformance with the approved preliminary plan;
Due to the subdivision being a minor subdivision a preliminary plan is not required as stated in Section 7.2.1.C.2.b.
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
It is noted that the subdivision is consistent with the subdivision design standards and regulation review through El Paso County’s Planning and Engineering Review Criteria.
- Either a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval;
Water findings have been established and can be reviewed to meet all Chapter 8 review standards under the “Water Resources Report” submittal.
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
Each lot will be responsible for establishing their own well and leach field. Existing house has an established well and leach field.
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
The potential exists for high groundwater levels during high moisture periods and should structures encroach on these areas, the following mitigations should be followed.

The proposed development is to be single-family residential structures. Construction is anticipated to consist of wood-framed structures atop a full or partial basement/crawlspace foundations. Based on the Depth of the groundwater at the time of drilling, shallow foundations are anticipated to have a minimum 4 to 6 feet separation from the underlying seasonally fluctuating groundwater.

Foundations must have a minimum 30-inch depth for frost protection. Perimeter drains are recommended around portions of the structures which will have habitable or storage space located below the finished ground surface. Perimeter drains help reduce the risk of the intrusion of water into areas below grade.

- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;

A drainage report has been provided, due to the site of the lots there will be not be major improvements needed for the site.

- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;

Access will be provided by two (2) private drives, one (1) access easement and will have access from J D Johnson Road.

- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;

All services will be provided by respective commitments provided in the submittal package.

- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;

Plat illustrates access and efficient spacing for fire protection measurements

- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;

A culvert from R.O.W. will be construction for driveway access.

- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;

A cistern easement shall be dedicated to Ellicott Fire

- The subdivision meets other applicable sections of Chapter 6 and 8; and
Subdivision meets other applicable sections of Chapters 6 and 8

- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]

A Affidavit of Notification to Severed Mineral Estate Owner was presenting upon initial submittal of the Rezone application submitted concurrently with the Minor Subdivision Plat.

(Res. No. [17-374](#), Exh. A, 12-12-2017; Res. No. [19-329](#), Exh. A, 8-27-2019; Res. No. [19-330](#), Exh. A, 8-27-2019)

Fire Review

Service is available at an ISO (Insurance Safety Office) level 9 service rating. The low rating is a result of lack of fire hydrants and distance from the fire station to the potential emergency. Any building within 1,000 ft of a fire hydrant will receive ISO class 6 protection. In the case of this development, the subject property is not within one mile of the fire station and the development will require a Fire Cistern, requirements shall be met under Chapter 6.3.3(C).1(d).

- Design Standards for Subdivisions with Cistern: For subdivisions where only one fire cistern is required, the minimum capacity of the fire cistern shall meet the requirements of the NFPA standards on water supplies for suburban and rural fire fighting or shall have a total capacity equal to 300 gallons for each acre within the subdivision plus 3,000 gallons per dwelling unit, whichever is greater.
 - *Per the NFPA standard calculation acknowledges that a cistern size is required for a 40acre subdivision or 4 dwelling units shall require a 12,000 gallon cistern.*
- Cistern Turnaround Standards: A dedicated turnaround shall be placed no more than 50 feet from a fire cistern, and the standpipe shall be within 8 feet of the nearest usable portion of the dedicated right-of-way or approved easement, unless otherwise recommended by the applicable Fire Authority and approved by the approval authority.
 - *As illustrated on the plat, a 50 foot turnaround is provided.*
- Easements Required: Fire cistern easements shall be provided and dedicated to the appropriate fire department to afford accessibility of the cistern from a public road. Easements shall be of sufficient size to facilitate maintenance.
 - *As illustrated an easement is provided for a public cistern to be installed by the Fire District.*

Water Master Plan:

Under the Colorado Revised Statutes, Title 32. This property is within the Ellicott Utilities district boundary and will consistently follow the rules and regulations per the El Paso County Water Master Plan,

- **A sufficient water supply has been clarified or provided through existing private wells. The wells have been permitted per quantity and quality standards set forth in the State water supply standards.**

Wastewater systems:

- **Wastewater will be provided by on site leach fields and will be compliant with EPC code.**

Electric

- **Electric service will be provided through Mountain View Electric.**

Gas

- **Services will be provided by Apollo Propane, each individual lot owner will be responsible for contracting with Apollo Propane**

Natural or Physical site features:

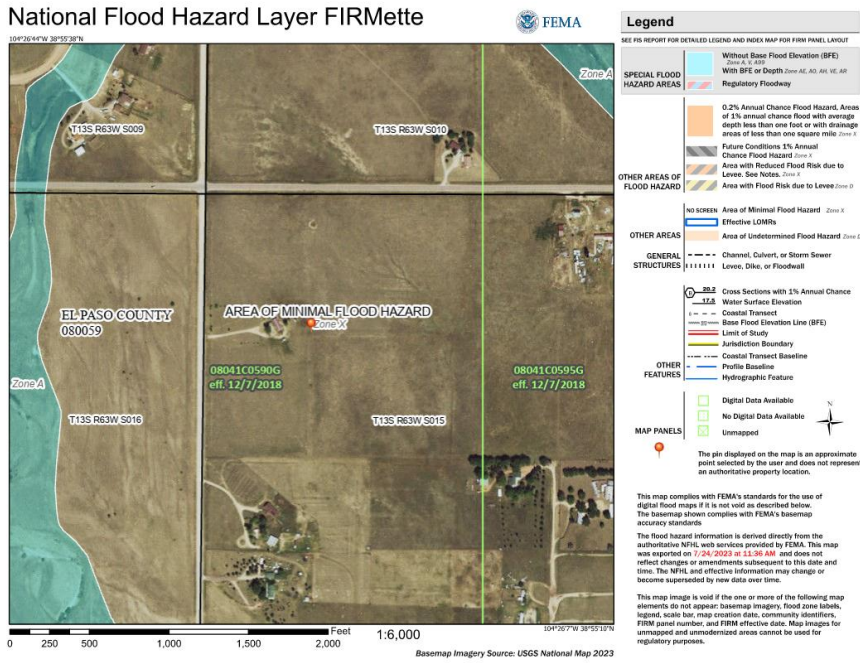
The Zone Change and Subdivision/Final Plat will support the preservation of the natural features and drainages of the site and surrounding lands:

- **Site Natural Features:**
 - Site is located within the Ellicott Consolidated drainage basin (CHBS1800). Data provided by Muller Engineering Company; (1988)

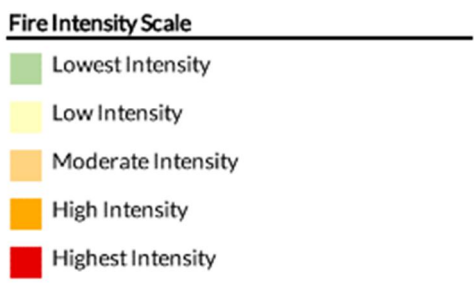
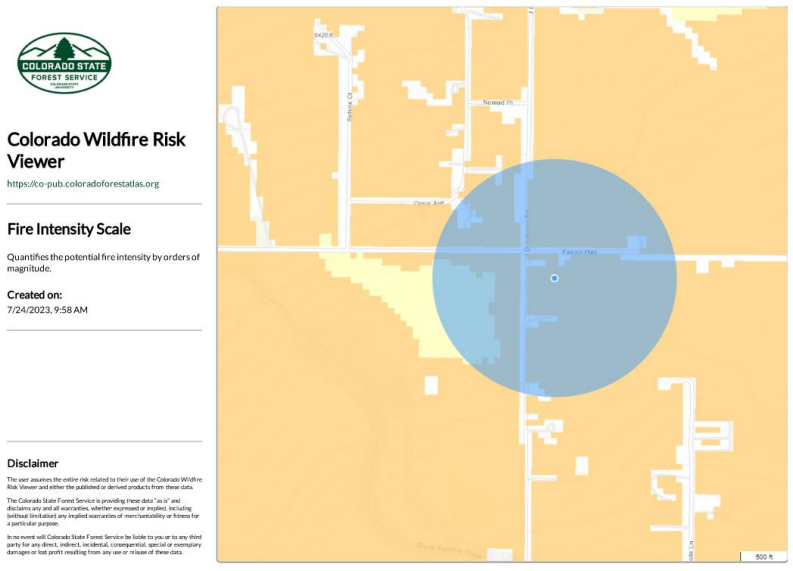


- The topography of the site includes rolling hills with one drainage way, extending from north to south through the property. The existing drainage ways are wide and without a defined flow path; no erosion is anticipated.

- An area of minimal flood hazard “Zone X” per the National Flood Hazard Layer FIRMette (08041C0820G)



- Said Site is mapped as low to moderate per the wildfire risk public viewer.



Wildlife:
Impacts are expected to be very low.

Community Outreach:
Summarizing any community outreach efforts by the applicant that have occurred or are planned as part of the request.

- **Adjacent owner notification letters will be sent out by the county upon the initial submittal, informing neighbors that a plat of said property will be completed. No comments have been received at this time. No additional community outreach has been conducted on the zone change to date.**

A Traffic Study

Site-generated traffic estimates are determined through a process known as trip generation. Rates and equations are applied to the proposed land use to estimate traffic generated by the development during a specific time interval. The acknowledged source for trip generation rates is the *Trip Generation Manual*¹ published by the Institute of Transportation Engineers (ITE). ITE has established trip rates in nationwide studies of similar land uses. For this study, Kimley-Horn used the ITE Trip Generation Report average rates that apply to Single-Family Detached Housing (ITE Code 210) for traffic associated with this development. The following **Table 1** summarizes the estimated trip generation for the project (calculations attached).

Table 1 – 6425 JD Johnson Road Project Traffic Generation

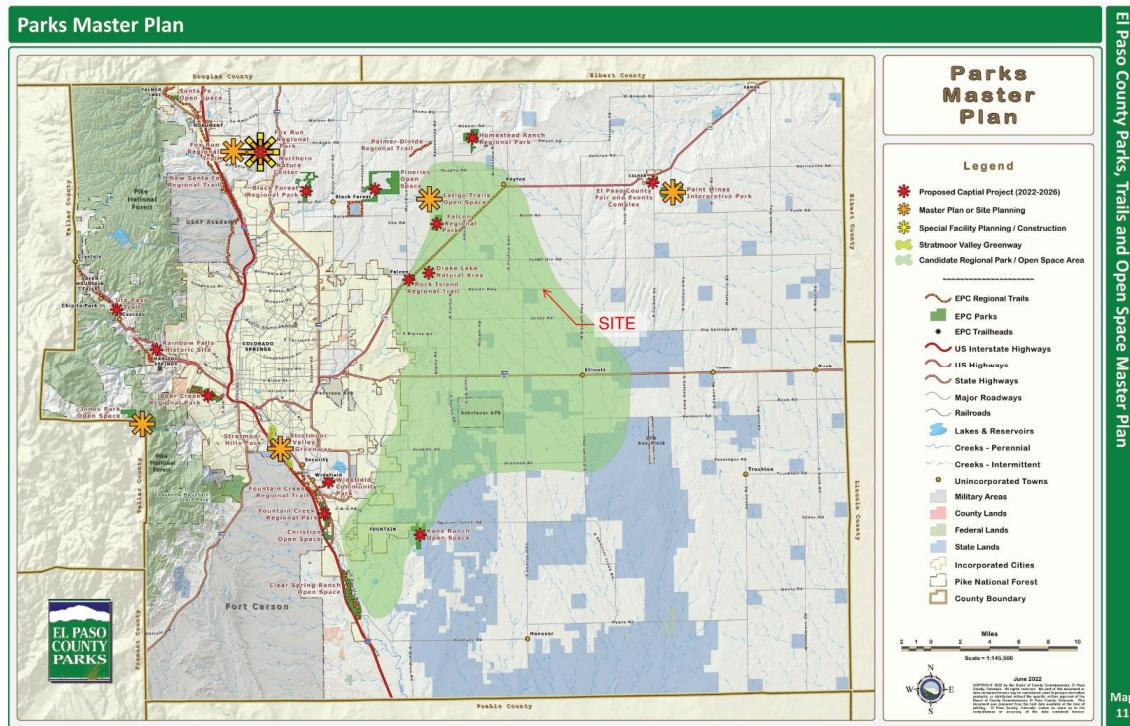
Use	Size (Units/SF)	Daily	Weekday Vehicles Trips					
			AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Single Family Detached Housing - (ITE 210)	3 Units	30	1	1	2	2	1	3

As shown in the table and based on ITE Trip Generation calculations, 6425 JD Johnson Road is anticipated to generate approximately 30 weekday daily trips, in which two (2) of these trips would occur during the morning peak hour and three (3) trips would occur during the afternoon peak hour.

It is important to note that “El Paso County Engineering Criteria Manual: Transportation Impact Study Guidelines Appendix B.1.2.D” states that a traffic impact study is not required for a development if daily vehicle trip-end generation is less than 100 trips or the peak hour trip generation is less than 10 trips. Therefore, it is anticipated that a traffic impact study will not be required for this development due to peak hour project traffic trips being less than 10 trips and the daily trips being under 100 trips.

¹ Institute of Transportation Engineers, *Trip Generation Manual*, Tenth Edition, Washington DC, 2017.

Parks Master Plan



The site can is located in the “Candidate for Regional Park/Open Space Areas”.

The site is adjacent to State Lands that are to be preserved as open space. The Overall properties are to remain larger than 5-acre parcels and will provide additional open space that can be utilized for connectivity.



8.4.3B.e. Minimum Frontage. Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4 (E).

Lot 3 of the Mary Jane Ranch subdivision does not meet the minimum lot frontage for a public road as stated in Section 8.4.4(E), but Lot 3 is granted access as part of the proposed plat via private road/drive. The access will be provided per a recorded plat and Access Easement and Maintenance Agreement for Lot 1 to Lots 2, 3, and 4. Dated July 2, 2024.

Please add a specific request for BoCC approval of the waiver.
Please address the criteria of approval below:

7.3.3. Criteria for Approval of Waivers
A waiver from standards shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

- The waiver does not have the effect of nullifying the intent and purpose of this Code;
- The waiver will not result in the need for additional subsequent waivers;
- The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
- The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;
- A particular non-economical hardship to the owner would result from a strict application of this Code;
- The waiver will not in any manner vary the zoning provisions of this Code; and
- The proposed waiver is not contrary to any provision of the Master Plan.