Subject: FORMAL OPPOSITION – Map Amendment File No. P253 | Ford Rezone | BOCC Hearing April 9, 2026

April 8, 2026

El Paso County Board of County Commissioners Attn: Lisa Elgin, Senior Planner 2880 International Circle, Suite 110 Colorado Springs, CO 80910 PCDhearings@elpasoco.com

Re: FORMAL OPPOSITION TO MAP AMENDMENT – File No. P253 | Ford Rezone Parcel Nos. 6214000032 & 6214000097 | 4515 Ford Drive Rezoning Request: RR-5 to RR-2.5 BOCC Hearing: April 9, 2026

Dear Members of the El Paso County Board of County Commissioners,

My name is Bryan Magalski, and together with my wife Veronica Magalski, we are property owners and residents who chose this community intentionally and have a direct stake in its future. We reside at 4515 Leprechaun Lane, Colorado Springs, CO 80908-3709 — the private road directly referenced and identified as having unresolved maintenance liability in the staff report for this application.

We submitted formal written opposition at the Planning Commission level on March 17, 2026, which is part of the official record. We are resubmitting here with additional concerns raised directly by the staff report, the applicant's own Letter of Intent, and the Planning Commission meeting minutes — all of which are part of this record.

We urge the Board to deny File No. P253.

We have reviewed the full BOCC Report Packet. Rather than simply repeat our original grounds for opposition — Denver Basin Aquifer depletion, fire risk, precedent-setting density reduction, and investment-driven development concerns — this submission addresses specific contradictions, omissions, and unresolved issues within the official record that we believe the Board must reconcile before any approval is granted.

I. THIS APPLICATION RECEIVED NO SUBSTANTIVE SCRUTINY AT THE PLANNING COMMISSION LEVEL

The Planning Commission heard File No. P253 as a consent agenda item on March 19, 2026. The official meeting minutes confirm: there was no staff presentation, no applicant presentation, and no discussion of any kind. The motion passed 5-0 with only five of twelve commissioners present — less than half the seated body. Six commissioners were absent. One was present but not voting.

This application received zero substantive scrutiny at the Planning Commission level. No questions were asked. No concerns were raised. No alternatives were explored. The Board of County Commissioners represents the first and only opportunity for meaningful public deliberation on the actual merits of this rezoning request. We respectfully ask the Board to give this application the thorough examination it never received.

II. THE WATER ANALYSIS IS INCOMPLETE BY THE STAFF'S OWN ADMISSION

The staff report states plainly: "A finding of water sufficiency is not required with a Map Amendment" and further acknowledges that "the Water Master Plan only contemplates centralized providers and did not provide an analysis for individual wells, as is proposed here."

This is not a finding. It is an exemption being used to avoid a finding.

The staff then cites a projected water surplus for Planning Region 2 — but that surplus applies exclusively to central water providers. It has no bearing whatsoever on individual well draw from the Denver Basin Aquifer, which is a finite, non-renewable, non-recharging resource. By the staff's own language, individual well impact was never analyzed. The Board is being asked to approve increased residential density in a well-dependent rural community without a single data point on aquifer impact.

Furthermore, the Water Master Plan's stated purpose is "identifying and addressing water supply issues earlier in the land use entitlement process." Approving a rezoning that adds a new residential well without any individual well analysis directly contradicts that stated purpose.

We ask the Board directly: how can a rezoning that adds a new residential well in a documented declining aquifer zone be approved without any individual well impact analysis? The absence of a requirement is not the same as the absence of a problem.

III. THE APPLICANT'S OWN LETTER CONTRADICTS THE STAFF ENGINEER

The applicant's Letter of Intent states: "There will be no increase in traffic as a result of either request."

The staff engineer's report states: "The proposed development is expected to generate approximately nine additional trips to the surrounding road network."

These two statements cannot both be true. One is from the applicant. One is from the county's own engineer. This contradiction exists unresolved in the same approval package and was never discussed at the Planning Commission hearing because there was no discussion at all. It raises a fundamental question about the reliability of the applicant's representations throughout this application. If the traffic claim is demonstrably incorrect, what other claims warrant scrutiny?

IV. LEPRECHAUN LANE — AN UNRESOLVED BURDEN PLACED ON EXISTING RESIDENTS

We live on Leprechaun Lane. The staff report acknowledges that this private road serves five properties and states: "The current recorded access easement along Leprechaun Lane does not specify maintenance responsibility... Absent an updated access easement and maintenance agreement,

responsibility for maintenance of Leprechaun Lane along the western boundary of the newly formed parcels would be the owners of parcels one and two."

This is a known, documented, unresolved infrastructure burden — identified by staff — being passed to new and as-yet-unknown parcel owners with no binding agreement in place. The road that provides access to our home and four other properties will have its maintenance responsibility determined by whoever eventually purchases these newly created parcels. We have no say in that outcome and no protection from it.

Approving this rezoning without a recorded, binding maintenance agreement for Leprechaun Lane is approving a known problem and leaving existing residents to absorb the consequences. We ask that the Board require a fully executed maintenance agreement as a mandatory condition of any approval.

V. THE MASTER PLAN'S OWN LANGUAGE ARGUES AGAINST APPROVAL

The staff report identifies this property within the "Minimal Change: Undeveloped" Area of Change, which the Master Plan defines as areas where "overall there will be no change to the prioritized rural and natural environments."

The staff simultaneously recommends approval of a rezoning that creates a new developable parcel in that same designated area. These two positions are in direct conflict. Creating net new developable residential density is not "no change." It is the definition of change.

Additionally, the Master Plan states that conservation design "should routinely be considered" for new development within the Large-Lot Residential placetype. There is no evidence anywhere in this packet that conservation design was ever evaluated as an alternative. That is a gap between what the Master Plan requires and what actually occurred.

Furthermore, the applicant justifies compatibility with RR-2.5 zoning by referencing four parcels to the east. The staff report's own location analysis identifies every immediately adjacent direction — North, South, East, and West — as RR-5. The immediate surrounding neighborhood is unanimously RR-5. Four distant parcels do not override the character of the land that directly surrounds this site.

VI. A SIMPLER LEGAL ALTERNATIVE EXISTED AND WAS NEVER JUSTIFIED

The staff report confirms that the non-conforming status of the 1-acre parcel — the stated justification for this entire rezoning application — could have been resolved through a simple lot combination. That option was legally available, administratively straightforward, and would have required no rezoning, no public hearing, and no impact on the surrounding neighborhood whatsoever.

That option was not taken. No explanation for why it was rejected appears anywhere in the application narrative or the staff report.

In a conversation with the applicant's representative regarding this application, we asked directly why lot combination was not pursued instead of rezoning. We did not receive a clear answer.

We are not in a position to characterize the applicant's intent based on that exchange. But we do ask the Board to pose that question directly and on the record at the April 9th hearing. The presence of two existing dwellings, two existing wells, and a rezoning request that maximizes developable density — rather than simply resolving a non-conforming lot — is a pattern the Board should examine carefully.

Why was the simpler path not taken? The applicant should answer that publicly and on the record.

CONCLUSION — THE RECORD ITSELF DEMANDS DENIAL

We are not asking the Board to take our word for anything. Every concern raised in this letter is sourced directly from the staff report, the applicant's own Letter of Intent, and the official Planning Commission meeting minutes — all documents in this record.

The Planning Commission gave this application no scrutiny. The water impact on individual wells was explicitly bypassed. The applicant's traffic claim directly contradicts the county's own engineer. Leprechaun Lane maintenance liability is unresolved and documented. The Master Plan language argues against approval on its own terms. Conservation design was never considered as required. And a simpler legal alternative existed that was never explained or justified.

The staff report concludes that no major issues were identified. We respectfully and firmly disagree. We have identified six — all sourced from the record itself.

We chose the Black Forest deliberately — because of what it is, what it has been, and what we believed this County was committed to protecting. The aquifer does not refill. The trees do not grow back in a lifetime. And a community, once subdivided parcel by parcel, does not return to what it was.

Deny File No. P253. The record supports it.

Respectfully and urgently submitted,

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