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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Ashlyn Mathy, Planner I
Edward Schoenheit, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Number: P-23-003
Project Name: 16850 Steppler Road Rezone
Parcel Number: 6100000485

OWNER:	REPRESENTATIVE:
Charlie Stewart 16850 Steppler Rd Colorado Springs, CO 80908	Kimley Horn & Associates Noah Brehmer noah.brehmer@kimley-horn.com (719) 284-7297

Commissioner District: 1

Planning Commission Hearing Date:	9/7/2023
Board of County Commissioners Hearing Date:	9/28/2023

EXECUTIVE SUMMARY

A request by Charlie Stewart for approval of a Map Amendment (Rezoning) of 36.38 acres from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The property is located at 16850 Steppler Road, approximately one-half mile from the intersection of Settlers Ranch Road and Steppler Road.

A. WAIVERS/DEVIATIONS/AUTHORIZATION

Waiver(s)/Deviation(s): None associated with this project.

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

B. 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 (As Amended):

- 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.

C. LOCATION

North:	RR-5 (Residential Rural)	Single Family Residential
South:	RR-5 (Residential Rural)	Agricultural Grazing Land
East:	RR-5 (Residential Rural)	Agricultural Grazing Land
West:	RR-5 (Residential Rural)	Single Family Residential

D. BACKGROUND

The subject property comes from master parcel number 6100000249. In 2005, the subject property with parcel number 6100000485, was created. Due to the size of the parcel being over 35 acres, it is considered a legal lot. The applicant had an Early Assistance meeting on March 15, 2023, for a rezone at the subject property.

E. ANALYSIS

1. Land Development Code Analysis

The property is currently 36.38 acres and meets the approval criteria. The proposal is supported by the Master Plan due to meeting the minimum lot size for the Large-

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Lot residential placetype, being 2.5 acres. This meets the surrounding character of the area because while RR-5 is one of the zoning districts, some lots are less than 5 acres in size and were platted that way. Some examples of this can be found under plat number 14487, "Settlers Ranch Sub Fil No 2c". Lastly, the current uses at the property are allowed within the RR-2.5 zoning district.

2. Zoning Compliance

The applicant is requesting to rezone 36.38 acres to the RR-2.5 (Residential Rural) zoning district. The RR-2.5 (Residential Rural) zoning district is intended to accommodate low-density, rural, single family residential development. The density and dimensional standards for the RR-2.5 (Residential Rural) zoning district are as follows:

- Width (front line setback): 200 ft
- Front setback*+: 25 ft
- Side setback*: 15 ft
- Rear setback*+: 25 ft
- Maximum Lot Coverage: None
- Maximum Height: 30 ft

* *Agricultural stands shall be setback a minimum of 35 feet from all property lines.*

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Large-Lot Residential

The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.



Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.

Recommended Land Uses:

Primary

- *Single-family Detached Residential (Typically 2.5-acre lots or larger)*

Supporting

- *Parks/Open Space*
- *Commercial Retail (Limited)*
- *Commercial Service (Limited)*
- *Agriculture*

Analysis:

The proposed rezone conforms with the primary use of the Master Plan by meeting the lot size minimum. Post rezone, the subject property will be larger than the minimum lot size for this placetype. The property is compliant with the supporting uses listed in the Master Plan for this placetype area; the agriculture uses currently on the subject property are barns and corrals.

b. Area of Change Designation: Minimal Change: Developed

These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.



Analysis:

The rezone proposal falls within the scope of this area of change because this rezone can allow for more development. While the current lot is over 35 acres, it has potential to be subdivided into smaller parcels and can redevelop, which this area of change supports. Additionally, this area of change recognizes large lots neighboring denser suburban housing which we can see within this area and near the subject property.

c. Key Area Influences: Tri-Lakes Area

Tri-Lakes is the northern gateway into the County along Interstate 25 and Highway 83. It is situated between Pike National Forest, the United States Air Force Academy, and Black Forest. With significant suburban development and some mixed-use development, this Key Area supports the commercial needs of many of the residents in northern El Paso County. Tri-Lakes also serves as a place of residence for many who commute to work in the Denver Metropolitan Area. It is also an activity and entertainment center with the three lakes (Monument Lake, Wood-moor Lake, and Palmer Lake) that comprise its namesake and direct access to the national forest. Tri-Lakes is the most well-established community in the northern part of the County with a mixture of housing options, easy access to necessary commercial goods and services, and a variety of entertainment opportunities. Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.

Analysis:

The rezone will match the scope of this key area, due to a mixture of housing options being one of the qualities. The proposed rezone can offer smaller lots, or it can allow for larger lots as well. Future development is welcome however it should strengthen the community, this rezone can offer more housing opportunities for the community.

d. Other Implications (Priority Development, Housing, etc.)

None.

2. 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

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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 4.1 – *Develop an understanding of the differences in water supply sources, and any water quality issues within the County.*

Goal 4.5 – *Plan for water resources in a thoughtful way that recognizes the nonrenewable nature of water resources in the area, accommodates existing and historical uses, and allows for sustainable, planned growth.*

Goal 5.4 – *Promote the long-term use of renewable water.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 2 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 2 for central water providers:

The Plan identifies the current demand for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 for Region 2 is at 11,713 AFY (Figure 5.1) with a projected supply of 20,516 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 2 is at 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

A finding of water sufficiency is not required with a map amendment; however, it is required with any future subdivision request.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Parks and Community Services and EPC Conservation District were each sent a referral and have the following comments:

No park land or trail easement dedications will be required for this rezone application. Regional and urban park fees will be calculated upon reviews of forthcoming preliminary

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plans and final plats. These comments are being provided administratively, as rezoning applications do not require Park Advisory Board consideration. – EPC parks and Community Services

Where the ground is disturbed, it should be mulched or re-vegetated within 45 days of disturbance. Information about the EPCCD eight-seed native “Shotgun” grass seed mix is included below. This drought-tolerant, low-grow mix has been curated especially for use in the Pikes Peak Front Range area; every seed in the mix is native to Colorado. Please make sure any native grasses already in place are truly native to the area. – EPC Conservation District

The Master Plan for Mineral Extraction (1996) identifies alluvial fan deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2022).

Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards have been identified.

2. **Floodplain:** The parcel is not located in a floodplain per the FEMA Flood Insurance Rate Map No. 08041C0305G. The property is within FEMA “Zone X” which is an area determined to be outside 500-year floodplain with minimal flood hazard.

3. **Drainage and Erosion:** The property is located within two separate drainage basins namely, East Cherry Creek and West Cherry Creek. These drainage basins do not have associated drainage basin fees. No adverse drainage or erosion impacts are expected to neighboring properties or public rights of way as part of the rezone. A drainage report will be required as part of a future subdivision process.

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4. **Transportation:** The property is located approximately one quarter mile north of Hodgen Road and is accessed by Timber Meadow Drive and Settlers Ranch Road which are both County maintained local paved roads. The existing single home obtains eastern access through a private driveway and recorded access easement agreement to Stepler Ranch Road. A Traffic Impact Memorandum was submitted as part of the rezone application. The anticipated 14 lot subdivision was analyzed to show an increase of 166 daily trips which can be accommodated by the local road system with planned future road connections and improvements. Settlers Ranch Road currently ends 600 feet west of Abert Ranch Drive. Future subdivision resulting in 25 or more lots on Settlers Ranch Road will require extending the road to Abert Ranch Drive. The developer shall participate in a fair and equitable manner in the design and future paving of Stepler Road, between Silver Nell Drive and Walker Road, and Settlers Ranch Road, between Abert Ranch Drive and Stepler Road.

The development is subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.

H. SERVICES

1. Water

Water is provided by well.

2. Sanitation

Wastewater is provided by an onsite wastewater treatment system.

3. Emergency Services

The property is within the Tri-Lakes Monument Fire Protection District.

4. Utilities

Mountain View Electric Association, Inc.

Black Hills Energy-Aquila

5. Metropolitan Districts

None.

5. Parks/Trails

Land dedication and fees in lieu of park land dedication are not required for a Map Amendment (Rezoning) application.

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6. Schools

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

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

None.

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 (As Amended), 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-2.5 zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. The developer shall participate in a fair and equitable manner in the construction improvements for future paving to both Settlers Ranch Road, and Steppler Road that is proportional to the development's traffic impact shall be provided as determined at the Final Plat stage. As an alternative to the actual construction of improvements, subject to approval by the Board of County Commissioners, the estimated cost for such proportional improvements may be escrowed for the use of the County or other entity to construct the specified improvement to Settlers Ranch Road and Steppler Road.

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4. A Driveway Access Permit will be required for the existing home and private driveway to Stepler Road.
5. A transportation memorandum will be required with the subdivision application to finalize details with the proposed design.

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 fourteen (14) adjoining property owners on August 18, 2023 for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

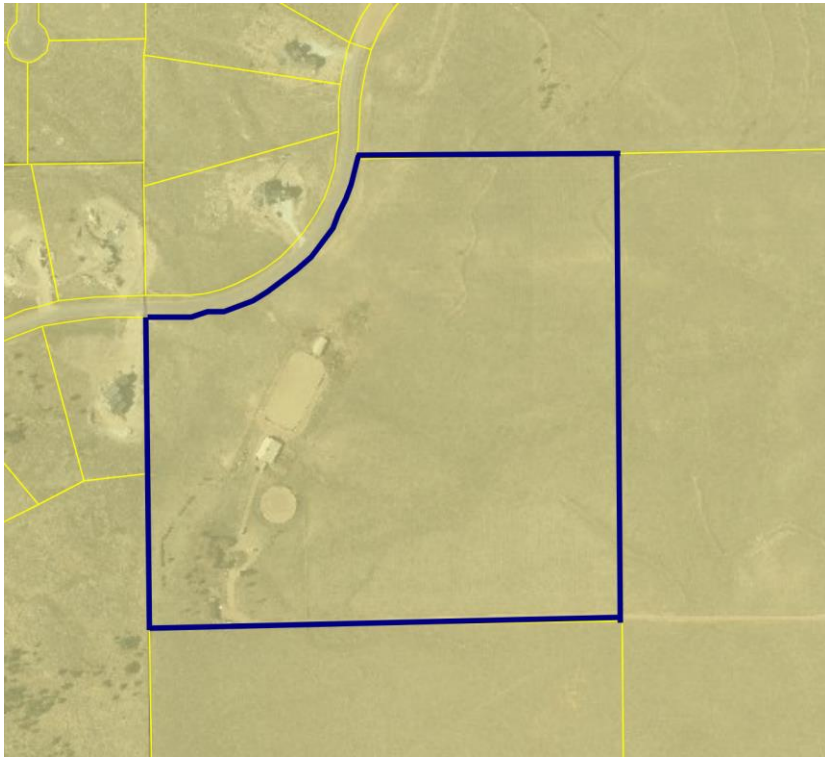
Maps Exhibit
Vicinity Map
Letter of Intent
Rezone Map
Public Comment
Draft Resolution



MAPS EXHIBIT

P-23-003

Placetype:



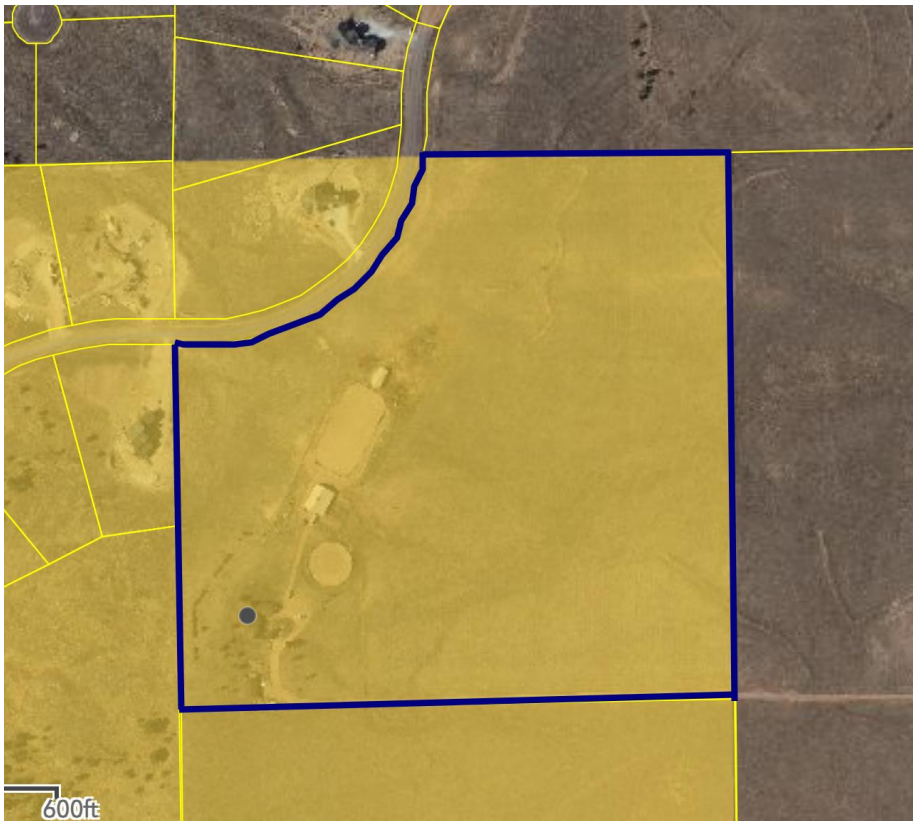
- Rural
- Large-Lot Residential**
- Suburban Residential
- Urban Residential
- Rural Center
- Regional Center
- Employment Center
- Regional Open Space
- Mountain Interface
- Military
- Utility
- Incorporated Area

Area of Change:



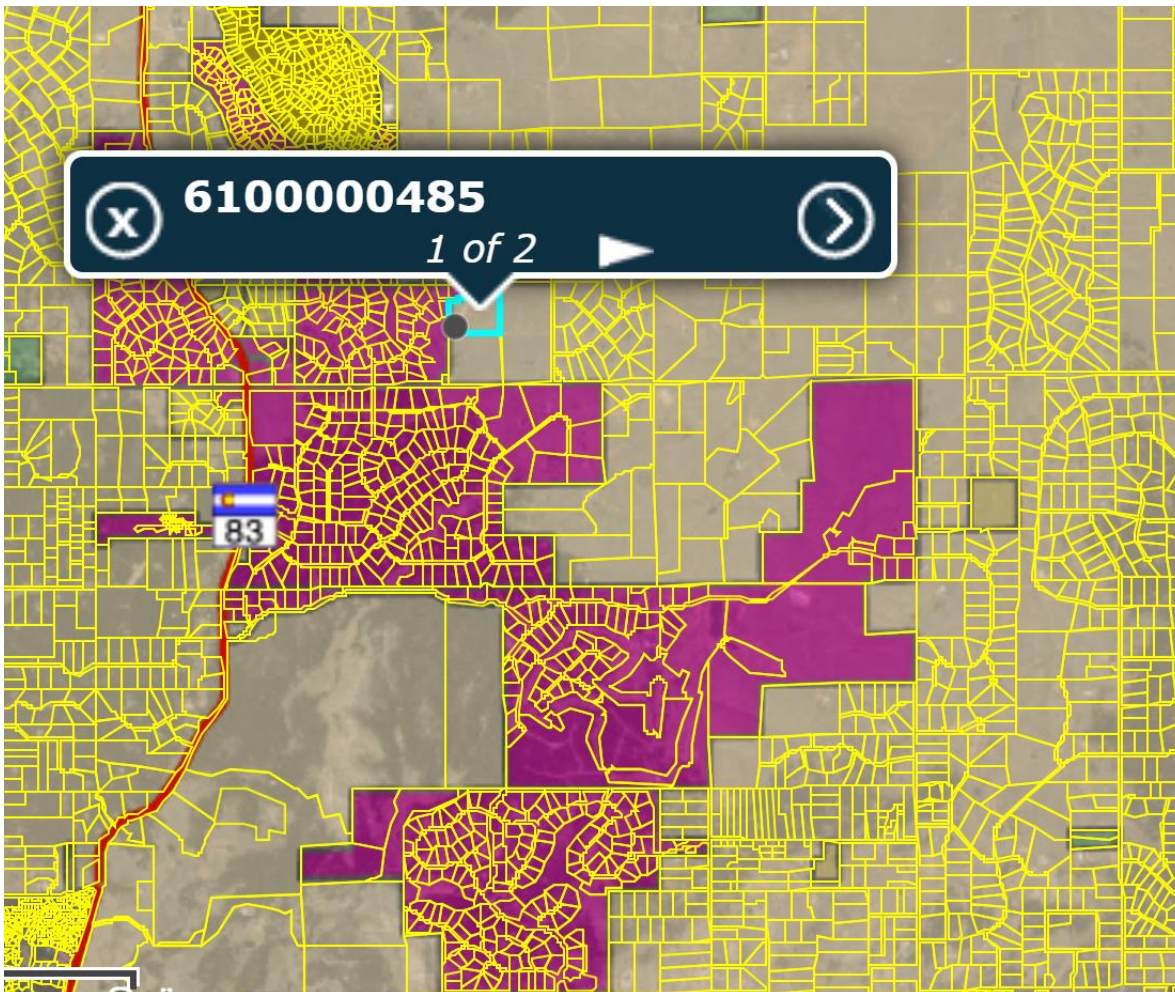
- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed**
- New Development
- Transition

Key Area:



- Military Installations
- Potential Areas for Annexation
- Enclaves or Near Enclaves
- Small Towns & Rural Communities
- Fountain Creek Watershed Flood Control & Greenway District
- Forested Area
- Pikes Peak Influence Area
- Tri-Lakes Area**
- Colorado Springs Airport/Peterson Field
- Uncommon Natural Resources

Aerial:



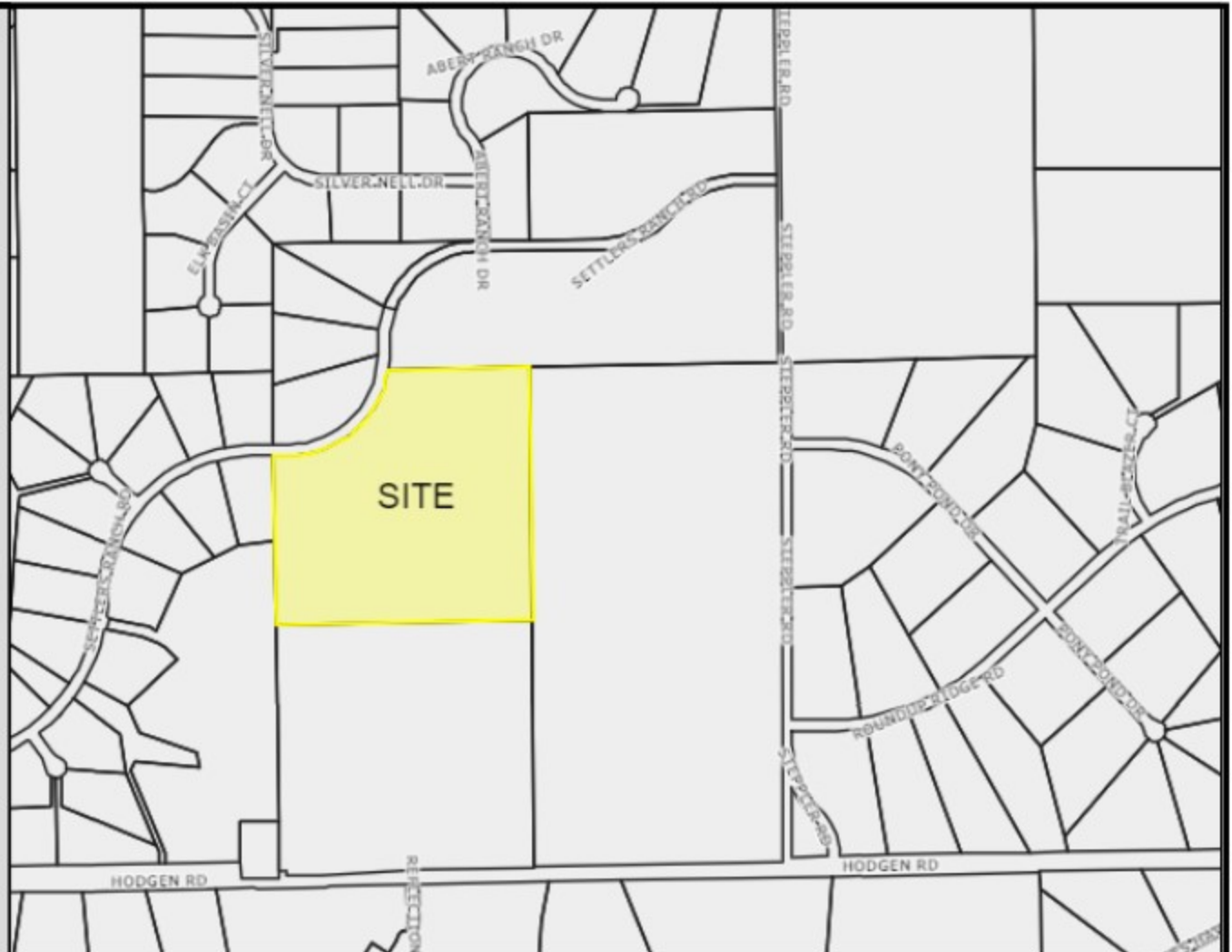
EL PASO COUNTY
PARCEL INFORMATION

FILE NAME: P233

PARCEL: 6100000485

NAME: (OWNERS)
Alfred & Donna Stewart

ADDRESS:
16850 Stepler Rd.
Colorado Springs, CO
80908



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
(719) 520-6600



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July 6, 2023

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNER/APPLICANT

Alfred C Stewart
16850 Stepler Road
Colorado Springs, CO 80908
Email: alfredcstewart@aol.com
Phone: 719-393-5322

PLANNING/ENGINEERING

KIMLEY-HORN & ASSOCIATES
Attn: Kevin Kofford, PE
2. North Nevada Avenue, Suite 300
Colorado Springs, CO 80903
Email: kevin.kofford@kimley-horn.com
Phone: 719-453-0180

TRANSPORTATION ENGINEERING (TRAFFIC IMPACT STUDY)

KIMLEY-HORN & ASSOCIATES
Attn: Jeff Plank
4582 South Ulster Street, Suite 1500
Denver, CO 80237
Email: jeff.planck@kimley-horn.com
Phone: (303) 228-2300

LOCATION, ACREAGE, PARCEL ID INFO, & ZONING

The application for a map amendment (rezoning) includes Parcel No. 6100000485, shown in Figure 1 below. The proposed rezoning site is located to the northwest of the Stepler Road and Hodgen Road intersection. Specifically, the tract is located at 16850 Stepler Road, El Paso County, Colorado Springs. The overall acreage of the property in the proposed rezone is ±36.38, currently zoned RR-5. Surrounding parcels to the west, north, and northwest are a part of the Settlers Ranch Subdivision, but Parcel No. 6100000485 is not a part of the subdivision.

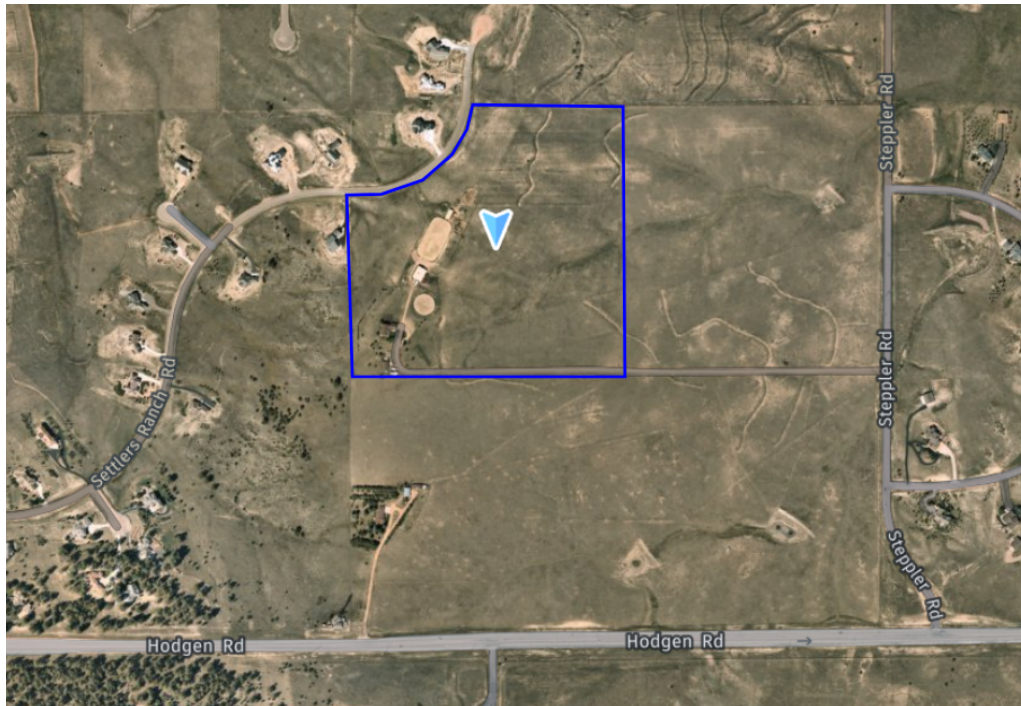


Figure 1. Vicinity Map

REQUEST

Alfred C Stewart (Applicant) requests the rezoning of Parcel No. 6100000485 (±36.38 acres) from the RR-5 zoning district to the RR-2.5 district. The approved final plat will clarify zone district boundaries with respect to ROW, adjacent parcels, landscape buffers, and setbacks as necessary.

The existing parcel consists of a single-family home and cattle/ranching infrastructure. The proposed zone change does not include any changes to existing property lines and the existing residence would maintain the same acreage (±36.38 acres) as in the existing condition.

JUSTIFICATION

ZONING COMPLIANCE

The site shall be in conformance with the zoning requirements of the RR-2.5 zone, including landscape buffering/screening requirements of the Code summarized below. Please note that the site does not fall within any Overlay zoning district.

- Maximum density: N/A
- Structural Setbacks (from property boundary or right-of-way):
 - Front: 25 feet
 - Side: 15 feet
 - Rear: 25 feet
- Max Lot Coverage: None
- Max Height: 30 feet
- Roadway Landscape Buffers:
 - Non-Arterial: 10 feet (1 tree/30 feet of frontage)
- Zoning District Boundary Trees:
 - A minimum of 1 tree shall be provided for every 30 feet of lot, parcel, or tract line coincident with a zoning district boundary line.
- Internal Landscaping Requirements:
 - N/A

CRITERIA FOR APPROVAL

In approving a rezone Map Amendment, the following findings shall be made:

- 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.

MASTER PLAN CONFORMANCE

The applicant requests approval of the rezoning based on findings of consistency and general conformance with the map amendment (rezoning) review Criteria of Approval outlined above. Master Plan conformity will be discussed in terms of general compliance with the Master Plan.

The rezone request is in general conformance with the following Core Principals and Goals of the El Paso County Master Plan:

Core Principle 1 – Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.

Core Principle 2 – Preserve and develop neighborhoods with a mix of housing types.

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 2.2 – Preserve the character of rural and environmentally sensitive areas.

The request to rezone the ±36.38-acre site from RR-5 to RR-2.5 conforms with the surrounding developments in the area as well as the land use and placetype categories established by the Your El Paso Master Plan (Master Plan), adopted May 26th, 2021. Both the existing and proposed zoning districts for the property are categorized as Residential Rural Districts, and the land use category of the area allows for 2.5-acre lots. Many of the existing parcel sizes adjacent to the site are between 2.5 and 5-acres, consistent with the land use and placetype of the area. Nearby developments with existing parcel sizes between 2.5 and 5 acres are located to the north, west, and south of the site. Existing parcels in all directions are in conformance with ideal zoning and land use categories that justify the request, as described in further detail in the contents of this letter.

The proposed rezone provides opportunity to preserve the rural character of the existing community while allowing for 2.5-acre residential lots to be platted in the future. The character of the overall surrounding area is generally a mix of rural and suburban that is moderately distant from high activity and higher density areas. The purpose of rural zoned areas is to accommodate low-density, rural, single-family residential development, which is consistent with the existing community and the rezone request. Please see below Figure 2 for a chart of the El Paso County land use categories.

Land Use

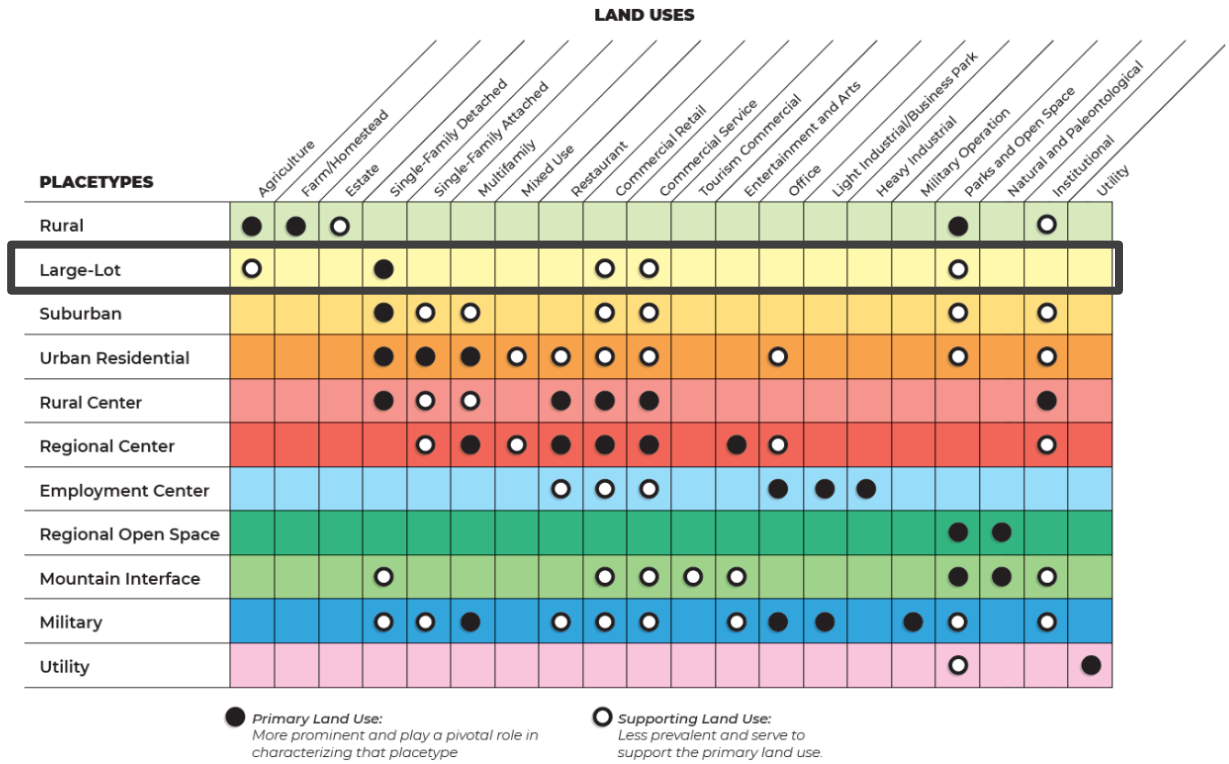
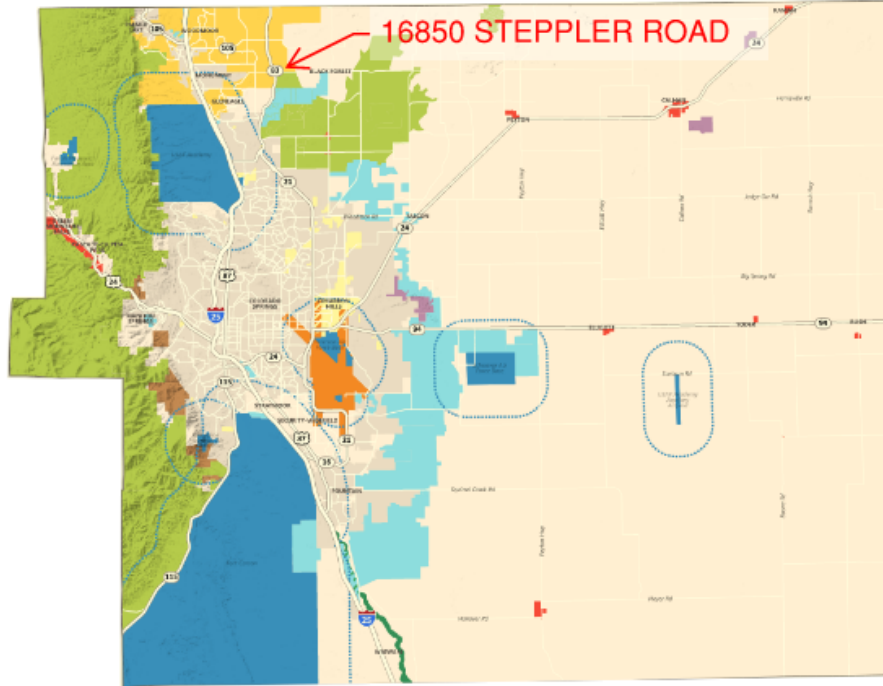


Figure 2. Land Use Category Chart, Your El Paso 2021

The site is located within the Large-Lot Residential Land Use Category as shown above. How this relates to the rezone request is discussed in greater detail in the Placetypes section of this letter.

Key Areas



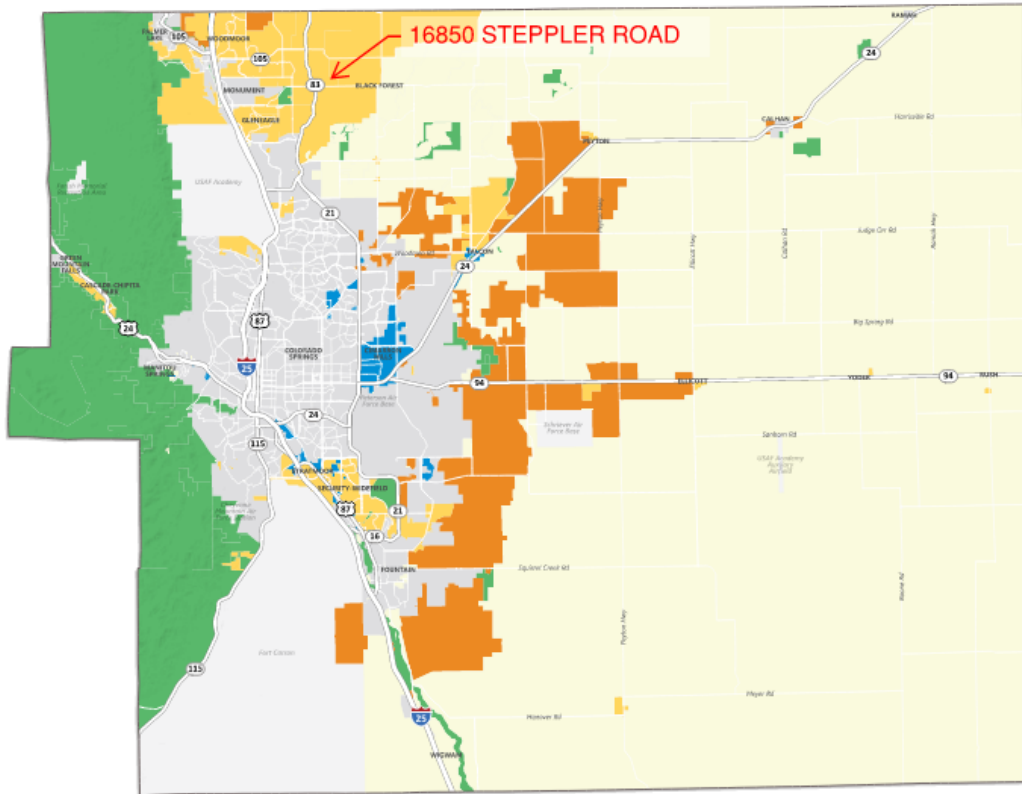
Key Areas

- Military Installations and 2-Mile Notification Zone
- Small Towns & Rural Communities
- Tri-Lakes Area
- Potential Areas for Annexation
- Fountain Creek Watershed Flood Control & Greenway District
- Colorado Springs Airport/Peterson Air Force Base
- Enclaves or Near Enclaves
- Forested Area
- Uncommon Natural Resources
- Pikes Peak Influence Area

Figure 3. Key Areas Map, Your El Paso 2021

The project site is located within the Tri-Lakes Key Area, as shown in Figure 3 above. The Tri-Lakes area is described as the most well-established community in the northern part of the County and serves as a place of residence to many who commute to work in the Denver Metropolitan Area. The rezone will support the mixture of existing housing types and strengthen the residential opportunities of the Tri-Lakes Area, providing a greater level of conformance with the Key Area’s objective. In addition, the rezone will help support the commercial, employment, and entertainment markets in the adjacent communities of Monument, Palmer Lake, and Woodmor by providing for additional residential lots in the area. The property is also classified as an economically attainable area according to the Master Plan.

Areas of Change



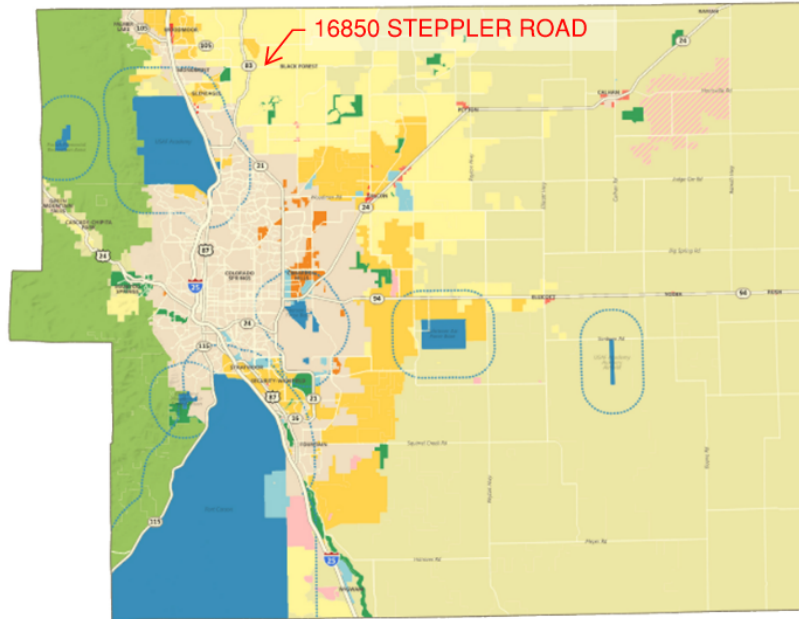
Areas of Change

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

Figure 4. Areas of Change Map, Your El Paso 2021

The property is located within the Minimal Change: Developed Area of Change, as shown in Figure 4 above. Sites in the Minimal Change: Developed category are defined as key areas that are largely built out with isolated pockets of vacant or under-utilized land. These areas are likely to see more infill development and a mix of uses and scale, with the ability to evolve to new development patterns. The rezoning request will bring the subject parcel to a higher level of consistency with the area by allowing for more parcels to be allocated within the ±36.38 acres and is not anticipated to conflict with the character of the established developments adjacent to the site.

Placetypes



Placetypes



Figure 5. Placetypes Map, Your El Paso 2021

The Steppler Road property is located within the Large-Lot Residential placetype as shown in Figure 5 above, which typically includes land for single-family detached residences, parks and open space, agriculture, as well as commercial service and retail developments. Communities within this placetype are typically more connected and less remote than the rural placetype. The Large-Lot Residential placetype allows for 2.5-acre minimum lots, which is consistent with this rezoning request. This placetype generally supports the proposed development pattern and the support of limited accessory dwelling units as well.

- A 2.5-acre minimum lot size is allowed within this placetype and is consistent with the rezoning request.
- 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 is consistent with available and necessary services.
- The rezone would have no impact on any currently approved sketch plans

Priority Development Areas

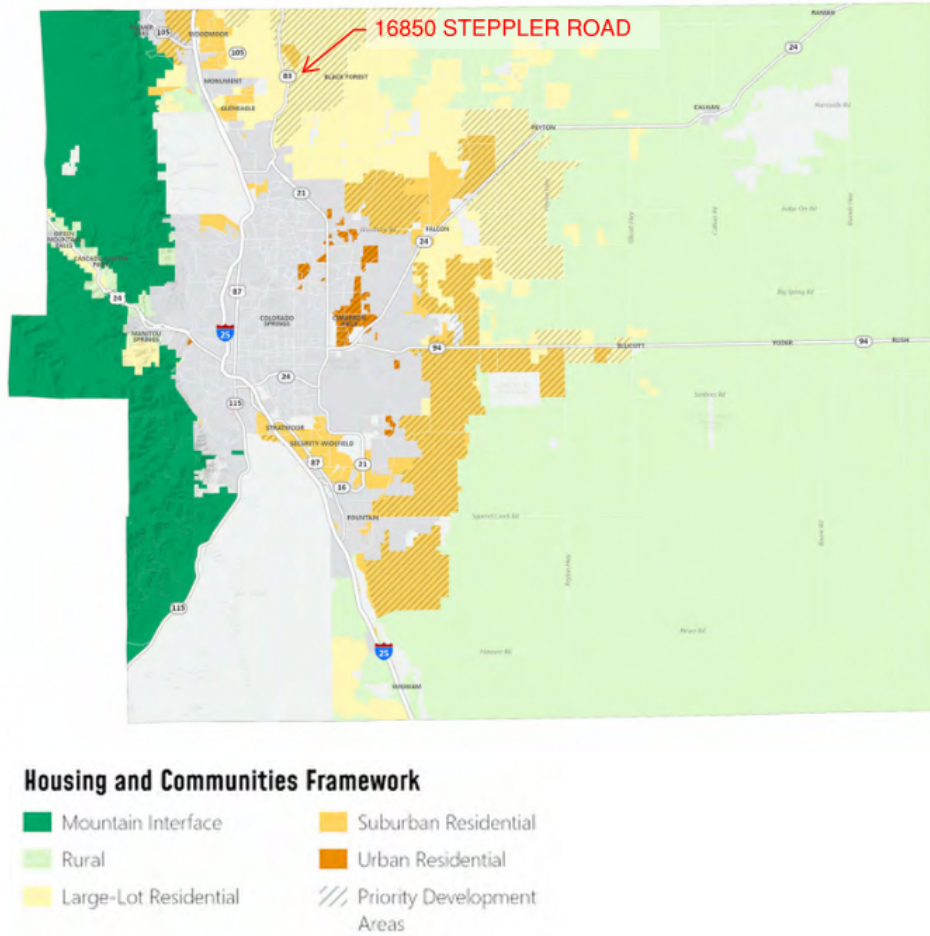
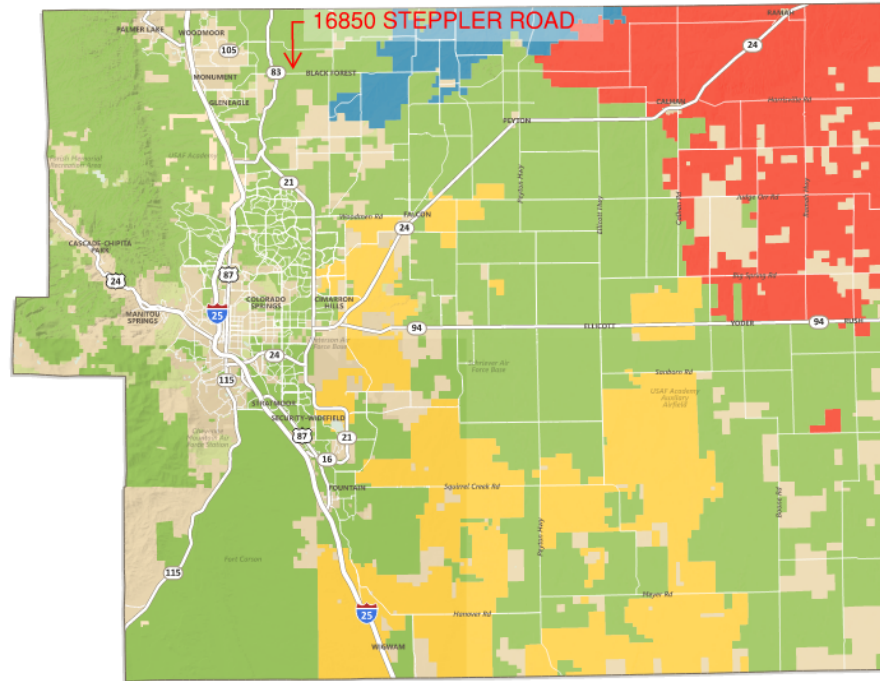


Figure 6. Housing and Communities Framework Map, Your El Paso 2021

The project site is located within a Priority Development Area as shown in Figure 6 above, which is defined as specific locations that should be prioritized first for residential development to help accommodate the projected significant growth of El Paso County.

The Stepler Road site happens to fall within the Black Forest/North Central Area of Large-Lot Residential Priority Development Areas. This Priority Development Area has one of the strongest and most well-established characters in El Paso County, with a focus on preserving the rural quality of the existing community and protecting the nearby forest. The proposed rezone is in line with the goals of the Black Forest/North Central Area Large-Lot Residential Priority Development category as it will maintain rural zoning while allowing for additional home sites to be platted in this area in the future, where the existing zoning district is currently limiting that.

Conservation Districts



Conservation Districts

- Central Colorado Conservation District
- El Paso County Conservation District
- Double El Conservation District
- Kiowa Conservation District

Figure 7. Conservation District Map, Your El Paso 2021

The requested rezone site falls within the El Paso County Conservation District, as shown in Figure 7 above. This request does not negatively impact the natural resources or rural character of the area and is considered to be compatible with the goals of the Conservation District.

Water Master Plan

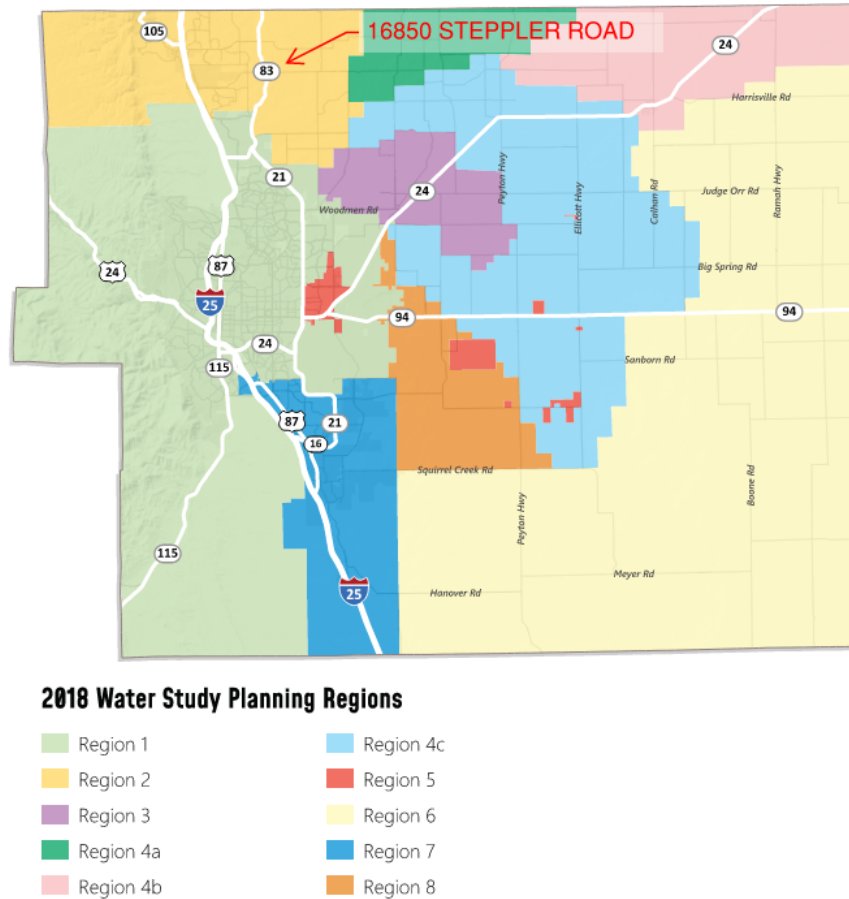


Figure 8. 2018 Water Study Planning Map, Your El Paso 2021

The Stepler Road site is located in Region 2 of the Water Master Plan, as shown in Figure 8 above. Region 2 is expected to experience significant growth through 2060. Future development of the site, while not part of this request, is anticipated to utilize groundwater sources from the Denver Basin via private well. At the time the Water Master Plan was published in 2018, there was a 353 acre-foot surplus in Region 2. Water production from Denver Basin wells in this region may not be economically sustainable in the long term, depending on local aquifer conditions. Water supplies in this region may need to be diversified in the years ahead, depending on local aquifer conditions.

A preliminary analysis was completed to estimate the maximum potential water usage for the property with fourteen 2.5-acre single family lots. It is anticipated each lot would require 0.65 acre-feet per lot for 300-years for a total of 9.1 acre-feet per year for the entire development. The existing capacity available is 10.8 acre-feet, so the total volume available is sufficient for the maximum usage for this development.

Utility Provisions

Services are or will be available to meet the needs of a future subdivision including, roads, police and fire protection, schools, recreation facilities, and utility service facilities. Required services are currently available to serve the needs of future development. Existing Services (and providers) include:

- Water & Wastewater Services: Private
- Natural Gas: Black Hills Energy
- Electric Service: Mountain View Electric
- Fire Protection: Tri-Lakes Monument Fire Protection
- Public Schools: Lewis-Palmer School District 38
- Library Services: Pikes Peak Library District
- Roads: El Paso County Road and Bridge
- Police Protection: El Paso County Sheriff’s Department
- Parks, Trails, Open Spaces: El Paso County, Colorado Springs, CMD

Wastewater systems

Future wastewater services will be provided by way of individual on-site septic/wastewater systems. Individual private property’s on-site sewage disposal systems will be established and comply with state and local laws and regulations, per [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of the Code.

Natural or Physical Site Features

The rezone will support the preservation of the natural features and drainages of the site and surrounding lands. The site is located within the West Cherry Creek drainage basin (CYCY0400), as shown in Figure 9 below.

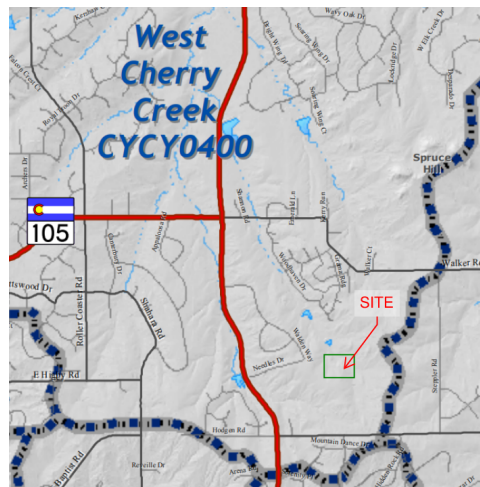


Figure 9. Drainage Basins Map, data provided by Muller Engineering Company; (1988)

There are no major hydrologic features within the project site. Review of FEMA Firm Panel '08041C0305G', effective date December 7, 2018, shows the project area is outside of a FEMA flood risk area. The parcel is identified as Zone X – Area of Minimal Flood Hazard. The site's flood condition is shown in the Figure below.

National Flood Hazard Layer FIRMette

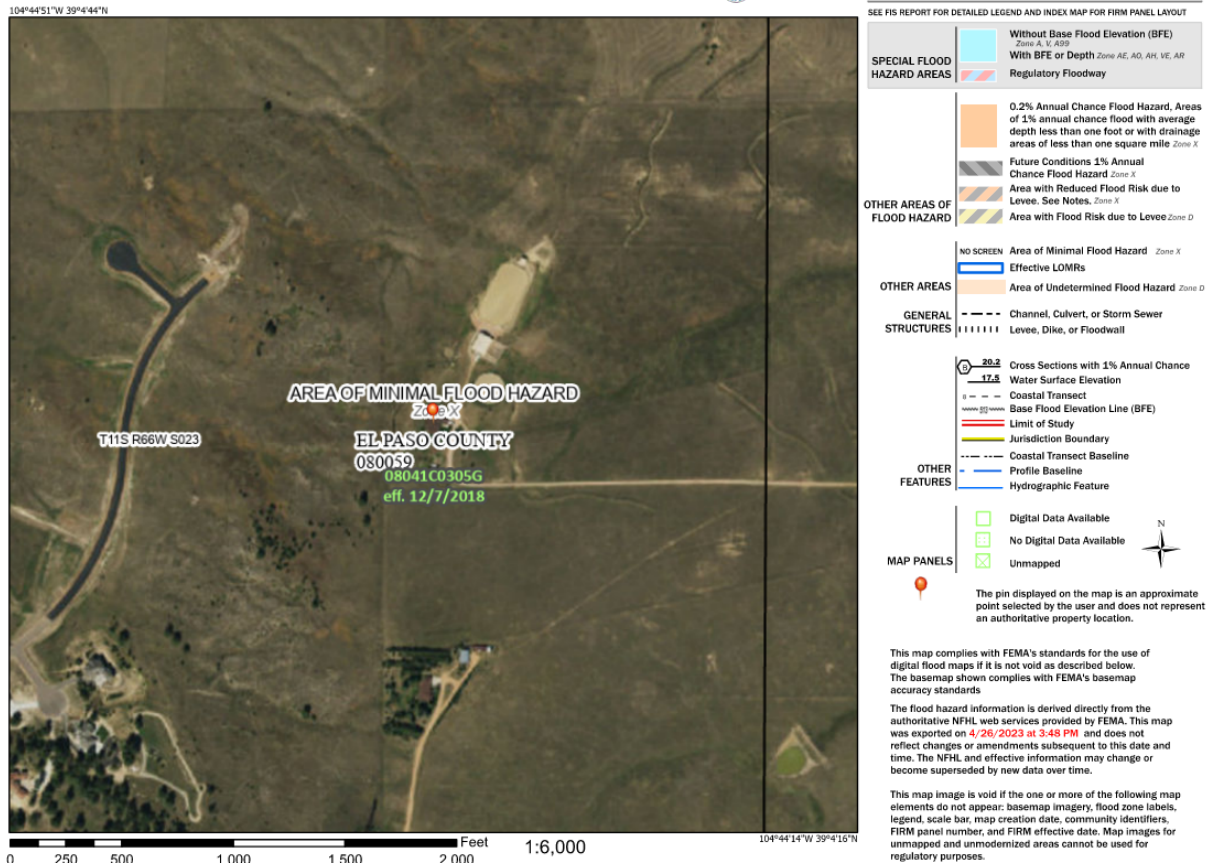


Figure 9. Drainage Basins Map, data provided by Muller Engineering Company; (1988)

Wildfire Risk

The site is mapped as low to very low risk on the Wildfire Risk Public Viewer shown in Figure 10 below.

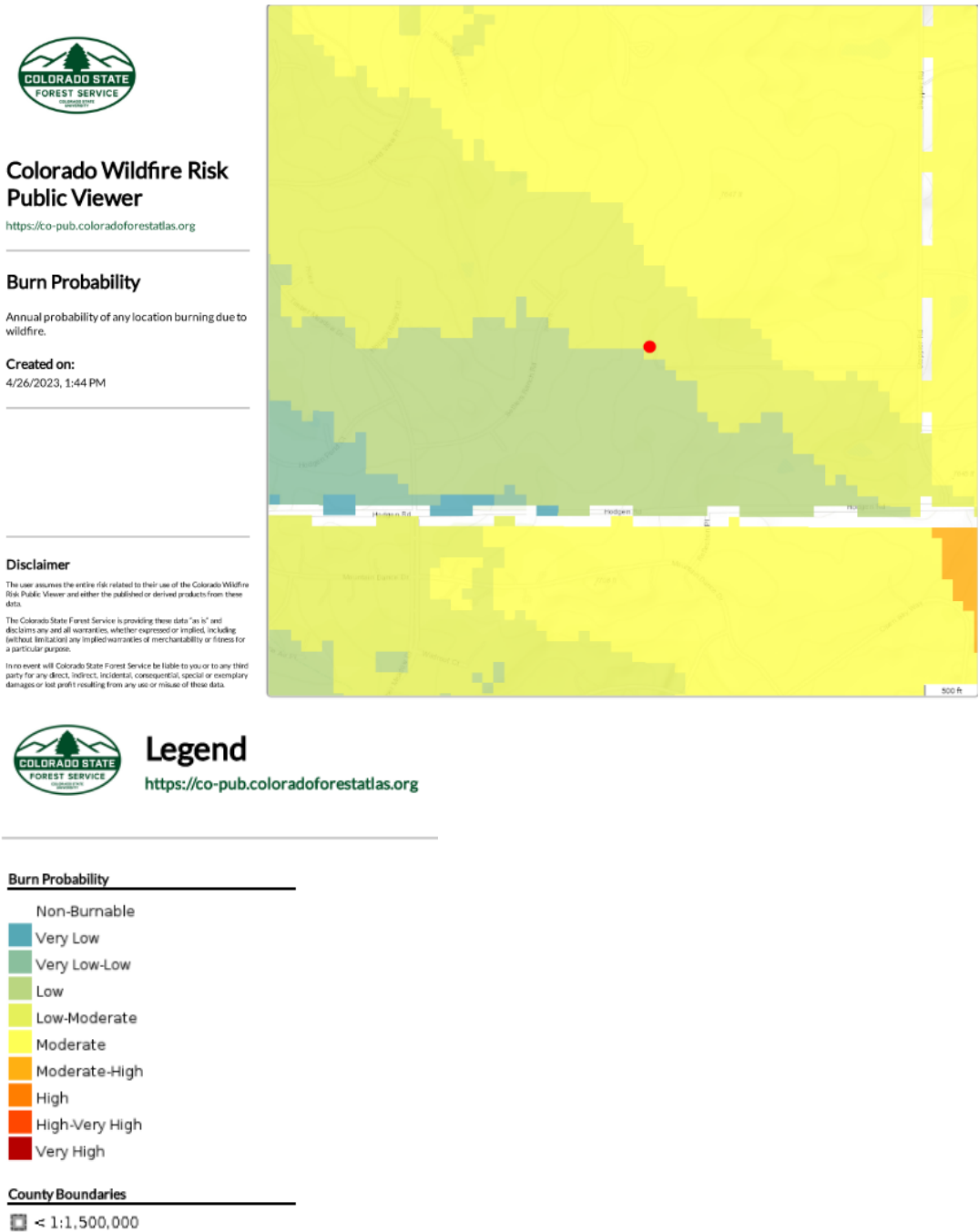


Figure 10. Wildfire Risk Map, Colorado Wildfire Risk Public Viewer

Wildlife

The site is located within a Conservation Area and has been identified in the Master Plan as an area of high wildlife habitat, but no significant data has been identified for the Black Forest area per the Colorado Wildlife Action Plan

Wetlands

There are no jurisdictional wetlands found within the proposed project site.

Geological & Soil Hazards

There are no anticipated geological or soil hazards associated with this site. Possible geologic hazards encountered at this site may include artificial fill, collapsible soils, expansive soils, areas of erosion, and groundwater. Mitigation would likely be accomplished with the implementation of common engineering and construction practices. At this time a soils and geologic hazard study has not been prepared.

Vegetation & Wildlife

The proposed project area is designated by the U.S. Geological survey as an area of urban development with no significant vegetation or wildlife.

Sites of Historical Significance

This site has no known historical significance.

Air Quality

The proposed rezone is not anticipated to negatively impact air quality. There are no expected long term air quality concerns.

Water Quality

The proposed rezone is not anticipated to be a source of water pollution.

Traffic

Based on the analysis presented in the provided Traffic Study Letter included with this submittal, Kimley-Horn believes that the rezoned site will be successfully incorporated into the existing roadway network. Regional access to 16850 Stepler Road will be provided by Interstate 25 (I-25), State Highway 83 (SH-83), and SH-105 while primary access to the site will be provided by SH-83, Hodgen Road, and Stepler Road. Direct access to the site will be provided by a proposed future access along Settlers Ranch Road to the northeast of the Settlers Ranch Rd and Timber Meadow Drive intersection. All of the existing direct access intersections are anticipated to operate well with future development of the site as they are currently constructed and do not warrant modifications or improvements. There are no pedestrian or bicycle facilities along the existing roadways within the study area. This project

is not anticipated to create the need for these alternate travel mode facilities. There is also no public transportation service in this area. With the rural nature of the site, it is believed that public transportation to serve this area is not feasible.

The existing residence located at 16850 Steppler Road obtains access from Steppler Road via a gravel driveway along the southern portion of the existing property (Parcel A) which extends to the west to within an existing 40' Private Access Easement (Parcel B). There are no changes proposed to the existing access to the property nor are there any additional lots proposed as a part of this Rezone Application. Any future subdividing of the existing property (under a separate application) would require the new parcels to obtain access via Settlers Ranch Road while the existing residence would maintain access via the existing driveway and access easement.

Community Outreach

Adjacent property owners have been provided notices to announce the plan for the submittal of this application. Notices will be provided in kind to announce any future public hearings related to this request.

Summary

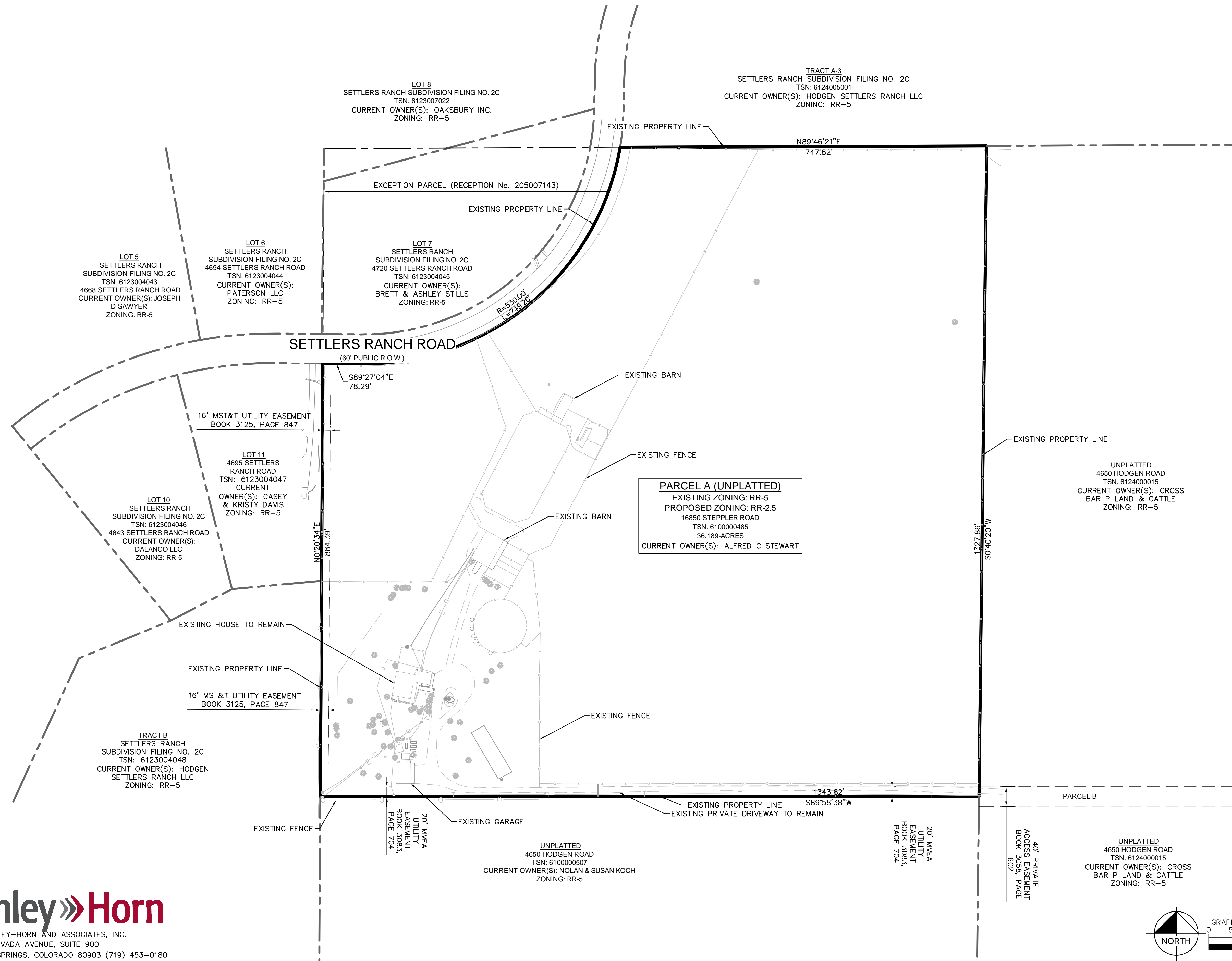
The proposed rezoning is consistent with the Large-Lot Residential placetype and will uphold the rural character of the existing community while assisting in providing additional acreage for rural single-family residential lotting in the Tri-Lakes key area, which currently serves as a place of residence to many who commute to work in the Denver Metropolitan Area. Because the site is classified as a priority development area as well as being located in an economically attainable zip code, the rezone will aid the County in meeting its housing needs to accommodate the significant growth that is projected to take place within the next 20 years.

Existing roadway infrastructure supports future development of the site without modification or needed improvements. Utility services are or will be available to meet the needs of a future subdivision. No major utility improvements or upgrades are anticipated in order to adequately serve this site.

16850 STEPLER ROAD

REZONE

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 11 SOUTH,
RANGE 66 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO



LEGAL DESCRIPTION:

PARCEL A:
THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23,
TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF EL
PASO, STATE OF COLORADO, EXCEPT THAT PORTION THEREOF CONVEYED
BY WARRANTY DEED RECORDED JANUARY 13, 2005 UNDER RECEPTION NO.
205007143.

PARCEL B:
A NON-EXCLUSIVE RIGHT OF WAY EASEMENT FROM STEPLER ROAD TO
THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER IN SAID SECTION
23, SAID EASEMENT BEING 40 FEET IN WIDTH, 20 FEET ON EITHER SIDE OF
THE NORTH BOUNDARY OF THE SOUTHWEST QUARTER OF THE SOUTHWEST
QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE
6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO.

(Per Title Commitment File No. 1883440 as provided by Stewart Title
Guaranty Company)
Address of Record: 16850 Stepler Road, Colorado Springs, CO 80908

CONTACT INFORMATION

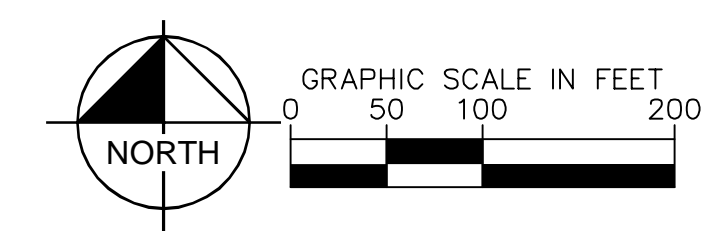
PARCEL A OWNER
CONTACT: ALFRED C STEWARD
ADDRESS: 16850 STEPLER ROAD
COLORADO SPRINGS, CO 80908
TSN: 610000485

MINERAL RIGHTS OWNER
CONTACT: SUSAN E KOCH
ADDRESS: 4650 HODGEN ROAD
COLORADO SPRINGS, CO 80908
TSN: 610000507

K:\C08_Civil\16850\16850_Stepler_Road\Rezone\16850_Stepler_Road_Rezone_Plan.dwg Aug 01, 2023 3:59pm



© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
2 NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, COLORADO 80903 (719) 453-0180



REZONE PLAN
SHEET 1 OF 1

August 28, 2023

TO: Planner: AshlynMathy@elpasoco.com (Stewart rezone P233)
Planner: kyliebagley@elpasoco.com (Settlers Ranch rezone P2223)
PCDhearings@elpasoco.com

RE: 1. Stewart Rezone Request
File Nmae: P233
Parcel 6100000485
16850 Stepler Rd., Colorado Springs, CO 80908
Request to Rezone RR-5 to RR2.5
Planner: AshlynMathy@elpasoco.com
El Paso County Planning Public Hearing September 7, 2023 and
El Paso County Board of County Commissioners Hearing September 28, 2023

2. P2223, Settlers Ranch request for rezoning
Planner: kyliebagley@elpasoco.com

FROM: 1. Nolan and Susan Koch, 4650 Hodgen Road

2. Susan Koch, President, Cross Bar P Land and Cattle, Inc., 4650 Hodgen Road

3. Amy (Koch) and John Robinson, 17245 Stepler Road

Contact Information for all: suenolankoch@yahoo.com
719-495-4826

We, Nolan and Susan Koch, own 40 acres adjoining the Stewart property which is proposed for rezoning. We are also the owners of the mineral rights to the Stewart property (our Tax Schedule 99001-02-476). In addition, we represent the Cross Bar P Land and Cattle, Inc., which owns 80 acres also adjoining and the Amy and John Robinson property on the east side of Stepler Road (80 acres).

We are not able to attend the hearings; therefore, we are submitting these comments for consideration.

In summary: We collectively hereby express our opposition to the proposed rezoning of the above-stated parcel from RR-5 to RR2.5

In the past, we have been successful in maintaining that the land east of the ridge between Tri-Lakes and the Black Forest Preservation Plans be held to a 5 acres lot size. We feel that the El Paso Planning Commission and BOCC should maintain that 5 acre size if for no other reason than to be consistent with your previous rulings but also to provide a 5-acre transition buffer between this requested rezone and our adjoining 40-acre property, and the Cross Bar P Land & Cattle, Inc. and Robinson properties which are both conservation easement parcels and will never be developed (80 acres east of Stepler Road and 80 acres west of Stepler Road).

We are not going to leave or develop our land. This land has been in my family (Stepler) since the early 1900's. That is why it has been placed in a conservation easement. It will remain agricultural. This is historic family land and we request its heritage be respected.

At least give us this concession: maintain the 5 acres lot size ruling for the east side of the ridge that was previously defined as the boundary between the old Tri-Lakes and Black Forest Preservation Plans. We understand that you no longer acknowledge those plans, but it worth restating: That Black Forest Preservation Plan stated that development should focus on the forested rather than the open areas and recognized the Northern Grasslands (Unit #6) as an area that should be developed only minimally in order to protect agricultural areas in Black Forest. It stated “development which does take place should be strictly limited to an overall density of one dwelling unit per five acres.” **The Plan called for compatibility between subdivisions and adjacent agricultural uses and protection of existing ranches.**

The land use company working on this proposal stated that there are adjoining properties that are already 2.5 acres. That is true – because they are on the west side of the dividing ridge between Tri-Lakes and Black Forest areas staying true to the previous County decision. There is a market for 5-acre lots, so it would not be a detriment to the developers, yet allowing 2.5 acre lots would be a detriment to raising livestock.

We are also concerned that if approved this rezoning request would open up refiling possibilities for surrounding developments to refile for smaller lot sizes on any of their remaining parcels (reference Settlers Ranch rezoning request P2223). We request you not allow that to happen. Stand by your previous rulings.

In all cases, we are extremely concerned about the adequacy of the water supply. Aquifers are being depleted faster than earlier thought. And we have a concern about the environmental impacts that more individual septic systems will have. This not only affects our drinking supply but also our ranching needs.

We urge that the El Paso County Planning Commission and the Board of County Commissioners both hold to past rulings and **deny the 2.5 acre densities.**

Sincerely,

Susan and Nolan Koch
4650 Hodgen Road
Colorado Springs, CO 80908
Representing 40 acres and mineral rights 99001-02-476

Susan Koch, President
Cross Bar P Land & Cattle, Inc.
4650 Hodgen Road
Colorado Springs, CO 80908
Representing 80 acres (conservation easement)

Amy and John Robinson
17245 Stepler Road
Colorado Springs, CO 80908
Representing 80 acres (conservation easement)

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-23-003
16850 STEPPLER ROAD - REZONE

WHEREAS, Charlie Stewart did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference, from the RR-5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by this Commission on September 7, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a map amendment, 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.B (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022):

1. 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;
2. 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;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. 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.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Charlie Stewart for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the RR-5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) zoning district be approved by the Board of County Commissioners with 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-2.5 zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
3. The developer shall participate in a fair and equitable manner in the construction improvements for future paving to both Settlers Ranch Road, and Stepler Road that is

proportional to the development's traffic impact shall be provided as determined at the Final Plat stage. As an alternative to the actual construction of improvements, subject to approval by the Board of County Commissioners, the estimated cost for such proportional improvements may be escrowed for the use of the County or other entity to construct the specified improvement to Settlers Ranch Road and Stepler Road.

4. A Driveway Access Permit will be required for the existing home and private driveway to Stepler Road.
5. A transportation memorandum will be required with the subdivision application to finalize details with the proposed design.

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.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

_____ seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Kara Offner	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of ___to___ by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 7th day of September 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
_____, Chair

DATED: September 7, 2023

EXHIBIT A

Parcel A:

The Northeast quarter of the Southeast quarter of Section 23, Township 11 South, Range 66 West of the 6th P.M., County of El Paso, State of Colorado, except that portion thereof conveyed by warranty deed recorded January 13, 2005 under reception No. 205007143.

Parcel B:

A non-exclusive right of way easement from Stepler road to the Northeast quarter of the Southeast quarter in said Section 23, said easement being 40 feet in width, 20 feet on either side of the North boundary of the Southwest quarter of the Southwest quarter of Section 24, Township 11 South, Range 66 West of the 6th P.M., County of El Paso, State of Colorado.

Area = 36.189-acres more or less.