

**COMMISSIONERS:**  
**CAMI BREMER (CHAIR)**  
**CARRIE GEITNER (VICE-CHAIR)**

**HOLLY WILLIAMS**  
**STAN VANDERWERF**  
**LONGINOS GONZALEZ, JR.**

**PLANNING & COMMUNITY DEVELOPMENT**

**TO: El Paso County Planning Commission**  
**Thomas Bailey, Chair**

**FROM: Kylie Bagley, Planner III**  
**Carlos Hernandez, Engineer I**  
**Meggan Herington, AICP, Executive Director**

**RE: Project File Number: P232**  
**Project Name: 2020 N. Ellicott – Cordero Fil 2 Rezone**  
**Parcel Number: 3400000482**  
**Current Zone: A-35 (Agricultural)**  
**Proposed Zone: A-5 (Agricultural)**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Angel Cordero 2020 N Ellicott Hwy Calhan, CO 80808	Angel Cordero 2020 N Ellicott Hwy Calhan, CO 80808

**Commissioner District: 4**

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

**EXECUTIVE SUMMARY**

A request by Angel Cordero for approval of a Map Amendment (Rezoning) for 16.59 acres from A-35 (Agricultural) to A-5 (Agricultural). The property is located at 2020 North Ellicott Highway and 1 ½ miles north of the intersection of Ellicott Highway and Highway 24. (Parcel No. 3400000482) (Commissioner District No. 4)



**A. WAIVERS/DEVIATIONS/AUTHORIZATION**

**Waiver(s)/Deviation(s):** There are no waivers/deviations associated with this application.

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

**B. APPROVAL CRITERIA**

In approving a Map Amendment (Rezoning), 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 §30-28-11, §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:	A-35 (Agricultural)	Single-Dwelling Residential
South:	A-5 (Agricultural)	Single-Dwelling Residential
East:	A-5 (Agricultural)	Single-Dwelling Residential
West:	A-35 (Agricultural)	Single-Dwelling Residential

**D. BACKGROUND**

The applicant is requesting a rezone from the A-35 (Agricultural) zoning district to the A-5 (Agricultural) zoning district. The property is 16.59 acres and does not meet the minimum lot size requirement of 35 acres in the A-35 zoning district.

A separate Minor Subdivision application has been submitted (PCD File Number MS229) requesting the property to be subdivided into 3 single-family residential lots of the following sizes: Lot 1: 6.57 acres, Lot 2: 5.01 acres, and Lot 3: 5.00 acres.



**E. ZONING DISTRICT COMPARISON**

The applicant is requesting to rezone 16.59 acres to the A-5 (Agricultural) zoning district. The A-5 (Agricultural) zoning district is intended to conserve agricultural resources and ranching operations and accommodate limited residential use. The density and dimensional standards for the existing and proposed zoning districts are as follows:

	Existing Zoning District: A-35 (Agricultural)	Proposed Zoning District: A-5 (Agricultural)
Maximum Density	-	-
Minimum Lot Size	35 acres	5 acres <sup>2</sup>
Minimum Width at Front Setback	500 ft	200 ft
Front Setback	25 ft	25 ft
Rear Setback	25 ft	25 ft
Side Setback	25 ft	25 ft
Maximum Lot Coverage	None	None
Maximum Height	30 ft	30 ft

*<sup>2</sup>In the event that the land to be partitioned, platted, sold or zoned abuts a section line County road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.*

The 16.59-acre parcel does not meet the minimum lot size for the A-35 zoning district. If the property is rezoned to A-5, the property could be subdivided into 3 lots while still meeting the minimum lot size of 5 acres.

**F. MASTER PLAN COMPLIANCE**

**1. Your El Paso County Master Plan**

**a. Placetype Character:** Rural

*The Rural placetype comprises rangeland, 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 typically cover 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural placetype covers most of the eastern half of the 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 agricultural lands that Rural areas contain represent a valuable economic resource and unique lifestyle that should be preserved. The Rural placetype includes agricultural lands which represent a valuable economic resource and allow for a unique lifestyle that should be preserved. As growth occurs, some Rural areas may develop and transition to another placetype, however leapfrog development should be discouraged, by pro-actively permitting changing areas contiguous to existing development to another placetype.*

### **Recommended Land Uses:**

#### *Primary*

- *Agriculture*
- *Parks/Open Space*
- *Farm/Homestead Residential*

#### *Supporting*

- *Estate Residential (Minimum 1 unit/5-acres)*
- *Institutional*

### **Analysis:**

The Rural Placetype supports the County's established agricultural and rural identity. This placetype is uniquely sensitive to new development due to limited water access and infrastructure making sustainable growth a priority. Relevant goals and objectives are as follows:

**Objective LU1-1:** *Some areas of the County should be planned for new development, while other areas should be preserved, protected, or see little new development.*

**Objective LU3-2:** *The agricultural lands within the Rural placetype represent a valuable economic resource and unique lifestyle that should be preserved.*



The Rural Placetype supports estate residential which has a minimum of 1 unit per 5 acres. The subject property is directly south, north, and west of properties zoned A-5 and are used for single-dwelling residential homes. The applicant intends to create 3 residential lots which would be a minimum of 5 acres each.

**b. Area of Change Designation:** Minimal Change: Undeveloped

*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.*

**Analysis:**

The applicant intends to rezone the property to A-5 and subdivide into three lots for residential uses. The property will match the zoning district of the surrounding properties, which are currently zoned A-5. The A-5 property to the north is approximately 2 acres in size and the A-5 property to the south is approximately 7 acres. By rezoning to A-5 and having a minimum of 5 acre parcels the subject property would be in conformance with the surrounding lots and would be keeping with the character of the surrounding properties.

**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 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 1.1** – *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

**Policy 1.1.1** – *Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation.*

**Goal 1.2** – *Integrate water and land use planning.*

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PLNWEB@ELPASOCO.COM

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 4c of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 4c for central water providers:

The Plan identifies the current demand for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 for Region 4c is at 3,967 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 4c is at 4,826 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 1,799 AFY is anticipated for Region 4c.

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 moderately wildlife impact potential. El Paso County Environmental Division was sent a referral and has no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland 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, no severed mineral rights exist.

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 as part of this application.

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## 2. Floodplain

The FEMA Flood Insurance Rate Map No. 08041C0807G indicates that the property is outside of a floodplain. There are no expected impacts from the proposed rezone and future use to a floodplain.

## 3. Drainage and Erosion

The property is located within the Ellicott Drainage Basin (CHBS1600) and Hook and Line Ranch Drainage Basin (CHBS1800). The property was platted as Lot 2, Cordero Minor Subdivision in 2021. Both the Ellicott and Hook and Line Ranch drainage basins do not have basin nor bridge fees assessed at this time. Drainage and bridge fees are not assessed with Map Amendment (Rezone) requests.

Due to the anticipated subdivision, a final drainage report will be required at the Minor Subdivision review stage. The final drainage report shall provide hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development to downstream properties and stormwater runoff. A grading and erosion control plan is not required with this rezone application but may be needed if improvements are required or if 1 acre of land disturbance is proposed at the minor subdivision stage.

## 4. Transportation

The property is located west of North Ellicott Highway which is an El Paso County (EPC) owned and maintained roadway classified as a rural-major collector. The El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) shows the classification of Ellicott Highway upgrading to a rural two-lane minor arterial by 2040. There is an existing residence on the property that obtains direct access to North Ellicott Highway through a driveway. This existing driveway was approved in 2016 and has the file number AP161268. Per the EPC Engineering Criteria Manual (ECM) Chapter 2.2.5 additional accesses to Ellicott Highway will not be allowed due to the road classification. The future lots will have to apply for individual driveway access permits and obtain access through an existing shared access easement, Bunny View, that is north of the current lot.

The proposed rezone and subsequent subdivision into a total of 3 lots is projected to generate 30 vehicle trips per day (ADT) at buildout. A traffic impact study was not required at this time; however a traffic impact study may be required at the



subdivision stage. The development will be subject to the El Paso County Road Impact Fee program (Resolution No. 19-471), as amended, fees will be due at the time of building permit application.

## **H. SERVICES**

### **1. Water**

Water is provided by an existing well.

### **2. Sanitation**

Wastewater is provided by an existing onsite wastewater treatment system (OWTS).

### **3. Emergency Services**

The property is within the Ellicott Fire Protection District.

### **4. Utilities**

Mountain View Electric Association will provide electricity.

### **5. Metropolitan Districts**

The subject property is not within a metro district.

### **5. Parks/Trails**

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

### **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**

There are no outstanding major issues.

## **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 A-5, Agricultural, zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

### **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 nine adjoining property owners on August 18, 2023 for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

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**M. ATTACHMENTS**

Maps Exhibit

Vicinity Map

Letter of Intent

Rezone Map

Draft Resolution

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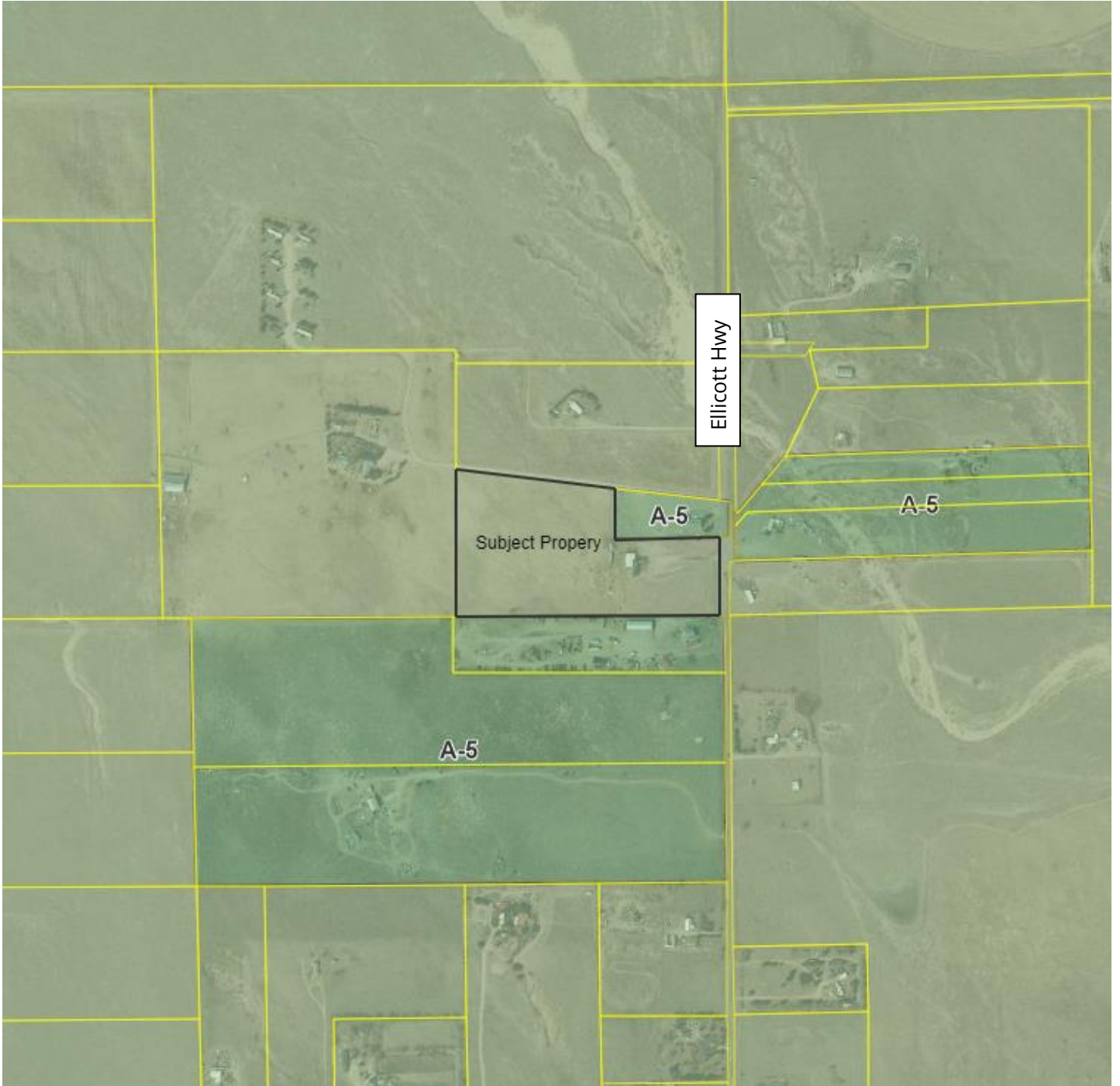


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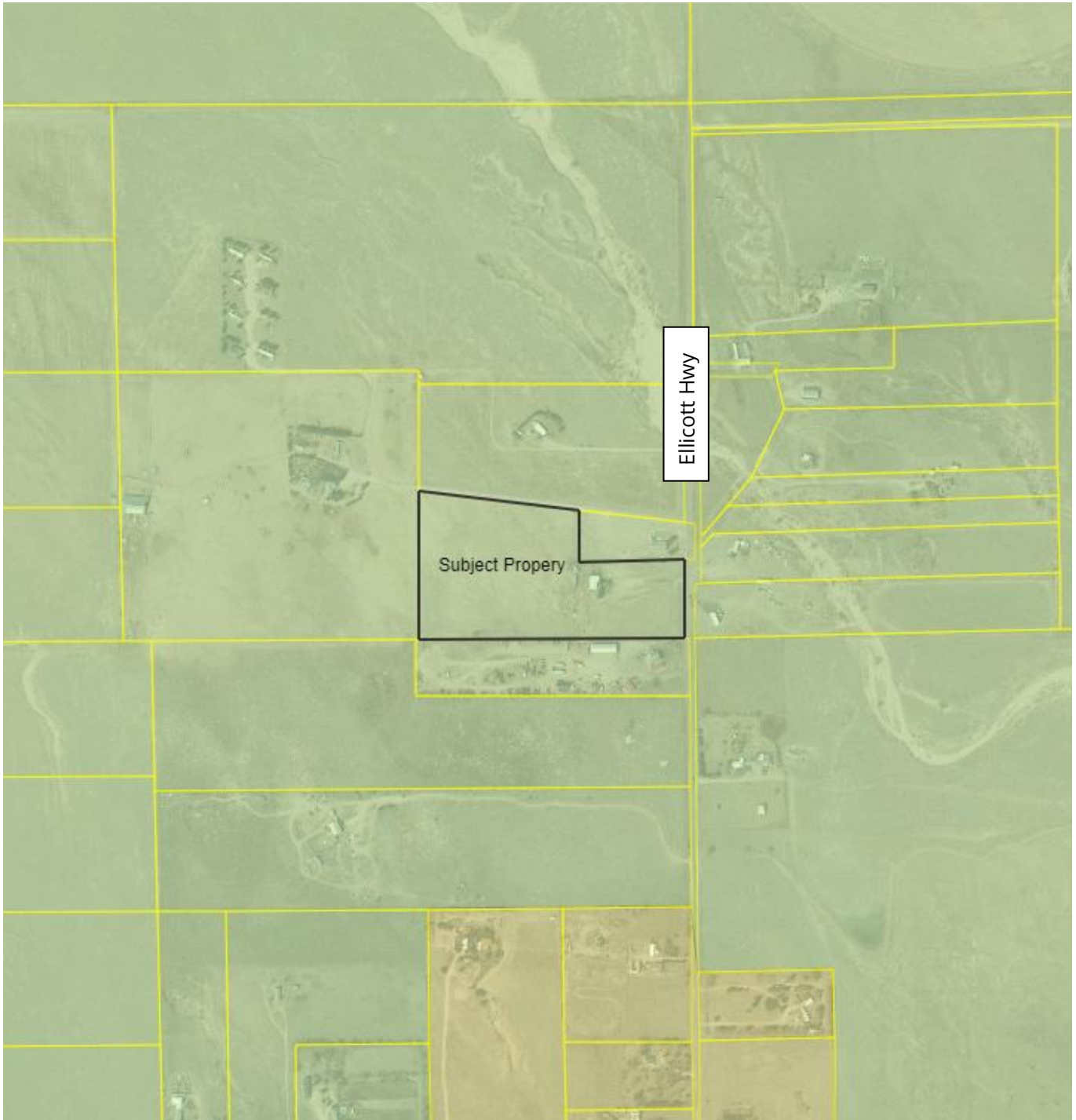
# Map Exhibit #1: Aerial















# Map Exhibit #2: Zoning



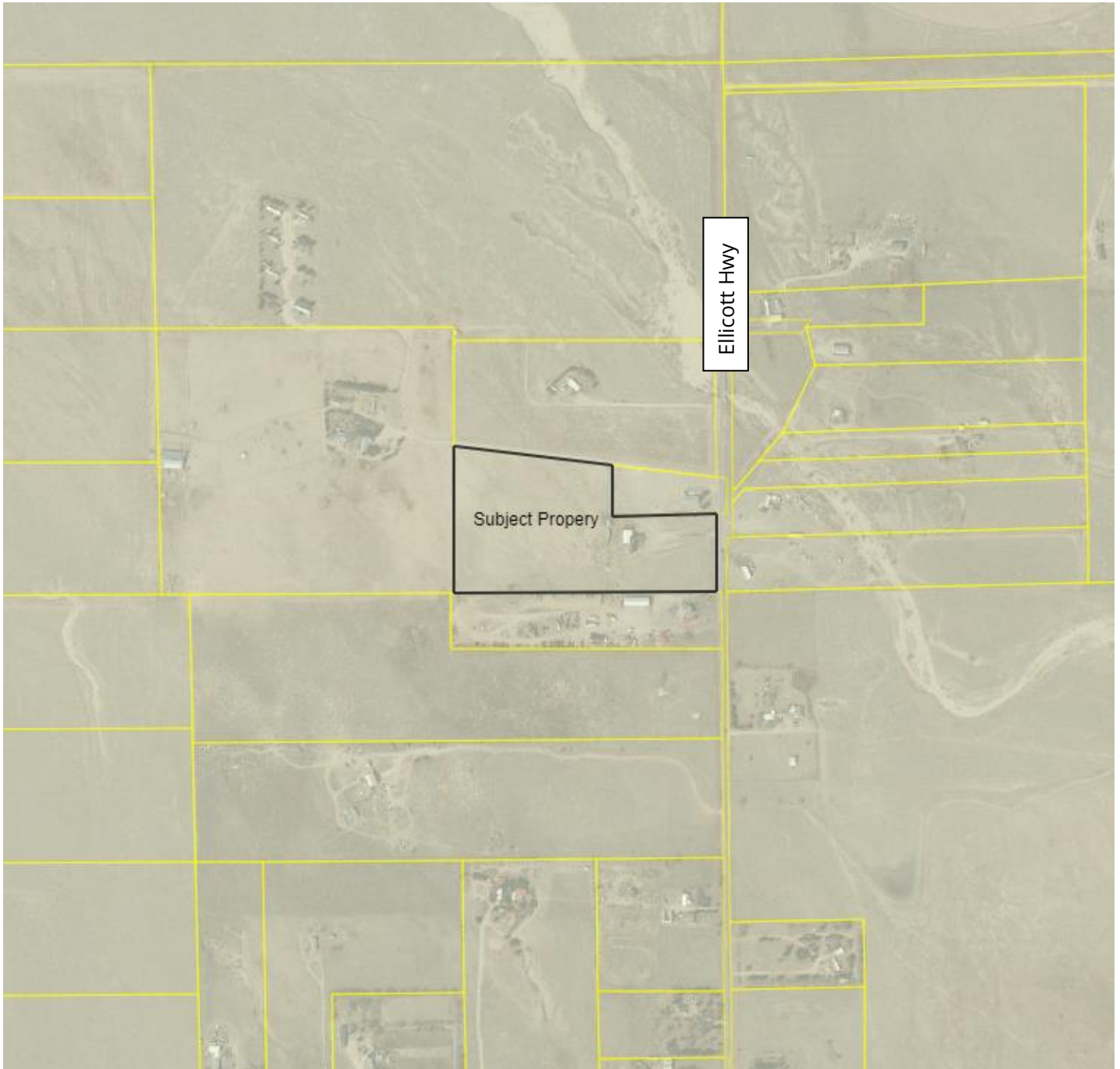
# Map Exhibit #3: Placetype








## Legend

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

# Map Exhibit #4: Area of Change



## Legend

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



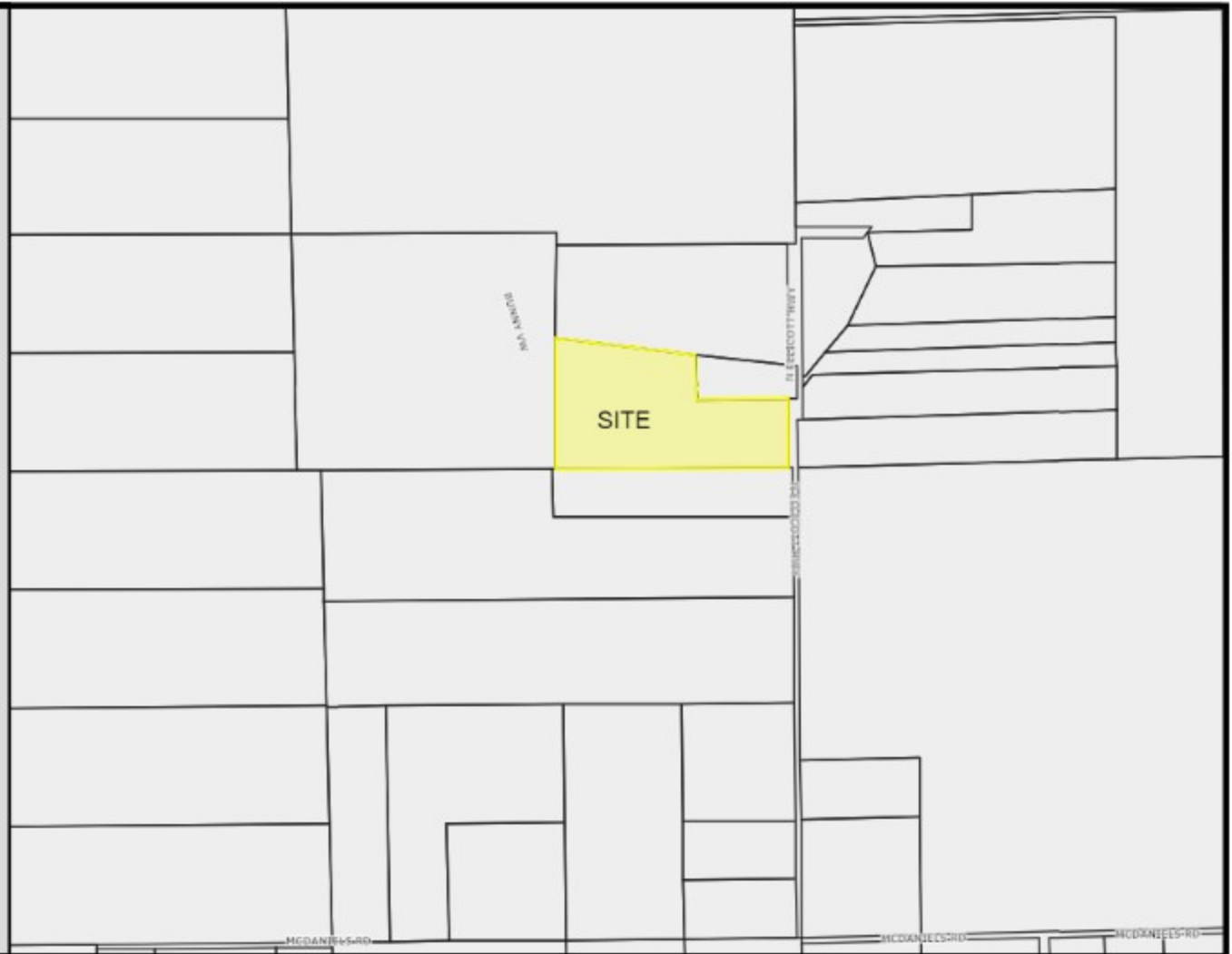
**EL PASO COUNTY**  
**PARCEL INFORMATION**

**FILE NAME:** P232

**PARCEL:** 3400000482

**NAME:** (OWNER)  
CORDERO ANGEL  
EMILIO JR

**ADDRESS:**  
2020 N ELLICOTT HWY  
CALHAN CO, 80808



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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## Letter of Intent: Rezoning

**Date:** 20230324

**Project Name:** 2020 N. Ellicott - MS

**File Number:** P232

**EA Number:** EA2299

**Description:** Subdivision into 3 parcels of no less than 5 acres each

Angel Cordero

719-425-5071

pr\_angel\_c@yahoo.com

Property address: 2020 N Ellicott Hwy, Calhan CO 80808

Property tax schedule number: 3400000482

Current zoning of the property: A-35

I would like to request approval of a rezoning for 2020 N Ellicott Hwy, Calhan CO 80808. The parcel number is 3400000482. A separate minor subdivision application has been submitted requesting the property to be subdivided into 3 single-family residential lots of the following sizes: Lot 1: 6.57 acres, Lot 2: 5.01 acres, and Lot 3: 5.00 acres. The site is 16.58 acres and is currently zoned A-35 with no current overlay zones and would like to be rezoned to A-5 with no overlay zones with the approval of the rezoning. The proposed rezoning meets the following criteria for approval of a rezone, as outlined in the El Paso County Land Development Code.

- The zoning request complies with each of the Criteria of Approval in Chapter 5.
  - This area is shown as Rural Placetype in the El Paso County Master Plan adopted in 2021. 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 typically cover 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural placetype covers most of the eastern half of the County. The subdivision is proposing lots 5-acres or greater. The Master Plan highlights the desire for primary use of Farm/Homestead and Secondary use of Estate with 5-acre lots. The proposed rezone request from A-35 to A-5 for three 5 acre parcels conforms both of these desires with the creation of three proposed lots. The proposed development fits within the 2040 Major Transportation Corridor Plan. N. Ellicott Hwy is shown as being a minor arterial 2040. Currently sufficient right-of-way exist to accommodate the proposed minor subdivision. The proposed subdivision also fits within the Water Master Plan. The proposed subdivision will be served by individual wells. This is an acceptable method of providing water to a subdivision per the Water Master Plan.
  - The rezoning is in compliance with all applicable statutory provisions.
  - The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions.
  - The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5, for the intended zone district.
- The water rights and augmentation plan in place for the existing parcel are adequate to meet the needs of three (3) lots proposed for the subdivision on a 300-year basis. According to Determination of Water Rights No. 3344-BD and 3343-BD, the property has water rights adjudicated in the Arapahoe Aquifer and the Laramie-Fox Hills Aquifer. The proposed water source for the minor subdivision would be the Arapahoe Aquifer, for which the replacement



## Letter of Intent: Rezoning

plan contained in Replacement Plan No. 3344-BD allows for withdrawal of the not non-tributary Arapahoe aquifer water for the subdivision using non-evaporative septic system return flows to return depletions of the stream system during 300 years of pumping the Arapahoe aquifer as noted in the Replacement Plan. Results from the water quality test have been submitted with the final plat application. These items satisfy the requirements outlined in the El Paso County Water Master Plan.

- The proposed request is in compliance with the applicable requirements of the Land Development Code.
- The proposed request complies with the definition of the proposed use. The proposed use is A-5, Residential: Estate Residential (Minimum 1 unit/5-acres). This zoning district is A-5, Agricultural District. The A-5 zoning district is a 5 acre district primarily intended to conserve agricultural resources and ranching operations and accommodate limited residential use. There are no use specific standards being requested at this time.
- Service commitment letters have been provided by Ellicott Fire and Mountain View Electric Association fulfilling the necessary services to be provided. The project is located along N. Ellicott Hwy, so no new transportation systems are required by the project.
- There are no potentially sensitive natural or physical features within the area included within the request.
- On October 11, 2022 I mailed notification letters to all adjacent property owners describing the proposed development.
- The proposed rezoning will generate approximately 4 trips in the A.M. peak hour, 4 trips in the P.M. peak hour and 30 daily trips. Per the El Paso Engineering Criteria Manual Appendix B.1.2D, a Traffic Impact Study is not required if daily vehicle trip is less than 100 or the peak hour trip generation is less than 10. Access to the two new parcels will be through the existing access easement.

Questions regarding the proposed minor subdivision can be directed to the following: myself

I would greatly appreciate your consideration of this request.

Sincerely,

Angel Cordero  
(Owner)

OWNERS: BETINA S.  
PARKER & CLEVELAND  
TADIARCA  
LAND USE:  
RESIDENTIAL  
ZONING: A-35

N 0°17'23"E 736.50  
20' PUBLIC UTILITY & DRAINAGE EASEMENT

20' INGRESS AND EGRESS EASEMENT  
(REC. No. 216027142)

OWNER: ANGEL EMILIO CORDERO JR.  
LAND USE: RESIDENTIAL  
ZONING: A-35

N 82°06'08"W 775.78

10' PUBLIC UTILITY & DRAINAGE EASEMENT

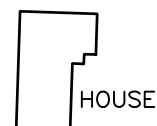
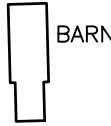
PARCEL DESCRIBED IN BOOK  
5404 AT PAGE 1166  
OWNER: ROCKY MOUNTAIN  
CAVALRY CHAPEL INC.  
LAND USE: RELIGIOUS WORSHIP  
ZONING: A-5

N 82°06'08"W 565.14

S 1°14'27"W 251.53

S 89°40'25"E 511.99

LOT 2  
16.5976 ACRES  
OWNER: ANGEL EMILIO CORDERO JR.  
LAND USE: VACANT  
ZONING: A-35



10' PUBLIC UTILITY & DRAINAGE EASEMENT

25' PUBLIC TRAIL EASEMENT

S 1°02'54"E 387.71

NORTH ELLICOTT HIGHWAY  
(RIGHT-OF-WAY WIDTH VARIES)

OWNER: 2335 N  
ELLICOTT HWY LLC  
LAND USE:  
RESIDENTIAL  
ZONING: A-35

OWNERS: CHRISTOPHER &  
ALLISON CRAWFORD  
LAND USE: RESIDENTIAL  
ZONING: A-5

OWNERS: CHRISTOPHER & ALLISON  
CRAWFORD  
LAND USE: VACANT  
ZONING: A-5

OWNER: JOSE JUAN RIVERA  
LAND USE: RESIDENTIAL  
ZONING: A-5

OWNER: ALVARADO ARGUMEDO  
LAND USE: RESIDENTIAL  
ZONING: A-35

OWNER: DOUBLE RAINBOW LLC  
LAND USE: RESIDENTIAL  
ZONING: A-35

20' PUBLIC UTILITY & DRAINAGE EASEMENT

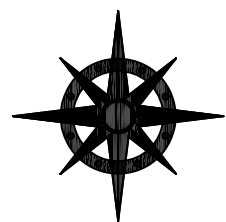
N 89°27'24"W 1271.66  
BASIS OF BEARINGS

OWNERS: BETTY SMALL &  
PAUL SHAVER  
LAND USE: VACANT  
ZONING: A-5

OWNERS: REANNA & ELLANA VETRANO  
LAND USE: RESIDENTIAL  
ZONING: A-5

PETITIONER: ANGEL EMILIO CORDERO JR.  
ADDRESS: 2020 N ELLICOTT HIGHWAY, CALHAN CO 80808

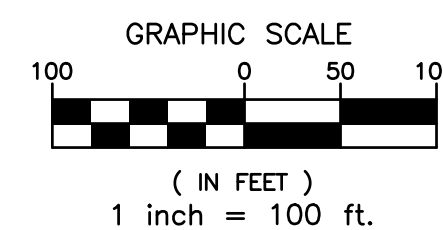
PREPARER: COMPASS SURVEYING AND MAPPING, LLC  
3253 WEST CAREFREE CIRCLE  
COLORADO SPRINGS, CO 80917  
719-354-4120



COMPASS SURVEYING & MAPPING, LLC  
3253 WEST CAREFREE CIRCLE  
COLORADO SPRINGS, CO 80917  
719-354-4120  
WWW.CSAMLLC.COM

# REZONING

LOT 2, CORDERO MINOR SUBDIVISION  
FILING NO. 1,  
EL PASO COUNTY, COLORADO



PROJECT NO.	22324
DATE:	MARCH 13, 2023
DRAWN BY:	JMJ
CHECKED BY:	MSJ
SHEET:	1 OF 1

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-23-002

2020 N. ELLICOTT HWY - CORDERO FIL 2 REZONE

WHEREAS, Angel Cordero 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 A-35 (Agricultural) zoning district to the A-5 (Agricultural) 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 (as amended):

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 Angel Cordero for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the A-35 (Agricultural) zoning district to the A-5 (Agricultural) 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 A-5 Agricultural zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

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
Jeffrey Markewich	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
Wayne Smith	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 7<sup>th</sup> day of September 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
\_\_\_\_\_, Chair

EXHIBIT A

Lot 2, Cordero Minor Subdivision, El Paso County, Colorado.