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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Ryan Howser, AICP, Planner III
Lupe Packman, IE Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File #: P-22-020
Project Name: Kelnhofer Rezone
Parcel No.: 44000-00-466

OWNER:	REPRESENTATIVE:
Steve Kelnhofer 1165 Corral Valley Rd Colorado Springs, CO 80929	Steve Kelnhofer 1165 Corral Valley Rd Colorado Springs, CO 80929

Commissioner District: 2

Planning Commission Hearing Date:	4/6/2023
Board of County Commissioners Hearing Date:	5/2/2023

EXECUTIVE SUMMARY

A request by Steve Kelnhofer for approval of a map amendment (rezoning) from RR-5 (Residential Rural) to A-35 (Agricultural). The 36.05-acre property is located approximately 0.60 miles northeast of the intersection Corral Valley Road and Highway 94. If the request for map amendment is approved, the applicant will be unable to subdivide the property without a subsequent application for map amendment.

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 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 (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.

C. LOCATION

North:	City of Colorado Springs	Vacant
South:	RR-5 (Residential Rural)	Single-Family Residential
East:	RR-5 (Residential Rural)	Single-Family Residential
West:	RR-5 (Residential Rural)	Single-Family Residential

D. BACKGROUND

The applicant is proposing to rezone the subject property from the RR-5 (Residential Rural) zoning district to the A-35 (Agricultural) zoning district. The subject property consists of one (1) unplatted parcel, containing 36.05 acres. Because the parcel is greater than 35 acres, it is not subject to the subdivision regulations and is therefore considered a legal division of land.



The property was zoned A-4 (Agricultural) on April 13, 1983, when zoning was first initiated for this portion of the County. Due to changes in the nomenclature of the Code, the A-4 zoning district was renamed as the RR-5 (Residential Rural). The property has not been rezoned since zoning was initiated.

According to the applicant's letter of intent the request to rezone to A-35 (Agricultural) in order to build a second dwelling on the property for an aging parent as well as to continue ranching.

E. ANALYSIS

1. Land Development Code Analysis

The applicant is requesting approval of a map amendment (rezoning) of 36.05 acres to the A-35 (Agricultural) zoning district. Section 3.2 of the Code states the following as the intent of the A-35 zoning district:

The A-35 zoning district is a 35 acre district primarily intended to accommodate rural communities and lifestyles, including the conservation of farming, ranching and agricultural resources.

If the map amendment request is approved, the applicant intends to use the property for rural residential and agricultural purposes, which would be consistent with the intent of the A-35 zoning district.

2. Zoning Compliance

The density and dimensional standards for the A-35 (Agricultural) zoning district are as follows:

- Minimum lot size: 35 acres
- Minimum width at the front setback line: 200 feet
- Minimum setback requirement: 25 feet for front, rear, and side yard ^{3, 4, 5}
- Maximum lot coverage: None
- Maximum height: 30 feet ⁶

³ Agricultural stands shall be setback a minimum of 35 feet from all property lines.

⁴ Sawmills shall be setback a minimum of 300 feet from all property lines.



⁵ Livestock feed and sales yards shall be setback a minimum of 200 feet from all property lines, except that loading facilities may be located adjacent to a road right-of-way where loading/unloading of animals takes place.

⁶ One additional foot of height is allowed for each foot of additional setback provided above the required minimums up to a maximum of 100 feet. For example, a maximum height of 35 feet is allowed for structures setback a minimum of 30 feet from all property lines and a maximum height of 50 feet is allowed for structures setback a minimum of 45 feet from all property lines.

The property is surrounded on three sides by properties zoned RR-5. Setbacks in the RR-5 and A-35 zoning districts are the same, and the permitted principal uses outlined in Table 5-1 of the Land Development Code are similar for the two zoning districts. Therefore, a rezone from RR-5 to A-35 for the subject property may be compatible with surrounding properties.

El Paso County is a “right-to-farm” county, pursuant to Colorado Revised Statutes, and while the proposed rezone request may not be completely consistent with all of the components of the Your El Paso Master Plan (2021) as outlined below, the Master Plan and the Land Development Code recognize the importance of preserving agricultural land in the County.

F. MASTER PLAN ANALYSIS

1. Your El Paso Master Plan

a. Placetype: Suburban Residential

Placetype Character:

Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.



Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.

Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.

Recommended Land Uses:

Primary

- Single-Family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre

Supporting

- Single-family Attached
- Multifamily Residential
- Parks/Open Space
- Commercial Retail
- Commercial Service
- Institutional



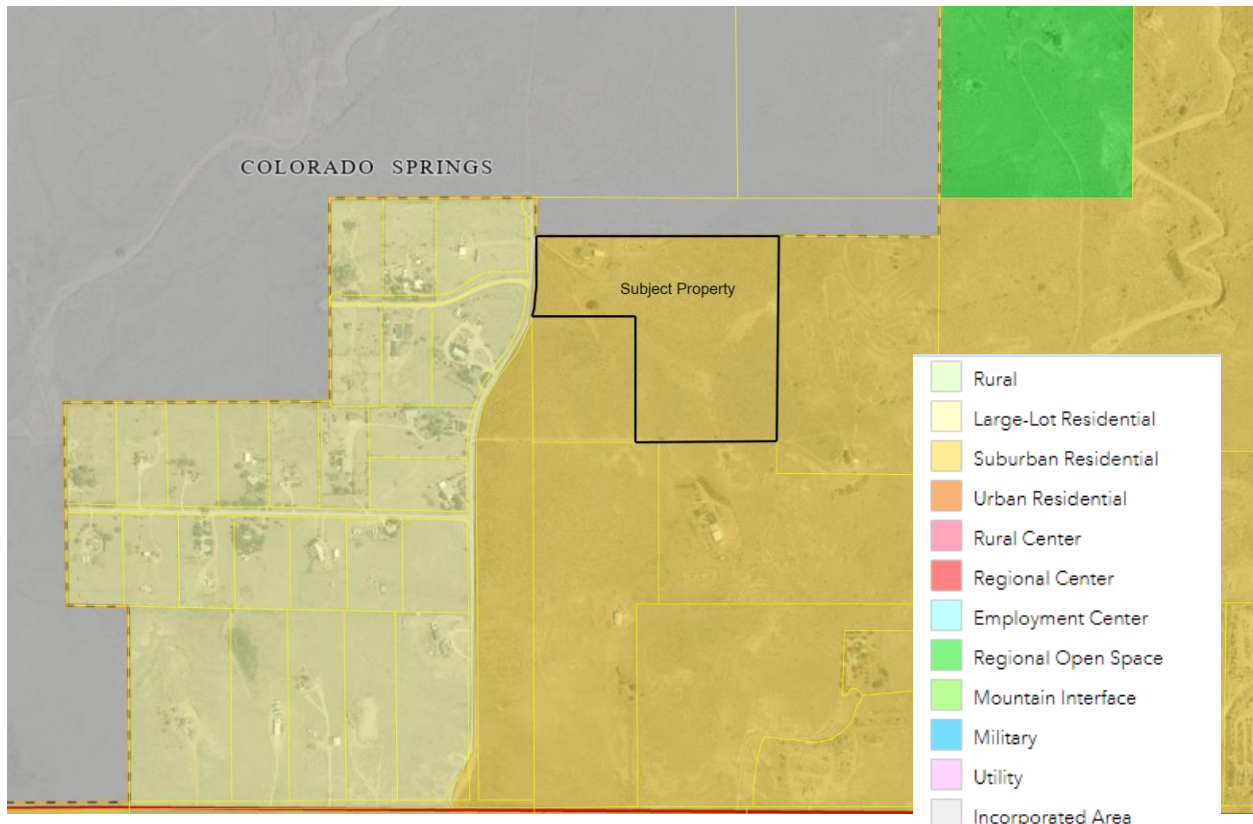


Figure F.1: Placetype Map

Analysis:

The Suburban Residential placetype comprises the County’s traditional residential neighborhoods with supporting commercial uses at key intersections.

The subject property is adjacent to the Large-Lot Residential placetype. The Large-Lot Residential placetype supports the rural character of the County while providing for unique and desirable neighborhoods.

Relevant goals and objectives are as follows:

Goal HC2 – *Preserve the character of rural and environmentally sensitive areas.*

Objective HC2-1 – *While large expanses of undeveloped land exist throughout the County, particularly in the Rural placetype, development should be prioritized elsewhere to efficiently utilize and extend existing infrastructure, conserve water resources, and strengthen established neighborhoods.*



Objective HC2-6 – Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.

The proposed rezone is not consistent with the Suburban Residential placetype as designated in the Your El Paso County Master Plan; however, it is consistent with the characteristic of the adjacent Large-Lot Residential placetype. Large-Lot Residential placetype’s primary recommended land use is Single-family Detached Residential (typically 2.5-acre lots or larger) and supports Agriculture. The proposed rezone to A-35 (Agricultural) could potentially preserve the rural aesthetic of the area.

b. Area of Change Designation: New Development

These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.



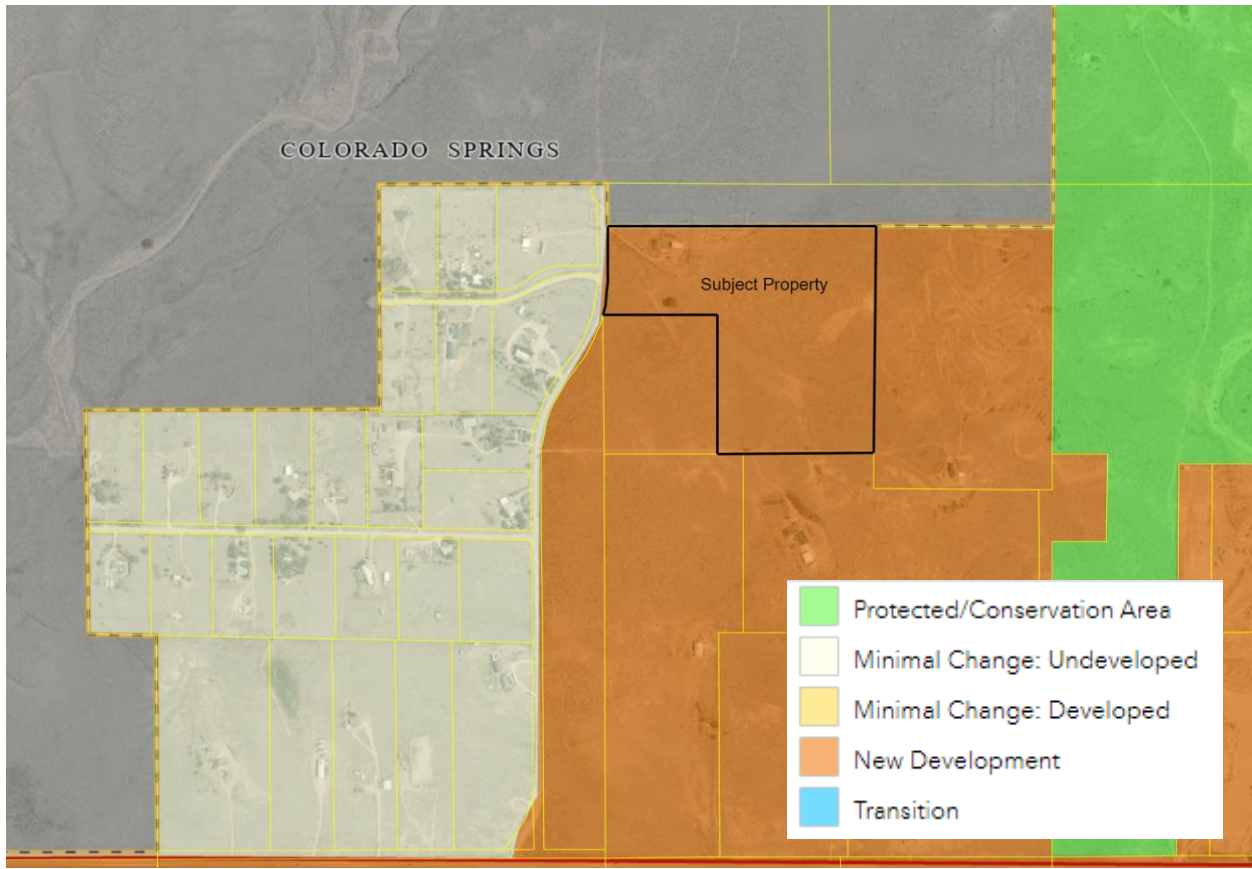


Figure F.2: Area of Change Map

Analysis:

The New Development placetype encourages underutilized lots and agricultural lands to be transformed as new development takes place. While the proposed rezone does not meet the intent of designated area of change as noted in the Master Plan it is adjacent to the Minimal Change: Undeveloped Area of Change. The Minimal Change: Undeveloped Area of Change encourages no change to the rural and natural environment. The rezone to A-35 (Agricultural) would preserve the rural character in this part of the County.

c. Key Area Influences: Areas Likely to be Annexed

A significant portion of the County’s expected population growth will locate in one of the eight incorporated municipalities. As the largest municipality in El Paso County, Colorado Springs is expected to grow in population over the next several decades. As a result of this growth, Colorado Springs, and other municipalities including Fountain and Monument, will need to annex parts of

unincorporated County to plan for and accommodate new development. This will either occur through new development within existing municipal limits or the annexation of subdivisions in unincorporated parts of the County.

This Key Area outlines the portions of the County that are anticipated to be annexed as development occurs. It is imperative that the County continue to coordinate with the individual cities and towns as they plan for growth. Collaboration with the individual communities will prevent the unnecessary duplication of efforts, overextension of resources, and spending of funds. The County should coordinate with each of the municipalities experiencing substantial growth the development of an intergovernmental agreement similar to that developed with Colorado Springs.

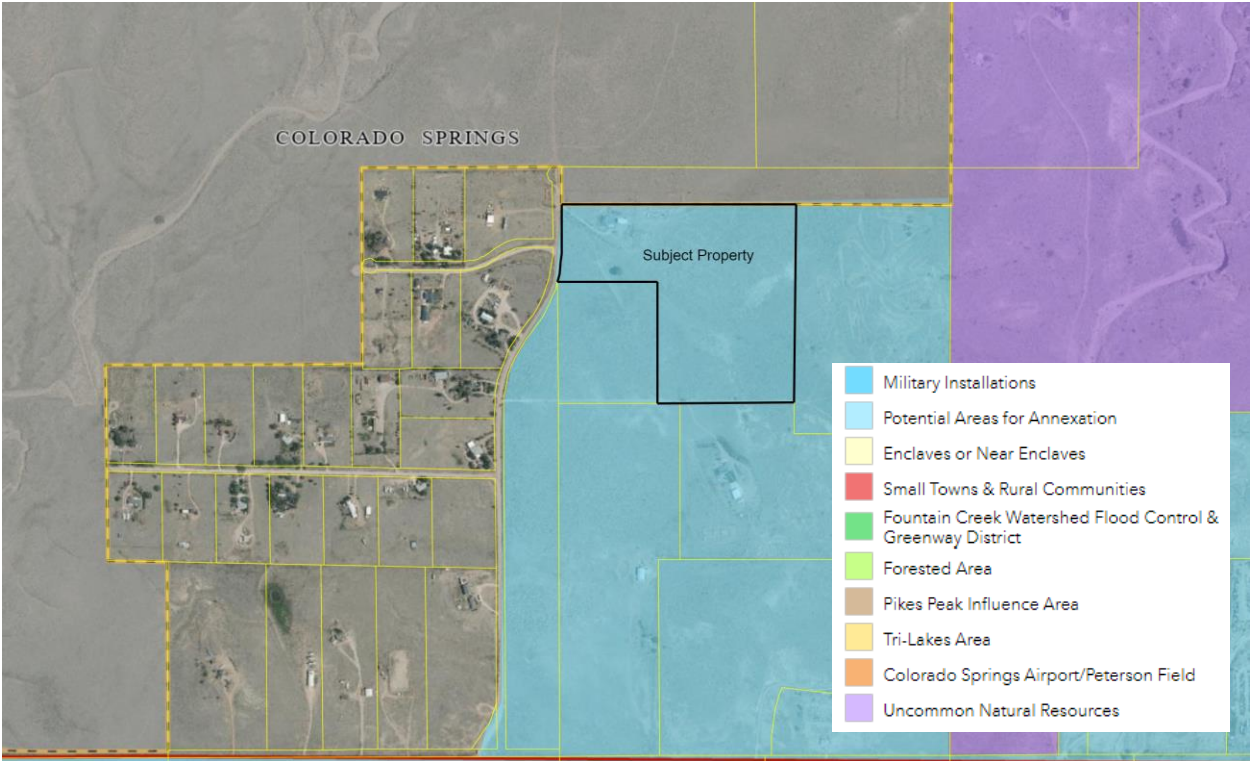


Figure F.3: Key Area Influences Map

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

El Paso County is expecting significant growth over the next 20 years. While large expanses of undeveloped land exist throughout the County, particularly in the Rural Placetype, development should be prioritized elsewhere to efficiently utilize and extend existing infrastructure, conserve water resources, and strengthen established neighborhoods. This framework identifies specific locations throughout the County that should be prioritized first for new residential development to help accommodate growth. While some priority development areas may be made up of a mix of placetypes, each area is driven by a predominant placetype that defines most of the area. The map shows some gaps between priority development areas and municipal boundaries. These areas are largely developed already and will continue to develop as necessary. In the following section, numbers are only intended to connect recommendations to the corresponding locations in the County. They are not a hierarchy of priority.

3. 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.*

The property is located within Region 8 of the El Paso County Water Master Plan. The Plan identifies the current demands for Region 8 to be 299 acre-feet per year (AFY) (Figure 5.1) with a current supply of 299 AFY (Figure 5.2). The projected demand in 2040 is at 396 AFY (Figure 5.1) with a projected supply in 2040 of 299 AFY (Figure 5.2). The projected demand at build-out in 2060 is at 484 AFY (Figure 5.1) with a projected



supply in 2060 of 299 AFY (Figure 5.2). This means that by 2060 a deficit of 185 AFY is anticipated for Region 8.

A finding of water sufficiency is not required with a map amendment (rezone).

4. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential.

The Master Plan for Mineral Extraction (1996) does not identify potential minerals 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.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the rezone

2. Floodplain

FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0780G indicates the subject property is not within a FEMA regulatory floodplain.

3. Drainage and Erosion

The site of the proposed map amendment is located within the Jimmy Camp Creek drainage basin which is an unstudied basin and a part of the El Paso County Drainage Basin Fee program. Drainage fees are not assessed with rezone requests.

4. Transportation

The site is located east of Corral Valley Road, which is a gravel road owned and maintained by the El Paso County. A traffic study was not required for this rezone application since less traffic will be generated with the rezone change. The El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) does not show any improvements in the immediate vicinity of the site. The development is subject to the El Paso County Road Impact Fee program (Resolution No. 19-471).



H. SERVICES

1. Water

Water is provided by an existing well.

2. Sanitation

Wastewater is provided by an existing onsite wastewater treatment system.

3. Emergency Services

The property is within the Ellicott Fire Protection District. The District was sent a referral and has no objections to the rezone request.

4. Utilities

Mountain View Electric Association (MVEA) will provide electrical service. MVEA was sent a referral for the rezone; MVEA has no outstanding comments.

5. Metropolitan Districts

The property is located within the Ellicott Town Center Metropolitan District Service Area. The District was sent a referral and has not responded.

6. Parks/Trails

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

7. 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 major issues at this time.

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 (2022), 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-35 (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 thirteen adjoining property owners on February 20, 2023, for the Planning Commission meeting. Responses will be provided at the hearing.



M. ATTACHMENTS

Vicinity Map

Letter of Intent

Rezone Map

Planning Commission Resolution



El Paso County Parcel Information

File Name:

Date:

PARCEL

NAME

ADDRESS



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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EL PASO COUNTY

LETTER OF INTENT FOR: 36 ACRE 1165 CORRAL VALLEY RD
REZONE FROM RR5 TO A-35
MARCH 17, 2022

Owner/ Applicant: Steve Kelnhofer
1165 Corral Valley Rd
Colorado Springs, CO 80929
(719) 440-3599
steve@7thfloorvapes.com

El Paso county Planner: Kylie Bagley
Planning and Community Development Department
2880 International Circle
Colorado Springs, CO 80910
(719) 520-6300

PROJECT LOCATION/DESCRIPTION:

Legal Description: TR IN W2 SEC 7-14-64 DES AS FOLS: COM AT W4 COR OF SD SEC 7, TH S 00<00'07" W ALG W LN OF SD SEC 7 267.82 FT, S 89<42'00" E 871.21 FT FOR POB, TH N 00<00'06" W 819.09 FT, TH N 89<42'00" W 671.18 FT TO INTERSEC THE E LN OF CORRAL VALLEY RD & W LN OF NW4 OF SD SEC 7, TH ALG E LN OF CORRAL VALLEY RD ON A CUR TO L HAVING A RAD OF 861.68 FT A C/A OF 14<59'22" WHICH CHORD BEARS N 07<29'34" E 230.86 FT, TH N 00<00'06" W 287.83 FT, S 89<39'59" E ALG S LN BEING PARA WITH & 252.71 FT S OF THE N LN OF THE S2NW4 OF SEC 7 1571.11 FT, S 00<27'14" W PARA WITH THE N/S C/L OF SEC 7 1332.35 FT, TH N 89<42'00" W PARA WITH SD E/W C/L 919.31 FT TO POB

The property is located at the northern terminus of Corral Valley Road and is directly adjacent to City boundary to the north. The applicant requests rezone from RR-5 (Rural Residential 5-acre) to A-35 (Agricultural 36-acre). Property address is 1165 Corral Valley Rd, Colorado Springs, CO 80929.

The Applicant proposes to develop the site with an additional single-family detached residential dwelling unit that recognizes and respects the character of the rural surrounding community. The total square foot, of the proposed development is approximately 1500 Sq Ft.

DEVELOPMENT REQUEST

The Owner/ Applicant requests a zone change from RR-5 to A-35 to allow for the development of rural residential single family home, of 1500 Sq Ft. The Owner/Applicant makes this request for an "Accessory Use" project.

Water and Sewer will be provided by the main well on the property, with a new Septic leach. The main/same driveway, on the property, will be all proposed access locations.

JUSTIFICATION FOR REQUEST

The re-zoning request is due to a parent retiring, goat ranching already existing. In order to complete these projects, on applicant's property, change in zone classification is needed. The main reason for rezoning is to build another home and keep agriculture alive.

EXISTING AND PROPOSED IMPROVEMENTS

Residential home and goat ranching exists on the property.

Rezoning Meeting Master Plan

After research, I feel my project works very well for what my long-term goals are, as well as the master plan for El Paso county. I will try to explain why I feel what I am doing is in the interest of both parties.

First I would like to address the water issues. With me having one well, and direct relationship with the person in my home, the use of water will be minimal. I will not allow any type of grass, I currently have none and will never have or allow it. The water we have is little and very valuable. The issue is the master plan would want me to actually cut my property into more sections and have more homes. While I would like another home, I would not like that many more. There is a reason to be out where we are. If I were to fully go with the master plan, it would be harder on our water system.

Next I would like to think that with fewer homes, the wild habitat would be less affected. As I am right next to Corral Valley Bluffs which is now an open space, I think this is the best for the overall scope with the least impact on nature.

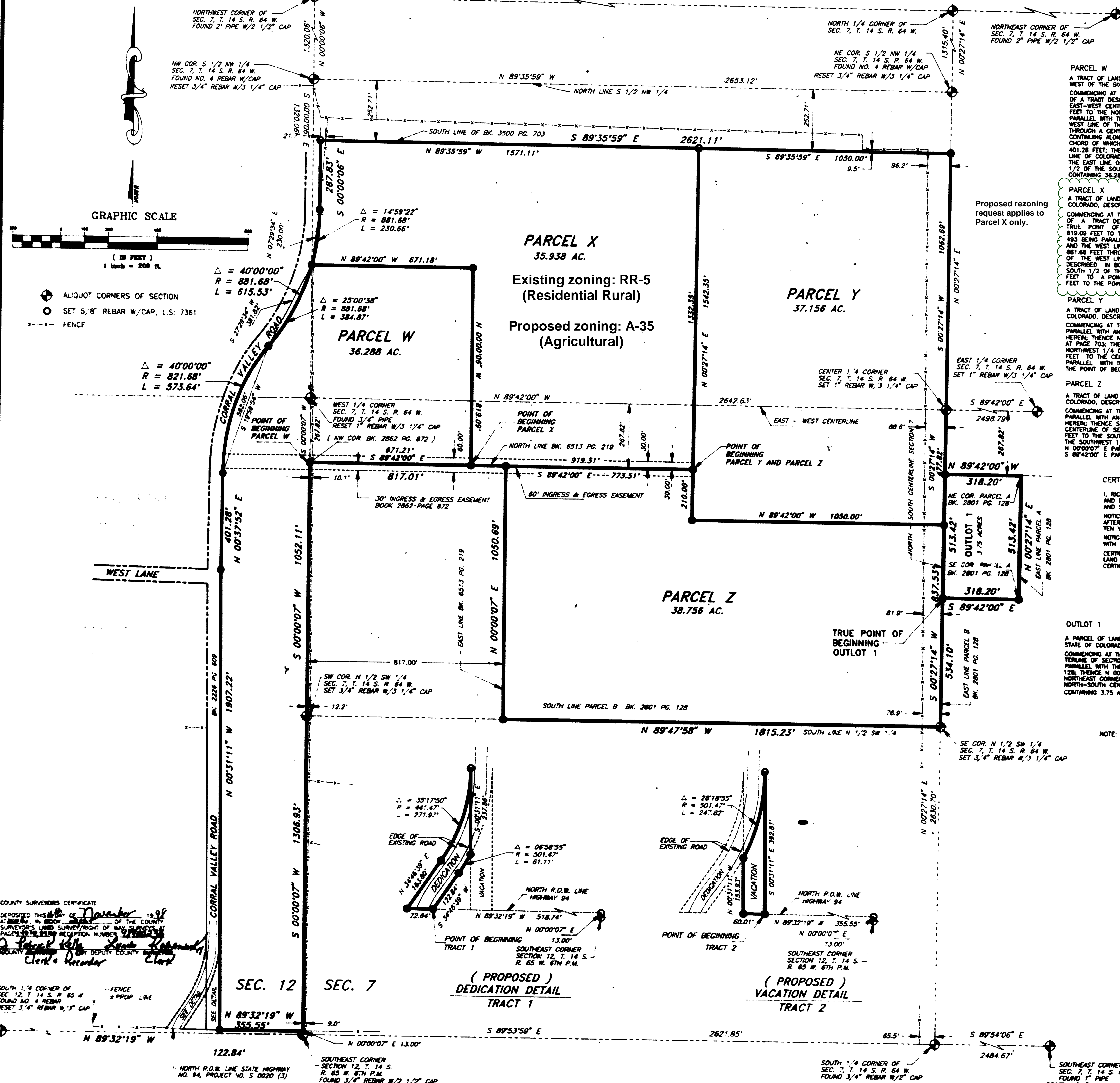
As I would like to keep ranching goats I feel this is also the best for rezoning. I have had plans and just not followed through since I purchased this land.

Allowing this also allows me to move my mother out by me, freeing her house up for rental. I know one day that my mother will leave us, so this also allows me to potentially put a random person, or an employee in the home legally.

Anticipated schedule of development is As soon As possible. Once rezoning is approved and complete, I will start with development.

WEST 1/2 SEC 7 TOWNSHIP 14 SOUTH RANGE 64 WEST 6TH P.M. & EAST 1/2 SEC 12 TOWNSHIP 14 SOUTH RANGE 65 WEST 6TH P.M.

THE BEARINGS IN THESE DESCRIPTIONS ARE BASED UPON THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 12 BEING N 00°00'00" E. (SAID LINE ALSO BEING THE WEST LINE OF THE SW 1/4 OF SAID SECTION 7.)



PARCEL W A TRACT OF LAND LYING IN THE WEST 1/2 OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 64 WEST AND IN THE EAST 1/2 OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN...

PARCEL X A TRACT OF LAND LYING IN THE WEST 1/2 OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO...

PARCEL Y A TRACT OF LAND LYING IN THE WEST 1/2 OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO...

PARCEL Z A TRACT OF LAND LYING IN THE WEST 1/2 OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO...

CERTIFICATION I, RICHARD A. GOSSETT, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY TO GEORGE L. BEARDSLEY AND LAND TITLE GUARANTEE COMPANY THAT ON JULY 3, 1997, AND AGAIN ON OCTOBER 15, 1998, THE ABOVE DESCRIBED PROPERTY WAS SURVEYED AND STAKED UNDER MY SUPERVISION AS SHOWN ON THIS PLAN...

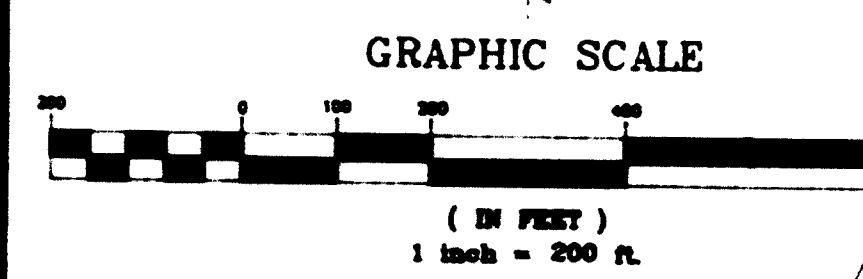
Richard A. Gossett, Registered Professional Land Surveyor, No. 7361, State of Colorado.

OUTLET 1 A PARCEL OF LAND LYING EAST OF THE NORTH-SOUTH CENTERLINE OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO...

NOTE: BOUNDARY LINES AND DESCRIPTIONS SET FORTH HEREIN ARE BASED UPON A SECTION BREAKDOWN OF SECTIONS 7 AND 12 BY THE UNDERSIGNED ACCORDING TO THE MANUAL OF INSTRUCTIONS TO PROPORTIONAL DISTANCES...

TRACT 1 (PROPOSED DEDICATION FOR ROADWAY PURPOSES - CORRAL VALLEY ROAD) A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO...

TRACT 2 (CORRAL VALLEY ROAD PROPOSED VACATION) A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO...



ALLOT CORNERS OF SECTION SET 5/8" REBAR W/CAP, I.S.: 7361 FENCE

COUNTY SURVEYORS CERTIFICATE DEPOSED THIS 16th day of November 1998...

SOUTH 1/4 CORNER OF SEC. 12, T. 14 S., R. 65 W. FOUND NO. 4 REBAR W/CAP...



MONUMENTED LAND SURVEY ORDERED BY: KIRK BEARDSLEY 2 INVERNESS DRIVE EAST ENGLEWOOD, CO. 80112 DRAWN BY: ACCD SCALE: 1" = 200' DATE: 10/16/98 DRAWING NO.: 9810-110

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-22-020

KELNHOFER REZONE

WHEREAS, Steve Kelnhofer 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 A-35 (Agricultural) zoning district; and

WHEREAS, a public hearing was held by this Commission on April 6, 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 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 Steve Kelnhofer 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 A-35 (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-35 (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)

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent

Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpelz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent
Kara Offner	aye / no / abstain / 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 6th day of April 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
_____, Chair

DATED: April 6, 2023

EXHIBIT A

PARCEL X

A TRACT OF LAND LYING IN THE WEST 1/2 OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 7; THENCE S 00°00'07" W ALONG THE WEST LINE OF SAID SECTION 7, 267.82 FEET TO THE NORTHWEST CORNER OF A TRACT DESCRIBED IN BOOK 2862 AT PAGE 872; THENCE S 89°42'00" E PARALLEL WITH THE EAST-WEST CENTERLINE OF SAID SECTION 7, 671.21 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE N 00°00'06" W PARALLEL WITH THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7, 819.09 FEET TO THE NORTHEAST CORNER OF A TRACT DESCRIBED IN BOOK 2422 AT PAGE 493; THENCE N 89°42'00" W ALONG THE NORTH LINE OF SAID 2422 AT PAGE 493 BEING PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7, 671.18 FEET TO THE INTERSECTION OF THE EAST LINE OF CORRAL VALLEY ROAD AND THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 7; THENCE ALONG THE EAST LINE OF CORRAL VALLEY ROAD ON A CURVE TO THE LEFT HAVING A RADIUS OF 881.68 FEET THROUGH A CENTRAL ANGLE OF 14°58'22", THE CHORD OF WHICH BEARS N 07°29'34" E, AN ARC LENGTH OF 230.66 FEET TO A POINT 30.00 FEET EAST OF THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 7; THENCE N 00°00'06" W PARALLEL WITH SAID WEST LINE, 287.83 FEET TO THE SOUTH LINE OF A TRACT DESCRIBED IN BOOK 3500 AT PAGE 703; THENCE S 89°39'59" E ALONG SAID SOUTH LINE BEING PARALLEL WITH AND 252.71 FEET SOUTH OF THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 7, 1571.11 FEET; THENCE S 00°27'14" W PARALLEL WITH THE NORTH-SOUTH CENTERLINE OF SECTION 7, 1332.35 FEET TO A POINT 267.82 FEET SOUTH OF THE EAST-WEST CENTERLINE OF SECTION 7; THENCE N 89°42'00" W PARALLEL WITH SAID EAST-WEST CENTERLINE, 919.31 FEET TO THE POINT OF BEGINNING. CONTAINING 35.892 ACRES THEREIN.