



**RESOLUTION NO. 18- 055**

**EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS,  
STATE OF COLORADO**

**APPROVAL OF THE RICE RANCH, LLC MAP AMENDMENT (REZONING)  
(I-17-002)**

**WHEREAS** Rice Ranch, LLC did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference A-5 (Agricultural) and M (Industrial obsolete) zoning districts to the I-3 (Heavy Industrial) zoning district; and

**WHEREAS**, a public hearing was held by the El Paso County Planning Commission on January 16, 2018, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

**WHEREAS**, a public hearing was held by this Board on February 13, 2018; 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Board of County Commissioners.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. The proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.

5. The proposed land use will be compatible with existing and permitted land uses in the area.
6. The proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
7. For the above-stated and other reasons, the proposed Amendment to 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.
7. Changing conditions clearly require amendment to the Zoning Resolutions.

**NOW, THEREFORE, BE IT RESOLVED** the El Paso County Board of County Commissioners hereby approves the petition of Rice Ranch, LLC to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the A-5 (Agricultural) and M (Industrial obsolete) zoning districts to the I-3 (Heavy Industrial) zoning district;

**BE IT FURTHER RESOLVED** the following conditions and notations shall be placed upon this approval:

**CONDITIONS**

1. The applicant shall apply for and receive approval of site development plan, including a traffic impact study and drainage letter report, within 120 days of the date of approval. The due date may be administratively extended by the Planning and Community Development Department Director if the Director determines that the applicant is making a good faith effort to obtain site development plan approval.
2. The applicant 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.

3. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the I-3 (Heavy Industrial) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.
4. Road impact fees shall be paid at the time of approval of each site development plan for uses that will cumulatively generate 100 more daily vehicle trips than the previous property zoning would be anticipated to generate. This analysis shall be provided in a traffic impact study, required with the site development plan for this initial rezoning and each future change in use that will generate additional traffic.
5. The applicant shall comply with any and all requirements of the City of Fountain in regard to the use of Willow Springs Road, and CDOT in regard to accessing South U.S. Highway 85.

#### **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 the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 13<sup>th</sup> day of February, 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By: *Dan Jensen*  
President



**EXHIBIT A**

**LEGAL DESCRIPTION**

PARCEL A: THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25 IN TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE SOUTHERLY ON THE EAST LINE OF SAID SECTION 25 A DISTANCE OF 400 FEET; THENCE ANGLE RIGHT 90 DEGREES WESTERLY 586.60 FEET; THENCE ANGLE RIGHT 90 DEGREES NORTHERLY 397.6 FEET, MORE OR LESS, TO INTERSECT THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE ANGLE RIGHT EASTERLY ON SAID NORTH LINE TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO, EXCEPT THAT PORTION THEREOF CONVEYED TO THE DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO BY WARRANTY DEED RECORDED SEPTEMBER 22, 2008 UNDER RECEPTION NO. 208104064

PARCEL B: THE PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 15 SOUTH, RANGE 66 WEST OF THE 6TH P.M., EL PASO COUNTY COLORADO, LYING NORTH AND EAST OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE NORTH 90 DEGREES EAST ALONG SAID NORTHERLY LINE, 115.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 14 DEGREES 20 MINUTES EAST, 555.00 FEET; THENCE SOUTH 04 DEGREES 12 MINUTES 36 SECONDS EAST, 520.00 FEET; THENCE SOUTH 38 DEGREES 52 MINUTES 18 SECONDS EAST, 1025.00 FEET; THENCE SOUTH 54 DEGREES 49 MINUTES 45 SECONDS EAST, 280.00 FEET; THENCE NORTH 88 DEGREES 25 MINUTES 09 SECONDS EAST, 212.82 FEET TO A POINT ON THE EASTERLY LINE OF SAID SECTION 25, EXCEPT THAT PORTION DESCRIBED IN DEED RECORDED NOVEMBER 23, 1962 IN BOOK 1935 AT PAGE 505.

Lot size is 38.86

The address of the properties is 8150 Rice Lane, Fountain Colorado 80817