



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

COLORADO

HOLLY WILLIAMS  
STAN VANDERWERF  
LONGINOS GONZALEZ, JR.

## PLANNING & COMMUNITY DEVELOPMENT

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

**FROM:** Kari Parsons, Senior Planner  
Charlene Durham, PE, Senior Engineer  
Meggan Herington, AICP, Executive Director

**RE:** Project File Numbers: SKP234  
Project Name: Southern Colorado Rail Park Sketch Plan  
Parcel Numbers: 6600000030, 6600000040, 6600000041, 6600000046,  
6600000047, 6600000048, 6600000004, 6600000008, 6600000009, 6600000010,  
6600000011, 6600000012, and 6600000014

OWNER:	REPRESENTATIVE:
Edw C Levy Co D/B/A Schmidt Construction Inc. Steve Weiner 8800 Dix Avenue Detroit, Michigan 48209	N.E.S., Inc. 619 North Cascade Avenue, Suite 200 Colorado Springs, CO 80903

**Commissioner District: 4**

<b>Planning Commission Hearing Date:</b>	<b>5/16/2024</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>6/4/2024</b>

### EXECUTIVE SUMMARY

A request by Edw C Levy Co D/B/A Schmidt Construction Inc., for approval of a Sketch Plan consisting of 3,108.9 acres delineating 139.8 acres of commercial, 2,274.3 acres of industrial, 36.8 acres of future railway right-of-way, 121-acres of road right-of-way, 100.6 acres of low impact use, 12.6 acres of miscellaneous, and 423.6 acres of open space. The area is zoned A-5 (Agricultural) and RR-5 (Residential Rural) Zoning Districts. The Sketch

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

Plan depicts a commercial node adjacent to Fort Carson Gate 19 and Charter Oak Ranch Road and also depicts a transition into a mix of heavier commercial and light industrial from the north to the south. The heavy industrial that would be served by the proposed rail spur is located in the southern portion of the Sketch Plan area. The Sketch Plan depicts four (4) phases of development:

- Phase 1, year 2025, construction of rail spur from existing CSU rail line to Fort Carson military installation;
- Phase 2, year 2030, commercial and light to heavy industrial development to occur from north to south connecting to rail spur;
- Phase 3, year 2035, the heaviest industrial uses to be developed in the southern portion of the Plan area; and
- Phase 4, year 2040, closure of the mining operation, and completion of development north of rail spur.

Fort Carson Military Installation is located immediately adjacent and to the north, south, and west of the subject area. The properties east of the Sketch Plan area are owned by the City of Fountain (gravel pit) and the City of Colorado Springs Utilities.

It is anticipated that the project area will be annexed into the City after the entitlement process within Unincorporated El Paso County. If the requested Southern Colorado Rail Park Sketch Plan is approved, staff recommends an informal waiver of the review of the annexation impact report be included to promote efficiency in the applicant's entitlement process with the City. The documentation submitted in support of the Sketch Plan application provides the necessary information to address staff's concerns associated with an annexation, see Condition No. 3.

#### **A. APPROVAL CRITERIA**

In approving a Sketch Plan, Section 7.2.1.D.1, Subdivision, of the El Paso County Land Development Code, as amended, states the Board of County Commissioners shall find that:

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The proposed subdivision is in conformance with the requirements of this Code;
- The proposed subdivision is compatible with existing and proposed land uses within and adjacent to the Sketch Plan area;

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

- The water supply report provides sufficient information to identify probable compliance with the water supply standards and identifies any need for additional water supplies;
- Services are or will be available to meet the needs of the subdivision including, roads, police and fire protection, schools, recreation facilities, and utility service facilities;
- The soil is suitable for the subdivision;
- The geologic hazards do not prohibit the subdivision, or can be mitigated;
- The subdivision will not interfere with the extraction of any known commercial mining deposit [C.R.S. §§ 34-1-302(1), et seq.];
- The design of the subdivision protects the natural resources or unique landforms;
- The proposed methods for fire protection are adequate to serve the subdivision; and
- The subdivision is appropriate and the design is based on mitigating the constraints of topography, soil types, geologic hazards, aggregate resources, environmental resources, floodplain, airplane flight overlays, or other constraints.

**Section 10.1.1, Annexations, General of the El Paso County Land Development Code, as amended states:**

The Board of County Commissioners is to review and comment on annexations pursuant to C.R.S. § 31-12-108 and 108.5. The requirement to submit an annexation impact report is adopted pursuant to C.R.S. § 31-12-108.5. The report is not required for annexations of 10 acres or less, or where the BoCC has agreed that the report may be waived.

If the Board agrees to waive the annexation impact report, the annexing municipality will be required to send a letter formally requesting the waiver. Following receipt of a request to formally waive the filing of an annexation impact report, the Clerk to the Board shall notify the municipality proposing the annexation of the Board's determination.

**B. LOCATION**

North:	A-5 (Agricultural)	Fort Carson Military Installation
South:	RR-5 (Residential Rural)	Fort Carson Military Installation
East:	A-5 (Agricultural)/ City of Fountain	Colorado Springs Utilities Fountain Quarry
West:	RR-5 (Residential Rural)	Fort Carson Military Installation

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

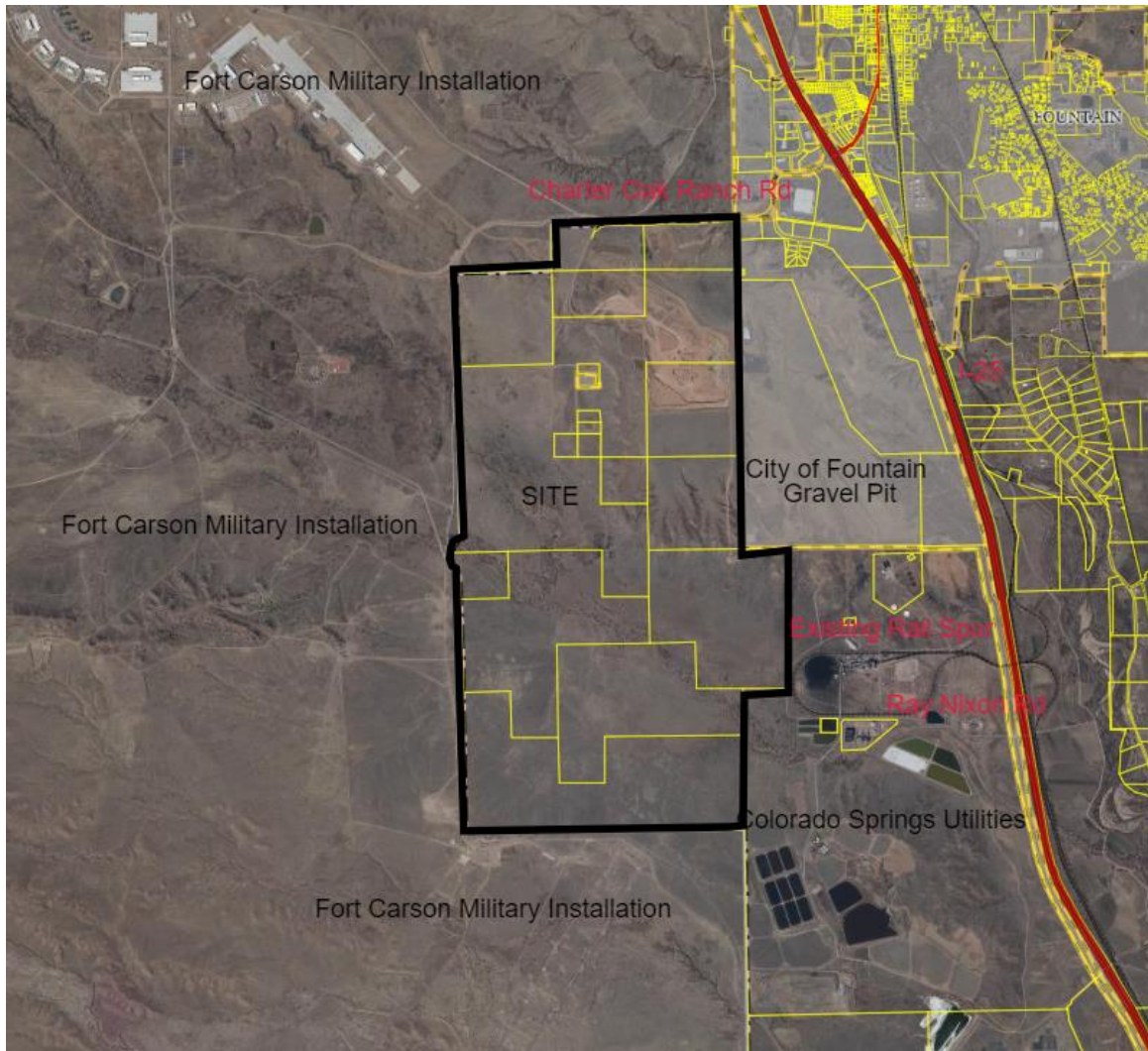


Figure B.1: Location Map

### C. BACKGROUND

The applicant, El Paso County, the City of Colorado Springs, and the City of Fountain began discussions for development of a rail park in the region in 2014. El Paso County's Office of Economic Development funded a Proof-of-Concept Report which was completed in 2015. Continued discussions included economic development specialists from each jurisdiction. A Memorandum of Understanding (MOU) for the Rail Served Economic Development Initiative was fully approved on May 3, 2018. The MOU summarized that the parties seek to create opportunities for high-wage manufacturing jobs and to create the opportunity for second rail access to the Fort Carson Military Installation. Furthermore, the purposes listed in the MOU concluded that a second rail access is anticipated to improve readiness and resiliency at Fort Carson Military Installation, improving the

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM



likelihood that Fort Carson Military Installation will remain active through any future base realignment and closure process, by pursuing the following tasks:

- Establish a cooperative relationship with Levy (property owner) for a detailed investigation of the Levy Property, including defining access to the Levy Property for third-party due diligence;
- Negotiate an allocation of the costs of continuing the investigation, which is fair and equitable, considering the interests of each of the parties;
- Pursue and seek to obtain, at the appropriate time, grant funding, including but not limited to a grant from the U.S. Economic Development Administration (USEDA), with the Greater Colorado Springs Chamber of Commerce and Economic Development Corporation as the grantee;
- Assess the anticipated fiscal impacts and distribution of benefits to each of the parties and Fort Carson Military Installation;
- Identify or outline responsibilities for oversight and management of any third-party contractors by designated representatives of the parties; and
- Interface with and provide regular updates to appropriate personnel at Fort Carson Military Installation.

The MOU established an oversight committee that includes the Greater Colorado Springs Chamber of Commerce and Economic Development Corporation, El Paso County, City of Fountain, City of Colorado Springs, and the Edw C Levy Company (property owner).

The Front Range Dual-Service Rail Park of Southern Colorado Feasibility Study, dated June 26, 2019, written by HDR Engineering stated, "This feasible study confirms the technical viability of a dual service industrial rail development in Fountain, Colorado." "Providing a second, secure rail connection to Fort Carson is both a critical element and primary benefit of the project. This southerly route will enhance the Army's rail-based rapid deployment capabilities by eliminating multiple points of vulnerability that exist on the current northerly route."

The Colorado Springs City Council approved a Trackage Agreement on February 14, 2023, which established the permanent rail right-of-way connecting Colorado Springs Utilities (CSU) rail tracks to the "BNSF Railway" and Union Pacific Corporation, and to Fort Carson's boundary through the applicant's property.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

The Department of the Army has provided a letter of support for the project, see attached letter.

A Title 32 Special District is anticipated to be submitted to the El Paso County Planning and Community Development after the approval of the requested Sketch Plan. Post, the creation of the Special District, the applicant intends to annex into the City of Fountain.

## **D. ANALYSIS**

### **1. Land Development Code Compliance**

The applicant is proposing a 3,108.9-acre Sketch Plan for the Southern Colorado Rail Park Ranch Sketch Plan, Section 7.2.1, Subdivision, of the El Paso County Land Development Code ("Code") (as amended) states:

*"The sketch plan is the first step of the approval process for larger or more complex divisions of land. The sketch plan process reviews, at a conceptual level, the feasibility and design characteristics of the proposal based on the standards set forth in this Code...The review examines the feasibility of the division of land including review of the schematic design, ability to obtain water and sanitation, location of geologic hazards, identification of environmentally sensitive areas and wildlife habitat areas, source of required services, vehicular and pedestrian circulation, relationship to surrounding land uses, evaluation of wildfire hazards and conformance with the requirements of this Code and Master Plan. During this step, public hearings are held before the Planning Commission and the BoCC...A sketch plan amendment may be reviewed and approved concurrently with any zoning and platting actions."*

The proposed Sketch Plan is consistent with the Your El Paso Master Plan (2021), See discussion in Section E of this report). The Sketch Plan application meets the Sketch Plan submittal requirements, the standards for Divisions of Land in Chapter 7 of the El Paso County Land Development Code, as amended.

### **2. Zoning Compliance**

The Sketch Plan depicts commercial, light, and heavy industrial uses. The applicant intends to annex into a municipality after the approval of the Sketch Plan and the creation of a Title 32 Special District. The applicant will be required to obtain

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

approval of a Map Amendment (Rezoning) from the RR-5 (Residential Rural) zoning district and A-5 (Agricultural) zoning district by the municipality post annexation.

## **E. MASTER PLAN COMPLIANCE**

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

#### **a. Placetype Character:** Employment Center

*"Employment Centers comprise land for industrial, office, business park, manufacturing, distribution, warehousing, and other similar business uses. The priority function of this placetype is to provide space for large-scale employers to establish and expand in El Paso County. They are typically located on or directly adjacent to Interstate 25 and/or other regional corridors to ensure business and employee access.*

*Proximity to other transportation hubs, such as Meadowlake Airport, and rail lines is also appropriate for an Employment Center. Uses in this placetype often require large swaths of land and opportunity to expand and grow to meet future needs and demands. Transitional uses, buffering, and screening should be used to mitigate any potential negative impacts to nearby residential and rural areas. Some Employment Centers are located in Foreign Trade, Commercial Aeronautical, and Opportunity Zones to help incentivize development."*

#### **Recommended Land Uses**

##### Primary

- *Light Industrial/Business Park*
- *Heavy Industrial*
- *Office*

##### Supporting

- *Commercial Retail*
- *Commercial Service*



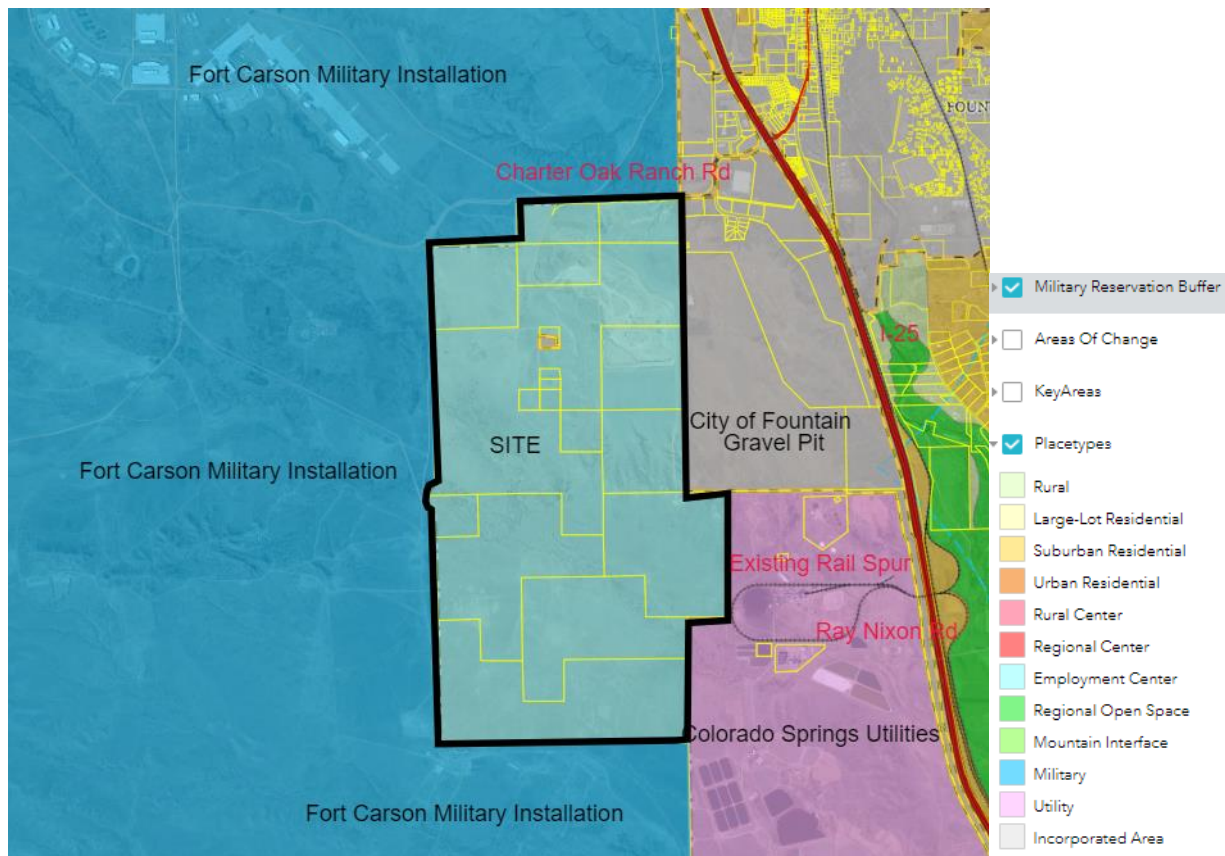


Figure E.1: Master Plan Placetype Map

**Analysis:** The property is located within the Employment Center placetype. The Employment Center Placetype is the County's primary location for large-scale, nonretail businesses that provide significant employment and economic development opportunities. The requested Sketch Plan is also located within a Priority Development Area. The Plan recognizes that strategic planning is needed for commercial and employment uses to effectively accommodate growth. A regional and multijurisdictional coordination began in 2014 and continues to implement the development of this area. More specifically, The Master Plan depicts this as Employment Priority Development Area No. 6, Railyard by Fort Carson, and states:

*"This area is conceptually planned as a new railyard adjacent to Fort Carson and two major power stations owned by Colorado Springs Utilities. The proposed railyard would be the major distribution hub for the southern end of the County. A major railyard could spur vertical integration with the creation of supporting*

*businesses such as manufacturing, warehousing, and roadway distribution due to the proximity to Interstate 25. Depending on scale, these types of businesses could have consequential effects on new employment opportunities for County residents.*

*The County should support the development of the railyard as a catalyst for the creation of a strong employment hub to serve the entire County."*

**b. Area of Change Designation: New Development**

*The subject parcel is within an area of 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.*

**c. Key Area Influences: Potential Areas for Annexation**

The subject property is located within the Potential Areas for Annexation. The key area map demonstrates the anticipated industrial growth area in unincorporated El Paso County. The property is contiguous to the City of Fountain boundary. The applicant does wish to annex into the City, a letter from the City of Fountain is attached in support of the application.

Staff finds the Southern Colorado Rail Park Sketch Plan to be consistent with the Your El Paso Master Plan.

**2. Water Master Plan Analysis**

The El Paso County Water Master Plan (2018) has three main purposes; to 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 1.2 – Integrate water and land use planning.**





**Goal 3.1** – Promote cooperation among water providers to achieve increased efficiencies on infrastructure.

**Policy 6.4.1.3** – Support efforts by water providers to obtain renewable water supplies through collaborative efforts and regionalization.

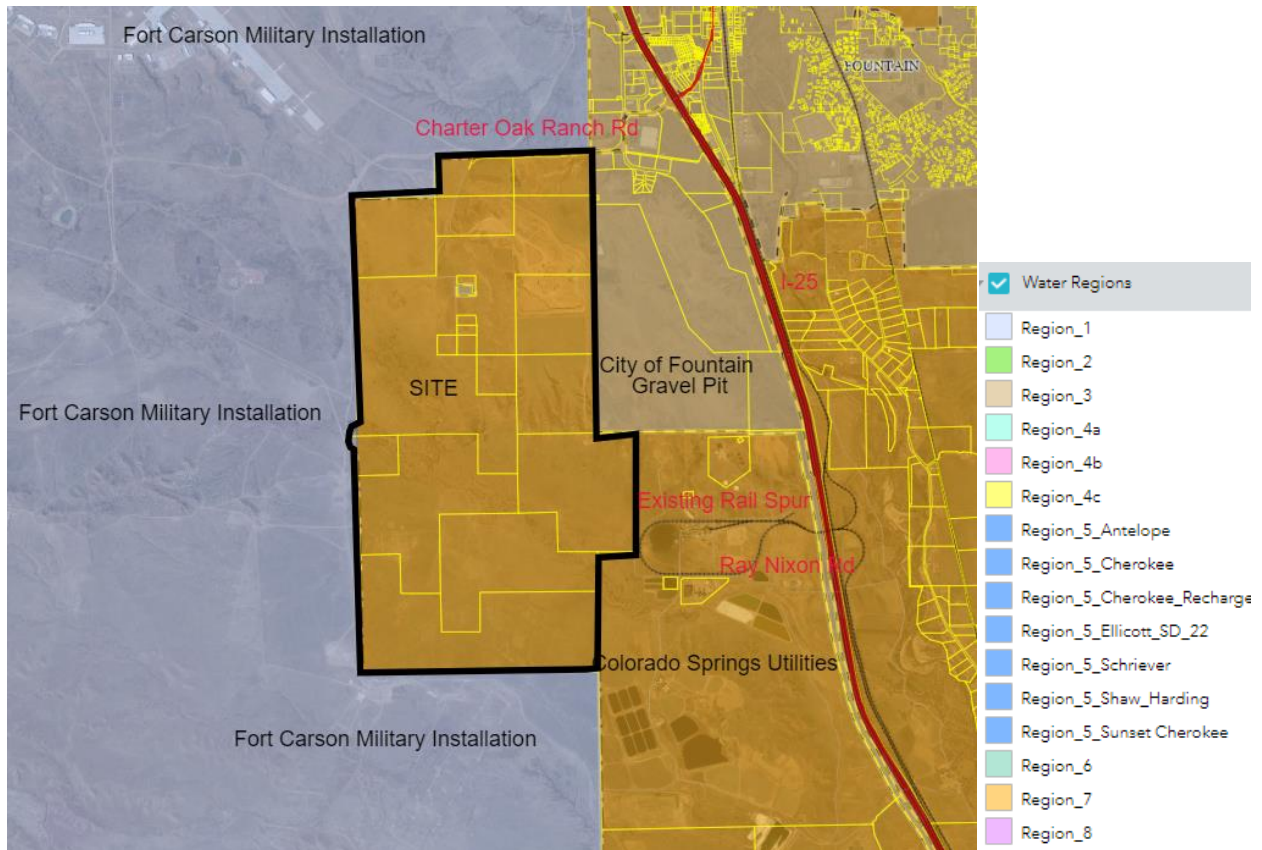


Figure E.2: Water Master Plan Region Map

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Region 7, Fountain Area, which is expected to experience growth west of I-25 by 2040.

The Water Master Plan identifies a current water demand of 10,141-acre feet (AF) and a current supply of 15,376 AF for this Region, resulting in a surplus of water (decreed water rights) of 5,236 AF. The area included within the Sketch Plan request is projected in the Water Master Plan as likely to reach build-out by the year 2040. For the year 2040, the Plan projects a water demand of 15,846 AF for Region 7 versus a

projected supply of 15,376 AF, resulting in a reduced surplus of 470 AF. When considering additional development in Region 7, it is important to note that the Plan ultimately projects a water supply deficit for the Region of 11,593 AF by 2060.

A finding of water sufficiency regarding quantity, dependability, and quality is not required nor requested with the proposed Sketch Plan request.

### **3. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate to high wildlife impact potential. El Paso County Community Services Department, Environmental Services Division, and the US Fish & Wildlife Services were each sent referrals and have no outstanding comments as they relate to the Sketch Plan request.

The Master Plan for Mineral Extraction (1996) does identify valued deposits in 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. Notice to the mineral rights holder(s) was completed by the applicant prior to the public hearings as required by the State Statute.

The Community Services Department Parks Division has provided the response below which includes an analysis regarding conformance with The El Paso County Parks Master Plan (2022):

*"The 2022 El Paso County Parks Master Plan shows no impacts to proposed or existing parks, trails, or open space - the nearest EPC Parks facility, the proposed southern extension of the Fountain Creek Regional Trail and the existing Clear Spring Ranch Open Space, are both located over 1.25 miles to the east. At the time of this development application review, regional and urban park fees are not assessed on properties of an industrial and commercial nature. However, future EPC Land Development Code policy changes may or may not dictate that regional and urban park fees need to be assessed at the Final Plat stage. This commercial Sketch Plan review does not require endorsement by the Park Advisory Board."*

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

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

## F. PHYSICAL SITE CHARACTERISTICS

### 1. Hazards

A Soil, Geology, Report prepared by HDR Inc., dated June 23, 2023, was submitted in support of the Sketch Plan. The report provided general statements and was not inclusive. Floodplain erosion due to Rock Creek, Little Foundation Creek, and other drainages, and shallow-fluctuating groundwater are noted in the report. The applicant has agreed to submit a more detailed report(s) at subsequent entitlement processes. The following comment has been provided by the Colorado Geological Survey (CGS):

*“CGS does not object to conditional approval of the sketch plan provided that during the preliminary planning:*

- The soils and geology report is expanded/updated to include all the geologic constraints to development.*
- A geologic hazard and constraint map is included in the soils and geology report and Preliminary Plans.*
- Erosional setbacks from Rock Creek, Little Foundation Creek, and other drainages/channels within the parcel are established.*
- Site-specific investigations with geotechnical borings are performed to characterize soil and bedrock engineering properties such as expansion/consolidation potential, density, strength, water content, etc.*
- Shallow groundwater is investigated using site-specific monitoring for season variations. Yearly precipitation data, in conjunction with the monitoring program, should be used to evaluate expected variation in groundwater elevations.”*

### 2. Floodplain

Per FEMA Flood Insurance Rate Map (FIRM) panel numbers 08041C0965G and 08041C01155G, a portion of the Sketch Plan area is located within a “Zone A” regulatory floodplain with no base flood elevations determined. Changes to a FEMA floodplain will require FEMA approval.

### 3. Drainage and Erosion

The proposed Sketch Plan is located within the Little Fountain Creek Drainage Basin and the Fort Carson Drainage Basin. The majority of the development area is located within the Little Fountain Creek Drainage Basin. The northeast corner



of the site is located within the Fort Carson Drainage Basin. The drainage basin planning study (DBPS) for Little Fountain Creek is a draft report and does not identify any required public drainage improvement west of Interstate 25 (I-25). Fort Carson Drainage Basin is an unstudied basin. The Little Fountain Creek basin has interim drainage and bridge fees to be paid at the time of the Final Plat recording. The site generally drains from northwest to southeast towards Fountain Creek.

The master development drainage plan (MDDP) submitted in support of the requested Sketch Plan did not meet all the criteria listed in the County's Drainage Criteria Manual. The report was a general report providing information regarding major flows entering the development area, indicating major drainage items that will need to be considered with the future development of the area. This report, along with an understanding from the City of Fountain, was provided for review and approval to help facilitate the grant funding process for the project. A full detailed report will be required with the next land use submittal if the project does not annex into the City of Fountain.

#### **4. Transportation**

The Southern Colorado Rail Park area is located west of I-25, adjacent to the Ray Nixon powerplant, south of Charter Oak Ranch Road, and to the north and east of the Fort Carson Military Installation. Existing roadways that serve the site are Charter Oak Ranch Road (County-maintained), US 85 (Santa Fe Avenue), and I-25. Initially, access to the site will be achieved through Charter Oak Ranch Road. A future connection to I-25 near milepost 125.7 will serve the full buildout of the project.

Interior roads are anticipated to be built to a municipal standard. Classifications of the interior roads will be industrial commercial collectors with 70-foot Right of Way (ROW) or minor arterials with 100-foot ROW.

Access to the site will also be provided by a railroad spur extension off the existing rail line servicing the Ray Nixon powerplant on the east side of the project, connecting to Fort Carson Military Installation on the west side of the project.

The 2016 Major Transportation Corridor Plan shows no improvement projects in the vicinity of the proposed rail park.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

The traffic impact Study (TIS) did not meet all the criteria listed in the County's Engineering Criteria Manual. The report was a general report providing basic traffic data. This report submitted in support of the Sketch Plan, was provided for review and acceptance to help facilitate the grant funding process for the project. A full detailed report will be required at the next land use submittal if the project does not annex into the City of Fountain.

## **G. SERVICES**

### **1. Water**

The City of Fountain is anticipated to provide water service and is anticipated to serve the development via an intergovernmental agreement with the anticipated Southern Colorado Rail Park Metropolitan District. An alternative provider may be Colorado Springs Utilities. Water sufficiency is not required with either a Sketch Plan or Map Amendments (Rezoning).

### **2. Sanitation**

The City of Fountain is anticipated to provide wastewater service and is anticipated to serve the development via an intergovernmental agreement with the anticipated Southern Colorado Rail Park Metropolitan District. An alternative provider may be Colorado Springs Utilities.

### **3. Emergency Services**

The property is anticipated to be served by the City of Fountain Fire Department. A letter of support from the Department was submitted.

### **4. Utilities**

Electrical service is anticipated to be provided by the City of Fountain. Natural gas service is anticipated to be provided by Black Hills Energy. The agencies were sent a referral and have no outstanding comments.

### **5. Schools**

The site is within the boundaries of the Fountain-Fort Carson School District No. 8.

## **H. APPLICABLE RESOLUTIONS**

See attached resolutions.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM



## **I. REGIONAL COORDINATION EFFORTS**

It should be noted the Sketch Plan was processed in coordination with the City of Fountain, the City of Colorado Springs, The Greater Colorado Springs Chamber of Commerce and Economic Development Corporation, Fort Carson Military Installation, and other stakeholders in an effort to bring a new industrial rail park to this Region to promote economic development, employment opportunities, and to provide a second railway access to assist the mission at the Fort Carson Military Installation. The supporting documentation for this Sketch Plan application was accepted by stakeholders in a preliminary form. This was done purposefully to ensure that the applicant is able to obtain the County's approval, to facilitate a Federal Rail Administration's Consolidated Rail Infrastructure and Safety Improvement (CRISI) program grant application.

It is the staff's understanding that the property will be annexed into the City of Fountain post approval of the Sketch Plan and anticipated formation of the Southern Colorado Rail Park Special District. The applicant has also been in correspondence with the City of Colorado Springs as a secondary alternative for utility services. Alternatively, if, no annexation occurs, the applicant will be required to submit more specific reports and documents to the El Paso County Planning and Community Development Department with subsequent Map Amendment (Rezoning) and or Preliminary Plan application(s).

## **J. RECOMMENDED CONDITIONS**

Should the Board of County Commissioners find that the Sketch Plan request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code, as amended, staff recommends the following conditions:

### **CONDITIONS**

1. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of 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 species.
2. If the property does not annex into a municipality, the Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that



Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 19-471), as amended, at or prior to the time of building permit submittals.

3. The approval of the Sketch Plan provides for a public hearing; the Board of County Commissioners hereby waives the requirement to review the future Annexation Impact Report, in an effort to provide efficiency in the future annexation process into a municipality.

#### **K. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified 9 adjoining property owners on April 30, 2024, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

#### **L. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Sketch Plan Map  
CDOT Comments  
City of Fountain Letter  
Department of Army Letter  
State Engineers Letter  
Public Comment  
Draft Sketch Plan Resolution



**EL PASO COUNTY**

**PARCEL INFORMATION**

**FILE NO.:**

SKP234

**PARCEL NOS.:**

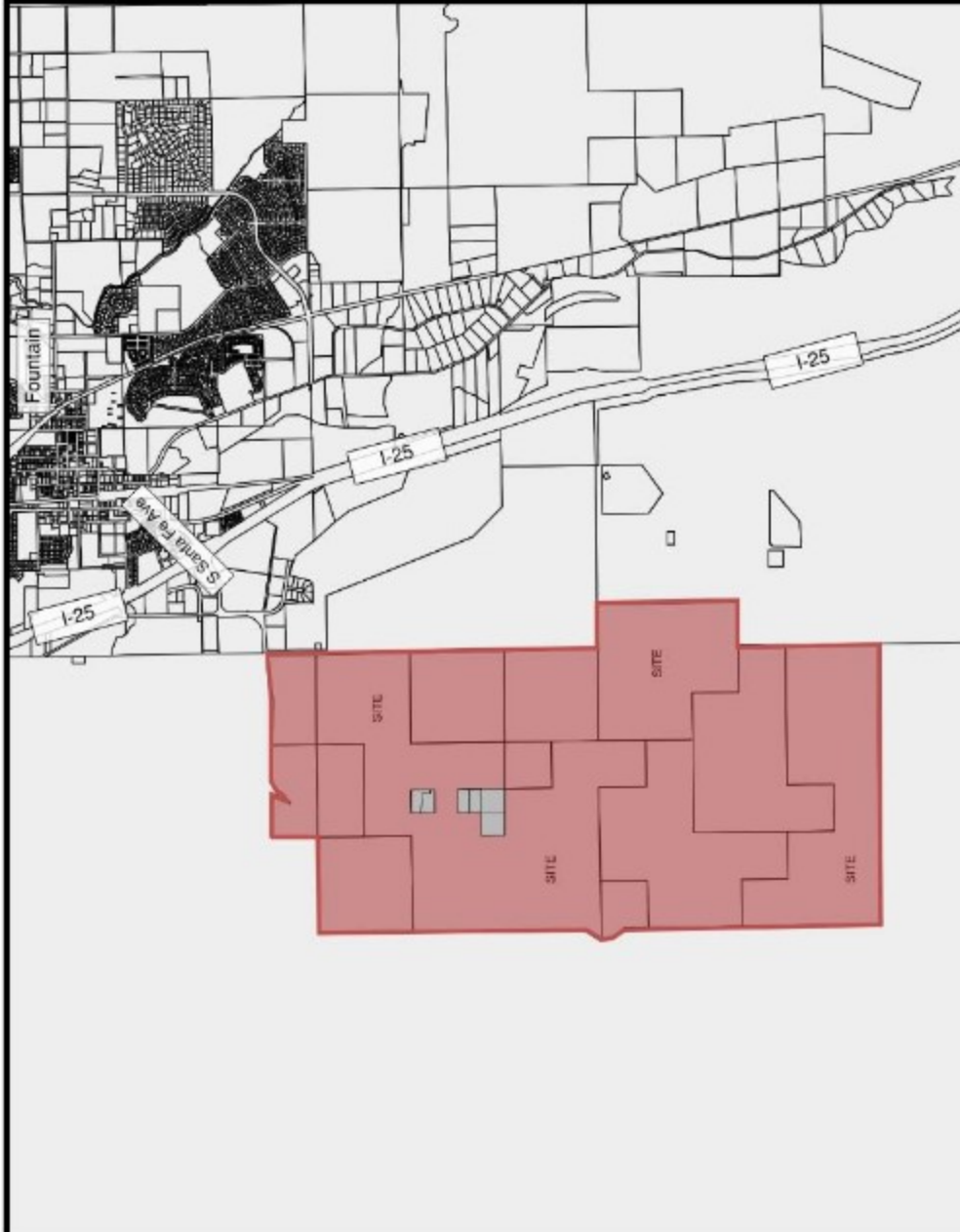
6600000030, 6600000040,  
6600000041, 6600000046,  
6600000047, 6600000048,  
6600000004, 6600000008,  
6600000009, 6600000010,  
6600000011, 6600000012,  
and 6600000014

**OWNER NAME:**

EDW C LEVY CO D/B/A  
SCHMIDT CONSTRUCTION  
INC

**ADDRESS:**

Multiple, see map.



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

COPYRIGHT 2022 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained herein may be reproduced, used to prepare derivative products, or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of printing. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained herein.

## **SOUTHERN COLORADO RAIL PARK**

### **SKETCH PLAN**

### **LETTER OF INTENT**

---

#### **OWNER/APPLICANT:**

EDW C LEVY CO D/B/A SCHMIDT CONSTRUCTION INC  
STEVE WEINER  
8800 DIX AVENUE  
DETROIT, MI 48209  
SWEINER@EDWCLEVY.NET  
(313) 429-2600

#### **CONSULTANT:**

N.E.S. INC  
ANDREA BARLOW  
619 N. CASCADE AVE. SUITE 200  
COLORADO SPRINGS, CO 80903  
ABARLOW@NESCOLORADO.COM  
(719) 471-0073

**TSN:** 66000000004, 66000000008, 66000000009, 66000000010, 66000000011, 66000000012, 66000000014,  
66000000040, 66000000041, 66000000046, 66000000047, 66000000048,

**ACREAGE:** APPROXIMATELY 3,100 ACRES

**CURRENT ZONING:** A-5 RR-5 CAD-O

**CURRENT USE:** VACANT LAND/AGGREGATE MINING

#### **REQUEST**

N.E.S. Inc., on behalf of EDW C Levy Co ("Levy"), request approval of a Sketch Plan for the Southern Colorado Rail Park (SCRP) project to include a new railroad spur through the property to service Fort Carson and associated railroad-oriented heavy and light industry and commercial uses.

The purpose of this request for Sketch Plan approval with El Paso County is to facilitate the formation of a Title 32 Metropolitan District, which in turn will allow the creation of public/private partnership via a Title 29 Rail Authority for the construction and operation of the proposed railroad spur. Once the Sketch Plan is approved in the County, it is the Applicants' intent to annex the property into the City of Fountain, provided the City can supply the required utility services and subject to agreeable terms of annexation. Colorado Springs Utilities has indicated that they can provide the required utility services if needed.

The Applicant acknowledges that the Planning and Community Development Director has modified the submittal requirements to reflect the purpose of the Sketch Plan submittal, and that if the property does not annex to the City and develops in the County, a detailed MDDP, Master Traffic Impact Study, Geology and Soils Report, Noxious Weed Report, Natural Features & Riparian Study, and Wetland delineation study may be required with any subsequent sketch plan amendment, rezone or preliminary plan submittal for review and approval by the County.



## LOCATION

The 3,100-acre property is located south of Charter Oak Ranch Road, south, east, and north of Fort Carson, West of I-25, and the City of Colorado Springs' Ray Nixon power plant. There are 6 out-parcels in the center of the property, totaling approximately 40 acres, that are not included in the subject property. The parcels are owned by four different owners, two property owners controlling two lots each.





## BACKGROUND

Conversations about the viability, and the appropriateness, of a rail-served industrial complex in southern El Paso County began with the staff of El Paso County and the City of Fountain in 2014. Fountain had a vision for a rail project and El Paso County's Office of Economic Development funded a Proof-of-Concept Report<sup>1</sup>, which was completed in 2015. El Paso County has actively collaborated with and funded the effort over the past seven (7) years. The vision has expanded to include economic development specialists at each jurisdictional level, most recently in the form of a Technical Assistance grant by the U.S. Economic Development Administration ("EDA") offices in Denver.

The Proof-of-Concept Report identified a large tract of vacant land adjacent to the Colorado Springs Utilities Ray Nixon coal-fired power generation plant. The property operates a gravel quarry on approximately 400 acres leaving a 2,500 +/- tract of land available for rail development. Formation of a public/private partnership was envisioned as the vehicle to achieve the twofold ambition of a community initiative. Following a series of presentations to elected officials and community partners, a Memorandum of Understanding for Rail-Served Economic Development Initiative was fully approved May 3, 2018 (MOU). The Purposes are the first definition in the MOU:

**Purposes.** *The Parties seek to create opportunity for manufacturing jobs, which are typically high-wage jobs which generate 4-5 additional jobs in the community for each manufacturing job, and to simultaneously create the opportunity for a second railroad access to Fort Carson, which will improve readiness and resiliency at Fort Carson, improving the likelihood that Fort Carson will remain active through any future Base Realignment and Closure process, by pursuing the following tasks:*

- Establish a cooperative relationship with Levy for detailed investigation of the Levy Property, including defining access to the Levy Property for third-party due diligence;
- Negotiate an allocation of the costs of continuing the investigation, which is fair and equitable, considering the interests of each of the Parties;
- Pursue and seek to obtain, at the appropriate time, grant funding, including but not limited to the aforementioned grant from the USEDPA, with the Greater Colorado Springs Chamber of Commerce and Economic Development Corporation as the grantee;
- Assess the anticipated fiscal impacts and distribution of benefits to each of the Parties and to Fort Carson;
- Identify or outline responsibilities for oversight and management of any third-party contractors by designated representatives of the Parties; and
- Interface with and provide regular updates to appropriate personnel at Fort Carson.






The Memorandum of Understanding was signed in May 2018, which initiated the project development phase.

---

<sup>1</sup> Proof of Concept Report: A Rail-Served Industrial Park, Southern El Paso County, September 18, 2015, prepared for Ms. DeAnne McCann, Manager, El Paso County Office of Economic Development.

## PROJECT DESCRIPTION & CONTEXT

Following execution of the MOU, the project partners formed an Oversight Committee as contemplated. The signatories to the Memorandum of Understanding are:

 <p>The Greater Colorado Springs Chamber of Commerce and Economic Development Corporation</p>	 <p>El Paso County</p>	 <p>City of Fountain</p>	 <p>Edw. C. Levy Co.</p>	 <p>City of Colorado Springs</p>
--	---	---	---	---

The four (4) partners in the public/private partnership each contributed funds for a preliminary investigation of the viability of the identified project location. The Chamber and EDC provides fiscal agency to the public/private partnership and agreed to generate an initial Fiscal Impact Analysis to estimate the potential for job creation at an industrial rail park.

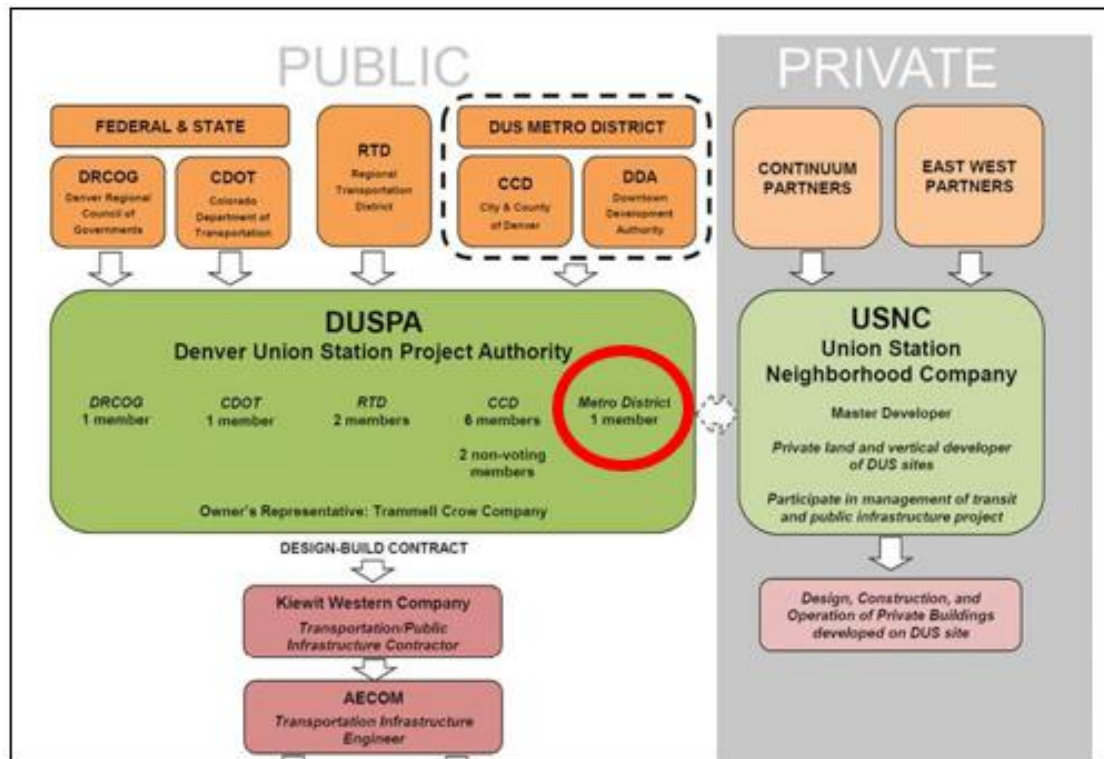
A feasibility study of the proposed “Front Range Dual-Service Rail Park of Southern Colorado” was completed by HDR Engineering and is dated June 26, 2019. The Study states: *“This feasibly study confirms the technical viability of a dual service industrial rail development in Fountain, Colorado.”* The Study also confirmed *“Providing a second, secure rail connection to Fort Carson is both a critical element and primary benefit of the project. This southerly route will enhance the Army’s rail-based rapid deployment capabilities by eliminating multiple points of vulnerability that exist on the current northerly route.”*

The present entitlement process seeks to establish a Title 32 entity for participation in a potential (to-be-formed) Title 29 Rail Authority. The 2015 Proof of Concept Report described this strategy as a working model for success based on legislation created to enable the Denver Union Station project public/private partnership. While Levy is proceeding with initial discussions to annex into the City of Fountain, the creation of a quasi-municipal entity will enable the project proponents to continue the MOU collaboration as conceived.

### Lessons from Denver’s Union Station Public-Private Partnership

The graphic below depicts the final configuration of the Union Station project in Denver, which has been a tremendous boon for that region’s economy. The final Public- Private Partnership included multiple parties on both sides. However, the important lesson from the Union Station experience is that the project started as a simple working group. The initial dialogue included the private property owners in the vicinity. The municipal entities then entered into an Intergovernmental Agreement (“IGA”) with the purpose of moving the project forward. The IGA did not form a legal entity, just defined roles, levels of

support and became a platform to engage the private sector in development strategies. Over the next several years, as the elements of the project were defined, appropriate participants were included, until the final public-private partnership was successful in financing the \$500 Million endeavor, including \$155 million in low- interest federal loans from the Federal Rail Administration.

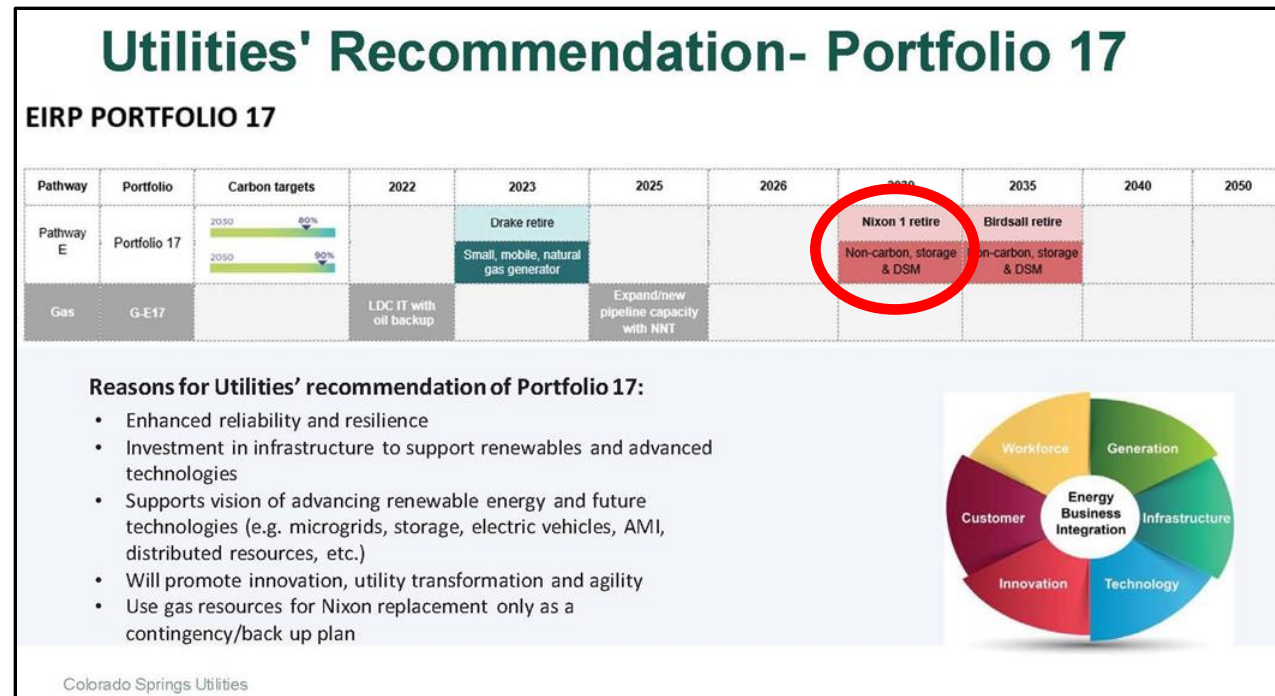


A further boost to this approach was provided by the Colorado General Assembly in its 2015 session, via legislation which provides a structure for public/private endeavors— House Bill 15-1262. Signed into law on May 20, 2015, this Act allows Counties, Municipalities, Special Districts, and other political subdivisions of the State of Colorado to establish an entity to provide public improvements. In other words, El Paso County, the City of Fountain, and the City of Colorado Springs can now form a project-specific entity (by contract) that could partner with the private landowner if and when appropriate. The creation of that public/private partnership, as circled on the graphic above, is established with the creation of a project specific Title 32 Metropolitan District for the private participant.

### **Feasibility Study**

The project team, under the guidance of the Oversight Committee, meeting quarterly, applied the funds provided under the MOU to complete an initial Feasibility Study in 2019. The Feasibility Study showed there are no fatal flaws associated with the development of the Levy tract as an industrial rail park. The feasibility process also engaged and garnered support from leadership at Fort Carson, subject to ongoing review of design development.

Design development was an interactive process with staff at Colorado Springs Utilities (CSU), the owner and operator of the Nixon Power Plant. The Nixon plant is coal-fired and is serviced by a rail spur that enables delivery by either Burlington Northern Santa Fe railroad or Union Pacific Southern Pacific railroad. In 2020, CSU completed an Electric Integrated Resource Plan. The Colorado Springs City Council approved the selection of CSU's recommended Portfolio 17. The approved Portfolio contemplates retirement of the Nixon plant's coal-powered generation no later than the year 2030.



### Trackage Agreement

Completion of the design development phase, with tentative agreement on a design configuration in the Fall of 2019, generated the first draft of a Trackage Agreement. In this context, the negotiating party was the landowner Levy, with the contemplated agreement providing a reciprocal grant with CSU to establish the permanent right-of-way from the mainline tracks of the Class 1 railroads, BNSF and UPSP, to the boundary of the Levy tract at Fort Carson. The exact location of the connection between Levy and Fort Carson was an inclusive process in collaboration with the Fort Carson Garrison Commander's staff. The final version of the Trackage Agreement was approved by the Colorado Springs City Council on February 14, 2023. Following that approval, the project team initiated the first element in creating a Title 29 entity, an application for El Paso County approval of a Title 32 Special District for the Levy tract.

## SKETCH PLAN PROPOSAL

The SCRP Sketch Plan includes the entire 3,100 acres of the Levy ownership in this location. As noted above, there are 6 out-parcels in the center of the property, totaling approximately 40 acres, that are not included in the subject property. The Sketch Plan includes the general alignment of the proposed railroad spur through the property to service Fort Carson, together with an internal rail loop to provide train storage and expand the area for rail access.

Approximately 650 acres of the property is currently an active gravel mine, operated by Schmidt Construction Company. It is anticipated that the mining operation will continue until all aggregate has been extracted from the property, which will take about 15 years. Once the mining area is reclaimed it will be available for development as part of the SCRP.

### Land Uses

The Sketch Plan identifies parcels for heavy railroad-oriented industry in the southern half of the site that has direct access to the rail spur and rail loop. In the northern portion of the site there is a transition to light industrial and commercial service uses. A 10-acre parcel is identified adjacent to Charter Oak Road and next to Gate 19 into Fort Carson, which is expected to serve day-to-day commercial needs of Fort Carson military personnel, civilian employees, dependents, and visitors, as well as employees and visitors of the Rail Park.

### Phasing

The development will be phased as follows:

	START	ACRES	USE
PHASE 1	2025	36.8	Construction of Rail Spur through center of the park
PHASE 2	2030	906.4	Commercial development adjacent to Charter Oak Road and heavy/light industrial development adjacent to rail spur
PHASE 3	2035	949.3	Industrial development in the southern portion of the park
PHASE 4	2040	719.9	Closure of the mining operation in northeast portion of park/completion of commercial and light industrial development

### Floorspace and Employment Assumptions

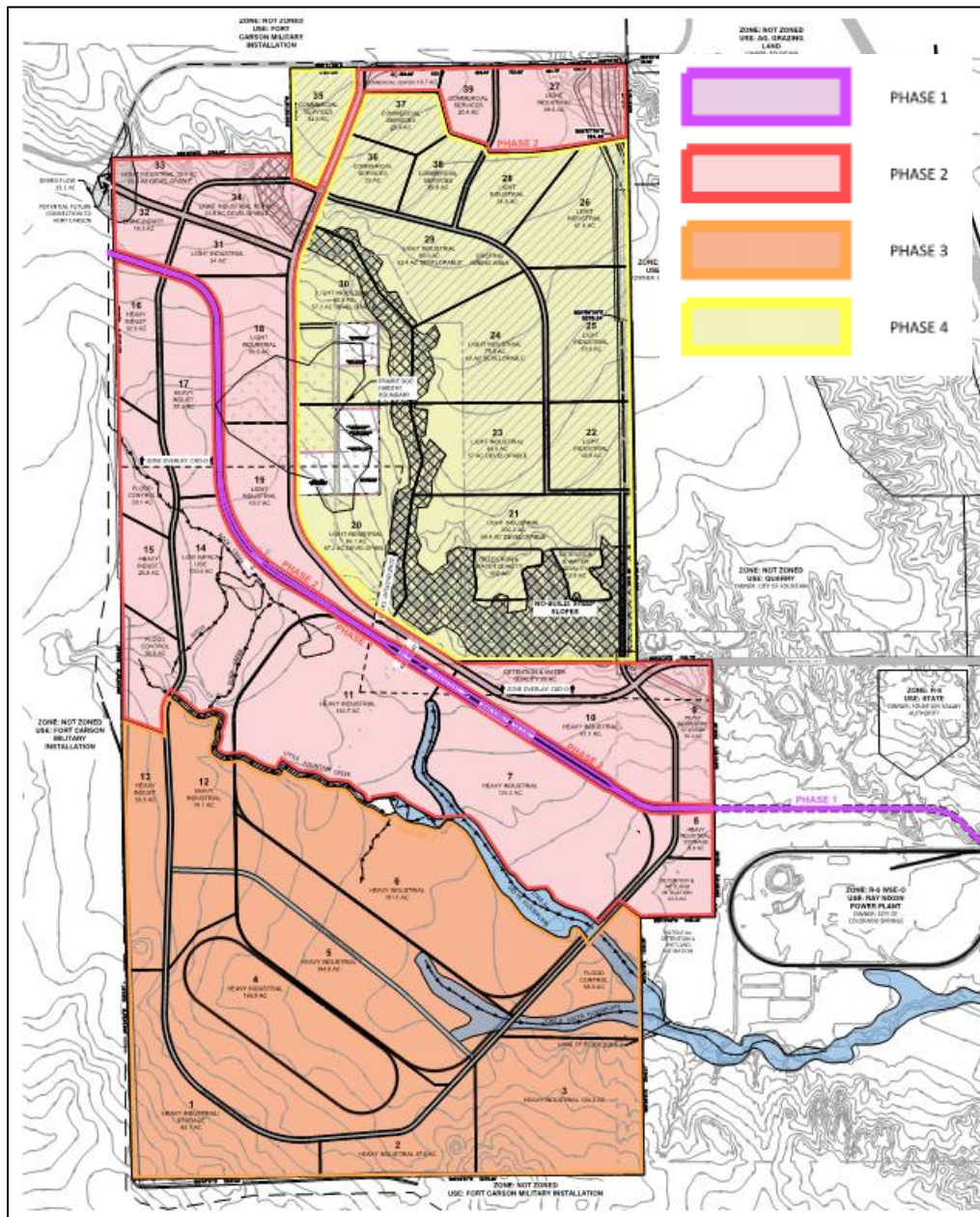
Estimates of Floor Area Ratios (FARs) have been extrapolated by comparison with similar rail-oriented activities and other industrial and commercial uses in the region. Generally, the FARs for rail-oriented industrial uses are very low as the properties tend to be used primarily for external storage with limited need for buildings.

Estimates of the number of employees have also been extrapolated from data provided by the City of Fountain on business projects that are seeking rail-oriented sites and an "IMPLAN" analysis undertaken by the Colorado Springs Chamber and EDC. The employment data has been used as the basis for the



Traffic Impact Analysis as a more accurate method of evaluating trips for this type of use, rather than the traditional use of building square footage.

## PHASING PLAN



**DUAL-SERVICE RAIL PARK OF SOUTHERN COLORADO: LAND USE MATRIX**

	TIMELINE	PROPOSED LAND USES	ACREAGE	ADJUSTED ACREAGE <sup>1</sup>	APPROX. FAR	APPROX. SQ.FT.	SQ.FT./ EMPLOYEE	# EMPLOYEES
PHASE 1	2025	Rail Spur and Easement	37	n/a	n/a	n/a	n/a	n/a
		<b>PHASE 1 TOTAL</b>	<b>37</b>					
PHASE 2	2030	Commercial	11	9	0.2	74,575	150	497
		Commercial Services	20	16	0.15	106,635	400	267
		Light Industrial	274	219	0.1	954,835	880	1085
		Heavy/Rail-Served Industrial	498	398	0.0388	672,941	880	765
		<b>PHASE 2 TOTAL</b>	<b>803</b>					
PHASE 3	2035	Heavy/Rail-Served Industrial	928	742	0.0388	1,254,210	880	1425
		<b>PHASE 3 TOTAL</b>	<b>928</b>					
PHASE 4	2040	Commercial Services	109	87	0.15	568,197	400	1420
		Light Industrial	575	460	0.1	2,003,760	880	2277
		<b>PHASE 4 TOTAL</b>	<b>684</b>					
		<b>TOTAL</b>	<b>2451</b>	<b>2206</b>		<b>5,635,153</b>		<b>7,736</b>
		Low Impact	101	n/a	n/a	n/a	n/a	n/a
		Drainage/Open Space	234	n/a	n/a	n/a	n/a	n/a
		No-Build Steep Slopes	190	n/a	n/a	n/a	n/a	n/a
		Right-of-Way	121	n/a	n/a	n/a	n/a	n/a
		Misc.	12	n/a	n/a	n/a	n/a	n/a
		<b>TOTAL ACREAGE</b>	<b>3109</b>					

NOTES

1. Reduced 20% for internal local roads and on-site detention

## Access and Traffic

An arterial road connection through the property is proposed that will ultimately connect Fort Carson and Charter Oak Ranch Road to the north with a new intersection of Powers Boulevard to I-25 to the south. Internally there will be industrial collectors and local roads that will provide access to the proposed industrial and commercial areas of the site.

A Traffic Impact Analysis (TIA) prepared by Wilson & Company is included with the Sketch Plan submittal. The TIA assumes that initial access will be via Charter Oak Ranch Road only to support the initial phases of development. The new I-25/Powers intersection is a long-term project and, while it is anticipated to be in place by the time of the full build out of the rail park, the analysis of the intersection is deferred to a future interstate access request.

The TIA concludes that the Charter Oak Ranch Road access can support the development of Phases 1 and 2 of the development. With the build-out of Phase 3, intersections in the study area will begin to exhibit poor levels of service and it is likely that the planned future connection to I-25 will be needed prior to the completion of Phase 3. In view of the high-level assumptions used at this initial Sketch Plan stage, the TIA recommends that the need for the I-25 connection should be evaluated as development progresses. The TIA concludes that the proposed functional classification of the internal roadways are appropriate based upon projected build-out daily traffic volumes, connectivity and expected use.

### **Utilities/Fire Protection**

Water and Wastewater Feasibility Reports are included with the Sketch Plan submittal. These include commitment letters for service from City of Fountain Utilities Department (water) and Fountain Sanitation District (Wastewater). Both entities commit to serve the railroad park upon annexation to the City of Fountain and indicate that they have service capacity, subject to their current “first come, first served” policy.

The City of Fountain Utilities Department has also committed to provide the property with electricity service upon annexation. It is anticipated that Black Hills Energy will provide natural gas service.

The property is not currently within a fire protection district. The City of Fountain Fire Department has provided a commitment letter for fire protection service to the property upon annexation to the City.

### **Drainage**

A Conceptual Drainage Summary prepared by M&S Civil Engineers is included with the Sketch Plan submittal. The purpose of this summary is to provide general information, criteria, and concepts in support of the potential developed drainage improvements. The summary identifies the existing characteristics of the site, the proposed land uses, and provides background on the proposed methodologies for future drainage studies, while also identifying regulatory requirements and that will impact future development. The next step in the process will be to analyze the existing and future drainage conditions of the watershed, quantify surface runoff, define floodplains, identify drainage impacts, develop alternate solutions, and prepare a conceptual drainage master plan. A subsequent report will be provided that will serve as a technical addendum once the site planning is furthered and solidified.

There are two major natural drainageways on the project site that convey stormwater from the northwest to the southeast; the northern drainageway is known as Rock Creek and the southern is known as Little Fountain Creek. Rock Creek feeds a few old ponds for livestock watering and conveys 16.9 square miles of drainage. Little Fountain Creek is deep and circuitous and conveys 26.8 square miles of drainage downstream. There is a Zone A 100-year floodplain designation on the southern reaches of Little Fountain Creek. Neither drainageway currently contains any improvements for flood control or erosion protection. There is thick vegetation and trees along the drainageways.

The SCRP is primarily located in the Little Fountain Drainage Basin, while a small portion of the northeast corner of the subject site lies within the Fort Carson Drainage Basin. Most of the Fort Carson Drainage Basin area exists within the Fort Carson Military Base and only 1% is on SCRP. No drainage basin planning study has been prepared for the two basins to date.

It is intended that the creek and floodplain areas will be largely undisturbed by development on the site, other than for required rail and road crossings. The Sketch Plan identifies areas for flood control and detention. The proposed development as depicted on the Sketch Plan consists of heavy and light Industrial uses and some commercial property at the north end. These types of developments contain intense storm water runoff properties. A local drainage analysis that will conform with the El Paso

County Land Development Code and the El Paso County Engineering Criteria Manual will be prepared with subsequent development plans, having regard to the layout, location, and size of each land use development. It is anticipated that each development will provide full-spectrum detention and water quality treatment on-site.

### **Floodplain**

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel No. 08041C0965G and Panel No. 08041C01155G, both revised December 7, 2018, the subject site contains a 100-year floodplain shown as “Zone A” for Little Fountain Creek. “Zone A” being defined as “No Base Flood Elevations Determined”. As such, there is no detailed drainage study for Little Fountain Creek. There is no floodplain shown by FEMA for Rock Creek within the project area. Approximately 679.39 acres located along the northern portion of the site are contained within map No. 0804110961; imagery for this panel is not currently available. This may be due to its relative proximity to Fort Carson.

### **Soils & Geology**

A Soils and Geology Report was conducted by HDR in March 2024. The project area was evaluated for potential concerns associated with future development of the property. The report concluded that the property is suitable for the anticipated development. By avoidance or through the use of typical engineering design and construction practices, any concerns can be mitigated. However, a subsurface evaluation should be performed to fully evaluate the potential geologic and engineering constraints with future development plans. Upon completion of the subsurface evaluation, a follow up report summarizing the geologic conditions and engineering concerns should be prepared to support future development.

Soils on the property consists primarily of Geldt Clay Loam, Razor-Midway Complex, Shamber-Razor Complex, Fort Loam, and Mananzola Silt Clay Loam. These soils are poorly indurated, bedrock formations with high percentages of clay and silt and are easily eroded. Collapsibility is a result of both the composition and softness of the soils. Often located in arid to semiarid climates, these collapsible soils are often associated with alluvial fans, alluvium, colluvium and eolian depositions.

The project site is underlain by the Pierre Shale Middle Unit of Cretaceous Age and the Modern Alluvium of Quaternary Age. The Pierre Shale is characterized by expansive clays, swelling soils and bedrock exposures, which are common hazards for development. The formation includes moderately inclined slopes, such as mesa bluffs and riverbanks, and is prone to slope instability. The Alluvium Three formation can contain clean, medium-grained, well sorted sand layers and sporadic gravel lenses with clasts up to small cobbles. Gravels are generally from crystalline protoliths from conglomerates of the Dawson Formation.

The sand deposits along the Fountain Creek corridor contain known quantities of coarse-grained quartz sands used for the petroleum industry throughout the country and the site is known to have value for construction materials. The site includes permitted sand and gravel mines that should not pose a danger to future development in the area as the operations are setback from the proposed surrounding

development area.

The primary hazard identified is steep and potentially unstable slopes associated with the bluffs in the northeast portion of the property. Future development should evaluate slope stability in determining setbacks from the areas of concern and/or identify a no build areas to mitigate this potential hazard.

The project site is located immediately east of mapped potentially dangerous debris flow regions. Debris flows are characterized by moving masses of loose mud, sand, soil, rock, vegetation, or water that travels down a slope under the influence of gravity. Per the published data, debris flows on the property are minimal and confined to the northwest corner of the property. Future design and construction should account for this potential hazard, including the potential use of debris flow barriers.

### **Environmental Considerations**

A Natural Landforms, Vegetation, Riparian and Wildlife analysis was conducted by HDR in March 2024 with the following findings:

#### **Topography/Natural Features:**

The project area topography slopes down in a southeast direction at approximately 2 percent slope to Little Fountain Creek. Little Fountain Creek flows in a southeast direction, with the southwest portion of the site sloping into the creek at approximately 5 percent slope in a northeast direction. Rock Creek is a smaller stream and crosses into the site from the northwest but does not have a published floodplain. There are steeply sloping areas adjacent to Little Fountain Creek and other dry bed areas to the east of the project site that would be too encumbered for development and would likely be utilized as open space.

The Sketch Plan identifies parts of the property as “no-build areas” due to their steep slope. The Sketch Plan also identifies the Little Fountain Creek channel as open space and includes areas for flood control. The area at the confluence of Rock Creek and Little Fountain Creek is designated for lower intensity uses. This area requires further evaluation to establish appropriate uses with future development plans.

#### **Vegetation:**

The project area is located within the Southern Rocky Mountains and Central Shortgrass Prairie ecoregions. Vegetation in the project area consists of short grass prairie, disturbed vegetation around developed areas, and riparian habitat. The dominant plant species in the short grass prairie are smooth brome, crested wheatgrass, soapweed yucca, blue grama, galleta and western wheatgrass. Riparian habitat is located along Little Fountain Creek and other small drainages in the project area and included plains cottonwood, Siberian elm, green ash, reed canary grass, saltcedar, cattail, and bulrush. Vegetation in disturbed/developed areas consists of smooth brome, cheat grass, thistle species, common mullein, diffuse knapweed, and field bindweed.



### **Wildlife:**

Wildlife observed on the site include pronghorn antelope, red-tail hawk, black-capped chickadee, and black-tailed prairie dog. Several small active black-tailed prairie dog colonies are located on the north end of the project area. There are several areas with mature trees that provide nesting habitat for migratory birds and raptors within or immediately adjacent to the project area. No raptor nests were documented in the project area during the 2024 site visit and no raptor nests are mapped within 0.5 miles of the project site. Two inactive, black-billed magpie nests were observed in the project area in smaller Siberian elm trees. The project area is mapped as elk and pronghorn overall range by the Colorado Parks and Wildlife

### **Federal- and State-Listed Species:**

There are six federally listed threatened or endangered species and one candidate species with the potential to occur in the project vicinity. Of these six species, HDR concludes that only the monarch butterfly has potential to occur as a migrant in the project area. No critical habitat for any federally listed species occurs in the project area. State-listed species that could potentially occur in the project area include bald eagle, burrowing owl, ferruginous hawk, and American peregrine falcon.

The potential exists for ground-nesting migratory birds protected by the Migratory Birds Treaty Act (MBTA) to occur within the project area. However, the project site is disturbed because of heavy industrial activity adjacent to the area as well as grazing activity and, therefore, may only provide limited habitat for ground-nesting birds. In order to comply with the MBTA, HDR recommends that all vegetation removal should be conducted outside of the nesting season for migratory birds (February 1 to August 31). If vegetation removal occurs during the nesting season, surveys of the project area for nesting migratory birds should be conducted and appropriate buffers/mitigation measures initiated.

### **Wetlands and Waters of the U.S.:**

Several jurisdictional streams were observed on the site. Little Fountain Creek is an intermittent creek that occurs on the southern end of the project area and drains into Fountain Creek. Fountain Creek is a stream that originates in Woodland Park and flows through El Paso County to its confluence with the Arkansas River near Pueblo. Rock Creek is an intermittent creek that crosses under Millbrose Road in a culvert and drains into Little Fountain Creek. Several other small drainages occur in the project area but are not likely jurisdictional.

Several areas that are likely wetlands were observed on the site, including one cattail marsh located along Rock Creek near the old homestead and a dried-up freshwater pond west of Millbrose Road. National Wetlands Inventory data classifies the freshwater pond as wetland and shows a few small freshwater emergent wetlands in the vicinity. The Sketch Plan includes an area for potential wetland mitigation.

Based on the potential presence of wetlands and WOTUS observed on the site, HDR recommends the following actions to ensure compliance with the Clean Water Act:

- Conduct an official wetland and waters of the U.S. delineation in areas that would be impacted by project construction.
- Coordinate with the USACE, Southern Colorado Branch Office, if impacts to features identified as wetlands or WOUS would result from the proposed project to determine which Nationwide Permit may be applicable.
- Coordinate with the State of Colorado to determine if aquatic resources in the project area would be protected under the Sackett Gap Waters guidance.

## COMPLIANCE WITH MASTER PLAN

### Your El Paso Master Plan

The SCRPs are identified as a Potential Area for Annexation on the Key Areas map, an area for New Development on the Areas of Change map and an Employment Center on the Placetypes map. The rail park is also an Employment Priority Development Area.

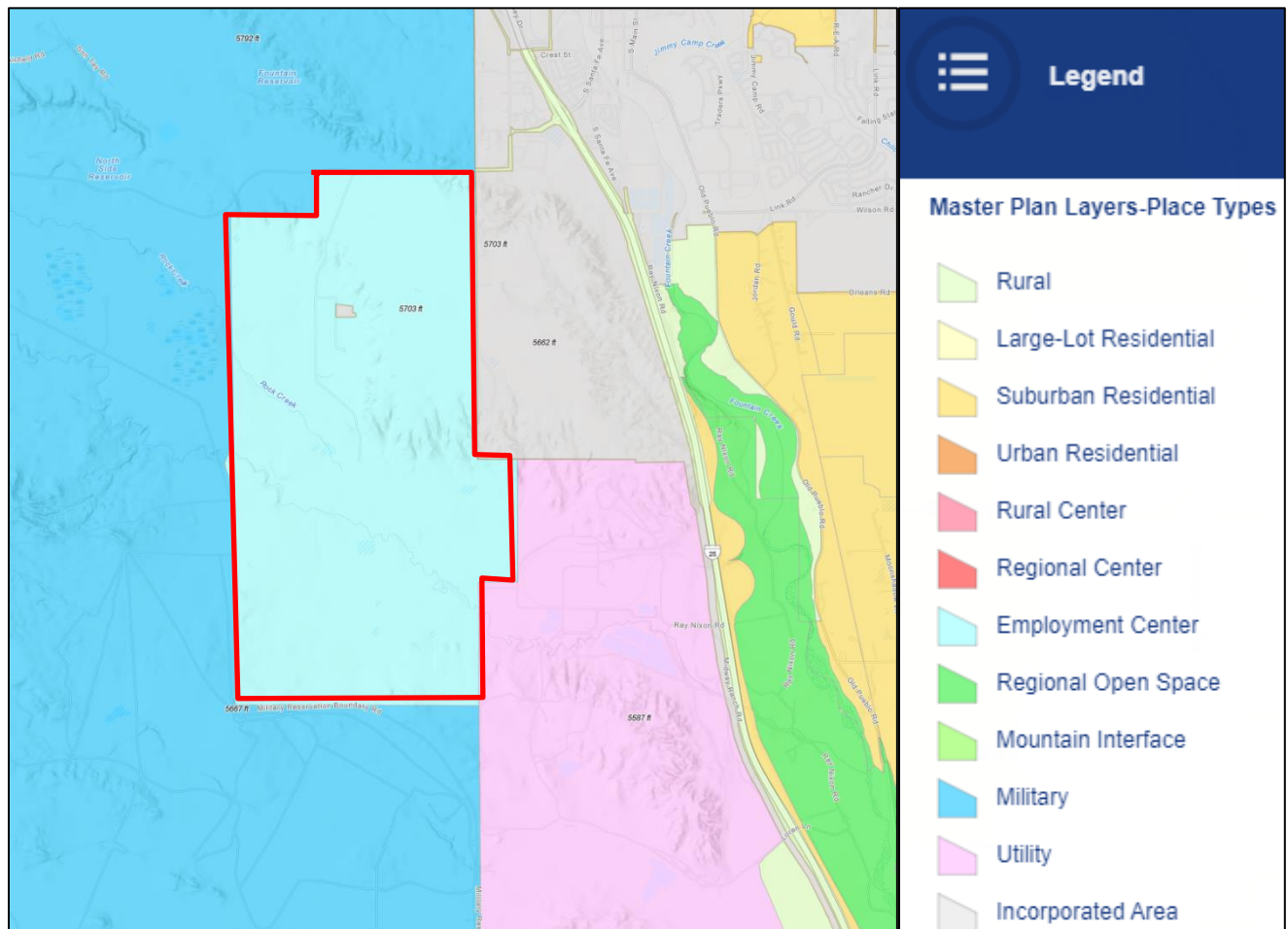
**Potential Areas for Annexation:** This Key Area outlines the portions of the County that are anticipated to be annexed as development occurs. The Master Plan acknowledges that the incorporated municipalities of Colorado Springs, Fountain and Monument will need to annex parts of the unincorporated County to accommodate new development and that the County should continue to coordinate with the individual cities and towns as they plan for growth. As noted above, it is the intent that the rail park property will be annexed into the City of Fountain once the Sketch Plan and Title 32 District are approved. This annexation is necessary so that the rail park can be served by City of Fountain utilities and fire service. A letter of support from the City of Fountain is included with the Sketch Plan submittal which recognizes the potential annexation of the property into the City.

**New Development:** These are areas within the County where significant transformation is anticipated as new development occurs on land 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”. The rail yard property lies between Fort Carson to the north, east and south, and the Nixon powerplant, a quarry and I-25 to the east. The proposed use of a rail-served industrial park is compatible with the adjacent uses and both the new rail spur and associated industrial uses will provide direct benefit to Fort Carson. A letter of support from Fort Carson Garrison Commander is included with the Sketch Plan submittal, which emphasizes the importance of a secondary rail connection to Fort Carson.

**Employment Centers:** The priority function of this placetype is to provide space for large-scale employers to establish and expand in El Paso County. They are typically located on or directly adjacent to Interstate 25 and/or other regional corridors to ensure business and employee access. Uses in this placetype often require large swaths of land and opportunity to expand and grow to meet future needs and demands. Primary land uses include light industrial/business park, heavy industrial, and office, with

supporting commercial retail, commercial service and restaurant uses. The rail park Sketch Plan is consistent with the objectives of this placetype as it identifies parcels for heavy railroad-oriented industry in the southern half of the site that has direct access to the rail spur and rail loop. In the northern portion of the site there is a transition to light industrial and commercial service uses, with a parcel for commercial uses next to Fort Carson Gate 19.

**Employment Priority Development Area:** The Master Plan identifies specific locations throughout the County that should be prioritized first for new employment development in order to maintain a diverse economy with significant employers in a wide range of sectors and no single industry accounting for a majority of its employment base. The proposed “Railyard by Fort Carson” is identified as an Employment Priority Development Area that would be the major distribution hub for the southern end of the County. The Master Plan notes that the proposed railyard could spur vertical integration with the creation of supporting businesses such as manufacturing, warehousing, and roadway distribution due to the proximity to Interstate 25. Depending on scale, these types of businesses could have consequential effects on new employment opportunities for County residents.



The following Implementation Policies are relevant to the SCRP Sketch Plan:

### Economic Development

Goal ED1. Recruit new businesses and spur the development of growing sectors.

- Objective ED1-6: Large employers should be located on major roadways to improve connectivity and minimize their impact on daily traffic.
- Identify areas with enough land to support companies that require a significant development footprint as development continues to occur.

Goal ED4. Utilize economic opportunity zones to support new business development.

- Support the development of the railyard by Fort Carson as a catalyst for the creation of a strong employment hub to serve the entire County.

### Transportation and Mobility

Goal TM1. Establish a transportation network that connects all areas to one another, emphasizing east-west routes, reducing traffic congestion, promoting safe and efficient travel.

- Help facilitate the development of the railyard located adjacent to the Fort Carson spur of the shared BSNF and UP line.

### Military

Goal M1. Support compatible land uses within and in close proximity to bases and associated facilities.

Goal M2. Ensure coordinated planning efforts for transportation impacts and access.

- Objective M2-1: Manage future transportation projects that could affect gate traffic and associated stormwater impacts.
- Objective M2-2: Continue to work with CDOT to prioritize transportation improvements along the routes that serve military bases.
- Objective M2-3: Cooperate with CDOT and the Pikes Peak Area Council of Governments (PPACG) to meet regional military transportation needs.
  - Improve Charter Oak Ranch Road outside Gate 19 at Fort Carson.
  - Develop an alternate rail connection to Fort Carson to support redundant and increased rail service.

The SCRP Sketch Plan will fulfill the above implementation goals and objectives of the Master Plan by creating a location large enough to support companies that require a significant development footprint in a location served by major roadways, which will help to recruit new businesses and spur the development of growing sectors that will serve as a catalyst for the creation of a strong employment

hub to serve the entire County. The SCRP support Fort Carson military base by including appropriate supporting and compatible land use, providing an alternate rail connection to service Fort Carson, improving Charter Oak Ranch Road outside Gate 19 at Fort Carson, and creating a new and improved access to Gate 19 off I-25 through the SCRP.

### **Water Master Plan**

The SCRP property is within the Region 7 as is identified as an expected growth area by 2060. Water suppliers in Region 7 do not rely on any water from nonrenewable Denver Basin wells. The site lies immediately adjacent to the City of Fountain water district boundary. If the property is annexed into the City of Fountain it will also be annexed into the City water service territory. A commitment letter for water service has been provided by City of Fountain Utilities Department which indicates that they have service capacity for SCRP subject to their current “first come, first served” policy.

Policy 6.0.11 of the Water Master Plan seeks to limit urban level development to those areas served by centralized utilities. The intent of this project to annex into the City of Fountain to securer utility service is consistent with this policy.

### **Major Transportation Corridor Plan (MTCP)**

The MTCP 2040 functional classification for I-25 is a Freeway and for Charter Oak Ranch Road a Collector. No improvements are identified to either roadway in 2040 and 2060 corridor preservation is not required. The multimodal transportation map identifies a proposed Primary Regional Trail running along the eastern boundary of the property, but this is inconsistent with the Parks Master Plan (see below).

The MTCP 2060 Preservation Plan identifies the proposed extension of Powers Boulevard on the east side of I-25, to a new interchange on I-25 adjacent to the project site, approximately 2.25 miles south of the US 85 interchange. The alignment and design of this new road extension is being progressed by Pikes Peak Area Council of Governments (PPACG). The SCRP Sketch Plan assumes a connection to this new interchange and a continuation of Powers Boulevard through the property to connect to Charter Ranch Road and, possibly in the future, to Fort Carson. This will provide a second and more direct point of access to the SCRP property to I-25 to support full-build out and will create an alternative and more direct access to Fort Carson Gate 19 from the south (with or without the direct connection).

### **County Parks Master Plan**

The 2022 Parks Master Plan Update does not show a proposed regional trail in the vicinity of the SCRP property. The nearest existing/proposed regional trail is the Fountain Creek Trail on the east side of I-25. The County’s Department of Parks and Community Services has stated that:

*“The El Paso County Parks Master Plan does not show any facilities directly impacted by the project. Proposed and completed sections of the Fountain Creek Regional Trail lie to the east of the project area, east of Interstate 25. No regional park fees are recommended, as the County has elected to not require park fees for commercial subdivisions.”*



## COMPLIANCE WITH SKETCH PLAN CRITERIA

The proposed Rail Park Sketch Plan addresses the Sketch Plan Review Criteria in Chapter 7.2.1.D.1.C of the LDC as follows:

**1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;**

As noted in the above section, the SCRP Sketch Plan is in complete conformance with the Master Plan, as the proposed rail-served industrial park and a new rail spur to Fort Carson is within an Employment Priority Development Area that will meet multiple goals, objectives, and policies of the Master Plan, to include:

- Providing a location to recruit new businesses and spur the development of growing sectors.
- Providing a location large enough to support companies that require a significant development footprint.
- Providing a location for large-scale employers that is located on major roadways to improve connectivity and minimize their impact on daily traffic.
- Supporting the development of the railyard by Fort Carson as a catalyst for the creation of a strong employment hub to serve the entire County.
- Supporting compatible land uses within and in close proximity to military bases and associated facilities.
- Developing an alternate rail connection to Fort Carson to support redundant and increased rail service.
- Ensure coordinated planning efforts for transportation impacts and access.
- Managing future transportation projects that could affect gate traffic, in particular, improve Charter Oak Ranch Road outside Gate 19 at Fort Carson.

The SCRP is also in compliance with the Water Master Plan, MTCP, and Parks Master Plan, as described above.

**2. The proposed subdivision is in conformance with the requirements of this Code;**

The Sketch Plan meets all the relevant requirements of the Land Development Code.

**3. The proposed subdivision is compatible with existing and proposed land uses within and adjacent to the sketch plan area;**

The Southern Colorado Rail Park lies between Fort Carson to the north, east and south, and the Nixon powerplant, a quarry and I-25 to the east. Fort Carson abuts the site on three sides and adjacent to the SCRP property are live-fire gunnery ranges and an active military airfield for the

Combat Air Brigade (helicopters). To the east are two electric generation power plants and one of the plants is rail served. Within the property is the 400-acre Schmidt Construction quarry, which will continue to operate for approximately 10-15 years while the rail spur and industrial park is implemented. The quarry operation includes a mechanical rock crusher to generate aggregates both for sale and Schmidt's paving operations.

The proposed use of a rail-served industrial park on the subject property is an appropriate land use given the intense and noisy nature of the adjacent uses. This is perhaps the most suitable location in the entire County for industrial development of this scale. In addition, both the new rail spur and associated industrial uses will provide direct support and benefit to Fort Carson's mission, as well as providing substantial economic and job growth opportunities for the area.

**4. The water supply report provides sufficient information to identify probable compliance with the water supply standards and identifies any need for additional water supplies;**

The Water Feasibility Report includes a commitment letter for water service from City of Fountain Utilities Department upon annexation to the City of Fountain, which indicates that they have service capacity, subject to their current "first come, first served" policy.

**5. Services are or will be available to meet the needs of the subdivision including, roads, police and fire protection, schools, recreation facilities, and utility service facilities;**

Upon annexation to the City of Fountain, water and electricity service will be provided by City of Fountain Utilities Department, wastewater service will be provided by Fountain Sanitation District, and it is anticipated that Black Hills Energy will provide natural gas service. The City of Fountain Fire Department has provided a commitment letter for fire protection service to the property upon annexation to the City. The location of main utility systems is not known at this time and will depend upon utility service provider and end-user requirements.

As this is an industrial/commercial development there will be no impact on schools and no impact on, or requirement for, recreation facilities. Trails/open space may be incorporated as an amenity for employees along the creek corridors, in identified open spaces, and in the low impact area, but this is subject to further evaluation with future development plans.

**6. The soil is suitable for the subdivision;**

The Soils and Geology Report conducted by HDR in June 2023 identified the primary soils on the property as Geldt Clay Loam, Razor-Midway Complex, Shamber-Razor Complex, Fort Loam, and Mananzola Silt Clay Loam. These soils are poorly indurated, bedrock formations with high percentages of clay and silt and are easily eroded. Collapsibility is a result of both the composition and softness of the soils. Often located in arid to semiarid climates, these collapsible soils are often associated with alluvial fans, alluvium, colluvium and eolian depositions. The report concluded that the property is suitable for the anticipated development and that these soil conditions could be mitigated through the use of typical engineering design and construction practices. The report recommended additional subsurface evaluation to fully evaluate the potential soils and engineering

constraints with future development plans.

**7. The geologic hazards do not prohibit the subdivision, or can be mitigated;**

The Soils and Geology Report conducted by HDR in March 2024 concluded that the property is suitable for the anticipated development and that these geologic conditions could be mitigated through avoidance with no build areas or the use of typical engineering design and construction practices. The report recommended additional subsurface evaluation to fully evaluate the potential geologic and engineering constraints with future development plans.

The project site is underlain by the Pierre Shale Middle Unit of Cretaceous Age and the Modern Alluvium of Quaternary Age. The Pierre Shale is characterized by expansive clays, swelling soils and bedrock exposures, which are common hazards for development. The formation includes moderately inclined slopes, such as mesa bluffs and riverbanks, and is prone to slope instability.

The primary hazard identified is steep and potentially unstable slopes associated with the bluffs in the northeast portion of the property. Future development should evaluate slope stability in determining setbacks from the areas of concern and/or identify a no build areas to mitigate this potential hazard.

The project site is located immediately east of mapped potentially dangerous debris flow regions. Debris flows are characterized by moving masses of loose mud, sand, soil, rock, vegetation, or water that travels down a slope under the influence of gravity. Per the published data, debris flows on the property are minimal and confined to the northwest corner of the property. Future design and construction should account for this potential hazard, including the potential use of debris flow barriers.

**8. The subdivision will not interfere with the extraction of any known commercial mining deposit [C.R.S. §§ 34-1-302(1), et seq.];**

Approximately 650 acres of the property is currently an active gravel mine, operated by Schmidt Construction Company. It is anticipated that the mining operation will continue until all aggregate has been extracted from the property, which will take about 15 years. Once the mining area is reclaimed it will be available for development as part of the Rail Park.

**9. The design of the subdivision protects the natural resources or unique landforms;**

The Sketch Plan identifies parts of the property as “no-build areas” due to their steep slope. The Sketch Plan also identifies the Little Fountain Creek channel as open space and includes areas for flood control. The area at the confluence of Rock Creek and Little Fountain Creek is designated for lower intensity uses. The nature of the uses in this area will be compatible with the industrial character of SCRP and the development intensity will be dictated by site constraints which requires further evaluation with future development plans.

**10. The proposed methods for fire protection are adequate to serve the subdivision; and**

The City of Fountain Fire Department has provided a commitment letter for fire protection service to the property upon annexation to the City.

**11. The subdivision is appropriate and the design is based on mitigating the constraints of topography, soil types, geologic hazards, aggregate resources, environmental resources, floodplain, airplane flight overlays, or other constraints.**

An evaluation of the property's suitability for the proposed development in terms of topography, soil types, geologic hazards, aggregate resources, environmental resources, floodplain, or other constraints is included with the various reports submitted with the Sketch Plan. All potential constraints have been identified and appropriate further study/investigation and potential mitigation measures are recommended in association with future detailed development plans for the rail park. In association with future federal grant applications for funding to construct the new rail spur, a detailed environmental analysis will be required.

The northern portion of the property lies within the Commercial Airport Overlay District. Industrial development is an appropriate use in the CAD overlay. The CAD overlay does not impose any additional height or use restrictions from those uses or height restrictions identified in the overlay zoning regulations. Industrial uses are allowed within all the CAD-O sub-zones and commercial uses are allowed in all sub-zones except APZ-1, where it is a special use. The SCRP site does not lie within the APZ-1 sub-zone.

*P:\Edw. C. Levy Co. dba Schmidt Construction Company\Fountain Railroad Project\Admin\Submittals\Sketch Plan\2nd Submittal\Southern Colorado Rail Park\_Letter of Intent\_April 2024\_2nd Submittal.docx*











**SOUTHERN COLORADO RAIL PARK**  
PARCELS OF LAND IN SECTIONS 12, 13, 14, 23, 24, 25 AND 26 T16S R66W OF THE 6TH  
P.M., COUNTY OF EL PASO, STATE OF COLORADO  
**SKETCH PLAN**



N.E.S. Inc.  
619 N. Cascade Avenue, Suite 200  
Colorado Springs, CO 80903  
  
Tel. 719.471.0073  
Fax 719.471.0267  
  
[www.nescolorado.com](http://www.nescolorado.com)  
  
© 2012. All Rights Reserved.

SOUTHERN  
COLORADO RAIL  
PARK

## SKETCH PLAN

EAST OF FORT CARSON, WEST OF I-25,  
SOUTH OF CHARTER OAK RANCH ROAD

DATE: 06/05/2023  
PROJECT MGR: A. BARLOW  
PREPARED BY: J. SMITH

DATE:	BY:	DESCRIPTION:
03/19/2024	JS	PER EPC REVIEW COMMENTS

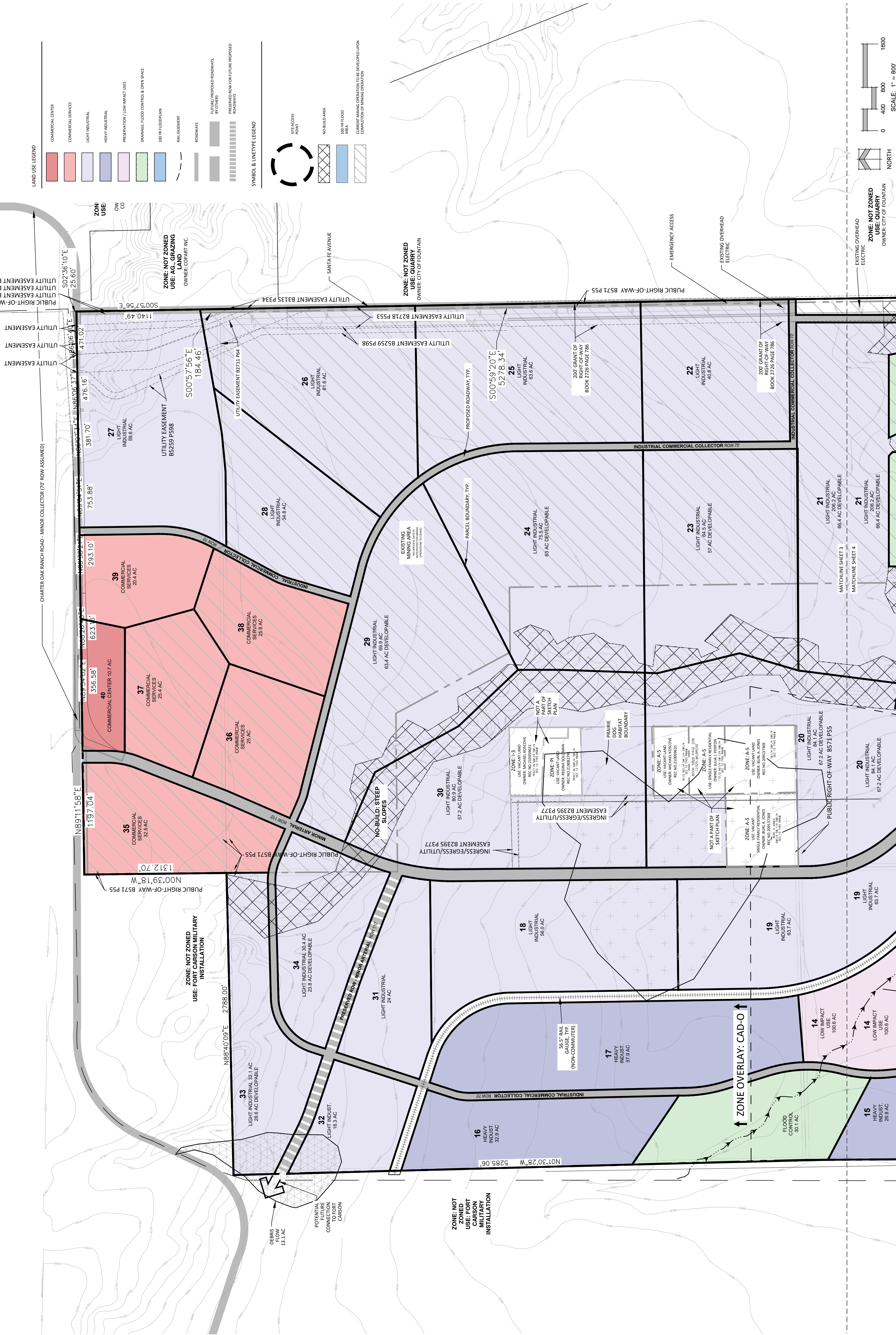
NOISE

### SKETCH PLAN



6 OF 3

SKP234





# SOUTHERN COLORADO RAIL PARK

PARCELS OF LAND IN SECTIONS 12, 13, 14, 23, 24, 25 AND 26 T16S R66W OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO

## SKETCH PLAN



N.E.S. Inc.  
619 N. Cascade Avenue, Suite 200  
Colorado Springs, CO 80903  
Tel. 719.471.0073  
Fax 719.471.0267  
www.nescolorado.com  
© 2012. All Rights Reserved.

PLANNER / LANDSCAPE ARCHITECT

IN ASSOCIATION WITH

## SOUTHERN COLORADO RAIL PARK

### SKETCH PLAN

EAST OF FORT CARSON, WEST OF I-25,  
SOUTH OF CHARTER OAK RANCH ROAD

DATE: 06/02/2023  
PROJECT MGR: A. BARLOW  
PREPARED BY: J. SMITH

STAMP

ISSUE INFO

DATE:	BY:	DESCRIPTION:
03/19/2024	JS	PER EPC REVIEW COMMENTS

REVISION

### SKETCH PLAN

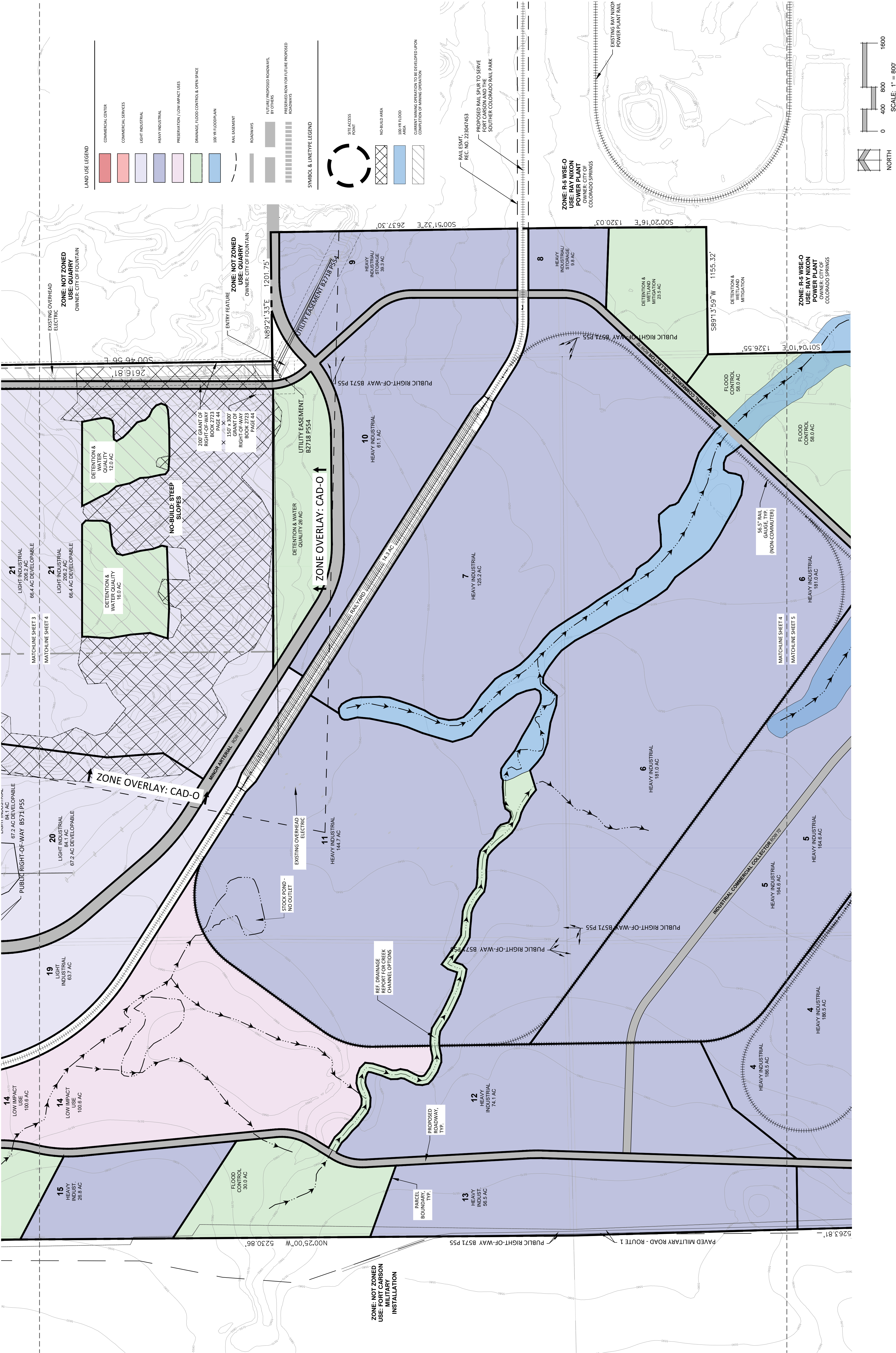
SHEET TITLE

4

4 OF 6

SKP234

PLAN FILE #





# SOUTHERN COLORADO RAIL PARK

PARCELS OF LAND IN SECTIONS 12, 13, 14, 23, 24, 25 AND 26 T16S R66W OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO

## SKETCH PLAN



N.E.S. Inc.  
619 N. Cascade Avenue, Suite 200  
Colorado Springs, CO 80903  
  
Tel. 719.471.0073  
Fax 719.471.0267  
  
www.nescolorado.com  
© 2012. All Rights Reserved.

PLANNER / LANDSCAPE ARCHITECT

IN ASSOCIATION WITH

### SOUTHERN COLORADO RAIL PARK

#### SKETCH PLAN

EAST OF FORT CARSON, WEST OF I-25,  
SOUTH OF CHARTER OAK RANCH ROAD

DATE: 06/05/2023  
PROJECT MGR: A. BARLOW  
PREPARED BY: J. SMITH

PROJECT INFO

STAMP

ISSUE INFO

DATE: 03/19/2024  
BY: JS  
DESCRIPTION: PER EPC REVIEW COMMENTS

REVISION

#### SKETCH PLAN

SHEET TITLE

SHEET NUMBER

5 OF 6

SKP234

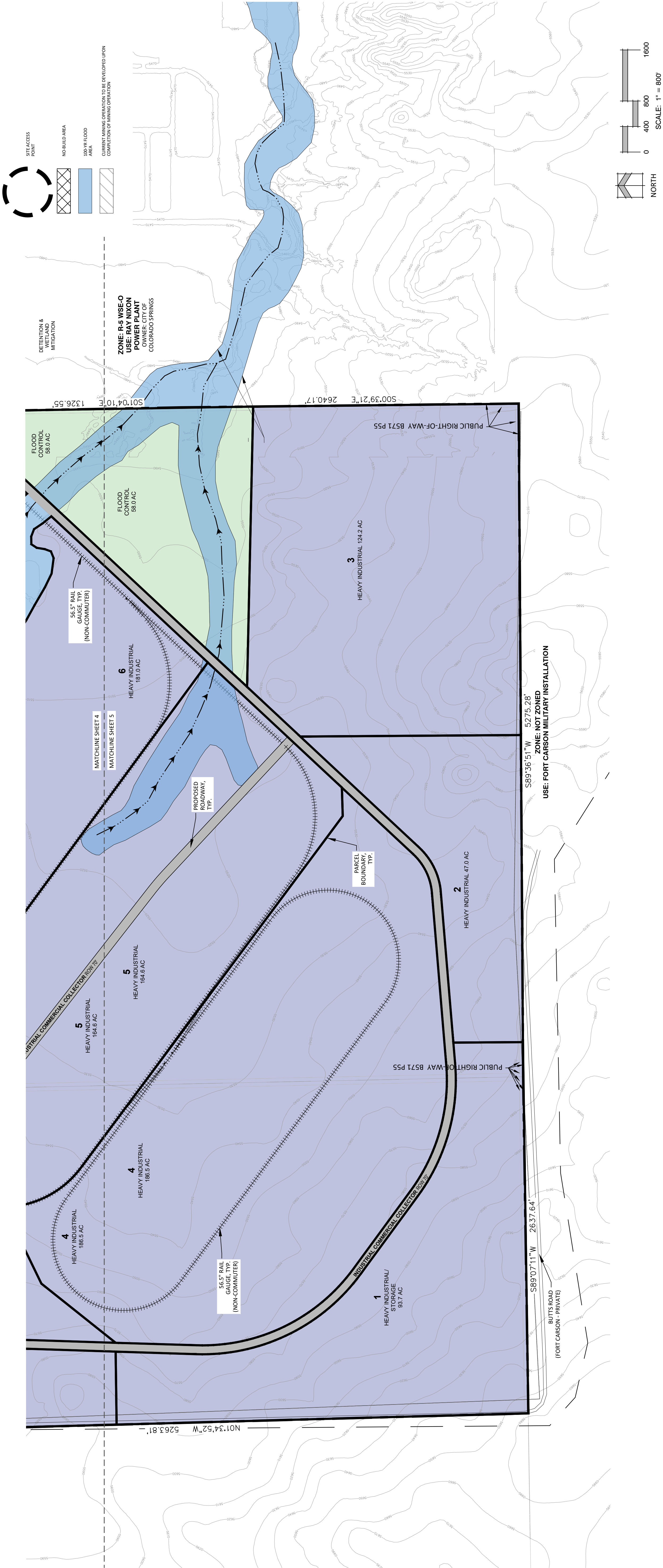
PLAN FILE #

LAND USE LEGEND

- COMMERCIAL CENTER
- COMMERCIAL SERVICES
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- PRESERVATION / LOW IMPACT USES
- DRAINAGE, FLOOD CONTROL & OPEN SPACE
- 100 YR FLOODPLAIN
- RAIL EASEMENT
- ROADWAYS
- FUTURE / PROPOSED ROADWAYS, # OTHERS
- PRESERVED NOW OR FUTURE PROPOSED ROADWAYS

SYMBOL & LINETYPE LEGEND

- SITE ACCESS POINT
- NO BUILD AREA
- 100 YR FLOOD AREA
- CURRENT MINING OPERATION TO BE DEVELOPED UPON COMPLETION OF MINING OPERATION

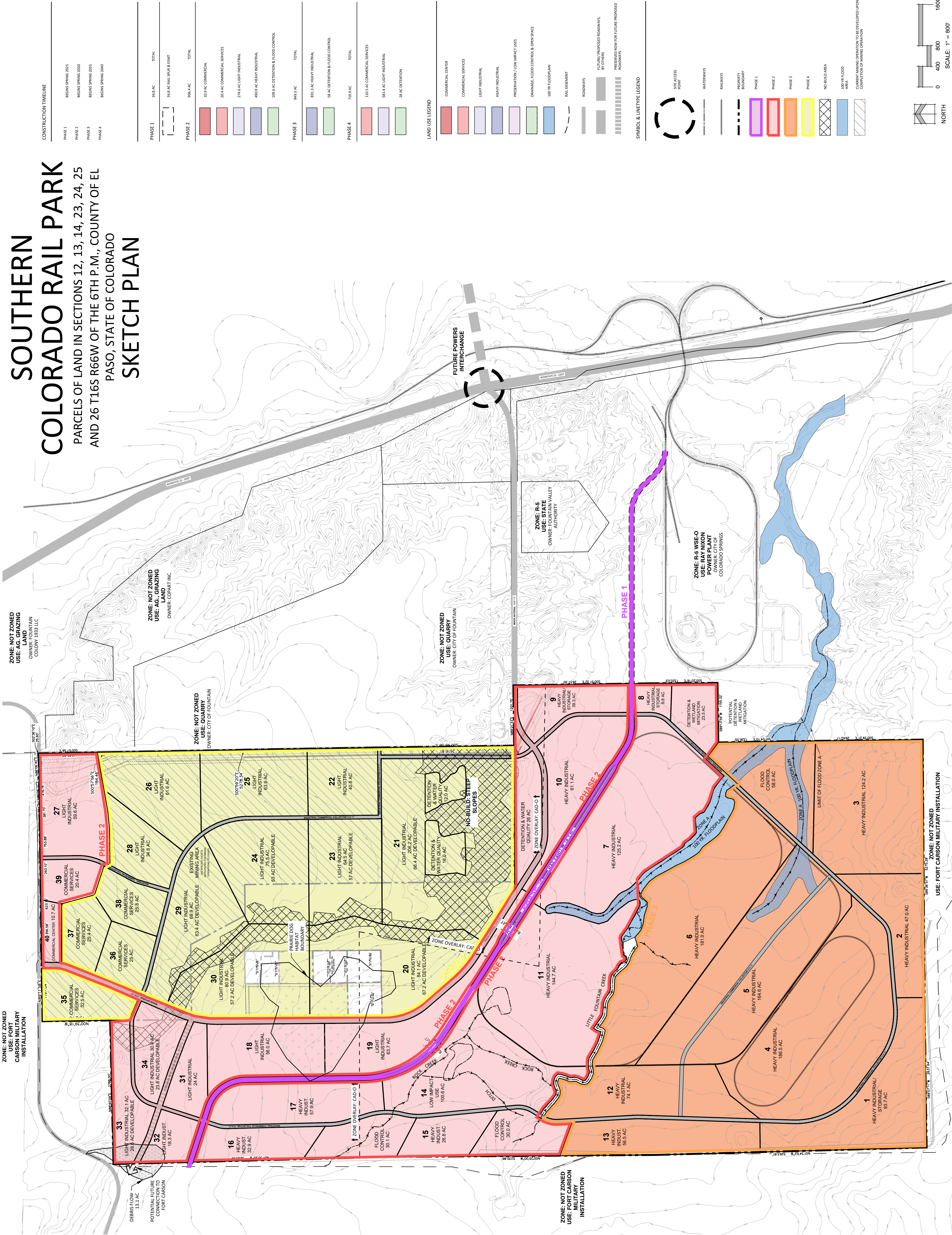




SOUTHERN COLORADO RAIL PARK

PARCELS OF LAND IN SECTIONS 12, 13, 14, 23, 24, 25 AND 26 T16S R66W OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO

SKETCH PLAN



CONSTRUCTION TIMELINE

PHASE 1	BEGINS SPRING 2025
PHASE 2	BEGINS SPRING 2030
PHASE 3	BEGINS SPRING 2035
PHASE 4	BEGINS SPRING 2040

PHASE 1

368 AC	TOTAL
368 AC RAIL SPUR & E&MT	

PHASE 2

906.4 AC	TOTAL
103.9 AC COMMERCIAL	
204.4 AC COMMERCIAL SERVICES	
274.6 AC LIGHT INDUSTRIAL	
490.9 AC HEAVY INDUSTRIAL	
126.6 AC DETENTION & FLOOD CONTROL	

PHASE 3

949.3 AC	TOTAL
891.3 AC HEAVY INDUSTRIAL	
58 AC DETENTION & FLOOD CONTROL	

PHASE 4

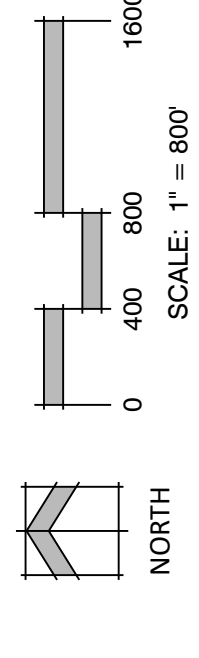
759.9 AC	TOTAL
110.5 AC COMMERCIAL SERVICES	
581.4 AC LIGHT INDUSTRIAL	
28 AC DETENTION	

LAND USE LEGEND

- COMMERCIAL CENTER
- COMMERCIAL SERVICES
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- PRESERVATION / LOW IMPACT USES
- DRAINAGE, FLOOD CONTROL & OPEN SPACE
- 100 YR FLOODPLAIN
- RAIL EASEMENT
- ROADWAYS
- FUTURE / PROPOSED ROADWAYS
- RESERVED NOW FOR FUTURE IMPROVED ROADWAYS

SYMBOL & LINE TYPE LEGEND

- SITE ACCESS POINT
- WATERWAYS
- RAILWAYS
- PROPERTY BOUNDARY
- PHASE 1
- PHASE 2
- PHASE 3
- PHASE 4
- NO BUILD AREA
- 100 YR FLOOD
- CONTRACTOR SHALL BE DEVELOPED UPON COMPLETION OF MINING OPERATION



N.E.S. Inc.  
619 N. Cascade Avenue, Suite 200  
Colorado Springs, CO 80903  
Tel. 719.471.0073  
Fax 719.471.0267  
www.nescolorado.com  
© 2012. All Rights Reserved.

PLANNER / LANDSCAPE ARCHITECT

IN ASSOCIATION WITH

SOUTHERN COLORADO RAIL PARK

SKETCH PLAN

EAST OF FORT CARSON, WEST OF I-25,  
SOUTH OF CHARTER OAK RANCH ROAD

DATE: 06/05/2023  
PROJECT MGR: A. BARLOW  
PREPARED BY: J. SMITH

STAMP

ISSUE INFO

DATE:	BY:	DESCRIPTION:
03/19/2024	JS	PER EPC REVIEW COMMENTS

REVISION

PHASING PLAN

6

6 OF 6

SKP234

PLAN FILE #





**COLORADO**  
**Department of Transportation**  
Region 2 Permits  
5615 Wills Blvd, Suite A  
Pueblo, CO 81008-2349

April 23, 2024

Interstate 25  
El Paso County / Fountain

**Kari Parsons**, Project Manager/Planner  
E. P. C. Planning & Community Development  
2880 International Circle  
Colorado Springs, CO 80910

RE: Southern Colorado Dual-Service Rail Park - SKP234

Dear Kari,

I am in receipt of a referral request for comments for the above-mentioned Sketch Plan to include 3,100 +/- acres east of I-25. 6 internal parcels are not counted as part of this development of approximately 40-acres. The Sketch Plan includes the general alignment of the proposed railroad spur through the property to service Fort Carson, together with an internal rail loop to provide train storage and expand the area for rail access. Approximately 650 acres of the property is currently an active gravel mine, operated by Schmidt Construction Company. It is anticipated that the mining operation will continue until all aggregate has been extracted from the property, which will take about 15 years. Once the mining area is reclaimed it will be available for development as part of the SCRP. The Sketch Plan identifies parcels for heavy railroad-oriented industry in the southern half of the site that has direct access to the rail spur and rail loop. In the northern portion of the site there is a transition to light industrial and commercial service uses. A 10-acre parcel is identified adjacent to Charter Oak Road and next to Gate 19 into Fort Carson, which is expected to serve day-to-day commercial needs of Fort Carson military personnel, civilian employees, dependents, and visitors, as well as employees and visitors of the Rail Park.

The development will be phased as follows:

	START	ACRES	USE
PHASE 1	2025	36.8	Construction of Rail Spur through center of the park
PHASE 2	2030	906.4	Commercial development adjacent to the Charter Oaks Road and heavy/light development adjacent to rail spur
PHASE 3	2035	949.3	Industrial development in the southern portion of the park
PHASE 4	2040	719.9	Closure of the mining operation portion of the park/completion of commercial and light industrial development

Access is to be gained from connection to Fort Carson and Charter Oaks Road to the north via Exit 128 and I-25 and the potential connection of Powers Blvd. and I-25 to the south. CDOT has reviewed the supplied documents and have the following comment:



## Traffic

The supplied documents have been reviewed by a CDOT Traffic Engineer. Their comments follow:

### 04/2024 comments:

- Please provide a new study before doing the Phase 3 (start of build planned for 2035).
- We really cannot estimate any better before having more information on the I-25 and Powers Blvd potential connection.
- Escrow calculation is also premature because of this.
- The only question is if they will submit another TIS prior to 2035? The easiest option is to approve only Phases 1 and 2, so they have to apply before starting the third phase.

### 12/15/2023 Comments:

- *The proposed development is a 3,100-acre property and consists of industrial park (ITE 130), warehousing (ITE 150), mini-warehouse (ITE 151) and shopping plaza (ITE 821) uses. The development is planned through 4 phases: 1) (2030)- rail line extension with no trip generation, 2) (2035)- 6,685 daily trips generated, 3) (2040)- 10,275 daily trips generated, and 4) (2045)- 17,630 daily trips generated at full build-out. It should be noted that 15% of heavy industrial and 5% of light industrial trips were assumed to be served by rail. Also, 70% of vehicular trips were assumed to be pass-by.*
- *Charter Oak Ranch Rd was assumed to be a single access point until Phase 3 (2040). Phase 4 finalization assumes the connection to I-25 through an added interchange. It should be noted that Charter Oak Ranch Rd & US 85 roundabout is expected to operate at LOS D in 2035 and at LOS F in 2040. The I-25 connection to the South is expected to alleviate this congestion by 2045. The TIS recommendation shows that the I-25 connection will be needed prior to completion of Phase 3 (2040) and that the actual timing of the connection should be reevaluated as development progresses and more information becomes available. Therefore, the submitted master TIS is accepted.*
- *However, before the start of Phase 3 (2035), the following will be required:*
- *TIS considering Phases 3 and 4, including evaluation of interchange construction and mitigations at Exit 128 (I-25 & US85).*
- *The study will also show the costs of off-site improvements and required escrow amount in both phases with additional access permits.*
- *The Applicant should be aware that the proposed Powers Interchange is only in a Draft Planning & Environmental Linkage study and the location of future Powers Interchange may be at an alternative location.*
- *The Applicant should also be aware, that a new interchange is not designed or funded currently by CDOT and if the interchange and/or interchange improvements are required they will be completed at the development's expense.*

## Hydraulics

The Master Development Drainage Report titled Conceptual Drainage Summary dated September 2023 has been supplied for review by a CDOT Hydraulics Engineer. Their comments follow:

- *No perceived drainage impacts to either SH115 or I-25 are expected from the proposed development. No Comments.*

## Environmental

The supplied documents have been supplied for review by a CDOT Environmental Engineer. Their comments follow:



- *No Immediate impact to CDOT Natural Resources.*
- *Project would increase the displacement of wildlife and could change migration patterns east, towards the I-25. Change in migration patterns, could change when and where animals interact with I-25 and could increase wildlife vehicle collisions.*
- *Also, the proposed new interchange on I-25 north of Ray Nixon was not evaluated as part of this project, but is seen in the rail park conceptual drawings.*

#### Access

This development impacts CDOT Accesses at I-25/ SH85/87 Exit 128 and I-25 Exit 125. My comment follows:


- Two CDOT Access Permit will be required for this development to update or new for the above-mentioned interchanges off I-25, Exit 128 for Phases 1 and 2. Additional permits will be required for each additional phase after phase 3.
- Roadway improvements will be required and detailed in the terms and conditions of the access permits.
- Section 1.4(1) of the State Highway Access Code, states in part that no person, shall construct any access providing direct vehicular movement to or from any state highway from or to property in close proximity or abutting a state highway without an access permit issued by the designated issuing authority with the written approval of the Department.
- Under Section 2.6 (Change in Land Use and Access Use) of the State Highway Access Code, states the requirements of a new access permit. It states in part that if any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume increases by 20% and or vehicle type, the permittee or property owner will coordinate with the local authority and the Department to determine if a new access permit and modifications to the access are required.

Additionally,

- On-premise and off-premise signing shall comply with the current Colorado Outdoor Advertising Act, sections 43-1-401 to 421, C.R.S., and all rules and regulations pertaining to outdoor advertising. Please contact Mr. Adam Lancaster at (719) 562-5540 for any questions regarding advertising devices.
- Any utility work within the state highway right of way will require a utility permit from the CDOT. Information for obtaining a utility permit can also be obtained by contacting Mr. Lancaster.

Please contact me in Pueblo at (719) 546-5732 or by email [arthur.gonzales@state.co.us](mailto:arthur.gonzales@state.co.us) with any questions.

Sincerely,

  
Arthur Gonzales  
CDOT R2 - Access Manager

Xc: /file





September 13, 2023

Edw. C. Levy Co.  
c/o Gary Barber, Project Manager, Southern Colorado Rail Park  
P.O. Box 1976  
Colorado Springs, CO 80904

Re: Letter of Support for the El Paso County Sketch Plan

Mr. Barber,

As you are aware, the City of Fountain is a partner in the community initiative to bring a second rail connection to Fort Carson and has been engaged in this effort for over a decade. To that end, the City of Fountain supports the submission of an El Paso County Sketch Plan by Edw. C. Levy Company as an important element in the rail project's success. We understand that submission and approval of the sketch plan is a step in the implementation of our community strategy to create jobs in Southern El Paso County.

Our dialogue in furtherance of the rail initiative includes the potential annexation of the rail project property into the City of Fountain. We anticipate a continuation of that dialogue as the plan is processed for approval by El Paso County.

Sincerely,

Mayor Sharon Thompson



**DEPARTMENT OF THE ARMY**  
**US ARMY INSTALLATION MANAGEMENT COMMAND**  
**HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT CARSON**  
**1626 ELLIS STREET, SUITE 200**  
**FORT CARSON, CO 80913-4143**

March 29, 2022

**SUBJECT: Fort Carson's Need for a Second Rail Connection**

City of Fountain  
Attention: Mr. Scott Trainor, City Manager  
116 South Main Street  
Fountain, CO 80817

Dear Mr. Trainor:

For over 20-years Fort Carson has expressed a need for secondary rail accessibility to facilitate the deployment of military equipment in support of unit deployments around the world. A second rail connection, separate from the current rail that exists on the north end of Fort Carson, would help to reduce the risk associated with having only one rail connection off-post. As we have seen in the recent past, the loss of the current rail connection for any reason, eliminates our ability to rail military equipment until the existing rail infrastructure is fixed. A secondary rail connection could be used if the primary became unusable for any reason. We continue to be informed of the City of Fountain and El Paso County initiative continuing to explore the possibility of an industrial rail park along our shared boundary.

Fort Carson has raised the heightened concern of only one rail connection at present to the Army leadership and have identified the second rail connection need within the base installation MILCON budget process. We are very interested in any community project that could offer an opportunity for Fort Carson to gain a secondary rail connection and avail an encore workforce potential to retain and excel enlisted-to-civilian personnel in our region.

Sincerely,

SPRINGER.NATHAN  
N.RAY.1123718891

Digitally signed by  
SPRINGER.NATHAN.RAY.11237  
18891  
Date: 2022.03.29 09:08:17 -06'00'

Nathan R. Springer  
Colonel, U.S. Army  
Garrison Commander

cc:

Kimberly Bailey (Economic Development and Urban Renewal, City of Fountain)  
Crystal LaTier (Economic Development and Housing, El Paso County)  
Cecilia Harry (Chief Economic Development Officer, Colorado Springs Chamber & EDC)

**PC Report Packet**

**Page 49 of 66**



## COLORADO

Division of Water Resources

Department of Natural Resources

April 15, 2024

Kari Parsons, Project Manager  
El Paso Planning and Community Development  
Transmission via EDARP Portal: [epcdevplanreview.com](http://epcdevplanreview.com)

**Re: File No.: SKP234, Southern Colorado Dual-Service Rail Park Sketch Plan**  
Parts of Sections 12-14 and 23-26, T16S, R66W and parts of Sections 19 and 30, T16S, R65W, 6<sup>th</sup> P.M.  
Water Division 2, Water District 10  
DWR Assigned Referral No. 31287

Dear Kari Parsons:

We have received the referral for the Southern Colorado Rail Park Sketch Plan which proposes a new railroad spur to service Fort Carson and associated industrial and commercial uses. The project is located on several properties composed of approximately 3,108.91 acres. The proposed water supply is service provided by City of Fountain.

This referral does not appear to qualify as a “subdivision” as defined in section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any county regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

Proposed water uses are industrial and commercial with an annual water demand of 723.5 acre-feet/year. The proposed water supply is service provided by City of Fountain. A letter dated June 1, 2023 from the City states that water service to the property if it is annexed into the City of Fountain and that sanitary sewer services may be provided. This office has no comments on the proposed water supply.

The referral states that there are several old ponds used for livestock watering on the subject properties. If the ponds are a reservoir created by a dam and qualify as a livestock watering tank (LSWT) under sections 35-49-101 through 116, C.R.S., then use of such ponds may be allowed so long as they are permitted with this office as LSWTs ([form DRS-11](#)). The Applicant should refer to the attached *Beginner’s Guide to Livestock Water Tanks*, attached, for further information. Otherwise, if the ponds utilize surface water only, they must be decreed for such use and water may only be diverted and used in priority; if the ponds expose groundwater, they must also be covered by a court-approved augmentation plan. The applicant and/or landowner should coordinate with the Water Commissioners, Lonnie Spady and Elizabeth Nosker to ensure the ponds are in compliance.

The application materials also indicate that stormwater detention structure(s) may be constructed as a part of this project. The Applicant should be aware that unless the structure(s) can meet the requirements of





a “storm water detention and infiltration facility” as defined in section 37-92-602(8), C.R.S., the structure(s) may be subject to administration by this office. The applicant should review DWR’s *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, attached, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The Applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal* to meet the notification requirements, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

Please contact [Wenli.Dickinson@state.co.us](mailto:Wenli.Dickinson@state.co.us) or 303-866-3581 x8206 with any questions.

Sincerely,



Wenli Dickinson, P.E.

Water Resource Engineer

Attachment: *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*  
*Beginners Guide to Livestock Water Tanks*

Ec: North Lead Water Commissioner, District 10, Lonnie Spady ([Lonnie.Spady@state.co.us](mailto:Lonnie.Spady@state.co.us))  
Deputy Water Commissioner, District 10, Elizabeth Nosker ([Elizabeth.Nosker@state.co.us](mailto:Elizabeth.Nosker@state.co.us))



## **Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado**

February 11, 2016

The Division of Water Resources (DWR) has previously administered storm water detention facilities based on DWR's "Administrative Approach for Storm Water Management" dated May 21, 2011. Since the passage of Colorado Senate Bill 15-212, that administrative approach has been superseded. This document describes SB 15-212, codified in section 37-92-602(8), Colorado Revised Statutes (C.R.S.), and how the law directs administrative requirements for storm water management. The document is for informational purposes only; please refer to section 37-92-602(8) for comprehensive language of the law.

Pursuant to section 37-92-602(8), storm water detention facilities and post-wildland fire facilities shall be exempt from administration under Colorado's water rights system only if they meet specific criteria. The provisions of SB15-212 apply to surface water throughout the state. SB15-212 *only* clarifies when facilities may be subject to administration by the State Engineer; all facilities may be subject to the jurisdiction of other government agencies and must continue to obtain any permits required by those agencies.

### **Storm Water Detention Facilities**

Pursuant to section 37-92-602(8), a storm water detention and infiltration facility ("Detention Facility") is a facility that:

- Is owned or operated by a government entity or is subject to oversight by a government entity, including those facilities that are privately owned but are required by a government entity for flood control or pollution reduction.
- Operates passively and does not subject storm water to any active treatment process.
- Has the ability to continuously release or infiltrate at least 97 percent of all of the water from a rainfall event that is equal to or less than a five-year storm within 72 hours of the end the rainfall event.
- Has the ability to continuously release or infiltrate at least 99 percent of all of the water from a rainfall event that is greater than a five-year storm within 120 hours of the end the rainfall event.
- Is operated solely for storm water management.



In addition, to qualify for the allowances provided in SB-212, the facility:

- Must not be located in the Fountain Creek watershed, unless the facility is required by or operated pursuant to a Colorado Discharge Permit System Municipal Separate Storm Sewer System Permit issued by the Department of Public Health and Environment pursuant to Article 8 of Title 25, C.R.S.
- Must not use water detained in the facility for any other purpose nor release it for subsequent diversion by the person who owns, operates, or has oversight over the facility. The facility cannot be operated as the basis for a water right, credit, or other water use right.
- Must not expose ground water.
- May include a structure or series of structures of any size.

If the Detention Facility was constructed *on or before* August 5, 2015 and meets all the requirements listed above, it does not cause material injury to vested water rights and will not be subject to administration by the State Engineer.

If the Detention Facility is constructed after August 5, 2015, meets the requirements listed above, and the operation of the detention facility does not cause a reduction to the natural hydrograph as it existed prior to the upstream development, it has a rebuttable presumption of non-injury pursuant to paragraph 37-92-602(8)(c)(II). A holder of a vested water right may bring an action in a court of competent jurisdiction to determine whether the operation of the detention facility is in accordance with paragraph 37-92-602(8)(c)(II)(A) and (B) has caused material injury. If the court determines that the vested water rights holder has been injured, the detention facility will be subject to administration.

In addition, for Detention Facilities constructed after August 5, 2015, the entity that owns, operates, or has oversight for the Detention Facility must, prior to the operation of the facility, provide notice of the proposed facility to the Substitute Water Supply Plan (SWSP) Notification List for the water division in which the facility is located. Notice must include: the location of proposed facility, the approximate surface area at design volume of the facility, and data that demonstrates that the facility has been designed to comply with section 37-92-602(8)(b) paragraphs (B) and (C). The State Engineer has not been given the statutory responsibility to review notices, however, DWR staff may choose to review notices in the course of their normal water administration duties. Not reviewing notices does not preclude the Division Engineer from



taking enforcement action in the event that the above criteria are not met in design and/or operation.

To satisfy the notification requirement, operators are encouraged to use the Colorado Stormwater Detention and Infiltration Facility Notification Portal developed by Urban Drainage and Flood Control District (“UDFCD”), located at:

<https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

Types of detention Facilities contemplated under this statute include underground detention vaults, permanent flood detention basins,<sup>1</sup> extended detention basins,<sup>2</sup> and full spectrum detention basins.<sup>3</sup> Storm Water Best Management Practices<sup>4</sup> (BMPs) not contemplated above, including all Construction BMPs and non-retention BMPs, do not require notice pursuant to SB-212 and are allowed at the discretion of the Division Engineer. Green roofs are allowable as long as they intercept only precipitation that falls within the perimeter of the vegetated area. Green roofs should not intercept or consume concentrated flow, and should not store water below the root zone. BMPs that rely on retention, such as retention ponds and constructed wetlands, will be subject to administration by the State Engineer.

**Any detention facility that does not meet all of the statutory criteria described above, in design or operation, is subject to administration by the State Engineer.**

---

<sup>1</sup> Flood detention basin: An engineered detention basin designed to capture and slowly release peak flow volumes to mitigate flooding (Urban Drainage and Flood Control, 2010).

<sup>2</sup> Extended detention basin: An engineered detention basin with an outlet structure designed to slowly release urban runoff over an extended time period (Urban Drainage and Flood Control, 2010).

<sup>3</sup> Full spectrum detention basin: An extended detention basin designed to mimic pre-development peak flows by capturing the Excess Urban Runoff Volume and release it over a 72 hour period (Urban Drainage and Flood Control, 2010).

<sup>4</sup> Best management practice: A technique, process, activity, or structure used to reduce pollutant discharges in stormwater (Urban Drainage and Flood Control, 2010).



### **Post-Wildland Fire Facilities**

Pursuant to section 37-92-602(8), a post-wildland fire facility is a facility that:

- Includes a structure or series of structures that are not permanent.
- Is located on, in or adjacent to a nonperennial stream<sup>5</sup>.
- Is designed and operated to detain the least amount of water necessary, for the shortest duration of time necessary, to achieve the public safety and welfare objectives for which it is designed.
- Is designed and operated solely to mitigate the impacts of wildland fire events that have previously occurred.

In addition, to qualify for the allowances provided in SB-212, the facility:

- Must be removed or rendered inoperable after the emergency conditions created by the fire no longer exist, such that the location is returned to its natural conditions with no detention of surface water or exposure of ground water.
- Must not use water detained in the facility for any other purpose nor release it for subsequent diversion by the person who owns, operates, or has oversight over the facility. The facility will not be operated as the basis for a water right, credit, or other water use right.

If the post-wildland fire facility meets the requirements listed above, it does not cause material injury to vested water rights. While DWR recognizes that post-wildland fire facilities are essential to the protection of public safety and welfare, property, and the environment, DWR may, from time to time, request that the person who owns, operates, or has oversight of the post-wildland fire facility supply information to DWR to demonstrate they meet the criteria set forth above.

**If a post-wildland fire facility does not meet all the criteria set forth above, it will be subject to administration by the State Engineer.**

---

<sup>5</sup> DWR may use the National Hydrography Dataset or other reasonable measure to determine the classification of a stream



### **Resources and References**

Colorado Stormwater Detention and Infiltration Facility Notification Portal:

<https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>

Colorado Senate Bill15-212:

[http://www.leg.state.co.us/CLICS/CLICS2015A/csl.nsf/fsbillcont3/13B28CF09699E67087257DE8006690D8?Open&file=212\\_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2015A/csl.nsf/fsbillcont3/13B28CF09699E67087257DE8006690D8?Open&file=212_enr.pdf)

United States Geological Survey National Hydrography Dataset: <http://nhd.usgs.gov/>

Urban Drainage and Flood Control District 37-92-602(8) explanation memo and FAQ's:

<http://udfcd.org/crs-37-93-6028-explanation-memo-and-faqs/>

Urban Drainage and Flood Control District. (2010). *Urban Storm Drainage Criteria Manual: Volume 3, Best Management Practices*, updated November 2015. Located at:

<http://udfcd.org/volume-three>







## Beginners Guide to Livestock Water Tanks

### October 2019

Livestock water tank applications are reviewed by the State Engineer in accordance with sections 35-49-101 through 116, C.R.S. The structures must meet a range of requirements including:

1. Located on a normally dry stream channel.
2. Volume capacity of 10 acre-feet or less.
3. The dam has a vertical height of less than fifteen feet as measured from the lowest point along the centerline of the dam to the crest of the spillway.
4. The dam has an outlet conduit that allows all water to be released.
5. Only surface water from the natural drainage may be used to fill the structure (i.e. no ditch water or groundwater).
6. The only use of water in the structure is for livestock watering. If livestock are not currently located on the property, the State Engineer may consider the property size, zoning, HOA, and other applicable information and will only register tanks located on land that may reasonably qualify as range that supports livestock.

Structures are to be constructed in accordance with standard specifications, which are included with the application, Form No. DRS-11.

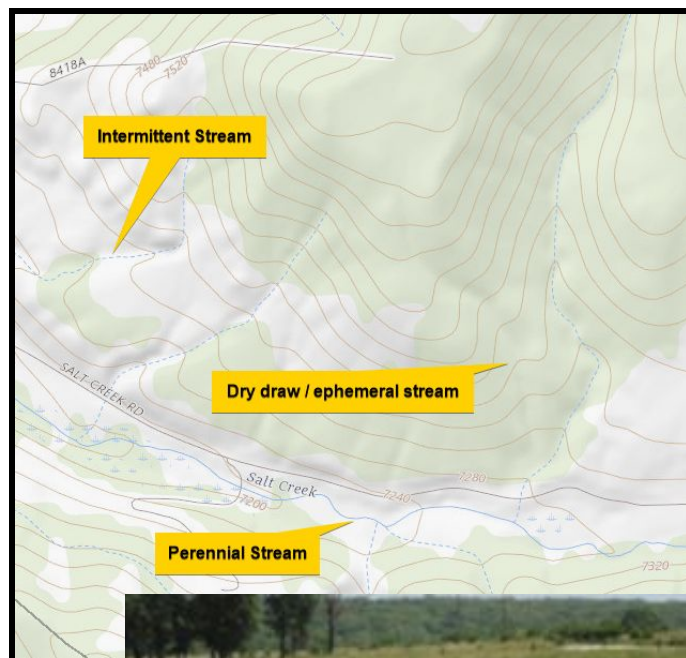
#### Normally Dry Stream Requirement

A normally dry stream is usually identified on a contour map as a dry draw or small valley where water would drain in response to a storm event. To qualify, the State Engineer requires the stream to be dry 80% of the year. The tank may not expose groundwater.

#### Administration of Livestock Water Tanks

- Pursuant to section 35-49-105, tanks have a rebuttable presumption that there is no injury to adjudicated water rights.
- Tanks are chronologically numbered in the order of approval in concert with erosion control dams located within the watershed of the dry stream. The numbering determines the priority of right between the structures.
- Whenever inflow occurs, tanks may fill and store water to the full volume of 10 acre-feet so that water in the tank is available until it is consumed by livestock, is lost to evaporation and/or seepage, or an outlet release is made.

It is the policy of the state of Colorado to **encourage and improve range conditions** for livestock within its borders **through the construction of watering tanks**, to provide a system of priorities of right of use thereof, **and to protect adjudicated water rights and the public interest** by providing an official record and reasonable public supervision of such watering tanks. Section 35-49-102, Colorado Revised Statutes



**From:** James Tilton <[wjtc@waterlaw.com](mailto:wjt@cowaterlaw.com)>

**Sent:** Tuesday, December 12, 2023 9:42 AM

**To:** Howard Schwartz <[HowardSchwartz@elpasoco.com](mailto:HowardSchwartz@elpasoco.com)>; Longinos Gonzalez, Jr <[LonginosGonzalezJr@elpasoco.com](mailto:LonginosGonzalezJr@elpasoco.com)>; DOTWEB <[DOTWEB@elpasoco.com](mailto:DOTWEB@elpasoco.com)>

**Cc:** Chris Cummins <[cdc@waterlaw.com](mailto:cdc@cowaterlaw.com)>

**Subject:** Petitions Against Soth Powers Extension E

---

Dear Mr. Howard Schwartz and Commissioner Gonzalez Jr.,

Good morning, my name is James Tilton. I'm an attorney at Monson, Cummins, Shohet & Farr. We have been retained by an El Paso County property owner and resident, Mr. Eric Ecklund. Mr. Ecklund owns a piece of property that lies in the corridor of one of the proposed routes of the South Powers Extension. The property is at 13030 Old Pueblo Road, El Paso County Assessor number 5600000182. I have attached a PDF map from the County's website highlighting the property. I have also indicated the property's location on one of the attached maps that was provided to Mr. Ecklund in regards to the South Powers Extension PEL Study. Mr. Ecklund, and a number of his neighboring property owners and residents, have signed the attached Petition Against South Powers Extension Route Option "E". We are providing you with the attached petition to alert you to the extensive grassroots opposition, our client's intent to zealously oppose Option E or similar, and in hopes that the County takes into consideration such public opposition when evaluating alternatives for the future South Powers Extension. Please include this correspondence and the attached petition in the administrative record concerning all alternatives for the South Powers Extension, and ensure we are copied, on behalf of our client, on all future correspondence or material related to this matter. We wish to advise from the outset our client's intention to be involved in any public process concerning this issue, and our intention to seek party status in any judicial or quasi-judicial action related thereto.

Thank you for your time and consideration in this matter,

W. James Tilton

MONSON, CUMMINS, SHOHET & FARR, LLC

13511 Northgate Estates Drive, Suite 250

Colorado Springs, Colorado 80921

(719) 471-1212

[wjtc@waterlaw.com](mailto:wjt@cowaterlaw.com)



E-MAIL NOTICE: This e-mail message (and any attachments) may contain information belonging to the sender which may be confidential and legally privileged. If you are not the intended recipient, you are hereby notified that any disclosure, copying or distribution of this information, or any action taken in reliance on the information within this e-mail, is strictly prohibited. If you have received this e-mail message in error, please notify the sender and then delete the message (and any attachments) from your computer and/or network. Thank you.

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---

### **Petition Against South Powers Extension Route Option “E”**

We, the signors of this Petition, do not support El Paso County’s proposed extension of South Powers Boulevard as depicted on what is marked “Route E” on preliminary planning map, a copy of which is attached to this Petition. We, signors, request the County eliminate Option E from consideration in light of all of the reasons set forth herein, and in the public interest, and instead continue to pursue and study various alternative routes, such as those proposed that place the I-25 connection to the south of the existing homes along Old Pueblo Road. The undersigned provide the following arguments in support of this Petition.

- Existing, viable alternatives proposed by the County include those routes marked as “G and H”, with multiple routes (County’s labeled G1, G2, G3, H1, H2, H3) between Squirrel Creek Road and I-25 ramps (the “Proposed Alternative Routes”).
- The Proposed Alternative Routes will preserve the current state of Fountain Creek for adjacent landowners.
- One such option, Route H, terminates at existing I-25 interchange near the Pikes Peak International Raceway, reducing land acquisition and potentially infrastructure costs.
- The Proposed Alternative Routes have a substantially less adverse effect upon existing private property owners, both in terms of property values, unsightly infrastructure affecting the same, potential need to demolish or relocate existing homes, and with increased roadway activity that will come with the proposed extension.
- The Proposed Alternative Routes better suit the County’s long-term development plans of expansion to the south by providing a further reaching alternative that runs north-south. As an example, the County currently proposes a nearer-term alternative, followed by a longer-term alternative further to the south. The undersigned believe pursuit of only the southern alternative will accomplish all near-term and long-term goals, at a lesser expense to El Paso County taxpayers, and with lesser impacts on those who presently call the area their home.
- Route E directly adversely affects existing residents and property owners, and is likewise closer to planned future developments in and around Fountain, leading to otherwise avoidable congestion as compare to speculative future development further to the south.
- The County’s own PEL Study indicates Route E is a “High Crash Severity” area of I-25, and the addition of interchange infrastructure in the proximity of existing residents will only exacerbate such dangers.
- Alternative Route H would utilize an existing I-25 interchange, making the project less costly to El Paso County taxpayers than the proposed Route E which would displace current residents, destroy extensive habitat, require a costly overpass, and increase dangerous traffic flow on an already dangerous stretch of interstate.

As such, the undersigned urge El Paso County staff, consultants, and elected officials to consider the above facts, the available alternatives and the burdens upon El Paso County residents and taxpayers, and to select one of the Proposed Alternative Routes, eliminating Route E from consideration for extension of Powers Boulevard for a southerly connection to I-25.

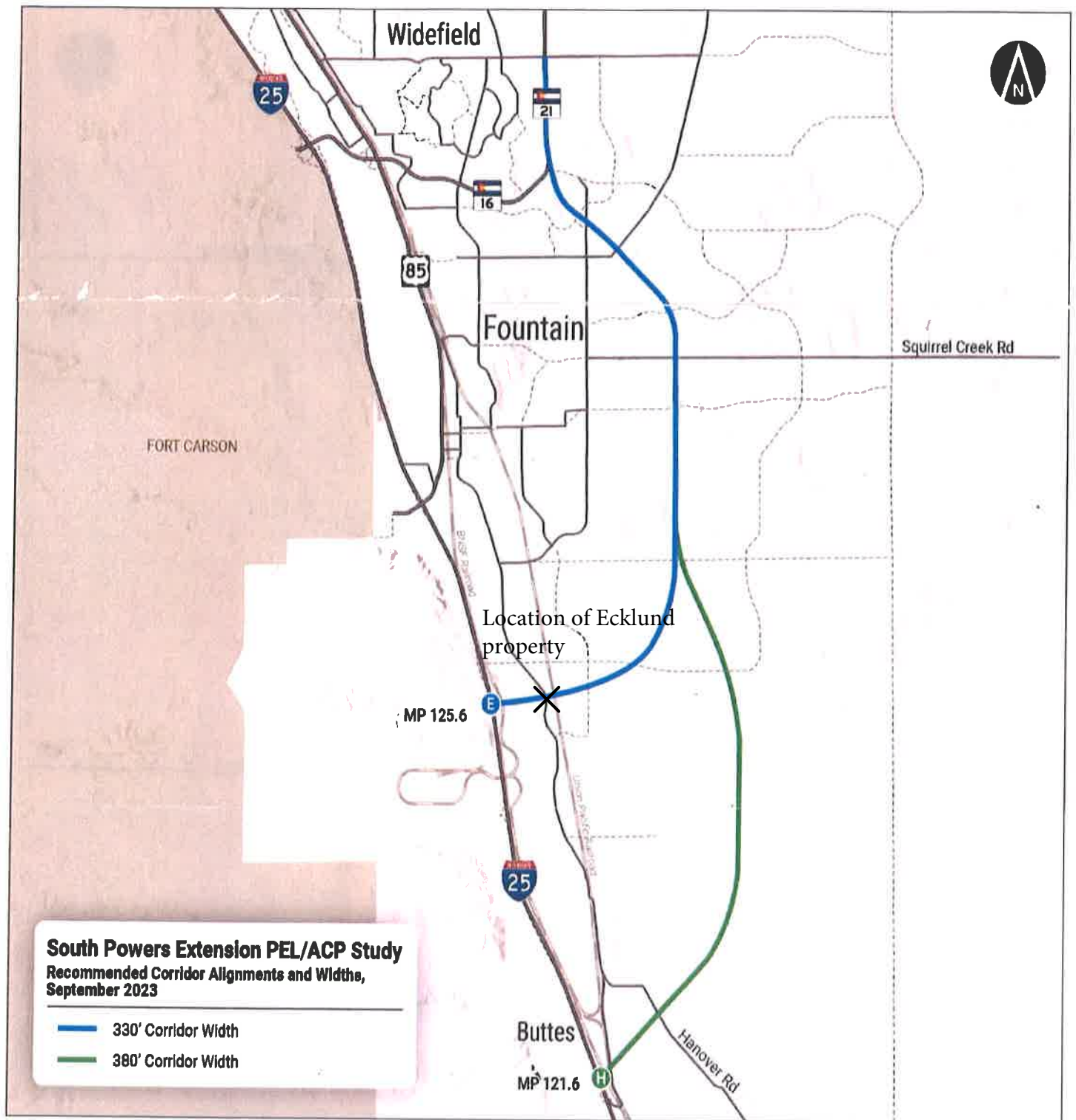
Print Name	Address	E-Mail	Signature
Lori A Clary	13270 Old Pueblo Rd	Lori20071958@aol.com	Lori A Clary
Douglas Clary	13270 Old Pueblo Rd	DouglasClary@gmail.com	Douglas Clary
Steven Clary	13270 Old Pueblo Rd	S.Clary4949@gmail.com	Steven Clary
Sandra Coalsen	13610 Old Pueblo	Scoalsen@gmail.com	Sandra Coalsen
Ingrid Wheeler	13220 Old Pueblo Rd	mmwheeler242@yahoo.com	Ingrid Wheeler
Kenneth Wheeler	13220 Old Pueblo Rd	✓	Kenneth Wheeler
Kevin Wheeler	13220 Old Pueblo Rd	wheeler km67@gmail.com	Kevin Wheeler
Randall Sams	13710 Old Pueblo Rd.	<del>SamsR@rockwellmail.com</del> SamsR@rockwellmail.com	Randall Sams
Robert Freeman	14250 Old Pueblo Rd.	rf3500@gmail.com	Robert Freeman
Raymond Ratti	14325 Old Pueblo Rd	RRHRT1st@aol.com	Raymond Ratti
Bonnie J Gates	8190 Birdsall Rd	Bonnie.gates@aol.com	Bonnie J Gates
Brandon Ward	8210 Birdsall Rd	Loyz us Ward at yahoo.com	Brandon Ward

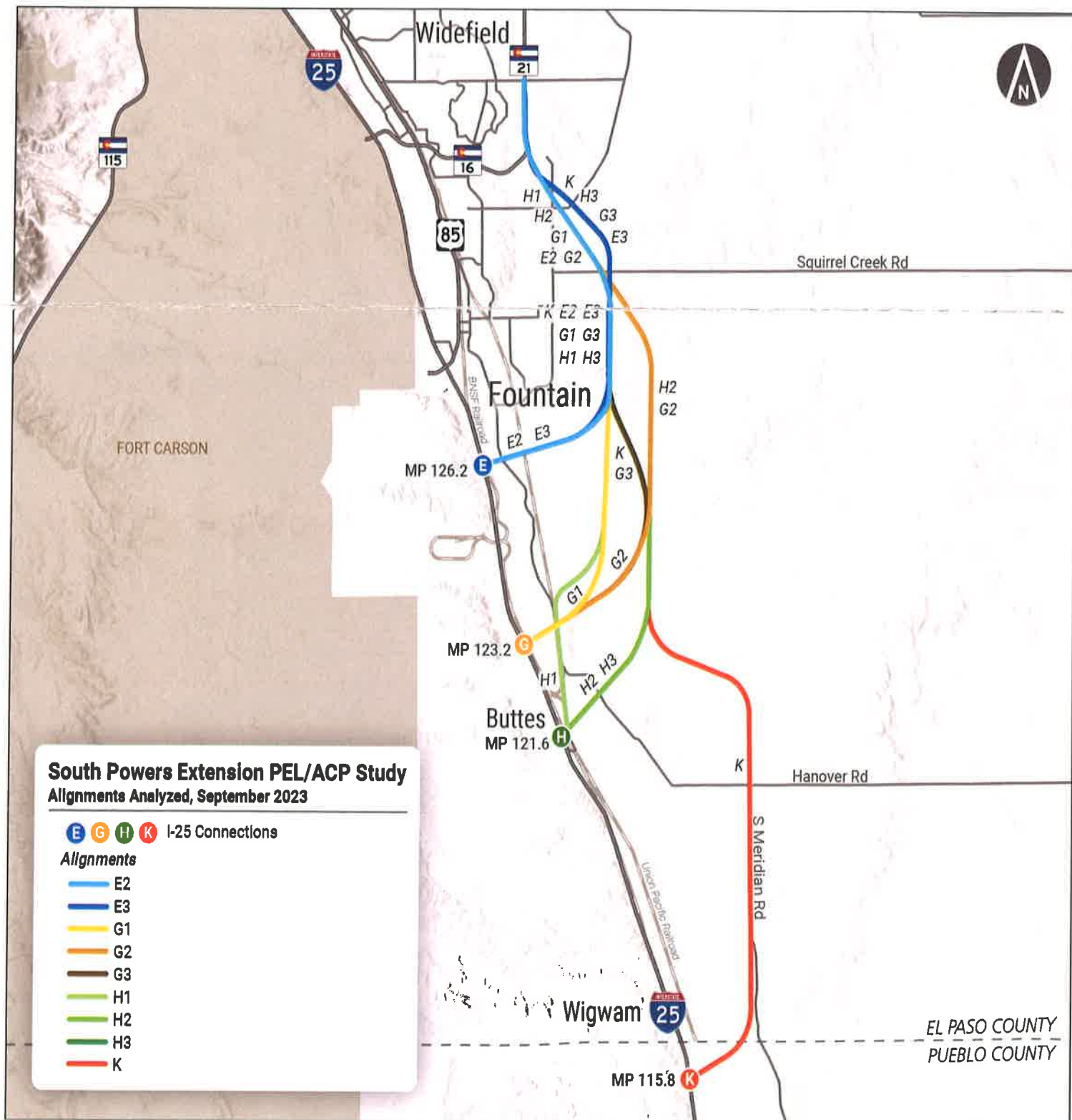
Print Name	Address	E-Mail	Signature
Eric Ecklund	13030 Old Pueblo Rd	usafecklund@aol.com	Eric Ecklund
Susie Ecklund	13030 Old Pueblo Rd	escjkecklund@aol.com	Susie Ecklund
STEWART ALWARD	12755 Old Pueblo Rd	palward44@gmail.com	Stewart Alward
PATRICIA ALWARD	12755 Old Pueblo Rd	palward44@gmail.com	Patricia Alward
Gloria Ponedeleon	12805 Old Pueblo Rd.	gaplch@yahoo.com	Gloria Ponedeleon
Art Mendoza	12875 Old Pueblo Road	mendoza_construction@live.com	Art Mendoza
Valeio Mendoza	12955 Old Pueblo Road	vmendoza76@outlook.com	Valeio Mendoza
Jennifer Wasik Jennifer Wasik	12785 Old Pueblo Rd	Jennifer. Graves 1980@gmail.com	Jennifer Wasik
LORRAINE BALEK Lorraine Balck	12955 Old Pueblo Road	lorraine_balek@yahoo.com	Lorraine Balck
Keith Rubal	12955 Old Pueblo Rd	Keithrubal1977@yahoo.com	Keith Rubal
SHARON WARDON	12955 Old Pueblo Rd	waldons Sharon@gmail.com	Sharon Wardon
BERNARD BALEK	12955 Old Pueblo Rd		Bernard Balck







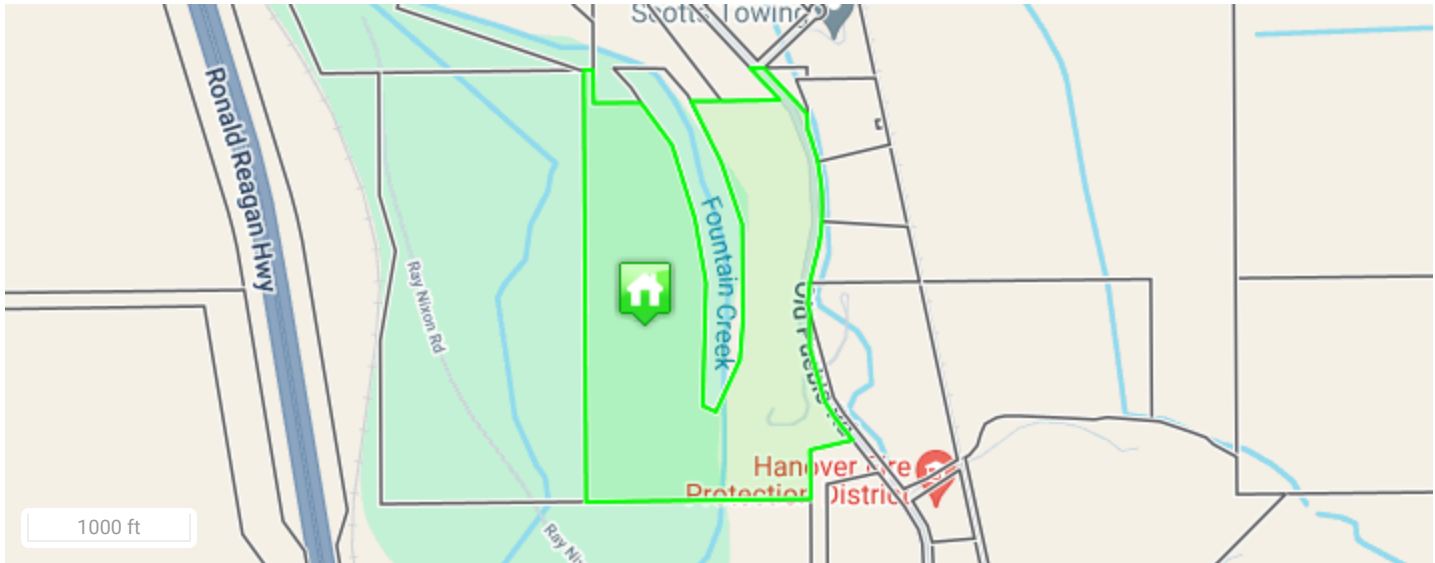




## EL PASO COUNTY - COLORADO

5600000182  
13030 OLD PUEBLO RD

Total Market Value  
\$342,417



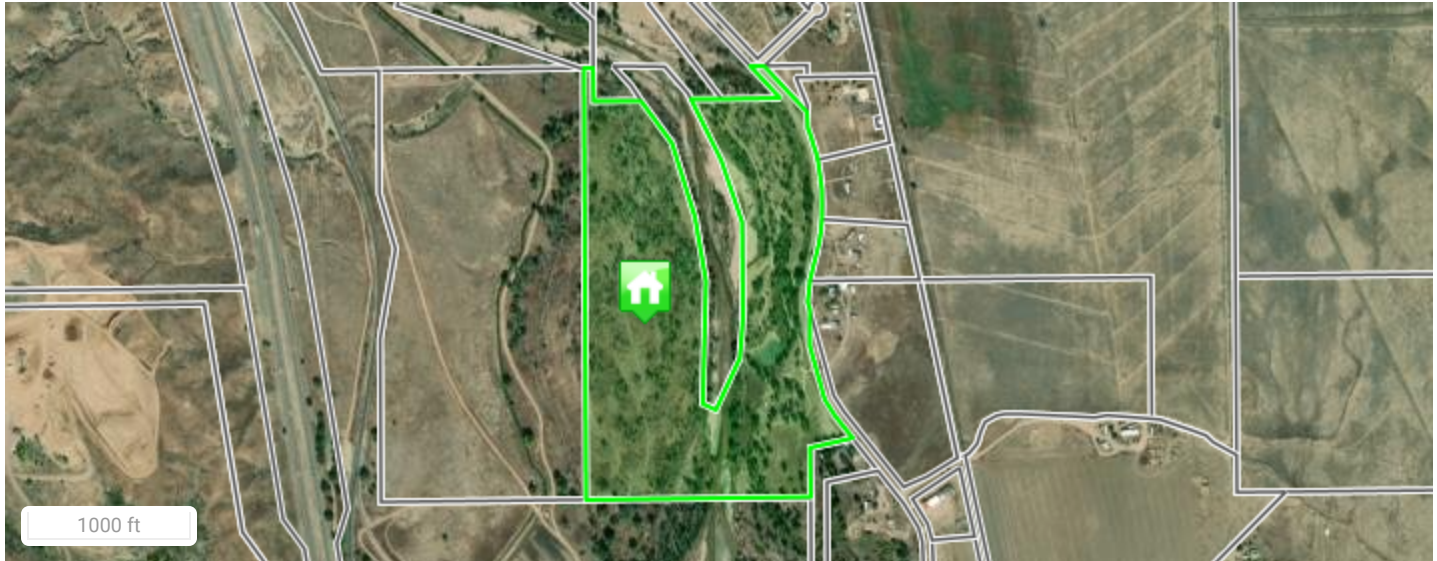
### Disclaimer

We have made a good-faith effort to provide you with the most recent and most accurate information available. However, if you need to use this information in any legal or official venue, you will need to obtain official copies from the Assessor's Office. Do be aware that this data is subject to change on a daily basis. If you believe that any of this information is incorrect, please call us at (719) 520-6600.

**EL PASO COUNTY - COLORADO**

5600000182  
13030 OLD PUEBLO RD

Total Market Value  
**\$342,417**



**Disclaimer**

We have made a good-faith effort to provide you with the most recent and most accurate information available. However, if you need to use this information in any legal or official venue, you will need to obtain official copies from the Assessor's Office. Do be aware that this data is subject to change on a daily basis. If you believe that any of this information is incorrect, please call us at (719) 520-6600.

SKETCH PLAN (RECOMMEND APPROVAL)

\_\_\_\_\_ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SKP234  
SOUTHERN COLORADO RAIL PARK SKETCH PLAN

WHEREAS, Edw C Levy Co D/B/A Schmidt Construction Inc., did file an application with the El Paso County Planning and Community Development Department for the approval of a 3,108.9 acre Sketch Plan for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on May 16, 2024; 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 was 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 were heard at that hearing;
4. All exhibits were received into evidence;
5. 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.

6. For the above-stated and other reasons, the proposed Sketch Plan is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, the Planning Commission and the Board of County Commissioners shall determine that the following criteria for approval, outlined in Section 7.2.1, Sketch Plan, of the El Paso County Land Development Code, as amended, have been met to approve a Sketch Plan:

1. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The proposed subdivision is in conformance with the requirements of this Code;
3. The proposed subdivision is compatible with existing and proposed land uses within and adjacent to the Sketch Plan area;
4. The water supply report provides sufficient information to identify probable compliance with the water supply standards and identifies any need for additional water supplies;
5. Services are or will be available to meet the needs of the subdivision including, roads, police and fire protection, schools, recreation facilities, and utility service facilities;
6. The soil is suitable for the subdivision;
7. The geologic hazards do not prohibit the subdivision, or can be mitigated;
8. The subdivision will not interfere with the extraction of any known commercial mining deposit [C.R.S. § 34-1-302(1), et seq.];
9. The design of the subdivision protects the natural resources or unique landforms;
10. The proposed methods for fire protection are adequate to serve the subdivision; and
11. The subdivision is appropriate and the design is based on mitigating the constraints of topography, soil types, geologic hazards, aggregate resources, environmental resources, floodplain, airplane flight overlays, or other constraints.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the application of Edw C Levy Co D/B/A Schmidt Construction Inc., for a 3,108.9 acre Sketch Plan for approval for property in the unincorporated area of El Paso County as described in Exhibit A, be approved by the El Paso County Board of County Commissioners with the following conditions:



## CONDITIONS

1. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of 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 species.
2. If the property does not annex into a municipality, the Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 19-471), as amended, at or prior to the time of building permit submittals.
3. The approval of the Sketch Plan provides for a public hearing; the Board of County Commissioners hereby waives the requirement to review the future Annexation Impact Report, in an effort to provide efficiency in the future annexation process into a municipality.

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
Bryce Schuettepelz	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 16th day of May 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
\_\_\_\_\_

EXHIBIT A  
Legal Description

THOSE PARCELS OF LAND IN SECTIONS 12, 13, 14, 23, 24, 25 AND 26 T16S R66W OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND IN SECTIONS 19 AND 30, T16S, R65W OF THE 6th P.M., EL PASO COUNTY, COLORADO, ALL BEING DESCRIBED IN WARRANTY DEEDS UNDER RECEPTION NO. 099100803 AND RECEPTION NO. 099100804 IN THE RECORDS OF SAID EL PASO COUNTY. SAID PARCELS ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS;

THE FOLLOWING SEVEN (7) COURSES ARE ALONG THE EASTERLY BOUNDARY LINES OF THE FORT CARSON MILITARY RESERVATION.

(1) BEGINNING AT THE QUARTER CORNER COMMON TO SECTIONS 26 AND 35, T16S R66W OF THE 6th P.M.;

(2) THENCE N1°34'52"W ALONG THE CENTERLINE OF SECTION 26, A DISTANCE OF 5263.81 FEET TO THE QUARTER CORNER COMMON TO SECTIONS 23 AND 26;

(3) THENCE N0°25'00"W ALONG THE CENTERLINE OF SECTION 23, A DISTANCE OF 5230.86 FEET TO A FOUND STONE AT THE QUARTER CORNER COMMON TO SECTIONS 14 AND 23;

(4) THENCE N1°30'28"W ALONG THE CENTERLINE OF SECTION 14, A DISTANCE OF 5285.06 FEET TO A FOUND 3.25" ALUMINUM CAP STAMPED "R G OBERING, T15S R66W, S11, 1/4 COR, S14, 1999, PE&PLS 13226;

(5) THENCE N88°40'09"E ALONG THE SOUTH LINE OF SECTION 11, A DISTANCE OF 2788.00 FEET TO A FOUND 2.5" ALUMINUM CAP IN A MOUND OF STONES STAMPED "MIDLAND SURVEYING INC, RICHARD MATTSON, COLORADO PLS 38186";

(6) THENCE N0°39'18"W ALONG THE EAST LINE OF SECTION 11, A DISTANCE OF 1312.70 FEET;

(7) THENCE N89°11'58"E ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF (N1/2 S1/2) SECTION 12, A DISTANCE OF 1197.04 FEET TO THE WEST RIGHT-OF-WAY LINE OF CHARTER OAK RANCH ROAD;

THENCE CONTINUING N89°11'58"E ALONG SAID SOUTH LINE 3998.08 FEET TO A FOUND NO. 5 REBAR AT THE SOUTH 1/16TH COR OF THE SECTION LINE COMMON TO SECTION 12 T16S R66W AND SECTION 7, T16S R65W;

THENCE S0°57'56"E ALONG THE WEST LINE OF SAID SECTION 7, A DISTANCE OF 1329.72 FEET TO A FOUND 3.5" ALUMINUM CAP STAMPED "W K CLARK, T16S, R66W R65W, S12 S7, S13 S18, 1996, PLS 4842"

THENCE S0°59'20"E ALONG THE WEST LINE OF SECTION 18 T16S, R65W A DISTANCE OF 5278.38 FEET TO A FOUND 1.5" ALUMINUM CAP STAMPED "13, 18, 19, 24, PLS 2692";

THENCE S0°46'56"E ALONG THW WEST LINE OF SECTION 19, T16S, R65W A DISTANCE OF 2617.07 FEET TO A 2" GALVANIZED PIPE WITH CAP STAMPED "T16S, 24 G 19, R65W";

THENCE N89°21'33"E ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 19, A DISTANCE OF 1171.75 FEET TO A FOUND 3.25" ALUMINUM CAP STAMPED "PLS 13830, W1/16, C--C, S19, 1999;

THENCE S0°51'32"E ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER (E1/2 SW1/4) OF SECTION 19, A DISTANCE OF 2637.30 FEET TO A 3.25" ALUMINUM CAP STAMPED "BERGE BREWER, W 1/16 S19, S30, 1999, PLS 13830";

THENCE S0°20'16"E ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, A DISTANCE FO 1320.03 FEET TO A 3.25" ALUMINUM CAP STAMPED "BERGE BREWER, NW1/16 S30, 1999, PLS 13830";

THENCE S89°13'59"W ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30 A DISTANCE OF 1155.32 FEET TO A 3.25" ALUMINUM CAP STAMPED "BERGE BREWER, N1/16 S25 S30, 1999, PLS 13830";

THENCE S1°04'10"E ALONG THE WEST LINE OF SAID SECTION 30, A DISTANCE OF 1,326.55 FEET TO THE QUARTER CORNER COMMON TO SECTION 30 AND SECTION 25, T16S, R66W;

THENCE S0°39'21"E A DISTANCE OF 2640.17 FEET TO A 3.25" ALUMINUM CAP STAMPED "BERGE BREWER, T16S R66W, R65W, S25 S30 S36 S31, 1999, PLS 13830";

THENCE S89°36'51"W ALONG THE NORTH LINE OF SECTION 36, A DISTANCE OF 5275.28 FEET TO THE SECTION CORNER COMMON TO SECTIONS 25, 26, 35 AND 36;

THENCE S89°07'11"W ALONG THE NORT LINE OF SECTION 35, A DISTANCE OF 2637.64 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE RIGHT-OF-WAYS DESCRIBED UNDER RECEPTION NO. 219042933 AND RECEPTION NO. 219042944, AND ANY PORTION OF CHARTER OAK RANCH ROAD WHICH MAY EXIST BY VIRTUE OF ITS APPARENT USE AS A PUBLIC RIGHT-OF-WAY. SAID RIGHT-OF-WAY CONTAIN AN AREA OF 151,384 S.F. (3.475 ACRES)

ALSO EXCEPTING THEREFROM THE PARCELS DESCRIBED UNDER THE FOLLOWING RECEPTION NO.'S 210059631, 219082791, 209137369 AND IN BOOK 5826 AT PAGE 208 ALL OF THE EL PASO COUNTY RECORDS. SAID PARCELS CONTAIN A NET AREA OF 1,704,304 S.F. (39.125 ACRES)

SAID PARCELS LESS EXCEPTIONS CONTAIN A NET AREA OF 135,424,145 S.F. (3,108.911 ACRES).

**NOTES:**

1. CHARTER OAK RANCH ROAD CROSSES THE PROPERTY THROUGH SECTIONS 12 AND 13. NO RECORDED DOCUMENTS WERE FOUND DOCUMENTING ITS EXISTENCE. THE NET AREA DOES NOT EXCEPT CHARTER OAK RANCH ROAD.
2. BEARINGS ARE BASED ON THE COLORADO CENTRAL STATE PLANE COORDINATE SYSTEM.