

**COMMISSIONERS:**  
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**STAN VANDERWERF**  
**LONGINOS GONZALEZ, JR.**

**PLANNING & COMMUNITY DEVELOPMENT**

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

**FROM:** Christian Haas, Planner I  
 Carlos Hernandez Martinez, Engineer I  
 Meggan Herington, AICP, Executive Director

**RE:** Project File Number: P236  
 Project Name: Knecht Rezone  
 Parcel Numbers: 4218000002, 4218000004, and 4218000023

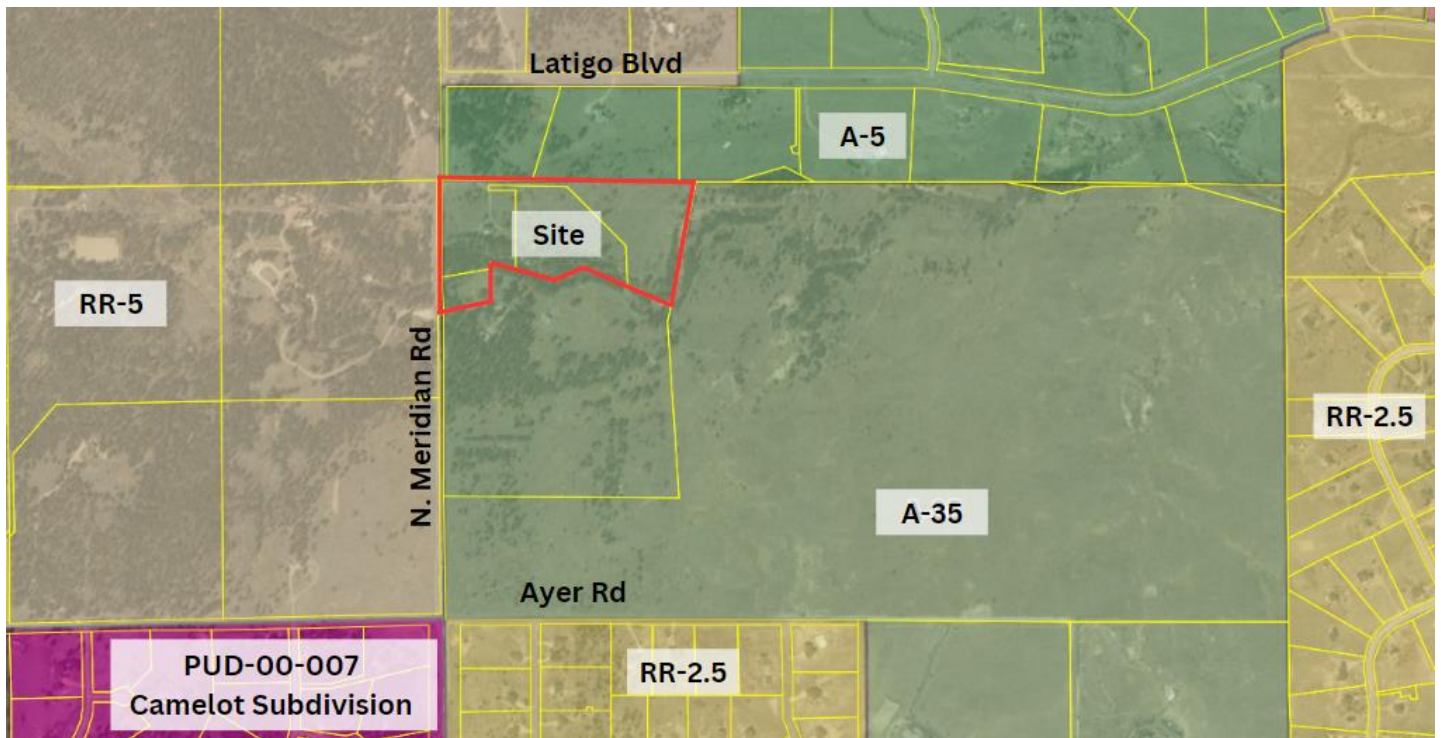
<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
David Knecht 9363 St. George Road Peyton, CO, 80831 (260) 224-4992 <a href="mailto:davidjknecht@gmail.com">davidjknecht@gmail.com</a>	Kimley Horn and Associates, Inc. 2 North Nevada Avenue, Suite 900 Colorado Springs, CO, 80903 (719) 453-0181 <a href="mailto:Kevin.kofford@kimley-horn.com">Kevin.kofford@kimley-horn.com</a>

**Commissioner District: 1**

<b>Planning Commission Hearing Date:</b>	<b>2/1/2024</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>2/22/2024</b>

**EXECUTIVE SUMMARY**

A request by David Knecht for approval of a Map Amendment (Rezoning) of 21.03 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The three properties, which total 21.03-acres, are located at 12375 North Meridian Road and 12425 North Meridian Road.



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**A. WAIVERS AND AUTHORIZATION**

**Waiver(s):**

There are no waivers associated with this request.

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

**B. APPROVAL CRITERIA**

In approving a Map Amendment (Rezoning), the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 Map Amendment (Rezoning) of the El Paso County Land Development Code (As Amended):

- The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned; and
- The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116; and
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Code, for the intended zone district.

**C. LOCATION**

North:	A-5 (Agricultural)	Single-family Residential
South:	A-35 (Agricultural)	Single-family Residential
East:	A-35 (Agricultural)	Vacant Land
West:	RR-5 (Residential Rural)	Single-family Residential

**D. BACKGROUND**

The subject property was zoned A-35 (Agricultural) on March 24, 1999, when zoning was first initiated for this portion of El Paso County. Portions of the subject property were illegally created outside of the El Paso County subdivision process in 1987. The Board of Adjustment heard a request by Jon Knecht for approval of a Dimensional Variance to allow a lot size of 1.05 acres where 35 acres is required in the A-35 (Agricultural) zoning district. The request was approved unanimously on January 24<sup>th</sup>, 2024.



The current request is proposed to rezone the subject properties to RR-5 (Residential Rural) to allow for the subsequent legalization of the unplatted parcels by way of the minor subdivision process.

If the request for a Map Amendment (Rezone) is approved, the applicant will be required to submit and receive approval of a subdivision application. The final plat(s) must be recorded prior to initiating any land disturbing activities unless approval of a pre-subdivision site grading request is granted by the Board of County Commissioners.

**E. ZONING DISTRICT COMPARISON**

The applicant is requesting to rezone 21.03 +/- acres to the RR-5 (Residential Rural) zoning district. The RR-5 (Residential Rural) zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the existing and proposed zoning districts are as follows:

	Existing Zoning District: A-35 (Agricultural)	Proposed Zoning District: RR-5 (Residential Rural)
Minimum Lot Size	35 acres	5 acres
Minimum Width at Front Setback	500 feet	200 feet
Front Setback	25 feet	25 feet
Rear Setback	25 feet	25 feet
Side Setback	25 feet	25 feet
Maximum Lot Coverage	None	25%
Maximum Height	30 feet	30 feet

**F. MASTER PLAN COMPLIANCE**

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

**a. Placetype Character:** Large-Lot Residential

*The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served*



*by central water and wastewater utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.*

**Recommended Land Uses:**

Primary

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

**Analysis:**

The Large-Lot Residential placetype supports the rural character of the County while providing for unique and desirable neighborhoods. The proposed rezone is generally in conformance with the Large-Lot Residential Placetype. The subject properties are directly north, south, and west of large lot single family residential uses.

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

*The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall, there will be no change to the prioritized rural and natural environments.*

**Analysis:**

The proposed Map Amendment will allow for some redevelopment of select underutilized or vacant sites but will remain limited in scale so as not to alter the essential character of the neighborhood. The properties will be consistent with the zoning district of the lot directly west and consistent with the land uses directly north and south.

**b. Key Area Influences:** The property is not located within a key area.

**c. Other Implications (Priority Development, Housing, etc.)**

The proposed Map Amendment is in general conformance with the following Core Principles and Goals of the El Paso County Master Plan:



## Land Use

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

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

**Goal LU1** – *Ensure compatibility with established character and infrastructure capacity.*

**Goal LU3** – *Encourage a range of development types to support a variety of land uses.*

## Housing & Communities

**Core Principle 1** – *Preserve and develop neighborhoods with a mix of housing types.*

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

## **2. Water Master Plan Analysis**

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

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

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

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

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

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

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within



Planning Region 3 of the Plan, which is an area that is not expected to experience significant growth by 2040. The following information pertains to water demands and supplies in Region 3 for central water providers:

The Plan identifies the current demand for Region 3 to be 4,494 acre-feet per year (AFY) (Figure 5.1) with a current supply of 7,164 AFY (Figure 5.2). The projected demand in 2040 for Region 3 is at 6,403 AFY (Figure 5.1) with a projected supply of 7,921 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 3 is at 8,307 AFY (Figure 5.1) with a projected supply of 8,284 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 32 AFY is anticipated for Region 3.

A finding of water sufficiency is not required with a Map Amendment. Water sufficiency shall be provided with subsequent subdivision applications.

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

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Parks & Community Services Department, Environmental Division was sent a referral and have no outstanding comments. The Master Plan for Mineral Extraction (1996) identifies valley fill in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

No hazards have been identified.

### **2. Floodplain**

Most of the property is within FEMA "Zone X" which is an area determined to be outside of the 500-year floodplain. The southern and eastern boundaries of the property are within FEMA "Zone A" which is an area determined to be within 100-year floodplain with a 1% annual chance of flooding. The FEMA Firm number corresponding to the parcels is 08041C0340G with an effective date of December 7, 2018. The applicant's proposed rezone request is not anticipated to adversely impact the floodplain in the area due to no new construction proposed currently.



### **3. Drainage and Erosion**

The parcel is in the Upper Black Squirrel Drainage Basin. This drainage basin is an unstudied basin and does not have basin and bridge fees.

A grading and erosion control plan is not required with this application as there is no land disturbance proposed. Future development of the site may require additional analysis, if warranted. Drainage fees are not assessed with non-platting applications.

### **4. Transportation**

The parcels obtain access from two existing driveways on Meridian Road which is a county-maintained urban-minor arterial roadway. The 2016 El Paso County Major Corridors Plan Update shows roadway improvements to Meridian Road. Road Impact Fees as described in Resolution 19-471 are not assessed with this application since no additional vehicular traffic is being generated and there is no change to the existing land use.

## **H. SERVICES**

### **1. Water**

A finding of water sufficiency is not required with a Map Amendment. The property is within the Upper Black Squirrel Creek Ground Water Management District.

### **2. Sanitation**

The subject properties do or will utilize onsite wastewater treatment.

### **3. Emergency Services**

The property is within the Falcon Fire Protection District.

### **4. Utilities**

Natural gas is provided by Black Hills Energy and electric services are provided by Mountain View Electric (District 4). Both agencies were sent referrals for the project and do not have any outstanding comments.

### **5. Metropolitan Districts**

The property is not within a Metropolitan District.





**6. Parks/Trails**

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

**7. Schools**

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

**I. APPLICABLE RESOLUTIONS**

See attached draft resolution.

**J. STATUS OF MAJOR ISSUES**

The Board of Adjustment unanimously approved a request by Jon Knecht for a Dimensional Variance to allow a lot size of 1.05 acres where 35 acres is required in the A-35 (Agricultural) zoning district.

**K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 Map Amendment, (Rezoning) of the El Paso County Land Development Code (As Amended), staff recommends the following conditions and notations:

**CONDITIONS**

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

**NOTATIONS**

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1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

#### **L. PUBLIC COMMENT AND NOTICE**

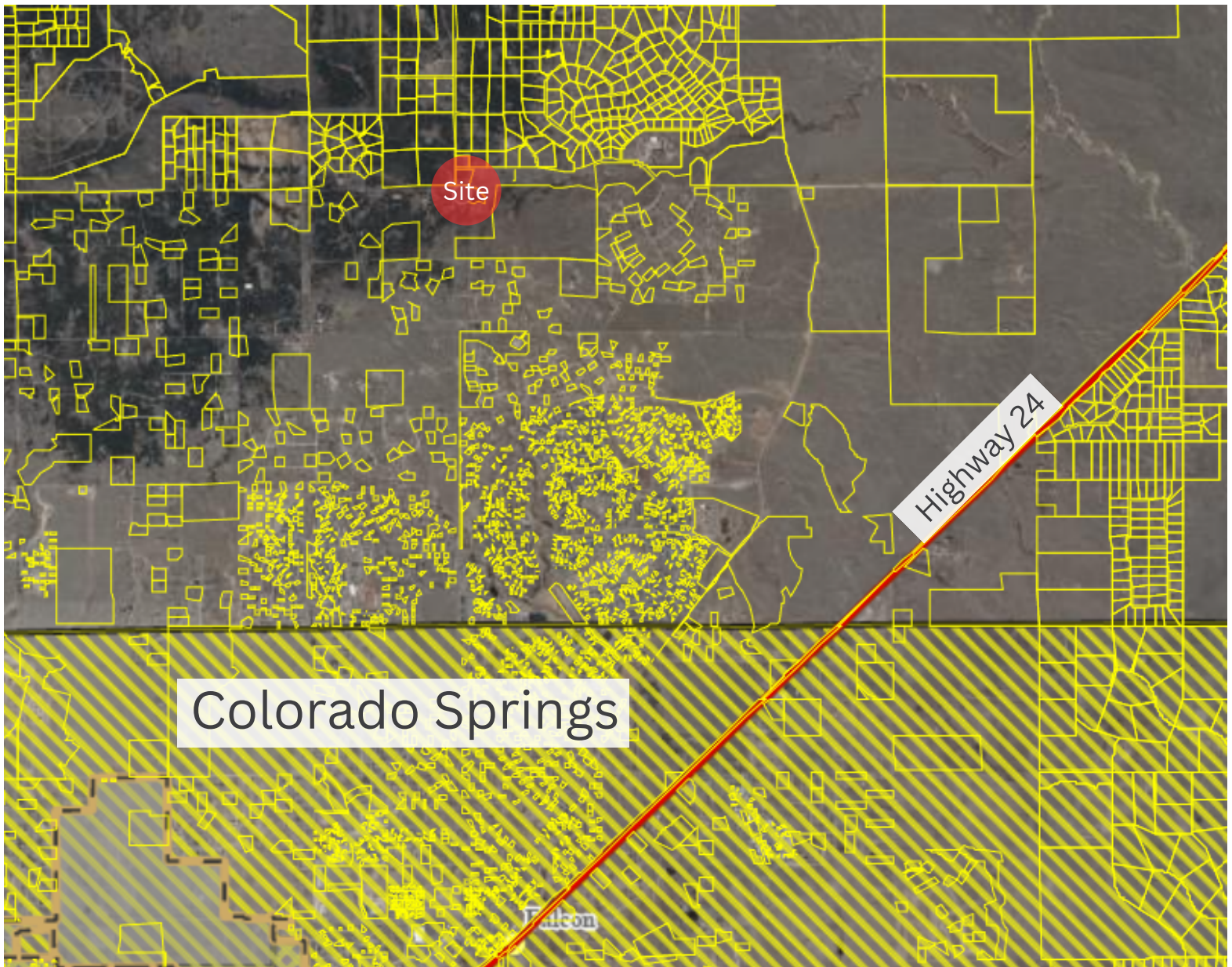
The Applicant notified (6) property owners on January 12, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

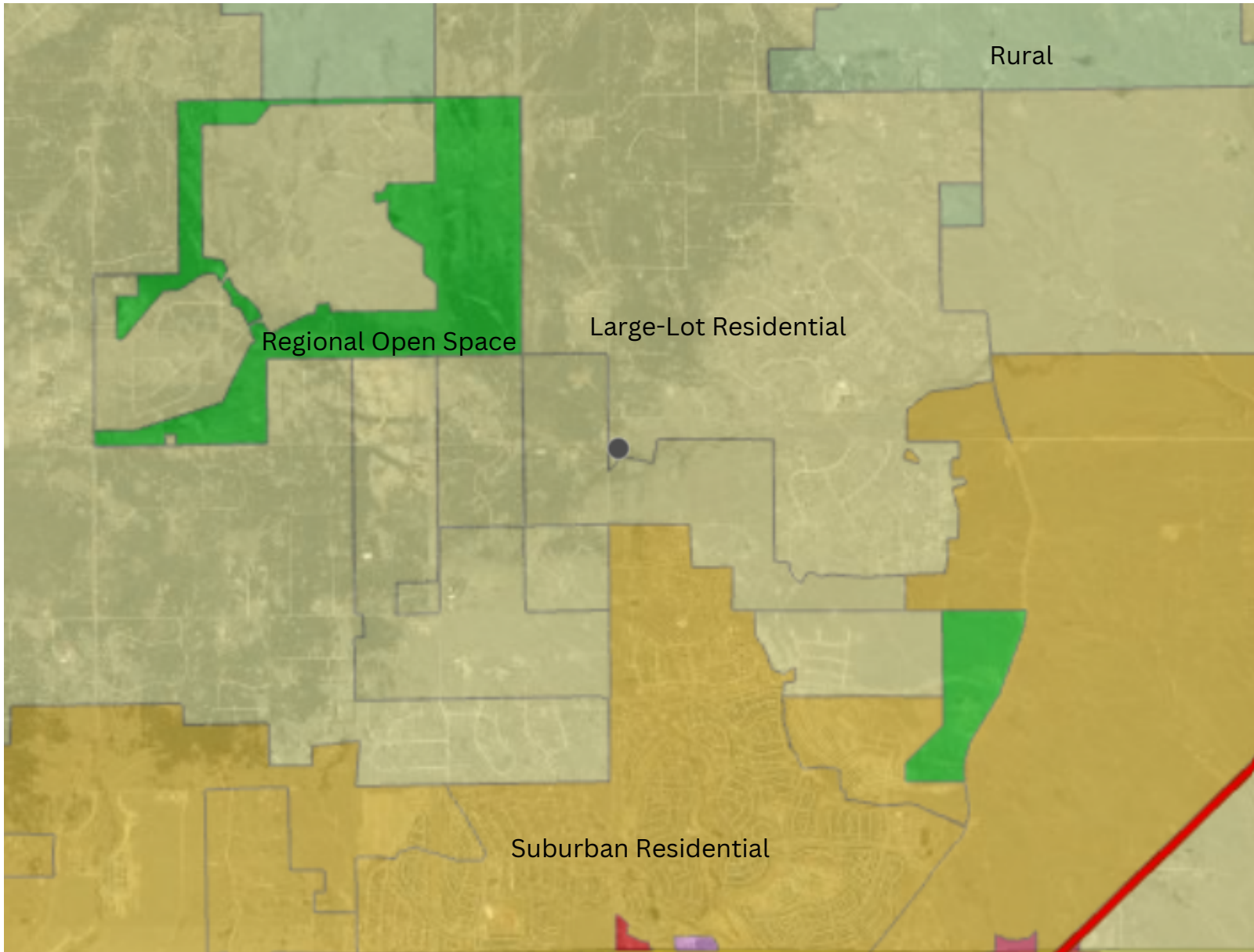
Map Series  
Letter of Intent  
Rezone Map  
Public Comment  
Draft Resolution















# Map Exhibit #1: Context



# Map Exhibit #2: Placetype

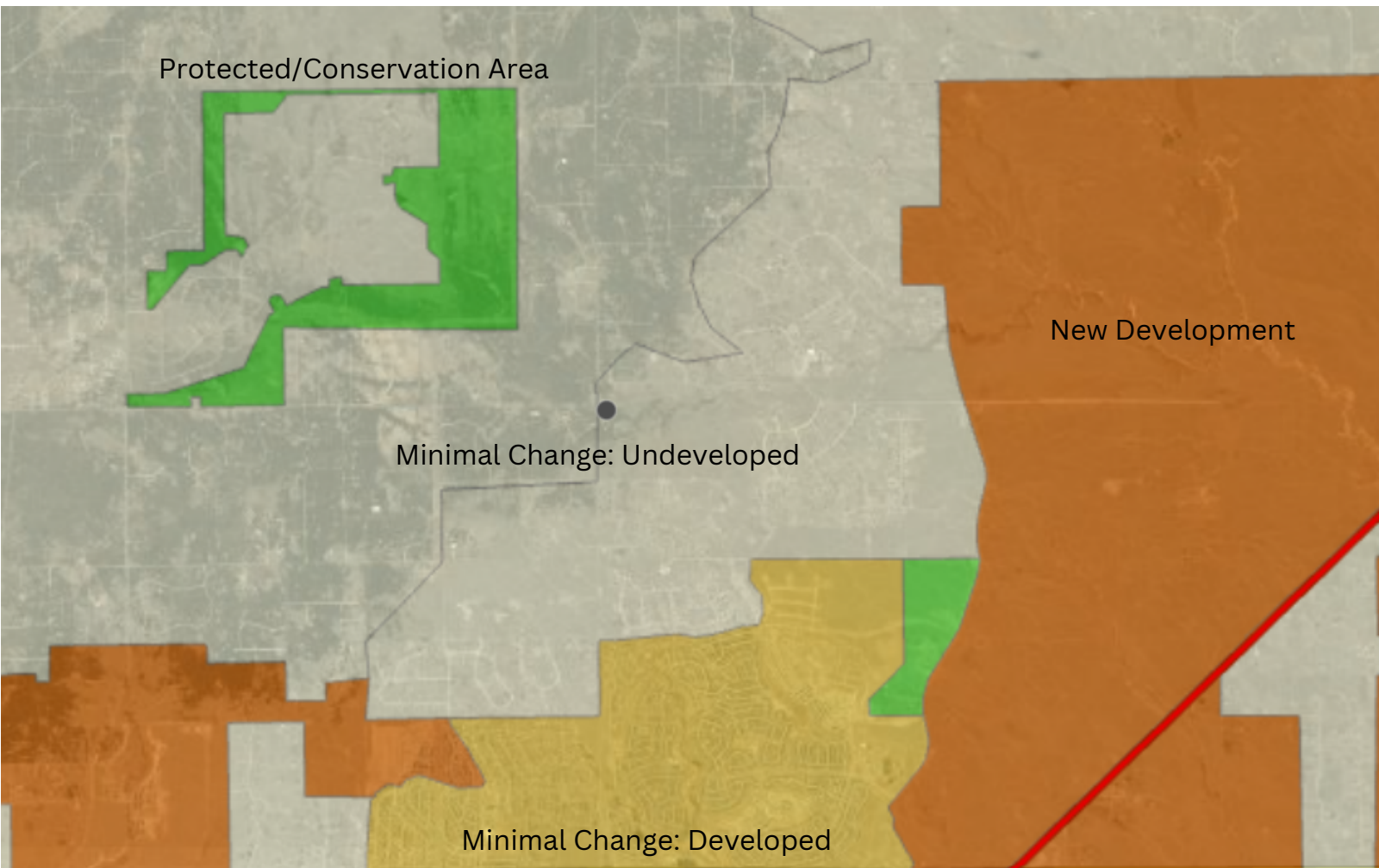


## Legend






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



# Map Exhibit #3: Area of Change








## Legend

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

# Map Exhibit #4: Key Area



## Legend

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





November 28, 2023

**APPLICANT-OWNER/CONSULTANT INFORMATION:**

**OWNER/APPLICANT**

David Knecht  
9363 St. George Road  
Peyton, CO 80831  
Email: davidjknecht@gmail.com  
Phone: 260-224-4992

**PLANNING/ENGINEERING**

Kimley-Horn & Associates  
Attn: Kevin Kofford, PE  
2. North Nevada Avenue, Suite 900  
Colorado Springs, CO 80903  
Email: kevin.kofford@kimley-horn.com  
Phone: 719-453-0181

**PCD File No.: P236**

**LOCATION, ACREAGE, PARCEL ID INFO, & ZONING**

The application for a map amendment (rezoning) and lot dimensional variance for parcels Parcel Nos. 4218000002 ( $\pm 1.05$  Acres), 4218000004 ( $\pm 6.91$  Acres), and 4218000023 ( $\pm 13.07$  Acres), located as shown in Figure 1 below. The proposed rezoning site is located to the southeast of Meridian Road and Latigo Boulevard. The overall acreage of the property in the proposed rezone is  $\pm 21.03$ , currently zoned A-35. Surrounding parcels to the south and east are zoned A-35, parcels to the north are zoned A-5 and parcels to the west are zoned RR-5.

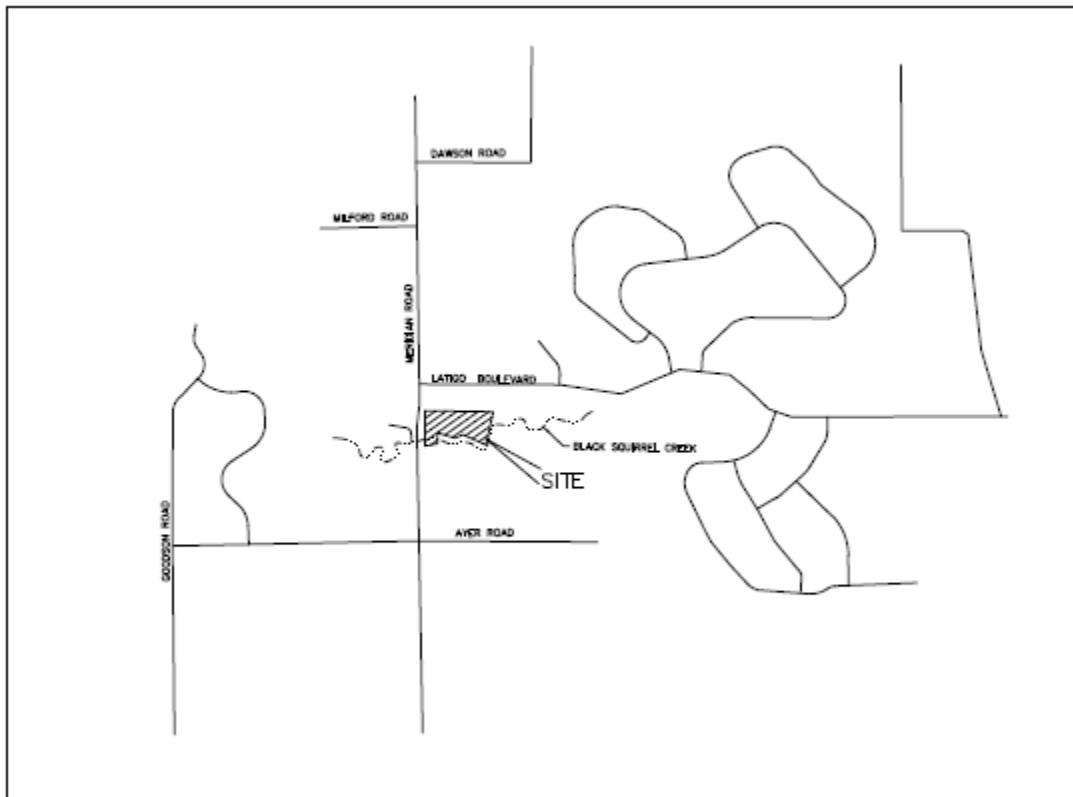


Figure 1. Vicinity Map

**REQUEST**

David Knecht (Applicant) requests the rezoning of Parcel No. 4218000002, 4218000004 and 4218000023 ( $\pm 21.01$  acres) from the A-35 zoning district to the RR-5 district. Additionally, parcel 4218000002 is a 1.05-acre unplatted site and requests a lot dimensional variance to maintain the existing home on the property. File number for the current Dimensional Variance is BOA 23-005. The approved final plat will clarify zone district boundaries with respect to ROW, adjacent parcels, landscape buffers, and setbacks as necessary.



## JUSTIFICATION

The overall site of Parcel Nos. 4218000002, 4218000004 and 4218000023, is currently zoned A-35, and the acreage of the given parcels are not in compliance with said zone. Each parcel is intended for single-family residential use, which conforms to the El Paso County Master Plan and existing and permitted land uses. The rezone in conjunction with the dimensional variance of said parcels will bring the site into compliance of the standard RR-5 zoning and to match adjacent zoning.

## ZONING COMPLIANCE

The site shall be in conformance with the zoning requirements of the RR-5 zone, including requirements of the Code summarized below. Please note that the site does not fall within any overlay zoning district.

- Maximum density: N/A
- Structural Setbacks (from property boundary or right-of-way):
  - Front: 25 feet
  - Side: 25 feet
  - Rear: 25 feet
- Max Lot Coverage: 25%
- Max Height: 30 feet
- Internal Landscaping Requirements:
  - N/A

## CRITERIA FOR APPROVAL

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

- The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
- The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111 § 30-28-113, and § 30-28-116;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

**MASTER PLAN CONFORMANCE**

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

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

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

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

*Goal 1.1* - Ensure compatibility with established character and infrastructure capacity.

*Goal 1.3* - Encourage a range of development types to support a variety of land uses.

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

The request to rezone the ±21.03-acre site from A-35 to RR-5 conforms with the surrounding developments in the area as well as the land use and placetype categories established by the Your El Paso Master Plan (Master Plan), adopted May 26<sup>th</sup>, 2021. The existing zoning district is categorized as Agricultural with a large lot residential supporting placetype, and the land use category of the area allows for 35-acre lots. Many of the existing parcel sizes adjacent to the site are at least 5-acres, consistent with the land use and place type of the area. Nearby developments with existing parcel sizes between 7 and 11-acres are located to the north of the site, while nearby developments with existing parcel sizes of approximately 40 and 244-acres are located to the south and southeast of the site, respectively. Existing parcels in all directions are in conformance with ideal zoning and land use categories that justify the request, as described in further detail in the contents of this letter.

The proposed rezone provides opportunity to preserve the rural character of the existing community while allowing for 5-acre residential lots to be platted in the future. More specifically, the proposed rezone will include three 5-acre lots, one 4.75-acre lot along the section line pursuant with Table 5-4 of section 5.4.2 of the El Paso County Land Development Code (LDC), and one 1.1-acre lot. The three 5-acre lots conform with all RR-5 zoning requirements. The one 4.75-acre lot abuts a County road, allowing an area less than 5 acres (4.75 acres) within the RR-5 zoning. Finally, the 1.1-acre lot will require a dimensional

variance request to the Board of Adjustments to allow for the existing lot size and maintain the existing structure on the property.

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

Land Use

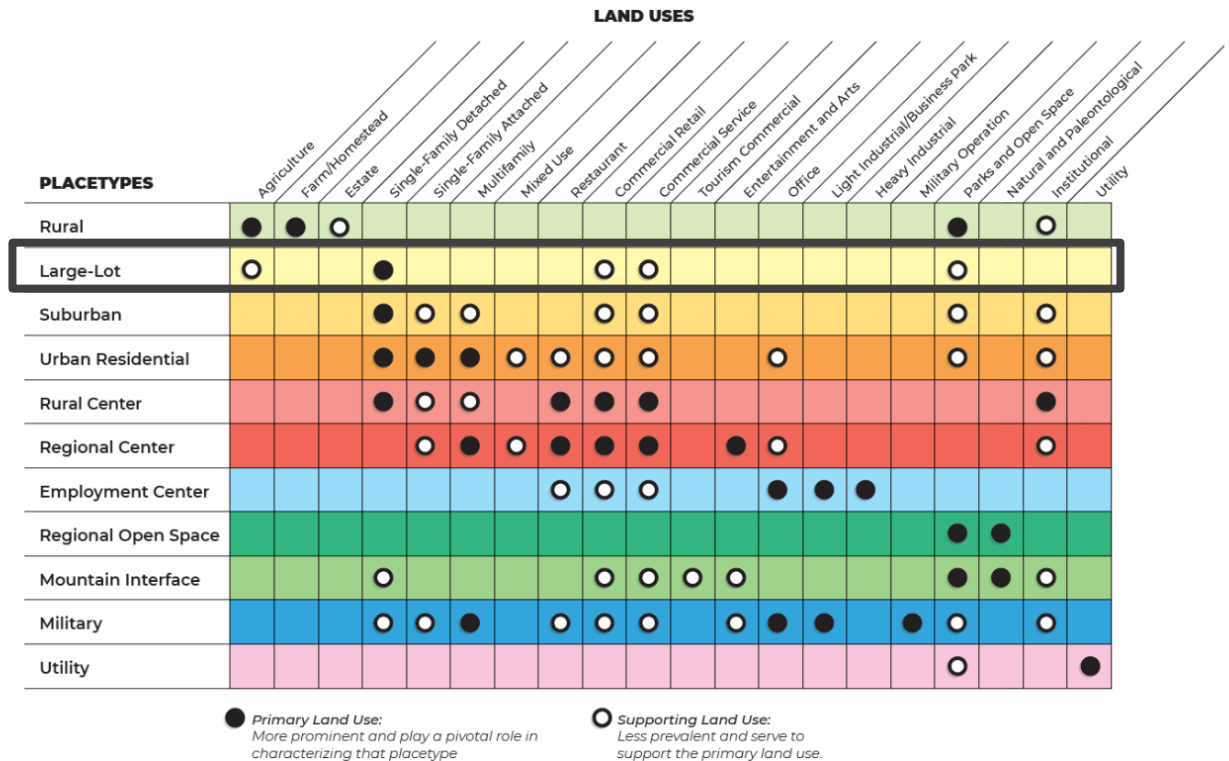
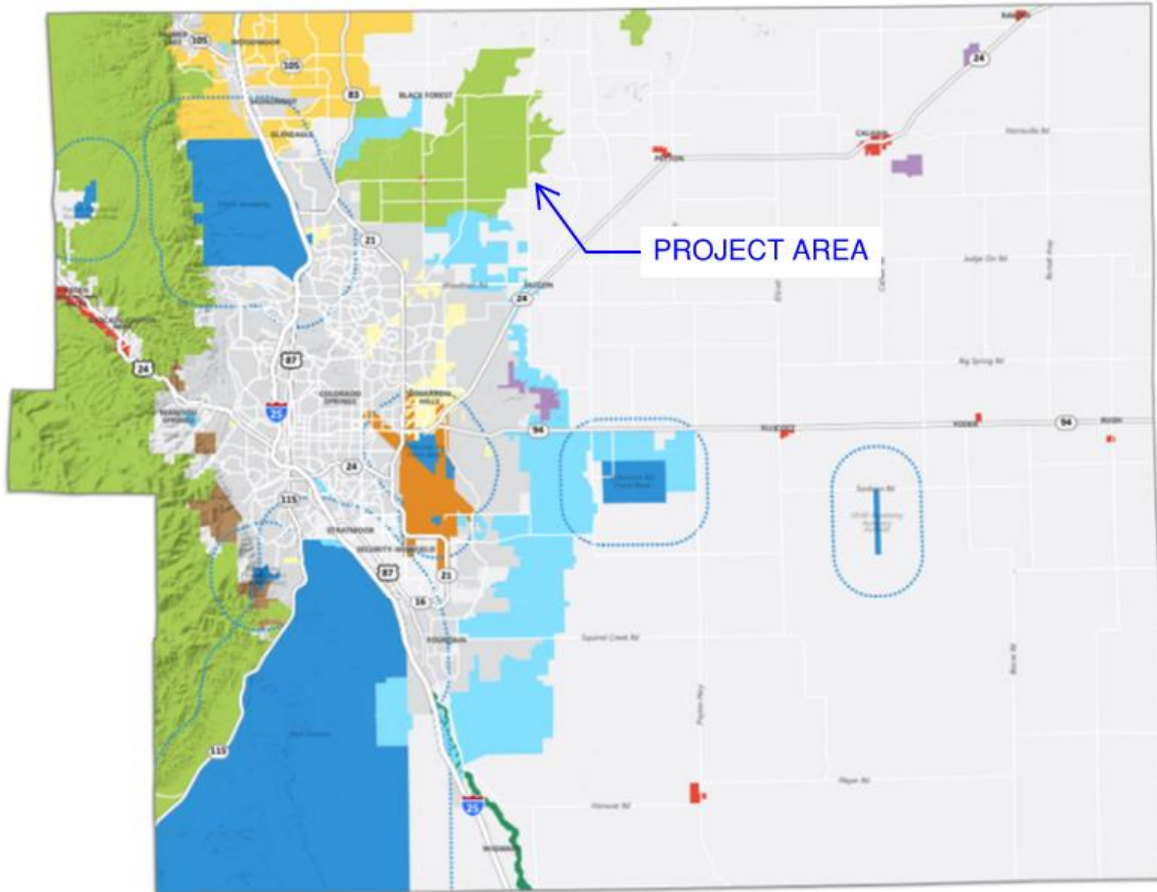


Figure 2. Land Use Category Chart, Your El Paso 2021

The site is located within the Large Lot Placetype Category as shown above. The project site is not located within identified Key Areas. Please see below Figure 3 for a map of the El Paso County key areas.

Key Areas



Key Areas

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

Figure 3. Key Areas Map, Your El Paso 2021

The property is located within the Minimal Change: Undeveloped Area of Change, as shown in Figure 4 below. Sites in the Minimal Change: Undeveloped category are defined as key areas that lack development and significant natural areas. Any redevelopment in this key area will be minimal so as to not alter the rural and natural environment character of these areas. The rezoning request will promote limited development in the subject parcel and is not anticipated to conflict with the character of the established developments adjacent to the site.

Areas of Change

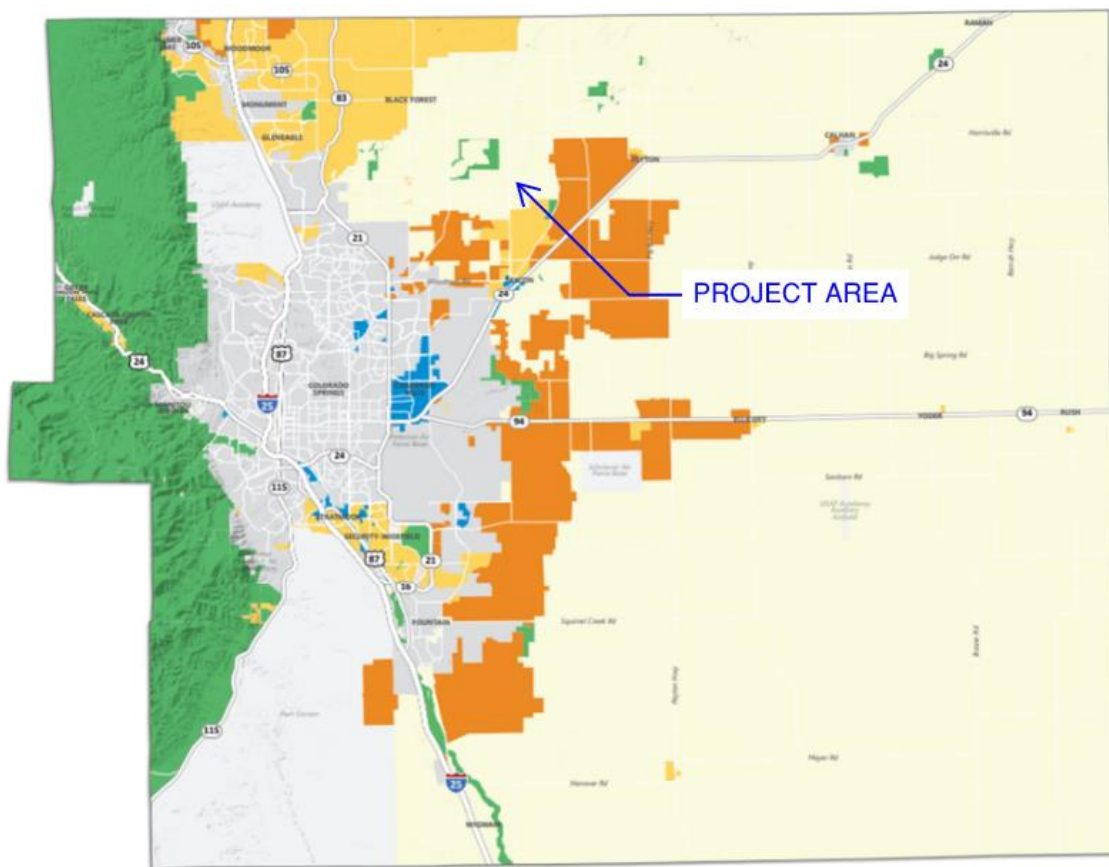
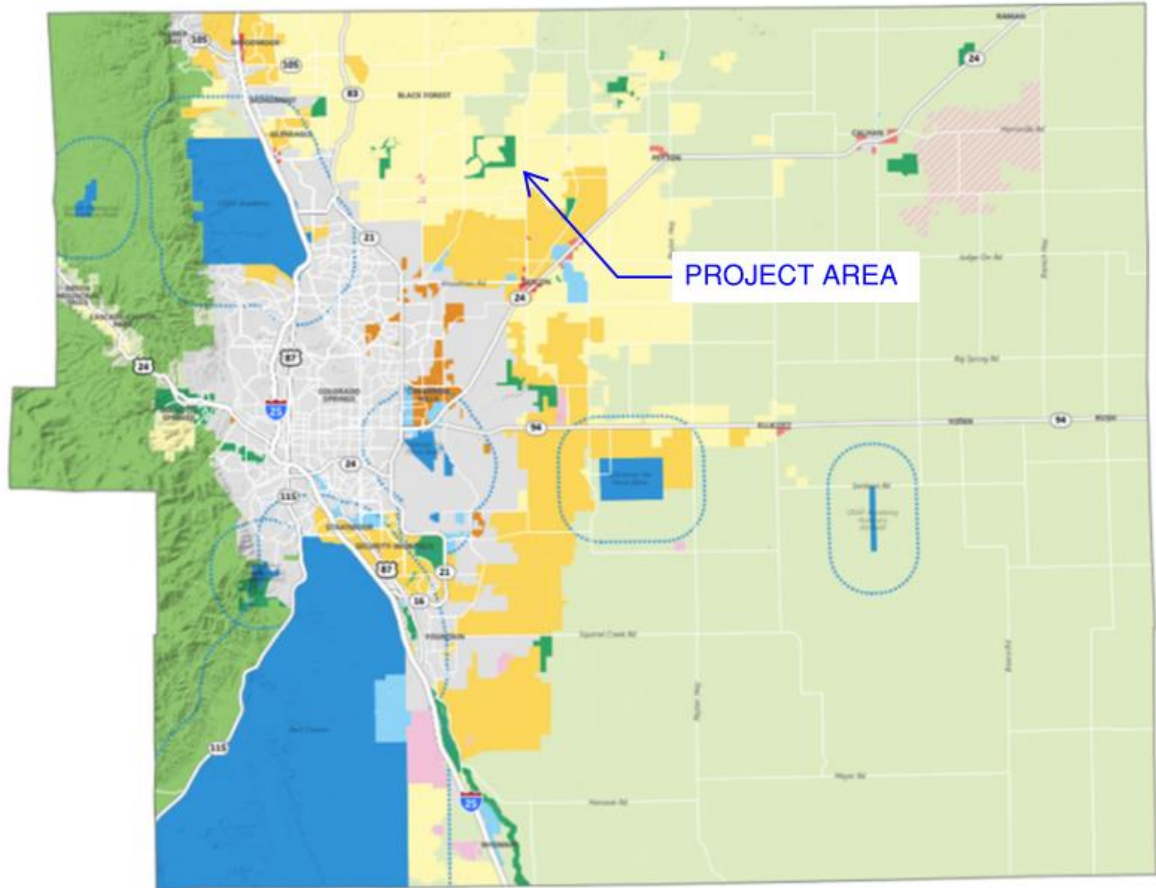


Figure 4. Areas of Change Map, Your El Paso 2021

Placetypes



Placetypes

- |  |  |
|--|--|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #c6e0b4; border: 1px solid #000;"></span> Rural                 | <span style="display: inline-block; width: 15px; height: 10px; background-color: #a6c9ec; border: 1px solid #000;"></span> Employment Center   |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #fff2cc; border: 1px solid #000;"></span> Large-Lot Residential | <span style="display: inline-block; width: 15px; height: 10px; background-color: #429464; border: 1px solid #000;"></span> Regional Open Space |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #ffc000; border: 1px solid #000;"></span> Suburban Residential  | <span style="display: inline-block; width: 15px; height: 10px; background-color: #90d1a4; border: 1px solid #000;"></span> Mountain Interface  |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #e69d00; border: 1px solid #000;"></span> Urban Residential     | <span style="display: inline-block; width: 15px; height: 10px; background-color: #4f81bd; border: 2px dashed #000;"></span> Military           |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #e377c2; border: 1px solid #000;"></span> Rural Center          | <span style="display: inline-block; width: 15px; height: 10px; background-color: #f79646; border: 1px solid #000;"></span> Utility             |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #d73027; border: 1px solid #000;"></span> Regional Center       | <span style="display: inline-block; width: 15px; height: 10px; background-color: #cccccc; border: 1px solid #000;"></span> Incorporated Area   |

Figure 5. Placetypes Map, Your El Paso 2021

The subject site is located within the Large-Lot Residential placetype as shown in Figure 5 above, which typically includes land for single-family detached residences, parks and open space, agriculture, as well as commercial service and retail developments. Communities

within this placetype are typically more connected and less remote than the rural placetype. The Large-Lot Residential placetype allows for 2.5-acre minimum lots, which is consistent with this rezoning request. This placetype generally supports the proposed development pattern and the support of limited accessory dwelling units as well.

- A 2.5-acre minimum lot size is allowed within this placetype and is consistent with the rezoning request.
- The rezone and the code would protect the intent of the placetype, by the procedures and standards intended to promote safe and orderly development.
- The proposal is consistent with available and necessary services.
- The rezone would have no impact on any currently approved sketch plans

**Priority Development Areas**

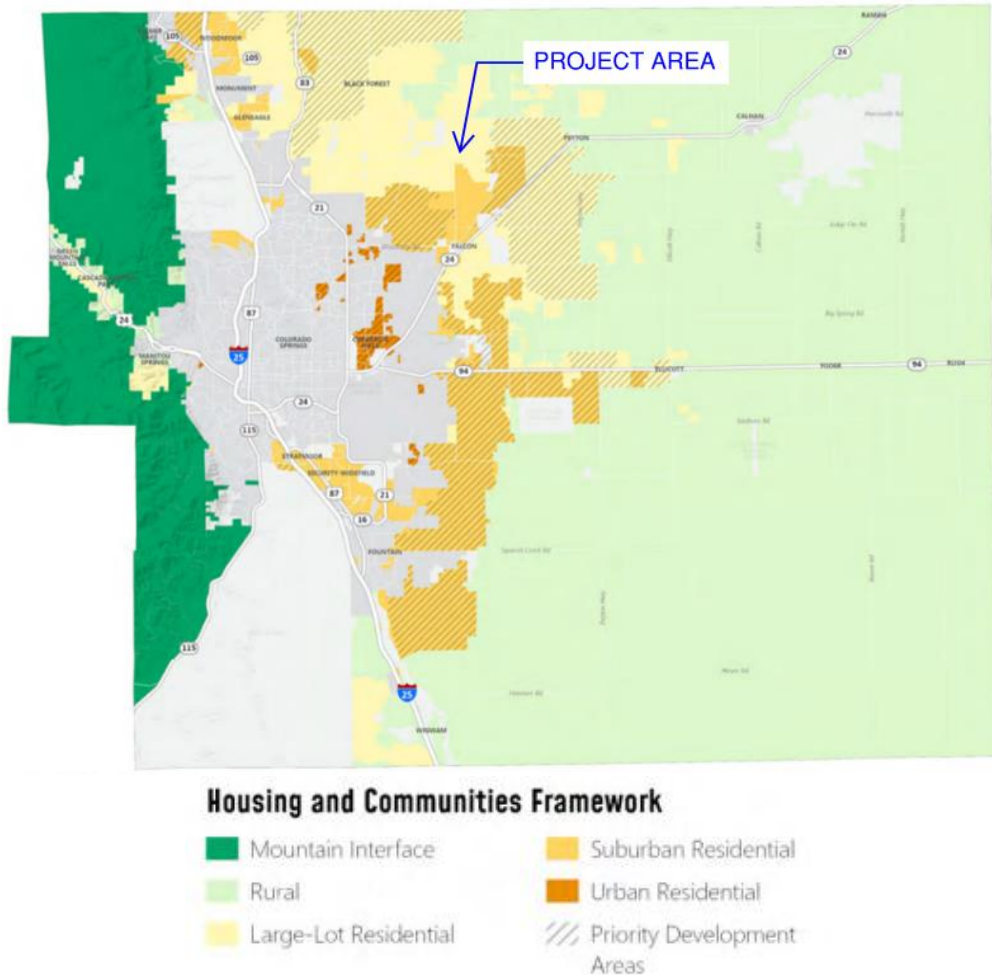
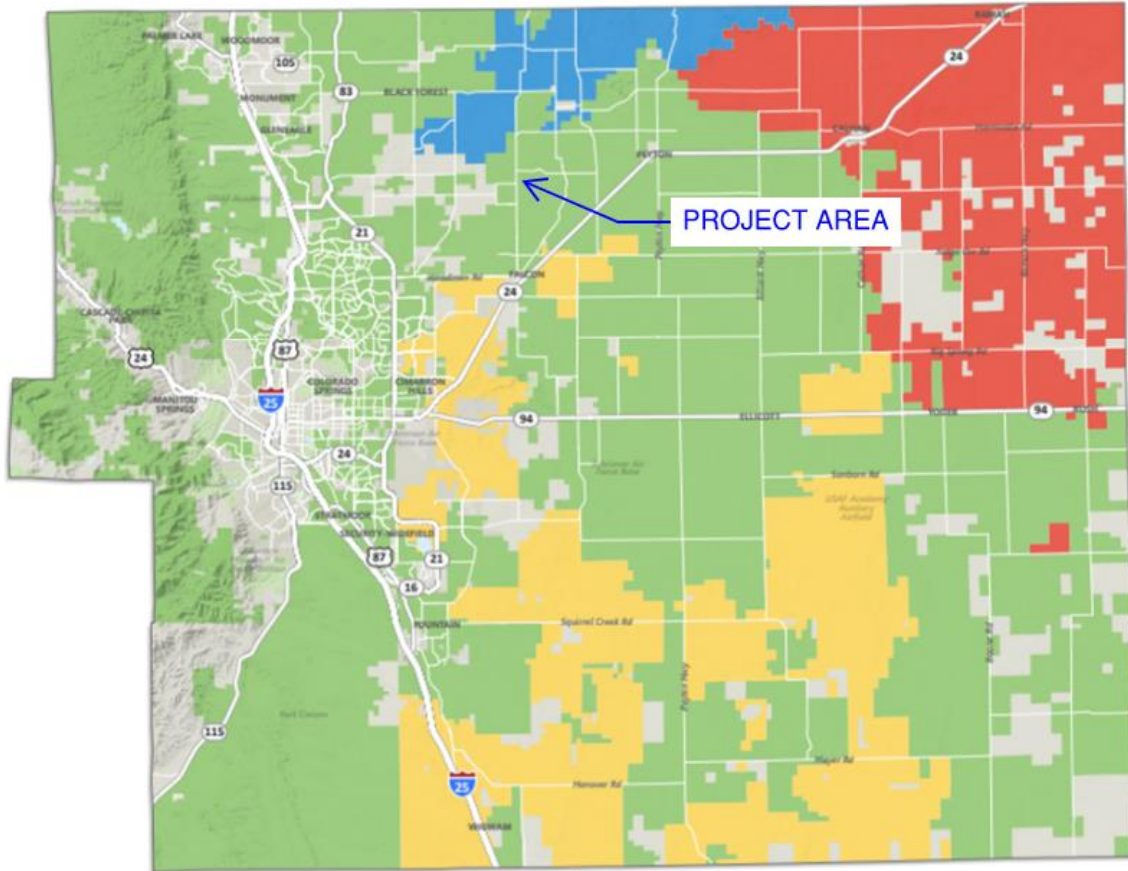


Figure 6. Housing and Communities Framework Map, Your El Paso 2021

The project site is located within a Large-Lot Residential Development Area as shown in Figure 6 above and is not located in a priority development area. The proposed rezone is in line with the large-lot residential place type objectives as described above in Figure 5.

**Conservation Districts**



**Conservation Districts**

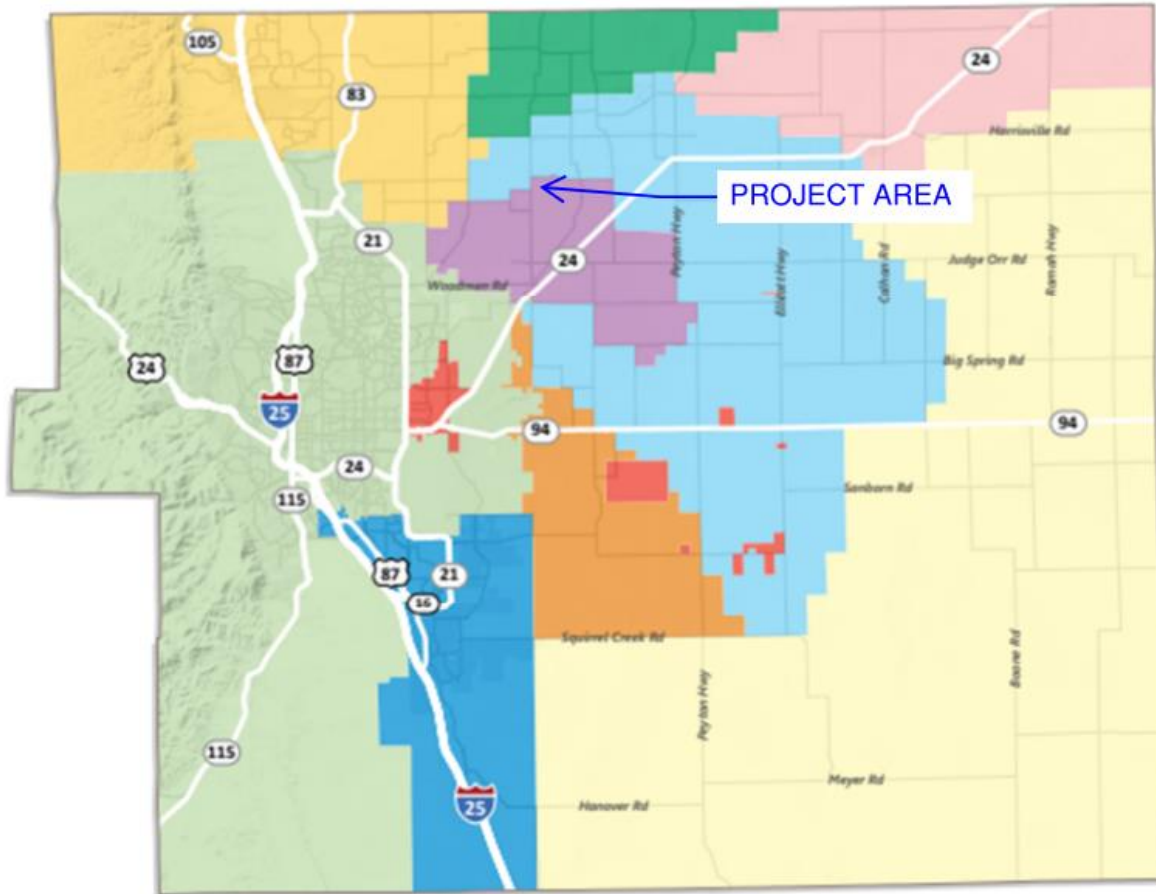
- Central Colorado Conservation District
- El Paso County Conservation District
- Double El Conservation District
- Kiowa Conservation District

*Figure 7. Conservation District Map, Your El Paso 2021*

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



Water Master Plan



**2018 Water Study Planning Regions**

- |  |  |
|--|--|
| <span style="color: #90EE90;">■</span> Region 1  | <span style="color: #ADD8E6;">■</span> Region 4c |
| <span style="color: #FFD700;">■</span> Region 2  | <span style="color: #FF0000;">■</span> Region 5  |
| <span style="color: #800080;">■</span> Region 3  | <span style="color: #FFFF00;">■</span> Region 6  |
| <span style="color: #008000;">■</span> Region 4a | <span style="color: #0000FF;">■</span> Region 7  |
| <span style="color: #FFB6C1;">■</span> Region 4b | <span style="color: #FF8C00;">■</span> Region 8  |

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

The subject site is located in Region 3 of the Water Master Plan, as shown in Figure 8 above. Region 3 is not expected to experience significant growth through 2060. Future development of the site, while not part of this request, is anticipated to utilize groundwater sources from the Denver Basin via private well. At the time the Water Master Plan was published in 2018, there was no surplus in Region 3. Water production from Denver Basin wells in this region may not

be economically sustainable in the long term, depending on local aquifer conditions. Water supplies in this region may need to be diversified in the years ahead, depending on local aquifer conditions.

The current replacement plan in place provides for four lots with each allotted 0.94 acre-feet of water per year. The current replacement plan covers the northern 19.98 acres that is currently divided into two parcels per the El Paso County Assessor. The adjacent one acre parcel (4218000002) was not included in the replacement plan. The one acre parcel will need to be included within a replacement plan in order have water if it is to remain an independent parcel after a subdivision process. As the one acre parcel itself does not overlie sufficient cost-effective water resources, an amendment of the replacement plan providing for the four northern lots would need to occur to incorporate the one-acre lot as the fifth lot. The applicant intends to submit a replacement plan for this lot. With the addition of the one-acre lot, the total water available for the entire property would come to around 1,197 acre-feet. This would amount to approximately 0.80 acre-feet of water allocation to each lot after completing a water right determination and amending the replacement plan. 0.80 acre-feet is more than sufficient of a supply for each lot.

**Utility Provisions**

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

- Water & Wastewater Services: Upper Black Squirrel Creek Ground Water
- Natural Gas: Black Hills Energy
- Electric Service: Mountain View Electric (District 4)
- Fire Protection: Falcon Fire Protection
- Public Schools: El Paso County School No 49
- Library Services: Pikes Peak Library District
- Roads: El Paso County Road and Bridge
- Police Protection: El Paso County Sheriff's Department
- Parks, Trails, Open Spaces: El Paso County Conservation

**Wastewater systems**

Future wastewater services will be provided by way of individual on-site septic/wastewater systems. Individual private property's on-site sewage disposal systems will be established

and comply with state and local laws and regulations, per [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of the Code.

**Natural or Physical Site Features**

The rezone will support the preservation of the natural features and drainages of the site and surrounding lands. The site is located within the Upper Black Squirrel drainage basin (CHBS2000), as shown in Figure 9 below.

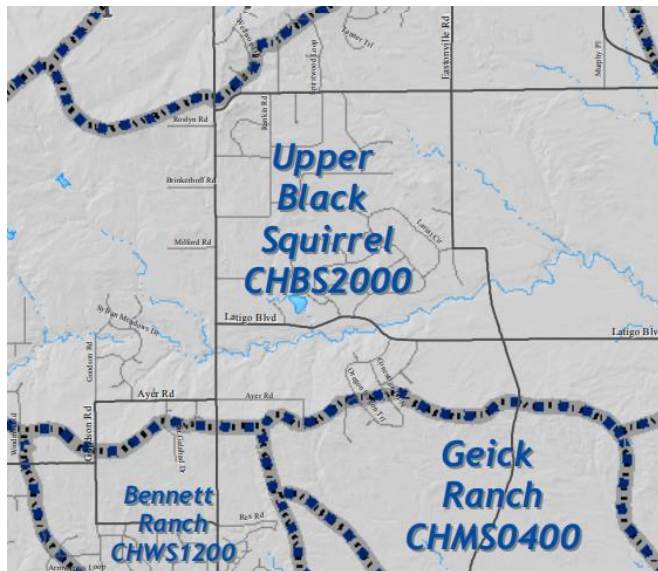
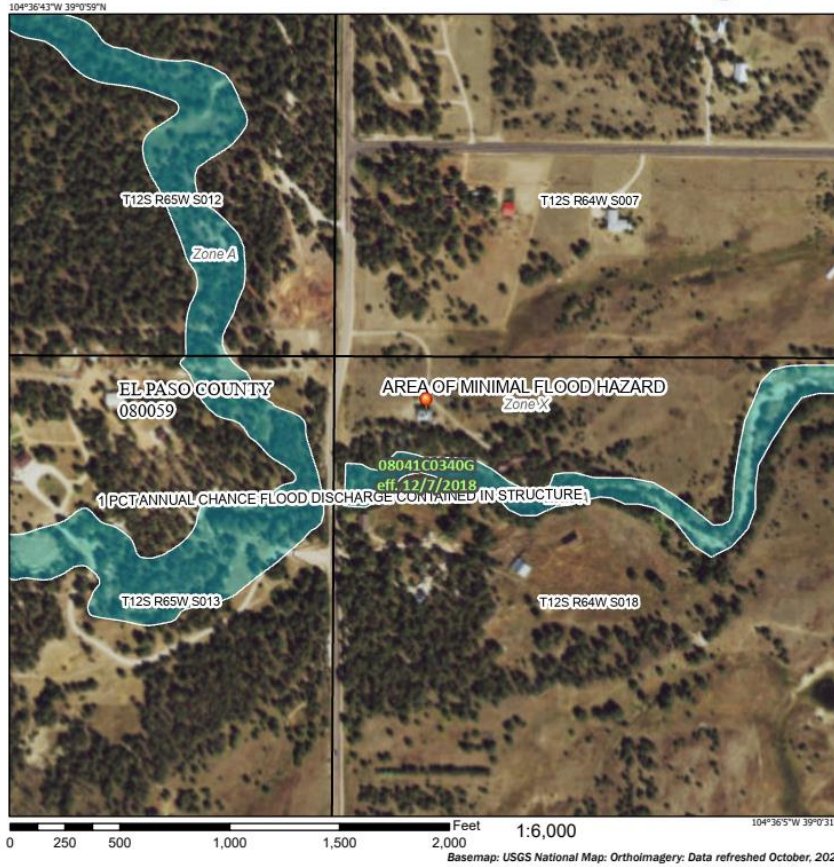


Figure 9. Drainage Basins Map, data provided by Muller Engineering Company; (1988)

There are no major hydrologic features within the project site. Review of FEMA Firm Panel '08041C0340G', effective date December 7, 2018, shows the project area is within FEMA flood risk area, Zone A, as shown in Figure 10 below. However, after discussions with the El Paso County floodplain administrator, an approved LOMR dated April 2006, with FEMA case number 06-08-B377P was found in the administrator's files which shows base flood elevations (BFEs). The BFEs shown from the LOMR will be included on the Minor Subdivision Plat. It is uncertain why the revised floodplain and BFEs as shown by the LOMR revisions are not reflected on the current floodplain map, but the floodplain administrator has indicated that the LOMR will be sufficient to satisfy the requirements of 8.4.2.B.1.e of the LDC. The proposed rezoning will have no adverse impact on the floodplain.

National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE) Zone A, V, AP9
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

**OTHER AREAS**

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone D

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

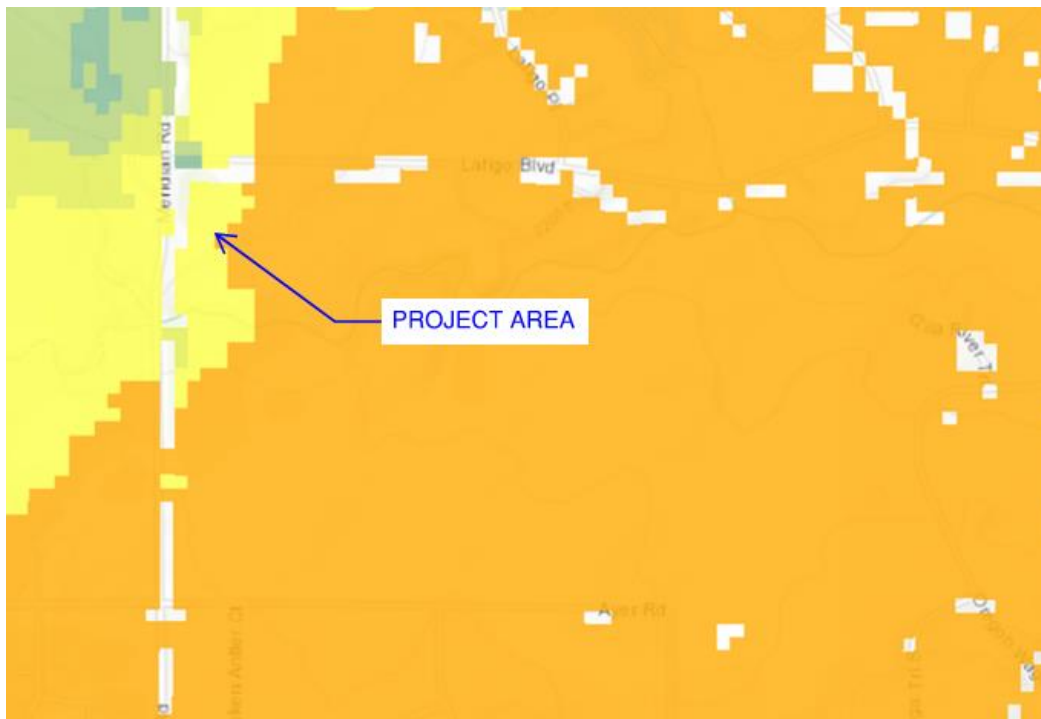
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/6/2023 at 11:13 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Figure 10. National Flood Hazard Layer FIRMette, data provided by FEMA; (2020)

**Wildfire Risk**

The site is mapped as moderate to moderate high risk on the Wildfire Risk Public Viewer shown in Figure 11 below.



**Legend**

<https://co-pub.coloradoforestatlas.org>

**Burn Probability**

- Non-Burnable
- Very Low
- Very Low-Low
- Low
- Low-Moderate
- Moderate
- Moderate-High
- High
- High-Very High
- Very High

**County Boundaries**

< 1:1,500,000

Figure 11. Wildfire Risk Map, Colorado Wildfire Risk Public Viewer

**Wildlife**

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

**Wetlands**

A natural resources report will be provided for clarification on the potential wetlands in the Black Squirrel Creek area. There are no proposed improvements within the channel and thus no anticipated impacts to potential wetlands.

**Geological & Soil Hazards**

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

**Vegetation & Wildlife**

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

**Sites of Historical Significance**

The existing home on parcel 4218000002 was built in 1931 and may have historical significance.

**Air Quality**

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

**Water Quality**

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

**Traffic**

Based on discussions with El Paso County, no traffic study is required. The subdivision will be adding two lots to the site for a total of five lots. No traffic study is required based on the criteria provided in El Paso County ECM Appendix B.1.2.D as outlined below. (1) The

proposed rezone daily vehicle trip-end generation will be less than 100 and the peak hour trip generation will be less than 10. (2) There are no additional proposed minor or major roadway intersections. (3) The increase in the number of vehicular trips will not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends. (4) There will be no change in the type of traffic generated. (5) There is no proposed change to the LOS on the adjacent public roadway. (6) No roadway or intersection in the immediate vicinity has a history of safety or accident problems. (7) There is no change of land use as part of the proposed rezone.

The Site currently has access to Meridian Road through two existing driveways, one south of the creek and one north of the creek that are proposed to remain. There are no additional proposed accesses to Meridian Road associated with the proposed rezone. The existing access point will remain as the only access for the proposed lots. Meridian is shown to be a future four lane minor arterial. No additional access to Meridian will be allowed in the future.

### **Community Outreach**

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

### **REQUEST FOR LOT DIMENSIONAL VARIANCE**

Per the requirements of section 5.5.2 of the LDC code the applicant is requesting a lot dimensional variance for parcel 4218000002, which is currently an unplatted 1.05 acre parcel. The existing home on the property was built in 1931 and may have historical significance. The unplatted parcel was however created after 1972, making the lot deemed as an illegal lot. Per Section 1.15 of the LDC, a "Legal Lot" is defined as:

"A lot, parcel or tract of land created by a legal conveyance of the lot, parcel or tract prior to July 17, 1972; a lot, parcel or tract shown on a subdivision plat which was approved and recorded prior to July 17, 1972, according to the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by legally prepared survey dated prior to July 17, 1972; a lot, parcel or tract created by approval of the County commissioners in conformance with the subdivision regulations in effect at the time of approval; a lot, parcel or tract created by a contract for deed or signed but unrecorded deed, each dated prior to July 17, 1972; a parcel exempted from subdivision by the Board of County Commissioners (BoCC), or any parcel of 35 acres or more, which, when created, did not cause a parcel of less than 35 acres to remain; a parcel created by any court pursuant to the law of eminent domain, operation of law, or by order of any court if the BoCC has been given timely notice and opportunity to join in the action; a parcel modified or reduced in size due to land acquisition by a governmental entity."

Because the lot is not considered a legal lot, an administrative legal non-conforming exemption cannot be applied to the lot. The request is for relief to the lot size to remain at the existing 1.05 acres. The existing structure meets all side setback criteria stated section 5.4.2 of the LDC. Section 5.5.2.B.2.a states that the Board of Adjustments can grant variances from application of a “physical requirement of this Code which would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property.” Due to existing building being built in 1931, there is not a current zone district that would satisfy the small lot acreage and current setbacks.

### **Review Criteria**

The review criteria is outlined in Section 5.5.2 of the El Paso County LDC. The Board of Adjustment is authorized to grant variances from the strict application of any physical requirement of the Code which would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of the property.

Practical difficulties and hardship exist where the legal use of the property is severely restricted due to (1) Due to the configuration of the existing homes, zoning setback, and existing easements the lot configuration would result in exceptional narrowness, shallowness, and property shape. And (2) due to existing topography, specifically Black Squirrel Creek, the topography would result in a lot with limited access and create an exceptional condition on the piece of property.

This variance request includes alternative standards that substantially and satisfactorily mitigate the anticipated impacts while serving as a reasonably equivalent substitute for current zoning requirements.

The applicant explored a lot configuration of Lot 1 into a larger five acre lot in coordination with the rezone of the parcels to the north of Black Squirrel by utilizing land to the north. In exploring this lot configuration the following concerns came to light:

- Reconfiguration of Lot 1 north of Black Squirrel Creek would separate the existing home from the rest of the usable lot. There is no access over Black Squirrel Creek and the owner of the lot would have to be accessed by two separate access points.
- Due to the configuration of the existing homes and corresponding setbacks for the RR-5 zoning of 25 feet, the lot configurations would be irregularly shaped which is not in line with the goals of subdivision outlined in Section 8.1.1 of the LDC code which



- states, “ensuring that land is divided into lots that are of adequate size and configuration for the purpose for which they are intended to be used.”
- There are utility easements and ROW easements that encumber the property and limit the buildable area.
  - Without demolition of the existing home on the parcel directly north (parcel 4218000023), a lot large enough to make five acres without very irregularly shaped parcels or only a single point of access would be impossible. Demolition of a home would be considered an exceptional hardship and to the owner of the property.

Although proposed Lot 1 is not a legal lot, given the constraints in Section 5.5.2, keeping the current lot configuration is the best way to avoid undue hardship on the parcel.

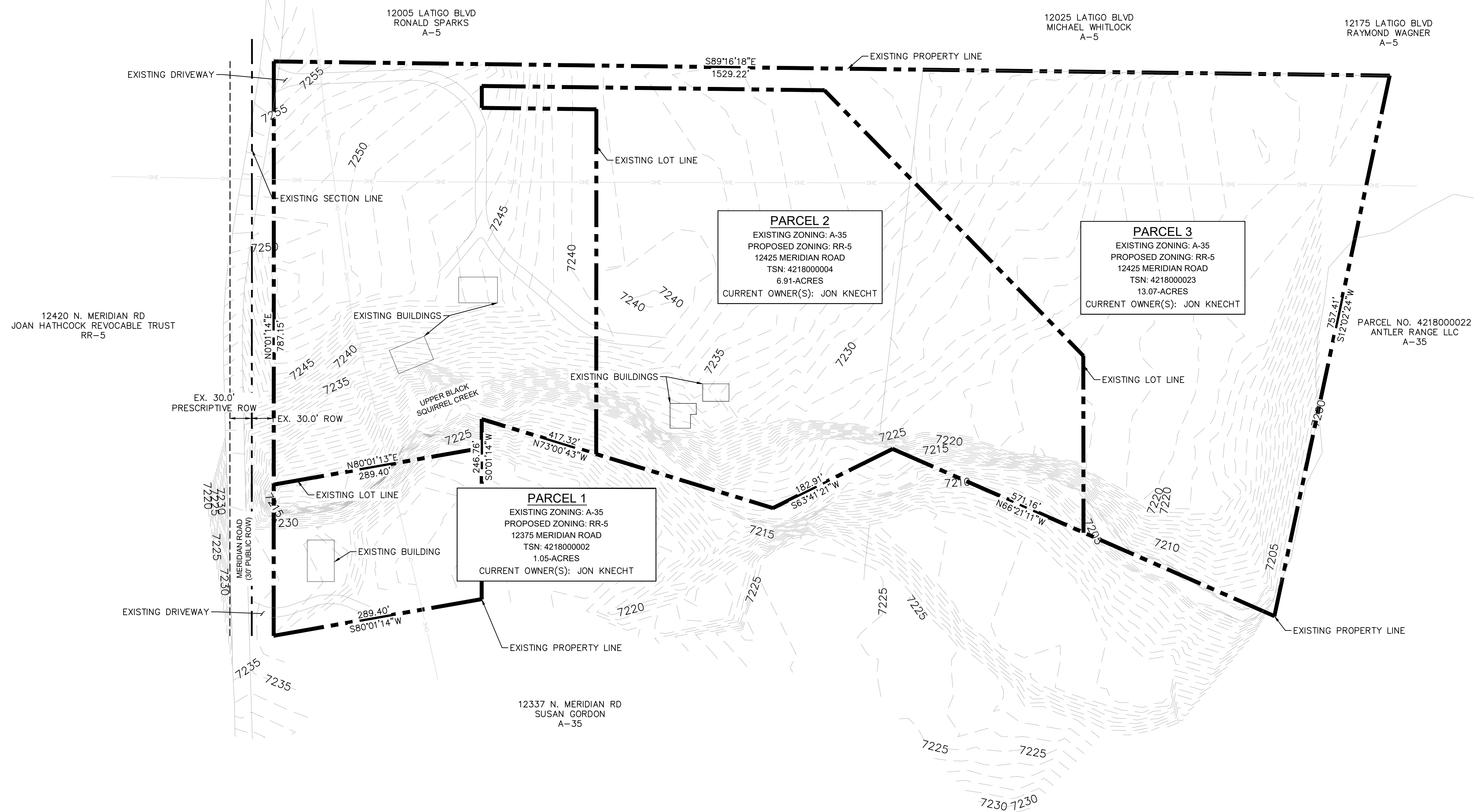
### **Conclusion**

The proposed rezoning is consistent with and conforms to the El Paso County Master Plan and existing and permitted land uses. The rezone of said parcels will bring the site into compliance of the standard RR-5 zoning and to match adjacent zoning. Additionally, a Lot Dimensional Variance acceptance will allow for parcel 4218000002 to become a legal lot and maintain existing dimensions and size of the lot.

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

# KNECHT ZONING MAP

## A PORTION OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO



**PROPERTY DESCRIPTION:**

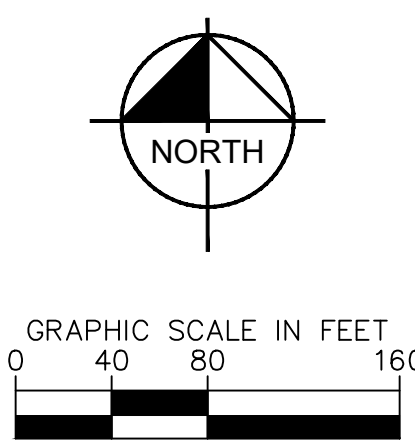
THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THAT TRACT OF LAND RECORDED IN BOOK 2364 AT PAGE 289 OF THE RECORDS OF SAID EL PASO COUNTY; THENCE S89°16'18"E ALONG THE NORTHERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 18, ALSO BEING THE SOUTHERLY LINE OF "LATIGO COUNTRY ESTATES FILING NO .1" AS RECORDED IN PLAT BOOK H-3 AT PAGE 5 OF SAID RECORDS, 1244.19 FEET; THENCE S12°02'24"W, 757.41 FEET; THENCE N66°21'11"W, 571.16 FEET; THENCE S63°41'21"W, 182.91 FEET; THENCE N73°00'43"W, 417.47 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT AS RECORDED IN BOOK 2364 AT PAGE 289; THENCE N00°02'12"E ALONG SAID EASTERLY LINE, 486.57 FEET TO THE POINT OF BEGINNING.

ALSO INCLUDING;

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 18 IN TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 18; THENCE SOUTHERLY ON THE WEST LINE OF SAID SECTION 18, 787.15 FEET; THENCE ANGLE LEFT 100° NORTHEASTERLY 289.40 FEET; THENCE NORTHERLY PARALLEL TO THE WEST LINE OF SAID SECTION 18, 736.90 FEET TO INTERSECT THE NORTH LINE OF SAID SECTION 18; THENCE WESTERLY ON THE NORTH LINE OF SAID SECTION 18, 285.00 FEET TO THE POINT OF BEGINNING, IN EL PASO COUNTY, COLORADO

**NOTES:**

- FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, MAP NUMBER 08041C0340G, EFFECTIVE DATE DECEMBER 7, 2018, INDICATES THE AREA IN THE VICINITY OF THIS PARCEL OF LAND TO BE A ZONE X (AREA DETERMINED TO BE OUT OF THE 500 YEAR FLOOD PLAIN) AND ZONE A (NO BASE FLOOD ELEVATIONS DETERMINED)
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY LDC, INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. THE CLIENT DID NOT PROVIDE A TITLE COMMITMENT FOR THE PROPERTY, THEREFORE, NO RIGHTS-OF-WAY OR EASEMENTS OF RECORD WERE AVAILABLE FOR REVIEW BY LDC, INC. WITH THIS SURVEY.
- SITE BENCHMARK: NGS BLACK 1953 IS A STANDARD ALUMINUM DISK SET IN THE TOP OF A 8" ROUND CONCRETE POST, PROJECTING 12" ABOVE THE GROUND. IT IS LOCATED 3.95 MILES NORTH OF THE INTERSECTION OF U.S HIGHWAY 24 AND MERIDIAN ROAD TO AN AZMUTH MARK ON THE LEFT, CONTINUE AHEAD, NORTH ON MERIDIAN ROAD FOR 0.25 MILES TO A SIDE ROAD LEFT, REX ROAD. CONTINUE AHEAD, NORTH ON MERIDIAN ROAD FOR 0.85 MILES TO THE STATION ON THE LEFT. IT IS 47.6 FEET NORTHEAST FROM A POWER POLE, 30.35 FEET WEST FROM THE CENTER LINE OF MERIDIAN ROAD, 2.6 FEET NORTH FROM A WITNESS POST, 2.46 FEET EAST FROM THE RIGHT OF WAY FENCE AND ABOUT 1.8 FEET EAST FROM A WITNESS POST. ELEVATION = 7318.00 "NAVD DATUM".
- DATE OF TOPOGRAPHIC/IMPROVEMENT SURVEY: NOVEMBER 07, 2016.
- THIS LOT EXISTS WITH NATIVE GRASSES, BUSHES AND FEEDER DECIDUOUS TREES THROUGHOUT, WITH MISCELLANEOUS CONCRETE, DEBRIS AND DIRT PILES AT THE TOE OF SLOPE/SIDE SLOPE VICINITIES.



Miranda Benson2

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**From:** D.R. Jones <drjones7374@gmail.com>  
**Sent:** Friday, January 26, 2024 7:12 AM  
**To:** PCD Hearings; Christian Haas  
**Subject:** OPPOSITION to FILE NUMBER: P236, KNECHT REZONE  
**Attachments:** 862b596f-e1ce-4bbb-9be0-099e5aa23e6f.pdf

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Good morning,

My fellow Latigo community neighbors/landowners and I express our vehement OPPOSITION to the rezoning request of 21.03 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The properties are located at 12375 North Meridian Road, 12425 North Meridian Road, and unaddressed Hobbs Road. (Parcel Nos. 4218000002, 4218000004, and 4218000023) (Commissioner District No. 1)

The rapid development growth in the area, to include the additional filings approved for the Latigo/Meridian Ranch areas, have resulted in the systematic destruction of that character, culture, and natural resources of the Peyton, Elbert, and Black Forest communities. Furthermore, the rezoning request will disrupt the Black Squirrel Creek in which it is proposed to be located against. My neighbors and I demand the preservation of our community's character, culture, and natural resources and urge you to DISAPPROVE this rezoning request!

Thank you for your time and consideration.

-- Concerned and frustrated Latigo and Black Forest Residents

"Progress is the activity of today, and the assurance of tomorrow"

**From:** Greta Johnson <Greta@pcisys.net>  
**Sent:** Friday, January 26, 2024 10:36 AM  
**To:** PCD Hearings  
**Subject:** File P236

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Hi,

I am stating my opposition to the rezoning of 12375 North Meridian Road and 12425 North Meridian Road and Hobbs road from A-35 to RR-5. The buyer should have known the zoning and not be asking to change it. I feel it is another of the many examples throughout the Latigo Trails and Black Forest communities of people being greedy and wanting as much money as they can get. And what about Black Squirrel creek? Does that become an intermittent mud hole or disappear completely? What about the rains that flooded this area in spring 2023? Where does that water go? And what about our aquifer?

A few years from now the owners of 5 acre lots will asked to be subdivided or allowed a variance for 2 houses and thus, households on them. All this re-zoning has to stop. It is slowly encroaching on our way of life and our coming and goings with the horrendous increase in traffic, so much so that it is difficult to get out onto the 2 lane hard roads. My husband and I moved here from the city to escape this, because development and more traffic and houses were encroaching on our city (used to be county) property.

Once again, I am **stating my opposition.**

Greta Johnson 12775 Mount Shasta Dr., Elbert CO 80106

[greta@pcisys.net](mailto:greta@pcisys.net)

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

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

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P236

KNECHT REZONE

WHEREAS, David Knecht did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference, from the A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district; and

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

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

WHEREAS, when approving a map amendment, the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5.B (Map Amendment, Rezoning) of the El Paso County Land Development Code (as amended):

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
2. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of David Knecht. for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.
2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the RR-5 (Residential Rural) zoning district and with the applicable sections of the Land Development Code and Engineering Criteria Manual.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

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

\_\_\_\_\_ seconded the adoption of the foregoing Resolution.

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

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

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

DONE THIS 1<sup>st</sup> day of February 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: \_\_\_\_\_  
Thomas Bailey, Chair

EXHIBIT A

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THAT TRACT OF LAND RECORDED IN BOOK 2364 AT PAGE 289 OF THE RECORDS OF SAID EL PASO COUNTY; THENCE S89°16'18"E ALONG THE NORTHERLY LINE OF SAID NORTHWEST QUARTER OF SECTION 18, ALSO BEING THE SOUTHERLY LINE OF "LATIGO COUNTRY ESTATES FILING NO .1" AS RECORDED IN PLAT BOOK H-3 AT PAGE 5 OF SAID RECORDS, 1244.19 FEET; THENCE S12°02'24"W, 757.41 FEET; THENCE N66°21'11"W, 571.16 FEET; THENCE S63°41'21"W, 182.91 FEET; THENCE N73°00'43"W, 417.47 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT AS RECORDED IN BOOK 2364 AT PAGE 289; THENCE N00°02'12"E ALONG SAID EASTERLY LINE, 486.57 FEET TO THE POINT OF BEGINNING.

ALSO INCLUDING:

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 18 IN TOWNSHIP 12 SOUTH, RANGE 64 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 18; THENCE SOUTHERLY ON THE WEST LINE OF SAID SECTION 18, 787.15 FEET; THENCE ANGLE LEFT 100° NORTHEASTERLY 289.40 FEET; THENCE NORTHERLY PARALLEL TO THE WEST LINE OF SAID SECTION 18, 736.90 FEET TO INTERSECT THE NORTH LINE OF SAID SECTION 18; THENCE WESTERLY ON THE NORTH LINE OF SAID SECTION 18, 285.00 FEET TO THE POINT OF BEGINNING, IN EL PASO COUNTY, COLORADO

CONTAINING MORE OR LESS 20.03 ACRES