

Meggan Herington, AICP, Executive Director
El Paso County Planning & Community Development
O: 719-520-6300
MegganHerington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 2/22/2024
RE: P236 Map Amendment (Rezoning) for Knecht Rezone

Project Description

A request by Jon Knecht for approval of a Map Amendment (Rezoning) of 21.03± acres from A-35 (Agricultural) to RR-5 (Residential Rural). The properties combined are 21.03-acres and are located at 12375 North Meridian Road and 12425 North Meridian Road. (Parcel Nos.: 4218000002, 4218000004, and 4218000023) (Commissioner District No. 1). The item was heard as a called-up consent item at the February 1, 2024, Planning Commission hearing. The Map Amendment (Rezoning) application was unanimously recommended for approval by the Planning Commission with a vote of 9-0.

Notation

Please see the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Ms. Merriam moved / Mr. Trowbridge seconded to recommend approval for the Map Amendment (Rezoning) with two (2) conditions and two (2) notations, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (9-0)**. The item was heard as a called-up consent agenda item. There were four letters of opposition submitted prior to the hearing. Concerns were raised about future development in the area, increases in traffic, and the potential impacts to the Black Squirrel Creek.

Discussion

Discussion was primarily focused on the FEMA floodplain shown between the lots in question, existing and future access points, the intention of the applicant to legally plat the lots in the future. The January 24th Board of Adjustment unanimous decision to grant a lot size variance for a 1.05-acre parcel associated with this Map Amendment application was also discussed.

Attachments

1. Draft Planning Commission Minutes from 2/1/2024.
2. Signed Planning Commission Resolution – P236.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution – P234.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, February 1st, 2024
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: THOMAS BAILEY, SARAH BRITTAIN JACK, JIM BYERS, JAY CARLSON, BRANDY MERRIAM, ERIC MORAES, BRYCE SCHUETTELPELZ, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: WAYNE SMITH.

PC MEMBERS ABSENT: BECKY FULLER, JEFFREY MARKEWICH, AND KARA OFFNER.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KARI PARSONS, ASHLYN MATHY, CHRISTIAN HAAS, LACEY DEAN, CHARLENE DURHAM, CARLOS HERNANDEZ MARTINEZ, MIRANDA BENSON, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: KEVIN KOFFORD, BLAINE PERKINS, AND LOREN MORELAND.

1. REPORT ITEMS

Mr. Kilgore advised the board that the next PC Hearing is Thursday, February 15th, at 9:00 A.M. Multiple items will have combined staff reports and presentations.

Mr. Bailey gave the board an update regarding the meeting that he and Mr. Carlson recently attended with Commissioner VanderWerf. The purpose was to work towards a meeting between the full BoCC and the entire PC. He thanked the other PC members for providing potential discussion topics. In response to the questions of whether the PC is doing the right thing or should be doing anything differently, he reported that Commissioners VanderWerf and Bremmer stated they are very pleased with the work done by the PC. He thanked the board members for participation in discussions, asking questions, and making points on the record. This contribution gives the BoCC a solid foundation on which to base their final decision.

Mr. Carlson added that one of the first comments made by Commissioner VanderWerf was that the BoCC wants the PC to function independently. The BoCC does not want the PC to operate with thoughts of “what would the BoCC do or think”. He further added that Commissioners VanderWerf and Bremer both mentioned they read through the PC Minutes and pay attention to dissenting votes, if any. Overall, it is important to get their thoughts on the record.

Mr. Bailey noted his appreciation for PCD staff that captures those thoughts and puts the minutes together. Because the BoCC depends on the PC to provide different perspectives, the questions and discussion that take place are important. He stated the BoCC relies upon the minutes to accurately reflect those conversations when they prepare to make their final decision. He reiterated that a meeting between both full boards is in the works.

2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA (NONE)

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held January 18th, 2024.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (9-0).

B. P236

HAAS

**MAP AMENDMENT (REZONING)
KNECHT REZONE**

A request by Jon Knecht for approval of a Map Amendment (Rezoning) 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).

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. TROWBRIDGE.

C. P237

PARSONS

**MAP AMENDMENT (REZONING)
STERLING RANCH EAST FILING NO. 5 REZONE**

A request by Classic SRJ Land, LLC for approval of a Map Amendment (Rezoning) 42.03 acres from RR-5 (Residential Rural) to RS-5000 (Residential Suburban). The applicant intends to develop single-family homes pursuant to the approved Sterling Ranch Sketch Plan. The property is located north of the Pawnee Rancheros Subdivision, south of the Future Briargate Parkway/Stapleton Corridor, and east of the Sand Creek Channel. A concurrent Preliminary Plan is also requested. A combined staff report has been provided. (Parcel Nos. 5233000018 and 5200000552) (New Parcel Nos. 5233000024 & 5200000573) (Commissioner District No. 2)

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: SCHUETTELPELZ MOVED / CARLSON SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER P237 FOR A MAP AMENDMENT (REZONING), STERLING RANCH EAST FILING NO. 5 REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND ONE (1) NOTATION, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

D. SP235

PARSONS

**PRELIMINARY PLAN
STERLING RANCH EAST FILING NO. 5 PRELIMINARY PLAN**

A request by Classic SRJ Land, LLC for approval of a Preliminary Plan to create 160 single-family residential lots in four phases. The 47.17-acre property is zoned RR-5 (Residential Rural) and is located south of the future extension of Briargate Parkway/Stapleton Corridor and east of the Sand Creek Channel. A concurrent rezone is also requested. A combined staff report has been provided. The Preliminary Plan is within the approved Sterling Ranch Sketch Plan area. If the request for a Preliminary Plan is approved, the applicant will be required to obtain Final Plat approval prior to the issuance of any building permits on the property. (Parcel Nos. 5233000018 and 5200000552) (New Parcel Nos. 5233000024 & 5200000573) (Commissioner District No. 2).

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: TROWBRIDGE MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3D, FILE NUMBER SP235 FOR A PRELIMINARY PLAN, STERLING RANCH EAST FILING NO. 5 PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FOUR (4) CONDITIONS, FOUR (4) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

4. CALLED-UP CONSENT ITEMS

3B. P236

HAAS

**MAP AMENDMENT (REZONING)
KNECHT REZONE**

A request by Jon Knecht for approval of a Map Amendment (Rezoning) 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).

STAFF & APPLICANT PRESENTATIONS

Mr. Trowbridge asked for an explanation of how the rezoning cures the existing issues with the lots. He would also like the public comments to be addressed by the PCD staff and/or applicant. The presentation began.

Mr. Trowbridge asked for more information regarding the FEMA floodplain shown on the drainage analysis presentation slide. He stated he is familiar with the area and it is prone to flooding. He asked if the area highlighted in yellow was the full extent of the floodplain or just the existing creek/drainage.

Mr. Hernandez Martinez explained that the area highlighted was a 100-year FEMA floodplain boundary, "Zone A". Base flood elevations are not currently shown on the slideshow image. He stated the applicant will need to show base flood elevations on the final plat when they request to further subdivide the property. The presentation continued.

Ms. Merriam asked for clarification regarding where the existing driveways are located.

Mr. Hernandez Martinez indicated where those were located on the slideshow image.

Ms. Merriam asked if the two driveways accessing Meridian Road are in line with the County's future plans for that road. Will two driveways continue to be allowed?

Mr. Hernandez Martinez answered that the two driveways will be allowed to remain. One driveway is north of the floodplain for the northern two lots, and one is south of the floodplain, accessing the 1-acre parcel. Crossing over the floodplain would require additional permitting and engineering documentation.

Mr. Trowbridge asked if there are three total access points. It appears there might be two driveways on the 1-acre parcel alone. He stated his understanding is when the final plat is processed, the 1-acre parcel will remain and the northern portion of the property will be divided into multiple parcels. He asked if there is an existing access easement for the eastern, isolated lot.

Mr. Hernandez Martinez deferred to the applicant. (Mr. Trowbridge will ask them later.)

Mr. Trowbridge asked if this property would need to go back to the Board of Adjustment (BOA) after rezoning to RR-5, or does the BOA approval carry over regardless of the zoning district?

Ms. Seago answered that the BOA action is effective even after a zone change to RR-5, if granted. The applicant will not need to return to the BOA for approval of the lot size in a new zoning district.

Mr. Trowbridge asked if the parcel is now considered a legal lot since the BOA gave their approval?

Ms. Seago replied that is *not* the case. The BOA approval only granted that the lot size (1-acre) was acceptable. The applicant will still need to plat the lots during a subdivision process (after rezoning, if approved) to make them legal.

Mr. Trowbridge stated the 1-acre lot will remain non-conforming in the RR-5 zoning.

Ms. Seago replied that is correct and further stated the BOA approval would carry forward. She reiterated that the legal existence of the lot will be cured with the subdivision process.

Mr. Carlson asked if there is a reason the applicant is not currently pursuing four parcels.

Mr. Haas answered that the applicant's hands are tied because the current zoning requires a minimum lot size of 35 acres. Combined, the parcels are approximately 21 acres. To legalize the lot through any subdivision action, they would need to rezone to a district more suitable for the land that they have. Without rezoning, all the parcels would require BOA action to allow their current sizes in the A-35 zoning district and then would still need to go through the subdivision process. He stated the BOA appearance and rezoning could have been done in either order. Ultimately, the 1-acre lot size is closer to meeting RR-5 requirements than A-35. After the platting process, it will be a non-conforming legal lot.

Mr. Carlson asked why they are requesting to split the parcel into a 1-acre, 13-acre, and nearly 7-acre lots instead of more equally divided parcels.

Mr. Haas replied that those sizes are how the parcel is currently divided. He stated the applicant is free to draw the lot lines wherever they'd like after the rezoning is potentially approved. He has not seen a future plat for the property, but he assumes they would propose lot sizes closer to the minimum requirement. Staff presentation concluded; applicant presentation began.

Mr. Kevin Kofford, with Kimley-Horn and Associates, Inc., answered Mr. Carlson's question by stating the applicant intends to submit a request for a Minor Subdivision to plat and legalize the parcels. He did not specify how many lots would be part of the final configuration. Answering Mr. Trowbridge's question, he stated there is not an easement currently in place, but access will be evaluated during the subdivision process. They may propose a shared driveway or a private road depending on the number of parcels, but they have not gotten that far in planning. Regarding the multiple driveways currently in place, he clarified that there is only one north of the floodplain and one south. The northern driveway currently acts as a shared driveway to the two northern parcels. Addressing information Mr. Hernandez Martinez brought up during the drainage presentation, Mr. Kofford stated he has worked with the floodplain administrator regarding Black Squirrel Creek. While current mapping shows "Zone A", a Letter of Map Revision (LOMR) was completed in the past, it is actually a "Zone AE" floodplain, and base flood elevations are known. The presentation continued.

Mr. Carlson asked if any of the existing structures were occupied.

Mr. Kofford replied that only one of the three is currently occupied. The others are uninhabitable and currently in the process of remodeling.

Mr. Bailey asked about the different names, Jon and David Knecht.

Mr. Kofford explained that Jon is the owner of the property. David is the applicant; he is Jon's son.

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: MERRIAM MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3B, FILE NUMBER P236 FOR A MAP AMENDMENT (REZONING), KNECHT REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

5. REGULAR ITEMS

A. PUDSP232

PARSONS

PUD/PRELIMINARY PLAN STERLING RANCH FILING NO. 5 PUD/PRELIMINARY PLAN

A request by Classic SRJ Land, LLC for approval of a combined Planned Unit Development and Preliminary Plan to create 72 single-family residential lots in a single phase of development. The 11.66-acre property is zoned RR-5 (Residential Rural) and is located north of Sterling Ranch Road, east of Vollmer Road, and is immediately adjacent to and west of Dines Boulevard. The PUD/ Preliminary Plan is within the approved Sterling Ranch Sketch Plan area. If the request for a PUD/Preliminary Plan is approved, the applicant will be required to obtain Final Plat approval prior to the issuance of any building permits on the property (Parcel No. 5233302049) (Commissioner District No. 2).

STAFF & APPLICANT PRESENTATIONS

Ms. Parsons presented drone footage of the subject area.

Mr. Moraes asked if either the applicant or PCD staff could soon give an update on how far along the full project has come across the multiple projects.

Ms. Parsons replied that she can give an update on rezoning approvals. Many of the Final Plats have been approved by the BoCC but have not yet been recorded. Many developers choose to construct improvements before putting down collateral. When a Final Plat is recorded, PCD collects all required collateral and fees, which can seem like a “double whammy” if the developer needs to put 100% of the construction collateral up as well as build the improvements at the same time.

Mr. Moraes expressed his understanding. When asking for an update, he is hoping to understand how many projects have come through the hearings process so far and approximately how many future steps need to be taken before this area’s development is complete. Drone footage continued.

Mr. Carlson asked if the industrial area was all camper/RV storage.

Ms. Parsons explained that most of the area is currently used as camper/RV storage. The southern portion is being used for a maintenance garage for a trash company. A pond separates that area from the residential. A trash transfer station is in the development review process. The owners of that property recently had a BOA hearing which approved placement of the structure further north on the property (within setbacks), so it is further away from the residential zoning. She pointed out where that transfer station will be in relation to the subject PUDSP.

Mr. Trowbridge referenced the subdivision currently shown on the drone footage. He noted that the area is zoned RS-5000 (minimum 5,000 sq ft lots) and wonders how the proposed zoning of 3,000 sq ft lots is compatible.

Ms. Parsons clarified that the current proposal's lot sizes range from 3,000 to just over 5,000 sq ft.

Mr. Trowbridge understood there is a range but reiterated that most of the lots are 3,000 sq ft. He questions how the increased density is in harmony with the RS-5000.

Ms. Parsons explained that RS-5000 is a straight zone and equals 8 dwelling units per acre. The currently proposed density is 6.17 dwellings per acre and the applicant is additionally proposing approximately 20% open space. She stated that overall, the current proposal could be considered less dense (even though the lot sizes may be smaller). She added that RS-5000 has no requirement for open space. She stated the applicant has proposed buffering and transition areas to address compatibility from the RS-5000 zoning to a smaller lot size with smaller homes. (Break, then the applicant's presentation began.)

Mr. Trowbridge mentioned that he expected to see multi-family residential as part of the proposal when he saw what the proposed density would be. He asked Mr. Moreland why it was decided that multi-family was not the right direction for the area.

Mr. Moreland, with Classic SRJ Land, LLC, explained that Colorado's construction defect laws have caused multi-family to *not* be advantageous. Developers are setting themselves up for a legal battle in the future, but he hopes that changes in the next few years. He stated Classic Homes does offer paired, two-story patio homes that could either be built individually or paired with other units. He stated many builders are starting to offer that option for affordability. He also mentioned there are tiny 600 sq ft to small 1300 sq ft homes being offered by developers. With those other options being available, he believes what they have proposed will be a good fit for the area.

Mr. Trowbridge acknowledged the hinderance of the construction defect laws.

Mr. Moreland added that if those laws change, he could see Classic requesting an amendment to allow for the multi-family option. He stated that if condos were advantageous to build, they would be quick to jump on board to make it work.

Mr. Carlson asked how developers who are currently building townhomes and condos are getting around the construction defect laws.

Mr. Moreland explained that they often retain a certain number of units to protect themselves.

Mr. Carlson asked how those laws affect multi-family condos and apartments.

Mr. Moreland explained that builders of townhomes and other high-density products face class-action litigation. Apartments are not included in those lawsuits because they are rented out and remain owner controlled. The presentation concluded.

NO PUBLIC COMMENTS OR FURTHER DISCUSSION

PC ACTION: CARLSON MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER PUDSP232 FOR A PUD/PRELIMINARY PLAN, STERLING RANCH FILING NO. 5 PUD/PRELIMINARY PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

Mr. Whitney commended Ms. Parsons for her presentation.

6. NON-ACTION ITEMS (NONE)

MEETING ADJOURNED at 10:43 A.M.

Minutes Prepared By: Miranda Benson

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

MERRIAM

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.

Trowbridge seconded the adoption of the foregoing Resolution.

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

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

The Resolution was adopted by a vote of 9 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 1st 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

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

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: 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

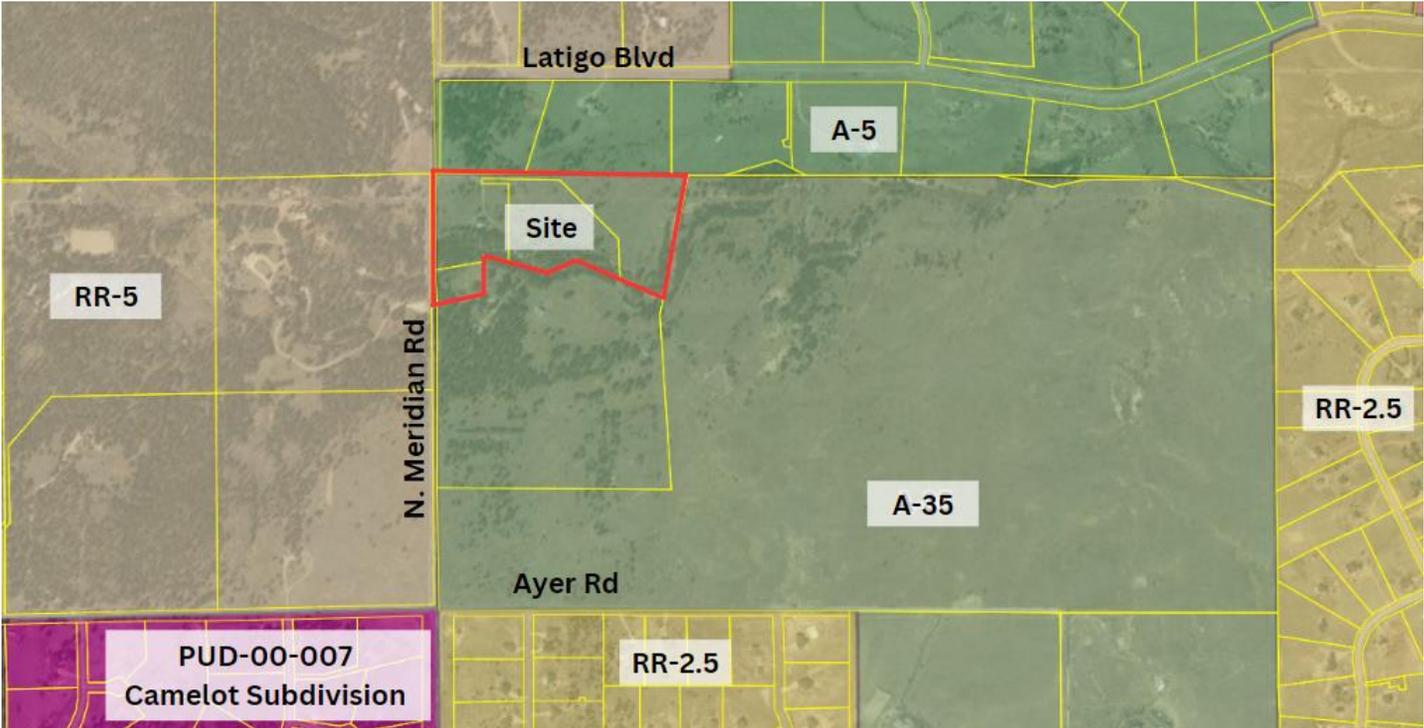
OWNER:	REPRESENTATIVE:
David Knecht 9363 St. George Road Peyton, CO, 80831 (260) 224-4992 davidjknecht@gmail.com	Kimley Horn and Associates, Inc. 2 North Nevada Avenue, Suite 900 Colorado Springs, CO, 80903 (719) 453-0181 Kevin.kofford@kimley-horn.com

Commissioner District: 1

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

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 24th, 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:

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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

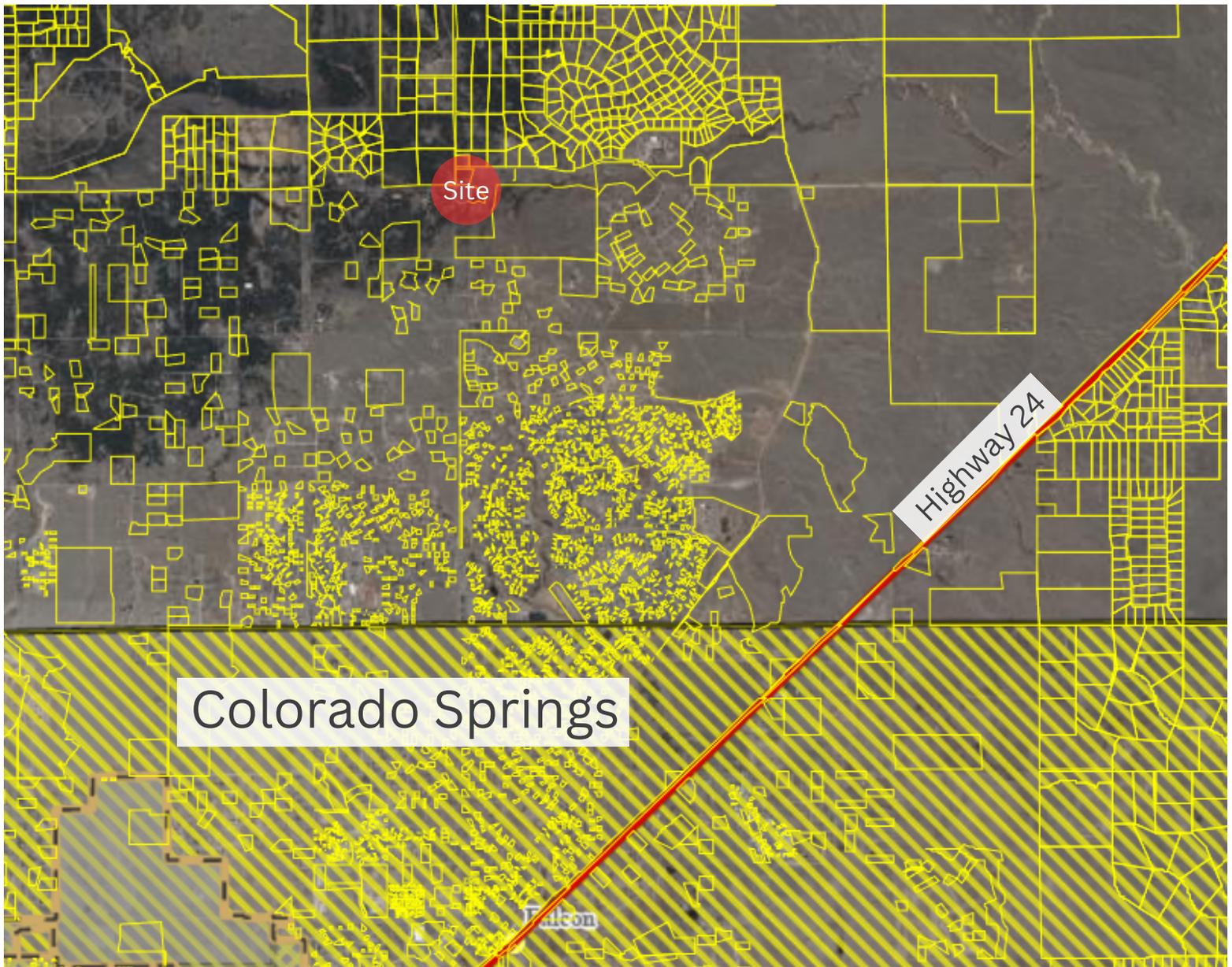
Map Series
Letter of Intent
Rezone Map
Public Comment
Draft Resolution

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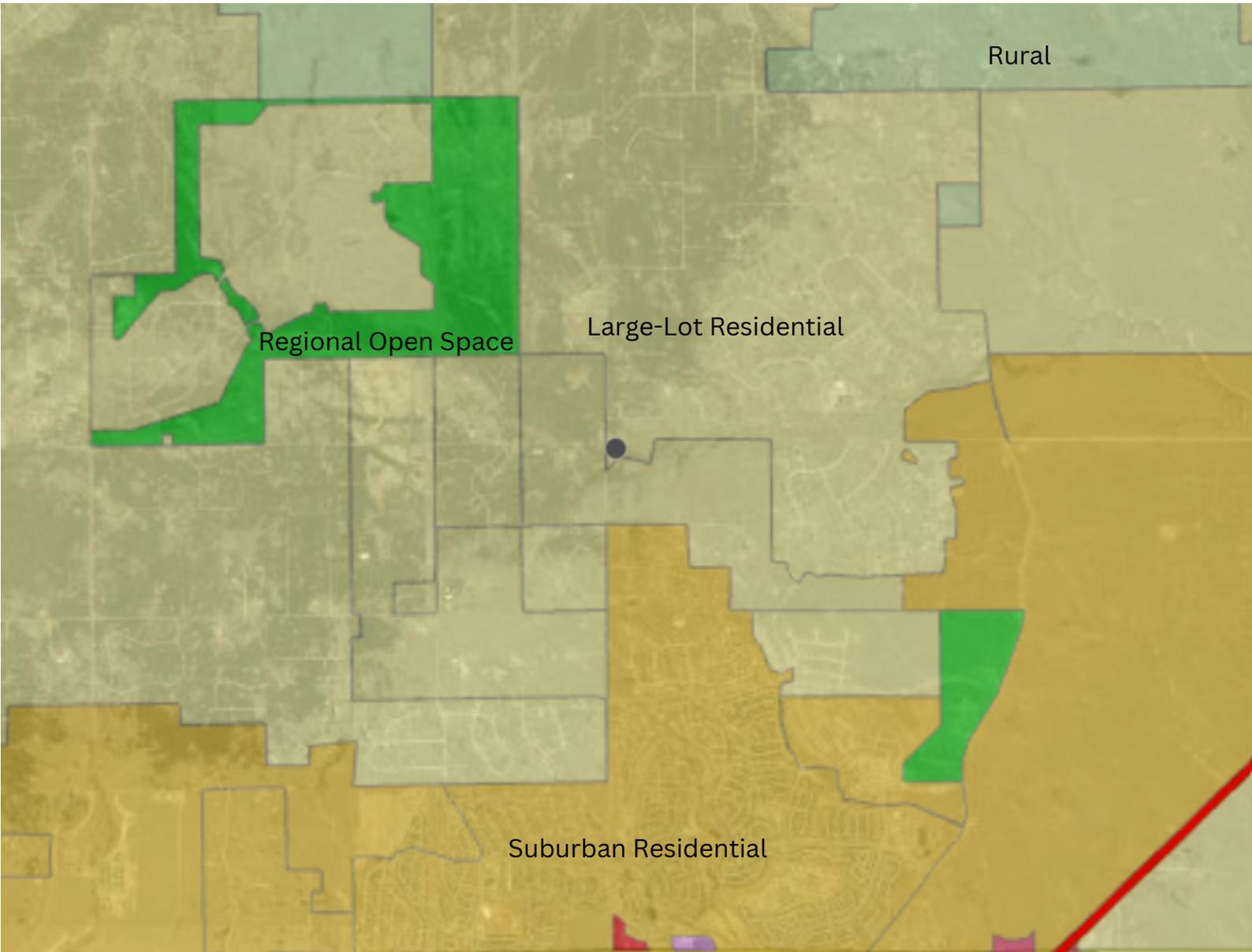


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Map Exhibit #1: Context



Map Exhibit #2: Placetype

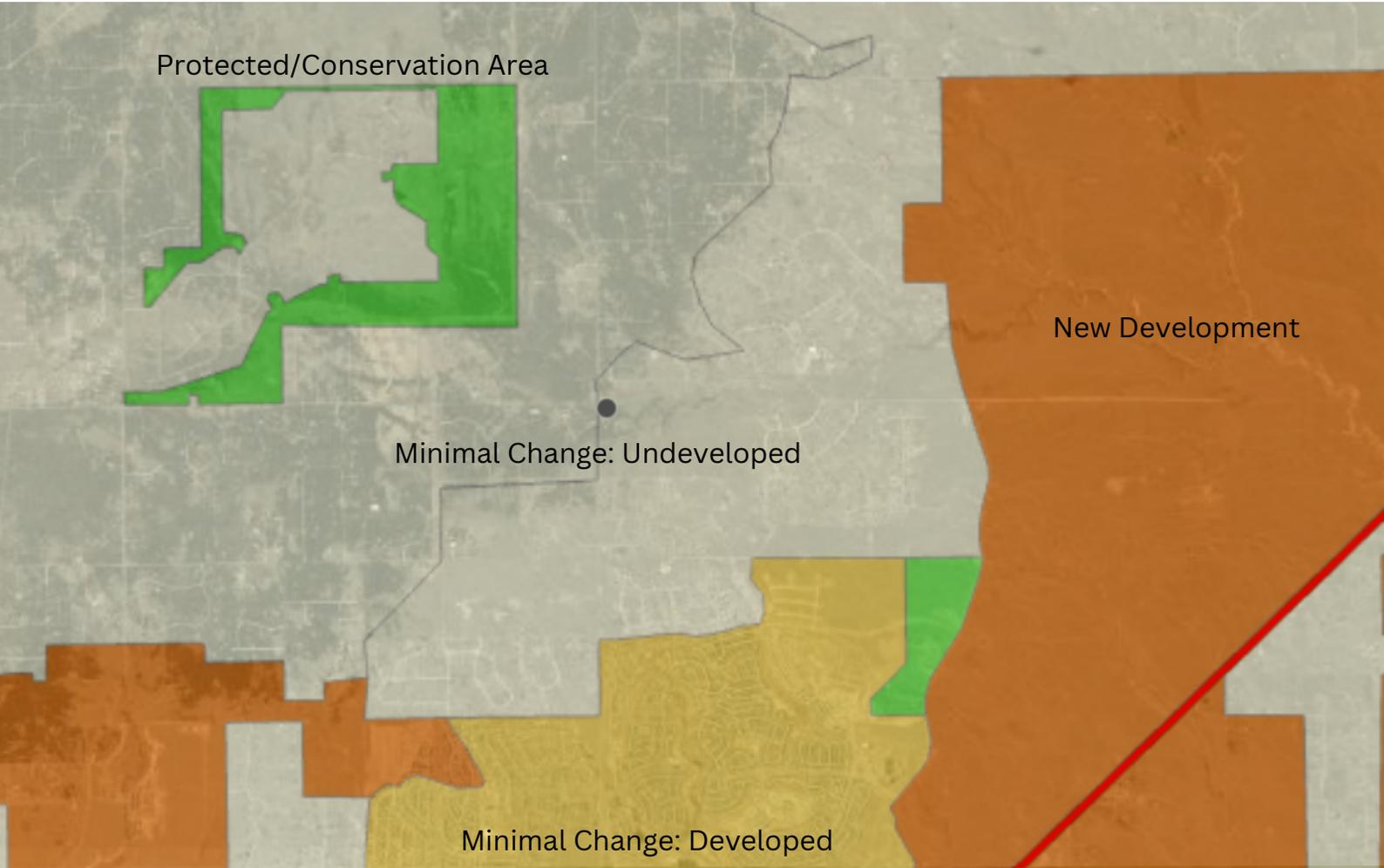


Legend

 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 (± 1.05 Acres), 4218000004 (± 6.91 Acres), and 4218000023 (± 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 ± 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.

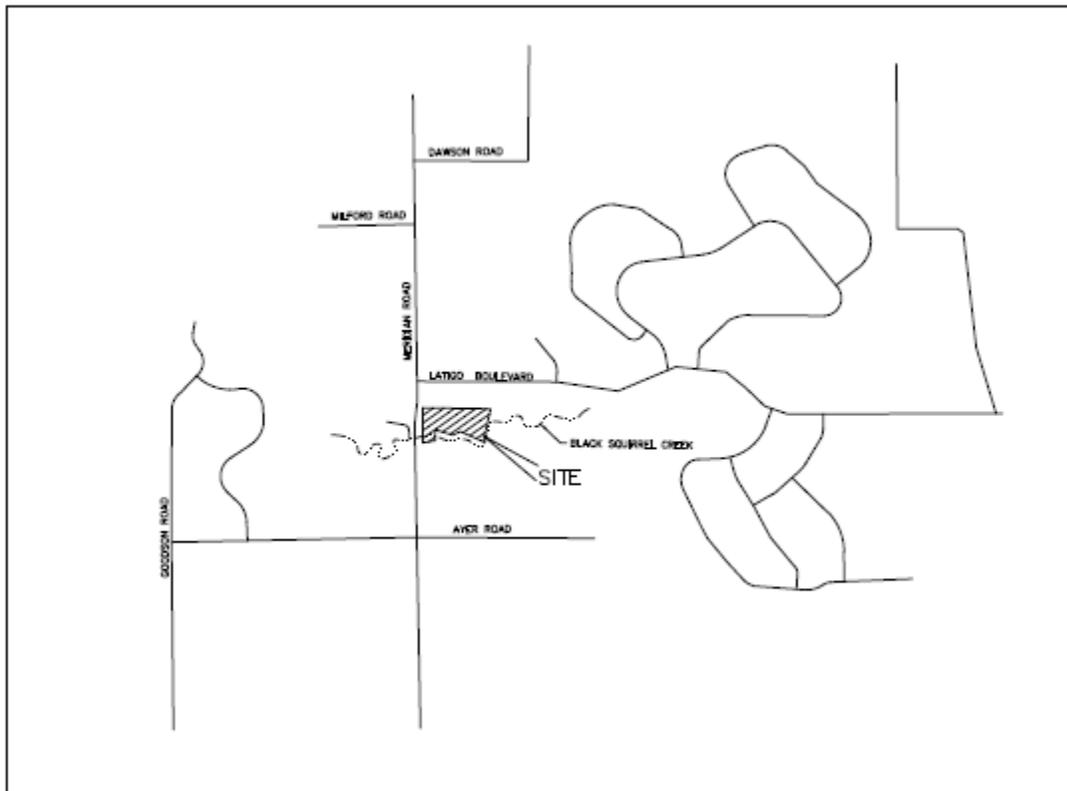


Figure 1. Vicinity Map

REQUEST

David Knecht (Applicant) requests the rezoning of Parcel No. 4218000002, 4218000004 and 4218000023 (± 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 26th, 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

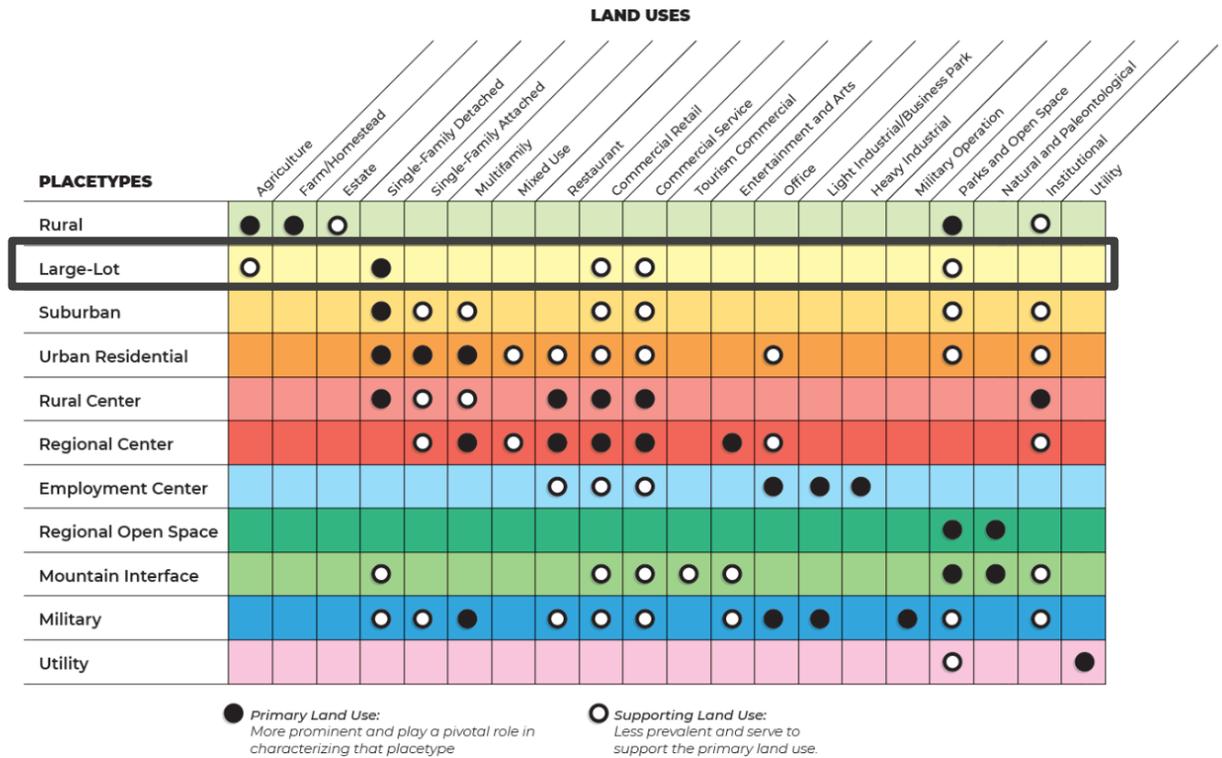
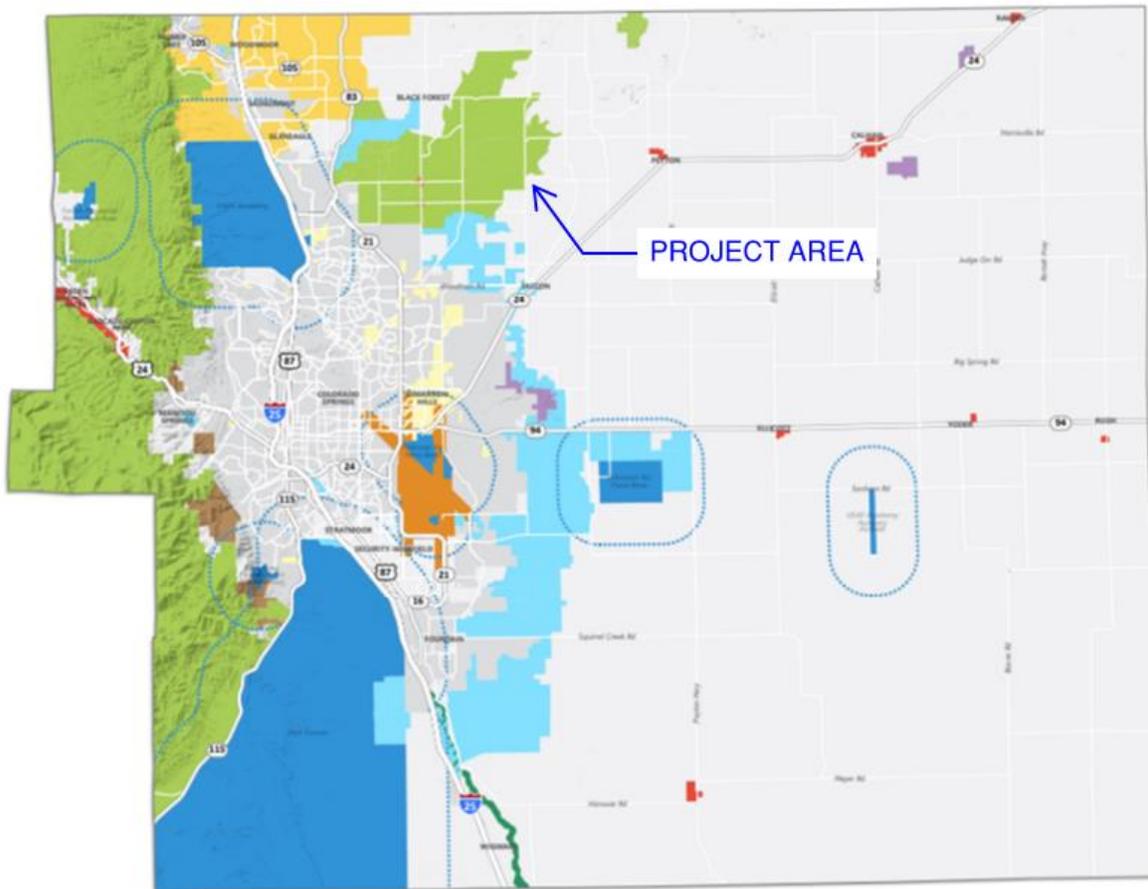


Figure 2. Land Use Category Chart, Your El Paso 2021

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



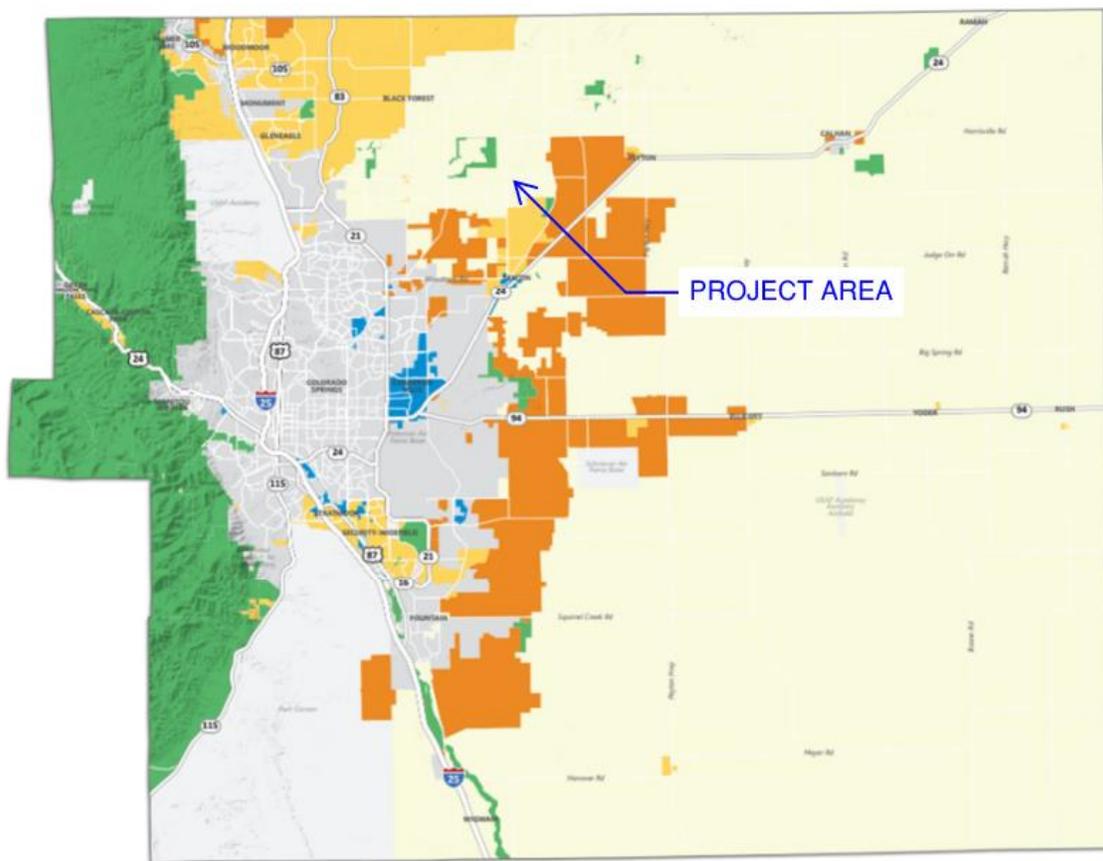
Key Areas

- 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

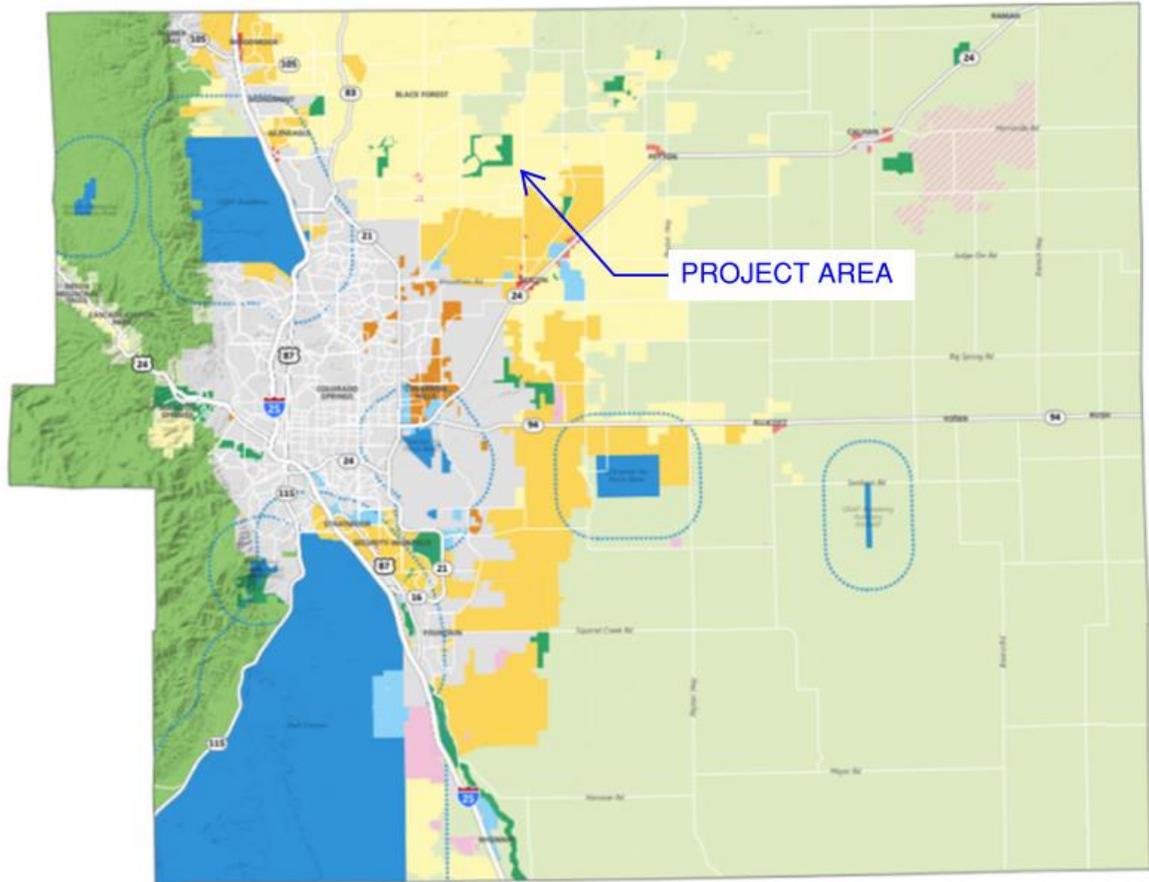


Areas of Change

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

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

Placetypes



Placetypes

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

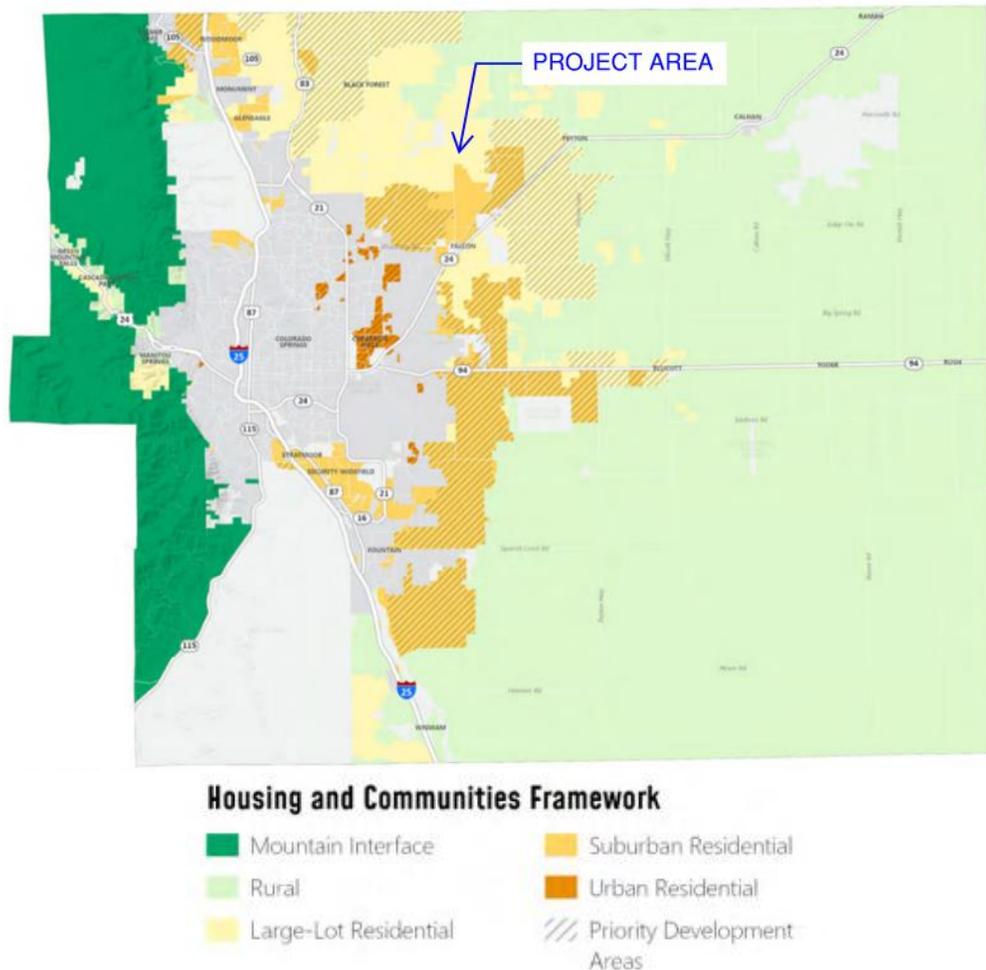
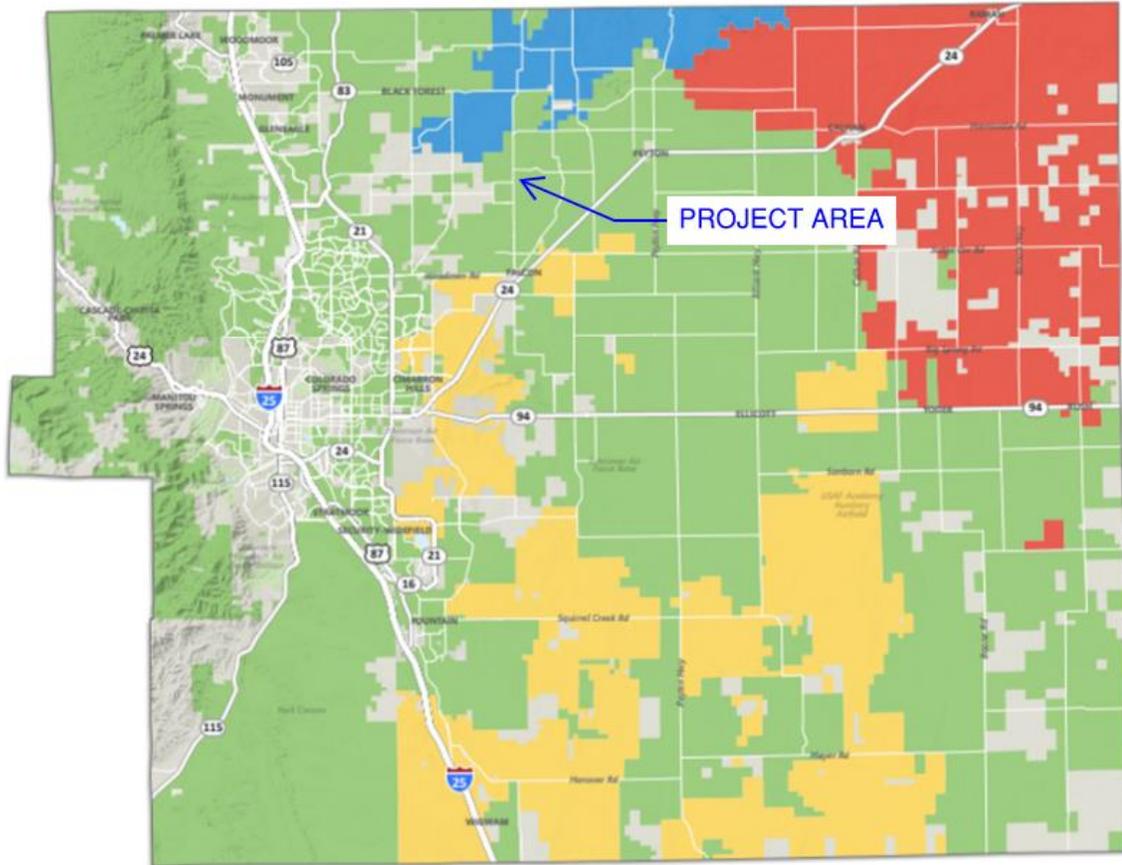


Figure 6. Housing and Communities Framework Map, Your El Paso 2021

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



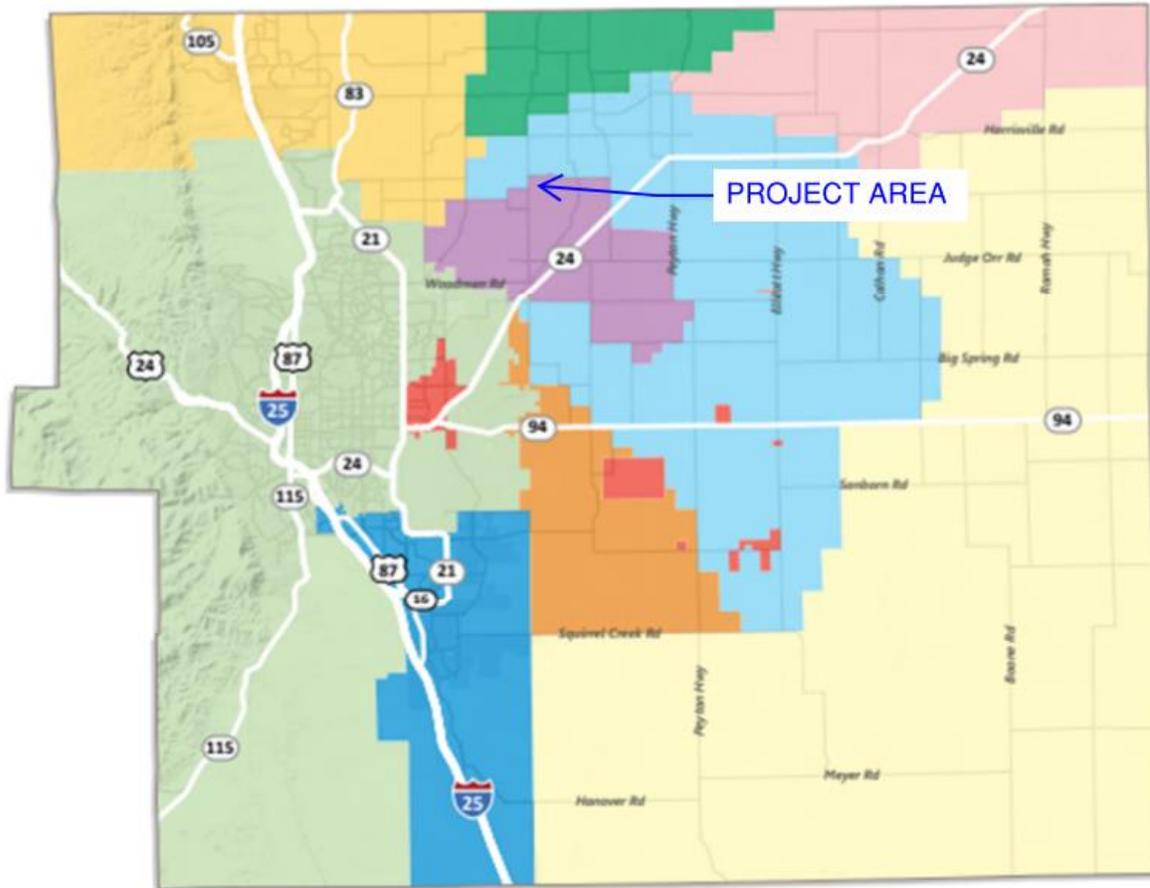
Conservation Districts

- 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

- | | |
|--|--|
| ■ Region 1 | ■ Region 4c |
| ■ Region 2 | ■ Region 5 |
| ■ Region 3 | ■ Region 6 |
| ■ Region 4a | ■ Region 7 |
| ■ Region 4b | ■ 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.

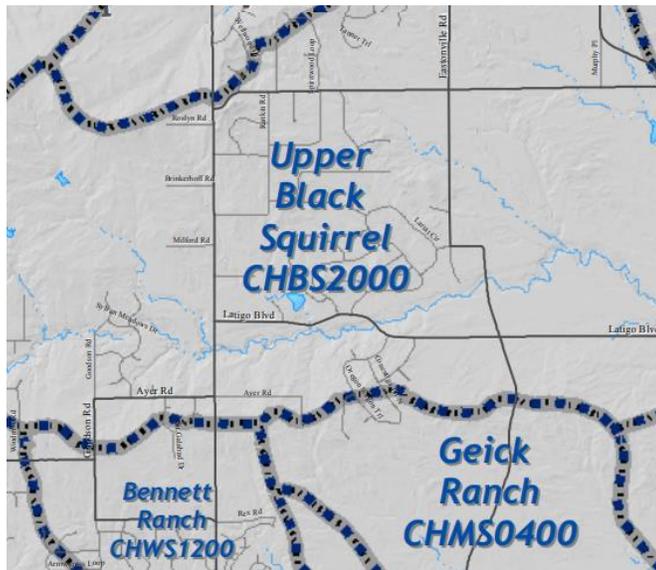
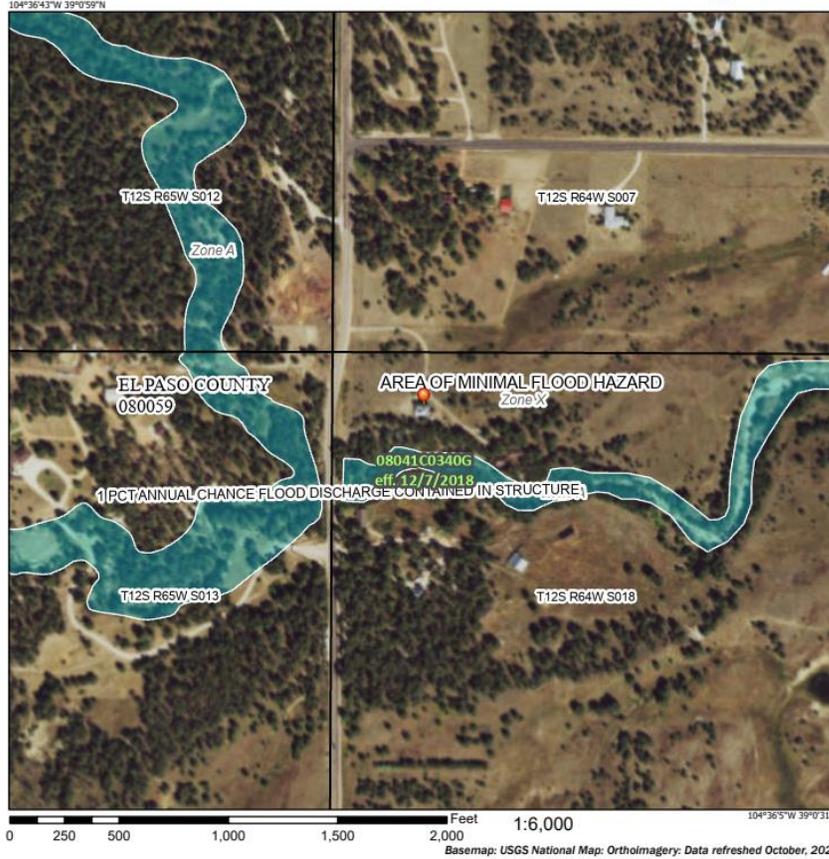


Figure 9. Drainage Basins Map, data provided by Muller Engineering Company; (1988)

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.

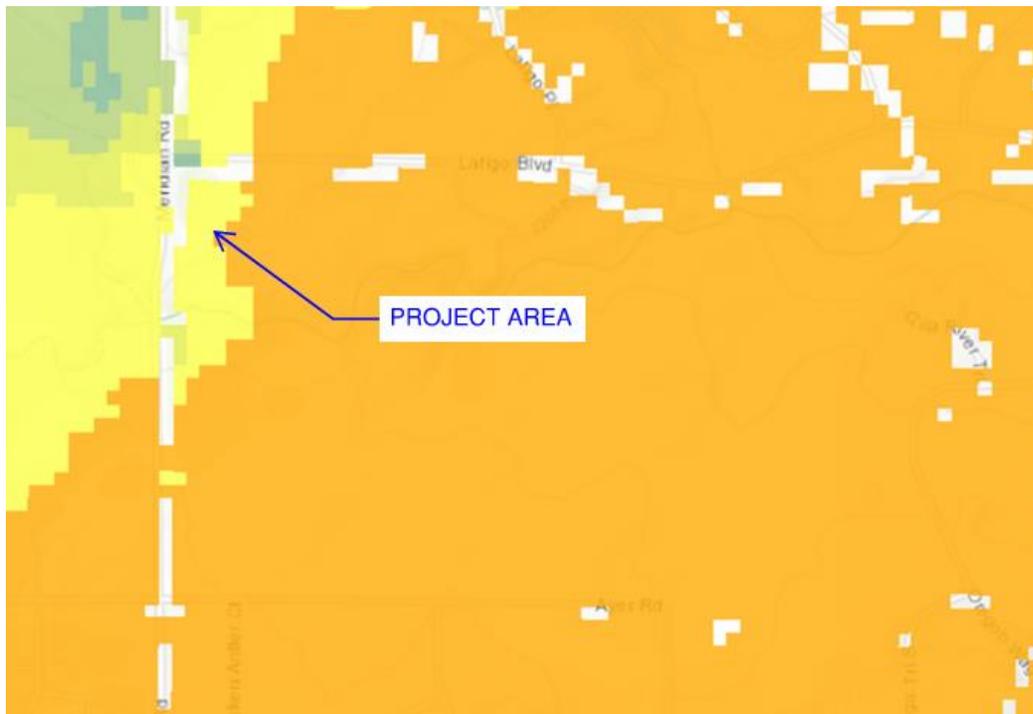
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/6/2023 at 11:13 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by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

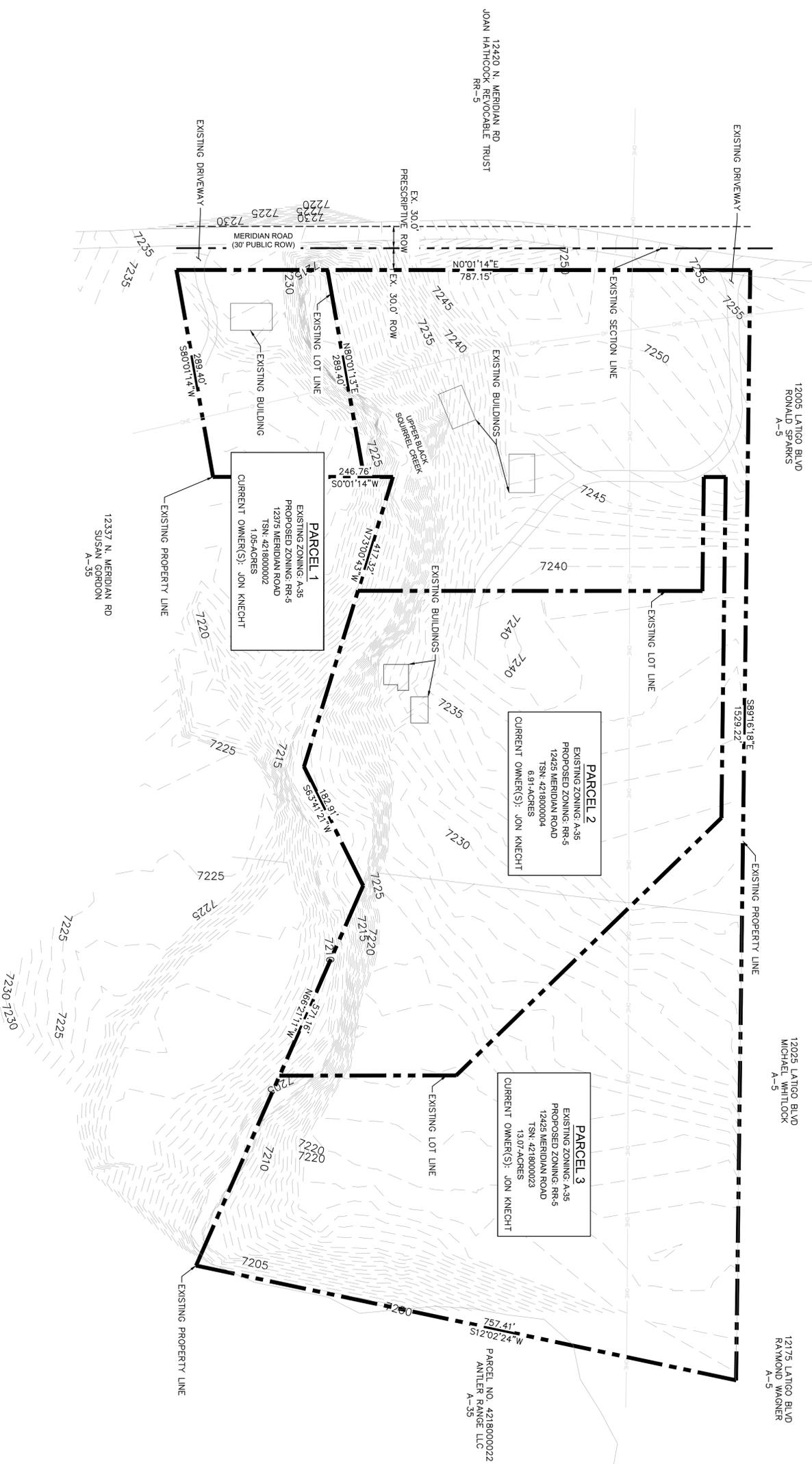
Conclusion

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



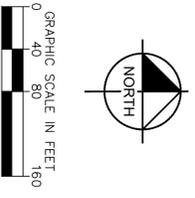
PROPERTY DESCRIPTION:

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 289, PAGE 187 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 PLING NO. 1" AS RECORDED IN PLAT BOOK H-3 AT PAGE 5 OF SAID RECORDS, 1244.19 FEET; THENCE S17°02'24"W, 757.41 FEET; THENCE N66°21'11"W, 571.16 FEET; THENCE S63°12'11"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 NORTHEAST CORNER OF SAID SECTION 18, THENCE SOUTHERLY ON THE WEST LINE OF "LATIGO COUNTRY ESTATES PLING NO. 1" AS RECORDED IN PLAT BOOK H-3 AT PAGE 5 OF SAID RECORDS, 1244.19 FEET; THENCE N00°02'12"E ALONG SAID EASTERLY LINE, 486.57 FEET TO THE POINT OF BEGINNING, IN EL PASO COUNTY, COLORADO

NOTES:

- FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, MAP NUMBER 08041003405, 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 LDG, 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 LDG, 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 WINDMILL POST, 2.40 FEET EAST FROM THE RIGHT OF WAY FENCE AND ELEVATION = 7316.00 "NAVD DATUM".
- DATE OF TOPOGRAPHIC/IMPROVEMENT SURVEY: NOVEMBER 07, 2016.
- THIS LOT EXISTS WITH NATIVE GRASSES, BUSHES AND FEWER DECIDUOUS TREES THROUGHOUT WITH MISCELLANEOUS CONCRETES, DEBRIS AND DIRT PILES AT THE TOE OF SLOPE/SIDE SLOPE VICINITY.



Miranda Benson2

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

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

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"

Miranda Benson2

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

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

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

RESOLUTION NO. 24-

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

APPROVAL OF A MAP AMENDMENT (REZONING)
KNECHT REZONE (P236)

WHEREAS, Jon Knecht did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated 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 the El Paso County Planning Commission on February 1, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the subject Map Amendment (Rezoning) application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on February 22, 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. That the application was properly submitted for consideration by the Board of County Commissioners.
2. That the proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and reviewed, and that all interested persons were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.
6. That the proposed land use will be compatible with existing and permitted land uses in the area.

7. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
8. That changing conditions clearly require amendment to the Zoning Resolutions.
9. That for the above-stated and other reasons, the proposed Amendment to the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, pursuant to Section 5.3.5 of the El Paso County Land Development Code (as amended) in approving this amendment to the El Paso County Zoning Map, the Board of County Commissioners considered one or more of the following criteria:

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 Board of County Commissioners hereby approves the petition of Jon Knecht to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district;

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

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-2.5 (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 the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 22nd day of February 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

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