

**Meggan Herington, AICP, Executive Director**  
**El Paso County Planning & Community Development**  
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**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

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SUMMARY MEMORANDUM

TO: El Paso County Board of Commissioners  
FROM: Planning & Community Development  
DATE: 2/21/2023  
RE: P-22-021, Pitman Living Trust Rezoning, Oliver E. Watts Consulting

Project Description

A request for approval of a map amendment (rezoning) of 37.86 acres from A-35 (Agricultural) to RR-5 (Residential Rural). property is located approximately 0.25 mile southwest of the intersection Walker Road and North Meridian Road. If the proposed rezone is approved, the applicant intends to develop the parcel into three lots and one open space tract. The lots are anticipated to meet or exceed the 5-acre lot minimum requirement.

If the rezone application is approved, the applicant is required to submit a final plat application prior to the conveyance of any parcel of land within the subject area.

Notation

Please see the attached PC Minutes for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Trowbridge moved / Bailey seconded for approval, for a map amendment (rezone), Pitman Living Trust 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 was **approved (6-0)**.

The item was heard as a consent agenda item.

Discussion

Mr. Carlson asked the applicant to clarify differing information from the application and what is declared in PCD's staff report. The application states approximately 3 lots will be created, but the staff report says 3 lots and, one non-buildable tract. Mr. Watts, representing the applicant, answered that the original intent was to have the 4th parcel, the non-buildable tract, serve as a driveway or area to pull on to off of Meridian Road. Mr. Carlson asked if that was the tract that was 1,000 square feet or so? Mr. Watts affirmed. Mr. Carlson asked if the applicant is living on the 20-acre parcel? Mr. Watts answered that the owner lives on all three of the parcels. There are different houses out there now, which is why they are subdividing to three lots. Each house will have its own lot. No responses were received in regard to the application from the adjacent properties.

Attachments

1. Draft PC Minutes.    2. Signed PC Resolution.    3. PC Staff Report.    4. Draft BOCC Resolution.

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## **PLANNING COMMISSION**

### **MEETING RESULTS (UNOFFICIAL RESULTS)**

Planning Commission (PC) Meeting  
Thursday, February 2, 2023  
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:** BRIAN RISLEY, TOM BAILEY, JAY CARLSON, TIM TROWBRIDGE, BECKY FULLER, AND ERIC MORAES.

**PC MEMBERS VIRTUAL AND VOTING:** NONE.

**PC MEMBERS PRESENT AND NOT VOTING:** NONE.

**PC MEMBERS ABSENT:** SARAH BRITTAIN JACK, BRANDY MERRIAM, JOSHUA PATTERSON, BRYCE SCHUETTPELZ, AND CHRISTOPHER WHITNEY.

**STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, CHRISTIAN HAAS, LUPE PACKMAN, CARLOS HERNANDEZ, MIRANDA BENSON, AND EL PASO COUNTY ATTORNEY LORI SEAGO.

**OTHERS VIRTUAL AND SPEAKING:** COMMISSIONER VANDERWERF.

#### **1. REPORT ITEMS**

**A. Planning Department.** Next PC Hearing is Thursday, February 16<sup>th</sup>, 2023, at 9:00 A.M.

**Ms. Herington** thanked the board members for their time over the last few weeks, meeting with herself and Mr. Kilgore, either individually or in pairs, to get to know likes and dislikes of how things are working. She stated those meetings were very valuable to them both. Changes will be implemented as soon as they can be. This may include ongoing trainings. Some changes are happening this morning. Mr. Kilgore is sitting at a different table. PCD staff will also be trying a new presentation style.

**Mr. Risley** thanked both Ms. Herington and Mr. Kilgore for hosting those meetings with the board members. He also found them to be very productive and helpful. He appreciates the interest in improving processes in place.

**Ms. Herington** added that there may be interest in a combined meeting of the PC with the BOCC, and PCD staff will work to get that established. The meeting may be quarterly or semi-annually, it has not yet been decided.

**Mr. Risley** agreed that a meeting between PC members and County Commissioners would be very helpful so they know what their priorities are and what their emphasis is for the PC.

**B. Call for public comment for items not on hearing agenda.**

**Mr. VanderWerf**, who joined online, introduced himself as the new PC liaison. He hopes to join in some PC meetings. He will not be offering comments or input on specific items heard by the PC. He thinks meetings between the PC and BOCC would be a great idea. He encourages the PC members to join the BOCC hearings as well.

**Mr. Risley** thanked Commissioner VanderWerf for joining the meeting and offered gratitude from the entire PC for his support.

**2. CONSENT ITEMS**

**A. Adoption of Minutes of meeting held January 19, 2023.**

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (6-0).**

**B. P2221**

**PARSONS**

**MAP AMENDMENT (REZONE)  
PITMAN LIVING TRUST REZONE**

A request by Pitman Living Trust for approval of a map amendment (rezoning) from A-35 (Agricultural) to RR-5 (Residential Rural). The 37.86-acre property is located approximately 0.25 miles southwest of the intersection Walker Road and North Meridian Road and within Section 18, Township 11 South, Range 64 West of the 6th P.M. (Parcel No.41000-00-426) (Commissioner District No. 1).

**PC ACTION: TROWBRIDGE MOVED / BAILEY SECONDED FOR APPROVAL OF CONSENT ITEM 2B, P-22-021, FOR A MAP AMENDMENT (REZONE), PITMAN LIVING TRUST 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 WAS APPROVED (6-0).**

**DISCUSSION**

**Mr. Carlson** asked the applicant to clarify differing information from the application and what is declared in PCD's staff report. The application states approximately 3 lots will be created, but the staff report says 4 (3 lots and one non-buildable tract).

**Mr. Watts**, representing the applicant, answered that the original intent was to have a 4<sup>th</sup> parcel (non-buildable tract) serve as a driveway or area to pull over.

**Mr. Carlson** asked if that was the tract that was 1,000 square feet or so?

**Mr. Watts** affirmed. It was adjacent to Meridian Road.

**Mr. Carlson** asked if the applicant is living on the 20-acre parcel?

**Mr. Watts** answered that the owner lives on all three of the parcels. There are different houses out there now, which is why they are subdividing three lots. Each house will have its own lot.

**Mr. Moraes** asked PCD staff for clarification regarding the recommended condition number 2. Is the wording correct if this application will approve rezoning to RR-5?

**Mr. Kilgore** responded that the wording is correct.

**Mr. Bailey** pointed out that the resolution is correct as well.

**Mr. Carlson** asked if any responses from the public had been received, either in objection or support?

**Mr. Kilgore** responded that no responses were received that he is aware of.

**IN FAVOR:** RISLEY, BAILEY, CARLSON, FULLER, MORAES, TROWBRIDGE.

**IN OPPOSITION:** NONE.

**COMMENT:** NONE.

**3. CALLED-UP CONSENT ITEMS.** NONE.

**4. REGULAR ITEMS**

**A. U224**

**HAAS**

**APPROVAL OF LOCATION  
COLORADO SPRINGS UTILITIES BROADBAND EXPANSION PROJECT**

A request by Colorado Springs Utilities (CSU) for an approval of location to allow for the development and construction of a fiber distribution network expansion within the boundaries of Colorado Springs Utilities. The project proposal includes a 2,000-mile expansion of the existing fiber distribution network underground and overhead on existing electric distribution poles, which as designed will be contained within existing easements and public rights-of-way. Work done within these locations will include hydraulic directional drilling to supply 2" and 3" conduit needed to deploy the fiber infrastructure. Underground construction and installation will be performed via new boring and new trenching as well as utilizing existing conduit where available. (All Commissioner Districts).

**DISCUSSION**

**Mr. Carlson** asked if the situation that recently happened with Xfinity, a fiberoptic breach that caused half of the city to be without service for approximately 18 hours, is something CSU can anticipate and plan to avoid?

**Mr. Wortinger** referred to an overview slide of the conceptual network. Resiliency of the network was critical in the way it was designed. He explained that each of the 12 fiber huts connects to the backbone ring (the bold red line seen on the slide). The smaller, spider web lines going out into the neighborhood connect to the individual addresses. By being in a ring formation around the city, any one break (like what occurred with Comcast/Xfinity), the traffic would automatically reroute to the other direction around the ring. It is depicted in the conceptual drawing that there will be multiple redundancies in the ring as well. Another thing they did to increase resiliency of that backbone ring is to co-locate that backbone ring with the CSU's transmission lines. When the fiber lines are located near 115,000-230,000 volts, people don't mess with them.

**Mr. VanderWerf** asked for clarification on the comment during the presentation that Ray Nixon Power Plant will be closed by 2030. Does that mean coal gets converted to natural gas by 2030 or did that mean everything fossil fuel related will be closed by 2030?

**Mr. Wortinger** answered that from what he understands of the integrated electric energy plan, in order to meet the emissions targets that are required, all coal production needs to be shut down, meaning the Ray Nixon Power Plant will be closed. The Front Range Power Plant is co-located with the Ray Nixon Plant, but that one is natural gas-fired. That plant will continue to operate.

**Mr. VanderWerf** thanked Mr. Wortinger for the clarification that there are two separate facilities at that location.

**Mr. Wortinger** added that there will also be 6 natural gas-fired engines with fuel oil back-up located on the Martin Drake Power Plant site for the next 5 years while CSU rebuilds their transmission network. After 5 years, those can be relocated to other parts of the city to provide for micro-gridding, islanding, and power resiliency. In particular, they are looking at the military customers so they can have dedicated, islandable power available in the event of a large natural disaster or grid failure elsewhere in the state or country.

**Mr. Trowbridge** asked how many CSU customers are part of the unincorporated areas of El Paso County?

**Mr. Wortinger** answered that they do not have that figure at this time. He clarified that they are not building the entire service territory for Colorado Springs Utilities. They have to talk about multiple service territories because water, gas, wastewater and electric are all slightly different. The current project scope is the external boundary of the City of Colorado Springs and the enclaves of unincorporated El Paso County within that area.

**Mr. Carlson** mentioned he thought he saw a graphic within the presentation that 196,000 people were included.

**Mr. Wortinger** mentioned that may have been in the PCD staff presentation.

**Mr. Risley** stated that it is his understanding that CSU will not be the service provider, but is just building the backbone on which other providers will provide the service?

**Mr. Wortinger** responded that is correct for commercial internet service, but CSU will be operating the network for their own IT and OT purposes. For clarification, when CSU runs their own information technology system via ZOOM, TEAMS, etc., that is IT traffic which touches the internet. Their operational traffic is what runs the power plants, gas systems, and water systems. This project will enable them to physically segregate these systems to run and operate on different fibers, making it that much harder to be attacked by foreign state agents. He stated they are attacked 100's to 1,000's of times per day by other actors. They are going to physically segregate that traffic, limiting where it touches the internet, so that resources are better managed, including customer data and customer information.

**PC ACTION: FULLER MOVED / MORAES SECONDED FOR APPROVAL OF REGULAR ITEM 4A, U-22-004 FOR APPROVAL OF LOCATION, COLORADO SPRINGS UTILITIES BROADBAND EXPANSION PROJECT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT, WITH FOUR (4) CONDITIONS AND ONE (1) NOTATION. THE MOTION WAS APPROVED (6-0).**

**IN FAVOR:** RISLEY, BAILEY, CARLSON, FULLER, MORAES, TROWBRIDGE.

**IN OPPOSITION:** NONE.

**COMMENT:** NONE.

**MEETING ADJOURNED at 9:36 A.M.**

**Minutes Prepared By:** Miranda Benson

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

TROWBRIDGE moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-22-021  
PITMAN LIVING TRUST REZONE

WHEREAS, Pitman Living Trust 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 2, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and

7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a map amendment (rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022):

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Pitman Living Trust 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.

BAILEY seconded the adoption of the foregoing Resolution.

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

Brian Risley	<u>aye</u> / no / abstain / absent
Thomas Bailey	<u>aye</u> / no / abstain / absent
Tim Trowbridge	<u>aye</u> / no / abstain / absent
Becky Fuller	<u>aye</u> / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / <u>absent</u>
Jay Carlson	<u>aye</u> / no / abstain / absent
Eric Moraes	<u>aye</u> / no / abstain / absent
Joshua Patterson	aye / no / abstain / <u>absent</u>
Bryce Schuettpelez	aye / no / abstain / <u>absent</u>
Christopher Whitney	aye / no / abstain / <u>absent</u>
Brandy Merriam	aye / no / abstain / <u>absent</u>

The Resolution was adopted by a vote of 6 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 2<sup>nd</sup> day of February 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: Brian Risley  
Brian Risley, Chair

DATED: February 2, 2023

**EXHIBIT A**

**THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 18,  
TOWNSHIP 11 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., EXCEPT THE EASTERLY 30 FEET  
THEREOF, COUNTY OF EL PASO, STATE OF COLORADO**



# EL PASO COUNTY

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

COLORADO

HOLLY WILLIAMS  
STAN VANDERWERF  
LONGINOS GONZALEZ, JR.

## PLANNING & COMMUNITY DEVELOPMENT

**TO:** El Paso County Planning Commission  
Brian Risley, Chair

**FROM:** Kari Parsons, Senior Planner  
Carlos Hernandez, El Engineer I  
Meggan Herington, AICP, Executive Director

**RE:** Project File #: P-22-021  
Project Name: Pitman Living Trust Map Amendment  
Parcel No.: 41000-00-426

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Pitman Living Trust 18420 Walker Road Colorado Springs, CO 80908	Oliver E Watts Consulting Engineering, Inc 614 Elkton Drive Colorado Springs, CO 80907

### Commissioner District: 1

Planning Commission Hearing Date:	2/2/2023
Board of County Commissioners Hearing Date:	2/21/2023

### EXECUTIVE SUMMARY

A request by Pitman Living Trust for approval of a map amendment (rezoning) of 37.86 acres from A-35 (Agricultural) to RR-5 (Residential Rural). The 37.86-acre property is located approximately 0.25 mile southwest of the intersection Walker Road and North Meridian Road.

### A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

**Request:** A request by Pitman Living Trust for approval of a map amendment (rezoning) 37.86 acres from A-35 (Agricultural) to RR-5 (Residential Rural).

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

**Waiver(s)/Deviation(s):** There are no waivers/deviations associated with this application.

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

**B. Planning Commission Summary**

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

**C. APPROVAL CRITERIA**

In approving a map amendment (rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022):

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

**D. LOCATION**

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



## E. BACKGROUND

The property was zoned A-35 (Agricultural) on March 24, 1999, when zoning was first initiated for this portion of the County. The property has not been rezoned since zoning was initiated.

The applicant is proposing to rezone the unplatted parcel, containing 37.86 acres, from A-35 (Agricultural) to RR-5 (Residential Rural) zoning district.

If the proposed map amendment (rezone) is approved, the applicant intends to develop the 37.86-acre lot into three lots and one open space tract. The lots are anticipated to meet or exceed the 5-acre lot minimum requirement. The 5-acre lot size is a requirement of the RR-5 zoning district as indicated in the applicant's letter of intent and concept exhibit.

If the rezone application is approved, the applicant is required to submit a final plat application prior to the conveyance of any parcel of land within the subject area.

## F. ANALYSIS

### 1. Land Development Code Analysis

The applicant is requesting approval of a map amendment (rezoning) of 37.86 acres to the RR-5 (Residential Rural) zoning district. Section 3.2 of the Code states the following as the intent of the RR-5 zoning district:

“The RR-5 zoning district is a 5-acre district intended to accommodate low-density, rural, single-family residential development.”

The applicant intends to use the property for low-density, rural, single-family residential purposes, which is consistent with the intent of the RR-5 zoning district.

### 2. Zoning Compliance

The subject parcel is proposed to be rezoned to the RR-5 (Residential Rural) zoning district. The RR-5 zoning district is intended to accommodate low-density, rural, single family residential development. The density and dimensional standards for the RR-5 zoning district are as follows:

Minimum lot size: 5 acres \*

Minimum width at the front setback line: 200 feet

Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet \*

Maximum lot coverage: 25 percent

Maximum height: 30 feet



\* In the event that the land to be partitioned, platted, sold or zoned abuts a section line County road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.

\*Agricultural stands shall be setback a minimum of 35 ft from all property lines.

In order to initiate any new residential uses on the property, the applicant will need to obtain site plan approval. The applicant intends to submit a subdivision application subsequent to the approval of the rezoning request. The subdivision will be reviewed to ensure that all proposed structures will comply with the RR-5 zone district dimensional standards as well as the General Development Standards of the Code, and Engineering Criteria Manual requirements.

## **G.MASTER PLAN ANALYSIS**

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

#### **a. Placetype: Rural**

##### **Placetype Character:**

The Rural placetype comprises ranchland, farms, and other agricultural uses. The primary land use in this placetype is agriculture however residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot development within the Rural placetype typically cover 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural placetype covers most of the eastern half of the County.

Rural areas typically rely on well and septic and parcels for residential development tend to be substantial in size. Rural areas are remotely located and distant from high activity areas or dense suburban or urban places, making access to regional transportation routes, such as Highway 24 and Highway 94, vital to the quality of life for rural community residents.

The agricultural lands that Rural areas contain represent a valuable economic resource and unique lifestyle that should be preserved. The Rural placetype includes agricultural lands which represent a valuable economic resource and allow for a unique lifestyle that should be preserved. As growth occurs, some Rural areas may develop and transition to another placetype, however leapfrog development should be discouraged, by pro-



actively permitting changing areas contiguous to existing development to another placetype.

**Recommended Land Uses:**

*Primary*

- Agriculture
- Parks/Open Space
- Farm/Homestead Residential

*Supporting*

- Estate Residential (Minimum 1 unit/5-acres)
- Institutional

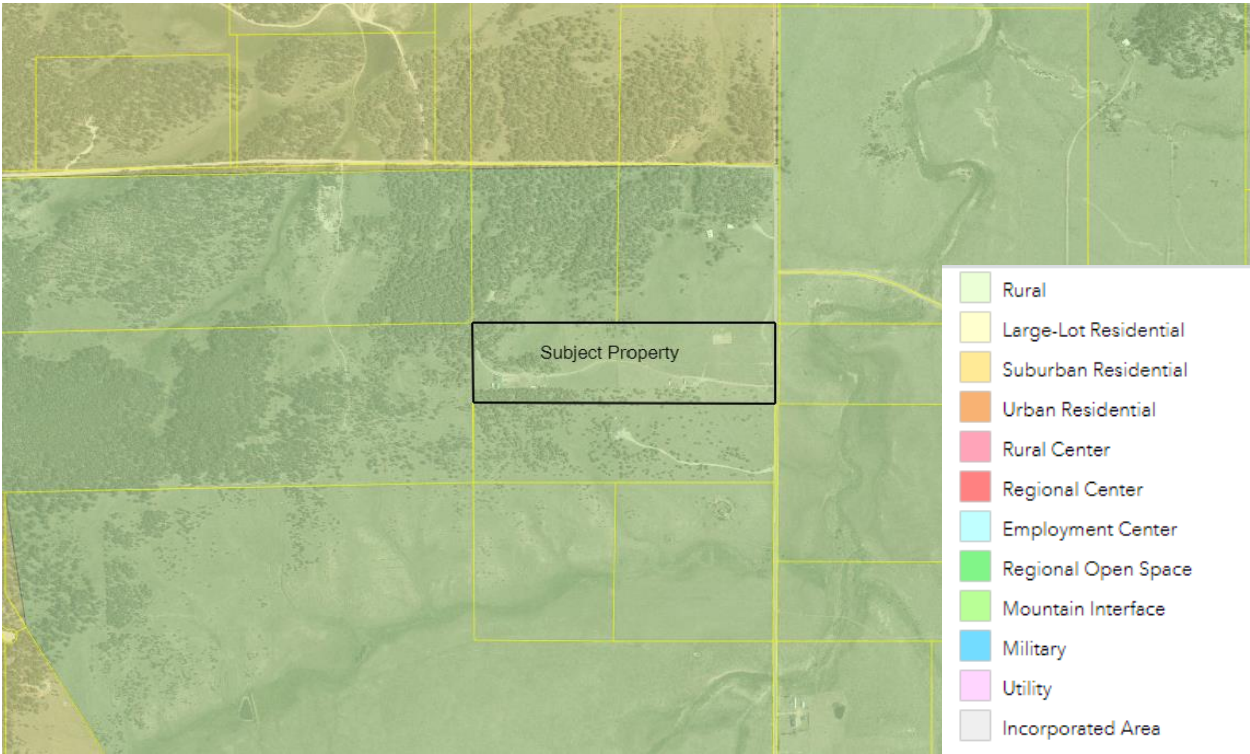


Figure G.1: Placetype Map

**Analysis:**

The Rural Placetype supports the County’s established agricultural and rural identity. This placetype is uniquely sensitive to new development due to limited water access and infrastructure making sustainable growth a priority. Relevant goals and objectives are as follows:



**Objective LU3-1** – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*

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

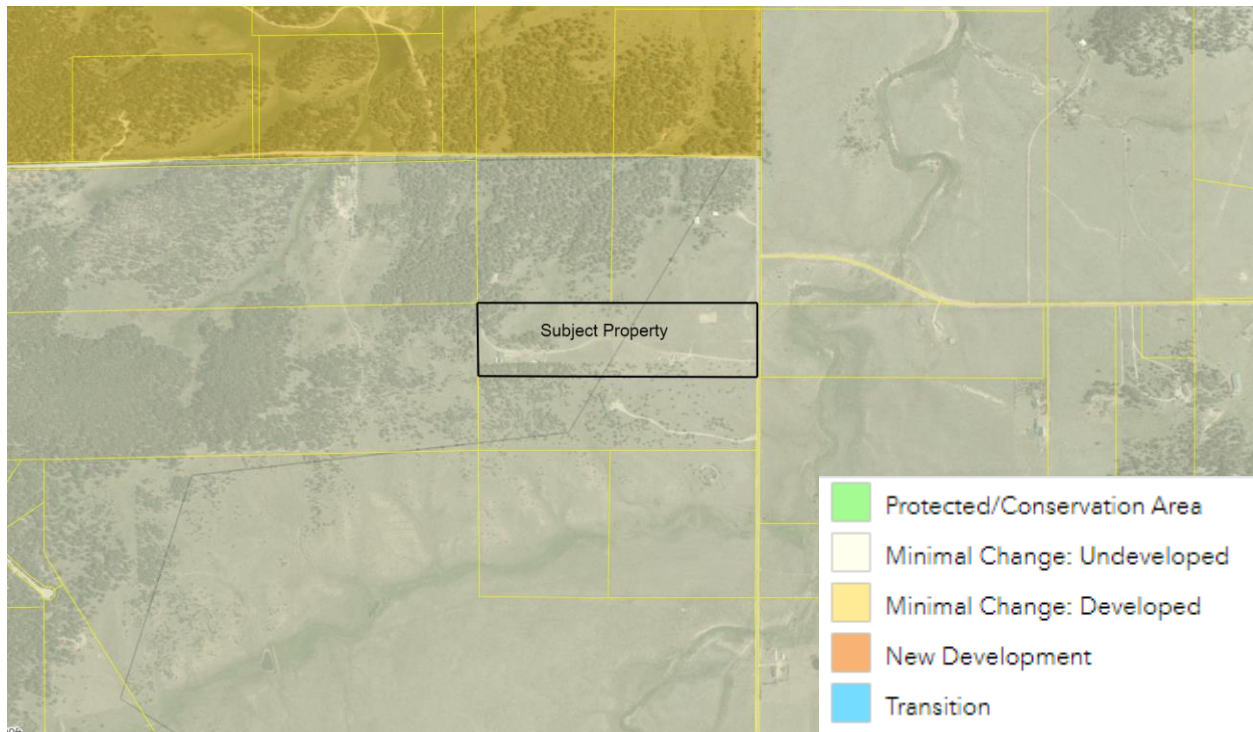
The proposed rezone would reallocate approximately 40-acres of underdeveloped land from the A-35 zoning district to the RR-5 zoning district, which would support Estate Residential with a minimum 1 unit/5-acres density within the Rural placetype. The placetype allows single-family detached residential with 5-acre lots or larger as a primary use.

**b. 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.







**Figure G.2: Area of Change Map**

**Analysis:**

The minimal change: Undeveloped area of change states that these areas will experience some redevelopment but will be limited in scale. The applicant is proposing to rezone the subject property to RR-5 (Residential Rural) in order to create two additional lots for single family development.

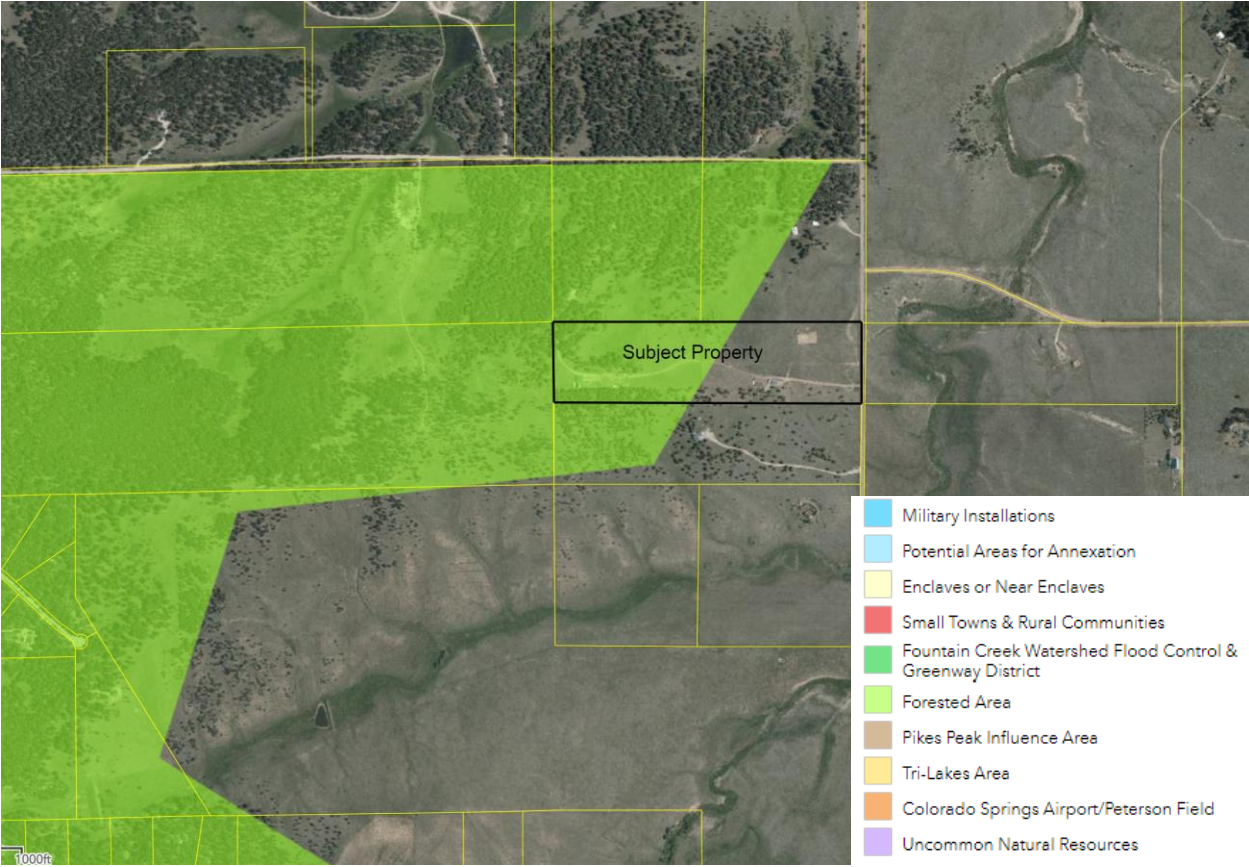
**c. Key Area Influences: Forested Areas**

This Key Area includes parts of the County where natural forests are the predominant feature such as Black Forest, areas north of Peyton, and areas along Highway 115 as well as lands within Pike National Forest. Pike National Forest is one of the County’s largest natural amenities and tourist destinations. Continued coordination with the U.S. Forest Service is critical to ensuring future development in areas adjacent to the Forest do not negatively impact the natural environment. There are also many established communities within Pike National Forest particularly in Ute Pass and along Highway 115. New development and any redevelopment in these locations should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and adhere to the



strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.

Managed residential growth, along with supportive commercial uses, have helped the other forested areas preserve their natural amenities while supporting the daily needs of a thriving local community. The seamless connection between the natural environment and small-scale, low intensity development is critical to their identity. All new development and redevelopment in this Key Area should strictly adhere to the transportation and infrastructure, stormwater requirements, built form, and transition guidelines outlined in their appropriate placetypes. Each development proposal should also be reviewed on a case-by-case basis to determine its specific impact on the forested area and the established character of the individual community.



**Figure G.3: Key Area Influences Map**



- d. **Other Implications (Priority Development, Housing, etc.):** The subject property is not within a development area.

### 3. Water Master Plan Analysis

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

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

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

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

The property is located within Region 4a of the El Paso County Water Master Plan. The Plan identifies the current demands for Region 4a to be 725 acre-feet per year (AFY) (Figure 5.1) with a current supply of 725 AFY (Figure 5.2). The projected demand in 2040 is at 958 AFY (Figure 5.1) with a projected supply in 2040 of 725 AFY (Figure 5.2). The projected demand at build-out in 2060 is at 1,170 AFY (Figure 5.1) with a projected supply in 2060 of 725 AFY (Figure 5.2). This means that by 2060 a deficit of 445 AFY is anticipated for Region 4a.

A finding of water sufficiency is not required with a map amendment (rezone); however, it is required with any future subdivision request.

### 4. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) does not identify potential minerals in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.



## H. PHYSICAL SITE CHARACTERISTICS

### 1. Hazards

No geological hazards were identified during the review of the rezone. A geology and soils report will be required with any subsequent subdivision request.

### 2. Floodplain

The parcel is located outside the 500-year flood area and has minimal flood hazard concerns. Mitigation is not anticipated for subsequent development.

### 3. Drainage and Erosion

The property is located within the West Kiowa Creek (KIKI0200) drainage basin, which is an unstudied drainage basin with no drainage or bridge fees. Drainage reports providing hydrologic and hydraulic analysis to identify and mitigate the drainage impacts of the development will be required at the subdivision stage.

### 4. Transportation

The property is located west of North Meridian Road. North Meridian Road is classified as an urban minor collector currently maintained by the County. A 50-foot right-of-way dedication to the county will be requested at time of final plat. Per Engineering Criteria Manual Appendix B.1.2D a transportation impact study was not required with this rezone application due to the average daily trips are anticipated to be less than 100, as well as no other listed criteria has been triggered.

The El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) anticipates Meridian Road being improved to urban minor arterial classification.

The development will be subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended. Fees will be due at the time of Building Permit issuance.

## I. SERVICES

### 1. Water

A finding of water sufficiency is not required with a map amendment (rezone) request. A finding of water sufficiency for water quantity, quality, and dependability is required with any subsequent final plat(s) application.

### 2. Sanitation

Wastewater is anticipated to be provided by onsite wastewater treatment systems.



### **3. Emergency Services**

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

### **4. Utilities**

Mountain View Electric Association (MVEA) is anticipated to provide electrical service. MVEA was sent a referral for the rezone; MVEA has no outstanding comments. The future development is proposed to be served by individual propane tanks.

### **5. Metropolitan Districts**

The property is not located within a metropolitan district service area.

### **6. Parks/Trails**

Parkland dedication or fees in lieu of parkland dedication are not required for a map amendment (rezoning) application. Fees in lieu of land dedication are required with any subsequent final plat recordation.

### **7. Schools**

The subject property is with the Falcon School District No. 49. Land dedication or fees in lieu of school land dedication is not required for a map amendment (rezoning) application. Fees in lieu of land dedication are required with any subsequent final plat recordation.

## **J. APPLICABLE RESOLUTIONS**

See attached resolution.

## **K. STATUS OF MAJOR ISSUES**

There are no major issues with this map amendment request.

## **L. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 5.3.5 (Map Amendment, Rezoning) of the El Paso County Land Development Code (2022), staff recommends the following conditions and notations.

### **CONDITIONS**

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable



agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

2. Any future or subsequent development and/or use of the property shall be in accordance with the use, density, and dimensional standards of the **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.

## **M. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified six (6) adjoining property owners on January 13, 2023, for the Planning Commission meeting. Responses will be provided at the hearing.

## **N. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Letter of Intent Concept Map Exhibit  
Rezoning Map



# El Paso County Parcel Information

File Name:

Date:

PARCEL

NAME

ADDRESS



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



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**OLIVER E. WATTS PE-LS**  
OLIVER E. WATTS, CONSULTING ENGINEER, INC.  
CIVIL ENGINEERING AND SURVEYING  
614 ELKTON DRIVE  
COLORADO SPRINGS, COLORADO 80907  
(719) 593-0173  
FAX (719) 265-9660  
CELL (719) 964-0733  
[olliewatts@aol.com](mailto:olliewatts@aol.com)  
**Celebrating over 43 years in business**

January 4, 2023

El Paso County Development Services  
2880 International Circle  
suite 110  
Colorado Springs, CO 80910

**PCD File No.:** P2221

**SUBJECT:** LETTER OF INTENT FOR: 38 ACRE 18420 NORTH MERIDIAN ROAD  
REZONE REQUEST FROM A-35 (Agricultural) TO RR-5 (Rural Residential 5 Acre)

The 38 Acre parcel located at 18420 N. Meridian Road Subdivision property to be rezoned is located in El Paso County, approximately 21 miles north-east of Colorado Springs.

The Applicant proposes to develop the site as three private single-family residential dwelling units that recognizes and respects the character of the rural surrounding community. The total acreage of the proposed development is approximately 38 acres, of which approximately three lots will be developed with 2 single family residential lots of 5 acre size, and one lot not less than 20+/- acres.

Public infrastructure to serve the new lots, including private driveways, drainage facilities, and utilities will all be constructed in compliance with applicable county standards, regulations and criteria in effect at the time of this application. In keeping with the rural character of the surrounding Black Forest community, internal circulation will be comprised of Rural Local roads with roadside ditches.

It is presently used for livestock grazing as it has been for decades. Two garages and several small sheds and water tank related to grazing activity exist on the property and will remain to help preserve and promote a rural identity for the proposed development. One existing and two proposed wells are located on the site. Water rights and well permits are secured through the Colorado Water Board.

Adjacent land to the east, north and south of the property is zoned A-35. Land to the west of property is zoned RR-5.



Single family residences exist to the north and south of the site, as well east across Meridian Road.

**LOT INFORMATION:**

Owners

Pitman Living Trust

18420 Meridian Road, Elbert, CO 80106

Assessor’s Parcel No.: 4100000426

Existing zone: A-35

There are currently five buildings the site with a drive that runs, east to west across the site from Meridian Road

**EXISTING AND PROPOSED IMPROVEMENTS**

Proposed improvements will include the construction of a private driveway and easements, for three lots. Electric and telecommunication service points-of-connection will be extended for all new lots. Water will be provided via domestic wells to be constructed by the individual lot owners, with individual septic systems to be provided by individual lot owners in accordance with the El Paso County Health Department permits

Grading and earth moving activities will be limited to roadway, drainage and utility construction areas. Individual lot owners will assume responsibility for grading their respective lot; no ‘over-lot’ grading is proposed to occur over most of the site.

**REQUEST AND JUSTIFICATION**

Our intent is to rezone the site so that in the future, it will be platted into three, residential, single-family lots; two on the east, next to Meridian and one on the west. All lots will access existing driveway. The proposed zone change is compatible with the surrounding properties. The lots will be consistent with the RR-5 zoning with respect to lot layout, land use, lot size, minimum building setbacks, water supply and wastewater disposal.

**CRITERIA FOR APPROVAL. IN APPROVING A MAP AMENDMENT, THE FOLLOWING FINDINGS SHALL BE MADE:**

This rezone request is in compliance with the El Paso County Master Plan as adopted May 26, 2021.

**LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN AND COUNTY MASTER PLAN CONSISTENCY**

EL PASO COUNTY LAND DEVELOPMENT CODE The Land Development Code Section 5.3.5 (A) states four circumstances in which rezoning is justified. This Application satisfies the first circumstance, which states: “when the requested rezoning is in general conformance or consistency with the County’s Master Plan.”

**REZONE (MAP AMENDMENT) APPROVAL CRITERIA**

Under Section 5.3.5 (B) of the Land Development Code, the County’s approval of a rezone (Map Amendment) requires a finding that the following four criteria have been met:

1. The application is in general conformance with the El Paso County Policy 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 application conforms to the El Paso County Master Plan for the project area.

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.

The rezoning is in compliance with all statutory provisions required, including C.R.S §30-28111, §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.

The proposed land use will [at full build-out] include single family residential dwelling units on lots no smaller than 5 acres in size and open space.

RR-5 zoning is compatible with adjoining zone districts because it is similar in character to the zoning of existing communities on Walker Road will not negatively affect view corridors from the existing homes due to home placement on the new lots will not have negative drainage impacts on the existing neighborhoods and will not have significant traffic impacts on the surrounding neighborhood the project will not introduce incompatible or different land uses, as the surrounding neighborhood is predominantly single family residential lots similar in size and character to the lots to be developed under this Application. The proposed development will retain the feel and character of the existing community.

4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5: Use and Dimensional Standards of the Land Development Code, for the intended zone district.

The site is suitable for the intended use and proposes uses that are compatible with surrounding A-35 and RR-5 zones, as defined in Chapter 5 of the Land Development Code, as it matches existing single family residential lots and open space uses of adjacent land.

Existing public infrastructure and services, such as roads, utilities, water, sanitation, fire, and drainage will be used to the extent available and adequate to meet the needs of the new development. New infrastructure, to include driveways and utilities, will be planned and installed in accordance with standards of the Land Development Code.

**PLACETYPE:** Rural

The Rural Placetype supports the County’s established agricultural and rural identity. This placetype is uniquely sensitive to new development due to limited water access and infrastructure making sustainable growth a priority. This site complies with this in numerous ways. It is located in eastern El Paso County, off of Meridian Road, lying just north of the east edge of Black Forest. The site has 3 residences over the entire 38 acres. It relies on well and septic which are discussed below in more detail. Infrastructure is in place to supply the three residences. No new infrastructure will be added.

**ARE OF CHANGE DESIGNATION:** Minimal Change: developed. The site has, as discussed above, three residences on the 38 acres. The residences are spread out so there is significant open space / natural areas between the residences that are covered with native grasses and some forested areas. There are no plans to have any additional residences constructed on the site so it will remain in its current, rural state.

**KEY AREA: Forested Areas**

This sit lies approximately 7 miles north of Peyton. There are several forested areas on the site. The three (existing) residences have been placed in a way to be adjacent to, but not in said areas. As such, there has been no negative impact to the forested areas. The drive on the site is located as to not impact the treed areas. The goal of the site is to preserve the forested areas.

**WATER AND SEWER**

A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code. Water service is to be provided by individual on site wells operated under a State approved Water Augmentation Plan. According to the State Division of Water Resources, this site sits in Water Division 1, Water District 1. Water is provided via the existing, four wells, Permit 83443-F, 83442-F, 83441-F and 83440-F. Water usage will not exceed the statutory allocated amounts for said wells.

An individual on-site sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28- 133(6)(b)] and the requirements of Chapter 8 of this Code. Waste water is intended to be treated via individual on-site septic systems designed, constructed and operated under State and County Health Department rules and regulations and in accordance with the Water Decree. All proposed lots will have an (individual) on-site, septic system with leach field. This is in line with the water master plan for the area. A listing of some of the policies of the Water Master Plan that are supported by the proposed development follow: Policy 4.1.3 – Support enhanced monitoring of sources of surface and tributary groundwater in the County. The referenced decree requires use of metering for the wells to insure compliance with the terms of the permit; Policy 6.2.1.2 – Encourage re-use of treated wastewater for irrigation and other acceptable uses when feasible. All three proposed lots will utilize onsite wastewater treatment systems which will provide “Return Flows” the environment as a condition of the groundwater findings and order and the well permit.

**TRAFFIC GENERATION**

Trips per day will increase from 10 trips per day to approximately 30 trips per day for the site due to the zone change. The new lots will continue to access Meridian Road on the existing driveway. The development is expected to generate a total of 28 trips per day (Average weekday trips ends) and 3 trips in the peak hour based on 9.44 trips per unit for Single Family Detached Housing (according to Trip Generation, 10th Edition, 2017 by the Institute of Transportation Engineers). This number of trips is below the County threshold of 100 trips per day or 10 trips during the peak hour. Therefore, a Transportation Impact Study (TIS) is not required for the project. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19- 471. Traffic Impact Fees will be paid at time of building permit.

**PARKS MASTER PLAN**

The proposed rezone area is in compliance with the Parks Master Plan, which does not appear to call for trails or parks in the site. Any required Park Fees will be paid at the time of platting.

**FEMA Floodplain**

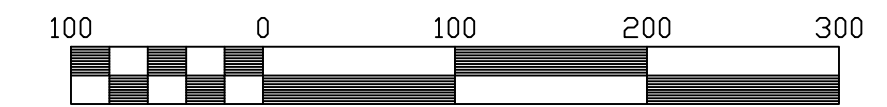
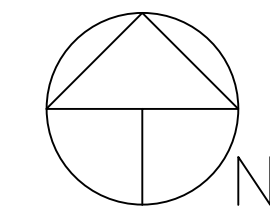
According to FEMA Floodplain Panel 08041C0350 G, dated 12-7-18, no portions the site are in 100-year floodplain.

We ask that El Paso County grant the zone change request to RR 5. This will allow three single family lots to be platted and the size will fit the surround properties.

Please contact our office with any questions, thank you

Oliver E. Watts, Consulting Engineer, Inc.

By: \_\_\_\_\_  
Erik Watts, Authorized Representative



Scale 1" = 100'

**LEGEND:**

- 2" BRASS CAP ON 1-1/2" PIPE
- ILLEG RED 1" CAP ON #5 REBAR
- ◇ #5 REBAR
- ◆ SPIKE
- POWER POLE
- WELL

Owner: Pitman Living Trust  
 11825 Walker Road  
 Colorado Springs, CO 80906-1253

Legal Description: North Half, Northwest Quarter,  
 Northwest Quarter, Section 18, T.11S., R.64W. of the 6th  
 P.M.

Units of measurement: US survey Feet

Address: 1840 Meridian Road

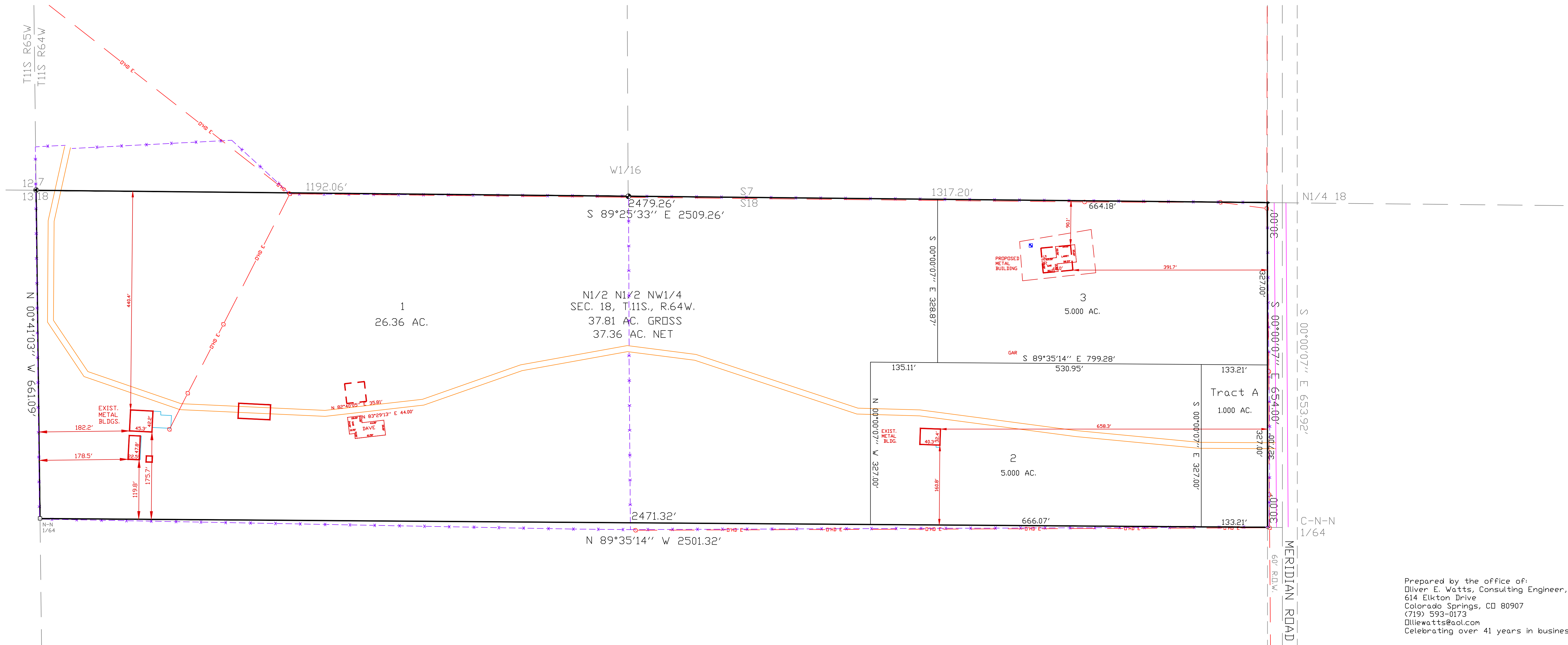
Zone: A-35

Assessors Parcel No.: 41000 00 426

Proposed use(s): Single Family Residence

Setbacks: 25' Front, Side and Rear

Proposed development time table: Summer and Fall, 2020

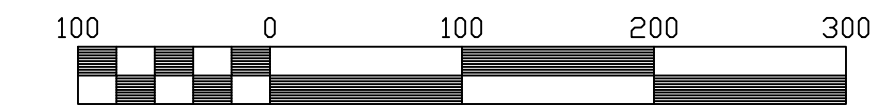
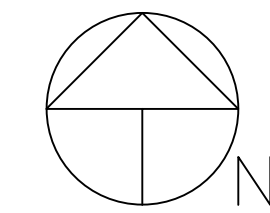


Prepared by the office of:  
 Oliver E. Watts, Consulting Engineer, Inc.  
 614 Elkton Drive  
 Colorado Springs, CO 80907  
 (719) 593-0173  
 olliewatts@aol.com  
 Celebrating over 41 years in business

DRAWN BY: O.E. WATTS DATE: 7-1-20 DWG. NO.: 20-5478-02 SURVEYED BY: ESW, DEW, V 6-30-20	APPROVED BY: PROJ. NO.: DWG.:	REVISIONS 12-15-21 PROPOSED LOT SIZES DEW	OLIVER E. WATTS CONSULTING ENGINEER COLORADO SPRINGS	PROJECT 18420 MERIDIAN ROAD N1/2, N1/2, NW1/4, S.18, T.11S., R.64W. EL PASO COUNTY	SHEET NAME <b>SITE PLAN</b>	SHEET NO. 1 OF 1
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# PITMAN LIVING TRUST REZONE MAP

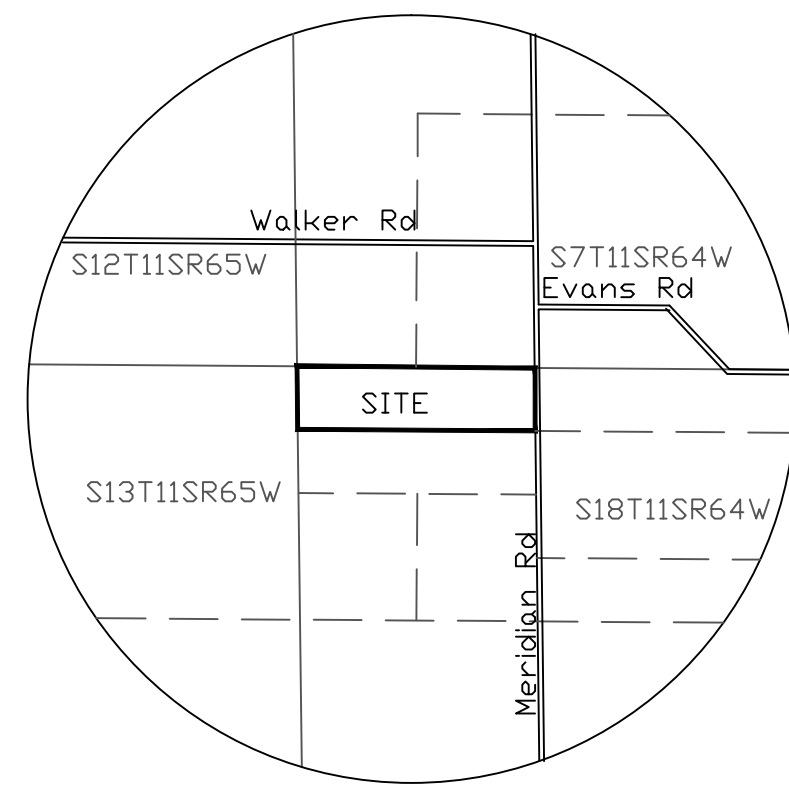
N1/2, N1/2, NW1/4, S.18, T.11S., R.64W.  
EL PASO COUNTY



Scale 1" = 100'

**LEGEND:**

- 2" BRASS CAP ON 1-1/2" PIPE
- ILLEG RED 1" CAP ON #5 REBAR
- ◇ #5 REBAR
- ◆ SPIKE



VICINITY MAP  
N.T.S.

**Owners:**  
Pitman Living Trust  
18420 Walker Road  
Colorado Springs, CO 80908-1253

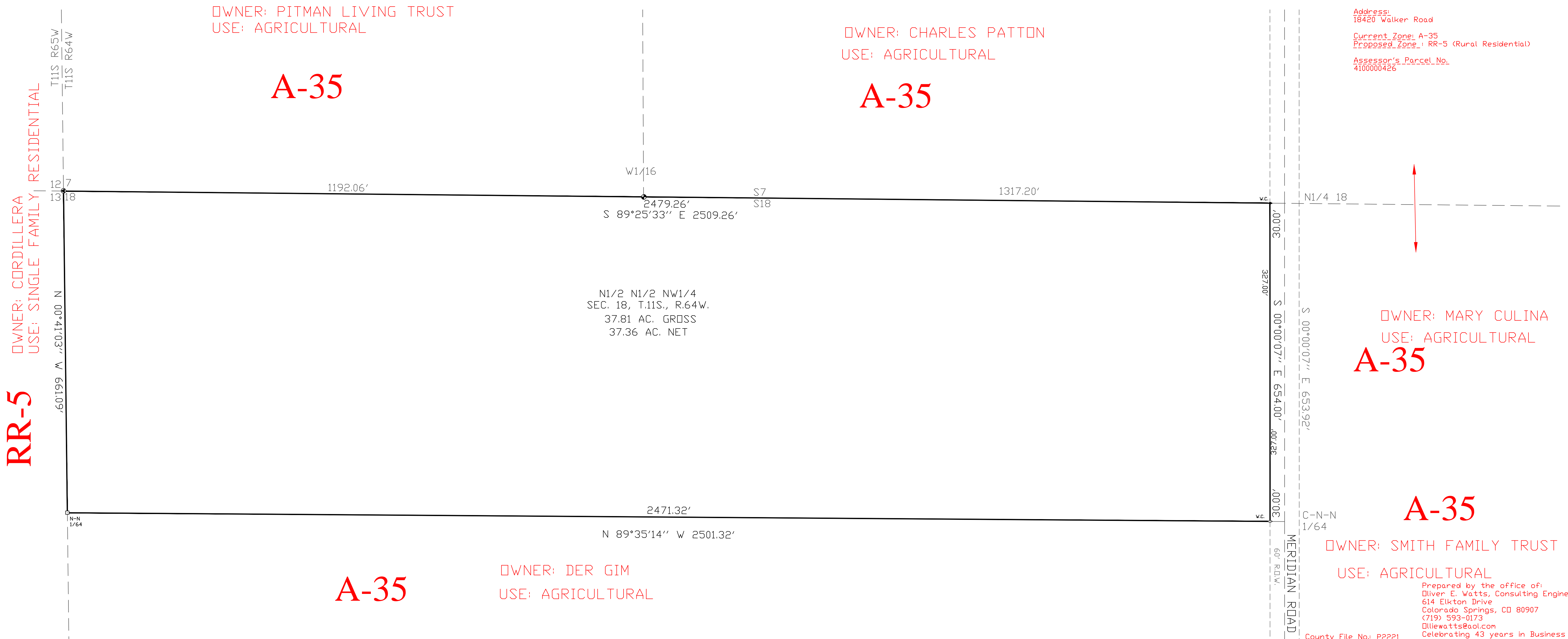
**Legal Descriptions:**  
THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., EXCEPT THE EASTERLY 30 FEET THEREOF, COUNTY OF EL PASO, STATE OF COLORADO  
Total acreage: 37.36

**Units of measurement:** US Survey Feet

**Address:**  
18420 Walker Road

**Current Zone:** A-35  
**Proposed Zone:** RR-5 (Rural Residential)

**Assessor's Parcel No.:**  
4100000426



**RR-5**  
 OWNER: CORDILLERA  
 USE: SINGLE FAMILY RESIDENTIAL

OWNER: PITMAN LIVING TRUST  
USE: AGRICULTURAL

**A-35**

OWNER: CHARLES PATTON  
USE: AGRICULTURAL

**A-35**

N1/2 N1/2 NW1/4  
SEC. 18, T.11S., R.64W.  
37.81 AC. GROSS  
37.36 AC. NET

OWNER: MARY CULINA  
USE: AGRICULTURAL  
**A-35**

**A-35**

OWNER: SMITH FAMILY TRUST  
USE: AGRICULTURAL

**A-35**

OWNER: DER GIM  
USE: AGRICULTURAL

Prepared by the office of:  
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614 Elkton Drive  
Colorado Springs, CO 80907  
(719) 593-0173  
OliverE.Watts@aol.com  
Celebrating 43 years in Business

County File No: P2221

DRAWN BY: O.E. WATTS DATE: 8-10-22 DWG. NO.: 20-5478-03 SURVEYED BY: ESW, ESW, JP-23-20	APPROVED BY: PROJ. NO.: DWG.:	REVISIONS 1-4-23 Revised per County review ESW	OLIVER E. WATTS CONSULTING ENGINEER COLORADO SPRINGS	PROJECT 18420 MERIDIAN ROAD N1/2, N1/2, NW1/4, S.18, T.11S., R.64W. EL PASO COUNTY	SHIT. NAME <h2 style="text-align: center; margin: 0;">REZONE MAP</h2>	SHIT. NO. 1 OF 1
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RESOLUTION NO. 23-

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

APPROVAL OF MAP AMENDMENT (REZONE)  
PITMAN LIVING TRUST REZONE (P- 22-021)

WHEREAS, Pitman Living Trust did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference 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 2, 2023, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on February 21, 2023; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the master plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, 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 Pitman Living Trust 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-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 21<sup>st</sup> day of February 2023, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

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

By: \_\_\_\_\_  
County Clerk & Recorder

EXHIBIT A

THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 18,  
TOWNSHIP 11 SOUTH, RANGE 64 WEST, OF THE 6TH P.M., EXCEPT THE EASTERLY 30 FEET  
THEREOF, COUNTY OF EL PASO, STATE OF COLORADO