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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

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Kylie Bagley, Planner II
Ed Schoenheit, IE Engineer I
Kevin Mastin, Interim Executive Director

RE: Project File #: P-22-006
Project Name: McDaniels Rezone
Parcel No.: 34000-00-295

OWNER:	REPRESENTATIVE:
Z Investments LLC PO Box 50005 Colorado Springs, CO 80949	William Guman and Associates Bill Guman 731 North Weber Street Colorado Springs, CO 80903

Commissioner District: 4

Planning Commission Hearing Date:	11/3/2022
Board of County Commissioners Hearing Date:	11/15/2022

EXECUTIVE SUMMARY

A request by William Guman and Associates for approval of a map amendment (rezoning) from A-35 (Agricultural) to RR-5 (Residential Rural). The 40-acre property is located directly southwest of the intersection of McDaniels Road and North Log Road and within Section 11, Township 14 South, Range 63 West of the 6th P.M.

A. REQUEST/WAIVERS/DEVIATIONS/ AUTHORIZATION

Request: A request by William Guman and Associates for approval of a map amendment (rezoning) 40 acres from A-35 (Agricultural) to RR-5 (Residential Rural).

Waiver(s)/Deviation(s): There are no waivers or deviations as part of this request.

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 (2019):

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:	A-35 (Agricultural)	Single-Family Residential

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 seeking a rezone from A-35 (Agricultural) to RR-5 (Residential Rural) with the intent to subdivide the property from one lot to four single-family residential lots.

F. ANALYSIS

1. Land Development Code Analysis

The applicant is proposing to rezone the property from A-35 (Agricultural) to RR-5 (Residential Rural) 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 zoned RR-5 (Residential Rural). 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 feet 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. The subdivision will be reviewed to ensure that all proposed structures will comply with the zoning 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



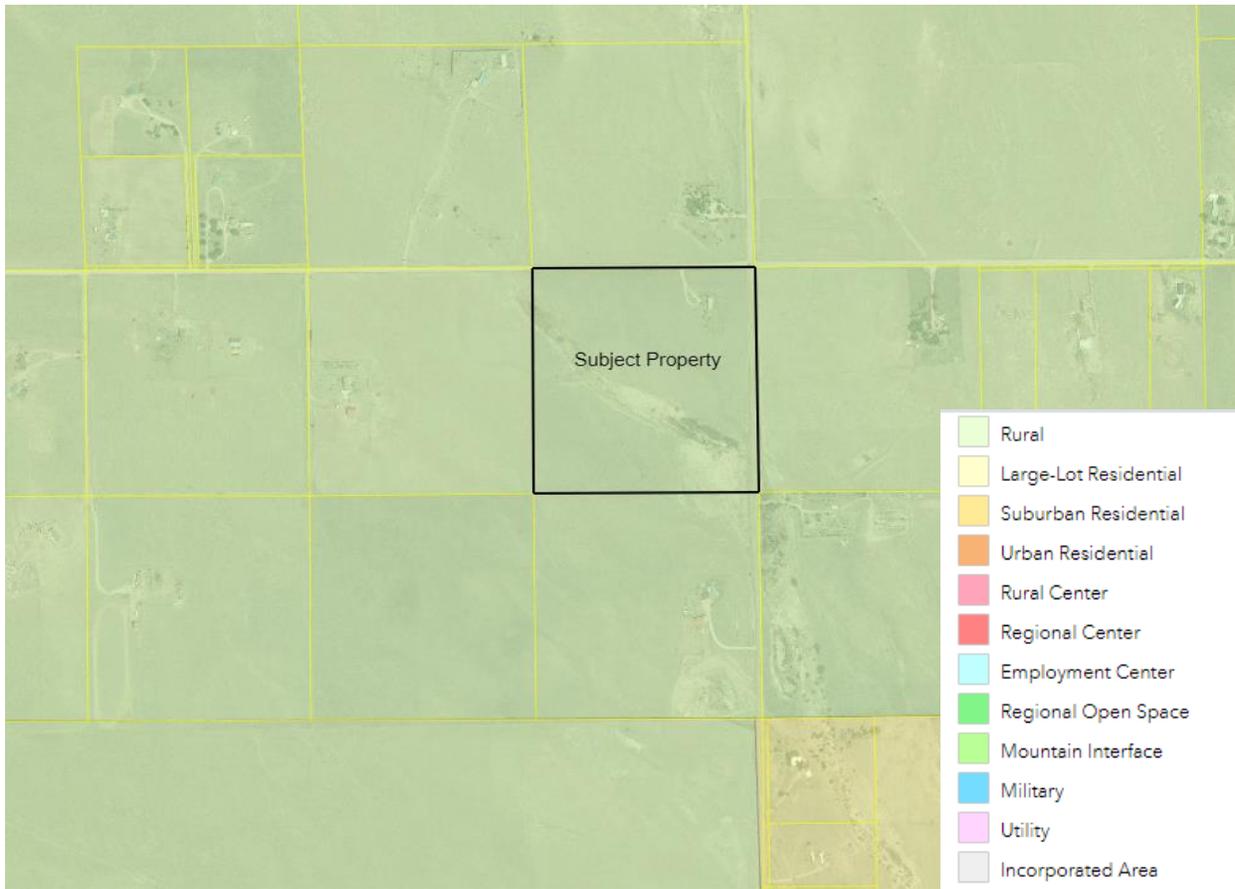


Figure G.1: Placetype Map

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 vacant land from the A-35 zoning district to the RR-5 zoning district, which would

support the single-family detached residential 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.

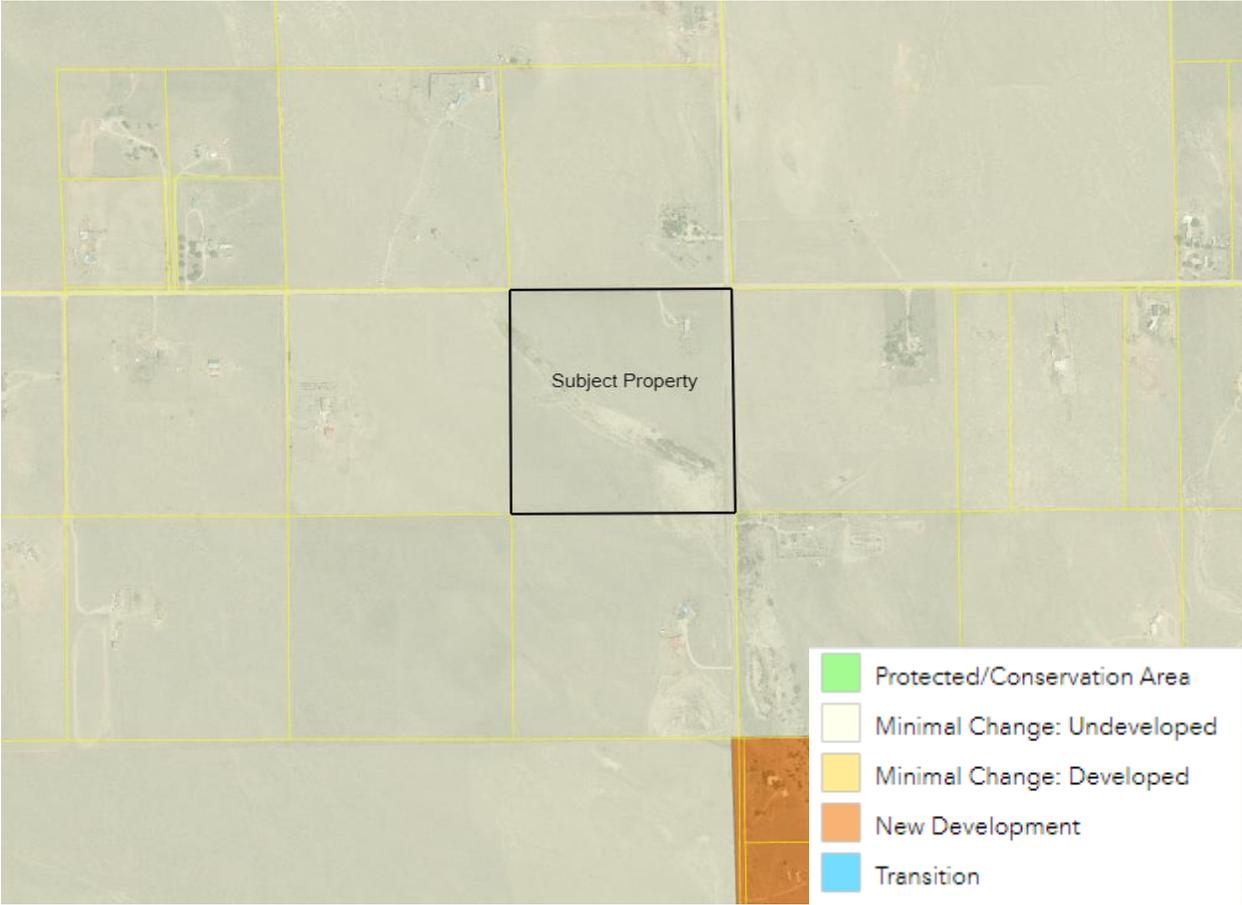


Figure G.2: Area of Change Map



Analysis:

The proposed rezone is not located in an area which is expected to significantly change in character. The proposed map amendment (rezoning) is not likely to change the character of the area.

c. Key Area Influences

The subject property is not located within a Key Area.

d. Other Implications (Priority Development, Housing, etc.)

The subject property is not located within a Priority 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 4c of the El Paso County Water Master Plan. The Plan identifies the current demands for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 is at 3,967 AFY (Figure 5.1) with a projected supply in 2040 of 3,027 AFY (Figure 5.2). The projected demand at build-out in 2060 is at 4,826 AFY (Figure 5.1) with a projected supply in 2060 of 3,027 AFY (Figure 5.2). This means that by 2060 a deficit of 1,799 AFY is anticipated for Region 4c.

A finding of water sufficiency is not required with a map amendment (rezone) but will be required with any future subdivision request. A finding of water sufficiency is required with subsequent plat application(s). The area subject to the proposed map amendment (rezone) is proposed to be served by on-site wells. Should the request be approved, a site plan application will be required to initiate any new residential use on the property.



4. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) identifies Eolian Deposits 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

The property has a special flood hazard area that runs across the property which encompasses approximately 12 acres.

2. Floodplain

The 40-acre parcel is impacted by a designated surveyed 100-year floodplain (Zone AE) as indicated by FEMA Flood Insurance Rate Map panel number 08041C0810G which has an effective date of December 7, 2018. Base Flood Elevations (BFE) are required to be shown on the Rezoning Map and the Final Plat. The special flood hazard area across the property will impact lot layout, size, and overall accessibility. The applicant will be required to adhere to all requirements and restrictions detailed in the Land Development Code Section 8.4.2 pertaining to development near a designated floodplain. The floodplain area will be required to be contained in an easement or tract with specified maintenance and “No Build”, “No Storage of Materials” restrictions as applicable.

3. Drainage and Erosion

The property is located within the Ellicott Consolidated (CHBS1200) drainage basin. This basin is unstudied and is not currently included in El Paso County Drainage Basin Fee program so drainage basin fees would not be applicable at time of plat. Drainage fees are not assessed with map amendment (rezone) requests. Prior to future development, a drainage report will be required to be submitted and approved by EPC. The drainage report provides hydrologic and hydraulic analysis to identify and mitigate drainage impacts to the surrounding properties. The drainage report will also need to include information for any necessary improvements or stabilization of the channel within the floodplain area.

4. Transportation

The property is located west of the intersection of Log Road and McDaniels Road. The new lots will all gain individual driveway access from McDaniels Road which is a County maintained local gravel road.



Log Road is planned for road improvements as part of the El Paso County 2016 Major Transportation Corridors Plan Update. The property is subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.

I. SERVICES

1. Water

Water is provided by existing wells for existing residential uses. Proposed residential uses will be required to obtain the proper well permits prior to development.

2. Sanitation

Wastewater is provided by existing on-site wastewater treatment systems (OWTS) for existing residential uses. A report evaluating feasibility of future OWTS systems will be required with any future subdivision request.

3. Emergency Services

The property is within the Ellicott Fire Protection District. The District was sent a referral and has no outstanding comments.

4. Utilities

Electrical service is provided by Mountain View Electric Association (MVEA) and natural gas service is provided by Black Hills Energy. Both MVEA and Black Hills Energy were sent referrals and have no outstanding comments

5. Metropolitan Districts

The property is not located within the boundaries of 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.

1. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no major issues.



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 (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.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified eight adjoining property owners on October 18, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.



M. ATTACHMENTS

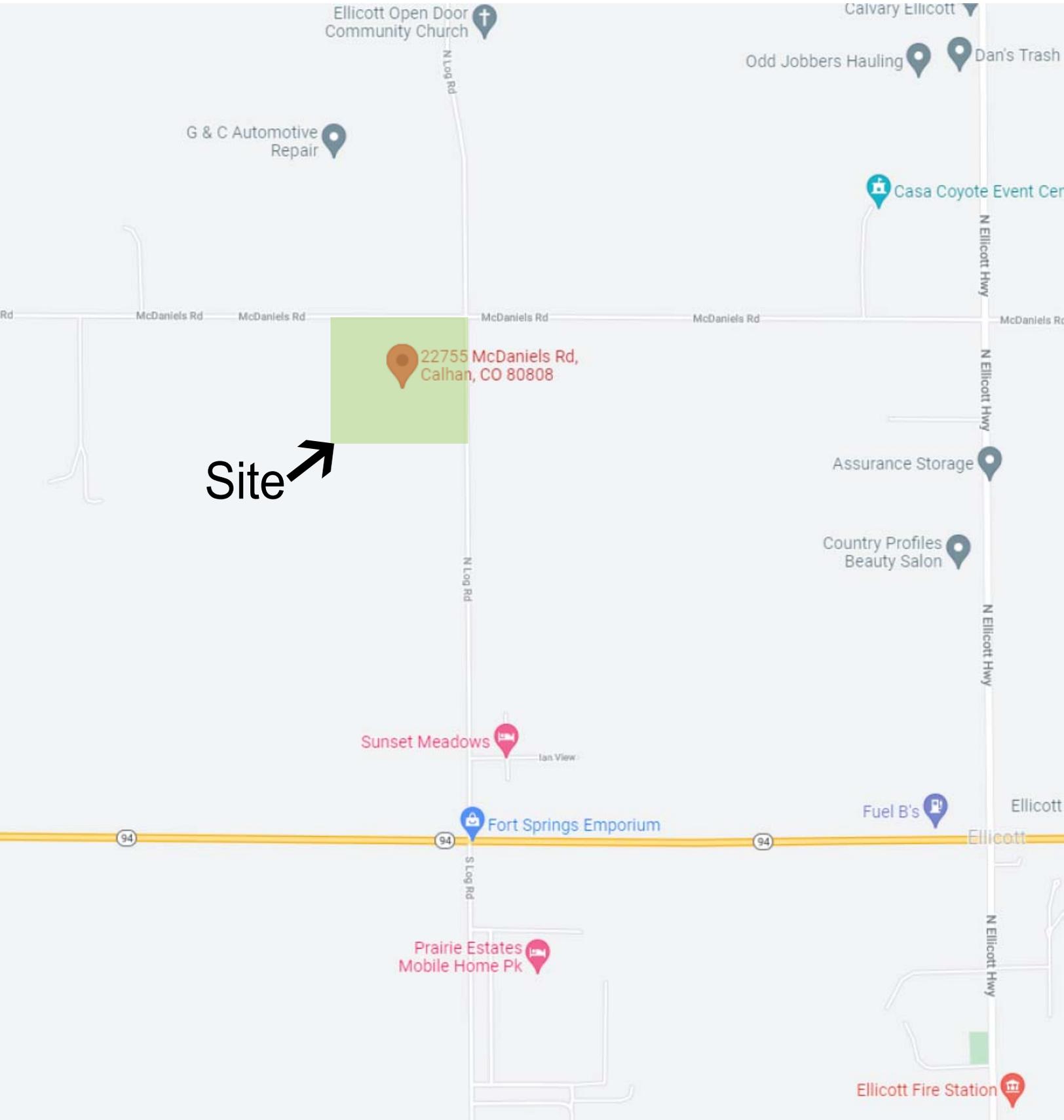
Vicinity Map

Letter of Intent

Rezone Map

Draft PC Resolution





Ellicott Open Door
Community Church

Calvary Ellicott

Odd Jobbers Hauling

Dan's Trash

G & C Automotive
Repair

Casa Coyote Event Cen

22755 McDaniels Rd,
Calhan, CO 80808

Site

Assurance Storage

Country Profiles
Beauty Salon

Sunset Meadows

Ian View

Fort Springs Emporium

Fuel B's

Ellicott

Prairie Estates
Mobile Home Pk

Ellicott Fire Station



William Guman & Associates, Ltd.

Bill Guman, RLA, ASLA | Principal
Colorado Springs City Councilman 1993-2001
Colorado Springs Planning Commissioner 1992-1993
Regional Building Commissioner 1997-2001

URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE | ENTITLEMENT

731 North Weber Street, Suite 10 | Colorado Springs, CO 80903 | (719) 633-97

<http://www.gumanitd.com/>

MEMBERS AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS



EL PASO COUNTY

LETTER OF INTENT FOR: 2275 McDANIELS ROAD MINOR SUBDIVISION

TSN # 3400000295 REZONE FROM A-35 TO RR-5

PCD FILE NUMBER P-22-006

OWNER/APPLICANT, AND PLANNING CONSULTANT:

Owner/Applicant:

Z Investments, LLC
Greg Zindorf
209 S 21 Street
Colorado Springs, CO 80904
(719) 332-0599

Planner:

William Guman & Associates, Ltd.
Bill Guman, RLA/ASLA
731 North Weber Street, Suite 10
Colorado Springs, CO 80903
(719) 633-9700

El Paso County Planner:

Ryan Howser, AICP, Planner II
El Paso County Development Services
2880 International Circle
Colorado Springs, CO 80910
(719) 520-6049

PROJECT LOCATION/DESCRIPTION AND HISTORY OF PROPERTY:

The 2275 McDaniels Road property for this Final Plat application is located in El Paso County in Peyton, CO, approximately 22 miles east of downtown Colorado Springs, situated west of North Log Road and south of McDaniels Road. The site is bordered by McDaniels Road to the north. It

is approximately 700 feet west of North Log Road, 1 mile west of North Ellicott Highway and 1 mile north of state highway 94.

The site is located in the UESPA Level III Ecoregion: 26 Southwestern Tablelands, Level IV Ecoregion: 26j Foothill Grasslands (Chapman et al, 2006), which is primarily comprised of sub-humid grassland and semiarid rangeland. More specifically, the site is located in the Foothills Grassland sub-region (26j) which is known to contain a mix of grassland types with some small areas of isolated tallgrass prairie species that are more common much farther east. More loamy, gravelly, and deeper soils are able to support more tallgrass and midgrass species than neighboring short-grass ecoregions. Big and little bluestem, yellow indiagrass and switchgrass are known to occur in this ecoregion, along with foothill grassland communities. The annual precipitation of 14 to 20 inches tends to be greater than in regions farther east. Soils are loamy, gravelly, moderately deep, and mesic. Rangeland and pasture uses are common. Urban and suburban development has increased in recent years, expanding out from Colorado Springs.

The CNHP Survey of Critical Biological Resources, El Paso County, Colorado (CNHP, 2001a), Ecoregions of El Paso County figure illustrates that the site is situated within the Central Shortgrass Prairie ecoregion and states that this ecoregion is “characterized by rolling plains and tablelands dissected by streams, canyons, badlands, and buttes and dominated by shortgrass, midgrass, and sand-sage prairie. Small patches of remnant tallgrass prairie occur along the base of the foothills and in other areas where the soils and moisture regime are appropriate.”

The CNHP Potential Conservation Areas in El Paso County reference report does not place the Site within a Potential Conservation Area (PCA). The closest PCAs to the site are the Schriever Playas approximately 6.5 miles to the southwest, overlapping the northwest corner of Schriever Air Force Base and Signal Rock Sandhills approximately 5.25 miles to the southeast. Both of these PCAs are rated as a “B2: Very High Biodiversity Significance”.

The site is generally characterized as gently sloping from northwest to the southeast. Site topography ranges from a high elevation of approximately 6090 feet above mean sea level (AMSL) in the northwestern corner to a low elevation of approximately 6070 feet in the southeast corner.

USGS mapping show an intermittent creek that drains the site in a southeasterly direction. This tributary appears to be primarily a sandy wash with several upland breaks prior its confluence with Black Squirrel Creek farther southeast and offsite. Aerial imagery and on-site observations indicate that this drainage is not an intermittent creek and is better characterized as an ephemeral (precipitation driven) swale. During high precipitation events, portions of this ephemeral swale are likely tributary to Black Squirrel Creek, a perennial stream that flows into Chico Creek and on to the Arkansas River.

According to the environmental impact study authored by Ecosystem Services, a single feature with wetland potential was identified via the Colorado Wetland Inventory Mapping Tool. This was the aforementioned ephemeral swale. Pursuant to this potential finding, an onsite investigation was undertaken.

The ephemeral swale was analyzed at the site, and the seasonally-flooded feature does not meet the criteria to establish it as a wetland. It is isolated and with no defined or continuous surface connection to downstream traditional navigable waters (TNWs) or relatively permanent waters (RPWs).

Ephemeral Drainage: This seasonally-flooded, ephemeral swale does not meet any of the 3 parameters to be considered jurisdictional wetland habitat. It does not meet indicators of hydric soil, wetland vegetation or sustaining hydrology. The soils logs taken along the length of the swale (refer to Figure 7) all indicate well-drained to excessively well-drained sand, gravelly sand and gravelly sandy loam with matrix chroma of 10YR4/2, 6/2 and 6/3 and no mottling or concretions. While riparian-wetland vegetation is present in two isolated patches, this swale supports a 12 greater prevalence of upland, mixed-grass prairie vegetation. Hydrology is obviously precipitation- and seasonally-driven and is insufficient to sustain persistent wetland habitat throughout this excessively well-drained swale.

The swale drains through a culvert under McDaniels Road immediately west of the Site prior to entering the northwestern Site corner. Thereafter, the upper 2/3 of the drainage is well-defined by historic banks until the lower 1/3 becomes nebulous, spreads out into a sandy wash (refer to Figure 7). Even within the upper, defined reach there is no evidence of a low-flow channel, drainage patterns or other field indicators of persistent hydrology. The continuity of this swale downstream is interrupted in several locations, including North Log Road on the southeastern Site boundary, which has no culvert to allow surface flow to pass downstream. Ecos followed this ephemeral drainage downstream to see if it had a continuous connection to Black Squirrel Creek and other WOTUS. We observed and marked several ‘breaks’ in downstream continuity (refer to Figure 8 – WOTUS Breaks Map) where the channel loses a define bed or bank. If this swale did meet the 3 criteria to be deemed jurisdictional wetland habitat, ecos believes it would still be isolated WOTUS because of the upland breaks between the Site and the downstream receiving TNW and/or RPWs of Black Squirrel Creek, Chico Creek and the Arkansas River.

The ephemeral swale does not meet the criteria that the USACE uses to assert jurisdiction, as it does not constitute:

- Traditional navigable waters;
- Wetlands adjacent to traditional navigable waters;
- Non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically three months); and

- Wetlands that directly abut such tributaries.

Furthermore, this ephemeral swale is not considered to be jurisdictional “tributary”, as “a tributary includes natural, man-altered, or man-made water bodies that carry flow directly or indirectly into a traditional navigable waters.”

According to Federal Emergency Management Agency (FEMA), the swale which cuts across the property is considered as a special flood hazard area. According to FEMA Flood Map 08041CO81OG, the swale is a regulatory floodway, Zone AE (1% annual chance of flooding), without Base Flood Elevation (BFE). The preliminary plan recognizes and notes the floodway boundary as a no-build area. There is no intention of impact or construction within the floodway. The infrequency of flood events will likely allow the area to be used for passive recreation (e.g. hiking, horseback riding.)

Regarding protected species Ecosystem Services ran an assessment of Federal Listed Species. The site specific analysis looked at the probability of Federal Listed Species on this site. It was found that the likelihood of the site directly or indirectly (by the effects of the project) affecting a Federal Listed Species is very low to none.

- Greenback cutthroat trout – threatened status, no probability of impact by project due to no suitable habitat existing on-site.
- Pallid sturgeon – endangered, no probability of impact by project, the proposed project is not within the watershed for any of the listed river basins.
- Eastern Black Rail-threatened, no probability of impact by project, the proposed project is not within the watershed for any of the listed river basins.
- Piping plover-threatened, no probability of impact by project, the proposed project is not within the watershed for any of the listed river basins.
- Whooping crane-endangered, no probability of impact by project, the proposed project is not within the watershed for any of the listed river basins.
- Preble’s meadow jumping mouse-threatened, no probability of impact by project due to no suitable habitat existing on-site.
- Ute ladies tresses orchid-threatened, very low probability of impact as the site does not support the quality of palustrine emergent wetland habitat in which this species is found (i.e., the sustaining hydrology is absent). However, surveys in the 2 isolated riparian wetland patches within the ephemeral swale should be implemented during the blooming period if and only if these areas will be subject to disturbance during the subdivision process.
- Western prairie fringed orchid-threatened, no probability of impact by project as it will not alter or deplete flows to the South Platte.

According to the 2021 Your El Paso County Master Plan, the Placetype of this development is “Rural”. 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 covers 35 acres or more per two units with the minimum lot area consisting of 5 acres per unit. This Rural Placetype covers most of the eastern half of the county.

The applicant proposes to develop the site as four (4) new lots. A single-family detached residential dwelling unit that recognizes and respects the character of the surrounding rural area will be provided on each. The total acreage of the proposed 22755 McDaniels Road development is approximately forty (40) acres.

Infrastructure to serve the new lots, including driveways, drainage improvements, and utilities will all be constructed in compliance with applicable county standards, regulations and criteria in effect at the time of this application. This is in keeping with the rural character of the surrounding Calhan, Ellicott and Falcon communities.

Surrounding properties are rural, single family homesites and farm homesteads. Land use within these properties has traditionally been used as ranchland, with some farming. Two parcels one half mile to the east are A-5 zoning with single family homes on the property, an exception to the general A-35 zoning predominant in the area.

DEVELOPMENT REQUEST

The Owner and Applicant request approval of a Final Plat for the development of 4 rural residential single family residential lots on approximately 40 acres (e.g. .1 DU/Acre density).

TOTAL NUMBER OF ACRES IN THE PRELIMINARY PLAN AREA: 40 acres single family residential.

TOTAL NUMBER OF ACRES WITHIN THIS APPLICATION: 40 acres.

JUSTIFICATION FOR REQUEST

This request is consistent with the purposes of the Your El Paso Master Plan. The Preliminary Plan is in conformance with subdivision design standards and establishes an adequate level of compatibility with surrounding areas of the site already constructed and other known surrounding areas currently proposed for development.

EXISTING AND PROPOSED IMPROVEMENTS

Proposed improvements will include the construction of drainage and storm water detention facilities will be constructed and maintained in conformance with County standards and specifications. Electric and telecommunication service points-of-connection will be extended from the roadways up to all new lots. No extension of natural gas service from a utilities

provider is sought. On site propane tanks will provide gas for the residences. Water will be provided via wells. Individual septic systems will be provided via an On Site Wastewater Treatment system (OSWT) prepared by the Owner in accordance with El Paso County Department of Health policy guidelines.

Grading and earthmoving activities will be limited to residential driveways, drainage and utility construction areas. Individual lot owners will assume responsibility for grading their respective lot; no 'overlot' grading is proposed to occur over most of the site.

As such, prior to construction of proposed residences, lot-specific subsurface soil investigations will be performed to determine whether or not shallow groundwater, hydro-compacted soils, and/or potentially expansive soils are present on the lot, and to determine an appropriate foundation design, basement or crawl-space suitability, and/or lot-specific recommendations are necessary to mitigate these conditions. Language requiring lot-specific subsurface soil investigation will appear as a Note on the Final Plat.

As stated previously, the preliminary plan recognizes and notes the floodway boundary as a no-build area. FEMA considers the swale which cuts across the property as a special flood hazard area, Zone AE, with a 1% annual chance of flooding. There is no intention of impact or construction within the floodway. The infrequency of flood events will likely allow the area to be used for passive recreation (e.g. hiking, horseback riding) by the property owners.

ADHERENCE WITH THE 2021 YOUR EL PASO MASTER PLAN, AND WATER MASTER PLAN

Land Use & Development, Core Principle: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.

The 2021 Your El Paso Master Plan (the "Master Plan") addresses issues directly related to the Preliminary Plan and development of the *22755 McDaniels Road* development. The policies specifically related to the Preliminary Plan request include:

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

The Preliminary Plan proposed for the new single family rural residential lots is compatible with the existing adjacent rural residential lots in the McDaniels Road corridor. New lots will be similar in character to existing lots and roads serving the new lots will be compatible with the types of rural roadways in nearby adjacent neighborhoods.

Goal 1.4 – *Continue to encourage policies that ensure "development pays for itself"*.

22755 McDaniels Road is proposed as a development of single family rural residences within a non-urban density area (Rural Placetype) of the Elbert community. Utilities and road

infrastructure needed to serve the new lots, such as new roads, drainage and detention facilities, erosion control, etc. will be constructed as part of this development.

Housing & Communities, Core Principle: Preserve and develop neighborhoods with a mix of housing types.

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

The Preliminary Plan with RR-5 zoning for the site is harmonious and compatible with the rural character of adjacent and nearby neighborhoods that are zoned A-35, and A-5. The Applicant proposes to avoid overlot grading across the 40 acre site, and instead will limit grading to driveways and drainage infrastructure in keeping with the established land use character of surrounding sub-areas of the county. Low density will help to sustain the appearance and unique environmental conditions of adjacent properties.

Transportation & Mobility, Core Principle: Connect all areas of the County with a safe and efficient multimodal transportation system.

Goal 4.1-*Establish a transportation network that connects all areas to one another, emphasizing east-west routes, reducing traffic congestion, promoting safe and efficient travel.*

The design of this subdivision will relocate the existing home's driveway to the east of its existing access point. While this will maintain its access from McDaniels Road, the slight shift east will allow the development of four equally sized lots for the residents. *No access is sought from Log Road.* The three (3) proposed residences will have driveways off McDaniels Road for access.

Per the El Paso County Engineering Criteria Manual, appendix B.1.2.D, no Traffic Impact Study (TIS) is required if all of the criteria below are satisfied:

- Vehicular Traffic: (1) Daily vehicle trip-end generation is less than 100 or the peak hour trip generation is less than 10; (2) there are no additional proposed minor or major roadway intersections on major collectors, arterials, or State Highways; (3) the increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends; (4) the change in the type of traffic to be generated (i.e., the addition of truck traffic) does not adversely affect the traffic currently planned for and accommodated within, and adjacent to, the property; (5) acceptable LOS on the adjacent public roadways, accesses, and intersections will be maintained; (6) no roadway or intersection in the immediate vicinity has a history of safety or accident problems; and (7) there is no change of land use with access to a State Highway.

- Pedestrian Traffic: Paved pedestrian facilities exist or will be constructed on, or adjacent to, the site; or, the proposed use will not generate any new pedestrian traffic.

With the above criteria in mind, the addition of three new homesites fall below the threshold to generate a TIS.

County Road Impact Fees will be paid at time of building permit.

Community Facilities & Infrastructure, Core Principle: Continue to coordinate with local and regional agencies to provide well-managed, high-quality community facilities and services.

Goal 5.3 – Ensure adequate provision of utilities to manage growth and development.

Concerning utilities, 22755 McDaniels Road has been provided a commitment letter for delivery of electrical service by Mountain View Electrical Association. Individual propane tanks will provide natural gas to the homes. On-site wells will provide water. Wastewater will be accommodated by individual on-site wastewater treatment systems. Based upon evaluation by our environmental and geotechnical engineers, it has been determined that the site is suitable for individual on-site wastewater treatment systems without contamination of surface and subsurface water systems.

Goal 5.4-Use best management practices to protect water quality, conserve water, minimize impacts of flooding, and beautify El Paso County.

The submitted drainage report specifically details a four step process to minimize adverse impacts of development. The process includes reducing runoff volume, stabilizing drainageways, treating the water quality capture volume (WQCV), and consider the need for best management practices (BMPs). A grading and erosion control plan and a stormwater management report have been submitted with the FDR.

As stated previously, the preliminary plan recognizes and notes the floodway boundary as a no-build area. FEMA considers the swale which cuts across the property as a special flood hazard area, Zone AE, with a 1% annual chance of flooding. There is no intention of impact or construction within the floodway. The infrequency of flood events will likely allow the area to be used for passive recreation (e.g. hiking, horseback riding) by the property owners.

Per Section 8.4.2. of the El Paso County Land Development Code, Environmental Considerations subsection (B)(1) (b) Minimize Flood Damage, Divisions of land shall be designed and constructed to minimize potential flood damage to properties and public utilities and facilities such as sewer, gas, electrical, and water systems. Development in the floodplain shall be limited to uses compatible with the flood hazard and shall specifically exclude residential uses, sewage and water treatment plants, commercial shopping areas,

and industrial sites. All residences on the lot layout are outside of the floodplain, and the plan specifies the area as a “no-build” area. The area will be used for light recreation by the residents.

Per 8.4.2. (B)(1)(d) Lots Greater than 2.5 Acres in Size. Lots 2.5 acres and larger are required to provide drainage easements for the 100-year floodplain with the restriction of "No Build" and "No Storage of Materials". As mentioned prior, the plan designates the area as “no-build” on our plans. Drainage easement shall be provided for this area.

Environment & Natural Resources, Core Principle: Prioritize and protect the County’s natural environment.

Goal 9.2- *Promote sustainable best practices with regard to development and infrastructure.*

The surrounding area of the Preliminary Plan has sufficient carrying capacity to support the new development with regard to roadway capacity, water supply, septic suitability, educational facilities, and organized structural fire protection. Commitment Letters from entities that would supply this development with essential services have been submitted with this Preliminary Plan application.

The Preliminary Plan design, which includes 9.7 acre home sites, ensures that development of this site will remain compatible and contiguous with existing rural residential areas. With a density of .1 DU/Ac, 22755 McDaniels Road is compatible with numerous other subdivisions adjacent to and within a 2 mile radius of the property.

WATER DEPENDABILITY

The following information was provided by request of El Paso County per the El Paso County Water Master Plan, Chapter 7, Implementation:

A water resources report and water supply information summary have been provided to the County for this development.

The water resource report provides data for the Planning Commission and the Board of County Commissioners (BoCC) to determine whether the proposed water supply is sufficient in terms of quality, quantity and dependability for the proposed subdivision. The report includes adequate documentation that the proposed water supply is sufficient in terms of quantity, dependability and quality for the proposed subdivision.

Gas service:

Gas service will be provided by individual propane tanks adjacent to residences.

Water Service:

Water shall be provided via four on-site wells.

The on-site existing well case number is 227502 Arapahoe (existing – serves existing residence). The designated basin is the Upper Black Squirrel within the Upper Black Squirrel Management District. The water source on-site originates from the Upper Arapahoe (NNT) and Laramie-Fox Hills (NNT).

- The Upper Arapahoe provides a total appropriated volume of 578 acre feet, with a 100 year annual appropriation of 5.78 acre feet per year. The 300 year annual appropriation is 1.93 acre feet per year.
- The Laramie-Fox Hills provides a total appropriated volume of 1176 acre feet, with a 100 year annual appropriation of 11.76 acre feet per year. The 300 year annual appropriation is 3.92 acre feet per year.

Based on the 300 year annual appropriation:

Water Supply and Demand Summary

LOTS	Total Supply (AF/Year)	Total Demand (AF/Year)
4	5.85	1.34

Water Quality:

The water quality in the Arapahoe aquifer in this area has been typically suitable for residential potable use. Water samples were obtained from the existing well (well permit #227502) constructed via an exterior water tap serving the existing residence (22755 McDaniels Road). Water samples were obtained from this tap on July 16th 2021, with the water quality testing performed by Colorado Analytical Laboratories and ACZ Laboratories, per the El Paso County Land Development Code section 8.4.7(B). Final results from this water quality testing were received on August 26th, 2021. All results were found to be below primary and secondary Maximum Contaminant Limits (MCLs).

Because of the absence of any and all evidence of fecal contamination in the form of *E. Coli* or Total Coliform, or that all sampled and analyzed constituents were below all primary and secondary standards the proposed water source emanating from the Arapahoe Aquifer is deemed safe for public consumption.

END

TSN 340000280
 Lowell Lambrecht
 22550 McDaniels Rd.
 Calhan, CO 80808
 Zoning: A-35

TSN 340000237
 Robinson Family Living Trust
 1550 N. Log Rd.
 Calhan, CO 80808
 Zoning: A-35

TSN 340000187
 Ora Owen Wheeler Jr.
 16215 E. McCara Ct.
 Peyton, CO 80831
 Zoning: A-35

LEGAL DESCRIPTION:

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6th P.M., COUNTY EL PASO, STATE OF COLORADO.

SAID TRACT CONTAINS 39.67 ACRES OF LAND, MORE OR LESS.

PROJECT BENCHMARK: CONTROL POINTS AS SHOWN HEREON. ALL ELEVATIONS ARE DERIVED UPON AN OPUS SOLUTION ON SURVEY CONTROL POINT BASE 99 ELEV.=6093.02' NAVD88 VERTICAL DATUM.

ALL LINEAL UNITS DEPICTED ON THIS ALTA/NSPS LAND TITLE SURVEY ARE U.S. SURVEY FEET.

TSN 341200022
 Rodney J. Fannin
 23155 McDaniels Rd.
 Calhan, CO 80808
 Zoning: A-35

NOTES:

- 1). ALL BEARINGS USED HEREIN ARE BASED UPON AN ASSUMED BEARING OF N00°22'53"W, A DISTANCE OF 2652.44 FEET BETWEEN THE SOUTHEAST CORNER OF SECTION 11, TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6th P.M., AS MONUMENTED BY A 3/4" SQUARE IRON PIN IN A RANGE BOX AND THE NORTHEAST CORNER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 11, AS MONUMENTED BY A 2-1/2" ALUMINUM CAP STAMPED "PLS 10384".
- 2). THIS PLAT DOES NOT CONSTITUTE A TITLE SEARCH BY RAMPART SURVEYS FOR EITHER OWNERSHIP OR EASEMENTS OF RECORD. FOR EASEMENTS OF RECORD SHOWN HEREON, RAMPART SURVEYS RELIED ON AN ALTA COMMITMENT ISSUED BY STEWART TITLE GUARANTY COMPANY, COMMITMENT NUMBER: 204165 AMENDED NO. 3 (COMMITMENT DATE: DECEMBER 23, 2020 AT 8:00 A.M.) AS PROVIDED TO RAMPART SURVEYS BY THE CLIENT, FOR ALL MATTERS OF RECORD. NO OTHER EASEMENTS OF RECORD ARE SHOWN EXCEPT AS FOUND THEREIN. THE NUMBERS USED BELOW CORRESPOND WITH THE NUMBERS USED ON SCHEDULE B, PART II EXCEPTIONS IN THE ABOVE REFERENCED COMMITMENT:

1. THRU 8. STANDARD EXCEPTIONS - RAMPART SURVEYS DID NOT ADDRESS THESE ITEMS.

9. THE PROPERTY IS SUBJECT TO A RIGHT OF WAY AND EASEMENT GRANTED TO EL PASO COUNTY TELEPHONE COMPANY IN INSTRUMENT RECORDED MAY 17, 1971 IN BOOK 2408 AT PAGE 849. (NOT PLOTTABLE)

10. THE PROPERTY IS SUBJECT TO A RIGHT OF WAY AND EASEMENT GRANTED TO EL PASO COUNTY TELEPHONE COMPANY IN INSTRUMENT RECORDED NOVEMBER 24, 2003 AT RECEPTION NO. 203274858. (AS SHOWN HEREON)

11. THE PROPERTY IS SUBJECT TO A RIGHT OF WAY AND EASEMENT GRANTED TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC. IN INSTRUMENT RECORDED FEBRUARY 9, 2004 AT RECEPTION NO. 204022897. (AS SHOWN HEREON)

3). ALL LINEAL UNITS DEPICTED ON THIS ALTA/NSPS LAND TITLE SURVEY ARE U.S. SURVEY FEET.

TSN 340000328
 Dennis L. Hughes
 22545 McDaniels Rd.
 Calhan, CO 80808
 Zoning: A-35

TSN 340000295
 Z Investments
 Owner: Greg Zindorf
 22755 McDaniels Rd
 Calhan, CO 80808
 Zoning: A-35

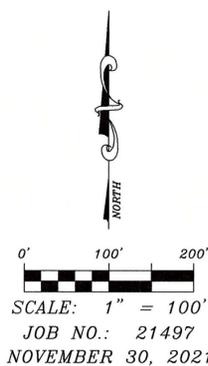
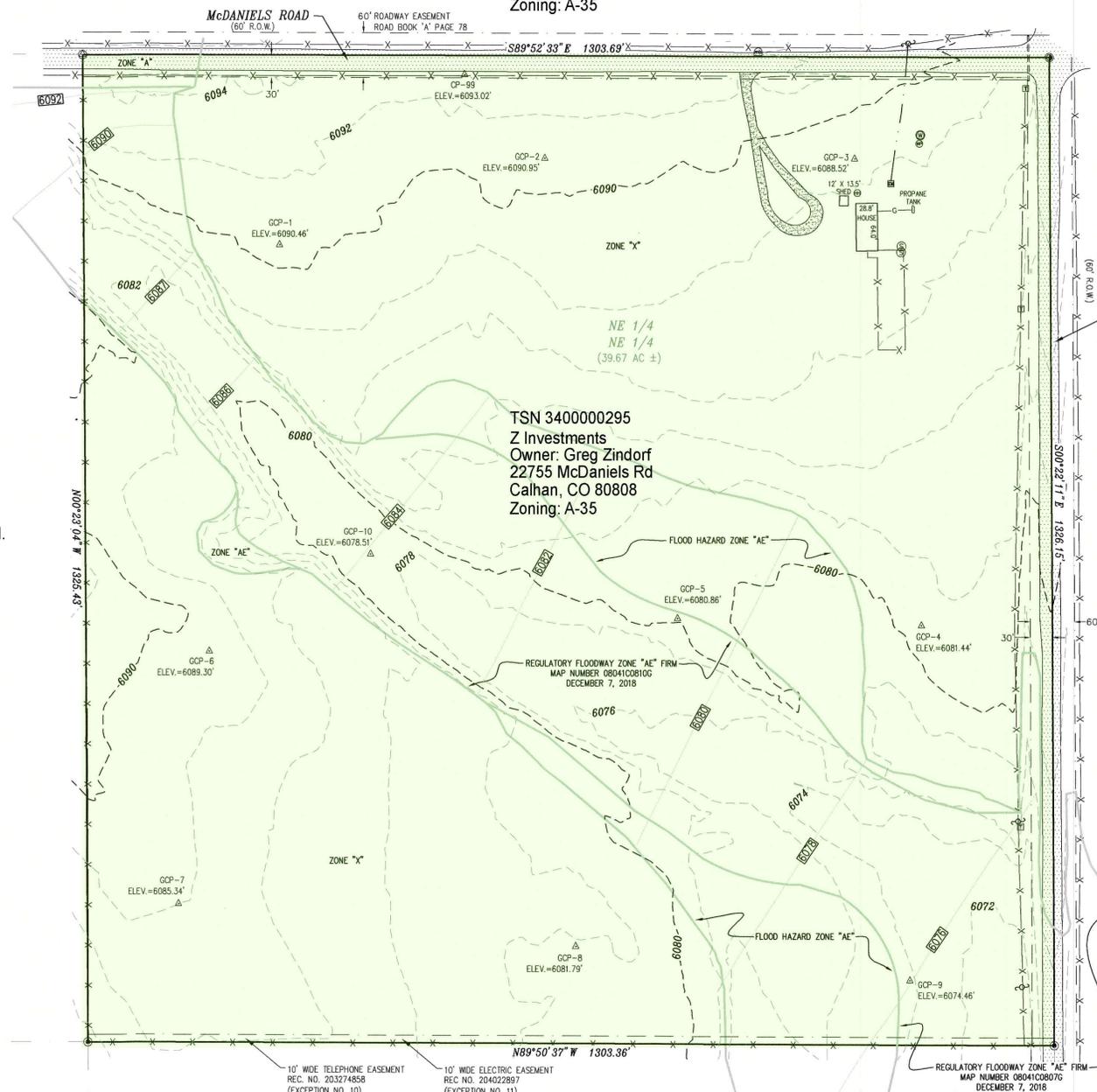
TSN 340000377
 Lee Wol Son
 1857 N. Circle Dr.
 Colorado Springs, CO 80909
 Zoning: A-35

TSN 340000329
 Jason Plumley
 1210 N. Log Rd
 Calhan, CO 80808
 Zoning: A-35

TSN 341200023
 Bobby Stull
 1215 Log Rd.
 Calhan, CO 80808
 Zoning: A-35

LEGEND:

- ▲ SURVEY CONTROL POINT
- SET 3/4" REBAR AND 2-1/2" ALUMINUM CAP STAMPED AS SHOWN
- FOUND REBAR AND 2" ALUMINUM CAP STAMPED "PLS 10384"
- FOUND REBAR AND 3-1/4" ALUMINUM CAP STAMPED "JR ENG PLS 10377"
- FOUND AS SHOWN (1/4 CORNER)
- FOUND AS SHOWN (SECTION CORNER)
- POWER/UTILITY POLE
- ⊞ ELECTRIC METER
- ⊞ TELEPHONE PEDESTAL
- ⊞ WELL PIT
- ⊞ HOSE HOOKUP
- ⊞ SEPTIC LID
- ⊞ WELL
- ⊞ MAILBOX
- X— BARBED WIRE FENCE
- G— UNDERGROUND GAS
- O— OVERHEAD ELECTRIC / O.H. UTILITY LINE
- ▨ ASPHALT
- ▨ GRAVEL
- 6090 CONTOUR ELEVATION
- 6090 DETERMINED BASE FLOOD ELEVATIONS (FROM THE FIRM MAP)



This Zoning Map was prepared by Ed Morgan of William Guman and Associates, Ltd.
 No mineral rights claims exist on this property.
 The petitioner is Greg Zindorf for Z Investments LLC, P.O. Box 50005, Colorado Springs, CO 80949.
 Alternative address: 209 South 21st Street, Colorado Springs, CO 80904.

MAP AMENDMENT - REZONE (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P-22-006
MCDANIELS REZONE

WHEREAS, William Guman and Associates 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 November 3, 2022; 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, in approving a map amendment (rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the following 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 William Guman and Associates for an amendment to the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County from the A-35 (Agricultural) zoning district to the RR-5 (Residential Rural) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

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

NOTATIONS

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

2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

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

_____ seconded the adoption of the foregoing Resolution.

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

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Joan Lucia-Treese	aye / no / abstain / absent
Becky Fuller	aye / no / abstain / absent
Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpelz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / abstain / absent

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

DATED: November 3, 2022

Brian Risley, Chair

EXHIBIT A

LEGAL DESCRIPTION:

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6TH P.M., COUNTY EL PASO, STATE OF COLORADO.

SAID TRACT CONTAINS 39.67 ACRES OF LAND, MORE OR LESS.

NOTE: FOR INFORMATIONAL PURPOSES ONLY ASSESSOR PARCEL NO. 3400000295