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PLANNING & COMMUNITY DEVELOPMENT

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

FROM: **Ryan Howser, AICP Planner III**
Lupe Packman, IE Engineer I
Meggan Herington, AICP Executive Director

RE: **Project File No.: P-22-010**
Project Name: Romens Rezone
Parcel No.: 41000-00-075

OWNER:	REPRESENTATIVE:
Romens Living Trust 5135 Coneflower Lane Colorado Springs, CO, 80917	Catamount Engineering PO Box 221 Woodland Park, CO, 80866

Commissioner District: 2

Planning Commission Hearing Date:	3/16/2023
Board of County Commissioners Hearing Date:	4/18/2023

EXECUTIVE SUMMARY

A request by Romens Living Trust for approval of a map amendment (rezoning) from A-35 (Agricultural) to RR-5 (Residential Rural). The 36.5-acre property is located between the intersections of Hopper Road, Bradshaw Road, and Cleese Court.

A. WAIVERS/DEVIATIONS/ AUTHORIZATION

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

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

B. APPROVAL CRITERIA

In approving a map amendment (rezoning), the 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):

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

C. LOCATION

North:	RR-5 (Residential Rural)	Single-family residential
South:	RR-5 (Residential Rural)	Single-family residential
East:	RR-5 (Residential Rural)	Single-family residential
West:	RR-5 (Residential Rural)	Single-family residential

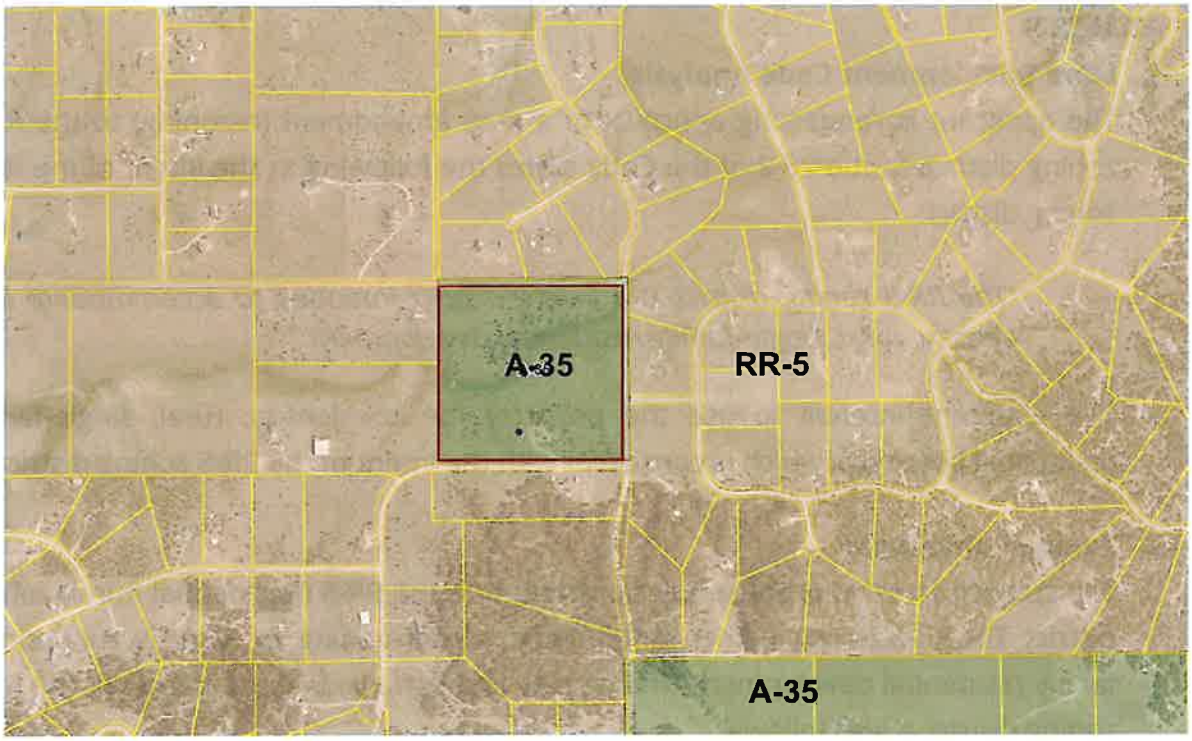


Figure C.1: Zoning Map

D. 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 36.5 acres, from A-35 (Agricultural) to RR-5 (Residential Rural).

If the proposed map amendment (rezone) is approved, the applicant intends to subdivide the parcel into seven (7) lots with a minimum lot size of five (5) acres. The 5-acre minimum lot size is a requirement of the RR-5 zoning district as indicated in the applicant's letter of intent and concept exhibit. The applicant has submitted a final plat, which is currently under review (PCD File No. SF-22-026).

E. ANALYSIS

1. Land Development Code Analysis

The applicant is requesting approval of a map amendment (rezoning) to the RR-5 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 proposed subdivision request is being reviewed to ensure that all proposed structures will comply with the RR-5 zoning district dimensional standards as well as the General Development Standards of the Code and Engineering Criteria Manual requirements.

The property is surrounded on all four sides by properties similarly zoned RR-5. Therefore, a rezone to RR-5 for the subject property is both compatible and consistent with surrounding properties in all directions.

F. 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*

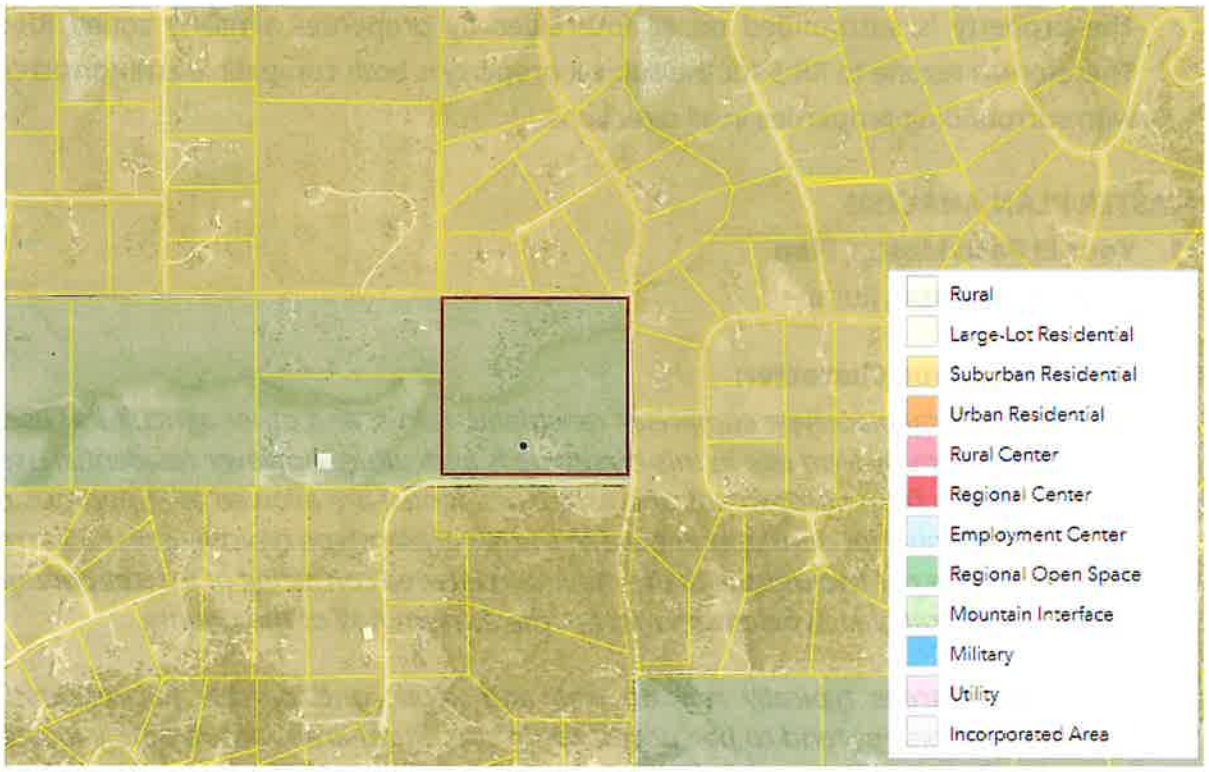


Figure F.1: Placetype Map

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 36.5 acres of underdeveloped land from the A-35 zoning district to the RR-5 zoning district, which would support Estate Residential with a maximum density of 1 dwelling unit per 5-acre

density within the Rural placetype. The placetype allows single-family detached residential uses 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.

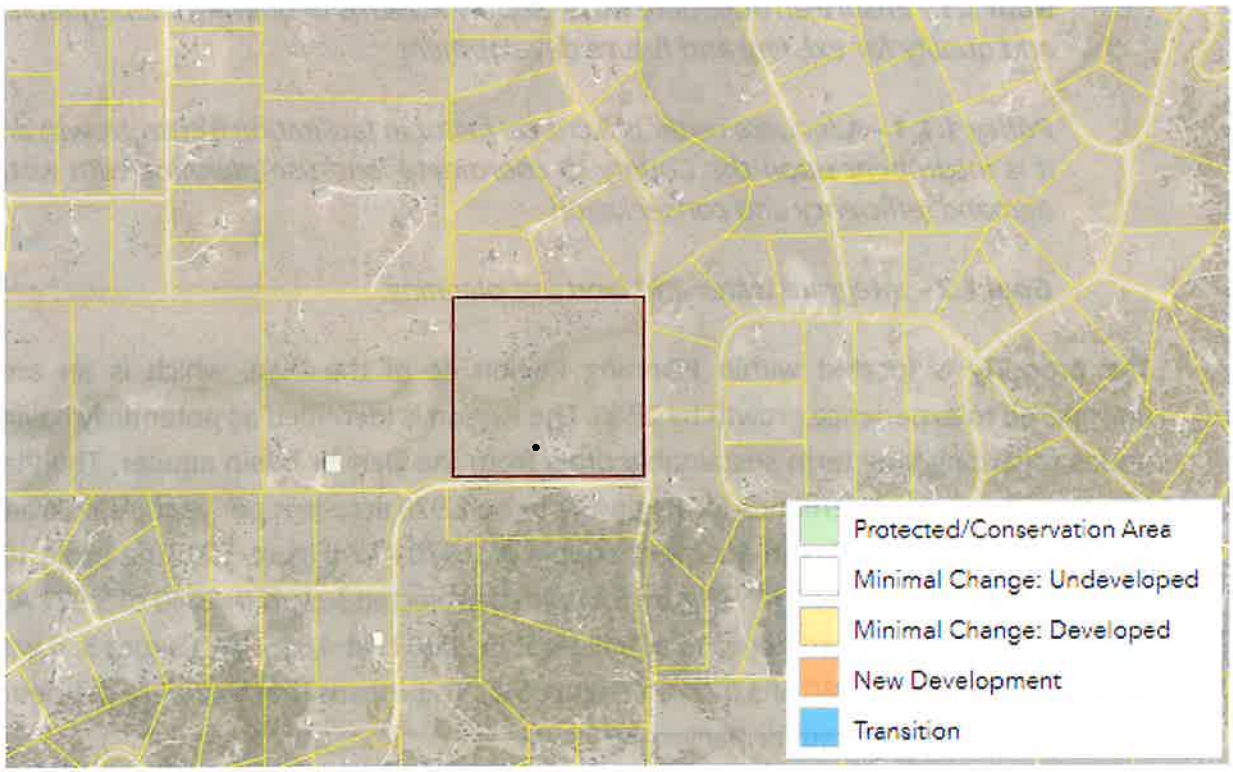


Figure F.2: Area of Change Map

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 additional lots for single family development.

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

d. **Other Implications (Priority Development, Housing, etc.):** The property is not 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 Planning Region 4c of the Plan, which is an area anticipated to experience growth by 2040. The Region is identified as potentially having issues regarding long term sustainable draw from the Denver Basin aquifer. The Plan identifies the current demands for Region 4c to be 2,970 acre-feet per year (AFY) (Water Master Plan, 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 deficiency of 1,799 AFY is anticipated for Region 4c.

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 property as having a moderate wildlife impact potential.

The Master Plan for Mineral Extraction (1996) identifies potential conglomerate deposits (coarse grained sedimentary rock containing Arkosic sand, pebbles, and cobble) in the area of the property. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

An analysis of potential geologic hazards and constraints will be required with any subsequent subdivision request.

2. Floodplain

FEMA Flood Insurance Rate Map indicates the parcel is located within flood zone X which is an area of minimal flood hazard and determined to be outside the 500-year floodplain.

3. Drainage and Erosion

The area of the proposed map amendment (rezoning) is located within the Bijou Creek Drainage Basin. This drainage basin is unstudied with no drainage or bridge fees. A drainage report is not required with a map amendment (rezoning) request.

4. Transportation

The subject property has frontage along Hopper Road, Bradshaw Road, and Cleese Court. The El Paso County Major Transportation Corridors Plan Update (2016) does not depict roadway improvement projects in the immediate vicinity of the parcel.

A traffic impact analysis (TIS) was not required with this map amendment (rezoning) request since traffic is expected to generate less than 100 daily trips.

H. SERVICES

1. Water

A finding of water sufficiency for water quantity, quality, and dependability is not required with a map amendment (rezone) request. A finding of water sufficiency 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 did not provide a response.

4. **Utilities**
   Mountain View Electric Association (MVEA) is anticipated to provide electrical service and Black Hills Energy (BHE) is anticipated to provide natural gas service. MVEA and BHE were each sent referrals for the rezone; MVEA has no outstanding comments and BHE did not provide a response.

5. **Metropolitan Districts**
   The property is not located within a metropolitan district service area.

6. **Parks/Trails**
   Land dedication and fees in lieu of park land dedication are not required for a map amendment (rezoning) application. Fees in lieu of land dedication will be required with any subsequent final plat recordation.

7. **Schools**
   Land dedication and fees in lieu of school land dedication are not required for a map amendment (rezoning) application. Fees in lieu of land dedication will be required with any subsequent final plat recordation.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no major issues with this map amendment request.

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 twenty-two (22) adjoining property owners on February 24, 2023, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

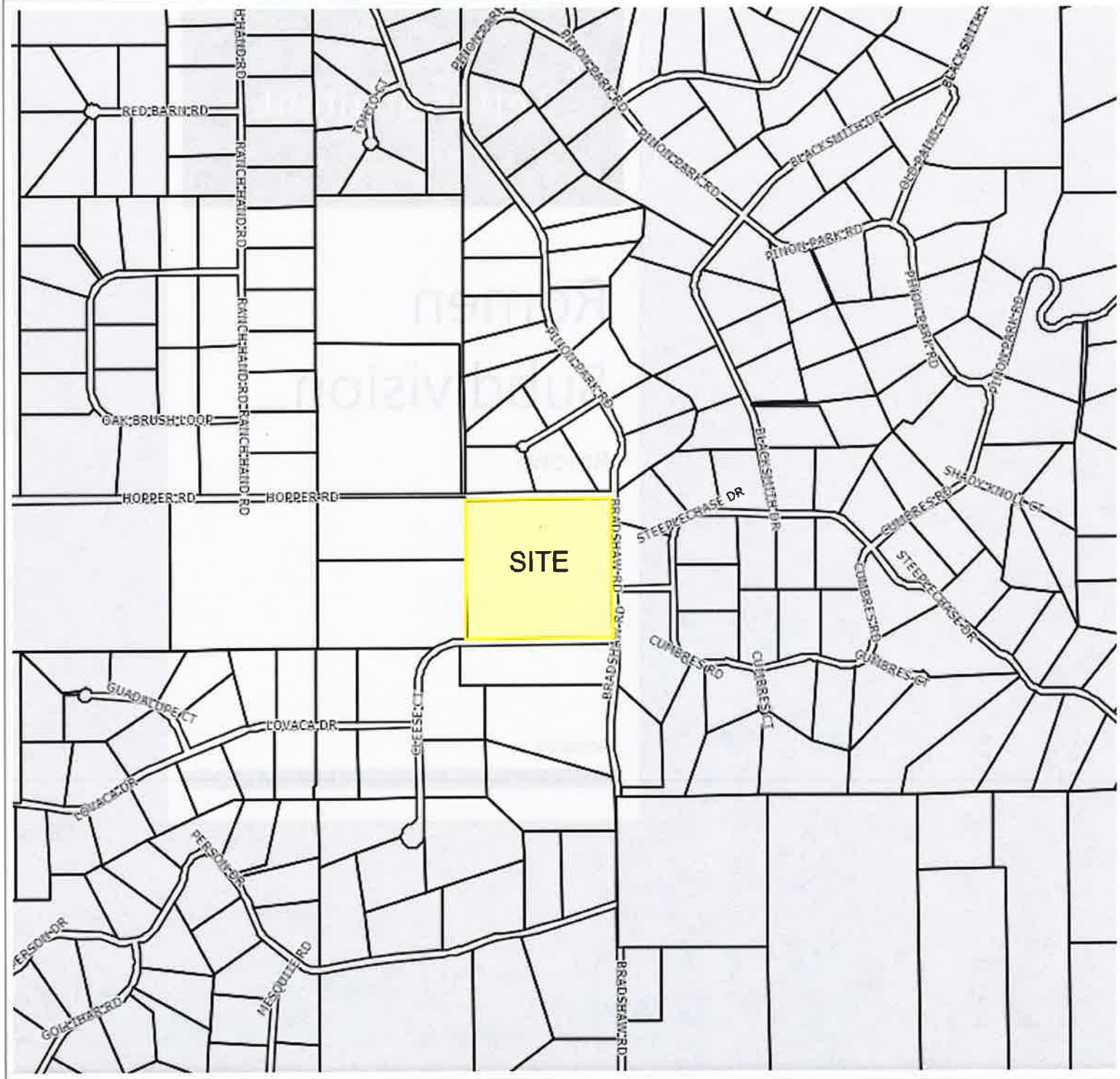
Vicinity Map
Letter of Intent
Rezone Map
Draft PC Resolution

El Paso County Parcel Information

File Name: P2210

Date: 2/24/2023

PARCEL	NAME	ADDRESS
4100000075	Romens Living Trust, Adelaida Romens Trustee	17720 CLEESE CT, PEYTON, CO 80831



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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Letter of Intent

Romen Subdivision

Rezone

Adelaida

DECEMBER 16, 2022

REZONE LETTER OF INTENT - ROMENS SUBDIVISION

OWNER/APPLICANT: Adelaida Romen Trustee

ADDRESS: 17720 CLEESE CT PEYTON, CO 80831

PHONE: 719-331-3310

SITE LOCATION/LEGAL DISCRIPTION: The Northeast 1/4 of the Northeast 1/4 of Section 24, Township 11 South, Range 64 West, 6th Principal Meridian, County of El Paso, State of Colorado.

The site lies north of US Highway 24, west of Peyton Highway in El Paso County, Colorado. The parcel is bounded to the north by Hopper Road right-of-way, to the east by Bradshaw Road right-of-way, to the south by Cleese Court, and to the west by the Hybar Subdivision. The existing access to the parcel is from Cleese Court, a gravel county local roadway. The entire parcel lies within unincorporated El Paso County and is currently zoned A-35. (Parcel No. 41000-00- 075)

Figure 1 Map showing the location of the proposed subdivision in El Paso County, Colorado

REQUEST (REZONE): Adelaida Romen is requesting to rezone the original platted 36.539 acre parcel (designated A-35) into 7 (approximate 5 to 6 acre lots, designated RR-5), development consistent with the surrounding area. The Romen Subdivision would be bordered on all sides by previously existing RR-5 (5-acre) residential development lots. Currently, no applicable El Paso County overlay zones interact with the proposed rezone development. It should be noted that the El Paso County Assessors office currently (and incorrectly) reports this parcel as 40.0 acres in size. The current parcel size is plated as 36.539 acres.

JUSTIFICATION: Romen Subdivision would be in compliance with the Map Amendment criteria set out in Section 5.3.5 (A)(B)(C) as follows:

(A) Purpose

The purpose of zoning is to locate particular land uses where they are most appropriate, considering public utilities, road access, and the established development pattern. In addition to categorizing land by uses such as residential, commercial, and industrial, the LDC also specifies such details as building setback lines, the height and bulk of buildings, the size and location of open spaces, and the intensity to which the land may be developed. The zoning of parcels of land generally conforms to and promotes the County's Master Plan. Zoning protects the rights of property owners while promoting the general welfare of the community. By dividing land into categories according to use, and setting regulations for these categories, zoning governs private land use and segregates incompatible uses. Generally, rezoning is justifiable under one of the following circumstances:

- When the requested rezoning is in general conformance or consistency with the County's Master Plan;
- If inconsistent with the Master Plan, a material change in the character of the area since the date of the current zoning is demonstrated;
- When there was an error or oversight in the original zoning of the property; or
- The zone change is necessary for the general health, safety, or welfare of the community.

(B) Criteria for Approval

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

- The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood.

- The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. §30-28-111 §30-28-113, and §30-28-116;

- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and

- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

(C) Conditions on Rezoning Authorized

Conditions of approval may be included in the resolution approving a rezoning request. Where any approved condition would impact the permitted uses or density and dimensional standards of the rezoned property, the existence of the conditions shall be noted on the Zoning Map. Any amendment to the conditions placed upon a rezoning is considered a new zoning action. Conditional zoning shall not be used to circumvent the intent or requirements of this Code, shall be exercised sparingly and in exceptional situations, and the burden of proof shall be upon the applicant to demonstrate the need.

REZONE APPROVAL CRITERIA (ANALYSIS)

- The applicant is proposing to rezone the property from A-35 to RR-5 (Residential Rural). Section 3.2 of the Code states the following as the intent of the RR-5 zoning district:

  > "RR-5, Residential Rural District. The RR-5 zoning district is a 5-acre district intended to accommodate low-density, rural, single-family residential development."

  The criteria meets the intent; additionally the RR-5 has been designated as a priority redevelopment (based on the El Paso County Master Plan).

- Zoning Compliance
  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: None
  - Maximum height: 30 feet

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

  With a zone change to RR-5, applicant is capable of meeting all zoning standards.

- The rezoning application of proposed land use is compatible with the existing and permitted land uses and zone districts in all directions.

- Proposed Land Use
  Zoning district change from A-35 to RR-5 development.

  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. The balance of the land subject to this application (e.g. jurisdictional and non-jurisdictional wetlands/ floodplains) will also be rezoned RR-5 and will remain as a reservation area, delineated beyond the limits of the West Bijou Creek 100-year floodplain and the designated Emergent Wetland. There is no proposed development within this area.

RR-5 zoning is compatible with adjoining zone districts because it is; 1) similar in character to the zoning of existing communities on Bradshaw and Hopper Road; 2) will not negatively affect view corridors from the existing homes due to home placement on the new lots; 3) will not have negative drainage impacts on the existing neighborhoods because storm water will be appropriately discharged in conformance with plans approved by the County; 4) will not have significant traffic impacts on the surrounding neighborhood, as shown by the Applicant's traffic report; and 5) 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 (RR-5). The proposed development will retain the character of the existing community.

- The site is suitable for the intended use and proposes uses that are compatible with surrounding RR-5 zones, as defined in Chapter 5 of the Land Development Code, as it matches existing single family residential lots (surrounding RR-5) 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 ROW dedication, utilities, erosion control, etc. will be been planned and installed in accordance with standards of the Land Development Code (LDC), Engineering Criteria Manual and Drainage Criteria Manual (ECM).

YOUR EL PASO COUNTY MASTER PLAN

Baseline Considerations:

1. Is there a desirability or demand within the community for this use?
   - The proposed Romen subdivision would help to fulfill desirability and demand for additional large lot residential housing Services within El Paso County. As illustrated in the recently approved Your El Paso County Master Plan, this area has been identified as a Priority Redevelopment area, specifically for large lot residential.

2. Does the market support the need for the use? Would the use be viable if built right now?
    - There is a demand for the proposed Roman Subdivision, as the area has continued to grow from traditionally rural parcels to large-lot residential. Specifically, in this area large-lot residential has been designated as a priority Redevelopment, (based on the El Paso County Master Plan).
3. Would the use be providing necessary housing or essential goods and/ or services?
    - The proposed Romen Subdivision will incorporate needed housing services into the community. The place type of Large-lot Residential has a primary land use of Single-Family Detached Residential and supporting land uses of Agriculture, Parks/Open Space, and limited Commercial Retail and Commercial Services. The proposed rezone supports this place type.

County Systems Considerations:

1. Is there existing infrastructure to which the development can connect? If so, what infrastructure exists? If not, are there existing or proposed plans to extend infrastructure to this area?
    - The proposed Romen Subdivision will be served by existing infrastructure to include electricity and roadways.
2. Does the development trigger the need for such infrastructure?
    - The proposed development does not trigger the need for new infrastructure as previous approvals contemplated the necessary infrastructure improvements.
3. Does the proposal trigger the need for pedestrian or multimodal connections and are those connections being provided?
    - The proposed Romen Subdivision will provide a 25-foot-wide reservation for trail easement, as per the request from El Paso Community Services Department.

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

Analysis:
The proposed 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 located within a Priority redevelopment Area.

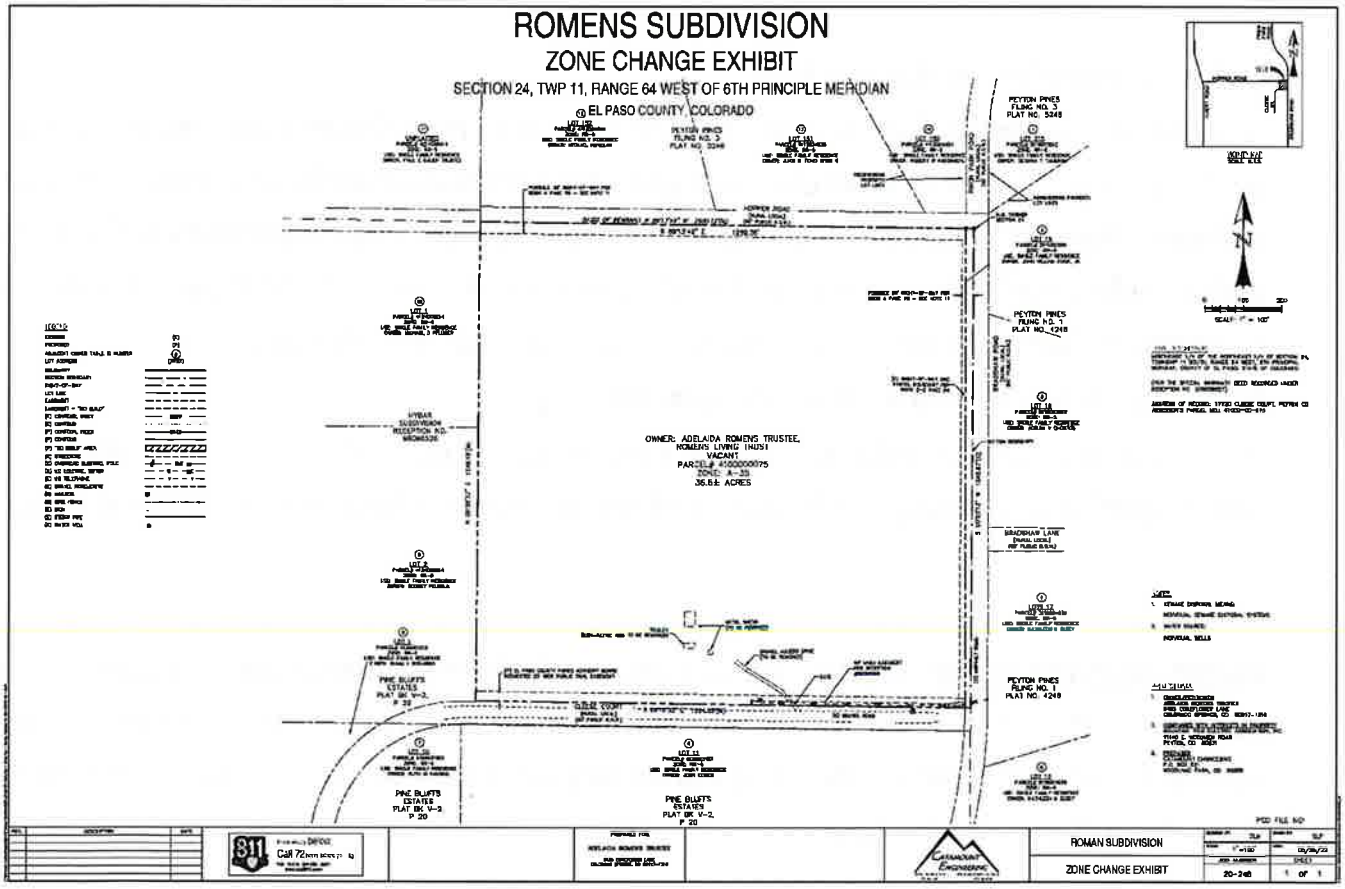
El Paso County Water Master Plan:
The proposed Romen Subdivision, located in rural El Paso County with no municipal services located nearby, will rely upon proposed individual wells and individual septic systems. Romen Subdivision has obtained the Colorado State Engineer's sufficiency of water finding for both quantity and quality as part of the future final plat application.
In addition, Romen Subdivision meets the stated Goals and Policies:
•Goal 1.2–Integrate water and land use planning
•Goal 4.2–Support the efficient use of water supplies through integrated master planning of site planning, landscape, and water resource best management practices.

PARKS MASTER PLAN: The site lies in northern El Paso County, approximately four miles north of Peyton, CO on the SW corner of Bradshaw and Hopper Rd. The site is on the Palmer Divide between Homestead Ranch Regional Park to the southwest and Peyton Pines Open Space to the east.

The 2013 County Parks Master Plan does shows a master-planned trail that would be impacted by the subdivision. The proposed Palmer Divide Regional Trail is an east to west trail alignment that follows the Palmer Divide. The trail connects rural properties in the northern part of El Paso County and would provide access to Homestead Ranch Regional Park. The proposed Palmer Divide Regional Trail is located along the south side and a portion of the east side of the proposed Romen Subdivision.

County Parks has requested a reservation trail easement where development projects impact proposed County trails. As it pertains to this application, the County requests and the landowner is prepared to provide a 25-foot-wide public trail easement along the south side of the development, outside the drainage and utility easement, and from the SE corner of the development north to the intersection of Bradshaw Lane that allows for the construction and maintenance by El Paso County of the Palmer Divide Regional Trail. This 25.0' wide reservation trail easement has been provided on the zone change exhibit.

ZONING MAP:



ASSOCIATED DOCUMENTS

- Subsurface Investigation and Soils Report by RMG Engineers
- Certification of Notice to Mineral Estate Owners by Barron Land, LLC.
- Natural Features Report by Catamount Engineering
- Wetland Impact Letter by Catamount Engineering
- LP Propane Service Provider Commitment Letter
- Mountain View Electric Service Provider Commitment Letter
- Peyton Fire Protection District Service Commitment Letter
- Preliminary/Final Drainage Report for Pine View Estates prepared by Catamount Engineering
- Fire Protection Report, Report by Catamount Engineering
- Water Resources and Water Quality Reports by Ground Water Investigations LLC

PROJECT CRITERIA

In keeping with the Land Use Code and Planning and Development processes for subdividing that have been established by El Paso, County the following technical elements will be highlighted in this Letter of Intent.

COMMUNITY OUTREACH:

On May 25, 2022; a notice to all surrounding property owners was distributed (via certified mail), notifying all parties of the intent to develop the Romen parcel into proposed the Romen Subdivision. A detailed exhibit and contact information were provided by Catamount Engineering. All associated paperwork has been proved in the rezone submittal.

WATER RESOURCES:

The proposed development is planned to consist of 7 residential properties which will be provided water services through individual residential wells drilled into the not-non-tributary Dawson Aquifer and wastewater served through individual on-site wastewater treatment systems (OWTS).

It is expected that each rural residential home in the proposed subdivision will require an average of 0.407 annual acre-feet of water (which uses represent annual allocations for domestic use, irrigation, replacement, and stock water).

This anticipated water demand is consistent with historic needs for nearby developments in the Black Forest area. Overall annual demand is anticipated to consist of an annual average of 2.85 AF/year between the 7 proposed lots.

The estimated annual depletion to the designated basins by the end of the 300-year period is modeled as 0.142 AF/year or 4.98% overall annual pumping within the development at full buildout. At full buildout, return flows from the septic fields are projected to return 0.126 AF/year between the 7 proposed lots at 90% of the domestic flows. *This exceeds the maximum depletion 0.142 acre-feet that is projected to occur in the 300th year. Flow meters will be required on each well to quantify annual use and ensure compliance with the replacement plan.* The Water Resources report was prepared by Julia Murphy MSPG of Ground Water Investigations, LLC. in Colorado Springs, Co.

DETERMINATION OF WATER RIGHTS:

On August 3, 2021, Joanna Williams, P. E. Water Resources Engineer sent a letter to Adeladia Romen (Romen Living Trust) that contained the Colorado Ground Water Commission's Findings and Order for Determination of Water Right No. 4278-BD, for the allocation of ground water in the Dawson Aquifer. Order: *In accordance with Section 37-90-107 (7), C.R.S. and the designated Basin Rules, the Colorado Ground Water Commission orders that the application for determination of rights to designed ground water in the Dawson Aquifer underlying 40 acres of land, generally described as part of the NE1/4 NE1/4 of Section 24, Township 11 South, Range 64 West of the 6th Principal Meridian is approved.* Conditions of the approval are found in the additional submittal documents for the Final Plat.

WATER QUALITY:

Ground Water Investigations, LLC. in Colorado Springs, Co. completed a comprehensive water analysis report for Romen Subdivision. A chemical analysis of the water to check for Bicarbonate, Calcium, Carbonate, Hydroxide, Langelier Index, ph, temperature, total alkalinity and total dissolved solids was conducted. The water quality in the Dawson Aquifer in this area has typically been suitable for residential potable use. Findings confirm water quality suitable for residential potable use.

DRAINAGE REPORT:

Romen Subdivision consists of unplatted land to be developed into 7 rural residential lots (RR-5 zoning). The parcel is located within the Bijou Creek drainage basin. The West Bijou Creek bisects the parcel and flows from west to east. The northerly portion of the parcel sheet flows south to West Bijou Creek within the RR-5 zoned parcel at slopes between 2% and 9%. The southerly portion of the parcel sheet flows north to West Bijou Creek within the parcel at slopes between 2% and 13%.

No portion of the site lies within an F.E.M.A. designated floodplain per FIRM 08041C0350 G and 08041C0375 G effective December 07, 2018. A firmette exhibiting the parcel has been included in the appendix of this report.

The development of Romen Subdivision will not adversely affect downstream properties or facilities. Additional information will be found in the Drainage Report prepared by: David Mijares of Catamount Engineering in Woodland Park, Co.

WILDFIRE HAZARD ASSESSMENT AND MITIGATION:

According to the Wildfire Hazard Area Map (WHAM) map developed by the Colorado State Forest Service in 1974, the property to be subdivided has a low hazard for trees and grass. This information is somewhat dated (though still relevant) . It has been essentially superseded by the 2012 Colorado Wildfire Risk Assessment: (CO-WRAP). The Fire Intensity Map indicates a Moderate fire intensity for the property. Overall, the mapped wildfire hazard is low to moderate.

Currently the parcel is used for grazing and that it is fully grass covered with scattered Ponderosa Pines throughout. Although the hazard on this parcel is relatively low, wildfires can occur and the opportunity for ignition remains.

TRAFFIC ENGINEERING:

Vehicular access as illustrated on the Concept Drawing with all driveways to be private, built to El Paso County standards. Intent for northerly 3 lots to utilize a single shared driveway access from Hopper Road, a gravel roadway designated as major collector. Development parcel is bisected by a drainage that is identified as a "no build area". A single shared driveway providing access to the northern 3 lots is preferred to development of multiple flag lots crossing the existing drainage. The 4 remaining lots will have access from gravel local roadway Cleese Ct. bordering the southerly portion of the development. A Deviation for the vehicular access is presented elsewhere in this document. Traffic count increases will be minimal due to the proposed housing density and number of proposed residences.

FIRE PROTECTION:

Romen subdivision lies within and is served by the Peyton Fire Protection District. The district is a mixed paid and volunteer fire department providing fire, rescue and emergency medical services along with public education and covers an area of approximately 110 square miles at an average elevation of about 6500 feet in the north-central part of El Paso County. The district serves about 3500 buildings through one fire station. Personnel include 18 firefighters, all but 3 of whom are currently certified as EMT's or better.

PEYTON FIRE DEPARTMENT COMMITMENT LETTER:

Pine View Estates is in the Peyton Fire Protection District. District Manager David Solin confirmed on January 07, 2021 that service will be provided to the Romen subdivision and that mutual aid agreements exist with surrounding districts.

ELECTRIC PROVIDER SERVICE COMMITMENT:

Romen Subdivision is within the Mountain View Electrical Association (MVEA) certificated service area. MVEA has confirmed in January 2021 a commitment to serve Romen Subdivision according to their extension policy. MVEA has requested utility easements of ten (10) foot rear lot utility easement, (5) foot side lot utility easement, and (10) foot front line utility easement along with a twenty (20) foot exterior utility easement on plat. Additional easements may be required in order to serve the development. Garet Bohuslavsky, System Engineer for Mountain View Electric provided the commitment.

GAS PROVIDER SERVICE COMMITMENT:

Romen Subdivision is within the service area of multiple individual lot liquid propane (LP-gas) providers. Specifically, Glaser Energy Group, Inc. has provided a 'Commitment to Serve' letter, dated December 9, 2022.

NATURAL FEATURES/WETLAND IMPACT LETTER:

Assessed in this report are potential wetlands and waters of the U.S., natural landscape features, threatened and endangered species and wildlife. Human-derived cultural formation processes have left their mark on the land found in the proposed project area. Tree harvesting, farming and erosion control activities have heavily impacted and disturbed the modern ground surface and the vegetation community is now a mix of natural and introduced species.

The site is characterized by prairie grasslands with a few small deciduous volunteer trees and shrubs. Wildlife species which may be encountered include Preble's Meadow Jumping Mouse. Colorado Parks and Wildlife is currently responsible for reintroducing Grey wolf's species to the front range and thus the species is provided as nearby species list by the US Dept. of the Interior.

The site is located outside of the designated Preble's Meadows Jumping Mouse protection area. According to the Project Summary (Project Code: 2022-0047479) provided by the United States Department of the Interior, Fish and Wildlife Service, dated May 25, 2022, there are no critical habitats, refuges, or fish hatcheries within the proposed Romen Subdivision project area.

A small portion of land representing the creek bed of West Bijou Creek is identified on the National Wetland Inventory as Freshwater Emergent (Palustrine) Wetland. An established reservation area has been delineated beyond the limits of the West Bijou Creek 100-year floodplain and the designated Emergent Wetland. There is no proposed development within this immediate area. Report provided by Catamount Engineering.

SOILS AND GEOLOGY:

The proposed Romen development site was found to be suitable for the proposed subdivided lots. The location does not appear to be underlain with sand or gravel, so it is not a mineable site. Oil and gas wells are not located in the area, although sufficient information was not obtainable to determine the economic feasibility for oil and gas production at the site.

Geologic hazards encountered at the site include expansive soils/bedrock, potentially compressible soils, surface drainage, and potential radon. The geologic conditions of the site are relatively common given the site's locality to West Bijou Creek and mitigation can be accomplished by implementing common engineering and construction practices. None of these conditions are anticipated to preclude the proposed development (Soils, Geology and Geologic Hazard Study, prepared by RMG Engineering Inc. October 2020).

DEVIATION REQUESTS

Deviation Requests (see Deviation Request and Decision Forms):

1) ROADWAYACCESS CRITERIA

Requested Deviation: 2.3.2 Design Standards by Functional Classification.

No Access permitted to major collector roadway.

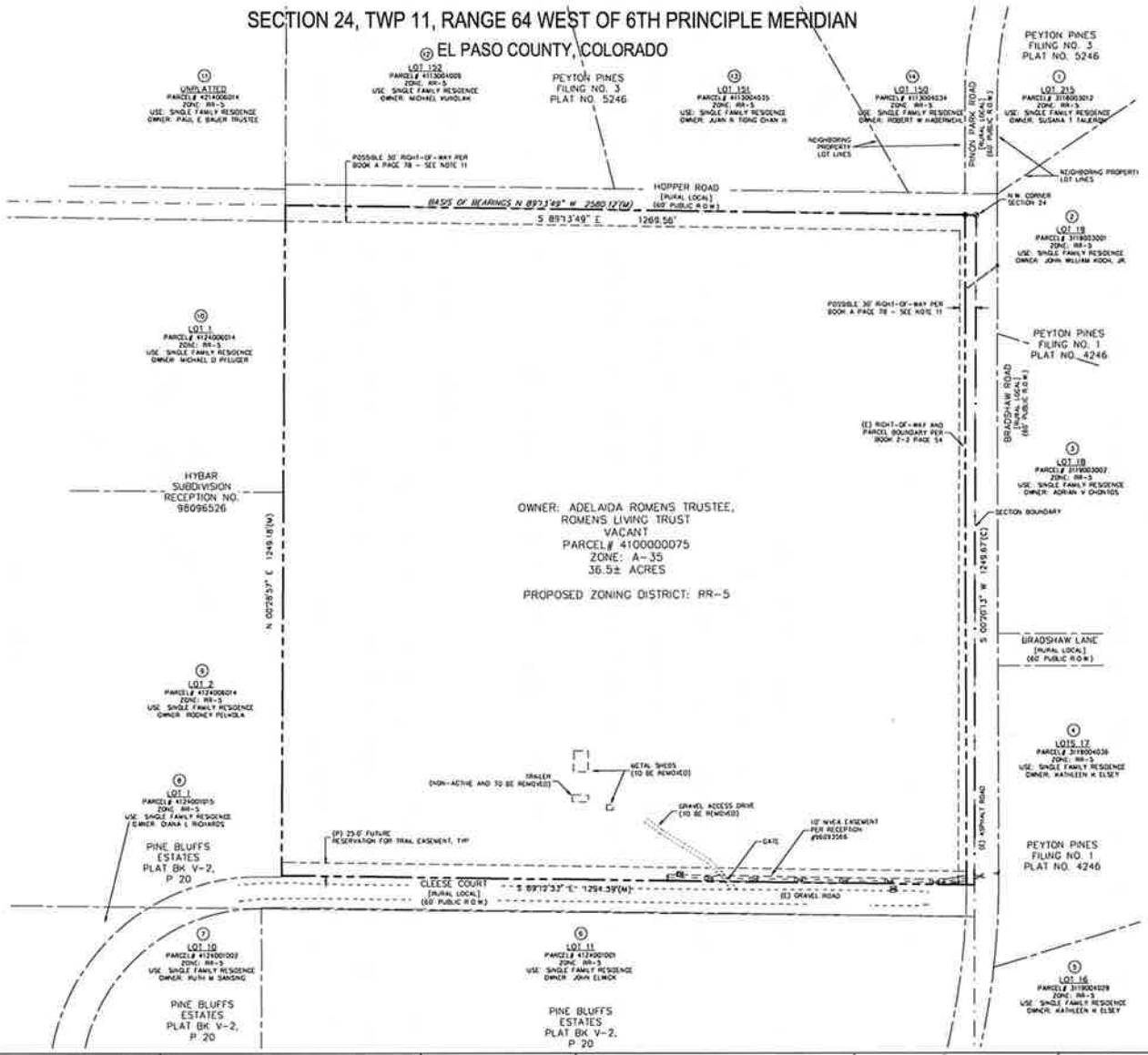
Justification: Intent for northerly 3 lots to utilize a single shared driveway access from Hopper Road, a gravel roadway designated as major collector. Development parcel is bisected by a drainage that is identified as a "no build area". A single shared driveway providing access to the northern 3 lots is preferred to development of multiple flag lots crossing the existing drainage. The 4 remaining lots will have access from gravel local roadway Cleese Ct. bordering the southerly portion of the development.

ROMENS SUBDIVISION

ZONE CHANGE EXHIBIT

SECTION 24, TWP 11, RANGE 64 WEST OF 6TH PRINCIPLE MERIDIAN

EL PASO COUNTY, COLORADO



VICINITY MAP
SCALE N.T.S.

N

0 100 200
SCALE: 1" = 100'

LEGEND

EXISTING	(E)
PROPOSED	(P)
ADJACENT OWNER TABLE ID NUMBER	(#)
LOT ADDRESS	(XXXX)
BOUNDARY	
SECTION BOUNDARY	
RIGHT-OF-WAY	
LOT LINE	
EASEMENT	
EASEMENT - "NO BUILD"	
(E) CONTOUR, INDEX	6820
(E) CONTOUR	
(P) CONTOUR, INDEX	6820
(P) CONTOUR	
(P) "NO BUILD" AREA	
(E) STRUCTURE	
(E) OVERHEAD ELECTRIC POLE	OHE
(E) UG ELECTRIC METER	UE
(E) UG TELEPHONE	T
(E) GRAVEL ROAD/DRIVE	
(E) MAILBOX	
(E) WIRE FENCE	
(E) SIGN	
(E) STORM PIPE	
(E) WATER WELL	

LEGAL DESCRIPTION:

NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 64 WEST, 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO

(PER THE SPECIAL WARRANTY DEED RECORDED UNDER RECEPTION NO 209008527)

ADDRESS OF RECORD 17720 CLEESE COURT, PEYTON CO
ASSESSOR'S PARCEL NO: 41000-00-075

NOTES

1 SEWAGE DISPOSAL MEANS
INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

2 WATER SOURCE
INDIVIDUAL WELLS

PROJECT DATA:

1 OWNER/PETITIONER
ADELAIDA ROMENS TRUSTEE
5135 CONEFLOWER LANE
COLORADO SPRINGS, CO 80917-1316
(719) 591-4256
ajolly@msn.com

2 COMPANIES WITH INTERESTS IN PROPERTY
MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC.
1140 E WOODMEN ROAD
PEYTON, CO 80831

3 PREPARER
CATAMOUNT ENGINEERING
P.O BOX 221
WOODLAND PARK, CO 80866
(719) 426-2124
david@catamountengr.com

PCD FILE NO: P-22-010

REV	DESCRIPTION	DATE

811 Know what's below. Call 72 hours before you dig. For more details visit www.call811.com

PREPARED FOR
ADELAIDA ROMENS TRUSTEE
5135 CONEFLOWER LANE
COLORADO SPRINGS CO 80917-1316

CATAMOUNT ENGINEERING

ROMAN SUBDIVISION	DESIGNED BY: DLM	DRAWN BY: SLP	
	SCALE: 1"=100'	DATE: 05/25/22	
ZONE CHANGE EXHIBIT	JOB NUMBER 20-248	SHEET 1 OF 1	

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-22-010
ROMENS REZONE

WHEREAS, Romens 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 March 16, 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, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5.B (Map Amendment, Rezoning) of the El Paso County Land Development Code (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 Romens 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.

_____ 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
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 ___to___ by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 16th day of March 2023, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____

_____, Chair

DATED: March 16, 2023

EXHIBIT A

The Northeast 1/4 of the Northeast 1/4 of Section 24, Township 11 South, Range 64 West, 6th Principal Meridian, County of El Paso, State of Colorado.

Containing a calculated area of 1,591,627 square feet (36.539 acres) of land, more or less.