

# EL PASO COUNTY COLORADO

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COLORADO

HOLLY WILLIAMS  
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## PLANNING & COMMUNITY DEVELOPMENT

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

**FROM:** Ryan Howser, AICP, Planner III  
 Edward Schoenheit, EI, Engineer I  
 Meggan Herington, AICP, Executive Director

**RE:** Project File Number: SF2321  
 Project Name: Foundation Lutheran Church Subdivision Filing No. 1  
 Parcel Number: 5225208001

OWNER:	REPRESENTATIVE:
Foundation Lutheran Church 10387 Mt. Evans Drive Peyton, CO, 80831	RMG – Rocky Mountain Group 1910 Austin Bluffs Parkway Colorado Springs, CO, 80918

**Commissioner District: 2**

<b>Planning Commission Hearing Date:</b>	<b>1/4/2024</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>1/25/2024</b>

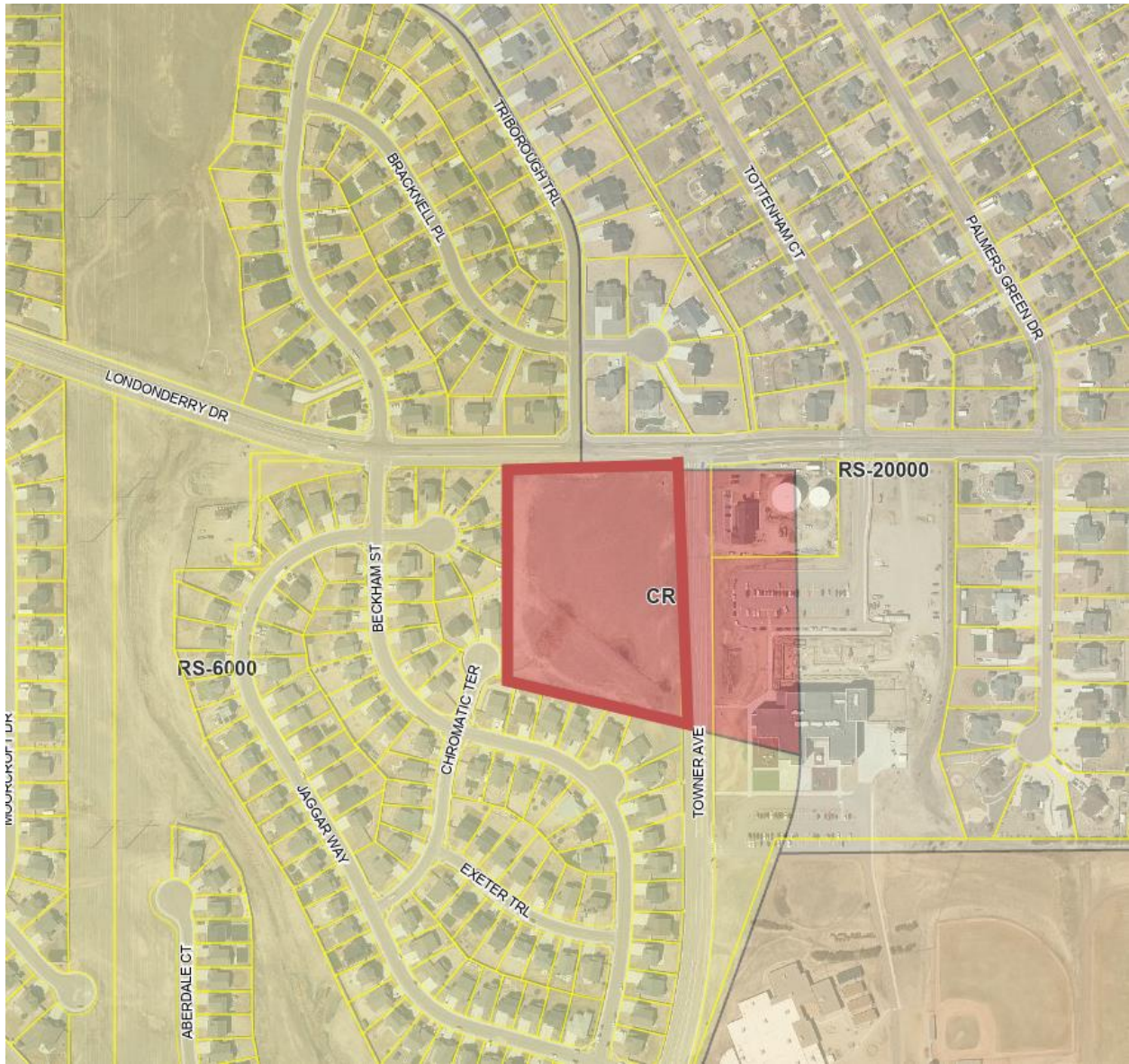
### EXECUTIVE SUMMARY

A request by Foundation Lutheran Church for approval of a 5.968-acre Final Plat creating one (1) commercial lot. The property is zoned CR (Commercial Regional) and is located at the southwest corner of the intersection of Towner Avenue and Londonderry Drive, approximately three-quarters of a mile west of the intersection of Londonderry Drive and Meridian Road.

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Vicinity Map

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**A. WAIVERS AND AUTHORIZATION**

**Waiver(s):** There are no waivers associated with this request.

**Authorization to Sign:** Final Plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

**B. APPROVAL CRITERIA**

In approving a Final Plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (“Code”) (as amended):

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of the Code;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code (this finding may not be deferred to final plat if the applicant intends to seek administrative final plat approval);
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of the Code;
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and ECM;

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- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;
- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8 of the Code;
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]

**C. LOCATION**

North:	RS-6000 (Residential Suburban)	Residential
	RS-20000 (Residential Suburban)	Residential
South:	RS-6000 (Residential Suburban)	Residential
East:	CR (Commercial Regional)	Public Uses
West:	RS-6000 (Residential Suburban)	Residential

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## D. BACKGROUND

The property was legally platted on November 21, 2013, as Tract C of the Paint Brush Hills Filing No. 13 A (Plat no. 13413). Tract C was identified on the plat as a future development tract, to be platted as a lot prior to development. Currently, the applicant is requesting to replat Tract C as a lot to facilitate development of the property. The property is currently zoned CR (Commercial Regional). The proposed subdivision would replat one (1) tract as one (1) commercial lot.

## E. ANALYSIS

### 1. Land Development Code and Zoning Analysis

The Final Plat application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (as amended).

The density and dimensional standards for the CR zoning district are as follows:

- *Minimum zoning district area: 5 acres*
- *Minimum lot size: N/A*
- *Minimum setback requirement: front 50 feet, rear 25 feet, side 25 feet \**
- *Maximum lot coverage: None*
- *Maximum height: 30 feet*

*\* The minimum setback is 25 feet from the perimeter boundary of the district, but no minimum setback is required from any internal side or rear lot line within the same district.*

In order to initiate any new uses on the property, the applicant will need to obtain Site Development Plan approval. The Site Development Plan will be required to comply with the dimensional standards included in Chapter 5 as well as the Development Standards of Chapter 6 of the Code.

## F. MASTER PLAN COMPLIANCE

### 1. Your El Paso County Master Plan

#### a. Placetype Character: Suburban Residential

*Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally*

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*supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.*

*Although primarily a residential area, this placetype includes limited retail and service uses, typically located at major intersections or along perimeter streets. Utilities, such as water and wastewater services are consolidated and shared by clusters of developments, dependent on the subdivision or area of the County.*

*Some County suburban areas may be difficult to distinguish from suburban development within city limits. Examples of the Suburban Residential placetype in El Paso County are Security, Widefield, Woodmen Hills, and similar areas in Falcon.*

### **Recommended Land Uses:**

#### Primary

- *Single-family Detached Residential with lots sizes smaller than 2.5 acres per lot, up to 5 units per acre*

#### Supporting

- *Single-family Attached*
- *Multifamily Residential*
- *Parks/Open Space*
- *Commercial Retail*
- *Commercial Service*
- *Institutional*

### **Analysis:**

The property is located within the Suburban Residential placetype. The Suburban Residential placetype comprises the County's traditional residential neighborhoods with supporting commercial uses at key intersections. The proposed use for a religious institution is compatible with the recommended land uses identified as appropriate in the Suburban Residential placetype.

#### **b. Area of Change Designation:** Minimal Change: Developed

*These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and*



*change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of an denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.*

**Analysis:**

The proposed Final Plat is not expected to alter the character of the surrounding area substantially. It is not anticipated that the proposed Final Plat will result in a level of change beyond that which is expected within the Minimal Change: Developed area of change. However, the area of change acknowledges that some undeveloped properties may see more intense infill 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 located within a priority development area.

**2. Water Master Plan Analysis**

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

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

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

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

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 3 of the Plan, which is generally an area anticipated to experience growth by 2040. The applicant is proposing to obtain water from the Paint Brush Hills



Metro District. The following information pertains to water demands and supplies in Region 3 for central water providers:

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

Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed subdivision has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality. Please see the Water section below for a summary of the water findings and recommendations for the proposed subdivision.

### **3. 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 upland 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, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date.

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

No geologic hazards were identified during the review of the Final Plat.

- 2. Floodplain:** The property is not located within a floodplain as determined by a review of the Federal Insurance Rate Map panel number 08041C0551G, effective December 7<sup>th</sup>, 2018. The property is in Zone "X" an area of minimal flood hazard determined to be outside the 500-year flood zone.

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- 3. Drainage and Erosion:** The property is in the Falcon Drainage Basin. This tract has not previously been assessed drainage basin or bridge fees as detailed in the Final Drainage Report for Paint Brush Hills Filing 13A under PCD File SF133. Drainage basin fees in the amount of \$50,668.16 and bridge fees in the amount of \$6960.48 will be due at the time of Final Plat approval. A drainage report has been submitted by RMG as part of the development and is currently under review. Because the drainage report is still under review, the drainage and bridge fee amounts may change prior to plat recordation. No public drainage improvements are proposed as part of the development. The site currently drains from the north to the south and to the southwest corner of the property where it connects to an existing subdivision stormwater system and community detention pond. The drainage report concluded that the proposed project will not, with respect to stormwater runoff, negatively impact the adjacent properties or downstream facilities.
  
- 4. Transportation:** The property is located at the intersection of Londonderry Drive and Towner Avenue which are County maintained urban non-residential collector roads. Access to the property will be from driveways to both Londonderry Drive and Towner Avenue. The applicant submitted a deviation for access to a major collector roadway contingent on the addition of new stripped turn lane improvements on Londonderry Drive and Towner Avenue. A traffic study was submitted and reviewed with the plat application. The Church and weekday preschool will generate approximately 401 daily trips to the local road network. The property is subject to the El Paso County Road Impact Fee program.

## H. SERVICES

### 1. Water

Water is proposed to be provided by the Paint Brush Hills Metro District. Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed minor subdivision has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality.

### 2. Sanitation

Wastewater is provided by the Paint Brush Hills Metro District.

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**3. Emergency Services**

The property is within the Falcon Fire Protection District. The District was sent a referral, provided a response, and has no outstanding comments.

**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 located within the boundary of the Paint Brush Hills Metro District. The Paint Brush Hills Metro District has committed to providing water and wastewater services to the subject property. The District was sent a referral and has no outstanding comments.

**5. Parks/Trails**

Fees in lieu of park land dedication are not applicable to commercial subdivisions.

**6. Schools**

Fees in lieu of school land dedication are not applicable to commercial subdivisions.

**I. 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 Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (as amended) staff recommends the following:

**CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.



2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of 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 species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
9. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final

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plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

10. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 12/11/23, as provided by the County Attorney's Office.
11. Applicant shall address all outstanding comments prior to plat recordation.
12. Drainage fees and bridge fees shall be paid for the Falcon drainage basin (CHWS1400) at the time of plat recordation. Fees shall be assessed, and fee amounts approved prior to plat recordation.

### **NOTATIONS**

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

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

The Planning and Community Development Department notified 103 adjoining property owners on December 19, 2023, for the Planning Commission and Board of County Commissioner meetings. Any responses will be provided at the hearing.

### **M. ATTACHMENTS**

Map Series  
Letter of Intent  
Plat Drawing  
State Engineer's Letter  
County Attorney's Letter  
El Paso County Public Health Recommendation Letter  
Draft Resolution

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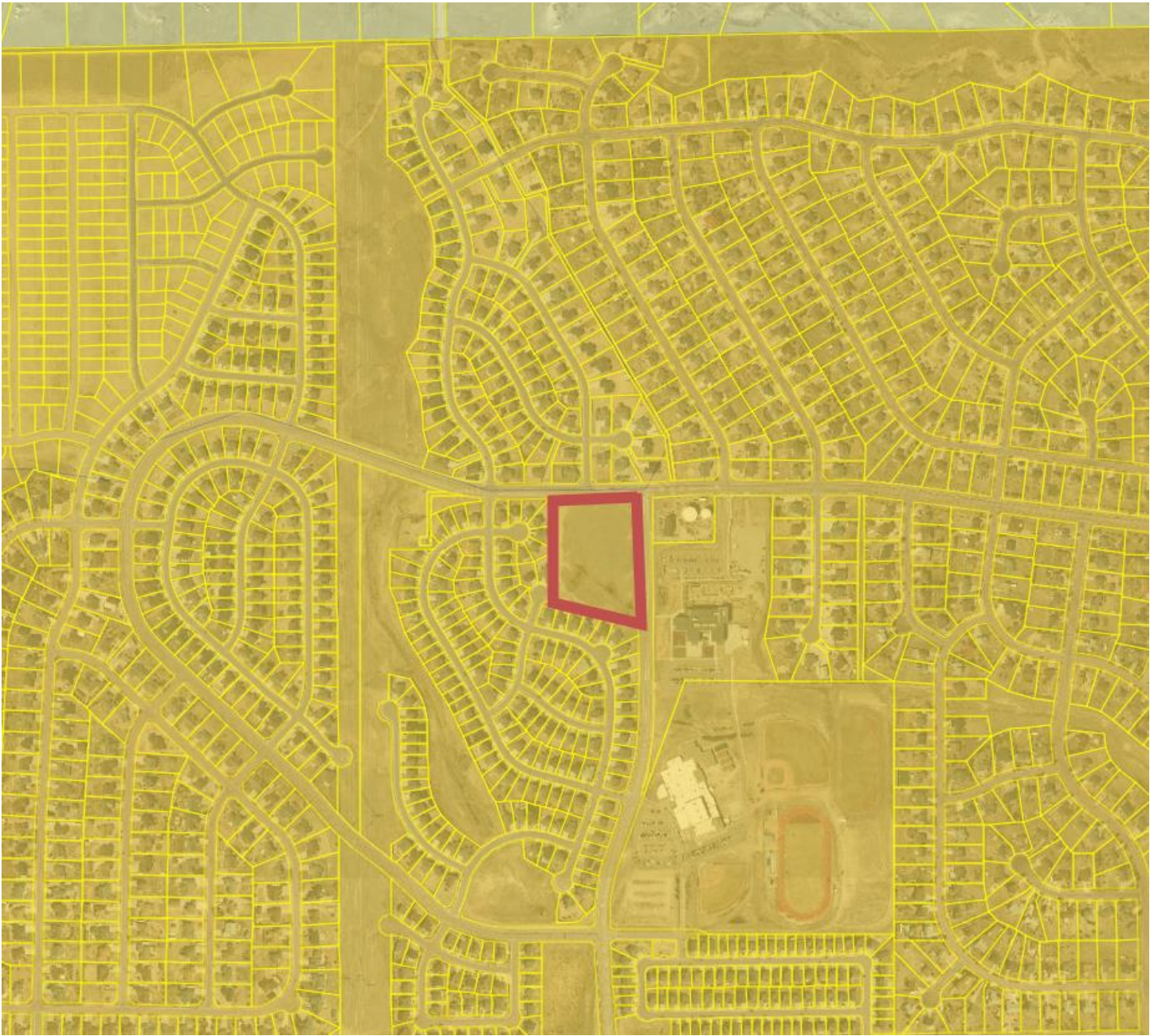


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









# Map Exhibit #1: Context



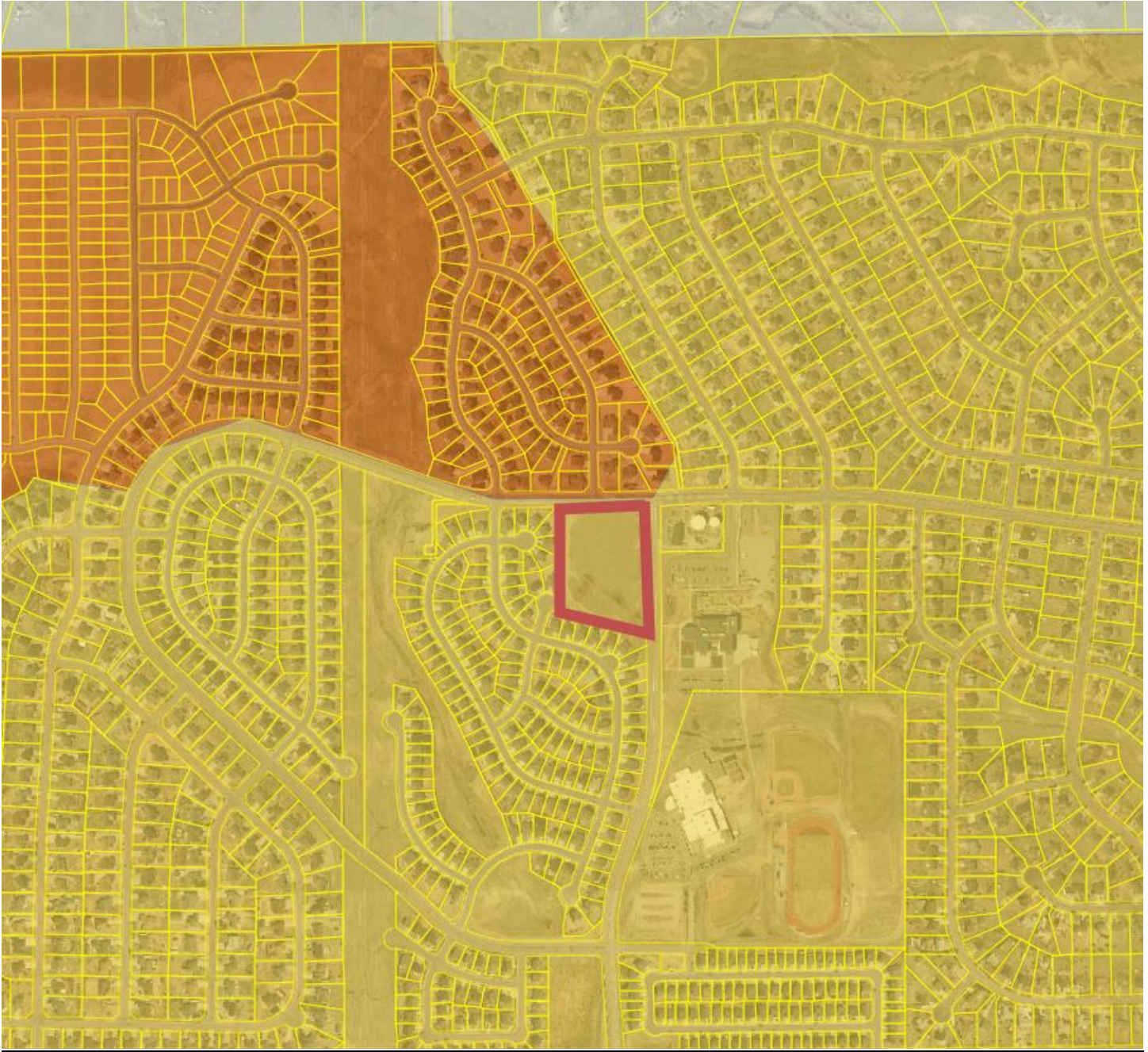
# Map Exhibit #2: Placetype








## Legend

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

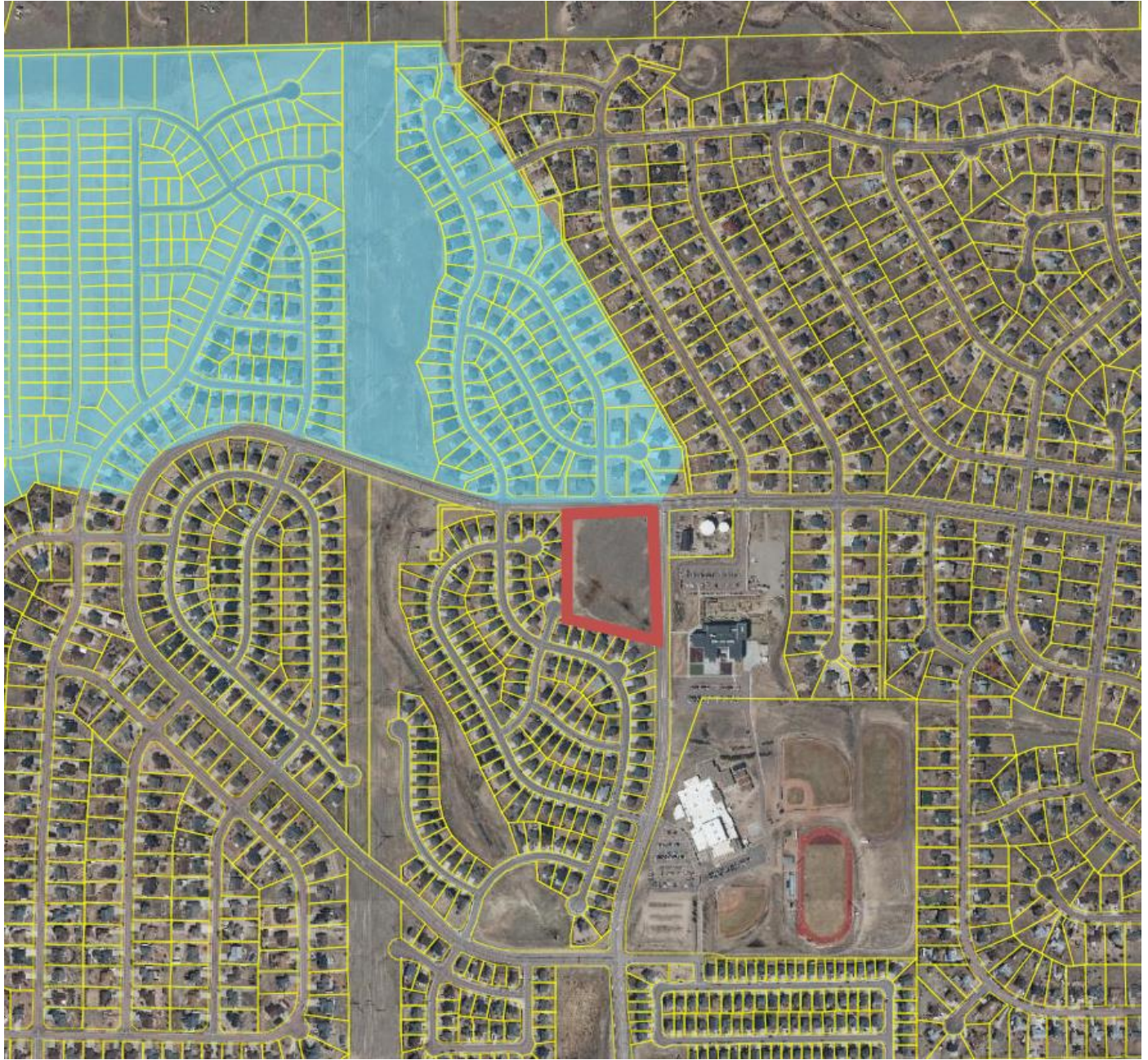
# Map Exhibit #3: Area of Change



## Legend

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

# Map Exhibit #4: Key Areas



## Legend

-  Military Installations
-  Potential Areas for Annexation
-  Enclaves or Near Enclaves
-  Small Towns & Rural Communities
-  Fountain Creek Watershed Flood Control & Greenway District
-  Forested Area
-  Pikes Peak Influence Area
-  Tri-Lakes Area
-  Colorado Springs Airport/Peterson Field
-  Uncommon Natural Resources





**Engineers / Architects**

*Technical Proficiency | Innovation | Value | Profitability | Respect  
Enjoyable Workplace | Integrity | Teamwork*

**Letter of Intent for proposed Development**

Sept 29, 2023 (REV)

**Subject:** Foundation Lutheran Church  
Towner Ave  
Colorado Springs, CO 80831

Department of Planning and Community Development  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

It is our pleasure to submit this letter of intent to pursue approval for the development of the 5.97-acre parcel currently owned by Foundation Lutheran Church. The proposed development will consist of a 1-story Church with a 250-seat sanctuary. The proposed footprint is approximately 9,730 S.F. The existing CR zoning is to remain intact. We are not requesting any variances or special uses. The proposed development is compatible with the existing zone and surrounding uses.

A Concept Plan was reviewed as part of the Pre-Application Meeting with John Green via Teams; no immediate issues were identified as part of the Meeting. The review criteria within the development plan checklist provided by El Paso County Planning and Community Development are satisfied by this proposed developments intent and design.

Utilities are currently available near the site. Electrical is available to the north along Londenberry. Water is available to the north and east. We will connect for a water and fire line to the east in Towner Ave. The sewer connection will be made to the southwest. Drainage will be directed towards existing drainage infrastructure. Road impact fees required by this project will be paid at time of building permit.

Access will be divided between a north and an east entrance. Most traffic will be generated on Sunday with occasional events on Saturday and during the week. A Traffic impact study has been provided to convey this information. Preschool classes will be held at the church Monday- Friday from 9am-1pm. The max capacity for the classrooms is 110 occupants total, an average of 27 for each of the 4 classrooms.

The proposed development is located on Towner Ave. and consists of a 5.97 acre, parcel No. 5225208001. Development Plans and Elevations are provided for review and approval. The area of the site to be cleared graded or excavated will be approximately 6.53 acres.

Onsite improvements will include interior sidewalks in between the parking lot and the building, 2 handicap-parking stalls, ramp and a fire hydrant. Stop signs will be added at each exit drive onto Towner Avenue and Londonderry Drive. Landscaping will be installed per code. Offsite improvements will include sidewalks, cross walks at the corner, ramp on the north side of Londonderry and turn lanes. A sidewalk to be installed all along the north right of way at Londonderry Drive to tie into the existing sidewalk to the west and along the east right of way at Towner Avenue to tie into the sidewalk to the south. On the northeast corner, a crosswalk will be installed with existing striping to the east to the Paintbrush Hills metro property and new striping and a ramp to the north to the existing sidewalk at the residential development. Turn lanes will be added to turn left both directions at the north entrance at Londonderry Drive. All improvements will be owned and maintained by the church or future property owner.

We have requested a Deviation Request for access as the property only has frontage on two collector streets with no ability to access a local street.

We have considered the existing site conditions for this project. The intent of building the new building is to provide a new place of worship. We are not requesting any alternatives or variances at this time.

If you have questions please contact me at 719.203.3321 or [kmoore@rmg-engineers.com](mailto:kmoore@rmg-engineers.com)

Respectfully,



Keith E. Moore, AIA

RMG Architects & Engineers

# FOUNDATION LUTHERAN CHURCH SUBDIVISION FILING NO. 1

## A REPLAT OF TRACT C in PAINT BRUSH HILLS FILING NO. 13A, El Paso County, Colorado

### being a portion of the West One-Half of Section 25, Township 12 South, Range 65 West of the 6th P.M.

#### BE IT KNOWN BY THESE PRESENTS:

That FOUNDATION LUTHERAN CHURCH, a Colorado nonprofit Corporation, being the owner of the following described tract of land to wit: Situate in the West One-Half of Section 25, Township 12 South, Range 65 West of the 6th P.M., El Paso County, Colorado, described as follows:

Tract C in Paint Brush Hills Filing No. 13A, County of El Paso, State of Colorado.

Containing a computed area of 259,869 square feet or 5.968 acres of Land within this description.

#### Owners Certificate:

The undersigned, being all the owners, mortgagees, beneficiaries of deeds of trust and holders of other interests in the land described herein, have sold out, subdivided, and platted said lands into lots, tracts, streets, and easements (UNDEVELOPED) CHURCH SUBDIVISION FILING NO. 1 and the owners of FOUNDATION LUTHERAN CHURCH SUBDIVISION FILING NO. 1 public improvements so platted are hereby dedicated to public use and said owner does hereby covenant and agree that the public improvements will be constructed to El Paso County standards and that proper drainage and erosion control for same will be provided at said owner's expense, all to the satisfaction of the Board of County Commissioners of El Paso County, Colorado. Upon acceptance by resolution, all public improvements so dedicated will become matters of maintenance by El Paso County, Colorado. The utility easements shown hereon are hereby dedicated for public utilities and communication systems and other purposes as shown hereon, and the undersigned do hereby covenant and agree that the public improvements and easements established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

Foundation Lutheran Church, a Colorado nonprofit Corporation

By: \_\_\_\_\_  
STATE OF COLORADO }  
COUNTY OF EL PASO } ss.

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
by \_\_\_\_\_ os

My commission expires \_\_\_\_\_  
Witness my hand and official seal \_\_\_\_\_  
Notary Public \_\_\_\_\_

#### SURVEYOR'S CERTIFICATION:

I, JAMES P. BRINKMAN, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on date of survey, by me or under my direct supervision and that all monuments exist as shown hereon; that the same are in full compliance with all applicable laws of the State of Colorado dealing with monuments, subdivision, or surveying of land and all applicable provisions of the El Paso County Land Development Code.

I attest the above on this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

James P. Brinkman  
Colorado Professional Land Surveyor No. 37631

#### Soil and Geology Conditions:

A Soil and Geology Study for the Foundation Lutheran Church Subdivision Filing No. 1, El Paso County, Colorado, was completed by RMG - Rocky Mountain Group, Job No. 191726, last dated September 26, 2023. The referenced RMG report, identified radon as a geologic hazard on-site. Additionally, the overall development area has been found to be impacted by the following geologic constraints: potentially expansive soils and bedrock, seeps, unconsolidated/undocumented fill placement, corrosive minerals, and radon. Mitigations for each constraint can be found in the RMG report located in PCD File #SF2321 available at the El Paso County Planning and Community Development Department.

#### Public and Common Subdivision Improvements:

No lot or interest therein, shall be sold, conveyed, or transferred whether by deed or by contract, nor shall building permits be issued, until and unless either the required public and common development improvements have been constructed and completed and preliminarily accepted in accordance with the Subdivision Improvements Agreement between the applicant/owner and El Paso County as recorded under Reception Number \_\_\_\_\_ in the Office of the Clerk and Recorder of El Paso County, Colorado or, in the alternative, other collateral is provided to make provision for the completion of said improvements in accordance with the El Paso County Land Development Code and Engineering Criteria Manual. Any such alternative collateral must be approved by the Board of County Commissioners or, if permitted by the Subdivision Improvements Agreement, by the Planning and Community Development Department Director and meet the policy and procedure requirements of El Paso County prior to the release by the County of any lots for sale, conveyance or transfer.

#### NOTES:

- o - Indicates a set #4 rebar with Surveyor's Cap, P.L.S. #37631, set flush to grade, unless otherwise noted.  
● - Indicates recovered survey monument as noted, flush to grade, unless otherwise noted.  
b-g - Indicates below grade.  
a-g - Indicates above grade.
- Crossed Paths Surveying Services relied on a commitment for title insurance, file NO. 80012121, Amendment No. 1, issued by Stewart Title Guaranty Company as an agent for Unified Title Company, LLC with an effective date of November 23, 2020 at 7:30 A.M. as provided by the client. Additional real estate record research was not conducted by Crossed Paths Surveying Services.  
Item 9 - Inclusion of property within FALCON FIRE PROTECTION DISTRICT (Book 3880 at Page 670, Book 3380 at Page 675, Book 3904 at Page 582, Book 3404 at Page 587)...blanket condition  
Item 10 - MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC Notice concerning underground utilities (Book 3718 at Page 812)...blanket condition  
Item 11 - Terms, agreements, provisions, conditions, obligations and easements as contained in Potable Water Supply and Sanitary Sewer Service Agreement (Book 5421 at Page 132)  
Item 12 - Inclusion of property within PAINT BRUSH HILLS METROPOLITAN DISTRICT (Book 5423 at Page 2, Reception no. 205008854)...blanket condition  
Item 14 - The effect Resolution No. 04-490, by and before the Board of County Commissioners, County of El Paso County, State of Colorado (Reception no. 205011637)...blanket condition  
Item 15 - The effect Resolution No. 04-491, by and before the Board of County Commissioners, County of El Paso County, State of Colorado (Reception no. 205015059)...blanket condition  
Item 16 - The effect Resolution No. 04-489, by and before the Board of County Commissioners, County of El Paso County, State of Colorado (Reception no. 205017889)...blanket condition  
Item 17 - The effect Resolution No. 04-547, by and before the Board of County Commissioners, County of El Paso County, State of Colorado (Reception no. 205023555)...blanket condition  
Item 18 - The effect of the Colorado Ground Water Commission Findings and Order, regarding the Paint Brush Hills Metropolitan District (Reception no. 205157500)...blanket condition  
Item 20 - The effect Resolution No. 13-296, by and before the Board of County Commissioners, County of El Paso County, State of Colorado (Reception no. 213083051)...blanket condition  
Item 21 - The effect of the MASTER PLAT OF PAINT BRUSH HILLS FILING NO. 13 (Reception no. 213145991)...blanket condition  
Item 22 - Terms, agreements, provisions, conditions and obligations as contained in Subdivision Improvements Agreement (Reception no. 213145992)...blanket condition  
Item 23 - Easements, notes and notices as set forth on the Plat of Paint Brush Hills Filing No. 13A (Reception no. 2137134132)...as shown hereon  
Item 24 - The effect Resolution No. 2015-06-01, by and before the Board of County Commissioners, County of El Paso County, State of Colorado (Reception no. 215130828)...blanket condition  
Item 26 - MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC, a Colorado Corporation RIGHT OF WAY (Reception no. 217103176)...as shown hereon  
Item 27 - Federal Emergency Management Agency, flood insurance rate map number 08041C 0551G, effective date December 7, 2018, indicates the area in the vicinity of this parcel of land to be a zone X (area determined to be minimal flood hazard).

- The approval of this replat vacates all prior plats for the area described by this replat.
- Basis of Bearings: All bearings shown are relative to the Line from the Northeastly Corner of Lot 1 in said PAINT BRUSH HILLS FILING NO. 14A, to the Southwest corner of the intersection of Londonberry Street and Beckhorn Street, and a common corner of Tract B in said PAINT BRUSH HILLS FILING NO. 13A, monumented as shown and assumed to bear N89°53'30"W, a distance of 817.23 feet.
- NOTICE: According to Colorado Law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
- All lined units of measure shown hereon are in U.S. Survey Feet.
- For informational purposes: 9960 Tower Avenue, El Paso County, CO 80831; shown hereon as (9960).
- Apparent wetlands shown hereon reflect field conditions. The method of creation is unknown for the apparent wetlands identified in the AS PLATTED drawing.
- ALTA Survey performed by M&S Civil Consultants (Vernon P. Taylor P.L.S. 25966) prepared on 12/18/2020 is not known to be recorded. ALTA survey notes multiple assumed easements that do not appear on Paint Brush Hills Filing No. 13A, or any other known filings.
- Reference is made to Subdivision Plat PAINT BRUSH HILLS FILING NO. 13A, recording No. 213145992, El Paso County records, El Paso County, Colorado.
- Date of Survey: March 23, 2023
- ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. NO IMPROVEMENTS SHALL BE CONSTRUCTED WITHIN DRAINAGE WAYS THAT WOULD IMPERE THE FLOW OF SURFACE DRAINAGE.
- Unless otherwise indicated, all side, front, and rear lot lines are hereby platted on either side with a 10 foot public utility and drainage easement unless otherwise indicated. All exterior subdivision boundaries are hereby platted with a 20 foot public utility and drainage easement. The sole responsibility for maintenance of these easements is hereby vested with the individual property owners.
- No driveway shall be established unless an access permit has been granted by El Paso County.
- THE FOLLOWING REPORTS HAVE BEEN SUBMITTED AND ARE ON FILE AT THE COUNTY DEVELOPMENT SERVICES DEPARTMENT: SOLS AND GEOLOGICAL STUDY; WATER AVAILABILITY STUDY; DRAINAGE REPORTS; FIRE PROTECTION REPORT; SEWER REPORT; TRAFFIC IMPACT STUDY.
- FIRE PROTECTION BY FALCON FIRE PROTECTION DISTRICT.
- The subdivision(s) agree on behalf of him/herself and any developer of builder successors and assignees that subdivider and/or said successors and assignees shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program (Resolution No. 19-471) or any amendments thereto, or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documents on all sales documents and in plat notes to ensure that a title search would find the fee obligation before sale of the property.
- THIS PLAT IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE COVENANTS, CONDITIONS, AND RESTRICTIONS AS RECORDED UNDER RECEPTION NO. \_\_\_\_\_ OF THE RECORDS EL PASO COUNTY, COLORADO
- RECORDATION OF THIS PLAT HEREBY VACATES ALL EASEMENTS NOT SHOWN HEREON
- TOTAL NUMBER OF LOTS PLATTED WITHIN THIS SUBDIVISION: 1
- ALL PROPERTY WITHIN THIS SUBDIVISION IS INCLUDED IN THE PAINT BRUSH HILLS METROPOLITAN DISTRICT. ALL FUTURE OWNERS OF LOTS WITHIN THIS FILING SHALL BE ADVISED OF, AND COMPLY WITH, THE CONDITIONS, RULES, REGULATIONS, AND SPECIFICATIONS SET BY THE DISTRICT.
- MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY DEPARTMENT OF TRANSPORTATION AND THE UNITED STATES POSTAL SERVICE REGULATIONS. NO LOT OR INTEREST THEREIN, SHALL BE SOLD, CONVEYED OR TRANSFERRED WHETHER BY DEED OR BY CONTRACT, NOR SHALL BUILDING PERMITS BE ISSUED, UNTIL AND UNLESS THE REQUIRED PUBLIC IMPROVEMENTS HAVE BEEN CONSTRUCTED AND COMPLETED IN ACCORDANCE WITH THE SUBDIVISION IMPROVEMENTS AGREEMENT BETWEEN THE APPLICANT AND EL PASO COUNTY AS RECORDED AT RECEPTION NO. \_\_\_\_\_ IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, OR IN THE ALTERNATIVE OTHER COLLATERAL, IS PROVIDED WHICH IS SUFFICIENT IN THE JUDGMENT OF THE BOARD OF COUNTY COMMISSIONERS, TO MAKE PROVISION FOR THE COMPLETION OF SAID IMPROVEMENTS. ALL STRUCTURAL FOUNDATIONS SHALL BE LOCATED AND DESIGNED BY A PROFESSIONAL ENGINEER CURRENTLY LICENSED IN THE STATE OF COLORADO.
- PURSUANT TO RESOLUTION 13-29 APPROVED BY THE BOARD OF DIRECTORS, EL PASO COUNTY PUBLIC IMPROVEMENT DISTRICT 2 AND RECORDER IN THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 213083051 THE PARCELS WITHIN THE PLATTED BOUNDARIES OF FOUNDATION LUTHERAN CHURCH SUBDIVISION FILING NO. 1 ARE INCLUDED WITHIN THE BOUNDARIES OF THE EL PASO COUNTY PUBLIC IMPROVEMENT DISTRICT 2 AND AS SUCH IS SUBJECT TO APPLICABLE ROAD IMPACT FEES AND MILL LEVY.
- ALL STORM SEWER FACILITIES LYING OUTSIDE THE PUBLIC RIGHT OF WAY SHALL BE MAINTAINED BY THE PAINT BRUSH HILLS METROPOLITAN DISTRICT

#### LEGAL DESCRIPTION:

Situate in the West One-Half of Section 25, Township 12 South, Range 65 West of the 6th P.M., El Paso County, Colorado, described as follows:  
Lot 1 in Foundation Lutheran Church Subdivision Filing No. 1 (Reception No. 213145992 El Paso County records, El Paso County, Colorado) in El Paso County, Colorado.  
Containing a computed area of 259,869 square feet or 5.968 acres.

#### COUNTY APPROVAL:

This plat for "FOUNDATION LUTHERAN CHURCH SUBDIVISION FILING NO. 1" was approved for filing by the El Paso County, Colorado Board of County Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_ 2023, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedications of land to the public (streets, tracts, easements; list those applicable) are approved, but the public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual, and the Subdivision Improvements Agreement. This plat is subject to all covenants, conditions and restrictions recorded against and appurtenant to the original plat recorded in the Office of the El Paso County Clerk and Recorder, Reception # \_\_\_\_\_.

Chair, Board of County Commissioners \_\_\_\_\_ Date \_\_\_\_\_

This plat for FOUNDATION LUTHERAN CHURCH SUBDIVISION FILING NO. 1 was approved for filing by the El Paso County, Colorado Planning and Community Development Department Director on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ subject to any notes or conditions specified hereon.

Planning and Community Development Director \_\_\_\_\_

#### CLERK AND RECORDER:

STATE OF COLORADO }  
COUNTY OF EL PASO } SS

I hereby certify that this instrument was filed for record in my office on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ A.D., and was recorded at

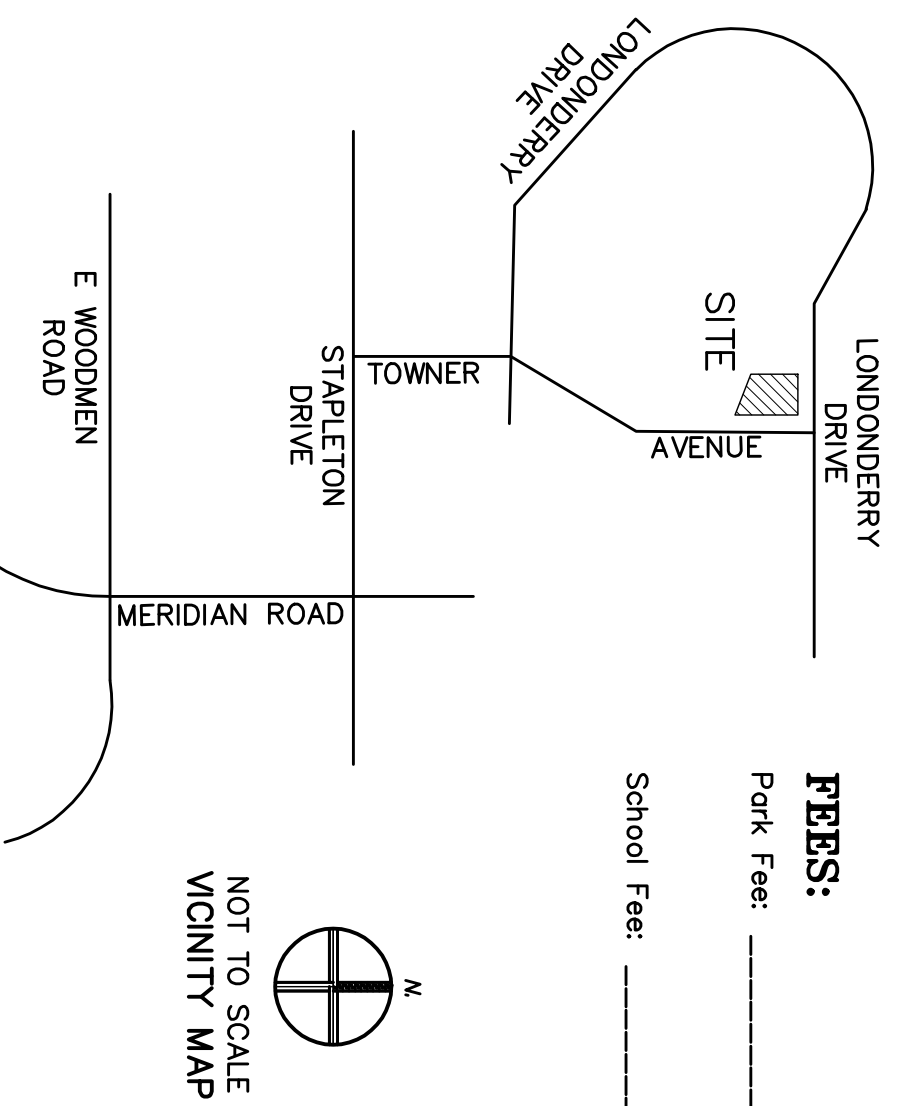
Reception No. \_\_\_\_\_ of the records of El Paso County, Colorado.

SURCHARGE: \_\_\_\_\_ STEVE SCHLEIKER, El Paso County Clerk and Recorder

BY: \_\_\_\_\_ Deputy

#### FEES:

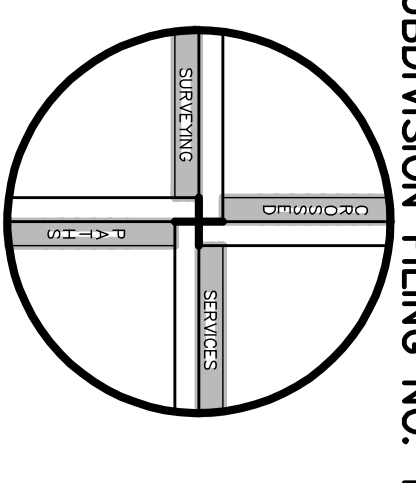
Park Fee: \_\_\_\_\_  
School Fee: \_\_\_\_\_  
Drainage Fee: \_\_\_\_\_  
Bridge Fee: \_\_\_\_\_



#### PCD File #SF2321

	10/24	County Comments	JPB
4.	08/22	County Comments	JPB
3.	07/18	Plat Name Change	JPB
2.	06/07	County Comments, Title Notes	JPB
1.		revisions	

drawing date: March 31, 2023  
scale: 1" = 50'  
dwg. file: 1401300R022.dwg  
sheet: 1 of 2

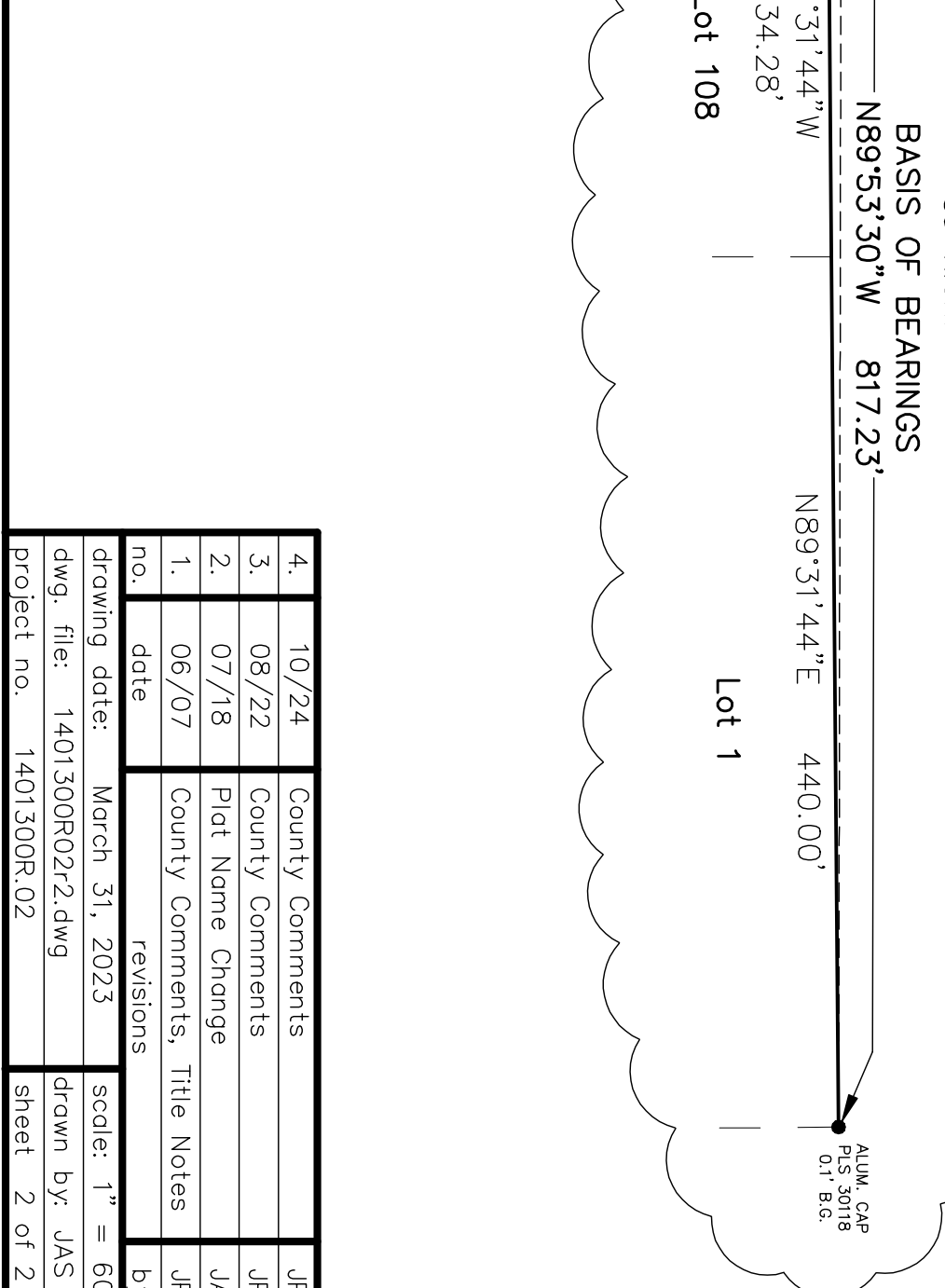
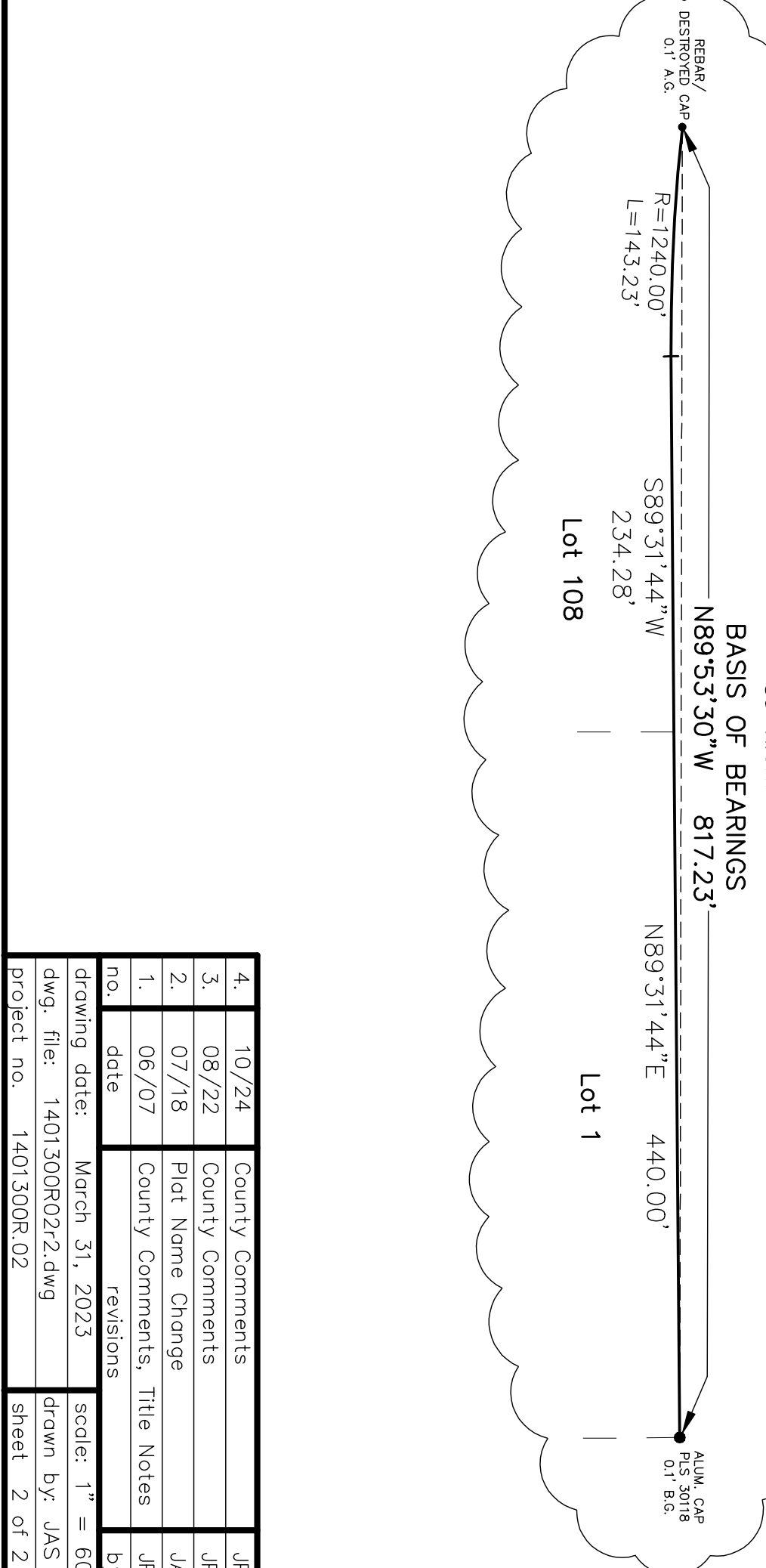
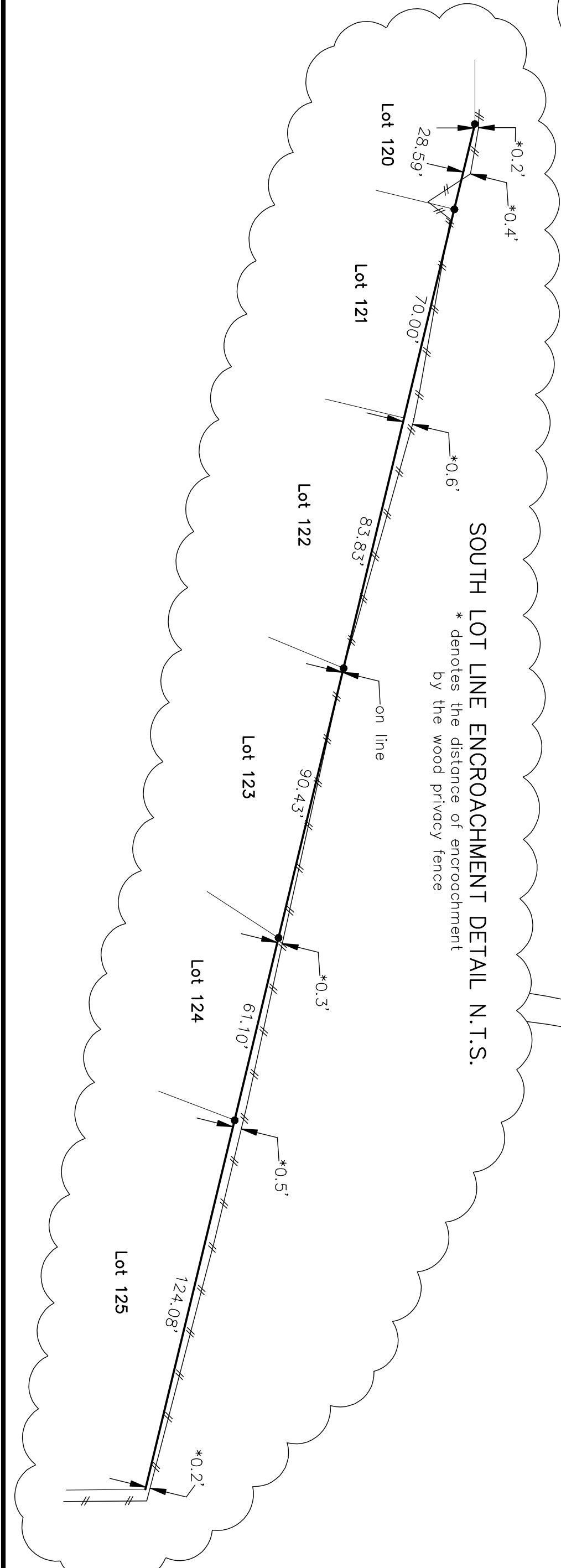
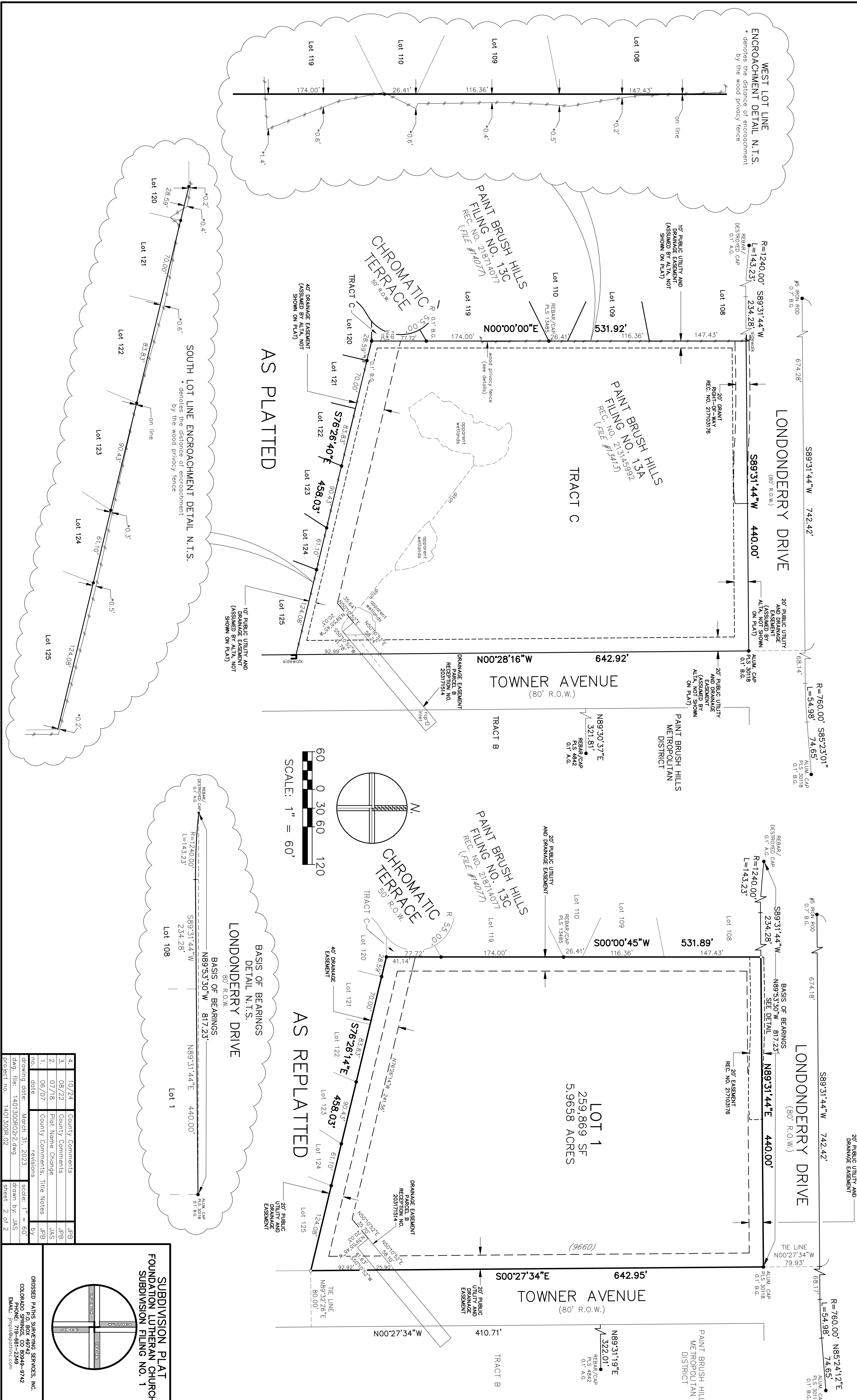


SUBDIVISION PLAT  
FOUNDATION LUTHERAN CHURCH  
SUBDIVISION FILING NO. 1

CROSSED PATHS SURVEYING SERVICES, INC.  
P.O. BOX 49742  
COLORADO SPRINGS, CO 80909  
PHONE: 719-691-2349  
EMAIL: info@cpssc.com

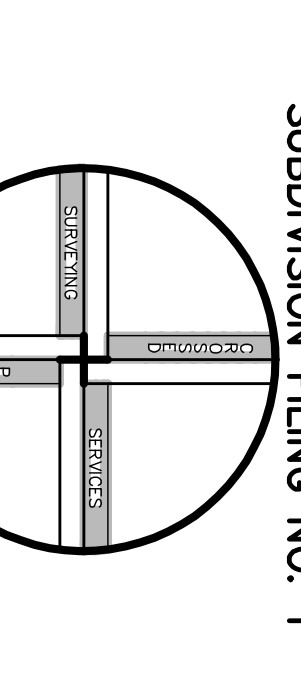
# FOUNDATION LUTHERAN CHURCH SUBDIVISION FILING NO. 1

A REPLAT OF TRACT C in PAINT BRUSH HILLS FILING NO. 13A, El Paso County, Colorado  
being a portion of the West One-Half of Section 25, Township 12 South, Range 65 West of the 6th P.M.



no.	date	revisions	by
1.	06/07	County Comments, Title Notes	JPB
2.	07/18	Plot Name Change	JAS
3.	08/22	County Comments	JPB
4.	10/24	County Comments	JPB

CROSSED PATHS SURVEYING SERVICES, INC.  
 COLORADO REG. #15-601-2349  
 PHONE: 719-691-2349  
 EMAIL: info@spshinc.com





November 3, 2023

Lekishia Bellamy, Project Planner  
El Paso County Planning and Community Development  
Transmission via EDARP Portal: [epcdevplanreview.com](http://epcdevplanreview.com)

**Re: Foundation Lutheran Church Filing 1**  
**File #: SF2321**

Part of the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  and NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Sec. 25, Twp. 12 South, Rng. 65 West, 6<sup>th</sup> P.M.  
Water Division 1, Water District 2  
Upper Black Squirrel Creek Designated Basin  
CDWR Subdivision File No. 30882 - 2<sup>nd</sup> Letter

Dear Lekishia Bellamy:

We have received the re-referral concerning the final plat and site development plan for the Foundation Lutheran Church at 10387 Mt Evans Drive in Peyton on a 5.97-acre parcel. The application proposes the creation of a new commercial lot from an open space tract. The commercial lot will have 1-story church with a 250-seat sanctuary, parking lot, and landscaping which will be served by the Paint Brush Hills Metropolitan District (“District”). This letter supersedes the comments this office provided on this development dated July 26, 2023.

### Water Supply Demand

The estimated water demand for commercial use is 0.36 acre-feet/year. There does not appear to be any water demands associated with the open space tract.

### Source of Water Supply

The proposed water source is service provided by the Paint Brush Hills Metropolitan District (“District”). According to the letter dated May 22, 2023, the District is willing and able to provide 1 single-family-equivalent (SFE) or 0.36 acre-feet/year of domestic water and wastewater services to the church provided that the District’s Rules and Regulations and fees are satisfied. This office has not received information that these requirements have been satisfied.

According to information available to this office, the District has a supply of 147,550 acre-feet (491.83 acre-feet/year based on a 300-year supply) and a commitment of 114,406 acre-feet including the 108 acre-feet (0.36 acre-feet/year x 300 years) associated with this development. Therefore, it appears that the District’s uncommitted supply is 33,144 acre-feet. The information this office has on file for the District is summarized on Table 1, attached.



The District's supplies consist of Determination of Water Right nos. 719-BD<sup>1</sup> and 214-BD; permit nos. 30593-F, 46553-F, 47813-F, and 17048-F in the nontributary Arapahoe and Laramie-Fox Hills aquifers; and 85 acre-feet/year of water contracted from the Meridian Service Metropolitan District. The District is currently seeking to adjudicate additional groundwater in pending application receipt nos. 10021946, 10032077, and 10032078.

The subdivision lies within the allowed place of use and the proposed uses are uses allowed by the determinations and permits. The primary source of water for this subdivision is bedrock aquifers in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to section 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined in the determinations are equal to one percent of the total amounts, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1 and the permit conditions. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

The El Paso County Land Development Code, Section 8.4.7.(B)(7)(b) states:

"(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years."

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal would be reduced to one third of the total amount, or 147,550 acre-feet as a total amount, which is greater than the total demand of 114,406 acre-feet for all of the District's commitments. As a result, the water may be withdrawn in an annual amount of 492 acre-feet/year<sup>2</sup> for a maximum of 300 years.

**State Engineer's Office Opinion**

Based upon the above and pursuant to section 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

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<sup>1</sup> Not included in total since a replacement plan is required. The District is currently seeking a replacement plan for this determination under application receipt no. 10032081.

<sup>2</sup> This number considers that the 80 acre-feet/year from 17048-F which is subject to section 37-90-107(7)(b), C.R.S. is not allocated on a 100-year or 300-year basis. This number also includes the 85 acre-feet/year from Meridian which is available through a perpetual lease and not allocated on a 100-year or 300-year basis.

Our opinion that the water supply can be provided **without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory allocation approach, for the water supply which is available to the District is greater than its commitments.

Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced water rights and permits, pending actual geophysical data from the aquifer.

**The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100-year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.**

Please contact [Wenli.Dickinson@state.co.us](mailto:Wenli.Dickinson@state.co.us) or (303) 866-3581 x8206 with any questions.

Sincerely,



Ioana Comaniciu, P.E.  
Water Resource Engineer

Attachment: Table 1

Ec: Paint Brush Hills Metropolitan District file  
Upper Black Squirrel Creek Ground Water Management District

**Paint Brush Hills Metropolitan District**

Updated: 2/19/2020 By: Weni Dickinson

**SUPPLY**

Determination or Permit no.	Aquifer	NT / NNT Status	Replacement Plan	Total allocation (af)	Total Allocation (af/yr)	100-yr Availability (af/yr)	300-yr Availability (af/yr)	Volume Available (af)	Comments	Type of Use	Place of Use
Subject to 37-90-107(7)(a).											
719-BD	TDW	NNT-Actual	Still needed	23,710	237.1	0	0	0	Replacement Plan needed. 215-BD cancelled upon issuance of 719-BD.	municipal, domestic, livestock, lawn irrigation, commercial, replacement	PBHMD service area
214-BD	TKD	NNT-4%		29,750	297.5	297.5	99.17	29,750		municipal, domestic, livestock, lawn irrigation, commercial, replacement	945 acre PBHMD service area
30593-F	KA	na		11,300	113	113	37.67	11,300	113 af/yr based on 11-21-1990 SBU and reservation of 113 af/yr to this permit when permit no. 46553-F was issued. Inappropriately listed as a well field under 46553-F in Curt Wells' February 2013 Water Supply Summary table.	domestic, commercial, municipal & industrial	PBHMD service area, by implication
46553-F	KA	NT		18,200	182	182	60.67	18,200	Other wells in well field: 55193-F, 60862-F, 64086-F	municipal	PBHMD service area
47813-F	KLF	NT		38,800	388	388	129.33	38800.00	Other wells in well field: 50877-F, 55192-F, 63429-F, 64084-F	municipal	PBHMD service area
subtotal						981	327	98,050			
Subject to 37-90-107(7)(b).											
17048-F	TKD & KA	na		na	80	80	80	24,000	The amount of its water right is currently uncertain. 80 af/yr is conservatively assumed based on 50 gpm test pump rate on a Well Completion Report and a SBU submitted March 13, 1975.	Industrial, Municipal, Domestic, Fire	PBHMD (formerly Latigo Ranch)
Total Bedrock Supply						1,061	407	122,050			
From Meridian Service MD	not specified	na			85	85	85	25500	Per Sept. 8, 2003 contract Meridian Service MD to supply Six Ninety Nine L.A., LLC, which was assigned to Paint Brush Hills MD per agreement dated April 2, 2004. See also July 22, 2016 letter from Meridian Service MD.	Municipal and export	Undetermined
<b>Total Supply (af)</b>						<b>1,146</b>	<b>492</b>	<b>147,550</b>			



Table 1

Paint Brush Hills Metropolitan District

Updated: 2/19/2020 By: Wenli Dickinson

COMMITMENTS

Paint Brush Hills	Phase	# of Lots	Date of SEO opinion	Demand per af/yr/lot	Total commitment per year (af/yr)	Total commitment for 100 yrs (af)	Total commitment for 300 yrs (af)	Total commitment (af)	Comments	Comments
100 year commitments <sup>1</sup>										
Filing 4	II	164	1/22/1987	0.56	91.8	9,184	9,184	Per El Paso County, Filings 4 - 9 approved based on a 100 yr supply		
Filing 5		31	6/19/1995		17.4	1,736	1,736			
Filing 6		48	5/1/1996		26.9	2,688	2,688			
Filing 7		57	6/27/1997		31.9	3,192	3,192			
Filing 8		109	4/9/1999		61.0	6,104	6,104			
Filing 9		88	5/31/2000		49.3	4,928	4,928			
Falcon Middle School					22.0	2,200	2,200	22 af/yr per Curtis Wells Feb. 2013 table and 2-26-2013 letter.	Per El Paso County, approved based on a 100 yr supply	
District Greenbelt/Park irrig.					14.0	1,400	1,400	14 af/yr per Curtis Wells Feb. 2013 table and 2-26-2013 letter.	Per El Paso County, approved based on a 100 yr supply	
Subtotal		497						31,432		
300 year commitments <sup>1</sup>										
Filing 10		90	3/24/2003	0.40	36.0		10,800	10,800		
Filing 11		81	4/17/2003	0.40	32.4		9,720	9,720		
Filing 12		51	4/17/2003	0.40	20.4		6,120	6,120		
Church					0.2		60	60	0.2 af/yr per Curtis Wells Feb. 2013 table and 2-26-2013 letter.	
Filing 13a		17	6/9/2013		6.9		2,070	2,070	a.k.a. Filing 13 - Phase I	
Scenic View & park		90	2/6/2014	0.36	32.36		9,708	9,708	a.k.a. Filing 14	park uses 0.36 af/yr
Filing 13b		21	2/26/2014	0.36	7.56		2,268	2,268	a.k.a. Filing 13 - Phase 2	
Filing 13c		135	10/24/2016	0.36	48.6		14,580	14,580	Note: Filing 13C reduced from 150 lots to 135 lots.	
Filing 13d		97	10/24/2016	0.36	34.92		10,476	10,476		
Filing 13e		158	2/27/2019	0.36	56.88		17,064	17,064		
Subtotal					533.7			82,866		
300 year commitments <sup>1</sup> outside of Paint Brush Hills Subdivision										
Foundation Church		1	TBD	0.36	0.4	0.36	108	108		
								0		
								0		
								0		
								0		
								0		
								0		
								0		
								0		
								0		
								0		
Subtotal					0.4	0.4	108.0	108		
<sup>1</sup> El Paso County requires a 300 year water supply as of Nov. 20, 1986, per El Paso County Land Development Code sections 8.4.7.(A)(2) and 8.4.7.(B)(7)(b).										
<b>Total Commitments (af)</b>								<b>114,406</b>		
<b>UNCOMMITTED SUPPLY (AF)</b>								<b>33,144</b>		

County Attorney

Kenneth R. Hodges, County Attorney  
719-520-6485  
Centennial Hall  
200 S. Cascade, Suite 150  
Colorado Springs, CO 80903  
www.ElPasoCo.com

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

December 11, 2023

SF-23-21 Foundation Lutheran Church Subdivision Filing No. 1  
Final Plat

Reviewed by: Lori Seago, Senior Assistant County Attorney  
April Willie, Paralegal

**WATER SUPPLY REVIEW AND RECOMMENDATIONS**

Project Description

1. This is a Final Plat proposal by Foundation Lutheran Church (“Applicant”), for a one-lot subdivision to accommodate a 1-story church, parking lot, and landscaping on a 5.97 +/- acre parcel. The property is zoned CR (Commercial Regional).

Estimated Water Demand

2. Pursuant to the *Water Resource Report* (“WRR”), the Applicant estimated its annual water needs to serve this subdivision at .32 acre-feet/year. The estimated demand for indoor use is 0.23 acre-feet/year, and the estimated demand for irrigation is 0.09 acre-feet per year.<sup>1</sup> Based on these figures, the Applicant must provide a supply of 96 acre-feet of water (.32 acre-feet/year x 300 years) to meet the County’s 300-year water supply requirement for the project.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Paint Brush Hills Metropolitan District (“District”). As detailed in the *Water Master Plan for Paint Brush Hills Metropolitan District* dated March 2021 (“Report”), attached to the WRR, the District’s water

<sup>1</sup> The *Water Supply Information Summary* (“WSIS”) estimates the total annual demand at 0.36 acre-feet/year for indoor use, with no demand estimated for irrigation. The County Attorney’s Office has elected to use the figures in the WRR due to the supporting documentation provided.

**ASSISTANT COUNTY ATTORNEYS**

NATHAN J. WHITNEY  
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY  
TERRY A. SAMPLE

LORI L. SEAGO  
DOREY L. SPOTTS

BRYAN E. SCHMID  
STEVEN W. MARTYN

MERI GERINGER

supply is sourced from non-renewable groundwater sources and, through a contract with Meridian Services Metropolitan District (“MSMD”), a supply of renewable groundwater. As of 2013 and per Tables 8 and 9 in the Report, the District has decreed water rights in the Denver, Arapahoe, and Laramie-Fox Hills aquifers in the amount of 407 acre-feet per year over a 300-year period,<sup>2</sup> as well as a contract with MSMD for 85 acre-feet per year of renewable water, for a total of 492 acre-feet of available water per year under El Paso County’s 300-year rule. As of 2019, the District’s water demand was 1,041 single-family equivalents, which equates to 374.76 acre-feet per year using the District’s assumption of 0.36 acre-feet per SFE.

4. The District’s Manager provided a letter of commitment for Foundation Lutheran Church dated May 22, 2023, in which the District committed to providing water service for the Church, for an annual water requirement of .36 acre-feet per year.

#### State Engineer’s Office Opinion

5. In a letter dated November 3, 2023, the State Engineer reviewed the application to establish a one-lot subdivision for a church on a 5.96-acre parcel. The State Engineer acknowledged an estimated demand of 0.36 acre-feet per year to be provided by the Paint Brush Hills Metropolitan District. According to SEO records, the District has a current supply of 147,550 acre-feet of water (491.83 acre-feet/year based on a 300-year allocation) and a current total commitment to provide 114,406 acre-feet (381.4 acre-feet/year based on a 300-year allocation), including this subdivision. The State Engineer therefore concluded that “...the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

#### Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for Foundation Lutheran Church Subdivision Filing No. 1 is .32 acre-feet per year for a total demand of 96 acre-feet for the subdivision for 300 years, to be supplied by Paintbrush Hills Metropolitan District. **Based on the District’s available water supply of approximately 492 annual acre-feet, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for Foundation Lutheran Church Subdivision Filing No. 1.**

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Code must be satisfied. Section 8.4.7.B.10.g. of the Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. Basis. The County Attorney’s Office reviewed the following documents in preparing this review: the *Water Supply Information Summary*, the *Water Resources Report* dated November 20, 2023, the *Paint Brush Hills Metropolitan District* letter dated May 22, 2023, and

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<sup>2</sup> The Report identifies 1221 acre-feet of non-renewable groundwater rights on a 100-year allocation basis.

the *State Engineer Office's Letter* dated November 3, 2023. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

**REQUIREMENTS:**

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.

cc: Ryan Howser, Project Manager, Planner



November 3, 2023

Lekishia Bellamy, Project Planner  
El Paso County Planning and Community Development  
Transmission via EDARP Portal: [epcdevplanreview.com](http://epcdevplanreview.com)

**Re: Foundation Lutheran Church Filing 1**  
**File #: SF2321**

Part of the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  and NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Sec. 25, Twp. 12 South, Rng. 65 West, 6<sup>th</sup> P.M.  
Water Division 1, Water District 2  
Upper Black Squirrel Creek Designated Basin  
CDWR Subdivision File No. 30882 - 2<sup>nd</sup> Letter

Dear Lekishia Bellamy:

We have received the re-referral concerning the final plat and site development plan for the Foundation Lutheran Church at 10387 Mt Evans Drive in Peyton on a 5.97-acre parcel. The application proposes the creation of a new commercial lot from an open space tract. The commercial lot will have 1-story church with a 250-seat sanctuary, parking lot, and landscaping which will be served by the Paint Brush Hills Metropolitan District (“District”). This letter supersedes the comments this office provided on this development dated July 26, 2023.

### Water Supply Demand

The estimated water demand for commercial use is 0.36 acre-feet/year. There does not appear to be any water demands associated with the open space tract.

### Source of Water Supply

The proposed water source is service provided by the Paint Brush Hills Metropolitan District (“District”). According to the letter dated May 22, 2023, the District is willing and able to provide 1 single-family-equivalent (SFE) or 0.36 acre-feet/year of domestic water and wastewater services to the church provided that the District’s Rules and Regulations and fees are satisfied. This office has not received information that these requirements have been satisfied.

According to information available to this office, the District has a supply of 147,550 acre-feet (491.83 acre-feet/year based on a 300-year supply) and a commitment of 114,406 acre-feet including the 108 acre-feet (0.36 acre-feet/year x 300 years) associated with this development. Therefore, it appears that the District’s uncommitted supply is 33,144 acre-feet. The information this office has on file for the District is summarized on Table 1, attached.



The District's supplies consist of Determination of Water Right nos. 719-BD<sup>1</sup> and 214-BD; permit nos. 30593-F, 46553-F, 47813-F, and 17048-F in the nontributary Arapahoe and Laramie-Fox Hills aquifers; and 85 acre-feet/year of water contracted from the Meridian Service Metropolitan District. The District is currently seeking to adjudicate additional groundwater in pending application receipt nos. 10021946, 10032077, and 10032078.

The subdivision lies within the allowed place of use and the proposed uses are uses allowed by the determinations and permits. The primary source of water for this subdivision is bedrock aquifers in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to section 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined in the determinations are equal to one percent of the total amounts, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1 and the permit conditions. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

The El Paso County Land Development Code, Section 8.4.7.(B)(7)(b) states:

"(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years."

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal would be reduced to one third of the total amount, or 147,550 acre-feet as a total amount, which is greater than the total demand of 114,406 acre-feet for all of the District's commitments. As a result, the water may be withdrawn in an annual amount of 492 acre-feet/year<sup>2</sup> for a maximum of 300 years.

**State Engineer's Office Opinion**

Based upon the above and pursuant to section 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

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<sup>1</sup> Not included in total since a replacement plan is required. The District is currently seeking a replacement plan for this determination under application receipt no. 10032081.

<sup>2</sup> This number considers that the 80 acre-feet/year from 17048-F which is subject to section 37-90-107(7)(b), C.R.S. is not allocated on a 100-year or 300-year basis. This number also includes the 85 acre-feet/year from Meridian which is available through a perpetual lease and not allocated on a 100-year or 300-year basis.

Our opinion that the water supply can be provided **without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory allocation approach, for the water supply which is available to the District is greater than its commitments.

Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced water rights and permits, pending actual geophysical data from the aquifer.

**The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100-year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.**

Please contact [Wenli.Dickinson@state.co.us](mailto:Wenli.Dickinson@state.co.us) or (303) 866-3581 x8206 with any questions.

Sincerely,



Ioana Comaniciu, P.E.  
Water Resource Engineer

Attachment: Table 1

Ec: Paint Brush Hills Metropolitan District file  
Upper Black Squirrel Creek Ground Water Management District

**Paint Brush Hills Metropolitan District**

Updated: 2/19/2020 By: Wenli Dickinson

**SUPPLY**

Determination or Permit no.	Aquifer	NT / NNT Status	Replacement Plan	Total allocation (af)	Total Allocation (af/yr)	100-yr Availability (af/yr)	300-yr Availability (af/yr)	Volume Available (af)	Comments	Type of Use	Place of Use
Subject to 37-90-107(7)(a).											
719-BD	TDW	NNT-Actual	Still needed	23,710	237.1	0	0	0	Replacement Plan needed. 215-BD cancelled upon issuance of 719-BD.	municipal, domestic, livestock, lawn irrigation, commercial, replacement	PBHMD service area
214-BD	TKD	NNT-4%		29,750	297.5	297.5	99.17	29,750		municipal, domestic, livestock, lawn irrigation, commercial, replacement	945 acre PBHMD service area
30593-F	KA	na		11,300	113	113	37.67	11,300	113 af/yr based on 11-21-1990 SBU and reservation of 113 af/yr to this permit when permit no. 46553-F was issued. Inappropriately listed as a well field under 46553-F in Curt Wells' February 2013 Water Supply Summary table.	domestic, commercial, municipal & industrial	PBHMD service area, by implication
46553-F	KA	NT		18,200	182	182	60.67	18,200	Other wells in well field: 55193-F, 60862-F, 64086-F	municipal	PBHMD service area
47813-F	KLF	NT		38,800	388	388	129.33	38800.00	Other wells in well field: 50877-F, 55192-F, 63429-F, 64084-F	municipal	PBHMD service area
subtotal						981	327	98,050			
Subject to 37-90-107(7)(b).											
17048-F	TKD & KA	na		na	80	80	80	24,000	The amount of its water right is currently uncertain. 80 af/yr is conservatively assumed based on 50 gpm test pump rate on a Well Completion Report and a SBU submitted March 13, 1975.	Industrial, Municipal, Domestic, Fire	PBHMD (formerly Latigo Ranch)
Total Bedrock Supply						1,061	407	122,050			
From Meridian Service MD	not specified	na			85	85	85	25500	Per Sept. 8, 2003 contract Meridian Service MD to supply Six Ninety Nine L.A., LLC, which was assigned to Paint Brush Hills MD per agreement dated April 2, 2004. See also July 22, 2016 letter from Meridian Service MD.	Municipal and export	Undetermined
<b>Total Supply (af)</b>						<b>1,146</b>	<b>492</b>	<b>147,550</b>			



Table 1

Paint Brush Hills Metropolitan District

Updated: 2/19/2020 By: Wenli Dickinson

COMMITMENTS

Paint Brush Hills	Phase	# of Lots	Date of SEO opinion	Demand per af/yr/lot	Total commitment per year (af/yr)	Total commitment for 100 yrs (af)	Total commitment for 300 yrs (af)	Total commitment (af)	Comments	Comments
100 year commitments <sup>1</sup>										
Filing 4	II	164	1/22/1987	0.56	91.8	9,184	9,184	Per El Paso County, Filings 4 - 9 approved based on a 100 yr supply		
Filing 5		31	6/19/1995		17.4	1,736	1,736			
Filing 6		48	5/1/1996		26.9	2,688	2,688			
Filing 7		57	6/27/1997		31.9	3,192	3,192			
Filing 8		109	4/9/1999		61.0	6,104	6,104			
Filing 9		88	5/31/2000		49.3	4,928	4,928			
Falcon Middle School					22.0	2,200	2,200	22 af/yr per Curtis Wells Feb. 2013 table and 2-26-2013 letter.	Per El Paso County, approved based on a 100 yr supply	
District Greenbelt/Park irrig.					14.0	1,400	1,400	14 af/yr per Curtis Wells Feb. 2013 table and 2-26-2013 letter.	Per El Paso County, approved based on a 100 yr supply	
Subtotal		497						31,432		
300 year commitments <sup>1</sup>										
Filing 10		90	3/24/2003	0.40	36.0		10,800	10,800		
Filing 11		81	4/17/2003	0.40	32.4		9,720	9,720		
Filing 12		51	4/17/2003	0.40	20.4		6,120	6,120		
Church					0.2		60	60	0.2 af/yr per Curtis Wells Feb. 2013 table and 2-26-2013 letter.	
Filing 13a		17	6/9/2013		6.9		2,070	2,070	a.k.a. Filing 13 - Phase I	
Scenic View & park		90	2/6/2014	0.36	32.36		9,708	9,708	a.k.a. Filing 14	park uses 0.36 af/yr
Filing 13b		21	2/26/2014	0.36	7.56		2,268	2,268	a.k.a. Filing 13 - Phase 2	
Filing 13c		135	10/24/2016	0.36	48.6		14,580	14,580	Note: Filing 13C reduced from 150 lots to 135 lots.	
Filing 13d		97	10/24/2016	0.36	34.92		10,476	10,476		
Filing 13e		158	2/27/2019	0.36	56.88		17,064	17,064		
Subtotal					533.7			82,866		
300 year commitments <sup>1</sup> outside of Paint Brush Hills Subdivision										
Foundation Church		1	TBD	0.36	0.4	0.36	108	108		
								0		
								0		
								0		
								0		
								0		
								0		
								0		
								0		
								0		
Subtotal					0.4	0.4	108.0	108		
<sup>1</sup> El Paso County requires a 300 year water supply as of Nov. 20, 1986, per El Paso County Land Development Code sections 8.4.7.(A)(2) and 8.4.7.(B)(7)(b).										
<b>Total Commitments (af)</b>								<b>114,406</b>		
<b>UNCOMMITTED SUPPLY (AF)</b>								<b>33,144</b>		

FINAL PLAT (RECOMMEND APPROVAL)

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

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF2321

FOUNDATION LUTHERAN CHURCH SUBDIVISION FILING NO. 1

WHEREAS, Foundation Lutheran Church did file an application with the El Paso County Planning and Community Development Department for approval of a final plat for the Foundation Lutheran Church Subdivision Filing No. 1 for the property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on January 4, 2024; and

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

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

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
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 Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code (as amended):

1. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is in substantial conformance with the approved preliminary plan;
3. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
4. Either a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval;
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of the Code;
6. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM;
8. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;
9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;

10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
11. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code;
12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
13. The subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and
14. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

WHEREAS, a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Foundation Lutheran Church for a final plat of Foundation Lutheran Church Subdivision Filing No. 1 be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.

5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of 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 species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
9. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
10. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 12/11/2023, as provided by the County Attorney's Office.
11. Applicant shall address all outstanding comments prior to plat recordation.
12. Drainage fees in the amount of \$50,668.16 and bridge fees in the amount of \$6,960.48 shall be paid for the Falcon drainage basin (CHWS1400) at the time of plat recordation. Fees shall be assessed, and fee amounts approved prior to plat recordation.

#### NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

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

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

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

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

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

DONE THIS 4th day of January 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

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

TC C Paint Brush Hills Fil No 13 A

EXHIBIT A