

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

**COLORADO**

**HOLLY WILLIAMS**  
**STAN VANDERWERF**  
**LONGINOS GONZALEZ, JR.**

**PLANNING & COMMUNITY DEVELOPMENT**

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

**FROM: Joseph Letke, Planner**  
**Hao Vo, P.E., Engineer**  
**Meggan Herington, AICP, Executive Director**

**RE: Project File Number: VR243**  
**Project Name: Greaves Vacation Replat**  
**Parcel Number: 5205209004**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Alan Greaves Judith Ann Greaves 2935 Underwood Pt #10 Colorado Springs, CO 80920	M.V.E, Inc. c/o David Gorman 1903 Lelaray Street STE 200 Colorado Springs, CO 80909

**Commissioner District: 1**

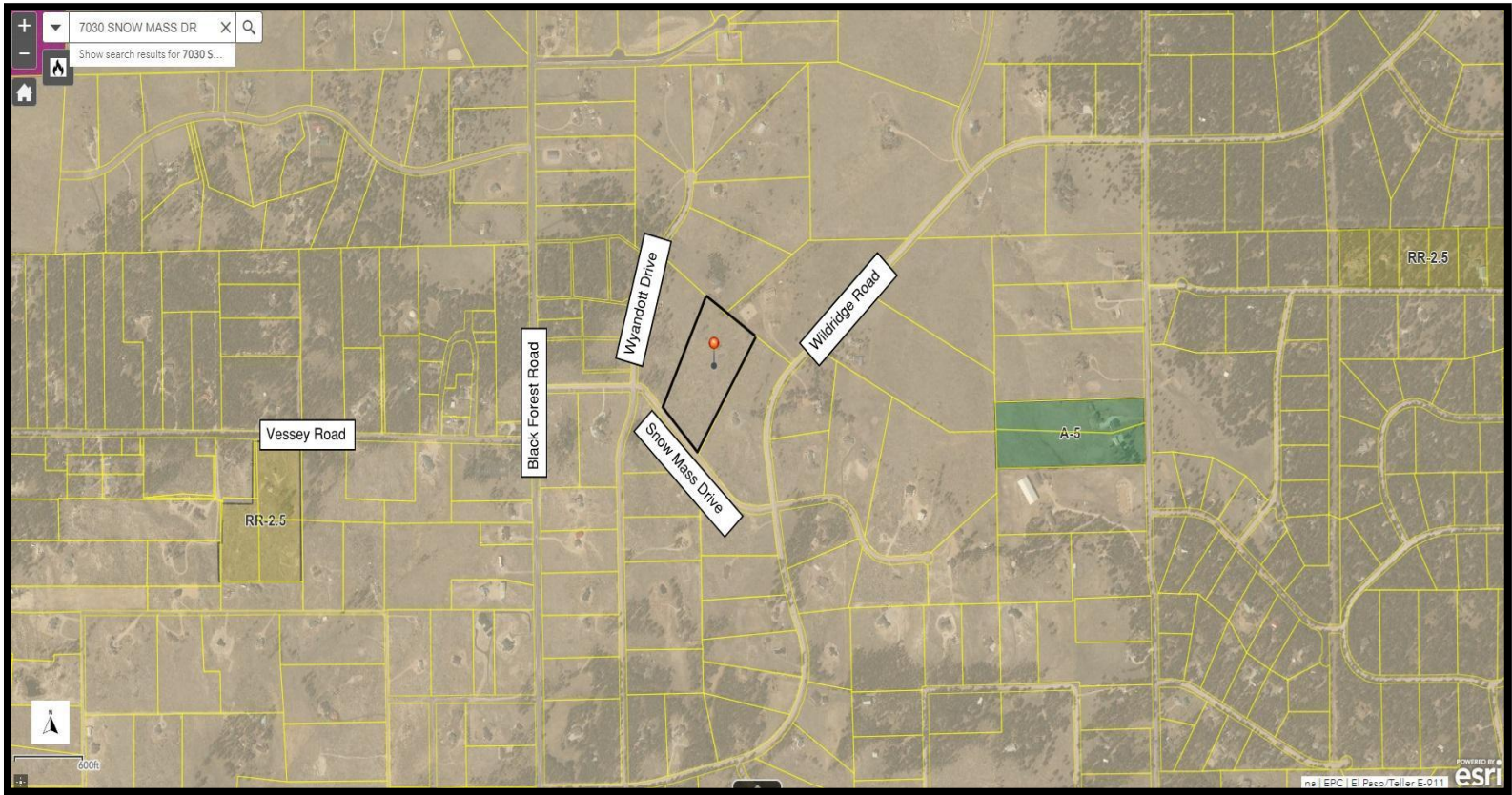
<b>Planning Commission Hearing Date:</b>	<b>8/1/2024</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>8/22/2024</b>

**EXECUTIVE SUMMARY**

A request by Alan and Judith Ann Greaves for approval of a 10.36-acre Vacation and Replat creating two (2) residential lots. The property is zoned RR-5 (Residential Rural), and the new lots will be five (5) acres in size which is appropriate for the RR-5 (Residential Rural) district. The subject property is located on Snowmass Drive and 0.2 mile east of Black Forest Road.



# Areal Zoning Map



2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

**A. WAIVERS AND AUTHORIZATION**

**Waiver(s):** Proposed Lot 2 will gain access to Snow Mass Drive by way of access easement. The applicant requests the following waiver(s) of the LDC:

**8.4.3.B.1.E Minimum Frontage.** Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4 (E).

In approving a waiver from any of the subdivision design standards and requirements, the Board of County Commissioners shall find that the waiver meets the criteria for approval outlined in Section 7.3.3 (Waivers) of the El Paso County Land Development Code (As Amended):

- The waiver does not have the effect of nullifying the intent and purpose of this Code;
- The waiver will not result in the need for additional subsequent waivers;
- The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
- The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;
- A particular non-economical hardship to the owner would result from a strict application of this Code;
- The waiver will not in any manner vary the zoning provisions of this Code; and
- The proposed waiver is not contrary to any provision of the Master Plan.

**Authorization to Sign:** Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

**A. APPROVAL CRITERIA**

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (As Amended) states that a replat, “involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat.” The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original



subdivision is substantially modified or additional lots are created. In approving a replat, the following findings shall be made:

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- The replat is in keeping with the purpose and intent of this Code;
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The approval will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved.

**B. LOCATION**

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

**C. BACKGROUND**

The property is currently platted under file number SF66009, known as “Wildwood Ranch Estates Fil 7”. This plat was approved February 1, 1966. The intention of the current application is to Vacate and Replat one lot into two lots for future residential uses.

**D. ANALYSIS**

**1. Land Development Code and Zoning Compliance**

The proposed replat will create two new lots. The two lots, as proposed, will conform to the standards of the RR-5 (Residential Rural) zoning district. The RR-5 (Residential Rural) zoning district density and dimensional standards are as follows:



	<b>Existing Zoning District: RR-5</b>
<b>Maximum Density</b>	
<b>Minimum Lot Size</b>	5 acres
<b>Minimum Width at Front Setback</b>	200 feet
<b>Front Setback</b>	25 feet
<b>Rear Setback</b>	25 feet
<b>Side Setback</b>	25 feet
<b>Maximum Lot Coverage</b>	25%
<b>Maximum Height</b>	30 eet

**E. MASTER PLAN COMPLIANCE**

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

**a. Placetype Character:** Large-Lot Residential

*The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and wastewater utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.*

*Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.*

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

## **Recommended Land Uses:**

### *Primary*

- *Single-Family Detached Residential (typically 2.5-acre lots or larger)*

### *Supporting*

- *Parks/Open Space*
- *Commercial Retail (Limited)*
- *Agriculture*

## **Analysis:**

The property is located within the Large-Lot Residential Placetype. The subdivision proposal includes two new lots, both 5 acres in size. Relevant goals and objectives are as follows:

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

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

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

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 a 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 property is located in the Minimal Change: Developed area of change designation. This area of change includes isolated pockets of underutilized land which may see increased development.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

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

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

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

**Analysis:**

The property is located in the Forest Area key area of influence.

Each development proposal should also be reviewed on a case-by-case basis to determine its specific impact on the forested area and the established character of the individual community.

**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

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

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 2 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 2 for central water providers:

The Plan identifies the current demand for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 for Region 2 is at 11,713 AFY (Figure 5.1) with a projected supply of 20,516 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 2 is at 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

See the Water section below for a summary of the water findings and recommendations.

### **3. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Environmental Services were sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies no significant resources in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM



## **F. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

No hazards have been identified in the soils and geology report prepared by RMG Engineering and Architecture.

### **2. Floodplain**

FEMA Flood Insurance Rate Map panel number 08041C0315G which has an effective date December 7, 2018, indicates that the site is not located within a regulatory floodplain.

### **3. Drainage and Erosion**

The proposed project is located within the Kettle Creek (FOMO3000), which is included in the El Paso County Drainage Basin Fee program. Drainage basin fee totaling \$3,301.87 is applicable for the additional lot being created.

According to the final drainage report, there have been no changes in the runoff patterns within the proposed project area. The projected runoff aligns with historical flow patterns, and there are no adverse effects on the downstream storm system.

### **4. Transportation**

The project is not expected to result in a significant increase in traffic on County facilities or conflict with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP). According to Engineering Criteria Manual Section B.1.2.D, a traffic impact study is not required.

The parcel is adjacent to Snow Mass Drive, a county-maintained rural road, providing driveway access. Access to Lot 2 is via an access easement through Lot 1. A driveway permit is required for both Lot 1 and Lot 2 to access the Snow Mass Drive. The proposed project is anticipated to have no impact on the roadway or increase vehicular traffic to the parcel.

Road Impact Fees, as outlined in Resolution 19-471, are applicable to this application and due at the time of building permit.

## **G. SERVICES**

### **1. Water**

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.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

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.

**2. Sanitation**

Sanitation is provided by an on-site wastewater treatment system.

**3. Emergency Services**

The property is within the Black Forest Fire Protection District. The fire district has no outstanding comments on subdivision or design.

**4. Utilities**

Mountain View Electric will provide electric service. Black Hills Energy will provide natural gas.

**5. Metropolitan Districts**

The property is not located in a metropolitan district.

**6. Parks/Trails**

Fees in lieu of park land dedication in the amount of \$920.00 for regional fees due at the time of recording the replat.

**7. Schools**

Fees in lieu of school land dedication in the amount of \$612.00 will be due at the time of recording the replat.

**H. APPLICABLE RESOLUTIONS**

See attached resolution.

**I. STATUS OF MAJOR ISSUES**

No major issues.

**J. 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 7.2.3.C, Actions Vacating or



Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (As Amended) staff recommends the following conditions and notation:

### **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 El Paso County Planning and Community Development Department.
7. Drainage fees in the amount of \$3,301.87 shall be paid to the Kettle Creek drainage basin at the time of plat recordation.
8. 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 Plat.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

9. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the Plat is recorded.
10. 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.
11. Park fees in lieu of land dedication for regional parks in the amount of \$920.00 shall be paid at time of plat recordation.
12. Fees in lieu of school land dedication in the amount of \$612.00 shall be paid to El Paso County for the benefit of Academy School District No. 20 at time of plat recording.

#### **NOTATION**

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

#### **K. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified twelve (12) adjoining property owners on July 17, 2024 for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

#### **L. ATTACHMENTS**

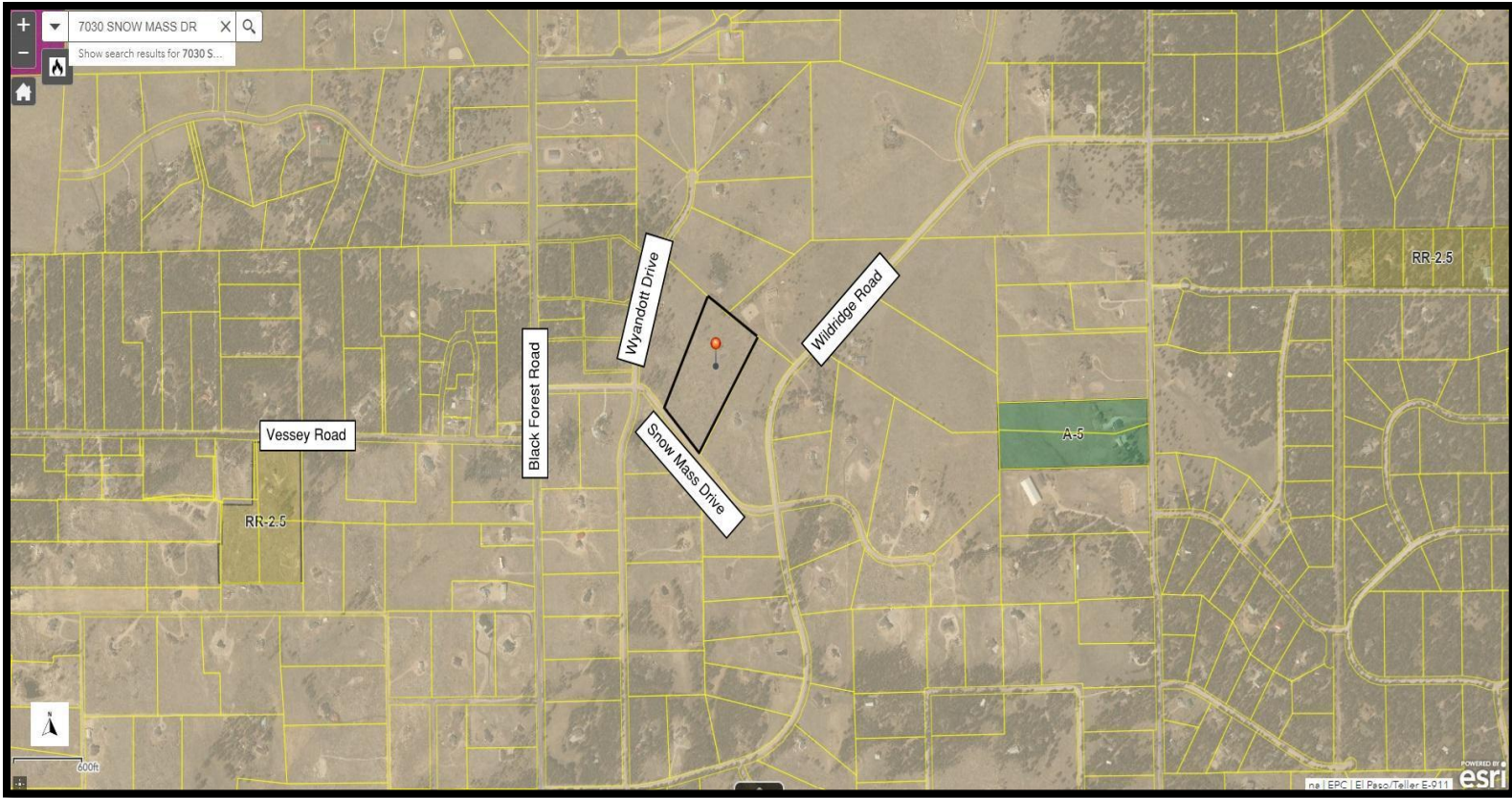
Map Series  
Plat Drawings  
Letter of Intent  
County Attorney's Letter  
Draft Resolution

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300

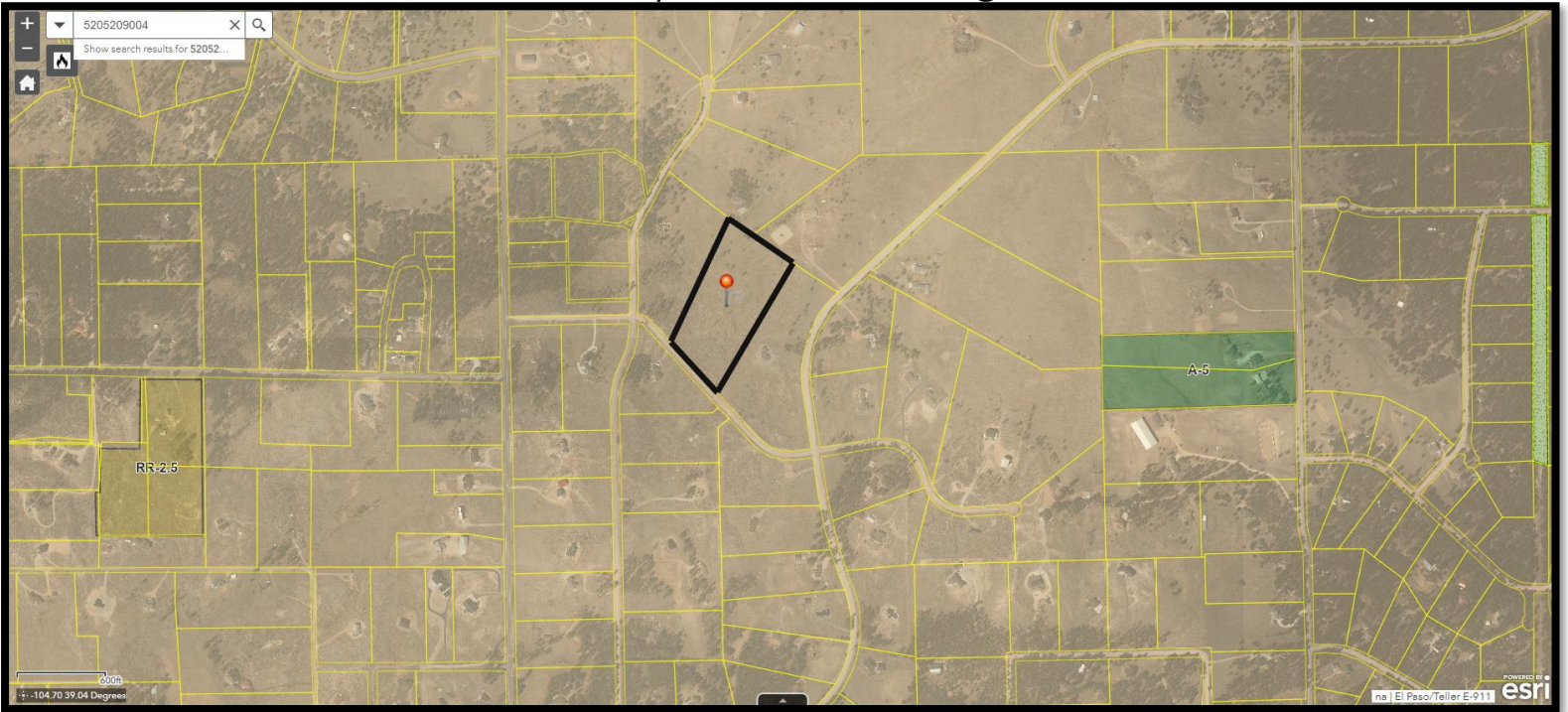


COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

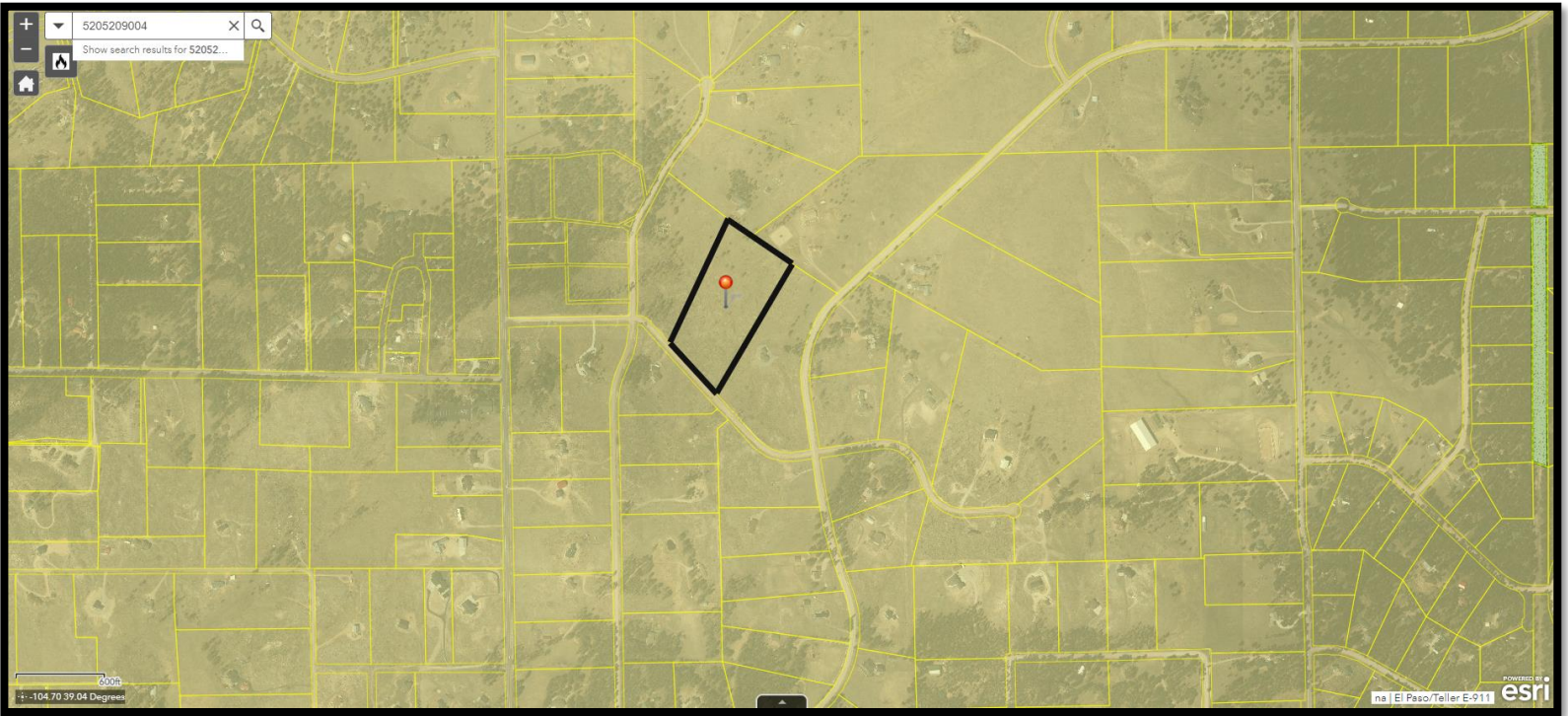
# Map Exhibit #1: Aerial



## Map Exhibit #2: Zoning

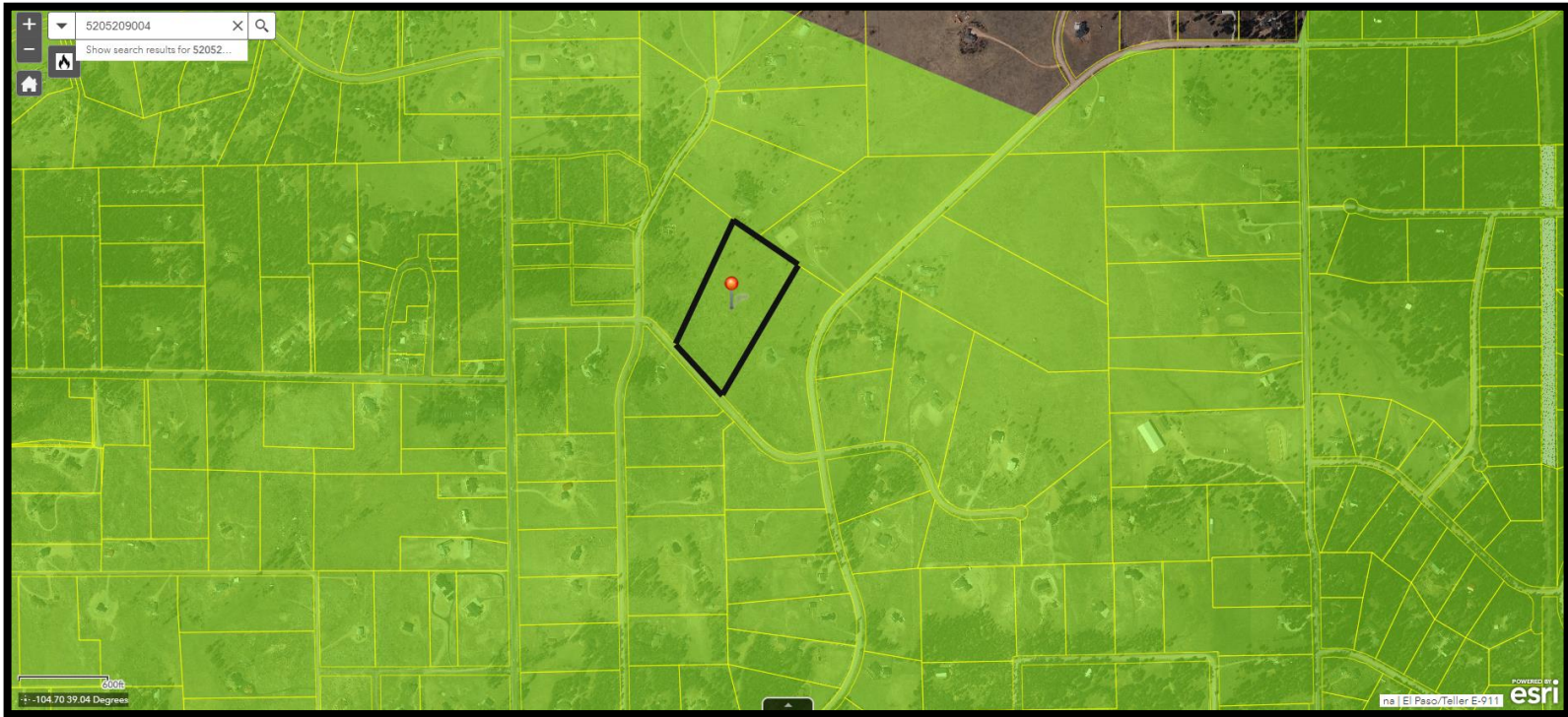


### Map Exhibit #3: Placetype



- #### Legend
- Rural
  - Large-Lot Residential
  - Suburban Residential
  - Urban Residential
  - Rural Center
  - Regional Center

# Map Exhibit #4: Key Areas Of Influence

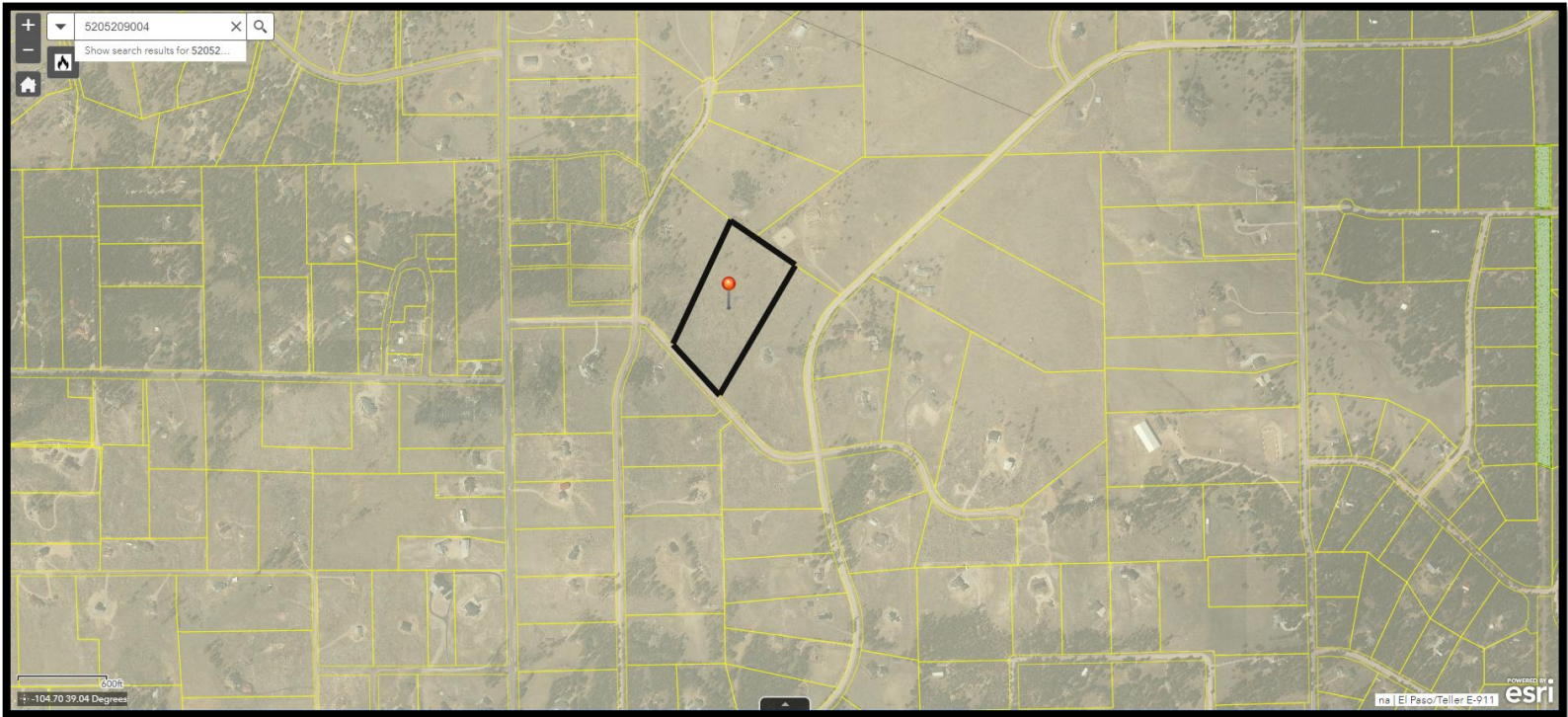


## Legend






- 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



# Map Exhibit #5: Area of Change



## Legend

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

# GREAVES SUBDIVISION FILING NO. 1

A REPLAT OF LOT 13, WILDWOOD RANCH ESTATES FILING 7  
NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M.  
EL PASO COUNTY, COLORADO

## COUNTY GOVERNMENT NOTES

- NOTE REGARDING REPORTS ON FILE: THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE FINAL PLAT FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: FINAL DRAINAGE REPORT; WATER RESOURCES REPORT; WASTEWATER DISPOSAL REPORT; GEOLOGY & SOILS REPORT; AND FIRE PROTECTION REPORT.
- ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGHOUT THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICATED. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPERE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
- 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 LISTED SPECIES (E.G., PEBBLES MEADOW JUMPING MOUSE).
- THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
- NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.

EXCEPT AS OTHERWISE NOTED ON THE PRELIMINARY PLAN, INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS, INCLUDING NECESSARY DRAINAGE CULVERTS PER LAND DEVELOPMENT CODE 6.3.3.C2 AND 6.2.2.C.3, DUE TO THEIR LENGTH SOME OF THE DRIVEWAY MUST BE APPROVED BY THE DISTRICT.

6. MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALLEI PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS.

7. INDIVIDUAL WELLS ARE THE RESPONSIBILITY OF EACH PROPERTY OWNER. PERMITS FOR INDIVIDUAL WELLS MUST BE OBTAINED FROM THE STATE ENGINEER WHO BY LAW HAS THE AUTHORITY TO SET CONDITIONS FOR THE ISSUANCE OF THESE PERMITS.  
WATER IN THE DENVER BASIN AQUIFERS IS ALLOCATED BASED ON A 100-YEAR AQUIFER LIFE. HOWEVER, FOR EL PASO COUNTY PLANNING PURPOSES, WATER IN THE DENVER BASIN AQUIFERS IS EVALUATED BASED ON A 300-YEAR AQUIFER LIFE. APPLICANTS AND ALL FUTURE OWNERS OF AFFECTED LOTS MUST TAKE INTO ACCOUNT THE 100-YEAR AQUIFER LIFE ALLOCATION AND THE 300-YEAR AQUIFER LIFE ALLOCATION. WATER SUPPLY PLANS SHOULD NOT RELY SOLELY ON NON-RENEWABLE AQUIFERS. ALTERNATE RENEWABLE WATER RESOURCES SHOULD BE ACQUIRED AND INCORPORATED IN A PERMANENT WATER SUPPLY PLAN THAT PROVIDES FUTURE GENERATIONS WITH A WATER SUPPLY.

8. SEWAGE TREATMENT IS THE RESPONSIBILITY OF EACH INDIVIDUAL PROPERTY OWNER. THE EL PASO COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT MUST APPROVE EACH SYSTEM AND, IN SOME CASES THE DEPARTMENT MAY REQUIRE AN ENGINEER DESIGNED SYSTEM PRIOR TO PERMIT APPROVAL. THESE SYSTEMS MAY COST MORE TO DESIGN, INSTALL, AND MAINTAIN.

ABSORPTION FIELD MUST BE LOCATED A MINIMUM OF 100 FEET FROM ANY WELL INCLUDING THOSE ON ADJACENT PROPERTIES.  
ABSORPTION FIELDS MUST ALSO BE LOCATED A MINIMUM OF 50 FEET FROM ANY DRAINAGES, FLOODPLAIN, OR POINDED AREAS AND 25 FEET FROM DRY GULLCHES. PLEASE ADD NOTE IN REGARD TO ON-SITE WASTEWATER SYSTEMS.

9. PER ECA SECTION 17.1.B.3, THE RESIDENTIAL LOTS IMPERVIOUS AREA MAY NOT EXCEED 10 PERCENT UNLESS A STUDY IS PREPARED IN COMPLIANCE WITH THE REQUIREMENTS Laid OUT IN THE ABOVE EASEMENT AND THE IMPERVIOUS AREA MAY NOT EXCEED 20 PERCENT. THIS IMPERVIOUS AREA FOR EACH LOT MUST INCLUDE THE PROPOSED DRIVEWAY.

10. THE SUBDIVISION IS COMPLETED 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 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 PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE SALE OF THE PROPERTY.

11. ACCESS TO LOTS 1, 2, & 3 SHALL BE LOCATED WITHIN THE COMMON ACCESS EASEMENT SHOWN HEREON. THE RESPONSIBILITY FOR CONSTRUCTION AND MAINTENANCE OF SAID ACCESS SHALL BE IN ACCORDANCE WITH THE ACCESS AGREEMENT AS RECORDED IN RECEPTION NO. \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

12. SOIL AND GEOLOGIC CONDITIONS, AREAS WITHIN THE SUBDIVISION HAVE BEEN FOUND TO BE IMPACTED BY POTENTIAL GEOLOGIC HAZARDS AS DEFINED IN THE SOIL GEOLOGY AND GEOLOGIC HAZARD REPORT FOR THE SUBDIVISION, PREPARED BY ENTECH ENGINEERS, INC. AND DATED OCTOBER 28, 2022. THE REPORT IS AVAILABLE IN THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT RECORDS (WWW.EPCDEVPLANREVIEW.COM) UNDER FILE NUMBER V9243. THE REPORT INCLUDES MAPPING OF THE POTENTIAL HAZARD AREAS WITHIN THE SUBDIVISION. A DESCRIPTION OF AFFECTED LOTS, POTENTIAL CONSTRAINTS AND MITIGATION MEASURES ARE LISTED BELOW. NO AREAS OF THE SITE EXCEED 30% IN GRADE. INDIVIDUAL SOILS INVESTIGATIONS AND FOUNDATION DESIGNS FOR ALL NEW BUILDING SITES AND SEPTIC SYSTEMS ARE REQUIRED ONCE BUILDING LOCATIONS HAVE BEEN DETERMINED. SHOULD GROUNDWATER OR REDWOOD BE ENCOUNTERED WITHIN 4 FEET OF THE SURFACE, DESIGNED ON-SITE WASTEWATER SYSTEMS ARE REQUIRED. POINDED AREAS AND 25 FEET FROM DRY GULLCHES.

- ARTIFICIAL FILL LOT 11. MITIGATION MEASURES INCLUDE: AVOID CONSTRUCTION NEAR THIS FILL OR REGRADE, SHOULD ANY UNCONTROLLED FILL BE ENCOUNTERED BENEATH FOUNDATIONS. REMOVAL, AND RECOMPACT AT A MINIMUM OF 95% OF ITS MAXIMUM MODIFIED PROCTOR DRY DENSITY. ASTM D-1557 WILL BE REQUIRED.

- EXPANSIVE SOILS: ALL LOTS; MITIGATION MEASURES INCLUDE: SPECIAL FOUNDATION DESIGN, OVEREXCAVATION, REPLACEMENT AND COMPACTION OF SOILS BENEATH FOUNDATIONS.

- POTENTIALLY SEASONAL SHALLOW GROUND WATER: LOT 2; MITIGATION MEASURES INCLUDE: SPECIAL FOUNDATION DESIGN, EXTENSION OF FOUNDATIONS A MINIMUM OF 30 INCHES BELOW GRADE, INSTALLATION OF FOUNDATION PERMETER DRAINS AND PROVISION OF SWALES TO INTERCEPT AND CARRY SURFACE FLOWS AWAY FROM STRUCTURES. NO ELEMENTS OF WASTEWATER TREATMENT SYSTEMS SHOULD BE PLACED IN AREAS OF POTENTIALLY SEASONAL SHALLOW GROUNDWATER.

- 13. LOT AND DENSITY DATA:
- GROSS ACREAGE: 14.693 ACRES
- TOTAL NUMBER OF LOTS IN THE SUBDIVISION: 3
- GROSS DENSITY: 0.294 LOTS PER ACRE
- ACREAGE DEDICATED TO PUBLIC STREETS: 0 ACRES
- NET ACREAGE: 14.693 ACRES
- NET DENSITY: 0.294 LOTS PER ACRE

## OWNER'S CERTIFICATE

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGAGES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO LOTS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF GREAVES SUBDIVISION FILING NO. 1. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE 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.

ALAN GREAVES, OWNER  
STATE OF COLORADO )  
COUNTY OF EL PASO )

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY ALAN GREAVES AS OWNER.

MY COMMISSION EXPIRES \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC \_\_\_\_\_

JUDITH A. GREAVES, OWNER  
STATE OF COLORADO )  
COUNTY OF EL PASO )

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY JUDITH A. GREAVES AS OWNER.

MY COMMISSION EXPIRES \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL \_\_\_\_\_  
NOTARY PUBLIC \_\_\_\_\_

## BOARD OF COUNTY COMMISSIONERS CERTIFICATE

THIS PLAT FOR "GREAVES SUBDIVISION FILING NO. 1" WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024. SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. PREVIOUS PLAT NAME IN ENTIRETY IS VACATED AND AMENDED FOR THE AREAS DESCRIBED BY THIS REPLAT AND 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, PLAT BOOK 12, AT PAGE 23.

CHAIR, BOARD OF COUNTY COMMISSIONERS \_\_\_\_\_ DATE \_\_\_\_\_

PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

## CLERK AND RECORDER

CLERK AND RECORDER: \_\_\_\_\_

STATE OF COLORADO )

COUNTY OF EL PASO )

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT \_\_\_\_\_ O'CLOCK \_\_\_\_M. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024. A.D. AND IS DULY RECORDED AT RECEPTION NO. \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

STEVIE SCHLEKER, RECORDER

BY: \_\_\_\_\_ DEPUTY

SCHOOL FEE: \_\_\_\_\_

BRIDGE FEE: \_\_\_\_\_

PARK FEE: \_\_\_\_\_

DRAINAGE FEE: \_\_\_\_\_



NOT TO SCALE

PCD FILE NO.: VR243

SURVEYOR  
RANDALL D. HENRY  
CO. PLS. NO. 27605  
STATE OF COLORADO  
1903 LEBARA ST. STE 100  
COLORADO SPRINGS, CO 80909  
(719) 446-0844  
DATE OF SURVEY: 12/27/2023

OWNER OF RECORD  
AT TIME OF PLATTING:  
ALAN GREAVES  
JUDITH GREAVES  
388 W. WYOMING  
COLORADO SPRINGS, CO 80917

REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, NO. 27605 FOR AND ON BEHALF OF POLARIS SURVEYING, INC. NOTICE: THIS INSTRUMENT IS A REPLAT OF A PREVIOUSLY RECORDED INSTRUMENT. THIS INSTRUMENT IS VALID AND EFFECTIVE FOR A PERIOD OF TEN YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BE BASED UPON ANY SUCH DEFECT. IN THIS SURVEY, YOU MAY, AT YOUR SOLE RISK AND WITHOUT LIABILITY TO POLARIS SURVEYING, INC., WAIVE YOUR RIGHTS TO REVOKE OR REScind THIS INSTRUMENT. THIS INSTRUMENT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE POLARIS SURVEYING, INC. STANDARD TERMS AND CONDITIONS OF SURVEYING SERVICES, WHICH ARE AVAILABLE ON THE POLARIS SURVEYING, INC. WEBSITE. DATE OF CERTIFICATION: 12/27/2023

## GREAVES SUBDIVISION FILING NO. 1

A REPLAT OF LOT 13, WILDWOOD RANCH ESTATES FILING 7  
NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M.  
EL PASO COUNTY, COLORADO



SCALE 1" = 100'

## REVISIONS

ZONE	REV	DESCRIPTION	DATE	APPROVED

DATE: 12/27/2023

TJW

RDH

23T102

DRAWN BY:

CHECKED BY:

JOB NO:

DRAWING NO: 23T102\_PLAT

SHEET: 1 OF 2

## GREAVES SUBDIVISION FINAL PLAT

POLARIS SURVEYING, INC.

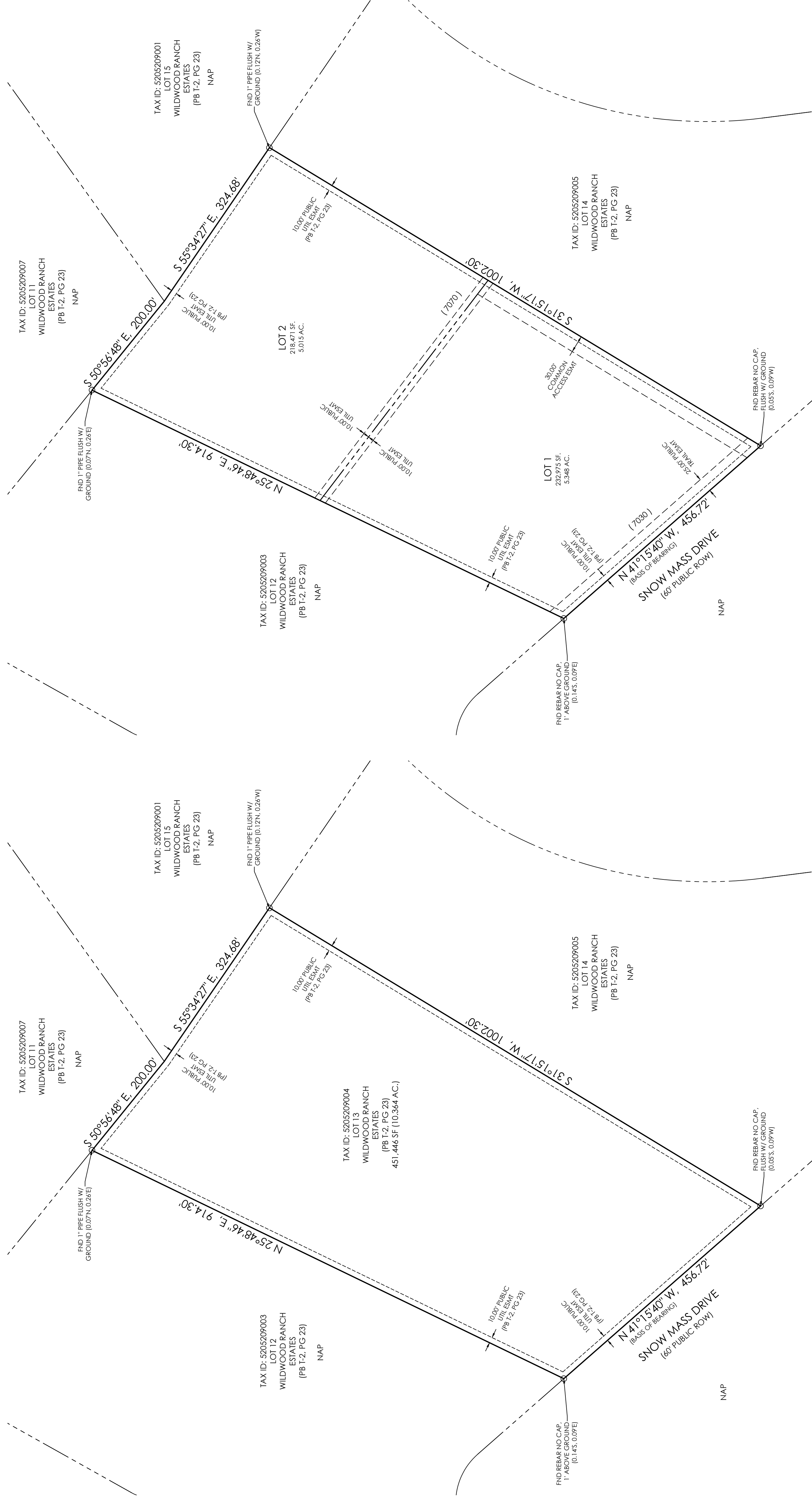
1903 Lebara Street, Suite 102  
Colorado Springs, CO 80909  
(719) 446-0844 FAX (719) 446-9225

FOR:

ALAN & JUDITH GREAVES

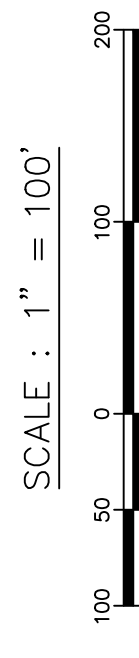
# GREAVES SUBDIVISION FILING NO. 1

A REPLAT OF LOT 13, WILDWOOD RANCH ESTATES FILING 7  
 NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M.  
 EL PASO COUNTY, COLORADO



### LEGEND

- PROPOSED BOUNDARY LINE
- - - PROPOSED LOT LINE
- - - PROPOSED EASEMENT
- - - SECTION LINE
- FOUND CORNER AS SHOWN
- SET #5 REBAR W/ ALUMINUM CAP MARKED "POLARIS, PLS 27'60\"/>
- ( 1998 ) ADDRESS NUMBER
- PUDE PUBLIC UTILITY AND DRAINAGE EASEMENT
- NAP NOT A PART OF THIS SUBDIVISION (NO AREAS OUTSIDE OF THE SHOWN BOUNDARY ARE A PART OF THIS SUBDIVISION)



"AS REPLATTED"

"AS PLATTED"

REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, NO. 27605 FOR AND ON BEHALF OF POLARIS SURVEYING, INC. NOTICE: THIS SURVEY IS 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 CERTIFICATION SHOWN HEREON.		PCD FILE NO.: VR243	
GREAVES SUBDIVISION FILING NO. 1 A REPLAT OF LOT 13, WILDWOOD RANCH ESTATES FILING 7 NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH P.M. EL PASO COUNTY, COLORADO		GREAVES SUBDIVISION FINAL PLAT	
REVISED		DATE:	12/27/2023
ZONE	REV	DRAWN BY:	TJW
		CHECKED BY:	RDH
		JOB NO.:	237102
		SHEET:	2 OF 2
POLARIS SURVEYING, INC. 1903 Labroy Street, Suite 102 COLORADO SPRINGS, CO 80909 (719)448-0844 FAX (719)448-9225		FOR: ALAN & JUDITH GREAVES	

April 19, 2024

PCD File No. VR243

**Letter of Intent  
Greaves Subdivision Filing No. 1  
Vacation and Replat**

**Owner:**

Alan Greaves and Judith Ann Greaves  
3880 Inspiration Drive  
Colorado Springs, CO 80917  
(610) 476-9485  
homebuilder1@comcast.net

**Applicant:**

M.V.E., Inc.  
1903 Lelaray Street, Suite 200  
Colorado Springs, CO  
(719) 635-5736  
David Gorman  
daveg@mvecivil.com

**Site Location Size and Zoning:**

The proposed subdivision to be known as “Greaves Subdivision Filing No. 1” is located within the northwest one-quarter of Section 5, Township 12 South, Range 65 West of the 6th principal meridian in El Paso County, Colorado. The property consists of the currently platted Lot 13, Wildwood Ranch Estates Filing 7 having El Paso County Tax Schedule No. 5205209004. The current address of the site is 7030 Snow Mass Drive, Colorado Springs, Colorado 80908. The site previously had one residence located in the central portion of the site, which burned down during a past forest fire. Other than the existing well for the previous residence, the site is currently vacant. The site is 10.364± acres in area and is zoned RR-5 (Residential Rural – 5 Acre).

The site is situated on the north side of Snow Mass Drive, east of Wyandott Drive, and west of Wildridge Road. The adjacent and surrounding properties are all lots of Wildwood Ranch Estates which are also zoned RR-5 and vary in size from 5 acres to 10 acres. Most, but not all, of the surrounding lots have existing residences constructed. Adjacent Snow Mass Drive is located along the south side of the site and is an existing public gravel roadway within a 60 ft right-of-way.

**Request and Justification:**

The request is for approval of the Vacation and Replat of existing Lot 13, Wildwood Ranch Estates Filing 7 to create a new minor subdivision to be known as “Greaves Subdivision Filing No. 1” in the RR-5 zone (Residential Rural – 5 Acre). The proposed subdivision will create two (2) rural residential single-family lots, each with having a lot area of 5.0 acres or more. Proposed Lot 1, adjacent to Snow Mass Drive, will be 5.348 acres in area. Proposed Lot 2, located to the north of Lot 1, will be 5.015 acres.

*Engineers • Surveyors*  
**1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736**  
**Fax 719-635-5450 • e-mail mve@mvecivil.com**

Access for the proposed lots will be from existing Snow Mass Drive. Instead of road frontage for Lot 2, access shall be through the proposed common access easement connecting the site to Snow Mass Drive through Lot 1. A waiver from LDC section 8.4.3 (B) that “Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC” is requested. The justification for the requested waiver is included in a separate section below.

This Vacation and Replat plat is consistent with the requirements of the existing RR-5 zoning with respect to the layout, land use (single-family residential), lot size, minimum building setbacks, water supply and wastewater disposal. The proposed Vacation and Replat is compatible with the surrounding land uses and coincides with the adjacent zoning and platted lot sizes on the north, south, east, and west, all being 5 acres or larger.

If the site was not previously platted, this application would be eligible for consideration as a Minor Subdivision due to number of proposed lots. This application meets the Minor Subdivision submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2023). Minor Subdivisions are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. Each criteria is listed below followed by the appropriate justification.

The request satisfies and is in compliance with all of the **criteria of approval listed in Section 7.2.1(C)(1)(c) in Chapter 7 of El Paso County Land Development Code (2021)**:

A Vacation and Replat shall be required to conform to all preliminary plan and final plat requirements including the criteria for approval, except to the extent that those requirements are modified by this Code or the Procedures Manual.

Section 7.2.1(D)(2)(b) of the El Paso County Land Development Code (LDC) discussing Preliminary Plan Applicability states that “*The preliminary plan applies to all subdivisions except those that can be classified as Vacation and Replats.*” This subdivision is classified as a Vacation and Replat and includes only two (2) lots. Conformance to the Final Plat Criteria of approval as outlined in **Section 7.2.1(D)(3)(f) in Chapter 7 of El Paso County Land Development Code** are addressed below:

1. *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan.*

The El Paso County Master Plan (“***Your El Paso Master Plan***” adopted on May 26, 2021) is a comprehensive document communicating a vision for many factors that influence the quality of life in El Paso County, including Land Use. The Master Plan provides a strategy to achieve the vision by putting forth goals and policies that can be used as a framework for decision-making regarding development of the County.

According to the Master Plan the project site is located within the **key area** defined as “**Forested Area**” located east of Black Forest Road and north of Shoup Road. The Masterplan states “New development and any redevelopment in these locations should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.” The proposed subdivision maintains the low density of Large Lot Residential while providing for adequate access and will be developed in compliance with all current and applicable building codes. The site is also located within the **Large-Lot Residential placetype**. The Primary Land Use of this placetype is Single Family Detached housing with Agriculture, Commercial Retail, Commercial Service and Parks and Open Space as Supporting Land Uses. The location of this site and existing infrastructure is suited to single

***M.V.E., Inc. • Engineers • Surveyors***  
***1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736***  
***Fax 719-635-5450 • e-mail mve@mvecivil.com***

family residential use. The existing access roadways and surrounding development in the immediate area does not present as suitable for Commercial Service and Commercial Retail uses. In the Land Use category, Goal 1.1 is “Ensure compatibility with established character and infrastructure capacity”. This area of the County is conducive to rural residential development that allows residential use of property but preserves the natural character of the landscape. The proposed subdivision is compatible and identical to the existing neighborhood and surrounding development. The existing community character is preserved with this proposed plat. The proposed density is less than allowed by zoning. The proposed density will not overburden the existing roadway infrastructure or capacity of the land to support the water and wastewater needs of the development. The proposed Minor Plat will not create the need for additional roadways or public facilities. Goal 2.2 is “Preserve the character of rural and environmentally sensitive areas”. The proposed subdivision will keep the natural landscape of the area intact, and the five-acre lot density has reduced impact on environmental conditions. Density and land use are compatible with the surrounding area and the natural features of the site will remain preserved, even with the addition of a residence on the site. The private driveway to be used for access will have minimal impact on the existing terrain. No new roads are proposed with this subdivision since all access is proposed to be provided by a single low-impact driveway connecting to Snow Mass Drive. In this way, lot access is provided while eliminating the need for additional access points and addition public roadway. The driveway will present a reduced impact on the natural terrain, landforms and vegetation. The project maintains the rural character of the site and neighborhood.

This request is in general conformance with the **County Water Master Plan**. The property is located in region 2 on the Master Plan’s *Planning Regions Map*, which encompasses the northwest corner of the county including the tri-lakes area. The site is not located in a 2040 or 2060 designated Growth Area as determined in the Water Master Plan. The proposed water demand for the site is 1.67 acre-feet per year for a total usage of 501 acre-feet over a 300 year period. The Water Master Plan (WMP) contains estimates of the demands and available supply by region at the years 2018, 2040 and 2060 Build-Out. The 2018/2040/2060 demands in Region 2 are estimated to be 7,532 acre-feet per year, 11,713 acre-feet per year, and 13,254 acre-feet per year, respectively. The 2018/2040/2060 supplies in region 2 are estimated to be 13,607 acre-feet per year, 20,516 acre-feet per year, and 20,756 acre-feet per year, respectively, indicating a surplus of supply for the region at each time. However, a significant portion of the supply is derived from non-renewable Denver Basin groundwater. According to the Water Master Plan, water providers within region 2 include Woodmoor WSD, Donala WSD, Triview MD, Town of Monument, Town of Palmer Lake, Forest View Acres WD, Academy WSD, Walden WSD, Park Forest WD, Forest Lakes MD, Palmer Lake Mobile Home Ranch, Grandview MHP, Pioneer Lookout WD, Elephant Rock MHP, Peak Shadow, and Pinon Pines MD. The Region 2 Expected Growth Areas Map provided in the WMP shows that the subject site and its immediate surroundings are not currently located in any *estimated area of development* or within any *district boundaries*.

The District Court, Water Division 2 Colorado, has decreed certain water rights and approved a plan for augmentation as necessary to allow use of the existing well (Permit No. 170426) and the drilling of a second well for the subdivision in Case No. 22CW3072 recorded under reception number 223038780 of the records of El Paso County. The provision of sufficient water quantity is allowed by the decree and Plan for Augmentation. Water quality is demonstrated by the testing results contained in the Water Resources Report for this project. Water Supply Dependability will be a incorporated in the existing and proposed well facilities to be administered under approved

**M.V.E., Inc. • Engineers • Surveyors**  
**1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736**  
**Fax 719-635-5450 • e-mail mve@mvecivil.com**

State of Colorado Well Permits. The owner seeks a finding of sufficiency from the Colorado Division of Water Resources and El Paso County Board of County Commissioners along with the eventual granting of one additional well permit based on the decreed water rights.

New single family residences on the proposed 5 acre lots will utilize onsite wastewater treatment systems providing “Return Flows” to the environment as a condition of the groundwater findings and order and the well permits. **Policy 6.2.1.2** of the WMP – *Encourage re-use of treated wastewater for irrigation and other acceptable uses when feasible*. The referenced decree requires use of metering for the wells to ensure compliance with the terms of the permit, satisfying **Policy 4.1.3** of the WMP – *Support enhanced monitoring of sources of surface and tributary groundwater in the County*. The proposed uses of the property do not require extensive utility improvements, extensive site grading, or significant water consumption, satisfying **Goal 5.3** of the WMP – *Reduce overall water consumption per end user in the County*. The proposed use of the site is not anticipated to generate additional demand beyond the projected 2060 groundwater “Build-Out Supplies”.

This request is in general conformance with the **2016 Major Transportation Corridors Plan Update**. The site is adjacent to an existing roadway connecting the the overall transporation system in the area. The project consisting in one additional single family residential lots will have negligible impact to the existing transportation system. No new transportation system improvements are required.

This request is in general conformance with the **El Paso County Parks Master Plan** which does not appear to call for trails or parks in the site vicinity. Any required Park Fees will be paid at the time of plating.

This request is in general conformance with the **Master Plan for Mineral Extraction**. No severed mineral right owners were found. The proposed use of this property does not include any mineral or natural resource extraction operations.

2. *The subdivision is in substantial conformance with the approved preliminary plan.*

As discussed above, section 7.2.1(D)(2)(b) of the El Paso County Land Development Code (LDC) discussing Preliminary Plan Applicability states that “The preliminary plan applies to all subdivisions except those that can be classified as Vacation and Replats.” This subdivision is classified as a Vacation and Replat and includes only two (2) lots.

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.*

The proposed Vacation and Replat Plat is prepared in accordance with applicable subdivision design standards. No public improvements are required for this subdivision.

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 this 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.*

Water service is to be provided by individual on site wells operated under the aforementioned State approved Water Augmentation Plan.

**M.V.E., Inc. • Engineers • Surveyors**  
**1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736**  
**Fax 719-635-5450 • e-mail mve@mvecivil.com**

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 this Code.*

Wastewater is intended to be treated via individual on-site septic systems designed, constructed and operated under State and County Health Department rules and regulations and in accordance with the Water Decree.

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)].*

A soils report has been prepared for the site and the owner will comply with the recommendations in the report. Areas were encountered where the geologic conditions will impose some constraints on development and land use. These include areas of compressible soils, potentially expansive soils and bedrock, Seasonally fluctuating surface water and groundwater, potential undocumented fill, faults and seismicity and potential radon. All of these can be satisfactorily mitigated through avoidance or proper engineering design and construction practices. There are no specific areas on the site which must be avoided for construction purposes. These conditions and mitigation measures are discussed in further detail in the Soil, Geology, and Geologic Hazard Study produced by RMG - Rocky Mountain Group.

7. *Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM.*

The proposed Vacation and Replat is consistent with the submitted Final Drainage Report. There are no drainage facilities proposed with this development. The owner will comply with the requirements of the Final Drainage Report.

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 this Code and the ECM.*

All proposed lots will be accessed via the existing Snow Mass Drive. The two proposed residential lots will utilize a common access easement along the eastern edge of the site. The new driveway will be extended from the existing Snow Mass Drive. A private access and maintenance agreement will be established to facilitate common access. A waiver from LDC section 8.4.3 (B) that “Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC” is requested with this application as it applies to proposed Lot 2.

9. *Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.*

The site is located within the jurisdiction of the El Paso County Sheriff's Office. The Sheriff's office currently provides police protection for the site and surrounding area. Greaves Subdivision Filing No. 1 is located within the Black Forest Fire Protection District which is providing fire protection for the currently platted site. Water and sanitary sewer provisions are discussed above. The property is located within the service areas of Academy School District 20 and Mountain View Electric Association, which will serve the subdivision. Transportation is being facilitated by the existing adjacent roadway system.

10. *The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.*

***M.V.E., Inc. • Engineers • Surveyors***

***1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736***

***Fax 719-635-5450 • e-mail mve@mvecivil.com***



Greaves Subdivision Filing No. 1 is located within the Black Forest Fire Protection District which provides fire protection for the site and the surrounding area. Building permits for each structure shall be in accordance with the requirements of the Fire District as administered by the Pikes Peak Regional Building Department.

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.*

All off-site impacts are determined to be insignificant with the addition of one lot the site already containing one residential lot. The owner will be responsible for paying Park, School, Drainage and Traffic Impact fees.

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.*

There are no public facilities or infrastructure required or proposed for this subdivision. The platting of the site will include the collection of the applicable School Fees, Park Fees, and Traffic Impact fees due for this project.

13. *The subdivision meets other applicable sections of Chapter 6 and 8.*

Upon approval of a waiver to the LDC section 8.4.3 (B) stating “*Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4 (E)*” the subdivision will meet the requirements of the Land Development Code. The subdivision is in accordance with the Land Development Code with respect to zoning, lot size, building setbacks, provision of utilities and storm drainage. The waiver is requested with this application to allow access by one common private driveway for the two lots without the required 30 feet of frontage for each lot. The code allows up to three lots to access one driveway, however the waiver is needed to address the lack of road frontage onto a public roadway for proposed lot 2. The waiver is more fully discussed below.

A Natural Features and Wildlife Habitat Assessment has been prepared for the site. No impacts to protected wildlife are anticipated as a result of the proposed Vacation and Replat and no mitigation is required. Following the recommendations of said report, the areas identified as wetlands are included in the drainage no-build area shown on the plat. Further details can be found in the Natural Features and Wildlife Habitat Assessment produced by ERO Resources Corporation.

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.].*

Mineral estate owners have been notified of this application. It is unlikely that mineral extraction operations would be feasible in this area.

#### **Requested Waiver:**

As previously mentioned, a waiver from LDC section 8.4.3 (B) is requested. The provision requires that “*Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC*”. Proposed Lot 1 is adjacent to and will gain access to Snow

***M.V.E., Inc. • Engineers • Surveyors  
1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736  
Fax 719-635-5450 • e-mail mve@mvecivil.com***

Mass Drive and satisfies the frontage requirement. It is proposed that Lot 2 will gain access by way of a common access easement connecting proposed Lot 2 to Snow Mass Drive along the east edge of the site. The plat shall show the proposed 30-foot access easement running along the east side of Lot 1.

The responsibility and maintenance of said access shall be carried out as described in a private access maintenance agreement. Since the Land Development Code allows access for up to three lots from one private driveway, it is most practical to all access by a single drive, rather than extending a public roadway into the site.

The sharing of a common driveway is an acceptable and valid mode of access in the Land Development Code and Engineering Criteria manual, especially in rural residential environments. The arrangement is the most practical and efficient solution for access for this subdivision rather than extending a public roadway into the site. The arrangement eliminates the need for additional public right-of-way and additional public maintenance to serve the two rural residential single family lots. Private access drives, coupled with private maintenance agreements have been shown to be effective and efficient modes of access within the county. The driveway will also have a much diminished impact on the natural terrain and landscape of the site compared to a public roadway which would be much larger and require far more disturbance.

Each criterion for approval of waivers as stated in **section 7.3.3 of the El Paso County Land Development Code (2021)** is listed below followed by the appropriate justification:

1. *The waiver does not have the effect of nullifying the intent and purpose of this Code.*

The request for a waiver of the LDC section 8.4.3 (B) does not go against the intent and purpose of this code. This request is in line with the requirements set forth in the LDC, and the shared driveway will comply with all applicable design standards. An application for a driveway permit will be submitted at time of building permit for either of the two proposed lots.

2. *The waiver will not result in the need for additional subsequent waivers.*

With the approval of this waiver the lots will each be provided with the required access necessary for their development. There will be no need for additional waivers as all applicable requirements of the El Paso County Land Development Code will be met.

3. *The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property.*

The proposed shared driveway will be constructed to provide safe and reliable access to each lot on the site. The responsibility and maintenance of said driveway shall be carried out as described in a private access maintenance agreement. The driveway will not pose a threat to the public safety, health, or welfare, nor will it be injurious to any other property.

4. *The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property.*

Greaves Subdivision Filing No. 1 contains 10.364± acres and two (2) lots. Because the site does not contain more than three lots, a single driveway may be used to provide access to the entire site in lieu of a public road.

5. *A particular non-economical hardship to the owner would result from a strict application of this Code.*

With strict application of this code, the subdivision would be required to provide roadway frontage for each of the two proposed lots. Existing terrain and parcel shape determine that lots are best arranged in a north/south orientation. A flag connection for Lot 2 would be an unnecessary squandering of available lot square footage. Two separate driveways would significantly increase disturbance of the natural terrain as well as the impervious area of the site.

6. *The waiver will not in any manner vary the zoning provisions of this Code.*

The proposed shared driveway will comply with all zoning provisions of this code.

7. *The proposed waiver is not contrary to any provision of the Master Plan.*

The proposed shared driveway is in harmony with the goals of the master plan with regard to preserving place type characteristics and preserving natural features.

#### **Existing and Proposed Facilities:**

There are no required public subdivision improvements required for this site.

#### **Total Number of Residential Units and Densities:**

The gross area of Greaves Subdivision Filing No. 1 is 10.364± acres and the site is proposed to contain two (2) single-family residential units. The average lot size for the 2 proposed lots is 5.18± acres. The gross density of the site is 0.19 units per acre.

#### **Fire Protection:**

The Greaves Subdivision Filing No. 1 property is located within the Black Forest Fire Protection District. The fire district already serves the property. The lots and homes are subject to the codes and policies adopted by the said District regarding fire protection.

#### **Proposed Access Locations:**

The previously existing access location for the site is from Snow Mass Drive located along the south side of proposed Lot 1. The proposed access point for both of the proposed lots is along the east side of the subdivision which is to be facilitated by a 30' wide common access easement through Lot 1. A maintenance agreement is being established to facilitate use and maintenance of the common access easement.

#### **Traffic Impact and Traffic Impact Fees:**

The proposed Vacation and Replat will create two (2) single-family residential lots with access to existing Snow Mass Drive. The development is expected to generate a total of 19 trips per day based on 9.44 trips per unit for Single Family Detached Housing (Average weekday trips ends), 2 trips in the peak AM Hour (0.75 trips/unit for AM), and 2 trips in the peak PM hour (1.00 trips/unit for PM) according to Trip Generation, 10th Edition, 2017 by the Institute of Transportation Engineers. The proposed subdivision will not change the type or amount of existing traffic by more than the County threshold of

100 trips per day or 10 trips during the peak hour. Therefore, a Transportation Impact Study (TIS) is not required for the project. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. Traffic Impact Fees will be paid at time of building permit. Walker Road is anticipated to be improved to a Rural Major Collector cross section per the 2040 Major Transportation Corridors Plan. No new public road rights-of-ways are required for this Vacation and Replat.

*Z:\61211\Documents\Letter of Intent\61211-Letter of Intent-VR.odt*

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

July 2, 2024

VR-24-3 Greaves Subdivision Filing No. 1

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

**WATER SUPPLY REVIEW AND RECOMMENDATIONS**

Project Description

1. This is a proposal for approval of Greaves Subdivision Filing No. 1, an application by Alan and Judith Ann Greaves (“Applicant”) to subdivide a parcel of 10.364 acres of land (the “property”) into two single-family residential lots. The property is zoned RR-5 (Rural Residential).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the water demand for the subdivision is comprised of 0.26 acre-feet/year for household use and up to 0.04 acre-feet/year for additional household uses for each lot totaling 0.60 acre-feet/year, 0.59 acre-feet per year for irrigation of up to 4,760 square-feet (0.0566 acre-feet/1,000 square-feet), and 0.48 acre-feet for the watering of up to 8 horses (4 horses/lot assuming 0.06 acre-feet/horse) for a total demand of 1.67 acre-feet per year. Based on this total demand, Applicant must be able to provide a supply of 501 acre-feet of water (1.67 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the not-nontributary Dawson aquifer as provided in the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 2022CW3072 (“Decree”). The groundwater decreed underlying the property includes 951 acre-feet of water in the Dawson aquifer, 791 acre-feet of water in the Denver aquifer, 431 acre-feet of water in the Arapahoe aquifer and 287 acre-feet of water in the Laramie-Fox Hills aquifer. The Augmentation Plan approved the pumping of up to 1.67 acre-feet per year for 300

**ASSISTANT COUNTY ATTORNEYS**

NATHAN J. WHITNEY  
CHRISTOPHER M. STRID  
**PC Report Packet**

STEVEN A. KLAFFKY  
TERRY A. SAMPLE

LORI L. SEAGO  
ERIKA KEECH

BRYAN E. SCHMID  
STEVEN W. MARTYN

MERI GERINGER  
DOREY L. SPOTTS

years and 501 acre-feet total of Dawson aquifer water. The Court further awarded a vested right to use up to 2 wells on the property.

The approved augmentation plan has a term of 300 years and requires that non-evaporative septic system return flows be used for augmentation during the pumping period for the 2 approved wells. Applicant must reserve 220 acre-feet of its water rights in the Arapahoe aquifer and an additional 287 acre-feet Laramie-Fox Hills aquifer which shall be used for replacement of post-pumping depletions. Each of the 2 wells may pump up to 0.835 acre-feet per year.

### State Engineer's Office Opinion

4. In a letter dated May 13, 2024, the State Engineer stated that “. . . the estimated annual water requirements total 0.60 acre-feet for in-house use (0.3 acre-feet/year/lot), 0.59 acre-feet for irrigation of up to 2,380 square-feet per lot (0.295 acre-feet/year/lot) and 0.24 acre-feet/year/lot for the watering of 4 horses or equivalent livestock. The total annual demand for the subdivision would be 1.67 acre-feet/year (0.835 acre-feet/year/lot).” The State Engineer noted that the wells will produce from the Dawson aquifer pursuant to the augmentation plan decreed in Case No. 2022CW3072. The State Engineer further noted that one existing well is located on the property operating under permit no. 88760-F. The annual amount of water to be withdrawn from both wells shall not exceed 1.67 acre-feet.

Finally, the State Engineer provided their opinion, “. . . pursuant to Section 30-28-136(1)(h)(l), 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.”

### Recommended Findings

5. Quantity and Dependability. Applicant's water demand for Greaves Subdivision Filing No. 1 is 1.67 acre-feet per year for a total demand of 501 acre-feet for the subdivision for 300 years. The Decree and Augmentation Plan allows for 2 wells to withdraw water from the Dawson aquifer up to 1.67 acre-feet per year, for a total of 501 acre-feet over 300 years, which is equivalent to the requested demand.

**Based on the water demand of 1.67 acre-feet/year for Greaves Subdivision Filing No. 1, this Office recommends a finding of sufficient water quantity and dependability for Greaves Subdivision filing No. 1.**

6. The water quality requirements of Section 8.4.7.B.10.g. of the El Paso County Land Development Code must be satisfied. **El Paso County Public Health shall provide a recommendation as to the sufficiency of water quality.**

7. Basis. The County Attorney's Office reviewed the following documents in preparing this review: a *Water Resources Report* dated April 19, 2024, the Water Supply Information Summary, the State Engineer's Office Opinion dated May 13, 2024, and Findings of Fact, Conclusions of Law, Ruling of the Referee and Judgment and Decree in Division 2 Case

No. 2022CW3072 entered on May 10, 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 its successors and assigns shall comply with all requirements of the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 2022CW3072, specifically, that water withdrawn from the Dawson aquifer by each of the proposed two wells permitted shall not exceed 0.835 annual acre-feet, based on a total combined annual withdrawal of 1.67 acre-feet. Depletions during pumping shall be replaced by individual on-lot non-evaporative septic systems.

B. The County prefers that when there is an augmentation plan, Applicant create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water decrees and augmentation plans for the property. For minor subdivisions such as this, however, Applicant may elect to solely rely on the covenant provisions required below and forego creation of an HOA.

C. Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision and their successors and assigns, regarding all applicable requirements of the Findings of Fact, Conclusions of Law, Ruling of the Referee and Judgment and Decree in Division 2 Case No. 2022CW3072.

Covenants shall address the following:

- 1) Identify the water rights associated with the property. The Covenants shall reserve 501 acre-feet of Dawson aquifer water, 220 acre-feet of Arapahoe aquifer water, and 287 acre-feet of Laramie-Fox Hills aquifer water pursuant to Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 2022CW3072 to satisfy El Paso County's 300-year water supply requirement for the 2 lots of the Greaves Subdivision Filing No. 1. The Covenants shall further identify that 250.5 acre-feet (0.835 acre-feet/year) of Dawson aquifer water, 110 acre-feet of Arapahoe aquifer water, and 143.5 acre-feet of Laramie-Fox Hills aquifer water is allocated to each of the 2 lots. Said reservations shall not be separated from transfer of title to the property and shall be used exclusively for primary and post-pumping water supply.
- 2) Advise of responsibility for costs. The Covenants shall advise the lot owners and their successors and assigns of their obligations regarding the costs of operating the plans for augmentation, which include pumping of the Dawson wells in a manner to replace depletions during pumping and the cost of drilling Laramie-Fox Hills and Arapahoe aquifer wells in the future to replace post-pumping depletions.

3) Require non-evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use a non-evaporative septic system to ensure that return flows from such systems are made to the stream system to replace actual depletions during pumping and shall state that said return flows shall not be separately sold, traded, assigned, or used for any other purpose. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose."

4) Address future lot conveyances. The following or similar language shall be included in the Covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant:

"The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 22CW3072 and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

5) Advise of monitoring requirements. The Covenants shall advise the future lot owners of this subdivision and their successors and assigns of their responsibility for any metering and data collecting that may be required regarding water withdrawals from existing and future wells in the Dawson, Laramie-Fox Hills and/or Arapahoe aquifers.

6) Require well permits. The Covenants shall require that well permits be obtained pursuant to the requirements of Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 22CW3072 and C.R.S. § 37-90-137(4) and (10).

7) Address amendments to the covenants. The Covenants shall address amendments using the following or similar language:

"Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply Greaves Subdivision Filing No. 1 pursuant to Findings of Fact, Conclusions of Law, Ruling of Referee and



Decree in Division 2 Case No. 22CW3072. Further, written approval of any such proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney's Office. Any amendments must be pursuant to the Division 2 Water Court approving such amendment, with prior notice to the El Paso County Planning and Community Development Department for an opportunity for the County to participate in any such determination."

8) Address termination of the covenants. The Covenants shall address termination using the following or similar language:

"These Covenants shall not terminate unless the requirements of Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 22CW3072 are also terminated by the Division 2 Water Court and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County."

D. Applicant and its successors and assigns shall reserve in any deeds of the property Dawson aquifer water in the decreed amount of 250.5 acre-feet (0.835 acre-feet per year) per lot, as well as 110 acre-feet of Arapahoe aquifer water and 143.5 acre-feet of Laramie-Fox Hills aquifer water per lot. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply.

E. Applicant and its successors and assigns shall convey by recorded warranty deed these reserved Dawson aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Dawson aquifer underlying the respective lots to satisfy El Paso County's 300-year water supply requirement.

Any and all conveyance instruments shall also recite as follows:

For the water rights and return flows conveyed for the primary supply (Dawson aquifer): "These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year water supply, and replacement during pumping, for each of the lots of Greaves Subdivision Filing No. 1. The water rights so conveyed and the return flows therefrom shall be appurtenant to each of the respective lots with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

F. Applicant shall convey by recorded warranty deed the reserved 110 acre-feet of Arapahoe and 143.5 acre-feet of Laramie-Fox Hills aquifer water rights for use in the augmentation

plan to replace post-pumping depletions. Applicant shall recite in the deed that this water shall be used exclusively for augmentation supply and shall not be sold, conveyed, traded, bartered, assigned, or encumbered in whole or in part for any other purpose.

G. Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions, form deeds, and any plat notes required herein to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat. Said Declaration shall cross-reference Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 2 Case No. 2022CW3072 and shall identify the obligations of the individual lot owners thereunder.

H. Applicant and its successors and assigns shall record all applicable documents, including but not limited to agreements, assignments, warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

I. The following plat note shall be added that addresses the State Engineer's admonition to advise landowners of potential limited water supplies in the Denver Basin:

"Water in the Denver Basin aquifers is allocated based on a 100-year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin aquifers is evaluated based on a 300-year aquifer life. Applicant and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years used for allocation indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply."

cc: Joe Letke, Project Manager, Planner

VACATION AND REPLAT (RECOMMEND APPROVAL)

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

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR243  
GREAVES VACATION REPLAT

WHEREAS, Alan and Judith A. Greaves did file an application with the El Paso County Planning and Community Development Department for approval of a Vacation and Replat request to Vacate and Replat one lot into two lots within the RR-5 (Residential Rural) zoning district for 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 August 1, 2024; and

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

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

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County subdivision regulations; and
7. For the above-stated and other reasons, the proposed Vacation and Replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, in approving a Vacation and Replat of a Subdivision, the El Paso County Planning Commission and Board of County Commissioners shall find that the application meets the criteria of approval listed in Section 7.2.3(C)(4) of the Land Development Code ("Code") (as amended):

1. The Replat complies with the Code and the original conditions of approval associated with the recorded Plat;
2. No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
3. The Replat is in keeping with the purpose and intent of the Code;
4. The Replat conforms to the required findings for a Minor or Major Subdivision, whichever is applicable;
5. 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 Engineering Criteria Manual ("ECM");
6. The approval will not adversely affect the public health, safety, and welfare; and
7. Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the Replat has been resolved.

WHEREAS, (Sufficiency) 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.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Alan and Judith A. Greaves for approval of a Vacation and Replat to allow the Vacate and Replat one lot into two lots within the RR-5 (Residential Rural) zoning district be approved by the Board of County Commissioners with the following conditions and notation:

## 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 El Paso County Planning and Community Development Department.
7. Drainage fees in the amount of \$3,301.87 shall be paid to the Kettle Creek drainage basin at the time of plat recordation.
8. 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.
9. 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.
10. 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.

11. Park fees in lieu of land dedication for regional parks in the amount of \$920.00 shall be paid at time of plat recordation.

12. Fees in lieu of school land dedication in the amount of \$612.00 shall be paid to El Paso County for the benefit of Academy School District No. 20 at time of plat recording.

NOTATION

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

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
Bryce Schuettpelez	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 El Paso County Planning Commission, State of Colorado.

DONE THIS 1st day of August 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

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

EXHIBIT A

Legal Description

LOT 13, WILDWOOD RANCH ESTATES FILING 7 RECORDED IN PLAT BOOK T-3 AT PAGE 23 OF THE RECORDS OF EL PASO COUNTY, CO.

SAID TRACT CONTAINS 451,446 SF (10.364 ACRES), MORE OR LESS.

Exhibit B

