

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

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2880 International Circle, Suite 110
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Board of County Commissioners

Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 8/22/2024
RE: SF2141 Ohana Acres

Project Description

A request by G & D Hammann Ohana Trust for approval of a 19.31-acre Final Plat creating 4 single-family residential lots. The item was heard on the consent agenda at the August 1, 2024, Planning Commission Hearing. The Final Plat application was recommended for approval by the Planning Commission with a vote of 6-0. The property is zoned RR-5 (Residential Rural) and is located at 17825 Jones Road, directly southeast of the intersection of Jones Road and Murr Road. (Parcel No. 3330001001) (Commissioner District No. 2)

Notation

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

Planning Commission Recommendation and Vote

Markewich moved / Schuettpelz seconded for approval of the Final Plat utilizing the resolution attached to the staff report with 9 conditions and 2 notations, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (6-0)**. The item was heard as a consent agenda item.

Discussion

The item was approved on the consent agenda, no discussion occurred. One letter of public comment was received after the Planning Commission packet was published but prior to the Planning Commission Meeting.

Attachments

1. Planning Commission Minutes from 8/1/2024.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Public Comment.
5. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, August 1, 2024
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: THOMAS BAILEY, SARAH BRITTAIN JACK, JEFFREY MARKEWICH, BRYCE SCHUETTELPELZ, WAYNE SMITH, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: JIM BYERS, JAY CARLSON, BECKY FULLER, BRANDY MERRIAM, AND TIM TROWBRIDGE.

STAFF PRESENT: JUSTIN KILGORE, KYLIE BAGLEY, JOE LETKE, RYAN HOWSER, SCOTT WEEKS, GILBERT LAFORCE, ETHAN JACOBS, JOSEPH SANDSTROM, BRETT DILTS, CHARLENE DURHAM, HAO VO, MIRANDA BENSON, ERIKA KEECH, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: JENNIFER BUCKLEY.

1. REPORT ITEMS

Mr. Kilgore advised the board that the next PC Hearing is Thursday, August 15, at 9:00 A.M., which will include a presentation by the LDC Update consultants. He reminded the board that there will be a LDC session on August 14, 2024.

Mr. LaForce announced that two new staff members have joined the County's Department of Public Works Development Services Engineering team. Mr. Rice has shifted roles to act as interim Professional Standards Engineer.

Mr. Sandstrom introduced himself.

Mr. Jacobs introduced himself.

2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA (NONE)

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held July 18, 2024.

Mr. Markewich remarked that he was not in attendance at the last meeting. He asked for more information regarding the County-wide volunteer board procedure changes that will affect membership appointments.

Mr. Bailey explained that they're not yet sure about how changes will affect the PC. An immediate implication is that Mr. Moraes' term expired, and he is currently navigating the application process for reappointment. The process is not fully established yet.

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

B. MS243

LETKE

MINOR SUBDIVISION MCLEAN-HODGEN SUBDIVISION (2 LOT FINAL PLAT)

A request by Susan Carson McLean for approval of a Minor Subdivision to create 2 single-family residential lots. The 28.68-acre property is zoned RR-5 (Residential Rural) and is located on the south side of Hodgen Road, approximately .1 mile east of the intersection of Roller Coaster Road and Baptist Road. (Parcel No. 6128100014) (Commissioner District No. 1)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: SCHUETTPELZ MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER MS243 FOR A MINOR SUBDIVISION, MCLEAN-HODGEN SUBDIVISION (2 LOT FINAL PLAT), UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH ELEVEN (11) CONDITIONS, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-0).

IN FAVOR: BAILEY, BRITAIN JACK, MARKEWICH, SCHUETTPELZ, SMITH, AND WHITNEY.

IN OPPOSITION: NONE.

C. VR243

LETKE

VACATION AND REPLAT GREAVES VACATION REPLAT

A request by Alan and Judith Ann Greaves for approval of a 10.36-acre Vacation and Replat creating 2 single-family residential lots. The property is zoned RR-5 (Residential Rural) and the new lots will be 5 acres in size, which complies with the RR-5 (Residential Rural) zoning district. The property is located on Snowmass Drive and .2 miles east of Black Forest Road. (Parcel No. 5205209004) (Commissioner District No. 1)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: BRITAIN JACK MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER VR243 FOR A VACATION AND REPLAT, GREAVES VACATION REPLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWELVE (12) CONDITIONS, ONE (1) NOTATION, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO

WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-0).

IN FAVOR: BAILEY, BRITAIN JACK, MARKEWICH, SCHUETTPELZ, SMITH, AND WHITNEY.
IN OPPOSITION: NONE.

D. SF2141

BAGLEY

**FINAL PLAT
OHANA ACRES**

A request by G & D Hammann Ohana Trust for approval of a 19.31-acre Final Plat creating 4 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 17825 Jones Road, directly southeast of the intersection of Jones Road and Murr Road. (Parcel No. 3330001001) (Commissioner District No. 2)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: MARKEWICH MOVED / SCHUETTPELZ SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3D, FILE NUMBER SF2141 FOR A FINAL PLAT, OHANA ACRES, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH NINE (9) CONDITIONS, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-0).

IN FAVOR: BAILEY, BRITAIN JACK, MARKEWICH, SCHUETTPELZ, SMITH, AND WHITNEY.
IN OPPOSITION: NONE.

E. SP207

HOWSER

**PRELIMINARY PLAN
CROSSROADS NORTH**

A request by Colorado Springs Equities, LLC for approval of a 44.34-acre Preliminary Plan depicting 15 commercial lots and 5 tracts. The property is zoned CR (Commercial Regional), is subject to the CAD-O (Commercial Airport Overlay) District and is located between the southeast corner of the intersection of Colorado State Highway 24 and Marksheffel Road and the northeast corner of the intersection of Colorado State Highway 24 and Colorado State Highway 94. (Parcel Nos. 5408001008, 5408001029, 5408001032, 5408001034, 5408001041, 5408001042, 5408001050, 5408001051, and 5408001052) (Commissioner District No. 4)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: SCHUETTPELZ MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3E, FILE NUMBER SP207 FOR A PRELIMINARY PLAN, CROSSROADS NORTH, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FIVE (5) CONDITIONS, THREE (3) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-0).

IN FAVOR: BAILEY, BRITAIN JACK, MARKEWICH, SCHUETTPELZ, SMITH, AND WHITNEY.
IN OPPOSITION: NONE.

**MAP AMENDMENT (REZONING)
MULTI-FAMILY DEVELOPMENT FISHERS CANYON-THOMPSON THRIFT VENETUCCI**

A request by CS 2005 Investments III, LLC for approval of a Map Amendment (Rezoning) of 16.23 acres from PUD (Planned Unit Development) to RM-30 (Residential Multi-Dwelling). The property is located north of South Academy Boulevard and west of Venetucci Boulevard. (Parcel Nos. 6504300049 and 6504300050) (Commissioner District No. 4)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: SMITH MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3F, FILE NUMBER P247 FOR A MAP AMENDMENT (REZONING), MULTI-FAMILY DEVELOPMENT FISHERS CANYON-THOMPSON THRIFT VENETUCCI, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FOUR (4) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-0).

IN FAVOR: BAILEY, BRITAIN JACK, MARKEWICH, SCHUETTPELZ, SMITH, AND WHITNEY.

IN OPPOSITION: NONE.

4. CALLED-UP CONSENT ITEMS (NONE)

5. REGULAR ITEMS (NONE)

6. NON-ACTION ITEMS (NONE)

DISCUSSION

Mr. Whitney assured the audience that even though the meeting was brief, the board carefully reviewed each item in the comprehensive hearing packet provided by County staff.

Mr. Bailey acknowledged that a member of the public had joined remotely (by phone) and was requesting to speak regarding agenda item 3F, P247 (Multi-Family Development Fishers Canyon-Thompson Thrift Venetucci). He mentioned that each item on the agenda had already been resolved.

Ms. Seago clarified that because the item had already been voted on, any public comments made at this time would not be part of the item's record. She explained that if the board wanted to make the comments part of the record and part of their consideration, someone who voted in favor of the item would need to make a motion to reconsider it. That motion would need to be seconded and receive a majority vote to pass. She further explained that the item could then be presented before the board as if they had never voted previously. The board could choose to have either a limited or full hearing, incorporate the public comments, and then proceed as usual.

Mr. Bailey thanked Ms. Seago for the clarification. He expressed his intension to listen to the comments before deciding on how to move forward. He then asked the caller to speak.

Ms. Jennifer Buckley spoke in opposition to P247. She stated that she had tried to participate via X, formerly Twitter. She stated the traffic study for the project did not consider the Eldorado Springs Apartments being built on the corner of Westmark Avenue and Venetucci Boulevard (north of the subject property). She stated the traffic light at Venetucci/B Street/Highway 85 gets backed up in both directions and it often takes multiple light cycles to get through the intersection. She acknowledged there is

construction work being done on Academy Boulevard. Overall, however, she stated that she is concerned the traffic study for this project did not take into account that another multi-family residential development would soon be using the same intersection. People drive dangerously in the area.

Mr. Bailey asked if any members of the board would like to reconsider the vote after hearing the comments.

Mr. Whitney asked County staff to verify if traffic anticipated from Eldorado Springs Apartments had been part of the traffic study for the current proposal.

Ms. Vo answered that the current proposal will add a little more than 300 units, generating 2,200 daily trips. She stated that the traffic study identified that there are 2 access options from Venetucci Boulevard. One is Walmart Heights (to the south) and the other will be at the roundabout (to the north). She agreed that any development will increase traffic in the surrounding community. She stated the traffic study will evaluate how the traffic is distributed.

Mr. Bailey asked again if any board members wanted to reconsider their votes. (No response.)

Mr. LaForce added that during the next application, the Preliminary Plan, Engineering could confirm with the traffic engineers if the Eldorado Springs Apartments were incorporated within the background traffic that was estimated. That information can be clarified in the traffic study submitted with future phases.

Mr. Markewich clarified that the project would appear before the PC and BOCC again, and traffic could be addressed in more detail at that time.

Mr. LaForce confirmed.

Ms. Seago encouraged Ms. Buckley to attend the BOCC hearing on 8/22/2024 to express any concerns and have her comments incorporated into the record.

Mr. Bailey agreed and added that the PC is merely making a recommendation to the BOCC, who will hear the item and make a decision. He further added that there will be additional steps in the development process (Preliminary Plan, Final Plat, etc.) before completion.

Mr. Smith remarked that Venetucci Boulevard is owned and maintained by the City of Fountain. He asked how traffic issues are handled with that interplay.

Mr. LaForce answered that the area is multi-jurisdictional. Venetucci is owned by Fountain. There is another road to the north that is owned by CDOT. Those agencies are outside reviewers of the application and were invited to review the traffic study and provide comments. During the construction phase for offsite improvements, the applicants will coordinate submittals to those jurisdictions for sections that fall within their areas. The multiple jurisdictions may also work together to review one comprehensive plan set that includes all the various signature blocks. Many eyes will be on the project throughout the process.

Mr. Smith asked what would happen if the BOCC approved the project and the traffic study called for improved turn lanes to one of the roads. Would another jurisdiction be obligated to complete those?

Mr. LaForce clarified that the developer is the one responsible for making any offsite improvements that the jurisdictions require. He further explained that CDOT will require an access permit that includes a condition regarding the offsite improvements. The County could include conditions on subsequent applications.

MEETING ADJOURNED at 9:35 A.M.

Minutes Prepared By: Miranda Benson

FINAL PLAT (RECOMMEND APPROVAL)

Markewich moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF2141
OHANA ACRES

WHEREAS, G & D Hammann Ohana Trust did file an application with the El Paso County Planning and Community Development Department for approval of a Final Plat for the Ohana Acres Subdivision 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.
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 ("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 Engineering Criteria Manual ("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 Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of G & D Hammann Ohana Trust for approval of a Final Plat for the Ohana Acres Subdivision 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 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.
8. Drainage fees in the amount of \$12,154.77 and bridge fees in the amount of \$2,391.92 shall be paid for the Haegler Ranch Drainage Basin at the time of final plat recordation.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 6/21/2024, as provided by the County Attorney's Office.

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.

SCHUETTPELZ seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	aye / no / non-voting / recused / <u>absent</u>
Becky Fuller	aye / no / non-voting / recused / <u>absent</u>
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent

Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	<u>aye</u> / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / <u>absent</u>
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 6 to 0 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

Lot 1, V I L Filing No. 1, County of El Paso, State of Colorado.

Containing a calculated area of 841,158 square feet (19.3101 acres), more or less.

EL PASO  **COUNTY**

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

COLORADO

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Kylie Bagley, Senior Planner
Charlene Durham, P.E., Principal Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Number: SF2141
Project Name: Ohana Acres
Parcel Number: 3330001001

OWNER:	REPRESENTATIVE:
G & D Hammann Ohana Trust 17825 Jones Road Peyton, CO 80831	G & D Hammann Ohana Trust 17825 Jones Road Peyton, CO 80831

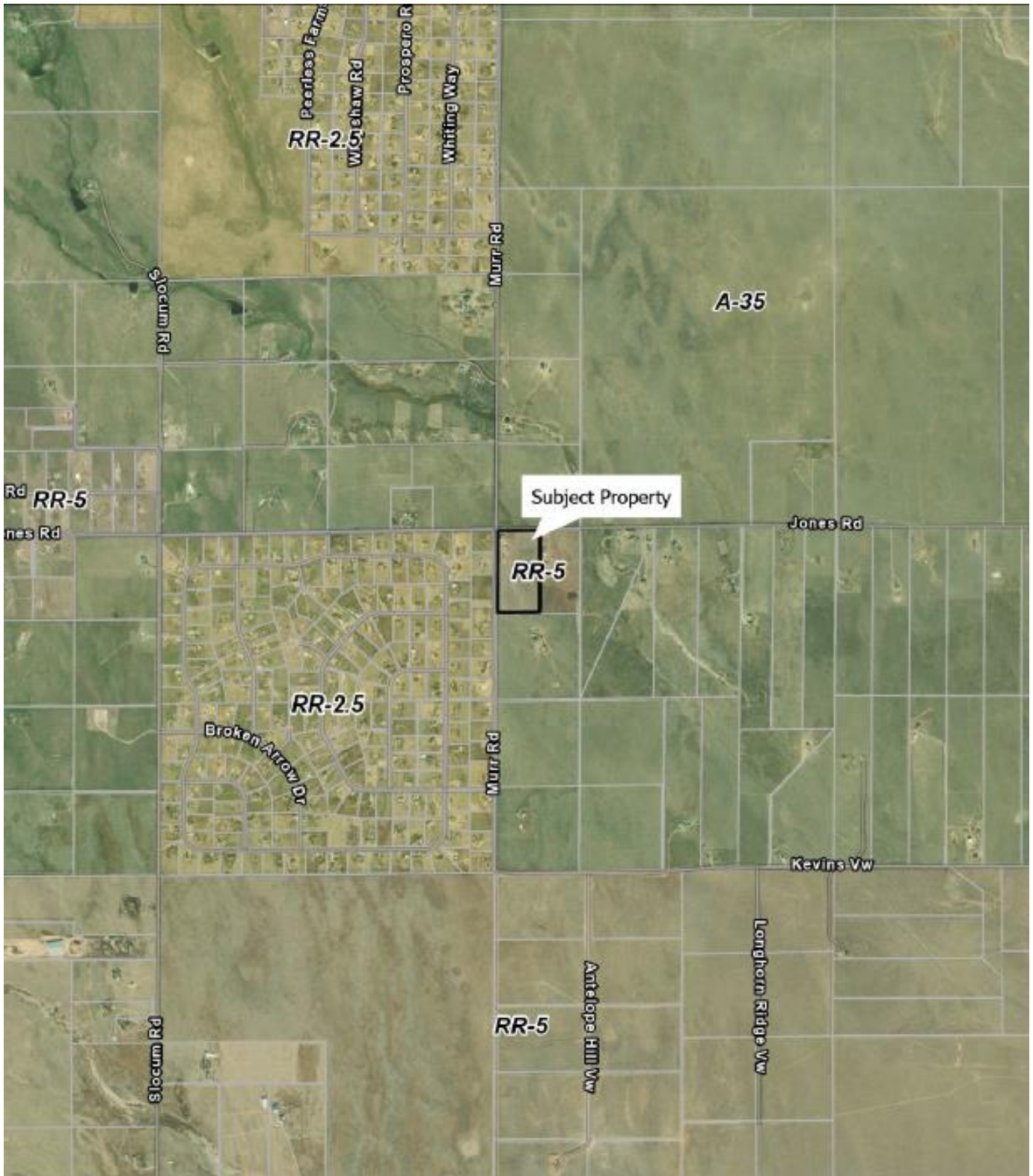
Commissioner District: 2

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

EXECUTIVE SUMMARY

A request by G & D Hammann Ohana Trust for approval of a 19.31-acre Final Plat creating 4 single-family lots. The property is zoned RR-5 (Residential Rural) and is located at 17825 Jones Road and directly southeast of the intersection of Jones Road and Murr Road. (Parcel No. 3330001001) (Commissioner District No. 2)





2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 - 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

WWW.ELPASOCO.COM

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 (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 this 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 this 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 this 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 this Code and the 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 this Code and the 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 this Code; and
- 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;
- 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; and
- 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:	A-35 (Agricultural)	Agricultural Land
South:	A-35 (Agricultural)	Single-Family Residential
East:	RR-5 (Residential Rural)	Single-Family Residential
West:	RR-2.5 (Residential Rural)	Single-Family Residential

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D. BACKGROUND

The applicant is requesting to subdivide 19.31 acres in the RR-5 zone district into 4 single-family residential lots. The property was zoned RR-5 in 1999, when zoning was initiated in this part of the County. Three lots will consist of 4.75 acres with one lot consisting of 5 acres. In the RR-5 zoning district, properties that abut a section line County road may consist of a minimum of 4.75 acres (Land Development Code (LDC) Table 5-4). The property abuts two section line County roads, Murr Road and Jones Road.

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).

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Rural

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

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

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



Recommended Land Uses:

Primary

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

Supporting

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

b. Area of Change Designation: Minimal Change: Undeveloped

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

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

d. Analysis

The Rural Placetype shows the supporting land use to be one residential unit per 5 acres, the property is zoned RR-5 and has a minimum lot size requirement of 5 acres. The Land Development Code allows for lots to be 4.75 acres along section line County roads as stated in the LDC Table 5-4. The proposed subdivision will meet the RR-5 zoning requirements as depicted in the Land Development Code. The proposed subdivision will not alter the character of the neighborhood, which is adjacent to RR-2.5, RR-5 and A-35 zoning districts. Relevant goals and policies for the Master Plan are as follows:

Goal LU1 Specific Strategy – *New development and any redevelopment in Forested Areas 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.*



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

Goal HC2 – Preserve the character of rural and environmentally sensitive areas.

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

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.

Goal 4.3 – Collaborate with the State and other stakeholders to extend the economic life of the Denver Basin aquifers.

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. 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.

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. El Paso County Environmental Services and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

Colorado Geologic Survey reviewed the soils and geology report provided with this application and determined that seasonal groundwater may occur on the site. If basements are planned for future structures, test borings drilled to a sufficient depth (generally at least 20 feet) are necessary to determine groundwater and bedrock depths where both are likely to be shallow. Lot-specific geotechnical and septic investigations will be needed in order to:

- Determine the thickness and extent to which the soils beneath each proposed structure are subject to collapse under loading and/or wetting; characterize soil and bedrock engineering properties such as density, strength, water content, swell/consolidation potential, and bearing capacity; determine depths to groundwater, bedrock, and any impermeable layers that might lead to the development of a perched water condition.
- Determine percolation rates for each lot to determine if engineered septic systems are necessary.
- Provide earthwork, foundation, floor system, subsurface drainage, and pavement recommendations for design purposes.



2. Floodplain

The property has a portion of a Zone AE (special flood hazard area with base flood elevations) floodplain at the northeast corner of Lot 1 of the property, as determined by FEMA Flood insurance Rate Map panel number 08041C0590G, dated December 7, 2018. A no build area is included on Lot 1 but will not impede development of the lot.

3. Drainage and Erosion

The property is located in the Haegler Ranch and Telephone Exchange Drainage Basins which are included in the El Paso County Drainage Basin Fee program. Drainage fees will be due at the plat recording.

Per Section 1.7.1.B of the El Paso County Engineering Criteria Manual (ECM) a permanent water quality facility is not required for single-family residential lots greater than or equal to 2.5 acres and having a total lot impervious area of less than 10 percent.

4. Transportation

Each lot within the subdivision will receive access off Murr Road via a driveway access. Murr Road is a gravel local road, owned and maintained by El Paso County. A traffic study was not required as the proposed subdivision is not expected to generate 100 daily vehicle trips or 10 trips during the peak hour. No additional easements or improvements are needed for Murr Road.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvements in the immediate vicinity.

The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended).

H. SERVICES

1. Water

Water will be provided by individual onsite wells. 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.

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2. Sanitation

Wastewater is provided by onsite wastewater treatment systems.

3. Emergency Services

The property is within the Falcon Fire Protection District. The District did not have any comments regarding the application.

4. Utilities

Electric services will be provided by Mountain View Electric Association and the lots will need to have their own propane.

5. Metropolitan Districts

The property is not within a metropolitan district.

6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$1,840 for regional fees and \$0 for urban park fees will be due at the time of recording the Final Plat.

7. Schools

Fees in lieu of school land dedication in the amount of \$960 shall be paid to El Paso County for the benefit of District 49 at the time of plat recording.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no outstanding 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 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 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.
8. Drainage fees in the amount of \$12,154.77 and bridge fees in the amount of \$2,391.92 shall be paid for the Haegler Ranch Drainage Basin at the time of final plat recordation.



9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 6/21/2024, as provided by the County Attorney's Office.

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 14 adjoining property owners on July 17, 2024, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

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





Aerial Map

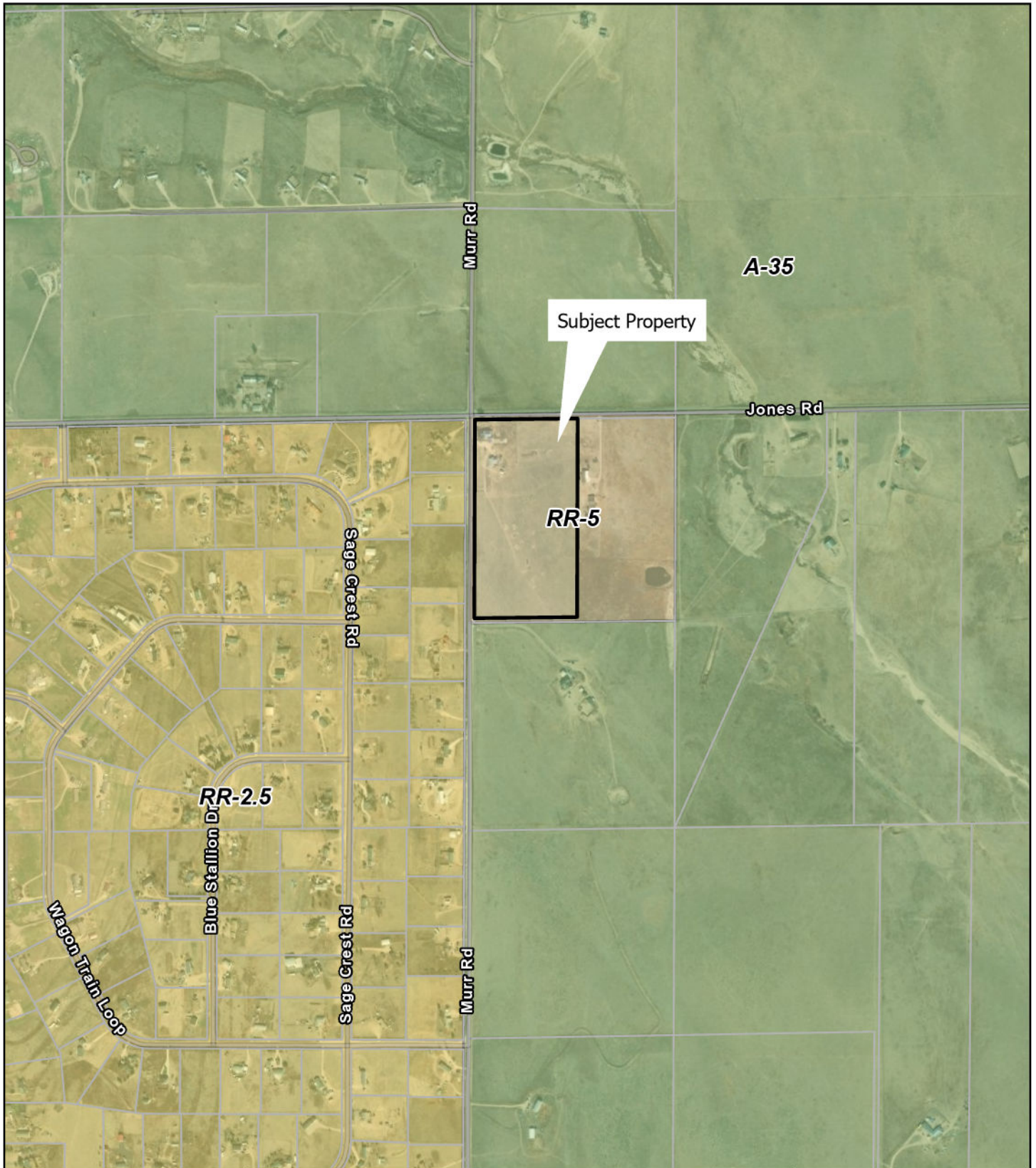
File No. SF2141

Map Series No. 1



0 0 0.1 0.2 Miles

A horizontal scale bar with vertical tick marks. The segments are labeled "0", "0", "0.1", and "0.2 Miles".



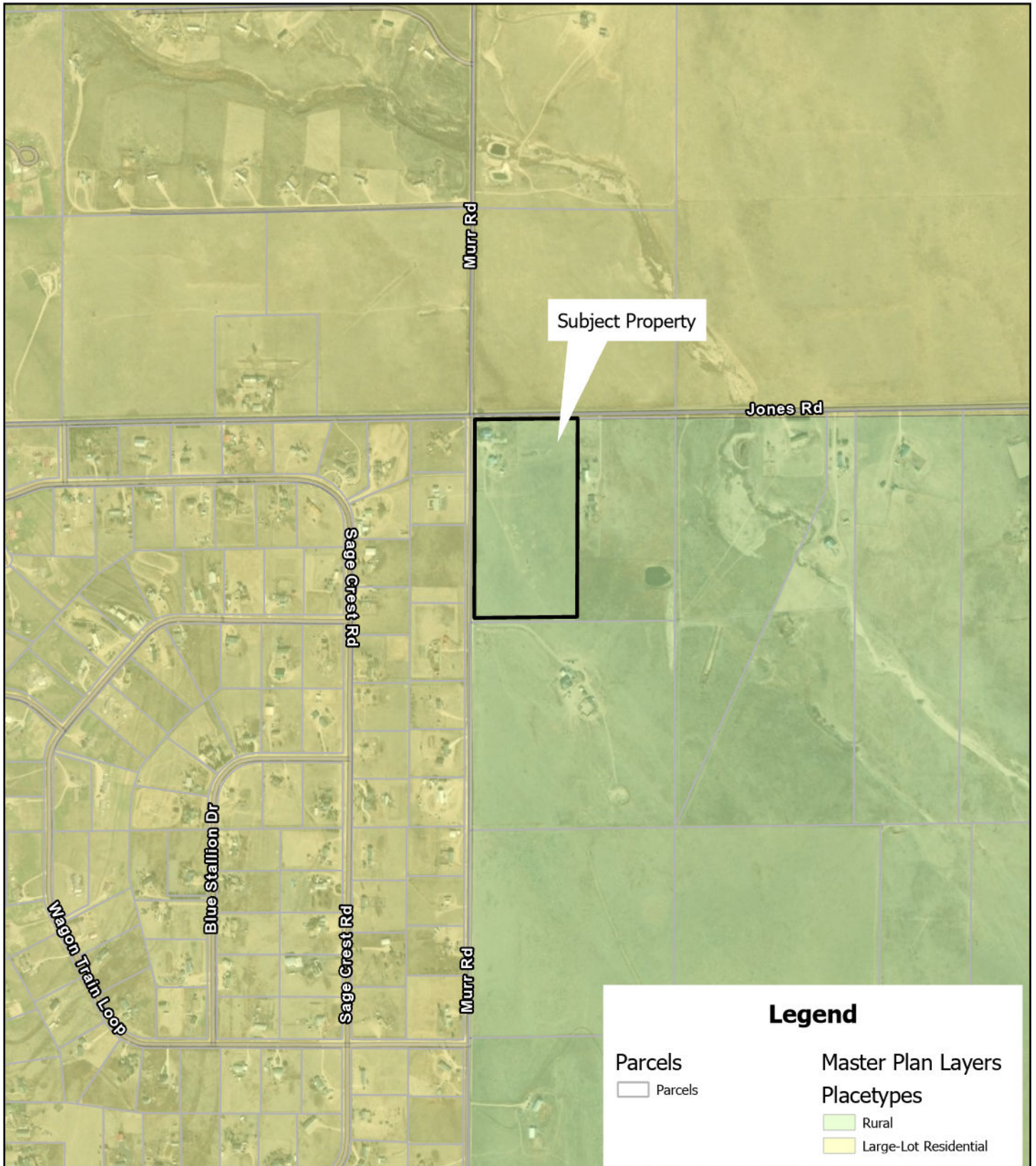
Zoning Map

File No. SF2141

Map Series No. 2



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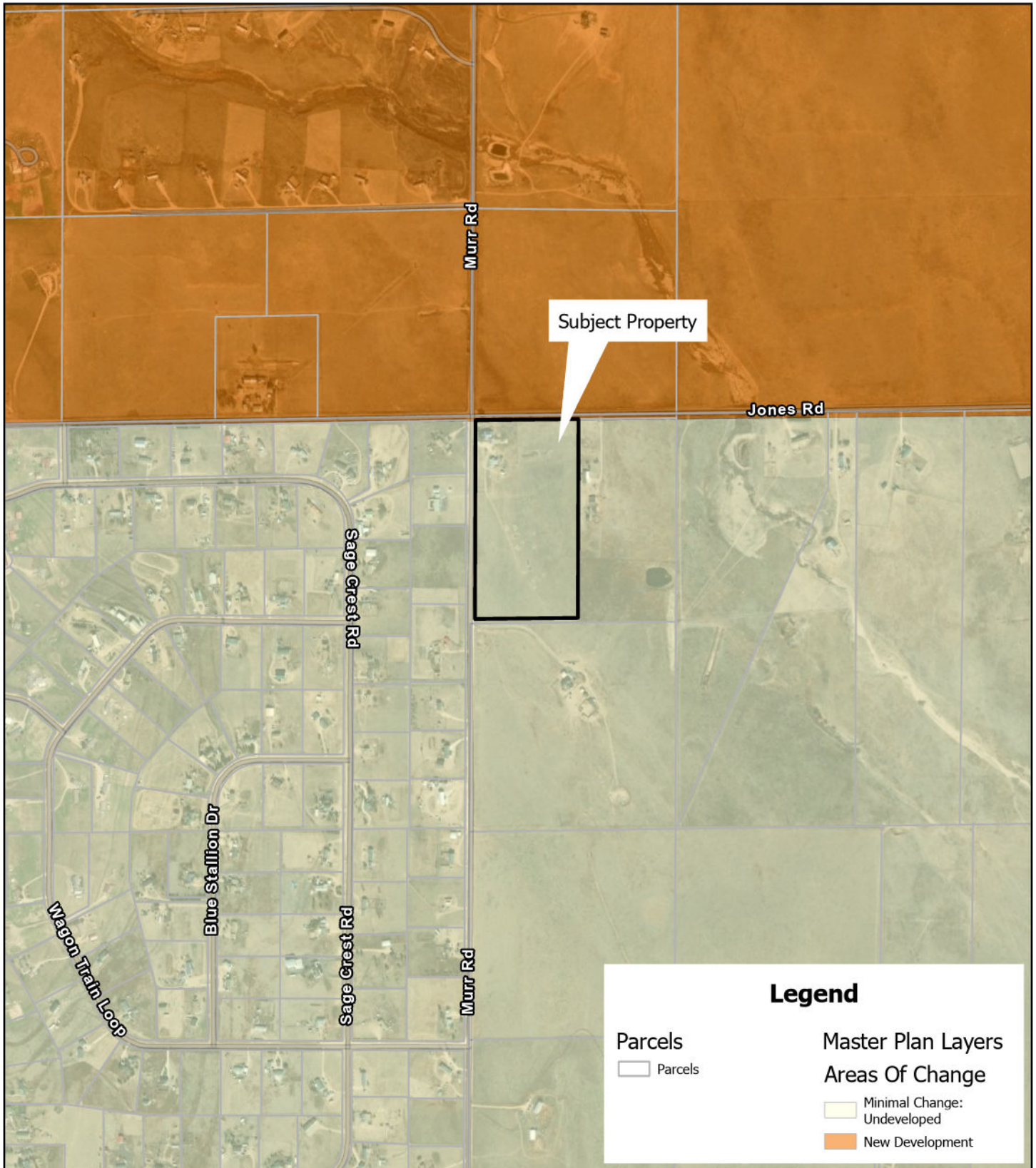
Placetype Map

File No. SF2141

Map Series No. 3



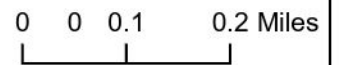
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Areas of Change Map

File No. SF2141

Map Series No. 4



LETTER OF INTENT
OHANA ACRES

Owner and Applicant:

G & D Hammann Ohana Trust
Gary L. Hammann, Trustee
Darlene C Noel-Hammann, Trustee
17825 Jones Road
Peyton, CO 80831

Engineering:

Jim Allison Engineering
4245 Log Rd
Peyton, CO 80831

Surveying:

Compass Surveying & Mapping
3253 W Carefree Circle
Colorado Springs, CO 80917

Site Location Size and Zoning

The proposed minor subdivision to be known as "Ohana Acres" is currently listed as Lot 1 VIL Filing No.1 and is located in the NW ¼ of the NW ¼, Section 30 Township 13 South, Range 63 West, 6th P.M. in El Paso County, Colorado. The property has El Paso County Tax Schedule Number 3330001001. The current address of the site is 17825 Jones Road, Peyton, Colorado. The northern portion of the site is developed with a single residence, detached garage, barn and storage shed. It has a gravel driveway from Murr Road and has a well and septic system. The site is presently 19.31 acres and is currently zoned RR-5 (Rural Residential). The site is bordered by Murr Road to the west and Jones Road to the north and is on a section line (Murr Road). Adjacent properties to the west are part of the Blue Sage Subdivision and are 2.5 acre lots. The property to the north is zoned A-35 and is currently vacant. The property to the east is a 19.28 acre lot zoned RR-5 with a single family residence and two out-buildings. The property to the south is a 40.46 acre lot with a single family residence with out-buildings and is zoned A-35.

Request

The request is for approval for a minor subdivision for the Hammann Family named Ohana Acres, containing a total of 19.31 acres. The proposed minor subdivision will create four lots with Lot 1 being 5.0582 acres, Lot 2 is 4.7512 acres, Lot 3 is 4.7508 acres and Lot 4 is 4.7501 acres. Lot sizes meet the county requirements of 4.75 acres per lot along a county road and/or section line (Murr Road).

- Lot 1 -5.0582 acres, which has an existing home, detached garage, barn and storage shed, will retain its existing driveway. All buildings meet set back requirements on all sides. The proposed lots (Lot 2 – 4.7512 acres, Lot 3 – 4.7508 acres and Lot 4 – 4.7501 acres) and future buildings will fit into the existing neighborhood as it is surrounded by lots and a subdivision that is zoned Rural Residential and ranges from RR-2.5 in Blue Sage Subdivision to the west, RR-5 on the eastern boundary and A-35 on the north and south. The proposed subdivision will be consistent with the design, engineering, and surveying of the El Paso County Land Development Code 4.75: *In the event that the land to be portioned, platted, sold on zoned abuts a section line county road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum width shall be 165 feet.* (Reference Table 5-4, page 150, Density & Dimensional Standards for Agricultural Residential & Special Purpose Districts has been included as Attachment 1. The proposed Minor Subdivision also meets the requirements of El Paso County Land Development Code 7.2.1 as it is *a division of land of 4 or fewer lots that do not discernibly impact surrounding properties, environmental resources or public facilities.*

Preliminary Plan Summary

The development standards and layout for four detached single-family residential lots, to eventually be occupied by the family of Gary and Darlene Hammann, with driveway access off of Murr Road.

Land Use

The minimum lot size will be 4.75 acres with Lot 1 being larger (5.0582 acres). Lots will have easements for public drainage, utilities, access and private open spaces (within lot yards). Owners will pay, if applicable, park fees in lieu of providing shared or public open fees.

Future permitted and accessory single-family uses include single-family detached dwellings and accessory buildings (per LDC – Chapter 5, Table 5-1 and 5-2 allowances)

Lot Dimensional Standards

Typical lots have been planned to meet the following dimensional standards:

- Minimum lot size: 4.75 Acres
- Maximum Height: 35 feet
- Setbacks: Front yard: 25 feet
 Side Yard: 25 feet
 Rear Yard: 25 feet

Public Services and Utilities

- Water Service – Individual wells
- Waste Water – Individual on-site septic
- Electric Service – Mountain View Electric Association
- Fire Protection – Falcon Fire Protection District
- Police Protection – El Paso County Sheriff's Department
- Public School – El Paso County School District 49

- Library Services – Pikes Peak Library District
- Roads – El Paso County Road & Bridge

Traffic Generation

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

Water Resources

The proposed development will have water supplied from individual residential wells. (State Water Report included as Attachment 2)

- As required, a sufficient water supply has been acquired from the Colorado Groundwater Commission in terms of quantity, quality and dependability for the four lots in Ohana Acres. Lot 1, has an existing alluvial well with permit number 53486 that will be replaced according to the Groundwater Evaluation from Groundwater Investigations LLC. The four new wells are addressed under Groundwater Commission Determination No. 3714BD.

Drainage Report

Drainage Report by Allison Engineering has been submitted with application.

The property consists of unplatted land to be eventually be developed into four residential lots (RR-5 zoning). Site is within the Haegler Ranch drainage basin (and DBPS). The proposed development is in general conformance with the DBPS and will not negatively affect downstream drainage. The existing project site generally slopes from west to east with less than 10% slope. There is a small portion that slopes from east to west along Murr Road with less than 3% slope. The historical drainage patterns will be generally maintained.

The developed runoff from the project will generally be collected by means of roadside ditches located on Murr Road and private driveways.

Detention and water quality facilities are not required for the project as the development consists of RR-5 lots and no public roadway.

Wildfire Hazard and Mitigation

Ohana Acres is outside the wildland urban interface zone and is not in the mapped Wildfire Susceptibility index (very-high or moderate to very-high) zones.

According to the site planning and maintenance with defensible zones, each residential site will be encouraged to address the principals of protection zones within this grassland environment with the goal of reducing dense and tall landscapes materials within the initial 15' zone around structures. This would include thinning and branching-up of existing trees and ground plain materials.

Mitigation efforts can be reviewed in the EPC Community Wildlife Protection Plan for Unincorporated El Paso County, with reference to Forest Action Plan, provided by the Colorado State Forest Services.

Falcon Fire Department District Commitment Letter

Ohana Acres is in the Falcon Fire Protection District. Fire Chief Trent Harwig confirmed on May 31, 2019 that service will be provided subject to the following conditions:

- All new construction, renovations or developments within the Fire Department's jurisdiction must comply with the applicable fire code and nationally recognized life safety standards adopted by the El Paso County Board of County Commissioner and the Fire Department's Board of Directors, as amended from time to time.
- All development , water and commercial construction plans must be reviewed and approved by the fire department for compliance with the applicable fire code and nationally recognized life safety standards prior to final plat or construction permit being issued
- All new development projects access shall meet the fire code and nationally recognized standards' pertaining to fire apparatus access.

Electric Provider Commitment

Ohana Acres Subdivision is located within the Mountain View Electrical Association service area. MVEA confirmed on February 06, 2019 with the request of a ten foot front, side and rear lot utility easement, along with a twenty foot exterior utility easement on the plat and all tracts. They also request all existing facilities with easements on plat(s) be included. All new electric will be underground.

Natural features

Wildlife

Wildlife impacts are expected to be generally low based on review of the EL Paso County Wildlife Descriptions Map. Additional wildlife impacts may be identified by other entities with wildlife jurisdiction.

Floodplain

According to FEMA maps, there is a small portion in the northeast corner of Lot 1 within Area AE, special flood hazard areas with base flood elevations and zone x, 0.2% annual flood average. This area does not affect any of the existing structures on Lot 1 and is labeled a NO BUILD zone. The rest of the property is located outside the 100 year floodplain as determined by the Firmette map created April 20, 2021 and included with this application.

Vegetation

Topographically the site is gently rolling terrain with overall slopes of less than 10%. The entire site consist of native grasses and weeds.

Noxious Weeds

Reference to the El Paso County Weed Mitigation Plan, weed management for Ohana Acres includes both prevention and mitigation. The owners have adhered to this for the 26 years they have owned the property.

Justification

Ohana Acres is in conformance with goals, objectives and policies of the Master Plan and the Land Development Code established by El Paso County. The RR-5 lots meet the density and dimensional standards set by the Land Development Code, Chapter 5, Page 150 *In the event that the land to be portioned, platted, sold on zoned abuts a section line county road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum width shall be 165 feet.* All lots are at least 4.75 acres with a width of at least 300 feet.

Ohana Acres does not include open spaces, but will pay applicable park fees in lieu of providing open space.

Ohana Acres generally conforms to the goals, objectives and policies of the master plan which includes the El Paso Master Plan and County Policy Plan or reason stated below:

- Finding of Master Plan conformity regarding land use and densities have been made in support of the adjacent development (Blue Sage Subdivision). This application remains consistent with those findings; and with the following policies from the El Paso Master Plan, County Policy Plan and County Water Master Plan.

Ohana Acres would promote the rural residential character of eastern El Paso County and satisfy the following policies of the County Policy Plan:

- Policy 6.1.3: Encourage new development with is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access. ♣ The development is projected to have the densities as the Blue Sage Subdivision (RR-2.5, with Ohana Acres being RR5) within the large lot residential place type.
- Policy 6.1.11: Plan and implement land development, so that it will be functionally and aesthetically integrated within the context of adjoining properties. ♣ The development is projected to implement aesthetic integration in terms of matching existing conditions of Murr Road and said Large-Lot residential developments. ♣ Access to lots will be permitted driveways off of Murr Road, as are lots in Blue Sage Subdivision along Murr Road.

The subdivision is consistent with the purposes of this Code; the preliminary plan is consistent with the purposes of this Code which include development procedures and standards intended to promote safe and orderly development of land and the placement of land uses in relation to existing and predicted patterns of growth and availability of necessary services.

The subdivision is in conformance with the subdivision design standards and any approved sketch plan; the subdivision conforms with the subdivision standards of the Code.

A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code. Water will be supplied by individual wells. Ownership of water rights and availability paperwork is included with this Letter of Intent as Attachment 2.

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 will be provided by way of individual on-site septic/wastewater systems. Reference the Soil and Geology Report, prepared by Allison Engineering.

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)]

Soils and geologic hazards and constraints including floodplain have been identified on the preliminary plan. The soils and geology report has not identified any hazards or constraints that would preclude development of the site. The subdivision has been designed to avoid and minimize impacts to identified hazard and/or constraint conditions.

Adequate drainage improvements complying with State law [C.R.S. § 30-28- 133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design; Drainage improvements have been designed to adequately convey, store, treat, and release historic and developed flows onto and through the site.

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; The public improvements (on-site and off-site) have been designed and sited to adequately serve the needs and mitigate the impacts of the development, including, roads, utilities, drainage facilities.

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 this Code and the ECM; legal access is provided to the subdivision via private driveways off of Murr Road.

The proposed subdivision has established an adequate level of compatibility by incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; the subdivision has been designed to minimize impact to natural features such as the noted floodplain. The Code does not have open space requirements for rural density subdivisions and no common open space is provided. Lots are large enough to provide private open spaces within each individual lot.

Does the plan incorporate 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?

The site has been designed to provide required public services and infrastructure (transportation/utilities) consistent with rural large lot development standards.

Does the plan incorporate physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses?

The plan reflects the standard transitions and buffers consistent with the EPC planning criteria.

Does the plan incorporate identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design?

Environmentally sensitive features have been identified on the preliminary plan and designated as no-build areas.

Does the plan incorporate 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?

The subdivision improvements (road, utility, storm water) have been planned to meet the demand of the subdivision and not negatively impact level of service for county services and facilities. Appropriate bridge, drainage, park, school, and traffic fees will be paid at the time of final plat recordation.

Are necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision?

Services have been reviewed with identified providers and related commitment letters have been provide with this application.

The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and the fire protection requirements for access and water supply for fire suppression have been provided. Specific recommendations and requirements of the Falcon Fire Protection District will be incorporated into the design including required public improvements necessary for fire protection.

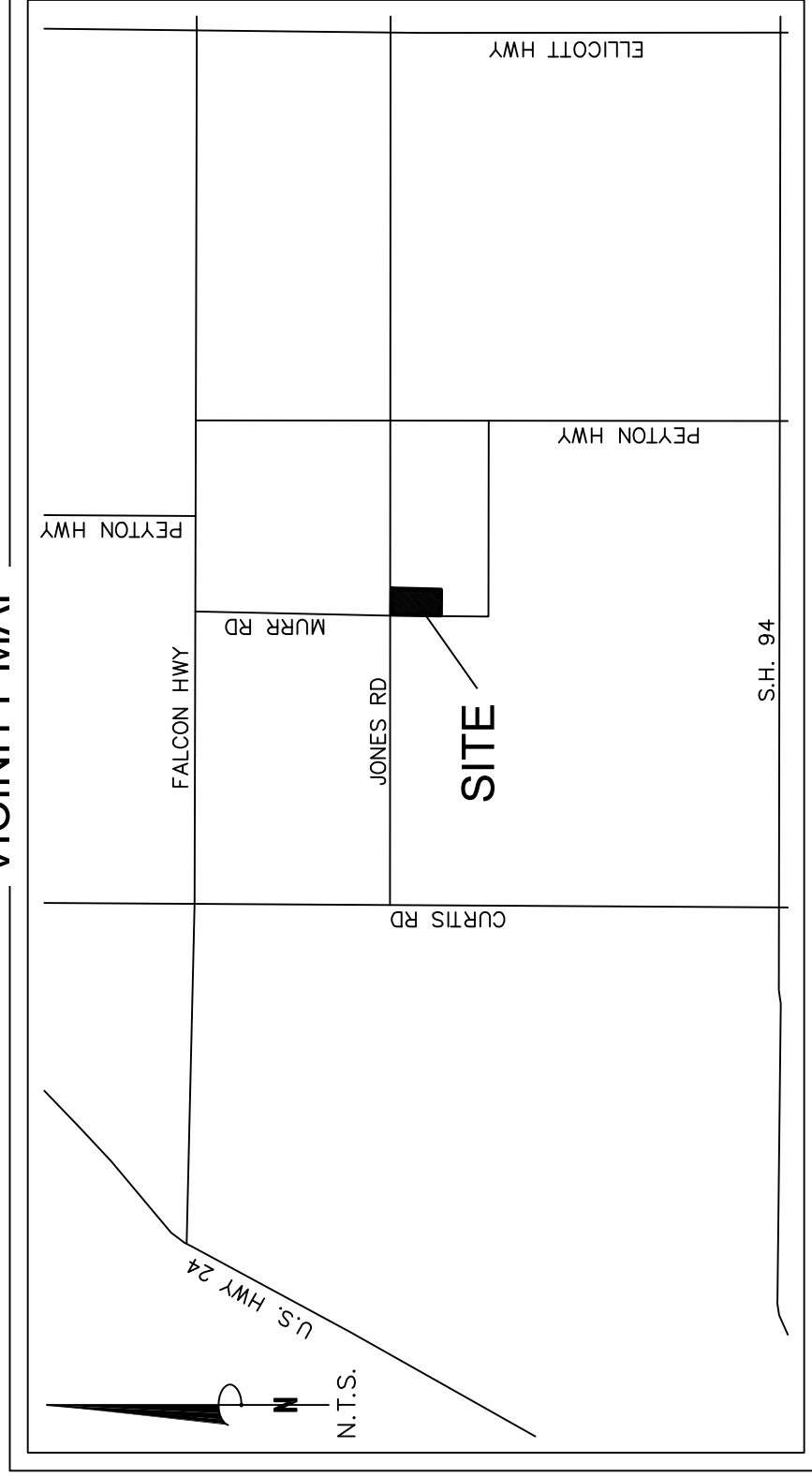
Submitted by:
Gary Hammann, Owner
(719) 650-5952
gary.hsquared@gmail.com

Gary Hammann 04-03-2024

FINAL PLAT OHANA ACRES

A VACATION AND REPLAT OF LOT 1, V I L FILING No. 1
LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 30,
TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO

VICINITY MAP



NOTES (continued):

- Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.
- The subdividers agree on behalf of him/herself and any developer or builder successors and assigns shall be required to pay traffic impact fees in accordance with the countywide transportation improvement fee (Resolution No. 19-471) as amended 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 sale documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
- Pursuant to Resolution _____, approved by the Board of Directors, El Paso County Public Improvement District _____ and recorded in the records of the El Paso County Clerk and Recorder at Reception Number _____, the parcels within the platted boundaries of (subdivision) are included within the boundaries of the El Paso County Public Improvement District _____ and as such is subject to applicable road impact fees and mill levy.

- 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 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 indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water sources should be identified and water supply augmentation should be provided. Water supply provides future generations with a water supply. Water withdrawal and wells are subject to limitations, restrictions and augmentation requirements and responsibilities as found within the Covenants for this subdivision recorded in Reception No. _____ of the Office of the El Paso County Clerk and Recorder and the terms of the water court approved water augmentation plan.

SURVEYOR'S CERTIFICATION:

I, Mark S. Johannes, 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 the date of survey shown hereon, by me or under my direct supervision and that all monuments exist as shown hereon, that mathematical closure errors are less than 1:10,000; and that said plat has been prepared in full compliance with all applicable laws of the State of Colorado relating to monuments, subdivisions, and surveying of land and all applicable provisions of the El Paso County Land Development Code.

This certification is neither a warranty nor guarantee, either expressed or implied.

Mark S. Johannes
Colorado Professional Land Surveyor No. 32439
For and on behalf of Compass Surveying and Mapping, LLC

FEES:

Drainage Fee: _____ School Fee: _____

Bridge Fee: _____ Park Fee: _____

RECORDING:

STATE OF COLORADO } SS
COUNTY OF EL PASO }

I hereby certify that this instrument was filed for record in my office at _____ o'clock
_____M., this _____ day of _____, 20____, A.D., and is duly recorded
under Reception No. _____ of the records of El Paso County,
Colorado.

STEVE SCHLEIKER, RECORDER

BY: _____ Deputy

SURCHARGE: _____

FEE: _____

POD FILE NO.: SF-21-041

REVISIONS:

1	3/02/23	County comments.
2	8/29/23	County comments.
3	11/09/23	Add basin outfall locations.
4	1/29/24	Add basin delineation line, label basins.
5	1/31/24	Add basin outfall locations.
6	4/23/24	Add Floodplain Certification and BFE locations.

PROJECT NO. 18196
AUGUST 10, 2021
SHEET 1 OF 2

KNOW ALL MEN BY THESE PRESENTS:

That the G & D Hammann Ohana Trust dated February 18, 2021, being the owner of the following described tract of land to wit:

Lot 1, V I L Filing No. 1, County of El Paso, State of Colorado.

Containing a calculated area of 841,158 square feet (19,3101 acres), more or less.

OWNERS CERTIFICATION:

The undersigned, being all the owners, mortgages, beneficiaries of deeds of trust and holders of other interests in the land described herein, have laid out, subdivided, and platted said lands into a lot and easements as shown hereon under the name and subdivision of OHANA ACRES. 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.

_____ Date

STATE OF COLORADO } SS
COUNTY OF EL PASO }

Acknowledged before me this _____ day of _____, 20____ by _____

My commission expires _____

Witness my hand and official seal _____

Notary Public

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

This plat for OHANA ACRES was approved for filing by the El Paso County Board of County Commissioners on the _____ day of _____, 20____, 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 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 in Plat Book H-5, Page 115.

Chair, Board of County Commissioners _____

Date _____

DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT CERTIFICATE:

This plat for OHANA ACRES was approved for filing by the El Paso County, Colorado Board of County Commissioners on the _____ day of _____, 20____, subject to any notes listed to the public (public utility & drainage easements) are accepted, 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.

Previous plat name in entirety is vacated and amended for the areas described by this replat 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 in Plat Book H-5, Page 115.

Director of Planning and Community Development _____

Date _____

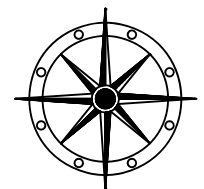
- There shall be no direct lot access to Jones Road.

- Unless otherwise indicated, all side lot lines are hereby platted on each side with a 5 foot wide easement. The easement shall be used for utility and drainage easement. The sole responsibility of maintenance is hereby vested in the individual property owners.

- 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, US Army Corps of Engineers and the US Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the listed species (e.g. Prebles Meadow Jumping Mouse).

COMPASS SURVEYING & MAPPING, LLC

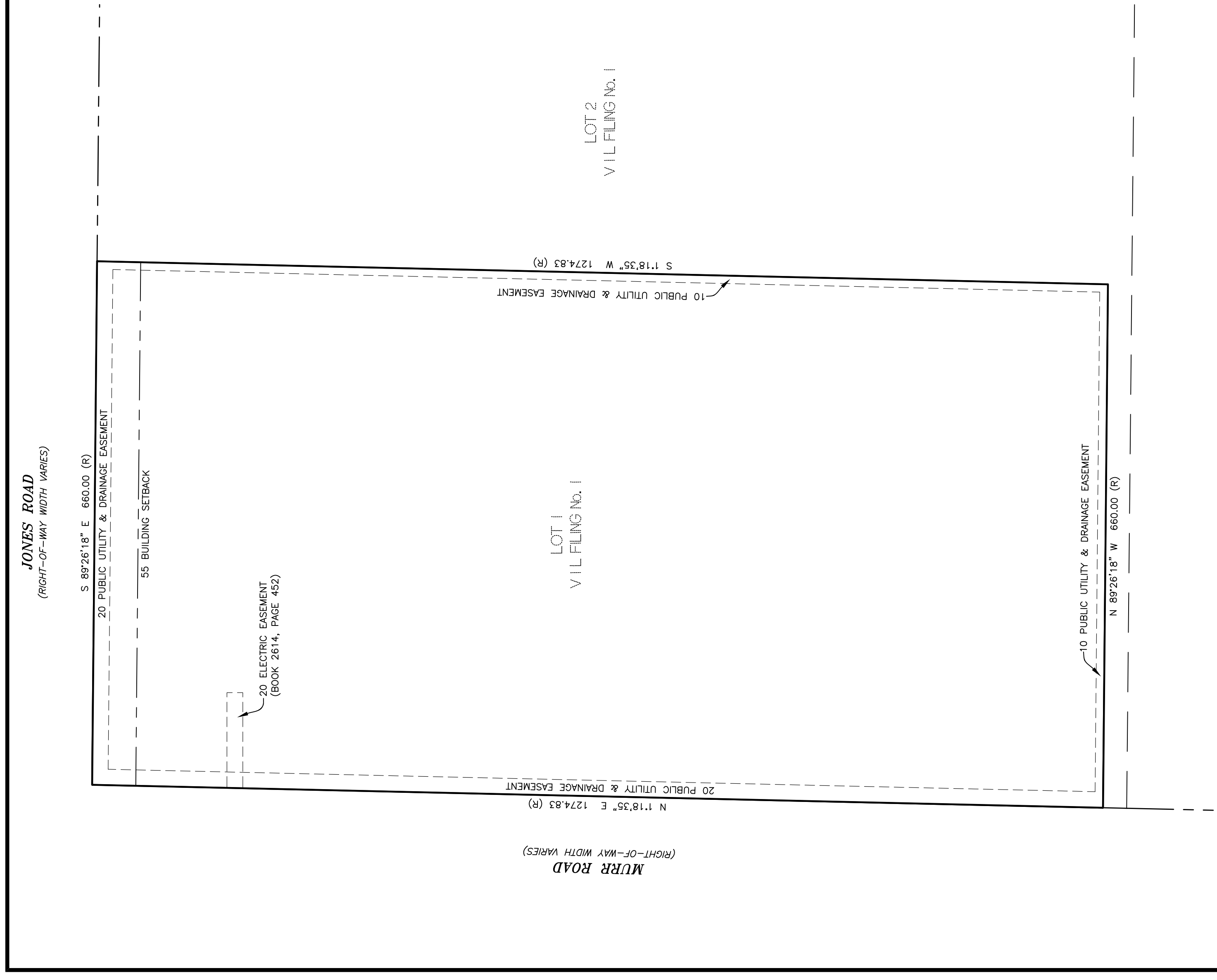
3253 WEST CAREFREE CIRCLE
COLORADO SPRINGS, CO 80917
719-3544120
WWW.CSAMLCC.COM



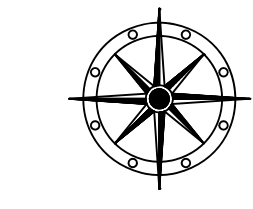
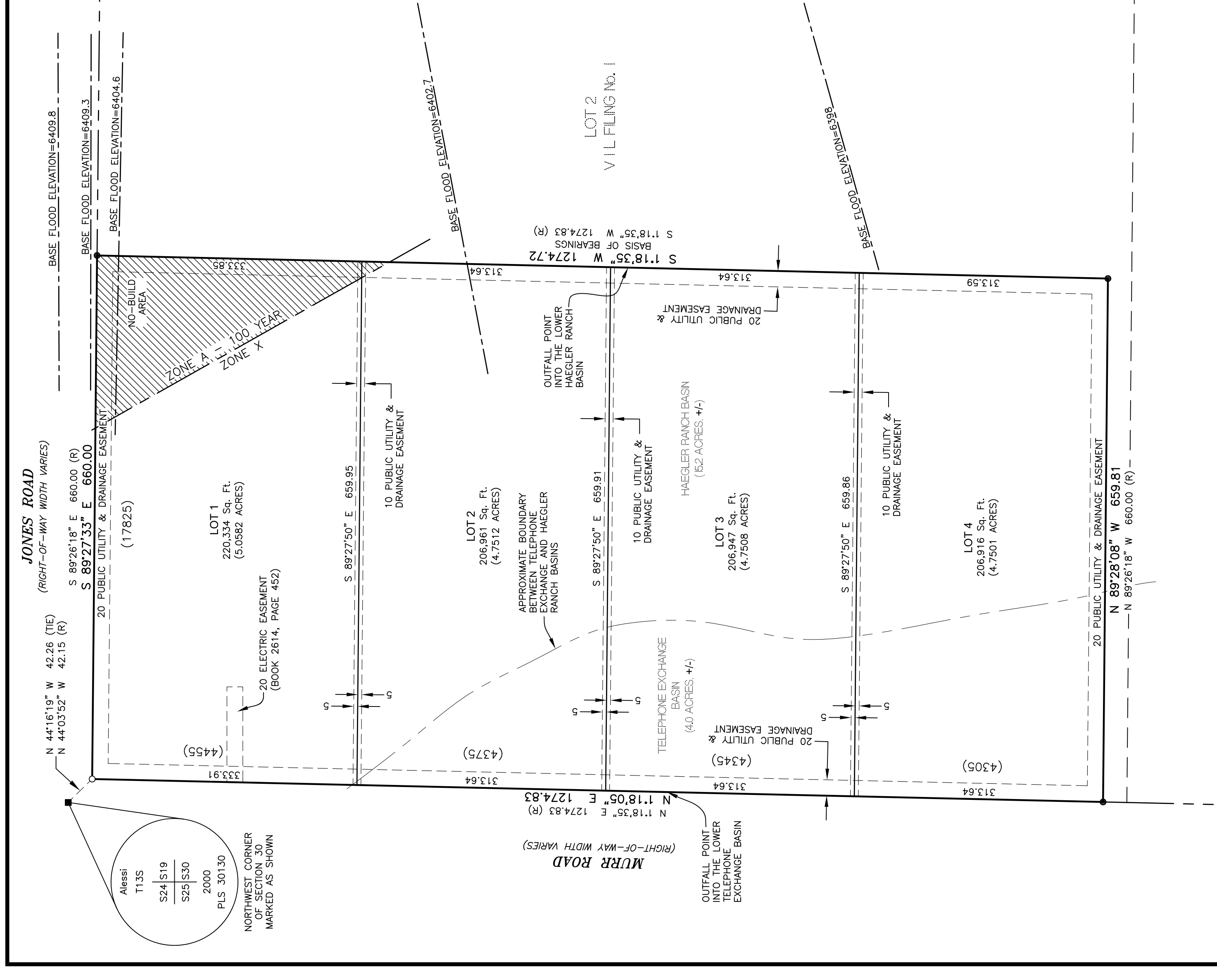
FINAL PLAT OHANA ACRES

A VACATION AND REPLAT OF LOT 1, V I L FILING No. 1
LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 30,
TOWNSHIP 13 SOUTH, RANGE 63 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO

AS PLATTED



AS REPLATTED



COMPASS SURVEYING & MAPPING, LLC
3253 WEST CAREFREE CIRCLE
COLORADO SPRINGS, CO 80917
719-3544120
WWW.CSAMLLC.COM

REVISIONS:

1	3/02/22	County comments.
2	8/29/23	County comments.
3	11/09/23	Add basin outfall locations.
4	1/29/24	Add basin delineation line, label basins.
5	1/31/24	Add basin outfall locations.
6	4/23/24	Add Floodplain Certification and BEF locations.

PCD FILE NO.: SF-21-041

PROJECT No. 18196
AUGUST 10, 2021
SHEET 2 OF 2

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

June 21, 2024

SF-21-41 Ohana Acres

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 Ohana Acres, a minor subdivision application by G & D Hammann Ohana Trust, Hamman Gary L. Trustee and Noel-Hammann Darlene C. Trustee (“Applicant”) for a 4-lot subdivision on 19.31 acres (the “property”). 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 2.0 acre-feet/year which includes irrigation of a fourth of an acre and stock watering of 2 heads per lot. Based on this total demand, Applicant must be able to provide a supply of 600 acre-feet of water (2.0 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 up to four (4) wells withdrawing from the not-nontributary Arapahoe aquifer as provided in Determination of Water Right No. 3714-BD (“Determination”). The Determination allocates 755 acre-feet (7.55 acre-feet per year based on a 100-year aquifer life or 2.51 acre-feet per year based on El Paso County’s 300-year aquifer rule) of Arapahoe aquifer water to be used for in-home, lawn and gardens, domestic animals, commercial, agricultural, stock and replacement. At least four percent (4%) of the amount of the underlying water withdrawn annually must be returned to the uppermost aquifer in the vicinity. The

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
ERIKA KEECH

allowed annual amount of water to be withdrawn shall not exceed 2.51 acre-feet pursuant to the determination.

State Engineer's Office Opinion

4. In a letter dated April 3, 2024, the State Engineer stated that “[e]ach lot will be served by a proposed individual on lot well withdrawing the allocation for the Arapahoe aquifer approved in Determination of Water Right No. 3714-BD.” The allowed average annual amount of withdrawal provided for in Determination of Water Right no. 3714-BD is 2.51 acre-feet with at least four percent (4%) of the amount of the underlying water withdrawn annually returned to the uppermost aquifer in the vicinity.

Finally, the State Engineer stated that, “... pursuant to section 30-28-136(1)(h)(I) 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 Ohana Acres is 2.0 acre-feet per year for a total demand of 600 acre-feet for the subdivision for 300 years. The Determination allows for one or more wells necessary to meet the needs of this subdivision, limited to an annual withdrawal of 0.62 acre-feet per well for up to 4 wells, for a total of up to 2.51 acre-feet. **Based on the water demand of 2.0 acre-feet/year for Ohana Acres and the Determination permitting withdrawals in excess of that amount, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Ohana Acres.**

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 June 13, 2018, the Water Supply Information Summary, the State Engineer's Office Opinion dated April 3, 2024, Determination of Water Right No. 3714-BD entered on June 26, 2019. 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 Colorado Ground Water Commission Determination of Water Right No. 3714-BD, specifically,

that water withdrawn from the Arapahoe aquifer shall not exceed 2.51 annual acre-feet for 300 years. At least four percent (4%) of the allowed amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point of withdrawal.

B. The County prefers that Applicant create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water decree for the property. For a four-lot subdivision such as this, however, in which the replacement of post-pumping depletions is not required, 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 Determination of Water Right No. 3714-BD, including the limitations on diversions and use of water for each well and lot, the requirement to meter and record all well pumping, and information on how records are to be recorded.

Covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve at least 600 acre-feet of not-nontributary Arapahoe aquifer water pursuant to Determination of Water Right No. 3714-BD to satisfy El Paso County's 300-year water supply requirement for the four (4) lots of Ohana Acres. The Covenants shall further identify that 150 acre-feet (0.5 acre-feet/year) of Arapahoe aquifer water is allocated to each lot. Said reservations shall not be separated from transfer of title to the property and shall be used exclusively for primary 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 complying with the Determination, which include installation and/or maintenance of totalizing flow meters.

3) Require reserve return flows. The Covenants shall require each lot owner return at least four percent (4%) of the amount of water withdrawn annually to the uppermost aquifer in the vicinity of the permitted points of withdrawal. Determination of Water Right No. 3714-BD does not specify the manner in which the return flows are generated or applied. The Covenants shall 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. Lot owners must follow all applicable laws, rules, regulations, court orders, and permit conditions related to return flows."

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 Determination of Water Right No. 3714-BD 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 Arapahoe aquifer.

6) Require well permits. The Covenants shall require that well permits be obtained pursuant to the requirements of Determination of Water Right No. 3714-BD 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 for Ohana Acres pursuant to Determination of Water Right No. 3714-BD. 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 Colorado Ground Water Commission 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 Determination of Water Right No. 3714-BD are also terminated by the Colorado Ground Water Commission 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 entire property Arapahoe aquifer water in the decreed amount of at least 600 acre-feet (150 acre-feet 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 Arapahoe aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Arapahoe 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 (Arapahoe 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 Ohana Acres. 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 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 Determination of Water Right No. 3714-BD and shall identify the obligations of the individual lot owners thereunder.

G. Applicant and its successors and assigns shall record all applicable documents, including but not limited to Determination of Water Right No. 3714-BD, agreements, assignments, and 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.

H. Applications for well permits submitted by persons other than the Applicant must include evidence that the permittee has acquired the right to the portion of the water being requested.

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.”

J. Prior to recording the final plat, Applicant shall submit proof that existing well 53485-A has been plugged and abandoned.

cc: Kylie Bagley, Project Manager, Planner

Miranda Benson

From: Ashley Hewitt <ashley.j.hewitt@gmail.com>
Sent: Monday, July 29, 2024 11:37 AM
To: Kylie Bagley; PCD Hearings
Subject: File Number SF2141, 17825 Jones Rd

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from ashley.j.hewitt@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Ashley Hewitt
17925 Jones Rd
Peyton, CO 80831
315-396-3144
July 29th, 2024

Kylie Bagley
Project Planner
El Paso County Planning and Community Development
Re: File number **SF2141**

Dear Kylie Bagley

I am writing to formally express my opposition to the proposed subdivision of the property adjacent to mine, **17825 Jones Rd**. My objections are based on several significant concerns:

****1. Water Access and Resource Strain:****

The addition of three new households to the water table raises substantial concerns regarding water access. Whether the new residences utilize new wells or share the existing well, the prospect of increased demand on an already strained water system is problematic. Recent experiences in the area have highlighted issues with water pressure, sediment, and dry wells, which could be exacerbated by this subdivision.

****2. Impact on Lifestyle and Privacy:****

Many residents, including myself, chose to relocate to this area seeking a more secluded lifestyle. For my property, the proposed subdivision would effectively double the number of neighboring households, leading to an increase in noise and a reduction in privacy. This change significantly alters the quiet, rural character of the area that many residents value.

****3. Potential Decrease in Property Values:****

Subdivisions can potentially lower property values due to increased density and alterations to the neighborhood's character. The anticipated increase in the number of homes could negatively impact the market value of existing properties.

****4. Environmental and Ecological Concerns:****

The construction of additional homes poses risks to the local ecosystem. The increase in housing density has already led to a noticeable decrease in predator species, such as foxes, which has subsequently increased pest populations. Further development threatens to disrupt the delicate ecological balance and adversely affect local wildlife.

In light of these concerns—namely, the strain on water resources, changes to the rural lifestyle and privacy, potential declines in property values, and environmental impacts—I strongly oppose the proposed subdivision. I urge the relevant authorities to consider these objections carefully and to prioritize preserving the current quality of life and environmental health in our community.

Thank you for your attention to this matter.

Sincerely,

Ashley Hewitt

RESOLUTION NO. 24-
BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO
STATE OF COLORADO
APPROVAL OF A FINAL PLAT
OHANA ACRESS (SF2141)

WHEREAS, G & D Hammann Ohana Trust did file an application with the El Paso County Planning and Community Development Department for the approval of a Final Plat for the Ohana Acres Subdivision 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 the El Paso County Planning Commission on August 1, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the Final Plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on August 22, 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, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. 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 Code; and

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the Final Plat application for the Ohana Acres Subdivision;

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

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 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.
8. Drainage fees in the amount of \$12,154.77 and bridge fees in the amount of \$2,391.92 shall be paid for the Haegler Ranch Drainage Basin at the time of Final Plat recordation.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 6/21/2024, as provided by the County Attorney's Office.

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 the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 22nd day of August 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

Lot 1, V I L Filing No. 1, County of El Paso, State of Colorado.

Containing a calculated area of 841,158 square feet (19.3101 acres), more or less.