

**MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR**

**PLANNING AND COMMUNITY DEVELOPMENT**

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SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners  
FROM: Planning & Community Development  
DATE: 6/25/2026  
RE: SP215; Viewpoint Estates Filing No. 2 Preliminary Plan

Project Description

A request by Viewpoint Estates, LLC for approval of a 24.332-acre Preliminary Plan illustrating 7 single-family residential lots. The property is zoned RR-2.5 (Residential Rural) and is located at 21209 Chelsey Drive, Calhan, CO, 80808, and 21307 Chelsey Drive, on the north side of US Highway 94, approximately 1 mile east of Peyton Highway. The item was heard as part of the consent agenda at the June 4th, 2026, Planning Commission Hearing. A recommendation to approve was passed 6-0 by the Planning Commission Members. (Parcel Nos. 3410009001 and 3410010001) (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

Moraes moved / Brittain-Jack seconded for Approval of the Preliminary Plan utilizing the resolution attached to the staff report, that this item be forwarded to the Board of County Commissioners for their consideration. The motion for Approval was approved (6-0). The item was heard as a consent agenda item.

### Discussion

As the item was heard on the consent agenda there was no discussion of the item by the Planning Commission.

### Attachments

1. Planning Commission Minutes from 6/04/2026.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR

PLANNING AND COMMUNITY DEVELOPMENT

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## EL PASO COUNTY PLANNING COMMISSION

### MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting

Thursday, June 4<sup>th</sup>, 2026, El Paso County Planning and Community Development Department  
2880 International Circle, Colorado Springs, Colorado – Second Floor Hearing Room

#### **REGULAR HEARING at 9:00 A.M.**

**PC MEMBERS PRESENT AND VOTING:** Thomas Bailey, Sarah Brittain Jack, Mae Emrick, Eric Moraes, Bryce Schuettpelz, and Christopher Whitney.

**PC MEMBERS PRESENT AND NOT VOTING:** Michael Brewer (Virtual).

**PC MEMBERS ABSENT:** Blaine Brew, Jim Byers, Suzanne Casagrande, Tim Trowbridge, and Jason Wulf.

**STAFF PRESENT:** Meggan Herington, Justin Kilgore, Erika Keech (Virtual), Jen Uhler, Jalal Saleh, Gilbert Laforce, and Jessica Merriam.

**OTHERS PRESENT AND SPEAKING:** Allan Ake.

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#### **1. REPORT ITEMS**

**Mr. Kilgore** advised the board that the next PC Hearing is Thursday, June 18<sup>th</sup>, 2026, at 9:00 A.M.

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#### **2. PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA**

NONE

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#### **3. CONSENT ITEMS**

**A. Adoption of Minutes** for meeting held on May 21<sup>st</sup>, 2026.

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED (6 - 0)**

**IN FAVOR: (6)** Bailey, Brittain Jack, Emrick, Moraes, Schuettpelz, and Whitney.

**IN OPPOSITION: (0)** None.

**B. SP215**

**HOWSER**

**PRELIMINARY PLAN**

**VIEWPOINT ESTATES FILING NO. 2**

A request by Viewpoint Estates, LLC for approval of a 24.332-acre Preliminary Plan illustrating 7 single-family residential lots. The property is zoned RR-2.5 (Residential Rural) and is located at 21209 Chelsey Drive and 21307 Chelsey Drive, on the north side of US Highway 94, approximately 1 mile east of Peyton Highway. (Parcel Nos. 3410009001 and 3410010001) (Commissioner District No. 2)

**NO STAFF OR APPLICANT PRESENTATIONS OR DISCUSSION**

**PC ACTION: MORAES MOVED / BRITTAI JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER SP215 FOR A PRELIMINARY PLAN, VIEWPOINT ESTATES FILING NO. 2, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS, THREE (3) 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: (6)** Bailey, Brittain Jack, Emrick, Moraes, Schuettpelz, and Whitney.

**IN OPPOSITION: (0)** None.

**C. SF2142**

**HOWSER**

**FINAL PLAT**

**VIEWPOINT ESTATES FILING NO. 2**

A request by Viewpoint Estates, LLC for approval of a 24.332-acre Final Plat creating 7 single-family residential lots. The property is zoned RR-2.5 (Residential Rural) and is located at 21209

Chelsey Drive and 21307 Chelsey Drive, on the north side of US Highway 94, approximately 1 mile east of Peyton Highway. (Parcel Nos. 3410009001 and 3410010001) (Commissioner District No. 2)

**NO STAFF OR APPLICANT PRESENTATIONS OR DISCUSSION**

**PC ACTION: SCHUETTPELZ MOVED / BAILEY SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER SF2142 FOR A FINAL PLAT, VIEWPOINT ESTATES FILING NO. 2, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FIVE (5) CONDITIONS, FOUR (4) 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: (6)** Bailey, Brittain Jack, Emrick, Moraes, Schuettpelz, and Whitney.

**IN OPPOSITION: (0)** None.

**D. CC261**

**UHLER**

**MAP AMENDMENT (REZONING)**

**MULE HAVEN REZONING A-5 TO CC**

A request by Mulehaven LTD for approval of a Map Amendment (Rezoning) of 22.14 acres from A-5 (Agricultural) to CC (Commercial Community). The property is located on I-25, ¼ mile north of the intersection of I-25 and Highway 85. (Parcel No. 6433401007) (Commissioner District No. 5)

**STAFF & APPLICANT PRESENTATIONS**

**DISCUSSION: Mr. Moraes** noted that, while the request was limited to a rezoning and not a direct change in land use, approval of the rezoning would subject the property to the uses permitted within the Commercial Community (CC) zoning district and eliminate uses allowed exclusively under the existing A-5 zoning district. He emphasized the importance of understanding that future use of the property would be governed by the CC district regulations if the rezoning were approved. **Mr. Allan Ake**, property owner, acknowledged the purpose of the rezoning request and asked whether existing

agricultural activities, specifically the use of mules on the property, could continue following rezoning. **Ms. Herington** explained that the existing use could continue as a legal nonconforming use because it lawfully existed prior to the rezoning. She noted that the use could remain in place provided it was not expanded or modified in a manner requiring additional development approvals.

**PC ACTION: BAILEY MOVED / EMRICK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3D, FILE NUMBER CC261 FOR A MAP AMENDMENT (REZONING), MULE HAVEN REZONING A-5 TO CC, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) 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: (6)** Bailey, Brittain Jack, Emrick, Moraes, Schuettpelz, and Whitney.

**IN OPPOSITION: (0)** None.

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**4. CALLED-UP CONSENT ITEMS:**

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NONE

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**5. REGULAR ITEMS**

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NONE

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**6. NON-ACTION ITEMS**

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NONE

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**MEETING ADJOURNED** at 9:15 A.M.

**Minutes Prepared By:** Jessica Merriam

PRELIMINARY PLAN (RECOMMEND APPROVAL)

MC Mores moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SP215  
VIEWPOINT ESTATES FILING NO. 2 PRELIMINARY PLAN

WHEREAS, Viewpoint Estates, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a Preliminary Plan for the Viewpoint Estates Filing No. 2 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 June 4, 2026; 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. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and

6. For the above-stated and other reasons, the proposed Preliminary Plan is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, this Commission further finds that the request meets the criteria for approval outlined in Section 7.2.1.D.2.e of the Land Development Code ("Code") (as amended), as follows:

1. The proposed Subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The Subdivision is consistent with the purposes of the Code;
3. The Subdivision is in conformance with the subdivision design standards and any approved Sketch Plan;
4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of Subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code (this finding may not be deferred to Final Plat if the applicant intends to seek Administrative Final Plat approval);
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 the proposed Subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design;
8. 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;
9. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;
10. 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;

11. Necessary services, including police and fire protection, recreation, utilities, open space, and transportation systems are or will be available to serve the proposed Subdivision;
12. The Subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
13. The proposed Subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and

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 Viewpoint Estates, LLC for approval of a Preliminary Plan for the Viewpoint Estates Filing No. 2 Subdivision for property located in the unincorporated area of El Paso County meets the criteria for approval outlined in Section 7.2.1.D.2.e of the Land Development Code and be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

1. Applicable drainage, bridge, school, and park fees shall be paid with each Final Plat.
2. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/25/2025, as provided by the County Attorney's Office.

#### NOTATIONS

1. Subsequent Final Plat filings may be approved administratively by the Planning and Community Development Director.
2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a Final Plat has been approved and recorded or a time extension has been granted.

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

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

Ms. Brittain Jack 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
Blaine Brew	aye / no / non-voting / recused / <u>absent</u>
Michael Brewer	aye / no / <u>non-voting</u> / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / <u>absent</u>
Suzanne Casagrande	aye / no / non-voting / recused / <u>absent</u>
Maribeth Emrick	<u>aye</u> / no / non-voting / recused / absent
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpezl	<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
Jason Wulf	aye / no / non-voting / recused / <u>absent</u>

The Resolution was adopted by a vote of 6 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 4th day of June, 2026, at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: Cyrus Nixson  
Chair

EXHIBIT A

LOT 71 AND LOT 72 VIEWPOINT ESTATES AS RECORDED IN EL PASO COUNTY, COLORADO UNDER  
RECEPTION NUMBER 99189220.

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR  
 PLANNING AND COMMUNITY DEVELOPMENT

**TO: El Paso County Planning Commission**  
 Tim Trowbridge, Chair

**FROM: Ryan Howser, AICP, Principal Planner**  
 Edward Schoenheit, Associate Engineer

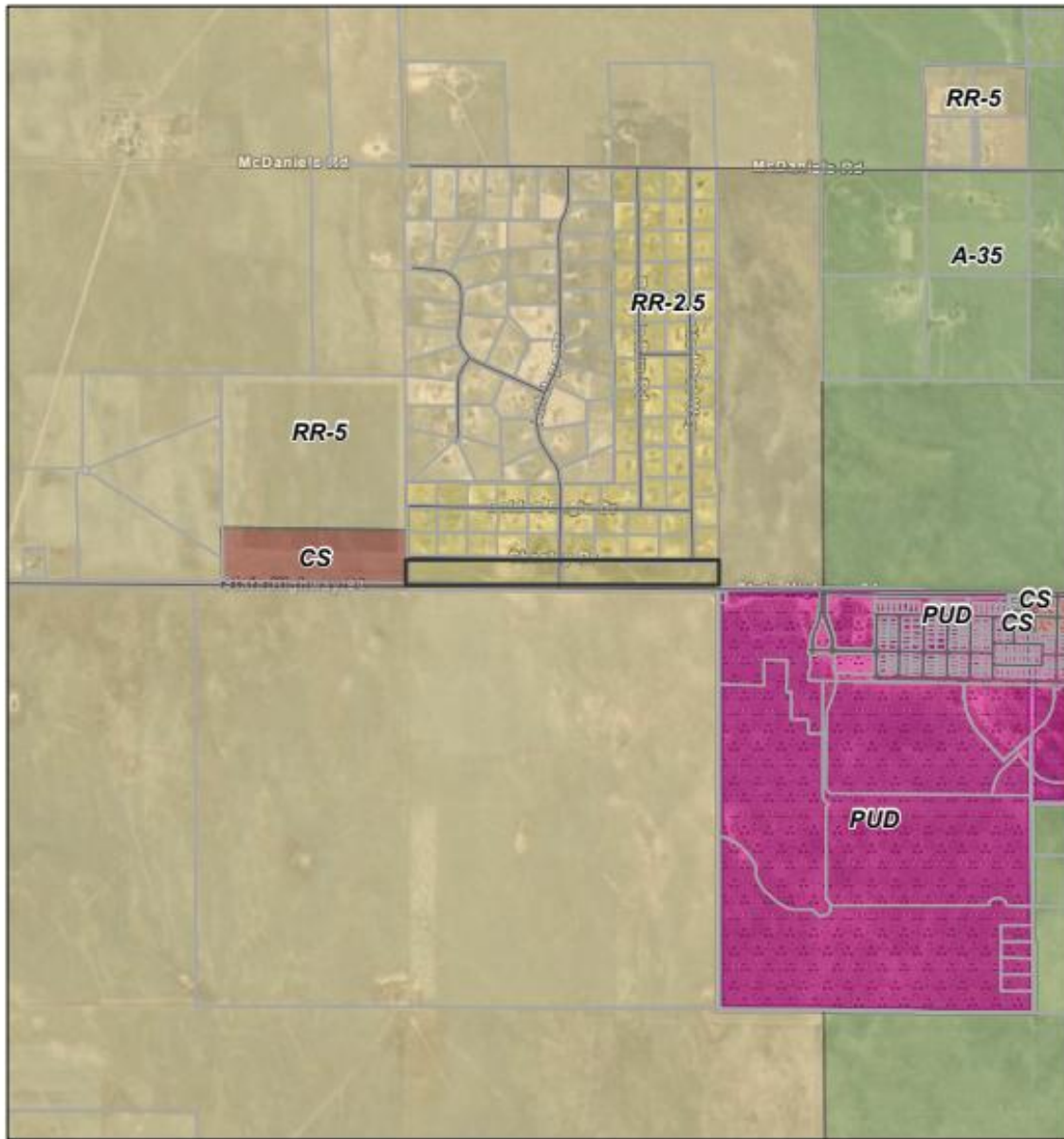
**RE: Project File Number: SP215 & SF2142**  
**Project Name: Viewpoint Estates Filing No. 2 Preliminary Plan and Final Plat**  
**Parcel Numbers: 3410009001 and 3410010001**  
**Commissioner District: 2**

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Viewpoint Estates, LLC PO Box 6797 Colorado Springs, CO, 80934	M.V.E., Inc. 1903 Lelaray Street, Suite 200 Colorado Springs, CO, 80909
<b>Planning Commission Hearing Date:</b>	<b>6/4/2026</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>6/25/2026</b>

**EXECUTIVE SUMMARY**

A request by Viewpoint Estates, LLC for approval of a 24.332-acre Preliminary Plan and Final Plat creating 7 single-family residential lots. The property is zoned RR-2.5 (Residential Rural) and is located at 21209 Chelsey Drive, Calhan, CO, 80808, and 21307 Chelsey Drive, on the north side of US Highway 94, approximately 1 mile east of Peyton Highway.

**Zoning Map**



5/5/2026, 10:28:58 AM

- County Roads
- ▭ Parcels
- County Zoning
- ▭ A-35: Agricultural (35 acres)
- ▭ CS: Commercial Service
- ▭ PUD: Planned Unit Development
- ▭ RR-2.5: Residential Rural (2.5 acres)
- ▭ RR-5: Residential Rural (5 acres)
- ▭ Sketch Plans
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Vector

**A. AUTHORIZATION TO SIGN:** Preliminary Plan, Final Plat, with a finding of sufficiency for water quality, quantity, and dependability, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement, and any other documents necessary to carry out the intent of the Board of County Commissioners.

**B. APPROVAL CRITERIA**

In approving a Preliminary Plan, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.2 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 in conformance with the subdivision design standards and any approved sketch plan;*
- *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;*
- *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;*

- *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*
- *The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.*

In approving a Final Plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.3 of the El Paso County Land Development Code (as amended):

- *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;*
- *The subdivision is in substantial conformance with the approved Preliminary Plan;*
- *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;*
- *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;*

- *A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of the Code;*
- *All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];*
- *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;*
- *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;*
- *Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;*
- *The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;*
- *Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code;*
- *Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;*
- *The subdivision meets other applicable sections of Chapter 6 and 8 of the Code; 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. BACKGROUND**

On October 22, 1998, the Board of County Commissioners (BoCC) approved a Map Amendment (Rezoning) request from RR-5 (Residential Rural) to RR-2.5 (Residential Rural), as well as a Preliminary Plan for Viewpoint Estates, consisting of a maximum of 73 single-family residential lots. On December 19, 1999, the BoCC approved the Viewpoint Estates Final Plat, which consisted of 72 single-family residential lots. The subject property was platted at that time as Lot 71 (12.25 acres) and Lot 72 (12.08 acres) of the Viewpoint Estates Final Plat.

The current Preliminary Plan and Final Plat requests for Viewpoint Estates Filing No. 2 depict 7 lots with a minimum lot size of 2.5 acres.

#### **D. LAND DEVELOPMENT CODE AND ZONING ANALYSIS**

The Preliminary Plan and Final Plat applications meet the Preliminary Plan and 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).

#### **E. MASTER PLAN COMPLIANCE**

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

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

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

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

## Recommended Land Uses:

### *Primary*

- *Single-family Detached Residential (Typically 2.5-acre lots or larger)*

### *Supporting*

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

#### **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. Other Implications (Priority Development, Housing, etc.):** The property is not located within a priority development area.

#### **e. Analysis:**

The property is located within the Large-Lot Residential placetype. The proposed Preliminary Plan and Final Plat are not expected to substantially alter the character of the surrounding area, and the proposed lot sizes are within the recommendations of the placetype. It is not

anticipated that the proposed Preliminary Plan and Final Plat will result in a level of change beyond that which is expected within the Minimal Change: Undeveloped area of change.

## **2. Water Master Plan Analysis**

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

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

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

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

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 5 of the Plan but is not located in an area anticipated to experience significant growth.

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

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

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. The Master Plan for Mineral Extraction (1996) identifies floodplain 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.

## **F. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

A soils & geology report was prepared with the Preliminary Plan and Final Plat applications. The report identified potential seasonal shallow groundwater in the vicinity of the proposed lots. The applicant has therefore provided a plat note requiring individual soil investigations and foundation designs for all new building sites and septic systems within the boundary of the subdivision. The Colorado Geological Survey was sent a referral and has no outstanding comments or concerns.

### **2. Floodplain**

The property is not located within a floodplain as determined by a review of the FEMA Flood Insurance Rate Map number 08041C0810G and 08041C0805G, effective on December 7<sup>th</sup>, 2018. The property is in Zone "X" which is an area of minimal flood hazard determined to be outside the 500-yr flood zone.

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

The property is located in the Ellicott Consolidated (CHBS1200) and Telephone Exchange (CHWS0200) drainage basins. Only the Telephone Exchange drainage basin has applicable drainage basins fees in the amount of \$17,318.82 and bridge fees in the amount of \$541.01 due at time of Final Plat recordation.

Drainage within the development area flows to the south and under U.S Highway 94 through existing stormwater culverts. No public drainage improvements are proposed with the development due to the large lots and low impervious nature. Two privately maintained detention basin areas are proposed around the existing culverts under U.S Highway 94. These basins provide detention only. Water quality requirements within these basins are exempted under the Engineering Criteria Manual Section I.6.1.B. A drainage report prepared by MVE, Inc. was included in the application. The drainage report concluded that the development will not negatively impact adjacent and downstream properties with respect to stormwater runoff.

#### **4. Transportation**

The property is located along U.S Highway 94 at the intersection of Antelope Drive, approximately one and a half miles east of Peyton Highway. U.S Highway 94 is a principal arterial highway maintained by CDOT. Antelope Drive is a county-maintained paved local road. Access to the new lots will be from the existing Chelsey Drive, a county-maintained paved local road. A Traffic Memo was prepared by MVE, Inc. The development is expected to generate approximately 67 daily trips to the surrounding road network. No public road improvements are proposed, nor are they required with the development. The property is subject to the El Paso County Road Impact Fee Program under BoCC Resolution 25-337. Road Impact fees will be paid at the time of building permit.

### **G. SERVICES**

#### **1. Water**

Water supply is proposed to be provided by the Ellicott Utilities Company. Water sufficiency has been analyzed with the review of the proposed Preliminary Plan and Final Plat. 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.

#### **2. Sanitation**

Wastewater is proposed to be provided by individual on-site wastewater treatment systems (OWTS). Engineered systems are required for lots that are found to have groundwater or bedrock within 6 feet of the surface.

#### **3. Emergency Services**

The property is within the Ellicott Fire Protection District, which is committed to providing fire protection services to the proposed development. The District was sent a referral and has no outstanding comments.

#### **4. Utilities**

Electrical service is provided by Mountain View Electric Association (MVEA). Natural gas services are not available to the subject property. MVEA was sent a referral and has no outstanding comments.

#### **5. Metropolitan Districts**

The property is not located in a metropolitan district.

#### **6. Parks/Trails**

The 2022 El Paso County Parks Master Plan shows no impacts to existing or proposed parks, trails, or open space, nor impacts to existing or proposed City of Colorado Springs parks, trails, or open space. Fees in lieu of park land dedication in the amount of \$3,220.00 for regional fees (Area 4) are due at the time of recording the Final Plat. Urban park fees are not applicable to this application.

#### **7. Schools**

The site is within the boundaries of the Ellicott School District No. 22. Fees in lieu of school land dedication in the amount of \$1,295.00 shall be paid to El Paso County for the benefit of Ellicott School District No. 22 at the time of recording the Final Plat(s).

### **H. STATUS OF MAJOR ISSUES**

There are no major issues.

### **I. RECOMMENDED CONDITIONS AND NOTATIONS: PRELIMINARY PLAN**

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 for the Preliminary Plan:

#### **CONDITIONS**

1. Applicable drainage, bridge, school, and park fees shall be paid with each Final Plat.

2. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/25/2025, as provided by the County Attorney's Office.

## **NOTATIONS**

1. Subsequent Final Plat filings may be approved administratively by the Planning and Community Development Director.
2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a Final Plat has been approved and recorded or a time extension has been granted.
3. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

## **J. RECOMMENDED CONDITIONS AND NOTATIONS: FINAL PLAT**

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 for the Final Plat:

## **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 Final Plat.

4. 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.
5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated August 25, 2025, as provided by the County Attorney's Office.

## **NOTATIONS**

1. The following fees are required to be paid to El Paso County at the time of Final Plat recordation:
  - a. Drainage Fees in the amount of \$17,318.82 and bridge fees in the amount of \$541.01 for the Telephone Exchange basin.
  - b. Park fees in lieu of land dedication for regional parks (Area 4) in the amount of \$3,220.00.
  - c. Fees in lieu of school land dedication in the amount of \$1,295.00 for the benefit of Ellicott School District No. 22.
2. Final Plats not recorded within 24 months of Board of County Commissioners approval shall be deemed expired unless an extension is approved.
3. 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.
4. 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 Resolution No. 25-337, 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.

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

The Planning and Community Development Department notified 26 adjoining property owners on May 21, 2026 for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

## **L. ATTACHMENTS**

Map Series

Letter of Intent – Preliminary Plan

Preliminary Plan Drawing

Letter of Intent – Final Plat

Final Plat Drawing

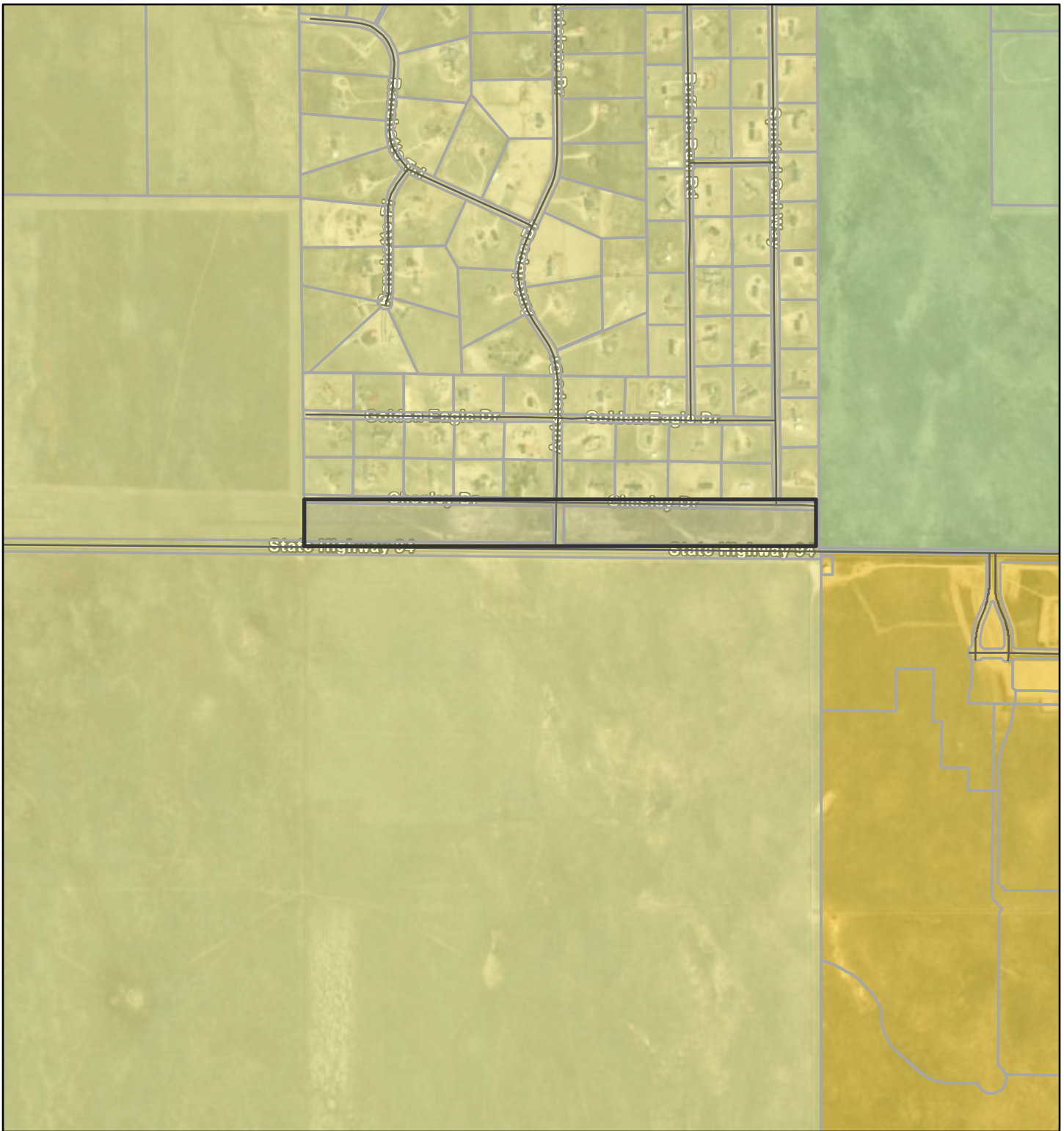
State Engineer’s Letter

County Attorney’s Letter

Draft Resolution – Preliminary Plan

Draft Resolution – Final Plat

# Placetypes Map



5/5/2026, 10:29:49 AM

County Roads

Parcels

Placetypes

Rural

Large Lot Residential

Single-Family Residential

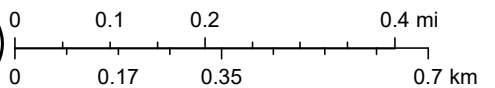
World Imagery

Low Resolution 15m Imagery

High Resolution 60cm Imagery

High Resolution 30cm Imagery

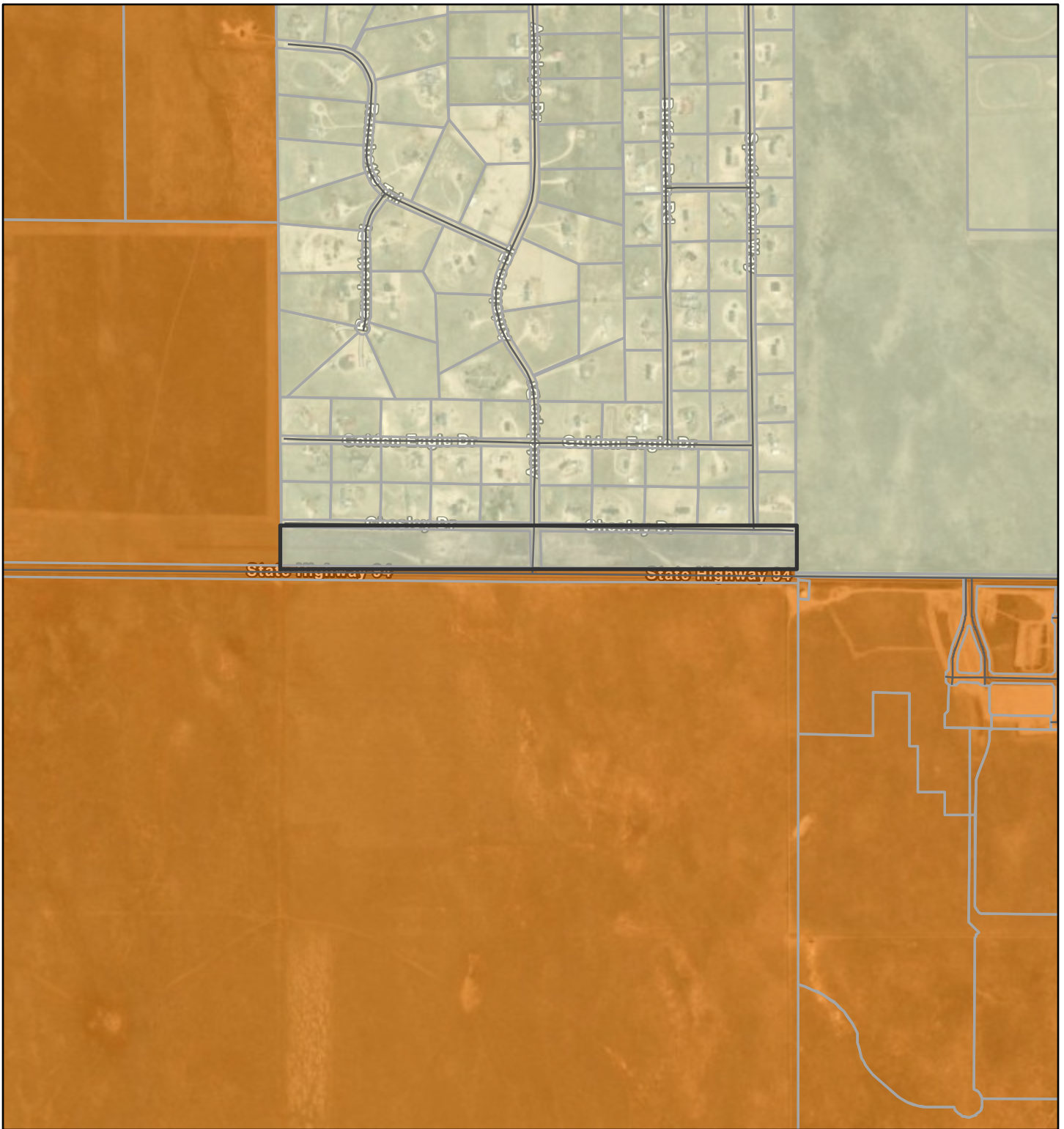
Citations



1:16,422

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Vantor

# Areas of Change Map



5/5/2026, 10:31:33 AM

County Roads

Parcels

Areas Of Change

Minimal Change: Undeveloped

New Development

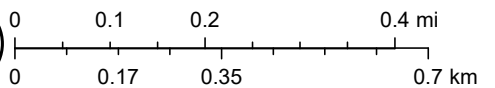
World Imagery

Low Resolution 15m Imagery

High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations



1:16,422

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Vantor



October 10, 2023

PCD File No.: SP-21-005

**LETTER OF INTENT  
VIEWPOINT ESTATES FILING NO.2  
A VACATION AND REPLAT OF LOTS 71 & 72, VIEWPOINT ESTATES  
PRELIMINARY PLAN**

**Owner/Applicant:**

Viewpoint Estates, LLC  
P.O. Box 6797  
Colorado Springs, CO 80934  
ChuckMcAllister19@gmail.com

**Consultant:**

M.V.E., Inc.  
1903 Lelaray Street, Suite 200  
Colorado Springs, CO  
(719) 635-5736  
Charles Crum, P.E.  
chuckc@mvecivil.com

**Site Location Size and Zoning:**

The proposed subdivision to be known as “Viewpoint Estates Filing No. 2” is located in a portion of the West Half of the West Half of the East Half of Section 10, Township 14 South, Range 63 West of the 6<sup>th</sup> P.M., El Paso County, Colorado. The property has El Paso County Tax Schedule No.'s 34100-10-001 & 34100-09-001. The current addresses for the properties are 21209 & 21307 Chesley Drive and is currently two a vacant parcels. The proposed subdivision is located on the south side of Chesley Drive, north of Colorado Highway 94 and bisected east & west by Antelope Drive. The area of land under consideration for vacating and replatting is 24.332± acres and the property is zoned Residential Rural (RR-2.5).

**Project Description:**

Viewpoint Estates Filing No. 2 Preliminary Plan is intended to accommodate seven (7) single family rural residential home sites in accordance with the existing RR-2.5 zoning in a manner that is compatible with the existing surrounding neighborhood. The subdivision layout is intended to preserve natural features to the greatest extent while providing desirable home sites on the 24.332± acre site. The subdivision area is composed of Lots 71 & 72, Viewpoint Estates recorded in the records of El Paso County, Colorado recorded in 1999 to be vacated and replatted into seven (7) rural residential single-family lots totaling 22.137± acres with each being at least 2.5 acres in area. Along with Tracts A & B totaling 2.195± acres of right of way convenience to CDOT for Colorado Highway 94.

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**Page 28 of 47**

Access to the lots in the subdivision will from Chelsey Drive connecting to Colorado Highway 94 via existing Antelope Drive. The Drives and State Highway are public and paved asphalt roads. Water for each lot will be provided by Ellicott Utilities Company, LLC. Wastewater disposal will be provided by individual On-site Wastewater Treatment Systems (OWTS). Electric service will be provided by Mountain View Electric Association. Natural Gas is not anticipated to be extended to the site. Residents may choose to have on-site propane tanks and propane deliveries.

**Requests:**

The Owner/Applicant is requesting approval of the Viewpoint Estates Filing No.2 Preliminary Plan. Approval will generate the Vacating and Re-plating Lots 71 & 72, Viewpoint Estates, 24.332± acres, into seven (7) single-family rural residential lots in the RR-2.5 zone and Tracts A & B as additional right of way for Colorado Highway 94. This request is submitted concurrently with the Final Plat application for Viewpoint Filing No. 2.

**Justification:**

This Preliminary Plan is consistent with the requirements of the existing RR-2.5 zoning with respect to the layout, land use (single-family residential), lot size, minimum building setbacks, water supply and wastewater disposal.

The proposed subdivision is compatible with the surrounding land uses and neighborhood listed above and coincides with the all adjacent County zoning. The surrounding properties are a mix of platted and unplatted parcels, all being 2.5 acres or larger. The proposed Preliminary Plan application is in conformance with the goals, objectives, and policies of the Master Plan and the applicable Topical Master Plan elements as discussed below.

This application meets the Preliminary Plan submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2021) with the approval of requested waivers and deviations.

Preliminary Plans are reviewed and approved in consideration of the **Review Criteria** found in the El Paso County Land Development Code Section 7.2.1.D.2.(e). Each criteria is listed below followed by the appropriate justification.

Master Plan Conformance: *“The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.”*

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

The site is not located in a designated key area of the county. The site is designated a Large-Lot Residential Placetype in the Master Plan. The Primary Land Use of this placetype is Single Family Detached housing with Agriculture, Commercial Retail, Commercial Service and Parks and Open Space as Supporting Land Uses. The location of this site and existing infrastructure is suited to single family residential use. According to the Master Plan this site is located in an area of minimal change:undeveloped. The development of this site will not significantly alter the character of existing land use.

The Viewpoint Estates Preliminary Plan is in conformance with the Master Plan. The following goals from the Master Plan are cited in support of the conformity. In the Land Use category,

- Goal 1.1 is “*Ensure compatibility with established character and infrastructure capacity*”. This area of the County is conducive to rural residential development that allows residential use of property but preserves the natural character of the landscape. The proposed 2.5 acre minimum lot size subdivision is compatible with the existing neighborhood and surrounding development. The existing community character is preserved with this proposed Preliminary Plan. The proposed density is less than allowed by zoning since enough acreage exists to allow up to seven rural residential lots. The proposed density will not overburden the capacity of the land to support the water and wastewater needs of the development. The site will remain rural residential and is surrounded by existing rural residential developments on the north, south, east, and west sides of the site. The development will therefore be a part of the transition from the potentially higher densities on the south.
- Goal 2.2 is “*Preserve the character of rural and environmentally sensitive areas*”. The proposed subdivision will keep the prairie land nature of the area intact. The 2.5-acre lot density has reduced impact on environmental conditions. Density and land use are compatible with the surrounding area and the natural features of the site will remain preserved, even with the addition of five (5) more residences on the site. The project maintains the rural character of site and neighborhood.
- The proposed Preliminary Plan is in compliance with the **Parks Master Plan (2013)**, which does not appear to call for parks in the site. The Parks Master Plan appears to call for a secondary Regional Trail along Colorado Highway 94 (Ellicott Highway). This trail could be accommodated for within the 25' wide right of way strip to be conveyed to Colorado State Highway as additional right of way. Any required Park Fees will be paid at the time of plating.
- The proposed subdivision is in compliance with the **2040 Major Transportation Corridors Plan (MTCP)**. An additional 25 feet of right-of-way is being dedicated for Colorado Highway 94 on the southern edge of the site. This dedication will allow for 25 feet of additional right-of-way as requested by CDOH.
- The proposed subdivision is also in compliance with the **Master Plan for Mineral Extraction** as no separate mineral estate owners were found for the property and the existing development on surrounding properties is not compatible with any potential mineral extraction operations.

Viewpoint Estates is located in the Ellicott Utilities District and will receive their potable water for each lot with their existing purchased water taps.

Code Purposes: “*The subdivision is consistent with the purposes of this Code.*”

The proposed Preliminary Plan is submitted in conformance with the Land Development Code. All aspects of the plan adhere to the requirements of the code except where waivers are requested as provided within the code.

Subdivision Design Standards: “*The subdivision is in conformance with the subdivision design standards and any approved sketch plan.*”

The proposed Preliminary Plan is prepared in accordance with applicable subdivision design standards with respect to lot size, setbacks, access and provision of utilities.

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Water Supply: “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 service is to be provided by Ellicott Utilities Company, LLC. A Water Supply Report detailing supply and demand has been prepared and submitted for this project.

Sewage Disposal: “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.”

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

Soil and Topographic Conditions: “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)].”

A soils report has been prepared for the site and the owner will comply with the recommendations of the report. Areas were encountered where the geologic conditions will impose some constraints on development and land use. These include areas of potentially seasonal shallow groundwater, potential expansive soils and shallow bedrock which can be satisfactorily mitigated through avoidance or proper engineering design and construction practices. Based on the proposed plan, it appears that these areas will have minor impacts on the development. These conditions are discussed in further detail in the Soil, Geology, and Geologic Hazard Study produced by Entech Engineering, Inc.

Drainage Requirements: “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 proposed Preliminary Plan is consistent with the submitted Final Drainage Letter. There are no recommended drainage improvements for the subdivision. The the owner will comply with the requirements of the drainage report.

Public Improvements: “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.”

There are no public improvements associated with this Preliminary Plan. Public roads in existing public right of way exist adjacent to the subdivision. The Final Plat for the subdivision will dedicate additional 25' of right-of-way for Colorado Highway 94 along the subdivisions southern boundary.

Access: “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.”

All seven (7) proposed lots will be accessed via existing Chesley Drive. Driveway permits will be requested for the newly subdivided lots at the time single family building permits are applied for.

Compatibility: “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,

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*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.”*

Viewpoint Estates Filing No. 2, by nature of the 2.5 acre rural residential subdivision type, preserves the natural physical features of the site to a great extent. The existing adjacent roadways and lot layouts with 'No-Build' areas are designed to preserve significant natural features and existing contours. Including right of way convenience the proposed gross density of 1 lot per 3.476 acres (0.288 Units per acre) is less than allowed within the RR-2.5 zone. The 'No Build' areas created open by the Preliminary Plan for the individual lots of Viewpoint Estates Filing No. 2. incorporate open space elements into the design. The existing roadways and connection to the existing transportation system at Colorado Highway 94 is efficient and does not add new public roads for county maintenance. A Natural Features Report has been prepared and submitted for the site. No wetlands or waters were found in the project area. The site does not contain suitable habitat for federally threatened and endangered species. The owners will follow the recommendations of the Natural Feature Report.

Services: *“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 site is located within the jurisdiction of the El Paso County Sheriff's Office. The Sheriff's office currently provides police protection for the site and surrounding area. Viewpoint Estates is located within the Ellicott Fire Protection District which is providing fire protection for the site and has agreed to serve this subdivision. Water will be provided by Ellicott Utilities Company, LLC. Sanitary sewer will be provided by individual OWTS systems as discussed above. The property is located within the service areas of Mountain View Electric Association, Blackhills Energy Corporation, Centurylink Telephone, and Ellicott School District No.22, which will serve the subdivision. Transportation is being facilitated by the existing adjacent roadway system.

Fire Protection: *“The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.”*

Viewpoint Estates is located within the Ellicott Fire Protection District which is providing fire protection for the site and the surrounding area. The District has agreed to serve this subdivision. A Fire Protection Report and Wildfire Hazard Mitigation Plan has been prepared and submitted for the proposed subdivision. The Owner will provide fire protection water by installing a Post Hydrant connected to the existing 4” water main at the southeast corner of Antelope Drive and Chesley Drive for the Fire Protection District filling of their pumper trucks. The Owner will observe and follow the recommendations of the Fire Protection District. Building permits for each structure shall be in accordance with the requirements of the Fire District as administered by the Pikes Peak Regional Building Department.

Other Requirements: *“The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.”*

The subdivision is in accordance with the Land Development Code with respect to zoning, lot size, building setbacks, provision of utilities and storm drainage.

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**Existing and Proposed Facilities:**

Existing drainage improvements within this parcel are related to the existing residential use in Viewpoint Estates as previously platted and constructed. Drainage facilities consist of existing piping previously constructed within existing Detention Basin Easements within the proposed Viewpoint Estates Filing No. 2. Individual water service lines, wastewater facilities, and new electric service lines will be extended and constructed by the future lot owners at the time of their residence construction. There are no other facilities or subdivision improvements required for this site.

**Total Number Of Residential Units And Densities:**

The gross area of Viewpoint Estates is  $24.332 \pm$  acres and is proposed to contain 7 rural residential Single Family Units with  $2.195 \pm$  acres of right of way to be conveyed to CDOT for Colorado Highway 94. The gross density including right of way dedication is therefore 0.288 units per acre. The net area to be used for residential lots is  $22.137 \pm$  acres with an average net lot area of  $3.476 \pm$  acres.

**Traffic Impact and Traffic Impact Fees:**

The seven (7) proposed single family residential units will access existing Chesley Drive, a public county road on the north side of the subdivision. Chesley Drive tees into Antelope Drive, a public County Road which connects easterly to State Highway 94. A Traffic Memo has been prepared that details the expected traffic generation for the subdivision. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. The owners have elected to not be included in any Public Improvements District. Traffic Impact Fees will be paid at time of building permit.





October 20, 2023

PCD File # SF-21-042

**LETTER OF INTENT  
VIEWPOINT ESTATES FILING NO. 2  
A VACATION AND REPLAT OF LOTS 71 & 72, VIEWPOINT ESTATES**

**Owner/Applicant:**

Viewpoint Estates, LLC  
P.O. Box 6797  
Colorado Springs, CO 80934  
ChuckMcAllister19@gmail.com

**Consultant:**

M.V.E., Inc.  
1903 Lelaray Street, Suite 200  
Colorado Springs, CO  
(719) 635-5736  
Charles Crum, P.E.  
[chuckc@mvecivil.com](mailto:chuckc@mvecivil.com)

**Site Location Size and Zoning:**

The proposed subdivision to be known as “Viewpoint Estates Filing No. 2” is located in a portion of the West Half of the West Half of the East Half of Section 10, Township 14 South, Range 63 West of the 6<sup>th</sup> P.M., El Paso County, Colorado. The property has El Paso County Tax Schedule No.'s 34100-10-001 & 34100-09-001. The current addresses for the properties are 21209 & 21307 Chesley Drive and is currently two vacant parcels. The proposed subdivision is located on the south side of Chesley Drive. The area of land under consideration for vacating and replating is 24.33± acres and the property is zoned Residential Rural (RR-2.5).

**Request and Justification:**

The request is for approval of a Vacation and Replat of a parcel of land currently composed of Lots 71 & 72, Viewpoint Estates as in the records of El Paso County, Colorado recorded in 1999. Approval will generate the Vacating and Re-plating Lots 71 & 72, Viewpoint Estates, 24.332± acres, into seven (7) single-family rural residential lots in the RR-2.5 zone and Tracts A & B as additional right of way for Colorado Highway 94. The property is proposed to be vacated and replatted in order to create more lots for residential use. This vacation and replat will comply with the zone density requirements. The proposed use will be residential as the zone is RR-2.5.

The Owner/Applicant is requesting approval of the Replat for “Viewpoint Estates Filing No. 2 ”. The property is eligible for subdivision under El Paso County Land Development Code. The proposed lots will provide adequate sites for new residences.

This application meets the Vacation and Replat submittal requirements, the standards for Divisions of Land in Chapter 7 (Section 7.2.3(A)(3) and Section 7.2.3(C)., and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2016). Vacation and Replats are reviewed and approved in consideration of the following review criteria found in the El Paso County Land Development Code.

#### Vacation

1. *Vacation of the recorded plat will not leave any lots or parcels without adequate utility or drainage easements.* This vacation is accompanied by the replat creating seven (7) lots in Viewpoint Estates Filing No. 2 of which will provide the necessary utility and drainage easements.
2. *Vacation of the recorded plat will not vacate road rights-of-way or access easements needed to access other property.* No road right-of-way or access easements are being vacated with this proposed vacation action. Area for temporary turn arounds at the ends of Chesley Drive will remain with easements created on the end lots to accommodate said turn arounds.
3. *Vacation of the recorded plat will not inhibit the provision of adequate public facilities or services to other property as required by this Code.* There are not public facilities or services that will be affected by the vacation of the subject property. Also, the vacation action is accompanied by the replat that will replace the vacated portion with viable legal conforming lots for residential use.
4. *Vacation of the recorded plat is consistent with the Master Plan.* This proposed vacation is accompanied by a replat which is consistent with the Master Plan and satisfies the required findings for a Final Plat. There is no aspect of the proposed vacation that conflicts with the goals and policies of the Master Plan.
5. *Vacation of the recorded plat will not adversely affect the public health, safety, and welfare.* There is no aspect of this vacation that will adversely affect the public health, safety, and welfare. The proposed vacation action will make way for the proposed replat which will enable the use of the vacant property which is in an established neighborhood.
6. *Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the vacation of the plat has been resolved.* There are no recorded CC&R's or other restrictions resulting from the vacation.

#### Replat

1. *The replat complies with this Code, and the original conditions of approval associated with the recorded plat.* The proposed replat complies with the Land Development Code. The replat does not affect any original conditions of approval of the 1999 recorded plat. The replat will establish seven (7) lots and two tracts for right of way conveyance to The State of Colorado for Highway

94. The adjacent street right-of-way will remain in place. Appropriate easements will be established in the subdivision.

2. *No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased.* The purpose of the replat is to establish seven (7) lots. No nonconforming lots will be created as indicated on the proposed Vacation and Replat.
3. *The replat is in keeping with the purpose and intent of this Code.* The proposed replat will establish seven (7) new lots in place of the existing two lots which will meet the requirements contained in the Land Development Code in size, area and provision of adequate public facilities and services. The development and use of the lots will be in conformance with the requirements of the Land Development Code.
4. *The replat conforms to the required findings for a minor or major subdivision, whichever is applicable.* This replat conforms to the required findings for a Subdivision Plat as contained within the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2016). Subdivisions are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. Each criteria is listed below followed by the appropriate justification:
  - 1) *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan.*  
**Your El Paso Master Plan (2021)** is a comprehensive document communicating a vision for many factors that influence the quality of in El Paso County, including Land Use. The Master Plan provides a strategy to achieve the vision by putting forth goals and policies that can be used as a framework for decision-making regarding development of the County. The project satisfies the following policies from the Master Plan as they specifically relate to this request:
    - **Goal 1.1** *Ensure compatibility with established character and infrastructure capacity.*  
This area of the County is conducive to rural residential development that allows residential use of property but preserves the natural character of the landscape. The proposed 2.5 acre minimum lot size subdivision is compatible with the existing neighborhood and surrounding development. The existing community character is preserved with this proposed Preliminary Plan. The proposed density is less than allowed by zoning since enough acreage exists to allow up to seven rural residential lots. The proposed density will not overburden the capacity of the land to support the water and wastewater needs of the development. The site will remain rural residential and is surrounded by existing rural residential developments on the north, south, east, and west sides of the site. The development will therefore be a part of the transition from the potentially higher densities on the south.
    - **Goal 2.2** *Preserve the character of rural and environmentally sensitive areas.*  
The proposed subdivision will keep the prairie land nature of the area intact. The 2.5-acre lot density has reduced impact on environmental conditions. Density and land use are compatible with the surrounding area and the natural features of the site will remain preserved, even with the addition of five (5) more residences on the site. The project maintains the rural character of site and neighborhood.

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

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

**BOCC Report Packet Fax 719-635-5450 • e-mail [mve@mvecivil.com](mailto:mve@mvecivil.com)**

- The proposed subdivision is in compliance with the 2040 Major Transportation Corridors Plan (MTCP). The site is not adjacent to existing or proposed transportation thoroughfares.
  - The proposed subdivision is in compliance with the Master Plan for Mineral Extraction. No separate mineral estate owners were found for the property. Although the proposed and existing development on this and the surrounding properties is not compatible with potential mineral extraction operations, the site will not hinder mineral extraction to a greater degree than other typical residential developments.
  - The proposed subdivision is in compliance with the El Paso County Water Master Plan (2018). The Water Resources will be provided by without causing injury to decreed water rights.
5. *Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM. Access to the new lots is provided by existing Chesley Drive, a 60' wide public right-of-way that is constructed with asphalt surface and roadside ditches. The replatted lots will access the public road with standard El Paso County rural driveway entrances.*
6. *The approval will not adversely affect the public health, safety, and welfare. There is no aspect of this replat that will adversely affect the public health, safety, and welfare.*

#### Easements

Existing platted public easements are being vacated with the Vacation Request and new public easements are being created by the Replat to replace them. New side lot line easements will also be added on all common lot lot lines between the proposed seven (7) lots. The sole responsibility for maintenance of these easements will be vested with the property owner. The 2 – 50' x 50' Detention Basin Easements (Rec. No. 99182220) are not being vacated. These two Detention Pond areas will be maintained under a separate County agreement documenting that the Viewpoint Home Owners Association will have maintenance responsibility for the Detention Pond areas.

#### Services

*“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 site is located within the jurisdiction of the El Paso County Sheriff's Office. The Sheriff's office currently provides police protection for the site and surrounding area. Viewpoint Estates is located within the Ellicott Fire Protection District which is providing fire protection for the site and has agreed to serve this subdivision. The Owner will provide fire protection water by installing a Post Hydrant connected to the existing 4" water main at the southeast corner of Antelope Drive and Chesley Drive for the Fire Protection District filling of their pumper trucks for fire protection. Water will be provided by Ellicott Utilities Company, LLC. Sanitary sewer we be provided by individual OWTS systems as discussed above. The property is located within the service areas of Mountain View Electric Association, Blackhills Energy Corporation, Centurylink Telephone, and Ellicott School District No.22, which will serve the subdivision. Transportation is being facilitated by the existing adjacent roadway system.

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

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

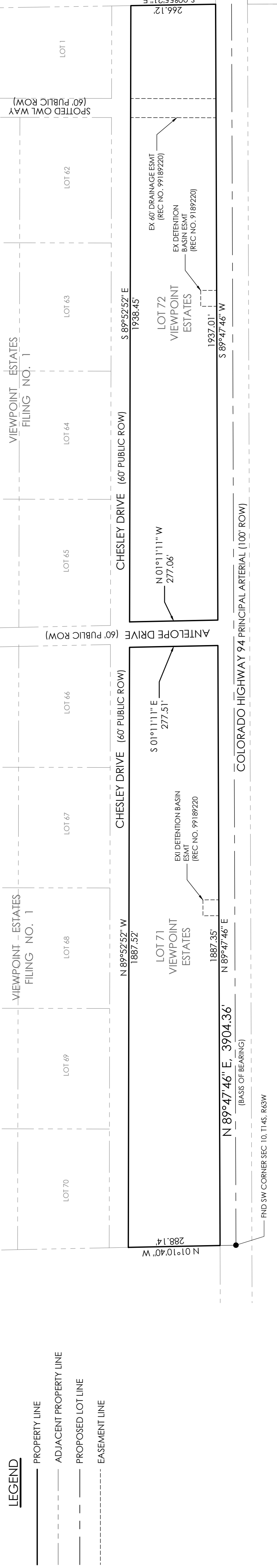
***BOCC Report Packet Fax 719-635-5450 • e-mail mve@mvecivil.com***

Traffic Impact and Traffic Fees

The seven (7) proposed single family residential units will access existing Chesley Drive, a public county road on the north side of the subdivision. A Traffic Memo has been prepared that details the expected traffic generation for the subdivision. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. The owners have elected to not be included in any Public Improvements District. Traffic Impact Fees will be paid at time of building permit.

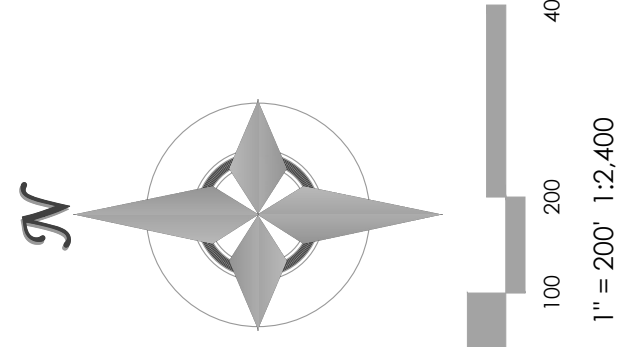
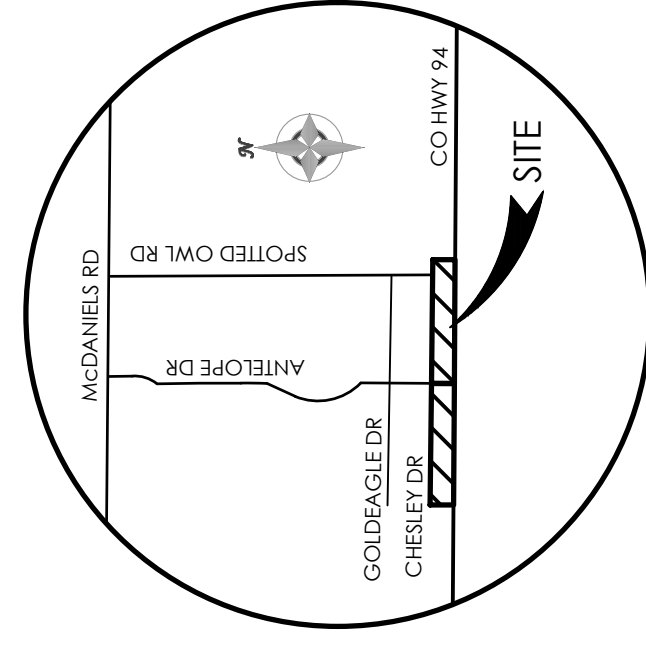
# VIEWPOINT ESTATES FILING NO. 2

## A VACATION AND REPLAT OF LOTS 71 AND 72, VIEWPOINT ESTATES A PORTION OF THE SOUTH ONE-HALF OF SECTION 10, TOWNSHIP 14 SOUTH, RANGE 63 WEST OF THE 6th PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO



AS - PLATTED  
PLAT # 10454

VICINITY MAP  
NOT TO SCALE



### NOTES

- BEARING REFERRED TO HEREIN ARE BASED ON THE SOUTHERLY LINE OF SECTION 10, TOWNSHIP 14 SOUTH, RANGE 63 WEST BEARING S 89° 47' 46" W.
- SITE ELEVATIONS ARE BASED ON THE NORTHWEST PROPERTY CORNER OF LOT 71, VIEWPOINT ESTATES HAVING AN ELEVATION OF 6070.81 FEET.
- NO BUILD AREA ON LOTS 2 & 3 WILL BE BELOW ELEVATION 6092 FEET, AND ON LOT 7 WILL BE BELOW 6051 FEET.
- THIS PLAT DOES NOT CONSTITUTE A TITLE SEARCH BY M.V.E., INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD, FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY, TITLE, AND OTHER MATTERS OF RECORD, M.V.E., INC. RELIED ON TITLE COMMITMENT FILE NO. 5514-384683 AS PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATE OCTOBER 29, 2021.
- ALL CORNERS SET WITH NO. 8 REBAR WITH SURVEYORS ALUMINUM CAP "PL 27655" FLUSH WITH THE GROUND, UNLESS OTHERWISE NOTED.
- ACCORDING TO FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 08041C0810 G, DATED DECEMBER 7, 2018 THE PROPERTY IS LOCATED IN FEMA DESIGNATED FLOOD HAZARD AREA "ZONE C".
- NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON. (SECTION 13-90-108 C.R.S.).
- THIS PROPERTY IS SUBJECT TO THE COVENANTS FOR VIEWPOINT ESTATES SUBDIVISION RECORDED IN RECEPTION NO. 21709213 & 21709178 OF THE RECORDS OF EL PASO COUNTY, COLORADO.
- NO BUILD AREAS WILL NOT HAVE ANY BUILDING STRUCTURES OR OUT-STRUCTURES. FENCES WILL BE ALLOWED THAT DO NOT IMPEDE STORMWATER FLOWS. OWNERSHIP AND MAINTENANCE OF NO BUILD AREAS WILL BE VESTED IN THE INDIVIDUAL LOT OWNER OF THE LOT THAT IS INCUMBERED.
- LINEAL UNITS SHOWN HEREON ARE US SURVEY FEET.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMISS A CLASS TWO (2) MONUMENT OR PURSUANT TO C.R.S. § 18-4-508.
- THERE SHALL BE NO DIRECT ACCESS TO COLORADO HIGHWAY 94 OR ANTELOPE DRIVE.
- THE DETENTION BASIN EASEMENT AS RECORDED ON THE FINAL PLAT OF VIEW POINT ESTATES UNDER RECEPTION NO. 099189220, OF THE RECORDS OF EL PASO COUNTY, COLORADO SHALL REMAIN IN FULL FORCE AND EFFECT AS DOCUMENTED HEREON. THIS REPLATED PROPERTY, THE PRIVATE DETENTION BASIN MAINTENANCE AGREEMENT PROVIDES FOR PAYMENT OF MAINTENANCE COSTS FOR THE DETENTION BASIN UNDER RECEPTION NO. 099189218 OF THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO. PRESENT AND FUTURE LOT OWNERS OF LOTS 1, 2, 3, 4, 5, 6, & 7, VIEWPOINT ESTATES FILING NO. 2, A VACATION AND REPLAT OF LOTS 71 AND 72, VIEWPOINT ESTATES SHALL PAY THEIR PROPORTIONATE SHARE ON A PER LOT BASIS FOR NO MORE THAN ONE SEVENTH SEVENTH OF LIABILITY AS DESCRIBED IN SAID PRIVATE DETENTION BASIN MAINTENANCE AGREEMENT.

### WATER SUPPLY NOTE

POTABLE WATER SHALL BE PROVIDED AND SUPPLIED BY ELICOTT UTILITIES COMPANY.

### EASEMENTS

UNLESS OTHERWISE INDICATED, ALL SIDE AND REAR LOT LINES ARE HEREBY PLATTED ON EITHER SIDE WITH A .25 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, ALL FRONT LINES WITH A .15 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT UNLESS OTHERWISE INDICATED. ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HEREBY PLATTED WITH A .15 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.

### SURVEYOR'S STATEMENT

I, RANDALL D. HENCKY, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF "VIEWPOINT ESTATES FILING NO. 2" TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON 02/11/2020, 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 DEALING WITH MONUMENTS, SUBDIVISION, OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE AND IS NOT A WARRANTY OR GUARANTEE EITHER EXPRESSED OR IMPLIED.

RANDALL D. HENCKY  
COLORADO REGISTERED PLS #27605  
FOR AND ON BEHALF OF M.V.E., INC.

### TRACT NOTE

TRACTS A & B SHALL BE DEDICATED TO THE STATE OF COLORADO BY SEPARATE DOCUMENT FOR FUTURE COLORADO HIGHWAY 94 RIGHT-OF-WAY.

### KNOW ALL MEN BY THESE PRESENTS

THAT VIEWPOINT ESTATES, LLC ARE THE OWNERS OF THE FOLLOWING DESCRIBED TRACT OF LAND, TO WIT:  
LOTS 71 AND 72 OF VIEWPOINT ESTATES, AS RECORDED IN RECEPTION NO. 99189220,  
OF THE PUBLIC RECORDS OF THE COUNTY OF EL PASO, STATE OF COLORADO,  
CONTAINING 24.332 ACRES MORE OR LESS.

### OWNER'S CERTIFICATE

THE UNDERSIGNED, BEING ALL THE OWNERS, HORTICULTURERS, BENEFICIARIES OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAD OUT VACATES, SUBDIVIDES, AND REPLICATES SAID LANDS INTO LOTS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUPERVISION OF "VIEWPOINT ESTATES FILING NO. 2", 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.

IN WITNESS WHEREOF THE FOREMENTIONED OWNERS HAVE EXECUTED THIS INSTRUMENT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025, A.D.

CHARLES M. MCALISTER  
VIEWPOINT ESTATES, LLC, MANAGER

### NOTARIAL

STATE OF COLORADO )  
COUNTY OF EL PASO ) SS  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025 BY:  
AS \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL \_\_\_\_\_ NOTARY PUBLIC

### COUNTY GOVERNMENT NOTES

- THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE FINAL PLAT FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY DEVELOPMENT SERVICES DEPARTMENT: TRANSPORTATION IMPACT STUDY; TRAFFIC STUDY; ROAD NOISE STUDY; DRAINAGE REPORT; WATER RESOURCES REPORT; WASTEWATER DISPOSAL REPORT; GEOLOGY AND SOILS REPORT; FIRE PROTECTION REPORT; NATURAL FEATURES REPORT.
- ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGHOUT THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS. INDIVIDUALS OR LANDSCAPING THAT COULD IMPED THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
- DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATIONS, ORDINANCES, REVIEW AND PERMIT REQUIREMENTS, AND OTHER AGENCY REQUIREMENTS. IF ANY, OF APPLICABLE AGENCIES INCLUDING, BUT NOT LIMITED TO, THE COLORADO DIVISION OF WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORPS OF ENGINEERS AND THE U.S. FISH AND WILDLIFE SERVICE REGARDING THE ENDANGERED SPECIES ACT, PARTICULARLY AS IT RELATES TO THE LISTED SPECIES (E.G., PEBBLES MEADOW JUMPING MOUSE).
- THE ADDRESSES EMPOWERED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
- NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY. INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS INCLUDING NECESSARY DRAINAGE CULVERTS. CHESLEY DRIVE PER LAND DEVELOPMENT CODE SECTION 6.3.3.C.2 AND 6.3.3.C.3.
- MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS.
- THE SUBDIVISOR/PLATTEE OR BEHALF OF UNDESIGNABLE AND ANY DEVELOPER, 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 IMPACT FEE PROGRAM (RESOLUTION 19-471) OR ANY AMENDMENTS THERETO, AT OR PRIOR TO THE TIME OF BUILDING PERMIT SUBMITTALS. THE FEE OBLIGATION, IF NOT PAID AT TIME OF FINAL PLAT RECORDING, SHALL BE DOCUMENTED ON ALL SALES DOCUMENTS AND IN PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE SALE OF THE PROPERTY.
- SEWAGE TREATMENT IS THE RESPONSIBILITY OF EACH INDIVIDUAL PROPERTY OWNER. THE EL PASO COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT MUST APPROVE EACH SYSTEM AND, IN SOME CASES, THE DEPARTMENT MAY REQUIRE AN ENGINEER DESIGNED SYSTEM PRIOR TO PERMIT APPROVAL. THESE SYSTEMS MAY COME MORE TO DESIGN, INSTALL, AND MAINTAIN.
- SOIL AND GEOLOGIC CONDITIONS AREAS WITHIN THE SUBDIVISION HAVE BEEN FOUND TO BE IMPACTED BY POTENTIAL GEOLOGIC CONSTRAINTS AS DETAILED IN THE SOIL, GEOLOGY, AND GEOLOGIC HAZARD STUDY FOR CROWK'S SUBDIVISION FILING NO. 1 PREPARED BY ENTECH ENGINEERING, INC. AND DATED OCTOBER 14, 2021. THE REPORT IS AVAILABLE IN THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT RECORDS (WWW.EPCDEVPLANVIEW.COM) UNDER FILE NUMBER \_\_\_\_\_.
- THE REPORT INCLUDES MAPPING OF THE POTENTIAL HAZARD AREAS WITHIN THE SUBDIVISION. A DESCRIPTION OF AFFECTED LOTS, POTENTIAL CONSTRAINTS AND MITIGATION MEASURES ARE LISTED BELOW. NO AREAS OF THE SITE EXCEED 3% IN GRADE. INDIVIDUAL SOIL INVESTIGATIONS AND FOUNDATION DESIGNS FOR ALL NEW BUILDING SITES AND SEPTIC SYSTEMS ARE REQUIRED. ONCE BUILDING LOCATIONS HAVE BEEN DETERMINED, SHOULD GROUNDWATER OR BEDROCK BE ENCOUNTERED WITHIN 6 FEET OF THE SURFACE, DESIGNED ON WELL, 30 FEET FROM DRAINAGES; FLOODPLAIN; OR FENCED AREA AND 25 FEET FROM DIRT GULLIES.
- SOIL CORROSION AND COLLAPSE LOTS: LOTS 1-7 MITIGATION MEASURES INCLUDE: SLOPE GRADE AWAY FROM FOUNDATION AS PER MINIMUM FOR 10 FEET AND ROOF DRAIN DISCHARGE WELL AWAY FROM STRUCTURE.
- POTENTIALLY SEASONAL SHALLOW GROUND WATER EXIST IN THE DESIGNATED NO BUILD AREAS.
- LOT AND DENSITY DATA:  
GROSS ACREAGE: 24.332 ACRES  
TOTAL NUMBER OF LOTS IN THE SUBDIVISION: 7  
GROSS DENSITY: 1 LOT PER 3,476 ACRES  
ACREAGE DEDICATED TO PUBLIC STREETS: 2.195 ACRES  
NET ACREAGE: 22.137 ACRES  
NET DENSITY: 1 LOT PER 3,162 ACRES

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025, A.D. AND IS DULY RECORDED AT RECEPTION NO. \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

CHARLES D. BROERMAN, RECORDER

BY: \_\_\_\_\_ DEPUTY  
SCHOOL FEE: \_\_\_\_\_ PARK FEE: \_\_\_\_\_  
DRAINAGE FEE: \_\_\_\_\_

FINAL PLAT  
VIEWPOINT ESTATES  
FILING NO. 2

MVE, INC.  
ENGINEERS & SURVEYORS  
1903 Leary Street, Suite 300  
Colorado Springs, CO 80909  
719.535.5126 www.mveca.com

OWNER OF RECORD  
AT TIME OF PLATING:  
VIEWPOINT ESTATES, LLC,  
PO BOX 1027  
COLORADO SPRINGS CO,  
80934-6797  
(719) 538-5223

VIEW PROJECT:  
61079  
PLAT/PS1  
DATE: MARCH 18, 2025  
SHEET 1 OF 2

PCD FILE # SF-21-42





May 1, 2026

Ryan Howser, Project Manager  
El Paso County Development Services Department  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

RE: Viewpoint Estates Filing No. 2 - 5th Letter  
Sec. 10, Twp. 14S, Rng. 63W, 6th P.M.  
Water Division 2, Water District 10  
CDWR Assigned Subdivision No. 28968  
Upper Black Squirrel Creek Designated Basin

Dear Ryan Howser:

We have received a referral concerning the above-referenced proposal to vacate two lots and divide the 24.3± acre tract of land into seven single-family lots. This property is currently described as Lots 71 and 72 of Viewpoint Estates. This office previously issued comments on August 20, 2025 and December 11, 2025, this letter supersedes the previous letters.

### **Water Supply Demand**

According to the letter dated May 1, 2025 from Ellicott Utilities Company, LLC, the estimated water demand for this development is 0.298 acre-feet per year per lot for a total water supply demand of 1.947 acre-feet/year for in-house use and landscaping.

### **Source of Water Supply**



The proposed water supply source is service provided by Ellicott Utilities Company, LLC (“Company”). According to a letter dated May 1, 2025, the Company will provide up to 50 acre-feet of water per year for the entire Viewpoints Estates and Antelope Park projects. This amount refers to the 1988 Contractual Commitment between Cherokee Metropolitan District (“Cherokee”) and R.W. Case for Cherokee for 50 acre-feet/year of water. Of the 50 acre-feet/year of water, 1.947 acre-feet/year will be committed to the Viewpoint Estates Filing no. 2.

This office received an updated water resources report for the Company dated February 13, 2026, and a clarifying letter dated April 3, 2026, outlining the Company’s water supplies. This report clarified an additional 50 acre-feet/year of water provided to the Company from Cherokee is to be used within the Upper Black Squirrel Designated Ground Water Basin area. The letter from April 3, 2026 clarified the amount of water currently committed to other communities served by the Company, such as Mayberry Communities, is 119.25 acre-feet/year. The letter also stated that the water supplied from Cherokee is through closed pipes that do not have system losses.

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an **allocation** approach based on 300 years and based on the report, the total amount of water supply available for 300 years is 182.98 acre-feet/year, and the total amount of water commitment is 169.22 acre-feet/year. Therefore, the Company currently has 13.8 acre-feet of water supply remaining, assuming the entire 50 acre-feet/year committed to the Viewpoint Estates and Antelope Park subdivisions will be committed to those developments. Of the 50 acre-feet/year available, our records show 45 acre-feet have been committed, including the 1.947 acre-feet/year committed for this subdivision filing, with 5 acre-feet currently uncommitted.

## State Engineer's Office Opinion

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

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

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water required is legally available on an annual basis.

Please contact Katie Anderson at [katharine.anderson@state.co.us](mailto:katharine.anderson@state.co.us) with any questions.

Sincerely,

Ailis Thyne, P.E.

Water Resource Engineer



**KENNETH R. HODGES, COUNTY ATTORNEY**

Nathan J. Whitney, First Assistant County Attorney | Steven A. Klaffky, Chief Deputy County Attorney

August 25, 2025

SF-21-42            Viewpoint Estates Filing No. 2

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

**WATER SUPPLY REVIEW AND RECOMMENDATIONS**

Project Description

1.        This is a Final Plat proposal by Viewpoint Estates, LLC (“Applicant”), to subdivide an approximately 24.137 acre lot into 7 lots. The property is zoned RR-2.5 (Rural Residential).

Estimated Water Demand

2.        Pursuant to the Water Supply Information Summary (“WSIS”), the Applicant estimates its annual water needs to serve this subdivision at 1.947 acre-feet/year for 7 lots. The Applicant estimates in-house use at 0.165 acre-feet per lot,<sup>1</sup> with an additional estimated demand of 0.792 acre-feet for irrigation of 0.32 acres (0.113 acre-feet/lot/year), which results in a total annual water demand of 0.278 acre-feet per lot, or a total demand of 1.947 acre-feet for Viewpoint Estates Filing No. 2. Based on these figures, the Applicant must provide a supply of 584.1 acre-feet of water (1.947 acre-feet/year x 300 years) to meet the County’s 300-year water supply requirement for the subdivision.

Proposed Water Supply

3.        The Applicant has provided for the source of water to derive from the Ellicott Utilities Company (“EUC” or “Company”). As detailed in the *Water Resources Report* (“Report”), EUC intends to rely on a perpetual contractual obligation by Cherokee Water and Sanitation District (now Cherokee Metropolitan District) to supply 50 acre-feet of water annually to EUC. EUC has allocated this water to the Viewpoint Estates and Antelope Park developments, which have a current estimated demand of 33.665 acre-feet per year total for indoor household use and irrigation. This leaves 16.335 annual acre-feet available to meet the demand of the 5 new

---

<sup>1</sup> The El Paso County Land Development Code contains a presumptive amount for indoor household use of 0.26 acre-feet per year. In its *Water Resources Report*, the Applicant states that their lower estimated demand is based on actual usage data from other developments served by Ellicott Utilities Company.

lots (7 total lots in proposed subdivision minus the two existing as currently platted), estimated to be 1.39 acre-feet per year.

4. The Ellicott Utilities Company, LLC provided a letter of commitment dated May 1, 2025 for Viewpoint Estates Filing No. 2, in which the District committed to providing water service for the 7 single-family residential lots and associated landscaping in an annual amount of 1.947 acre-feet per year.

#### State Engineer's Office Opinion

5. In a letter dated March 28, 2023, the State Engineer's Office reviewed the application to subdivide the 9.3 +/- acres into 7 single-family lots. The water supply demand in 2023 evaluated was 1.82 acre-feet per year, which is less than the current estimated demand. The State Engineer further stated that ". . . pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate."

Because the State Engineer did not issue an opinion as to the current (higher) total estimated demand, and based on the documentation provided that shows sufficient water available for that higher demand, the Applicant shall be required to obtain an updated opinion prior to recording the final plat.

#### Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Viewpoint Estates Filing No. 2 is 1.947 acre-feet per year for a total demand of 584.1 acre-feet for the subdivision for 300 years, to be supplied by Ellicott Utilities Company. **Based on EUC's available water supply of approximately 16.335 annual acre-feet, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Viewpoint Estates Filing No. 2.**

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

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the *Water Supply Information Summary*, the *Water Resources Report* dated August 29, 2024, the *Ellicott Utilities Company, LLC* letter dated May 1, 2025, and the *State Engineer Office's Opinion* dated March 28, 2023. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

**REQUIREMENTS:**

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.
- B. An updated letter must be received by the Colorado Division of Water Resources prior to recording of the final plat.

cc: Ryan Howser, Project Manager, Planner

RESOLUTION NO. 26-

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO

APPROVAL OF A PRELIMINARY PLAN FOR  
VIEWPOINT ESTATES FILING NO. 2 (SP215)

WHEREAS, Viewpoint Estates, LLC did file an application with the El Paso County Planning and Community Development Department for the approval of a Preliminary Plan for the Viewpoint Estates Filing No. 2 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 June 4, 2026, upon which date the Planning Commission did by formal resolution recommend approval of the Preliminary Plan application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on June 25, 2026; 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. That the application was properly submitted for consideration by the Board of County Commissioners;
2. That proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners;
3. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters, and issues were submitted and reviewed, and that all interested persons were heard at those hearings;
4. That all exhibits were received into evidence;
5. 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;

6. For the above-stated and other reasons, the proposed Preliminary Plan is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County; and

WHEREAS, this Board further finds that the request meets the criteria for approval outlined in Section 7.2.1.D.2.e of the Land Development Code ("Code") (as amended):

1. The proposed Subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The Subdivision is consistent with the purposes of the Code;
3. The Subdivision is in conformance with the subdivision design standards and any approved Sketch Plan;
4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of Subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code (this finding may not be deferred to Final Plat if the applicant intends to seek Administrative Final Plat approval);
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 the proposed Subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design;
8. 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;
9. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;
10. 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;

11. Necessary services, including police and fire protection, recreation, utilities, open space, and transportation systems are or will be available to serve the proposed Subdivision;
12. The Subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
13. The proposed Subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and

WHEREAS, a finding of sufficient water supply in terms of quantity, quality, and dependability is hereby postponed until the Final Plat. With each final plat filing the applicant shall submit documentation 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 shall make a request to the Board of County Commissioner for a finding of water sufficiency; and

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, hereby approves the Preliminary Plan application for the Viewpoint Estates Filing No. 2 Subdivision;

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

CONDITIONS

1. Applicable drainage, bridge, school, and park fees shall be paid with each Final Plat.
2. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/25/2025, as provided by the County Attorney's Office.

NOTATIONS

1. Subsequent Final Plat filings may be approved administratively by the Planning and Community Development Director.

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2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a Final Plat has been approved and recorded or a time extension has been granted.
  
3. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

DONE THIS 25th day of June, 2026, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

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

By: \_\_\_\_\_  
County Clerk & Recorder

EXHIBIT A

LOT 71 AND LOT 72 VIEWPOINT ESTATES AS RECORDED IN EL PASO COUNTY, COLORADO UNDER  
RECEPTION NUMBER 99189220.