

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**Amended Written Determination for Cost Recovery for Forest Lakes Drive**

**Background:** A cost recovery statement was submitted by Forest Lakes Residential Development LLC (Forest Lakes) to El Paso County in March 2019 requesting a fair share reimbursement from properties benefitting from the construction of Forest Lakes Drive from Hay Creek Road, west for a length of 3299 feet. The road has been constructed and is owned and maintained by El Paso County. A written determination approving the cost recovery request was issued by the Executive Director of the El Paso County Planning and Community Development Department on March 23, 2020.

**Summary:** A cost recovery statement was submitted by Forest Lakes on March 28, 2019 and reviewed in accordance with section 8.7.2 of the El Paso County Land Development Code (2019) (the Code). Forest Lakes listed as the potential benefited property two parcels owned by HCB Willow Springs LLC (Willow Springs) identified by tax schedule numbers 71270-00-003 and 71260-00-004. These two parcels have since been reconfigured, changed ownership and have been annexed into the Town of Monument.

**Determination:** The Code applies only to development within unincorporated El Paso County. Moreover, though the cost recovery provisions set forth in Section 8.7.2 require the identification of potential benefited property, the requestor subdivider, in this case Forest Lakes, may only receive a fair share reimbursement from an applicant subdivider, thus tying the reimbursement process to the subdivision of potential benefited property. The cost recovery request is, therefore, denied due to lack of jurisdiction over the potential benefited property.

The requestor subdivider or any benefited property owner may appeal the decision of the PCD to the BoCC by filing a written request for appeal in accordance with the El Paso County Land Development Code. In order to be considered for appeal, the notice of appeal shall be received by the PCD Director no later than 30 calendar days after the date of mailing of notice of the PCD Director's determination. This Amended Written Determination supersedes and replaces in its entirety the Written Determination issued on March 23, 2020.

April 21, 2020

Date



Craig Dossey, Executive Director  
Planning and Community Development

