

EL PASO COUNTY



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PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Board of County Commissioners
Stan VanderWerf, Chair

FROM: Ryan Howser, AICP, Planner III
Lupe Packman, EI Engineer I
Kevin Mastin, Interim Executive Director

RE: Project File #: VR-22-004
Project Name: Pawnee Rancheros Filing No. 2A
Parcel No.: 53040-02-017

OWNER:	REPRESENTATIVE:
Mason, LLC 7702 Barnes Road Colorado Springs, CO, 80922	Mason, LLC 7702 Barnes Road Colorado Springs, CO, 80922

Commissioner District: 2

Planning Commission Hearing Date:	10/20/2022
Board of County Commissioners Hearing Date	11/1/2022

EXECUTIVE SUMMARY

A request by Mason, LLC for approval of a vacation and replat to replat one (1) residential lot as two (2) residential lots. The 5.37-acre property is zoned RR-2.5 (Residential Rural), is subject to the CAD-O (Commercial Airport Overlay) District, and is located on the north side of Mustang Place, approximately one (1) mile northeast of the Woodmen Road and Marksheffel Road intersection and is within Section 4, Township 13 South, Range 65 West of the 6th P.M.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by Mason, LLC for approval of a vacation and replat to replat one (1) residential lot as two (2) residential lots on 5.37 acres.



Waiver(s)/Deviation(s): There are no waivers or deviations associated with this request.

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

B. PLANNING COMMISSION SUMMARY

Request Heard: As a Consent item at the October 20, 2022 hearing.

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 9-0

Vote Rationale: N/A

Summary of Hearing: The Planning Commission draft minutes are attached.

Legal Notice: N/A

C. APPROVAL CRITERIA

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code states that a replat, “involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat.” The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified or additional lots are created. In approving a replat, the following findings shall be made:

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



D. LOCATION

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

E. BACKGROUND

The 5.37- acre property was zoned A-4 (Agricultural) at the time of initial zoning for this portion of El Paso County on September 21, 1965. Due to changes in the nomenclature of the Land Development Code, the A-4 zoning district is now known as the RR-5 (Residential Rural) zoning district. On April 13, 2021, the BoCC approved a request for a map amendment (rezoning) of the property from the RR-5 zoning district to the RR-2.5 (Residential Rural) zoning district.

On February 15, 1972, the Board of County Commissioners (BoCC) approved the Pawnee Rancheros Filing No. 2 Final Plat, of which the property was platted as Lot 10 (plat no. 3750). The property has remained in the same configuration since its creation and is considered a legal lot. The existing 1,596 square foot single-family residence was constructed in 1999. A 1,296 square foot detached barn was constructed in 1999. A 2,400 square foot detached garage was constructed in 2020.

The applicant is proposing to replat the 5.37-acre lot into two (2) lots; Lot 10A is proposed to be 2.8 acres in size and Lot 10B is proposed to be 2.5 acres in size. Both lots are proposed to meet the minimum lot size in the RR-2.5 zoning district.

If the request for a vacation and replat is approved, the applicant will be required to submit and receive approval of a residential site plan application prior to construction of any additional structures on the property.

F. ZONING ANALYSIS

1. Land Development Code Compliance

This application meets the requirements of Sections 7.2.3.A (Vacation) and 7.2.3.C (Replat), Actions Vacating or Altering a Recorded Plat, the vacation and replat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code.

The property is located within the CAD-O (Commercial Airport Overlay District) zoning overlay; however, it is not located within any of the sub-zones. The Colorado Springs Airport Advisory Commission (AAC) was sent a referral



regarding the vacation and replat. The case was heard at the September 22, 2022, AAC hearing and the AAC provided a response indicating no objections to the proposed map amendment.

2. Zoning Compliance

The proposed replat will create two (2) residential lots. The lots, as proposed, will conform to the standards of the RR-2.5 (Residential Rural) zoning district. The RR-2.5 (Residential Rural) zoning district is intended to accommodate low-density, rural, single family residential development. The RR-2.5 zoning district density and dimensional standards are as follows:

- Minimum lot size – 2.5 acres
- Minimum lot width – 200 feet
- Setbacks – front 25 feet, sides 15 feet, and rear 25 feet
- Maximum building height – 30 feet

The applicant has submitted a site plan indicating that all existing uses and the existing structure on the property will meet the dimensional standards of the RR-2.5 zoning district, should the proposed replat be approved.

In order to initiate any uses on the property, the applicant will need to obtain site plan approval. The site plan will be reviewed to ensure that all proposed structures will comply with the zoning district dimensional standards as well as the General Development Standards of the Code and Engineering Criteria Manual requirements.

G.MASTER PLAN ANALYSIS

1. Your El Paso Master Plan

a. Placetype: Suburban Residential

Placetype Character:

Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type and is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.



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

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

Recommended Land Uses:

Primary

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

Supporting

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



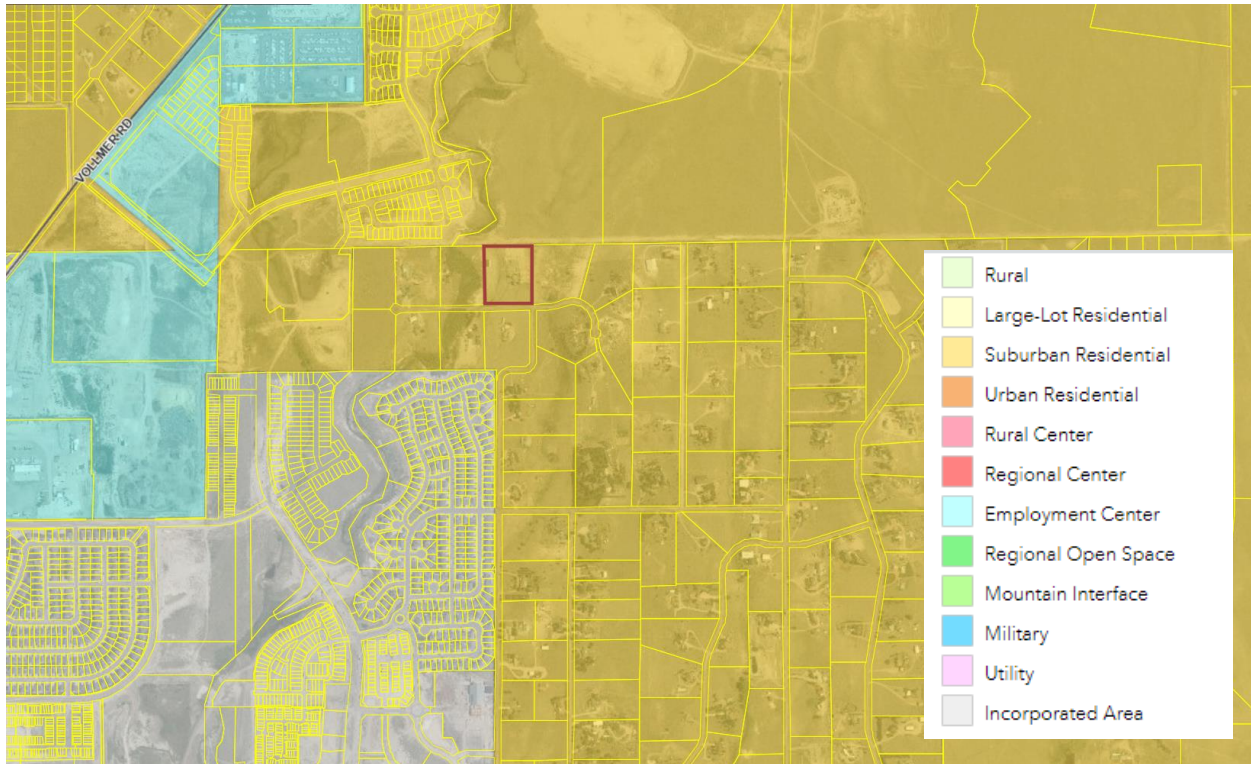


Figure G.1: Placetype Map

Analysis:

The property is located within the Suburban Residential placetype. The Suburban Residential placetype comprises the County’s traditional residential neighborhoods with supporting commercial uses at key intersections. Relevant goals and objectives are as follows:

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

Objective HC1-4 – *In Suburban Residential areas, clustered development should be encouraged to increase density while also preserving open space and such development should consist of a mix of single-family detached, single-family attached, and multifamily units.*

Goal HC3 – *Locate attainable housing that provides convenient access to goods, services, and employment.*

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.

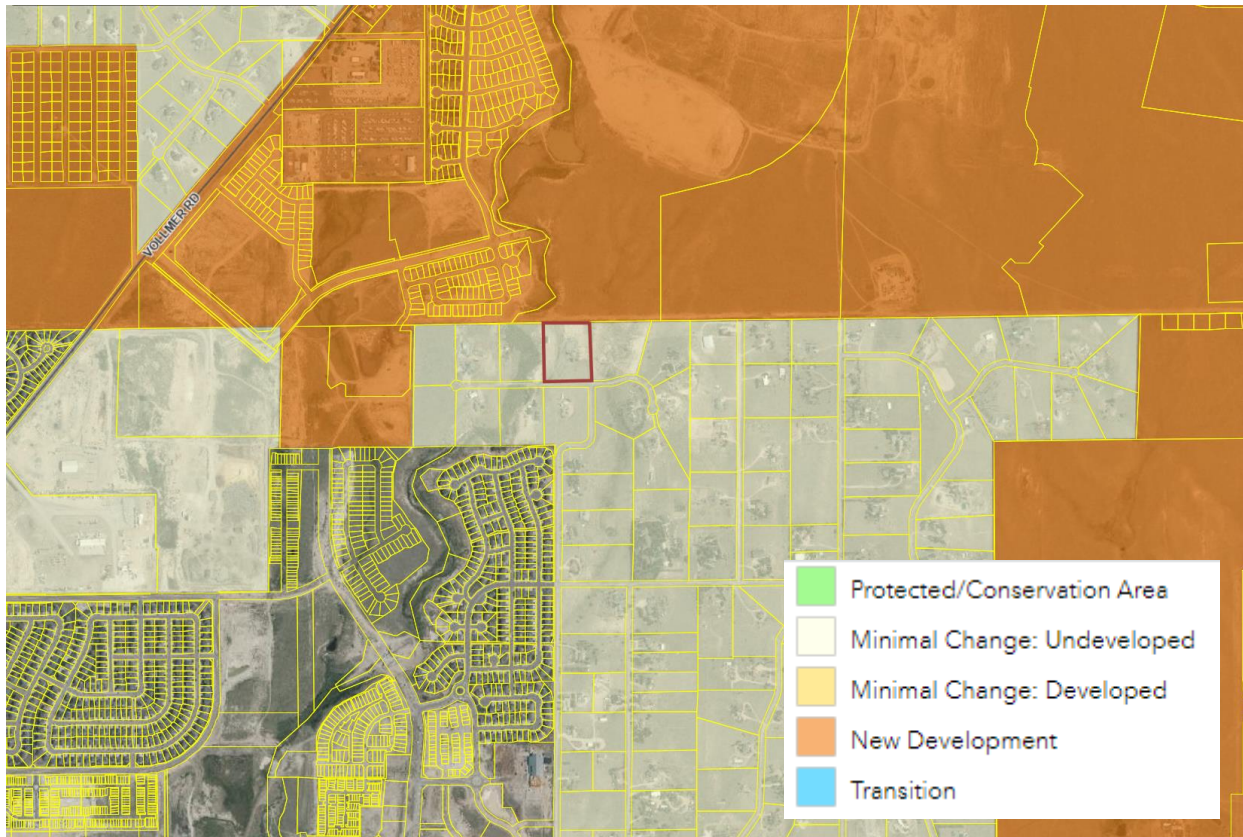


Figure G.2: Area of Change Map

Analysis:

The proposed vacation and replat is not located in an area which is expected to significantly change in character. The proposed vacation and replat is not likely to change the character of the area. The adjacent properties to the south, east, and west are zoned RR-5 and are developed.

c. Key Area Influences

The subject property is not located within a Key Area. The subject property is potentially influenced by the “Potential Areas for Annexation.”

Potential Areas for Annexation

“A significant portion of the County’s expected population growth will locate in one of the eight incorporated municipalities. As the largest municipality in El Paso County, Colorado Springs is expected to grow in population over the next several decades. As a result of this growth, Colorado Springs, and other municipalities including Fountain and Monument, will need to annex parts of unincorporated County to plan for and accommodate new development. This will either occur through new development within existing municipal limits or the annexation of subdivisions in unincorporated parts of the County.

This Key Area outlines the portions of the County that are anticipated to be annexed as development occurs. It is imperative that the County continue to coordinate with the individual cities and towns as they plan for growth. Collaboration with the individual communities will prevent the unnecessary duplication of efforts, overextension of resources, and spending of funds. The County should coordinate with each of the municipalities experiencing substantial growth the development of an intergovernmental agreement similar to that developed with Colorado Springs.”



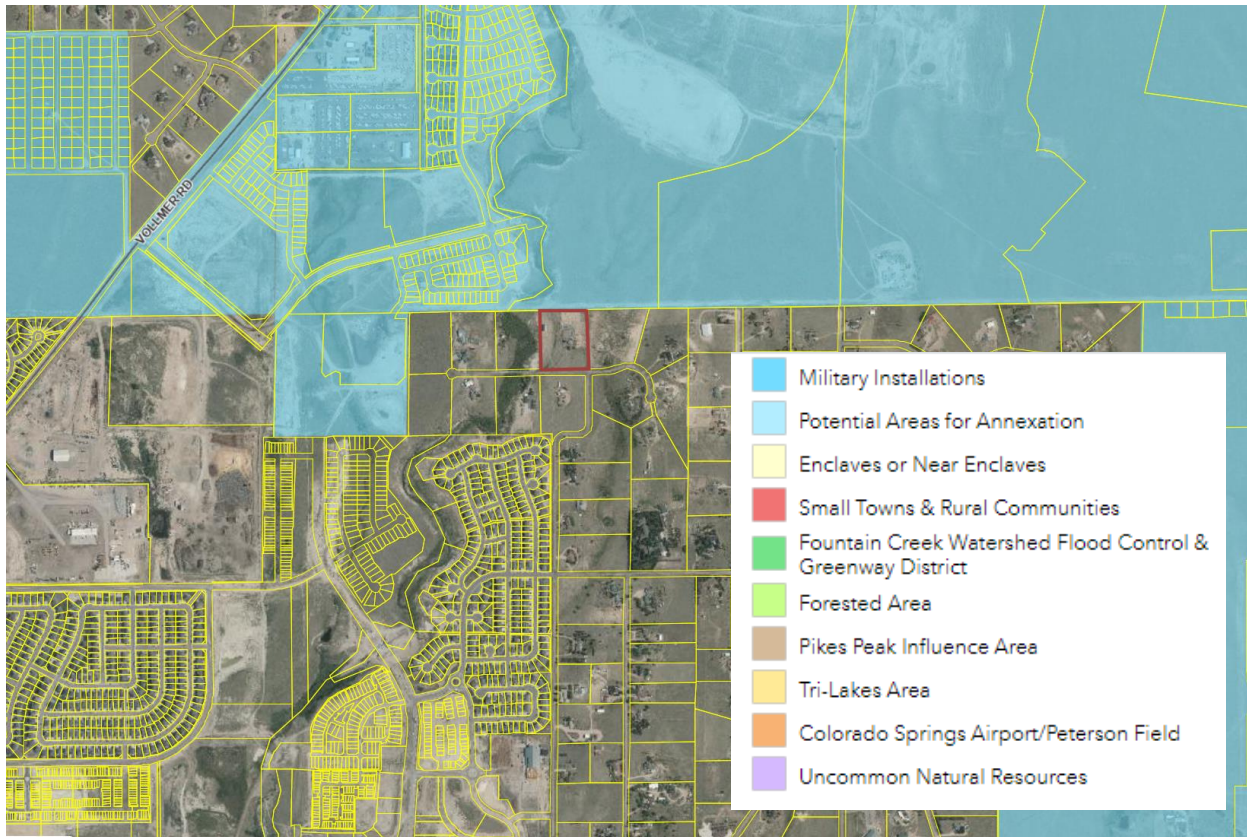


Figure G.3: Key Area Map

Analysis:

The property is located adjacent to the potential annexation key area, which has been identified as an area of El Paso County that is anticipated to experience significant growth. While the addition of one (1) additional residential lot is not expected to substantially impact the character of the surrounding area, this area may significantly change in character if more surrounding properties annex into the City of Colorado Springs.

d. Other Implications (Priority Development, Housing, etc.)

The subject property is located within the Falcon Priority Development Area. The Master Plan identifies this area as suitable for new suburban residential development which complements the existing development pattern in both the City of Colorado Springs and the Falcon area within El Paso County. New Suburban Residential development would not only match the existing development pattern in Colorado Springs and Falcon to the east and west but also act as a density buffer between more urban development to the south and large-lot to the north.

2. Water Master Plan Analysis

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

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

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

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

Goal 5.1 – *Identify the potential water supply gap at projected full development build-out (2060).*

Policy 5.2.2 – *Recognize the water supply challenges and limitations inherent in each of the regional planning areas, with particular emphasis placed on Regional Planning Area 3 (Falcon), as a result of current reliance on non-renewable Denver Basin wells and the renewable, but limited and over-appropriated, Upper Black Squirrel Creek alluvium.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 3 (Falcon Area) of the Plan and is located within an estimated area of development. The Region is identified as potentially having issues regarding long term sustainable draw from the Denver Basin aquifer. The proposed development will not be served by a central water system. The following has been included for informational purposes only as it pertains to water demands and supplies in Region 3 for central water providers:

The Plan identifies the current demands for Region 3 to be 4,494 acre-feet per year (AFY) with a current supply of 7,164 AFY (Figure 5.1). The demand in 2040 is projected to be 6,403 AFY with a projected supply of 7,921 AFY (Figure 5.2). At build-out in 2060, the demand for Region 3 is



projected to be 8,307 AFY with a projected supply of 8,284 AFY, which means by 2060 there is anticipated to be a water supply deficit of 23 AFY (Figure 5.3, Table 5-2).

Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. Please see the Water section below for a summary of the water findings and recommendations for the proposed development in regard to water quality, quantity, and dependability.

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 eolian deposits (wind blown sands) and upland deposits in the area of the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

The El Paso County Parks Master Plan (2013) identifies the proposed Sand Creek Regional Trail 400 feet west of the subject property. This trail will not be impacted by the subdivision action because the proposed trail alignment is on the west side of Sand Creek and would not intersect the subject property.

H. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the vacation and replat.

2. Floodplain

The parcel is outside the 100-year floodplain as indicated by FEMA Flood Insurance Rate Map panel number 08041C0535G, which has an effective dated of December 7, 2018.

3. Drainage and Erosion

The parcel is in Sand Creek (FOFO4000) drainage basin. This drainage basin is studied and has associated drainage and bridge fees. A drainage report was submitted, and the applicant will be required to pay drainage fees in the amount of \$5,071.76 and bridge fees of \$2,766.13. No water quality or detention will be required because of the rural nature of the lots.



4. Transportation

The site takes access from Mustang Place, which is owned and maintained by El Paso County. No roadway improvements will be required of the applicant.

The El Paso County 2016 Major Transportation Corridors Plan Update depicts roadway improvement projects in the vicinity of the site. Vollmer Road and Woodmen Road are expected to be updated to larger classifications. Stapleton Drive is expected to be constructed to the north of the site as well.

The request is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471), as amended. Road impact fees will apply for any future development of this property with the final land use approval.

I. SERVICES

1. Water

Water is currently provided by an existing well, which is proposed to continue to provide water to the proposed Lot 10A.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office has made a recommendation for a finding of conditional sufficiency with regards to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality sufficiency.

2. Sanitation

Wastewater is currently provided by an existing on-site wastewater treatment system (OWTS), which is proposed to remain on the proposed Lot 10A. The applicant has provided an OWTS report identifying sufficient area to establish an additional OWTS to provide wastewater to Lot 10B.

3. Emergency Services

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



4. Utilities

Electrical service is provided by Mountain View Electric Association, Inc. (MVEA) and natural gas service is provided by Colorado Springs Utilities (CSU). Both utility providers were each sent a referral and have no outstanding comments.

5. Metropolitan Districts

The property is not located within the boundaries of a metropolitan district.

6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$920.00 for regional fees (Area 2) will be due at the time of recording the replat. Urban park fees will not be applicable to this replat.

7. Schools

Fees in lieu of school land dedication in the amount of \$240.00 will be due at the time of recording the replat.

J. APPLICABLE RESOLUTIONS

See attached Resolution

K. STATUS OF MAJOR ISSUES

There are no major issues.

L. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2022) staff recommends the following conditions and notations:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or



developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$920.00 shall be paid at time of plat recordation.
9. Fees in lieu of school land dedication in the amount of \$240.00 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at time of plat recording.



10. Drainage fees in the amount of \$5,071.76 and bridge fees in the amount of \$2,766.13 for the Sand Creek Drainage Basin (FOFO4000) shall be paid to El Paso County at the time of plat recordation.

NOTATIONS

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

M. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified eleven (11) adjoining property owners on September 22, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.

N. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter
El Paso County Public Health Letter
Parks Advisory Board Letter
Airport Advisory Commission Recommendation
Planning Commission Resolution
BoCC Resolution
PC Minutes - Draft



El Paso County Parcel Information

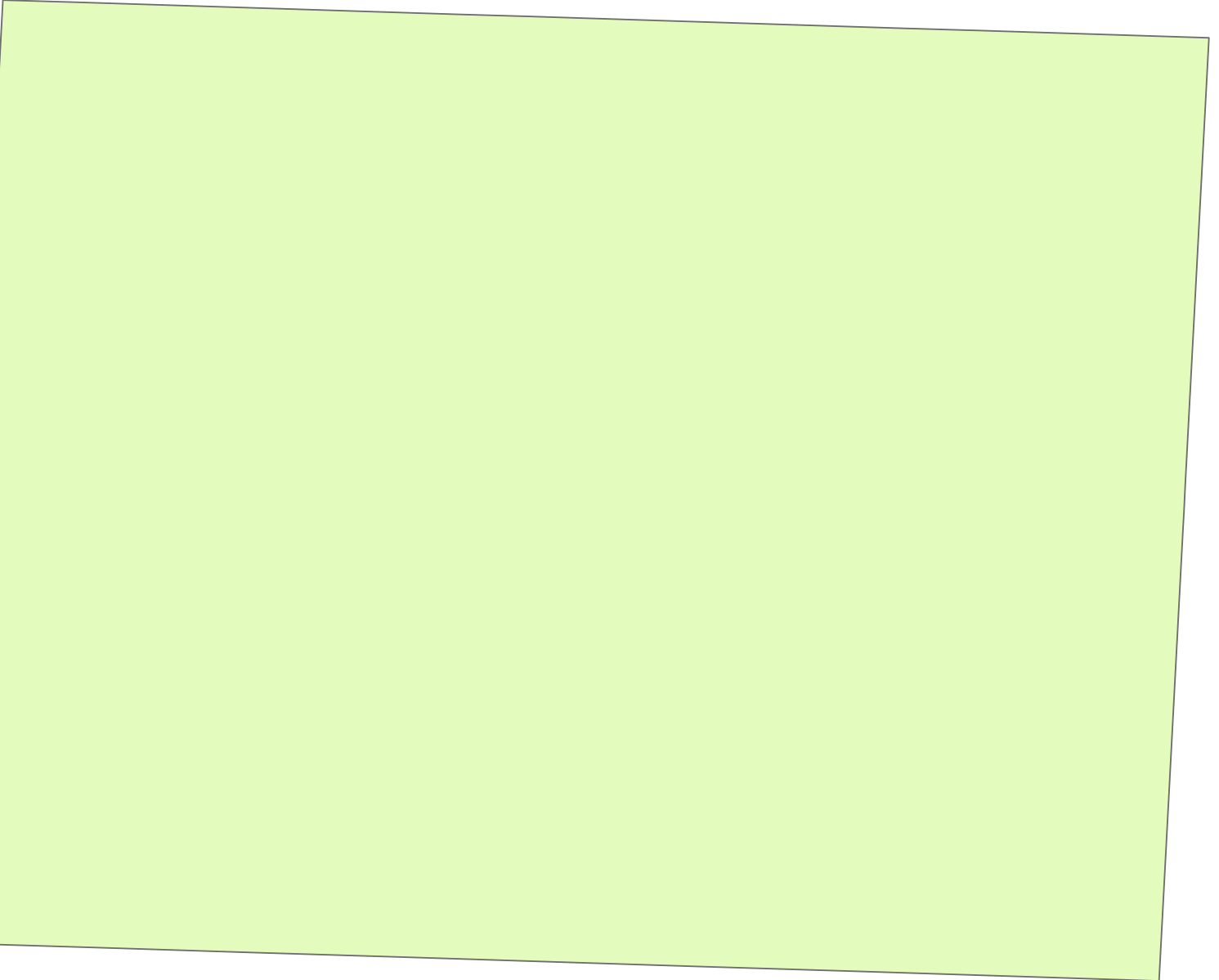
File Name:

Date:

PARCEL

NAME

ADDRESS



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
(719) 520-6600



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Applicant: Mason LLC
7702 Barnes Rd #140-58
Colorado Springs, CO 80922
Submitted by Michael Cartmell
Cartmell.michael@gmail.com
719.235.6797

June 24, 2022

Ryan Howser
Project Manager, Planner II
El Paso County, Planning and Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

RE: Mustang Heights Minor Subdivision – 8330 Mustang Place Owner: Mason LLC

The Mustang Heights Subdivision is located in the North quarter of Section 4, Township 13 South, Range 65 West of the 6th P.M. in El Paso County, Colorado. The site is bound to the south, east and west by similar type single family residential lots land uses. The north is bound by Sterling Ranch, a master planned community.

The parcel in its entirety consists of 5.37 AC and is currently zoned “RR-2.5” for Residential Rural under TSN: 5304002017. The zoning also has an overlay of CAD-O but is not identified with a subzone of APZ. The proposal is consistent with the use standards in Section 4.3 of the land use code. The proposal consists of subdividing the existing 5.37 AC into (2) separate approx. ~2.5 AC parcels and planned for (1) single family unit on each lot. Lot 1 shall consist of 2.544 AC, Lot 2 (existing residence) shall consist of 2.8249 AC. The existing residential home will be within Lot 2 of the newly subdivided lots, whereas Lots 1 is planned for one new residential unit.

The proposed (2) approx ~ 2.5 AC parcels proposes the use of wells, septic system development and service from MVEA for electric via overhead power poles with communication service lines. Propane is available to service these lots. Mustang Place is the legal access to the existing 5.37 AC and with the approval of this proposal Lot 1 and 2 shall have direct access to Mustang Place. (See proposed plat map)

The purpose and request of this application is to subdivide the existing 5.37 AC into two (2) separate approx. ~ 2.5 AC parcels and planned in the future for (1) single family dwelling unit on each of the two (2) lots. Approval of this proposal complies with the current zoning of RR-2.5. Therefore, this proposal generally simulates the surrounding properties with (1) dwelling unit per 2.5 AC +/- and thereby shall not pose a negative impact to any of the surrounding properties.

Site Suitability per LDC 7.2.1 (d) (2) & (3)

Conformance to County Planning Areas:

The proposed rezone application site per the **El Paso County Master Plan** Adopted May 26, 2021) (**EPC MP**) is located and identified within the **Placetype: Suburban Residential** Master Plan area. The Suburban Residential placetype Suburban Residential is characterized by predominantly residential areas with primarily single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type. It is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern. This project site lies within the **90% of "Area Expected to See Minimal Change" and within the 70% of Minimal Change Undeveloped** as defined in the **EPC MP**. The Minimal Change: Undeveloped area types are areas The character of these areas is defined by a lack of development and the presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites. Still, such redevelopment will be limited in scale so as to not alter the essential character.

According to the EPC MP, the site is within proximity and has access to a Regional Commercial Center and Employment Hub in the northern Colorado Springs area. Employment areas are comprised of land for industrial or other business uses. Many of the County's larger commercial and employment areas are located within municipal limits and require unincorporated residents to travel considerable distances for work, goods, and services. Planning efforts within

municipalities, particularly on the edges, affects development patterns in the adjacent and nearby unincorporated areas, and a regional commercial center in Colorado Springs can capture a large portion of the potential customers in adjacent unincorporated areas, thus significantly limiting the likelihood of similar commercial development in nearby areas of the County.

Directly east of the subject site delineated as Incorporated City of Colorado Springs Land Use. Subject Site lies within the #2 Falcon community of the "Suburban Residential Priority Development Area." The Falcon community has developed its own unique character and functions as a small municipality. New Suburban Residential development would match the existing development pattern in Colorado Springs and Falcon to the east and west and act as a density buffer between more urban development to the south and large-lot to the north. According to the **EPC MP**, the specified El Paso County Planning shall emphasize the importance of the connection of Stapleton Road, Woodmen Road, and Vollmer Road. These connectivity corridors would provide important access to necessary goods and services in surrounding communities, generally supporting suburban residential development that directly serves this area.

This site is served by the regional transportation via Hwy 24 and is connected to a network of roadway access via and State Highways 83, 94, and 115, and locally by Woodmen Road and Vollmer Road, and Black Forest Road. The site is not within a Military 2-Mile Notification Zone or the Potential Area for Annexation defined in the EPC MP Key Areas.

Suburban Residential: Character

Suburban Residential is characterized by predominantly residential areas with mostly single-family detached housing. This placetype can also include limited single-family attached and multifamily housing, provided such development is not the dominant development type. It is supportive of and compatible with the overall single-family character of the area. The Suburban Residential placetype generally supports accessory dwelling units. This placetype often deviates from the traditional grid pattern of streets and contains a more curvilinear pattern.

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

El Paso Master Plan Core Principals & Goals - House and Communities

Core Principle: Preserve and develop neighborhoods with a mix of housing types.

Goal 2.1 - Promote development of a mix of housing types in identified areas.

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

Goal 2.3 - Locate attainable housing that provides convenient access to goods, services, and employment.

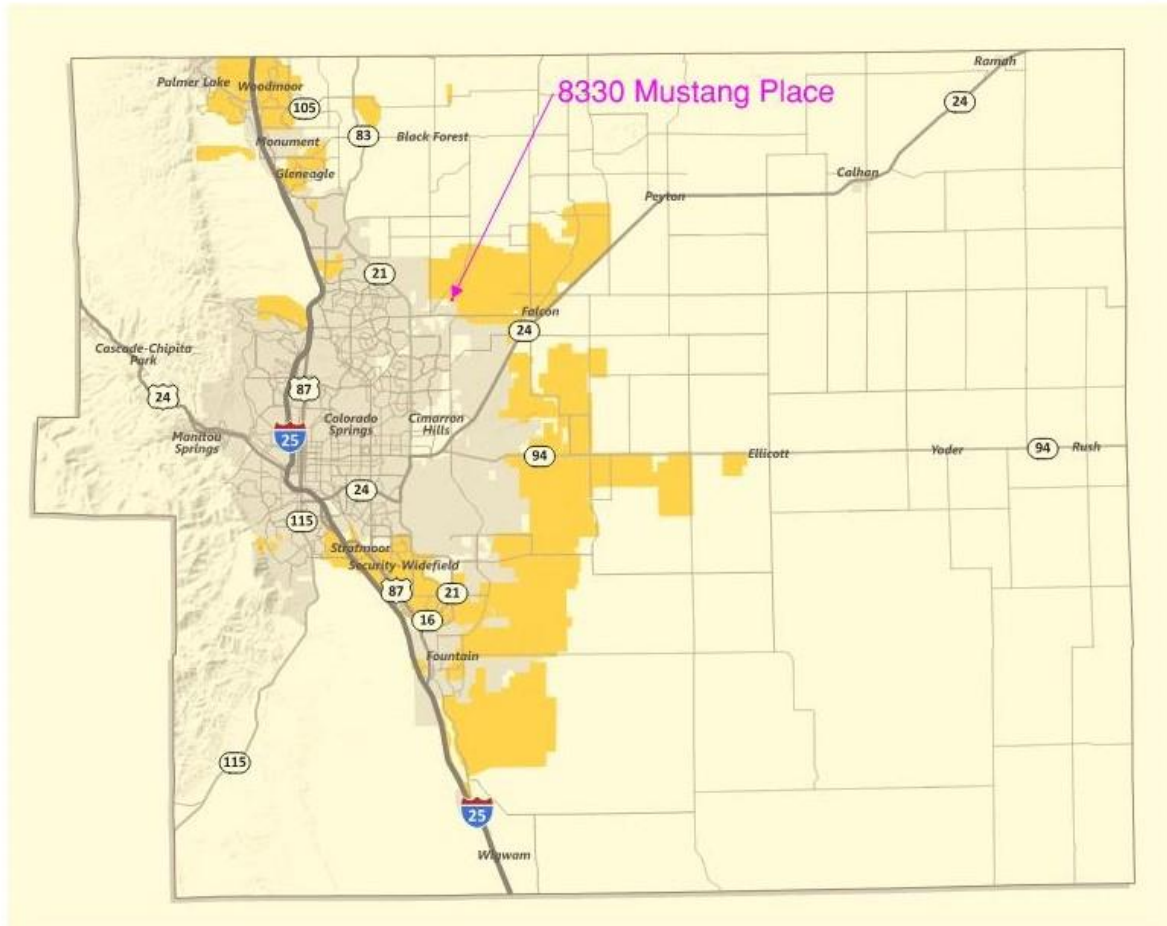
Goal 2.4 - Support aging-in-place housing options to meet residents' needs through all stages of life.

The minor subdivision is consistent with the Principals & Goals of El Paso County Master Plans and the surrounding properties. It will not adversely affect or subject an overburden to the existing or future planned roadways systems, emergency or police services, public features, and drainage or utility services while maintaining its integrity and intent.

8330 Mustang Place – Minor Subdivision Request

Letter of Intent

Page 5 of 8



6-24-22 – Revisions to EPC review comments.

CAD-O – Commercial Airport Overlay District – Overlay Districts work in combination with base zoning districts to impose additional requirements and standards on a specific property or to modify the standards associated with the base zoning district. The CAD-O Zoning District is an overlay district comprised of 4 sub-zones: Aircraft Navigation Sub-Zone (ANAV), Airport Noise Sub-Zone (ADNL), and Accidental Potential Zone I (APZ-1), and Accidental Potential Zone II (APZ-2).

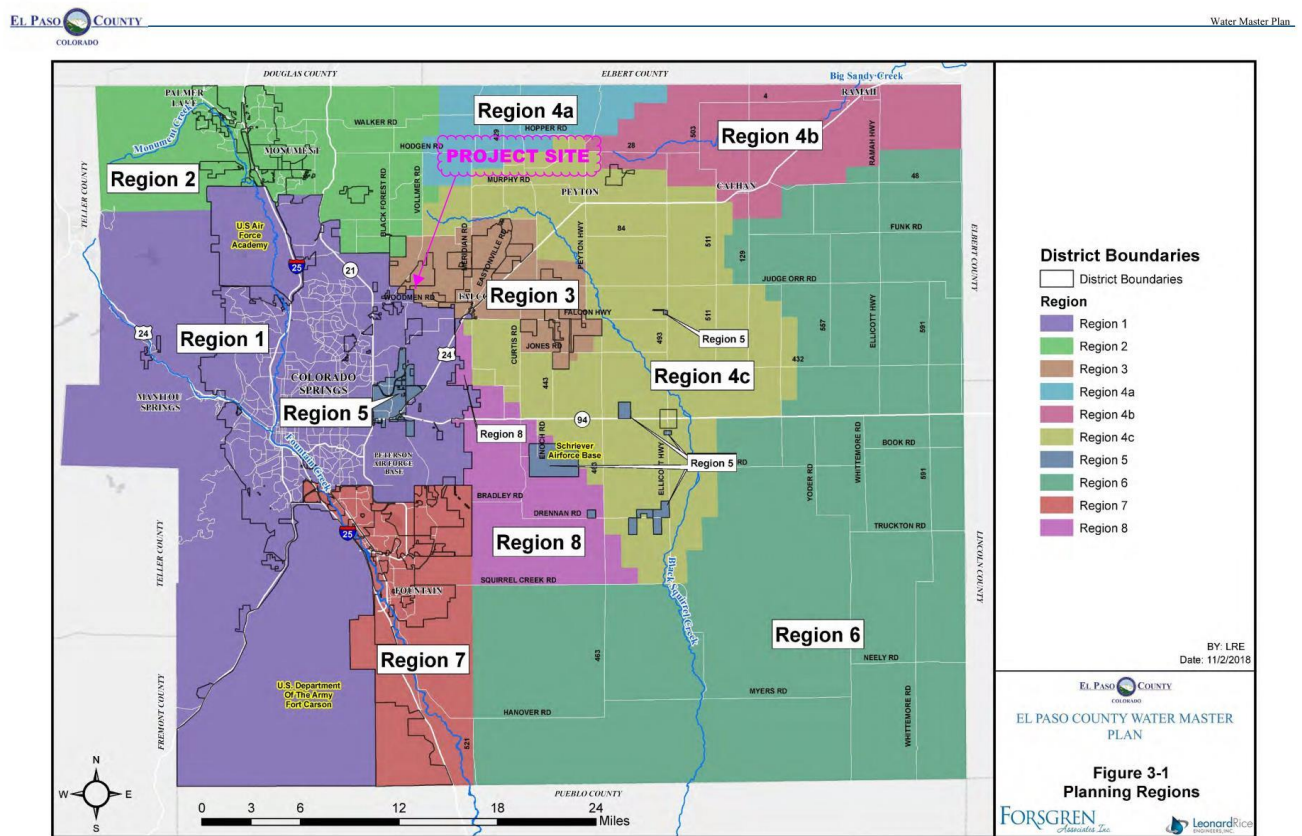
The subject site lies outside the APZ-1 and APZ 2 Sub-Zones, so Mobile Homes and Single-Family Residences are approved uses within the CAD-O overlay. The subject site conforms to the Development Requirements under Land Development Code 4.3.1.

El Paso County Water Master Plan:

This property lies in the Denver Basin Aquifer and supplied from the Black Squirrel Creek Basin, and is located in Region 3 of the El Paso Water Master Plan. (Figure 4-4 Designated Basins).

Current Water Demand for Region 3 is **4,494 AF** per year. The anticipated demand for Region 3 in 2040 is 6,403 AF and in 2060 are 8,307.

Current Water Supply for Region 3 is **7,164 AF** per year. The anticipated supply for Region 3 in 2040 is 7,921, and in 2060 are 8,284.



Goals and Policies: The El Paso County Water Supply Master Plan identifies specific goals that promote water supply conservation, quality, and sustainability, which should be upheld and supported by the Mustang Heights Subdivision development.

Goal 4.2 - Support the efficient use of water supplies & Goal 6.1.2 - Promote water conservation: Per the El Paso County Water Master Plan, the full 2060 build-out water supply is anticipated that the nonrenewable aquifer water supplies are not expected to be

economically sustainable over the long term, and that water supplies in this region may need to be diversified in the future. It is recommended that with water conservation actions by all, users within the Region 3 area could help ensure extending the longevity life use of the water supply. Water conservation actions could be promoted via low water usage landscaping, such as xeriscape style landscaping with minimal grass lawn areas that require substantially more water to maintain.

Topographical conditions presenting hazards or requiring special precautions: No portion of this site is within a designated FEMA floodplain as determined by the Federal Emergency Management Agency (FEMA) Flood Insurance Map Rate Map (FIRM) Panel No. 08041C0533G, effective date of December 7, 2018. It is anticipated that the lot's general drainage patterns will not change, except for drainage protection of the future home structures.

Drainage Improvements: No drainage Improvements are proposed with the minor subdivision application of the Mustang Heights Subdivision. The proposed development of one (1) new residential units shall be less than 1 AC of disturbance areas combined, and thereby complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM. A Drainage Report has been provided with this Minor Subdivision Application/Request.

Utilities: The electric provider shall be Mountain View Electric. All other utilities shall be provided by the owner. This includes well water, septic system and leased propane if necessary. These services shall be established during the construction of a future residential dwelling.

Public improvements: Mustang Place shall be the ingress/egress access point for the Mustang Heights Subdivision. Mustang Place is a low grade paved roadway with approximately 60' Right of Way and maintained by El Paso County

Natural Features and Public Facilities: The subject property generally slopes to the southwest. There is one natural drainage swale on the subject property located on the eastern portion of the project site (Lot 1). The natural drainage swales shall be left unaltered as to not

8330 Mustang Place – Minor Subdivision Request

Letter of Intent

Page 8 of 8

change the natural drainage patterns. The surface topography across the site is predominantly flat, with gentle slopes ranging from 0.01 to 0.015 ft/ft. Native grasses cover the property.

The property is relatively isolated from any significant corridors or thoroughfares; therefore, no design factors were incorporated regarding bike paths or public transportation. Therefore, it is not anticipated that the Mustang Heights Subdivision minor subdivision development shall negatively impact the surrounding properties and or existing public facilities. The applicant agrees to pay traffic impacts fees with the minor subdivision under the El Paso County road impact fee program (resolution No. 16-454) of \$3,830 per new single-family dwelling unit, \$3,830 total (Lots 1) at the time of plat recording.

Public Services: The Mustang Heights Subdivision site currently lies within the jurisdictions of all public services such as fire and police protection by the Falcon Fire Department and the El Paso County Sheriff Departments.

El Paso County Land Development Code Compliancy: The Mustang Heights Subdivision Minor subdivision complies with all standards and details outlined in Chapter 6 and Chapter 8 of the El Paso County Land Development Code.

El Paso County Road Impact Fee: The El Paso County Road Impact fee shall be paid at the time of building permit.

Should you require any additional information, please contact me at 719-235-6797.

Thank you,

Michael Cartmell
Mason, LLC

PAWNEE RANCHEROS FILING NO. 2A
A REPLAT OF LOT 10, PAWNEE RANCHEROS FILING NO. 2
LOCATED IN THE NORTH HALF OF SECTION 4,
TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF EL PASO, STATE OF COLORADO.

NOTES

- 1. THIS SURVEY DOES NOT INCLUDE A TITLE SEARCH BY THIS SURVEYOR TO DETERMINE:
 - A) OWNERSHIP OF THIS TRACT OR VERIFICATION OF THE DESCRIPTION SHOWN;
 - B) THE POSSIBLE DISCREPANCIES OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS;
 - C) EASEMENTS AND RIGHTS-OF-WAY RECORD; BUT RELIES ENTIRELY UPON TITLE COMMITMENT PROVIDED BY STEWART TITLE UNDER TITLE COMMITMENT ORDER NO. 909475-1ST REVISION, WITH AN EFFECTIVE DATE OF AUGUST 10, 2009, AT 5:30 PM .
 - D) AN ATTORNEY SHOULD BE CONSULTED TO THOROUGHLY REVIEW SAID TITLE COMMITMENT INCLUDING ALL ITEMS IN SCHEDULE B AS TO CONTENT AND THEIR POSSIBLE EFFECT UPON THIS PROPERTY.
- 2. A TITLE REPORT ISSUED BY HERITAGE TITLE COMPANY FILE NO. 455-H0568913-071-APL, AMENDMENT NO. 2, WITH AN EFFECTIVE DATE OF JULY 17, 2019 HAS BEEN REVIEWED AS IT RELATES TO THE SUBJECT PROPERTY. THE FOLLOWING EXCEPTIONS IN SCHEDULE B-II ARE NOTED AND SHOWN IF APPLICABLE HEREON.

ANY AND ALL INTEREST IN MINERAL AND OIL RIGHTS IN AND UNDER THE PREMISES AS RESERVED BY W.F. MURR AND DOROTHY O. MURR IN DEED RECORDED OCTOBER 30, 1958 IN BOOK 1708 AT PAGE 432 AND ANY AND ALL ASSIGNMENTS THEREOF OR INTEREST THEREIN.

COVENANTS, CONDITIONS AND RESTRICTIONS BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, SOURCE OF INCOME, GENDER, GENDER IDENTITY, GENDER EXPRESSION, MEDICAL CONDITION OR GENETIC INFORMATION, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH IN THE DOCUMENT. RECORDED MAY 11, 1972 AT BOOK 2488 PAGE 169.

TERMS, CONDITIONS, RESTRICTIONS, PROVISIONS, NOTES AND EASEMENTS BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE LAWS OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH ON THE PLAT OF SAID SUBDIVISION RECORDED FEBRUARY 15, 1972 863327 IN PLAT BOOK U-2 PAGE 45.

GRANT OF RIGHT OF WAY TO MOUNTAIN VIEW ELECTRIC ASSOCIATION 20 FEET IN WIDTH, RECORDED DECEMBER 17, 2009 AT RECEPTION NO. 209144508.

AFFIXATION AFFIDAVIT MANUFACTURED HOME RECORDED JULY 31, 2009 AT RECEPTION NO. 209090292.

- 3. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON(S), AND/OR ENTITY(IES) NAMED IN THE STATEMENT HEREON. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON(S) AND/OR ENTITY(IES) WITHOUT AN EXPRESS RESTATMENT BY THE SURVEYOR NAMING SAID PERSON(S) AND/OR ENTITY(IES)
- 4. THE SURVEYOR'S STATEMENT DOES NOT IMPLY ANY EXPRESS WARRANTY OR GUARANTEE. IT IMPLIES THE SURVEY WAS PERFORMED ACCORDING TO THE NORMAL STANDARD OF CARE FOR PRACTICING SURVEYORS IN THIS AREA.
- 5. ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU DISCOVER SUCH A 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 CERTIFICATE SHOWN HEREON.
- 6. THE BOUNDARY AREA OF THIS TRACT OF LAND AS FIELD SURVEYED AND PORTRAYED HEREON IS 233,891 SQ.FEET OR 5,369 ACRES MORE OR LESS. IT IS SUBJECT TO ADJUSTMENT CREATED BY ACCEPTABLE SURVEY TOLERANCES.
- 7. THE SURVEY WAS MADE ON THE GROUND ON NOVEMBER 10, 2021.
- 8. EXCEPT AS SHOWN ON THE SURVEY, THERE ARE NO VISIBLE EASEMENTS OR RIGHTS OF WAY OF WHICH THE UNDERSIGNED HAS BEEN ADVISED.
- 9. EXCEPT AS SHOWN ON THE SURVEY, THERE ARE NO OBSERVABLE, ABOVE GROUND ENCROACHMENTS (A) BY THE IMPROVEMENTS ON THE DESCRIBED PROPERTY UPON ADJOINING PROPERTIES, STREETS OR ALLEYS, OR (B) BY THE IMPROVEMENTS ON ADJOINING PROPERTIES, STREETS OR ALLEYS UPON THE DESCRIBED PROPERTY.
- 10. THE CURRENT ZONING IS DEFINED AS RR-2.5 CAD-0, AS SHOWN ON CURRENT EL PASO COUNTY DOCUMENTS AND PROPERTY REPORT.
- 11. THERE IS NO VISIBLE EVIDENCE OF SITE USE AS A DUMP, SUMP, LANDFILL, WATERWAYS OR WETLANDS.
- 12. FLOOD NOTE: BY GRAPHIC PLOTTING, THIS PROPERTY LIES WITHIN ZONE X AND IS FREE OF ANY 500 YEAR RETURN FREQUENCY FLOOD HAZARD, AND SUCH FLOOD FREE CONDITION IS SHOWN ON THE FEDERAL FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 08041C05336, HAVING AN EFFECTIVE DATE OF DECEMBER 7, 2018.
- 13. BASIS OF BEARINGS: BEARINGS ARE BASED UPON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, HAVING A BEARING OF N 89°47'00" E, AS SHOWN ON PAWNEE RANCHEROS FILING NO. 2 PLAT, RECORDED IN THE OFFICIAL RECORDS OF EL PASO COUNTY, COLORADO. MONUMENTED AT THE SOUTH ONE-QUARTER WITH A 2.5" ALUMINUM CAP STAMPED "DREXELL BARRELL S4.S9, 1/4, T13S, R65W, 1985, LS17664", AND AT THE SOUTHWEST CORNER WITH A 3.25" ALUMINUM CAP STAMPED "AZTEC CONSULTANTS INC. S5.S4.S8.S9, T13S, R65W, 2015, PLS NO. 38256".
- 14. THE WORD 'CERTIFY' AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
- 15. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO C.R.S. 18-4-508.
- 16. THE LOCATION OF THE EXISTING FENCES OR OTHER SIMILAR FEATURES DENOTING LINES OF POSSESSION IN THE VICINITY OF THE PERIMETER OF THIS TRACT, AS THE PERIMETER HAS BEEN ESTABLISHED BY THIS DESCRIPTION, MAY INDICATE OWNERSHIP ACQUIRED OR LOST THROUGH THE METHOD OF ADVERSE POSSESSION OR BY OTHER UNWRITTEN MEANS. AN ATTORNEY SHOULD BE CONSULTED REGARDING THIS MATTER.
- 17. SEWAGE TREATMENT IS THE RESPONSIBILITY OF EACH PROPERTY OWNER. THE EL PASO COUNTY HEALTH DEPARTMENT MUST APPROVE EACH SYSTEM AND, IN SOME CASES, THE DEPARTMENT MAY REQUIRE SPECIALLY DESIGNED SYSTEMS PRIOR TO APPROVAL.
- 18. INDIVIDUAL WELLS ARE THE RESPONSIBILITY OF EACH PROPERTY OWNER. PERMITS FOR INDIVIDUAL WELLS MUST BE OBTAINED FROM THE STATE WATER ENGINEER WHO BY LAW HAS THE AUTHORITY TO SET CONDITIONS FOR THE ISSUANCE OF THESE PERMITS.
- 19. ALL STRUCTURAL FOUNDATIONS AND SEPTIC SYSTEMS SHALL BE LOCATED AND DESIGNED BY A PROFESSIONAL ENGINEER CURRENTLY REGISTERED IN THE STATE OF COLORADO. REFER TO NOTE 20.
- 20. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THIS MINOR SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: SOILS AND GEOLOGY AND WASTEWATER TREATMENT SYSTEM EVALUATION; THREATENED AND ENDANGERED SPECIES ANALYSIS REPORT; WATER RESOURCE; FIRE PROTECTION; AND DRAINAGE REPORT.

- 21. ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT, IF APPLICABLE, SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICATED.
- 22. 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.
- 23. THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
- 24. NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
- 25. MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS.
- 26. THE SUBDIVIDER(S) AGREE ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OR BUILDER SUCCESSORS AND ASSIGNEES THAT SUBDIVIDER AND/OR SAID SUCCESSORS AND ASSIGN SHALL BE REQUIRED TO PAY TRAFFIC IMPACT FEES IN ACCORDANCE WITH THE EL PASO COUNTY ROAD IMPACT FEE PROGRAM RESOLUTION (RESOLUTION NO. 19-471), OR ANY AMENDMENTS THERETO, AT OR PRIOR TO THE TIME OF BUILDING PERMIT SUBMITTALS. THE FEE OBLIGATION, IF NOT PAID AT FINAL PLAT RECORDING, SHALL BE DOCUMENTED ON ALL SALES DOCUMENTS AND ON PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE THE SALE OF THE PROPERTY.
- 27. BOTH NEW LOTS HAVE DIRECT ACCESS TO MUSTANG PLACE, A 60' PUBLIC RIGHT OF WAY.
- 28. UNLESS OTHERWISE NOTED, ALL SIDE AND REAR LOT LINES ARE HEREBY PLATTED ON EITHER SIDE WITH A 10 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT UNLESS OTHERWISE INDICATED. ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HEREBY PLATTED WITH A 20 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. FOR THIS REPLAT, THE FRONT AND REAR LOT LINES ARE THE EXTERIOR SUBDIVISION BOUNDARY. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.
- 29. STRUCTURES ARE NOT PERMITTED IN DRAINAGE EASEMENTS AND THERE SHALL BE NO CHANGES TO AFFECT THE FLOW IN DRAINAGE EASEMENTS.

KNOW ALL PEOPLE BY THESE PRESENTS:

THAT MICHAEL CARTMELL BEING THE OWNER OF THE FOLLOWING DESCRIBED PROPERTY:

LOT 10,
PAWNEE RANCHEROS,
FILING NO. 2,
COUNTY OF EL PASO,
STATE OF COLORADO,
BOOK U-2 PAGE 45

NEW LOT DESCRIPTIONS:

LOT 1 DESCRIPTION:

A PARCEL OF LAND IN THE NORTHWEST ONE-QUARTER AND THE NORTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE PAWNEE RANCHEROS FILING NO. 2 POINT OF BEGINNING (P.O.B), FROM WHENCE THE SOUTH ONE-QUARTER OF SECTION 4 BEARS S 00°43'30" W A DISTANCE OF 2700.00' FEET; THENCE N 00°43'30" E A DISTANCE OF 1260.00' FEET; THENCE S 89°47'00" W, A DISTANCE OF 1320.76' FEET; THENCE N 00°42'43" E A DISTANCE OF 1128.33' FEET; THENCE N 89°36'02" E A DISTANCE OF 1199.11' FEET TO THE POINT OF BEGINNING (P.O.B). THENCE S 00°18'29" E, ALONG THE WEST LINE OF LOT 10, PAWNEE RANCHEROS FILING NO. 2, A DISTANCE OF 535.99' FEET; THENCE N 89°41'31"E, ALONG THE SOUTH LINE OF LOT 10, PAWNEE RANCHEROS FILING NO. 2, A DISTANCE OF 206.73' FEET; THENCE N 00°18'29" W A DISTANCE OF 536.32' FEET; THENCE S 89°36'02" W, ALONG THE NORTH LINE OF LOT 10, PAWNEE RANCHEROS FILING NO. 2, A DISTANCE OF 206.73' FEET TO THE POINT OF BEGINNING. CONTAINING 2.5444 ACRES, MORE OR LESS.

LOT 2 DESCRIPTION:

A PARCEL OF LAND IN THE NORTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE PAWNEE RANCHEROS FILING NO. 2 POINT OF BEGINNING (P.O.B), FROM WHENCE THE SOUTH ONE-QUARTER OF SECTION 4 BEARS S 00°43'30" W A DISTANCE OF 2700.00' FEET; THENCE N 00°43'30" E A DISTANCE OF 1260.00' FEET; THENCE S 89°47'00" W, A DISTANCE OF 1320.76' FEET; THENCE N 00°42'43" E A DISTANCE OF 1128.33' FEET; THENCE N 89°36'02" E A DISTANCE OF 1405.84' FEET TO THE POINT OF BEGINNING (P.O.B). THENCE S 00°18'29" E DISTANCE OF 536.32' FEET; THENCE N 89°41'31"E, ALONG THE SOUTH LINE OF LOT 10, PAWNEE RANCHEROS FILING NO. 2, A DISTANCE OF 229.35' FEET; THENCE N 00°18'29" W, ALONG THE EAST LINE OF LOT 10, PAWNEE RANCHEROS FILING NO. 2, A DISTANCE OF 536.69' FEET; THENCE S 89°36'02" W, ALONG THE NORTH LINE OF LOT 10, PAWNEE RANCHEROS FILING NO. 2, A DISTANCE OF 229.35' FEET TO THE POINT OF BEGINNING. CONTAINING 2.8249 ACRES, MORE OR LESS.

OWNERS CERTIFICATE:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO 2 LOTS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME 'PAWNEE RANCHEROS FILING NO. 2A, A REPLAT OF LOT 10, PAWNEE RANCHEROS FILING NO. 2', EL PASO COUNTY, STATE OF COLORADO. 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.

BY: _____
MICHAEL CARTMELL

NOTARIAL
STATE OF COLORADO }^{SS}
COUNTY OF EL PASO

ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____,
20____, BY MICHAEL CARTMELL.

MY COMMISSION EXPIRES: _____

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC: _____

PCD FILE NO: VR-224

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

THIS PLAT FOR 'PAWNEE RANCHEROS FILING NO. 2A' WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE _____ DAY OF _____, 20____, SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL.

CHAIR, BOARD OF COUNTY COMMISSIONERS _____ DATE _____

PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR _____ DATE _____

SURVEYORS STATEMENT

I DANIEL R. TRUJILLO, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON NOVEMBER 11, 2021, 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.

I ATTEST THE ABOVE ON THE _____ DAY OF _____, 20_____

DANIEL R. TRUJILLO _____ DATE _____
COLORADO REGISTERED LAND SURVEYOR PLS NO. 38520

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 AND 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.

CLERK AND RECORDER

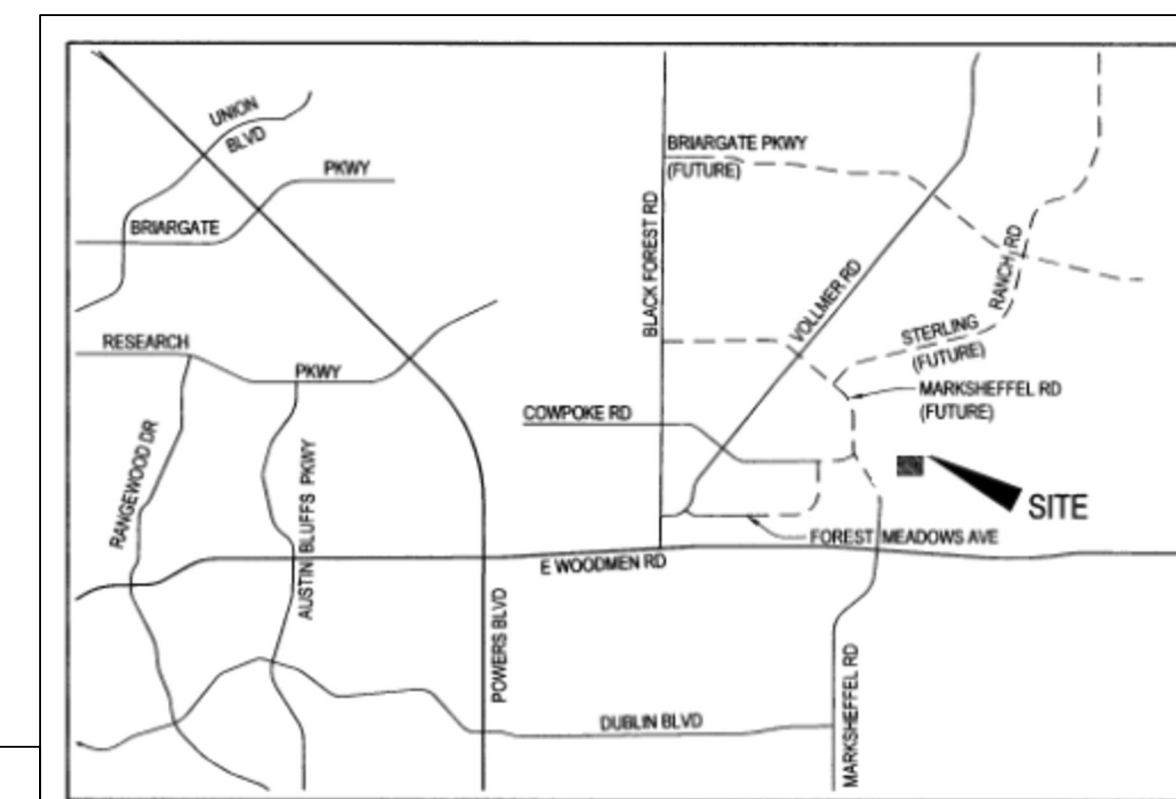
**STATE OF COLORADO
COUNTY OF EL PASO**

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE ON THIS _____ DAY OF _____, 20_____, AND WAS RECORDED AT RECEPTION NUMBER _____ OF THE RECORDS OF EL PASO COUNTY.

EL PASO COUNTY CLERK AND RECORDER

EASEMENT NOTE:

ALL EASEMENTS SHOWN OR DEDICATED HEREON FOR PUBLIC UTILITY PURPOSES SHALL BE SUBJECT TO THOSE TERMS AND CONDITIONS AS SPECIFIED IN THE INSTRUMENT RECORDED AT RECEPTION NO. 212112548 OF THE RECORDS OF EL PASO COUNTY, COLORADO. ALL OTHER EASEMENTS OR INTERESTS OF RECORD AFFECTING ANY OF THE PLATTED PROPERTY DEPICTED HEREON SHALL NOT BE AFFECTED AND SHALL REMAIN IN FULL FORCE AND EFFECT.



OWNER: MICHAEL CARTMELL
4297 AUSTIN BLUFFS PARKWAY SUITE #200
COLORADO SPRINGS, CO 80918
719-235-6797

SHEET 1 OF 2

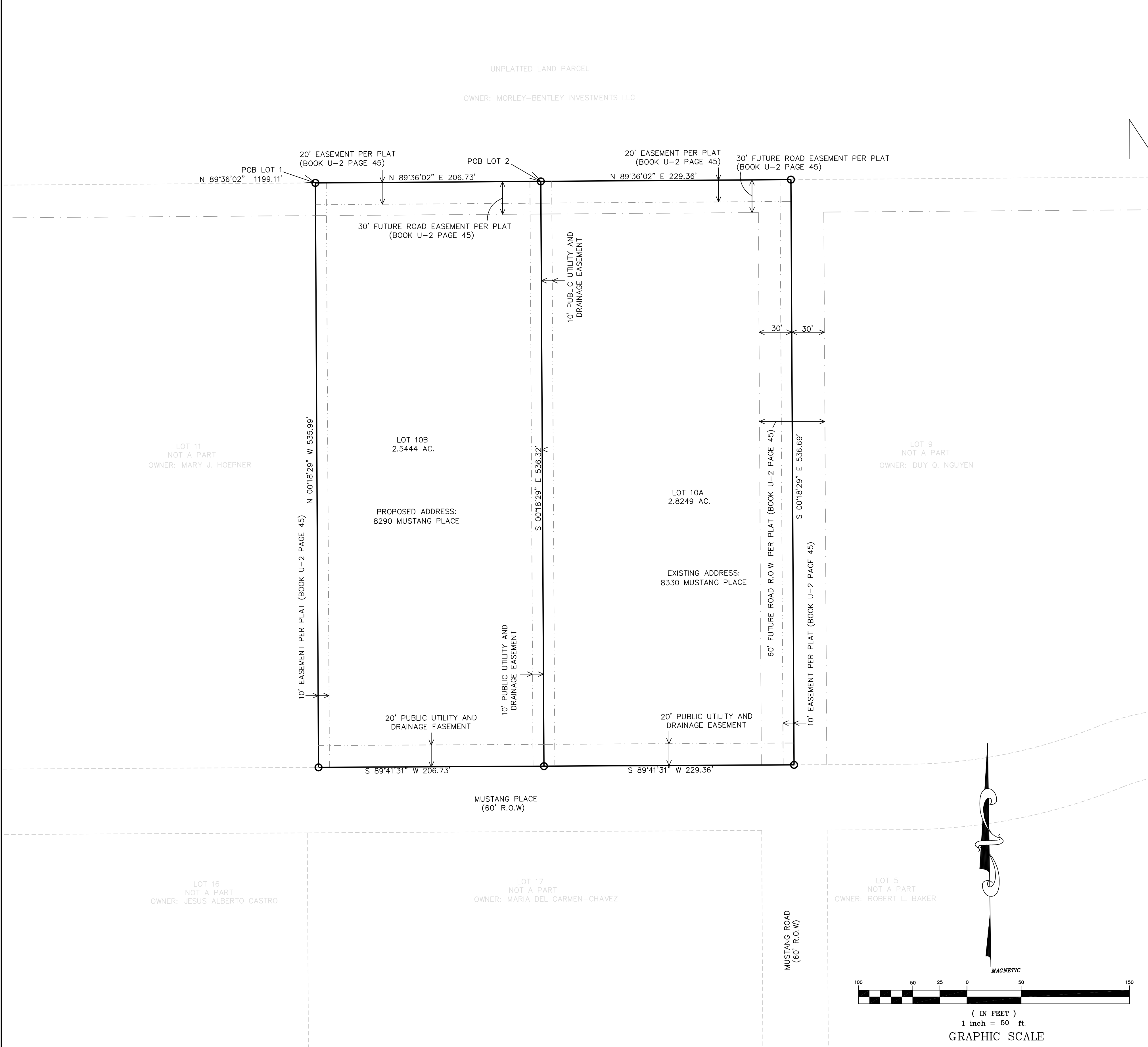
COUNTY: EL PASO, CO

DATE OF PREPARATION:
11/09/2021
05/02/2022
06/30/2022

DATE OF SUBMISSION:

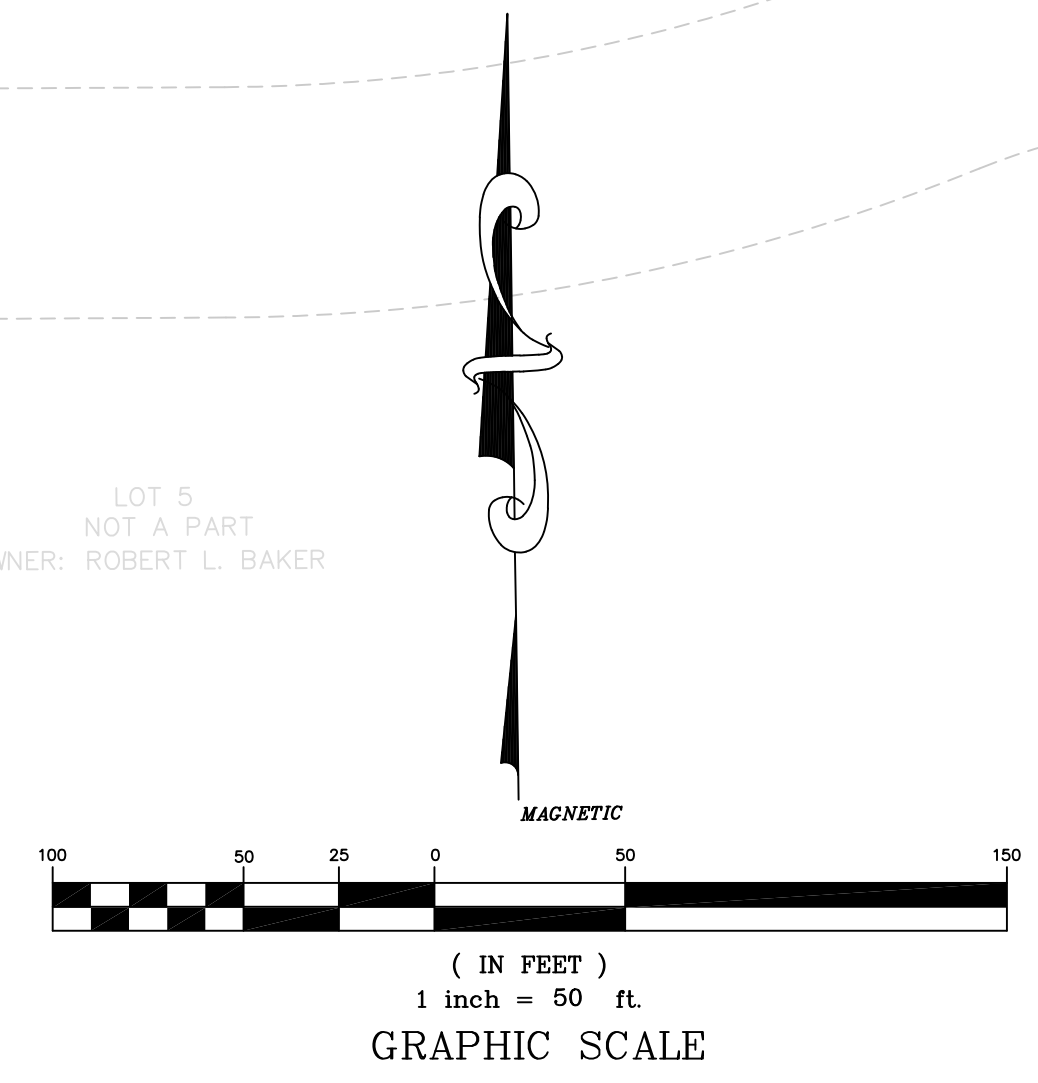
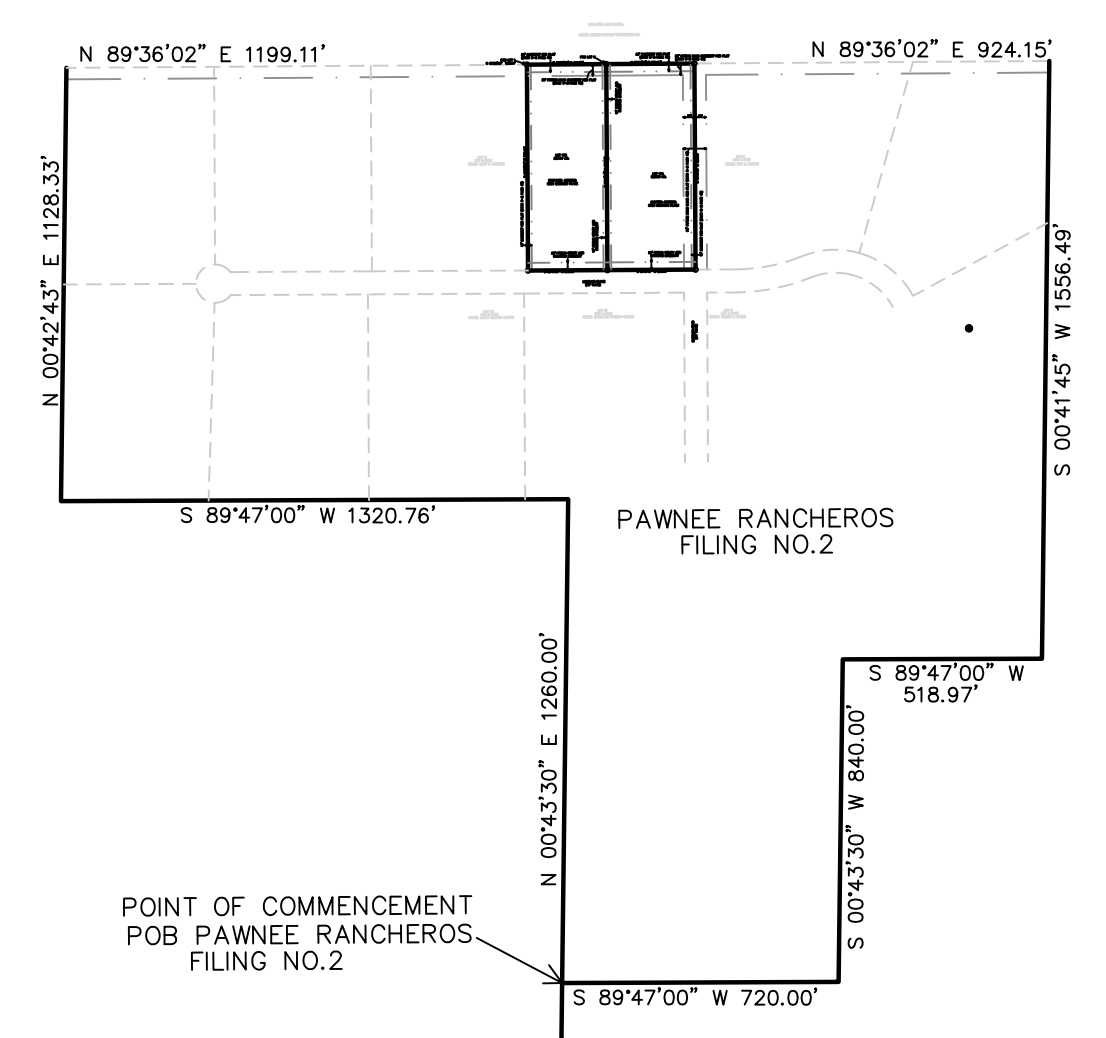
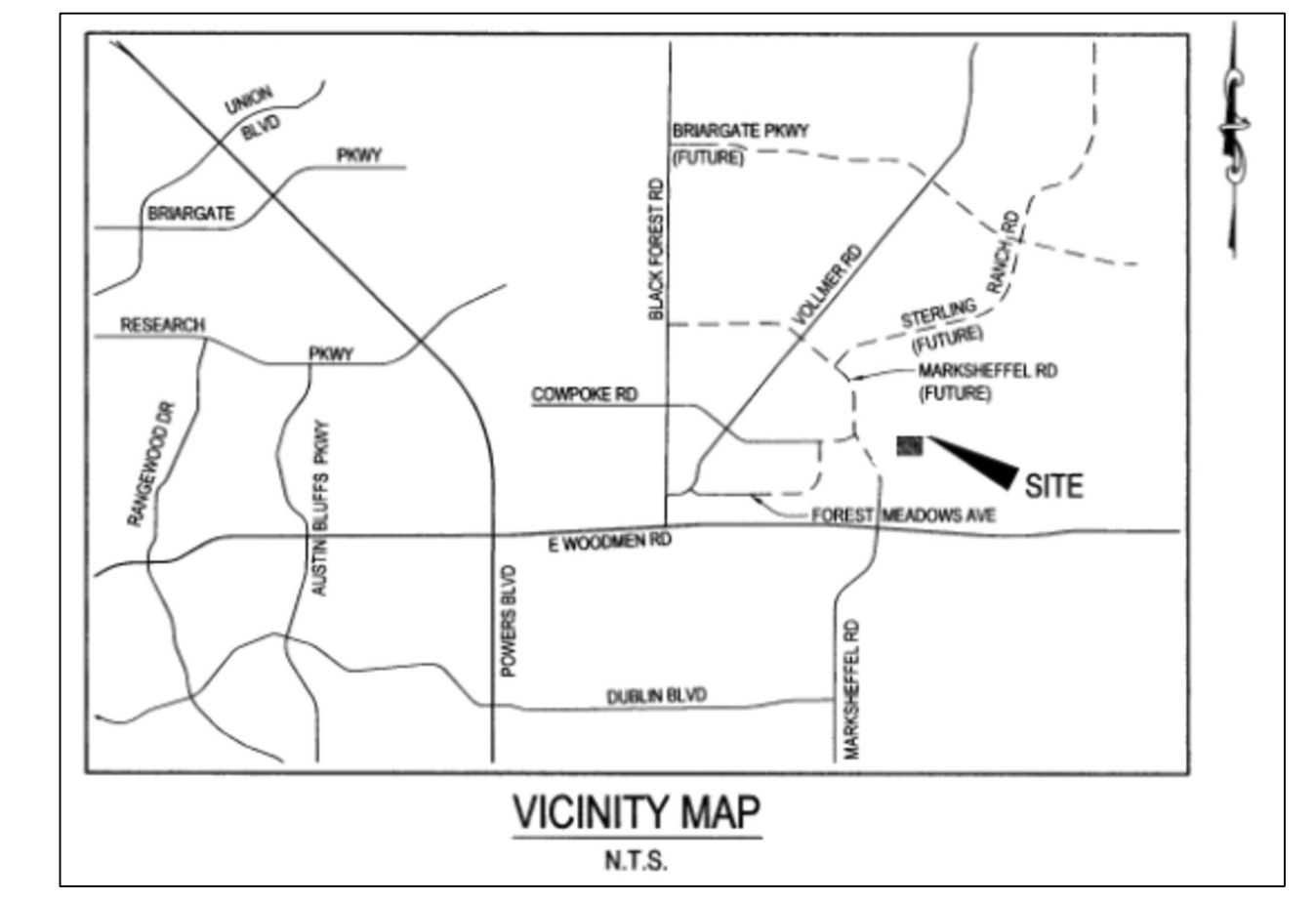


PAWNEE RANCHEROS FILING NO. 2A
 A REPLAT OF LOT 10, PAWNEE RANCHEROS FILING NO. 2
 LOCATED IN THE NORTH HALF OF SECTION 4,
 TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN
 COUNTY OF EL PASO, STATE OF COLORADO.



LEGEND:

- ALIQUOT LAND CORNER AS NOTED
- FOUND MONUMENT AS NOTED
- SET #5 REBAR WITH ORANGE PLASTIC CAP LS 38520
- SECTION LINE
- LOT/SUBDIVISION BOUNDARY LINE
- EASEMENT LINE
- FUTURE RIGHT OF WAY



SOUTHWEST CORNER SECTION 4, T.13.S. R.65.W OF THE 6TH PRINCIPAL MERIDIAN FOUND 3.25 ALUMINUM CAP
 AZTEC CONSULTANTS INC T13S R65W S4 S5 S6 S9 2015 PLS NO. 38256

SOUTH ONE-QUARTER SECTION 4, T.13.S. R.65.W OF THE 6TH PRINCIPAL MERIDIAN FOUND 2.5 ALUMINUM CAP
 DREXELL BARRELL T13S S4 S5 S6 S9 1/4 1985 LS 17664

1" = 500' ft.
 GRAPHIC SCALE

OWNER: MICHAEL CARTMELL
 4297 AUSTIN BLUFFS PARKWAY
 SUITE #200
 COLORADO SPRINGS, CO 80918
 719-235-6797

SHEET 2 OF 2

COUNTY: EL PASO, CO

DATE OF PREPARATION:
 11/09/2021
 05/02/2022
 06/30/2022

DATE OF SUBMISSION:





April 29, 2022

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

RE: 8330 Mustang Place Minor Subdivision
AKA Mustang Heights
N1/2 of Sec. 4, Twp. 13S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10

To Whom It May Concern,

We have received the submittal for the referenced proposal to subdivide a 5.37 ± acre tract of land into two new lots, each with a single-family residence. The proposed supply of water to the subdivision will be two individual on-lot wells operating pursuant to the augmentation plan decreed in Division 2 Water Court case no. 21CW3034, with wastewater being disposed of through individual on-site septic disposal systems.

Water Supply Demand

According to the updated Water Supply Information Summary received in the submittal, the estimated water demand for the development is 0.52 acre-feet/year for the entire development. This amount breaks down to 0.26 acre-feet/year per lot for household use.

It should be noted that water use rates, as found in Division 2 Water Court case no. 21CW3034 are 0.25 acre-foot per year for each ordinary household.

Source of Water Supply

The anticipated source of water is to be provided by two on-lot wells producing from the Denver aquifer that will operate pursuant to the augmentation plans decreed in Division 2 Water Court case no. 21CW3034. The following amounts of water shown in Table 1, below, were determined to be available underlying the 5.37 ± acre tract of land and owned by the applicant.



Table 1 - Denver Basin Ground Water Rights

Aquifer	Tributary Status	Volume (AF)	Annual Allocation 100 Year (AF/Year)	Annual Allocation 300 Year (AF/Year)
Dawson	NNT	75	0.75	0.25
Denver	NNT	283	2.83	0.94
Arapahoe	NNT	215	2.15	0.72
Laramie-Fox Hills	NT	153	1.53	0.51

The plan for augmentation decreed in Division 2 Water Court case no. 21CW3034 allows for diversion of 0.52 acre-feet annually from the Denver aquifer for a maximum of 300 years.

Permit No. 131880 was issued pursuant to CRS 37-92-602(3)(b)(I). The well was constructed on September 15, 1983. It appears that this well is located on proposed Lot 2 of the property. This well must be re-permitted pursuant to the decreed plan for augmentation.

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 37-90-137(4)(b)(I), C.R.S., "Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years." Based on this allocation approach, the annual amounts of water decreed is equal to one percent of the total amount available as determined by Rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those amounts for a maximum of 100 years.

In the El Paso County Land Development Code, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

"-Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years."

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the annual estimated demand, for the entire subdivision, is 0.52 acre-feet as allowed by the augmentation plan. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

State Engineer's Office Opinion

Based on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the anticipated water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(4) and the plan for augmentation noted herein, for all wells in the subdivision and operates the wells in accordance with the terms and conditions of any future well permits.

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 that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses is greater than the annual amount of water required to supply the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Division 2 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifers, and identified in Division 2 Water Court case no. 21CW3034, was calculated based on estimated current aquifer conditions. For planning purposes, the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 300 years used for **allocation** due to anticipated water level declines. We recommend that the county **determine** whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Furthermore, applicant will need to apply for, and obtain a new well permits issued pursuant to Section 37-90-137(4) C.R.S.

Should you or the applicant have questions regarding any of the above, please contact me at this office.

Sincerely,



Kate Fuller, P.E.
Water Resource Engineer

cc: Bill Tyner, Division 2 Engineer
Doug Hollister, District 10 Water Commissioner



OFFICE OF THE COUNTY ATTORNEY
CIVIL DIVISION

Steven Klaffky, Interim County Attorney

Assistant County Attorneys

Lori L. Seago
Mary Ritchie
Bryan E. Schmid
Nathan J. Whitney
Christopher M. Strider
Terry A. Sample
Dorey L. Spotts
Steven Martyn

June 22, 2022

VR-22-4 Mustang Heights
Minor Subdivision

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Michael Cartmell for Mason LLC (“Applicant”) for vacation and replat of 2 single-family lots from an existing 5.37-acre parcel (the “property”). Lots 1 and 2 will each be approximately 2.5 acres. The property is zoned RR-2.5 (Rural Residential). There is an existing residence which will be located on Lot 2 of the newly formed subdivision.

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the subdivision demand is 0.26 acre-feet/lot for annual in-house use for a total of 0.52 acre-feet/year for the 2-lot subdivision.¹ Based on the total demand, Applicant must be able to provide a supply of 156 acre-feet of water (0.52 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from individual on-lot wells, as provided in Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Water Division 2, Case No. 21CW3034 dated December January 30, 2022 (“Decree” and/or “Augmentation Plan”). The Decree adjudicates the following water supply beneath Applicant’s property:

¹ 21CW3034 limits household use to 0.25 acre-feet/lot/year and allows 0.01 acre-feet/lot/year for irrigation and stock watering. This discrepancy is addressed in the Requirements below.

AQUIFER	Annual Average Withdrawal 100 Years (Acre Feet)	Annual Average Withdrawal 300 Years (Acre Feet)	Total Withdrawal (Acre Feet)
Dawson (NNT)	0.75	0.25	75
Denver (NNT)	2.83	0.94	283
Arapahoe (NT)	2.15	0.72	215
Laramie-Fox Hills (NT)	1.53	0.51	153

The Decree and Augmentation Plan provides that “Mustang Wells will pump a maximum of 0.52 acre-feet of water per year from the Denver Basin aquifer with each lot limited to pumping a maximum of 0.26 acre-feet per year” And further, that “indoor use will utilize up to 0.25 acre-feet of water per year, per residence, with the limited remaining water available for other uses on the Applicant’s Property....” Permitted water use on the property for the remaining water includes “irrigation of lawn and garden and the watering of livestock.” The Augmentation Plan requires the replacement of water withdrawn during pumping which shall be “effectively replaced by residential return flows from non-evaporative septic systems.” Further, Applicant must reserve 115 acre-feet of Laramie-Fox Hills aquifer water rights to replace post-pumping depletions.

4. Applicant provided a *Water Resources Report for Mustang Heights Subdivision* dated March 2022 (as revised May 2022) by JDS-HYDRO Consultants, Inc. (“*Report*”). The *Report* summarizes the wells and water demands noting that both on-lot wells will utilize 0.25 acre-feet/year for household use, and the El Paso County Land Development Code Section 8.4.7(B)(7)(d) requires a minimum of .026 acre-feet of water per year for indoor use.

The *Report* states that the “[t]he current water rights and augmentation plan in place are adequate to meet the estimated overall demand....” Further, it states that the Augmentation Plan requires replacement of actual stream depletions and reservation of 115 acre-feet of Applicant’s available Laramie-Fox Hills aquifer water to cover post-pumping depletions.

State Engineer’s Office Opinion

5. In a letter dated April 29, 2022, the State Engineer reviewed the proposal to subdivide the 5.37 +/- acre parcel into 2 single-family lots. The State Engineer noted there will be 2 wells on the property completed in the Denver aquifer, one which is preexisting and one yet to be constructed. These wells will operate pursuant to the Augmentation Plan decreed in case no. 21CW3034. The water underlying this property was adjudicated and the Applicant is the owner of water rights in the Dawson, Denver, Arapahoe, and Laramie Fox-Hills aquifers.

The State Engineer identified the total estimated water requirement at 0.52 acre-feet/year (0.26 acre-feet/year per residential lot) for household use.

The State Engineer noted that there is an existing well and well permit (no. 131880) on the property and that if Applicant intends to use this well, Applicant will need to obtain a new well permit pursuant to the decreed plan for augmentation and C.R.S. §37-90-137(4).

The State Engineer stated that the “estimated water demand for the development is 0.52 acre-feet/year for the entire development.² And finally, “[b]ased on the above, it is our opinion, pursuant to CRS 30-28-136(1)(h)(l), that the anticipated water supply can be provided without causing material injury to decreed water rights so long as the applicant obtains well permits issued pursuant to C.R.S. 37-90-137(4) and the plan for augmentation noted herein, for all wells in the subdivision”

Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for the Mustang Heights Minor Subdivision is 0.52 acre-feet per year from the Denver aquifer for a total demand of 156 acre-feet for the subdivision for 300 years, with replacement water occurring through residential return flows and non-evaporative septic systems to replace actual stream depletions, and with post-pumping depletions being met by 115 acre-feet of Laramie-Fox Hills water owned by the Applicant.

Based on the water demand of 0.52 acre-feet/year for the Mustang Place Minor Subdivision and the Decree and Augmentation Plan permitting withdrawals in the amount of 0.52 acre-feet/year, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for Mustang Heights Minor Subdivision.

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

8. Basis. The County Attorney’s Office reviewed the following documents in preparing this review: Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Case No. 21CW3034 dated January 30, 2022, the Water Supply Information Summary provided May 10, 2022, the *Water Resources Report* dated March 2022 (revised May 2022), and the State Engineer Office’s Opinion dated April 29, 2022. 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.***

² The State Engineer also notes that the water use rates listed in the Decree and Augmentation Plan are 0.25 acre-foot per year for each ordinary household.

REQUIREMENTS:

A. Applicant and its successors and assigns shall comply with the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Case No. 21CW3034 (“Decree and Augmentation Plan”). Water use shall not exceed 0.52 acre-feet annually from the Denver aquifer for the 2-lot subdivision. Withdrawals from Mustang Wells shall not exceed 0.26 acre-feet/year/lot. Stream depletions shall be replaced with non-evaporative septic system return flows for a period of 300 years and post-pumping depletions will be replaced by Laramie-Fox Hills aquifer water pursuant to the Augmentation Plan.

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

C. Applicant and its successors and assigns shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision and their successors and assigns regarding all applicable requirements of the Decree and Augmentation Plan, including their obligations to comply with the augmentation plan.

The covenants shall specifically address the following:

- 1) Identify the water rights associated with the property. The Covenants shall reserve 156 acre-feet (0.26 acre-feet/lot/year) of Denver aquifer water and 115 acre-feet of nontributary Laramie-Fox Hills aquifer water pursuant to Decree and Augmentation Plan to satisfy El Paso County’s 300-year water supply requirement for the 2 residential lots of the Mustang Heights Minor Subdivision.
- 2) Advise of responsibility for costs. The Covenants shall advise lot owners and their successors and assigns of their obligations regarding the costs of compliance with the Decree and Augmentation Plan, which include pumping of the Denver wells in a manner to replace depletions during pumping and drilling Laramie-Fox Hills aquifer wells in the future to replace post-pumping depletions.
- 3) Require evaporative septic systems and reserve return flows from the same. The Covenants shall require each residential lot owner to use non-evaporative septic systems to ensure that return flows from such systems are made to the stream system to replace actual depletions during pumping, shall reserve said return flows to replace depletions during pumping, and shall state that said return flows shall not be separately sold, traded or used for any other purpose. The Covenants more specifically shall require the Denver

aquifer well on each lot to be serving an occupied single-family dwelling that is generating return flows from a non-evaporative septic system before any irrigation or animal watering is allowed from the well. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose."

4) Require reservation of 115 acre-feet of Laramie-Fox Hills aquifer water to replace post-pumping depletions pursuant to the Decree and Augmentation Plan. The Covenants shall further identify that 57.5 acre-feet of Laramie-Fox Hills aquifer water is allocated to each lot. The Covenants shall recite that this water shall not be separated from transfer of title to the property and shall be used exclusively for augmentation supply.

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

"The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Case No. 21CW3034 and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

6) Advise of monitoring requirements. The Covenants shall advise future lot owners of this subdivision and their successors and assigns of their responsibility for any metering and data collecting that may be required regarding water withdrawals from Denver aquifer wells.

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

"Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for the Mustang Heights Minor Subdivision pursuant to the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan

for Augmentation, Case No. 21CW3034. Further, written approval of the proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney's Office. Any amendments must be pursuant to an Order from the Division 2 Water Court approving such amendment, with prior notice to the El Paso County Planning and Community Development Department for an opportunity for the County to participate in any such adjudication."

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

"These Covenants shall not terminate unless the requirements of the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Case No. 21CW3034 are also terminated by order of the Division 2 Water Court and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County."

D. Applicant and its successor assigns shall reserve and convey by recorded warranty deed the Denver aquifer water rights per each lot and the reserved Laramie-Fox Hills aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Denver and Laramie-Fox Hills aquifers underlying the respective lots pursuant to the Decree and Augmentation Plan. Sufficient water rights are 78 acre-feet total of Denver aquifer water and 57.5 acre-feet total of Laramie-Fox Hills aquifer water for each lot.

Any and all conveyance instruments shall recite as follows:

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

E. Applicant and its successors and assigns shall submit Covenants, form deeds, and any plat notes required herein to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney's Office prior to recording the

final plat. Said documents shall cross-reference the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Case No. 21CW3034 and shall identify the obligations of the individual lot owners thereunder.

F. Applicant and its successors and assigns shall record all applicable documents, including, but not limited to, Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Case No. 21CW3034 and any assignments thereof, any warranty deeds regarding the water rights, and any Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

G. Applicant and/or lot owners must re-permit Well Permit No. 131880 if they intend to use that well, and Applicant and/or lot owners must obtain all well permits pursuant to Findings of Fact, Conclusions of Law, Ruling of Referee and Decree Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation, Case No. 21CW3034 and C.R.S. §37-90-137(4).

H. Prior to recording the final plat, Applicant shall upload the following to eDARP:

- An updated Water Resources Report that references Mason, LLC as the Applicant and identifies the subdivision water demand as 0.25 acre-feet/lot/year for household use and 0.01 acre-feet/lot/year for irrigation and stock watering.
- An updated Water Supply Information Summary that identifies the water demand as 0.25 acre-feet/lot/year for household use and 0.01 acre-feet/lot/year for irrigation and stock watering.
- Proof that the State Engineer's Office has been notified in writing that the water demand for the subdivision is 0.25 acre-feet/lot/year for household use and 0.01 acre-feet/lot/year for irrigation and stock watering.
- Evidence that the existing well under Well Permit No. has been re-permitted pursuant to Case No. 21CW3034.

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

"The amounts of water in the Denver Basin aquifers, and identified in Division 2 Water Court case no. 21CW3034, was calculated based on estimated current aquifer conditions. For planning purposes, the county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of

renewable water resources for this subdivision to provide for a long-term water supply.”

cc: Ryan Howser, Planner II

COMMUNITY SERVICES DEPARTMENT
PARK OPERATIONS ~ ENVIRONMENTAL SERVICES ~ RECREATION/CULTURAL SERVICES

April 15, 2022

Ryan Howser
Project Manager
El Paso County Development Services Department

Subject: 8330 Mustang Place Vacation Replat (VR-224)

Ryan,

The Community Services Department has reviewed the 8330 Mustang Place Vacation and Replat application and is providing the following administrative comments on behalf of El Paso County Parks.

This is a request by Michael Cartmell on behalf of Mason LLC to approve a vacation and re-plat. The subject property is located NW of the intersection of Mustang Road and Mustang Place in the Mustang Heights Subdivision which is outside the NE city limits of Colorado Springs. The Applicant seeks to subdivide the existing 5.37 acre lot into two separate 2.5 acre parcels which will have one single family unit on each lot. There is an existing residential home on lot 2 of the newly subdivided lots, whereas lots 1 is planned for one new residential unit.

The El Paso County Parks Master Plan (2013) identifies the proposed Sand Creek Regional Trail 400' east of the subject property. This trail will not be impacted by the subdivision action because the proposed trail alignment is on the west side of Sand Creek and would not intersect the subject property.

As no park lands or trail easement dedications are necessary for this filing, El Paso County Parks staff recommends fees in lieu of land for regional park purposes as shown on the accompanying Subdivision Review Form.

The Park Advisory Board has elected not to review and endorse minor vacation and replat applications, so these comments are being provided administratively.

Recommend that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving the 8330 Mustang Place Vacation and Replat: require fees in lieu of land dedication for regional park purposes in the amount of \$920.



Sincerely,

Greg Stachon
Landscape Architect
Community Services Department
GregStachon@elpasoco.com

**Development
Application
Permit
Review**



COMMUNITY SERVICES DEPARTMENT
 Park Operations - Community Outreach - Environmental Services
 Veterans Services - Recreation / Cultural Services

April 15, 2022

Subdivision requirements referenced in Section 8.5.2 of the El Paso County Land Development Code. Fees are based on average land values within designated areas. See El Paso County Board of County Commissioners (BoCC) Resolution for fees established on an annual basis. The Park Advisory Board meets the second Wednesday of each month, 1:30 p.m., BoCC Auditorium, second floor of Centennial Hall, 200 South Cascade Avenue, Colorado Springs.

Name: 8330 Mustang Place
PCD Reference #: VR224

Application Type: Vacation and Replat

Total Acreage: 5.37

Total # of Dwelling Units: 2

Applicant / Owner: Mason LLC
Owner's Representative: Michael Cartmell

Dwelling Units Per 2.5 Acres: 0.93

Regional Park Area: 2

7702 Barnes Road
 Colorado Springs, CO 80922

7702 Barnes Road #140-58
 Colorado Springs, CO 80922

Urban Park Area: 3

Existing Zoning Code: RR-2.5

Proposed Zoning Code: RR-2.5

REGIONAL AND URBAN PARK DEDICATION AND FEE REQUIREMENTS

Regional Park land dedication shall be 7.76 acres of park land per 1,000 projected residents, while Urban Park land dedication shall be 4 acres of park land per 1,000 projected residents. The number of projected residents shall be based on 2.5 residents per dwelling unit.

The EPC Land Development Code defines urban density as land development of higher density and intensity which is characteristically provided with services of an urban nature. This category of development includes residential uses with densities of more than one dwelling unit per 2.5 acres.

LAND REQUIREMENTS

Urban Density (≥ 1 Dwelling Unit Per 2.5 Acres): **NO**

Regional Park Area: 2

Urban Park Area: 3

0.0194 Acres x 2 Dwelling Units = 0.039

Neighborhood: 0.00375 Acres x 2 Dwelling Units = 0.00

Community: 0.00625 Acres x 2 Dwelling Units = 0.00

Total Regional Park Acres: 0.039

Total Urban Park Acres: 0.00

FEE REQUIREMENTS

Regional Park Area: 2

Urban Park Area: 3

\$460 / Dwelling Unit x 2 Dwelling Units = \$920

Neighborhood: \$114 / Dwelling Unit x 2 Dwelling Units = \$0

Community: \$176 / Dwelling Unit x 2 Dwelling Units = \$0

Total Regional Park Fees: \$920

Total Urban Park Fees: \$0

ADDITIONAL RECOMMENDATIONS

Staff Recommendation:

Recommend that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving the 8330 Mustang Place Vacation and Replat: require fees in lieu of land dedication for regional park purposes in the amount of \$920.

Park Advisory Board Recommendation:

No PAB Endorsement Necessary

Mustang Place Vacation and Replat



Parks By Other



Primary Regional Trail, Proposed



Secondary Regional Trail, Proposed



Proposed Bicycle Routes, Proposed



Colorado Springs Parks



Major Roads



Streets & Roads



SubjectProperty



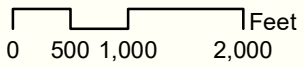
Parcels



EPC_BuildingFootprint



Incorporated Areas



**Colorado Springs Airport Advisory Commission Meeting
To Be Heard September 28, 2022
Land Use Review Item #05**

EL PASO COUNTY BUCKSLIP NUMBER(S)/FILE NUMBER(S): VR224 <i>RESIDENTIAL VACATION AND REPLAT</i>	PARCEL #(S): 5304002017
DESCRIPTION: Request by Mason LLC for approval of vacation and replat of a residential lot. The replat includes dividing an approximate 5-acre platted lot into two lots. The property is currently zoned RR-5/CAD-O (Residential Rural and Commercial Airport District Overlay) and consists of approximately 5 acres. The site is located northeast of Woodmen Road and Black Forest Road.	
CONSTRUCTION/ALTERATION OF MORE THAN 1 200 FEET ABOVE GROUND LEVEL? No	DISTANCE/DIRECTION FROM COS: 9.2 miles northeast of Rwy 17R
TOTAL STRUCTURE HEIGHT AT THE ESTIMATED HIGHEST POINT: 30 feet above ground level; 7,040 feet above mean sea level	COMMERCIAL AIRPORT OVERLAY SUBZONES PENETRATED: None
ATTACHMENTS: https://epcdevplanreview.com/Public/ProjectDetails/164936 CLICK ON VIEW FINAL PLAT DRAWINGS UNDER REVIEW DOCUMENTS LIST	

STAFF RECOMMENDATION/CONDITIONS OF APPROVAL

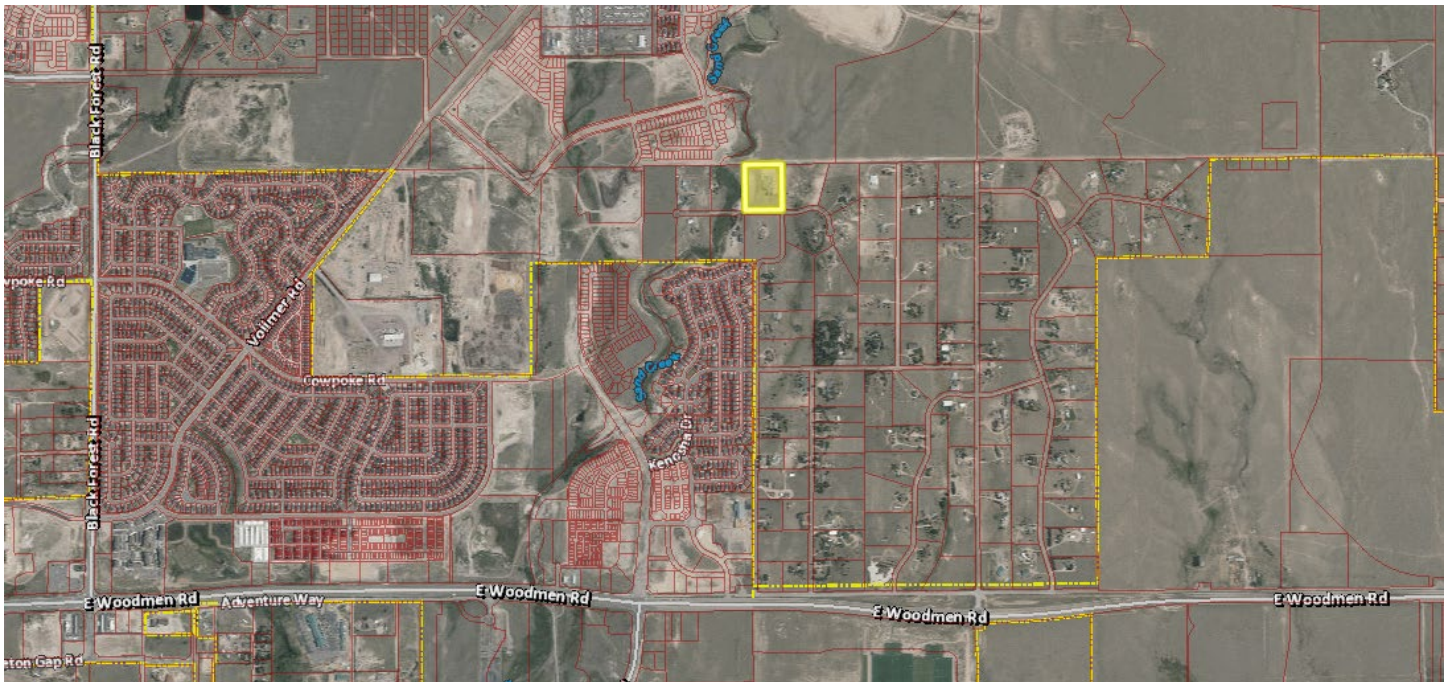
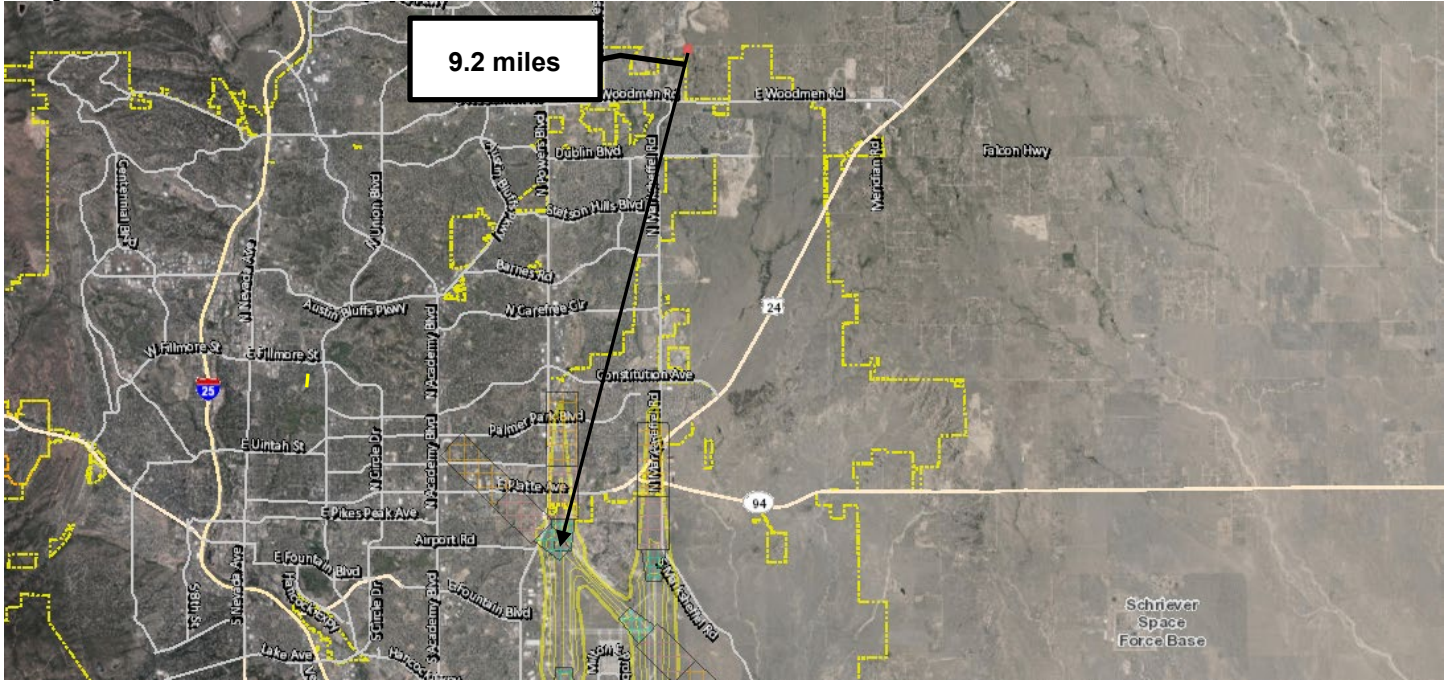
Subject to Airport Advisory Commission Action

*Airport staff recommends **no objection** with the following conditions:*

- **Avigation Easement:** An avigation easement is requested or provide proof of previous recording (book/page or reception number) for development plan/plat.
- **FAA Form 7460-1:** If use of equipment (permanent or temporary) will exceed 200 feet above ground level in height at this site, the applicant is to file an airspace evaluation case with the Federal Aviation Administration (FAA) and provide the results to the Airport before the commencement of construction activities. FAA's website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).

Colorado Springs Airport Advisory Commission Meeting
To Be Heard September 28, 2022
Land Use Review Item #05

Project location exhibit:



VACATION AND REPLAT (RECOMMEND APPROVAL)

BAILEY moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR-22-004

**VACATION AND REPLAT
PAWNEE RANCHEROS FILING NO. 2A**

WHEREAS, Mason, LLC did file an application with the Planning and Community Development Department of El Paso County for approval of a vacation and replat of one (1) residential lot as two (2) residential lots 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 October 20, 2022; 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.

WHEREAS, Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code states that a replat, "involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat." The Code goes on to define a replat as providing a replat of a

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the vacation and replat of PAWNEE RANCHEROS FILING NO. 2A with the following conditions and notations:

CONDITIONS

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

including, but not limited to, Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$920.00 shall be paid at time of plat recordation.
9. Fees in lieu of school land dedication in the amount of \$240.00 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at time of plat recording.
10. Drainage fees in the amount of \$5,071.76 and bridge fees in the amount of \$2,766.13 for the Sand Creek Drainage Basin (FOFO4000) shall be paid to El Paso County at the time of plat recordation.

NOTATIONS

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

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

BRITTAIN-JACK seconded the adoption of the foregoing Resolution.

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

Brian Risley	<u>aye</u> / no / abstain / absent
Thomas Bailey	<u>aye</u> / no / abstain / absent
Tim Trowbridge	<u>aye</u> / no / abstain / absent
Joan Lucia-Treese	aye / no / abstain / <u>absent</u>
Becky Fuller	aye / no / abstain / <u>absent</u>

Sarah Brittain Jack	aye / no / abstain / absent
Jay Carlson	aye / no / abstain / absent
Eric Moraes	aye / no / abstain / absent
Joshua Patterson	aye / no / abstain / absent
Bryce Schuettpelz	aye / no / abstain / absent
Christopher Whitney	aye / no / abstain / absent
Brandy Merriam	aye / no / <u>abstain</u> / absent

The Resolution was adopted by a unanimous vote of 9-0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 20th day of October, 2022, at Colorado Springs, Colorado

EL PASO COUNTY PLANNING COMMISSION

By: Brian Risley

Brian Risley, Chair

EXHIBIT A

LOT 10, PAWNEE RANCHEROS-SUBDIVISION PLAT, A PARCEL OF LAND IN THE NORTHWEST ONE-QUARTER AND THE NORTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE PAWNEE RANCHEROS FILING NO. 2 SUBDIVISION PLAT POINT OF BEGINNING (P.O.B), FROM WHENCE THE SOUTH ONE-QUARTER CORNER OF SECTION 4 BEARS S 00°43'30" W A DISTANCE OF 2700.00' FEET; THENCE N 00°43'30" E A DISTANCE OF 1260.00' FEET; THENCE S 89°47'00" W, A DISTANCE OF 1320.76' FEET; THENCE N 00°42'43" E A DISTANCE OF 1128.33' FEET; THENCE N 89°36'02" E A DISTANCE OF 1199.11' FEET TO THE POINT OF BEGINNING (P.O.B). THENCE S 00°18'29", E A DISTANCE OF 536.69 FEET; THENCE N 89°41'31" E, A DISTANCE OF 436.09' FEET; THENCE N 00°18'29" W A DISTANCE OF 536.69' FEET; THENCE S 89°36'02" W, ALONG THE NORTH LINE OF PAWNEE RANCHEROS FILING NO. 2, A DISTANCE OF 436.09' FEET TO THE POINT OF BEGINNING. CONTAINING 5.37 ACRES, MORE OR LESS.

RESOLUTION NO. 22-

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

APPROVE VACATION AND REPLAT OF PAWNEE RANCHEROS FILING NO. 2A

WHEREAS, Mason, LLC did file an application with the Planning and Community Development Department of El Paso County for approval of a vacation and replat of one (1) residential lot as two (2) residential lots within the RR-5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 20, 2022, upon which date the Planning Commission did by formal resolution recommend approval of the vacation and replat; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on November 1, 2022; and

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

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.

5. That the vacation and replat complies with the El Paso County Land Development Code and the original conditions of approval associated with the recorded plat.
6. No nonconforming lots are created and, in the case of existing nonconforming lots, the degree of nonconformity is not increased.
7. That the vacation and replat conforms to the required findings for a minor or major subdivision, whichever is applicable.
8. That 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)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. Where the lots or parcels are subject to any Covenants, Conditions and Restrictions (CC&Rs) or other restrictions, the vacation and replat will not result in a conflict with the CC&Rs or other restrictions unless specifically approved by the Homeowners Association or controlling authority.
10. The vacation and replat is in general conformance with the goals, objectives, and policies of the Master Plan.
11. 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.
12. The proposed Replat of land conforms to the El Paso County Zoning Resolutions.
13. For the above-stated and other reasons, the proposed vacation and replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the vacation and replat of PAWNEE RANCHEROS FILING NO. 2A;

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

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

8. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$920.00 shall be paid at time of plat recordation.
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10. Drainage fees in the amount of \$5,071.76 and bridge fees in the amount of \$2,766.13 for the Sand Creek Drainage Basin (FOFO4000) shall be paid to El Paso County at the time of plat recordation.

NOTATIONS

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

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 1st day of November, 2022, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Stan VanderWerf, Chair

By: _____
County Clerk & Recorder

EXHIBIT A

LOT 10, PAWNEE RANCHEROS-SUBDIVISION PLAT, A PARCEL OF LAND IN THE NORTHWEST ONE-QUARTER AND THE NORTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE PAWNEE RANCHEROS FILING NO. 2 SUBDIVISION PLAT POINT OF BEGINNING (P.O.B), FROM WHENCE THE SOUTH ONE-QUARTER CORNER OF SECTION 4 BEARS S 00°43'30" W A DISTANCE OF 2700.00' FEET; THENCE N 00°43'30" E A DISTANCE OF 1260.00' FEET; THENCE S 89°47'00" W, A DISTANCE OF 1320.76' FEET; THENCE N 00°42'43" E A DISTANCE OF 1128.33' FEET; THENCE N 89°36'02" E A DISTANCE OF 1199.11' FEET TO THE POINT OF BEGINNING (P.O.B). THENCE S 00°18'29", E A DISTANCE OF 536.69 FEET; THENCE N 89°41'31" E, A DISTANCE OF 436.09' FEET; THENCE N 00°18'29" W A DISTANCE OF 536.69' FEET; THENCE S 89°36'02" W, ALONG THE NORTH LINE OF PAWNEE RANCHEROS FILING NO. 2, A DISTANCE OF 436.09' FEET TO THE POINT OF BEGINNING. CONTAINING 5.37 ACRES, MORE OR LESS.

Kevin Mastin, Interim Executive Director
El Paso County Planning & Community Development

O: 719-520-6300
KevinMastin@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners

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

Planning Commission Meeting
Thursday, October 20, 2022
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: BRIAN RISLEY, TOM BAILEY, JOAN LUCIA-TREESE, SARAH BRITTAIN JACK, JAY CARLSON, TIM TROWBRIDGE, BECKY FULLER, JOSHUA PATTERSON, BRYCE SCHUETTPELZ, BRANDY MERRIAM, AND CHRISTOPHER WHITNEY

PC MEMBERS PRESENT AND NOT VOTING: MERRIAM

PC MEMBERS ABSENT: ERIC MORAES – VIRTUAL AND VOTING

STAFF PRESENT: KEVIN MASTIN, JUSTIN KILGORE, KARI PARSONS, RYAN HOWSER, LUPE PACKMAN, EDWARD SCHOENHEIT, DANIEL TORRES, CARLOS HERNANDEZ, PETRA RANGEL, MARCELLA MAES, JOE LETKE, AND EL PASO COUNTY ATTORNEY LORI SEAGO

1. REPORT ITEMS

A. Planning and Community Development – Kevin Mastin or Justin Kilgore

Mr. Mastin Planning and Community Development has advertised the Executive Director position. We have received 46 applicants. It will be posted till October 30th, 2022. It will probably be the first of the year before the position will be filled. Matthew Fitzsimmons one of our Senior Planner's has accepted another position. PCD is in the process of hiring a new planner. Will work with HR to look at the correct number of applicants. We are trying to get two out of this next hiring cycle to bring it to a total of eight. I briefed the BoCC about the critical need for two (2) additional planners to bring the total to ten (10). Mr. Mastin thanked the Board members for their efficiency.

Mr. Kilgore Ms. Parsons will be taking over the presentation for 2D and 4D.
Ms. Parsons has some staff report and resolution updates for the Board.

Ms. Parsons in your packets the resolutions are now attached to each item. Conditions of approval were specifically spelled out in those resolutions as well as the findings for each item. That is very consistent with the Board of County Commissioners and their process. To be consistent with the Board of County Commissioners and more transparent as the El Paso County strategic plan requires us to be. We have attached those resolutions so that the people who look at the staff report online, the people in the audience and the commissioners themselves can see those resolutions from the Planning Commission, rather than identifying a page in a book that the public has no access to. We don't have to vote on this it is just for clarification.

Mr. Trowbridge how do we reference that in a motion to approve?

Ms. Parsons just like the Board of County Commissioners reference the resolution, number of conditions, approval and a finding of sufficiency that is applicable.

Ms. Seago I would recommend that you use language similar too: I make a motion to approve item xyz in accordance with the resolution included in the packet.

Ms. Parsons handed resolutions to the chair so he can circle if approved or denied.

Mr. Risley asked if there were any questions for staff. Chair saw none. I don't see it on the agenda but customarily we allow a period for the members of the audience that would like to comment on items that are not on the agenda. Chair asked if there was anyone that would like to address the Board. Chair would like that put back on the agenda.

B. The next scheduled Planning Commission meeting is for Thursday, November 3, 2022, at 9:00 A.M.

2. CONSENT ITEMS

A. Approval of Minutes – September 15, 2022 – Board Approved 10/20/22

B. VR-22-004

**VACATION AND REPLAT
PAWNEE RANCHEROS FILING NO. 2A**

HOWSER

A request by Mason, LLC for approval of a vacation and replat to replat one (1) residential lot as two (2) residential lots. The 5.37-acre property is zoned RR-2.5 (Residential Rural), and is located on the north side of Mustang Place, approximately one (1) mile northeast of the Woodmen Road and Marksheffel Road intersection and is within Section 4, Township 13 South, Range 65 West of the 6th P.M. (Parcel No. 53040-02-017) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this pulled a regular item. There was none. Asked if there were any members in the audience the wanted this pulled as a regular item. There were none. Asked if the commissioners had any questions for staff. There were none. There was no discussion and called a vote. Recommend unanimously for approval.

PC ACTION: BAILEY MOVED/BRITAIN JACK SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2B, VR-22-004 FOR AN APPROVAL OF A VACATION AND REPLAT, UTILIZING ATTACHED RESOLUTION, WITH TEN (10) CONDITIONS AND ONE (1) NOTATION AND A FINDING OF WATER SUFFICIENCY OF QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

C. VR-22-005

HOWSER

**VACATION AND REPLAT
PEYTON RANCHES FILING NO. 1B**

A request by Maddie Investments, LLC for approval of a vacation and replat to replat one (1) residential lot as three (3) residential lots. The 17.82-acre property is zoned RR-5 (Residential Rural), and is located on the east side of Chaparral Loop East, approximately one and one-quarter of a mile east of Peyton Highway, and approximately two (2) miles north of Highway 24 and is within Section 33, Township 11 South, Range 63 West of the 6th P.M. (Parcel No. 31330-01-001) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this pulled a regular item. There was none. Asked if there were any members in the audience the wanted this pulled as a regular item. There were none. Asked if the commissioners had any questions for staff. There were none. There was no discussion and called a vote. Recommend unanimously for approval.

PC ACTION: CARLSON MOVED/TROWBRIDGE SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2C, VR-22-005 FOR AN APPROVAL OF A VACATION AND REPLAT, UTILIZING ATTACHED RESOLUTION, WITH NINE (9) CONDITIONS AND ONE (1) NOTATION AND A FINDING OF WATER SUFFICIENCY OF QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

D. CS-21-003

BAGLEY

**MAP AMENDMENT (REZONE)
CIRCLE K AT NEW MERIDIAN AND HIGHWAY 24 REZONING**

A request by Circle K Stores Inc. for approval of a map amendment (rezoning) from C-2 (Commercial) and RR-5 (Residential Rural) to CS (Commercial Service). The 8.99 acre property is located northeast of the intersection of New Meridian and Highway 24 and southeast of the intersection of Old Meridian and Highway 24 and within Section 12, Township 13 South, and Range 65 West of the 6th P.M. (Parcel Nos. 53124-02-015, 53124-02-016, 53124-03-003, 53124-03-004, 53124-04-003, 53124-05-003 and 53124-05-005) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this pulled a regular item. There were none. Asked if there were any members in the audience the wanted this pulled as a regular item. There were none. Asked if the commissioners had any questions for staff. **Mr. Trowbridge** asked for clarification of the Letter of Intent for zoning and residence on the lots. Also had a question about traffic. **Ms. Parsons** gave clarification of the zoning that was taken care of last night in passageway it was changed from CC to CS. Residential homes are participating in the rezone. Residences will be occupied. The contracts for those individuals have been uploaded into EDARP. **Ms. Parsons** also gave clarification about the traffic. **Mr. Risley** asked for a vote. Recommend unanimously for approval.

PC ACTION: TROWBRIDGE MOVED/BAILEY SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2D, CS-21-003 FOR AN APPROVAL OF A MAP AMENDMENT (REZONE), UTILIZING ATTACHED RESOLUTION, WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

E. VR-22-009

HOWSER

**VACATION AND REPLAT
THE GLEN AT WIDEFIELD FILING NO. 11A**

A request by Glen Investment Group No. VIII, LLC for approval of a vacation and replat to replat a portion of public right-of-way as a tract for Penny Cress Drive as a tract and incorporate portions of the land from the right-of-way into two (2) lots. The 0.661-acre property is zoned RS-6000 (Residential Suburban), and is located within the Glen at Widefield Filing No.11A subdivision, which is located west of the intersection of South Marksheffel Road and Peaceful Valley Drive and are within Section 22, Township 15 South, Range 65 West of the 6th P.M. (Parcel No. 55220-00-010) (Commissioner District No. 2)

Mr. Risley asked if anyone on the planning commission wanted this heard as a regular item. There was none. Asked if there were any members in the audience the wanted this heard as a regular item. There were none. Asked if the commissioners had any questions for staff. There were none. **Mr. Risley** asked for a vote. Recommend unanimously for approval.

PC ACTION: PATTERSON MOVED/BRITTAIN JACK SECONDED FOR APPROVAL OF CONSENT ITEM NUMBER 2E, VR-22-009 FOR AN APPROVAL OF A VACATION AND REPLAT, UTILIZING ATTACHED RESOLUTION, WITH SEVEN (7) CONDITIONS AND ONE (1) NOTATION AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (9-0).

3. Called Up Consent Items.

4. REGULAR ITEMS

A. AL-19-018

HOWSER

**SPECIAL USE
RAEL STORAGE RURAL HOME OCCUPATION**

A request by Steve Rael for approval of a rural home occupation as a special use for an existing automobile and boat storage yard. The 40-acre property is zoned RR-5 (Residential Rural) and is located on the west side of Colorado Highway 83, approximately one-third of a mile south of Colorado Highway 105/Walker Road and is within Section 15, Township 11 South, Range 66 West of the 6th P.M. (Parcel No. 61000-00-489) (Commissioner District No. 1)

Mr. Howser presented Staff's presentation for the Special Use for rural home occupation request.

Ms. Seago summarized the criteria for approval.

Ryan Howser presented the background for the request in 2018, El Paso County code enforcement issued a notice of violation. In 2019, the applicant formally applied for the special

use to legalize the storage on the property. In early 2022, the applicate submitted the appropriate site plan to complete the application process.

Mr. Rael – Owner gave his presentation.

Mr. Howser presented arial view of the property with the trailers. It shows the intent of the 50-foot setback as opposed to the current location which is quite close to the property line.

Mr. Hernandez discussed the transportation and roadway fees. Roadway improvements are with CDOT.

Mr. Whitney had questions about CDOT.

Mr. Mastin confirmed that it is the applicant's responsibility, and it would not affect the ability to vote on this.

Ryan Howser presented the conditions and notations. This is a long running code enforcement violation. We have applied a 30-day time window for the applicant to receive the approval of the Commercial Site Development plan, also have applied 30-days to move the trailers and put up 100% Opaque fence screening. The Staff presentation was concluded.

Mr. Trowbridge, Mr. Carlson and Ryan Howser discussed the fencing. The fencing must surround the outside storage use, just around the trailers. If it goes higher than 7-feet, it would be considered a structure and would need a building permit.

Mr. Schuettpelz questioned the paving. Is it 25 or 42 spaces?

Mr. Howser our code requires paving for a parking area of more than 25 spaces. If the applicant does only 25, he does not have to pave. If he does more than 25 it is tripped in our parking standards of our code, it would have to be paved. If he would exceed the 25 spaces, he would have to come back for a revision of the Special Use. Today for the Special Use it is 25.

Mr. Risley has it been paved?

Mr. Rael I have acquired the asphalt but have not paved. It is on the westside of the property. It will be 25 spaces.

Mr. Trowbridge and Mr. Bailey the current letter of intent is only to pave 25. That is what is tide to any resolution that we decide for approval.

Mr. Risley questioned the grading of the property per the letter of intent.

Mr. Rael – you just grade the asphalt we will not disturb the land. It is just crushed asphalt.

Mr. Mastin- the crushed asphalt is something like millings that will be put down. No machinery.

Mr. Whitney just to make clear for the record it will be 25 spaces millings on the ground covering the spaces no paving.

Mr. Bailey further on to that the specific details of how the site development plan will follow this approval within 30 days. The 25 spaces in the letter of intent ties to our task today which is to look at the existing code what's allowed for a Special use how that gets implemented comes next. It probably won't come to this commission.

Mr. Mastin yes that is correct. If he goes over the 25 spaces, he will not be complying with what this board approves.

Mr. Risley are there any folks that would like to speak. There are only those that are opposed to the Special Use.

Jill Fowler I'm here to oppose. I am directly across from Mr. Rael. He has been in violation for the past 4 years. The RV's and Semi have been parked for 15 years. Jill Fowler presented pictures. I hired a certified appraiser. He is currently the president of the Colorado Association of Real Estate Appraisers. He did an analysis and submitted an impact statement that indicated that the RV storage has an estimated negative impact of 5.5% for my overall property. The Special use does not meet the criteria or the letter of intent.

DAVE ELLIS – Representative for the Canterbury Estates – Equestrian Community.
Mr. Rael's property is about 800 feet from our community. Dave showed a picture. Mr. Rael's property does not keep up to the character of the neighborhood. The picture shows a person riding a horse behind the trailers on Mr. Rael's property. It makes an iron curtain between our equestrian community and his. We are asking for a buffer of equivalent characters to the size of our properties. I looked at 7 storage properties. My spread sheet column 3 looks at the zoning and none of them are RR-5. Showed pictures of the storage lots with very high opaque fences. They have easy access from a paved road. The Rael Storage as proposed here is not in harmony with our neighborhood. Incompatible, safety concerns, flammable materials. Please protect the value of the present and future owners. If was up next to highway 83 our association has no problem with that.

Ivan Anthony my property is on the southeast corner. Mr. Rael said he emailed everybody I did not get an email. Rael Storage is for RV's and trailers not vehicles or boats as stated in the Staff Report. If approved, it will set a precedent to other landowners RR-5. I have lived here since 1991. I moved here for the rural feel. Mr. Rael has been in violations for at least 15 years. It was in 2019, that I was notified. Mr. Rael kept adding more and more RV's. You can see part of the trailers from my house. What is the purpose of zoning laws if we do not follow them.

Debra Duey I have lived in monument since 1969. I have known the Rael's for 40 years. The gentleman who spoke before me owns his own business on his property. The horse barn on the other side of Rael that is a business. I have looked personally at the changes of our views. That I have had to put up with because it is the law. Steve is doing the best he can. We all have the right to own a business within the law.

Mr. Risley we will close the public testimony of the hearing.

Mr. Rael closed his testimony. If you could give me till November, I will have the RV's moved.

Mr. Whitney asked to question David Ellis about the compatibility of Canterbury and Mr. Rael.

Mr. Carlson, Mr. Bailey, Mr. Schuettpelz, Mr. Patterson discussed the fencing issue, 50' foot set back. Our job is to apply the criteria that exists today.

Mr. Risley asked for a vote. 5-4 in opposition for disapproval. What would the recommendation be for the BoCC? It is a double negative.

Ms. Seago a motion to approve would be to capture the conditions and notations. If it passes that would be the recommendation to go forward.

PC ACTION: BAILEY MOVED/PATTERSON SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4A, AL-19-018 FOR AN APPROVAL OF A SPECIAL USE, UTILIZING ATTACHED RESOLUTION, WITH THREE (3) CONDITIONS AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (5-4).

C. MP-22-001

MEYER

**EPC PARKS MASTER PLAN
UPDATE 2022**

El Paso County Community Services Department requests adoption of the El Paso County Parks Master Plan. This Master Plan repeals and/or replaces the existing El Paso County Parks Master Plan (2013). The Master Plan area includes all land within El Paso County located outside the incorporated municipalities and includes the accompanying maps, charts, and descriptive and explanatory matter. The Master Plan is an advisory document to guide park, trail, and open space development and preservation decisions.

Type of Hearing: Legislative

Ms. JACKSON – Presented the Presentation.

Mr. Carlson were the early evaluations processed by your own people for each asset? Evaluations were not on public use just on grading landscaping. Do consider volunteers.

Ms. Jackson in our firm we have an individual that is a past landscape architect and a GIS specialist who went in the field first. The second round we had a local landscape architect to ensure the grading was done correctly. It was all parks to see all the elements if they were in poor, fair or good condition.

Mr. Trowbridge looking at the cost of 14 million. How does that fit with historical spending by the county. It was over 8 million alone for Fox Run.

Mr. Marts – In previous years we have not. In future years the work that they have done will tie to the strategic plan. Not proposing funding 45% is third party funding. We have over twenty thousand hours of volunteer service that we do. We are not able to do what we do without volunteers.

Mr. Risley this is a regular hearing Is there anybody wanting to speak on this topic?

Scott Layman – I'm just a concerned citizen. One of the things you can use is a work release program to help with the parks. It would be a training exercise for the inmates. It would help with cost.

Ms. Seago Mr. Chair I neglected to provide any criteria at the beginning of the hearing. This is a legislative item. This is an item on which the Planning Commission's action is the final action, and it will be provided as an information item if approved to the BoCC. The BoCC will not vote on it because it is a legislative item. There is a lot of discretion in terms wither to approve or deny the item. If it has a rational connection to public purpose and does not violate the Constitution you are free to approve as you see fit.

Mr. Risley this is like the Water Master Plan and the County Master plan. Our job is to certify that the first eight statues that the parks division has followed the statuary requirements in terms of public input. Ms. Jackson walked us through that. We are certifying this if we choose to take that action.

Mr. Bailey – requirements for 2 hearings. No vote.

El Paso County Attorney - Lori Seago confirmed NO vote

DISCUSSION:

PC ACTION: NO VOTE

D. AL-22-014

BAGLEY

**SPECIAL USE
17340 FAIRPLAY DRIVE MINOR KENNEL**

A request by Mark and Anne Seglem for approval of a minor kennel as a special use for eight (8) personal dogs. The 1.06-acre property is zoned RS-20000 (Residential Suburban) and is located approximately west of West Higby Road and one-half of a mile northwest of the intersection of West Higby Road and Fairplay Drive and is within Section 24, Township 11 South, Range 67 West of the 6th P.M. (Parcel No. 71241-03-061) (Commissioner District No. 1)

Ms. Parsons – Presented Presentation.
Applicant is Virtual

Mr. Risley is there anybody present that might be in the hallway? Nobody is present.

Ms. Seago read criteria for approval

Mr. Seglem – Presented Presentation.

Mr. Risley any questions for the applicant.

Ms. Parsons continued the presentation

Mr. Risley one of the emails about opposition spoke about a walking path adjacent to the property. Can you indicate where the open space is located?

Mr. Seglem – We were part of the WASC in which the county was very much in favor we worked with a developer. One hundred twenty-eight of us here in South Woodmoor purchased land from the original owners. We were permitted to purchase additional land approximately .468 acres which is about ½ of what you see. There is a walking trail behind the land. WASC donated land for the trails. We asked that they move the trails further from our home so it would not be a problem. WASC did not do that. We asked Woodman HOA to move the trail 10 to 20 feet further from the house.

Ms. Parsons continued the presentation.

Mr. Bailey is there a time limit on the approval of this special use? In general, once a special use is granted does this continue and the applicant can replace the dogs in the future.

Ms. Parsons I do not believe so we did not want to guess when the dogs would pass. that is correct unless there was a specific condition added that did not allow them to do that.

Mr. Carlson on the first condition would that include that they are not going to operate a kennel. Concerned another homeowner would want to have kennel

Ms. Seago yes you are correct they would not be able to run a kennel.

Mr. Trowbridge If you sold the property would the special use be void?

Ms. Seago the special use does run with the land.

Ms. Parsons anybody online? No

Mr. Risley – Does the applicant have anything further they would like to say?

Mr. Seglem I would also say that again within 5 years we will be below the 8 dogs. We would like our dogs to stay home.

Mr. Trowbridge can we put a 5 year limit? That would help reassure everybody.

Ms. Parsons can we put this just for the dogs that are there now. We do not want another code enforcement issue.

Mr. Trowbridge can we revisit in 5 years that is all I'm saying

Mr. Carlson in the presentation you stated you fit your dogs with anti-bark collars. Does that work.

Mr. Seglem it does work. In recent trip to the vet, it is a concern about zapping the dogs due to their age. We are doing everything we can. They bark only when someone is walking down the trails close to our fence. The homeowners' dogs are not on a leash, not in control and they run up to the fence.

Mr. Mastin are all the dogs chipped?

Mr. Seglem all the dogs are all registered with the county.

Mr. Mastin it would be a concern if there is a new dog was brought in.

Mr. Risley Commissioners have concerns if this runs with the land it would extend the problem we have now.

Ms. Seago It does not have to run with the land with the sale of property

Mr. Patterson sounds reasonable to me.

Mr. Bailey have a question about condition number two.

Ms. Parsons what the applicant has on the site plan is sufficient.

Mr. Carlson – Wouldn't it allow 8 dogs for ever more.

Mr. Trowbridge, Mr Carlson, Mr. Risley, Mr. Bailey have concerns about the 5 years.

Mr. Seglem We use a local vet which is easy to trace if we were trying to slip in a new dog.

Mr. Carlson, Mr. Risley, Mr. Trowbrige would it be easier to give him the extension for 5 years.

Ms. Parsons to be frank we would have staff time involved with processing a special use which requires an engineer, code enforcement, planning staff, planning commission, admin staff, BoCC, added expense to the applicant it would be about 25 hours. Staff is not concerned about the issue.

Ms. Seago – I would like to make some un-legal comments that you could take for how they are worth having done code enforcement in the past I ask that you consider some of the burden. Is it worth the county resources? The special use is consistent with the letter of intent. He has named all the eight dogs. I question is this good use of staff and county time. As you deliberate to consider what you are trying to achieve here, what impacts you are trying to mitigate and what is realistic based on future resources necessary to enforce whatever conditions you impose.

Ms. Brittian-Jack bottom line is they are making a request given us their intent in keeping their family together. Their pets are their family. I do not see nit picking is serving anybody. If we are going to put a condition it should end when they no longer own the property.

Mr. Trowbridge the expiration on the property is the way to go.

Mr. Risley called the vote.

DISCUSSION:

PC ACTION: TROWBRIDGE MOVED/ CARLSON SECONDED FOR APPROVAL OF REGULAR ITEM NUMBER 4D, AL-22-014 FOR AN APPROVAL OF A SPECIAL USE, UTILIZING ATTACHED RESOLUTION, WITH AN ADDITIONAL CONDITION WILL MAKE IT THREE (3) CONDITIONS AND THREE (3) NOTATIONS AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (8-0)

**SPECIAL DISTRICT POLICIES AND MODEL SERVICE PLANS
PROCEDURES AMENDMENT**

A request by the El Paso County Planning and Community Development Department to amend the Special District Policies and Model Service Plans, as referred to in Chapter 9 of the El Paso County Land Development Code (2022). The proposed revisions, in their entirety, are on file with the El Paso County Planning and Community Development Department.

Type of Hearing: Legislative

Ms. Parsons – No vote – This is a courtesy to let you know what the proposed changes are because you do make recommendations for special districts. In an overall summary to tell you why we did this is that these policies were adopted in 2007 prior to the land development code prior to the adoption of the water master plan prior to the adoption of the El Paso County master plan there was language riddled throughout that reference the old small area plan and the old countywide policy plan which does not exist anymore. It had to be cleaned up so it met our current criteria's and plans. We are seeing a trend for special districts to build, design, construct the infrastructure. Keep that burden of ownership and maintenance on themselves. The operational costs for districts are being raised as more district's purpose unique developments that may have private roads. The county is not owning and maintaining them. It costs more money to operate those districts. Working with the industry we purposed a small increase to allow them to have an additional 5 mils yet over all of 65 mil cap is still recommended to be the maximum.

That is the bulk of improvements. The Gallagher adjustment was taken out of state statute as a reflection

We have stricken that language throughout the policy and model service plans as indicated in this proposal. This is the policy for the board to adopt

Mr. Trowebridge recommending addition of an overall of 5 mil 65 is still the upper limit you are proposing. not the 70.

Ms. Parsons – Yes it does state that in the report. Overall maximum is still 65.

Mr. Trowebridge has this been discussed with the BoCC. Are they aware this is coming?

Mr. Mastin yes, they are aware.

Mr. Risley are there any other comments? Just to be aware this was included as a regular item. We do have an information section only on the agenda was it an oversight

Ms. Parsons we have not taken policies to the Planning Commission. It was kind of a grey area. We do not take procedures to you we usually go direct to the BoCC. It was just to make you aware.

Mr. Risley we do not need to open to public testimony.

Mr. Bailey the grey area knowing we do not have to go through the process. Thank you for the courtesy Lets use the Non action item area moving forward.

Mr. Risley the master plan will be heard on November the 3rd which tells me we have a meeting that day.

Are there any other items?

Mr. Mastin Flying Horse North will have a lot of citizen input.

Ms. Brittan- Jack I have a 9:00 appointment, is it appropriate to come later?

Mr. Kilgore currently we have 5 items that day

Mr. Risley adjourned the meeting.

**MEETING ADJOURNED at [time].
12:24**

Minutes Prepared By: __MM__