

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

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Board of County Commissioners

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

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 9/26/2024
RE: MS235; Double Spur Ranch Final Plat

Project Description

A request by Dan Kupferer for approval of a 40-acre Minor Subdivision creating 3 residential lots in the RR-5 (Residential Rural) zoning district.

Notation

Please see the Planning Commission Minutes from September 5, 2024, for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Schuettpelz moved / Trowbridge seconded to recommend approval of item MS235 utilizing the resolution attached to the staff report with ten (10) conditions, one (1) notation, one (1) waiver, and a recommended finding of water sufficiency with regard to quality, quantity, and dependability. The motion was **approved (8-0)**. The item was heard as a consent item at the 9/5/2024 Planning Commission hearing.

Discussion

There was no discussion on this project. This item was recommended for approval without questions or additional discussion from the Planning Commission.

Attachments

1. Planning Commission Minutes from 9/5/2024.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, September 5th, 2024
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: THOMAS BAILEY, SARAH BRITAIN JACK, JAY CARLSON, JEFFREY MARKEWICH, BRYCE SCHUETTEL, WAYNE SMITH, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: JIM BYERS AND BECKY FULLER.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, MINDY SCHULZ, KARI PARSONS, RYAN HOWSER, ASHLYN MATHY, SCOTT WEEKS, ED SCHOENHEIT, CHARLENE DURHAM, ERIKA KEECH, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: CLEMENT 'BUD' SILVERS JR, CHARLES MANLY JR, PAELEIGH REED, DAVE ELLIOTT, DANIEL JACQUOT, AND MICHAEL BARR.

1. REPORT ITEMS

Ms. Herington advised the board that there would be a non-action item at the end of the hearing. This is a presentation regarding the Your El Paso Master Plan's 3-year implementation report. Additionally, she mentioned that the Land Development Code (LDC) Update's website is now live. There is a link to the that webpage, which includes the consultant's LDC assessment, on the County's Planning and Community Development (PCD) homepage. Commission members and the public are all welcome to submit comments on that LDC Update website. The next PC Hearing is Thursday, September 19th, at 9:00 A.M.

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

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held August 15th, 2024.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (8-0).

B. MS235

MATHY

**FINAL PLAT
DOUBLE SPUR RANCH FINAL PLAT**

A request by Daniel Kupferer for approval of a 40-acre Final Plat creating 3 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 12420 North Meridian Road, one-tenth of a mile south of the Latigo Boulevard and North Meridian Road intersection. (Parcel No. 5213000007) (Commissioner District No. 1)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: SCHUETTPELZ MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER MS235 FOR A FINAL PLAT, DOUBLE SPUR RANCH FINAL PLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TEN (10) CONDITIONS, ONE (1) NOTATION, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

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

C. VA245

PARSONS

**VARIANCE OF USE
8304 & 8308 CESSNA DRIVE VARIANCE OF USE**

A request by Sund Estate Management Corporation for approval of a Variance of Use to allow a commercial vehicle repair garage in the R-4 (Planned Development) Zoning District. The property is located within Meadow Lake Airport, is within the GA-O (General Aviation Overlay District) and is south of Judge Orr Road and east of Highway 24. (Parcel Nos. 4304002058 and 4304002087) (Commissioner District No. 2)

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER CITIZEN REQUEST.

D. SP217

HOWSER

**PRELIMINARY PLAN
PEERLESS FARMS**

A request by Robert and Wendy Williams for approval of a 40.01-acre Preliminary Plan depicting 7 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 16975 Falcon Highway. (Parcel No. 4313000001) (Commissioner District No. 2)

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: MARKEWICH MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3D, FILE NUMBER SP217 FOR A PRELIMINARY PLAN, PEERLESS FARMS, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FIVE (5) CONDITIONS, THREE (3) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND

DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

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

E. CS243

HOWSER

**MAP AMENDMENT (REZONING)
UDON**

A request by Thani Holdings, LLC, for approval of a Map Amendment (Rezoning) of 15.75 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 12150 State Highway 94. (Parcel No. 4400000185) (Commissioner District No. 4)

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: TROWBRIDGE MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3E, FILE NUMBER CS243 FOR A MAP AMENDMENT (REZONING), UDON, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

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

F. VR2324

HOWSER

**VACATION AND REPLAT
PONDEROSA PINES ESTATES**

A request by Clifford A Joyner for approval of a 3.07-acre Vacation and Replat creating 4 single-family residential lots from 2 single-family residential lots, resulting in a net increase of 2 single-family residential lots. The property is zoned RR-0.5 (Residential Rural), and is located at 18810 Cloven Hoof Drive, Palmer Lake, CO, 80133. (Parcel Nos. 7109002018 & 7109002019) (Commissioner District No. 3)

Mr. Trowbridge mentioned that Mr. Howser had indicated a member of the public wanted to be called in to speak on the item.

Mr. Bailey acknowledged that Mr. Kilgore was speaking with the Audio/Video staff regarding the call-in. While that was taking place, item 3G was discussed. They returned to agenda item 3F afterward. The members of the public were called, but both attempts went to voicemail.

NO PUBLIC COMMENT OR DISCUSSION

PC ACTION: CARLSON MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3F, FILE NUMBER VR2324 FOR A VACATION AND REPLAT, PONDEROSA PINES ESTATES, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITION, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND

DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

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

G. VA243

WEEKS

**VARIANCE OF USE
5935 TEMPLETON GAP ROAD VARIANCE OF USE**

A request by Great West Construction for approval of a Variance of Use to allow an office use in the A-5 (Agricultural) and CAD-O (Commercial Airport Overlay) Zoning Districts. The property is located south of Templeton Gap Road, northeast of the intersection of Templeton Gap Road and Corinth Drive. (Parcel No. 631300009) (Commissioner District No. 2)

NO PUBLIC COMMENTS

DISCUSSION

Mr. Carlson suggested adding a condition of approval that stipulates the owner of the property must reside on the property, which he acknowledged is the current situation. He further believes that it would be best to have the approval tied to ownership instead of running with the land.

Mr. Bailey remarked that he had a similar concern regarding duration of approval for a later agenda item.

Mr. Trowbridge expressed his understanding that approval for a Variance of Use application typically runs with the land.

Ms. Herington confirmed. A standard Variance of Use approval does not include either a condition that approval is tied to current ownership or for a specific amount of time. A condition of approval could be added to include information detailed in the applicant's Letter of Intent. The applicant has declared their intention to reside on the property. She suggested the applicant could address whether they would be agreeable to adding that condition.

Mr. Trowbridge asked if the first condition, *"Approval is limited to the use of a contractor's equipment yard, as discussed and depicted in the applicant's Letter of Intent, and Variance of Use Site Plan. Any subsequent addition or modification to the use beyond that described in the applicant's Letter of Intent shall be subject to approval of a new Variance of Use request."*, would be sufficient to tie approval to the current owner or owner occupation.

Mr. Bailey asked if adding a condition of occupation by the owner strays from the intent of the rules as they're written.

Ms. Herington added that it would be very difficult for future County planning staff to review the Letter of Intent 10 years post approval to interpret conditions of approval. It would be much easier for future to staff to reference a clearly written condition of approval on the adopted resolution.

Ms. Seago asked Mr. Carlson if his intent for adding a condition of approval was to require the *property owner* or the *business owner* to reside on the property.

Mr. Carlson clarified that he meant for it to apply to the property owner.

Ms. Seago clarified that if the property owner lives on the property, it wouldn't matter to Mr. Carlson that a different entity operated the contractor's equipment yard.

Mr. Carlson confirmed. He explained that he wants to avoid the residence being demolished in the future and the only remaining use of the land being a contractor's equipment yard.

Ms. Seago then asked if it would be acceptable that the residence be occupied by anyone so long as it continues to exist. The occupant of the house may not be the property owner in that scenario.

Mr. Carlson stated he would prefer that the property owner be the occupant.

Ms. Seago proposed that she could assist with crafting a condition of approval to meet that request. She suggested that instead of crafting the condition to require that the property owner live on the property, phrasing it in a way that approval of the variance would expire upon the residence no longer being occupied by the property owner.

Mr. Bailey asked if that would be restricted to the current owner or apply to any future owner.

Ms. Seago clarified that it could applied either way.

Mr. Carlson stated that he agreed with her suggestion.

Mr. Whitney clarified his understanding that if the property owner moved away, approval of the variance would lapse. (This was confirmed.)

PC ACTION: THIS ITEM WAS THEN PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. BAILEY.

H. MS239

LETKE

MINOR SUBDIVISION

3275 CENTER ICE VIEW – MINOR SUBDIVISION TO LEGALIZE LOT

A request by Andrew C Alm for approval of a Minor Subdivision creating two (2) single-family residential lots. The 12.72-acre property is zoned RR-5 (Residential Rural) and is one-quarter of a mile north of Hay Creek Road. (Parcel No. 7133007024) (Commissioner District No. 3)

PUBLIC COMMENT

Mr. Charles Manly Jr. spoke in opposition. He expressed a concern about adding a well in the location. He discussed his current rate of water flow.

Mr. Bailey stated that the water report was included in the packet, and he did not believe pulling the item to hear a full presentation would be necessary.

Mr. Trowbridge explained that all water in Colorado is owned and managed by the State Engineer. Property owners have the right to access the water via well, but ownership remains with the State. He mentioned that the County Attorney's Office also reviews water rights, which is provided in the full water report for each applicable project. If the State Engineer says that someone has the right to sufficient water, the Planning Commission cannot naysay them. He further mentioned that El Paso County has a more stringent, 300-year water requirement, where the state mandates a 100-year finding.

NO FURTHER DISCUSSION

PC ACTION: SCHUETTELZ MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3H, FILE NUMBER MS239 FOR A MINOR SUBDIVISION, 3275 CENTER ICE VIEW - MINOR SUBDIVISION TO LEGALIZE LOT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWELVE (12) CONDITIONS, TWO (2) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED CONDITIONAL FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

IN FAVOR: BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTELZ, SMITH, TROWBRIDGE, AND WHITNEY.
IN OPPOSITION: NONE.

4. CALLED-UP CONSENT ITEMS

3C. VA245

PARSONS

VARIANCE OF USE 8304 & 8308 CESSNA DRIVE VARIANCE OF USE

A request by Sund Estate Management Corporation for approval of a Variance of Use to allow a commercial vehicle repair garage in the R-4 (Planned Development) Zoning District. The property is located within Meadow Lake Airport, is within the GA-O (General Aviation Overlay District) and is south of Judge Orr Road and east of Highway 24. (Parcel Nos. 4304002058 and 4304002087) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Mr. Carlson asked if the underlying R-4 zoning would have allowed for the current request.

Ms. Parsons stated that information would be included later in the presentation. She then resumed.

Mr. Trowbridge asked if the roadway and taxiway were clearly separated (i.e., berm).

Ms. Parsons answered that there is no berm because planes and cars travel across both.

Mr. Trowbridge clarified that he is asking if they are identified as being separate from each other so that drivers are aware when they are crossing the taxiway.

Ms. Parsons stated that County staff was able to determine where roadways were different from taxiways, but she doesn't know if the public would be able to make that determination. She stated

she would defer to airport officials regarding an accident log. The applicant may also provide clarification. Her presentation then continued.

Mr. Carlson asked if the repair garage would also work on aircraft.

Ms. Parsons stated the applicant would be able to answer that question.

Mr. Markewich asked what property the Variance would include.

Ms. Parsons explained that the Variance of Use would apply to Lots 7 and 9 as depicted in the Site Development Plan. She reiterated that approval would be tied to the Site Development Plan instead of a Letter of Intent.

Mr. Markewich asked if approval would run with the land, regardless of current owner.

Ms. Parsons confirmed.

Mr. Markewich verified that the restricted uses in the subject approval would apply regardless of a change in business owner.

Ms. Parsons confirmed. The allowed uses are depicted in the Site Development Plan. Her presentation concluded and the applicant's representative began their presentation.

Ms. Nina Ruiz, with Vertex Consulting Services, presented for the applicant.

Ms. Esther Sund, the owner and applicant, addressed Mr. Carlson's earlier question regarding whether the repair shop would work on aircraft. Their company does and will provide services to aircraft when requested and when they are capable. They have worked on airplanes in the past and have done custom painting on airplane parts. There is a current project being delivered to the site which includes custom work on an experimental aircraft being brought in piece-by-piece. She stated that they have also assisted Springs Aviation with tool loans. Overall, she stated that her business does not exclude aviation.

Mr. Smith asked for a visual explanation of the road versus taxiway on an aerial image.

Ms. Sund explained that there are taxi easements on the property. Easements are typically utilized by the hangars that store aircraft, like the buildings south of the subject property. She used the image to point out what that taxiway would look like if it existed. There are no taxiways paved on her property because there are no planes stored there or anywhere on her block. She stated that aircraft is not driven within the easement in front of her property, but the easement does still exist.

Mr. Markewich clarified that there is a taxi easement.

Ms. Sund confirmed and stated it is not utilized.

Mr. Markewich asked if the easement was marked.

Ms. Sund answered that it is not marked.

Mr. Markewich asked if taxiways within easements that are in front of hangars (like the property south of the subject area) are marked.

Ms. Sund replied that those *are* marked. The identification of a taxiway dead-ends at her property line.

Mr. Markewich asked if the taxiway identification began again on the other side of her property.

Ms. Sund referred to the aerial image to identify a property 3 lots north of hers that likely has an identified taxiway. The 3 lots north of her property are vacant and there is no taxiway.

Mr. Markewich asked which direction the airplanes would taxi once they are on Cessna Drive.

Ms. Sund replied that it would depend on where the planes enter. The property located 3 lots north does not have direct access onto Cessna Drive, so once the aircraft uses the taxiway easement on that property, they enter the road perpendicular to Cessna Drive. Those airplanes do not cross in front of her property. Regarding the hangars south of her property, the aircraft will use the taxi easement to enter Cessna Drive and will then taxi along Cessna Drive in front of her property. They do not use the taxi easement on her property.

Mr. Bailey asked for explanation of how vehicles access her property.

Ms. Sund used the aerial image on the screen to indicate that vehicles on Judge Orr Road will turn south onto Cessna Drive, proceed south, and then turn west directly into the subject property. Cessna Drive is the same shared taxiway/road used by any vehicle that enters Meadow Lake Airport ("MLA") to access any hangar. She mentioned that members of the public attending an airport event would also use the same road.

Mr. Bailey asked for clarification of the private road ownership.

Ms. Sund replied that she knows MLA owns most of the road, but she's unsure of the entirety. She suggested that Dave [Elliott] may have more information.

Mr. Bailey clarified that the application is for the subject parcels only and the applicant does not have ownership or maintenance responsibility for the roads leading up to her property.

Ms. Sund confirmed.

Ms. Ruiz added that the applicant has the legal right to access.

Mr. Bailey then compared the situation to anyone leaving their private property and entering a public roadway. Any traffic concerns become the burden of the right-of-way owner, in this case, MLA. He asked if that would be a fair assessment.

Ms. Ruiz stated the property owners pay associate dues to MLA, which provides the maintenance.

Mr. Bailey further stated that the private property owners do not have the authority to implement signage warning vehicle drivers to watch out for aircraft. (The presentation resumed.)

Mr. Whitney asked if there was anything restricting the applicant from providing general services such as oil changes. (In response to Ms. Ruiz' description of the custom work provided by Sund.) The presentation has described the average customer as a Governmental entity, but could that change?

Ms. Ruiz stated that nothing precludes that type of use in the application as it has been presented. She stated that County staff recommended applying for a Variance to allow for vehicle repair, which is what has been requested. She further stated that the applicant would be agreeable to adding a condition of approval to restrict the type of use to reflect that identified in the letter of intent.

Mr. Markewich discussed the various other commercial businesses listed on the presentation slideshow. He mentioned that there are several that don't appear to be aviation-related but are in the immediate area. He asked if those business owners would need to apply for Variance of Use approval as well.

Ms. Ruiz replied that Ms. Parsons addressed that subject in her staff report. She identified that it is possible some of the existing uses may not have gone through the proper application process.

Ms. Herington added that there are 23-27 open Code Enforcement complaints/violations in the vicinity. How each will be resolved is uncertain.

Mr. Markewich clarified that before the current owner purchased the property, it was being used as a diesel mechanic shop and battery shop. He asked if it had been non-conforming for 20 years.

Ms. Ruiz stated that the property had not been used as an airplane hangar for 20 years.

Mr. Markewich asked if the current owner was aware of the restrictions when purchasing. He asked if they assumed a vehicle repair shop was okay because of the past uses.

Ms. Sund confirmed and further stated the building no longer has hangar doors, but garage doors. The financier of their business loan didn't have any questions due to the R-4 zoning and because the building is no longer considered a hangar. It was her assumption that she could do what she wanted on her private property since the land is not owned by the airport. She further mentioned that she rented the property for her business for 2 years before buying the land. The previous owner who rented and sold the property to her was an aviation-related individual.

Mr. Bailey asked if Ms. Sund was required to be a member of the airport's association.

Ms. Sund replied that she is not required to be a member and there are no covenants on her property. She does, however, pay dues to MLA.

Mr. Bailey compared the situation to that of an HOA. If covenants applied to the subject parcel, that information should have been disclosed to the buyer at the time of the sale.

Mr. Carlson pointed out that the application is a request for approval of a vehicle repair shop, but it appears that the current business operates more like a customization shop.

Ms. Ruiz agreed. Typically, when requesting a Variance of Use, County staff will advise an applicant to choose a closely related use. The definition for vehicle repair shop includes a broader list than

what the applicant is providing, but that was deemed to be the closest related option. The applicant's Letter of Intent details the exact use, which is mainly customization of emergency response vehicle. She reiterated that they would work on aircraft when necessary or requested. The applicant is not opposed to adding a condition of approval that limits the uses to those identified in the Letter of Intent.

Ms. Parsons explained that the LDC does not define a use for aircraft maintenance. It does, however, define a repair garage. She pulled up the LDC.

Mr. Trowbridge noted that what the applicant has experienced in this situation is a result of broad language that references separate documentation. There are flaws in attempting to interpret what the intention was from the early 1980's. This is the scenario that Ms. Herington mentioned preferring to avoid. He pointed out that the more specific the board can be in the resolution, the better.

Mr. Bailey brought up that leaving things open to interpretation also causes issues when enforcing the terms of approval. He stated he is concerned that non-conforming uses have been occurring for so long and that there are now a significant number of Code Enforcement complaints.

Ms. Parsons presented the LDC definition for a vehicle repair garage. County staff did not recommend limiting the uses within the definition because the applicant had mentioned in a preliminary meeting that they have provided a variety of those related services in the past. Staff did not want to take that ability away. Perhaps that has changed and they are now willing to limit those allowed uses. A restriction was placed on the site plan that identified heavy trucks, recreational vehicles, and trailers are repaired only for governmental contracts. This was done to avoid the customization of RVs, etc., for the typical public, and was placed on the site plan to avoid referencing a Letter of Intent for future interpretation. The underlying R-4 zoning did come with a Letter of Intent, but it also included a development plan that described specific allowed uses, which is what led staff to the conclusion that a Variance of Use was the best solution.

Mr. Carlson asked for clarification regarding what notes trump others. The 1980s development plan, Letter of Intent, zoning regulations, etc., all seem to have differing recommendations.

Ms. Parsons explained that staff from Planning, Code Enforcement, and the County Attorney's Office collaborated to determine that the underlying zoning and development guidelines permit commercial uses that support the airport. Regardless of what was highlighted by the applicant in their Letter of Intent, the County staff's interpretation of the 1981 R-4 zoning was that PVP (now CC) zoning uses *if* they support the airport. If the commercial use does not support the airport, a Variance of Use is required. She then reminded the board that Code Enforcement is complaint driven, so County staff was not driving through the airport looking for violations.

Mr. Bailey asked if the "Vehicle Repair Garage, Commercial" definition on the presentation slideshow was pulled directly from the LDC. (It was.) He then asked Ms. Parsons if there was any other definition that may better define the applicant's business of a customization shop.

Ms. Parsons verified there is no other definition that would be more precise to the subject request.

Mr. Markewich asked if anything would prevent the current owner from selling the property after Variance approval, and new owners establishing a Jiffy Lube, for example.

Ms. Parsons requested to consult with Ms. Seago before answering.

Mr. Bailey mentioned during that time that Mr. Markewich's question relates to his concern of the duration of the approval. He mentioned that the MLA letter of support specified that their support only extends to the current use and current owner. He suggested that they could add language in a condition of approval.

Mr. Whitney further stated that it seemed like the applicant would be agreeable to a condition of approval that restricted the Variance to the current use.

Ms. Parsons returned to answer the earlier question regarding limits to the approval after future sale of the property. A condition could be implemented that states approval of the variance expires upon sale of the property. That could be enforced with sales history. There could also be a condition that limits the type of work the business owner is allowed to provide. However, it would be difficult for Code Enforcement to visually identify unmarked government vehicles.

Ms. Herington confirmed that the business operates as a body shop, which is not defined in the LDC. She suggested that a condition of approval could specify that major/minor work such as paint, body, and fender work be allowed. They would exclude most engine/transmission work, preventing the possibility of a Jiffy Lube-type business. She confirmed that Ms. Ruiz gave a thumbs up to that suggestion from the audience.

Mr. Markewich stated defining allowed uses would probably be a better solution than restricting approval to the current owner. For example, the current owner could one day decide they wanted to establish their own Jiffy Lube.

Ms. Parsons stated she would present the applicant's site plan. She suggested modifying the notes on that item to be more specific. That way, when the Variance of Use approval resolution refers to the site plan, there is no room for interpretation.

Ms. Herington suggested having the public speak while County staff works on recommended language for conditions of approval.

Mr. Markewich expressed concerns over "opening a can of worms". If the current application is allowed, he wonders how that will impact the surrounding non-compliant uses.

Ms. Herington stated that there would not be a way to prevent that from happening. She stated that every variance is evaluated independently to determine if they meet the criteria. Each variance could be proposing a completely different use in a unique location. Approving one does not necessarily set a precedent.

Mr. Carlson expressed a desire to condition approval of the variance to the current owner as well as the types of allowed uses.

PUBLIC COMMENTS

Mr. Clement 'Bud' Silvers Jr spoke in opposition (before the item was pulled to the called-up agenda). He is a longtime pilot. He and his wife own a hangar in the Meadow Lake Airport. He advised that Cessna Drive is not a road, but a taxiway [for aircraft]. Airplanes have the right of way. He discussed different types of airplanes and how one type, the taildragger, has a blocked view of the road ahead. This type of plane can only be safely taxied by making s-turns. As the general public does not understand that necessity, they could drive their car into a blind spot and be hit by a taxiing plane. His concern is for the general safety of the public driving on Cessna Drive.

Mr. Whitney mentioned that the subject parcel is involved in a Code Enforcement case in which they have been operating the vehicle repair shop in the existing hangar. He asked Mr. Silvers Jr if he had observed any issues with vehicle drivers on Cessna Drive. (This was answered later by Mr. Elliott.)

Ms. Paeleigh Reed spoke in opposition (before the applicant's presentation). She owns and operates Metal Bird Hangars at Meadow Lake Airport. She stated that the location is within the airport. She does not agree with a variance for something that does not support the airport. She stated there are several businesses that are operating under the guise of supporting the airport, but it needs to be brought under control. She stated that there are 76 aircraft on a waitlist for hangar space. While on the waitlist, the aircraft is left outside or stored elsewhere. She asked the Planning Commission to support restricting uses to aircraft related uses only.

Mr. Dave Elliott serves as President of the Board for the Meadow Lake Airport Association serves as the Airport Manager. He acknowledged the letter of no objection he wrote on behalf of the MLA Association. He stated the Sunds are great members and are in good standing with the Association. The deeds for the properties within MLA make no mention of the MLA Association because it did not exist when the airport was established. The bylaws for the Association apply to the individuals, not the private property. It is not an HOA and has no authority over the property. Neither does the FAA. The private hangar complex at MLA is considered a "through the fence" operation. The only authority the Association has in the event an individual does not want to pay the dues is to deny their access to the runway complex.

He acknowledged that there are many non-aeronautical activities taking place at the airport. He discussed three examples. Overall, the Association has taken the stance that as long as the activities occurring inside the private hangar are legal, the Association will not submit complaints. If those activities have a negative impact on airport operations, however, then the Association will get involved. He reiterated that there is an extensive aircraft waitlist for hangar space. While he does not condone using hangar space for non-airplane uses, the Sunds have been good members of the Association and have assisted with airport security. They also assist when people are building airplanes, painting parts, lending tools, etc.

He stated that Cessna Drive is technically a roadway. There are taxiway easements platted on both sides of Cessna Drive, but they have not been improved contiguously. Therefore, Cessna Drive is used for both vehicles and aircraft. The road is maintained by the Association. The Association owns half of the runway and owns the pavement on the taxiway easements.

Mr. Markewich asked for a description of the signage or delineation between roadway and taxiway.

Mr. Elliott answered that when a person leaves Judge Orr Road and travels south on Cessna Drive, there is immediately a fence. During the day, the gate is lifted. It remains open from 7:00 a.m. – 7:00 p.m. but after that time, a code is required. Most people will see the open gate, realize there is an airport on the other side, and turn around. He further explained that there is a sign by the gate that identifies aircraft have the right-of-way. Beyond that point, there are speed limit signs. There are three taxiways that cross Cessna Drive. At the end of Cessna Drive, there is a runway. On that runway, there is aeronautical signage that the public would not understand. He acknowledged that there is an issue with speeding on Cessna Drive. When that happens, there would be little reaction time when a vehicle encounters an airplane. He further stated that there has only been one accident he is aware of, which occurred on a taxiway, not Cessna Drive.

Mr. Whitney summarized that portions of Cessna Drive are both road and taxiway.

Mr. Elliott clarified that Cessna Drive is not officially a taxiway, but it is used that way.

Mr. Whitney asked if there was signage to warn drivers that the road is used as a taxiway in addition to the “aircraft has the right-of-way” sign.

Mr. Elliott answered that there is not.

Mr. Whitney concluded that drivers would be surprised to come nose-to-nose with an airplane.

Mr. Elliott replied that they shouldn’t be surprised because it’s an airport.

Mr. Daniel Jacquot spoke in opposition. He is also a board member on the Association. He stated that at their board meeting, he thought it was unusual that the Sunds were in attendance because people might not want to express concerns in front of an applicant. He stated that he voted against supporting the variance at that meeting, but he did not express his reasoning why afterwards. They voted once. He questioned other members’ votes. He stated that if the Sunds (AccuFix) left the airport, there is another paint shop on the airport property that could still provide services. He stated that most existing businesses that opened on their properties didn’t first declare their intentions. He stated that there have been complaints of cars parked in taxiways at a different transmission shop. He detailed conflicts he’s had with another business (not the Sunds). He further stated that he has not observed body shops operating at other airports like COS, APA, or DEN. He concluded by stating that the Sunds are excellent neighbors and that if any variance were granted, he would be okay with keeping them as neighbors, but he generally does not support non-aviation related businesses being allowed to operate at the airport.

Mr. Michael Barr spoke in opposition. He is also a board member on the Association. He also voted against the variance at their board meeting. He stated he is not worried about AccuFix now, but is worried about the use in the future. He stated that non-aviation related uses got out of control. He expressed the hope that if the Planning Commission approves the variance request for the Sunds, that there be a caveat that approval expires upon the sale of the property.

Ms. Parsons stated that someone contact the downtown office requesting to speak on the item. She is attempting to get their contact info so that they can be called in.

Ms. Herington advised the board that the member of the public did not provide their full phone number, so they were not able to be called in. They will be asked to provide their comments for the BOCC hearing which will take place on 9/26/2024.

DISCUSSION

Ms. Parsons pulled up the note on the site plan, *"Repair of vehicles is limited to the following: electrical work, structural work, paint, body and fender work be permitted in association with a governmental contract and Meadowlake Airport Association Members on the site."* She further explained that the applicant would like to maintain the ability to service vehicles for MLA property owners. A second note did not change from how it was previously presented on the site plan.

Mr. Bailey read the condition of approval currently listed on the drafted resolution; *"Additional aviation-related repair is allowed on the subject properties pursuant to the General Aviation Overlay District and the 1982 R-4 (Planned Development) Zoning District."* He noted that the condition doesn't mention approval is tied to a site plan or Letter of Intent. He asked if a condition was missing.

Ms. Parsons explained that the coinciding site plan defines the allowed uses, and the applicant would not be able to expand beyond what is defined on that approved document.

Mr. Bailey mentioned that on past variance approvals, language that tied in the site plan or Letter of Intent was typically present in some way.

Ms. Parsons reminded the board that the County would prefer to identify restrictions on plat notes instead of referring to Letters of Intent that are open to interpretation.

Mr. Bailey asked for Ms. Seago's recommendation.

Ms. Seago replied that the board can add a condition referring to the site plan if they so choose. She referenced the drafted resolution for another Variance of Use application, which does include language that makes that reference.

Ms. Parsons asked that the board not impose a condition that references the applicant's Letter of Intent because that document references the confusing 1981 R-4 language. The condition of approval and the site plan notes do not remove the underlying allowed uses. If a future owner of this property wanted to create an airplane repair shop, they would be allowed to do so by right.

Mr. Whitney clarified that Mr. Bailey would prefer to have a condition of approval that ties to or matches what is found on the site plan.

Mr. Bailey acknowledged that it would be his personal preference for consistency and to draw attention to the additional restrictions.

Ms. Herington suggested that a condition of approval be added to the drafted resolution that refers to the site plan. She further suggested that the board can have a conversation with staff later to discuss moving away from referencing applicants' Letters of Intent. She advised that the board should evaluate the language Ms. Parsons presented on the site plan because that would be the condition that future staff looks at when determining compliance.

Mr. Schuettpelz agreed with the request to add a condition of approval on the resolution. He further requested that approval be tied to ownership of the property rather than running with the land. If there is a new property owner in the future, they should be required to submit a new variance request if their intention is to pursue non-aviation related uses.

Mr. Bailey explained that the site plan note would address the acceptable use issue, but the other topic which they discussed was limiting approval to current ownership. That was requested for the other variance request on the agenda as well.

Mr. Markewich asked if that limitation should be on the site plan or the resolution.

Ms. Seago answered that it should be on the resolution.

Mr. Ruiz provided rebuttal to the public comments and discussion. The applicant is agreeable to the condition/note that was presented on the site plan by Ms. Parsons. The applicant is concerned about adding a condition of approval that ties the variance to current ownership. If the business thrives, she may want to expand to another location. If she were to do that, she wouldn't be able to sell the business she built up at the current location. Adding that condition of approval may cause a financial burden if she is only allowed to market the property as a vacant building. However, any future owner of the business would be restricted by the site plan note.

Mr. Bailey asked if it would be enough that the underlying zoning permits aviation related uses.

Ms. Ruiz mentioned that there is a previous plat note that restricts the uses to airport hangars and does not allow for maintenance. She then addressed the public comments. She reiterated that AccuFix is a good neighbor and is well liked among Association members. Examples of business owners that have contributed to problems are separate from Ms. Sund. She believes that the opposition is more concerned about setting a precedent than in allowing Ms. Sund's business to continue.

Mr. Markewich stated that the note on the site plan seemed reasonable, and he did not see a need to add an additional condition tying approval to the current ownership. He expressed support of the application with the language Ms. Parsons added to the site plan.

Mr. Trowbridge agreed with Mr. Markewich's comments. He agreed with the applicant's remarks that if they were to sell the business, there shouldn't be an issue with the same type of business continuing in that location (under the same site plan restrictions). He further stated that although the property is within the confines of Meadow Lake Airport, it remains private property. He believes the language added to the site plan is sufficient.

Mr. Whitney agreed with both Mr. Markewich and Mr. Trowbridge.

Mr. Carlson agreed with the site plan note but disagreed with dismissing a condition restricting approval to current ownership. He believes there is a problem at the airport and that there is a mess. He stated that conditioning approval to the current owner for this project would help clean up that mess.

Mr. Schuettpelz agreed with Mr. Carlson's remarks. He reiterated that property and hangars were sold in the past without discretion. To attempt now at reeling that back in for airport uses only will be difficult.

Ms. Brittain Jack stated that the Planning Commission's responsibility is to evaluate the request for a variance, not to clean up what has been going on for 20 years.

Mr. Bailey agreed with Ms. Brittain Jack. He doesn't believe cleaning up the mess should fall on the current applicant. He reiterated that the current proposal is one of many. He is concerned about limiting the current applicant (with a conditional approval) when other situations are in existence. He doesn't think they should be looking so broadly outside the subject request. He believes the use is compatible because it's been there for a long time and there are other uses like it. He agreed that the hardship falls within the limitations of the LDC. Fixing the situation with a variance seems appropriate.

Mr. Smith agreed with Mr. Bailey's remarks.

Mr. Trowbridge requested a second condition of approval to tie the resolution to the site plan.

Ms. Parsons read the added second condition into the record: *"Uses are limited to the Site Plan submitted in support of the Variance of Use."*

PC ACTION: TROWBRIDGE MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3C, FILE NUMBER VA245 FOR A VARIANCE OF USE, 8304 & 8308 CESSNA DRIVE VARIANCE OF USE, AMMENDING THE RESOLUTION ATTACHED TO THE STAFF REPORT TO REFLECT TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-2).

IN FAVOR: BAILEY, BRITTAIN JACK, MARKEWICH, SMITH, TROWBRIDGE, AND WHITNEY.

IN OPPOSITION: CARLSON AND SCHUETTPELZ.

ADDITIONAL COMMENTS

Mr. Carlson disagreed that it's not the Planning Commission's job to clean up the existing mess. Where else would that take place? This application process is where issues happening in the community should be brought.

Mr. Schuettpelz added that when the applicant purchased the property, they should have done their due diligence in researching if their intended use was allowed instead of assuming.

3G. VA243

WEEKS

**VARIANCE OF USE
5935 TEMPLETON GAP ROAD VARIANCE OF USE**

A request by Great West Construction for approval of a Variance of Use to allow an office use in the A-5 (Agricultural) and CAD-O (Commercial Airport Overlay) Zoning Districts. The property is located south of Templeton Gap Road, northeast of the intersection of Templeton Gap Road and Corinth Drive. (Parcel No. 631300009) (Commissioner District No. 2)

STAFF & APPLICANT PRESENTATIONS

Mr. Weeks presented a fourth condition of approval proposed due to previous discussion. This was drafted by Ms. Seago and has been reviewed and agreed upon by the applicant. He read the condition into the record: *"Approval of the Variance of Use shall remain in effect only so long as the existing or any future property owner resides on the property. If the property owner is not a natural person, the owner or an employee of the entity that owns the property shall reside on the property to fulfill this requirement."*

Mr. Chuck Crum, representing the applicant with M.V.E., Inc., confirmed that the applicant is agreeable to the added condition of approval.

NO PUBLIC COMMENTS

NO FURTHER DISCUSSION

PC ACTION: CARLSON MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3G, FILE NUMBER VA243 FOR A VARIANCE OF USE, 5935 TEMPLETON GAP ROAD VARIANCE OF USE, AMENDING THE RESOLUTION ATTACHED TO THE STAFF REPORT TO REFLECT FOUR (4) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

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

5. REGULAR ITEMS

A. ID244

PARSONS

SPECIAL DISTRICT SERVICE PLAN SOUTHERN COLORADO RAIL PARK METROPOLITAN DISTRICT NOS. 1-3

A request from Edw. C. Levy Company, and White Bear Ankele Tanaka and Waldron, for approval of a Colorado Revised Statutes Title 32 Special District Service Plan for the Southern Colorado Rail Park Metropolitan District Nos. 1-3. The 3,108-acre area included within the request is zoned A-5 (Agricultural) and RR-5 (Residential Rural) and is located south of Charter Oak Road and east of the Fort Carson Military Installation. The service plan includes the following: a maximum debt authorization of \$430,000,000.00, a debt service mill levy of 50 mills for commercial, and an operations and maintenance mill levy of 15 mills, for a total maximum combined mill levy of 65 mills. The statutory purposes of the districts include the provision of the following:

- 1) street improvements, transportation, safety protection;
- 2) design, construction, and maintenance of drainage facilities;
- 3) design, land acquisition, construction, and maintenance of recreation facilities;
- 4) mosquito control;
- 5) solid waste disposal;
- 6) design, construction, and maintenance of water systems including fire hydrants;
- 7) sanitation systems; and
- 8) security services.

(Parcel Nos. 6600000030, 6600000040, 6600000041, 6600000046, 6600000047, 6600000048, 6600000004, 6600000008, 6600000009, 6600000010, 6600000011, 6600000012, and 6600000014) (Commissioner District No. 4)

STAFF & APPLICANT PRESENTATIONS

Mr. Markewich reiterate that the City of Colorado Springs finds the application acceptable. He asked for verification that the language about eminent domain is transferable to the City.

Ms. Parsons confirmed and read condition of approval number one: *"If any portion of the land within the Southern Colorado Rail Park Metropolitan District Nos. 1-3 annexes into a municipality, City Council or the appropriate body within the municipality shall be the authorizing entity in regard to: eminent domain powers, increase to the maximum mill levy or debt, and modification of the Service Plan as described in Conditions of Approval Nos. 2-6 of the Southern Colorado Rail Park Board of County Commissioners Resolution approving the subject Service Plan (ID244)."* She confirmed that that City is agreeable to that condition.

Ms. Brittain Jack asked if the Ray Nixon power plant was located in unincorporated County.

Ms. Parsons confirmed but added that it is owned and operated by the City of Colorado Springs. Most of the City's utilities are in the County, including the WSEO's that will come before the Board.

Mr. Steve Mulliken, attorney representing the applicant, introduced the proposal and gave a brief presentation.

Mr. Sean Allen, attorney representing the applicant, explained that there is approximately 5.6 million square feet of commercial space to support the \$430 million maximum debt authorization. The estimated value of that commercial square footage is taken, and that value is extrapolated out to approximately \$410 million in PAR. In the three series of debts, the first will be all new money (first issuance), the second series will occur 5 years later (to refund the first series and issue new money), and the third series will occur 5 years later (to refund again and issue the final phase of new money). At that point, the total project funds, total PAR, will be issued. That is the method used to estimate what money is needed. He then reiterated the points covered by Ms. Parsons regarding mandatory criteria of approval.

Mr. Carlson asked how phase one, specifically the railroad, was paid for.

Mr. Mulliken answered that the Metro District will not pay for the railroad. That will either be paid for privately by the applicant or through grants.

Mr. Carlson expressed his understanding of how the first 3 phases of development would help pay for their own infrastructure, but he asked if any infrastructure would be completed in phase 4 prior to development in that area.

Mr. Mulliken answered that the location of the last phase includes where the mining operation currently exists and is already approximately 70% completed. The bluff will not serve the railroad and will be industrial only. When it comes time to finish development of that area, there will be 2 different Metro Districts providing issuance.

Mr. Trowbridge asked for more information about the repayment plan along with build-out of all phases of development.

Mr. Mulliken explained that the subject proposal differs from the typical residential Metro District in that there are no homeowners. He had considered including a small area of affordable housing within the vicinity, but that was decided against due to proximity to the industrial rail park, Ft. Carson, etc. He stated that when the financial projections were done, they estimated \$225/sq ft for the value of the industrial properties. He stated they are usually estimated at a higher value than that. He believes their estimates produced a conservative number. As the first manufacturer is brought in, the value of the property will increase. Property owners will pay taxes on the current assessed values. He anticipates that after the first property user moves in, the cost of phase 1's development will nearly be paid for.

Mr. Carlson clarified that the estimated value of \$225/sq ft was for the improvements, not the land.

Mr. Mulliken confirmed.

Ms. Brittain Jack asked if annexation to the City of Colorado Springs would result in a flagpole.

Mr. Mulliken replied that the annexation statute states that contiguity cannot be disrupted or prevented due to an intervening governmental or public land, which occurs with Fort Carson in this case. He further stated that they are currently working with the City.

NO PUBLIC COMMENTS

NO FURTHER DISCUSSION

PC ACTION: BRITAIN JACK MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER ID244 FOR A SPECIAL DISTRICT SERVICE PLAN, SOUTHERN COLORADO RAIL PARK METROPOLITAN DISTRICT NOS. 1-3, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS AND ONE (1) NOTATION, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

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

6. NON-ACTION ITEMS

A. A Presentation regarding the implementation action matrix in the Master Plan (3-year update).

PC ACTION: THIS ITEM WAS POSTPONED TO THE PLANNING COMMISSION HEARING ON 9/19/2024.

MEETING ADJOURNED at 12:16 p.m.

Minutes Prepared By: Miranda Benson

FINAL PLAT (RECOMMEND APPROVAL)

SCHUETT?ELF moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. MS235
DOUBLE SPUR RANCH FINAL PLAT

WHEREAS, Daniel Kupferer did file an application with the El Paso County Planning and Community Development Department for approval of a Minor Subdivision Final Plat for the Double Spur Ranch Minor Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on September 5, 2024; and

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

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

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

WHEREAS, when approving a Minor Subdivision Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the following criteria outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code ("Code") (as amended):

1. The proposed Subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The Subdivision is consistent with the purposes of the Code;
3. The Subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials.
4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of Subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Code.
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of the Code.
6. All areas of the proposed Subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed Subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)].
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design.
8. The location and design of the public improvements proposed in connection with the Subdivision are adequate to serve the needs and mitigate the effects of the development.
9. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement acceptable to the County and in compliance with the Code and the ECM.
10. The proposed Subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the

type and intensity of the Subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the Subdivision to provide a transition between the Subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed Subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.

11. Necessary services, including police and fire protection, recreation, utilities, open space, and transportation systems, are or will be available to serve the proposed Subdivision.
12. The Subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
13. The proposed Subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
14. Off-site impacts were evaluated, and related off-site improvements are roughly proportional and will mitigate the impacts of the Subdivision in accordance with applicable requirements of Chapter 8 of the Code.
15. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed Subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the Subdivision will be adequately mitigated.
16. The extraction of any known commercial mining deposit shall not be impeded by this Subdivision [C.R.S. § 34-1-302(1), et seq.].

WHEREAS, a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of Subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Dan Kupferer for a Minor Subdivision Final Plat for the Double Spur Ranch Minor Subdivision be approved by the Board of County Commissioners with the following conditions and notation:

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Fees in lieu of school land dedication in the amount of \$918 shall be paid to El Paso County for the benefit of Academy School District 20 at the time of plat recording.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated November 30, 2023, as provided by the County Attorney's Office.
10. Applicant will be required to submit a shared access easement and maintenance agreement for a shared driveway from Meridian Road and reflect the easement on the plat.

NOTATION

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

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

TROWBRIDGE seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	<u>aye</u> / no / non-voting / recused / absent
Sarah Brittain Jack	<u>aye</u> / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / <u>absent</u>
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelez	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	<u>aye</u> / no / non-voting / recused / absent
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 8 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 5th day of September 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Chair

EXHIBIT A

A Tract In The Northeast Quarter (Ne/4) Of The Northeast Quarter (Ne/4) Of Section Thirteen (13), Township Twelve (12) South, Range Sixty-Five (65) West Of The 6th P.M., Described As Follows: Commencing At The Southeast Corner Of The Northeast Quarter (Ne/4) Of Section Thirteen (13), Township Twelve (12) South, Range Sixty-Five (65) West Of The 6th P.M., Thence North Parallel To The East Line Of Said Section, Said Section Also The West Line Of Meridian Road, A Distance Of 1319.45 Feet; Thence West And Parallel With The South Line Of Said Section A Distance Of 1321.50 Feet; Thence East And Parallel With The South Line Of Said Section A Distance Of 1313.63 Feet To The Point Of Beginning, County Of El Paso, State Of Colorado.

Containing 39.834 acres, more or less.

EL PASO COUNTY COLORADO

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

COLORADO

HOLLY WILLIAMS
 STAN VANDERWERF
 LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
 Thomas Bailey, Chair

FROM: Ashlyn Mathy, Planner
 Charlene Durham, P.E., Principal Engineer
 Meggan Herington, AICP, Executive Director

RE: Project File Number: MS235
 Project Name: Double Spur Ranch Final Plat
 Parcel Number: 521300007

OWNER:	REPRESENTATIVE:
Land Development Consultants Daniel Kupferer dkupferer@ldc-inc.com (719) 528-6133	Land Development Consultants Daniel Kupferer dkupferer@ldc-inc.com (719) 528-6133

Commissioner District: 1

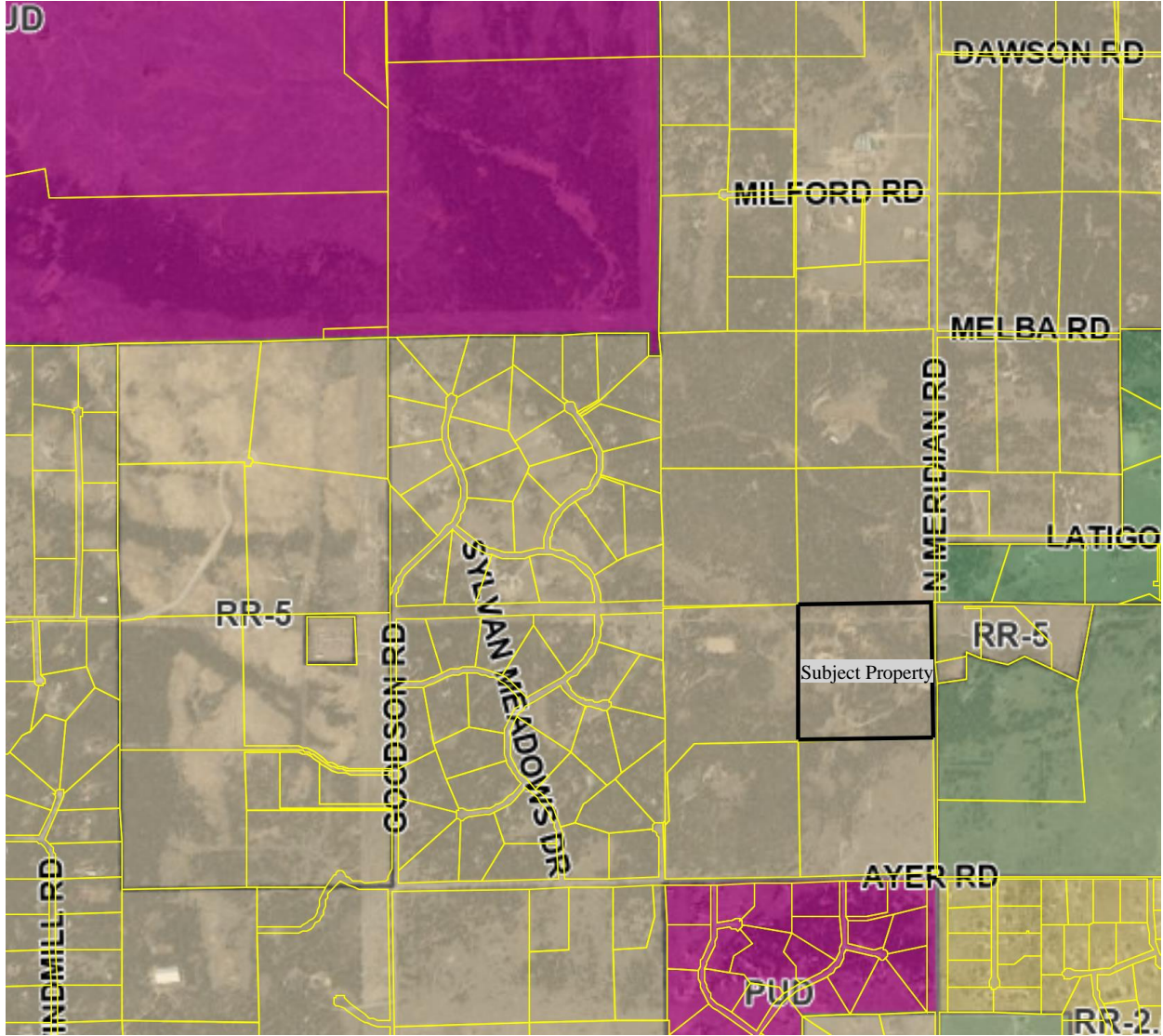
Planning Commission Hearing Date:	9/5/2024
Board of County Commissioners Hearing Date:	9/26/2024

EXECUTIVE SUMMARY

A request by Daniel Kupferer for approval of a 40-acre Final Plat creating 3 single-family lots. The property is zoned RR-5 (Residential Rural), and is located at 12420 North Meridian Road, a tenth of a mile south of the Latigo Boulevard and North Meridian Road intersection.



Zoning Context Map



2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

A. AUTHORIZATION

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

B. APPROVAL CRITERIA

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

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is consistent with the purposes of this Code;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code (this finding may not be deferred to Final Plat if the applicant intends to seek administrative Final Plat approval);
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];
- Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c) (VIII)] and the requirements of this Code and the ECM are provided by the design;
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site



planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. § 34-1-302(1), et seq.]

C. LOCATION

North:	RR-5 (Residential Rural)	Forest Land
South:	RR-5 (Residential Rural)	Single-Family Residential
East:	A-35 (Agricultural) & RR-5 (Residential Rural)	Single-Family Residential
West:	RR-5 (Residential Rural)	Single-Family Residential

D. BACKGROUND

This property was zoned RR-5 in September of 1965. The subject parcel was split off and created in 1996 from a master parcel that was 320 acres. An Early Assistance meeting was held in August of 2021 to subdivide the property.



E. ANALYSIS

1. Land Development Code and Zoning Analysis

The Final Plat application meets the Final Plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (As Amended).

The applicant requests the following modification(s) of the LDC:

The applicants are requesting a Waiver from Section 8.4.3.C. of the El Paso County Land Development Code (As Amended) for a frontage waiver to Lot 1. Lots 2 and 3 abut Meridian Road, however Lot 1 does not due to the large floodplain that runs throughout the property. The applicant has stated there will be a driveway maintenance agreement for the private driveway and as a part of the conditions of approval for this project, the applicant is required to submit the shared access easement and maintenance agreement.

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

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

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Large-Lot Residential

The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-



Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.

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

Recommended Land Uses:

Primary

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

Supporting

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

Analysis:

The applicant is proposing to subdivide the subject property into three lots, Lot 1 will be 6.5, Lot 2 will be 23.6, and Lot 3 will be 6.8 acres in size. This exceeds the minimum lot size requirement not only for the zoning district but also what is described in the Large-Lot Residential placetype. The proposed uses will be for single-family residential, which is compatible with the placetype.

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.

Analysis:

The proposed three-lot subdivision and single-family residential uses will not change the current rural character of the area. The surrounding area has lot sizes that are similar to what is being proposed with this project, thus making it compatible with the area.

c. Key Area Influences: Forested Area

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

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



Analysis:

The three lots and single-family residences would be considered low intensity uses and the plat notes share information about the floodplains and provide restrictions on what can be done in those areas. The applicant has contacted U.S. Fish and Wildlife Services about the project and provided reports such as a Wildland Fire & Hazard Mitigation Plan.

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

There are no other implications associated with this project.

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 5.4** – Promote the long-term use of renewable water.*

***Goal 5.5** – Identify any water supply issues early on in the land development process.*

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 4c of the Plan, which is an area anticipated to experience growth by 2040, however, it will still be the lowest growth compared to other regions. The following information pertains to water demands and supplies in Region 4c for central water providers:

The Plan identifies the current demand for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 for Region 4c is at 3,967 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 4c is at 4,826 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 1,799 AFY is anticipated for Region 4c.

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



3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Parks Department, Colorado Parks and Wildlife, and U.S. Fish and Wildlife were each sent a referral and have the following comments:

The El Paso County Parks Department:

Designate and provide to El Paso County a 25-foot trail easement along the northern boundary of Double Spur Ranch Minor Subdivision that allows for the construction, maintenance, and public access of the Latigo Secondary Regional Trail, and dedicate the aforementioned easement to El Paso County prior to the recording of the Minor Subdivision.

The applicant will be providing a 25-foot trail easement on the North side of the property per the EPC Parks department's request.

U.S. Fish and Wildlife did not have any comments and Colorado Parks and Wildlife found the proposal to have negligible impacts on the wildlife resource.

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

The floodplain that runs throughout the property can be seen as a hazard. However, the floodplain administrator has reviewed the project, provided feedback, requested additional items shown on the plat, including a plat note. At this time with the information provided on the plat in addition to the plat note have shown to be sufficient for the floodplain administrator.

2. Floodplain

FEMA Flood Insurance Rate Map No. 08041C0734G which has an effective date of December 07, 2018, indicates the subdivision is located in Zone A, 100-year floodplain. Draft model base flood elevation's (BFE's) and floodplain extents have been developed as part of the Phase 1 El Paso County, Colorado, Risk MAP Project. Currently, BFE's are being provided through the state-based RISK Map project. FEMA is not currently



reviewing projects until this new RISK mapping has been finished. No new BFE's are being established via FEMA until RISK mapping has been completed, only the draft version associated with the RISK mapping project. The data has been reviewed and approved through FEMA's quality assurance and quality control process.

3. Drainage and Erosion

The development is located within the Upper Black Squirrel drainage basin. This basin is currently unstudied and does not have any associated drainage or bridge fees.

A drainage report was submitted as part of the Minor Subdivision. The report concluded that the Minor Subdivision will not adversely affect the downstream and surrounding development or waterways.

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

4. Transportation

Access for the proposed subdivision will be provided from Meridian Road via an existing private driveway accessing all 3 lots. A shared access easement has been provided on the plat. The applicant has prepared a driveway maintenance agreement as part of this Minor Subdivision.

Per ECM Appendix B.1.2.D a traffic impact study was not required due to the low traffic generated.

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

H. SERVICES

1. Water

Water will be provided by individual onsite wells. Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed Minor Subdivision has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality.

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2. Sanitation

Wastewater is provided by an onsite wastewater treatment system.

3. Emergency Services

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

4. Utilities

Mountain View Electric Association (MVEA) will provide electrical service and Black Hills Energy will provide natural gas service. MVEA and Black Hills Energy were sent a referral for the Final Plat application; MVEA and Black Hills Energy have no outstanding comments.

5. Metropolitan Districts

There are no Metropolitan Districts associated with this project.

6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$1,380 for regional fees will be due at the time of recording the Final Plat.

7. Schools

Fees in lieu of school land dedication in the amount of \$918 shall be paid to El Paso County for the benefit of Academy School District 20 at the time of plat recording.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no major issues associated with this project.

K. RECOMMENDED CONDITIONS AND NOTATION

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (As Amended) staff recommends the following conditions and notation:



CONDITIONS

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



8. Fees in lieu of school land dedication in the amount of \$918 shall be paid to El Paso County for the benefit of Academy School District 20 at the time of plat recording.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated November 30, 2023, as provided by the County Attorney's Office.
10. Applicant will be required to submit a shared access easement and maintenance agreement for a shared driveway from Meridian Road and reflect the easement on the plat.

NOTATION

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

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified six adjoining property owners on August 21, 2024, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

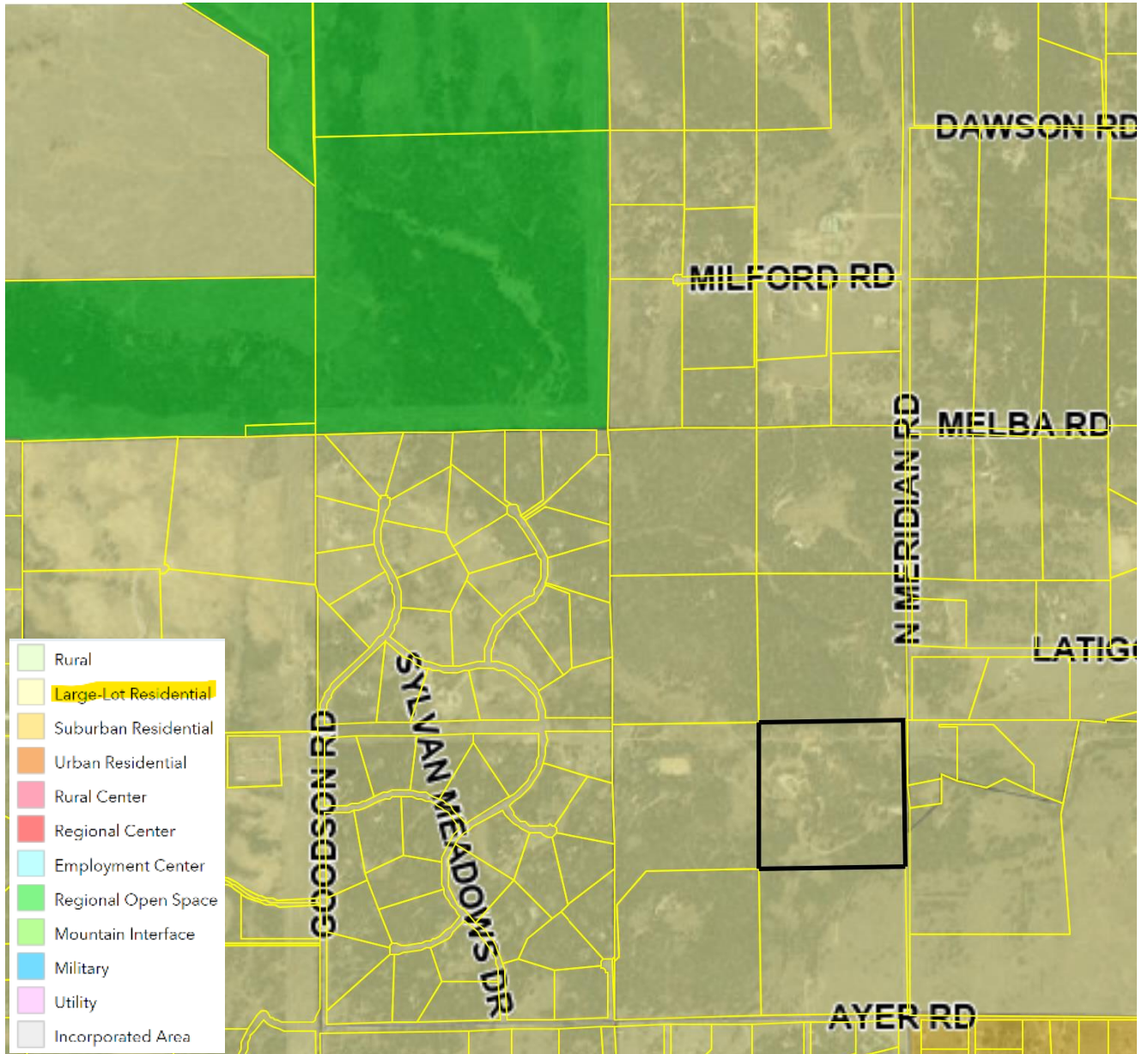
Map Series
Letter of Intent
Plat Drawing
County Attorney's Letter
Draft Resolution



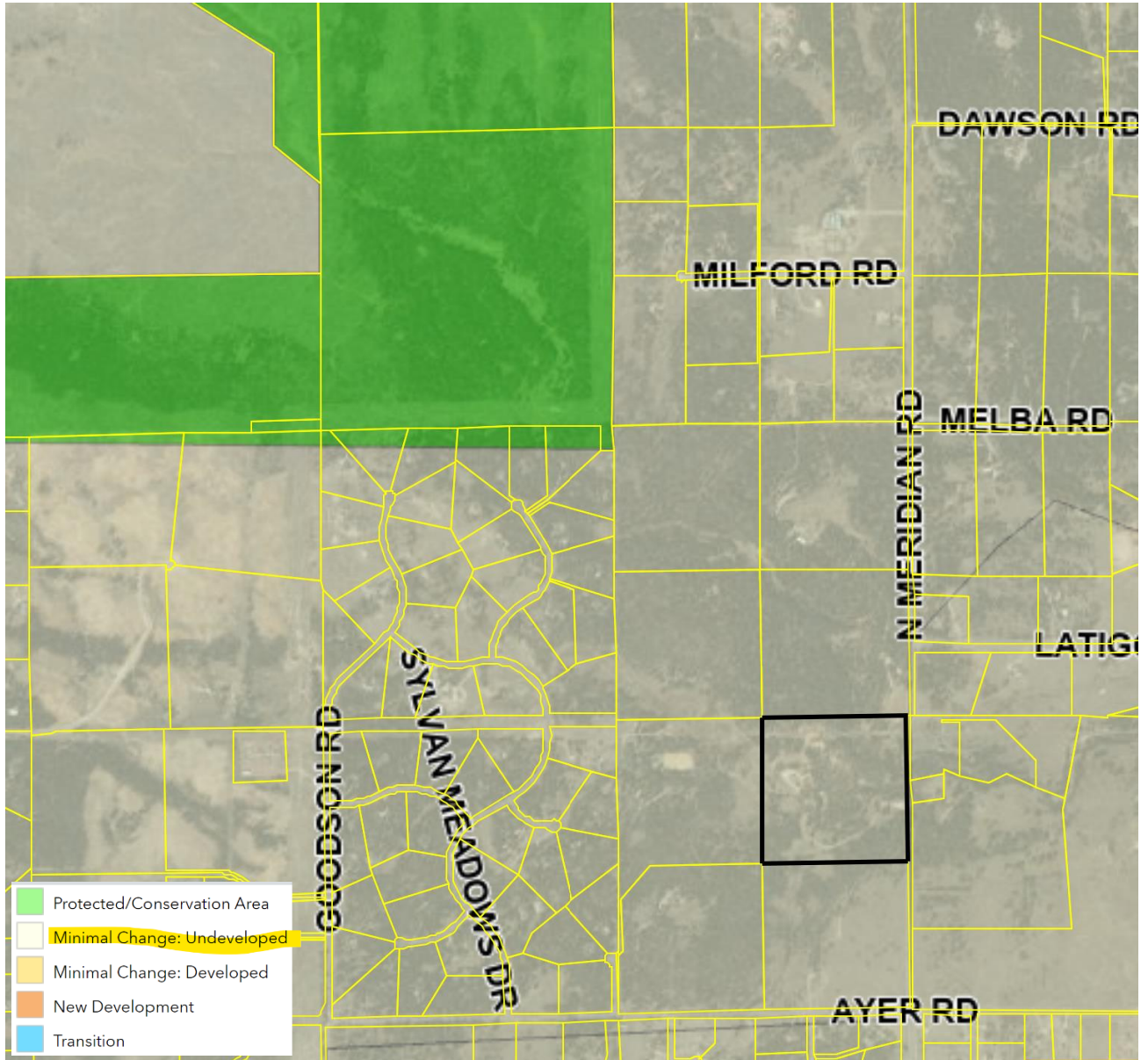
Map Series

MS235

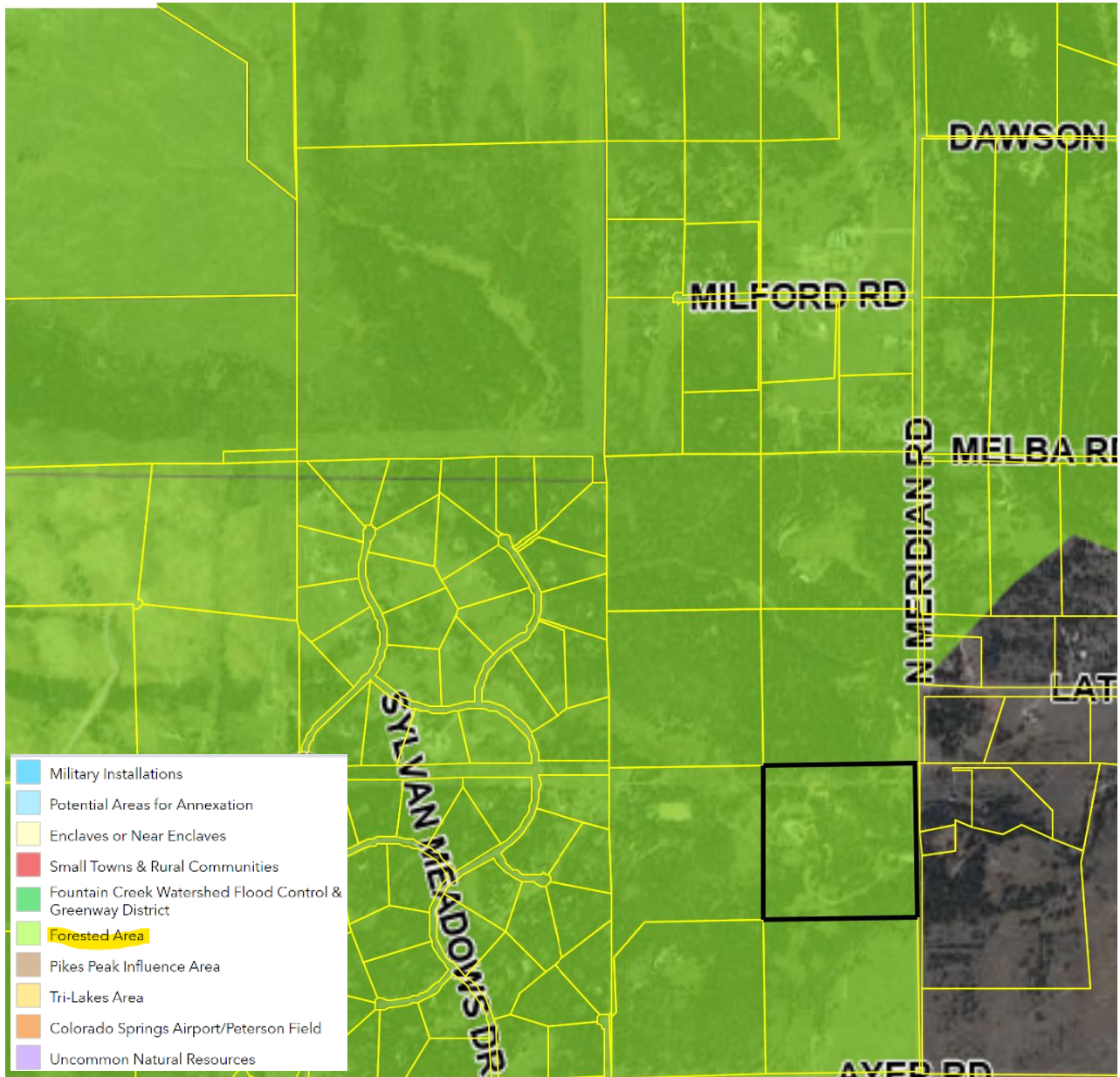
Placetype Map:



Area of Change Map:



Key Area Map:



March 21, 2023 Revised July 4, 2024

DOUBLE SPUR RANCH
Project No. 22001

LETTER OF INTENT

RE: 52130-00-007
12420 N. Meridian Road

LDC, Inc. is representing:
Joan Hathcock
12420 N. Meridian Road
Elbert, CO 80106

This is an application for approval of a Final Plat. The property is 39.834 acres and is currently unplatted. The property is zoned RR-5, and three lots are proposed. Upon approval of the plat, Double Spur Ranch will contain three lots, all of which will be 5+ acres in size. There is one existing residence, so there will only be 2 new homes. Each of these lots is proposed for a single-family residence with barns or other structures permitted by code.

We are asking for approval of a 3 lot Minor Subdivision with an existing private drive. We are asking for a waiver of the Land Use Code requiring frontage on a public road to allow for the continued use of the existing private driveway. There will be a private drive maintenance agreement recorded to provide for the continued maintenance. The existing driveway is an approximately 18 feet wide gravel surface with drainage culverts. Water will be by individual wells, and septic systems will be constructed on each of the lots.

Review criteria for a minor subdivision is as follows:

This application meets the Minor Subdivision submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2016). Minor Subdivisions are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. Each criteria is listed below followed by the appropriate justification.

1. *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan. The Master Plan is comprised of several elements. One of the elements is the El Paso County Policy Plan (1998), which does not include site-specific land use policies, but establishes broad policies and goals which are intended to serve as a framework for decision-making regarding development of the County. The project satisfies the following policies from the Policy Plan as they specifically relate to this request:
Goal 6.4 – “Develop and maintain rural residential areas in a manner which protects their integrity, addresses the carrying capacity of the natural environment and*

provides for an adequate level of non-urban facilities and services.” and “Policy 6.1.3 - Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.”

The proposed Minor Plat will not create the need for additional roadways or public facilities.

The site will remain rural residential and is surrounded by existing rural residential development on the north, south, east, and west sides.; *Policy 6.1.14 – “Support development which compliments the unique environmental conditions and established land use character of each sub-area of the County.”;* This area of the County is conducive to rural residential development. The five acres lots in the area have lot impact on environmental conditions. The proposed Minor Plat is consistent with the Black Forest Preservation Plan as it applies to the Southern Transitional sub-area which is discussed below.; *Policy 6.4.4 - “Encourage new rural residential subdivisions to be located within or contiguous with existing rural residential area or to be incorporated as a buffer between higher density and undevelopable areas.”;* The proposed Minor Plat is in an area adjacent to rural residential development with RR-5 to the north, west, south and east.;

Goal 6.1 A – “Encourage patterns of growth and development which compliment the regions’ unique natural environments and which reinforce community character.” The existing community character is preserved with this Minor Plat. Density and land use are compatible with the surrounding area and the natural features of the site will remain preserved, even with the addition of 3 more residential lots on the site.

Another element of the Master Plan is the Small Area Plan. The Double Spur Ranch site is located within the area of the Black Forest Preservation Plan (1987), specifically within the “Southern Transitional sub-area” of the plan. Although this small area plan is out of date, the goals for land use within this sub-area are still valid. The area desires that the rural residential development pattern be encouraged, while providing a gradual buffer from higher density to lower density development. The preferred density of one dwelling unit per five acres is encouraged in the northern portion of the sub-area which approaches the treed area. This coincides with the proposed subdivision density. The proposed Minor Plat is consistent with the Black Forest Preservation Plan.

The proposed Minor Plat is in compliance with the Parks Master Plan, which does not appear to call for trails or parks in the site vicinity. Any required Park Fees will be paid at the time of plating. The proposed subdivision is also in compliance with the 2040 Major Transportation Corridors Plan (MTCP) and Master Plan for Mineral Extraction as no separate mineral estate owners were found for the property and the existing development on surrounding properties is not compatible with any potential mineral extraction operations.

The proposed subdivision is in compliance with the El Paso County Water Master Plan (2018). The District Court, Water Division 2 Colorado, has decreed certain water rights and approved a plan for augmentation as necessary to allow use of the existing well and the drilling of a second well for the subdivision in Case No. 19CW3006 recorded under reception number 219086827 of the records of El Paso County. The owner seeks a finding of sufficiency from the Colorado Division of Water Resources and the eventual granting of the additional well permit based on the decreed water rights. A listing of some of the policies of the Water Master Plan that are supported by the proposed development follow: *Policy 4.1.3 – Support enhanced monitoring of sources of surface and tributary groundwater in the*

County. The referenced decree requires use of metering for the wells to insure compliance with the terms of the permit; *Policy 6.2.1.2 – Encourage re- use of treated wastewater for irrigation and other acceptable uses when feasible*. Both the existing residence and the new single-family residence on the proposed 5 acre lot will utilize onsite wastewater treatment systems which will provide “Return Flows” to the environment as a condition of the groundwater findings and order and the well permit.

2. *The subdivision is in substantial conformance with the approved preliminary plan.*
This is a proposed Minor Subdivision and requires no Preliminary Plan for Plat approval. The subdivision will be developed in accordance with the currently proposed land use applications.
3. *The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.*
The proposed Minor Subdivision Plat is prepared in accordance with applicable subdivision design standards. No public improvements are required for this subdivision.
4. *A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of this Code.*
Water service is to be provided by individual on site wells operated under a State approved Water Augmentation Plan.
5. *A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28- 133(6)(b)] and the requirements of Chapter 8 of this Code.*
Waste water is intended to be treated via individual on site septic systems designed, constructed and operated under State and County Health Department rules and regulations and in accordance with the Water Decree.
6. *All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].*
A soils report has been prepared for the site and the owner will comply with the recommendations of the report.
7. *Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28- 133(3)(c)(VIII)] and the requirements of this Code and the ECM.*
The proposed Minor Subdivision is consistent with the submitted Final Drainage Report. There are no public Drainage facilities needed or proposed with this development. The owner will comply with the requirements of the drainage report.
New building finish floor elevations shall be set at a minimum 2 feet above the 100 year flood drainage easement.
8. *Legal and physical access is provided to all parcels by public rights-of-way or private drive,*

acceptable to the County in compliance with this Code and the ECM.

9. *Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.*
The site is located within the jurisdiction of the El Paso County Sheriff's Office. The Sheriff's office currently provides police protection for the site and surrounding area. Double Spur Ranch is located within the Falcon Fire Protection District which is providing fire protection for the site and has agreed to serve this subdivision. Water and sanitary sewer provisions are discussed in items 4 & 5 above. The property is located within the service areas of Mountain View Electric Association, Blackhills Energy Corporation, Centurylink Telephone, and School District 49, which will serve the subdivision. Transportation is being facilitated by the existing adjacent roadway system.
10. *The Minor Subdivision plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.*
Double Spur Ranch is located within the Falcon Fire Protection District which is providing fire protection for the site and the surrounding area. The District has agreed to serve this subdivision. Building permits for each structure shall be in accordance with the requirements of the Fire District as administered by the Pikes Peak Regional Building Department.
11. *Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8.*
12. *Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.*
There are no public facilities or infrastructure required or proposed for this subdivision. The platting of the site will include the collection of the applicable School Fees, Park Fees, Drainage Fees and Traffic Impact fees due for this project.
Road Impact fees will be collected at time of building permits.
13. *The subdivision meets other applicable sections of Chapter 6 and 8.*
The subdivision meets the requirements of the Land Development Code.
14. *The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.].* A search of the County Clerk and Recorder's records did not identify a separate mineral estates owner for this property.

Thank you for your consideration of our request.

Respectfully:

Daniel L. Kupferer, PLS
President, Land Development Consultants, Inc.

DOUBLE SPUR RANCH MINOR SUBDIVISION

A PORTION OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 12 SOUTH, RANGE 65 WEST IN THE 6TH P.M., IN EL PASO COUNTY, COLORADO

LEGEND:
 • — Indicates survey monument recovered as a #4 rebar with Surveyor's Cap, PLS. #18465.

— FEMA BLE Draft Floodplain area determined to be in Zone A (100yr floodplain)

— Current Floodplain area determined to be in Zone A (100yr floodplain)

— Base Flood Elevation (BFE) line and elevation

— Flood Plain Boundary Line (FEMA BLE DRAFT)

— Flood Plain Boundary Line (Current)

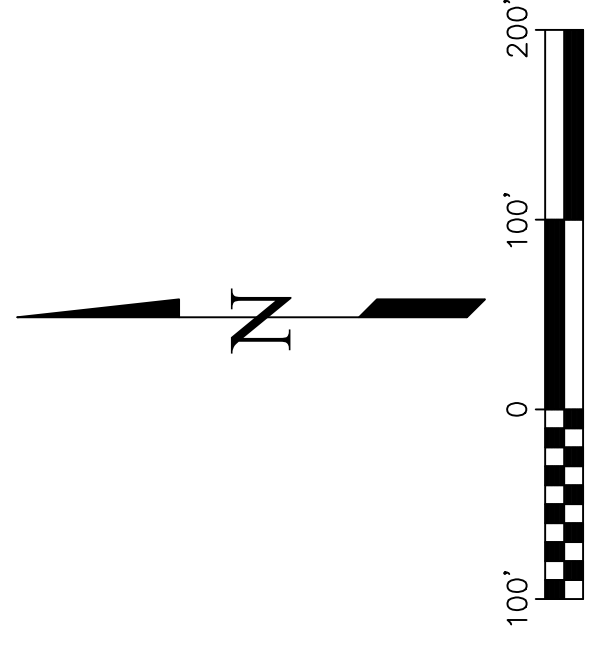
— Top of Bank

— D — D — Drainage Easement Line

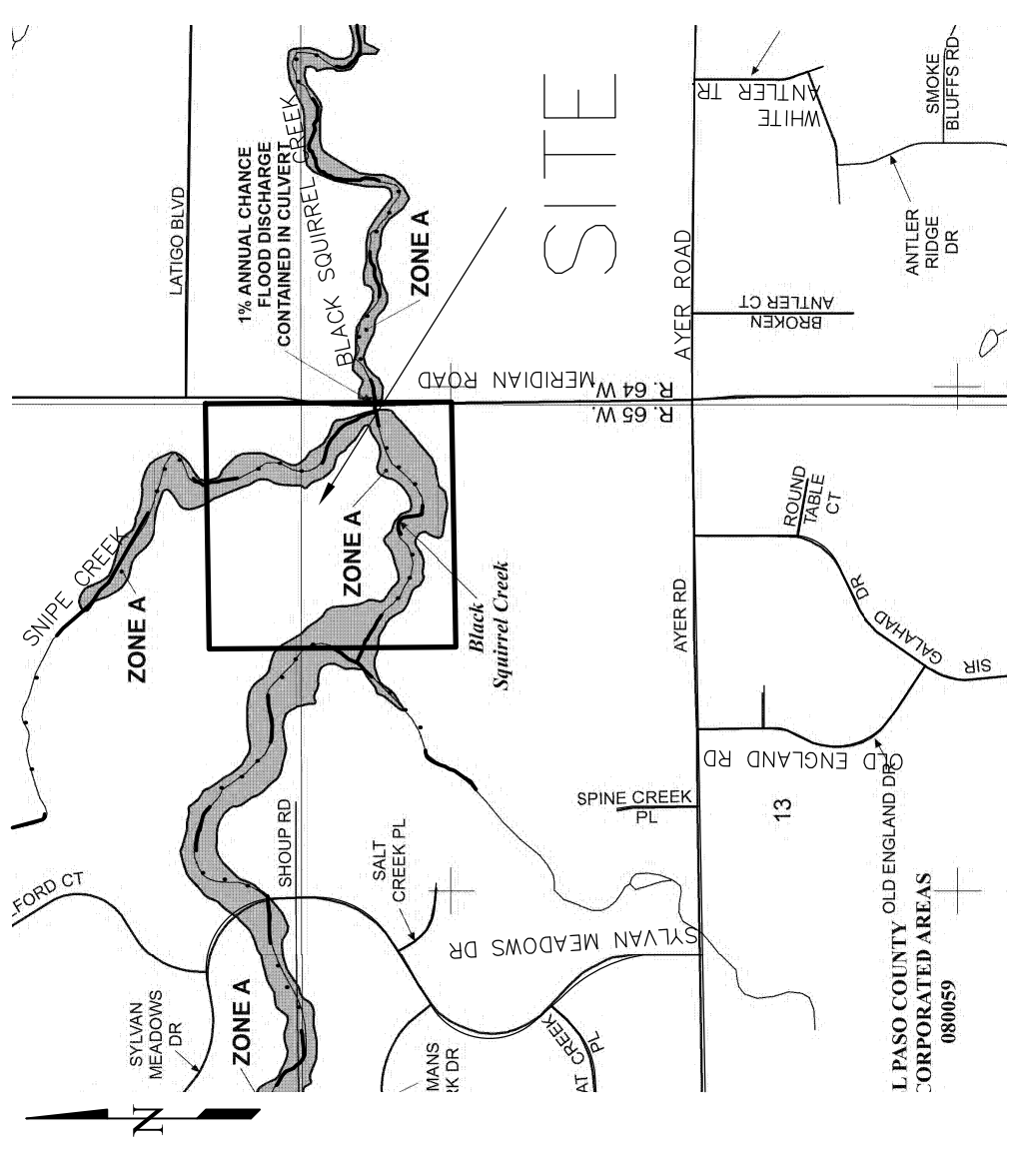
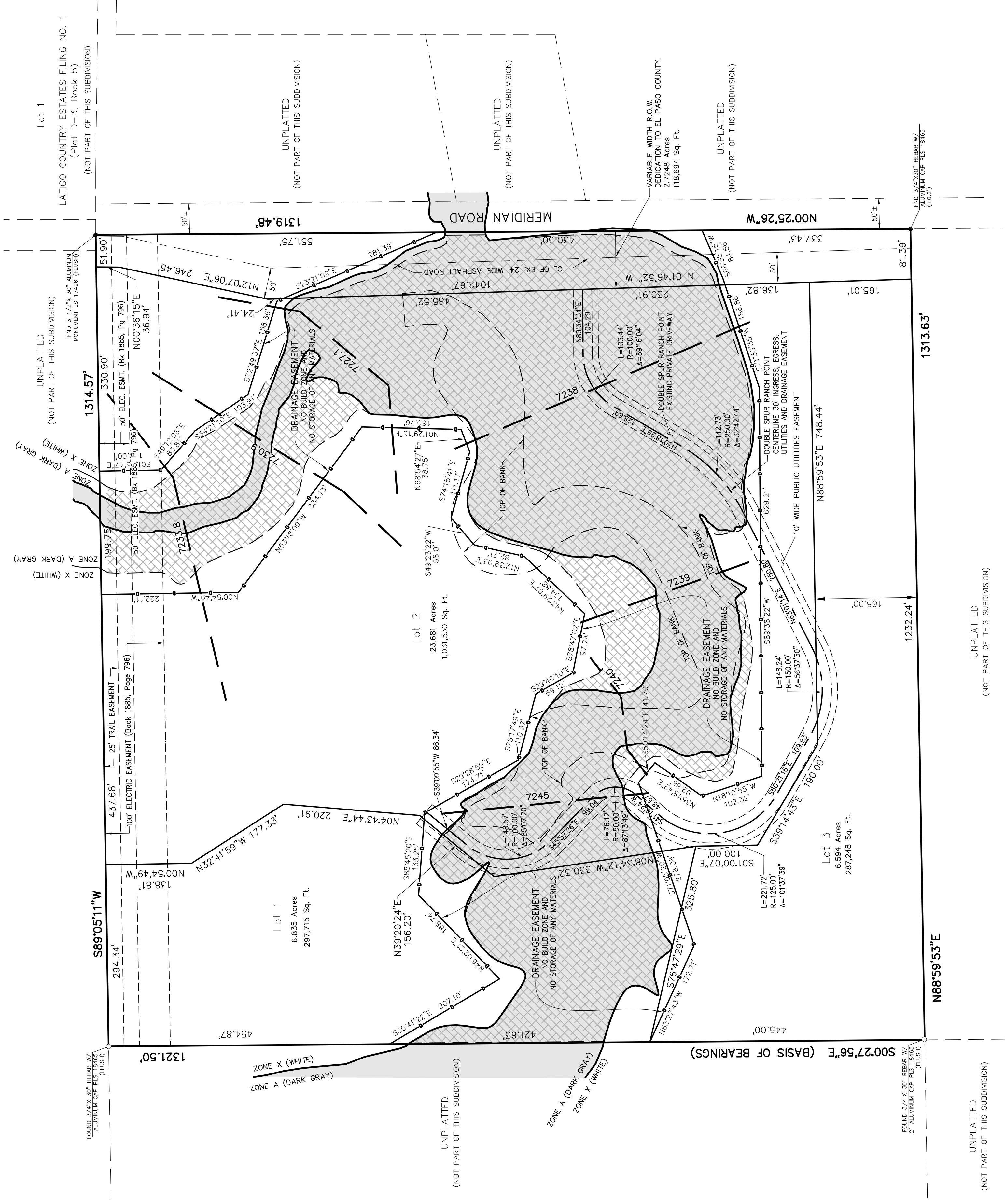
— Centerline of Proposed Road

— Centerline of Existing Private Driveway

— Easement Line (Roads, Utilities and Drives)



Units of Measure: US Survey Feet



VICINITY MAP
NO SCALE

No.	Description	By	Date
1	COUNTY COMMENTS	DAS	02/21/23
2	COUNTY COMMENTS	DAS	02/17/24
3	FEMA FLOODPLAIN REVISIONS	DAS	03/27/24
4	FLOODPLAIN REVIEW COMMENTS	DAS	04/02/24
5	COUNTY COMMENTS	DAS	06/14/24

H Scale: 1" = 100'
 V Scale: N/A
 Designed By: N/A
 Drawn By: BRH
 Checked By: DLK
 Date: 01/17/22

3988 MAIZELAND ROAD • COLORADO SPRINGS, CO 80909
 www.ldc-inc.com • TEL: (719) 528-6133 • FAX: (719) 528-6648
Land Development, Inc.
 PLANNING • SURVEYING

DOUBLE SPUR RANCH
 MINOR SUBDIVISION
 FINAL PLAN

Project No.: 22001
 Sheet 2 of 2

PREPARED FOR:
 Joan M. Hathcock
 12420 N. Meridian Rd.
 Elbert, CO 80106
 Phone: 719-466-1096
 Email: joan@jelectric.net

DSD FILE NO. MS-23-005

CALL BEFORE YOU DIG ...
811
 DIAL 811

48 HOURS BEFORE YOU DIG, CALL UTILITY LOCATORS FOR LOCATIONS AND MARKING GAS, ELECTRIC, WATER AND WASTEWATER.

According to Colorado law, you must commence any legal action based upon first discover such defect within three years after the date of the survey. In no event, may any defect be discovered more than ten years from the date of the certification shown hereon.

DOUBLE SPUR RANCH MINOR SUBDIVISION

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13,
TOWNSHIP 12 SOUTH, RANGE 65 WEST IN THE 6TH P.M., IN EL PASO COUNTY, COLORADO

KNOW ALL MEN BY THESE PRESENTS:

That Joan M. Hathcock, being the owner of the following described tract of land to wit:

A TRACT IN THE NORTHEAST QUARTER (NE/4) OF THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTEEN (13), TOWNSHIP TWELVE (12) SOUTH, RANGE SIXTY-FIVE (65) WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTEEN (13), TOWNSHIP TWELVE (12) SOUTH, RANGE SIXTY-FIVE (65) WEST OF THE 6TH P.M., THENCE NORTH PARALLEL TO THE EAST LINE OF SAID SECTION, SAID SECTION ALSO BEING 660 FEET WIDE, DISTANCE OF 519.45 FEET TO THE WEST LINE OF PARALLEL TO THE WEST LINE OF THE EAST LINE OF SAID SECTION, DISTANCE OF 1313.63 FEET TO THE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.

Containing 39.834 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 lots, public right-of-way and additions, public right-of-way addition reservations and easements as shown hereon under the name and subdivision of DOUBLE SPUR RANCH MINOR SUBDIVISION. All public improvements shown hereon are to be constructed to El Paso County standards and that power, drainage and sewerage easements and other public improvements will be constructed to El Paso County standards and that power, drainage and sewerage control for same will be provided at said owner's expense, all to the satisfaction of the Board of County Commissioners of El Paso County, Colorado. Upon acceptance by resolution, all public improvements so dedicated will become matters of maintenance by El Paso County, 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.

JOAN M. HATHCOCK REVOCABLE TRUST

By: Joan M. Hathcock, Trustee

Title: _____

NOTARIAL:

STATE OF COLORADO } SS

COUNTY OF EL PASO

Acknowledged before me this _____ day of _____

20____ by Joan M. Hathcock.

My commission expires _____

Witness my hand and seal _____

Notary Public

SURVEYOR'S CERTIFICATION:

I Daniel Kupferer, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on date of survey, by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical measurements are not less than 1:10,000; and that said plat has been prepared in full compliance with the provisions of the State of Colorado, and that I am duly licensed and qualified to perform the survey in accordance with applicable provisions of the El Paso County Land Development Code.

Daniel L. Kupferer
Colorado Professional Land Surveyor No. 18465

LEGEND:

• - Indicates survey monument recovered as a #4 rebar with Surveyor's Cap, PLS #19465.

 FEMA BLE Draft Floodplain area determined to be in Zone A (100yr floodplain)

 Current Floodplain area determined to be in Zone A (100yr floodplain)

NOTES:

- This survey does not constitute a title search by LDC, Inc. to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of record, LDC, Inc. has an ongoing Commitment for title insurance prepared by OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY (Commitment No. SC855 065860 dated March 1st, 2023 at 3:00 P.M.
- Basal Slope of the NE 1/4 of the NE 1/4 of Said Section 13, monumented as shown and assumed to bear S002736°E.
- FLOOD PLAIN CERTIFICATION: According to the National Flood Insurance Program, Flood Insurance Rate Map Panel 08041007340G in an effective date of December 7, 2018, the subject property is located in Zone A Flood Plain. Do not meet the minimum criteria for BFE. The data has been reviewed and approved through FEMA's OIA/QC process (May 11, 2022) and is currently in the MIP (Case No. 19-08-0037a). The Phase 1/Base Level Engineering outputs and Zone A ready deliverables are, under the following folder: K:/F/2019/19-08-00375/Discovery - BLE - El Paso and Teller Counties, CO - 01/El Paso/Discovery-1. Floodplain extents and Base Flood Elevations (BFEs) shown hereon include both current effective and CWCB Phase 1 data.
- According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect in no event may any action based upon any defect in survey be commenced more than ten years from the date of the certification shown hereon.
- All structural foundations shall be located and designed by a Professional Engineer, currently registered in the State of Colorado.

NOTES (CONT.):

- Water in the Denver Basin Aquifer is allocated based on a 100 year aquifer life, however, for El Paso County, the Denver Basin Aquifer is a non-renewable resource. The Board of County Commissioners, the Home Owners Association and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin Aquifer may be less than either 100 years or 300 years used for allocation indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.
- (12410) - indicates property address. The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.

- Fire protection to be provided by Falcon Fire Protection District.

- Unless otherwise indicated, side, front and rear lot lines are hereby platted on each side with a ten foot Public Utility and Drainage Easement. The side responsibility for maintenance of these easements is hereby vested with the individual property owners.

- The following reports and/or documentation have been submitted in association with the Preliminary Plan or Final Plat for this subdivision and are on file at the County Planning and Community Development Department: Transportation Impact Study; Drainage Report; Water Resources Report; Wastewater Disposal Report; Geology and Soils Report; Fire Protection Report; Wildlife Hazard Report; and Natural Features Report.

- 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 shall be maintained by the individual lot owners unless otherwise indicated. Structures, fences, materials or landscaping that could impede the flow of runoff shall not be placed in drainage easements.

- Individual wells are the responsibility of each property owner. Permits for individual wells must be obtained from the State Engineer who by law has the authority to set conditions for the issuance of these permits.

- Sewage treatment is the responsibility of each individual property owner. The El Paso County Department of Health and Environment must approve each system and, in some cases the Department may require an engineer designed system prior to permit approval. These systems may cost more to design, install, and maintain.

- 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/or the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the listed species, if applicable.

- Mailboxes shall be installed in accordance with all El Paso County and United States Postal Service regulations.

- 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.

- All property within this subdivision is subject to Road Impact Fees in accordance with the El Paso County Road Impact Fee Program, at or prior to building permit issuance.

- Lot access shall be restricted to the ingress/egress easement shown on the plat for access to Meridian Road.

- The subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that the subdivider and/or said successors and assignees shall be required to pay traffic impact fees in accordance with the El Paso County Traffic Impact Program. 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.

- No driveway shall be established unless and access permit has been granted by El Paso County Planning and Community Development Department.

- DOUBLE SPUR RANCH POINT is a 30 feet wide private ingress-egress, public utilities and drainage easement to be maintained by the owners of the lots in Double Spur Ranch. Maintenance of this private road shall be defined by ACCESS EASEMENT GRANT AND MAINTENANCE AGREEMENT FOR DOUBLE SPUR RANCH POINT AND RESTRICTIVE COVENANTS FOR LOTS 1, 2 & 3 DOUBLE SPUR RANCH SUBDIVISION.

- The private road and driveways as shown on this plat will not be maintained by El Paso County until and unless the streets are constructed in conformance with El Paso County standards in effect at the date of the request for dedication and maintenance.

- The subdivider agrees for itself and its successors and assigns that subdivider and/or said successor and assigns shall be responsible for maintaining a drainage channel that flow through the site. The County is not responsible for maintenance of the drainage easement.

- The subdivision has been found to be impacted by geologic constraints. Mitigation measures and explanation of constraints in the area can be found in the report Soil, Geology, and Geologic Hazard Study by Entech Engineering, Inc. November 30, 2022, in file PCD File No. MS-235, available at the El Paso County Planning and Community Development Department.

- Artificial Fill
- Slope Stability and Landslide Hazards
- Potentially Unstable Slopes
- Seasonally Wet Area
- Potentially Seasonally Wet Area
- Shallow Bedrock

- Electric: The subdivider/developer is responsible for extending utilities to each lot, tract or building site. Electric Service for this subdivision is provided by Mountain View Electric Association, subject to the District's rules, regulations and specifications.

- Gas: The subdivider/developer is responsible for extending utilities to each lot, tract or building site. Gas Service for this subdivision is provided by Black Hills Energy, subject to the District's rules, regulations and specifications.

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

This plat for DOUBLE SPUR RANCH MINOR SUBDIVISION 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. The dedications of land to the public streets and easements are accepted, but the public improvements thereon will not become the maintenance responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria Manual, and the Subdivision Improvements Agreement.

Chair, Board of County Commissioners _____ Date _____

Planning and Community Development Director _____ Date _____

RECORDING:

Clerk and Recorder

STATE OF COLORADO } SS

COUNTY OF EL PASO

I hereby certify that this instrument was filed in my office this _____ day of _____

20____ and was recorded at Reception Number _____ of the records of

El Paso County.

El Paso County Clerk and Recorder

SURCHARGE: _____

BY: _____ Deputy

FEES:

Park Fee: _____ Drainage Fee: _____

School Fee: _____ Bridge Fee: _____

PREPARED FOR:
Joan M. Hathcock
12420 N. Meridian Rd.
Elbert, CO 80106
Phone: 719-466-1096
Email: joan@jelectrical.net

DSD FILE NO.: MS-23-005

Project No.: 22001

Sheet:

1 of 2

According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect in no event may any action based upon any defect in the survey be commenced more than ten years from the date of the certification shown hereon.

CALL BEFORE YOU DIG
811
DIAL 811
FOR LOCATING AND MARKING GAS, ELECTRIC, WATER AND SEWER LINES

No.	Description	By	Date
1 <td>COUNTY COMMENTS<td>DAS<td>09/21/23</td></td></td>	COUNTY COMMENTS <td>DAS<td>09/21/23</td></td>	DAS <td>09/21/23</td>	09/21/23
2 <td>COUNTY COMMENTS<td>DAS<td>02/07/24</td></td></td>	COUNTY COMMENTS <td>DAS<td>02/07/24</td></td>	DAS <td>02/07/24</td>	02/07/24
3 <td>FEMA FLOODPLAIN REVISIONS<td>DAS<td>02/27/24</td></td></td>	FEMA FLOODPLAIN REVISIONS <td>DAS<td>02/27/24</td></td>	DAS <td>02/27/24</td>	02/27/24
4 <td>FLOODPLAIN REVIEW COMMENTS<td>DAS<td>04/02/24</td></td></td>	FLOODPLAIN REVIEW COMMENTS <td>DAS<td>04/02/24</td></td>	DAS <td>04/02/24</td>	04/02/24
5 <td>COUNTY COMMENTS<td>DAS<td>09/14/24</td></td></td>	COUNTY COMMENTS <td>DAS<td>09/14/24</td></td>	DAS <td>09/14/24</td>	09/14/24

H Scale: 1"=100'
V Scale: N/A
Designed By: N/A
Drawn By: BRH
Checked By: DLK
Date: 01/17/22

3988 MAJLZAND ROAD • COLORADO SPRINGS, CO 80909
www.ldc-inc.com • TEL: (719) 528-6133 • FAX: (719) 528-6848
PLANNING • SURVEYING
Land Development, Inc.

DOUBLE SPUR RANCH
MINOR SUBDIVISION
FINAL PLAT

County Attorney

Kenneth R. Hodges, County Attorney
719-520-6485
Centennial Hall
200 S. Cascade, Suite 150
Colorado Springs, CO 80903
www.ElPasoCo.com

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

November 30, 2023

MS-23-5 Double Spur Ranch 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 for approval of the Double Spur Ranch, a minor subdivision application by the Joan M. Hathcock Revocable Trust (“Applicant”) for a 3-lot subdivision on 39.83 acres (the “property”). The property is zoned RR-5 (Rural Residential).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the water demand for the subdivision is 1.50 acre-feet/year, comprised of 0.78 acre-feet/year for household use for 3 single-family dwellings, 0.589 acre-feet/year for 10,410 total square feet¹ of irrigation, and 0.132 acre-feet/year for stock watering. Based on this total demand, Applicant must be able to provide a supply of 450 acre-feet of water (1.50 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from up to three (3) wells, one existing (Permit #236130), as well as allowing up to two additional wells withdrawing from the not-nontributary Dawson aquifer as provided in Determination of Water Right no. 246-BD (“Determination”) and Replacement Plan no. 246-RP (“Replacement Plan”). The Determination granted the right to withdraw up to 4,600 acre-feet from the Dawson aquifer for use on the overlying

¹ The WSIS identifies 1,375 sq. ft. of irrigation per lot in its footnote 2. The Water Resources Report, however, states that 3,470 sq. ft. of irrigation per lot was assumed, a figure which is more consistent with the estimated water demand. The Applicant will be required to amend the WSIS to comport with the WRR.

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY
TERRY A. SAMPLE

LORI L. SEAGO
DOREY L. SPOTTS

BRYAN E. SCHMID
STEVEN W. MARTYN

MERI GERINGER

80 acres of land, of which this proposed subdivision is a part. The Replacement Plan allows water to be withdrawn from the Dawson aquifer through up to 3 wells in an annual amount that shall not exceed 1.50 acre-feet for up to 300 years. The allowed annual amount of water to be withdrawn from each on-lot well shall not exceed 0.5 acre-feet to be used for in house use, livestock watering, irrigation, commercial, replacement (augmentation), dust suppression, and firefighting.

The approved Replacement Plan has a term of 300 years and requires that septic system return flows be used for replacement during the pumping period for the approved wells.

State Engineer's Office Opinion

4. In a letter dated October 30, 2023, the State Engineer stated that "[t]he proposed source of water is individual on lot wells producing from the not-nontributary Lower Dawson aquifer that will operate pursuant to the Determination of Water Right and replacement plan No. 246-BD. The allowed average annual amount of withdrawal provided for in Determination of Water Right no. 246-BD is 46.0 acre-feet." The State Engineer noted that this amount must be reduced to one third of that amount to meet El Paso County's 300-year water supply requirement, or 15.3 acre-feet/year, which is greater than the annual demand for this subdivision of 1.50 acre-feet per year.

Finally, the State Engineer stated that, "... pursuant to 30-28-136(1)(h)(I) C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

Recommended Findings

5. Quantity and Dependability. Applicant's water demand for the Double Spur Ranch Minor Subdivision is 1.50 acre-feet per year for a total demand of 450 acre-feet for the subdivision for 300 years. The Replacement Plan allows for three (3) wells limited to an annual withdrawal of 0.5 acre-feet per well, for a total of 1.50 acre-feet for in house use, livestock watering, irrigation, commercial, replacement (augmentation), dust suppression, and firefighting.

Based on the water demand of 1.50 acre-feet/year for the Double Spur Ranch Minor Subdivision and the Replacement Plan withdrawals in that amount, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Double Spur Ranch Minor Subdivision.

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

7. Basis. The County Attorney's Office reviewed the following documents in preparing this review: a Water Resources Report dated August 2022, the Water Supply Information Summary, the State Engineer's Office Opinion dated October 30, 2023, Replacement Plan No. 246-RP for Determination of Water Right No. 246-BD entered on January

25, 2002. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

A. Applicant and its successors and assigns shall comply with all requirements of the Colorado Ground Water Commission Determination of Water Right No. 246-BD and Replacement Plan No. 246-RP, specifically, that water withdrawn from the Dawson aquifer shall not exceed 0.5 annual acre-feet for per well for up to three (3) wells, based on a total combined annual withdrawal of 1.50 acre-feet. Depletions during pumping shall be replaced by individual on-lot non-evaporative septic systems.

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

C. Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision and their successors and assigns regarding all applicable requirements of Determination of Water Right No. 246-BD and Replacement Plan No. 246-RP, including the limitations on diversions and use of water for each well and lot, the requirement to meter and record all well pumping, and information on how records are to be recorded.

Covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 450 acre-feet of not-nontributary Dawson aquifer water pursuant to Determination of Water Right No. 246-BD and Replacement Plan No. 246-RP to satisfy El Paso County's 300-year water supply requirement for the three (3) lots of the Double Spur Ranch Minor Subdivision. The Covenants shall further identify that 150 acre-feet (0.5 acre-feet/year) of Dawson aquifer water is allocated to each lot. Said reservations shall not be separated from transfer of title to the property and shall be used exclusively for primary water supply.

2) Advise of responsibility for costs. The Covenants shall advise the lot owners and their successors and assigns of their obligations regarding the costs of operating the plans for augmentation, which include pumping of the Dawson wells in a manner to replace depletions during pumping.

3) Require non-evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use a non-evaporative septic system to ensure

that return flows from such systems are made to the stream system to replace actual depletions during pumping and shall state that said return flows shall not be separately sold, traded, assigned, or used for any other purpose. The Covenants more specifically shall require that at least one well must be serving an occupied single-family dwelling that is generating return flows via a non-evaporative septic system before any livestock watering, irrigation, commercial, replacement, dust suppression or fighting uses are allowed to be served by any of the wells. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose."

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

"The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not Determination of Water Right No. 246-BD and Replacement Plan No. 246-RP and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

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

6) Require well permits. The Covenants shall require that well permits be obtained pursuant to the requirements of Determination of Water Right No. 246-BD and Replacement Plan No. 246-RP and C.R.S. § 37-90-137(4) and (10).

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

"Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for the Double Spur Ranch Minor Subdivision pursuant to Determination of Water Right No. 246-BD and

Replacement Plan No. 246-RP. Further, written approval of any such proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney's Office. Any amendments must be pursuant to the Colorado Ground Water Commission approving such amendment, with prior notice to the El Paso County Planning and Community Development Department for an opportunity for the County to participate in any such determination."

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

"These Covenants shall not terminate unless the requirements of Determination of Water Right No. 246-BD and Replacement Plan No. 246-RP are also terminated by the Colorado Ground Water Commission and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County."

D. Applicant and its successors and assigns shall reserve in any deeds of the Property Dawson aquifer water in the decreed amount of 450 acre-feet (1.50 acre-feet per year). Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply.

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

Any and all conveyance instruments shall also recite as follows:

For the water rights and return flows conveyed for the primary supply (Dawson aquifer): "These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year water supply, and replacement during pumping, for each of the lots of the Double Spur Ranch 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."

F. Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions, form deeds, and any plat notes required herein to the Planning and Community Development Department and the County Attorney's Office for review, and the same

shall be approved by the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat. Said Declaration shall cross-reference Determination of Water Right No. 246-BD and Replacement Plan No. 246-RP and shall identify the obligations of the individual lot owners thereunder.

G. Applicant and its successors and assigns shall record all applicable documents, including but not limited to Determination of Water Right No. 246-BD, Replacement Plan No. 246-RP, agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

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

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

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

J. Prior to recording the final plat, Applicant shall submit a corrected WSIS that identifies in footnote 2 that the irrigable land per residence is 3,470 sq. ft., as stated in the Water Resource Report.

cc: Ashlyn Mathy, Project Manager, Planner

RESOLUTION NO. 24-
BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO
STATE OF COLORADO

APPROVAL OF A MINOR SUBDIVISION FINAL PLAT
DOUBLE SPUR RANCH SUBDIVISION (MS235)

WHEREAS, Dan Kupferer did file an application with the El Paso County Planning and Community Development Department for the approval of a Final Plat for the Double Spur Ranch Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on September 5, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the Final Plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on September 26, 2024; and

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

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
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. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is consistent with the purposes of the Land Development Code ("Code").

7. The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials.
8. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code.
9. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of the Code.
10. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)].
11. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design.
12. The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.
13. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County and in compliance with the Code and the ECM.
14. The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
15. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.

16. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
17. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
18. Off-site impacts were evaluated, and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code.
19. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.
20. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. § 34-1-302(1), et seq.].

WHEREAS, a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code; and

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, hereby approves the Minor Subdivision Final Plat application for the Double Spur Ranch Subdivision;

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

CONDITIONS

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

5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Fees in lieu of school land dedication in the amount of \$918 shall be paid to El Paso County for the benefit of Academy School District 20 at the time of plat recording.
9. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated November 30, 2023, as provided by the County Attorney's Office.
10. Applicant will be required to submit a shared access easement and maintenance agreement for a shared driveway from Meridian Road and reflect the easement on the plat.

NOTATION

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

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

DONE THIS 26th day of September 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

A Tract In The Northeast Quarter (Ne/4) Of The Northeast Quarter (Ne/4) Of Section Thirteen (13), Township Twelve (12) South, Range Sixty-Five (65) West Of The 6th P.M., Described As Follows: Commencing At The Southeast Corner Of The Northeast Quarter (Ne/4) Of Section Thirteen (13), Township Twelve (12) South, Range Sixty-Five (65) West Of The 6th P.M., Thence North Parallel To The East Line Of Said Section, Said Section Also The West Line Of Meridian Road, A Distance Of 1319.45 Feet; Thence West And Parallel With The South Line Of Said Section A Distance Of 1321.50 Feet; Thence East And Parallel With The South Line Of Said Section A Distance Of 1313.63 Feet To The Point Of Beginning, County Of El Paso, State Of Colorado.

Containing 39.834 Acres, More Or Less.