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El Paso County Planning & Community Development
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2880 International Circle, Suite 110
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Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 8/01/2023
RE: 1384 Buckwood Lane - Vacation and Replat

Project Description

A request by Murphys Custom Homes for approval to Vacate and Replat one (1) residential lot into four (4) residential lots. In doing this process, the applicant is proposing to replat the lots into the four (4) lot original configuration.

Notation

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

Planning Commission Recommendation and Vote

Fuller moved / Brittain Jack seconded to recommend approval of called-up consent item VR-22-013, for a Vacation and Replat of 1384 Buckwood Lane, utilizing the resolution attached to the staff report with seven (7) conditions, one (1) notation, and a recommended finding of water sufficiency with regard to quality, quantity, and dependability. The motion was **approved (7-0)**. The item was heard as a regular item at the Planning Commission hearing.

Discussion

Ms. Fuller noted that the opposing public comments involved the last criteria of approval regarding the CC&Rs. However, Mr. Murphy has a letter from the HOA stating he complies. In her opinion, he has met that criterion. She suspects the lots were combined in part for tax purposes. This area is zoned RR-0.5 so anyone who exceeds a 1-acre lot that meets the criteria or approval, could divide their lot. She often hears that a realtor told someone "That will never be developed", but the reality is that this parcel exceeds 2 acres in RR-0.5 zoning and *can* be divided into smaller lots. She believes the criteria is being met and she is in favor of the application.

Mr. Whitney agreed with Ms. Fuller's comments and added that the neighbors have an issue with the actions of the HOA. That issue is not in this review criteria.

Attachments

1. Planning Commission Minutes from 7/6/2023.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Public Comments.
5. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting

Thursday, July 6th, 2023

El Paso County Planning and Community Development Department

2880 International Circle – Second Floor Hearing Room

Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: THOMAS BAILEY, SARAH BRITTAIN JACK, JAY CARLSON, BECKY FULLER, KARA OFFNER, BRYCE SCHUETTEL, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: JEFFREY MARKEWICH AND WAYNE SMITH.

PC MEMBERS ABSENT: BRANDY MERRIAM, ERIC MORAES, AND TIM TROWBRIDGE.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, RYAN HOWSER, ASHLYN MATHY, KYLIE BAGLEY, ED SCHOENHEIT, JEFF RICE, GILBERT LAFORCE, MIRANDA BENSON, AND EL PASO COUNTY ATTORNEY LORI SEAGO.

OTHERS PRESENT AND SPEAKING: BRETT LOUK, TIM MURPHY, ERIN DURAN, SARAH COLE, HILARY BRENDEMUHL, AND BILL BRENDEMUHL.

1. REPORT ITEMS – The next PC Hearing is Thursday, July 20th, 2023, at 9:00 A.M.

Ms. Herington updated the PC of the revised public notice procedures. Notifications will now be sent to property owners within 500 feet and will be sent after the submittal of the application. This will result in the information being more accessible to the public. Certified bulk mailing certificates will replace the certified mailing (green card) requirement. She also advised the board that Mr. Gilbert LaForce was promoted to EPC Public Works Engineering Manager.

Mr. Whitney asked for clarification on certified bulk mailing certificates.

Ms. Herington explained that the USPS certifies how many letters were sent in a bulk mailing. The applicant will submit a list of who the letters were sent to.

Mr. Kilgore advised the board that the applicant for agenda item 3D, VR-21-014, has requested a continuance. Also, the advertisement for PC vacancies closes 7/12/2023.

2. **Call for public comment for items not on hearing agenda – NONE.**

3. **CONSENT ITEMS**

A. **Adoption of Minutes** of meeting held June 15th, 2023.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (7-0).

B. **VR-22-013**

MATHY

**VACATION AND REPLAT
1384 BUCKWOOD LANE**

A request by Murphy's Custom Homes for approval to Vacate and Replat one (1) residential lot into four (4) residential lots. The 3.81-acre property is zoned RR-0.5 (Residential Rural) and is located at the northwest terminus of Buckwood Lane, approximately one-tenth of a mile from the intersection of Buckwood Lane and Fawnwood Road. (Parcel No. 7111101042) (Commissioner District No. 1).

PC ACTION: ITEM 3B WAS PULLED TO THE CALLED-UP CONSENT CALENDAR (MOVED TO AGENDA ITEM 4).

C. **CR-22-001**

BAGLEY

**MAP AMENDMENT (REZONE)
11745 OWL PLACE COMMERCIAL REZONE**

A request by Baseline Engineering for approval of a Map Amendment (Rezone) of 4.61 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 11745 Owl Place, directly southwest of the intersection of Meridian Road and Owl Place. (Parcel No. 5301001015) (Commissioner District No. 2).

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: CARLSON MOVED / SCHUETTELZ SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3C, FILE NUMBER CR-22-001, FOR A MAP AMENDMENT (REZONE), 11745 OWL PLACE COMMERCIAL REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).

D. **VR-21-014**

BAGLEY

**VACATION AND REPLAT
VILLA CASITAS FILING NO. 4**

A request by Jesus Barron for approval of a 5.80-acre Vacation and Replat illustrating a vacation of one single-family residential lot and platting into one (1) single-family lot which will include a portion of County right-of-way. The property is zoned RR-5 (Residential Rural), and is located at 10015 Calle Bernardo Point, directly south of the intersection of Calle Bernardo Point and La Piedra Point. (Parcel No. 5735004001) (Commissioner District No. 4).

THE APPLICANT REQUESTED A CONTINUANCE. NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: FULLER MOVED / CARLSON SECONDED TO CONTINUE CONSENT ITEM NUMBER 3D, FILE NUMBER VR-21-014, FOR VACATION AND REPLAT, VILLA CASITAS FILING NO. 4, TO A DATE CERTAIN OF JULY 20, 2023. THE MOTION WAS APPROVED (7-0).

E. MS-22-008

BAGLEY

**MINOR SUBDIVISION
IVILO MINOR SUBDIVISION**

A request by Pawel Posorski for approval of a 14-acre Minor Subdivision illustrating three (3) single-family lots. The property is zoned RR-2.5 (Residential Rural) and is located 0.37 miles west of the intersection of Vessey Road and Black Forest Road and 0.15 miles south of the intersection of Vessey Road and Pine Castle Drive. (Parcel No. 5206000065) (Commissioner District No. 1).

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: FULLER MOVED / CARLSON SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3E, FILE NUMBER MS-22-008, FOR A MINOR SUBDIVISION, IVILO MINOR SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, TWO (2) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF WATER SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).

F. MS-22-005

BAGLEY

**MINOR SUBDIVISION
OWL RIDGE MINOR SUBDIVISION**

A request by SMH Consultants for approval of a 27-acre Minor Subdivision illustrating two (2) single-family lots. The property is zoned RR-5 (Residential Rural) and is located at 18885 Brown Road, adjacent to the intersection of Brown Road and Running Horse View. (Parcel No. 5100000447) (Commissioner District No. 1).

DISCUSSION

Ms. Fuller asked how the shape of this property came to be.

Mr. Brett Louk, with SMH Consultants, answered that when the current owner bought the land, the shape was already established. His parents own the adjacent lot to the east. The flag on the west side is a driveway to his parents' house.

PC ACTION: SCHUETTELZ MOVED / OFFNER SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3F, FILE NUMBER MS-22-005 FOR A MINOR SUBDIVISION, OWL RIDGE MINOR SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, ONE (1) NOTATION, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF WATER SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).

G. SF-22-009

HOWSER

**FINAL PLAT
WINSOME FILING NO. 3**

A request by Winsome, LLC, for approval of a Final Plat to create thirty-eight (38) single-family residential lots and five (5) tracts. The 349.47-acre property is zoned RR-5 (Residential Rural) and is located at the northwest corner of Hodgen Road and Meridian Road. (Parcel Nos. 5124000003, 5124000004, 5100000524, and 5100000526) (Commissioner District No. 1).

DISCUSSION

Mr. Whitney stated his concern regarding the water finding. The State Engineer stated there is an adequate water sufficiency but also stated that it's unknown how long the water will be in the Denver Basin. Therefore, they suggested that the County might want to consider requiring the applicant to provide a permanent water supply for whenever that may be. Ms. Seago's office correctly relies in part on the finding of the State Engineer to determine water sufficiency, but then there's a plat note that essentially says, "but don't count your chickens" because if the water isn't there, they reserve the right to amend or withdraw the recommendation of sufficiency. It's there today but it may not be there tomorrow. He finds this concerning, but he's not sure what the answer may be.

PC ACTION: FULLER MOVED / CARLSON SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3G, FILE NUMBER SF-22-009 FOR A FINAL PLAT, WINSOME FILING NO. 3, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TEN (10) CONDITIONS, THREE (3) NOTATIONS, AND A RECOMMENDED FINDING OF WATER SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).

H. SF-22-039

HOWSER

**FINAL PLAT
TERRA RIDGE NORTH**

A request by Phillip S. Miles and Jennifer Miles for approval of a Minor Final Plat to create eleven (11) single-family residential lots and to replat two (2) existing single-family residential lots to accommodate the dedication of land for right-of-way. The 39.72-acre property is zoned RR-5 and RR-2.5 and is located approximately three-quarters of a mile south of the intersection of Black Forest Road and Hodgen Road. (Parcel Nos. 5129300002, 5129302011, and 5129302012) (Commissioner District No. 1).

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: CARLSON MOVED / SCHUETTELZ SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3H, FILE NUMBER SF-22-039, FOR A FINAL PLAT, TERRA RIDGE NORTH, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, THREE (3) NOTATIONS, AND A RECOMMENDED FINDING OF WATER SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).

4. CALLED-UP CONSENT ITEMS

3B. VR-22-013

MATHY

VACATION AND REPLT 1384 BUCKWOOD LANE

A request by Murphy's Custom Homes for approval to Vacate and Replat one (1) residential lot into four (4) residential lots. The 3.81-acre property is zoned RR-0.5 (Residential Rural) and is located at the northwest terminus of Buckwood Lane, approximately one-tenth of a mile from the intersection of Buckwood Lane and Fawnwood Road. (Parcel No. 7111101042) (Commissioner District No. 1).

STAFF & APPLICANT PRESENTATIONS

Mr. Bailey reiterated that the Criteria of Approval from the LDC is what the PC uses to make a recommendation to the BOCC. The presentation continued.

Mr. Whitney asked the applicant if they anticipated any issues with the concerns submitted by CPW regarding fencing and the removal of trees.

Mr. Tim Murphy, owner/applicant, replied that he met with CPW last week and they discussed the removal of dead trees. There were also fences on the property that needed to be removed due to non-compliance with Woodmoor. That has all been cleaned up.

Mr. Schuettpelz mentioned that this property consisted of 4 lots previously. He asked if Mr. Murphy's proposal was identical to the way the property looked in 2010?

Mr. Murphy confirmed. It will look like it did in 2010 and 1963.

PUBLIC COMMENT

Ms. Erin Duran stated she would be addressing Criteria of Approval numbers 1, 3, 6, and 7. She lives adjacent to the subject property. When making her purchase, she was told by a realtor that the area was not a vacant lot to be developed. She stated that she and other neighbors requested Woodmoor Improvement Association (WIA) and the Architectural Control Committee (ACC) deny this proposal, but they did not. She thinks WIA would not deny the request because the BOCC makes the ultimate decision. When she and others moved into the neighborhood, the subject property was a single lot. She sees wildlife on the property. She stated that geological hazards, traffic and congestion, and soils and drainage were all sited as concerns during the application review process. She stated those concerns were also mentioned in 2010 when it was merged.

Ms. Sarah Cole, on the phone, lives adjacent to the subject property. She stated that the sliver of land added to "Lot 4A" was from their property. She has documents from that application process, which happened in 2010. The previous owner listed concerns from the Tri-Lakes Comprehensive Plan: erosion and steep topography (up to 40%) make this area difficult to build on, the roadway system is inadequate for additional population, and stated County services like police are inadequate for the existing population. She stated that the rationale cited in 2010 is still valid today.

Ms. Hilary Brendemuhl lives adjacent to the subject property. She stated the former owner of the property was concerned about preserving the area, which is why they combined the four lots into one. She was also told by a realtor that this lot would not be further developed. On page 5 of the staff report, it says *"New developments are to be expected, however at this point no development is proposed at the current vacant lots being created with this project."* The applicant indicated that they plan to build three additional homes during their presentation. On page 2 of the staff report, in the approval criteria, it says *"Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved."* Mr. Murphy shared a letter from the HOA, but she questions the permission that has been given. When the lot was combined, it only required one access point, soils test, etc. The HOA allowed access points to the three proposed lots and there are now prospective driveways (which she referenced in her slideshow). Trees and foliage that help with erosion were removed. The HOA Board of Directors has a history of making arbitrary and capricious decisions.

Mr. Bill Brendemuhl lives adjacent to the subject property. He stated he was a real estate-related attorney. He questions if undoing the previous owner's replating will set an unintended precedent. He found examples of people combining lots to expand, but he did not find examples of people dividing their large lots. He does not think this proposal complies with the CC&Rs. Woodmoor HOA follows the Colorado Common Interest Ownership Act (CCIOA) which states in Section 38-33.3-217 Amendment of declaration, that *"(a), the declaration, including the plats and maps, may be amended only by the affirmative vote or agreement of unit owners of units to which more than fifty percent of the votes in the association are allocated..."* He does not have a record of their HOA following that procedure for this proposal. He stated that he participated in meetings with WIA and ACC after seeking the services of a land-use attorney, but after their presentation of where the HOA was overstepping, they never heard back from the attorney. The only response he or the attorney received was that WIA approved it. He has concerns about the geological report available on the EDARP website. There are problems with the soil, drainage, and slope. The engineer from the Colorado Geological Survey recommended that a plat note be added to require lot-specific soils and foundations investigations before development of the lots. The plat attached to the staff report does not include that recommendation. The Geological Survey also states it's critical that all recommendations made by the Geotechnical Engineer be followed when developing the property. He wants to ensure there are safeguards built-in to review any successive development. He also mentioned that there is a Deed of Trust put on the property but no signage block on the plat for the trust holder to sign.

Mr. Bailey noted that many concerns mentioned were between the property owners and their HOA.

Mr. Murphy replied to the comment that the previous landowner wanted to keep the land a certain way. He stated that he checked, and there are no deed restrictions. He added that the wife was planning to do the same thing but didn't want to go through the process. Regarding the engineering comments, he stated that the issues can be mitigated with proper planning, engineering, and construction. There will be engineer-designed foundations and drainage for all future homes.

Mr. Bailey added that this is a multi-step process. Vacation and Replat is the first step. There will be subsequent site plan reviews, etc., before a house is built.

DISCUSSION

Ms. Fuller noted that the opposing public comments involved the last criteria of approval regarding the CC&Rs. However, Mr. Murphy has a letter from the HOA stating he complies. In her opinion, he has met that criterion. She suspects the lots were combined in part for tax purposes. This area is zoned RR-0.5 so anyone who exceeds a 1-acre lot that meets the criteria or approval, could divide their lot. She often hears that a realtor told someone “That will never be developed”, but the reality is that this parcel exceeds 2 acres in RR-0.5 zoning and *can* be divided into smaller lots. She believes the criteria is being met and she is in favor of the application.

Mr. Whitney agreed with Ms. Fuller’s comments and added that the neighbors have an issue with the actions of the HOA. That issue is not in this review criteria.

PC ACTION: FULLER MOVED / BRITAIN JACK SECONDED FOR APPROVAL OF CALLED-UP CONSENT ITEM NUMBER 3B, FILE NUMBER VR-22-013, FOR A VACATION AND REPLAT, 1384 BUCKWOOD LANE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS, ONE (1) NOTATIONS, AND A RECOMMENDED FINDING OF WATER SUFFICIENCY WITH REGARD TO QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).

5. REGULAR ITEMS – NONE.

6. NON-ACTION ITEMS – NONE.

MEETING ADJOURNED at 10:14 A.M.

Minutes Prepared By: Miranda Benson

VACATION AND REPLAT (RECOMMEND APPROVAL)

Fuller moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR-22-013

1384 BUCKWOOD LANE - VACATION AND REPLAT

WHEREAS, Sarah Martin did file an application with the El Paso County Planning and Community Development Department for approval of a vacation and replat to vacate one lot and replat it as four lots, back to its original configuration within the RR-0.5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on July 6, 2020; 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 vacation and replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, in approving a vacation and replat of a subdivision, the El Paso County Planning Commission and Board of County Commissioners shall find that the application meets the criteria of approval listed in Land Development Code 7.2.3(C)(4) ("Code"):

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

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 Sarah Martin for approval of the Vacation and Replat to allow a vacation of one lot to be replatted as four lots within the RR-0.5 (Residential Rural) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

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

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. 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.
5. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
6. 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.
7. Bridge fees in the amount of \$1,017.28 shall be paid at the time of plat recordation for the Crystal Creek drainage basin (FOMO5300).

NOTATIONS

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

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

Jack seconded the adoption of the foregoing Resolution.

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

Thomas Bailey	(aye) / no / non-voting / recused / absent
Sarah Brittain Jack	(aye) / no / non-voting / recused / absent
Jay Carlson	(aye) / no / non-voting / recused / absent
Becky Fuller	(aye) / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / (non-voting) / recused / absent
Brandy Merriam	aye / no / non-voting / recused / (absent)
Eric Moraes	aye / no / non-voting / recused / (absent)
Kara Offner	(aye) / no / non-voting / recused / absent
Bryce Schuettpeiz	(aye) / no / non-voting / recused / absent
Wayne Smith	aye / no / (non-voting) / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / (absent)
Christopher Whitney	(aye) / no / non-voting / recused / absent

The Resolution was adopted by a vote of 7 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 6th day of July 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
 Thomas Bailey, Chair

EXHIBIT A

LOT 1, WESTVIEW AT WOODMOOR, EL PASO COUNTY, COLORADO AS SHOWN ON
THE SUBDIVISION PLAT THEREOF RECORDED UNDER RECEPTION NO. 210713052
OF THE EL PASO COUNTY RECORDS.

CONTAINING 3.81 ACRES, MORE OR LESS

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

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Ashlyn Mathy, Planner I
Edward Schoenheit, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Number: VR-22-013
Project Name: 1384 Buckwood Ln - Vacation and Replat
Parcel Number: 7111101042

OWNER:	REPRESENTATIVE:
Murphys Custom Homes Sarah Martin sarahmurphy@murphyscustomhomes.com (719) 233-2883	Murphys Custom Homes Sarah Martin sarahmurphy@murphyscustomhomes.com (719) 233-2883

Commissioner District: 1

Planning Commission Hearing Date:	7/6/2023
Board of County Commissioners Hearing Date:	8/1/2023

EXECUTIVE SUMMARY

A request by Murphys Custom Homes for approval to Vacate and Replat one (1) residential lot into four (4) residential lots. In doing this process, the applicant is proposing to replat the lots into the four (4) lot original configuration. The 3.81-acre property is zoned RR-0.5 (Residential Rural), and is located at the northwest terminus of Buckwood Lane, approximately one tenth of a mile from the intersection of Buckwood Lane and Fawnwood Road.

A. WAIVERS/DEVIATIONS/AUTHORIZATION

Waiver(s)/Deviation(s): None associated with this project.

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

B. APPROVAL CRITERIA

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2022) (“Code”) states that a replat, “involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat.” The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified, or additional lots are created. In approving a replat, the following findings shall be made:

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

C. LOCATION

North:	RR-0.5 (Residential Rural)	Single Family Residence
South:	RR-0.5 (Residential Rural)	Single Family Residence
East:	RR-0.5 (Residential Rural)	Single Family Residence
West:	RR-0.5 (Residential Rural)	Single Family Residence

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

D. BACKGROUND

The subject property and area were platted by plat number 2257 known as “Woodmoor Filing 1”. It was originally platted as four lots known as lots 6, 7, 14, and 15. The subject property, after the original plat, has been combined and separated over the years. Under plat number 13052, known as “Westview at Woodmoor”, the four lots went through a Vacate and Replat process that brought it to one lot. Currently, the one lot is 3.81 acres, and the homeowners would like to go through the Vacate and Replat process to bring the property from one lot back to four lots.

E. ANALYSIS

1. Land Development Code Compliance

The subject property will meet the zoning requirements for RR-0.5 and will meet the minimum lot size requirement of 0.5-acre minimum. Additionally, the current residence meets the zoning requirements. The replat has met all required findings that are necessary for a minor subdivision.

2. Zoning Compliance

The replat will create four lots that conform to the standards of the RR-0.5 (Residential Rural) zoning district. The RR-0.5 (Residential Rural) zoning district density and dimensional standards are as follows:

- Width (front line setback): 100 ft
- Front setback*+: 25 ft
- Side setback*: 10 ft
- Rear setback*+: 25 (5) ft
- Maximum Lot Coverage: None
- Maximum Height: 30 ft

** Agricultural stands shall be setback a minimum of 35 feet from all property lines.*

+ The side yard setback for an accessory structure shall be 10 feet, unless the structure is at least 60 from the front property line or nearest road right of way, where a 5 feet setback is allowed. In no instance shall an accessory structure be closer to the front property line than the principal structure.



F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. **Placetype Character:** Suburban Residential

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

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

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

Recommended Land Uses:

Primary

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

Supporting

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

Please see the map series attachment for a depiction of the placetype character in the area.

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Analysis:

The subject property has a single-family residence, which is a primary land use for the placetype from the master plan. The proposal is to replat this as the original four lots, which not only is supported by the zoning lot size, but additionally, would be supported by the master plan. Suburban residential is composed of single-family residences with lot sizes ranging from 2.5 acres or smaller.

b. Area of Change Designation: Minimal Change: Developed

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.

Please see the map series attachment for a depiction of the area of change designation in the area.

Analysis:

The subject property will see development in areas that are underdeveloped or vacant. New developments are to be expected, however at this point no development is proposed at the current vacant lots being created with this project.

c. Key Area Influences: Tri-Lakes Area

Tri-Lakes is the northern gateway into the County along Interstate 25 and Highway 83. It is situated between Pike National Forest, the United States Air Force Academy, and Black Forest. With significant suburban development and some mixed-use development, this Key Area supports the commercial needs of many of the residents in northern El Paso County. Tri-Lakes also serves as a place of residence for many who commute to work in the Denver Metropolitan Area. It is also an activity and entertainment center with the three lakes (Monument Lake, Wood-moor Lake, and Palmer Lake) that comprise its namesake and direct access to the national forest. Tri-Lakes is the most well-established community in the northern part of the County with a mixture of housing options, easy access to necessary commercial goods and services, and a variety of entertainment opportunities. Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.

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Please see the map series attachment for a depiction of the key area designation in the area.

Analysis:

The key area supports growth as this area mentions the growth supporting the residential, commercial, or employment opportunities. If the lots were to be developed with single-family residences this would be supported by the master plan.

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

Not applicable.

2. Water Master Plan Analysis

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

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

***Goal 1.3** – Promote awareness of environmental issues associated with water use.*

***Policy 2.1.3** – Communicate and gather input on complex, and at times, contentious water and land use considerations.*

***Goal 4.1** – Develop an understanding of the differences in water supply sources, and any water quality issues within the County.*

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 2 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 2 for central water providers:

The Plan identifies the current demand for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 for Region 2 is at 11,713 AFY (Figure 5.1)



with a projected supply of 20,516 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 2 is at 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. Colorado Parks and Wildlife have the following comments:

Colorado Parks and Wildlife have concerns about trees being removed due to the trees being nesting sites for different species and have the potential to be historic nests in the area. Next, they have concerns about fencing in the area because they can lead to animal accidents, entanglements, or death. Additionally, they have concerns related to Black Bears in the area, as they are prevalent in the Front Range. Various recommendations were made on how to reduce human and wildlife contact with not only Black Bears but other animals in addition to not feed any wildlife. Lastly, they proposed a noxious weed mitigation plan for any disturbed soil at the subject property.

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.

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation Section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. **Hazards:** No hazards were found to be associated with this project.
2. **Floodplain:** The property is not located in a FEMA floodplain and is located in Zone X, outside the 500-year floodplain in an area of minimal flood hazard.

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- 3. Drainage and Erosion:** The property is located within the Crystal Creek drainage basin, which is included in the El Paso County Drainage Basin Fee program. Drainage basin fees in the amount of \$6,683.22 were previously paid on 12/8/1994 during a previous plat action (Plat #8998). Bridge fees did not apply at the time of previous platting and will be due in the amount of \$1,156 per impervious acre, totaling \$1,017.28 to be paid at the time of plat recordation. A drainage report was submitted with the replat, identifying minimal drainage impacts to adjacent lots with the proposed subdivision. No public improvements are required for this project. Water quality and detention facilities are not required due to the nature and size of the lots.
- 4. Transportation:** Public road access for the four lots will be from Buckwood Lane, Wildwood Way, and Doewood Drive, all of which are paved, rural local roads maintained by the County. Future lot purchasers will be required to obtain a County driveway access permit.

A traffic impact study was not required for the subdivision in accordance with El Paso County Engineering Criteria Manual (ECM). The three new lots and homes will have a negligible impact on daily traffic on the surrounding roads. The subdivision is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended). Road impact fees shall be paid in full at the time of subsequent building permits if not paid at the time of final plat recordation.

H. SERVICES

1. Water

Sufficiency: Sufficient
Quality: Sufficient
Quantity: Sufficient
Dependability: Sufficient

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

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2. Sanitation

Sanitation is provided by Woodmoor Water and Sanitation District.

3. Emergency Services

The property is within the Tri-Lakes Monument Fire Protection District.

4. Utilities

Mountain View Electric Association
Upper Black Squirrel Creek GWMD

5. Metropolitan Districts

Not applicable.

6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$1,840 for regional fees and \$1,160 for urban park fees will be due at the time of recording the replat.

7. Schools

Fees in lieu of school land dedication in the amount of \$1,232 will be due at the time of recording the replat.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2022) staff recommends the following conditions and 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. 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.
5. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
6. 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.
7. Bridge fees in the amount of \$1,017.28 shall be paid at the time of plat recordation for the Crystal Creek drainage basin (FOMO5300).

NOTATION

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



K. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified eighteen (18) adjoining property owners on June 19, 2023, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

L. ATTACHMENTS

Map Series

Vicinity Map

Letter of Intent

Plat Drawing

State Engineer's Letter

County Attorney's Letter

Draft Resolution

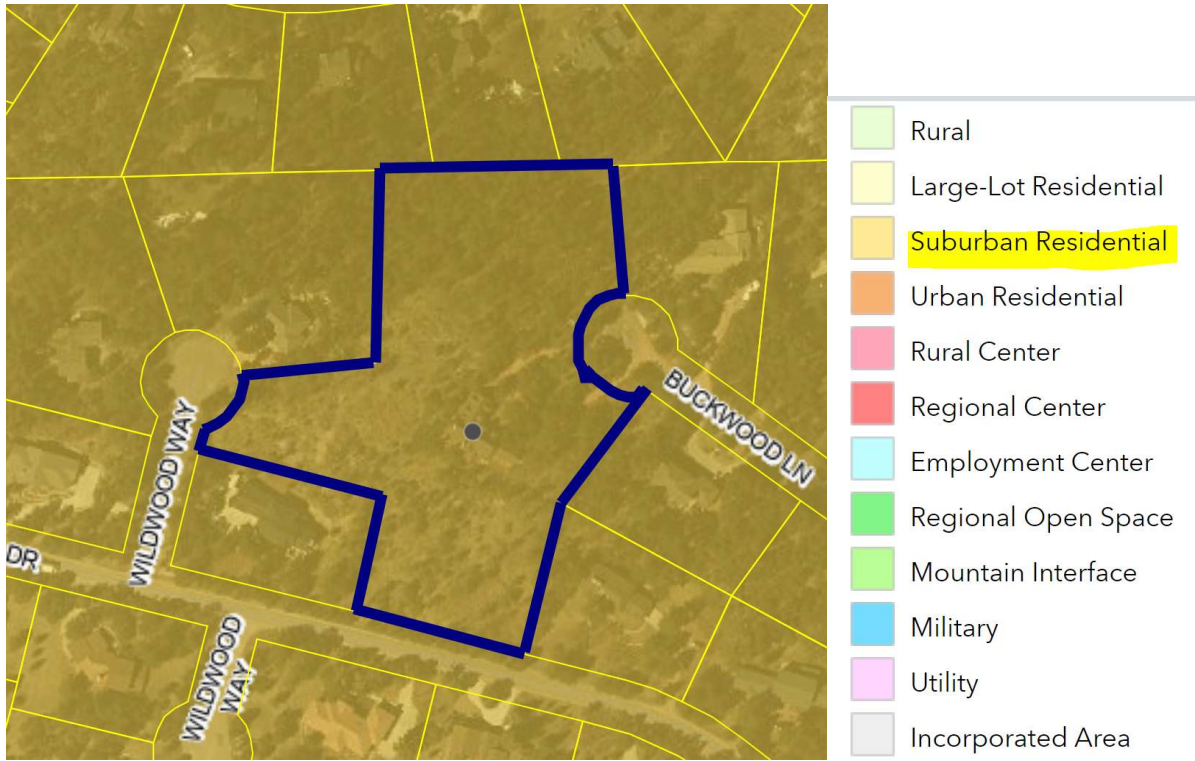
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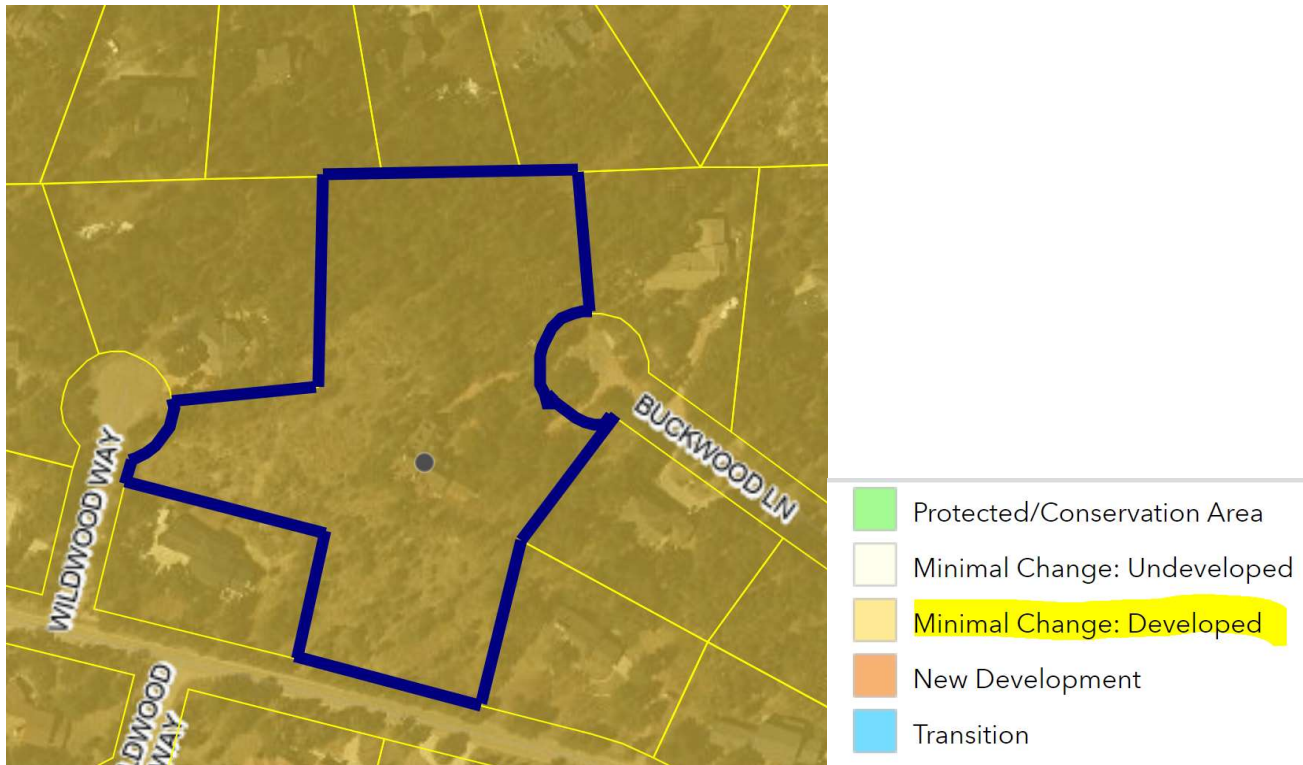
COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

Map Exhibit (VR-22-013)

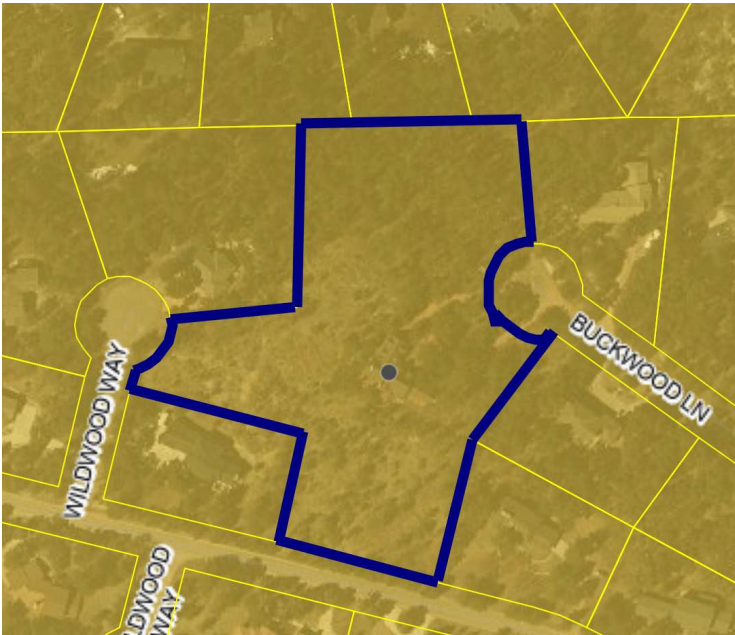
Placetype Area Map:



Area of Change Map:



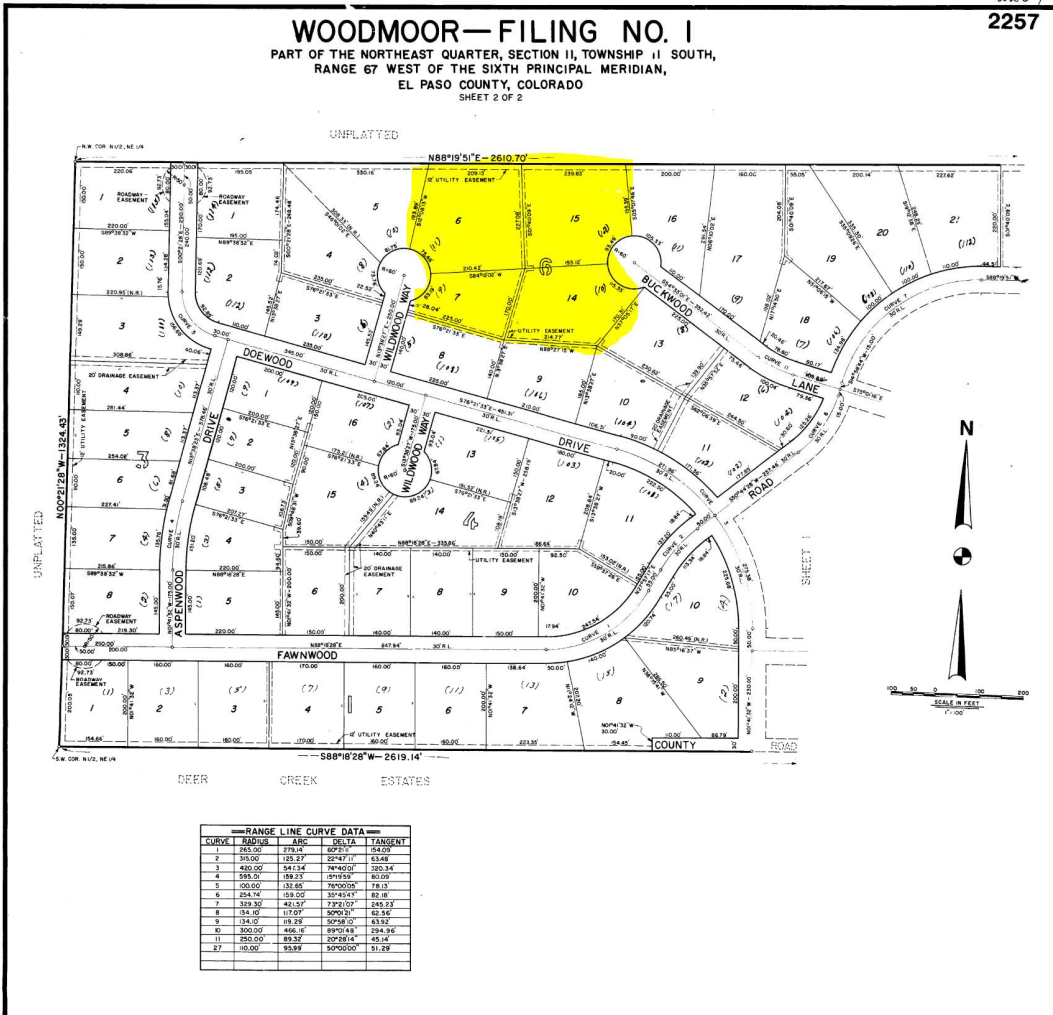
Key Change Area Map:



- Military Installations
- Potential Areas for Annexation
- Enclaves or Near Enclaves
- Small Towns & Rural Communities
- Fountain Creek Watershed Flood Control & Greenway District
- Forested Area
- Pikes Peak Influence Area
- Tri-Lakes Area
- Colorado Springs Airport/Peterson Field
- Uncommon Natural Resources

Plats:

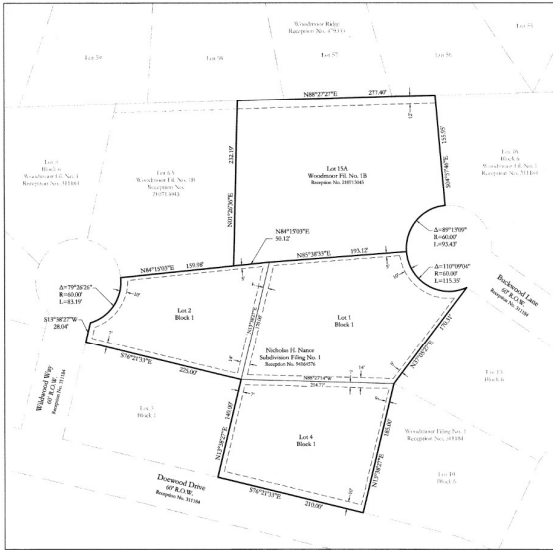
Plat No. 2557:



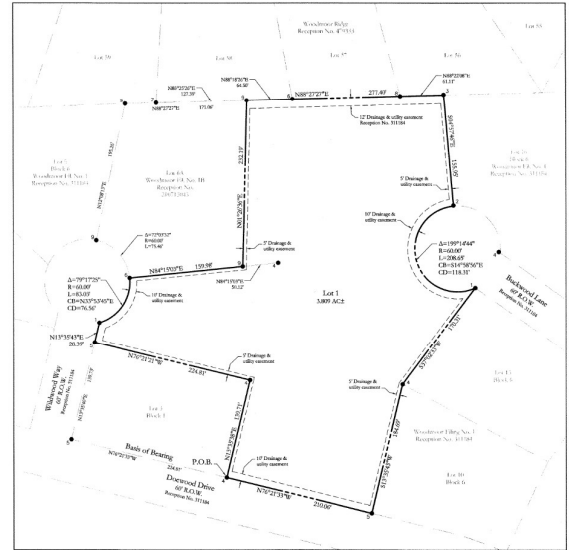
WESTVIEW AT WOODMOOR

13052

A VACATION & REPLAT OF LOTS 1, 2 & 4, BLOCK 1, NICHOLAS H. NANCE SUBDIVISION FILING NO. 1
AND LOT 15A, WOODMOOR FIL. NO. 1B, EL PASO COUNTY, COLORADO



AS PLATTED
Dimensions shown are recorded



AS VACATED & REPLATTED
Dimensions shown are field measured
(Unless otherwise shown)

- Legend:**
- Proposed Boundary Line (Digital)
 - Existing Boundary Line (P&M)
 - Proposed Easement Line
 - Adjacent boundary lines

- Monument Legend:**
- Found 4\"/>

Surveyor's Statement:

The undersigned Registered Land Surveyor in the State of Colorado, does hereby state and declare that the accompanying plat has been prepared under the supervision and accurately shows the described tract of land and subdivisions thereof and declares that to his opinion the representations of Title 38 of the Colorado Revised Statutes, 1973, are complied, have been met to the best of his knowledge and belief, subject to laws in control and common title search and examination rights doctrine.



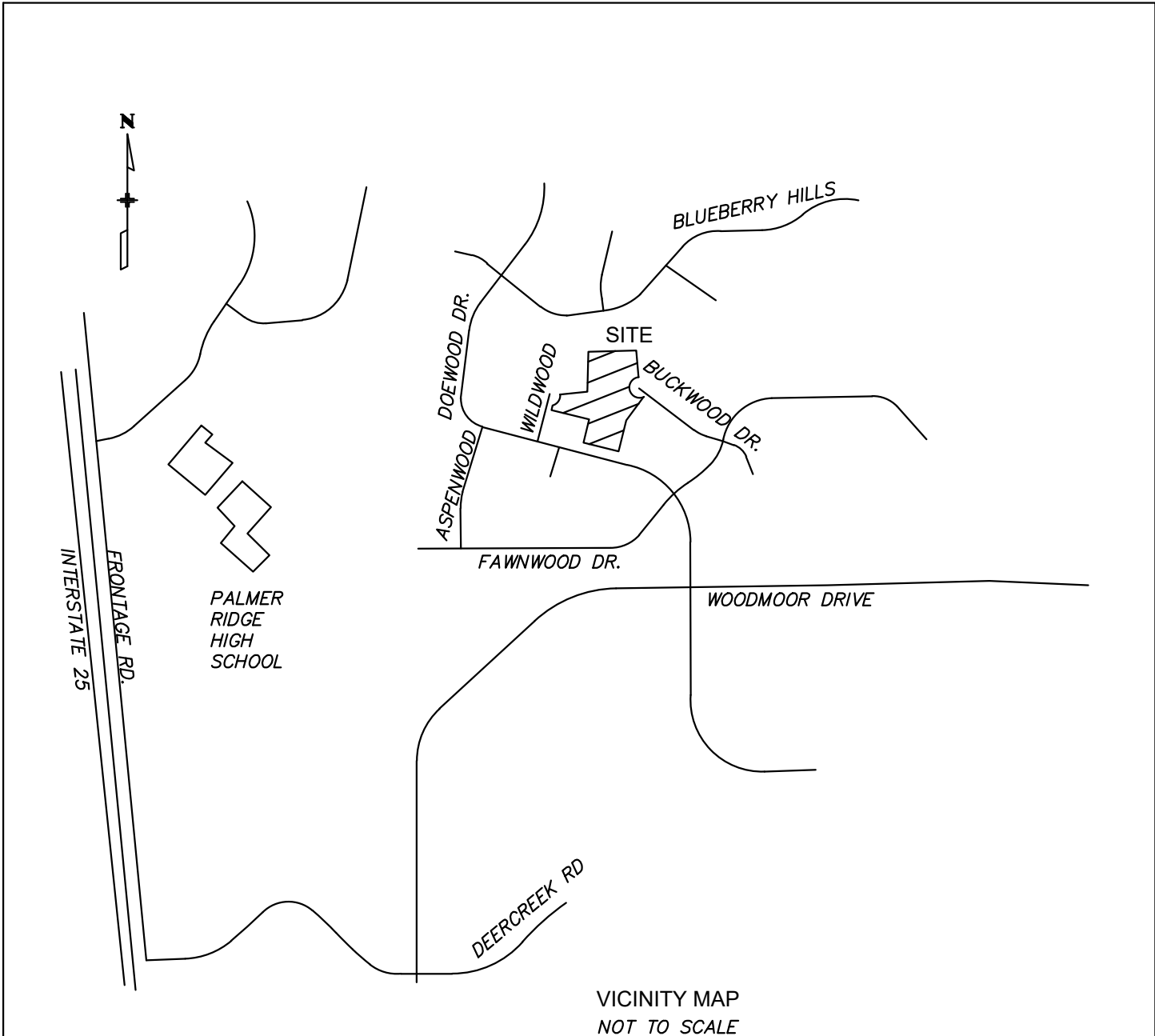
This survey is null and void without the surveyor's original signature and impression on

SHEET 2 OF 2

BROOKS
LAND SURVEYING
P.C.
5000 Holmes Pl., Colorado Springs, CO 80919 (719) 531-0099

Westview at Woodmoor - Final Plat

DRAWN BY: MB JOB NO.: 200933
DATE: 4/26/2011 DWG. NO.: 200933-01A/C



VICINITY MAP
NOT TO SCALE

<p>VICINITY MAP WESTVIEW AT WOODMOOR FIL. NO. 2 MONUMENT, CO</p>	<p>DWG: 1384 BUCKWOOD SCALE: NTS DATE: 6/30/22 DRAWN: THK CHECKED: KMO PROJECT: 22018</p>	<p>LWA LAND SURVEYING, INC. 953 E. FILLMORE STREET COLORADO SPRINGS, CO 80907 TELEPHONE (719) 636-5179 FAX (719) 636-5199</p>	<p>REVISIONS:</p>
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Murphy's Custom Homes Inc.
We Build your Dreams

WESTVIEW AT WOODMOOR FILING 1A
LETTER OF INTENT

OWNER/DEVELOPER:

Murphy's Custom Homes
Tim Murphy 719-360-7792
timmurphy@murphyscustomhomes.com
Sarah Martin 719-233-2883
sarahmartin@murphyscustomhomes.com
13710 Struthers Road, Suite 105B
Colorado Springs, CO 80921

PCD FILING #: VR-22-13

SITE LOCATION: 1384 Buckwood Lane, Monument, CO 80132

SIZE: 3.809 acres

ZONING: RR-0.5

TAX SCHEDULE NUMBER: 7111101042

INTRODUCTION: The owners intend to subdivide a single lot into 4 rural residential lots. The minimum lot size will be 0.5 acres as required by the existing zoning. There is an existing residence and associated drive on the east and central area of the parcel in what will become Lot 1. Commitment letters have been obtained for all necessary utilities and there will be no disturbance to the site at this time.

PROPOSAL: The application covered by this Letter of Intent includes a Replat for the proposed subdivision of the single lot into four rural residential lots.

THE PLAN: The existing site will be subdivided into Westview at Woodmoor Filing No 2 Lots 1 through 4. Lot 1 will retain its current access off of Buckwood Lane. Lot 2 will be accessed off of Doewood Drive. Lot 3 will be accessed off of Wildwood Way. Lot 4 will be accessed off of Buckwood Lane. Development of the subdivided lots is not included in this submission and lot specific development plans have not yet been started. Grading can be expected when the individual lots are later developed. Commitments have been obtained for utilities (including water, sewer, gas, and electric) for the subdivided lots.

EXISTING AND PROPOSED FACILITIES: There is an existing residence and associated drive on the east and central portion of the site which will remain. No proposed structures are included in this application. This lot will meet all required setbacks for the proposed plat layout.

13710 Struthers Rd, Suite 105B, Colorado Springs, CO 80921
719-233-2883 email:sarahmartin@murphyscustomhomes.com

Murphy's Custom Homes Inc.
We Build your Dreams

WAIVER REQUESTS: No waivers are requested for this replat.

TRANSPORTATION: Private driveways will provide access to existing public roads for the 4 proposed lots.

TRAFFIC: A traffic memo will not be required for this project. A traffic impact study is not required in accordance with ECM Appendix B.1.2.D as all criteria is met. Traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution 19-471).

DRAINAGE: A Final Drainage Report has been prepared for Westview at Woodmoor Filing No. 2. The purpose of this report is to identify and analyze the onsite and offsite drainage patterns and to ensure that post development runoff is routed through the site safely and in a manner that satisfies the requirements set forth by the El Paso County Drainage Criteria Manual.

UTILITIES: Per commitment letters, The Woodmoor Water & Sanitation District will provide water and sewer services for this subdivision, Mountain View Electric has committed to provide electrical services to the proposed lots, Black Hills Energy will provide gas for this subdivision once it is approved.

GEOLOGY AND SOILS: A soil, geology and wastewater study has been prepared for the subdivision by CTL Thompson dated September 20, 2022. This report found that there were no geotechnical or geologic constraints that would preclude construction of single-family residences. The primary geotechnical concern is the presence of sporadic lenses of expansive claystone bedrock which can be mitigated with proper planning, engineering, design, and construction.

CRITERIA FOR APPROVAL:

- This replat complies with the El Paso County LDC and the original conditions of approval associated with the recorded plat. The site is within the right by use for the current RR-0.5 zoning.
- No nonconforming lots are created with the proposed replat.
- The replat is in keeping with the purpose and intent of the Code. The replat conforms to the required findings for a minor subdivision. This 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. These required items have been uploaded to EDARP and revisions will be made, if necessary.

Murphy's Custom Homes Inc.

We Build your Dreams

- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM. All lots will have direct access to existing public roads.
- The approval will not adversely affect public health, safety, and welfare. The proposed subdivision was evaluated for soil and topographic hazards and was found to be compatible with the identified hazard of the presence of sporadic lenses of expansive claystone bedrock as long as the hazard is mitigated with proper planning, engineering, design, and construction. Increased runoff expected from this proposed site will not be significant. Methods for fire protection comply with Chapter 6 of the Land Development Code. A fire protection report and wildfire hazard mitigation report have been provided for this development.
- There are no conflicts with CC&Rs or other restrictions resulting from the replat.

ADDITIONAL NOTES:

-Offsite impacts are expected to be minimal and, therefore, offsite improvements should not be necessary for this project.

The County is charging various fees to mitigate the impacts of this proposed subdivision.

-All applicable sections of Chapter 6 & 8 of the Land Development Code are met by this project.

-The applicant has met with the Forestry Department and the HOA in order to begin the necessary mitigation measures.

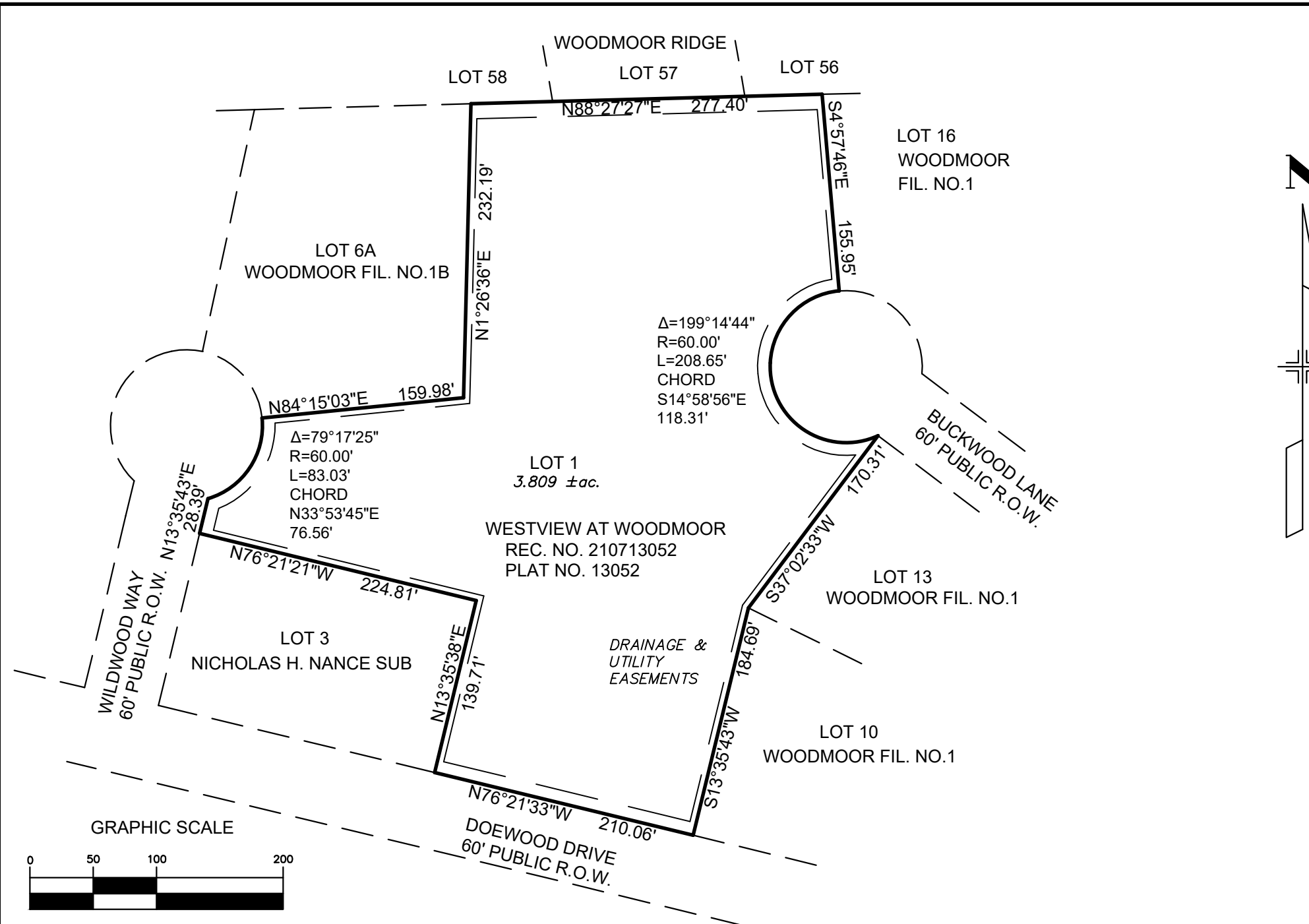
-Road impact fees will be due at building permits for new construction on lots.

-Individual lot owners will be responsible for construction of future driveways and for maintaining the property once the replat is completed.

-No commercial mining deposits have been identified within the proposed subdivision.

WESTVIEW AT WOODMOOR FILING NO. 1A

A REPLAT OF LOT 1, WESTVIEW AT WOODMOOR
IN THE NORTHEAST QUARTER OF SECTION 11
TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M.
EL PASO COUNTY, COLORADO



GRAPHIC SCALE
0 50 100 200
(IN FEET)
1 inch = 100 ft.

AS PLATTED
PLAT NO. 13052

NOTES:

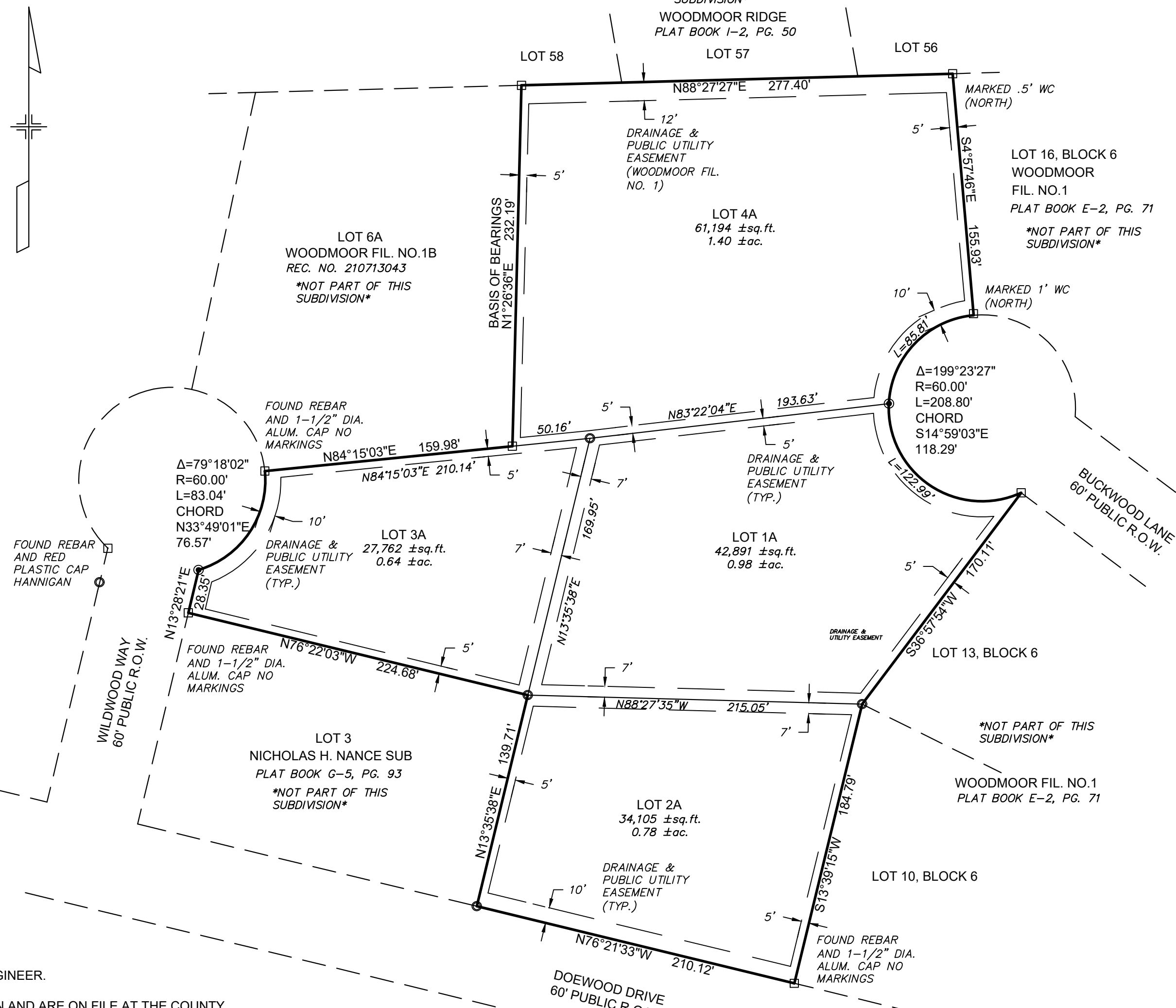
- MONUMENTS
 ○ FOUND A 1/2" DIAMETER REBAR
 □ FOUND A REBAR AND ORANGE PLASTIC CAP PLS 37928 OR AS NOTED.
 ● SET A 5/8" DIAMETER REBAR, 18" IN LENGTH WITH A 1-1/2" DIAMETER ALUMINUM CAP "LWA PLS 28658. MONUMENTS ARE FLUSH WITH THE GROUND UNLESS NOTED OTHERWISE
- RESEARCH FOR RECORDED RIGHTS OF WAY AND EASEMENTS WAS DONE BY LAND TITLE GUARANTEE COMPANY, FILE NO. SR55103105 EFFECTIVE DATE JANUARY 27, 2022. THIS DRAWING DOES NOT CONSTITUTE A TITLE SEARCH BY KEVIN M. O'LEARY OR LWA LAND SURVEYING INC.
- PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS AND AGREEMENTS AS STATED IN THE TITLE COMMITMENT.
- UNITS OF MEASURE ARE U.S. SURVEY FEET.
- THE BASIS OF BEARINGS FOR THIS SURVEY IS THE WEST LINE OF LOT 4A, N1°26'36"E - 232.19'. THE DIRECTION IS BASED ON THE WESTVIEW AT WOODMOOR PLAT AND THE LINE IS MONUMENTED BY REBAR AND ORANGE PLASTIC CAPS PLS 37928.

NOTES:

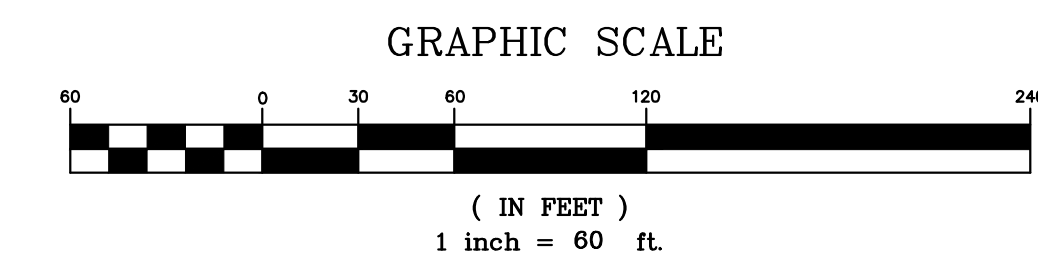
- STRUCTURAL FOUNDATIONS ON THE LOTS IN THIS SUBDIVISION SHALL BE DESIGNED BY A COLORADO REGISTERED PROFESSIONAL ENGINEER.
- THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE PRELIMINARY PLAN OR FINAL PLAT FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY DEVELOPMENT SERVICES DEPARTMENT: DRAINAGE REPORT; WATER RESOURCES REPORT; WASTEWATER DISPOSAL REPORT; GEOLOGY AND SOILS REPORT; FIRE PROTECTION REPORT; WILDFIRE HAZARD REPORT; NATURAL FEATURES REPORT AND NOXIOUS WEED MANAGEMENT PLAN.
- 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. HOMEBUILDERS ARE RESPONSIBLE TO ENSURE PROPER DRAINAGE AROUND STRUCTURES, INCLUDING ELEVATIONS OF FOUNDATIONS AND WINDOW WELLS IN RELATION TO SIDE LOT DRAINAGE EASEMENTS AND SWALES. HOMEOWNERS SHALL NOT CHANGE THE GRADE OF THE LOT OR DRAINAGE SWALES WITHIN SAID EASEMENTS, AS CONSTRUCTED BY THE BUILDER, IN A MANNER THAT WOULD CAUSE ADVERSE DRAINAGE IMPACTS TO PROPERTIES. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OR RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
- MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS.
- THIS PROPERTY IS SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WOODMOOR FILING NO. 1, BY BEING A REPLAT THEREOF AS RECORDED IN BOOK 2421 AT PAGE 215 OF THE EL PASO COUNTY RECORDS.
- THE 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 DEPARTMENT OF WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORP. OF ENGINEERS, THE U.S. FISH AND WILDLIFE SERVICE REGARDING THE ENDANGERED SPECIES ACT.
- THE ADDRESSES EXHIBED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
- INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS, INCLUDING NECESSARY DRAINAGE CULVERTS PER LAND DEVELOPMENT CODE SECTION 6.3.3.C.2 AND 6.3.3.C.3. DUE TO THEIR LENGTH OR GRADE, SOME OF THE DRIVEWAYS WILL NEED TO BE SPECIFICALLY APPROVED BY THE FIRE DISTRICT AND ECM ADMINISTRATOR. NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
- THE SUBDIVIDER AGREES ON BEHALF OF HIMSELF AND ANY DEVELOPER OR BUILDER SUCCESSORS AND ASSIGNEES THAT THE 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 19-471) OR ANY AMENDMENTS THERETO, AT OR PRIOR TO THE TIME OF BUILDING PERMIT SUBMITTALS. THE FEE OBLIGATION, IF NOT PAID AT FINAL PLAT RECORDING, SHALL BE DOCUMENTED ON ALL SALES DOCUMENTS AND ON PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE THE SALE OF THE PROPERTY.
- THIS PROPERTY IS LOCATED WITHIN AND SERVICED BY THE MOUNTAIN VIEW ELECTRIC ASSOCIATION SERVICE DISTRICT, THE TRI-LAKES MONUMENT FIRE PROTECTION DISTRICT, LEWIS PLAMER SCHOOL DISTRICT NO. 38, THE BLACK HILLS ENERGY CORPORATION SERVICE DISTRICT AND WOODMOOR WATER AND SANITATION.
- DRAINAGE EASEMENTS: NO PERMANENT DWELLING UNIT, TEMPORARY OR PERMANENT STRUCTURES, INCLUDING SHEDS AND OUT BUILDING, WATER WELL OR WASTEWATER TREATMENT SYSTEM MAY BE CONSTRUCTED IN THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. DRAINAGE CULVERTS AND FENCES THAT DO NOT BLOCK OR IMPEDE STORM WATER RUNOFF ARE ALLOWED IN AND ACROSS DRAINAGE EASEMENTS.
- A "GEOLOGIC HAZARD EVALUATION AND SOILS AND FOUNDATION INVESTIGATION PROPOSED WESTVIEW AT WOODMOOR FILING NO. 1A, EL PASO COUNTY, COLORADO", CTL THOMPSON INC., PROJECT NO. CS19579-120, DATED SEPTEMBER 20, 2022 IS HELD UNDER THE WESTVIEW AT WOODMOOR FILING NO. 1A AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT. GEOLOGIC HAZARDS THAT WOULD PRECLUDE THE PROPOSED DEVELOPMENT WERE NOT FOUND TO BE PRESENT AT THIS SITE. GEOLOGIC CONSTRAINTS ARE POTENTIALLY PRESENT, AND INCLUDE: SPORADIC LENSES OF EXPANSIVE CLAYSTONE BEDROCK AND POTENTIAL FOR EXPANSIVE/SETTLEMENT PRONE SOILS. THESE GEOLOGIC AND ENGINEERING CONDITIONS ARE RELATIVELY COMMON TO THE AREA AND CAN BE SATISFACTORILY MITIGATED THROUGH PROPER ENGINEERING, DESIGN, AND CONSTRUCTION PRACTICES.
- THIS PROPERTY IS LOCATED WITHIN ZONE X "AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN" AS DETERMINED BY THE FLOOD INSURANCE RATE MAP NUMBER 08041C0276G, EFFECTIVE DATE DECEMBER 7, 2018.
- FIRE PROTECTION REPORT RECOMMENDATIONS, AS A CONDITION OF APPROVAL OF THIS PLAT BY THE BOARD OF COUNTY COMMISSIONERS, NO CONVEYANCE, SALE OR TRANSFER OF TITLE OF LOTS 1-4 IDENTIFIED HEREON, SHALL BE MADE, NOR ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY BE ISSUED BY EL PASO COUNTY, UNTIL SUCH TIMES AS THE FOLLOWING HAS BEEN ACCOMPLISHED BY THE PROPERTY OWNER. A LETTER OF COMPLIANCE HAS BEEN RECEIVED FROM THE COLORADO STATE FOREST SERVICE, FIRE DEPARTMENT, FIRE MARSHALL, OR OTHER QUALIFIED PROFESSIONAL STATING PRACTICES DESIGNATED TO REDUCE WILDFIRE HAZARDS HAS BEEN COMPLETED IN ACCORDANCE WITH THE WILDLAND FIRE AND HAZARD MITIGATION PLAN. SUCH WORK MAY INCLUDE, BUT IS NOT NECESSARILY LIMITED TO THE FOLLOWING: *FOREST WIDE THINNINGS, *FUELBREAK THINNINGS, *PRUNINGS, *DEBRIS DISPOSAL.

EASEMENTS:

UNLESS SHOWN GREATER IN WIDTH, SIDE AND REAR LOT LINES ARE HEREBY PLATTED WITH A FIVE (5) FOOT EASEMENT FOR DRAINAGE AND PUBLIC UTILITIES ONLY; FRONT LOT LINES ARE HEREBY PLATTED WITH A TEN (10) FEET EASEMENT FOR DRAINAGE AND PUBLIC UTILITIES ONLY; THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THE EASEMENT AREAS IS VESTED WITH THE PROPERTY OWNERS.



AS RE-PLATTED



SURVEYOR'S CERTIFICATION:

I, KEVIN M. O'LEARY, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON THE DATE OF THE SURVEY, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:10,000; AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISION, OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE.

I ATTEST THE ABOVE ON THIS ___ DAY OF _____, 2023.

KEVIN M. O'LEARY
COLORADO REGISTERED PLS #28658
FOR AND ON BEHALF OF
LWA LAND SURVEYING, INC.

DATE

LOT SUMMARY TABLE:

TOTAL GROSS ACREAGE	3.81 ACRES	100%
4 RESIDENTIAL LOTS	3.81 ACRES	100%
GROSS DENSITY	1.05 DU/AC	
NET DENSITY	1.05 DU/AC	
TOTAL NET ACREAGE:	3.81 ACRES	100%

BE IT KNOWN BY THESE PRESENTS:

THAT MURPHY'S CUSTOM HOMES, INC., TIM MURPHY, PRESIDENT IS THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND, TO WIT:

LOT 1, WESTVIEW AT WOODMOOR, EL PASO COUNTY, COLORADO AS SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED UNDER RECEPTION NO. 210713052 OF THE EL PASO COUNTY RECORDS.

CONTAINING 3.81 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 AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF WESTVIEW AT WOODMOOR FILING NO. 1A. ALL PUBLIC IMPROVEMENTS REQUIRED BY THIS LAND USE ACTION ARE HEREBY DEDICATED TO PUBLIC USE AND SAID OWNER DOES HEREBY COVENANT AND AGREE THAT THESE PUBLIC IMPROVEMENTS WILL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND THAT PROPER DRAINAGE AND EROSION CONTROL FOR THE 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, COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES.

IN WITNESS WHEREOF:

THE AFOREMENTIONED MURPHY'S CUSTOM HOMES, INC HAS EXECUTED THIS INSTRUMENT THIS ___ DAY OF _____, 2023.

MURPHY'S CUSTOM HOMES, INC.
TIM MURPHY, PRESIDENT

NOTARIAL:

STATE OF COLORADO) SS
COUNTY OF EL PASO)
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ___ DAY OF _____, 2023 BY TIM MURPHY, PRESIDENT MURPHY'S CUSTOM HOMES, INC.

MY COMMISSION EXPIRES: _____
NOTARY PUBLIC

BOARD OF COUNTY COMMISSIONERS APPROVAL:

THIS PLAT FOR WESTVIEW AT WOODMOOR FILING NO. 1A WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THIS ___ DAY OF _____, 2023, SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. THE DEDICATIONS OF LAND TO THE PUBLIC AND EASEMENTS ARE ACCEPTED.

CHAIR, BOARD OF COUNTY COMMISSIONERS DATE

DIRECTOR PLANNING AND COMMUNITY DEVELOPMENT DATE

RECORDING:

STATE OF COLORADO) SS
COUNTY OF EL PASO)
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT MY OFFICE AT ___ O'CLOCK ___ M., THIS ___ DAY OF _____, 2023, AND IS DULY RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

STEVE SCHLEIKER
BY: _____
COUNTY CLERK AND RECORDER

FEE: _____
SURCHARGE: _____

FEES:
DRAINAGE FEES: _____
BRIDGE FEES: _____
SCHOOL FEES: _____
PARK FEES: _____

FILE NO. VR-22-13
PREPARED BY
LWA LAND SURVEYING, INC.
REVISED 3/13/23
REVISED 1/20/23
JUNE 30, 2022
953 E. FILLMORE STREET
COLORADO SPRINGS, COLORADO 80907
Phone (719) 636-5179
PROJECT 2201B
BUCKWOOD.DWG SHEET 1 OF 1



March 14, 2023

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

RE: 1384 Buckwood Ln - Vacation and Replat
Sec. 11 Twp. 11S, Rng. 67W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 30569

Dear Mr. Howser,

We have received an update to the above-referenced proposal to create a subdivision in El Paso County. According to the materials, it appears that a parcel of 3.8± acres in size will be split into four approximately equal sized lots. This office has no record of any existing wells located on the property. The proposed source of water supply and wastewater disposal is to be served by the Woodmoor Water and Sanitation District ("District").

Water Supply Demand

The updated submittal information included a Water Supply Information Summary, Form No. GWS-76, which noted that the development anticipates a water demand of 1.312 acre-feet for all four residences. This equates to the standard rate of 0.328 acre-feet/year per household.

Please note that standard water use rates, as found in the Guide to Colorado Well Permits, Water Rights, and Water Administration, are 0.3 acre-foot/year for each ordinary household, 0.05 acre-foot/year for four large domestic animals, and 2.2 acre-foot/year for each acre of lawn and garden irrigation.

Source of Water Supply

The proposed water supplier is Woodmoor Water and Sanitation District; the applicant provided a September 26, 2022 letter where the District conditionally agrees to provide 1.434 acre-feet/ year to the proposed development.

State Engineer's Office Opinion

Pursuant to Section 30-28-136(1)(h)(II) C.R.S., it is the opinion of this office that the proposed water supply can be provided without causing injury to decreed water rights, and the supply is expected to be adequate. The applicant should be expected to finalize the water supply commitment with the District prior to final approval from the County. Should you or the applicant have questions regarding any of the above, please feel free to contact me directly.



1384 Buckwood Ln
March 14, 2023
Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read "Ivan Franco". The signature is fluid and cursive, with the first name "Ivan" being more prominent than the last name "Franco".

Ivan Franco, P.E.
Water Resource Engineer

cc: Division 2 Engineer
District 10 Water Commissioner

County Attorney

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

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

June 15, 2023

VR-22-13 Westview at Woodmoor Filing No. 1A
Vacation and Replat

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a Vacation and Replat proposal by Murphy's Custom Homes, Inc. ("Applicant"), to subdivide an approximately 3.81-acre lot into 4 single-family lots. The property is zoned RR-0.5 (Residential Rural).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* ("WSIS"), the Applicant estimates its annual water needs to serve this subdivision at 1.312 acre-feet/year for four lots. The Applicant estimates annual household use at 0.328 acre-feet per lot, with no additional estimated demand for irrigation, which results in a total annual water demand of 1.312 acre-feet for Westview at Woodmoor Filing No. 1A. Based on these figures, the Applicant must provide a supply of 393.6 acre-feet of water (1.312 acre-feet/year x 300 years) to meet the County's 300-year water supply requirement for the subdivision.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Woodmoor Water & Sanitation District No. 1. The *Water Resources Report* ("Report") estimates the total annual water demand for the subdivision at 1.312 acre-feet/year, consisting solely of household use with no estimated demand for irrigation. The *Report* indicates that the District's decreed Denver Basin water rights annual entitlement available for use totals 6,322.4 acre-feet per year. This amount is in addition to exchange water rights and senior surface water rights owned by the District. The total water commitment to serve existing development from Denver Basin water

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

as of 2022 is 2,575 annual acre-feet. "...[T]he District has an excess of 3,747 af/yr of Denver Basin water rights annual entitlement available for future water commitments."

4. The Woodmoor Water & Sanitation District No. 1 District provided a letter of commitment dated September 26, 2022 for Westview at Woodmoor Filing No. 1A (identified as the 1384 Buckwood Lane Re-Plat in the letter), in which the District committed to providing water service for the 4 single family homes in an annual amount of 1.434 acre-feet per year. This commitment is contingent upon the Applicant entering into a Supplemental Water Service agreement with the District and complying with all District rules, regulations, specifications, and policies.

State Engineer's Office Opinion

5. In a letter dated March 14, 2023, the State Engineer's Office reviewed the application to subdivide the 3.8 +/- acres into 4 single-family lots. The State Engineer stated that "[t]he proposed source of water supply...is to be served by the Woodmoor Water and Sanitation District ("District")." The State Engineer noted the estimated water demand of 1.312 acre-feet per year for the subdivision. Further, the State Engineer stated that "[p]ursuant to Section 30-28-136(1)(h)(II) C.R.S., it is the opinion of this office that the proposed water supply can be provided without injury to decreed water rights, and the supply is expected to be adequate. The applicant should be expected to finalize the water supply commitment with the District prior to final approval from the County."

Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Westview at Woodmoor Filing No. 1A is 1.312 acre-feet per year for a total demand of 393.6 acre-feet for the subdivision for 300 years, to be supplied by Woodmoor Water & Sanitation District No. 1. **Based on the District's available water supply of approximately 3,747 annual acre-feet, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Westview at Woodmoor Filing No. 1A.**

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

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: the *Water Supply Information Summary* provided March 13, 2023, the *Water Resources Report* dated January 17, 2023, the *Woodmoor Water & Sanitation District No. 1* letter dated September 26, 2022, and the *State Engineer Office's Opinion* dated March 14, 2023. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be***

found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.

REQUIREMENTS:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.
- B. Prior to recording the final plat, Applicant must provide proof that it has entered into an approved Supplemental Water Service Agreement with the District.

cc: Ashlyn Mathy, Planner I

Miranda Benson2

From: Sarah Cole <sbt5151@gmail.com>
Sent: Saturday, July 1, 2023 8:57 PM
To: PCD Hearings
Subject: PC Hearing on July 6, 2023
Attachments: 2000 Tri-Lakes Comprehensive Plan- Woodmoor.pdf; DSD Planning Comments 2010.TIF; Buckwood 2010 Filing with El Paso County.TIF

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

My name is Sarah Cole. My husband is Michael Cole.

We would like to PARTICIPATE REMOTELY in the PC Hearing on Thursday, July 6, 2023 at 9:00AM.

Phone number: 719-440-6804

Project File Number: VR2213

We would EACH like 3 minutes of speaking time.

I have attached documents for the hearing packet.

Thank you,
Sarah Cole



BROOKS
LAND SURVEYING
Inc.

December 18, 2009

Dear Adjacent Property Owner,

This letter is being sent to you because Brooks Land Surveying, Inc. is proposing a land use project in El Paso County at the referenced location shown below. This information is being provided to you prior to a submittal with El Paso County Development Services. Please direct any questions on the proposal to the referenced contact(s) below. Prior to any public hearing on this proposal, a notification of the time and place of the public hearing will be sent to the adjacent property owners by the El Paso County Planning Department. At that time you will be given El Paso County contact information, the file number and an opportunity to respond either for, against or expressing no opinion in writing or in person at the public hearing for this proposal.

For questions specific to this proposal, please contact:

Owner:

John E. Gross
1384 Buckwood Ln.
Monument, CO 80132

Applicant/Surveyor:

Brooks Land Surveying, Inc.
5830 Eldora Drive
Colorado Springs, CO 80918
719-531-0699
Attn: William Brooks, PLS

Site:

The site of the proposed actions is at 1384 Buckwood Lane, Monument, CO 80132 (El Paso County Tax Schedule No. 7111101036), which is located north of Colorado Springs, east of Interstate 25 and north of Woodmoor Drive. Lot line adjustment involves property owned by The Maksimowicz-Day Family Trust and is located at 19411 Wildwood Way, Monument, CO 80132 (El Paso County Tax Schedule No. 7111101006).

The site will consist of 3.84 acres of land, more or less, upon completion of the proposed actions.

The subject properties and the surrounding properties are currently zoned RR-0.5 and remain unchanged by the proposed actions.

5830 Eldora Drive · Colorado Springs, CO 80918 · Phone 719-531-0699

Request:

The owner is requesting a lot line adjustment to acquire a portion of an adjoining lot and to subsequently combine the four contiguous lots that he owns into one lot under common ownership.

Justification:

The justification for the proposed actions is based on the consistency with the *Tri-Lakes Comprehensive Plan* as demonstrated in the following sections: (excerpts from said Tri-Lakes Comprehensive Plan or shown in *Italics*)

The following excerpts are taken from the Tri-Lakes Comprehensive Plan, Woodmoor, Subarea #7.

Topography

Erosion is a problem in parts of Woodmoor where vegetated steep slopes and natural drainage patterns have been disturbed while building roads and residences.

The proposed changes in this request would preserve these vegetated slopes and natural drainage patterns currently in the area. The preservation of this area would not add additional burden to existing drainage areas or structures.

Land Values

There are a number of lots that are marginally buildable due to the slope of the lot or floodplains.

Two of the four lots included in this request contain very steep slopes that begin in close proximity to the front lot line making them marginally buildable. Disturbance to these lots would require special drainage considerations.

Transportation

The overall roadway system was designed to accommodate a rural-residential retirement-community. While the system still functions sufficiently, changes in demographics, increased population, and increased vehicle use have contributed to congestion at some intersections and overall more traffic on residential roads.

The proposed changes in this request adhere to the original intent of the roadway system and prevent an increase in population and vehicle use on congested roadways.

Infrastructure

Government

Police Protection: *Police protection is provided by the county but it is not inadequate to meet the needs of Woodmoor residents. Resources available to the northern part of the county allow for only a single deputy sheriff on duty at any given time, thus the response time is very poor. Actual patrol time in the northern part of the county is very minimal. WIA has a public safety unit, which provides 24-hour service to the residents of the Woodmoor subdivision. Although the patrolmen providing this service are fully trained, they are not recognized by the state as a police authority.*

The proposed changes in this request will prevent an increase in future population, which would further burden and add responsibilities to a police department that has limited resources.

Future Vision

Constraints

Services provided by the county are not adequate to meet the needs of residents. Because roads are dependent upon developers, they are poorly planned, as they do not consider the Sub-Area as a whole. All other services such as police protection and recreational facilities are inadequate in proportion to the population of the area.

The proposed changes in this request, while not helping to solve the inadequacies, will not compound the issues that affect the Tri-Lakes Community by allowing additional growth.

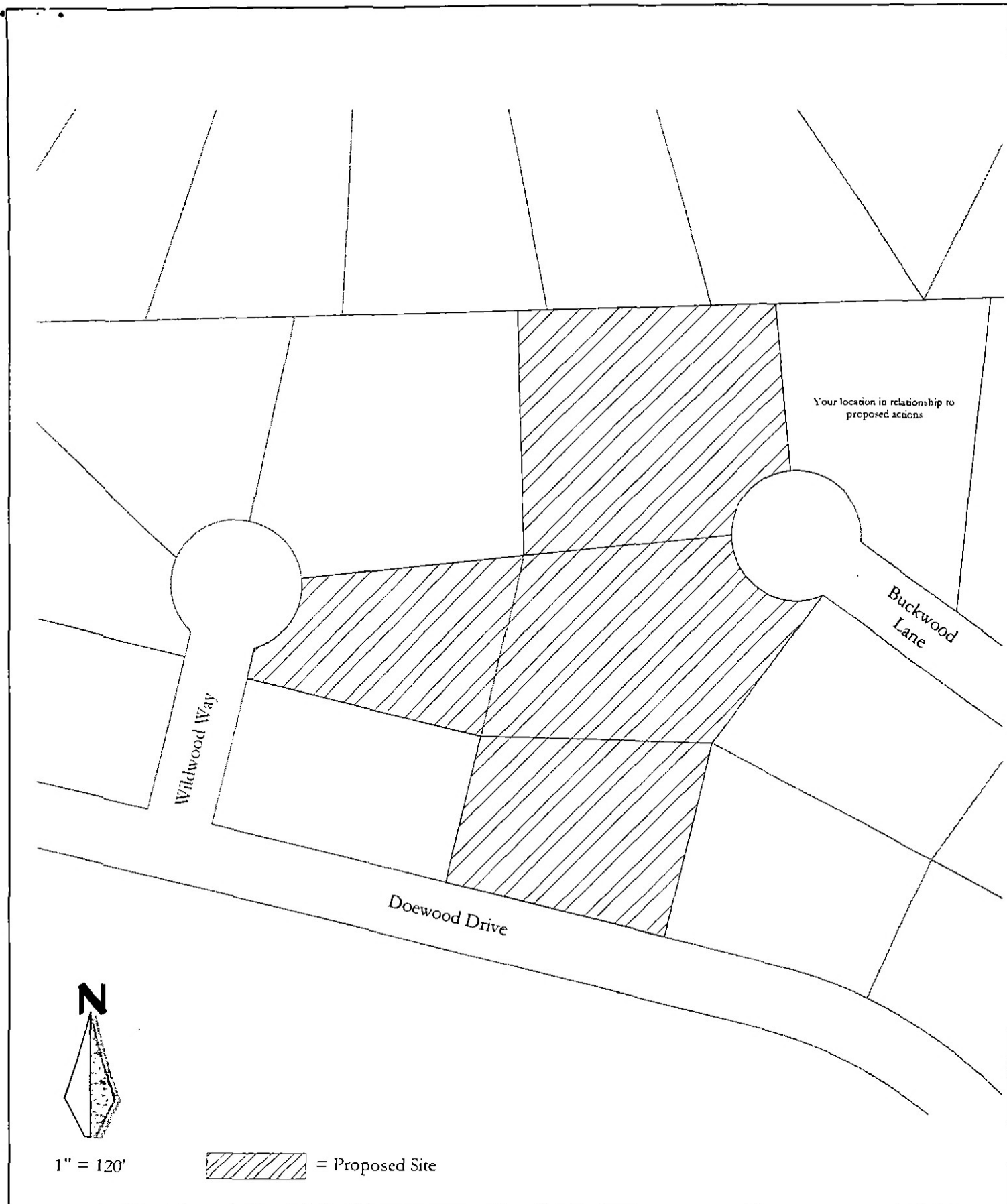
In summary and closing, the lot line adjustment and subsequently the combination of contiguous lots requested herein, demonstrate consistency with the Tri-Lakes Comprehensive Plan and act to preserve the unique identity of the area.

Existing Facilities:

Lot 1, Nicholas H. Nance Subdivision Filing No. 1, as recorded under Reception No. 94164576 of the El Paso County records, contains a single-family residence and a small accessory structure. Lot and structures are accessed from Buckwood Lane, a public right-of-way that is paved with asphalt. Access and structures will remain unchanged by the proposed actions. The remaining lots in the request are vacant.

Proposed Facilities:

There will not be any additional facilities as a result of the proposed changes to the property.



BROOKS
LAND SURVEYING
 Inc.
BOCC Report Packet

5830 Eldora Drive
 Colorado Springs, CO 80918
 (719) 531-0699

Page 44 of 69

Project:		1384 Buckwood Lane		
Title:		Exhibit C- Adjacent owners		
Proj No.	Date:	Drawing No.	Sheet	
200913	12-15-2009	200913-EX-C	1 OF 1	

Notification of Adjacent Property Owners

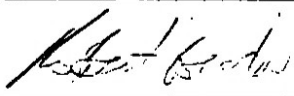

Name and Address of Petitioner(s): JOHN E. GROSS (1384 BUCKWOOD LN, MONUMENT, CO 80132)
BROOKS LAND SURVEYING, INC. (5830 ELDORA DR, COLORADO SPRINGS, CO 80918)

Telephone #'s: JOHN E. GROSS (719-488-8977) BLS INC. (719-531-0699)

Description of Proposal: LOT LINE ADJUSTMENT BETWEEN LOTS 6+15, BLOCK 6, WOODMOOR FILE NO. 1 AND COMBINATION OF FOUR LOTS IN COMMON OWNERSHIP BY JOHN E. GROSS.

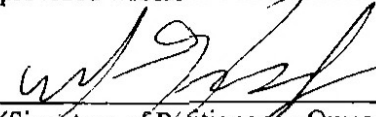
A list of adjacent property owners may be acquired from the County Assessor's office. If adjacent property owners cannot be reached in person, the applicant must send an Adjacent Property Owner Notification letter by certified mail and provide, as part of the submittal, a copy of the letter sent and a copy of each receipt.

The undersigned, being an adjacent property owner, has read the above notification. I understand I may appear in person at the advertised public hearing to further express my comments.

Date	Owner (Yes or No)	Name (Signature) and Address	Comments
12/20/09	YES	 1378 Buckwood Ln Monument CO 80132	- Copy to file 

(For additional space, attach a separate sheet of paper)

Above are the signatures of the adjacent property owners who own the property described after their names or who are located as indicated (e.g. north of the subject property). I hereby acknowledge that the information provided within this notification is correct.

 date 12-20-09
 (Signature of Petitioner or Owner)

 (Signature of Petitioner or Owner)



V-01-001 (lot line adjustment)

Review 1

Planning

1. This application for a lot line adjustment is being reviewed under Section 7.2.3 (B) of the El Paso County Land Development Code (2007). The application has been found to meet the approval criteria as listed below with exception of comment number 3 below:

- The lot line/building envelope adjustment and any resultant lots comply with this Code, and the original conditions of approval associated with the recorded plat;
- No nonconforming lots are created, and in the case of nonconforming lots, the nonconformity is not increased;
- The lot line/building envelope adjustment is in keeping with the purpose and intent of this Code; and
- The lot line/building envelope adjustment will not adversely affect the public health, safety, and welfare;
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that the adjustment will not result in a conflict with the CC&Rs or other restrictions unless specifically approved by the applicable HOA or controlling authority.
- Where the lots or parcels are subject to any CC&Rs or other restrictions, any potential conflict with the CC&Rs or other restrictions resulting from the lot line/building envelope adjustment has been resolved.

2. Applicant has addressed the Tri Lakes Small Area Plan (2000), Woodmoor subarea #7, in the letter of intent, (no response needed).

3. Modify the Lot numbers to read Lot 6A and Lot 15A, per Section 7.2.5 (C) (3), Lot Numbering.

VERSION # 1
DATE 3-23-10

Mer-01-001 (Merger)
Review 1

Planning

1. This Merger by Contiguity can not be recorded until the concurrent application for the lot line adjustment (V-10-01) is recorded.

2. This application for a lot line adjustment is being reviewed under Section 7.2.2 (E) 3, Merger by Contiguity, of the El Paso County Land Development Code (2007). The application has been found to meet the approval criteria as listed below with exception of comment number 4 below:

- The lots or parcels being merged are legal lots or parcels;
- The merger will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area;
- The merger will not result in a nonconformity not otherwise existing prior to the merger;
- The merger is necessary to achieve compliance with the nonconforming lot or record provisions of this Code, or will accomplish a similar purpose;
- All separation distances for an OWS can be met; and
- The extraction of areas designated as 100 year floodplain, major drainage ways and slopes in excess of 30 percent leaves a single buildable area of at least 30 percent of the lot or parcel's total net area.

3. Applicant has addressed the Tri Lakes Small Area Plan (2000), Woodmoor subarea #7, in the letter of intent, (no response needed).

4. Modify the Lot numbers to read Lot 15B, per Section 7.2.5 (C) (3), Lot Numbering.

EL PASO COUNTY, COLORADO

2000 TRI-LAKES

Comprehensive Plan



Adopted
October 19, 1999

2000 TRI-LAKES COMPREHENSIVE PLAN - IN APPRECIATION

A document the scope and magnitude of the *2000 Tri-Lakes Comprehensive Plan Update* does not come together without the committed effort of a hard-working team. Those who have given of themselves for the betterment of Tri-lakes are here listed. There are several individuals, however, to whom special thanks are due. Vince Rusinak, who chaired the Citizens Advisory Committee, which met bimonthly for more than two years and was ultimately responsible for the Updated Plan. Several working Subcommittees often met weekly. Katherine Rose Chair of the Parks, Trails, and Visual Resources Subcommittee, Jerry Hannigan Chair of the Transportation Subcommittee, and Jack Cooper and Martin Delohery Co-Chairs of the Growth and Land Use Subcommittee deserve special thanks. Also deserving extra recognition are Citizens Advisory Committee Co-Chairs Jack Cooper and Jerry Hannigan, members, Andy de Naray, Chuck Robinove, and Jacques Adnet for their significant efforts to make this a better document. Paul Mannino, Patrick Mulready and Mayor Si Sibel deserve great credit for representing the Town of Monument. Mickey Campbell and Bob Wickham deserve special credit for representing the Town of Palmer Lake. Russ Broshous, Ann Oatman-Gardner, and the late Jim Steele deserve great credit for editing and proofing this Plan. El Paso County Planning Department staff, Carl Schueler, Elizabeth Hacker, Steve Vigil, and Elaine Nelson with patience and a good sense of humor, are responsible for completing the Plan, getting it out for public review, and for keeping things on track. Finally, for those who have contributed, but who are not specifically acknowledged, thanks. This Plan could not have been produced without a genuine team effort.

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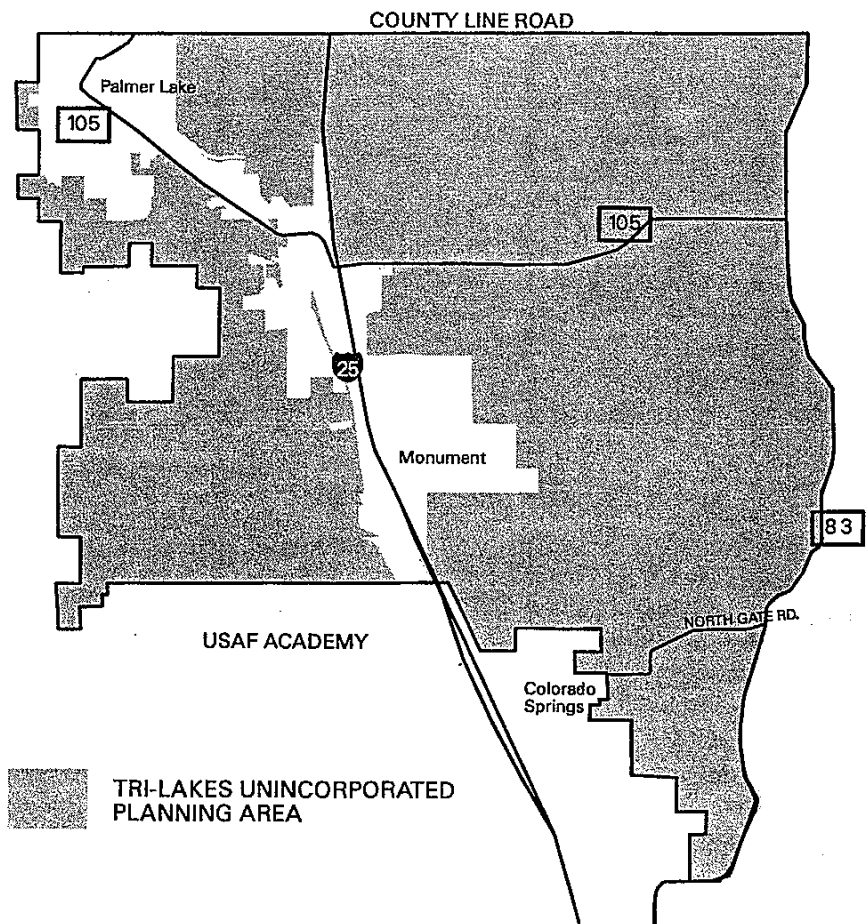
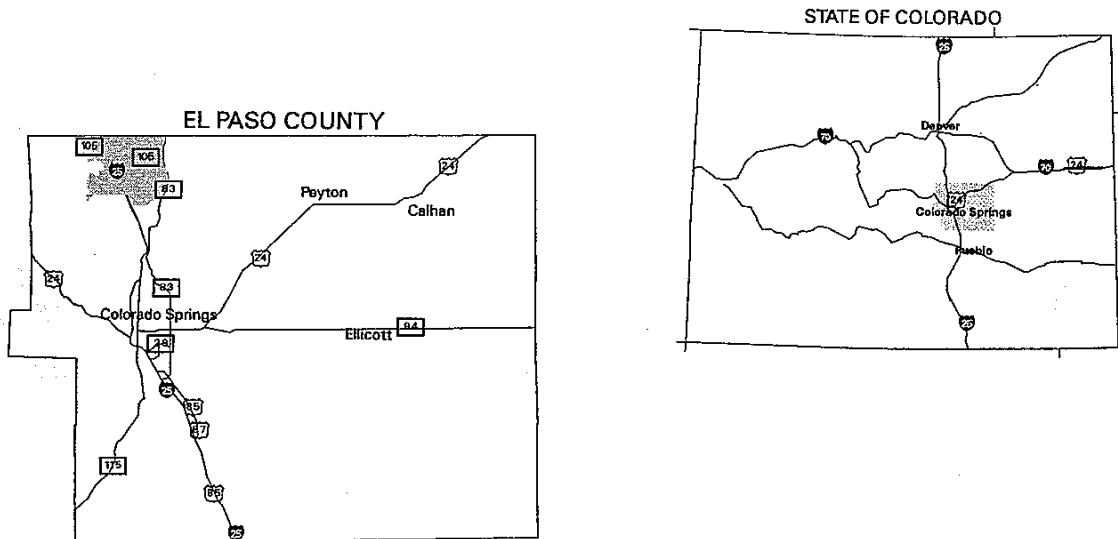
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Tri-Lakes Comprehensive Planning Area Location Map



2000 TRI-LAKES COMPREHENSIVE PLAN

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2000 TRI-LAKES COMPREHENSIVE PLAN
CHAPTER VI: SUB-AREA 7 – WOODMOOR

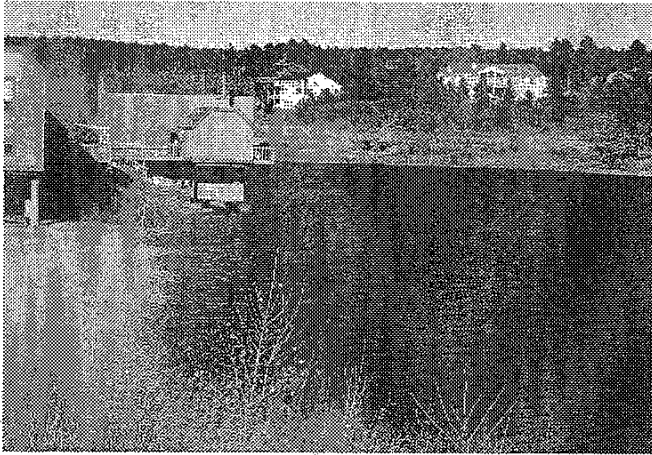


Photo: Lake Woodmoor. Courtesy of Andy de Naray.

LOCATION

Woodmoor is located in the extreme north central part of El Paso County. The area is bounded on the North by County Line Road, on the West by Interstate 25 on the South by Higby Road and on the East by Furrow Road (North Woodmoor). The East boundary for South Woodmoor is the Arrowwood Subdivision and there is not a North-South road that defines that boundary. A small portion of North Woodmoor extends to the East of Furrow Road north of the intersection with Woodmoor Drive.

GEOGRAPHICAL DESCRIPTION

Drainage

North Woodmoor and a portion of South Woodmoor are drained by Dirty Woman Creek and its tributaries. A portion of South Woodmoor is drained by tributaries of Teachout Creek. In addition, a small portion of South Woodmoor is drained by tributaries of Jackson Creek. All drainage ultimately runs into Monument Creek on the west side of Interstate 25.

Within Woodmoor and along the tributaries of Dirty Woman Creek, are numerous marshy areas and ponds. Almost all of these areas and ponds are Common Areas that serve as open space for area wildlife and are owned and maintained by the Woodmoor Improvement Association (WIA). Some of these ponds are large enough to be used for skating in the winter time.

Lake Woodmoor is privately owned, but the Woodmoor Water and Sanitation District has plans to purchase the Lake. The Lake would be used by the Water and Sanitation District to store non-potable water that would be pumped to the Lake from Monument Creek on the west side of I-25 to maintain the water level in Lake Woodmoor. A pipeline is to be built from near Lewis Palmer High School to the Lake and the stored non-potable water would be used as irrigation for Lewis Palmer High School. Future plans include providing irrigation water for Woodmoor Elementary School and for the Lewis Palmer Middle School. Water from Lake Woodmoor is currently being sold to the Woodmoor Country Club to water the golf course.

When the Woodmoor Water & Sanitation District purchases the Lake, the plan is for the Lake surface to be leased to the WIA, who would then be responsible for the use of the Lake for recreational purposes. The WIA is studying ways to make the Lake a valuable recreational amenity for the community. Use of the Lake is currently restricted to members of the Woodmoor Water and Sanitation District and while fishing and non-motorized boats are allowed, swimming is not.

Topography

The terrain of Woodmoor is hilly and is dissected by many drainage channels. Slopes range from very gentle, primarily in South Woodmoor, to relatively steep slopes in other areas. One common area referred to as Toboggan Hill, has taken advantage of one of the steep ridges in Woodmoor and is a popular winter-time recreation area.

Erosion is a problem in parts of Woodmoor where vegetated steep slopes and natural drainage patterns have been disturbed through the building of roads and residences. Lining the ditches with rocks, terracing, and other measures have been employed to prevent erosion in these areas. These measures have met with varying degrees of success due to the large volume of runoff. Along some of the drainage channels, there are areas which are designated within the 100-year floodplain and building on these lots must meet El Paso County's regulations and may also require special construction techniques and/or flood insurance.

Geology

Most of Woodmoor sits on the upper part of the Dawson Formation. This formation consists of sedimentary deposits laid down in the Paleocene and Upper Cretaceous Periods and is composed of arkosic sandstone, siltstone, claystone and minor conglomerate. The formation extends from Colorado Springs to Denver and is up to 2000 feet thick. The Dawson aquifer is an important source of groundwater. A small portion of the South Woodmoor area lies on Pleistocene Slocum Alluvium, a bouldery cobble gravel near the mountains. It's thickness is generally less than 26 feet and it forms gently sloping surfaces 25 to 35 feet above present streams.

Soils

Over much of Woodmoor consists of coarse-grained sandy soils. Marshes and areas with silt, clay or organic soils are primarily located in the common areas. There are a few areas where rock outcroppings and larger boulders are occasionally found in the soils. Soils in most of Woodmoor are highly erosive when disturbed.

Vegetation

A large portion of Woodmoor is covered with ponderosa pine and covenants cutting removal. Gambel oak is also found in clusters throughout Woodmoor. Open areas are covered with native grass, wild flowers, and willows, that occur along the streams and in wet areas. Noxious weeds such as Canadian thistle, are a problem in the open areas and mowing and spraying are necessary for their control. Ponderosa pine are subject to cyclical infestation by the Mountain Pine Beetle and Mistletoe that can be serious problems if not controlled.

DEVELOPMENT STATUS

Zoning

Most of Woodmoor is zoned single-family residential. There are areas within Woodmoor which are zoned commercial or multifamily. There are also areas that are within the Woodmoor Sub-Area of this Plan but are actually outside the boundary of the Woodmoor Subdivision. These areas include a variety of zoning ranging from Agricultural to light industrial.

Residential Demographics

The largest single development in the Woodmoor Sub-Area is Woodmoor, predominantly consisting of residential subdivisions. Woodmoor is a covenanted community with a reputation for enforcement of covenants. Woodmoor was started in the late sixties as a retirement community, and most of the residents at that time were military retirees. In recent years, the demographics have changed and now many of the newer residents are younger professionals with children. Woodmoor residents are generally employed outside the Planning Area and commute to or between the Colorado Springs area, the Air Force Academy, and the Denver area.

Land Values

At this time, there are approximately 2,700 residential lots with homes on approximately 2,300 of the lots. Lots in Woodmoor range in size from under one-half acre to over one acre and homes range in price from \$150,000 to over \$500,000 with the average around \$250,000. The development is nearing buildout. Some of the remaining lots are owned by individuals who plan to build future homes, as investment properties, or by residents who own more than one property to gain a larger lot. There are a number of lots that are marginally buildable due to the slope of the lot or floodplains. Most of the remaining buildable lots are located in the South Woodmoor portion of the development. Other separate subdivisions exist within the boundary of the Woodmoor Sub-Area. One such subdivision is The Heights, which is comprised of roughly 100 lots and is located just north of Woodmoor on County Line Road. Doewood Estates is a relatively new subdivision located in the northwestern part of the Sub-Area and has approximately 50 homes in the moderate to upscale price range. Briarhaven consists of 25 homes located north of SH 105 which are in the moderate price range. Vista Clara Villas is a subdivision in the far northeastern corner of the Sub-Area where more upscale homes are located on five acre lots. Development patterns have to a great extent been established in the Sub-Area and it is likely that undeveloped parcels in the Sub-Area will continue to be developed in densities similar or slightly higher than Woodmoor.

MIXED USE

Overall, there is very little commercial development or commercially-zoned property in the Woodmoor Sub-Area. Most of the non-residential uses that have developed include small office buildings, churches and religious based institutions, and small community-based commercial. Most of the major commercial business activities have occurred and will likely continue to occur within the Town of Monument.

Woodmoor Office Park

Along Woodmoor Drive there is an area west of Lake Woodmoor with mixed uses including a number of small offices, the middle and charter schools, a church, higher density residential townhomes and other uses. This area is experiencing considerable growth and it is expected that the market demand for small office space will continue even though the zoning in this location may not be consistent with market demand and may require rezoning. The largest commercial facility in this Sub-Area is the Woodmoor Center that is an older neighborhood commercial center with a number of small businesses and a library. Due to the out-of-the-way location of this center, businesses tend to be small and locally-owned and operated.

Deer Creek Road

The area along Deer Creek Road north of Woodmoor Drive has developed into office and light industrial uses. This area is experiencing considerable growth, and it is expected that the market demand for small office space will continue even though the zoning in this location may not be consistent with market demand and may require rezoning.

SH 105

The areas adjacent to SH 105 from I-25 east to the Lake Woodmoor Drive intersection have the potential for mixed use and higher density residential development. However, accessibility to properties along SH 105 continues to be an issue as CDOT tightly controls access from SH 105 to ensure the efficient flow of traffic along this major arterial.

Struthers Road

Most of the property along Struthers Road to the west of South Woodmoor is located within the Town of Monument. Future land uses that might occur on these properties could be expected to be commercial or office.

Monument Hill Road

Much of the property that is adjacent to Monument Hill Road is currently zoned agricultural or rural residential. Given their proximity to I-25, it is likely that these properties will be rezoned to either a non-residential use or to higher density residential.

Woodmoor Country Club

Within the Woodmoor subdivision there is the Woodmoor Country Club which has a very fine golf course covering several hundred acres. This is a private club drawing membership primarily from the Woodmoor Subdivision.

Open Space Areas

Throughout the Woodmoor Subdivision are a number of common areas. These are areas owned by the Woodmoor Improvement Association and maintained for the use of the Woodmoor Subdivision residents. Facilities are limited to an occasional trail and a picnic table.

TRANSPORTATION

Primary access into the Woodmoor Sub-Area is from Interstate I-25 via SH 105, County Line and Baptist Roads. The system of roadways in the Woodmoor Sub-Area consists primarily of quaint narrow and winding residential streets that are often non-continuous and/or indirect. These streets have no shoulders or sidewalks. With the change in demographics in Woodmoor from retired military to young professional with families, there is an ever-increasing number of children and thus, a greater safety problem with children walking or cycling on the streets. Recently, the lack of sidewalks has become more of a safety issue due to School District-38 is instatement of a non-transportable area requiring many students who live within a one or two mile radius to walk, ride bicycles, or find other means of transportation for getting to school.

The overall roadway system was designed to accommodate a rural-residential retirement-community. While the system still functions sufficiently, changes in demographics, increased population, and increased vehicle use have contributed to congestion at some intersections and overall more traffic on residential roads. The most congested intersection is probably SH 105 and Woodmoor Drive.

The east-west roads are somewhat more orderly and complete than the north-south roads, however there are a few possibilities for additional roadways and improvements that might help to improve the existing roadways. Most residential roadways in the Sub-Area are maintained by the El Paso County Transportation Department, however, I-25 and SH 105 are maintained by Colorado Department of Transportation (CDOT).

NORTH-SOUTH ROADS

North-south arterials include I-25, Jackson Creek Parkway, Monument Hill, Struthers, and Furrow Roads. Several collector roads exist but are generally not direct or continuous roadways.

Monument Hill Road

Monument Hill Road is one of three continuous north-south roads in the Woodmoor Sub-Area. It is located within the I-25 right-of-way and is under the jurisdiction of the Colorado Department of Transportation (CDOT). It serves as a frontage road between County Line Road and Woodmoor Drive. The sharp curves near County Line Road and steep grades as the road descends Monument Hill are not ideal traffic conditions for a collector road. Currently CDOT allows for seven access points that are being used for a campground, a home sales office, and a private residence. There is a future possibility that the right-of-way for Monument Hill Road could be used if I-25 were to be widened.

Due to the potential for future development along the Monument Hill Corridor and access limitations on the existing Monument Hill Frontage Road, an ad hoc committee made up of landowners, community representatives and staff was formed to consider alternatives. The Study Committee recommended a primary north-south collector roadway right-of-way with connecting residential loop-type roadways within this corridor. Map 5.1 indicates designation of a corridor right-of-way. Actual roadway alignment and design will be determined when a subdivision and/or development plan is submitted to the Planning Department.

Jackson Creek Parkway

Jackson Creek Parkway is planned as a frontage-type access for I-25 between SH 105 and Baptist Road. Once built, it will provide a needed north-south continuous corridor.

Struthers Road

This road fronts onto the east side of I-25 and extends south from SH 105 to Baptist Road. The portion of Struthers Road south of Higby Road will be re-aligned over to Jackson Creek Parkway. It is likely as development occurs between Baptist and Northgate Roads, that Struthers Road will be extended.

Furrow Road

Furrow Road extends from County Line Road south to SH 105. Furrow is a winding narrow road that ends prior to Higby Road. There are plans to extend Furrow Road south to Baptist Road as development occurs.

EAST-WEST ROADS

County Line Road

As the name implies, County Line Road is the separation between El Paso and Douglas Counties. Many residents consider this road a secondary access into North Woodmoor. The significance of this road will grow as development occurs, particularly as it relates to the as yet undeveloped corridor paralleling I-25 and undeveloped parcels along County Line Road.

SH 105

Traffic on SH 105 has increased substantially over the last 15 years due to growth in the Woodmoor, Ponderosa Breaks, West Cherry Creek and Monument Sub-Areas. The interchange at Monument is often congested and is inadequate. It is scheduled to be improved but has been delayed due to funding priorities and the listing of the Preble's Meadow Jumping Mouse as a threatened species. The Weigh Station along Monument Hill Road also limits the options for interchange design. During the late 1990's a plan to redesign and reconstruct the Interchange was delayed due to environmental considerations, the presence of the Prebles Meadow Jumping Mouse, property ownership issues, and funding considerations. These issues have been satisfactorily addressed and the Interchange improvements are scheduled to begin in 2001.

Higby Road

Higby Road forms the southern border of the Woodmoor Sub-Area. It extends east from Struthers Road to Roller Coaster Road through remnants of the Higby Estate. It is a narrow road and very picturesque.

Baptist Road

Baptist Road is south of the Woodmoor Sub-Area but is used by many residents of Woodmoor to access Struthers Road. The interchange at Baptist Road is scheduled to be improved to accommodate the increase in traffic from the rapid growth of subdivisions to the east.

INFRASTRUCTURE

Electricity

Electricity to the Woodmoor area is provided by the Mountain View Electric Company. There are some overhead transmission lines but most of the residential service is underground. In the past few years much of the underground transmission network has been replaced with new and more reliable cable. The service provided seems to be adequate and the company able to provide for the growth in the area.

Water and Sewer

Water and sanitary sewer service is provided by the Woodmoor Water and Sanitation District. The District has the capacity and capability to provide adequate service to the area and accommodate the anticipated growth.

Schools

Within Lewis Palmer School District-38 there are three elementary schools, one middle school and one high school. Two of these schools are located in North Woodmoor, including the Middle School and Lewis Palmer Elementary School. Lewis Palmer High School is located near the boundary of South Woodmoor. While District-38 is noted for its ongoing excellent scholastic record and dedication to providing a good education, better planning is needed in locating school sites with respect to traffic and necessary infrastructure.

Government County

Most of the Woodmoor Sub-Area is an unincorporated area within El Paso County. The County is governed by an elected Board of Commissioners and other officials.

Woodmoor Improvement Association

The Woodmoor Improvement Association (WIA) is a quasi-government organization that enforces a strong set of covenants and architectural controls for the Woodmoor subdivisions. It also collects assessments and maintains common areas within the development.

Police Protection

Police protection is provided by the County but it is not inadequate to meet the needs of Woodmoor residents. Resources available to the northern part of the County allow for only a single Sheriff's deputy on duty at any given time. Thus the response time is very poor. Actual patrol time in the northern part of the County is very minimal. WIA has a public safety unit which provides 24-hour service to the residents of the Woodmoor subdivisions. Although the patrolmen providing this service are fully trained, they are not recognized by the State as a police authority.

Fire Protection:

The Woodmoor area is serviced by the Woodmoor/Monument Fire District with facilities located in North Woodmoor. This District provides adequate service to the Subdivisions and surrounding areas. Nearby, in the Town of Monument, is the Tri-Lakes Fire District which assists the Woodmoor Fire District when necessary. Both fire districts have paramedic capability.

FUTURE VISION

Surrounding Areas within the Woodmoor Sub-Area

Surrounding the Woodmoor development are areas which are in other subdivisions, such as Arrowwood along with unplatted parcels, and areas within the Town of Monument. Residents within Woodmoor proper have chosen to adhere to specific covenants but have limited jurisdiction over what takes place in other surrounding areas. There have been occasions where incorporation or annexation by the Town of Monument have been considered but neither has been carried out.

CONSTRAINTS

The lack of a significant amount of land available to be developed limits future growth of the Woodmoor area. Services provided by the County are not adequate to meet the needs of residents. Because roads are dependent upon developers, some are poorly planned because they do not consider the Sub-Area as a whole. All other services such as police protection and recreational facilities are inadequate in proportion to the population of the area. One clear example is that the County does not provide for or maintain community parks with playground facilities or an interconnected trail system.

SUMMARY: The Woodmoor area is nearly built out and very little growth can be expected except for in-fill properties. A couple of significant large parcels exist, but given land values and development pressure, these properties cannot be anticipated to remain undeveloped.

There are significant problems in the area. Among these, the greatest concern the road infrastructure, traffic volume and speeds, and congestion. The rebuilding of the SH 105 and Baptist Road interchanges will be a positive step, but there is no indication that there is a corresponding effort to deal with the lack of north-south roads. Traffic volumes and traffic safety problems will continue to grow while waiting for development of some of the remaining areas in the Woodmoor area, and to the south.

The quality of life in the Woodmoor area could be greatly enhanced if recreational parks, trails, and police protection were provided or upgraded by the County.

Woodmoor - Land Use Scenario

- The predominant development emphasis should be on residential uses that are provided with central water and sewer, and other adequate services. The existing residential patterns should be preserved, reinforced, and continued. New residential development should be consistent with, compatible with, or larger than existing lot sizes. Higher densities should be considered only in association with a density bonus for open space or other amenities such as a school site, and only located in transition zones adjacent to or in areas designated as mixed use. (Refer to sections on Clustering and Open Space and Land Use within this Plan).
- Development along I-25 should be consistent with the recommendations as stated in Chapter IV of Section 5.0 (Transportation) and Chapter 5; the I-25 Visual Overlay. Uses appropriate for this area might include office park, medical facilities, and suitable and compatible commercial development. Appropriate buffers should be required and properly maintained between non-residential and residential uses. Development in the I-25 Overlay corridor should be consistent with the goals and objectives of the I-25 Overlay and coordinated between the County, the Town of Monument, developers, and adjacent subdivisions.

- Mixed-use development should be considered in designated areas along SH 105, Woodmoor Drive and Lake Woodmoor Drive. Building styles should be consistent and/or compatible with WIA architectural design standards. All commercial development should serve a local need and have limited hours of operation.
- Development of recreational parks, interconnecting trail systems, and preservation of open spaces should be incorporated into new and existing development to accommodate the needs of both the residents and wildlife.
- Development located in the Ponderosa Forest should be extremely sensitive to the recommended forest management principles as noted in the Natural Systems Section of this Plan.
- Development located on steep terrain should be sensitive to the natural sloping landscape and not increase historic runoff flows or soil erosion onto adjacent properties or within drainageways as noted in the goals and objectives of the Drainage and Flood Control Section of this Plan.

Neighbor Response to Request to Vacation and Replat

1384 Buckwood Lane (parcel number 7111101042)

EL Paso County File Number VR-22-013

**Lot 1
(Westview at Woodmoor)**

1



Erin (Dennis)
Duran

Lot 3

19395
Wildwood
Way

2

Neighbors supporting this presentation

Erin (commenting in person) and Dennis Duran (19395 Wildwood Way)

Sarah and Mike Cole (commenting virtually) (19411 Wildwood Way)

Bill and Hilary Brendemuhl (commenting in person) (19375 Doewood Drive)

JoAnn and William Schmitz (unable to attend) (1495 Blueberry Hills Rd.)

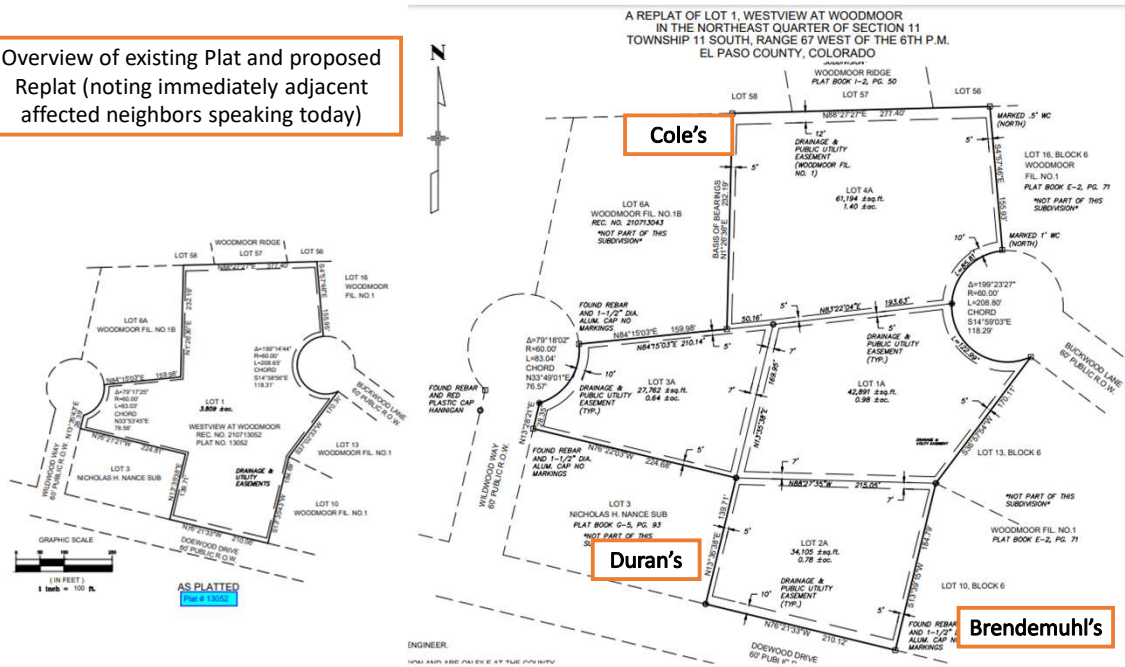
Susan and Christopher Beery (attending virtually) (1386 Buckwood Lane)

Frank and Margie Carber (unable to attend) (1545 Blueberry Hills Rd.)

Terry and Suzanne Swenson (attending virtually) (1525 Blueberry Hills Rd.)

3

Overview of existing Plat and proposed Replat (noting immediately adjacent affected neighbors speaking today)



4

Neighbors' Response to Date

- Murphy Custom Homes requested to vacate and replat to the Woodmoor Improvement Association (WIA) Architectural Control Committee (ACC)
- Neighbors provided feedback to WIA ACC
 - Requested denial of request
 - Documented several concerns including lack of procedures for the WIA Architectural Committee
- WIA denied request
 - Cited the El Paso County Board of County Commissioners would make final decision and WIA ACC would defer

5

Summary of Concerns



Decisions Based on Single Lot with One Home



Increased Wildfire Risk



Impact to Wildlife



Geological Hazards



Traffic and Congestion



Soils and Drainage

6



Mike and
Sarah Cole

Lot 6A

19411
Wildwood
Way

7

Background

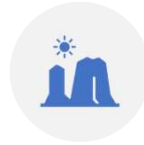
- Mr. John Eric Gross purchased 1384 Buckwood Lane on August 3, 1995.
 - He purchased the property as four single lots, one of which had an existing home.
- Mr. Gross purchased a small area of property from the back of Lot 6A AND also requested that the four lots be combined into one on February 23, 2010.
- Letter to property owners sent in December 2009 explained his proposal in the hearing packet:
 - The justifications for combining the lots were cited from the 2000 Tri-Lakes Comprehensive Plan.
 - This Comprehensive Plan is the most recent on file and **approved by El Paso County.**

8

Justifications for Combining Lots in 2010



"Erosion is a problem in parts of Woodmoor where vegetated steep slopes and natural drainage patterns have been disturbed while building roads and residences".



"There are a number of lots that are marginally buildable due to the slope of the lot or floodplains."



"The overall roadway system [in Woodmoor] was designed to accommodate a rural-residential retirement community. While the system still functions sufficiently, changes in demographics, increased population, and increased vehicle use have contributed to congestion at some intersections and overall more traffic on residential roads."



"Services provided by the county are not adequate to meet the needs of residents. Because roads are dependent upon developers, they are poorly planned as they do not consider the Sub-Area as a whole. All other services such as police protection and recreational facilities are inadequate in proportion to the population of the area."

9

Tri-Lakes Comprehensive Plan

Cole's Review and Comment

10



Bill and
Hilary
Brendemuhl

Lot 10

19375
Doewood
Drive

11

Concerns

- Adjacent lots are approximately one acre
- Page 5 of the Planning Commission Report Packet
 - Analysis:
 - The subject property will see development in areas that are underdeveloped or vacant. New developments are to be expected, however **at this point no development is proposed at the current vacant lots being created with this project.**
 - However,
 - Driveways were established
 - Soil, geology, hydrology tests completed

12

Driveways on Proposed Lots



Wildwood Way



Buckwood Lane



Doewood Drive

13

Concerns (cont.)

- Bad Precedent
- Colorado Common Ownership Interest Act (CCOIA)
- Transparency
- Geological Hazards

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Conclusion

- The developer received what they paid for, Lot 1. They inherited no legal right to subdivide and re-plat.
- Neighbors respectfully request the El Paso County Planning Commission recommend denial of the request.

RESOLUTION NO. 23-

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

APPROVAL OF VACATION AND REPLAT
1384 BUCKWOOD LANE – VACATION AND REPLAT (VR-22-013)

WHEREAS, Sarah Martin did file an application with the Planning and Community Development Department of El Paso County for approval of a vacation and replat of one (1) lot into four (4) lots for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on July 6, 2023, upon which date the Planning Commission did by formal resolution recommend approval of the vacation and replat; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on August 1, 2023; and

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

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. That the vacation and replat complies with the El Paso County Land Development Code and the original conditions of approval associated with the recorded plat.
6. No nonconforming lots are created and, in the case of existing nonconforming lots, the degree of nonconformity is not increased.

7. That the vacation and replat conforms to the required findings for a minor or major subdivision, whichever is applicable.
8. That a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. Where the lots or parcels are subject to any Covenants, Conditions and Restrictions (CC&Rs) or other restrictions, the vacation and replat will not result in a conflict with the CC&Rs or other restrictions unless specifically approved by the Homeowners Association or controlling authority.
10. The vacation and replat is in general conformance with the goals, objectives, and policies of the Master Plan.
11. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
12. The proposed Replat of land conforms to the El Paso County Zoning Resolutions.
13. For the above-stated and other reasons, the proposed vacation and replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the Vacation and Replat of one (1) lot into four (4) lots;

BE IT FURTHER RESOLVED that the following conditions and notation 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. 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.
5. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
6. 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.
7. Bridge fees in the amount of \$1,017.28 shall be paid at the time of plat recordation for the Crystal Creek drainage basin (FOMO5300).

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

DONE THIS 1 day of August 2023 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

LOT 1, WESTVIEW AT WOODMOOR, EL PASO COUNTY, COLORADO AS SHOWN ON THE SUBDIVISION PLAT THEREOF RECORDED UNDER RECEPTION NO. 210713052 OF THE EL PASO COUNTY RECORDS.

CONTAINING 3.81 ACRES, MORE OR LESS.