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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: 8/1/2023  
RE: SF-22-039, Phillip S. Miles and Jennifer Miles

### Project Description

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 51.65-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.

### Notation

Please see the attached project manager's staff report for staff analysis and conditions.

### Planning Commission Recommendation and Vote

Carlson moved / Schuettpelz seconded to recommend approval for the Terra Ridge North final plat, utilizing the resolution attached to the staff report with eight (8) conditions, three (3) notations, and a finding of water sufficiency with regards 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)**. The item was heard as a consent agenda item.

### Discussion

This item did not have discussion and was approved unanimously as a consent agenda item.

### Attachments

1. Adopted PC Minutes.
2. Signed PC Resolution.
3. PC Staff Report.
4. Public Comment.
5. Draft BOCC Resolution.

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## **EL PASO COUNTY PLANNING COMMISSION**

### **MEETING RESULTS (UNOFFICIAL RESULTS)**

Planning Commission (PC) Meeting

Thursday, July 6<sup>th</sup>, 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 20<sup>th</sup>, 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 15<sup>th</sup>, 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 / SCHUETTELPELZ 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



FINAL PLAT (RECOMMEND APPROVAL)

Carlson moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF-22-039

TERRA RIDGE NORTH

WHEREAS, Phillip S. Miles and Jennifer Miles did file an application with the El Paso County Planning and Community Development Department for approval of a final plat for the Terra Ridge North Subdivision for the 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, 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, 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.
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code (2021) ("Code"):

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

10. The proposed subdivision has established an adequate level of compatibility by:
  - (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision;
  - (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost-effective delivery of other services consistent with adopted plans, policies and regulations of the County;
  - (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;
  - (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and
  - (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
11. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
12. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
13. The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
14. Off-site impacts were evaluated, and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code.
15. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.
16. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. § 34-1-302(1), et seq.].

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Phillip S. Miles and Jennifer Miles for a final plat of Terra Ridge North 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. 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.
5. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
6. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated June 20, 2023, as provided by the County Attorney's Office.

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## NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and

Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

3. The subdivision is located in East Cherry Creek (CYCY0200) drainage basin which is an unstudied basin with no drainage or bridge fees.

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.

Offner seconded the adoption of the foregoing Resolution.

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

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

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

A portion of the Southwest Quarter of Section 29, Township 11 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, more particularly described as follows:

Beginning at the Northwest corner of the Southwest Quarter of said Southwest Quarter; thence S89°46'29"E along the South line of Whispering Hills Estates as recorded in Plat Book Z-2 at Page 2 of said county records, 1407.75 feet to the Southeast corner thereof; thence N00°58'34"E, 1327.96 feet to the Northeast corner thereof; thence S89°47'26"E, 1245.16 feet to the Northeast corner of said Southwest Quarter, said Northeast corner also being on the West line of Wildwood Village Unit 3 as recorded in Plat Book H-3 at Page 57 of said county records; thence S00°59'16"W along the East line of said Southwest Quarter and the West Line of said Wildwood Village Unit 3 and Wildwood Village Unit 4 as recorded in Plat Book M-3 at Page 46 of said county records, 1366.91 feet; thence N89°46'29"W, 945.48 feet; thence N00°58'34"E, 8.50 feet; thence N89°46'29"W, 1708.14 feet to a point on the west line of said Southwest Quarter; thence N00°58'34"E, 30.00 feet to the point of beginning.

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:** Ryan Howser, AICP, Planner III  
Lupe Packman, EI, Engineer I  
Meggan Herington, AICP, Executive Director

**RE:** Project File Number: SF-22-039  
Project Name: Terra Ridge North  
Parcel Numbers: 51293-00-002, 51293-02-011, and 51293-02-012

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Philip and Jennifer Miles 15630 Fox Creek Lane Colorado Springs, CO 80908	Philip and Jennifer Miles 15630 Fox Creek Lane Colorado Springs, CO 80908

**Commissioner District: 1**

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

**EXECUTIVE SUMMARY**

A request by Phillip S. Miles and Jennifer Miles for approval of a Minor Final Plat for thirteen (13) single family lots consisting of eleven (11) new single-family residential lots and a replat of two (2) existing single-family residential lots to accommodate the dedication of land for right-of-way. The 51.65-acre property is located approximately three-quarters of a mile south of the intersection of Black Forest Road and Hodgen Road.

**A. WAIVERS/AUTHORIZATION**

There are no waiver or deviation requests associated with the Final Plat.



**Authorization to Sign:** Final Plat, Subdivision Improvements Agreement, Detention Pond Maintenance Agreement and any other documents necessary to carry out the intent of the Board of County Commissioners.

## **B. APPROVAL CRITERIA**

In approving a final plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2021) ("Code"):

- The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
- The subdivision is consistent with the purposes of the Land Development Code.
- The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents, and other supporting materials.
- 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.
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of the Code.
- All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)].
- Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design.
- The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development.
- Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County and in compliance with the Code and the ECM.





- The proposed subdivision has established an adequate level of compatibility by:
  - (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision;
  - (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost-effective delivery of other services consistent with adopted plans, policies and regulations of the County;
  - (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses;
  - (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and
  - (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.
- Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
- The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.
- The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code.
- Off-site impacts were evaluated, and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code.
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated.
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. § 34-1-302(1), et seq.].

**C. LOCATION**

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

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OFFICE: (719) 520 - 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

## D. BACKGROUND

The subject property consists of one (1) unplatted parcel that is 39.72 acres and two (2) platted lots which are 5.01 acres and 6.92 acres. The total acreage for the property is approximately 51.65 acres.

There is an existing dwelling located on one of the currently platted lots. The existing dwelling was constructed in 1999. Additionally, the property has one (1) accessory structure which was constructed in 2021. All of the existing structures on parcel no. 51293-02-011 are proposed to remain on the proposed Lot 13. The existing dwelling and accessory structures comply with all setback, lot coverage, and height standards of the RR-5 (Rural Residential) district for the proposed Lot 13 of the subdivision.

The Board of County Commissioners approved a Map Amendment (rezone) from the RR-5 (Residential Rural) zoning district to the RR-2.5 (Residential Rural) zoning district on September 6, 2022 (PCD File No. P-22-007). The eleven (11) new lots are proposed to be located on the land that was rezoned to RR-2.5. The two (2) replatted lots are proposed to be located on land that is zoned RR-5. At this time, the applicant has not expressed intent to rezone those two (2) lots to RR-2.5.

## E. ANALYSIS

### 1. Land Development Code / Zoning

The final plat application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2021).

The density and dimensional standards for the RR-2.5 zoning district are as follows:

- Minimum lot size: 2.5 acres
- Minimum width at the front setback line: 200 feet
- Minimum setback requirement: front 25 feet, rear 25 feet, side 15 feet \*
- Maximum lot coverage: None
- Maximum height: 30 feet

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

The existing structures meet the setbacks from all property lines and are under 30 feet in height. The applicant has provided a site plan indicating the locations of the existing structures. The site plan complies with the RR-5 zoning district density and



dimensional standards. The applicant is not proposing any setback encroachments or dimensional variances. The applicant is not proposing construction of any new structures at this time.

In order to initiate any new residential uses on the property, the applicant will need to obtain site plan approval. Any proposed additional structures will require site plan review and will include confirmation that all site improvements (existing and proposed) will comply with the dimensional standards included in Chapter 5 as well as the Development Standards of Chapter 6 of the Code.

## **F. MASTER PLAN ANALYSIS**

The proposed Final Plat is consistent with the Master Plan analysis which was provided with the Map Amendment (rezone) application P-22-007 and approved by the BoCC on September 6, 2022.

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

Geologic hazards were identified during the review of the final plat and have been found to impact all of the proposed lots. The Colorado Geological Survey has reviewed the final plat documents and has no outstanding comments at this time. Proposed geologic mitigation measures include avoidance of all geologic hazards and engineered structural foundations required for all lots to be required at the time of building permit for the individual lots; areas of high groundwater have been included as no-build areas as depicted on the plat.

### **2. Floodplain**

The property is not located within a defined floodplain as determined by FEMA Flood insurance Rate Map panel number 08041C0315G, dated December 7, 2018.

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

The property is located in the East Cherry Creek drainage basin which is not included in the El Paso County drainage basin fee program. No drainage fees will be due at plat recording.

The subdivision area generally drains to the northeast. Stormwater runoff is conveyed by roadside ditches into one full spectrum detention pond. The pond is private and will be maintained by the Terra Ridge North HOA.



A grading and erosion control plan has been submitted with this application. The plan calls for permanent and construction control measures to prevent sediment and debris from affecting adjoining properties and the public stormwater system before, during, and after grading activities.

#### **4. Transportation**

The subdivision receives access from a proposed extension of Fox Creek Lane, which is owned and maintained by El Paso County. Fox Creek Lane will be extended to provide access to the newly subdivided lots and will be built to County standards for County ownership and maintenance.

The MTCP identifies a 2040 Roadway Improvement Project along Black Forest Road (Project ID U11), from an unimproved county road to a minor arterial road. Traffic generated by the Terra Ridge North development does not warrant construction of the MTCP 2040 Roadway improvement project.

The development 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**

Water will be provided by individual onsite wells. Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Water 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 is recommending a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health is recommending a finding of sufficiency with regard to water quality.

#### **2. Sanitation**

Wastewater is provided by individual onsite wastewater treatment systems (OWTS). The applicant submitted an OWTS report which indicated that the lots are suitable for the construction of these systems.

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

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

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#### **4. Utilities**

Mountain View Electric Association (MVEA) will provide electrical service and Black Hills Energy (BHE) will provide natural gas service to the area included within the final plat. Both utility providers were sent referrals for the final plat; MVEA has no outstanding comments and BHE did not provide a response.

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

The property is not located within the boundaries of a Metropolitan District.

#### **6. Schools**

Fees in lieu of school land dedication in the amount of \$418.00 shall be paid to El Paso County for the benefit of Lewis Palmer School District No. 38 at the time of plat recording.

### **I. APPLICABLE RESOLUTIONS**

See attached resolution.

### **J. STATUS OF MAJOR ISSUES**

There are no major issues.

### **K. 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 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2021) staff recommends the following conditions and notations:

#### **CONDITIONS**

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



3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. 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.
5. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
6. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated June 20, 2023, as provided by the County Attorney's Office.

## NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
3. The subdivision is located in East Cherry Creek (CYCY0200) drainage basin which is an unstudied basin with no drainage or bridge fees.



## **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified twenty-seven (27) property owners on June 13, 2023, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

## **M. ATTACHMENTS**

Vicinity Map

Letter of Intent

Plat Drawing

State Engineer's Letter

County Attorney's Letter

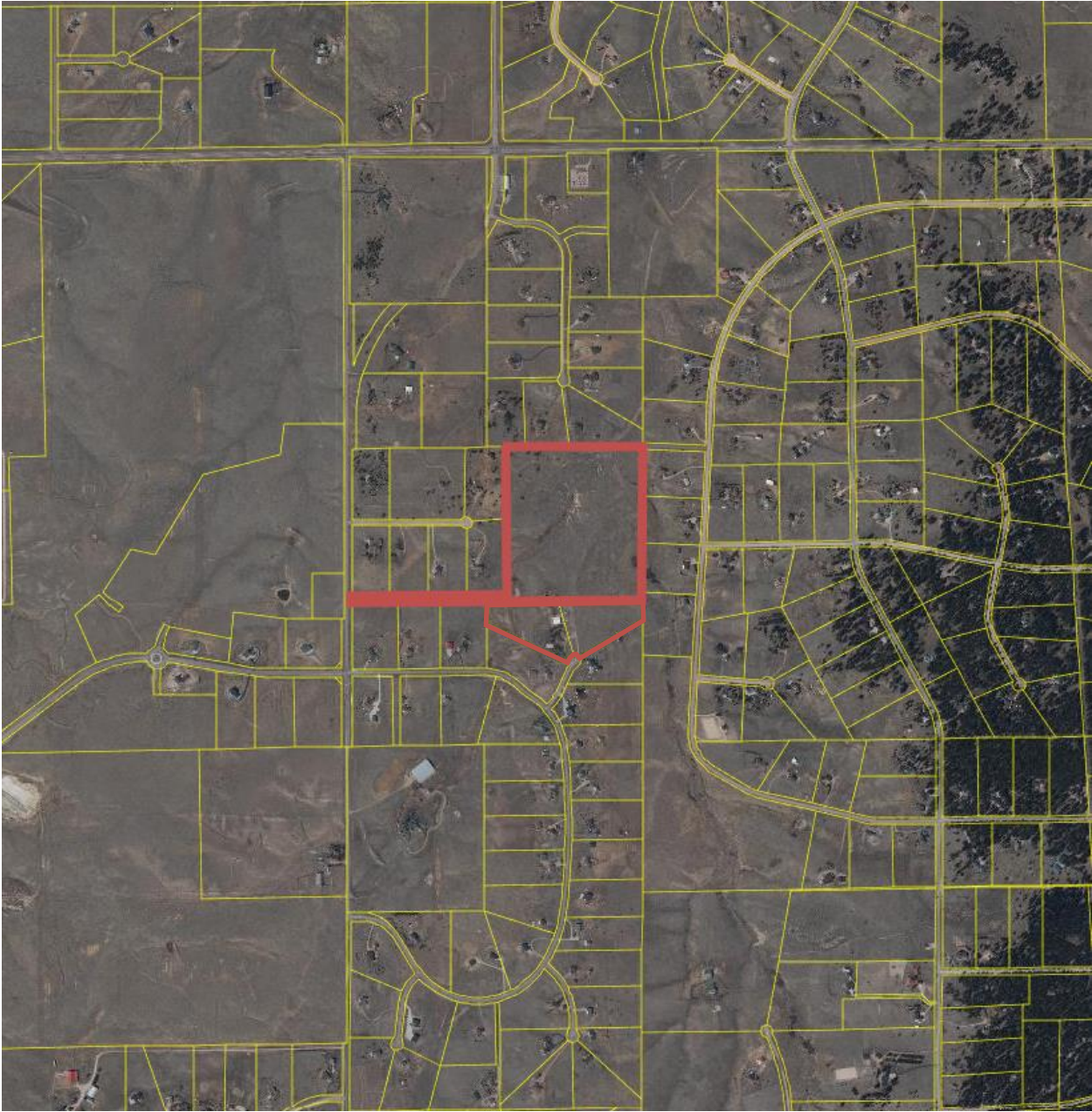
El Paso County Public Health Recommendation Letter

Parks Advisory Board Letter

Draft Resolution

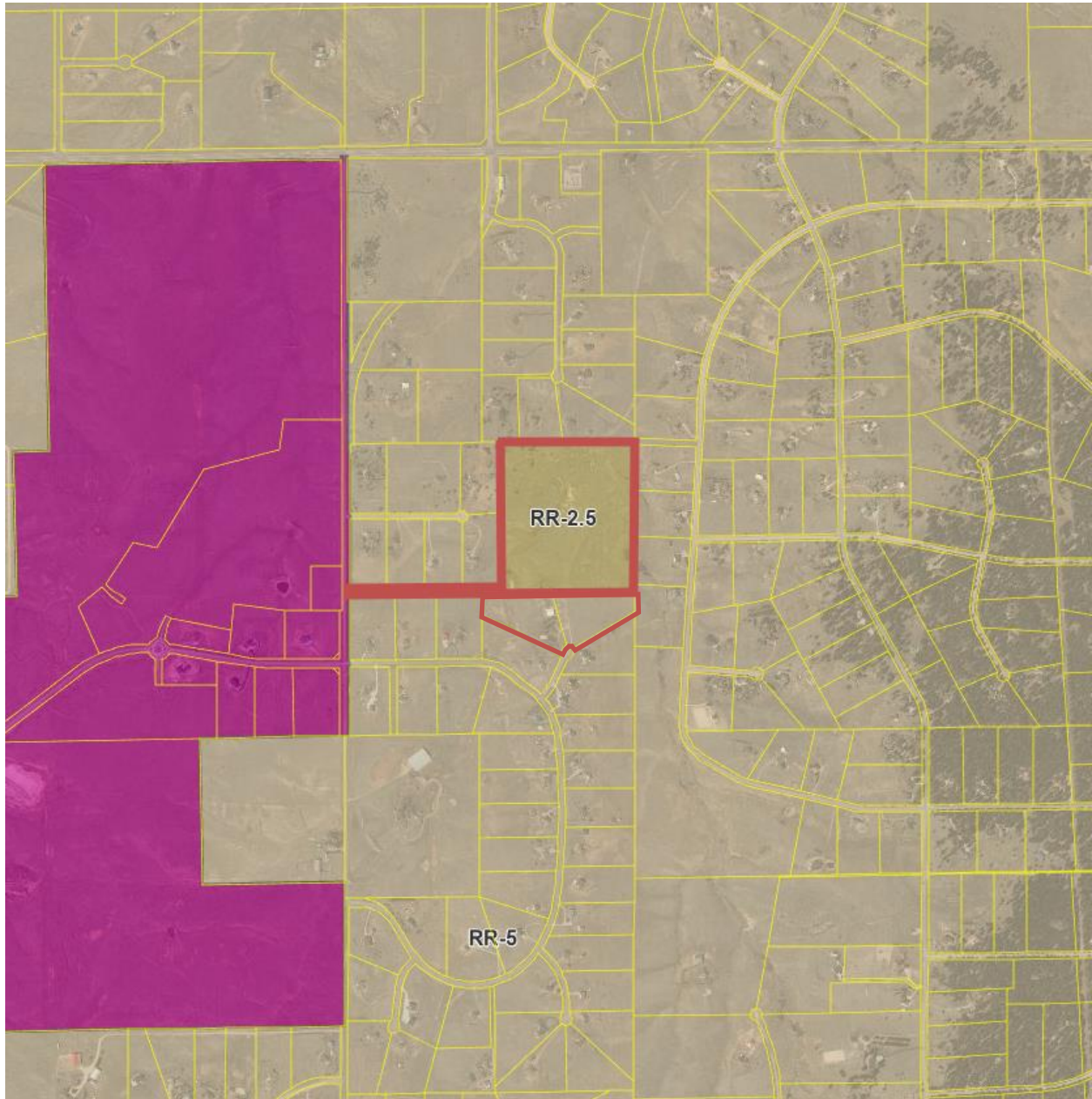


Map 1: Vicinity



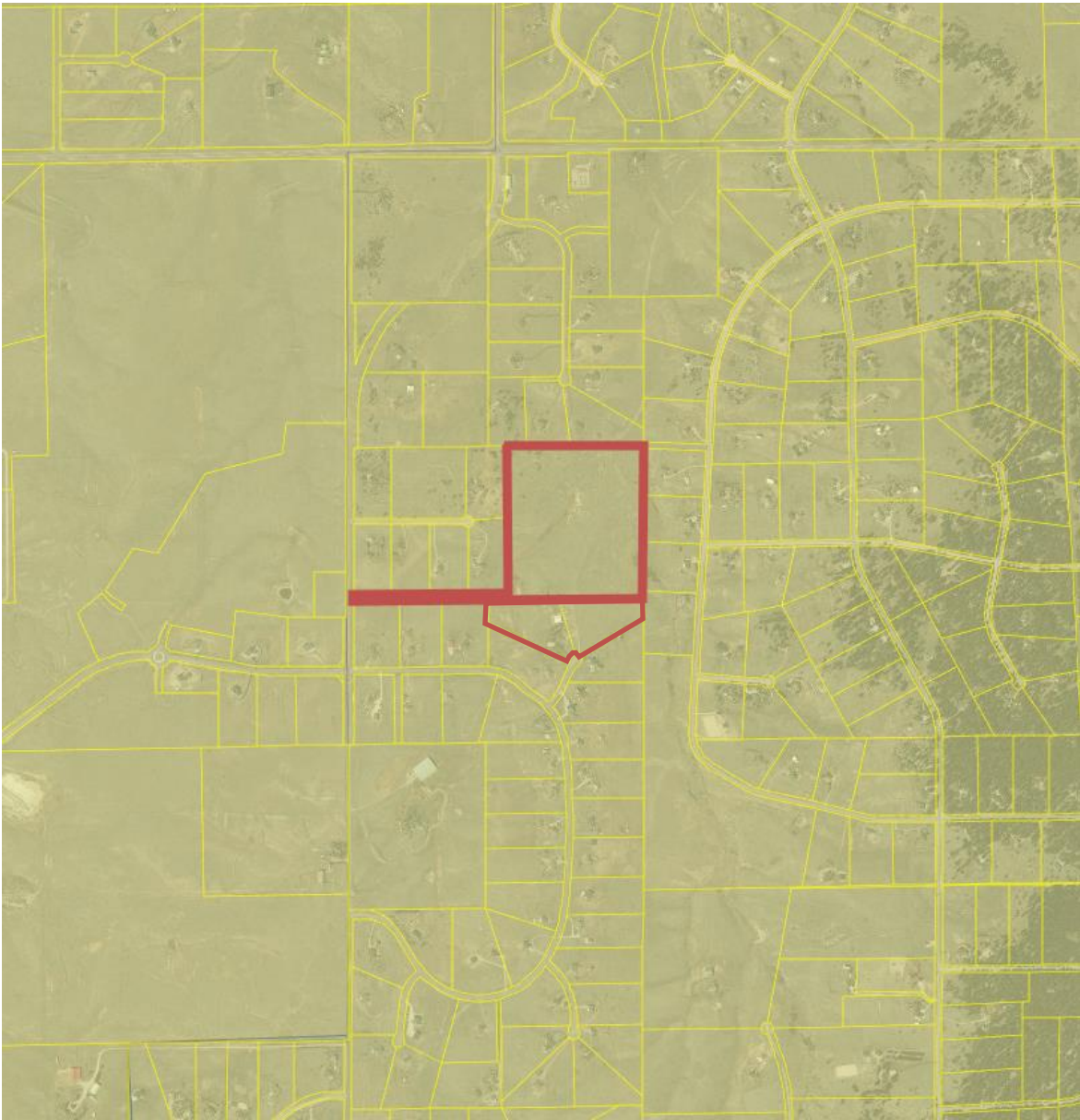


## Map 2: Zoning



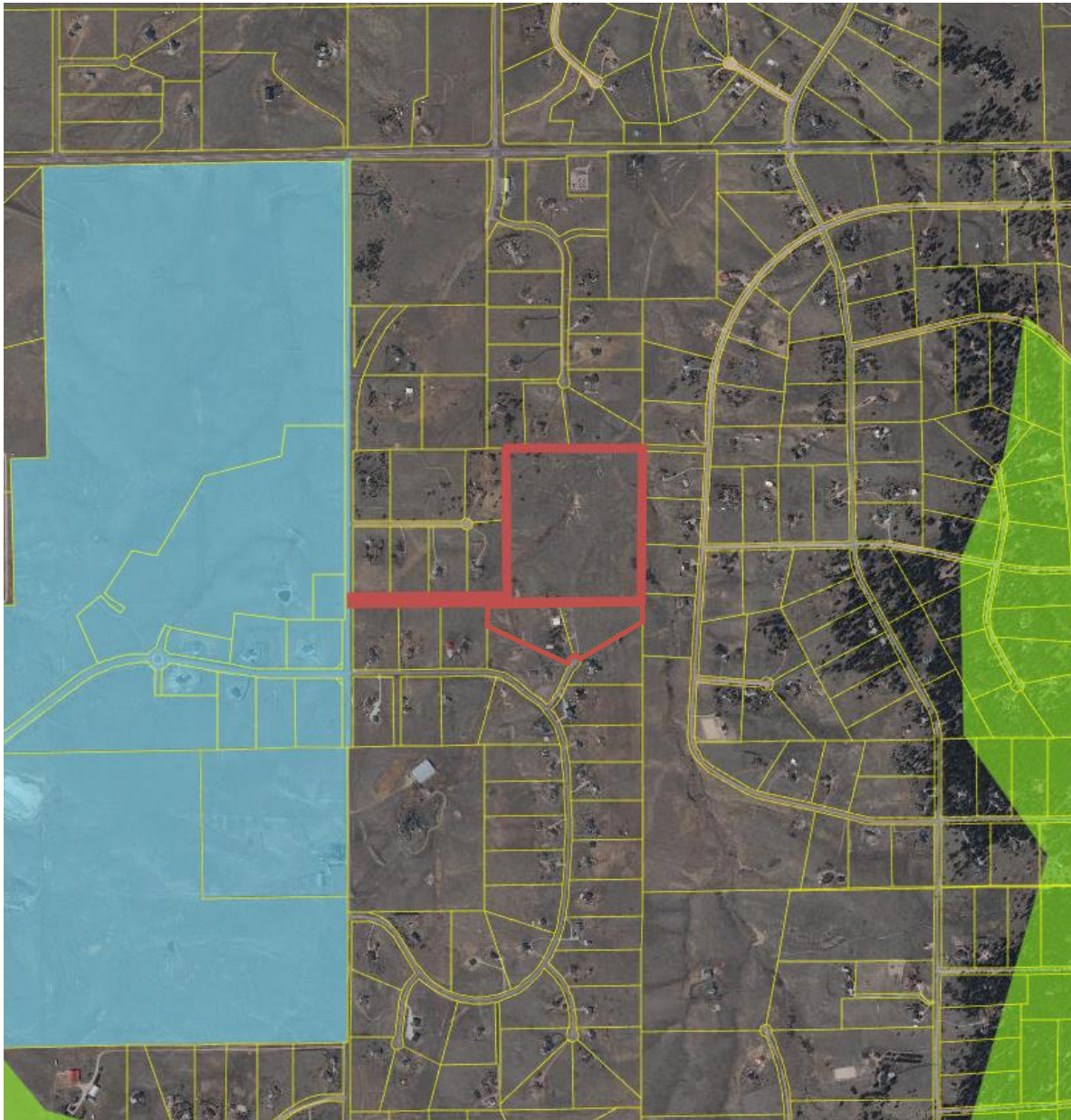
- PUD: Planned Unit Development
- RR-2.5: Residential Rural (2.5 acres)
- RR-5: Residential Rural (5 acres)

Map 3: Your El Paso Master Plan Placetype



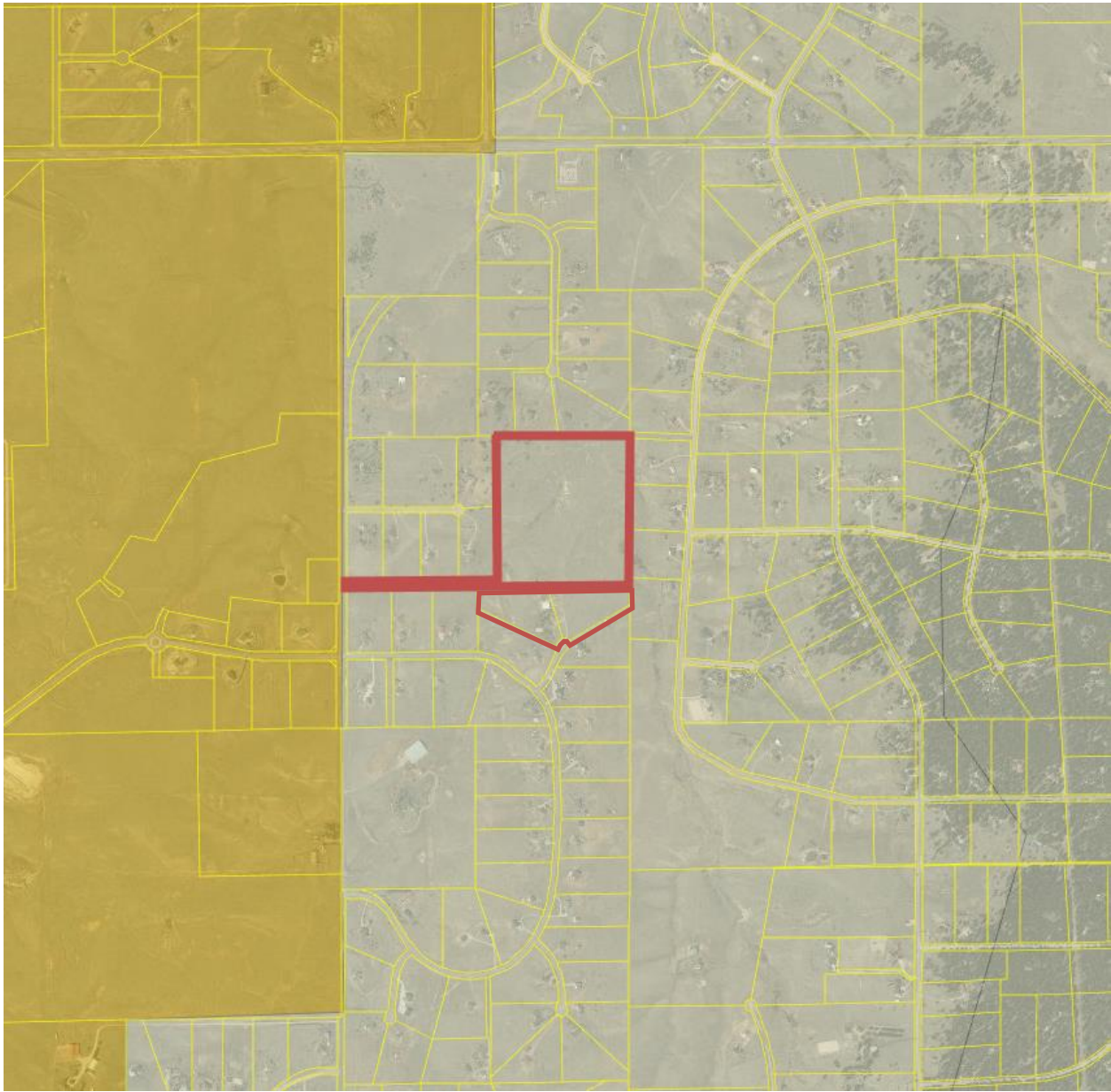
- Rural
- Large-Lot Residential
- Suburban Residential
- Urban Residential
- Rural Center
- Regional Center
- Employment Center
- Regional Open Space
- Mountain Interface
- Military
- Utility
- Incorporated Area

Map 4: Your El Paso Master Plan Key Area



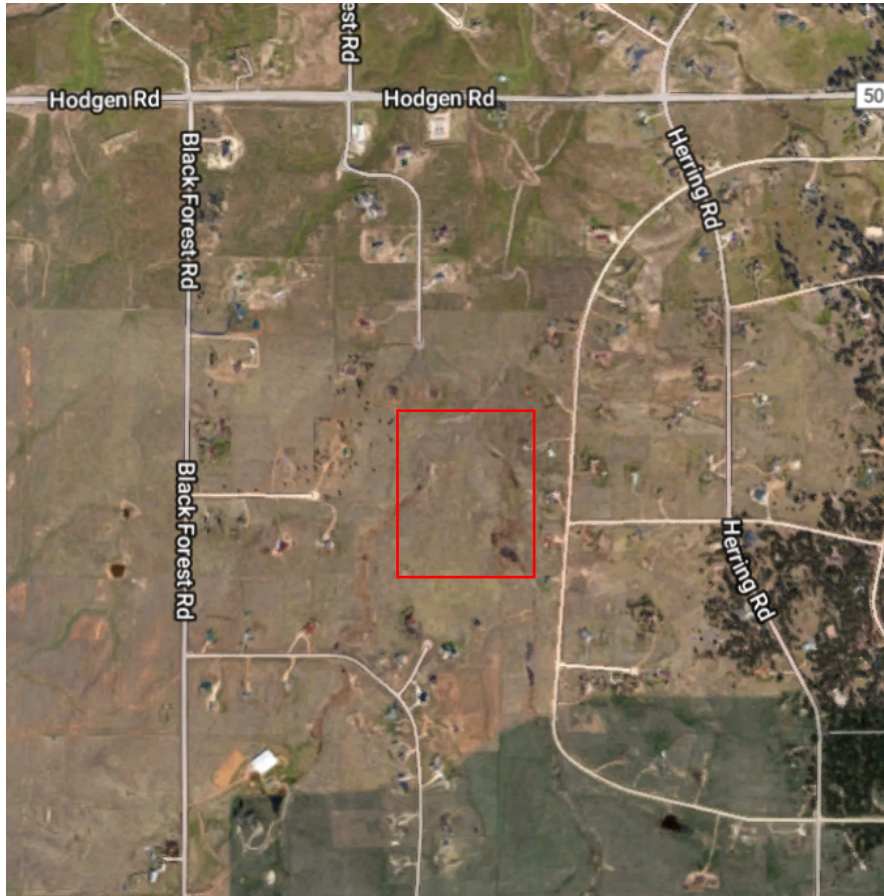
- Military Installations
- Potential Areas for Annexation
- Enclaves or Near Enclaves
- Small Towns & Rural Communities
- Fountain Creek Watershed Flood Control & Greenway District
- Forested Area
- Pikes Peak Influence Area
- Tri-Lakes Area
- Colorado Springs Airport/Peterson Field
- Uncommon Natural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

Map 5: Your El Paso Master Plan Area of Change



- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition

**Terra Ridge North**  
Residential Community  
Letter of Intent  
Final Plat



VICINITY MAP

Property Address:

15630 Fox Creek Lane  
Colorado Springs, CO 80908

Prepared By:

Lodestar Engineering, LLC

For:

Phillip & Jennifer Miles  
15630 Fox Creek Lane  
Colorado Springs, CO 80908

SF-2239

Developer/Owner:  
Phillip & Jennifer Miles  
15630 Fox Creek Lane  
Colorado Springs, CO 80908  
719-352-8886  
shay@milestoneeng.org

Civil Engineer:  
Lodestar Engineering, LLC  
PO Box 88461  
Colorado Springs, CO 80908

Traffic Engineer:  
LSC Transportation Consultants  
545 E. Pikes Peak Ave., Suite 210  
Colorado Springs, CO 80903  
(719) 633-2868

Geotechnical Engineer:  
RMG – Rocky Mountain Group  
2910 Austin Bluffs Parkway  
Colorado Springs, CO 80918  
(719) 548-0600

Surveyor:  
John Keilers & Associates, LLC  
9920 Otero Avenue  
Colorado Springs, CO 80920  
(719) 649-9243

**Development Request:**

Phillip S. Miles and Jennifer Miles requests approval of the Final Plat

1. The lots 5 & 6 in Terra Ridge Estates will be replatted and become part of Terra Ridge North. They will remain at above the minimum size of 5.0 acres.
2. Current zoning is RR-2.5
3. Total subdivision size will be 52.34 acres made up of 13 single family residential lots at a minimum lot size of 2.5 acres comprising 95.5% of the subdivision.
4. 0.7 acres of open space comprising 0.2% of the subdivision
5. 1.66 acres of roadway compromising 1.0% of the subdivision
6. Minimum lot size - 2.5 acres
7. Average lot size - 3.7 acres
8. Gross Density – 0.25 units per acre

### **Justification For Request**

This application it is consistent with the goals and objectives of the El Paso County Land Development Code and Engineering Criteria Manual.

### **Supporting Documents**

The following reports are submitted in support of this Final Plat and are referenced in this Letter of Intent:

- Traffic Impact Study prepared by LSC
- Profile Pit Evaluation prepared by Geoquest
- Geology and Soils Study prepared by RMG & Geoquest
- Water Resources and Water Quality Report prepared by JDS Hydro
- Preliminary Drainage Report prepared by Lodestar Engineering, LLC
- Habitat Suitability Report prepared by Smith Environmental and Engineering
- Noxious Weed Report prepared by Smith Environmental and Engineering
- Water of the US Report prepared by Smith Environmental and Engineering

### **Site Location, Size, Zoning:**

The site incorporates the existing Lots 5 & 6 in Terra Ridge Estates and a 39.72-acre undeveloped site making up a 52.34 acre subdivision. The property is bounded by Ridgeview Acres to the north, Whispering Hills Estates to the west Wildwood Village to the east, and Terra Ridge Estates to the south. All lots surrounding the subject property are all zoned RR-5. The entire 52.34-acre site within unincorporated El Paso County and is currently zoned RR-2.5.



**Existing and Proposed Facilities and Structures:**

**Existing site characteristics:** The existing vacant parcels consist predominantly of native shrubs and prairie grasses. The site contains rolling hills with East Cherry Creek and a tributary extending from the south side of the property to the northeast corner. The East Cherry Creek channel and tributary beds extending through the site consists of native grasses and willows. The FIRM map indicates the site is located in Zone X which is outside the floodplain. Approximately, 500 feet of the tributary extending from the southwest corner to the northeast corner will be located 80 feet to the west to accommodate the proposed cul-de-sac.

**Total Number of Residential Units, Density and Lot Size:** The current zoning of parcel 5129300002 is RR-2.5, Residential Rural 2.5-acre lots. The current zoning of parcels 5129302011 & 5129302012 are RR-5, Residential Rural 5-acre lots. The development proposes the site be subdivided into 11 - 2.5-acre and 2 – 5-acre single family residential large lots.

**Proposed Infrastructure and Utilities:** The proposed development will include public ROW and utility improvement including gas and electric. All lots will have domestic water provided via a well and wastewater will be treated using individual lot onsite wastewater treatment systems.



Utility and public services will be provided by the following associated districts:

1. Water: onsite well
2. Wastewater: onsite wastewater treatment system
3. Gas: Black Hills Energy
4. Electric: Mountain View Electric
5. Fire: Black Forest Fire Protection
6. Police Protection: El Paso County Sheriff's Department
7. School: Monument School District No. 38

An extended detention basin will be located near the north end of the development in a dedicated tract to detain stormwater from impervious areas prior to offsite release. The detention and release will have no effect on downstream facilities.

### **Final Plat**

The request is for a Final Plat approval for Terra Ridge North, a single family-development of 13 lots on approximately 52.34 acres, stormwater detention facility and associated infrastructure.

**Traffic and Proposed Access Locations:** The main access to the project will occur by the extension of Fox Creek Lane from the south-central portion of the property extending north approximately 1100 feet. This access will be constructed in a 60-foot improved public ROW. The roadway within the development will be constructed to meet the requirements of an El Paso County Local Rural roadway. Ten of the 13 lots will have a minimum of 30 feet of frontage to Fox Creek Lane. Three of the 13 lots will share a common driveway. The proposed ROW extension commencing at the end of the existing Fox Creek Lane cul-de-sac is the only access into the property in conformance with the El Paso County Engineering Criteria Manual. Without the access provided by the extension of Fox Creek Lane, the property cannot be accessed with a 60' ROW and would be limited to a private driveway. According to the traffic study performed by LSC, sight distance at the existing Black Forest Road/Terra Ridge Circle exceeds the 555 feet requirement, no modifications of the existing Black Forest Road/Terra Ridge Circle intersection will be required, and no modifications to the existing laneage of any of the roadways are necessary.

The four northern most lots will be accessed by a private driveway that will extend north from the proposed cul-de-sac.

### **Regional Open Space:**

There are no Regional Open Space planned for this area. The proposed development will not impact any existing Regional Open Spaces. A soft, walking path is planned to extend around the perimeter of the proposed subdivision and connect to Wildwood Estates, Terra Ridge and out to Black Forest Road.

### **Drainage:**

The Final Drainage Report prepared by Lodestar Engineering analyzes the existing drainage characteristics of the site and any required improvements. The proposed Terra Ridge North project is part of the East Cherry Creek drainage basin. The report notes that the onsite existing basin drainage patterns are generally from the South to the northeast by way of existing drainage channels. According to the report, the proposed development will not adversely affect the on or offsite drainage ways or

surrounding developments. In order to safely convey flow through into East Cherry Creek, a detention pond will be constructed to released develop flows at historic rates. These flow rates will be in accordance with the El Paso County drainage criteria requirements.

**Utilities:**

Water: Water will be supplied by the construction of individual wells on each lot extending into the Dawson Formation in accordance with the JDS Hydro Water and Wastewater report. District Court, Water Division 1, decreed in Case No. 18CW3226 that 11 wells to be located on the 39.72 acre parcel locate in the SW ¼ of Section 29, Township 11 South, Range 65 West of the 6<sup>th</sup> P.M. El Paso County, Colorado. Lots #5 and #6 of the existing Terra Ridge Estates already have approved well permits or existing well permits pursuant to an existing augmentation plan decreed in Case No. 96CW68.

Sewer: Wastewater will be handled by the use of onsite wastewater treatment facilities in accordance with the RMG Engineering report.

Gas: A commitment letter was received from Black Hills energy to service the Terra Ridge North development. Services are presently available to meet the demands anticipated.

Electric: A commitment letter was received from Mountain View electric to service the Terra Ridge North development. Services are presently available to meet the demands anticipated.

**Natural Features:**

The topography of the site is rolling hills with two drainage ways extending from south to north through the property. The existing drainage ways are wide without a defined flow path and no erosion from the development is anticipated. A 100-foot-wide electric easement extends north to south along the eastern portion of the site.

**Vegetation:**

The existing site is covered with native grasses with a few randomly located ponderosa pines. A low earthen berm is located belong the western portion of the property that was constructed sometime in the properties history to control stormwater runoff. The majority of the property will remain undisturbed during and after construction of the lots.

**Noxious weeds:**

The site is unoccupied and undeveloped. Three B-list noxious species and one C-list specie existed on site. Canada Thistle, common mullein, musk thistle and spotted knapweed were all observed in low densities. A weed management plan has been composed by Smith Environmental and Engineering, dated January 22, 2021, and it stated a combination of chemical and mechanical means should be implemented to control the noxious weeds on site.

**Floodplain:**

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) numbers 08041C0305G and 08041C0315G dated December 7, 2018 this project is not located within a FEMA designated 100yr floodplain. Therefore, no map revisions will be necessary as a result of this project.

**Site Stabilization:**

No areas exist in the proposed development where slopes greater than 30% are present.

**Wildlife:**

The property has been used for rangeland for horse and cattle so minimal wildlife is found on the property. Smith Environmental and Engineering assessed the site and determined this area has been designated as a no build zone and will not be disturbed. Reptiles and amphibians are found around the drainage ways extending through the property. A clearance letter was issued by the US Fish and Wildlife Service in which it stated, "the Service concurs that the impacts resulting from the construction of the new residences, the access road, utility lines, and detention pond in the project area next to East Cherry Creek is not likely to adversely affect the Preble's mouse."

**Wetlands:**

The US Army Corps of Engineers issued a Nationwide Permit (NWP-29) Verification letter states "the project is authorized by NWP-29, Residential Developments."

**Soils and Geology:**

The soils and geology report prepared by RMG engineering dated September 3rd, 2019 and revised March 30, 2022. RMG noted that no geologic hazards were identified that would preclude development of the site. The report indicates that regional geologic conditions that impact the site include seismic and radioactivity that can be mitigated with engineering design and construction methods commonly employed in this area. Groundwater levels will vary with seasonal precipitation. Minimal amounts of earth work will be required for this development.

The Geoquest soils report dated November 16, 2018, noted over-excavation will be required for foundations installed in the Terra Ridge North development. It states, "The over-excavated area shall extend it to a minimum depth of 4 feet below the bottom of the foundation elevation and 4 feet laterally from the location of the foundation walls."

**Wildfire Hazard Justification:**

According to the Wildfire Hazard Potential GIS Database, developed by U.S. Forest Service and Fire Modeling Institute to help inform assessments of wildfire risk or prioritization of fuels management needs across large landscapes, the site is identified as 'Low'. The site is surrounded by 5-acre single family residences and has limited vegetation. The development will comply with County development standards for Fire Protection and standards of the Black Forest Fire Department.

The Colorado Forest Atlas portal was developed by the Colorado State Forest Service and was used to determine the burn probability and the wildfire risk for the subject area. Within the Wildfire Risk Viewer, the proposed development area is rated at 'Low Risk' for wildfire risk and 'Low to Low-Moderate' for the burn probability.

### **Fire Department Requirements:**

An agreement is being sought with Black Forest Fire, Cherokee Metropolitan District and Flying Horse North to allow for the installation of a single fire hydrant in Terra Ridge North. The variance agreement with Black Forest Fire will allow for the postponement of the fire hydrant for a period of three years from the time the first structure is built until the hydrant installed. This will afford time for the water lines in Flying Horse North to be installed and placed in service which the proposed fire hydrant water line extension to be connected to. In the event, the water system in Flying Horse North is not accessible in the said three year period, a 45,000-gallon cistern will be installed in accordance with NFPA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting. An easement will be granted for the installation, access and maintenance of the cistern.

### **Final Plat & Plan Approval**

1. The proposed subdivision is not located in a designated Key Area. It is located north of the Key Area "Forested Area."
2. The proposed subdivision is in general conformance with the goals, objectives, and policies of El Paso County Master Plan.
  - a. The proposed subdivision is located in the Large Lot Residential Placetype.
3. The subdivision is consistent with Large Lot Residential;
  - a. The Single-family Detached Residential lots will be 2.5-acre and larger.
  - b. Single-family detached homes oriented to the street.
  - c. Roads are paved when they connect to existing paved roads.
  - d. Attached and detached garages and accessory buildings that reflect the architectural style and scale of the surrounding residential.
  - e. Terra Ridge North has intertwined the natural environment without disruption or degradation.
  - f. Accessory Dwelling Units (ADU's) will be compatible with the Large Lot Residential Placetype and will function in the context of the existing neighborhood.
4. The subdivision is in conformance with the subdivision design standards in any approved sketch plan;
  - a. There is no approved sketch plan for this property. The proposed subdivision is in conformance with the subdivision design standards. The subdivision design standards

set out in chapter eight of the land development code are met, including but not limited to;

- i. Adequate provision for traffic, drainage and open space
  - ii. Provision of properly designed roads to provide for safe and convenient vehicular circulation and identification of required road improvements
  - iii. Adequate provision for water, sewer and other utilities
  - iv. Ensuring that structures will harmonize with the physical characteristics of the site and the surrounding neighborhoods
5. 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 EPC LDC chapter 8.
- a. The proposed subdivision is located in the Black Forest region of El Paso County near the Douglas County, El Paso County border and each lot will be serviced by a well extending into the Dawson Formation.
  - b. The confirmation of underground water rights was adjudicated in the approved water decree Case No. 22CS3066 (Ref. 18CW3226) for the Miles Wells Nos. 1 through 11.
  - c. The 300-year augmentation plan has been provided in the approved water decree Case No. 22CS3066 (Ref. 18CW3226).

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

Policy 1.1.1 – Adequate water is a critical factor in facilitating future growth and it is incumbent upon the County to coordinate land use planning with water demand, efficiency and conservation. Water demands and allocations have been estimated using El Paso County’s 300-year rule to establish annual withdrawals from all Denver Basin aquifers in this report.

Goal 6.0 – Require adequate water availability for proposed development.

Policy 6.0.1 – Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development. All wells drilled to serve the proposed development will be equipped with totalizing meters which will be read and reported to the Colorado Division of Water Resources annually.

Policy 6.0.3 – Encourage water and wastewater infrastructure projects to be sited and designed in a manner which promotes compatibility with adjoining uses and provides reasonable mitigation of any adverse visibility and other environmental impacts. The water will be supplied by a well with minimal above ground structure, and the wastewater system will be below ground septic system.

Policy 6.0.7 – Encourage the submission of a water supply plan documenting an adequate supply of water to serve a proposed development at the earliest stage of the development process, as allowed under state law. The water supply plan should be

prepared by the applicant in collaboration with the respective water provider. A water supply plan has been provided in the JDS Hydro Water Resources and Wastewater Report outlining water usage and replenishment requirements.

Policy 6.0.10 – Encourage land use proposals to expressly declare water source(s), quality, quantity, and sustainability in terms of years and number of single-family equivalents. This has been provided in the JDS Hydro Water Resources and Wastewater Report.

Goal 6.2.1 – Increase regional water reuse and conservation to better optimize available water supplies.

Policy 6.2.1.1 – Support efforts by water providers to effectively and environmentally implement potable and non-potable water reuse, including augmentation.

6. A sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;
  - a. Individual on site wastewater treatment systems will be designed and installed on each lot per the RMG Engineers Wastewater Study dated March 30, 2022. The system complies with state and local laws and regulations.
7. All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified in the RMG Geology and Soils Study dated 3/30/22 and the proposed subdivision is compatible with such conditions.
8. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;
  - a. These matters are addressed in the
  - b. drainage report prepared by Lodestar Engineering, LLC. The proposed stormwater conveyance system was designed to convey the developed project run off to a proposed full spectrum water quality and detention pond via roadway drainage channels. The proposed pond is designed to release at near historic rates to minimize adverse impacts downstream. Treated water will outfall directly into the E Cherry Creek drainage way.
9. Legal and physical access is or will be provided to all parcels by public rights-of-way, acceptable to the County in compliance with this Code and the ECM
  - a. All the lots in the subdivision except for lots 5, 6 and 7 will have the minimum frontage required by 8.4.3.B.2.e.
  - b. Lots 5, 6 and 7 will share a private driveway extending off the north end of the proposed cul-de-sac. The waiver is being requested and the justification is located at the end of this document. Lot 4 will be able to access their property via the private driveway if they so choose due to the grading required to access their property.

10. The proposed subdivision has established an adequate level of compatibility with the Master Plan by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision and (2) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design.
  - a. A “No-Build Zone” has been established to prevent disruption to the environmentally sensitive vegetation.
  - b. The private driveway alignment was configured such that it minimized the impact to the environmentally sensitive vegetation.
11. Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision.
  - a. A County compliant roadway, that will be dedicated to the County, will extend into the subdivision to provide the traveling public and emergency vehicles with the required means of ingress and egress.
  - b. Water will be provided by individual wells.
  - c. Sanitary sewer will be OWTS.
  - d. Gas will be provided by Black Hills Energy.
  - e. Electric will be provided by Mountain View Electric.
  - f. A walking path will be constructed around the perimeter of the subdivision.
12. The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.
  - a. A cistern will be installed in compliance with Section 6.3.3.

**Waiver Request:**

A waiver is being requested for the use of three to four private driveways to access the proposed private driveway extending from the north end of the proposed cul-de-sac.

- The waiver will nullify the intent of the purpose of the Code.
- No additional subsequent waivers will be needed.
- The waiver will not be detrimental to the public safety, health, or welfare or injurious to other property.
- The conditions upon which the request for a waiver is based are unique to the property and are not applicable to other property.
- A particular non-economical hardship would result from a strict application of the code.
  - The grading that would be required to extend the 60’ ROW with a 28’ roadway would remove a significant amount of environmentally sensitive vegetation.
  - The additional grading would eliminate one lot.

- The crossing of the existing swale would require a permanent structure which would render the project infeasible.
- The waiver will not in any manner vary the zoning provisions of the Code.
- The proposed waiver is not contrary to any provision of the Master Plan.



# Final Plat Terra Ridge North

## Vacation & Replat of Lots 5 and 6, Terra Ridge Filing No. 1, Together with 11 Proposed Lots in Terra Ridge North A Portion of the Southwest Quarter of Section 29, Township 11 South, Range 65 West of the 6th P.M., El Paso County, Colorado

### BE IT KNOWN BY THESE PRESENTS:

That Phillip S. Miles & Jennifer L. Miles being the owners of the following described tracts of land,

TO WIT:

Legal Description:  
Lots 5 and 6 in Terra Ridge Filing No. 1, County of El Paso, State of Colorado and a portion of the Southwest Quarter of Section 29, Township 11 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, more particularly described as follows:

Beginning at the Northwest corner of the Southwest Quarter of said Southwest Quarter; thence S89°46'29" E along the South line of Whispering Hills Estates as recorded in Plat Book Z-2 at Page 2 of said county records, 1407.75 feet to the Southeast corner thereof; thence N00°58'34" E, 1327.96 feet to the Northeast corner thereof; thence S89°47' 26" E, 1245.16 feet to the Northeast corner of said Southwest Quarter, said Northeast corner also being on the West line of Wildwood Village Unit 3 as recorded in Plat Book H-3 at Page 57 of said county records; thence S00°59'16" W along the East line of said Southwest Quarter and the West Line of said Wildwood Village Unit 3 and Wildwood Village Unit 4 as recorded in Plat Book M-3 at Page 46 of said county records, 1366.91 feet; thence N89°46'29" W, 945.48 feet; thence N00°58'34" E, 8.50 feet; thence N89°46'29" W, 1708.14 feet to a point on the west line of said Southwest Quarter; thence N00°58'34E, 30.00 feet to the point of beginning, County of El Paso, State of Colorado., said described tract contains 52.63 Acres +/-

### DEDICATION:

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, tracts, streets, and easements (use which are applicable) as shown hereon under the name and subdivision of Terra Ridge North. All public improvements so platted are hereby dedicated to public use and said owner does hereby covenant and agree that the public improvements will be constructed to El Paso County standards and that proper drainage and erosion control for same will be provided at said owner's expense, all to the satisfaction of the Board of County Commissioners of El Paso County, Colorado. Upon acceptance by resolution, all public improvements so dedicated will become matters of maintenance by El Paso County, Colorado. The utility easements shown hereon are hereby dedicated for public utilities and communication systems and other purposes as shown hereon. The entities responsible for providing the services for which the easements are established are hereby granted the perpetual right of ingress and egress from and to adjacent properties for installation, maintenance, and replacement of utility lines and related facilities.

Phillip S. Miles

Jennifer L. Miles

### ATTEST:

NOTARIAL:

State of Colorado  
County of El Paso  
The foregoing instrument was acknowledged before me this this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ AD by  
Phillip S. Miles and Jennifer L. Miles as owners.

My commission expires \_\_\_\_\_

Notary Public

### SUMMARY:

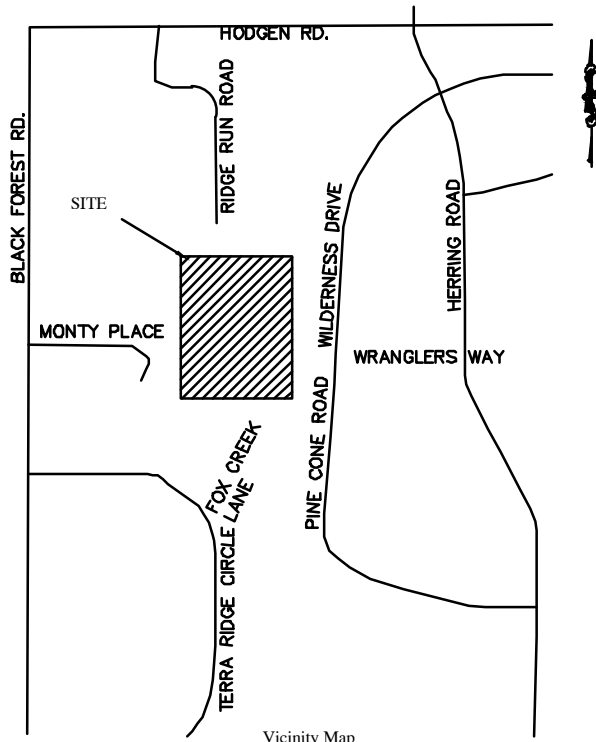
GROSS ACREAGE = 52.63 ACRES  
TOTAL LOTS = 13  
GROSS DENSITY = 0.25 UNITS/ACRE  
NET DENSITY = 0.26 UNITS/ACRE  
NET ACREAGE = 49.98 ACRES

### Fees:

Regional Park fees \_\_\_\_\_  
Urban Park fees \_\_\_\_\_  
School fees \_\_\_\_\_  
Drainage fees \_\_\_\_\_  
Bridge fees \_\_\_\_\_

### TRACT DEDICATION TABLE

Tract	Area	Ownership/Maintenance	Purpose
Tract A	1.68 acres	Terra Ridge North Homeowners Association	Open Space & Detention Pond
Tract B	0.97 acres	Terra Ridge North Homeowners Association	Open Space



Viscosity Map

No Scale

### PLAT NOTES:

- BASIS OF BEARINGS:
  - BEARINGS ARE BASED ON THE WEST LINE OF THE SW QUARTER OF SECTION 29, T11S, R65W OF THE 6<sup>TH</sup> PM BETWEEN FOUND MONUMENTS AS SHOWN ON THIS DRAWING AND WAS ASSUMED N00D59'09"E.
- FLOODPLAIN STATEMENT:
  - THE CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP HAS BEEN EXAMINED, BY SCALE ONLY. THE PROPERTY LIES IN ZONE X, AS SHOWN ON FEMA MAP PANEL 08041C0305 AND 08041C0315G, DATED DECEMBER 7, 2018.
- TITLE COMMITMENT:
  - THIS SURVEY DOES NOT CONSTITUTE THE TITLE SEARCH BY PLS, 23890, TO DETERMINE THE CAPABILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACKS OF LAND, OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS WAY OR TITLE OF RECORD, RELEI UPON TITLE COMMITMENT FILE NUMBER \_\_\_\_\_, PREPARED BY \_\_\_\_\_ TITLE GUARANTEE COMPANY, AFFECTIVE DATE MONTH \_\_\_\_\_, 202\_\_\_\_ YEAR, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.
- WATER SERVICE SHALL BE SUPPLIED BUY ON-SITE WELL IN ACCORDANCE WITH WATER RIGHTS DECREE ISSUED BY DISRICT COURT, WATER DIVISION 1, CO, CASE NUMBER: 2018CW3226.
- SEWER SERVICE SHALL BE PROVIDED BY ON-SITE WASTEWATER TREATMENT SYSTEM (WTS).
- ELECTRIC SERVICE SHALL BE PROVIDED BY MOUNTAINVIEW ELECTRIC ASSOCIATION.
- NATURAL GAS SERVICE SHALL BE PROVIDED BY BLACK HILLS ENERGY.
- FIRE PROTECTION BY THE BLACK FOREST FIRE PROTECTION DISTRICT.
- ALL STRUCTURAL FOUNDATIONS SHALL BE LOCATED AND DESIGNED BY A PROFESSIONAL ENGINEER, CURRENTLY LICENSED IN THE STATE OF COLORADO.
- THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE FINAL PLAT FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT:
  - TRANSPORTATION IMPACT STUDY
  - DRAINAGE REPORT
  - WATER RESOURCES REPORT
  - WASTEWATER DISPOSAL REPORT
  - NATURAL HAZARDS REPORT
  - GEOLOGY AND SOILS REPORT
  - WETLAND STUDY
  - FIRE PROTECTION PLAN
  - NOXIOUS WEED REPORT
- ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORMWATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICATED. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
- UNLESS OTHERWISE DIRECTED, ALL SIDE LOT LINES ARE HEREBY PLANTED ON EITHER SIDE WITH A TEN-FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, UNLESS OTHERWISE INDICATED. ALL FRONT LOT LINES ARE HEREBY PLANTED WITH A 10 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT, AND ALL REAR LOT LINES ARE HEREBY PLANTED WITH A 20 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HEREBY PLATED WITH A 20 FOOT PUBLIC IMPROVEMENT, PUBLIC UTILITY AND DRAINAGE EASEMENT. EASEMENTS ARE HEREBY PLATTED IN THE LOCATIONS ON SHEET 3. THIS PLAT THE SOLE RESPONSIBILITY FOR THE SURFACE MAINTENANCE OF EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNER UNLESS OTHERWISE NOTED.
- DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATIONS, ORDINANCES, REVIEW AND PERMIT REQUIREMENTS, AND OTHER AGENCY REQUIREMENTS, IF ANY, OF APPLICABLE AGENCIES INCLUDING, BUT NOT LIMITED TO, THE COLORADO DIVISION OF WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORPS OF ENGINEERS AND THE U.S. FISH AND WILDLIFE SERVICE REGARDING THE ENDANGERED SPECIES ACT, PARTICULARLY AS IT RELATES TO THE LISTED SPECIES (E.G., PREBLE'S MEADOW JUMPING MOUSE).
- THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
- NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
- NO LOT OR INTEREST THEREIN, SHALL BE SOLD, CONVEYED, OR TRANSFERRED WHETHER BY DEED OR BY PUBLIC CONTRACT, NOR SHALL BUILDING PERMITS BE ISSUED, UNTIL AND UNLESS EITHER THE REQUIRED PUBLIC AND COMMON DEVELOPMENT IMPROVEMENTS HAVE BEEN CONSTRUCTED IN COMPLETED AND PRELIMINARILY ACCEPTED IN ACCORDANCE WITH THE SUBDIVISION IMPROVEMENTS AGREEMENT BETWEEN THE APPLICANT/OWNER AND EL PASO COUNTY AS RECORDED UNDER RECEPTION NUMBER \_\_\_\_\_ IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO OR, IN THE ALTERNATIVE, OTHER COLLATERAL IS PROVIDED TO MAKE PROVISION FOR THE COMPLETION OF SAID IMPROVEMENTS IN ACCORDANCE WITH THE EL PASO COUNTY LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL. ANY SUCH ALTERNATIVE COLLATERAL MUST BE APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR IN MEET THE POLICY AND PROCEDURE REQUIREMENTS OF EL PASO COUNTY PRIOR TO THE RELEASE OF THE COUNTY OF ANY LOTS FOR SALE, CONVEYANCE OR TRANSFER.
- THIS PLAT RESTRICTION MAY BE REMOVED OR RESCINDED BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR APPAN EITHER APPROVAL OF AN ALTERNATIVE FORM OF COLLATERAL OR COMPLETION AN PRELIMINARY ACCEPTANCE BY THE EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS OF ALL IMPROVEMENTS REQUIRED TO BE CONSTRUCTED IN COMPLETED IN ACCORDANCE WITH SAID SUBDIVISION IMPROVEMENTS AGREEMENT. THE PARTIAL RELEASE OF LOTS FOR SALE CONVEYANCE OR TRANSFER MAY ONLY BE GRANTED IN ACCORDANCE WITH ANY PLANNED PARTIAL RELEASE OF LOTS AUTHORIZED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMANDS A CLASS TWO (2) MISDEMEANOR PURSUANT TO CRS 18-4-508.
- ALL PROPERTY WITHIN THIS SUBDIVISION IS INCLUDED IN TERRA RIDGE NORTH.
- THE DEVELOPER WILL BE RESPONSIBLE FOR MAINTENANCE OF THE ROADS UNTIL PRELIMINARY ACCEPTANCE OF THE PUBLIC IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, THE ENGINEERING CRITERIA MANUAL, AND THE SUBDIVISION IMPROVEMENTS AGREEMENT.
- ALL PROPERTY WITHIN THIS SUBDIVISION IS SUBJECT TO A DECLARATION OF COVENANTS AS RECORDED AT RECEPTION NO. \_\_\_\_\_ OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER.
- MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY IN UNITED STATES POSTAL SERVICE REGULATION
- 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.
- ALL LOTS HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS. MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND IN THE REPORT GEOLOGY AND SOILS STUDY BY RMG ENGINEERS/ARCHITECTS DATED MARCH 30, 2022. IN FILE SF2239 AVAILABLE AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT:
  - EXPANSIVE SOILS AND BEDROCK
  - COMPRESSIBLE SOILS
  - FAULTS AND SEISMICITY
  - RADON
  - FLOODING AND SURFACE DRAINAGE
  - SPRINGS AND HIGH GROUNDWATER
  - CORROSIVE MINERALS
  - FILL SOILS
  - PROPOSED GRADING, EROSION CONTROL, CUTS AND MASSES OF FILL
- A PRIVATE DETENTION POND MAINTENANCE AGREEMENT FOR PONDS ONE IS RECORDED UNDER RECEPTION

No. \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY.

- TRACT A IS DESIGNATED AS A NO BUILD ZONE AND SHALL ONLY BE USED FOR OPEN SPACE FOR A DETENTION POND.
- TRACT B IS DESIGNATED AS OPEN SPACE.
- LOTS 6, 7, 8 AND TRACT A ARE SUBJECT TO A SHARED DRIVEWAY AGREEMENT AND ARE RESPONSIBLE FOR THE MAINTENANCE OF THE 18" CULVERT. LOTS 7 AND 8 ARE RESPONSIBLE FOR THE MAINTENANCE OF THE 3-54" CULVERTS. LOT 6 AND TRACT A ARE ADDITIONALLY RESPONSIBLE FOR MAINTENANCE OF THE 24" CULVERT OF THEIR SHARED ACCESS. A MAINTENANCE AGREEMENT FOR SAID INGRESS AND EGRESS EASEMENT IS RECORDED UNDER RECEPTION NO. \_\_\_\_\_.
- INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS, INCLUDING NECESSARY DRAINAGE CULVERTS FROM FOX CREEK LANE PER LAND DEVELOPMENT SECTION 6.3.3.C.2 AND 6.3.3.C.3.
- LOTS 1 AND 13 WERE ORIGINALLY PART OF TERRA RIDGE ESTATES FILING 1 AND THEIR REPLAT IS NOT INTENDED TO AFFECT THEIR RECORDING IN RECEPTION NUMBER 97146676. THE CORRESPONDING COVENANTS REMAIN IN AFFECT FOR SAID LOTS.
- THE PRIVATE DRIVEWAY EXTENDING NORTH FROM THE CUL-DE-SAC OF FOX CREEK LANE PROVIDING ACCESS FOR LOTS 6-8, SHALL INCORPORATE THE RESPECTIVE AREA OF IMPERVIOUS AREA FOR EACH LOT INTO THE IMPERVIOUS AREA CALCULATION FOR THE ENTIRE LOT. PER THE LARGE LOT SINGLE FAMILY SITES EXCLUSION OF ECM APP I.1.7.B.5, IF THE IMPERVIOUSNESS OF EACH DEVELOPED LOT EXCEEDS 10 PERCENT WITHOUT INFILTRATION STUDY OR 20 PERCENT WITH AN INFILTRATION STUDY, AN ESQCP WILL BE REQUIRED AND POTENTIALLY THE NEED FOR A WATER QUALITY TREATMENT FACILITY.

### Board of County Commissioners Certificate

This plat of Terra Ridge North was approved for filing by the El Paso County, Colorado Board of County Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, subject to any notes specified hereon and any conditions included in the resolution of approval. The dedication of land to the public (streets and easements) are accepted, but public improvements thereon will not become the responsibility of El Paso County until preliminary acceptance of the public improvements in accordance with the requirements of the Land Development Code and Engineering Criteria manual, and the Subdivision Improvements Agreement.

Chair, Board of County Commissioners

Date

Planning and Community Development Executive Director

### Surveyors Certificate

I, John H. Keilers, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on date of survey, by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical 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 \_\_\_\_\_, 20\_\_\_\_.

Surveyors Name, (Signature)

Date

Colorado registered PLS # 23890

### RECORDING:

(STATE OF COLORADO)  
(COUNTY OF EL PASO COUNTY) S.S.  
I hereby certify that this instrument was filed for record in my office at \_\_\_\_\_ o'clock \_\_\_\_\_ M. this \_\_\_\_\_ day of \_\_\_\_\_, A.D. and is duly recorded under Reception No. \_\_\_\_\_ of the records of El Paso County, Colorado.

Fee: \_\_\_\_\_

Steve Schleiker, Recorder

Surcharge: \_\_\_\_\_

By: \_\_\_\_\_ Deputy

Owner of Record  
Phillip S. & Jennifer Miles  
15630 Fox Creek Lane  
Colorado Springs, CO 80908  
719-352-8886

Surveyor  
John Keilers & Associates, LLC  
John Keilers, PLS  
9920 Otero Avenue  
Colorado Springs, CO 80920  
719-599-5938 office  
719-649-9243 cell  
JackKeilers@gmail.com

PCD File No. SF-2239

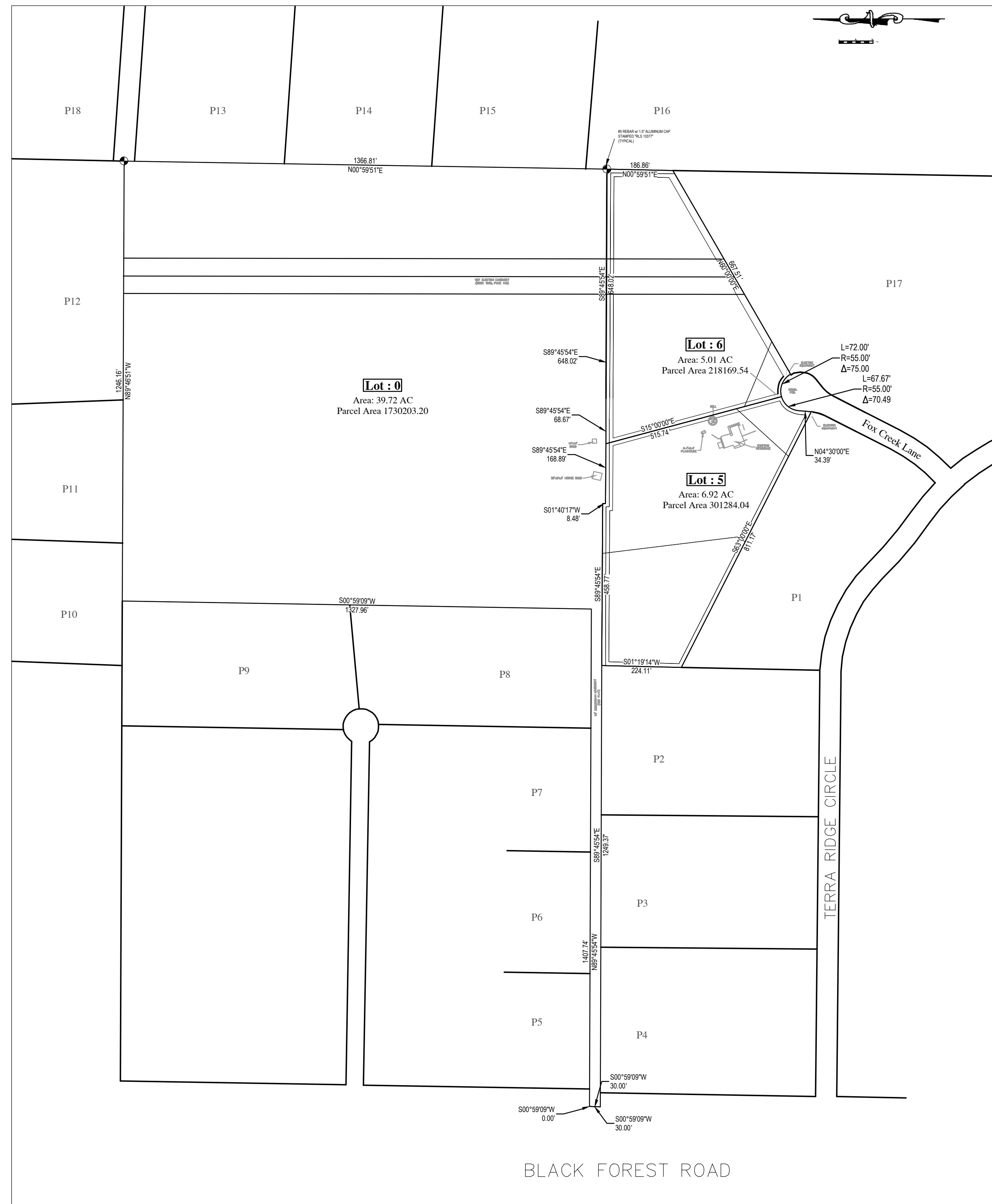
### TERRA RIDGE NORTH

DRAWN BY: PSM CHECKED BY: JHK DATE: 2/22/23 REV:  
FILE: TERRARIDGENORTHFINALPLAT.DWG SHEET: 1 OF 3

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

# Final Plat Terra Ridge North

Vacation & Replat of Lots 5 and 6, Terra Ridge Filing No. 1, Together with 11 Proposed Lots in Terra Ridge North  
A Portion of the Southwest Quarter of Section 29, Township 11 South, Range 65 West of the 6th P.M., El Paso County, Colorado



## As Platted

Owner:  
Phillip S. Miles & Jennifer L. Miles  
15630 Fox Creek Lane  
Colorado Springs, Colorado 80908

SUMMARY:  
Total Acreage: 52.63 acres, +/-  
Number of Lots: 3

Tracts are zoned RR-5

Tax Parcel Numbers:  
Unplatted tract: 51293-00-002  
Lot 5: 51293-02-011  
Lot 6: 51293-02-012

Building setback requirements:  
Front: 25 feet  
Side: 25 feet  
Rear: 25 feet

### NOTES:

All points found indicated by  $\text{---}\bullet\text{---}$  are as shown on plat.

All points set indicated by  $\text{---}\blacktriangle\text{---}$  are rebar with attached Surveyor's cap mkd "PLS 23890" unless otherwise shown on plat.

All measured, used or pro-rated information indicated by  $S0^{\circ}12'10"E-518.51'$ .

All record information indicated by  $(S0^{\circ}12'10"E-518.90')$ .

All bearings are relative to the east line of JeniShay Farms as monumented and shown, and was assumed  $S00^{\circ}12'10"E$ .

All reasearch for recorded easements or rights-of-way was done by EmpireTitle of Colorado Springs, LLC., File No. 54837ECS, dated: May 29, 2018.

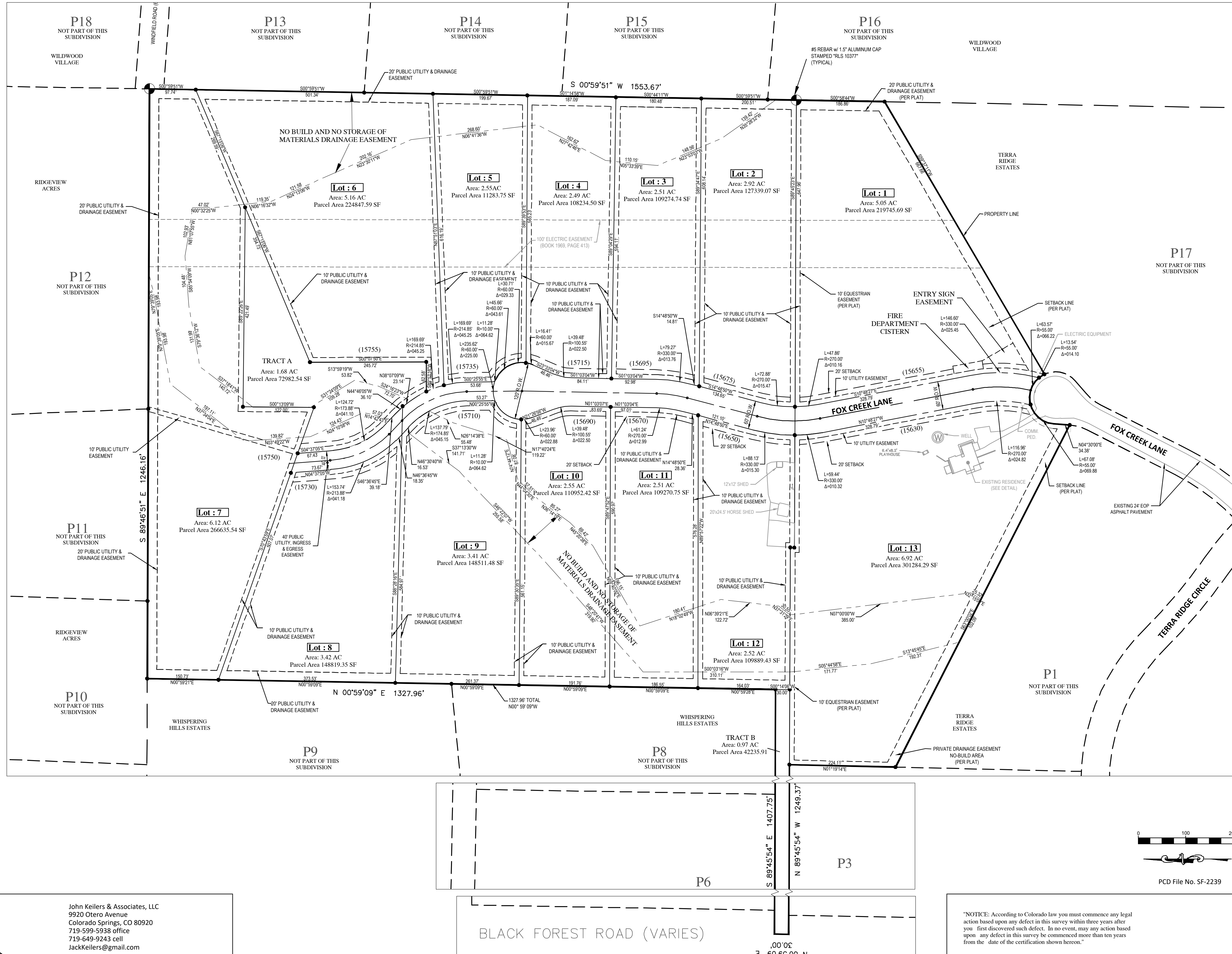
ADJACENT PROPERTY DESCRIPTION	
P1	Not a part of this subdivision Robb Peters 51293--02-004 Lot 4, Terra Ridge Fil. No 1 Zoned RR-5
P2	Not a part of this subdivision Mark Davis 51293--02-003 Lot 3, Terra Ridge Fil. No 1 Zoned RR-5
P3	Not a part of this subdivision Justin Sumpter 51293--02-002 Lot 2, Terra Ridge Fil. No 1 Zoned RR-5
P4	Not a part of this subdivision Eric Mikuska 51293--02-001 Lot 1, Terra Ridge Fil. No 1 Zoned RR-5
P5	Not a part of this subdivision Diana Gard 51293--01-008 Lot 8, Whispering Hills Estates Zoned RR-5
P6	Not a part of this subdivision Rhonda Barr 51293--01-007 Lot 7, Whispering Hills Estates Zoned RR-5
P7	Not a part of this subdivision Christopher Humlicek 51293--01-006 Lot 6, Whispering Hills Estates Zoned RR-5
P8	Not a part of this subdivision David Khaliqi 51293--01-005 Lot 5, Whispering Hills Ests Zoned RR-5
P9	Not a part of this subdivision Todd Andrews 51293--01-004 Lot 4, Whispering Hills Ests Zoned RR-5
P10	Not a part of this subdivision Richard Martinez 51290--04-013 Lot 8, Ridgeview Acres Zoned RR-5
P11	Not a part of this subdivision Temmer Family Trust 51290--04-012 Lot 7, Ridgeview Acres Zoned RR-5
P12	Not a part of this subdivision Kimberly Tebrugge 51290--04-011 Lot 6, Ridgeview Acres Zoned RR-5
P13	Not a part of this subdivision Roy & Julie Heare 51290--05-002 Lot 148, Wildwood Village Unit 3 Zoned RR-5
P14	Not a part of this subdivision David Porter 51290--05-001 Lot 149, Wildwood Village Unit 3 Zoned RR-5
P15	Not a part of this subdivision Paul Gavin 51290--05-001 Lot 149, Wildwood Village Unit 3 Zoned RR-5
P16	Not a part of this subdivision Edwin Bedford 51290--05-004 Lot 151, Wildwood Village Unit 4 Zoned RR-5
P17	Not a part of this subdivision Hugo Oregel 51293--02-007 Lot 1, Terra Ridge Fil No. 2 Zoned RR-5
P18	Not a part of this subdivision Ricardo Torres 51290--04-001 Lot 147, Wildwood Village Unit No 3 Zoned RR-5



PCD File No. SF-2239

# Final Plat Terra Ridge North

Vacation & Replat of Lots 5 and 6, Terra Ridge Filing No. 1, Together with 11 Proposed Lots in Terra Ridge North  
A Portion of the Southwest Quarter of Section 29, Township 11 South, Range 65 West of the 6th P.M., El Paso County, Colorado



## As Replatted

ADJACENT PROPERTY DESCRIPTION	
P1	Not a part of this subdivision Robb Peters \$1293-02-004 Lot 4, Terra Ridge Fil. No 1 Zoned RR-5
P2	Not a part of this subdivision Mark Davis \$1293-02-003 Lot 3, Terra Ridge Fil. No 1 Zoned RR-5
P3	Not a part of this subdivision Justin Sumpter \$1293-02-002 Lot 2, Terra Ridge Fil. No 1 Zoned RR-5
P4	Not a part of this subdivision Eric Mkuska \$1293-01-008 Lot 1, Terra Ridge Fil. No 1 Zoned RR-5
P5	Not a part of this subdivision Diana Gard \$1293-01-008 Lot 8, Whispering Hills Estates Zoned RR-5
P6	Not a part of this subdivision Rhonda Barr \$1293-01-007 Lot 7, Whispering Hills Estates Zoned RR-5
P7	Not a part of this subdivision Christopher Humick \$1293-01-006 Lot 6, Whispering Hills Estates Zoned RR-5
P8	Not a part of this subdivision David Khalqi \$1293-01-005 Lot 5, Whispering Hills Estates Zoned RR-5
P9	Not a part of this subdivision Todd Andrews \$1293-01-004 Lot 4, Whispering Hills Estates Zoned RR-5
P10	Not a part of this subdivision Richard Martinez \$1290-04-013 Lot 8, Ridgeview Acres Zoned RR-5
P11	Not a part of this subdivision Lemmer Family Trust \$1290-04-012 Lot 7, Ridgeview Acres Zoned RR-5
P12	Not a part of this subdivision Kimberly Tebrugge \$1290-04-011 Lot 6, Ridgeview Acres Zoned RR-5
P13	Not a part of this subdivision Roy & Julie Heare \$1290-05-002 Lot 148, Wildwood Village Unit 3 Zoned RR-5
P14	Not a part of this subdivision Joshua Trusevitz \$1290-05-001 Lot 149, Wildwood Village Unit 3 Zoned RR-5
P15	Not a part of this subdivision Paul Gavin \$1290-05-001 Lot 149, Wildwood Village Unit 3 Zoned RR-5
P16	Not a part of this subdivision Abraham Thompson \$1290-05-004 Lot 151, Wildwood Village Unit 4 Zoned RR-5
P17	Not a part of this subdivision Hugo Oregel \$1293-02-007 Lot 1, Terra Ridge Fil No. 2 Zoned RR-5
P18	Not a part of this subdivision Ricardo Torres \$1290-04-001 Lot 147, Wildwood Village Unit No 8 Zoned RR-5

**NOTES:**

All points found indicated by are as shown on plat.

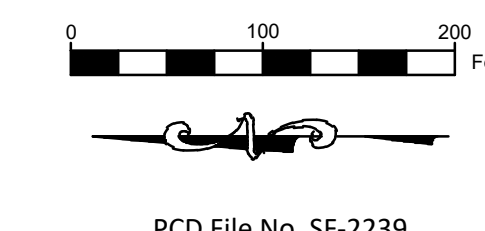
All points set indicated by are rebar with attached Surveyor's cap mkd "PLS 23890" unless otherwise shown on plat.

All measured, used or pro-rated information indicated by  $S0'12'10"E-518.51'$ .

All record information indicated by  $(S0'12'10"E-518.90')$ .

All bearings are relative to the east line of JeniShay Farms as monumented and shown, and was assumed  $S00'12'10"E$ .

All research for recorded easements or rights-of-way was done by EmpireTitle of Colorado Springs, LLC., File No. 54837ECS, dated: May 29, 2018.



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

John Keilers & Associates, LLC  
9920 Otero Avenue  
Colorado Springs, CO 80920  
719-599-5938 office  
719-649-9243 cell  
JackKeilers@gmail.com

**TERRA RIDGE NORTH**  
DRAWN BY: PSM CHECKED BY: JHK DATE: 2/17/23 REV:  
FILE: TERRARIDGENORTHFINALPLAT.DWG SHEET: 3 OF 3



April 19, 2023

Ryan Howser  
El Paso County Development Services Department  
[DSDcomments@elpasoco.com](mailto:DSDcomments@elpasoco.com)

**RE:** Miles Subdivision AKA Terra Ridge North  
Part of the E ½ of the SW ¼, Section 29, T11S, R65W, 6<sup>th</sup> P.M.  
Water Division 1, Water District 8

Dear Ryan Howser,

We have reviewed the additional information received by this office on April 12, 2023 regarding the above referenced referral. The Applicant is proposing to create a 13 lot subdivision on 52.63 acres, to subdivide 39.72 acres portion into 11 lots and to vacate and re-plat of two adjacent existing lots known as Lots 5 and 6 of Terra Ridge Subdivision. This office previously commented on subject referral in a letter dated December 30, 2020 and July 1, 2021 for a 9 lot subdivision and letters dated January 23, 2023 and March 9, 2023 for a 13 lot subdivision. This letter supersedes the previous letters.

### Water Supply Demand

According to the Water Supply Information Summary and the Terra Ridge North Minor Subdivision Water Resources Report & Wastewater Treatment Report by JDS-Hydro Consultants dated December 2022 (“Water Resources Report”), the estimated annual demand for the 11 lots is 0.825 acre-feet per year per lot, which will be used for domestic indoor use (0.26 acre-feet), irrigation of 9,220 square-feet of lawn, garden and trees (0.522 acre-feet), and watering of up to 4 large domestic animals (0.044 acre-feet). The total estimated water requirement for the 11 lots is 9.08 acre-feet per year (0.825 acre-feet per year per lot) with the 11 lots on the 39.72 acres having a 300 year water supply. The two existing lots being replatted will continue to operate under the existing water supply operating pursuant to Division 2 Water Court case no. 96CW068 (Division 1 Court Case No. 96CW146).

### Source of Water Supply

The proposed water source for the 11 lots on the 39.72 acres is individual on lot wells constructed in the Dawson aquifer operating pursuant to the decreed augmentation plan in Division 1 Water Court Case no. 22CW3066.

The decreed augmentation plan in Division 1 Water Court Case no. 22CW3066 allows for the annual withdrawal of 9.08 acre-feet per year from the not nontributary Dawson aquifer, based on a 300 year allocation approach. The augmentation plan states the ground water will be used for in house use in up to 11 residences (0.825 acre-foot per well) with remaining pumping entitlements available for other uses on the property.

According to the Water Resources Report the proposed water source for one of replatted lots of Terra Ridge Subdivision will be an existing Dawson aquifer well permitted under well permit no. 53112-F. The proposed water source for the remaining replatted lot is an individual on lot well



constructed in the Dawson aquifer operating pursuant to the decreed augmentation plan in Division 2 Water Court Case no. 96CW068 (Division 1 Court Case No. 96CW146).

Well permit no. 53112-F is constructed in the Dawson aquifer and operates pursuant to the decreed augmentation plan in Division 2 Water Court Case no. 96CW068 (Division 1 Water Court Case No. 96CW146) and may withdraw 1.0 acre-foot per year for ordinary household purposes inside one single family dwelling, the watering of not more than four (4) domestic animals and the irrigation of not more than 13,000 square feet of home lawn and garden.

The decreed augmentation plan in Division 2 Water Court Case no. 96CW068 allows for the annual withdrawal of 40 acre-feet from the not nontributary Dawson aquifer for 40 individual lots, based on a 300 year allocation approach for a total withdrawal of 12,000 acre-feet. This augmentation plan was for Terra Ridge Subdivision.

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer's Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 37-90-137(4)(b)(I), C.R.S., "Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years." Based on this allocation approach, the annual amounts of water decreed in case nos. 96CW068 and 22CW3066 are equal to one percent of the total amount, as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

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

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

The State Engineer's Office does not have evidence regarding the length of time for which this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the annual demand for the eleven lots discussed above is the same as the allowed average annual amount of withdrawal allowed by the augmentation plan in case no. 22CW3066. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years. In addition the annual demand for the re-plated Lots 5 and 6 of Terra Ridge Subdivision is the same as the allowed average annual amount of withdrawal allowed by the augmentation plan in case no. 96CW068.

Applications for on lot well permits, submitted by an entity other than the current water right holder, must include evidence that the applicant has acquired the right to the portion of water being requested on the application.

### **Storm Water Detention**

The applicant should be aware that any proposed water quality and detention pond for this Planned Development, must meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, to be exempt from

administration by this office. The applicant should review DWR's [Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado](#) to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use Colorado Stormwater Detention and Infiltration Facility Notification Portal, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.

### State Engineer's Office Opinion

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

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

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Division 1 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100 year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Should you or the Applicant have any questions, please contact Ailis Thyne of this office at 303-866-3581 x8216.

Sincerely,



Ioana Comaniciu, P.E.  
Water Resource Engineer

Ec: Subdivision file: 27451  
File permit no. 53112-F

County Attorney

Kenneth R. Hodges, County Attorney  
719-520-6485  
Centennial Hall  
200 S. Cascade, Suite 150  
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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

June 20, 2023

SF-22-39 Terra Ridge North Final Plat

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal for approval of Terra Ridge North, a subdivision application by Phillip and Jennifer Miles (“Applicant”) to subdivide 39.72 acres into 11 new lots and to vacate and re-plat two existing lots known as Lots 5 and 6 of Terra Ridge Subdivision, for a total of 13 lots (collectively the “property”). The property is zoned RR-2.5 (Rural Residential).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the water demand for the 11 new lots subdivision is 9.08 acre-feet/year, comprised of 2.860 acre-feet/year for household use, 5.740 acre-feet/year for irrigation, and 0.484 acre-feet/year for animal watering. The estimated demand for the 2 replatted lots based upon information provided at the time those lots were platted<sup>1</sup> is 1.0 acre-foot per lot/year, comprised of 0.3 acre-feet for in-house use, 0.65 acre-feet for irrigation, and 0.05 acre-feet for stock watering. The total annual demand for the subdivision is thus 11.08 acre-feet/year. Based on this total demand, Applicant must be able to provide a supply of 3,324 acre-feet of water (11.08 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

<sup>1</sup> Though the 2 replatted lots were not included in the WSIS or Water Resources Report, they were evaluated in this Review based on information found in the file for Terra Ridge Filing No. 1. Applicant is required to submit an updated WSIS and Water Resources Report prior to the hearing before the Board of County Commissioners.

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY  
CHRISTOPHER M. STRIDER  
BOCC Report Packet  
Page 47 of 60

STEVEN A. KLAFFKY  
TERRY A. SAMPLE

LORI L. SEAGO  
DOREY L. SPOTTS

BRYAN E. SCHMID  
STEVEN W. MARTYN

### Proposed Water Supply

3. The Applicant has provided for the source of water for the 11 new lots to derive from the not-nontributary Dawson aquifer as provided in the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 22CW3066 (the “2022 Decree”). In the 2022 Decree, the Court granted a vested right to 4050 acre-feet of water in the Dawson aquifer underlying Applicant’s property and approved the pumping of 0.825 acre-feet per year up to a total of 9.08 acre-feet per year for 11 lots pursuant to the approved augmentation plan for uses consisting of domestic, outdoor irrigation, and up to four horses or equivalent livestock per residence. The Court also granted vested rights to 3170 acre-feet of water in the Denver aquifer, 1650 acre-feet of water in the Arapahoe aquifer, and 1130 acre-feet of water in the Laramie-Fox Hills aquifer. The Court further awarded a vested right to use 11 wells on the property (one Dawson aquifer well per lot).

The approved augmentation plan in the 2022 Decree has a term of 300 years and requires that septic system return flows be used for augmentation during the pumping period for the 11 approved wells. Applicant must reserve the entirety of the decreed rights in the nontributary Arapahoe and Laramie-Fox Hills aquifers, to replace any injurious post pumping depletions. The wells 1-11 each may pump up to 0.825 acre-feet per year.

4. The water supply for Lots 1 and 13, originally platted as part of the Terra Ridge Filing No. 1 subdivision, will be the Dawson aquifer as provided in the Findings of Fact, Conclusions of Law, Judgment and Decree in combined Case Nos. 96CW68 (Water Division 2) and 96CW146 (Water Division 1) (the “1996 Decree”). The 1996 Decree allowed the withdrawal of up to 1.0 acre-foot/year/lot for the property that includes these two lots. Water to be used for augmentation shall derive from a contract with Northgate Company for the purchase of water or from the Arapahoe and Laramie-Fox Hills aquifer water adjudicated under the 1996 Decree.

### State Engineer’s Office Opinion

5. In a letter dated April 19, 2023, the State Engineer stated that “[a]ccording to the Water Supply Information Summary . . . the total estimated water requirement for the 11 lots is 9.08 acre-feet per year (0.825 acre-feet per year per lot) with the 11 lots on the 39.72 acres having a 300 year water supply.” The State Engineer noted that the wells for the 11 new lots will produce from the Dawson aquifer pursuant to the augmentation plan decreed in Case No. 22CW3066, and the 2 replatted lots “will continue to operate under the existing water supply operating pursuant to Division 2 Water Court case no. 96CW068 (Division 1 Court Case No. 96CW146).”

Finally, the State Engineer provided their opinion, “[p]ursuant to Section 30-28-136(1)(h)(l) C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”



## Recommended Findings

6. Quantity and Dependability. Applicant's water demand for Terra Ridge North is 11.08 acre-feet per year for a total demand of 3,324 acre-feet for the subdivision for 300 years. The 2022 Decree allows for 11 wells limited to an annual withdrawal of 0.825 acre-feet. The 1996 Decree allows an annual withdrawal of 1.0 acre-foot per year for each of the two replatted lots.

**Based on the water demand of 11.08 acre-feet/year for Terra Ridge North and the 2022 Decree and 1996 Decree withdrawals in that amount, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Terra Ridge North.**

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

8. Basis. The County Attorney's Office reviewed the following documents in preparing this review: a *Water Resources Report* dated December 2022, the Water Supply Information Summary, the State Engineer's Office Opinion dated April 19, 2023, Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 22CW3066 entered on November 8, 2022 ("Decree and Augmentation Plan"), Findings of Fact, Conclusions of Law, Judgment and Decree in combined Case Nos. 96CW68 (Water Division 2) and 96CW146 (Water Division 1), and the Declaration of Covenants, Conditions, and Restrictions of Terra Ridge, El Paso County, Colorado, recorded in the records of the El Paso County Clerk and Recorder on December 15, 1997 at Reception No. 97146677. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

### **REQUIREMENTS:**

A. Applicant and its successors and assigns shall comply with all requirements of the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 22CW3066 (the "2022 Decree") and Findings of Fact, Conclusions of Law, Judgment and Decree in combined Case Nos. 96CW68 (Water Division 2) and 96CW146 (Water Division 1) (the "1996 Decree"), as applicable. Specifically, water withdrawn from the Dawson aquifer by each of the proposed wells on Lots 2-12 shall not exceed 0.825 annual acre-feet, based on a total combined annual withdrawal of 9.08 acre-feet, and water withdrawn from the Dawson aquifer by each of the wells on Lots 1 and 13 shall not exceed 1.0 annual acre-foot, based on an total combined annual withdrawal of 2.0 acre-feet. Depletions during pumping shall be replaced for Lots 2-12 by

individual on-lot non-evaporative septic systems and for Lots 1 and 13 pursuant to the terms of the 1996 Decree.

B. Applicant must create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the 2022 Decree for Lots 2-12. If deemed legally necessary or expedient, Applicant must also affirm in the covenants for this subdivision that Lots 1 and 13 remain subject to the covenants for Terra Ridge Filing No. 1, which are enforced by the existing property owners' association.

C. Applicant shall create restrictive covenants upon and running with Lots 2-12 of the property which shall advise and obligate future lot owners of this subdivision, their successors and assigns, and the new HOA regarding all applicable requirements of the 2022 Decree.

Covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 2,724 acre-feet of Dawson aquifer water, 1,650 acre-feet of Arapahoe aquifer water, and 1,130 acre-feet of Laramie-Fox Hills aquifer water pursuant to Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 22CW3066 to satisfy El Paso County's 300-year water supply requirement for Lots 2-12 lots of the Terra Ridge North Subdivision. The Covenants shall further identify that 247.5 acre-feet (0.825 AF/year) of Dawson aquifer water is allocated to each of Lots 2-12. Said reservations shall not be separated from transfer of title to the property and shall be used exclusively for primary water supply.

2) Advise of responsibility for costs. The Covenants shall advise the HOA, owners of Lots 2-12, and their successors and assigns of their obligations regarding the costs of operating the plans for augmentation, which include pumping of the Dawson wells in a manner to replace depletions during pumping and the cost of drilling Arapahoe and Laramie-Fox Hills aquifer wells in the future to replace post-pumping depletions.

3) Require non-evaporative septic systems and reserve return flows from the same. The Covenants shall require each owner of Lots 2-12 to use a non-evaporative septic system to ensure that return flows from such systems are made to the stream system to replace actual depletions during pumping and shall state that said return flows shall not be separately sold, traded, assigned, or used for any other purpose. The Covenants more specifically shall require that each of Lots 2-12 in the subdivision have an occupied single-family dwelling that is generating return flows from a non-evaporative septic system before any irrigation or animal watering is allowed. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately

conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose.”

4) Address future lot conveyances. The following or similar language shall be included in the Covenants to address future conveyances of Lots 2-12 subsequent to the initial conveyance made by Applicant/Declarant:

“The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 22CW3066 and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.”

5) Advise of monitoring requirements. The Covenants shall advise the HOA, future owners of Lots 2-12, and their successors and assigns of their responsibility for any metering and data collecting that may be required regarding water withdrawals from existing and future wells in the Dawson and/or Arapahoe and Laramie-Fox Hills aquifers.

6) Require well permits. The Covenants shall require that well permits be obtained pursuant to the requirements of Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 22CW3066 and C.R.S. § 37-90-137(4) and (10).

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

“Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for the Terra Ridge North Subdivision pursuant to Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 22CW3066. Further, written approval of any such proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney’s Office. Any amendments must be pursuant to the Colorado Ground Water Commission approving such amendment, with prior notice to the El Paso County

Planning and Community Development Department for an opportunity for the County to participate in any such determination.”

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

“These Covenants shall not terminate unless the requirements of Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 22CW3066 are also terminated by the Division 1 Water Court and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County.”

D. Applicant and its successors and assigns shall reserve in any deeds of Lots 2-12 of the Property Dawson aquifer water in the decreed amount of 247.5 acre-feet (0.825 acre-feet per year). Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply.

E. Applicant and its successors and assigns shall convey by recorded warranty deed these reserved Dawson aquifer water rights at the time of lot sales. Specifically, Applicant and future owners of Lots 2-12 shall convey sufficient water rights in the Dawson aquifer underlying the respective lots to satisfy El Paso County’s 300-year water supply requirement.

Any and all conveyance instruments shall also recite as follows:

For the water rights and return flows conveyed for the primary supply (Dawson aquifer): “These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year water supply, and replacement during pumping, for each of the lots of the Terra Ridge North Subdivision. The water rights so conveyed and the return flows therefrom shall be appurtenant to each of the respective lots with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.”

F. Prior to closing on any lot sales, Applicant shall convey to the HOA the reserved 1,650 acre-feet of Arapahoe aquifer water and the reserved 1,130 acre-feet of Laramie-Fox Hills aquifer water.

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

Attorney's Office prior to recording the final plat. Said Declaration shall cross-reference Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 22CW3066 and shall identify the obligations of the individual lot owners thereunder.

H. Applicant and its successors and assigns shall record all applicable documents, including but not limited to agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

I. Prior to recording the final plat, Applicant shall:

- 1) Upload a copy of the covenants for Terra Ridge Filing No. 1 into eDARP;
- 2) Upload into eDARP the deeds for Lots 5 & 6, Terra Ridge Filing No. 1 showing the chain of title from Terra Five Development, LLC to the current owner;
- 3) Correct and upload into eDARP the Water Supply Information Summary to include relevant information for the 2 replatted lots, in addition to the 11 new lots;
- 4) Correct and upload into eDARP the Water Resources Report to include relevant information for the 2 replatted lots, in addition to the 11 new lots and to correct the names of the developments mentioned in Section 2.1 (i.e. Terra Nova to Terra Ridge North and JeniShay Farms to Terra Ridge Filing No. 1).

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

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

cc: Ryan Howser, Project Manager, Planner III

### **Terra Ridge North Final Plat, SF-22-39**

Please accept the following comments from El Paso County Public Health regarding the 39.7-acre, 11-residential lot subdivision referenced above:

- There is a finding for sufficiency in terms of water quality based on the water test results performed by Colorado Analytical Laboratories, Inc., in March of 2019, and the Hazen Research, Inc., Analytical Report, reported in April 2019. The water quality was found to be within the standards of the Colorado Primary Drinking Water Regulations.
- On-site wastewater treatment systems (OWTS) are planned for wastewater service for the development. The RMG Engineering, Geology and Soils Study dated September 3, 2019, and revised March 30, 2022, as well as the Wastewater Disposal Report for Terra Ridge North, dated December 2022, JDS-Hydro report, and March 30, 2022, Wastewater Study by RMG Engineering were reviewed to determine the suitability of the site for the use of OWTS's. The referenced reports support the use of both conventional and in some cases professionally designed OWTS's. Areas with shallow perched groundwater were discovered that will likely require OWTS engineer designed systems. Each individual lot owner is required to comply with all El Paso County Public Health OWTS regulations and OWTS permit requirements prior to commencement of lot development.
- Radon resistant construction and building techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area have potentially higher radon levels than other areas of the country.
- El Paso County Public Health encourages planned walkability of residential communities. Walkability features help to reduce obesity and associated heart diseases.
- The water quality detention basin must be designed to drain completely in order to help minimize mosquito breeding habitat and the potential for West Nile Virus.

Mike McCarthy  
El Paso County Public Health  
719-332-5771  
[mikemccarthy@elpasoco.com](mailto:mikemccarthy@elpasoco.com)  
24Feb2023

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

December 22, 2022

Ryan Howser  
El Paso County Planning and Community Development  
2880 International Circle  
Colorado Springs, CO 80910

**Subject: Miles Subdivision Final Plat (SF2239)**

Ryan,

The Community Services Department has reviewed the development application for the Miles Subdivision Preliminary Plan on behalf of El Paso County Parks. Staff acknowledges a change in the number of residential lots that has occurred since the plan was last reviewed. The Miles Subdivision will now include lots 5 and 6 from the Terra Ridge Subdivision due to a Right-of-Way dedication. This modification changes the total number of lots from 9 to 11. Because this is a minor change in the number of lots, no Park Advisory Board endorsement is not necessary. However, please see the revised Subdivision Review Form with recalculated regional and urban park fees, as well as a modified Recommended Motion below in **bold**.

The following recommendations for the Miles Subdivision were presented to and endorsed by the Park Advisory Board on January 13, 2021:

*A request by Lodestar Engineering, LLC, on behalf of Phillip and Jennifer Miles, for the Miles Subdivision Preliminary Plan. The site is located east of Black Forest Road and south of Hodgen Road. The property consists of 39.72 acres and includes nine proposed residential lots with a minimum lot size of 5 acres. The site is currently zoned RR-5.*

*The letter of intent outlines the applicant is proposing to include the 39.72-acre property into the adjacent JeniShay Farms subdivision which is located immediately south of this site. Of the proposed nine lots, two existing residential lots within the JeniShay Farms subdivision are included in this application for access and grading purposes. Since these two lots were already subdivided as part of the JeniShay Farms subdivision, these two lots are not subject to park fees.*

*The 2013 El Paso County Parks Master Plan shows no regional trails running through or directly adjacent to the proposed subdivision. The proposed Hodgen Road bicycle route is located 0.5 mile*



north of the project site, while the Pipeline Trail is located 0.5 miles east of the project site. The Miles Subdivision does not lie within any candidate open space area.

As no park land or trail easement dedications are necessary for this application, Parks staff recommends fees in lieu of land dedication for regional park purposes on the forthcoming final plat as shown below.

*“The Park Advisory Board recommends that the Planning Commission and the Board of County Commissioners include the following conditions when considering and/or approving the Miles Subdivision Preliminary Plan: require fees in lieu of land dedication for regional park purposes in the amount of \$3,269 will be due at recording of the forthcoming final plat.”*

**Recommended Motion (Final Plat): Modified – Increase in Fees**

**Recommend that the Planning Commission and the Board of County Commissioners include the following condition when considering and / or approving the Miles Subdivision Preliminary Plan: Require fees in lieu of land dedication for regional park purposes in the amount of \$5,060.**

Sincerely,

Greg Stachon  
Landscape Architect  
Community Services Department  
[GregStachon@elpasoco.com](mailto:GregStachon@elpasoco.com)



**Development  
Application  
Permit  
Review**



**COMMUNITY SERVICES DEPARTMENT**

Park Operations - Community Outreach - Environmental Services  
Veterans Services - Recreation / Cultural Services

**December 22, 2022**

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

<b>Name:</b>	Miles Subdivision Final Plat	<b>Application Type:</b>	Final Plat
<b>PCD Reference #:</b>	SF2239	<b>Total Acreage:</b>	39.20
		<b>Total # of Dwelling Units:</b>	11
<b>Applicant / Owner:</b>	<b>Owner's Representative:</b>	<b>Dwelling Units Per 2.5 Acres:</b>	0.70
Phillip & Jennifer Miles	Lodestar Engineering	<b>Regional Park Area:</b>	2
15630 Fox Creek Lane	Po Box 88461	<b>Urban Park Area:</b>	1
Colorado Springs, CO 80908	Colorado Springs, CO 80908	<b>Existing Zoning Code:</b>	RR-5
		<b>Proposed Zoning Code:</b>	RR-2.5

**REGIONAL AND URBAN PARK DEDICATION AND FEE REQUIREMENTS**

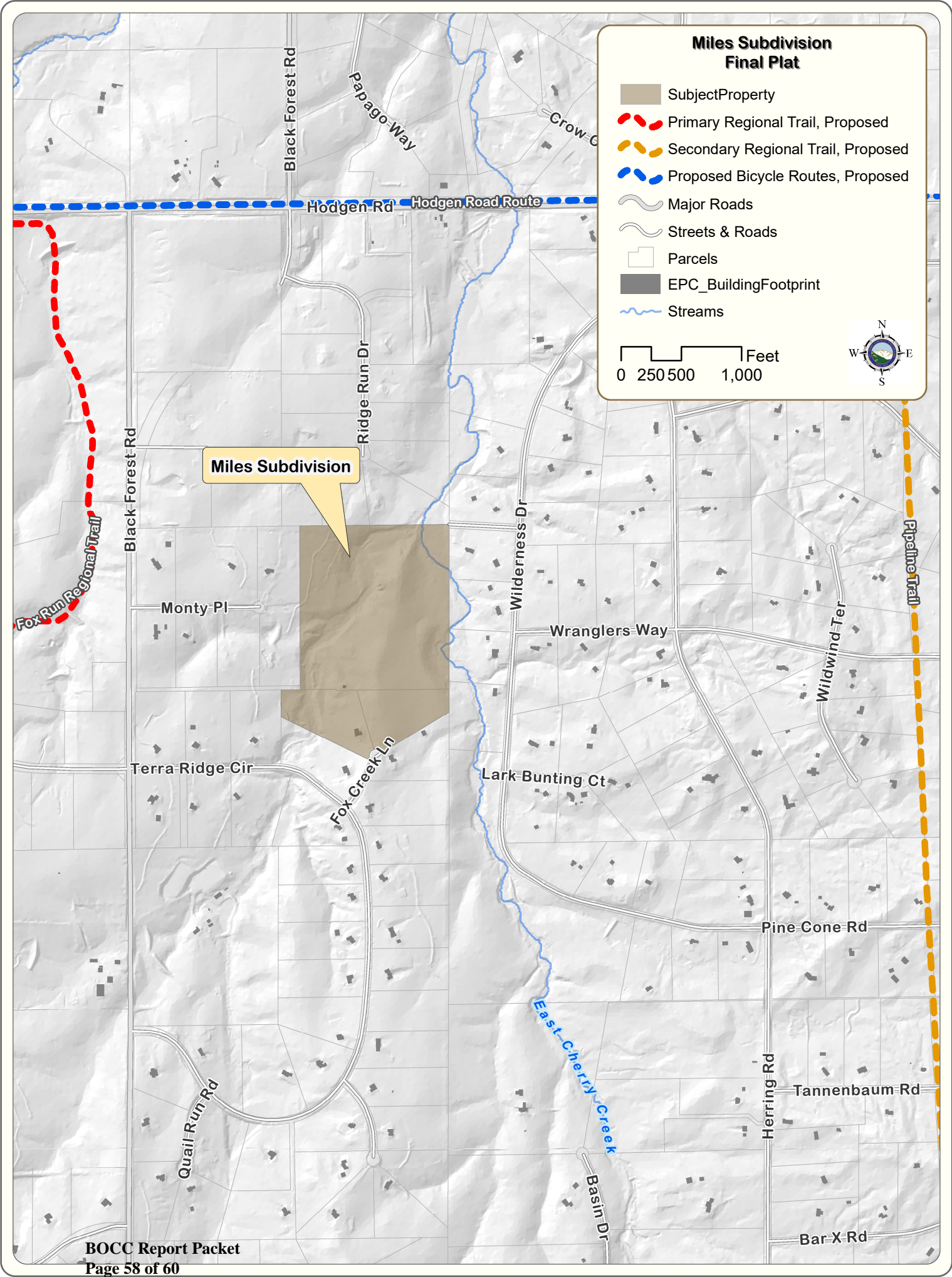
Regional Park land dedication shall be 7.76 acres of park land per 1,000 projected residents, while Urban Park land dedication shall be 4 acres of park land per 1,000 projected residents. The number of projected residents shall be based on 2.5 residents per dwelling unit.

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

LAND REQUIREMENTS	Urban Density (>= 1 Dwelling Unit Per 2.5 Acres):	
<b>Regional Park Area: 2</b>	<b>Urban Park Area: 1</b>	<b>NO</b>
0.0194 Acres x 11 Dwelling Units = 0.213	Neighborhood: 0.00375 Acres x 11 Dwelling Units = 0.00	
<b>Total Regional Park Acres: 0.213</b>	Community: 0.00625 Acres x 11 Dwelling Units = 0.00	
	<b>Total Urban Park Acres: 0.00</b>	
FEE REQUIREMENTS		
<b>Regional Park Area: 2</b>	<b>Urban Park Area: 1</b>	
\$460 / Dwelling Unit x 11 Dwelling Units = \$5,060	Neighborhood: \$114 / Dwelling Unit x 11 Dwelling Units = \$0	
<b>Total Regional Park Fees: \$5,060</b>	Community: \$176 / Dwelling Unit x 11 Dwelling Units = \$0	
	<b>Total Urban Park Fees: \$0</b>	

**ADDITIONAL RECOMMENDATIONS**

**Staff Recommendation:** Recommend that the Planning Commission and the Board of County Commissioners include the following condition when considering and / or approving the Miles Subdivision Preliminary Plan: Require fees in lieu of land dedication for regional park purposes in the amount of \$5,060.



**Miles Subdivision  
Final Plat**

- SubjectProperty
- Primary Regional Trail, Proposed
- Secondary Regional Trail, Proposed
- Proposed Bicycle Routes, Proposed
- Major Roads
- Streets & Roads
- Parcels
- EPC\_BuildingFootprint
- Streams

0 250 500 1,000 Feet



**Miles Subdivision**

Miranda Benson2

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**From:** Sharon LeMay <slemay722@gmail.com>  
**Sent:** Thursday, July 6, 2023 9:34 AM  
**To:** PCD Hearings  
**Subject:** File Number: SF2239

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Dear El Paso County Planning Commission,

I tried to participate in this mornings hearing but was unsuccessful in my attempts to access the livestream. Please see my comments below that I want included in the file for this hearing.

I am a 23 year resident and home owner in Terra Ridge (TRPOA) and a 58 year resident of El Paso County.

I am **strongly opposed** to the Mille's request for right-of-way through two properties in Terra Ridge (the two that they own} to their new development with 11 planned homes! They should utilize the right-of-way through the existing "road" behind those properties and to Black Forest Road directly. We do not need construction traffic and the additional residential traffic through our small neighborhood.

Furthermore, I am unaware of any agreement that they could name their new development Terra Ridge North. As TRPOA members we should have had a "vote" in that decision. It appears as if the Mile's just assumed that they could name it Terra Ridge North and automatically become members of the TRPOA. That is wrong!

There is no benefit to the other 39 property owners in Terra Ridge to expand the size of the neighborhood, add a new right-of-way, or add them to the POA. I strongly feel that this endeavor is only a benefit and profit to Shay and Jenny Miles. A decision that only benefits one property owner is not a good idea! I have not spoken with any other homeowner in Terra Ridge that agrees with this proposal. Our rights as property owners needs to be a big factor in the decision by the ELPC Planning Commission and El Paso County Commissioners.

Thank you for your attention to this opposition. I trust it will be filed with all the documentation of this hearing and file number SF2239.

Sincerely,  
Sharon LeMay  
14945 Bear Gulch Street, COS CO 80908  
[slemay722@gmail.com](mailto:slemay722@gmail.com)  
719-243-1038

## Miranda Benson2

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**From:** Miranda Benson2  
**Sent:** Monday, July 17, 2023 10:18 AM  
**To:** Miranda Benson2  
**Subject:** FW: Terra Ridge - File # SF 2239

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**From:** Sharon LeMay <[slemay722@gmail.com](mailto:slemay722@gmail.com)>  
**Sent:** Friday, July 7, 2023 11:30 AM  
**To:** ADMBOCCCom <[ADMBOCCCom@elpasoco.com](mailto:ADMBOCCCom@elpasoco.com)>  
**Subject:** Terra Ridge - File # SF 2239

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Dear Board of County Commissioners,

I am a 23 year resident and home owner of Terra Ridge and 58 year resident of El Paso County.

I am strongly opposed to this request from Shay and Jenny Miles!

I was disappointed to hear that the Planning Commission unanimously approved the request submitted by Philip Shay and Jennifer Miles on Thursday, July 6th.

It appears the developers viewpoint was heard with very little opposition voiced by the residents of Terra Ridge unfortunately.

But, there is a lot of opposition to this idea. I have not spoken to any resident that is in favor of the right-of-way through the two lots owned by the Miles' on Fox Creek Lane.

Actually, the 11 New residential units in what they are calling Terra Ridge North was not favored by TRPOA. They purchased the land-locked property, changed lot size from 5 acres to 2.5, and requested this right-of-way through Terra Ridge. All without the majority of the 40 property owners support. They should utilize the already existing "road" behind their properties that goes directly to Black Forest Road for the right-of- way to the new development.

There is no value or benefit to anyone but the Miles!

We do not need the additional construction and residential traffic in our nice, small quiet neighborhood. When will the Commissioners begin making decisions on a broader viewpoint (ie from the voting residents) in El Paso County?

Your thorough review and evaluation of this situation will be much appreciated. We need you to decline this request at the August 1, 2023 hearing.

Thank you for your consideration.

Sharon LeMay  
14945 Bear Gulch Street, COS, CO 80908  
719-243-1038  
[slemay722@gmail.com](mailto:slemay722@gmail.com)

RESOLUTION NO. 23-

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

APPROVAL OF FINAL PLAT  
TERRA RIDGE NORTH (SF-22-039)

WHEREAS, Phillip S. Miles and Jennifer Miles did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Terra Ridge North Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

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

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on 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.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with the approved preliminary plan.

7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
10. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Land Development Code.
15. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.
16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.

19. For the above-stated and other reasons, the proposed subdivision 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 final plat application for the Terra Ridge North Subdivision;

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

#### CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. 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.
5. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
6. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

8. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated June 20, 2023, as provided by the County Attorney's Office.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
3. The subdivision is located in East Cherry Creek (CYCY0200) drainage basin which is an unstudied basin with no drainage or bridge fees.

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

DONE THIS 1st 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

A portion of the Southwest Quarter of Section 29, Township 11 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado, more particularly described as follows:

Beginning at the Northwest corner of the Southwest Quarter of said Southwest Quarter;  
thence S89°46'29"E along the South line of Whispering Hills Estates as recorded in Plat Book Z-2 at Page 2 of said county records, 1407.75 feet to the Southeast corner thereof;  
thence N00°58'34"E, 1327.96 feet to the Northeast corner thereof;  
thence S89°47'26"E, 1245.16 feet to the Northeast corner of said Southwest Quarter, said Northeast corner also being on the West line of Wildwood Village Unit 3 as recorded in Plat Book H-3 at Page 57 of said county records;  
thence S00°59'16"W along the East line of said Southwest Quarter and the West Line of said Wildwood Village Unit 3 and Wildwood Village Unit 4 as recorded in Plat Book M-3 at Page 46 of said county records, 1366.91 feet;  
thence N89°46'29"W, 945.48 feet;  
thence N00°58'34"E, 8.50 feet;  
thence N89°46'29"W, 1708.14 feet to a point on the west line of said Southwest Quarter;  
thence N00°58'34E, 30.00 feet to the point of beginning.