

EL PASO COUNTY



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PLANNING & COMMUNITY DEVELOPMENT

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

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

RE: Project File #: VR-22-005
Project Name: Peyton Ranches Filing No. 1B
Parcel No.: 31330-01-001

OWNER:	REPRESENTATIVE:
Maddie Investments, LLC 7702 Barnes Road, Suite140-58 Colorado Springs, CO, 80922	Maddie Investments, LLC 7702 Barnes Road, Suite140-58 Colorado Springs, CO, 80922

Commissioner District: 2

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

EXECUTIVE SUMMARY

A request by Maddie Investments, LLC for approval of a vacation and replat to replat one (1) residential lot as three (3) residential lots. The 17.82-acre property is zoned RR-5 (Residential Rural), and is located on the east side of Chaparral Loop East, approximately one and one-quarter of a mile east of Peyton Highway, and approximately two (2) miles north of Highway 24 and is within Section 33, Township 11 South, Range 63 West of the 6th P.M.

A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request for approval of a vacation and replat to replat one (1) residential lot as three (3) residential lots.

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695

Waiver(s)/Deviation(s): The applicants are requesting a waiver to Section 8.4.3.B. of the El Paso County Land Development Code (2022) to allow for a lot to be created without having access and 30 feet of frontage along a public road.

Section 8.4.3.B, *Minimum Frontage*, of the Code states: “Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4 (E).”

The applicant is proposing to create three (3) lots. One (1) of the lots is proposed to have direct access to Chaparral Loop East, an existing public road. The other two (2) lots are proposed to have access to Chaparral Loop East via access easements, as depicted on the proposed plat.

PCD Executive Director Recommendation:

The PCD Executive Director recommends approval of the requested waiver. Adequate access can be provided to all three (3) lots via the existing private road and the proposed access easement. The applicant has depicted a layout that accommodates lot access to Chaparral Loop East, an existing public road.

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

B. PLANNING COMMISSION SUMMARY

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

Recommendation: Approval based on recommended conditions and notations.

Waiver Recommendation: N/A

Vote: 9-0

Vote Rationale: N/A

Summary of Hearing: The Planning Commission draft minutes are attached

Legal Notice: N/A

C. APPROVAL CRITERIA

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (2022) states that a replat, “involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat.” The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the



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

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

D. LOCATION

North: RR-5 (Residential Rural)	Residential
South: RR-5 (Residential Rural)	Residential
East: PUD (Planned Unit Development)	Vacant
West: RR-5 (Residential Rural)	Residential

E. BACKGROUND

The 17.82- acre property was zoned RR-3 (Rural Residential) on March 24, 1999, when zoning was first initiated for this portion of El Paso County. Due to changes in the nomenclature of the Land Development Code, the RR-3 zoning district is now known as the RR-5 (Residential Rural) zoning district.

On June 26, 1972, the Board of County Commissioners (BoCC) approved the Peyton Ranches Final Plat, of which the property was platted as Lot 62 (plat no. 3856). The property has remained in the same configuration since its creation and is considered a legal lot. The existing 1,440 square foot single-family residence was constructed in 1979. There are several miscellaneous structures on the property, which were constructed in 1970. All of the existing structures are proposed to remain on Lot 62B.

The applicant is proposing to replat the lot into three (3) lots; Lot 62A is proposed to be 6.2 acres in size, Lot 62B is proposed to be 6.53 acres in size, and Lot 62C is



proposed to be 5.00 acres in size. All of the lots are proposed to meet the minimum lot size in the RR-5 zoning district.

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

F. ZONING ANALYSIS

1. Land Development Code Compliance

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

2. Zoning Compliance

The proposed replat will create three (3) single-family residential lots. The lots, as proposed, will conform to the standards of the RR-5 (Residential Rural) zoning district. The RR-5 zoning district density and dimensional standards are as follows:

- Minimum lot size: 5 acres *
- Minimum width at the front setback line: 200 feet
- Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet *
- Maximum lot coverage: 25 percent
- Maximum height: 30 feet

* In the event that the land to be partitioned, platted, sold or zoned abuts a section line County road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.

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

All three (3) proposed lots will exceed the minimum lot size of five (5) acres. The existing dwelling meets the required 25-foot setback from all property lines and is under 30 feet in height. The applicant has provided a site plan depicting the locations of the single-family dwelling and accessory structures.

G. MASTER PLAN ANALYSIS



1. Your El Paso Master Plan

a. **Placetype:** Large-Lot Residential

Placetype Character:

“The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.

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

Recommended Land Uses:

Primary

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

Supporting

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





Figure G.1: Placetype Map

Analysis:

The property is located within the Large-Lot Residential placetype. The Large-Lot Residential placetype supports the rural character of the County while providing for unique and desirable neighborhoods. Relevant goals and objectives are as follows:

Goal LU1 – *Ensure compatibility with established character and infrastructure capacity.*

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

Objective HC1-5 – *Focus detached housing development in Large-Lot Residential and Suburban Residential areas given the increasing infrastructure and environmental constraints associated with such development to help maintain the established character of rural communities.*

Goal HC2 – *Preserve the character of rural and environmentally sensitive areas.*

The proposed vacation and replat would create two (2) additional single-family detached residential lots. The proposed use and lot size are consistent with the character and intent of the Large-Lot Residential placetype. The three lots are each proposed to be greater than 5 acres. By maintaining a larger lot size than the recommended 2.5 acres, which has been identified as suitable within the Large-Lot Residential placetype, the proposed subdivision is in line with preserving the rural character of the area.

b. Area of Change Designation: Minimal Change: Undeveloped

The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall there will be no change to the prioritized rural and natural environments.

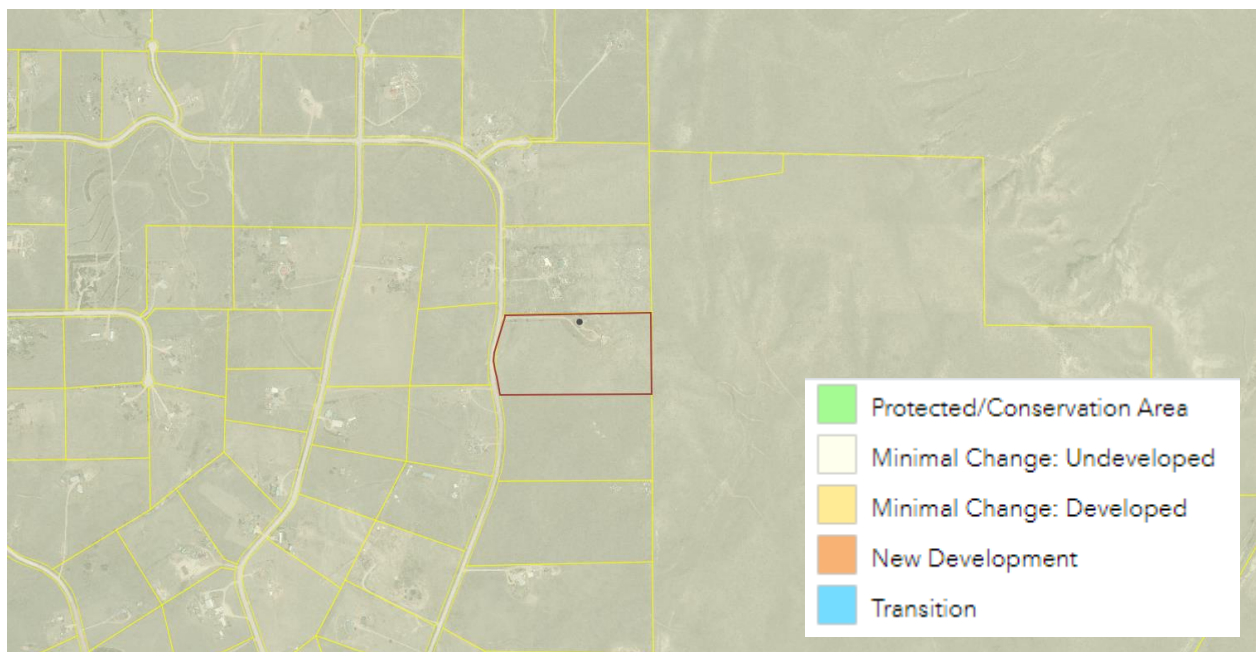


Figure G.2: Area of Change Map

Analysis:

The proposed vacation and replat is compatible with the surrounding lot sizes, which vary in size but are all a minimum of five (5) acres. The character of the surrounding area is consistent with the Area of Change

designation, which identifies that existing vacant land may be developed in the future. Since the subject property is surrounded primarily by developed land, it is unlikely that the character of the area may change substantially in the future. The current minor subdivision proposal is consistent with the Area of Change designation and with the current development pattern of the surrounding properties.

c. Key Area Influences

El Paso County represents a vast area composed of many distinct areas. These “Key Areas” have their own unique identities and are generally localized into smaller geographic areas with distinct characteristics that distinguish them from other areas of the County. The subject property is not potentially influenced by any of the Key Areas.

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

The subject property is not located within a Priority Development Area.

2. Water Master Plan Analysis

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

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

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

Goal 1.2 – Integrate water and land use planning.

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 4a of the Plan. The proposed development will not be served by a central water system. The following has been included for informational purposes only as it pertains to water demands and supplies in Region 4a for central water providers:



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

Water sufficiency has been analyzed with the review of the proposed minor subdivision. The augmentation decree for the property allows the subdivision to draw 3.5 acre-feet of water per year over a 300-year period from the Dawson Aquifer for the three (3) proposed lots. The applicant's water resources report indicates an estimated use of approximately 3.5 acre-feet per year.

The applicant's water resources report and augmentation plan include measures for recharging renewable water resources in the Dawson aquifer. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed minor subdivision has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that the proposed minor subdivision has an adequate water supply in terms of quality. Please see the Water section below for a summary of the water findings and recommendations for the proposed minor subdivision.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcel as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Services Division, and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies upland deposits in the area of the subject property. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date.

The El Paso County Parks Master Plan (2013) does not identify any proposed or existing county facilities that would be impacted by the vacation and replat. As no



park lands or trail easement dedications are necessary for this filing, El Paso County Parks staff recommends fees in lieu of land for regional park purposes as shown on the accompanying Subdivision Review Form.

Please see the Transportation section below for information regarding the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

H. PHYSICAL SITE CHARACTERISTICS

1. Hazards

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

2. Floodplain

The parcel is outside the 100-year floodplain as indicated by FEMA Flood Insurance Rate Map panel number 08041C0375G, which has an effective date of December 7, 2018.

3. Drainage and Erosion

The parcel is in Upper Bracket Creek (CHBR0600) drainage basin. This drainage basin is not studied and does not have associated drainage or bridge fees. A drainage report was required, and no water quality or detention will be required because of the rural nature of the lots.

4. Transportation

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

The El Paso County 2016 Major Transportation Corridors Plan Update depicts roadway improvement projects in the immediate vicinity of the site. Sweet Road, north of the site, is expected to be improved from the current gravel road condition.

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

I. SERVICES

1. Water



Water is currently provided by an existing well, which is proposed to continue to provide water to the proposed Lot 62B.

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

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

2. Sanitation

Wastewater is currently provided by an existing on-site wastewater treatment system (OWTS), which is proposed to remain on the proposed Lot 62B. The applicant has provided an OWTS report identifying sufficient area to establish additional OWTS to provide wastewater to the other two (2) lots.

3. Emergency Services

The property is within the Peyton Fire Protection District. The District was sent a referral and did not provide a response.

4. Utilities

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

5. Metropolitan Districts

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

6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$1,380.00 for regional fees (Area 2) will be due at the time of recording the replat. Urban park fees will not be applicable to this replat.

7. Schools



Fees in lieu of school land dedication in the amount of \$370.00 will be due for the benefit of Peyton School District 23 at the time of recording the replat.

J. APPLICABLE RESOLUTIONS

See Attached Resolution

K. STATUS OF MAJOR ISSUES

There are no major issues.

L. RECOMMENDED CONDITIONS AND NOTATIONS

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

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act,



particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$1,380.00 shall be paid at time of plat recordation.
9. Fees in lieu of school land dedication in the amount of \$370.00 shall be paid to El Paso County for the benefit of Peyton School District 23 at time of plat recording.

NOTATIONS

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

M. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified ten (10) adjoining property owners on September 22, 2022, for the Planning Commission meeting. Responses will be provided at the hearing.



N. ATTACHMENTS

Vicinity Map

Letter of Intent

Plat Drawing

State Engineer's Letter

County Attorney's Letter

Planning Commission Resolution

BoCC Resolution

PC Minutes – Draft

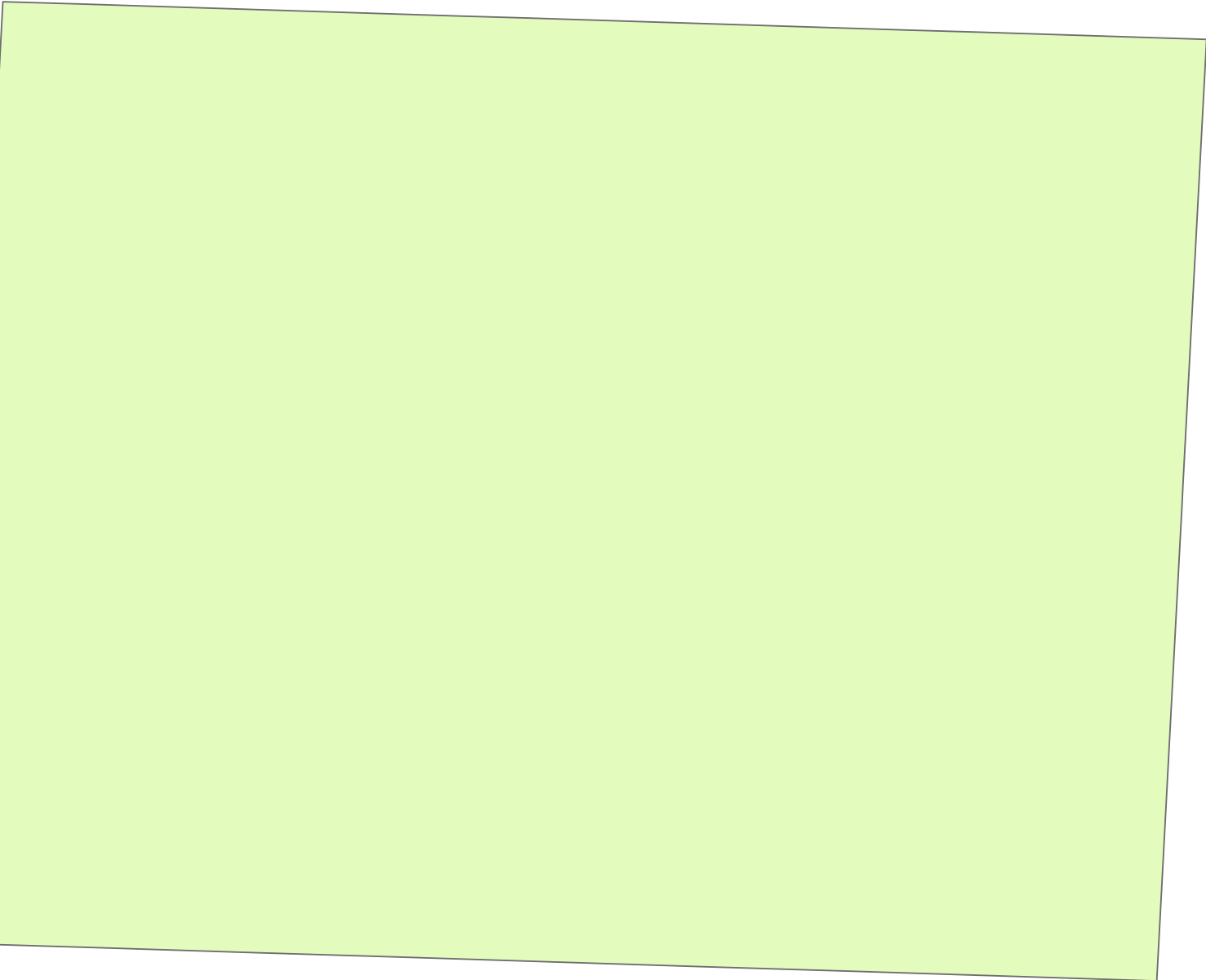


El Paso County Parcel Information

File Name:

Date:

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



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

May 22, 2022

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

RE: Chaparral Heights Minor Subdivision -15435 East Chaparral Loop. Owner: Maddie Investment, LLC

The Chaparral Heights Subdivision is located in the SW quarter of Section 28 and the NW quarter of Section 33, Township 11 South, Range 63 West of the 6th P.M. in El Paso County, Colorado. The site is bound to the north, south, east and west by similar type single family residential lots land uses.

The parcel in its entirety consists of 17.82 AC and is currently zoned "RR-5" for Residential Rural under TSN: 3133001001. The proposal consists of subdivided the existing 17.82 AC into (3) separate approx. ~5 AC parcels and planned for (1) single family unit on each lot. Lot 1 shall consist of 6.2791 AC, Lot 2 (existing residence) shall consist of 6.5282 AC and Lot 3 shall consist of 5.0084 AC. The existing residential home will be within Lot 2 of the newly subdivided lots, whereas Lots 1 and 3 are planned for one new residential unit per lot.

The proposed (3) approx ~5 AC parcels proposes the use of wells, septic system development and service from MVEA for electric via overhead power poles with communication service lines. Propane are available to service these lots. East Chaparral Loop is the legal access to the existing 17.82 AC and with the approval of this proposal Lot 1 shall have direct access to East Chaparral Loop. Access for Lot 2 shall be provided with a 50' wide access along the north boundary of Lot 1. Access for Lot 3 shall be provided with a 50' wide access along the south property line of Lot 1 and Lot 2. (See proposed plat map)

The purpose and request of this application are to subdivide the existing 17.82 AC into three (3) separate approx. ~5 AC parcels and planned in the future for (1) single family dwelling unit on each of the three (3) lots. Approval of this proposal complies with the current zoning of RR-5. Therefore, this proposal generally simulates the surrounding properties with (1) dwelling unit per 5 AC +/- and thereby shall not pose a negative impact to any of the surrounding properties.

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

Conformance to County Planning Areas:

The proposed rezone application site per the **El Paso County Master Plan** (draft plan April 23, 2021) (**EPC MP**) is located and identified within the **Placetype: Large-Lot Residential** Master Plan area. The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more and are generally large and dispersed throughout the area to preserve a rural aesthetic. This project site lies within the **90% of “Area Expected to See Minimal Change” and within the 70% of Minimal Change Undeveloped** as defined in the **EPC MP**. The Minimal Change: Undeveloped area types are areas The character of these areas is defined by a lack of development and the presence of significant natural areas. These areas will experience some redevelopment of select underutilized or vacant sites adjacent to other built-out sites. Still, such redevelopment will be limited in scale so as to not alter the essential character.

This site is listed in the **Large Lots or Ranchettes Existing Key Planning Land Use**. According to the EPC MP, the site is within proximity and has access to a Regional Commercial Center and Employment Hub in the Falcon area. Planning efforts within municipalities, particularly on the edges, affects development patterns in the adjacent and nearby unincorporated areas. The Falcon Regional Hub is located within municipal limits and requires unincorporated residents to travel considerable distances for work, goods, and services. Employment areas are comprised of land for industrial or other business uses. Meadow Lake Airport, a private airport located east of Falcon, is a local business use listed as an Employment Hub.

Further, directly east of the subject site, delineated as Rural Existing Land Use. The general character of Rural areas is generally rural, remote, or distant from the high activity and higher density areas. Subject Site is served by the regional transportation via Hwy 24 and is connected to a network of roadway access via and State Highways 83, 94, and 115. The site is not within a Military 2-Mile Notification Zone or the Potential Area for Annexation defined in the EPC MP Key Areas.

Large-Lot Residential: Character

The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods

typically rely on wells and septic, but some developments may be served by central water and waste-water utilities. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characteristics based on geography and landscape.

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

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

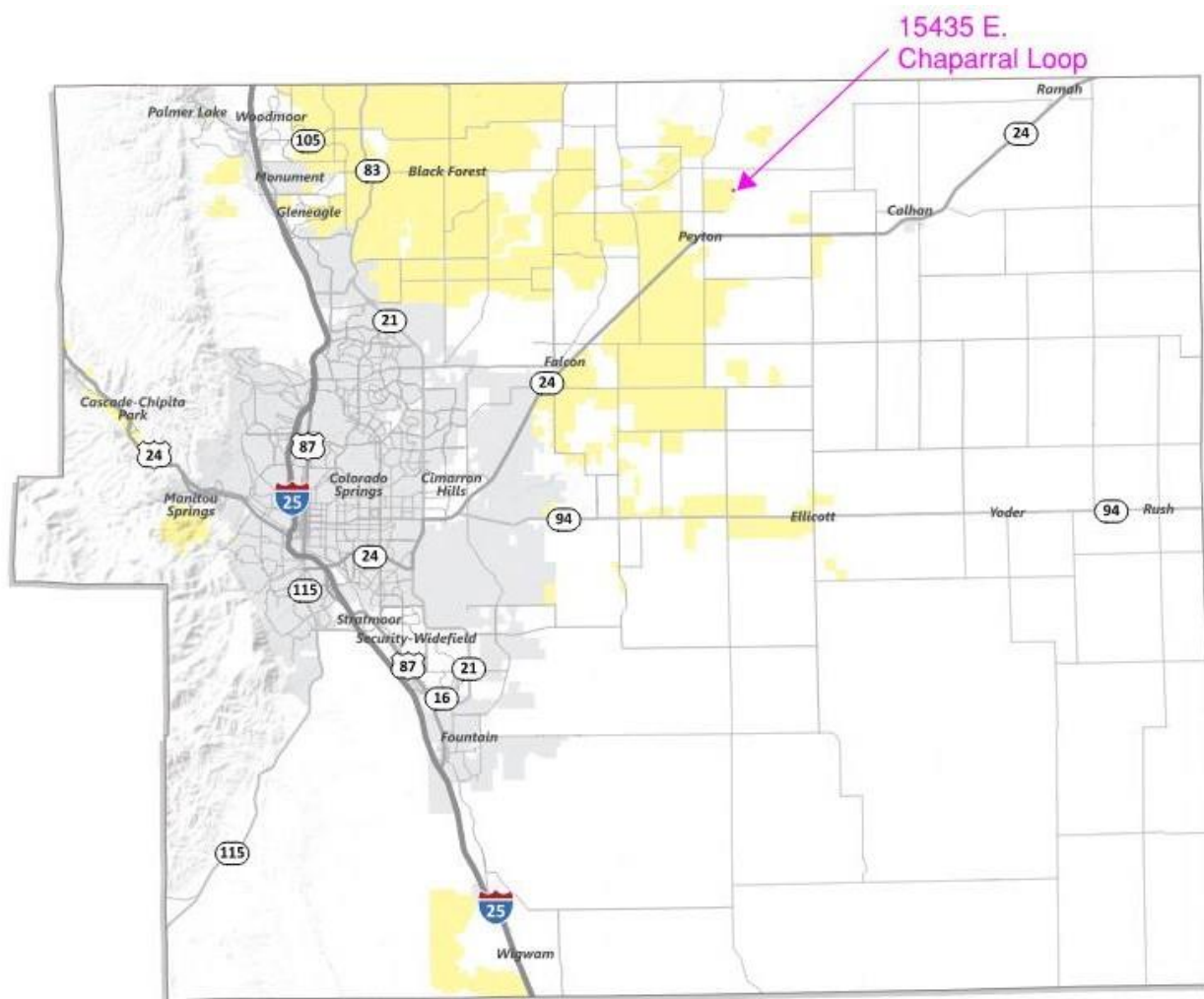
Goal 2.1 - Promote development of a mix of housing types in identified areas.

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

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

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

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



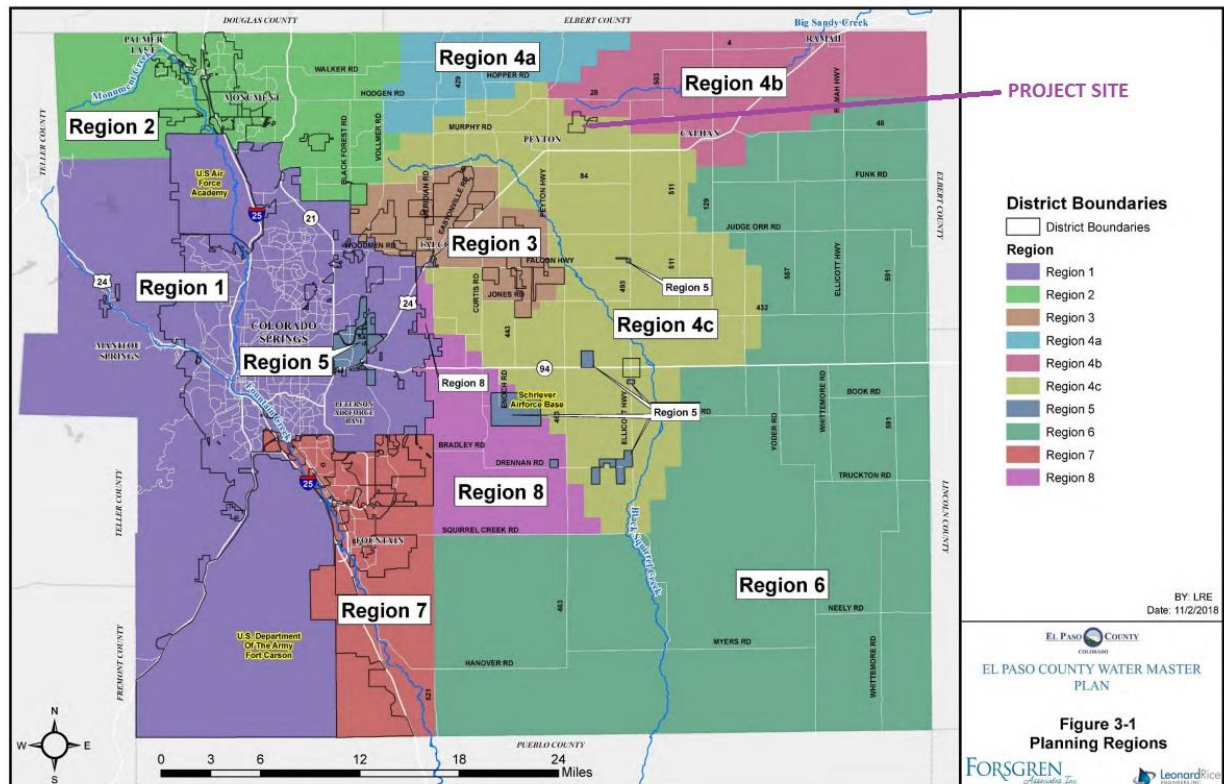
El Paso County Water Master Plan:

This property lies within the Kiowa-Bijou Basin and is located in Region 4c of the El Paso Water

Master Plan.

Current Water Demand for Region 4c is 2,970 AF per year. The anticipated demand for Region 4c in 2040 is 3,967AF and in 2060 are 4,826.

Current Water Supply for Region 4c is 2,970 AF per year. The anticipated supply for Region 4c in 2040 is 2,970 and in 2060 are 2,970.



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

Goal 4.2 - Support the efficient use of water supplies & Goal 6.1.2 - Promote water

conservation: Per the El Paso County Water Master Plan, the full 2060 build-out water supply is anticipated that the nonrenewable aquifer water supplies are not expected to be economically sustainable over the long term, and that water supplies in this region may need to be diversified in the future. It is recommended that with water conservation actions by all, users within the Region 4c area could help ensure extending the longevity life use of the water supply. Water conservation actions could be promoted via low water usage landscaping, such as xeriscape style landscaping with minimal

grass lawn areas that require substantially more water to maintain.

Topographical conditions presenting hazards or requiring special precautions: No portion of this site is within a designated FEMA floodplain as determined by the Federal Emergency Management Agency (FEMA) Flood Insurance Map Rate Map (FIRM) Panel No. 08041C0375G, effective date of December 7, 2018. It is anticipated that the lot's general drainage patterns will not change, except for drainage protection of the future home structures.

Drainage Improvements: No drainage Improvements are proposed with the minor subdivision application of the Chaparral Heights Subdivision. The proposed development of two (2) new residential units shall be less than 1 AC of disturbance areas combined, and thereby complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM. A Drainage Report has been provided with this Minor Subdivision Application/Request.

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

Public improvements: East Chaparral Loop shall be the ingress/egress access point for the Chaparral Heights Subdivision. East Chaparral Loop is a public gravel roadway with approximately 60' Right of Way and maintained by El Paso County

Natural Features and Public Facilities: The subject property generally slopes to the southwest. There is one natural drainage swale on the subject property located on the northern portion of the project site (Lot 1). The natural drainage swales shall be left unaltered as to not change the natural drainage patterns. The surface topography across the site is predominantly flat, with gentle slopes ranging from 0.01 to 0.015 ft/ft. Native grasses cover the property.

The property is relatively isolated from any significant corridors or thoroughfares; therefore, no design factors were incorporated regarding bike paths or public transportation. Therefore, it is not anticipated that the Chaparral Heights Subdivision minor subdivision development shall negatively impact the surrounding properties and or existing public facilities. The applicant agrees to pay traffic impacts fees with the minor subdivision under the El Paso County road impact fee program (resolution No. 16-454) of \$3,830 per new single-family dwelling unit, \$7,660 total (Lots 1 and 3) at the time of plat recording.

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

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

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

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

Sincerely,
Michael Cartmell
Maddie Investments, LLC

PEYTON RANCHES FILING NO. 1B
A REPLAT OF LOT 62 PEYTON RANCHES

LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 28 AND THE NORTHWEST ONE-QUARTER OF SECTION 33,
TOWNSHIP 11 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO.

NOTES

1. THIS SURVEY DOES NOT INCLUDE A TITLE SEARCH BY THIS SURVEYOR TO DETERMINE:
- A) OWNERSHIP OF THIS TRACT OR VERIFICATION OF THE DESCRIPTION SHOWN;
B) THE POSSIBLE DISCREPANCIES OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS;
C) EASEMENTS AND RIGHTS-OF-WAY RECORD; BUT RELIES ENTIRELY UPON TITLE COMMITMENT PROVIDED BY LAND TITLE GUARANTEE COMPANY ORDER NUMBER SR55091796-2, HAVING AN EFFECTIVE DATE OF 12/14/2021 AT 5:00 P.M.
D) AN ATTORNEY SHOULD BE CONSULTED TO THOROUGHLY REVIEW SAID TITLE COMMITMENT INCLUDING ALL ITEMS IN SCHEDULE B AS TO CONTENT AND THEIR POSSIBLE EFFECT UPON THIS PROPERTY.
2. A TITLE REPORT ISSUED BY LAND TITLE GUARANTEE COMPANY ORDER NUMBER SR55091796-2, HAVING AN EFFECTIVE DATE OF 12/14/2021 AT 5:00 P.M., HAS BEEN REVIEWED AS IT RELATES TO THE SUBJECT PROPERTY. THE FOLLOWING EXCEPTIONS IN SCHEDULE B-II ARE NOTED AND SHOWN IF APPLICABLE HEREON.

RESERVATION OF AN UNDIVIDED $\frac{1}{2}$ INTEREST IN AND TO ALL OIL, GAS, AND OTHER MINERALS UNDERLYING SUBJECT PROPERTY TO THE GRANTOR AND HIS HEIRS, SUCCESSORS OR ASSIGNS AS RESERVED IN WARRANTY DEED RECORDED OCTOBER 7, 1971 IN BOOK 2441 AT PAGE 295. BLANKET IN NATURE, NO PLOTTABLE ITEMS.

EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF PEYTON RANCHES RECORDED JUNE 26, 1972 UNDER RECEPTION NO. 896700. PLOTTABLE ITEMS SHOWN HEREON.

RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED JUNE 29, 1972, IN BOOK 2501 AT PAGE 889 AND AS AMENDED IN INSTRUMENT RECORDED SEPTEMBER 10, 1976, IN BOOK 2859 AT PAGE 127. BLANKET IN NATURE, NO PLOTTABLE ITEMS.

CONSENT TO EASEMENT FOR MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC., A COLORADO CORPORATION RECORDED JULY 27, 1972 IN BOOK 2509 AT PAGE 67, AND RECORDED JULY 27, 1972 IN BOOK 2509 AT PAGE 69, AND RECORDED JULY 27, 1972 IN BOOK 2509 AT PAGE 71. EXACT LOCATION OF EASEMENTS ARE INDEFINITE.

THE EFFECT OF GRANT OF RIGHT OF WAY TO MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC., RECORDED JANUARY 20, 1995, IN BOOK 6593 AT PAGE 989. NO PLOTTABLE ITEMS FOR THIS SURVEY.

THE EFFECT OF MINERAL DEED RECORDED NOVEMBER 26, 2002 UNDER RECEPTION NO. 202209925. CORRECTIVE MINERAL DEED RECORDED JANUARY 22, 2004 AT RECEPTION NO. 2040124212. CORRECTED MINERAL, ROYALTY AND OVERRIDING ROYALTY CONVEYANCE RECORDED AUGUST 1, 2011 UNDER RECEPTION NO. 211073800, MINERAL, ROYALTY AND OVERRIDING ROYALTY CONVEYANCE RECORDED DECEMBER 19, 2011 UNDER RECEPTION NO. 211125619. NO PLOTTABLE ITEMS FOR THIS SURVEY.

TERMS, CONDITIONS, AND PROVISIONS OF GRANT OF RIGHT OF WAY RECORDED DECEMBER 01, 2020 AT RECEPTION NO. 220194518. SHOWN HEREON.

3. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON(S), AND/OR ENTITY(IES) NAMED IN THE STATEMENT HEREON. SAID STATEMENT DOES NOT EXTEND TO ANY UNNAMED PERSON(S) AND/OR ENTITY(IES) WITHOUT AN EXPRESS RESTATEMENT BY THE SURVEYOR NAMING SAID PERSON(S) AND/OR ENTITY(IES)
4. THE SURVEYOR'S STATEMENT DOES NOT IMPLY ANY EXPRESS WARRANTY OR GUARANTEE. IT IMPLIES THE SURVEY WAS PERFORMED ACCORDING TO THE NORMAL STANDARD OF CARE FOR PRACTICING SURVEYORS IN THIS AREA.
5. ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU DISCOVER SUCH A DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATE SHOWN HEREON.
6. THE BOUNDARY AREA OF THIS TRACT OF LAND AS FIELD SURVEYED AND PORTRAYED HEREON IS 776,239 SQ.FEET OR 17.82 ACRES MORE OR LESS. IT IS SUBJECT TO ADJUSTMENT CREATED BY ACCEPTABLE SURVEY TOLERANCES.
7. THE SURVEY WAS MADE ON THE GROUND ON NOVEMBER 19, 2021.
8. EXCEPT AS SHOWN ON THE SURVEY, THERE ARE NO VISIBLE EASEMENTS OR RIGHTS OF WAY OF WHICH THE UNDERSIGNED HAS BEEN ADVISED.
9. EXCEPT AS SHOWN ON THE SURVEY, THERE ARE NO OBSERVABLE, ABOVE GROUND ENCROACHMENTS (A) BY THE IMPROVEMENTS ON THE DESCRIBED PROPERTY UPON ADJOINING PROPERTIES, STREETS OR ALLEYS, OR (B)BY THE IMPROVEMENTS ON ADJOINING PROPERTIES, STREETS OR ALLEYS UPON THE DESCRIBED PROPERTY.
10. THE CURRENT ZONING IS DEFINED AS RR-5, AS SHOWN ON CURRENT EL PASO COUNTY DOCUMENTS AND PROPERTY REPORT.
11. THERE IS NO VISIBLE EVIDENCE OF SITE USE AS A DUMP, SUMP, LANDFILL, WATERWAYS OR WETLANDS.
12. FLOOD NOTE: BY GRAPHIC PLOTTING, THIS PROPERTY LIES WITHIN ZONE X AND IS FREE OF ANY 500 YEAR RETURN FREQUENCY FLOOD HAZARD, AND SUCH FLOOD FREE CONDITION IS SHOWN ON THE FEDERAL FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 375 OF 1300, MAP NO. 08041C03756, HAVING A REVISION DATE OF DECEMBER 7, 2018.
13. BASIS OF BEARINGS: BEARINGS ARE BASED UPON THE SOUTH LINE OF THE SOUTH HALF OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 63 WEST OF THE SIXTH PRINCIPAL MERIDIAN, HAVING A BEARING OF N 89°55'30" W, AS SHOWN ON PEYTON RANCHES FINAL PLAT, RECORDED IN THE OFFICIAL RECORDS OF EL PASO COUNTY, COLORADO. MONUMENTED AT THE SOUTHEAST CORNER WITH A 2.5" ALUMINUM CAP STAMPED ILLEGIBLE WITH LS 25955, AND AT THE SOUTHWEST CORNER WITH A 2.5" ILLEGIBLE BRASS CAP IN RANGE BOX.
14. THE WORD 'CERTIFY' AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
15. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITTS A CLASS TWO (2) MISDEMEANOR PURSUANT TO C.R.S. 18-4-508.
16. THE LOCATION OF THE EXISTING FENCES OR OTHER SIMILAR FEATURES DENOTING LINES OF POSSESSION IN THE VICINITY OF THE PERIMETER OF THIS TRACT, AS THE PERIMETER HAS BEEN ESTABLISHED BY THIS DESCRIPTION, MAY INDICATE OWNERSHIP ACQUIRED OR LOST THROUGH THE METHOD OF ADVERSE POSSESSION OR BY OTHER UNWRITTEN MEANS.AN ATTORNEY SHOULD BE CONSULTED REGARDING THIS MATTER.
17. SEWAGE TREATMENT IS THE RESPONSIBILITY OF EACH PROPERTY OWNER. THE EL PASO COUNTY HEALTH DEPARTMENT MUST APPROVE EACH SYSTEM AND, IN SOME CASES, THE DEPARTMENT MAY REQUIRE SPECIALLY DESIGNED SYSTEMS PRIOR TO APPROVAL.
18. INDIVIDUAL WELLS ARE THE RESPONSIBILITY OF EACH PROPERTY OWNER. PERMITS FOR INDIVIDUAL WELLS MUST BE OBTAINED FROM THE STATE WATER ENGINEER WHO BY LAW HAS THE AUTHORITY TO SET CONDITIONS FOR THE ISSUANCE OF THESE PERMITS.
19. ALL STRUCTURAL FOUNDATIONS AND SEPTIC SYSTEMS SHALL BE LOCATED AND DESIGNED BY A PROFESSIONAL ENGINEER CURRENTLY REGISTERED IN THE STATE OF COLORADO. REFER TO NOTE 20.

NOTES (CONT.)

20. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THIS MINOR SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: SOILS AND GEOLOGY AND WASTEWATER TREATMENT SYSTEM EVALUATION; THREATENED AND ENDANGERED SPECIES ANALYSIS REPORT; WATER RESOURCE; FIRE PROTECTION; AND DRAINAGE REPORT.
21. ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT, IF APPLICABLE, SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICATED.
22. DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATIONS, ORDINANCES, REVIEW AND PERMIT REQUIREMENTS, AND OTHER AGENCY REQUIREMENTS, IF ANY, OF APPLICABLE AGENCIES INCLUDING, BUT NOT LIMITED TO, THE COLORADO DIVISION OF WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORPS OF ENGINEERS AND THE THE U.S. FISH AND WILDLIFE SERVICE REGARDING THE ENDANGERED SPECIES ACT, PARTICULARLY AS IT RELATES TO THE LISTED SPECIES.
23. THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
24. NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
25. MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS.
26. THE SUBDIVIDER(S) AGREE ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OR BUILDER SUCCESSORS AND ASSIGNEES THAT SUBDIVIDER AND/OR SAID SUCCESSORS AND ASSGN SHALL BE REQUIRED TO PAY TRAFFIC IMPACT FEES IN ACCORDANCE WITH THE EL PASO COUNTY ROAD IMPACT FEE PROGRAM RESOLUTION (RESOLUTION NO. 19-471), OR ANY AMENDMENTS THERETO, AT OR PRIOR TO THE TIME OF BUILDING PERMIT SUBMITTALS. THE FEE OBLIGATION, IF NOT PAID AT FINAL PLAT RECORDING, SHALL BE DOCUMENTED ON ALL SALES DOCUMENTS AND ON PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE THE SALE OF THE PROPERTY.
27. LOT 1 WILL HAVE DIRECT ACCESS TO EAST CHAPARRAL LOOP, LOTS 2 AND 3 WILL HAVE ACCESS VIA NEWLY CREATED 50'ACCESS EASEMENTS AS SHOWN, RECORDED UNDER RECEPTION NO. _____.
28. UNLESS OTHERWISE NOTED, ALL SIDE AND REAR LOT LINES ARE HEREBY PLATTED ON EITHER SIDE WITH A 10 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT UNLESS OTHERWISE INDICATED. ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HEREBY PLATTED WITH A 20 FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT. FOR THIS REPLAT, THE FRONT AND REAR LOT LINES ARE THE EXTERIOR OF THE SUBDIVISION BOUNDARY. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.

KNOW ALL PEOPLE BY THESE PRESENTS:

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

LOT 62,
PEYTON RANCHES,
COUNTY OF EL PASO,
STATE OF COLORADO.
RECEPTION NO. 896700

NEW LOT DESCRIPTIONS:

LOT 1 DESCRIPTION:

A PARCEL OF LAND IN THE SOUTHWEST ONE-QUARTER OF SECTION 28 AND NORTHWEST ONE-QUARTER OF SECTION 33,TOWNSHIP 11 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 62, PEYTON RANCHES, FROM WHENCE THE SOUTHWEST CORNER OF SECTION 33, T.11.S, R.63.W, 6TH P.M., BEARS S 28°34'31" W A DISTANCE OF 5175.50' FEET; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 1196.29' FEET TO THE POINT OF BEGINNING (P.O.B); THENCE N 12°57'19" W ALONG THE WESTERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 95.38'; THENCE CONTINUING ALONG THE WESTERLY LINE OF SAID LOT 62 PEYTON RANCHES ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 24°11'22", RADIUS OF 670.00' FEET, ARC LENGTH OF 282.86' AND CHORD BEARING OF N 00°51'38" W; THENCE N 11°14'03" E A DISTANCE OF 205.38' FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 12°05'41", RADIUS OF 730.00' FEET, ARC LENGTH OF 64.10' FEET AND A CHORD BEARING OF N 08°43'16" E; THENCE N 88°30'35" E ALONG THE NORTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 381.98' FEET; THENCE S 01°00'22" E A DISTANCE OF 641.17' FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES; THENCE S 88°59'38 W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 417.30' FEET TO THE POINT OF BEGINNING. CONTAINING 6.2791 ACRES, MORE OR LESS.

LOT 2 DESCRIPTION:

A PARCEL OF LAND IN THE SOUTHWEST ONE-QUARTER OF SECTION 28 AND NORTHWEST ONE-QUARTER OF SECTION 33,TOWNSHIP 11 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 62, PEYTON RANCHES, FROM WHENCE THE SOUTHWEST CORNER OF SECTION 33, T.11.S, R.63.W, 6TH P.M., BEARS S 28°34'31" W A DISTANCE OF 5175.50' FEET; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 778.98' FEET TO THE POINT OF BEGINNING (P.O.B); THENCE N 01°00'22" W A DISTANCE OF 641.17' FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 62 PEYTON RANCHES; THENCE N 88°30'35"E ALONG THE NORTH LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 632.57' FEET; THENCE S 28°53'41" E, A DISTANCE OF 285.27' FEET; THENCE S 84°03'18" W A DISTANCE OF 86.43' FEET; THENCE S 12°57'10" E A DISTANCE OF 393.17' FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 491.27' FEET TO THE POINT OF BEGINNING. CONTAINING 6.5282 ACRES, MORE OR LESS.

LOT 3 DESCRIPTION:

A PARCEL OF LAND IN THE SOUTHWEST ONE-QUARTER OF SECTION 28 AND NORTHWEST ONE-QUARTER OF SECTION 33,TOWNSHIP 11 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 62, PEYTON RANCHES, FROM WHENCE THE SOUTHWEST CORNER OF SECTION 33, T.11.S, R.63.W, 6TH P.M., BEARS S 28°34'31" W A DISTANCE OF 5175.50' FEET; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 287.71' FEET TO THE POINT OF BEGINNING (P.O.B); THENCE N 12°57'10" W A DISTANCE OF 393.17' FEET; THENCE N 84°03'18"E A DISTANCE OF 86.43' FEET; THENCE N 28°53'41" W A DISTANCE OF 285.27' FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 62 PEYTON RANCHES; THENCE N 88°30'35" E ALONG THE NORTH LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 417.59' FEET; THENCE S 01°27'57" E ALONG THE EAST LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 42.90' FEET; THENCE S 00°51'55" E CONTINUING ALONG THE EAST LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 604.87' FEET TO THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 287.71' FEET TO THE POINT OF BEGINNING. CONTAINING 5.0084 ACRES, MORE OR LESS.

OWNERS CERTIFICATE:

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO 3 LOTS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME '**PEYTON RANCHES FILING NO. 1B**', EL PASO COUNTY, STATE OF COLORADO. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES.

BY: _____
MICHAEL CARTMELL

NOTORIAL
STATE OF COLORADO }
COUNTY OF EL PASO }SS

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

MY COMMISSION EXPIRES: _____

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC: _____

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

THIS PLAT FOR '**PEYTON RANCHES FILING NO. 1B**' WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THE _____ DAY OF _____ 20____ SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL.

CHAIR, BOARD OF COUNTY COMMISSIONERS

DATE

PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR

DATE

SURVEYORS STATEMENT

I DANIEL R. TRUJILLO, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON NOVEMBER 21, 2021, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:10,000; AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISION, OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE.

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

DANIEL R. TRUJILLO
COLORADO REGISTERED LAND SURVEYOR PLS NO. 38520
FOR AND ON BEHALF OF THE AZION GROUP, INC.

CLERK AND RECORDERS CERTIFICATE

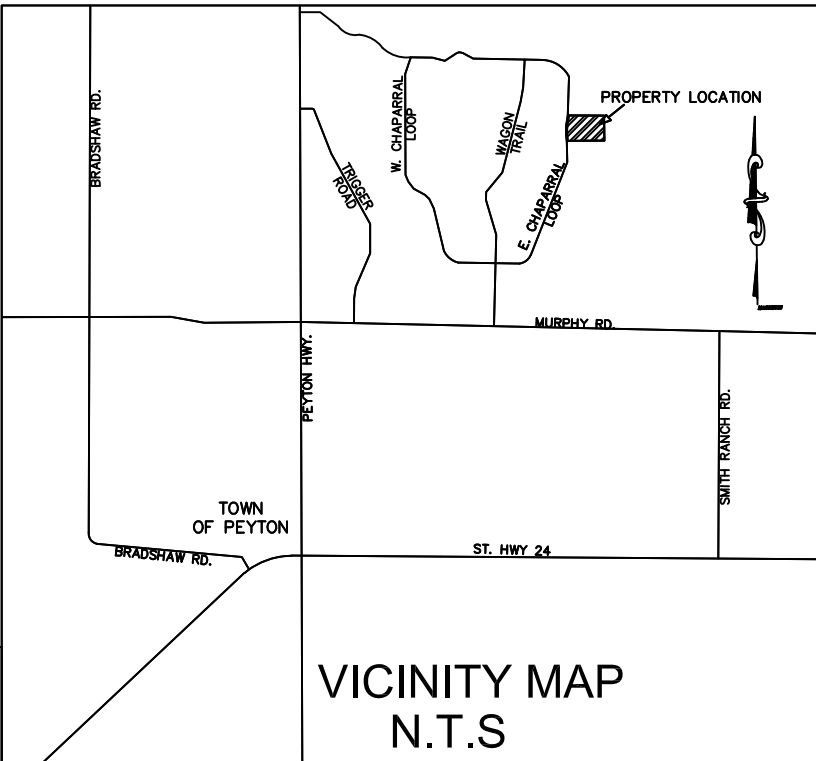
STATE OF COLORADO
COUNTY OF EL PASO

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

EL PASO COUNTY CLERK AND RECORDER

PCD FILE NO. VR-225

VICINITY MAP
N.T.S



OWNER: MICHAEL CARTMELL
4927 AUSTIN BLUFFS PKWY.
SUITE #200
COLORADO SPRINGS, CO
80918
719-235-6797

SHEET 2 OF 2

COUNTY:
EL PASO, CO

DATE OF PREPARTION:
12/09/2021
05/10/2022
06/30/2022

DATE OF SUBMISSION:

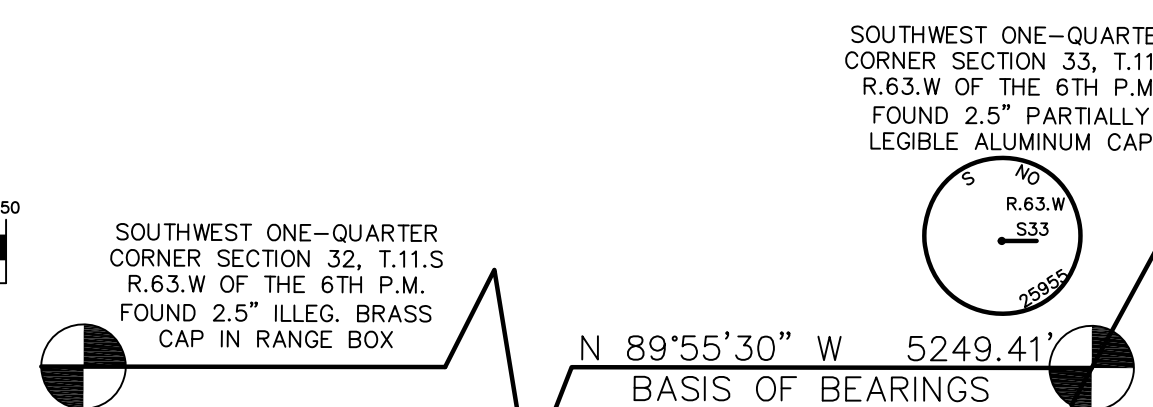
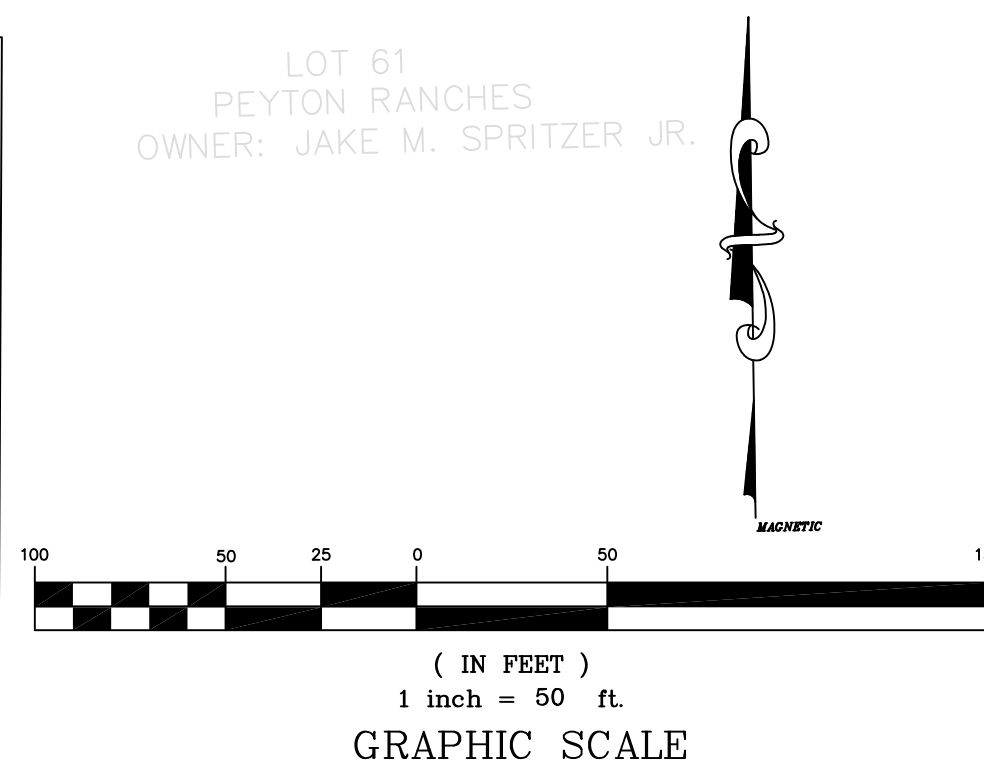


PEYTON RANCHES FILING NO. 1B
A REPLAT OF LOT 62 PEYTON RANCHES
LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 28 AND
THE NORTHWEST ONE-QUARTER OF SECTION 33,
TOWNSHIP 11 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF EL PASO, STATE OF COLORADO.



LEGEND:

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



OWNER: MICHAEL CARTMELL
4927 AUSTIN BLUFFS PKWY.
SUITE #200
COLORADO SPRINGS, CO
80918
719-235-6797

COUNTY:
EL PASO, CO

DATE OF PREPARATION:
12/09/2021
05/10/2022
06/30/2022

DATE OF SUBMISSION:





COLORADO

Division of Water Resources

Department of Natural Resources
1313 Sherman St., Suite 821
Denver, CO 80203

April 27, 2022

Ryan Howser
El Paso County Planning and Community Development
2880 International Circle, Suite 110
Colorado Springs, SO 80910

Re: Chaparral Heights Minor Subdivision
EA Number EA2153, File Number VR225
NE1/4 of the NW1/4 of Sec. 33, T11S, R63W, 6th P.M.
Upper Black Squirrel Creek Designated Basin
Water Division 2, Water District 10

Dear Mr. Howser:

We have reviewed the above referenced proposal to replat and subdivide a 17.82-acre property described in the NE1/4 of the NW1/4 of Section 23, Township 11 South, Range 63 West, 6th P.M. located at 15435 East Chapparral Loop, into three single-family lots, one of which has an existing residence.

Water Supply Demand

According to the submittal the estimated water requirements total 1.50 acre-feet annually (0.5 acre-feet/lot), for: in-house use, irrigation of 1,000 square-feet of lawns and gardens, and watering of up to 6 large domestic animals per lot.

Source of Water Supply

The proposed source of water is individual on-lot wells producing from the not-nontributary Dawson aquifer that will operate pursuant to the Determination of Water Right No. 4239-BD and Replacement Plan No. 4239-RP, including well permit no. 86152-F for the lot with the existing well. The Replacement Plan No. 4239-RP allows for an average diversion of 0.5 acre-feet annually for a maximum of 300 years. The subdivision lies within the allowed place of use of Determination of Water Right no. 4239-BD, and the proposed uses are uses allowed by that Determination and Replacement Plan. Well permit no. 86152-F was issued October 11, 2021 for the withdrawal of an average annual amount of 0.5 acre-feet for use in one single-family dwelling, irrigation (indoor and outdoor) agricultural, livestock, commercial, industrial, fish and wildlife and replacement.

The remaining two lots will be serviced by individual on-lot wells producing from the not-nontributary Denver aquifer that will operate pursuant to the Determination of Water Right No. 4238-BD. These wells will have an average diversion of 1.0 acre-feet annually for a maximum of 300 years. The subdivision lies within the allowed place of use of Determination of water Right no. 4238-BD and the proposed uses are uses allowed under that Determination. The 4% replacement water will be replaced using return flows from the two residences and are estimated at 0.468 acre-feet per year, which will meet the 4% requirement of 0.04 acre-feet per year per residence.

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 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this allocation approach, the annual amounts of water determined in 4239-BD are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:



“(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years.”

The State Engineer’s Office does not have evidence regarding the length of time for which these sources 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 allowed average annual amount of withdrawal of 2.73 acre-feet/year from the Upper Dawson aquifer would be reduced to one third of that amount, or 0.91 acre-feet/year, and the allowed average annual amount of withdrawal of 8.48 acre-feet/year from the not-nontributary (4% replacement) Denver aquifer would be reduced to 2.82 acre-feet/year. As a result, the water may be withdrawn in those annual amounts for a maximum of 300 years.

Applications for on lot well permits, submitted by entities other than the Applicant of the change of Determination of Water Right must submit evidence that the Applicant has acquired the right to the portion of the water being requested in the application.

State Engineer's Office Opinion

Based upon the above and pursuant 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.

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 on the subdivided land is equal to 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 Ground Water Commission 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 100 years (or 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.

If you or the applicant have any questions, please contact me at (303) 866-3581 ext. 8208 or at Melissa.Vanderpoel@state.co.us

Sincerely,



Melissa A. van der Poel, P.E.
Water Resource Engineer

Ec: Referral No. 29179

EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

Steven A. Klaffky, Interim County Attorney

Assistant County Attorneys

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

June 14, 2022

VR-22-5 15435 E. Chaparral Loop a/k/a Peyton Ranches Filing No. 1B Minor
Subdivision ("Subdivision") Vacation and Replat

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
Edi Anderson, Paralegal, ACP

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Maddie Investments, LLC ("Applicant") for a vacation and replat to create a 3-lot subdivision on an existing lot of 17.82 +/- acres (the "property"). Lot 1 is estimated at 6.27 acres; Lot 2 is estimated at 6.52 acres, and Lot 3 is estimated at 5.0 acres. The property is zoned RR-5 (Rural Residential). There is an existing residence which will be located on Lot 2 of the newly formed subdivision.

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary ("WSIS"), the water demand is 1.50 acre-feet/year for the subdivision (0.50 acre-feet/lot) which includes 0.78 acre-feet for household use, 0.518 acre-feet for irrigation, and 0.1998 acre-feet for stock watering. Based on this demand, Applicant must be able to provide a supply of 450 acre-feet of water (1.50 acre-feet per year x 300 years) to meet the County's 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from individual on-lot wells as provided in the following determinations issued to Maddie Investments, LLC, by the Colorado Ground Water Commission on October 5, 2021: Determination 4239-BD and Replacement Plan No. 4239-RP which will provide Dawson aquifer water for Lot 2; and Determination No. 4238-BD which will provide Denver aquifer water for Lots 1 and 3.

4. The Applicant provided a *Water Resources Report* for the Subdivision dated March 2022 by JDS-Hydro Consultants (the “*Report*”). The *Report* details the water supply as follows:

Aquifer	Determination	Tributary Status	Area	Decreed Water	Annual Allocation (100-year) AF/Year	Annual Allocation (300-year) AF/Year
Dawson	4239-BD	NNT	17.82	273	2.73	0.91
Denver	4238-BD	NNT	17.82	848.00	8.48	2.83
Arapahoe	4237-BD	NT	17.82	576.00	5.76	1.92
Laramie-Fox Hills	4236-BD	NT	17.82	535.00	5.35	1.78
TOTAL					22.32 AF (100 years)	7.44 AF (300 years)

There is 0.91 acre-feet/year of water available from the Dawson aquifer to supply the water demand for Lot 2, which is 0.50 acre-feet/year. The *Report* referenced an existing well on the property (Well Permit No. 91435) which will serve Lot 2 and will need to be cancelled and re-permitted.¹ There is 2.83 acre-feet/year of water available from the Denver aquifer to supply the demand for Lots 1 and 3, which is 0.50 acre-feet/lot (1.0 acre-feet/year total). Beneficial uses provided by the Determinations are: household use, irrigation, agricultural, livestock, commercial, industrial, fish and wildlife, and replacement. The *Report* states that the “current water rights are sufficient to meet estimated demands from both the Dawson and Denver Aquifers. The approved augmentation plan is sufficient to cover resulting alluvial depletions of 0.013 acre-feet for the existing lot supported by the Dawson aquifer and replacement water requirements or 4% of 0.04 AF/year to the Denver aquifer from the proposed two new lots.”

State Engineer's Office Opinion

5. In a letter dated April 27, 2022, the State Engineer reviewed the submittal to replat the 17.82-acre parcel into a 3-lot minor subdivision. The State Engineer stated that the “source of water supply is individual on-lot wells producing from the not-nontributary Dawson aquifer that will operate pursuant to the Determination of Water Right No. 4239-BD and Replacement Plan No. 4239-RP, including well permit no. 86152-F for the lot with the existing well. The Replacement Plan No. 4239-RP allows for an average diversion of 0.5 acre-feet annually for a maximum of 300 years.” Further, the “remaining two lots will be serviced by individual on-lot wells producing from the not-nontributary Denver aquifer that will operate pursuant to the Determination of Water Right No. 4238-BD. These wells will have an average diversion of 1.0 acre-feet annually for a maximum of 300 years. ... The 4% replacement water will be replaced using return flows from the two residences and are estimated at 0.468 acre-feet per year, which will meet the 4% requirement of 0.04 acre-feet per year per residence.”

¹ Note: This permit was cancelled and re-permitted as Well Permit No. 86152-F on October 11, 2021.

The State Engineer further stated that the “allowed average annual amount of withdrawal of 2.73 acre-feet/year from the Upper Dawson aquifer would be reduced to one third of that amount, or 0.91 acre-feet/year and the allowed average annual amount of withdrawal of 8.48 acre-feet/year from the not-nontributary (4% replacement) Denver aquifer would be reduced to 2.82 acre-feet/year. As a result, the water may be withdrawn in those annual amounts for a maximum of 300 years.” Finally, the State Engineer provided their opinion that “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.”

Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for the Subdivision is 1.50 acre-feet per year for a total demand of 450 acre-feet for the subdivision for 300 years. Determination 4239-BD and Replacement Plan 4239-RP permit withdrawal of 0.50 acre-feet/year (150 acre-feet total) of Dawson aquifer water for a period of 300 years. Determination 4238-BD permits withdrawal of 1.0 acre-feet/year (300 acre-feet total) of Denver aquifer water for a period of 300 years. Based on the demand of 1.50 acre-feet/year for the 3-lot subdivision and the Determinations and Replacement Plan permitting withdrawals in that amount for a period of 300 years, there appears to be a sufficient water supply to meet the water demands of the Subdivision (15435 E. Chaparral Loop).

Based on the water demand of 1.50 acre-feet/year for the Chaparral Heights Minor Subdivision and the Determinations and Replacement Plan permitting withdrawals in that amount, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for the Chaparral Heights Minor Subdivision.

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

8. Basis. The County Attorney’s Office reviewed the following documents in preparing this review: Colorado Ground Water Commission Determinations 4238-BD and 4239-BD and Replacement Plan 4239-RP, dated October 5, 2021, the Water Supply Information Summary provided April 7, 2022, the *Water Resources Report* dated March 2022, and the State Engineer Office’s Opinion dated April 27, 2022. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney’s Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

A. Applicant and its successors and assigns shall comply with all requirements of Determination 4239-BD and Replacement Plan 4239-RP; specifically, that water use shall not exceed 0.50 acre-feet annually for the Dawson aquifer well to be utilized on Lot 2 of the

Subdivision and that all stream depletions will be replaced with non-evaporative septic system return flows for a period of 300 years. Replacement of depletions must be provided for annually in the amounts shown in Exhibit A to Determination 4239-BD, and as also attached hereto as Exhibit A.

Applicant and its successors and assigns shall comply with all requirements of Determination 4238-BD; specifically, that water use shall not exceed 0.50 acre-feet annually for each of the two Denver aquifer wells to be utilized on Lots 1 and 3 of the Subdivision. Pursuant to Determination 4238-BD, "at least four percent (4%) of the amount of Underlying Groundwater withdrawn annually must be returned to the alluvial aquifer in the vicinity of the permitted point or points of withdrawal, unless other locations are approved by the Commission."

B. The County prefers that when there is a replacement plan, Applicants create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water determinations and replacement plans for the property. For minor subdivisions such as this, however, Applicants may elect to solely rely on the covenant provisions required below and forego creation of an HOA. The Covenants shall advise and obligate future lot owners of this subdivision and their successors and assigns regarding all applicable requirements of Determination 4239-BD and Replacement Plan 4239-RP and Determination 4238-BD.

The Covenants shall specifically address the following:

1) Identify the water rights associated with all lots on the property. The Covenants shall reserve 150 acre-feet per lot of not nontributary Dawson aquifer water pursuant to Replacement Plan 4239-RP to satisfy El Paso County's 300-year water supply requirement for Lot 2 of the Subdivision. The Covenants shall also reserve 150 acre-feet per lot (300 acre-feet total) of not nontributary Denver aquifer water pursuant to Determination 4238-BD to satisfy El Paso County's 300-year water supply requirement for Lots 1 and 3 of the Subdivision.

2) Require non-evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use a non-evaporative septic system to ensure that return flows from such systems are made to the stream system to replace actual depletions during pumping, shall reserve said return flows to replace 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 lot served by a Dawson or Denver well have an occupied single-family dwelling that is generating return flows from a non-evaporative septic system before any other use is made of the well. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose."

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

“The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not the plan for replacement in Determination 4239-BD and Replacement Plan 4239-RP or Determination 4238-BD (whichever is applicable) 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.”

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

5) Require compliant septic systems. The Covenants shall advise future lot owners and their successors and assigns of their responsibility to construct septic systems in compliance with the State of Colorado and El Paso County Public Health standards and which shall not cause unreasonable impairment of water quality of the receiving aquifer.

6) Require well permits. The Covenants shall require that well permits be obtained pursuant to the requirements of Determination Nos. 4239-BD and 4238-BD and with approval by the Colorado Ground Water Commission.

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 Chaparral Heights Subdivision pursuant to Determination 4239-BD and Replacement Plan 4239-RP or Determination 4238-BD. 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 a Determination from 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 adjudication.”

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

“These Covenants shall not terminate unless the requirements of Determination 4239-BD and Replacement Plan 4239-RP or Determination 4238-BD are also terminated by the Colorado Ground Water Commission and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County.”

C. Applicant and its successors and assigns shall reserve in the Covenants and in any deeds of the property the determined amount of 0.50 acre-feet/year/lot for a period of 300 years, a total of 150 acre-feet per lot, from the Dawson aquifer for Lot 2 and from the Denver aquifer for Lots 1 and 3. Said reservation shall recite that this water shall not be separated from transfer of title to each property and shall be used exclusively for primary and replacement supply. Applicant shall convey by recorded warranty deed the reserved Dawson or Denver aquifer water rights to the individual lot owners. Applicant shall provide copies of said Covenants, deeds or other such reservation and conveyance instruments that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney’s Office prior to recording the minor subdivision plat.

Any and all conveyance instruments shall recite as follows:

For the water rights and return flows conveyed for the Dawson or Denver aquifers: “These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year supply, and replacement during pumping, for Lot 2 (Dawson aquifer) or Lots 1 or 3 (Denver aquifer) of the Peyton Ranches Filing No. 1B Minor Subdivision. The water rights so conveyed, and the return flows therefrom, shall be appurtenant to each of the respective lots with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.”

D. Applicant and its successors and assigns shall submit proposed Declaration of Covenants and any plat notes required herein to the Planning and Community Development Department and the County Attorney’s Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney’s Office prior to recording the final plat. Said Declaration shall cross-reference Determination and Replacement Plan 4239-BD and Determination 4238-BD, and shall identify the obligations of the individual lot owners thereunder.

E. Applicant and its successors and assigns shall record all applicable documents, including, but not limited to, the Determination 4239-BD and Replacement Plan 4239-RP, Determination 4238-BD, warranty deeds regarding the water rights, and the Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

F. Applicant shall upload a copy of Well Permit No. 86152-F to eDARP prior to recording the final plat.

G. Applicant shall correct the Water Supply Information Summary by changing the answer in question 6.B. to "Peyton Ranches subdivision" from "Platted but not recorded," and uploading the new WSIS to eDARP prior to recording the final plat.

H. 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. Applicants 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, Planner II

Exhibit A
Replacement Plan - Determination No.: 4239-BD
Page 1 of 1

Designated Basin Summary Table for Maddie Investments, LLC Pumping Rate of 0.5 acre-feet per year for 300 Years from the Dawson aquifer Section(s): Sections 28 and 33, Township 11 South, Range 63 West, 6th P.M.							
Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)	Year	Pumping (Q) (AF/YR)	Annual Depletion (q) (AF/YR)	Depletion as a % of Pumping (q/Q)
5	0.5	0.0000	0.00	155	0.5	0.0038	0.75
10	0.5	0.0000	0.00	160	0.5	0.0040	0.80
15	0.5	0.0000	0.00	165	0.5	0.0043	0.86
20	0.5	0.0000	0.00	170	0.5	0.0045	0.91
25	0.5	0.0000	0.01	175	0.5	0.0048	0.96
30	0.5	0.0001	0.01	180	0.5	0.0051	1.02
35	0.5	0.0001	0.02	185	0.5	0.0054	1.08
40	0.5	0.0001	0.03	190	0.5	0.0057	1.13
45	0.5	0.0002	0.04	195	0.5	0.0060	1.19
50	0.5	0.0003	0.05	200	0.5	0.0063	1.25
55	0.5	0.0003	0.06	205	0.5	0.0066	1.31
60	0.5	0.0004	0.08	210	0.5	0.0069	1.37
65	0.5	0.0005	0.10	215	0.5	0.0072	1.43
70	0.5	0.0006	0.12	220	0.5	0.0075	1.49
75	0.5	0.0007	0.14	225	0.5	0.0078	1.56
80	0.5	0.0008	0.17	230	0.5	0.0081	1.62
85	0.5	0.0010	0.19	235	0.5	0.0084	1.68
90	0.5	0.0011	0.22	240	0.5	0.0087	1.75
95	0.5	0.0013	0.25	245	0.5	0.0091	1.81
100	0.5	0.0014	0.28	250	0.5	0.0094	1.88
105	0.5	0.0016	0.32	255	0.5	0.0097	1.94
110	0.5	0.0018	0.36	260	0.5	0.0100	2.01
115	0.5	0.0020	0.39	265	0.5	0.0104	2.07
120	0.5	0.0022	0.43	270	0.5	0.0107	2.14
125	0.5	0.0024	0.47	275	0.5	0.0110	2.21
130	0.5	0.0026	0.52	280	0.5	0.0114	2.28
135	0.5	0.0028	0.56	285	0.5	0.0117	2.34
140	0.5	0.0030	0.61	290	0.5	0.0120	2.41
145	0.5	0.0033	0.65	295	0.5	0.0124	2.48
150	0.5	0.0035	0.70	300	0.5	0.0127	2.55

Created by jmw on August 09, 2021

Values for 'Depletion as a % of Pumping' (q/Q) are not calculated when the pumping rate (Q) is changed to anything but zero

VACATION AND REPLAT (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. VR-22-005

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

WHEREAS, Maddie Investments, LLC did file an application with the El Paso County Planning and Community Development Department for approval of a vacation and replat to replat one (1) residential lot as three (3) residential lots within the RR-5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on October 20, 2022; and

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

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;

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

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends approval of a vacation and replat of PEYTON RANCHES FILING NO. 1B with the following conditions and notations:

CONDITIONS

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

5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$1,380.00 shall be paid at time of plat recordation.
9. Fees in lieu of school land dedication in the amount of \$370.00 shall be paid to El Paso County for the benefit of Peyton School District 23 at time of plat recording.

NOTATIONS

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

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

TROWBRIDGE seconded the adoption of the foregoing Resolution.

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

Brian Risley	aye / no / abstain / absent
Thomas Bailey	aye / no / abstain / absent
Tim Trowbridge	aye / no / abstain / absent
Joan Lucia-Treese	aye / no / abstain / absent

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

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

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

EL PASO COUNTY PLANNING COMMISSION

By: Brian Risley

Brian Risley, Chair

EXHIBIT A

A PARCEL OF LAND IN THE SOUTHWEST ONE-QUARTER OF SECTION 28 AND NORTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 11 SOUTH, RANGE 63 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 62, PEYTON RANCHES, FROM WHENCE THE SOUTHWEST CORNER OF SECTION 33, T.11.S, R.63.W, 6TH P.M., BEARS S 28°34'31" W A DISTANCE OF 5175.50' FEET; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 1196.29' FEET TO THE POINT OF BEGINNING (P.O.B); THENCE N 12°57'19" W ALONG THE WESTERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 95.38'; THENCE CONTINUING ALONG THE WESTERLY LINE OF SAID LOT 62 PEYTON RANCHES ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 24°11'22", RADIUS OF 670.00' FEET, ARC LENGTH OF 282.86' AND CHORD BEARING OF N 00°51'38" W; THENCE N 11°14'03" E A DISTANCE OF 205.38' FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 12°05'41", RADIUS OF 730.00' FEET, ARC LENGTH OF 64.10' FEET AND A CHORD BEARING OF N 08°43'16" E; THENCE N 88°30'35" E ALONG THE NORTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 381.98' FEET; THENCE S 01°00'22" E A DISTANCE OF 641.17' FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES; THENCE S 88°59'38" W ALONG THE SOUTHERLY LINE OF SAID LOT 62 PEYTON RANCHES A DISTANCE OF 417.30' FEET TO THE POINT OF BEGINNING. CONTAINING 6.2791 ACRES, MORE OR LESS.

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RESOLUTION NO. 22-

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

APPROVE VACATION AND REPLAT OF PEYTON RANCHES FILING NO. 1B

WHEREAS, Maddie Investments, LLC did file an application with the Planning and Community Development Department of El Paso County for approval of a vacation and replat of one (1) residential lot as three (3) residential lots within the RR-5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

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

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

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

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

5. That the vacation and replat complies with the El Paso County Land Development Code and the original conditions of approval associated with the recorded plat.
6. No nonconforming lots are created and, in the case of existing nonconforming lots, the degree of nonconformity is not increased.
7. That the vacation and replat conforms to the required findings for a minor or major subdivision, whichever is applicable.
8. That a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. Where the lots or parcels are subject to any Covenants, Conditions and Restrictions (CC&Rs) or other restrictions, the vacation and replat will not result in a conflict with the CC&Rs or other restrictions unless specifically approved by the Homeowners Association or controlling authority.
10. The vacation and replat is in general conformance with the goals, objectives, and policies of the Master Plan.
11. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.
12. The proposed Replat of land conforms to the El Paso County Zoning Resolutions.
13. For the above-stated and other reasons, the proposed vacation and replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the vacation and replat of PEYTON RANCHES FILING NO. 1B;

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

CONDITIONS

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

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Park fees in lieu of land dedication for regional parks (Area 2) in the amount of \$1,380.00 shall be paid at time of plat recordation.

9. Fees in lieu of school land dedication in the amount of \$370.00 shall be paid to El Paso County for the benefit of Peyton School District 23 at time of plat recording.

NOTATIONS

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

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

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

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Stan VanderWerf, Chair

By: _____
County Clerk & Recorder

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Kevin Mastin, Interim Executive Director
El Paso County Planning & Community Development
O: 719-520-6300
KevinMastin@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

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

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

REGULAR HEARING, 9:00 A.M.

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

PC MEMBERS PRESENT AND NOT VOTING: MERRIAM

PC MEMBERS ABSENT: ERIC MORAES – VIRTUAL AND VOTING

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

1. REPORT ITEMS

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

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

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

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

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

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

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

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

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

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

2. CONSENT ITEMS

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

B. VR-22-004

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

HOWSER

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

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

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

C. VR-22-005

HOWSER

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

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

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

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

D. CS-21-003

BAGLEY

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

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

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

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

E. VR-22-009

HOWSER

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

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

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

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

3. Called Up Consent Items.

4. REGULAR ITEMS

A. AL-19-018

HOWSER

SPECIAL USE RAEL STORAGE RURAL HOME OCCUPATION

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

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

Ms. Seago summarized the criteria for approval.

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

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

Mr. Rael – Owner gave his presentation.

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

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

Mr. Whitney had questions about CDOT.

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

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

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

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

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

Mr. Risley has it been paved?

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

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

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

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

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

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

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

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

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

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

DAVE ELLIS – Representative for the Canterbury Estates – Equestrian Community.

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

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

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

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

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

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

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

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

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

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

C. MP-22-001

**EPC PARKS MASTER PLAN
UPDATE 2022**

MEYER

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

Type of Hearing: Legislative

Ms. JACKSON – Presented the Presentation.

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

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

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

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

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

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

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

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

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

El Paso County Attorney - Lori Seago confirmed NO vote

DISCUSSION:

PC ACTION: NO VOTE

D. AL-22-014

BAGLEY

**SPECIAL USE
17340 FAIRPLAY DRIVE MINOR KENNEL**

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

Ms. Parsons – Presented Presentation.
Applicant is Virtual

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

Ms. Seago read criteria for approval

Mr. Seglem – Presented Presentation.

Mr. Risley any questions for the applicant.

Ms. Parsons continued the presentation

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

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

Ms. Parsons continued the presentation.

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

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

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

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

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

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

Ms. Parsons anybody online? No

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

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

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

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

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

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

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

Mr. Mastin are all the dogs chipped?

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

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

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

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

Mr. Patterson sounds reasonable to me.

Mr. Bailey have a question about condition number two.

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

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

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

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

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

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

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

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

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

Mr. Risley called the vote.

DISCUSSION:

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

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

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

Type of Hearing: Legislative

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

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

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

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

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

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

Mr. Mastin yes, they are aware.

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

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

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

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

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

Are there any other items?

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

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

Mr. Kilgore currently we have 5 items that day

Mr. Risley adjourned the meeting.

MEETING ADJOURNED at [time].
12:24

Minutes Prepared By: __MM__