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

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 9/28/2023
RE: MS233; Gunners Ridge

Project Description

A request by Drew Makings for approval of a 38.83-acre Minor Subdivision illustrating 4 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 12172 Goodson Road, directly northwest of the intersection of Goodson Road and Ayer Road. The applicant is also requesting a Waiver of the Land Development Code Section 8.4.3.B.4, Maximum Pole Length. The Land Development Code states the length of the flag lot pole shall not exceed the length of the longest side of the flag portion of the flag lot. The applicant is requesting the length of the flagpole to be 1,097.19 feet where the longest side of the flag portion of the flag lot is 560 feet.

Notation

Please see the Planning Commission Minutes from September 7, 2023, for a complete discussion of the topic and the project manager's staff report for staff analysis and conditions.

Planning Commission Recommendation and Vote

Mr. Schuettepelz moved / Mr. Smith seconded for approval of the Minor Subdivision utilizing the resolution attached to the staff report, with eight conditions and two notations, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (6-1)**. The item was heard as a called-up consent regular item. There was no public opposition.

Discussion

There were no public comments regarding this item. The Planning Commissioners had a discussion on the Waiver for the proposed subdivision and if it met the criteria of approval for a Waiver specifically, a particular non-economic hardship to the owner would result from a strict application of this Code. Ultimately there were 6 votes for approval of the Minor Subdivision and 1 nay vote based on the waiver criteria. The commissioner stated that the project did not meet all of the required waiver criteria as outlined in Section 7.3.3 of the Land Development Code.

Attachments

1. Planning Commission Minutes from 9/7/2023.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Waiver Request.
5. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, September 7, 2023
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: SARAH BRITTAIN JACK, JAY CARLSON, BRANDY MERRIAM, ERIC MORAES, BRYCE SCHUETTPELZ, WAYNE SMITH, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: JIM BYERS.

PC MEMBERS ABSENT: THOMAS BAILEY, BECKY FULLER, JEFFREY MARKEWICH, KARA OFFNER, AND TIM TROWBRIDGE.

COUNTY STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, JOSHUA PALMER, GILBERT LAFORCE, KYLIE BAGLEY, CARLOS HERNANDEZ MARTINEZ, DANIEL TORRES, ED SCHOENHEIT, ASHLYN MATHY, MIRANDA BENSON, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: JENN EISENHART, WAYNE ROBINSON, GAIL ROBINSON, PATTY ERNST, MARGARET WEISHUHN, CHRIS JEUB, MATT DUNSTON, BARB KUNKEL, PAM RESNER, HEATHER TIFFANY, MIKE PROVENCAL, ALTON GANSKY, VICKI DAVIS, CORY TOWN, BRYAN CANAAN, JAKE VAN PELT, RIKKI VAN PELT, MELANIE SWEET, JOE BARAN, JANET SCHULTE, AND STEVE CLARK.

1. REPORT ITEMS

A. Planning Department. The next PC Hearing is Thursday, September 21, 2023, at 9:00 A.M.

2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA.

Ms. Jenn Eisenhart spoke about her difficult experience with a developer from a past project regarding utility improvements and following the approved design guidelines. She mentioned LDC Chapter 8 requirements. It was asked that she give her contact info to Mr. Kilgore so that he and Ms. Seago can investigate the situation and get back to her.

3. CONSENT ITEMS

A. Adoption of Minutes of meeting held August 17, 2023.

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

B. VR236

MATHY

**VACATION AND REPLAT
POWERS CENTRE FILING NO. 3A**

A request by Oliver Watts Consulting for approval to Vacate and Replat one (1) lot into three (3) lots. The 5.55-acre property is zoned CR (Commercial Regional) and is located east and south of the intersection of Powers Boulevard and Palmer Park Boulevard. (Parcel No. 5406304050) (Commissioner District No. 2).

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: MORAES MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3B, FILE NUMBER VR236 FOR A VACATION AND REPLAT, POWERS CENTRE FILING NO. 3A, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SIX (6) CONDITIONS, ONE (1) NOTATION, AND A RECOMMENDED FINDING OF CONDITIONAL SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).

C. P233

MATHY

**MAP AMENDMENT (REZONE)
16850 STEPLER ROAD - REZONE**

A request by Charlie Stewart for approval of a Map Amendment (Rezoning) of 36.38 acres from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The property is located at 16850 Stepler Road, approximately one-half mile from the intersection of Settlers Ranch Road and Stepler Road. (Parcel No. 6100000485) (Commissioner District No. 1).

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM BY MR. WHITNEY.

D. MS226

MATHY

**MINOR SUBDIVISION
MCDANIELS ROAD MINOR SUBDIVISION**

A request by Greg Zindorf for approval of a 40-acre Minor Subdivision illustrating four (4) single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 22755 McDaniels Road, at the corner of McDaniels Road and Log Road (Parcel No. 3400000295) (Commissioner District No. 4).

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

E. P232

BAGLEY

**MAP AMENDMENT (REZONE)
2020 N. ELLICOTT - CORDERO FIL. 2 REZONE**

A request by Angel Cordero for approval of a Map Amendment (Rezoning) of 16.59 acres from A-35 (Agricultural) to A-5 (Agricultural). The property is located at 2020 North Ellicott Highway and is 1.5 miles north of the intersection of Ellicott Highway and Highway 24. (Parcel No. 3400000482) (Commissioner District No. 4).

PC ACTION: BRITAIN JACK MOVED / MERRIAM SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM NUMBER 3E, FILE NUMBER P232 FOR A MAP AMENDMENT (REZONE), 2020 N. ELLICOTT - CORDERO FIL. 2 REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).

F. VA232

BAGLEY

**VARIANCE OF USE
7135 TEMPLETON GAP - LANDSCAPING BUSINESS**

A request by Ben Fisk for approval of a Variance of Use on 5.00 acres to allow a contractors equipment yard in the RR-5 (Residential Rural) zoning district. The property is located at 7135 Templeton Gap Road and is 0.33 miles south of the intersection of East Woodmen Road and Templeton Gap Road. (Parcel No. 5307000005) (Commissioner District No. 2).

PC ACTION: THIS ITEM WAS PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM BY MR. CARLSON.

4. CALLED-UP CONSENT ITEMS:

3C. P233

MATHY

**MAP AMENDMENT (REZONE)
16850 STEPLER ROAD - REZONE**

A request by Charlie Stewart for approval of a Map Amendment (Rezoning) of 36.38 acres from RR-5 (Residential Rural) to RR-2.5 (Residential Rural). The property is located at 16850 Stepler Road, approximately one-half mile from the intersection of Settlers Ranch Road and Stepler Road. (Parcel No. 6100000485) (Commissioner District No. 1).

STAFF & APPLICANT PRESENTATIONS

Mr. Carlson asked for the definition of Agricultural Stand and asked if produce could be both sold and stored.

Ms. Mathy answered that it could be any agricultural structure and doesn't specify the storage. She stated there should be a buffer between the stand and neighbors. Presentation continued.

Mr. Whitney asked if the area was surrounded by RR-5.

Ms. Mathy answered that it is surrounded by RR-5 and PUD.

Mr. Whitney asked how the lots are smaller than 5 acres if the zoning is RR-5.

Ms. Mathy answered that they may have been platted that way, which can happen for many reasons.

Mr. Carlson asked to be shown which parcels are less than 5 acres.

Ms. Mathy pointed several out on the slideshow image. Presentation continued.

Mr. Whitney clarified that even though they are only requesting to rezone currently, they could have the ability to subdivide later. Ms. Mathy confirmed. Presentation Continued.

Mr. Kilgore answered the earlier question regarding surrounding lot sizes. The adjacent properties are 3.82, 2.5, and 2.5 acres. Presentation Continued.

Ms. Herington provided clarification that the surrounding area is not entirely RR-5. She referred to an image in the presentation. The pink represents a PUD of 2.5-acre zoning.

Mr. Whitney referred to the staff report's analysis.

Ms. Mathy explained that different resources (GIS, Assessor, etc.) were showing different results, but the PUD is accurate.

Mr. Carlson asked about the zoning of the lot directly north of the subject property.

Ms. Merriam asked for the GIS overlay of the surrounding area.

Ms. Mathy showed the GIS of the zoning. The parcel immediately north is PUD.

Ms. Merriam asked if livestock is on the properties south and east of the subject property.

Ms. Mathy answered that the zoning is RR-5.

Ms. Herington added that livestock would be allowed on those properties, but PCD can't answer whether or not they're raising livestock.

Mr. Whitney stated he's familiar with the area and there is livestock. Presentation continued.

Mr. Moraes pointed out that the rezone map provided by the applicant shows RR-5 as the surrounding zoning.

Mr. Noah Brehmer, with Kimley Horn & Assoc., reiterated that there is a disconnect between the Assessor's Office and the current PUD zoning per GIS. The PUD is correct.

NO PUBLIC COMMENTS. NO FURTHER DISCUSSION.

PC ACTION: BRITAIN JACK MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM NUMBER 3C, FILE NUMBER P233 FOR A MAP AMENDMENT (REZONE), 16850 STEPLER ROAD -

REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FIVE (5) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (6-1).

IN FAVOR: BRITTAIN JACK, CARLSON, MORAES, SCHUETTPELZ, SMITH, AND WHITNEY.

IN OPPOSITION: MERRIAM.

COMMENTS: MS. MERRIAM is concerned about losing land in the eastern part of the County. It's part of the culture. MR. SCHUETTPELZ clarified that he felt comfortable recommending approval because the area is truly surrounded by RR-2.5 and PUD of that same size. This is a good transition.

3D. MS226

MATHY

**MINOR SUBDIVISION
MCDANIELS ROAD MINOR SUBDIVISION**

A request by Greg Zindorf for approval of a 40-acre Minor Subdivision illustrating four (4) single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 22755 McDaniels Road, at the corner of McDaniels Road and Log Road (Parcel No. 3400000295) (Commissioner District No. 4).

STAFF & APPLICANT PRESENTATIONS

Ms. Merriam asked if each property would need their own well and septic systems. (Carlos confirmed) She then asked if septic systems would affect the floodplain.

Ms. Seago explained that the State Engineer's Office issues the well permits and determines location. The County Public Health Department issues septic system permits and determines location.

Mr. Carlson asked if driveways could cross the floodplain.

Mr. Hernandez Martinez answered that he doesn't think they can. Grading within a floodplain is deferred to the PPRBD Floodplain Administrator and is typically not allowed.

Ms. Herington added that the floodplain is in a "no-build" area identified on the plat which would mean that no roads or driveways are allowed within that area.

Mr. Carlson clarified then that if homes were built on the south side of the floodplain, they would not be able to access Log Road to the north.

Mr. Hernandez Martinez agreed and stated they would need access from McDaniels Road.

Mr. LaForce stated he needed to make a correction. He stated "no-build" refers to structures. Roads and/or driveways could be allowed but would need additional permitting from the PPRBD Floodplain Administrator. It's not generally recommended because someone could be stranded in their home if they're not able to cross their driveway during a flood. There is no ECM criterion that says they can't do it.

Ms. Herington reiterated that from the Planning perspective, when single-family home site plans are reviewed by PCD, they *are* evaluated with the floodplain and "no-build" designation in mind.

She stated PCD would have a say in the site of the homes and whether they cross the floodplain. It is PCD's intent that the homes should not need to cross the floodplain to access the road.

Mr. Carlson stated that he is concerned that someone in the future could propose subdividing the lots further (for example, cutting each lot in half). He asked if the newly created lots could be granted access to any other road besides McDaniels Road to the north.

Ms. Herington stated that if someone was proposing a subdivision in the future, they would need to go through this same process and that topic would be explored at that time.

Mr. Whitney asked if the property was currently zoned RR-5. (Ms. Mathy confirmed.) He further asked if the area is surrounded by A-35 zoning. (Ms. Mathy confirmed.)

Mr. Carlson clarified that the rezoning was already approved.

Ms. Mathy confirmed and further stated that the proposed lots exceed the RR-5 5-acre minimum.

Mr. Carlson asked what the word "illustrated" means within the context used for this project. Is that implying there would be a later change to the number of lots.

Ms. Mathy used the word "shown". She further stated that the 4 lots currently proposed are also what is shown on the applicant's Final Plat. They are each under 10 acres.

Ms. Herington mentioned that the lot sizes are under 10 acres each, so they would not easily be able to further subdivide as Mr. Carlson was asking. Presentation continued.

Mr. Smith asked how much area is available on which to build a home under the assumption that home sites will be restricted to the north of the floodplain on the western lot.

Mr. Guman, with William Guman & Assoc., stated he did not have the exact amount of square footage available, but there should be plenty of space to accommodate a home of a similar size to the existing home on the far eastern lot. There's no way to know where a future owner will propose to build a home, but it cannot be within the floodplain.

Ms. Herington asked Ms. Mathy to clarify the next steps in the process before homes are built.

Ms. Mathy explained that after this Minor Subdivision, individuals may pull building permits and bring site plans to the PCD admin staff for review. Nothing further is presented to PC/BOCC.

Mr. Guman added that the PPRBD Floodplain Administrator will also review the plans. Presentation continued.

Mr. Byers asked if the existing driveway will be relocated or if there is a proposed access easement. If the land is subdivided, that driveway would go through a neighboring lot.

Mr. Guman stated a new driveway will be built.

PUBLIC COMMENTS

Mr. Wayne Robinson stated that McDaniels Road was recently out of service for 3 weeks due to a 16' deep, 28' long washout. He stated that all the water that comes from the north runs through the eastern proposed lots.

Ms. Gail Robinson stated that the proposed lots would access McDaniels road along her pasture. She stated that when they purchased their property, it was surrounded by 40-acre lots. She discussed the past zoning changes in the area. There are subdivided parcels but there are also large-acreage parcels. McDaniels Road washed out in June of 2023. She stated that people would need to build driveways on bridges if they put their homes south of the floodplain. She thinks the Master Plan calls for the area to be preserved.

Mr. Moraes clarified that the Planning Commission failed to make a motion regarding the McDaniels rezone in November of 2022, resulting in no recommendation being sent to the BOCC.

Ms. Patty Ernst stated she raises cattle and horses in the area. She spoke about zoning. There are RR-5 5-acre lots on Hwy 94 in the Mayberry subdivision. She opposed those rezones. When there was flooding on the subject parcel, the flooding also went across Log Road. She disagrees with the size of the parcels due to the floodplain. She discussed the overall acreage being different than the buildable acreage. She doesn't think the land should be subdivided into 4 lots.

DISCUSSION

Mr. Moraes asked if there is any type of warning the County issues to a potential buyer that a property contains a floodplain.

Ms. Seago answered that it's depicted on the plat which is recorded as public record. A potential property owner doing their due diligence should easily find that information.

Ms. Brittain Jack commented that Ms. Robinson has her own 40 acres that she can do with as she wishes. This application is about someone else's private property.

PC ACTION: BRITTAIN JACK MOVED / SCHUETTPELZ SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM NUMBER 3D, FILE NUMBER MS226 FOR A MINOR SUBDIVISION, MCDANIELS ROAD MINOR SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TEN (10) CONDITIONS, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (6-1).

IN FAVOR: BRITTAIN JACK, CARLSON, MERRIAM, MORAES, SCHUETTPELZ, AND WHITNEY.

IN OPPOSITION: SMITH.

COMMENTS: Mr. Smith thinks floodplain concerns need to be further investigated. Mr. Whitney commented that zoning concerns are not part of the consideration regarding the subdivision request.

**VARIANCE OF USE
7135 TEMPLETON GAP - LANDSCAPING BUSINESS**

A request by Ben Fisk for approval of a Variance of Use on 5.00 acres to allow a contractors equipment yard in the RR-5 (Residential Rural) zoning district. The property is located at 7135 Templeton Gap Road and is 0.33 miles south of the intersection of East Woodmen Road and Templeton Gap Road. (Parcel No. 5307000005) (Commissioner District No. 2).

STAFF & APPLICANT PRESENTATIONS

Mr. Carlson asked about the location of the driveway.

Mr. Hernandez Martinez referenced a map in the presentation to show the driveway on Templeton Gap Road. Presentation continued.

Mr. Carlson asked about the City zoning on the property to the south.

Ms. Bagley stated she would research the City's zoning while the applicant presents. (The applicant addressed the answer during their presentation. The southern area is zoned PUD AO, and the western area is zoned C6.) Presentation continued.

Mr. Carlson asked about the current layout of the lot. Does it match the proposed site plan?

Mr. Fisk, the applicant, answered that most of the lot matches the site plan and meets all setbacks.

Mr. Schuettepelz asked why rezoning was not an option.

Mr. Fisk stated City services (e.g., water) are not yet available. As the southern parcel is developed, it may become an option.

Mr. Schuettepelz asked how lacking City services prevented rezoning. Can he operate with his well and septic systems?

Mr. Fisk mentioned the cost of bringing the water line to his property.

Mr. Schuettepelz clarified that he's not talking about annexation, he is asking why rezoning to commercial within the County isn't an option.

Ms. Bagley explained that if the applicant wanted to rezone to commercial, he would need to apply for a commercial well. That could also allow for greater commercial development to move into the area near the existing residential. By pursuing a Variance of Use, that surrounding residential area is protected.

NO PUBLIC COMMENTS**NO FURTHER DISCUSSION**

PC ACTION: MERRIAM MOVED / MORAES SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM NUMBER 3F, FILE NUMBER VA232 FOR A VARIANCE OF USE, 7135 TEMPLETON GAP - LANDSCAPING BUSINESS, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (7-0).

5. REGULAR ITEMS

A. MS233

BAGLEY

MINOR SUBDIVISION GUNNERS RIDGE

A request by Drew Makings for approval of a 38.83-acre Minor Subdivision illustrating four (4) single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 12172 Goodson Road and is directly northwest of the intersection of Goodson Road and Ayer Road. (Parcel No. 5214000014) (Commissioner District No. 2).

STAFF & APPLICANT PRESENTATIONS

Mr. Moraes asked for clarification regarding the requested waiver from the LDC.

Ms. Bagley clarified that the letter of intent indicates no waiver, but the applicant does need to request a waiver. This was caught during the review process. The applicant was not asked to resubmit a new letter of intent. She apologized that the waiver was not part of the PC report packet and ensured the BOCC would be presented with the waiver request. Presentation continued.

Mr. Moraes asked if lining the three smaller lots on the eastern side had been considered. Would that have forgone requesting the waiver?

Mr. Drew Makings, the applicant, stated that it may have forgone the waiver, but would not have allowed for buildable lots due to the powerline easements along the eastern side of the parcel.

NO PUBLIC COMMENTS

DISCUSSION

Mr. Moraes asked to review the criteria of approval for a waiver from the LDC (Section 7.3.3). As he looks through the criteria, he isn't sure the request meets criteria number 5.

Mr. Makings stated that one of the requirements was to have a shared driveway. If the subdivided lots were moved to the east, it would not be possible to meet that requirement.

PC ACTION: SCHUETTEL MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM NUMBER 5A, FILE NUMBER MS233 FOR A MINOR SUBDIVISION, GUNNERS RIDGE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH EIGHT (8) CONDITIONS, TWO (2) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER

QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION WAS APPROVED (6-1).

IN FAVOR: BRITAIN JACK, CARLSON, MERRIAM, SCHUETTPELZ, SMITH, AND WHITNEY.

IN OPPOSITION: MORAES.

COMMENTS: Mr. Moraes stated he did not think the criteria of approval for the waiver were met, so he could not vote in favor of the application.

5. REGULAR ITEMS

B. AL2217

HOWSER

SPECIAL USE COLORADO KIDS RANCH PUMPKIN PATCH

A request by Colorado Pumpkin Patch, LLC for approval of a Special Use on 40.52 acres to allow agritainment activities with additional conditions in the RR-5 (Residential Rural) zoning district. The property is located at 18065 Saddlewood Road. Agritainment is a permitted use by right in the RR-5 zoning district; however, agritainment which does not comply with the provisions of the Land Development Code shall require Special Use approval. (Parcel No. 611600001) (Commissioner District No. 1).

STAFF PRESENTATION

Mr. Carlson asked if the applicant could still operate the pumpkin patch with a 50-car limit if this proposal is not approved.

Mr. Kilgore confirmed. They may need to adjust the site plan, but it would remain approved.

Mr. Carlson stated the tulip festival was retroactively denied.

Mr. Kilgore confirmed and clarified that a future tulip festival could be approved with a 50-car limit. The presentation continued.

Mr. Carlson asked if the property had access to Hwy 105.

Mr. Kilgore stated it does not. Traffic gains access through the subdivision. Presentation continued.

Mr. Moraes asked if access to Hwy 105 would have been allowed if they were proposing a subdivision.

Mr. Torres answered that it would not likely meet the requirements of the ECM, but a deviation request would need to be submitted to analyze the specific details. There is a subdivision just north of this location that has temporary access to Hwy 105. That plat identifies that Hwy 105 access shall be closed once access is provided from another road to the northeast.

Mr. Moraes stated the western red line on the presentation image looks like it is covering something.

Mr. Torres stated it's an existing driveway that does not connect to Hwy 105. Presentation continued.

Mr. Carlson clarified during presentation of the conditions/notations that PCD could retract approval of the Special Use if the applicant is found to be in violation.

Mr. Kilgore stated that would be at the discretion of the BOCC. PCD could not directly rescind approval, it would need to go through a process.

Mr. Moraes asked how long that process takes. Is it a longer timeframe than these events occur?

Mr. Kilgore answered that he doesn't have an exact amount of time because it involves the Code Enforcement procedure. Once a complaint is received, the officer goes out to observe, issues a notice of violation, and they give the property owner time to remedy the situation. If it's not resolved, the Executive Director issues a letter, which escalates to the BOCC. It takes time.

Mr. Moraes commented that the agritainment events are short-term.

Mr. Kilgore agreed and noted the background slides of the presentation did show that multiple Code Enforcement cases were closed because the event had discontinued during that process. Presentation continued.

Mr. Whitney clarified that the applicant could host their events with 50 cars today. (Mr. Kilgore confirmed.) Mr. Whitney further clarified that the current request is to host their events with up to 325 cars. (Mr. Kilgore confirmed.) Mr. Whitney asked what effect the 120-day requirements outlined in the proposed conditions of approval would have on hosting this year's pumpkin patch event.

Mr. Kilgore answered that his understanding is that the applicant is requesting approval of this proposal prior to hosting this year's pumpkin patch event so they can operate under this Special Use approval of 325 cars and work on the necessary improvements (Site Development Plan and screening improvements) in a tiered system afterwards to get where they need to be for the following season.

Mr. Whitney clarified that approval of this proposal with the existing conditions/notations would take effect for the 2024 season. This year's pumpkin patch event would proceed with 325 cars and no improvements. By next year, they will need to meet the outlined conditions.

Mr. Kilgore confirmed and made note of condition 4; roadway improvements prior to 9/1/2024.

APPLICANT PRESENTATION

Mr. Moraes asked how the number of 325 was decided as the maximum number of cars.

Ms. Ruiz, with Vertex Consulting, answered that they evaluated the highest number of cars they experienced recently (275) and added a buffer.

Mr. Carlson pointed out that it was mentioned several times during the presentation that events are only currently taking place for 6 weeks and 2 weekends during the year. He asked if the applicant could host events at the proposed capacity throughout the entire year if this proposal is approved.

Ms. Ruiz stated that could be correct; theoretically, they could be in operation all year.

Mr. Carlson asked if there is anything keeping people from parking on the public roads and walking into the event if the event meets the capacity of 325 cars.

Ms. Ruiz answered that terms within the LDC for Special Use specify that all parking must be on-site. Off-site parking could result in revocation of the approval.

Mr. Kilgore stated that they would expect people to park on-site.

Mr. Carlson proposed a scenario where people may be turned away from the parking lot due to the set limit. If that family then parked on the public road and walked into the event, what would happen? That could happen because there's nothing to keep people from parking on the road.

Mr. Kilgore stated he would defer to Code Enforcement to answer that question.

Mr. Moraes asked if the traffic generation table during the applicant's presentation was using the assumption of 325 vehicles. (Ms. Ruiz confirmed.) He then asked how May 15th relates to the annual tulip festival.

Ms. Ruiz answered that it may fluctuate depending on when the bloom occurs, but May 15th is typically the first weekend of the tulip festival.

PUBLIC COMMENTS IN SUPPORT

Ms. Margaret Weishuhn is concerned that the cars may be limited to 50. There are workers at every amenity. After employee parking, that wouldn't leave many spaces for visitors. Limiting parking would shut down the pumpkin patch. There are pros and cons to the location but it should be in the country. People know about the pumpkin patch and travel to it every year. The Chapmans run Awana and help neighbors. She stated the pumpkin patch is good for families.

Mr. Chris Jeub stated that traffic and congestion were commonly mentioned in the letters of opposition, but he didn't observe any problems on his frequent travels to Denver while taking Hwy 105. He thinks trust should be put in the traffic studies. He mentioned the Master Plan and stated it encourages agricultural business like the pumpkin patch. He stated the sacrifice the Chapmans are presenting to maintain this type of business is encouraging to him. He urged the PC to "make this work" through the bumps in the road and to approve the 325 parking spots for the limited time it would be used to keep the pumpkin patch as part of the County.

Mr. Matt Dunston stated the pumpkin patch is a key feature of the area. He stated that parties with musicians at Limbach Park in Monument have more than 50 cars gathered. When thinking of the region, he thinks about Monument Academy, churches, golf courses, and the YMCA. He thinks the pumpkin patch is in the perfect location. He spoke about the background of the property. The pumpkin patch honors agrarian roots. He referenced Ms. Ruiz' comments regarding the BOCC adopting the 50-car limit. He stated the past BOCC acknowledged that some could exceed that 50-car limit when it makes sense and meets the criteria. He stated PC and BOCC typically review land-use items that deviate from what has historically been there, but he thinks this proposal (to allow up to 325 cars) keeps what has historically been there. He added that it may not be for the PC to

discuss, but \$750,000 (the applicant's estimated cost of improvements) is a lot of money. He thinks the County should help with that cost.

Ms. Barb Kunkel stated she supports investing in kids, teenagers, and the future. She stated the pumpkin patch is important to the kids in the community. She likes the hands-on learning and environment. She has a tradition that all families from her martial arts school go to the pumpkin patch together. Their group alone would exceed 50 cars. The Chapmans are looking for a solution that sustains the business and the farm with a win-win to the community and their family. The pumpkin patch has become a local tradition for many people of all ages.

Ms. Pam Resner is disappointed that a solution was not agreed upon before getting to this point. She works at the pumpkin patch. She mentioned that the Master Plan addresses tourism, which the pumpkin patch increases. People come from surrounding towns and cities. The business trains future workers who then go out in the community and share their experience. Kids learn service and community interaction. She stated it's a healthy, safe place to gather for teens. She stated the Master Plan identifies employment in the area should be promoted. She stated youth programs, schools, and businesses gather at the pumpkin patch to strengthen connections, which promotes the health, safety, and wellness of the community.

Ms. Heather Tiffany shared that her daughters both work at the pumpkin patch and love being there. She referenced a moment earlier in public hearing where a woman was opposed to the subdivision of 40 acres near her; Ms. Brittain Jack stated that the owner of the 40 acres can use it how they want. She stated the Chapmans are choosing to use their land in this way and they should be able to use it how they'd like.

PUBLIC COMMENTS IN OPPOSITION

Mr. Mike Provencal stated that this neighborhood is an equestrian residential neighborhood. He doesn't understand how a business license was issued within a residential neighborhood. He has observed their business growing and a changed limit in their parking. He stated that he sees this as a company wanting to make more money at the neighborhood's expense. He stated that while he was walking his dog on Canterbury Dr last pumpkin patch season, he encountered a friend and her daughter riding horses. The traffic disregarded the speed limit and ignored the pedestrians and horseback riders so that they had to go into the shoulder to avoid being hit. He doesn't think a business like this belongs in their neighborhood.

Mr. Alton Gansky stated the Canterbury Dr is a narrow winding road with many hills. There are inadequate shoulders and steep drop-offs. When there is two-way car traffic, it becomes very dangerous for anyone walking dogs or riding horses. He stated there is a need for dust control and mitigation. Dust can linger in the air for up to 10 days. He researched articles on carcinogens caused by traffic. Traffic needs to slow down. He stated there are 4 entrances to the neighborhood that lead to Canterbury Dr which was not meant for heavy two-way traffic. He thinks someone is going to get hurt. Spraying water on the road to mitigate dust is going to cause the wells to run dry. All 4 roads within the subdivision would need to be paved, or the pumpkin patch would need to be given access to Hwy 105. He can't go outside when they are having events.

Ms. Vicki Davis stated she no longer feels safe walking down her own street. The children can no longer ride their bikes and neighbors with horses can no longer ride on the roads. She stated the pumpkin patch is an amazing thing, but they're not taking the neighborhood and families into consideration. They have never followed the existing 50-car limit and have not been held accountable. She doesn't believe they will follow a 325-car limit or keep events limited to 6 weeks and 2 weekends as they declare.

Mr. Cory Town lives at the intersection of Canterbury and Saddlewood. He supports the activities promoted by the pumpkin patch but he stated that the effect it's having on his property during the events is terrible. He does not oppose the agritainment permit as it exists with a 50-car limit because that is what he believes to be reasonable when they only have access through the residential community. He understood traffic would increase when this began 5 years ago, but the limit has been exceeded many times. He is concerned for the safety of children and people walking or riding horseback in the community. He mentioned the excessive amount of dust caused by traffic on dirt roads that are not meant for the high volume of use. He also mentioned the fire risk; there is only one entrance/exit on a small dirt driveway with no access to Hwy 105. There are no fire hydrants in the Canterbury subdivision. He observed people littering trash, and once saw someone flick a cigarette butt from their car window as he was blocked from exiting his driveway. He stated cars already park along Saddlewood (as was discussed earlier in the hearing). He stated that he has continuously had to pick up trash on his property along Saddlewood.

Mr. Bryan Canaan (Gave presentation, slideshow attached.) Topics included argued compatibility with the Master Plan: large-lot residential should preserve the rural aesthetic, businesses should not be located on a rural residential dirt road, and there should be compatibility with the character of the existing developed area. Semi-trucks deliver pumpkins to the property because they're not grown on-site. Topics also included the quantity and scale of commercial-style events (year-round), the high number of people visiting the property, not meeting the State's definition of "agritourism", and attractions not being agricultural in nature as defined by State legislation.

Mr. Jake Van Pelt (Gave presentation, photos attached.) Topics included: Traffic putting their kids in danger, the dust causing hazardous breathing conditions, and the events overburdening the community infrastructure and environment.

Ms. Rikki Van Pelt (Gave presentation, photos attached.) Topics included how she believes the application does not meet 2 Special Use criteria of approval; number 2, The Special Use will be in harmony with the character of the neighborhood and will generally be compatible with the existing and allowable land uses in the surrounding area; and number 6, The Special Use will not otherwise be detrimental to the public health, safety, and welfare of the present or future residents of El Paso County. The community is a quiet equestrian neighborhood. The dust caused by the high volume of traffic on the dirt road is affecting her health. Events held on the property have not been following the existing regulations. The scale of traffic is causing unsafe conditions.

Ms. Melanie Sweet (Gave presentation, photos attached.) Topics included: The existing roads being used for the high volume of traffic, the safety of pedestrians, and the safety of her family. The traffic and street parking blocked access to her own property. She supports agriculture, but

the reality of what is taking place on the subject property is dangerous. Livestock were once allowed to open graze. The current use is not preserving the land.

Mr. Joe Baran stated he was almost hit by cars twice on Canterbury Drive last fall during weekday pumpkin patch events. After that happened, he counted 51 cars traveling south and 29 cars traveling north on Canterbury within 15 minutes. He stated it's unsafe within his neighborhood.

Ms. Janet Schulte stated she was disappointed by the applicants' failure to address the safety measures that they will take moving forward. She reiterated that the applicant has not complied with the initial agritainment permit. She doesn't have confidence that the proposed 5-year public improvement mitigation plan will be followed. The traffic issue makes it unsafe for residents. There is no screening proposed along the east side of the property.

Mr. Steve Clark (on the phone) mentioned that most letters received in support are not residents that have to live with the excessive traffic in their covenant-controlled subdivision. He stated this type of proposal would not be allowed within other covenant-controlled subdivisions like Broadmoor. He reiterated the discussion regarding unsafe traffic. He stated the proposed fencing for mitigation would destroy the open, rural aesthetic. Without Hwy 105 access, he is opposed to the application.

DISCUSSION

Mr. Craig Dossey, with Vertex Consulting, addressed the public comments. He stated that the neighborhood being described as a residential equestrian neighborhood is "categorically wrong" because the LDC does not limit the use to residential or equestrian. He stated it is not a residential equestrian neighborhood. He addressed the agritainment use within the neighborhood and mentioned that the State made sure to define agritainment as a land-use type. He stated the Chapmans are not exceedingly profitable. They cannot control the behavior of traffic, but they are proposing safe improvements. He disagrees with County staff's traffic improvement assessment because he thinks the intersection is already functioning at an acceptable level of service. Dust caused by cars would be addressed when the road improvements are completed, and he stated the dust being caused by the activities is less than it would be if they were farming the land. Addressing the concerns that high levels of traffic for events will be year-round; it could be. He stated that anyone who runs a business and is expected to put in the financial investment that the County is requiring would need to host events year-round to see a return. He stated he's not sure horses should be allowed on the neighborhood roads. They're public-maintained roads. Mr. Chapman tried to get access off Hwy 105 but the County denied the deviation. He disagreed that the Master Plan calls for businesses to gain access off a major roadway because it specifically says, "located on", not "accesses onto". The business is adjacent to Hwy 105. Access points onto arterial roads are limited. He stated agritainment is more in-line with the character of the area than single-family development because agriculture predates residential. Regarding the allegations of disregard for the rules, he stated that Mr. Kilgore's timeline showed a history of compliance and that litigation for non-compliance was never initiated. He stated County staff gave the Chapmans bad information and once Mr. Chapman realized his business needed to grow and that he was not in compliance, he realized he needed to make improvements. He stated that residents set out speed and counting strips and found that speeding was not an issue. Screening was not proposed on the east side of the property because a fence would not block anything due to topography. The homes on the east

side are higher in elevation and it would take a taller structure than a standard fence to be effective, which would increase the cost to Mr. Chapman. He mentioned that the neighbor across the driveway from the Chapmans sent in a letter of support. He then reiterated comments made by those in support of the agritainment use. He stated the modified conditions that they proposed in their presentation make a compromise that the applicant can meet. He stated the Chapmans would never be able to afford the road improvements if they were limited to 50 cars.

Ms. Merriam asked if a partnership with law enforcement to address traffic was explored.

Mr. Dossey stated Mr. Chapman didn't anticipate his business growing like it did. There's no way to anticipate the number of cars each day. He thinks Mr. Chapman would be open to hiring law enforcement, but that depends on cost.

Mr. Whitney asked for Mr. Dossey's rebuttal to the assessment that the events are no longer agricultural in nature, no longer agritainment, but are more of an amusement park.

Mr. Dossey answered that he doesn't think there's a great definition of agritainment. He stated that when agritainment was drafted in the LDC, they looked to the State for a definition but that wasn't a lot of help. He stated that not every accessory land-use is going to be captured explicitly in the definitions, but that doesn't mean it's not compatible with the principal use. A pumpkin patch by itself may be boring. Some of the attractions are necessary to maintain the business, however there's a fine line between what is necessary for the business and it turning into something else. That's why the site plan is reviewed.

Mr. Whitney stated that was his understanding from the comments of opposition; while it began with the right idea, it has morphed into something different.

Mr. Dossey replied that it happens with Variance of Use and Special Use applications; a slide into something different. However, the site plan and the letter of intent are enforceable documents. If it's not within those documents, it's not allowed on the property.

Mr. Moraes asked if there's an admission fee for the events on the property.

Mr. Dossey verified with the applicant that there is an admission fee.

Mr. Moraes then stated that the use seems to be sliding into the "Amusement Center, Outdoor" definition from the LDC. There are several similarities. He thinks there can be a case that it falls under outdoor amusement center when it goes from a fall festival and a tulip festival to year-round events to make money.

Mr. Dossey stated that applicants depend on PCD staff to determine what the use is.

Mr. Moraes commented that a citizen could go to PCD staff and say it's not agritainment anymore. If PCD staff agrees, it could become a Code Enforcement issue.

Mr. Smith asked if the pursuit of access to Hwy 105 had been exhausted. He asked if there was a way to appeal the denial of access.

Mr. Dossey answered that when he was the Planning Director in the past, it was his belief that any decision he made should be able to be appealed to the BOCC. He then stated that when they asked if they could appeal the engineering department's denial, they were told no. He stated there is no avenue for them to appeal.

Ms. Herington added that the County Engineer is in attendance and can give more information of the reasoning behind the denial for access off Hwy 105. Things have changed since Mr. Dossey was the Director. The County Engineer and Engineering are both now under Public Works.

Mr. Dossey stated he wanted to correct Ms. Herington and the County Engineer was in a different department when he was Director and he could not override the County Engineer.

Mr. Carlson reminded the audience that the PC decision is a recommendation to the BOCC and not a final decision.

Mr. Moraes asked what PCD staff thought of the applicant's proposed conditions of phasing.

Mr. Carlson asked if there were now 10 conditions of approval.

Mr. Kilgore clarified that the applicant's representation has proposed 10 conditions. PCD staff's 4 recommended conditions are the compromise between the applicant's request and what is required by Code. He stated the application is still going back and forth with review comments and Ms. Ruiz just submitted a revised Letter of Intent (that is before the board). He stated the application has not been addressed to PCD staff's satisfaction.

Mr. Moraes noted that the limit of 325 cars is not listed in the 4 conditions on the resolution.

Mr. Kilgore stated that could be added. Normally there is a condition of approval that refers to the letter of intent, but that hasn't been finalized at this point.

Mr. Moraes agreed that it normally refers to the letter of intent, but the conditions presented refer to the site plan, which he does not see limiting the cars to 325. He referred to the rebuttal comment that the applicant can't control the behavior of the drivers and comparisons to traffic in other areas of Colorado Springs, but a major difference in this area is the lack of sidewalks. Canterbury Dr and Saddlewood Rd are local roads, not arterials or collectors. When he looks at the ECM definition for local roads, it says, "accesses shall not be allowed to compromise the safety, health or welfare of roadway users." The roadway users are vehicles, pedestrians, and, in this area, horseback riders. The applicant spoke on levels of service, which is all about traffic and turning movements, but nothing about safety. The criteria of approval for Special Use talks about hazards. He reiterated that the Special Use request is about increased cars over 50, not agritainment. The applicant's rebuttal was mostly about the agritainment, not the increase in cars. He stated that he reads the criteria of approval by replacing the term "special use" with "more than 50 vehicles". For example, will *more than 50 vehicles* create traffic hazards in the surrounding area? He wonders if the increase in the number of cars can be allowed incrementally. For example, allow up to 100 cars to see how it is going, or the increase in allowed vehicles will only be permitted until a certain date and then will be reevaluated. He suggested increments for if more events are added and the requested 325 cars is no longer 6 weeks of the year but 30 weeks of the year. As it is presented now, it's going from 50 allowed cars to 325 allowed cars on the property, which he thinks is too far regarding safety on a local roadway.

Mr. Whitney clarified that Mr. Moraes would read the fourth criteria of approval as, "The allowance of 325 cars will not create unmitigated traffic congestion or traffic hazards in the surrounding area..."

Mr. Moraes answered that he would use the phrase, "anything more than 50" because that's what is already allowed.

Ms. Merriam asked again if law enforcement should be guiding people during events. Is law enforcement the proper use for public safety?

Mr. Moraes responded that the idea is doable but hasn't been part of the plans submitted by the applicant. Providing law enforcement as a mitigating solution has not been included or offered in the application. The concern is not Hwy 105, but after the traffic is in the neighborhood.

Ms. Merriam asked if PCD staff considered law enforcement.

Mr. Kilgore answered that PCD cannot compel the applicant to hire off-duty law enforcement. He wasn't part of PCD when this project began, but he usually suggests to applicants that it would be in their best interest to involve law enforcement when hosting major events.

Mr. Carlson asked Ms. Seago what the PC should consider as the request because he sees different language in paperwork in front of him, including differing conditions and notations.

Ms. Seago answered that she understands the focus of the discussion has been a limit of 325 cars, though that is not part of the conditions. PC can add that to the conditions. The PC is considering agritainment under added parameters.

Mr. Carlson clarified that the added parameters are the conditions and notations.

Ms. Seago confirmed. The conditions and notations are up to the PC.

Mr. Carlson sought clarification on what is being requested.

Ms. Herington added that it's difficult because there is no approved site development plan. The number 325 came from the traffic study, which triggered the roadway improvements needing to be installed. The County is not recommending a limit of 325 cars, just saying that the number 325 was used in the traffic study to determine roadway improvements. The site development plan will show how many parking spots on-site are being requested, which drives the limit of vehicles. She suggested that if the PC wants to add a condition of approval to include a limit to the number of vehicles, PCD staff would need to have a site plan to look at to determine that possibility.

Mr. Kilgore agreed and added that Ms. Seago or the PC can come up with added recommended conditions for the BOCC.

Mr. Schuettpelz added that in addition to the potential limit on the number of vehicles, the PC is also considering the conditions regarding the timeline of the required improvements. PCD made recommendations and the applicant has come back with a suggested 5-year span. He compared the situation to when other developers come in with proposals; they're not given negotiated timelines to make improvements.

Mr. Moraes stated he didn't think the request was ready for "prime time". He referred to the PCD recommended conditions of approval. The applicant didn't seem to have objections to number 1, but there is no site plan presented. How can they vote on the recommendation if they don't have a site plan in front of them?

Ms. Herington answered that a site plan as referenced in condition number 1 is included with the packet and shows the general location of fencing, etc. Condition number 2 specifies that a site *development* plan is required within 120 days. The site development plan gives more specific details.

Mr. Moraes understood.

Mr. Carlson clarified that if they approve of what they have presented before them, it would be after this year's pumpkin patch before improvements are made.

Mr. Kilgore advised that the BOCC will consider this application on 9/14/2023 at 1:30 p.m.

Mr. Dossey clarified that the site development plan doesn't get reviewed by the PC or BOCC. The site plan is tied to the Special Use and is reviewed by the BOCC, and the site development plan is reviewed administratively. Regarding the discussion of hiring officers or off-duty law enforcement as traffic mitigation, he stated the County told them it was not a viable option and physical improvements to the roads were still required. He stated they've tried to mitigate the traffic impact but can only work within what the engineers and regulations tell them to do.

Ms. Brittain Jack mentioned a previous project that had multiple agencies collaborating.

Mr. Dossey mentioned that part of the solution for that project was to lease parking space from another nearby business. He stated that he discussed with the applicant, and Mr. Chapman is agreeable to setting the parking limit at 325 and delineating the spaces so the County can verify.

Mr. Whitney stated he would feel better about having a defined number included in the conditions instead of leaving it open to anything over 50 vehicles.

Mr. Josh Palmer, the County Engineer, spoke with Ms. Merriam to clarify what she meant when suggesting uniformed traffic control.

Ms. Merriam clarified that law enforcement has its own definition of public safety, and since public safety is listed in the LDC criteria, she is unsure if the County has a definition of public safety and if PCD needs to coordinate with law enforcement.

Mr. Palmer gave details about the discussion that took place between his department and the applicant. He stated they had discussed the possibility of using a temporary work zone as an alternative to the requirement for turn lanes or other improvements to Hwy 105. When Mr. Dossey mentioned that the idea was shot down, it wasn't done to dissuade uniformed traffic control as a mitigation factor to the neighborhood. They only denied using work zone conditions as an alternative to the requirement to install turn lanes on Hwy 105. His primary concern regarding any improvement in the area is its impact on Hwy 105 because it is an arterial roadway. He listed types of concerns that are evaluated. He mentioned that something not considered

within the discussion on level of service was the traffic already using the two-lane road. He stated there are no turn lanes or shoulders, so as traffic is leaving or turning into the neighborhood, it backs up and causes delays. He explained that depending on how far the back-up goes, it could cause site-distance issues and cause accidents. Part of the discussion with the applicant included work zone conditions (flaggers, traffic control, etc.) but it was not appropriate. He stated that uniformed traffic control may still be an option that could be pursued further, but it's more applicable to the safety concerns (speeding, parking, unsafe driving, etc.).

Ms. Merriam asked if Mr. Palmer is indicating there are other options that have not been evaluated.

Mr. Palmer stated he does not recall if uniform traffic control was specifically discussed but it could be an option. He does not see it as a viable option to get around the requirement for intersection improvements on Hwy 105. He added that the County is open to additional traffic control measures within the neighborhood (signage, reinforcement, etc.). One of those options could be uniformed traffic control but he's unsure of their availability.

Ms. Brittain Jack mentioned another area on Hwy 105 that has no traffic control and asked about its mitigation.

Ms. Seago questioned the relevance of the issue.

Ms. Brittain Jack clarified that she's asking about access off Hwy 105.

Mr. Palmer answered that it would be mitigated by installing turn lanes.

Ms. Brittain Jack further clarified that there are other instances along Hwy 105 where access has been granted and she wonders if the rules apply the same to everyone.

Ms. Seago responded that because her example involves a school, it was not required to go through the same site development plan process with the County. She added that if they had been required to go through the same process, Ms. Brittain Jack may not be experiencing the traffic situation she described.

Mr. Palmer agreed and added there is a project in the works on Hwy 105 to mitigate traffic issues.

Mr. Carlson reiterated that the applicant has agreed to an added condition limiting the vehicle count to 325. If applicable, he reminded anyone making a motion to include that detail if they choose.

(A motion was made with no modification to the County's recommended conditions or notations)

Mr. Moraes agreed that the pumpkin patch is great for the community and the County, but he is considering the application as it has been presented. He believed the incremental conditions suggested by the applicant were reasonable. He would have liked to see an incremental gain in the number of vehicles allowed to see how it works, especially with the history of violations. Though they are discussing the intersections, they are not focusing on the safety within the Canterbury neighborhood. He is not in support of the motion.

Mr. Whitney clarified that Ms. Brittain Jack did not include an added condition of approval to limit the number of parked vehicles at 325. (She did not.)

Mr. Carlson explained that the way the motion was made, they would be recommending approval of the Special Use to allow more than 50 cars. They would not be recommending a limit on the number of vehicles or anything else.

PC ACTION: BRITTAIN JACK MOVED / MERRIAM SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM NUMBER 5B, FILE NUMBER AL2217 FOR SPECIAL USE, COLORADO KIDS RANCH PUMPKIN PATCH, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FOUR (4) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION FAILED (2-5), RESULTING IN A RECOMMENDATION FOR DENIAL.

IN FAVOR: BRITTAIN JACK AND MERRIAM.

IN OPPOSITION: CARLSON, MORAES, SCHUETTELZ, SMITH, AND WHITNEY.

Ms. Merriam stated she believes that both sides have another way to address the issue but there's an answer in there. She stated that she voted in support of the motion because she thinks there needs to be more options available than were discussed.

Mr. Schuettzelz stated that in addition to earlier comments, he disagreed with the timeframe proposed to make the necessary improvements. The applicant stated they wouldn't be able to complete the improvements in the recommended time, but he believes 5 years is too long. He doesn't think the discussion of turning traffic adequately addresses the nature of the problem. Regarding the criteria of approval, he stated the added traffic *does cause* an undue burden.

Mr. Carlson agreed that the pumpkin patch is fantastic for the community, but it is causing a negative impact on the neighborhood. He doesn't think the BOCC or State intended that a venue should be routed through a residential neighborhood when they promoted agritainment. Other pumpkin patches that he can think of are more remote and when people are exiting, they have easier access to major roads. He hopes they can find a solution but thinks that directing the proposed number of people through a neighborhood will be tough to get done.

C. NON-ACTION ITEMS - NONE.

MEETING ADJOURNED at 3:09 P.M.

Minutes Prepared By: Miranda Benson

FINAL PLAT (RECOMMEND APPROVAL)

Schuettpelz moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. MS-23-003

GUNNERS RIDGE

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

WHEREAS, a public hearing was held by this Commission on September 7, 2023; and

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

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

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

WHEREAS, when approving a minor subdivision, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (as amended):

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

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

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Drew Makings for a minor subdivision final plat of the Gunners Ridge subdivision be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

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

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
4. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
5. The 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 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.
6. Park fees in lieu of land dedication for regional parks in the amount of \$1840 shall be paid at the time of plat recordation.
7. Fees in lieu of school land dedication in the amount of \$960 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.
8. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations as provided by the County Attorney's Office.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner(s) approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

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.

Smith seconded the adoption of the foregoing Resolution.

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

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

The Resolution was adopted by a vote of 6 to 1 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 7th day of September 2023 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION


By: 
Jay Carlson Vice-Chair

EXHIBIT A

PARCEL 1:

A PORTION OF SPECIAL WARRANTY DEED RECORDED AT RECEPTION NO. 219050325 OF THE EL PASO COUNTY CLERK AND RECORDER OFFICE, BEING SITUATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING:

ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND ARE ASSUMED TO BEAR S00°28'41"E, MONUMENTED ON THE NORTH END OF THE LINE BY A FOUND 2.5" ALUMINUM CAP STAMPED, "MVE INC, RLS 17665, S11 S12 S14 S13, 1998, T12S R65W AND ON THE SOUTH END OF THE LINE BY A FOUND 2.5" ALUMINUM CAP STAMPED, "MVE INC, RLS 17665, 1/4, S14, S13, 1988, T12S R65W."

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 14 AND BEING A POINT ON THE WEST RIGHT OF WAY LINE OF GOODSON ROAD;

THENCE WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, S89°06'22"W, A DISTANCE OF 409.14 FEET TO THE SOUTHEAST CORNER OF SPECIAL WARRANTY DEED RECORDED AT RECEPTION NO. 207039933 AND BEING A POINT OF NON-TANGENT CURVE TO THE RIGHT;
THENCE DEPARTING SAID SOUTH LINE AND WITH THE NORTH LINE OF SAID SPECIAL WARRANTY DEED AND ALONG SAID NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 435.00 FEET, A CENTRAL ANGLE OF 22°07'49", A DISTANCE OF 168.02 FEET, A CHORD BEARING OF N56°41'15" W WITH A CHORD DISTANCE OF 166.97 FEET;
THENCE CONTINUING WITH SAID NORTH LINE OF SPECIAL WARRANTY DEED, N45°37'21"W, A DISTANCE OF 16.45 FEET;
THENCE S44°22'39"W, A DISTANCE OF 149.99 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER;
THENCE WITH SAID SOUTH LINE, S89°06'22"W, A DISTANCE OF 754.91 FEET;
THENCE DEPARTING SAID SOUTH LINE, N00°28'41"W, A DISTANCE OF 1309.24 FEET;
THENCE N89°31'24"E, A DISTANCE OF 465.80 FEET TO A POINT OF CURVE TO THE RIGHT;
THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 340.00 FEET, A CENTRAL ANGLE OF 39°42'22", A DISTANCE OF 235.62 FEET, A CHORD BEARING OF S70°37'25"E WITH A CHORD DISTANCE OF 230.93 FEET TO A POINT OF REVERSE CURVE TO THE LEFT;
THENCE ALONG SAID REVERSE CURVE TO THE LEFT, HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE OF 39°42'22". A DISTANCE OF 415.80 FEET, A CHORD BEARING OF S70°37'25"E WITH A CHORD DISTANCE OF 407.53 FEET;
THENCE N89°31'24"E, A DISTANCE OF 353.93 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 14 AND BEING A POINT ON THE WEST RIGHT OF WAY LINE OF GOODSON ROAD;
THENCE WITH SAID EAST LINE AND SAID WEST RIGHT OF WAY LINE, S00°28'41"E, A DISTANCE OF 1082.07 FEET TO THE POINT OF BEGINNING

LEGAL DESCRIPTION PREPARED BY BRIAN J. DENNIS WITH GALLOWAY & CO., SURVEY DATED DECEMBER 3, 2021 AND JOB NO. SLV000012.10.

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

COLORADO

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
 Thomas Bailey, Chair

FROM: Kylie Bagley, Planner III
 Carlos Hernandez, Engineer I
 Meggan Herington, AICP, Executive Director

RE: Project File Number: MS233
 Project Name: Gunners Ridge
 Parcel Number: 5214000014

OWNER:	REPRESENTATIVE:
Drew Makings 13555 Pinery Dr Colorado Springs, CO 80908	Drew Makings 13555 Pinery Dr Colorado Springs, CO 80908

Commissioner District: 2

Planning Commission Hearing Date:	9/7/2023
Board of County Commissioners Hearing Date:	9/28/2023

EXECUTIVE SUMMARY

A request by Drew Makings for approval of a 38.83-acre Minor Subdivision illustrating 4 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 12172 Goodson Road, directly northwest of the intersection of Goodson Road and Ayer Road.

A. WAIVERS/DEVIATIONS/AUTHORIZATION

Waiver(s)/Deviation(s): The applicant is requesting a waiver from the Land Development Code Section 8.4.3.B.4, Maximum Pole Length. The Land Development Code states the length of the flag lot pole shall not exceed the length of the longest side of the flag portion of the flag lot. The applicant is requesting the length of the flagpole to be 1,097.19 feet where the longest side of the flag portion of the flag lot is 560 feet.

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 OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
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Authorization to Sign: Final Plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. APPROVAL CRITERIA

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

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

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

C. LOCATION

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

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D. BACKGROUND

In 2006, the property was rezoned from RR-5 (Residential Rural) to the Seclusion PUD (Planned Unit Development) (PCD File No PUD0514). A concurrent request was approved for a preliminary plan and final plat to create 60 residential lots with lot sizes ranging from 3.5 acres to 6 acres (PCD file nos. SP0503, SF0627). The final plat was not recorded. In 2021, the applicant rezoned the property from PUD to RR-5.

The applicant is proposing a 4-lot minor subdivision for single-family residential development, which will meet the dimensional standards of the RR-5 zoning district. The subject property is encumbered by easements along the entire length of Goodson Road and 330' to the east for a total of 8 acres. Roughly 7 ½ acres of the easements include no build areas. The no build areas lie within Lots 1 and 2. The applicant is also requesting a waiver from the Land Development Code Section 8.4.3.B.4, Maximum Pole Length. The Land Development Code states the length of the flag lot pole shall not exceed the length of the longest side of the flag portion of the flag lot.

E. ANALYSIS

1. Land Development Code Compliance

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

The applicant is also requesting a waiver from the Land Development Code Section 8.4.3.B.4, Maximum Pole Length. The Land Development Code states the length of the flag lot pole shall not exceed the length of the longest side of the flag portion of the flag lot. The applicant proposed two flag lots in order for Lots 3 and 4 to meet the requirements of the Land Development Code for lot frontage onto a public road. By creating these flag lots, Lots 3 and 4 pole length exceeds the length of the longest side of the flagpole portion of the flag lot by roughly two times the length of the longest side of the lot.

Lots 3 and 4 are 5-acre lots that are situated on the north 15-acres of the subject property and share access onto Goodson Road through a 24' access and egress easement. The Falcon Fire Department was notified on the project and required the access easement be a minimum of 24' wide so fire apparatus could safely pass each other, a hammerhead turn around on Lot 4 and a 24' wide by 60' long driveway access to Lots 2, 3 and 4. The applicant has met these requirements within their final plat.

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2. Zoning Compliance

The RR-5 (Residential Rural) zoning district is intended to accommodate single-family residential development. The density and dimensional standards for the RR-5 (Residential Rural) zoning district 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%
- 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.*

The subject property encompasses 38 acres which would allow for seven, five acre lots in the RR-5 zoning district.

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

The proposed Final Plat is consistent with the Master Plan analysis which was provided with the Map Amendment (Rezone) application P-21-003 and approved by the BoCC on August 24, 2021.

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:

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.*

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The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 4c of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 4c for central water providers:

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

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. The El Paso County Environmental Services Division was sent a referral and has no outstanding comments pertaining to the Map Amendment (Rezone).

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

Please see the Parks Section below for information regarding conformance with The El Paso County Parks Master Plan (2022).

Please see the Transportation Section below for information regarding conformance with the 2016 Major Transportation Corridor Plan (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified as part of this application.

2. Floodplain

The property is not located within a defined floodplain as determined by FEMA Flood insurance Rate Map panel number 08041C0320G, dated December 7, 2018.

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3. Drainage and Erosion

The property is in the Upper Black Squirrel Drainage Basin (CHBS2000). Drainage fees will not be due at the plat recording because this basin is not included in the El Paso County Drainage Basin Fee program.

Water quality and detention is not required for this subdivision. The increase in stormwater runoff is negligible and will not adversely affect downstream and adjacent developments.

4. Transportation

The subdivision receives access off Goodson Road, which is owned and maintained by El Paso County. Goodson Road is classified as an rural local roadway and has a right-of-way width of 60 feet. Additional right-of-way along Goodson Road is dedicated to the County for future realignment. The development is also dedicating 70' of right-of-way for the future extension of Ayer Road to connect to the platted right-of-way for Twin Pines Road. Ayer Road is anticipated to be a rural collector roadway. No public improvements are proposed with this subdivision.

A traffic study was not required as the proposed subdivision is not expected to generate 100 daily vehicle trips or meet ECM Appendix B criteria for a traffic impact study.

The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvements adjacent to the development.

The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471, as amended). Road impact fees shall be paid in full at the time of subsequent building permits if not paid at the time of final plat recordation.

H. SERVICES

1. Water

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Water will be provided by individual onsite wells. Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Water Engineer's

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Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office is recommending a finding of sufficiency.

2. Sanitation

Wastewater will be provided by onsite wastewater treatment systems.

3. Emergency Services

The property is within the Falcon Fire Protection District.

4. Utilities

Natural gas service is provided by Black Hills Energy and electrical service will be provided by Mountain View Electric Association.

5. Metropolitan Districts

The subject property is not within a metropolitan district.

6. Parks/Trails

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

7. Schools

Fees in lieu of school land dedication in the amount of \$960 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no outstanding major issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (As Amended) 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. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
4. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
5. The 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 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.
6. Park fees in lieu of land dedication for regional parks in the amount of \$1840 shall be paid at the time of plat recordation.
7. Fees in lieu of school land dedication in the amount of \$960 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.

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8. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated August 16, 2023, as provided by the County Attorney's Office.

NOTATIONS

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

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified thirteen (13) adjoining property owners on August 21, 2023, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

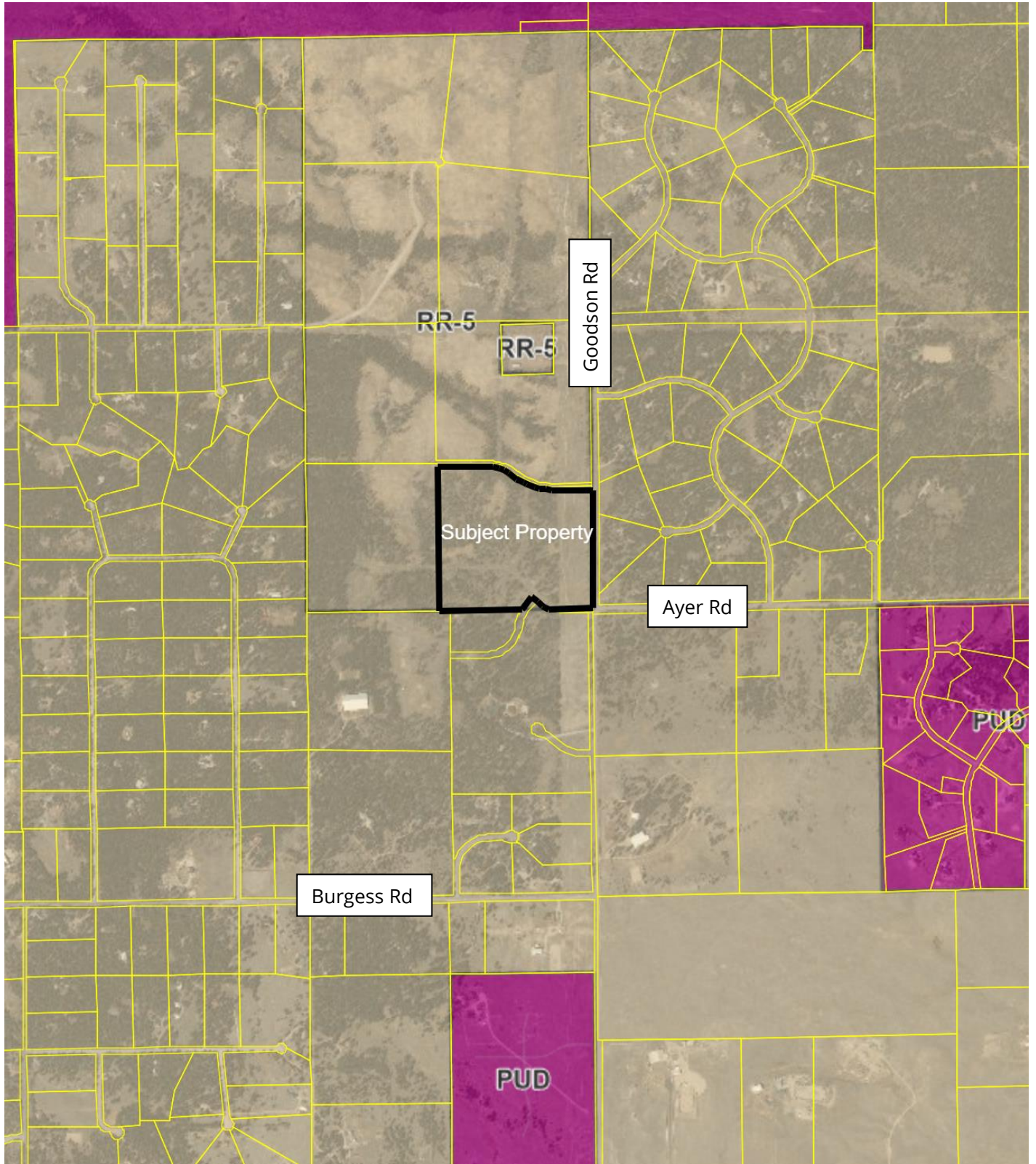
Map Series
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter
Public Comments
Draft Resolution



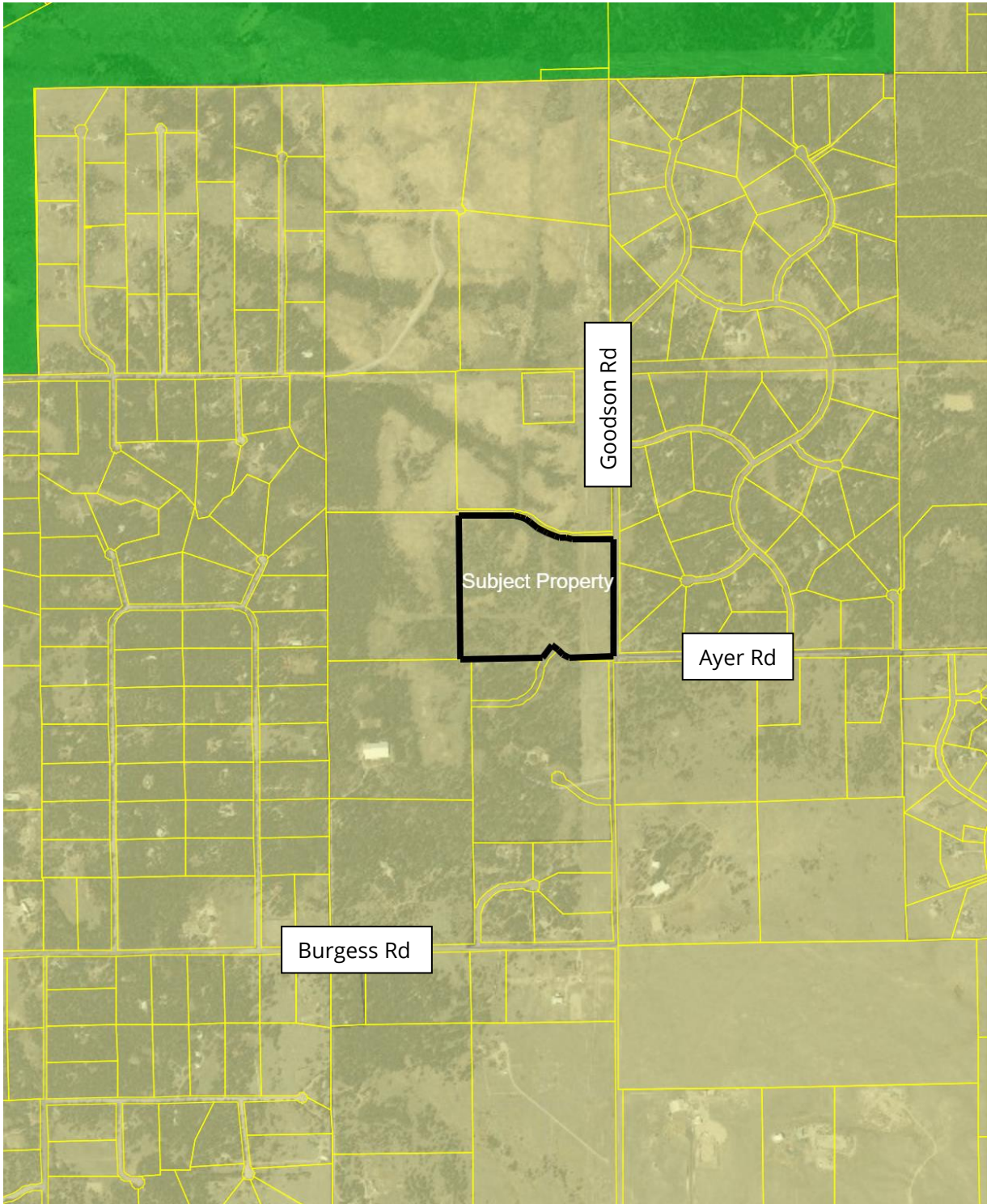
Map Exhibit #1: Aerial















Map Exhibit #2: Zoning



Map Exhibit #3: Placetype

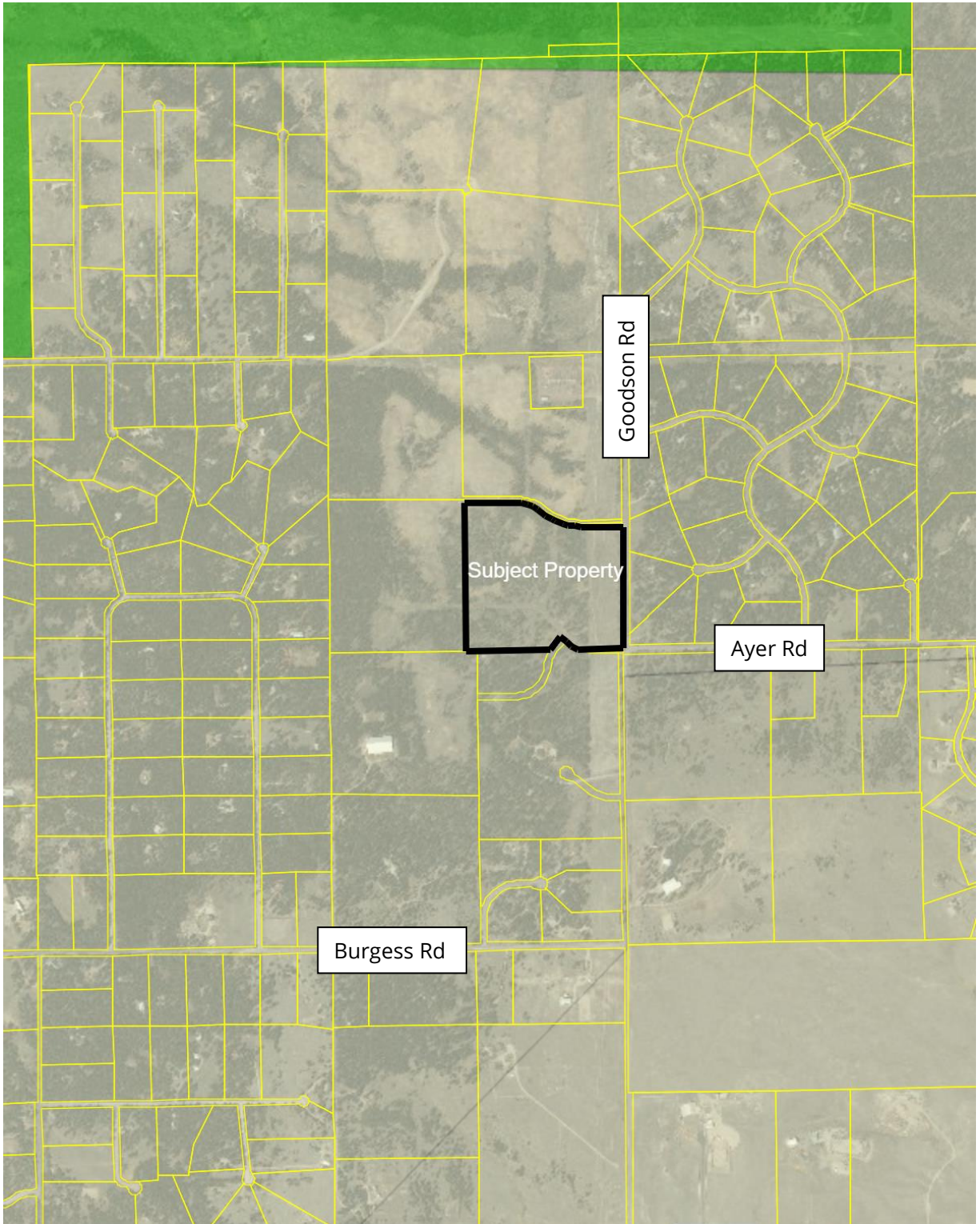


Legend






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



Map Exhibit #4: Area of Change

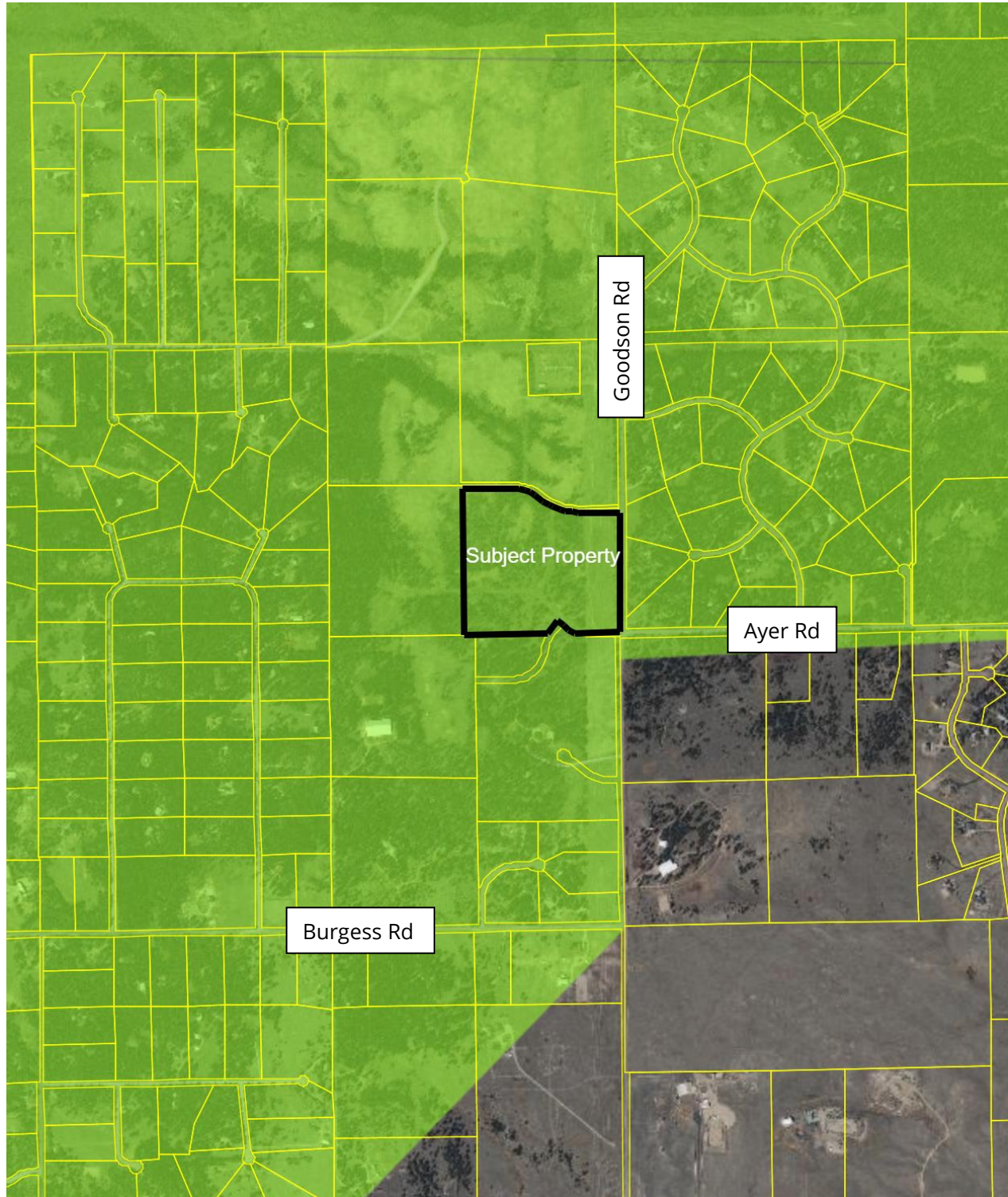


Legend











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



Map Exhibit #5: Key Areas



Legend

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



Architectural
Structural
Geotechnical



Materials Testing
Forensic
Civil/Planning

Job No. 192027

June 7, 2023

Drew Makings
9630 Arroya Lane
Colorado Springs, CO 80908

Re: 12172 Goodson Road
El Paso County, Colorado
PCD File No. MS233

Dear Mr. Makings:

Below is the Letter of Intent for your minor subdivision.

EL PASO COUNTY

LETTER OF INTENT FOR: 38.83 ACRES
GUNNERS RIDGE MINOR SUBDIVISION
PCD File No. MS233

June 7, 2023

Owner/Applicant: Drew Makings
9630 Arroya Lane
Colorado Springs, CO 80908
719-482-6050

Engineer: RMG Engineers and Architect
David G. Walker, PE
2910 Austin Bluffs Parkway, Suite 100
Colorado Springs, CO 80918
719-548-0600

El Paso County Planner Meggan Herington, Executive Director
2889 International Circle
Suite 110
Colorado Springs, CO 80918
719-520-6300

PROJECT LOCATION/DESCRIPTION

The 38.83 acre Gunners Ridge Minor Subdivision is located in El Paso County at 12172 Goodson Road. The Parcel number is 5214000014. The parcel is zoned RR-5 Residential Rural and is currently vacant. The parcel is a Portion of the Northeast Quarter of Section 14, Township 12 South, Range 65 West of the 6th Principal Meridian, County of El Paso, State of Colorado. The parcel is not in a Flood Zone according to Map 08041C0320G eff. Date 12/7/2017.

TOTAL NUMBER OF ACRES WITHIN THIS APPLICATION

The underdeveloped size of this lot is 38.83 acres +/-.

The proposed subdivided lot acreage is:

Lot #1 will be 23.0530 acres +/-

Lot #2 will be 5.0168 acres +/-

Lot #3 will be 5.0156 acres +/-

Lot #4 will be 5.0116 acres +/-

EXISTING AND PROPOSED IMPROVEMENTS

There will be no public infrastructure to serve the new lots.

Lot #1 shall have a driveway access off Goodson Road. Lots #2, #3, and #4 will have a shared driveway off Goodson Road.

Each lot will have a private well. An augmentation plan is in review with the Division of Water Resources at this time. The plan shows that there is adequate water under the current lot to feed these proposed lots.

Each lot will have an On-Site Wastewater Treatment System.

There are no drainage improvements planned for the property. The proposed lots are not anticipated to produce any adverse stormwater impacts to the development or surrounding properties.

UTILITIES

Electric power will be provided by Mountain View Electrical Association per their commitment letter dated January 30, 2023. Black Hills Energy has a commitment letter dated February 4, 2023. These letters has been submitted with the subdivision packet.

TRAFFIC GENERATION

There is no need for a Transportation Impact Study according to ECM Appendix B. 1.2 D. because this minor subdivision is below the limits stated in this section.

- Vehicular Traffic:

(1) Daily vehicle trip-end generation is less than 100 or the peak hour trip generation is less than 10. *The vehicle trip generation is below these limit. The trip generation of the development and the peak hour adt (i.e. 4 lot subdivision = approximately 40 adt).*

(2) There are no additional proposed minor or major roadway intersections on major collectors, arterials, or State Highways. *There are no proposed intersections.*

(3) The increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends. *There is no increase to exceed these limits.*

(4) The change in the type of traffic to be generated (i.e., the addition of truck traffic) does not adversely affect the traffic currently planned for and accommodated within, and adjacent to, the property. *There is no change in the type of traffic.*

(5) Acceptable LOS on the adjacent public roadways, accesses, and intersections will be maintained. *There will be no change in LOS in the area of this site.*

(6) No roadway or intersection in the immediate vicinity has a history of safety or accident problems. *We are not aware of any safety or accident history in the area of the site.*

(7) There is no change of land use with access to a State Highway. *This site does not have access to a State Highway.*

- Pedestrian Traffic: Paved pedestrian facilities exist or will be constructed on, or adjacent to, the site; or, the proposed use will not generate any new pedestrian traffic. *There are currently no pedestrian travel methods installed in the surrounding areas, there is nothing proposed for this subdivision as it is matching what has been in place for the area.*

- Bicycle Traffic: Paved bicycle lanes or paths exist or will be constructed on, or adjacent to, the site; or, the proposed use will not generate any new bicycle traffic. *There are currently no bicycle travel methods installed in the surrounding areas, there is nothing proposed for this subdivision as it is matching what has been in place for the area.*

SOILS

The Soil and Geology Study for this site was completed by RMG Engineers/Architects as Amended April 11, 2023. As stated in 12.0 Conclusions: “Based upon our evaluation of the geologic conditions, it is our opinion that the proposed development is feasible.”

The study has been provided for the site and has been submitted with the Final Plat.

CRITERIA for APPROVAL

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan. *Yes*
- The subdivision is in substantial conformance with the approved preliminary plan. *N/A*
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials. *Yes*
- Either a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of preliminary plan approval. *Yes*
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of this Code. *Yes, each lot will have a OWTS.*
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)]. *Yes, please refer to the Soil and Geology Study dated Amended April 11, 2023 by RMG Engineers/Architects.*
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM. *Yes*
- 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. *Yes*
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision. *Yes*

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

MASTER PLAN COMPLIANCE

The Land use of this subdivision will be keeping with the rural definition. Uses like Agriculture and Farm/Homestead in forested areas. These lots will be 2.5 acres or greater. The lots will have minimal change and undeveloped area. The lots will preserve the trees and natural features to be consistent with the surrounding lots and areas. The use can be characterized by predominately residential use with single family detached housing.

The Soil and Geology Study for this site was completed by RMG Engineers/Architects as Amended April 11, 2023. As stated in 12.0 Conclusions: “Based upon our evaluation of the geologic conditions, it is our opinion that the proposed development is feasible.”

The only no build area are shown on the plat as easements and set backs.

WAIVER REQUEST

There are no Waiver Request or Special Request.

OVERLAY ZONING

There no Overlay Zoning requirements for this parcel.

GENERAL DISCUSSION

This minor subdivision application is following the criteria of the County in the processing and approving the division of land. It also is following the purpose of promoting health, safety, convenience and welfare of the general public. The Final Plat will be consistent with the associated zoning district standards. The utilities will include an on site well with an On-site waste treatment system, gas and electricity will be provided to each lot. An Augmentation Plan from the state has been approved (Replacement Plan No. 463-RP) There are no public improvement so there will be

no phasing. There are no constraints, hazards, and potentially sensitive natural or physical feature with in this area.

This development is subject to fees established by the El Paso County Impact Fee Program. The fees will be paid at the time of building permit application.

There is no public improvements including on-site or off-site of this site. There will be a private improvement of a common driveway with the ownership and maintenance agreement between the lots concerned.

There are no waiver request(s) with this application.

There are no deviations from the County's Engineering Design Standards.

I hope this provides the information you have requested. Should you have questions, please feel free to contact our office.

Cordially,

RMG – Rocky Mountain Group

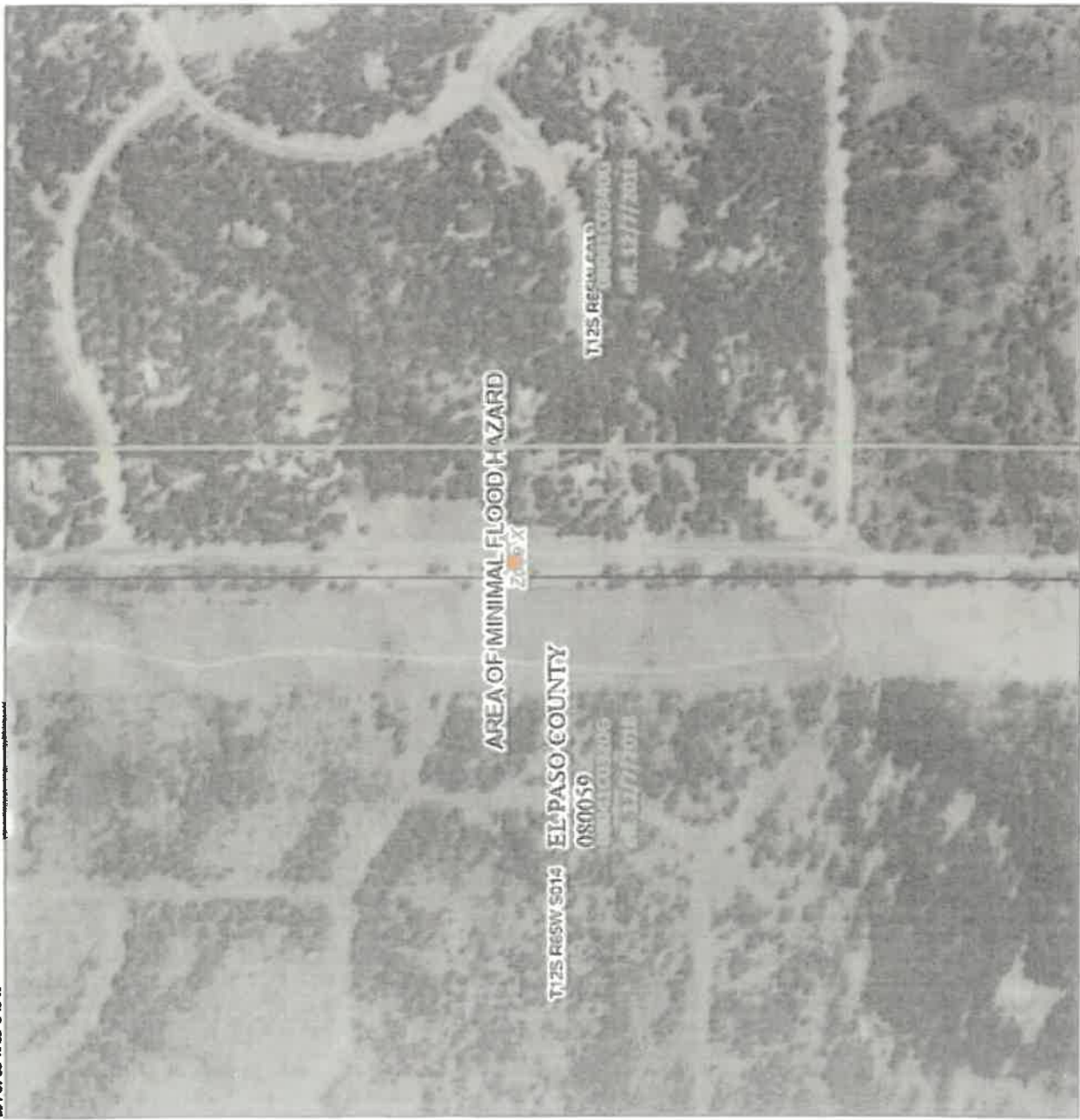
A handwritten signature in blue ink, appearing to read "D Walker".

David Walker, P.E.
Sr. Civil Project Manager

National Flood Hazard Layer FIRMette



104°37'55"W 28°40'43"N



Legend

SEE THE REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone A, V, APB
 - With BFE or Depth Zone AE, AH, XE, AR
 - Regulatory Floodway
- OTHER AREAS OF FLOOD HAZARD**
 - 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone)
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee. See Notes, Zone X
 - Area with Flood Risk due to Levee Zone O
- OTHER AREAS**
 - NO SCREEN
 - Area of Minimal Flood Hazard Zone X
 - Effective LOMRs
 - Area of Undetermined Flood Hazard Zone
- GENERAL STRUCTURES**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
- CROSS SECTIONS**
 - 2% Annual Chance
 - Water Surface Elevation
 - Coastal Transect
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature
- OTHER FEATURES**
 - Digital Data Available
 - NO Digital Data Available
 - Unmapped
- MAP PANELS**
 - The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/24/2023 at 11:22 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map imagery for unmapped and unmodernized areas cannot be used for regulatory purposes.

FINAL PLAT GUNNERS RIDGE

PORTION THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF EL PASO, STATE OF COLORADO

BE IT KNOWN BY THESE PRESENTS:

ANDREW MAXWELL MAKINGS AND EMILEE ANN MAKINGS, BEING THE OWNERS OF THE FOLLOWING DESCRIBED TRACT OF LAND, TO WIT:

LEGAL DESCRIPTION

PARCEL 1

A PORTION OF SPECIAL WARRANTY DEED RECORDED AT RECEPTION NO. 219050325 OF THE EL PASO COUNTY CLERK AND RECORDER OFFICE, BEING SITUATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING:

ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND ARE ASSUMED TO BEAR S00°28'41"E, MONUMENTED ON THE NORTH END OF THE LINE BY A FOUND 2.5" ALUMINUM CAP STAMPED, "MVE INC, RLS 17665, S11 S12 S14 S13, 1998, T12S R65W AND ON THE SOUTH END OF THE LINE BY A FOUND 2.5" ALUMINUM CAP STAMPED, "MVE INC, RLS 17665, 1/4, S14, S13, 1988, T12S R65W."

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 14 AND BEING A POINT ON THE WEST RIGHT OF WAY LINE OF GOODSON ROAD;

THENCE WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, S89°06'22"W, A DISTANCE OF 409.14 FEET TO THE SOUTHEAST CORNER OF SPECIAL WARRANTY DEED RECORDED AT RECEPTION NO. 207039933 AND BEING A POINT OF NON-TANGENT CURVE TO THE RIGHT;

THENCE DEPARTING SAID SOUTH LINE AND WITH THE NORTH LINE OF SAID SPECIAL WARRANTY DEED AND ALONG SAID NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 435.00 FEET, A CENTRAL ANGLE OF 22°07'49", A DISTANCE OF 168.02 FEET, A CHORD BEARING OF N56°41'15" W WITH A CHORD DISTANCE OF 166.97 FEET;

THENCE CONTINUING WITH SAID NORTH LINE OF SPECIAL WARRANTY DEED, N45°37'21"W, A DISTANCE OF 16.45 FEET;

THENCE S44°22'39"W, A DISTANCE OF 149.99 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER;

THENCE WITH SAID SOUTH LINE, S89°06'22"W, A DISTANCE OF 754.91 FEET;

THENCE DEPARTING SAID SOUTH LINE, N00°28'41"W, A DISTANCE OF 1309.24 FEET;

THENCE N89°31'24"E, A DISTANCE OF 465.80 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 340.00 FEET, A CENTRAL ANGLE OF 39°42'22", A DISTANCE OF 235.62 FEET, A CHORD BEARING OF S70°37'25"E WITH A CHORD DISTANCE OF 230.93 FEET TO A POINT OF REVERSE CURVE TO THE LEFT;

THENCE ALONG SAID REVERSE CURVE TO THE LEFT, HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE OF 39°42'22". A DISTANCE OF 415.80 FEET, A CHORD BEARING OF S70°37'25"E WITH A CHORD DISTANCE OF 407.53 FEET;

THENCE N89°31'24"E, A DISTANCE OF 353.93 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 14 AND BEING A POINT ON THE WEST RIGHT OF WAY LINE OF GOODSON ROAD;

THENCE WITH SAID EAST LINE AND SAID WEST RIGHT OF WAY LINE, S00°28'41"E, A DISTANCE OF 1082.07 FEET TO THE POINT OF BEGINNING

LEGAL DESCRIPTION PREPARED BY BRIAN J. DENNIS WITH GALLOWAY & CO., SURVEY DATED DECEMBER 3, 2021 AND JOB NO. SLV000012.10.

CONTAINING CALCULATED AREA OF 38.826

PARCEL 2

TOGETHER WITH A PARCEL OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, SAID POINT BEING THE POINT OF BEGINNING;

THENCE S01°00'53"W, ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 35.00 FEET;

THENCE N89°08'17"W, A DISTANCE OF 238.11 FEET TO A POINT OF CURVE;

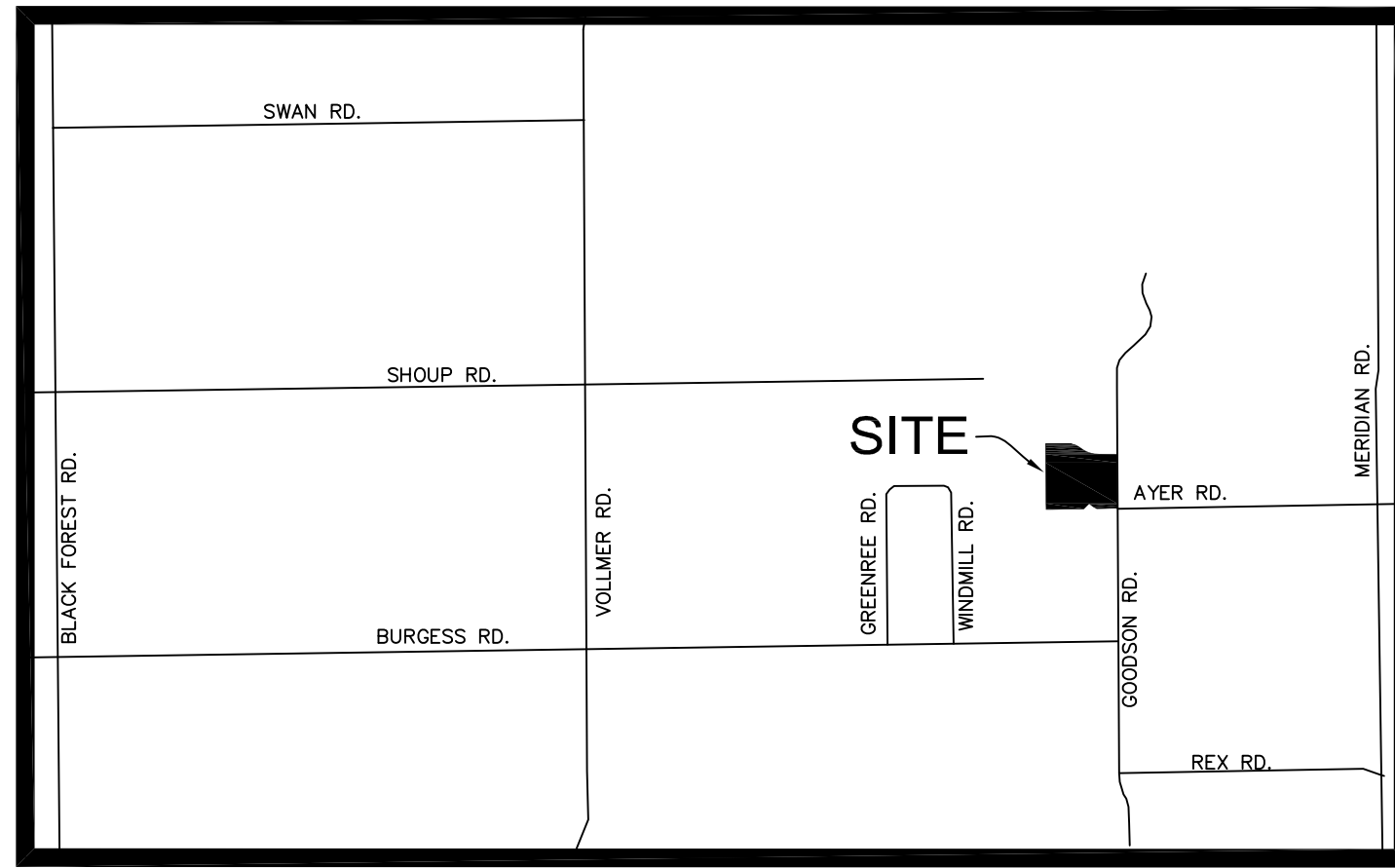
THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 23°08'28", A RADIUS OF 435.00 FEET, A DISTANCE OF 175.69 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, SAID POINT ALSO BEING A POINT ON CURVE;

THENCE S89°08'17"E, ON SAID SOUTH LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 409.15 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARING FOR THE ABOVE DESCRIBED PARCEL IS AS FOLLOWS: THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO BEING MONUMENTED AT THE NORTH END BY A 2-1/2" ALUMINUM CAP STAMPED "RLS 17665" AND AT THE SOUTH END BY A 2-1/2" STAMPED ALUMINUM CAP STAMPED "RLS 17665", ASSUMED TO BEAR S01°16'02"W, A DISTANCE OF 2640.62 FEET

CONTAINING A CALCULATED AREA OF 0.284 ACRES

CONTAINING A TOTAL CALCULATED AREA OF 39.11 ACRES



VICINITY MAP
N.T.S.

GENERAL NOTES:

- FIELD WORK FOR THIS SURVEY WAS COMPLETED ON JANUARY 16, 2023.
 - DATE OF PREPARATION IS JANUARY 20, 2023.
 - THE TRACT OF LAND HEREIN PLATTED LIES WITHIN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN.
 - PER C.R.S. 38-51-106, "ALL LINEAL UNITS DEPICTED ON THIS LAND SURVEY PLAT ARE U.S. SURVEY FEET". ONE METER EQUALS 39.37/12 U.S. SURVEY FEET, EXACTLY ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
 - ALL REFERENCES TO BOOKS, PAGES, MAPS, AND RECEPTION NUMBERS ARE PUBLIC DOCUMENTS ON FILE WITH THE CLERK AND RECORDER OF EL PASO COUNTY, STATE OF COLORADO.
 - THIS LAND SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY BOMBACINI LAND SURVEYING, LLC. TO DETERMINE OWNERSHIP OF THIS TRACT, VERIFY THE DESCRIPTION SHOWN, VERIFY THE COMPATIBILITY OF THIS DESCRIPTION WITH THAT OF ADJACENT TRACTS, OR VERIFY EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY OR TITLE OF RECORD, BOMBACINI LAND SURVEYING, LLC RELIED UPON TITLE COMMITMENT NO. SR55109762. PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, DATED 02/11/2023 AT 5:00 PM.
 - PROJECT ADDRESS:** 12172 GOODSON RD, EL PASO COUNTY, COLORADO 80908.
 - BASIS OF BEARINGS:** ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND ARE ASSUMED TO BEAR S00°28'41"E, MONUMENTED ON THE NORTH END OF THE LINE BY A FOUND 2.5" ALUMINUM CAP STAMPED, "MVE INC, RLS 17665, S11 S12 S14 S13, 1998, T12S R65W AND ON THE SOUTH END OF THE LINE BY A FOUND 2.5" ALUMINUM CAP STAMPED, "MVE INC, RLS 17665, 1/4, S14, S13, 1988, T12S R65W."
 - THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE PRELIMINARY PLAN OR FINAL PLAT FOR THIS SUBDIVISION AND ARE ON FILE AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: DRAINAGE REPORT; WATER RESOURCES REPORT; WASTEWATER DISPOSAL REPORT; GEOLOGY AND SOILS REPORT; FIRE PROTECTION REPORT.
 - ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICATED. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPEDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.
 - UNLESS OTHERWISE INDICATED, ALL SIDE, FRONT, 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. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.
 - DEVELOPER SHALL COMPLY WITH FEDERAL AND STATE LAWS, REGULATIONS, ORDINANCES, REVIEW AND PERMIT REQUIREMENTS, AND OTHER AGENCY REQUIREMENTS, IF ANY, OF APPLICABLE AGENCIES INCLUDING, BUT NOT LIMITED TO, THE COLORADO DIVISION OF WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORPS OF ENGINEERS AND THE U.S. FISH AND WILDLIFE SERVICE REGARDING THE ENDANGERED SPECIES ACT, PARTICULARLY AS IT RELATES TO THE LISTED SPECIES (E.G., PREBLE'S MEADOW JUMPING MOUSE).
 - THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.
 - ALL STRUCTURAL FOUNDATIONS SHALL BE LOCATED AND DESIGNED BY A PROFESSIONAL ENGINEER, CURRENTLY REGISTERED IN THE STATE OF COLORADO.
 - NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
 - MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS.
 - THE SUBDIVIDERS AGREE ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OR BUILDER SUCCESSORS AND ASSIGNS SHALL BE REQUIRED TO PAY TRAFFIC IMPACT FEES IN ACCORDANCE WITH THE COUNTYWIDE TRANSPORTATION IMPROVEMENT FEE (RESOLUTION NO. 19-471) AS AMENDED 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 SALE DOCUMENTS AND ON PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE SALE OF THE PROPERTY.
 - ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENTS OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT STATE STATUTE 18-4-508, C.R.S.
 - THE TOTAL NUMBER OF LOTS BEING PLATTED IS 4 LOTS.
 - A SITE-SPECIFIC SUBSURFACE SOIL INVESTIGATION WILL BE REQUIRED FOR ALL PROPOSED STRUCTURES INCLUDING RESIDENCES AND RETAINING WALLS.
- SOIL AND GEOLOGY CONDITIONS:
- GEOLOGIC HAZARD NOTE-FINAL PLAT: THE FOLLOWING LOTS HAVE BEEN FOUND TO BE IMPACTED BY GEOLOGIC HAZARDS. MITIGATION MEASURES AND A MAP OF THE HAZARD AREA CAN BE FOUND IN THE REPORT SOILS AND GEOLOGY STUDY, BY KELLI ZIGLER, APRIL 11, 2023, FILE SOILS AND GEOLOGY REPORT, MS 233, AVAILABLE AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT:
- DOWNSLOPE CREEP: NO DOWNSLOPE CREEP
 - ROCKFALL SOURCE: NO ROCKFALL SOURCE
 - ROCKFALL RUNOUT: NO ROCKFALL RUNOUT
 - POTENTIALLY SEASONALLY HIGH GROUNDWATER: LOTS 1-4
 - OTHER HAZARD:
- IN AREAS OF HIGH GROUNDWATER:
DUE TO HIGH GROUNDWATER IN THE AREA, ALL FOUNDATIONS SHALL INCORPORATE AN UNDERGROUND DRAINAGE SYSTEM.

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 (4) LOTS, TRACTS, AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF GUNNERS RIDGE. ALL PUBLIC IMPROVEMENTS SO PLATTED ARE HEREBY DEDICATED TO PUBLIC USE AND SAID OWNER DOES HEREBY COVENANT AND AGREE THAT THE PUBLIC IMPROVEMENTS WILL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND THAT PROPER DRAINAGE AND EROSION CONTROL FOR SAME WILL BE PROVIDED AT SAID OWNER'S EXPENSE, ALL TO THE SATISFACTION OF THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO. UPON ACCEPTANCE BY RESOLUTION, ALL PUBLIC IMPROVEMENTS SO DEDICATED WILL BECOME MATTERS OF MAINTENANCE BY EL PASO COUNTY, COLORADO. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES.

ANDREW MAXWELL MAKINGS _____ DATE _____

STATE OF COLORADO)
COUNTY OF EL PASO) SS

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2023 BY _____

MY COMMISSION EXPIRES _____

WITNESS MY HAND AND OFFICIAL SEAL _____ NOTARY PUBLIC

EMILEE ANN MAKINGS _____ DATE _____

STATE OF COLORADO)
COUNTY OF EL PASO) SS

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2023 BY _____

MY COMMISSION EXPIRES _____

WITNESS MY HAND AND OFFICIAL SEAL _____ NOTARY PUBLIC

PCD FILE NO: MS-23-003

COUNTY APPROVAL CERTIFICATE

THIS PLAT FOR GUNNERS RIDGE WAS APPROVED FOR FILING BY THE EXECUTIVE DIRECTOR OF THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT ON THIS _____ DAY OF _____, 20____, SUBJECT TO ANY NOTES SPECIFIED HEREON.

EXECUTIVE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT _____ DATE _____

BOARD OF COMMISSIONERS CERTIFICATE

THIS PLAT FOR GUNNERS RIDGE WAS APPROVED FOR FILING BY THE EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS ON THE _____ DAY OF _____, 20____, SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. THE DEDICATIONS OF LAND TO THE PUBLIC (EASEMENTS) ARE ACCEPTED, BUT PUBLIC IMPROVEMENTS THEREON WILL NOT BECOME THE MAINTENANCE RESPONSIBILITY OF EL PASO COUNTY UNTIL PRELIMINARY ACCEPTANCE OF THE PUBLIC IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL, AND THE SUBDIVISION IMPROVEMENTS AGREEMENT.

CHAIR, BOARD OF COUNTY COMMISSIONERS _____ DATE _____

SURVEYOR'S STATEMENT

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

I ATTEST THE ABOVE ON THIS _____ DAY OF _____, 20____.

RAFAEL BOMBACINI, PROFESSIONAL LAND SURVEYOR.
COLORADO P.L.S. NO. 38794
FOR AND ON BEHALF OF BOMBACINI LAND SURVEYING, LLC

NOTICE:

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

CLERK AND RECORDER:

STATE OF COLORADO)
COUNTY OF EL PASO) SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE

AT _____ O'CLOCK __M, THIS DAY OF _____, 20____A.D.

AND IS DULY RECORDED AT RECEPTION NO. _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

EL PASO COUNTY CLERK AND RECORDER

BY _____ DEPUTY

FEES: _____
DRAINAGE: _____
BRIDGE: _____
URBAN PARK: _____
SCHOOL FEE: _____

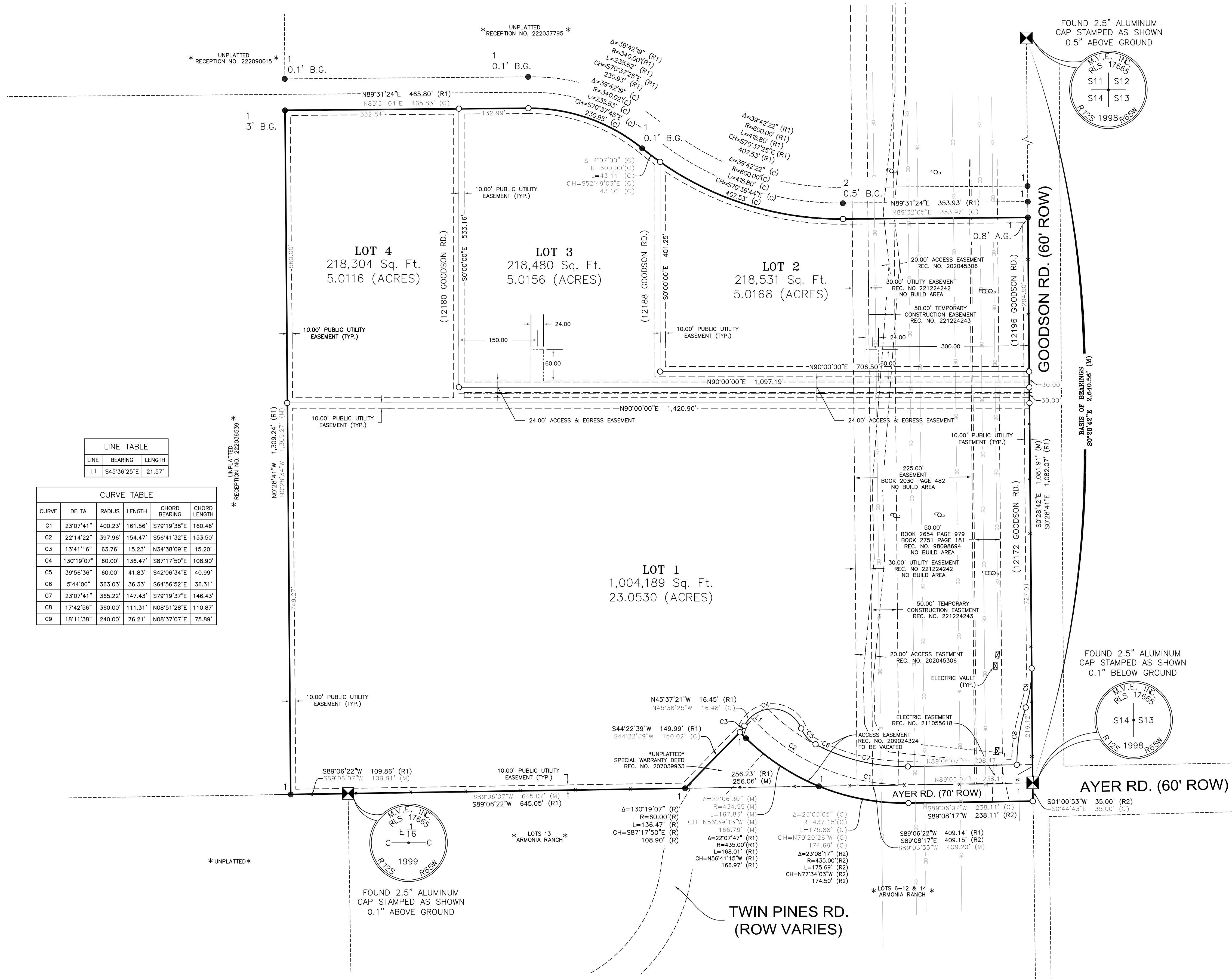
OWNER OF RECORD
ANDREW MAXWELL MAKINGS &
EMILEE ANN MAKINGS
9630 ARROYA LANE
COLORADO SPRINGS, COLORADO, 80908
(719) 482-6050

DATE: 6/7/2023		REVISIONS	
No.	Remarks	Date	By
1	County comments	4/6/23	RB
2	County comments	5/11/23	RB
3	County comments	6/7/23	RB
Field: RB	Drawn: RB	Checked: RB	PROJECT No.: 02311 SHEET 1 OF 2

BOMBACINI
LAND SURVEYING
825 Tyco Ct.
Colorado Springs - Colorado
E-mail: rafael@bombacini.com
www.bombacini.com
(719) 440-3763

FINAL PLAT GUNNERS RIDGE

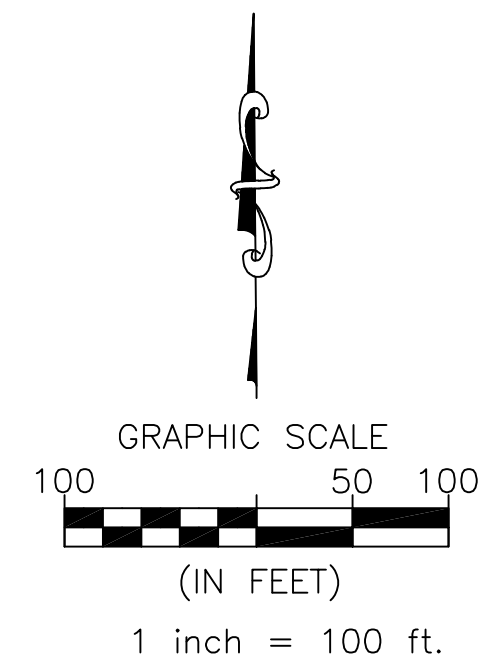
PORTION THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF EL PASO, STATE OF COLORADO



LINE TABLE		
LINE	BEARING	LENGTH
L1	S45°36'25"E	21.57'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	23°07'41"	400.23'	161.56'	S79°19'38"E	160.46'
C2	22°14'22"	397.96'	154.47'	S56°41'32"E	153.50'
C3	13°41'16"	63.76'	15.23'	N34°38'09"E	15.20'
C4	13°01'07"	60.00'	136.47'	S87°17'50"E	108.90'
C5	39°56'36"	60.00'	41.83'	S42°06'34"E	40.99'
C6	5°44'00"	363.03'	36.33'	S64°56'52"E	36.31'
C7	23°07'41"	365.22'	147.43'	S79°19'37"E	146.43'
C8	17°42'56"	360.00'	111.31'	N08°51'28"E	110.87'
C9	18°11'38"	240.00'	76.21'	N08°37'07"E	75.89'

- LEGEND**
- SET 5 REBAR WITH 1.5" YELLOW PLASTIC CAP STAMPED "PLS 38794" 0.1' BELOW GROUND
 - ⊠ FOUND ALIQUOT CORNER STAMPED AS SHOWN
 - FOUND NO. 5 REBAR WITH 1.5" ORANGE PLASTIC CAP STAMPED 38069 FLUSH WITH GROUND OR AS NOTED
 - FOUND NO. 5 REBAR WITH BROKEN 1.5" ORANGE PLASTIC CAP STAMPED 38069 FLUSH WITH GROUND OR AS NOTED
 - (R) RECORD VALUE
 - (M) MEASURED VALUE
 - (C) CALCULATED VALUE
 - P.O.B. POINT OF BEGINNING
 - BOUNDARY LINE
 - - - ADJOINER LINES
 - - - BARBED-WIRE FENCE
 - - - OHE OVERHEAD ELECTRIC LINE
 - A.G. ABOVE GROUND
 - B.G. BELOW GROUND
 - R1 RECORD BEARINGS AND DISTANCES SHOWN ON SPECIAL WARRANTY DEED - RECEPTION NO. 222110914
 - R2 RECORD BEARINGS AND DISTANCES SHOWN ON QUIT CLAIM DEED - RECEPTION NO. 222128915
 - (XXXX) NUMBER ADDRESS
 - * AREA NOT INCLUDED IN THIS SUBDIVISION



REVISIONS			
No.	Remarks	Date	By
1	County comments	4/6/23	RB
2	County comments	5/11/23	RB
3	County comments	6/7/23	RB

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PCD FILE NO: MS-23-003

Field: RB Drawn: RB Checked: RB PROJECT No.: 02311 SHEET 2 OF 2



March 23, 2023

Kylie Bagley,
El Paso County Community and Development Services
Transmitted via the EPC EDARP Portal

Re: **Gunners Ridge Minor Subdivision**
File No. MS233
Part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14, Township 12 South, Range 65 West, 6th P.M.
Water Division 2, Water District 10
Upper Black Squirrel Creek Designated Basin

Dear Kyle Bagley:

We have reviewed the information submitted concerning the above referenced proposal to subdivide 38.83 acres located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14, Township 12 South, Range 65 West, 6th P.M. into four (4) residential lots: three 5-acre lots and one 23.83-acre lot. The lots will be single-family residential lots.

Water Supply Demand

According to the letter dated February 15, 2023 from Eric K. Trout:

- The well on the 23.83-acre lot will have the following uses: use in up to 2 single-family dwellings or their equivalent (0.3 acre-feet per unit per year or 0.6 acre-feet per year total), up to 1 acre of irrigation (2 acre-feet per year), in-building sanitary use (0.3 acre-feet per year), and the watering of up to 80 large domestic animals (1 acre-foot per year), for a total use of 3.9 acre-feet per year for 300 years.
- The other three wells will have the following uses (per lot): use in 1 single-family dwelling (0.3 acre-feet per year per well), 6,000 square-feet of irrigation (0.3 acre-feet per year per well), and the watering of up to 8 large domestic animals (0.1 acre-feet per year per well), for a total use of 0.7 acre-feet per year for 300 years or 2.1 acre-feet per year for 300 years for all three wells on the 5-acre lots.

The total water demand for the subdivision will be 6 acre-feet per year.

Source of Water Supply

The proposed water supply is individual on-lot wells withdrawing from the not-nontributary Dawson aquifer that will operate pursuant to Determination of Water Right no. 463-BD and Replacement Plan no. 463-RP.

Determination of Water Right no. 463-BD quantified an amount of water from beneath 310 acres of overlying land generally described as the SE $\frac{1}{4}$ of Section 11 and the NE $\frac{1}{4}$ of Section 14, all in Township 12 South, Range 65 West of the 6th P.M., in El Paso County (Overlying Land), of which this subdivision is a part. The allowed average annual amount of withdrawal shall not exceed 217 acre-feet, which based on an aquifer life of one hundred years results in an amount of water allocated of 21,700 acre-feet. The use of groundwater is limited to the following beneficial uses: commercial, domestic, irrigation, industrial, fish and wildlife propagation, aesthetic, and for augmentation



purposes.

Replacement Plan no. 463-RP allows the withdrawal the Dawson aquifer water from up to four wells for the following uses:

- One well will withdraw 3.9 acre-feet annually for the following uses: in-house use in up to two (2) single-family residences; in-building commercial sanitary use; up to one (1) acre of irrigation of home lawn, garden, pasture, hay and trees; and watering of up to eighty (80) large domestic animals.
- The other three (3) wells will each withdraw 0.7 acre-foot annually for in-house use in one (1) single family residence; up to 6,000 square-feet of irrigation of home lawn, garden, pasture, hay and trees; and watering of up to eight (8) large domestic animals; for a total withdrawal from the three (3) wells of 2.1 acre-feet annually.

The land on which the wells will be located is a 38.83-acre portion of the Overlying Land generally described as a portion of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14, Township 12 South, Range 65 West of the 6th P.M., as described in Exhibit B of the Findings and Order dated March 15, 2023 for Replacement Plan no. 463-RP. The proposed water uses and place of use are allowed by the determination and replacement plan.

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 463-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 this source will "meet the average annual demand of the proposed subdivision." However, treating El Paso County's requirement as an allocation approach based on three hundred years, the water supply source must provide for a 300-year supply. Replacement Plan no. 463-RP allows the withdrawal of 6 acre-feet per year for 300 years. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

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

State Engineer's Office Opinion

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

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

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

Please contact Wenli Dickinson at Wenli.Dickinson@state.co.us or at (303) 866-3581 x8206 with any questions.

Sincerely,



Ioana Comaniciu, P.E.
Water Resource Engineer

Ec: Subdivision file no. 30685
Upper Black Squirrel Creek Ground Water Management District

County Attorney

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

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

August 16, 2023

MS-23-3 Gunners Ridge

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal for approval of the Gunners Ridge, a minor subdivision application by Andrew and Emilee Makings (“Applicant”) for a 4-lot subdivision on a parcel of 38.83 acres of land (the “property”). 3 lots will be approximately 5 acres each in size, and the fourth lot will be approximately 23.8 acres in size with two residences. The property is zoned RR-5 (Rural Residential).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the water demand for the subdivision is 1.5 acre-feet per year for 4 units,¹ 0.3 acre-feet per year for commercial use, irrigation of up to 1.4 acres requiring 2.9 acre-feet of water per year along with stock watering of up to 104 head at 1.3 acre-feet per year for a total demand of 6 acre-feet per year.

Based on this total demand, Applicant must be able to provide a supply of 1,800 acre-feet of water (6 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

¹ The number of household units is actually five (5), due to the larger lot having two residences.

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY
TERRY A. SAMPLE

LORI L. SEAGO

BRYAN E. SCHMID
STEVEN W. MARTYN

DOREY L. SPOTTS
MERI GERINGER

Proposed Water Supply

The Applicant has provided for the source of water to derive from up to four (4) individual on-lot wells² withdrawing from the not-nontributary Dawson aquifer as provided in Determination of Water Right no. 463-BD (“Determination”) and Replacement Plan no. 463-RP (“Replacement Plan”). In the Determination, the Court quantified an amount of water from beneath 310 acres of overlying land, of which this proposed subdivision is part. The Applicant has acquired via quitclaim deed the rights to withdraw up to 27.125 acre-feet annually from the Dawson aquifer (on a 100-year basis). The Replacement Plan allows the withdrawal of Dawson aquifer water from up to four wells for the following:

- One well will withdraw 3.9 acre-feet annually for the following uses: in-house use in up to two (2) single-family residences; in-building commercial sanitary use; up to one (1) acre of irrigation of home lawn, garden, pasture, hay and trees; and watering of up to eighty (80) large domestic animals.
- The other three (3) wells will each withdraw 0.7 acre-foot annually for in-house use in one (1) single family residence; up to 6,000 square-feet of irrigation of home lawn, garden, pasture, hay and trees; and watering of up to eight (8) large domestic animals; for a total withdrawal from the three (3) wells of 2.1 acre-feet annually.

The allowed annual amount of groundwater to be withdrawn from the aquifer by all wells operating under the Replacement Plan shall not exceed 6 acre-feet. A totalizing flow meter shall be installed on each well.

The approved Replacement Plan has a term of 300 years and requires that return flows from in-house use of groundwater shall occur through individual on-lot non-evaporative septic systems.

State Engineer’s Office Opinion

4. In a letter dated March 23, 2023, the State Engineer stated that “[t]he proposed water supply is individual on-lot wells withdrawing from the not-nontributary Dawson aquifer that will operate pursuant to Determination of Water Right no. 463-BD and Replacement Plan no. 463-RP.... Replacement Plan no. 463-RP allows the withdrawal the [sic] Dawson aquifer water from up to four wells for the following uses: One well with withdraw 3.9 acre-feet annually....The other three (3) wells will each withdraw 0.7 acre-foot [sic] annually....”

Finally, the State Engineer provided their opinion, “pursuant to 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.”

² Well permits will need to be applied for and approved prior to drilling any wells.

Recommended Findings

5. Quantity and Dependability. Applicant's water demand for Gunners Ridge is 6 acre-feet per year for a total demand of 1,800 acre-feet for the subdivision for 300 years. The Replacement Plan allows for 4 wells limited to an annual withdrawal of 3.9 acre-feet for one well, and up to 2.1 acre-feet total for the additional 3 wells.

Based on the water demand of 6 acre-feet/year for the Gunners Ridge subdivision and the Replacement Plan permitting withdrawals in that amount, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Gunners Ridge subdivision.

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

7. Basis. The County Attorney's Office reviewed the following documents in preparing this review: a *Water Resources Report* dated February 27, 2023, the Water Supply Information Summary, the State Engineer's Office Opinion dated March 23, 2023, and Replacement Plan No. 463-RP for Determination of Water Right No. 463-BD entered on March 15, 2023. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

REQUIREMENTS:

A. Applicant and its successors and assigns shall comply with all requirements of the Colorado Ground Water Commission Determination of Water Right No. 463-BD and Replacement Plan No. 463-RP, specifically, that water withdrawn from the Dawson aquifer by each of the proposed four wells permitted shall not exceed 6 acre-feet total. The allowed annual amount of groundwater to be withdrawn from one of the wells is 3.9 acre-feet and for the remaining wells is 0.7 acre-foot per well (2.1 acre-feet total). Depletions during pumping shall be replaced by individual on-lot non-evaporative septic systems.

B. The County prefers that when there is a replacement plan, Applicant create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water decree and replacement plan for the property. For a four-lot subdivision such as this, however, in which the replacement of post-pumping depletions is not required, Applicant may elect to solely rely on the covenant provisions required below and forego creation of an HOA.

C. Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision and their successors and

assigns regarding all applicable requirements of Determination of Water Right No. 463-BD and Replacement Plan No. 463-RP, including the limitations on diversions and use of water for each well and lot, the requirement to meter and record all well pumping, and information on how records are to be reported.

Covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 1,800 acre-feet of not-nontributary Dawson aquifer water pursuant to Determination of Water Right No. 463-BD and Replacement Plan No. 463-RP to satisfy El Paso County's 300-year water supply requirement for the 4 lots of the Gunners Ridge Subdivision. The Covenants shall further identify that 1,170 acre-feet (3.9 acre-feet/year) of Dawson aquifer water is allocated to Lot 1 and 210 acre-feet (0.7 acre-feet/year) of Dawson aquifer water is allocated to each of Lots 2 through 4.

2) Advise of responsibility for costs. The Covenants shall advise the lot owners and their successors and assigns of their obligations regarding the costs of operating the plan for replacement, which include the installation and/or maintenance of totalizing flow meters.

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

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

"The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not Determination of Water Right No. 463-BD and Replacement Plan No. 463-RP and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned

or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.”

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

6) 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 Gunners Ridge Subdivision pursuant to Determination of Water Right No. 463-BD and Replacement Plan No. 463-RP. Further, written approval of any such proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney’s Office. Any amendments must be pursuant to the Colorado Ground Water Commission approving such amendment, with prior notice to the El Paso County Planning and Community Development Department for an opportunity for the County to participate in any such determination.”

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

“These Covenants shall not terminate unless the requirements of Determination of Water Right No. 463-BD and Replacement Plan No. 463-RP are also terminated by the Colorado Ground Water Commission and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County.”

D. Applicant and its successors and assigns shall reserve in any deeds of the Property Dawson aquifer water in the decreed amount of 1,170 acre-feet (3.9 acre-feet annually) for Lot 1 and 210 acre-feet (0.7 acre-feet annually) for each of Lots 2 through 4. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply.

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

Any and all conveyance instruments shall also recite as follows:

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

F. Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions, form deeds, and any plat notes required herein to the Planning and Community Development Department and the County Attorney’s Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney’s Office prior to recording the final plat. Said Declaration shall cross-reference Determination of Water Right No. 463-BD and Replacement Plan No. 463-RP and shall identify the obligations of the individual lot owners thereunder.

G. Applicant and its successors and assigns shall record all applicable documents, including but not limited to Determination of Water Rights No. 463-BD, Replacement Plan No. 463-RP, agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

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

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

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

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

- Upload a corrected Water Supply Information Summary that:
 - Corrects the number of household units to 5 in Section 9;
 - Enters the Determination and Replacement Plan numbers in Section 10;
- Upload a corrected Water Resources Report that states in Section 3.2 that the proposed 4 new wells will utilize only the Dawson aquifer.

Cc: Kylie Bagley, Project Manager, Planner

From: James Appleyard <jim.appleyard@gmail.com>
Sent: Friday, August 25, 2023 5:14 PM
To: PCD Hearings
Subject: FILE NUMBER: MS233 BAGLEY MINOR SUBDIVISION GUNNERS RIDGE

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

Reference: Planning Commission (PC) Hearing on Thursday, September 7, 2023, beginning at 9:00 A.M. The PC hearing will be held in the Second Floor Hearing Room of the Pikes Peak Regional Development Center located at [2880 International Circle, Colorado Springs](#). The Board of County Commission. Request by Drew Makings for approval of a 38.83-acre Minor Subdivision illustrating four (4) single-family residential lots—approx one 23 and three 5-acres properties. The property is zoned RR-5 (Residential Rural) and is located at 12172 Goodson Road and is directly northwest of the intersection of Goodson Road and Ayer Road. (Parcel No. 5214000014) (Commissioner District No. 2)

The Board needs to oppose this subdivision of this property.

My reasons for opposition are:

The original plan called for this property to remain intact and not be subdivided and was sold to the owner under this provision. Our adjoining subdivision, Sylvan Meadows, did not oppose this because of limited impact on our road conditions, traffic, property owner association and water rights.

The other buyers of this subdivision were also sold land under the provision that they not be subdivided. All these lots were zoned RR-5. If approved, does this approach allow for others to subdivide and become a precedence for all? This would cause a cascade effect to the negative to this area.

In closing, I just would like the Board to tell this owner no. You bought your property under condition that you agreed to, that Board agreed to and that your adjoining neighbor by absentia agreed to. When you enter an agreement we need to stick to that agreement.

Thanks for any consideration. Just say no!

Colonel (Ret) Jim and Kathy Appleyard
12511 Goodson Road
Colorado Springs, CO 80908
(405) 697-7921

Sylvan Meadows Property Owners Association

P.O. Box 88265
Black Forest, CO. 80908

March 15, 2023

Ms. Kylie Bagley
Planning and Community Development Division
El Paso County
2880 International Circle, Suite 110
Colorado Springs, CO 80910
Sent Via email: kyliebagley@elpasoco.com

Subject: Objection to Makings Subdivision 9MS-23-0030

Dear Ms. Bagley:

I am the president of the Sylvan Meadows Property Owners Association and I'm writing representing our Board of Directors and on behalf of our POA members. The southwest corner of our development is directly across Goodson Drive from the Makings parcel and subdivision plans. Our POA is objecting to the applicant's subdivision proposal for the following reasons, among others:

The applicant purchased his lot knowing it is zoned RR-5 and now he is requesting exceptions to that zoning. Our specific objections are:

He is seeking approval for commercial stabling of up to 35 horses. This is a residential, not commercial, area and such a commercial stabling of horses will have negative impact on our single family quiet residential area to include, increased traffic as horse owners would come and go to see and pick up their horses, smell, and increased water and sewer impacts. Commercial operations should be limited to those areas specifically zoned for commercial applications and not allowed in residential areas.

He is seeking approval for a second dwelling on his 23.8 acre lot and that is not permitted in RR-5 zoning. If a second dwelling is desired, the applicant should not subdivide his 35 acres and instead request A-35 zoning. Moreover, a second dwelling would open the possibility of it being used as a commercial rental property.

Thank you for including our objection to the subject subdivision proposal in the County's decision process. Please keep me informed of progress on this application to include when a decision will be made by your office on the applicant's request.

For the Board of Directors:



Joe Arbuckle

President, Sylvan Meadows POA

719-371-8288

From: Charles Crupper <crupperc@q.com>
Sent: Friday, August 25, 2023 4:13 PM
To: PCD Hearings; Kylie Bagley
Subject: File Number: MS233 Bagley Minor Subdivision Gunners Ridge, Quasi-Judicial OPPOSITION LETTER

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

To: Planning Commission and Board of County Commissioners

From: Charles Crupper, Sylvan Meadows Subdivision Homeowner

Reference: NOTICE OF PUBLIC HEARING This notice provides options to observe and participate in the Planning Commission and Board of County Commissioners public hearings on the following Quasi-Judicial land-use matter. The following item is scheduled for the Planning Commission (PC) Hearing on Thursday, September 7, 2023, beginning at 9:00 A.M. The PC hearing will be held in the Second Floor Hearing Room of the Pikes Peak Regional Development Center located at 2880 International Circle, Colorado Springs. The Board of County Commissioners' (BOCC) hearing is scheduled for Thursday, September 28, 2023, beginning at 9:00 A.M. The BOCC hearing will be held in the Centennial Hall Hearing Room located at 200 S. Cascade Avenue, Colorado Springs. You may attend the public hearings in-person or remotely, following the procedures below.

FILE NUMBER: MS233 BAGLEY MINOR SUBDIVISION GUNNERS RIDGE A request by Drew Makings for approval of a 38.83-acre Minor Subdivision illustrating four (4) single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 12172 Goodson Road and is directly northwest of the intersection of Goodson Road and Ayer Road. (Parcel No. 5214000014) (Commissioner District No. 2). Planner: KylieBagley@elpasoco.com Type Of Hearing: Quasi-Judicial If you wish to provide comments either in support of or in opposition to this proposal, please email the project manager/planner above or PCDhearings@elpasoco.com.

I wish to formally notify the Board of my opposition to the subdivision of this property. My reasons for opposition are:

1. The original plan called for this property to remain intact and not be subdivided and was sold to the owner under this provision.
2. The other buyers of this subdivision were also sold land under this provision and now are faced with an unwarranted change.
3. The surrounding neighbors, in my case Sylvan Meadows, will now have to deal with additional traffic along Goodson Road if additional lots are allowed. This would worsen if the current lot owners also wanted to change their lots to subdivide them. Also, since these properties are not subject to a Property Owners Association, what is to stop the five-acre owners from building several homes on each lot?
4. Goodson Road is already in very poor condition in the Sylvan Meadows subdivision, and this will only exacerbate the road condition. The county has not seen fit to expend funds to improve the road and this will just make it worse. In other words, the country cannot keep up with the condition of Goodson Road in the subdivision as it is currently, and this will just make the situation worse.
5. The additional traffic is also a safety issue, as many Sylvan Meadows residents walk the streets (both with and without pets) and ride their bicycles for recreational exercise. The additional potential traffic can do nothing but make this situation worse.

6. This subdivision is an obviously only being done so the new owner can recoup some of his cost of the entire property. It has nothing to do with making the Black Forest a better place to live for the current residents or for himself for that matter.

7. Many areas of Black Forest are continually under attack by developers who propose lot sizes not in compliance with the Black Forest Preservation Plan. While this is within the five-acre size proposed, it does nothing to keep some "open space" within the Black Forest community.

8. These new lots will also, although to a small degree, erode our dwindling water resources that many residents of Black Forest are very concerned about these days. This is an opportunity for the Board to stand up for Black Forest residents to slow the progress of building in Black Forest.

9. Has the Board investigated the potential problems with the power corridor that would infringe on these new lots and how the Power Company feels about the subdivision and potential new homes developed on these lots.

In closing, I just want to emphasize it is all right to tell this owner no to his proposal. Please think about the good of the whole Black Forest Community, and if that community will benefit from this action. I really don't see how allowing this subdivision to happen benefits anyone, except the property owner requesting this action.

Thanks for any consideration you give to my request.

Charles G. Crupper Jr
12811 Goodson Road, Colorado Springs, CO 80908
719-495-6740
crupperc@q.com

Seclusion Development, LLC

9540 Federal Drive, Suite 100
Colorado Springs, CO 80921

March 10, 2023

Ms. Kylie Bagley
Planning and Community Development Division
El Paso County
2880 International Circle, Suite 110
Colorado Springs, CO 80910
Sent via email: kyliebagley@elpasoco.com

RE: OBJECTION TO MAKINGS SUBDIVISION (MS-23-003) – GUNNERS RIDGE MINOR SUBDIVISION

Dear Ms. Bagley:

I am the owner/developer of the Seclusion property for which a rezone from PUD to RR-5 to accommodate 35-acre parcel development was approved by the BoCC by Resolution 21-346 on 24th August 2021. The proposed Makings Subdivision is Parcel 1 on the attached exhibit and the owner is proposing to subdivide the property into one (1) 23.8-acre lot and three (3) ~5-acre lots. The Applicant's Letter of Intent (LOI) indicates that *"The applicant proposes to develop the parcel into 4 Single Family residential lots. Lot #1 would like to have the option for a second house (larger than 1,800 square feet) in the future."* It goes on to state that *"the owner/applicant of Lot #1 would like to include horse boarding on Lot #1. There are 7 horse paddocks proposed. Each paddock will be 100 feet by 125 feet +/- with a maximum of 5 horses per paddock."*

There are various aspects of this application and the applicant's future intent as stated in the LOI that are of concern to us as the developer of Seclusion and owner of Parcels 3, 5 & 6.

Appropriateness of the Minor Subdivision:

1. Compatibility

Land Development Code (LDC) Chapter 7.2.1.C.1 (c) states that *"a minor subdivision shall be required to conform to all preliminary plan and final plat requirements including the criteria for approval, except to the extent that those requirements are modified by this Code or the Procedures Manual."* Chapter 7.2.1.D.2 (e) of the LDC sets out the criteria for approval of a Preliminary Plan, which includes: *"The proposed subdivision has established an adequate level of compatibility by ... (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses."*

Seclusion is a 35-acre parcel development that was not intended to accommodate 5-acre lots. When proposing to rezone the property from PUD on 2021, we had an Early Assistance (EA) meeting with

the County Planner, with a view to rezoning the property to A-35 to support the proposed 35-acre parcels. At the EA meeting on December 16, 2020, the Planner indicated that RR-5 zoning was preferred as it was more compatible with the surrounding RR-5 zoning. While we understand that the proposed subdivision is within the parameters of the RR-5 zone, we consider that the currently proposed configuration is not compatible with the adjacent 35-acre lots. A better configuration of the lots to address compatibility would be to move the five acre lots to the south end of the property adjacent to the 5-acre platted lots in the adjacent Armonia Ranch Subdivision. This would place the single 23.8-acre lot to the north where it would act as a transition between the smaller 5-acre lots and the 35-acre parcels to the west and north.

2. Circumvention of Process

The Applicants LOI indicates an intent for an additional dwelling on Lot #1. LDC Chapter 7.2.1.C.1 (e) states that *"if it is determined that the applicant is using the minor subdivision process to circumvent the subdivision ...the applicant shall be required to comply with the preliminary plan and final plat process."* An Additional Dwelling is not permitted in the RR-5 zone. The only zone in which an Additional Dwelling is permitted is the A-35 zone. Conversely, the A-35 zone would not allow subdivision to less than 35-acre lots. It is clearly the case based upon the applicant's intent for an additional dwelling in the future that the applicant is trying to circumvent the subdivision process by applying for a minor subdivision.

3. Lot Access

We do not understand the applicant's justification for the requested waiver for 30' lot frontage on a public road. The reference to the unique shape of Lot #1 and the impact to lot 4 is bogus. The applicant has created the shape of Lot #1 with this proposed subdivision. Currently the parcel is a large uniform shape. Lot #4 could be moved south of Lot #2 or, as suggested above, all three 5-acre lots should be moved to the south boundary. This would allow all lots to have direct public road access and Lot #4 would be no more burdened by the powerline easement along Goodson Road than Lots 2 and 3. We think it would be better planning for all the lots within the subdivision to have direct access from Goodson Road, and there is adequate room on this 35-acre parcel to do so.

5. Inadequate supporting Information

Mr. Makings purchased his parcel from my company on August 22, 2022 following his EA meeting with your office on August 18, 2022. The EA meeting clearly described the allowed uses with the RR-5 zone and how those differed from his suggested intended use.

Appropriateness of the proposed Additional Dwelling on Lot 1:

The applicant purchased this lot in the knowledge that it is zoned RR-5. While this allows subdivision to 5-acre lots, it does not allow for additional dwellings. The only zone in which an Additional Dwelling is permitted is the A-35 zone. The applicant has not requested a rezone to A-35 as this would not allow the proposed subdivision to less than 35-acre lots. The only way the additional dwelling could conceivably be allowed in the future is with a use variance. The County should not knowingly support a proposed subdivision that will result in a use variance request in the future.

Appropriateness of the proposed Commercial Stable on Lot 1:

The applicant purchased this lot in the knowledge that it is zoned RR-5. While this allows subdivision to 5-acre lots, it does not allow for a commercial stable. A commercial stable is a Special Use in the RR-5 zone. No special use request has been made. LDC Chapter 5.3.2.C. provides the criteria for approving a special use, which includes: "The special use will be in harmony with the character of the neighborhood, and will generally be compatible with the existing and allowable land uses in the surrounding area." Additionally, a commercial operation of this size will have adverse effects on surrounding property values and traffic counts.

At the EA meeting on December 16, 2020, per the Planning Checklist on EDARP under Zoning Analysis, the planner indicated:

"Applicant has proposed to rezone the existing parcels to A-35. The subject property is surrounded by RR-5 zoning. Staff recommends that the parcels be rezoned to RR-5 to mitigate potential agricultural externalities that may impact the surrounding neighborhood as a result of the A-35 zoning uses allowed within the district. Agricultural uses may still be permitted within the RR-5 District, under a more limited scale." In the audio recording of the meeting, the Planner states that RR-5 zoning is better because it requires Special Use review which then allows neighbor involvement and input for certain uses. The Planner also states that RR-5 potentially has fewer allowed uses which may impact surrounding land uses that could be seen as negative, higher intensity in nature.

It is clear from these recommendations of the Planner at the 2021 EA meeting that Planning staff did not consider the more intense agricultural uses, such as commercial stables, as an appropriate use in this location, given the character of the surrounding area. It was for this reason that we rezoned to RR-5 rather than A-35 as originally requested. Although a special use request has not yet been submitted, it is clear from the applicants LOI that this is the intent. We would oppose such a request on the basis that a commercial stable is not compatible with the residential character of the neighborhood. The property lies within the Large-Lot Residential place-type in the El Paso County Master Plan, which indicates that the "the focus of Large-Lot Residential is intertwining residential uses with the County's treasured natural environment without disruption or degradation. As such, commercial uses are minimal in this place-type with a small-scale standalone business located on a major roadway." The proposed commercial stable for up to 35 horses is neither small in scale, nor is it located on a major roadway, and is therefore an inappropriate use in this place-type.

In addition, we question whether a well permit will allow for this commercial operation in the Upper Black Squirrel Creek Ground Water Basin ("UBS"). The applicant's Water Resource Report relies only on the Dawson water to supply the wells and replacement of the actual depletions from septic return flows. While Dawson wells may be allowed in the UBS with an approved replacement plan, it is doubtful that only septic return flows will be enough to meet the required 100% of actual depletion. We further object to allocation of the water necessary to supply a commercial boarding operation.

6. Notification

Seclusion's property is separated from Mr. Makings by 60' of road (two – 30' driveways for Parcels 2 & 4). It seems Seclusion should have been notified as an adjacent neighbor just as those east of Goodson Road were notified. Future notification would be appreciated.

Mr. Makings never approached us with his ideas and desires for this property; if he had we would have been happy to discuss them with him. Unfortunately, we are only left with responding to the requested minor subdivision before us and the applicant's future intentions as set out in the LOI.

Please keep us informed of the progress on this or any other applications associated with this property.

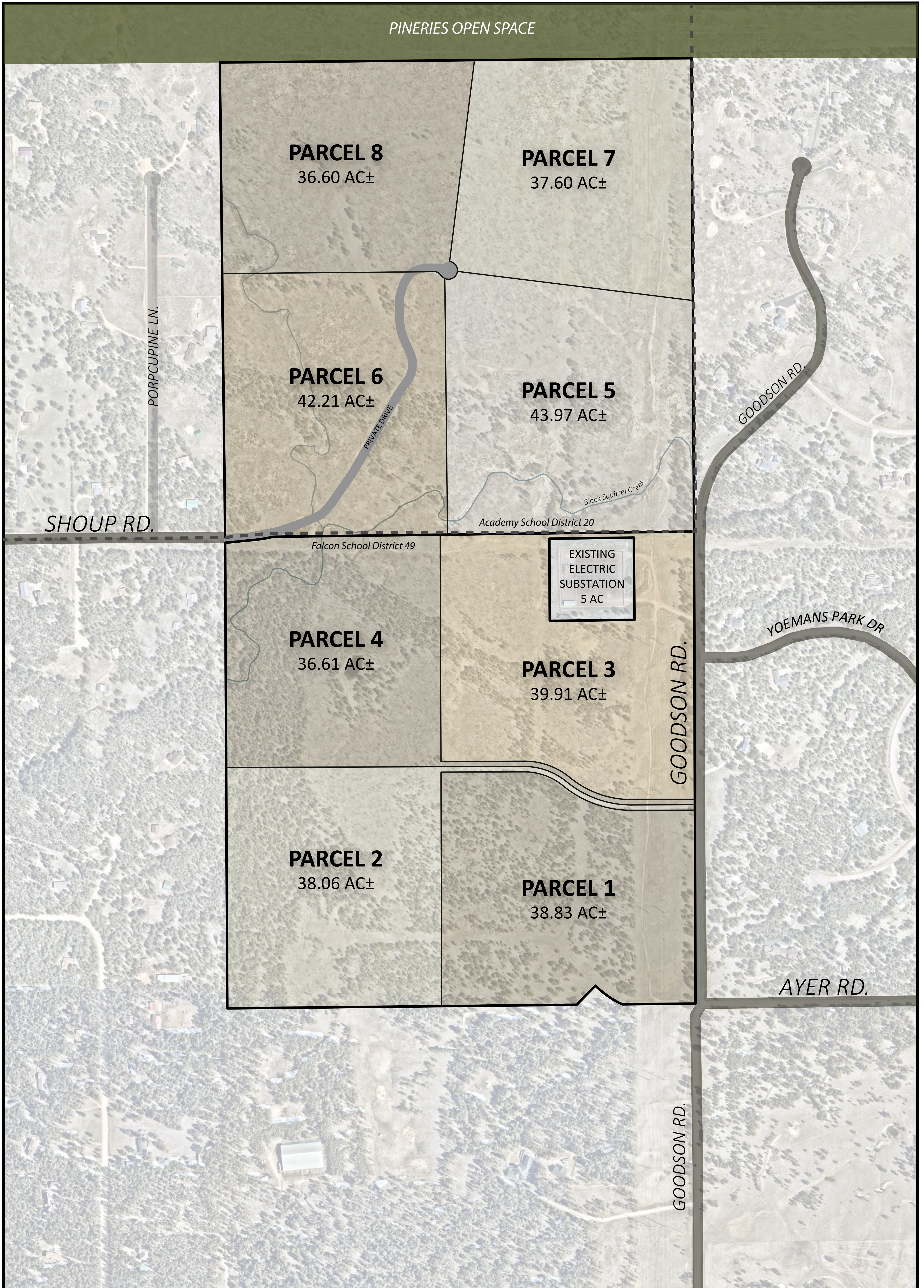
Yours sincerely,



George C Hess III
Seclusion Development, LLC

Cc: Caroleen F. Jolivet
Mulliken, Weiner, Berg & Jolivet
102 South Tejon Street, Suite 900
Colorado Springs, CO 80903

SECLUSION



Marketed by: Ted Thurber
 Mobile (719) 338-2178
 Office (719) 593-1000
 www.tedthurber.com

Seclusion Development, LLC
 9540 Federal Dr., #100
 Colorado Springs, CO 80921



From: Whitney Otis <whitotis@msn.com>
Sent: Monday, August 28, 2023 1:10 PM
To: PCD Hearings; Kylie Bagley
Subject: File Number MS233

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

In the matter of FILE NUMBER: MS233 BAGLEY MINOR SUBDIVISION GUNNERS RIDGE A request by Drew Makings for approval of a 38.83-acre Minor Subdivision illustrating four (4) single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 12172 Goodson Road and is directly northwest of the intersection of Goodson Road and Ayer Road. (Parcel No. 5214000014) (Commissioner District No. 2).

I am notifying the Board of my opposition to the subdivision of this property for the following reasons.

1. Originally these properties were to remain as + or - 35 acre lots and it was my understanding that they would not be subdivided.
2. I live in Sylvan Meadows, and we will now have to deal with additional traffic along Goodson Road if multiple additional lots are allowed. If the first property is allowed to be subdivided why wouldn't or couldn't the remaining parcels be subdivided? Current or future subdivisions would impact the amount of traffic on Goodson Road as well as wear and tear on the roadway caused by cars, trash trucks, etc.
3. Goodson Road, where it runs through the Sylvan Meadows subdivision, already needs repairs. Additional housing in this area will further deteriorate the road. If the road is poorly maintained now, what assurances are there that this situation will be improved in the future??
4. Many Sylvan Meadows residents walk or ride bicycles on our streets. Adding more cars / trucks for trash pick up, etc., will just worsen congestion and safety for all concerend.
5. I see little benefit to additional subdivisions from a quality-of-life standpoint, which is the reason many of us moved to Black Forest / Sylvan Meadows in the first place. Simply trying to multiply someone's wealth without consideration to those in contiguous areas seems unwarranted in my opinion.
7. The sale of the original 35 acre lots as opposed to smaller lots was done for water resource issues if I recall the original plan. How does allowing further subdivision assist in preservation of water resources.
8. Please review the original plans for allowing 35 acre plots vs a much larger development on smaller parcels of land. I'm sure there was much thought given to the original plan and how its potential impact on the Black Forest area and specifically those of us who live in the adjoining Sylvan Meadows development. I personally see no benefit to allowing this plan to go forward.

Thanks for looking over my above thoughts on the matter,

Sincerely
Whitney Otis
Sylvan Meadows Subdivision Resident
12150 Spine Creek Place
719-651-4729

From: Jason Reeser <jlzmreaser@hotmail.com>
Sent: Sunday, August 27, 2023 8:53 AM
To: PCD Hearings
Subject: Re: FILE NUMBER: MS233 BAGLEY MINOR SUBDIVISION GUNNERS RIDGE

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

Reference: Planning Commission (PC) Hearing on Thursday, September 7, 2023, beginning at 9:00 A.M. The PC hearing will be held in the Second Floor Hearing Room of the Pikes Peak Regional Development Center located at [2880 International Circle, Colorado Springs](#). The Board of County Commission. Request by Drew Makings for approval of a 38.83-acre Minor Subdivision illustrating four (4) single-family residential lots—approx one 23 and three 5-acres properties. The property is zoned RR-5 (Residential Rural) and is located at 12172 Goodson Road and is directly northwest of the intersection of Goodson Road and Ayer Road. (Parcel No. 5214000014) (Commissioner District No. 2)

The Board needs to oppose this subdivision of this property.

My reasons for opposition are:

The original plan called for this property to remain intact and not be subdivided and was sold to the owner under this provision. The original property was already very recently subdivided by Mr George Hess to 35 acre tracts, developed and sold to individual owners. Further subdividing these lots should not be entertained by the board.

Our adjoining subdivision, Sylvan Meadows, did not oppose Mr. Hess's project because of limited impact on our road conditions, environment (wildlife), traffic, and water rights.

The other buyers of this subdivision were also sold land under the provision that they will not be subdivided. This area is part of black forest that we live here to enjoy the forest, not development. If this neighborhood is approved, there are 8 other 35 acre lots that may follow suit, further putting a strain on the limited infrastructure and water resources.

In closing, I work in city government and know the strain on infrastructure due to growth that is currently happening. We cannot keep up with roads and public safety. This lot is on a dangerous corner of Goodson and Ayers on a 90 degree corner. The developer of this project needs to additionally be responsible for extending Ayers road into the property on this corner to allow access to this development, not using Goodson Road for access. Also, providing fire hydrant access for Falcon fire and park space if applicable.

Your position as board members is to manage that growth responsibility and look out for the interests of your constituents. Please vote no on this subdivision.

Jason Reeser
12572 Goodson Road
719-339-2701

March 11, 2023

Ms. Kylie Bagley
Planning and Community Development
Division El Paso County
2880 International Circle, Suite
110 Colorado Springs, CO 80910
Sent via email: kyliebagley@elpasoco.com

OBJECTION TO MAKINGS SUBDIVISION (MS-23-003) - GUNNERS RIDGE MINOR SUBDIVISION

Ms. Bagley,

We are the owners of the parcel at 12202 Goodson Drive, just west of this proposed subdivision. We strongly object to Mr. Making's request to #1 subdivide his property and #2 to have a commercial enterprise on this property. This is a residential area and by no means would we have purchased our property if we knew a commercial business with up to 35 horses would be allowed. We have put a considerable amount of money into buying this land and had hoped this would become a family property for generations to enjoy but not only will this hurt our property value but the odor and flies associated with so many horses may be overwhelming.

According to the Stable Management publication, "One 1000-pound horse produces an average of 31 pounds of feces and 2.4 gallons of urine a day. Add to that soiled bedding and the results are more than fifty pounds of waste per stall that has the potential to cause quite a stink".

We were also told that it would be very difficult for any owner to subdivide these parcels which is why they are all under 40 acres. Obviously, there will be more traffic with three more houses on his proposed five acre lots let alone his customers driving in and out of the commercial stables. As a current resident of Sylvan Meadows Development right next door I believe the Sylvan Meadows neighborhood would be highly impacted by this proposal. Seclusion Development notified our POA that four new driveways would be allowed for the four parcels being sold that access Goodson Rd. There was never any indication that it could possibly be more than that.

We are hoping that in this case the impact to the surrounding residents is considered and the proposal is denied. Thank You

Sincerely,

Steve and Anita Smith

June 9, 2023

Gunners Ridge Minor Subdivision

Re: Request for Waiver

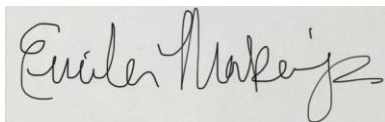
Dear El Paso County Review Team,

This letter is to inform you that we are requesting a waiver from the Land Development Code for the Maximum Pole Length of a lot (8.4.3 (B) (4)). We are requesting that Gunners Ridge Subdivision be allowed a flag pole length of 1,097.19' where the longest side of the flag portion of the flag lot is 560'. Part of the reasoning for this is there is a large no build easement due to utility lines for the first portion of the lots. The lots have been laid out in a way that will impact the neighbors as minimal as possible. The way the lots are proposed allows for what we believe to be the best buildable layout.

Please feel free to contact us at 719-482-6050 (Drew Makings) or 719-360-7808 (Emilee Makings) with any questions.

Sincerely,





Drew and Emilee Makings
Owners

RESOLUTION NO. 23-

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

APPROVAL OF A MINOR SUBDIVISION FINAL PLAT
GUNNERS RIDGE (MS233)

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

WHEREAS, a public hearing was held by the El Paso County Planning Commission on September 7, 2023, upon which date the Planning Commission did by formal resolution recommend approval of the Minor Subdivision Final Plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on September 28, 2023; and

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

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is consistent with the purposes of the Land Development Code ("Code").

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

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

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

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

CONDITIONS

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
2. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
4. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.

5. The 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 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.
6. Park fees in lieu of land dedication for regional parks in the amount of \$1840 shall be paid at the time of plat recordation.
7. Fees in lieu of school land dedication in the amount of \$960 shall be paid to El Paso County for the benefit of Falcon School District No. 49 at the time of plat recording.
8. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations as provided by the County Attorney's Office.

NOTATIONS

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

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.

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

DONE THIS 28th day of September 2023 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

A PORTION OF SPECIAL WARRANTY DEED RECORDED AT RECEPTION NO. 219050325 OF THE EL PASO COUNTY CLERK AND RECORDER OFFICE, BEING SITUATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING:

ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, AND ARE ASSUMED TO BEAR S00°28'41"E, MONUMENTED ON THE NORTH END OF THE LINE BY A FOUND 2.5" ALUMINUM CAP STAMPED, "MVE INC, RLS 17665, S11 S12 S14 S13, 1998, T12S R65W AND ON THE SOUTH END OF THE LINE BY A FOUND 2.5" ALUMINUM CAP STAMPED, "MVE INC, RLS 17665, 1/4, S14, S13, 1988, T12S R65W."

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 14 AND BEING A POINT ON THE WEST RIGHT OF WAY LINE OF GOODSON ROAD;

THENCE WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, S89°06'22"W, A DISTANCE OF 409.14 FEET TO THE SOUTHEAST CORNER OF SPECIAL WARRANTY DEED RECORDED AT RECEPTION NO. 207039933 AND BEING A POINT OF NON-TANGENT CURVE TO THE RIGHT;
THENCE DEPARTING SAID SOUTH LINE AND WITH THE NORTH LINE OF SAID SPECIAL WARRANTY DEED AND ALONG SAID NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 435.00 FEET, A CENTRAL ANGLE OF 22°07'49", A DISTANCE OF 168.02 FEET, A CHORD BEARING OF N56°41'15" W WITH A CHORD DISTANCE OF 166.97 FEET;
THENCE CONTINUING WITH SAID NORTH LINE OF SPECIAL WARRANTY DEED, N45°37'21"W, A DISTANCE OF 16.45 FEET;
THENCE S44°22'39"W, A DISTANCE OF 149.99 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER;
THENCE WITH SAID SOUTH LINE, S89°06'22"W, A DISTANCE OF 754.91 FEET;
THENCE DEPARTING SAID SOUTH LINE, N00°28'41"W, A DISTANCE OF 1309.24 FEET;
THENCE N89°31'24"E, A DISTANCE OF 465.80 FEET TO A POINT OF CURVE TO THE RIGHT;
THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 340.00 FEET, A CENTRAL ANGLE OF 39°42'22", A DISTANCE OF 235.62 FEET, A CHORD BEARING OF S70°37'25"E WITH A CHORD DISTANCE OF 230.93 FEET TO A POINT OF REVERSE CURVE TO THE LEFT;
THENCE ALONG SAID REVERSE CURVE TO THE LEFT, HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE OF 39°42'22". A DISTANCE OF 415.80 FEET, A CHORD BEARING OF S70°37'25"E WITH A CHORD DISTANCE OF 407.53 FEET;
THENCE N89°31'24"E, A DISTANCE OF 353.93 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 14 AND BEING A POINT ON THE WEST RIGHT OF WAY LINE OF GOODSON ROAD;
THENCE WITH SAID EAST LINE AND SAID WEST RIGHT OF WAY LINE, S00°28'41"E, A DISTANCE OF 1082.07 FEET TO THE POINT OF BEGINNING