

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

O: 719-520-6300
MegganHerington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners

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

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 6/13/2024
RE: MS234 Guntzelman Porcelain Pines Minor Subdivision

Project Description

A request by Christa and Kristian Guntzelman for approval of a 35.06-acre Minor Subdivision creating three (3) single-family lots. The property is zoned R-T (Residential Topographic) and is located at the intersection of Mountain Road and Kulsa Road and is approximately one-quarter of a mile west of Chipita Park Road.

Notation

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

Planning Commission Recommendation and Vote

Markewich moved / Moraes seconded for approval of the Minor Subdivision, utilizing the resolution attached to the staff report with seven conditions, two 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 included a request by staff to increase the number of conditions from six to seven, adding the following staff-proposed condition:

The applicant shall submit and receive approval of a public right-of-way license agreement prior to acceptance of the plat for recording.

The motion was **approved (9-0)**. The item was heard as a called-up consent agenda item.

Discussion

Three citizens spoke in opposition to the request. One citizen spoke in favor of the request. Discussion was primarily focused on access to the property, driveway construction requirements, and the condition regarding the proposed license agreement for construction of the private driveway within public County right-of-way.

Attachments

1. Planning Commission Minutes from 5/16/2024.
2. Public Comment.
3. Signed Planning Commission Resolution.
4. Planning Commission Staff Report.
5. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting
Thursday, May 16, 2024
El Paso County Planning and Community Development Department
2880 International Circle – Second Floor Hearing Room
Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: SARAH BRITTAIN JACK, JAY CARLSON, BECKY FULLER, ERIC MORAES, JEFFREY MARKEWICH, BRYCE SCHUETTPELZ, WAYNE SMITH, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: THOMAS BAILEY, JIM BYERS, AND BRANDY MERRIAM.

STAFF PRESENT: JUSTIN KILGORE, KARI PARSONS, RYAN HOWSER, KYLIE BAGLEY, JOE LETKE, ED SCHOENHEIT, CHARLENE DURHAM, DANIEL TORRES, MIRANDA BENSON, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: MATTHEW DOZIER, WILLIAM STUBER, LARRY MANNING, DARLENE JENSEN, AND JANDY BARENTINE.

1. REPORT ITEMS

Mr. Kilgore advised the board that the next PC Hearing will be held Thursday, June 6, 2024, at 9:00 A.M. This will serve as the annual meeting when officers are selected. There will be a presentation by Clarion regarding the LDC update process.

Ms. Seago introduced a new County Attorney Office staff member, Erika Keech. She will represent the Planning Commission and Planning Department in the future.

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

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held May 2, 2024.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (9-0).

B. SP237

HOWSER

**PRELIMINARY PLAN
WYOMING ESTATES**

A request by Home Run Restorations, Inc. for approval of a 36.62-acre Preliminary Plan depicting 6 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 14515, 14715, 14750, and 14755 Teleo Court, on the west side of Curtis Road, approximately 2.75 miles north of Highway 94. The applicant is also seeking a finding of water sufficiency with the Preliminary Plan. (Parcel Nos. 4333003003, 4333004001, 4333004002, and 4333004003) (Commissioner District No. 2)

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

C. MS234

HOWSER

**MINOR SUBDIVISION
GUNTZELMAN PORCELAIN PINES**

A request by Christa and Kristian Guntzelman for approval of a 35.06-acre Minor Subdivision creating 3 single-family residential lots. The property is zoned R-T (Residential Topographic) and is located at the intersection of Mountain Road and Kulsa Road, approximately one-quarter of a mile west of Chipita Park Road. (Parcel No. 8322200018) (Commissioner District No. 3)

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

D. VR223

BAGLEY

**VACATION AND REPLAT
AFTA SUBDIVISION**

A request by CST Metro LLC for approval of an 8.90-acre Vacation and Replat creating 2 commercial lots and 1 tract. The subject property is zoned CS (Commercial Service) and is located northeast of the intersection of New Meridian Road and Highway 24 and southeast of the intersection of Old Meridian Road and Highway 24. (Parcel Nos. 5312402015, 5312402016, 5312403003, 5312403004, 5312404003, 5312405003, and 5312405005) (Commissioner District No. 2)

NO PUBLIC COMMENT

DISCUSSION

Mr. Trowbridge asked for more information regarding the traffic study.

Ms. Bagley presented a map of the proposed subdivision. She explained where the roads are located.

Mr. Trowbridge asked where ingress to the new convenience store would be located and which structure would remain on the property.

Mr. Schoenheit explained that the existing Circle K building will be removed and a new structure will be constructed. He further explained that the proposed construction drawings show the existing access to Highway 24 being closed. An access permit granted by the City of Colorado Springs will allow a limited turn onto Meridian Road.

Mr. Trowbridge asked if that would be a restricted right in, right out intersection.

Mr. Schoenheit confirmed. He stated there would be $\frac{3}{4}$ movement, but not full movement.

Mr. Trowbridge asked if traffic from Highway 24 would need to pass the area to turn later down the road and return.

Mr. Schoenheit referred to a slideshow image. He stated that the City of Colorado Springs controls access to Meridian Road in that location. It was reiterated that there would no longer be direct access to Highway 24. Access to the subject property would only be possible through the interior roads.

PC ACTION: MS. FULLER MOVED / MR. MORAES SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3D, FILE NUMBER VR223 FOR A VACATION AND REPLAT, AFTA SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH ELEVEN (11) CONDITIONS, ONE (1) NOTATION, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

4. CALLED-UP CONSENT ITEMS

3B. SP237

HOWSER

PRELIMINARY PLAN WYOMING ESTATES

A request by Home Run Restorations, Inc. for approval of a 36.62-acre Preliminary Plan depicting 6 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 14515, 14715, 14750, and 14755 Teleo Court, on the west side of Curtis Road, approximately 2.75 miles north of Highway 94. The applicant is also seeking a finding of water sufficiency with the Preliminary Plan. (Parcel Nos. 4333003003, 4333004001, 4333004002, and 4333004003) (Commissioner District No. 2)

Mr. Howser asked if the public could summarize their concerns so they may be addressed without a full presentation.

Mr. Matthew Dozier provided public comment. He supplied photos (part of the EDARP file) of drainage mitigation ditches in the area. He stated they are full of silt. He stated he would like to see those areas cleaned up before the final stages. He asked for clarification regarding whether the cul-de-sac, maintained by the HOA, would be public or private. He mentioned that traffic has increased in the area and that he has experienced theft from his barn.

Mr. Daniel Torres, with DPW Engineering, explained that the area described is within Wyoming Estates Filing No. 1. The site has an open permit and DPW is aware that it is not yet finished. The ditch on the north side is identified in construction drawings as a rip-rap ditch and still needs to be completed. Once all improvements from Filing No. 1 are complete, DPW will proceed with preliminary acceptance for the roadway. The driveway that continues west is platted right-of-way but will be maintained by the HOA via license agreement. It is currently a private driveway.

Mr. Carlson asked if the sediment will be dealt with when the ditches are complete.

Mr. Torres replied that the sediment should be mitigated with the rip-rap identified in the drainage report and according to the construction drawings.

Mr. Whitney pointed out that while the zoning is [RR-5], the placetype is identified as Suburban Residential and could potentially support higher density development.

Mr. Howser discussed the Master Plan and Suburban Residential placetype. He agreed that the placetype could support higher density but added that an applicant would need to first meet the criteria of a Map Amendment (Rezoning) application, including compatibility. The zoning districts of the surrounding vicinity are RR-5, A-5, and A-35. Higher density zoning may not be compatible.

Mr. Markewich asked for more information regarding drainage. He asked if drainage would connect to a system east of the subject parcel. He asked about drainage on adjacent property.

Mr. Torres replied that the water primarily flows east. He referred to a slideshow image to explain the flow. He doesn't know how water is draining on properties to the north and west. Based on the map's contour lines, drainage may continue west, north of the subject property, and not tie into the subject property's culvert. Water that flows directly into the subject property is directed to the drainage ditch. He cannot speak to the design of a separate filing.

Mr. Markewich summarized that development west of the property does not have a drainage plan that authorizes a tie-in to the drainage design on the subject property. (Mr. Torres confirmed.) He then asked how the drainage from this property connected to property to the east.

Mr. Torres explained that runoff would connect with the ditch along Curtis Road and then flow north as it historically does.

Mr. Markewich reiterated that he wanted to ensure upstream and downstream water flows were considered. He suggested more information being provided to the BoCC.

Mr. Torres verified that it was part of the drainage report submitted by the applicant. He repeated that the drainage north of the subject property is part of Filing No. 1 and is not part of the request. Filing No. 1 is an open construction site.

Mr. Carlson asked what would prevent build-up of sediment in the new drainage channel.

Mr. Torres answered that once the lots are stabilized, stormwater will be diverted into the channel to slow the rate of flow. Any sediment build-up should be maintained and removed as needed.

Mr. William Stuber provided public comment. He owns the property directly west. He reiterated that the drainage area most discussed is the one furthest north. He then discussed the history. The northern drainage channel was developed where there had been an easement platted for the six surrounding properties and a public access road, which appears to now be private. He stated that the road used by the six properties to the west follows the drainage. He further stated that he has an issue with the subdivision process. One Minor Subdivision was submitted and now there is a second Minor Subdivision being submitted with a replat of the first filing to accommodate

access. He suspects that it was done in a way to circumnavigate the Major Subdivision process. He read LDC 7.2.1(C)(1)(e), *"Circumvention of Process. If it is determined that the applicant is using the minor subdivision process to circumvent the subdivision process such as the submittal of adjoining multiple minor subdivisions or multiple replats of the same property, the applicant shall be required to comply with the preliminary plan and final plat process."* He opposes the public right-of-way now being platted as a private right-of-way with an HOA responsible for maintaining it. He stated that the western properties vacated a legal easement as part of Filing No. 1 with the understanding that it would be a public access road to his property. He is concerned that it will become a private road maintained by an HOA not yet established. He stated that during Filing No. 1, what was presented before the Planning Commission and recommended for approval was different than what the BoCC ultimately approved. LDC 7.2.1(C)(1)(b) states, *"Applicability. A minor subdivision is a division of land that results in the creation of 4 or fewer lots that do not discernibly impact surrounding properties, environmental resources or public facilities."* He disagrees that what is being proposed has little impact on surrounding properties. He then mentioned that there are existing Code violations on Teleo Court where concrete dumpster pads have been poured in the drainage area. He mentioned that the overall process started 5 years ago, and construction has been taking place for 2. He expressed frustration with the amount of time it has taken to finalize.

Mr. Carlson asked for Ms. Seago's thoughts regarding circumvention of the process.

Ms. Seago stated that when the initial Minor Subdivision was approved, it was understood that the applicant would likely come back to propose additional lots. With that in mind, that is the reason the applicant is currently being required to do a full Preliminary Plan rather than a second Minor Subdivision.

Mr. Trowbridge recommended that the standard hearing procedure be followed, and a staff presentation be given. (Mr. Whitney agreed.)

STAFF & APPLICANT PRESENTATIONS

Mr. Howser provided a staff presentation. He explained the background of the request to explain why the applicant is currently requesting a Preliminary Plan. He also clarified that there will be a net increase of two lots.

Mr. Torres then began his presentation.

Mr. Trowbridge clarified that by stating the drainage does not adversely affect downstream property, this means that what flows onto the property flows off the property to maintain historic flows.

Mr. Torres agreed and added that ECM criteria requires that the drainage maintains historic flow. Any increase to historic flow would need to be mitigated. The applicant is addressing stormwater quality by proposing runoff reduction per ECM criteria. Water entering the property is being routed through ditches that run along the roadway. He clarified that Teleo Court will be a County owned and maintained road after acceptance. Where the aerial image identifies Teleo Court is where the existing drainage ditch is located. That access was replaced with the "S-curve" Teleo Court observed on the image.

Mr. Carlson asked for confirmation that Teleo Court will be a public right of way.

Mr. Torres confirmed. He explained that the driveway beyond the right of way will be private.

Mr. Moraes pointed out that the Preliminary Plan in the staff packet identifies a 60-foot *private* right of way.

Mr. Torres stated that was an error. It should say *public* right of way. He will make sure the staff report is updated. If the property to the west proposes subdivision, it would be their responsibility to extend the roadway further.

Mr. Markewich asked for clarification regarding Curtis Road. The "Map Series" part of the staff report shows Curtis Road west of Teleo Court.

Mr. Torres explained that Curtis Road only runs north/south. There is an error with the mapping software that was used to create that image.

Mr. Markewich asked if a road existed west of Teleo Court.

Mr. Torres answered that it is a private driveway.

Mr. Howser clarified that there is no road west of Teleo Court. The GIS software may have created that label because properties along that driveway are addressed as Curtis Road. Overall, the label is a GIS mapping error.

Mr. Markewich asked for a correction to be made to the "Map Series", removing the label of Curtis Road, before presentation to the BoCC.

Mr. Whitney asked for clarification regarding what is public versus private in the area.

Ms. Seago explained that the length of Teleo Court from Curtis Road to the edge of the property line is being dedicated as public right of way on the Final Plat. The part of the road that the County is currently going to accept and maintain, however, ends at the existing cul-de-sac. The adjacent property in the northwest corner will be allowed to have a private driveway connecting to the public right of way dedication, but that section of the right of way will not be maintained by the County. It is a common planning practice to look ahead and obtain right of way dedication for adjacent parcels in anticipation of future development.

Ms. Fuller clarified the reason for the past confusion. She further added that the road name changing from one side of Curtis Road to the other (Patton Drive on one side, Teleo Court on the other) is also confusing.

Mr. Torres stated the County does not control the naming of the roads. He believes Enumerations (PPRBD) allows the road names to change.

Mr. Howser clarified that the former road labeled Teleo Court (running along the northern property line) was a part of a private easement across the subject property for the properties to the west. There was a condition on that easement that if any of the properties subdivided and a

road was built, the easement was required to be vacated. This explains why it appears that both currently exist. The new road has not yet been completed and accepted by the County. Once the road is finalized, the easement is vacated and the previous label on Teleo Court should be removed. The staff presentation concluded.

Mr. Smith asked who would pay for the extension of Teleo Court when the time comes.

Mr. Torres answered that the burden of future road improvements would be on the future development requiring extension of Teleo Court.

Mr. Shawn Shaffer, with Home Run Restorations, Inc., spoke. He did not have a presentation. He offered to answer any questions. He reiterated that he has followed the required process.

Mr. Carlson asked Mr. Shaffer to address the sediment build-up. He asked how it will be maintained until the upstream development is complete.

Mr. Shaffer stated the rip-rap did its job by stopping sediment from flowing downstream. He used a slideshow image to explain where water flows on the property.

Mr. Carlson asked who is responsible for digging out sediment as it builds up in the drainage ditch.

Mr. Shaffer replied that it is his responsibility. He recognized that the neighbors' concerns are valid and that there is ongoing maintenance he needs to complete.

Mr. Joseph Alessi, representing the applicant, discussed the previous easement along the northern edge of the property. The applicant was required to relocate that road so that it aligns with the subdivision to the east. This is what caused the controversy and resulted in all the property owners to the west needing to change their addresses. There were no further questions.

PUBLIC COMMENTS

Mr. Dozier stated that his previous concerns were addressed. He added that while it was explained that drainage should be flowing north and east, it is currently running where the previous easement was located. There is currently nothing directing the water. His concerns are addressed if the applicant clears the drainage build-up.

DISCUSSION

Ms. Fuller suggested to Mr. Shaffer that he make his own presentation with explanation and supporting points when he appears before the BoCC.

PC ACTION: MS. FULLER MOVED / MS. BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3B, FILE NUMBER SP237 FOR A PRELIMINARY PLAN, WYOMING ESTATES, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) 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 TO RECOMMEND APPROVAL PASSED (9-0).

**MINOR SUBDIVISION
GUNTZELMAN PORCELAIN PINES**

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STAFF & APPLICANT PRESENTATIONS

Mr. Howser commented on last-minute agency review comments that were received (and are now part of the EDARP record). It was requested that the lots be platted with a 50-foot no-build buffer along all lot lines that are adjacent to the National Forest. He pulled up an image of the proposal to show that the proposed parcels already have a no-build designation where they are adjacent to National Forest property.

Mr. Carlson asked what was depicted in the bottom right-hand corner of the proposal.

Mr. Howser answered that it is a drainage easement. The presentation continued.

Mr. Whitney asked if it's Mr. Howser's opinion that the request for a no-build buffer along the National Forest is moot since the area already has a no-build designation due to slope.

Mr. Howser agreed. If agreeable, the applicant could add a more detailed buffer explanation, but it might not be necessary since it's already designated no-build.

Mr. Markewich asked if the properties northwest of the subject parcel also had to comply with a 50-foot buffer.

Mr. Howser explained that they do not have a 50-foot buffer because they do not abut the National Forest and only share a property line with the subject parcel.

Ms. Charlene Durham, with DPW Engineering, began her presentation.

Mr. Carlson asked if Nampa Road currently exists.

Ms. Durham answered that there is no road constructed, but the land was dedicated at the initial plat in 1921.

Mr. Moraes asked if the part of Mountain Road that exists after Kulsa Road (and leads into the subject property) will become a driveway.

Ms. Durham explained that it will remain public right of way, but the County Engineer will have license agreement allowing the three lots to use the right of way as a driveway. Those property owners will be responsible for maintaining that portion of the road.

Mr. Markewich asked if there is currently a formal agreement between the County and the developer related to access.

Ms. Durham answered that the County is working on an agreement. She added that Mr. Howser will later discuss adding a condition of approval that addresses the license agreement.

Mr. Markewich asked if Kulsa Road is paved. (It is.) He then asked if there was any intention to pave the portion of Mountain Road after it extends past Kulsa Road.

Ms. Durham stated that Mountain Road is an unimproved (gravel) road and she is unaware of any intention to pave it.

Mr. Markewich asked again about the part of Mountain Road after it extends past Kulsa Road.

Ms. Durham answered that it would not be paved. It will also not be County maintained, which is why the County Engineer believes the best path forward is to establish a license agreement allowing the property owner(s) to maintain the road.

Mr. Markewich asked if the property owners could pave the road.

Ms. Durham answered that she believes they could.

Ms. Seago added that even though the County will not be maintaining the road, it will remain public right of way and the County would control what happens with the road. This is why the property owner is required to get a license agreement from the County to build and maintain a driveway. If the property owner wanted to make major changes (such as pavement), they would need to receive permission from the County to do so.

Mr. Markewich clarified that paving that portion of the road is not part of the current proposal.

Ms. Durham confirmed. There were no further questions for Ms. Durham.

Mr. Howser presented the additional condition that County staff recommends. He explained how the motion would need to be made if deciding to include the added condition.

Ms. Seago verified that the language of the condition is acceptable. While it's not typical to include a condition for this reason, the Planning Commission has the right to do so.

Mr. Howser explained that the reason they requested the added condition was because the license agreement was requested so late in the application process. He added that a license agreement submittal had been received by PCD at the time of the hearing. Because that agreement has been received and is currently in review, it is the Planning Commission's discretion whether adding the 7th condition of approval is necessary. Staff presentation concluded.

Mr. Brett Louk, with SMH Consultants, presented on behalf of the property owner.

Mr. Carlson added that the agency review letters mentioned all improvements should be on private land only. He asked for verification that nothing would be built on the National Forest land.

Mr. Louk confirmed.

Mr. Smith asked if the part of Mountain Road discussed earlier would remain gravel.

Mr. Louk replied that it is his understanding that (at least initially), the road will remain gravel. As the lots sell, it will be up to the future homeowners whether they would like to improve it or not. He doesn't anticipate a fully paved road, but perhaps asphalt millings could be an option. He added that the subdivision covenants (not an HOA) establish that each of the property owners will be equally responsible for the maintenance of the road. Once the first lot sells, the license agreement and maintenance agreement will be turned over to the future lot owner(s). As additional lots sell, those property owners will be added to the agreements.

PUBLIC COMMENTS

Mr. Steven Krohn provided public comment. He stated he is not in support of or against the proposal. He asked if the grey area on the northern portion of the proposal was a no-build area.

Mr. Carlson explained that public comments could be made but the Planning Commission could not answer questions.

Mr. Larry Manning spoke in opposition. He is concerned about the condition of the existing road. The area includes a steep slope. Widening the road may include a retaining wall. He is concerned that the public will not have access to review future changes to the road since they will be part of a private license agreement. He stated that he currently uses the right of way as his driveway.

Mr. Whitney clarified that the road being discussed is the spur of Mountain Road that extends past Kalsa Road and extends into the subject property. He asked Ms. Seago to verify if that is the portion of the road subject to a license agreement and would be held to County standards.

Ms. Seago confirmed that they are discussing that portion of the road which is anticipated to be subject to a license agreement.

Ms. Durham verified the part of the road being discussed. She pulled up a slideshow image for reference. She stated that she is not aware of any proposed improvements to the existing road. As mentioned earlier, the plat was established in 1921, so even though the road is County owned and maintained, it is only 18 feet wide. Mountain Road is no wider, is gravel, and is not maintained. Any future improvements to the road will be reviewed to meet current County standards.

Mr. Markewich mentioned that he would assume any degradation that occurs to the road during construction of new homes would be the property owner/applicant's responsibility to correct.

Ms. Durham confirmed.

Mr. Whitney stated that if the road will be subject to a license agreement, the County is in the driver's seat regarding the details of that agreement. What will happen to that road will be determined by what is included within the license agreement. If it is an "as-is" license agreement, or it will be the type that lists what criteria needs to be met in order to access it.

Ms. Durham confirmed.

Ms. Darlene Jensen spoke in opposition. She doesn't believe that any proposed license agreement is available in EDARP. She would like to know when that will be available for public

review. She would like to know about future improvements to Mountain Road. She asked if the developer/property owners would bear the cost to improve the proposed shared driveway and any needed improvements to the existing Mountain Road. She would like to ensure that they have uninterrupted use of the spur to their driveway.

Mr. Kilgore commented that the license agreement proposal was submitted to EDARP the day before this hearing (5/15/2024) and is available now.

Ms. Jandy Barentine spoke in opposition. She had an earlier concern about how the proposed lots will take access, but that has been cleared up from the presentation. Her second concern is regarding wildlife. The area has many active mountain lions.

Mr. Louk spoke in rebuttal. He repeated that a draft of the license agreement was just submitted to EDARP and is currently being reviewed by County staff. The license agreement states that maintenance of the shared driveway will be the responsibility of three future property owners. Essentially, the current users of that stub will be getting their driveway maintained by other people. It will be ensured that their access is not impeded during construction. Regarding the current condition of the road being able to handle additional traffic, there will be a minimal number of trips generated, which is why a traffic study wasn't triggered.

Mr. Smith asked if the Fire District had any comments regarding the limited access.

Mr. Louk answered that the Cascade Fire Department does not have criteria and relies on County criteria, which allows the driveway access that is proposed.

Mr. Markewich asked for clarification regarding the grey area of the proposal.

Mr. Louk pulled up a slideshow image to explain that the norther portion of the northern lot, which is all grey, is designated a no-build area due to slope.

Mr. Markewich asked if setbacks are established from the property line or if they are established beginning at the no-build line. He asked if a property owner can propose improvements right up to the no-build area.

Mr. Louk replied that there is a 25-foot setback from the no-build area.

DISCUSSION

Mr. Moraes asked how no-build areas are designated.

Mr. Howser answered that there will be a plat note and will be depicted on the plat image as a hatched area (with definition), for example.

Mr. Moraes asked if it's possible to replat a property to eliminate the no-build area.

Mr. Howser replied that technically, someone could request a vacation of the no-build area, but they would need to provide evidence that the no-build area is no longer needed. Because the subject area is significantly sloped, it's unlikely, but there is a process for that kind of request.

Mr. Markewich read the added condition into the record and included it in his motion for recommendation. *"The applicant shall submit and receive approval of a public right-of-way license agreement prior to acceptance of the plat for recording."*

PC ACTION: MR. MARKEWICH MOVED / MR. MORAES SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3C, FILE NUMBER MS234 FOR A MINOR SUBDIVISION, GUNTZELMAN PORCELAIN PINES, ADDING ONE (1) CONDITION TO THE RESOLUTION ATTACHED TO THE STAFF REPORT, RESULTING IN SEVEN (7) CONDITIONS, ONE (1) NOTATION, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

5. REGULAR ITEMS

A. SKP234

PARSONS

SKETCH PLAN SOUTHERN COLORADO RAIL PARK SKETCH PLAN

A request by Edw C Levy Co D/B/A Schmidt Construction Inc., for approval of a 3,108.9-acre Sketch Plan. The applicant intends to develop a commercial, light, and heavy industrial park with a new rail spur from the existing CSU rail located at the Ray Nixon Power Plant property to the eastern boundary of the Fort Carson Military Installation. The property is located south of Charter Oak Ranch Road and west of I-25. (Parcel Nos. 6600000030, 6600000040, 6600000041, 6600000046, 6600000047, 6600000048, 6600000004, 6600000008, 6600000009, 6600000010, 6600000011, 6600000012, and 6600000014) (Commissioner District No. 4)

STAFF & APPLICANT PRESENTATIONS

Ms. Parsons explained that the public comment attachment to the SKP234 staff report is not relevant to the Southern Colorado Rail Park Sketch Plan. It is in regard to the Southern Powers Access Management Plan, which will be presented before the Planning Commission later in 2024. No opposition has been received for SKP234. She added that the Major Transportation Corridors Plan will be presented to the board June 6, 2024. The presentation then continued.

Mr. Trowbridge asked why it is appropriate at the current stage for the Planning Commission to recommend a waiver from review of an annexation impact report.

Ms. Parsons explained that the Code allows for a waiver from the annexation impact report. She stated that because this project includes a Sketch Plan, detailed studies and reports are available. Those extensive studies are not normally available with other annexations. With that in mind, County Staff is requesting the Board allow that waiver and expedite the process for annexation.

Ms. Fuller asked why the Sketch Plan and a Metro District are being requested in the County if it's known that they will be requesting annexation into Fountain. She asked why annexation isn't being done first.

Ms. Parsons answered that the applicant can explain more about the grant process, but ultimately, the reason is tied to funding.

Mr. Whitney asked why the Planning Commission is considering the request for a waiver if the Board of County Commissioners makes the decision.

Ms. Parsons replied that it is being discussed because it's part of the application. The presentation then continued.

Ms. Durham presented the Engineering slides. There were no questions regarding drainage.

Mr. Markewich asked if there would be Fort Carson access through the property, besides the rail.

Ms. Durham referred to a Sketch Plan image to show potential access to Fort Carson. The applicant will address that access in more detail during their presentation.

Mr. Whitney clarified that the overall project would take many years.

Ms. Durham confirmed. County presentations concluded.

Ms. Andrea Barlow, with N.E.S., Inc, began her presentation.

Mr. Steve Mulligan introduced the applicant's representatives and discussed the history.

Ms. Barlow continued her presentation. She provided an overview of the request.

Mr. Mulligan concluded the presentation.

Mr. Carlson asked about ownership of the railroad right-of-way.

Mr. Mulligan explained that it will be owned by a Title 32 or 29 quasi-governmental entity. He then addressed the previous question about Fort Carson access. He explained that there will be an interior collector road that will connect to Gate 19. Many people access through a southern entrance, so once there is a Highway link to Powers Boulevard, a better route will be available.

Mr. Markewich asked about the properties surrounded by the subject parcel.

Mr. Mulligan stated there are 5 properties owned by 4 owners that are located within the subject property. He stated it is likely that those properties will be purchased. Preliminary discussions have been held.

Ms. Brittain Jack clarified that the property is considering annexation into the City of Fountain.

Mr. Mulligan confirmed. He added that there is contiguity with Fountain. Fountain has provided will-serve letters. The annexation process has not started yet. He discussed how being rural helps during the grant process. There are unanswered questions regarding utilities currently.

Ms. Brittain Jack stated she is concerned about Fountain's capacity.

Mr. Mulligan commented that they have alternatives in mind.

Mr. Moraes asked how much of a lynchpin the grants are to the feasibility of the project.

Mr. Mulligan answered that they have a Plan A and Plan B. Currently, they are implementing Plan A, which is a public-private partnership hoping to get grants. Completion of the full engineering to extend the rail line from the current spur through the Levy property to Fort Carson will likely cost \$23-25 million. The project is important to solve federal problems. He believes they will successfully receive grants to help with the cost. When grants are received, usually funds need to be matched. He then touched on the other scenario they are pursuing, Plan B (private investment). There is an emphasis on getting advanced manufacturing back to the United States. Plants are expanding and people need homes. They could get a call informing them of an interest to put a manufacturing plant on this property. That could be a \$1-4 billion project which would provide immediate funding to get everything done. The applicant is open to either opportunity. Having a Sketch Plan in place is important to the Plan B scenario because it shows that the community is behind the plan.

Mr. Smith asked who would own the entire property in the future.

Mr. Mulligan answered that once everything is built-out, they hope that there will be 300-400-acre sites owned by on-site major manufacturers. The railroad will be owned by the Metro District or Title 29 authority. Much of it may still be owned by the Levy Company.

Mr. Smith asked if the Levy Company would oversee and ensure that infrastructure is maintained.

Mr. Mulligan reiterated that one of the reasons they are looking into a Title 32 entity is to manage long-term maintenance and security obligations. That would be funded by the property owners that pay taxes based on their mill levy. He added that there will be an association that controls the long-term development.

Ms. Fuller expressed support for the project.

Mr. Trowbridge remarked that if the name were changed to Southern Colorado Rail Enterprise, the acronym could be "SCORE".

NO PUBLIC COMMENTS OR FURTHER DISCUSSION

PC ACTION: MR. SCHUETTELPELZ MOVED / MR. TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER SKP234 FOR A SKETCH PLAN, SOUTHERN COLORADO RAIL PARK SKETCH PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH THREE (3) CONDITIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (9-0).

6. NON-ACTION ITEMS (NONE)

MEETING ADJOURNED at 12:07 P.M.

Minutes Prepared By: Miranda Benson

To: El Paso County Planning Commission and El Paso County Board of Commissioners
From Darlene Jensen and Larry Manning owners of 9005 Mountain Road, Cascade, Co
Re: Gunzelman Porcelain Pines Subdivision

As adjacent property owners to the proposed subdivision, we are submitting our comments with respect to access to the proposed subdivision by way of a “shared driveway” on an unimproved and undeveloped mountain “road”. This “road” is otherwise identified as a public right-of-way known as Mountain Road and labeled Kulsa Road on the proposed final plat.

The information presented in EDARP does not reference the design and/or improvements which will need to take place on Mountain/Kulsa Road to accommodate the “shared driveway” which is the only access to the subdivision. The county planner initially stated to us that a permission/agreement had been entered into between the County and the Developer to allow for the construction of a “shared driveway” across this undeveloped section of Right-of-Way for access to the subdivision. In a more recent conversation with the County, such agreement does not currently exist between the Developer and the County. Therefore, it appears the Developer does not have approved access to the subdivision at this time. We are informed that the Developer will be required to “subsequently” sign an agreement with the County regarding improvements to be made to the Right-of-Way. This subsequent action is exclusively an administrative process on behalf of the County and does not provide adjoining property owners that may be impacted by improvements to the Right-of-Way to make comments. **Thus, we request that this proposal be removed from the Consent Calendar and opened for further public comment, or this proposal be postponed until such required agreement is developed, accepted and executed by the County and the Developer, with advance allowance for comments by adjacent property owners.**

Our 30-year uninterrupted and unimpeded access to our home’s driveway and a parking area for 9005 Mountain Road is from this section of Mountain/Kulsa Right-of-Way. Therefore, we feel it is important for us to know what changes are planned to this Right-of-Way. We want to be assured that our access is accommodated and not adversely affected. Thus far, we only have a county planner and the project planner giving a verbal statement that our access “will not be affected”. We do not feel this is adequate assurance for us to support the project at this time. The “shared driveway” development on Mountain/Kulsa Right-of-Way may likely require widening, possible grade changes, drainage improvements, and potential retaining walls due to the mountainous terrain and slope. These unknowns may have direct impact to the access to our home.

Respectfully submitted this 10th day of May 2024.
Larry Manning and Darlene Jensen
719-332-0560 / 719-332-5232

FINAL PLAT (RECOMMEND APPROVAL)

Mr. Markewich moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF EL PASO, STATE OF COLORADO

RESOLUTION NO. MS234
GUNTZELMAN PORCELAIN PINES SUBDIVISION

WHEREAS, Christa and Kristian Guntzelman did file an application with the El Paso County Planning and Community Development Department for approval of a Minor Subdivision Final Plat for the Guntzelman Porcelain Pines Subdivision, 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 May 16, 2024; and

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

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and

7. For the above-stated and other reasons, the proposed 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 Christa and Kristian Guntzelman for a Minor Subdivision Final Plat of the Guntzelman Porcelain Pines 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 appropriate El Paso County staff.
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 (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. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 3/5/2024, as provided by the County Attorney's Office.
7. The applicant shall submit and receive approval of a public right-of-way license agreement prior to acceptance of the plat for recording.

NOTATION

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

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

Mr. Morales 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 / non-voting / recused / <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Brandy Merriam	aye / no / non-voting / recused / <u>absent</u>
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	<u>aye</u> / no / non-voting / recused / absent
Tim Trowbridge	<u>aye</u> / no / non-voting / recused / absent
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

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

DONE THIS 16th day of May 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Jay Carlson, Vice-Chair

EXHIBIT A

A portion of the parcel described in that Quitclaim Deed, recorded January 22, 2020 under Reception No. 220009194, in the Official Public Records of El Paso County, Colorado, located in the Northwest 1/4 of Section 22, Township 13 South, Range 68 West, of the 6th/ P.M., being more particularly described as follows,

COMMENCING at the Center 1/4 Corner of said Section 22; thence along the south line of the Southeast 1/4 of the Northwest 1/4 of said Section 22, N88°57'03"W, (Bearings are based on the south line of the Southeast 1/4 of the Northwest 1/4 of said Section 22, monumented at the Center 1/4 Corner of said Section 22 by a 1" iron pipe with a 2-1/2" brass cap stamped "1938 U.S. GENERAL LAND OFFICE SURVEY", 0.5' above grade and monumented at the West Center 1/16 Corner by a 1" iron pipe with a 2-1/2" brass cap stamped 1938 U.S. GENERAL LAND OFFICE SURVEY", flush with grade, having a measured bearing of N88°57'03"W, a distance of 1301.48 feet), a distance of 234.34 feet to the southeast corner of said parcel, being the POINT OF BEGINNING; thence continuing along said south line of the Southeast 1/4 of the Northwest 1/4 of said Section 22, N88°57'03"W, a distance of 1067.14 feet to the West 1/16 Corner of said Section 22; thence along the North-South Center line of the Northwest 1/4 of said Section 22, N01°07'31"W, a distance of 932.25 feet; thence leaving said North-South Center line, N88°52'29"E, a distance of 182.97 feet; thence N01°08'07"W, a distance of 353.05 feet; thence N41°49'19"W, a distance of 283.92 feet to a point on south right-of-way line of Nampa Road; thence along the south right-of-way line of said Nampa Road, the following seven (7) courses:

1. N48°13'23"E, a distance of 60.11 feet;
2. along the arc of a non-tangent curve to the right, whose center bears N48°07'42"E, having a radius of 23.65 feet, a central angle of 115°53'06", a distance of 47.83 feet;
3. N73°46'14"E, a distance of 315.39 feet;
4. along the arc of a non-tangent curve to the left, whose center bears N16°10'04"W, having a radius of 245.85 feet, a central angle of 38°16'52", a distance of 164.26 feet;
5. along the arc of a reverse curve to the right, whose center bears S54°53'21"E, having a radius of 303.82 feet, a central angle 14°01'04", a distance of 74.33 feet;
6. N49°31'01"E, a distance of 285.03 feet;
7. along the arc of a non-tangent curve to the left, whose center bears N40°28'22"W, having a radius of 364.10 feet, a central angle of 23°57'14", a distance of 152.22 feet, to a point on the southeast line of that Right-of-Way Vacation recorded under Book 3122 Page 824 in the Official Public Records of El Paso County, Colorado;

Thence continuing along said southeast line of said Right-of-Way Vacation, N25°35'01"E, a distance of 134.87 feet to a point on the south right-of-way line of Nampa Road; thence along said south right-of-way line, the following five (5) courses:

1. along the arc of a non-tangent curve to the right, whose center bears S64°28'18"E, having a radius of 59.60 feet, a central angle of 95°53'57", a distance of 99.76 feet;
2. S58°29'48"E, a distance of 40.03 feet;
3. along the arc of a non-tangent curve to the left, whose center bears N31°15'02"E, having a radius of 96.71 feet, a central angle of 48°28'43", a distance of 81.83 feet;
4. N72°58'37"E, a distance of 67.62 feet;
5. along the arc of a non-tangent curve to the left, whose center bears N12°19'30"W, having a radius of 96.71 feet, a central angle of 22°07'11", a distance of 37.34 feet, to a point on the west line of Pikes Peak Mountain Estates, recorded November 5, 2001 under Reception No. 201161507;

Thence continuing along said west line of Pikes Peak Mountain Estates, the following two (2) courses:

1. S18°49'36"E, a distance of 138.79 feet;

2. S35°59'27"W, a distance of 515.72 feet, to a point on the west right-of-way line of Pikes Peak Toll Road;

Thence continuing along said west right-of-way line of Pikes Peak Toll Road, the following, thirteen (13) courses:

1. Along the arc of a non-tangent curve to the left, whose center bears S11°39'01"E, having a radius of 193.42 feet, a central angle of 64°29'48", a distance of 217.73 feet;
2. S13°45'10"W, a distance of 216.22 feet;
3. Along the arc of a non-tangent curve to the left, whose center bears S76°02'47"E, having a radius of 1005.40 feet, a central angle of 11°10'16", a distance of 196.03 feet;
4. S02°43'25"W, a distance of 173.36 feet;
5. Along the arc of a non-tangent curve to the left, whose center bears S87°14'50"E, having a radius of 460.30 feet, a central angle of 17°26'00", a distance of 140.06 feet;
6. S14°46'15"E, a distance of 167.06 feet;
7. Along the arc of a non-tangent curve to the left, whose center bears S74°40'19"E, having a radius of 338.00 feet, a central angle of 31°57'04", a distance of 188.49 feet;
8. S45°59'03"E, a distance of 171.85 feet;
9. Along the arc of a non-tangent curve to the right, whose center bears S43°26'18"E, having a radius of 238.00 feet, a central angle of 31°14'04", a distance of 129.74 feet;
10. S15°27'25"E, a distance of 155.45 feet;
11. Along the arc of a non-tangent curve to the right, whose center bears S74°31'58"E, having a radius of 238.00 feet, a central angle of 19°18'37", a distance of 80.21 feet;
12. S43°26'18"E, a distance of 46.77 feet;
13. Along the arc of a non-tangent curve to the left, whose center bears S86°04'29"E, having a radius of 363.70 feet, a central angle of 09°00'56", a distance of 57.23 feet, to the POINT OF BEGINNING.

LESS

A tract of land in Northwest Quarter of Section 22, Township 13 South, Range 68 West of the 6th P.M., County of El Paso, Colorado described as follows:

Beginning at a point that is S 64°26'49" E 40.00 feet from the Northwest Corner of Lot 112, The UTE Pass Summer Homes Co Subdivision No. 1, El Paso County, Colorado, said point being on the Northwest Corner of the Right of Way Vacation recorded under Book 3122, Page 824 in the Official Public Records of El Paso County, Colorado; thence
S 64°25'10" E 27.90 feet; thence
S 25°34'50" W 134.69 feet; thence
N 64°25'10" W 27.90 feet to the Northeast Corner of said Right of Way Vacation; thence
N 25°34'50" E 134.39 feet to the point of beginning, containing 3,758 square feet.

Subject to easements and restrictions of record.

For a total of 35.06 acres.

EL PASO COUNTY



COLORADO

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

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Ryan Howser, AICP, Planner III
Charlene Durham, PE, Senior Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Number: MS234
Project Name: Guntzelman Porcelain Pines
Parcel Number: 8322200018

OWNER:	REPRESENTATIVE:
Christa and Kristian Guntzelman 5381 Sugar Camp Road Milford, OH 45150	SMH Consultants 620 North Tejon Street, Suite 201 Colorado Springs, CO 80903

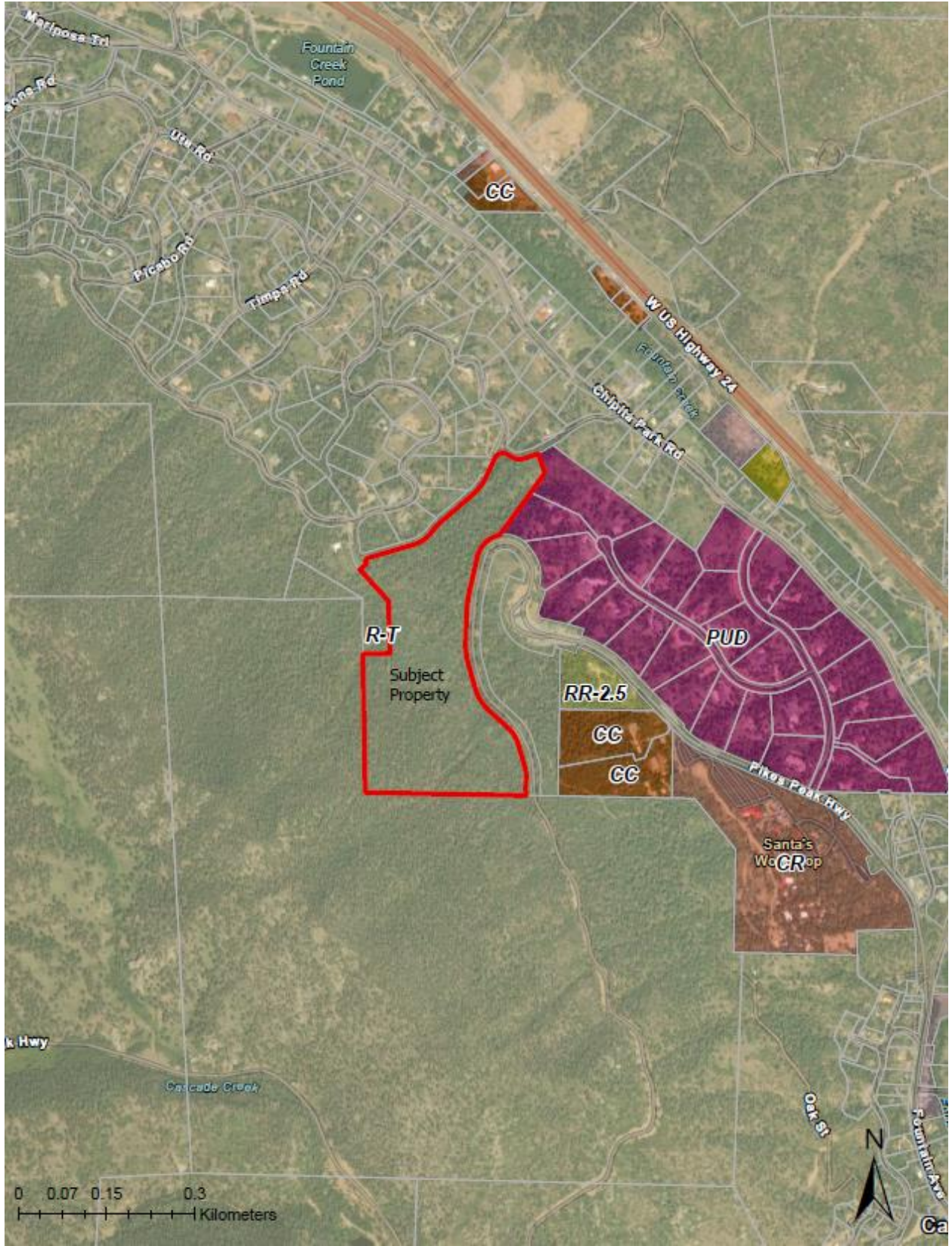
Commissioner District: 3

Planning Commission Hearing Date:	5/16/2024
Board of County Commissioners Hearing Date:	6/13/2024

EXECUTIVE SUMMARY

A request by Christa and Kristian Guntzelman for approval of a 35.06-acre Minor Subdivision creating three (3) single-family lots. The property is zoned R-T (Residential Topographic) and is located at the intersection of Mountain Road and Kulsa Road and is approximately one-quarter of a mile west of Chipita Park Road.





2880 INTERNATIONAL CIRCLE
 OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
 PLNWEB@ELPASOCO.COM

WWW.ELPASOCO.COM

A. 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 Minor Subdivision, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (as amended):

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



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

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

C. BACKGROUND

The property was zoned R-T (Residential Topographic) on April 28, 1966, when zoning was first initiated for this portion of El Paso County. The subject property consists of one (1) unplatted parcel, which is greater than 35 acres in size, and therefore is considered a legal parcel. The property is vacant. If the request for a Minor Subdivision is approved, the resulting property will consist of three (3) legally platted lots.



The properties in the immediate vicinity to the subject property vary in size. Property to the northwest consists of platted lots within the Ute Pass Summer Homes subdivision, which consists of lots ranging in size from 1 acre to 1.25 acres, which were platted on January 7, 1924, and are therefore considered legally nonconforming to the R-T zoning district. The property to the northeast of the subject property consists of platted lots within the Pikes Peak Mountain Estates PUD and subdivision, which consists of lot sizes of approximately 2.5 to 3 acres. The property to the east of the subject property on the east side of Pikes Peak Highway is zoned R-T and is vacant, and the property to the south of the subject property is part of the Pikes Peak National Forest. The proposed lot sizes are greater than the residential lots within the immediate vicinity of the subject property, and therefore the proposal may be considered as a density buffer between the higher density properties to the north and west and the undeveloped and preservation land to the south and east.

D. ANALYSIS

The Minor Subdivision 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 subject property is zoned R-T (Residential Topographic). The R-T zoning district is intended to accommodate residential use in regions of extreme topographical conditions. The density and dimensional standards for the RR-5 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 (5 feet for accessory structures), side 25 feet*
- *Maximum lot coverage: 30%*
- *Maximum height: 30 feet*

All the lots are proposed to meet the dimensional standards of the R-T zoning district. In order to initiate any new residential uses on the property, the applicant will be required to obtain site plan approval. Any proposed additional structures will require site plan review and will include confirmation that all proposed site improvements will comply with the Dimensional Standards included in Chapter 5 as well as the Development Standards of Chapter 6 of the Code.



E. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Rural

The Rural placetype comprises rangeland, farms, and other agricultural uses. The primary land use in this placetype is agriculture however residential uses such as farm homesteads and estate residential are allowed as support uses. Residential lot development within the Rural placetype typically cover 35 acres or more per two units with the minimum lot area consisting of 5-acres per unit. The Rural placetype covers most of the eastern half of the County.

Rural areas typically rely on well and septic and parcels for residential development tend to be substantial in size. Rural areas are remotely located and distant from high activity areas or dense suburban or urban places, making access to regional transportation routes, such as Highway 24 and Highway 94, vital to the quality of life for rural community residents.

The agricultural lands that Rural areas contain represent a valuable economic resource and unique lifestyle that should be preserved. The Rural placetype includes agricultural lands which represent a valuable economic resource and allow for a unique lifestyle that should be preserved. As growth occurs, some Rural areas may develop and transition to another placetype, however leapfrog development should be discouraged, by pro-actively permitting changing areas contiguous to existing development to another placetype.

Recommended Land Uses:

Primary

- *Agriculture*
- *Parks/Open Space*
- *Farm/Homestead Residential*

Supporting

- *Estate Residential (Minimum 1 unit/5-acres)*
- *Institutional*

Analysis:

The Rural Placetype supports the County's established agricultural and rural identity. This placetype is uniquely sensitive to new development due to limited



water access and infrastructure making sustainable growth a priority. Relevant goals and objectives are as follows:

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

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

Objective HC2-6 – *Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.*

The proposed Minor Subdivision is consistent with the Rural placetype. The placetype allows single-family detached residential uses with 5-acre lots or larger as a primary use.

b. Area of Change Designation: Protected/Conservation Area

These areas of the County are not likely to change. Due to their local, ecological, or historical influence they should be preserved as they are throughout the life of this Master Plan and beyond. The existing development setting of these places will remain the same in the place-types, outlined in the next section.

Analysis:

The Protected/Conservation area of change states that these areas will not likely change in character. The lot sizes proposed with the Minor Subdivision are compatible with development in the surrounding area; the proposal is consistent with the existing zoning and is therefore not expected to change the character of the area.

c. Key Area Influences: Forested Area

This Key Area includes parts of the County where natural forests are the predominant feature such as Black Forest, areas north of Peyton, and areas along Highway 115 as well as lands within Pike National Forest. Pike National Forest is one of the County's largest natural amenities and tourist destinations. Continued coordination with the U.S. Forest Service is critical to ensuring future development in areas adjacent to the Forest do not negatively impact the natural environment. There are also many established communities within Pike National Forest particularly in Ute Pass and



along Highway 115. New development and any redevelopment in these locations should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.

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

Analysis:

The property is located within the Forested Area. A relevant specific strategy is as follows:

Goal LU1 Specific Strategy – *New development and any redevelopment in Forested Areas should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.*

The lot sizes proposed with the Minor Subdivision are consistent with the existing development pattern in the area, which consists of lots and unplatted parcels varying in size. The property is directly adjacent to platted lots less than an acre in size to the north and west, as well as National Forest land to the south, which will likely remain unplatted and undeveloped.

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

The property is not located within a priority development area.



2. Water Master Plan Analysis

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

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

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

Goal 1.2 – *Integrate water and land use planning.*

Goal 4.3 – *Collaborate with the State and other stakeholders to extend the economic life of the Denver Basin aquifers.*

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 1 of the Plan, which is not an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 1 for central water providers:

The Plan identifies the current demand for Region 1 to be 83,622 acre-feet per year (AFY) (Figure 5.1) with a current supply of 99,001 AFY (Figure 5.2). The projected demand in 2040 for Region 1 is at 111,086 AFY (Figure 5.1) with a projected supply of 119,001 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 1 is at 138,453 AFY (Figure 5.1) with a projected supply of 139,001 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 548 AFY is anticipated for Region 1.

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



3. Other Master Plan Elements

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

The Master Plan for Mineral Extraction (1996) identifies granite and fine-grained granite 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.

F. PHYSICAL SITE CHARACTERISTICS

1. Hazards

The property has been found to be impacted by the following geologic hazards: steep slopes, debris flows and debris fans, and faults and seismicity. Due to the prevalence of geologic hazards on the property, the following note is placed on the plat: long-term cut slopes in the upper soil shall be limited to no steeper than 3:1 (horizontal to vertical) for all lots.

The Colorado Geological Survey was sent a referral and provided a response indicating there are no outstanding issues or comments.

2. Floodplain

The property is not located within a defined floodplain as determined by FEMA Flood Insurance Rate Map panel number 08041C0486G, dated December 7, 2018.

3. Drainage and Erosion

The property is located in the Upper Fountain Drainage Basin which is not included in the El Paso County Drainage Basin Fee program. No drainage or bridge fees will be due at the plat recording.

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 is accessed off Kulsa Road, which is owned and maintained by El Paso County. A traffic study was not required as the proposed subdivision is not expected to generate 100 daily vehicle trips. The 3 lots will be accessed by a private driveway via a proposed shared access easement through the project site. The El Paso County 2016 Major Transportation Corridors Plan Update does not depict roadway improvements in the immediate vicinity. The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471), as amended.

G. SERVICES

1. Water

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

2. Sanitation

Wastewater is provided by individual on-site wastewater treatment systems (OWTS). El Paso County Public Health was sent a referral and has no outstanding comments.

3. Emergency Services

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

4. Utilities

Colorado Springs Utilities (CSU) provides electrical service to the property and Black Hills Energy (BHE) provides natural gas service to the property. Both utility providers were sent a referral and have no outstanding comments.

5. Parks/Trails

Fees in lieu of park land dedication in the amount of \$1,515.00 for regional fees (Area 3). Urban park fees are not applicable to this application.



6. Schools

Fees in lieu of school land dedication in the amount of \$555.00 shall be paid to El Paso County for the benefit of Manitou Springs School District No. 14 at the time of Final Plat recording.

H. APPLICABLE RESOLUTIONS

See attached resolution.

I. STATUS OF MAJOR ISSUES

There are no major issues.

J. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (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 appropriate El Paso County staff.
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 (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. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 3/5/2024, 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.

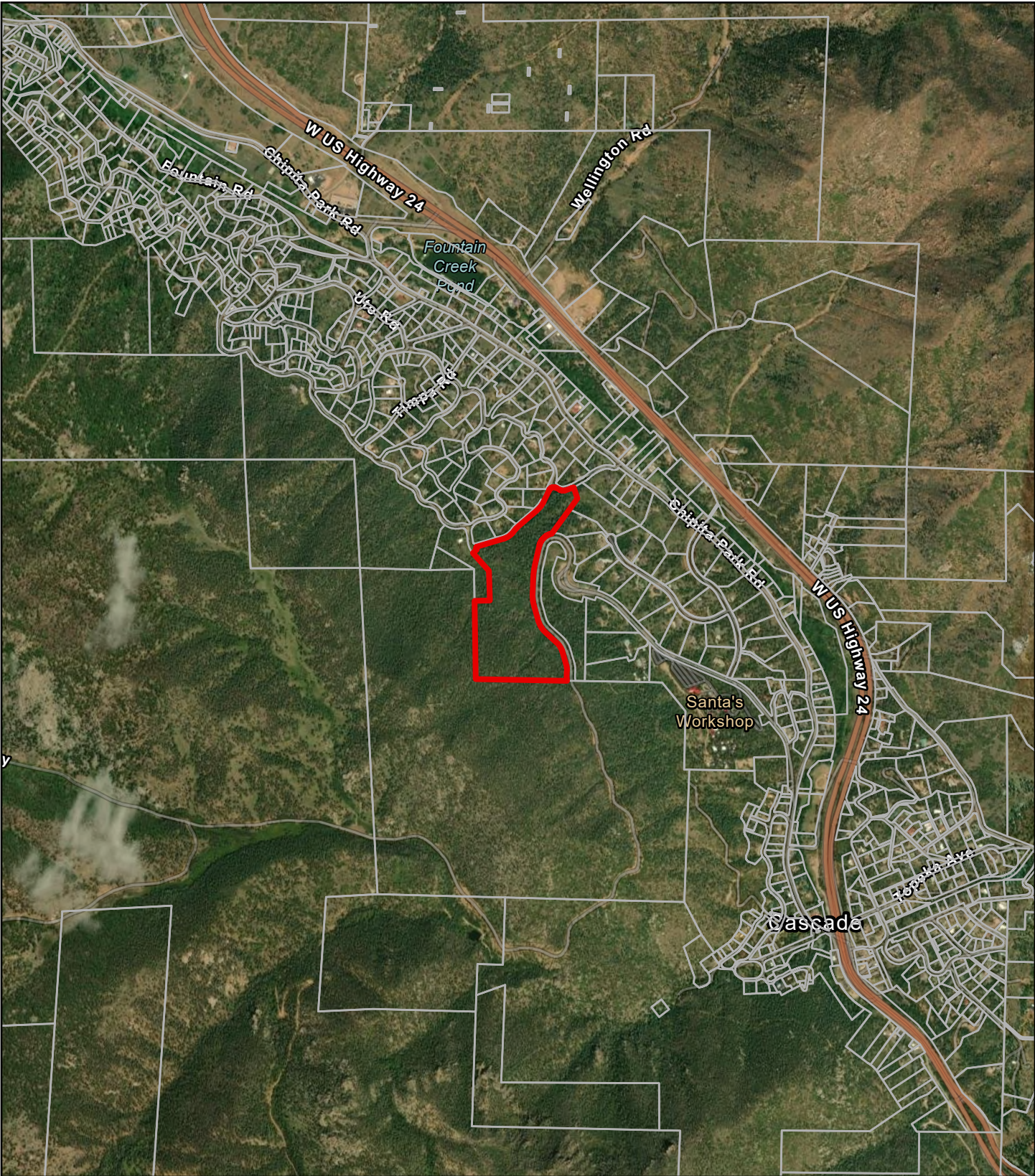
K. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 35 adjoining property owners on April 29, 2024, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

L. ATTACHMENTS

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



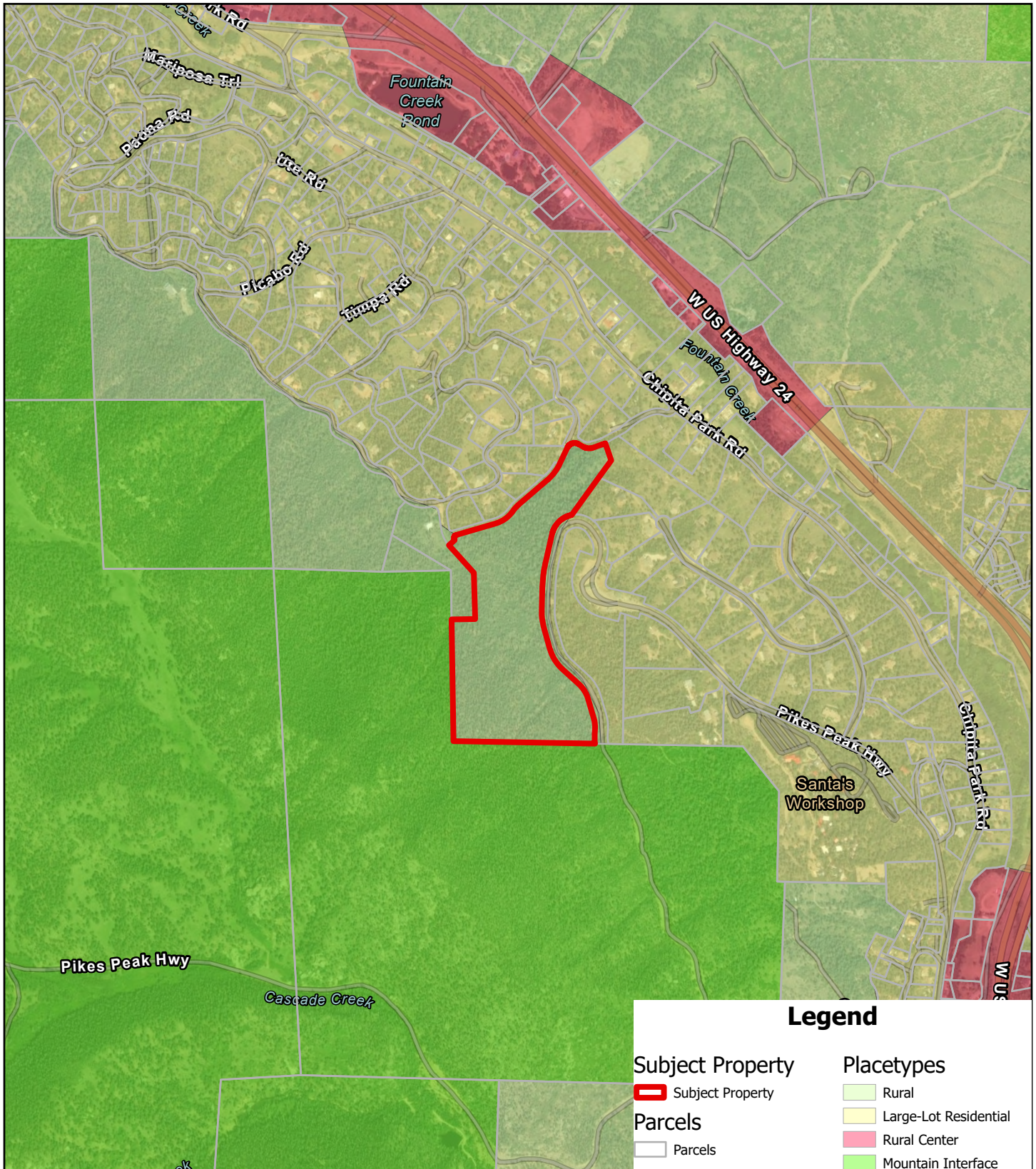


Aerial Map

File No. MS234



0 0.1 0.1 0.3 Miles



Legend

Subject Property

Subject Property

Parcels

Parcels

Placetypes

- Rural
- Large-Lot Residential
- Rural Center
- Mountain Interface

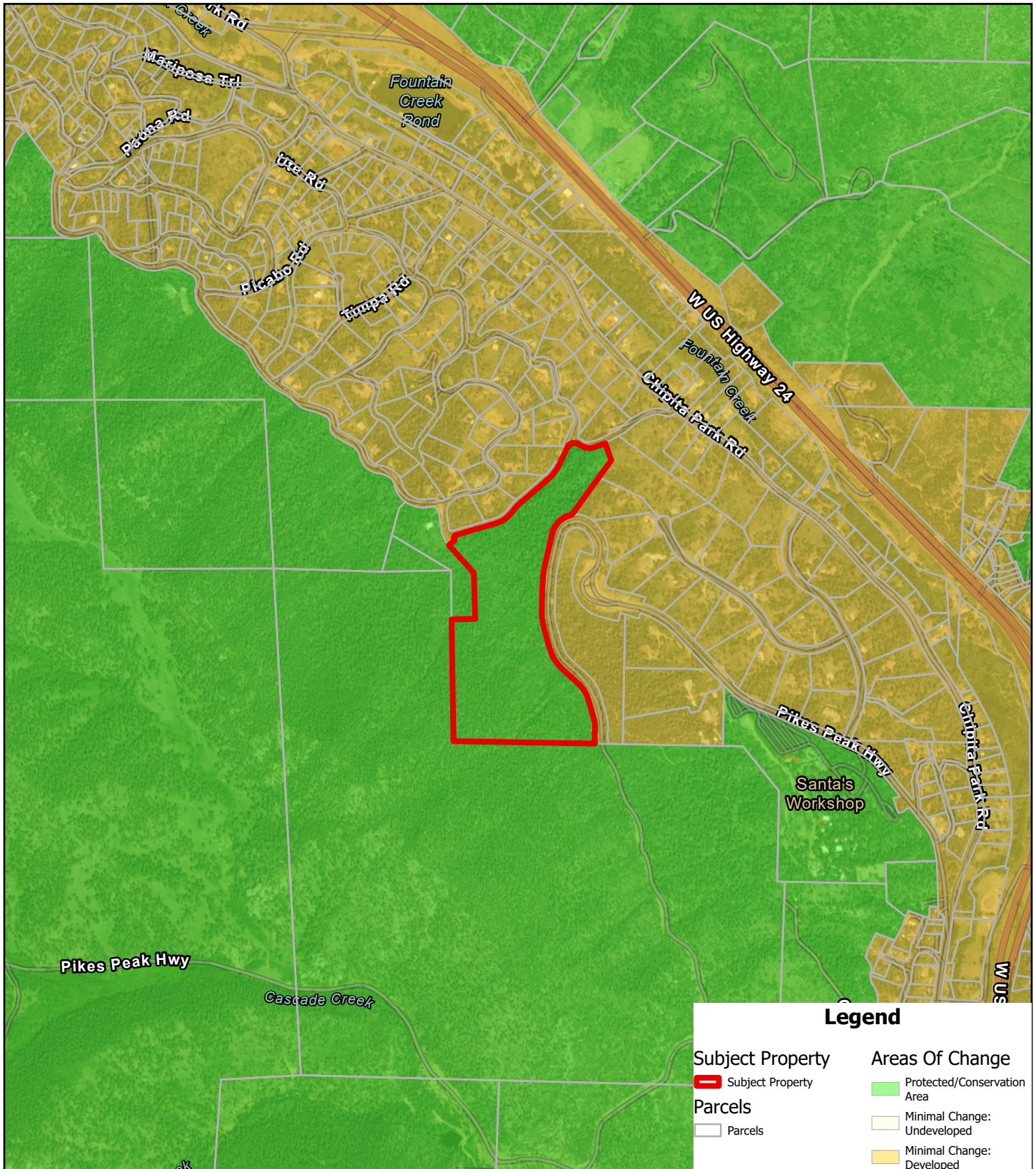


Placetype Map

File No. MS234



0 0.1 0.1 0.2 Miles

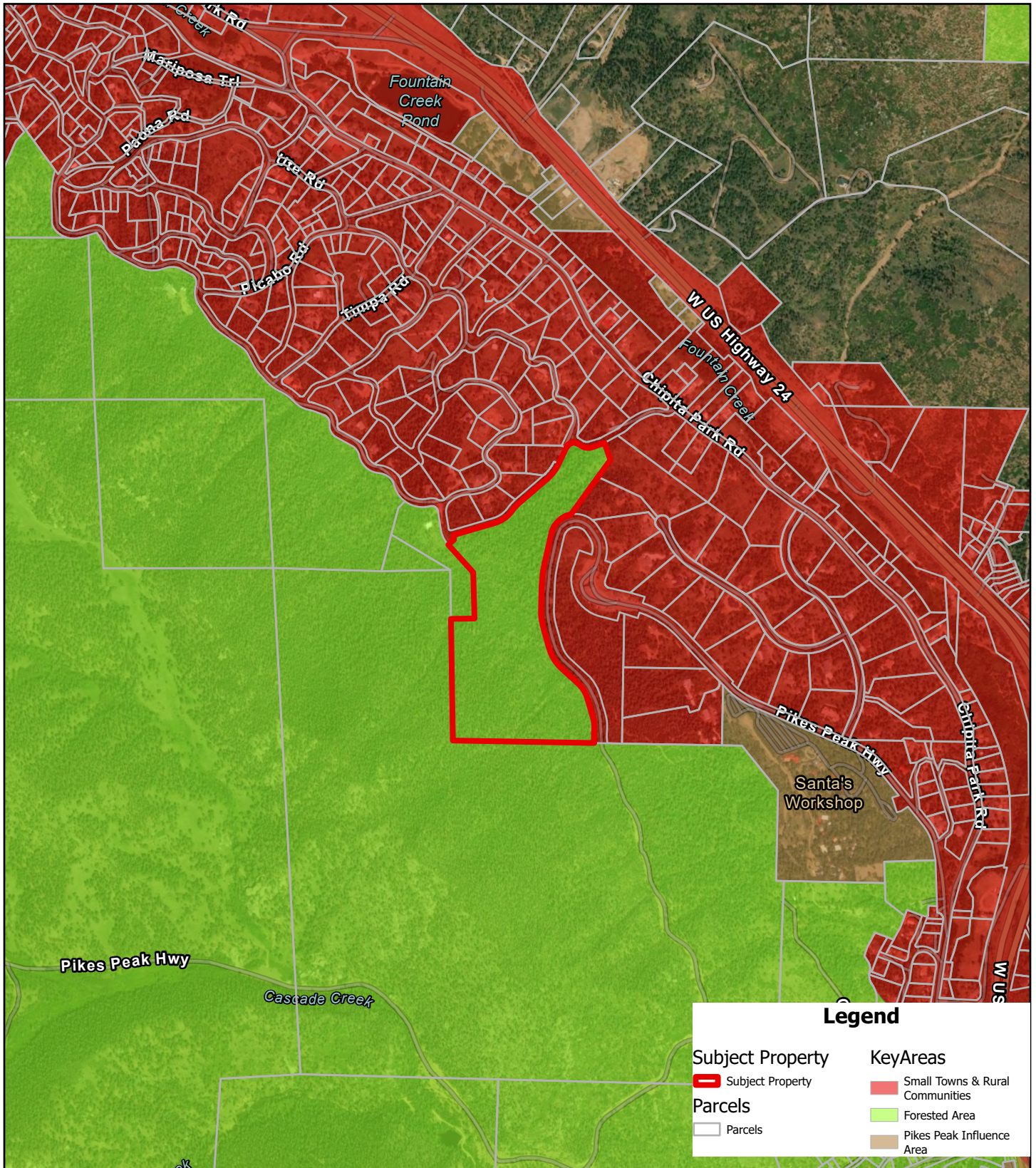


Area of Change

File No. MS234



0 0.1 0.1 0.2 Miles



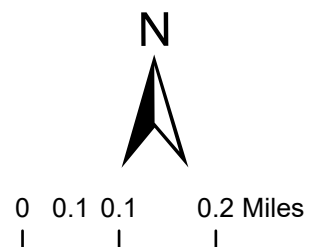
Legend

Subject Property	Small Towns & Rural Communities
Parcels	Forested Area
	Pikes Peak Influence Area



Key Areas

File No. MS234





December 13, 2022

Ryan Howser, Planner III
El Paso County Planning & Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: Guntzelman Porcelain Pines Minor Subdivision Letter of Intent

Dear Mr. Howser:

The property owner would like to request approval of a minor subdivision for 5295 Kulsa Road, 5265 Kulsa Road and 5260 Kulsa Road, Colorado Springs, CO 80908. The parcel number is 8322200018. The property is currently zoned RT – Residential Topographic with no overlay zoning and would remain zoned as such with the approval of the minor subdivision. The subject site is currently vacant property and is 35.06 acres in size. Approval of the minor subdivision would allow the property to be subdivided into 3 single-family residential lots.

The approved minor subdivision would consist of three single-family residential lots of the following sizes: Lot 1: 10.20 acres, Lot 2: 12.28 acres, and Lot 3: 12.58 acres. The proposed subdivision layout shown on the final plat meets the following criteria for approval of a final plat, as outlined in the El Paso County Land Development Code.

- The proposed subdivision fits within the current zoning regulations and the El Paso County Master Plan. The plan identifies the proposed subdivision as a forested Key Area and a mountain interface Placetype. The plan recommends development be well managed against the necessity of preservation and protection of this unique environment area of the County. RT zoning allows for single-family detached houses on lots a min. 5-acres in size. The proposed subdivision also fits within the 2040 Major Transportation Corridor Plan. Mountain Road and Kulsa Road are shown as being a local road and will remain a local road into the future. Currently Mountain Road and Kulsa Road are paved. The proposed subdivision also fits within the Water Master Plan. The proposed subdivision will be served by Colorado Springs Utilities for water. This is an acceptable method of providing water to a subdivision per the Water Master Plan.
- Minor subdivision is a process for smaller subdivisions in lieu of preliminary/final plat process.
- The proposed subdivision is located within close proximity to Pike National Forest, Ranbow Falls Recreation Area, Bear Creek Nature Center and Regional Park, Chipita Park, and the Town of Green Mountain Falls. The Town of Green Mountain Falls is constructing Ute Pass Trail and manages several neighborhood

- parcs and a trail system connecting to the Pikes Peak North Slope Recreation Area. There are no planned future parks or trails in the vicinity of the proposed subdivision. Fees in lieu of land dedication will be paid at the time of plat recordation. This is in compliance with the El Paso County Parks Master Plan.
- The proposed subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and survey requirements of the County, with approval of the waiver requested and described below.
 - Colorado Springs Utilities will provide water service to the development within their Ute Pass Service Area, as described in the Colorado Springs Utilities commitment letter. This satisfies the requirements outlined in Chapter 8 of the El Paso County Land Development Code. This also fits within the El Paso County Water Master Plan.
 - Individual lots within the proposed subdivision will be served by Onsite Wastewater Treatment Systems (OWTS), which complies with the requirements outlined in Chapter 8 of the El Paso County Land Development Code.
 - A soils and geology report has been provided for the site and has been submitted with the final plat. The site was found to be suitable for the proposed development. Some areas of debris flow/debris fans, potentially unstable slopes, faults and seismicity, radon, and steep slopes were mentioned in the report; however, the proposed development can be achieved if these areas are avoided or properly mitigated.
 - Adequate drainage improvements will be provided for the proposed private driveways serving the proposed subdivision. Preliminary culvert sizing has been provided in the final drainage report. Future lot owners will be required to submit an engineered site plan at time of building permit. The engineered site plan shall depict house and driveway location, any additional culverts required based on these locations, and shall confirm the sizing of the culvert under the shared driveway.
 - Access to lots 1 through 3 within the proposed subdivision will be via a new private shared driveway off Kulsa Road. Maintenance and use responsibilities for the shared driveway have been outlined in the Access Easement and Maintenance Agreement that has been submitted with the minor subdivision application.
 - The proposed subdivision will generate approximately 10 am, 5 pm, and 52 daily trips. Per the El Paso County Engineering Criteria Manual, a Traffic Impact Study is not required if daily vehicle trip is less than 100 or the peak hour trip generation is less than 10.
 - Necessary services including police and fire protection, recreation, utilities, and transportation systems are available to serve the proposed subdivision.
 - A fire protection and wildfire mitigation report has been submitted with the final plat. The report outlines steps to be taken for fire protection and mitigation. Cascade Fire Department provided a commitment letter stating they will continue to provide services to this property and that all water supply shall meet the NFPA standards for fire suppression. Each driveway to a private residence shall be constructed to meet the requirements outlined in Chapter 6 of the El Paso County Land Development Code, as well as, the requirements of Cascade Fire Department.

- There are no off-site improvements anticipated with the proposed subdivision.
- There are no adverse impacts to public facilities or infrastructure from the proposed subdivision.
- The proposed subdivision meets all other applicable sections of Chapter 6 and 8 of the El Paso County Land Development Code, with approval of the waiver identified below.
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision.
- The surrounding area consists of large lot development, so this proposed subdivision fits within that. There are no potential impacts from this proposed development to the surrounding area.
- The applicant mailed notification letters, describing the proposed development, to adjacent neighbors.

Requested Waivers:

- Waiver 1: Section 8.4.3.B.2.E of the LDC states that all lots shall have a minimum frontage of 30' on and have access to a public road. Not all lots will have direct frontage to a public road, due to the topography of the site and limited adjacent public roads to gain access from.

The intent of the aforementioned waiver is to provide safe and reasonable access to the proposed subdivision, without significantly altering the natural environment. The requested waiver deals with lot configuration and meets all other intents of the Land Development Code.

Section 7.3.3 of the Land Development Code identifies the following criteria for approval of waivers:

- **The waiver does not have the effect of nullifying the intent and purpose of this Code:** The waiver allows an adjustment to the lot configuration, but all other aspects of the code remain intact.
- **The waiver will not result in the need for additional subsequent waivers:** With approval of this waiver, no subsequent waiver requests are anticipated.
- **The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property:** With the negligible effect on traffic in the area, due to the proposed subdivision, the waivers will not be detrimental to the public safety, health or welfare or injurious to other property.
- **The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property:** This property is heavily forested with steep terrain and there is minimal public roadway frontage available. Most other properties do not have these challenges.

- **A particular non-economical hardship to the owner would result from a strict application of this Code:** Not approving the requested waiver would require the lots to be reconfigured and would create flag lots. There is very little public roadway frontage adjacent to the site for the lots to gain access from. The existing terrain also makes it challenging for all the lots to have frontage along public roadway.
- **The waiver will not in any manner vary the zoning provisions of this Code:** The waiver is in regards to public roadway frontage. All other zoning aspects for R-T (Rural Topographic) will remain intact for the proposed subdivision.
- **The proposed waiver is not contrary to any provision of the Master Plan:** The proposed waiver is consistent with the Master Plan and the requirements for forested key area and mountain interface placetype. The intent of these key areas and placetypes are to preserve and protect this unique environment. Approving the waiver allows less land, and native vegetation, to be disturbed. Thus, preserving and protecting the unique environment.

Questions regarding the proposed minor subdivision can be directed to the following individuals:

Consultant

Brett Louk
 SMH Consultants
 620 N. Tejon St., Ste. 201
 Colorado Springs,
 Colorado 80903
 719-465-2145
blouk@smhconsultants.com

Owner

Kristian & Christa Guntzelman
 5381 Sugar Camp Road
 Milford, OH 45150
 513-722-4343
kristian.guntzelman@me.com

The property owners would greatly appreciate your consideration of this request.

Sincerely,

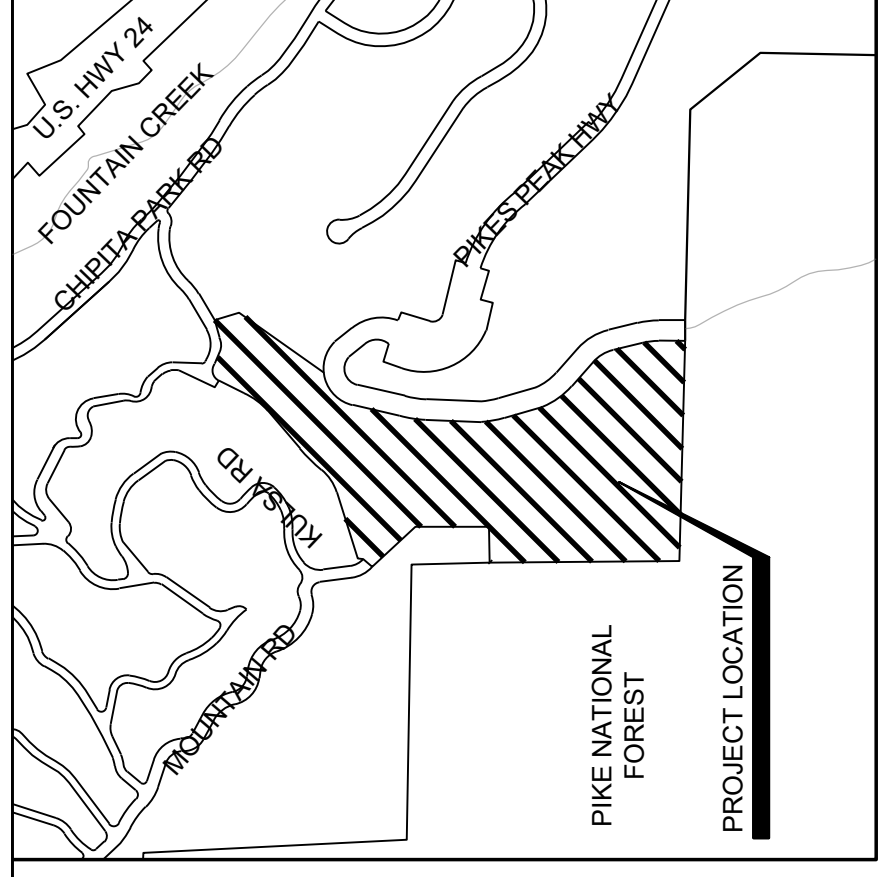


Brett Louk, PE
 SMH Consultants

Final Plat

GUNTZELMAN PORCELAIN PINES SUBDIVISION

PART OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 13 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO

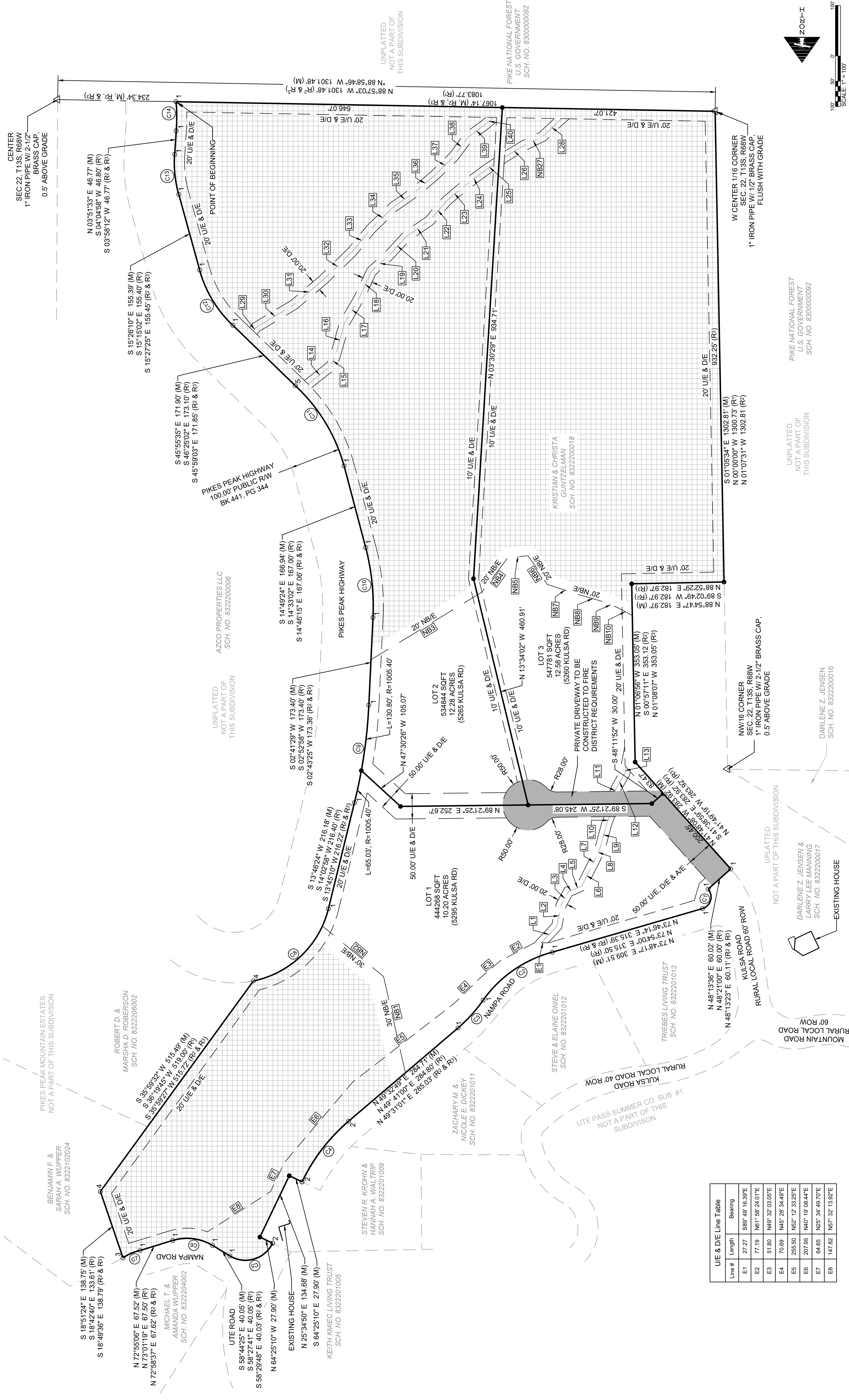


VICINITY MAP
(NOT TO SCALE)

PROPERTY LINE CURVE DATA (M)						
CURVE#	RADIUS	ARC	CHORD	DELTA	BEARING	
C1	23.65	47.70	40.06	119.4620°	S 16°10'33" W	
C2	245.85	169.59	166.62	39°36'59"	N 55°16'26" E	
C3	303.82	74.43	74.25	14°02'13"	S 42°04'32" W	
C4	384.10	152.45	151.34	23°59'24"	N 37°13'37" E	
C5	59.60	99.60	88.41	95°44'58"	S 73°25'40" W	
C6	96.71	81.76	79.35	49°20'25"	S 82°50'32" E	
C7	96.71	37.25	37.02	22°04'15"	N 66°40'32" E	
C8	193.42	217.52	206.23	64°26'00"	S 46°00'31" W	
C9	1005.40	195.84	195.63	11°09'38"	S 08°22'33" W	
C10	460.30	140.08	139.54	17°26'11"	N 70.59	S 05°56'13" E
C11	338.00	168.35	165.02	31°55'41"	S 66.60	S 31°19'00" E
C12	238.00	129.45	127.86	31°09'51"	S 66.37	N 30°59'04" W
C13	238.00	80.20	79.82	19°28'19"	S 40.49	N 05°47'46" W
C14	363.70	57.31	57.25	9°01'44"	S 28.72	S 00°24'16" E

PROPERTY LINE CURVE DATA (R)					
CURVE#	RADIUS	ARC	CHORD	DELTA	BEARING
C1	23.65	47.70	40.06	115°33'00"	N 16°07'30" E
C2	245.85	164.27	164.27	38°17'00"	N 54°45'30" E
C3	303.82	74.59	74.59	14°34'00"	N 42°39'00" E
C4	384.10	152.09	152.09	23°56'00"	N 37°43'00" E
C5	59.60	99.60	88.41	95°47'19"	N 73°38'40" E
C6	96.71	81.89	81.89	48°31'00"	S 82°43'11" E
C7	96.71	37.29	37.29	12°14'00"	N 66°54'19" E
C8	193.42	217.62	217.62	64°27'52"	S 46°16'54" W
C9	1005.40	185.96	185.96	11°10'00"	S 08°27'58" W
C10	460.30	140.08	139.54	17°26'00"	S 05°50'02" E
C11	338.00	167.99	167.99	31°52'00"	S 30°29'02" E
C12	238.00	129.46	129.46	31°10'00"	S 30°50'02" E
C13	238.00	80.31	79.20	19°20'00"	S 05°53'02" E
C14	363.70	57.31	57.25	9°01'44"	S 01°38'09" W

PROPERTY LINE CURVE DATA (R & R')					
CURVE#	RADIUS	ARC	DELTA	BEARING	
C1	23.65	47.83	115°53'06"	N 48°07'42" E	
C2	246.85	164.26	38°16'52"	N 16°10'04" W	
C3	303.82	74.33	14°10'04"	S 54°52'21" E	
C4	384.10	152.22	23°57'14"	N 40°29'22" W	
C5	59.60	99.76	95°53'57"	S 64°28'18" E	
C6	96.71	81.83	48°28'33"	N 31°15'02" E	
C7	96.71	37.34	22°07'11"	N 12°19'30" W	
C8	193.42	217.73	64°29'48"	S 11°39'01" E	
C9	1005.40	186.03	11°10'16"	S 76°02'47" E	
C10	460.30	140.06	17°26'00"	S 87°14'50" E	
C11	338.00	168.46	31°57'04"	S 74°40'19" E	
C12	238.00	129.74	31°14'04"	S 43°26'18" E	
C13	238.00	80.21	19°19'37"	S 74°13'58" E	
C14	363.70	57.23	9°00'56"	S 86°04'29" E	



UNPLATTED
NOT A PART OF THIS SUBDIVISION

PIKE NATIONAL FOREST
U.S. GOVERNMENT
SCH. NO. 8300000092

UNPLATTED
NOT A PART OF THIS SUBDIVISION

PIKE NATIONAL FOREST
U.S. GOVERNMENT
SCH. NO. 8300000092

UNPLATTED
NOT A PART OF THIS SUBDIVISION

DARLENE Z. JENSEN & LARRY LEE MANNING
SCH. NO. 8322200017

UNPLATTED
NOT A PART OF THIS SUBDIVISION

DARLENE Z. JENSEN
SCH. NO. 8322200016

UNPLATTED
NOT A PART OF THIS SUBDIVISION

PIKE NATIONAL FOREST
U.S. GOVERNMENT
SCH. NO. 8300000092

UNPLATTED
NOT A PART OF THIS SUBDIVISION

PIKE NATIONAL FOREST
U.S. GOVERNMENT
SCH. NO. 8300000092

LEGEND

- 1/2" x 24" Rebar w/PLCS3874 Cap Set
- Found GLO Monument (As Noted)
- Basis of Bearing
- Curve Number
- Measured Dimension
- Recorded Dimension - Quotation Dated January 17, 2020 recorded under Rec. No. 220009184
- Recorded Dimension - Land Survey Plat by Clark Land Surveying, Inc. dated May 25, 2021
- Recorded Dimension - Warranty Deed dated June 11, 2021 recorded under Rec. No. 221114676
- Public Utility, Public Drainage & Private Access Easement
- No Build Area
- No Build Easement

LINE TYPE LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- SECTION LINE
- PUBLIC UTILITY, DRAINAGE & ACCESS EASEMENT LINE
- UTILITY & DRAINAGE EASEMENT LINE
- NO BUILD EASEMENT LINE

DIE Centerline Table

Line #	Length	Bearing
L32	77.27	N45°49'00.03"E
L33	60.37	N89°41'08.49"E
L34	61.71	N69°48'16.85"E
L35	52.52	N54°59'32.88"E
L36	51.12	N69°47'42.48"E
L37	52.34	N45°15'06.77"E
L38	48.12	N38°42'05.77"E
L39	40.06	N53°43'36.77"E
L40	22.02	N49°57'27.68"E

DIE Centerline Table

Line #	Length	Bearing
L21	65.35	N65°42'00.53"E
L22	62.48	N40°37'53.02"E
L23	41.02	N69°48'16.85"E
L24	55.32	N53°03'27.40"E
L25	20.70	N65°49'58.34"E
L26	46.52	N69°12'28.17"E
L27	58.79	N30°14'00.97"E
L28	8.40	N33°11'02.39"E
L29	87.83	N69°06'31.89"E
L30	76.01	N69°33'15.90"E

DIE Centerline Table

Line #	Length	Bearing
L11	2.54	N9°28'08.28"E
L12	38.80	N39°19'08.79"E
L13	12.16	N10°30'44.62"E
L14	57.67	N51°45'08.99"E
L15	18.62	N24°19'11.82"E
L16	71.03	N15°49'22.80"E
L17	17.24	N27°01'46.59"E
L18	55.83	N24°33'07.37"E
L19	47.33	N47°30'05.67"E
L20	50.08	N42°29'58.47"E

UE & DIE Line Table

Line #	Length	Bearing
E1	27.27	S89°49'16.39"E
E2	77.19	N61°58'24.01"E
E3	51.80	N16°52'03.05"E
E4	70.69	N45°28'34.49"E
E5	255.50	N52°12'33.25"E
E6	207.95	N40°19'08.44"E
E7	64.65	N25°34'49.79"E
E8	147.82	N57°32'13.92"E

DIE Line Table

Line #	Length	Bearing
NB1	196.47	S17°44'37.47"E
NB2	157.05	S50°36'42.37"E
NB3	256.91	N59°39'42.37"E
NB4	86.03	N39°57'54.44"E
NB5	39.54	N85°09'37.51"E
NB6	45.14	S32°56'46.85"E
NB7	73.37	S72°12'28.48"E
NB8	41.83	S72°50'50.50"E
NB9	32.71	S67°44'32.74"E
NB10	31.71	S81°32'16.79"E

TOTAL ACREAGE:

LOT 1 = 10.20 ACRES
LOT 2 = 12.28 ACRES
LOT 3 = 12.58 ACRES
TOTAL = 35.06 ACRES

SERVICE PROVIDERS:
CASCADE FIRE PROTECTION DISTRICT
COLORADO SPRINGS UTILITIES
BLACK HILLS ENERGY
INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

FEES:
PARK FEE: \$1940
SCHOOL FEE: _____
DRAINAGE FEE: N/A
BRIDGE FEE: N/A



COLORADO

Division of Water Resources

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

February 29, 2024

Ryan Howser
El Paso County Planning and Community Development
Transmission via EDARP portal

**Re: Guntzelman Porcelain Pines Minor Subdivision
EA21182 MS234
Sec. 22, T13S, R68W, 6th P.M.
CDWR Assigned Subdivision No. 30365**

Dear Ryan Howser;

We have reviewed your January 5, 2024 submittal concerning the above referenced proposal to subdivide 36.15 acres into 3 lots. ranging in size from 10 acres to 12.6 acres.

Water Supply Demand

According to the submittal, the proposed uses and estimated water requirements for the three lots are per lot: 0.26 AF/year for household use, 13,000 square feet of lawn and gardens at 0.0566 AF/year/1000 square feet and a stock watering demand of 0.011 AF/year per animal. The total for all 3 lots is 3.05 AF/year.

Source of Water Supply

The source of water for the proposed development is to be served by Colorado Springs Utilities (“CSU”). A letter dated February 16, 2024 from CSU was included with the submittal, which states that the proposed subdivision is within CSU’s satellite water distribution system, known as the Ute Pass Service Area. CSU has committed to provide 3.05 acre-feet per year to this subdivision, contingent upon the property meeting specific criteria.

Additional Comments

Should the project will collect storm flows in a detention pond, the applicant should be aware that, unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR’s *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal*, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>, to meet the notification requirements.

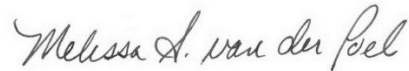


State Engineer's Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(I) and Section 30-28-136(1)(h)(II)], 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.

Should you have any questions, please contact me at 303-866-3581.

Sincerely,

A handwritten signature in cursive script that reads "Melissa A. van der Poel".

Melissa A. van der Poel, P.E.
Team Leader, Team 237

Cc: CDWR subdivision file 30365
Rachel Zancanella, Division Engineer
Elizabeth Nosker, Deputy Water Commissioner District 10
Martha Archuleta, Water Data Analyst

County Attorney

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

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

March 5, 2024

MS-23-4 Guntzelman Porcelain Pines Subdivision
Minor Subdivision

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal by Kristian and Christa Guntzelman (“Applicant”) to subdivide the existing 35.16 acres into 3 single-family residential lots. The property is currently zoned RT (Residential-Topographic).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the annual subdivision demand is 3.05 total annual acre-feet, comprised of 0.78 annual acre-feet for domestic use (0.26 acre-feet per lot), 2.207 annual acre-feet for irrigation (0.74 acre-feet per lot) and 0.066 annual acre-feet for animal watering (0.011 per head). Based on this, the Applicant must provide a supply of 915 acre-feet of water (3.05 acre-feet/year x 300 years) to meet the County’s 300-year water supply requirement for the subdivision.

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY
DOREY L. SPOTTS

LORI L. SEAGO

BRYAN E. SCHMID
STEVEN W. MARTYN

TERRY A. SAMPLE
MERI GERINGER

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from Colorado Springs Utilities (“CSU”). As identified in the *Water Resources Report* (“Report”) dated November 2023, the annual water demand for the development is 3.05 acre-feet per year. Per information obtained from CSU, CSU is able to supply a total of 95,000 acre-feet per year while meeting the goal of maintaining indoor water demand 100% of the time. In 2015, the most recent year for which information was available, water demand totaled less than 70,000 acre-feet for a population of 470,513. Based on these figures, the Report calculated an estimated demand of 75,673 acre-feet for a population of 498,879 in 2021.

4. CSU provided a letter dated February 16, 2024, stating that “CSU has available water supplies to serve the amounts needed to meet the estimated demand of 3.05 ac/ft per year and can provide water service to the Property. . . .”

State Engineer’s Office Opinion

5. In a letter dated February 29, 2024, the State Engineer reviewed the application to subdivide the 35.16-acre tract into 3 lots. The State Engineer confirmed that CSU has sufficient water resources to supply this development. Further, the State Engineer states that “[b]ased upon the above and pursuant to Section 30-28-136(1)(h)(II) and Section 30-28-136(1)(h)(II)], C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

Recommended Findings

6. **Quantity and Dependability.** Applicant’s water demand for Guntzelman Porcelain Pines is 3.05 acre-feet per year to be supplied by Colorado Springs Utilities. **Based on the water demand of 3.05 acre-feet/year for the development and CSU’s availability of water sources, the County Attorney’s Office recommends a finding of sufficiency as to water quantity and dependability for Guntzelman Porcelain Pines.**

7. **Quality.** Section 8.4.7(B)(10)(g) of the El Paso County Land Development Code allows for a presumption of water quality when water is supplied from an existing Community Water Supply operating in conformance with the Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. **Basis:** The County Attorney’s Office reviewed the following documents in preparing this review: the *Water Supply Information Summary*, the *Water Resources Report* dated November 2023, the *Colorado Springs Utilities* letter dated February 16, 2024, and the *State Engineer’s Office Opinion* dated February 29, 2024. 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 requirement not be met, the***

County Attorney's Office reserves the right to amend or withdraw its recommendations.

REQUIREMENTS:

A. Applicant and all future owners of lots within this filing shall be advised of and comply with the conditions, rules, regulations, and specifications set by CSU.

cc: Ryan Howser, Project Manager, Planner

RESOLUTION NO. 24-

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

APPROVAL OF A MINOR SUBDIVISION FINAL PLAT FOR
GUNTZELMAN PORCELAIN PINES (MS234)

WHEREAS, Christa and Kristian Guntzelman did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Guntzelman Porcelain Pines 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 May 16, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the final plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on June 13, 2024; and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, hereby approves the minor subdivision final plat application for the Guntzelman Porcelain Pines Subdivision;

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

CONDITIONS

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

3. 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 appropriate El Paso County staff.
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 (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. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 3/5/2024, as provided by the County Attorney's Office.
7. The applicant shall submit and receive approval of a public right-of-way license agreement prior to acceptance of the plat for recording.

NOTATIONS

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

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

DONE THIS 13th day of June, 2024, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

A portion of the parcel described in that Quitclaim Deed, recorded January 22, 2020 under Reception No. 220009194, in the Official Public Records of El Paso County, Colorado, located in the Northwest 1/4 of Section 22, Township 13 South, Range 68 West, of the 6th/ P.M., being more particularly described as follows,

COMMENCING at the Center 1/4 Corner of said Section 22; thence along the south line of the Southeast 1/4 of the Northwest 1/4 of said Section 22, N88°57'03"W, (Bearings are based on the south line of the Southeast 1/4 of the Northwest 1/4 of said Section 22, monumented at the Center 1/4 Corner of said Section 22 by a 1" iron pipe with a 2-1/2" brass cap stamped "1938 U.S. GENERAL LAND OFFICE SURVEY", 0.5' above grade and monumented at the West Center 1/16 Corner by a 1" iron pipe with a 2-1/2" brass cap stamped 1938 U.S. GENERAL LAND OFFICE SURVEY", flush with grade, having a measured bearing of N88°57'03"W, a distance of 1301.48 feet), a distance of 234.34 feet to the southeast corner of said parcel, being the POINT OF BEGINNING; thence continuing along said south line of the Southeast 1/4 of the Northwest 1/4 of said Section 22, N88°57'03"W, a distance of 1067.14 feet to the West 1/16 Corner of said Section 22; thence along the North-South Center line of the Northwest 1/4 of said Section 22, N01°07'31"W, a distance of 932.25 feet; thence leaving said North-South Center line, N88°52'29"E, a distance of 182.97 feet; thence N01°08'07"W, a distance of 353.05 feet; thence N41°49'19"W, a distance of 283.92 feet to a point on south right-of-way line of Nampa Road; thence along the south right-of-way line of said Nampa Road, the following seven (7) courses:

1. N48°13'23"E, a distance of 60.11 feet;
2. along the arc of a non-tangent curve to the right, whose center bears N48°07'42"E, having a radius of 23.65 feet, a central angle of 115°53'06", a distance of 47.83 feet;
3. N73°46'14"E, a distance of 315.39 feet;
4. along the arc of a non-tangent curve to the left, whose center bears N16°10'04"W, having a radius of 245.85 feet, a central angle of 38°16'52", a distance of 164.26 feet;
5. along the arc of a reverse curve to the right, whose center bears S54°53'21"E, having a radius of 303.82 feet, a central angle 14°01'04", a distance of 74.33 feet;
6. N49°31'01"E, a distance of 285.03 feet;
7. along the arc of a non-tangent curve to the left, whose center bears N40°28'22"W, having a radius of 364.10 feet, a central angle of 23°57'14", a distance of 152.22 feet, to a point on the southeast line of that Right-of-Way Vacation recorded under Book 3122 Page 824 in the Official Public Records of El Paso County, Colorado;

Thence continuing along said southeast line of said Right-of-Way Vacation, N25°35'01"E, a distance of 134.87 feet to a point on the south right-of-way line of Nampa Road; thence along said south right-of-way line, the following five (5) courses:

1. along the arc of a non-tangent curve to the right, whose center bears S64°28'18"E, having a radius of 59.60 feet, a central angle of 95°53'57", a distance of 99.76 feet;
2. S58°29'48"E, a distance of 40.03 feet;
3. along the arc of a non-tangent curve to the left, whose center bears N31°15'02"E, having a radius of 96.71 feet, a central angle of 48°28'43", a distance of 81.83 feet;
4. N72°58'37"E, a distance of 67.62 feet;
5. along the arc of a non-tangent curve to the left, whose center bears N12°19'30"W, having a radius of 96.71 feet, a central angle of 22°07'11", a distance of 37.34 feet, to a point on the west line of Pikes Peak Mountain Estates, recorded November 5, 2001 under Reception No. 201161507;

Thence continuing along said west line of Pikes Peak Mountain Estates, the following two (2) courses:

1. S18°49'36"E, a distance of 138.79 feet;
2. S35°59'27"W, a distance of 515.72 feet, to a point on the west right-of-way line of Pikes Peak Toll Road;

Thence continuing along said west right-of-way line of Pikes Peak Toll Road, the following, thirteen (13) courses:

1. Along the arc of a non-tangent curve to the left, whose center bears S11°39'01"E, having a radius of 193.42 feet, a central angle of 64°29'48", a distance of 217.73 feet;
2. S13°45'10"W, a distance of 216.22 feet;
3. Along the arc of a non-tangent curve to the left, whose center bears S76°02'47"E, having a radius of 1005.40 feet, a central angle of 11°10'16", a distance of 196.03 feet;
4. S02°43'25"W, a distance of 173.36 feet;
5. Along the arc of a non-tangent curve to the left, whose center bears S87°14'50"E, having a radius of 460.30 feet, a central angle of 17°26'00", a distance of 140.06 feet;
6. S14°46'15"E, a distance of 167.06 feet;
7. Along the arc of a non-tangent curve to the left, whose center bears S74°40'19"E, having a radius of 338.00 feet, a central angle of 31°57'04", a distance of 188.49 feet;
8. S45°59'03"E, a distance of 171.85 feet;
9. Along the arc of a non-tangent curve to the right, whose center bears S43°26'18"E, having a radius of 238.00 feet, a central angle of 31°14'04", a distance of 129.74 feet;
10. S15°27'25"E, a distance of 155.45 feet;
11. Along the arc of a non-tangent curve to the right, whose center bears S74°31'58"E, having a radius of 238.00 feet, a central angle of 19°18'37", a distance of 80.21 feet;
12. S43°26'18"E, a distance of 46.77 feet;
13. Along the arc of a non-tangent curve to the left, whose center bears S86°04'29"E, having a radius of 363.70 feet, a central angle of 09°00'56", a distance of 57.23 feet, to the POINT OF BEGINNING.

LESS

A tract of land in Northwest Quarter of Section 22, Township 13 South, Range 68 West of the 6th P.M., County of El Paso, Colorado described as follows:

Beginning at a point that is S 64°26'49" E 40.00 feet from the Northwest Corner of Lot 112, The UTE Pass Summer Homes Co Subdivision No. 1, El Paso County, Colorado, said point being on the Northwest Corner of the Right of Way Vacation recorded under Book 3122, Page 824 in the Official Public Records of El Paso County, Colorado; thence

S 64°25'10" E 27.90 feet; thence

S 25°34'50" W 134.69 feet; thence

N 64°25'10" W 27.90 feet to the Northeast Corner of said Right of Way Vacation; thence

N 25°34'50" E 134.39 feet to the point of beginning, containing 3,758 square feet.

Subject to easements and restrictions of record.

For a total of 35.06 acres.