

# EL PASO



# COUNTY

COMMISSIONERS:  
DARRYL GLENN (PRESIDENT)  
MARK WALLER (PRESIDENT PRO TEMPORE)

STAN VANDERWERF  
LONGINOS GONZALEZ  
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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO:** El Paso County Board of County Commissioners  
Darryl Glenn, President

**FROM:** Kari Parsons, PM/Planner II  
Jeff Rice, PE Engineer III  
Craig Dossey, Executive Director

**RE:** Project File #: SF-18-011  
Project Name: Silverado Ranch Filing No. 1 Final Plat  
Parcel No.: 35000-00-082

OWNER:	REPRESENTATIVE:
Silverado Ranch, Inc. Stan Searle, President 18911 Cherry Springs Ranch Drive Monument, CO. 80132	JPS Engineering 19 East Willamette Avenue Colorado Springs, CO. 80903

**Commissioner District: 4**

Planning Commission Hearing Date:	9/18/2018
Board of County Commissioners Hearing Date	10/9/2018

## EXECUTIVE SUMMARY

A request by Silverado Ranch, Inc., for approval of a final plat to create ten (10) single-family lots, three (3) tracts to be utilized for drainage, open space, and non-motorized trails, utilities. The 318.88 acre parcel zoned PUD (Planned Unit Development) is located south of Drennan Road, west of Ellicott Highway, and east of Peyton Highway and is within Section 16, Township 15 South, Range 63 West of the 6th P.M. The parcel is located within the boundaries of the Highway 94 Comprehensive Plan (2003).



The applicant is proposing to plat 106.39 acres of the overall development with Filing 1. The applicant's letter of intent states that the development will be platted in five (5) phases.

The initial ten (10) lots will gain access via a gravel road constructed to County gravel road standards which will be constructed by the developer and owned and maintained by the homeowners association until the roadway is brought up to paved County road standards.

Pursuant to Recommended Condition of Approval No. 12, the gravel roadway shall be upgraded to paved County road standards by the developer and accepted by the County for ownership and maintenance at the time of construction of the subdivision improvements for Phase 2 of the development. Staff is also recommending inclusion of Condition of Approval No. 13, which requires the subdivision improvements agreement associated with this final plat to include similar language requiring that the gravel road built to County road standards be upgraded to comply with the paved County road standards. Collateral for the gravel road upgrade is not being requested with this filing because the improvements will be required with the next filing, at which time staff will require provision of the associated financial assurance to ensure construction of the road to the paved County road standards.

The final plat, as requested, is consistent with the approved Silverado PUD development plan and preliminary plan. The overall density established by the approved PUD is one (1) dwelling unit per 4.98 acres, which is generally consistent with the adjacent RR-5 (Residential Rural) zoned properties.

#### **A. REQUEST/WAIVERS/AUTHORIZATION**

**Request:** Silverado Ranch, Inc., requests approval of a final plat for the Silverado Ranch Filing No. 1 subdivision to create and authorize the development of ten (10) single-family lots, 12.10 acres of right-of-way, three (3) tracts totaling 61.26 acres to be utilized for drainage, open space, non-motorized trail, and utilities.

**Waiver(s):** No waivers are requested with this request.

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

## **B. PLANNING COMMISSION SUMMARY**

**Request Heard:** September 18, 2018, as a regular item

**Recommendation:** Approval, subject to the conditions and notations. A copy of the Planning Commission Resolution is included as an attachment.

**Waiver Recommendation:** N/A

**Vote:** 8 to 0

**Vote Rationale:** N/A

**Summary of Hearing:**

**SPEAKING FOR:** Applicant was represented at the hearing

**SPEAKING AGAINST:** One individual, draft minutes are attached.

**Legal Notice:** N/A

## **C. APPROVAL CRITERIA**

In approving a final plat, Section 7.2.1.D.3 of the Land Development Code (2018) states that the Board of County Commissioners shall find that:

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- 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;
- 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 that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;

- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- 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.]

**D. LOCATION**

North: RR-5 (Residential Rural)	Single-family residential
South: RR-5 (Residential Rural)	State of Colorado/Vacant
East: RR-5 (Residential Rural)	Vacant/Grazing
West: RR-5 (Residential Rural)	Single-family residential/Grazing

**E. BACKGROUND**

The parcel was zoned RR-3 (Residential Rural) in 1983. Subsequent nomenclature changes have renamed the RR-3 zoning district to the RR-5 (Residential Rural) zoning district. The property within the development was then rezoned from RR-5 to PUD (Planned Unit Development) (PUD-07-002) on August 28, 2008. The PUD included 64 single-family lots and 83 acres of open space. The minimum lot size established with the original PUD development plan is 2.5 acres with an average gross density of one dwelling (1) unit per 4.98 acres. The original PUD development guidelines did not incorporate dimensional standards or uses for equestrian facilities within the overall development.

A preliminary plan (SP-07-003) was also approved by the Board of County Commissioners on August 28, 2008, which included 64 single-family lots and 83 acres of open space.

An amendment to the PUD development plan and associated development guidelines to allow a privately owned equestrian facility on a tract and to allow

equestrian uses on the 64 single-family residential lots and the open space tracts, which are to be owned and maintained by the homeowners association was denied by the Board on December 12, 2017. Pursuant to the denial of the 2017 PUD development plan amendment, the 2007 PUD development plan remains in effect and represents the current zoning of the property.

This final plat request, known as Silverado Ranch Filing No. 1, is for the first phase of the Silverado Ranch development. The applicant's letter of intent proposes five (5) phases. This first phase consists of ten (10) minimum of 2.85 acre single-family lots, right-of-way, three (3) tracts for drainage, open space, utilities and non-motorized trails; and comprises 106.39 acres. The final plat is consistent with the approved 2007 PUD development plan and preliminary plan.

## **F. ANALYSIS**

### **1. Land Development Code Compliance**

This final plat application meets the final plat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2018).

### **2. Zoning Compliance**

The Silverado Ranch Filing No. 1 final plat is consistent with the approved PUD development plan and PUD development guidelines. The Silverado Ranch PUD development plan provides permitted uses; use, density, and dimensional standards such as setbacks, maximum lot coverages, and maximum building heights; as well as landscaping requirements.

### **3. Policy Plan Analysis**

A finding of consistency with the El Paso County Policy Plan (1998) was made by the Board of County Commissioners in 2007 with approval of the Silverado Ranch PUD development plan and preliminary plan. The proposed final plat is consistent with the approved PUD development plan and preliminary plan.

### **4. Small Area Plan Analysis**

The parcel is within the Highway 94 Comprehensive Plan (2003) area. Specifically, the proposed development is within Sub-Area 5, South Central, of the Highway 94 Comprehensive Plan. A finding of consistency with the Plan was made with the approved PUD development plan and preliminary plan.

## **5. Other Master Plan Elements**

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

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

A geology, soils, and hazards report was submitted and reviewed in 2007 with the approved PUD development plan and preliminary plan. The report did not identify any hazards that would preclude development.

### **2. Wildlife**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the property as having a low wildlife impact potential. El Paso County Community Services Department, Environmental Division, was sent a referral and has no outstanding comments.

### **3. Floodplain**

As indicated on FEMA Flood Insurance Rate Map (FIRM) panel numbers 08041C0825F and 08041C1025F, the property is located entirely outside of the current 100-year regulatory floodplain

### **4. Drainage and Erosion**

The site is located within the Drennan Drainage Basin. The basin has not been studied; therefore, no drainage or bridge fees will be due at the time of final plat recordation. The site slopes generally to the southeast. The applicant proposes to utilize existing natural retention ponds to offset developed flows. The drainage report identifies necessary easements and improvements to the ponds that need to be completed by the applicant in order to meet the current drainage criteria.

### **5. Transportation**

The development is located at the southeast corner of the Peyton Highway and Drennan Road intersection. The applicant is proposing a single, gravel road built to County road standards, access from Drennan Road which is gravel surfaced at this location. The next filing (e.g., Phase 2) will provide additional access from Peyton Highway and will trigger the requirement to pave the subdivision roads to County standards.

Drennan Road is shown in the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP) as a collector on both the 2040 Roadway Plan and 2060 Corridor Preservation Plan. Peyton Highway is shown as a minor arterial on both the 2040 Roadway Plan and 2060 Corridor Preservation Plan. These roads are adequate to serve the 10-lot subdivision and 64-lot PUD. Additional right-of-way for Drennan Road is being dedicated with this final plat. The development is subject to the County Road Impact Fee Program. The fee will be collected at the time of building permit issuance.

The developer of Silverado Ranch Filing No. 1 is proposing to construct approximately 2,650 linear feet of local gravel roads. The subdivision roads will be accepted for County maintenance once paved and completed to County standards concurrent with Silverado Ranch Filing No. 2..

## **H. SERVICES**

- 1. Water** The site is proposed to be served by individual wells.

Sufficiency: Sufficient

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The County Attorney's Office has made a favorable recommendation for a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has also made a favorable recommendation regarding water quality.

- 2. Sanitation**

The development is proposed to be served by individual on-site wastewater treatment systems (OWTS). El Paso County Public Health has reviewed the wastewater report submitted with this application and has no concerns.

- 3. Emergency Services**

Ellicott Fire Protection District has committed to serve the development.

- 4. Utilities**

Mountain View Electric Association will provide electrical service to the development. Private propane gas companies will supply the individual propane tanks and provide ongoing refueling service to the development. Public utility easements, as applicable, are depicted on the final plat.

**5. Metropolitan Districts**

The development is within Ellicott Metropolitan District. The District provides athletic programs for youth in the Ellicott area.

**6. Parks/Trails**

Regional park (Area 4) fees in the amount of \$4070.00 in lieu of land dedication shall be paid at the time of final plat recordation.

**7. Schools**

School fees in the amount of \$1850.00 in lieu of land dedication shall be paid at the time of final plat recordation for the benefit of Ellicott School District No. 22.

**I. APPLICABLE RESOLUTIONS: See attached**

**J. STATUS OF MAJOR ISSUES**

There are no issues or concerns.

**K. CONDITIONS AND NOTATION**

Should the 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 (2018), staff recommends the following conditions and notation:

**CONDITIONS**

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

5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits to access a gravel road built to County road standards will be required for each access from Drover Canyon Lane and Silverado Hill Loop. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the final plat.
8. Collateral sufficient to ensure that the public and private improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
9. 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. 16-454), 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.
10. Park fees in the amount of \$4070. in lieu of land dedication for regional parks (Area 4) and urban park (N/A) fees shall be paid at the time of plat recordation.
11. Fees in the amount of \$1850 in lieu of school land dedication shall be paid to El Paso County for the benefit of Ellicott School District No. 22 at the time of final plat recordation.
12. The developer shall re-construct the Phase 1/Filing No. 1 gravel roads to paved County road standards with the next final plat filing (e.g., Phase 2). The developer or the homeowners association, if one is legally created, shall own and maintain the

gravel roads until the roads are upgraded to County road standards and are accepted by the County into the maintenance system. A label and note shall be added to the plat to identify this condition prior to plat recordation. All future road construction beyond Phase 1/Filing No. 1 within this development shall be designed and constructed to County standards.

13. The subdivision improvements agreement (SIA) associated with the final plat shall incorporate language to ensure that the Phase 1/Filing No. 1 roads are upgraded to paved County road standards by the developer at the time of the next filing (e.g., Phase 2/Filing No. 2). The SIA shall also include language that the homeowners association remain under control of the developer until such improvements have been preliminarily accepted by the County.

#### **NOTATIONS**

1. Final plats not recorded within 12 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.

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

The Planning and Community Development Department notified 17 adjoining property owners on August 30, 2018, for the Board of County Commissioners hearing. Responses received to date are included.

#### **M. ATTACHMENTS**

Vicinity Map  
Letter of Intent  
Plat Drawing  
Adjacent Property Owner Responses  
State Engineer's Letter  
County Attorney's Letter  
Planning Commission Draft Minutes  
Planning Commission Resolution  
Board of County Commissioners' Resolution

# El Paso County Parcel Information

File Name:

Zone Map No.:

PARCEL	NAME
3500000082	SILVERADO RANCH INC

Date:

ADDRESS	CITY	STATE
18911 CHERRY SPRINGS RANCH DR	MONUMENT	CO

ZIP	ZIPLUS
80132	8378



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



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## LETTER OF INTENT

August 20, 2018

### **Silverado Ranch Final Plat Filing No. 1**

**PARCEL NUMBER:** 35000-00-082

#### **OWNER**

Silverado Ranch, Inc.  
Stan Searle, President  
18911 Cherry Springs Ranch Dr.  
Monument, CO 80132

#### **DEVELOPER**

Silverado Ranch, Inc.  
18911 Cherry Springs Ranch Dr.  
Monument, CO 80132  
(719) 481-3735  
stansearle@gmail.com

#### **SITE INFORMATION**

The site consists of approximately 106 acres representing Phase 1 of Silverado Ranch subdivision and is situated in the Southeast corner of Drennan Road and Peyton Highway and comprises the North ½ of Sec. 16, Twp 15 S, R63W of the 6<sup>th</sup> P.M. The property is zoned for a planned unit development with a minimum lot size of 2.5 acres and is currently in agricultural use for cattle and horses.,

#### **REQUEST**

The applicant is requesting a Final Plat for 10 single family lots, 3 tracts and public roads on 106 acres in the northwest part of the Silverado Ranch subdivision. The proposed plat is in conformance with the approved PUD. All required submittal materials for the Final Plat have been submitted.

Phase 1 will initiate construction of the subdivision and provide extensive open space areas for residents. It is anticipated that Silverado Ranch may contain 5 phases at buildout.

**SILVERADO RANCH, INC.**

18911 Cherry Springs Ranch Dr. - Monument, Colo. 80132 - (719) 481-3735 - Facsimile (719) 481-5100

The following principles will be followed in achieving a planned community which can respond to market conditions, while serving the needs of a rural residential equestrian-friendly community:

- ~ Encourage flexibility in site design with respect to spacing, heights and density of buildings and open space;
- ~ Encourage placement of improvements to take advantage of terrain features, especially with respect to allowing Front Range views from every lot;
- ~ Encourage improvement locations that minimize disturbance of terrain and native vegetation;
- ~ Provide appropriate transitions between external and internal land uses while permitting agricultural use of unoccupied lots and tracts.
- ~ Provide well maintained trails and open space and high quality all-weather roadways
- ~ Provide and protect wildlife habitat
- ~ Reduce Wildfire hazards.

The Planned Unit Development includes riding and hiking trails and proposes primary accesses off Drennan Road and Peyton Highway. Access to Filing No. 1 will be provided by construction of Drover Canyon Lane extending south from Drennan Road, along with a part of Silverado Hill Loop. No access from Peyton Highway is proposed in Phase 1. A temporary turnaround will be constructed on the east end of Silverado Hill Loop for Phase 1. The turnaround will be removed and replaced with a continuous road with Phase 2. Roads in Phase 1 will be built to County road standards with a gravel surface with maintenance the responsibility of the owner. At the time of subsequent phases and construction of future roadways, all roads will be paved, built to County road standards and maintained by the County.

Natural features, including trees and grass lands will be protected and incorporated into the design of the project. Only stick-built and manufactured homes which conform to the International Building Code will be permitted on residential lots. A maximum of two accessory buildings will be permitted on each lot—subject to size and use parameters set by the HOA. Construction of any kind shall require prior approval of the Architectural Control Committee of the Silverado Ranch HOA.

PUD Guidelines will include the following regarding horses:

- Temporary confinement of horses within subdivision boundaries must have the prior approval of the SRACC and temporary confinement facilities must be no larger than 1,000 square feet. Temporary shall mean no longer than 48 hours at any one time or as allowed by the HOA.

## **SILVERADO RANCH, INC.**

133711 Cheryl Springs Ranch Dr - Monument, Colo. 80132 - (719) 491-3732 - Faxline (719) 421-6130

- In the interest of preserving ground cover and vegetation, Silverado Ranch will not allow resident horses within the subdivision. While equestrian activity is encouraged by residents, horses must be under “handler control” or confined while within the boundaries of the subdivision.

## **JUSTIFICATION FOR REQUEST**

The Silverado Ranch Preliminary Plan (SP07003) and PUD (PUD07002) were approved in 2008. This request, for the Final Plat of Phase 1, is the next step in the process. Except for the proposed gravel road, no modifications are proposed. The proposal complies with all applicable EPC regulations and standards for a Final Plat as well as the Conditions of Approval of the original approval. Extensive open space is included in Phase 1 to provide for trail access and open space/park areas for residents.

## **SITE ANALYSIS**

The Property is primarily native prairie grassland with shallow swales and gentle slopes. There are several ponderosa pines, a few spruce trees and more than 100 pinon pines on the west third of the Property. Historic natural drainage retains any runoff in a 10 acre basin near the eastern boundary of the Property. Water and sewage are provided by individual well and septic systems.

## **AUTHORITY**

These standards are adopted pursuant to the Planned Unit Development Act of 1972, C.R.S. 24-67-101, et. seq., and the El Paso County Land Development Code, and shall apply to all property contained in the approved Silverado Ranch Planned Unit Development Plan. The regulations and requirements shall become the governing standards for review, approval and modification of all development activities occurring on the Property. The subdivision and zoning regulations for El Paso County shall apply where the provisions of this document or the Development Plan do not address a specific subject.

## **WILDFIRE MITIGATION**

The Developer of the Silverado Ranch Subdivision is responsible for planning and developing the lots in a manner consistent with contemporary wildfire hazard mitigation techniques. The home owners and builders are responsible for designing and constructing homes that minimize the fire hazard inherent in a community situated amid prairie grasslands. The homeowners and the Home Owners Association are ultimately responsible for the maintenance of homes and open spaces in a manner consistent with provisions of the Covenants, Conditions and Restrictions, as recorded with the County Clerk. The Ellicott Fire Protection District has provided a Commitment to Serve Letter and a Fire Protection Report.

**SILVERADO RANCH, INC.**

16811 Cherry Springs Ranch Dr - Monument, Colo 80132 - (719) 461-3735 - Facsimile (719) 461-5100

## APPROVAL CRITERIA

The Subdivision is in general conformance with the goals, objectives, and policies of the Master Plan. Additional criteria are as follows:

- The subdivision is in substantial conformance with the approved preliminary plan; *The Phase 1 Final Plat and subdivision are consistent with subdivision design standards and regulations and meet all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents and other supporting materials. A deviation to allow gravel roads in Phase 1 has been approved.*
- 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 water supply standards [C.R.S. §30-28-133(6)(a)] and requirements of Chapter 8 of this Code; *Sufficient water supply—including quantity and dependability for the type of subdivision proposed—has been verified by the State Engineer’s Office. Water quality has been established as conforming to State standards by an independent test laboratory.*
- The method of sewage disposal proposed 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; *Individual wells and septic systems will be subject to County and State permitting requirements. Adequate drainage improvements are proposed that comply with C.R.S. §30-28-133(3)(c)(VIII) and the requirements of the Land Development Code and the ECM;*
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)]; *There are no known areas within the proposed subdivision which involve soil or topographical conditions presenting hazards or requiring special precautions.*
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM; *Except for existing drainage retention ponds located in no-build tracts within the subdivision, there are no topographical features or conditions requiring special treatment.*
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easements, acceptable to the County in compliance with this Code and the ECM; *Legal and physical access will be provided to all lots from subdivision roadways acceptable to the County. Phase 1 and the future development of the subdivision will include public roadways per County standards.*
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision; *Letters confirming service availability have been provided by all applicable fire protection and utility companies. The El Paso County Sheriffs Dept. provides law enforcement coverage for the area and has not raised any concerns in their comment.*

## SILVERADO RANCH, INC.

12911 Cherry Springs Ranch Dr. • Monument, Colo, 80132 • (719) 451-2735 • Facsimile (719) 451-9103

- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;

*The Developer of the Silverado Ranch Subdivision is responsible for planning and developing the lots in a manner consistent with contemporary wildfire hazard mitigation techniques, as well as assuring that roads provide adequate turn-around space for emergency equipment.*

- 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;

*Studies have identified no off-site impacts requiring mitigation.*

- 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;

*Appropriate financial assurances will be posted for public infrastructure in accordance with the SIA. Applicable School and Park fees will be paid as required at the time of recording final plats. Traffic Improvement Fees will be paid in full by individual builders or lot owners as building permits are obtained for each lot.*

- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et seq.]

*There is no extraction of any mineral or hydrocarbon deposits occurring on or near the proposed subdivision. The State of Colorado is a third party mineral rights owner and will be notified according to State law.*

Submitted by  
Silverado Ranch, Inc.

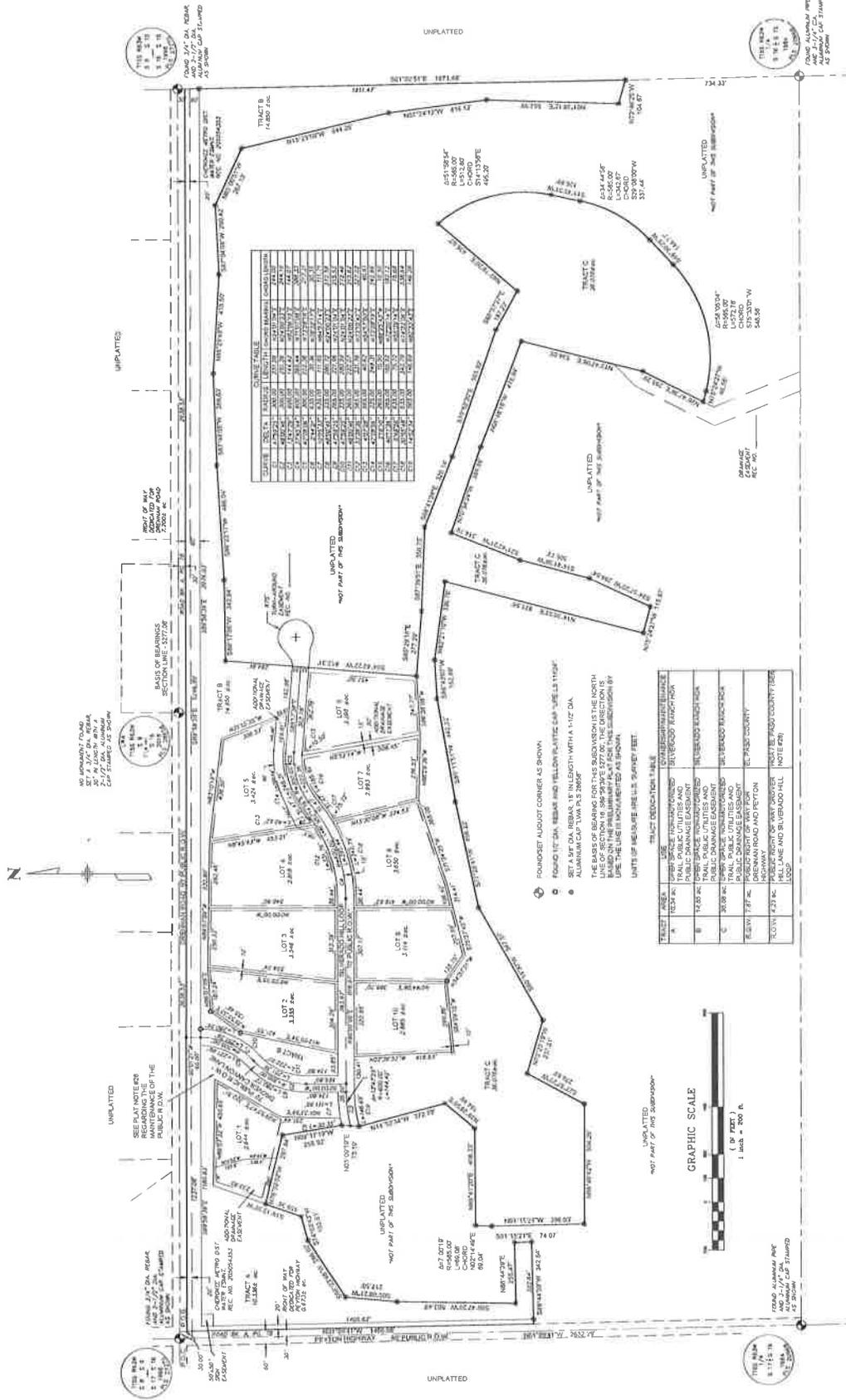
  
\_\_\_\_\_  
Stan Searle, President

**SILVERADO RANCH, INC.**

18911 Cherry Springs Ranch Dr - Monument, Colo. 80132 - (719) 431-3735 - Facsimile (719) 481-9100



**SILVERADO RANCH FILING NO. 1**  
 IN THE NORTH HALF OF SECTION 16, T45S, R63W, 6th P.M.,  
 EL PASO COUNTY, COLORADO



PREPARED BY  
**LWA LAND SURVEYING, INC.**  
 600 PASEO DE LOS ANGELES, SUITE 100  
 EL PASO, TEXAS 79901  
 PHONE (915) 782-1111

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION TO ENFORCE YOUR RIGHTS UNDER THIS INSTRUMENT WITHIN THE TIME PERIOD SPECIFIED IN THIS INSTRUMENT. YOUR RIGHTS WILL BE BARRED IF YOU DO NOT COMMENCE ANY LEGAL ACTION TO ENFORCE YOUR RIGHTS UNDER THIS INSTRUMENT WITHIN THE TIME PERIOD SPECIFIED IN THIS INSTRUMENT.

# EL PASO



# COUNTY

COMMISSIONERS:  
DARRYL GLENN (PRESIDENT)  
MARK WALLER (PRESIDENT PRO TEMPORE)

STAN VANDERWERF  
LONGINOS GONZALEZ  
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR  
August 30, 2018

This letter is to inform you of the following petition which has been submitted to El Paso County:

SF-18-011

PARSONS

### FINAL PLAT SILVERADO RANCH FIL NO 1

A request by Silverado Ranch, Inc., for approval of a final plat to create 10 single-family residential lots, right-of-way, and 3 tracts to include, open space, non-motorized trails, drainage, and utilities. The 106.39 acre property is zoned PUD (Planned Unit Development, and is located south of Drennan Road, east of Peyton Highway, and west of Ellicott Highway. (Parcel No. 35000-00-082) (Commissioner District No. 4) (Kari Parsons)

Type of Hearing: Quasi-Judicial

For

Against

No Opinion

Comments: The State Land Board reserved mineral rights under N2 of section 16 in patent 3519.

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

- This item is scheduled to be heard by the El Paso County Planning Commission on September 18, 2018. The meeting begins at 9:00 a.m. and will be conducted in the Second Floor Hearing Room of the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs.
- The item will also be heard by the El Paso County Board of County Commissioners on October 9, 2018. The meeting begins at 9:00 a.m. and will be conducted in the Centennial Hall Auditorium, 200 South Cascade Avenue, Colorado Springs.
- The date and order when this item will be considered can be obtained by calling the Planning and Community Development Department or through El Paso County's Web site ([www.elpasoco.com](http://www.elpasoco.com)). Actions taken by the El Paso County Board of County Commissioners are posted on the internet following the meeting.
- The online submittal portal can be found at: [www.gpsdevplanreview.com](http://www.gpsdevplanreview.com)
- The Staff Report for this Agenda item can be found at: <https://planningdevelopment.elpasoco.com/el-paso-county-planning-commission/planning-commission-2018-hearings/>

Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call 719-520-6300.

Sincerely,

Kari Parsons, Project Manager/Planner II

Your Name:

Catherine Stitt  
(printed)

(signature)

Address:

1127 Sherman St Ste 300 Denver CO 80203

Property Location:

6-155-63W-16 : N2 Minerals  
S2 Surface : Minerals

Phone 303-866-3454 x 3326

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



COLORADO SPRINGS, CO 80910-1127  
FAX: (719) 520-6695

**El Paso County Parcel Information**

File Name:

Zone Map No:

PARCEL	NAME
3500000000	SHAY BLADO RANCH INC

Date:

ADDRESS	CITY	STATE
1701 CHERRY SPRINGS RANCH DR	ARONSWORTH	CO

ZIP	ZIP+4
80132	8378



If we report any parcel discrepancies to  
 El Paso County Assessor  
 1025 W. Garden of the Gods Rd  
 Colorado Springs, CO 80907  
 (719) 520-6661



COPIED FROM THE ORIGINAL RECORDS OF THE COUNTY OF EL PASO, COLORADO. THIS COPY IS UNOFFICIAL AND NOT FOR CONSTRUCTION PURPOSES. THE ORIGINAL RECORDS ARE KEPT AT THE COUNTY CLERK'S OFFICE, 1025 WEST GARDEN OF THE GODS ROAD, COLORADO SPRINGS, CO 80907. (719) 520-6661

EL PASO



COUNTY

COMMISSIONERS:  
DARRYL GLANN (PRESIDENT)  
MARK WALLER (PRESIDENT PRO TEMPORE)

STAN VANDERWERF  
LONGINOS GONZALEZ  
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR  
August 30, 2018

This letter is to inform you of the following petition which has been submitted to El Paso County:

SF-18-011

PARSONS

FINAL PLAT  
SILVERADO RANCH FIL NO 1

A request by Silverado Ranch, Inc., for approval of a final plat to create 10 single-family residential lots, right-of-way, and 3 tracts to include, open space, non-motorized trails, drainage, and utilities. The 106.39 acre property is zoned PUD (Planned Unit Development, and is located south of Drennan Road, east of Peyton Highway, and west of Ellicott Highway. (Parcel No. 35000-00-082) (Commissioner District No. 4) (Kari Parsons)

Type of Hearing: Quasi-Judicial

For  Against  No Opinion

Comments: Concerns for water, sewage, traffic, property values and crime.

(FOR ADDITIONAL COMMENTS, PLEASE ATTACH ANOTHER SHEET.)

- This item is scheduled to be heard by the El Paso County Planning Commission on September 18, 2018. The meeting begins at 9:00 a.m. and will be conducted in the Second Floor Hearing Room of the Pikes Peak Regional Development Center, 2880 International Circle, Colorado Springs.
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Your response will be a matter of public record and available to the applicant prior to the hearing. You are welcome to appear in person at the hearing to further express your opinion on this petition. If we can be of any assistance, please call 719-520-6300.

Sincerely,  
  
Kari Parsons, Project Manager/Planner II

Your Name: BJ Carey  
Address: 1965 Drennan Rd Colorado Springs, CO 80928  
Property Location: Adjacent west Phone: (719) 964-1676

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



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

## Kari Parsons

---

**From:** Darcy Dittenber  
**Sent:** Monday, September 17, 2018 3:58 PM  
**To:** Kari Parsons  
**Cc:** Darcy Dittenber  
**Subject:** FW: Final Plat Silverado Ranch Fil No. 1

-----Original Message-----

**From:** LuAnn Weems [<mailto:abelnrr2@icloud.com>]  
**Sent:** Monday, September 17, 2018 3:55 PM  
**To:** PLNWEB  
**Subject:** Final Plat Silverado Ranch Fil No. 1

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

We live in the vicinity of this proposed development and wish to express that we are AGAINST approval of this. Drought, wildlife, maintenance of roads, and wildfire concerns are problems with a development of this size.

Thank you, LuAnn and Bruce Weems

Sent from my iPad



**COLORADO**  
 Division of Water Resources  
 Department of Natural Resources  
 1313 Sherman Street, Room 821  
 Denver, CO 80203

May 21, 2018

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

RE: Silverado Ranch Filing No. 1, Final Plat  
 Section 16, T15S, R63W, 6<sup>th</sup> P.M.  
 Water Division 2, Water District 10  
 Upper Black Squirrel Creek Designated Basin

Dear Ms. Parsons:

We have reviewed your April 26, 2018 submittal concerning the above referenced proposal for the subdivision of 106.4 acres into ten single family lots and open space as the first filing of the Silverado Ranch Subdivision.

Our office provided a letter dated April 11, 2017 on the adequacy of the proposed water supply to the Silverado Ranch Preliminary Plan (PUD) as well as the Silverado Ranch Filing No.1, Final Plat. The applicant’s Letter of Intent, dated April 3, 2018, in this submittal requests amendments to the Final Plat of Filing No. 1 and withdraws the PUD amendment requests from 2017. As this submittal amends the proposals that were the subject of our April 11, 2017, this letter replaces the opinions in our April 11, 2017 letter.

**Water Supply Demand**

According to the submittal, the water requirement totals 4 acre-feet per year (0.4 acre-feet per year per lot) for in-house use in one single family dwelling, and irrigation of 0.04 acres (1,742 square-feet) of home gardens and lawn per lot. The water requirement for the open space is not mentioned and is therefore understood to be zero.

**Source of Water Supply**

The proposed source of water is individual on-lot wells producing from the not-nontributary (4% replacement) Laramie-Fox Hills aquifer under Determination of Water Right 325-BD. The allowed average annual amount of withdrawal provided for in Determination of Water Right no. 325-BD is 76.8 acre-feet.

The subdivision lies within the allowed place of use of Determination of Water Right no. 325-BD, and the proposed uses are uses allowed by that Determination.

The proposed source of water is a bedrock aquifer in the Denver Basin. The State Engineer’s Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., “Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years.” Based on this allocation approach, the annual amounts of water determined are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.



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

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

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 76.8 acre-feet/year would be reduced to one third of that amount, or 25.6 acre-feet/year. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

The proposed annual water supply of 25.6 acre-feet is more than the estimated annual demand of 4 acre-feet.

State Engineer’s Office Opinion

Based on the above and pursuant to Section 37-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

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

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

Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced determination, pending actual geophysical data from the aquifer.

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

Silverado Ranch Filing No. 1, Final Plat  
May 21, 2018  
Page 3 of 3

If you, or the applicant, have any questions, please contact Neelha Mudigonda at 303-866-3581 ext. 8206.

Sincerely,



Keith Vander Horst  
Chief of Water Supply, Basins

Cc: Division 2  
Silverado Ranch\_Filing1.docx

# EL PASO COUNTY



OFFICE OF THE COUNTY ATTORNEY  
CIVIL DIVISION

First Assistant County Attorney  
Diana K. May

Amy R. Folsom, County Attorney

Assistant County Attorneys  
M. Cole Emmons  
Lori L. Seago  
Diana K. May  
Kenneth R. Hodges  
Lisa A. Kirkman  
Steven A. Klaffky  
Peter A. Lichtman

September 6, 2018

Silverado Ranch Subdivision

SF-18-011 Final Plat, Filing No. 1

Reviewed by: M. Cole Emmons, Senior Assistant County Attorney  
Edi Anderson, Paralegal

**Note: The County Attorney's Office prepared a previous review for the Silverado Ranch Subdivision, encompassing a PUD Preliminary Plan Amendment and Final Plat for Filing 1 dated October 17, 2017. This review supersedes and replaces the October 17<sup>th</sup> review and analysis pertaining to the then-proposed PUD Preliminary Plan Amendment and Final Plat for Filing 1.**

**FINDINGS AND CONCLUSIONS:**

1. This is a proposal by Silverado Ranch, Inc. ("Applicant") for a Final Plat to subdivide approximately 106 acres of land into 10 single-family lots, plus 3 open space tracts. This final plat is the first phase of the proposed 320 acre parcel encompassing 64 single-family homes. The property is zoned PUD.

2. The Applicant has provided for the source of water to come from individual on-lot wells via ground water from the Laramie-Fox Hills Aquifer. Applicant estimates its water demand for the 10 lots in Filing No. 1 at 4.0 acre-feet per year or 0.4 acre-feet per lot annually, including in-house use and irrigation of lawns and gardens. No resident horses are permitted in the subdivision; therefore, there is no accommodation for stock watering. In addition, no water supply is provided for the open space tracts. Based on the 4% replacement requirement of Colorado Ground Water Commission Determination of Water Rights Case No. 325-BD and an annual demand of 4.0 acre-feet for 10 lots, Applicant will have to provide an additional 0.16 acre-feet per year for replacement of 10 lots (or 0.016 acre-feet per lot based on a per lot demand of 0.4 acre-feet per year). Therefore, Applicant must provide a total supply of 1,248 acre-feet of water (4.16 acre-feet/yr. x 300 yrs.) to meet the County's 300-year water supply requirement.

200 S. CASCADE AVENUE  
OFFICE: (719) 520-6485



COLORADO SPRINGS, CO 80903  
FAX: (719) 520-6487

3. The water rights for this property were originally owned by Space Center, LLP pursuant to the Nontributary Ground Water Landownership Statement dated January 30, 2002, which water rights were adjudicated by the Colorado Ground Water Commission in Determination of Water Rights Case No. 325-BD in 2002. The water rights were subsequently transferred to Stan Searle via Special Warranty Deed on June 28, 2005, but did not specify that water rights were included. Mr. Searle subsequently obtained an Affidavit from the agent for Space Center, LLP affirming that “all water rights under Determination of Water Rights 325-BD for the Laramie-Fox Hills Aquifer, comprising 76.8 acre-feet” were included in the 2005 Deed. On November 4, 2016, Mr. Searle conveyed the subject property to Silverado Ranch, Inc., via a Quitclaim Deed. Unfortunately, that Quitclaim Deed was silent as to the water rights. In order to complete and clarify the chain of title for the water rights, Mr. Searle executed and had recorded on September 14, 2017, a Special Warranty Deed for all of the water and water rights in the Laramie-Fox Hills aquifer underlying the property as adjudicated in the Colorado Ground Water Commission Findings and Order in Determination No. 325-BD.

4. In a letter dated May 21, 2018, the Colorado Division of Water Resources State Engineer noted that the subdivision will be served by the not non-tributary Laramie-Fox Hills Aquifer in accordance with the Colorado Ground Water Commission Determination of Water Rights Case No. 325-BD (“Water Right 325-BD”). The State Engineer indicated that the allowed average annual amount of withdrawal provided for in Water Right 325-BD is 76.8 acre-feet from bedrock aquifer allocations from the Denver Basin as well as alluvial sources. This amount is reduced by one third due to El Paso County’s 300 year water supply requirement, resulting in an available supply of 25.6 acre-feet annually for the 64-lot subdivision (which equates to a supply of 4.0 acre-feet for the 10 lots in Filing 1).

With an annual water demand of 4.0 acre-feet for this Filing 1, the Engineer’s opinion is that there is a sufficient water supply to meet the County’s 300-year water supply requirement. Pursuant to C.R.S. § 30-28-136(1)(h)(I), the Engineer offered the opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

**Note:** While not mentioned by the State Engineer, a report provided by Curtis Wells & Co. dated May 4, 2007, notes that even though “the Laramie Fox Hills ground water is considered not non-tributary, no formal Commission issued replacement plan is needed.” **Notwithstanding, Water Right 325-BD provides “that at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal.”**

5. The water quality requirements of Section 8.4.7(10) of the Land Development Code must be satisfied.

6. Decree. The Determination of Water Rights in Case No. 325-BD was approved in the name of Space Center, LLP in 2002. The Commission determined there was 7,680 acre-feet of Laramie-Fox Hills Aquifer water available under the 320 acres of property, which resulted in a maximum annual appropriation or amount of water that can be withdrawn of 76.8 acre-feet based on the State's 100 year aquifer life requirement. As the State Engineer noted, this amount must be reduced to meet the County's 300-year rule, which results in a maximum annual appropriation of 25.6 acre-feet. The Commission required "at least four percent (4%) of the amount of water withdrawn annually must be returned to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal."

7. Analysis: The Colorado Ground Water Commission issued Determination of Water Rights No. 325-BD, which results in an available water supply of 76.8 acre-feet per year for 100 years or 25.6 acre-feet per year when reduced by one-third to meet the County's 300-year rule. With an annual supply available of 25.6 acre-feet, and an annual demand of 4.16 acre-feet (including 4% replacement) for the 10 lots of Filing 1, the quantity of the water supply appears to be sufficient to meet the County's 300-year aquifer life requirement.

8. Therefore, at this time, based upon the finding of no injury and sufficiency by the State Engineer, the Colorado Ground Water Commission Determination of Water Rights in Case No. 325-BD, and based on the requirements listed below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability for the Filing 1 Final Plat. The El Paso County Health Department shall provide an opinion as to quality.

#### REQUIREMENTS:

A. Applicants, their successors and assigns, shall create an HOA, and advise the HOA and all future owners of these lots of all applicable requirements of the Colorado Ground Water Commission's Determination of Water Right entered in Case No. 325-BD, as well as their obligations to comply with the Water Determination.

B. Applicants shall assign or convey to the HOA, Applicant's interests, rights, and obligations in Determination of Water Right No. 325-BD and shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owner(s) of this filing, their successors and assigns, and the HOA regarding all applicable requirements of the Determination of Water Right No. 325-BD. Such assignment or conveyance shall be accomplished by an appropriate agreement and assignment or conveyance instrument that shall be reviewed and approved by both the Planning and Community Development Department and the County Attorney's Office prior to recording final plats.

C. The restrictive covenants specifically shall advise the following (other conditions in the Decree also may be appropriate to state in the covenants):

1. Applicant's successors and assigns shall be advised that watering of horses or other stock watering is not allowed and no water is provided for such.
2. Applicant's successors and assigns, including the HOA, shall be advised of their obligation to return at least four percent (4%) of the amount of water withdrawn annually to the uppermost aquifer in the vicinity of the permitted point or points of withdrawal. Based on the demand of 4.0 acre-feet per year for the 10 lots in Filing No. 1, an additional 0.16 acre-feet per year will have to be provided to meet the replacement requirement.
3. Applicant's successors and assigns shall be advised that the use of the ground water shall be limited to the following uses: domestic, irrigation, commercial and replacement supply as provided for in Determination of Water Right No. 325-BD.
4. Applicant's successors and assigns shall be advised of their responsibility for any metering and data collecting that may be required regarding water withdrawals from wells pursuant to Determination of Water Right No. 325-BD.

D. Applicant, its successors and assigns, at the time of lot sales, shall convey by warranty deed to individual lot owners sufficient water rights in the Laramie-Fox Hills Aquifer underlying each lot to satisfy El Paso County's 300-year water supply requirement: 0.4 acre-feet annually and at least 120.0 acre-feet total for 300 years. Said conveyance instrument shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for the primary supply and replacement water for the lot. Applicant shall provide a form warranty deed for review and approval to the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat.

E. If the HOA will be responsible for making the annual 4% replacement per Determination of Water Right No. 325-BD, then Applicant shall convey at least 48 acre-feet of Laramie-Fox Hills Aquifer water (0.16 acre-feet/yr. x 300 yrs.) to the HOA to make the replacements. If the individual lot owners will be responsible for making the annual 4% replacement per Determination of Water Right No. 325-BD, then Applicant shall convey an

additional 4.8 acre-feet of Laramie-Fox Hills Aquifer water (0.016 acre-feet/lot/yr. x 300 yrs.) to each lot for the lot owner to make the annual replacement. The covenants shall define the responsibility and allocation for make the annual replacements. In either case, the covenants and deeds shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for the purpose of replacement.

F. Applicant shall submit Declaration of Covenants, Conditions, and Restrictions as well as Bylaws and Articles of Incorporation of the HOA to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Services Department and the County Attorney's Office prior to recording final plats. Said Declaration shall cross-reference Determination of Water Right No. 325-BD and shall recite the obligations of the individual lot owners and the HOA under each of these documents. Applicant shall provide a copy of the Certificate of Incorporation of the HOA by the Secretary of State to the Planning and Community Development Department and the County Attorney's Office.

G. Applicant, its successors and assigns, shall record all applicable documents, including, but not limited to, the Determination of Water Rights in Case No. 325-BD, agreements, assignments, and warranty deeds regarding the water rights, Declaration of Covenants, By-laws, and Articles of Incorporation in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

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

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

cc: Kari Parsons, Project Manager/Planner II

**EL PASO**



**COUNTY**

COMMISSIONERS:  
DARRYL GLENN (PRESIDENT)  
MARK WALLER (PRESIDENT PRO TEMPORE)

STAN VANDERWERF  
LONGINOS GONZALEZ  
PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

Planning Commission (PC) Meeting  
Tuesday, September 18, 2018  
El Paso County Planning and Community Development Department  
2880 International Circle, Hearing Room  
Colorado Springs, Colorado 80910

**PRESENT AND VOTING: JIM EGBERT, BRIAN RISLEY, ALLAN CREELY, JANE DILLON, PETER AURICH, KEVIN CURRY, JOAN LUCIA-TREESE, AND GRACE BLEA-NUNEZ**

**PRESENT AND NOT VOTING: NONE**

**ABSENT: LAWRENCE WOOD, TOM BAILEY, AND SHARON FRIEDMAN**

**STAFF PRESENT: CRAIG DOSSEY, KARI PARSONS, JEFF RICE, GILBERT LAFORCE, AND EL PASO COUNTY ATTORNEY COLE EMMONS**

**OTHERS PRESENT WHO SPOKE AT HEARING: TIM MCCONNELL, STEVE MEIER, JEFF HODSDON, MARVIN RITTENHOUR, JIM HAGAN, PETER PATTEN, JOHN SCHWAB, BJ CAREY, STAN SEARLE**

**1. Report Items**

**Planning and Community Development Department – Mr. Dossey gave an update of the Planning Commission agenda items and action taken by the Board of County Commissioners since the last Planning Commission meeting.**

**A. The Water Master Plan is in process. The plan is to have it completed by the end of the year. The Open House will be on October 25 from 6:00-8:00 p.m. in the Atrium of the Regional Building. December 4 and 18 will be the planned hearing dates for review by the Planning Commission.**

**B. The County Master Plan is also planned for updating. The selection process to choose the consultants is occurring now, and they will work with Planning and Community Development Department over the next two to three years. Mr. Risley has agreed to be on the selection committee.**



C. **Mr. Dossey** also went over the budget vs. work load of the Department. It appears there will be \$170,000 over budget just in application fees. Type A and B projects have exceeded the numbers of 2017; and type C and D projects are less in numbers, but are still exceeding dollar amounts of 2017 because of the complexity of the projects. Early Assistance meetings have also exceeded 2017 numbers. This gives a fairly good indication that 2019 will be very busy for the Department.

D. The next scheduled Planning Commission meeting is on October 2, 2018.

## 2. Consent Items

A. **Approval of the Minutes – September 4, 2018**  
The minutes were approved as presented. (8-0)

B. **SF-18-005**

**PARSONS**

### **FINAL PLAT GLEN AT WIDEFIELD NO. 9**

A request by Glen Investment Group VIII, LLC., for approval of a final plat to create 106 single-family residential lots, right-of-way, and 4 tracts to include, open space, drainage and utilities. The 145.207 acre property is zoned RS-6000 (Residential Suburban) and is located north of Mesa Ridge Parkway, east of Powers Boulevard, and west of Marksheffel Road. (Parcel Nos. 55220-00-006 and 55280-00-029)

**PC ACTION: MR. CREELY MOVED/MS. LUCIA-TREESE SECONDED TO APPROVE CONSENT ITEM NO. 2B, SF-18-005 FOR A FINAL PLAT FOR GLEN AT WIDEFIELD NO. 9 UTILIZING RESOLUTION PAGE 19 WITH SIXTEEN (16) CONDITIONS AND ONE (1) NOTATION (MORE PARTICULARY DESCRIBED ON PAGE 18-047) WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDAILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY (8-0).**

## Regular Items

3. **SP-17-001**

**PARSONS**

### **PRELIMINARY PLAN FALCON MARKETPLACE**

A request by LG HI Falcon, LLC., for approval of a preliminary plan to create 11 commercial lots. The 36.4 acre property is zoned CR (Commercial Regional) and is located north of Woodmen Road, south of Owl Place, and west of Meridian Road.

The applicant has also requested pre-development site grading to include installation of wet utilities and storm sewer. (Parcel Nos. 53000-00-589)

**Ms. Parsons** gave a brief overview and asked **Mr. Emmons** to go over the review criteria for a preliminary plan.

**Ms. Parsons** then introduced the applicants' representative, **Mr. Tim McConnell**, to introduce their staff to the Planning Commission. **Mr. Steve Meyer** gave some background information on the project.

**Ms. Parsons** gave her full presentation to the Planning Commission and answered questions.

**Mr. Jeff Rice** gave the full engineering report and findings to the Planning Commission.

**Ms. Blea-Nunez** – Are bike or pedestrian paths included in the plan? **Mr. Rice** – Yes, there will be shoulders on the collector roads that have accommodated for bike/pedestrian traffic.

**Mr. Egbert** – This drainage will tie into the Falcon Drainage Basin as I understand; how many years until the developers can get reimbursed? **Mr. Rice** – It depends on how long it takes to develop in that area.

**Mr. Curry** – With regard to transportation, I have a concern about safety with the right in access from Woodmen. Most of the traffic comes from the south on Meridian and then turns westbound on Woodmen. All traffic would be merging into this Market Place. This seems to be a very short space and could present safety issues. **Mr. Rice** – The traffic engineer has provided an analysis, and it shows that it has been addressed. It was discussed at great length with the applicants.

**Mr. Curry** – Can you address the level of service at that intersection? What impacts can we anticipate in the future? **Mr. Rice** – The Woodmen and Meridian Roads were already at a level D, so the applicant has identified that the traffic is spread out and if congestion occurs, then traffic will reroute to another route. The access permit also has conditions placed on it.

**Mr. Dossey** -- The spacing is in excess of one mile and is wider than any spacing in developments further to the west. When the engineers look at this, and if it becomes a safety issue then it can be closed. The option is always there. We can only work with what we know today. This site has been problematic for a long time. There are floodplain and drainage issues, as well as access concerns. Most developers have walked away from this site for those very reasons. The applicant has worked through a lot of issues, and there are definitely more challenging areas out there.

**Mr. Curry** – Is it appropriate to make a condition at the Preliminary Plan stage or at the Final Plat stage that would state the access is closed if and when it becomes a safety issue? Answer from **Mr. Rice** – Depending on how the access management plan revision, it may be reflected there. The Access Permit will have specific conditions and what the requirements will be as far as safety.

**Mr. Emmons** – I have a little bit of concern with the substance of this condition. If you impose a condition like this it impedes the County Engineer in making those decisions in those roadway conditions. It may be very appropriate down the road that the access needs closed and the condition would take away that discretion.

**Ms. Lucia-Treese** – I'd like it if you could talk about the County limited liability. **Mr. Rice** – The developers propose a design, and it would be a County facility that we would accept per the design; but should the infrastructure fail then the County would not be held liable. The repairs would be the developer's responsibility.

**Mr. Jeff Hodsdon, LSC Transportation Consultants** – To the north there is a planned extension to Briargate Drive and that will happen with new developments. It will take some pressure off Woodmen Road in the future. Also, the connection between Meridian and Highway 24 will also help. The previous right-in has had significant changes. It was a right-in just for this project; now it's a public access with a roundabout. The roundabout allows this right-in to serve all the other properties to the west which are not well served, so this will aid in that development as well.

**Mr. Curry** – You talked about levels of Service being C but our staff report indicates level D. **Mr. Hodson** – The weaving level of service is C where we look at vehicle speeds relative to continuous accel and decel traffic.

#### **IN FAVOR:**

**Mr. Jim Hagan** – I've owned a property for 26 years and I'm in favor of this. I think it will clean up the area. They've taken a portion of my property for a signal light. It's been lingering for a long time and I'd like to see this project go through.

#### **IN OPPOSITION:**

**Mr. Marvin Ridenour, Jr.** – My property is to the back of the site. I would like to challenge people to go on that road all day and see what is going on. I have seen more accidents in the last three years because they are trying to get over three lanes in a short distance. Stapleton did a road study recently, and there are 17,557 vehicles from Meridian to Stapleton in a day. They are close to a residential area, but you're overlooking the people that back up to it. The noise levels are already bad from trucks and speeding. Garbage is everywhere. I realized we have to move forward and make things better, but we need to look at the residents living there. We've tripled in population since 2015. Just three weeks ago there was a five-car accident. There's even more housing planned and there is already an issue. This is not ideal, and I understand that this property is just sitting there.

**Mr. McConnell** had a chance for rebuttal. With regard to the neighbors' comments, on the northeast side, we are planning to signalize that area which should help with some of those issues discussed along with that planned roundabout.

**Ms. Blea-Nunez** – Will you still have the walls for noise reduction? There is one on the west side of the site and there was already a buffer and we'll put in another. The pond will also serve on the north side as a buffer.

**Ms. Blea-Nunez** – Will there be some limitation on hours of delivery to the commercial site? **Mr. Meier** – There isn't a standard schedule. Deliveries could come morning, noon or night.

**Mr. Dossey** – Traffic is always a huge concern. The County Engineer is always monitoring those issues. If you look at the overall area, the Bent Grass area, that access is not signalized but is now meeting warrants for construction of another signal on Meridian. That's the traffic calling issues that justify what the County does. Traffic counts on Stapleton was planned to be an east/west connection, and those counts were considered for full build out. That is a significant number, we agree with that. The connection is dictated by many variables and we are already meeting some of those warrants. There is a plan in place and some of the projects you'll see in the future will further give an understanding of how it will all take shape.

**DISCUSSION:**

**Mr. Creely** – This is a complex issue. The site deserves some commercial infill. My concern is the traffic. The rapid growth in that area is astounding. The volume of traffic will always seem like too much for the roads planned.

**Mr. Risley** – This is obviously a very difficult site, but when I look at the approval criteria, I know it's not perfect; but I believe they've met the requirements. I'm concerned about compatibility in the area, and I hope that at the final plat stage, we'll see more buffers and taking the neighbors' concerns into consideration.

**Mr. Curry** – At the outset, I was persuaded by the Attorney's input regarding an added condition. I would urge the County traffic engineers and staff to pay close attention to the traffic issues. I am very impressed by with what the applicant has done to with signalization and roundabouts and drainage. Please keep a close eye on the weaving and accidents in that area.

**Mr. Egbert** – This is a difficult area, but I don't see a lot of options. I don't think we should put constraints on it when we have no idea what the future looks like.

**PC ACTION: MS. LUCIA-TREESE MOVED/MR. CREELY SECONDED TO APPROVE REGULAR ITEM NO. 3, SP-17-001 FOR PRELIMINARY PLAN FOR FALCON MARKET PLACE UTILIZING RESOLUTION PAGE 25 WITH ELEVEN**

**(11) CONDITIONS AND THREE (3) NOTATIONS (MORE PARTICULARLY DESCRIBED ON PAGE 18-048), WITH A FINDING OF WATER SUFFICIENCY FOR WATER QUALITY, QUANTITY, AND DEPENDABILITY, AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY (8-0).**

**Mr. Risley** left the meeting at 11:15. A quorum is still in place.

**4. SF-18-011**

**PARSONS**

**FINAL PLAT  
SILVERADO RANCH FILING NO. 1**

A request by Silverado Ranch, Inc., for approval of a final plat to create 10 single-family residential lots, right-of-way, and 3 tracts to include, open space, non-motorized trails, drainage, and utilities. The 106.39 acre property is zoned PUD (Planned Unit Development) and is located south of Drennan Road, east of Peyton Highway, and west of Ellicott Highway. (Parcel No. 35000-00-082)

**Ms. Parsons** gave a brief overview and asked **Mr. Emmons** to go over the review criteria for a final plat.

**Ms. Parsons** then introduced the applicants' representative, **Mr. Patton**, to present their report to the Planning Commission.

**Ms. Parsons** gave her full presentation to the Planning Commission and answered questions.

**Mr. Jeff Rice** gave the full engineering report and findings to the Planning Commission.

**Mr. Egbert** – How many lots can you have off of a single access? **Mr. Rice** – The Land Development Code states 25.

**Ms. Dillon** – With this particular filing there is three tracts for drainage and open space. Where are those tracts? And, could some of it be used as usable space?

**Ms. Parsons** – directed on map to areas of tracts. Yes, those are definitely planned usable spaces.

**Mr. Curry** – Relative to review criteria, approval was back in 2008. Do we have an approved preliminary plan that is more recent? **Ms. Parsons** – The applicant resubmitted the preliminary plan and final plat applications. When it was denied at the BOCC, staff rescinded that application. **Mr. Emmons** has more on that situation.

**Mr. Emmons** – The extension resolutions would have extended the time frames, but as far as I can tell it seems to be okay that it was pulled.

**Mr. Dossey** – That particular resolution reached back in time because it was during the time of recession. So, the Board received a lot of comments from the development community saying they couldn't meet those requirements. So, the Board brought those projects forward. I would determine that this is still active, and the Land Development Code gives the Executive Director that discretion.

**Mr. Emmons** – I think this may help. Resolution 11-146, April 28, 2011, by resolution the board approved an extension of time for previously approved preliminary plans to be brought forward. Resolution 12-248, February 2012 indicated the necessity to keep development alive and to essentially sit on the shelf for a period of time.

**Mr. John Schwab** – For clarification, there was a previous 20-lot final plat that I believe was approved by the Planning Commission and the Board of County Commissioners but never recorded.

**IN FAVOR: NONE**

**IN OPPOSITION:**

**Mr. BJ Carey** – My wife and I own the ranch due west from this site called 2 Hearts Ranch. Our concerns are: water, sewage, traffic, property values, crime and fire protection.

**Mr. Emmons** – **Mr. Carey** made comments related to zoning. Zoning has already been established and is properly zoned, and a preliminary plan has been approved and is not in your purview to be considered. With regards to water, when the CO 325-BD case closed in 2002 it could not have issued that decree without a finding of no injury, which they did. When the State Engineer's Office reviewed it, they also made the same finding. My recommendation is that the supply is sufficient. It is located in the Upper Black Squirrel Basin. He said he has concerns as to water use, and he certainly can pursue those concerns through the appropriate state agency. The determination was to allow a certain amount per year, which was 76.88 acre feet per year. It also requires at least a 4% replacement based on the rules of the Upper Black Squirrel plan. I'm confident in my recommendation.

**Ms. Parsons** – Regarding wastewater, Section 8.4.8 in the Land Development Code states "When a subdivision is proposed that is within 400 feet of a sewer line or triggers the connection requirements of the OTX regulations the following regulations apply..." So, it is not 1,000 feet as **Mr. Carey** stated. Also, we received a letter from the Health Department regarding the suitability of on-site wastewater and their favorable recommendation.

**Mr. Egbert** – With regard to stick built vs. modular units, is either type of build allowed? Answer from **Mr. Stan Searle** – The single-family dwelling units planned to be stick built consistent with building code. The standards are the same as the elite standards in the other areas of the County. Modular or mobile units are prohibited, but manufactured and stick built homes are allowed.

**Mr. Curry** – Are tiny homes allowed? **Mr. Dossey** – My approach to this is typically with PUDs, if it's not specifically allowed, then it's not allowed. Whether it be utilities, churches, etc. it needs to be specific. I would require them to amend the PUD to allow it. Tiny homes are mobile in nature. Once they are put on a foundation, they are just a small house. They are classified basically as RVs.

**Ms. Blea-Nunez** -- Is there a distinction between a modular home and mobile home? **Mr. Dossey** – Yes, there is a definite distinction. They are built to a different standard and a mobile home is brought in on a chasis and not affixed to a permanent foundation.

**Mr. Egbert** – With regard to fire protection, where are we with that? Answer from **Ms. Parsons** – We have a commitment letter and no concerns were brought forward. Ellicott will be the fire protection provider.

**Ms. Parsons** – Notices go out to adjacent property owners, but we don't certify those mailings.

**Mr. Rice** – For clarification, it triggers a second access when it's above the 25 sites.

**Mr. Hodsdon** – We do go out and do new traffic counts this year even though the study was done in 2008 so see the growth and if we were on track with our previous predictions. The growth has 1.5% per year.

**Mr. Patton** had a chance for rebuttal. The applicants do not have any other projects in that area.

#### **DISCUSSION:**

**Ms. Lucia- Treese** -- With the staff's presentation and the explanations from our legal counsel and the questions that were raised, I believe that this is a legally compliant issue. I live in the area. Quite frankly, affordable housing is very much needed. I am glad the developer offered that as an option. I'll be voting in favor of this project.

**Mr. Curry** – I just wanted to thank **Mr. Carey** for his presentation; it was very well laid out. I also appreciate the staff's ability to answer those concerns. I will be voting in favor.

**Mr. Creely** – I believe this meets all the elements of the approval criteria. I also will be voting in favor of this.

**PC ACTION: MS. LUCIA-TREESE MOVED/MR. CREELY SECONDED TO APPROVE REGULAR ITEM NO. 4, SF-18-011 FOR A FINAL PLAT FOR SILVERADO RANCH FILING NO. 1 UTILIZING RESOLUTION PAGE 19 WITH THIRTEEN (13) CONDITIONS AND ONE (1) NOTATIONS (MORE PARTICULARY DESCRIBED ON PAGE 18-049) AND THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS. THE MOTION WAS APPROVED UNANIMOUSLY (7-0).**

NOTE: For information regarding the Agenda item the Planning Commission is considering, call the Planning and Community Development Department for information (719-520-6300). Visit our Web site at [www.elpasoco.com](http://www.elpasoco.com) to view the agenda and other information about El Paso County. Results of the action taken by the Planning Commission will be published following the meeting. (The name to the right of the title indicates the Project Manager/ Planner processing the request.) If the meeting goes beyond noon, the Planning Commission may take a lunch break.

FINAL PLAT (RECOMMEND APPROVAL)

Commissioner Creely moved that the following Resolution be adopted:

**BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF EL PASO  
STATE OF COLORADO  
RESOLUTION NO. SF-18-011**

WHEREAS, Silverado Ranch, Inc., did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Silverado Ranch Filing No. 1 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 this Commission on September 18, 2018; 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 subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.
6. The subdivision is in substantial conformance with any applicable approved preliminary plan.

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

19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the application for the final plat of the Silverado Ranch Filing No. 1 Subdivision with the following conditions and notations:

**CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits to access a gravel road built to County road standards will be required for each access from Drover Canyon Lane and Silverado Hill Loop. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the final plat.
8. Collateral sufficient to ensure that the public and private improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.

9. 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. 16-454), 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.
10. Park fees in the amount of \$4070. in lieu of land dedication for regional parks (Area 4) and urban park (N/A) fees shall be paid at the time of plat recordation.
11. Fees in the amount of \$1850 in lieu of school land dedication shall be paid to El Paso County for the benefit of Ellicott School District No. 22 at the time of final plat recordation.
12. The developer shall re-construct the Phase 1/Filing No. 1 gravel roads to paved County road standards with the next final plat filing (e.g., Phase 2). The developer or the homeowners association, if one is legally created, shall own and maintain the gravel roads until the roads are upgraded to County road standards and are accepted by the County into the maintenance system. A label and note shall be added to the plat to identify this condition prior to plat recordation. All future road construction beyond Phase 1/Filing No. 1 within this development shall be designed and constructed to County standards.
13. The subdivision improvements agreement (SIA) associated with the final plat shall incorporate language to ensure that the Phase 1/Filing No. 1 roads are upgraded to paved County road standards by the developer at the time of the next filing (e.g., Phase 2/Filing No. 2). The SIA shall also include language that the homeowners association remain under control of the developer until such improvements have been preliminarily accepted by the County.

#### **NOTATIONS**

1. Final plats not recorded within 12 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.

Commissioner Lucia-Treese seconded the adoption of the foregoing Resolution.

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

Commissioner Egbert	aye
Commissioner Curry	aye
Commissioner Lucia-Treese	aye
Commissioner Creely	aye
Commissioner Aurich	aye
Commissioner Blea-Nunez	aye
Commissioner Dillon	aye

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

DATED: September 18, 2018

## EXHIBIT A

### SILVERADO RANCH FILING NO. 1

A PORTION OF THE NORTH HALF OF SECTION 16, TOWNSHIP 15 SOUTH, RANGE 63 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORAD BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16;  
THENCE S89°58'39"E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 16 A DISTANCE OF 30.00 FEET;  
THENCE S01°09'41"E A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF DRENNAN ROAD AND THE POINT OF BEGINNING OF THE TRACT DESCRIBED HEREIN;  
THENCE S89°58'39"E ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 5246.99 FEET TO A POINT ON THE EAST LINE OF SAID NORTH HALF OF SECTION 16;  
THENCE S01°02'51"E ON SAID EAST LINE A DISTANCE OF 1871.48 FEET;  
THENCE N73°46'25"W A DISTANCE OF 104.67 FEET;  
THENCE N01°38'12"E A DISTANCE OF 562.95 FEET;  
THENCE N07°24'12"W A DISTANCE OF 416.12 FEET;  
THENCE N13°23'50"W A DISTANCE OF 644.26 FEET;  
THENCE N65°00'51"W A DISTANCE OF 267.13 FEET;  
THENCE S87°04'08"W A DISTANCE OF 290.42 FEET;  
THENCE N86°29'49"W A DISTANCE OF 418.50 FEET;  
THENCE S87°48'05"W A DISTANCE OF 389.63 FEET;  
THENCE S86°23'17"W A DISTANCE OF 486.04 FEET;  
THENCE S89°17'05"W A DISTANCE OF 342.94 FEET;  
THENCE S04°42'22"W A DISTANCE OF 812.31 FEET;  
THENCE S85°29'18"E A DISTANCE OF 277.29 FEET;  
THENCE S87°39'51"E A DISTANCE OF 356.75 FEET;  
THENCE S68°41'28"E A DISTANCE OF 320.14 FEET;  
THENCE S70°52'30"E A DISTANCE OF 565.92 FEET;  
THENCE S60°57'27"E A DISTANCE OF 187.22 FEET;  
THENCE N40°18'20"E A DISTANCE OF 436.63 FEET;  
THENCE SOUTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 565.00 THROUGH A CENTRAL ANGLE OF 51°58'54" AN ARC DISTANCE OF 512.60 FEET, THE LONG CHORD OF WHICH BEARS S14°13'56"E A DISTANCE OF 495.20 FEET;  
THENCE S11°45'31"W A DISTANCE OF 126.89 FEET;  
THENCE SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 565.00 THROUGH A CENTRAL ANGLE OF 34°44'58" AN ARC DISTANCE OF 342.67 FEET;  
THENCE S46°30'29"W A DISTANCE OF 144.77 FEET;  
THENCE SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 565.00 THROUGH A CENTRAL ANGLE OF 58°05'04" AN ARC DISTANCE OF 572.78 FEET;  
THENCE N75°24'27"W A DISTANCE OF 46.56 FEET;  
THENCE N26°47'36"E A DISTANCE OF 285.29 FEET;

THENCE N13°47'06"E A DISTANCE OF 534.05 FEET;  
THENCE N68°48'18"W A DISTANCE OF 478.94 FEET;  
THENCE N70°54'24"W A DISTANCE OF 384.66 FEET;  
THENCE S21°42'21"W A DISTANCE OF 314.79 FEET;  
THENCE S14°41'38"W A DISTANCE OF 305.73 FEET;  
THENCE S24°57'20"W A DISTANCE OF 284.64 FEET;  
THENCE N75°24'27"W A DISTANCE OF 115.97 FEET;  
THENCE N14°35'33"E A DISTANCE OF 871.56 FEET;  
THENCE N82°21'10"W A DISTANCE OF 336.70 FEET;  
THENCE S86°43'07"W A DISTANCE OF 162.89 FEET;  
THENCE S80°11'51"W A DISTANCE OF 442.22 FEET;  
THENCE S77°26'41"W A DISTANCE OF 456.22 FEET;  
THENCE S60°14'30"W A DISTANCE OF 547.57 FEET;  
THENCE N73°23'19"W A DISTANCE OF 237.31 FEET;  
THENCE S27°57'23"W A DISTANCE OF 276.65 FEET;  
THENCE N89°48'42"W A DISTANCE OF 504.26 FEET;  
THENCE N01°15'21"W A DISTANCE OF 396.03 FEET;  
THENCE NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT HAVING A  
RADIUS OF 565.00 THROUGH A CENTRAL ANGLE OF 7°00'19" AN ARC DISTANCE OF  
69.08 FEET;  
THENCE N89°41'20"E A DISTANCE OF 408.23 FEET;  
THENCE N39°28'55"E A DISTANCE OF 164.49 FEET;  
THENCE N14°52'34"W A DISTANCE OF 372.79 FEET;  
THENCE N03°09'19"E A DISTANCE OF 73.19 FEET;  
THENCE N09°17'19"W A DISTANCE OF 255.92 FEET;  
THENCE N76°02'02"W A DISTANCE OF 297.84 FEET;  
THENCE S19°15'36"W A DISTANCE OF 159.36 FEET;  
THENCE S74°03'43"W A DISTANCE OF 103.61 FEET;  
THENCE S56°23'48"W A DISTANCE OF 286.02 FEET;  
THENCE S05°08'21"W A DISTANCE OF 217.50 FEET;  
THENCE S00°47'20"W A DISTANCE OF 503.49 FEET;  
THENCE N88°44'39"E A DISTANCE OF 255.47 FEET;  
THENCE S01°15'21"W A DISTANCE OF 74.07 FEET;  
THENCE S88°44'39"W A DISTANCE OF 342.64 FEET TO A POINT ON THE EASTERLY  
RIGHT OF WAY LINE OF PEYTON HIGHWAY;  
THENCE N01°09'41"W ON SAID EASTERLY RIGHT OF WAY A DISTANCE OF 1466.08  
FEET TO THE POINT OF BEGINNING.

THE DESCRIBED TRACT CONTAINS 106.394 ACRES, MORE OR LESS.

RESOLUTION NO. 18-

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

APPROVE FINAL PLAT FOR SILVERADO RANCH (SF-18-011)

WHEREAS, Silverado Ranch, Inc., did file an application with the El Paso County Planning and Community Development Department for the approval of a final plat for the Silverado Ranch Filing No. 1 Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on September 18, 2018, 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 October 9, 2018; and

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

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

6. The subdivision is in substantial conformance with the approved preliminary plan.
7. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of El Paso County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.
8. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. A public sewage disposal system has been established or, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of the Land Development Code.
10. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)].
11. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of the Land Development Code and Engineering Criteria Manual.
12. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.
13. Final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development Code.
14. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Land Development Code.
15. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.

16. The subdivision meets other applicable sections of Chapters 6 and 8 of the Land Development Code.
17. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§34-1-302(1), et. seq.].
18. The proposed subdivision of land conforms to the El Paso County Zoning Resolutions.
19. For the above-stated and other reasons, the proposed subdivision is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the final plat application for the Silverado Ranch Filing No. 1 Subdivision;

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

**CONDITIONS**

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

Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

6. Driveway permits to access a gravel road built to County road standards will be required for each access from Drover Canyon Lane and Silverado Hill Loop. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the final plat.
8. Collateral sufficient to ensure that the public and private improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
9. 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. 16-454), 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.
10. Park fees in the amount of \$4070. in lieu of land dedication for regional parks (Area 4) and urban park (N/A) fees shall be paid at the time of plat recordation.
11. Fees in the amount of \$1850 in lieu of school land dedication shall be paid to El Paso County for the benefit of Ellicott School District No. 22 at the time of final plat recordation.
12. The developer shall re-construct the Phase 1/Filing No. 1 gravel roads to paved County road standards with the next final plat filing (e.g., Phase 2). The developer or the homeowners association, if one is legally created, shall own and maintain the gravel roads until the roads are upgraded to County road standards and are accepted by the County into the maintenance system. A label and note shall be added to the plat to identify this condition prior to

plat recordation. All future road construction beyond Phase 1/Filing No. 1 within this development shall be designed and constructed to County standards.

13. The subdivision improvements agreement (SIA) associated with the final plat shall incorporate language to ensure that the Phase 1/Filing No. 1 roads are upgraded to paved County road standards by the developer at the time of the next filing (e.g., Phase 2/Filing No. 2). The SIA shall also include language that the homeowners association remain under control of the developer until such improvements have been preliminarily accepted by the County.

**NOTATIONS**

1. Final plats not recorded within 12 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved

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

DONE THIS 9th day of October, 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
County Clerk & Recorder

EXHIBIT A

SILVERADO RANCH FILING NO. 1

A PORTION OF THE NORTH HALF OF SECTION 16, TOWNSHIP 15 SOUTH, RANGE 63 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORAD BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16;  
THENCE S89°58'39"E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 16 A DISTANCE OF 30.00 FEET;  
THENCE S01°09'41"E A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF DRENNAN ROAD AND THE POINT OF BEGINNING OF THE TRACT DESCRIBED HEREIN;  
THENCE S89°58'39"E ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 5246.99 FEET TO A POINT ON THE EAST LINE OF SAID NORTH HALF OF SECTION 16;  
THENCE S01°02'51"E ON SAID EAST LINE A DISTANCE OF 1871.48 FEET;  
THENCE N73°46'25"W A DISTANCE OF 104.67 FEET;  
THENCE N01°38'12"E A DISTANCE OF 562.95 FEET;  
THENCE N07°24'12"W A DISTANCE OF 416.12 FEET;  
THENCE N13°23'50"W A DISTANCE OF 644.26 FEET;  
THENCE N65°00'51"W A DISTANCE OF 267.13 FEET;  
THENCE S87°04'08"W A DISTANCE OF 290.42 FEET;  
THENCE N86°29'49"W A DISTANCE OF 418.50 FEET;  
THENCE S87°48'05"W A DISTANCE OF 389.63 FEET;  
THENCE S86°23'17"W A DISTANCE OF 486.04 FEET;  
THENCE S89°17'05"W A DISTANCE OF 342.94 FEET;  
THENCE S04°42'22"W A DISTANCE OF 812.31 FEET;  
THENCE S85°29'18"E A DISTANCE OF 277.29 FEET;  
THENCE S87°39'51"E A DISTANCE OF 356.75 FEET;  
THENCE S68°41'28"E A DISTANCE OF 320.14 FEET;  
THENCE S70°52'30"E A DISTANCE OF 565.92 FEET;  
THENCE S60°57'27"E A DISTANCE OF 187.22 FEET;  
THENCE N40°18'20"E A DISTANCE OF 436.63 FEET;  
THENCE SOUTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 565.00 THROUGH A CENTRAL ANGLE OF 51°58'54" AN ARC DISTANCE OF 512.60 FEET, THE LONG CHORD OF WHICH BEARS S14°13'56"E A DISTANCE OF 495.20 FEET;  
THENCE S11°45'31"W A DISTANCE OF 126.89 FEET;  
THENCE SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 565.00 THROUGH A CENTRAL ANGLE OF 34°44'58" AN ARC DISTANCE OF 342.67 FEET;  
THENCE S46°30'29"W A DISTANCE OF 144.77 FEET;

THENCE SOUTHWESTERLY ON THE ARC OF A CURVE TO THE RIGHT  
HAVING A RADIUS OF 565.00 THROUGH A CENTRAL ANGLE OF 58°05'04"  
AN ARC DISTANCE OF 572.78 FEET;

THENCE N75°24'27"W A DISTANCE OF 46.56 FEET;  
THENCE N26°47'36"E A DISTANCE OF 285.29 FEET;

THENCE N13°47'06"E A DISTANCE OF 534.05 FEET;  
THENCE N68°48'18"W A DISTANCE OF 478.94 FEET;  
THENCE N70°54'24"W A DISTANCE OF 384.66 FEET;  
THENCE S21°42'21"W A DISTANCE OF 314.79 FEET;  
THENCE S14°41'38"W A DISTANCE OF 305.73 FEET;  
THENCE S24°57'20"W A DISTANCE OF 284.64 FEET;  
THENCE N75°24'27"W A DISTANCE OF 115.97 FEET;  
THENCE N14°35'33"E A DISTANCE OF 871.56 FEET;  
THENCE N82°21'10"W A DISTANCE OF 336.70 FEET;  
THENCE S86°43'07"W A DISTANCE OF 162.89 FEET;  
THENCE S80°11'51"W A DISTANCE OF 442.22 FEET;  
THENCE S77°26'41"W A DISTANCE OF 456.22 FEET;  
THENCE S60°14'30"W A DISTANCE OF 547.57 FEET;  
THENCE N73°23'19"W A DISTANCE OF 237.31 FEET;  
THENCE S27°57'23"W A DISTANCE OF 276.65 FEET;  
THENCE N89°48'42"W A DISTANCE OF 504.26 FEET;  
THENCE N01°15'21"W A DISTANCE OF 396.03 FEET;  
THENCE NORTHEASTERLY ON THE ARC OF A CURVE TO THE RIGHT  
HAVING A RADIUS OF 565.00 THROUGH A CENTRAL ANGLE OF 7°00'19"  
AN ARC DISTANCE OF 69.08 FEET;

THENCE N89°41'20"E A DISTANCE OF 408.23 FEET;  
THENCE N39°28'55"E A DISTANCE OF 164.49 FEET;  
THENCE N14°52'34"W A DISTANCE OF 372.79 FEET;  
THENCE N03°09'19"E A DISTANCE OF 73.19 FEET;  
THENCE N09°17'19"W A DISTANCE OF 255.92 FEET;  
THENCE N76°02'02"W A DISTANCE OF 297.84 FEET;  
THENCE S19°15'36"W A DISTANCE OF 159.36 FEET;  
THENCE S74°03'43"W A DISTANCE OF 103.61 FEET;  
THENCE S56°23'48"W A DISTANCE OF 286.02 FEET;  
THENCE S05°08'21"W A DISTANCE OF 217.50 FEET;  
THENCE S00°47'20"W A DISTANCE OF 503.49 FEET;  
THENCE N88°44'39"E A DISTANCE OF 255.47 FEET;  
THENCE S01°15'21"W A DISTANCE OF 74.07 FEET;  
THENCE S88°44'39"W A DISTANCE OF 342.64 FEET TO A POINT ON THE  
EASTERLY RIGHT OF WAY LINE OF PEYTON HIGHWAY;  
THENCE N01°09'41"W ON SAID EASTERLY RIGHT OF WAY A DISTANCE OF  
1466.08 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED TRACT CONTAINS 106.394 ACRES, MORE OR LESS.