

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR
PLANNING AND COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Jay Carlson, Chair

FROM: Ryan Howser, AICP, Principal Planner
Daniel Torres, PE, Principal Engineer

RE: Project File Number: VR235
Project Name: Peyton Ranches Filing No. 1A
Parcel Number: 3133002011

| OWNER: | REPRESENTATIVE: |
|--|--|
| Fridah Joanitah Wood 719 Mediterranean Point Colorado Springs, CO, 80910 | MVE, Inc. David Gorman 1903 Learay Street, Suite 200 Colorado Springs, CO 80909 |

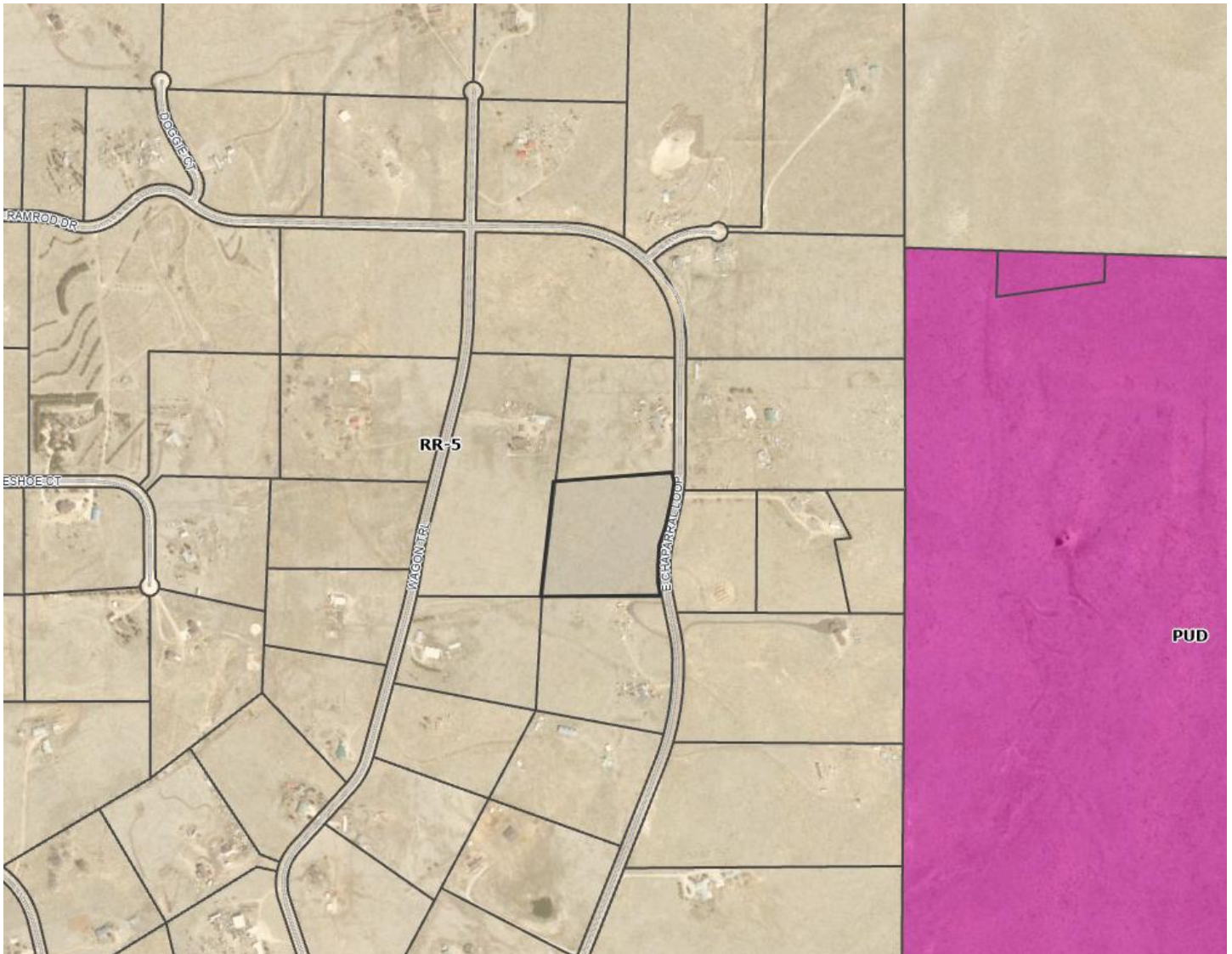
Commissioner District: 2

| | |
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| Planning Commission Hearing Date: | 4/16/2026 |
| Board of County Commissioners Hearing Date: | 5/14/2026 |

EXECUTIVE SUMMARY

A request by Fridah Joanitah Wood for approval of an 8.59-acre Vacation and Replat to legalize the division of land creating one single-family lot. The property is zoned RR-5 (Residential Rural) and is located at 15330 East Chaparral Loop.

Zoning Map



A. AUTHORIZATION TO SIGN: Final Plat and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. APPROVAL CRITERIA

The Planning Commission and Board of County Commissioners (BoCC) shall determine that the following criteria for approval outlined in Section 7.2.3.C of the El Paso County Land Development Code (as amended) have been met to approve a Vacation and Replat:

- *The replat complies with this Code, and the original conditions of approval associated with the recorded plat;*

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

C. BACKGROUND

The property was initially zoned RR-5 (Residential Rural) on March 24, 1999. The subject property was platted in 1972 as Lot 104 of the Peyton Ranches subdivision (Plat No. 3856). In 2000, the 17.01-acre Lot 104 was illegally subdivided to create the current configuration. Currently, the subject property is 8.59 acres in size. The applicant now wishes to legalize the division of land through the Vacation and Replat process. This action would only legalize the subject parcel. The remainder of the original Lot 104 is not included in the current proposal. Therefore, the remainder of the original Lot 104 will remain an illegal division of land unless the owner of that property wishes to undergo a separate subdivision process to legalize their portion.

D. LAND DEVELOPMENT CODE AND ZONING ANALYSIS

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

| | |
|------------------|---|
| | Existing Zoning District: RR-5 (Residential Rural) |
| Maximum Density | N/A |
| Minimum Lot Size | 5 acres |

| | |
|--------------------------------|----------|
| Minimum Width at Front Setback | 200 feet |
| Front Setback | 25 feet |
| Rear Setback | 25 feet |
| Side Setback | 25 feet |
| Maximum Lot Coverage | 25% |
| Maximum Height | 30 feet |

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

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Large-Lot Residential

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

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

Recommended Land Uses:

Primary

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

Supporting

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

b. Area of Change Designation: Minimal Change: Undeveloped

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

c. Key Area Influences: The property is not located within a key area.

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

There are no other implications associated with this project.

e. Analysis

This proposed Vacation and Replat would create one 8.59-acre lot, which is consistent with the minimum lot size recommended by the Large-Lot Residential Placetype. The character of this

area incorporates single-family residential lots larger than 5 acres; therefore, the proposal is consistent with the Area of Change. Relevant goals and objectives are as follows:

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

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

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

2. Water Master Plan Analysis

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

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

Goal 1.3 – *Promote awareness of environmental issues associated with water use.*

Goal 4.5 – *Plan for water resources in a thoughtful way that recognizes the nonrenewable nature of water resources in the area, accommodates existing and historical uses, and allows for sustainable, planned growth.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 4c of the Plan, which is an area anticipated to experience growth by 2040. The proposed project will have water provided by a well.

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

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the property as having a low wildlife impact potential. El Paso County Conservation and Colorado Parks and Wildlife were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies limestone 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.

F. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review which would preclude development of the site.

2. Floodplain

The property is not located within a defined floodplain as determined by FEMA Flood Insurance Rate Map panel number 08041C0375G, dated December 7, 2018.

3. Drainage and Erosion

The property is located in the Upper Bracket Creek (CHBR0600) drainage basin, which is unstudied and does not have any associated drainage basin and bridge fees. Stormwater runoff from the site generally drains to the southwest. Per the submitted drainage letter, the minimal increase in flows will have a negligible impact to the downstream properties.

Permanent water quality was not required since large lot single-family sites larger than 2.5 acres are excluded from water quality requirements per Engineering Criteria Manual Section I.7.1.B.5. Additionally, a grading and erosion control plan was not required due to the minimal impacts proposed by this development.

4. Transportation

The lot receives access from East Chaparral Loop, which is a rural local roadway owned and maintained by El Paso County. A traffic study was not required as the single lot will have a minimal

impact on the existing transportation network. The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 25-337, as amended.)

G. SERVICES

1. Water

Water sufficiency has been analyzed with the review of the proposed subdivision. The applicant has shown a sufficient water supply for the required 300-year period. The State Engineer and the County Attorney's Office have recommended that the proposed Final Plat has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality.

2. Sanitation

Sanitation is provided by an onsite wastewater system.

3. Emergency Services

The property is within the Peyton Fire Protection District, which is committed to providing fire protection services to the proposed development. The District was sent a referral and has no outstanding comments.

4. Utilities

Natural gas is provided by private propane tanks and electric services are provided by Mountain View Electric Association (MVEA). MVEA was sent a referral for the project and does not have any outstanding comments.

5. Metropolitan Districts

There are no Metropolitan Districts associated with this project.

6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$460.00 for regional fees for park region 2. Urban fees are not applicable to this application.

7. Schools

Fees in lieu of school land dedication in the amount of \$185.00 shall be paid to Peyton School District No. 23 at the time of recording the Replat.

H. STATUS OF MAJOR ISSUES

There are no major issues associated with this project.

I. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.3.C of the El Paso County Land Development Code (as amended) staff recommends the following conditions and notations:

CONDITIONS

- 1.** All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
- 2.** Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
- 3.** The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the Final Plat.
- 4.** Driveway permits will be required for each access to an El Paso County owned and maintained roadway.
- 5.** Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated April 18, 2025, as provided by the County Attorney's Office.

NOTATIONS

1. The following fees are required to be paid to El Paso County at the time of Final Plat recordation:
 - a. Park fees in lieu of land dedication for regional parks, region 2, in the amount of \$460.00 and no urban park fees.
 - b. Fees in lieu of school land dedication in the amount of \$185.00 shall be paid for the benefit of Peyton School District 23.
2. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
3. 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 No. 24-377), 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.

J. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 9 adjoining property owners on April 16, 2026, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

K. ATTACHMENTS

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



December 15, 2023

PCD File No.: VR235

**LETTER OF INTENT
PEYTON RANCHES FILING NO. 1C
REPLAT OF A PORTION OF LOT 104, PEYTON RANCHES
(MVE Proj. No. 61140)**

Owner/Applicant:

Fridah Joanitah Wood
719 Mediterranean Point
Colorado Springs, CO 80910
(719) 623-4689

Consultant:

M.V.E., Inc.
1903 Lelaray Street, Suite 200
Colorado Springs, CO 80909
(719) 635-5736

Site Location Size and Zoning:

The proposed subdivision to be known as “PEYTON RANCHES, FILING NO. 1C” is located in a portion of the Northwest Quarter of Section 33, and the Southwest Quarter of Section 28, Township 11 South, Range 63 West of the 6th P.M., El Paso County, Colorado. The property has El Paso County Tax Schedule No. of 31330-02-011. The current addresses for the properties are 15330 Chaparral Loop East and is currently a vacant parcel. The proposed subdivision is located on the west side of Chaparral Loop East. The area of land under consideration for replatting is the southern portion of Lot 104, Peyton Ranches and contains 8.594 acres. The property is zoned Residential Rural (RR-5).

Request and Justification:

The request is for approval of a Minor Plat of a deeded parcel of the southern portion of Lot 104, Peyton Ranches as recorded in the records of El Paso County, Colorado. Lot 104, Peyton Ranches was recorded in 1972. A southern portion of said Lot 104 was created as an illegal subdivision by deed in 2002. The proposed Minor Plat will create one (1) lot to be know as Lot 104 A with an area of 8.594 acres shown on Peyton Ranches Filing No. 1C. The property is proposed to be replatted in order to create a legal lot of the separated parcel. This Minor Plat will comply with the zone density requirements. The proposed use will be residential as the zone is RR-5.

The Owner/Applicant is requesting approval of the Replat for “Peyton Ranches Filing No. 1C”. The property is eligible for subdivision under El Paso County Land Development Code. The proposed lot will provide an adequate site for a new residence.

This application meets the Vacation and Replat submittal requirements, the standards for Divisions of Land in Chapter 7 (Section 7.2.3(A)(3) and Section 7.2.3(C)., and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2016). Vacation and Replats are reviewed and approved in consideration of the following review criteria found in the El Paso County Land Development Code.

*Engineers • Surveyors
1903 Lelaray Street, Suite 200 • Colorado Springs, CO 80909 • Phone 719-635-5736
Fax 719-635-5450 • e-mail mve@mvecivil.com*

Vacation

1. *Vacation of the recorded plat will not leave any lots or parcels without adequate utility or drainage easements.* This vacation is accompanied by the replat creating Lot 104 A, Peyton Ranches Filing No. 1C of which will provide the necessary utility and drainage easements.
2. *Vacation of the recorded plat will not vacate road rights-of-way or access easements needed to access other property.* No road right-of-way or access easements are being vacated with this proposed vacation action.
3. *Vacation of the recorded plat will not inhibit the provision of adequate public facilities or services to other property as required by this Code.* There are not public facilities or services that will be affected by the vacation of the subject property. Also, the vacation action is accompanied by the replat that will replace the vacated portion with a viable legal conforming lot for residential use.
4. *Vacation of the recorded plat is consistent with the Master Plan.* This proposed vacation is accompanied by a replat which is consistent with the Master Plan and satisfies the required findings for a Final Plat. There is no aspect of the proposed vacation that conflicts with the goals and policies of the Master Plan.
5. *Vacation of the recorded plat will not adversely affect the public health, safety, and welfare.* There is no aspect of this vacation that will adversely affect the public health, safety, and welfare. The proposed vacation action will make way for the proposed replat which will enable the use of the vacant property which is in an established neighborhood.
6. *Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the vacation of the plat has been resolved.* There are no recorded CC&R's or other restrictions that will conflict with the implementation of the proposed vacation actions.

Replat

1. *The replat complies with this Code, and the original conditions of approval associated with the recorded plat.* The proposed replat complies with the Land Development Code. The replat does not affect any original conditions of approval of the 1972 recorded plat. The replat will establish the deeded parcel as a platted lot. The adjacent street right-of-way will remain in place. Appropriate easements will be established in the subdivision.
2. *No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased.* The purpose of the replat is to establish the existing deeded parcel as a legal conforming lot. No nonconforming lots will be created as indicated on the proposed Vacation and Replat.
3. *The replat is in keeping with the purpose and intent of this Code.* The proposed replat will establish one (1) new lot in place of the existing illegal subdivision created by the deeded parcel in order to meet the requirements contained in the Land Development Code in size, area and

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provision of adequate public facilities and services. The development and use of the lot will be in conformance with the requirements of the Land Development Code.

4. *The replat conforms to the required findings for a minor or major subdivision, whichever is applicable.* This replat conforms to the required findings for a Minor Subdivision Plat as contained within the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2016). Minor Subdivisions are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. Each criteria is listed below followed by the appropriate justification:
 - 1) *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan.* The Master Plan is comprised of several elements. One of the elements is the El Paso County Policy Plan (1998), which does not include site-specific land use policies, but establishes broad policies and goals which are intended to serve as a framework for decision-making regarding development of the County. The project satisfies the following policies from the Policy Plan as they specifically relate to this request:
 - *Goal 3.1 Protect and enhance the quality, quantity and dependability of water supplies.*
 - Policy 3.1.4 Encourage more systematic monitoring and reporting of water quality in individual wells.* The replat will require one new residential lot for which water rights have been established.
 - *Goal 6.1.b Support growth and development in the unincorporated County in a manner which reasonably limits long term public costs, provides for the development of supporting infrastructure, preserves environmental quality, provides economic opportunities, and otherwise enhance the quality of life.*
 - Policy 6.1.3 Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.* The replat will allow the owner of said Lots 104 A to utilize the existing infrastructure adjacent to the lot to preserve environmental quality of adjacent lands.
 - Policy 6.1.11 Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.* The replat will allow the owner of said Lots 104 A to utilize adjacent road alignments.
 - The proposed subdivision is in compliance with the 2040 Major Transportation Corridors Plan (MTCP). The site is not adjacent to existing or proposed transportation thoroughfares.
 - The proposed subdivision is in compliance with the Master Plan for Mineral Extraction. No separate mineral estate owners were found for the property. Although the proposed and existing development on this and the surrounding properties is not compatible with potential mineral extraction operations, the site will not hinder mineral extraction to a greater degree than other typical residential developments.
 - The proposed subdivision is in compliance with the El Paso County Water Master Plan (2018). The Water Resources will be provided by individual wells to Lot 104 A without causing injury to decreed water rights.

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5. *Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM. Access to the new lots is provided by existing Chaparral Loop East, a 60' wide public right-of-way that is constructed with gravel surface and roadside ditches. The replatted lot will access the public road with standard El Paso County rural driveway entrances.*
6. *The approval will not adversely affect the public health, safety, and welfare. There is no aspect of this replat that will adversely affect the public health, safety, and welfare.*

Community Outreach Efforts

Notices were sent by U.S. Certified Mail to all seven adjacent property owners on March 3, 2023 using the names and addresses as found in the El Paso County Assessor's Office database. The notices included a description of the project, a project map, and contact information for extending questions or comments. Two severed mineral estate owners were found during research and both were sent notices of the project by U.S. Certified Mail.

Easements

Existing platted easements are being vacated with the Vacation Request and new easements are being created by the Replat to replace them. The sole responsibility for maintenance of these easements will be vested with the property owner.

Public or Private Improvements

No new public improvements are required for this project. Access is available to the existing public Chaparral Loop East. Water and wastewater facilities are private well and private onsite wastewater treatment system. The lot owner will have electric service from Mountain View Electric Association which has facilities within the subject parcel. A private driveway access will be installed by the future home builder who will obtain a Driveway Access Permit for the lot.

Soils and Geology

A Soils and Geology Study dated September 25, 2020 was prepared by RMG Engineers for the subject site. Areas within this subdivision have been found to be impacted by potential geologic constraints as detailed in the study and the report includes mapping of the potential hazard areas within the subdivision. No areas of the site exceed 30% in grade. Potential constraints noted in the report include Expansive Soils and Bedrock, Compressible Soils, Faults and Seismicity, Fill Soils, Radon, Corrosive Minerals, and Erosion. The report recommends mitigation measures for each of the potential constraints. Mitigation measures include over-excavation and placement of structural fill at building foundations, appropriate engineering design of foundations and building structure, careful selection of building materials, and specialized building ventilation. None of these constraints are unusual for the region and the site is surrounded by existing residential uses. None of the listed constraints preclude the use of the property

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Fax 719-635-5450 • e-mail mve@mvecivil.com

for residential development. The recommendation of the soil and geology report and the subsequent engineering designs will be followed in any future construction.

Traffic Impact and Traffic Impact Fees:

The proposed replat, Peyton Ranches Filing No. 1C, creates one new lot which will access public Chaparral Loop East, a gravel road which connects to Peyton Highway via Ramrod Drive. The new lot which will contain one single-family residential unit is expected to generate a total of 10 trips per day based on 9.44 trips per unit for Single Family Detached Housing (Average weekday trips ends), 1 trip in the peak AM Hour (0.75 trips/unit for peak AM traffic), and 1 trip in the peak PM hour (1.00 trips/unit for peak PM traffic) according to Trip Generation, 10th Edition, 2017 by the Institute of Transportation Engineers. This number of trips is below the County threshold of 100 trips per day or 10 trip during the peak hour. Therefore, a Transportation Impact Study (TIS) is not required for the project. The addition of one lot presents negligible impact to traffic conditions in the local area or wider region. This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. The owners have elected to not be included in any Public Improvements District. Traffic Impact Fees will be paid at time of building permit.

Z:\61140\Documents\Correspondance\61140 Letter Of Intent-Vacation Replat.odt



January 11, 2024

Ashlyn Mathy, Project Manager
 El Paso County Development Services Department
 Transmitted via EDARP Portal: epcdevplanreview.com/

Re: Peyton Ranches Filing No. 1C
File #: VR235, Applicant: Fridah Joanitah Wood
 Part of the SW ¼ Sec. 28 and part of the NW ¼ Sec. 33, Twp. 14 South, Rng. 63 West, 6th P.M.
 Upper Black Squirrel Creek & Upper Big Sandy Designated Basins
 Water Division 2, Water District 10
 CDWR Assigned Referral No. 31144

Dear Ashlyn Mathy:

We have reviewed the referral for a one lot final plat to legalize 8.594 acres being the southern portion of Lot 104, Peyton Ranches at 15330 Chaparral Loop East, which was illegally subdivided by deed in 2002. The final plat will create one lot known as Lot 104A with an area of 8.594 acres on Peyton Ranches Filing No. 1C. The proposed water supply is an individual well.

This referral does not appear to qualify as a “subdivision” as defined in section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

The water supply for Lot 104A (the southern portion of Lot 104 subject of this final plat) is a new well withdrawing water from the not-nontributary (4% replacement requirement) Denver aquifer. The water in the aquifers underlying the 17.01 acres being the original Lot 104 property were allocated in Determination of Water Right nos. 3872-BD, 3873-BD, 3874-BD, or 3875-BD to John Anthony Wood, Fridah Joanitah Wood, and Thomas E. Burke in the findings dated February 20, 2020, as summarized in Table 1.

Table 1 - Allocations Underlying the Original Lot 104 (17.01 acres)

| Aquifer | Determination no. | Tributary Status | Allocation (acre-feet) | Allocation (acre-feet/year based on 100 years) | Allocation (acre-feet/year based on 300 years) |
|-------------------|-------------------|---------------------------|------------------------|--|--|
| Laramie-Fox Hills | 3872-BD | Nontributary | 485 | 4.85 | 1.61 |
| Arapahoe | 3873-BD | Nontributary | 535 | 5.35 | 1.78 |
| Denver | 3874-BD | Not-nontributary (4%) | 810 | 8.10 | 2.70 |
| Dawson | 3875-BD | Not-nontributary (actual) | 376 | 3.76 | 1.25 |
| Total | | | 2,206 | 22.06 | 7.34 |

*A replacement plan approved by the Ground Water Commission is required prior to the issuance of a permit in the Dawson aquifer, which can be applied for using form GWS-69.

Water for Lot 104A subject of this referral will be used for one residence and irrigation with an annual water demand of 0.53 acre-feet/year. The quantity of water available in the Denver aquifer based on a 300-year supply exceeds the demand for this lot. Permit no. 306566 included in the referral has been



expired, therefore a new permit must be applied for in order to construct a new well on the property. The applicant can submit forms GWS-44 and GWS-79 to apply for a Denver permit.

Note that it appears the proposed water supply for the northern portion of Lot 104 not subject of this final plat located at 15550 Chaparral Loop East and owned by Thomas Burke, is an existing well with permit no. 126158. Permit no. 126158 was issued June 24, 1982 for domestic and livestock purposes on 17 acres known as Lot 104, Peyton Ranches. The owner of this well should be aware that they must re-permit this well consistent with the size of parcel on which this well is located. Since the lot is part of a post June 1, 1972 subdivision, the well must be permitted pursuant to Determination no. 3875-BD and a replacement plan.

The ability to obtain a well permit and the allowed uses will be determined at the time an application is submitted to and reviewed by this office. The Applicant may submit permit applications to DWRpermitsonline@state.co.us after which we will provide an invoice for the \$100 filing fee. It takes 4-6 weeks for a complete well permit application to be processed. Well permitting forms are available online here: <https://dwr.state.co.us/eforms?search=GWS>.

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

Sincerely,



Ioana Comaniciu, P.E.
Water Resource Engineer

Ec: Upper Black Squirrel Ground Water Management District
Upper Big Sandy Ground Water Management District
File for permit no. 126158



KENNETH R. HODGES, COUNTY ATTORNEY

Nathan J. Whitney, First Assistant County Attorney | Steven A. Klaffky, Chief Deputy County Attorney

April 18, 2025

VR-23-5 Peyton Ranches Filing No. 2

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal for approval of Peyton Ranches Filing No. 2, an application by Fridah Wood (“Applicant”) for a one lot final plat to legalize 8.594 acres of land (the “property”). The property is zoned RR-5 (Rural Residential). This parcel was created through the illegal subdivision of a 17-acre lot (“parent parcel”)

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the water demand for the replat of 1 lot is estimated to use 0.53 acre-feet/year (0.36 acre-feet/year for a single-family dwelling and irrigation of 0.69 acres at 0.17 acre-feet annually). Based on this total demand, Applicant must be able to provide a supply of 159 acre-feet of water (0.53 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

Proposed Water Supply

The Applicant has provided for the source of water to derive from one individual on-lot well withdrawing from the not-nontributary Denver aquifer as provided in Determination of Water Right No. 3874-BD (“Determination”). The Determination allocates 810 acre-feet (8.10 acre-feet per year based on a 100-year aquifer life or 2.70 acre-feet per year based on El Paso County’s 300-year aquifer rule) of water from the not-nontributary portion of the Denver aquifer water to the parent parcel, to be used for domestic, lawn, garden and greenhouse irrigation; livestock and domestic animals watering; fire fighting; equipment washing; and replacement purposes. At least four percent (4%) of the amount of the underlying water withdrawn annually must be returned to the aquifer in the vicinity of the permitted points of withdrawal.

The Determination was issued in the name of both the Applicant and the owner of the other parcel created from the parent parcel and did not further allocate the 810 acre-feet of Denver aquifer

water between the two property owners. Based on the percentage of the parent parcel owned by the Applicant, Applicant should hypothetically be entitled to withdraw approximately 413.8 acre-feet to the exclusion of the other owner; however, neither the Determination nor any water deeds put this water under Applicant's exclusive ownership or control.

On January 10, 2025, the Colorado Division of Water Resources issued well permit no. 89734-F to the Applicant. The permit allows the withdrawal of up to 1.0 acre-foot per year from the Denver aquifer, up to a total withdrawal amount of 413.81 acre-feet. The water may be used only upon the property encompassed within this plat.

State Engineer's Office Opinion

4. In a letter dated January 11, 2024, the State Engineer stated that "the water supply . . . is a new well withdrawing from the not-nontributary (4% replacement requirement) Denver aquifer." The lot will utilize water for one residence and irrigation with an annual water demand of 0.53 acre-feet per year.¹

Recommended Findings

5. Quantity and Dependability. Applicant's water demand for Peyton Ranches Filing No. 2 is 0.53 acre-feet per year. This results in a demand of 159 acre-feet for the lot for 300 years. Under well permit no. 89734-F, Applicant may withdraw up to 413.81 acre-feet of water from the Denver aquifer or 1.0 acre-foot per year (4% replacement) from the Denver aquifer based on a 300-year allocation for use for this lot. **Based on the water demand of 0.53 acre-feet/year for Peyton Ranches Filing No. 2 and the Determination and well permit permitting withdrawals in excess of that amount, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Peyton Ranches Filing No. 2.**

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

7. Basis. The County Attorney's Office reviewed the following documents in preparing this review: a *Water Resources Report* dated February 28, 2024, the Water Supply Information Summary, the State Engineer's Office Opinion dated January 11, 2024, and the Determination of Water Right No. 3874-BD entered on February 21, 2020. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

¹ The Colorado Division of Water Resources indicates that since this project does not qualify as a subdivision, they will only perform a cursory review of the information and provide informal comments.

REQUIREMENTS:

A. Applicant and her successors and assigns shall comply with all requirements of the Colorado Ground Water Commission Determination of Water Right No. 3874-BD (“Determination”) and well permit no. 89734-F, including that water withdrawn from the Denver aquifer shall not exceed 1.0 acre-feet per year. At least four percent (4%) of the allowed amount of water withdrawn annually must be returned to the aquifer in the vicinity of the permitted points of withdrawal.

B. Applicant and its successors and assigns shall reserve in any deeds of the property Denver aquifer water in the decreed amount of (at least) 159 acre-feet (0.53 acre-feet/year) for this lot. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary supply.

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

Any and all conveyance instruments shall also recite as follows:

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

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

“Water in the Denver Basin aquifers is allocated based on a 100-year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin aquifers is evaluated based on a 300-year aquifer life. Applicant and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years used for allocation indicated due to anticipated water level declines. Furthermore,

the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.”

cc: Ashlyn Mathy, Project Manager, Planner

VACATION AND REPLAT (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR235
PEYTON RANCHES FILING NO. 1A

WHEREAS, Fridah Joanitah Wood did file an application with the El Paso County Planning and Community Development Department for approval of a Vacation and Replat request to legalize a parcel of land that was split off from a previously platted lot within the RR-5 (Residential Rural) zoning district for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on April 16, 2026; and

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

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

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

WHEREAS, in approving a Vacation and Replat of a Subdivision, the El Paso County Planning Commission and Board of County Commissioners shall find that the application meets the criteria of approval listed in Section 7.2.3.C.4 of the Land Development Code ("Code") (as amended):

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

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Fridah Joanitah Wood for approval of a Vacation and Replat to allow legalizing a parcel of land that was split off from a previously platted lot within the RR-5 (Residential Rural) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

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

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the Final Plat.
4. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, 4/18/2025 as provided by the County Attorney's Office.

NOTATIONS

1. The following fees are required to be paid to El Paso County at the time of Final Plat recordation:
 - a. Park fees in lieu of land dedication for regional parks in the amount of \$460.00 to and no urban park fees.
 - b. Fees in lieu of school land dedication in the amount of \$185.00 shall be paid for the benefit of Peyton School District 23.
2. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
3. 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 No. 24-377), 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.

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.

_____ seconded the adoption of the foregoing Resolution.

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

| | |
|---------------------|--|
| Blaine Brew | aye / no / non-voting / recused / absent |
| Michael Brewer | aye / no / non-voting / recused / absent |
| Sarah Brittain Jack | aye / no / non-voting / recused / absent |
| Jim Byers | aye / no / non-voting / recused / absent |
| Jay Carlson | aye / no / non-voting / recused / absent |
| Suzanne Casagrande | aye / no / non-voting / recused / absent |
| Maribeth Emrick | aye / no / non-voting / recused / absent |
| Becky Fuller | aye / no / non-voting / recused / absent |
| Eric Moraes | aye / no / non-voting / recused / absent |
| Bryce Schuettepelz | aye / no / non-voting / recused / absent |
| Tim Trowbridge | aye / no / non-voting / recused / absent |
| Christopher Whitney | aye / no / non-voting / recused / absent |
| Jason Wulf | aye / no / non-voting / recused / absent |

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

DONE THIS 16th day of April, 2026 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Chair

EXHIBIT A

A Portion Of Lot 104, Peyton Ranches Subdivision As Recorded In Plat Book V-2 At Page 66 As Conveyed In The Warranty Deed Recorded In Reception No. 217059638 Of The Records Of El Paso County, Colorado More Particularly Described As Follows:

Beginning At The Southeast Corner Of Said Lot 104, Also Being A Point On The West Line Of Chaparral Loop East, Thence S 88°50'42" W, A Distance Of 630.00 Feet Along The South Line Of Said Lot 104 To The Southwest Corner Thereof;

Thence N 05°28'04" E, A Distance Of 606.45 Feet Along The West Line Of Said Lot 104;

Thence N 86°08'34" E, A Distance Of 621.74 Feet Along The North Line Of Said Lot 104 To A Point On The East Line Thereof Also Being A Point On The West Line Of Said Chaparral Loop East;

The Following Three (3) Courses Are Along The East Line Of Said Lot 104 Also Being The West Line Of Said Chaparral Loop East:

Thence Southerly, 126.34 Feet Along The Arc Of A Curve Concave To The West To A Point Tangent, Said Arc Having A Radius Of 670.00 Feet, A Central Angle Of 10°48' 14" And Being Subtended By A Chord That Bears S 05°50'07" W, 126.15 Feet;

Thence S 11°14'03" W, A Distance Of 205.38 Feet To A Point Of Curve To The Left;

Thence Southerly, 308.19 Feet Along The Arc Of Said Curve, Said Arc Having A Radius Of 730.00 Feet, A Central Angle Of 24°11'22" And Being Subtended By A Chord That Bears S 00°51'38" E, 305.91 Feet To The Southeast Corner Of Said Lot 104 And The Point Of Beginning;

Containing 374,350 Sf (8.594 Acres), More Or Less