

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

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

**Board of County Commissioners**

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

---

## SUMMARY MEMORANDUM

**TO:** El Paso County Board of County Commissioners  
**FROM:** Planning & Community Development  
**DATE:** 09/26/24  
**RE:** MS239, 3275 Center Ice View Minor Subdivision Creating Two Lots

### Project Description

A request by Andrew C Alm for approval of a Minor Subdivision creating two (2) single-family residential lots. This item was heard as a consent item on September 5, 2024, by the Planning Commission. The vote was 8-0 for a recommendation of approval to the Board of County Commissioners. The 12.72-acre property is zoned RR-5 (Residential Rural) and is one-quarter of a mile north of Hay Creek Road. (Parcel No. 7133007024) (Commissioner District No. 3)

### Notation

Please see the Planning Commission Minutes from September 5, 2024, for a complete discussion of the topic and the project manager's staff report for analysis and conditions.

### Planning Commission Recommendation and Vote

Schuettpelz moved and Brittain Jack seconded the motion to recommend approval of item MS239 utilizing the resolution attached to the staff report with twelve (12) conditions, two (2) notations, one (1) waiver, and a conditional finding of sufficiency with regard to water quality, quantity, and dependability. The motion was **approved (8-0)**. The item was heard as a consent item at the Planning Commission hearing. One member of the public called in to express concerns about water.

### Attachments

1. Planning Commission Minutes from 09/05/24.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

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

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

**Board of County Commissioners**

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

---

## **EL PASO COUNTY PLANNING COMMISSION**

### **MEETING RESULTS (UNOFFICIAL RESULTS)**

Planning Commission (PC) Meeting  
Thursday, September 5th, 2024  
El Paso County Planning and Community Development Department  
2880 International Circle – Second Floor Hearing Room  
Colorado Springs, Colorado

#### **REGULAR HEARING, 9:00 A.M.**

**PC MEMBERS PRESENT AND VOTING:** THOMAS BAILEY, SARAH BRITAIN JACK, JAY CARLSON, JEFFREY MARKEWICH, BRYCE SCHUETTEL, WAYNE SMITH, TIM TROWBRIDGE, AND CHRISTOPHER WHITNEY.

**PC MEMBERS VIRTUAL AND VOTING:** NONE.

**PC MEMBERS PRESENT AND NOT VOTING:** NONE.

**PC MEMBERS ABSENT:** JIM BYERS AND BECKY FULLER.

**STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, MINDY SCHULZ, KARI PARSONS, RYAN HOWSER, ASHLYN MATHY, SCOTT WEEKS, ED SCHOENHEIT, CHARLENE DURHAM, ERIKA KEECH, AND LORI SEAGO.

**OTHERS PRESENT AND SPEAKING:** CLEMENT 'BUD' SILVERS JR, CHARLES MANLY JR, PAELEIGH REED, DAVE ELLIOTT, DANIEL JACQUOT, AND MICHAEL BARR.

#### **1. REPORT ITEMS**

**Ms. Herington** advised the board that there would be a non-action item at the end of the hearing. This is a presentation regarding the Your El Paso Master Plan's 3-year implementation report. Additionally, she mentioned that the Land Development Code (LDC) Update's website is now live. There is a link to the that webpage, which includes the consultant's LDC assessment, on the County's Planning and Community Development (PCD) homepage. Commission members and the public are all welcome to submit comments on that LDC Update website. The next PC Hearing is Thursday, September 19th, at 9:00 A.M.

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

#### **3. CONSENT ITEMS**

**A. Adoption of Minutes** for meeting held August 15th, 2024.

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (8-0).**

**B. MS235**

**MATHY**

**FINAL PLAT  
DOUBLE SPUR RANCH FINAL PLAT**

A request by Daniel Kupferer for approval of a 40-acre Final Plat creating 3 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 12420 North Meridian Road, one-tenth of a mile south of the Latigo Boulevard and North Meridian Road intersection. (Parcel No. 5213000007) (Commissioner District No. 1)

**NO PUBLIC COMMENT OR DISCUSSION**

**PC ACTION: SCHUETTPELZ MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER MS235 FOR A FINAL PLAT, DOUBLE SPUR RANCH FINAL PLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TEN (10) CONDITIONS, ONE (1) NOTATION, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).**

**IN FAVOR:** BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.  
**IN OPPOSITION:** NONE.

**C. VA245**

**PARSONS**

**VARIANCE OF USE  
8304 & 8308 CESSNA DRIVE VARIANCE OF USE**

A request by Sund Estate Management Corporation for approval of a Variance of Use to allow a commercial vehicle repair garage in the R-4 (Planned Development) Zoning District. The property is located within Meadow Lake Airport, is within the GA-O (General Aviation Overlay District) and is south of Judge Orr Road and east of Highway 24. (Parcel Nos. 4304002058 and 4304002087) (Commissioner District No. 2)

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

**D. SP217**

**HOWSER**

**PRELIMINARY PLAN  
PEERLESS FARMS**

A request by Robert and Wendy Williams for approval of a 40.01-acre Preliminary Plan depicting 7 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 16975 Falcon Highway. (Parcel No. 4313000001) (Commissioner District No. 2)

**NO PUBLIC COMMENT OR DISCUSSION**

**PC ACTION: MARKEWICH MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3D, FILE NUMBER SP217 FOR A PRELIMINARY PLAN, PEERLESS FARMS, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FIVE (5) CONDITIONS, THREE (3) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND**

**DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).**

**IN FAVOR:** BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.  
**IN OPPOSITION:** NONE.

**E. CS243**

**HOWSER**

**MAP AMENDMENT (REZONING)  
UDON**

A request by Thani Holdings, LLC, for approval of a Map Amendment (Rezoning) of 15.75 acres from RR-5 (Residential Rural) to CS (Commercial Service). The property is located at 12150 State Highway 94. (Parcel No. 4400000185) (Commissioner District No. 4)

**NO PUBLIC COMMENT OR DISCUSSION.**

**PC ACTION: TROWBRIDGE MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3E, FILE NUMBER CS243 FOR A MAP AMENDMENT (REZONING), UDON, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).**

**IN FAVOR:** BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.  
**IN OPPOSITION:** NONE.

**F. VR2324**

**HOWSER**

**VACATION AND REPLAT  
PONDEROSA PINES ESTATES**

A request by Clifford A Joyner for approval of a 3.07-acre Vacation and Replat creating 4 single-family residential lots from 2 single-family residential lots, resulting in a net increase of 2 single-family residential lots. The property is zoned RR-0.5 (Residential Rural), and is located at 18810 Cloven Hoof Drive, Palmer Lake, CO, 80133. (Parcel Nos. 7109002018 & 7109002019) (Commissioner District No. 3)

**Mr. Trowbridge** mentioned that Mr. Howser had indicated a member of the public wanted to be called in to speak on the item.

**Mr. Bailey** acknowledged that Mr. Kilgore was speaking with the Audio/Video staff regarding the call-in. While that was taking place, item 3G was discussed. They returned to agenda item 3F afterward. The members of the public were called, but both attempts went to voicemail.

**NO PUBLIC COMMENT OR DISCUSSION**

**PC ACTION: CARLSON MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3F, FILE NUMBER VR2324 FOR A VACATION AND REPLAT, PONDEROSA PINES ESTATES, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITION, TWO (2) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND**

**DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).**

**IN FAVOR:** BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.  
**IN OPPOSITION:** NONE.

**G. VA243**

**WEEKS**

**VARIANCE OF USE  
5935 TEMPLETON GAP ROAD VARIANCE OF USE**

A request by Great West Construction for approval of a Variance of Use to allow an office use in the A-5 (Agricultural) and CAD-O (Commercial Airport Overlay) Zoning Districts. The property is located south of Templeton Gap Road, northeast of the intersection of Templeton Gap Road and Corinth Drive. (Parcel No. 631300009) (Commissioner District No. 2)

**NO PUBLIC COMMENTS**

**DISCUSSION**

**Mr. Carlson** suggested adding a condition of approval that stipulates the owner of the property must reside on the property, which he acknowledged is the current situation. He further believes that it would be best to have the approval tied to ownership instead of running with the land.

**Mr. Bailey** remarked that he had a similar concern regarding duration of approval for a later agenda item.

**Mr. Trowbridge** expressed his understanding that approval for a Variance of Use application typically runs with the land.

**Ms. Herington** confirmed. A standard Variance of Use approval does not include either a condition that approval is tied to current ownership or for a specific amount of time. A condition of approval could be added to include information detailed in the applicant's Letter of Intent. The applicant has declared their intention to reside on the property. She suggested the applicant could address whether they would be agreeable to adding that condition.

**Mr. Trowbridge** asked if the first condition, *"Approval is limited to the use of a contractor's equipment yard, as discussed and depicted in the applicant's Letter of Intent, and Variance of Use Site Plan. Any subsequent addition or modification to the use beyond that described in the applicant's Letter of Intent shall be subject to approval of a new Variance of Use request."*, would be sufficient to tie approval to the current owner or owner occupation.

**Mr. Bailey** asked if adding a condition of occupation by the owner strays from the intent of the rules as they're written.

**Ms. Herington** added that it would be very difficult for future County planning staff to review the Letter of Intent 10 years post approval to interpret conditions of approval. It would be much easier for future to staff to reference a clearly written condition of approval on the adopted resolution.

**Ms. Seago** asked Mr. Carlson if his intent for adding a condition of approval was to require the *property owner* or the *business owner* to reside on the property.

**Mr. Carlson** clarified that he meant for it to apply to the property owner.

**Ms. Seago** clarified that if the property owner lives on the property, it wouldn't matter to Mr. Carlson that a different entity operated the contractor's equipment yard.

**Mr. Carlson** confirmed. He explained that he wants to avoid the residence being demolished in the future and the only remaining use of the land being a contractor's equipment yard.

**Ms. Seago** then asked if it would be acceptable that the residence be occupied by anyone so long as it continues to exist. The occupant of the house may not be the property owner in that scenario.

**Mr. Carlson** stated he would prefer that the property owner be the occupant.

**Ms. Seago** proposed that she could assist with crafting a condition of approval to meet that request. She suggested that instead of crafting the condition to require that the property owner live on the property, phrasing it in a way that approval of the variance would expire upon the residence no longer being occupied by the property owner.

**Mr. Bailey** asked if that would be restricted to the current owner or apply to any future owner.

**Ms. Seago** clarified that it could applied either way.

**Mr. Carlson** stated that he agreed with her suggestion.

**Mr. Whitney** clarified his understanding that if the property owner moved away, approval of the variance would lapse. (This was confirmed.)

**PC ACTION: THIS ITEM WAS THEN PULLED TO BE HEARD AS A CALLED-UP CONSENT ITEM PER MR. BAILEY.**

**H. MS239**

**LETKE**

**MINOR SUBDIVISION**

**3275 CENTER ICE VIEW – MINOR SUBDIVISION TO LEGALIZE LOT**

A request by Andrew C Alm for approval of a Minor Subdivision creating two (2) single-family residential lots. The 12.72-acre property is zoned RR-5 (Residential Rural) and is one-quarter of a mile north of Hay Creek Road. (Parcel No. 7133007024) (Commissioner District No. 3)

**PUBLIC COMMENT**

**Mr. Charles Manly Jr.** spoke in opposition. He expressed a concern about adding a well in the location. He discussed his current rate of water flow.

**Mr. Bailey** stated that the water report was included in the packet, and he did not believe pulling the item to hear a full presentation would be necessary.

**Mr. Trowbridge** explained that all water in Colorado is owned and managed by the State Engineer. Property owners have the right to access the water via well, but ownership remains with the State. He mentioned that the County Attorney's Office also reviews water rights, which is provided in the full water report for each applicable project. If the State Engineer says that someone has the right to sufficient water, the Planning Commission cannot naysay them. He further mentioned that El Paso County has a more stringent, 300-year water requirement, where the state mandates a 100-year finding.

#### **NO FURTHER DISCUSSION**

**PC ACTION: SCHUETTELZ MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3H, FILE NUMBER MS239 FOR A MINOR SUBDIVISION, 3275 CENTER ICE VIEW - MINOR SUBDIVISION TO LEGALIZE LOT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWELVE (12) CONDITIONS, TWO (2) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED CONDITIONAL FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).**

**IN FAVOR:** BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTELZ, SMITH, TROWBRIDGE, AND WHITNEY.  
**IN OPPOSITION:** NONE.

#### **4. CALLED-UP CONSENT ITEMS**

**3C. VA245**

**PARSONS**

##### **VARIANCE OF USE 8304 & 8308 CESSNA DRIVE VARIANCE OF USE**

A request by Sund Estate Management Corporation for approval of a Variance of Use to allow a commercial vehicle repair garage in the R-4 (Planned Development) Zoning District. The property is located within Meadow Lake Airport, is within the GA-O (General Aviation Overlay District) and is south of Judge Orr Road and east of Highway 24. (Parcel Nos. 4304002058 and 4304002087) (Commissioner District No. 2)

#### **STAFF & APPLICANT PRESENTATIONS**

**Mr. Carlson** asked if the underlying R-4 zoning would have allowed for the current request.

**Ms. Parsons** stated that information would be included later in the presentation. She then resumed.

**Mr. Trowbridge** asked if the roadway and taxiway were clearly separated (i.e., berm).

**Ms. Parsons** answered that there is no berm because planes and cars travel across both.

**Mr. Trowbridge** clarified that he is asking if they are identified as being separate from each other so that drivers are aware when they are crossing the taxiway.

**Ms. Parsons** stated that County staff was able to determine where roadways were different from taxiways, but she doesn't know if the public would be able to make that determination. She stated

she would defer to airport officials regarding an accident log. The applicant may also provide clarification. Her presentation then continued.

**Mr. Carlson** asked if the repair garage would also work on aircraft.

**Ms. Parsons** stated the applicant would be able to answer that question.

**Mr. Markewich** asked what property the Variance would include.

**Ms. Parsons** explained that the Variance of Use would apply to Lots 7 and 9 as depicted in the Site Development Plan. She reiterated that approval would be tied to the Site Development Plan instead of a Letter of Intent.

**Mr. Markewich** asked if approval would run with the land, regardless of current owner.

**Ms. Parsons** confirmed.

**Mr. Markewich** verified that the restricted uses in the subject approval would apply regardless of a change in business owner.

**Ms. Parsons** confirmed. The allowed uses are depicted in the Site Development Plan. Her presentation concluded and the applicant's representative began their presentation.

**Ms. Nina Ruiz**, with Vertex Consulting Services, presented for the applicant.

**Ms. Esther Sund**, the owner and applicant, addressed Mr. Carlson's earlier question regarding whether the repair shop would work on aircraft. Their company does and will provide services to aircraft when requested and when they are capable. They have worked on airplanes in the past and have done custom painting on airplane parts. There is a current project being delivered to the site which includes custom work on an experimental aircraft being brought in piece-by-piece. She stated that they have also assisted Springs Aviation with tool loans. Overall, she stated that her business does not exclude aviation.

**Mr. Smith** asked for a visual explanation of the road versus taxiway on an aerial image.

**Ms. Sund** explained that there are taxi easements on the property. Easements are typically utilized by the hangars that store aircraft, like the buildings south of the subject property. She used the image to point out what that taxiway would look like if it existed. There are no taxiways paved on her property because there are no planes stored there or anywhere on her block. She stated that aircraft is not driven within the easement in front of her property, but the easement does still exist.

**Mr. Markewich** clarified that there is a taxi easement.

**Ms. Sund** confirmed and stated it is not utilized.

**Mr. Markewich** asked if the easement was marked.

**Ms. Sund** answered that it is not marked.



**Mr. Markewich** asked if taxiways within easements that are in front of hangars (like the property south of the subject area) are marked.

**Ms. Sund** replied that those *are* marked. The identification of a taxiway dead-ends at her property line.

**Mr. Markewich** asked if the taxiway identification began again on the other side of her property.

**Ms. Sund** referred to the aerial image to identify a property 3 lots north of hers that likely has an identified taxiway. The 3 lots north of her property are vacant and there is no taxiway.

**Mr. Markewich** asked which direction the airplanes would taxi once they are on Cessna Drive.

**Ms. Sund** replied that it would depend on where the planes enter. The property located 3 lots north does not have direct access onto Cessna Drive, so once the aircraft uses the taxiway easement on that property, they enter the road perpendicular to Cessna Drive. Those airplanes do not cross in front of her property. Regarding the hangars south of her property, the aircraft will use the taxi easement to enter Cessna Drive and will then taxi along Cessna Drive in front of her property. They do not use the taxi easement on her property.

**Mr. Bailey** asked for explanation of how vehicles access her property.

**Ms. Sund** used the aerial image on the screen to indicate that vehicles on Judge Orr Road will turn south onto Cessna Drive, proceed south, and then turn west directly into the subject property. Cessna Drive is the same shared taxiway/road used by any vehicle that enters Meadow Lake Airport ("MLA") to access any hangar. She mentioned that members of the public attending an airport event would also use the same road.

**Mr. Bailey** asked for clarification of the private road ownership.

**Ms. Sund** replied that she knows MLA owns most of the road, but she's unsure of the entirety. She suggested that Dave [Elliott] may have more information.

**Mr. Bailey** clarified that the application is for the subject parcels only and the applicant does not have ownership or maintenance responsibility for the roads leading up to her property.

**Ms. Sund** confirmed.

**Ms. Ruiz** added that the applicant has the legal right to access.

**Mr. Bailey** then compared the situation to anyone leaving their private property and entering a public roadway. Any traffic concerns become the burden of the right-of-way owner, in this case, MLA. He asked if that would be a fair assessment.

**Ms. Ruiz** stated the property owners pay associate dues to MLA, which provides the maintenance.

**Mr. Bailey** further stated that the private property owners do not have the authority to implement signage warning vehicle drivers to watch out for aircraft. (The presentation resumed.)

**Mr. Whitney** asked if there was anything restricting the applicant from providing general services such as oil changes. (In response to Ms. Ruiz' description of the custom work provided by Sund.) The presentation has described the average customer as a Governmental entity, but could that change?

**Ms. Ruiz** stated that nothing precludes that type of use in the application as it has been presented. She stated that County staff recommended applying for a Variance to allow for vehicle repair, which is what has been requested. She further stated that the applicant would be agreeable to adding a condition of approval to restrict the type of use to reflect that identified in the letter of intent.

**Mr. Markewich** discussed the various other commercial businesses listed on the presentation slideshow. He mentioned that there are several that don't appear to be aviation-related but are in the immediate area. He asked if those business owners would need to apply for Variance of Use approval as well.

**Ms. Ruiz** replied that Ms. Parsons addressed that subject in her staff report. She identified that it is possible some of the existing uses may not have gone through the proper application process.

**Ms. Herington** added that there are 23-27 open Code Enforcement complaints/violations in the vicinity. How each will be resolved is uncertain.

**Mr. Markewich** clarified that before the current owner purchased the property, it was being used as a diesel mechanic shop and battery shop. He asked if it had been non-conforming for 20 years.

**Ms. Ruiz** stated that the property had not been used as an airplane hangar for 20 years.

**Mr. Markewich** asked if the current owner was aware of the restrictions when purchasing. He asked if they assumed a vehicle repair shop was okay because of the past uses.

**Ms. Sund** confirmed and further stated the building no longer has hangar doors, but garage doors. The financier of their business loan didn't have any questions due to the R-4 zoning and because the building is no longer considered a hangar. It was her assumption that she could do what she wanted on her private property since the land is not owned by the airport. She further mentioned that she rented the property for her business for 2 years before buying the land. The previous owner who rented and sold the property to her was an aviation-related individual.

**Mr. Bailey** asked if Ms. Sund was required to be a member of the airport's association.

**Ms. Sund** replied that she is not required to be a member and there are no covenants on her property. She does, however, pay dues to MLA.

**Mr. Bailey** compared the situation to that of an HOA. If covenants applied to the subject parcel, that information should have been disclosed to the buyer at the time of the sale.

**Mr. Carlson** pointed out that the application is a request for approval of a vehicle repair shop, but it appears that the current business operates more like a customization shop.

**Ms. Ruiz** agreed. Typically, when requesting a Variance of Use, County staff will advise an applicant to choose a closely related use. The definition for vehicle repair shop includes a broader list than

what the applicant is providing, but that was deemed to be the closest related option. The applicant's Letter of Intent details the exact use, which is mainly customization of emergency response vehicle. She reiterated that they would work on aircraft when necessary or requested. The applicant is not opposed to adding a condition of approval that limits the uses to those identified in the Letter of Intent.

**Ms. Parsons** explained that the LDC does not define a use for aircraft maintenance. It does, however, define a repair garage. She pulled up the LDC.

**Mr. Trowbridge** noted that what the applicant has experienced in this situation is a result of broad language that references separate documentation. There are flaws in attempting to interpret what the intention was from the early 1980's. This is the scenario that Ms. Herington mentioned preferring to avoid. He pointed out that the more specific the board can be in the resolution, the better.

**Mr. Bailey** brought up that leaving things open to interpretation also causes issues when enforcing the terms of approval. He stated he is concerned that non-conforming uses have been occurring for so long and that there are now a significant number of Code Enforcement complaints.

**Ms. Parsons** presented the LDC definition for a vehicle repair garage. County staff did not recommend limiting the uses within the definition because the applicant had mentioned in a preliminary meeting that they have provided a variety of those related services in the past. Staff did not want to take that ability away. Perhaps that has changed and they are now willing to limit those allowed uses. A restriction was placed on the site plan that identified heavy trucks, recreational vehicles, and trailers are repaired only for governmental contracts. This was done to avoid the customization of RVs, etc., for the typical public, and was placed on the site plan to avoid referencing a Letter of Intent for future interpretation. The underlying R-4 zoning did come with a Letter of Intent, but it also included a development plan that described specific allowed uses, which is what led staff to the conclusion that a Variance of Use was the best solution.

**Mr. Carlson** asked for clarification regarding what notes trump others. The 1980s development plan, Letter of Intent, zoning regulations, etc., all seem to have differing recommendations.

**Ms. Parsons** explained that staff from Planning, Code Enforcement, and the County Attorney's Office collaborated to determine that the underlying zoning and development guidelines permit commercial uses that support the airport. Regardless of what was highlighted by the applicant in their Letter of Intent, the County staff's interpretation of the 1981 R-4 zoning was that PVP (now CC) zoning uses *if* they support the airport. If the commercial use does not support the airport, a Variance of Use is required. She then reminded the board that Code Enforcement is complaint driven, so County staff was not driving through the airport looking for violations.

**Mr. Bailey** asked if the "Vehicle Repair Garage, Commercial" definition on the presentation slideshow was pulled directly from the LDC. (It was.) He then asked Ms. Parsons if there was any other definition that may better define the applicant's business of a customization shop.

**Ms. Parsons** verified there is no other definition that would be more precise to the subject request.

**Mr. Markewich** asked if anything would prevent the current owner from selling the property after Variance approval, and new owners establishing a Jiffy Lube, for example.

**Ms. Parsons** requested to consult with Ms. Seago before answering.

**Mr. Bailey** mentioned during that time that Mr. Markewich's question relates to his concern of the duration of the approval. He mentioned that the MLA letter of support specified that their support only extends to the current use and current owner. He suggested that they could add language in a condition of approval.

**Mr. Whitney** further stated that it seemed like the applicant would be agreeable to a condition of approval that restricted the Variance to the current use.

**Ms. Parsons** returned to answer the earlier question regarding limits to the approval after future sale of the property. A condition could be implemented that states approval of the variance expires upon sale of the property. That could be enforced with sales history. There could also be a condition that limits the type of work the business owner is allowed to provide. However, it would be difficult for Code Enforcement to visually identify unmarked government vehicles.

**Ms. Herington** confirmed that the business operates as a body shop, which is not defined in the LDC. She suggested that a condition of approval could specify that major/minor work such as paint, body, and fender work be allowed. They would exclude most engine/transmission work, preventing the possibility of a Jiffy Lube-type business. She confirmed that Ms. Ruiz gave a thumbs up to that suggestion from the audience.

**Mr. Markewich** stated defining allowed uses would probably be a better solution than restricting approval to the current owner. For example, the current owner could one day decide they wanted to establish their own Jiffy Lube.

**Ms. Parsons** stated she would present the applicant's site plan. She suggested modifying the notes on that item to be more specific. That way, when the Variance of Use approval resolution refers to the site plan, there is no room for interpretation.

**Ms. Herington** suggested having the public speak while County staff works on recommended language for conditions of approval.

**Mr. Markewich** expressed concerns over "opening a can of worms". If the current application is allowed, he wonders how that will impact the surrounding non-compliant uses.

**Ms. Herington** stated that there would not be a way to prevent that from happening. She stated that every variance is evaluated independently to determine if they meet the criteria. Each variance could be proposing a completely different use in a unique location. Approving one does not necessarily set a precedent.

**Mr. Carlson** expressed a desire to condition approval of the variance to the current owner as well as the types of allowed uses.

## PUBLIC COMMENTS

**Mr. Clement 'Bud' Silvers Jr** spoke in opposition (before the item was pulled to the called-up agenda). He is a longtime pilot. He and his wife own a hangar in the Meadow Lake Airport. He advised that Cessna Drive is not a road, but a taxiway [for aircraft]. Airplanes have the right of way. He discussed different types of airplanes and how one type, the taildragger, has a blocked view of the road ahead. This type of plane can only be safely taxied by making s-turns. As the general public does not understand that necessity, they could drive their car into a blind spot and be hit by a taxiing plane. His concern is for the general safety of the public driving on Cessna Drive.

**Mr. Whitney** mentioned that the subject parcel is involved in a Code Enforcement case in which they have been operating the vehicle repair shop in the existing hangar. He asked Mr. Silvers Jr if he had observed any issues with vehicle drivers on Cessna Drive. (This was answered later by Mr. Elliott.)

**Ms. Paeleigh Reed** spoke in opposition (before the applicant's presentation). She owns and operates Metal Bird Hangars at Meadow Lake Airport. She stated that the location is within the airport. She does not agree with a variance for something that does not support the airport. She stated there are several businesses that are operating under the guise of supporting the airport, but it needs to be brought under control. She stated that there are 76 aircraft on a waitlist for hangar space. While on the waitlist, the aircraft is left outside or stored elsewhere. She asked the Planning Commission to support restricting uses to aircraft related uses only.

**Mr. Dave Elliott** serves as President of the Board for the Meadow Lake Airport Association serves as the Airport Manager. He acknowledged the letter of no objection he wrote on behalf of the MLA Association. He stated the Sunds are great members and are in good standing with the Association. The deeds for the properties within MLA make no mention of the MLA Association because it did not exist when the airport was established. The bylaws for the Association apply to the individuals, not the private property. It is not an HOA and has no authority over the property. Neither does the FAA. The private hangar complex at MLA is considered a "through the fence" operation. The only authority the Association has in the event an individual does not want to pay the dues is to deny their access to the runway complex.

He acknowledged that there are many non-aeronautical activities taking place at the airport. He discussed three examples. Overall, the Association has taken the stance that as long as the activities occurring inside the private hangar are legal, the Association will not submit complaints. If those activities have a negative impact on airport operations, however, then the Association will get involved. He reiterated that there is an extensive aircraft waitlist for hangar space. While he does not condone using hangar space for non-airplane uses, the Sunds have been good members of the Association and have assisted with airport security. They also assist when people are building airplanes, painting parts, lending tools, etc.

He stated that Cessna Drive is technically a roadway. There are taxiway easements platted on both sides of Cessna Drive, but they have not been improved contiguously. Therefore, Cessna Drive is used for both vehicles and aircraft. The road is maintained by the Association. The Association owns half of the runway and owns the pavement on the taxiway easements.

**Mr. Markewich** asked for a description of the signage or delineation between roadway and taxiway.

**Mr. Elliott** answered that when a person leaves Judge Orr Road and travels south on Cessna Drive, there is immediately a fence. During the day, the gate is lifted. It remains open from 7:00 a.m. – 7:00 p.m. but after that time, a code is required. Most people will see the open gate, realize there is an airport on the other side, and turn around. He further explained that there is a sign by the gate that identifies aircraft have the right-of-way. Beyond that point, there are speed limit signs. There are three taxiways that cross Cessna Drive. At the end of Cessna Drive, there is a runway. On that runway, there is aeronautical signage that the public would not understand. He acknowledged that there is an issue with speeding on Cessna Drive. When that happens, there would be little reaction time when a vehicle encounters an airplane. He further stated that there has only been one accident he is aware of, which occurred on a taxiway, not Cessna Drive.

**Mr. Whitney** summarized that portions of Cessna Drive are both road and taxiway.

**Mr. Elliott** clarified that Cessna Drive is not officially a taxiway, but it is used that way.

**Mr. Whitney** asked if there was signage to warn drivers that the road is used as a taxiway in addition to the “aircraft has the right-of-way” sign.

**Mr. Elliott** answered that there is not.

**Mr. Whitney** concluded that drivers would be surprised to come nose-to-nose with an airplane.

**Mr. Elliott** replied that they shouldn’t be surprised because it’s an airport.

**Mr. Daniel Jacquot** spoke in opposition. He is also a board member on the Association. He stated that at their board meeting, he thought it was unusual that the Sunds were in attendance because people might not want to express concerns in front of an applicant. He stated that he voted against supporting the variance at that meeting, but he did not express his reasoning why afterwards. They voted once. He questioned other members’ votes. He stated that if the Sunds (AccuFix) left the airport, there is another paint shop on the airport property that could still provide services. He stated that most existing businesses that opened on their properties didn’t first declare their intentions. He stated that there have been complaints of cars parked in taxiways at a different transmission shop. He detailed conflicts he’s had with another business (not the Sunds). He further stated that he has not observed body shops operating at other airports like COS, APA, or DEN. He concluded by stating that the Sunds are excellent neighbors and that if any variance were granted, he would be okay with keeping them as neighbors, but he generally does not support non-aviation related businesses being allowed to operate at the airport.

**Mr. Michael Barr** spoke in opposition. He is also a board member on the Association. He also voted against the variance at their board meeting. He stated he is not worried about AccuFix now, but is worried about the use in the future. He stated that non-aviation related uses got out of control. He expressed the hope that if the Planning Commission approves the variance request for the Sunds, that there be a caveat that approval expires upon the sale of the property.

**Ms. Parsons** stated that someone contact the downtown office requesting to speak on the item. She is attempting to get their contact info so that they can be called in.

**Ms. Herington** advised the board that the member of the public did not provide their full phone number, so they were not able to be called in. They will be asked to provide their comments for the BOCC hearing which will take place on 9/26/2024.

## DISCUSSION

**Ms. Parsons** pulled up the note on the site plan, *"Repair of vehicles is limited to the following: electrical work, structural work, paint, body and fender work be permitted in association with a governmental contract and Meadowlake Airport Association Members on the site."* She further explained that the applicant would like to maintain the ability to service vehicles for MLA property owners. A second note did not change from how it was previously presented on the site plan.

**Mr. Bailey** read the condition of approval currently listed on the drafted resolution; *"Additional aviation-related repair is allowed on the subject properties pursuant to the General Aviation Overlay District and the 1982 R-4 (Planned Development) Zoning District."* He noted that the condition doesn't mention approval is tied to a site plan or Letter of Intent. He asked if a condition was missing.

**Ms. Parsons** explained that the coinciding site plan defines the allowed uses, and the applicant would not be able to expand beyond what is defined on that approved document.

**Mr. Bailey** mentioned that on past variance approvals, language that tied in the site plan or Letter of Intent was typically present in some way.

**Ms. Parsons** reminded the board that the County would prefer to identify restrictions on plat notes instead of referring to Letters of Intent that are open to interpretation.

**Mr. Bailey** asked for Ms. Seago's recommendation.

**Ms. Seago** replied that the board can add a condition referring to the site plan if they so choose. She referenced the drafted resolution for another Variance of Use application, which does include language that makes that reference.

**Ms. Parsons** asked that the board not impose a condition that references the applicant's Letter of Intent because that document references the confusing 1981 R-4 language. The condition of approval and the site plan notes do not remove the underlying allowed uses. If a future owner of this property wanted to create an airplane repair shop, they would be allowed to do so by right.

**Mr. Whitney** clarified that Mr. Bailey would prefer to have a condition of approval that ties to or matches what is found on the site plan.

**Mr. Bailey** acknowledged that it would be his personal preference for consistency and to draw attention to the additional restrictions.

**Ms. Herington** suggested that a condition of approval be added to the drafted resolution that refers to the site plan. She further suggested that the board can have a conversation with staff later to discuss moving away from referencing applicants' Letters of Intent. She advised that the board should evaluate the language Ms. Parsons presented on the site plan because that would be the condition that future staff looks at when determining compliance.

**Mr. Schuettpelz** agreed with the request to add a condition of approval on the resolution. He further requested that approval be tied to ownership of the property rather than running with the land. If there is a new property owner in the future, they should be required to submit a new variance request if their intention is to pursue non-aviation related uses.

**Mr. Bailey** explained that the site plan note would address the acceptable use issue, but the other topic which they discussed was limiting approval to current ownership. That was requested for the other variance request on the agenda as well.

**Mr. Markewich** asked if that limitation should be on the site plan or the resolution.

**Ms. Seago** answered that it should be on the resolution.

**Mr. Ruiz** provided rebuttal to the public comments and discussion. The applicant is agreeable to the condition/note that was presented on the site plan by Ms. Parsons. The applicant is concerned about adding a condition of approval that ties the variance to current ownership. If the business thrives, she may want to expand to another location. If she were to do that, she wouldn't be able to sell the business she built up at the current location. Adding that condition of approval may cause a financial burden if she is only allowed to market the property as a vacant building. However, any future owner of the business would be restricted by the site plan note.

**Mr. Bailey** asked if it would be enough that the underlying zoning permits aviation related uses.

**Ms. Ruiz** mentioned that there is a previous plat note that restricts the uses to airport hangars and does not allow for maintenance. She then addressed the public comments. She reiterated that AccuFix is a good neighbor and is well liked among Association members. Examples of business owners that have contributed to problems are separate from Ms. Sund. She believes that the opposition is more concerned about setting a precedent than in allowing Ms. Sund's business to continue.

**Mr. Markewich** stated that the note on the site plan seemed reasonable, and he did not see a need to add an additional condition tying approval to the current ownership. He expressed support of the application with the language Ms. Parsons added to the site plan.

**Mr. Trowbridge** agreed with Mr. Markewich's comments. He agreed with the applicant's remarks that if they were to sell the business, there shouldn't be an issue with the same type of business continuing in that location (under the same site plan restrictions). He further stated that although the property is within the confines of Meadow Lake Airport, it remains private property. He believes the language added to the site plan is sufficient.

**Mr. Whitney** agreed with both Mr. Markewich and Mr. Trowbridge.

**Mr. Carlson** agreed with the site plan note but disagreed with dismissing a condition restricting approval to current ownership. He believes there is a problem at the airport and that there is a mess. He stated that conditioning approval to the current owner for this project would help clean up that mess.



**Mr. Schuettpelz** agreed with Mr. Carlson's remarks. He reiterated that property and hangars were sold in the past without discretion. To attempt now at reeling that back in for airport uses only will be difficult.

**Ms. Brittain Jack** stated that the Planning Commission's responsibility is to evaluate the request for a variance, not to clean up what has been going on for 20 years.

**Mr. Bailey** agreed with Ms. Brittain Jack. He doesn't believe cleaning up the mess should fall on the current applicant. He reiterated that the current proposal is one of many. He is concerned about limiting the current applicant (with a conditional approval) when other situations are in existence. He doesn't think they should be looking so broadly outside the subject request. He believes the use is compatible because it's been there for a long time and there are other uses like it. He agreed that the hardship falls within the limitations of the LDC. Fixing the situation with a variance seems appropriate.

**Mr. Smith** agreed with Mr. Bailey's remarks.

**Mr. Trowbridge** requested a second condition of approval to tie the resolution to the site plan.

**Ms. Parsons** read the added second condition into the record: *"Uses are limited to the Site Plan submitted in support of the Variance of Use."*

**PC ACTION: TROWBRIDGE MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3C, FILE NUMBER VA245 FOR A VARIANCE OF USE, 8304 & 8308 CESSNA DRIVE VARIANCE OF USE, AMMENDING THE RESOLUTION ATTACHED TO THE STAFF REPORT TO REFLECT TWO (2) CONDITIONS AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-2).**

**IN FAVOR:** BAILEY, BRITTAIN JACK, MARKEWICH, SMITH, TROWBRIDGE, AND WHITNEY.

**IN OPPOSITION:** CARLSON AND SCHUETTPELZ.

**ADDITIONAL COMMENTS**

**Mr. Carlson** disagreed that it's not the Planning Commission's job to clean up the existing mess. Where else would that take place? This application process is where issues happening in the community should be brought.

**Mr. Schuettpelz** added that when the applicant purchased the property, they should have done their due diligence in researching if their intended use was allowed instead of assuming.

**3G. VA243**

**WEEKS**

**VARIANCE OF USE  
5935 TEMPLETON GAP ROAD VARIANCE OF USE**

A request by Great West Construction for approval of a Variance of Use to allow an office use in the A-5 (Agricultural) and CAD-O (Commercial Airport Overlay) Zoning Districts. The property is located south of Templeton Gap Road, northeast of the intersection of Templeton Gap Road and Corinth Drive. (Parcel No. 631300009) (Commissioner District No. 2)

## STAFF & APPLICANT PRESENTATIONS

**Mr. Weeks** presented a fourth condition of approval proposed due to previous discussion. This was drafted by Ms. Seago and has been reviewed and agreed upon by the applicant. He read the condition into the record: *"Approval of the Variance of Use shall remain in effect only so long as the existing or any future property owner resides on the property. If the property owner is not a natural person, the owner or an employee of the entity that owns the property shall reside on the property to fulfill this requirement."*

**Mr. Chuck Crum**, representing the applicant with M.V.E., Inc., confirmed that the applicant is agreeable to the added condition of approval.

## NO PUBLIC COMMENTS

## NO FURTHER DISCUSSION

**PC ACTION: CARLSON MOVED / SMITH SECONDED TO RECOMMEND APPROVAL OF CALLED-UP ITEM 3G, FILE NUMBER VA243 FOR A VARIANCE OF USE, 5935 TEMPLETON GAP ROAD VARIANCE OF USE, AMMENDING THE RESOLUTION ATTACHED TO THE STAFF REPORT TO REFLECT FOUR (4) CONDITIONS AND THREE (3) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).**

**IN FAVOR:** BAILEY, BRITAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.  
**IN OPPOSITION:** NONE.

## 5. REGULAR ITEMS

### A. ID244

**PARSONS**

#### **SPECIAL DISTRICT SERVICE PLAN SOUTHERN COLORADO RAIL PARK METROPOLITAN DISTRICT NOS. 1-3**

A request from Edw. C. Levy Company, and White Bear Ankele Tanaka and Waldron, for approval of a Colorado Revised Statutes Title 32 Special District Service Plan for the Southern Colorado Rail Park Metropolitan District Nos. 1-3. The 3,108-acre area included within the request is zoned A-5 (Agricultural) and RR-5 (Residential Rural) and is located south of Charter Oak Road and east of the Fort Carson Military Installation. The service plan includes the following: a maximum debt authorization of \$430,000,000.00, a debt service mill levy of 50 mills for commercial, and an operations and maintenance mill levy of 15 mills, for a total maximum combined mill levy of 65 mills. The statutory purposes of the districts include the provision of the following:

- 1) street improvements, transportation, safety protection;
- 2) design, construction, and maintenance of drainage facilities;
- 3) design, land acquisition, construction, and maintenance of recreation facilities;
- 4) mosquito control;
- 5) solid waste disposal;
- 6) design, construction, and maintenance of water systems including fire hydrants;
- 7) sanitation systems; and
- 8) security services.

(Parcel Nos. 6600000030, 6600000040, 6600000041, 6600000046, 6600000047, 6600000048, 6600000004, 6600000008, 6600000009, 6600000010, 6600000011, 6600000012, and 6600000014) (Commissioner District No. 4)

## **STAFF & APPLICANT PRESENTATIONS**

**Mr. Markewich** reiterate that the City of Colorado Springs finds the application acceptable. He asked for verification that the language about eminent domain is transferable to the City.

**Ms. Parsons** confirmed and read condition of approval number one: *"If any portion of the land within the Southern Colorado Rail Park Metropolitan District Nos. 1-3 annexes into a municipality, City Council or the appropriate body within the municipality shall be the authorizing entity in regard to: eminent domain powers, increase to the maximum mill levy or debt, and modification of the Service Plan as described in Conditions of Approval Nos. 2-6 of the Southern Colorado Rail Park Board of County Commissioners Resolution approving the subject Service Plan (ID244)."* She confirmed that that City is agreeable to that condition.

**Ms. Brittain Jack** asked if the Ray Nixon power plant was located in unincorporated County.

**Ms. Parsons** confirmed but added that it is owned and operated by the City of Colorado Springs. Most of the City's utilities are in the County, including the WSEO's that will come before the Board.

**Mr. Steve Mulliken**, attorney representing the applicant, introduced the proposal and gave a brief presentation.

**Mr. Sean Allen**, attorney representing the applicant, explained that there is approximately 5.6 million square feet of commercial space to support the \$430 million maximum debt authorization. The estimated value of that commercial square footage is taken, and that value is extrapolated out to approximately \$410 million in PAR. In the three series of debts, the first will be all new money (first issuance), the second series will occur 5 years later (to refund the first series and issue new money), and the third series will occur 5 years later (to refund again and issue the final phase of new money). At that point, the total project funds, total PAR, will be issued. That is the method used to estimate what money is needed. He then reiterated the points covered by Ms. Parsons regarding mandatory criteria of approval.

**Mr. Carlson** asked how phase one, specifically the railroad, was paid for.

**Mr. Mulliken** answered that the Metro District will not pay for the railroad. That will either be paid for privately by the applicant or through grants.

**Mr. Carlson** expressed his understanding of how the first 3 phases of development would help pay for their own infrastructure, but he asked if any infrastructure would be completed in phase 4 prior to development in that area.

**Mr. Mulliken** answered that the location of the last phase includes where the mining operation currently exists and is already approximately 70% completed. The bluff will not serve the railroad and will be industrial only. When it comes time to finish development of that area, there will be 2 different Metro Districts providing issuance.

**Mr. Trowbridge** asked for more information about the repayment plan along with build-out of all phases of development.

**Mr. Mulliken** explained that the subject proposal differs from the typical residential Metro District in that there are no homeowners. He had considered including a small area of affordable housing within the vicinity, but that was decided against due to proximity to the industrial rail park, Ft. Carson, etc. He stated that when the financial projections were done, they estimated \$225/sq ft for the value of the industrial properties. He stated they are usually estimated at a higher value than that. He believes their estimates produced a conservative number. As the first manufacturer is brought in, the value of the property will increase. Property owners will pay taxes on the current assessed values. He anticipates that after the first property user moves in, the cost of phase 1's development will nearly be paid for.

**Mr. Carlson** clarified that the estimated value of \$225/sq ft was for the improvements, not the land.

**Mr. Mulliken** confirmed.

**Ms. Brittain Jack** asked if annexation to the City of Colorado Springs would result in a flagpole.

**Mr. Mulliken** replied that the annexation statute states that contiguity cannot be disrupted or prevented due to an intervening governmental or public land, which occurs with Fort Carson in this case. He further stated that they are currently working with the City.

#### **NO PUBLIC COMMENTS**

#### **NO FURTHER DISCUSSION**

**PC ACTION: BRITTAIN JACK MOVED / TROWBRIDGE SECONDED TO RECOMMEND APPROVAL OF REGULAR ITEM 5A, FILE NUMBER ID244 FOR A SPECIAL DISTRICT SERVICE PLAN, SOUTHERN COLORADO RAIL PARK METROPOLITAN DISTRICT NOS. 1-3, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS AND ONE (1) NOTATION, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).**

**IN FAVOR:** BAILEY, BRITTAIN JACK, CARLSON, MARKEWICH, SCHUETTPELZ, SMITH, TROWBRIDGE, AND WHITNEY.  
**IN OPPOSITION:** NONE.

#### **6. NON-ACTION ITEMS**

**A.** A Presentation regarding the implementation action matrix in the Master Plan (3-year update).

**PC ACTION: THIS ITEM WAS POSTPONED TO THE PLANNING COMMISSION HEARING ON 9/19/2024.**

**MEETING ADJOURNED** at 12:16 p.m.

**Minutes Prepared By:** Miranda Benson

FINAL PLAT (RECOMMEND APPROVAL)

SCHUETTPELZ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF EL PASO  
STATE OF COLORADO  
RESOLUTION NO. MS239  
3275 CENTER ICE VIEW - MINOR SUBDIVISION

WHEREAS, Andrew C Alm did file an application with the El Paso County Planning and Community Development Department for approval of a Final Plat for the Driftwood Estates 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 5, 2024; and

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

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

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

WHEREAS, when approving a Minor Subdivision Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the following criteria outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code ("Code") (as amended):

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

appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the Subdivision to provide a transition between the Subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed Subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.

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

WHEREAS, a conditional 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 Andrew C Alm for a Final Plat for the Driftwood Estates Filing No. 1 Subdivision be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

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

the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. 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 Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. 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.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Drainage fees in the amount of \$9335.18. shall be paid for the Beaver Creek Drainage Basin at the time of plat recordation.
9. Park fees in lieu of land dedication for regional parks in the amount of \$1,010.00 shall be paid at the time of plat recordation.
10. Fees in lieu of school land dedication in the amount of \$616.00. shall be paid to El Paso County for the benefit of District 38 at the time of plat recording.
11. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated May 24, 2024, as provided by the County Attorney's Office.
12. The Final Plat shall not be recorded until a finding of water quality is made or an appropriate mitigation strategy is addressed by the applicant.

#### NOTATIONS

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



2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

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

BRITAIN JACK seconded the adoption of the foregoing Resolution.

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

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

The Resolution was adopted by a vote of 8 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 5th day of September 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

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

Chair

EXHIBIT A

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 33;

THENCE S00° 43' 31" W, ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER SAID SECTION 33, ALSO BEING THE EASTERLY BOUNDARY OF A PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 216068387 OF THE RECORDS OF EL PASO COUNTY, COLORADO, A DISTANCE OF 1307.38 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33 AND OF SAID PARCEL DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 216068387;

THENCE S89° 35' 39" W ON THE SOUTH LINE OF SAID PARCEL AND THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 404.73 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL;

THENCE ON THE WESTERLY BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 216068387 THE FOLLOWING (5) COURSES:

1. THENCE N00° 00' 11" W A DISTANCE OF 790.12 FEET;
  2. THENCE N89° 07' 30" W A DISTANCE OF 309.62 FEET;
  3. THENCE N46° 26' 07" E A DISTANCE OF 404.68 FEET TO A POINT OF CURVE;
  4. THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 170.00 FEET, THROUGH A CENTRAL ANGLE OF 06° 26' 46", AN ARC DISTANCE OF 19.13 FEET TO A POINT OF TANGENT;
  5. THENCE N52° 52' 53" E A DISTANCE OF 370.35 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33 ;
- THENCE N89° 46' 34" E ON SAID NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 127.78 FEET TO THE POINT OF BEGINNING.  
CONTAINING A MEASURED AREA OF 12.72 ACRES, MORE OR LESS.

# EL PASO COUNTY



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

COLORADO

HOLLY WILLIAMS  
STAN VANDERWERF  
LONGINOS GONZALEZ, JR.

## PLANNING & COMMUNITY DEVELOPMENT

**TO:** El Paso County Planning Commission  
Thomas Bailey, Chair

**FROM:** Joseph Letke, Planner  
Charlene Durham, Principal Engineer  
Meggan Herington, AICP, Executive Director

**RE:** Project File Number: MS239  
Project Name: 3275 Center Ice View Minor Subdivision Creating Two Lots  
Parcel Number: 7133007024

OWNER:	REPRESENTATIVE:
Andrew C Alm 2383 Collegiate Drive Colorado Springs, CO 80918	John Fornander 721 South 23 <sup>rd</sup> Street Colorado Springs, CO 80904

**Commissioner District: 3**

<b>Planning Commission Hearing Date:</b>	<b>9/5/2024</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>9/26/2024</b>

### EXECUTIVE SUMMARY

A request by Andrew C Alm for approval of a Final Plat to create two (2) single-family residential lots. The 12.72-acre property is zoned RR-5 (Residential Rural) and is a quarter mile north of Hay Creek Road. If approved, the project would legalize the existing subdivision and add one lot for a total of two (2) single-family lots.

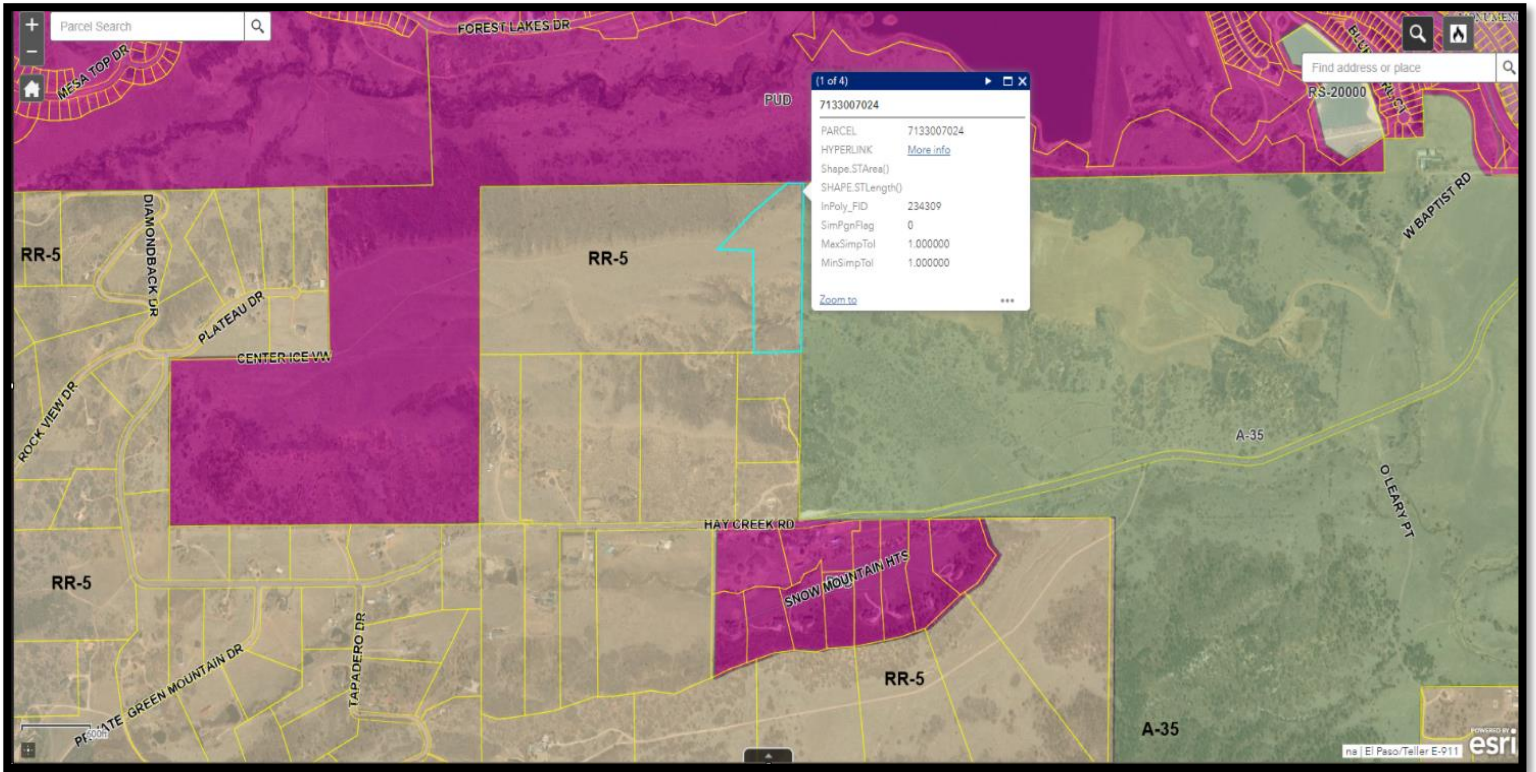
2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

[WWW.ELPASOCO.COM](http://WWW.ELPASOCO.COM)

# Vicinity/Zoning Map



2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

[WWW.ELPASOCO.COM](http://WWW.ELPASOCO.COM)

## A. WAIVERS AND AUTHORIZATION

**Waiver(s):** The applicant requests the following Waiver(s) of the LDC:

The applicants are requesting a Waiver from Section 8.4.4.C of the El Paso County Land Development Code (as amended) to allow the proposed lots to be created without having direct access and 30 feet of frontage along a public road. The applicant is requesting that the lots receive access via an existing private road, Center Ice View, which is not built to County road standards (See Transportation Section).

In approving a Waiver from any of the subdivision design standards and requirements, the Board of County Commissioners shall find that the Waiver meets the criteria for approval outlined in Section 7.3.3 (Waivers) of the El Paso County Land Development Code (as amended):

- The Waiver does not have the effect of nullifying the intent and purpose of this Code;
- The Waiver will not result in the need for additional subsequent waivers;
- The granting of the Waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
- The conditions upon which the request for a Waiver is based are unique to the property for which the Waiver is sought and are not applicable to other property;
- A particular non-economical hardship to the owner would result from a strict application of this Code;
- The Waiver will not in any manner vary the zoning provisions of this Code; and
- The proposed waiver is not contrary to any provision of the Master Plan.

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

Section 8.4.4.E.2, Private Roads Require Waiver of the Code states: *The use of private roads is limited and allowed only by waiver. In granting a waiver to allow private roads, the BoCC shall make written findings supporting the use of private roads and may require the owner to enter into a Private Road Maintenance Agreement or create covenants whereby the lot owners are required to maintain the private roads.*

The applicant is proposing to create two (2) lots. The property currently does not have frontage on a public road and receives access through an existing private easement, Center Ice View, which connects to Plateau Drive, an existing public road. The proposed



lots and adjacent properties to the west and north are proposed to obtain access from Center Ice View. Because Center Ice View is a private road traversing another property, the applicant is not able to create a public road within the property for the proposed lots. An ingress/egress easement has been provided for the Center Ice View private road.

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

## **B. APPROVAL CRITERIA**

In approving the Waiver(s) and Final Plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code:

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





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

**C. LOCATION**

North:	PUD (Planned Unit Development)	Vacant and Residential Land
South:	RR-5 (Residential Rural)	Residential Land
East:	A-35 (Agricultural)	Vacant Land
West:	RR-5 (Residential Rural)	Conservation Easement

**D. BACKGROUND**

The parcel was created through an illegal subdivision of land on November 4, 2002. The property was previously part of the 70.24-acre parcel to the west. The proposed Final Plat



will legalize and plat the property into two new lots which will be 7.71-acres and 5-acres in size. The property is located within the RR-5 (Residential Rural) zoning district. The property will gain access with an access easement agreement with the 70.24-acre parcel to the west.

## **E. LAND DEVELOPMENT CODE AND ZONING ANALYSIS**

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

## **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 wastewater 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)*
- *Agriculture*

## **Analysis:**

The property is located within the Large-Lot Residential Placetype. The subdivision proposal includes two new single-family lots, both 5 acres in size and larger which is consistent with the surrounding development. Relevant goals and objectives are as follows:

**Goal 1.1** - *Ensure compatibility with established character and infrastructure capacity*

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

## **b. Area of Change Designation:** Minimal Change: Undeveloped

*These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.*

## **Analysis:**

The property is located in the Minimal Change: Developed area of change designation. This area of change includes isolated pockets of underutilized land which may see increased development.



**c. Key Area Influences:** Tri-Lakes Area

*Tri-Lakes is the northern gateway into the County along Interstate 25 and Highway 83. It is situated between Pike National Forest, the United States Air Force Academy, and Black Forest. With significant suburban development and some mixed-use development, this Key Area supports the commercial needs of many of the residents in northern El Paso County. Tri-Lakes also serves as a place of residence for many who commute to work in the Denver Metropolitan Area. It is also an activity and entertainment center with the three lakes (Monument Lake, Woodmoor Lake, and Palmer Lake) that comprise its namesake and direct access to the national forest. Tri-Lakes is the most well-established community in the northern part of the County with a mixture of housing options, easy access to necessary commercial goods and services, and a variety of entertainment opportunities. Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.*

**Analysis:**

The property is located in the Tri-Lakes Area key area designation and is located west of the town limits of the Town of Monument.

**2. Water Master Plan Analysis**

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

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

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

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

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within



Planning Region 2 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 2 for central water providers:

The Plan identifies the current demand for Region 2 to be 7,532 acre-feet per year (AFY) (Figure 5.1) with a current supply of 13,607 AFY (Figure 5.2). The projected demand in 2040 for Region 2 is at 11,713 AFY (Figure 5.1) with a projected supply of 20,516 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 2 is at 13,254 AFY (Figure 5.1) with a projected supply of 20,756 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 7,502 AFY is anticipated for Region 2.

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

### **3. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. No mitigation measures were recommended by US Fish and Wildlife. The applicant has depicted note No. 13 on the face of the Final Plat below:

5. The 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 Department of Wildlife, Colorado department of transportation, U.S. army corp. of Engineers, the U.S. Fish and Wildlife Service regarding the Endangered Species Act.

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

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

Geologic hazards were identified during the review of the Final Plat. These hazards include areas of 30% grade and a drainage easement. The applicant has added note Number 19 on the face of the Final Plat below:

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

"A soil and geology report by RMG Engineers, job no. 194552, dated January 11, 2024, is held under the driftwood estates filing no. 1 at the El Paso County Planning and Community Development Department. Geologic hazards that would preclude the proposed development were not found to be present at this site. Geologic constraints and hazards are potentially present and include compressible soils; potentially expansive soils and bedrock; unstable or potentially unstable slopes; seasonally fluctuating surface water and groundwater; scour, erosion, accelerated erosion; faults and seismicity; radon. these geologic and engineering conditions are relatively common to the area and can be satisfactorily mitigated through proper engineering, design, and construction practices."

The geologic hazard areas are graphically depicted as no-build areas on the Final Plat. The Colorado Geological Survey was sent a referral and recommended the supplied Soils and Geology Report be strictly adhered to.

## **2. Floodplain**

FEMA Flood Insurance Rate Map No. 08041C0267G which has an effective date of December 07, 2018, indicates the subdivision is located in Zone X, areas outside of the 500-yr floodplain.

## **3. Drainage and Erosion**

The development is located within the unstudied Beaver Creek drainage basin (FOMO4600). Drainage and bridge fees will be due at time of plat recording.

Per Section 1.7.1.B of the El Paso County Engineering Criteria Manual (ECM) permanent water quality facility is not required for single-family residential lots greater than or equal to 2.5 acres and having a total lot impervious area of less than 10 percent.

## **4. Transportation**

The parcels receive access from Center Ice View, which is a private roadway via an access easement (Reception No. 223000909), which runs through a conversation easement (223001239). The private roadway has not been built per County road standards as the conservation easement prohibits the construction of any new roads. The easement states that the owner shall not construct or establish any improvements



wider than necessary to provide access to meet local codes. Access for the parcels is via this private roadway, which connects to Plateau Drive, a County roadway. The length of Center Ice View is longer than what is permissible in the Engineering Criterial Manual (ECM). Section 2.3.8 of the ECM has a maximum length of a road serving rural lots at 1,600 feet. Center Ice View is approximately 5000 feet long and will not meet the maximum length requirement if the proposed Waiver is approved. However, the Waiver for the private road will negate the ECM length requirement.

The Fire Protection District has reviewed the proposed application and has no standing objections (See below). A traffic study was not required since the development will not be generating more than 100 ADT of traffic. The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471).

## **H. SERVICES**

### **1. Water**

Water will be provided by individual onsite wells. Water sufficiency has been analyzed with the review of the proposed subdivision. The State Engineer and the County Attorney's Office have recommended that the proposed Final Plat has a sufficient water supply in terms of quantity and dependability. El Paso County Public Health (EPCPH) has recommended that there is not a sufficient water supply in terms of quality. El Paso County Public Health has made the following statement:

"There is not a finding for sufficiency in terms of water quality. The USGS water quality tests submitted did not indicate where exactly the sampling points were located, and it is unknown if the sample points meet the sampling location criteria of the El Paso County Land Development Code (LDC)."

Condition 12 states, "The Final Plat shall not be recorded until a finding of water quality is made or an appropriate mitigation strategy is addressed by the applicant." Applying this condition will allow appropriate mitigation to be put into place once a finding has been made by EPCPH on suitable sampling points.

### **2. Sanitation**

Wastewater is provided by individual onsite wastewater treatment systems (OWTS). The applicant submitted an OWTS report which El Paso County Public Health had the following comments:



“Based on these specific soil test pit excavations the OWTS’s would require professional engineer designs due to rock comprising 35% or more of the soil sample and if the OWTS soil treatment areas were to be installed in the same area. No groundwater or bedrock was encountered in either soil test. Based on the findings of the soil profile test pits performed, the use of onsite wastewater treatment systems is acceptable.”

### **3. Emergency Services**

The property is within the Tri-Lakes Monument Fire Protection District. The property takes access from an un-platted parcel located west of the subject property. An Access, Ingress, Egress, and Evacuation Plan, as requested by the District, demonstrating the exact details of the private access easement was provided by the applicant and reviewed by Tri-Lakes Monument Fire Protection District. After review and revisions, the District approved the fire department access road construction plan.

A Wildland Fire & Hazard Mitigation Plan and Fire Protection Report was prepared and reviewed for compliance with Section 6.3.3, Fire Protection and Wildfire Mitigation.

El Paso County Conservation District and the Colorado State Forest Service were each sent a referral and have the following comments: The Colorado State Forest Service recommends that all forested acres be mitigated to reduce the risk of wildfire and that defensible space be created for each dwelling using the standards in the CSFS "Home Ignition Zone Guide" (formerly known as "Quick Guide FIRE 2012-1: Protecting Your Home From Wildfire") located on the Colorado State Forest Service website.

The applicant has depicted note No. 13 on the face of the Final Plat below:

“Fire protection report recommendations. as a condition of approval of this plat by the board of county commissioners, no conveyance, sale or transfer of title of Lots 1-2 identified hereon, shall be made, nor any building permit or certificate of occupancy be issued by El Paso County, until such times as the following has been accomplished by the property owner. A letter of compliance has been received from the Colorado State Forest Service, fire department, fire marshal, or other qualified professional stating practices designated to reduce wildfire hazards has been completed in accordance with the wildland fire and hazard mitigation plan. Such work may include but is not necessarily limited to the following: forest wide thinning, fuel break thinning, pruning, and debris disposal.”

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

#### **4. Utilities**

Mountain View Electric Association (MVEA) will provide electrical service and has no outstanding comments. Gas will be provided by individual propane tanks.

#### **5. Parks/Trails**

Fees in lieu of park land dedication in the amount of \$1,010.00 for Regional Park, Area 1 fees will be due at the time of recording the Final Plat.

#### **6. Schools**

Fees in lieu of school land dedication in the amount of \$616.00 shall be paid to El Paso County for the benefit of School District 38 at the time of plat recording.

### **I. APPLICABLE RESOLUTIONS**

See attached resolution.

### **J. STATUS OF MAJOR ISSUES**

The applicant is asking for a private road waiver, which precludes ECM Section 2.3.8 from being applied. Center Ice View, a private road, is approximately 5,000 linear feet long where the ECM allows for a maximum of 1,600 linear feet, and the area is within a high wildland fire hazard risk area.

### **K. RECOMMENDED CONDITIONS AND NOTATIONS**

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (As Amended) staff recommends the following conditions and notations:

#### **CONDITIONS**

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



Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. 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 Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. 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.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
8. Drainage fees in the amount of \$9335.18. shall be paid for the Beaver Creek Drainage Basin at the time of plat recordation.
9. Park fees in lieu of land dedication for regional parks in the amount of \$1,010.00 shall be paid at the time of plat recordation.





10. Fees in lieu of school land dedication in the amount of \$616.00. shall be paid to El Paso County for the benefit of District 38 at the time of plat recording.
11. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated May 24, 2024, as provided by the County Attorney's Office.
12. The Final Plat shall not be recorded until a finding of water quality is made or an appropriate mitigation strategy is addressed by the applicant.

#### **NOTATIONS**

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

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

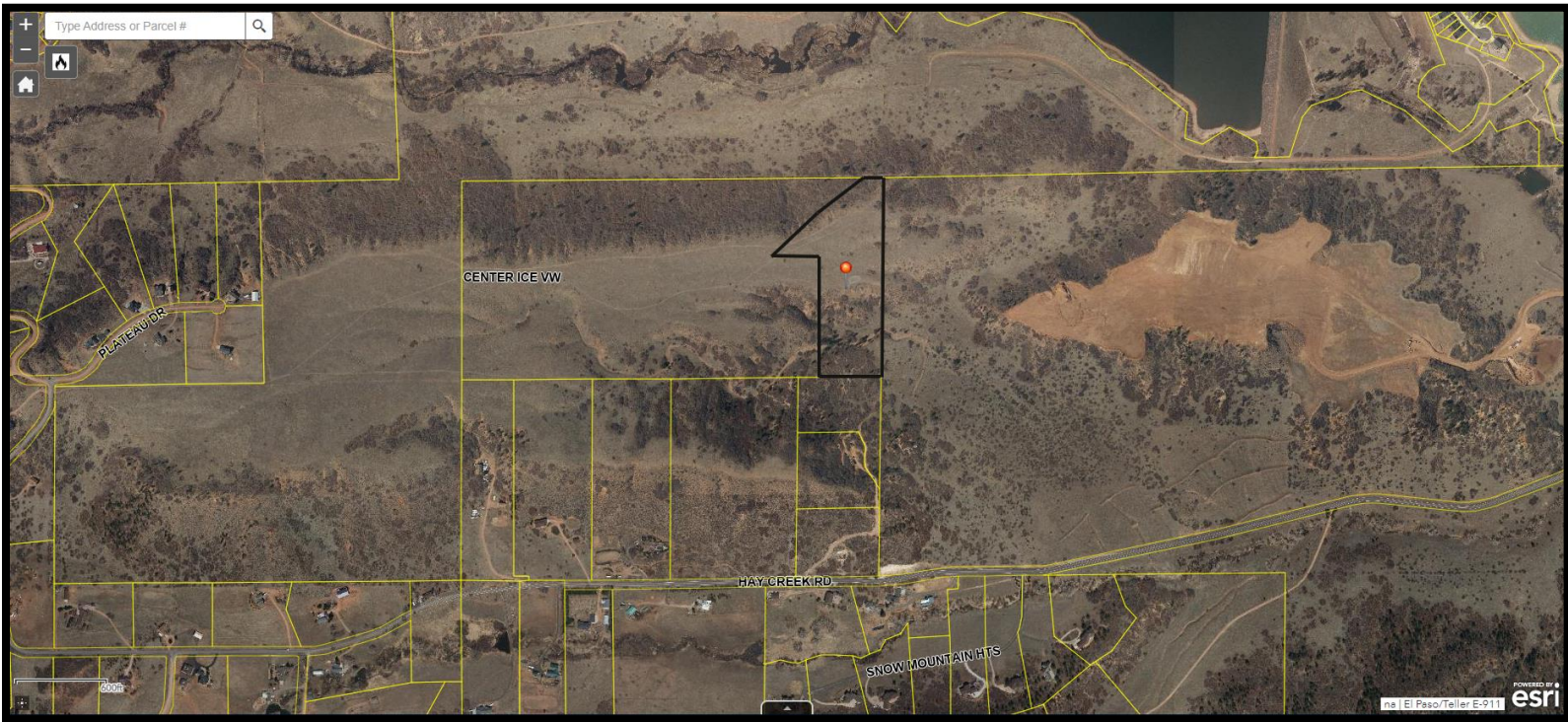
The Planning and Community Development Department notified 19 adjoining property owners on August 23, 2024, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

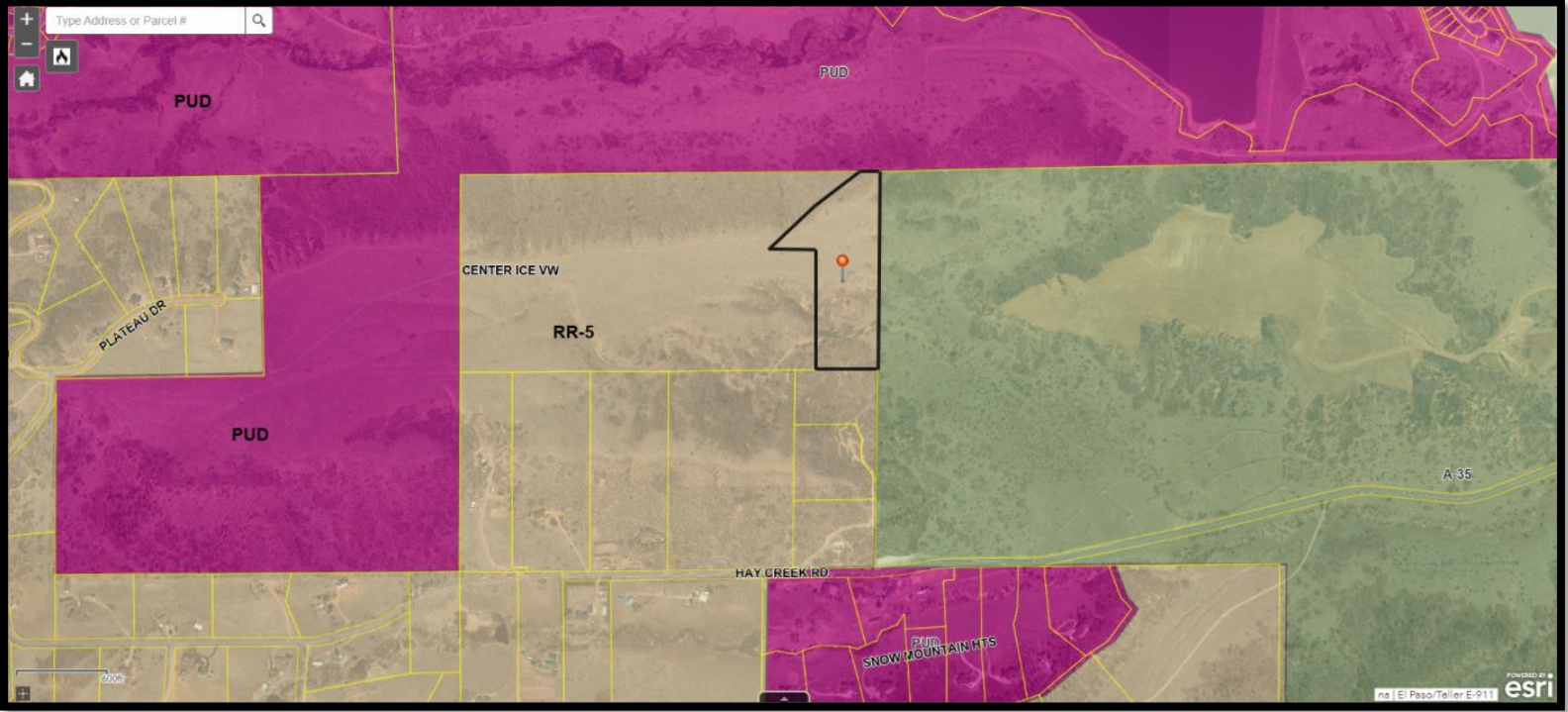
Map Series  
Letter of Intent  
Plat Drawing  
Public Health Department Letter  
County Attorney's Letter  
Access Easement Agreement  
Draft Resolution



# Map Exhibit #1: Aerial

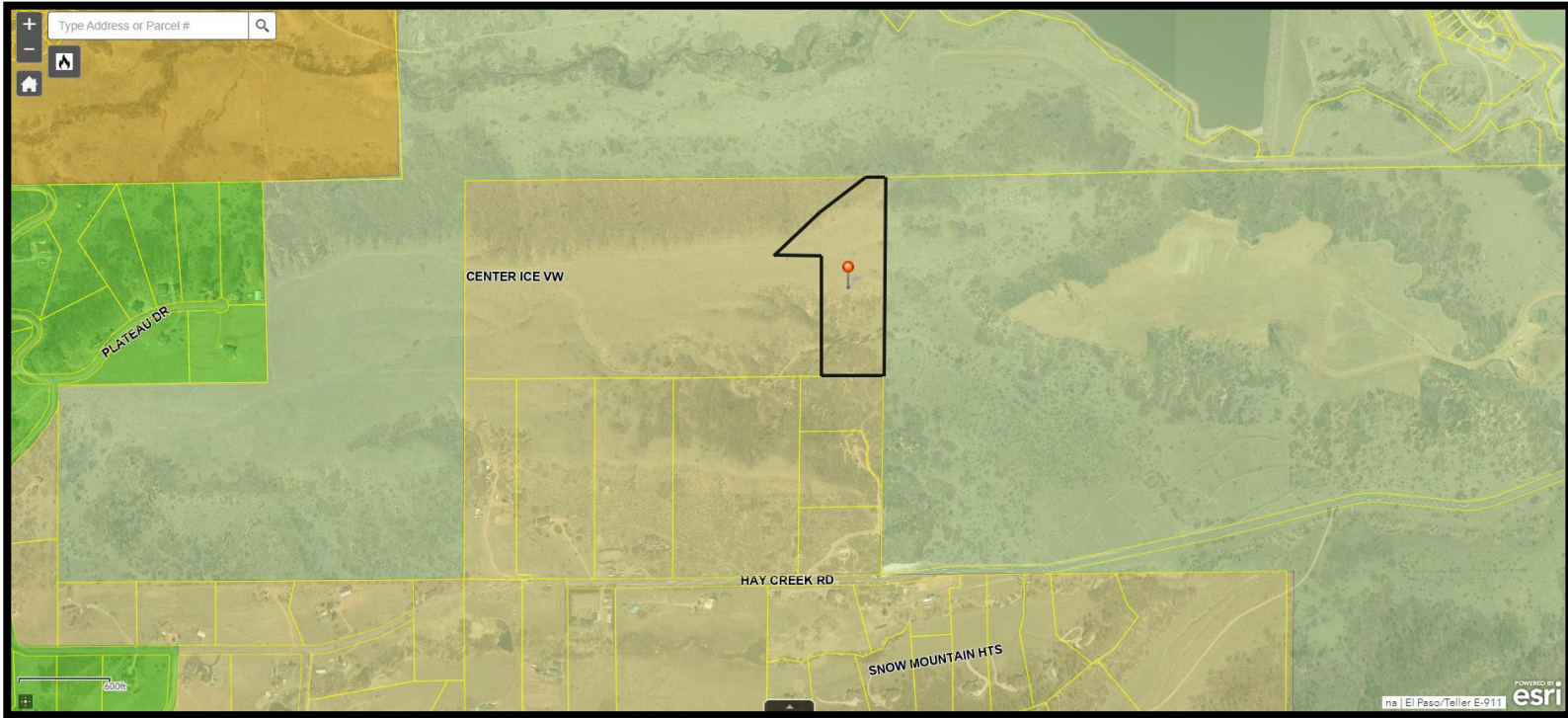


# Map Exhibit #2: Zoning











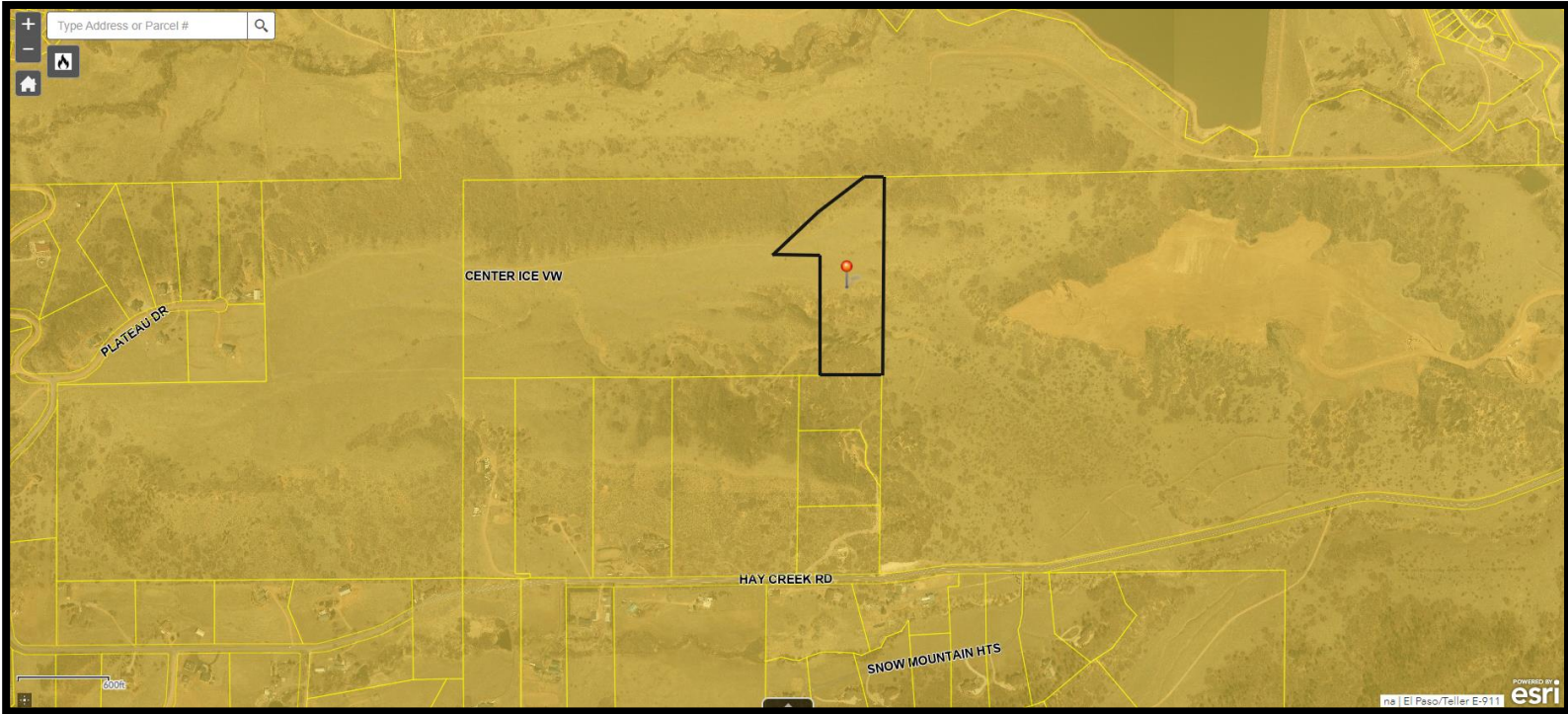
# Map Exhibit #3: Placetype



## Legend

-  Rural
-  Large-Lot Residential
-  Suburban Residential
-  Urban Residential
-  Rural Center
-  Regional Center

# Map Exhibit #4: Key Areas Of Influence

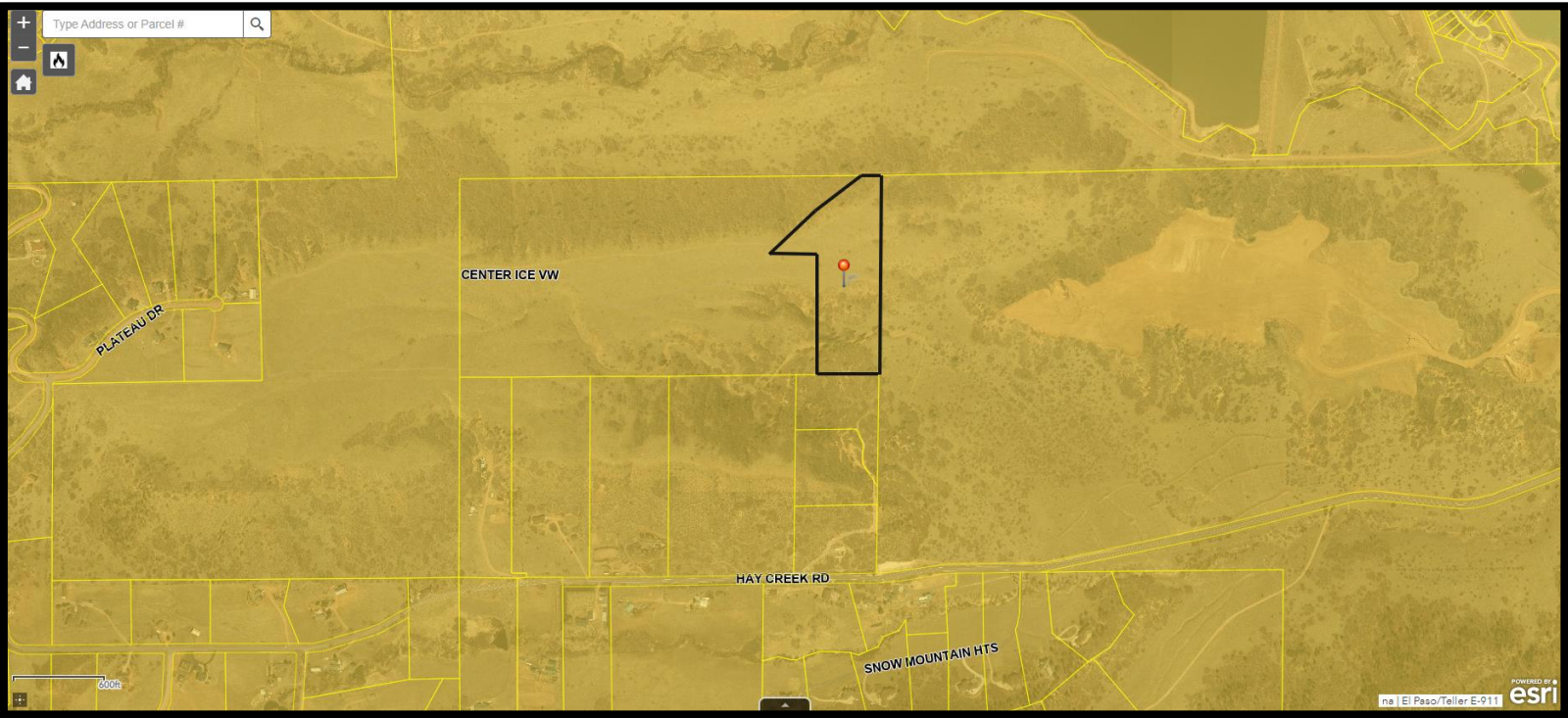


## Legend






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



# Map Exhibit #5: Area of Change



## Legend

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

# Driftwood Estates Filing No. 1

## Letter of Intent (Final Plat) File No: MS239 June 2024

**Owners/Developers:** Andrew C Alm  
2383 Collegiate Drive  
Colorado Springs, CO 80918  
(719) 339-0437

**Planner:** Terra Nova Engineering, Inc.  
721 S. 23<sup>rd</sup> Street  
Colorado Springs, CO 80904  
(719) 635-6422

**Engineer:** Terra Nova Engineering, Inc.  
721 S. 23<sup>rd</sup> Street  
Colorado Springs, CO 80904  
(719) 635-6422

**SITE LOCATION:** 3275 Center Ice View

**SIZE:** 12.72 Acres

**ZONING:** RR-5

**TAX SCHEDULE NUMBER:** 7133007024

**INTRODUCTION:** The owner intends to subdivide an unplatted lot into two rural residential lots. The minimum lot size will be 5 acres as required by the existing zoning. The site does not currently have any significant structures. New wells and septic systems would be constructed as required. The development of this site will involve the addition of a single family residence on Lot 1 and an associated drive.

**PROPOSAL:** The application covered by this Letter of Intent includes a Final Plat for the proposed subdivision of the unplatted lot into two rural residential lots.

**THE PLAN:** The existing site will be subdivided into Driftwood Estates Filing No. 1 Lots 1 & 2. Both lots will be achieve access from an existing 30' access easement that extends west to the intersection of Plateau Drive and Hay Stack Drive. The access will be extended through the proposed Lot 1 to benefit Lot 2. The proposed access drive will be gravel and the imperviousness of the site will be kept under 10%. The parcels to the west which the access

drive extends, have agreed to count the gravel access drive's imperviousness towards the total imperviousness of their parcel. No connections to municipal water or sewer services are proposed.

**EXISTING AND PROPOSED FACILITIES:** There are no existing structures on this site. A single family residence along with an associated gravel drive are proposed for the site with this application.

Due to the site being outside CSU's Electric Service Territory, connecting the proposed lots to a municipal sewer and/or water system is not required.

**WAIVER REQUESTS:** Per 8.4.3 Division of Land Standards, the division of land does not have a minimum of 60 feet frontage on a public road and the lots do not have 30 feet of frontage on and have access from a public road. Therefore, the private drive will required a waiver granted under Section 8.4.4 (E). The Criteria for Approval of Waivers and the responses are included below:

1. **The waiver does not have the effect of nullifying the intent and purpose of this Code. *This site does not share a boundary with a public road making a frontage impossible. This lot would not be developable without a waiver granted for lack of a public road frontage. Granting the waiver under these unique circumstances does not defeat the purpose of the Code.***
2. **The waiver will not result in the need for additional subsequent waivers. *No other waivers will be necessary for this project.***
3. **The granting of the waiver will not be detrimental to the public safety, health, or welfare, or injurious to other property. *The lack of a frontage with a public road will not affect anyone other than the owner of the property.***
4. **The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property. *The conditions on which the waiver is based are unique to the property in that the property has no public road adjacent to it.***
5. **A particular non-economical hardship to the owner would result from a strict application of this Code. *The owner would not be able to develop their lot without the waiver being granted.***
6. **The waiver will not in any manner vary the zoning provisions of this Code. *No zoning provisions will be varied with this waiver.***
7. **The proposed waiver is not contrary to any provision of the Master Plan. *No known provision of the Master Plan is contrary to the proposed waiver.***



**TRANSPORTATION:** A private drive will provide access to an existing public road for both proposed lots.

**TRAFFIC:** A traffic memo is not required for this project.

**DRAINAGE:** A Final Drainage Report has been prepared for Driftwood Estates Filing No. 1. The purpose of this report is to identify and analyze the onsite and offsite drainage patterns and to ensure that post development runoff is routed through the site safely and in a manner that satisfies the requirements set forth by the El Paso County Drainage Criteria Manual. The proposed grading intends to maintain historic drainage patterns.

**UTILITIES:** A private water supply well and wastewater septic system is proposed for the Lot 1. Mountain View Electric can provide electrical services to the proposed subdivision. Propane will be used on this site.

**GEOLOGY AND SOILS:** A soil, geology and geohazard study has been prepared for the subdivision by A Better Soil Solution. See report for more information.

**MINERAL DEPOSITS:** The El Paso County Master Plan for Mineral Extraction shows stream terrace deposit and mesa gravel in the general area of Driftwood Estates Filing No. 1. Research of the County Assessor's records indicated that there are no mineral estate owners on the property. Accordingly, this project will not interfere with the extraction of mineral deposits.

**TIMING:** Construction is intended to being immediately after gaining all necessary approvals.

## **CRITERIA FOR APPROVAL:**

### FINAL PLAT

- ***This plat conforms with the goals, objectives, and policies of the Master Plan.*** Per the El Paso Master Plan Key Areas Map, this site is located within the "Tri-Lakes Area," north of the USAF Academy and within USAF's 2-mile Notification Zone. On the Areas of Change Map, the site lies within the "Minimal Change: Developed" section as part of the 90% portion of the county that is expected to see minimal change opposed to the 10% that is expected to be a developing area. Therefore, the area has "undergone development and has an established character." These areas are "likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area." This proposal fits into that description as it intends to install a single family residence on a vacant lot, but it will maintain the rural

residential character of the surrounding area. The site is located within the 'Large-Lot Residential' placetype per the Master Plan Placetype Map. This project proposes a large-lot residence be placed on the site so our proposal would not require a zone change. Residential lot development with a minimum lot area consisting of 5-acres per unit is consistent with this placetype.

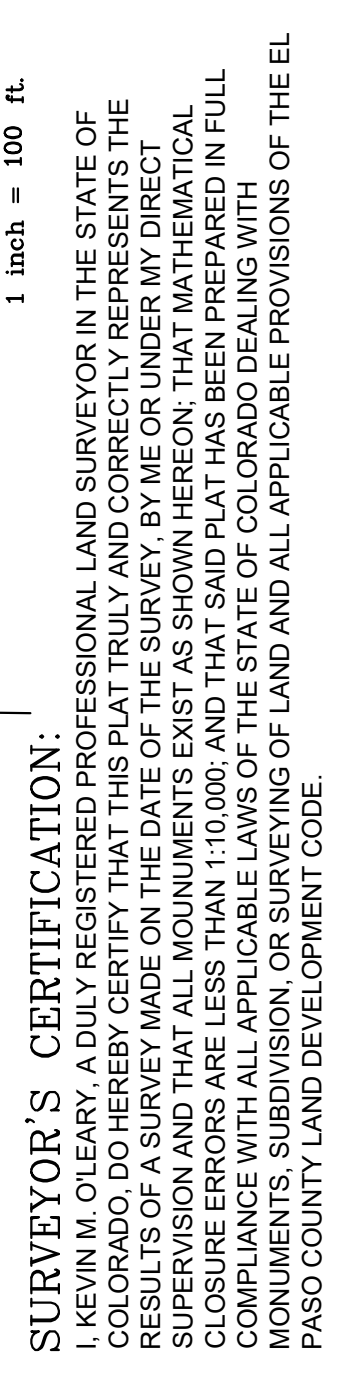
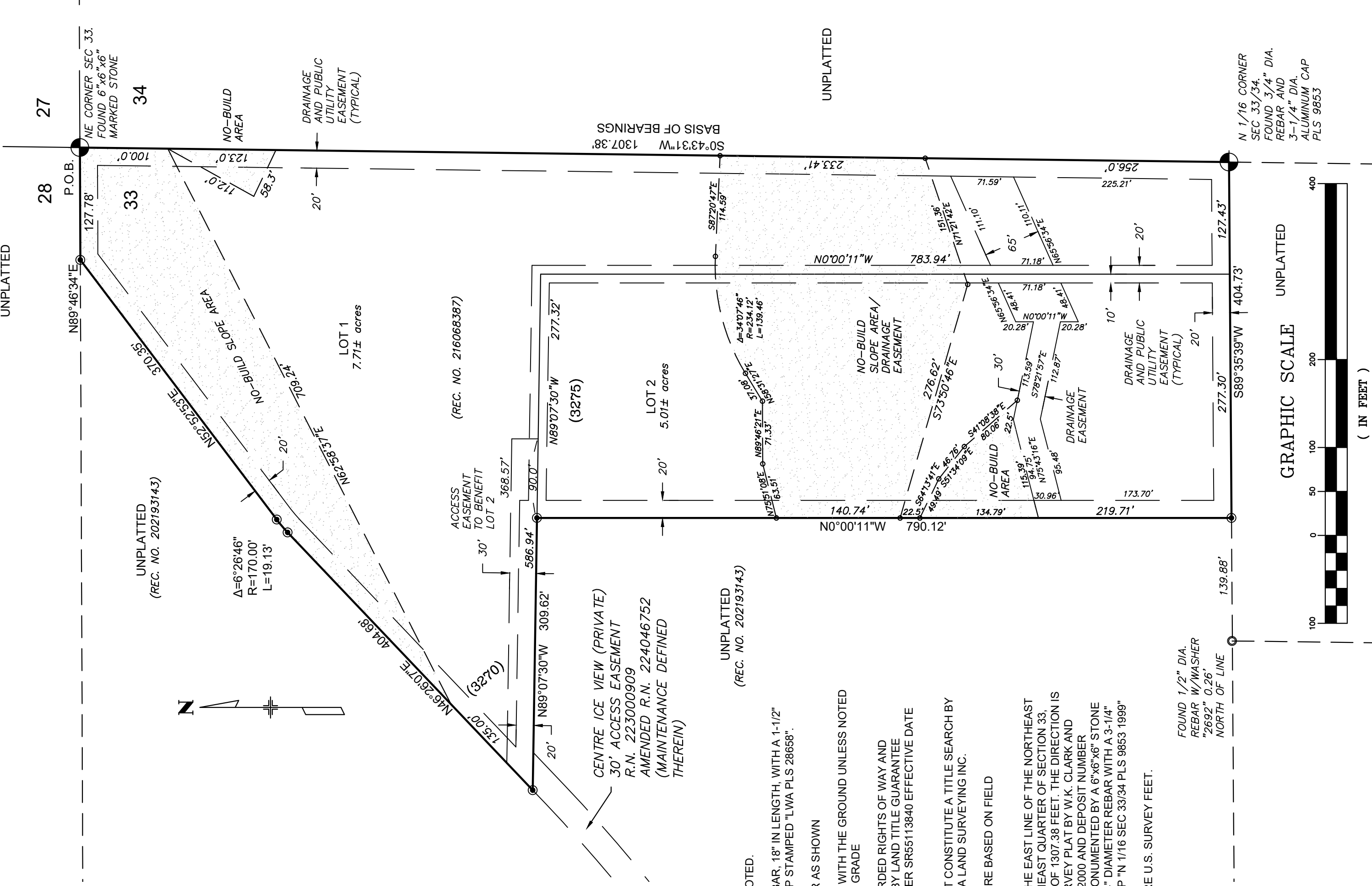
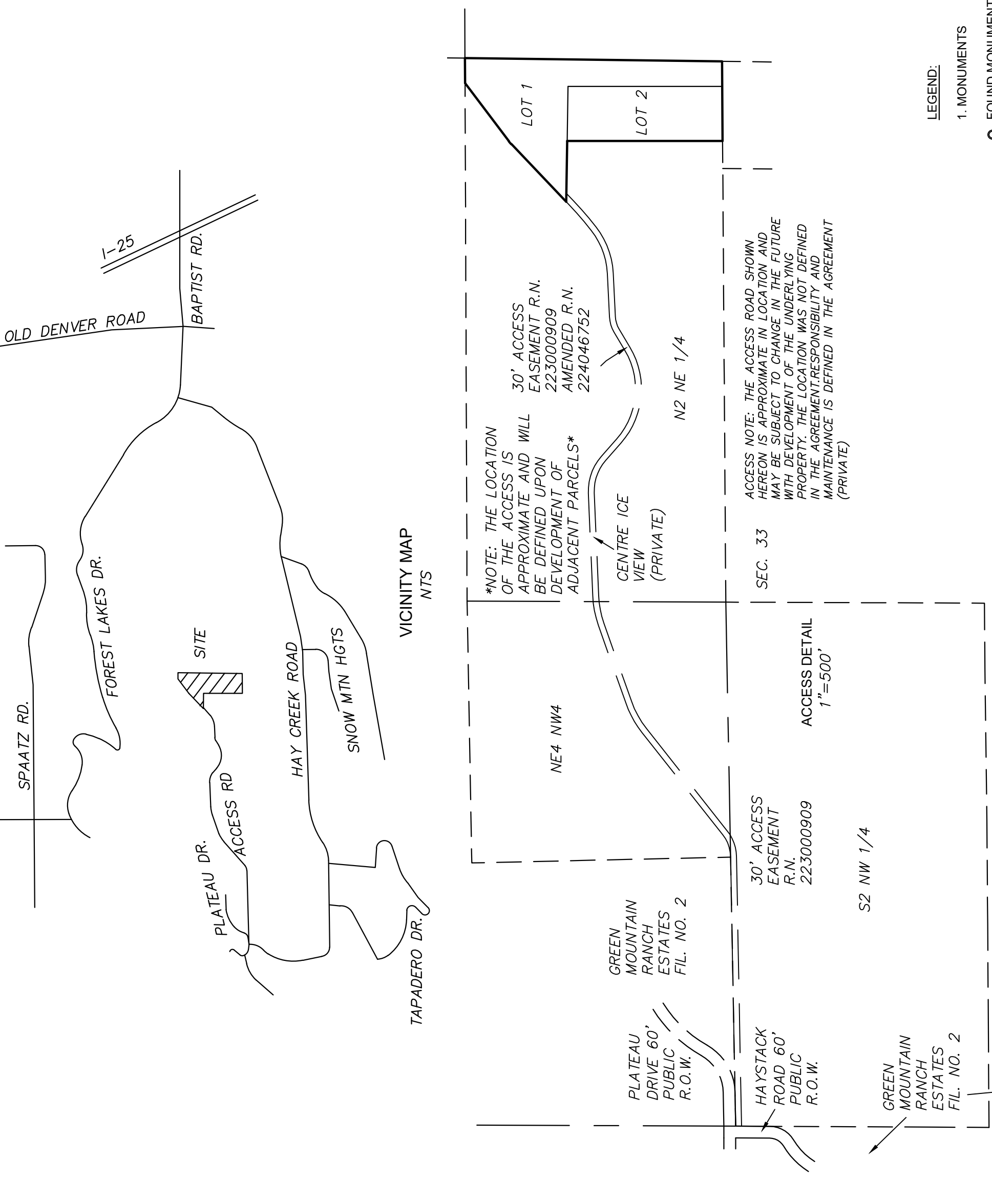
- ***This subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.*** Supporting documents and reports which demonstrate that the Driftwood Estates Filing No. 1 final plat satisfies all necessary requirements have been submitted. A waiver is being requested due to the site not being able to achieve a frontage with a public road.
- ***A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(a)] and the requirements of Chapter 8 of the Land Development Code.*** Per the 2018 Water Master Plan, the site is within Planning Region 2. The supporting water resource report provided demonstrates that the proposed final plat satisfies all necessary water requirements. A private water supply well is proposed for Lot 1.
- ***A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. §30-28-133(6)(b)], and the requirements of Chapter 8 of the Land Development Code.*** A private wastewater septic system is proposed for each lot on this site that 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. A Wastewater Study has been prepared by RMG Engineers, dated October 13<sup>th</sup>, 2023, for this project. There are two suitable areas for septic systems on each lot and they are shown in Figure 6 of the Wastewater Study conducted by RMG dated October 13, 2023.
- ***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)].*** The proposed subdivision was evaluated for soil and topographic hazards and was found to be suitable for the proposed development as long as some common geologic hazards were mitigated as described in the Geology and Soils section above. There is a no-build area located at the northern portion of Lot 1 due to existing steep slopes the area will be avoided by the proposed development. There is a second no-build/drainage easement that crosses both lots near the center of the site. This area was placed into the no-build/drainage easement because of the steep slopes and the

significant drainage flow that is conveyed through it. The area includes the 100-year flood elevation plus a foot of freeboard. Lastly, there is a drainage easement placed on the southern portion of the site which crosses both lots and was sized to convey the 100-year flood elevation plus a foot of freeboard.

- ***Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)@VIII] and the requirements of this Code and the ECM.*** Drainage will meet State and local standards. See the provided plans and reports for more information.
- ***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.*** This plat provides legal and physical access to each proposed lot per the Land Development Code and Engineering Criteria Manual. All lots have direct access to an existing public road through a 30' access easement. A waiver is being requested due to the site not having frontage with a public road.
- ***Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.*** All necessary commitment letters have been provided for this proposed subdivision.
- ***The final plans provide evidence to show that the proposed methods for fire protections comply with Chapter 6 of this Code.*** The site will be serviced by the Monument Fire Protection District, which will provide fire and emergency services to the property.
- ***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.*** This project will provide fees to the County for Drainage, Parks, ect, to mitigate these impacts.
- ***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 County is charging various fees to mitigate the impacts of this proposed subdivision.
- ***The subdivision meets other applicable sections of Chapter 6 and 8.*** The provided plans and reports show that Driftwood Estates Filing No. 1 meets all applicable sections of the El Paso County Land Development Code.
- ***The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]*** No commercial mining deposits have been identified within the proposed subdivision.

# DRIFTWOOD ESTATES FILING NO. 1

A SUBDIVISION IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO



**BE IT KNOWN BY THESE PRESENTS:**  
THAT ANDREW C. ALM, IS THE OWNER OF THE FOLLOWING DESCRIBED TRACT OF LAND, TO WIT:

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 33;

THENCE S00° 43' 31" W, ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER SAID SECTION 33, ALSO BEING THE EASTERLY BOUNDARY OF A PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 216068387 OF EL PASO COUNTY, COLORADO, A DISTANCE OF 1307.38 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33 AND OF SAID PARCEL DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 216068387;

THENCE S89° 35' 39" W, ON THE SOUTH LINE OF SAID PARCEL AND THE SOUTHERLY CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER SAID PARCEL, A DISTANCE OF 404.73 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL;

THENCE ON THE WESTERLY BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 216068387 THE FOLLOWING (6) COURSES:

1. THENCE N00° 00' 11" W A DISTANCE OF 790.12 FEET;
2. THENCE N89° 07' 30" W A DISTANCE OF 309.82 FEET;
3. THENCE N46° 26' 07" E A DISTANCE OF 404.68 FEET TO A POINT OF CURVE;
4. THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 170.00 FEET, THROUGH A CENTRAL ANGLE OF 06° 28' 46", AN ARC DISTANCE OF 19.13 FEET TO A POINT OF TANGENT;
5. THENCE N52° 52' 53" E A DISTANCE OF 370.35 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33;
- THENCE N89° 46' 34" E ON SAID NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 127.78 FEET TO THE POINT OF BEGINNING.

CONTAINING A MEASURED AREA OF 12.72 ACRES, MORE OR LESS.

**OWNERS CERTIFICATE**  
THE UNDERSIGNED, BEING THE OWNER, MORTGAGEE, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LANDS INTO LOTS AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF DRIFTWOOD ESTATES FILING NO. 1, ALL PUBLIC IMPROVEMENTS REQUIRED BY THIS LAND USE ACTION ARE HEREBY DEDICATED TO PUBLIC USE AND SAID OWNER DOES HEREBY COVENANT AND AGREE THAT THESE PUBLIC IMPROVEMENTS WILL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND THAT PROPER DRAINAGE AND EROSION CONTROL FOR THE SAME WILL BE PROVIDED AT SAID OWNERS EXPENSE. ALL TO THE SATISFACTION OF THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO. UPON ACCEPTANCE BY RESOLUTION, ALL PUBLIC IMPROVEMENTS SO DEDICATED WILL BECOME MATTERS OF MAINTENANCE BY EL PASO COUNTY, COLORADO. THE UTILITIES EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES, COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES HEREBY DEDICATED SHALL BE SUBJECT TO ANY AND ALL REGULATIONS, ORDINANCES, RULES AND REGULATIONS OF THE EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES.

**IN WITNESS WHEREOF:**  
THE AFOREMENTIONED ANDREW C. ALM, INC HAS EXECUTED THIS INSTRUMENT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.

ANDREW C. ALM \_\_\_\_\_  
STATE OF COLORADO) SS  
COUNTY OF EL PASO)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024 BY ANDREW C. ALM  
MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC

**BOARD OF COUNTY COMMISSIONERS APPROVAL:**  
THIS PLAT FOR DRIFTWOOD ESTATES FILING NO. 1 WAS APPROVED FOR FILING BY THE EL PASO COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ OF 2024, SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL. THE DEDICATIONS OF LAND TO THE PUBLIC (EASEMENTS) ARE ACCEPTED. (NO PUBLIC IMPROVEMENTS).

CHAIR, BOARD OF COUNTY COMMISSIONERS DATE  
DIRECTOR PLANNING AND COMMUNITY DEVELOPMENT DATE

**RECORDING:**  
STATE OF COLORADO) SS  
COUNTY OF EL PASO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT MY OFFICE AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024, AND IS DULY RECORDED AT RECEPTION NO. \_\_\_\_\_.

STEVE SLEIKER  
COUNTY CLERK AND RECORDER

FEE: \_\_\_\_\_  
SURCHARGE: \_\_\_\_\_  
PPES: \_\_\_\_\_  
DRAINAGE FEES: \_\_\_\_\_  
BRIDGE FEES: \_\_\_\_\_  
SCHOOL FEES: \_\_\_\_\_  
PARK FEES: \_\_\_\_\_

TOTAL ACRES TABLE:  
LOT 1 = 7.71 ACRES  
LOT 2 = 5.01 ACRES  
TOTAL = 12.72 ACRES

**SURVEYOR'S CERTIFICATION:**  
I, KEVIN M. O'LEARY, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE ON THE DATE OF THE SURVEY, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE NUMERICAL DATA AND DIMENSIONS SHOWN ON THIS PLAT HAVE BEEN PREPARED BY ME OR UNDER MY SUPERVISION AND THAT THE SAME HAVE BEEN CHECKED BY ME OR UNDER MY SUPERVISION AND THAT THE SAME COMPLY WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISION OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE.

I ATTEST THE ABOVE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.

KEVIN M. O'LEARY  
FOR AND ON BEHALF OF  
LWA LAND SURVEYING, INC.

DATE \_\_\_\_\_  
DATE \_\_\_\_\_

**EASEMENTS:**  
THE SUBDIVISION BOUNDARY IS HEREBY PLATTED WITH A TWENTY (20) FOOT WIDE EASEMENT FOR DRAINAGE AND PUBLIC UTILITIES; FRONT AND SIDE LOT LINES ARE HEREBY PLATTED WITH A TEN (10) FOOT EASEMENT FOR DRAINAGE AND PUBLIC UTILITIES ONLY; THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THE EASEMENT AREAS IS VESTED WITH THE PROPERTY OWNERS.

**NOTES:**  
1. STRUCTURAL FOUNDATIONS ON THE LOTS IN THIS SUBDIVISION SHALL BE DESIGNED BY A COLORADO REGISTERED PROFESSIONAL ENGINEER.  
2. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE FINAL PLAT FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY DEVELOPMENT SERVICES DEPARTMENT: DRAINAGE REPORT; WATER RESOURCES REPORT; WASTE WATER DISPOSAL REPORT; GEOLOGY AND SOIL REPORT; CIVIL ENGINEER REPORT FOR FIRE HAZARD REPORT; STORM WATER DRAINAGE REPORT; AND THROUGH THEIR PROPERTY, PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICATED. HOME BUILDERS ARE RESPONSIBLE TO ENSURE PROPER DRAINAGE STRUCTURES, INCLUDING ELEVATIONS OF FOUNDATIONS AND WINDOW WELLS IN RELATION TO SIDE LOT DRAINAGE EASEMENTS AND SWALES. HOMEOWNERS SHALL NOT CHANGE THE GRADE OF THE LOT OR DRAINAGE SWALES WITHIN SAID EASEMENTS, AS CONSTRUCTED BY THE BUILDER, IN A MANNER THAT WOULD CAUSE ADVERSE DRAINAGE IMPACTS TO PROPERTIES, STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPED THE FLOW OR RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.  
3. MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES POSTAL SERVICE REGULATIONS.  
4. UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS, ORDINANCES, RULES AND REGULATIONS, AND OTHER AGENCY REQUIREMENTS, IF ANY, OF APPLICABLE AGENCIES INCLUDING, BUT NOT LIMITED TO, THE COLORADO DEPARTMENT OF WILDLIFE, COLORADO DEPARTMENT OF TRANSPORTATION, U.S. ARMY CORP. OF ENGINEERS, THE U.S. FISH AND WILDLIFE SERVICE REGARDING THE ENDANGERED SPECIES ACT.  
5. THE ADDRESSES EXHIBITED ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.  
6. INDIVIDUAL LOT PURCHASERS ARE RESPONSIBLE FOR CONSTRUCTING DRIVEWAYS, INCLUDING NECESSARY DRAINAGE CULVERTS PER LAND DEVELOPMENT CODE SECTION 6.3.3.2 AND 6.3.3.3, DUE TO THEIR LENGTH OR GRADE. SOME OF THE DRIVEWAYS WILL NEED TO BE SPECIFICALLY DESIGNED BY EL PASO COUNTY FIRE DISTRICT AND ECOM ADMINSTRATOR. NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.  
7. THE SUBDIVIDER AGREES ON BEHALF OF HIMSELF OR ANY DEVELOPER OR BUILDER SUCCESSORS AND ASSIGNEES THAT THE 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 19-471) OR ANY AMENDMENTS THERETO, AT OR PRIOR TO THE TIME OF BUILDING PERMIT SUBMITTALS. THE FEE OBLIGATION, IF NOT PAID AT FINAL PLAT RECORDING, SHALL BE DOCUMENTED ON ALL SALES DOCUMENTS AND ON PLAT NOTES TO ENSURE THAT A TITLE SEARCH WOULD FIND THE FEE OBLIGATION BEFORE THE SALE OF THE PROPERTY.  
8. THIS PROPERTY IS LOCATED WITHIN AND SERVED BY THE MOUNTAIN VIEW ELECTRIC ASSOCIATION SERVICE DISTRICT. THE TRI-LAKES MONUMENT FIRE PROTECTION DISTRICT, LEWIS PALMER SCHOOL DISTRICT NO. 38, THE BLACK HILLS ENERGY CORPORATION SERVICE DISTRICT AND POWER AND LIGHT COMPANY SERVICE DISTRICT ARE LOCATED NEARBY.  
9. DRAINAGE EASEMENTS, NO PERMANENT DWELLING UNIT, TEMPORARY OR PERMANENT STRUCTURES, INCLUDING SHEDS AND OUT BUILDING, WATER WELL OR WASTE WATER TREATMENT SYSTEM MAY BE CONSTRUCTED IN THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. DRAINAGE CULVERTS AND FENCES THAT DO NOT BLOCK OR IMPEDE STORM WATER RUNOFF ARE ALLOWED IN AND ACROSS DRAINAGE EASEMENTS.  
10. A SOIL AND GEOLOGY STUDY PREPARED BY RMG ENGINEERS AND ARCHITECTS FOR CENTER ICE VIEW, JOB NO. 194552, DATED JANUARY 11, 2024 IS HELD AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.  
11. THIS PROPERTY IS LOCATED WITHIN ZONE X AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAP NUMBER 080410276G, EFFECTIVE DATE DECEMBER 7, 2018.  
12. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITTEE CLASS 110(2) MISDEMEANOR PURSUANT TO C.R.S. 18-64-804 PERMITS FOR INDIVIDUAL WELLS MUST BE OBTAINED FROM THE EL PASO COUNTY ENGINEER. THE LOCATION OF ALL WELLS SHALL BE MADE AND ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY BE ISSUED BY EL PASO COUNTY UNTIL SUCH TIMES AS THE FOLLOWING HAS BEEN ACCOMPLISHED BY THE PROPERTY OWNER: A LETTER OF COMPLIANCE HAS BEEN RECEIVED FROM THE COLORADO STATE FOREST SERVICE, FIRE DEPARTMENT, FIRE MARSHALL, OR OTHER QUALIFIED PROFESSIONAL STATING PRACTICES DESIGNATED TO REDUCE WILDFIRE HAZARDS HAS BEEN COMPLETED IN ACCORDANCE WITH THE WILDLAND FIRE AND HAZARD MITIGATION PLAN. SUCH WORK MAY INCLUDE, BUT IS NOT NECESSARILY LIMITED TO THE FOLLOWING: "FOREST WIDE THINNING", "FUELBREAK THINNING", "PRUNING", "DEBRIS DISPOSAL".  
13. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMMITTEE CLASS 110(2) MISDEMEANOR PURSUANT TO C.R.S. 18-64-804 PERMITS FOR INDIVIDUAL WELLS MUST BE OBTAINED FROM THE STATE ENGINEER WHO BY LAW HAS THE AUTHORITY TO SET CONDITIONS FOR THE ISSUANCE OF THESE PERMITS.  
14. WATER IN THE DENVER BASIN AQUIFERS IS EVALUATED BASED ON A 100 YEAR AQUIFER LIFE. HOWEVER, FOR EL PASO COUNTY PLANNING PURPOSES, WATER IN THE DENVER BASIN AQUIFERS IS EVALUATED BASED ON A 300 YEAR AQUIFER LIFE. APPLICANTS AND ALL FUTURE OWNERS IN THE SUBDIVISION SHOULD BE AWARE THAT THE ECONOMIC LIFE OF A WATER SUPPLY BASED ON WELLS IN A GIVEN DENVER BASIN AQUIFER MAY BE LESS THAN EITHER THE 100 YEARS OR 300 YEARS USED FOR ALLOCATION INDICATED DUE TO ANTICIPATED WATER LEVEL DECLINES. FURTHERMORE, THE WATER SUPPLY PLAN SHOULD NOT RELY SOLELY UPON NON-RENEWABLE AQUIFERS. ALTERNATIVE RENEWABLE WATER RESOURCES SHOULD BE ACQUIRED AND INCORPORATED IN A PERMANENT WATER SUPPLY PLAN THAT PROVIDES FUTURE GENERATIONS WITH A WATER SUPPLY. A WATER SUPPLY PLAN SHOULD BE DEVELOPED AND APPROVED BY THE EL PASO COUNTY ENGINEER. THE PLAN MUST APPROVE EACH SYSTEM AND, IN SOME CASES THE DEPARTMENT MAY REQUIRE AN ENGINEERED DESIGN PRIOR TO PERMIT APPROVAL. THESE SYSTEMS MAY COST MORE TO DESIGN, INSTALL AND MAINTAIN.  
15. PRIVATE ROADS SHOWN ON THIS PLAT WILL NOT BE MAINTAINED BY EL PASO COUNTY UNTIL AND UNLESS THE STREETS ARE CONSTRUCTED IN CONFORMANCE WITH EL PASO COUNTY STANDARDS IN EFFECT AT THE DATE OF THE REQUEST FOR DEDICATION AND MAINTENANCE.  
16. A SOIL AND GEOLOGY REPORT BY RMG ENGINEERS, JOB NO. 194552, DATED JANUARY 11, 2024 IS HELD UNDER THE DRIFTWOOD ESTATES FILING NO. 1 AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT. GEOLOGIC HAZARDS THAT WOULD PRECLUDE THE PROPOSED DEVELOPMENT ARE NOT TO BE PRESENT AT THIS SITE. GEOLOGIC HAZARDS AND HAZARDOUS AREAS TO BE FULLY ASSESSED AND APPROPRIATELY DEVELOPED ARE TO BE PRESENT AT THIS SITE. THE GEOLOGIC HAZARDS AND HAZARDOUS AREAS TO BE FULLY ASSESSED AND APPROPRIATELY DEVELOPED ARE TO BE PRESENT AT THIS SITE. THESE GEOLOGIC AND ENGINEERING CONDITIONS ARE RELATIVELY COMMON TO THE AREA AND CAN BE SATISFACTORILY MITIGATED THROUGH PROPER ENGINEERING, DESIGN, AND CONSTRUCTION PRACTICES.  
17. THE RESIDENTIAL LOTS IMPERVIOUS AREA MAY NOT EXCEED 10 PERCENT UNLESS A STUDY IS PREPARED IN COMPLIANCE WITH THE REQUIREMENTS LAID OUT IN THE ABOVE EGM SECTION AND THE IMPERVIOUS AREA MAY NOT EXCEED 20 PERCENT. THIS IMPERVIOUS AREA FOR EACH LOT MUST INCLUDE THE PROPOSED DRIVEWAY.

FILE NO. MS-23-009  
REVISED 7/15/24  
PROJECT 23054  
ALM.DWG  
SHEET 1 OF 1



Prevent • Promote • Protect

Environmental Health Division  
1675 W. Garden of the Gods Road  
Suite 2044  
Colorado Springs, CO 80907  
(719) 578-3199 *phone*  
(719) 578-3188 *fax*  
[www.elpasocountyhealth.org](http://www.elpasocountyhealth.org)

### **3275 Center Ice View, MS-23-9**

Please accept the following comments from El Paso County Public Health regarding the project referenced above:

- The proposed 2-lot residential development 10.54-acre site will be served water by individual private wells and wastewater through onsite wastewater treatment systems (OWTS).
- There is not a finding for sufficiency in terms of water quality. The USGS water quality tests submitted did not indicate where exactly the sampling points were located, and it is unknown if the sample points meet the sampling location criteria of the El Paso County Land Development Code (LDC).
- The RMG Engineers/Architects, Soil and Geology Study dated January 11, 2024, and their Wastewater Study dated October 13, 2023, indicated the two lots were suitable for the installation of onsite wastewater treatment systems (OWTS). Based on these specific soil test pit excavations the OWTS's would require professional engineer designs due to rock comprising 35% or more of the soil sample and if the OWTS soil treatment areas were to be installed in the same area. No groundwater or bedrock was encountered in either soil test. Based on the findings of the soil profile test pits performed, the use of onsite wastewater treatment systems is acceptable.
- Radon resistant construction techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area, have potentially higher radon levels than other areas of the country.

Mike McCarthy  
El Paso County Public Health  
719-332-5771  
[mikemccarthy@elpasoco.com](mailto:mikemccarthy@elpasoco.com)  
23August2024



## County Attorney

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

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

May 24, 2024

MS-23-9            Driftwood Estates Filing No. 1  
Minor Subdivision

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

### **WATER SUPPLY REVIEW AND RECOMMENDATIONS**

#### Project Description

1. This is a proposal for approval of Driftwood Estates Filing No. 1, a minor subdivision application by Andrew Alm (“Applicant”) for a 2-lot subdivision on a parcel of 12.72 acres of land (the “property”). The property is zoned RR-5 (Rural Residential).

#### Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the water demand for the subdivision is 1.27 acre-feet/year, comprised of 0.52 acre-feet/year of indoor household use for two single-residential lots, 0.57 acre-feet per year for irrigation of 0.23 acres, stock watering of up to 8 animals at 0.09 acre-feet per year and 0.09 acre-feet for other uses. In the Water Resources Report (“Report”), the estimated demand is divided between the two lots such that Lot 1 has an estimated demand of 0.85 acre-feet/year (0.26 acre-feet for indoor household use and 0.59 acre-feet for all other uses combined) and Lot 2 has an estimated demand of 0.42 acre-feet per year (0.26 acre-feet for indoor household use and 0.16 acre-feet for all other uses combined). Based on this total demand, Applicant must be able to provide a supply of 381 acre-feet of water (1.27 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement. 255 acre-feet must be supplied to Lot 1, and 126 must be supplied to Lot 2.

#### **ASSISTANT COUNTY ATTORNEYS**

NATHAN J. WHITNEY  
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY  
TERRY A. SAMPLE

LORI L. SEAGO  
DOREY L. SPOTTS

BRYAN E. SCHMID  
STEVEN W. MARTYN

MERI GERINGER  
ERIKA KEECH

## Proposed Water Supply

3. The Applicant has provided for the source of water for Lot 1 to derive from the not-nontributary Denver aquifer and the source of water for Lot 2 to derive from either the not-nontributary Denver aquifer or the not-nontributary Dawson aquifer as provided in the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 2 Case No. 23CW3022 (“Decree and Augmentation Plan”). In the Decree and Augmentation Plan, the Court granted a vested right to 561 acre-feet of water in the Denver aquifer underlying Applicant’s property and 127 acre-feet of water in the Dawson aquifer. Pumping from the Denver aquifer will be a maximum of 1.7 acre-feet of water per year, with each pumping a maximum of 0.85 acre-feet per year if both wells are constructed to the Denver aquifer. If one lot is utilizing Denver aquifer water and the other lot is using Dawson aquifer water, then maximum pumping from the Denver aquifer will be 0.85 acre-feet per year and maximum pumping from the Dawson will be 0.42 acre-feet per year. Uses for the wells include domestic, structure and equipment washing, hot tub, lawn, garden and greenhouse, irrigation, stock water, commercial, recreation, wildlife, fire protection, and also for storage and augmentation purposes.

The approved augmentation plan has a term of 300 years and requires that non-evaporative septic system return flows be used for augmentation during the pumping period for the 2 approved wells. Applicant must reserve 521 acre-feet total of its water rights in the Arapahoe aquifer to be used for replacement of post-pumping depletions.

## State Engineer’s Office Opinion

4. In a letter dated March 4, 2024, the State Engineer stated that the proposed source of water is individual on lot wells. Lot 1 would contain a well drilled into either the Dawson aquifer or the Denver aquifer. Lot 2 would contain a well drilled into the Denver aquifer. The two wells would operate pursuant to the decree and augmentation in Case. No. 2023CW3022.

The State Engineer provided their opinion, “. . . pursuant to Section 30-28-136(1)(h)(I) C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

## Recommended Findings

5. Quantity and Dependability. Applicant’s water demand for the Driftwood Estates Filing No. 1 is 1.27 acre-feet per year for a total demand of 381 acre-feet for the subdivision for 300 years. The Decree and Augmentation Plan allows for 2 wells limited to an annual withdrawal of 0.85 acre-feet per well from the Denver aquifer, for a total permitted withdrawal of 255 acre-feet per well, and 0.42 acre-feet per year from the Dawson aquifer well, for a total permitted withdrawal of 126 acre-feet, if utilized.

**Based on the water demand of 1.27 acre-feet/year for the Driftwood Estates Filing No. 1 and the Decree and Augmentation Plan approving withdrawals in that amount, the County**

**Attorney's Office recommends a finding of sufficient water quantity and dependability for the Driftwood Estates Filing No. 1.**

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 April 30, 2024, the Water Supply Information Summary, the State Engineer's Office Opinion dated March 4, 2024, and Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 2 Case No. 23CW3022 entered on December 13, 2023. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney's Office reserves the right to amend or withdraw its recommendations.***

**REQUIREMENTS:**

A. Applicant and its successors and assigns shall comply with all requirements of the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 2 Case No. 23CW3022, specifically, that water withdrawn by Lot 1 from the Denver aquifer shall not exceed 0.85 annual acre-feet and water withdrawn by Lot 2 shall not exceed 0.85 annual acre-feet if from the Denver aquifer or 0.42 acre-feet from the Dawson aquifer, for a total combined maximum annual withdrawal for Driftwood Estates Filing No. 1 of 1.7 acre-feet. Depletions during pumping shall be replaced by individual on-lot non-evaporative septic systems.

B. The County prefers that when there is an augmentation plan, Applicant create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water decrees and augmentation plans for the property. For minor subdivisions such as this, however, Applicant may elect to solely rely on the covenant provisions required below and forego creation of an HOA.

C. Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision and their successors and assigns regarding all applicable requirements of the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 2 Case No. 23CW3022.

Covenants shall address the following:



1) Identify the water rights associated with the property. The Covenants shall reserve a minimum of 510 acre-feet of Denver aquifer water, 126 acre-feet of Dawson aquifer water, and 521 acre-feet of Arapahoe aquifer water pursuant to Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 2 Case No. 23CW3022 to satisfy El Paso County's 300-year water supply requirement for the 2 lots of Driftwood Estates Filing No. 1. The Covenants shall further identify that 255 acre-feet (0.85 acre-feet/year) of Denver aquifer water and 260.6 acre-feet of Arapahoe aquifer water is allocated to each lot and 126 acre-feet (0.42 acre-feet/year) of Dawson aquifer water is allocated to Lot 2. Said reservations shall not be separated from transfer of title to the property and shall be used exclusively for primary water supply.

2) Advise of responsibility for costs. The Covenants shall advise the lot owners, and their successors and assigns of their obligations regarding the costs of operating the plans for augmentation, which include pumping of the Denver/Dawson wells in a manner to replace depletions during pumping and the cost of drilling Arapahoe aquifer wells in the future to replace post-pumping depletions.

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

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

"The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 2 Case No. 23CW3022 and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such

conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.”

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

6) Require well permits. The Covenants shall Require that well permits be obtained pursuant to the requirements of Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 2 Case No. 23CW3022 and C.R.S. § 37-90-137(4) and (10).

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

“Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for the Driftwood Estates Filing No. 1 pursuant to Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 2 Case No. 23CW3022. Further, written approval of any such proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney’s Office. Any amendments must be pursuant to the District Court, Water Division 2, approving such amendment, with prior notice to the El Paso County Planning and Community Development Department for an opportunity for the County to participate in any such determination.”

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

“These Covenants shall not terminate unless the requirements of Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 2 Case No. 23CW3022 are also terminated by the Division 2 Water Court and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County.”

D. Applicant and its successors and assigns shall reserve in any deeds of the Property Denver aquifer water in the decreed amount of 510 acre-feet (0.85 acre-feet/lot/year), 126 acre-feet of Dawson aquifer water (0.42 acre-feet/year for Lot 2), and 521 acre-feet of Arapahoe aquifer water (260.5 acre-feet/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 and replacement supply.

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

Any and all conveyance instruments shall also recite as follows:

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

F. Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions, form deeds, and any plat notes required herein to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat. Said Declaration shall cross-reference Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 2 Case No. 23CW3022 and shall identify the obligations of the individual lot owners thereunder.

G. Applicant and its successors and assigns shall record all applicable documents, including but not limited to the Decree and Augmentation Plan, agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

H. 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: Christian Haas, Project Manager, Planner

**AMENDMENT  
ACCESS EASEMENT AGREEMENT**

This Access Easement Agreement ("Agreement") Amendment is entered into and made effective this 11 day of June, 2024, between **Forest Lakes Metropolitan District**, a quasi-municipal corporation and political subdivision of the State of Colorado whose address is 2 N. Cascade Avenue, Suite 1280, Colorado Springs, CO 80903 ("Grantor"), and **Andrew C. Alm** ("Grantee"), whose address is 2383 Collegiate Drive, Colorado Springs, CO 80918.

Background and Purpose

- A. The original Agreement was granted to provide Grantee with access to the Grantee property sufficient to get a building permit and to build a house.
- B. The original owner of the property covered by the easement, Forest Lakes LLC, deeded the said property to Forest Lakes Metropolitan District by Bargain and Sale Deed recorded in the Official Records of EL Paso County as 223001405 dated 1/6/2023 8:21 am.
- C. The original Agreement specifies a maximum width of 15 feet for a non-paved driveway within a 30-foot-wide easement.
- D. Monument Fire District's approval of the driveway is part of the El Paso County subdivision process, which is required prior to the start of new house construction.
- E. The 2015 Amended Internation Fire Code Appendix D Table D103.4 requires a minimum driveway width of 20 feet.
- F. The Grantor and Grantee desire to amend the Agreement to comply with the governmental requirements.
- G. This Amendment is to be amended to the original 12-page Agreement 223000909 dated 1/5/2023 8:05AM and Electronically Recorded Official Records El Paso County CO.
- H. Both parties recognize that the only item changing on the original Agreement is the width of the non-paved road changing from a maximum of 15 feet wide to a maximum of 22 feet wide within the original 30-foot access easement.

FOR VALUABLE CONSIDERATION, receipt of which is acknowledged, Grantor and Grantee agree to the following update (Only item #2 below is to be amended.):

2. Limitations on Use of Easement Area by Grantee. Any Road constructed by Grantee within the Easement Area must not be paved and may not exceed ~~fifteen (15)~~ **twenty-two (22)** feet in width. Once the Road is constructed, the remainder of the Easement Area may not be used or improved by Grantee for any purpose without the prior written consent of Grantor. Grantee may not construct another road within the Easement Area if there is already a Road constructed within the Easement Area. Grantee acknowledges the Grantor Property will be subject to a perpetual Deed of Conservation Easement (the "CE Deed") in which the Palmer Land Conservancy, a charitable Colorado nonprofit corporation, will hold a property interest in the Grantor Property and which will restrict the use of the Grantor Property to ensure its conservation values are preserved forever. Grantee acknowledges Grantee's use of the Easement Area will

1

Steve Schleiker  
06/19/2024 04:24:43 PM  
Doc \$0.00 5  
Rec \$33.00 Pages

El Paso County, CO



224046752

be subject to enforcement by Grantor. Grantor may allow the Grantor Property to be used for passive non-motorized recreational use and trails may be constructed that intersect, cross or parallel the Road. Grantee shall not fence any portion of the Easement Area or Road nor prohibit access on, across, over or along the Road without Grantor's prior written consent, except that Grantee may post signs along the Road approved in advance by Grantor indicating the Road is private.

[ SIGNATURES ON NEXT PAGES ]

**GRANTOR:**

**FOREST LAKES Metropolitan District**  
a quasi-municipal corporation and political subdivision of the State of Colorado

By: *Ann Nichols*  
Ann Nichols, FLMD District Manager

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF EL PASO     )

The foregoing instrument was acknowledged before me this 11<sup>TH</sup> day of June, 2024, by Ann Nichols, FLMD District Manager.

Witness my hand and official seal.

My commission expires:

*Christine L. Wise*  
Notary Public

CHRISTINE L WISE  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19974021715  
MY COMMISSION EXPIRES DECEMBER 02, 2025

GRANTEE:

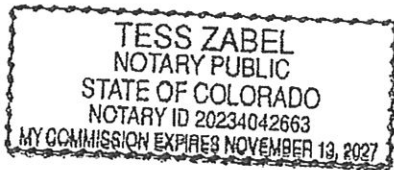
Andrew C. Alm  
Andrew C. Alm

STATE OF COLORADO    )  
                                  ) ss.  
COUNTY OF EL PASO    )

The foregoing instrument was acknowledged before me this 11 day of June, 2024, by Andrew C. Alm.

Witness my hand and official seal.

My commission expires: NOV 13 2027

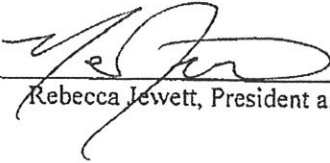


[Signature]  
Notary Public



**ADDITIONAL CONSENT:**

**William J. Palmer Parks Foundation, Inc. dba Palmer Land Conservancy**  
a charitable nonprofit Colorado corporation

By:   
Rebecca Jewett, President and Chief Executive Officer

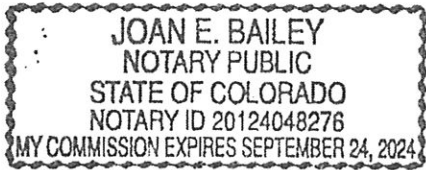
STATE OF COLORADO        )  
  ) ss.  
COUNTY OF EL PASO        )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of June, 2024, by  
Rebecca Jewett, President and Chief Executive Officer.

Witness my hand and official seal.

My commission expires:  
Sept. 24, 2024

  
Notary Public



RESOLUTION NO. 24-

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVAL OF A MINOR SUBDIVISION FINAL PLAT  
3275 CENTER ICE VIEW – MINOR SUBDIVISION (MS239)

WHEREAS, Andrew C Alm did file an application with the El Paso County Planning and Community Development Department for the approval of a Final Plat for the Driftwood Estates Filing No. 1 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 5, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the Final Plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on September 5, 2024; and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, hereby approves the Minor Subdivision Final Plat application for the 3275 Center Ice View – Minor 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 Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. 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.
7. Drainage fees in the amount of \$9335.18. shall be paid for the Beaver Creek Drainage Basin at the time of plat recordation.
8. The Final Plat shall not be recorded until a finding of water quality is made or an appropriate mitigation strategy is addressed by the applicant.

NOTATIONS

1. Final Plats not recorded within 24 months of Board of County Commissioners approval shall be deemed expired unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
3. Park fees in lieu of land dedication for regional parks in the amount of \$1,010.00 shall be paid at the time of plat recordation.
4. Fees in lieu of school land dedication in the amount of \$616.00. shall be paid to El Paso County for the benefit of District 38 at the time of plat recording.
5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated May 24, 2024, as provided by the County Attorney's Office.

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

DONE THIS 26<sup>th</sup> day of September 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
Chair

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

EXHIBIT A

DRIFTWOOD ESTATES DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 33;

THENCE  $S00^{\circ} 43' 31''$  W, ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER SAID SECTION 33, ALSO BEING THE EASTERLY BOUNDARY OF A PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 216068387 OF THE RECORDS OF EL PASO COUNTY, COLORADO, A DISTANCE OF 1307.38 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33 AND OF SAID PARCEL DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 216068387;

THENCE  $S89^{\circ} 35' 39''$  W ON THE SOUTH LINE OF SAID PARCEL AND THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 404.73 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL;

THENCE ON THE WESTERLY BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN THE DOCUMENT RECORDED UNDER RECEPTION NO. 216068387 THE FOLLOWING (5) COURSES:

1. THENCE  $N00^{\circ} 00' 11''$  W A DISTANCE OF 790.12 FEET;
2. THENCE  $N89^{\circ} 07' 30''$  W A DISTANCE OF 309.62 FEET;
3. THENCE  $N46^{\circ} 26' 07''$  E A DISTANCE OF 404.68 FEET TO A POINT OF CURVE;
4. THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 170.00 FEET, THROUGH A CENTRAL ANGLE OF  $06^{\circ} 26' 46''$ , AN ARC DISTANCE OF 19.13 FEET TO A POINT OF TANGENT;
5. THENCE  $N52^{\circ} 52' 53''$  E A DISTANCE OF 370.35 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33 ;

THENCE  $N89^{\circ} 46' 34''$  E ON SAID NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 33 A DISTANCE OF 127.78 FEET TO THE POINT OF BEGINNING.

CONTAINING A MEASURED AREA OF 12.72 ACRES, MORE OR LESS.