

Planning and Community Development

Meggan Herington, AICP, Executive Director
 Planning and Community Development
 2880 International Circle, Ste. 110
 Colorado Springs, CO 80910
 PLNWEB@ElPasoCO.com
 PlanningDevelopment.ElPasoCO.com

Board of County Commissioners
 Holly Williams, District 1
 Carrie Geitner, District 2
 Bill Wysong, District 3
 Cory Applegate, District 4
 Cami Bremer, District 5

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Joseph Letke, Planner
Joseph Sandstrom, Associate Engineer

RE: Project File Number: SF2417
Project Name: Misfits Crew Estates Final Plat
Parcel Number: 612400013

OWNER:	REPRESENTATIVE:
Mark E. McDonald Amanda M. Enloe 5775 Mountain Shadow View Colorado Springs, CO 80908-1421	M.V.E., Inc. C/o Dave Gorman 1903 Lelaray Street, Suite 200 Colorado Springs, CO 80909

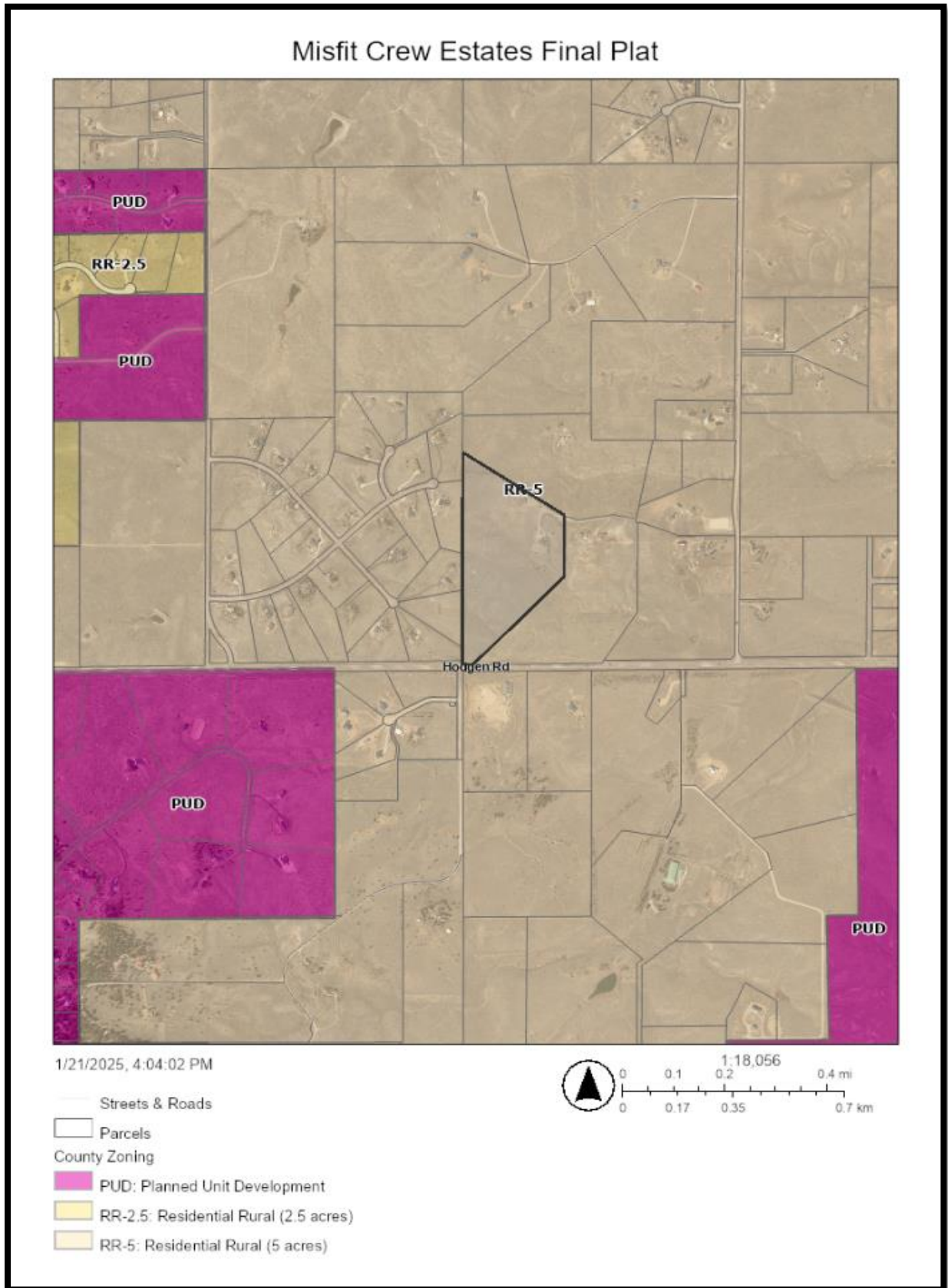
Commissioner District: 1

Planning Commission Hearing Date:	2/20/2025
Board of County Commissioners Hearing Date:	3/13/2025

EXECUTIVE SUMMARY

A request by Mark E. McDonald and Amanda E. Enloe for approval of a Final Plat to create three (3) single-family residential lots. The 35.72-acre property is zoned RR-5 (Residential

Rural) and is located on the north side of Hodgen Road and 0.32 miles west of Thompson Road.



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

B. APPROVAL CRITERIA

In approving a 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 (as amended):

- *The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;*
- *The subdivision is consistent with the purposes of this Code;*
- *The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;*
- *A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code (this finding may not be deferred to Final Plat if the applicant intends to seek administrative Final Plat approval);*
- *A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of this Code;*
- *All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];*
- *Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM are provided by the design;*
- *The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;*
- *Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and 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:	RR-5 (Residential Rural)	Single-Family Residential
South:	RR-5 (Residential Rural)	Single-Family Residential
East:	RR-5 (Residential Rural)	Single-Family Residential
West:	RR-5 (Residential Rural)	Single-Family Residential

D. BACKGROUND

The 35.72-acre parcel was created in 2011. The property was initially zoned on January 3rd, 1955, when zoning was first initiated for this portion of El Paso County. The parcel is currently zoned RR-5 (Residential Rural).

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E. ANALYSIS

1. Land Development Code and Zoning Analysis

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

The applicant requests a Waiver from 8.4.3.B.2.e, 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 a Waiver granted under Section 8.4.4.E. Lots 2 and 3 will gain access to the access easement at Mountain Shadow View by way of a proposed driveway.

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 Code:

- *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.*

In approving a Waiver for private roads, the Board of County Commissioners shall find that the Waiver meets the criteria outlined in Section 8.4.4.E of the Code.

F. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

a. Placetype Character: Large-Lot Residential

The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more and are generally

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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 three new single-family lots which shall be 5-acres in size, 5.005-acres in size, and 25.69-acres in size. Relevant goals and objectives are as follows:

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

b. Area of Change Designation: Minimal Change: Developed

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. Property in this area of change will see more infill development. The Master Plan recommends new development patterns reflect the overall character of the area. The proposed three large-lot residential subdivision is similar in size and characteristic to the surrounding residential properties.

c. Priority Development Area

El Paso County is expecting significant growth over the next 20 years. While large expanses of undeveloped land exist throughout the County, particularly in the Rural Placetype, development should be prioritized elsewhere to efficiently utilize and extend existing infrastructure, conserve water resources, and strengthen established neighborhoods. This framework identifies specific locations throughout the County that should be prioritized first for new residential development to help accommodate growth. While some priority development areas may be made up of a mix of placetypes, each area is driven by a predominant placetype that defines most of the area. The map shows some gaps between priority development areas and municipal boundaries. These areas are largely developed already and will continue to develop as necessary. In the following section, numbers are only intended to connect recommendations to the corresponding locations in the County. They are not a hierarchy of priority.

Analysis:

The property is located in the Priority Development Areas area designation. Properties in this designation are more likely to see growth and development.



The County should prioritize new residential development to help accommodate the predicted growth in this region.

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 moderate wildlife impact potential. Colorado Parks and Wildlife were sent a referral and have no outstanding comments.

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

Potential geologic hazards were identified during the review of the Final Plat. These hazards include potential seasonally wet areas, potential seasonally high ground water, and the inclusion of two drainage easements. The applicant has added note Number 15 on the face of the Final Plat. Plat note Number 15 states mitigation methods shall include extension of engineered foundations, perimeter drains, and grading to direct flows away from structures. The drainage easements are graphically depicted as no-build and no storage of material areas on the Final Plat.

Lot two (2) contains a private no-build view easement. Private no-build view easements are not enforced by El Paso County.

The Colorado Geological Survey was sent a referral, they then recommended the supplied Soils and Geology Report be strictly adhered to.

2. Floodplain

FEMA Flood Insurance Rate Map panel number FIRM Panels 08041C0305G, effective date December 7, 2018, shows the site is not within a regulatory floodplain.

3. Drainage and Erosion

The property is located within the East Cherry Creek Drainage Basin (CYCY0200) which is an unstudied basin with no drainage or bridge fees.



The northern portion of the site generally drains to the east and the southern part of the site drains into a drainage easement that leaves the southeastern portion of the site and crosses under Hodgen Road in an existing 42" culvert. A drainage report was submitted and there is no requirement for detention based upon the proposed single-family residential development. A grading and erosion control plan was not required because this is a large-lot subdivision.

4. Transportation

The property is located north of Hodgen Road approximately two miles east of State Highway 83 and is being platted into three single-family residential lots. The lots will obtain access from Mountain Shadow View, which is a private, unpaved roadway. A transportation impact study was not required pursuant to Engineering Criteria Manual (ECM) Section B.1.2.d.

The El Paso County 2024 Major Transportation Corridors Plan classifies the portion of Hodgen Road south of the property as a Minor Arterial in 2045 and a Major Arterial in 2065. Right-of-Way was dedicated with the Final Plat to accommodate for a Minor Arterial roadway. This subdivision is subject to the El Paso County Road Impact Fee Program (Resolution 24-377, as amended).

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

2. Sanitation

Wastewater is provided by on-site wastewater treatment systems.

3. Emergency Services

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

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4. Utilities

Electric service is provided by Mountain View Electric. Natural gas is provided by Black Hills Energy.

5. Parks/Trails

Fees in lieu of park land dedication in the amount of \$1,515 for regional 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 \$924.00 shall be paid to El Paso County for the benefit of Lewis-Palmer School District 38 at the time of plat recording

I. STATUS OF MAJOR ISSUES

No major issues.

J. RECOMMENDED CONDITIONS AND NOTATIONS

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

CONDITIONS

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



3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the Final Plat.
4. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated November 19, 2024, as provided by the County Attorney's Office.

NOTATIONS

1. The following fees are required to be paid to El Paso County at the time of Final Plat recordation:
 - a. The subdivision is located in East Cherry Creek (CYCY0200) drainage basin which is an unstudied basin with no drainage or bridge fees.
 - b. Park fees in lieu of land dedication for regional parks in the amount of \$1,515.
 - c. Fees in lieu of school land dedication in the amount of \$924.00 shall be paid for the benefit of Lewis-Palmer School District 38.
2. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
3. The applicant has requested and received approval of a waiver from Section 8.4.4.C of the Code to allow private roads to be constructed in lieu of public roads.
4. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Department of Public Works Inspections and a Construction Permit is issued by the Department of Public Works.
5. The El Paso County Road Impact Fee Program Resolution (Resolution Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the No. 24-377), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at

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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.

K. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified sixteen (16) adjoining property owners on February 4, 2025, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

L. ATTACHMENTS

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

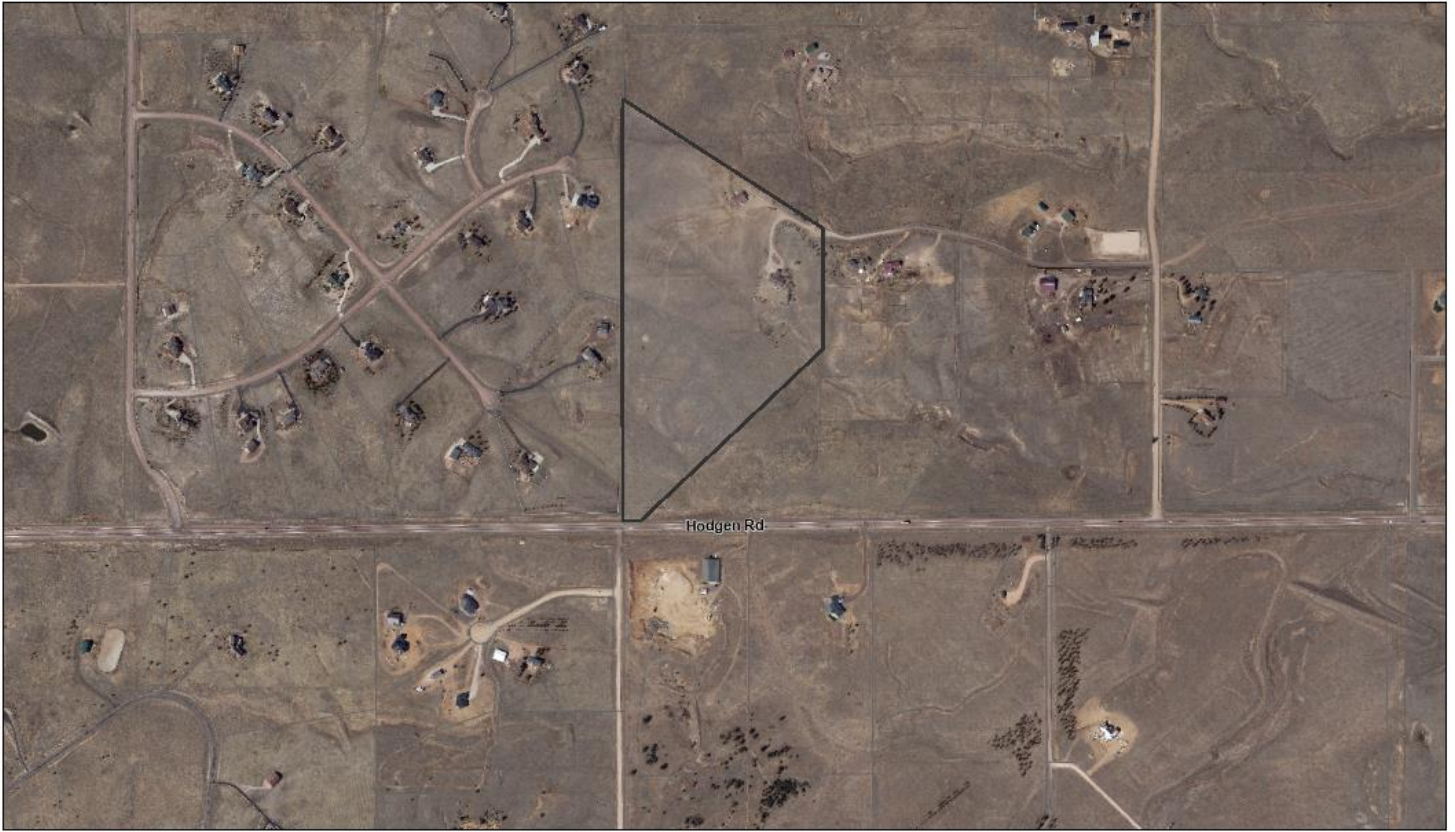
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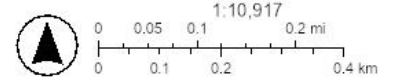
Map Exhibit #1: Aerial

Misfit Crew Estates Final Plat



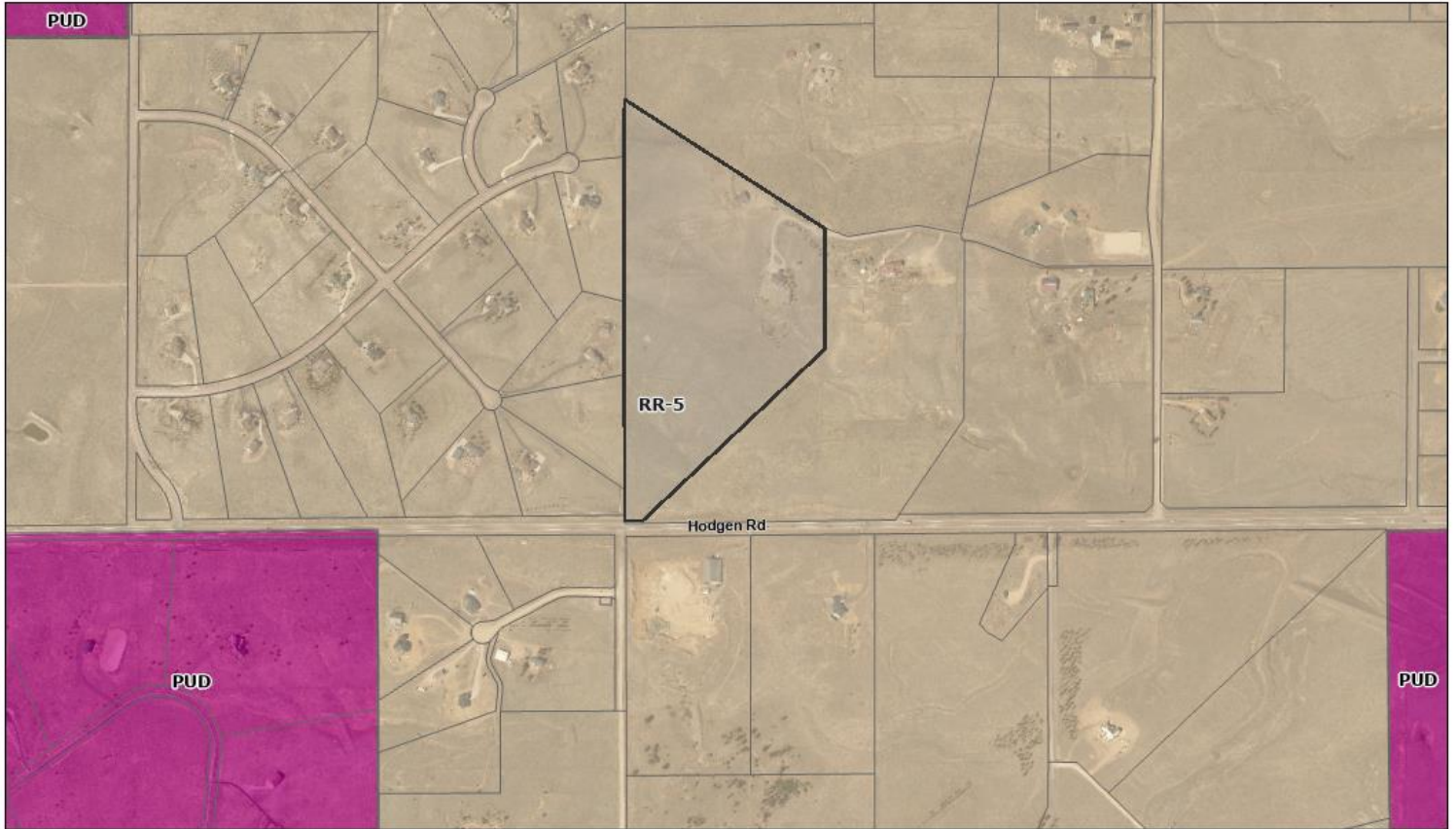
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- Streets & Roads
- Parcels



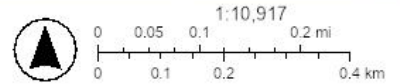
Map Exhibit #2: Zoning

Misfit Crew Estates Final Plat



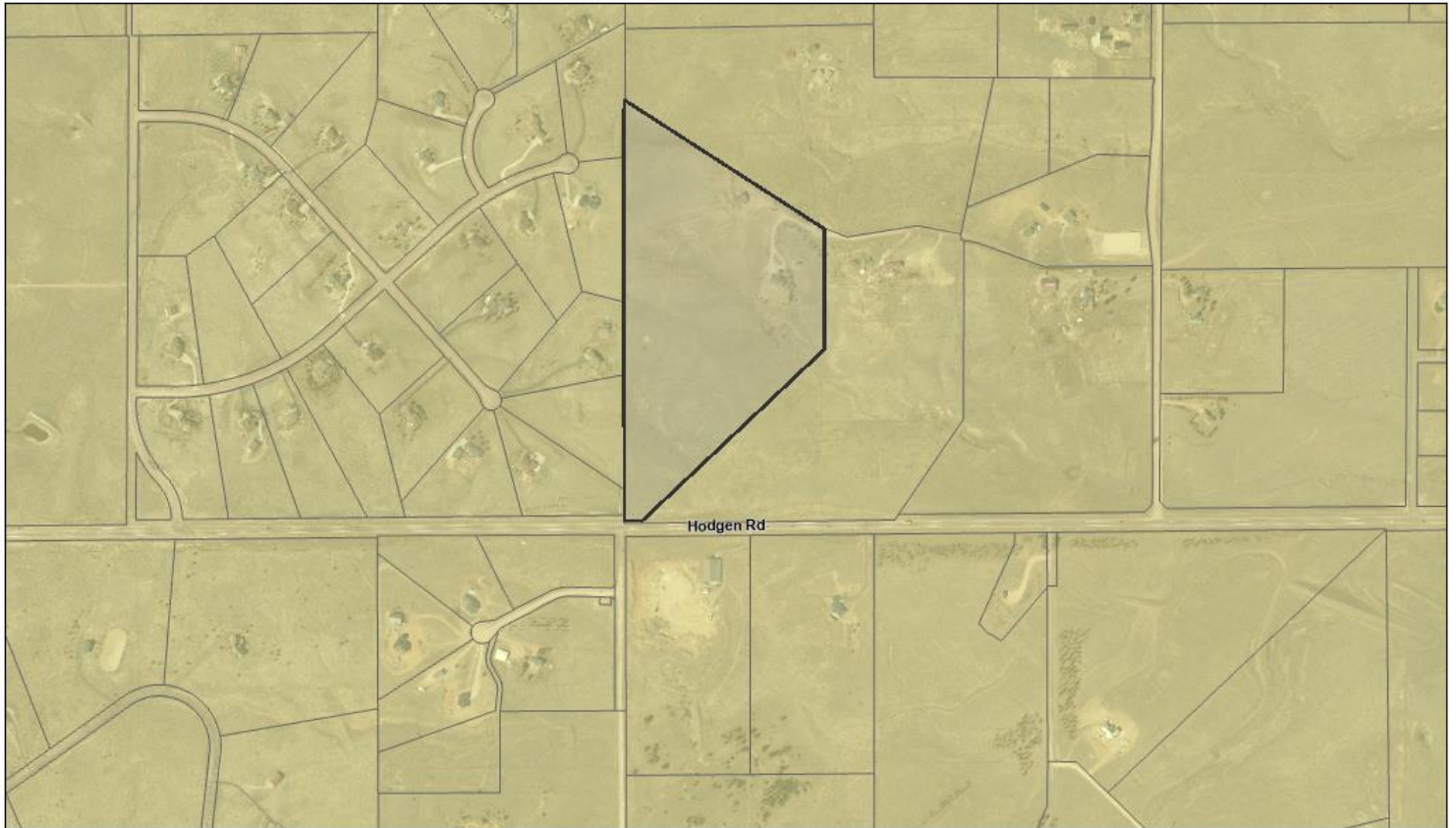
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- Streets & Roads
Parcels
- County Zoning
PUD: Planned Unit Development
RR-5: Residential Rural (5 acres)



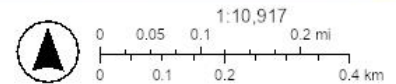
Map Exhibit #3: Placetype

Misfit Crew Estates Final Plat



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- Streets & Roads
- Parcels
- Placetypes
- Large-Lot Residential



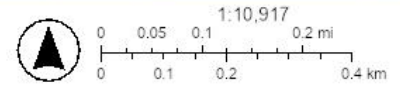
Map Exhibit #5: Area of Change

Misfit Crew Estates Final Plat



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- Streets & Roads
- Parcels
- Areas Of Change
- Minimal Change: Developed



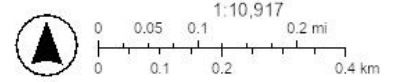
Map Exhibit #6: Priority Development Areas

Misfit Crew Estates Final Plat



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-  Streets & Roads
-  Parcels
-  Priority Development Areas





October 16, 2024

PCD File No. SF2417

**LETTER OF INTENT
MISFIT CREW ESTATES
MINOR SUBDIVISION**

Owner:

Mark E. McDonald and Amanda M. Enloe
5775 Mountain Shadow View
Colorado Springs, CO 80908
Mark: ph: 303-877-9079, email: mmcd5280@gmail.com
Amanda: ph: 719-337-8890, email: amanda.enloe@yahoo.com

Applicant:

M.V.E., Inc.
1903 Lelaray Street, Suite 200
Colorado Springs, CO
(719) 635-5736
David Gorman
daveg@mvecivil.com

Site Location Size and Zoning:

The proposed plat is to be known as "Misfit Crew Estates" and is located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 11 South, Range 66 West of the 6th Principal Meridian in El Paso County, Colorado. The property consists of an existing home and contains 35.729 acres and has El Paso County Tax Schedule No. 6124000013. The current address of the site is 5775 Mountain Shadow View, Colorado Springs, Colorado 80908. The site currently contains an existing residence and barn structure in the northeastern portion of the property along with associated existing well and septic system. The site is zoned RR-5 (Residential Rural – 5 Acre).

The site is situated on the north side of Hodgen Road, west of Thompson Road. Long View Estates Subdivision containing 5 acre rural residential lots is located west of the site. Unplatted 35+ acre parcels containing existing residences are located to the north and east of the site. The subject site is accessed by Mountain Shadow View which is a private gravel road connecting to Thompson Road, a public unpaved road.

Request and Justification:

The request is for approval of a Minor Subdivision to be known as "Misfit Crew Estates" containing 35.729± acres collectively. This proposed Minor Subdivision will create three new rural residential lots. Lot 1 is to be 25.692± acres and will contain the existing residence and barn. The remaining Lots 2 and Lot 3 are to be 5.005± acres each and will be made available for single-family residential construction.

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

This minor subdivision for proposed Lots 1-3 are consistent with the requirements of their respective zoning such as: land use (single-family residential), lot size, minimum building setbacks, water supply, and wastewater disposal. The proposed lots are compatible with the surrounding land uses and neighborhood and coincide with the adjacent zoning and platted lot sizes found in all directions being approximately 5 acres or larger. The three lots will each have a single family residence with individual well & septic.

Proposed Lot 1 will have immediate access to Mountain Shadow View via an existing gravel driveway. Proposed Lots 2 & 3, will access Mountain Shadow View via a new driveway which shall be located within the 30.0' Common Access Easement as shown on the Plat. An Ingress/Egress Waiver is requested to provide access to proposed Lots 2 and 3 along said private driveway. The justification for the requested waiver is included in a separate section below.

There is one proposed private View Easement, located on Lot 2 of the Plat. One purpose of the View Easement is to ensure all lot Owners enjoy the current natural views that exist on this property. No structures shall be built within the designated View Easement and other controls to maintain this space are included in the Covenants.

This application meets the Minor Subdivision submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivisions in Chapter 8 of the El Paso County Land Development Code (2021). Final Plats are reviewed and approved in consideration of the review criteria found in the El Paso County Land Development Code. Each criteria is listed below followed by the appropriate justification.

1. *The subdivision is in conformance with the goals, objectives, and policies of the Master Plan. “Your El Paso Master Plan” (2021)* is a comprehensive document communicating a vision for many factors that influence the quality of in El Paso County, including Land Use. The Master Plan provides a strategy to achieve the vision by putting forth goals and policies that can be used as a framework for decision-making regarding development of the County.

The site is not located within a designated key area according to the Master Plan. The place-type for this area is “Large-Lot Residential” with primary land uses of Single-Family Detached. Supporting land uses for this place type are Agriculture, Commercial Retail, Commercial Service and Parks & Open Space. The proposed plat contains one lot of 25.692± acres containing the existing single family residence and barn and two 5.005± acre lots for future single-family residential use. The proposed subdivision is in compliance with the intended place type shown in the master plan. Additionally, each lot is in compliance with the existing zone of the property, which is RR-5. The site is in an area of Minimal Change: Developed. The proposed development represented by this plat will maintain the existing rural character of property and is compatible with the surrounding land uses. In the Land Use category, Goal 1.1 is “*Ensure compatibility with established character and infrastructure capacity*”. This area of the County is conducive to rural residential development that allows residential use of property but preserves the natural character of the landscape. The proposed subdivision is compatible and identical to the existing neighborhood and surrounding development. The existing community character is preserved with this proposed minor subdivision. The proposed density is less than allowed by zoning. The proposed density will not overburden the existing roadway infrastructure or capacity of the land to support the water and

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wastewater needs of the development. The proposed minor subdivision will not create the need for additional public roadways or facilities. Goal 2.2 is “*Preserve the character of rural and environmentally sensitive areas*”. The proposed subdivision will keep the existing nature of the area intact. The five-acre lot density has reduced impact on environmental conditions. Density and land use are compatible with the surrounding area and the natural features of the site will remain preserved, even with the addition of two more residences on the site. The private driveway to be used for accessing Lots 2 & 3, will have minimal impact on the existing terrain.

No new public roads are proposed with this subdivision since access for these lots will be from the proposed private driveway from private Mountain Shadow View which connects to public Thompson Road to the east. A proposed driveway access along the east side of the site to Lot 3 and then along the north side of Lot 3 to Lot 2 will provide access for proposed Lots 2 and 3. The advantage of private driveways is lot access is provided while eliminating the need for additional access points and additional public or private roadways.

The proposed subdivision is in compliance with the **2045 Major Transportation Corridors Plan (MTCP)**. Currently, the major road south of the site, Hodgen Road, is a public paved two-lane road and classified as a Rural Minor Arterial in the 2045 Major Transportation Corridors Plan. To the east of the site is a gravel public local roadway named Thompson Road. The proposed three lot subdivision will not significantly impact the traffic on these roadways.

The proposed minor subdivision is in compliance with the **Parks Master Plan**, which does not call for trails or parks in the site. Any required park fees will be paid at the time of plat recording. The proposed subdivision is also in compliance with the Master Plan for Mineral Extraction and the severed mineral right owners for this property have been notified.

The proposed subdivision is in compliance with the **El Paso County Water Master Plan (2019)**. The District Court, Water Division 1 Colorado, has decreed certain water rights and approved a plan for augmentation as necessary to allow use of the existing well (Permit No. 88703-F) and for the drilling of a second and third well for the subdivision in Case No. 21CW3202 recorded under reception number 223019283 of the records of El Paso County. The provision of sufficient water quantity is allowed by the decree and Plan for Augmentation. Water quality is demonstrated by the testing results contained in the Water Resources Report for this project. Water Supply Dependability will be incorporated in the existing and proposed well facilities to be administered under approved State of Colorado Well Permits. The owner seeks a finding of sufficiency from the Colorado Division of Water Resources and El Paso County Board of County Commissioners along with the eventual granting of two additional well permits based on the decreed water rights. The proposed water demand for the site is 5.8 acre-feet per year for a total usage of 1740 acre-feet over a 300 year period.

Misfit Crew Estates is located within Region 2 in the Water Master Plan. The region is located north of Colorado Springs and generally along the I-25 corridor, including the Tri-Lakes area. The site is not located in a 2040 or 2060 designated Growth Area as determined in the Water Master Plan which predicts low-density developments being expected by 2040 for both the north and south sides of Hodgen Road, along the

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Highway 83 corridor. The Water Master Plan contains estimates of the demands and available supply by region at the years 2019, 2040 and 2060 Build-Out. The 2019/2040/2060 demands in Region 2 are estimated to be 7,532 acre-feet per year, 11,713 acre-feet per year, and 13,254 acre-feet per year, respectively. The 2019/2040/2060 supplies in Region 2 are estimated to be 13,607 acre-feet per year, 13,607 acre-feet per year, and 13,607 acre-feet per year, respectively, indicating a surplus of supply for the region at each time. A significant portion of the supply is derived from non-renewable Denver Basin groundwater.

According to the Water Master Plan, water providers within region 2 include Woodmoor WSD, Donala WSD, Triview MD, Town of Monument, Town of Palmer Lake, Forest View Acres WD, Academy WSD, Walden WSD, Park Forest WD, Forest Lakes MD, Palmer Lake Mobile Home Ranch, Grandview MHP, Pioneer Lookout WD, Elephant Rock MHP, Peak Shadow, and Pinon Pines MD. The Region 2 Expected Growth Areas Map provided in the WMP shows that the subject site and its immediate surroundings are not currently located in any *estimated area of development* or within any *district boundaries*.

A listing of some of the policies of the Water Master Plan that are supported by the proposed development follow: *Policy 4.1.3 – Support enhanced monitoring of sources of surface and tributary groundwater in the County*. The referenced decree requires use of metering for the wells to insure compliance with the terms of the permit; *Policy 6.2.1.2 – Encourage re-use of treated wastewater for irrigation and other acceptable uses when feasible*. Both the existing residence and the new single-family residences on all proposed lots will utilize onsite wastewater treatment systems which will provide “Return Flows” to the environment as a condition of the groundwater findings and order and the well permit.

2. *The subdivision is in substantial conformance with the approved preliminary plan.*

This is a proposed Minor Subdivision and requires no Preliminary Plan for approval. The subdivision will be developed in accordance with the currently proposed land use applications.

3. *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.*

The proposed Minor Subdivision is prepared in accordance with applicable subdivision design standards. No public improvements are required for this subdivision.

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 this Code.*

Water service is to be provided by individual on site wells operated under a State approved Water Augmentation Plan.

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 this Code.*

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Wastewater is intended to be treated via individual on site septic systems designed, constructed and operated under State and County Health Department rules and regulations and in accordance with the Groundwater Determination or future water decree.

6. *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)].*

A soils report has been prepared for the site and the owner will comply with the recommendations of the report. Areas were encountered where the geologic conditions will impose some constraints on development and land use. These include artificial fill, potentially expansive soils, ponded water, and potential seasonally shallow groundwater areas. Locations of On-site Wastewater Treatment Systems (OWTS) and structures can be mitigated through proper engineering design. In proposed Lots 2 and 3, there is a proposed drainage easement which will protect any development within potential drainageways. Based on the proposed minor subdivision, it appears that these areas will have minor impacts on the development. These conditions are discussed in further detail in the Soil, Geology, and Geologic Hazard Study produced by Entech Engineering, Inc.

7. *Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM.*

The proposed minor subdivision is consistent with the submitted Final Drainage Report. There are no Drainage facilities needed or proposed with this development at this time. The owner will comply with the requirements of the drainage report.

8. *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.*

Lots 2 and 3 shall have access to Mountain Shadow View along a proposed 30' common access easement as shown on the Plat. The responsibility and maintenance of said access shall be carried out as described in the "Declaration of water covenant and easements for the Misfit Crew Estates". Lot 1 will have direct access to the Mountain Shadow View cul-de-sac bulb via a separate existing gravel driveway.

9. *Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision.*

The site is located within the jurisdiction of the El Paso County Sheriff's Office. The sheriff's office currently provides police protection for the site and surrounding area. Misfit Crew Estates is currently not located in a Fire District. The Owner's are in the process of receiving an inclusion into the Monument Fire Protection District. Water and sanitary sewer provisions are discussed in items 4 & 5 above. The property is located within the service areas of Mountain View Electric Association and Lewis-Palmer School District No. 38 which will serve the subdivision. For natural gas connections, Black Hills Energy has agreed to serve this property. Transportation is being facilitated by the existing adjacent roadway system.

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10. *The Minor Subdivision plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.*

Misfit Crew Estates is currently not located in a Fire District. The Owner's are in the process of receiving an inclusion into the Monument Fire Protection District. Building permits for each structure shall be in accordance with the requirements of the fire district as administered by the Pikes Peak Regional Building Department.

11. 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.

All offsite impacts are determined to be insignificant with the addition of two residences and one existing residence. The owner(s) will be responsible to pay park, school, drainage and Traffic Impact fees.

12. 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.

There are no public facilities or infrastructure required or proposed for this subdivision. The platting of the site will include the collection of the applicable School Fees, Park Fees and Traffic Impact Fees due for this project.

13. The subdivision meets other applicable sections of Chapter 6 and 8.

Upon approval of a waiver to the LDC section 8.4.3 (B) stating “*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)*”, the subdivision will meet the requirements of the Land Development Code. The subdivision is in accordance with the Land Development Code with respect to zoning, lot size, building setbacks, provision of utilities and storm drainage. The waiver is requested with this application to allow access by one common private driveway for the three proposed lots. The code allows up to three lots to access one driveway, however the waiver is needed to address the lack of road frontage onto a public roadway for proposed Lots 2 and 3. The waiver is more fully discussed below.

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

There are no Mineral estate owners found for this site.

Requested Waiver:

As previously mentioned, a waiver from LDC section 8.4.3.B.2.e is requested. The provision requires that “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”. Proposed Lots 2 and 3 will gain access by way of the proposed driveway which is located within a 30.0' Common Access Easement as shown on the Plat. There is an existing ingress/egress easement (Reception No. 97130644) which connects the site to Mountain Shadow View near the northwest corner of the site. Proposed Lot 1 will have direct access to the private road: Mountain Shadow View at the

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existing cul-de-sac bulb. The private road of Mountain Shadow View connects into the public road of Thompson Road at 0.39 miles to the east. The responsibility and maintenance of said access shall be carried out as described in a separate private access maintenance agreement.

Proposed Lots 2 and 3 will gain access to the existing ingress/egress easement at Mountain Shadow View, by way of the proposed driveway which is located within a 30.0' Common Access Easement as shown on the Plat. The proposed driveway will run along the east and southeast portion of the parcel. Since the Land Development Code allows access for up to three lots from one private driveway, it is most practical for proposed Lots 2 and 3 to obtain access by a single drive, rather than extending a public roadway into the site. The arrangement eliminates the need for additional public right-of-way and additional public maintenance to serve the three large lot rural residential single family lots. Private access drives, coupled with private maintenance agreements have been shown to be effective and efficient modes of access for up to three lots within the county. The driveway will also have a much diminished impact on the natural terrain and landscape of the site compared to a public or private roadway which would be much larger land dedication and require far more disturbance than a smaller private driveway.

Each criteria for approval of waivers as stated in section 7.3.3 of the El Paso County Land Development Code (2021) is listed below followed by the appropriate justification.

1. *The waiver does not have the effect of nullifying the intent and purpose of this code; The request for a waiver of the LDC section 8.4.3 (B) does not go against the intent and purpose of this code.*

This request is in line with the requirements set forth in the LDC, and the shared driveway will comply with all applicable design standards.

2. *The waiver will not result in the need for additional subsequent waivers;*

With the approval of this waiver the lots will each be provided the required access necessary for their development. There will be no need for additional waivers as all applicable requirements of the El Paso County Land Development Code will be met.

3. *The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;*

The proposed shared driveway will be constructed to provide safe and reliable access to each lot on the site. The responsibility and maintenance of said driveway shall be carried out as described in a private access maintenance agreement. The driveway will not pose a threat to the public safety, health, or welfare, nor will it be injurious to any other 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;*

Because proposed Lots 2 and 3 are adjacent to each other and does not contain more than three lots, a single driveway may be used to provide access to the entire site in lieu of a public road.

5. *A particular non-economical hardship to the owner would result from a strict application of this code;*

With strict application of this code, the subdivision would be required to access by a public roadway in a 60-foot right-of-way constructed to El Paso County standards. The

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public road would significantly increase disturbance of the natural terrain and forest as well as the impervious area of the site while increasing the maintenance responsibility of the county.

6. *The waiver will not in any manner vary the zoning provisions of this code;*

The proposed shared driveway will comply with all zoning provisions of this code.

7. *The proposed waiver is not contrary to any provision of the master plan;*

The proposed shared driveway is in harmony with the goals of the master plan with regard to preserving place type characteristics and preserving natural features.

Existing and Proposed Facilities:

Existing improvements within these parcels are related to the existing residential use of the site, located in the north-eastern portion of proposed Lot 1. There will be the need to construct a driveway within the 30' access easement (per Plat) to access proposed lots 2 and 3.

Total Number Of Residential Units And Densities:

The gross area of Misfit Crew Estates is 35.729 acres. This includes one existing single family residential unit and the site is proposed to contain two single-family residential units. The average lot size for the two proposed lots is 5.0 ± acres. The gross density of the site is 0.097 units per acre. Each lot meets the minimum lot size of 5 acres or greater.

Fire Protection:

Misfit Crew Estates is currently not located in a Fire District. The Owner's are in the process of receiving an inclusion into the Monument Fire Protection District. The lots and homes are subject to the codes and policies adopted by the said district regarding fire protection.

Proposed Access Locations:

The current access location for Misfit Crew Estates is 5775 Mountain Shadow View located at the northeast property corner of the existing parcel. Proposed Lot 1 will have immediate access to Mountain Shadow View with a gravel driveway. Proposed Lots 2 & 3, will access Mountain Shadow View via a new driveway which shall be located within the 30.0' Common Access Easement as shown on the Plat.

Traffic Impact and Traffic Impact Fees:

For all proposed lots, there will be one existing and two proposed single family residential units with access to Mountain Shadow View. Referencing Appendix B, Section B.1.2.D, this proposed development meets the criteria for not requiring a Traffic Impact Study as follows:

Vehicular Traffic Summary

- (1) Daily vehicle trip-end generation is less than 100 or the peak hour trip generation is less than 10;

The development is expected to generate a total of 29 trips per day based on 9.44 trips per unit for Single Family Detached Housing (Average weekday trips ends), 2.25 trips in the peak AM Hour (0.75 trips/unit for peak AM traffic), and 3 trips in the peak PM hour (1.00 trips/unit for peak PM traffic) according to Trip Generation, 10th Edition, 2017 by

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the Institute of Transportation Engineers. This number of trips is below the County threshold of 100 trips per day or 10 trip

- (2) there are no additional proposed minor or major roadway intersections on major collectors, arterials, or State Highways;

There are not any proposed minor or major roadway intersections on major collectors, arterials, or State Highways. Proposed Lot 1 will have immediate access to Mountain Shadow View via an existing gravel driveway. Proposed Lots 2 & 3, will access Mountain Shadow View via a new driveway which shall be located within the 30.0' Common Access Easement as shown on the Plat. An Ingress/Egress Waiver is requested to provide access to proposed Lots 2 and 3 along said private driveway. The justification for the requested waiver is included in a separate section below.

- (3) the increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends;

The increase of 2 lots in the proposed development is expected to generate a total of 19 trips per day based on 9.44 trips per unit for Single Family Detached Housing (Average weekday trips ends), 1.5 trips in the peak AM Hour (0.75 trips/unit for peak AM traffic), and 2 trips in the peak PM hour (1.00 trips/unit for peak PM traffic) according to Trip Generation, 10th Edition, 2017 by the Institute of Transportation Engineers. This number of trips is below 10 peak hour trips.

- (4) the change in the type of traffic to be generated (i.e., the addition of truck traffic) does not adversely affect the traffic currently planned for and accommodated within, and adjacent to, the property;

Due to the nature of single family homes, trip generation is likely to include going to work, taking children to school, shopping, local deliveries and service providers and running various errands. Additional truck traffic is not anticipated as a normal occurrence.

- (5) acceptable LOS on the adjacent public roadways, accesses, and intersections will be maintained;

The addition of 2 more single family, rural, residences is not anticipated to alter the current Level of Service and the LOS shall be maintained.

- (6) no roadway or intersection in the immediate vicinity has a history of safety or accident problems;

This proposed development shall be connected to the existing gravel road, "Mountain Shadow View." Mountain Shadow View ends at the western end (adjacent to the proposed subdivision) with a cul-de-sac. There fore, there is not much traffic where vehicles will be coming out of the proposed subdivision. Mountain Shadow View connects into the public road of Thompson Road at 0.39 miles to the east. Thompson Road is a rural, gravel road which has good visibility. Due to the addition of such a low volume of traffic, a higher incidence of accidents is unlikely.

- (7) there is no change of land use with access to a State Highway.

The land use will continue to be zoned as Resident Rural-5 acre and this site does not directly access a State Highway.

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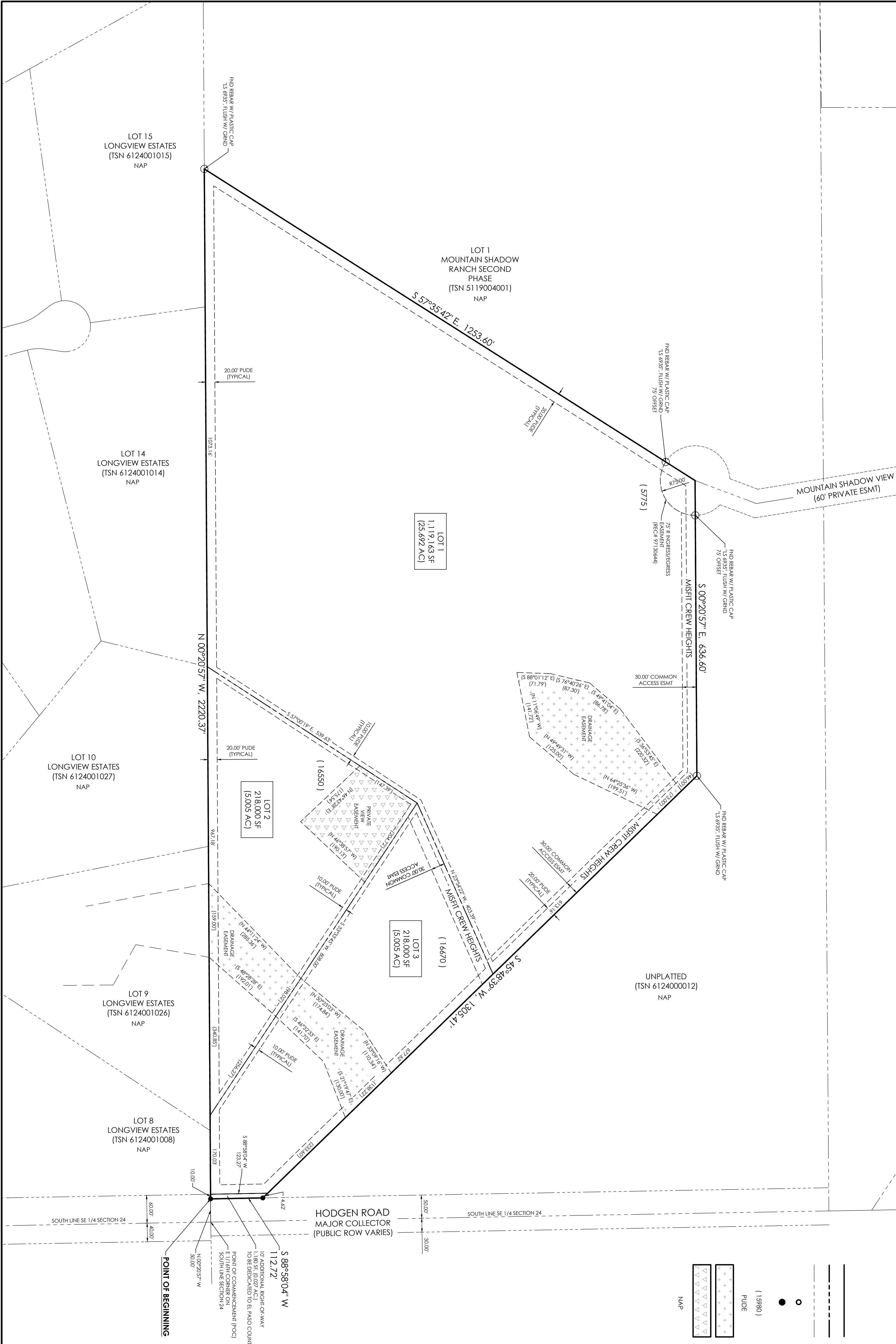
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This development is subject to fees established by the El Paso County Road Impact Fee Program per El Paso County Resolution Number 19-471. The owners have elected to not be included in any Public Improvements District. Traffic Impact Fees will be paid at time of building permit.

MISFIT CREW ESTATES

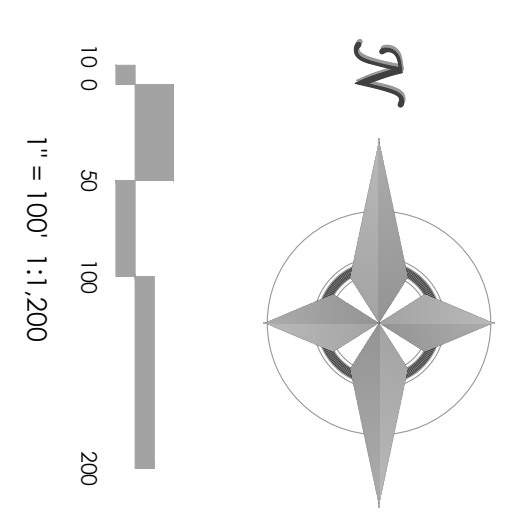
A TRACT OF LAND LOCATED IN THE EAST HALF OF THE SOUTHEAST QUARTER QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6th PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO



LEGEND

	PROPOSED SUBDIVISION BOUNDARY LINE
	PROPOSED LOT LINE
	ADJACENT BOUNDARIES
	FOUND CORNER AS SHOWN
	SET #5 REBAR W/ ALUMINUM CAP MARKED POLYAKS, PLS 2/605 FLUSH WITH THE GROUND
	ADDRESS NUMBER (15980)
	PUDE
	DRAINAGE EASEMENT WITH NO BUILD AND NO STORAGE OF MATERIALS
	PUBLIC UTILITY AND DRAINAGE EASEMENT
	VIEW EASEMENT
	NAP

NOT A PART OF THIS SUBDIVISION (NO AREAS OUTSIDE OF THE SHOWN BOUNDARY AREA A PART OF THIS SUBDIVISION)



MVE, INC.	
ENGINEERS & SURVEYORS	
1903 Leamy Street, Suite 200 El Paso, Texas 79901 719.235.5728 www.mveinc.com	
PROJECT: MISFIT CREW ESTATES DATE: DECEMBER 19, 2024 SHEET: Z OF 2	MVE PROJECT: 61160 MVE DRAWING: 61160-PLAT-FS1 DATE: DECEMBER 19, 2024 SHEET: Z OF 2



September 9, 2024

Joe Letke, Project Manager
El Paso County Development Services Department
Transmitted via the EPC EDARP Portal: <https://epcdevplanreview.com>

RE: Misfit Crew Estates Subdivision
Case No. SF2417
Part of the E ½ of the SE ¼, Section 24, T11S, R66W, 6th P.M.
Water Division 1, Water District 8

Dear Joe Letke,

We have reviewed the submittal documents related to Misfit Crew Subdivision, concerning the above referenced proposal to subdivide approximately 35.729 acres into three single-family residential lots of 25.692 acres (Lot 1) and 5.005 acres each for the two Lots 2 and 3.

Water Supply Demand

Based on the water supply information summary and the July 25, 2024 Water Resource Report from M.V.E., Inc. ("Report") the estimated annual water requirements totals 0.90 acre-feet for in-house use (0.3 acre-feet/lot), 1.56 acre-feet for irrigation of up to 0.63 acres (10,600 square-feet for Lot 1 and 8,500 square-feet for each of Lots 2 and 3), 1.08 acre-feet for the watering of 18 heads of livestock (10 heads for Lot 1 and 4 heads on each of Lots 2 and 3), and 2.3 acre-feet for commercial use on Lot 1. The total annual demand for the subdivision would be 5.8 acre-feet or 3.8 acre-feet for Lot 1 and 2 acre-feet for Lots 2 and 3 (1 acre-foot/lot).

Source of Water Supply

The proposed water source is individual on lot wells constructed in the Dawson aquifer operating pursuant to the decreed augmentation plan in case no. 2021CW3202. The decree in case no. 2021CW3202 quantified the amount of water underlying a 36-acre parcel of which the 35.729 is a part. The following amounts of water were determined to be available underlying the 36-acre parcel:



Aquifer	Annual amount available for 36-acre parcel (acre-feet)		Type
	Based on 100 year allocation approach	Based on 300 year allocation approach	
Dawson	35.3	11.76	Not-Nontributary
Denver	31.8	10.6	Nontributary
Arapahoe	14.4	4.8	Nontributary
Laramie-Fox Hills	10.8	3.6	Nontributary

The decreed augmentation plan in case no. 2021CW3202 allows for the total annual withdrawal of 5.8 acre-feet (3.8 acre-feet/year for Lot 1 and 1 acre-foot/year/lot for each of Lots 2 and 3) from the not nontributary Dawson aquifer, based on a 300-year allocation approach. The augmentation plan states that indoor use will utilize an estimated 0.30 acre-feet of water per year per residence for each lot. The remaining pumping entitlement available for other uses on Lot 1, include irrigation of lawn, garden, pasture and greenhouse, and the watering of domestic animals and livestock. In addition, the well on Lot 1 will pump an additional 2.3 acre-feet/year, of which 1.0 acre-feet will be dedicated for use within a commercial equestrian facility for washing, cleaning, animal bathing, dust control, and other sanitary needs for the facility. The remaining additional 1.3 acre-feet will be used for other permitted uses including irrigation of pasture and stock watering.

Further, the remaining pumping entitlement available for other uses on Lots 2 and 3 include irrigation of lawn, garden and greenhouse watering of up to four horses and eight chickens or equivalent livestock and poultry on each lot.

The existing well on the property permit no. 209839 was re-permitted under permit no. 88703-F. The issuance of permit no. 88703-F canceled permit no. 209839. The use of groundwater from this well is limited to in-house uses inside a single-family dwelling and guest house, irrigation of lawn, garden, pasture, and greenhouse; the watering of domestic animals and livestock; and equestrian facility for washing, cleaning, animal bathing, dust control, and other sanitary needs for the facility. The average annual amount of groundwater to be withdrawn shall not exceed 3.8 acre-feet and the total volume of groundwater to be withdrawn shall not exceed 1,140 acre-feet.

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer’s Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 37-90-137(4)(b)(I), C.R.S., “Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years.” Based on this allocation approach, the annual amounts of water decreed in case no. 2021CW3202 are equal to one percent of the total amount, as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

“(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years.”

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an **allocation** approach based on three hundred years, the proposed annual water demand equals the allowed average annual amount of withdrawal of 5.8 acre-feet per year, allowed by the augmentation plan in the case no. 2021CW3202. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Any application for on lot well permits for Lots 2 and 3 of Misfit Crew Estates Subdivision, submitted by entities other than the water court Applicants in case no. 2021CW3202 (Mark E. McDonald and Amanda M. Enloe) must include evidence that the Applicant has acquired the right to the portion of the water being requested on the application.

Additional Comments

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

State Engineer’s Office Opinion

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

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

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

Our opinion is qualified by the following:

The Division 1 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

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

Should you or the Applicant have any questions, please contact me at this office at 303-866-3581 x8246 or ioana.comaniciu@state.co.us

Sincerely,



Ioana Comaniciu, P.E.
Water Resource Engineer

Ec: Subdivision file: 32472
File permit no. 88703-F

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

November 19, 2024

SF-24-17 Misfit Crew Estates

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 Misfit Crew Estates, an application by Mark McDonald and Amanda Enloe (“Applicant”) to subdivide a parcel of 35.729 acres of land (the “property”) into three single-family residential lots. 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 comprised of 0.30 acre-feet/year for household use for 3 lots totaling 0.90 acre-feet/year, 2.3 acre-feet/year for commercial equestrian uses to include washing, cleaning, animal bathing, dust control and other sanitary needs, 1.56 acre-feet per year for irrigation of 0.63 acres, and 1.08 acre-feet for the watering of up to 18 heads of livestock (4 heads/Lots 2-3 and 10 heads for Lot 1 assuming 0.06 acre-feet/horse) for a total demand of 5.8 acre-feet per year. Based on this total demand, Applicant must be able to provide a supply of 1,740 acre-feet of water (5.8 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the not-nontributary Dawson aquifer as provided in the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 1 Case No. 2021CW3202 (“Decree”). The groundwater decreed underlying the property includes 3,530 acre-feet of water in the Dawson aquifer, 3,180 acre-feet of water in the Denver aquifer, 1,440 acre-feet of water in the Arapahoe aquifer and 1,080 acre-feet of water in the

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER

STEVEN A. KLAFKY
TERRY A. SAMPLE

LORI L. SEAGO
ERIKA KEECH

BRYAN E. SCHMID
STEVEN W. MARTYN

MERI GERINGER
DOREY L. SPOTTS

Laramie-Fox Hills aquifer. The Augmentation Plan approved the pumping of up to 5.8 acre-feet per year for 300 years and 1,740 acre-feet total of Dawson aquifer water.

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 approved wells. Applicant must reserve 696 acre-feet of its water rights in the Arapahoe aquifer and 1,080 acre-feet of Laramie-Fox Hills aquifer, which shall be used for replacement of post-pumping depletions. Well Nos. 2 and 3 may each pump a maximum of 1.0 acre-feet per year, per lot, and Well No. 1 may pump a maximum of 3.8 acre-feet per year.

State Engineer's Office Opinion

4. In a letter dated September 9, 2024, the State Engineer stated that “. . .the estimated annual water requirements totals 0.90 acre-feet for in-house use (0.3 acre-feet/lot), 1.56 acre-feet for irrigation of up to 0.63 acres (10,600 square-feet for Lot 1 and 8,500 square-feet for each of Lots 2 and 3), 1.08 acre-feet for the watering of 18 heads of livestock (10 heads for Lot 1 and 4 heads on each of Lots 2 and 3), and 2.3 acre-feet for commercial use on Lot 1. The total annual demand for the subdivision would be 5.8 acre-feet or 3.8 acre-feet for Lot 1 and 2 acre-feet for Lots 2 and 3 (1 acre-foot/lot).” The State Engineer noted that the wells will produce from the Dawson aquifer pursuant to the augmentation plan decreed in Case No. 2021CW3202. The State Engineer further noted that one existing well is located on the property operating under permit no. 88703-F. The annual amount of water to be withdrawn from this well is 3.8. The two wells yet to be constructed are allowed to withdraw up to 1.0 acre-feet per well. The three wells shall not exceed 5.8 acre-feet withdrawal.

Finally, 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 Misfit Crew Estates is 5.8 acre-feet per year for a total demand of 1,740 acre-feet for the subdivision for 300 years. The Decree and Augmentation Plan allows for 3 wells to withdraw water from the Dawson aquifer up to 5.8 acre-feet per year (3.8 acre-feet/year for Lot 1 and 1 acre-foot/year/lot for each of Lots 2 and 3), for a total of 1,740 acre-feet over 300 years, which is equivalent to the requested demand.

Based on the water demand of 5.8 acre-feet/year for Misfit Crew Estates, this Office recommends a finding of sufficient water quantity and dependability for Misfit Crew Estates.

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 August 20, 2024, the *Water Supply Information Summary*, the State Engineer's Office Opinion dated September 9, 2024, and Findings of Fact, Conclusions of Law, Ruling of the Referee and Judgment and Decree in Division 1 Case No. 2021CW3202 entered on March 9, 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 in Division 1 Case No. 2021CW3202, specifically, that water withdrawn from the Dawson aquifer by each of the proposed three wells permitted shall not exceed 3.8 acre-feet for Lot 1, and 1 acre-foot for each of Lots 2 and 3, based on a total combined annual withdrawal of 5.8 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 the Referee and Judgment and Decree in Division 1 Case No. 2021CW3202.

Covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 1,740 acre-feet of Dawson aquifer water, 696 acre-feet of Arapahoe aquifer water, and 1,080 acre-feet of Laramie-Fox Hills aquifer water pursuant to Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 1 Case No. 2021CW3202 to satisfy El Paso County's 300-year water supply requirement for the 3 lots of the Misfit Crew Estates. The Covenants shall further identify that 1,140 acre-feet (3.8 acre-feet/year) of Dawson aquifer water, 455.88 acre-feet of Arapahoe aquifer water, and 707.4 acre-feet of Laramie-Fox Hills aquifer water is allocated to Lot 1 and 300 acre-feet (1.0 acre-foot/year) of Dawson aquifer water, 120.06 acre-feet of Arapahoe aquifer water, 186.3 acre-feet of Laramie-Fox Hills aquifer water is allocated to each of Lots 2 and 3.

Said reservations shall not be separated from transfer of title to the property and shall be used exclusively for primary and post-pumping 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 Dawson wells in a manner to replace depletions during pumping and the cost of drilling Laramie-Fox Hills and 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 in Division 1 Case No. 21CW3202 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 Dawson, Laramie-Fox Hills 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 in Division 1 Case No. 21CW3202 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 Misfit Crew Estates pursuant to Findings of Fact, Conclusions of Law, Ruling of Referee and Decree in Division 1 Case No. 21CW3202. 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 Division 1 Water Court 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 in Division 1 Case No. 21CW3202 are also terminated by the Division 1 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 Dawson aquifer water in the decreed amount of 1,740 acre-feet, as well as 696 acre-feet of Arapahoe aquifer water and 1,080 acre-feet of Laramie-Fox Hills aquifer water. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply.

E. Applicant and its successors and assigns shall convey by recorded warranty deed these reserved Dawson aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Dawson aquifer underlying the respective lots to satisfy El Paso County’s 300-year water supply requirement. Sufficient water rights amount to 1,140 acre-feet (3.8 acre-feet/year) of Dawson aquifer water for Lot 1 and 300 acre-feet (1.0 acre-foot/year) of Dawson aquifer water for each of Lots 2 and 3.

Any and all conveyance instruments shall also recite as follows:

For the water rights and return flows conveyed for the primary supply (Dawson aquifer): “These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year water supply, and replacement during pumping, for

each of the lots of Misfit Crew Estates. 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 shall convey by recorded warranty deed at the time of lot sales the reserved 455.88 acre-feet of Arapahoe aquifer water and 707.4 acre-feet of Laramie-Fox Hills aquifer water for Lot 1 and 120.06 acre-feet of Arapahoe aquifer water and 186.3 acre-feet of Laramie-Fox Hills aquifer water for each of Lots 2 and 3 for use under the augmentation plan to replace post-pumping depletions. Applicant shall recite in the deed that this water shall be used exclusively for augmentation supply and shall not be sold, conveyed, traded, bartered, assigned, or encumbered in whole or in part for any other purpose.

G. 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 in Division 1 Case No. 2021CW3202 and shall identify the obligations of the individual lot owners thereunder.

H. Applicant and its successors and assigns shall record all applicable documents, including but not limited to agreements, assignments, 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.

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

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

cc: Joe Letke, Project Manager, Planner

FINAL PLAT (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF2417
MISFITS CREW ESTATES FINAL PLAT

WHEREAS, Amanda M. Enloe and Mark E. McDonald did file an application with the El Paso County Planning and Community Development Department for approval of a Final Plat for the Misfits Crew Estates 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 February 20, 2025; 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.
7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code ("Code") (as amended):

1. The Subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
2. The Subdivision is in substantial conformance with the approved Preliminary Plan;
3. 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;
4. Either a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of Subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code, or, with respect to applications for Administrative Final Plat approval, such finding was previously made by the BoCC at the time of Preliminary Plan approval;
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 that the proposed Subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM");
8. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement acceptable to the County in compliance with the Code and the ECM;
9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed Subdivision;

10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
11. 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;
12. 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;
13. The Subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and
14. The extraction of any known commercial mining deposit shall not be impeded by this Subdivision [C.R.S. §§ 34-1-302(1), et seq.].

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Amanda M. Enloe and Mark E. McDonald for approval of a Final Plat for the Misfits Crew Estate 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 Final Plat.

4. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated November 19, 2024, as provided by the County Attorney's Office.

NOTATIONS

1. The following fees are required to be paid to El Paso County at the time of Final Plat recordation:
 - a. The subdivision is located in East Cherry Creek (CYCY0200) drainage basin which is an unstudied basin with no drainage or bridge fees.
 - b. Park fees in lieu of land dedication for regional parks in the amount of \$1,515.
 - c. Fees in lieu of school land dedication in the amount of \$924.00 shall be paid for the benefit of Lewis-Palmer School District 38.
2. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
3. 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.
4. 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. 24-377), or any amendments thereto, at or prior to the time of building permit submittal. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property

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

_____ seconded the adoption of the foregoing Resolution.

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

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

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

DONE THIS 20 day of February 2025 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Chair

EXHIBIT A

Legal description

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPLE MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 24; THENCE N 00°20'57" W ALONG THE WEST LINE OF SAID EAST HALF OF THE SOUTHEAST QUARTER (BASIS OF BEARING) A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF HODGEN ROAD AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING N 00°20'57" W ALONG THE WEST LINE OF SAID EAST HALF OF THE SOUTHEAST QUARTER A DISTANCE OF 2220.37 FEET;

THENCE S 57°35'42" E A DISTANCE OF 1253.60 FEET;

THENCE S 00°20'57" E A DISTANCE OF 636.60 FEET;

THENCE S 45°48'39" W A DISTANCE OF 1305.41 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF HODGEN ROAD;

THENCE S 88°58'04" W A DISTANCE OF 112.72 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF HODGEN ROAD TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 1,556,343 SF (35.729 ACRES), MORE OR LESS.