

EL PASO



COUNTY

COMMISSIONERS:
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PEGGY LITTLETON

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

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

FROM: Nina Ruiz, PM/Planner II
Gilbert LaForce, PE Engineer II
Craig Dossey, Executive Director

RE: Project File #: VR-17-014
Project Name: 6425 E. Platte Vacation and Replat
Parcel No.: 54180-01-010

OWNER:	REPRESENTATIVE:
Linda S. & Thomas E. Richardson 14445 Chalet Lane Elbert, CO 80106	Linda S. & Thomas E. Richardson 14445 Chalet Lane Elbert, CO 80106

Commissioner District: 4

Planning Commission Hearing Date:	6/5/2018
Board of County Commissioners Hearing Date	6/26/2018

EXECUTIVE SUMMARY

A request by Linda & Thomas Richardson for approval of a vacation and replat of one (1) industrial lot into two (2) industrial lots with Lot 1 being 1.68 acres and Lot 2 being 5.1 acres. The 6.78 acre lot, known as Lot 1 Cimarron South Filing No. 1, is zoned I-2 (Limited Industrial) and is located south of Highway 24, one-half mile east of Powers Boulevard and is within Section 18, Township 14 South, Range 65 West of the 6th P.M. The property is not within the boundaries of a small area plan.



A. REQUEST/WAIVERS/AUTHORIZATION

Request: A request for a vacation and replat of one (1) industrial lot into two (2) industrial lots.

Waiver(s): There are no waivers associated with the vacation and replat request.

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

B. PLANNING COMMISSION SUMMARY

Request Heard: as a Consent Item

Recommendation: Approval

Waiver Recommendation: N/A

Vote: 7 to 0

Vote Rationale: N/A

Summary of Hearing: Applicant was represented at the hearing.

Legal Notice: N/A

C. APPROVAL CRITERIA

Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code states that a replat, "involves two actions, the vacation of the portion of the subdivision plat where the change is proposed...and approval of a new subdivision plat." The Code goes on to define a replat as providing a replat of a subdivision or lots in a subdivision, in which the original subdivision is substantially modified or additional lots are created. In approving a replat, the following findings shall be made:

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- The replat is in keeping with the purpose and intent of this Code;
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The approval will not adversely affect the public health, safety, and welfare; and

- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved

D. LOCATION

North: C-2 (Commercial)	Commercial
South: RR-5 (Residential Rural)	Cherokee Water and Sanitation Facility
East: RR-5 (Residential Rural)	Cherokee Water and Sanitation Facility
West: CS (Commercial Service)	Commercial

E. BACKGROUND

The parcel was zoned A-3 (Agricultural) on May 11, 1955, when zoning was first initiated for this area of El Paso County. The Board of County Commissioners approved a rezoning request from the A-3 (Agricultural) zoning district to the PID (Planned Industrial) zoning district in 1984. Due to changes in the nomenclature of the El Paso County Land Development Code, the PID zoning district has been renamed as the I-2 (Limited Industrial) zoning district. The 6.78 acre lot was platted as Lot 1 Cimarron South Filing No. 1 on May 24, 1973. The existing structure was constructed in 1984, prior to the County requiring site development plan approval for initiation of a commercial use.

The businesses on the subject parcel include general commercial and a paintball facility. A variance of use was approved by the Board of County Commissioners in 2012 to legalize a paintball playing field and business. The paintball facility is still in operation and intends to purchase Lot 2 of the proposed replat. The paintball activities overflow onto an adjacent parcel owned by the Cherokee Metropolitan District. The District and the property owner have entered into a license agreement to allow these activities to continue without the need to adjust the common property boundary.

The applicant has requested a vacation and replat so that the businesses who have leased the property for several years may now purchase the property as a separate legally created lot.

F. ANALYSIS

1. Land Development Code Compliance

This application meets the requirements of Sections 7.2.3.A (Vacation) and 7.2.3.C (Replat), Actions Vacating or Altering a Recorded Plat, the vacation and

replat submittal requirements, the standards for Divisions of Land in Chapter 7, and the standards for Subdivision in Chapter 8 of the Land Development Code.

2. Zoning Compliance

The proposed replat will create two (2) lots. Both lots, as proposed, will conform to the standards of the I-2 (Limited Industrial) zoning district. The I-2 zoning district density and dimensional standards are as follows:

- Minimum zone district area- 20 acres
- Minimum lot size – 1
- Setbacks – 50 feet in the front, 30 feet on the sides, 50 feet in the rear
- Maximum building height – 45 feet
- Maximum lot coverage – 35%

No additional structures or expansions are being requested at this time. All future development of the subject parcel must be in compliance with the Land Development Code.

3. Policy Plan Analysis

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues, and provides a framework to tie together the more detailed sub-area elements of the County master plan. Relevant policies are as follows:

Policy 6.1.3- Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use, and access.

Policy 6.1.15- Recognize the need for new development and redevelopment to respond to changes in demographic, market and technological conditions.

The average lot size for the platted lots located directly to the west is one-half acre. The existing subject lot is significantly larger than the average lot size at 6.78 acres. The applicant is requesting to subdivide the 6.78 acre lot into two (2) lots with lot sizes of 1.68 and 5.1 acres. The owner of the lot has leased the land to the same businesses for a number of years and wishes to have the ability to sell them the property.

4. Small Area Plan Analysis

The property is not located within a small area plan.

5. Other Master Plan Elements

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

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

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A portion of the property is within the floodplain, see Section 3 of this report below.

2. Wildlife

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

3. Floodplain

The majority of the property is located outside the 100-year floodplain. A small portion along the eastern property line is within the 100-year floodplain (Zone AE) of East Fork Sand Creek as indicated in the FEMA flood insurance rate map number 08041C0754F and as amended by the FEMA approved Letter of Map Revision (LOMR) case number 03-08-0689P, which has an effective date of June 3, 2004. No structures and no storage or materials are permitted within the designated 100-year floodplain.

4. Drainage and Erosion

The property is located in the Sand Creek (FOFO4000) drainage basin, which was studied in 1996. No drainage fees are required with the replat since the subdivision is not adding any impervious acreage.

5. Transportation

Access is through an existing driveway to Platte Avenue/Highway 24 via a frontage road, which is owned and maintained by the Colorado Department of Transportation (CDOT). Any updates to the existing access permit will be under the jurisdiction of CDOT.

H. SERVICES

1. Water

Sufficiency: Sufficient

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The Cherokee Metropolitan District provides water service and has committed to continue to serve the property. The State Engineer's office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water rights. The County Attorney's Office has recommended a finding of sufficiency with regard to water quantity and dependability, which is included as an attachment. El Paso County Public Health has made a favorable recommendation regarding water quality.

2. Sanitation

Cherokee Metropolitan District provides wastewater service to the existing lot. The District provided a will serve letter and a wastewater disposal report indicating capacity to serve the additional lot.

3. Emergency Services

The site is located within the boundaries of the Cimarron Hills Fire Protection District. The Fire Protection District was sent a referral and has no outstanding comments.

4. Utilities

Colorado Springs Utilities will provide natural gas and electrical service to the proposed subdivision.

5. Metropolitan Districts

The property is located within the Cherokee Metropolitan District.

6. Parks/Trails

Park land dedication or fees in lieu of park land dedication are not required for commercial subdivisions.

7. Schools

School land dedication or fees in lieu of school land dedication are not required for commercial subdivisions.

I. APPLICABLE RESOLUTIONS

See Attached Resolution

J. STATUS OF MAJOR ISSUES

There are no major outstanding issues.

K. CONDITIONS AND NOTATION

Should the Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2016) staff recommends the following conditions and notation:

CONDITIONS

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

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

6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 12-382), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

NOTATION

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

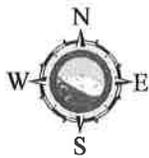
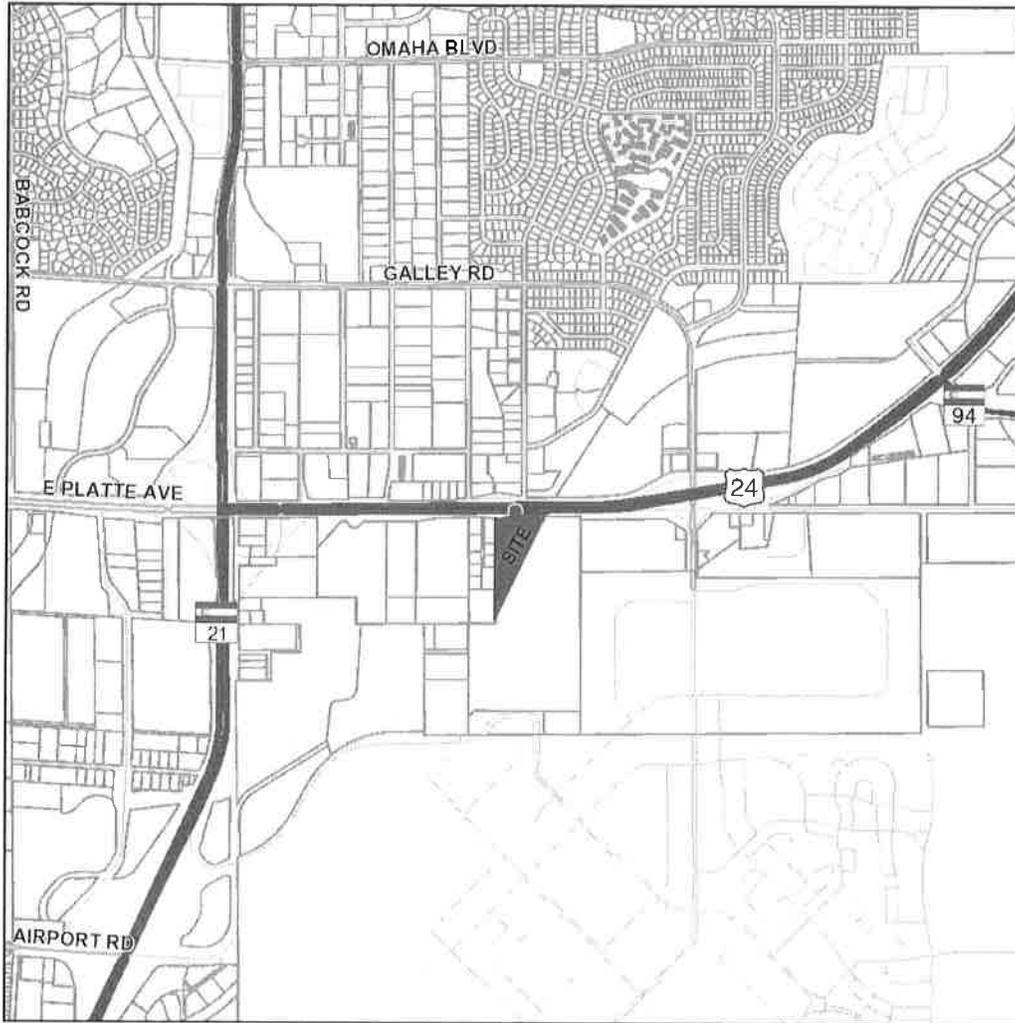
L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified nine (9) adjoining property owners on May 16, 2018, for the Board of County Commissioners hearing. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter
Planning Commission Resolution
Board of County Commissioners' Resolution

----- El Paso County Parcel Information -----



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Parcel: 5418001010

Name: RICHARDSON THOMAS E
& LINDA S

City: ELBERT

State: CO

Zip: 80106

Filename: VR-17-014

Zone Map Number:

Date: 04/24/2018

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

LETTER OF INTENT

January 12, 2018

RE: 6425 E PLATTE VACATION REPLAT

OWNER/APPLICANT

Thomas E. Richardson and Linda S. Richardson
14445 Chalet Lane
Elbert, CO 80106
(719) 650-5831 and (719) 650-2084

SITE LOCATION:

6425 E. Platte Ave., Colorado Springs, CO 80915
(South side of East Platte Ave. between Powers Blvd. and Peterson Rd.)

SITE SIZE:

6.78 acres.

SITE ZONING:

I-2

APPLICATION REQUEST:

Applicants request that the described property be vacated and replatted to allow the original lot to become two lots, divided along the logical boundary of the existing fence lines.

JUSTIFICATION FOR REQUEST:

This property has been leased to several businesses since May of 2006. The current tenants have been in residence since August 2012 and May 2013. Both tenants have made substantial investments in both the property and their businesses. Both tenants have expressed strong interest in purchasing their leased property, and neither wishes to purchase the entire property to become the landlord of the other.

Both businesses currently have their own separate driveway entrances on the Hwy. 24 frontage road and are separated from each other by chain link fence. Both businesses have their own electrical services with separate meters. The 1.68 acre section leased by Patterson Custom Diesel with the 7616 sf building has water, sewer, phone, and gas service in the building. The 5.10 acre section leased by Covert Ops Paintball with the 720 sf building has CSU gas and Cherokee sewer and water utilities in easements on the property which can be tapped when the tenant determines that it is appropriate.

If the property can be subdivided, the two lots will still be larger than most of the adjacent lots. There will be no changes to the physical layout or grading and drainage conditions that currently exist. Both businesses intend to continue operating as they do now.

Both tenants have negotiated sale prices with the owner, and intend to buy the portions of the property they occupy, provided the County agrees to allow the vacation and replat to proceed.

According to the County Policy Plan, Section 5.0 deals with Economic Development. Goal 5.1 states "Maintain a land use environment which encourages quality economic development which is compatible with surrounding land uses." This subdivision will allow the two tenants to own the properties that they occupy, which will free them to make future additions and alterations that suit their businesses and enhance their productivity and operating profits. This in turn should improve their ability to attract and retain quality employees which both brings in revenue from outside the county and provides job income which will be spent within the county. This is consistent with Policies 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.8, and 5.1.12.

Goal 7.1 states "Reasonably accommodate unique and special uses which provide value to the greater community and which can be made consistent with surrounding uses." Subdivision and subsequent purchase of the Paintball Park by its operator will enhance the growth of the business and help ensure the long-term success of the recreation business. This park serves the needs of military personnel from both the Air Force and the Army returning from overseas duty by giving them recreational therapy in addition to an opportunity for simple physical outdoor enjoyment. The park also serves the greater Colorado Springs and El Paso County community with an enjoyable activity that is found at only one other location which is miles east of town.

EXISTING FACILITIES:

The 1.68 acre portion of the property includes a 7616 sf building comprised of a 6000 sf mechanic shop and a 1616 sf attached office. This portion is fully fenced with a locking gate. It has a paved entrance from the Hwy 24 Frontage Rd. and includes paved parking, outside lighting with security cameras, and lighted flag poles. The improvements are essentially the same as they were originally installed in 1984. The building has all utilities included.

The 5.10 acre portion of the property includes a 720 sf building with electrical service which houses the retail, mechanical, and storage needs of the Paintball Park. This portion is also fully fenced with a locking gate, except for the east lot line that abuts the Cherokee Metropolitan District property. Both the current owners of the 6425 E. Platte property and the Paintball Park tenant have lease agreements giving full use of and access to the Cherokee property for use by the paintball business owner. It has a separate gravel entrance from the Hwy 24 Frontage Rd. This portion also has a large dedicated parking area, several portable storage containers, and several paintball fields, as allowed by the El Paso County Variance of Use letter dated August 9, 2012.

PROPOSED FACILITIES:

There are no proposed or anticipated changes to the existing facilities or current operations on the property.

WAIVER REQUESTS:

There are no requests anticipated. The existing Variance of Use will remain in place for the paintball field operation.

INDUSTRIAL SITES:

We request that the existing industrial lot be divided into two lots keeping the same I-2 zoning classification.

WATER AND SEWER:

The 1.68 acre portion of the property has full utility service already existing. The 5.10 acre portion has Cherokee sewer and water mains on the property and they can be tapped for a fee if and when the paintball business owner determines that their use may be appropriate.

ACCESS LOCATIONS:

The two businesses currently occupying the property have separate driveway entrances on the Hwy 24 Frontage Road, and these are not anticipated to change.

ADDITIONAL INFORMATION:

The proposed vacation and replat will allow the existing property to be divided into two lots along the existing fence lines, and the two existing businesses that currently occupy the property will continue to occupy the lots long-term with no anticipated changes to their business models or facilities.

WILDFIRE AND HAZARD REPORT:

According to the El Paso County Vegetation and Wildfire Hazards maps, the site is located in a Low Hazard - Commercial area.

TRAFFIC REPORT:

Weekday traffic entering the Patterson Custom Diesel section of the property averages 45 vehicles per day. They are closed on weekends and holidays. Weekend and holiday traffic entering the Covert Ops Paintball section of the property averages 40 vehicles per day. They are normally closed on weekdays. The two driveway entrances to these businesses are located at the east dead end of the Hwy 24 Frontage Road, and the only other traffic passing the property would be service or maintenance vehicles accessing the Cherokee Metropolitan District facility with a volume of 3 or 4 vehicles per week. Subdivision will cause no changes to the current traffic count.



April 16, 2018

Ms. Nina Ruiz
El Paso County Development Services Department
2880 International Circle, Suite 110
Colorado Springs, CO 80910-3127

RE: East Platte Subdivision
Final Plat
Sec. 18, Twp. 14S, Rng. 65W, Sixth P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 24146

Dear Ms. Ruiz:

We have received additional information concerning the above-referenced proposal to subdivide 6.78 +/- acres (Lot 1, Filing 1, Cimarron South, except that part conveyed to State DOT by reception no. 200124935, El Paso County) into two lots. The proposed Lot 1 is 1.68 +/- acres and the proposed Lot 2 is 5.10 +/- acres. The proposed supply of water, in addition to wastewater disposal, is to be served by the Cherokee Metropolitan District.

Water Supply Demand

The Water Supply Information Summary, Form No. GWS-76, which was provided to the county as Attachment C of the State Engineer's March 16, 2005 Memorandum, was not included in the submittal. However, according to the revised Subdivision Summary Form dated March 22, 2018 and included as additional information with the submittal, the estimated water demand for the development is 230 gallons per day (0.26 acre-feet per year).

Source of Water Supply

The source of water for the proposed development is to be served by the Cherokee Metropolitan District ("District"), and a March 22, 2018 letter of commitment from the District was included as additional information with the submittal. According to the letter of commitment, the District has committed to serve the existing commercial occupancy (proposed Lot 1) an amount of 0.14 acre-feet per year and has committed to serve the planned commercial occupancy (proposed Lot 2) an amount of 0.15 acre-feet per year, for a total commitment of 0.29 acre-feet per year. According to the latest water supply report on file with this office, it appears the District has sufficient water resources to supply the proposed subdivision an amount of 0.29 acre-feet per year.

Additional Comments

Should the development include construction and/or modification of any storm water structure(s), the Applicant should be aware that, unless the storm water structure(s) can meet the requirements of a "storm water detention and infiltration facility" as defined in section 37-92-602(8), Colorado Revised Statutes, the structure may be subject to administration by this office. The applicant should review DWR's *Administrative Statement Regarding the Management of Storm Water*



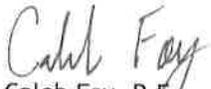
Ms. Nina Ruiz
April 16, 2018
Page 2 of 2

Detention Facilities and Post-Wildland Fire Facilities in Colorado, available online at: <http://water.state.co.us/DWRIPub/Documents/DWR%20Storm%20Water%20Statement.pdf>, to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.

State Engineer's Office Opinion

According to the latest water supply report on file with this office, it appears the District has sufficient water resources to supply this subdivision. Therefore, based on the above and pursuant to Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that so long as the demand of the proposed development does not exceed 0.29 acre-feet per year, the proposed water supply can be provided without causing injury to decreed water rights. Should you or the applicant have any questions, please feel free to contact me directly.

Sincerely,



Caleb Foy, P.E.
Water Resource Engineer

cc: Steve Witte, Division 2 Engineer (via email)
Doug Hollister, District 10 Water Commissioner (via email)

CRF:crf

EL PASO COUNTY

OFFICE OF THE COUNTY ATTORNEY CIVIL DIVISION

Amy R. Folsom, County Attorney

First Assistant County Attorney
Diana K. May

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

May 25, 2018

East Platte Subdivision (6425 E. Platte) Vacation and Replat
VR-17-014

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



1. This is a proposal by Thomas E. Richardson and Linda S. Richardson ("Applicant") for vacation and replat of a single parcel into 2 commercial lots on approximately 6.78 acres of land located at 6425 East Platte Avenue. The property is zoned I-2 (Limited Industrial) and the property is currently being leased by 2 commercial businesses. The request to replat the 6.78 acre property would allow the original lot to become 2 lots: Lot 1 encompassing 1.68 acres and Lot 2 encompassing 5.10 acres.

2. The Applicant has provided that the subdivision will be served by the Cherokee Metropolitan District ("District"). Applicant has not provided the required Water Supply Information Summary. Applicant's Subdivision Summary Form estimates water requirements for the subdivision at 230 gallons per day, which equates to 0.26 acre-feet/year; however, other information indicates Applicant may be considering a higher demand of 0.29 acre-feet annually. Based on Applicant's estimate, the Applicant will need to provide a supply from the District of 78 acre-feet (0.26 acre-feet x 300 years) to meet the County's 300 year water supply requirement; however, based on a higher demand of 0.29 acre-feet annually, Applicant will have to provide a supply of 87 acre-feet from the District to meet the County's 300 year water supply requirement.

3. The General Manager of the District provided letters committing to serve the commercial subdivision on August 30, 2017 and March 22, 2018. The letters noted that the District had previously committed, and was already serving, the commercial business on the property to be replatted as Lot 1, in the amount of 0.14 acre-feet per year. The March 22nd letter also committed to serve the 2nd commercial business on the property to be replatted as Lot 2, in the amount of 0.15 acre-feet per year. The General Manager noted that the District has "sufficient water rights available to continue to meet the previously identified need of 0.14 acre feet of potable water per year" and further,

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



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

“the District has sufficient water rights available to meet the additional need of 0.15 acre feet of potable water per year.”

4. In a letter dated April 16, 2018, the State Engineer noted that the Water Supply Information Summary was not provided for its review of the East Platte Subdivision. Based on Applicant’s unofficial estimate, the State Engineer noted the “estimated water demand for the development is 230 gallons per day (0.26 acre-feet per year).” The Engineer noted the District’s letter committing to a total water supply of 0.29 acre-feet year for the commercial subdivision. The Engineer also noted that “[a]ccording to the latest water supply report on file with this office, it appears the District has sufficient water resources to supply the proposed subdivision an amount of 0.29 acre-feet per year.”

In addition, the State Engineer’s Office also provided an advisory to the Applicant related to any possible storm water collection and/or conveyance facilities that may be included in the project. The Engineer advised the Applicant that “. . . unless the storm water structure(s) can meet the requirements of a ‘storm water detention and infiltration facility’ . . . the structure may be subject to administration by this office. The applicant should review the *DWR’s Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado* . . . to ensure that the notice, construction and operation of the proposed structure meets statutory and administrative requirements.”

Finally, the State Engineer provided its finding that pursuant to “Section 30-28-136(1)(h)(II), C.R.S., it is the opinion of this office that so long as the demand of the proposed development does not exceed 0.29 acre-feet/year, the proposed water supply can be provided without causing injury to decreed water rights.”

5. Section 8.4.7(B)(10)(g), of the El Paso County Land Development Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary that may be provided by the El Paso County Health Department.

6. Analysis and Recommendation. Based on Applicant’s unofficial estimate of a demand of 0.26 acre-feet per year to be served by Cherokee Metropolitan District, of which 0.14 acre-feet is already being supplied and the District’s commitment to supply Lot 2 at 0.15 acre-feet annually, based on the State Engineer’s confirmation that at a higher demand of 0.29 acre-feet annually the District has sufficient water to supply the development, which in turn is based on the District’s latest water supply report on file at the State Engineer’s Office, there appears to be a sufficient water supply available to meet the demands of this development; however, Applicant must resolve its demand calculation. Therefore, based upon the finding of sufficiency and no injury to existing water rights by the State Engineer’s Office, based on Applicant’s stated demand of 0.26 acre-feet per year but also based on the commitment by the District to serve the property at the higher demand of 0.29 acre-feet per year, but subject to the

requirements set forth below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability.

CONDITION OF COMPLIANCE:

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, and specifications set by the District.
- B. Before hearing by the Planning Commission, Applicant shall provide to the Planning and Community Development Department and the County Attorney's Office, the required Water Supply Information Summary form that resolves its demand calculation. If not so received, the County Attorney's Office may recommend that the matter be postponed. Regardless, Applicant shall use no more than 0.29 acre-feet of water annually for the subdivision.
- C. It is Applicant's responsibility, and not the County's, to comply with the advisory by the State Engineer's Office regarding any storm water collection and/or conveyance facilities that may be included in the development to ensure that any such structures meet the requirements of a 'storm water detention and infiltration facility,' and that notice, construction, and operation of the proposed structure meets statutory and administrative requirements.

cc: Nina Ruiz, Project Manager, Planner II

VACATION AND REPLAT (RECOMMEND APPROVAL)

Commissioner Lucia-Treese moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR-17-014

WHEREAS, Linda S. and Thomas E. Richardson, did file an application with the Planning and Community Development Department of El Paso County for approval of a vacation and replat of Lot 46425 E. Platte, to create one (1) industrial lot into two (2) industrial lots with Lot 1 being 1.68 acres and Lot 2 being 5.1 acres lots 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 June 5, 2018; and

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

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication and public notice were provided as required by law for the hearing before the Planning Commission.
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested persons and the general public were heard at that hearing.
4. All exhibits were received into evidence.
5. That the vacation and replat complies with the El Paso County Land Development Code and the original conditions of approval associated with the recorded plat.
6. No nonconforming lots are created and, in the case of existing nonconforming lots, the degree of nonconformity is not increased.

7. That the vacation and replat conforms to the required findings for a minor or major subdivision, whichever is applicable.
8. That a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. Where lots or parcels are subject to any Covenants, Conditions and Restrictions (CC&Rs) or other restrictions, the vacation and replat will not result in a conflict with the CC&Rs or other restrictions unless specifically approved by the Homeowners Association or controlling authority.
10. The vacation and replat is in general conformance with the goals, objectives, and policies of the Master Plan.
11. 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.
12. The proposed replat of land conforms to the El Paso Zoning Resolutions.
13. For the above-stated and other reasons, the vacation and replat is in the best interest of the health, safety, morals, convenience, order, prosperity and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends approval of the vacation and replat of 6425 E. Platte with the following conditions and notations:

CONDITIONS

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

4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 12-382), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

NOTATION

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

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

Commissioner Curry seconded the adoption of the foregoing Resolution.

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

Commissioner Egbert	aye
Commissioner Curry	aye
Commissioner Risley	aye
Commissioner Friedman	aye
Commissioner Dillon	aye
Commissioner Lucia-Treese	aye
Commissioner Creely	aye

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

DATED: June 5, 2018

EXHIBIT A

LOT 1 CIMARRON SOUTH FIL NO 1 EX PT CONV TO STATE DOT BY REC
#200124935

RESOLUTION NO. 18-

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

APPROVE VACATION AND REPLAT OF 6425 E. Platte Vacation and Replat (VR-17-014)

WHEREAS, Thomas and Linda Richardson did file an application with the Planning and Community Development Department of El Paso County for approval of a vacation and replat of 6425 E. Platte for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on June 5, 2018, upon which date the Planning Commission did by formal resolution recommend approval of the vacation and replat; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on June 26, 2018; and

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

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners of El Paso County.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.

5. That the vacation and replat complies with the El Paso County Land Development Code and the original conditions of approval associated with the recorded plat.
6. No nonconforming lots are created and, in the case of existing nonconforming lots, the degree of nonconformity is not increased.
7. That the vacation and replat conforms to the required findings for a minor or major subdivision, whichever is applicable.
8. That a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. §30-28-133(6)(1)] and the requirements of Chapter 8 of the Land Development Code.
9. Where the lots or parcels are subject to any Covenants, Conditions and Restrictions (CC&Rs) or other restrictions, the vacation and replat will not result in a conflict with the CC&Rs or other restrictions unless specifically approved by the Homeowners Association or controlling authority.
10. The vacation and replat is in general conformance with the goals, objectives, and policies of the Master Plan.
11. 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.
12. The proposed Replat of land conforms to the El Paso County Zoning Resolutions.
13. For the above-stated and other reasons, the proposed vacation and replat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the vacation and replat of 6425 E. Platte;

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

CONDITIONS

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

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 12-382), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

NOTATION

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

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

DONE THIS 26th day of June, 2018, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
President

By: _____
County Clerk & Recorder

EXHIBIT A

LOT 1 CIMARRON SOUTH FIL NO 1 EX PT CONV TO STATE
DOT BY REC #200124935