

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR

PLANNING AND COMMUNITY DEVELOPMENT

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 10/22/2026
RE: SF265; Hardy Road Properties Subdivision

Project Description

A request by Hardy Road Properties, LLC, for approval of a 19.34-acre Final Plat creating two single-family lots and one tract. The property is zoned RR-5 (Residential Rural) and is located approximately 1.75 miles east of North Meridian Road, at 10545 Hardy Road. The requested lots have a minimum lot size of 5 acres and are anticipated to be served by individual wells and on-site septic systems. (Parcel No. 5114000046) (Commissioner District No. 1)

Notation

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

Planning Commission Recommendation and Vote

Thomas Bailey moved / Brittain Jack seconded for Approval of the Final Plat Minor Subdivision with five conditions, five notations, and one waiver; utilizing the resolution attached to the staff report, that this item be forwarded to the Board of County Commissioners for their consideration. The motion for Approval was approved (8-0). The item was heard as a consent agenda item.

Discussion

The Commissioners had no concerns or questions for staff or the applicant related to the proposal. No discussion occurred at the hearing prior to the motion.

Attachments

1. Planning Commission Minutes from 9/17/2026.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR

PLANNING AND COMMUNITY DEVELOPMENT

EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting

Thursday, September 17th, 2026, El Paso County Planning and Community Development Department
2880 International Circle, Colorado Springs, Colorado – Second Floor Hearing Room

REGULAR HEARING at 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: Tom Bailey, Sarah Brittain Jack, Jim Byers, Suzanne Casagrande, Mae Emrick, Eric Moraes, Tim Trowbridge, and Christopher Whitney.

PC MEMBERS PRESENT AND NOT VOTING: None.

PC MEMBERS ABSENT: Blaine Brew, Michael Brewer, Bryce Schuettelpelz, and Jason Wulf.

STAFF PRESENT: Justin Kilgore, Lori Seago, Gilbert Laforce, Daniel Torres, Victoria Chavez, Jen Uhler, Jalal Saleh, and Jessica Merriam.

OTHERS PRESENT AND SPEAKING: Scott Asher, Maureen Paz de Araujo, Robert Digby, Sam Frost, Susie Ecklund, Mike Drabing, and David Kinisihke.

1. REPORT ITEMS

Mr. Kilgore advised the board that the next PC Hearing is Thursday, October 1st, 2026, at 9:00 A.M.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA

NONE.

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held on September 3rd, 2026.

PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED (8 - 0)

IN FAVOR: (8) Bailey, Brittain Jack, Byers, Casagrande, Emrick, Moraes, Trowbridge, and Whitney.

IN OPPOSITION: (0) None.

B. SF265

UHLER

FINAL PLAT

HARDY ROAD PROPERTIES SUBDIVISION

A request by Hardy Road Properties, LLC, for approval of a 19.40-acre Final Plat creating two single-family lots and one tract. The property is zoned RR-5 (Residential Rural) and is located approximately 1.75 miles east of North Meridian Road at 10545 Hardy Road. The requested lots have a minimum lot size of 5 acres. (Parcel No. 5114000046) (Commissioner District No. 1)

NO STAFF OR APPLICANT PRESENTATION OR DISCUSSION

PC ACTION: BAILEY MOVED / BRITTAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER SF265 FOR A FINAL PLAT, HARDY ROAD PROPERTIES SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FIVE (5) CONDITIONS, FIVE (5) NOTATIONS, ONE (1) WAIVER, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8 - 0).

IN FAVOR: (8) Bailey, Brittain Jack, Byers, Casagrande, Emrick, Moraes, Trowbridge, and Whitney.

IN OPPOSITION: (0) None.

4. CALLED-UP CONSENT ITEMS:

NONE.

5. REGULAR ITEMS

A. MP245

WERRE

MASTER PLAN

SOUTH POWERS EXTENSION PLANNING AND ENVIRONMENTAL LINKAGES STUDY

AND ACCESS CONTROL PLAN

The El Paso County Department of Public Works requests adoption of the South Powers Extension Planning and Environmental Linkages Study (PEL) and Access Control Plan (ACP) into the Your El Paso Master Plan. With adoption, these Plans will become the principal plan for further planning and development of South Powers Boulevard in El Paso County. The South Powers PEL and ACP are a critical step in creating an effective and efficient transportation infrastructure that meets future needs. The Plan will provide an updated vision for future transportation, a list of transportation improvements, and a long-term right-of-way preservation plan for South Powers Boulevard. (All Commissioner Districts).

STAFF & APPLICANT PRESENTATIONS

DISCUSSION: **Mr. Bailey** asked for clarification regarding the anticipated project timeline, noting that the timeline presented appeared optimistic and emphasizing that construction would not occur in the immediate future. **Mr. Scott Asher** with Wilson & Company, Inc, confirmed that the project is still in the early stages and that the timeline shown is optimistic. He explained that establishing and preserving the planned corridor would assist with future funding and project development, and that additional opportunities for public input, environmental review, and project modifications would occur as the project progresses.

Mr. Moraes asked about the process for modifying the Access Control Plan (ACP) and associated Intergovernmental Agreement (IGA). **Mr. Asher** explained that any amendments would require agreement from all participating entities, regardless of the jurisdiction in which the proposed change is located. **Mr. Moraes** identified discrepancies in the plan regarding the E3 alignment and right-of-way widths. **Mr. Asher** confirmed that these items would be reviewed and corrected in the final document. **Mr. Moraes** asked whether portions of the plan would become binding despite the resolution identifying the Master Plan as an advisory document. **Ms. Victoria Chavez**, the Transportation Planning Manager, explained that the Master Plan uses the County's standard advisory language; however,

provisions incorporated into the IGA would be contractually binding upon the participating entities. **Mr. Moraes** requested clarification regarding the different access and structure designations and whether intersections could initially be constructed at grade and later converted to grade-separated crossings. **Mr. Asher** explained that certain designations identify structures rather than access points. **Ms. Chavez** stated that discussions with CDOT regarding interim at-grade intersections were ongoing and would ultimately be addressed through the Access Control IGA. **Mr. Moraes** asked how future development proposals along the corridor would be addressed while the project remains several years from construction. **Mr. Gilbert LaForce**, Deputy County Engineer, explained that applicable plans and studies would be identified during the County's early assistance process. Depending on the size and circumstances of a proposed development, corridor preservation or right-of-way dedication may be addressed as part of the development review process.

Ms. Emrick asked for clarification regarding the anticipated timing and sequencing of the E3 and H3 alignments. **Ms. Chavez** explained that the timeline is conceptual and may change based on future development, funding and grant opportunities, partnerships, and changing transportation needs. She stated that the E alignment is anticipated to occur first, while the H alignment is a much longer-term possibility dependent on future growth and conditions. She also noted that the County updates its Major Transportation Corridors Plan every five years, providing opportunities to reevaluate these needs and priorities.

PUBLIC COMMENTS: **Mr. Rob Digby** expressed concerns regarding the conceptual nature of the proposed alignment and requested additional information regarding its potential impacts to nearby properties. He raised concerns regarding potential impacts to groundwater and private wells, future right-of-way acquisition and property boundaries, and the widening of Squirrel Creek Road. Mr. Digby also requested information regarding the status of the nearby OMAR development project.

Ms. Susie Ecklund, speaking on behalf of her husband and neighboring property owners along Old Pueblo Road, expressed opposition to the E alignment due to its potential impact on their property and supported the H alignment as an alternative. She raised concerns regarding the cost and infrastructure associated with constructing multiple alignments and the potential for increased traffic. Ms. Ecklund also expressed concern regarding the long-term impacts of the proposed E alignment on her family's

continued use of their property and requested additional information regarding potential modifications to the alignment and the anticipated project timeline.

Mr. Sam Frost, representing Frost Livestock Company and a property owner whose land they lease near the H3 alignment, expressed opposition to the proposed alignments and concerns regarding potential impacts to their agricultural operations. He stated that the H3 alignment could affect farmland, existing water rights, agricultural and recreational uses, and access for farming equipment. Mr. Frost also expressed concern regarding potential impacts to customers and neighboring agricultural properties along the E3 alignment.

Mr. Mike Drabing, representing Sundance Investments, expressed opposition to the H3 alignment due to its potential impacts to their property. He stated that the alignment would bisect a portion of the property and raised concerns regarding the proposed crossing of Fountain Creek, wetlands, and nearby railroads. Mr. Drabing also expressed concern that associated infrastructure could impact existing structures and separate portions of the property used for their agricultural operations.

Mr. Dave Kinisihke, President of the Upper District 10 Water Users Association, expressed concerns regarding potential long-term impacts to Fountain Creek and area water users resulting from future development associated with the proposed transportation improvements. He raised concerns regarding increased drainage into Fountain Creek, the creek's capacity to accommodate additional runoff, and potential impacts to groundwater and existing water users. Mr. Kinisihke requested that drainage and water impacts be carefully considered as future development occurs within the area.

APPLICANT REBUTTAL: Mr. Trowbridge requested that the applicant provide additional information regarding drainage in response to concerns raised during public comment. **Mr. Asher** explained that detailed drainage analysis would occur during a future design phase and would evaluate roadway drainage, water quality, detention and retention requirements, and other applicable regulatory requirements. He noted that broader cumulative impacts would also be considered through future environmental review. **Mr. Moraes** asked when the drainage analysis would occur in relation to construction. **Mr. Asher** clarified that the analysis and necessary approvals would occur during the design process and prior to construction of the applicable project improvements. He confirmed that a detailed drainage analysis is not being conducted as part of the current Master Plan process.

Ms. Brittain Jack asked whether the Fountain Creek Watershed District had been involved in the stakeholder engagement process. **Mr. Asher** confirmed that the District participated as a stakeholder and explained that coordination with the District would continue for future improvements affecting Fountain Creek.

Mr. Bailey noted that adoption of the Master Plan allows the project to move into future environmental review, permitting, and more detailed technical analysis. He stated that concerns raised regarding environmental and property impacts would continue to be evaluated as the project progresses and that future review processes are intended to identify and mitigate impacts where possible.

Mr. Whitney asked whether there remained opportunities to adjust the proposed alignments to reduce impacts to specific properties. **Mr. Asher** explained that some additional alignment optimization may occur; however, certain locations, including the H3 connection to I-25, are unlikely to change significantly. He acknowledged that property impacts cannot be entirely avoided regardless of the selected alignment and stated that efforts have been made to minimize those impacts. **Mr. Asher** further clarified that adjustments made since the initial recommendations are reflected in the detailed alignment maps available on the project website.

Mr. Trowbridge asked whether the E3 and H3 alignments were intended as alternatives or whether the long-term plan contemplated construction of both. **Mr. Asher** clarified that the plan identifies both alignments, with E3 anticipated to occur first based on current development patterns. He explained that the ultimate need and timing for H3 would depend on future growth and development within the area. **Ms. Chavez** further clarified that the proposed transportation improvements are intended to respond to future development rather than encourage or initiate development. She stated that the purpose of identifying the alignments now is to allow the County to plan for future transportation needs should development occur.

Mr. Byers asked how much flexibility may remain to adjust the proposed alignments during future design and development review. **Mr. Asher** explained that some adjustments may be possible to reduce impacts to individual properties, provided the alignment continues to meet applicable design criteria. He cautioned that this flexibility would be evaluated on a case-by-case basis and should not be interpreted to mean that significant adjustments could be made throughout the corridor.

Mr. Whitney asked whether adoption of the Master Plan would create an encumbrance or otherwise restrict the current use of properties located within the proposed alignments. **Ms. Lori Seago**, County Attorney, clarified that adoption of the plan does not create a current encumbrance or independently prohibit the use of a property. She explained that the identified alignments provide notice of potential future improvements and may be considered during future development review, at which time the County may work with a property owner to minimize potential conflicts with the planned corridor.

Ms. Casagrande asked whether future environmental review could result in the elimination of an entire alignment or whether environmental concerns would primarily be addressed through design modifications. **Mr. Asher** explained that the analysis completed to date was intended to identify significant environmental constraints and that no fatal flaws have been identified for the proposed alignments. He stated that future environmental reviews would be more detailed and could result in modifications or, if significant issues were identified, potentially affect the feasibility of an alignment.

Ms. Emrick asked why the H3 alignment was included in the current Master Plan when it may not be needed for several decades. **Ms. Chavez** explained that the County's long-range transportation planning considers both 20- and 40-year planning horizons and preserves options for future transportation needs as growth and development patterns change. **Mr. Asher** added that identifying future corridors in advance allows property owners and developers to consider planned infrastructure when making development decisions and helps the County avoid future conflicts and additional costs.

Ms. Brittain Jack asked whether approval of the plan and associated IGA would place the project in a position to pursue future state or federal funding. **Ms. Chavez** explained that there is not a specific funding list; however, having an adopted corridor plan, Master Plan element, Access Control Plan, and IGA strengthens future grant applications and demonstrates that the County has completed necessary planning toward project readiness.

Mr. Byers asked what factors would trigger the design or construction of individual project phases, noting that future development may not occur as currently anticipated. **Ms. Chavez** explained that implementation would be driven by actual development and transportation needs, and that larger developments may be responsible for constructing portions of the roadway when warranted by their impacts. She stated that the Major Transportation Corridors Plan is updated every five years using

updated development information and transportation demand modeling to reevaluate future roadway needs and implementation priorities.

PLANNING COMMISSION DISCUSSION: Ms. Emrick stated that she voted nay due to concerns regarding how the H3 alignment fit within the Master Plan. She acknowledged the need for long-range planning but stated that she would have preferred the alignments to be considered separately and believed that additional consideration should have been given to the H3 alignment.

PC ACTION: BAILEY MOVED / MORAES SECONDED FOR APPROVAL AND ADOPTION OF REGULAR ITEM 5A, FILE NUMBER MP245 FOR A MASTER PLAN, SOUTH POWERS EXTENSION PLANNING AND ENVIRONMENTAL LINKAGES STUDY AND ACCESS CONTROL PLAN, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS AND TWO (2) NOTATIONS. THE MOTION FOR APPROVAL AND ADOPTION PASSED (7 - 1).

IN FAVOR: (7) Bailey, Brittain Jack, Byers, Casagrande, Moraes, Trowbridge, and Whitney.

IN OPPOSITION: (1) Emrick.

6. NON-ACTION ITEMS

NONE.

MEETING ADJOURNED at 10:31 A.M.

Minutes Prepared By: Jessica Merriam

FINAL PLAT (RECOMMEND APPROVAL)

Mr. Bailey moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF265
HARDY ROAD PROPERTIES SUBDIVISION

WHEREAS, Hardy Road Properties LLC did file an application with the El Paso County Planning and Community Development Department for approval of a Minor Subdivision Final Plat for the Hardy Road Properties Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on September 17, 2026; and

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

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;

6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and
7. For the above-stated and other reasons, the proposed Minor Subdivision Final Plat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, this Commission further finds that the request meets the following criteria outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code ("Code") (as amended), as follows:

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

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

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;

WHEREAS, the Planning Commission also finds that the proposed Waiver from section 8.4.3.C.5 of the Code meets the criteria for a Waiver outlined in Section 7.3.3 of the Land Development Code and any other applicable criteria for consideration of a Waiver;

NOW, THEREFORE, BE IT RESOLVED that the El Paso County Planning Commission recommends that the petition of Hardy Road Properties LLC for approval of a Final Plat for the Hardy Road

Properties Subdivision meets the criteria for approval outlined in Section 7.2.1 of the Land Development Code and 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 are 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 August 11, 2026, as provided by the County Attorney's Office.

NOTATIONS

1. The following fees are required to be paid to El Paso County at the time of Final Plat recordation:
 - a. Park fees in lieu of land dedication for regional parks in the amount of \$1,010.
 - b. Fees in lieu of school land dedication in the amount of \$480 shall be paid for the benefit of Falcon School District #49.
2. Final Plats not recorded within 24 months of Board of County Commissioners 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. 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 Resolution (Resolution No. 25-337), 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.

5. Applicant is to contact the US Fish & Wildlife Service regarding plans for the proposed access from Hardy Road regarding potential impact to the Preble's Meadow Jumping Mouse.

BE IT FURTHER RESOLVED that the El Paso County Planning Commission recommends approval of the following Waivers from the Land Development Code:

WAIVERS

A request for a waiver from Section 8.4.3.C.5 of the Land Development Code to allow Tract A to have no frontage on a public road. Tract A will be utilized as open space for the benefit of lots 1 and 2, with ownership vested with the tract.

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

Ms JACK 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
Blaine Brew	aye / no / non-voting / recused / absent
Michael Brewer	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Suzanne Casagrande	aye / no / non-voting / recused / absent
Mae Emrick	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Bryce Schuettapelz	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent
Jason Wulf	aye / no / non-voting / recused / absent

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

DONE THIS 17th day of September 2026 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: 
Chair

EXHIBIT A

EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14 TOWNSHIP 11 RANGE 65 TOGETHER WITH AN 80 FOOT RIGHT OF WAY EASEMENT FOR ROADWAY, UTILITIES, INGRESS AND EGRESS PURPOSES AS SET FORTH IN DEED RECORDED 1/9/1970 IN BOOK 2326 AT PAGE 276

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MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR

PLANNING AND COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Timothy L. Trowbridge

FROM: Jen Uhler, Planner
Jalal Saleh, PE, Senior Engineer

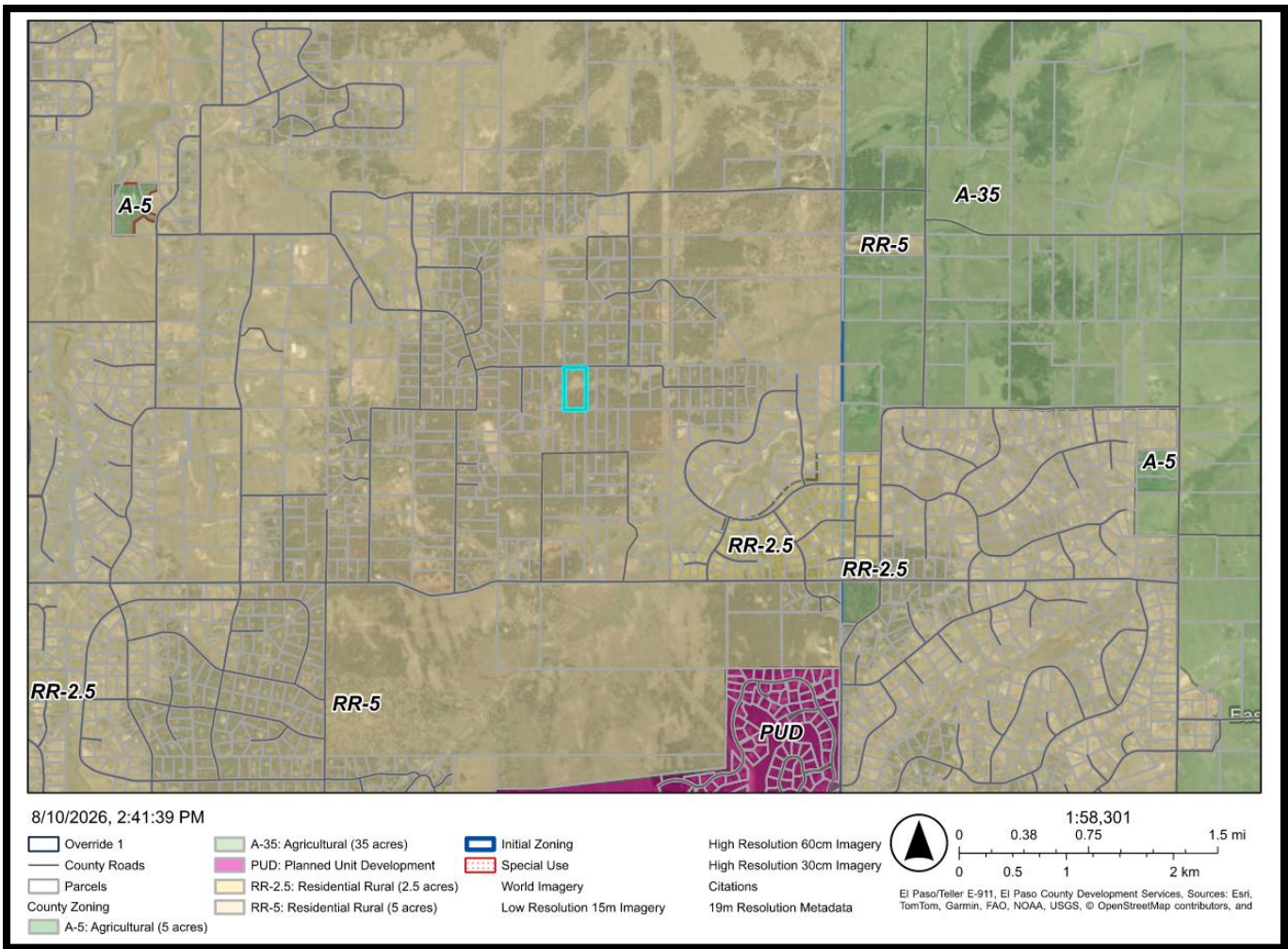
RE: Project File Number: SF265
Project Name: Hardy Road Properties Subdivision
Parcel Numbers: 5114000046
Commissioner District: 1

OWNER:	REPRESENTATIVE:
Hardy Road Properties LLC 10155 Hardy Road, Colorado Springs, CO 80908	Nina Dossey Vertex Consulting Services, LLC 5825 Delmonico Drive Colorado Springs, CO 80919
Planning Commission Hearing Date: 9/17/2026	
Board of County Commissioners Hearing Date: 10/22/2026	

EXECUTIVE SUMMARY

A request by Hardy Road Properties, LLC, for approval of a 19.34-acre Final Plat creating two single-family lots and one tract. The property is zoned RR-5 (Residential Rural) and is located approximately 1.75 miles east of North Meridian Road, at 10545 Hardy Road. The requested lots have a minimum lot size of 5 acres and are anticipated to be served by individual wells and on-site septic systems. (Parcel No. 5114000046) (Commissioner District No. 1)

Zoning Map



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

B. APPROVAL CRITERIA

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 subdivision is in conformance with the goals, objectives, and policies of the Master Plan;*
- *The subdivision is in substantial conformance with the approved Preliminary Plan;*
- *The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;*

- *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;*
- *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;*
- *All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];*
- *Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM;*
- *Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;*
- *Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;*
- *The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;*
- *Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code;*
- *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 of the Code; 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)	Vacant
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 property was initially zoned A-4 on September 20, 1965. Nomenclature changes in 1991, to RR-3 and in 2007, to RR-5 followed the initial zoning. The parcel is currently unplatted. The proposed tract, if approved through this Final Plat, is proposed to remain non-buildable open space for the use and enjoyment of future Lot 1 and 2 owners.

E. LAND DEVELOPMENT CODE AND ZONING ANALYSIS

With approval of the requested Waiver discussed below, 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 RR-5 zoning district is a 5-acre district intended to accommodate low-density, rural, single-family residential development. The dimensional standards for the RR-5 (Residential Rural) zoning districts are as follows:

Zoning Districts	Minimum Lot Size		Minimum Setbacks Principal (Accessory)			Maximum Lot Coverage	Maximum Height
	Area	Width at front setback	Front	Rear	Side		
RR-5	5 Acres	200 ft	25 ft	25 ft	25 ft	25%	30 ft

The applicant requests a Waiver from Section 8.4.3.C.5 of the Code to allow Tract A to have no frontage on a public road. Pursuant to Section 8.4.3.C.5, Tracts shall have a minimum of 30 feet of frontage on and have access from a public road or approved access easement, except where private roads are approved by the BoCC. It is proposed that Tract A will gain access via a private access easement from Hardy Road, while Lots 1 and 2 will gain access directly from Hardy Road. Tract A is proposed to be utilized as open space for the benefit of Lots 1 and 2 and is designated as open space on the plat.

Maintenance for the access easement is described in covenants for the subdivision. Falcon Fire Protection District has reviewed the design and has no objection to the access easement.

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.*

F. MASTER PLAN COMPLIANCE

1. Your El Paso Master Plan

a. Placetype Character: Large-Lot Residential

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

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

Recommended Land Uses:

Primary

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

Supporting

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

Analysis:

The applicant proposes two single-family homes on 5+ acre lots, and one tract. The Large Lot Residential Placetype would allow up to 7 homes within this subject area; however, zoning would restrict the number allowed to 3 homes. Private open space is proposed to conserve the natural features found on the site for the benefit of the future lot owners.

b. Area of Change Designation: Minimal Change: Undeveloped

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

Analysis:

The applicant proposes a similarly dense development than what is found immediately adjacent, with lot size of approximately 5 acres.

c. Key Area Influences: Forested Area

This Key Area includes parts of the County where natural forests are the predominant feature such as Black Forest, areas north of Peyton, and areas along Highway 115 as well as lands within Pike National Forest. Pike National Forest is one of the County's largest natural amenities and tourist destinations. Continued coordination with the U.S. Forest Service is critical to ensuring future development in areas adjacent to the Forest do not negatively impact the natural environment. There are also many established communities within Pike National Forest particularly in Ute Pass and along Highway 115. New development and any redevelopment in these locations should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.

Managed residential growth, along with supportive commercial uses, have helped the other forested areas preserve their natural amenities while supporting the daily needs of a thriving local community. The seamless connection between the natural environment and small-scale, low intensity development is critical to their identity. All new development and redevelopment in this Key Area should strictly adhere to the transportation and infrastructure, stormwater requirements, built form, and transition guidelines outlined in their appropriate placetypes. Each development proposal should also be reviewed on a case-by-case basis to determine its specific impact on the forested area and the established character of the individual community.

Analysis:

The proposed application would allow for two single-family lots on 10.0002 acres, and one tract of approximately 9.34 acres for a total combined acreage of 19.34 acres. This configuration aligns with the existing character of the surrounding low-density, forested, residential area.

2. Water Master Plan Analysis

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

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

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

Goal 4.2 – *Support the efficient use of water supplies.*

Goal 4.4 – *Protect and enhance the quality, quantity, and dependability of water supplies.*

Goal 5.5 – *Identify any water supply issues early on in the land development process.*

Goal 6.0 – *Require adequate water availability for proposed development.*

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 4a of the Plan, which is an area anticipated to experience growth by 2040. This project will be supplied with water from individual wells.

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. Environmental Services, EPC Parks Department, Colorado Parks and Wildlife, Colorado State Forest Service, and US Fish and Wildlife were each sent a referral and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) identifies no mineral resources 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

Geological hazards were identified during review of the Final Plat. These hazards include faults, radon, and seasonal groundwater. These specific hazards are identified in Plat Note 22, 23, and 27 located on the face of the plat.

Mitigation measures for these lots include:

- Engineered foundations,

- Groundwater monitoring/observation to verify that foundation are at least 3 feet about groundwater year-round,
- No basements unless a groundwater monitoring program is implemented.

2. Floodplain

This site does not contain a defined floodplain as determined by the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map, Panel No. 08041C0310G, dated December 7, 2018. The property is in Zone "X," which is an area of minimal flood hazard.

3. Drainage and Erosion

The property lies within the West Kiowa Creek drainage basin, which is not part of the El Paso County Drainage Basin Fee Program. A drainage report was submitted and there is no requirement for detention nor permanent stormwater quality due to the minimal proposed disturbance and large lot exclusion identified in Engineering Criteria Manual Section I.7.1.B. The drainage report concluded that the future development will not have any adverse impact on the existing site conditions or downstream facilities and that erosion control measures will be handled at the building stage for Lots 1 and 2.

4. Transportation

No Traffic Impact Study is required based on ECM Appendix B Section B.1.2.D. The development is expected to generate less than 100 daily vehicle trips, and the peak hour trip generation is less than 10.

Access points for Lots 1 and 2 will be from Hardy Road and each lot will have its own access point. No public road improvements are required with this development.

El Paso County Road Impact Fees, as established by Resolution 25-337, are applicable and will be assessed when the applicant applies for a building permit(s).

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 individual onsite wastewater treatment systems.

3. Emergency Services

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

4. Utilities

Electrical service is provided by Mountain View electric Association, Inc., Black Hills Energy will provide Natural Gas. The agencies were sent a referral and have no outstanding comments.

5. Metropolitan Districts

There are no metro districts servicing the subject parcels.

6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$1,010 for regional park fees will be due at the time of recording the Final Plat.

7. Schools

Fees in lieu of school land dedication in the amount of \$480 shall be paid to El Paso County for the benefit of Falcon School District #49 at the time of recording the Final Plat.

I. STATUS OF MAJOR ISSUES

No concerns or 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 are 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 August 11, 2026, as provided by the County Attorney's Office.

NOTATIONS

1. The following fees are required to be paid to El Paso County at the time of Final Plat recordation:
 - a. Park fees in lieu of land dedication for regional parks in the amount of \$1,010.
 - b. Fees in lieu of school land dedication in the amount of \$480 shall be paid for the benefit of Falcon School District #49.
2. Final Plats not recorded within 24 months of Board of County Commissioners 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. 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 Resolution (Resolution No. 25-337), 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.
5. Applicant is to contact the US Fish & Wildlife Service regarding plans for the proposed access from Hardy Road regarding potential impact to the Preble's Meadow Jumping Mouse.

K. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 12 adjoining property owners on 9/2/2026 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

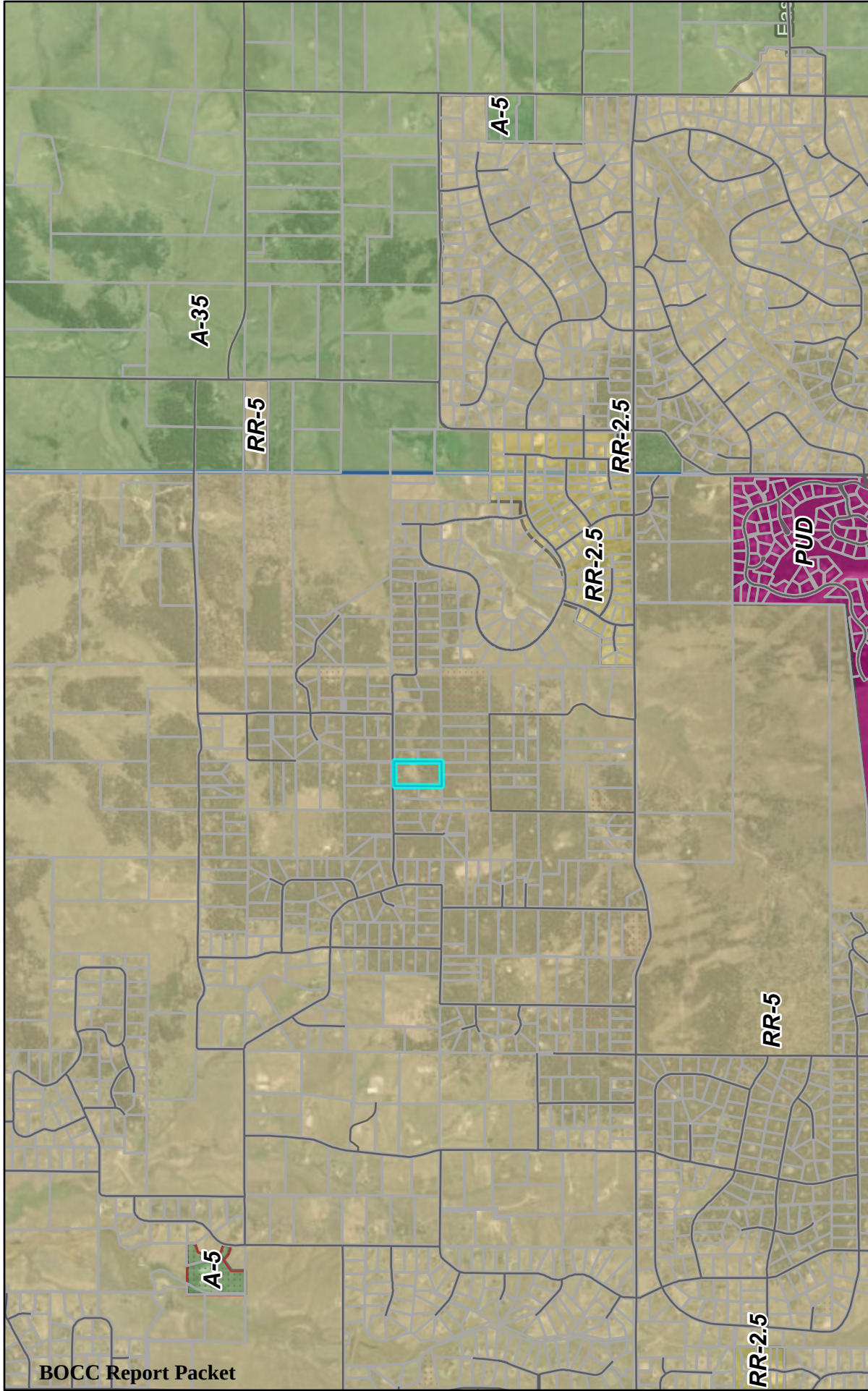
State Engineer's Letter

County Attorney's Letter

County Public Health Memo

Draft Resolution

Zoning Map



8/10/2026, 2:41:39 PM

- Override 1
 - County Roads
 - Parcels
 - County Zoning
 - A-5: Agricultural (5 acres)
 - A-35: Agricultural (35 acres)
 - PUD: Planned Unit Development
 - RR-2.5: Residential Rural (2.5 acres)
 - RR-5: Residential Rural (5 acres)
 - Initial Zoning
 - Special Use
 - World Imagery
 - Low Resolution 15m Imagery
 - High Resolution 60cm Imagery
 - High Resolution 30cm Imagery
 - Citations
 - 19m Resolution Metadata
- 1:58,301
0 0.38 0.75 1 1.5 mi
0 0.5 1 2 km
- El Paso/Teller E-911, El Paso County Development Services, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and

**Hardy Road Properties Subdivision
Letter of Intent**

January 22, 2026

PCD File # SF265

Hardy Road Properties LLC
10155 Hardy Road
Colorado Springs, CO 80908

Planner: Vertex Consulting Services, LLC, Nina Ruiz
719-433-2018
Nina.ruiz@vertexcsc.com

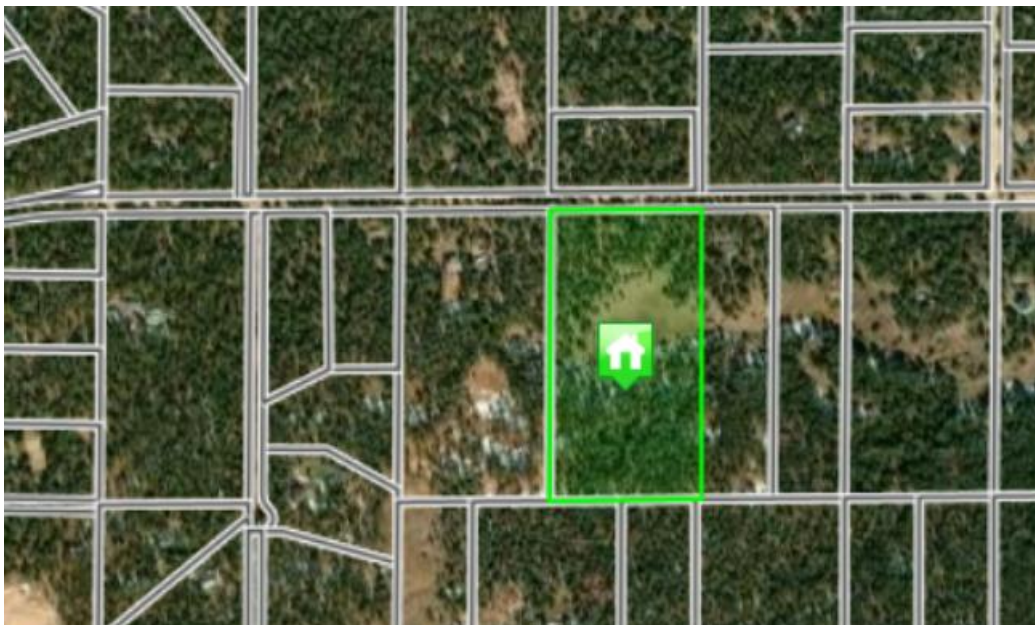
Tax Schedule No: 5114000046

Acreage: 19.4 Acres

Zoning: RR-5 (Residential Rural)

Site Location, Size, Zoning:

Vertex Consulting Services, LLC, on behalf of Hardy Road Properties LLC, is respectfully submitting an application for a 2-lot and one tract (open space) subdivision within the RR-5 zoning district. The proposed subdivision is compatible with the surrounding planned and existing developments and is consistent with the Your El Paso Master Plan.



Open Space

The subdivision is being proposed by the Ohmes family, who intend to split the lot to allow family members to live near and support one another while maintaining separate residences. Tract A will be used as open space for the benefit of Lots 1 and 2, with ownership vested jointly in those lots. Lots 1 and 2 will share responsibility for the maintenance of Tract A. El Paso County requires that all lots and tracts have planned access, even when they are intended to remain open space without any buildings. For this reason, an access easement has been depicted on the plat. It is not the intent of the property owners to sell Tract A separately or to improve it for any purpose other than the enjoyment of nature by the owners of Lots 1 and 2. The covenants and plat notes will ensure that Tract A continues to serve this function in the future.

Utilities

Mountain View Electric Association (MVEA) provides electric service and Black Hills Energy

provides natural gas service to the area and have provided commitment to serve the lots within the subdivision. Lots will be served by an individual onsite wastewater treatment system and individual well. The Onsite Wastewater Treatment System (OWTS) Report prepared by Entech Engineering demonstrates the soils are suitable for OWTS design and construction. The Water Resources Report prepared by Monson, Cummins, Shohet & Farr, LLC identifies there is adequate water in terms of quantity, quality, and dependability to support the BoCC making a finding of sufficiency.

Request:

A request for approval of a 2-lot minor subdivision of 19.4 acres within the RR-5 zoning district and a request for a waiver from Section 8.4.3.C.5 of the Land Development Code to allow Tract A to have no frontage on a public road. Tract A will be utilized as open space for the benefit of lots 1 and 2, with ownership vested with the tract.

Justification:

The pages that follow address each one of the criteria included within Section 7.2.1 (subdivision) of the El Paso County Land Development Code.

The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan.

Please review the Master Plan analysis below.

The subdivision is consistent with the purposes of the Land Development Code ("Code").

Section 1.4 of the Land Development Code identifies the purpose of the Code. Below is the Code citation with the italic wording indicating how the proposed subdivision furthers the intended purpose.

"This Code is adopted for the purpose of preserving and improving the public health, safety and general welfare of the citizens and businesses of El Paso County. More specifically, it is the purpose of this Code to:

- Implement the Master Plan and related elements.
See the Master Plan section below for an analysis of how the proposed subdivision conforms to the Master Plan.
- Promote predictability, consistency and efficiency in the land development process for residents, neighborhoods, businesses, agricultural and development interests.
The application has been submitted and reviewed in compliance with the Land Development Requirements and applicable procedures.
- Ensure appropriate opportunities for participation and involvement in the development process by all affected parties.
El Paso County will notify adjacent property owners of the request upon submission. No responses have been received to date.
- Be fair to all by ensuring due consideration is given to protecting private property

rights, the rights of individuals and the rights of the community as a whole.

The requested subdivision will not infringe upon the rights of the surrounding properties.

- Guide the future growth and development of the County in accordance with the Master Plan.

See the Master Plan section below for an analysis of how the proposed subdivision conforms to the Master Plan.

- Guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

The proposed subdivision will result in an additional 10 ADT beyond what is anticipated for the existing parcel. The surrounding roadway network can handle the minimal additional traffic. The water and wastewater reports submitted with the subdivision application demonstrate sufficient water and that wastewater can be treated with an onsite wastewater treatment system. Park and school fees will be paid at the time of plat recordation.

- Establish reasonable standards of design and procedures for subdivision and resubdivision in order to further the orderly layout and use of land and to ensure proper legal descriptions and monumenting of subdivided land.

All standards are being met.

- Ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision, and, in so doing, ensure that current residents will be required to bear no more than their fair share of the cost of providing the facilities and services by requiring the developer to pay fees, furnish land, or establish mitigation measures to cover the development's fair share of the capital facilities needs generated by the development.

Commitment letters have been submitted for fire protection, electric service, and natural gas service. The road impact fee will be paid at the time of building permit for any new dwelling proposed.

- Prevent the pollution of air, streams, and ponds; assure the adequacy of drainage facilities; and encourage the wise use and management of natural and biological resources throughout the County in order to preserve the integrity, stability, and beauty of the community and the value of the land."

There are no significant natural features within the subdivision that should be preserved. The drainage report identifies that the existing natural drainage onsite will not be significantly impacted by the proposed subdivision and that no additional improvements are required.

The subdivision is in conformance with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials.

El Paso County has requested submission of closures sheets, plat drawings, legal description,

wastewater report, title commitment, PBMP applicability form, commitment letters, final drainage report, fire protection report, forestry management plan, natural features report, soils and geology report, wildland fire and hazard mitigation plan, water resources report, and water quality report. All requested studies, reports, and documents have been drafted in compliance with the adopted checklists and criteria. Pursuant to County procedure, all outstanding comments have been addressed prior to the plat being scheduled for Planning Commission and Board of County Commissioner hearings. Additionally, all design considerations listed in Section 8.4.1 of the Land Development Code have been met.

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.

The water resources report prepared by Monson, Cummins, Shohet, and Farr recommends sufficient water in terms of water quantity, quality, and dependability. Sufficient water supply has been secured for the subdivision, and is summarized in the Colorado Ground Water Determination of Water Rights, as provided to the County. Lots 1 and 2 will be served by individual wells.

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.

An onsite wastewater treatment system report prepared by RMG has been submitted and supports the proposed lots being served by individual septic systems.

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)].

A Geology and Soils Report, as well as an Onsite Wastewater Treatment System Report, have been prepared by RMG and submitted to the County. The Owner will comply with the recommendations of the report prior to, and during, construction.

A public sewage disposal system shall not be provided. Subsurface conditions will be reevaluated upon development of each individual lot. A private, engineered onsite wastewater treatment system will be designed by a Colorado Licensed Engineer and installed, per the reports submitted to the County. The proposed new lots are anticipated to be suitable for individual onsite wastewater treatment systems; it should be noted each lot has sufficient space for both primary and alternate OWTS locations.

Adequate drainage improvements complying with State law [C.R.S. § 30-28- 133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design.

The drainage report prepared by All Terrain identifies no drainage improvements are required for the proposed subdivision.

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.

Due to the size and scale of the subdivision, impacts related to the proposed subdivision will be negligible, therefore, no public improvements are required.

Legal and physical access is or will be provided to all parcels by public rights of-way or recorded easement, acceptable to the County and in compliance with the Code and the ECM. The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefor, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities.

Legal physical access is being provided to each lot from an existing road, Hardy Road. The dedication of open space is not required for this 2-lot subdivision.

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 Falcon Fire Protection District has provided a commitment letter. No hydrants or cisterns are being proposed, nor are they required. Commitment letters have also been provided by Mountain View Electric Association as well as Black Hills Energy. The existing County roadway network is capable of handling the anticipated 20 Average Daily Trips.

The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code.

The Fire Protection Report meets all requirements of Section 6.3.3, Fire Protection and Wildfire Mitigation. Each lot will comply with the wildland fire and hazard mitigation plan submitted in support of this application. Appropriate plat notes have been included to inform future lot owners of the obligation to mitigate and maintain the property.

The proposed subdivision meets other applicable sections of Chapters 6 and 8 of the Code.

The proposed subdivision meets all applicable sections of Chapters 6 and 8 of the Code including drainage, fire protection and wildfire mitigation, transportation systems, water supply, wastewater disposal, and geology and soils standards.

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.

The only anticipated off-site impact is additional traffic, however, the two additional dwellings will not generate a significant amount of traffic and the existing roadway network can easily handle the additional traffic.

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 proposed subdivision will be served by individual driveways and will not require any public infrastructure improvements.

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

The mineral rights have not been severed from the land.

Waiver

The waiver does not have the effect of nullifying the intent and purpose of this Code.

The purpose and intent of the portions of the Code to be waived are to ensure safe, legal access. Legal access is being provided via an easement to a County roadway. The Falcon Fire Protection District has provided a commitment letter, and has indicating no concern with the requested waiver. All other aspects of the Code remain in force. Additionally, no development of Tract A is allowed as it is to remain open space.

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

The waivers will not result in the need for additional waivers.

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

Safe, legal access will be gained to a County roadway.

The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property.

The requested waiver is for Tract A, an open space Tract. The Tract will be for the sole benefit of lots 1 and 2. It is unique for a 2-lot subdivision to set aside a specific parcel for open space. It is unique for an access to be provided to a property that may not be substantially developed in a way that would necessitate a formal access point.

A particular non-economical hardship to the owner would result from a strict application of this Code.

As stated above, the waiver is requested because the applicant wishes to preserve the land as open space.

The waiver will not in any manner vary the zoning provisions of this Code.

All standards of the RR-5 zoning district will be met.

The proposed waiver is not contrary to any provision of the Master Plan.

See Master Plan section below for further information regarding how the proposed subdivision is in compliance with the Master Plan.

Master Plan Elements

Below is an analysis of the various El Paso County Master Plan elements.

Your El Paso County Master Plan Analysis

Chapter 1 of Your El Paso Master Plan (2021) states that the Plan is “general in nature-it cannot tackle every issue in sufficient detail to determine every type of necessary action.” In addition, Chapter 1 goes on to state that the Plan “is intended to provide clearer and more coordinated policy, resulting in a document that effectively communicates County goals and identifies specific actions to achieve both County-wide and local area objectives.” When taken together, these two statements suggest to the reader that the Plan may only address certain issues at a cursory level and that specific steps or actions for addressing such issues may not be offered within the Plan. That conclusion is certainly the case in numerous instances and with regard to a variety of topical areas. However, where that is not the case is with respect to the requested subdivision, as identified below.

Key Area Analysis

The subject property is identified in the Plan as being within the Forested Area Key Area. The Plan further describes the Key Areas as:

“This Key Area includes parts of the County where natural forests are the predominant feature such as Black Forest, areas north of Peyton, and areas along Highway 115 as well as lands within Pike National Forest. Pike National Forest is one of the County’s largest natural

amenities and tourist destinations. Continued coordination with the U.S. Forest Service is critical to ensuring future development in areas adjacent to the Forest do not negatively impact the natural environment. There are also many established communities within Pike National Forest particularly in Ute Pass and along Highway 115. New development and any redevelopment in these locations should be of a lower intensity to mitigate any impacts on the Forest, properly manage stormwater, provide safe access to major roads and state highways for the traveling public and emergency response vehicles and adhere to the strictest building codes to prevent any hazards such as fires and soil erosion related to poor planning, design, and construction.

Managed residential growth, along with supportive commercial uses, have helped the other forested areas preserve their natural amenities while supporting the daily needs of a thriving local community. The seamless connection between the natural environment and small-scale, low intensity development is critical to their identity. All new development and redevelopment in this Key Area should strictly adhere to the transportation and infrastructure, stormwater requirements, built form, and transition guidelines outlined in their appropriate placetypes. Each development proposal should also be reviewed on a case-by-case basis to determine its specific impact on the forested area and the established character of the individual community.” (Emphasis added)

The property is zoned RR-5 and is surrounded by the RR-5 zoning district on all sides. The property owner is requesting a 2-lot minor subdivision with all lots being 5+ acres in size. The surrounding parcels range in size from 5 acres to 40 acres. The proposed lot size aligns with the rural character of the surrounding development.

Area of Change Analysis

The subject property is identified in the Areas of Change map within the Plan as being within the “Minimal Change: Undeveloped” area of change.

Page 21 of the Plan characterizes areas of “Minimal Change: Undeveloped” by stating:

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

The subject property is currently undeveloped and is surrounded by other residential properties ranging in size from 5 to 40 acres. The Master Plan anticipates some redevelopment as long as the character can be maintained. As discussed above, the proposed subdivision is in conformance with the existing densities of the surrounding properties.

Placetype Analysis

The subject property is shown on the Placetypes map of Your El Paso Master Plan as being within the Large-Lot Residential Placetype.

Page 26 of the Plan identifies the following land uses as being Primary Land Uses within the Large-Lot Residential Placetype:

- Single-Family Detached Residential (typically 2.5 acre lots or larger)

In addition, the Placetype includes the following Supporting Land Uses:

- Parks/Open Space
- Commercial Retail
- Commercial Service
- Agriculture

The Large-Lot Residential Placetype is described further on page 26 as follows:

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

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

The placetype specifically identifies lot sizes of 2.5 acres or greater as being supported within the placetype. The proposed lots significantly exceed the 2.5 acre limitation.

El Paso County Water Master Plan

The Executive Summary from the Water Master Plan (2018) states that “The Plan Water Master Plan (WMP) was developed for the Board of County Commissioners, El Paso County officials and staff, developers, citizens, and water providers within the County for the purpose of identifying and

addressing water supply issues earlier in the land use entitlement process.” A water sufficiency finding is being requested with subdivision. It should be noted that the Water Master Plan only contemplates centralized providers and did not provide an analysis for individual well, as is proposed here.

The subject property is located within Planning Region 4a of the Water Master Plan, pursuant to Figure 3-1 on page 25. The Plan identifies the current supply and demand forecasts at full build out (year 2060) for each of the Planning Regions. A Water Resources Report has been submitted with the subdivision application. The report identifies there is sufficient water in terms of water quantity, quality, and dependability for the lots included in the subdivision.

El Paso County Parks Master Plan

The El Paso County Parks Master Plan (2022) does not depict any open space or trails in the vicinity. Fees in lieu of dedication will be provided with the subdivision.

2024 Major Transportation Corridors Plan (MTCP)

The 2024 MTCP identifies Hardy Road as a rural local roadway with no projected improvements being depicted. A traffic impact study is not required pursuant to ECM Appendix B, ECM Chapters 1.6 and 1.16 as:

- The proposed subdivision will not result in traffic in excess of 100 ADT or 10 trips at the peak hour.
- There are no additional proposed minor or major roadway intersections on major collectors, arterials, or State Highways.
- The subdivision will result in an increase in traffic by a total of 20 ADT. The subdivision will not increase the number of vehicle trips by more than 10 peak hour trips or 100 daily trips.
- There will be no change in the type of traffic to be generated.
- The subdivision will not result in a change to the LOS for Hardy Road or any other nearby County roadways.
- No roadway or intersection in the immediate vicinity has a history of safety or accident problems.
- There is no proposed access onto a State Highway.

The subdivision is anticipated to result in an average of 20 additional trips per day. This subdivision will be subject to the El Paso County Road Impact Fee Program, as amended. Fees will be paid at the time of building permit.

Other Topical Elements of the County Master Plan

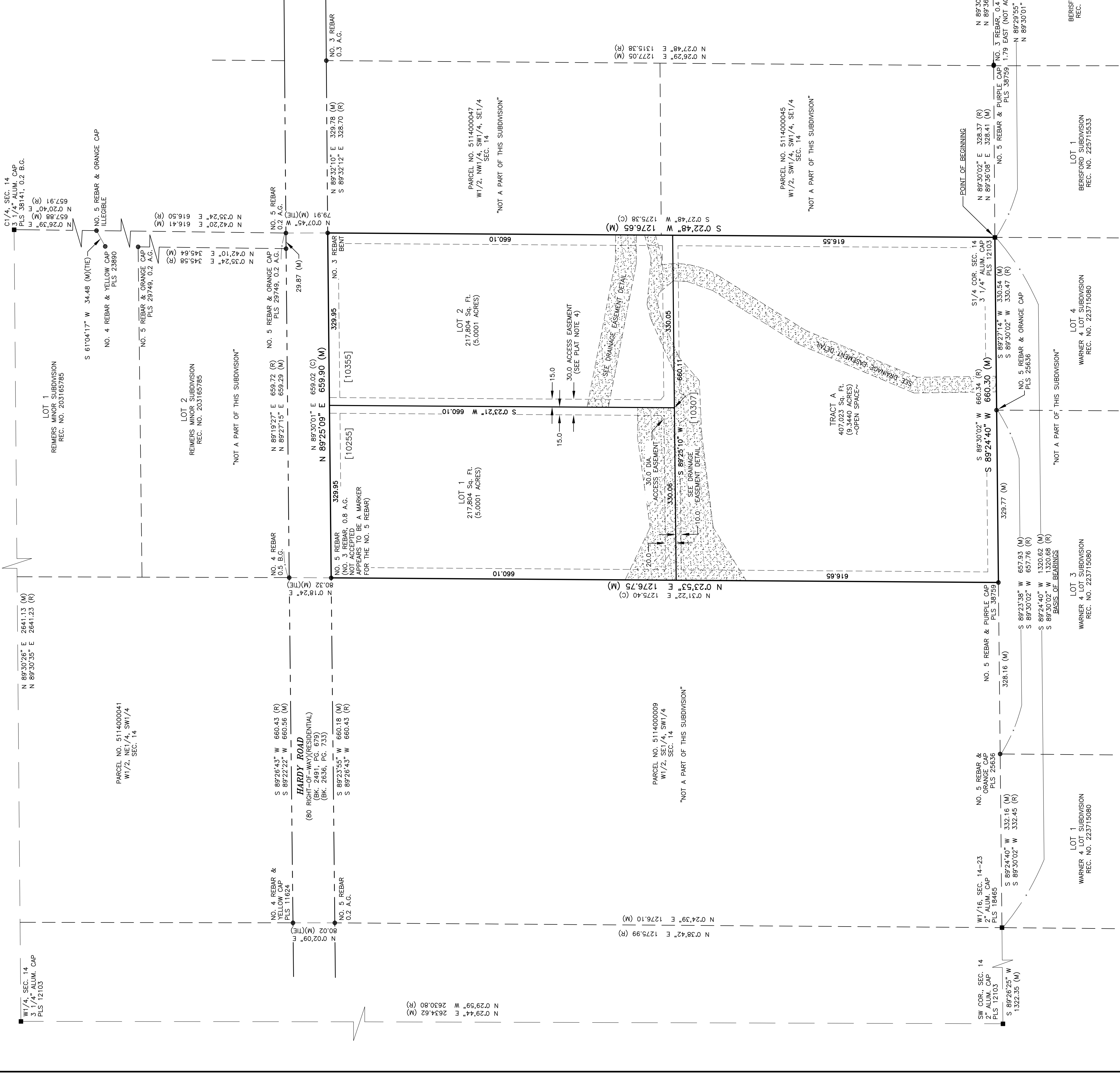
The proposed subdivision is in compliance with the other topical elements of the County Master Plan, including the Master Plan for Mineral Extraction, and the El Paso County Wildlife Habitat Maps and Descriptors.

Drainage Impact

The property is located within the West Kiowa Creek Drainage Basin. The West Kiowa Creek Basin

does not include any drainage and bridge fees. The Final Drainage Report prepared by All Terrain submitted in support of the minor subdivision application concludes that there will be no significant drainage impacts created as a result of the proposed subdivision.

FINAL PLAT
HARDY ROAD PROPERTIES
A PORTION OF THE SOUTHWEST QUARTER
SEC. 14, T11S, R65W OF THE 6TH P.M., COUNTY OF EL PASO, STATE OF COLORADO



Project No.: 26009
June 1, 2026
Rev.: July 20, 2026
Sheet 2 of 2

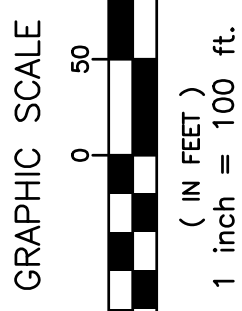
A PORTION OF THE SOUTHWEST QUARTER SECTION 14
TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH P.M.
COUNTY OF EL PASO, STATE OF COLORADO

FINAL PLAT
HARDY ROAD PROPERTIES

P.O. Box 7123
Woodland Park, CO 80863
info@goulds.com
(719) 687-8385
Gould and Sons Surveying, LLC



PRELIMINARY
FOR REVIEW
COLORADO
LAND SURVEYOR
11111

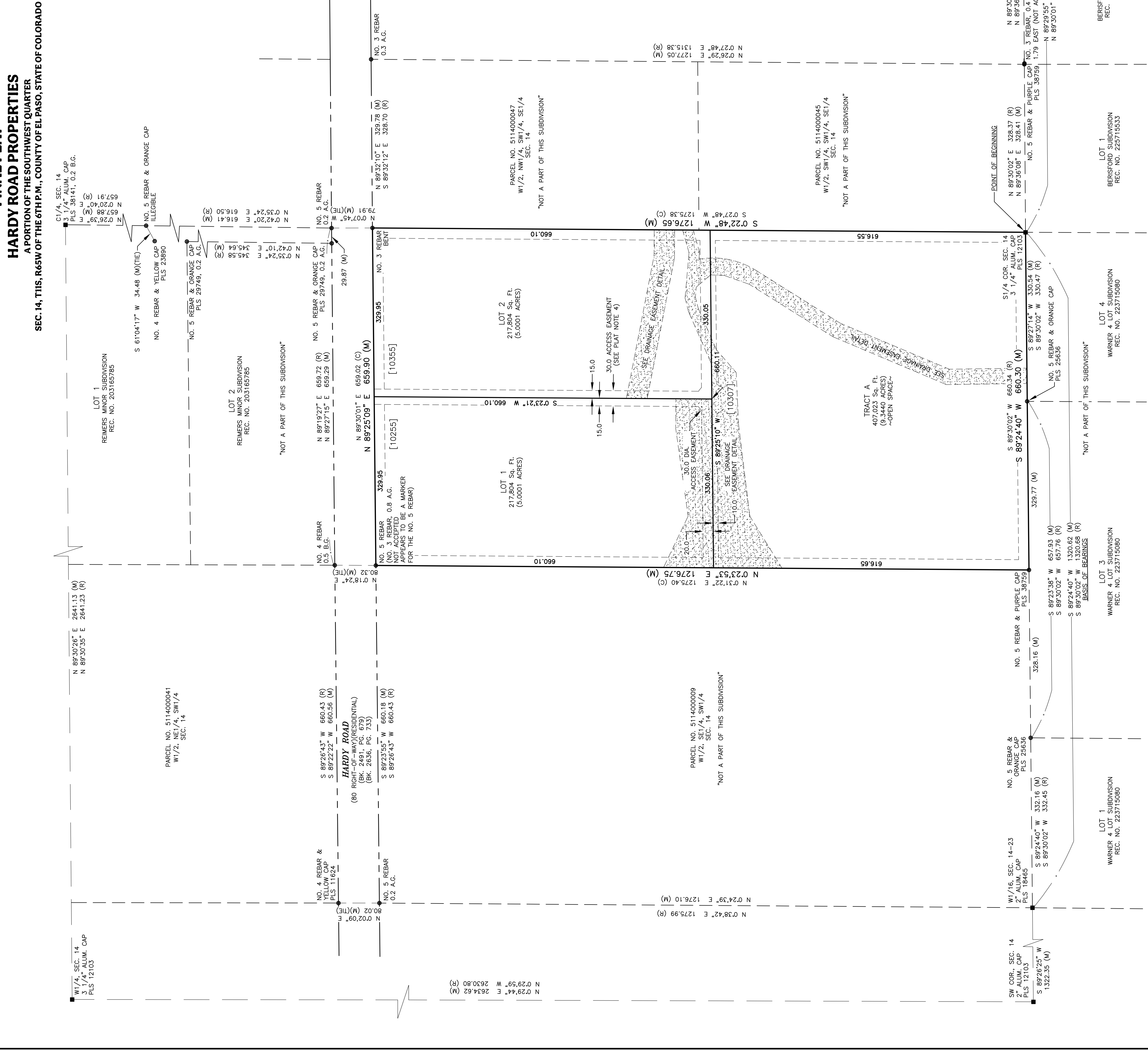
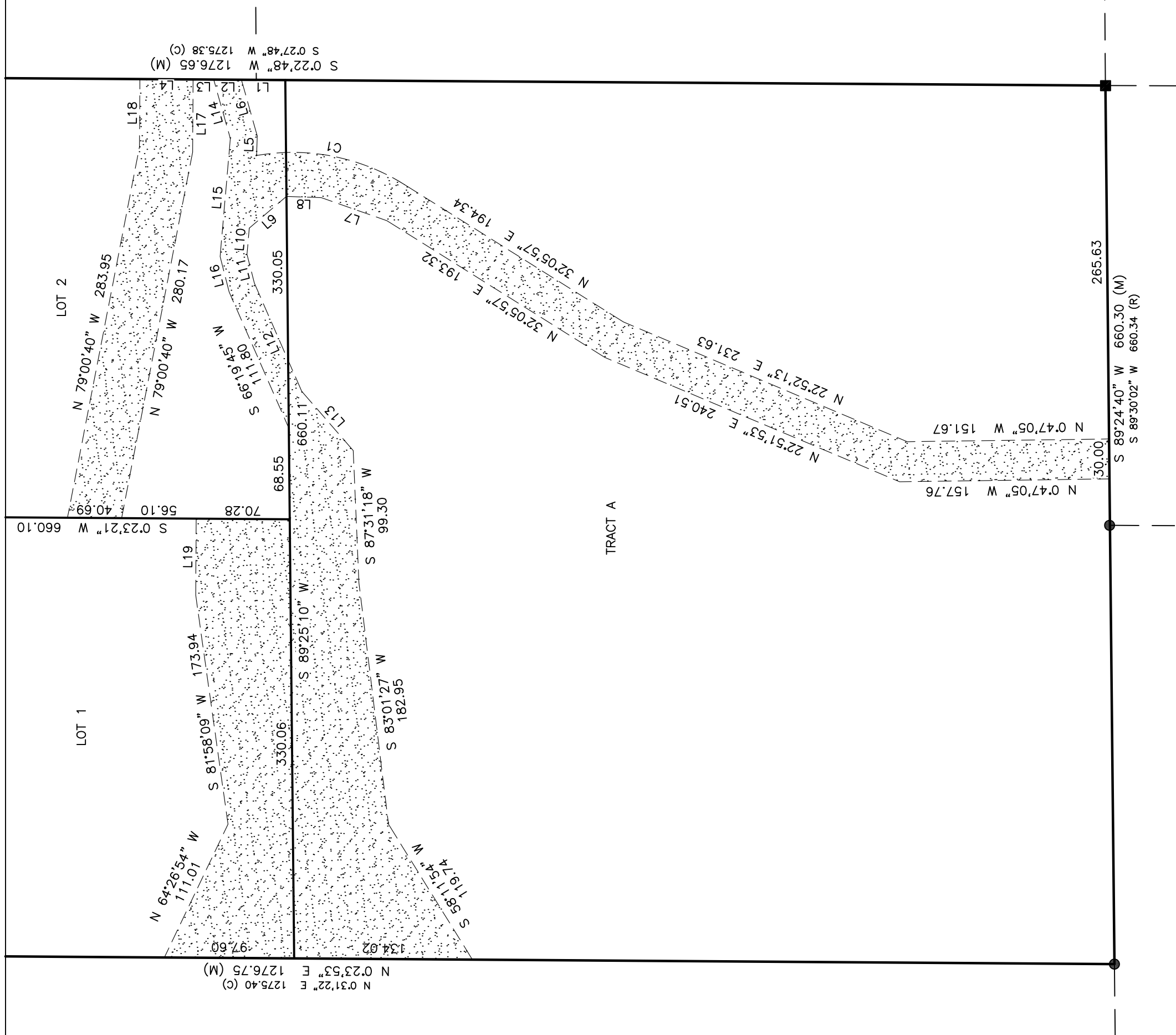


1 inch = 100 ft.

CURVE	ARC LENGTH	CHORD	DEF. ANGLE	CHORD BEARING	CHORD LENGTH
C1	115.82	158.00	111.69	N 110.57° E	113.24

LINE	BEARINGS	DISTANCE
L1	N 022°48' E	32.97
L2	N 022°48' E	32.97
L3	N 022°48' E	15.47
L4	N 022°48' E	40.00
L5	N 022°48' E	43.88
L6	N 022°48' E	43.88
L7	N 19°20'51" E	32.22
L8	N 205°02' E	26.31
L9	N 19°20'51" E	19.81
L10	N 85°02'01" W	22.30
L11	S 75°42'40" W	22.30
L12	S 66°19'45" W	88.75
L13	S 66°19'45" W	88.75
L14	S 74°13'48" W	46.02
L15	N 65°02'01" W	89.00
L16	S 52°57'01" W	77.11
L17	N 89°37'12" W	54.80
L18	N 89°37'12" W	50.89
L19	N 89°36'39" W	57.45

DRAINAGE EASEMENT DETAIL
SCALE: 1"=80'





July 22, 2026

Jen Uhler

El Paso County Planning Division

Transmission via email: JenUhler@elpasoco.com

Re: Hardy Road Properties Subdivision (2nd Letter)

Applicants: Hardy Road Properties, LLC

Part of the E ½ of the SE ¼ of the SW ¼ Sec. 14, Twp. 11S, Rng. 65W, 6th

P.M., El Paso County

Water Division 1, Water District 1

Kiowa Bijou Designated Basin

CDWR Assigned Referral No. 34609

Dear Jen Uhler,

We have received your proposal to subdivide approximately 19.4 +/- acres of land located on a parcel known as 10545 Hardy Road in the E ½ of the SE ¼ of the SW ¼ Sec. 14, Twp. 11S, Rng. 65W, 6th P.M., El Paso County into three lots. Two of the lots will be used for residential purposes, and one lot will remain undeveloped.

Our office previously provided comments on the subdivision in a letter dated April 1, 2026. The comments outlined in this letter supersede those previously provided.

Water Supply Demand

According to the updated Preliminary Water Resources Report (“Report”) dated May 26, 2026 prepared by W. James Tilton and Ryan W. Farr of Monson, Cummins, Shohet



& Farr, LLC, the annual water supply demands for the two residential lots to be developed is up to 1.0 acre-feet/year/lot (2.0 acre-feet total) for in-house residential purposes, irrigation of lawn and garden, watering of livestock, and other approved uses.

Source of Water Supply

According to the Report, the proposed source of water supply for the two residential lots are on-lot wells producing from the not nontributary Dawson aquifer operating pursuant to Determination No. 4868-BD and Replacement Plan No. 4868-RP.

A review of our records show Determination No. 4868-BD was issued by the Colorado Ground Water Commission on 19.39 acres of overlying land, generally described as the E1/2 of the SE1/4 of the SW1/4, Section 14, Township 11 South, Range 65 West, 6th P. M. Determination No. 4868-BD was approved pursuant to 37-90-107(7) and the Findings and Order of the Ground Water Commission dated May 20, 2026.

Determination No. 4868-BD allocated a total of 1,800 acre-feet of not nontributary Dawson aquifer water for domestic, livestock, irrigation (indoor and outdoor), recreation, fire suppression, wildlife, commercial, industrial, and replacement in support of such uses, either directly or after storage. The place of use is limited to the 19.39 acres of overlying land that is subject to the determination. This subdivision lies within the allowable place of use from Determination No. 4868-BD.

Replacement Plan No. 4868-RP was issued by the Ground Water Commission on May 20, 2026 pursuant to section 37-90-107.5, CRS for a maximum annual withdrawal amount of 2.0 acre-feet to be withdrawn from individual wells located on two residential lots for a period of 300 years. Each Dawson aquifer well may divert 1.0 acre-feet of water annually for uses inside two single-family dwellings with the remaining water pumped used for accessory uses on each lot, including landscape,

lawn and garden irrigation and for domestic animal watering and livestock. The place of use is limited to the 19.39 acres of overlying land that is subject to the determination. This subdivision lies within the allowable place of use from Determination No. 4868-RP.

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 section 37-90-107(7)(a), C.R.S., "Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years." Based on this **allocation** approach, the annual amounts of water determined in 4868-BD are equal to one percent of the total amount, as determined by Rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

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 300 years, the allowed average annual amount of withdrawal of 18.0 acre-feet/year would be reduced to one third of that amount, or 6.0 acre-feet/year, which is greater than the annual demand for this subdivision. As a

result, the water may be withdrawn in that annual amount for a maximum of 300 years.

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 on the subdivided land is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the above-referenced water rights, 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

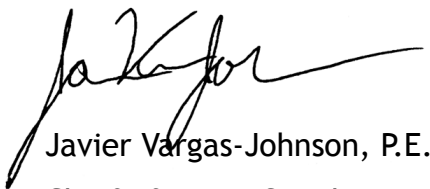
based on wells in a given Denver Basin aquifer may be less than the 300 years used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Additional Comments

The submittal indicates that a stormwater detention structure will be constructed as a part of this project. The Applicant should be aware that unless the structure can meet the requirements of a "storm water detention and infiltration facility" as defined in [Designated Basin Rule 5.11](#), the structure may be subject to administration by this office. The Applicant should review Rule 5.11 to determine whether the structure meets the requirements of the Rule and ensure any notification requirement is met.

Please contact Mike Matz at 303-866-3581 x8241 or at michael.matz@state.co.us with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Javier Vargas-Johnson', written over the printed name.

Javier Vargas-Johnson, P.E.
Chief of Water Supply



EL PASO COUNTY

Office of the County Attorney
Civil Division

KENNETH R. HODGES, COUNTY ATTORNEY

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

August 11, 2026

SF-26-5 Hardy Road Properties

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

WATER SUPPLY REVIEW AND RECOMMENDATIONS

Project Description

1. This is a proposal for approval of Hardy Road Properties, a minor subdivision application by Hardy Road Properties LLC ("Applicant") for a 2-lot subdivision on 19.4 acres (the "property"). The property is zoned RR-5 (Rural Residential).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary ("WSIS"), the water demand for the subdivision is 2.0 acre-feet/year, comprised of 0.26 acre-feet/year for household use for 2 single-family dwellings (0.52 acre-feet), 1.392 acre-feet/year for irrigation of 0.564 acres, and 0.088 acre-feet/year for stock watering of 8 animals (0.011 acre-feet per head). Based on this total demand, Applicant must be able to provide a supply of 600 acre-feet of water (2.0 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 two (2) wells withdrawing from the not-nontributary Dawson aquifer as provided in Determination of Water Right No. 4868-BD ("Determination") and Replacement Plan No. 4868-RP ("Replacement Plan"). The Determination allocated 1,800 acre-feet of Dawson aquifer water to the property. The Replacement Plan allows water to be withdrawn from the Dawson aquifer through two (2) wells in an annual amount that shall not exceed 2.0 acre-feet per year. The allowed annual amount of water to be withdrawn from each on-lot well shall not exceed 1.0 for landscape, lawn and garden irrigation and for domestic animal watering and livestock.

The approved Replacement Plan has a term of 300 years and requires that septic system return flows be used for replacement during the pumping period for the approved wells. To assure adequate return flows, at least one well must be serving an occupied single-family dwelling that is generating return flows via a non-evaporative septic system before any irrigation or animal watering is allowed to be served by any of the wells.

State Engineer's Office Opinion

4. In a letter dated July 22, 2026, the State Engineer stated that "the proposed source of water supply for the two residential lots are on-lot wells producing from the not nontributary Dawson aquifer operating pursuant to Determination No. 4868-BD and Replacement Plan No. 4868-RP." The replacement plan approved for Determination of Water Right 4868-BD allows for an average diversion of 2.0 acre-feet annually for a maximum of 300 years. The water will be withdrawn through two wells with an allowable withdrawal of 1.0 acre-feet per year per well.

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

Recommended Findings

5. Quantity and Dependability. Applicant's water demand for the Hardy Road Properties is 2.0 acre-feet per year for a total demand of 600 acre-feet for the subdivision for 300 years. The Replacement Plan allows for two (2) wells necessary to meet the needs of this subdivision, limited to an annual withdrawal 1.0 acre-feet for each of the wells, for a total of 2.0 acre-feet.

Based on the water demand of 2.0 acre-feet/year for the Hardy Road Properties and the Replacement Plan permitting withdrawals in that amount, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for the Hardy Road Properties.

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 May 26, 2026, the Water Supply Information Summary, the State Engineer's Office Opinion dated July 22, 2026, Replacement Plan No. 4868-RP for Determination of Water Right No. 4868-BD. 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 Colorado Ground Water Commission Determination of Water Right No. 4868-BD and Replacement Plan No. 4868-RP, specifically, that water withdrawn from the Dawson aquifer shall not exceed 1.0 annual acre-feet for each well, up to 2.0 annual acre-feet total. Depletions during pumping shall be replaced by individual on-lot non-evaporative septic systems.

B. The County prefers that when there is a replacement 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 replacement 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 Determination of Water Right No. 4868-BD and Replacement Plan No. 4868-RP, including the limitations on diversions and use of water for each well and lot, the requirement to meter and record all well pumping, and information on how records are to be recorded.

Covenants shall address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 600 acre-feet of not-nontributary Dawson aquifer water pursuant to Determination of Water Right No. 4868-BD and Replacement Plan No. 4868-RP to satisfy El Paso County's 300-year water supply requirement for the two (2) lots of the Hardy Road Properties. The Covenants shall further identify that 300 acre-feet (1.0 acre-feet/year) of Dawson aquifer water is allocated to each of the lots. Said reservations shall not be separated from transfer of title to the property and shall be used exclusively for primary water supply.

2) Advise of responsibility for costs. The Covenants shall advise the lot owners and their successors and assigns of their obligations regarding the costs of operating the plans for replacement, which include pumping the Dawson wells in a manner to replace depletions during pumping.

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 more specifically shall require that at least one well must be serving an occupied single-family dwelling that is generating return flows via a non-evaporative septic system before any irrigation or

animal watering is allowed to be served by any of the wells. 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 Determination of Water Right No. 4868-BD and Replacement Plan No. 4868-RP 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 aquifer.

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

"Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for the Hardy Road Properties pursuant to Determination of Water Right No. 4868-BD and Replacement Plan No. 4868-RP. 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 Colorado Ground Water Commission 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."

7) 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 Determination of Water Right No. 4868-BD and Replacement Plan No. 4868-RP are also terminated by the Colorado Ground Water Commission 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 600 acre-feet. 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 600 acre-feet (2.0 acre-feet/year) of Dawson aquifer water, which is 300 acre-feet of water per year per lot.

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 the Hardy Road Properties. The water rights so conveyed and the return flows therefrom shall be appurtenant to each of the respective lots with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.”

F. Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions, form deeds, and any plat notes required herein to the Planning and Community Development Department and the County Attorney’s Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney’s Office prior to recording the final plat. Said Declaration shall cross-reference Determination of Water Right No. 4868-BD and Replacement Plan No. 4868-RP and shall identify the obligations of the individual lot owners thereunder.

G. Applicant and its successors and assigns shall record all applicable documents, including but not limited to Determination of Water Right No. 4868-BD, Replacement Plan No.

4868-RP, agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

H. Applications for well permits submitted by persons other than the Applicant must include evidence that the permittee has acquired the right to the portion of the water being requested.

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: Jen Uhler, Project Manager, Planner

Environmental Health Review Comments

Date: May 31, 2026

SF265: Hardy Road Properties Subdivision

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

- Scope: Subdivision of 19.4-acre lot into 2 – 5-acre lots (Lot 1 and Lot 2) and a 9.34-acre Tract of open space.
- Water service for the development will be provided by individual private wells, and wastewater service will be provided by onsite wastewater treatment systems (OWTS).
- There is a finding for sufficiency in terms of water quality. The analytical results dated 2.4.2025 by RESPEC Company LLC with results by Colorado Analytical Laboratories, met the drinking water standards required by Colorado Primary Drinking Water Regulations as verified by EPCPH.
 - The water quality results found a Langelier index indicative of moderate corrosivity. While this is within the acceptable range for drinking water, corrosive water can leach heavy metals (such as lead and copper) from plumbing systems and household pipes. This leaching could pose long-term health risks if the water is consumed regularly, it is recommended that in home point of use filter be utilized.
- The RMG Wastewater Study dated January 23, 2026, was reviewed and found the site is suitable for OWTS installations. OWTS's on the site will likely require design by professional engineers and must maintain appropriate separation to bedrock and groundwater which was found during the initial evaluation test pits.
- Each lot will require individual submissions of new OWTS permit applications as required by El Paso County Public Health for any structure to be served by an OWTS system. Full compliance with Chapter 8 of the Board of Health Regulations governing Onsite Wastewater Treatment Systems in effect at time of submission is required. Minimum OWTS installation setbacks must be maintained both internal and external to the property lines.
 - It is likely the OWTS designed for these sites will be subject to the requirements of ongoing Operation and Maintenance annual inspections.

- Radon resistant construction techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area have potentially higher radon levels than other areas of the country.
- Earthmoving activity in excess of one acre, but less than twenty-five acres, will require a Construction Activity Permit from El Paso County Public Health. Go to <http://www.elpasocountyhealth.org/service/air-quality> for more information.

For any additional questions or comments, please contact us at HEAEH_Landuse@elpasoco.com. While every effort is made for timely responses, allow 2 to 3 business days for a response from our field staff.

RESOLUTION NO. 26-

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

APPROVAL OF FINAL PLAT FOR
HARDY ROAD PROPERTIES SUBDIVISION (SF265)

WHEREAS, Hardy Road Properties LLC did file an application with the El Paso County Planning and Community Development Department for the approval of a Final Plat for the Hardy Road Properties Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on September 17, 2026, upon which date the Planning Commission did by formal resolution recommend approval of the Final Plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on October 22, 2026; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, 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. That the application was properly submitted for consideration by the Board of County Commissioners;
2. That proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and Board of County Commissioners;
3. That the hearings before the Planning Commission and Board of County Commissioners were 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. That all exhibits were received into evidence;
5. That 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 Final Plat is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County; and

WHEREAS, this Board further finds that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development 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. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code;
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of the Code;
6. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and 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 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;
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.]; and

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; and

WHEREAS, this Board further finds that the proposed Waiver(s) from section 8.4.3.C.5 of the Code meets the criteria for a Waiver outlined in Section 7.3.3 of the Land Development Code and any other applicable criteria for consideration of a Waiver;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, Colorado, hereby approves the Final Plat application for the Hardy Road Properties Subdivision;

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

CONDITIONS

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

4. Driveway permits are 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 August 11, 2026, 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 recording:
 - a. Park fees in lieu of land dedication for regional parks in the amount of \$1,010.
 - b. Fees in lieu of school land dedication in the amount of \$480 shall be paid for the benefit of Falcon School District #49.
2. Final Plats not recorded within 24 months of Board of County Commissioners 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. 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 Resolution (Resolution No. 25-337), 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.
5. Applicant is to contact the US Fish & Wildlife Service regarding plans for the proposed access from Hardy Road regarding potential impact to the Preble's Meadow Jumping Mouse.

BE IT FURTHER RESOLVED that the following Waivers from the Land Development Code are hereby approved:

WAIVERS

A request for a waiver from Section 8.4.3.C.5 of the Land Development Code to allow Tract A to have no frontage on a public road. Tract A will be utilized as open space for the benefit of lots 1 and 2, with ownership vested with the tract.

Resolution No.

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DONE THIS 22nd day of October, 2026, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14
TOWNSHIP 11 RANGE 65 TOGETHER WITH AN 80 FOOT RIGHT OF WAY EASEMENT FOR ROADWAY,
UTILITIES, INGRESS AND EGRESS PURPOSES AS SET FORTH IN DEED RECORDED 1/9/1970 IN BOOK
2326 AT PAGE 276