

**MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR**

**PLANNING AND COMMUNITY DEVELOPMENT**

---

**SUMMARY MEMORANDUM**

**TO:** El Paso County Board of County Commissioners

**FROM:** Planning & Community Development

**DATE:** 7/24/2025

**RE:** SF2426, Team Chris Subdivision (Final Plat)

**Project Description**

A request by Christine Tschamler for approval of a 19.39-acre Final Plat creating three single-family lots. The property is zoned RR-5 (Residential Rural) and is located at the Northeast intersection of Lil Squirrel Lane and Black Squirrel Road. All lots in the subdivision will access Black Squirrel Road. (Parcel No. 5114000019) (Commissioner District No. 1)

**Notation**

Please see the Planning Commission Minutes for a complete discussion of the topic. A revised staff report, post Planning Commission Hearing, addressing the staff solutions to the access, is included in the BoCC packet.

**Planning Commission Recommendation and Vote**

Moraes moved / Schuettepelz seconded for Approval of the Final Plat utilizing the resolution attached to the staff report with five (5) conditions, four (4) notations, and a Waiver for Private Road access, 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 for Approval was approved (6-0) (Mr. Markewich recused himself on this application). The item was heard as a regular agenda item after being called up by the Planning Commission. The Planning Commissioners had questions on the revisions to the Final Plat regarding access and notification to the surrounding properties.

### Discussion

The item was heard as a called-up consent agenda item. Prior to the hearing, both the applicant and neighbors identified issues with the road access and potential renaming. The applicant's consultant, staff, and Development Services Engineering agreed upon an access solution that would address the concerns of all with minimal deviation from the LDC (a Waiver would be required for frontage of a public road). This revised access was presented by the applicant after a cursory staff presentation on the item. The citizens in opposition spoke about their approval of the solution.

### Attachments

1. Planning Commission Minutes from 6/5/2025.
2. Signed Planning Commission Final Plat Resolution.
3. (Revised) Planning Commission Staff Report.
4. Draft BOCC Final Plat Resolution.

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR

PLANNING AND COMMUNITY DEVELOPMENT

---

## EL PASO COUNTY PLANNING COMMISSION

### MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting

Thursday, June 5<sup>th</sup>, 2025, 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:** SARAH BRITTAIN JACK, JAY CARLSON, JEFFREY MARKEWICH, ERIC MORAES, BRYCE SCHUETTELPELZ, WAYNE SMITH, AND CHRISTOPHER WHITNEY.

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

**PC MEMBERS ABSENT:** JIM BYERS AND TIM TROWBRIDGE.

**STAFF PRESENT:** JUSTIN KILGORE, KYLIE BAGLEY, JOE SANDSTROM, DANIEL TORRES, BRET DILTS, GILBERT LAFORCE, LORI SEAGO (VIRTUAL), AND JESSICA MERRIAM.

**OTHERS PRESENT AND SPEAKING:** KRIS LEWIS, JAMES HALBRITTER (VIRTUAL), ANDREA BARLOW, NINA RUIZ, AND GARY BEIERLE.

---

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

**Mr. Kilgore** advised the board that the next PC Hearing is Thursday, June 19<sup>th</sup>, 2025, at 9:00 A.M. and informed them of the summer Planning Commission schedule.

---

#### **2. PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA**

**(NONE)**

---

### 3. CONSENT ITEMS

---

**A. Adoption of Minutes** for meeting held on May 15<sup>th</sup>, 2025.

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED (7-0)**

**IN FAVOR: (7)** Brittain Jack, Carlson, Moraes, Schuettepelz, Whitney, Markewich, and Smith.

**IN OPPOSITION: (0)** None.

**B. VR235**

**MATHY**

#### **VACATION AND REPLAT**

##### **PEYTON RANCHES FILING NO. 1A**

A request by Fridah Joanitah Wood for approval of an 8.59-acre Vacation and Replat creating one single-family lot. The lot was illegally created when it was split without going through the subdivision process per El Paso County and State Statute. The property is zoned RR-5 (Residential Rural) and is located at 15330 East Chaparral Loop. (Parcel No. 3133002011) (Commissioner District No. 2)

**DISCUSSION:** Mr. Kilgore requested that this item be continued to a date certain of June 19<sup>th</sup>, 2025.

**PC ACTION: SCHUETTEPELZ MOVED / WHITNEY SECONDED TO CONTINUE THIS ITEM AT THE JUNE 19<sup>TH</sup>, 2025 PLANNING COMMISSION HEARING.**

**IN FAVOR: (7)** Brittain Jack, Carlson, Moraes, Schuettepelz, Whitney, Markewich, and Smith.

**IN OPPOSITION: (0)** None.

**C. SF2426**

**MATHY**

#### **FINAL PLAT**

##### **TEAM CHRIS SUBDIVISION (FINAL PLAT)**

A request by Christine Tschamler for approval of a 19.39-acre Final Plat creating three single-family lots. The property is zoned RR-5 (Residential Rural) and is located at the Northeast intersection of Lil Squirrel Lane and Black Squirrel Road. (Parcel No. 5114000019) (Commissioner District No. 1)

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

**D. SP243**

**BAGLEY**

## **PRELIMINARY PLAN**

### **RIISING MOON FILING 1 & 2 PRELIMINARY PLAN**

A request by N.E.S. Inc. for approval of a 9.00-acre Preliminary Plan to create 41 single-family lots. The property is zoned RS-5000 (Residential Suburban) and is located directly north of the intersection of Peaceful Meadow Street and Harvest Moon Terrace and is 100 feet west of the intersection of Shining Star Drive and Anvil Drive. (Parcel No. 5503101010) (Commissioner District No. 4)

### **NO STAFF OR APPLICANT PRESENTATIONS**

**DISCUSSION:** **Mr. Moraes** asked for clarification regarding the proposal to designate 14 of the 41 single-family homes for employees of School District 3. He expressed interest in understanding how these homes would be designated, whether the school district owns them, what happens if an employee leaves the district, and if any resale restrictions apply. **Ms. Kris Lewis**, CEO of Pikes Peak Habitat for Humanity, explained that the project is a partnership between Pikes Peak Habitat for Humanity, School District 3, and Careers in Construction Colorado. Homes are part of a homeownership program and all units, including those for employees, are subject to a 90-year deed restriction to preserve affordability. To qualify, families must earn no more than 80% of the area median income (AMI), complete the required sweat equity, and qualify for an affordable mortgage. **Ms. Lewis** clarified that once a school district employee qualifies and purchases a home, they may remain in the home even if they later leave the district. The lots are not pre-designated; instead, Habitat and Careers in Construction own the lots and assign homes based on family size and lot suitability during the building process. While 14 homes are currently designated for district employees, more may be made available in future phases if additional employees qualify. Although the homes can be sold, they must be sold at a price not exceeding 100% of the AMI to ensure continued affordability. Habitat also caps annual equity gains to prevent flipping and uses a silent second mortgage to further enforce affordability. This second mortgage, representing the difference between the home's appraised value and the buyer's first

mortgage, must be repaid if the home is sold. **Ms. Lewis** confirmed that renting the home is not allowed, as the program is strictly intended for owner-occupants.

**PUBLIC COMMENTS:** **Mr. James Halbritter**, a resident adjacent to the Rising Moon development, asked whether a new fence will be built along the property line that borders the homes on Shining Star. He explained that he is planning to replace his existing fence and wanted to know whether he should wait, depending on the construction plans for the area.

**APPLICANT REBUTTAL:** **Ms. Andrea Barlow**, with N.E.S. Inc., responded that the Shining Star development is located to the east and confirmed that new fencing will be installed as part of the lot development process. She noted that a 6-foot privacy fence is planned around the lots and stated they can coordinate with Mr. Halbritter during construction to address the replacement of the shared fence between his property and the new development.

**PC ACTION: MARKEWICH MOVED / BRITTAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3D, FILE NUMBER SP243 FOR A PRELIMINARY PLAN, RISING MOON FILING NO. 1 & 2, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH TWO (2) CONDITIONS, THREE (3) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-0).**

**IN FAVOR: (6)** Brittain Jack, Moraes, Schuettpelz, Whitney, Markewich, and Smith.

**IN OPPOSITION: (0)** None.

**RECUSED: (1)** Carlson and Trowbridge.

---

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

---

**3C. SF2426** **MATHY**

**FINAL PLAT**

**TEAM CHRIS SUBDIVISION (FINAL PLAT)**

A request by Christine Tschamler for approval of a 19.39-acre Final Plat creating three single-family lots. The property is zoned RR-5 (Residential Rural) and is located at the Northeast intersection of Lil Squirrel

Lane and Black Squirrel Road. (Parcel No. 5114000019) (Commissioner District No. 1)

## **STAFF & APPLICANT PRESENTATIONS**

**DISCUSSION:** **Mr. Whitney** asked for clarification regarding whether Lil Squirrel Lane meets county standards, noting a discrepancy between public comments and the staff report. **Mr. Sandstrom** responded that while the staff report confirms the private roadway is accessible for emergency vehicles, the road itself was likely not constructed to current county standards, as it predates those requirements. **Mr. Moraes** inquired whether driveway permits would be provided for access to Black Squirrel Road, noting that the original issue involved a lack of access easements and the county previously unable to issue driveway permits. **Mr. Sandstrom** confirmed that both Lil Squirrel Lane and Black Squirrel Road are classified as local roads, and while initial plans relied on Lil Squirrel Lane due to lack of easement, there is no requirement preventing access from Black Squirrel. He added that current plans allow driveway access to Black Squirrel Road.

**Mr. Kilgore** explained that because the project has been amended to allow public access rather than private, the previously listed waiver related to private road access is no longer needed. **Mr. Schuettpeiz** clarified that the developer has shifted plans away from using Lil Squirrel Lane and instead is creating a new access point from the other side of the property to serve all three lots. **Mr. Kilgore** confirmed this and added that the decision was influenced by community concerns and address complications. As a result, the developer and engineering staff coordinated to provide an easement solution, though lots 1 and 2 will now require a separate waiver for not meeting the minimum 20 feet of public road frontage.

**Mr. Whitney** then raised a public comment concern regarding signage for public notice, noting that signs may have fallen or been damaged. He asked if there was any technical follow-up process. **Mr. Kilgore** explained that while signs are required to be posted within a specific timeframe—usually accompanied by a photo for proof—weather conditions sometimes cause them to fall or become damaged. When this happens and is reported, staff provides replacement signs, and applicants are generally responsive in reposting them. He also emphasized that signage is just one of three required public notice methods, which also include newspaper publication and direct neighbor notification based on a radius around the project.

**Mr. Moraes** noted that, in addition to the removal of the previously discussed waiver related to private road access, conditions six and seven outlined in the staff report and the resolution are no longer applicable. **Mr. Kilgore** confirmed this clarification.

**PUBLIC COMMENTS: Mr. Gary Beierle**, owner of a 10-acre property on the southwest corner of the proposed development, spoke in support of the project following resolution of previous concerns outlined in a letter he submitted. He expressed appreciation for the efforts of planning staff—specifically Mr. Kilgore, Mr. Sandstrom, and Mr. Howser,—in addressing those concerns. **Mr. Beierle** confirmed that a 54-foot easement on the north and west sides of the development had been verified, resolving his primary concern regarding the private road encroachment. He was particularly relieved that lots one and two no longer have access onto the private road, which had been a major point of opposition. He thanked everyone involved for their cooperation and noted that he no longer opposes the project.

**Mr. Beierle** also expressed a few remaining hopes, though he acknowledged they may fall outside the formal scope of review. These included potential covenant restrictions to require stick-built homes rather than modular units, siting homes on the south side of a drainage feature on the property, moderate restrictions on certain animals such as pigs, and assurance that proper setbacks are maintained.

**PC ACTION: MORAES MOVED / SCHUETTPELZ SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER SF2426 FOR A FINAL PLAT, TEAM CHRIS SUBDIVISION, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH FIVE (5) CONDITIONS, FOUR (4) NOTATIONS, ONE 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 (6-0).**

**IN FAVOR: (6)** Brittain Jack, Carlson, Moraes, Schuettpelz, Whitney, and Smith.

**IN OPPOSITION: (0)** None.

**RECUSED: (1)** Markewich.

---

## 5. REGULAR ITEMS

---

**(NONE)**



---

## 6. NON-ACTION ITEMS

---

(NONE)

**MEETING ADJOURNED** at 9:45 A.M.

**Minutes Prepared By:** Jessica Merriam

FINAL PLAT (RECOMMEND APPROVAL)

Morales

moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF2426

Team Chris Subdivision (Final Plat)

WHEREAS, Christine Tschamler did file an application with the El Paso County Planning and Community Development Department for approval of a Final Plat for the Team Chris 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 June 5, 2025; and

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

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

11. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the Subdivision in accordance with applicable requirements of Chapter 8 of the Code;
12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed Subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the Subdivision will be adequately mitigated;
13. The Subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and
14. The extraction of any known commercial mining deposit shall not be impeded by this Subdivision [C.R.S. §§ 34-1-302(1), et seq.].

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

WHEREAS, this Commission further finds that the proposed Waiver(s) from the Code meet(s) 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 Christine Tschamler for approval of a Final Plat for the Team Chris Subdivision be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

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

5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated March 21, 2025, as provided by the County Attorney's Office.

#### NOTATIONS

1. The following fees are required to be paid to El Paso County at the time of Final Plat recordation:
  - a. Drainage Fees in the amount of \$0 and bridge fees in the amount of \$0 for the West Kiowa Creek drainage basin.
  - b. Park fees in lieu of land dedication for regional parks in the amount of \$1,515.00 and no urban park fees.
  - c. Fees in lieu of school land dedication in the amount of \$720.00 shall be paid for the benefit of School District 49.
2. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
3. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
4. Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the No. 24-377), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

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

#### WAIVERS

1. A Waiver from Section 8.4.4.C of the Land Development Code to allow a private road to provide access in lieu of a public road.

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

 seconded the adoption of the foregoing Resolution.

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

Sarah Brittain Jack

aye / no / non-voting / recused / absent

Jim Byers	aye / no / non-voting / recused / <u>absent</u>
Jay Carlson	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / <u>recused</u> / absent
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelz	<u>aye</u> / no / non-voting / recused / absent
Wayne Smith	<u>aye</u> / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / <u>absent</u>
Christopher Whitney	<u>aye</u> / no / non-voting / recused / absent

The Resolution was adopted by a vote of 6 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 5th day of June , 2025 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

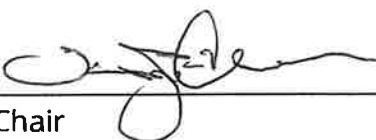
By:   
Chair

EXHIBIT A

The North 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 14 in Township 11 South, Range 65 West of the 6th P.M., together with 80 foot right-of-way described in Exhibit B in Warranty Deed recorded in Book 2460 at page 374 of the records of El Paso County, Colorado

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR

PLANNING AND COMMUNITY DEVELOPMENT

**TO:** El Paso County Planning Commission  
Jay Carlson, Chair

**FROM:** Ashlyn Mathy, Planner  
Joseph Sandstrom, Associate Engineer

**RE:** Project File Number: SF2426  
Project Name: Team Chris Subdivision (Final Plat)  
Parcel Number: 5114000019

OWNER:	REPRESENTATIVE:
Christine Tschamler 6275 Montarbor Dr Colorado Springs Co 80918-4874	Vertex Consulting Servies 455 E Pikes Peak Ave Suite 101 Colorado Springs, CO 80903

**Commissioner District: 1**

<b>Planning Commission Hearing Date:</b>	<b>6/5/2025</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>7/24/2025</b>

## EXECUTIVE SUMMARY

A request by Christine Tschamler for approval of a 19.39-acre Final Plat creating three single-family residential lots, Lot 1 is 6.38 acres, Lot 2 is 6.39 acres, and Lot 3 is 6.40 acres. The property is zoned RR-5 (Residential Rural) and is located at the Northeast intersection of Lil Squirrel Lane and Black Squirrel Road.

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



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

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

### **C. LOCATION**

North:	RR-5 (Residential Rural)	Vacant Residential Lot
South:	RR-5 (Residential Rural)	Single Family Residential
East:	RR-5 (Residential Rural)	Vacant Land
West:	RR-5 (Residential Rural)	Single Family Residential

### **D. BACKGROUND**

The subject property and surrounding area was zoned RR-5 (Rural Residential) on September 20, 1965. An Early Assistance Meeting to discuss subdivision of the property was held on November 8, 2023. This project is proposing to plat three lots (Lot 1 is 6.38 acres, Lot 2 is 6.39 acres, and Lot 3 is 6.40 acres) with a request for a Waiver from Section 8.4.4.C of the Code to allow the lots to take access via an existing private road (Lil Squirrel Lane) in lieu of a public road.

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

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

The applicant requests a Waiver from Section 8.4.4.C of the Code to allow a private road to be assessed from in lieu of a public road. Pursuant to Section 8.4.3.B.2.e, lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to a Waiver granted under Section 8.4.4.E. Generally, private roads shall be

constructed and maintained to ECM standards except as may be otherwise determined in the Waiver. Private road waivers may only include design standards for the following:

- *Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;*
- *Design speed where it is unlikely the road will be needed for use by the general public;*
- *Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;*
- *Maximum and minimum block lengths; and*
- *Maximum grade.*

The applicant is proposing access to Lots 1 and 2 via an existing private road that will continue to be owned and maintained by the property owners of those lots via a maintenance agreement to be recorded with the plat. Lil Squirrel Lane currently does not meet County roadway standards. Lil Squirrel Lane provides access to Black Squirrel Road, an existing County Road. Lot 3 will maintain its existing access to Black Squirrel Road.

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

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

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

## F. MASTER PLAN COMPLIANCE

### 1. Your El Paso County Master Plan

#### a. Placetype Character: Large-Lot Residential

*The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally 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 subject proposal to create three lots that are over 5 acres each in size will be consistent with the Master Plan Placetype due to exceeding the 2.5 acre minimum the Placetype typically consists of. The property is surrounded by single family residential and vacant land. Creating three lots that are larger in size will aid in preserving the rural aesthetic seen throughout the area.

**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:**

In this area there is vacant land; however, the development commonly seen is single family residential, and while this project is proposing three lots, they are proposed to be larger in size and have a minor impact to the rural character. The lots are proposed to be larger than the minimum requirement due to the fact that more than three lots would be inconsistent with the zoning district requirement.

**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 impact to the predominantly forested area could range from minor to moderate as the property does contain trees. While this project proposes larger lots and preservation of the rural character, removal of trees for development is likely but shall be done in a responsible manner to ensure the character is preserved. A Wildfire and Hazard Mitigation Report has been supplied with this project and mitigation is likely. However, staff recommends minimizing tree removal on the lots in the area of future home sites in order to maintain consistency with this Key Area of the Master Plan.

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

There are no other implications associated with this project.

**2. Water Master Plan Analysis**

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

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

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

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

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 4a of the Plan, which is an area anticipated to experience a deficit by 2040. The project will have water supplied by wells for each lot being created.

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

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. Colorado Parks and Wildlife, US Army Corps Engineers, and US Fish & Wildlife were each sent a referral and have no outstanding comments.

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

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

There is a drainage easement that runs through all three lots. It is depicted on the plat and indicates that it is a no build area and not for storage or to be built on.

### **2. Floodplain**

FEMA Flood Insurance Rate Map panel number FIRM Panels 08041C0310G, effective date December 7, 2018, shows the site is not within a regulatory floodplain.

### **3. Drainage and Erosion**

This site is within the West Kiowa Creek drainage basin (KIKI0200) which is an unstudied basin with no drainage or bridge fees. The site generally drains to the northeast within a wide drainage easement. There is no culvert to convey flows under Black Squirrel Road and, therefore, flows overtop Black Squirrel Road and continue to the northeast. A drainage report was submitted and there is no requirement for water quality or detention based upon the small increase in imperviousness proposed by the development. No public improvements were required, and no grading and erosion control plan was submitted because this is a large-lot subdivision.

### **4. Transportation**

This site is located west of Black Squirrel Road approximately 0.25 miles south of Walker Road. Lil Squirrel Lane, an unpaved private roadway, runs along the north and west of this site. Black Squirrel Road is an unpaved rural local roadway owned and maintained by the County. A transportation impact study was not required pursuant to Engineering Criteria Manual (ECM) Section B.1.2.D. The El Paso County 2024 Major Transportation Corridors Plan classifies Black Squirrel Road as a local roadway with no depicted improvements. This subdivision is subject to the El Paso County Road Impact Fee Program (Resolution 24-377), as amended.

## **H. SERVICES**

### **1. Water**

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

### **2. Sanitation**

Wastewater is provided by an onsite wastewater treatment system.



### **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**

Mountain View Electric Association provides electric to the subject property. Black Hills Energy will provide a Natural Gas Distribution system for the subject property.

### **5. Metropolitan Districts**

There are no Metropolitan Districts associated with this site.

### **6. Parks/Trails**

Fees in lieu of park land dedication in the amount of \$1,515.00 for regional fees for park region 2 and \$0.00 for urban 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 \$720.00 shall be paid to El Paso County for the benefit of School District 49 at the time of plat recording.

## **I. STATUS OF MAJOR ISSUES**

There are no major issues associated with the site.

## **J. RECOMMENDED CONDITIONS AND NOTATIONS**

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

### **CONDITIONS**

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

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the Final Plat.
4. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated March 21, 2025, as provided by the County Attorney's Office.

## **NOTATIONS**

1. The following fees are required to be paid to El Paso County at the time of Final Plat recordation:
  - a. Drainage Fees in the amount of \$0 and bridge fees in the amount of \$0 for the West Kiowa Creek drainage basin.
  - b. Park fees in lieu of land dedication for regional parks in the amount of \$1,515.00 and no urban park fees.
  - c. Fees in lieu of school land dedication in the amount of \$720.00 shall be paid for the benefit of School District 49.
2. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
3. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
4. Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the No. 24-377), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be

documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

#### **K. WAIVER REQUESTS**

Should the Planning Commission and the Board of County Commissioners find that the Waiver request meets the criteria for approval outlined in Section 7.3.3 of the El Paso County Land Development Code (as amended), the following Waivers will be considered for approval:

1. A Waiver from Section 8.4.4.C of the Code to allow a private road in lieu of a public road.

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

The Planning and Community Development Department notified 14 adjoining property owners on May 22, 2025, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

Map Series

Letter of Intent

Plat Drawing

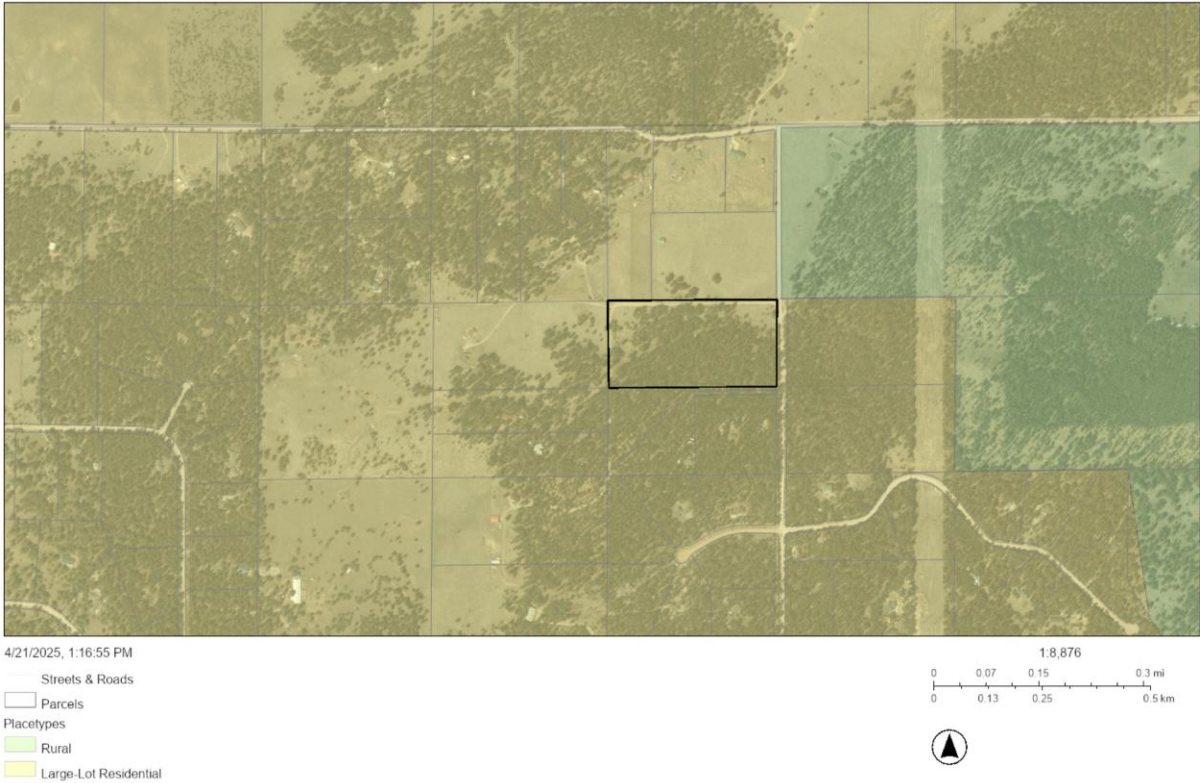
State Engineer's Letter

County Attorney's Letter

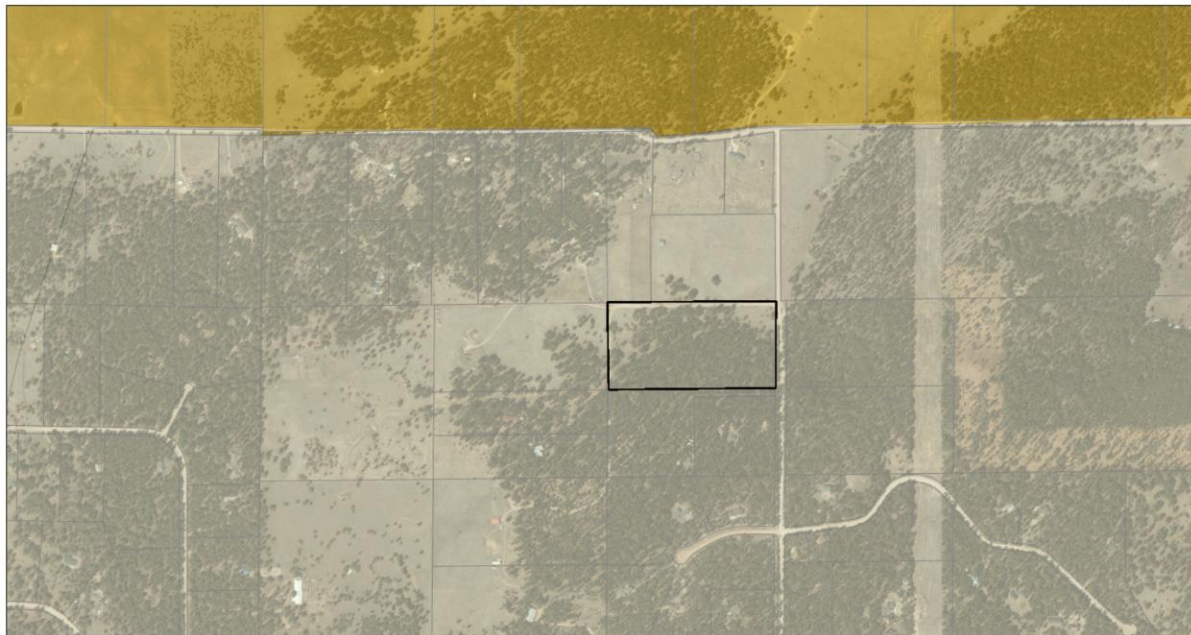
Draft Resolution

Map Series  
SF2426

Placetype: Large - Lot Residential



Area of Change: Minimal Change: Undeveloped



4/21/2025, 1:21:04 PM

Streets & Roads

Parcels

Areas Of Change

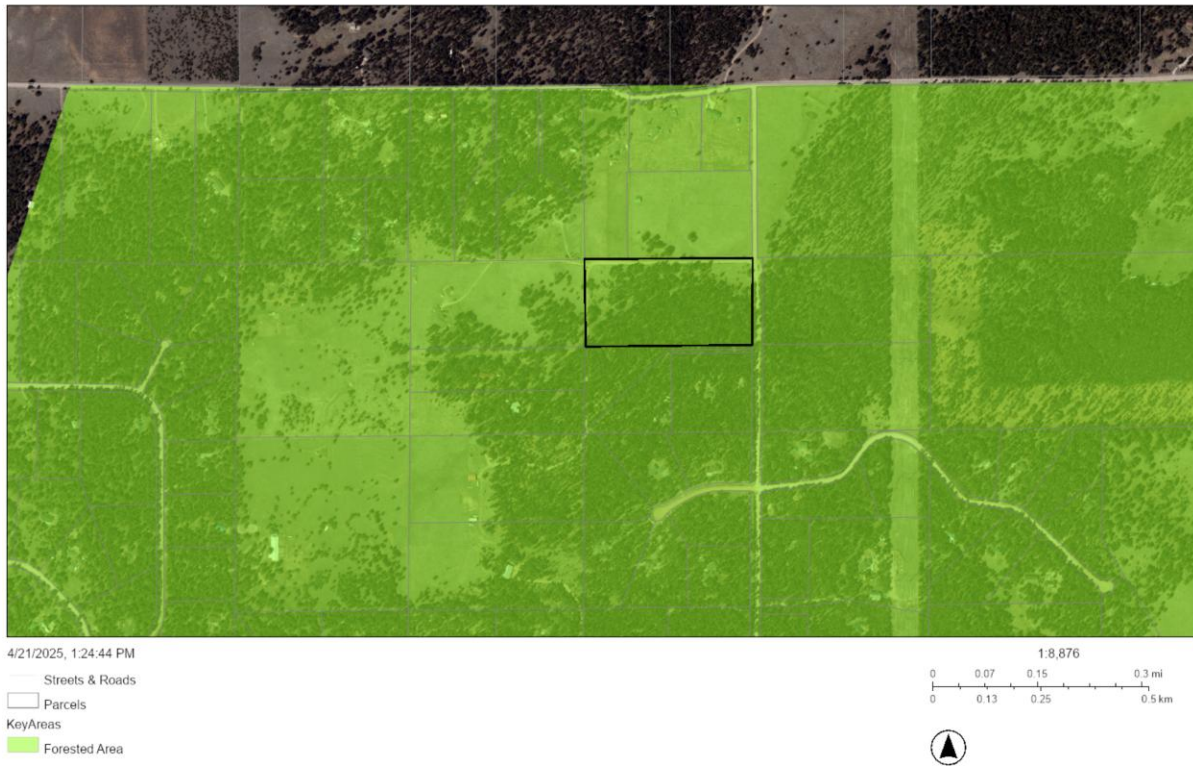
Minimal Change: Undeveloped

Minimal Change: Developed

1:8,876  
0 0.07 0.15 0.3 mi  
0 0.13 0.25 0.5 km



## Key Area: Forested Area





**Black Squirrel Subdivision  
Letter of Intent**

**August 1, 2024**

**PCD File # SF2426**

Chris Team Living Trust  
6275 Montarbor Drive  
Colorado Springs, CO 80918  
(719) 310-7377

**Planner:** Vertex Consulting Services, LLC, Nina Ruiz  
455 E Pikes Peak Avenue, Suite 101  
Colorado Springs, CO 80903  
719-733-8605  
[Nina.ruiz@vertexcscos.com](mailto:Nina.ruiz@vertexcscos.com)

**Tax Schedule No:** 5114000019

**Acreage:** 19.839 Acres

**Zoning:** RR-5 (Residential Rural)

**Site Location, Size, Zoning:**

Vertex Consulting Services, LLC, on behalf of Team Chris Living Trust, is respectfully submitting an application for a 3-lot 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.



**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 RMG 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:**



1. A request for approval of a 3-lot minor subdivision within the RR-5 zoning district.
2. A request for a waiver of the requirement for all lots to gain access from a public roadway pursuant to Section 8.4.4 (E).

**Justification:**

The pages that follow address each one of the criteria included within Sections 7.3 (waiver) and 7.2.1 (minor subdivision) of the El Paso County Land Development Code.

**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 easement. The Falcon Fire Protection District has provided a commitment letter, indicating no concern. All other aspects of the Code remain in force.

***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.***

This portion of Black Squirrel Road is an existing private road. The existing private road is accessible by emergency responders and meets the turning radius for a fire truck.

***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 subject parcel is adjacent to Black Squirrel Road to the east, north, and west. The eastern portion of Black Squirrel Road is County maintained designated as an urban local roadway per GIS data. It is possible to reconfigure the subdivision so that each lot has frontage to the County maintained portion of Black Squirrel Road, however, El Paso County will not permit driveway access to Black Squirrel Road. The waiver is being requested due to the County not allowing access.

Black Squirrel is a private loop road serving 8 parcels. Converting this existing roadway from a private to public roadway would require either condemnation by El Paso County or that all parcel owners agree to the road becoming a public roadway and whatever terms come along with the conversion. Not all parcel owners are in agreement today, therefore, it is not possible for the owners of the proposed Subdivision to cause the conversion.

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

As stated above, it is not possible for the applicant to cause the private roadway to become public without consent from all lot owners.

***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.

**Below is an analysis of how the requested waiver meets the criteria specifically for Private Road Allowances included in Section 8.4.4.E of the Code:**

*(1)Use of Private Roads Generally Limited. Private roads shall normally be confined to closed loops and dead-end roads not likely to be needed for the convenience and safety of the general public.*

The private road is an existing private road. The private road will only be utilized by the residents who have a right per the access easement, therefore, the road is not needed for the convenience or safety of the general public.

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

There is an existing maintenance agreement in place. This agreement will apply to the new lots as well.

*(3)Private Roads to Meet County Standards. Generally, private roads shall be constructed and maintained to ECM standards except as may be otherwise determined in the waiver. Private road waivers may only include design standards for the following:*

- *Right-of-way width where suitable alternative provisions are made for pedestrian walkways and utilities;*

Pedestrian walkways are not required for rural roads, which is the standard being waived.

Utility easements have been provided on the plat drawing.

- *Design speed where it is unlikely the road will be needed for use by the general public;*  
The road will not be utilized by the general public as it is a private road utilized by only those addressed off of Black Squirrel Road.
- *Standard section thickness minimums and pavement type where suitable and perpetual maintenance provisions are made;*

Maintenance is being provided by the property owners who are addressed off of Black Squirrel Road per the maintenance agreement.

- *Maximum and minimum block lengths; and*  
Not applicable.
- *Maximum grade.*  
Not applicable.

Minor Subdivision (Preliminary Plan & Final Plat Criteria)

***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.  
*Adjacent property owners were notified of the request prior to 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 20 ADT, which the surrounding roadway network can handle. 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, analysis, studies, reports, plans, designs, documents, and other supporting materials.***

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. The anticipated water demand for the three lots is 2 acre feet per year. It was determined that the Dawson aquifer would be used for water supply and that there is 1900 acre-feet of available groundwater underlying the property. Groundwater determinations provided specify quantities of water that will meet both legal and physical needs on a 300-year basis. The supply has been deemed sufficient in terms of quality, quantity and dependability. Individual wells shall provide each property with its water supply.

***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. The following plat notes will be added to the plat:

1. All lots within the subdivision have been found to be impacted by geologic hazards. Mitigation measures and a map of the hazard area can be found in the report Soils and Geology Study by Rocky Mountain Group dated September 13, 2024 in file SF2425 available at the El Paso County Development Services Department. Hazards:
  - Compressible Soils
  - Expansive soil/Bedrock
  - Radon
  - Potentially Seasonally High Groundwater
2. Prior to construction of proposed residences, lot specific subsurface soil investigations will be performed to determine whether or not shallow groundwater, hydro-compacted soils, and or expansive soils are present on the lot , and to determine an appropriate foundation design, basement or crawl space suitability, and or lot specific recommendation are necessary to mitigate these conditions.

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 private road, Black Squirrel Road. The dedication of open space is not required for this 3-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. 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 additional 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.

***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.

### **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 3-lot minor subdivision to create three lots approximately 6.4-acres in size. The surrounding parcels range in size from 5 acres to 20 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 20 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 wastewater utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.*

*Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.” (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 with lot sizes being 6.4 acres.

#### **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 2 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. The Table indicates that the current water supplies for

Region 2 amounts to 13,607 AF of water per year with 2060 being 20,756 AF of water per year; therefore, there is projected to be a surplus supply of water for central water providers in this region of the County.

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.

#### **2016 Major Transportation Corridors Plan (MTCP)**

The 2016 MTCP does not include Black Squirrel Road. 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 minor or major roadways being proposed, 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 Black squirrel Road or any other nearby County roadways, and there is no proposed access onto a State Highway. The subdivision is anticipated to result in an average of 30 additional trips per day.

#### **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.

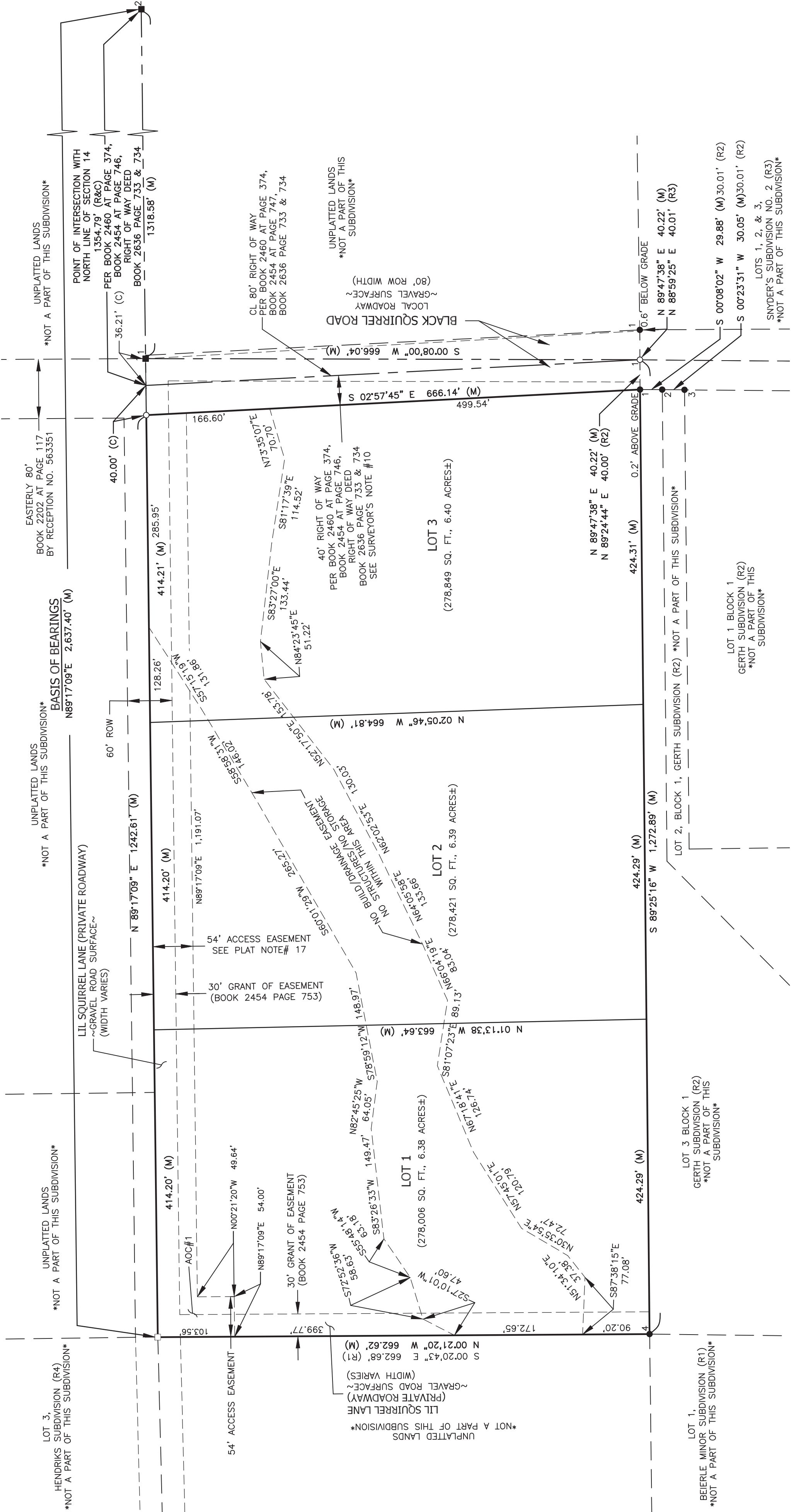
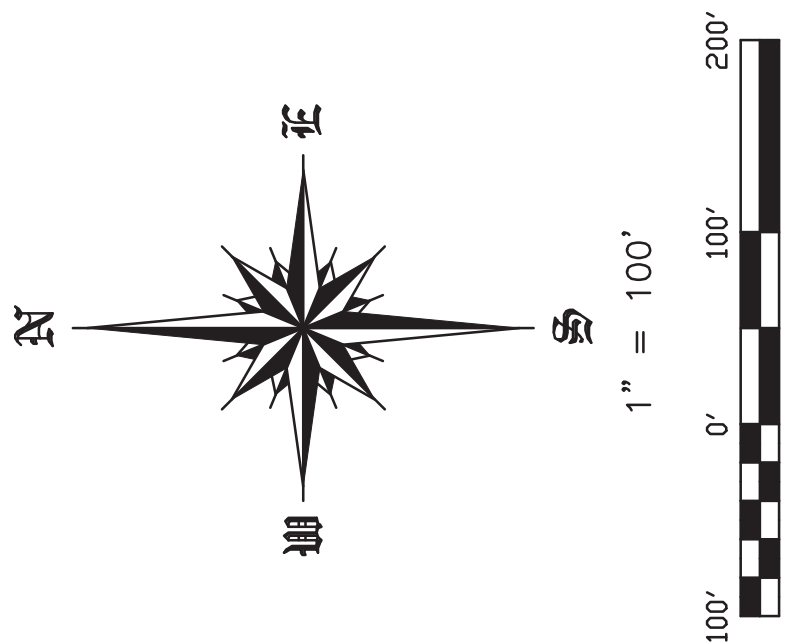






TEAM CHRIS SUBDIVISION

BEING A PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14,  
TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF EL PASO, STATE OF COLORADO.



LEGEND

- 1 ● FOUND NO. 5 REBAR AS NOTED
- 2 ● FOUND NO. 4 REBAR WITH 1" YELLOW PLASTIC CAP, PLS 15686, FLUSH WITH GRADE
- 3 ● FOUND NO. 4 REBAR WITH 1" YELLOW PLASTIC CAP REMAINTS, 0.5' BELOW GRADE
- 4 ● FOUND NO. 5 REBAR WITH 1-1/4" ORANGE PLASTIC CAP, PLS 38141, 0.6' BELOW GRADE
- 1 ■ FOUND NO. 6 REBAR WITH 2-1/2" ALUM CAP MARKED E1/16 S118514-1997 PLS 4842, FLUSH WITH GRADE
- 2 ■ FOUND NO. 6 REBAR WITH 2-1/2" ALUM CAP MARKED 1/4 S118514
- N 1/4 SEC. 14 T11S R65W FOUND NO. 6 REBAR, REHABILITATED WITH 2-1/2" ALUM CAP, T11S R65W 1/4 S13514 2024 PLS 38759, FLUSH WITH GRADE
- FOUND NO. 5 REBAR WITH 1-1/4" YELLOW PLASTIC CAP, PLS 38759, FLUSH WITH GRADE
- 1 ○ FOUND NO. 5 REBAR WITH 1-1/2" ALUMINUM CAP, PLS 38759, 0.5' BELOW GRADE
- (R) RECORD VALUE
- (R1) RECORD VALUE (BIEERLE MINOR SUBDIVISION) RECEPTION NO. 216713868
- (R2) RECORD VALUE (GERTH SUBDIVISION) PLAT BOOK X-3 AT PAGE 178
- (R3) RECORD VALUE (SNYDER'S SUBDIVISION NO.2) RECEPTION NO. 1490629
- (R4) RECORD VALUE (SNYDER'S SUBDIVISION) RECEPTION NO. 1178523
- (M) MEASURED VALUE
- BREAK SYMBOL

Danny Bodic  
State of Colorado Professional Land Surveyor No. 38759  
For and on behalf of Apex Land Surveying and Mapping LLC.

DATE: August 23, 2024

REVISIONS

No.	Remarks	Date	By
1.	Per county comments	12-01-2024	DDR
2.	Per county comments	01-27-2025	DDR
3.	Per county comments	03-18-2025	DDR
4.	Add Note	03-26-2025	DDR

Field: TJM/DDR

Drawn: TJM/DDR

Checked: DDR

PROJECT No.: 24032

APEX

5855 Lehman Drive, Suite 102  
Colorado Springs, CO 80918  
Phone: 719-318-0377  
E-mail: info@apexsurveyor.com  
Website: www.apexsurveyor.com

PDC File No: SF-2426

APEX Land Surveying and Mapping LLC.



March 5, 2025

Ashlyn Mathy, Project Manager  
El Paso County Community & Development Services  
Transmitted via email: [ashlynmathy2@elpasoco.com](mailto:ashlynmathy2@elpasoco.com)

**RE:** Black Squirrel Minor Subdivision (aka Chris Team Subdivision)  
File No. SF-2426  
Part of the NW ¼ of the NE ¼, Section 14, T11S, R65W, 6<sup>th</sup> P.M.  
Kiowa Bijou Designated Ground Water Basin  
Water Division 1, Water District 1

Dear Ashlyn Mathy:

We have reviewed the information received by this office on March 3, 2025 regarding the above referenced referral. The Applicant is requesting to subdivide approximately 19.39 acres into three residential lots of approximately 6.38 acres (Lot 1), 6.39 acres (Lot 2) and 6.4 acres (Lot 3). There is an existing residence on proposed Lot 2 with an existing well operating under permit no. 73654 (canceled) and re-permitted under permit no. 89785-F. We have previously provided comments to this referral by our letters dated October 17, 2024 and December 16, 2024. The comments in this letter supersede our comments from the October 17, 2024 and the December 16, 2024, letters.

### **Water Supply Demand**

According to the Water Supply Information Summary Sheet submitted with the referral materials, the proposed water demand is 0.78 acre-feet for three single-



family dwellings, 1.044 acre-feet for irrigation of lawn and garden and 0.176 acre-feet for the watering of 16 heads of livestock or 2 acre-feet per year for the entire subdivision.

In addition, according to a Water Supply Report (“Report”) from Monson, Cummins, Shohet & Farr, LLC it is anticipated that the residence on Lot 2 will utilize up to 1.0 acre-foot annually for in-house residential purposes, irrigation of lawn and garden, and watering of livestock and Lots 1 and 3 will each utilize up to 0.5 acre-feet annually for in-house residential purposes, irrigation of lawn and garden, and watering of livestock.

### **Source of Water Supply**

According to the Report the proposed water source for proposed Lot 2 is the existing well completed in the not nontributary Dawson aquifer, operating under permit no. 73654 (canceled) and re-permitted under permit no. 89785-F and the proposed water source for Lots 1 and 3 will be from new wells. The existing well and proposed new wells will be producing from the not nontributary Dawson aquifer under the determination of water rights no. 4760-BD and associated replacement plan no. 4760-RP.

The Determination of Water Right No. 4760-BD for the not nontributary Dawson aquifer quantified the amount of water underlying the total 19.39 acres located in the NW ¼ of the NE ¼ of Section 14, Township 11 South, Range 64 West, 6<sup>th</sup> P.M. In addition, the Replacement Plan No. 4760-RP was issued by the Commission on February 10, 2025 to Chris Team Living Trust for an allowed annual amount of withdrawal of ground water of 2.0 acre-feet/year for the Dawson aquifer (based on an aquifer life of 300 years). The Dawson aquifer water will be withdrawn through three wells to be located on three residential lots. One of the three wells is anticipated to pump a maximum of 1.0 acre-foot, and the other two wells will pump a maximum of 0.5 acre-feet from the not-nontributary Dawson aquifer annually. Each well will be

used for use in one single family residence with the remainder of the pumping for other accessory uses of additional dwelling units, landscape, lawn, and garden irrigation, and for the watering of domestic animals and livestock. The land on which the wells will be located is the 19.39 acres Overlying Land that is subject to the determinations and replacement plan.

Well permit no. 73654 was canceled, and permit no. 89785-F was issued on February 14, 2025 for the existing well on proposed Lot 2, pursuant to CRS 37-90-107(7) and the Findings and Order of the Colorado Ground Water Commission dated February 10, 2025, for Determination of Water Right No. 4760-BD and associated Replacement Plan No. 4760-RP.

The proposed source of water for this subdivision is bedrock aquifers 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 amount of water determined in Determination no. 4760-BD is 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 that annual amount 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 provide a water supply. However, treating El Paso County's requirement as an allocation approach based on three hundred years, the allowed

annual amount of withdrawal permitted by Replacement Plan No. 4760-RP would allow for an annual amount of withdrawal of 2.0 acre-feet/year for 300 years. As a result, the water may be withdrawn in that annual amount for a maximum of 300 years.

Applications for on lot well permits, submitted by an entity other than the current water right holder (Chris Team Living Trust), must include evidence that the applicant has acquired the right to the portion of water being requested on the application.

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

#### Additional Comments

The Applicant should be aware that any proposed storm water detention structures proposed for this subdivision must meet the requirements of a “storm water detention and infiltration facility” as defined in Designated Basin Rule 5.11, otherwise the structures may be subject to administration by this office. The Applicant should review Rule 5.11 to determine whether the structures meet the requirements of the Rule and ensure any notification requirement is met.

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

Sincerely,



Ioana Comaniciu, P.E.

Water Resource Engineer

Ec: Subdivision file: 32523

Well permit file no. 89785-F (previous 73654)



## 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

March 21, 2025

SF-24-26 Team Chris Subdivision

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 the Team Chris Subdivision, a minor subdivision application by Chris Team Living Trust ("Applicant") for a 3-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 0.78 acre-feet/year for household use for 3 single-family dwellings, 1.04 acre-feet/year for irrigation of 0.42 acres, and 0.176 acre-feet/year for stock watering of 16 horses (0.011 acre-feet per horse). Applicant has estimated the demand for Lot 2, which has an existing well, at 1.0 total acre-feet per year and the demand for Lots 1 and 3 at 0.5 acre-feet per year each. 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 up to three (3) wells, including an existing, re-permitted well (Well Permit No. 89785-F), withdrawing from the not-nontributary Dawson aquifer as provided in Determination of Water Right No. 4760-BD ("Determination") and Replacement Plan No. 4760-RP ("Replacement Plan"). The Determination allocated 1,460 acre-feet of Dawson aquifer water to the property. The Replacement Plan allows water to be withdrawn from the Dawson aquifer through three (3) 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 0.5 for two yet to be constructed wells and 1.0 acre-feet from the existing well to be used for domestic, accessory uses of additional dwelling units, landscape, lawn, garden irrigation, and for the watering of domestic animals 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 ensure

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 March 5, 2025, the State Engineer stated that "the proposed water source for proposed Lot 2 is the existing well completed in the not nontributary Dawson aquifer, operating under . . . permit no. 89785-F and the proposed water source for Lots 1 and 3 will be from new wells . . . producing from the not nontributary Dawson aquifer under the determination of water rights no. 4760-BD and associated replacement plan no. 4760-RP." The replacement plan approved for Determination of Water Right 4760-BD allows for an average diversion of 2.0 acre-feet annually for a maximum of 300 years. The water will be withdrawn through three wells to be located on three residential lots. One well is anticipated to pump a maximum of 1.0 acre-foot, while the remaining wells will each pump a maximum of 0.5 acre-feet annually.

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 existing water rights."

#### Recommended Findings

5. Quantity and Dependability. Applicant's water demand for the Team Chris Subdivision 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 three (3) wells necessary to meet the needs of this subdivision, limited to an annual withdrawal 1.0 for one of the wells and 0.5 acre-feet for the additional two wells, for a total of 2.0 acre-feet.

**Based on the water demand of 2.0 acre-feet/year for the Team Chris Subdivision 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 Team Chris Subdivision.**

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

7. Basis. The County Attorney's Office reviewed the following documents in preparing this review: a Water Resources Report dated February 13, 2025, the Water Supply Information Summary, the State Engineer's Office Opinion dated March 5, 2025, Replacement Plan No. 4760-RP for Determination of Water Right No. 4760-BD entered on February 10, 2025. 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. 4760-BD and Replacement Plan No. 4760-RP, specifically, that water withdrawn from the Dawson aquifer shall not exceed 0.5 annual acre-feet per well for up to two (2) wells, and up to 1.0 annual acre-feet for one well based on a total combined annual withdrawal of 2.0 acre-feet. 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. 4760-BD and Replacement Plan No. 4760-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. 4760-BD and Replacement Plan No. 4760-RP to satisfy El Paso County's 300-year water supply requirement for the three (3) lots of the Team Chris Subdivision. The Covenants shall further identify that 150 acre-feet (0.5 acre-feet/year) of Dawson aquifer water is allocated to two (2) lots (Lots 1 and 3) and 300 acre-feet (1.0 acre-feet/year) of Dawson aquifer water is allocated to the remaining lot (Lot 2) with existing well permit no. 89785-F. 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 of 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. 4760-BD and Replacement Plan No. 4760-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 Team Chris Subdivision pursuant to Determination of Water Right No. 4760-BD and Replacement Plan No. 4760-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. 4760-BD and Replacement Plan No. 4760-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 (150 acre-feet for 2 lots and 300 acre-feet for the remaining lot with existing well no. 89785-F). 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.

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 Team Chris Subdivision. 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. 4760-BD and Replacement Plan No. 4760-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. 4760-BD, Replacement Plan No. 4760-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."

J. Prior to recording the final plat, please upload to EDARP a corrected Water Resource Report that correctly identifies the name of the subdivision and states in the table on p. 4 that the amount of adjudicated water in the Dawson aquifer is 1,460 acre-feet (see paragraph 8 of the Determination on p. 20 of the Water Resource Report).

cc: Ashlyn Mathy, Project Manager, Planner



RESOLUTION NO. 25-

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

APPROVAL OF FINAL PLAT FOR  
Team Chris Subdivision (SF2426)

WHEREAS, Christine Tschamler did file an application with the El Paso County Planning and Community Development Department for the approval of a Final Plat for the Team Chris 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 June 5, 2025, 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 July 24, 2025; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, 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 the Code meet(s) 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 Team Chris 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 will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated March 21, 2025, as provided by the County Attorney's Office.
6. The subdivider shall install the street name signs and stop sign shown in the Sign Exhibit in accordance with El Paso County standards prior to Final Plat recordation.
7. The subdivider shall update the plat with a new street name for the private road prior to the mylar recording.

#### NOTATIONS

1. The following fees are required to be paid to El Paso County at the time of Final Plat recordation:
  - a. Drainage Fees in the amount of \$0 and bridge fees in the amount of \$0 for the West Kiowa Creek drainage basin.
  - b. Park fees in lieu of land dedication for regional parks in the amount of \$1,515.00 and no urban park fees.
  - c. Fees in lieu of school land dedication in the amount of \$720.00 shall be paid for the benefit of School District 49.
2. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
3. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
4. Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the No. 24-377), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

Resolution No.

Page 5

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

WAIVERS

1. A Waiver from Section 8.4.4.C of the Land Development Code to allow a private road to provide access in lieu of a public road.

DONE THIS 24th day of July, 2025, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

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

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

EXHIBIT A

The North 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 14 in Township 11 South, Range 65 West of the 6th P.M., together with 80 foot right-of-way described in Exhibit B in Warranty Deed recorded in Book 2460 at page 374 of the records of El Paso County, Colorado