

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

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

Board of County Commissioners

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

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Planning & Community Development
DATE: 7/25/2024
RE: VR232, Armonia Ranch Vacation Plat

Project Description

A request by Jerome W. Hannigan and Associates, Inc, for approval of a 49.02-acre Vacation and Replat creating one single-family residential lot and vacating two County Right-of-Ways while also dedicating an additional County Right-of-Way. The item was heard on the consent agenda on June 20, 2024, Planning Commission Hearing. The Vacation and Replat application was recommended for approval by the Planning Commission with a vote of 8-0. The property is zoned RR-5 (Residential Rural) and is located at 10612 and 10613 Twin Pines Road, directly southwest of the intersection of Ayer Road and Goodson Road. (Parcel Nos. 5214004014 and 5214003001) (Commissioner District No. 1)

Notation

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

Planning Commission Recommendation and Vote

Mr. Markewich moved and Mr. Whitney seconded the motion to recommend approval of the Vacation and Replat utilizing the resolution attached to the staff report with 7 conditions and 1 notation, that this item be forwarded to the Board of County Commissioners for their consideration. The motion was **approved (8-0)**. The item was heard as a consent agenda item.

Discussion

The property was approved unanimously on the consent agenda. No discussion occurred.

Attachments

1. Planning Commission Minutes from 6/20/2024.
2. Signed Planning Commission Resolution.
3. Planning Commission Staff Report.
4. Draft BOCC Resolution.

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EL PASO COUNTY PLANNING COMMISSION

MEETING RESULTS (UNOFFICIAL RESULTS)

Planning Commission (PC) Meeting

Thursday, June 20, 2024

El Paso County Planning and Community Development Department

2880 International Circle – Second Floor Hearing Room

Colorado Springs, Colorado

REGULAR HEARING, 9:00 A.M.

PC MEMBERS PRESENT AND VOTING: THOMAS BAILEY, SARAH BRITTAIN JACK, JIM BYERS, BECKY FULLER, JEFFREY MARKEWICH, BRANDY MERRIAM, ERIC MORAES, AND CHRISTOPHER WHITNEY.

PC MEMBERS VIRTUAL AND VOTING: NONE.

PC MEMBERS PRESENT AND NOT VOTING: NONE.

PC MEMBERS ABSENT: JAY CARLSON, TIM TROWBRIDGE, BRYCE SCHUETTELPELZ, AND WAYNE SMITH.

STAFF PRESENT: MEGGAN HERINGTON, JUSTIN KILGORE, KYLIE BAGLEY, ASHLYN MATHY, KARI PARSONS, BRET DILTS, CHARLENE DURHAM, HAO VO, DANIEL TORRES, ED SCHOENHEIT, ELIZABETH NIJKAMP, JOSH PALMER, MIRANDA BENSON, ERIKA KEECH, AND LORI SEAGO.

OTHERS PRESENT AND SPEAKING: RANDY NOVAK, PAULA & JORDAN LYLES, HEATHER RUBENAKER, KATE JOHNSON, MARY ARLINGTON, KATIE HARMS, JO D. HEFFNER, GREG MIRANDA, ED KOVITZ, NIKI FIELDS, PAUL OTIS, MONTE GOODRICH, ALEX MARTINEZ, BONNIE KATTAU, BRIAN HADFIELD, TERESA FIELDS, DANIEL SOLIGNY, _ , WILLIAM MISTRETTA, CAROL HIGDON, AND ED HENNING.

1. REPORT ITEMS

The next PC Hearing is Thursday, July 18, 2024, at 9:00 A.M.

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

3. CONSENT ITEMS

A. Adoption of Minutes for meeting held June 6, 2024.

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

E. VR232

BAGLEY

**VACATION AND REPLAT
ARMONIA RANCH VACATION PLAT**

A request by Jerome W. Hannigan and Associates, Inc, for approval of a 49.02-acre Vacation and Replat creating one single-family residential lot and vacating two County Right of Ways while also dedicating an additional County Right of Way. The property is zoned RR-5 (Residential Rural) and is located at 10612 and 10613 Twin Pines Road, directly southwest of the intersection of Ayer Road and Goodson Road. (Parcel Nos. 5214004014 and 5214003001) (Commissioner District No. 1)

NO PUBLIC COMMENT OR DISCUSSION.

PC ACTION: MARKEWICH MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3E, FILE NUMBER VR232 FOR A VACATION AND REPLAT, ARMONIA RANCH VACATION PLAT, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SEVEN (7) CONDITIONS AND ONE (1) NOTATION, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (8-0).

IN FAVOR: BAILEY, BRITTAIN JACK, BYERS, FULLER, MORAES, WHITNEY, MARKEWICH, AND MERRIAM.

IN OPPOSITION: NONE.

COMMENTS: NONE.

VACATION AND REPLAT (RECOMMEND APPROVAL)

Mr. Markewich moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR232
ARMONIA RANCH VACATION PLAT

WHEREAS, Jerome W. Hannigan and Associates, Inc did file an application with the El Paso County Planning and Community Development Department for approval of a Vacation and Replat request to vacate 9 lots and two County Right of Ways and replat into 1 lot and dedicating one County Right of Way within the RR-5 (Residential Rural) zoning district 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 20, 2024; and

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

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

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

WHEREAS, in approving a Vacation and Replat of a Subdivision, the El Paso County Planning Commission and Board of County Commissioners shall find that the application meets the criteria of approval listed in Section 7.2.3(C)(4) of the Land Development Code ("Code") (as amended):

1. The Replat complies with the Code and the original conditions of approval associated with the recorded Plat;
2. No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
3. The Replat is in keeping with the purpose and intent of the Code;
4. The Replat conforms to the required findings for a Minor or Major Subdivision, whichever is applicable;
5. 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 Engineering Criteria Manual ("ECM");
6. The approval will not adversely affect the public health, safety, and welfare; and
7. Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the Replat has been resolved.

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

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Jerome W. Hannigan and Associates, Inc for approval of a Vacation and Replat to allow one lot and one County Right of Way within the RR-5 (Residential Rural) zoning district be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

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

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

NOTATIONS

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

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

Mr. Whitney seconded the adoption of the foregoing Resolution.

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

Thomas Bailey
Sarah Brittain Jack
Jim Byers

aye / no / non-voting / recused / absent
aye / no / non-voting / recused / absent
aye / no / non-voting / recused / absent

Jay Carlson	aye / no / non-voting / recused / <u>absent</u>
Becky Fuller	<u>aye</u> / no / non-voting / recused / absent
Jeffrey Markewich	<u>aye</u> / no / non-voting / recused / absent
Brandy Merriam	<u>aye</u> / no / non-voting / recused / absent
Eric Moraes	<u>aye</u> / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / <u>absent</u>
Wayne Smith	aye / no / non-voting / recused / <u>absent</u>
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 8 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 20th day of June 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:


Thomas Bailey, Chair

EXHIBIT A

LEGAL DESCRIPTION:

Lots 6, 7, 8, 9, 10, 11, 12, 13, and 14, Armonia Ranch, recorded on January 28, 2010 at Reception Number 210713020 in the El Paso County Colorado records, Together with Dark Sky Trail and Twin Pines Road; all in Section 14, Township 12 South, Range 69 West of the 6th Principal Meridian, El Paso County, Colorado.

Containing 49.02 Acres, More or Less.



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

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Kylie Bagley, Planner III
Edward Schoenheit, Engineer I
Meggan Herington, AICP, Executive Director

RE: Project File Number: VR232
Project Name: Armonia Ranch Vacation Plat
Parcel Number: 5214004014 and 5214003001

OWNER:	REPRESENTATIVE:
Joy and Matthew Russell 11810 Goodson Road Colorado Springs, CO 80908	Jerome W. Hannigan and Associates, Inc. 19360 Spring Valley Road Monument, CO 80132

Commissioner District: 1

Planning Commission Hearing Date:	6/20/2024
Board of County Commissioners Hearing Date:	7/25/2024

EXECUTIVE SUMMARY

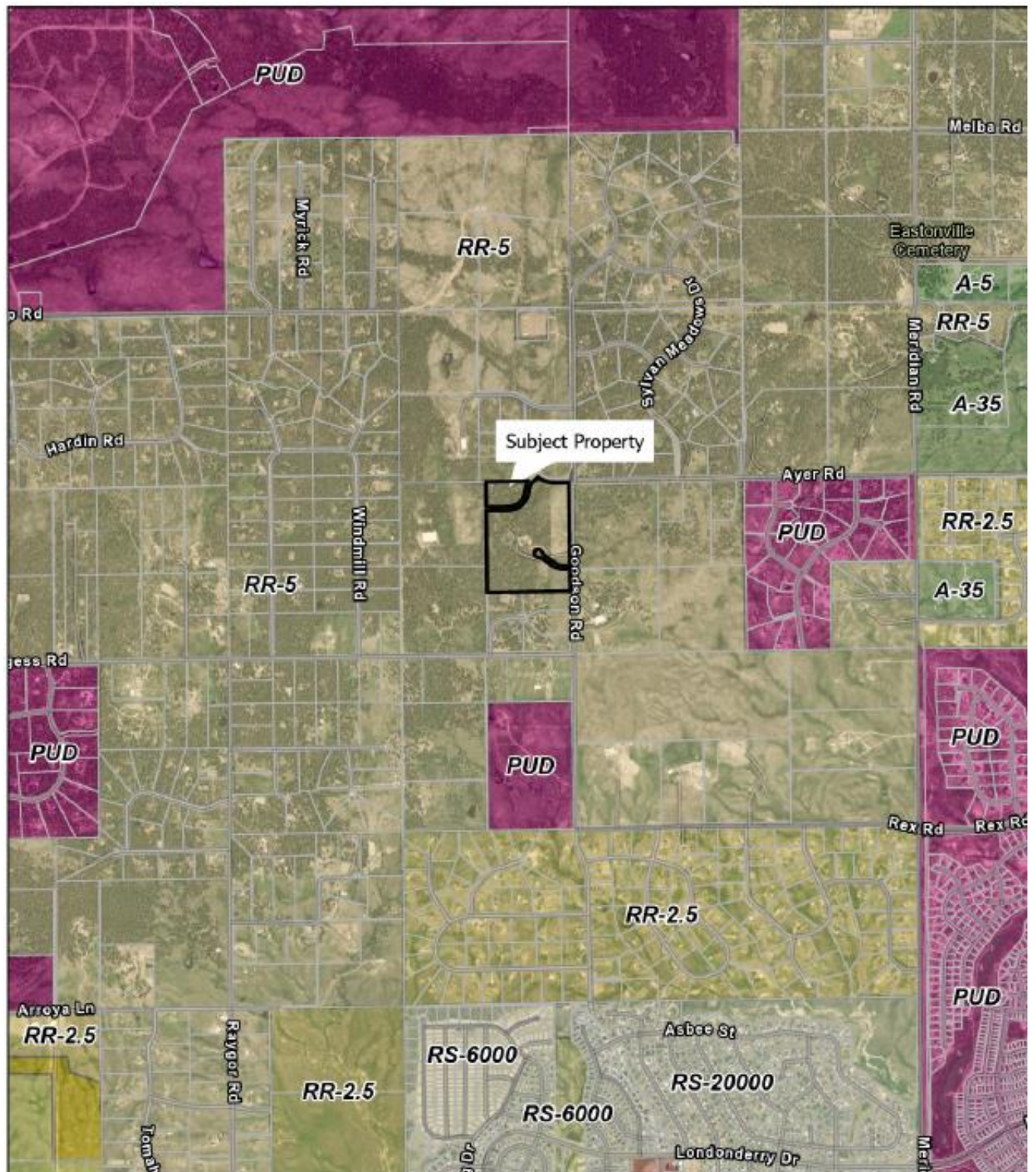
A request by Jerome W. Hannigan and Associates, Inc, for approval of a 49.02-acre Vacation and Replat creating one single-family lot and vacating two County Right-of-Ways (Twin Pines Road and Dark Sky Trail) while also dedicating an additional County Right-of-Way (Ayer Road). The property is zoned RR-5 (Residential Rural) and is located at 10612 and 10613 Twin Pines Road and is directly southwest of the intersection of Ayer Road and Goodson Road.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

WWW.ELPASOCO.COM



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A. WAIVERS AND AUTHORIZATION

Waiver(s):

There are no waivers associated with this request.

Authorization to Sign: There are no items requiring signature associated with this request.

B. APPROVAL CRITERIA

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

- The replat complies with this Code, and the original conditions of approval associated with the recorded plat;
- No nonconforming lots are created, and in the case of existing nonconforming lots, the nonconformity is not increased;
- The replat is in keeping with the purpose and intent of this Code;
- The replat conforms to the required findings for a minor or major subdivision, whichever is applicable;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- The approval will not adversely affect the public health, safety, and welfare; and
- Where the lots or parcels are subject to any CC&Rs or other restrictions, that any potential conflict with the CC&Rs or other restrictions resulting from the replat has been resolved.

C. LOCATION

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



D. BACKGROUND

The property was previously platted in 2011 as part of the Armonia Ranch Subdivision which created 14 lots with minimum lot sizes of 5 acres. The Armonia Ranch Subdivision also dedicated three roads to the County, Armonia Ranch Court, Dark Sky Trail, and Twin Pines Road. The applicant is requesting to vacate 9 lots and two County Roads, Dark Sky Trail, and Twin Pines Road, in order to create one lot consisting of 49 acres and dedicate 60' of public Right-of-Way on the northern portion of the lot, which will be a continuation of Ayer Road to the east.

The continuation of Ayer Road will allow the lots west of the Armonia Ranch Vacation Plat access onto Goodson Road.

E. ANALYSIS

1. Land Development Code and Zoning Compliance

The proposed replat will create one lot, as proposed, will conform to the standards of the RR-5 (Residential Rural) zoning district. The RR-5 (Residential Rural) zoning district density and dimensional standards are as follows:

	Proposed Zoning District 1: RR-5 (Residential Rural)
Maximum Density	-
Minimum Lot Size	5 acres
Minimum Width at Front Setback	200 feet
Front Setback	25 feet
Rear Setback	25 feet
Side Setback	25 feet
Maximum Lot Coverage	25%
Maximum Height	30 feet

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 proposed Vacation and Replat will replat 14 lots into (1) 49-acre lot for single-family residential use. The parcels to the east and west of the proposed subdivision are 30-acres in size. The proposed 49-acre lot will match the existing character, which consists of 5 acre lots and larger.

b. Area of Change Designation: Minimal Change: Undeveloped

The character of these areas is defined by a lack of development and presence of significant natural areas. These areas will experience some redevelopment of select



underutilized or vacant sites adjacent to other built-out sites, but such redevelopment will be limited in scale so as to not alter the essential character. New development may also occur in these areas on previously undeveloped land, but overall, there will be no change to the prioritized rural and natural environments.

Analysis:

The proposed Vacation and Replat will not create redevelopment. The 49-acre lot will match the surrounding existing rural character.

c. Key Area Influences: Forested Area

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

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

Analysis:

The proposed Vacation and Replat will create a 49-acre lot for single-family residential use and will not create a higher intensity development.



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:

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

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

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 4c of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 4c for central water providers:

The Plan identifies the current demand for Region 4c to be 2,970 acre-feet per year (AFY) (Figure 5.1) with a current supply of 2,970 AFY (Figure 5.2). The projected demand in 2040 for Region 4c is at 3,967 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region is 4c is at 4,826 AFY (Figure 5.1) with a projected supply of 3,027 AFY (Figure 5.2) in 2060. This means that by 2060 a deficit of 1,799 AFY is anticipated for Region 4c.

3. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a low wildlife impact potential. El Paso County Environmental Services was sent a referral and has no outstanding comments.

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



G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

There were no hazards identified as part of the Vacation and Replat application.

- 2. Floodplain:** The property is not located within a floodplain as determined by a review of the Federal Insurance Rate Map number 08041C0320G, effective December 7th, 2018. The property is located in Zone "X" which is an area of minimal flood hazard determined to be outside the 500-yr flood zone.

- 3. Drainage and Erosion:** The property is located primarily in the upper Black Squirrel Drainage Basin with no applicable drainage or bridge fees. The south westernmost corner of the property (~1.5 acres) is located in the Bennett Ranch drainage basin. Bennett Ranch drainage basin and bridge fees were previously paid under PCD File SF08008 and plat #13020 when the parcel was platted as eight lots. No new drainage or bridge fees are applicable with this replat and reduction to one single large lot. Drainage on the lot generally flows to the north and east. No public drainage improvements are proposed or required with this application. An updated drainage report was not required due to the reduction in previously approved lots to one (1) and the low impervious nature of the development.

- 4. Transportation:** The property is located directly adjacent to Goodson Road at the intersection of Ayer Road. Goodson Road is a County maintained paved road classified as a rural collector. The existing single family residence gains access to Goodson Road through a private driveway. The existing Rights-of-Way (ROW) on Plat #13020 consisting of Dark Sky Trail and Twin Pines Road will be vacated with this replat. The replat will realign and extend Ayer Road as a sixty (60) foot ROW along the northern property line for future public access to undeveloped large parcels to the west. This application is not subject to El Paso County Road Impact fees as the single residence already exists and no new lots or traffic is being created. No Traffic Impact Study was required. No public road improvements are required with this application.

H. SERVICES

1. Water

Water sufficiency is not required with this application. The previously approved Armonia Ranch received a water finding in 2011 for 14 lots. The proposed Vacation



and Replat is not creating additional lots to the previously approved subdivision, therefore a water finding is not required.

2. Sanitation

Sanitation is provided by an onsite septic system.

3. Emergency Services

The property is within the Falcon Fire Protection District.

4. Utilities

Mountain View Electric will provide electricity.

5. Metropolitan Districts

The subject property is not located within a metropolitan district.

6. Parks/Trails

Fees in lieu of park land dedication in the amount of \$0 for regional fees and \$0 for urban park fees will be due at the time of recording the replat.

7. Schools

Fees in lieu of school land dedication in the amount of \$0 will be due at the time of recording the replat.

I. APPLICABLE RESOLUTIONS

See attached resolution.

J. STATUS OF MAJOR ISSUES

There are no outstanding major issues.

K. RECOMMENDED CONDITIONS AND NOTATIONS

Should the Planning Commission and Board of County Commissioners find that the request meets the criteria for approval outlined in Section 7.2.3.C, Actions Vacating or Altering a Recorded Plat, Replat, of the El Paso County Land Development Code (As Amended) staff recommends the following conditions and notations:

CONDITIONS

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



2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

NOTATIONS

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



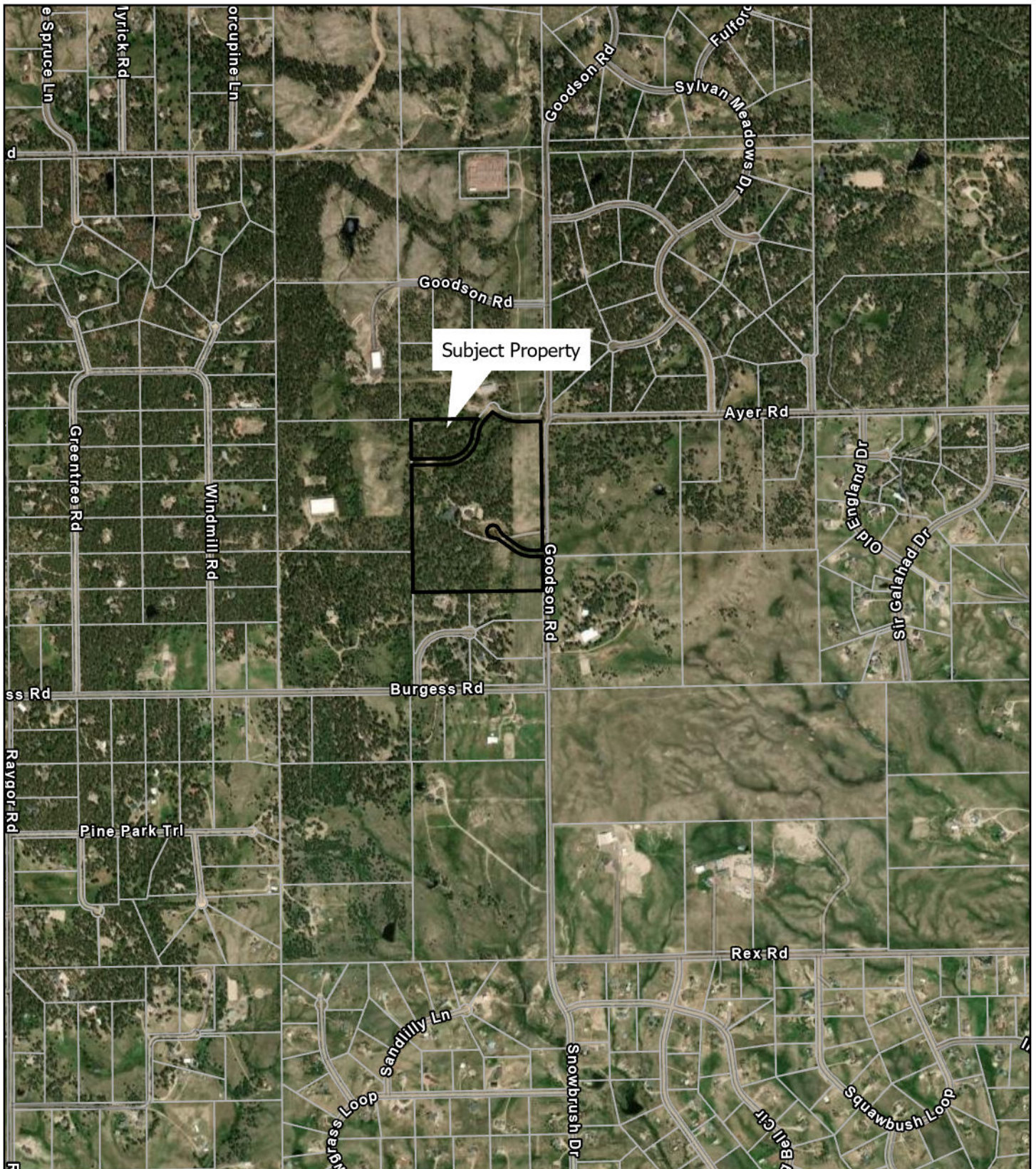
L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 14 adjoining property owners on June 4, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

M. ATTACHMENTS

Map Series
Letter of Intent
Plat Drawing
Public Comment
Draft Resolution





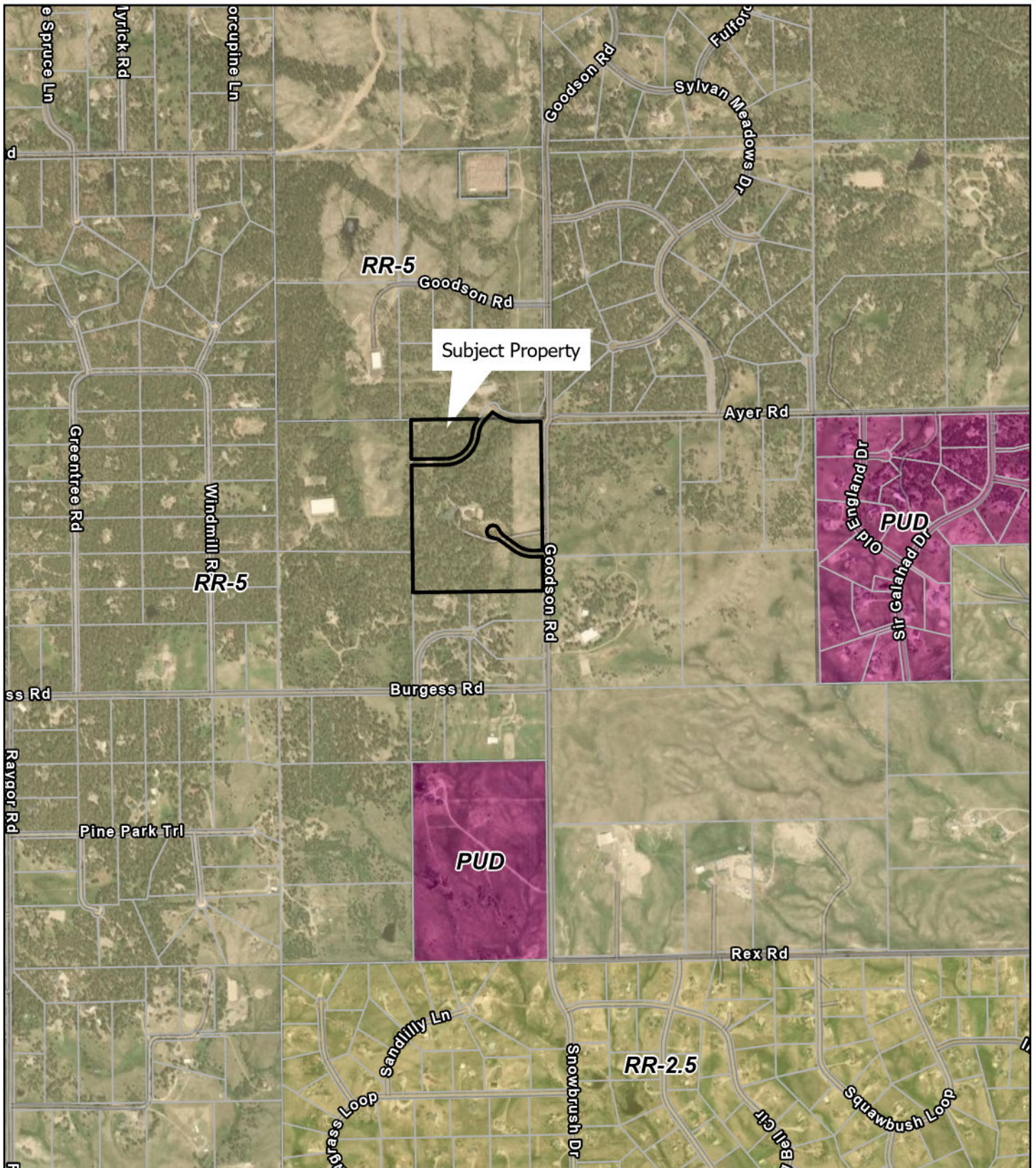
Aerial Map

File No. VR232

Map Series No. 1



0 0.10.1 0.2 Miles



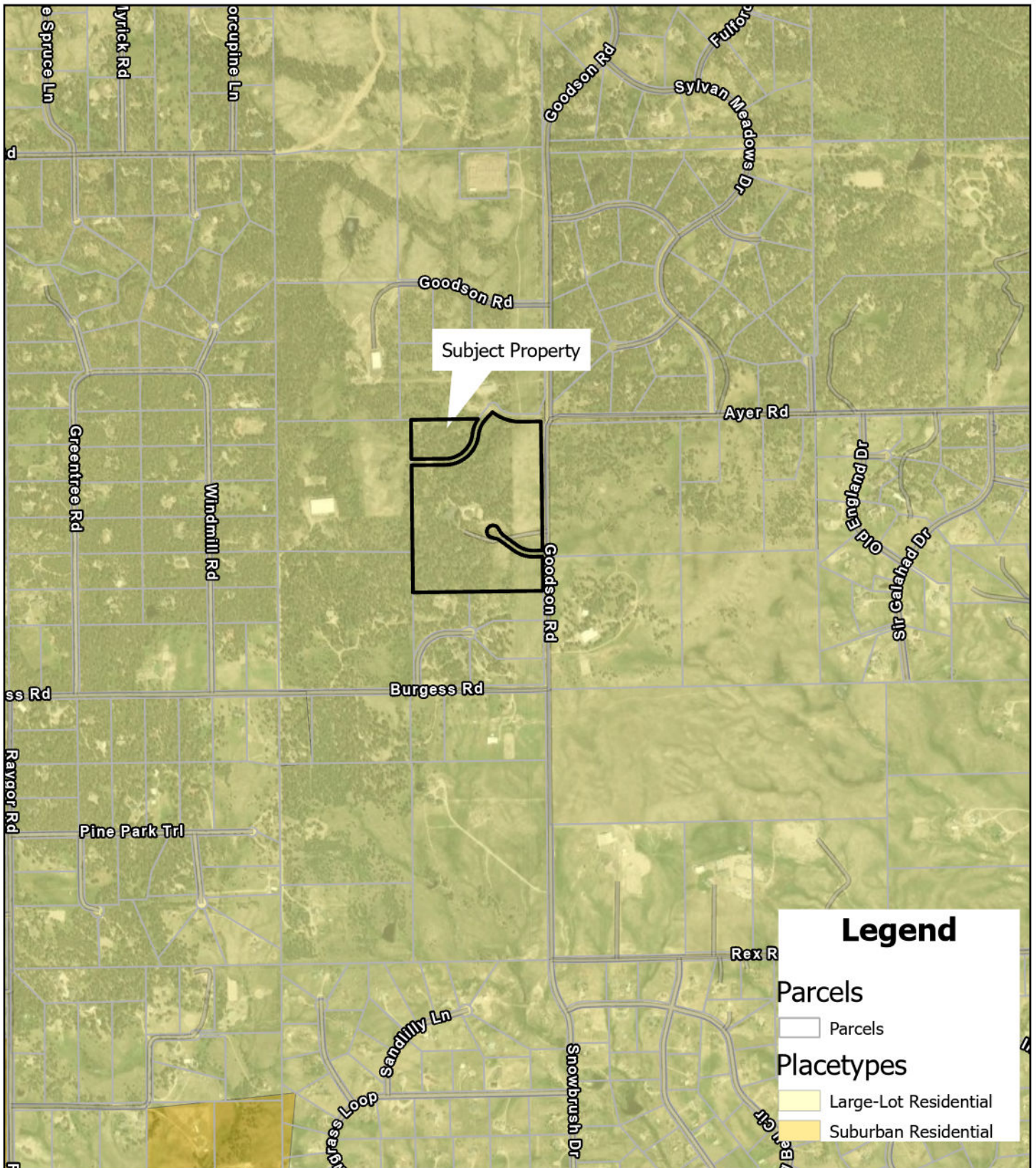
Zoning Map

File No. VR232

Map Series No. 2



0 0.10.1 0.2 Miles



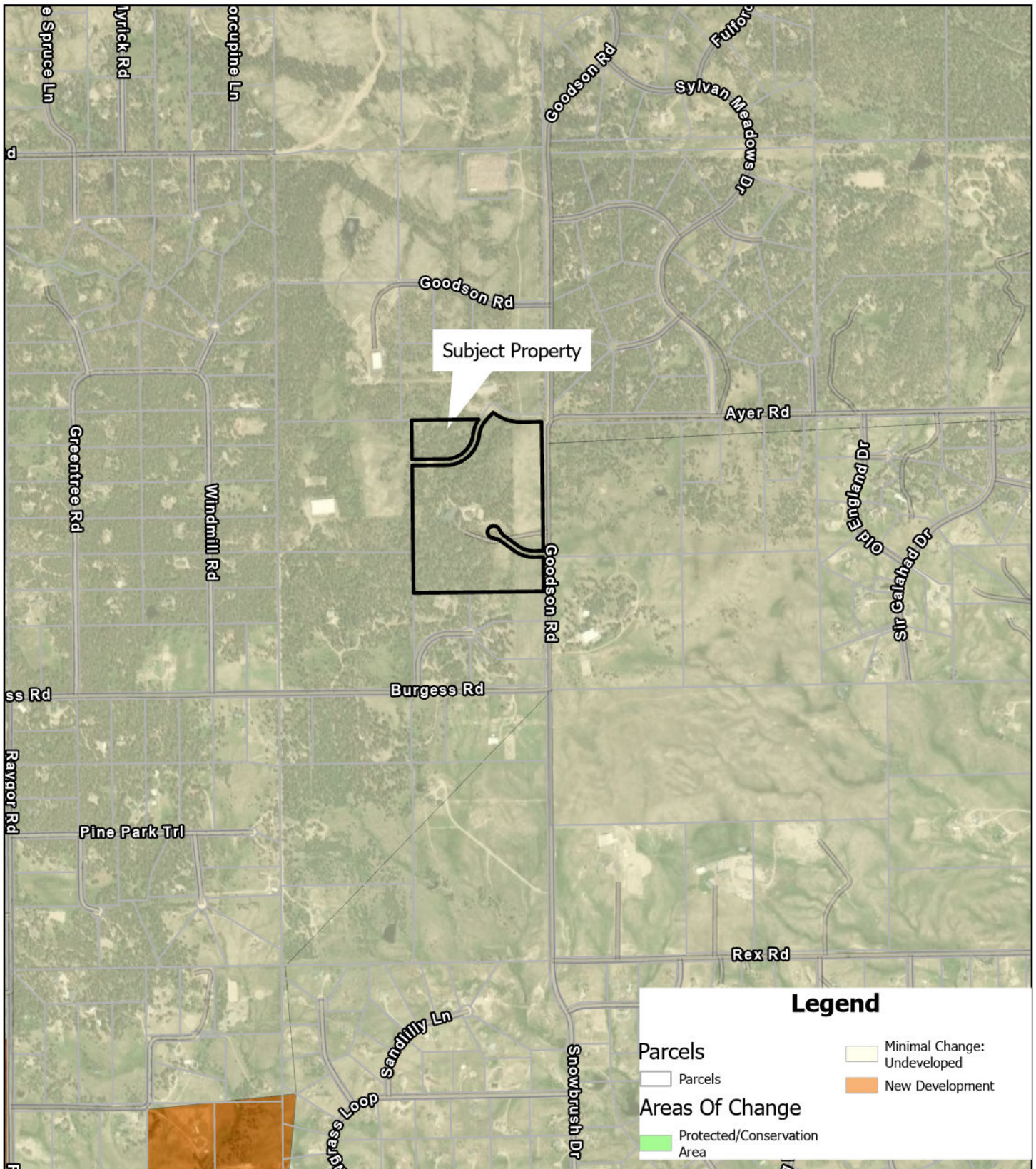
Placetype Map

File No. VR232

Map Series No. 3



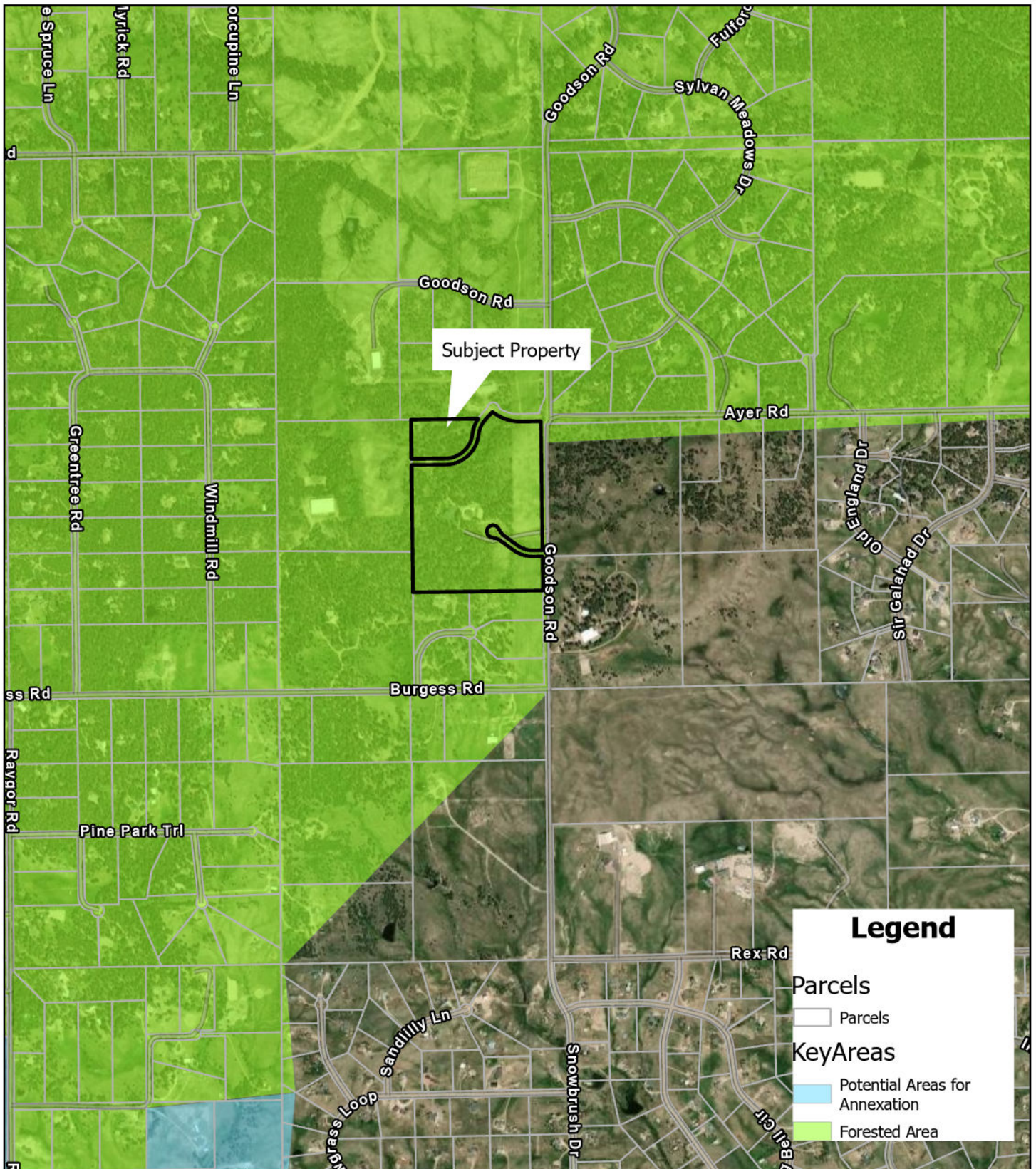
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Areas of Change Map

File No. VR232

Map Series No. 4



Key Areas Map

File No. VR232

Map Series No. 5



0 0.10.1 0.2 Miles



Jerome W.

HANNIGAN & ASSOCIATES, INC.

ARMONIA RANCH VACATION PLAT PROJECT NARRATIVE

Armonia Ranch Vacation Plat is a Vacation of all remaining unsold lots in Armonia Ranch as well as the two unconstructed roads, those being Dark Sky Trail and Twin Pines Road.

Armonia Ranch, platted in 2010, is located along the west side of Goodson Road, south from Ayer Road. The original subdivision has 14 lots, of which Lots 1 through 5 have been sold and developed. Armonia Ranch Court, which takes access from Burgess Road, was constructed to serve those lots and the required fire fighting cistern has been installed along it. None of this is included in the Vacation. The existing zoning is PUD-RR5 and all lots are at least 5.0 acres in area. The subdivision is located in Section 14, Township 12 South, Range 65 West of the 6th Principal Meridian, El Paso County.

The owners of Lots 6 to 14 inclusive are Joy and Matt Russell, who are the original subdividers and who still reside on the remaining property. Their address is 11810 Goodson Road. A horse barn, built along with the house before subdivision, is also on the property. The area of the property to be vacated and replatted into one tract is 49.02 acres. The Russells have found that they use all of this 49 acres for themselves and would prefer that it be replatted as a single tract.

Dark Sky Trail is the right of way to be vacated that enters the property from Goodson Road. It overlies part of the owners' existing driveway and has never been improved. That driveway will remain and continue to provide residential access once the public right of way is vacated. Twin Pines Trail is located in the north part of the property and takes access from the planned extension of Ayer Road. Although Twin Pine extends westerly to the property boundary and dead ends at another 40 acre parcel (52140-00-004) it does not provide access to that parcel. Rather that parcel (which has a mobile home and large horse barn) has and uses legal access from Burgess Road. Twin Pines Trail has never been improved either.

Water was adjudicated for the original subdivision and allocated to all lots for various uses. The water reserved for the lots being vacated will simply be deeded to the Russells. The requirements of the subdivision approval regarding water will continue to be administered by the Homeowners Association, of which the vacated property will no longer be a member.

In summary, vacating these lots and rights of way will not create any non conformity nor will it interfere with any current or proposed access. It will provide the owners with a single parcel that better suits their needs than the existing lots and rights of way do.

Kylie Bagley

From: Drew Makings <drewmakings@yahoo.com>
Sent: Monday, October 30, 2023 9:02 PM
To: Kylie Bagley
Subject: Armonia Ranch Vacation Plat

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Kylie,

My name is Drew Makings I am the property owner just north of Matthew Russel's property located at 11810 Goodson Rd. After seeing the plan Matt has proposed about vacating his 5 acre lots, my wife and I are in support of this vacation for the reasons listed below.

- Twin Pines Rd. ROW dead ends at a lot that already has access of off Burgess Rd. to the south. With the vacation of this subdivision we feel Twin Pines Rd. should be vacated as it would leave lot 13 stranded from the rest of the large lot.
- This will possibly allow for our lot located at 12172 Goodson Rd and Matt's large lot to be restored to the original property lines. This will allow for the lots to have straight lines and be square as originally platted and currently fenced.
- If allowed to be vacated we feel the future expansion of Ayer Rd. to the west of Goodson Rd. should be considered to be vacated as well as there is no need for this future expense of the County.
- If at anytime in the future the neighborhood changes and having the 5 acre subdivision seems to be a better use of the land for the land owner it can be proposed at that time and should be accepted. We fill the vacation as well as a possible future 5 acre subdivision is within the County Master Plan, ECM and the LDC and should be up to the land owner to determine what they fill fits best as long as it follows the code requirements.
- Traffic along the busy section of Goodson Rd south of Ayer Rd will be reduced.

Respectfully,
Drew Makings
719-482-6050

RESOLUTION NO. 24-

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EL PASO

STATE OF COLORADO

APPROVAL OF A VACATION AND REPLAT
ARMONIA RANCH VACATION PLAT (VR232)

WHEREAS, Jerome W. Hannigan and Associates, Inc did file an application with the El Paso County Planning and Community Development Department for approval of a Vacation and Replat request to vacate 9 lots and two County Right of Ways and replat into 1 lot and dedicating one County Right of Way within the RR-5 (Residential Rural) zoning district 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 20, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the vacation and replat; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on July 25, 2024; and

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

1. The application was properly submitted for consideration by the Planning Commission.
2. Proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. The hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, all pertinent facts, matters and issues were submitted and reviewed, and all interested persons were heard at those hearings.
4. All exhibits were received into evidence.
5. That the vacation and replat complies with the El Paso County Land Development Code and the original conditions of approval associated with the recorded plat.

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

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the vacation and replat of Armonia Ranch Vacation Plat;

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

CONDITIONS

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

Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the El Paso County Road Impact Fee Program Resolution (Resolution No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

NOTATION

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

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

DONE THIS 25th day of July 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

ATTEST:

By: _____
Chair

By: _____
County Clerk & Recorder

EXHIBIT A

LEGAL DESCRIPTION:

Lots 6, 7, 8, 9, 10, 11, 12, 13, and 14, Armonia Ranch, recorded on January 28, 2010 at Reception Number 210713020 in the El Paso County Colorado records, Together with Dark Sky Trail and Twin Pines Road; all in Section 14, Township 12 South, Range 69 West of the 6th Principal Meridian, El Paso County, Colorado.

Containing 49.02 Acres, More or Less.