

COMMISSIONERS:  
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**COLORADO**

HOLLY WILLIAMS  
STAN VANDERWERF  
LONGINOS GONZALEZ, JR.

**PLANNING & COMMUNITY DEVELOPMENT**

**TO:** El Paso County Planning Commission  
Thomas Bailey, Chair

**FROM:** Kylie Bagley, Senior Planner  
Daniel Torres, P.E., Principal Engineer  
Meggan Herington, AICP, Executive Director

**RE:** Project File Number: VR239  
Project Name: Falcon Ranchettes Filing No. 1A  
Parcel Number: 5301001001 and 5301001002

| <b>OWNER:</b>   | <b>REPRESENTATIVE:</b>   |
|---|--|
| Mike Texer<br>6785 Horseshoe Road<br>Colorado Springs, CO 80923 | Galloway & Company, Inc.<br>1155 Kelly Johnson Boulevard Suite 305<br>Colorado Springs, CO 80920 |

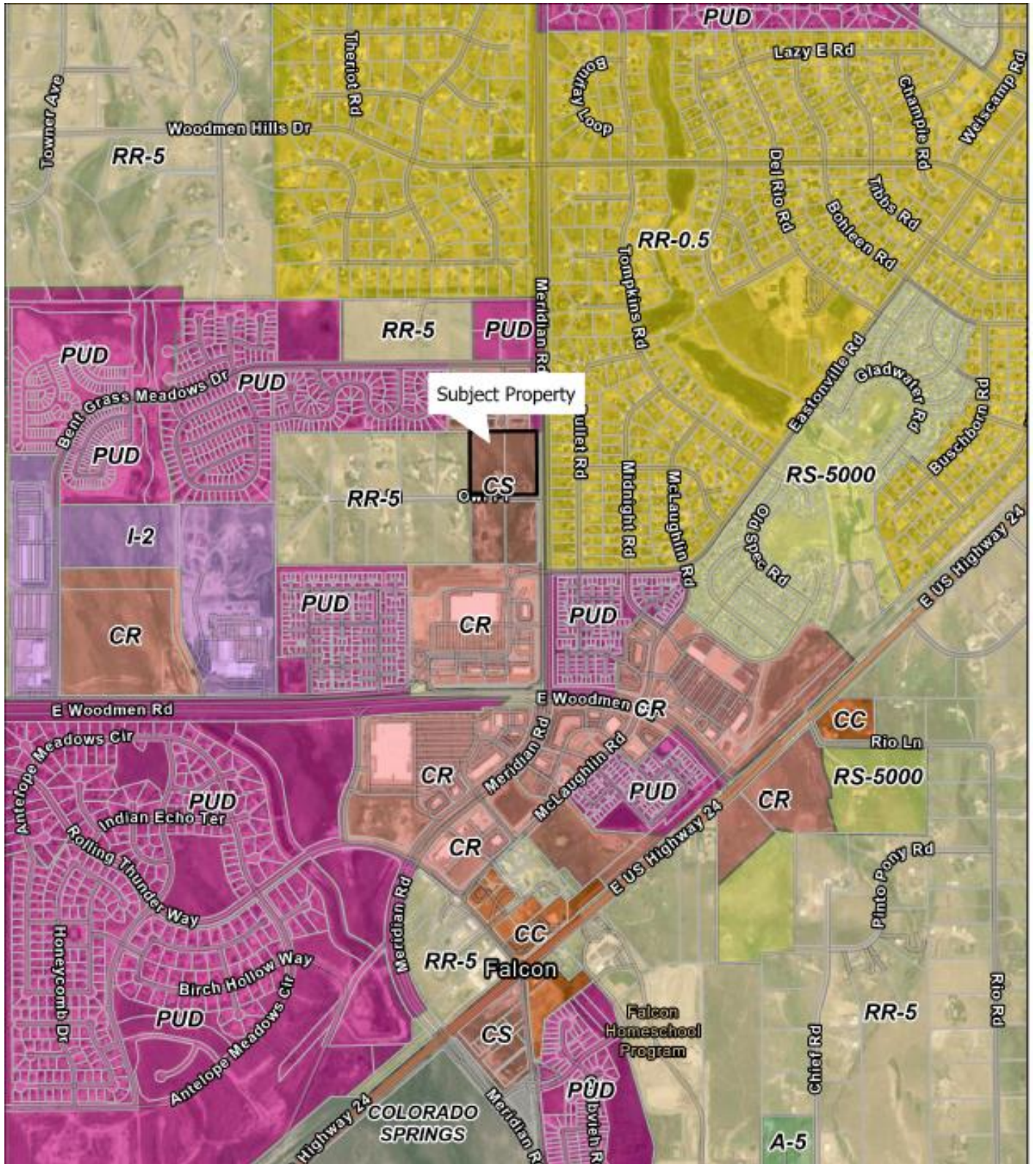
**Commissioner District: 2**

|  |                  |
|--|------------------|
| <b>Planning Commission Hearing Date:</b>           | <b>8/15/2024</b> |
| <b>Board of County Commissioners Hearing Date:</b> | <b>9/12/2024</b> |

**EXECUTIVE SUMMARY**

A request by Galloway & Company, Inc., for approval of a 9.604-acre Vacation and Replat of two lots, creating two commercial lots and one tract. The property is zoned CS (Commercial Service), and is located at 11750 and 11690 Owl Place, and is directly northwest of the intersection of Meridian Road and Owl Place.





Zoning Map

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**A. WAIVERS AND AUTHORIZATION**

**Waiver(s):** There are no Waivers associated with this request.

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

**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: | CS (Commercial Service)    | Commercial Development    |
| South: | CS (Commercial Service)    | Vacant Land               |
| East:  | RR-0.5 (Residential Rural) | Single-Family Residential |
| West:  | RR-5 (Residential Rural)   | Single-Family Residential |

**D. BACKGROUND**

The applicant is requesting to vacate the current two lots and replat them into two lots and one tract. In addition, the replat will also dedicate County Right-of-Way, extending

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Meridian Park Drive to the North to Owl Place. The extension of Meridian Park Drive will continue further south to Falcon Marketplace when the lots to the south replat.

The subject property was rezoned to CS, Commercial Service, on September 28, 2023. The applicant has submitted a site development plan with the County and intends to develop the property for mini warehouse and RV storage.

**E. ANALYSIS**

**1. Land Development Code and Zoning Compliance**

The proposed replat will create two lots, one tract and additional County Right-of-Way. The two lots, as proposed, will conform to the standards of the CS (Commercial Service) zoning district. The CS (Commercial Service) zoning district density and dimensional standards are as follows:

|                                |  |
|--------------------------------|--|
|                                | Proposed Zoning District:<br>CS (Commercial Service) |
| Maximum Density                | 2 acres  |
| Minimum Lot Size               | -  |
| Minimum Width at Front Setback | -  |
| Front Setback                  | 25 feet  |
| Rear Setback                   | 25 feet  |
| Side Setback                   | 25 feet  |
| Maximum Lot Coverage           | -  |
| Maximum Height                 | 45 feet  |

**F. MASTER PLAN COMPLIANCE**

The proposed Vacation and Replat is consistent with the Master Plan analysis which was provided with the Map Amendment (Rezoning) application CS224 and approved by the BoCC on September 28, 2023.

**1. 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:

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

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

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

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 3 of the Plan, which is an area anticipated to experience growth by 2040. The following information pertains to water demands and supplies in Region 3 for central water providers:

The Plan identifies the current demand for Region 3 to be 4,494 acre-feet per year (AFY) (Figure 5.1) with a current supply of 7,164 AFY (Figure 5.2). The projected demand in 2040 for Region 3 is at 6,403 AFY (Figure 5.1) with a projected supply of 7,921 AFY (Figure 5.2) in 2040. The projected demand at build-out in 2060 for Region 3 is at 8,307 AFY (Figure 5.1) with a projected supply of 8,284 AFY (Figure 5.2) in 2060. This means that by 2060 a surplus of 32 AFY is anticipated for Region 3.

See the Water section below for a summary of the water findings and recommendations.

## **2. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a high wildlife impact potential. El Paso County Environmental Health and Colorado Parks and Wildlife were each sent a referral and have the following comments:

1. A completed U.S. Army Corps of Engineers (USCOE) permit or concurrence of non-jurisdictional status from the USCOE shall be provided to the Planning and Community Development Department prior to project commencement. The applicant is hereby on notice that the USCOE has regulatory jurisdiction over wetlands. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including, but not limited to, the Clean Water Act.

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2. Be advised that migratory birds and the nests and eggs of these species are protected under the Migratory Bird Treaty Act (MBTA). The applicant is hereby on notice that the U.S. Fish and Wildlife Service has regulatory jurisdiction over migratory bird species. It is the applicant's responsibility, and not El Paso County's, to ensure compliance with all applicable laws and regulations, including but not limited to the MBTA.

The Master Plan for Mineral Extraction (1996) identifies upland deposits 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, severed mineral rights exist. The mineral rights owner has been notified of the application and hearing date.

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

There are no hazards identified with the Soils and Geology Report as part of this Vacate Replat application.

### **2. Floodplain**

The property is not located within a defined floodplain as determined by the review of the FEMA Flood Insurance Rate Map panel number 08041C0553G, dated December 7, 2018.

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

The property is located within the Falcon Drainage Basin (CHWS1400), which is a studied drainage basin with associated drainage and bridge fees. Drainage fees in the amount of \$261,499 and bridge fees in the amount of \$35,923 will be due at the time of plat recordation.

Stormwater runoff from the site will be routed via curb and gutter, internal drive aisles, and sheet flow to private and public storm systems that will convey the developed runoff to a proposed private full spectrum extended detention basin that will provide the necessary detention and water quality mitigation for the development. Detained flow from the pond will then be conveyed to the existing sub-regional pond, SR-4, located with the Falcon Marketplace development to south of the site.

The Unnamed East Tributary to Black Squirrel Creek flows along the east side of the property from north to south adjacent to Meridian Road. Improvements to this

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channel have been identified in the submitted drainage report and are consistent with the amendment to the Falcon Drainage Basin Planning Study by the Bent Grass residential subdivision to the north. Per the submitted drainage report, the site runoff will not adversely affect the downstream and surrounding developments.

#### **4. Transportation**

The property is located at the northwest corner of the intersection of Meridian Road and Owl Place. The submitted Traffic Memorandum is consistent with the previous Traffic Impact Study submitted with the rezoning of this site. The primary access to the site will be via the approximate 750-foot extension of Meridian Park Drive from its current terminus to Owl Place. Meridian Park Drive will be dedicated to the County for ownership and maintenance and will be classified as an Urban Local roadway. It is anticipated that Meridian Park Drive will continue to Eastonville Road with the commercial development of parcels to the south of this subdivision.

The intersection of Owl Place with Meridian Road will be converted to a right-in only with the commercial development south of this subdivision. It is anticipated that Owl Place at the intersection of Meridian Road will be closed in the future with the expansion of Meridian Road from a Four-Lane Principal Arterial to a Six-Lane Principal Arterial and with future commercial development in this area.

Per the submitted traffic studies, there are no off-site improvements recommended nor required due to the proposed development of the site for mini warehouse and RV storage.

The 2016 Major Transportation Corridors Plan Update (MTCP) depicts corridor preservation for Meridian Road adjacent to the subject property for future widening to a Six-Lane Principal Arterial. The development will be subject to the El Paso County Road Impact Fee program (Resolution 19-471), as amended.

### **H. SERVICES**

#### **1. Water**

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

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dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality.

**2. Sanitation**

Sanitation is provided by Woodmen Hills Metropolitan District.

**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, Inc. will provide electric services to this site and has no outstanding comments regarding this application.

**5. Metropolitan Districts**

The subject property is within the Woodmen Hills Metropolitan District. The District has committed to providing water and sanitation services to this site.

**6. Parks/Trails**

There are no regional or urban park fees required for this application, as the Board of County Commissioners have elected to not require park fees for commercial applications.

**7. Schools**

There are no school fees required for this application, as the Board of County Commissioners have elected to not require school fees for commercial applications.

**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 notation:

### **CONDITIONS**

1. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the Final Plat is recorded.

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9. 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.
10. Drainage fees in the amount of \$261,499 and bridge fees in the amount of \$35,923 shall be paid for the Falcon Drainage Basin (CHWS1400) at the time of plat recordation.

#### **NOTATION**

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

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

The Planning and Community Development Department notified 49 adjoining property owners on July 30, 2024, for the Planning Commission and Board of County Commissioners meetings. Responses will be provided at the hearing.

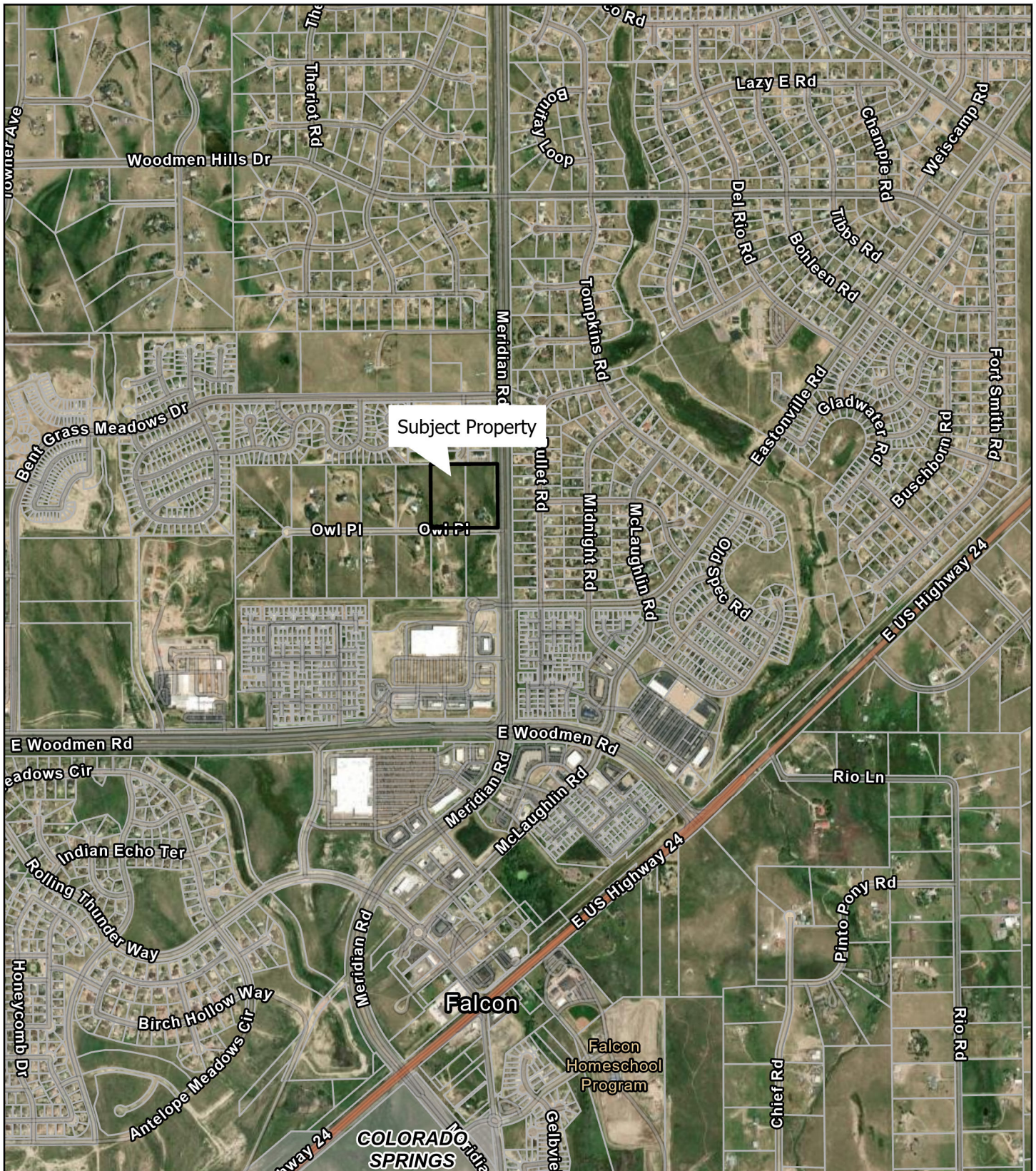
#### **M. ATTACHMENTS**

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

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Subject Property



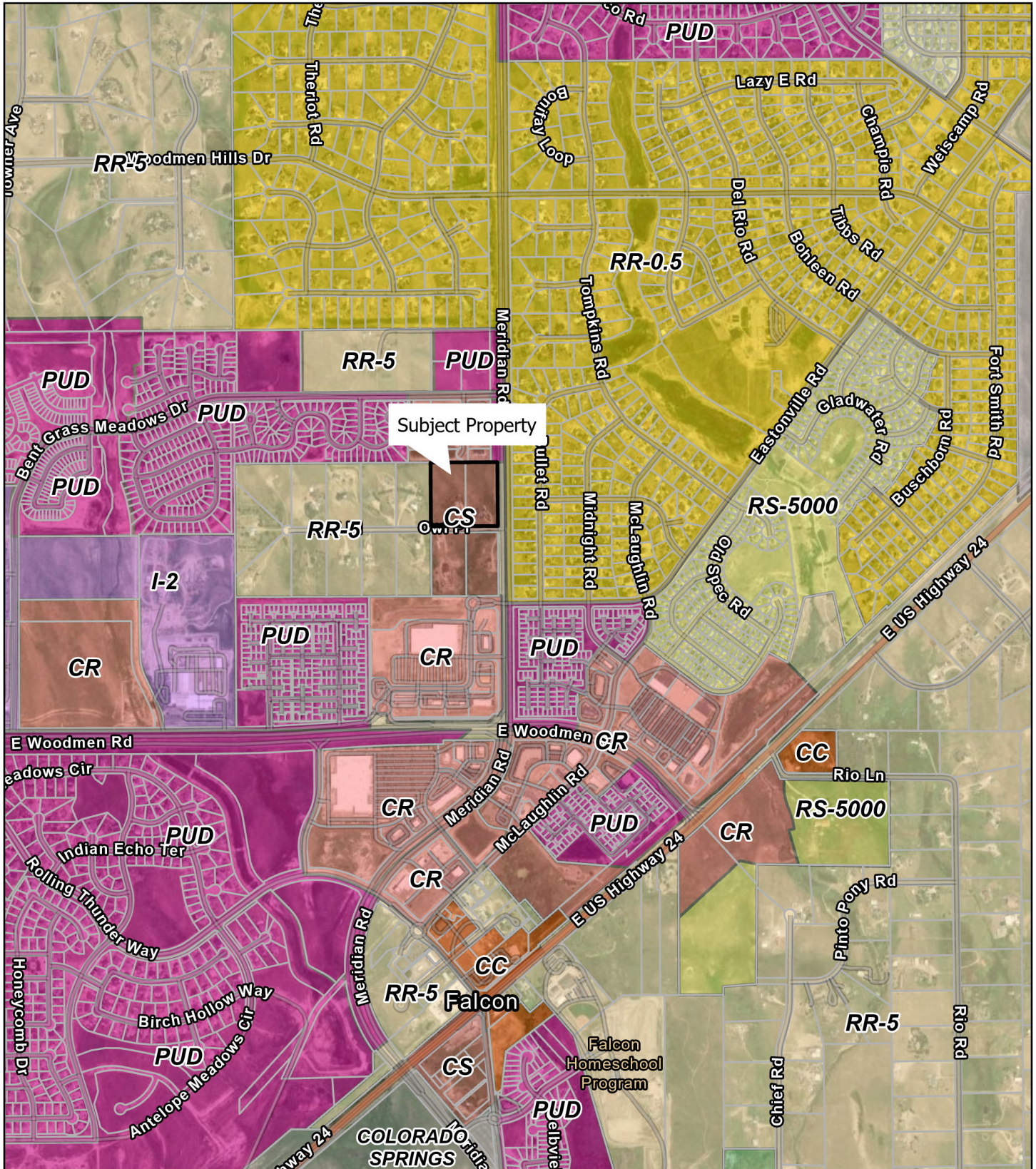
# Aerial Map



0 0.10.1 0.2 Miles

File No. VR239

Map Series No. 1



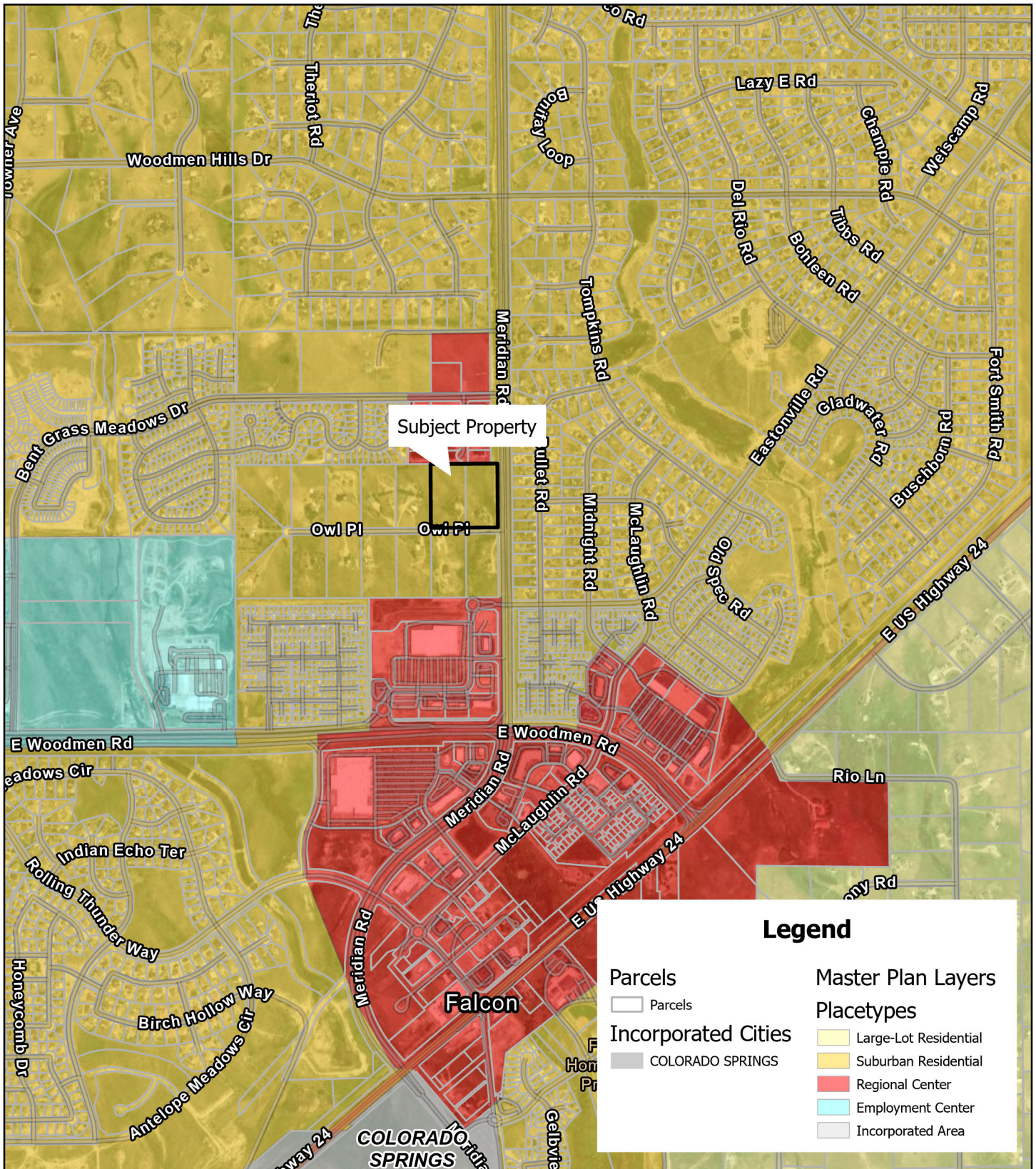
# Zoning Map



0 0.10.1 0.2 Miles

File No. VR239

Map Series No. 2

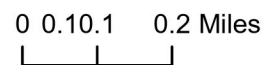


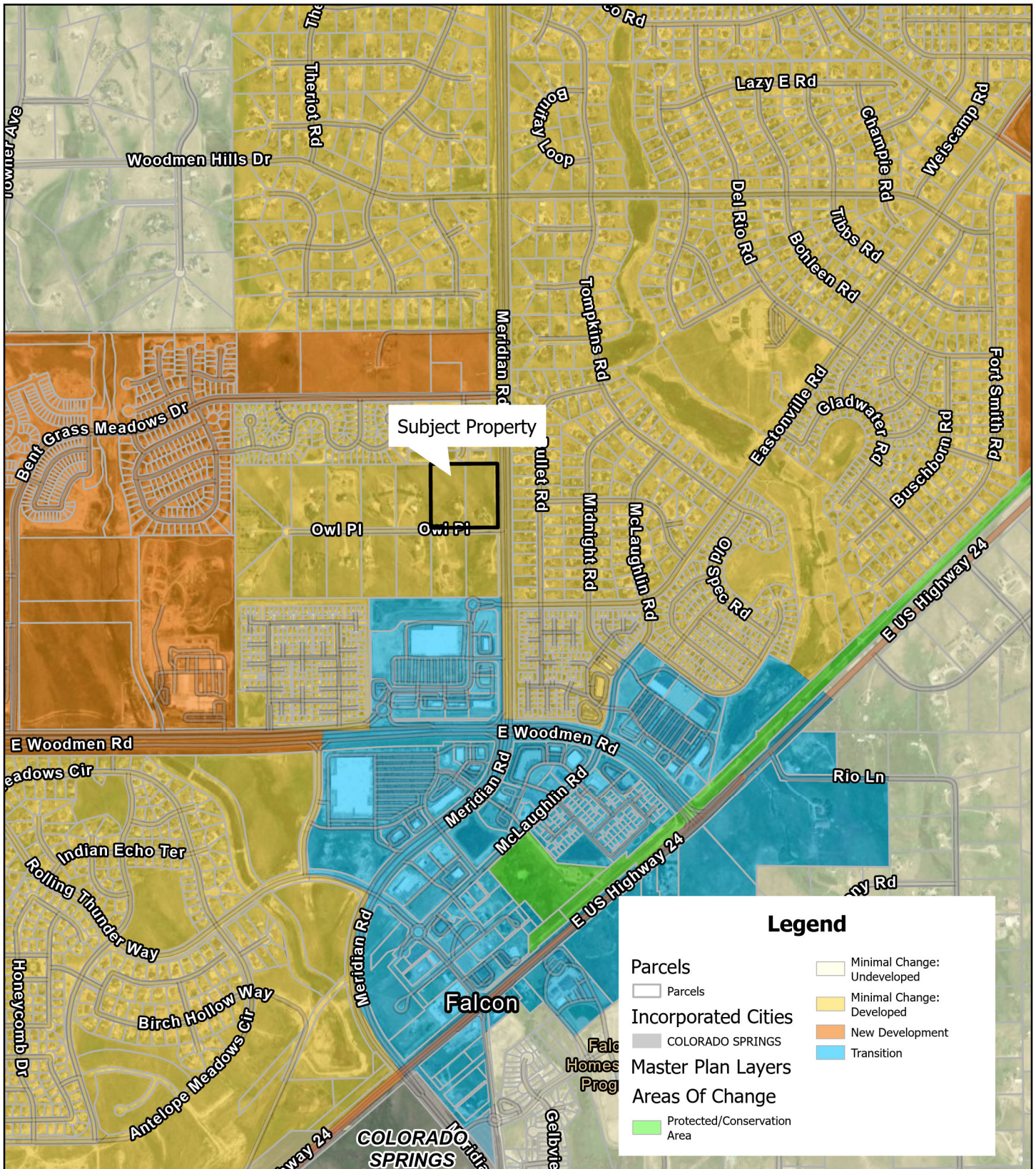
# Placetype Map



File No. VR239

Map Series No. 3





**Legend**

|                             |                             |
|-----------------------------|-----------------------------|
| Parcels                     | Minimal Change: Undeveloped |
| Parcels                     | Minimal Change: Developed   |
| Incorporated Cities         | New Development             |
| COLORADO SPRINGS            | Transition                  |
| Master Plan Layers          |                             |
| Areas Of Change             |                             |
| Protected/Conservation Area |                             |



# Areas of Change Map



0 0.10.1 0.2 Miles

File No. VR239

Map Series No. 4

## Letter of Intent

To: El Paso County  
Community Development

From: Galloway & Company, Inc  
Brynhildr Halsten, PLA

Re: **FALCON RANCHETTES FILING NO. 1a Final Plat**

Owner: **Mike Texer  
Meridian Storage LLC  
11750 Owl Place  
Peyton, CO 80831**

Applicant: **Mike Texer  
Meridian Storage LLC  
11750 Owl Place  
Peyton, CO 80831**

Consultant: **Galloway & Company Inc.**

PCD File: **VR239**

**Site Details:**

TSN: 5301001001 (Lot 1 Falcon Ranchettes)  
Address: 11750 Owl Place,  
Acreage: 4.61  
Current Zoning: RR-5  
Proposed Zoning: CS  
Current Use: Mobile Home

TSN: 5301001002 (Lot 2 Falcon Ranchettes)  
Address: 11690 Owl Place  
Acreage: 5  
Current Zoning: RR-5  
Proposed Zoning: CS  
Current Use: Mobile Home

**Request:**

Galloway on behalf of Meridian Storage, LLC requests approval of a Final Plat for Falcon Ranchettes Filing No. 1a on 9.604 acres, including 2 lots, tracts, and rights of way. This plat requests a finding of water sufficiency.



**Location**

The Falcon Ranchettes Filing No. 1a includes 9.604 acres and is located west of Meridian Road, north of Owl Place and south of Meridian Park Drive. Bent Grass East Commercial is to the north and Falcon Marketplace to the south.

**Project Description & Context:**

The Falcon Ranchettes Filing No. 1a property is currently vacant and/or mobile homes on site. North of the property the Bent Grass East Commercial properties are zoned CS. The neighboring property south of Owl Place is under County review for a rezone from RR-5 to CS. Further south the Falcon Marketplace is zoned CR. West of the properties is the Falcon Ranchettes zoned RR-5.

**Utilities:**

Water and wastewater will be provided by the Woodmen Hills Metropolitan District. The site is within the service area of Mountain View Electric Association, Inc. for electricity supply, and within the service area of Colorado Springs Utilities for natural gas supply.

**Traffic:**

A Traffic Impact Study prepared by Galloway is included with the submittal.

**Drainage:**

The drainage improvements associated with the Final Plat are consistent with the Master Development Drainage Plan and Preliminary Drainage Report. The drainage improvements have been designed based upon the most current El Paso County Engineering Criteria Manual, City of Colorado Springs/El Paso County Drainage Criteria Manual, and the Urban Storm Drainage Criteria Manual. Details related to the design, construction and maintenance of the required drainage improvements are set forth in the proposed Subdivision Improvements Agreement for the Final Plat.

**Geologic Hazards:**

The Soils and Geology Report for Falcon Ranchettes Ranch Filing No 1a prepared by Universal Engineering Services, dated June 2023, included with submittal, found the site to be suitable for development with proper mitigation techniques.

**Wetlands & Floodplain:**

There are no wetlands within the project boundaries. The site is located in Zone X (FEMA Floodplain Map Nos. 08041C0553G dated December 7, 2018), indicating the flood risk of the site is deemed by FEMA to be 'minimal'.

**Wildlife:**

In general, the site provides moderate to poor quality habitat for wildlife. No State-listed or State sensitive species were observed on the site. The site is not suitable habitat for any Federally-listed threatened and endangered species.

**Wildfire:**

The primary wildland fuel type is grassland with scattered trees. The Colorado State Forest Service has determined a moderate-high wildfire hazard potential and listed a moderate risk, as this area is currently undisturbed grassland. Development of the site will reduce available wildfire fuels in this area.



**Districts Serving the Property:**

The following districts will serve the property:

- El Paso County School District 49
- Mountain View Electric Association
- City of Colorado Springs Utilities Department – Gas
- Woodmen Hills Metro District – water and wastewater
- Falcon Fire Protection District

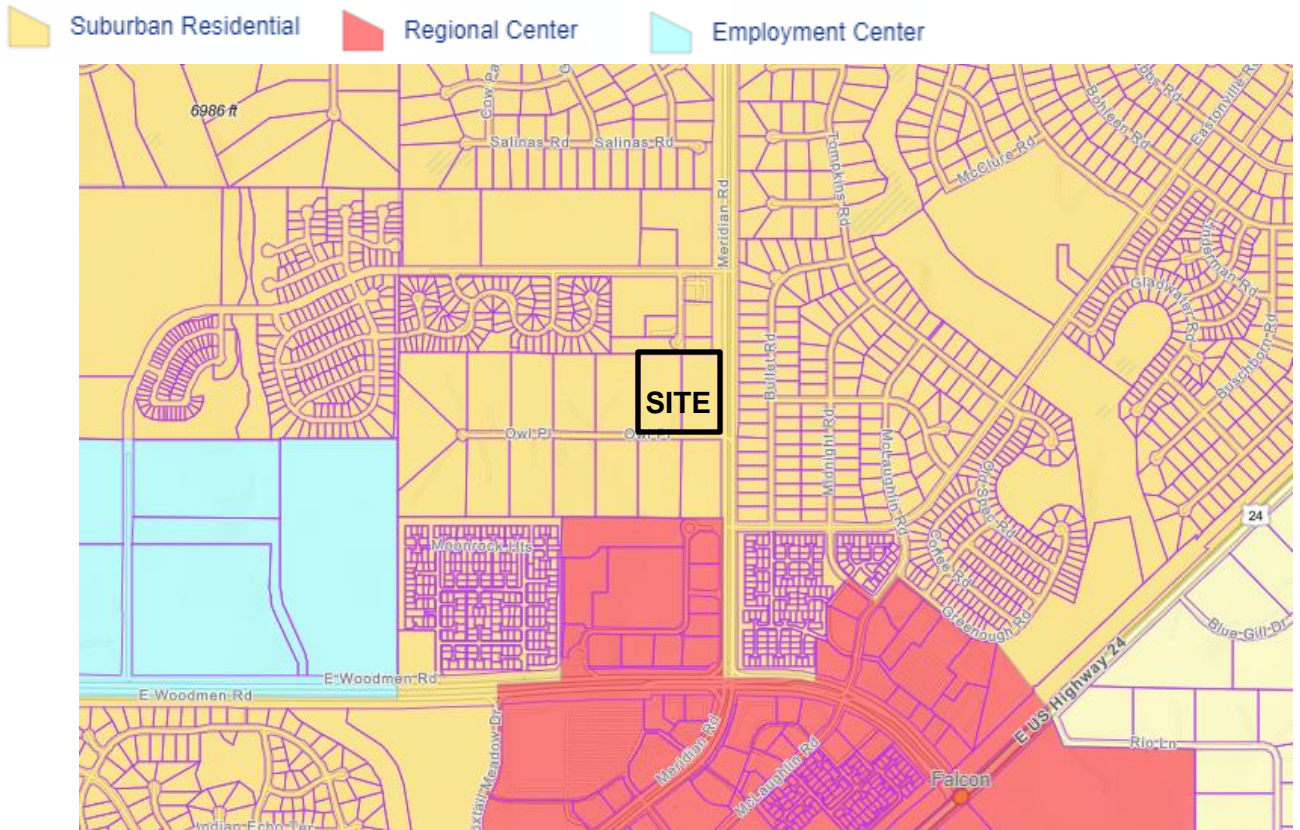
**Project Justification:**

The Final Plat addresses the Final Plat Review Criteria in Chapter 7.2.1.D.3.F of the LDC as follows:

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

**EL PASO COUNTY MASTER PLAN**

*Falcon Ranchettes Filing No. 1a is identified in the County Master Plan Place-Based approach as a Suburban Residential Placetype and as an area for New Development on the Areas of Change Map. supporting land use type to the surrounding Single-Family Detached Residential land use. The proposed final plat is consistent with the character and objectives of the Suburban Residential Placetype by providing limited retail and services along the perimeter street, Meridian Road and near the commercial intersection of Meridian Road and Woodmen Road. The properties are adjacent to the Regional Center Placetype to the south.*



*The properties are bookended to the north and south by Commercial Development Areas identified in the Master Plan.*



*The properties are not in a Key Area, however, the Falcon Marketplace development to the south is in a key potential annexation area. The continuity of this proposed development with surrounding activity will likely result in the area's future annexation and/or classification as a future key area. The rezone and development support the character of the key area by providing similar land uses occurring along Meridian Road.*

#### **WATER MASTER PLAN**

- *Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*
- *Goal 3.1 – Promote cooperation among water providers to achieve increased efficiencies on infrastructure.*
- *Goal 3.2 – Promote cooperation among water providers to achieve increased efficiencies on treatment.*
- *Goal 5.1 – Identify the potential water supply gap at projected full development build-out (2060).*
- *Goal 5.4 – Promote the long-term use of renewable water.*
- *Goal 5.5 – Identify any water supply issues early on in the land development process.*

- *Goal 6.0 – Require adequate water availability for proposed development.*
- *Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.*

The project is located in Region 3. The development is included in the Woodmen Hills Metro District. Woodmen Hills Metro District supplies water and wastewater utilities for the proposed parcels. The district meets or exceeds all state and federal regulations. They strive to cooperate with surrounding providers and customers to ensure proper conservation and storage. Such actions intended to conserve water include the construction of a new water treatment facility and seasonal irrigation policies for all residential and commercial properties.

The proposed development will meet all standards set by local, state, and federal regulations. The developer seeks to maintain quality ground and drinking water, contribute to the local economy, and ensure resources use is sustainable.

The applicant understands the water needs for the proposed development. Available data and the water commitment letters for the future final plat will allow for predictable water demand to be calculated and compared with availability in the surrounding area.

#### *EL PASO COUNTY PARKS MASTER PLAN*

*The El Paso County Parks Master Plan does not identify any County master-planned facilities that would be impacted by this project. The proposed Meridian Road Bicycle Route follows North Meridian Road from north to south. This proposed route would not impact the subject property as it would be accommodated within the public right-of-way. The proposed Eastonville Regional Trail follows Eastonville Road east to west. This proposed route would not impact the subject property either, as it is on the opposite side of the road and begins on the east side of Meridian Road.*

2. The subdivision is in substantial conformance with the approved preliminary plan. *The Falcon Ranchettes Filing No. 1a Final Plat is in substantial compliance with the approved preliminary plan and is consistent with the County's subdivision design standards and regulations.*
3. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering and surveying requirements of the county for maps, data, surveys, analyses, studies, reports, plans, designs, documents and other supporting materials. *The Falcon Ranchettes Filing No. 1a Final Plat is in substantial compliance with the approved preliminary plan and is consistent with the County's subdivision design standards and regulations.*
4. Either a sufficient water supply has been acquired in terms of quantity, quality. And dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards C.R.S. § 30-28-133(6)(A)] and the requirements of chapter 8 of this Code, or with respect to applications for

administrative final plat approval, such finding was previously made by the BOCC at the time of preliminary plan approval.

*A commitment letter from the Woodmen Hills Metropolitan District to provide wastewater service to the Falcon Ranchettes Filing No. 1a Subdivision is included with this submittal.*

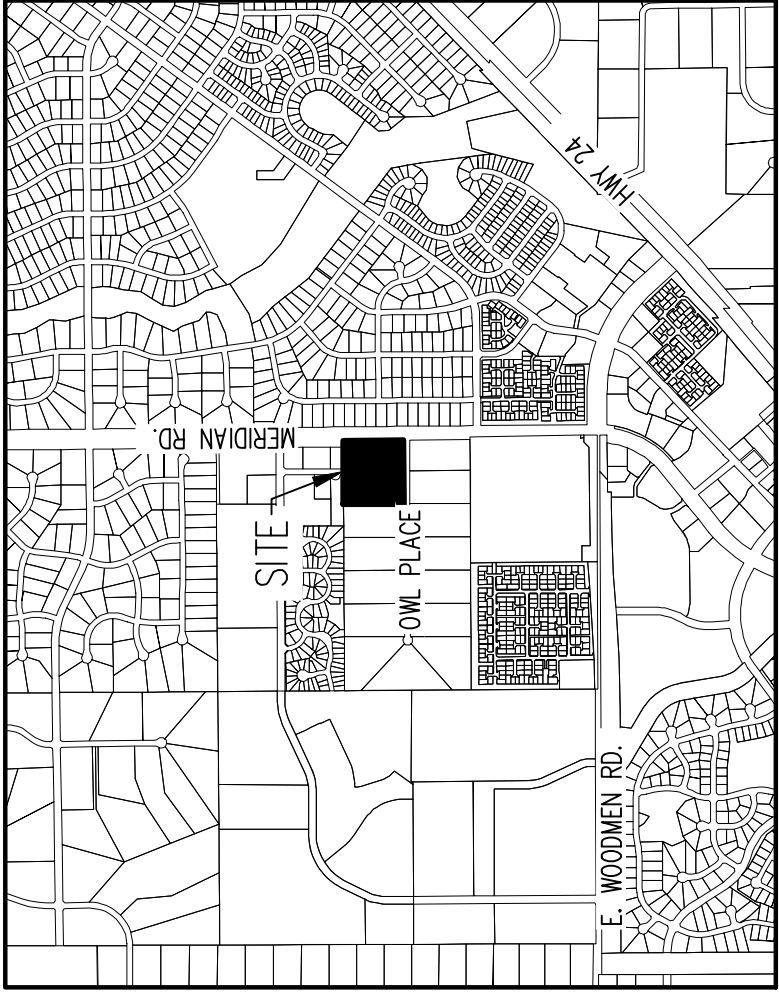
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and Local laws and regulations [C.R.S. § 30-28-133(6)(B)] and the requirements of chapter 8 of this code.  
*A commitment letter from the Woodmen Hills Metropolitan District to provide wastewater service to the Falcon Ranchettes Filing No. 1a Subdivision is included with this submittal.*
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)];  
*All areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and the proposed subdivision is compatible with such conditions.*
7. Adequate drainage improvements and proposed that comply with State statute [C.R.S. § 30-28-133(3)(C)(VIII)] and the requirements of this code and the ECM.  
*Adequate drainage improvements are proposed that comply with State Statute C.R.S. 30-28-133 (3)(c)(VIII) and the requirements of the Land Development Code and the Engineering Criteria Manual.*
8. Legal and physical access is provided to all parcels by public rights of way or recorded easement, acceptable to the County in compliance with this Code and the ECM.  
*All lots will be accessible by new public streets that comply with the LDC and ECM. Street names have been approved by El Paso–Teller County 911 Authority*
9. Necessary services, including Police and Fire Protection, Recreation, Utilities and Transportation Systems, are or will be made available to serve the proposed subdivision.  
*Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision as discussed above.*
10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code.  
*The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Land Development 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.

*Necessary off-site improvements have been evaluated through the various reports submitted with the Final Plat, as well as the previously approved Preliminary Plan, and will mitigate the impacts of the subdivision in accordance with the applicable requirements of Chapter 8 of the Land Development Code Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated; All public facilities and infrastructure reasonably related to the Final Plat have either been constructed or are financially guaranteed through the Subdivision Improvements Agreement so the impacts of the subdivision will be adequately mitigated.*

12. The subdivision meets other applicable sections of Chapter 6 and 8.  
*The subdivision complies with all applicable sections of the LDC*
  
13. 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 extraction of any known commercial mining deposit will not be impeded by this subdivision.*

# FALCON RANCHETTES FILING NO. 1A

A REPLAT OF LOTS 1 & 2, FALCON RANCHETTES  
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1,  
 TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
 COUNTY OF EL PASO, STATE OF COLORADO



**VICINITY MAP**  
 1" = 2000'

### PLAT NOTES:

1. THE PURPOSE OF THIS PLAT IS TO CREATE 2 NEW LOTS, A TRACT, PUBLIC RIGHT OF WAY AND EASEMENTS.
2. FIELD WORK COMPLETED ON: NOVEMBER 11, 2022.
3. ALL DISTANCES SHOWN ON THIS MAP ARE U.S. SURVEY FEET.
4. ACCESS NOTE: NO DRIVEWAY SHALL BE ESTABLISHED UNLESS AN ACCESS PERMIT HAS BEEN GRANTED BY EL PASO COUNTY.
5. MAILBOXES, MAILBOXES SHALL BE INSTALLED IN ACCORDANCE WITH ALL EL PASO COUNTY AND UNITED STATES SERVICE REGULATIONS.
6. PUBLIC AND COMMON SUBDIVISION IMPROVEMENTS: NO LOT OR INTEREST THEREIN, SHALL BE SOLD, CONVEYED, OR TRANSFERRED WHETHER BY DEED OR BY CONTRACT, NOR SHALL BUILDING PERMITS BE ISSUED, UNTIL AND UNLESS EITHER THE REQUIRED PUBLIC AND COMMON DEVELOPMENT IMPROVEMENTS HAVE BEEN CONSTRUCTED AND COMPLETED AND PRELIMINARILY ACCEPTED IN ACCORDANCE WITH THE SUBDIVISION IMPROVEMENTS AGREEMENT BETWEEN THE APPLICANT/OWNER AND EL PASO COUNTY AS RECORDED UNDER RECEPTION NUMBER OR, IN THE ALTERNATIVE, OTHER COLLATERAL IS PROVIDED TO MAKE PROVISION FOR COUNTY, COLORADO OR, IN THE ALTERNATIVE, OTHER COLLATERAL IS PROVIDED TO MAKE PROVISION FOR THE COMPLETION OF SAID IMPROVEMENTS IN ACCORDANCE WITH THE EL PASO COUNTY LAND DEVELOPMENT CODE. THE APPLICANT/OWNER SHALL BE RESPONSIBLE FOR THE COMPLETION OF SAID IMPROVEMENTS, BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR AND MEET THE POLICY AND PROCEDURE REQUIREMENTS OF EL PASO COUNTY PRIOR TO THE RELEASE BY THE COUNTY OF ANY LOTS FOR SALE, CONVEYANCE OR TRANSFER, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE BOARD OF COUNTY COMMISSIONERS OR, IF PERMITTED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT, BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR UPON EITHER APPROVAL OF AN ALTERNATIVE FORM OF COLLATERAL OR COMPLETION AND PRELIMINARY ACCEPTANCE BY THE EL PASO BOARD OF COUNTY COMMISSIONERS OF ALL IMPROVEMENTS REQUIRED TO BE CONSTRUCTED AND COMPLETED IN ACCORDANCE WITH THE EL PASO COUNTY LAND DEVELOPMENT CODE. THE APPLICANT/OWNER SHALL BE RESPONSIBLE FOR THE COMPLETION OF SAID IMPROVEMENTS, CONVEYANCE OR TRANSFER MAY ONLY BE GRANTED IN ACCORDANCE WITH ANY PLANNED PARTIAL RELEASE OF LOTS AUTHORIZED BY THE SUBDIVISION IMPROVEMENTS AGREEMENT.

7. WILDFIRE NOTE: AT THE TIME OF APPROVAL OF THIS PROJECT, THIS PROPERTY IS LOCATED WITHIN THE FALCON FIRE PROTECTION DISTRICT. DUE TO WILDFIRE CONCERNS, HOMEOWNERS ARE ENCOURAGED TO MAINTAIN PROPER FIRE SAFETY PRACTICES AND TO BE AWARE OF THE LATEST WILDFIRE RISK ASSESSMENT SERVICE AND ILLUSTRATED THROUGH PUBLICATIONS AVAILABLE THROUGH THE STATE FOREST SERVICE.

8. THE ADDRESSES EXHIBIT ON THIS PLAT ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NOT THE LEGAL DESCRIPTION AND ARE SUBJECT TO CHANGE.

9. ALL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTAINING PROPER STORM WATER DRAINAGE IN AND THROUGH THEIR PROPERTY. PUBLIC DRAINAGE EASEMENTS AS SPECIFICALLY NOTED ON THE PLAT SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS UNLESS OTHERWISE INDICATED. STRUCTURES, FENCES, MATERIALS OR LANDSCAPING THAT COULD IMPIDE THE FLOW OF RUNOFF SHALL NOT BE PLACED IN DRAINAGE EASEMENTS.

10. THIS PLAT HAS BEEN CHECK BY PRRD, THE STAMPED APPROVAL IS RECORDED AT RECEPTION NUMBER \_\_\_\_\_.

11. ENVIRONMENTAL 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 PARKS AND 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 LISTED SPECIES (E.G., PREBLE'S MEADOW JUMPING MOUSE).

12. THE SUBDIVIDER AGREES ON BEHALF OF HIM/HERSELF AND ANY DEVELOPER OR BUILDER SUCCESSORS AND IMPACT FEES THAT MAY BE APPLICABLE TO THE SUBDIVISION SHALL BE PAID BY THE SUBDIVIDER. TRAFFIC IMPACT FEES: ACCORDANCE WITH THE EL PASO COUNTY ROAD IMPACT FEE RESOLUTION (RESOLUTION NO. 19-471) OR ANY AMENDMENTS THERETO, AT OR PRIOR TO THE TIME OF BUILDING PERMIT SUBMITTALS. THE FEE OBLIGATIONS, 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.

13. SPECIAL DISTRICT DISCLOSES: A TITLE TO SPECIAL DISTRICT ANNUAL REPORT AND DISCLOSE FORM SATISFACTORY TO THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SHALL BE RECORDED WITH EACH PLAT.

14. BASIS OF BEARING: ALL BEARINGS ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983. BEARINGS ARE BASED ON THE SOUTH LINE OF LOTS 2, 3 & 4 OF FALCON RANCHETTES, AND IS CONSIDERED TO BEAR 3894045W, DEFINED BY FOUND MONUMENTS AS FOLLOWS: A NO. 4 REBAR WITH A 1-1/4" YELLOW PLASTIC CAP STAMPED 1S 2372; BEING THE SOUTHEAST CORNER OF LOT 2, AND A NO. 4 REBAR WITH A 1-1/4" YELLOW PLASTIC CAP STAMPED 1S 2372; BEING THE SOUTHWEST CORNER OF LOT 4.

15. FLOODPLAIN STATEMENT: PER THE FEMA FLOOD INSURANCE RATE MAP (FIRM), MAP NO. 680410053G WITH AN EFFECTIVE DATE OF DECEMBER 07, 2018, INDICATES THE SUBJECT PROPERTY IS DESIGNATED AS ZONE X (AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN).

16. THE LOTS PLATTED HEREON SHALL NOT HAVE DIRECT ACCESS TO MERIDIAN ROAD.

17. OWL PLACE ACCESS TO MERIDIAN ROAD WILL BE CLOSED UPON THE CONNECTION OF MERIDIAN PARK PLACE SOUTHWIND TO OWL PLACE.

18. TRACT A OF THIS PROPERTY IS SUBJECT TO A PRIVATE DETENTION BASIN/STORMWATER QUALITY BMP MAINTENANCE AGREEMENT AND EASEMENT AS RECORDED AT RECEPTION NO. \_\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY, MERIDIAN STORAGE, LLC. IS RESPONSIBLE FOR MAINTENANCE OF SUBJECT DRAINAGE FACILITIES.

19. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE VACATE AND REBLAT FOR THIS SUBDIVISION AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: TRANSPORTATION IMPACT MEMO; DRAINAGE REPORT-FINAL; STORMWATER MANAGEMENT PLAN; GEOLOGY AND SOILS COUNTY MAY REQUEST BEEDS CONVEYING THE FULL WIDTH OF THE DRAINAGE EASEMENT NECESSARY FOR RIGHT-OF-WAY PURPOSES TO EL PASO COUNTY AT NO COST TO THE COUNTY.

### BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

THIS PLAT FOR FALCON RANCHETTES FILING NO. 1A WAS APPROVED FOR FILING BY THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, SUBJECT TO ANY NOTES SPECIFIED HEREON AND ANY CONDITIONS INCLUDED IN THE RESOLUTION OF APPROVAL, THE DECLARATIONS OF LAND TO THE PUBLIC STREETS AND EASEMENTS ARE ACCEPTED, BUT PUBLIC IMPROVEMENTS HEREON WILL NOT BECOME THE MAINTENANCE RESPONSIBILITY OF EL PASO COUNTY UNTIL PRELIMINARY ACCEPTANCE OF THE PUBLIC IMPROVEMENTS IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE AND ENGINEERING CRITERIA MANUAL, AND THE SUBDIVISION IMPROVEMENTS AGREEMENT.

PREVIOUS PLAT NAME IN ENTIRETY IS VACATED AND AMENDED FOR THE AREAS DESCRIBED BY THIS BEING SUBJECT TO ALL COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED AGAINST AND APPURTINANT TO THE ORIGINAL PLAT RECORDED IN THE OFFICE OF THE EL PASO COUNTY CLERK AND RECORDER, PLAT BOOK V-2, PAGE 15.

CHAI, BOARD OF COUNTY COMMISSIONERS \_\_\_\_\_ DATE \_\_\_\_\_

### SOIL AND GEOLOGY CONDITIONS:

GEOLOGIC HAZARD NOTE: FALCON RANCHETTES FILING NO. 1A HAVE BEEN FOUND TO BE IN A 1 AND 2 COLORADO HAZARDOUS MITIGATION MEASURES AND PLAT OF THE HAZARDOUS AREA CAN BE FOUND IN THE REPORT "GEO-TECHNICAL EXPLORATION REPORT MERIDIAN STORAGE 11890 AND 11750 OWL PLACE" BY UNIVERSAL ENGINEERING SCIENCES, DATED APRIL 18, 2023 AND REVISION JUNE 21, 2023 IN FILE FALCON RANCHETTES FILING NO. 1A, VR238, AVAILABLE AT THE EL PASO COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT:

- COLLAPSIBLE AND EXPANSIVE SOILS (LOTS 1 & 2)
- FLOODING (LOTS 1 AND 2)

NO GROUNDWATER WAS ENCOUNTERED DURING DRILLING, IT IS NOT ANTICIPATED TO IMPACT THE PROPOSED DEVELOPMENT.

### WASTEWATER:

SEWAGE TREATMENT IS THE RESPONSIBILITY OF EACH INDIVIDUAL PROPERTY OWNER. THE EL PASO COUNTY DEPARTMENT OF PUBLIC UTILITIES AND WATER SERVICES (DPUWS) SYSTEM IN SOME CASES, THE DEPARTMENT MAY REQUIRE ANY DEVELOPER DESIRED SYSTEM PRIOR TO PERMIT APPROVAL. THESE SYSTEMS MAY COST MORE TO DESIGN, INSTALL, AND MAINTAIN.

SOILS AND GEOLOGY CONDITIONS ON SITE REQUIRE THAT ALL (OR CERTAIN LOTS) ON-SITE WASTEWATER SYSTEMS SHALL BE LOCATED AND DESIGNED BY A PROFESSIONAL ENGINEER, CURRENTLY REGISTERED IN THE STATE OF COLORADO.

WATER AND WASTEWATER SERVICE FOR THIS SUBDIVISION IS PROVIDED BY THE WOODMEN HILLS METRO DISTRICT, SUBJECT TO THE DISTRICT'S RULES, REGULATIONS AND SPECIFICATIONS.

### UTILITIES:

THE SUBDIVIDER/DEVELOPER IS RESPONSIBLE FOR EXTENDING UTILITIES TO EACH LOT, TRACT OR BUILDING SITE.

GAS FOR THIS SUBDIVISION IS PROVIDED BY BLACK HILLS ENERGY, SUBJECT TO THE PROVIDER'S RULES, REGULATIONS AND SPECIFICATIONS.

ELECTRIC SERVICE FOR THIS SUBDIVISION IS PROVIDED BY MOUNTAIN VIEW ELECTRIC ASSOCIATION, SUBJECT TO THE PROVIDER'S RULES, REGULATIONS AND SPECIFICATIONS.

BE IT KNOWN BY THESE PRESENTS: \_\_\_\_\_ THAT MIKE D. TEXER, AND BRITTANY A. TEXER, BEING THE OWNERS OF THE FOLLOWING DESCRIBED TRACT OF LAND TO WIT:

**LEGAL DESCRIPTION:**  
 A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 13 SOUTH, RANGE 65 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 LOTS 1 & 2, FALCON RANCHETTES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK V-2, PAGE 15, OF THE RECORDS OF EL PASO COUNTY, COLORADO.  
 CONTAINING 9.604 ACRES, MORE OR LESS.

### DEDICATION:

THE UNDERSIGNED OWNER HAS CAUSED SAID TRACT OF LAND TO BE PLATTED INTO LOTS, PUBLIC RIGHT OF WAY AND EASEMENTS AS SHOWN HEREON. THE UNDERSIGNED DOES HEREBY DEDICATE, GRANT AND CONVEY TO THE COUNTY OF EL PASO ALL STREETS AND EASEMENTS FOR PUBLIC USE. THIS TRACT OF LAND AS PLATTED HEREIN SHALL BE KNOWN AS "FALCON RANCHETTES FILING NO. 1A" IN THE COUNTY OF EL PASO, COLORADO.

### OWNER'S CERTIFICATE(S):

THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO LOTS, TRACTS, STREETS, AND EASEMENTS AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF FALCON RANCHETTES FILING NO. 1A. ALL PUBLIC IMPROVEMENTS SO PLATTED ARE HEREBY DEDICATED TO PUBLIC USE AND SAID OWNER DOES HEREBY COVENANT AND AGREE THAT THE PUBLIC IMPROVEMENTS WILL BE CONSTRUCTED TO EL PASO COUNTY STANDARDS AND THAT PROPER DRAINAGE AND EROSION CONTROL FOR SAME WILL BE PROVIDED AT SAID OWNER'S EXPENSE. ALL TO THE SATISFACTION OF THE BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO. ALL IMPROVEMENTS SO DEVELOPED SHALL BE MAINTAINED BY EL PASO COUNTY, COLORADO. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC UTILITIES AND COMMUNICATION SYSTEMS AND OTHER PURPOSES AS SHOWN HEREON. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE EASEMENTS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES FOR INSTALLATION, MAINTENANCE, AND REPLACEMENT OF UTILITY LINES AND RELATED FACILITIES.

### OWNER:

THE AFORESAIDED, MIKE D. TEXER, HAVE EXECUTED THIS INSTRUMENT THIS \_\_\_\_DAY OF \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_ MIKE D. TEXER \_\_\_\_\_ )  
 STATE OF COLORADO ) SS  
 COUNTY OF EL PASO )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_DAY OF \_\_\_\_\_, 20\_\_\_\_ BY MIKE D. TEXER.

MY COMMISSION EXPIRES: \_\_\_\_\_  
 WITNESS MY HAND AND OFFICIAL SEAL,

### NOTARY PUBLIC

\_\_\_\_\_  
 STATE OF COLORADO )  
 COUNTY OF EL PASO )

### OWNER:

THE AFORESAIDED, BRITTANY A. TEXER, HAVE EXECUTED THIS INSTRUMENT THIS \_\_\_\_DAY OF \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_ BRITTANY A. TEXER \_\_\_\_\_ )  
 STATE OF COLORADO ) SS  
 COUNTY OF EL PASO )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_DAY OF \_\_\_\_\_, 20\_\_\_\_ BY BRITTANY A. TEXER.

MY COMMISSION EXPIRES: \_\_\_\_\_  
 WITNESS MY HAND AND OFFICIAL SEAL,

### NOTARY PUBLIC

\_\_\_\_\_  
 STATE OF COLORADO )  
 COUNTY OF EL PASO )

### EASEMENTS:

UNLESS OTHERWISE INDICATED, ALL SIDE, FRONT, AND REAR LOT LINES ARE HEREBY PLATTED ON EITHER SIDE WITH A 10 FOOT PUBLIC IMPROVEMENT, UTILITY AND DRAINAGE EASEMENT UNLESS OTHERWISE INDICATED. ALL EXTERIOR SUBDIVISION BOUNDARIES ARE HEREBY PLATTED WITH A 20 FOOT PUBLIC IMPROVEMENT, UTILITY AND DRAINAGE EASEMENT. THE SOLE RESPONSIBILITY FOR MAINTENANCE OF THESE EASEMENTS IS HEREBY VESTED WITH THE INDIVIDUAL PROPERTY OWNERS.

### SUMMARY:

|              |                     |
|--------------|---------------------|
| 2 LOTS       | 7.486 ACRES 77.95%  |
| 1 TRACT      | 0.732 ACRES 7.62%   |
| RIGHT OF WAY | 1.386 ACRES 14.43%  |
| TOTAL        | 9.604 ACRES 100.00% |

|           |                           |         |                           |
|-----------|---------------------------|---------|---------------------------|
| TRACT NO. | TRACT USE                 | ACREAGE | TRACT OWNER & MAINTENANCE |
| TRACT A   | DETENTION POND (DRAINAGE) | 0.732   | MERIDIAN STORAGE, LLC     |

### SURVEYOR'S STATEMENT:

I, WILLIAM BROOKS, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT AND CORRECTLY REPRESENTS THE SURVEY MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSES, ERRORS ARE LESS THAN 1:10,000; AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO DEALING WITH MONUMENTS, SUBDIVISION, OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE EL PASO COUNTY LAND DEVELOPMENT CODE.

I ATTEST THE ABOVE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

WILLIAM BROOKS, PLS  
 COLORADO PROFESSIONAL LAND SURVEYOR NO. 37928  
 FOR AND ON BEHALF OF GALLOWAY & COMPANY, INC.

### NOTICE:

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

ANY PERSON WHO KNOWINGLY REMOVES, ALTERS, OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT, LAND BOUNDARY MONUMENT, OR ACCESSORY COMMITMENTS A CLASS TWO (2) MISDEMEANOR, PURSUANT TO STATE STATUTE 18-4-508 OF THE COLORADO REVISED STATUTES.

### CLERK AND RECORDER:

STATE OF COLORADO )  
 ) ss.  
 COUNTY OF EL PASO )

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE ON THIS \_\_\_\_DAY OF \_\_\_\_\_, 20\_\_\_\_ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

STEVE SCHEIKER, RECORDER

EL PASO COUNTY CLERK AND RECORDER

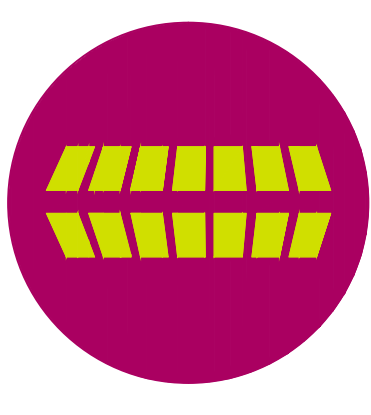
### FEES:

SCHOOL FEE: \_\_\_\_\_  
 BRIDGE FEE: \_\_\_\_\_  
 PARK FEE: \_\_\_\_\_  
 DRAINAGE FEE: \_\_\_\_\_

### OWNER CONTACT INFORMATION

MIKE D. TEXER  
 719-641-9261  
 11750 OWL PLACE, PEYTON, CO 80831  
 BRITTANY A. TEXER  
 719-641-9261  
 11750 OWL PLACE, PEYTON, CO 80831

FALCON RANCHETTES FILING NO. 1A  
 A REPLAT OF LOT 1 & 2, FALCON RANCHETTES  
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1,  
 TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
 COUNTY OF EL PASO, STATE OF COLORADO









County Attorney

**Kenneth R. Hodges, County Attorney**  
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**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

June 13, 2024

VR-23-9 Falcon Ranchettes Filing No. 1A  
Vacation and Replat

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

**WATER SUPPLY REVIEW AND RECOMMENDATIONS**

Project Description

1. This is a proposal by Mike and Brittany Texer (“Applicant”), to vacate and replat 2 lots of approximately 9.6 +/- acres into 2 lots (the “Property”). The property is zoned CS (Commercial Service).

Estimated Water Demand

2. Pursuant to the Water Supply Information Summary (“WSIS”), the subdivision demand is .096 acre-feet per year for commercial uses and .718 acre-feet per year for irrigation for a total demand of .813 acre-feet per year. The Applicant must therefore be able to provide a supply of 243.9 acre-feet of water (0.813 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from the Woodmen Hills Metropolitan District (“District”). As detailed in the Water Resources Report dated April 2024 (“Report”), the average annual use will be .10 acre-feet for commercial use and .72 acre-feet for irrigation for a total demand of .82 acre-feet per year.

**ASSISTANT COUNTY ATTORNEYS**

NATHAN J. WHITNEY  
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY  
TERRY A. SAMPLE

LORI L. SEAGO  
DOREY L. SPOTTS

BRYAN E. SCHMID  
STEVEN W. MARTYN

MERI GERINGER  
ERIKA KEECH

The Report states that the District has an annual supply of water in the amount of 2,157.4 acre-feet on a 300-year basis from both renewable and non-renewable sources, and that over the last decade the District has used from 48% to 63% of that supply.

4. The District provided a letter of commitment for Falcon Ranchettes Filing No. 1A dated May 14, 2024, in which the District stated that it “[t]he estimated water usage demand per year is .82 AF-YR (acre-feet per year). The above said development property can be provided water and wastewater services by WHMD.”

#### State Engineer’s Office Opinion

5. In a letter dated May 25, 2023 the State Engineer reviewed the proposal to vacate and replat two lots in order to dedicate a right of way. The State Engineer stated that the proposed supply of water is to be served by Woodmen Hills Metropolitan District (“WHMD”) and advised that this project does not qualify as a subdivision and therefore provided only a cursory review, without any comments addressing water adequacy.

#### Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for Falcon Ranchettes Filing No. 1A is .82 acre-feet per year to be supplied by the Woodmen Hills Metropolitan District. **Based on the water demand of .82 acre-feet/year and the District’s availability of water sources, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for Falcon Ranchettes Filing No. 1A.**

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Code must be satisfied. Section 8.4.7.B.10.g. of the Code allows for the presumption of acceptable water quality for projects such as this where water is supplied by an existing Community Water Supply operating in conformance with Colorado Primary Drinking Water Regulations unless there is evidence to the contrary.

8. Basis. The County Attorney’s Office reviewed the following documents in preparing this review: the Water Supply Information Summary, the Water Resources Report dated April 2024, the Woodmen Hills Metropolitan District letter dated May 14, 2024, and the State Engineer Office’s Opinion dated May 25, 2023. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney’s Office reserves the right to amend or withdraw its recommendations.***

**REQUIREMENTS:**

- A. Applicant and all future owners of lots within this filing shall be advised of, and comply with, the conditions, rules, regulations, limitations, and specifications set by the District.
- B. Prior to recording the final plat, Applicant shall upload an updated Commitment Letter from WHMD listing the correct name for the development.

cc. Kylie Bagley, Project Manager, Planner

VACATION AND REPLAT (RECOMMEND APPROVAL)

\_\_\_\_\_ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. VR239

FALCON RANCHETTES FILING NO. 1A

WHEREAS, Galloway & Company, 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 and replat two lots, creating two commercial lots and one tract within the CS (Commercial Service) 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 August 15, 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 Galloway & Company, Inc. for approval of a Vacation and Replat to allow two lots and one tract within the CS (Commercial Service) zoning district be approved by the Board of County Commissioners with the following conditions and notation:

#### CONDITIONS

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

2. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
3. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
4. The Applicant shall submit the Mylar to Enumerations for addressing.
5. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
6. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the El Paso County Planning and Community Development Department.
7. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
8. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the final plat is recorded.
9. 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. 18-471), 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.
10. Drainage fees in the amount of \$261,499 and bridge fees in the amount of \$35,923 shall be paid for the Falcon Drainage Basin (CHWS1400) at the time of plat recordation.

#### NOTATION

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

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

\_\_\_\_\_ seconded the adoption of the foregoing Resolution.

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

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

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

DONE THIS 15th day of August 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

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

EXHIBIT A

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 13 SOUTH, RANGE 65 WEST, OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1 & 2, FALCON RANCHETTES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK V-2, PAGE 15, OF THE RECORDS OF EL PASO COUNTY, COLORADO.

CONTAINING 9.604 ACRES, MORE OR LESS.