


EL PASO COUNTY
COLORADO

COMMISSIONERS:
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CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

TO: El Paso County Planning Commission
Brian Risley, Chair

FROM: Ryan Howser, Planner II
Lupe Packman, PE Engineer I
Craig Dossey, Executive Director

RE: Project File #: SF-20-022
Project Name: Woodmen Hills Filing No. 12
Parcel No.: 43063-01-002

OWNER:	REPRESENTATIVE:
T-Bone Construction, Inc. 1310 Ford Street Colorado Springs, Colorado 80915	T-Bone Construction, Inc. 1310 Ford Street Colorado Springs, Colorado 80915

Commissioner District: 2

Planning Commission Hearing Date:	6/17/2021
Board of County Commissioners Hearing Date	7/13/2021

EXECUTIVE SUMMARY

A request by T-Bone Construction, Inc., for approval of a vacation and replat of one (1) commercial lot into two (2) commercial lots. The 1.64-acre property is zoned CR (Commercial Regional) and is located on the east side of McLaughlin Road, approximately one-quarter (1/4) of a mile north of Woodmen Road and within Section 6, Township 13 South, Range 64 West of the 6th P.M. The property is located within the boundaries of the Falcon/Peyton Small Area Master Plan (2006).



A. REQUEST/WAIVERS/DEVIATIONS/AUTHORIZATION

Request: A request by T-Bone Construction, Inc., for approval of a vacation and replat of one (1) commercial lot into two (2) commercial lots.

Waiver(s)/Deviation(s): There are no waivers or deviations 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. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

Legal Notice:

C. APPROVAL CRITERIA

In approving a vacation of a plat without rights-of-way, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.3.A.3, Actions Vacating or Altering a Recorded Plat, Vacation of a Plat with No Rights-of-Way of the El Paso County Land Development Code (2019):

- Vacation of the recorded plat will not leave any lots or parcels without adequate utility or drainage easements;
- Vacation of the recorded plat will not vacate road rights-of-way or access easements needed to access other property;
- Vacation of the recorded plat will not inhibit the provision of adequate public facilities or services to other property as required by this Code;
- Vacation of the recorded plat is consistent with the Master Plan;
- Vacation of the recorded plat 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 vacation of the plat has been resolved.

In approving a final plat, the BoCC shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code (2019):

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved preliminary plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- 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;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. §30-28-133(6)(b)] and the requirements of Chapter 8 of this Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. §30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. §30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
- The subdivision meets other applicable sections of Chapter 6 and 8; and

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

D. LOCATION

North: RS-5000 (Residential Suburban)	Residential
South: CR (Commercial Regional)	Vacant Commercial
East: CR (Commercial Regional)	Commercial Retail
West: PUD (Planned Unit Development)	Residential

E. BACKGROUND

The property was zoned A-4 (Agricultural) on September 20, 1965 when zoning was first initiated for this portion of the County (Resolution no. 434870). The property was rezoned to the PBP (Planned Business Park) zoning district on September 26, 1985 (PCD file no. PBP-85-21). The property was rezoned from PDP to the PBC (Planned Business Center) zoning district on August 13, 1998 (PCD file no. PBC98001). Due to changes in the nomenclature of the Land Development Code, the PBC zoning district was renamed as the CR (Commercial Regional) zoning district.

The Board of County Commissioners approved the Woodmen Hills Filing No. 7 Final Plat on November 19, 1998, within which the property was platted as Lot 4 (PCD file no. SF-98-030). The property has remained in the same configuration since its creation and is considered a legal lot.

F. ANALYSIS

1. Land Development Code Compliance

The vacation and replat application meets the final plat submittal requirements, the standards for Actions Vacating or Altering a Recorded Plat in Chapter 7, and the standards for Subdivision in Chapter 8 of the El Paso County Land Development Code (2019).

2. Zoning Compliance

The property is zoned CR (Commercial Regional). The CR zoning district is intended to accommodate regional centers providing ease of pedestrian and vehicular circulation, unity of architectural design, and best serving the convenience of the public and aesthetic enhancement of the community and region, as outlined in Section 3.2.5(B) of the Land Development Code. The density and dimensional standards for the CR zoning district are as follows:

- Minimum zoning district area – 5 acres¹¹
- Setbacks – 50 feet from front^{3, 4, 11}, 25 feet from rear and side property lines;^{2, 3, 4, 11}

- Maximum building height – 45 feet

² The minimum setback is 25 feet from the perimeter boundary of the district, but no minimum setback is required from any internal side or rear lot line within the same district.

³ Temporary uses shall be setback at least 25 feet from all property lines and 100 feet from Residential zoning districts.

⁴ Gasoline pumps and canopies shall be setback at least 25 feet from all property lines.

¹¹ If the building is established as or converted to condominium units in accordance with Chapter 7 of the Code, the building and lot shall meet the minimum lot area and setbacks, but the individual units are not required to meet the minimum lot area, maximum lot coverage, or setback requirements.

The proposed final plat is in compliance with the CR zoning district. Individual site development plans will need to be submitted for review and approval for each proposed use in order to ensure compliance with the applicable dimensional standards.

3. Policy Plan Analysis

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

Policy 5.1.1 – Encourage economic development that enhances a sense of community, provides vigor to the economy and considers the environment while contributing to the overall health of the County.

Policy 5.1.3 – Encourage economic development strategies tailored to the unique conditions of particular subareas of the County.

Policy 6.1.1 – Allow for a balance of mutually supporting interdependent land uses, including employment, housing and services in the more urban and urbanizing areas of the County.

The property is located within the Woodmen Hills Filing No. 7 subdivision, which is a commercial development that has been partially developed. This area is experiencing rapid growth and subdividing this property may encourage further economic development by providing more flexible options to develop the property

as two separate lots under discrete ownership. The growth and increased density of urban level development in the Falcon area and in areas adjacent to the property may result in a need for increased commercial intensity in this area.

4. Small Area Plan Analysis

The property is located within the boundaries of the Falcon/Peyton Small Area Master Plan (2006). Relevant policies are as follows:

***Policy 3.2.1** – Establish a variety of Primary Employers that will provide stable, diverse, well-paying employment opportunities for current and future residents of the planning area.*

***Policy 4.4.1.1** – Recognize the greater Falcon Town Center as the primary commercial center in the planning area, and allow for reasonable expansion with integrated compatible mixed uses. Allow for some logical extension of this commercial area, consistent with approved plans and consistent planning.*

Subdivision of this property may encourage the provision of diverse employment opportunities by allowing for flexibility in designing the site with multiple uses as a logical extension of the existing commercial uses in the area. This site is located within the Falcon Town Center area as denoted within the Plan. The proposed development is a logical extension of the existing commercial development in the area. The proposed development is consistent with the existing commercial development in the area and has already been previously platted as a commercial lot.

5. Water Master Plan Analysis

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

***Goal 5.1** – Identify the potential water supply gap at projected full development build-out (2060).*

***Policy 5.2.2** – Recognize the water supply challenges and limitations inherent in each of the regional planning areas, with particular emphasis placed on Regional Planning Area 3 (Falcon), as a result of current*

reliance on non-renewable Denver Basin wells and the renewable, but limited and over-appropriated, Upper Black Squirrel Creek alluvium.

Policy 6.0.2 – Encourage developments to incorporate water efficiency principles.

Policy 6.0.4 – Encourage development that incentivizes and incorporates water efficient landscaping principles.

Policy 6.0.10 – Encourage land use proposals to expressly declare water source(s), quality, quantity, and sustainability in terms of years and number of single-family equivalents.

Policy 6.0.11– Continue to limit urban level development to those areas served by centralized utilities.

The property is located within Planning Region 3 (Falcon Area) of the Plan and is located within an anticipated area of development. The Region is identified as potentially having issues regarding long term sustainable draw from the Denver Basin aquifer. The Plan identifies the current water demands for Region 3 to be 4,494 acre-feet per year (AFY) with a current supply of 7,164 AFY (Figure 5.1). The demand in 2040 is projected to be 6,403 AFY with a projected supply of 7,921 AFY (Figure 5.2). At build-out in 2060, the demand for Region 3 is projected to be 8,307 AFY with a projected supply of 8,284 AFY, which means by 2060 there is anticipated to be a water supply deficit of 23 AFY (Figure 5.3, Table 5-2).

Woodmen Hills Metropolitan District has provided a commitment letter and has indicated that they have adequate resources to serve the property. The applicant's water resources information was reviewed by El Paso County Planning and Community Development staff, El Paso County Public Health, and the County Attorney's Office. A conditional recommendation of sufficiency regarding water quantity and dependability was made by the County Attorney's Office on January 25, 2021. El Paso County Public Health has made a recommendation regarding a finding of sufficiency for water quality and has no outstanding comments.

The applicant may choose to demonstrate water efficient principles with regards to landscaping and the development of the site at the site development plan stage.

6. Other Master Plan Elements

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Environmental Division and El Paso County Conservation District were each sent a referral and have no outstanding comments.

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 applicant has provided proof of notification of the mineral rights owner.

Please see the Parks section below for information regarding conformance with The El Paso County Parks Master Plan (2013).

Please see the Transportation section below for information regarding conformance with the El Paso County 2016 Major Transportation Corridors Plan Update (MTCP).

G. PHYSICAL SITE CHARACTERISTICS

1. Hazards

No hazards were identified during the review of the final plat application which would restrict development of the property.

2. Wildlife

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential.

3. Floodplain

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

4. Drainage and Erosion

The property is located within the Falcon (CHWS1400) drainage basin. The Falcon drainage basin is a studied basin with basin and bridge fees. Drainage basin and bridge fees were not paid with Woodmen Hills Filing No. 7 but will need to be paid at the time of recordation of this vacation and replat.

Runoff from the site sheet flows to a type R inlet that is connected to a 30-inch RCP storm sewer, until it reaches a regional pond (Pond 4). Pond 4 provides water quality and detention for this commercial center and was built during the construction of Woodmen Hills Filing No. 7. The facility is owned and maintained by the Woodmen Hills Metropolitan District.

The applicant has submitted a drainage report that discusses the drainage patterns on the site, as well as percent impervious compliance with original drainage report.

5. Transportation

The Woodmen Hills Filing No. 12 project is located within a commercial center and was originally platted as Lot 4 of the Woodmen Hills Filing No. 7 final plat. The site is bordered by McLaughlin Road on the northwest, vacant property on the southwest, Greenough Road on the northeast, and Safeway on the southeast. The adjacent roadways are within public right-of-way and public improvements are not being proposed with this application, according to the transportation memorandum written by LSC Transportation Consultants, Inc.

The El Paso County 2016 Major Transportation Corridors Plan Update does not identify any improvements to any of the adjacent roads surrounding the project area.

The development is subject to the El Paso County Road Impact Fee Program (Resolution No. 19-471). The fee amount will be determined with the final land use approval and will be due at the time of building permit.

H. SERVICES

1. Water

Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Water Engineer's Office has made a recommendation regarding a finding of adequacy and has stated water can be provided without causing injury to allocated water resources provided by the Woodmen Hills Metropolitan District. The County Attorney's Office recommends a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a recommendation regarding a finding of sufficiency for water quality and has no outstanding comments.

2. Sanitation

Woodmen Hills Metro District has provided a commitment letter to serve the property with wastewater and has indicated that they have adequate capacity to serve the property. The District was sent a referral and has no outstanding comments.

3. Emergency Services

The property is within the Falcon Fire Protection District. The District was sent a referral and has no outstanding comments.

4. Utilities

Mountain View Electric Association (MVEA) provides electric service to the property. Colorado Springs Utilities (CSU) provides natural gas service to the property. MVEA and CSU were each sent a referral and have no outstanding comments.

5. Metropolitan Districts

The property is located within the Woodmen Hills Metropolitan District. The District was sent a referral and has no outstanding comments.

6. Parks/Trails

The El Paso County Parks Master Plan (2013) does not depict any existing or planned parks or trails in vicinity of the property. Park land dedication or fees in lieu of land dedication do not apply to a commercial subdivision.

7. Schools

Park land dedication or fees in lieu of land dedication do not apply to a commercial subdivision.

I. APPLICABLE RESOLUTIONS

Approval	Page 19
Disapproval	Page 20

J. STATUS OF MAJOR ISSUES

There are no major issues at this time.

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 7.2.1 (Subdivisions) of the

El Paso County Land Development Code (2019) 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.

8. The County Attorney's Conditions of Compliance shall be adhered to at the appropriate time.

NOTATIONS

1. Final plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired, unless an extension is approved.
2. Site grading or construction, other than installation or initial temporary control measures, may not commence until a preconstruction conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.

L. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified ten (10) adjoining property owners on May 27, 2021, for the Planning Commission meeting. Responses will be provided at the hearing.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Plat Drawing
State Engineer's Letter
County Attorney's Letter
El Paso County Public Health Recommendation Letter

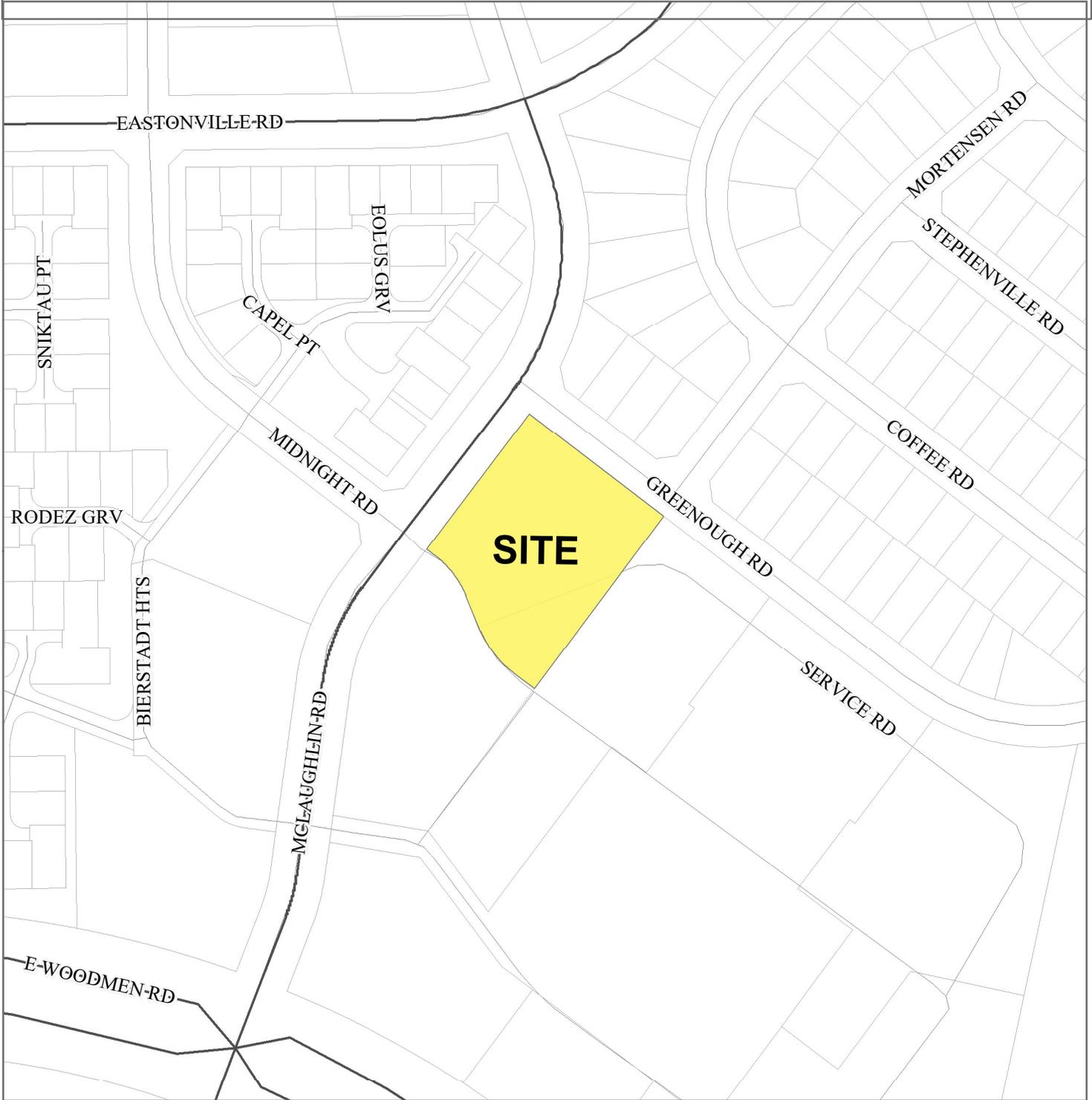
El Paso County Parcel Information

PARCE	NAME
4306301	T-BONE CONSTRUCTION IN

File Name: SF-20-022

Zone Map No. --

Date: May 26, 2021



Please report any parcel discrepancies to:
El Paso County Assessor
1675 W. Garden of the Gods Rd.
Colorado Springs, CO 80907
13 (719) 520-6600



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T-Bone Construction, Inc.
1310 Ford St.
Colorado Springs, CO 80915
(719) 570-1456 Fax (719) 591-5217
21 January 2021

LETTER OF INTENT

1. Owner: Mike Thibault
T-Bone Construction, Inc.
1310 Ford St.
Colorado Springs, CO 80915

Applicant: Darin Weiss
T-Bone Construction, Inc.
1310 Ford St.
Colorado Springs, CO 80915
2. Site Location, Size and Zoning:
 - a. Location: 7615 McLaughlin Road, Falcon, CO 80831.
 - b. Legal Description: Lot 4 Woodmen Hills Fil No 7
 - c. Size: 1.64 acres.
 - d. Zone: CR
 - e. Parcel Schedule No.: 4306301002
3. Request for replat the current property into three separate parcels; Lot #1 (34,796 sf) for future commercial development, Lot #2 (34,633 sf) for future commercial development, and Tract A (1,886 sf) intended for access to the west end of the exiting shopping center.
 - a. Land Development Code Section 7.2.1 (D) (3) (f) criteria:
 - i. Criteria for Approval.
 1. The plat amendment will provide the potential for commercial development that is compatible with the existing surrounding commercial developments. As no development is proposed at this time, per Section 6.0 of the El Paso County Policy Plan, and Section 3 Goals and Principles of the Falcon/Peyton Area Master Plan, it is anticipated that separate and unique buildings for a medical office and restaurant would be proposed for the subdivided lots. Justification:
 - Land Use: The subdivision will promote the balance of land uses and variety of densities consistent with the immediate area.
 - Commercial Centers and Uses: The proposed subdivision will add to the diversity of primary employers and services of the local community.

Water Master Plan:

 - The project is located within the Woodmen Hills Metropolitan District, which will supply the water for the development.
 - Woodmen Hills Metropolitan District has stated they are in compliance with the Water Master Plan of El

Paso County. See item #4 of this section for more information.

2. The subdivision is in substantial conformance with the approved preliminary plan. (A preliminary plan review is not required for this minor subdivision.)
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. (Yes, all required documentation, including a new survey showing the proposed Replat, vicinity map, Geotech soils report, Title commitment, utility/fire services commitments/reports have been provided.)
4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of this Code. (Yes, water supply is provided by Woodmen Hills Metropolitan District. Woodmen Hills Metropolitan District has stated they currently use approximately 57% of available water supply, and the water supply is adequate to meet the needs of this potential development.)
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. (Yes, waste water disposal is also provided by Woodmen Hills Metropolitan District. Woodmen Hills Metropolitan District has stated they have an adequate wastewater system and treatment capacity to meet the needs of this potential development.)
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)]. (Yes, a geotechnical subsurface soil investigation report has been completed, and soils in this area are suitable for potential development per the engineering recommendations outlined in the report. A professional structural engineer will be required to design the structural building foundations that comply with subsurface soils report.)
7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of this Code and the ECM. (Yes, the site will use the existing infrastructure to handle runoff to include the existing storm drain system and detention pond. The site will not adversely impact or deteriorate improvements or natural drainageways downstream of the property.)
8. Legal access is provided via private drive from the existing entrance to the shopping center from McLaughlin Road. The existing service drive that bisects Lot 2 will remain until Lot 2 is developed, at which time the existing service drive may be reconfigured.

9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision. (Yes, no change is proposed. Emergency fire protection is provided by Falcon Fire Protection District.)
 10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code. (Yes, no change is proposed. Emergency fire protection provided by Falcon Fire Protection District has capacity to service this potential commercial development.)
 11. Off-site traffic impacts were evaluated, and no additional improvements are necessary to accommodate the trips generated by this project in the short term. In the long term, as other vacant lots in the area are developed, exiting traffic during the afternoon peak hour has the potential to increase to levels that may require mitigation. Potential future methods for mitigation may include conversion to all-way stop control, mini roundabout, or traffic signal.
 12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated. (No change is proposed as no new developments are proposed at this time.)
 13. The subdivision meets other applicable sections of Chapter 6 and 8. (Yes, all required items of documentation is provided for the plat amendment. All other requirements for development will be provided as required if/when a potential development is proposed.)
 14. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.]. (No change is proposed as no new developments are proposed at this time.)
4. The property is currently undeveloped. No change to existing facilities required for replat.
 5. No waivers are requested in this submittal.

KNOW ALL MEN BY THESE PRESENTS:

That T-Bone Construction, Inc., a Colorado corporation, being the owner of the following described tract of land to wit:

Lot 4, Woodmen Hills Filing No. 7, recorded at Reception Number 99062124, El Paso County, Colorado

Containing a calculated area of 71,315 square feet (1.63717 acres), more or less.

OWNERS CERTIFICATION:

The undersigned, being all the owners, mortgages, 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, a tract and easements as shown hereon under the name and subdivision of **WOODMEN HILLS FILING No. 12**. 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.

Michael Thibault as President of T-Bone Construction, Inc. a Colorado corporation

STATE OF COLORADO } SS
COUNTY OF EL PASO }

Acknowledged before me this _____ day of _____, 2021 by Michael Thibault as President of T-Bone Construction, Inc. a Colorado corporation

My commission expires _____

Witness my hand and official seal _____
Notary Public

LIEN HOLDER:

_____, has executed this instrument this _____ day of _____, 2021, A.D.

By: _____, as _____ of _____

NOTARIAL:

STATE OF COLORADO } SS
COUNTY OF EL PASO }

Acknowledged before me this _____ day of _____, 2021, by _____ as _____ of _____

My commission expires _____

Witness my hand and seal _____

BOARD OF COUNTY COMMISSIONERS CERTIFICATE:

This plat for **WOODMEN HILLS FILING No. 12** was approved for filing by the El Paso County, Colorado Board of County Commissioners on the _____ day of _____, 2021, subject to any notes specified hereon and any conditions included in the resolution of approval.

The previous plat in entirety is vacated and amended for the areas described by this replat subject to all covenants, conditions, and restrictions recorded against and appurtenant to the original plat recorded in the Office of the El Paso County Clerk and Recorder, Reception No. 99062124.

_____, Chair, Board of County Commissioners Date _____

PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR

This plat for **WOODMEN HILLS FILING No. 12** was approved for filing by the El Paso County, Colorado Planning and Development Department Director on the _____ day of _____, 2021, subject to any notes or conditions specified hereon.

_____, Planning and Community Development Director Date _____

RECORDING:

STATE OF COLORADO } SS
COUNTY OF EL PASO }

I hereby certify that this instrument was filed for record in my office at _____ o'clock _____M., this _____ day of _____, 2021, A.D., and is duly recorded under Reception No. _____ of the records of El Paso County, Colorado.

CHUCK BROERMAN, RECORDER

BY: _____ Deputy

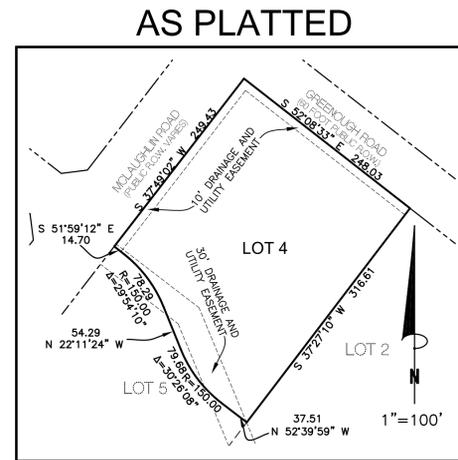
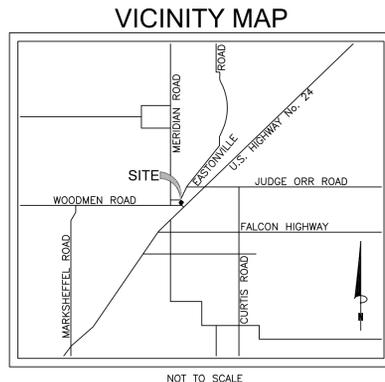
SURCHARGE: _____

FEE: _____

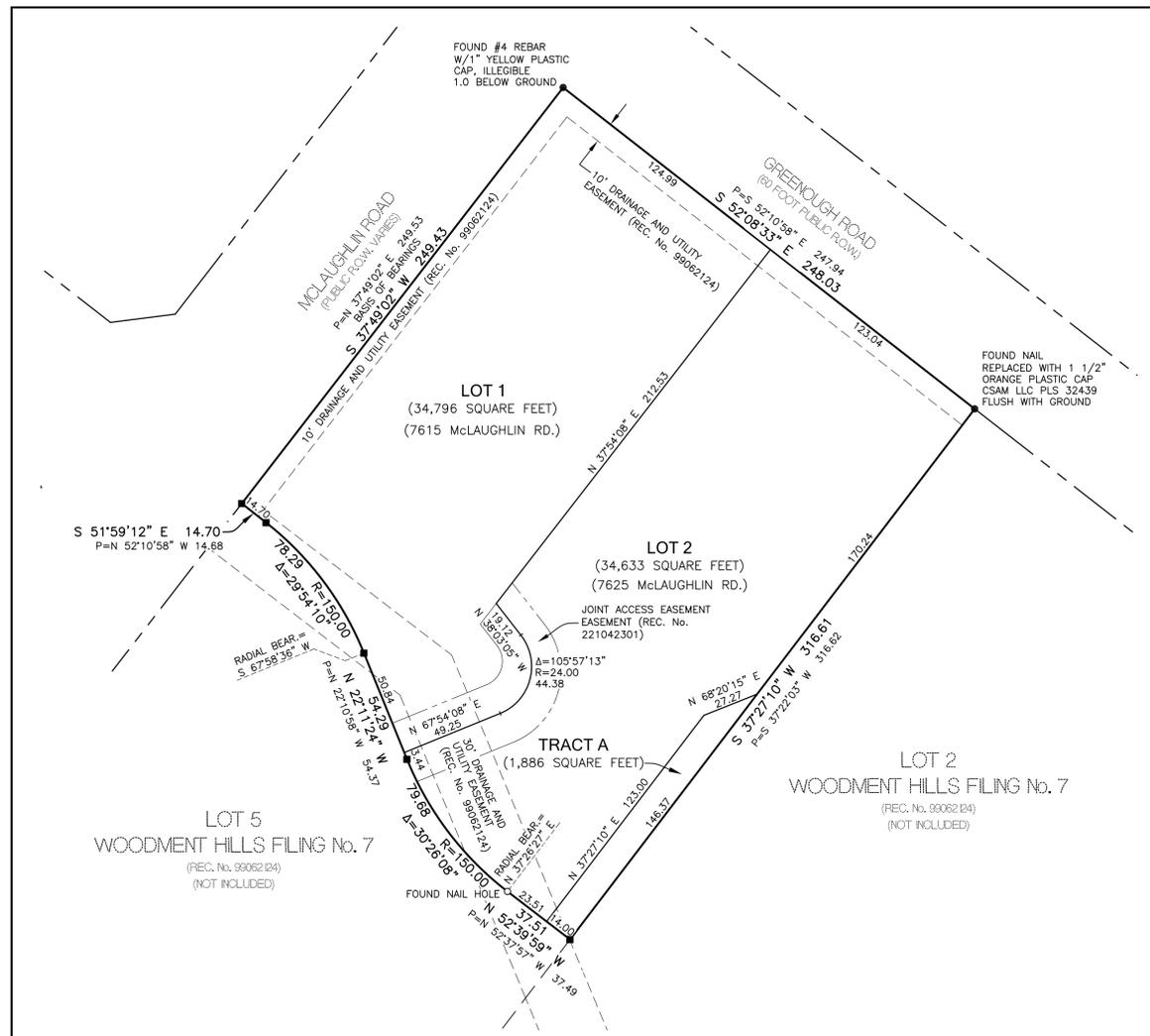
WOODMEN HILLS FILING No. 12

A REPLAT OF LOT 4, WOODMEN HILLS FILING No. 7
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6,
TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M.,
EL PASO COUNTY, COLORADO

LOTS	
LOT 1	0.79881 ACRE
LOT 2	0.79506 ACRE
TRACT A	0.04330 ACRE
TOTAL	1.63717 ACRES

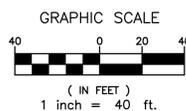


AS REPLATTED



LEGEND:

- - Denotes found monument, marked as noted
- - Denotes found 1 1/2" washer, PLS 38284, flush with ground
- - Denotes set nail & 1 1/2" washer, PLS 32439, flush with ground
- P= - Denotes platted bearing, angle or distance.
- (1263) - Denotes street address.



NOTES:

- 1) This survey does not constitute a title search by Compass Surveying & Mapping, LLC to determine ownership or easements of record. For all information regarding easements, rights of way and title of record, Compass Surveying & Mapping, LLC relied upon a Commitment For Title Insurance prepared by Land Title Guarantee Company and Old Republic National Title Insurance Company, Order No. SC855088998, with an effective date of September 8, 2020.
- 2) Basis of bearings is the south line of the property, monumented as shown and assumed to bear North 37 degrees 49 minutes 02 seconds East.
- 3) This property is located within Zone X (areas determined to be outside the 500-year floodplain) as established by FEMA per FIRM panel 08041C0553G, effective date, December 7, 2018.
- 4) 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.
- 5) The linear units used in this drawing are U.S. Survey feet.
- 6) The water and sewer provider is the Woodmen Hills Metropolitan District.
- 7) Unless otherwise indicated all side, front, and rear lot lines are hereby platted with a 10 foot public utility and drainage easement. Unless otherwise shown, all exterior subdivision boundaries are hereby platted with a 20 foot public utility and drainage easement. The sole responsibility for maintenance of these easements is hereby vested with the individual property owner.
- 8) Mailboxes shall be installed in accordance with all El Paso County Department of Transportation and United States Postal Service regulations.
- 9) All structural foundations shall be located and designed by a Professional Engineer, currently registered in the State of Colorado.
- 10) 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 impede the flow or runoff shall not be placed in drainage ways.
- 11) The addresses exhibited on this plat are for informational purposes only. They are not the legal description and are subject to change.
- 12) The approval of this replat vacates all prior plats for the area described by this replat.
- 13) No driveway shall be established unless an access permit has been granted by El Paso County Development Services.
- 14) No direct access shall be granted to McLaughlin Road and Greenough Road.
- 15) The following reports are on file with the Development Services Department: Drainage Report, Soils and Geology Report, Water Resources Report, Wastewater Treatment Report.
- 16) The 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 listed species (e.g., Preble's Meadow Jumping Mouse).
- 17) The subdivider agree(s) on behalf of him/herself and any successors and assigns 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 disclose the fee obligation before sale of the property. This property is located within the Woodmen Hills Metropolitan District.
- 18) This plat is subject to the Declaration of Easements with Covenants and Restrictions for Woodmen Hills Filing No. 7 recorded at Reception Number 220014745.
- 19) This property is subject to an easement granted to Mountain View Electric Association (Book 2053 at Page 539). The exact location is not set forth therein.
- 20) Tract A is for a future drive-thru lane. Tract A shall be non-buildable until such time that it is sold and combined with the adjacent lot to the east. Until then Tract A is to be owned and maintained by the developer.
- 21) All easements that are dedicated hereon for public utility purposes related to gas and electric shall be subject to those terms and conditions as specified in the instrument recorded at Reception Number 212112548 of the records of El Paso County, Colorado. All other easements or interests of record affecting any of the platted property depicted hereon shall not be affected and shall remain in full force and effect.

SURVEYOR'S CERTIFICATION:

I, Mark S. Johannes, a duly registered Professional Land Surveyor in the State of Colorado, do hereby certify that this plat truly and correctly represents the results of a survey made on the date of survey shown hereon, by me or under my direct supervision and that all monuments exist as shown hereon; that mathematical closure 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.

This certification is neither a warranty nor guarantee, either expressed or implied.

I attest the above on this _____ day of _____, 2021.

Mark S. Johannes
Colorado Professional Land Surveyor No. 32439
For and on behalf of Compass Surveying and Mapping, LLC

PCD FILE No. SF-20-022

REVISIONS:	
1	6/17/20 New lot configuration.
2	9/11/20 New lot configuration.
3	11/20/20 County comments.
4	1/25/21 County comments.
5	2/26/21 County comments.
6	3/27/21 CSU comments, revise Note #7.

PROJECT No. 20087
JUNE 9, 2020
SHEET 1 OF 1

COMPASS SURVEYING & MAPPING, LLC
3249 WEST CAREFREE CIRCLE
COLORADO SPRINGS, CO 80917
719-354-4120
WWW.CSAMLLC.COM



October 19, 2020

Ryan Howser
El Paso County Development Services Department
e-mail: DSDcomments@elpasoco.com

Re: 7615 McLaughlin Road Development (Lot 4 Woodmen Hills Filing No. 7) - SF2022
Portion of the SE1/4 of the SW1/4 of Section 6, T13S, R64W, 6th PM
Upper Black Squirrel Creek Designated Ground Water Basin
Upper Black Squirrel Creek Management District
Water Division 2, Water District 10

Dear Mr. Howser:

We have reviewed the above-referenced proposal to replat Lot 4 Woodmen Hills Filing No. 7 into three separate parcels; Lot #1 (34,796 square-feet) for future commercial development, Lot #2 (34,633 square-feet) for future commercial development, and Tract A (1,886 square-feet) intended for access to the west end of the exiting shopping center.

Water Supply Demand

Although a Water Supply Information Summary Sheet was included in the referral material, the total annual water demand was not identified. However, according to a letter dated October 1, 2020 from Woodmen Hills Metropolitan District (“WHMD or District”) the estimated water demand is 1.050 acre-feet annually.

Source of Water Supply

The proposed water supplier is the Woodmen Hills Metropolitan District (District). The District has provided a letter dated October 1, 2020 committing service to the property.

The District’s sources of water are a combination of bedrock aquifer allocations from the Denver Basin as well as alluvial sources. The State Engineer’s Office does not have evidence regarding the length of time for which the bedrock aquifer sources will be a physically and economically viable source of water. According to 37-90-107(7)(a), C.R.S., “Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years.” Based on this allocation approach, the annual amounts of water determined are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

In the *El Paso County Land Development Code*, effective November, 1986, Chapter 5, Section 49.5, (D), (2) states:

“- Finding of Sufficient Quantity - The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of three hundred (300) years.”

The State Engineer’s Office does not have evidence regarding the length of time for which the bedrock aquifer sources will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an allocation approach based on three hundred



years, the annual amounts of water available from the bedrock aquifers that may be withdrawn from a maximum period of 300 years are equal to one-third of one percent of the total amount.

Information available in our files indicates the District's water supply totals approximately 1,426 acre-feet/year for a period of 300 years (987 acre-feet/year from bedrock aquifers and 439 acre-feet/year from the alluvial aquifer), and it has approximately 1092 acre-feet/year committed to supplying subdivisions and 30 acre-feet/year committed to replacement obligations, for a total commitment of 1,122 acre-feet/year.

The uncommitted annual water supply of 305 acre-feet is more than the estimated annual demand of 1.050 acre-feet for 7615 McLaughlin Road development.

State Engineer's Office Opinion

Based upon the above and pursuant to Sections 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses on the subdivided land is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Ground Water Commission has retained jurisdiction over the final amount of water available pursuant to the relevant determinations and well permits, pending actual geophysical data from the aquifer.

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

Should you or the applicant have any questions, please contact Ioana Comaniciu at (303) 866-3581 x8246.

Ec: District 2 Division Engineer
District 10 Water Commissioner
Upper Black Squirrel Creek GWMD
SEO referral #27359

Sincerely,



Keith Vander Horst, P.E.,
Chief of Water Supply Designated Basins

County Attorney

Diana May, County Attorney
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Colorado Springs, CO 80903
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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

January 25, 2021

SF-20-22 McLaughlin Road Plat Amendment (7615 McLaughlin Road a/k/a Lot 4
Woodmen Hills Filing No. 7)
Final Plat

Reviewed by: Lori L. Seago, Senior Assistant County Attorney
Edi Anderson, Paralegal, ACP



FINDINGS AND CONCLUSIONS:

1. This is a Plat Amendment proposal by T-Bone Construction, Inc. ("Applicant") to subdivide an approximately 1.64 +/- acre parcel located at 7615 McLaughlin Road a/k/a Lot 4 Woodmen Hills Filing No. 7 (the "Property") into a commercial subdivision, including 2 lots, plus an additional tract. The property is zoned CR (Commercial Regional).

2. The Applicant has provided for the source of water to derive from the Woodmen Hills Metropolitan District ("District" or "WHMD"). Pursuant to the Water Supply Information Summary ("WSIS"), the applicant estimates its annual water needs to serve commercial use for the 2-lot subdivision at 0.909 acre-feet, reflecting 0.683 acre-feet/year for commercial use and 0.226 acre-feet/year for irrigation. Based on these figures, the Applicant must be able to provide a supply of 272.7 acre-feet of water (0.909 acre-feet/year x 300 years) to meet the County's 300-year water supply requirement.

3. The District's General Manager provided a letter of commitment for the Property dated December 15, 2020, in which the District committed to providing water service to the subdivision at an annual amount of 0.909 acre-feet. The General Manager stated their commitment to provide water service to the property identified as Lot 4 of Woodmen Hills Filing #7, which will include 2 lots encompassing an office building and a restaurant. The General Manager stated that the "District is already committed to serving both water and wastewater to the exiting lot" and that the "water demand is 0.909 acre-feet/year."

4. Applicant provided a *Water Resources Report for the Woodmen Hills Metropolitan District (Lot 4, Woodmen Hills Filing #7)* dated December 2020 ("Report") which details the

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CHRISTOPHER M. STRIDER
TERRY A. SAMPLE

District's water supply and the demand for this subdivision. The *Report* by JDS-Hydro notes that the District's water supply includes both "renewable sources and Denver Basin non-renewable sources. The Property's total legal supply on a 300-year basis currently stands at 1459.48 annual acre-feet." The Report also confirmed the water demand for this subdivision at 0.909 acre/feet year including indoor commercial use and irrigation, delineated as 0.561 acre-feet for office space and 0.348 acre-feet for a restaurant.

5. In a letter dated October 19, 2020, the State Engineer reviewed the application to subdivide Lot 4 Woodmen Hills Filing No. 7 into three separate parcels, which includes 2 lots and an additional tract. The State Engineer reviewed this matter based on information provided in the WSIS and the District's letter dated October 19, 2020, which indicated a water demand for the subdivision at 1.050 acre-feet/year.¹ The State Engineer stated that information in their files indicates "the District's water supply totals approximately 1,426 acre-feet/year for a period of 300 years (987 acre-feet/year from bedrock aquifers and 439 acre-feet/year from the alluvial aquifer), and it has approximately 1092 acre-feet/year committed to supplying subdivisions and 30 acre-feet/year committed to replacement obligations for a total commitment of 1,122 acre-feet/year." The State Engineer further stated that the uncommitted annual water supply of "305 acre-feet/year is more than the estimated annual demand of 1.050 acre-feet/year"² for the 7615 McLaughlin Road development. Finally, the Engineer stated that "pursuant to Sections 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights."

6. Analysis: As indicated above, the District provided a *Water Resources Report* dated December 2020, detailing the sources of the District's water supply, which is based on both renewable and non-renewable sources. With a proposed annual demand of 0.909 acre-feet and based on the current commitments of the District and the available water supply, it appears the proposed water supply will be sufficient for the McLaughlin Road Plat Amendment located at 7615 McLaughlin Road (Lot 4 Woodmen Hills Filing No. 7).

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

8. Therefore, based upon the finding of sufficiency and no injury by the State Engineer, the District's commitment, and based on the requirements below, the County Attorney's Office recommends a finding that the proposed water supply is **sufficient** in terms of quantity and dependability. The El Paso County Health Department may wish to confirm that the District is in compliance with the water quality regulations.

¹ Subsequent to the October 19th letter from the State Engineer, an updated WSIS and updated District letter was provided indicating a revised water demand of 0.909 acre-feet/year.

² Revised amount is 0.909 acre-feet/year.

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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, a letter from the State Engineer's Office must be uploaded to EDARP indicating the revised water demand of 0.909 acre-feet/year.
- C. Prior to recording the Final Plat, please replace the District's water commitment dated October 19, 2020 and replace it with the District's water commitment dated December 15, 2020 which is found in the Water Resources Report.

cc: Ryan Howser, Planner I

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Prevent • Promote • Protect

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Colorado Springs, CO 80907
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(719) 578-3188 *fax*
www.elpasocountyhealth.org

Woodmen Hills, Filing No. 12, SF-20-22

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

- **Water service will be provided by Woodmen Hills Metropolitan District (WHMD). The water system is assigned the PWSID #CO0121930 from the Colorado Department of Public Health and Environment. There is a finding of sufficiency in terms of water quality for the project. The JDS-Hydro Consultants, Inc., Water Resources Report dated December 2020, supports the adequacy of water for the project. There is a Letter of Commitment to provide water from Woodmen Hills Metropolitan District on file for the project.**
- **Wastewater service to be provided by Woodmen Hills Metropolitan District. The JDS-Hydro Consultants, Inc., Wastewater Disposal Report dated December 2020, supports the adequacy of wastewater treatment and capacity for the project. There is a Letter of Commitment to provide wastewater service from Woodmen Hills Metropolitan District on file for the project.**
- **Radon resistant construction building techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area have potentially higher radon levels than other areas of the country.**

Mike McCarthy
El Paso County Public Health
719.575-8602
mikemccarthy@elpasoco.com
01Apr2021