

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

HOLLY WILLIAMS
STAN VANDERWERF
LONGINOS GONZALEZ, JR.

PLANNING & COMMUNITY DEVELOPMENT

TO: El Paso County Planning Commission
Thomas Bailey, Chair

FROM: Ryan Howser, AICP, Senior Planner
Charlene Durham, PE, Principal Engineer
Meggan Herington, AICP, Executive Director

RE: Project File Number: SP217
Project Name: Peerless Farms
Parcel Number: 4313000001

OWNER:	REPRESENTATIVE:
Robert and Wendy Williams 16795 Falcon Highway Peyton, CO, 80831	Kimley-Horn & Associates 2 North Nevada Avenue, Suite 300 Colorado Springs, CO, 80903

Commissioner District: 2

Planning Commission Hearing Date:	9/5/2024
Board of County Commissioners Hearing Date:	9/26/2024

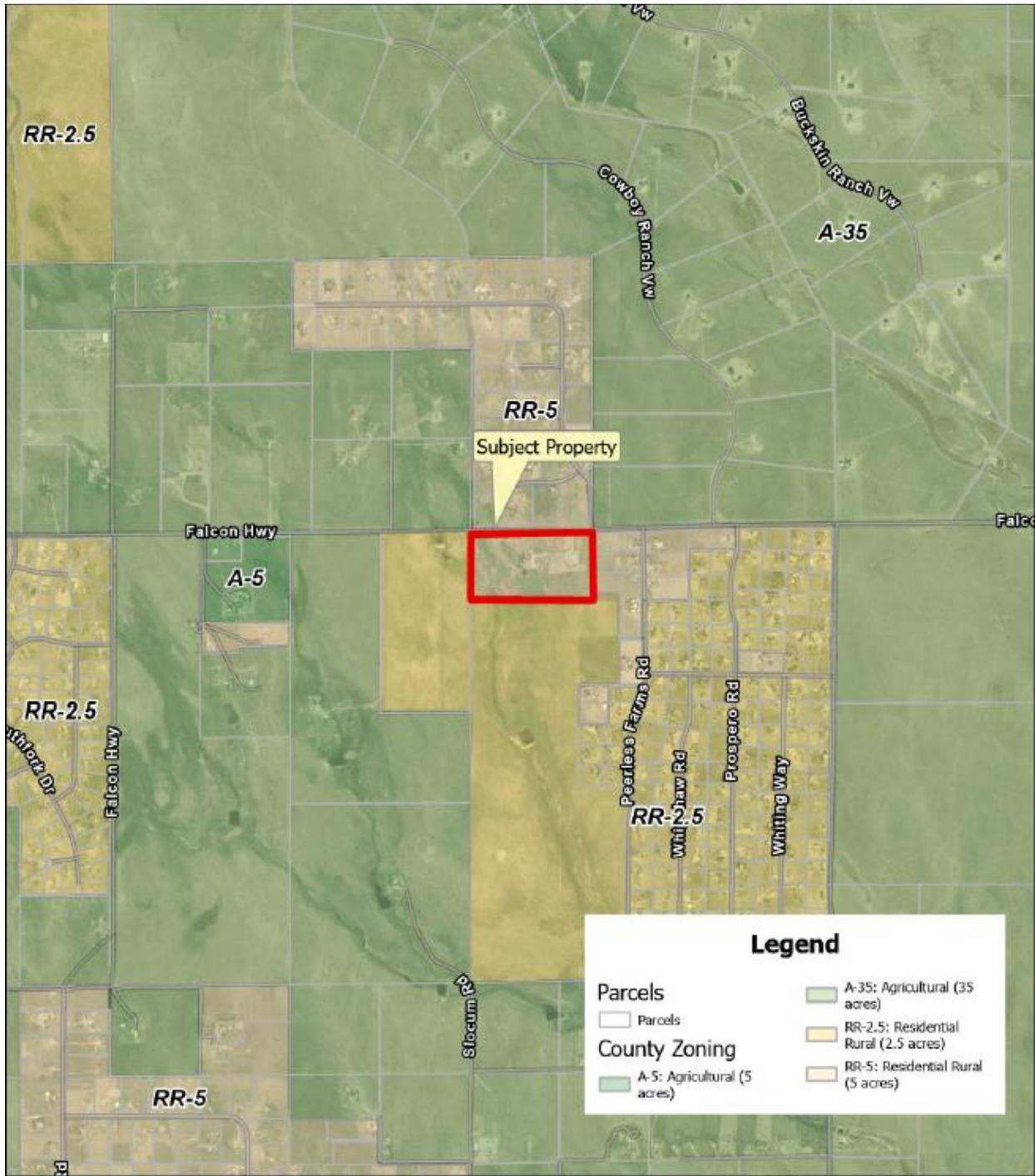
EXECUTIVE SUMMARY

A request by Robert and Wendy Williams for approval of a 40.01-acre Preliminary Plan depicting 7 single-family residential lots. The property is zoned RR-5 (Residential Rural) and is located at 16975 Falcon Highway, on the south side of Falcon Highway, approximately 2 miles east of the intersection of Falcon Highway and Curtis Road. A finding of water sufficiency with regards to quality, quantity, and dependability is requested with the Preliminary Plan. The applicants are also requesting a Waiver to Section 8.4.3.B.2.e of the El Paso County Land Development Code (as amended) to allow for the proposed lots to be created without having access and 30 feet of frontage along a public road.

2880 INTERNATIONAL CIRCLE
 OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
 PLNWEB@ELPASOCO.COM



Zoning Map

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

WWW.ELPASOCO.COM

A. AUTHORIZATION TO SIGN: Approval by the Board of the Preliminary Plan with a finding of sufficiency for water quality, quantity, and dependability, authorizes the Planning and Community Development Department Director to administratively approve all subsequent Final Plat(s) consistent with the Preliminary Plan as well as the associated Subdivision Improvements Agreements, License and Detention Pond Maintenance Agreements, and any other documents necessary to carry out the intent of the Board of County Commissioners.

B. APPROVAL CRITERIA

In approving a Preliminary Plan, Section 7.2.1.D.2 of the El Paso County Land Development Code (as amended) states the BoCC shall find that:

- *The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;*
- *The subdivision is consistent with the purposes of the Code;*
- *The subdivision is in conformance with the subdivision design standards and any approved sketch plan;*
- *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;*
- *A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with state and local laws and regulations, [C.R.S. §30-28-133(6) (b)] and the requirements of Chapter 8 of the Code;*
- *All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. §30-28-133(6)(c)];*
- *Adequate drainage improvements complying with State law [C.R.S. §30-28- 133(3)(c)(VIII)] and the requirements of the Code and the ECM are provided by the design;*
- *The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;*
- *Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;*
- *The proposed subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision; (2) incorporating site planning*

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities;

- *Necessary services, including police and fire protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision;*
- *The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code; and*
- *The proposed subdivision meets other applicable sections of Chapter 6 and 8 of the Code.*

C. BACKGROUND

The subject property is over 35 acres in size and is therefore considered a legal division of land. There are currently 2 residential structures, constructed in 1932 and 1947, and 5 agricultural structures, constructed between 1982 and 1985, on the property. The residential structures are proposed to be located on Lot 3; the larger structure, which is approximately 3,451 square feet, is identified on the Preliminary Plan as a residence, and the smaller structure, which is approximately 1,428 square feet, is identified as a guest house on the Preliminary Plan. Prior to approval of a Final Plat, the applicant will be required to record an affidavit to classify the guest house structure as an accessory living quarters for temporary occupancy. The agricultural structures are proposed to be removed.

D. ANALYSIS

1. Land Development Code Analysis

The application has been found to meet the criteria of the Land Development Code for the consideration of a Preliminary Plan, with the exception of the proposed Waiver.

The applicants are requesting a Waiver to Section 8.4.3.B.2.e of the El Paso County Land Development Code (as amended) to allow for the proposed lots to be created without having access and 30 feet of frontage along a public road.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

Section 8.4.3.B, Minimum Frontage, of the Code states: *Lots shall have a minimum of 30 feet of frontage on and have access from a public road, except where private roads are approved by the BoCC pursuant to waiver granted under Section 8.4.4 (E).*

Lots 1 and 2 are proposed to have frontage along Falcon Highway, and Lots 4 and 7 are proposed to have frontage along Sagecreek Road. However, all lots with the exception of Lot 4 are proposed to obtain access through private driveways. Lot 4 is proposed to obtain direct access to Sagecreek Road. Adequate access can be provided to all the proposed lots via the proposed access easements.

The Land Development Code defines a “Driveway” as follows: *A facility for the passage of vehicles that provides access from a public or private road to no more than 3 lots.*

Lots 1, 2, and 3 are proposed to receive access via a driveway, and Lots 5, 6, and 7 are proposed to receive access via another driveway. Lot 4 is proposed to receive access directly from Sagecreek Road. Therefore, since no more than 3 lots are receiving access from a single driveway, the applicant is not required to construct private or public roads to provide access. A Waiver of Section 8.4.3.B is required because Lots 3, 5, and 6 will not have frontage on a public road.

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

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

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

2. Zoning Analysis

The property is zoned RR-5 (Rural Residential). The RR-5 zoning district is intended to accommodate low-density, rural, single-family residential development. Final Plat(s) will be required to be approved and recorded prior to approval of any Site Plans on the property. Any proposed additional structures will require Site Plan review and will include confirmation that all site improvements (existing and proposed) will comply with the Dimensional Standards included in Chapter 5 as well as the Development Standards of Chapter 6 of the Code. The density and dimensional standards for the RR-5 zoning district are as follows:

- *Minimum lot size: 5 acres²*
- *Minimum width at the front setback line: 200 feet*
- *Minimum setback requirement: front 25 feet, rear 25 feet, side 25 feet³*
- *Maximum lot coverage: 25%*
- *Maximum height: 30 feet*

² *In the event that the land to be partitioned, platted, sold or zoned abuts a section line County road, the minimum lot area for lots abutting the road shall be 4.75 acres and minimum lot width shall be 165 ft.*

³ *Agricultural stands shall be setback a minimum of 35 feet from all property lines.*

The existing structures which are proposed to remain on the property meet the 25-foot setback from all property lines and are under 30 feet in height. The applicant is not proposing any setback encroachments or Dimensional Variances. The applicant is not proposing construction of any new structures at this time. The existing structures that are proposed to remain will meet all the applicable Dimensional Standards after the property has been platted.

E. MASTER PLAN COMPLIANCE

1. Your El Paso County Master Plan

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

The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

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

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

Recommended Land Uses:

Primary

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

Supporting

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

b. Area of Change Designation: New Development

These areas will be significantly transformed as new development takes place on lands currently largely designated as undeveloped or agricultural areas. Undeveloped portions of the County that are adjacent to a built out area will be developed to match the character of that adjacent development or to a different supporting or otherwise complementary one such as an employment hub or business park adjacent to an urban neighborhood.



c. **Key Area Influences:** The property is not located within a key area.

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

The property is located within the Highway 24 Large-Lot Residential Priority Development Area.

Highway 24 is a major roadway that connects the northeastern part of the County to Colorado Springs. Significant growth is expected along the corridor between Falcon and Peyton not only to connect the existing subdivisions, but also to capitalize on proximity to the Highway and the Falcon Regional Center.

- *While an overall density of 2.5 acres per lot should be maintained within this area, consistent with the Large-Lot Residential placetype, **denser development should be allowed if compatible with the existing development pattern and central water and sewer are being extended to provide a transition to expanding Suburban Residential development in Falcon and areas to the south.***

e. **Analysis:**

The proposed lot sizes are greater than the recommended minimum lot size in the Large-Lot Residential Placetype. Relevant goals and objectives are as follows:

Goal LU1 – *Ensure compatibility with established character and infrastructure capacity.*

Objective LU3-1 – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*

Objective HC1-5 – *Focus detached housing development in Large-Lot Residential and Suburban Residential areas given the increasing infrastructure and environmental constraints associated with such development to help maintain the established character of rural communities.*

Goal HC2 – *Preserve the character of rural and environmentally sensitive areas.*

Objective HC2-6 – *Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.*



2. Water Master Plan Analysis

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

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

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 property is located within Planning Region 3 of the Plan, which is an area anticipated to experience growth by 2040. See the water section below for a summary of the water findings and recommendations for the proposed subdivision.

3. Other Master Plan Elements

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

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

F. PHYSICAL SITE CHARACTERISTICS

1. Hazards

A soils & geology report was submitted for review with the Preliminary Plan. Identified geologic conditions on the site include shallow groundwater. Pursuant to Colorado Geological Survey recommendations, the applicant has included the following note on the Preliminary Plan:

Basements or crawlspaces are not allowed without data demonstrating adequate separation (approximately 3-5 feet) can be maintained from fluctuating groundwater

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

levels. Basements should not be allowed without groundwater monitoring throughout a 12-month period that clearly indicates adequate separation (approximately 3-5 feet) can be maintained from fluctuating groundwater levels. Impacts to the measured fluctuating groundwater levels from variations in yearly precipitation rates must be included in this analysis. Prior to approval of basement or other habitable below-grade construction site-specific investigations must provide data on the fluctuation of groundwater and how the variation of yearly precipitation rates may impact this fluctuation.

This note will be required to be included on all subsequent Final Plats within the Preliminary Plan area.

2. Floodplain

As shown on FEMA Flood Insurance Rate Map (FIRM) panel numbers 08041C0567G, the western portion of the subject property is located within a FEMA Zone AE, floodplain with studied base flood elevations. The remaining portion of the proposed subdivision is located outside of the 100-year floodplain.

3. Drainage and Erosion

The proposed subdivision is located within the Haegler Ranch drainage basin, which was studied in 2009. This basin requires drainage and bridge fees to be paid at the time of Final Plat recording. The site generally drains from east to west toward an unnamed creek.

A Preliminary Drainage Report (PDR) was provided with the Preliminary Plan submittal. Runoff will generally be collected via roadside ditches adjacent to the proposed public roads and private gravel driveways. The collected runoff will be released into the unnamed drainageway at the western edge of the project site. Flow will be consistent with historic drainage patterns. The PDR analysis and design indicates that the proposed development will not release developed runoff in excess of historic rates. The PDR concludes that “development of the proposed site does not significantly impact any downstream facility or property to an extent greater than that which currently exists in the pre-development conditions.”

The Haegler Ranch Drainage Basin Planning Study (DBPS) did not call for any improvements with the project site.

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

An erosion and stormwater quality control permit (ESQCP), a grading and erosion control plan, a Financial Assurance Estimate (FAE), a Stormwater Management Plan (SWMP), and wet utility plans will be required at the time of Final Plat.

4. Transportation

The development is located on the south side of Falcon Highway with the intersection of Sage Creek Road. Falcon Highway is a minor arterial owned and maintained by El Paso County. Sagecreek Road is a local gravel road owned and maintained by El Paso County. With the buildout of the project site, the two existing driveways along Falcon Highway will be closed and Sagecreek Road will be extended to the south, providing access to the proposed lots.

The submitted traffic study projects that the development will generate 68 average daily trips with full buildout of the development.

The El Paso County 2016 Major Transportation Corridors Plan Update did not identify any roadway improvements in the immediate vicinity of the site.

El Paso County Road Impact Fees (RIF) as approved by Resolution 19-471 apply to the development. The RIF will be assessed at the final land use approval or when the applicant applies for a building permit.

G. 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 Preliminary Plan has an adequate water supply in terms of quantity and dependability. El Paso County Public Health has recommended that there is an adequate water supply in terms of quality. Water is proposed to be provided to the proposed lots by individual wells.

2. Sanitation

Wastewater is provided by individual on-site wastewater treatment systems (OWTS).

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

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM

sent a referral for the Preliminary Plan and has no outstanding comments or concerns at this time.

4. Utilities

Mountain View Electric Association (MVEA) will provide electrical service and Black Hills Energy (BHE) will provide natural gas service to the subject property. Both utility providers were sent referrals for the Map Amendment; MVEA has no outstanding comments and BHE did not provide a response.

5. Metropolitan Districts

The property is not located within any Metropolitan Districts.

6. Parks/Trails

Fees in lieu of park land dedication will be due at the time of recording the Final Plat(s).

7. Schools

The site is within the boundaries of the Falcon School District No. 49. Fees in lieu of school land dedication shall be paid to El Paso County at time of recording the Final Plat(s).

H. STATUS OF MAJOR ISSUES

There are no major issues.

I. RECOMMENDED CONDITIONS AND NOTATIONS

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

CONDITIONS

1. Applicable traffic, drainage and bridge fees shall be paid with each Final Plat.
2. Applicable school and park fees shall be paid with each Final Plat.
3. 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.

4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 19-471), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/15/2024, as provided by the County Attorney's Office.

NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director.
2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a Final Plat has been approved and recorded or a time extension has been granted.
3. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

J. PUBLIC COMMENT AND NOTICE

The Planning and Community Development Department notified 12 adjoining property owners on August 22, 2024, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

K. ATTACHMENTS

Letter of Intent

Plat Drawing

County Attorney's Water Supply Review and Recommendations

Draft Resolution

2880 INTERNATIONAL CIRCLE
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910
PLNWEB@ELPASOCO.COM



Peerless Farms

Preliminary Plan, Pre-Development Site Grading & Wet Utilities
PCD File No. SP217

Letter of Intent

(Revised 12-08-23)

APPLICANT-OWNER/CONSULTANT INFORMATION:

OWNERS

ROBERT S. WILLIAMS
16975 FALCON HIGHWAY
PEYTON, CO 80831-7906

WENDY K. WILLIAMS
16975 FALCON HIGHWAY
PEYTON, CO 80831-7906

PLANNING

KIMLEY-HORN AND ASSOCIATES, INC.
2. NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, CO 80903

ENGINEERING

KIMLEY-HORN AND ASSOCIATES, INC.
2. NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, CO 80903

SURVEYING

CENTENNIAL LAND SURVEYING
6165 LEHMAN DRIVE,
COLORADO SPRINGS, CO 80918

PEERLESS FARMS PRELIMINARY PLAN SITE LOCATION, SIZE, & ZONING:

Parcel ID Nos.: 4313000001

Area/Acreage: ±40.01 AC

Existing Zoning: RR-5

Location: The development limits are located in the Northwest quarter (1/4) of Section 13, Township 13 South, Range 64 West of the Sixth Principal Meridian. Southwest of the Falcon Highway and Sage Creek Road Intersection.

REQUEST

Robert S. and Wendy K. Williams' preliminary plan application includes the following requests:

- Approval to develop seven (7) single-family residential lots in the RR-5 zone and one (1) public access tract (Tract A) for public improvements, water wells, utilities and drainage;
- Findings of sufficient water quality, quantity, and dependability with the requested preliminary plan approval;
- Authorization to submit a final plat(s) for administrative approval subject to findings that the location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;
- Approval of a Waiver of Section 8.4.3.B.2.e, which requires Lots to have a minimum of 30 feet of frontage on and have access from a public road (Lots 1, 2, 4 & 7 will have frontage but no access to public roads; Lots 3, 5, & 6 will not have frontage nor access to public roads).
 - **Justification of the private road waivers and deviations of the standard roadway cross sections are discussed at the end of this letter report in the Preliminary Plan review and approval criteria analysis and justification.*

PRELIMINARY PLAN SUMMARY

The development standards and layout for seven (7) detached single-family rural residential lots, subdivision access to public rights of way will include one (1) direct access from Falcon Highway, along with two (2) Access and Utility easements.

ACCESS: Vehicular access to the Peerless Farms development is to propose one (1) full movement accesses, extension of Sage Creek Road (South), from Falcon Highway. Two (2) private access and utility easements will service interior lots.

LAND USE: The minimum lot size is five (5) Acres for all lots. Some lot sizes exceed the minimum lot size due to lot configuration and private improvements contained in easements for public drainage, utilities, access and circulation and private open space

(within lot yards). Peerless Farms Subdivision will pay park fees in lieu of providing shared or public open space(s).

Permitted and accessory single-family residential uses include single-family detached dwellings, residential accessory uses (per LDC Chapter 5, Table 5-1 and 5-2 allowances), open spaces, and transportation and stormwater facilities. Separate and privately owned detached accessory structures are not permitted on individual residential lots. A complete listing of permitted uses is provided on the development plan.

Lot 3 has two (2) existing living quarters. One is primary housing, the second is accessory, which is an allowed use in the RR-5 Zone. A guest house affidavit will be completed prior to plat approval.

LOT DIMENSIONAL STANDARDS:

Typical lots have been planned to meet the following dimensional standards:

- **Minimum lot size: 5 Acres**
- **Maximum Height: 35'**
- **Setbacks:**
 - **Front Yard: 25'**
 - **Side Yard: 25'**
 - **Rear Yard: 25'**

PUBLIC SERVICES AND UTILITIES

Public services and utilities are, or will be, provided by the following:

- | | |
|----------------------|-------------------------------------|
| • Water Services: | Water Well |
| • Wastewater: | Individual on-site septic |
| • Natural Gas: | Colorado Springs Utilities |
| • Electric Service: | Mountain View Electric Association |
| • Fire Protection: | Falcon Fire Protection District |
| • Public Schools: | Colorado Springs District #49 |
| • Library Services: | Pikes Peak Library District: |
| • Roads: | El Paso County Road and Bridge |
| • Police Protection: | El Paso County Sheriff's Department |

WATER RESOURCES:

The proposed development is planned to have seven (7) residential properties, which will be provided with water service through private wells. See water resource report for more information.

DRAINAGE REPORT

Peerless Farms consists of unplatted land to be developed into seven (7) rural residential lots (RR-5 zoning). The site is within the Haegler Ranch drainage basin (and DBPS). The proposed development is in general conformance with the DBPS and will not negatively affect downstream drainage.

The existing Project Site generally slopes from east to west as well as from the southeast to the north at grades of approximately 1.5 – 3.5%. The historical drainage patterns will be generally maintained. The Site consists of two (2) single-family homes, a large barn and some small out-buildings. The Site does not have any existing stormwater infrastructure; with the exception of a 24” culvert beneath Falcon Highway that allows the unnamed drainageway to drain from the north side of Falcon Highway to the Site.

The developed runoff from the Project will generally be collected by means of roadside ditches located adjacent to the proposed public road and private gravel driveways. The runoff collected in the roadside ditches will be conveyed to the unnamed drainageway, following historical runoff patterns.

Detention and water-quality facilities are not required for the Project as the development consists of 5-acre residential lots and as less than 1-acre of public roadway is proposed for the Site.

WILDFIRE HAZARD ASSESSMENT AND MITIGATION

Peerless Farms Site is outside the wildland urban interface zone and is **not** in the mapped Wildfire Susceptibility index (very-high or moderate to very-high) zones.

According to the site planning and maintenance within defensible zones, each residential site will be encouraged to address the principles of protection zones within this grassland environment with the goal of reducing dense and tall landscape materials within the initial 15’ zone around structures. This would include thinning and branching-up of existing trees and ground plain materials.

Mitigation efforts can be reviewed in the EPC Community Wildfire Protection Plan for Unincorporated El Paso County, with reference to Forest Action Plan, provided by the Colorado State Forest Service.

FALCON FIRE PROTECTION DISTRICT COMMITMENT LETTER

Peerless Farms Subdivision is in the Falcon Fire Protection District. Fire Chief Trent Harwig confirmed on April 1, 2021 that service will be provided subject to the following conditions:

- All new construction, renovations or developments within the Fire Department's jurisdiction must comply with the applicable fire code and nationally recognized life-safety

standards adopted by the El Paso County Board of County Commissioners and the Fire Department's Board of Directors, as amended.

- All development, water and commercial construction plans must be reviewed and approved by the Fire Department for compliance with the applicable fire code and nationally recognized life-safety standards prior to final plat or construction permit being issued; and,
- All new development projects' accesses shall meet the fire code and nationally recognized standards pertaining to fire apparatus access.

ELECTRIC PROVIDER SERVICE COMMITMENT

Peerless Farms Subdivision is located within the Mountain View Electrical Association (MVEA) service area. MVEA confirmed April 8, 2021 with the request of a ten (10) foot front, side and rear lot utility easement, along with a twenty (20) foot exterior utility easement on the plat and all tracts. They also request all existing facilities with easements on plat(s) be included.

Note: removal and relocation of existing facilities will be at the expense of the landowner(s).

NATURAL FEATURES:

Wildlife

Wildlife impacts are expected to be generally low based on review of the El Paso County Wildlife Descriptors Map. Additional wildlife impacts may be identified by other entities with wildlife jurisdiction.

Floodplain

(from KH- FDR)

According to the Preliminary Drainage Report, the western portion of the Site is within Area AE, special flood hazard areas with base flood elevations and Zone X, 0.2% annual chance flood hazard, areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile.

The remaining portion of the Site is located outside of the 100-year floodplain as determined by the custom FIRMette map created on April 20, 2021 and contained with Appendix B.

(from RMG Soils Report)

According to the geology and soils report, this presence of the floodplain is not believed to pose a higher risk to this structure than to several currently existing structures in the surrounding area.

Provided that the recommendations presented herein, as well as any requirements stipulated by the governing regulatory agencies, are followed, the presence of the floodplain is not anticipated to preclude the proposed development on Lots 1 and 5 or the development as a whole.

Vegetation

The Site contains two (2) single family residences located near the center of the property and a detached barn approximately 500 feet to the east of the residences. Topographically the Site consists of fairly flat to gently rolling terrain, with overall slopes less than 9 percent across the property. The overall slope is downward from the north to the south, southwest, with an elevation difference of approximately 28 to 30 feet across the Site.

An unnamed intermittent creek traverses the Site along the western portion the property. Trees only exist around the residence. Three small ponds are located east of the intermittent creek. It is uncertain at this time if the ponds are to remain or to be filled in prior to future construction. The entire Site consists of low-lying native grasses and weeds. According to the 'Geology and Soils Study' prepared by completed by RMG-Rocky Mountain Group, dated April 14, 2021, which has been included with the submittal.

NOXIOUS WEED

Per the El Paso County Noxious Weed Mitigation Plan, weed management for Peerless Farms Subdivision includes both prevention and mitigation.

JUSTIFICATION

Approval to develop said seven (7) single-family residential lots under the RR-5 zoning criteria set out in Section 7.2.1 (D)(f) as follows.

- **Peerless Farms Subdivision is in conformance with the goals, objectives, and policies of the master plan established by El Paso County.**

All lots will be a minimum of 5 Acres per the land development code section 3.2.2 (A)

- **Peerless Farms Subdivision does not include open space areas, but plan to pay park fees in lieu of providing open space.**
- ***The proposed subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;***

The subdivision generally conforms to the goals, objectives, and policies of the Master Plan, which includes the Your El Paso Master Plan, and Water Master Plan. Conformance with the Master Plan is discussed separately below.

Findings of Master Plan conformity regarding land use and densities have been made in support with the adjacent Developments, those being Sagecreek North and Sagecreek South Filing No. 1 with existing land uses and densities for the Peerless Farms area. This application remains consistent with those findings; and with the following policies from the Your El Paso Master Plan, County Policy Plan and County Water Master Plan:

Peerless Farms Subdivision would promote the rural-residential character of eastern El Paso County and would also satisfy the Following policies of Your El Paso County Master Plan:

Core Principle 1: Manage growth to ensure a variety of compatible land uses that preserve all character areas of the County.

Goal 1.1-Ensure compatibility with established character and infrastructure capacity.

Goal 1.2- Coordinate context-sensitive annexation and growth strategies with municipalities.

Goal 1.3- Encourage a range of development types to support a variety of land uses.

Goal 1.4- Continue to encourage policies that ensure “development pays for itself”.

Key Areas

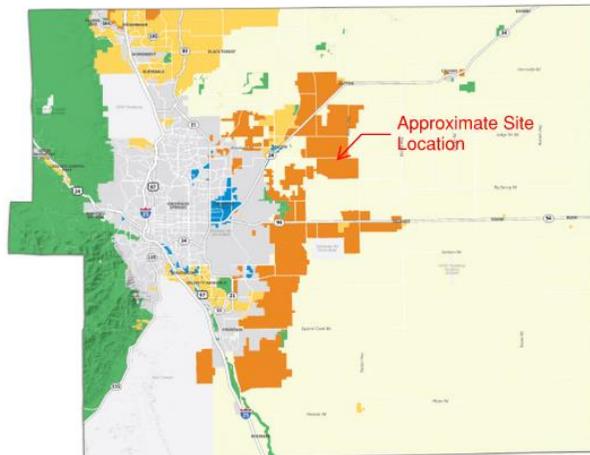


Key Areas



This Site is not located within any Key areas

Areas of Change

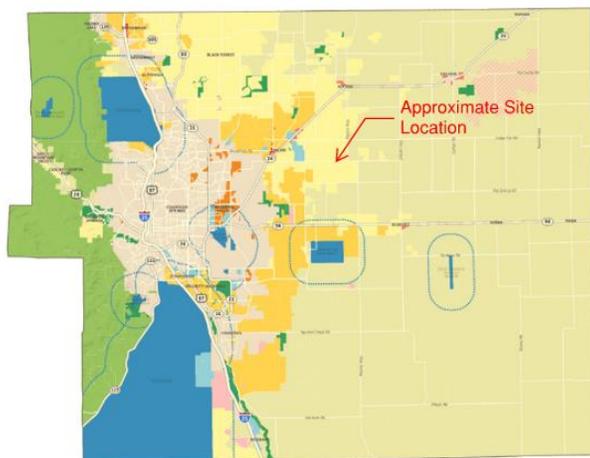


Areas of Change

- Protected/Conservation Area
- Minimal Change: Undeveloped
- Minimal Change: Developed
- New Development
- Transition

Peerless Farms is located in the area expected for New Development. These areas are designated to as undeveloped or agricultural areas, it is expected that these developments are to match the characteristics of adjacent properties.

Place Type



Placetypes



Peerless Farms is located within the Large-Lot Residential type. This land use is designated for Single-family detached residential units, 2.5 acres or larger. The large lots residential place type generally supports accessory dwelling units as well. See Chapter 5.2.1 for further details.

It has been recognized and meets the requirements from the said section. The existing accessory structure is to remain as such on proposed Lot 3, affidavit will be filed with the clerk and recorder during the Final Plat process acknowledging that the accessory living quarters may not be leased or rented.

- **The subdivision is consistent with the purposes of this Code;**

The preliminary plan is consistent with the purposes of this Code, which include development procedures and standards intended to promote safe and orderly development of land and the placement of land uses in relation to existing and predicted patterns of growth and availability of necessary services.

- **The subdivision is in conformance with the subdivision design standards and any approved sketch plan;**

The subdivision conforms with the subdivision standards of the Code if the requested waivers are approved.

- **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**

An existing well is on site to be capped. There are two (2) exiting, abandoned water lines that will not be used with the proposed lots. With the current water rights findings, all lots shall be served by their own new wells. See the water resource report for more information.

Water rights have been identified and approved for individual wells. See enclosed letters of Determination:

- No: 4476-BD
- No: 4475-BD
- No: 4477-BD

- **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;**

Wastewater will be provided by way of individual on-site septic/wastewater systems. Reference the Soil and Geology Report, prepared by RMG – Rocky Mountain Group, Job No. 180213, last dated April 14, 2021

- **All areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];**

Soils and geologic hazards and constraints including floodplain have been identified on the preliminary plan. The soils and geology report has not identified any hazards

or constraints that would preclude development of the site. The subdivision has been designed to avoid and minimize impacts to identified hazard and/or constraint conditions.

Constraints and mitigation efforts can be found on line item 10.0 title Bearing of Geologic Conditions Upon Proposed Development. Under line item 11.0, "A site-specific subsurface soil investigation and OWTS evaluation and design will be required for all proposed single-family residences.

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

Drainage improvements have been designed to adequately convey, store, treat, and release historic and developed flows onto and through the site.

- **The location and design of the public improvements proposed in connection with the subdivision are adequate to serve the needs and mitigate the effects of the development;**

The public improvements (on-site and off-site) have been designed and sited to adequately serve the needs and mitigate the impacts of the development, including, roads, utilities, drainage facilities.

- **Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with this Code and the ECM;**

Legal access is provided to the subdivision is via connection from the Sage Creek Road southerly extension to Falcon Highway. The required access meets applicable spacing criteria. Individual lot access is provided by way of both public street and private drive access points identified on the plan. Each private drive will provide access to three (3) lots. None of the proposed lots will gain direct access to Falcon Highway.

- **The proposed subdivision has established an adequate level of compatibility by incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the subdivision;**

The subdivision has been designed to minimize impact to natural features such as the noted floodplain. The Code does not have open space requirements for rural density subdivisions and no common open space is provided. Lots are large enough to provide private open spaces within each individual lot.

- **Does the plan incorporate site planning techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County?**

The Site has been designed to provide required public services and infrastructure (transportation/utilities) consistent with rural large lot development standards.

- **Do the plan incorporate physical design features in the subdivision to provide a transition between the subdivision and adjacent land uses?**

The plan reflects the standard transitions and buffers consistent with the EPC planning criteria.

- **Does the plan incorporate identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design?**

Environmentally sensitive features have been identified on the preliminary plan and designated as no-build areas.

- **Does the plan incorporate public facilities or infrastructure, or provisions therefore, reasonably related to the proposed subdivision so the proposed subdivision will not negatively impact the levels of service of County services and facilities?**

The subdivision improvements (road, utility, stormwater) have been planned to meet the demand of the subdivision and not negatively impact level of service for county services and facilities. Appropriate bridge, drainage, park, school, and traffic fees will be paid at the time of final plat recordation.

- **Are necessary services, including police and protection, recreation, utilities, open space and transportation system, are or will be available to serve the proposed subdivision?**

Services have been reviewed with identified provided and related commitment letters have been provide with this application.

- **The subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code; and**

The fire protection requirements for access and water supply for fire suppression have been provided. Specific recommendations and requirements of the Falcon Fire

Protection District will be incorporated into the design; including required public improvements necessary for fire protection.

- **The proposed subdivision meets other applicable sections of Chapter 6 and 8 of this Code.**

The subdivision and application meet all other applicable sections of Chapter 6 and 8 subject to approval of the private road waiver and waiver for:

WAIVER APPROVAL CRITERIA (Private Road/Access)

- ***The waiver does not have the effect of nullifying the intent and purpose of this Code;***

The waiver request does not have the effect of nullifying the intent and purpose of the Code, which is the preservation and improvement of the public health, safety and general welfare of the citizens and businesses of El Paso County; to ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision, and, in so doing, ensure that current residents will be required to bear no more than their fair share of the cost of providing the facilities and services by requiring the developer to pay fees, furnish land, or establish mitigation measures to cover the development's fair share of the capital facilities needs generated by the development.

The project extends Sage Creek Road southward across Falcon Highway into the subdivision boundaries. Instead of constructing an additional 1/3 mile of public roadways that will only serve the seven (7) lots in the Peerless Subdivision the developer proposes private driveways provide access to lots from the Sage Creek Road extension. The shared driveways shift the burden of maintenance from the public to property owners within the development.

- ***The waiver will not result in the need for additional subsequent waivers;***

No additional waivers are needed to support the lot access and frontage waiver.

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

The transportation impacts were analyzed in the Crossroads Mixed Use Traffic Study Letter, prepared by Kimley-Horn dated May 24, 2021, which found the proposed private roads suitable to meet projected traffic demands of the Crossroads Mixed-Use development.

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

Unique property conditions upon which the waiver are based include: the floodplain impacts to the western portion of the Site, horizontal orientation of the property length against Falcon Highway, the alignment of Sage Creek Road on the eastern boundary of the Site, and limitations on future individual lot access to Falcon Highway. These conditions create a unique, cumulative circumstance upon the property, which are not applicable to other properties.

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

The requested waivers are not related to any specific economic hardships.

- ***The waiver will not in any manner vary the zoning provisions of this Code; and***

The waivers will not vary any zoning provisions of the Code.

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

The waivers are not contrary to any provision of the Master Plan.

Traffic Assessment:

Traffic Assessment Letter presents trip generation for the proposed Peerless Farms project to be located on the southwest corner of the Falcon Highway and Sagecreek Road intersection in El Paso County, Colorado. The site is located at 16975 Falcon Highway and is proposed to include seven (7) single-family residential homes (site plan attached). Of note, one (1) single family home currently exists on the property; therefore, a net of six (6) homes are proposed to be added with this development.

Additionally, a traffic impact study is not required if all of the El Paso County ECM criteria below are satisfied: (1) there are no additional proposed minor or major roadway intersections on major collectors, arterials, or State Highways; (2) the increase in the number of vehicular trips does not exceed the existing trip generation by more than 10 peak hour trips or 100 daily trip ends; (3) the change in the type of traffic to be generated (i.e., the addition of truck traffic) does not adversely affect the traffic currently planned for and accommodated within, and adjacent to, the property; (4) acceptable LOS on the adjacent public roadways, accesses, and intersections will be maintained; (5) no roadway

or intersection in the immediate vicinity has a history of safety or accident problems; and
(6) there is no change of land use with access to a State Highway.

Single Family Detached Road Impact Fees:

The Developer elects to pay the Road Impact Fees prior to/at time of recording the Final Plat.

The estimated fee is (proposed new units) 6 x \$3,830.00 =\$22,980.00

One Residential Unit existing.

PEERLESS FARMS PRELIMINARY PLAN

16975 FALCON HIGHWAY, PEYTON, CO
SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE
6TH P.M., CITY OF PEYTON, COUNTY OF EL PASO, STATE OF COLORADO

LEGAL DESCRIPTION:

The Land referred to herein below is situated in the County of El Paso, State of Colorado, and is described as follows:

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 13 IN TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE SOUTH 00°31'50" WEST ALONG THE WEST SECTION LINE A DISTANCE OF 60.01 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°21'32" EAST ON A LINE PARALLEL TO THE NORTH SECTION LINE A DISTANCE OF 100.00 FEET; THENCE SOUTH 00°31'50" WEST ALONG THE WEST SECTION LINE A DISTANCE OF 100.00 FEET; THENCE WEST 00°31'50" WEST ALONG THE WEST SECTION LINE A DISTANCE OF 100.00 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.

SITE DATA TABLE:

TAX ID NUMBER:	4313000001
CURRENT ZONING:	RR-5
PROPOSED ZONING:	RR-5
PROPOSED LOTS:	7
TOTAL SITE AREA:	40.01 AC±
MINIMUM LOT SIZE:	5.019 AC±
PUBLIC ROW:	0.025 AC±
MAXIMUM LOT COVERAGE:	NONE
MAXIMUM BUILDING HEIGHT:	35' (UNLESS OTHERWISE IMPACTED BY RRR&S RESTRICTIONS)

SOILS & GEOLOGY CONDITIONS, CONSTRAINTS, & HAZARDS NOTE

1. A SOILS AND GEOLOGY STUDY FOR ROBERT WILLIAMS WAS COMPLETED BY RKS ENGINEERS ON APRIL 14, 2022 AND INCLUDED THE AREA OF DEVELOPMENT PROPOSED, KNOWN AS PEERLESS FARMS. THE PRELIMINARY PLAN SUBMITTED TO THE EL PASO BOARD OF COUNTY COMMISSIONERS, PLANNING AND COMMUNITY DEVELOPMENT FILE NUMBER (TBD), DEVELOPERS AND HOMEOWNERS SHOULD BECOME FAMILIAR WITH THIS REPORT AND ITS CONTENTS. **
2. THE PROPOSED DEVELOPMENT IS FEASIBLE. THE GEOLOGIC CONDITIONS IDENTIFIED POTENTIALLY CONSIDERED TYPICAL FOR THE FRONT RANGE REGIONS OF COLORADO. MITIGATION OF GEOLOGIC CONDITIONS IS MOST EFFECTIVELY ACCOMPLISHED BY AVOIDANCE. HOWEVER, WHERE AVOIDANCE IS NOT A PRACTICAL NOR ACCEPTABLE ALTERNATIVE, GEOLOGIC CONDITIONS SHOULD BE MITIGATED BY IMPLEMENTING APPROPRIATE PLANNING, ENGINEERING AND SUITABLE CONSTRUCTION PRACTICES. **
3. SITE-SPECIFIC STUDIES SHOULD BE PERFORMED FOR THE LOTS WITH THIS SUBDIVISION WORK TO DETERMINE THE APPROPRIATE SUBDIVISION SUBDIVISIONS, FOUNDATIONS, AND RECOMMENDATIONS FOR FOUNDATION DESIGN AND CONSTRUCTION. **
4. DUE TO THE SHALLOW GROUNDWATER CONDITIONS ENCOUNTERED NEAR THE UNNAMED INTERMITTENT CREEK, THE USE OF BASEMENTS ON LOTS 1, 5, AND 6 MAY BE LIMITED. NEW CONSTRUCTION IS NOT RECOMMENDED FOR THESE LOTS UNLESS THE FOUNDATION DESIGN IS APPROVED BY THE ENGINEER. WE RECOMMEND THAT THOSE STRUCTURES BE SUBJECT TO THE SAME FEASIBILITY EVALUATIONS AS
5. THE PROPOSED RESIDENCES ON LOT 1 AND 5 AND ANY FUTURE STRUCTURES PROPOSED FOR LOT 3 WILL NEED TO CONSIDER THE BFE AT THE TIME OF CONSTRUCTION. **
6. BASEMENTS OR CRAWL SPACES ARE NOT ALLOWED WITHOUT DATA DEMONSTRATING ADEQUATE SEPARATION (APPROXIMATELY 3.5 FEET) CAN BE MAINTAINED FROM FLUCTUATING GROUNDWATER LEVELS. BASEMENTS OR CRAWL SPACES ARE NOT ALLOWED WITHOUT DATA DEMONSTRATING ADEQUATE SEPARATION (APPROXIMATELY 3.5 FEET) CAN BE MAINTAINED FROM FLUCTUATING GROUNDWATER LEVELS. IMPACTS TO THE MEASURED FLUCTUATING GROUNDWATER LEVELS FROM VARIATIONS IN YEARLY PRECIPITATION RATES MUST BE INCLUDED IN THIS ANALYSIS. PRIOR TO APPROVAL OF BASEMENT OR OTHER HABITABLE BELOW-GRADE CONSTRUCTION, SITE-SPECIFIC YEARLY PRECIPITATION RATES MAY IMPACT THIS FLUCTUATION. **
7. PREVIOUSLY IDENTIFIED MITIGATION ALTERNATIVES, SURFACE AND SUBSURFACE DRAINAGE SYSTEMS SHOULD BE CONSIDERED. EXTERIOR PERIMETER FOUNDATION DRAINS SHOULD BE INSTALLED AROUND BELOW-GRADE HABITABLE OR STORAGE SPACES. SURFACE WATER SHOULD BE EFFICIENTLY REMOVED FROM THE BUILDING AREA TO PREVENT PONDING AND INFILTRATION TO THE SUBSURFACE SOIL. **
8. ALL CONSTRUCTION SHOULD REMAIN OUTSIDE THE UNNAMED CREEK DRAINAGEWAY. IT IS RECOMMENDED THAT THE ENGINEER CONSULT WITH THE EL PASO COUNTY ENGINEER TO DETERMINE IF ANY ADDITIONAL PERFORMED IN CONJUNCTION WITH THE DRAINAGE ENGINEER, PRIOR TO ANY NEW CONSTRUCTION. **

** REFER TO THE SOILS REPORT FOR MORE DETAILED INFORMATION.

FLOODPLAIN NOTES:

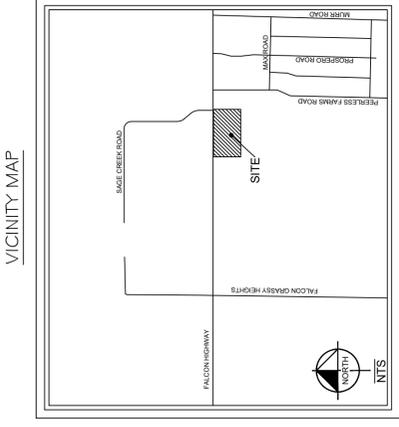
A PORTION OF THE PROPERTY IS LOCATED WITHIN A DESIGNATED FEMA FLOODPLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAP, COMMUNITY MAPS NUMBERED 19804L0567G, DATED DECEMBER 7, 2018, THE LIMITS OF WHICH ARE SHOWN ON THE SURVEY. AREAS WITHIN THE FLOODPLAIN ARE ZONE AE. AREAS OUTSIDE THE FLOODPLAIN ARE ZONE X.



© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
2 NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, COLORADO 80903 (719) 453-0180

PRELIMINARY PLAN NOTES

1. THE FOLLOWING REPORTS HAVE BEEN SUBMITTED IN ASSOCIATION WITH THE PRELIMINARY PLAN AND ARE ON FILE AT THE COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT: DRAINAGE REPORT; WATER RESOURCES REPORT; GEOLOGY AND SOILS REPORT; FIRE PROTECTION REPORT; NATURAL FEATURES REPORT;
2. THE PROPOSED DEVELOPMENT IS FEASIBLE. THE GEOLOGIC CONDITIONS IDENTIFIED POTENTIALLY CONSIDERED TYPICAL FOR THE FRONT RANGE REGIONS OF COLORADO. MITIGATION OF GEOLOGIC CONDITIONS IS MOST EFFECTIVELY ACCOMPLISHED BY AVOIDANCE. HOWEVER, WHERE AVOIDANCE IS NOT A PRACTICAL NOR ACCEPTABLE ALTERNATIVE, GEOLOGIC CONDITIONS SHOULD BE MITIGATED BY IMPLEMENTING APPROPRIATE PLANNING, ENGINEERING AND SUITABLE CONSTRUCTION PRACTICES. **
3. SITE-SPECIFIC STUDIES SHOULD BE PERFORMED FOR THE LOTS WITH THIS SUBDIVISION WORK TO DETERMINE THE APPROPRIATE SUBDIVISION SUBDIVISIONS, FOUNDATIONS, AND RECOMMENDATIONS FOR FOUNDATION DESIGN AND CONSTRUCTION. **
4. DUE TO THE SHALLOW GROUNDWATER CONDITIONS ENCOUNTERED NEAR THE UNNAMED INTERMITTENT CREEK, THE USE OF BASEMENTS ON LOTS 1, 5, AND 6 MAY BE LIMITED. NEW CONSTRUCTION IS NOT RECOMMENDED FOR THESE LOTS UNLESS THE FOUNDATION DESIGN IS APPROVED BY THE ENGINEER. WE RECOMMEND THAT THOSE STRUCTURES BE SUBJECT TO THE SAME FEASIBILITY EVALUATIONS AS
5. THE PROPOSED RESIDENCES ON LOT 1 AND 5 AND ANY FUTURE STRUCTURES PROPOSED FOR LOT 3 WILL NEED TO CONSIDER THE BFE AT THE TIME OF CONSTRUCTION. **
6. BASEMENTS OR CRAWL SPACES ARE NOT ALLOWED WITHOUT DATA DEMONSTRATING ADEQUATE SEPARATION (APPROXIMATELY 3.5 FEET) CAN BE MAINTAINED FROM FLUCTUATING GROUNDWATER LEVELS. BASEMENTS OR CRAWL SPACES ARE NOT ALLOWED WITHOUT DATA DEMONSTRATING ADEQUATE SEPARATION (APPROXIMATELY 3.5 FEET) CAN BE MAINTAINED FROM FLUCTUATING GROUNDWATER LEVELS. IMPACTS TO THE MEASURED FLUCTUATING GROUNDWATER LEVELS FROM VARIATIONS IN YEARLY PRECIPITATION RATES MUST BE INCLUDED IN THIS ANALYSIS. PRIOR TO APPROVAL OF BASEMENT OR OTHER HABITABLE BELOW-GRADE CONSTRUCTION, SITE-SPECIFIC YEARLY PRECIPITATION RATES MAY IMPACT THIS FLUCTUATION. **
7. PREVIOUSLY IDENTIFIED MITIGATION ALTERNATIVES, SURFACE AND SUBSURFACE DRAINAGE SYSTEMS SHOULD BE CONSIDERED. EXTERIOR PERIMETER FOUNDATION DRAINS SHOULD BE INSTALLED AROUND BELOW-GRADE HABITABLE OR STORAGE SPACES. SURFACE WATER SHOULD BE EFFICIENTLY REMOVED FROM THE BUILDING AREA TO PREVENT PONDING AND INFILTRATION TO THE SUBSURFACE SOIL. **
8. ALL CONSTRUCTION SHOULD REMAIN OUTSIDE THE UNNAMED CREEK DRAINAGEWAY. IT IS RECOMMENDED THAT THE ENGINEER CONSULT WITH THE EL PASO COUNTY ENGINEER TO DETERMINE IF ANY ADDITIONAL PERFORMED IN CONJUNCTION WITH THE DRAINAGE ENGINEER, PRIOR TO ANY NEW CONSTRUCTION. **



SHEET INDEX:

01	COVER SHEET
02	PRELIMINARY PLAN
03	PRELIMINARY PLAN DETAILS

PROJECT TEAM:

OWNER/DEVELOPER:
ROBERT S. AND WENDY K. WILLIAMS
16975 FALCON HIGHWAY,
PEYTON, CO 80831-7006
rsawilliams@protonmail.com
(601) 459-1914

CIVIL ENGINEER:
KIMLEY-HORN
2 NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, CO 80903
michael.beck@kimley-horn.com
(719) 284-7281

PLANNERS/ LANDSCAPE ARCHT.:
MILBY
2 NORTH NEVADA AVENUE, SUITE 900
COLORADO SPRINGS, CO 80903
jim.hoak@kimley-horn.com
(719) 284-7280

SURVEYOR:
CENTENNIAL LAND SURVEYING
6445 LEHMAN DRIVE
COLORADO SPRINGS, CO 80918
james@centennial-land.com
(719) 462-6540

PEERLESS FARMS PRELIMINARY PLAN

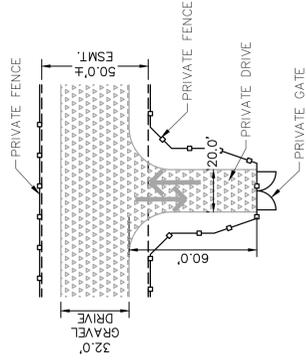
16975 FALCON HIGHWAY, PEYTON, CO
SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE
6TH P.M., CITY OF PEYTON, COUNTY OF EL PASO, STATE OF COLORADO

LOT TABLE		
LOT NO.	SF/AC±	USE
1	215,765SF± / 5.046AC±	RESIDENTIAL
2	218,572SF± / 5.018AC±	RESIDENTIAL
3	272,326SF± / 6.266AC±	RESIDENTIAL
4	222,638SF± / 5.112AC±	RESIDENTIAL
5	299,089SF± / 6.866AC±	RESIDENTIAL
6	243,136SF± / 5.582AC±	RESIDENTIAL
7	221,592SF± / 5.087AC±	RESIDENTIAL

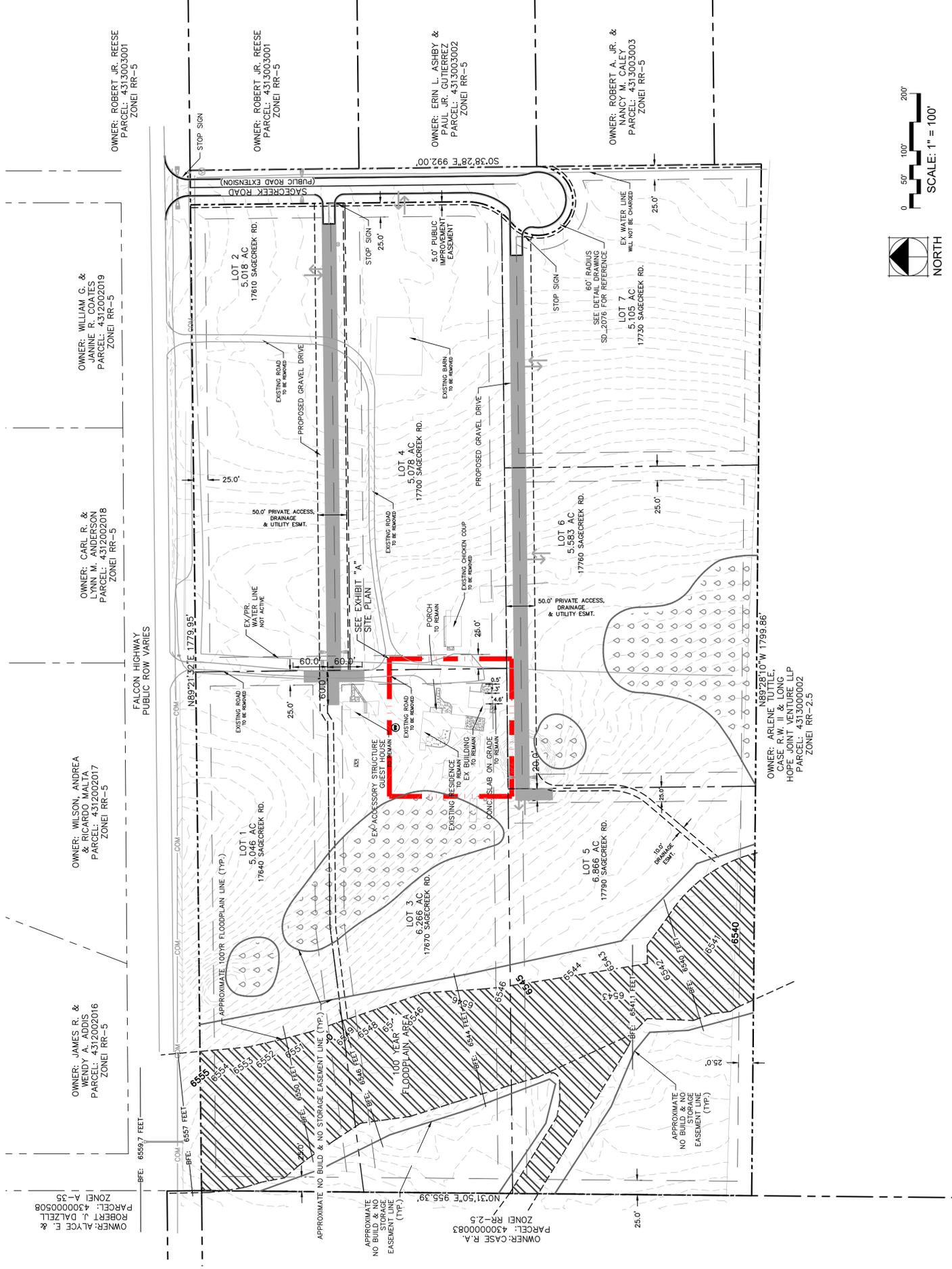
LEGEND

- GRAVEL ROAD
- ASPHALT ROAD
- FLOODPLAIN
- SEASONALLY WET AREAS*
(NO BUILD AREAS)
- PROPERTY BOUNDARY
- LOT LINE
- PROPERTY SETBACK
- FEMA 100YR FLOODPLAIN
- NO BUILD AND NO STORAGE EASEMENT LINE
- ACCESS AND UTILITY EASEMENTS
- EXISTING GRAVEL ROAD TO BE REMOVED
- BFE: XXXX- BASE FLOOD ELEVATION

*NOTE: SEE FIG. 11 FROM RMG ARCHITECTS AND ENGINEERS SOILS AND GEOLOGY REPORT. JOB NO.: 180213 FOR FURTHER INFORMATION.



1 ALTERNATIVE HAMMERHEAD/PRIVATE FENCE LAYOUT DETAIL
TYPICAL TURN ROUND



0 50' 100' 200'
SCALE: 1" = 100'

PEERLESS FARMS

PRELIMINARY PLAN

16975 FALCON HIGHWAY, PEYTON, CO
 SITUATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE
 6TH P.M., CITY OF PEYTON, COUNTY OF EL PASO, STATE OF COLORADO

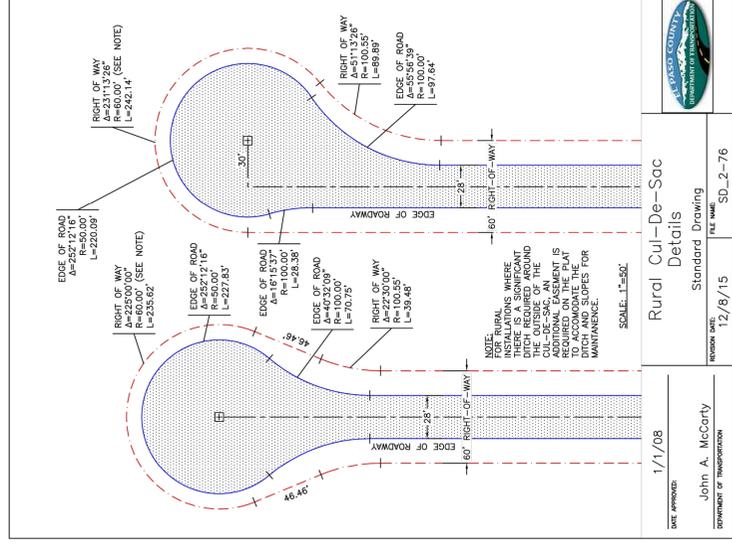
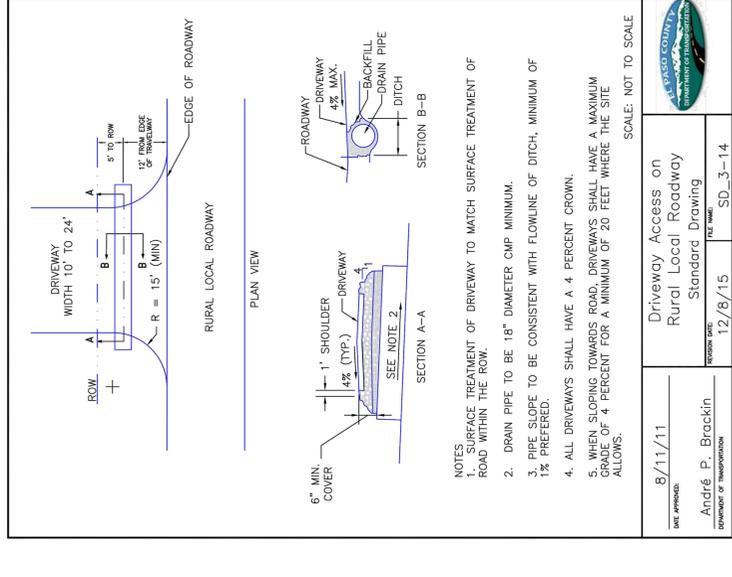
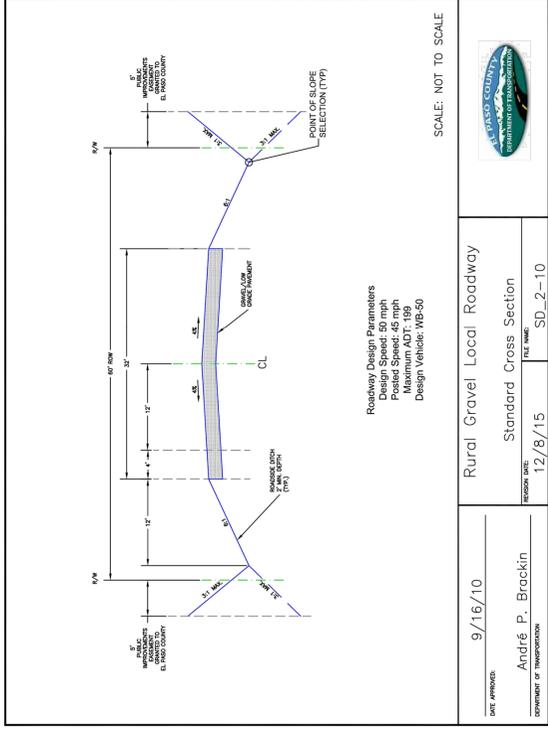
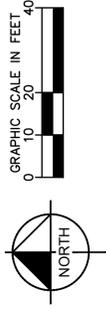
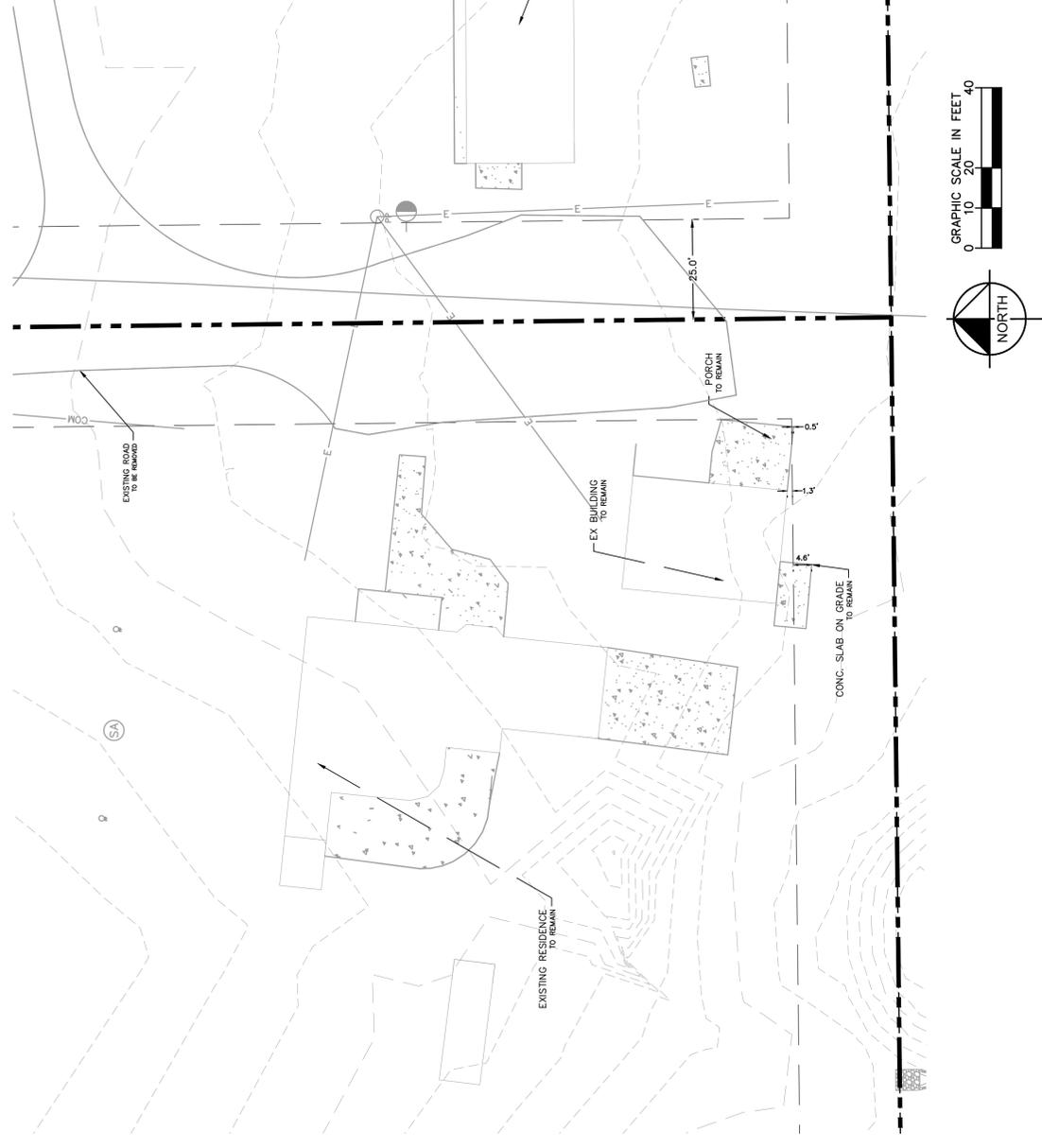


EXHIBIT "A" SITE PLAN



© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
 2 NORTH NEVADA AVENUE, SUITE 900
 COLORADO SPRINGS, COLORADO 80903 (719) 453-0180

County Attorney

Kenneth R. Hodges, County Attorney
719-520-6485
Centennial Hall
200 S. Cascade, Suite 150
Colorado Springs, CO 80903
www.ElPasoCo.com

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

August 15, 2024

SP-21-7 Peerless Farms

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

AMENDED WATER SUPPLY REVIEW AND RECOMMENDATIONS

**This Review replaces and supersedes the Review dated July 25, 2024*

Project Description

1. This is a proposal for approval of Peerless Farms, an application by Robert and Wendy Williams (“Applicant”) for a 7-lot subdivision on a parcel of 40 acres of land (the “property”). The property is zoned RR-5 (Rural Residential).

Estimated Water Demand

2. Pursuant to the *Water Supply Information Summary* (“WSIS”), the water demand for the 7 residential lots is estimated to include household use of 1.82 acre-feet/year (0.26 acre-feet/year per lot), 3.50 acre-feet per year of irrigation per year (0.5 acre-feet/year per lot) for a total estimated demand of 5.32 acre-feet per year for the 7 lots or 0.76 acre-feet/year per lot.¹ Based on this total demand, Applicant must be able to provide a supply of 1,596 acre-feet of water (5.32 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

¹ Lot 3 contains a single-family home and one guest house. According to the Report, water is currently provided through an existing well with Permit No. 8141. This well will be abandoned and a new well will be installed. The Report indicates that the guest house is only occupied 25% of the year and because the irrigation demand estimate is double what is required by the El Paso County Land Development Code, the additional water demand posed by the guest house will be covered by the additional irrigation demand.

ASSISTANT COUNTY ATTORNEYS

NATHAN J. WHITNEY
CHRISTOPHER M. STRIDER
PC Report Packet

STEVEN A. KLAFFKY
TERRY A. SAMPLE

LORI L. SEAGO
ERIKA KEECH

BRYAN E. SCHMID
STEVEN W. MARTYN

DOREY L. SPOTTS
MERI GERRINGER

Proposed Water Supply

3. The Applicant has provided for the source of water to derive from one or more individual on-lot wells withdrawing from the nontributary Arapahoe and Laramie-Fox Hills aquifers as provided in Colorado Ground Water Commission Determination of Water Right No. 4476-BD (“Arapahoe Determination”) and Determination of Water Right No. 4475-BD (“Laramie-Fox Hills Determination”), permitting a total withdrawal of 4.3 acre-feet per year of groundwater from the Laramie-Fox Hills aquifer (for a total of 1,290 acre-feet over 300 years) and 4.53 acre-feet per year of groundwater from the Arapahoe aquifer (for a total of 1,360 acre-feet over 300 years). The proposed water supply for Lots 1, 6 and 7 of Peerless Farms are wells not yet constructed operating pursuant to the Arapahoe Determination. The proposed water supply for Lots 2, 3,² 4 and 5 of Peerless Farms are wells not yet constructed operating pursuant to the Laramie-Fox Hills Determination.

An existing well currently provides water service to two single family homes through Permit No. 8141. The existing well is expected to be abandoned and new individual wells will be installed for all 7 lots.

State Engineer’s Office Opinion

4. In a letter dated June 11, 2024, the State Engineer stated that the proposed water supply for the 7 lots includes 3 new wells constructed in the Arapahoe aquifer operating pursuant to Determination no. 4476-BD, and 4 new wells in the Laramie-Fox Hills aquifer operating pursuant to Determination no. 4475-BD.

Lots 1, 6 and 7 of Peerless Farms will construct wells in the Arapahoe aquifer pursuant to the Arapahoe Determination with the following allowed uses: domestic in-house; irrigation of lawn, garden, and greenhouse; domestic animal and stock watering; commercial; firefighting; and replacement; either directly or after temporary storage in a cistern. The wells are each permitted to draw up to 1.51 acre-feet/year but the current demand for each lot is 0.76 acre-feet per year for a total of 2.28 acre-feet per year.

Lots 2, 3, 4 and 5 of Peerless Farms will construct wells in the Laramie-Fox Hills aquifer pursuant to the Laramie-Fox Hills Determination with the following allowed uses: domestic in-house; irrigation of lawn, garden and greenhouse; domestic animal and stock watering; commercial; firefighting; and replacement; either directly or after temporary storage in a cistern. The wells are each permitted to draw up to 1.08 acre-feet/year but the current demand for each lot is 0.76 acre-feet per year for a total of 3.04 acre-feet per year.

Finally, the State Engineer provided their opinion, “. . . pursuant to section 30-28-136(1)(h)(l), 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 **so long as well no. 8141 is plugged and abandoned upon subdivision approval.**”

Recommended Findings

5. Quantity and Dependability. Applicant's water demand for Peerless Farms is 5.32 acre-feet per year. This results in a demand of 1,596 acre-feet for the subdivision for 300 years. Under the Arapahoe Determination, Applicant owns the right to withdraw up to 1,360 acre-feet or 4.53 acre-feet per year of water from the Arapahoe aquifer, and under the Laramie-Fox Hills Determination, Applicant owns the right to withdraw up to 1,290 acre-feet or 4.3 acre-feet per year based on a 300-year allocation for use within the subdivision.

Based on the water demand of 1,596 acre-feet total or 5.32 acre-feet/year (0.76 acre-feet per lot per year) for Peerless Farms and the right to withdraw up to 4.53 acre-feet per year from the Arapahoe aquifer, as well as an additional 4.3 acre-feet total per year from the Laramie-Fox Hills aquifer, the County Attorney's Office recommends a finding of sufficient water quantity and dependability for Peerless Farms.

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

7. Basis. The County Attorney's Office reviewed the following documents in preparing this review: a Water Resources Report dated June 3, 2024, the Water Supply Information Summary, the State Engineer's Office Opinion dated June 11, 2024, Determination of Water Right No. 4475-BD entered on January 25, 2023, and Determination of Water Right No. 4476-BD entered on January 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 its successors and assigns shall comply with all requirements of the Colorado Ground Water Commission Determination of Water Right No. 4475-BD ("Laramie-Fox Hills Determination") and Determination of Water Right No. 4476-BD ("Arapahoe Determination"), including that water withdrawn from the Laramie-Fox Hills aquifer shall not exceed 4.3 combined acre-feet per year and water withdrawn from the Arapahoe aquifer shall not exceed 4.53 combined acre-feet per year.

B. Applicant may create a homeowners' association ("HOA") for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water determinations for the property. For minor subdivisions such as this, however, in which a replacement plan is not required, Applicant may elect to solely rely on covenant provisions required below and forego creation of an HOA.

C. Applicant shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision and their successors and assigns regarding all applicable requirements of the Laramie-Fox Hills and Arapahoe Determinations.

Covenants shall specifically address the following:

1) Identify the water rights associated with the property. The Covenants shall reserve 912 acre-feet of nontributary Laramie-Fox Hills aquifer water pursuant to the Laramie-Fox Hills Determination to satisfy El Paso County's 300-year water supply requirement for the 4 lots utilizing the Laramie-Fox Hills aquifer in Peerless Farms. The Covenants shall further identify that 228 acre-feet (0.76 acre-feet/year) of Laramie-Fox Hills aquifer water is allocated to each of Lots 2, 3, 4 and 5 of Peerless Farms.

The Covenants shall reserve 684 acre-feet of nontributary Arapahoe aquifer water pursuant to the Arapahoe Determination to satisfy El Paso County's 300-year water supply requirement for the 3 lots utilizing the Arapahoe aquifer in Peerless Farms. The Covenants shall further identify that 228 acre-feet (0.76 acre-feet/year) of Arapahoe aquifer water is allocated to each of Lots 1, 6 and 7.

2) Advise of responsibility for costs. The Covenants shall advise the lot owners and their successors and assigns of their obligations regarding the costs of complying with the Determination, which include the installation and/or maintenance of totalizing flow meters.

3) Address future lot conveyances. The following or similar language shall be included in the Covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant:

"The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not the Laramie-Fox Hills Determination and or the Arapahoe Determination and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

4) Advise of monitoring requirements. The Covenants shall advise the future lot owners of this subdivision and their successors and assigns of their responsibility for any

metering, data collecting, and reporting that may be required regarding water withdrawals from future wells in the Laramie-Fox Hills and Arapahoe aquifers.

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

“Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for Peerless Farms pursuant to Determination of Water Right Nos. 4475-BD and 4476-BD. Further, written approval of any such proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney’s Office. Any amendments must be pursuant to the Colorado Ground Water Commission approving such amendment, with prior notice to the El Paso County Planning and Community Development Department for an opportunity for the County to participate in any such determination.”

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

“These Covenants shall not terminate unless the requirements of Determination of Water Right Nos. 4475-BD and 4476-BD are also terminated by the Colorado Ground Water Commission and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County.”

D. Applicant and its successors and assigns shall reserve in any deeds of the property Laramie Fox Hills aquifer water in the decreed amount of 912 acre-feet and Arapahoe aquifer water in the decreed amount of 684 acre-feet. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary supply.

E. Applicant and its successors and assigns shall convey by recorded warranty deed these reserved Laramie-Fox Hills and Arapahoe aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Laramie-Fox Hills and Arapahoe aquifers underlying the respective lots to satisfy El Paso County’s 300-year water supply requirement. Sufficient water rights are 228 acre-feet (0.76 acre-feet/year x 300 years) of Laramie-Fox Hills aquifer water for each of Peerless Farms Lots 2, 3, 4 and 5 and 228 acre-feet (0.76 acre-feet/year x 300 years) of Arapahoe aquifer water for each Peerless Farms Lots 1, 6 and 7.

Any and all conveyance instruments shall also recite as follows:

For the water rights conveyed for the primary supply (Laramie-Fox Hills and Arapahoe aquifer): “These water rights conveyed are intended to provide a 300-year water supply each of the lots Peerless Farms. The water rights so conveyed shall be appurtenant to each of the respective lots with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title.”

F. Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions, form deeds, and any plat notes required herein to the Planning and Community Development Department and the County Attorney’s Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney’s Office prior to recording the final plat. Said Declaration shall cross-reference Determination of Water Right Nos. 4475-BD and 4476-BD and shall identify the obligations of the individual lot owners thereunder.

G. Applicant and its successors and assigns shall record all applicable documents, including but not limited to Determination of Water Rights Nos. 4475-BD and 4476-BD, agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

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

I. The following plat note shall be added that addresses the State Engineer’s admonition to advise landowners of potential limited water supplies in the Denver Basin:

“Water in the Denver Basin aquifers is allocated based on a 100-year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin aquifers is evaluated based on a 300-year aquifer life. Applicant and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years used for allocation indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.”

J. The following plat note shall be added to the face of the plat:

“No building permits shall be issued until El Paso County has received proof that well no. 8141 has been plugged and abandoned.”

cc: Ryan Howser, Project Manager, Planner

PRELIMINARY PLAN (RECOMMEND APPROVAL)

_____ moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SP217
PEERLESS FARMS PRELIMINARY PLAN

WHEREAS, Robert and Wendy Williams did file an application with the El Paso County Planning and Community Development Department for approval of a Preliminary Plan for the Peerless Farms Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on September 5, 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. 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

6. For the above-stated and other reasons, the proposed Preliminary Plan is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Preliminary Plan, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.2.e of the Land Development Code ("Code") (as amended):

1. The proposed Subdivision is in general conformance with the goals, objectives, and policies of the Master Plan;
2. The Subdivision is consistent with the purposes of the Code;
3. The Subdivision is in conformance with the subdivision design standards and any approved Sketch Plan;
4. A sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of Subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code (this finding may not be deferred to Final Plat if the applicant intends to seek Administrative Final Plat approval);
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6) (b)] and the requirements of Chapter 8 of the Code;
6. All areas of the proposed Subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified and the proposed Subdivision is compatible with such conditions. [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements complying with State law [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM") are provided by the design;
8. The location and design of the public improvements proposed in connection with the Subdivision are adequate to serve the needs and mitigate the effects of the development;
9. Legal and physical access is or will be provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;
10. The proposed Subdivision has established an adequate level of compatibility by (1) incorporating natural physical features into the design and providing sufficient open spaces considering the type and intensity of the Subdivision; (2) incorporating site planning

techniques to foster the implementation of the County's plans, and encourage a land use pattern to support a balanced transportation system, including auto, bike, and pedestrian traffic, public or mass transit if appropriate, and the cost effective delivery of other services consistent with adopted plans, policies and regulations of the County; (3) incorporating physical design features in the Subdivision to provide a transition between the Subdivision and adjacent land uses; (4) incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the design; and (5) incorporating public facilities or infrastructure, or provisions therefore, reasonably related to the proposed Subdivision so the proposed Subdivision will not negatively impact the levels of service of County services and facilities;

11. Necessary services, including police and fire protection, recreation, utilities, open space, and transportation systems are or will be available to serve the proposed Subdivision;
12. The Subdivision provides evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code; and
13. The proposed Subdivision meets other applicable sections of Chapter 6 and 8 of the Code.

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 Robert and Wendy Williams for approval of a Preliminary Plan for the Peerless Farms Subdivision for property located in the unincorporated area of El Paso County be approved by the Board of County Commissioners with the following conditions and notations:

CONDITIONS

1. Applicable traffic, drainage and bridge fees shall be paid with each Final Plat.
2. Applicable school and park fees shall be paid with each Final Plat.
3. 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.

4. The Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assigns that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the Countywide Transportation Improvement Fee Resolution (Resolution 19-471), as amended, at or prior to the time of building permit submittals. The fee obligation, if not paid at final plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.
5. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated 8/15/2024, as provided by the County Attorney's Office.

NOTATIONS

1. Subsequent Final Plat Filings may be approved administratively by the Planning and Community Development Director.
2. Approval of the Preliminary Plan will expire after twenty-four (24) months unless a Final Plat has been approved and recorded or a time extension has been granted.
3. Preliminary Plans not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed to be withdrawn and will have to be resubmitted in their entirety.

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
Bryce Schuettpelz	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 5th day of September 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By: _____
Chair

EXHIBIT A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF EL PASO, STATE OF COLORADO, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 13 IN TOWNSHIP 13 SOUTH, RANGE 64 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13;
THENCE SOUTH 00°31'50" WEST ALONG THE WEST SECTION LINE, A DISTANCE OF 60.01 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 89°21'32" EAST ON A LINE PARALLEL TO THE NORTH SECTION LINE A DISTANCE OF 1,779.95 FEET;

THENCE SOUTH 00°38'28" EAST, A DISTANCE OF 992.00 FEET;

THENCE NORTH 89°28'10" WEST A DISTANCE OF 1,799.86 FEET;

THENCE NORTH 00°31'50" EAST 955.39 FEET TO THE TRUE POINT OF BEGINNING, COUNTY OF EL PASO, STATE OF COLORADO.